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United States
of America

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PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Thursday, January 3, 2008*

The House met at noon and was called to order by the Speaker pro tempore (Mr. CROWLEY).

The SPEAKER pro tempore. This being the day established by the 20th amendment to the Constitution of the United States for the assembly of the Second Session of the 110th Congress, the House will be in order.

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, *January 3, 2008.*

I hereby appoint the Honorable JOSEPH CROWLEY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Monsignor Stephen J. Rossetti, President, St. Luke Institute, Silver Spring, Maryland, offered the following prayer:

Good and gracious God, we embark upon a new year with hearts full of hope. We hope for a new age of peace in a world torn by violence. We hope for an increase of faith, which opens us to the sacredness of all You have made. We hope for an increase of love, to quell the fires of hatred.

Perhaps we are asking for a miracle, but it is You who are the author of miracles. And all that we see is a miracle formed in Your mind and made in Your image.

May 2008 be a year of miracles: A time of peace, a vision of faith, and an outpouring of love.

You see, Lord, we are a people of hope. And we know that You will not disappoint.

We pray this as we pray all things, in Your most wonderful name. Amen.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Ms. EDDIE BERNICE JOHNSON of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 877, 110th Congress, no organizational or legislative business shall be conducted on this day.

Bills and resolutions introduced today will receive a number but will not be noted in the RECORD or referred until January 15, 2008.

ADJOURNMENT

Mr. OBERSTAR. Mr. Speaker, pursuant to Senate Concurrent Resolution 61, 110th Congress, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 3 minutes p.m.), the House adjourned until Tuesday, January 15, 2008, at noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS—110TH CONGRESS, FIRST SESSION

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 3524. A bill to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes, with an amendment (Rept. 110-507). Referred to the Committee of the Whole House on the State of the Union.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SENATE—*Thursday, January 3, 2008*

The 3d day of January being the day prescribed by the Constitution of the United States for the annual meeting of the Congress, the 2d session of the 110th Congress commenced this day at 12:04 and 26 seconds p.m.

The Senate was called to order by the Presiding Officer [Ms. LANDRIEU], a Senator from the State of Louisiana.

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 3, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARY LANDRIEU, a Senator from the State of Louisiana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. LANDRIEU thereupon assumed the chair as Acting President pro tempore.

CONVENING OF THE 2D SESSION OF THE 110TH CONGRESS

The ACTING PRESIDENT pro tempore. Pursuant to the Constitution, the hour of 12 noon, January 3, having arrived, the Senate convenes in the 2d session of the 110th Congress.

RECESS UNTIL MONDAY, JANUARY 7, 2008, AT 9 A.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until Monday, January 7, 2008, at 9 a.m.

Thereupon, the Senate, at 12:05 and 12 seconds p.m., recessed until Monday, January 7, 2008, at 9 a.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

EXTENSIONS OF REMARKS

CHRISTOPHER DAVID MICHAEL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Christopher David Michael, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 271 and earning the most prestigious award of Eagle Scout.

Christopher has been very active with his troop, participating in many Scout activities. Over the many years Christopher has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Christopher David Michael for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCTION OF THE CAPTIVE WILDLIFE SAFETY TECHNICAL AMENDMENTS ACT OF 2008

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 2008

Ms. BORDALLO. Madam Speaker, in 2003, the Congress was made aware of the growing public safety threats created by the private ownership of large predatory cat species, such as lions and tigers, through numerous press accounts of fatal or near-fatal accidental maulings of unsuspecting adults and children. At the urging of a broad range of stakeholders which requested the Congress intercede to restrict the trade and ownership of these inherently wild animals, Congressman HOWARD P. MCKEON and Congressman GEORGE MILLER of California introduced the Captive Wildlife Safety Act as H.R. 1006 in the 108th Congress on February 27, 2003, to address these threats and to help conserve big cats. The bill proposed to amend the Lacey Act Amendments of 1981 to add lions, tigers, cheetahs, leopards, snow leopards, clouded leopards, jaguars, or cougars, and all subspecies and hybrids of these species, to the list of "prohibited wildlife species." Since the Lacey Act makes it unlawful to import, export, transport, sell, buy, or possess fish, wildlife or plants taken, possessed, transported, or sold in violation of any Federal, State, foreign, or Native American tribal law, treaty or regulation, this legislation proposed to make it illegal in the future to purchase and hold these animals in captivity, unless certain exceptions are met.

The Subcommittee on Fisheries Conservation, Wildlife and Oceans of the Committee on Resources in the 108th Congress determined during its oversight hearing on the bill on June 12, 2003 that ownership of any large, predatory animal presents substantial risks to the owner, the animal, and the public at large. Ownership risks for large, carnivorous cats are particularly acute. Diverse stakeholders including the American Veterinary Medical Association, American Zoo and Aquarium Association, Wildlife Conservation Society, and the Humane Society of the United States all publicly stated that big cats cannot be humanely maintained without specific expertise, specialized equipment and proper facilities to meet the requisite nutritional, physical and environmental demands of the animals. Additionally, large cats remain extremely expensive animals to feed and maintain, a fiscal constraint which often results in animals being abandoned or euthanized by owners once they grow into maturity. Sadly, few zoos are able to take abandoned large cats due to space constraints and genetic diversity concerns and few licensed animal sanctuaries exist in the United States to care for large carnivores.

Stakeholders also underscored the point that exotic large cats, because they are powerful predatory animals which can react unpredictably, also pose significant public safety threats. This claim was made evident by the tragic October 3, 2003 mauling of Roy Horn—one half of the famed Las Vegas circus duo of Siegfried and Roy—by one of their act's hybrid white tigers. The problem is further compounded by the limited expertise available in local communities to successfully re-capture or humanely sedate a large cat once it has escaped or been provoked, intentionally or not, to attack.

Following the leadership of then-ranking Democrat member, Congressman NICK RAHALL of West Virginia, and former Chairman, Richard W. Pombo of California, the Committee on Resources reported favorably this bipartisan, non-controversial legislation to prohibit for the first time interstate and foreign commerce in large predatory cats. This widely supported legislation subsequently cleared the House of Representatives by a vote of 419–0 on November 19, 2003, and was signed into law by President George W. Bush on December 19, 2003, Public Law 108–191. While not authorizing an outright ban on the private ownership of large cats, this important legislation was considered a reasonable first step in limiting the availability and desirability of these animals in the pet trade, as well as a valuable tool in efforts to shut down the illegal trade in tiger parts and products that maintain a lucrative traditional medicine black market in Asia.

Two important events have transpired in the intervening period since the enactment of the Captive Wildlife Safety Act. First, on August 16, 2007, the U.S. Fish and Wildlife Service published in the Federal Register regulations to implement the act, 72 FR 45938. Although overdue, this was an important milestone towards achieving the goals of the act. The second event, related to the first, was the identification by the Service during its rulemaking of a technical error in the act which complicates its enforcement.

Specifically, under the Lacey Act criminal wildlife trafficking prohibitions are built upon a "two-step" prohibition scheme. Under section 3372(a), each trafficking violation—with the exception of violations of the Captive Wildlife Safety Act—requires proof of two separate steps involving the wildlife at issue: first, the wildlife must be taken, possessed, transported or sold by someone in violation of existing laws or treaties and, second, the wildlife must be subsequently imported, exported, transported, sold, received, acquired or purchased. These two steps cannot be collapsed by prosecutors into one step or act committed by the defendant. As enacted, the Captive Wildlife Safety Act is a one-step offense within a section of the Lacey Act that presumes two-step violations. Consequently, placement of amendments made by the Captive Wildlife Safety Act in this section of the Lacey Act could make violations of the Captive Wildlife Safety Act potentially difficult to enforce in court because some big cats may be legally possessed to begin with.

In order to clarify the enforcement provisions of the Captive Wildlife Safety Act, I introduced today with my colleague from South Carolina and the ranking Republican member of the Subcommittee on Fisheries, Wildlife and Oceans, Congressman HENRY BROWN, the Captive Wildlife Safety Act Technical Amendments Act of 2007. This bill, which is based on legislation which cleared the Senate during the 109th Congress, S. 1415, and extensive consultations with officials at the U.S. Fish and Wildlife Service and the U.S. Department of Justice, would amend the appropriate sections of the Lacey Act to decouple enforcement of the Captive Wildlife Safety Act from the two-step analysis. This legislation also would make the necessary clarifying amendments to the civil and criminal penalties sections of the Lacey Act to reflect this correction. Officials of the U.S. Fish and Wildlife Service have assured me that these corrections will make the Captive Wildlife Safety Act more readily enforceable, comprehensible, and aligned with the Act's intent to stop trade in dangerous big cats. I have been also assured that should this bill become law the agency will not have to revise its regulations implementing the Captive Wildlife Safety Act.

It is also important to note that all exemptions under the existing Captive Wildlife Safety Act would remain unchanged and in effect. That means that any licensed, registered or federally-inspected zoo, circus, research facility, or aquarium; any individuals accredited by the American Sanctuary Association or Association of Sanctuaries; any State college, university or agency; any State-licensed wildlife

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rehabilitators or veterinarians; any incorporated humane society, animal shelter, or society for the prevention of cruelty to animals; and, any federally-licensed and inspected breeder or dealer and individuals transporting a wildlife animal to an exempted person or facility, would remain outside the scope of the Captive Wildlife Safety Act. Also, nothing in the bill I have introduced today would preempt or supersede any State or territory's authority to regulate wildlife within its borders.

I urge my colleagues to support this noncontroversial legislation to ensure that the U.S. Fish and Wildlife Service is able to clamp down on the illegal trade in big cats. Only two weeks ago the Los Angeles Times reported that a wildlife caretaker at the Shambala Preserve in California had been attacked and severely injured by a 4-year old captive tiger. This tragic event should serve to remind all of us that even under expert care, large predatory cats remain a significant threat to public safety that can, and should, be tightly controlled.

HONORING THE MOUNT MADONNA SCHOOL GIRLS VOLLEYBALL TEAM

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 2008

Mr. FARR. Madam Speaker, I rise today along with my colleague and good friend Congressman MIKE HONDA in order to congratulate the members and coaches of the Mount Madonna girls volleyball team on their extraordinary run to become the 2007 California Interscholastic Federation, CIF, Division V Champions. In 3 years, the Mount Madonna Hawks went from being a team ranked noncompetitive by their own athletic league to state champions.

In a school of only fifty students with only thirteen of those being junior and senior girls, eleven girls made the seemingly impossible a reality. On December 1, 2007 the Mount Madonna Hawks defeated an opponent from a school seven times their size to win the 2007 CIF Division V State Championship.

Along the way the Hawks also picked up the titles of the Santa Cruz Coast Athletic League Co-Champions, the CIF Central Coast Section Division V Champions, and the CIF Northern California Division V Champions. They accomplished this while also earning the CIF Central Coast Section award for best collective grade point average for an all varsity team.

Team leaders Hannah Meade, Alexa Rosendale and Erin Mitchell were each recognized individually by local and State organizations for their inspired and passionate play. However, we all know that it is the entire team of Ashley England, Camille Schwartz, Joanna Koda, Rachel Sunberg, Shelby Bofula, Soma Sharen, Tessa Fischer and Zoe Bostick that made this possible. I am so proud of their accomplishment and urge them to cherish this moment and use it as inspiration to overcome adversity in the years ahead.

I have long admired the students and teachers at the Mount Madonna School and second year Coach Gabrielle Houston Neville, more affectionately known as Gabby, and Athletic Director Sidd McDonald. They are testaments to the dedicated and exceptional staff that nurtures these future leaders.

When people ask about the young women of the 2007 Mount Madonna girls volleyball team, let it be said that throughout the season they showed the character, determination, sportsmanship, and mental and physical resilience of true champions. To the team I say, congratulations on your title as 2007 Division V State Champions, young Hawks; may this mark the beginning of future successes.

LUKE J. GILBERT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Luke J. Gilbert, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 865 and earning the most prestigious award of Eagle Scout.

Luke has been very active with his troop, participating in many Scout activities. Over the many years Luke has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Luke J. Gilbert for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCTION OF A BILL TO IMPROVE THE FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 2008

Ms. BORDALLO. Madam Speaker, today I introduced a bill to amend section 8903 of title 5 of the United States Code to authorize the Office of Personnel Management, OPM, to approve companies who offer non-Governmentwide service benefit health care plans to participate in the Federal Employees Health Benefits, FEHB, Program. Current U.S. law and its supporting regulations restrict companies that offer non-Governmentwide service benefit health care plans from participating in the FEHB Program. Current law authorizes annual approval of only a ervice benefit health care plan for the FEHB Program that is not otherwise considered an employee organization plan and further requires that plan to be offered Governmentwide.

Enactment of the bill I introduced today would allow for local or regional companies offering at least one level of service benefit coverage to participate in the FEHB Program. This additional participation would lead to a greater degree of choice for Federal employees regarding health care plans available to them and their families. Additional participation in and increased choices among the FEHB Program could lower costs for beneficiaries and result in greater quality of coverage. Enactment of the bill could also provide Federal employees residing in rural, underserved, or remote locations needed flexibility toward meeting their and their families' health care needs. I know that in my district greater choice and flexibility with respect to health care plans would improve the quality of life for Federal employees and their families, but it also would go far toward lowering costs of health care coverage for those individuals.

Specifically, the bill I introduced today would amend section 8903 of title 5 of the United States Code to authorize OPM to contract for and approve applications for service benefit plan carriers that offer non-Governmentwide service benefit health care plans. The bill would accomplish this objective by inserting a new paragraph five under section 8903 authorizing one or more fee-for-service plans other than a Governmentwide plan or an employee organization plan eligible for selection through the FEHB Program. The bill also proposes to codify a definition of the term "State" in the same provision of law, for the purpose of ensuring companies offering service benefit plans otherwise available to individuals residing in any of the several States, the District of Columbia, Guam, American Samoa, Puerto Rico, the U.S. Virgin Islands, or in the Commonwealth of the Northern Mariana Islands, CNMI, have equal access to participate in the FEHB Program, in so far as they satisfy other requirements for participation established by law and regulation. The bill would further make certain technical and conforming amendments to current law to support its overall and underlying intent.

On June 1, 2007, the Director of OPM transmitted to Congress a legislative proposal entitled "Federal Employees Health Benefits Improvements Act of 2007." Similar to the bill I introduced today, the administration's proposal would, in part, authorize OPM to contract with companies offering additional types of health benefit plans for participation in the FEHB Program.

I support competition in the health insurance marketplace with the intent of lowering costs, increasing choice for consumers, and improving quality of care. I also support strengthening the FEHB Program and increasing the number and quality of plans made available to Federal employees residing in my district and across the country. I look forward to working with the leaders of the Committee on Oversight and Government Reform and its Subcommittee on Federal Workforce, Postal Service and the District of Columbia on the bill I introduced today and as they consider changes in law governing the administration of the FEHB Program.

GAGE CARTER HERRINGTON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Gage Carter Herrington, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America Troop 45 and earning the most prestigious award of Eagle Scout.

Gage has been very active with his troop, participating in many Scout activities. Over the many years Gage has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers and community.

Madam Speaker, I proudly ask you to join me in commending Gage Carter Herrington for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR OF CONGRESSWOMAN JULIA CARSON

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 2008

Ms. MCCOLLUM of Minnesota. Madam Speaker, I rise today to honor the late Congresswoman Julia Carson who passed away on December 15, 2007. A woman of great passion and dedication, she will be remembered as a tireless advocate of the poor and working families.

Congresswoman Carson was the first and only African-American and woman in Indiana's congressional delegation. An exceptionally courageous and strong woman, she looked a childhood of poverty and segregation in the eye and rose above it to represent Indiana for over 35 years, first as an Indiana State representative and then as State senator before being elected to the United States Congress in 1996.

Julia was able to use her life experiences to help others also overcome poverty, discrimination and illness. I had the honor of being part of the Congresswoman's initiative to raise awareness of hypertension and stroke. I will always remember her unrelenting advocacy of women's rights, children's health, affordable housing, and equality. She stood up for unpopular, but critical issues including expanding SCHIP in the late 1990s and, most recently, voting against the war in Iraq. It is thus not surprising that Ms. Carson was the only person to ever be named Woman of the Year by the Indianapolis Star on two different occasions.

My strongest memory, however, is how Congresswoman Carson was a special and warm-hearted woman. She was one of the first to go out of her way to introduce herself to me when I first arrived at Congress in 2001. With our birthdays just a few days apart in July, she always took time to greet me with a special tenderness. Her determination on policy issues was matched by a stylish flair and humor that consistently brought a smile to the faces of all in the room.

On behalf of the families of Minnesota's Fourth Congressional District, we extend our prayers and sincerest condolences to her children and all of the family and friends of Representative Carson. We lost a very dear sister this week. She will be remembered in the highest regard, and deeply missed by her colleagues at Congress and her constituents in Indiana.

Madam Speaker, please join me in paying special tribute to the life and service of Congresswoman Julia Carson.

JOSHUA K. HUGHES

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Joshua K. Hughes, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 412 and earning the most prestigious award of Eagle Scout.

Joshua has been very active with his troop, participating in many Scout activities. Over the many years Joshua has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Joshua K. Hughes for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

SENATE—*Monday, January 7, 2008*

(Legislative day of Thursday, January 3, 2008)

The Senate met at 9:00 and 24 seconds a.m., on the expiration of the recess, and was called to order by the Honorable TED KENNEDY, a Senator from the State of Massachusetts.

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 7, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TED KENNEDY, a Senator from the State of Massachusetts, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KENNEDY thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL 11 A.M. WEDNESDAY, JANUARY 9, 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until Wednesday, January 9, 2008, at 11 a.m.

Thereupon, the Senate, at 9:00 and 53 seconds a.m., recessed until Wednesday, January 9, 2008, at 11 a.m.

SENATE—*Wednesday, January 9, 2008*

(Legislative day of Thursday, January 3, 2008)

The Senate met at 11:00:01 a.m., on the expiration of the recess, and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, January 9, 2008.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. REED thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL 9:30 A.M., FRIDAY, JANUARY 11, 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until Friday, January 11, 2008, at 9:30 a.m.

Thereupon, the Senate, at 11:00:31 a.m., recessed until Friday, January 11, 2008, at 9:30 a.m.

SENATE—*Friday, January 11, 2008*

(Legislative day of Thursday, January 3, 2008)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable JIM WEBB, a Senator from the State of Virginia.

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 11, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the State of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL 11 A.M. TUESDAY, JANUARY 15, 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until Tuesday, January 15, 2008, at 11 a.m.

Thereupon, the Senate, at 9:30:31 a.m., recessed until Tuesday, January 15, 2008, at 11 a.m.

SENATE—*Tuesday, January 15, 2008*

(Legislative day of Thursday, January 3, 2008)

The Senate met at 11 o'clock and 11 seconds a.m., on the expiration of the recess, and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 15, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REED thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL 10 A.M. FRIDAY, JANUARY 18, 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until Friday, January 18, 2008, at 10 a.m.

Thereupon, the Senate, at 11 o'clock and 41 seconds a.m., recessed until Friday, January 18, 2008, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, January 15, 2008*

The House met at noon and was called to order by the Speaker pro tempore (Mrs. TAUSCHER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 15, 2008.

I hereby appoint the Honorable ELLEN O. TAUSCHER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

As this 110th Congress resumes in this Second Session for debate and passage of new bills, we pray to You, the almighty and all-powerful Lord. With prophetic words, we plead that You would rip open the heavens and come down to be with us.

Then Your holy name will be known by true believers and enemies as well. Nations shall tremble before You and forge a new alliance together. No ear has ever heard, no eye has ever seen what great deeds You can accomplish for those who wait upon Your visitation.

Do not hold back, O Lord. Do not remain silent. Come upon us with Your grace and power. Make of us Your people, that we may accomplish Your holy will and give You praise now and forever. Amen.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, December 31, 2007.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER, I hereby give notice of my resignation from the United States House of Representatives. Attached is the letter I submitted to Governor Haley Barbour.

With best wishes, I am
Sincerely yours,
ROGER F. WICKER.

HOUSE OF REPRESENTATIVES,
Washington, DC, December 31, 2007.

Hon. HALEY BARBOUR,
Governor, State of Mississippi, Jackson, MS.

DEAR GOVERNOR BARBOUR, I hereby submit my resignation as United States Representative of the First District of Mississippi, effective 10:00 a.m., Eastern Standard Time, Monday, December 31, 2007.

With best wishes, I am
Sincerely yours,
ROGER F. WICKER.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignations of the gentleman from Mississippi (Mr. WICKER) and the gentleman from Louisiana (Mr. JINDAL), the whole number of the House is adjusted to 431.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the House stands in recess until approximately 6:30 p.m. today.

Accordingly (at 12 o'clock and 3 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1833

AFTER RECESS

The recess having expired, the House was called to order at 6 o'clock and 33 minutes p.m.

CALL OF THE HOUSE

The SPEAKER. The Clerk will utilize the electronic system to ascertain the presence of a quorum.

Members will record their presence by electronic device.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 1]

YEAS—393

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Fattah
Feeney
Filner
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Holden
Holt
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the call). Due to a problem in the Rayburn House Office Building, the electronic voting system is partially inoperable. The portion of the system by which the Tally Clerk enters votes for Members on the basis of ballot cards submitted in the well is operable. That portion of the system is being used to tabulate the names of Members who have recorded their presence. Members who have submitted amber cards in the well have recorded their presence.

□ 1931

The SPEAKER pro tempore (Mrs. TAUSCHER). On this rollcall, 393 Members have recorded their presence, a quorum.

Under the rule, further proceedings under the call are dispensed with.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. CONAWAY) come forward and lead the House in the Pledge of Allegiance.

Mr. CONAWAY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PROVIDING FOR A COMMITTEE TO NOTIFY THE PRESIDENT OF THE ASSEMBLY OF THE CONGRESS

Mr. HOYER. Madam Speaker, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 913

Resolved, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBERS OF COMMITTEE TO NOTIFY THE PRESIDENT, PURSUANT TO HOUSE RESOLUTION 913

The SPEAKER pro tempore. Pursuant to House Resolution 913, and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members to the Committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and that Congress is ready to receive any communication that he may be pleased to make:

The gentleman from Maryland, Mr. HOYER, and

The gentleman from Ohio, Mr. BOEHNER

TO INFORM THE SENATE THAT A QUORUM OF THE HOUSE HAS ASSEMBLED

Mr. HOYER. Madam Speaker, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 914

Resolved, That the Clerk of the House inform the Senate that a quorum of the House is present and that the House is ready to proceed with business.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR THE HOUR OF MEETING OF THE HOUSE

Mr. HOYER. Madam Speaker, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 915

Resolved, That unless otherwise ordered, before Monday, May 12, 2008, the hour of daily meeting of the House shall be 2 p.m. on Mondays; noon on Tuesdays; and 10 a.m. on all other days of the week; and from Monday, May 12, 2008, for the remainder of the 110th Congress, the hour of daily meeting of the House shall be noon on Mondays, 10 a.m. on Tuesdays, Wednesdays and Thursdays; and 9 a.m. on all other days of the week.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MAKING IN ORDER MORNING-HOUR DEBATE

Mr. HOYER. Madam Speaker, I ask unanimous consent that the order of the House of January 4, 2007, providing for morning-hour debate be extended for the remainder of the 110th Congress, except that pursuant to House Resolution 915, the date of May 12, 2008, shall be used in lieu of May 14, 2007.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON TOMORROW

Mr. HOYER. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

DECEMBER 28, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
The Capitol, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit H.R. 1585, the "National Defense Authorization Act for Fiscal Year 2008," and a Memorandum of Disapproval thereon received from the White House on December 28, 2007, at 3:25 p.m.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–88)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

MEMORANDUM OF DISAPPROVAL

I am withholding my approval of H.R. 1585, the "National Defense Authorization Act for Fiscal Year 2008," because it would imperil billions of dollars of Iraqi assets at a crucial juncture in that nation's reconstruction efforts and because it would undermine the foreign policy and commercial interests of the United States.

The economic security and successful reconstruction of Iraq have been top priorities of the United States. Section 1083 of H.R. 1585 threatens those key objectives. Immediately upon enactment, section 1083 would risk the freezing of substantial Iraqi assets in the United States—including those of the Development Fund for Iraq (DFI), the Central Bank of Iraq (CBI), and commercial entities in the United States in which Iraq has an interest. Section 1083 also would expose Iraq to new liability of at least several billion dollars by undoing judgments favorable to Iraq, by foreclosing available defenses on which Iraq is relying in pending litigation, and by creating a new Federal cause of action backed by the prospect of punitive damages to support claims that may previously have been foreclosed. This new liability, in turn, will only increase the potential for immediate entanglement of Iraqi assets in the United States. The aggregate financial impact of these provisions on Iraq would be devastating.

While my Administration objected to an earlier version of this provision in previous communications about the bill, its full impact on Iraq and on our relationship with Iraq has become apparent only in recent days. Members of my Administration are working with Members of Congress to fix this flawed provision as soon as possible after the Congress returns.

Section 1083 would establish unprecedented legal burdens on the allocation of Iraq's funds to where they are most needed. Since the fall of Saddam Hussein, I have issued Executive Orders to shield from entanglement in lawsuits the assets of the DFI and the CBI. I have taken these steps both to uphold international legal obligations of the United States and to remove obstacles to the orderly reconstruction of Iraq. Section 1083 potentially would place these crucial protections of Iraq's core assets in immediate peril, by including a provision that might be misconstrued to supersede the protections I have put in place and to permit the judicial attachment of these funds. Iraq must not have its crucial reconstruction funds on judicial hold while lawyers argue and courts decide such legal assertions.

Moreover, section 1083 would permit plaintiffs to obtain liens on certain Iraqi property simply by filing a notice of pending action. Liens under section 1083 would be automatic upon filing a notice of a pending claim in a judicial district where Iraq's property is located, and they would reach property up to the amount of the judgment plaintiffs choose to demand in their complaints. Such pre-judgment liens, entered before claims are tested and cases are heard, are extraordinary and have never previously been available in suits in U.S. courts against foreign sovereigns. If permitted to become law, even for a short time, section 1083's attachment and lien provisions would impose grave—indeed, intolerable—consequences on Iraq.

Section 1083 also includes provisions that would expose Iraq to increased liability in lawsuits. Contrary to international legal norms and for the first time in U.S. history, a foreign sovereign would be liable for punitive damages under section 1083. Section 1083 removes defenses common for defendants in the United States—including res judicata, collateral estoppel, and statutes of limitation—upon which the Iraqi government has relied. And section 1083 would attempt to revive a $959 million judgment against the new democratic Government of Iraq based on the misdeeds of the Saddam Hussein regime.

Exposing Iraq to such significant financial burdens would weaken the close partnership between the United States and Iraq during this critical period in Iraq's history. If Iraq's assets are frozen, even temporarily, that could reduce confidence in the Iraqi dinar and undermine the success of Iraq's monetary policy. By potentially forcing a close U.S. ally to withdraw significant funds from the U.S. financial system, section 1083 would cast doubt on whether the United States remains a safe place to invest and to hold financial assets. Iraqi entities would be deterred from engaging in commercial partnerships with U.S. businesses for fear of entangling assets in lawsuits. Section 1083 would be viewed with alarm by the international community and would invite reciprocal action against United States assets abroad.

The adjournment of the Congress has prevented my return of H.R. 1585 within the meaning of Article I, section 7, clause 2 of the Constitution. Accordingly, my withholding of approval from the bill precludes its becoming law. The Pocket Veto Case, 279 U.S. 655 (1929). In addition to withholding my signature and thereby invoking my constitutional power to "pocket veto" bills during an adjournment of the Congress, I am also sending H.R. 1585 to the Clerk of the House of Representatives, along with this memorandum setting forth my objections, to avoid unnecessary litigation about the nonenactment of the bill that results from my withholding approval and to leave no doubt that the bill is being vetoed.

This legislation contains important authorities for the Department of Defense, including authority to provide certain additional pay and bonuses to servicemembers. Although I continue to have serious objections to other provisions of this bill, including section 1079 relating to intelligence matters, I urge the Congress to address the flaw in section 1083 as quickly as possible so I may sign into law the National Defense Authorization Act for Fiscal Year 2008, as modified. I also urge the Congress to ensure that any provisions affecting servicemember pay and bonuses, as well as provisions extending expiring authorities, are retroactive to January 1, 2008.

GEORGE W. BUSH.

THE WHITE HOUSE, *December 28, 2007.*

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the veto message and the bill will be printed as a House document.

MOTION OFFERED BY MR. HOYER

Mr. HOYER. Madam Speaker, I have a privileged motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Hoyer moves that the veto message of the President, together with the accompanying bill, H.R. 1585, be referred to the Committee on Armed Services.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to refer.

There was no objection.

The SPEAKER pro tempore. The question is on the motion.

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Accordingly, the veto message and the bill will be referred to the Committee on Armed Services.

RESIGNATION AS MEMBER OF COMMITTEE ON FOREIGN AFFAIRS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Foreign Affairs:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 18, 2007.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives.

DEAR SPEAKER PELOSI: This letter serves as a notice of resignation from the Foreign Affairs Committee, effective today. At a time when our country has troops deployed in the field fighting against those who would perpetrate harm against our people, it was an honor to return, although briefly, to the House Committee on Foreign Affairs where these critical issues of national security are considered.

Sincere regards,

ROY BLUNT,
Republican Whip.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4, rule I, the following enrolled bill was signed by Speaker pro tempore VAN HOLLEN on Friday, January 4, 2008:

H.R. 2640, to improve the National Instant Criminal Background Check System, and for other purposes.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2768, SUPPLEMENTAL MINE IMPROVEMENT AND NEW EMERGENCY RESPONSE ACT OF 2007

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–508) on the resolution (H. Res. 918) providing for consideration of the bill (H.R. 2768) to establish improved mandatory standards to protect miners during emergencies, and for other purposes, which was referred to the House Calendar and ordered to be printed.

H–2B VISAS

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Madam Speaker, I rise to call upon my leadership to address an urgent need in my district that is affecting other areas across the country as well.

Two weeks ago, the cap on H–2B immigration visas for seasonal workers was reached. Consequently, many family-owned businesses that depend on such employees will be without the workforce they need to stay in business.

I support raising the cap on H–2B visas permanently and incorporating this change into broader immigration reform. Regrettably, partisanship blocked reform in the Senate last year. We must resolve to enact these smaller scale remedies we can agree upon today to alleviate the burden our broken immigration system imposes upon businesses as we continue to address economic and security challenges required to enact broader reform.

In the absence of such a consensus, and although I would prefer a vote on broader reform, I ask my colleagues to join me in supporting the Save Our Small and Seasonal Businesses Act and related measures that would relieve business owners of the immediate threat caused by the freeze on H–2B visas. We cannot leave small businesses that want to do the right thing with the unacceptable choice of going out of business or hiring illegal workers.

CELEBRATING THE RETIREMENT OF REV. ROGER BAKER

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, I rise today to honor a faithful pastor who served a growing and vibrant church for 32 years. Rev. Roger Baker, who is retiring from ministry at Calvary Baptist Church in King, North Carolina, has given his life to ministry in the church and the surrounding community.

When my friend Rev. Baker first began pastoring at Calvary Baptist 32 years ago, it was a congregation of about 75. Today, the church has grown to nearly 900 under his astute leadership and pastoral care.

During Rev. Baker's tenure, the church started a local Christian school, Calvary Christian School; and he also founded a seminary to educate the next generation of church leadership.

As president of Calvary Baptist Bible College, Rev. Baker has helped to equip many for the role of pastoral teaching and care. He will continue to serve as a teaching professor at the seminary after his retirement.

Men like Rev. Baker do not often come along. His faithful witness in the community and sterling Christian testimony have touched countless lives as he strives to spread the good news. This man is not only a great pastor; he is a faithful Christian.

I congratulate Rev. Baker on his 32 years of service and wish him the very best in his kingdom work during retirement. The people of Calvary Baptist have been fortunate to call him their own.

□ 1945

IT IS TIME FOR AN ECONOMIC STIMULUS PACKAGE TO HELP HOMEOWNERS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Today, Madam Speaker, we have the honor of celebrating the birthday of Dr. Martin Luther King. I am reminded of the 40th year of his death and what he was committed to, that is, the equality of all people, the economic equality. And that is why in 1968 he was bringing to Washington poor people from around America.

It is time for an economic stimulus package, and the United States Congress must respond to the pain of the American people who are losing their homes. An immediate moratorium on those who are being foreclosed on, an infusion of capital to help them save their homes, and a freeze on the adjustable rates of these individuals who are suffering, who have invested in their homes, paid for their homes, and are the victims of scandalous and unscrupulous individuals who would take advantage of them.

Let us keep the dream alive and fight for those who have invested in the American Dream. Let us put forward an economic stimulus package that will save the American people and their homes and really say that America is going toward the promised land.

Happy birthday, Dr. Martin Luther King. Thank you so very much for all that you have done for all America.

"MY RELIGION MADE ME DO IT"

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, murder in the name of religion has struck again. This time it happened in Dallas, Texas.

On New Year's Day law enforcement officials found the bullet-riddled bodies of two teenage sisters, 17-year-old Sarah Said and 18-year-old Amina Said. They were found in the back seat of their father's taxicab.

Now their father, Yaser Said, a Muslim and an Egyptian-born immigrant, is on the run. Authorities believe he murdered the girls after he found out they had American boyfriends.

Family members say the murder was motivated by a Muslim tradition known as "honor killing." According to this tradition, religious extremists justify homicide in the name of religion in order to correct the "shame" that a family member has brought on the family.

Well, in the United States it is absolutely never acceptable, let alone honorable, to murder your own kids. This criminal needs to be tried and sent to prison. We live in a Nation that values life and liberty. And no father has a right to kill his daughters and try to claim the defense, "My religion made me do it."

And that's just the way it is.

CONGRATULATIONS TO THE MEMPHIS LIBRARY AND INFORMATION CENTER

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Madam Speaker, on Monday morning five libraries and five museums throughout the country were honored with medals at a ceremony that was presided over by Mrs. Laura Bush.

The Memphis Library and Information Center was one of the five libraries and the only big city library to be honored. I was honored to have nominated them for that recognition and honored to be there with them when the library was so recognized.

Libraries are very important to the future of this country, for people of all standings of wealth need access to books, access to computers, and access to other materials. The Memphis Library takes services to the community and gives people in their neighborhood the opportunity to read and make available to them cultural outreach.

We also have a television and radio station that is operated by our library, and it is an important facility, and I am proud that it's Tennessee's first facility to receive such an award and the first in the mid-South.

Congratulations to my city. You have a very proud congressman.

MOURNING THE LOSS OF JOHNNY GRANT, HONORARY MAYOR OF HOLLYWOOD

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Madam Speaker, it is with great sorrow that I learned of the death my dear friend Johnny Grant, known internationally as the honorary Mayor of Hollywood. His departure from our lives has created a significant void in the normal glitz and glamour of everyday Hollywood. Johnny was a symbol of great Hollywood movers and shakers who took sincere interest in creating goodwill worldwide.

Johnny's legendary accomplishments in Hollywood drew strongly from his roots in radio and television. He was one of television medium's earliest pioneers and stars. Johnny traveled the world to entertain U.S. troops in his role as the United Service Organization ambassador. He joined comedian Bob Hope in taking entertainers to war zones to perform for military personnel and was the first recipient of the highest honor awarded by the USO. Johnny was also a retired major general in the California State Military Reserve, a volunteer backup and support force of the National Guard.

Johnny Grant served as chairman of the Los Angeles City Fire Commission; the Los Angeles County Social Service Commission; and the Burbank, California Police Commission. More recently, he had been a member of the Los Angeles City Cultural Heritage Commission. He was the only person ever to twice receive an Order of California, the State's highest honor.

A lifelong bachelor, Johnny Grant was best known to television audiences around the world as the enthusiastic host alongside the more than 500 celebrities he inducted into the Hollywood Walk of Fame. With his ebullient style, Johnny was one of the west coast's most sought after masters of ceremony. He emceed more than 5,000 civic and charity events. Johnny was also a humanitarian who produced hundreds of charity events where he was instrumental in raising millions of dollars for the USO, for the Boy Scouts, the Arthritis Foundation, police and fire services, veterans organizations, and others.

Although he has an honorary star on the Hollywood Walk of Fame, the real star, his presence and inspiration will be sorely missed. We will miss him. And just last month he completed his 60th trip to entertain servicemen and women abroad.

We extend our most heartfelt condolences to his family, colleagues, and his many close friends here on Capitol Hill, in California, and around the world.

RECESS

The SPEAKER pro tempore (Ms. LEE). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 53 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2018

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. LEE) at 8 o'clock and 18 minutes p.m.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DEATH PENALTY FOR CHILD RAPISTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, soon our United States Supreme Court will hear the case of Kennedy v. Louisiana and decide whether capital punishment is permitted in rape cases where the victim is a child that is 12 or under.

Patrick Kennedy was sentenced in Louisiana to death after a jury convicted him of raping his own 8-year-old daughter. The facts show that he even tried to cover up the rape by cleaning up the evidence and then he blamed the rape on two neighborhood boys.

New Louisiana law allows the death sentence for raping a child that is under the age of 12, so Kennedy v. Louisiana asks the Supreme Court, among other things, to decide whether the eighth amendment of the United States Constitution, the cruel and unusual punishment clause, permits a State to punish the crime of rape of a child under the death penalty.

In 1977, the Supreme Court decided that a death sentence for rape of an adult woman was unconstitutional under a case called Coker v. Georgia. Coker really didn't discuss child rape, even though the victim in that case was 16 years of age. But since the Coker decision, State courts have interpreted it to limit death penalty crimes to certain murders. Those murders are what I call the murder-plus doctrine. There must not only be a homicide, but there must be some felony committed or some other unusual circumstance, like murder during a kidnapping, murder during a robbery, murder during a sexual assault, or murder of a police officer, and that is the doctrine that has been basically substantiated by the Supreme Court.

However, last year, the Louisiana Supreme Court ruled that Coker v. Georgia doesn't apply in their particular case of capital punishment and rape cases when the victim is under 12 because it would still be murder-plus, murder plus the victim was under the age of 12; thus, it would fulfill the Supreme Court's requirements under the Constitution.

No one has been executed in the United States for a crime other than murder since 1964. Many States, including my home State of Texas, before that time allowed the death penalty for robbery by firearm, kidnapping, and sexual assault. But since those days, only murder plus some other felony is allowed under our Constitution.

There are approximately 3,300 inmates on death row in the United States, and only two of them face the death penalty for an event that did not involve a homicide as well as a felony, and those two are the two that are on Louisiana's death row. One is the petitioner in the upcoming Supreme Court case that the Supreme Court will decide very soon; the other is an individual by the name of Richard Davis, who was recently sentenced to death in Louisiana for sexually assaulting a 5-year-old girl.

Louisiana argues that the rape of a child is like no other crime. It also points out that the recent enactment of similar laws has occurred in other States such as Georgia, Montana, Oklahoma, South Carolina and Texas, my home State. Louisiana argues that it is compelling evidence of a national trend toward treating child rape as a distinct type of crime from other types of crimes.

But the issue will be whether the Supreme Court will allow States to make this decision for themselves, or will the Supreme Court continue to mistakenly go down the path and rely on international law, as it did when it barred the death penalty for 17-year-olds in a case called Roper v. Simmons. In Texas, 17-year-olds are adults, but the Supreme Court said no longer can 17-year-olds be executed for any crime. Hopefully, the Supreme Court will quit using international law and decide whether it is constitutional or not to execute someone for raping a child under the age of 12 based on American jurisprudence and our Constitution.

Madam Speaker, a death sentence fits the crime of child rape because a child rape victim suffers for the rest of their natural lives. Madam Speaker, before I came to Congress, I was a judge for 22 years in Texas, and before that I was a prosecutor.

Many years ago, when I prosecuted cases, I prosecuted an individual who raped a 9-year-old. When her mother testified on the witness stand, she would not refer to the crime as rape or as sexual assault. She referred to that crime as a fate worse than death. And when she explained to the jury what that meant, she was saying that being sexually assaulted as a child is a fate worse than death. Hopefully our Supreme Court will not require a child victim to be murdered before the Supreme Court will allow the death penalty for the perpetrator, because it is, as this lady has testified many years ago, a fate worse than death. When a person commits a crime of sexual assault, they try to steal the soul of a victim.

So, Madam Speaker, I support a State's right to decide for itself whether or not a child rapist should be executed or not, because children are more important than rapists.

And that's just the way it is.

BEGIN IMPEACHMENT HEARINGS ON RESOLUTION OF IMPEACHMENT OF VICE PRESIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WEXLER) is recognized for 5 minutes.

Mr. WEXLER. Madam Speaker, on November 7, 2007, this House voted to refer Congressman KUCINICH's resolution of impeachment of Vice President CHENEY to the House Judiciary Committee. As a member of the Judiciary Committee, I now ask that we immediately begin impeachment hearings.

The issues at hand are far too serious to ignore. DICK CHENEY faces credible allegations of abuse of power that if proven may well constitute high crimes and misdemeanors.

Did the Vice President manipulate intelligence to push this Nation into war based on false pretense?

Did the Vice President unmask a covert CIA agent for political purposes?

Did the Vice President order the illegal surveillance of Americans and the illegal use of torture?

These questions must be answered.

Just recently, former White House Press Secretary Scott McClellan revealed that the Vice President and his staff purposely gave him false information to report to the American people, a clear obstruction of justice.

This administration has undermined the checks and balances of our government by brazenly ignoring congressional subpoenas and recklessly claiming executive privilege. Impeachment hearings are the only way to force the Bush administration to answer questions and tell the truth.

Congress must take the first step by enforcing the subpoenas against Harriet Miers and the President's Chief of Staff and hold them in contempt of Congress. In this time, at this moment, Congress must stand for the truth. If we fail to act, history may well judge us complicit in the alleged crimes of Vice President CHENEY.

Madam Speaker, a growing chorus of Americans are calling for accountability. The response from Congress thus far has been silence and denial.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman from Florida is reminded to refrain from personal references toward the Vice President.

Mr. WEXLER. Madam Speaker, not long ago I launched a Web site in support of my call for hearings. The people responded en masse. After only 4 weeks, over 189,000 Americans have registered their support for hearings, names I now hold in my hand. These frustrated and patriotic Americans come from all 50 States and share one common goal: Accountability for the Bush-Cheney administration and a rebirth of Congress as an equal branch of government.

So many have been working on this cause before me. Groups like Democrats.com, AfterDowningStreet.org, CodePink, ImpeachBush.org, Impeach for Peace and others. All told, there have been well over 1 million signatures urging us to take action.

Tomorrow, I will deliver these names to my colleagues on the Judiciary Committee with a letter to my friend Chairman CONYERS calling for hearings. I will ask my colleagues to sign this letter. In addition, tomorrow, and continuing every day for months, I will publish in the CONGRESSIONAL RECORD several thousand names of supporters who have signed up.

History demands that we take action, because the case against Vice President CHENEY is far stronger than the illegalities surrounding Watergate. When compared to the partisan and petty allegations made against President Clinton by Ken Starr and the GOP Congress, the true gravity of the case against the Vice President appears in its devastating clarity. In fact, in the history of our Nation, we have never encountered a moment where the actions of a President or a Vice President have more strongly demanded the use of the power of impeachment.

I have heard the arguments that it is too late, that we have run out of time, and that we don't have the votes. While today there may not be enough votes to impeach, it is premature to think that such support would not exist after hearings. Let us remember that it wasn't until after hearings began that the Watergate tapes emerged. Who knows what facts will come forth when the full truth is told in this case?

Arguing that it is too late signals to future administrations that in the waning months in office they are immune from constitutional accountability. Hold hearings which will put the evidence on the table, and the evidence alone must determine the outcome.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Visitors in the gallery are guests of the House and shall refrain from displays of approval or disapproval.

☐ 2030

COMMEMORATING THE 79TH ANNIVERSARY OF THE BIRTH OF DR. MARTIN LUTHER KING, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, today marks the 79th anniversary of the birth of history's greatest champion of peace, Dr. King, who became the youngest person ever to win the Nobel Peace Prize when he received that great honor at age 35.

At the King Center in Atlanta, visitors are asked to take a pledge that includes the words: "I pledge to do everything I can to make America and the world a place where equality and justice, freedom and peace will grow and flourish."

Today, Madam Speaker, America needs to hear Dr. King's message of peace more than ever before, because our Nation's leaders continue to take reckless actions to put the world on the road to ever-widening conflicts. We have seen many new examples of warmongering in just the past few days and weeks. Twelve days ago, a leading Republican candidate for President said it would be fine for him if the American occupation of Iraq continued for another 100 years. Think about that. He would ask babies born 80 years from now to go to Baghdad for a commitment that the American people want to end right now.

Now, President Bush continues his saber-rattling over Iran. Days ago, he warned that the world must take action against that country before it is too late. Isn't this a clear signal that the administration is still considering an attack against Iran, even though we know that it is not developing nuclear weapons that can threaten the United States?

Therefore, as a lesson to be learned, we don't know all the facts about the incident with the Iranian boats yet; but until we know the whole story, I would advise my colleagues to be wary of coming to any conclusions too soon.

And as if that weren't enough, the administration told us again that the occupation of Iraq will continue indefinitely, right into the next Presidency.

But this morning we learned that it could last through several more Presidencies. The Iraqi defense minister was quoted in the press as saying that Iraq will not be able to take full responsibility for its internal security until the year 2012, nor responsibility for defending its borders until at least 2018. Yet, it has been over 2½ years since this administration announced that its strategy in Iraq is: As the Iraqis stand up, we will stand down. And it has been over a year since the President's famous surge speech where he said: "I have made it clear that America's commitment is not open-ended." But, Madam Speaker, it is.

Madam Speaker, America loses its moral authority every day that our occupation of Iraq continues. According to a study conducted by the Iraqi Government and the World Health Organization that was published last week, 151,000 Iraqis died of violence in the first 3 years of our occupation. The study also found that there was a 60 percent increase in nonviolent deaths in Iraq, including deaths from childhood infections.

Martin Luther King understood that, if America is to lead the world, we must be more than a powerhouse; we must be a moral powerhouse.

I ask my colleagues to devote this session of the 110th Congress to the responsible redeployment of our troops out of Iraq and the creation of a new foreign policy committed to the values that Dr. King espoused: Equality and justice, freedom and peace.

100-YEAR ANNIVERSARY OF ALPHA KAPPA ALPHA SORORITY, INC.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Today, Madam Speaker, January 15, 2008, is an auspicious day for Alpha Kappa Alpha Sorority, Incorporated, as it celebrates its 100th birthday anniversary. Founded in 1908 on the campus of Howard University in Washington, DC, Alpha Kappa Alpha Sorority is the first Greek-letter organization founded by African American college women. Alpha Kappa Alpha is a sisterhood of women who have consciously chosen to improve the socioeconomic conditions in their city, State, Nation, and the world.

Its history tells a story of changing patterns of human relations in America in the 20th century. The small group who organized the sorority was just one generation removed from slavery. The sorority has directed its efforts toward improving the quality of life for all mankind while living the sorority motto: By culture and by merit.

I am proud to count myself as a member of the Alpha Kappa Alpha Sorority; and throughout the years I have witnessed firsthand how the power, vision, and commitment of our founders and members have inspired AKA to endure and prosper through 10 decades. Our membership includes high-profile women from all walks of life and from all disciplines, including the astronaut and physician Dr. Mae Jemison, poet Maya Angelou, actress Phylicia Rashad, entertainer Gladys Knight, entrepreneur Suzanne de Passe, U.K. member of Parliament Diane Abbot, performing artist Alicia Keys, Indira Gandhi, and a host of other regional, national, and international political leaders. My colleagues SHEILA JACKSON-LEE and EDDIE BERNICE JOHNSON, also retired Congresswoman Eva Clayton, and the late Juanita Millender-McDonald are sorors, too.

Alpha Kappa Alpha led the way with such programs as Vocational Guidance, Foreign Fellowship, the Mississippi Health Project, Health Programs, Nonpartisan Council, the American Council on Human Rights, Sickle Cell Anemia, Job Corps, the purchase of Martin Luther King's birthplace, the establishment of Educational Advancement Foundation, and the African Village Development Program, among a few.

The AKAs have always understood that the world's greatest asset is its youth, and developed several integral programs in an effort to increase their opportunities. These programs include PIMS, or Partnership in Mathematics and Science; ON TRACK: Organizing Nurturing, Team-building, Respecting, Achieving, Counseling, and Knowing; Ivy AKAdemy; and the Young Authors Program.

Inspired by the vision, Celebrating Our Past, Serving Our Community, Honoring Our Sisterhood, women from around the world have gathered in our Nation's Capital today to honor this anniversary, celebrate our achievements, and resolve to build on the legacy of our founders by strengthening our commitment. Today, the sorority donated $1 million to Howard University and $10,000 to the Andrew Rankin Chapel.

On July 10–11, 2008, the AKAs, under the astute leadership of Dr. Barbara A. McKinzie, Centennial International president, will host its Centennial Boule here in the United States Capital, the sorority's birthplace. More than 20,000 members of Alpha Kappa Alpha Sorority will tell the Nation and the world the story of 20 women who started a movement which advanced a people and changed the course of history.

And I ask all of you to join me in acknowledging this great milestone as Alpha Kappa Alpha Sorority embarks on its second century of service, the bedrock of our sorority, and excellence. It was true in 1908 and it is true today.

HONORING THOR HESLA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WU) is recognized for 5 minutes.

Mr. WU. Madam Speaker, America has lost a great public servant. Thor Hesla died in Kabul, Afghanistan last night, a victim of the Taliban.

That Thor should pass at the hands of religious extremists is perhaps one of the great ironies of life because he was such a strong proponent of the humane, human virtues in life. He worked in tough places, tough jobs in America, in Kosovo, in Afghanistan, always promoting peace, democracy, and the general public welfare. He worked so many hard, dangerous jobs, and he was such a colorful person that he was larger than life. And I guess there are some of us who came to believe that the bullets would always go around him, and in his own particularly human way, Thor had become a touch immortal.

I owe him a deep debt of friendship and gratitude. He was my 1998 campaign manager, and we won a hard-fought campaign under his leadership. But that was the least of it. It was what he did afterwards. His friendship, his support, and his wise advice, which I was sometimes wise enough to accept, that was what for me set him apart and built our deep relationship. And I believe that there are hundreds of people across this country and perhaps thousands of people around the world who similarly feel this bond of friendship and this debt of gratitude to Thor. America and the world are better for his life and his work.

Earlier, I used the word "victim" in connection with Thor; and I misspoke, because Thor was no one's victim. He chose his life, he chose his work, and he chose Kabul.

Because of events earlier during the recess, I had an opportunity to speak with my son about life and its end. And while there are many ways to live well, to live a good life, there are few, if any, good ways to pass on. But if there are any, it is to pass on in the company of friends and family or to pass on for a cause. Now, Thor wasn't with his family in Atlanta or here in Washington, his sister, his brother-in-law, his nieces, or his parents; but he was with a family and a circle of friends, the family of those who care, the friends of those who care for others and who care to risk for others. He died in the cause of bringing some small measure of peace, prosperity, and democracy to those who are in dire need of those things.

So tonight we mourn, we remember, we celebrate the life of Thor Hesla. America has lost a fine public servant, but he is now a public servant for all those in all the ages who care to remember those who care and sacrifice for others.

CENTENNIAL FOUNDING OF THE ALPHA KAPPA ALPHA SORORITY, INC.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, this evening I rise to commemorate the centennial of the founding of Alpha Kappa Alpha Sorority, Inc., the first Greek-letter organization established by black college women in America. This prestigious organization, founded at Howard University by nine visionary women in 1908, at a period when Jim Crow laws flourished in the law books, knew the rigors of their journey during the early 1900s. The organization, which has grown to 200,000 members in 975 chapters worldwide, includes an extraordinary collection of women, who now encompass diverse ethnicities and nationalities and are united by a bond of sisterhood and a commitment to service.

As a member of the Alpha Kappa Omega Graduate Chapter of Alpha Kappa Alpha Sorority in Houston, Texas, I am proud to honor this historic milestone and welcome my sorors to the birthplace of Alpha Kappa Alpha at Howard University in Washington, DC. This evening, the sorority will conclude a 4-day salute that culminated in a gala week of tributes, salutes, and praise. Today, one hundred years ago, amazing sisterhood, the passion for humanitarian service, and the campaign for education brought nine ardent women together to form Alpha Kappa Alpha Sorority, Inc.

Alpha Kappa Alpha was founded to touch lives, improve the stature of women and serve humankind. Its mission is to develop leaders, expand Alpha Kappa Alpha's economic achievements, and ensure that the Sorority is fully engaged in achieving its possible goals. Sojourner Truth once said, that "If women want any rights more than [they've] got, why don't they just take them and not be talking about it." This quote embodies the spirit that the determined women of Alpha Kappa Alpha Sorority, Inc. exhibit in order to attain the long-awaited goals of freedom and equality.

The sorority is "home" to college presidents, deans, directors of Fortune 500 companies, judges, mayors, Members of Congress, state legislatures, city councils, and school boards. This sorority has provided the foundation for intellectuals such as Sharon Pratt Kelly, the first woman to serve as mayor of Washington, DC, Angie Brookes, the first woman President of the United Nations, the long revered Rosa Parks, mother of the Civil Rights Movement, Azie Taylor Morton, the only African-American to hold the position of Treasurer of the United States, and First Lady Eleanor Roosevelt. Alpha Kappa Alpha women have served in the United States Armed Services and devoted their lives to saving ours. I salute those women today who are active or retired military personnel. They and women such as Lt. Col. Anita McMiller, Deputy Legislative Assistant to Chairman of Joint Chiefs of Staff, are the sheroes that should be emulated by the next generation.

AKA's have long referred to founder Ethel Hedgeman Lyle as the "guiding light," a figurative phrase that insists upon one's aptitude, resilience, unwavering service, and valor. President George W. Bush, in his address at the 55th Inauguration, stated that:

> Our nation relies on men and women who look after a neighbor and surround the lost with love. Americans, at our best, value the life we see in one another, and must always remember that even the unwanted have worth.

At a time when our Nation, in fact the world, has experienced unprecedented upheavals, Alpha Kappa Alpha has stayed the course of its mission and provided an anchor for scores of individuals and families by empowering communities through our committed service. A service that has endured 100 years because Barbara A. McKinzie, the Centennial International President, declares that it was built on bedrock of strength.

I am proud to stand on the floor of the House tonight and pay tribute to this extraordinary organization, which has been helping our young women find the support, courage, and passion they need to become leaders in our society.

□ 2045

OVERRIDE THE VETO OF PRESIDENT BUSH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. SESTAK) is recognized for 5 minutes.

Mr. SESTAK. Madam Speaker, tomorrow the House will vote on whether to override the veto of President Bush on the Defense authorization bill. He vetoed this bill because, within it, it permitted a servicemember who had been tortured in the first Gulf War to not only successfully sue the Iraqi Government, but having won that case, to be able to be given what the court awarded him or her.

I am concerned and fear that tomorrow this House will vote to recommit to send that bill back to the House Armed Services Committee and to put a waiver in that bill which will permit President Bush to be able to overrule a court that has now awarded, as it has, a servicemember, having been tortured, the judgment that that court gave of Iraqi monies that are held here in the United States.

The reason for that is the Iraqi Government has threatened to pull out of the United States $25 billion that it has invested over here. Every month we put almost $12 billion into Iraq in addition to those that wear the cloth of this Nation.

This is a good bill in many ways, providing a pay raise of 3.5 percent that is needed for the men and women that serve our Nation, but I do not understand how this President nor how this Congress could ever permit a man or a woman who has worn the cloth of this Nation in a war to have sued successfully, having been tortured, as law permits, to now not be permitted to gain the judgment that a court has given him or her merely because the Iraqi Government, obligated under international law for anything that prior governments in Iraq or any country that another successive government has succeeded to be responsible for merely because that government has threatened to take out of this country $25 billion.

We should vote to try to override this veto with the many good things in this bill. Many of us talk about taking care of our men and women. How can those who have not only come close to giving the ultimate sacrifice by torture, and who have continued to serve this Nation as they have come home, not be successful in being given what the court has provided them in their judgment?

AMERICAN HEALTH CARE

The SPEAKER pro tempore (Ms. LEE). Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes as the designee of the minority leader.

Mr. BURGESS. Madam Speaker, I come to the House floor tonight to talk, like I often do, a little bit about health care. And this is the first day that the Congress is back in session after the December recess. And legitimately, someone might ask is it maybe a little early to begin this type of discussion. But the reality is, since we didn't finish our work in the last year, it is entirely appropriate for us to begin this year talking about some of those same things that were left undone at the end of 2007. Specifically, the reauthorization of the State Children's Health Insurance Program. An 18-month extension was passed at the end of the last Congress. I was grateful for that. I voted in favor of that. But the reality is this Congress should do its work and reauthorize this program for the full 10 years as it was intended when the reauthorization was up last September.

We had a lot of opportunities to do this in my committee, the Committee on Energy and Commerce, but we failed to have a markup in subcommittee. We had a markup in full committee that was little more than a charade. We brought a very bad bill to the House floor in August. It was passed, but was not taken up by the Senate because the bill was so flawed.

Then we had the Senate bill come to the House floor and it was a new bill, not a conference committee report. We had ample opportunity to debate that and take it back to committee and have a subcommittee hearing and subcommittee markup, a full committee hearing and a full committee markup, but we chose not to do that. We brought that same bill to the floor and voted on it. The House passed because they have a majority on the other side, and the President vetoed it and the veto was sustained.

The same bill was brought up a second time in early October. The same result. The bill was passed, and the bill was vetoed and the veto was sustained.

In the interim, many of us worked to try to overcome some of the obstacles to passage for this bill because we felt this was the correct thing to do. But the reality was that politics trumped policy. And at the end of the day, the best we could muster, at the end of December, at the very last minute, was to pass an 18-month extension.

Madam Speaker, perhaps I should be grateful for that, because with an 18-month extension we will be past the next Presidential election before we are forced to look at this bill again. But I hope this Congress does not take that tactic. I hope this Congress takes seriously its obligation to study this problem and find out where the difficulties occurred last time and see if we can't come to the floor with a bill that could be broadly supported by both sides of the aisle. I think that is a possibility. But the reality, again last fall, some people thought the politics were more important than the policy. And the end result, well, we saw what the end result was.

The same thing happened with our Medicare proposals. We have every year this mad scramble at the end of the year. If Congress doesn't do something because of the odd formulas by which we pay physicians in this country, physicians that we have asked to take care of our Medicare patients, but we have a very odd formula by which we reimburse those physicians. And as a consequence, every year at the last minute we are left scrambling, seeing if we can't do something. It is called the physician fix. It is almost like something that will happen on the winter solstice every single year, because if we don't do something by January 1, massive pay cuts are administered to the physician corps in this country. Again, the very physicians whom we have asked to take care of some of our sickest and most complex patients, and these physicians this past year faced a 10 percent pay cut.

Now, at the last minute, we did do something to forestall the pay cut. We passed a rather modest bill to give a one-half percent positive update to physicians who take care of Medicare patients. But we only did it for 6 months' time, which means we literally kicked the can down the field. And the reality is we will have to face this again in June. And guess what? The deeper we go into this year, the more politics will take over, because it is a Presidential election year, and it is a Presidential election year the likes of which this country has not seen since 1952, or perhaps even 1928, when both sides are running for essentially what is an open seat in the United States Presidency.

Well, I did come to the floor tonight because I wanted to have a candid conversation about health care. I think many in this Congress know I had a life before Congress. I was actually a practicing physician for 25 years back in my home State of Texas. So I feel I can approach this problem from both the provider level, on the basis of that 25 years in practice, as well now as the policymaking level, the legislative level, because obviously we do deal with a lot of health care here on the floor of the House of Representatives.

I want to talk in some greater detail about the issues pertaining to Medicare, and I will get to that, but let me step back and talk about where the status of health care is in this country, because when you watch the Presidential debate, it seems everyone is talking about health care. Perhaps that is a good thing. In reality, the conflict in Iraq is not as divisive as it was a year ago. And as a consequence, you hear less talk about this country's involvement in Iraq. And as a consequence, you hear more talk about domestic issues. Health care and the economy have replaced some of the rhetoric that we heard during the 2006 fall election and some of the rhetoric that we heard on the floor of the House a scant year ago regarding this country's foreign policy. In reality, that is a good thing.

It is a strange phenomenon when this country is prevailing in a conflict that we stop talking about it. I can't think of any other time in American history when that was the mindset. Nevertheless, that is what is occurring now. Again, as a consequence, we are talking a good deal more about health care.

When you hear the talk about health care out on the campaign trail, you recognize there are some fairly different ideas that are out there and being talked about. And it is not that one person has any quarter on the best ideas, but it certainly lays the issue at the feet of the American people that there are very different ways of dealing with this problem, very different ways of setting the goal, very different ideas about what the goal should be, and obviously very, very different ideas about how to accomplish that.

In fact, there is a lot of discussion about should we talk in terms of reform of our system of health care or is, in fact, the situation beyond the reform and we need to talk about actually transforming our method of health care in this country. And we will hear that debate play out. We will hear talk about things like mandates and universal coverage. Those are debates we should have at the national level, and those are debates where there should be broad participation.

Madam Speaker, we lost a very good friend in Texas at the end of December. Ric Williamson was the chairman of our Texas Department of Transportation. He died rather suddenly at the end of year, an individual who was younger than I am; so needless to say, it was unexpected. During the memorial service that was held for Mr. Williamson later that week, a lot of discussion of how he had been a State legislator before he took the position with the Texas Department of Transportation, and many of his friends and former colleagues got up to talk about Ric Williamson's life. And almost to a person they talked about how Ric Williamson regarded politics as a full contact sport. That is you went at it with everything you had, but you do it openly. You do it in the committee room. You do it in the light of day. You don't do it behind closed doors in some secret conference in the middle of the night and cut a deal one side with the other.

That is what this debate should be. It may be hard. We may come at each other again with full body contact in this debate, but it should be done on the floor of the House. It should be done on the floor of the committee rooms and not in a back room where a deal is cut at the last minute.

Many options face us in this country. And again, we will hear a great deal of debate about things like universal coverage and mandates. We will hear a great deal about things like do we in fact craft policies that people actually want, or do we decide what policies people want and then administer them accordingly.

But, Madam Speaker, freedom is the foundation of life. In my home State of Texas, that is very much the case. We thrive on unlimited options. Two years ago when we had the great Medicare part D debates, I remember at first there was a lot of criticism that no one will sign up to deliver these plans. There will be no plans. There will be a default government plan.

So guess what happened? In my home State of Texas, we had 45, 46, 47 companies sign up to provide these drug plans. And then we were told there were too many choices. The reality is Americans thrive on choices. And choices are what this debate, in my opinion, a lot of what this debate should be about. It is what has made this country great. And, in fairness, it is what has made, at least from a scientific basis, the health care in this country the envy of the world.

Well, again, the same kinds of options are going to be out there facing Americans during the debates, and I urge them to pay attention at every level. I know I must direct my remarks to the Chair, Madam Speaker, but if I could speak directly to the American people, I would encourage them to pay a great deal of attention to what is talked about, who is offering what, are they believable, and, in the end, do we think anything will really change no matter how many times they mention the word.

When it comes to innovation, the United States of America is undisputably the world's leader. In the last 25 years, 17 of the past 25 Nobel Prizes in medicine have been awarded to American scientists working in labs. That is a phenomenal record. Four out of the six most important discoveries of the last 25 years have occurred in this country, things like advanced scanning techniques, things like statin drugs to lower cholesterol, things like coronary artery stints and bypasses, things that have extended life to citizens who 30 years ago, quite frankly, there might not have been any help, there might not have been any hope.

Now, innovations can improve health and life expectancy. It certainly does not mean that can't improve on a good thing, that we step back and rest on the accomplishments that are already there. But it certainly means in the environment that we provide in this country, quite honestly an environment that tolerates uncertainty from time to time, an environment that rewards risk-taking from time to time, that environment is a good thing for the furtherance of the science of medicine and ultimately a good thing for health care in this country.

Madam Speaker, one of the lead articles in this week's New England Journal of Medicine, and I apologize, I have forgotten the author's name. I just read it briefly on my way up here this morning, but it talked about how doctors now need to be prepared for a patient coming into their office and saying, I just had extensive genetic testing done on my own at a low cost, and now I have some information about my own human genome, and I would like you to help me interpret that.

□ 2100

Indeed, that day has arrived. And doctors in this country do need to be aware of these changes and do need to be prepared to answer their patients' questions and provide insight and direction where insight and direction occur, and be able to provide the type of environment that will allow continued learning about this new science that has just arrived on our doorstep.

Two companies now offer genetic testing, genomic testing, more appropriately, simply taking a swab of the inside of a cheek and sending it off to a company and waiting a few weeks and they come back and tell you all kinds of things about what your genomic makeup is.

Madam Speaker, when I think back to when I first entered the doors of Parkland Hospital in July of 1977, I would have never believed, never believed that this type of technology would be available in my lifetime, let alone that this type of technology would be available for a reasonable cost, and such a reasonable cost that people just simply elect to have it done to find out a little bit more about themselves and perhaps underscore some risk factors that they already knew were there and perhaps alleviate some concern about risk factors that may not carry the weight that the patient thought they did.

It's a phenomenal time that we've entered into, truly a transformational time in medicine.

And it has happened before. During the last century, I can think of three times when the scientific advances were so rapid and so solid, and at the same time, there was so much social change brought by bodies that legislate, bodies that govern, that the practice of medicine was forever changed.

Look what happened back around 1910. We were coming from a time where blistering, burning and bleeding were thought to be the peer-reviewed, the evidence-based proper treatments to administer to patients who were in distress. And very abruptly, the world changed. And the world changed because we found out more about the practice of anesthesiology. The world changed because we found out a little bit about blood-banking. The world changed because we found out a great deal more about the science and manufacture of vaccines. And then at the same time when all of that science was consolidating in the practice of medicine, we had the Flexner Commission and subsequently the Flexner Report commissioned by the United States Congress. And those activities now administered more at the State level; but suddenly we had that consolidation of medical school curricula across the country. Medical schools used to be able to teach all manner of things. Suddenly, they were conscripted or somewhat conscribed in what they could teach, but they began to teach evidence-based scientific fact in the medical schools. And it was just at the right time, because the scientific body of information was changing very rapidly.

And if we fast forward to the middle of the 1940s, a country at war, 10 or 12 years before, Sir Alexander Fleming had found an unusual curiosity in his laboratory petri dish: a penicillin mold could inhibit the growth of bacteria. Well, that was an astounding discovery, but it was really little more than a laboratory curiosity until an American company came up with a method of producing large quantities of this substance that inhibited bacterial growth, and thus began the modern pharmaceutical industry in this country. But it was a good thing, because we were a country at war. And, indeed, that infection-fighting antibiotic went from a laboratory curiosity that was intensely labor intensive to produce and intensely expensive to administer, and it went to something that was available to the average person in this country. And, indeed, antibiotics were available to treat our soldiers who were injured during the landing at Normandy, and I dare say many life and limb were spared because of the availability and the inexpensive availability of that antibiotic.

Another rather astounding scientific accomplishment that occurred at the same time, cortisone had been discovered several years before but cortisone was not commercially available. The way they got cortisone back then was to extract it from the adrenal gland of an ox. Well, if the ox was not anxious to give up their adrenal gland, you can imagine that was a pretty labor-intensive process.

But an individual that we honored on the floor of this House during the last Congress, Dr. Percy Julian, a Ph.D. biochemist, came up with a way of producing cortisone from a plant precursor, from a soybean precursor. Again, same situation: Suddenly you had a medicine that was profoundly useful, but only in limited application because it was so expensive and so hard to obtain in the amounts necessary to treat a patient, and now suddenly it was readily available and it was available at a very low cost because it now could be mass produced.

Well, these two striking phenomena occurred in the 1940s. And what else happened in the 1940s? Again, we're a country at war. The President wanted to prevent an inflationary spiral, or an inflationary cycle; so he enacted wage and price controls. Employers wanted to keep their employees working. They didn't want someone else stealing their employees away, because employees were at a premium. The vast majority of Americans were off involved in fighting the war. So employers came up with the idea of maybe let's offer some fringe benefits, health insurance, retirement benefits. And wait a minute. Don't think we can do that because of the wage and price controls. But a court case ensued, as so oftentimes happened, and the Supreme Court ruled that indeed these benefits could be offered, and not only were they not in violation of the wage and price control statutes, but they also could be administered as pre-tax expenses. So suddenly we had the vast social change of employer-derived health insurance arriving rather suddenly in the 1940s; and at the same time you, doctors, for the first time in the history of medicine had a cheap, inexpensive way of combating infection and treating people with other inflammatory conditions with cortisone.

Again, fast forward to the 1960s. Big changes were on the horizon. In fact, in 1945, President Roosevelt died of malignant hypertension, died of a stroke.

In the mid-1960s we were beginning to develop medicines that treated accelerated hypertension, or malignant hypertension. We were developing medicines that could treat psychoses. We were developing the first medicines that were now known as antidepressants; a lot of changes on the horizon.

And what else changed in the mid-1960s? For the first time, the Federal Government got involved in a big way, in a big way, in paying for health care with the passage of Medicare in 1965 and, subsequently, Medicaid thereafter. And now we're at a time in our country's history, where almost 50 cents out of every health care dollar that's spent originates right here on the floor of the House of Representatives, because of the vast expansions of the expenditures in Medicare, Medicaid, VA system, Federal prison system, Indian Health Service, a lot of different ways where the Federal Government has a participatory role in health care, one that quite frankly was never envisioned 40 years ago.

So the world indeed has changed because of some of the social changes that was brought about by changes in this Congress.

Well, I submit, Madam Speaker, that the world of medicine is on the brink of another such transformational change. I've already alluded to the changes that are going to happen in the realm of genomic medicine, a lot of advances in the types of scanning that are available, the types of imaging that are available. Medical care in this country is going to become a great deal more personalized with the development of genomic medicine. It is of necessity going to be more participatory, but at the same time more preventive. And these are good things. These are reasons to make one excited about a career in health care and in some ways I'm envious of the young people today who look up from their desk in high school or college and say, I want to do that; I want a career in health care. I know it takes a long time. I know the government's interfering at a lot of different levels. but I want a career in health care because it's so exciting. And there's still that basic altruistic feeling inside of a lot of us in health care that we want to do that because it's the right thing to do.

Well, we are on the cusp of a true transformational time in health care in this country. Now, can Congress properly interact with that transformation as it occurs? It's very difficult, and our history is not great in that regard because Congress is inherently a transactional body. We take money from here and we move it over here. We create winners and losers in this system. And all too often the transactional can be the enemy of the transformational. And it is our job, our job, every one of us who sits here in a seat in this House of Representatives, to ensure that our transactional bias does not interfere with the transformation as it's occurring under our very feet.

Congress can't legislation the transformations going on in health care. It's happening anyway. It's happening whether we want it to or not. But Congress can certainly interfere with that transformation if we don't set the proper regulatory tone, if we don't provide the proper liability environment, if we don't provide the proper incentives. Congress can actually be the enemy of transformation.

And, Madam Speaker, there are several more things that I want to cover this evening. But I see I'm joined by one of my colleagues, one of my colleagues in the House of medicine as well as one of my colleagues in the House of Representatives. And I would like to yield to the gentleman from Georgia such time as he may consume to likely address the issue of medical liability, because that is a big aspect of when we talk about health care reform in this country. It's a big part of the equation. So I'll yield to my friend from Georgia.

Mr. GINGREY. Mr. Speaker, I thank the gentleman from Texas, my colleague; and as he pointed out, we're both in our prior life MDs and both in the same specialty, OB/GYN. I practiced a little bit longer than the gentleman from Texas, Dr. BURGESS; but we certainly know of what we speak in regard to the stress and strain of everyday life, a work day in a physician practice across this country, whatever specialty it might be.

I was listening in my office just a few minutes ago, Mr. Speaker, to the gentleman from Texas, Dr. BURGESS, as he talked about some of the things that we failed to do in the first session of this 110th Congress last year, 2007. He started off his discussion talking a little bit about that, the SCHIP program. I think most people, all of our colleagues of course, understand SCHIP is an acronym for State Children's Health Insurance Program, as Representative BURGESS pointed out, enacted 10 years ago. It was a good, a good program. I think 1997, a 10-year authorization for this program, and it would expire. We wanted to see, of course, how it would work, was it going to be a good thing. So when you put sunsets on programs that makes sense, because sometimes ideas don't turn out so good. But this one really did.

And the basic concept, Mr. Speaker, as we all know, was to try to help parents have health insurance for their children when they were in a situation where their income was too much to qualify for safety-net programs, in particular the Medicaid program; they were making more than that minimum amount. But, yet, in no way were they coming close to having enough income, discretionary income to pay even their portion of a health insurance premium for their children if their employer happened to cover part of it. And, of course, many didn't.

So this program was a wildly successful program covering about 6 million children a year, Mr. Speaker, and spending about $5 billion a year in the process. And it was a Federal/State matching program, more generous on the part of the Federal Government, the taxpayers across this country, than the Medicaid program, which was more a 55/45 sharing. The SCHIP program was a better deal, if you will, for State governments. And it worked so well, of course, that there were 6 million children covered, I stated, and it was estimated that in some States that there were children that were falling through the safety net and not getting the coverage because States like my own of Georgia, and my own district, the 11th of Georgia, we were running out of money.

So I think clearly, as this program came to its expiration date this past year, everybody in this body, in this House and in the other body, in the Senate, I think all 435 Members realized we wanted to reauthorize this program and we needed to spend a little bit more money to make sure that those children that were eligible, needed the coverage, there would be enough money available for them.

□ 2115

Most people estimated that about 1 million additional children, 750,000 to 1 million children, we have some of them in the State of Georgia, needed that coverage. So President Bush in his wisdom said let's reauthorize this program and let's increase the spending by 20 percent, and I thought that was a pretty generous thing; that would cover these additional children.

But as Dr. BURGESS pointed out, Mr. Speaker, the Democratic majority came to the floor with a bill that was not even vetted in committee, certainly no Member of the minority party had much chance at all to see this bill, that wanted to increase coverage to up to 10 million children. Now, we were covering 6 million, and they arbitrarily wanted to increase that coverage to 10 million. So that's an additional 4 million children, Mr. Speaker, when by anybody's estimate there were no more than 1 million that were in this range that warrant getting coverage.

So I honestly believe that the Democratic majority wanted to bring forward a piece of legislation that in no way could any fiscally responsible Member of this body vote in favor of. And it's hard to stand up here and say what people's motives are, but I think the gentleman from Texas alluded to it earlier. There are a lot of politics involved in this one, Mr. Speaker, and of course, here we are now, we ultimately we have an 18-month extension. But we need to come together. This is just a perfect example, in the health care arena in particular, where we can and should come together in a bipartisan way to do things for the benefit of the American people to provide better health care.

We like to tout that we have the greatest health care system in the world. Maybe we do. But sometimes I wonder, and clearly, I think there are things that we could do in a bipartisan way to improve it, and Dr. BURGESS has mentioned it. He's talked about the payment formula, that flawed formula, in regard to paying our physicians, and so it's no surprise that not only are more and more of them unwilling to accept Medicare patients because they're not even being reimbursed enough to cover their expenses, there's no surprise to me when I picked up the Sunday newspaper, the Atlanta newspaper in my hometown of Marietta this past weekend, and there's this big full page ad where one of the chain drugstores is now opening up these clinics, manned and "womanned" by men and women who are not MD's, but they're nurse practitioners. They're very skilled. They're trained. They certainly are dedicated, and the fees for seeing them are anywhere from $60 to $75 for a 15- or 20-minute visit.

So what you're seeing is so much of medicine is not an MD providing the care. It's these situations like these drop-in clinics in chain drugstores. I don't think this is the way it should be, and I think we can do things like enact tort reform to take some of the pressure off of the physicians so that there's not so much defensive medicine. And of course, that runs up the costs tremendously.

Tort reform is hugely important. Dr. BURGESS and I, Mr. Speaker, have worked very hard in the 5 years into our 6 years as Members of this body trying to get that passed. We have been trying to get association health plans where people can come together in an industry and purchase health insurance across State lines, free of all these mandates of the individual States. Fifty different States have all these mandates on health insurance policies that drive up the premiums.

I thank Dr. BURGESS for taking the time tonight on our first day back in this second session of the 110th to continue to talk about health care. This is clearly a passion of his. It's certainly a passion of mine, not just physician Members of this body, but a lot of very, very good, experienced Members who are concerned with this.

Before I yield the time back to my colleague and I continue hopefully during the remaining time tonight to engage in a colloquy with him on these issues, I think one of the most important things we could do and we could do it now is to enact electronic medical records, say a complete fully integrated system and incentivize doctors. We can do it through the tax code to give them an opportunity, particularly the small group practices, the primary care physicians so they can get electronic medical records. This would clearly save a lot of the money that Dr. BURGESS was talking about. My friend has done some good work on that in his committee assignment on Energy and Commerce, Health Subcommittee, as well as the ranking member there, my colleague from Georgia, Representative NATHAN DEAL. We'll continue the discussion.

Mr. BURGESS. I appreciate my friend coming to the floor tonight. In fact, let's stay on the concept of electronic health records, electronic medical records for just a moment.

I have a confession to make to my friend from Georgia. I haven't always been a big proponent of electronic medical records. There has been some debate from time to time in our literature as to whether the savings is actually as great as what is anticipated. I've used the two separate prescribing platforms in my private practice back in Lewisville, Texas, with sort of marginal success, but became a believer in the availability of an electronic medical record sometime after Labor Day in 2005.

And the reason I became a believer was because after Hurricane Katrina ravaged the Louisiana and Mississippi gulf coasts, I had an opportunity on several occasions to travel to the city of New Orleans. In January of 2006, in fact, we had a field hearing in New Orleans. As part of that field hearing, we visited Charity Hospital, Charity Hospital one of the venerable old hospitals in this country, one of the hospitals that is responsible for training some of our medical pioneers. In fact, through good fortune, I had a chance to sit down with Dr. DeBakey late last fall, and he talked a little bit about his time of training in the city of New Orleans.

Charity Hospital, again, one of the venerable old institutions, now likely lost to us forever. And down in the basement of Charity Hospital was a room that had been underwater for weeks. In fact, there was still water on the floor. This photograph doesn't really do that justice. There was still water on the floor after the city had been dewatered. I didn't know "dewatered" was a verb. But after the Corps of Engineers had dewatered the city and they were able to go back down to the records room of Charity Hospital, this is what they encountered. These are records that had been submerged for weeks in brackish water, water contaminated with goodness knows what, and what we see here is now smoke or soot damage on these medical records. This is, in fact, black mold that is growing on the medical records. And the reality is you could not send anyone in there to retrieve this information because it would simply be too hazardous, but also, the records themselves had been submerged for weeks at a time in seawater, brackish water, and the ink itself, many of these records were written in ballpoint pen by people over decades. And that ink washed off the pages so those that aren't ruined by the black mold are rendered illegible. Doctors' handwriting is hard to read anyway, but you submerge it for several weeks in brackish waters, and it truly becomes something you cannot read.

Mr. GINGREY. I also had an opportunity over that Labor Day weekend to go down on an angel flight to Baton Rouge and to try to help man, staff an emergency Red Cross clinic there. I think it was called the River Center, a huge clinic that had been set up. And as we began to see patients, I realized the enormity of this situation, as Dr. BURGESS points out with his poster. One patient in particular was HIV positive and seven months pregnant and had not received any medication, retrovirus medication in 2 weeks, and this is the kind of thing that is life or death.

This situation in New Orleans really pointed it out. But suppose someone from this country is traveling in another country where they don't speak the language, and all of a sudden some catastrophic event occurs, a stroke, where the person cannot communicate. There's no way that the physicians, no matter how skilled they might be in the emergency room, and in the Ukraine they're not going to be able to take care of somebody from the United States that cannot communicate.

But with electronic medical records, it's just a matter of a swipe of a card, just like you do your American Express card where the radio frequency, identification system, secure, absolutely secure, privacy maintained, guaranteed, a system set up by our Federal Government where the standards are the same across the board. It, without question, would save a tremendous amount of money. The Rand Corporation estimates something like $175 to $200 billion a year out of that $1.6 trillion medical expenditures each year, $200 billion savings. But more important than the cost saving, of course, is the life savings aspect of it.

So I'm so glad the gentleman from Texas (Dr. BURGESS) brought that up and showed that very, very telling poster.

Mr. BURGESS. Let me just point out, though, one aspect of the Federal Government's involvement in electronic medical records and one of the reasons we have to be so careful.

When I said earlier that the Congress, being a transactional body, can sometimes be the enemy of transformation, a year ago a lot of us heard stories about some difficulties out of Walter Reed Hospital here in the city of Washington, DC.

And I traveled out to Walter Reed and visited that Building 18, and indeed, there were some significant problems. But the young man who showed me around Building 18, Master Sergeant Blades, said, You know what's really, really at the heart of a lot of this frustration is that my guys here on medical hold have to go through their medical records. They will go through this long arduous process of compiling their record, yellow highlighting the important features, all done on paper, and that will be delivered to someone's desk where it sits for 2 weeks and then gets lost, and they've got to start all over again, which increased the frustration to be sure, but also increased the time that these young men who were at Walter Reed on medical hold trying to decide whether they went back with their unit or whether they were going to be discharged and cared for in the VA system, while all of that was sorted out, the paper record did indeed seem to be an impediment to that process.

But we do have an electronic medical record system at the VA, and one I've never used it myself, the Vista system, multisource software. I understand it works very well. And we also have an electronic medical record at the Department of Defense, but the problem is that the two won't talk to each other, and as a consequence, our soldiers are caught in between. And the result, at least a year ago at Walter Reed Hospital, was concerning to many of us here, and it has taken a good deal more time than I would have thought necessary to get this problem solved to bridge that gap between one set of electronic medical records and another.

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So we do have to be careful at the Federal level. We don't always have the best solutions.

So sometimes what our approach needs to be is to provide the right regulatory environment, to provide the right liability environment, to provide the right incentives, perhaps establish some standards, as Dr. GINGREY said, and then get out of the way and let the people who know how to develop these things actually be in charge and not have Members of Congress responsible for writing software.

The gentleman also brought up some very good points about the formula by which we reimburse physicians under the Medicare system. I thought the gentleman would enjoy seeing, and I know I'm not supposed to go through this because I'm accused of being too much into the process, but this is the formula by which we pay physicians, by which we reimburse physicians under Medicare. It's called the Sustainable Growth Rate Formula. It's been around for a while. It looks a little daunting, but it's, perhaps, understandable when you look at it. We have a relative value unit for work, plus a geographic modifier, another relative value unit for practice expenses and another geographic modifier, and a relative value unit for liability insurance, and a geographic multiplier.

And then we see all these terms defined here. There is actually a misprint on this page, and it's the fault of the Congressional Research Service, not the person who made this poster for me. But it's almost applied at the end by CF, which is a conversion factor, referred to here as CV, the conversion factor. Well, that's an interesting thing. How do we get the conversion factor? Well, we've got to go to another formula. And here we're going to be able to calculate the conversion factor. And I won't go through all of this because I'm told I shouldn't, but at the very bottom of the page you see we need to know the UAF before we can calculate the conversion factor, the update adjustment factor. And how do we get the update adjustment factor? I'm glad you asked. The update adjustment factor is here, yet another formula.

Now, I don't show these to impress people with my ability to go through the mathematical formula, but I do use this to point out that the system by which we reimburse physicians, it needs some attention.

Mr. GINGREY. If the gentleman will yield, I will point out that my 2 years of calculus at Georgia Tech, when I was getting that degree in chemistry, has not helped me one bit with figuring out this formula. So I appreciate the fact that the gentleman agrees it is an absolutely impossible, arcane system to ever figure out. And how they came up with it is Greek to me.

I yield back to the gentleman.

Mr. BURGESS. I thank the gentleman for yielding.

And here's the deal with this formula: What it results in is a vastly different universe for physicians who are providing care to our Medicare patients when you compare them with hospitals, nursing homes, HMOs, drug companies. Each one of those entities receives a positive update every year based on, guess what? It's kind of like a cost-of-living adjustment; it's called a market basket update. The physicians formula, though, unless Congress intervenes, which it did on every one of these years, unless Congress intervenes, this adjustment factor is going to go down, and it's projected to go down year over year for the next 10 years' time to the tune of approximately 35 to 37 percent, clearly an untenable factor.

You know, if a doctor goes into his banker's office and says, here is my business plan, Mr. Banker, and I want you to help me get my business established, I've got this business plan where I'm going to earn about 10 percent less each year over the next 10 years' time, do you think you will be able to fund me some money? No, sir, I don't think that would happen. In no business would we ask someone to stay in business where the cost of reimbursement is going to go down year over year. And we all know, is it going to cost any less for energy to heat and cool that physician's office over those years? No. The answer is, of course not. Is it going to cost any less to have the employees in the office? Is it going to cost any less for the liability insurance? And the answer is "no" to all of those questions.

Mr. Speaker, I know we're running a little short on time, but I wanted to give the gentleman from Georgia a chance just to talk a little bit about what is happening in the arena of liability reform in the House of Representatives, because I know that is an issue that's been important to both of us.

We have done some things in Texas over the last 4 years' time which I think, from my perspective, have been very positive. There are other concepts out there that are talked about, concepts such as medical courts, concept such as earlier offer. We had a bill similar to the Texas bill that came through the House of Representatives, as the gentleman pointed out, for the 108th and 109th Congress; but I would like to yield to the gentleman just for a moment to talk a little bit about liability reform.

Mr. GINGREY. I thank Dr. BURGESS for yielding.

Mr. Speaker, the issue of medical liability reform is something that we've been talking about for a long time in this House of Representatives and in the other body, and it's time that we do something about it. I remember back in 2004, during the Presidential debate between our current President Bush and the Democratic nominee, Senator KERRY, and on one particular debate they were talking about the cost of medical malpractice insurance. And Senator KERRY made the statement that, well, you know, if a doctor has to pay $40,000, $50,000 a year, some can afford it; that's just a very small amount in the big scheme of things. And I thought President Bush did such a great job of responding to that and he said, you know, Senator, I believe you missed the point. Yeah, some doctors can afford to pay $50,000, some can afford to pay $75,000 a year, depending on their specialty, for medical malpractice coverage; other doctors can't. But that is really not the point.

The point that causes the cost of medicine to go up so much is that all of these physicians practice in a defensive mode, and they order tests in many instances that are absolutely unnecessary, way too expensive, and, indeed, can be harmful to the patient.

You know, I would imagine today, Mr. Speaker, if you went to any emergency room in this country with a headache, you are not going to get out of there without a CT scan being performed. And that particular procedure, by the time it is done and the radiologist reads the film, you're talking about $500, $600, when it would be obvious to a clinician, a skilled clinician in physical diagnosis that this patient is suffering from a tension headache or maybe a migraine headache. So this is where that cost goes up so much.

I appreciate the gentleman giving me an opportunity to talk about it because the model for tort reform is what the State of California did back in 1978; the acronym is MICRA. But basically what we're talking about is to say that no patient who is injured by a physician practicing below the standard of care or a health care facility practicing below the standard of care that results in direct harm to the patient, they should have every opportunity for their day in court.

Dr. BURGESS and I probably have seen situations where we are pulling for the plaintiff because we know what happened in the particular setting and maybe in our community. But the judgments for so-called pain and suffering that can be up into the millions of dollars, which are totally unrelated to the degree of injury, is inappropriate. And that's basically what was passed in California and it has worked. The State of Texas, my State of Georgia, the State of Florida, several States have done this; but the vast majority of States are in situations where you don't see any neurosurgeons covering the emergency room. You see very few OB/GYN doctors staying in practice beyond the age of 50. They're all either getting out of the practice completely or they're going over to just a GYN practice. So I thank my colleague for bringing this issue up.

And as I finish my remarks and yield back to the gentleman from Texas, I want to say, Mr. Speaker, that what happens so many times in what we do, we're constrained because of the cost. And we base cost on programs like Medicare part D, by this so-called static scoring that it cost too much money when so often programs like that have the potential to, in the long run, save money, but would get no credit for it. So we don't do things that we should be doing. Just like, as we were talking about earlier in the evening on electronic medical records, yes, it would cost some money, Mr. Speaker; the Federal Government would have to spend some money. I think that the new Democratic leadership has made a mistake in enacting these PAYGO rules which make it impossible in some instances to do things like the physician payment fix that Dr. BURGESS is talking about, the repeal of the alternative minimum tax, which clearly was a mistake, an oversight 35 years ago when it wasn't indexed for inflation.

And so now the Democratic leadership has put themselves in a position where we can't get things done because of those PAYGO rules when in the long run the program that we would enact would save money; it wouldn't cost money. So you would be paying for it doubly by cutting another program and raising taxes to pay for something that will eventually pay for itself. And, certainly, I think that's true with Medicare part D, and I absolutely believe it is true with the electronic medical records system that we need in this country, and I think it's true in regard to medical liability reform that Dr. BURGESS is talking about. So I thank the gentleman for bringing that up, and I yield back.

Mr. BURGESS. I thank the gentleman for his participation this evening. I actually thank you for bringing up the issue about Congressional Budget Office scoring. We're about to the time in this Congress where you hear us talk a lot about the budget, and we will be developing the parameters of the congressional budget shortly after the President gives his State of the Union message here in a few weeks. The President delivers his budget, and then we come up with a congressional version of the budget.

The last year when we were working on the budget, I brought essentially what was the Texas medical liability reform model to the Budget Committee, had it scored by the Congressional Budget Office, and it scored in a savings just under $4 billion over the 5-year budgetary window, not an enormous amount of money; but for a body that spends $3 trillion a year, it was savings worth looking at. And the Texas legislation, as the gentleman from Georgia pointed out, the law passed in California back in 1975 seems like forever ago. The Medical Injury Compensation Reform Act of 1975 passed in the State of California, signed by the Governor, who at the time was Jerry Brown. This same concept in Texas was developed. And the Medical Injury Compensation Reform Act of 1975 in California capped noneconomic damages at $250,000. The Texas bill was a little more flexible than that: it allowed for a trifurcated cap of $250,000 on the physician and $250,000 on the hospital, and $250,000 on a second hospital or nursing home if one was involved.

But that trifurcated cap allowed for a little more flexibility in trying to establish just compensation for a patient who, indeed, had been injured; but it also acknowledged the reality of our system in that you cannot have an open-ended amount of compensation for noneconomic damages because it throws so much indecision into the system that people can't make rational decisions.

So by trifurcating the cap, and interestingly enough, in the State of Texas punitive damages were still allowed to stand, we also had periodic payments for large settlements, and we also had a Good Samaritan rule. This bill passed in 2003. It was upheld under a constitutional amendment election in September of 2003 and has now been the law of the land since that time. And we have seen phenomenal success in Texas, not only with holding down the cost of medical liability premiums, which were going up year after year after year, but we also saw medical liability insurers leaving the State in vast numbers. In fact, we've gone from 17 down to two. And you just don't get very good competition between insurance companies when you only have two of them.

So we now have brought more insurers back into the State. They've come back into the State without an increase in premiums. In fact, Texas Medical Liability Trust, my last insurer of record, has reduced premiums by 22 percent over the last 4 years compared to double-digit increases for each of the last 5 years prior to 2003.

So it really is a phenomenal success story. Smaller, mid-sized not-for-profit community hospitals have had to put less money into their contingency funds to cover possible liability payouts, and as a consequence they've been able to return more money to capital investment, hiring nurses, just the kinds of things you want your smaller community not-for-profit hospital to be able to do when released from some of the constraints of the liability system.

I'm not saying that this is perfect; I'm not saying that this is what we should all aspire to. Certainly there are reasons to consider concepts like medical courts. Certainly there are reasons to consider concepts like early offer. But the fact of the matter is we can do a lot better than what we're doing today because the system that we have today only compensates a small number of the patients who are actually injured. And, moreover, the time it takes for a patient to recover money under the current system is far too long.

☐ 2145

And if you will, the administrative costs, that is, costs of the medical experts and the legal system and the lawyers' costs, consume about 55 to 58 percent of every dollar that's awarded in a settlement. Well, we wouldn't tolerate a health insurance company that had an administrative cost of 58 percent. We'd call them profiteers and we'd bring them up before hearings, but yet we tolerate it in our medical justice system every day of the week. And it's not right.

I want to so much thank my friend from Georgia for joining me here tonight. This is an issue that we will get to talk about a lot over this next year. Obviously, we have got a 6-month window of opportunity on getting the physician payment formula right. I believe that means taking a short-term, midterm, and long-term approach to the problem, which I have tried to do in the past. And we will be working with other people here in the House of Representatives, I hope on both sides of the aisle, to try to craft a solution to this problem, which has vexed this Congress for a number of years. But suffice it to say, we will be able to be back here on several more occasions talking about this and other issues as they relate to health care in this country.

GENERAL LEAVE

Mr. COHEN. Mr. Speaker, I would ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

DR. MARTIN LUTHER KING, JR.

The SPEAKER pro tempore (Mr. ALTMIRE). Under the Speaker's announced policy of January 18, 2007, the gentleman from Tennessee (Mr. COHEN) is recognized for 60 minutes as the designee of the majority leader.

Mr. COHEN. Mr. Speaker, the subject of my Special Order today is the birthday of one of America's greatest citizens, Dr. Martin Luther King, Jr.

Dr. King's birthday will be celebrated next week with the national holiday on Monday, one of the only men or women to have a holiday named for them in this country. At one time, of course, we celebrated the birthdays of George Washington and Abraham Lincoln, and now we celebrate Presidents Day. But we celebrate Dr. King's Day, a great American and an individual who changed this country for the better and whose life is a testament to fortitude and courage, faith, and a desire to make America better.

On April 4, 1968, 40 years ago this year, Dr. Martin Luther King, Jr. was assassinated in my hometown of Memphis, Tennessee. That was a defining moment in the history of America, indeed, in the history of the world. While Dr. King's death should not and will not ever be forgotten, I think that today on what would have been his 79th birthday, we should remember his life because it was his life, his actions and his eloquent words, that truly challenged us as a Nation to consider where we were and where we could go.

Martin Luther King, Jr. was born in Atlanta, Georgia, on January 15, 1929, the son of the Reverend Martin Luther King, Sr. and Alberta King. As we all know, Dr. King followed in his father's footsteps and became a minister at the age of 24 in Montgomery, Alabama, where just 2 years later Rosa Parks refused to comply with the Jim Crow laws, which required her to give up her seat on the bus to a white man. The subsequent Montgomery Bus Boycott, led by Rev. King, changed America. The boycott lasted over a year but resulted in the Supreme Court decision outlawing racial discrimination on public transportation. Only in his mid-20s, Martin Luther King's passion and commitment were already affecting the laws of our Nation.

During his life, Dr. King's house was bombed and his government wiretapped his conversations. But Dr. King never wavered from his commitment to nonviolent change. Dr. King turned a mirror on America, and the reflection was not good. It was ugly. America was not the land of the free but it was a land built by the enslaved. The very Capitol Building in which I speak and in which we make our laws was built by slaves. Dr. King pulled back the quasi-fiction that has so often been touted as patriotism as if to say, "but what about these Americans?" And those are his words: "But what about these Americans?" Jim Crow laws, which had created two Americas, which had denied access and opportunity for so long were held up for examination, and they failed the examination, as they should have.

We are not there, ladies and gentlemen. I wish we were. I wish we had achieved the dream where the content of one's character is what each person is judged by, not by the color of one's skin. We are not there, but the good news, the positive message that Dr. King has etched into our national conscience is that one man can make a difference. One young man can step forward and live his life with purpose and dignity, can become the voice of all those whose voices have been stilled, whose hope has been lost. No assassin's bullet could stop what Martin Luther King had begun. Today, as we celebrate a birth which has changed us and which continues to challenge us, let us remember his dream.

Dr. King's words are what he's best remembered for. And in his hometown of Memphis, Tennessee, his words will be played constantly over the weekend and through Monday as we remember how he challenged us, how he inspired us in the 1950s and in the 1960s. Radio station WLOK will be, I know, having a tribute to him in Memphis, and other places all over the country will do the same. And in Memphis there will be a basketball game, a national basketball game, that will celebrate civil rights victories of this country. Particularly Bob Lanier will be there and Kareem Abdul-Jabbar and others. And we look at the steps which we have taken in this country to make the country better through sports and basketball, and I commend David Stern and the NBA for having that game in Memphis on Dr. King's birthday.

At this time I would like to read some quotes from Dr. Martin Luther King, Jr., as will be read and as will be heard throughout this country in the coming week and the coming weekend. Many of them resonate with the issues of today.

"A genuine leader is not a searcher for consensus but a molder of consensus." And we need more leaders like that today who mold consensus.

"A nation that continues year after year to spend more money on military defense than on programs of social uplift is approaching spiritual doom." Remember, Mr. Speaker, Dr. King was speaking during the time of the Vietnam War. We have another Vietnam, I think, today in Iraq, and we are spending more money not on military defense but on military offense and leaving programs of social importance behind. And I question the spirituality of where this country presently is, spending so much in Iraq and so little in America.

"A right delayed is a right denied." And there are so many rights which have not been granted to people and not just on the basis of race and religion and national origin but also of sexual orientation. "A right delayed," Dr. King said, "is a right denied."

Dr. King said, "Almost always the creative, dedicated minority has made the world better." And indeed they have. We are a country of minorities making for a great majority, and when we don't respect the rights of the minorities, we endanger ourselves.

Dr. King said, "An individual has not started living until he can rise above the narrow confines of his individualistic concerns to the broader concerns of all humanity." And I would ask each of my colleagues to hold that thought in their minds when they vote and to realize it's not just the nature of their districts and their individual concerns which are important but the broader concerns of this country, as Dr. King said, "the broader concerns of all humanity."

Dr. King said, "An individual who breaks a law that conscience tells him is unjust and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice is in reality expressing the highest respect for the law."

Dr. King and many civil rights workers violated the law, the law of the country, mostly in the South, Jim Crow laws, that said people were separate and inherently unequal. He did that with Rosa Parks when they challenged the laws that said African Americans were to ride on the back of the bus. And he challenged, along with President Johnson and this Nation in the 1960s, the law that said there could be separate establishments and would be by law for people based on race for entertainment, different public facilities, eating establishments, hotels and motels, colleges and schools. Those were wrong laws. They needed to be challenged, and they were challenged by Dr. King and many civil rights leaders, and the world changed in the 1960s.

Dr. King said, "At the center of nonviolence stands the principle of love."

He also said, "Have we not come to such an impasse in the modern world that we must love our enemies or else? The chain reaction of evil, hate begetting hate, wars producing more wars, must be broken or else we shall be plunged into the dark abyss of annihilation." And, Mr. Speaker, I reflect on this when I think about what we are doing in the Middle East. Hate begets hate. Wars produce more wars. And we are in an abyss.

Dr. King said, "He who passively accepts evil is as much involved in it as he who helps perpetrate it. He who accepts evil without protesting against it is really cooperating with it." One must actively oppose evil. And oftentimes in the debates in Congress, you have to remember Dante, and Dr. King has a quote similar to Dante, that the warmest spots in hell are reserved for people who in times of controversy stand on the sidelines. Certainly something Dr. King did not do.

In Dr. King's great speech just outside the Capitol on the mall, which I recall watching on television and which I am thrilled to be a Member of this House of Representatives so near to the mall where Dr. King gave his "I have a dream" speech, he said, "I have a dream that my four little children will one day live in a Nation where they will not be judged by the color of their skin but by the content of their character.

"I have a dream that one day every valley shall be exalted, every hill and mountain shall be made low, the rough places will be made straight, and the glory of the Lord shall be revealed, and all flesh shall see it together.

"I have a dream that one day on the red hills of Georgia, the sons of former slaves and the sons of former slave owners will be able to sit down together at the table of brotherhood."

As I said earlier, Dr. King's dream has not totally been achieved, but we are getting closer to it. We are engaged in a Presidential debate where his words and actions are subject of much debate. But I have no doubt that Dr. King would be proud of all the candidates in the Democratic column who are running for this office and know that they are children of Dr. King's dream. To see an African American gentleman have a legitimate chance to be President of the United States and to see a woman have that same opportunity is what Dr. King talked about. And they should be judged not by the color of their skin or by their gender but by the content of their character.

"Injustice anywhere is a threat to justice everywhere," Dr. King said. And that's something to be remembered when we see nooses hung in small towns or people being shot, tied behind cars because of aspects of their personage of which they had no choice.

"It may be true," Dr. King said, "that the law cannot make a man love me, but it can keep him from lynching me, and I think that's pretty important." And that is important. We have a Senate and a House that passed a condemnation of the lynching that took place in this country in the 20th century. And this House, hopefully, will pass another proposition that says that we apologize for having been part of a Nation that allowed for slavery to occur and had laws that permitted it and for Jim Crow laws that saddled this country with unjustice for 100 years thereafter.

Dr. King said, "Life's most persistent and urgent question is what are you doing for others?" And that's a question that my friend Irbin Salky has often said to me, that the purpose of why we are here on Earth is to help others. And it's part of the Judeo-Christian religion and creed to care for others, and that's why we are here.

Again, Iraq and Vietnam, they are parallels, and Dr. King's words ring true today. He said, "One of the greatest casualties of the war in Vietnam is the Great Society shot down on the battlefield of Vietnam."

□ 2200

Indeed, many of the hopes of people in our inner cities, people that are left behind by what has been considered a great economic opportunity for many Americans, mostly the richest, have been left behind because of the moneys we have spent in Iraq rather than spending them on the people in this country.

There are many parallels, and I think I know where Dr. King would be on the issue of war and peace, on the issue of choosing Iraq rather than choosing America, the cities that have been neglected, the inner cities, Appalachia, Katrina victims, and others. Dr. King said: "The moral arc of the universe bends at the elbow of justice." He always felt that the arc was bending in the right direction, although slowly. And justice and change do move slowly but they do move. We have change. Change is not revolutionary; it's evolutionary. It happens, but it happens in increments. But Dr. King and people like him made it move at a stronger pace, and it's necessary to have agents of change. Agents of change have moved the society forward.

One of the most prophetic quotes that I think I saw, and there are so many to review in thinking about Dr. King, he said: "The Negro needs the white man to free him from his fears. The white man needs the Negro to free him from his guilt." I know from my sponsorship of an apology for slavery and Jim Crow and some of the comments I have read, there's a lot of guilt in this country and it's making it difficult for people to engage in a dialog and understand and honestly see what slavery did for many people's lives. Not only did it cause the African Americans and have them be enslaved, but it caused a lot of people to make a lot of money and have a lot of great economic fortune at the expense of the enslaved, and then of the Jim Crow citizen that served their needs for 100 years.

The quality, not the longevity, of one's life is what is important. I think about Martin Luther King, who died at the age of 39; I think of John Kennedy, who served in this House and lived to the age of 46; I think of his brother, Robert Kennedy, who died at age 42, but affected so many of us. All of these three men affected me in a great way. Their assassinations in 1963 and 1968 affected this world, but it affected me in a great way. It was the quality, not the longevity, of their lives that was important. And they didn't wait for tomorrow. They had the fierce urgency of now that Dr. King talked about to make a change, to make a change and a difference while they were on this Earth and to affect their fellow man and fellow woman.

"The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy." Once again, Dr. King implores us to have moral character and fiber and to stand up for what is important for America. And he said: "We must learn to live together as brothers or perish together as fools."

Dr. Martin Luther King was a special man. He took his talents and he used them for his fellow man. He inspired us all. This country and this world is much the greater for his life. It is indeed a testament to him that this Congress under the unyielding leadership of Representative JOHN CONYERS passed a bill to make his birthday a national holiday. It's a national holiday that should be held in high esteem by all men and women in this country, because Dr. King was special and unique and stood up for all people and stood for the height of American ideals.

I hope that everybody will take a moment over the weekend and on Monday on the celebration of his birthday to think about some of the things that Dr. King stood for: Challenging the system to make it better; for peace; for people who have been left behind in our society; doing for the least of these and trying to make the world a better place.

My city bears great scars for his death having taken place there. There was nothing unique to my city. It was something wrong with this country that somebody out there put a reward up for Dr. King's death and that somebody wanted to claim that reward and didn't have a regard for the humanity of Dr. King. In Memphis now there's a National Civil Rights Museum dedicated to the civil rights movement and to Dr. King's life and ideals, and I invite and encourage everyone to come to Memphis to visit the civil rights museum, which is at the spot where Dr. King was killed at the Lorraine Motel, which has been preserved, and to celebrate his life and to celebrate his values, not only on his birthday but on every day, for Dr. King was a great American. I am just lucky, as we all are, that he came my way.

Mr. Speaker, I thank you for the time, and I know that you, like me, will reflect on Dr. King's works and will keep him in our hearts as we try to do what's right for America in this 110th Congress.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor Dr. King's legacy and recognize the innumerous Americans who continue along the path he paved towards justice and liberty for all citizens.

It is rare that one person can change the fate of our Nation; however Dr. King was able to do just that. Dr. King relied on his relationship with God and his faith in justice to articulate his vision for America in a way that touched the hearts and minds of the American public.

Dr. King called on all of us to no longer stand alone in silence, but to stand up together as a voice against injustice. He inspired us to fight for change through nonviolent means, and paved the road for us to continue that fight even after his death.

Few people would sacrifice time and energy for loved ones, fewer for strangers, yet Dr. King humbled himself to do just that. He ultimately sacrificed his life and his family sacrificed their patriarch for the struggle towards political justice for all Americans. Today we pay homage for their selflessness and publicly thank them for their commitments to humanity.

Dr. King left us with the challenge to courageously fight and secure the civil rights for all, from the impoverished and disenfranchised underclass to the politically and economically endowed. Although his challenge was issued 40 years ago, we still have not fully realized his noble request.

Today's Martin Luther King Day is as much about the past as it is about the future. Dr. King's dream is truly timeless, and I hope that our next generation will find inspiration in his faith and vision.

Mrs. JONES of Ohio. Mr. Speaker, it gives me great pleasure to rise today to celebrate the life of one of the greatest leaders in our Nation's history, Dr. Martin Luther King, Jr. Dr. Martin Luther King is revered and respected throughout the world for his commitment to unite humanity by working to end segregation and racial discrimination and to create social and economic justice for all.

Martin Luther King, Jr. brought the issues of racism, segregation, and inequality to the forefront of the United States' and the world's moral conscience. He willingly sacrificed his life for humanity in the hope of helping our Nation fulfill its promise of "life, liberty, and the pursuit of happiness" for all Americans. He vehemently expressed that America could not be true to its vision unless these inalienable rights expressed in its founding documents could be applied to all.

Dr. Martin Luther King, Jr. envisioned a world-wide community where all forms of discrimination and prejudice would cease to exist. He advocated peaceful methods of conflict resolution instead of brute force and violence. To King, his dream was not a utopian ideal, but a reality that could be actively sought. King stated that, "It is this love which will bring about miracles in the hearts of men."

Those who released attack dogs at him, sprayed him down with firehoses, threatened him, and even bombed his house ultimately learned to respect him and his vision because of his unequivocal embrace of humanity for all. He looked past the evil he faced and the ignorance many held firmly close at heart with an empathetic vision of hope for social and economic justice. That is, he believed righteousness and love could overcome the greatest evils. I quote his vision, "Yes if you want to say that I was a drum major, say that I was a drum major for justice; say that I was a drum major for righteousness. And all of the other shallow things will not matter. I won't have the fine and luxurious things of life to leave behind. But I just want to leave a committed life behind."

In his last sermon, Dr. King stated, "If any of you are around when I have to meet my day, I don't want a long funeral, and if you get somebody to deliver the eulogy, tell him not to talk too long.—Tell him not to mention that I have a Nobel Peace Prize; that isn't important. Tell him not to mention that I have three or four hundred other awards; that's not important. Tell him not to mention where I went to school. I'd like somebody to mention that day that Martin Luther King, Jr. tried to give his life serving others. I'd like for somebody to say that day that Martin Luther King, Jr. tried to love somebody—I want you to be able to say that day that I did try to feed the hungry. I want you to be able to say that day that I did try in my life to visit those who were in prison. And I want you to say that I tried to love and serve humanity."

On behalf of the people of the 11th Congressional of Ohio I join with the rest of the Nation, and the world to celebrate the life of Dr. Martin Luther King, Jr. The torch has now been passed on to us to carry on his commitment for social and economic justice. There is still more work to be done. We must continue to strive towards making the dream Dr. King dreamt for us into a reality. May his legacy live on.

OMISSION FROM THE CONGRESSIONAL RECORD OF FRIDAY, DECEMBER 28, 2007 AT PAGE 36503

HOUSE BILLS APPROVED BY THE PRESIDENT AFTER SINE DIE ADJOURNMENT

The President notified the Clerk of the House that on the following dates, he had approved and signed bills of the following titles:

December 18, 2007:

H.R. 3315. An act to provide that the great hall of the Capitol Visitor Center shall be known as Emancipation Hall.

H.R. 4252. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through May 23, 2008, and for other purposes.

December 19, 2007:

H.R. 4118. An act to exclude from gross income payments from the Hokie Spirit Memorial Fund to the victims of the tragic event at Virginia Polytechnic Institute & State University.

H.R. 6. An act to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers, to increase the efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes.

December 20, 2007:

H.R. 3648. An act to amend the Internal Revenue Code of 1986 to exclude discharges of indebtedness on principal residences from gross income, and for other purposes.

December 21, 2007:

H.J. Res. 72. An act making further continuing appropriations for the fiscal year 2008, and for other purposes.

H.R. 365. An act to provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes.

H.R. 710. An act to amend the National Organ Transplant Act to provide that criminal penalties do not apply to human organ paired donation, and for other purposes.

H.R. 2408. An act to designate the Department of Veterans Affairs outpatient clinic in Green Bay, Wisconsin, as the "Milo C. Huempfner Department of Veterans Affairs Outpatient Clinic".

H.R. 2671. An act to designate the United States courthouse located at 301 North Miami Avenue, Miami, Florida, as the "C. Clyde Atkins United States Courthouse".

H.R. 3703. An act to amend section 5112(p)(1)(A) of title 31, United States Code, to allow an exception from the $1 coin dispensing capability requirement for certain vending machines.

H.R. 3739. An act to amend the Arizona Water Settlements Act to modify the requirements for the statement of findings.

December 26, 2007:

H.R. 366. An act to designate the Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, as the "Ernest Childers Department of Veterans Affairs Outpatient Clinic".

H.R. 797. An act to amend title 38, United States Code, to improve low-vision benefits matters, matters relating to burial and memorial affairs, and other matters under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

H.R. 1045. An act to designate the Federal building located at 210 Walnut Street in Des Moines, Iowa, as the "Neal Smith Federal Building".

H.R. 2011. An act to designate the Federal building and United States courthouse located at 100 East 8th Avenue in Pine Bluff, Arkansas, as the "George Howard, Jr. Federal Building and United States Courthouse".

H.R. 2761. An act to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes.

H.R. 2764. An act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes.

H.R. 3470. An act to designate the facility of the United States Postal Service located at 744 West Oglethorpe Highway in Hinesville, Georgia, as the "John Sidney 'Sid' Flowers Post Office Building".

H.R. 3569. An act to designate the facility of the United States Postal Service located at 16731 Santa Ana Avenue in Fontana, California, as the "Beatrice E. Watson Post Office Building".

H.R. 3571. An act to amend the Congressional Accountability Act of 1995 to permit individuals who have served as employees of the Office of Compliance to serve as Executive Director, Deputy Executive Director, or General Counsel of the Office, and to permit individuals appointed to such positions to serve one additional term.

H.R. 3974. An act to designate the facility of the United States Postal Service located at 797 Sam Bass Road in Round Rock, Texas, as the "Marine Corps Corporal Steven P. Gill Post Office Building".

H.R. 3996. An act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

H.R. 4009. An act to designate the facility of the United States Postal Service located at 567 West Nepessing Street in Lapeer, Michigan, as the "Turrill Post Office Building".

OMISSION FROM THE CONGRESSIONAL RECORD OF FRIDAY, DECEMBER 28, 2007 AT PAGE 36503

SENATE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT AFTER SINE DIE ADJOURNMENT

The President notified the Clerk of the House that on the following dates, he had approved and signed Senate bills and joint resolutions of the following titles:

December 21, 2007:

S. 597. An act to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

S. 888. An act to amend section 1091 of title 18, United States Code, to allow the prosecution of genocide in appropriate circumstances.

S. 2174. An act to designate the facility of the United States Postal Service located at 175 South Monroe Street in Tiffin, Ohio, as the "Paul E. Gillmor Post Office Building".

S. 2371. An act to amend the Higher Education Act of 1965 to make technical corrections.

S. 2484. An act to rename the National Institute of Child Health and Human Development as the Eunice Kennedy Shriver National Institute of Child Health and Human Development.

S.J. Res. 8. An act providing for the reappointment of Patricia Q. Stonesifer as a citizen regent of the Board of Regents of the Smithsonian Institution.

December 26, 2007:

S. 1396. An act to authorize a major medical facility project to modernize inpatient wards at the Department of Veterans Affairs Medical Center in Atlanta, Georgia.

S. 1896. An act to designate the facility of the United States Postal Service located at 11 Central Street in Hillsborough, New Hampshire, as the "Officer Jeremy Todd Charron Post Office".

S. 1916. An act to amend the Public Health Service Act to modify the program for the sanctuary system for surplus chimpanzees by terminating the authority for the removal of chimpanzees from the system for research purposes.

S.J. Res. 13. An act granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

OMISSION FROM THE CONGRESSIONAL RECORD OF FRIDAY, DECEMBER 28, 2007 AT PAGE 36503

BILLS PRESENTED TO THE PRESIDENT AFTER SINE DIE ADJOURNMENT

Lorraine C. Miller, Clerk of the House reported that on December 20, 2007 she presented to the President of the United States, for his approval, the following bills.

H.J. Res 72. Making further continuing appropriations for the fiscal year 2008, and for other purposes.

H.R. 366. To designate the Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, as the "Ernest Childers Department of Veterans Affairs Outpatient Clinic".

H.R. 1045. To designate the Federal building located at 210 Walnut Street in Des Moines, Iowa, as the "Neal Smith Federal Building".

H.R. 2011. To designate the Federal building and United States courthouse located at 100 East 8th Avenue in Pine Bluff, Arkansas, as the "George Howard, Jr. Federal Building and United States Courthouse".

H.R. 3470. To designate the facility of the United States Postal Service located at 744 West Oglethorpe Highway in Hinesville, Georgia, as the "John Sidney 'Sid' Flowers Post Office Building".

H.R. 3569. To designate the facility of the United States Postal Service located at 16731 Santa Ana Avenue in Fontana, California, as the "Beatrice E. Watson Post Office Building".

H.R. 3571. To amend the Congressional Accountability Act of 1995 to permit individuals who have served as employees of the Office of Compliance to serve as Executive Director, Deputy Executive Director, or General Counsel of the Office, and to permit individuals appointed to such positions to serve one additional term.

H.R. 3974. To designate the facility of the United States Postal Service located at 797 Sam Bass Road in Round Rock, Texas, as the "Marine Corps Corporal Steven P. Gill Post Office Building".

H.R. 3996. To amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

H.R. 4009. To designate the facility of the United States Postal Service located at 567 West Nepessing Street in Lapeer, Michigan, as the "Turrill Post Office Building".

Lorraine C. Miller, Clerk of the House further reported that on December 24, 2007 she presented to the President of the United States, for his approval, the following bills.

H.R. 2764. Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes.

Lorraine C. Miller, Clerk of the House further reported that on December 27, 2007 she presented to the President of the United States, for his approval, the following bills.

H.R. 660. To amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

H.R. 3690. To provide for the transfer of the Library of Congress police to the United States Capitol Police, and for other purposes.

H.R. 4839. To amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACA (at the request of Mr. HOYER) for today on account of personal business.

Mr. HONDA (at the request of Mr. HOYER) for today and January 16 on account of personal business.

Mr. CULBERSON (at the request of Mr. BOEHNER) for today on account of illness.

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today and the balance of the week on account of personal reasons due to family matters.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. WEXLER, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. WU, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today and January 16, 17, 18, and 22.

Mr. JONES of North Carolina, for 5 minutes, today and January 16, 17, 18, and 22.

Mr. LEWIS of California, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, January 22.

Mr. WELDON of Florida, for 5 minutes, January 16 and 17.

Mr. ENGLISH of Pennsylvania, for 5 minutes, January 17.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SESTAK, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2478. An act to designate the facility of the United States Postal Service located at 59 Colby Corner in East Hampstead, New Hampshire, as the "Captain Jonathan D. Grassbaugh Post Office"; to the Committee on Oversight and Government Reform.

ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker pro tempore, Mr. Van Hollen:

H.R. 2640. An act to improve the National Instant Criminal Background Check System, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reported that on January 4, 2008 she presented to the President of the United States, for his approval, the following bill.

H.R. 2640. To improve the National Instant Criminal Background Check System, and for other purposes.

ADJOURNMENT

Mr. COHEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 5 minutes p.m.) the House adjourned until tomorrow, Wednesday, January 16, 2008, at 10 a.m.

PROCEEDINGS OF THE HOUSE OF REPRESENTATIVES AFTER SINE DIE ADJOURNMENT OF THE 110TH CONGRESS FIRST SESSION AND FOLLOWING PUBLICATION OF THE FINAL EDITION OF THE CONGRESSIONAL RECORD OF THE 110TH CONGRESS FIRST SESSION

HOUSE BILL APPROVED BY THE PRESIDENT AFTER SINE DIE ADJOURNMENT

The President notified the Clerk of the House that on the following date, he had approved and signed a bill of the following title:

December 29, 2007:

H.R. 4839. An act to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes.

SENATE BILLS APPROVED BY THE PRESIDENT AFTER SINE DIE ADJOURNMENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills of the Senate of the following titles:

December 29, 2007:

S. 2499. An act to amend title XVIII, XIX, and XXI of the Social Security Act to extend provisions under the Medicare, Medicaid, and SCHIP programs, and for other purposes.

December 31, 2007:

S. 2271. An act to authorize State and local governments to divest assets in companies that conduct business operations in Sudan, to prohibit United States Government contracts with such companies, and for other purposes.

S. 2488. An act to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4840. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Viruses, Serums, Toxins, and Analogous Products; Standard Requirements for Live Vaccines [Docket No. APHIS-2006-0079] (RIN: 0579-AC30) received January 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4841. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Addition of Armenia to the List of Regions Where African Swine Fever Exists [Docket No. APHIS-2007-0142] received January 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4842. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Secondary Direct Food Additives Permitted in Food for Human Consumption [Docket No. 2006F-0409] received January 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4843. A letter from the Secretary, Department of Health and Human Services, transmitting a report of a violation of the Antideficiency Act by the Health Resources and Services Administration's National Health Service Corps between fiscal years 2001 and 2006, pursuant to 31 U.S.C. 1517(b) and 1351; to the Committee on Appropriations.

4844. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Research and Development Contract Type Determination [DFARS Case 2006-D053] (RIN: 0750-AF79) received January 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4845. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's report for the fourth quarter of fiscal year 2007 as required by the Joint Improvised Explosive Device Defeat Fund provision in Title IX of the Department of Defense Appropriations Act of 2007, Pub. L. 109-289; to the Committee on Armed Services.

4846. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's report for the fourth quarter of fiscal year 2007 as required by the Joint Improvised Explosive Device Defeat Fund provision in Title IX of the Department of Defense Appropriations Act of 2007, Pub. L. 109-289; to the Committee on Armed Services.

4847. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Implementation of OMB Guidance on Nonprocurement Debarment and Suspension [Docket No. FR-5071-F-02] (RIN: 2501-AD29) received January 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4848. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Revisions to the Hospital Mortgage Insurance Program [Docket No. FR-4927-F-02] (RIN: 2502-AI22) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4849. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Head Start Program (RIN: 0970-AB90) received January 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4850. A letter from the Director, Regulations and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Hematology and Pathology Devices: Reclassification of Automated Blood Cell Separator Device Operating by Centrifugal Separation Principle [Docket No. 2005N-0017] received January 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4851. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Amendment to the Current Good Manufacturing Practice Regulations for Finished Pharmaceuticals [Docket No. 2007N-0280] received January 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4852. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of

Health and Human Services, transmitting the Department's final rule — Over-the-Counter Vaginal Contraceptive and Spermicide Drug Products Containing Nonoxynol 9; Required Labeling [Docket No. 1980N-0280] (formerly Docket No. 80N-0280)] (RIN: 0910-AF44) received January 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4853. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Creation of A Low Power Radio Service [MM Docket No. 99-25] received January 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4854. A letter from the Acting General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Facilities Design, Connections and Maintenance Reliability Standards [Docket No. RM07-3-000; Order No. 705] received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4855. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision 5 (RIN: 3150-AI24) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4856. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Notice of Availability; NUREG-1574, Rev. 2, "Standard Review Plan on Transfer and Amendment of Antitrust License Conditions and Antitrust Enforcement" [7590-01-P] received January 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4857. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Incorporation by Reference of American Society of Mechanical Engineers Boiler and Pressure Vessel Code Cases (RIN: 3150-AH80) received January 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4858. A letter from the Secretary, Department of Education, transmitting the thirty-seventh Semiannual Report to Congress on Audit Follow-Up, covering the period April 1, 2007 through September 30, 2007 in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

4859. A letter from the Chairman of the Board, Pension Benefit Guaranty Corporation, transmitting the semiannual report on activities of the Inspector General of the Pension Benefit Guaranty Corporation for the period April 1, 2007 through September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 8G(h)(2); to the Committee on Oversight and Government Reform.

4860. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-236, "Arbitration Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4861. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-237, "Multi-Unit Real Estate Tax Rate Clarification Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4862. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-238, "Georgia Commons Real Property Tax Exemption and Abatement Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4863. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-227, "Department of Health Care Finance Establishment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4864. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-228, "District of Columbia Emancipation Day Parade Clarification Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4865. A letter from the Federal Co-Chair, Appalachian Regional Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2007, through September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

4866. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4867. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4868. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4869. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4870. A letter from the Deputy Assistant General Counsel, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4871. A letter from the White House Liaison, Department of Veterans Affairs, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4872. A letter from the White House Liaison, Department of Veterans Affairs, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4873. A letter from the White House Liaison, Department of Veterans Affairs, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4874. A letter from the Acting Secretary, Department of Veterans Affairs, transmitting the Department's Annual Performance and Accountability Report for FY 2007; to the Committee on Oversight and Government Reform.

4875. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4876. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4877. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4878. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4879. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4880. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4881. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the Commission's Performance and Accountability Report for FY 2007; to the Committee on Oversight and Government Reform.

4882. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the semiannual report on the activities of the Inspector General and management's report for the period ending September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4883. A letter from the Deputy General Counsel, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4884. A letter from the Deputy General Counsel, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4885. A letter from the Deputy General Counsel, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4886. A letter from the Chairman and President, Export-Import Bank, transmitting the Bank's semiannual report for the period ending September 30, 2007, in accordance with Section 5(b) of the Inspector General Act of 1978; to the Committee on Oversight and Government Reform.

4887. A letter from the Inspector General, General Services Administration, transmitting the Administration's Semiannual Report presenting significant activities of the Office of Inspector General during the 6-month period ending September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

4888. A letter from the Administrator, General Services Administration, transmitting the FY 2007 Annual Performance and Accountability Report in accordance with the Report Consolidation Act of 2000; to the Committee on Oversight and Government Reform.

4889. A letter from the Director and Chief Financial Officer, Holocaust Memorial Museum, transmitting the Performance and Accountability Report (PAR) for Fiscal Year 2007 for the Museum as required under the Accountability of Tax Dollars (ATD) Act; to the Committee on Oversight and Government Reform.

4890. A letter from the Chairman, National Capital Planning Commission, transmitting the Commission's FY 2007 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

4891. A letter from the Director of Administration, National Labor Relations Board, transmitting the Board's Performance and Accountability Report for FY 2007; to the Committee on Oversight and Government Reform.

4892. A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting the semiannual report on the activities of the Office of Inspector General of the National Labor Relations Board for the period April 1, 2007 through September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

4893. A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting the semiannual report on the activities of the Office of Inspector General of the National Labor Relations Board for the period April 1, 2007 through September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

4894. A letter from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4895. A letter from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4896.. A letter from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4897. A letter from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4898. A letter from the Director, Peace Corps, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2007 through September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4899. A letter from the Inspector General, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period April 1, 2007, through September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Oversight and Government Reform.

4900. A letter from the Secretary to the Board, Railroad Retirement Board, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Board's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

4901. A letter from the Administrator, Small Business Administration, transmitting the semiannual report of the Office of Inspector General for the period April 1, 2007 through September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

4902. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period October 1, 2007 through December 31, 2007 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 110–87); to the Committee on House Administration and ordered to be printed.

4903. A letter from the Clerk, U.S. House of Representatives, transmitting list of reports pursuant to clause 2, Rule II of the Rules of the House of Representatives, pursuant to Rule II, clause 2(b), of the Rules of the House; (H. Doc. No. 110–85); to the Committee on House Administration and ordered to be printed.

4904. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments [Docket No. 060824226 6322 02] (RIN: 0648-AW34) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4905. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Vessel Monitoring System; Open Access Fishery [Docket No. 070703215-7530-02] (RIN: 0648-AU08) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4906. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer [Docket No. 061109296-7009-02] (RIN: 0648-XE18) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4907. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Regulatory Amendment to Adopt Fishing Gear Standards for the NE Multispecies Regular B Day-At-Sea (DAS) Program and the Eastern U.S./Canada Haddock Special Access Program (SAP) [Docket No. 070808450-7714-02] (RIN: 0648-AV83) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4908. A letter from the Deputy Assistant For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Community Development Quota Program [Docket No. 0612242964-7332-02; I.D. 080106C] (RIN: 0648-AS84) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4909. A letter from the National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Carribean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction [Docket No. 001005281-0369-02] (RIN: 0648-XE53) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4910. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Framework Adjustment 20 [Docket No. 070817468-7715-02] (RIN: 0648-AV91) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4911. A letter from the Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; 2008 Atlantic Bluefin Tuna Quota Specifications and Effort Controls [Docket No. 070612190-7684-02] (RIN: 0648-AV58) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4912. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Commercial Quota Harvested for New York [Docket No. 061109296-7009-02] (RIN: 0648-XD64) received January 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4913. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 42 [Docket No. 070809451-7644-02] (RIN: 0648-AV79) received January 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4914. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Revision of Vessel Monitoring System (VMS) Requirements for Commercial Gulf Reef Fish Vessels [Docket No. 070719385-7574-02] (RIN: 0648-AV59) received January 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4915. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Veterans Education: Incorporation of Miscellaneous Statutory Provisions (RIN: 2900-AL28) received January 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4916. A letter from the Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting the Service's final rule — Part III.—Administrative, Procedural, and Miscellaneous 26 CFR 601.201: Rulings and determination letters. (Rev. Proc. 2008-6) received January 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4917. A letter from the Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting the Service's final rule — Part III.—Administrative, Procedural, and Miscellaneous Matters 26 CFR 601.201: Rulings and determination letters. (Rev. Proc. 2008-5) received January 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4918. A letter from the Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting the Service's final rule — Part III.—Administrative, Procedural, and Miscellaneous 26 CFR 601.201: Rulings and determination letters. (Rev. Proc. 2008-4) received January 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4919. A letter from the Chief, Regulations and Publications, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.201: Rulings and determination letters. (Rev. Proc. 2008-8) received January 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4920. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Part III Administrative, Procedural, and Miscellaneous 26 CFR 601.201: Rulings and determination letters. (Rev. Proc. 2008-3) received January 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4921. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Organization Treated as a Donee [Notice 2008-16] received January 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4922. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Transportation Worker Identification Credential (TWIC) Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver's License [Docket Nos. TSA-2006-24191; USCG-2006-24196] (RIN: 1652-AA41) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

4923. A letter from the Director, Office of Management and Budget, transmitting a report identifying accounts containing unvouchered expenditures that are potentially subject to audit by the Comptroller General, pursuant to 31 U.S.C. 3524(b); jointly to the Committees on the Budget, Appropriations, and Oversight and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. SLAUGHTER: Committee on Rules. House Resolution 918. A resolution providing for consideration of the bill (H.R. 2768) to establish improved mandatory standards to protect miners during emergencies, and for other purposes (Rept. 110–508). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committee on Armed Services discharged from further consideration. H.R. 29 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII, the Committee on Agriculture discharged from further consideration. H.R. 3058 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL PURSUANT TO RULE XII

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 135. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than February 29, 2008.

H.R. 275. Referral to the Committee on Energy and Commerce extended for a period ending not later than February 1, 2008.

H.R. 2830. Referral to the Committee on Energy and Commerce extended for a period ending not later than January 23, 2008.

H.R. 3111. Referral to the Committee on Armed Services extended for a period ending not later than February 1, 2008.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

[As introduced on January 3, 2008, and referred on January 15, 2008]

By Ms. BORDALLO (for herself and Mr. ABERCROMBIE):

H.R. 4931. A bill to amend title 38, United States Code, to include participation in clean-up operations at Eniwetok Atoll as a radiation-risk activity for purposes of laws administered by Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Ms. BORDALLO:

H.R. 4932. A bill to amend title 5, United States Code, to make certain additional plans eligible to participate in the health benefits program under chapter 89 of such title; to the Committee on Oversight and Government Reform.

By Ms. BORDALLO (for herself, Mr. BROWN of South Carolina, and Mr. GEORGE MILLER of California):

H.R. 4933. A bill to amend the Lacey Act Amendments of 1981 to protect captive wildlife and to make technical corrections, and for other purposes; to the Committee on Natural Resources.

[Submitted January 15, 2008]

By Mr. MCDERMOTT:

H.R. 4934. A bill to provide for a program of emergency unemployment compensation, and for other purposes; to the Committee on Ways and Means.

By Mr. GONZALEZ (for himself, Mr. MEEK of Florida, Mr. SAM JOHNSON of Texas, and Mr. BURGESS):

H.R. 4935. A bill to amend title XVIII of the Social Security Act to exempt negative pressure wound therapy pumps and related supplies and accessories from the Medicare competitive acquisition program until the clinical comparability of such products can be validated; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACKERMAN:

H.R. 4936. A bill to amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent so as to render it unpalatable; to the Committee on Energy and Commerce.

By Mr. BLUMENAUER:

H.R. 4937. A bill to extend the temporary suspension of duty on bicycle speedometers; to the Committee on Ways and Means.

By Mr. BLUMENAUER:

H.R. 4938. A bill to extend the temporary suspension of duty on child carriers, chain tension adjustors, chain covers, and certain other articles designed for use on bicycles; to the Committee on Ways and Means.

By Mr. BLUMENAUER:

H.R. 4939. A bill to extend the temporary suspension of duty on unicycles; to the Committee on Ways and Means.

By Mr. BLUMENAUER:

H.R. 4940. A bill to extend the temporary suspension of duty on sets of steel tubing for bicycle frames; to the Committee on Ways and Means.

By Mr. BLUMENAUER:

H.R. 4941. A bill to extend the temporary suspension of duty on bicycle wheel rims; to the Committee on Ways and Means.

By Mr. BLUMENAUER:

H.R. 4942. A bill to extend the temporary suspension of duty on crank-gear and parts thereof; to the Committee on Ways and Means.

By Mr. BLUMENAUER:

H.R. 4943. A bill to extend the temporary suspension of duty on brakes designed for bicycles; to the Committee on Ways and Means.

By Mr. BLUMENAUER:

H.R. 4944. A bill to suspend temporarily the duty on nesoi hubs; to the Committee on Ways and Means.

By Mr. BLUMENAUER:

H.R. 4945. A bill to suspend temporarily the duty on variable speed hubs (except 2- and 3-speed); to the Committee on Ways and Means.

By Mr. BLUMENAUER:

H.R. 4946. A bill to suspend temporarily the duty on bells designed for use on bicycles; to the Committee on Ways and Means.

By Mr. DAVID DAVIS of Tennessee:

H.R. 4947. A bill to extend the duty suspension on Benzoic acid, 3,4,5-trihydroxy-, propyl ester; to the Committee on Ways and Means.

By Mr. DAVID DAVIS of Tennessee:

H.R. 4948. A bill to extend the duty suspension on Crotonaldehyde (2-butenaldehyde); to the Committee on Ways and Means.

By Mr. DAVID DAVIS of Tennessee:

H.R. 4949. A bill to extend the duty suspension on o-Anisidine; to the Committee on Ways and Means.

By Mr. DAVID DAVIS of Tennessee:

H.R. 4950. A bill to extend the duty suspension on Phenyl salicylate (benzoic acid, 2-hydroxy-, phenyl ester); to the Committee on Ways and Means.

By Mr. DAVID DAVIS of Tennessee:

H.R. 4951. A bill to extend the duty suspension on Titanium Mononitride; to the Committee on Ways and Means.

By Mr. DAVID DAVIS of Tennessee:

H.R. 4952. A bill to extend the duty suspension on 1,4-Benzoquinone; to the Committee on Ways and Means.

By Mr. DAVID DAVIS of Tennessee:

H.R. 4953. A bill to extend the duty suspension on 1-Fluoro-2-nitrobenzene; to the Committee on Ways and Means.

By Mr. DAVID DAVIS of Tennessee:

H.R. 4954. A bill to extend the duty suspension on 2,4-Xylidine; to the Committee on Ways and Means.

By Mr. DAVID DAVIS of Tennessee:

H.R. 4955. A bill to extend the duty suspension on 2-Methylhydroquinone; to the Committee on Ways and Means.

By Mr. DAVID DAVIS of Tennessee:

H.R. 4956. A bill to suspend temporarily the duty on dimerized gum; to the Committee on Ways and Means.

By Mr. DAVID DAVIS of Tennessee:

H.R. 4957. A bill to suspend temporarily the duty on polyethylene glycol branched-nonylphenyl ether phosphate; to the Committee on Ways and Means.

By Mr. DAVID DAVIS of Tennessee:

H.R. 4958. A bill to suspend temporarily the duty on glycerol ester of dimerized gum; to the Committee on Ways and Means.

By Ms. DELAURO (for herself, Ms. MCCOLLUM of Minnesota, Mr. OBERSTAR, Mr. LARSON of Connecticut, and Mr. GUTIERREZ):

H.R. 4959. A bill to provide for congressional consultation with respect to any long-term security, economic, or political agreement with the Government of Iraq and to ensure that any such agreement is in the form of a treaty with respect to which the Senate has given its advice and consent to ratification under Article II of the Constitution of the United States; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARSHALL:

H.R. 4960. A bill to repeal various provisions of the Consolidated Appropriations Act of 2008, relating to immigration and border security fencing; to the Committee on Appropriations, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MYRICK:

H.R. 4961. A bill to extend the temporary suspension of duty on 7,7; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4962. A bill to extend the temporary suspension of duty on Vat Black 25; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4963. A bill to extend the temporary suspension of duty on Chloroacetic acid, sodium salt; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4964. A bill to extend the temporary suspension of duty on esters and sodium esters of parahydroxybenzoic acid; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4965. A bill to extend the temporary suspension of duty on Glyoxylic acid; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4966. A bill to extend the temporary suspension of duty on Isobutyl 4-hydroxybenzoate and its sodium salt; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4967. A bill to extend the temporary suspension of duty on sodium petroleum sulfonic acids, sodium salts; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4968. A bill to extend the temporary suspension of duty on Tetraacetylethylenediamine; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4969. A bill to suspend temporarily the duty on Maleic Hydrazide Technical; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4970. A bill to suspend temporarily the duty on 1, 4-Benzenedisulfonic acid,2,2,'-[(1-methyl-1,2-ethanediyl) bis[imino(6-fluoro-1,3,5-triazine-4,2-diyl)imino(1-hydroxy-3 sulfo-6,2-napthalenediyl)azo]]bis[5-methoxy-sodium salt; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4971. A bill to suspend temporarily the duty on Cobaltate(2-), [6-amino-.kappa.N)-5-[[2hydroxy-.kappa.O)-4-nitrophenyl]azo-kappa.N1]-N-methyl-2-naphthalenesulfonamidato(2-)][6-(amino-kappa.N)-5-[[2-(hydroxy-.kappa.O)-4-nitrophenyl]azo-.kappa.N]-2-napthalenessulfonato(3-)]-,disodium.; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4972. A bill to suspend temporarily the duty on 2,7-Naphthalenedisulfonic acid, 5-[[4-chloro-6-[[2-[[4-chloro-6-[[7-[[4-(ethenylsulfonyl)phe yl]azo]-8-hydroxy-3,6-disulfo-1-naphthalenyl]amino]-1,3,5-tr azin-2-yl]amino]ethyl](2-hydroxyethyl)amino]-1,3,5-triazin-2 yl]amino]-3-[[4-(ethenylsulfonyl)phenyl]azo]-4-hydroxy-,sodium salt; to the Committee on Ways and Means.

By Mr. POE (for himself and Mr. BURTON of Indiana):

H.R. 4973. A bill to amend title 18, United States Code, to provide criminal penalties for the destruction of memorials, headstones, markers, and graves commemorating persons serving in the Armed Forces on private property; to the Committee on the Judiciary.

By Mr. RAMSTAD:

H.R. 4974. A bill to suspend temporarily the duty on certain perfluorocarbons; to the Committee on Ways and Means.

By Mr. RAMSTAD:

H.R. 4975. A bill to suspend temporarily the duty on perfluorobutane sulfonyl fluoride; to the Committee on Ways and Means.

By Mr. RAMSTAD:

H.R. 4976. A bill to extend the temporary suspension of duty on certain cathode-ray tubes; to the Committee on Ways and Means.

By Mr. RAMSTAD:

H.R. 4977. A bill to extend the temporary suspension of duty on an infrared absorbing dye; to the Committee on Ways and Means.

By Mr. RAMSTAD:

H.R. 4978. A bill to extend the temporary suspension of duty on a certain specialty monomer; to the Committee on Ways and Means.

By Mr. RAMSTAD:

H.R. 4979. A bill to extend the temporary suspension of duty on an ultraviolet dye; to the Committee on Ways and Means.

By Mr. RAMSTAD:

H.R. 4980. A bill to extend the temporary suspension of duty on THV; to the Committee on Ways and Means.

By Mr. RAMSTAD:

H.R. 4981. A bill to extend and modify the temporary suspension of duty on certain catalytic converter mats of ceramic fibers; to the Committee on Ways and Means.

By Ms. LORETTA SANCHEZ of California:

H.R. 4982. A bill to extend the temporary suspension of duty on certain refracting and reflecting telescopes; to the Committee on Ways and Means.

By Mr. WEINER (for himself, Mr. ALTMIRE, Mr. BACA, Ms. BALDWIN, Ms. BERKLEY, Mr. BLUMENAUER, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Ms. CASTOR, Mr. COHEN, Mr. COSTELLO, Mr. CROWLEY, Mr. CUMMINGS, Ms. DELAURO, Mr. FATTAH, Mr. FERGUSON, Mr. FILNER, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of New York, Mr. HARE, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. HIRONO, Mr. HOLT, Mr. JONES of North Carolina, Mr. KAGEN, Ms. KAPTUR, Mr. KLEIN of Florida, Mr. KUCINICH, Ms. LEE, Mr. LIPINSKI, Mrs. MALONEY of New York, Mr. MICHAUD, Mrs. MYRICK, Mr. NADLER, Mr. PASCRELL, Mr. RANGEL, Mr. ROTHMAN, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Ms. SCHWARTZ, Ms. SHEA-PORTER, Mr. STARK, Mr. THOMPSON of California, Mr. TOWNS, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, and Mrs. TAUSCHER):

H.J. Res. 76. A joint resolution disapproving the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to the Kingdom of Saudi Arabia; to the Committee on Foreign Affairs.

By Mr. ACKERMAN (for himself, Mr. PENCE, Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. BERMAN, Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, Mr. KENNEDY, Mr. HONDA, Mr. AL GREEN of Texas, Mrs. TAUSCHER, Mr. POE, Mr. WAXMAN, Mr. VAN HOLLEN, Mr. CROWLEY, Mr. ELLISON, Ms. MCCOLLUM of Minnesota, Mr. BURTON of Indiana, Mr. DREIER, Mrs. MILLER of Michigan, and Mr. PASCRELL):

H. Res. 912. A resolution condemning the assassination of former Pakistani Prime Minister Benazir Bhutto and reaffirming the commitment of the United States to assist the people of Pakistan in combating terrorist activity and promoting a free and democratic Pakistan; to the Committee on Foreign Affairs.

By Mr. HOYER:

H. Res. 913. A resolution providing for a committee to notify the President of the assembly of the Congress; considered and agreed to.

By Mr. HOYER:

H. Res. 914. A resolution to inform the Senate that a quorum of the House has assembled; considered and agreed to.

By Mr. HOYER:

H. Res. 915. A resolution providing for the hour of meeting of the House; considered and agreed to.

By Mr. LIPINSKI (for himself, Mr. FOSSELLA, Mr. DOYLE, Mr. DAVIS of Illinois, Mr. MARKEY, Ms. BORDALLO, Mr. HOLT, Mr. CLEAVER, Mr. HOLDEN, Mr. AKIN, Mr. WILSON of South Carolina, Mr. ENGLISH of Pennsylvania, Mr. MCHENRY, Mr. EHLERS, Mr. RYAN of Ohio, Ms. ESHOO, Mr. TOWNS, Mr. SMITH of New Jersey, Mr. FRANKS of Arizona, Mr. DAVIS of Kentucky, Mr. FERGUSON, Mr. WALBERG, Mr. LAHOOD, Mr. FARR, Mr. SESSIONS, Mr. BRADY of Pennsylvania, Mr. CARNEY, Ms. MCCOLLUM of Minnesota, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BURTON of Indiana, Mr. KING of Iowa, and Mr. FORTENBERRY):

H. Res. 916. A resolution honoring the contributions of Catholic schools; to the Committee on Education and Labor.

By Mr. LIPINSKI (for himself, Mr. INGLIS of South Carolina, Mr. DAVIS of Illinois, Mr. HOLT, Mr. TOWNS, Mr. EHLERS, Mr. GORDON, Mr. BAIRD, Mr.

LAMPSON, Ms. MATSUI, Mr. WU, Mr. BARTLETT of Maryland, Mr. AKIN, Mr. WAMP, Mr. CHANDLER, Mr. COSTELLO, Ms. HIRONO, Mr. ROHRABACHER, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. SMITH of Nebraska):

H. Res. 917. A resolution supporting the goals and ideals of National Engineers Week, and for other purposes; to the Committee on Science and Technology.

By Mr. LEWIS of Kentucky (for himself, Mr. ROGERS of Kentucky, Mr. CHANDLER, Mr. YARMUTH, Mr. WHITFIELD of Kentucky, and Mr. DAVIS of Kentucky):

H. Res. 919. A resolution congratulating Kentucky on being selected to host the Alltech FEI World Equestrian Games 2010; to the Committee on Foreign Affairs.

By Mr. MARSHALL:

H. Res. 920. A resolution amending the Rules of the House of Representatives to strengthen the earmark point of order; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

[Omitted from the Record of January 3, 2008.]

H.R. 1084: Mr. STARK and Mr. THORNBERRY.

H.R. 2320: Mr. THOMPSON of California and Mrs. LOWEY.

H. Res. 543: Mr. LARSEN of Washington.

H. Res. 909: Mr. CAPUANO, Ms. CLARKE, Mr. DELAHUNT, Mr. HASTINGS of Florida, Mr. HONDA of California, Mr. JEFFERSON, Ms. KILPATRICK, Mr. MURTHA, Mr. PAYNE, Ms. SCHAKOWSKY, Mr. TOWNS, and Ms. WASSERMAN SCHULTZ.

[January 15, 2008]

H.R. 40: Mr. COHEN.

H.R. 41: Mr. SHERMAN.

H.R. 45: Ms. LINDA T. SÁNCHEZ of California.

H.R. 111: Mr. MURTHA.

H.R. 171: Ms. LINDA T. SÁNCHEZ of California and Mr. SESTAK.

H.R. 211: Mr. KAGEN.

H.R. 248: Mr. COHEN and Mr. WALSH of New York.

H.R. 351: Mr. KUCINICH.

H.R. 368: Mr. HARE and Mr. BILIRAKIS.

H.R. 371: Mr. BISHOP of New York.

H.R. 406: Mrs. TAUSCHER.

H.R. 411: Mr. BISHOP of Utah.

H.R. 464: Mr. KUCINICH.

H.R. 618: Ms. FALLIN.

H.R. 661: Ms. SOLIS.

H.R. 728: Mr. KLEIN of Florida.

H.R. 741: Mr. WELDON of Florida.

H.R. 971: Mr. SESTAK.

H.R. 992: Mr. MCDERMOTT.

H.R. 997: Mr. BUCHANAN.

H.R. 1000: Mr. CUELLAR, Mr. SMITH of Washington, Ms. DEGETTE, Mrs. BIGGERT, Ms. BEAN, Mr. KILDEE, Ms. MCCOLLUM of Minnesota, Mr. MCHUGH, Mr. SOUDER, and Mr. TURNER.

H.R. 1043: Mr. WAXMAN and Ms. DEGETTE.

H.R. 1076: Mr. ROGERS of Michigan.

H.R. 1093: Mr. SESTAK and Mr. FATTAH.

H.R. 1108: Mr. REYES.

H.R. 1110: Mr. SALAZAR.

H.R. 1201: Mr. TIAHRT.

H.R. 1222: Mr. MELANCON, Mr. SHERMAN, and Mr. ROTHMAN.

H.R. 1223: Mrs. TAUSCHER, Mr. MELANCON, Mr. ROTHMAN, and Mr. RUSH.

H.R. 1246: Mr. RUSH.

H.R. 1299: Mrs. GILLIBRAND.

H.R. 1330: Mr. ELLISON.

H.R. 1386: Mr. GRIJALVA.

H.R. 1422: Mr. MILLER of North Carolina.

H.R. 1464: Mr. BRALEY of Iowa, Mr. GUTIERREZ, and Mr. UPTON.

H.R. 1540: Mr. WAXMAN.

H.R. 1553: Mr. MELANCON, Mr. WALZ of Minnesota, Mr. OBERSTAR, Mr. KAGEN, Mr. HINCHEY, and Mr. DAVID DAVIS of Tennessee.

H.R. 1589: Mr. MICHAUD and Mr. BONNER.

H.R. 1621: Ms. KAPTUR, Mr. DOYLE, Mr. CUMMINGS, Mr. LEWIS of Georgia, Mr. KENNEDY, Mr. TOWNS, Mr. FARR, and Mr. LAMPSON.

H.R. 1671: Mr. DICKS.

H.R. 1691: Mr. ROTHMAN, Mrs. MALONEY of New York, Mr. CUMMINGS, and Mr. MOORE of Kansas.

H.R. 1701: Mr. ENGLISH of Pennsylvania.

H.R. 1713: Mr. UDALL of Colorado.

H.R. 1738: Mr. MCDERMOTT.

H.R. 1742: Mr. KAGEN, Mr. SMITH of New Jersey, and Mr. WAMP.

H.R. 1748: Mr. MOORE of Kansas and Mr. LEWIS of Kentucky.

H.R. 1846: Mr. BUTTERFIELD.

H.R. 1847: Mr. MORAN of Virginia.

H.R. 1869: Mr. BRALEY of Iowa.

H.R. 1921: Mr. PAYNE.

H.R. 1927: Mr. BONNER.

H.R. 2016: Mr. REICHERT and Ms. DEGETTE.

H.R. 2040: Ms. SUTTON, Mrs. MALONEY of New York, Ms. CLARKE, Mr. MEEK of Florida, Mr. KINGSTON, Mr. BOSWELL, Mr. KENNEDY, Mr. MCDERMOTT, Mr. ELLISON, Mr. HINOJOSA, Mr. WAXMAN, Mr. MARSHALL, and Mr. BACHUS.

H.R. 2131: Mr. PEARCE, Mr. MICHAUD, and Mr. ROSS.

H.R. 2188: Ms. SOLIS.

H.R. 2266: Ms. LINDA T. SÁNCHEZ of California.

H.R. 2267: Mr. GOODE, Mr. WALSH of New York, and Mr. RUSH.

H.R. 2343: Mr. DOGGETT.

H.R. 2436: Mr. WALDEN of Oregon.

H.R. 2468: Mr. SESTAK.

H.R. 2609: Mr. KIND.

H.R. 2620: Mr. BLUMENAUER.

H.R. 2676: Ms. ZOE LOFGREN of California.

H.R. 2694: Mr. MILLER of North Carolina.

H.R. 2695: Mr. WAXMAN, Mrs. CHRISTENSEN, Mr. BROWN of South Carolina, and Mr. CLYBURN.

H.R. 2702: Mr. HONDA.

H.R. 2734: Mr. RAMSTAD and Mr. ALEXANDER.

H.R. 2738: Mr. YOUNG of Alaska.

H.R. 2818: Mr. RUSH.

H.R. 2892: Mr. ROTHMAN.

H.R. 2910: Ms. SHEA-PORTER.

H.R. 2914: Mr. WOLF.

H.R. 3008: Mr. RUSH.

H.R. 3036: Ms. DEGETTE.

H.R. 3167: Mr. RUSH and Mrs. MUSGRAVE.

H.R. 3186: Mr. GRAVES, Mr. HELLER, Mr. KIRK, Mr. TIM MURPHY of Pennsylvania, Mr. CAMP of Michigan, and Mr. WALBERG.

H.R. 3195: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. FORTUÑO.

H.R. 3219: Mr. LIPINSKI, Mr. KUCINICH, and Mr. CUMMINGS.

H.R. 3229: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3251: Ms. SOLIS.

H.R. 3255: Mr. BOOZMAN.

H.R. 3257: Mrs. DAVIS of California, Mr. ROTHMAN, Mr. BERMAN, and Ms. BALDWIN.

H.R. 3317: Mr. AL GREEN of Texas.

H.R. 3337: Mr. MARKEY.

H.R. 3394: Mr. LAMPSON.

H.R. 3395: Mr. JOHNSON of Georgia and Mr. MORAN of Virginia.

H.R. 3450: Mr. SESTAK.

H.R. 3453: Mr. DOYLE.

H.R. 3479: Mr. KLINE of Minnesota.

H.R. 3544: Ms. BORDALLO.

H.R. 3627: Mr. WILSON of Ohio.

H.R. 3646: Mr. RUSH and Mr. SENSENBRENNER.

H.R. 3679: Mr. WELDON of Florida.

H.R. 3681: Mr. MITCHELL and Mr. BARROW.

H.R. 3689: Ms. LORETTA SANCHEZ of California and Mr. HINCHEY.

H.R. 3698: Ms. MOORE of Wisconsin.

H.R. 3700: Mr. ROTHMAN and Mr. PORTER.

H.R. 3797: Ms. NORTON and Mr. OBERSTAR.

H.R. 3812: Mr. ROTHMAN.

H.R. 3829: Ms. ZOE LOFGREN of California.

H.R. 3905: Mr. MORAN of Virginia and Mr. MOORE of Kansas.

H.R. 3989: Ms. SLAUGHTER.

H.R. 4011: Mrs. CUBIN.

H.R. 4116: Mr. HENSARLING, Mr. ROGERS of Michigan, and Mr. PETERSON of Minnesota.

H.R. 4133: Mr. WILSON of South Carolina, Mr. HUNTER, Mr. BOOZMAN, Mrs. SCHMIDT, and Mr. DAVIS of Kentucky.

H.R. 4139: Mr. PETERSON of Minnesota, Mr. DAVIS of Illinois, Mr. HINOJOSA, Mr. POMEROY, and Mr. GORDON.

H.R. 4188: Ms. ZOE LOFGREN of California and Mrs. NAPOLITANO.

H.R. 4204: Mr. VAN HOLLEN, Mr. MILLER of North Carolina, and Mr. WALZ of Minnesota.

H.R. 4251: Mr. MEEKS of New York, Mr. WAXMAN, Ms. LEE, and Mr. BRADY of Pennsylvania.

H.R. 4255: Mr. RUSH.

H.R. 4296: Mr. BACA and Mr. CUMMINGS.

H.R. 4304: Mr. BOREN.

H.R. 4328: Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, and Mr. KAGEN.

H.R. 4336: Mr. COHEN.

H.R. 4338: Mr. SALI.

H.R. 4464: Mr. CULBERSON, Mr. KELLER, Mr. WOLF, Mr. WELDON of Florida, Mr. SALI, and Mr. GILCHREST.

H.R. 4544: Mr. LEWIS of California, Mr. PETERSON of Minnesota, Mr. FARR, Mr. ROHRABACHER, Mr. RANGEL, Mr. MORAN of Virginia, Mr. MCCOTTER, Mr. HARE, Ms. SOLIS, and Mr. RUSH.

H.R. 4627: Mr. MCCOTTER and Mr. BARTLETT of Maryland.

H.R. 4660: Mr. GRIJALVA.

H.R. 4807: Mr. MCINTYRE.

H.R. 4838: Mr. FATTAH, Ms. MATSUI, Ms. ZOE LOFGREN of California, Mr. HOLT, Mr. PRICE of North Carolina, Mr. HINCHEY, and Mrs. DAVIS of California.

H.R. 4845: Mr. PAUL.

H.R. 4914: Ms. MCCOLLUM of Minnesota.

H.R. 4926: Mr. HONDA and Ms. DELAURO.

H.J. Res. 70: Mr. TIAHRT, Mr. VAN HOLLEN, Mr. BARRETT of South Carolina, Mr. WU, and Ms. BEAN.

H. Con. Res. 163: Mr. GONZALEZ, Mr. KLINE of Minnesota, Mr. MARKEY, Mr. ALEXANDER, Mr. WAXMAN, and Mr. UPTON.

H. Con. Res. 198: Mr. MICHAUD, Mr. MOORE of Kansas, Mr. BISHOP of Georgia, Mr. SERRANO, Mr. SESTAK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HASTINGS of Florida, Mr. DAVIS of Alabama, Mr. NADLER, and Mrs. MALONEY of New York.

H. Con. Res. 247: Mr. VAN HOLLEN.

H. Con. Res. 250: Ms. BERKLEY.

H. Con. Res. 265: Ms. LINDA T. SÁNCHEZ of California.

H. Con. Res. 273: Mr. LEWIS of Georgia, Ms. BERKLEY, Mr. WAXMAN, Mr. HOLDEN, Mr. PASTOR, Mr. PETERSON of Minnesota, and Mr. MCGOVERN.

H. Res. 259: Mr. HASTINGS of Florida.

H. Res. 653: Ms. BALDWIN and Mr. RUSH.

H. Res. 753: Mr. REYES and Mr. SESTAK.

H. Res. 769: Mr. ROSKAM.

H. Res. 821: Mr. FRANKS of Arizona.

H. Res. 852: Ms. HERSETH SANDLIN.

H. Res. 854: Ms. LINDA T. SÁNCHEZ of California.

H. Res. 866: Mr. CUMMINGS, Mr. POE, and Mr. GILCHREST.

H. Res. 874: Mr. PAUL and Mr. ABERCROMBIE.

H. Res. 883: Mr. HASTINGS of Florida and Mr. BACHUS.

H. Res. 908: Mr. HONDA, Mr. SHERMAN, Mr. DAVIS of Illinois, Mr. COHEN, Mr. MARKEY, Mr. HINCHEY, Mr. SCHIFF, Mr. CROWLEY, Mr. EHLERS, Ms. BORDALLO, Ms. SUTTON, Mr. SNYDER, Ms. DELAURO, Mr. MCDERMOTT, Mr. CLEAVER, Mr. MOORE of Kansas, Mr. RAMSTAD, Mr. WILSON of South Carolina, and Mr. SENSENBRENNER.

H. Res. 909: Mr. CROWLEY, Mr. CUMMINGS, Mr. ENGEL, Mr. FORTUÑO, Mr. GRIJALVA, Mr. LANTOS, Mr. MEEKS of New York, and Ms. WATSON.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

H.R. 2768, the Supplemental Mine Improvement and New Emergency Response Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), (9e), or 9(f) of Rule XXI.

EXTENSIONS OF REMARKS

TRIBUTE TO KFEQ 680 AM

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. GRAVES. Madam Speaker, I rise today to commend one of St. Joseph's premier radio stations, KFEQ 680 AM, for their civic-minded efforts in assisting local residents during a massive ice storm that struck northwest Missouri.

At home, KFEQ entertains and informs the Greater St. Joseph area with news, talk, sports, farm and severe weather coverage. However, during the week of December 10, when northwest Missouri residents experienced power outages, KFEQ broadcasted vital information to listeners with around-the-clock coverage for 4 days.

Staff members, many without electricity in their own homes, braved the bad weather with the aid of generators, candles, and battery-powered flash lights to provide information and comfort to their listeners.

Madam Speaker, I ask my colleagues to join me in paying tribute to a remarkable regional resource, radio station KFEQ, in recognition and appreciation for serving the public.

HONORING ROSE KAPLAN

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. WOLF. Madam Speaker, I rise today to bring the attention of the House to the retirement of Rose B. Kaplan, area director for 16 Social Security Administration offices in the Washington area. I want to take this opportunity to thank Ms. Kaplan for her dedication to a lifetime of public service. She has served many congressional offices and constituents in the Nation's capital region, including Virginia, Maryland, the District of Columbia and West Virginia, over her 40-year career with Social Security.

Rose has had a distinguished career with the agency. She began as a GS–2 typing clerk and progressed up the ranks of responsibility, eventually gaining her current position as area director. She has been honored several times for great leadership and commitment to the Agency's mission, most recently receiving the Commissioner's Team Award for compassion and leadership in the Severely Injured Marines and Sailors, SIMS, project involving expediting support and processing of military casualty claims. Ms. Kaplan was also integral to shaping and implementing the region's diversity strategy, formulating training and culture programs.

Ms. Kaplan has resided in the Washington area for most of her life and currently lives in Montgomery County, MD, with her husband, Phil. She plans to travel and spend more time with her family upon retirement. I am pleased to call attention to her accomplishments and ask that my colleagues in the House join me in recognizing her outstanding service.

HONORING DOROTHY BERRY OF SPRING HILL, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Dorothy Berry of Hernando County, Florida. Dorothy has done something that all of us strive to do, but that very few of us will ever accomplish, celebrate her 100th birthday.

Dorothy was born in Perth Amboy, New Jersey, on September 29, 1906 and is the oldest of five children. Married twice in her long life, her first husband was Thomas and her second husband was Trevor. She gave birth to three children, all of whom have now passed away. Dorothy says she feels blessed with her 10 grandchildren, six great grandchildren and her one great, great grandchild, a girl.

When asked what the fondest memories of her childhood were, Dorothy said "everything," because she spent a lot of time with her grandmother, which was a great time. One particular childhood memory brought her into close contact with a U.S. President. She and her friends were playing in the street and they saw a bunch of people down by the waterfront. They went to see what the commotion was and saw that it was a man who seemed to be preaching to the people. After he finished preaching the man came up to them and gave each one a brand new buffalo nickel which had just been released. Dorothy spent her nickel at the candy store and when she got home she told her mother what had happened, and her mother said well that was President Teddy Roosevelt speaking.

After attending school in Fords, New Jersey, Dorothy worked in different factories for a brief time and then became a homemaker. She said the happiest moment in her life was her marriage to her second husband Trevor, remembering that, "He was a wonderful man!" Dorothy also remembers in 1918 at the end of World War I everyone was celebrating in the streets. She said that, "There was so much hugging and kissing going on, it was so exciting."

Although her eyesight and hearing are almost gone, Dorothy spends her days sitting and talking to God to give her strength. In fact, her best advice to young people today is to, "sit down and read the Ten Commandments and obey them." While there is nothing that Dorothy would change or do over in her life, she would like to go back to her younger days. On vacations, she would visit Florida and had decided that when she retired she would retire on the Gulf Coast. Dorothy eventually moved to New Port Richey about 35 years ago and then moved to Hernando County in 1980.

Madam Speaker, I ask that you join me in honoring Dorothy Berry for reaching her 100th birthday. I hope we all have the good fortune to live as long as her.

TRIBUTE TO THE DOYLE VOLUNTEER HOSE COMPANY NO. 2

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. REYNOLDS. Madam Speaker, it is with great appreciation that I rise today to honor a dedicated and 70-year active volunteer of the Doyle Volunteer Hose Company No. 2 in Cheektowaga, NY.

Edward A. Tokasz joined the Doyle Hose Company in February 1938. Since this time he has committed himself to the company and to aid the people of Cheektowaga. As a continuous member of the hose company since joining, Edward has taken on many leadership positions. In just his second year with the Doyle Volunteer Hose Company, Edward became 2nd Assistant Chief where he quickly rose to 1st Assistant in 1941, Treasurer in 1948, and President in 1958.

Most notably, Edward Tokasz served as the Treasurer for the Doyle Fire District from 1948 until 2007. In the capacity of Treasurer Edward demonstrated his integrity and hard working nature that allowed him to provide the district with a great deal of service that was delivered with honor.

Edward Tokasz's involvement in the fire department spread further than his hard work as Treasurer. While he was the District Treasurer, he also served a total of 5 terms as a member of the Board of Directors. Additionally, Edward took on the role of Sergeant-at-Arms from 1984–1994. Presently, he serves as the Doyle Fire District Deputy Treasurer.

Thus, Madam Speaker, in recognition of his 70 years as an active member of the Doyle Volunteer Hose Company No. 2, and for his dedication and service to the people of Cheektowaga, NY, I ask this Honorable Body to join me in honoring Edward A. Tokasz.

TRIBUTE TO DR. JAMES C. REDD

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. GRAVES. Madam Speaker, I rise today in recognition for Athletic Director, Dr. James

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

C. Redd. On February 10, 2008, Dr. Redd will be enshrined into the Missouri Sports Hall of Fame.

Jim excelled as a student athlete throughout high school and college thereby earning First Team Defensive Lineman and Second Team Offensive Tackle awards at Northwest Missouri State University. After graduating with a double major in Physical Education and Social Science, Jim returned to the sidelines, this time as a graduate assistant at the University of Colorado-Boulder. Before returning to his alma mater as head coach of the Bearcats in 1976, Jim earned a master's degree in Physical Education and School Administration. Within 3 years he was selected as the MIAA Coach of the Year.

In 1986, Jim decided to take a sabbatical from a 17-year coaching career and return to school, this time completing his doctorate in education from Oklahoma State University-Stillwater.

Upon graduation, Dr. Redd returned to Northwest Missouri State to coordinate the graduate program in Health and Physical Education, and eventually to serve as Director of Athletics for Northwest. In 2001, Dr. Redd retired from Northwest State University. However, by May 2002 he was appointed Director of Athletics and Physical Education Chair at William Jewel College in Liberty, MO, a position he still holds.

Madam Speaker, please join me in congratulating Dr. Jim Redd as he will be forever remembered for his athletic and educational achievements on February 10, 2008, when he enters the Missouri Sports Hall of Fame.

COMMENDING ANDREW NATSIOS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. WOLF. Madam Speaker, I rise today to commend the important work of U.S. Special Envoy to Sudan Andrew Natsios in light of the announcement that he is resigning. Special Envoy Natsios has led efforts to achieve comprehensive peace in Sudan, which has suffered decades of war and poverty.

I have visited Sudan five times, most recently in July 2004 when I led the first congressional delegation with Senator SAM BROWNBACK to Darfur. I witnessed the nightmare with my own eyes. Every day that passes, more men are killed, more women are raped, and more children die of malnutrition. Special Envoy Natsios has worked tirelessly to end this nightmare, traveling frequently to Sudan to bring greater pressure to bear on the Sudanese Government, and traveling all over the world to coalesce international support for a peaceful end to the violence in Darfur.

Mr. Natsios has also worked to maintain the focus of both the United States and the international community on the implementation of the Comprehensive Peace Agreement between north and south Sudan. Without a comprehensive understanding of and approach to Sudan's many conflicts, any policy responses will be inherently flawed. Mr. Natsios's understanding of this reality has filtered through his approach to Sudan.

During his time as special envoy to Sudan, Mr. Natsios has demonstrated an unflagging desire to alleviate the suffering of the men, women and children all across Sudan who want to be free from oppression and violence, and who want a voice in their livelihoods and in the future of their country. I wish Mr. Natsios the best in his future endeavors.

HONORING THEODORE A. DANGELMAIER OF DADE CITY, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Theodore A. Dangelmaier of Pasco County, FL. Theodore will do something later this month that all of us strive to do, but that very few of us will ever accomplish, celebrate his 100th birthday.

Born January 25, 1908 in Rochester, NY, Theodore attended Rochester High School and later served as a technical sergeant in World War II. Following his military service, he went on to work at the Washington Post newspaper in the production department. Theodore eventually left the Washington Post and accepted a new position working for the Gannett Newspaper Company where he worked until his retirement in 1969. Some of his happiest times were taking sabbaticals from the newspaper during the summer months to operate a resort hotel in Canada with his wife for 8 years.

Married to his first wife in 1929, Theodore was blessed with three children. In 1996, he married his second wife, Edna, and the two have been happily married for the past 11 years. When asked to recount the proudest moment in his life, Theodore said it was when his son was made executive vice president of a bank holding company. A truly caring individual, Theodore has been blessed over the years with a loving and caring family and says that what gives him the most pleasure today is helping friends and family.

While Theodore has lived a long and enjoyable life, one thing he would change in his life if he could do it over would be to travel more. Ever since he retired to Florida in 1969, he has enjoyed the friendly and helpful people of Hernando County and knew it was a good fit. He also likes the area because it is quiet and restful. As someone who has lived a full century, Theodore wanted to pass along his best advice for young people today. He says they should "enjoy a clean life while young, be kind and helpful to others."

Madam Speaker, I ask that you join me in honoring Theodore A. Dangelmaier for reaching his 100th birthday. I hope we all have the good fortune to live as long as him.

TRIBUTE TO GEORGE N. SCHUSTER

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. REYNOLDS. Madam Speaker, it is with great honor that I rise today to honor the memory of a great American, George N. Schuster of Springville, NY. The year 2008 marks the centennial of one of America's greatest achievements, in which George played a vital role. He was a part of the 1908 American team that competed in the New York to Paris Race.

This 1908 automobile race consisted of six teams representing four different countries. George was brought in to be a mechanic for the American car, the Thomas Flyer. The New York to Paris race took contestants through North America, Asia and Europe. George and his team departed Times Square on February 12, 1908 to begin the race. This race would take 169 days to complete, and would only be finished by three of the teams, one of which was the Thomas Flyer.

George Schuster was the only member of the Thomas Flyer team to remain with the car for every inch of the 22,000-mile journey. In addition to the great length and poor infrastructure making this race a great challenge, the weather also proved to be an obstacle. The team had to drive through rivers, deserts, and blast narrow mountain passes to make their way across the United States. At one point George got his car designated as a train on the Union Pacific Railroad to get through tough terrain. In order to cross the Bering Sea the Thomas Flyer had to be taken apart and loaded onto a dogsled.

Moving on from the position of mechanic, George Schuster became the captain of the Thomas Flyer Team as they made their way to San Francisco. It was up to him to make the critical decisions along the way. George acted as a negotiator to people such as Russian soldiers in order to get past obstacles that the team encountered on their way to being victorious in the New York to Paris race.

In 1908, automobiles did not possess the advanced technology needed to complete the trip without numerous mechanical failures. At one point the Thomas Flyer needed a new transmission, which had to be shipped by train while they continued on with the help of a horse for 13 days. George was determined to be victorious in this race and motivated his crew with these words: "as long as the wheels will turn . . . I'm going to drive this car." On July 30, 1908 the Thomas Flyer Team led by George Schuster drove into Paris with the help of a bike light strapped to its fender, becoming the first team to complete this feat.

Thus, Madam Speaker in recognition of his contributions to the American automobile industry and the history made by the Thomas Flyer, I ask that this honorable body join me in honoring George Schuster.

TRIBUTE TO NANNA MARIE SIMONE-LACKEY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. GRAVES. Madam Speaker, I proudly ask you to join me in recognizing Nanna Marie Simone-Lackey of Gladstone, MO. Nanna will be celebrating her birthday on January 2, and it is my privilege to offer her my best wishes.

Nanna has raised three children in the Kansas City area, working day and night to send her kids to private school during their adolescent years. She has worked diligently over the past 10 years to become a small business owner and open her own insurance agency.

Nanna is the daughter of Tom and Betty Simone, and has been married to Frank Lackey for over 30 years.

Madam Speaker, it is an honor to represent Nanna Marie Simone-Lackey in the United States Congress, and I wish her all the best on this birthday and many more in the future.

TRIBUTE TO BRENNA AILEO

HON. CHRISTOPHER P. CARNEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. CARNEY. Madam Speaker, I rise today to recognize Brenna Aileo, a U.S. recipient of the International Committee of the Red Crosses, ICRC, 41st Annual Florence Nightingale Medal. Every 2 years, this medal is awarded to qualified nurses who have shown exceptional courage and devotion to the wounded, sick, or disabled or to civilian victims of a conflict or disaster; and to those who have shown a creative and pioneering spirit in the areas of public health or nursing education.

Mrs. Aileo earned a BSN degree from Eastern Washington State University and an MA in Health Services Management from Webster University in St. Louis. She served as a nurse in the U.S. Army for 21 years, including 2 years of enlistment and 19 years as a commissioned officer in the Army Nurse Corps where she achieved the rank of lieutenant colonel. Her posts included the Walter Reed Army Medical Center in Washington, DC and the 85th Evacuation Hospital in Dhahran, Saudi Arabia. In Saudi Arabia she treated wounded U.S. soldiers, including many from a Pennsylvania-based unit who were injured in a mortar attack.

In response to the attacks on September 11, Mrs. Aileo began volunteering with the American Red Cross. She worked with disaster relief at Ground Zero and at other disaster locations throughout the United States and Guam. During a flood in my district in 2006, Mrs. Aileo heroically managed a shelter at Blue Ridge High School in New Milford, PA.

Since 2001, she has worked at the local, regional, and national levels. As the first appointed service area staff health volunteer consultant in Susquehanna County, Mrs. Aileo distinguished herself by developing and presenting key disaster training programs. In 2004, Mrs. Aielo worked as a health consultant for the Red Cross Armed Forces Emergency Services, where she reviewed and cleared staff for overseas deployment. No staff member who Mrs. Aielo cleared has returned from a deployment due to medical reasons.

Mrs. Aileo's professional experience includes working as a community health nurse administrator for the Pennsylvania Department of Health's Northeast District and as a nursing supervisor for the Northeast Veterans Center in Scranton. She also worked as a charge nurse in the Montrose General Hospital ICU and as an instructor at Walter Reed Army Medical Center.

As an active member of our community, Mrs. Aileo sits on the Board of Directors of the Garden Club Federation, Susquehanna County Library, and her church. Her interests include gardening, wine making, and travel. Her son, Jason, continuing Mrs. Aileo's tremendous dedication to public service, served in Iraq from 2003 to 2004.

In closing, Madam Speaker, I ask my colleagues to join me in recognizing Mrs. Brenna Aileo for her continued service to our country.

HONORING EULESS TRINITY HIGH SCHOOL FOR WINNING THE 5A DIVISION I FOOTBALL STATE CHAMPIONSHIP

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. MARCHANT. Madam Speaker, I rise today to extend my congratulations to the 2007 Euless Trinity High School football team upon winning the 5A Division I State Championship on Saturday, December 22, 2007.

The Trinity Trojans' 13–10 win over Converse Judson Rockets in the San Antonio Alamodome gave the program its second State title in 3 years. It is believed that defenses win championships and this game was no exception as the Trojans held the Rockets scoreless during the second half. Despite the fact that all of the scoring took place in the first and second quarters, the second half was just as thrilling as the defense stopped the Converse Judson's offensive attack while the Trojans' tireless running offense wore down the Rockets and controlled the clock. Under Coach Steve Lineweaver's tenure, Euless Trinity has amassed an 88–16 record and has won 14 of its last 16 playoff games.

I am extremely proud to represent Euless Trinity High School in Congress and I congratulate the players, coaches, fans and parents who made the 2007 season a memorable and victorious one.

TRIBUTE TO TERRY YATES

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mrs. WILSON of New Mexico. Madam Speaker, on December 12, 2007, Terry Yates, Vice President for Research and Economic Development at the University of New Mexico passed away. He was a remarkable scientist and professor, and UNM has suffered a great loss with his passing. He lived a life full of enthusiasm for science. Our thoughts and prayers are with his wife Nancy, their sons and his entire family.

Terry Yates came to the University of New Mexico in 1978 as an assistant professor of biology, and went on to become a professor of biology and pathology. He helped create the Long Term Ecological Research site outside Socorro, New Mexico, and he was the curator of Genomic Resources for the Museum of Southwestern Biology on the UNM campus.

Terry Yates was appointed Vice Provost for Research in 2004, and served as Vice President for Research and Economic Development from 2004 until his death. During this time as Vice Provost and Vice President, Terry increased the total amount of research awards from $247 million to nearly $300 million.

UNM's President, David Schmidly, taught Terry as a graduate student at Texas Tech University in the mid-1970s. "It was his exuberance you remember most about Terry. He was always ready to examine a new idea or take a trip to the field to explore a theory. I think he was happier out in the field than he was behind a desk," said Schmidly.

Terry was best known for his groundbreaking research on the source of Hantavirus, a serious respiratory disease that is frequently fatal. He began his work in 1993, when many people in the Southwest began dying from an unknown viral disease. In collaboration with the Centers for Disease Control and Prevention, Terry examined specimens that he had collected over several years, that were residing in the museum of Southwest Biology. Through his study, he was able to pinpoint a species of deer mice as the carrier of the Sin Nombre virus. The National Science Foundation named this research done by Terry and partner Robert Parmeter as one of its "Nifty 50" discoveries—projects funded that have had the biggest impact on American lives.

Most recently, Terry published a paper on the relationship between weather and deer mice populations. He and his co-authors were able to predict increased health risks posed by deer mice to humans in specific parts of the Four Corners area. This research also provided the New Mexico Department of Public Health with the necessary scientific evidence required to give advanced warning to people living in specific parts of the state that they face increased risk of exposure to Hantavirus.

He has published a total of 126 research papers.

Terry was an honorary member of the Board of Life Sciences of the National Academy of Sciences, as well as an honorary member of the Society of Mammalogists. This is the highest honor that the Society bestows upon an individual.

While his professional enthusiasm was for research and pushing back the frontiers of knowledge, Terry loved people and had friends from all walks of life. Every year, on Kentucky Derby Day, Terry had a party at his house complete with mint juleps. But he insisted on never sending out invitations. Everyone was welcome and no one was excluded.

Terry Yates was a great mind and a vibrant leader. He fought for life to the very end with humor and grace. Of his final illness, he told people, "I expect to get some patents out of this!"

He challenged us and inspired us and will deeply be missed.

HONORING THE LIFE AND ACHIEVEMENTS OF DAVID JOHN FESMIRE

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. THOMPSON of California. Madam Speaker, I rise today to extend my deep sympathies to the family of David Fesmire, including his loving wife, Karen, his three wonderful daughters, Kindra, Katti and Mikki, and his four grandchildren.

David Fesmire's passing is a great loss for all of us. He was a true hero who dedicated his life to improving the lives of others. He honorably served his country in Vietnam, his state with the California National Guard, and his community as a paramedic and firefighter.

David served in the Army from 1970 to 1973, with two tours in Vietnam. He was highly decorated for his service, receiving two Bronze Stars, a Purple Heart and 34 Air Medals, among others. He went on to the California National Guard, serving as a Crew Chief in the 126th Helicopter Company. He was extremely proud of his military service, and particularly enjoyed coordinating the Vietnam Darkhorse project.

David then became a certified EMT and worked in the public ambulance sector as a paramedic from 1980 to 2001. He served first as a volunteer, then as an employee at the North Shore Fire Protection District, Lucerne Station from 2001 to 2007. He held a variety of positions with the Fire Protection District, including Paramedic, Firefighter I, Firefighter II, Fire Officer, Weapons of Mass Destruction Instructor/Trainer, and Captain. His tireless efforts led him to be recognized as Firefighter of the Year.

David will always be known as someone who loved his family and his community dearly. He is remembered by those who knew him as a superlative husband, father, and grandfather; as a caring brother, a respected comrade, a spirited co-worker, a true friend, a loyal employee and an honest neighbor.

Madam Speaker and colleagues, David Fesmire's contributions to our country and the community of Lake County are immeasurable. His presence will be missed even as his legacy endures.

HONORING THE UNIVERSITY OF WISCONSIN-WHITEWATER FOOTBALL NATIONAL CHAMPIONSHIP

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Ms. BALDWIN. Madam Speaker, I rise today to honor the University of Wisconsin-Whitewater football team for their courageous and improbable victory in the 35th Amos Alonzo Stagg Bowl to capture the 2007 National Collegiate Athletic Association Division III national championship.

With Salem Stadium as the backdrop, Whitewater capped off an incredible season by beating the undefeated and top-ranked Mount Union College Purple Raiders to give the university its first football national championship. The Warhawks' third trip to Salem, Va., in as many years proved to be the charm. Mount Union had defeated Whitewater in each of the previous two Stagg Bowl games en route to a 37-game winning streak that has now been snapped thanks to the tremendous dedication and determination of all the Warhawk players, coaches, staff, and fans.

To add to his already long list of accolades including 2007 Gagliardi Trophy winner, National Player of the Year Justin Beaver was named the game's Most Outstanding Player. Beaver carried the ball 31 times for 249 yards and a touchdown, raising his season rushing total to 2,455 yards and breaking the previous Division III record he set two years ago. Beaver's play was complimented by the strong performance of the 22 other seniors who took the field for the last time at the Stagg Bowl.

In a phenomenal first season, head coach Lance Leipold led Whitewater to a 14–1 record, going undefeated in league play to secure the Warhawks' third straight Wisconsin Intercollegiate Athletic Conference title. Leipold took the reins of a storied program with a rich history that includes the likes of long-time coaches Bob Berezowitz and stadium namesake Forrest Perkins.

The University of Wisconsin-Whitewater represents the best of student-athletics and this title serves as a major accomplishment for the entire state of Wisconsin. I sincerely congratulate the team and the university and wish them luck in their quest to repeat as national champions.

TRIBUTE TO THE JOHN WILLIAM JACKSON FUND

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. SIMPSON. Madam Speaker, I rise today to pay tribute to my constituents, the Jackson family, founders of the John William Jackson Fund.

Boise resident Bill Jackson established the John William Jackson fund seven years ago in honor of his son, John, who died in a rock climbing accident in Central Asia. John William Jackson was known as a free-spirited individual who was passionate about academics, performing arts and outdoor sports. He challenged both himself and those around him to believe in themselves. He pushed them to excel at all that they did and to reach for the stars.

In providing scholarships and activities through the Fund, Bill Jackson has honored his son's memory by continuing to encourage young people to be successful individuals who can make great things happen. Jackson received the nickname "Action" Jackson during his service in Vietnam, and he continues to live up to that nickname through his work with the Fund.

The Jackson Fund has supported youth rock-climbing programs at the YMCA. It has provided new musical instruments to Kuna Middle School, and it has given scholarships to needy students to attend a Boise State University music camp. Just as John Jackson made other people believe in their dreams, the Jackson Fund is giving them the assistance and support to make those dreams a reality.

Madam Speaker, I am pleased to recognize the achievements and contributions of the John William Jackson Fund and am honored to represent the Jackson family in Congress. Across America, our constituents are donating their time and energy to make a difference in people's lives, and I appreciate the opportunity to highlight one family in my state that is doing just that.

WISHING JESSE ANN LEWIS A HAPPY 100TH BIRTHDAY

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. PAUL. Madam Speaker, Jesse Ann Lewis of Bay City, Texas will celebrate her 100th birthday on January 30. A lifetime resident of Bay City, Mrs. Lewis faithfully served several Bay City families as a domestic servant. However, Mrs. Lewis's greatest contribution to her community has been her over six decades of service as a missionary for the Enterprise Church. Mrs. Lewis's service to Enterprise Church's congregation enabled her to positively impact the lives of several generations of Bay City residents.

The love and dedication Mrs. Lewis has shown for the people of Bay City is reciprocated in the love and respect the people of Bay City have for Mrs. Lewis. It is therefore a pleasure to wish Mrs. Jesse Ann Lewis a happy 100th birthday as she prepares to celebrate her centennial with a gathering in her beloved Enterprise Church, surrounded by people whose lives were improved by Mrs. Lewis's devotion to her church, her community, and her fellow human beings.

HUMAN RIGHTS AND DEMOCRACY IN BELARUS OFF TO DISCOURAGING START IN THE NEW YEAR

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. HASTINGS of Florida. Madam Speaker, last month, I chaired a Helsinki Commission briefing with a delegation of leading political opposition figures and democratic activists from Belarus. The briefing was entitled, "The Future Belarus: Democracy or Dictatorship" and focused on the prospects for change in a country located in the heart of Europe that has Europe's worst track record with respect to human rights and democracy. Unfortunately, developments since the delegation's visit to Washington have been deeply discouraging and do not bode well for Belarus' democratic future.

One of the young people who testified at the briefing, 19-year-old Zmitser Fedaruk, spoke eloquently of the dangers that young human rights activists face in Belarus. His words were prophetic, as a few days later, back in Belarus, he was beaten and knocked unconscious by riot policemen, then rushed by ambulance to the hospital. Just last week, the Minsk district prosecutor's office in Minsk refused to open an investigation into Zmitser's beating.

A day earlier, my friend Anatoly Lebedka, one of Belarus' staunchest defenders of democratic rights, who also testified before the Commission, was roughed up by Belarusian police as well. It was far from the first time that this leader of the democratic opposition had been beaten up or repressed by the Lukashenka regime. On January 4, the Lukashenka regime banned Anatoly from travelling abroad in what was obviously a politically-motivated decision. Today, Anatoly is in jail serving a 15-day sentence, along with several dozen other pro-democracy and small business advocates who participated in a January 10 protest against restrictions on activities of small businesses. Some of the activists—mostly young people—received injuries during their arrest. Tatyana Tsishkevch, who was severely beaten during her arrest and presented her bloodstained jacket in court, received a 20-day sentence. Arsien Pakhomau, a freelance photo correspondent for "Nasha Niva" weekly—one of the very few remaining independent publications in Belarus—was also sentenced to 15 days' administrative arrest. On the day of the protest, a number of websites that cover social and economic affairs in Belarus, such as Charter '97 and Radio Liberty, were partially or fully blocked by the authorities.

These most recent repressive actions follow the sentencing of opposition activist Artur Finkevich to 18 months in prison; the arbitrary use of judicial power to put out of business independent newspapers such as "Novi Chas"; steps to liquidate the opposition Belarusian Communist Party; and the fining of Baptist pastor Yuri Kravchuk for unregistered religious activity. Belarus is the only country in Europe with compulsory registration before religious activity can take place.

Unfortunately, the indications in just the first few weeks of this New Year are not encouraging. Lukashenka's presidential administration has recently rejected the opposition's proposal to hold talks on the upcoming 2008 parliamentary elections, refusing an offer by the Belarusian opposition to consider joint proposals on conducting parliamentary elections in accordance with democratic standards.

Madam Speaker, as Chairman of the U.S. Helsinki Commission and as someone who has long been involved in the OSCE process to promote security, cooperation, democracy and human rights among the 56 OSCE countries, including Belarus, I am deeply disappointed in the Belarusian Government's continual flaunting of freely undertaken OSCE commitments. It is my strong hope that Mr. Lukashenka will cease the self-imposed isolation of his country—threatening, most recently, to expel U.S. Ambassador Karen Stewart—and will give serious thought to the offers of cooperation that have come from the United States and the European Union if Belarus releases political prisoners and displays respect for basic democratic norms. In the meantime, the Lukashenka regime can be assured that my colleagues and I on the Helsinki Commission are determined to stand by Anatoly Lebedka, Dzmitri Fedaruk and all those in Belarus—young and old—bravely struggling for freedom, democracy and respect for human rights.

A TRIBUTE TO ANNE M. MOORE

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Ms. MATSUI. Madam Speaker, I rise today in recognition of Anne Moore's 10 years of service as chief of the Sacramento Housing and Redevelopment Agency. Anne leaves a lasting legacy in Sacramento and she will be deeply missed. I ask all my colleagues to join me in honoring one of Sacramento's finest public servants.

For three decades Ms. Moore has been a tireless advocate for affordable housing. She began her career with the Sacramento Housing and Redevelopment Agency, SHRA, in 1985 and since then has helped to improve the lives of low-income people, seniors, the disabled and the homeless, across the greater Sacramento region. During her time with SHRA Ms. Moore also served as president of the California Redevelopment Association, CRA, Board. In addition, she has served on the Sacramento Workforce Investment Board, the Sacramento Downtown Partnership Board, the Del Paso Boulevard Partnership Board and Friends of Light Rail's Board of Directors. Ms. Moore's leadership and dedication to improving housing choices in Sacramento led to her appointment as executive director of SHRA in 1998.

During her time with SHRA, Ms. Moore has overseen many successful and award-winning projects that have improved neighborhoods and commercial areas, while preserving and creating affordable housing options for low-income residents of Sacramento. One of her most notable achievements was her leadership in transforming the former Franklin Villa neighborhood, which had been historically plagued by crime, drug activity and high unemployment into the award-winning Phoenix Park community. It is now a safe and affordable neighborhood for families and seniors. In addition, Ms. Moore has been instrumental in the development and implementation of a Ten-Year Plan to End Chronic Homelessness for the City and County of Sacramento. Ms. Moore has also been involved in partnering with community members to address unmet needs such as a full-service grocery store in the Oak Park neighborhood and successful development of new Boys and Girls Clubs in the Alkali Flat and Lemon Hill neighborhoods.

Ms. Moore's hard work and dedication to solving the problem of affordable housing in the Sacramento area resulted in an increase in affordable housing production in 2006. In addition, Sacramento has adopted nine redevelopment areas over the past 10 years and many of these areas have already seen great progress in being revitalized. In addition, Ms. Moore's efforts in administering the Housing Choice Voucher program, which provides safe and decent housing for more than 51,000 low-income individuals in Sacramento County, has increased housing assistance from 6,000 to 11,000 in the past decade. Personally, Ms. Moore has been a pleasure to work with. Her thoughtfulness and intelligence has helped allow many neighborhoods to thrive.

Madam Speaker, I am honored to pay tribute to Anne Moore's distinguished commitment to Sacramento and our housing needs. Ms. Moore's outstanding leadership and dedication to SHRA has helped preserve and improve many of our neighborhoods and has increased housing options for our low-income residents. We all are thankful for her efforts. As Ms. Moore's colleagues, family and friends gather to honor her service, I ask all my colleagues to join me in wishing her continued good fortune in her future endeavors.

TRIBUTE TO LINDA C. SADLER

HON. LEONARD L. BOSWELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. BOSWELL. Madam Speaker, I wish to recognize and pay tribute to an outstanding employee of one of the great companies located in the State of Iowa. Linda C. Sadler, who has been a valued employee of Rockwell, and subsequently, Rockwell Collins, will retire on February 1, 2008. Linda Sadler's career spans over 39 years, during which she has distinguished herself as a leader, scholar, businesswoman, and staunch friend of all civil aviation issues.

A Pennsylvania native, Ms. Sadler graduated with a BS degree from the University of Pittsburgh, and subsequently, a JD from Duquesne University, in addition to earning a certificate from the Massachusetts Institute of Technology as a fellow in their Foreign Politics, International Relations and National Interest program.

Ms. Sadler began her career at Rockwell as a secretary in the Patent Department, while pursuing an undergraduate degree at night school. She continued to hold positions of increasing responsibility within the Legal Department, while completing her law degree at night school. Upon graduation from law school, she became assistant general counsel in the Rockwell Legal Department, specializing in intellectual property law, advertising, international law and regulation and antitrust issues. She also served as the primary Legal Department attorney for Rockwell Communication Systems Division.

Following that assignment and just prior to coming to the Washington office, she became director of government affairs for Rockwell's Automotive Operations, where she directed the State, Federal and Canadian governmental affairs and regulatory functions for

Rockwell's automotive businesses, including product compliance activities with the National Highway Safety Administration at the Department of Transportation.

Presently, as the senior director of Federal affairs for Rockwell Collins, Inc., she has been singularly responsible for public policy and governmental affairs activities for the commercial avionics and communications businesses and for technology marketing on behalf of the Advanced Technology Center and the business units with non-military Federal agencies. In this position, she has planned, directed and managed the Federal policy and regulatory affairs agendas that affect Rockwell Collins commercial businesses' domestic and international interests, including activities before the Congress, the White House and administration agencies, to include the Departments of Commerce, State and Transportation—in particularly the FAA—and the Office of the U.S. Trade Representative. Ms. Sadler has also served as the chairperson of the Aerospace Industrial Association Commercial Aviation R&D Committee, the Air Traffic Control Committee of Government Electronics Industry Alliance, and in addition, she has served in leadership capacities in every industry-related group in which she has participated.

She also has directed and managed the Washington technology marketing support, particularly for Advance Technology Center, as well as the commercial businesses of Rockwell Collins. Ms. Sadler also has corporate-wide responsibility for directing the licensing, regulatory and communications-related policy initiatives at the Federal Communications Commission, the National Telecommunications and Information Administration, the International Telecommunications Union and other U.S. and international regulatory and standards bodies. In addition, Ms. Sadler provides Washington support for the corporate patent function on issues relating to intellectual property laws and regulations. In recognition of her vast contributions to the aviation industry, Aerospace Industry Association has presented her with their Emilia Earhardt award as "woman of the year" in the aviation industry for 2004, which has only been given to two other women since its inception.

Throughout her career, Ms. Sadler has demonstrated her profound commitment to all aspects of aviation business, as well as a dedicated commitment to excellence. With my many dealings regarding aviation issues as a Member of Congress, I have come to know Ms. Sadler's abilities and realize that she is the consummate professional whose performance in over 39 years of service to one of our Nation's leading businesses has personified those traits of competency and integrity that we have come to expect from business professional leaders.

I ask my colleagues to join me in thanking Linda C. Sadler for her honorable service to business and our great State of Iowa. Please join me in wishing her all the best in the future.

HONORING JOE ANN COUSINO

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Ms. KAPTUR. Madam Speaker, I rise today to recognize Joe Ann Cousino of Toledo, Ohio.

A newspaper once headlined, "Name any art media, and chances are good that Mrs. Cousino has had experience in it." Joe Ann Cousino blessed Toledo with her artistic talents, beautifying the world she touched. Mrs. Cousino passed from this life Wednesday, December 19, 2007 due to ailing health. She was one of the most eminent artists in the Toledo area for more than 50 years and a renowned sculptor. Mrs. Cousino's sculptures can be seen in public spaces, buildings, and private collections throughout northwest Ohio, in surrounding states, and as far away as Cairo and San Miguel de Allende, Mexico. Her figurative bronze pieces have won national acclaim and her work has appeared in more than 100 shows nationwide.

Born Joe Ann Bux, she was the only child of Mr. and Mrs. George Carl Bux. She graduated from Scott High School in Toledo, Ohio and later the University of Toledo, where she majored in art and minored in English literature. To finance her education, she taught classes in mural painting and glass etching at Toledo's YMCA and YWCA. She was accepted to study at the prestigious Pratt Institute in New York, but chose to stay in Toledo with her fiancé, Wayne Kenneth Cousino.

Among her most visible sculpture projects are the 6-foot-tall "Woman with the Birds" at Toledo Botanical Garden, the 7-foot bronze Outreach of a "Woman and a Dove" at the University of Toledo Medical Center, the former Medical College of Ohio, and the 6-foot, 3-inch "St. Clare" at the Franciscan convent's gardens in Tiffin. "She has been such a prominent figure in the Toledo art world, and a lot of that has to do with so many of her pieces being public art," said Greg Jones, former director of the School of Art and Design at the Toledo Museum of Art.

Mrs. Cousino was a founding member and later a president of the Toledo Potters' Guild. She focused on sculpture but her work included interior decoration, fashion design, jewelry, ceramics, painting, and architecture. In the early 1950s she designed her family's Ottawa Hills home. Mrs. Cousino traveled the world to research art and cultures, going as far as a village in Egypt in search of tapestries made by Bedouin children.

In March 2007 Mrs. Cousino presented her last major sculptural work in Bowling Green, Ohio: a stoneware bust of local silent film star Lillian Gish. It was a capstone achievement to a distinguished professional career that began to take shape in the late 1940s. Through the years she became known for her industrious work ethic, indomitable spirit, and outspoken nature—traits which availed her rise to prominence during the 1950s in what was then a largely male-dominated sculpture field. "She was like a dynamo," said Tracey Ladd, one of Mrs. Cousino's art instructor colleagues. "There just weren't a lot of female sculptors [in the 1950s], and she had to struggle a bit to make her artwork."

The Toledo Blade interviewed Mrs. Cousino in 2000, providing a glimpse of her persona in which she explained her approach to instructing students. "I'm fussy. I'm a taskmaster, and for myself too," she said. "People run all over artists. You learn. I learned the hard way. I sometimes get on the case of these young artists because they just get abused."

She taught sculpture for most of her life, and until a few months ago gave private lessons from home while teaching adult continuing education classes at the Toledo Museum of Art. "She had the ability to teach them exactly what they need to sculpt a human figure, and to do that out of a lump of clay is very, very difficult," Mr. Jones said.

The Toledo community deeply will miss the loss of this artistic treasure. Her talent and the generous nature of her public work remain irreplaceable. The Toledo community will remember her courage, skill, and spirit every time they pass by and view her momentous and beautiful creations.

TRIBUTE TO HEAD COACH HOWARD SCHNELLENBERGER AND THE FLORIDA ATLANTIC UNIVERSITY OWLS FOOTBALL TEAM

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. WEXLER. Madam Speaker, I rise today to honor Head Coach Howard Schnellenberger, his coaching staff and the Florida Atlantic University Owls Football Team for their momentous win in the R+L Carriers New Orleans Bowl on December 21, 2007. Their 44 to 27 victory over the University of Memphis Tigers marked the first bowl victory in FAU's history, setting an NCAA record as the youngest program in NCAA history to win a bowl game.

In only its seventh year, the Florida Atlantic University football program has ascended quickly under the leadership of Coach Schnellenberger. Known for his success at rebuilding programs at the University of Miami and the University of Louisville, Schnellenberger was hired as Director of Football Operations in 1998 to build a new program at FAU, and he immediately set the goal of building a program that would eventually compete for a National Championship. The program's string of successes to date shows the Owls are on their way to reaching that goal.

Beginning with an upset victory over Bethune Cookman College in only its second game in 2001, FAU's short football history is full of accomplishments. In 2003, its third season in Division 1–AA, the Owls reached the national semifinals and finished the season ranked fourth in the nation. Following four seasons in Division I–AA, FAU jumped to Division I–A in 2004 and joined the Sun Belt Conference, where it was immediately competitive and took on a schedule of tough non- conference opponents from the Big Ten, Big 12 and SEC. This season, FAU defeated its first

Big Ten opponent, the University of Minnesota, as well as defending Sun Belt Conference champion Troy University to win the 2007 Sun Belt Conference Championship and a berth in the R+L Carriers New Orleans Bowl.

The Owls jumped to an early lead in the R+L Carriers New Orleans Bowl, which was never relinquished behind Quarterback Rusty Smith, who won the Most Valuable Player Award after completing 25 of 32 passes for 336 yards and five touchdowns. FAU was also well-decorated at the Sun Belt Conference Awards, where Smith received the Player of the Year Award, Coach Schnellenberger received the Coach of the Year Award, and six players including Smith were named First-Team All-Conference.

This win is one that brings great pride not only to those affiliated with Florida Atlantic University, but to the entire South Florida community, and I am proud to recognize their historic achievement.

CONGRATULATING JERRY SEALY ON HIS RETIREMENT

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. MILLER of Florida. Madam Speark, I rise today to congratulate Jerry Sealy on his retirement as the Executive Director of Okaloosa Regional Airport in Okaloosa County, Florida.

Jerry has been a role model for not only his colleagues, but also to those in northwest Florida. He served the county for just short of 14 years and during that time he was an active member of the American Association of Airport Executives and served as the President of the Florida Airport Managers Association in 1999. Not only was he selected as the 1999 Aviation Professional of the Year by the Florida Department of Transportation, but he also received the highest accreditation available from the American Association of Airport Executives as an Accredited Airport Executive, A.A.E.

Through his leadership and vision, Okaloosa Regional Airport was awarded the 2005 Commercial Service Airport of the Year by the Florida Department of Transportation and the 2006 National Excellence in Construction Merit Award from Balfour Beatty Construction through the Associated Builders and Contractors for the construction of a new airport terminal.

Okaloosa Regional Airport has seen tremendous growth over the past 10 years as people from all over the world come to enjoy northwest Florida's finest offerings. With over $90 million in airport improvements, Jerry has transformed the airport into a modern, welcoming gateway for visitors and residents. His dedication and passion will be greatly missed.

Madam Speaker, on behalf of the United States Congress, I would like to congratulate Jerry Sealy on his retirement and wish him many more years of success and happiness.

TRIBUTE TO CAROL SILVA

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. WESTMORELAND. Madam Speaker, on behalf of the people of Georgia's 3rd Congressional District, I'd like to extend my congratulations to Carol Silva, named the 2007 Harris County Citizen of the Year by the county's newspaper.

Silva dedicated 20 years to serving the people of Harris County and retired recently from her post as county manager. During Silva's tenure, she provided the county with a steady and patient hand of leadership at a time of exponential population growth.

Before Harris County fell in love with Carol Silva, Carol Silva and her family fell in love with Harris County. The Silvas decided to plant roots in Harris when her husband began working for the National Weather Service in neighboring Muscogee County. They bought property there 30 years ago and enrolled their children in the local elementary schools. Then, 20 years ago, she became the receptionist for the Harris County Commission.

Silva's dedication and people skills quickly led to greater responsibilities. She became the county clerk and chief financial officer in 1992 and then the county manager in 1999.

In addition to providing Harris with leadership, she steadfastly advocated for her employees. County Clerk Nancy McMichael worked for Silva for 15 years. Speaking of her boss, she told the Harris County Journal: "She is honest and ethical and treated everyone with integrity and forthrightness. You always knew where you stood with her, and her door was always open for employees and citizens alike."

Harris County Commission Chairman echoed that praise, saying that Silva put "her heart and soul in her job."

Madam Speaker, I would like to personally thank Carol Silva for her many years of public service. As an elected official, I know it is often the professional staff working behind the scenes who meet the day-to-day needs of Georgians. They don't do it for glory and they don't do it for riches. They do it because they care and they want to help their fellow citizens.

Carol Silva's career with Harris County exemplifies the best of public service. I congratulate her on this honor and I wish her much happiness in her retirement.

HONORING THE LIFE AND MEMORY OF HENRY O'LEARY

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. HUNTER. Madam Speaker, I rise today to honor the life and memory of Henry O'Leary, a true American hero who dedicated his life to serving this country. As a member of the U.S. Navy for 21 years, Henry saw combat in both World War II and Korea, and later supported the American mission in Vietnam. When he retired from the Navy in 1963, Henry began his new life in San Diego, California, where he dedicated himself to serving the local community.

Henry was born on April 17, 1925, in Worcester, Massachusetts, and enlisted in the Navy in 1942. Ten years later, Henry was recommended by his command for the Silver Star with Valor for single-handedly saving his burning ship while under intense enemy fire and, along with it, the lives of his shipmates. For his courage and selflessness, he was awarded the Bronze Star.

After serving in the Navy, Henry worked at San Diego State University for 23 years until his retirement. While many often see retirement as an opportunity to travel and experience new things for themselves, Henry saw retirement as an opportunity to serve others in the community, including our veterans. He was a regular volunteer at both San Diego's VA hospital and Kaiser Permanente, where his humor is said to have brought smiles to many faces. Additionally, throughout his life, he volunteered for church ministries, community programs, political campaigns, and was involved in the activities of his children.

Most notably, Henry never turned his back on anyone in need. Whether it was dangerously exposing himself to enemy fire to save the lives of his shipmates or volunteering countless hours at the VA hospital, Henry always put others before himself. He was a practitioner of good citizenship and remains a shining example of the courage and selflessness that continue to carry our Nation forward.

President Ronald Reagan once said, "Good citizenship is vitally important if democracy is to survive and flourish. It means keeping abreast of the important issues of the day and knowing the stakes involved in the great conflicts of our time. It means bearing arms when necessary to fight for your country, for right, and for freedom. Good citizenship and defending democracy means living up to the ideals and values that make this country great. Today the world looks to America for leadership. They look to what they call our miracle economy for an answer to how they may give their people a better life. And they look to our courage and might to protect them from the forces of tyranny, brutality and injustice." Madam Speaker, when President Reagan spoke these words, he was referring directly to Americans like Henry, who were willing to sacrifice their lives for this country and commit themselves to benefiting the lives of others.

I extend my prayers and deepest condolences to Henry's loving wife of more than 50 years, Miriam, and his children Jeff, Colleen, Patti and Shawn, and ask that my colleagues join me today in paying tribute to the life and memory of this American hero.

HONORING THE RETIREMENT OF FIRE CHIEF TERRY L. WEBB

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. MARCHANT. Madam Speaker, I rise today to honor Chief Terry L. Webb on the occasion of his retirement as Fire Chief for Duncanville, Texas.

Over the past 34 years, Chief Terry Webb has worked tirelessly to promote efforts that ensure the safety and well-being for the citizens of Duncanville. During his career he has advanced through the ranks of the department serving in such positions as an Emergency Medical Technician, Paramedic, Lieutenant, Captain and Assistant Fire Chief. In 1999, he was appointed by the mayor to serve as Emergency Management Coordinator. Chief Webb is currently the senior employee for the City of Duncanville.

Chief Terry Webb has received numerous awards for his outstanding service. He was named the City of Duncanville 2001 Man of the Year, the Duncanville High School Distinguished Alumni in 2003, the Duncanville Fire Department Meritorious Service Award and the American Legion Local, Regional and State Firefighter of the Year.

Chief Webb is an active member of many fire and civic associations including the International Association of Fire Chiefs, the Texas Fire Chiefs Association, the North Central Texas Fire Chief Association, the Dallas County Fire Chiefs, the National Fire Protection Association, and the Emergency Management Association of Texas. He has also served as President of the Duncanville Lions Club and was named Lion of the Year from 1994–1995. He belongs to the Board of Directors for the Duncanville Educational Foundation and is the Chairman of the Board for the Duncanville Outreach Ministries.

Madam Speaker, in closing, I would like to commend and congratulate Chief Terry L. Webb on all of his accomplishments. His numerous years of service and dedication to the City of Duncanville is worthy of recognition. It is an honor to represent Chief Webb in the 24th District of Texas and I wish him continued success in the years to come.

HONORING MS. TAMMY DODSON

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. TANCREDO. Madam Speaker, I rise today to congratulate Ms. Tammy Dodson from Colorado's 6th Congressional District for being recognized as a finalist for the American School Counselor Association's first School Counselor of the Year award.

As a former educator, I understand the constructive job counseling takes in the development of our children. The roles and responsibilities of student guidance counselors have increased over the past few decades, and so too has the quality and professionalism of their work. This month, the American School Counselor Association seeks to nationally commemorate the finest counselors our nation has to offer. Chosen by a diverse group of educational specialists and public officials, ten individuals are to receive this year's precedent award. Ms. Dodson is one of these fine individuals!

As an additional honor, Ms. Dodson and her fellow finalist will have the chance to participate in a congressional briefing to discuss the role of school counselors in obtaining student achievement. I am certain the experiences and insights these accomplished individuals share will enable them to provide Members with unique and valuable insight into this area.

Madam Speaker, I proudly ask you to join me today in celebrating the accomplishments of Ms. Dodson. She is a shining example of excellence in her field; may her achievements inspire others to be the same.

HONORING RETIRING TOWN OF CONCORD COUNCILMAN RAYMOND HUBERT

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. HIGGINS. Madam Speaker, I rise today to call to the House's attention the dedicated public service of Raymond Hubert, upon the occasion of his retirement from active service as a member of the Concord Town Board.

A well respected leader in the community and staunch advocate for his Town, Ray Hubert has effectively represented his community and has consistently held an open hear to the concerns and ideas of his constituents. Ray's commitment to fellow citizens and taxpayers has been most noteworthy, and his work represents a lasting contribution to our community.

The Town of Concord has been doubly blessed by the Hubert family. Ray's wife Mary served for several years as a Town Justice. Their sacrifice in making the choice to serve their community in this way must be an inspiration to all who serve in public office.

Madam Speaker, I ask that this Congress join me in expressing appreciation to Ray Hubert for his years of dedicated service and commitment to his community. We wish Ray and Mary and their entire family only the very best of health and happiness long in the future.

IN RECOGNITION OF THE 50TH ANNIVERSARY OF W.L. GORE & ASSOCIATES, INC.

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to celebrate the 50th anniversary of the founding of W.L. Gore & Associates, Inc. This company, for six decades, has been committed to providing exceptional products for their customers while demonstrating exemplary business practices.

Founded in 1958, W.L. Gore & Associates has grown to be the global leader in fabrics, medical, industrial, and electronic products. The organization's success has grown from the dedication, passion, and their commitment of their employees to excellence. For ten consecutive years, they have earned the recognition on FORTUNE magazines "100 Best Companies to Work For," and in 2007 was ranked tenth overall.

To this day, W.L. Gore & Associates is recognized for its unique corporate culture. With a mission of creativity and personal responsibility, their organization adopted a management structure driven by personal interaction. Corporate decisions are made based on knowledge and experience, rather than by official titles or positions. As envisioned by founders' Bill and Vieve Gore, they hoped that associates would constantly be encouraged to grow through knowledge, skill, and individual accountability.

On this 50th anniversary, I would like to recognize the many accomplishments of W.L. Gore & Associates. Their commitment to their customers and employees should be an example for all. I commend the W.L. Gore & Associates family for their commitment to the Delaware community and the nation, and I wish them all the best on this momentous anniversary.

HONORING SERGEANT BRYAN J. TUTTEN

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. MICA. Madam Speaker, I rise today to honor and pay tribute to Sergeant Bryan J. Tutten, 33, who died Christmas Day, December 25, 2007 while serving our nation in Iraq during his second tour of duty.

Prior to joining the Army, Sgt. Tutten, born in St. Augustine, Florida, graduated from St. Augustine High School and attended St. Johns River Community College. He was also a member of Holy Greek Orthodox Church in St. Augustine.

We should all remember Sgt. Tutten's courage and his ultimate sacrifice for our nation. The freedom and liberty we enjoy and peace in the world for others for which he fought are part of the great legacy that Sgt. Tutten leaves behind. He was laid to rest at San Lorenzo Cemetery in St. Augustine, Florida on January 4, 2008.

After the devastating events of September 11, 2001, Sgt. Tutten enrolled in the Army. His family remembers him as an avid sportsman who loved to fish and cook, and how he enjoyed the time he had playing with his daughter, Catherine. He was assigned to the 82nd Airborne Division based in Fort Bragg, North Carolina which was deployed to Iraq.

With the passing of Sgt. Tutten, America has lost an outstanding citizen and a shining example of service to our nation. He will be remembered as a patriotic American, a pillar of our community and a compassionate husband and a loving father.

To his wife Constandina, his daughter Catherine, his son Gareth, his mother Ms. Sylvia Smallwood and his loving family and friends, we offer our deepest sympathy.

Madam Speaker, it is my privilege to recognize Sgt. Bryan J. Tutten's contributions and to ask all Members of the U.S. House of Representatives of the 110th Congress to join me in recognizing his service in our nation's Armed Forces and remembering a great American hero.

HONORING FIRE CAPTAIN SCOTT KNEPSHIELD

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Scott Knepshield, Fire Captain in the Wayne Fire Department, upon his retirement from a distinguished 22-year career in Wayne, Michigan.

Fire Captain Knepshield has dedicated his life to helping others. Upon graduation from Churchill High School in Livonia, Michigan, Scott joined the United States Army and served honorably from 1975 to 1977. Following his service to our country, Scott attended Madonna University, where he received his emergency Medical Technician certification. Scott joined the Wayne Fire Department on June 26, 1985, and continued his employment with the department for 22 years. Scott has been a valuable member of the Department, being promoted to Lieutenant on January 2, 1998, and Fire Captain in February 2000, where he served until December 12, 2007.

In his pursuit of public service, Fire Captain Knepshield has attended the National Fire Academy in Emmetsburg, Maryland, served as a Michigan State Fire Inspector, and earned a certification from the State of Michigan as a licensed Paramedic. Fire Captain Knepshield has also been associated with the Metropolitan Detroit Fire Inspectors, the Michigan Fire Inspectors Society, and has been an energetic and vocal member of the Wayne Fire Fighters Local 1620 for his entire career. Scott looks forward to more time with his wife of 32 years, Mary, and their daughter Melissa, who attends college at Grand Valley State University.

Madam Speaker, in honor of his commitment to protecting the citizens of Michigan and his dedication to serving the residents of Wayne, I ask my colleagues to join me in recognizing Fire Captain Scott Knepshield for his years of service to our community and our country.

HONORING RETIRING BOSTON TOWN COUNCILMAN DENNIS MEAD

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. HIGGINS. Madam Speaker, I rise today to honor the public career of one of the Town of Boston's most revered leaders, Town Councilman Dennis Mead.

For twelve years, Dennis faithfully represented the Town of Boston, serving with unwavering work ethic and a steadfast commitment to his town's progress. Dennis served honorably as the voice of the people of his community and his service has been a model for others to follow.

Although Dennis will no longer serve on the Boston Town Board come January 1, 2008, there can be no question that his heart lies in his hometown, and his commitment to the town's future will remain steadfast. Madam Speaker, I want to thank you for this opportunity to Dennis Mead in this manner, and I know that you join me and the rest of our colleagues in wishing Dennis the best of luck and Godspeed in all of his future endeavors.

IN RECOGNITION OF LEON N. WEINER & ASSOCIATES INC.

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. CASTLE. Madam Speaker, it is my great pleasure to rise today in honor of Leon N. Weiner & Associates Inc. (LNW&AI), a company that for almost 60 years now has been accomplishing great feats and doing outstanding work for the housing industry in Delaware and surrounding areas. Today, I wish to call attention to a neighborhood renewal project this group championed. It positively impacted our community to such a degree that the readers of Affordable Housing Finance Magazine named it the Nation's best affordable homeownership development.

Leon N. Weiner & Associates Inc. was presented with this prestigious award because they had the vision, drive, prowess and compassion to take an area in need of revitalization and transform it into a true community. Less than a decade ago the Wilmington, Delaware neighborhood now known as Eastlake was home to some of the highest per capita drug and crime rates in the nation. All of that has changed since LNW&AI came in with an innovative renewal plan to construct new homes at below-market rates for neighbors. While designing this community, LNW&AI was mindful of practicality, community, affordability, safety, and aesthetics—all of which help explain the program's great success. Through the work of LNW&AI and its project affiliates, the Village of Eastlake is now seeing an unprecedented influx of residents that are inspired and committed to bettering their community and future.

I have long been a supporter of Leon N. Weiner & Associates Inc. Leon Weiner, whom I had the distinct privilege of knowing and working with while he was alive, founded the company in 1949 and made it a success. He recognized that people from every walk of life, regardless of economic circumstances, share a common need and dream of having a place to call home. His hard work and dedication to such a cause helped put thousands of people of modest incomes in homes. Furthermore, he established a rich philanthropic legacy within LNW&AI. Through my personal experiences with Leon's successors: Kevin Kelly and David Curtis, as well as the rest of the LNW&AI staff, I can assuredly say that Leon's legacy not only lives on, but thrives in the company today.

Once again, I would like to recognize Leon N. Weiner & Associates Inc. Their work at the Eastlake community is remarkable and very deserving of Affordable Housing Finance Magazine's Reader's Choice Award. They are an invaluable asset to our community and I wish them all the best now and in the future.

HONORING THE LIFE OF HON. RICHARD F. "RIC" WILLIAMSON

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. MICA. Madam Speaker, I rise to pay tribute to a wonderful friend and a great leader in transportation, both in Texas and our Nation, the Hon. Richard F. ("Ric") Williamson. His sudden passing on December 30, 2007 was an incredible loss to his family, the State of Texas and our country.

It has been my honor to know and work with Ric during his service as Texas Commissioner of Transportation. From our first meeting, I knew I had a found a friend, a leader, and a key supporter of building our Nation's infrastructure. Rick's passing is a tremendous loss to all those who respected his leadership and brilliance in government's important work to build the national transportation system. I join the Texas Congressional Delegation and all who knew and worked with Ric in extending our sincere condolences to his wife and family.

As chairman of the Texas Transportation Commission, Ric crafted creative, major, and often controversial decisions about the future of the State's transportation system. He was a strong proponent of toll roads and public-private partnerships as a solution to meet the State's transportation needs and funding shortfalls.

Ric's policies and positions were always well thought-out and passionately defended. He always did what he thought would best serve the transportation needs of the State, and many believe that his support for public-private partnerships was instrumental in inspiring other States to consider similar deals as a way to finance new highway construction or to provide long-range, predictable State revenues.

Ric was a native of Abilene, Texas and graduated from University of Texas at Austin in 1974. In 1985, Ric was elected to the Texas Legislature, as a Democrat, and served 13 years until he left in 1998 as a Republican. Serving on the legislature's House Appropriations Committee, he was one of the "Pit Bulls," conservative lawmakers who questioned how the state spent its money. He believed that agencies should get money based on the goals they set and met, a concept known as performance-based budgeting, which is used today in the Texas budget process.

During his State House years, Ric was known as a maverick, and earned the nickname "Nitro" for his energy. He was an independent and aggressive leader who preferred making good policy over playing politics.

In 2001, Governor Perry appointed Ric to serve on the five-person Commission that oversees statewide activities of the Texas Department of Transportation. In 2004, he became the Commission's chairman. His tenure at the Commission was sometimes controversial, but, as my friend and colleague from the 26th district in Texas, Dr. Michael Burgess, said, Ric Williamson was "unafraid to challenge the status quo, and was a highly regarded leader bringing innovative ideas to provide safe, economic and reliable transportation to improve the daily lives of Texans."

Ric is survived by his wife Mary Ann Williamson and three daughters, Melissa Meyer, Katherine Strange, and Sara Williamson, as well as two grandchildren.

In closing, I will quote another friend of Ric's, the Administrator of the U.S. Department of Transportation Federal Highway Administration. "Texas has lost a proud son, as has the nation's transportation community." Ric Williamson was a visionary leader and a straight talker. He will be sorely missed.

CELEBRATING THE LIFE OF JOHN MICHAEL GRANVILLE, AN AMERICAN DIPLOMAT

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. HIGGINS. Madam Speaker, I rise today to honor and pay tribute to an outstanding citizen of Buffalo and Western New York, John Michael Granville, an American diplomat who devoted his adult life to promoting peace through his foreign aid and humanitarian work in Africa.

John Granville, who worked for the U.S. Agency for International Development (US AID) in Sudan, was fatally shot after attending a party at the British Embassy in Khartoum. His sudden passing is a great shock to us all and my thoughts and prayers are with his family and friends at this very difficult time. In this senseless tragedy, we lost a man of peace and purpose, a man who had dedicated himself to making the world a better place for others.

John Granville was a thoughtful and honorable man who was deeply loved by his family, friends and the community. Born and raised in my hometown of Buffalo, NY, John Granville was an outstanding young man. We are proud to salute John and honor him for his lasting service to our nation and to countries abroad and for the important humanitarian work he was doing in Africa.

John was a graduate of Canisius High School, Fordham University and held a Master's degree in International Development from Clark University. The John M. Granville '93 Memorial Scholarship has been established at his high school alma mater in his memory as family; friends and classmates want to make sure he will never be forgotten.

Before joining USAID, John served as a Peace Corps volunteer in Cameroon, where he helped build the first school in a rural village. His love for Africa and the people of Africa was realized during his years of service there. John's most recent work involved distributing radios to people in the southern part of Sudan to maximize the effect of the agency's broadcasting initiatives in Sudan's southern region, which is recovering from a 21-year civil war. The goal was to prepare southern Sudan for elections in 2009, and a possible referendum in 2011 on independence.

We know John will be missed beyond measure by his loving mother, Jane, his beloved sister Katie and brother-in law Sean, his loving nieces Caroline, Julia, Hanna and Molly and nephew Matthew, his extended family and dear friends. Everyone who knew or was influenced by John will mourn his loss in their own way. I will do my part to honor John's memory by calling upon the Administration to strengthen its efforts to protect American diplomats serving overseas and to bring stability to Sudan and the surrounding region.

We must pray for the Granville, O'Connell and McCabe Families and for John Granville, with a tremendous sense of appreciation for the great sacrifice that he made as he worked to promote peace in Africa. I take the liberty of honoring John's life and legacy by including the statement issued by his family, "John's life was a celebration of love, hope and peace. He will be missed by many people throughout the world whose lives were touched and made better because of his care."

HONORING FIRE CHIEF TIMOTHY REYNOLDS

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Timothy Reynolds, Fire Chief of the Wayne Fire Department, upon his retirement from a distinguished twenty-five-year career in public service.

For over two decades, since joining the Wayne Fire Department on June 24, 1982, Fire Chief Reynolds has served the citizens of Wayne, Michigan with distinction. Throughout his career with the department, Timothy served in numerous capacities having been promoted to Lieutenant in December 1994, Captain in 1997, and Fire Chief in 2003 where he served until December 14, 2007.

Timothy Reynolds worked tirelessly to further his education and sharpen his abilities in order to better serve the citizens of Wayne. Fire Chief Reynolds holds numerous degrees and certifications, including a degree in Fire Science Technology from Henry Ford Community College, a State of Michigan certified Paramedic license, and a Fire Inspector certification with the Michigan State Fire Marshal Office. Fire Chief Reynolds has served as the Emergency Program Manager for the City of Wayne and is an active member of the International Association of Arson Investigators, the Michigan Fire Chiefs Association, and the Southeastern Michigan Fire Chiefs Association. Among his many accomplishments, Fire Chief Reynolds remains most proud of his family, which includes his wife of twenty-nine years, Shannon, and their three children, Jennifer, Neil, and Maureen.

Madam Speaker, for twenty-five years Fire Chief Reynolds has faithfully served the citizen of Michigan. As he enters the next phase of his life, he leaves behind a legacy of dedication, honor, and courage. Today, I ask my colleagues to join me in congratulating Fire Chief Timothy Reynolds upon his retirement and recognizing his years of loyal service to our community and country.

2007 UNIVERSITY OF DELAWARE MEN'S LACROSSE TEAM

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to pay tribute to the 2007 University of Delaware Men's Lacrosse team. In 2007 the Blue Hens' record was 13–6 in intercollegiate play, posting its finest season in school history and advancing all the way to the NCAA national semifinals.

The Blue Hens opened up the season with five straight wins, but began to struggle and by mid season they were just 6–5. In mid-April the Blue Hens rallied in the final quarter to defeat Colonial Athletic Association (CAA) foe Villanova 19–18, thus igniting the Blue Hens into winning seven straight games before the national semifinal loss.

Upon entering the tournament, the Blue Hens defeated the defending National Champions and the No. 2 ranked University of Virginia. Delaware then defeated the University of Maryland Baltimore County (UMBC) in the national quarterfinals at Navy to earn a spot in the Final Four.

The Blue Hens are coached by Bob Shillinglaw who has coached at Delaware for more than 30 years and is one of the Nation's most respected and successful coaches. This past year Coach Shillinglaw's team was led by a strong senior class, which included 2 All-Americans, Alex Smith and Jordan Hall and All-CAA selections Adam Zuder-Havens, Dan Deckelbaum, and Rob Smith.

I congratulate Coach Bob Shillinglaw and the 2007 University of Delaware Men's Lacrosse team for their success, and the pride they have shown as representatives of the University of Delaware and the First State.

FREEDOM FOR CARLOS JESUS MENENDEZ CERVERA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to speak about Carlos Jesus Menendez Cervera, a political prisoner in totalitarian Cuba.

Mr. Menendez Cervera is a member of the Cuban Commission on Human Rights and National Reconciliation (CCDHRN), Executive

Secretary of the Social Democratic Party and an interim director of the Independent Libraries Project. He is a peaceful pro-democracy activist who believes that Cuba must be free, that all Cubans must be free to learn, free to worship, and free to enjoy human rights and the Rule of Law. Accordingly, Mr. Menendez Cervera has been targeted by the totalitarian regime.

Because of his steadfast belief in freedom and democracy, Mr. Menendez Cervera has been harassed and detained numerous times. In February 2007 Mr. Menendez Cervera was detained and thrown into a police vehicle after he was seen exiting the U.S. Interests Section's Center for Information Services. He was locked inside the vehicle and interrogated for nearly an hour before being driven to a nearby police station. At the station, where a member of the Cuban political police further interrogated him, his short wave radio and a photocopy of a Miami Herald article he carried were confiscated. Regime thugs attempted to incriminate Mr. Menendez Cervera but he was eventually released.

According to the CCDHRN, plainclothes members of the regime's secret police arrested Mr. Menendez Cervera on November 15, 2007. The CCDHRN said that Mr. Menendez Cervera was arrested when he entered the home of a well-known former prisoner of conscience, Mr. Hector Palacio, one of the "Group of 75" arrested as part of the Cuban dictatorship's heinous island-wide crackdown on peaceful pro-democracy activists in March 2003. Mr. Palacio, who was serving a 25-year sentence, was released from prison due to health concerns.

Mr. Menendez Cervera represents the best of the Cuban nation, a nation that, though oppressed for 49 years by a totalitarian tyranny, has never stopped fighting for its freedom and for the Rule of Law.

Madam Speaker, we must speak out and act against these arbitrary harassments and arrests, and the abominable disregard for human rights, human dignity, and human freedom just 90 miles from our shores. My colleagues, we must demand the immediate and unconditional release of Carlos Jesus Menendez Cervera and every political prisoner in totalitarian Cuba.

TRIBUTE TO THE CELINA BOBCATS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. HALL. Madam Speaker, I rise today to pay tribute to the 2007 Celina Bobcat football team.

On December 22nd, 2007, the Celina Bobcats defeated the China Spring Cougars by a score of 21 to 14 to win the Class 3 AAA Division II State Championship at Texas Stadium. Under the leadership of Coach Butch Ford, the Bobcats finished the 2007 season with a perfect 16–0 record to claim a new state record 8th State Championship. This is a remarkable accomplishment that merits recognition.

With a record eight state titles and wins in two out of the last three championship games, the Bobcats have a heritage of excellence in football. This tradition of winning is proven by their historical rankings with more wins in the last 10, 20 and 40 years than any other team in Texas.

By halftime the Bobcats found themselves in their first halftime tie of the season with a close 7–7 game, and by the end of the third quarter it was still tied at 14–14. However, by the end of the fourth there was no doubt which team was champion. In a close game where every play counted, the Bobcats pulled ahead at the end to win by 7 points. This State Championship win marks another tremendous milestone in the continued excellence of Bobcat football, and I am proud of their accomplishment.

Madam Speaker, I want to congratulate the Bobcat players as well as their coaches, trainer, cheerleaders, the Las Gatitas dance squad, band members, teachers, school administration, and other community supporters for their success in both championship and regular season play. I ask each of my colleagues to join me in honoring Celina High School in their record-breaking 8th State Championship.

HONORING EDWARD A. TOKASZ UPON HIS 70TH ANNIVERSARY AS A MEMBER OF THE DOYLE HOSE VOLUNTEER FIRE COMPANY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. HIGGINS. Madam Speaker, as you well know, the fire service remains among the most well respected and revered groups of individuals within communities throughout the United States. The volunteer fire service, moreover, represents groups of individuals within particular communities who, of their own volition, choose to protect and serve their home communities, putting their lives on the line toward the betterment and safety of their hometowns.

Today, Madam Speaker, I rise to honor the personal sacrifice of a member of one of the best known and most respected fire companies in my congressional district—the Doyle Hose Fire Company in the town of Cheektowaga. I rise to honor Edward A. Tokasz, who this year will celebrate his 70th anniversary as an active member of Doyle Hose.

A little less than 2 months past his 18th birthday, Ed joined up with Doyle on February 2, 1938, and from that day forward has honorably and competently served as a dedicated member of the company. Ed served in many positions within Doyle, including assistant chief, president, vice president, and sergeant at arms. In particular, in perhaps his most amazing statistic, Ed served as Treasurer for nearly 60 years.

Ed's service to our community set an example for others to follow. Ed's son, Paul Tokasz, began his career as a schoolteacher, and served in several governmental positions before his election to the New York State Assembly in 1988. Paul would eventually rise to serve as majority leader, and I served with Paul in the legislature for 6 years. Undoubtedly, it was Ed's influence that led Paul and many others into public service.

Madam Speaker, it is not often that a Member of the House has the opportunity to honor someone for 70 years of active service in any vocation, much less a vocation as critical to one's community as the fire service. That is why I am asking that you join with me and with all of our colleagues in congratulating Ed Tokasz for his long service to our community, and I know that you and all of our colleagues join me in wishing Ed and his family nothing but the very best of luck and Godspeed in the months and years to come.

HONORING THE DEDICATED SERVICE OF KATY DAWSON

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. GORDON of Tennessee. Madam Speaker, I rise today to thank Katy Dawson for her dedicated service to Tennessee's Sixth Congressional District while working in my Washington, DC, office.

Katy joined us in 2005 as a staff assistant and provided a warm welcome to our guests. She grew in that position, moved on to serving as a legislative correspondent and has proven to be quite the workhorse. She has been a diligent worker, and she has provided a tremendous help to me. She views each legislative issue with compassion and always considers what is in the best interest of middle Tennesseans.

My staff and I wish Katy well as she moves on to her next challenge. We hope she finds as much success in her next endeavor as her beloved Boston Red Sox and New England Patriots have found on their fields.

Katy, thanks for your hard work over the past few years. I wish you all the best.

150TH BIRTHDAY OF HAMILTON COUNTY, TEXAS

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. CARTER. Madam Speaker, I rise today to recognize a shining county in my district. Hamilton County will be celebrating its 150th birthday on Tuesday, January 22, 2008. Named after James Hamilton, a former Governor of South Carolina who aided the Republic of Texas when we made our break from Mexico, Hamilton County is believed to be the final resting place for "Billy the Kid." Although noted by many as a county rooted deep in Texas history, undeniably the greatest asset of Hamilton County is its people.

Hamilton County people are the type who wave to strangers as they pass them driving down the highway. They are the type of people who get together to discuss politics, last night's football game, and their families over a piece of pie. They share a common sense of community where they look after one another. These people are a shining example of the Texas values that make this area of our State so genuine. I am extremely proud to have represented Hamilton County for 3 of the past 150 years and I wish them continued prosperity for another 150 years and beyond.

HONORING THE SOLDIERS OF INDIANA'S 76TH INFANTRY BRIGADE COMBAT TEAM

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. HILL. Madam Speaker, I would like to thank the courageous soldiers of Indiana's 76th Infantry Brigade Combat Team and their families for their unwavering commitment to defending our great Nation. For many of these soldiers it will be their second trip to Iraq and another period of extended time away from their families. I know this must be a difficult time for them, but let me stress again how grateful I am for such noble service.

The deployment of the 76th Infantry Brigade Combat Team will be the single largest deployment of Indiana National Guard soldiers since World War II. In sum, approximately 3,400 of our Guardsmen will be serving in Iraq when their unit deploys.

I will certainly be keeping these Hoosier soldiers and their families in my thoughts and prayers. Thanks to our troops for protecting and defending the freedoms we enjoy as Americans. And, thanks to our soldiers for their steadfast service to our country.

RECOGNIZING THE APPOINTMENT OF ROBERT HAY AS THE 2008 PRESIDENT OF THE PENNSYLVANIA ASSOCIATION OF REALTORS®

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to recognize Robert C. Hay, CRB, e-PRO, GRI, of Stroudsburg, Pennsylvania, for achievements in the real estate industry in Pennsylvania and his appointment as the 85th president of the Pennsylvania Association of Realtors® on January 15, 2008.

Mr. Hay has been active in the real estate industry for more than 28 years. At the Pennsylvania Association of Realtors®, he chaired many committees and task forces including Grievance, Strategic Planning and the Convention Committee. Mr. Hay also served as a Realtors® Political Action Committee trustee for many years, and he is Federal political coordinator.

Mr. Hay served as president of his local association, the Pocono Mountains Association of Realtors®, in 1982, 1983, and 1999. He chaired most committees in the association, and he was named Realtor® of the Year in 1982, and again in 2000. This award is given annually to a local member of the association in honor of his or her distinguished and unselfish service while displaying outstanding leadership, vision, and ability. Mr. Hay promoted the consumers' best interests in the real estate market while strictly following the code of ethics.

About 4 years ago, Mr. Hay created his own company, Bobhay.com Realtors®, where he is the broker and owner. Because of the changing nature of the real estate industry, Mr. Hay saw the desire for home buyers and sellers to obtain real estate information through the Internet, and he created a real estate website.

Mr. Hay previously worked at RE/MAX before he decided to develop his own company.

Mr. Hay is also active in his community of Monroe County, Pennsylvania, and I cannot begin to calculate the number of hours that Bob and I have spent together while working on important community projects. In 2006, he served as the chairman of the board of the Pocono Mountains Chamber of Commerce. He continues to work diligently to try to restore the passenger rail service from northeastern Pennsylvania to New York City as the chairman of the Pennsylvania Northeast Regional Railroad Authority.

On a personal note, let me mention how much I have enjoyed getting to know Bob and his wife, Beverly, over the years. They represent the community spirit that makes places like northeastern Pennsylvania great areas to live.

Mr. Hay is a veteran of the Vietnam war. He lives with his wife, Beverly, in Mt. Pocono.

Madam Speaker, please join me in recognizing Mr. Hay for his distinguished career in the real estate industry and his inauguration as the 85th president of the Pennsylvania Association of Realtors®.

TRIBUTE TO MILTON CONGER

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mrs. MUSGRAVE. Madam Speaker, I rise today to honor a true American hero, Milton Conger, from Burlington, Colorado. Mr. Conger was born on October 1, 1924, in rural Kansas. He was a member of the greatest generation and served in the U.S. Army from 1943 to 1946.

Milton grew up in Kit Carson County, Colorado, and entered the Army immediately following graduation from high school. He married Marjorie Irene Schmidt on October 1, 1943, while home on leave, right before being sent to Europe to serve with the 79th Infantry Division, 314th Regiment, L. Company. Milton's company fought primarily in France. On October 9, 1944, while digging a foxhole at the edge of the Forest of Parroy, a Jeep pulled up and out stepped a 4-star general and asked him how things were going. He later determined that he had spoken to General Marshall, who had come to France to see the troops. Milton was awarded the Purple Heart for a leg wound he received a few days before his meeting with the general. It was also in the Forest of Parroy that Milton and one of his buddies captured four German soldiers. Mr. Conger received the Combat Infantry Badge and the Croix-de-Guerre from the French in 1997.

During their time in France, 862 soldiers of Milton's 314th Regiment were killed in action, 4,139 were wounded, and 56 were reported missing in action. They also captured 11,822 German soldiers. The trip home from Europe was dangerous for Milton, he was sent home on the French ship *Athos II*. On December 21, 1945, they encountered a huge Atlantic typhoon and were tossed about the sea for two days. The soldiers were forced to stand for hours in the slimy lower passages as ballast. The ship was badly battered, and had to stop in the Azores. There they waited to be transferred to the aircraft carrier *Enterprise* for the rest of the trip home.

After the war, Milton returned home to Colorado where he worked as a carpenter and building contractor, operating Conger Construction. Milton and his wife Marjorie raised three daughters: Linda Kay (Malm), Nancy Lee (Brown), and Connie Rae (Ogle). Mr. Conger is a charter member of VFW Post 6491 and is also a member of American Legion Post 60.

I am proud to honor Milton Conger for his dedicated service to our Nation. He is an American hero who left his home to defend our Nation, and then returned home to be a valued member of his community, showing his children and grandchildren how to live meaningful lives of service. Milton truly is the embodiment of all the values that have molded America into the great nation it is today. May God bless Milton and his family, may God bless our precious veterans, and may God bless America.

THE RETIREMENT OF GLENN CANNON FROM WAVERLY POWER AND LIGHT COMPANY

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. BRALEY of Iowa. Madam Speaker, I rise today to congratulate Glenn Cannon on his retirement as general manager of Waverly Power and Light Company. At the end of the past year, Glenn retired after a 17 year career with Waverly Power and Light. Waverly Power and Light is a municipal electric utility that is owned by the city of Waverly, a town of 9,000 people in northeast Iowa.

Over the past 17 years, Glenn served as the driving force behind the success of Waverly Power and Light. Glenn's efforts allowed the company to lead the way for wind energy development across the Midwest. In 1993, under Glenn's leadership, the company installed the first utility-scale wind turbine in Iowa. Today, Iowa has approximately 350 wind turbines and ranks third in the Nation for wind energy development. Iowa, and America, are following Glenn's lead.

In 2001, Waverly Power and Light launched the Iowa Energy Tags Program becoming the first electric utility in the Nation to offer green tags, which verify that electricity was generated from a renewable energy source. In 2002, thanks to Glenn's leadership, Waverly Power and Light received the National Renewable Energy Laboratory's Paul Rappaport Renewable Energy and Energy Efficiency Award. Glenn accepted the award on behalf of the company and the city of Waverly.

Glenn has dedicated his life to the promotion and development of wind power and renewable energies. His work has proven that communities in Iowa and across the country can be powered by clean renewable energies. I am proud to be representing Glenn and the Waverly Power and Light Company in Congress.

I am happy to hear that Glenn will be continuing his work to promote and develop renewable energies. He will be serving as a consultant for the promotion of wind power, energy efficiency and soy-bean transformer oils. I wish him the best in all his endeavors.

WALKER BLAIR ETHERIDGE MAKES HIS MARK ON THE WORLD

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. ETHERIDGE. Madam Speaker, I rise today to congratulate my son David and his wife Casey on the birth of their first child, Walker Blair Etheridge. Walker was born on December 22, 2007, and weighed 8 pounds and 7 ounces and was 20 inches long. My wife Faye and I are ecstatic about the birth of our fourth grandchild, and she joins me in wishing David and Casey all the happiness and love that a first child brings into your life.

Faye and I are truly blessed by the arrival of Walker Blair Etheridge. The birth of a new child is a joyous occasion that reminds us of the promise of a new life. Children remind us of the incredible miracle of life, and they keep us young-at-heart. Every day they show us a new way to view the world.

God has truly blessed my family with this new addition. My family and I are looking forward to spending a lot time with our new bundle of joy and introducing him to all of our friends and neighbors in North Carolina's Second Congressional District.

HONORING THE 100TH ANNIVERSARY OF ALPHA KAPPA ALPHA

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to honor Alpha Kappa Alpha on the occasion of their centennial anniversary.

As a proud member of Alpha Kappa Alpha, I would like to welcome the thousands of fine AKA members who have traveled to Howard University this week to celebrate the birth of Alpha Chapter and the nine visionaries who founded the sorority in 1908.

As our Nation's oldest black Greek letter fraternity founded by women, Alpha Kappa Alpha was established in order to provide social and intellectual enrichment through member interactions. Throughout the years, AKA's purpose has expanded as it strives to promote high scholastics and ethical standards, vocational and career guidance, health services and the advancement of human and civil rights. Led by International President Barbara A McKinzie, the women of AKA seek to make a difference in our communities and to be of supreme service to all of mankind.

When you look at AKA's distinguished membership it is easy to see its impact on America. Amongst these women are: Coretta Scott King, Rosa Parks, Maya Angelou, Toni Morrison, Ella Fitzgerald, and Dr. Mae Jemison—just to name a few.

Today, Alpha Kappa Alpha is a worldwide organization with 200,000 members in 975 chapters all over the globe and on every continent. The century of achievements by AKA women are felt everyday in the progress of our communities, and the work our members are doing today will be felt by generations to come. This centennial celebration is both a reflection upon our history, and a celebration of our future.

I commend Alpha Kappa Alpha on their centennial anniversary and wish them well for their next 100 years.

ANDREW TIMOTHY OTTO MAKES HIS MARK ON THE WORLD

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 2008

Mr. ETHERIDGE. Madam Speaker, I rise today to congratulate my daughter Catherine and her husband Tim Otto on the birth of their second child and my fifth grandchild Andrew Timothy Otto. Andrew was born yesterday, January 14, 2008, and weighed 8 pounds and was 20.5 inches long. My wife Faye and I are delighted to welcome Andrew as he joins our four other grandchildren, William, Virginia, Cameron, and Walker. Faye and I wish Catherine and Tim and big brother William great happiness upon this new addition to our family.

Faye and I are truly blessed by the arrival of little Andrew Timothy Otto. The birth of a new child is a joyous occasion that reminds us of the promise of a new life. Children remind us of the incredible miracle of life, and they keep us young-at-heart. Every day they show us a new way to view the world.

My family and I are looking forward to spending a lot time with our new bundle of joy and introducing him to all of our friends and neighbors in North Carolina's Second Congressional District.

HOUSE OF REPRESENTATIVES—*Wednesday, January 16, 2008*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, if and when Members of Congress are ever broken-hearted or frustrated in their efforts to do Your will or accomplish good purpose for Your people, let them recall the words of Isaiah: "Thus says God, the Lord, who created the heavens and stretched them around the Earth and spread across the Earth crops and resources. It is I, the Lord, who have called you for the victory of justice. I have grasped you by the hand. I have formed you and set you as a covenant of the people and a light for the nations."

Open, Lord, their eyes that they may have a vision filled with hope and promise. Bring them out of their prison of emptiness and from the dizziness of their darkness. Glorify Your name in them and through them again and again, both now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Ohio (Mrs. JONES) come forward and lead the House in the Pledge of Allegiance.

Mrs. JONES of Ohio led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

A NEW VISION FOR INVESTING IN AMERICA

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Madam Speaker, there's a certain irony: As the country is slipping towards recession, the Bush administration is backing away from its own study on infrastructure finance. The answer is simple. It's not a gimmick. Think of the subprime mess that got us into this situation in the first place. The solution is more money to invest. There are examples of where money may be available. For example, the carbon-constrained economy that we are moving into will create a great deal of value, some of which could be captured to help pay for infrastructure.

It is critical, however, that we have a new vision of cleaning up the environment, rebuilding America, and making it more energy efficient, because people are not, nor should they put a lot of money into yesterday's plan. A new vision for investing in America in this century is a key, not just to fighting this temporary recession but making our communities more livable and making our families safer, healthier, and more economically secure.

IN RECOGNITION OF AMBER McDANIEL

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, I rise today to wish a fond farewell to a member of the Second Congressional District staff, Amber McDaniel. A member of our team from the very beginning, Amber served as deputy campaign manager during my 2001 run for Congress, as a field representative and as our office manager. She will be joining Emerging Markets Private Equity Association as their executive assistant.

Amber's hard work and dedication have earned her a reputation as someone that is willing to always go that extra mile to get the job done. I have had the privilege of getting to know Amber as someone of immense personal and professional integrity, as well as a dear friend. Her service will be missed.

As a 4-year letterman graduate of the University of South Carolina, Amber is the daughter of Pete and Andi Riddell of Westerville, Ohio, and sister of Andrew Riddell and Richard Fleeman. We are all tremendously proud of Amber and wish her the best in the years to come.

In conclusion, God bless our troops, and we will never forget September the 11th.

DEMOCRATS RECOGNIZE THAT ECONOMY IS IN TROUBLE, VOW TO WORK WITH BUSH TO STIMULATE ECONOMY

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Madam Speaker, across the country more and more Americans are struggling to make ends meet. Unemployment has risen to 5 percent. Home values are dropping and millions of Americans are getting hit with mortgage rate adjustments. At the same time, the costs of health care, groceries, gasoline, home heating oil, and college educations continue to rise. It is welcome news that Federal Reserve Chairman Bernanke is signaling that the Fed will cut interest rates to address the slowing economy. But this is not enough.

Democrats want to work with the President and the Republican Congress in the coming weeks to jump-start the economy and provide sound relief to American families. I would hope that we can all agree that the economy needs a jolt. Democrats believe a fiscal stimulus plan should adhere to three simple principles to be effective: It must be timely, targeted, and temporary.

Madam Speaker, we want to work in a bipartisan fashion immediately to develop a legislative plan based on these three principles so that the stimulus plan can be passed and implemented into law without delay.

SOUND POLICY FOR AMERICA'S ENERGY NEEDS, NOT HOLLOW PROMISES

(Mr. BOUSTANY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUSTANY. Madam Speaker, across the country, American families are dealing with high energy prices. Families, especially those at risk due to home foreclosure, illness, and job insecurity face high anxiety about just how high these prices will go. Oil and gas prices soared last year, but this Congress did nothing to address the underlying problem. Some suggest an increase in the gasoline tax, a 40-cent per gallon increase. Now that is a lot of money in southwest Louisiana.

Washington must rein in waste and promote energy solutions to meet our energy needs. This Congress should promote sensible policies that unleash American ingenuity to come up with the next generation of alternative fuels. Washington also needs to work to fix our aging roadways and bridges. But we have a responsibility to cut wasteful spending instead of hiking taxes.

Let's do something positive for the people. We can promote energy solutions and fund necessary repairs for our infrastructure. Increasing taxes is

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

not a solution. Let's make the hard decisions, because that is what the American people put us here to do.

ADMINISTRATION'S BUILDUP TO WAR IN IRAN

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, over the past few years this administration has been beating the drums of war against Iran. There are parallels against their efforts to try to create a war against Iran and the falsehoods that set us on the path to war against Iraq. We know that the United States intelligence community was able to demonstrate that the administration's claims that Iran had a nuclear weapons program were in fact not true.

The January 6 incident at the Strait of Hormuth is still another cause for this Congress to look deeply at the administration's Iranian war buildup, because it appears from news reports that the Department of Defense grossly inflated an encounter that took place in the strait, an encounter that was not like any that had taken place before, and then not only inflated it, but fabricated information that would cause the American people to believe that Iran was demonstrating military aggressiveness.

We really have to get off the path of war towards Iran and start working on building diplomatic relations.

TAX INCREASES HARM THE ECONOMY

(Mr. AKIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKIN. Madam Speaker, as we start a new year, one of the things that we are seeing in the economy is signs of stress. The unemployment is rising somewhat, we see the trouble with the housing market, the savings and loan crisis. Over the past year, the Chairman of the Fed, Ben Bernanke, warned that the Democrat tax increases increasingly threaten our economy. Last year, the Democrats passed a $528 billion tax increase here in the House and proposed the mother of all tax increases, a $3.5 trillion tax increase, the largest in the history of our country.

That is exactly the wrong medicine in an economy that is struggling. Instead, what we should be doing is we should be returning a portion of that money that people earn so that it can be invested and strengthen the economy and put us back on the road to recovery, just as we did in 2001 and 2002. It's time for us to understand that tax increases are exactly the wrong medicine when the economy is struggling. I hope the Democrats remember that.

TAX BREAKS FOR THOSE SUFFERING THE MOST

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Madam Speaker, the Dow Jones Industrial Average has dropped over 10 percent, and all economic indicators indicate that we are in serious financial trouble. This Congress needs to respond on behalf of the American people. Unfortunately, in the past this Congress has responded by giving tax breaks to the wealthiest, and it has created the largest gap in income between the upper 1 percent and the other 99 percent, probably in the history of this country.

We need to work in a bipartisan fashion. We need to work together. The previous speaker was correct: We need to give money back to taxpayers. But they need to be the working taxpayers, who are suffering the most, the people who are now unemployed, not able to pay taxes because they have lost their jobs, or people who need help with food stamps, and people who will immediately put that money into the economy, not the wealthiest who have savings in the hundreds and thousands and millions of dollars and can live on through this and survive it and won't put that money back into the economy.

The tax breaks of the past were mistakes. The spending needs to be for people who are suffering. They are the people who know the hard economic times we have. I read my e-mails on a daily basis and there are many people out there suffering who need economic help now. We need to act in a bipartisan fashion, but remember those who suffer the most.

□ 1015

EMPLOYERS WHO HIRE ILLEGALS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, during a routine traffic stop, an illegal immigrant named Juan Leonardo Quintero-Perez shot Houston Police Officer Rodney Johnson in the back of the head and killed him. This case highlights the illegal immigrant epidemic in this country.

It seems, however, that Juan Quintero-Perez had already been deported before from the United States. In 1998, Quintero was arrested and convicted of indecency with a child in Texas and then was deported back to Mexico. But Perez was able to return to the United States a few months later because his employer, Robert Camp, sent money to Mexico to hire a smuggler that snuck Perez back to Houston.

Camp knew that Quintero-Perez was an illegal immigrant and a criminal, but Camp hired him again anyway. Camp even rented a home for Quintero-Perez, and then Perez murdered Officer Johnson.

Those who knowingly hire and house illegal immigrants, all in the name of making a little money, should go to jail. Rodney Johnson's blood is on the hands of the employer who brought the illegal outlaw back to the United States.

And that's just the way it is.

DEMOCRATS RECOGNIZE THAT ECONOMY IS IN TROUBLE AND VOW TO WORK WITH PRESIDENT TO STIMULATE IT

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Madam Speaker, as Congress resumes this week, our priority must be to work in a bipartisan fashion to address our struggling economy.

There is no way to sugarcoat this economy. Over the past 12 months, wages have fallen, forcing hardworking middle-class families to work harder for less. As a result, family debt is at an all-time high and household debt averages an average 133 percent of disposable income. Last year, families were spending 14.5 percent of their disposable income to service their own debt, and middle-class families are having a harder and harder time just making ends meet.

Democrats want to work with President Bush to create a bipartisan economic plan that is timely, targeted, and temporary. Economic experts say this is the best way to stimulate the economy. Last Friday, congressional leaders sent a letter to President Bush asking him to come to the table so that a bipartisan plan can be reached.

Madam Speaker, the American people need our help during this uncertain economic time. We cannot wait any longer to help this economy, and the only way it can be done is if we work together.

MEDIA COVERAGE OF DEMOCRATIC PRESIDENTIAL CANDIDATES MORE FAVORABLE THAN COVERAGE OF REPUBLICAN PRESIDENTIAL CANDIDATES

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Texas. Madam Speaker, a study by Harvard University and the Project for Excellence in Journalism has reaffirmed what many of us have long observed: Media coverage of Democratic Presidential candidates has been far more abundant and favorable than coverage of Republican Presidential candidates.

The study found that 49 percent of all stories involved Democratic candidates, while just 31 percent involved

Republican candidates. In addition, Democratic Presidential candidates received twice as much favorable coverage as Republicans, and Hillary Clinton drew nearly twice as much media coverage as any Republican nominee.

Until we hold journalists to the highest standards of their profession, unfair reporting will continue to influence elections and undermine our democracy.

BETTER LEADERSHIP NEEDED DURING TRYING ECONOMIC TIMES

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute.)

Mr. MORAN of Virginia. Madam Speaker, America is sliding into a full-fledged recession. Meanwhile, the President continues to pour hundreds of billions of dollars more into the wars in Iraq and Afghanistan, the first wars in America's history in which most Americans have never been asked to sacrifice anything.

The President has offered no means to pay for this war spending. It is being financed solely through increased borrowing. Apparently, the idea is to borrow money, particularly from China, while driving up oil prices that benefit Iran in order to fight the war on terrorism. I am not sure that is such a wise strategy.

We send an astounding $60 million a day to China. We now owe China $1.4 trillion. America has never been so deeply in debt to another country in our Nation's history. It is the equivalent of every American borrowing $4,000 from China.

Today, the Bush administration will announce that our trade deficit with China is $250 billion, a quarter of a trillion dollars, just this year. We have gotten ourselves into a financial vise, too dependent upon a totalitarian state. It can't continue and should not. We need better leadership, Madam Speaker.

COMMENDING PETER GROFF ON BECOMING FIRST AFRICAN AMERICAN STATE SENATE PRESIDENT IN COLORADO HISTORY

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Madam Speaker, today I rise to commend my friend Peter Groff on his historic achievement of becoming the first African American State Senate President in Colorado's history. Senator Groff becomes only the third African American Senate President in U.S. history. This momentous accomplishment is well-deserved.

Senator Groff is one of the most honorable, bright, and deliberate individuals I have ever had the pleasure to serve with. He embodies statesmanship and has earned the trust and esteem of his colleagues on both sides of the aisle.

Senator Groff's courageous and visionary approach to governing can be summed up in his own words: "To be bigger than the politics of the moment." I find it fitting that the man nicknamed "the conscience of the Colorado Senate" would be the first in our State's history to shatter this once seemingly impenetrable glass ceiling.

In closing, the Honorable Shirley Chisholm once said, "I don't measure America by its achievement, but by its potential." I can think of no better person to help Colorado achieve its potential than Peter Groff. He will serve Colorado with honor and distinction.

BRINGING ECONOMIC SECURITY TO WORKING FAMILIES

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Madam Speaker, today, I rise to express my strong concern about the fiscal crisis that we are facing here in our country.

The subprime mortgage crisis has directly impacted millions of American homeowners, particularly in my own district in the San Gabriel Valley. As the chart shows, nearly 650 families in my district somewhere lost their homes to foreclosure. In Los Angeles alone, a family loses their home every hour.

Nationally, unemployment rates have risen above 5 percent. Half of my district has a rate above 5 percent. In East Los Angeles, it is upwards of 7.2 percent. Other economic indicators are showing signs of an economic slowdown, including a sharp decline in consumer spending and the largest annual increase in wholesale prices in 26 years.

While I am proud that this House has passed billions to provide relief for middle-income Americans and small businesses and increased the minimum wage, we still have to do more. I look forward to working with my colleagues across the aisle to bring economic security back to the working families, not only in my district, but across this country.

RESPONSE NEEDED REGARDING SEXUAL HARASSMENT IN MILITARY

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise to associate myself with the remarks that my colleagues have made on the existence of an economic crisis and to ask this administration to wake up. I hope that we will do something to deal with the catastrophic subprime mortgage collapse, and that is to call for a moratorium on all foreclosures across America, those individuals who are behind in their payments and those who are in fact keeping up with their payments. Some response has to come.

But I do want to step aside from the economic engine and the need for that to cite a situation that I think is drastic and, of course, a disaster, and that is the tragedy of the young marine, the young woman, who has now lost her life in North Carolina, and to ask the United States military what happens when a woman alleges sexual harassment, or, in this instance, rape. I think it is imperative that we have a system and a response that was not given to this young woman.

Some years ago, the Women's Caucus, Republicans and Democrats, raised the question of sexual harassment that was permeating our United States military. They are too good for this and this must stop. I am saddened by her loss. I believe it could have been avoided. We need a response, and we need it now.

PRESIDENT MUST WORK WITH CONGRESS TO HELP WORKING AMERICANS

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. Madam Speaker, for months now, economic experts have been warning that our economy was in trouble. After some disturbing signs about job losses in this country, the President finally came out and made some comments saying that there were "mixed signals" about the state of the economy.

These are not mixed signals about the state of the economy, and Americans understand. Americans know they are having more trouble paying for their mortgages, having trouble paying for their heating bills, having trouble paying for their gas, having trouble paying for all the costs of living in America right now.

The President should not continue to call these signs "mixed signals," should acknowledge that we have some problems, and work in a bipartisan manner to straighten this out.

He might also wonder what impact the war in Iraq is having as we pour billions of dollars into Iraq and take the money from our own people and then borrow the money to continue the fight in Iraq. He might ask himself if this, too, is hurting our economy.

I ask the President to work with us to find answers for America's working people.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. JONES of Ohio). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

CONDEMNING ASSASSINATION OF FORMER PAKISTANI PRIME MINISTER BENAZIR BHUTTO AND REAFFIRMING COMMITMENT OF UNITED STATES TO ASSIST PEOPLE OF PAKISTAN

Mr. ACKERMAN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 912) condemning the assassination of former Pakistani Prime Minister Benazir Bhutto and reaffirming the commitment of the United States to assist the people of Pakistan in combating terrorist activity and promoting a free and democratic Pakistan.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 912

Whereas on December 27, 2007, former Pakistani Prime Minister Benazir Bhutto was assassinated while departing a peaceful election rally;

Whereas the attack on Ms. Bhutto also killed some 20 other innocent bystanders and fellow Muslims;

Whereas Ms. Bhutto had returned to Pakistan in October 2007 after 8 years of self-imposed exile for the stated purpose of bringing democracy and the voice of moderation back to Pakistan;

Whereas Pakistan has struggled historically in its path toward a secure and stable democracy, having been ruled by unelected leaders for 34 out of 60 years of Pakistan's history;

Whereas Pakistan has been plagued by over 40 suicide attacks, claiming over 700 lives in 2007;

Whereas the Federally Administered Tribal Areas in Pakistan are being used by al Qaeda, the Taliban, and other terrorist and extremist elements to regroup, retrain, and recruit for future attacks in Afghanistan and Pakistan;

Whereas Pakistan is a nuclear-armed nation, adding another level of complexity to Pakistan's deteriorating security situation and raising the specter of nuclear arms falling into the hands of extremists in the future;

Whereas the international community has a vital interest in supporting a free, stable, and secure Pakistan so as to stem the rise of extremism in the region, prevent global acts of terrorism originating in Pakistan, and support the movement toward stable political institutions and democratic values and the rule of law;

Whereas in the past 5 years, the United States has provided over $5,000,000,000 in assistance to Pakistan and an additional $5,000,000,000 to reimburse Pakistan for its expenses incurred in combating terrorism;

Whereas a significant portion of United States assistance and reimbursements have gone to support Pakistani military operations in the Pakistan-Afghanistan border region, counterterrorism operations in the Federally Administered Tribal Areas in Pakistan and to increase Pakistan's counterterrorism and military capability;

Whereas there is an acute need for additional assistance from the United States and other countries to support and promote Pakistan's economic, social, and political development; and

Whereas the tragic death of Ms. Bhutto creates even greater uncertainty in an unstable region: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns in the strongest terms the assassination of former Pakistani Prime Minister Benazir Bhutto and expresses its condolences to her family and the families of all those who were killed or injured in the attack of December 27, 2007;

(2) supports efforts by Pakistan to expeditiously bring to justice those who have perpetrated this cruel and cowardly attack;

(3) welcomes the provision of assistance by the Government of the United Kingdom of expertise to the Government of Pakistan in the conduct of the investigation of the attack;

(4) commends the Government of Pakistan for accepting such assistance and urges that government to allow experts from the United Kingdom to participate in such investigation in the fullest possible manner;

(5) urges the people and Government of Pakistan to be relentless in its pursuit of a democratically-elected government, including the holding of free and fair elections at the earliest possible opportunity;

(6) expresses its support for the freedom of the media, the ability of political parties to express their views without restriction, and the independence of the judiciary in Pakistan; and

(7) reaffirms the commitment of the United States to assist the people of Pakistan in combating terrorist activity and promoting a free and democratic Pakistan.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ACKERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. ACKERMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 912.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ACKERMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, on December 27, former Prime Minister of Pakistan Benazir Bhutto was assassinated in Rawalpindi as she left a peaceful political rally. In addition, 20 of her supporters were killed in a suicide bomb blast and Pakistan was wracked by violence and instability in the immediate aftermath.

Former Prime Minister Bhutto had returned to Pakistan in October after several years in exile in an attempt to bring Pakistan back to the democratic fold and inject the voice of moderation into the Pakistani parliamentary elections. Her killers cut short that effort in an attack that was 1 of 40 suicide bombings that killed 700 people in Pakistan during 2007.

Ms. Bhutto's life was marked by tragedy that played out on Pakistan's public stage. Her father was hung after a questionable trial. Her brother was murdered. As Prime Minister, she was twice removed from office by the army amid allegations of corruption and wound up in self-imposed exile. Yet she remained very popular with the people of Pakistan, especially those in her home province of Sindh, and as the awful events of December 27 demonstrate, she was perceived as a threat by someone.

The United States and the rest of the international community have a vital interest in supporting a free, stable, and secure Pakistan so as to stem the rise of extremism in South Asia, prevent global acts of terrorism from originating in Pakistan, and support the movement toward stable political institutions, democratic values, and the rule of law.

The fact that al Qaeda, the Taliban and other extremist elements are using the federally administered tribal areas to regroup, retain and recruit for future attacks in Pakistan and Afghanistan is a dangerous component of instability that, when added to Pakistan's possession of nuclear weapons, conjures up the frightening possibility of terrorists with access to weapons of mass destruction.

All of this means that the United States and the rest of the international community need to do all that we can to promote and support Pakistan's economic, social and political development to prevent Pakistan from becoming a failed state.

□ 1030

The resolution before us today condemns Ms. Bhutto's assassination, expresses condolences to her family and the families of the other victims of the attacks, and reaffirms the commitment of the United States to the people of Pakistan as they combat terrorism and work to establish a free and democratic country. I urge all of our colleagues, Madam Speaker, to support the resolution.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. I yield myself such time as I may consume.

Madam Speaker, this resolution condemns the assassination of former Pakistani Prime Minister Benazir Bhutto and reaffirms the commitment of the United States to assist the people of Pakistan in combating terrorist activity and promoting a free and democratic Pakistan.

I would like to commend the author Mr. ACKERMAN and the distinguished chairman of our committee Mr. LANTOS for their leadership in introducing this timely resolution.

Madam Speaker, on behalf of the people of the United States and the Congress, this resolution expresses our sympathy for the people of Pakistan on the tragic assassination of former Prime Minister Bhutto last December 27. It should be noted that, in the immediate aftermath of the attack, both the President and Secretary of State Rice immediately extended condolences to the Bhutto family and the family of others who were killed and wounded on that horrible day. And, as so many observers have noted, Ms. Bhutto's death is a great loss to Pakistan. As Secretary Rice stated, she was a woman of great courage with an impressive commitment to democracy and to the future of Pakistan itself.

Madam Speaker, as President Bush has emphasized, the perpetrators of this terrible crime must be brought to justice. In this regard, the Congress joins with the administration in welcoming the government of Pakistan's decision to accept British assistance to the investigation into Ms. Bhutto's death. We all hope that their actions to ensure a credible and transparent investigation of the circumstances surrounding Ms. Bhutto's death will help to restore calm, contribute to the conditions needed for a free and fair election to take place, and bring the perpetrators of her death to justice.

The assassination of the former Prime Minister and the apparent attempt to destabilize Pakistan remind us again how consequential this relationship is to American national interests and our own homeland security. It is vital that we continue to seek to forge an enduring relationship and partnership with a democratic, stable, and prosperous Pakistan that remains a strong partner in the campaign against Islamic militants and which maintains responsible control over its nuclear weapons technology.

Madam Speaker, I ask unanimous consent that the gentleman from Indiana (Mr. PENCE) be permitted to manage the remainder of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. With that, I urge support for the resolution and reserve the balance of my time.

Mr. ACKERMAN. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. I thank the gentleman for yielding.

Madam Speaker, I rise in support of this resolution, remembering a true pioneer in the Muslim world. As the first woman to lead an Islamic nation, Prime Minister Bhutto represented a great hope for Pakistan and world peace.

I had a chance to meet with Benazir Bhutto when she came to the United States to visit the John F. Kennedy Library back in the 1990s; and I was hopeful that I would have the chance to meet her again on the evening of her assassination when I was visiting Islamabad. Tragically, I heard the news as I was on my way to go visit her that evening while I was visiting Islamabad, and it was an evening obviously that I will never forget. It was one of those moments that many people tell me about when they recall my uncle's assassination. They say to me, "I'll never forget where I was when I heard the news."

Madam Speaker, I often heard from people when I was over there when they tell me about my uncle and how they had heard the news all the way over in Pakistan over 40 years ago where they were when they heard the news; and I can tell you, when I went and visited the headquarters of her party after her assassination and visited the supporters of hers, their heartbroken feelings were such that she was considered by them to be part of their family. And it was something that I will never forget, because she was much more than just a political leader in their view; she was someone who was somewhat of an icon, a person who inspired a nation much more than just as any ordinary political leader would. As such, this assassination represents much more than just the killing of a political leader; it represents the dashing of hopes and aspirations of millions of Pakistanis.

So, I join my colleagues in this resolution to say that we in the United States stand with our friends in Pakistan in joining in solidarity with them, and ensuring that her death is not a death that is going to be in vain, but, rather, that we are going to ensure that this election is going to be an election that she would have hoped would have been one that is transparent, fair, and would have lived up to the hopes that she had for a free and fair Pakistan. That is what we will all work for here in the United States and that I hope this resolution will help to bring about.

Mr. PENCE. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support as an original cosponsor of House Resolution 912, condemning the assassination of former Pakistani Prime Minister Benazir Bhutto, and reaffirming the commitment of the United States to assist the people of Pakistan in combating terrorist activity and promoting a free and democratic Pakistan.

Let me begin by commending the chairman of the subcommittee, on which I serve as ranking member, for taking his usual efforts with speed and sensitivity and professionalism to bring this resolution to the floor forthwith. I also want to commend Chairman LANTOS. And I would take note of the presence of the Speaker of the House on the floor. This is an important resolution for this Congress to embrace, and it is important in the wake of this tragedy that it be the first thing this Congress do in this year.

All of us, as we were enjoying time with our families in the immediate aftermath for many of us of a memorable Christmas, we were struck by the extraordinary and tragic events of 27 December 2007. As my colleague, Mr. KENNEDY, just said, some of us were closer to those events at the time than others, but they were events that shattered the hopes of the entire world for a move in the midst of our critical ally, Pakistan, from a military dictatorship to democracy.

And while there is always second-guessing about decisions that were made and policies that were made, let me say squarely, as does this resolution, the blame for this outrage, the blame for this tragedy lies squarely with the assassins. They alone are responsible for the horrific death of Benazir Bhutto. In fact, an al Qaeda commander and spokesman, Mustafa Abu al-Yazid, gloated to the Italian news agency that they had "terminated the most precious American asset which vowed to defeat the mujahadeen."

And, of course what makes this tragedy so moving and this congressional action so timely is that the former Prime Minister Benazir Bhutto knew the stakes. She knew precisely the dangers into which she was entering. In a late November interview even with Parade magazine here in the States, she said, "It is only now that America has awakened to what we are already fighting, namely, Islamic jihadists."

As the ranking member of the full committee said moments ago, eloquently, Secretary of State Rice called Benazir Bhutto "a woman of great courage." And courage is a word we throw around a lot in political life, it seems, but it was in this moment that I was struck with the reality of courage. Courage is not the absence of fear; courage is action on one's principles in the midst of fear. One has to know that this 54-year-old Harvard and Oxford graduate, giving up a life of luxury in exile, knew the dangers that faced her and the mortal peril in which she was walking on behalf of a free and democratic Pakistan. One cannot fail but be moved by that. If there was any doubt, then the immediate attack upon her on 18 October 2007, which left some 145 of her supporters dead, relieved all doubt of the danger in which she was entering. And yet Benazir Bhutto, the first woman elected to lead a Muslim country, went forward, continued to take the risk, continued to advocate freedom, and paid the ultimate sacrifice.

I will say that while I want to acknowledge her unapologetically secular approach to leadership in government, I can't help, when I look at Benazir Bhutto, to think that she will long be remembered with a verse that comes out of a Christian tradition, which is, that greater love has no man or, if I may, woman, than this than to lay down their life for their friends.

Benazir Bhutto showed a love for the people of Pakistan. She showed a love for freedom. And in this resolution, the United States of America by its Congress will reaffirm to the people of Pakistan our commitment to justice in this instance, and our commitment to see stability and democracy reign in that critical ally.

I reserve the balance of my time.

Mr. ACKERMAN. Madam Speaker, I am pleased to yield 1 minute to the distinguished Speaker of the House, Ms. PELOSI.

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding and for giving us this opportunity to express our sympathy and sadness and recognize the tremendous contribution of Benazir Bhutto to the cause of democracy.

Thank you, Mr. ACKERMAN and Congresswoman ROS-LEHTINEN, ranking member of the full committee; Mr. LANTOS and Mr. PENCE for their giving this opportunity to us as well and for their strong words and support of democracy in Pakistan.

Benazir Bhutto about 15 years ago came to this Chamber of Congress, one of the first women ever to address a joint session of Congress. Only in her thirties, I believe, at the time, she inspired us, she filled us with hope, and the confidence which she projected gave us the confidence that democracy could come to Pakistan. That was a while ago, and much has transpired since then. She has been in and out and in again as Prime Minister. And, as you know, when she returned to Pakistan, it was to participate in an election to take Pakistan back down the path to democracy.

Her return was courageous. Mr. PENCE mentioned the word courageous. It was courageous for many reasons. It is important to note that her father and two of her brothers had been assassinated. They were victims of political violence. And, of course, their family was dealt another blow as were the people of Pakistan with the brutal assassination of Benazir Bhutto.

She possessed a remarkable optimism about the future, a belief in the power of dialogue, and a strong, strong commitment to democracy. She was an advocate for reconciliation between Islamic and non-Islamic societies, and outlined how that goal could be achieved. She not only had a vision, she had a plan on how it would be done. The strength of her message of hope has underscored how much we lost in her tragic death.

In the days and the weeks that have followed Benazir Bhutto's death, there has been little good news from Pakistan. The Musharraf government continues to deny the Pakistani people a full accounting of the assassination and the events that followed. There must be a strong international investigation of this despicable crime. I acknowledge and recognize that the government has accepted assistance from Scotland Yard and the government of Great Britain. But the government has delayed scheduled parliamentary elections while continuing to jail democratic activists, suppress journalists, and shut out international monitors. The Bush administration must continue to press the Pakistani government to ensure that the coming election is free and fair.

□ 1045

I think it is important to note, my colleagues and Madam Speaker, that the 9/11 Commission recommendations, which were passed by this body and were signed into law last year, condition U.S. assistance to Pakistan on the cooperation of the Pakistani Government with global efforts against terrorism.

Since 2001, Pakistan has received nearly $10 billion in U.S. assistance. The Bush administration has repeatedly certified that our assistance would facilitate Pakistan's transition to democracy. We clearly have not seen enough progress in this area.

Troubling questions have been raised about our assistance to Pakistan, that it has not been properly monitored and that the Pakistani Government may be using it for purposes other than those intended.

Last year, under the leadership of Chairwoman NITA LOWEY and Ranking Member FRANK WOLF of the Foreign Operations Appropriations Subcommittee, under their leadership, our legislation shifted economic assistance for Pakistan from going directly to the Musharraf government to going directly to the Pakistani people on the ground. Indeed, this was a step forward and a recognition of the concerns that we had about how that aid was being used in Pakistan.

I believe the best way for the United States to honor the legacy of Benazir Bhutto is to renew our engagement directly with the people of Pakistan. We urge the Musharraf government to implement democratic reforms by restoring the Pakistani constitution, ensuring freedom of expression and assembly, guaranteeing free and fair democratic elections, and restoring an independent judiciary.

The opportunity that Mr. ACKERMAN and Ms. ROS-LEHTINEN, Mr. LANTOS and Mr. PENCE have given us today to give an overwhelming vote in support of this resolution can tell the world that again we have gone on record in support of the democratic hopes of the Pakistani people and to pay tribute to the legacy of Benazir Bhutto.

I know I speak for all Members when I express my condolences to the family of Benazir Bhutto, and also to all of the others who lost loved ones in this tragic incidence of violence and assassination in Pakistan.

Mr. PENCE. Madam Speaker, I yield 3 minutes to the ranking member of the legislative branch of the Appropriations Subcommittee, the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Madam Speaker, I consider it a privilege to follow the distinguished Speaker of the House in recognizing our support for the people of Pakistan and our remorse that the world community of peacemakers has lost the great Benazir Bhutto. I, too, considered her a personal friend. I spent many hours with her, mostly associated with the National Prayer Breakfast here.

During the years she was in exile, she came many times to our National Prayer Breakfast, which is always the first Thursday in February. She was a proud participant in the Islamic tradition. However, she was always interested in the teachings of Jesus, and she was very much fascinated by the concepts of forgiveness and reconciliation, and the principles that the last would be first and basically the way that the teachings of Jesus turned the world upside down. And we had coffee with her. We had lunches with her. My wife and I had dinner with her and her controversial husband and got to know him when he was here the last time she was here and visited with us.

She was truly a courageous human being, someone who understood the West, yet maintained her solid heartfelt conviction to her favorite country, Pakistan. She spent a lot of time with us, and she truly was a peacemaker.

I believe the greatest way to honor her courageous death would be for us to work tirelessly to empower the moderates within Islam to stand with us against radicalization, in any faith, frankly. But today, particularly in the Islamic faith, the radicals threaten the world. Yet 92 percent of people within Islam believe that terrorism is not an acceptable means to an end. And she was a leader among that 92 percent.

The problem is 8 percent of Islam is 130 million people who think that terrorism is acceptable, and those are the people that killed her. And they will kill anyone who threatens their ideology. And they killed her.

We need to empower all of the moderates within this very large religion to stand with us against the radicals, and then we can honor her courageous death. She will live on though, really through eternity, as one who, as MIKE PENCE said, was willing to lay down her life for a friend.

I will quote another Christian idea. It is in the Beatitudes. "Blessed are the peacemakers, for they shall inherit the Kingdom of Heaven." Benazir Bhutto was a peacemaker. She gave her life for a cause, and the entire world should be grateful.

Mr. ACKERMAN. Madam Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, let me offer my gratitude to Chairman ACKERMAN and to his cosponsor, Mr. PENCE, and our chairman of the full committee, Mr. LANTOS, for all of his leadership and certainly his recognition as a peacemaker as well, and to the ranking member, Congresswoman ROS-LEHTINEN.

I rise today with a great degree of somberness and, to a certain extent, hopelessness. But I also rise to express my appreciation for the life and the legacy of Benazir Bhutto. I also want to offer a personal sympathy and acknowledgment to her husband, Mr. Zardari; her son, Bilawal; and her daughters, Bakhtwar and Aseefa, for our families mourn with you.

And I think it is important in the backdrop of one of the greatest peacemakers' birthday, Dr. Martin Luther King, to place former Prime Minister Benazir Bhutto in her rightful place. I am glad my colleagues called her a peacemaker. I call her a humanitarian and someone who was willing to sacrifice her own life to push the envelope of democracy.

I hold in my hand the Washington Post today that has as a headline, "Bhutto's last day in keeping with her driven life." It indicates a quote that I think speaks to her life. It says, "Wake up, my brothers." That is why she was campaigning in such a frenzied manner. That is why she was waving to her constituents and fellow brothers and sisters as she left the place of her speech.

So I think it is important for us to make the very important note that we should not victimize the victim. Her assassination was not her fault. Everyone in a pressing democracy wants the ability to communicate with those who you are trying to encourage to wake up. Today we honor that bravery, that courage.

We say to the Pakistani Government, for this Nation to move forward, there must be an enlisted and entrenched commitment to democracy. There must be a full investigation of this assassination. It must be determined whether al Qaeda had others beyond its reach to be involved in what may have been a conspiracy. And yes, the leadership of the Pakistan Government must ensure the security of all candidates going forward for these elections. The elections must be ensured.

But we must thank former Prime Minister Benazir Bhutto for her legacy; that she was not concerned about her own safety, that she wanted greatness and excellence for her country.

I joined with President Clinton in a visit some years ago when we met President Musharraf, and there were great hopes that he would move his country towards democracy. There were times that occurred. Now he must show that he is sincere about this democracy and let the elections go forward and let a democratic leader emerge from this election. At the same time, he must of course make sure that the instruments of democracy, the court system, the media, and all of those different voices be heard, but it must be ensured that the government is in the business of security and making that happen.

In speaking to Prime Minister Bhutto in the days and weeks before her death, as I did, it was obvious that she was concerned about her security, but she was concerned about the future of the people of Pakistan. Again, a peacemaker, someone who put her life behind her love and affection for this country.

And so we rise today to acknowledge the horrific tragedy, the fact that her family has suffered such, and the fact that she was truly a fighter globally. But there is a challenge that she knew that we had to confront together, and that is the tribal areas in Pakistan. It is a place where we must accept the collapse, if you will, of the foreign policy efforts of this nation, for it is there where the Taliban is resurging and there where al Qaeda may be strong, and it is there where it is alleged that Osama bin Laden rests.

So this policy must begin to address what former Prime Minister Benazir Bhutto wanted us to address: the social and economic needs, along with the security needs, of the Pakistani people. And it is my call that we not give up on the Pakistani people or Pakistan. It is a country that was founded on democratic principles. We must not give up on the Pakistani people around the world and Pakistani Americans. They want democracy. Those in my community want democracy for their nation, and my constituents in Houston, Texas, are calling me every day so we can come together to find a way to put Pakistan on the path to democracy.

Sleep well, my good friend, former Prime Minister Bhutto. We owe you an enormous debt of gratitude, and deepest sympathy to your family. But our commitment is that your lust and love for peace will never be forgotten. We owe you that in our tribute and our words and actions and deeds. May all rest in peace, in you, a great and wonderful leader.

Madam Speaker, I rise today in strong support of H. Res. 912, introduced by my distinguished colleague Mr. ACKERMAN. I am proud to be an original cosponsor of this bipartisan resolution, which condemns the assassination of former Pakistani Prime Minister Benazir Bhutto and reaffirms the commitment of the United States to assist the people of Pakistan in combating terrorist activity and promoting a free and democratic Pakistan. I express my sincere condolences to Ms. Bhutto's husband, Asif Ali Zardari, and her children, Bilawal, Bakhtwar, and Aseefa. I would like to thank my colleague Mr. ACKERMAN for introducing this resolution, and I would like to commend Mr. LANTOS for his leadership on Pakistan as chairman of the Committee on Foreign Affairs.

As my colleagues are aware, former Pakistani Prime Minister Benazir Bhutto was assassinated on December 27, 2007, as she left a peaceful political rally, in an attack which also killed over 20 innocent bystanders. Ms. Bhutto's death came 2 months after she returned to Pakistan from exile and was immediately attacked in a suicide bombing that killed over 130 people, and just over 2 weeks before Pakistan's democratic elections were scheduled to occur.

It is with deep sadness that I mourn the passing of former Pakistani Prime Minister Bhutto. Ms. Bhutto was a woman and a leader who pursued excellence and greatness for her country, putting the needs of her nation above concerns for her own safety. As co-chair of the Congressional Pakistan Caucus, I had the opportunity to speak with Ms. Bhutto several times in recent months, and I was always struck by her commitment to remaining in Pakistan, despite attacks and threats on her life. Benazir Bhutto's return to Pakistan in October 2007 came in the midst of an explosion that would have driven away anyone of lesser heart. She left the relative security of family life in Dubai to return to her homeland, determined to see democratic processes and institutions grow in Pakistan.

Benazir Bhutto was one of the world's most high-profile female leaders, and she rose to prominence amidst a male-dominated political hierarchy. After gaining her education at Harvard and Oxford, Ms. Bhutto followed her father, Zulfikar Ali Bhutto, into politics. Like her father, she served as Prime Minister of Pakistan, holding the office from 1988 to 1990 and again from 1993 to 1996. Also like her father, she was violently killed for her convictions, her dedication to her country, and her unwillingness to hide in the shadows upon her return to Pakistan.

The assassination of Ms. Bhutto is a horrific tragedy for Pakistan and for the world. It is essential that her killers be brought to justice immediately. This is an extremely critical time for the nation of Pakistan, with elections that had been expected in early January now scheduled for February 18, 2008. Pakistan has seen serious political instability throughout the past year, weathering approximately 60 suicide bomb attacks, which killed nearly 800 people over the course of the year.

Pakistan continues to be an important ally in the global fight against terrorism. I am particularly worried about the security of Pakistan's leaders and people, and I believe that we must examine the measures that are being undertaken to ensure their safety. As co-chair of the Congressional Pakistan Caucus, I have long advocated the need to ensure that Pakistan is stabilized, and that its leaders and people are protected.

According to the United States Department of State, Pakistan currently has 85,000 troops stationed along the border with Afghanistan.

Richard A. Boucher, Assistant Secretary of State for South and Central Asian Affairs, recently noted that Pakistan has "captured more al-Qaeda than any country in the world, and lost more people doing that." Pakistani authorities have also killed or captured several top Taliban commanders in this area in recent months.

Prime Minister Bhutto's assassination is a great blow to the democratic process in Pakistan. The international community must work together with the Pakistani government to ensure that those responsible for this brutal crime are brought to justice. In addition, we must stand with the people of Pakistan during this turbulent time, and, together, work together against our common enemy: terrorism.

Benazir Bhutto was a truly courageous woman, and a true leader for her nation and the world. Her violent and untimely death is a true tragedy, and I join with the people of Pakistan, as well as my colleagues here in Congress, in mourning the passing of an extraordinary leader, as well as those who died in the December 17th attack with her.

I ask my colleagues to join me in supporting this resolution, paying tribute to former Prime Minister Bhutto, condemning her assassination, supporting Pakistani and international efforts to bring her murderers to justice, and reaffirming our commitment to a free and democratic Pakistan, standing strong against our mutual enemy of terrorism.

Mr. PENCE. Madam Speaker, I yield 4 minutes to a member of the House Committee on Foreign Affairs and original cosponsor of this resolution, the gentleman from Texas (Mr. POE).

Mr. POE. Madam Speaker, I want to thank the gentleman for yielding, and I also thank Mr. ACKERMAN, Mr. LANTOS and Ms. ROS-LEHTINEN for sponsoring this resolution.

On December 27, 2007, the world reeled as it received news that a suicide terrorist and others had assassinated Pakistan's freedom fighter and beacon of democracy, Ms. Benazir Bhutto, during a peaceful political rally.

She was educated in the tradition of western democratic philosophy, and received her higher education training at Oxford and Harvard University. She has been the voice in support of a democratic Pakistan for more than 20 years.

In 1988, at the age of 35, she became the youngest person and the first female elected to lead a Muslim state. Since that time, Ms. Bhutto has remained committed to the restoration of a true democracy in Pakistan. When Ms. Bhutto returned to Pakistan last year, she knew she was putting her life at risk because, Madam Speaker, the violent enemies of democracy throughout the world are numerous. But her commitment to democracy in Pakistan was stronger than her fear of death.

As the daughter of a former Prime Minister of Pakistan, Bhutto used to say she did not choose her life but that it chose her instead. The truth is she chose freedom and democracy, and her love for those principles compelled her continuous bold, even boisterous voice of democracy for the Pakistani people.

Ms. Bhutto has been described as a defiant and strong-willed leader. In life and in death, her charisma and determination have been admired by people throughout the world.

She was a beacon of democracy in Pakistan, and I join my colleagues in condemning her assassination with the expectation that the current government will seek out and find all of the assassins.

Pakistan has been a loyal ally and friends of the United States since 1947.

☐ 1100

The United States stands with the people of Pakistan. We affirm our commitment to the Pakistani people in combating terrorism and promoting a free and democratic Pakistan. The long lamentable history of human conduct is filled with the names of martyrs who have been murdered for the cause of freedom. Today, we add the name of one more.

And that's just the way it is.

Mr. ACKERMAN. Is the gentleman from Indiana seeking to recognize further speakers?

Mr. PENCE. I thank the gentleman for his courtesy. I have no additional speakers, but would reserve the right to close for a minute or two.

Mr. ACKERMAN. Proceed.

Mr. PENCE. Madam Speaker, I yield myself such time as I may consume.

I want to rise again to express my strong support of this resolution and urge as near a unanimous adoption of this resolution as this Congress can muster.

I want to commend the gentleman from New York (Mr. ACKERMAN) for his swift and sympathetic and thoughtful legislative workmanship on this measure. As I said before, I think, given the tragic events of 27 December 2007, it is important that this Congress be heard on a resolution condemning this assassination, and it is important that it be the first substantive measure that this Congress takes up. And I commend Mr. ACKERMAN, the chairman of the committee Mr. LANTOS, and Speaker PELOSI for facilitating that, as I do my colleagues on the committee in the minority.

This resolution condemns in the strongest possible terms the assassination of former Pakistani Prime Minister Benazir Bhutto. It supports efforts by Pakistan to bring to justice those who have perpetrated this cruel and cowardly act. It welcomes the provision of assistance by the government of the United Kingdom, and it commends the government of Pakistan for accepting such assistance.

In addition, it urges the people and the government of Pakistan to be relentless in their pursuit of a democratically elected government, including the holding of free and fair elections at the earliest possible opportunity. It urges support for a free media.

And perhaps in the seventh paragraph, as I close, Madam Speaker, it, this resolution, which I hope and trust will be unanimously adopted today, reaffirms the commitment of the United States to assist the people of Pakistan in combating terrorist activity and promoting a free and democratic Pakistan.

I quote again the words of the late and, no one would argue, great Benazir Bhutto who said just this fall in an American magazine, "It's only now that America has awakened to what we were already fighting, Islamic jihadists."

I believe the greatest legacy that Benazir Bhutto could leave is not only a legacy of a democratically elected government in her country, but it would be a legacy of a further awakening in the world to the threat that free societies and those that seek to be free face from radical Islamic jihadists. If her legacy can be not only progress for her people toward democracy, but progress in the free world to renewing our determination to confront those who oppose our way of life with violence, both in support of the Pakistani Government and in places like Afghanistan and Iraq, if I might add, then that would be a powerful and meritorious legacy indeed.

I urge support of all of my colleagues for this important resolution.

I yield back the balance of my time.

Mr. ACKERMAN. I would like to thank Mr. PENCE, Mr. LANTOS, Ms. ROS-LEHTINEN, all those who participated in this discussion. I don't think we can call it a debate. I think all of the indications that we have heard today indicate that we are on the same side on this.

I would urge unanimous support for the resolution.

Mr. MANZULLO. Madam Speaker, I rise today to express my anger and sadness regarding the assassination of former Prime Minister Benazir Bhutto. The horrific murder of Prime Minister Bhutto is a chilling reminder that extremist forces are continually trying to undermine democracy and freedom. Today, we stand with the democrats in Pakistan and throughout the world to oppose tyranny and terrorism.

Benazir Bhutto was the first woman elected to lead a Muslim state and served twice as Prime Minister of Pakistan. I had the distinct honor and privilege to meet her when she spoke to members of the House International Relations Committee during the mid-1990's in an ornate ceremonial room just one floor below this rostrum. Her accomplishment paved the way for other women leaders to seek and win top offices throughout the developing world. Bhutto's dedication to democracy in Pakistan is closely tied to the time she spent as a student in the United States. In fact, she credits her exposure to America as a driving force behind her push for a free Pakistan.

Former Prime Minister Bhutto was also no stranger to the good people of Illinois' 16th Congressional District. In 2002, she spoke to an overflow audience at Rockford College about the link between promoting democracy and defeating extremist terrorists. I know I speak for the people of northern Illinois in expressing our heartfelt gratitude that she visited Rockford. Bhutto's speech was inspirational and enlightening. I enclose for the RECORD the article titled, "Ex-Premier Pushes U.S. to Aid Democracy Fight" from the Rockford Register Star, published on September 20, 2002, discussing Bhutto's historic remarks at Rockford College.

Pakistan must continue its journey to political reform and democracy. The United States must stand with those who advocate for the fundamental freedoms that were bestowed onto all of us by our creator. Let's not forget Bhutto's legacy and stand with the people of Pakistan in this dark hour.

[From the Rockford Register Star, Sept. 20, 2002]

EX-PREMIER PUSHES U.S. TO AID DEMOCRACY FIGHT

ROCKFORD.—Former Pakistani Prime Minister Benazir Bhutto said Thursday that people of her country support her battle to bring democracy to Pakistan. She wants President Bush to help.

The deposed leader—who at age 35 became the first female prime minister in the Muslim world—continues her efforts, made more important in the wake of the Sept. 11, 2001, terrorist attacks.

Bhutto remains critical of the regime of Gen. Pervez Musharraf, who has controlled the country since 1999. She is an author and active in the Pakistan People's Party, the country's largest, pro-democracy party.

"I support democracy in Pakistan and, with the war on terrorism, there is a new commitment to bringing democracy to the Muslim world and the empowering of the Muslim people based on fundamental human rights," she said.

Bhutto planned to share this message later Thursday night with a sold-out crowd at Maddox Theatre at Rockford College. Additional crowds were seated in the Cheek Theatre and dance studio to watch a live television feed of Bhutto's presentation.

Bhutto's visit kicked off the 2002–03 Rockford College Forum Series, a program of speakers and workshops focused on the politics and culture of Islam.

Bhutto acknowledged that she hasn't met with Bush about bringing democracy to her home country but "other U.S. officials" assured her that the United States remains committed to fostering democracy in Pakistan.

"I want President Bush to say 'Look, you've been our ally, and we want to help bring democracy because democracy doesn't promote terrorism,'" she said.

Her determination to see Pakistan become a democracy began after she completed her education at Radcliffe College and Lady Margaret Hall, Oxford, in the late 1970s.

Bhutto was born June 21, 1953, in Karachi, Pakistan. In 1977, at age 24, she returned home and took up the struggle to restore democracy and human rights in the country as a leader of the Pakistan People's Party.

Bhutto faced imprisonment and exile while guiding the resistance to Pakistan's military regime.

Her government was replaced by opposing political forces in 1990, but Bhutto was again elected prime minister in 1993 and served until 1996, when the government was overthrown by a military coup.

"My leadership was of different vision than the conservatives. It was dictatorship vs. democracy."

Jeff Hendry, chairman of the forum series committee, said Bhutto's visit was "huge, especially now with all the news in that part of the world."

In her speech: "she will deal with the international political climate and deal more with what the U.S. can do and should be doing to bring democracy to Pakistan as well as the strategic importance of the region," he said.

WHAT SHE SAID

The Register Star asked Benazir Bhutto:

Is Osama bin Laden dead? "It's 50–50, and it's anybody's guess. I thought for a while if he was dead, there had to be certain funeral ceremonies done for the soul, but maybe he was killed and nobody knew. He could be playing dead and he could pop in the next five years. But if he's hiding, it would probably be in the mountains of Afghanistan."

How the people of Pakistan view the United States: "Pakistan has mixed feelings toward the U.S. It's like a love-hate relationship. They see it as a land of opportunity and power and to them, they feel they are powerless. They like the power the U.S. has, but they hate their own powerlessness."

Have the Pakistani people been treated differently in the United States since the terrorist attacks? "I have respect largely in the area of academia. I have talked to students who have said Americans came to them and asked 'Are you OK?' Other stories I hear from big cities are of hate crimes and of some men who have shaved their beards off in fear of being targeted. But President Bush is right when he says Pakistan is safe here. I hear others say, 'We are Americans, and please accept us as the way we are.'"

Mr. DAVIS of Virginia. Madam Speaker, I rise today in strong support of H. Res. 912.

Benazir Bhutto was a leader for her people. In 1988, she won the first free democratic elections after 20 years of military rule. Not only one of the youngest leaders in the world, she became the first woman to head an Islamic country. Prime Minister Bhutto pushed for equality between men and women through supporting the modernization of Pakistan. She built schools around the country and brought electricity to rural areas. She pushed housing, hunger, and health care to the top of her priority list.

On October 18, 2007, as she returned to Pakistan from exile in London, a failed assassination attempt nearly claimed her life. Despite the clear danger to herself if she continued campaigning in Pakistan, she chose to stay, firm in her desire to pursue the democratic and modernization goals for her country. However, on December 27, 2007, terrorists succeeded in their attempts on her life, assassinating Benazir Bhutto. Although Bhutto has been silenced, the democratic ideals she so fervently fought for will continue to be voiced throughout Pakistan. The torch she carried will be borne by her son and her many other followers.

In a world where terrorism has become a pronounced presence, this assassination is yet another example of the lengths that terrorists will go to achieve their ends. And in a world where the United States has vowed to fight terrorism to the bitter end, this resolution is yet another example of how we will assist all governments in the fight against terrorism. Terrorists everywhere must understand that the world will not stand still.

Although no one can bring back this brilliant leader of the Pakistani people, the world must condemn these terrorist activities and promote a free and democratic environment in Pakistan, an environment in which future great Pakistani leaders will rise from Bhutto's memory and continue her successes.

Mr. AL GREEN of Texas. Madam Speaker, I support H. Res. 912, a resolution condemning the assassination of former Pakistani Prime Minister Benazir Bhutto and reaffirming the commitment of the United States to assist the people of Pakistan in combating terrorist activity and promoting a free and democratic Pakistan.

The 27th of December will be remembered as a mournful day for all of the people of Pakistan and people of goodwill the world over. My deepest sympathies and condolences are with them. As a member of the United States Congress' Congressional Pakistan Caucus, I am deeply saddened by this dastardly effort to circumvent the democratic process which has claimed the life of former Pakistani Prime Minister Benazir Bhutto.

The assassination of former Prime Minister Bhutto is viewed by many as an attempt to thwart Pakistan's efforts to help restore stability and democracy. Regrettably, since 2001, the security situation in Pakistan has grown increasingly unstable. There have been at least six assassination attempts against President Pervez Musharraf over the past several years.

Additionally, former Pakistani Prime Minister Bhutto was the target of numerous threats and a previous assassination attempt. In route to a rally in Karachi on October 18, 2007, two explosions occurred shortly after Bhutto left Jinnah International Airport. She was not injured, but the explosions, later found to be a suicide-bomb attack, killed 136 people and injured at least 450. The dead included at least 50 of the security guards from her Pakistan Peoples Party.

Mrs. Bhutto represented the hopes and aspirations of numerous Pakistanis who wished to turn the page on instability and extremism. Mrs. Bhutto sought to change Pakistan with a determination that should have been challenged with ballots, not bullets and bombs.

The Pakistani government's decision to request that the United Kingdom's Scotland Yard Counter Terrorism Command provide support and assistance in the investigation into the murder of Benazir Bhutto will not be enough if the Pakistani people want more. It is exceedingly important that the people of Pakistan believe that a credible transparent investigation is conducted and that all lawful efforts are pursued to bring the perpetrators of the atrocious crime to justice. One of the best ways to accomplish this is to establish a "Truth Commission" of a capable, competent, and credible cross section of Pakistanis. Additionally, it is of the greatest importance that elections be conducted in a fair, transparent and democratic manner after considered input about the process from political parties.

The future of Pakistan will effect our global security. Pro-Taliban militants and their al-

Qaeda allies must not find refuge. Homicidal extremists pose a threat to Pakistan and its neighbors and must not be allowed to offset the winds of democratic change. We in the United States can offer support to Pakistan conditioned on free and fair elections along with a credible transparent investigation.

The noble cause of perfecting the democratization of Pakistan is in the hands of the people of Pakistan. Although international partners can assist in this effort, the future of Pakistan must be hammered out by the people of Pakistan.

Although, this tragic event may call into question the future of democracy in Pakistan, people of goodwill in Pakistan, regardless of political persuasion, must continue the movement to enhance democratic institutions across their nation knowing that freedom, justice, and democracy are difficult to achieve.

Mr. ACKERMAN. Having no additional speakers, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and agree to the resolution, H. Res. 912.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ACKERMAN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROVIDING FOR CONCURRENCE BY HOUSE WITH AMENDMENT IN SENATE AMENDMENT TO H.R. 4253, MILITARY RESERVIST AND VETERAN SMALL BUSINESS REAUTHORIZATION AND OPPORTUNITY ACT OF 2008

Ms. VELÁZQUEZ. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 921) providing for the concurrence by the House in the Senate amendment to H.R. 4253, with an amendment.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 921

Resolved, That upon the adoption of this resolution the bill (H.R. 4253) entitled "An Act to improve and expand small business assistance programs for veterans of the armed forces and military reservists, and for other purposes", with the Senate amendment thereto, shall be considered to have been taken from the Speaker's table to the end that the Senate amendment thereto be, and the same is hereby, agreed to with the following amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2008".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.

TITLE I—VETERANS BUSINESS DEVELOPMENT

Sec. 101. Increased funding for the Office of Veterans Business Development.
Sec. 102. Interagency task force.
Sec. 103. Permanent extension of SBA Advisory Committee on Veterans Business Affairs.
Sec. 104. Office of Veterans Business Development.
Sec. 105. Increasing the number of outreach centers.
Sec. 106. Independent study on gaps in availability of outreach centers.
Sec. 107. Veterans assistance and services program.

TITLE II—RESERVIST PROGRAMS

Sec. 201. Reservist programs.
Sec. 202. Reservist loans.
Sec. 203. Noncollateralized loans.
Sec. 204. Loan priority.
Sec. 205. Relief from time limitations for veteran-owned small businesses.
Sec. 206. Service-disabled veterans.
Sec. 207. Study on options for promoting positive working relations between employers and their Reserve Component employees.
Sec. 208. Increased Veteran Participation Program.

SEC. 3. DEFINITIONS.

In this Act—

(1) the term "activated" means receiving an order placing a Reservist on active duty;

(2) the term "active duty" has the meaning given that term in section 101 of title 10, United States Code;

(3) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(4) the term "Reservist" means a member of a reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code;

(5) the term "Service Corps of Retired Executives" means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));

(6) the terms "service-disabled veteran" and "small business concern" have the meaning as in section 3 of the Small Business Act (15 U.S.C. 632);

(7) the term "small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648); and

(8) the term "women's business center" means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

TITLE I—VETERANS BUSINESS DEVELOPMENT

SEC. 101. INCREASED FUNDING FOR THE OFFICE OF VETERANS BUSINESS DEVELOPMENT.

(a) IN GENERAL.—There are authorized to be appropriated to the Office of Veterans Business Development of the Administration, to remain available until expended—

(1) $2,100,000 for fiscal year 2008; and

(2) $2,300,000 for fiscal year 2009.

(b) FUNDING OFFSET.—Amounts necessary to carry out subsection (a) shall be offset and made available through the reduction of the authorization of funding under section 20(e)(1)(B)(iv) of the Small Business Act (15 U.S.C. 631 note).

(c) SENSE OF CONGRESS.—It is the sense of Congress that any amounts provided pursuant to this section that are in excess of amounts provided to the Administration for the Office of Veterans Business Development in fiscal year 2007, should be used to support Veterans Business Outreach Centers.

SEC. 102. INTERAGENCY TASK FORCE.

Section 32 of the Small Business Act (15 U.S.C. 657b) is amended—

(1) by redesignating subsection (c) as (f); and

(2) by inserting after subsection (b) the following:

"(c) INTERAGENCY TASK FORCE.—

"(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this subsection, the President shall establish an interagency task force to coordinate the efforts of Federal agencies necessary to improve capital and business development opportunities for, and ensure achievement of the pre-established Federal contracting goals for, small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans (in this section referred to as the 'task force').

"(2) MEMBERSHIP.—The members of the task force shall include—

"(A) the Administrator, who shall serve as chairperson of the task force; and

"(B) a senior level representative from—

"(i) the Department of Veterans Affairs;

"(ii) the Department of Defense;

"(iii) the Administration (in addition to the Administrator);

"(iv) the Department of Labor;

"(v) the Department of the Treasury;

"(vi) the General Services Administration;

"(vii) the Office of Management and Budget; and

"(viii) 4 representatives from a veterans service organization or military organization or association, selected by the President.

"(3) DUTIES.—The task force shall—

"(A) consult regularly with veterans service organizations and military organizations in performing the duties of the task force; and

"(B) coordinate administrative and regulatory activities and develop proposals relating to—

"(i) improving capital access and capacity of small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through loans, surety bonding, and franchising;

"(ii) ensuring achievement of the pre-established Federal contracting goals for small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through expanded mentor-protégé assistance and matching such small business concerns with contracting opportunities;

"(iii) increasing the integrity of certifications of status as a small business concern owned and controlled by service-disabled veterans or a small business concern owned and controlled by veterans;

"(iv) reducing paperwork and administrative burdens on veterans in accessing business development and entrepreneurship opportunities;

"(v) increasing and improving training and counseling services provided to small business concerns owned and controlled by veterans; and

"(vi) making other improvements relating to the support for veterans business development by the Federal Government.".

SEC. 103. PERMANENT EXTENSION OF SBA ADVISORY COMMITTEE ON VETERANS BUSINESS AFFAIRS.

(a) ASSUMPTION OF DUTIES.—Section 33 of the Small Business Act (15 U.S.C. 657c) is amended—

(1) by striking subsection (h); and

(2) by redesignating subsections (i) through (k) as subsections (h) through (j), respectively.

(b) PERMANENT EXTENSION OF AUTHORITY.—Section 203 of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking subsection (h).

SEC. 104. OFFICE OF VETERANS BUSINESS DEVELOPMENT.

Section 32 of the Small Business Act (15 U.S.C. 657b) is amended by inserting after subsection (c) (as added by section 102) the following:

"(d) PARTICIPATION IN TAP WORKSHOPS.—

"(1) IN GENERAL.—The Associate Administrator shall increase veteran outreach by ensuring that Veteran Business Outreach Centers regularly participate, on a nationwide basis, in the workshops of the Transition Assistance Program of the Department of Labor.

"(2) PRESENTATIONS.—In carrying out paragraph (1), a Veteran Business Outreach Center may provide grants to entities located in Transition Assistance Program locations to make presentations on the opportunities available from the Administration for recently separating or separated veterans. Each presentation under this paragraph shall include, at a minimum, a description of the entrepreneurial and business training resources available from the Administration.

"(3) WRITTEN MATERIALS.—The Associate Administrator shall—

"(A) create written materials that provide comprehensive information on self-employment and veterans entrepreneurship, including information on resources available from the Administration on such topics; and

"(B) make the materials created under subparagraph (A) available to the Secretary of Labor for inclusion in the Transition Assistance Program manual.

"(4) REPORTS.—The Associate Administrator shall submit to Congress progress reports on the implementation of this subsection.

"(e) WOMEN VETERANS BUSINESS TRAINING.—The Associate Administrator shall—

"(1) compile information on existing resources available to women veterans for business training, including resources for—

"(A) vocational and technical education;

"(B) general business skills, such as marketing and accounting; and

"(C) business assistance programs targeted to women veterans; and

"(2) disseminate the information compiled under paragraph (1) through Veteran Business Outreach Centers and women's business centers.".

SEC. 105. INCREASING THE NUMBER OF OUTREACH CENTERS.

(a) IN GENERAL.—The Administrator shall use the authority in section 8(b)(17) of the Small Business Act (15 U.S.C. 637(b)(17)) to ensure that the number of Veterans Business Outreach Centers throughout the United States increases—

(1) subject to subsection (b), by at least 2, for each of fiscal years 2008 and 2009; and

(2) by the number that the Administrator considers appropriate, based on need, for each fiscal year thereafter.

(b) LIMITATION.—Subsection (a)(1) shall apply in a fiscal year if, for that fiscal year, the amount made available for the Office of Veterans Business Development is more than the amount made available for the Office of Veterans Business Development for fiscal year 2007.

SEC. 106. INDEPENDENT STUDY ON GAPS IN AVAILABILITY OF OUTREACH CENTERS.

The Administrator shall sponsor an independent study on gaps in the availability of Veterans Business Outreach Centers across the United States, to inform decisions on funding and on the allocation and coordination of resources. Not later than 6 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study.

SEC. 107. VETERANS ASSISTANCE AND SERVICES PROGRAM.

Section 21 of the Small Business Act (15 U.S.C. 648) is amended by adding at the end the following:

"(n) VETERANS ASSISTANCE AND SERVICES PROGRAM.—

"(1) IN GENERAL.—A small business development center may apply for a grant under this subsection to carry out a veterans assistance and services program.

"(2) ELEMENTS OF PROGRAM.—Under a program carried out with a grant under this subsection, a small business development center shall—

"(A) create a marketing campaign to promote awareness and education of the services of the center that are available to veterans, and to target the campaign toward veterans, service-disabled veterans, military units, Federal agencies, and veterans organizations;

"(B) use technology-assisted online counseling and distance learning technology to overcome the impediments to entrepreneurship faced by veterans and members of the Armed Forces; and

"(C) increase coordination among organizations that assist veterans, including by establishing virtual integration of service providers and offerings for a one-stop point of contact for veterans who are entrepreneurs or owners of small business concerns.

"(3) AMOUNT OF GRANTS.—A grant under this subsection shall be for not less than $75,000 and not more than $250,000.

"(4) FUNDING.—Subject to amounts approved in advance in appropriations Acts, the Administration may make grants or enter into cooperative agreements to carry out the provisions of this subsection.".

TITLE II—RESERVIST PROGRAMS

SEC. 201. RESERVIST PROGRAMS.

(a) APPLICATION PERIOD.—Section 7(b)(3)(C) of the Small Business Act (15 U.S.C. 636(b)(3)(C)) is amended—

(1) by striking "90 days" and inserting "1 year"; and

(2) by adding at the end the following: "The Administrator may, when appropriate (as determined by the Administrator), extend the ending date specified in the preceding sentence by not more than 1 year.".

(b) PRE-CONSIDERATION PROCESS.—

(1) DEFINITION.—In this subsection, the term "eligible Reservist" means a Reservist who—

(A) has not been ordered to active duty;

(B) expects to be ordered to active duty during a period of military conflict; and

(C) can reasonably demonstrate that the small business concern for which that Reservist is a key employee will suffer economic injury in the absence of that Reservist.

(2) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Administrator shall establish a preconsideration process, under which the Administrator—

(A) may collect all relevant materials necessary for processing a loan to a small business concern under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) before an eligible Reservist employed by that small business concern is activated; and

(B) shall distribute funds for any loan approved under subparagraph (A) if that eligible Reservist is activated.

(c) OUTREACH AND TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Veterans Affairs and the Secretary of Defense, may develop a comprehensive outreach and technical assistance program (in this subsection referred to as the "program") to—

(A) market the loans available under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) to Reservists, and family members of Reservists, that are on active duty and that are not on active duty; and

(B) provide technical assistance to a small business concern applying for a loan under that section.

(2) COMPONENTS.—The program shall—

(A) incorporate appropriate websites maintained by the Administration, the Department of Veterans Affairs, and the Department of Defense; and

(B) require that information on the program is made available to small business concerns directly through—

(i) the district offices and resource partners of the Administration, including small business development centers, women's business centers, and the Service Corps of Retired Executives; and

(ii) other Federal agencies, including the Department of Veterans Affairs and the Department of Defense.

(3) REPORT.—

(A) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, and every 6 months thereafter until the date that is 30 months after such date of enactment, the Administrator shall submit to Congress a report on the status of the program.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include—

(i) for the 6-month period ending on the date of that report—

(I) the number of loans approved under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3));

(II) the number of loans disbursed under that section; and

(III) the total amount disbursed under that section; and

(ii) recommendations, if any, to make the program more effective in serving small business concerns that employ Reservists.

SEC. 202. RESERVIST LOANS.

(a) IN GENERAL.—The Administrator and the Secretary of Defense shall develop a joint website and printed materials providing information regarding any program for small business concerns that is available to veterans or Reservists.

(b) MARKETING.—The Administrator is authorized—

(1) to advertise and promote the program under section 7(b)(3) of the Small Business

Act jointly with the Secretary of Defense and veterans' service organizations; and

(2) to advertise and promote participation by lenders in such program jointly with trade associations for banks or other lending institutions.

SEC. 203. NONCOLLATERALIZED LOANS.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) is amended by adding at the end the following:

"(G)(i) Notwithstanding any other provision of law, the Administrator may make a loan under this paragraph of not more than $50,000 without collateral.

"(ii) The Administrator may defer payment of principal and interest on a loan described in clause (i) during the longer of—

"(I) the 1-year period beginning on the date of the initial disbursement of the loan; and

"(II) the period during which the relevant essential employee is on active duty.".

SEC. 204. LOAN PRIORITY.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)), as amended by this Act, is amended by adding at the end the following:

"(H) The Administrator shall give priority to any application for a loan under this paragraph and shall process and make a determination regarding such applications prior to processing or making a determination on other loan applications under this subsection, on a rolling basis.".

SEC. 205. RELIEF FROM TIME LIMITATIONS FOR VETERAN-OWNED SMALL BUSINESSES.

Section 3(q) of the Small Business Act (15 U.S.C. 632(q)) is amended by adding at the end the following:

"(5) RELIEF FROM TIME LIMITATIONS.—

"(A) IN GENERAL.—Any time limitation on any qualification, certification, or period of participation imposed under this Act on any program that is available to small business concerns shall be extended for a small business concern that—

"(i) is owned and controlled by—

"(I) a veteran who was called or ordered to active duty under a provision of law specified in section 101(a)(13)(B) of title 10, United States Code, on or after September 11, 2001; or

"(II) a service-disabled veteran who became such a veteran due to an injury or illness incurred or aggravated in the active military, naval, or air service during a period of active duty pursuant to a call or order to active duty under a provision of law referred to in subclause (I) on or after September 11, 2001; and

"(ii) was subject to the time limitation during such period of active duty.

"(B) DURATION.—Upon submission of proper documentation to the Administrator, the extension of a time limitation under subparagraph (A) shall be equal to the period of time that such veteran who owned or controlled such a concern was on active duty as described in that subparagraph.

"(C) EXCEPTION FOR PROGRAMS SUBJECT TO FEDERAL CREDIT REFORM ACT OF 1990.—The provisions of subparagraphs (A) and (B) shall not apply to any programs subject to the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).".

SEC. 206. SERVICE-DISABLED VETERANS.

Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report describing—

(1) the types of assistance needed by service-disabled veterans who wish to become entrepreneurs; and

(2) any resources that would assist such service-disabled veterans.

SEC. 207. STUDY ON OPTIONS FOR PROMOTING POSITIVE WORKING RELATIONS BETWEEN EMPLOYERS AND THEIR RESERVE COMPONENT EMPLOYEES.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study on options for promoting positive working relations between employers and Reserve component employees of such employers, including assessing options for improving the time in which employers of Reservists are notified of the call or order of such members to active duty other than for training.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the study conducted under subsection (a).

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) provide a quantitative and qualitative assessment of—

(i) what measures, if any, are being taken to inform Reservists of the obligations and responsibilities of such members to their employers;

(ii) how effective such measures have been; and

(iii) whether there are additional measures that could be taken to promote positive working relations between Reservists and their employers, including any steps that could be taken to ensure that employers are timely notified of a call to active duty; and

(B) assess whether there has been a reduction in the hiring of Reservists by business concerns because of—

(i) any increase in the use of Reservists after September 11, 2001; or

(ii) any change in any policy of the Department of Defense relating to Reservists after September 11, 2001.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate; and

(2) the Committee on Armed Services and the Committee on Small Business of the House of Representatives.

SEC. 208. INCREASED VETERAN PARTICIPATION PROGRAM.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

"(32) INCREASED VETERAN PARTICIPATION PROGRAM.—

"(A) DEFINITIONS.—In this paragraph—

"(i) the term 'cost' has the meaning given that term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a);

"(ii) the term 'pilot program' means the pilot program established under subparagraph (B); and

"(iii) the term 'veteran participation loan' means a loan made under this subsection to a small business concern owned and controlled by veterans of the Armed Forces or members of the reserve components of the Armed Forces.

"(B) ESTABLISHMENT.—The Administrator shall establish and carry out a pilot program under which the Administrator shall reduce the fees for veteran participation loans.

"(C) DURATION.—The pilot program shall terminate at the end of the second full fiscal year after the date that the Administrator establishes the pilot program.

"(D) MAXIMUM PARTICIPATION.—A veteran participation loan shall include the maximum participation levels by the Administrator permitted for loans made under this subsection.

"(E) FEES.—

"(i) IN GENERAL.—The fee on a veteran participation loan shall be equal to 50 percent of the fee otherwise applicable to that loan under paragraph (18).

"(ii) WAIVER.—The Administrator may waive clause (i) for a fiscal year if—

"(I) for the fiscal year before that fiscal year, the annual estimated rate of default of veteran participation loans exceeds that of loans made under this subsection that are not veteran participation loans;

"(II) the cost to the Administration of making loans under this subsection is greater than zero and such cost is directly attributable to the cost of making veteran participation loans; and

"(III) no additional sources of revenue authority are available to reduce the cost of making loans under this subsection to zero.

"(iii) EFFECT OF WAIVER.—If the Administrator waives the reduction of fees under clause (ii), the Administrator—

"(I) shall not assess or collect fees in an amount greater than necessary to ensure that the cost of the program under this subsection is not greater than zero; and

"(II) shall reinstate the fee reductions under clause (i) when the conditions in clause (ii) no longer apply.

"(iv) NO INCREASE OF FEES.—The Administrator shall not increase the fees under paragraph (18) on loans made under this subsection that are not veteran participation loans as a direct result of the pilot program.

"(F) GAO REPORT.—

"(i) IN GENERAL.—Not later than 1 year after the date that the pilot program terminates, the Comptroller General of the United States shall submit to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report on the pilot program.

"(ii) CONTENTS.—The report submitted under clause (i) shall include—

"(I) the number of veteran participation loans for which fees were reduced under the pilot program;

"(II) a description of the impact of the pilot program on the program under this subsection;

"(III) an evaluation of the efficacy and potential fraud and abuse of the pilot program; and

"(IV) recommendations for improving the pilot program.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Ohio (Mr. CHABOT) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. VELÁZQUEZ. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELÁZQUEZ. Madam Speaker, this body has heard time and again of the courage, discipline and selflessness with which our veterans serve this Nation. What is less well known, however, are the contributions that veterans make to our Nation's economy.

Last month, 407 Members of this House voted to pass H.R. 4253. This bill represented an important step toward a comprehensive update of the Small Business Administration's veterans assistance programs, programs which remove barriers to veterans' self-employment and provide veteran entrepreneurs with support for growth and expansion. Again, I wish to commend Congressman JASON ALTMIRE and Congressman VERN BUCHANAN for their leadership on this legislation.

Not long after this body passed H.R. 4253, the Senate took up the legislation and offered a number of changes. The resolution we are considering today provides for the concurrence in the Senate amendment and makes additional changes of our own.

The amendment in this resolution does two things. First, the amendment makes technical revisions to clarify language in the bill. Second, the amendment removes a nongermane provision that was inserted by the Senate amendment to H.R. 4253.

As the wars in Iraq and Afghanistan continue, the number of returning veterans will only increase. Our support for veterans, however, does not end with their deployment. We must continue to work to support these budding entrepreneurs as they reach for the American dream of business ownership. I believe the underlying bill is a major step towards realizing this goal, and I strongly support this legislation. I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. CHABOT. Madam Speaker, I yield myself such time as I may consume.

Today, Madam Speaker, I rise in support of the request to suspend the rules and pass House Resolution 921, which agrees to the Senate amendment to H.R. 4253, the Military Reservist and Veterans Small Business Reauthorization Opportunity Act of 2007, subject to an amendment.

I would like to thank Chairwoman VELÁZQUEZ for working in a cooperative and bipartisan manner to bring this resolution to the floor, which, again, incorporates a number of provisions of a bill authored by Mr. BUCHANAN from Florida, a freshman member of the Small Business Committee.

The provisions of this resolution are substantially similar to those contained in H.R. 4253 passed by the House in the last session. For the sake of brevity, interested parties can refer to the December 5, 2007 CONGRESSIONAL RECORD for that statement.

The resolution makes necessary technical changes to the Senate amendment. The House bill required the establishment of an interagency task force to improve business advice given to veteran-owned small businesses. This resolution restores the requirement that the interagency task force include the advice from veteran service organizations. It makes no sense to try and improve veterans services to veterans without actually consulting them.

Reservists have their own set of operational problems, especially if they own a business or are a key employee in a small business. These Reservists are making a sacrifice to the health of their business in order to protect the liberty and freedom of all Americans. The least we can do is provide the small businesses owned by or employing these Reservists sufficient access to advice and capital to enable their businesses to survive during their absence. The resolution before us today does just that.

In particular, the resolution ensures that small communities where a Reservist-owned business is a major source of employment will have access to economic injury disaster loan funds from the SBA to pay employees and meet other expenses while the owner is on active duty. Small communities that rely on one employer should not have to suffer because the owner of a business has elected the noble obligation to serve our country in uniform.

Finally, the resolution adopts a modified form of the reduction in costs for guaranteed loans made to veterans under SBA's 7(a) loan program. I commend the chairwoman for taking an approach that helps veterans obtain loans without unduly increasing costs to the American taxpayer or other borrowers under the 7(a) loan program.

No one can dispute the sacrifice that America's veterans have made and continue to make in defense of our country. While the repayment of that debt may never be fully compensated, we can never fully pay back those that have served this country so honorably in uniform, we can certainly provide them with the needed assistance to prosper in civilian life. Today's resolution will do that. I want to thank the chairwoman again for working to make this possible and thank Mr. BUCHANAN for his leadership on this issue.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Speaker, I would now like to yield to the gentleman from Pennsylvania, a lead sponsor of the bill, Mr. JASON ALTMIRE, as much time as he may consume.

Mr. ALTMIRE. Madam Speaker, last month the House and the Senate passed the Military Reservist and Veterans Small Business Reauthorization and Opportunity Act to expand business opportunities for veterans and Reservists. And after Senate action, today we will vote again to pass this legislation that I introduced to ensure veterans and Reservists are afforded every opportunity for economic success at home given their sacrifices abroad.

Starting and maintaining a small business can be challenging for anyone, and unfortunately veterans often face unique obstacles as a result of their military service. The unemployment rate among veterans is more than twice that of the national average, and nearly 40 percent of Reservists lose income when they are deployed.

While Congress has taken action to provide Federal agencies with resources to encourage entrepreneurial opportunities for veterans, I believe that more can still be done to relieve the burden that is placed on small business owners during and after deployment.

At a time when our veteran population continues to grow, it is more important than ever for us to afford our brave men and women in uniform every opportunity for success. The Military Reservist and Veterans Small Business Reauthorization and Opportunity Act provides the SBA's Office of Veterans Business Development with the resources necessary to expand entrepreneurial opportunities for veterans and Reservists and improve existing programs to help keep small businesses afloat while their members are deployed.

The amendment we will consider today makes minor changes to the bill we passed in December, but the intent remains the same. This legislation increases funding for the SBA's Office of Veterans Business Development, improves programs designed to help relieve the burden placed on small business owners during and after deployments, facilitates the coordination of all Federal agencies to focus attention on expanding opportunities for veteran-owned businesses, makes the SBA Advisory Committee on Veterans Business Affairs permanent, and increases the number of veterans business outreach centers across the country.

Madam Speaker, there is no question that veterans have a unique ability to thrive as entrepreneurs. They have the skill and the drive necessary to run successful businesses. But more must be done to help them fulfill their goals and their needs.

I strongly support this legislation, which I introduced, and I ask my colleagues for their support of the Military Reservist and Veterans Small Business Reauthorization and Opportunity Act, and urge the Senate to quickly take up and pass this important legislation.

☐ 1115

Lastly, Madam Speaker, I would thank the gentleman from Florida, my good friend, Mr. BUCHANAN; the ranking member, Mr. CHABOT, for their help in working through these issues. And hopefully now, with the work of the chairwoman, we can have a bill that can pass both Chambers and move to the President's desk.

Mr. CHABOT. Madam Speaker, I would just like to commend two freshman Members. I think this is another example that shows bipartisanship on the Small Business Committee, to the credit of the chairwoman, Ms. VELÁZQUEZ, the gentleman from Pennsylvania (Mr. ALTMIRE), a freshman Member, and Mr. BUCHANAN, a freshman Member from Florida, working together to benefit veterans and small businesses in this country. So I think I'd like to see that spirit illustrated in the rest of the Congress, and I want to thank again Mr. ALTMIRE and Mr. BUCHANAN.

Madam Speaker, I yield such time as he may consume to Mr. BUCHANAN.

Mr. BUCHANAN. Madam Speaker, I want to thank the ranking member for yielding me the time, and I rise in support of the resolution.

I'd also like to thank my fellow freshman, Congressman ALTMIRE, and I want to thank the chairman of our Small Business Committee, because she has been very bipartisan from day one. She's been very helpful to me, and I think, frankly, this is what the country is looking for. So I want to thank the freshman Congressman. I think this is a very powerful thing.

Also, I just wanted to say that I know there's a Senate compromise, and a number of provisions in that are important to me.

This resolution incorporates legislation I introduced in May and the House passed in June, creating an important program within the Small Business Administration. This will give our veterans not just a chance at success in a small business enterprise, but provide them with the help and assistance a grateful Nation can offer.

My legislation is intended to help veterans through grants, information services and contacts with professionals in their field of endeavor. This Federal support will enhance the ability of veterans to become an entrepreneur in his or her own right.

The measure puts an emphasis on providing veterans with the market research, financial options, and technological training important to becoming a successful small business owner.

This legislation not only expands the number but the scope of Veteran Outreach Centers. It ensures the opening of more doors in terms of that and the opportunity for women veterans. Assisting our women returning from combat has been an area long overlooked, and it's high time we did something about it.

I know in my personal situation, I went in as an 18-year-old in the Air National Guard. At 23, I had a chance to get in business for myself, for a kid that grew up in a blue-collar family, and I've lived that American Dream, being self-employed for 30 years. I want to make sure that our veterans have that same opportunity today for all the sacrifices they are making.

I'm excited today that the House will pass a resolution that will help individuals make an important transition from a veteran to a small business entrepreneur, and we are one step closer to having this important legislation signed into law.

I urge my colleagues to suspend the rules and support the resolution.

Ms. VELÁZQUEZ. Madam Speaker, I have no additional speakers, but I reserve the right to close.

Mr. CHABOT. Madam Speaker, we yield back the balance of our time.

Ms. VELÁZQUEZ. Madam Speaker, I just want to take the opportunity again to thank Ranking Member CHABOT and Mr. BUCHANAN and Mr. ALTMIRE and also the staff from the Democratic side and the Republican side for working in a bipartisan manner to help achieve this goal of providing the tools necessary for the veterans who are returning home.

With that, I strongly urge my colleagues to vote for H. Res. 921.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and agree to the resolution, H. Res. 921.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. VELÁZQUEZ. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 2768, SUPPLEMENTAL MINE IMPROVEMENT AND NEW EMERGENCY RESPONSE ACT OF 2007

Ms. SLAUGHTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 918 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 918

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2768) to establish improved mandatory standards to protect miners during emergencies, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 2768 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SLAUGHTER. Madam Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 918.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Madam Speaker, I yield myself such time as I may consume.

H. Res. 918 provides for consideration of H.R. 2768, the Supplemental Mine

Improvement and New Emergency Response Act, under a structured rule.

As the Clerk just read, the rule provides 1 hour of general debate controlled by the Committee on Education and Labor. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule makes in order all four amendments that were submitted to the Rules Committee on this bill, including a full substitute. The amendments are debatable for 10 minutes each, except for the substitute which is debatable for 30 minutes. The rule also provides one motion to recommit, with or without instructions.

Madam Speaker, like most Americans, I vividly remember the terrible mine tragedy at Crandall Canyon Mine in Utah last August as we waited day after day, praying for the safety of the miners. We watched with great trepidation and sadness as three rescue workers were also killed attempting to save six miners who were trapped in a horrific mine collapse, all of whom, I am sad to say, did not survive.

As a native Kentuckian and one who remembers vividly the mines and particularly the whistles in the middle of the night indicating something had gone wrong at the mine, I was touched by that tragedy on a very personal level. It reminded me not only of the dangers of the profession but also the important role of Congress to do all that we can to ensure their safety.

I was simply shocked by some of the disturbing facts that were revealed after just a brief review of the evidence. The Crandall Canyon tragedy appears to have been preventable, and the rescue effort handled by the Mine Safety and Health Administration was tragically mismanaged.

Following the tragedy, the New York Times and other publications reported that the Mine Safety and Health Administration "failed to conduct the required inspections . . . at 107 of the Nation's 731 underground coal mines," and "that the agency had misstated the number of inspections it had conducted, apparently to inflate its rate of completed inspections."

□ 1130

How tragic that is when lives are at stake. Sadly, on the day of the accident, we saw it was not NIOSH that was in charge of safety for the miners, but the owner, concerned only with his bottom line.

Madam Speaker, the evidence shows that, despite significant progress over the last several decades, mining remains one of the most dangerous jobs in America. Mining fatalities occur at a rate more than seven times the average for all private industries, far exceeding other dangerous occupations. Last year alone, 56 miners died on the job in the United States.

Unfortunately, the tragedy at Crandall Canyon Mine was only the latest in a series of mine disasters, including three others last year which combined claimed 19 lives, the Sago Mine explosion, the fire at Aracoma Alma Mine, and the Kentucky Darmy Mine.

Madam Speaker, Congress owes it to the victims and to their families to perform a vigorous investigation to uncover what went wrong during these tragedies and how we can ensure that it never happens again. I am proud to say that we stand here today resolute in our promise to enhance the safety of our mine workers, bringing forth a bill that will aim to fulfill that pledge.

The Mine Improvement and New Emergency Response Act, or H.R. 2768, will help to prevent future disasters as well as improve our emergency response should another tragedy occur. We took an important step last Congress enacting into law the MINER Act, the bill intended to prevent disasters such as Crandall Canyon. However, the administration made it crystal clear that it did not intend to go any further or move more quickly than required under the MINER Act, despite new evidence that quicker action is necessary to ensure the safety of miners.

This bill empowers the Mine Safety and Health Administration to protect miners, providing them with the much-needed authority to investigate mine operators and punish those that ignore or break the law. Unfortunately, too many persons on the Oversight Committee are mine owners themselves. By providing the agency with subpoena authority, it will be permitted to stop production in mines that do not pay off delinquent accounts, and to shut down mines that do not abate violations. That is certainly long overdue and should have been done at least a century ago.

The bill also requires oversight and accountability by the agency, demanding that MSHA take a more active role in protecting the safety of the workers. For example, MSHA will be required to carefully review every plan for the notoriously dangerous practice known as "retreat mining" and to physically observe the process when it begins. In addition, they will be required to issue emergency response plans. Remember that the Crandall Canyon Mine had already been retreat-mined before these miners started work.

Furthermore, the bill is an important tool to enhance the safety and security of miners. It creates a miner ombudsman office to process incoming complaints and to assist whistleblowers while establishing solid ground rules for independent investigation of multiple fatality mine accidents. In addition, it requires improved communications and tracking systems, and it cuts the coal dust exposure limit in half, which is so important because I learned yesterday from Chairman MILLER that black lung disease, one of the most awful ways to live and die, is on the upsurge.

While this legislation takes groundbreaking steps to protect miners, we still have a long way to go to ensure that mining no longer carries the ominous description of "one of America's most deadly professions." More must be done to reduce long-term health risks facing miners, such as black lung disease, which can be just as deadly as on-the-job tragedies. We must expand on the MINER Act until tragedies like Crandall Canyon are a thing of the past and the death toll ceases to rise. Many oversight hearings conducted by the Committee on Education and Labor concluded that not only were the recent mining disasters preventable, but that the risk of a repeat incident is still very real.

I would like to take a moment to commend the House Education and Labor Committee under the wonderful leadership of Chairman GEORGE MILLER. It was Mr. MILLER who leapt into action to take on this immense responsibility.

This represents a marked change in the way the Congress has been operating following last year's election. Since Democrats regained control of the House and Senate last November, we have once again begun to use two of the most basic tools in our legislative tool box, they are oversight and investigation, and today's bill is no exception.

The bill shows our commitment to proactively advocate for working men and women, especially the victims and families of disasters like that that occurred at Crandall Canyon last August. We must do everything we can to ensure that every single miner is able to return home at the end of the day to their family. I am proud to say this is, at its heart, the true intention of this bill.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I thank the chairwoman of the Rules Committee, Ms. SLAUGHTER, for yielding me the customary 30 minutes.

I yield myself as much time as I may consume.

Madam Speaker, it is imperative that the over 200,000 miners in the United States work in a safe environment. Tragedies in recent years have highlighted the need to improve mine safety. In an effort to improve mine safety and prevent future tragedies, I was pleased that in 2006 the Senate unanimously, and the House overwhelmingly, passed the Mine Improvement and New Emergency Response (MINER) Act, which was signed into law. This comprehensive, overwhelmingly bipartisan law represented a significant step, the first in some 30 years, forward in improving mine safety. But, Madam Speaker, it's unfortunate that today Democrat leaders have put bipartisanship aside and brought forth a rule to allow the House to consider legislation that threatens to jeopardize, not improve, meaningful achievements and efforts currently under way.

The MINER law of 2006 is still being implemented, and to date, the Mine Safety and Health Administration has met all of its statutory deadlines in implementing the new law. However, Democratic leaders have chosen to bring forth the Supplemental Mine Improvement and New Emergency Response Act, which ignores the progress that has been made, and further, provides no opportunity for stakeholder participation in the regulatory process and imposes unrealistic time requirements on employers.

In addition, it is concerning that this bill would allow technology to be placed in mines that has not been deemed "intrinsically safe" by the Mine Safety and Health Administration. This has the potential, Madam Speaker, to result in serious safety issues, such as maybe an explosion.

Another major safety concern is that this bill creates a two-tiered notification system in the event of an accident, with one set of reportable incidents being subject to be reported within 15 minutes and another set within an hour. Madam Speaker, current law requires a mine operator to call the Mine Safety and Health Administration within 15 minutes of a reportable incident or face a fine. This new confusing tiered system could potentially lessen protection to miners.

Lastly, this bill does not empower all miners to participate in the development of safety policies and procedures through the formation of safety teams. Currently, miners who are not part of a union can be prohibited from working with management to promote safety. Representatives KLINE of Minnesota and WILSON of South Carolina will be offering a substitute amendment later to end this discrimination between union and nonunion employees. All miners should be able to have a say when it comes to their safety, and this bill fails to do that.

Before enacting additional legislation that could be counterproductive, Congress should allow current law to be fully implemented. Congress should also review the law first before dictating mine safety regulations that fail to advance safety, potentially threatens jobs, and impose over $1 billion in unfunded mandates on the mining industry.

So, Madam Speaker, I urge my colleagues to vote against this rule and the underlying legislation.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I would like to inquire if the gentleman from Washington has any remaining speakers.

Mr. HASTINGS of Washington. I do have another speaker.

Ms. SLAUGHTER. Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. At this time, I would like to recognize the ranking member of the Workforce Committee, Mr. McKEON, for 5 minutes.

Mr. McKEON. I thank the gentleman for yielding.

Since the 110th Congress was gaveled into session, not a single bill within the jurisdiction of the Committee on Education and Labor has been considered under an open rule. Sadly, today's bill is no exception. Nonetheless, I do want to thank the majority for making the Republican substitute in order. I believe the S-MINER Act is fundamentally flawed and cannot be fixed with discrete amendments. As such, anything short of the Republican substitute will only result in cosmetic changes to a bill whose flaws run much deeper.

Each of us recognizes the importance of mine safety. The individuals who work in mines supply the energy that powers this Nation. Their job is dangerous, yet vital, and keeping them safe is critical.

Our commitment to mine safety is nothing new. In fact, it was nearly 2 years ago that we first took up the MINER Act in an effort to implement the most comprehensive reforms to mine safety in a generation. That bill enjoyed broad bipartisan support as well as the backing of both labor and industry.

The MINER Act was signed into law just a year and a half ago, and already it is producing major changes in the operation of our Nation's mines. The law included an aggressive implementation timetable, and the mining community has acted quickly to embrace the law and make its required changes. Our committee has monitored implementation of the MINER Act in order to ensure it is quickly and effectively put into place. There should be no question about our commitment to mine safety. Yet, here we are today to consider a bill that in many ways ignores the progress that has been made.

At best, the S-MINER Act is premature. The 2006 MINER Act has not yet been given the chance to take root, with many of its reforms still being developed by MSHA and those in the field. At worst, the S-MINER Act could actually derail ongoing progress by sending regulators and the mining community back to square one on many critical safety issues.

I would like to quote from an article published by the Lexington, Kentucky Herald-Leader by Rick Honaker, Mining Foundation distinguished professor and chairman of the University of Kentucky department of mining engineering:

"But now it seems very strange, almost incomprehensible, that a move is afoot in Congress to impose an entirely new set of requirements on coal mine operators and mine inspectors even before there has been an opportunity to comply with the far-reaching provisions of the MINER Act. It threatens to disrupt the all-important emergency rescue provisions of the law. Simply put, additional legislation now serves no useful purpose."

Madam Speaker, Republicans have developed an alternative to the S-MINER Act that we believe strikes the appropriate balance between strengthening mine safety and maintaining the widely supported reforms enacted less than 2 years ago. First and foremost, our substitute underscores the importance of the MINER Act reforms and restates our commitment to seeing them implemented fully and forcefully. In addition to supporting these strong reforms, our substitute goes further to protect miners by allowing them to be full participants in the safety process.

During the Education and Labor Committee's consideration of this bill, Representative KLINE offered an amendment that would have taken meaningful steps to enhance mine safety, without jeopardizing work already under way. That amendment, like our substitute, would empower miners by directly engaging them in the development of safety policies and procedures through the formation of safety teams. Currently, nonunionized miners may be prohibited from working with management to promote safety through teams.

To further protect miners, our substitute would enhance the MINER Act reforms by fostering communication between MSHA and the Bureau of Land Management; studying the conditions the next generation of miners will face with deep mine conditions, as well as fostering a better understanding of retreat mining using pillar removal; and clarifying information dissemination in the event of a tragedy.

Lastly, we would implement a testing program for illegal substances. This would not only protect those in the mines, but also identify miners who are struggling with addiction and in need of help. The States of Virginia and Kentucky have already implemented this safety measure, and miners have been protected because of it.

Madam Speaker, I cannot help but notice that the amendment offered by the distinguished chairman of the committee also includes a provision to address the issue of drug abuse among miners. I also cannot help but notice that this provision was inserted at the very last possible minute, several hours after the deadline for amendments to the Rules Committee. I hope this 11th-hour acknowledgement of the crippling problem of drug abuse among miners is a signal of genuine interest in addressing the issue. Unfortunately, by providing only a study rather than a strong testing program like that called for by Republicans, this gesture rings hollow.

Madam Speaker, although the rule makes in order a strong Republican alternative, it remains flawed because it allows consideration of a bill that should not pass.

□ 1145

The S-MINER Act abandons bipartisan mine safety reforms and replaces stakeholder expertise with bureaucratic Washington mandates that threaten mine workers' jobs. I urge a "no" vote.

Ms. SLAUGHTER. Madam Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, for the last several months, Republicans have highlighted the need to change the House rules in order to restore accountability and enforceability to the earmark rule.

Clearly, the rules are flawed when it comes to enforceability of earmarks. House Republicans believe every earmark should be debatable on the House floor, but time after time Members have been denied the opportunity to challenge earmarks during consideration of the rule and the bill.

Over the last several months, we have learned that the earmark rule does not apply when considering amendments between the Houses. This loophole has prevented numerous earmarks from being challenged in the energy bill, the State Children's Health Insurance Program expansion legislation, and the omnibus bill, which contained nearly 9,000 earmarks, including at least 150 earmarks that were airdropped in the bill at the last minute.

Madam Speaker, in October Parliamentarian John Sullivan sent a letter to Chairwoman SLAUGHTER confirming that the current rules are flawed as they relate to earmarks. In his letter, he states the earmark rule "does not comprehensively apply to all legislative propositions at all stages of the legislative process."

Madam Speaker, I will insert this letter from House Parliamentarian John Sullivan into the RECORD.

HOUSE OF REPRESENTATIVES,
OFFICE OF THE PARLIAMENTARIAN,
Washington, DC, October 2, 2007.

Hon. LOUISE MCINTOSH SLAUGHTER,
Committee on Rules, House of Representatives, Washington, DC

DEAR CHAIRWOMAN SLAUGHTER: Thank you for your letter of October 2, 2007, asking for an elucidation of our advice on how best to word a special rule. As you also know, we have advised the committee that language waiving all points of order "except those arising under clause 9 of rule XXI" should not be adopted as boilerplate for all special rules, notwithstanding that the committee may be resolved not to recommend that the House waive the earmark-disclosure requirements of clause 9.

In rule XXI, clause 9(a) establishes a point of order against undisclosed earmarks in certain measures and clause 9(b) establishes a point of order against a special rule that waives the application of clause 9(a). As illuminated in the rulings of September 25 and 27, 2007, clause 9(a) of rule XXI does not comprehensively apply to all legislative propositions at all stages of the legislative process.

Clause 9(a) addresses the disclosure of earmarks in a bill or joint resolution, in a conference report on a bill or joint resolution, or in a so-called "manager's amendment" to a bill or joint resolution. Other forms of amendment—whether they be floor amendments during initial House consideration or later amendments between the Houses—are not covered. (One might surmise that those who developed the rule felt that proposals to amend are naturally subject to immediate peer review, though they harbored reservations about the so-called "manager's amendment," i.e., one offered at the outset of consideration for amendment by a member of a committee of initial referral under the terms of a special rule.)

The question of order on September 25 involved a special rule providing for a motion to dispose of an amendment between the Houses. As such, clause 9(a) was inapposite. It had no application to the motion in the first instance. Accordingly, Speaker pro tempore Holden held that the special rule had no tendency to waive any application of clause 9(a). The question of order on September 27 involved a special rule providing (in pertinent part) that an amendment be considered as adopted. Speaker pro tempore Blumenauer employed the same rationale to hold that, because clause 9(a) had no application to the amendment in the first instance, the special rule had no tendency to waive any application of clause 9(a).

The same would be true in the more common case of a committee amendment in the nature of a substitute made in order as original text for the purpose of further amendment. Clause 9(a) of rule XXI is inapposite to such an amendment.

In none of these scenarios would a ruling by a presiding officer hold that earmarks are or are not included in a particular measure or proposition. Under clause 9(b) of rule XXI, the threshold question for the Chair—the cognizability of a point of order—turns on whether the earmark-disclosure requirements of clause 9(a) of rule XXI apply to the object of the special rule in the first place. Embedded in the question whether a special rule waives the application of clause 9(a) is the question whether clause 9(a) has any application.

In these cases to which clause 9 of rule XXI has no application in the first instance, stating a waiver of all points of order except those arising under that rule—when none can so arise—would be, at best, gratuitous. Its negative implication would be that such a point of order might lie. That would be as confusing as a waiver of all points of order against provisions of an authorization bill except those that can only arise in the case of a general appropriation bill (e.g., clause 2 of rule XXI). Both in this area and as a general principle, we try hard not to use language that yields a misleading implication.

I appreciate your consideration and trust that this response is to be shared among all members of the committee. Our office will share it with all inquiring parties.

Sincerely,

JOHN V. SULLIVAN,
Parliamentarian.

Madam Speaker, today I will be asking my colleagues to vote "no" on the previous question so that I can amend the rule in order to close the loopholes and restore accountability and enforceability to the House earmark rules.

Madam Speaker, I ask unanimous consent that the text of the amendment and extraneous material be inserted into the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Madam Speaker, I urge my colleagues to vote "no" on the previous question, oppose the rule.

Madam Speaker, I yield back the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I urge a "yes" vote on the previous question so that we can give more safety to the miners who work day after day in sometimes unsafe and unspeakable conditions. I also urge a "yes" vote on the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 918

OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. SLAUGHTER. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. SLAUGHTER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of the resolution, if ordered; suspending the rules and agreeing to House Resolution 912; and suspending the rules and agreeing to House Resolution 921.

The vote was taken by electronic device, and there were—yeas 222, nays 191, not voting 17, as follows:

[Roll No. 2]

YEAS—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baird
Baldwin
Bean
Becerra
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—191

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Baca
Baker
Berkley
Berry
Culberson
Forbes
Fossella
Honda
Hunter
Jefferson
Lantos
Meeks (NY)
Miller, Gary
Paul
Shimkus
Tanner
Westmoreland

☐ 1212

Messrs. SESSIONS and MILLER of Florida changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONDEMNING ASSASSINATION OF FORMER PAKISTANI PRIME MINISTER BENAZIR BHUTTO AND REAFFIRMING COMMITMENT OF UNITED STATES TO ASSIST PEOPLE OF PAKISTAN

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 912, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and agree to the resolution, H. Res. 912.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 18, as follows:

[Roll No. 3]

YEAS—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza,
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—18

Baca
Baker
Berkley
Berry
Cole (OK)
Culberson
Forbes
Fossella
Honda
Hunter
Jefferson
Lantos
Meeks (NY)
Miller, Gary
Paul
Shimkus
Tanner
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote. We are encouraging Members to hurry up and vote, please.

□ 1220

Mr. WELLER of Illinois changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONCURRENCE BY HOUSE WITH AMENDMENT IN SENATE AMENDMENT TO H.R. 4253, MILITARY RESERVIST AND VETERAN SMALL BUSINESS REAUTHORIZATION AND OPPORTUNITY ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 921, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and agree to the resolution, H. Res. 921.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 2, not voting 22, as follows:

[Roll No. 4]

YEAS—406

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe

Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—2

Broun (GA)
Flake

NOT VOTING—22

Baca
Baker
Berkley
Berry
Bilbray
Burgess
Burton (IN)
Culberson
Forbes
Fossella
Hastings (FL)
Honda
Hunter
Jefferson
Johnson (GA)
Lantos
Meeks (NY)
Miller, Gary
Paul
Shimkus
Tanner
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1228

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2768.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SUPPLEMENTAL MINE IMPROVEMENT AND NEW EMERGENCY RESPONSE ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 918 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2768.

□ 1230

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2768) to establish improved mandatory standards to protect miners during emergencies, and for other purposes, with Mr. GUTIERREZ in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, today I rise in strong support of legislation that would greatly enhance the health and safety protections in the Nation's coal mines.

Despite significant progress over the last several decades, mining remains one of the most dangerous jobs in America. Mining fatalities occur at a rate more than seven times the average of all private industries; and we are reminded of how dangerous mining can be by the tragedies like the one in Utah in August of this last year, where six miners and three rescuers died in what appears to have been a preventable disaster, and the tragedies of Kentucky and West Virginia in 2006.

Accidents every year claim the lives of one or two miners at a time. In 2007, according to the Mine Safety and Health Administration, 32 coal miners and 31 metal and nonmetal miners died on the job. Miners also face serious health risks, including a resurgence of black lung disease.

The legislation we are considering today, the S-MINER Act, builds on the work of the last Congress when it passed the MINER Act of 2006. The S-MINER Act represents a comprehensive approach to minimize the health and safety risks facing miners. It is critical that Congress take this action, because one of the things that is clear is that we cannot leave mine safety and health to the Bush administration.

When the Sago Mine disaster occurred, we learned that the Bush administration had withdrawn or delayed more than a dozen health and safety proposals that would have benefited miners. The Bush administration filled top-level positions at MSHA with executives from the very industry that the agency was charged with regulating. Dangerous rules favored by the industry, which would leave miners vulnerable to aggressive "belt air" fires, became law under this administration.

From 2001 to 2006, the Bush administration gutted MSHA by cutting funding and staffing, and especially in coal mine enforcement, where the worst tragedies would strike in 2006 and 2007. Even as coal production increased around the country, the Bush administration cut the Mine Safety and Health Administration's coal enforcement personnel by 9 percent by 2006. And then came the Sago disaster, Aracoma Alma, Darby, and Crandall Canyon mines. Even after these recent tragedies, even after the MINER Act was enacted, we continue to see neglect from this administration.

The Inspector General found this past fall that MSHA was failing to conduct mandated inspections on time, leaving thousands of miners unprotected. In 2006 alone, MSHA failed to complete the required inspections of 107 mines, employing 7,500 miners. And, Secretary Chao failed to meet a simple deadline under the MINER Act to produce regulations on rescue teams, fundamental regulations on rescue teams, at the end of this last year.

The track record of this administration on mine safety and health has been horrendous, and Congress needs to act. That is why we are here today, to make sure that our government fulfills its obligations to protect those brave men and women who risk their safety to keep this country running.

The S-MINER Act addresses three broad issues: Disaster prevention; improved emergency response; and long-term health risks. And I will talk more about those areas in a moment.

Later today, in addition to the underlying bill, I will be offering a manager's amendment that makes modifications to the bill. Among other things, that amendment will address the troubling problems of substance abuse. Because of injuries, overwork, and stress that miners often suffer, we have heard reports of substance abuse among miners.

I want to be absolutely clear. None of the recent mine tragedies have been linked to drug use in any way, but we should nevertheless be proactive in heading off the dangers that drug use poses to the miners. A few States have already adopted drug testing requirements for miners. Most, if not all, of the large coal mining companies already utilize some form of drug testing program. It will take further study to determine what role, if any, the Federal Government should play here, but this issue should be dealt with. That is why the amendment I will offer later today will require the Secretary of Labor to conduct a study on best practices and will authorize her, within 6 months, to set up a drug testing and rehabilitation program for miners, in consultation with miners, their unions, operators, State agencies, and public health experts.

Two other amendments will be offered by Representatives BOUCHER and ELLSWORTH to build upon and modify this legislation, and I support those amendments.

I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I rise in support of mine safety and in opposition to this bill, and I yield myself such time as I may consume.

The men and women who work in and around our Nation's mines are often unrecognized for the integral role they play in powering our country. These individuals work hard, in difficult and often dangerous conditions, to unearth the raw materials that each of us relies upon in our day-to-day lives.

While mining is inherently dangerous, there are steps we can take to mitigate that risk. For that reason, mine safety has been an ongoing priority both legislatively and within the context of oversight.

Although our commitment to mine safety is constant, we also recognize that new mandates from Washington translate into major changes within the operation of our Nation's mines. For that reason, we do not and we must not take a piecemeal approach to mine reform. Rather, we should develop thoughtful, comprehensive consensus reforms, and then give those reforms a chance to work. I am pleased to say that we did just that less than 2 years ago. In 2006, Congress passed the MINER Act which required MSHA to revise its penalties, increase penalties for major violations, undertake several studies regarding mining practices, and work to improve the technology for communications underground. The MINER Act received strong bipartisan, bicameral support. It was backed by both industry and labor, and its reforms were understood to be the most significant in a generation.

With the MINER Act, we called on the mining industry to overhaul itself, to develop and implement new technologies, and to comply with strong new protections that were to be developed by the experts. This type of transformation cannot take place overnight; but let there be no doubt, change is well under way.

Mr. Chairman, I fear that with this bill before us, we run a very real risk of derailing that progress and returning to square one on many critical mine safety issues. H.R. 2768 ignores the safety guidelines being developed through expert research and review, and replaces them with arbitrary new mandates established by Congress. This bill makes an end run around the regulatory process, shutting stakeholders out.

Simply put, the S-MINER Act abandons the mine safety momentum of the MINER Act and sends us back to the drawing board.

I appreciate Chairman MILLER's concern about the dangers faced by our Nation's miners, and I share his desire to see strong reforms in place that will promote safety. That is why Republicans will offer a substitute amendment that would accomplish exactly that.

The Wilson/Kline amendment will balance successful implementation of the 2006 MINER Act with a number of mine safety enhancements. I look forward to supporting that amendment when it is offered, because it provides a real opportunity to promote mine safety without backing away from the progress that has been made.

In addition to the Republican substitute, we will consider a number of other amendments today, including one to be offered by Chairman MILLER. I would be remiss, however, if I did not point out the rather transparent political expediency of one portion of that amendment.

Included in the Republican substitute is a proposal to implement mandatory drug testing within the mining industry. A similar proposal was offered by the late Charlie Norwood, our colleague from Georgia, who was a stalwart on this issue. The ravaging impact of drug abuse among miners came into sharp focus this past weekend, when the front page of the Washington Post carried a story of miners who struggle with addiction to pain killers. We believe that mandatory drug testing is the most effective and, indeed, the only way to immediately address the prevalence of drug abuse that is putting miners' lives at risk.

Our colleagues on the other side of the aisle, however, appear to have discovered the devastation of drug abuse among miners only late yesterday afternoon. At that time, several hours after the deadline for submitting amendments, the chairman was permitted to resubmit a revised version of his manager's package that included a hastily drafted study of drug abuse among miners. While this amendment may offer a fig leaf now that the issue of drug abuse can no longer be ignored, it should not be mistaken for a legitimate attempt to deter drug abuse in the way that testing would.

Mr. Chairman, the S-MINER Act is fundamentally flawed. It brings the progress of the 2006 MINER Act to a jarring halt, creating instead a package of new prescriptive mandates from Washington. The bill imposes $1 billion in unfunded mandates on the mining community, placing the jobs of miners in jeopardy. This bill is the wrong answer at the wrong time for our Nation's miners. There is a better way.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 30 seconds.

My colleague from California said that we had a study in this. Yes, we have a study for the Secretary to determine the best way to implement a drug testing and treatment program after 6 months of talking to the States and local agencies and the companies and the miners. We don't impose this from Washington. And then the Secretary, if she determines that it is feasible, she is instructed to start the program.

We just thought it would be wise to consult the companies who have programs, States that have programs, the miners themselves, the local public health agencies.

I yield 1 minute to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Mr. Chairman, I think we all agree that, first and foremost, safety is the top priority for everyone involved in the mining industry. We, as a Congress, must ensure that legislation is heading in the right direction for the health and safety of American miners. Over the past several years, we have seen bad safety conditions and the devastating effects these conditions can have, not only on communities, but on human life.

We also must recognize the fact that not all mining operations are the same. Repeat. Not all mining operations are the same. So I understand, Mr. Chairman, that you will continue to work with us Members, that you just said a moment ago, to address any concerns the bill raises as it moves through the process. And I want to thank Chairman MILLER for his leadership on this issue and his willingness to continue to work and listen to other Members on the issue. He in fact is a true champion of our Nation's workers.

Again, I would like to thank him for yielding this time.

Mr. GEORGE MILLER of California. I reserve the balance of my time.

Mr. McKEON. I am happy now to yield to the gentleman from Minnesota (Mr. KLINE), the ranking member of the committee, such time as he may consume.

☐ 1245

Mr. KLINE of Minnesota. Mr. Chairman, today I rise in favor of mine safety but in strong opposition to the S-MINER Act.

Unfortunately, the bill as written does little to improve safety in our Nation's mines. As someone who voted for the MINER Act, I am concerned that this legislation derails much of what has already been achieved. I appreciate that there is concern about the speed of implementation, but the answer is not to call a halt to the work that has already been done and completely turn direction.

We have heard from mine engineering academics that this bill is flawed. We have heard from over 28 industry groups that this bill interrupts the progress being made in mine safety, while the Mine Safety and Health Administration's opinion has been dismissed by the other side, apparently until today, when we are going to turn over to MSHA the issue of drug testing. The President has issued a veto threat citing safety concerns.

The statement of administration policy specifically states, "The requirement to use boreholes to sample behind mine seals weakens existing safety standards since boreholes have metal casings that could introduce an ignition source, such as lightning, into an area of the mine that may contain explosive methane. The S-MINER bill would weaken current regulations requiring a mine operator to contact the Mine Safety and Health Administration within 15 minutes of a serious accident by creating a two-tiered notification system of 15 minutes or 1 hour depending on the severity of the incident."

I question how in good conscience we can be considering legislation that, according to the very people who enforce the law, weakens current regulations.

This bill is going to mandate the use of refuge chambers, examples of which were demonstrated on Capitol Hill. The National Institute for Occupational Safety and Health, NIOSH, tested several of these units and found serious deficiencies.

In a letter to the State of West Virginia, NIOSH expressed concerns stating, "Since findings from our field testing raise issues about the performance of such refuge chambers, NIOSH believes it is imperative to inform you of our findings as soon as possible before deployment of refuge chambers."

Mr. Chairman, later today I will join my committee colleague, Mr. WILSON, in offering an amendment in the nature of a substitute. This is a Republican substitute that does not upend the mine safety progress currently under way.

I urge my colleagues to vote "no" on the S-MINER Act.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 30 seconds.

The gentleman should have finished reading the rest of the letter where NIOSH says that these technical modifications can be addressed quickly. And, in fact, the preliminary feedback is that manufacturers have already made many of these, and they have already been implemented. Read the whole letter. I suggest that the gentleman on the other side of the aisle read the legislation, and when they want to introduce evidence, read the complete evidence.

I yield 4 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I am proud to be an original cosponsor of H.R. 2768, the S-MINER Act. The health and safety of miners is too important to ignore or to delay, and it is vitally important that we act now, not tomorrow, not in another year, to pass this critical legislation.

I want to commend Chairman MILLER for putting together comprehensive legislation that actually tackles the problems plaguing mining for many, many years.

With this legislation, we can prevent the appalling loss of life that we have had in the past couple of years at Sago, at Darby, at Aracoma, and most recently at Crandall Canyon in Utah.

Since the year 2006, about 80 miners have been killed at their workplaces. And that is in the 21st century. Don't forget, this is the 21st century.

Now it is true that working conditions for miners have improved over the years, and we have come a long ways since the turn of the last century when thousands of miners died every year. But miners, who provide a valuable service to this country at great danger to themselves, are still dying as a result of incidents that were preventable had everyone been following the law.

And black lung, a disease we thought had pretty much been eradicated, is back with a vengeance. This is absolutely unacceptable.

I have heard on numerous occasions that miners love their jobs. So our job for them is to keep them as healthy and safe as possible so they will return home every night to their families at the end of the working day and that they will return safe and healthy.

The Subcommittee on Workforce Protection, which I chair, had a hearing on this legislation in July. And the S-MINER Act actually puts teeth in the MINER Act which Congress passed in 2006. Let me mention a few provisions which I think highlight why this legislation is so very important.

For example, while we know that true wireless communications systems are not yet fully developed, technologies do exist that greatly improve communications between miners below ground with those on the surface. The MINER Act requires that wireless communications systems be installed, but not until the year 2009. Miners can't wait until 2009. And the S-MINER Act mandates that miners have communication capabilities now instead of having to go without until the most perfect system has been developed.

One of the things that is so outrageous, as I said, in this day and age is that black lung is back, a disease everyone thought was eradicated. This legislation, the S-MINER Act, requires the use by each miner of a personal dust monitor so that exposure to coal dust can be cut in half. And because the committee recognizes it could be a burden for mine operators to provide this equipment to their employees, the manager's amendment authorizes $30 million for MSHA to pay for those devices.

In addition, the Crandall Canyon disaster showed us once again that retreat mining is a perilous activity, and this legislation requires MSHA to closely review these plans.

Another thing the families of miners told us was that miners were afraid to come forward to report safety and health violations. So this legislation provides for a miner ombudsman to be appointed to process complaints and assist whistleblowers with their cases.

And finally, this legislation requires that physicians be created at MSHA to be in charge of communicating with families and the community while a rescue effort is going on.

In developing this legislation, we have done our utmost to reach out across the aisle and to all interest groups, including industry, to come up with a bipartisan bill.

While industry does not support this bill, and shame on them, many of their concerns are reflected in the current legislation and in Mr. MILLER's manager's amendment.

Mr. Chairman, this is the 21st century and we must have 21st century solutions to adequately protect miners in this country. Vote for the S-MINER Act.

Mr. McKEON. Mr. Chairman, we have some speakers on their way to the floor and I would like to reserve our time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. HARE), a member of the committee.

Mr. HARE. Mr. Chairman, I rise today in strong support of this critical piece of legislation.

Mining remains one of the most dangerous occupations in the United States, and our laws have not kept up with the changes in the industry. As a member of the House Education and Labor Committee, I participated in several hearings on this issue. At one in particular, I was touched by the little boy whose father had just been killed in the Crandall Canyon tragedy. It is for him and the countless other children who will grow up without a mom or a dad that I believe, as Members of Congress, we have the responsibility to do all we can to ensure that our miners are safe and come home to their families safely every night.

The recent tragedies at Sago, Darby and Crandall Canyon mines have made it apparent that the MINER Act of 2006 has fallen short in some areas. The legislation we are considering today addresses these areas. I am particularly pleased that the bill grants MSHA the authority to shut down mines that have neglected to pay fines for safety violations. Additionally, the retreat mining and whistleblower protections are much-needed improvements in the bill.

While the MINER Act of 2006 was a very good first step towards improving mine safety, it is clear that more work must be done. I believe today's bill will take us that one step further in making mining a little safer. I urge my colleagues to vote "yes" on this important legislation.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. HARE. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. I thank the gentleman for his support of this legislation, and more importantly, to thank him for all of his support on behalf of workers during our first session of Congress. I thank you for your attendance at the hearings and advocacy and questions on behalf of workers. I know of your very strong interest in miners, and I want to thank you for your advocacy on behalf of all workers.

Mr. HARE. I thank the chairman for your comments and for your work. There is not a more stand-up Member in this Congress for the working men and women of this Nation.

Mr. GEORGE MILLER of California. I yield 3½ minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Chairman, I thank the distinguished chairman of the Education and Labor Committee for yielding me this time, and commend him for his career, lifelong service of dedication to our working men and women of this country. Chairman GEORGE MILLER has certainly shown over his career in this body that there is no person that will take a second seat to him as far as protecting the health, safety, and well-being of our working men and women.

Mr. Chairman, there are those who have argued on the other side that this measure, coming on the heels of major mine safety legislation in 2006, is too much too soon. They argue that the Mine Safety and Health Administration is struggling to fix numerous problems and must be allowed to implement one bill before additional legislative mandates are hefted upon them.

Now, that argument has a valid point. And yes, the industry is making strides to improve safety, especially in my home State of West Virginia.

But an equally valid argument can be made that the Congress should not simply sit back and hope that MSHA follows through on needed improvements. To do so would be to neglect our duty to serve as a check, and we must not return to the hands-off mentality that allowed MSHA to slip into its recent dismal state of decline.

This legislation seeks to return to MSHA the business of protecting our Nation's miners, plain and simple. This should be our overall goal. MSHA has strayed too far from its mission, and the MINER Act did not touch some challenges that most agree need to be addressed. This bill supports a course correction that now is taking place. It sets a high bar because its purpose is the highest: the protection of the lives of our coal miners. And in this regard, we can never be too vigilant when it comes to protecting the health and safety and well-being of our Nation's coal miners.

Most coal companies in my State work hard to ensure improved workplace safety, and they are making significant investment, for which they deserve commendation. Likewise, most of the employees of MSHA, including those in my home State, are well-intentioned, dedicated and hardworking. These individuals put their lives on the line to save other lives, and they should be recognized for that.

As well, my home State of West Virginia, above all others, has taken the challenge of improving mine conditions seriously. But none of this excuses the management of MSHA from doing its job, and it certainly does not excuse the Federal legislative branch from its responsibility to ensure that the senior Federal agency charged with the safety of our coal miners fulfills its statutory mission.

First and foremost, MSHA is supposed to inspect mines to ensure that they are abiding by the law to operate as safely as possible. That is its most fundamental job, its reason for existence. But yet, we found that MSHA last year failed to complete more than 40 percent of its required quarterly inspections in my own congressional district alone. That fact speaks most compellingly for the need for this legislation.

This bill would address that deadly lack of inspections at mines in southern West Virginia. It aims to provide for badly needed increases in the ranks of highly trained inspectors, including bringing experienced retirees back into service and directing limited resources into the field where they are needed most.

So given these conditions, Mr. Chairman, again I commend Chairman MILLER and urge passage of this legislation.

Mr. McKEON. Mr. Chairman, I am happy to yield at this time to the ranking member on the Resources Committee, the senior Republican from Alaska, Mr. YOUNG, such time as he may consume.

Mr. YOUNG of Alaska. Mr. Chairman, here we go again; another nail in the coffin of energy independence. Another nail, in fact, adding to the unemployment rate.

□ 1300

If this bill was to become law, mines will be shut down. They will be shut down. And what bothers me the most is we had a bipartisan bill, actually it was passed in 2006, I believe, or 2007, that improved the 1977 Mine Safety Health Act. It was supported by everybody, that side and this side, the administration. And we have not given the time, that's less than a year and a half, given the time for the operators of these mines to even reach that requirement that we said was the right thing to do.

Now, it always amazes me. I don't think there's much coal mining in Vallejo or in the Bay Area or in Point Reyes. And I do respect the gentleman from West Virginia because he does have mining. And I've heard from his operators in that area that there's a very difficult thought process going forth with this bill. Can they operate? Because in this bill, they stop the ability for belt air, which, in fact, was put in for safety purposes, supported by the people who understand this, for diluting methane and dust levels, and this bill prohibits that. How is that improving the life of our miners? It is not.

And more than that, I want to remind people. As bad as it may appear, as very much, you know, heart wrenching when there is a death in a mine, we still have the safest mining industry in the world. China lost 6,000 people, that we know of last year in their coal mines; building one new coal fired plant a week.

And here we are, with this bill, if it was to become law, again, adding another nail in our coffin for energy independence. Coal is a solution to this terrible dependence that we have on foreign oil.

I was a little disappointed today when I saw the President ask the OPEC countries to produce more oil so we can lower the price.

Our fault in this country is we're not producing oil on our lands, which we have, and we're not producing the coal, which we have an abundance of. And I believe, when saying this under the guise of helping the miner out, we are jeopardizing their jobs, jeopardizing the economy in this country, and driving us further into the depression which may occur.

If that does happen, I want to compliment that side of the aisle, because you haven't addressed the issue of energy. And I'm a little bit disappointed. I watched all the Presidential debates. Not even on my side, let alone that side, has anybody talked about solving the energy problem in this country. We must address that issue because our economy is based on energy that can move product. Every ship is fossilly driven. Every train is fossilly driven. Every truck is fossilly driven. Every car, everything you eat and everything you consume is delivered to you by fossil fuels.

Now, we can improve nuclear power to give us fixed power, and we can burn coal, and we can use solar, and we can use hydro. We can do all these things. But there's fixed power. And we, as a Nation, and this Congress have not got to the point where we understand if we don't do something, we keep sending the dollars abroad, there's a great possibility that this whole economy we have will implode.

I'm saying, wake up, Mr. and Mrs. America. Start asking your Members of Congress, let's do something about energy. You can't conserve yourself into a prosperity position. You've got to have new energy, new production. Yes, drilling. Offshore in California, shame on you. Offshore in Florida, shame on Florida. Offshore in Alaska, shame on Alaska. We must start developing our fossil fuels in the Rocky Mountains. We must start at the Roan Plateau, which you took off the table. The Roan Plateau, have that developed. We have to start doing what is necessary to make sure we're no longer dependent on those foreign countries that are not our friends.

So I urge a "no" on this bill because it's another nail in the coffin that creates in this country more weaknesses and not the ability to provide for the future generations.

Mr. GEORGE MILLER of California. I yield myself 30 seconds.

The gentleman from Alaska is quite correct. It's a pathetic sight to see the President of the United States begging the Saudi prince to release more oil 8 years after that President has been in office; several energy bills passed by the Republican Congress, and the President is left going hat in hand begging the Saudi prince for more oil. It just shows the opportunity cost of this administration, of that Republican Congress and the pathetic energy policy that we were left with.

The new energy bill, however, reverses that trend. I'm very proud to be part of it.

Mr. McKEON. I yield the gentleman 30 seconds to respond.

Mr. YOUNG of Alaska. My good friend from California, he is my good friend, you have to recognize that we have not done anything. When you were in the majority you did nothing. You in fact had President Clinton veto opening of new oil discoveries in Alaska.

Mr. GEORGE MILLER of California. That's 10 years ago.

Mr. YOUNG of Alaska. Ten years ago. Again, everybody tells me we can do it at a later date. And what we're doing is nothing. I ask each one of you in this room that's sitting here today, I'm asking you, are we going to sit until this whole country comes to a collapse because we're not addressing the energy policy? The energy bill we passed here has produced no energy at all.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Chairman, I rise today in strong support of H.R. 2768, the S-MINER Act.

Over the past year the Education and Labor Committee, of which I am a member, has held several hearings on the topic of mine safety. During those hearings, witness after witness asked that the Federal Government take stronger actions to protect the health and safety of miners. Hearing their call to action, we are here today to pass landmark legislation that will save the lives of countless miners.

H.R. 2768 builds upon the MINER Act to boost prevention efforts, improve emergency response and reduce health risks. The MINER Act, which passed during the last session of Congress in response to the Sago mining disaster, made important steps in protecting miners, but implementation has been slow, and more needs to be done. Sadly, since H.R. 2768 was introduced, miners have been seriously injured or killed while on the job. That is why it is crucial for this Congress to act now and pass this legislation.

This Congress has been entrusted with the responsibility to make sure that all workers are protected at their workplace. We take that responsibility seriously. And I am proud to support this bill which will take the necessary steps in safeguarding the health and safety of America's miners.

I want to thank and commend Chairman MILLER for introducing this legislation and moving it so quickly to the floor. And I urge my colleagues to vote "yes" on H.R. 2768.

Mr. McKEON. I am happy to yield to the gentlelady from West Virginia (Mrs. CAPITO) such time as she may consume.

Mrs. CAPITO. I'd like to thank the ranking member for his recognition.

Over the past several years, this country has witnessed a series of tragic mining disasters, starting with the 12 miners killed on January 3, 2006 at the Sago Mine in my district. I know the families, I know the communities, and this is a wound that will never heal. This tragedy was followed by more deaths in accidents around the country, and each of these disasters has identified and highlighted deficiencies in the protection afforded miners.

In response to Sago and the other mine disasters, Congress enacted the MINER Act. We did it in a bipartisan way. It was a very proud day for me, as a West Virginian, to stand with my fellow West Virginians, several Governors, the President of the United States. Members of my own community, from the Sago community, came to the signing to sign the MINER Act. I'm proud of that effort, and I'm proud of the efforts that the companies have moved forward to improve the safety since the enactment of the MINER Act. It has substantially tightened regulations and enforcement procedures, and the mining industry has made significant changes in operations and equipment to comply with the strengthened requirements.

A number of Federal agencies and several State agencies, West Virginia has been very aggressive in this regard, has pushed reforms to better respond to incidents that occur and how we can improve the chances of miners to survive a serious accident. Today more self-contained self-rescuers are being stored underground than in the past, and that is a good positive first step.

With the success of the original MINER Act in mind, I do hold some reservations that additional legislation could complicate the safety improvements currently under way, and I am not alone in my concern. I encourage my colleagues to keep this in mind if this legislation moves forward.

Unfortunately, the events of Sago serve as a reminder that we must always strive to make America's mines as safe as they can possibly be.

This bill is flawed in many ways. The junior Senator from West Virginia has publicly expressed his concern, and I have concern that this bill will hold up some of the progress as it has moved forward.

But at the end of the day, for me, this is about those Sago miners, and their tragedies stay with me. My hope is that we can continue the good work that has moved forward as a result of the MINER Act. It is crucial that Congress continue to highlight mine safety so that the tragedies we've seen in West Virginia and across the Nation are not repeated.

Mr. GEORGE MILLER of California. May I inquire of the Chair how much time each side has remaining.

The CHAIRMAN. The gentleman has 13 minutes, and 15½ on the other side.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT), a member of the committee.

Mr. HOLT. Mr. Chairman, there's no question that mining has been a dangerous job. And today coal mining is rated among the most dangerous occupations in America. It does not have to be that way.

As a scientist, I've paid some attention to mine safety technology, but I also feel strongly about the concerns of those working in mines because I was born and raised in West Virginia, where my father, many years ago, as a member of the House of Delegates, and later in the Senate, was known as one of the best friends the miner ever had.

As an original cosponsor of the S-MINER Act, I want to thank Chairman MILLER and our staff for recognizing the importance of getting communications technology, currently existing, and that being developed, into the mines as quickly as possible.

This bill improves the work of the previous Congress by requiring that enhanced communications and miner tracking systems be installed immediately upon enactment.

I remain troubled that the Mine Safety and Health Administration and mine operators have delayed getting promising technology into the mines. It is really heartrending to share in the terror and tragedy of miners stranded without communication.

A year ago, NIOSH reached an agreement with the U.S. Army Communications and Electronics Research Center at Fort Monmouth in New Jersey to test and develop the KUTTA communications system because communications on the battlefield and in noisy environments subject to disruptions have lessons for communications in the mines.

Mr. Chairman, MSHA has not acted with the urgency needed to prevent future miner fatalities. Today Congress is acting.

I urge my colleagues to support this legislation because, in the wake of the Sago and Darby and Crandall Canyon mine tragedies, we should not have to face more families who have faced these tragedies, and we should do everything we can to prevent such tragedies in the future.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from Kentucky (Mr. YARMUTH), a member of the committee.

Mr. YARMUTH. Mr. Chairman, I rise today in strong support of the S-MINER Act because it will quite simply and without doubt save the lives of innocent Americans. It could have saved the life of my fellow Kentuckian, Jimmy Lee, whose widow Melissa I met this past year. She courageously came to us for help because, though it was too late to save her Jimmy, we still had the chance to prevent more loving spouses from becoming courageous widows.

Yesterday, Melissa and 27 other Kentuckians sent me a letter. Each has lost a father, son, or husband in a preventable mine disaster, and each urges the implementation of this legislation.

I found it very interesting to listen to my colleague from across the aisle, the gentleman from Alaska. And he used the term on a number of occasions, a nail in the coffin: And this is what we're talking about.

In my case, today, I'm talking about a letter from 28 Kentuckians who had to put their relatives, their loved ones in coffins and bury them because this government has not done what it can and should do to protect them.

In any event, the White House threatens a veto, not so much because it disagrees, but because the Department of Labor still hasn't implemented the last law. Congress is here to act when bureaucracies drag their feet. And here the consequences of the administration stonewalling are disastrous.

This is one of those choices we face in this era. We face the decision between money and lives. And as I said during the hearing when we looked into the Darby disaster and Sago and Crandall Canyon, we need to have a country and a government that value the lives of the miners as much as what they bring out of the ground. That's what this legislation is all about. That's what we stand here to do. And that's why I congratulate the chairman for his courageous act and his passion for this cause.

So with that, I urge my colleagues and the President to join me in supporting the Supplemental Mining Improvement and New Emergency Response Act. And I urge them to begin saving lives today.

Mr. GEORGE MILLER of California. I yield myself 30 seconds.

I want to thank the gentleman. I've had an opportunity to read the letter from his constituents, and I want to thank him for entering it into the RECORD. It's on behalf of those families and the families of the other mining tragedies who have also written to us that we made a pledge in our committee, as the gentleman knows, that this committee was going to be very diligent about pursuing mine safety.

□ 1315

It had been ignored for too long. The families had been closed out of the process. They were not allowed to testify. They were not allowed to go to the investigations. They were not allowed to attend the hearings, and this legislation changes much of that.

And you're quite correct and I want to thank him and his constituents for the support of this legislation.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Members are reminded to refrain from wearing communicative badges while under recognition.

Mr. McKEON. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina (Mr. WILSON). He's the senior ranking member on the subcommittee.

Mr. WILSON of South Carolina. Mr. Chairman, I thank Congressman McKEON very much for the introduction. I appreciate his leadership on the committee.

I speak in opposition to the bill and in favor of mine safety, as fully explained by the Statement of Administration Policy dated January 15, 2008, from the Office of Management and Budget.

In 2006, the President signed the Mine Improvement and New Emergency Response, MINER, Act, the most significant mine safety legislation in nearly 30 years. The administration has worked with miners, mine owners, miners' representatives, and other stakeholders in the mining industry to meet the safety improvement goals set forth in the original MINER Act, including issuing regulations to strengthen emergency mine evacuation practices, improve the strength requirements for seals, and increase civil penalties. In addition, on December 26, 2007, the President signed the Omnibus Appropriations Act, which mandates additional rulemaking on belt air and refuge chambers on rigorous timetables.

H.R. 2768, the Supplemental Mine Improvement New Emergency Response Act, the S-MINER bill, would place in jeopardy meaningful achievements and efforts currently under way as a result of these measures. In particular, several of the regulatory mandates in the S-MINER bill would weaken several existing regulations and overturn regulatory processes that were required by the MINER Act and are ongoing.

These changes would provide no opportunity for stakeholder participation in the regulatory process and would impose burdensome and unrealistic time requirements. The S-MINER bill would also fundamentally change the investigation of mining accidents and jeopardize the ability to hold mine operators accountable for violations of mine safety regulations.

For these reasons, the administration strongly opposes House passage of the bill. If H.R. 2768 were presented to the President in its current form, the President's senior advisers would recommend he veto the bill.

The S-MINER bill requires new regulations on the strength of mine seals, even though a new emergency temporary standard on mine seals was issued in May 2007 and a final regulation will be issued in February 2008. To reopen this process would cause confusion within the industry and put on hold improvements already being made to underground mine seals.

The S-MINER bill would weaken current regulations requiring a mine operator to contact the Mine Safety and Health Administration, MSHA, within 15 minutes of a serious accident by creating a new two-tiered notification system of 15 minutes or 1 hour, depending on the severity of the incident.

Of particular concern is a provision requiring the MSHA to adopt the recommended exposure limits issued by the National Institute for Occupational Safety and Health as permissible exposure limits, PELs. This provision overturns a Federal court decision that requires agencies like the MSHA to perform a risk assessment prior to issuing a PEL. This provision would mandate the adoption of potentially hundreds of PELs without any input from stakeholders and without determination of whether the PEL is economically and technologically feasible.

The S-MINER bill would allow a stakeholder to challenge a PEL only after its issuance. This process undermines the rigor of the normal rulemaking process and places the burden of proof of technological and economic feasibility on stakeholders instead of the Department of Labor.

The S-MINER bill would potentially quadruple the number of investigations into multi-injury or multifatality accidents by adding a requirement for another investigation by an independent investigative team and by giving the Chemical Safety Board, as well as the Office of the Inspector General within the Department of Labor, the right to investigate mine accidents. These provisions undermine the government's ability to hold accountable mine operators who violate mine safety and health regulations since multiple investigations potentially using different methodologies and reaching different conclusions could prejudice the government's ability to prosecute civil or criminal investigations of mine safety and health standards that contributed to or exacerbated an accident.

Current law gives MSHA the sole authority to investigate mine accidents, and when MSHA investigators uncover possible criminal violations, they identify the necessary enforcement action to take against a mine operator and make an appropriate referral to the Department of Justice.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. Mr. Chairman, in recent years we have seen several mine tragedies that cost the lives of hard-working individuals. Our first thought should always be the safety of mine workers. We must ensure there are adequate regulations in place to provide the safest working environments possible.

Iowa is a proud home to many limestone producers. While they share our goal of protecting mine workers, we must also recognize the differences between limestone mining and coal mining. These local producers are concerned that some provisions in this bill may harm small businesses. These businesses provide jobs in our local communities and are critical to Iowa's continued economic development.

I want to thank the chairman for his work on this bill and for his willingness to continue a dialogue on this issue. As this bill continues to move through the legislative process, I hope we can reach a compromise supported by workers, industry, Congress, and the administration.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS), a member of the committee.

Mr. ANDREWS. Mr. Chairman, I thank the chairman for yielding.

In the spring of 2007 at the Crandall Canyon Mine, retreat mining began, and when they started the retreat mining on the north side of the mountain, there were indications that there could be trouble. There were literally noises, sounds, that say there could be trouble. So they stopped.

In June of 2007, the company conducting that mining went to the mine safety regulators, the Federal Government, and said we want to now do on the south side of the mountain what we stopped doing on the north side of the mountain. In just over a week, 9 days as I recall, the Federal regulators said go ahead and do it. How much care could they have taken in that analysis in that short period of time? Tragically, in August of 2007, nine people lost their lives.

Here's what this bill would change. It would say that the next time a mining company submits a retreat mining plan, they've got to have a computer model of what might happen when they start. They've got to send people from the mine safety agency to the mine to watch that it's being done the right way, and they've got to look at every possible technology that could be used to protect and save people's lives.

Tonight, nine families have an empty chair at the dinner table because of the tragedy that occurred at Crandall Canyon. I can't assure any of those people that we would avoid a future tragedy, but we have to try, and this bill is an intelligent, good-faith effort in that regard. It deserves the vote of every Democrat and every Republican. It deserves to become law.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy, as I appreciate his leadership.

I voted against the last mining reform on the floor of the House, even though it represented some progress, because, frankly, it didn't go far enough and it didn't do it quickly enough. The treatment of our miners compared to what is going on in other developed countries who take mine safety seriously is a national disgrace. I am pleased to see a comprehensive piece moving forward. This is going to help reverse that course.

I heard some say that this administration would veto the legislation. I would consider a veto of mining legislation by this administration a badge of honor, an administration that has put the wrong people in charge, has been not zealous in dealing with the problems that have come forward, that have taken tragedies to at least seemingly get their attention.

I hope that each Member of the House spends a little time looking at this legislation comparing it to what's going on in the rest of the world. I'm confident that they will then support the legislation, and if by some reason the administration chooses to override it, I'm confident that people of good conscience can override it to give the miners the safety they deserve.

Mr. MCKEON. May I ask about the remaining time?

The CHAIRMAN. The gentleman from California (Mr. MCKEON) has 10½ minutes remaining. The gentleman from California (Mr. GEORGE MILLER) has 4½ minutes remaining.

Mr. GEORGE MILLER of California. I'm the only speaker. We were looking for a gentlewoman to do a colloquy, but she's not here. If she shows up, I would do the colloquy with her, but I wouldn't take additional time. So you can go ahead and use your time.

Mr. MCKEON. Mr. Chairman, I yield myself the balance of my time.

Today we've heard a great deal about how to keep miners safe. It should go without saying that mine safety is the proposition to which we're all committed. However, we're not here today debating whether to protect miners. Instead, we're here considering a bill that would actually derail the most comprehensive mine safety overhaul in decades.

All of us are for mine safety. You know, during this campaign, I have been listening to some of the candidates running, and I think the feeling amongst many people is that Washington is broken and that we don't seem to attack things that are really important.

Well, in 2006, we passed a miner safety bill, the first one in 30 years. That was passed with the support of 381 Members to 37 Members here in the House and unanimously in the Senate.

Now here we are less than 2 years later talking about another bill that's going to, after a 30-year hiatus, we pass a bill, we're doing what we can to implement that bill. By the time regulations are written, by the time people are trained on enforcing those regulations, by the time the mine owners put those regulations into effect, it takes some time, and then here we're stepping on that bill with a new approach to change some things.

And we heard from Mr. WILSON the President's response and why he says we should give the time to fully implement the bill that was just passed less than 2 years ago. It makes sense. We live in a large country, and to try to disseminate this information and get it all into effect takes some time, and we're just saying that's why people think Washington's broke. We're stepping on something that we haven't even implemented yet.

And I don't question any motives because I think the motives are good. We should be out to protect miners. It's just which way will protect them best: implementing the bill that was already passed overwhelmingly or trying to pass a bill that will step on some of those concerns.

This law was only given 1½ years to take hold, as mentioned. It's already having an impact on our Nation's mines. Stringent safety standards are being put in place and they're being enforced. A recent article in a mining industry publication explored the impact on the mines as seen from the eyes of a miner.

He says, "As you can imagine, the regulatory environment for safety has evolved a lot in the last few months, and we're seeing as much as a 50 percent increase in underground mine inspections on an annualized basis." That's the words of a miner to an analyst.

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With all the progress that has been made, it seems to me that the last thing we should be considering is the disruption of that momentum, yet that's exactly what will happen if the S-MINER Act becomes law. This bill discards the expert studies already under way, replacing the wisdom and recommendations of professionals with arbitrary mandates from Washington.

Although the bill purports to protect miners, in reality it threatens the jobs we rely on. That's another thing that I'm learning, that people are very interested in the economy and jobs, and here we have an effort that probably will cut jobs. With $1 billion in unfunded mandates in the underlying bill, the majority's attempt to mask these burdensome costs by extending the implementation timeline is a weak attempt to divert attention from the toll that will be taken on the mining community.

Mr. Chairman, as a strong supporter of mine safety, I want to be clear that there is a better way to protect the interests of the Nation's miners. We can stand for strong safety protections without diverting attention and resources from the work already under way. Later today, Representatives WILSON and KLINE will offer an amendment to do exactly that. The Wilson/Kline amendment incorporates a strong drug testing requirement that will protect miners from the dangers of illegal substance abuse in the already dangerous mining environment.

I am pleased to see our colleagues on the other side of the aisle joining us in our concern about the danger and devastation of drug use among miners. I am saddened, however, by the appearance of cynicism in the last-minute addition of this issue to the manager's package. I hope they will join us in supporting a real solution in the form of drug testing, something that our colleague, Charlie Norwood, who passed away last year, had been working on for years before, rather than a mere study that provides more political cover than genuine safety protections.

Despite the best intentions of its sponsors, this bill will do much more harm than good. It will layer new rules and requirements on top of the critical mine safety reforms already in place. With this bill, we are abandoning the bipartisan reforms of the 2006 MINER Act and abandoning all the progress that has been made.

Members on both sides of the aisle have expressed concern that this legislation is premature. A group of seven respected Democrats representing districts with a history of underground and surface mining wrote to the chairman of the Education and Labor Committee to urge us to proceed with caution. From them I quote: "We believe that before moving forward on new mine safety legislation, it would be prudent for the committee to wait for the conclusion of the studies called for in the MINER Act and the implementation of all the major requirements of the MINER Act." They were right. The academic experts are right. The Federal Mine Safety and Health Review Commission is right. The National Mining Association is right. Each of these stakeholders understands that the S-MINER Act is the wrong bill at the wrong time.

As a strong supporter of mine safety, I have no choice but to oppose this bill. I urge my colleagues to do the same.

Mr. Chairman, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, may I inquire as to how much time is remaining.

The CHAIRMAN. The gentleman has 4½ minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. First, let me congratulate you for a fine piece of legislation for the safety of our coal miners and others who need to make sure that our people working in the mines across this country are safe and that they have a working atmosphere that is safe for them and for their families. I congratulate you on that act.

In Michigan, in my district specifically, we have salt mines; no explosions, they aren't dangerous, and this act also covers our salt mines. I live under some of the salt mines. I live over the salt mines, I might add. They are a hundred years old. We've never had a collapse. They don't have the same requirements. They provide critical infrastructure needs that we have in our community, and have been very, very good business partners in our community for over 100 years. I worry that, with this legislation, they may be penalized and have to come under some of the limits, air limits, the larger fines, and the impact of those. So, I am asking, can you assure us that our salt mines in Michigan and my constituents, that this S-MINER will not be unfairly applied to them?

Mr. GEORGE MILLER of California. If the gentlewoman would yield

Ms. KILPATRICK. I will yield.

Mr. GEORGE MILLER of California. I want to thank you for your support of this legislation. I would note that the manager's amendment will slow down the required schedule of underground mines to convert to the new more fire-resistant conveyer belts. These belts will help prevent deaths in all kinds of underground mines. And the amendment will ensure that mine operators have a chance to use up the perfectly good belts that they have in their inventory.

Also, the S-MINER Act will not adopt new safety standards for underground non-coal mines, except for the conveyor belt, and in this case, the mines which regularly emit methane gas, new rules for explosion-proof seals. It certainly does not treat these mines like coal mines.

The current air quality standards for underground salt mines are based on 1973 rules established by a private organization and incorporated by reference into the MSHA regulations. It is hard to even locate a copy of these old standards. It is the intent of S-MINER to adopt air standards that are justified by the unbiased scientific evidence as preventing health risks to miners and are feasible for the mines to achieve. If mine operators object to the new mine health limits based upon concerns of technological or economic feasibility, the bill requires them to fully analyze these concerns before adopting new standards. By speeding up the rulemaking process, we want to accelerate MSHA to address real hazards, but do not intend to adopt unsupported standards that do not create significant benefits or are not feasible for compliance.

The S-MINER Act does increase minimum and maximum penalties for violation of requirements that specifically protect the health and safety in underground metal and non-metal mines. However, it leaves in place the requirements in the law that small mines get a break, that a mine operator's history is a factor in assessment, and that the degree of negligence and seriousness of the hazard is to be considered.

Also, I want to note that our colleague, Congressman ELLSWORTH, has an amendment which would eliminate the requirement from the bill that concerns many of your constituents with respect to escrowing proposed penalties before contest.

Ms. KILPATRICK. Thank you, Mr. Chairman.

Ms. HERSETH SANDLIN. Mr. Chairman, I rise today to thank Chairman GEORGE MILLER and his colleagues on the House Education & Labor Committee for their work on H.R. 2768: Supplemental Mine Improvement and New Emergency Response Act of 2007 or S-MINER. The efforts of the Committee further address the dangers associated with mining, particularly the threats to coal miners we have seen all too frequently, most recently with the Crandall Canyon Mine disaster in 2007.

While I supported the MINER Act in 2006 and believe that Congress has a responsibility to continue to strengthen mine health and safety regulations, I am not able to support H.R. 2768 because of the unintended consequences it may have on mining operations outside of the coal industry.

While I acknowledge the Education and Labor Committee's efforts to engage industry in this debate, I feel the concerns of the surface mining industry are not adequately addressed in this legislation. As such, S-MINER may unnecessarily harm many small mining operations with new burdensome compliance requirements.

In South Dakota, aggregate mining operations create good paying jobs and provide products essential to the construction industry. They are an important part of numerous local economies in the state. Therefore, I cannot discount the concerns of aggregate mining operations over the process by which "permissible exposure limits" (PELs) will be adopted under S-MINER. With the cost of road construction and maintenance skyrocketing, South Dakota and other states are often forced to make tough decisions. If aggregate miners are required to adopt additional regulations under S-MINER, we may see the cost of this construction component rise even higher.

I believe it is imperative that we continue to closely monitor the progress of MINER implementation, and I will continue to look for ways to support regulation reform that protect the health and safety of mine workers.

Ms. SLAUGHTER. Mr. Chairman, I submit the following articles supporting H.R. 2768 from Lexington, Kentucky and Salt Lake City, Utah.

[From Lexington Herald-Leader, Dec. 10, 2007]

UNADDRESSED RISKS: ADDITIONAL MINE-SAFETY MEASURE NEEDED

Congress and President Bush nearly broke their arms patting themselves on the back last year when a new mine-safety act became law.

The measure had the coal industry's blessings and was about all that could get through the Republican-controlled Congress, even in a year when 47 miners were killed in accidents, including underground explosions in Kentucky and West Virginia.

The MINER Act was a decent start. But it was also riddled with weaknesses, including no provisions that directly addressed the conditions leading to the deaths of 12 men at the Sago, W.Va., mine.

There were no requirements that mines have rescue chambers or that miners' emergency breathing devices be subject to random checks to be sure they work.

Now it's time to do better.

The Supplementary Mine Improvement and New Emergency Response Act, known as S-MINER, is awaiting action by the House.

In addition to filling the previously listed gaps, the measure includes a range of health and safety improvements that have long been needed, including new limits on:

Retreat mining, in which coal pillars supporting the mine's roof are removed and which led to the deaths of six miners and three rescuers at the Crandall Canyon mine in Utah this year.

The use of coal conveyor-belt tunnels to ventilate mines, a practice that carries flames and poison gases to where miners are working when a fire occurs on a conveyor belt and that contributed to the deaths of two miners at the Aracoma mine in West Virginia last year.

Also, at long last, the measure requires more advanced technology for measuring dust levels in mines to prevent black lung, the smothering disease that is making a resurgence among American miners.

And, in a major advance for mine safety, the bill provides for independent panels to investigate mine accidents causing multiple deaths, injuries or entrapments.

Under the current law, the U.S. Mine Safety and Health Administration is responsible for investigating itself, an obvious conflict of interest.

The coal industry argues that it would be unfair to impose new safety requirements while it's still struggling to put last year's law into place. But that's a lame excuse when the proposed changes are so obviously needed.

Of course, no law will keep miners safe until Congress and a new president rebuild MSHA.

An inspector general recently found that while underground mining increased 9 percent from 2002 to 2006, the number of federal mining inspectors had decreased by 18 percent, from 605 to 496.

As a result, MSHA failed to conduct required inspections last year at 107 of the nation's 731 underground coal mines.

[From the Lexington Herald-Leader, Jan. 16, 2008]

TOUGHEN MINE SAFETY: BILL ADDS SCRUTINY TO ACCIDENT INVESTIGATIONS

President Bush says he would veto a strong mine-safety law because it would interfere with a weak mine-safety law and confuse the coal industry.

Bush's logic will produce more widows and orphans in the coal fields.

Kentucky's House delegation—the Republicans and the Democrats—should support S-MINER, the Supplementary Mine Improvement and New Emergency Response Act.

The MINER Act, enacted in 2006, was the best that could be gotten from a Republican-controlled Congress. Now with the Democrats in charge it's time to fix the weaknesses in that law.

The bill awaiting House action directly addresses the causes of mine fatalities at Darby in Kentucky, Sago and Aracoma in West Virginia and Crandall Canyon in Utah.

Of all the objections to S-MINER raised by Bush, the silliest is his claim that independent investigations would dilute accountability for mine accidents. Just the opposite is true.

In Kentucky, we've seen firsthand the folly of requiring the U.S. Mine Safety and Health Administration to investigate itself.

After the Darby explosion in Harlan County, in which five miners died, MSHA appeared to be more interested in covering its backside than uncovering all the facts.

An MSHA inspector had spent three days in the mine during the week before the explosion. But MSHA refused to let Kentucky investigators or anyone outside MSHA question him.

Such conduct puts miners at risk and damages the public's confidence in government.

The bill before the House would provide for independent panels to investigate mine accidents that cause multiple deaths, injuries or entrapments.

Congress should approve it and Bush should sign it.

[From the Salt Lake Tribune, Nov. 15, 2007]

MINE SAFETY: CONGRESS CONSIDERS OVERHAUL OF RULES AND REGS

It's a simple, noble, attainable goal, one Utah's underground miners can live with. "We want to do everything we can to ensure that miners are able to return home safely at the end of their shifts."

That from U.S. Rep. George Miller, D-Calif., the chairman of the House Education and Labor Committee and sponsor of the Supplemental Mine Improvement and New Emergency Response Act of 2007.

The bill was drafted in response to another deadly year in U.S. deep mines—25 coal miners and 28 other miners have died to date. It enhances and hastens many of the safety provisions contained in the Miner Act of 2006 and provides for additional rules and regulations in an industry where safety is sometimes sacrificed in the quest for profit.

There's a lot to like about Miller's bill, which is co-sponsored by U.S. Rep. Jim Matheson, D-Utah, and was inspired in part by the tragic accidents at Utah's Crandall Canyon coal mine in Emery County, where six miners and three rescue workers were killed in mine collapses in August.

The legislation would establish the Office of Miner Ombudsman, which would receive and track anonymous complaints from miners who are aware of dangerous mining conditions or safety violations, but are afraid to speak up for fear of losing their jobs. It would give the federal Mine Safety and Health Administration absolute authority to supervise and direct rescue and recovery efforts after mine accidents, negating the need for voluntary cooperation of mine owners.

And it would provide for more oversight of retreat mining—a dangerous mining method in which coal is scavenged from mine support walls—in mines more than 1,500 feet underground, which are common in the West.

The committee forwarded the bill to the full House in a 26-18 vote that fell along partisan lines, with Republicans, including Rep. Rob Bishop of Utah, siding with the mine industry and MSHA in opposition.

Bishop, who argued that the Miner Act of 2006 is not yet fully-implemented and probes of the Crandall Canyon tragedies are still under way, says the bill is premature and takes "everything to an extreme." But it's obvious that immediate and extreme measures are needed, because miners are still dying by the dozens. Congress should approve this bill.

Mr. PETRI. Mr. Chairman, workers in this country should be able to go to work each day secure in the knowledge that all measures are being taken to ensure their safety. The tragedies at Sago, Aracoma, and Darby demonstrated that this was not the case in the mining industry.

That is why Republicans and Democrats came together during the last Congress in a bipartisan manner to enact the first significant mine safety reform legislation in generations. I believe that the requirements and studies in the MINER Act are making great strides in putting in place regulations and standards and in developing technology to protect mine workers.

Today, we are considering the Supplemental Mine Improvement and New Emergency Response Act (S-MINER). I believe that this legislation is flawed in many ways and could, in fact, undermine many of the needed reforms put in place by the MINER Act.

In my own State of Wisconsin, aggregate (stone, sand, and gravel) mining is a dominant industry. The safety hazards and appropriate safety procedures and equipment for this industry vary greatly from that of coal mining. In many instances, the condition of a stone, sand, or gravel operation is more similar to that of an earth-moving construction site than that of an underground coal mine.

However, the S–MINER Act takes a "one size fits all" approach and fails to take into account these differences. Many of the regulations and penalties mandated in the S–MINER Act will fail to improve safety in aggregate mines, while putting an undue financial burden on the industry.

It is important that Congress continues strict oversight of Mine Safety and Health Administration (MSHA) and related agencies as the MINER Act is fully implemented. As the recent Crandall Canyon disaster demonstrates, these reforms are vitally needed in the industry. However, today I am voting against the S–MINER Act because the bill is premature and overbroad.

Mr. MATHESON. Mr. Chairman, I would like to compliment Chairman MILLER. He has been a tireless advocate for America's mine workers and has worked hard to improve mine safety. I appreciate working with the Chairman to include language in H.R. 2768 that will allow for the appropriate use of belt-air in mines.

This legislation is very near to my heart and is something that I have been working on in the aftermath of the disaster at Crandall Canyon Mine which is in my district.

On August 6, six miners were trapped when rocks and debris exploded off the walls of the tunnels where they were working, more than eighteen hundred feet underground. During the rescue attempt that followed, further disaster struck when underground activity caused a burst of rubble to explode off the cavern wall, killing three rescuers.

One of the most difficult aspects of the Crandall Canyon mine collapse was not knowing where the trapped miners were when the cave-in occurred. It made for an excruciating ordeal for the families, the mine owner and the mine rescuers. The lack of communications left the rescuers with the frustrating scenario of trying to drill blindly through hundreds of feet of rock with the hope of reaching survivors.

While mines generally have reliable communications systems in place, most mines have properties that make implementation of current technology difficult. For example, the open air pathway required for radio signals and WiFi do not exist and less than ten percent of the radio spectrum used above ground can be used underground. Because of the challenges of the mine environment and the limited nature of the market, much needed technology has not yet been developed or is not commercially available.

H.R. 2768 contains a provision that accelerates the deployment of current mine communications technology in mines, which is very important. I would also like to add that the House recently passed legislation that I wrote, H.R. 3877, the Mine Communications Technology Innovation Act.

That bill, if enacted, would accelerate the development of innovative, next generation mine tracking and communications technology. Communications issues are critical and must be addressed as soon as possible in order to better protect our miners.

I thank you Mr. Chairman for your leadership on mine safety issues.

Mr. BLUMENAUER. Mr Chairman, today I will vote in favor of H.R. 2768, the Supplemental Mine Improvement and New Emergency Response Act. This comprehensive legislation addresses the many short-comings of the MINER Act of 2006, which Congress passed in the wake of several fatal coal mining accidents.

I voted against the 2006 legislation because it did not go far enough to prevent these tragic, avoidable accidents, instead focusing exclusively on emergency response and rescue. It is a national disgrace that S–MINER is the first legislation in over 30 years that addresses preventing mining accidents and illness. We have witnessed far too many needless disasters and I am proud to support this comprehensive legislation which will not only further improve emergency response, but also reduce health risks to workers and enhance prevention efforts.

Mr. BOREN. Mr. Chairman, I would first like to thank Chairman MILLER and the members of his committee for their hard work and dedication to improving the safety of our Nation's mines and bringing this important issue to the forefront. As we all know, the tragic mining accidents of the last few years have made this a serious topic of national and public debate.

I am a strong supporter of increasing safety at our Nation's mines. This is why I strongly supported and voted for the MINER Act of 2006. Since its enactment, I have continued to support its complete implementation and I look forward to the mining industry reaching full compliance with its provisions.

While Chairman MILLER's bill, the S–MINER Act, aims to further strengthen mining industry safety and health standards, I have serious concerns about how this bill will affect local mining operations in my congressional district and the State of Oklahoma.

This new mining safety legislation will impose a one-size-fits-all set of safety standards and regulations upon the mining industry, regardless of a mining operation's differing characteristics or risk factors. Therefore, numerous surface mines in my district would be forced to comply with expensive Government regulations that do not enhance safety for their workers.

Fine increases and the process laid out in the S–MINER Act for evaluating and judging regulatory infractions are also matters of great concern to me. Requiring increased fines to be made in escrow, while a citation is investigated, may be reasonable for large mining companies. However, for the small mining operations in my district, this requirement would be financially crippling and is likely to precipitate the loss of valued jobs.

Finally, Mr. Chairman, it is my firm belief this new mine safety legislation comes far too soon after the enactment of the MINER Act of 2006. Currently the mining operations in my congressional district and the State of Oklahoma are working diligently to achieve full compliance with the new law. I am concerned the additional regulations and standards set forth in the S–MINER Act of 2008 will be financially overwhelming to an industry that is a vital supplier of jobs for my constituents. I believe it very well could reduce progress on implementing the achievements of the MINER Act.

It is for these reasons listed above, Mr. Chairman, I voted against the S–MINER Act when it came before the House floor for a vote. I look forward to working with my colleagues to ensure the future sustainability and safety of our Nation's mines, which are integral to the vitality of our Nation's energy supply and strength of the American economy.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 2768

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Supplemental Mine Improvement and New Emergency Response Act of 2007" or the "S–MINER Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions; references.
Sec. 4. Supplementing emergency response plans.
Sec. 5. Supplementing enforcement authority.
Sec. 6. Supplementing rescue, recovery, and incident investigation authority.
Sec. 7. Respirable dust standards.
Sec. 8. Other health requirements.

SEC. 2. FINDINGS.

Congress finds that—

(1) while the MINER Act of 2006 (Public Law 109–236) was an essential first step in addressing the many health and safety hazards that miners still face, supplemental action is necessary and feasible to better protect miners in coal and other mines;

(2) essential standards to protect miner health established by the Federal Mine Safety and Health Act of 1977 are out of date after 40 years, posing a significant threat to miner health; and

(3) the Secretary of Labor has failed in recent years to adequately fulfill the Secretary's obligations under the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), additional Congressional intervention is needed.

SEC. 3. DEFINITIONS; REFERENCES.

(a) DEFINITIONS.—As used in this Act—

(1) the term "Secretary" refers to the Secretary of Labor; and

(2) any other term used in this Act that is defined in section 3 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 802) shall have the meaning given the term in such section.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.).

SEC. 4. SUPPLEMENTING EMERGENCY RESPONSE PLANS.

(a) POST ACCIDENT COMMUNICATIONS.—Section 316(b)(2)(F)(ii) (30 U.S.C. 876(b)(2)(F)(ii)) is amended—

(1) by striking "Not later than" and inserting the following:

"(II) Not later than"; and

(2) by inserting after the clause designation the following:

"(I) Not later than 120 days after the enactment of the S–MINER Act, a plan shall, to be in approved status, provide for a post accident communication system between underground and surface personnel, and for an electronic tracking system permitting surface personnel to determine the location of any persons trapped underground, that utilizes a system at least as effective as a 'leaky feeder' or wireless mesh type communication and tracking system currently in use in the industry. These systems shall be enhanced physically, electronically, or redundantly, to improve their survivability in the event of a mine disaster. In addition, to be in approved status, an emergency response plan must be revised promptly to incorporate new technology which the National Institute for Occupational Safety and Health certifies can be added to the existing system to improve its ability to facilitate post-accident communication with or tracking of miners. No miner shall be disciplined based on information obtained from an electronic communications and tracking system.".

(b) Underground Refuges.—Section 316(b)(2)(E) (30 U.S.C. 876(b)(2)(E)) is amended by adding at the end the following:

"(vi) Not later than June 15, 2008, the Secretary shall issue interim final regulations, consistent with the design criteria recommended by National Institute for Occupational Safety and Health in its report pursuant to section 13(b)(1) of the MINER Act, and subject to the requirements of the next sentence, requiring each emergency response plan to provide for the installation of portable rescue chambers meeting National Institute for Occupational Safety and Health design criteria, or refuge shelters carved out of the mine workings and sealed with bulkheads meeting National Institute for Occupational Safety and Health design criteria, or other refuge designs recommended by National Institute for Occupational Safety and Health that provide miners with equivalent or better protection, in the working areas of underground coal mines within 60 days following plan approval. In addition, a plan shall provide for the maintenance of a mobile emergency shelter within 500 feet of the nearest working face in each working section of an underground coal mine.".

(c) Improvements to Seals, Ventilation Controls, and Rock Dusting To Limit the Damage From Explosions.—

(1) Repeal.—The MINER Act (30 U.S.C. 801 note) is amended by striking section 10 (concerning sealing of abandoned areas).

(2) Seals.—Section 303(z) (30 U.S.C. 863(z)) is amended by adding at the end the following:

"(4)(A) The Secretary shall inspect all seals under construction after the date of enactment of the S–MINER Act, during at least part of their construction, to ensure the mine operator is complying with the approved seal plan, and shall develop an inspection protocol for this purpose.

"(B) Not later than 3 months of the date of enactment of the S–MINER Act, the Secretary shall issue final rules regarding approval, design, construction, inspection, maintenance and monitoring of underground coal mine seals which shall meet the requirements of this paragraph. Except as otherwise provided by this paragraph, these regulations shall implement the most recent recommendations of the National Institute of Occupational Safety and Health concerning seal design, construction, inspection, maintenance and monitoring. The regulations shall also provide that all seals in a mine shall be monitored if they are not designed or installed to withstand a constant total pressure of 240 pounds per square inch, using a static structural analysis. Monitoring of seals shall be done by continuous monitoring devices within one year of the date of enactment of this Act, and prior thereto by qualified personnel at such intervals as the Secretary determines are adequate to ensure safety. The Secretary shall require mine operators to utilize a tamper-resistant method to retain records of all such monitoring and ensure they are available for examination and verification by the agency. Monitoring of seals shall be done both by—

"(i) sampling through at least 1 seal in each bank of seals; and

"(ii) for new seals, unless infeasible due to property rights, sampling through a sufficient number of boreholes from the surface to the sealed areas underground to effectively determine the gas concentrations within the area.

"(C) In addition, the regulations shall provide that—

"(i) seal sampling pipes shall be composed of materials that minimize the risk of transmitting any electrical charge, and no conductive materials may be used to line boreholes within three feet of the surface;

"(ii) an action plan for sealing and repair be established that will, among any other requirements, include specific actions the mine operator will take to protect miners during the critical time period immediately after sealing or repair takes place, and which shall be reviewed by personnel from the Mine Safety and Health Administration who have the required expertise prior to approval; and

"(iii) methane pressures behind any seal required to be monitored shall be maintained in such a manner as ensure that normal pressure variations that can be reasonably anticipated in the area of the seal do not bring the methane-air mixture into an appropriate safety range surrounding the known explosive range of such mixtures.".

(3) Ventilation controls.—Section 303(c) (30 U.S.C. 863) is amended by inserting at the end the following new paragraph:

"(4) Not later than 1 year after the date of enactment of the S–MINER Act, the Secretary shall publish interim final regulations to enhance the survivability of underground mine ventilation controls. The Secretary shall require that stoppings be constructed using solid concrete blocks laid wet and sealed with an appropriate bonding agent on at least the side subjected to the velocity of the intake air coursing through the entry, except that in the case of stoppings constructed during barrier reduction and pillar removal operations, such stoppings may be constructed using hollow block and an appropriate bonding agent.".

(4) Rock dusting.—Section 304(d) (30 U.S.C. 864) is amended by adding at the end the following: "Not later than June 15, 2009, the National Institute for Occupational Safety and Health shall issue recommendations as to whether changes to these requirements are necessary to ensure an equivalent level of protection in light of any changes to the size and composition of coal dust since these requirements were established, and the Secretary of Labor shall take appropriate action, including the issuance of an emergency temporary standard if warranted, to respond to these recommendations.".

(d) Limiting Conveyor Belt Risks.—

(1) Flame resistant conveyor belts.—Section 311(h) is amended by adding at the end the following: "Not later than January 31, 2008, the Secretary shall publish interim final regulations to ensure that all conveyor belts in use in underground coal mines are replaced no later than December 31, 2012, with belts that can meet the flame resistance requirements recommended by the National Institute for Occupational Safety and Health, and which limit smoke and toxic emissions. Any conveyor belt installed in a coal mine after the date of enactment of the S–MINER Act shall meet such requirements.".

(2) Belt air.—Section 303(y) (30 U.S.C. 863) is amended by adding at the end the following:

"(3) Not later than June 20, 2008, the Secretary shall revise the regulations prescribed pursuant to this section to require, in any coal mine, regardless of the date on which it was opened, that belt haulage entries not be used to ventilate active working places. The Secretary may agree to a modification of this requirement, pursuant to the procedures of section 101(c), if and only if—

"(A) the mine operator establishes to the satisfaction of the Secretary that significant safety constraints require such usage; and

"(B) the mine operator agrees to comply with criteria established by the Secretary which shall, at a minimum, include the conditions recommended by the Technical Study Panel established under section 514.

"(4) Plans that have been approved by the Secretary prior to the date of enactment of the S–MINER Act that permit the use of belt-air to ventilate active working places in a mine are permitted to remain in use to complete current mining up until the date of issuance of the regulation required pursuant to paragraph (3).".

(e) Pre-Shift Review of Mine Conditions.—Section 303(d) (30 U.S.C. 863(d)) is amended by adding at the end the following new paragraph:

"(3) Not later than 90 days after the date of enactment of the S–MINER Act, all mine operators shall be required to implement a communication program at each of such operators' facilities to ensure that each person entering the operation is made aware at the start of that person's shift of the current conditions of the mine in general and of that person's specific worksite in particular. In an effort to facilitate these communications, all agents of the operator who are responsible for ensuring the safe and healthful working conditions at the mine, including mine foremen, assistant mine foremen, and mine examiners, shall, upon exiting the mine or workplace, communicate with those replacing them on duty to verbally update them on the conditions they observed during their shift, including any conditions that are abnormal or hazardous. Prior to entering the mine or other workplace the on-coming agent of the operator shall meet with all members of the crew they are responsible for and inform them of the general conditions at the operation and in their specific work area. This process shall be completed prior to the start of each shift at the operation and recorded in a book designated for that purpose and available for inspection by all interested parties. In the event the operation is idle prior to the start of any shift the agent of the operator shall meet with the individual or individuals who were responsible for examining the mine to obtain the necessary information.".

(f) Atmospheric Monitoring Systems.—Section 317 (30 U.S.C. 877) is amended by adding at the end the following:

"(u) Not later than May 1, 2008, an operator of an underground mine shall install atmospheric monitoring systems in all underground areas where miners normally work and travel that provide real-time information regarding carbon monoxide levels, and that can, to the maximum extent possible, withstand explosions and fires.".

(g) Methane Monitors.—Section 303(h) (30 U.S.C. 863(h)) is amended by redesignating paragraph (2) as paragraph (3), and inserting after paragraph (1) the following new paragraph:

"(2) Each miner who is working alone for part of a shift shall be equipped with a multi-gas detector that measures current levels of methane, oxygen, and carbon monoxide.".

(h) LIGHTNING STUDY BY NATIONAL ACADEMY OF SCIENCES.—Not later than 1 year after the date of enactment of this Act, the National Academy of Sciences shall submit to the Secretary and to Congress recommendations on—

(1) actions that need to be taken to strengthen existing requirements in law or regulations to ensure that miners are protected, to the fullest extent permitted, from the risks of lightning strikes near a mine;

(2) recommendations for adopting any existing technology to the mining environment to minimize any such risks; and

(3) research needed for improved technology.

(i) ROOF AND RIB SUPPORT, BARRIER REDUCTION AND PILLAR EXTRACTION, SPECIAL ATTENTION TO DEEP MINING.—

(1) AMENDMENTS TO EXISTING LAW.—Section 302 is amended—

(A) by amending the section heading to read "ROOF AND RIB SUPPORT, BARRIER REDUCTION AND PILLAR EXTRACTION, SPECIAL ATTENTION TO DEEP MINING";

(B) in subsection (a), by inserting after the second sentence the following: "The Secretary shall by regulation ensure the appropriate use of roof screen in belt entries, travelroads, and designated intake and return escapeways in accordance with the requirements of subsection (g)."; and

(C) by inserting at the end the following:

"(g) Where screening is required, at least forty percent of the width of the exposed roof shall be screened. Screening to meet the requirements of this section must have a load bearing capacity at least equivalent to a load of 2.5 tones between bolts on a 4 foot pattern.

"(h)(1) An operator shall be required to have a current and approved barrier reduction or pillar extraction plan, or both, before performing such activities. The Secretary shall only approve a barrier reduction or pillar extraction plan if it provides adequate protection and minimizes the risks for miners engaged in the activity, reflecting appropriate engineering analysis, computer simulations, and consultations with technical experts in the agency, in the National Institute for Occupational Safety and Health, and in the Bureau of Land Management for any mines leasing Federal coal resources, and only if the plan complies with any specific requirements that may be adopted by the Secretary for barrier reduction or pillar extraction activities including requirements related to the depth of the mine, geology of the mine, mine height and methods, and emergency response capabilities.

"(2) A copy of a proposed barrier reduction or pillar extraction plan, or both, shall be provided to the authorized representative of miners at least 10 days prior to submission to the Secretary for approval. The authorized representative of miners may provide comments to the Secretary who shall respond thereto.

"(3) The Secretary shall establish a special internal review process for operator plans to protect miners from the risks addressed by this section when working at depths of more than 1500 feet and in other mines with a history of mountain bumps.

"(i) Not later than 1 week before the commencement of any barrier reduction or pillar extraction operations, the mine operator shall notify the appropriate representative of the Secretary of his intention to begin or resume barrier reduction or pillar extraction. The Secretary shall document such notification in writing, and shall, before barrier reduction or pillar extraction operations begin, take action to ensure that every person who will be participating in such operations is trained in the operator's barrier reduction and/or and pillar extraction plan. The Secretary shall observe the barrier reduction or pillar extraction operations for a sufficient period of time to ensure that the mine operator is fully complying with the barrier reduction or pillar extraction plan. The Secretary may preclude the commencement of such operations or halt such operations at any time the safety of miners comes into question.".

(2) STUDY.—Not later than 1 year after the date of enactment of this Act, the National Academy of Sciences shall, in consultation with the National Institute for Occupational Safety and Health, submit to the Secretary and to Congress recommendations for—

(A) actions that need to be taken to strengthen existing requirements in law or regulations to ensure that miners are protected, to the fullest extent permitted, from ground control hazards, including the special hazards associated with barrier reduction and pillar extraction;

(B) adopting any existing technology to the mining environment to improve miner protections during barrier reduction and pillar extraction, and on research needed for improved technology to improve miner protections during such operations;

(C) adopting any existing technology to the mining environment to improve miner protections during mining at depths below 1000 feet, and on research needed for improved technology to improve miner protections during such operations; and

(D) adopting any existing technology to the mining environment to improve miner protections during secondary mining of coal resources, and on research needed for improved technology to improve miner protections during such operations.

(j) SCSR INSPECTION PROGRAM.—

(1) IN GENERAL.—The Secretary shall—

(A) establish a program to randomly remove and have tested by the National Institute for Occupational Safety and Health field samples of each model of self-rescue device used in an underground coal mine in order to ensure that the self-rescue devices in coal mine inventories are working in accordance with the approval criteria for such devices;

(B) require a manufacturer of a self-rescue device and the mine operator who owns a device to contact the Secretary immediately upon notification of any potential problem with any such device, and provide a copy of such notice to the representative of miners at the affected operation; and

(C) notify immediately all operators of underground coal mines if the Secretary detects or is advised of any problems with the self-rescue devices.

(2) DETERMINATION.—For the purposes of paragraph (1)(A), the National Institute for Occupational Safety and Health shall determine the number of field samples of each device to be removed for testing, and the mines from which the samples are to be drawn to ensure a random sample is obtained, and shall provide mine operators with self-rescue devices to replace any removed for random testing. Should this testing reveal a potential problem with a device that requires additional testing, the Secretary shall remove such additional samples from such mines as may be requested by the National Institute for Occupational Safety and Health, and it shall be the obligation of mine operators to provide self-rescue devices to promptly replace any removed as a result of such additional testing.

(k) APPLICATION TO UNDERGROUND METAL AND NONMETAL MINES.—Title II is amended by adding at the end the following new section:

"SEC. 207. APPLICATION TO UNDERGROUND METAL AND NONMETAL MINES.

"(a) CONVEYOR BELTS.—The regulations to be issued pursuant to section 311(h) concerning conveyor belts shall also provide that all conveyor belts in use in underground metal and nonmetal mines are to be replaced, on the same schedule, with belts that can meet the flame resistance requirements recommended by the National Institute for Occupational Safety and Health, and which limit smoke and toxic emissions. Any conveyor belt installed in an underground metal or nonmetal mine after the date of enactment of the S–MINER Act shall meet such requirements.

"(b) SEALS.—The regulations to be issued pursuant to section 303(z)(2) concerning the approval, design, construction, inspection, maintenance and monitoring of underground coal mine seals shall make the same rules applicable to seals in underground metal and nonmetal mines which have been classified by the Secretary as a category I, III, or V mine pursuant to section 57.22003 of title 30, Code of Federal Regulations, because they naturally emit defined quantities of methane.

"(c) ADVISORY COMMITTEE.—Promptly after the date of enactment of the S–MINER Act The Secretary shall establish an advisory committee to provide recommendations as to the need to revise the regulations applicable to underground metal and nonmetal mines to ensure that miners in such mines are as protected in emergency situations as will be underground coal miners following the full implementation of the MINER Act, the provisions of the S–MINER Act, and related actions by the Secretary. The advisory committee shall be established pursuant to the Advisory Committee Act, and shall provide recommendations to the Secretary and to Congress not later than 21 months after the date of enactment of this Act, including recommendations as to any action by Congress that could facilitate the goal of providing equivalent protections to miners in underground metal and nonmetal mines.".

(l) APPROVAL CENTER PRIORITIES.—The Secretary shall expedite the process for approving any—

(1) self-rescue device that permits the replenishment of oxygen without requiring the device user to remove the device; and

(2) underground communication device that provides for communication between underground and surface personnel via a wireless two-way medium.

(m) TECHNOLOGY AND MINE EMERGENCY HEALTH AND SAFETY RESEARCH PRIORITIES.—In implementing its research activities in the 5-year period beginning on the date of enactment of this Act, the National Institute for Occupational Safety and Health shall give due consideration to new technologies, and existing technologies that could be adapted for use in underground coal or other mines, that could facilitate the survival of miners in a mining emergency. Such technologies include—

(1) self-contained self-rescue devices capable of delivering enhanced performance;

(2) improved battery capacity and common connection specifications to enable emergency communication devices for miners to be run from the same portable power source as a headlamp, continuous dust monitor, or other device carried by a miner;

(3) improved technology for assisting mine rescue teams, including devices to enhance vision during rescue or recovery operations;

(4) improved technology, and improved protocols for the use of existing technologies, to enable conditions underground to be assessed promptly and continuously in emergencies, so as to facilitate the determination by appropriate officials of the instructions to provide both to miners trapped underground and to mine rescue teams and others engaged in rescue efforts;

(5) improvements to underground mine ventilation controls separating mine entries to be more resistant to mine fires and explosions, particularly in those entries used for miner escapeways;

(6) mine-wide monitoring systems and strategies that can monitor mine gases, oxygen, air flows, and air quantities at strategic locations throughout the mine that would be functional during normal mining operations and following mine fires, explosions, roof falls, and mine bursts, including systems utilizing monitoring sensors that transfer data to the mine surface and the installation of tubing to draw mine gas samples that are distributed throughout the mine and can quickly deliver samples to the mine surface; and

(7) protective strategies for the placement of equipment, cables, and devices that are to be utilized during mine emergencies such as communication systems, oxygen supplies, and mine atmosphere monitoring systems, to protect them from mine fires, roof falls, explosions, and other damage.

SEC. 5. SUPPLEMENTING ENFORCEMENT AUTHORITY.

(a) AUTHORITY OF INSPECTORS.—Section 103(a) (30 U.S.C. 813(a)) is amended by adding at the end the following: “No person shall limit or otherwise prevent the Secretary from entry on a coal or other mine, or interfere with the Secretary's inspection activities, investigative activities, or rescue or recovery activities.”.

(b) TRANSITION TO A NEW GENERATION OF INSPECTORS.—Section 505 (30 U.S.C. 954) is amended—

(1) by striking “The Secretary” the first place it appears and inserting “(a) The Secretary”; and

(2) by adding at the end the following:

“(b) Within 270 days of the enactment of the S–MINER Act, the Secretary shall establish a Master Inspector program to ensure that the most experienced and skilled employees in the Nation have the incentive, in terms of responsibilities and pay, to serve as mine safety and health inspectors in this Nation's mines.

“(c) In order to ensure that the Secretary has adequate time to provide that a sufficient number of qualified and properly trained inspectors of the Mine Safety and Health Administration are in place before any inspectors employed as of the date of enactment of the S–MINER Act retire, any ceilings on the number of personnel that may be employed by the Administration with respect to mine inspectors are abolished for the 5-year period beginning on the date of enactment of such Act.

“(d) In the event that, notwithstanding the actions taken by the Secretary to hire and train qualified inspectors, the Secretary is temporarily unable, at any time during the 5-year period beginning on the date of enactment of the S–MINER Act, to employ the number of inspectors required to staff all district offices devoted to coal mines at the offices' highest historical levels without transferring personnel from supervisory or plan review activities or diminishing current inspection resources devoted to other types of mines, the Administration is authorized to hire retired inspectors on a contractual basis to conduct mine inspections, and the retirement benefits of such retired inspectors shall not be reduced as a result of such temporary contractual employment.

“(e) During the 5-year period beginning on the date of enactment of the S–MINER Act, the Secretary shall issue a special report to the appropriate committees of Congress each year, or at such more frequent intervals as the Secretary or any such committee may consider appropriate, providing information about the actions being taken under this section, the size and training of the inspector workforce at the Mine Safety and Health Administration, the level of enforcement activities, and the number of requests by individual operators of mines for compliance assistance.”.

(c) OFFICE OF MINER OMBUDSMAN.—Title V is amended by adding at the end the following:

“SEC. 516. OFFICE OF MINER OMBUDSMAN.

“(a) ESTABLISHMENT OF MINER OMBUDSMAN.—There shall be established, within the Office of the Inspector General of the Department of Labor, the position of Miner Ombudsman. The President, by and with the advice and consent of the Senate, shall appoint an individual with expertise in mine safety and health to serve as the Miner Ombudsman. The Ombudsman shall have authority to hire such personnel as are required to administer his duties in accordance with applicable law, provided they meet any general requirements for employment within the Office of the Inspector General.

“(b) DUTIES.—The Miner Ombudsman shall—

“(1) recommend to the Secretary appropriate practices to ensure the confidentiality of the identity of miners, and the families or personal representatives of the miners, who contact mine operators, authorized representatives of the miners, the Mine Safety and Health Administration, the Department of Labor, or others with information about mine accidents, incidents, injuries, illnesses, possible violations of mandatory health or safety standard violations or plans or other mine safety and health concerns;

“(2) establish a toll-free telephone number and appropriate Internet website to permit individuals to confidentially report mine accidents, incidents, injuries, illnesses, possible violations of mandatory health or safety standard violations or plans or other mine safety and health concerns, and provide plastic wallet cards, refrigerator magnets, or similar devices to all mine operators, which mine operators shall distribute to all current and new miners, with contact information for such confidential reports, and also provide supplies of these devices to miner communities;

“(3) collect and forward information concerning accidents, incidents, injuries, illnesses, possible violations of mandatory health or safety standard violations or plans or other mine safety and health concerns to the appropriate officials of the Mine Safety and Health Administration for investigation, or to appropriate officials within the Office of Inspector General for investigation or audit, or both, while establishing practices to protect the confidentiality of the identify of those who provide such information to the Ombudsman; and

“(4) monitor the Secretary of Labor's efforts to promptly act upon complaints filed by miners under section 105(c) of the Act or pursuant to other programs administered by the Department to protect whistleblowers, and report to Congress any recommendations that would enhance such rights or protections.

“(c) AUTHORITY.—All complaints of operator violations of any section of this Act or regulations prescribed under this Act that are reported to the Secretary shall be forwarded to the Ombudsman for logging and appropriate action, except that this requirement shall be implemented in such a way as to avoid interference in any way with the ability of the Assistant Secretary for Mine Safety and Health to take prompt actions that may be required in such situations. This shall include complaints submitted in writing, via any phone system, or orally, along with all relevant information available regarding the complainant. All such information shall be retained in a confidential manner pursuant to the Privacy Act of 1974. The Ombudsman shall use such information to monitor the actions taken to ensure that miners' complaints are addressed in a timely manner and in compliance with the appropriate statutes and regulations. The Ombudsman shall refer to appropriate personnel within the Office of the Inspector General for further review any case which he determines was not handled in such fashion.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated to the Ombudsman such sums as may be required for the implementation of his duties out of the sums otherwise made available to the Mine Safety and Health Administration for its activities.”.

(d) PATTERN OF VIOLATIONS.—

(1) PROMPT IDENTIFICATION OF PATTERN.—Not later than 3 months after the date of enactment of this Act, the Secretary shall revise the regulations issued by the Secretary under section 104(e) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 814(e)) as in effect on the day before such date of enactment, so that the regulations provide that—

(A) when a potential pattern of violations is identified by any inspector or district manager of the Mine Safety and Health Administration, the operator of the coal or other mine and the authorized representative of miners for the mine shall be notified by the inspector or district manager not later than 10 days after such identification; and

(B) after receiving the notification described in subparagraph (A), the appropriate official of the Mine Safety and Health Administration shall promptly review any such potential pattern of violations and, not later than 45 days after receiving such notification, make a final decision as to whether a citation for a violation of section 104(e) of such Act should be issued in light of the gravity of the violations and the operator's conduct in connection therewith.

(2) IDENTIFICATION OF PATTERN.—Section 104(e)(1) (30 U.S.C. 814(e)(1)) is amended by inserting after the first sentence the following: “In determining whether a pattern of violations exists, the Secretary shall give due consideration to all relevant information, such as the gravity of the violations, operator negligence, history of violations, the number of inspection shifts the Secretary or her agents have spent at the operation, and the frequency of violations per number of inspection days spent at the operation.”.

(3) TERMINATION OF PATTERN.—Section 104(e)(3) (30 U.S.C. 814(e)(3)) is amended by adding at the end the following: “In addition, if an operator subject to paragraphs (1) and (2) demonstrates objective evidence that they are correcting the problems that gave rise to the pattern of violations, and the violation frequency rate for such operator declines significantly for a period of 180 days, the withdrawal order provisions of paragraphs (1) and (2) shall no longer apply.”.

(4) FINE FOR A PATTERN OF VIOLATIONS.—Section 110 (30 U.S.C. 820) is amended—

(A) by redesignating subsections (i) through (l) as subsections (j) through (m), respectively; and

(B) by inserting after subsection (h) the following:

“(i)(1) If the Secretary determines that a pattern of violations under section 104(e) exists, the Secretary shall assess a penalty, in addition to any other penalty authorized in this Act for a violation of such section, of not less than $50,000 nor more than $250,000. All operators of the mine, including any corporate owners, shall be jointly and severally liable for such penalty. The amount of the assessment under this paragraph shall be designed to ensure a change in the future conduct of the operators and corporate owners of such mine with respect to mine safety and health, given the overall resources of such operators. Notwithstanding subsection (k) or section 113, a penalty assessed by the Secretary under this paragraph may not be reduced by the Commission.

“(2) In addition to the authority to withdraw miners from an area of a coal or other mine pursuant to section 104(e), the Secretary shall withdraw all miners from the entire mine when any pattern of violations has been determined to exist until such time as the Secretary certifies

that all identified violations have been corrected and the operator has agreed to abide by a written plan approved by the Mine Safety and Health Administration to ensure that such a pattern of conduct will not recur.".

(e) NOTIFICATION OF ABATEMENT.—Section 104(b) (30 U.S.C. 814(b)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking "If," and inserting:

"(2) If,"; and

(3) by inserting after the subsection designation the following:

"(1) An operator issued a citation pursuant to subsection (a) shall notify the Secretary that the operator has abated the violation involved. If such operator fails to provide such a notice to the Secretary within the abatement time as provided for in the citation, the Secretary shall issue an order that requires the operator (or the agent of the operator) to immediately cause all persons, except those persons referred to in subsection (c), to be withdrawn from, and to be prohibited from entering, such area as the Secretary determines until an authorized representative of the Secretary determines that such violation has been abated. Notwithstanding any operator notice, no violation shall be determined to be abated until an authorized representative of the Secretary visits the site and determines such violation has been fully abated.".

(f) FAILURE TO TIMELY PAY PENALTY ASSESSMENTS.—Section 105(a) (30 U.S.C. 815(a)) is amended by striking the third sentence and inserting the following: "The operator shall, not later than 30 days from the receipt of the notification of a citation issued by the Secretary, notify the Secretary that the operator intends to contest the citation or proposed assessment of a penalty, and the operator shall place in escrow with the Secretary the amount of the proposed assessment. The Secretary shall place any escrow submitted by a mine operator for this purpose into an interest bearing account and shall release the funds to the operator, including interest accrued, upon the payment of any final assessment determination. If notification and proof of escrow is not provided to the Secretary, the citation and the proposed assessment of penalty shall be deemed a final order of the Commission and not subject to review by any court or agency. In the event that a mine operator refuses to comply with a final order of the Commission to pay civil monetary penalties and statutory interest, the Secretary shall have the authority to issue an order requiring the mine operator to cease production under such final orders of the Commission have been paid in full."

(g) MAXIMUM AND MINIMUM PENALTIES.—Section 110(a)(1) (30 U.S.C. 820(a)(1)) is amended by striking "more than $50,000 for each such violation." and inserting "less than $500 or more than $100,000 for each such violation, except that, in the case of a violation of a mandatory health or safety standard that could significantly and substantially contribute to the cause and effect of a coal or other mine health or safety hazard, the penalty shall not be less than $1,000 or more than $150,000, for each such violation.".

(h) FACTORS IN ASSESSING PENALTIES.—The Federal Mine Safety and Health Act of 1977 is amended—

(1) in section 105(b)(1)(B)—

(A) by striking: "the size of the business of the operator charged" and inserting "the combined size of the business of the operator and any controlling entity";

(B) by striking "the effect on the operator's ability to continue in business,"; and

(C) by adding at the end the following: "In settling cases, the Secretary shall utilize the same point system as that utilized to propose penalties, so as to ensure consistency in operator penalty assessments."; and

(2) in section 110(j) (as redesignated by subsection (a)(4))—

(A) by striking: "the size of the business of the operator charged" and inserting "the combined size of the business of the operator and any controlling entity";

(B) by striking "the effect on the operator's ability to continue in business,"; and

(C) by adding at the end the following: "In any review requested by a mine operator, or in settling cases, the Commission shall utilize the same point system as that developed by the Secretary for proposed assessments so as to ensure consistency in operator penalty assessments.".

(i) CIVIL PENALTY FOR INTERFERENCE OR DISCRIMINATION.—Section 110 (30 U.S.C. 820) is further amended by adding at the end the following:

"(n) CIVIL PENALTY FOR INTERFERENCE OR DISCRIMINATION.—Any operator who is found to be in violation of section 105(c), or in violation of section 103(a) (as amended by this Act) shall be subject to a civil penalty of not less than $10,000 nor more than $100,000 for each occurrence of such violation.".

(j) WITHDRAWAL ORDER.—Section 107(a) (30 U.S.C. 817(a)) is amended by inserting after the first sentence the following: "In addition, in the event of any violation of section 315 or section 316, or regulations issued pursuant to such sections, such representative shall determine the extent of the area of such mine throughout which the danger exists and issue an order requiring the operator of such mine to cause all persons, except those referred to in section 104(c), to be withdrawn from, and to be prohibited from entering, such area until an authorized representative of the Secretary determines that the violations have been abated.".

(k) CLARIFICATIONS OF INTENT IN THE 1977 ACT.—The Federal Mine Safety and Health Act of 1977 is amended—

(1) in section 3(d) (30 U.S.C. 802)—

(A) by inserting "mineral" before "owner";

(B) by inserting "mineral" before "lessee";

(C) by striking "or any independent" and inserting "and any independent"; and

(D) by inserting before the semicolon the following: ", and no operator may, by contract or other agreement, limit any liability under this Act through transfer of any responsibilities to another person";

(2) in section 103 (30 U.S.C. 813)—

(A) in subsection (b)—

(i) by striking the first sentence and inserting the following: "For the purpose of enabling the Secretary to perform the functions under this Act, the Secretary may, after notice, hold public hearings and sign and issue subpoenas for the attendance and testimony of witnesses and the production of information, including but not limited to relevant data, papers, books, documents and items of physical evidence, and administer oaths, whether or not in connection with a public hearing."; and

(ii) in the last sentence by striking "documents" and inserting "information, including data, papers, books, documents, and items of physical evidence"; and

(B) in subsection (h), in the first sentence, by striking "information" and inserting "data, papers, books, documents, and items of physical evidence";

(3) in section 104 (30 U.S.C. 814)—

(A) in subsections (d)(1), (e)(1), (e)(2), (e)(3), and (e)(4), as amended by this Act, by inserting "or any provision of this Act" after "standard" or "standards" each place either such term appears; and

(B) in subsection (d)(1), as amended by this Act, by striking "while the conditions created by such violation do not cause imminent danger,";

(4) in section 105 (30 U.S.C. 815)—

(A) in subsection (a), in the first sentence, by striking ", within a reasonable time after the termination of such inspection or investigation,";

(B) in subsection (c)—

(i) in paragraph (1)—

(I) by inserting "or an injury or illness in a coal or other mine or that may be associated with mine employment," after "of an alleged danger or safety or health violation in a coal or other mine,"; and

(II) by inserting at the end the following: "No miner shall be required to work under conditions he has reasonable grounds to believe to be abnormally and immediately dangerous to himself beyond the normal hazards inherent in the operation which could reasonably be expected to cause death of serious physical harm before such condition or practice can be abated."; and

(ii) in paragraph (2), by inserting after the fifth sentence the following: "No investigation or hearing authorized by this paragraph may be stayed to await resolution of a related grievance proceeding"; and

(C) by adding at the end the following:

"(e) Attorneys representing the Secretary are authorized to contact any miner or non-managerial employee of a mine operator for the purposes of carrying out the Secretary's functions under this Act and no attorney representing the Secretary shall be disbarred or disciplined by any State bar or State court for making such contacts. No attorney representing a mine operator in a matter under this Act may concurrently represent individual miners in the same matter."; and

(5) in section 110 (30 U.S.C. 820)—

(A) in subsection (b)(2), by striking "under" and inserting "of subsections (a) through (h) of"; and

(B) in subsection (c)—

(i) by striking "Whenever a corporate operator" and inserting "Whenever a mine operator";

(ii) by striking "safety standard" and inserting "safety standard or requirement of this Act";

(iii) by inserting "partner, owner," after "director,"; and

(iv) by striking "such corporation" and inserting "such mine operator".

(l) FEDERAL LICENSING.—The Secretary shall prompily establish an advisory committee to provide recommendations as to whether the Federal Mine Safety and Health Act of 1977 should provide for Federal licensing of mines, mine operators, mine controllers, or various mine personnel in order to ensure that those engaged in mining activities are not frequent violators of safety and health requirements, and establish a national registry in connection therewith. The advisory committee shall be established pursuant to the Advisory Committee Act, and shall conduct a review of existing State licensing requirements and registries, assess their effectiveness, and shall provide its recommendations to Congress not later than 2 years after the date of enactment of this Act.

SEC. 6. SUPPLEMENTING RESCUE, RECOVERY, AND INCIDENT INVESTIGATION AUTHORITY.

(a) EMERGENCY CALL CENTER.—Not later than 30 days after the date of enactment of this Act, the Secretary shall establish, within the Mine Safety and Health Administration, a central communications emergency call center for all coal or other mine operations that shall be staffed and operated 24 hours per day, 7 days per week, by 1 or more employees of the Mine Safety and Health Administration. All calls placed to the emergency call center shall be answered by an individual with adequate experience and training to handle emergency mine situations. A single national phone number shall *be provided for this purpose and the Secretary shall ensure that all miners and mine operators are issued laminated cards with emergency call center information.*

(b) CONTACT INFORMATION.—The Secretary shall provide the emergency call center with a contact list, updated not less often than quarterly, that contains—

(1) the contact phone numbers, including the home phone numbers, for the members of each mine rescue team responsible for each coal or other mine;

(2) the phone numbers for the local emergency and rescue services unit that is located nearest to each mine;

(3) the contact phone numbers, including the home phone number, for the operator of each mine;

(4) the contact phone numbers, including the home phone numbers, for the national and district officials of the Mine Safety and Health Administration;

(5) the contact phone numbers, including the home phone numbers, for the State officials in each State who should be contacted in the event of a mine emergency in such State; and

(6) the contact phone numbers, including the home phone number, for the authorized representative of the miners at each mine.

Each mine operator shall ensure that the Secretary is provided with completely current information required to be maintained by the Secretary pursuant to paragraphs (1), (3), and (6). The Secretary shall give due consideration to the information collected by the joint government-industry Mine Emergency Operations database.

(c) MINE LOCATIONS; REPOSITORY OF MINING MAPS.—

(1) MINE LOCATIONS.—The Secretary shall establish, maintain, and keep current, on the Department of Labor's website, a detailed map or set of maps showing the exact geographic location of each operating or abandoned mine in the United States, as determined by a global positioning system. Such map or maps shall—

(A) be presented, through links within the website, in such a way as to make the location of a mine instantly available to the emergency personnel responding to the mine;

(B) be available to members of the public;

(C) allow a user to find the geographic location of a particular mine, or the geographic locations of all mines of a particular type in a county, congressional district, State, or other commonly used geographic region; and

(D) provide the geographic location of any mining waste impoundments with links to associated emergency contact information and available emergency response plans.

(2) REPOSITORY OF MINING MAPS.—The Secretary shall establish a national repository for preserving a digital archive of mining maps to be accessible directly and without delay from the Department's web site. The mining maps shall include copies of all historic maps that can be obtained, as well as copies of currently approved mining maps, which the Secretary shall arrange to copy and preserve in digital form. The Secretary may coordinate the operation of such repository with the Secretary of the Interior provided the other requirements of this paragraph are observed. In addition, the Secretary shall include in this repository copies of the most currently available mine emergency response plan, roof plans, ventilation plans, and such other plans required for any type of mine, following any required approval, so that they may be immediately accessed in an emergency, in a manner consistent with the requirements of section 312(b) of the Act.

(d) REQUIRED NOTIFICATION OF EMERGENCIES AND SERIOUS INCIDENTS.—Section 103(j) (30 U.S.C. 813(j)) is amended—

(1) in the first sentence, by inserting "or reportable event" after "accident";

(2) in the second sentence—

(A) by inserting "of accidents" after "the notification"; and

(B) by inserting ", or in the case of a reportable event that is not required to be reported as an accident, within 1 hour of the time at which the operator realizes that the event has occurred" before the period; and

(3) by inserting at the end the following: "For the purposes of this subsection, a reportable event shall include—

"(1) a fire not required to be reported more promptly;

"(2) a sudden change in mine atmospheric conditions in a sealed area;

"(3) a coal or rock outburst that causes the withdrawal of miners; or

"(4) any other event, as determined in regulations promulgated by the Secretary, that needs to be reported within 1 hour in order for the Secretary to determine if the working conditions in the mine are safe.".

(e) ENHANCING THE CAPABILITIES OF MINE RESCUE TEAMS.—

(1) AMENDMENT TO FMSHA.—Section 115(e)(2)(B) (30 U.S.C. 825(e)(2)(B)) is amended by adding at the end the following:

"(v) The provision of uniform credentials to mine rescue team members, support personnel, or vehicles for immediate access to any mine site.

"(vi) The plans required at each mine to ensure coordination with local emergency response personnel and to ensure that such personnel receive adequate training to offer necessary assistance to mine rescue teams in the event such assistance is requested. Such local emergency response personnel shall not perform the duties of any mine rescue team.

"(vii) Requirements to ensure that operators are prepared to facilitate the work of mine rescue teams during an emergency by—

"(I) storing necessary equipment not brought on site by mine rescue teams in locations readily accessible to mine rescue teams;

"(II) providing mine rescue teams with a parking and staging area adequate for their needs;

"(III) identifying a space appropriate for coordinating emergency communications with the mine rescue team; and

"(IV) identifying and maintaining separate spaces for family members, community members, and press to assemble during an emergency so as to facilitate communications with these groups while ensuring the efforts of the mine rescue teams are not hindered.".

(2) RESEARCH.—Section 22(h)(5)(A) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 671(h)(5)(A)) is amended by adding before the period at the end thereof: "including advanced drilling technologies, and any special technologies required for safety or rescue in mining more than 1,500 feet in depth".

(f) Title I of the Act is amended by adding at the end thereof a new section:

"SEC. 117. EMERGENCY PREPAREDNESS PLAN.

"Not later than 6 months of the enactment of the S-MINER Act, the Secretary shall establish and disseminate guidelines for rescue operations that will: (1) establish clear lines of authority within the agency for such operations; (2) establish clear lines of demarcation so private sector and State responders can properly implement their responsibilities; (3) be appropriate for rescue in various types of conditions reasonably likely to be encountered in the United States, including such factors as the depth of the mining, ground stability, ground slope, remoteness from major roads, surface ownership and access problems, and the availability of necessary communications linkages. The Secretary shall consult with States, rescue teams and other responders in developing such guidelines, and shall update them from time to time based upon experience.".

(g) AUTHORITY OF SECRETARY DURING RESCUE OPERATIONS.—Section 103 (30 U.S.C. 813) is further amended—

(1) in subsection (j), by adding at the end thereof:

"If the representative of the Secretary supervises and directs the rescue and recovery activities in such mine, the operator shall comply with the requests of the authorized representative of the Secretary to facilitate rescue and recovery activities including the provision of all equipment, personnel, and other resources required to perform such activities in accordance with the schedule and requirements established by the representative of the Secretary for this purpose, and failure of the operator to comply in this regard shall be considered an egregious violation of this Act."; and

(2) in subsection (k), by striking ", when present,".

(h) RESCUE COMMUNICATIONS.—

(1) REPEAL.—The MINER Act (30 U.S.C. 801 note) is amended by striking section 7, redesignating sections 8 and 9 as sections 7 and 8, and sections 11 through 14 as sections 9 through 12, respectively.

(2) AMENDMENT TO FMSHA.—Title I of the Act is further amended by adding at the end the following:

"SEC. 118. FAMILY LIAISONS REQUIREMENT.

"The Secretary shall—

"(1) designate a full-time permanent employee of the Mine Safety and Health Administration to serve as a Family Liaison, who shall, at least in instances where multiple miners are trapped, severely injured or killed, act as the primary communication with the families of the miners concerning all aspects of the rescue operations, including the location or condition of miners, and assist the families in getting answers to their questions, and otherwise serve as a liaison to the families, and provide for the temporary reassignment of other personnel who may be required to assist the Family Liaison in connection with a particular incident;

"(2) require the Mine Safety and Health Administration to be as responsive as possible to requests from the families of such miners for information relating to the mine accident, and waive any fees required for the production of documents pursuant to 5 U.S.C. 552(a)(3) in connection with a request from a family member, or authorized representative of miners, for documents relating to a mine fatality, notwithstanding any conditions for fee waivers law that may otherwise be imposed by law; and

"(3) designate a highly qualified representative of the Secretary with experience in public communications to be present at mine accident sites where rescues are in progress during the entire duration of such rescues, to serve as the primary communicator with the press and the public concerning all aspects of the rescue operations, including the location or condition of miners.".

(3) CONFORMING AMENDMENTS.—The Act is amended—

(A) in section 103(f), by inserting before the period at the end of the first sentence the following: ", and to participate in any accident investigation pursuant to the requirements of this Act. Any family member of a miner trapped or otherwise unable to execute a designation of a miner representative on his or her own behalf may do so on behalf of the miner for any and all purposes"; and

(B) in section 316(b)(2)(E)(vi) (as added by this Act), by adding at the end the following "The plan shall also set forth the operator's plans for assisting the Secretary in the implementation of section 118.".

(i) Recovery.—Section 103 is amended by adding at the end thereof—

"(l) Rescue efforts for trapped miners shall not cease as long as there is any possibility that miners are alive, unless such efforts pose a serious danger to rescue or other workers, and the decision to cease a rescue shall be made by the Secretary's representative. Thereafter, efforts to recover the remains of miners shall continue unless such efforts pose a serious danger to recovery workers, and the decision to cease such recovery efforts shall be made by the Secretary's representative.".

(j) Accident and Incident Investigations.—Section 103(b) (30 U.S.C. 813(b), as amended by section 5(k)(2) of this Act, is further amended—

(1) by striking "For the purpose" and inserting the following:

"(3) For the purpose";

(2) by inserting after the subsection designation the following:

"(1) For all accident and incident investigations under this Act, the Secretary shall determine why the accident or incident occurred; determine whether civil or criminal requirements were violated and, if so, issue citations and penalties, and make recommendations to avoid any recurrence. The Secretary shall also determine whether the conduct or lack thereof by Agency personnel contributed to the accident or incident.

"(2)(A) For any accidents or incidents involving multiple serious injuries or deaths, or multiple entrapments, there shall also be an independent investigation to consider why the accident or incident occurred, make recommendations to avoid a recurrence, and determine whether the conduct or lack thereof by agency personnel contributed to the accident or incident.

"(B) Not later than 30 days after the date of enactment of the S-MINER Act, the Secretary shall initiate rulemaking activity to establish rules on the procedures that will be used to investigate accidents and incidents involving multiple serious injuries or deaths, or multiple entrapments, and shall directly contact and solicit the participation of

"(i) individuals identified by the Secretary as family members of miners who perished in mining accidents of any type during the preceding 10-year period;

"(ii) organizations representing miners;

"(iii) mine rescue teams;

"(iv) Federal, State, and local investigation and prosecutorial authorities; and

"(v) others whom the Secretary determines may have information relevant to this rulemaking.

Such rulemaking shall be completed by October 1, 2008.

"(C) The rules for the investigation of accidents or incidents involving multiple serious injuries or deaths, or multiple entrapments, shall provide for the appointment and operations of any such independent investigation team in accordance with the requirements of this paragraph. An independent investigation team shall be appointed by the Director of the National Institute for Occupational Safety and Health as soon as possible after a qualifying accident or incident. The members shall consist of:

"(i) a representative from the National Institute for Occupational Safety and Health who shall serve as the Chairman;

"(ii) a representative of mine operators with familiarity with the type of mining involved;

"(iii) a representative of mine workers with familiarity with the type of mining involved, who shall be the workers' certified bargaining representative at the mine or, if there is no certified representative at the mine, then a workers' representative jointly selected by organized labor organizations:

"(iv) an academic with expertise in mining; and

"(v) a representative of the State in which the accident or incident occurred to be selected by the Governor.

"(D) Such rules shall include procedures to ensure that the Secretary will be able to cooperate fully with the independent investigation team and will use the powers of the Secretary under this section to help obtain information and witnesses required by the independent investigation team, procedures to ensure witnesses are not coerced and to avoid conflicts of interest in witness representation, procedures to ensure confidentiality if requested by any witness, and procedures to enable the independent investigation team to conduct such public hearings as it deems appropriate. Such rules shall also require that upon completion of any accident or incident investigation of accidents or incidents involving multiple serious injuries or deaths, or multiple entrapments, the independent investigation team shall—

"(i) issue findings as to the actions or inactions which resulted in the accident or incident;

"(ii) make recommendations as to policy, regulatory, enforcement or other changes, including statutory changes, which in the judgment of the independent investigation team would best prevent a recurrence of such actions or inactions at other mines; and

"(iii) promptly make all such findings and recommendations public (except findings and recommendations that must be temporarily withheld in connection with a criminal referral), including appropriate public hearings to inform the mining community of their respective findings and recommendations.

"(E) As part of the Secretary's annual report to Congress pursuant to section 511(a), the Secretary shall report on implementation of recommendations issued by any independent investigation teams in the preceding 5 years."; and

(3) by adding at the end the following:

"(4) Nothing in this Act shall be construed to limit the authority of the Chemical Safety and Hazard Investigation Board to conduct an independent investigation of the accident or incident or the events or factors resulting therein, nor with the authority of the Office of the Inspector General to conduct an investigation of the conduct of DOL personnel in connection with an accident or incident or the events or factors resulting therein, and the Secretary shall cooperate in full with any such investigation. Such investigation shall be in addition to any investigation authorized by section 103(b).".

SEC. 7. RESPIRABLE DUST STANDARDS.

(a) Respirable Dust; Respirable Silica Dust.—Section 202 (30 U.S.C. 842) is amended to read as follows:

"SEC. 202. DUST STANDARD AND RESPIRATORY EQUIPMENT.

"(a)(1) Effective on the date of enactment of the S-MINER Act, each coal mine operator shall continuously maintain the concentration of respirable dust in the mine atmosphere during each shift to which each miner in the active workings of such mine is exposed at or below a time-weighted average of 1.00 milligrams of respirable dust per cubic meter of air averaged over 10 hours or its dose-equivalent for shorter or longer period of time. For purposes of this paragraph, 'a dose-equivalent' means the amount of dust that a miner would inhale during his work shift as if he were working for 10 hours, and the term 'shift' means portal-to-portal for underground coal mines and 'bank to bank' for other coal mines.

"(2) At regular intervals to be prescribed by the Secretary and the Secretary of Health and Human Services, the Secretary will take accurate samples of the amount of respirable dust in the coal mine atmosphere to which each miner in the active workings of such mine is exposed in order to determine compliance with the requirements of paragraph (a)(1) of this section. In addition, the Secretary shall cause to be made such frequent spot inspections as he deems appropriate of the active workings of coal mines for the purpose of obtaining compliance with the provisions of this title. All samples by the Secretary shall be taken by a personal dust monitor that measures, records and displays in real time the concentration of respirable dust to which the miner wearing the device is exposed, and shall include the sampling of areas, occupations or persons. For the purposes of determining compliance with the exposure limit for respirable dust, only a single sample shall be required to determine non-compliance, and there shall be no adjustment for measurement error in the measured level of respirable dust.

"(3) At intervals established by the Secretary, each operator of a coal mine shall take accurate samples of the amount of respirable dust in the mine atmosphere to which each miner in the active workings of such mine is exposed to identify sources of exposure so that the operator can take corrective action and assure that the exposure of each mine is below the exposure limit. Under the provisions of this Act, all such samples shall be taken by a personal dust monitor that measures, records and displays the concentration of respirable dust to which the miner wearing the device is exposed, and may include samples of less than a full shift. The results of such sampling shall be transmitted to the Secretary in a manner established by him, and recorded by him in a manner that will assure application of the provisions of this section of the Act.

"(4) Each miner shall be equipped with a personal dust monitor that measures, records and displays in real time the concentration of respirable dust to which the miner wearing the device is exposed. Each miner shall be permitted to adjust his work activities whenever necessary to keep his exposure to respirable coal dust, as measured, recorded and displayed by such device, at all times at or below the permitted concentration.

"(b) Effective on the date of enactment of the S-MINER Act, each operator of a coal or other mine shall continuously maintain the concentration of respirable silica dust in the mine atmosphere during each shift to which each miner in the active workings of such mine is exposed at or below a time-weighted average of 0.05 milligrams of respirable silica dust per cubic meter of air averaged over ten hours or its dose-equivalent for shorter or longer period of time. For the purposes of this paragraph, compliance shall be determined by the sampling of areas, occupations or persons, only a single sample shall be required to determine non-compliance, and there shall be no adjustment for measurement error in the measured level of respirable silica dust. For the purposes of this paragraph, a 'dose-equivalent' means the amount of dust that a miner would inhale during his work shift as if he were working for 10 hours, and the term 'shift' means portal-to-portal for underground mines and 'bank to bank' for other mines.

"(c) Respiratory equipment approved by the Secretary and the Secretary of Health and Human Services shall be made available to all persons whenever exposed to concentrations of respirable dust or silica in excess of the levels required to be maintained under this section. Use of respirators shall not be substituted for environmental control measures in the active workings. Each operator shall maintain a supply of respiratory equipment adequate to deal with occurrences of concentrations of respirable dust and silica in the mine atmosphere in excess of the levels required to be maintained under this section.

"(d) Each operator shall report and certify to the Secretary at such intervals as the Secretary may require as to the conditions in the active workings of a coal mine, including, the average number of working hours worked during each shift, the quantity and velocity of air regularly reaching the working faces, the method of mining, the amount and pressure of the water, if any, reaching the working faces, and the number, location, and type of sprays, if any, used.".

(b) CONFORMING AMENDMENT.—Section 205 (30 U.S.C. 845) is repealed.

(c) ASSESSMENT ON PROGRAM OPERATIONS OF CUMULATIVE IMPACT OF EXTERNAL REQUIREMENTS ADDED SINCE 1977.—The Secretary shall request the National Academy of Sciences to conduct a study of the impact on the mine safety and health responsibilities of the Department of Labor of various statutes, executive orders, and memoranda applicable to the issuance of rulemaking and guidance and to enforcement. The study shall include an assessment of the Equal Access to Justice Act, the Regulatory Flexibility Act, the Small Business Regulatory Enforcement Fairness Act, the Data Quality Act, the Paperwork Reduction Act, the Unfunded Mandates Reform Act, the Federal Advisory Committee Act, the Congressional Review Act, Executive Order 12866, Executive Order 13422, and memoranda from the Office of Management and Budget on guidance, risk assessment and cost analysis. The Secretary shall request that the National Academy of Sciences consult widely with experts in administrative law and other disciplines knowledgeable about such requirements, and to quantify to the extent possible the costs to miners of the aforementioned requirements. The Secretary shall further request that recommendations be included in the report, and that such report and recommendations be completed, and forwarded to the Congress, no later than 21 months after the date of enactment of this Act.

SEC. 8. OTHER HEALTH REQUIREMENTS.

(a) AIR CONTAMINANTS.—Section 101 of (30 U.S.C. 811) is amended by adding at the end the following:

"(f) Notwithstanding the other requirements of this section, not later than 30 days of the enactment of the S-MINER Act, the National Institute for Occupational Safety and Health shall forward to the Secretary its Recommended Exposure Limits (RELs) for chemical and other hazards to which miners may be exposed, along with the research data and other necessary information. Within 30 days of receipt of this information, the Secretary shall to adopt such recommended exposure limits as the Permissible Exposure Limits (PELs) for application in the mining industry. The National Institute of Occupational Safety and Health shall annually submit to the Secretary any additional or revised recommended exposure limits for all chemicals and other hazards to which miners may be exposed, and the Secretary shall be obligated to adopt such exposure limits as PELs for application in the mining industry within 30 days of receipt of such information. Upon petition from miners or mine operators providing credible evidence that feasibility may be an issue for the industry as a whole, the Secretary may review the feasibility of any PEL established pursuant to this paragraph before placing it into effect and, following public notice and comment, make necessary adjustments thereto, provided that the adjusted standard is as protective as is feasible, and that the PEL shall go into effect as required by the other provisions of this paragraph if such action is not completed within one year. Moreover, upon petition from miners or mine operators providing credible evidence that a REL issued by the National Institute of Occupational Safety and Health lacks the specificity required to serve as a PEL pursuant to this Act, the Secretary may defer implementation of the requirements of this paragraph and shall promptly request National Institute of Occupational Safety and Health to recommend a sufficiently detailed REL, at which time the provisions of this paragraph shall be implemented. Nothing in this subsection shall limit the ability of the National Institute of Occupational Safety and Health to make such recommendations more frequently than 1 time per year, nor limit the Secretary from establishing requirements for chemical and other substances or health hazards in the mining industry that are more comprehensive and protective than those established pursuant to this subsection and in accordance with the other requirements of this section.".

(b) ASBESTOS.—Section 101 (30 U.S.C. 811) is further amended by adding at the end the following:

"(g) The health standard for asbestos established by the Occupational Safety and Health Administration that is set forth in section 1910.1001 of title 29, Code of Federal Regulations, or any subsequent revision of that regulation, shall be adopted by the Secretary for application in the mining industry not later than 30 days of the enactment of the S-MINER Act. Nothing in this paragraph shall preclude the Secretary from adopting regulations to address asbestos hazards to miners not covered by the regulations of the Occupational Safety and Health Administration.".

(c) HAZARD COMMUNICATION.—Section 101 (30 U.S.C. 811) is further amended by adding at the end the following:

"(h) Unless and until there is additional rulemaking pursuant to the requirements of this section, the Secretary shall apply the provisions of the interim final rule of October 3, 2000, concerning hazard communication, in lieu of the final rule of June 21, 2002, concerning hazard communication.".

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–508. Each amendment may be offered only in the order printed in the report; by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–508.

Mr. GEORGE MILLER of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GEORGE MILLER of California:

Page 5, beginning on line 6, strike "amended by adding at the end the following:" and insert "amended—

(1) in clause (iii)(I), by inserting before the semicolon the following: "and such requirement may not be satisfied by placement of an order with any company for future delivery of a portable refuge chamber or other means of providing such emergency supplies of breathable air"; and

(2) by adding at the end the following:

Page 5, line 8, strike "(vi)" and insert "(vii)".

Page 5, line 19, strike ", or" and insert a semicolon.

Page 5, line 23, strike ", or" and insert "; or".

Page 6, beginning on line 4, strike "In addition" and all that follows through "emergency shelter" and insert "The regulations shall further provide that in all cases a portable refuge chamber shall be installed and maintained".

Strike section 4(d)(1) and insert the following:

(1) FLAME RESISTANT CONVEYOR BELTS.—Section 311(h) is amended by adding at the end the following: "Not later than 90 days after the date of enactment of the S-MINER Act, the Secretary shall publish interim final rules to revise the requirements for flame resistant conveyor belts to ensure that they meet the most recent recommendations from the National Institute for Occupational Safety and Health, and to ensure such belts are designed to limit smoke and toxic emissions. A conveyor belt need not meet the requirements of the preceding sentence if—

"(A) it was ordered, in a mine's inventory, or installed prior to the date of enactment of the S-MINER Act, or it was ordered after the date of enactment of the S-MINER Act and the Secretary certifies that the mine operator was unable to obtain a belt meeting the requirements of the preceding sentence; or

"(B) in the case of any such belt that has been in use for more than 5 years in any capacity in any mine, such belt has received an annual inspection by a certified professional to ensure that the belt is free from visible defects that could cause failure or possible ignition.".

Page 19, strike lines 6 through 15 and insert the following:

"(a) CONVEYOR BELTS.—The requirements of section 311(h) concerning conveyor belts in underground coal mines, including the exceptions and limitations in connection therewith, shall also apply to conveyor belts in underground metal and nonmetal mines.".

Page 55, line 24, insert after the period the following: "There is authorized to be appropriated to Secretary $30,000,000 to purchase personal dust monitors for the purposes of the preceding sentence.".

At the end of the bill, insert the following:

(d) STUDY ON MINER SUBSTANCE ABUSE ISSUES THAT POSE SAFETY RISKS.—

(1) STUDY.—The Secretary of Labor shall conduct a study providing expert review and recommendations of policies designed to deal with substance abuse by miners, including the causes, nature, and extent of such abuse, its impact on mine safety and health, best practices for treatment, rehabilitation, and substance abuse testing policies, and the adequacy of State laws and approaches. In conducting such study, the Secretary shall solicit the views of and consult with all interested parties, including miners, miners' representatives, mine operators, appropriate State agencies, and public health and substance abuse experts.

(2) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary shall report the findings and recommendations of the study to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate

(3) ADDITIONAL AUTHORITY.—If, as a result of the study, the Secretary determines it to be feasible and effective, the Secretary shall be authorized to establish a program, in consultation with the parties described in paragraph (1), within the Mine Safety and Health

Administration to provide for substance abuse testing of miners as well as rehabilitation and treatment of miners suffering from substance abuse.

The CHAIRMAN. Pursuant to House Resolution 918, the gentleman from California (Mr. GEORGE MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. This amendment, Mr. Chairman and members of the committee, does four things. First, it will authorize $30 million for the Department of Labor to buy a new generation of personal dust monitors required by the builder and provide them to miners. These dust monitors greatly enhance the accuracy in measuring the concentration of coal dust in underground coal mines. Both miner and industry representatives have expressed support for this initiative. It will go a long way in helping us reverse the rise in black lung and save untold amounts of costs in dealing with such debilitating disease.

Second, the amendment will increase the time permitted for the mining industry to install a new generation of fire-resistant conveyor belts, significantly cutting industry compliance costs with the underlying bill. This amendment takes into account the industry concerns about significant amounts of old-style conveyor belts already purchased and in reserve. Under this provision, miners can use up the reserved belts before purchasing new fire-resistant belts so long as after 5 years of use they pass a proper annual inspection.

Third, the amendment would eliminate delays by some mine operators in providing supplies of breathable air in underground coal mines for miners who may become trapped as required under the MINER Act of 2006. We recently learned that some miner operators are putting refuge chambers on order, with a wait of several years in some cases, and MSHA has been treating these purchase orders as sufficient to comply with the MINER Act's breathable air requirement. In the meantime, miners are underground without the breathable air that this Congress intended them to have. At least 11 of the 12 miners of the Sago explosion, for example, did not die because of the explosion. They died because, after many hours of awaiting rescue, they ran out of air. So this provision closes an apparent loophole in the MINER Act and ensures that breathable air is readily available to miners underground today while operators await the delivery of refuge chambers. Such air supplies can be provided via air cylinders or through boreholes to the surface pursuant to MSHA instructions.

Finally, this amendment deals with the potential safety problems posed by substance abuse in a direct and responsible fashion. Many of us have seen the recent reports about the rise of substance abuse problems in mines and mining communities. There is no doubt that the injuries, overwork and stress that miners experience can leave some of them vulnerable to abusing substances like painkillers. Now, none of the recent tragedies have been linked in any way to drug use, but we should be proactive in this area.

The amendment directs the Secretary of Labor to study the problem in consultation with all parties and to impose the program if she determines it to be feasible.

I urge my colleagues to pass the manager's amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. MCKEON. Mr. Chairman, the S-MINER Act was first introduced nearly 7 months ago. It was voted on in the Education Committee more than 2 months ago. Yet in all this time this bill has been under consideration, the critical issue of drug testing was not inserted until the second try on the manager's amendment, submitted after yesterday's deadline. Forgive me if I am skeptical that we would have been given the same opportunity to revise our amendment at the last minute if we had sought to do so. Nevertheless, the amendment now before us replaces the previous version of the legislation, and it deserves our thorough review.

I want to thank Chairman MILLER for recognizing some of the flaws in the S-MINER Act and attempting to address them. The amendment includes some modest improvements, including an extension in the timeline for installation of the new generation of fire-resistant conveyor belts. At the same time, I am troubled by the proposal to limit the ability of mine operators to comply with breathable air requirements. With the ongoing backlog of the SCSRs, the breathing device required in mines, today we demand mine operators to, at a minimum, offer a purchase order to demonstrate their effort to comply with the requirement.

By preventing mine operators from producing proof of SCSR purchases as evidence of compliance, this amendment could push mines across the country out of compliance, despite their proven effort to comply with the requirement in the only way possible. What would the penalty be for the Nation's mines being deemed noncompliant? Would these mines be shut down, leaving miners without work? What possible rationale could there be for threatening mine workers' jobs as they struggle with today's economic pressures just because there aren't companies that have the ability to produce these required instruments?

Similarly, but perhaps even more troubling, the amendment imposes the same backwards logic on the new requirement for possible refuge chambers. On the one hand, it mandates that mines have these refuge chambers in order to operate. On the other hand, it makes clear that mines which purchase the chambers but through no fault of their own must wait for them to be manufactured, will be unable to operate without this very specific and widely unavailable product.

The majority knows that portable refuge chambers will have a production backlog of years. They also know that in being so specific as to mandate portable refuge chambers with no alternative, this provision guarantees that mines will be shut down while waiting for the product to be manufactured. I don't know if that is the goal, to shut down mines, but that will be the net result.

On the issue of drug testing, while I question the last-minute addition of this proposal, I appreciate the belated acknowledgment that drug abuse in the mining community is a significant problem that demands action. Unfortunately, this amendment offers little in the way of action. Instead of immediately implementing a drug testing program, this amendment calls for a study. We don't need a study to tell us whether drug abuse is a problem in the mines. All you need to do is pick up the front page of The Washington Post Sunday edition and read about it.

At this time I would like to submit this article, written by Nick Miroff, into the RECORD. You will see the pervasiveness of this problem.

[From the Washington Post, Jan. 13, 2008]

A DARK ADDICTION

(By Nick Miroff)

TAZEWELL COUNTY, VA.—The crowd is gathering early in the dirt parking lot outside the Clinch Valley Treatment Center, the only methadone clinic within 80 miles. Third in line, Jeff Trapp smokes Winstons in his pickup, watching the cars turn off the highway and settle behind him, tires crunching on cold gravel, headlights glaring. It is 2:45 a.m., and Trapp has been awake for two hours. The clinic does not start dosing until 5.

Like Trapp, many of the patients who filled the lot one recent morning have jobs at far-off mines that start at 6 or 7. They sleep upright in their vehicles, slumped against the steering wheel, dressed for work in steel-toed black boots and coveralls lined with orange reflective strips. Dark rings circle their eyes where the previous day's coal dust didn't wash off.

"Everybody you see here works," says Trapp, his smoke-cured voice a low rumble. A $14 plug-in heater from "Wally" (Wal-Mart) whirs on the dash. "Ain't no spongers. No loafers," he says.

Work in the mines hasn't been as good as it is now in a generation. With per-ton prices doubling in the past six years, Virginia unearthed about $1.6 billion worth of coal in 2006, much of it to feed the growing energy demands of the Washington region.

Wages are up, bosses are hiring and rookie miners can start at $18 an hour—a small fortune in a region where, as Trapp says, "if you ain't working in the mines or in the prisons, you don't make money."

But it is a boom clouded by drugs. Nearly a decade after OxyContin slammed into southwestern Virginia and much of Appalachia, the abuse of prescription painkillers in the region is worse than ever, police and public health officials say.

Publicized efforts to crack down on drug dealers and manufacturers through tougher street-level enforcement and tighter prescription regulations have failed to curb the crisis, and the result is a quiet catastrophe unfolding largely out of sight, in private bedrooms and isolated trailers far from the drug war's urban front lines.

A record 248 people died of overdoses in Virginia's western region in 2006, more than those who died from homicides, house fires and alcohol-related car accidents combined. That was an 18 percent increase from 2005 and a 270 percent increase from a decade ago, state medical examiner records show.

The problem is most acute in Virginia's poorest rural areas, and it is not limited to miners. In 2006, accidental pain pill overdoses killed more people in Tazewell County (pop. 44,000) than in Fairfax County (pop. 1.1 million). In Wise County, where Trapp lives and the per capita income is $14,000 a year, the fatal overdose rate for pain pills was 13 times those of Loudoun and Fairfax counties.

"The abuse and misuse of painkillers is the worst I have seen it in the 16 years I have worked narcotics in this area," said Lt. Richard Stallard of the Big Stone Gap police department. He is director of the Southwest Virginia Drug Task Force, which operates in Dickinson, Lee, Scott and Wise counties. His officers made 442 arrests through the first nine months of last year, an 86 percent increase from the same period in 2006.

In what is perhaps the most troubling sign of the problem's intractability, the single deadliest drug in the region in 2006 was the same one being legally distributed to addicts through treatment clinics such as the one Trapp visits: methadone.

A large black market has emerged for the drug, which is supposed to treat addiction or chronic pain with less risk than OxyContin and other oxycodone-based opioids. But methadone was linked to 78 deaths in western Virginia in 2006, and experts say that whatever ground was gained against the illegal use of OxyContin is being lost, engulfed in a widening circle of abuse that extends to painkillers, antidepressants' and other prescription drugs.

Round-the-clock security is posted at Clinch Valley Treatment Center, a two-story cement building along Route 19 that was once a hamburger restaurant. It serves almost 1,000 patients, drawing them from steep-sided mountain "hollers" and tiny coal towns such as Dante, Dungannon, Honaker and other places where the winter sun casts long shadows but little light.

Every morning before sunup, Trapp drives 120 miles—from his home in Coeburn to the clinic and back—stopping once for coffee and gas at the Double Kwik in Lebanon. He has been going for two years, trading this dependency for the $600-a-day oxycodone habit that made his nose bleed and his wife cry. He is 54, with a pale moustache, a four-pack-a-day wheeze and the drained, sallow expression of someone who has not slept in a long time.

When the clinic doors open at 5, the crowd streams into the warm hallway, squinting in the indoor light. Trapp hands over $12.50 at a payment window, then lines up at another window for his dose: 80 milligrams of liquid methadone, mixed with juice in a little white cup. He must gulp it down quickly and get back on the road. His boss expects him at 6:30.

"This methadone makes you feel like a human being again," Trapp says.

With disability rates as high as 37 percent in coal-mining areas such as Buchanan County, the region has many people with long-term pain management needs. As is the case with lots of aging miners, Trapp's addiction to pills began in a doctor's office, not a back-alley drug deal.

"Busted-up" from 30 years working as a heavy-equipment operator and mechanic on the massive excavators used for strip mining and mountaintop removal, Trapp needed multiple surgeries to fix seven ruptured and herniated discs. Doctors wanted to implant a magnesium rod to stabilize his spine, but Trapp refused.

"I've known too many people who've done it, and they can't tie their shoes," he said.

So Trapp loaded up on painkillers, first Percocet and later OxyContin. When the prescribed dose no longer did the job, Trapp took more. Then more. He began "doctor shopping," driving to Roanoke and Richmond to find physicians who would give him prescriptions.

When the pharmacies couldn't provide enough pills, Trapp found dealers who would. Friends were melting oxycodone tablets and injecting themselves—"bangin' OCs"—but Trapp was too squeamish to mess with needles. He crushed the tablets and snorted them like cocaine off his kitchen table. He didn't feel high, just "good." The relief was instant.

"I got hooked on those bad boys real bad," he says.

But when Trapp didn't have pills, the withdrawal symptoms left him "sick as a dog" and bedridden. "Every muscle in your body craves it," he says. "You can't sleep, can't eat. It's like the flu, but 10 times worse."

In two years, Trapp put $60,000 of his retirement savings, maybe more, up his nose. His daughter begged him to get help, as did his wife, Sue, who works as a shift manager at a Hardee's and as a guard at Red Onion State Prison, the supermax facility where sniper Lee Boyd Malvo is being held.

Trapp was "wormed over" after three days into involuntary withdrawal when his wife took him to a clinic to get help in 2005. He couldn't walk, and he couldn't hold up his head. He began taking methadone that week.

Foreman Gary Boyd steers through the tunnels of Pioneer Coal No. 1 in a low-rise electric cart, sloshing across channels of cold, muddy water. His nickname, Stork, is stenciled on his scuffed plastic helmet, and a slug of dipping tobacco bulges in his lower lip.

"The good Lord put me on this Earth to be a coal miner," he says, "and I can't think of nothing I'd rather do." He ducks slightly when the ceiling height drops to 40 inches.

A bearish man with a soot-streaked beard, Boyd stands well over 6 feet tall outside the mine. But underground, in a 3½-foot "low coal" operation such as this one in the mountains near Vansant, VA, Boyd mostly works on his hands and knees, crawling like an infant. He and the other men spend the entire shift, sometimes 12 hours or more, without ever standing up.

Compared with the large, corporate-owned mines that use the latest technology and enforce tighter safety codes, Pioneer No. 1, the company's only mine, is a mom-and-pop affair, run by a single operator and a 10-man crew. It extends horizontally into the mountain through a maze-like network of wide, low tunnels, and a red plastic sign along the access road outside reads "AMBULANCE ENTRANCE."

With narrower profit margins, small-scale outfits such as Pioneer, often known as "dog holes," typically pay less and don't offer benefits such as health insurance. But for miners who have been fired from corporate mines for drug violations or other infractions, smaller mines, which must still meet state safety standards, are a good fallback.

The "face," where Boyd's crew was working that day, was a half-mile into the mountain. A massive grinding machine called a continuous miner chewed at the coal seam with a spinning, snaggle-toothed steel cylinder. Water seeped from its mouth and trickled from its sides to cool the metal teeth and keep the dust down. The greasy, jet-black rock came off in chunks onto a conveyor belt.

As the machine worked, the tunnel walls cracked and groaned under the shifting pressure of the mountain. Crew members scrambled to stabilize the roof with wooden posts, wedging them into place with hammers.

"You're as safe as you would be in your mommy's arms—if you watch what you're doing," Boyd said. He checked a hand-held meter every few minutes to measure carbon dioxide, which is poisonous, and methane, which can explode. Flecks of coal dust swirled in the yellow beams of the miners' headlamps.

Drug use by miners who snort or shoot up underground has been a growing cause for concern among state regulators, and a law approved last year in the General Assembly imposed stringent drug-testing policies. All newly hired miners must be screened, and random testing requirements have increased. Those who fail risk losing their miner's license.

The impact of the new policies was immediate. "I can't find nobody to work," said Noah Vandyke, 60, a lifelong miner who runs Pioneer Coal. "The younger generation, you can't hardly find one that will pass a drug test."

Since the new testing policy went into effect in July, Vandyke has lost eight crew members who were fired because of drugs or quit, possibly to avoid having their miner's license revoked for a "dirty" urine sample.

"Every family in the area has been affected by drug abuse," Vandyke said, "and it ain't just coal miners." In recent years, two of his sisters have died because of drugs, and two brothers, both injured miners, are deep in the grip of addiction.

Unlike some operators, Vandyke is known as a boss who will not turn a man away for trying to get help at the methadone clinic. One of those is his on-again, off-again "scoop man," Jeff Vandyke, who shuttles coal inside the mine in a huge, spoon-shaped electric cart. The two men are not directly related—Vandyke is a common name in the area—but their lives have been intertwined since the elder miner gave the younger his first job underground 15 years ago.

Like Noah, Jeff Vandyke, 34, grew up in Buchanan County near the town of Grundy. With his horizons blocked by the mountainsides, he found a new world underground. "There's nothing like coal mining," he said. "You know that nobody else will ever go where you're going. Just the people in that mine, that day."

The mines led Jeff Vandyke to another love: drugs. He got his first prescription for OxyContin after a rock fall accident that left him with broken ribs, shoulder damage and spinal injuries. Disabled and addicted, he thought he could get away from drugs by leaving, so he moved with his brother to Arizona and got a job as a trucker. Soon they were buying pills along the Mexican border, 1,000 at a time, he said. Methamphetamine kept them awake, and OxyContin kept them high.

By 2003, Jeff Vandyke was back home and drifting deeper into addiction. He lived for more than a year in a broken-down trailer with the electricity, water and heat cut off. He spent most of his days on a couch in the dark, stirring every few hours to warm the air under his blankets with a propane camping stove.

The crippling pain and nausea of withdrawal pushed him to get help. He drives to a Kentucky clinic for a two-week supply of liquid methadone and says he has been clean for three years. He and his girlfriend, Daisy Ratliff, live with her two sons in a trailer with a thick coal seam visible on the hillside in their back yard. She has brightened the black lockbox where Vandyke stores his methadone with stickers of hearts, stars and red letters that spell "I LV U."

"My truck's paid off," Vandyke says, his long, blond hair tucked under a camouflage cap. "I've got four bows, three shotguns." He takes time off from the mines in the fall to hunt deer, grouse and squirrel for winter meat.

And yet, some of the damage from his drug years can't be undone. Vandyke's father no longer speaks to him, and he and his brother haven't said a word to each other in nearly two years, ever since he said his brother shot at him with a .38 and tried to steal Ratliff's car.

"I'll probably never get off methadone because of the shape I'm in," said Mick Wampler, a disabled coal miner who lives in a small room at the end of a narrow hallway in his sister's house.

Wampler, 47, started working in the mines four days after his 18th birthday. His mother needed the money after floods wiped out the family's home in Haysi, VA. But he never had the nerves for it, he said, and the sight of accidents sent him over the edge. He watched one friend lose an arm to a rock hauler and saw another electrocuted by a 900-volt mining cable. Wampler began taking Valium just to go underground.

"A lot of people are scared on the job," he said. "They'll use alcohol, anything." After falling off a loader and breaking his leg, Wampler got a prescription for oxycodone. A diabetic, he had needles, and shooting up was easy. Soon he was hooked on high-potency Fentanyl patches, ripping them in two to wring out the drug, which he would cook up with vinegar and inject through the veins in his feet. "It was as good as heroin," he said. He dabbled in that, too.

Years of negative publicity about OxyContin have made doctors wary of it and other oxycodone-based drugs, local health officials say, but records show that sales of the drug have increased. In 2006, 746,901 grams of oxycodone were distributed for retail sale in Virginia, nearly triple the amount sold in 1999, according to the Virginia Department of Health Professions. Although sales have slowed since 2001, they increased 9 percent from 2005 to 2006.

Police in the region say pain pills are entering Virginia from other states, even Mexico, where they can be casually bought along the border. They can also be ordered on the Internet through shady online pharmacies. The familiar schemes remain popular, too.

We can't stop people from going doctor shopping," Tazewell Sheriff H.S. Caudill said. "We need a nationwide program to check if John Doe has already been to another pharmacy."

Doctors, meanwhile, have been giving out more methadone than ever. From 1999 to 2006, the amount of methadone distributed for retail sale in Virginia jumped from 30,531 grams to 146,479. An underground market for illegally diverted tablets and liquid doses is thriving.

"When we had problems with OxyContin being diverted, doctors started prescribing methadone," said Martha Wunsch, a researcher who has a grant from the National Institutes of Health to study southwestern Virginia's drug deaths.

Wunsch says that methadone in pill form, not the liquid version legally distributed through addiction clinics, is to blame for the bulk of fatal overdoses. In one study, she found that more than half of all fatal overdose victims had legitimate prescriptions for methadone tablets.

On its own, methadone can't deliver a "high" like oxycodone or other opiates, so users combine it with anti-anxiety drugs such as Xanax to intensify the effect, creating a toxic, often fatal, cocktail. Prescription pills have surpassed marijuana as the top drug of choice for new drug users nationwide, according to the White House's Office of National Drug Control Policy.

"There's not much to do around here," said Jeremy Lowe, 22, a miner who got hooked on Lortab (hydrocodone) after breaking his hand in an accident a year ago. Now he is one of the patients who wait in line at the methadone clinic every morning.

"A lot of my friends who went off to universities ended up coming back home and getting hooked," he said. "It's like it's fashionable to do drugs."

To many, the growing traffic at the Clinch Valley Treatment Center has made it a shameful symbol of the region's drug problem. Several Tazewell officials want to shut the center down or force it to move, seeing its for-profit business model and treatment mission as a conflict of interest. According to the clinic's policy, patients can buy methadone as long as they want; detoxification is voluntary.

The clinic's counseling staff members say that many patients need to be on some sort of drug to cope with severe, long-term pain and that methadone has made them functional. And for those who lack insurance or access to more personalized care, it is often the only affordable option.

"We need to change the way people look at successful drug addiction treatment," said the clinic's director, Sterlyn Lineberry. "Are we reducing harm to the individual? Is the person working? Taking care of their family?"

Wunsch, who used to run a methadone clinic in the region, says the biggest problem is the lack of state and federal support for more comprehensive treatment programs. And powerful stigmas persist. "A lot of people in southwest Virginia believe this is a moral weakness, not a public health problem," she said.

Jeff Trapp knows people who have died from methadone but no one who has gotten off it the hard way. He has tried to decrease his dose, but the cravings come back every time. So instead, he drives.

Trapp sets his alarm for 12:30 a.m., waking after a few hours of sleep, and gets dressed in a dark room. His boss does not like that he goes to the clinic, and even less that it has made him late to work, and has threatened to fire him.

In the kitchen, Trapp makes coffee with the light low. There is a plastic bin above the cabinets to catch the rainwater where the roof leaks, and a picture of his wife at her high school graduation hangs on the wall. He carries another photo of her riding a motorcycle. She weighs 95 pounds, but she's a tough lady, he says.

When Trapp starts the pickup down the driveway at 1 a.m., the dogs stand on the doorstep and watch him go. Last year, he put 60,000 miles on the pickup, a 1993 Chevy. The road signs say his route is a designated scenic byway, the Trail of the Lonesome Pine, but Trapp drives it in the dark, and there is nothing to see.

"I don't want to be dependent on doing this every day," Trapp says. He could get permission for a two-week take-home supply of methadone, if he wanted it. He hasn't had a dirty test yet. But does he trust himself? No.

So instead, he drives.

"I don't want that temptation on me," he says. "I'd probably drink two bottles just to see how it felt."

He opens the window a crack to light another Winston, watching the shoulder for deer. When a car passes him on the left, Trapp recognizes the vehicle. He has seen it before, parked outside the clinic.

There seems to be no hesitation in this body about implementing mandatory drug testing for Major League Baseball. Yesterday, Members on both sides of the aisle spent more than 4 hours examining the question of drug abuse among baseball players. I don't know what the danger is there. I hate to see records broken by somebody because he's taken drugs, but the danger underground in mines of somebody using drugs is really a real live danger. One area on which everyone seemed to agree was on the need for mandatory drug testing for the ballplayers. Yet for our Nation's mine workers who risk their lives by entering the mines, we propose only a study.

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We need to protect these miners now. That means testing and nothing less.

Mr. Chairman, this amendment includes some modest improvements. It makes other changes that are ill defined that create new unanswered questions, and it makes some changes that could actually worsen the bill. On the whole, this amendment, like the S-MINER Act itself, remains an unnecessary diversion from the bipartisan, widely supported mine safety reforms enacted in 2006 through the MINER Act. I oppose this amendment because I continue to oppose the underlying bill.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I would just say that, first of all, on the question, I'm sure we had both the same reaction when we read the story in The Washington Post that we had an opportunity in this legislation to address, the issue of substance abuse by those in the mining industry. You drafted your amendment and we drafted our amendment. Ours is, in fact, a study and then the implementation of the program.

The gentleman from the other side of the aisle and his colleagues are always saying they don't want a solution made in Washington. They want to consult other parties. We thought we should consult the companies. We thought we should consult the States that have experience in this, the public health agencies that have some experience in this, and have the Secretary develop the best program and then enact that program with drug testing. That's what we thought we should do, and I think it makes the most sense. There are States that have extensive experience, and rather than just somehow creating a program sent from Washington, whether those programs have drug testing or not, didn't make any sense to us.

With the rest of the criticisms of the amendment, I think it's sort of like maybe the "Abbey Road" album, where you guys play it backwards and it says "Paul is dead" or something. You're reading the amendments upside down or something because that's not what the amendments do. These are good amendments. They address some concerns that the industry has raised with us. And the fact of the matter is miners are entitled to have breathable air, to have 96 hours of air underground today. When the chambers come, they will come, but in the meantime they should not be unprotected given the history of the accidents that we have witnessed in this country and the problems that the miners have reaching those breathable supplies after the explosions.

So I would encourage all of my colleagues to support this amendment, the manager's amendment, by voting for it.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. BOUCHER

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–508.

Mr. BOUCHER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. BOUCHER:

At the end of the bill, insert the following:

(d) GRANTS FOR REHABILITATION.—

(1) IN GENERAL.—The Secretary of Labor, in consultation with the Secretary of Health and Human Services, is authorized to award grants to appropriate entities and programs for the purpose of providing rehabilitation services to current and former miners suffering from mental health impairments, including drug addiction and substance abuse issues, which may have been caused or exacerbated by their work as miners. The Secretary shall ensure such funds are directed to those regions of the country most in need of such assistance.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Labor $10,000,000 to carry out the grant program authorized by this subsection.

The CHAIRMAN. Pursuant to House Resolution 918, the gentleman from Virginia (Mr. BOUCHER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. BOUCHER. Mr. Chairman, I yield myself such time as I may consume.

As the gentleman from California pointed out in his recent comments, there was a compelling article on the front page of The Washington Post on Sunday that details the level of drug dependency and drug addiction that takes place among coal miners who have, because of their work, become injured, received medications, and then that has led to drug dependency, oftentimes to drug addiction, and it is a major and a growing problem. And in the Central Appalachians, where much of our Nation's coal is mined, that problem is one of the largest affecting our communities.

Among the major victims of the epidemic we are experiencing are, in fact, coal miners. But the problems in our communities are not limited just to coal miners. As the article published on Sunday indicated, the toll that this sometimes unseen epidemic is taking is worse now than ever before, and it is growing year by year. In 2006, a record 248 people died from drug overdoses in the region that I have the privilege of representing. In that year, accidental pain pill overdoses killed more people in one of the coal mining counties in my congressional district that has a population of 44,000 than died from drug overdoses in Virginia's largest county, Fairfax County, that has a population of 1.1 million. So obviously this problem is disproportionately affecting the coal-producing counties not only in Virginia, but it is happening throughout the Central Appalachian region where coal is mined.

The devastation to families and communities in the district that I represent is graphic, and that devastation was so well portrayed in the article that the gentleman from California referenced that was published in The Washington Post on Sunday. And for those who have not read that article, let me commend it because it points out the severity that this problem is imposing on our rural areas. Methadone has now replaced OxyContin as the most abused and the deadliest drug, but the epidemic spans a wide range of pain medications.

So the amendment that I'm putting forward really is the action that Mr. MCKEON called for just a moment ago in his comments. It is an important step in addressing the mental health needs of the miners who suffer from work-related drug dependency. They are not the sole victims of the epidemic, but they are disproportionately affected by it.

The amendment authorizes the expenditure of $10 million in grant awards in regions of the Nation most affected by prescription drug abuse among coal miners in order to provide drug counseling and drug rehabilitation services to them. And that article pointed out the severe lack of those very services that exist in the coal-producing regions of Virginia, and the authorities who are responsible for delivering those kinds of services talked about the inadequacy of resources with which they are currently having to contend. And we take with this amendment one small step in making sure that those resources are enhanced so they can do their jobs better.

I urge adoption of the amendment as one important step in addressing an urgent need that we have in the coal mining communities of the Eastern United States.

Mr. Chairman, I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I rise to claim the time in opposition to the amendment, but I will not oppose its passage.

The CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. MCKEON. Mr. Chairman, I really want to thank Congressman BOUCHER for his effort to address this problem of drug use among miners. I think it's very, very important. I would even go so far as to say if this bill doesn't show much progress, if you brought this up as a separate bill, I'd be happy to work with you on it.

This amendment takes an important first step by acknowledging the problem and establishing opportunities for treatment. This amendment is a positive first step, but it does not go far enough.

To complement the Boucher amendment, Republicans are proposing a strong framework for mandatory drug testing. We want to ensure that miners are tested and those who are under the influence are prevented from entering the mines and putting their own lives and the lives of their coworkers at risk.

Drug abuse among miners is a serious problem, and according to recent media accounts, it is also a widespread problem. Already States are taking the lead on stringent testing initiatives to protect miners from the hazards that come from combining substance abuse and the dangerous work environment. The Federal Government needs to catch up on what is being done in the States.

I urge my colleagues to support the Republican proposal to implement drug testing. At this time I also urge passage of the Boucher amendment as an acknowledgment of the problem and an important first step toward resolving it.

Mr. BOUCHER. Mr. Chairman, at this time I am pleased to yield 30 seconds to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

Mr. Chairman, I rise in very strong support of his amendment. I think it's well thought out. It recognizes the problems that were described in the article and experienced among his constituents to provide the kinds of resources for what clearly, from the narrative in the story, is a very difficult problem, encountering numerous substances, of people who are caught in very difficult situations, many of whom are struggling to stay employed. And I think the kinds of services that the gentleman provides in his amendment are absolutely necessary, and I rise in strong support of the amendment.

Mr. McKEON. Mr. Chairman, I likewise support the amendment, and I thank the gentleman for presenting it.

Mr. Chairman, I yield back the balance of my time.

Mr. BOUCHER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to say thank you to the gentleman from California for his kind remarks and for the strong support he has stated for this measure, and I want to thank the gentleman from California (Mr. GEORGE MILLER) and his outstanding staff for their leadership on the overall issue and also their strong support of this undertaking.

It is critically important that we empower the individuals who are delivering services to miners who are affected by drug abuse, who are affected by drug addiction, so that they can become productive once again, remain in the mines working, and that their families can benefit from their productive existence. This amendment takes that important step, and I urge adoption of it.

The Acting CHAIRMAN (Mr. PASTOR). The question is on the amendment offered by the gentleman from Virginia (Mr. BOUCHER).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. ELLSWORTH

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110-508.

Mr. ELLSWORTH. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. ELLSWORTH:

Page 32, beginning on line 9, strike "amended by striking" and all that follows through "The operator shall," and insert "amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by inserting at the end the following:

"(2)(A) The Secretary shall maintain a list of delinquent operators who fail to timely pay final assessments. Any operator placed on that list for the first time shall be subject to the requirements of this paragraph only until such time as the Secretary determines that the operator is no longer in arrears. Any operator placed on that list for a subsequent time shall remain on the list until such time as the Secretary determines the operator is committed to timely payment of final assessments. Any operator who believes he or she has been placed or retained on the list in error may file with the Commission a request for consideration of decision.

"(B) An operator on the list maintained pursuant to paragraph (A) shall,".

Page 32, line 24, strike "In the event" and insert

"(C) In the event".

At the end of the bill, insert the following:

SEC. 9. MINE SAFETY PROGRAM FUND.

Title I is further amended by adding at the end the following:

"SEC. 117. MINE SAFETY PROGRAM FUND.

"(a) ESTABLISHMENT.—There is established in the Treasury a separate account to be known as the 'Mine Safety Program Fund' (in this section referred to as the 'Fund').

"(b) TRANSFERS TO THE FUND.—There shall be deposited in the Fund—

"(1) all penalties collected under section 110; and

"(2) any gifts, bequests, or donations to the Fund from private entities or individuals, which the Secretary of the Treasury is authorized to accept for deposit into the Fund, except that the Secretary is not authorized to accept any such gift, bequest, or donation that—

"(A) attaches conditions inconsistent with applicable laws or regulations; or

"(B) is conditioned upon or would require the expenditure of appropriated funds that are not available to the Secretary of Labor.

"(c) EXPENDITURES.—Amounts in the Fund shall be available, as provided in appropriations Acts, only for inspections and investigations conducted pursuant to section 103.".

Amend the table of contents in section 1(b) by adding at the end the following:

Sec. 9. Mine safety program fund.

The Acting CHAIRMAN. Pursuant to House Resolution 918, the gentleman from Indiana (Mr. ELLSWORTH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. ELLSWORTH. Mr. Chairman, my staff and I worked hard with Chairman MILLER and his staff to address some important issues with this amendment.

My amendment would strike from the bill a requirement that penalizes mine operators who have been assessed penalties and pay them in a timely fashion. In its place, the amendment provides the Secretary of Labor with a mechanism to hold accountable those businesses that have a history of delinquent fine payments, while ensuring that honest businesses can contest fines without paying them up front.

As written, the underlying bill would require all mines to place the amount of an assessed fine into escrow if they choose to contest that fine. This is intended to ensure that mine operators cannot evade their responsibility to pay fines if they lose that appeal. While I support this important new collection tool, I do not think the bill takes into full account the financial burden that it could create for small businesses that do not have the means to leave funds in escrow while they contest a citation.

In Indiana and across the country, there are numerous mine operations that don't have the operating budget to cover such large and unforeseen costs. The small quarry mines in the Midwest and the sand and gravel operations in the South might not have the overhead to freeze thousands of dollars while they appeal the citation. I would hate to see those mines forced to miss a payroll or lay off their hardworking employees because of this provision.

My amendment addresses this concern by directing the Secretary to maintain a list of mine operators with a history of delinquent payments. Only those operators who are on this list would be required to prepay their fines into escrow. The amendment would also provide businesses with an opportunity to contest their placement on this delinquency list if they believe that placement list was a mistake.

Ultimately, my amendment would relieve undue financial burden for all mines, but particularly the small mines that are acting in good faith to properly appeal and, when necessary, pay their fines.

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This amendment also addresses an important issue affecting mine safety in recent years, the lack of comprehensive safety inspections in every mine. In November of 2007, the Department of Labor's Inspector General reported that 15 percent of mines were not fully inspected in fiscal year 2006, due mainly to lack of inspection resources. As we know, we can pass all the mine safety laws we want in this House, but if inspections of mines aren't being held, and they aren't held accountable to our standards, we haven't made any progress at all.

As the Inspector General points out in his report, and I quote: "Incomplete or missed inspections place miners at risk because hazardous conditions in the mines may not be identified and corrected. In fiscal year 2006, approximately 7,500 miners were employed at 107 mines which did not receive at least one required inspection."

In response to the failure outlined in that report, this amendment creates the Mine Safety Programs Fund to guarantee that all MSHA fines are reinvested in mine safety, which allows us to make sure every mine is living up to our standards and providing a safe working environment for working American miners. Last year, safety violations resulted in about $40 million of MSHA fines. If that money was reinvested in mine safety, it would have meant an estimated 20 percent increase in the inspection resources. We can pass all the mine safety laws we want, but if we don't give the Department of Labor resources to fund them, we haven't made progress for the American miners and what they expect of us.

Again, I would like to thank Chairman MILLER and his staff, as well as my staff, for working with us for what I think is an important amendment to this bill.

I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I claim time in opposition to the amendment, but I will not oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. McKEON. Mr. Chairman, the Ellsworth amendment, as it has been explained, would modify the collection of fines to provide relief to those mine operators who pay their fines in a timely fashion. At the same time, it establishes a trust fund so that fines collected will be used for inspections and investigations. The amendment also creates a list of those mine operators who do not pay their fines, shining a spotlight to help promote payment in a timely fashion.

Unlike the underlying bill, this amendment would not do anything to inhibit implementation of the bipartisan MINER Act of 2006. Because this amendment offers positive reforms without dismantling the mine safety improvements under way, I am pleased to support its passage.

Mr. Chairman, I yield back the balance of my time.

Mr. ELLSWORTH. Mr. Chairman, I would like to yield 30 seconds to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I want to rise in strong support of the gentleman from Indiana's amendment and commend him for his very thoughtful work and his diligence on putting this amendment together to make sure that we in fact attack the problem at hand, which was those few irresponsible miners who refused to pay their fines and that have a history of not paying. Then, also the creative use of these fines to provide better enforcement, better safety for our mine workers. I rise in strong support and ask all of our colleagues to vote "yes" on the Ellsworth amendment.

Mr. ELLSWORTH. Mr. Chairman, I would like to thank the chairman again and the ranking member for his understanding and patience on this matter.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. ELLSWORTH).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. WILSON OF SOUTH CAROLINA

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110-508.

Mr. WILSON of South Carolina. Mr. Chairman, I have an amendment made in order under the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. WILSON of South Carolina:

Strike all after the enacting clause and insert the following:

SECTION 1. SENSE OF CONGRESS.

It is the Sense of Congress that the Mine Safety and Health Administration should continue the full and timely implementation of the Mine Improvement and New Emergency Response Act of 2006, P.L. No. 109-236, and that the provisions of that law should be implemented by the Administration as robustly, safely, and expeditiously as possible.

SEC. 2. SAFETY COMMITTEES.

Title II of the Federal Mine Safety and Health Act of 1977 is amended by adding at the end the following new section:

"SEC. 208. SAFETY COMMITTEES.

"Not later than 180 days after the date of enactment of this section, the Secretary shall promulgate regulations pursuant to section 101(a) providing that a mine operator may establish, assist, maintain, and participate in workplace safety committees, on which committees miners shall participate to address issues of mine safety and to deal with the mine operator regarding emergency response, communication, rescue, recovery, inspection and other terms and conditions of employment relating to mine safety.".

SEC. 3. SUBSTANCE ABUSE TESTING.

Title II of such Act is further amended by adding at the end the following:

"SEC. 209. SUBSTANCE ABUSE TESTING.

"(a) TESTING PROGRAM.—Not later than 180 days after the date of enactment of this section, the Secretary shall promulgate regulations pursuant to section 101(a) to require the operator of each mine to institute a program to conduct mandatory, random substance abuse testing of mine employees. Such regulations shall be no less restrictive than regulations issued by other Federal and State agencies which impose mandatory substance abuse testing and shall provide for—

"(1) mandatory substance abuse testing procedures;

"(2) a process for the random selection of those employees to be tested;

"(3) the protection of individuals' rights and privacy;

"(4) the establishment of an Employee Assistance Program; and

"(5) for purposes of subsection (b), a process for mine operators to notify the Administration of the names of individuals who test positive for substance abuse.

"(b) REGISTRY.—Not later than 180 days after the date of enactment of this section, the Secretary shall promulgate regulations creating a registry of those found to have tested positive for substance abuse for the sole purpose of sharing, on a confidential basis, with State authorities responsible for issuance of licenses, certification, permits, or other documents required to seek employment in the mining industry.".

SEC. 4. IMPROVING MINE SAFETY.

(a) COORDINATION WITH BUREAU OF LAND MANAGEMENT.—The Mine Safety and Health Administration shall regularly consult with the Bureau of Land Management concerning the safety status of mines in order for the Administration to maintain an awareness of any safety concerns observed by Bureau of Land Management personnel.

(b) STUDY OF DEEP MINE CONDITIONS BY TECHNICAL STUDY PANEL.—

(1) ESTABLISHMENT OF TECHNICAL STUDY PANEL.—There is established a Technical Study Panel (hereafter referred to as "the Panel") which shall provide independent scientific and engineering review and provide recommendations to the Mine Safety and Health Administration to evaluate the risk assessment procedures of deep mine conditions.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Panel shall be composed of—

(i) two individuals to be appointed by the Secretary of Health and Human Services, in consultation with the Director of the National Institute for Occupational Safety and Health and the Associate Director of the Office of Mine Safety;

(ii) two individuals to be appointed by the Secretary of Labor, in consultation with the Assistant Secretary for Mine Safety and Health;

(iii) one individual appointed jointly by the majority leaders of the Senate and House of Representatives; and

(iv) one individual to be appointed jointly by the minority leader of the Senate and House of Representatives.

(B) QUALIFICATIONS.—Four of the 6 individuals appointed to the Panel under paragraph (A) shall possess a masters or doctoral level degree in mining engineering or another scientific field demonstrably related to the subject of the report. No individual appointed to the Panel shall be an employee of any coal or other mine, or of any labor organization, or of any State or Federal agency primarily responsible for regulating the mining industry.

(3) REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date on which all members of the Panel are appointed under paragraph (2), the Panel shall prepare and submit a report concerning deep mine conditions to the Secretary of Labor, the Secretary of Health and Human Services, the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

(B) RESPONSE BY THE SECRETARY.—Not later than 180 days after the receipt of the report, the Secretary of Labor shall provide a response to the report and submit such response to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate. Such response shall contain a description of the actions, if any, that the Secretary intends to take based upon the report, including proposing regulatory changes, and the reasons for such actions.

(4) COMPENSATION.—Members appointed to the Panel, while carrying out the duties of the Panel, shall be entitled to receive compensation, per diem in lieu of subsistence, and travel expenses in the same manner and under the same conditions as that prescribed under section 208(c) of the Public Health Service Act.

(c) STUDY OF RETREAT MINING AND PILLARING.—

(1) STUDY.—The National Institute for Occupational Safety and Health shall conduct a study of the recovery of coal pillars through retreat room and pillar mining practices in underground coal mines at depths greater than 1,500 feet. The study shall examine the safety implications of retreat room and pillar mining practices, with emphasis on the impact of full or partial pillar extraction mining. The study shall consider, among other things—

(A) seam thickness;

(B) depth of cover;

(C) strength of the mine roof, pillars, and floor;

(D) the susceptibility of the mine to seismic activity; and

(E) a sensitivity analysis on input parameters such as strength of the coal, the size the pillar core, the strength of roof and floor rock members, abutment pressure from caved areas, and the horizontal stress; and

(F) the procedures used to ensure miner safety during retreat mining.

(2) REPORT.—Not later than one year after the date of enactment of this Act, the National Institute for Occupational Safety and Health shall submit a report containing the results of the study to the Secretary of Labor and Committee on Education and Labor of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate.

(3) REPORT BY THE SECRETARY OF LABOR.—Not later than 180 days after receipt of the report required under paragraph 2, the Secretary of Labor shall report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate what actions, if any, that the Secretary intends to take based on the report.

(d) DISSEMINATION OF ACCIDENT INFORMATION.—Section 103 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 813) amended by adding at the end the following:

"(l)(1) All information concerning the accident or incident obtained by any person or organization participating in an investigation under this section shall be transmitted to the representative of the Administration coordinating the rescue effort or subsequent accident investigation. Parties to the investigation may relay to respective organizations information necessary for purposes of prevention or remedial action. No information concerning the accident or incident may be released to any person not a party to the investigation or representative of such party prior to the release of such information by the Administration without the prior consultation with and approval of the Administration.

"(2) For purposes of this subsection, parties to the investigation include the mine owner, mine operator, employees of that mine, first responders, mine rescue team members, or others participating in the rescue and recovery effort.".

The Acting CHAIRMAN. Pursuant to House Resolution 918, the gentleman from South Carolina (Mr. WILSON) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. WILSON of South Carolina. I yield myself such time as I may consume. Mr. Chairman, I rise in support of mine safety and in opposition to this bill.

The Wilson/Kline amendment combines the key elements of the Wilson amendment offered in committee with the important safety teams amendment also considered during markup. There is much that we do not know about the tragedy of Crandall Canyon. It would be premature to legislate on many of these issues until the Crandall Canyon investigation is complete. Once the investigation is complete, we can determine if any further initiatives are necessary. It also should be noted that few, if any, of the provisions in the underlying legislation would have had any impact in preventing the accident in Utah this summer.

Our amendment would require the Department of Labor to more regularly communicate with the Bureau of Land Management, BLM, regarding safety concerns. Given that personnel from the BLM inspect mines daily, the Mine Safety Health Administration, MSHA, should have the benefit of knowing what BLM is observing and what concerns the agency has regarding safety.

Our amendment would also require two studies: One to address deep mine safety, and another to address pillar removal. Regarding deep mining, it is no secret that the mining industry is mining deeper underground. In order to assure that they have the most sophisticated science available to them, a study about the elements of deep mining should be undertaken. It is also important to recognize that deep mining and pillar removal are two separate issues, and our amendment was crafted accordingly to give each issue thorough consideration.

Finally, there is great concern about how information during a mine rescue and recovery effort is communicated to the public. Our amendment would create a public relations protocol similar to that used by the National Transportation Safety Board. In this way, all parties to the rescue and recovery effort must clear any information through MSHA before releasing it to the public.

This amendment takes the NTSB's well-regarded approach to communications. Before anyone associated with the rescue and recovery effort can make public comments, they must be approved by MSHA. In this way, we can ensure that the families have been fully briefed, that any information given to the media is factual, and that it does not interfere with the ongoing efforts of any future investigation.

The S-MINER Act may address some of these issues, but ultimately the underlying bill is not narrowly crafted to focus on the Crandall Canyon tragedy. Instead, it provides for a complete rewrite of a successful law. In addition to these four specific policy opportunities that respond to the tragedy that occurred at the Crandall Canyon mine, our substitute builds on the MINER Act by actively engaging miners in safety teams and implementing substance abuse testing. It is important to note that the MINER Act was the most significant piece of mining legislation passed in 30 years, which was signed into law in 2006.

The Wilson/Kline substitute ensures that the MINER Act is not derailed by excessive new regulations. The MINER Act has put in motion regulations, studies, and industry improvements that will be negatively impacted by H.R. 2768. I oppose the S-MINER Act and urge you to vote in favor of the Wilson/Kline substitute.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in strong opposition to this amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 15 minutes.

Mr. GEORGE MILLER of California. What this amendment would do would be to strike many of the very important provisions in the underlying bill that are there to protect the lives and the safety of those who mine coal in this country's coal mines. They would change the retreat mining where we just saw a disaster of a mine accident in Utah this last August. They would provide a provision of a study. Rather than changing the regulations by which that happened, they would provide a study. A study was not going to save those miners.

They would also take out the provision that we have that miners should have 96 hours of air available to them in the mines until such time as we have the refuge chambers. They take that out. Those miners need that air today. The fact that a refuge chamber is on order, may not be delivered for six months, a year, a year and a half, does nothing for the miner who goes to work today and tomorrow, and that is why we did it. We did it so that we could provide that margin of safety for those individuals.

We also look at conveyor belts, a major ignition point of fires in the mine, and if not properly installed, if not properly taken care of, can take the fire and the gases directly to where the miners are working. So they take that provision out.

We say that MSHA cannot investigate itself. It cannot investigate itself. These must be independent investigations, because you have to look at whether or not MSHA properly did its job, properly enforced the requirements of the law, properly inspected the mines and all that that entails, and to have them redo that themselves is a disservice to the miners and to the families. It's the single most provided complaint to this committee by the families, that they just don't understand how the watch dog can investigate themselves when their family members died in these mines. They want somebody else to take a look at it. They want somebody else to see whether or not it was done properly or not, and that is out in this provision.

It also limits the family participation. Why is it that the victims aren't able to testify and to participate and understand the design of the investigation? They are excluded from this process today. These are family members, these are victims of the disaster, these are taxpayers, and they're told, Just stand on the side, we'll tell you what happened. In many instances, they know more about what happens because when their spouses come home from work, they talk to them about what is wrong in the mines, what's dangerous, about their fear of going to work. So we provided an ombudsman so that that could happen. They should also be part of that investigation.

We think it's very important that this amendment be defeated because it wipes out, it guts those provisions of the law that we envision in this legislation that are so important to those miners and to their families. We cannot do what we have done in the past and assume that we can just leave this to the Mine Safety Health Administration. They essentially did nothing for 8 years.

Now, tragically, year after year those mining families are paying the price for that. That must come to an end. That is what this legislation does. This amendment destroys the ability of this legislation to provide that margin of safety to the miners and to their families, and I urge a "no" vote on the Wilson amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WILSON of South Carolina. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. KLINE), a ranking and valued member of the Education and Labor Committee.

Mr. KLINE of Minnesota. I thank the gentleman for yielding the time.

Mr. Chairman, like my colleague from South Carolina, I rise today in strong support of mine safety and in opposition to the base bill. Rather than supporting this flawed bill, I would ask Members to support the Wilson/Kline amendment. This amendment is a sensible alternative that will enhance mine safety without undoing the significant reforms already underway. During the numerous hearings we have held in the Education and Labor Committee on mining issues, one thing we have heard frequently from miners themselves and from their family members and from their representatives is that when it comes to mines and mine safety, it is the men and women who go into the mines every day that know best.

I would like to focus my comments today, first, on one particular aspect of our amendment, and that is to engage miners in their own safety. Our amendment recognizes that miners themselves do know best and seeks to ensure that mine owners and operators are allowed to avail themselves of the knowledge, experience, and talents of their employees. To that end, this amendment would allow mine operators to incorporate meaningful employee involvement in safety committees, which include representatives of workers and mine operators, and work together to ensure that the safest workplace conditions are possible.

Although cooperation between miners and mine operators seems obvious, if not imperative, it is, unfortunately, not always a reality. Under archaic provisions of Federal labor law, too often employer-employee safety committees that actually do something have been found to run afoul of Depression-era mandates.

Mr. Chairman, we are no longer living in the 1930s, and neither should our laws. Nearly 2 years ago, we began to bring the mining industry into the 21st century by considering and enacting the MINER Act. Though it is not yet fully implemented, that law is already working. Today, my colleague Mr. WILSON and I are offering an amendment that builds on the MINER Act, rather than tearing it down.

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A key element of our plan is to ensure that antiquated laws don't get in the way of mine worker safety. In fact, our amendment is based on the eminently sensible TEAM Act which was considered by this Congress some years ago and would have provided for safer workplaces for all employees, not just miners.

I don't know that anyone can argue that safety committees in mines should not make full use of their workers' wisdom and experience. For that reason, I urge my colleagues to support the Wilson/Kline amendment as a commonsense, pro-miner alternative. Use of miner-involved safety committees is just one element of our substitute, but I believe it accurately captures our goal of enhancing safety while maintaining momentum of the MINER Act.

I have been interested today to listen to the proponents of the bill and the opponents of our amendment talk about the importance of breathable air and getting these containers into the mines, but I don't understand if the chamber is not available, what is the mine supposed to do while we are waiting what is admittedly 6 months or 12 months for the chamber to arrive? The base bill is so prescriptive, it prevents any alternative to the prescribed chamber, and those chambers are simply not available. I really wish we had the answer to that question.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time I may consume.

Just in response to the question that was asked, the whole point is the chambers are not available. We are asking that they put 96 hours of air available in canisters until such time as the refuge chambers are available. Currently now, apparently if you order a chamber, you are considered to be in compliance. No new air has come into that mine. No new resources of air are available. Nothing is available to the miner, but you are in compliance with the law.

We saw miners lose their lives because they simply ran out of air. They weren't killed in the explosion. They weren't killed in a slide. They weren't killed in a roof collapse. They ran out of air.

So what we are saying is we appreciate that you have gone ahead and you have ordered the chambers because you have made the decision to put the chambers in. Until such time as they are there, we ought to provide that kind of margin of safety. One is not inconsistent with the other.

Mr. KLINE of Minnesota. If the gentleman will yield for just a minute, I think that they are. I don't understand where that air is supposed to come from. The SCSRs are not available. Those are on back order. Refuge chambers are not available. They are on back order. What are these miners supposed to do?

Mr. GEORGE MILLER of California. These are air cylinders that are readily available. These are not the individual-sized packs that we deal with here in terms of inspections that didn't work in the Sago Mine. Canisters of air are readily available all throughout American society. We just say you should put some in the mines so people can use them.

Then let me just say the question that is raised here, currently the law allows for employer and employee involvement in safety issues. Many, many organizations and businesses have these committees. But we want those committees to remain independent.

This suggests that somehow the employer should select those employees to engage in those discussions. We think that the workers ought to be able to do that and do it independently so that, in fact, they can have a true discussion about the conditions and the safety of the mines and not be establishing unilateral committees to make those determinations.

The fact of the matter is, where people have these employer-employee safety committees, very often the efficiency of the mines improves, the productivity of the mines improves and the safety improves, and we think that that is the model that ought to be continued.

Mr. Chairman, I reserve the balance of my time.

Mr. WILSON of South Carolina. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. MCKEON), the distinguished ranking member of the Education and Labor Committee.

Mr. MCKEON. Mr. Chairman, I thank the gentleman for yielding. I rise in strong support of the Wilson/Kline amendment to preserve bipartisan mine safety reforms.

The S-MINER Act is based on a flawed premise. It begins by abandoning the widely supported mine safety reforms enacted in 2006. Rather than building on the progress that has been made, the S-MINER Act brings those bipartisan reforms to a screeching halt.

Republicans have a better way. The Wilson/Kline amendment strikes the appropriate balance between strengthening mine safety and maintaining the widely supported reforms enacted less than 2 years ago.

First and foremost, the substitute underscores the importance of the MINER Act reforms and restates our commitment to seeing them implemented fully and forcefully. Our substitute builds on those reforms rather than tearing them down.

Among the most important steps taken in the Republican substitute is the effort to fully, more fully engage the miners in mine safety. During the Education and Labor Committee's consideration of this bill, Representative KLINE offered an amendment that, like our substitute, would empower miners by directly involving them in the development of safety policies and procedures through the formation of safety teams. Currently, nonunionized miners may be prohibited from working with management to promote safety through teams.

Mine safety is too important an issue to fall victim to the politics of unionization. Every miner should have the opportunity to work cooperatively with the mine operator to promote their own safety and the safety of those with them in the mines.

To further protect miners, the Republican substitute calls for a strong program of drug testing. In fact, the Republican plan is the only proposal that offers drug testing. Representative BOUCHER is proposing drug rehabilitation, an important first step, but one that will be incomplete without testing. Indeed, Representative BOUCHER's own State of Virginia has taken a leadership role on requiring drug testing in the mines, something the Federal Government should require as well.

Sadly, the proposal offered in the manager's package would do even less, calling for just a study of drug abuse among miners. No one here seems to object to drug testing for professional baseball players. An entire hearing was devoted to the topic of drug use in Major League Baseball just yesterday, yet not a single hearing has been held to explore the problem of drug abuse among miners. And when our friend, the late Representative Charlie Norwood, had the courage to call for drug testing in miners in years past, he was rebuked for daring to draw attention to this pervasive problem.

I am pleased we are finally acknowledging this problem among miners, but I want to be clear; anything short of the Republican plan for drug testing fails to fully protect miners.

Finally, our substitute recognizes some of the very specific issues brought to light with the tragic collapse of the Crandall Canyon Mine in August of 2007. To address those issues, it would improve communication between MSHA and the Bureau of Land Management, study the conditions the next generation of miners will face with deep mine conditions and retreat mining using pillar removal, and clarify how information is to be disseminated in the event of a tragedy.

I urge my colleagues to preserve bipartisan mine safety reforms by supporting the Wilson/Kline amendment.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from West Virginia, Mr. RAHALL.

Mr. RAHALL. Mr. Chairman, I thank the distinguished chairman for yielding, and I rise in opposition to this Republican substitute.

Pure and simple, the substitute kills the bill. It guts all of the bill's health and safety protections that the committee has worked so long and hard on and upon which the committee has heard expert testimony and heard testimony from our Nation's coal miners. So the fact that this legislation has been developed as it has shows that the committee has utmost in its consideration the protection of the health, safety and well-being of our Nation's coal miners.

This Republican substitute requires a one-size-fits-all mandatory drug testing program, for example, with a national blacklist of miners. It creates company dominated safety committees to stifle miners' voices; whereas, the committee bill, crafted as well as it has been, does allow for all sides to be represented in these safety committee deliberations. That is most important, because it is important that these committees have the involvement of coal miners that are on the job working, those who know the mines and the particular features of each mine, because, as we all know, not all coal mines are structured in the same fashion.

It is worthy to note as well that all of those that work in our Nation's mines, the United Mine Workers of America, the AFL, the Food and Commercial Workers, all of our Nation's unions that are concerned with the health and safety of our coal miners, oppose this Republican substitute amendment.

So, as I conclude, I say to my colleagues, just remember, this is an effort to gut the bill, pure and simple, and we all know that this bill still has a process through which it has to travel, including the other body. And if the administration cannot see in its wisdom and compassion to sign the bill, then certainly we have a basis upon which to proceed for further safety measures in the next Congress. I would urge rejection of this Republican substitute.

Mr. WILSON of South Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in conclusion, I urge the strongest consideration of the Wilson/Kline amendment. I would like to point out that it would provide for full implementation of the MINER Act of June 2006. Additionally, it has the provisions, as well explained by Congressman MCKEON of California, the provisions and concerns of the late Congressman Charlie Norwood of Georgia, providing for drug testing are included.

As I conclude today, I would like to read and summarize an op-ed which was in the Lexington Herald Leader, a McClatchy newspaper. This op-ed was printed on November 26, 2007: "New mining bill premature." The author is Rick Honaker. Professor Honaker is the Mining Foundation's distinguished professor and chairman of the University of Kentucky Department of Mining Engineering.

Professor Honaker says, "Eliminating coal mine accidents is an achievable goal. In recent years we have seen a dramatic decline in fatalities at the Nation's 550 underground mines, though the tragic accident earlier this year at a mine in Utah underscores some of the serious problems we face.

"But Congress has gotten ahead of itself. However well-intentioned, it is considering new legislation before the industry has been able to implement and assess the effectiveness of a major mine safety law passed last year.

"It seems very strange, almost incomprehensible, that a move is afoot in Congress to impose an entirely new set of requirements on coal mine operators and mine inspectors, even before there has been an opportunity to comply with the far-reaching provisions of the MINER Act. It threatens to disrupt the all-important emergency rescue provisions of the law.

"That process will require more work from the coal community, not more laws from Congress. Rather than leap into an abyss with new legislation, let's give mine safety and health experts an opportunity to implement the existing law."

Mr. Chairman, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to reiterate my strong opposition to this legislation. I believe that it does eliminate most of the very important provisions in the underlying bill and the manager's amendment to ensure that we increase the margins of safety for miners and for their families. We should not give up that opportunity to this substitute, and I urge my colleagues to vote "no" on the Wilson/Kline amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. WILSON).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. WILSON of South Carolina. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from South Carolina will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 110-508 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. GEORGE MILLER of California;

Amendment No. 2 by Mr. BOUCHER of Virginia;

Amendment No. 3 by Mr. ELLSWORTH of Indiana;

Amendment No. 4 by Mr. WILSON of South Carolina.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT NO. 1 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. GEORGE MILLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 234, noes 183, not voting 18, as follows:

[Roll No. 5]

AYES—234

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E.B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield (KY)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—183

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Baca
Baker
Berkley
Christensen
Culberson
Faleomavaega
Forbes
Fortuño
Fossella
Honda
Hunter
Jefferson
Lantos
Meeks (NY)
Miller, Gary
Paul
Shimkus
Tanner

□ 1455

Messrs. SOUDER, SENSENBRENNER, and CANTOR changed their vote from "aye" to "no."

Messrs. LIPINSKI and JONES of North Carolina changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. BOUCHER

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. BOUCHER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 364, noes 53, not voting 18, as follows:

[Roll No. 6]

AYES—364

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady. (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—53

Akin
Barrett (SC)
Bilbray
Bonner
Broun (GA)
Burton (IN)
Campbell (CA)
Cannon
Chabot
Coble
Conaway
Deal (GA)
Duncan
Everett
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Hall (TX)
Hensarling
Herger
Hoekstra
Issa
Johnson, Sam
Jones (NC)
Jordan
King (IA)
Kingston
Lamborn
Linder
Lungren, Daniel E.
Mack
Marchant
McHenry
Miller (FL)
Musgrave
Pence
Poe
Price (GA)
Radanovich
Rohrabacher
Royce
Sali
Sensenbrenner
Shadegg
Stearns
Tancredo
Walberg
Walden (OR)
Weldon (FL)
Westmoreland

NOT VOTING—18

Baca
Baker
Berkley
Christensen
Culberson
Faleomavaega
Forbes
Fortuño
Fossella
Honda
Hunter
Jefferson
Lantos
Meeks (NY)
Miller, Gary
Paul
Shimkus
Tanner

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain.

☐ 1502

Mr. HALL of Texas and Mr. WELDON of Florida changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. ELLSWORTH

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. ELLSWORTH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 416, noes 0, not voting 19, as follows:

[Roll No. 7]

AYES—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger

Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—19

Baca
Baker
Berkley
Culberson
Faleomavaega
Forbes
Fortuño
Fossella
Honda
Hunter
Jefferson
Lantos
Lewis (CA)
Meeks (NY)
Miller, Gary
Paul
Reichert
Shimkus
Tanner

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1508

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. WILSON OF SOUTH CAROLINA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from South Carolina (Mr. WILSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 188, noes 229, not voting 18, as follows:

[Roll No. 8]

AYES—188

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shuster
Simpson
Smith (NE)
Smith (TX)
Smith (WA)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—229

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—18

Baca
Baker
Berkley
Culberson
Faleomavaega
Forbes
Fortuño
Fossella
Honda
Hunter
Jefferson
Lantos
Meeks (NY)
Miller, Gary
Paul
Shimkus
Souder
Tanner

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1516

Mr. MORAN of Virginia and Mr. GILCHREST changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. SOUDER. Mr. Chairman, on rollcall No. 8, had I been present, I would have voted "aye."

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CAPUANO) having assumed the chair, Mr. PASTOR, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2768) to establish improved mandatory standards to protect minders during emergencies, and for other purposes, pursuant to House Resolution 918, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SOUDER. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SOUDER moves to recommit the bill, H.R. 2768, to the Committee on Education and Labor with instructions to report the bill back to the House promptly with the following amendment:

Page 22, after line 22, insert the following:

(n) SUBSTANCE ABUSE TESTING.—Title II is further amended by adding at the end the following new section:

"SEC. 208. SUBSTANCE ABUSE TESTING.

"(a) TESTING PROGRAM.—Not later than 180 days after the date of enactment of the S-MINER Act, the Secretary shall promulgate regulations pursuant to section 101(a) to require the operator of each mine to institute a program to conduct mandatory, random substance abuse testing of mine employees. Such regulations shall be no less restrictive than regulations issued by other Federal and State agencies which impose mandatory substance abuse testing and shall provide for—

"(1) mandatory substance abuse testing procedures;

"(2) a process for the random selection of those employees to be tested;

"(3) the protection of individuals' rights and privacy;

"(4) the establishment of an Employee Assistance Program; and

"(5) for purposes of subsection (b), a process for mine operators to notify the Administration of the names of individuals who test positive for substance abuse.

"(b) REGISTRY.—Not later than 180 days after the date of enactment of the S-MINER Act, the Secretary shall promulgate regulations creating a registry of those found to have tested positive for substance abuse for the sole purpose of sharing, on a confidential basis, with State authorities responsible for issuance of licenses, certification, permits, or other documents required to seek employment in the mining industry.".

Mr. SOUDER (during the reading). Mr. Speaker, I ask unanimous consent to suspend with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER pro tempore. The gentleman from Indiana is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, in our discussion about how to achieve safety in our Nation's mines, there's one issue that, until today, has been conspicuously absent: drug testing. Our late colleague from Georgia, Charlie Norwood, had the courage to introduce mine safety legislation with a drug testing requirement, only to be criticized for "blaming the victim." I would argue that drug testing prevents victims.

Now, claims have been made that the Federal Government is not moving fast enough to implement safety changes, that the States are more nimble. In this instance, the other side may have a point. On the issue of drug testing, I believe the Federal Government ought to be following the States' lead.

The Commonwealth of Virginia initiated a drug testing requirement in April 2006. Since then, there have been no mining fatalities in Virginia last year, and just in southwest Virginia they had 278 the previous year, more than they've had homicides, not in coal mining but in drug overdoses.

The State of Kentucky passed a drug testing law last year, and coal mining deaths in that State are now at an all-time low. Some 433 miners were suspended for positive drug test results. It's just been possible that a disaster has been averted because of the new drug testing law.

Yet inexplicably, the same Democrats who champion this misguided legislation because they want to move more quickly on some reforms are proposing that we stall action on drug testing until we can do a study. We don't need a study. The evidence is right here, a front page article in The Washington Post detailing what has happened in Virginia and the problems in mining. The devastating impact of drug abuse was brought into sharp focus in that story.

Some may also claim in the response here that this would kill the bill. This obviously would not kill the bill. It would go back to committee. The committee would then pass an amendment, and it could be back on the floor later this week. It's not like we're busy. We're adjourning again in mid-afternoon. This could easily go back to committee and come back later this week.

Drug and alcohol testing is a commonsense safety measure that protects both abusers of these substances and those around them. It has the noted benefits of reducing accidents, cutting sick leave, improving attendance, and increasing productivity.

The testing program in this motion to recommit is based on the Omnibus Transportation Employee Testing Act of 1991, which I helped draft when I was a staffer in the Senate, which requires drug and alcohol testing of safety-sensitive transportation employees in aviation, trucking, railroads, mass transit, pipelines, and other transportation industries.

Our Nation's laws do not allow the people driving the trucks filled with coal away from the mine to abuse drugs or alcohol. Why would we not ensure that the men driving heavy machinery in the mine are not impaired?

If this body has spent valuable time investigating Major League Baseball and its drug testing policy, and I serve on that committee and I support Congressman WAXMAN's efforts to requiring testing of Major League Baseball players, why wouldn't we do that in mining?

I helped draft the first legislation for drug testing in high school athletes. It's been upheld by the courts, and we've passed that numerous times in this House and the Senate. Why wouldn't we do it for mine safety if we do it for high school athletes?

I worked on the Small Business Committee with then-Chairman Jim Talent, where we passed the Drug Workplace Act and heard testimony over and over from unions and management about how this can help people who have drug abuse to get addiction treatment. And I voted for the amendment that put more money in for addiction treatment, which is very important, but you have to have drug testing. It's part of getting people treated and to do prevention.

This will be a very clear vote. We have plenty of studies. We have mountains of studies. We have evidence that when we do this in schools it keeps people from falling victim to drug abuse and from having accidents. When we do it in the workplace, when we do it in transportation, drug testing works.

This is a clean vote. There aren't any excuses. We can bring this back to the floor yet this week. We can pass this, and this will be as clean a vote as you can get on this motion to recommit.

I urge you to support drug testing, to support safety, to get people into treatment, to keep mine disasters from occurring, and I urge my colleagues to vote with me "yes" on the motion to recommit to ensure strong safety protections and mandatory drug testing.

Mr. Speaker, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, over this weekend we were treated to a very sad and disturbing story in the Washington Post about drug use in the mining community in Virginia and other States, about miners who have been crushed by equipment in the mines, who have been crushed in roof falls in the mine, who had been run over by other equipment in the mine, whose bodies were wracked with pain, who got addicted to painkillers, to OxyContin, to other drugs such as that, prescription drugs, and then were struggling with their addiction.

There was also the story of a miner who got up every night at midnight, fixed himself a quick meal, and drove 135 miles round trip before he went to work so he could get his methadone treatment at the clinic and get on his job, and do that with the knowledge of his employer, struggling with his addiction, struggling to stay employed.

In this bill, we had the opportunity to address this situation. RICK BOUCHER, our colleague, addressed it by authorizing with almost unanimous support $10 million for treatment and to work with these miners, that the Secretary can use.

We have suggested an amendment in the manager's amendment, which you voted for, which says that the Secretary will spend 6 months to work with the industry, to work with the miners, to work with the States. Virginia has a program. Kentucky has a program. West Virginia does not. Pennsylvania apparently does not. Indiana does not. Illinois does not. The Secretary will work with them to see how they're doing it, the best way to do it, and at the end of that 6 months, after those consultations, after her study, to impose a drug program with drug testing and treatment and rehabilitation.

How is that different than what is being offered here by my colleagues on the other side? They impose drug testing, and then they impose a blacklist for those who test positive. You want to talk about baseball? You're being a hell of a lot harder on hardworking miners in this country than you are on the baseball stars because they use drugs, and they go to work every day and nobody says anything.

But a miner who's been crushed on the job, who's trying to provide for their families, tests positive, we don't know if it's a false positive. They don't make allowances for false positives. He gets on the blacklist and he may never work again.

RICK BOUCHER had a better idea. Our committee had a better idea. Have the Secretary work with the States and the companies and the mining industries and the miners and the unions and say how can we best do this because I'm going to do it. So what's the best way for us to do this.

So many of you from both sides of the aisle during the consideration of this bill have said to me one thing over and over again: Will you work with the companies? Will you work with the companies? Now, along comes drug testing, nobody says work with the companies. Nobody says work with the unions. Nobody says work with the community health facilities. They just say test them and list them.

What the hell kind of thing is that to do to hardworking people in one of the most dangerous industries? We've had spouses come to this committee and talk about the fear in their spouses at night when they come home from work and before they leave, the fear that these miners have of going into that workplace.

In that article, one of the miners said he takes drugs and he used to drink because he's fighting, he hates the job. Some of them love the job in that article. They said, This is my life, mining. Digging coal is what I do best, but my legs have been crushed, my arm has been crushed.

Let's give them testing. Let's give them treatment, and let's give them some understanding of the kind of industry that they're in. We benefit, we burn the coal, we run the economy, and these families live in fear.

□ 1530

This is a very good bill. This is a very good bill. We should not suggest for a moment that because there is no link between the tragedies of the mining accidents last year and the year before, that drugs were involved at all. We have a nutty owner in Utah, but we're not going to test him. We're not going to test that owner, who is running around giving all these false reasons to these poor victims and their families as to what happened.

So yes, you can talk about baseball. But at the end of the day, those baseball players, just as they did last season and next season, they'll be playing. And they'll get a warning, and they'll get treatment. And they'll get a second warning, and they'll get treatment. These guys get a test and a list. It's unfair. It's outrageous. And you should not support it.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SOUDER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 197, noes 217, not voting 16, as follows:

[Roll No. 9]

AYES—197

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce

Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—217

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baird
Baldwin
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tancredo
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—16

Baca
Baker
Berkley
Culberson
Forbes
Fossella
Honda
Hunter
Jefferson
Kingston
Lantos
Meeks (NY)
Miller, Gary
Paul
Shimkus
Tanner

☐ 1548

Mr. RANGEL and Mrs. LOWEY changed their vote from "aye" to "no."

Mr. TAYLOR changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McKEON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 214, nays 199, not voting 17, as follows:

[Roll No. 10]

YEAS—214

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Bachus
Baird
Baldwin
Bean
Becerra
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Payne
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—199

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Cuellar
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Salazar
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Baca
Baker
Berkley
Culberson
Forbes
Fossella
Honda
Hunter
Jefferson

Kingston
Lantos
Meeks (NY)
Miller, Gary
Olver
Paul
Shimkus
Tanner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. DEGETTE) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1556

Mr. MCCOTTER changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. GRAVES. Madam Speaker, on rollcall vote 10, the S-MINER Act, I voted "yea" when I intended to vote "nay." I apologize for any confusion and ask that the RECORD reflect my true intention.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2768, SUPPLEMENTAL MINE IMPROVEMENT AND NEW EMERGENCY RESPONSE ACT OF 2007

Mr. KILDEE. Madam Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 2768, to include corrections in spelling, the table of contents, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. SKELTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4986) to provide for the enactment of the National Defense Authorization Act for Fiscal Year 2008, as previously enrolled, with certain modifications to address the foreign sovereign immunities provisions of title 28, United States Code, with respect to the attachment of property in certain judgments against Iraq, the lapse of statutory authorities for the payment of bonuses, special pays, and similar benefits for members of the uniformed services, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TREATMENT OF EXPLANATORY STATEMENT.

(a) SHORT TITLE.—This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2008".

(b) EXPLANATORY STATEMENT.—The Joint Explanatory Statement submitted by the Committee of Conference for the conference report to accompany H.R. 1585 of the 110th Congress (Report 110–477) shall be deemed to be part of the legislative history of this Act and shall have the same effect with respect to the implementation of this Act as it would have had with respect to the implementation of H.R. 1585, if such bill had been enacted.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; treatment of explanatory statement.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. National Guard and Reserve equipment.

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority for M1A2 Abrams System Enhancement Package upgrades.
Sec. 112. Multiyear procurement authority for M2A3/M3A3 Bradley fighting vehicle upgrades.
Sec. 113. Multiyear procurement authority for conversion of CH–47D helicopters to CH–47F configuration.
Sec. 114. Multiyear procurement authority for CH–47F helicopters.
Sec. 115. Limitation on use of funds for Increment 1 of the Warfighter Information Network-Tactical program pending certification to Congress.
Sec. 116. Prohibition on closure of Army Tactical Missile System production line pending report.
Sec. 117. Stryker Mobile Gun System.

Subtitle C—Navy Programs

Sec. 121. Multiyear procurement authority for Virginia-class submarine program.
Sec. 122. Report on shipbuilding investment strategy.
Sec. 123. Sense of Congress on the preservation of a skilled United States shipyard workforce.
Sec. 124. Assessments required prior to start of construction on first ship of a shipbuilding program.
Sec. 125. Littoral Combat Ship (LCS) program.

Subtitle D—Air Force Programs

Sec. 131. Limitation on Joint Cargo Aircraft.
Sec. 132. Clarification of limitation on retirement of U–2 aircraft.
Sec. 133. Repeal of requirement to maintain retired C–130E tactical aircraft.
Sec. 134. Limitation on retirement of C–130E/H tactical airlift aircraft.
Sec. 135. Limitation on retirement of KC–135E aerial refueling aircraft.
Sec. 136. Transfer to Government of Iraq of three C–130E tactical airlift aircraft.
Sec. 137. Modification of limitations on retirement of B–52 bomber aircraft.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for defense science and technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Operational test and evaluation of Future Combat Systems network.
Sec. 212. Limitation on use of funds for systems development and demonstration of Joint Light Tactical Vehicle program.
Sec. 213. Requirement to obligate and expend funds for development and procurement of a competitive propulsion system for the Joint Strike Fighter.
Sec. 214. Limitation on use of funds for defense-wide manufacturing science and technology program.
Sec. 215. Advanced Sensor Applications Program.
Sec. 216. Active protection systems.

Subtitle C—Ballistic Missile Defense

Sec. 221. Participation of Director, Operational Test and Evaluation, in missile defense test and evaluation activities.
Sec. 222. Study on future roles and missions of the Missile Defense Agency.
Sec. 223. Budget and acquisition requirements for Missile Defense Agency activities.
Sec. 224. Limitation on use of funds for replacing warhead on SM–3 Block IIA missile.
Sec. 225. Extension of Comptroller General assessments of ballistic missile defense programs.
Sec. 226. Limitation on availability of funds for procurement, construction, and deployment of missile defenses in Europe.
Sec. 227. Sense of Congress on missile defense cooperation with Israel.
Sec. 228. Limitation on availability of funds for deployment of missile defense interceptors in Alaska.
Sec. 229. Policy of the United States on protection of the United States and its allies against Iranian ballistic missiles.

Subtitle D—Other Matters

Sec. 231. Coordination of human systems integration activities related to acquisition programs.
Sec. 232. Expansion of authority for provision of laboratory facilities, services, and equipment.
Sec. 233. Modification of cost-sharing requirement for Technology Transition Initiative.
Sec. 234. Report on implementation of Manufacturing Technology Program.
Sec. 235. Assessment of sufficiency of test and evaluation personnel.
Sec. 236. Repeal of requirement for separate reports on technology area review and assessment summaries.

Sec. 237. Modification of notice and wait requirement for obligation of funds for foreign comparative test program.
Sec. 238. Strategic Plan for the Manufacturing Technology Program.
Sec. 239. Modification of authorities on coordination of Defense Experimental Program to Stimulate Competitive Research with similar Federal programs.
Sec. 240. Enhancement of defense nanotechnology research and development program.
Sec. 241. Federally funded research and development center assessment of the Defense Experimental Program to Stimulate Competitive Research.
Sec. 242. Cost-benefit analysis of proposed funding reduction for High Energy Laser Systems Test Facility.
Sec. 243. Prompt global strike.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Environmental Provisions

Sec. 311. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.
Sec. 312. Reimbursement of Environmental Protection Agency for certain costs in connection with the Arctic Surplus Superfund Site, Fairbanks, Alaska.
Sec. 313. Payment to Environmental Protection Agency of stipulated penalties in connection with Jackson Park Housing Complex, Washington.
Sec. 314. Report on control of the brown tree snake.
Sec. 315. Notification of certain residents and civilian employees at Camp Lejeune, North Carolina, of exposure to drinking water contamination.

Subtitle C—Workplace and Depot Issues

Sec. 321. Availability of funds in Defense Information Systems Agency Working Capital Fund for technology upgrades to Defense Information Systems Network.
Sec. 322. Modification to public-private competition requirements before conversion to contractor performance.
Sec. 323. Public-private competition at end of period specified in performance agreement not required.
Sec. 324. Guidelines on insourcing new and contracted out functions.
Sec. 325. Restriction on Office of Management and Budget influence over Department of Defense public-private competitions.
Sec. 326. Bid protests by Federal employees in actions under Office of Management and Budget Circular A–76.
Sec. 327. Public-private competition required before conversion to contractor performance.
Sec. 328. Extension of authority for Army industrial facilities to engage in cooperative activities with non-Army entities.
Sec. 329. Reauthorization and modification of multi-trades demonstration project.
Sec. 330. Pilot program for availability of working-capital funds to Army for certain product improvements.

Subtitle D—Extension of Program Authorities

Sec. 341. Extension of Arsenal Support Program Initiative.
Sec. 342. Extension of period for reimbursement for helmet pads purchased by members of the Armed Forces deployed in contingency operations.
Sec. 343. Extension of temporary authority for contract performance of security guard functions.

Subtitle E—Reports

Sec. 351. Reports on National Guard readiness for emergencies and major disasters.
Sec. 352. Annual report on prepositioned materiel and equipment.
Sec. 353. Report on incremental cost of early 2007 enhanced deployment.
Sec. 354. Modification of requirements of Comptroller General report on the readiness of Army and Marine Corps ground forces.
Sec. 355. Plan to improve readiness of ground forces of active and reserve components.
Sec. 356. Independent assessment of Civil Reserve Air Fleet viability.
Sec. 357. Department of Defense Inspector General report on physical security of Department of Defense installations.
Sec. 358. Review of high-altitude aviation training.
Sec. 359. Reports on safety measures and encroachment issues and master plan for Warren Grove Gunnery Range, New Jersey.
Sec. 360. Report on search and rescue capabilities of the Air Force in the northwestern United States.
Sec. 361. Report and master infrastructure recapitalization plan for Cheyenne Mountain Air Station, Colorado.

Subtitle F—Other Matters

Sec. 371. Enhancement of corrosion control and prevention functions within Department of Defense.
Sec. 372. Authority for Department of Defense to provide support for certain sporting events.
Sec. 373. Authority to impose reasonable restrictions on payment of full replacement value for lost or damaged personal property transported at Government expense.
Sec. 374. Priority transportation on Department of Defense aircraft of retired members residing in Commonwealths and possessions of the United States for certain health care services.
Sec. 375. Recovery of missing military property.
Sec. 376. Retention of combat uniforms by members of the Armed Forces deployed in support of contingency operations.
Sec. 377. Issue of serviceable material of the Navy other than to Armed Forces.
Sec. 378. Reauthorization of Aviation Insurance Program.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent active duty end strength minimum levels.
Sec. 403. Additional authority for increases of Army and Marine Corps active duty end strengths for fiscal years 2009 and 2010.
Sec. 404. Increase in authorized strengths for Army officers on active duty in the grade of major.
Sec. 405. Increase in authorized strengths for Navy officers on active duty in the grades of lieutenant commander, commander, and captain.
Sec. 406. Increase in authorized daily average of number of members in pay grade E–9.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2008 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.
Sec. 416. Future authorizations and accounting for certain reserve component personnel authorized to be on active duty or full-time National Guard duty to provide operational support.
Sec. 417. Revision of variances authorized for Selected Reserve end strengths.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Assignment of officers to designated positions of importance and responsibility.
Sec. 502. Enhanced authority for Reserve general and flag officers to serve on active duty.
Sec. 503. Increase in years of commissioned service threshold for discharge of probationary officers and for use of force shaping authority.
Sec. 504. Mandatory retirement age for active-duty general and flag officers continued on active duty.
Sec. 505. Authority for reduced mandatory service obligation for initial appointments of officers in critically short health professional specialties.
Sec. 506. Expansion of authority for reenlistment of officers in their former enlisted grade.
Sec. 507. Increase in authorized number of permanent professors at the United States Military Academy.
Sec. 508. Promotion of career military professors of the Navy.

Subtitle B—Reserve Component Management

Sec. 511. Retention of military technicians who lose dual status in the Selected Reserve due to combat-related disability.

Sec. 512. Constructive service credit upon original appointment of Reserve officers in certain health care professions.

Sec. 513. Mandatory separation of Reserve officers in the grade of lieutenant general or vice admiral after completion of 38 years of commissioned service.

Sec. 514. Maximum period of temporary Federal recognition of person as Army National Guard officer or Air National Guard officer.

Sec. 515. Advance notice to members of reserve components of deployment in support of contingency operations.

Sec. 516. Report on relief from professional licensure and certification requirements for reserve component members on long-term active duty.

Subtitle C—Education and Training

Sec. 521. Revisions to authority to pay tuition for off-duty training or education.

Sec. 522. Reduction or elimination of service obligation in an Army Reserve or Army National Guard troop program unit for certain persons selected as medical students at Uniformed Services University of the Health Sciences.

Sec. 523. Repeal of annual limit on number of ROTC scholarships under Army Reserve and Army National Guard financial assistance program.

Sec. 524. Treatment of prior active service of members in uniformed medical accession programs.

Sec. 525. Repeal of post-2007-2008 academic year prohibition on phased increase in cadet strength limit at the United States Military Academy.

Sec. 526. National Defense University master's degree programs.

Sec. 527. Authority of the Air University to confer degree of master of science in flight test engineering.

Sec. 528. Enhancement of education benefits for certain members of reserve components.

Sec. 529. Extension of period of entitlement to educational assistance for certain members of the Selected Reserve affected by force shaping initiatives.

Sec. 530. Time limit for use of educational assistance benefit for certain members of reserve components and resumption of benefit.

Sec. 531. Secretary of Defense evaluation of the adequacy of the degree-granting authorities of certain military universities and educational institutions.

Sec. 532. Report on success of Army National Guard and Reserve Senior Reserve Officers' Training Corps financial assistance program.

Sec. 533. Report on utilization of tuition assistance by members of the Armed Forces.

Sec. 534. Navy Junior Reserve Officers' Training Corps unit for Southold, Mattituck, and Greenport High Schools.

Sec. 535. Report on transfer of administration of certain educational assistance programs for members of the reserve components.

Subtitle D—Military Justice and Legal Assistance Matters

Sec. 541. Authority to designate civilian employees of the Federal Government and dependents of deceased members as eligible for legal assistance from Department of Defense legal staff resources.

Sec. 542. Authority of judges of the United States Court of Appeals for the Armed Forces to administer oaths.

Sec. 543. Modification of authorities on senior members of the Judge Advocate Generals' Corps.

Sec. 544. Prohibition against members of the Armed Forces participating in criminal street gangs.

Subtitle E—Military Leave

Sec. 551. Temporary enhancement of carryover of accumulated leave for members of the Armed Forces.

Sec. 552. Enhancement of rest and recuperation leave.

Subtitle F—Decorations and Awards

Sec. 561. Authorization and request for award of Medal of Honor to Leslie H. Sabo, Jr., for acts of valor during the Vietnam War.

Sec. 562. Authorization and request for award of Medal of Honor to Henry Svehla for acts of valor during the Korean War.

Sec. 563. Authorization and request for award of Medal of Honor to Woodrow W. Keeble for acts of valor during the Korean War.

Sec. 564. Authorization and request for award of Medal of Honor to Private Philip G. Shadrach for acts of valor as one of Andrews' Raiders during the Civil War.

Sec. 565. Authorization and request for award of Medal of Honor to Private George D. Wilson for acts of valor as one of Andrews' Raiders during the Civil War.

Subtitle G—Impact Aid and Defense Dependents Education System

Sec. 571. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

Sec. 572. Impact aid for children with severe disabilities.

Sec. 573. Inclusion of dependents of non-Department of Defense employees employed on Federal property in plan relating to force structure changes, relocation of military units, or base closures and realignments.

Sec. 574. Payment of private boarding school tuition for military dependents in overseas areas not served by defense dependents' education system schools.

Subtitle H—Military Families

Sec. 581. Department of Defense Military Family Readiness Council and policy and plans for military family readiness.

Sec. 582. Yellow Ribbon Reintegration Program.

Sec. 583. Study to enhance and improve support services and programs for families of members of regular and reserve components undergoing deployment.

Sec. 584. Protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation.

Sec. 585. Family leave in connection with injured members of the Armed Forces.

Sec. 586. Family care plans and deferment of deployment of single parent or dual military couples with minor dependents.

Sec. 587. Education and treatment services for military dependent children with autism.

Sec. 588. Commendation of efforts of Project Compassion in paying tribute to members of the Armed Forces who have fallen in the service of the United States.

Subtitle I—Other Matters

Sec. 590. Uniform performance policies for military bands and other musical units.

Sec. 591. Transportation of remains of deceased members of the Armed Forces and certain other persons.

Sec. 592. Expansion of number of academies supportable in any State under STARBASE program.

Sec. 593. Gift acceptance authority.

Sec. 594. Conduct by members of the Armed Forces and veterans out of uniform during hoisting, lowering, or passing of United States flag.

Sec. 595. Annual report on cases reviewed by National Committee for Employer Support of the Guard and Reserve.

Sec. 596. Modification of Certificate of Release or Discharge from Active Duty (DD Form 214).

Sec. 597. Reports on administrative separations of members of the Armed Forces for personality disorder.

Sec. 598. Program to commemorate 50th anniversary of the Vietnam War.

Sec. 599. Recognition of members of the Monuments, Fine Arts, and Archives program of the Civil Affairs and Military Government Sections of the Armed Forces during and following World War II.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2008 increase in military basic pay.

Sec. 602. Basic allowance for housing for reserve component members without dependents who attend accession training while maintaining a primary residence.

Sec. 603. Extension and enhancement of authority for temporary lodging expenses for members of the Armed Forces in areas subject to major disaster declaration or for installations experiencing sudden increase in personnel levels.

Sec. 604. Income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

Sec. 605. Midmonth payment of basic pay for contributions of members of the uniformed services participating in Thrift Savings Plan.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 610. Correction of lapsed authorities for payment of bonuses, special pays, and similar benefits for members of the uniformed services.

Sec. 611. Extension of certain bonus and special pay authorities for Reserve forces.

Sec. 612. Extension of certain bonus and special pay authorities for health care professionals.

Sec. 613. Extension of special pay and bonus authorities for nuclear officers.

Sec. 614. Extension of authorities relating to payment of other bonuses and special pays.

Sec. 615. Increase in incentive special pay and multiyear retention bonus for medical officers.

Sec. 616. Increase in dental officer additional special pay.

Sec. 617. Increase in maximum monthly rate of hardship duty pay and authority to provide hardship duty pay in a lump sum.

Sec. 618. Definition of sea duty for career sea pay to include service as off-cycle crewmembers of multi-crew ships.

Sec. 619. Reenlistment bonus for members of the Selected Reserve.

Sec. 620. Availability of Selected Reserve accession bonus for persons who previously served in the Armed Forces for a short period.

Sec. 621. Availability of nuclear officer continuation pay for officers with more than 26 years of commissioned service.

Sec. 622. Waiver of years-of-service limitation on receipt of critical skills retention bonus.

Sec. 623. Accession bonus for participants in the Armed Forces Health Professions Scholarship and Financial Assistance Program.

Sec. 624. Payment of assignment incentive pay for Reserve members serving in combat zone for more than 22 months.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Payment of inactive duty training travel costs for certain Selected Reserve members.

Sec. 632. Survivors of deceased members eligible for transportation to attend burial ceremonies.

Sec. 633. Allowance for participation of Reserves in electronic screening.

Sec. 634. Allowance for civilian clothing for members of the Armed Forces traveling in connection with medical evacuation.

Sec. 635. Payment of moving expenses for Junior Reserve Officers' Training Corps instructors in hard-to-fill positions.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 641. Expansion of combat-related special compensation eligibility.

Sec. 642. Inclusion of veterans with service-connected disabilities rated as total by reason of unemployability under termination of phase-in of concurrent receipt of retired pay and veterans' disability compensation.

Sec. 643. Recoupment of annuity amounts previously paid, but subject to offset for dependency and indemnity compensation.

Sec. 644. Special survivor indemnity allowance for persons affected by required Survivor Benefit Plan annuity offset for dependency and indemnity compensation.

Sec. 645. Modification of authority of members of the Armed Forces to designate recipients for payment of death gratuity.

Sec. 646. Clarification of application of retired pay multiplier percentage to members of the uniformed services with over 30 years of service.

Sec. 647. Commencement of receipt of nonregular service retired pay by members of the Ready Reserve on active Federal status or active duty for significant periods.

Sec. 648. Computation of years of service for purposes of retired pay for nonregular service.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits

Sec. 651. Authority to continue commissary and exchange benefits for certain involuntarily separated members of the Armed Forces.

Sec. 652. Authorization of installment deductions from pay of employees of nonappropriated fund instrumentalities to collect indebtedness to the United States.

Subtitle F—Consolidation of Special Pay, Incentive Pay, and Bonus Authorities

Sec. 661. Consolidation of special pay, incentive pay, and bonus authorities of the uniformed services.

Sec. 662. Transitional provisions.

Subtitle G—Other Matters

Sec. 671. Referral bonus authorities.

Sec. 672. Expansion of education loan repayment program for members of the Selected Reserve.

Sec. 673. Ensuring entry into United States after time abroad for permanent resident alien military spouses and children.

Sec. 674. Overseas naturalization for military spouses and children.

Sec. 675. Modification of amount of back pay for members of Navy and Marine Corps selected for promotion while interned as prisoners of war during World War II to take into account changes in Consumer Price Index.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Improvements to Military Health Benefits

Sec. 701. One-year extension of prohibition on increases in certain health care costs for members of the uniformed services.

Sec. 702. Temporary prohibition on increase in copayments under retail pharmacy system of pharmacy benefits program.

Sec. 703. Inclusion of TRICARE retail pharmacy program in Federal procurement of pharmaceuticals.

Sec. 704. Stipend for members of reserve components for health care for certain dependents.

Sec. 705. Authority for expansion of persons eligible for continued health benefits coverage.

Sec. 706. Continuation of eligibility for TRICARE Standard coverage for certain members of the Selected Reserve.

Sec. 707. Extension of pilot program for health care delivery.

Sec. 708. Inclusion of mental health care in definition of health care and report on mental health care services.

Subtitle B—Studies and Reports

Sec. 711. Surveys on continued viability of TRICARE Standard and TRICARE Extra.

Sec. 712. Report on training in preservation of remains under combat or combat-related conditions.

Sec. 713. Report on patient satisfaction surveys.

Sec. 714. Report on medical physical examinations of members of the Armed Forces before their deployment.

Sec. 715. Report and study on multiple vaccinations of members of the Armed Forces.

Sec. 716. Review of gender- and ethnic group-specific mental health services and treatment for members of the Armed Forces.

Sec. 717. Licensed mental health counselors and the TRICARE program.

Sec. 718. Report on funding of the Department of Defense for health care.

Subtitle C—Other Matters

Sec. 721. Prohibition on conversion of military medical and dental positions to civilian medical and dental positions.

Sec. 722. Establishment of Joint Pathology Center.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Sec. 800. Short title.

Subtitle A—Acquisition Policy and Management

Sec. 801. Internal controls for procurements on behalf of the Department of Defense by certain non-Defense agencies.

Sec. 802. Lead systems integrators.

Sec. 803. Reinvestment in domestic sources of strategic materials.

Sec. 804. Clarification of the protection of strategic materials critical to national security.

Sec. 805. Procurement of commercial services.

Sec. 806. Specification of amounts requested for procurement of contract services.

Sec. 807. Inventories and reviews of contracts for services.

Sec. 808. Independent management reviews of contracts for services.

Sec. 809. Implementation and enforcement of requirements applicable to undefinitized contractual actions.

Sec. 810. Clarification of limited acquisition authority for Special Operations Command.

Subtitle B—Provisions Relating to Major Defense Acquisition Programs

Sec. 811. Requirements applicable to multiyear contracts for the procurement of major systems of the Department of Defense.
Sec. 812. Changes to Milestone B certifications.
Sec. 813. Comptroller General report on Department of Defense organization and structure for major defense acquisition programs.
Sec. 814. Clarification of submission of cost or pricing data on noncommercial modifications of commercial items.
Sec. 815. Clarification of rules regarding the procurement of commercial items.
Sec. 816. Review of systemic deficiencies on major defense acquisition programs.
Sec. 817. Investment strategy for major defense acquisition programs.
Sec. 818. Report on implementation of recommendations on total ownership cost for major weapon systems.

Subtitle C—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 821. Plan for restricting Government-unique contract clauses on commercial contracts.
Sec. 822. Extension of authority for use of simplified acquisition procedures for certain commercial items.
Sec. 823. Five-year extension of authority to carry out certain prototype projects.
Sec. 824. Exemption of Special Operations Command from certain requirements for certain contracts relating to vessels, aircraft, and combat vehicles.
Sec. 825. Provision of authority to maintain equipment to unified combatant command for joint warfighting.
Sec. 826. Market research.
Sec. 827. Modification of competition requirements for purchases from Federal Prison Industries.
Sec. 828. Multiyear contract authority for electricity from renewable energy sources.
Sec. 829. Procurement of fire resistant rayon fiber for the production of uniforms from foreign sources.
Sec. 830. Comptroller General review of noncompetitive awards of congressional and executive branch interest items.

Subtitle D—Accountability in Contracting

Sec. 841. Commission on Wartime Contracting in Iraq and Afghanistan.
Sec. 842. Investigation of waste, fraud, and abuse in wartime contracts and contracting processes in Iraq and Afghanistan.
Sec. 843. Enhanced competition requirements for task and delivery order contracts.
Sec. 844. Public disclosure of justification and approval documents for noncompetitive contracts.
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Sec. 2879. Report on condition of schools under jurisdiction of Department of Defense Education Activity.
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Sec. 2881. Report on feasibility of establishing a regional disaster response center at Kelly Air Field, San Antonio, Texas.
Sec. 2882. Naming of housing facility at Fort Carson, Colorado, in honor of the Honorable Joel Hefley, a former member of the United States House of Representatives.
Sec. 2883. Naming of Navy and Marine Corps Reserve Center at Rock Island, Illinois, in honor of the Honorable Lane Evans, a former member of the United States House of Representatives.
Sec. 2884. Naming of research laboratory at Air Force Rome Research Site, Rome, New York, in honor of the Honorable Sherwood L. Boehlert, a former member of the United States House of Representatives.
Sec. 2885. Naming of administration building at Joint Systems Manufacturing Center, Lima, Ohio, in honor of the Honorable Michael G. Oxley, a former member of the United States House of Representatives.
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Sec. 3511. Commercial vessel chartering authority.
Sec. 3512. Maritime Administration vessel chartering authority.
Sec. 3513. Chartering to State and local governmental instrumentalities.
Sec. 3514. Disposal of obsolete Government vessels.
Sec. 3515. Vessel transfer authority.
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Sec. 3521. Personal injury to or death of seamen.
Sec. 3522. Amendments to Chapter 537 based on Public Law 109-163.
Sec. 3523. Additional amendments based on Public Law 109-163.
Sec. 3524. Amendments based on Public Law 109-171.
Sec. 3525. Amendments based on Public Law 109-241.
Sec. 3526. Amendments based on Public Law 109-364.

Sec. 3527. Miscellaneous amendments.
Sec. 3528. Application of sunset provision to codified provision.
Sec. 3529. Additional technical corrections.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term "congressional defense committees" has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. National Guard and Reserve equipment.

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority for M1A2 Abrams System Enhancement Package upgrades.
Sec. 112. Multiyear procurement authority for M2A3/M3A3 Bradley fighting vehicle upgrades.
Sec. 113. Multiyear procurement authority for conversion of CH-47D helicopters to CH-47F configuration.
Sec. 114. Multiyear procurement authority for CH-47F helicopters.
Sec. 115. Limitation on use of funds for Increment 1 of the Warfighter Information Network-Tactical program pending certification to Congress.
Sec. 116. Prohibition on closure of Army Tactical Missile System production line pending report.
Sec. 117. Stryker Mobile Gun System.

Subtitle C—Navy Programs

Sec. 121. Multiyear procurement authority for Virginia-class submarine program.
Sec. 122. Report on shipbuilding investment strategy.
Sec. 123. Sense of Congress on the preservation of a skilled United States shipyard workforce.
Sec. 124. Assessments required prior to start of construction on first ship of a shipbuilding program.
Sec. 125. Littoral Combat Ship (LCS) program.

Subtitle D—Air Force Programs

Sec. 131. Limitation on Joint Cargo Aircraft.
Sec. 132. Clarification of limitation on retirement of U-2 aircraft.
Sec. 133. Repeal of requirement to maintain retired C-130E tactical aircraft.
Sec. 134. Limitation on retirement of C-130E/H tactical airlift aircraft.
Sec. 135. Limitation on retirement of KC-135E aerial refueling aircraft.
Sec. 136. Transfer to Government of Iraq of three C-130E tactical airlift aircraft.
Sec. 137. Modification of limitations on retirement of B-52 bomber aircraft.

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement for the Army as follows:

(1) For aircraft, $4,168,798,000.

(2) For missiles, $1,911,979,000.

(3) For weapons and tracked combat vehicles, $3,007,489,000.

(4) For ammunition, $2,214,576,000.

(5) For other procurement, $12,451,312,000.

(6) For the Joint Improvised Explosive Device Defeat Fund, $228,000,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement for the Navy as follows:

(1) For aircraft, $12,432,644,000.

(2) For weapons, including missiles and torpedoes, $3,068,187,000.

(3) For shipbuilding and conversion, $13,596,120,000.

(4) For other procurement, $5,209,330,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement for the Marine Corps in the amount of $2,299,419,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement of ammunition for the Navy and the Marine Corps in the amount of $1,058,832,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement for the Air Force as follows:

(1) For aircraft, $12,117,800,000.

(2) For ammunition, $854,167,000.

(3) For missiles, $4,984,102,000.

(4) For other procurement, $15,405,832,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2008 for Defense-wide procurement in the amount of $3,280,435,000.

SEC. 105. NATIONAL GUARD AND RESERVE EQUIPMENT.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the procurement of aircraft, missiles, wheeled and tracked combat vehicles, tactical wheeled vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces in the amount of $980,000,000.

Subtitle B—Army Programs

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR M1A2 ABRAMS SYSTEM ENHANCEMENT PACKAGE UPGRADES.

The Secretary of the Army, in accordance with section 2306b of title 10, United States Code, may enter into a multiyear contract, beginning with the fiscal year 2008 program year, for procurement of M1A2 Abrams System Enhancement Package upgrades.

SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR M2A3/M3A3 BRADLEY FIGHTING VEHICLE UPGRADES.

The Secretary of the Army, in accordance with section 2306b of title 10, United States Code, may enter into a multiyear contract, beginning with the fiscal year 2008 program year, for procurement of M2A3/M3A3 Bradley fighting vehicle upgrades.

SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR CONVERSION OF CH-47D HELICOPTERS TO CH-47F CONFIGURATION.

The Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract, beginning with the fiscal year 2008 program year, for conversion of CH-47D helicopters to the CH-47F configuration.

SEC. 114. MULTIYEAR PROCUREMENT AUTHORITY FOR CH-47F HELICOPTERS.

The Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract, beginning with the fiscal year 2008 program year, for procurement of CH-47F helicopters.

SEC. 115. LIMITATION ON USE OF FUNDS FOR INCREMENT 1 OF THE WARFIGHTER INFORMATION NETWORK-TACTICAL PROGRAM PENDING CERTIFICATION TO CONGRESS.

(a) FUNDING RESTRICTED.—Of the amounts appropriated pursuant to an authorization of appropriations for fiscal year 2008 or otherwise made available for Other Procurement, Army, that are available for Increment 1 of the Warfighter Information Network-Tactical program, not more than 50 percent may be obligated or expended until the Director of Operational Test and Evaluation submits to the congressional defense committees a certification, in writing, that the Director of Operational Test and Evaluation has approved a Test and Evaluation Master Plan and Initial Operational Test Plan for Increment 1 of the Warfighter Information Network-Tactical program.

(b) INCREMENT 1 DEFINED.—For the purposes of this section, Increment 1 of the Warfighter Information Network-Tactical program includes all program elements described as constituting "Increment 1" in the memorandum titled "Warfighter Information Network-Tactical (WIN-T) Program Acquisition Decision Memorandum", dated June 5, 2007, and signed by the Under Secretary of Defense for Acquisition, Technology, and Logistics.

SEC. 116. PROHIBITION ON CLOSURE OF ARMY TACTICAL MISSILE SYSTEM PRODUCTION LINE PENDING REPORT.

(a) PROHIBITION.—Amounts appropriated pursuant to the authorization of appropriations in section 101(2) for missiles, Army, and in section 1502(4) for missile procurement, Army, and any other appropriated funds available to the Secretary of the Army may not be used to close the production line for the Army Tactical Missile System program until after the date on which the Secretary of the Army submits to the congressional defense committees a report that contains—

(1) the certification of the Secretary that the long range surface-to-surface strike and counter battery mission of the Army can be adequately performed by other Army weapons systems or by other elements of the Armed Forces; and

(2) a plan to mitigate any shortfalls in the industrial base that would be created by the closure of the production line.

(b) SUBMISSION OF REPORT.—The report referred to in subsection (a) is required not later than April 1, 2008.

SEC. 117. STRYKER MOBILE GUN SYSTEM.

(a) LIMITATION ON AVAILABILITY OF FUNDS.—None of the amounts authorized to be appropriated by sections 101(3) and 1501(3) for procurement of weapons and tracked combat vehicles for the Army may be obligated or expended for purposes of the procurement of the Stryker Mobile Gun System until 30 days after the date on which the Secretary of the Army certifies to Congress that the Stryker Mobile Gun System is operationally effective, suitable, and survivable for its anticipated deployment missions.

(b) WAIVER.—The Secretary of Defense may waive the limitation in subsection (a) if the Secretary—

(1) determines that further procurement of the Stryker Mobile Gun System utilizing amounts referred to in subsection (a) is in the national security interest of the United States notwithstanding the inability of the Secretary of the Army to make the certification required by that subsection; and

(2) submits to the Congress, in writing, a notification of the waiver together with a discussion of—

(A) the reasons for the determination described in paragraph (1); and

(B) the actions that will be taken to mitigate any deficiencies that cause the Stryker Mobile Gun System not to be operationally effective, suitable, or survivable, as that case may be, as described in subsection (a).

Subtitle C—Navy Programs

SEC. 121. MULTIYEAR PROCUREMENT AUTHORITY FOR VIRGINIA-CLASS SUBMARINE PROGRAM.

(a) AUTHORITY.—The Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into multiyear contracts, beginning with the fiscal year 2009 program year, for the procurement of Virginia-class submarines and Government-furnished equipment associated with the Virginia-class submarine program.

(b) LIMITATION.—The Secretary may not enter into a contract authorized by subsection (a) until—

(1) the Secretary submits to the congressional defense committees a certification that the Secretary has made, with respect to that contract, each of the findings required by subsection (a) of section 2306b of title 10, United States Code; and

(2) a period of 30 days has elapsed after the date of the transmission of such certification.

SEC. 122. REPORT ON SHIPBUILDING INVESTMENT STRATEGY.

(a) STUDY REQUIRED.—The Secretary of the Navy shall provide for a study to determine the effectiveness of current financing mechanisms for providing incentives for contractors to make shipbuilding capital expenditures, and to assess potential capital expenditure incentives that would lead to ship construction or life-cycle cost savings to the Federal Government. The study shall examine—

(1) potential improvements in design tools and techniques, material management, technology insertion, systems integration and testing, and other key processes and functions that would lead to reduced construction costs;

(2) construction process improvements that would reduce procurement and life-cycle costs of the vessels under construction at the contractor's facilities; and

(3) incentives for investment in shipyard infrastructure that support construction process improvements.

(b) REPORT.—Not later than October 1, 2008, the Secretary of the Navy shall submit to the congressional defense committees a report providing the results of the study under subsection (a). The report shall include each of the following:

(1) An assessment of the shipbuilding industrial base, as measured by a 10-year history for major shipbuilders with respect to—

(A) estimated value of shipbuilding facilities;

(B) critical shipbuilding capabilities;

(C) capital expenditures;

(D) major investments in process improvements; and

(E) costs for related Navy shipbuilding projects.

(2) A description of mechanisms available to the Government and industry to finance facilities and process improvements, including—

(A) contract incentive and award fees;

(B) facilities capital cost of money;

(C) facilities depreciation;

(D) progress payment provisions;

(E) other contract terms and conditions;

(F) State and Federal tax provisions and tax incentives;

(G) the National Shipbuilding Research Program; and

(H) any other mechanisms available.

(3) A summary of potential shipbuilding investments that offer greatest reduction to shipbuilding costs, including, for each such investment—

(A) a project description;

(B) an estimate of required investment;

(C) the estimated return on investment; and

(D) alternatives for financing the investment.

(4) The Navy's strategy for providing incentives for contractors' capital expenditures that would lead to ship construction or life-cycle savings to the Federal Government, including identification of any specific changes in legislative authority that would be required for the Secretary to execute this strategy.

(c) UTILIZATION OF OTHER STUDIES AND OUTSIDE EXPERTS.—The study shall build upon the results of the 2005 and 2006 Global Shipbuilding Industrial Base Benchmarking studies. Financial analysis associated with the report shall be conducted in consultation with financial experts independent of the Department of Defense.

SEC. 123. SENSE OF CONGRESS ON THE PRESERVATION OF A SKILLED UNITED STATES SHIPYARD WORKFORCE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the preservation of a robust domestic skilled workforce is required for the national shipbuilding infrastructure and particularly essential to the construction of ships for the United States Navy.

(b) STUDY REQUIRED.—

(1) IN GENERAL.—The Secretary of the Navy shall determine, on a one-time, non-recurring basis, and in consultation with the Department of Labor, the average number of H2B visa workers employed by the major shipbuilders in the construction of United States Navy ships during the calendar year ending December 31, 2007. The study shall also identify the number of workers petitioned by the major shipbuilders for use in calendar year 2008, as of the first quarter of calendar year 2008.

(2) REPORT.—Not later than April 1, 2008, the Secretary of the Navy shall submit to the congressional defense committees a report containing the results of the study required by subsection (b).

(3) DEFINITIONS.—In this paragraph—

(A) the term "major shipbuilder" means a prime contractor or a first-tier subcontractor responsible for delivery of combatant and support vessels required for the naval vessel force, as reported within the annual naval vessel construction plan required by section 231 of title 10, United States Code; and

(B) the term "H2B visa" means a non-immigrant visa program that permits employers to hire foreign workers to come temporarily to the United States and perform temporary non-agricultural services or labor on a one-time, seasonal, peakload, or intermittent basis.

SEC. 124. ASSESSMENTS REQUIRED PRIOR TO START OF CONSTRUCTION ON FIRST SHIP OF A SHIPBUILDING PROGRAM.

(a) IN GENERAL.—Concurrent with approving the start of construction of the first ship for any major shipbuilding program, the Secretary of the Navy shall—

(1) submit a report to the congressional defense committees on the results of any production readiness review; and

(2) certify to the congressional defense committees that the findings of any such review support commencement of construction.

(b) REPORT.—The report required by subsection (a)(1) shall include, at a minimum, an assessment of each of the following:

(1) The maturity of the ship's design, as measured by stability of the ship contract specifications and the degree of completion of detail design and production design drawings.

(2) The maturity of developmental command and control systems, weapon and sensor systems, and hull, mechanical and electrical systems.

(3) The readiness of the shipyard facilities and workforce to begin construction.

(4) The Navy's estimated cost at completion and the adequacy of the budget to support the estimate.

(5) The Navy's estimated delivery date and description of any variance to the contract delivery date.

(6) The extent to which adequate processes and metrics are in place to measure and manage program risks.

(c) APPLICABILITY.—This section applies to each major shipbuilding program beginning after the date of the enactment of this Act.

(d) DEFINITIONS.—For the purposes of subsection (a):

(1) START OF CONSTRUCTION.—The term "start of construction" means the beginning of fabrication of the hull and superstructure of the ship.

(2) FIRST SHIP.—The term "first ship" applies to a ship if—

(A) the ship is the first ship to be constructed under that shipbuilding program; or

(B) the shipyard at which the ship is to be constructed has not previously started construction on a ship under that shipbuilding program.

(3) MAJOR SHIPBUILDING PROGRAM.—The term "major shipbuilding program" means a program for the construction of combatant and support vessels required for the naval vessel force, as reported within the annual naval vessel construction plan required by section 231 of title 10, United States Code.

(4) PRODUCTION READINESS REVIEW.—The term "production readiness review" means a formal examination of a program prior to the start of construction to determine if the design is ready for production, production engineering problems have been resolved, and the producer has accomplished adequate planning for the production phase.

SEC. 125. LITTORAL COMBAT SHIP (LCS) PROGRAM.

Section 124 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3157) is amended by striking subsections (a), (b), (c), and (d) and inserting the following:

"(a) LIMITATION OF COSTS.—

"(1) IN GENERAL.—The total amount obligated or expended for the procurement costs of post-2007 LCS vessels shall not exceed $460,000,000 per vessel.

"(2) PROCUREMENT COSTS.—For purposes of this section, procurement costs shall include all costs for plans, basic construction, change orders, electronics, ordnance, contractor support, and other costs associated with completion of production drawings, ship construction, test, and delivery, including work performed post-delivery that is required to meet original contract requirements.

"(3) POST-2007 LCS VESSELS.—For purposes of this section, the term 'post-2007 LCS vessel' means a vessel in the Littoral Combat Ship (LCS) class of vessels, the procurement of which is funded from amounts appropriated pursuant to an authorization of appropriations or otherwise made available for fiscal year 2008 or any fiscal year thereafter.

"(b) CONTRACT TYPE.—The Secretary of the Navy shall employ a fixed-price type contract for construction of post-2007 LCS vessels.

"(c) LIMITATION OF GOVERNMENT LIABILITY.—The Secretary of the Navy shall not enter into a contract, or modify a contract, for construction or final delivery of post-2007 LCS vessels if the limitation of the Government's cost liability, when added to the sum of other budgeted procurement costs, would exceed $460,000,000 per vessel.

"(d) ADJUSTMENT OF LIMITATION AMOUNT.—The Secretary of the Navy may adjust the amount set forth in subsections (a)(1) and (c) for vessels referred to in such subsections by the following:

"(1) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2007.

"(2) The amounts of outfitting costs and costs required to complete post-delivery test and trials.".

Subtitle D—Air Force Programs

SEC. 131. LIMITATION ON JOINT CARGO AIRCRAFT.

No funds appropriated pursuant to an authorization of appropriations or otherwise made available for procurement, or for research, development, test, and evaluation, may be obligated or expended for the Joint Cargo Aircraft until 30 days after the Secretary of Defense submits to the congressional defense committees each of the following:

(1) The Air Force Air Mobility Command's Airlift Mobility Roadmap.

(2) The Department of Defense Intra-Theater Airlift Capabilities Study.

(3) The Department of Defense Joint Intra-Theater Distribution Assessment.

(4) The Joint Cargo Aircraft Functional Area Series Analysis.

(5) The Joint Cargo Aircraft Analysis of Alternatives.

(6) The Joint Intra-Theater Airlift Fleet Mix Analysis.

(7) The Secretary's certification that—

(A) there is, within the Department of the Army, Department of the Air Force, Army National Guard, or Air National Guard, a capability gap or shortfall with respect to intra-theater airlift; and

(B) validated requirements exist to fill that gap or shortfall through procurement of the Joint Cargo Aircraft.

SEC. 132. CLARIFICATION OF LIMITATION ON RETIREMENT OF U-2 AIRCRAFT.

Section 133(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2112) is amended—

(1) in paragraph (1)—

(A) by striking "After fiscal year 2007" and inserting "For each fiscal year after fiscal year 2007"; and

(B) by inserting after "Secretary of Defense" the following: ", in that fiscal year,"; and

(2) in paragraph (2)—

(A) by inserting after "Department of Defense" the following: "in a fiscal year"; and

(B) by inserting after "Congress" the following: "in that fiscal year".

SEC. 133. REPEAL OF REQUIREMENT TO MAINTAIN RETIRED C-130E TACTICAL AIRCRAFT.

(a) IN GENERAL.—Effective as of the date specified in subsection (b), section 137(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2114) is repealed.

(b) SPECIFIED DATE.—The date specified in this subsection is the date that is 30 days after the date on which the Secretary of the Air Force submits to the congressional defense committees the Fleet Mix Analysis Study.

SEC. 134. LIMITATION ON RETIREMENT OF C-130E/H TACTICAL AIRLIFT AIRCRAFT.

(a) GENERAL PROHIBITION.—The Secretary of the Air Force may not retire C-130E/H tactical airlift aircraft during fiscal year 2008, except as provided in subsection (b).

(b) CONTINGENT AUTHORITY TO RETIRE CERTAIN C-130E AIRCRAFT.—Effective as of the date specified in subsection (d), subsection (a) shall not apply to C-130E tactical airlift aircraft, and the number of such aircraft retired by the Secretary of the Air Force during fiscal year 2008 may not exceed 24.

(c) TREATMENT OF RETIRED AIRCRAFT.—The Secretary of the Air Force shall maintain each C-130E tactical airlift aircraft that is retired during fiscal year 2008 in a condition that would allow recall of that aircraft to future service.

(d) SPECIFIED DATE.—The date specified in this subsection is the date that is 30 days after the date on which the Secretary of the Air Force submits to the congressional defense committees the Fleet Mix Analysis Study.

SEC. 135. LIMITATION ON RETIREMENT OF KC-135E AERIAL REFUELING AIRCRAFT.

(a) LIMITATION ON RETIREMENT OF MORE THAN 48 AIRCRAFT.—The Secretary of the Air Force may not retire more than 48 KC-135E aerial refueling aircraft of the Air Force during fiscal year 2008, except as provided in subsection (b).

(b) CONTINGENT AUTHORITY TO RETIRE 37 ADDITIONAL AIRCRAFT.—Effective as of the date specified in subsection (c), the number of such aircraft retired by the Secretary of the Air Force during fiscal year 2008 may not exceed 85.

(c) SPECIFIED DATE.—The date specified in this subsection is the date that is 15 days after the date on which the Secretary of the Air Force submits to the congressional defense committees the Secretary's certification that—

(1) the system design and development contract for the KC-X program has been awarded; and

(2) if a protest is submitted pursuant to subchapter 5 of title 31, United States Code—

(A) the protest has been resolved in favor of the Federal agency; or

(B) the Secretary has authorized performance of the contract (notwithstanding the protest).

SEC. 136. TRANSFER TO GOVERNMENT OF IRAQ OF THREE C-130E TACTICAL AIRLIFT AIRCRAFT.

The Secretary of the Air Force may transfer not more than 3 C-130E tactical airlift aircraft, allowed to be retired under the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364), to the Government of Iraq.

SEC. 137. MODIFICATION OF LIMITATIONS ON RETIREMENT OF B-52 BOMBER AIRCRAFT.

(a) MAINTENANCE OF PRIMARY, BACKUP, AND ATTRITION RESERVE INVENTORY OF AIRCRAFT.—Subsection (a) of section 131 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2111) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(C) shall maintain in a common capability configuration a primary aircraft inventory of not less than 63 such aircraft, a backup aircraft inventory of not less than 11 such aircraft, and an attrition reserve aircraft inventory of not less than 2 such aircraft; and

"(D) shall not keep any such aircraft referred to in subparagraph (C) in a status considered excess to the requirements of the possessing command and awaiting disposition instructions."; and

(2) by adding at the end the following:

"(3) DEFINITIONS.—For purposes of paragraph (1):

"(A) The term 'primary aircraft inventory' means aircraft assigned to meet the primary aircraft authorization to—

"(i) a unit for the performance of its wartime mission;

"(ii) a training unit primarily for technical and specialized training for crew personnel or leading to aircrew qualification;

"(iii) a test unit for testing of the aircraft or its components for purposes of research, development, test and evaluation, operational test and evaluation, or to support testing programs; or

"(iv) meet requirements for special missions not elsewhere classified.

"(B) The term 'backup aircraft inventory' means aircraft above the primary aircraft inventory to permit scheduled and unscheduled depot level maintenance, modifications, inspections, and repairs, and certain other mitigating circumstances without reduction of aircraft available for the assigned mission.

"(C) The term 'attrition reserve aircraft inventory' means aircraft required to replace anticipated losses of primary aircraft inventory due to peacetime accidents or wartime attrition.

"(4) TREATMENT OF RETIRED AIRCRAFT.—Of the aircraft retired in accordance with paragraph (1)(A), the Secretary of the Air Force may use not more than 2 such aircraft for maintenance ground training.".

(b) NOTICE OF RETIREMENT.—Subsection (b)(1) of such section is amended by striking "45 days" and inserting "60 days".

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for defense science and technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Operational test and evaluation of Future Combat Systems network.
Sec. 212. Limitation on use of funds for systems development and demonstration of Joint Light Tactical Vehicle Program.
Sec. 213. Requirement to obligate and expend funds for development and procurement of a competitive propulsion system for the Joint Strike Fighter.
Sec. 214. Limitation on use of funds for defense-wide manufacturing science and technology program.
Sec. 215. Advanced Sensor Applications Program.
Sec. 216. Active protection systems.

Subtitle C—Ballistic Missile Defense

Sec. 221. Participation of Director, Operational Test and Evaluation, in missile defense test and evaluation activities.

Sec. 222. Study on future roles and missions of the Missile Defense Agency.
Sec. 223. Budget and acquisition requirements for Missile Defense Agency activities.
Sec. 224. Limitation on use of funds for replacing warhead on SM-3 Block IIA missile.
Sec. 225. Extension of Comptroller General assessments of ballistic missile defense programs.
Sec. 226. Limitation on availability of funds for procurement, construction, and deployment of missile defenses in Europe.
Sec. 227. Sense of Congress on missile defense cooperation with Israel.
Sec. 228. Limitation on availability of funds for deployment of missile defense interceptors in Alaska.
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Sec. 231. Coordination of human systems integration activities related to acquisition programs.
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Sec. 234. Report on implementation of Manufacturing Technology Program.
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Sec. 236. Repeal of requirement for separate reports on technology area review and assessment summaries.
Sec. 237. Modification of notice and wait requirement for obligation of funds for foreign comparative test program.
Sec. 238. Strategic Plan for the Manufacturing Technology Program.
Sec. 239. Modification of authorities on coordination of Defense Experimental Program to Stimulate Competitive Research with similar Federal programs.
Sec. 240. Enhancement of defense nanotechnology research and development program.
Sec. 241. Federally funded research and development center assessment of the Defense Experimental Program to Stimulate Competitive Research.
Sec. 242. Cost-benefit analysis of proposed funding reduction for High Energy Laser Systems Test Facility.
Sec. 243. Prompt global strike.

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $10,840,392,000.

(2) For the Navy, $16,980,732,000.

(3) For the Air Force, $25,692,521,000.

(4) For Defense-wide activities, $20,213,900,000, of which $180,264,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECHNOLOGY.

(a) FISCAL YEAR 2008.—Of the amounts authorized to be appropriated by section 201, $10,913,944,000 shall be available for the Defense Science and Technology Program, including basic research, applied research, and advanced technology development projects.

(b) BASIC RESEARCH, APPLIED RESEARCH, AND ADVANCED TECHNOLOGY DEVELOPMENT DEFINED.—For purposes of this section, the term "basic research, applied research, and advanced technology development" means work funded in program elements for defense research and development under Department of Defense budget activity 1, 2, or 3.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. OPERATIONAL TEST AND EVALUATION OF FUTURE COMBAT SYSTEMS NETWORK.

(a) OPERATIONAL TEST AND EVALUATION REQUIRED.—The Secretary of the Army, in cooperation with the Director, Operational Test and Evaluation, shall complete an operational test and evaluation (as defined in section 139(a)(2)(A) of title 10, United States Code), of the FCS network in a realistic environment simulating operational conditions. The operational test and evaluation shall—

(1) be conducted in accordance with a Future Combat Systems Test and Evaluation Master Plan approved by the Director, Operational Test and Evaluation;

(2) be conducted using prototype equipment, sensors, and software for the FCS network;

(3) be conducted in a manner that simulates a full Future Combat Systems brigade;

(4) be conducted, to the maximum extent possible, using actual communications equipment instead of computer simulations;

(5) be conducted in a realistic operational electronic warfare environment, including enemy electronic warfare and network attacks; and

(6) include, to the maximum extent possible, all sensor information feeds the FCS network is designed to incorporate.

(b) FCS NETWORK DEFINED.—In this section, the term "FCS network" includes all sensors, information systems, computers, and communications systems necessary to support Future Combat Systems brigade operations.

(c) REPORT.—Not later than 120 days after completing the operational test and evaluation required by subsection (a), the Director, Operational Test and Evaluation shall submit to the congressional defense committees a report on the outcome of the operational test and evaluation. The report shall include, at a minimum—

(1) an evaluation of the overall operational effectiveness of the FCS network, including—

(A) an evaluation of the FCS network's capability to transmit the volume and classes of data required by Future Combat Systems approved requirements; and

(B) an evaluation of the FCS network's performance in a degraded condition due to enemy network attack, sophisticated enemy electronic warfare, adverse weather conditions, and terrain variability;

(2) an evaluation of the FCS network's ability to improve friendly force knowledge of the location and capability of enemy forces and combat systems; and

(3) an evaluation of the overall operational suitability of the FCS network.

(d) LIMITATION PENDING SUBMISSION OF REPORT.—

(1) IN GENERAL.—No funds, with the exception of funds for advanced procurement, appropriated pursuant to an authorization of appropriations or otherwise made available to the Department of the Army for any fiscal year may be obligated for low-rate initial production or full-rate production of Future Combat Systems manned ground vehicles until 60 days after the date on which the report is submitted under subsection (c).

(2) WAIVER AUTHORITY.—The Secretary of Defense may waive the limitation in paragraph (1) if the Secretary determines that such a waiver is critical for national security. Such a waiver shall not become effective until 45 days after the date on which the Secretary submits to the congressional defense committees a written notice of the waiver.

(3) INAPPLICABILITY TO THE NON LINE OF SIGHT CANNON VEHICLE.—The limitation in paragraph (1) does not apply to the Non Line of Sight Cannon vehicle.

SEC. 212. LIMITATION ON USE OF FUNDS FOR SYSTEMS DEVELOPMENT AND DEMONSTRATION OF JOINT LIGHT TACTICAL VEHICLE PROGRAM.

Of the amounts appropriated pursuant to an authorization of appropriations or otherwise made available for the Joint Light Tactical Vehicle Program for the acquisition program phase of systems development and demonstration for fiscal year 2008 or any fiscal year thereafter, no more than 50 percent of those amounts may be obligated or expended until after—

(1) the Under Secretary of Defense for Acquisition, Technology, and Logistics, or the appropriate milestone decision authority, makes the certification required by section 2366a of title 10, United States Code, with respect to the Joint Light Tactical Vehicle Program; and

(2) the certification has been received by the congressional defense committees.

SEC. 213. REQUIREMENT TO OBLIGATE AND EXPEND FUNDS FOR DEVELOPMENT AND PROCUREMENT OF A COMPETITIVE PROPULSION SYSTEM FOR THE JOINT STRIKE FIGHTER.

Of the funds appropriated pursuant to an authorization of appropriations or otherwise made available for fiscal year 2008 or any year thereafter, for research, development, test, and evaluation and procurement for the Joint Strike Fighter Program, the Secretary of Defense shall ensure the obligation and expenditure in each such fiscal year of sufficient annual amounts for the continued development and procurement of 2 options for the propulsion system for the Joint Strike Fighter in order to ensure the development and competitive production for the propulsion system for the Joint Strike Fighter.

SEC. 214. LIMITATION ON USE OF FUNDS FOR DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.

No funds available to the Office of the Secretary of Defense for any fiscal year may be obligated or expended for the defense-wide manufacturing science and technology program unless the Director, Defense Research and Engineering, ensures each of the following:

(1) A component of the Department of Defense has requested and evaluated—

(A) competitive proposals, for each project under the program that is not a project covered by subparagraph (B); and

(B) proposals from as many sources as is practicable under the circumstances, for a project under the program if the disclosure of the needs of the Department of Defense with respect to that project would compromise the national security.

(2) Each project under the program is carried out—

(A) in accordance with the statutory requirements of the Manufacturing Technology Program established by section 2521 of title 10, United States Code; and

(B) in compliance with all requirements of any directive that applies to manufacturing technology.

(3) An implementation plan has been developed.

SEC. 215. ADVANCED SENSOR APPLICATIONS PROGRAM.

(a) TRANSFER OF FUNDS.—(1) Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation, Air Force activities, and made available for the activities of the Intelligence Systems Support Office, an aggregate of $13,000,000 shall be transferred to the Advanced Sensor Applications Program not later than 60 days after the date of the enactment of this Act.

(2) Of the amount authorized to be appropriated by section 301(2) for operation and maintenance, Navy activities, and made available for the activities of the Office of Naval Intelligence, an aggregate of $5,000,000 shall be transferred to the Advanced Sensor Applications Program not later than 60 days after the date of the enactment of this Act.

(b) ASSIGNMENT OF PROGRAM.—Management of the program shall reside within the office of the Under Secretary of Defense for Intelligence until certain conditions specified in the classified annex to the statement of managers accompanying this Act are met. The program shall be executed by the Commander, Naval Air Systems Command in consultation with the Program Executive Officer for Aviation for the Navy.

SEC. 216. ACTIVE PROTECTION SYSTEMS.

(a) LIVE-FIRE TESTS REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall undertake live-fire tests, of appropriate foreign and domestic active protection systems with size, weight, and power characteristics suitable for protecting wheeled tactical vehicles, especially light wheeled tactical vehicles, in order—

(A) to determine the effectiveness of such systems for protecting wheeled tactical vehicles; and

(B) to develop information useful in the consideration of the adoption of such systems in defense acquisition programs.

(2) REPORTS.—Not later than March 1 of each of 2008 and 2009, the Secretary shall submit to the congressional defense committees a report on the results of the tests undertaken under paragraph (1) as of the date of such report.

(3) FUNDING.—The live-fire tests required by paragraph (1) shall be conducted using funds authorized and appropriated for the Joint Improvised Explosive Device Defeat Fund.

(b) COMPREHENSIVE ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Secretary shall undertake a comprehensive assessment of active protection systems in order to develop information useful in the development of joint active protection systems and other defense programs.

(2) ELEMENTS.—The assessment under paragraph (1) shall include—

(A) an identification of the potential merits and operational costs of the use of active protection systems by United States military forces;

(B) a characterization of the threats that use of active protection systems by potential adversaries would pose to United States military forces and weapons;

(C) an identification and assessment of countermeasures to active protection systems;

(D) an analysis of collateral damage potential of active protection systems;

(E) an identification and assessment of emerging direct-fire and top-attack threats to defense systems that could potentially deploy active protection systems; and

(F) an identification and assessment of critical technology elements of active protection systems.

(3) REPORT.—Not later than December 31, 2008, the Secretary shall submit to the congressional defense committees a report on the assessment under paragraph (1).

Subtitle C—Ballistic Missile Defense

SEC. 221. PARTICIPATION OF DIRECTOR, OPERATIONAL TEST AND EVALUATION, IN MISSILE DEFENSE TEST AND EVALUATION ACTIVITIES.

Section 139 of title 10, United States Code, is amended—

(1) by redesignating subsections (f) through (j) as subsections (g) through (k), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

"(f)(1) The Director of the Missile Defense Agency shall make available to the Director of Operational Test and Evaluation the results of all tests and evaluations conducted by the Missile Defense Agency and of all studies conducted by the Missile Defense Agency in connection with tests and evaluations in the Missile Defense Agency.

"(2) The Director of Operational Test and Evaluation may require that such observers as the Director designates be present during the preparation for and the conducting of any test and evaluation conducted by the Missile Defense Agency.

"(3) The Director of Operational Test and Evaluation shall have access to all records and data in the Department of Defense (including the records and data of the Missile Defense Agency) that the Director considers necessary to review in order to carry out his duties under this subsection.".

SEC. 222. STUDY ON FUTURE ROLES AND MISSIONS OF THE MISSILE DEFENSE AGENCY.

(a) IN GENERAL.—The Secretary of Defense shall enter into an agreement with 1 of the Federally Funded Research and Development Centers under which the Center shall carry out an independent study to examine, and make recommendations with respect to, the long-term structure, roles, and missions of the Missile Defense Agency.

(b) MATTERS INCLUDED.—

(1) REVIEW.—The study shall include a full review of the structure, roles, and missions of the Missile Defense Agency.

(2) ASSESSMENTS.—The study shall include an examination and assessment of the current and future—

(A) structure, roles, and missions of the Missile Defense Agency;

(B) relationship of the Missile Defense Agency with—

(i) the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics;

(ii) the Office of the Under Secretary of Defense for Policy;

(iii) the Director of Operational Test and Evaluation;

(iv) the Commander of the United States Strategic Command and other combatant commanders;

(v) the Joint Requirements Oversight Council; and

(vi) the military departments;

(C) operations and sustainment of missile defenses;

(D) acquisition process for missile defense;

(E) requirements process for missile defense; and

(F) transition and transfer of missile defense capabilities to the military departments.

(3) RECOMMENDATIONS.—The study shall include recommendations as to how the Missile Defense Agency can be made more effective to support the needs of the warfighter, especially with regard to near-term missile defense capabilities. The study shall also examine the full range of options for the future of the Missile Defense Agency and shall include, but not be limited to, specific recommendations as to whether—

(A) the Missile Defense Agency should be maintained in its current configuration;

(B) the scope and nature of the Missile Defense Agency should be changed from an organization focused on research and development to an organization focused on combat support;

(C) any functions and responsibilities should be added to the Missile Defense Agency, in part or in whole, from other entities such as the United States Strategic Command and the military departments; and

(D) any functions and responsibilities of the Missile Defense Agency should be transferred, in part or in whole, to other entities such as the United States Strategic Command and the military departments.

(c) COOPERATION FROM GOVERNMENT.—In carrying out the study, the Federally Funded Research and Development Center shall receive the full and timely cooperation of the Secretary of Defense and any other United States Government official in providing the Center with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

(d) REPORT.—Not later than September 1, 2008, the Federally Funded Research and Development Center shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on its findings, conclusions, and recommendations.

(e) FUNDING.—Funds for the study shall be provided from amounts appropriated for the Department of Defense.

SEC. 223. BUDGET AND ACQUISITION REQUIREMENTS FOR MISSILE DEFENSE AGENCY ACTIVITIES.

(a) REVISED BUDGET STRUCTURE.—The budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year after fiscal year 2009 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) shall set forth separately amounts requested for the Missile Defense Agency for each of the following:

(1) Research, development, test, and evaluation.

(2) Procurement.

(3) Operation and maintenance.

(4) Military construction.

(b) REVISED BUDGET STRUCTURE FOR FISCAL YEAR 2009.—The budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2009 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) shall—

(1) identify all known and estimated operation and support costs; and

(2) set forth separately amounts requested for the Missile Defense Agency for each of the following:

(A) Research, development, test, and evaluation.

(B) Procurement or advance procurement of long lead items, including for Terminal High Altitude Area Defense firing units 3 and 4, and for Standard Missile-3 Block 1A interceptors.

(C) Military construction.

(c) AVAILABILITY OF RDT&E FUNDS FOR FISCAL YEAR 2009.—Upon approval by the Secretary of Defense, and consistent with the plan submitted under subsection (f), funds appropriated pursuant to an authorization of appropriations or otherwise made available for fiscal year 2009 for research, development, test, and evaluation for the Missile Defense Agency—

(1) may be used for the fielding of ballistic missile defense capabilities approved previously by Congress; and

(2) may not be used for—

(A) military construction activities; or

(B) procurement or advance procurement of long lead items, including for Terminal High Altitude Area Defense firing units 3 and 4, and for Standard Missile-3 Block 1A interceptors.

(d) FULL FUNDING REQUIREMENT NOT APPLICABLE TO USE OF PROCUREMENT FUNDS FOR FISCAL YEARS 2009 AND 2010.—In any case in which funds appropriated pursuant to an authorization of appropriations or otherwise made available for procurement for the Missile Defense Agency for fiscal years 2009 and 2010 are used for the fielding of ballistic missile defense capabilities, the funds may be used for the fielding of those capabilities on an "incremental" basis, notwithstanding any law or policy of the Department of Defense that would otherwise require a "full funding" basis.

(e) RELATIONSHIP TO OTHER LAW.—Nothing in this provision shall be construed to alter or otherwise affect in any way the applicability of the requirements and other provisions of section 234(a) through (d) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1837; 10 U.S.C. 2431 note).

(f) PLAN REQUIRED.—Not later than March 1, 2008, the Director of the Missile Defense Agency shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a plan for transitioning the Missile Defense Agency from using exclusively research, development, test, and evaluation funds to using procurement, military construction, operations and maintenance, and research, development, test, and evaluation funds for the appropriate budget activities, and for transitioning from incremental funding to full funding for fiscal years after fiscal year 2010.

(g) OBJECTIVES FOR ACQUISITION ACTIVITIES.—

(1) IN GENERAL.—Commencing as soon as practicable, but not later than the submittal to Congress of the budget for the President for fiscal year 2009 under section 1105(a) of title 31, United States Code, the Missile Defense Agency shall take appropriate actions to achieve the following objectives in its acquisition activities:

(A) Improved transparency.

(B) Improved accountability.

(C) Enhanced oversight.

(2) REQUIRED ACTIONS.—In order to achieve the objectives specified in paragraph (1), the Missile Defense Agency shall, at a minimum, take actions as follows:

(A) Establish acquisition cost, schedule, and performance baselines for each ballistic missile defense system element that—

(i) has entered the equivalent of the systems development and demonstration phase of acquisition; or

(ii) is being produced and acquired for operational fielding.

(B) Provide unit cost reporting data for each ballistic missile defense system element covered by subparagraph (A), and secure independent estimation and verification of such cost reporting data.

(C) Include, in the budget justification materials described in subsection (a), a description of actions being taken in the fiscal year in which such materials are submitted, and the actions to be taken in the fiscal year covered by such materials, to achieve such objectives.

(3) SPECIFICATION OF BALLISTIC MISSILE DEFENSE SYSTEM ELEMENTS.—The ballistic missile defense system elements that, as of October 2007, are ballistic missile defense system elements covered by paragraph (2)(A) are the following elements:

(A) Ground-based Midcourse Defense.

(B) Aegis Ballistic Missile Defense.

(C) Terminal High Altitude Area Defense.

(D) Forward-Based X-band radar-Transportable (AN/TPY-2).

(E) Command, Control, Battle Management, and Communications.

(F) Sea-Based X-band radar.

(G) Upgraded Early Warning radars.

SEC. 224. LIMITATION ON USE OF FUNDS FOR REPLACING WARHEAD ON SM-3 BLOCK IIA MISSILE.

None of the funds appropriated or otherwise made available pursuant to an authorization of appropriations in this Act may be obligated or expended to replace the unitary warhead on the SM–3 Block IIA missile with the Multiple Kill Vehicle until after the Secretary of Defense certifies to Congress that—

(1) the United States and Japan have reached an agreement to replace the unitary warhead on the SM–3 Block IIA missile; and

(2) replacing the unitary warhead on the SM–3 Block IIA missile with the Multiple Kill Vehicle will not delay the expected deployment date of 2014–2015 for that missile.

SEC. 225. EXTENSION OF COMPTROLLER GENERAL ASSESSMENTS OF BALLISTIC MISSILE DEFENSE PROGRAMS.

Section 232(g) of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2431 note) is amended—

(1) in paragraph (1), by striking "through 2008" and inserting "through 2013"; and

(2) in paragraph (2), by striking "through 2009" and inserting "through 2014".

SEC. 226. LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT, CONSTRUCTION, AND DEPLOYMENT OF MISSILE DEFENSES IN EUROPE.

(a) GENERAL LIMITATION.—No funds authorized to be appropriated by this Act may be obligated or expended for procurement, site activation, construction, preparation of equipment for, or deployment of a long-range missile defense system in Europe until the following conditions have been met:

(1) The governments of the countries in which major components of such missile defense system (including interceptors and associated radars) are proposed to be deployed have each given final approval to any missile defense agreements negotiated between such governments and the United States Government concerning the proposed deployment of such components in their countries.

(2) Forty-five days have elapsed following the receipt by Congress of the report required under subsection (c)(6).

(b) ADDITIONAL LIMITATION.—In addition to the limitation in subsection (a), no funds authorized to be appropriated by this Act may be obligated or expended for the acquisition or deployment of operational missiles of a long-range missile defense system in Europe until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, submits to Congress a report certifying that the proposed interceptor to be deployed as part of such missile defense system has demonstrated, through successful, operationally realistic flight testing, a high probability of working in an operationally effective manner.

(c) REPORT ON INDEPENDENT ASSESSMENT FOR BALLISTIC MISSILE DEFENSE IN EUROPE.—

(1) INDEPENDENT ASSESSMENT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall select a federally funded research and development center to conduct an independent assessment of options for ballistic missile defense for forward deployed forces of the United States and its allies in Europe and for the United States homeland.

(2) ANALYSIS OF ADMINISTRATION PROPOSAL.—The study shall provide a full analysis of the Administration's proposal to protect forward-deployed forces of the United States and its allies in Europe, forward-deployed radars in Europe, and the United States by deploying, in Europe, interceptors and radars of the Ground-Based Midcourse Defense (GMD) system. In providing the analysis, the study shall examine each of the following matters:

(A) The threat to Europe and the United States of ballistic missiles (including short-range, medium-range, intermediate-range, and long-range ballistic missiles) from Iran, including the likelihood and timing of such threats.

(B) The technical capabilities of the system, as so deployed, to effectively protect forward-deployed forces of the United States and its allies in Europe, forward-deployed radars in Europe, and the United States against the threat specified in subparagraph (A).

(C) The degree of coverage of the European territory of members of the North Atlantic Treaty Organization.

(D) The political implications of such a deployment on the United States, the North Atlantic Treaty Organization, and other interested parties.

(E) Integration and interoperability with North Atlantic Treaty Organization missile defenses.

(F) The operational issues associated with such a deployment, including operational effectiveness.

(G) The force structure implications of such a deployment, including a comparative analysis of alternative deployment options.

(H) The budgetary implications of such a deployment, including possible allied cost sharing, and the cost-effectiveness of such a deployment.

(I) Command and control arrangements, including any command and control roles for the United States European Command and the North Atlantic Treaty Organization.

(J) Potential opportunities for participation by the Government of Russia.

(3) ANALYSIS OF ALTERNATIVES.—The study shall also provide a full analysis of alternative systems that could be deployed to fulfill, in whole or in part, the protective purposes of the Administration's proposal. The alternative systems shall include a range of feasible combinations of other missile defense systems that are available or are expected to be available as of 2015 and 2020. These should include, but not be limited to, the following:

(A) The Patriot PAC–3 system.

(B) The Medium Extended Air Defense System.

(C) The Aegis Ballistic Missile Defense system, with all variants of the Standard Missile-3 interceptor.

(D) The Terminal High Altitude Area Defense (THAAD) system.

(E) Forward-Based X-band Transportable (FBX-T) radars.

(F) The Kinetic Energy Interceptor (KEI).

(G) Other non-United States, North Atlantic Treaty Organization missile defense systems or components.

(4) MATTERS EXAMINED.—In providing the analysis, the study shall examine, for each alternative system included, each of the matters specified in paragraph (2).

(5) COOPERATION OF OTHER AGENCIES.—The Secretary of Defense shall provide the federally funded research and development center selected under paragraph (1) data, analyses, briefings, and other information as the center considers necessary to carry out the assessment described in that paragraph. Furthermore, the Director of National Intelligence and the heads of other departments and agencies of the United States Government shall also provide the center the appropriate data, analyses, briefings, and other information necessary for the purpose of carrying out the assessment described in that paragraph.

(6) REPORT.—Not later than 180 days after the date of the enactment of this Act, the federally funded research and development center shall submit to the congressional defense committees and the Secretary of Defense a report on the results of the study. The report shall be in unclassified form, but may include a classified annex.

(7) FUNDING.—Of the amounts appropriated or otherwise made available pursuant to the authorization of appropriations in section 201(4), $1,000,000 is available to carry out the study required by this subsection.

(d) CONSTRUCTION.—Nothing in this section shall be construed to limit continuing obligation and expenditure of funds for missile defense, including for research and development and for other activities not otherwise limited by subsection (a) or (b), including, but not limited to, site surveys, studies, analysis, and planning and design for the proposed missile defense deployment in Europe.

SEC. 227. SENSE OF CONGRESS ON MISSILE DEFENSE COOPERATION WITH ISRAEL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should have an active program of ballistic missile defense cooperation with Israel, and should take steps to improve the coordination, interoperability, and integration of United States and Israeli missile defense capabilities, and to enhance the capability of both nations to defend against ballistic missile threats present in the Middle East region.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the status of missile defense cooperation between the United States and Israel.

(2) CONTENT.—The report submitted under this subsection shall include each of the following:

(A) A description of the current program of ballistic missile defense cooperation between the United States and Israel, including its objectives and results to date.

(B) A description of steps taken within the previous five years to improve the interoperability and coordination of the missile defense capabilities of the United States and Israel.

(C) A description of steps planned to be taken by the governments of the United States and Israel in the future to improve the coordination, interoperability, and integration of their missile defense capabilities.

(D) A description of joint efforts of the United States and Israel to develop ballistic missile defense technologies.

(E) A description of joint missile defense exercises and training that have been conducted by the United States and Israel, and the lessons learned from those exercises.

(F) A description of the joint missile defense testing activities of the United States and Israel, past and planned, and the benefits of such joint testing activities.

(G) A description of how the United States and Israel share threat assessments regarding the ballistic missile threat.

(H) Any other matters that the Secretary considers appropriate.

SEC. 228. LIMITATION ON AVAILABILITY OF FUNDS FOR DEPLOYMENT OF MISSILE DEFENSE INTERCEPTORS IN ALASKA.

None of the funds authorized to be appropriated by this Act may be obligated or expended to deploy more than 40 Ground-Based Interceptors at Fort Greely, Alaska, until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, submits to Congress a certification that the Block 2006 Ground-based Midcourse Defense element of the Ballistic Missile Defense System has demonstrated, through operationally realistic end-to-end flight testing, that it has a high probability of working in an operationally effective manner.

SEC. 229. POLICY OF THE UNITED STATES ON PROTECTION OF THE UNITED STATES AND ITS ALLIES AGAINST IRANIAN BALLISTIC MISSILES.

(a) FINDING.—Congress finds that Iran maintains a nuclear program in continued defiance of the international community while developing ballistic missiles of increasing sophistication and range that—

(1) pose a threat to—

(A) the forward-deployed forces of the United States;

(B) North Atlantic Treaty Organization (NATO) allies in Europe; and

(C) other allies and friendly foreign countries in the region; and

(2) eventually could pose a threat to the United States homeland.

(b) POLICY OF THE UNITED STATES.—It is the policy of the United States—

(1) to develop, test, and deploy, as soon as technologically feasible, in conjunction with allies and friendly foreign countries whenever possible, an effective defense against the threat from Iran described in subsection (a) that will provide protection—

(A) for the forward-deployed forces of the United States, NATO allies, and other allies and friendly foreign countries in the region; and

(B) for the United States homeland;

(2) to encourage the NATO alliance to accelerate its efforts to—

(A) protect NATO territory in Europe against the existing threat of Iranian short- and medium-range ballistic missiles; and

(B) facilitate the ability of NATO allies to acquire the missile defense systems needed to provide a wide-area defense capability against short- and medium-range ballistic missiles; and

(3) to proceed with the activities specified in paragraphs (1) and (2) in a manner such that any missile defense systems fielded by the United States in Europe are integrated with or complementary to missile defense systems fielded by NATO in Europe.

Subtitle D—Other Matters

SEC. 231. COORDINATION OF HUMAN SYSTEMS INTEGRATION ACTIVITIES RELATED TO ACQUISITION PROGRAMS.

(a) IN GENERAL.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall coordinate and manage human systems integration activities throughout the acquisition programs of the Department of Defense.

(b) ADMINISTRATION.—In carrying out subsection (a), the Secretary shall designate a senior official to be responsible for the effort.

(c) RESPONSIBILITIES.—In carrying out this section, the senior official designated in subsection (b) shall—

(1) coordinate the planning, management, and execution of such activities; and

(2) identify and recommend, as appropriate, resource requirements for human systems integration activities.

(d) DESIGNATION.—The designation required by subsection (b) shall be made not later than 60 days after the date of the enactment of this Act.

SEC. 232. EXPANSION OF AUTHORITY FOR PROVISION OF LABORATORY FACILITIES, SERVICES, AND EQUIPMENT.

Section 2539b of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2) by striking "and" at the end;

(B) in paragraph (3) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(4) make available to any person or entity, through leases, contracts, or other appropriate arrangements, facilities, services, and equipment of any government laboratory, research center, or range, if the facilities, services, and equipment provided will not be in direct competition with the domestic private sector.";

(2) in subsection (c)—

(A) by striking "for services"; and

(B) by striking "subsection (a)(3)" and inserting "subsections (a)(3) and (a)(4)"; and

(3) in subsection (d)—

(A) by striking "for services made available"; and

(B) by striking "subsection (a)(3)" and inserting "subsections (a)(3) and (a)(4)".

SEC. 233. MODIFICATION OF COST SHARING REQUIREMENT FOR TECHNOLOGY TRANSITION INITIATIVE.

Paragraph (2) of section 2359a(f) of title 10, United States Code, is amended to read as follows:

"(2) The amount of funds provided to a project under paragraph (1) by the military department or Defense Agency concerned shall be the appropriate share of the military department or Defense Agency, as the case may be, of the cost of the project, as determined by the Manager.".

SEC. 234. REPORT ON IMPLEMENTATION OF MANUFACTURING TECHNOLOGY PROGRAM.

(a) REPORT REQUIRED.—Not later than September 1, 2008, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the implementation of the technologies and processes developed under the Manufacturing Technology Program required by section 2521 of title 10, United States Code.

(b) ELEMENTS.—The report shall identify each technology or process implemented and, for each such technology or process, shall identify—

(1) the project of the Manufacturing Technology Program through which the technology or process was developed, the Federal and non-Federal participants in that project, and the duration of the project;

(2) the organization or program implementing the technology or process, and a description of the implementation;

(3) the funding required to implement the technology or process, including—

(A) funds provided by military departments and Defense Agencies under the Manufacturing Technology Program;

(B) funds provided by the Department of Defense, or any element of the Department, to co-develop the technology or process;

(C) to the maximum extent practicable, funds provided by the Department of Defense, or any element of the Department, to—

(i) mature the technology or process prior to transition to the Manufacturing Technology Program; and

(ii) provide for the implementation of the technology or process;

(4) the total value of industry cost share, if applicable;

(5) if applicable, the total value of cost avoidance or cost savings directly attributable to the implementation of the technology or process; and

(6) a description of any system performance enhancements, technology performance enhancements, or improvements in a manufacturing readiness level of a system or a technology.

(c) DEFINITION.—For purposes of this section, the term "implementation" refers to—

(1) the use of a technology or process in the manufacture of defense materiel;

(2) the inclusion of a technology or process in the systems engineering plan for a program of record; or

(3) the use of a technology or process for the manufacture of commercial items.

(d) SCOPE.—The report shall include technologies or processes developed with funds appropriated or otherwise made available for the Manufacturing Technology programs of the military departments and Defense Agencies for fiscal years 2003 through 2005.

SEC. 235. ASSESSMENT OF SUFFICIENCY OF TEST AND EVALUATION PERSONNEL.

(a) ASSESSMENT REQUIRED.—The Director of Operational Test and Evaluation shall assess whether the Director's professional staff meets the requirement of section 139(j) of title 10, United States Code, that the staff be sufficient to carry out the Director's duties and responsibilities.

(b) INCLUSION IN REPORT.—The Director shall include the results of the assessment in the report, required by section 139(g) of title 10, United States Code, summarizing the operational test and evaluation activities during fiscal year 2007.

SEC. 236. REPEAL OF REQUIREMENT FOR SEPARATE REPORTS ON TECHNOLOGY AREA REVIEW AND ASSESSMENT SUMMARIES.

Subsection (c) of section 253 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3179; 10 U.S.C. 2501 note) is repealed.

SEC. 237. MODIFICATION OF NOTICE AND WAIT REQUIREMENT FOR OBLIGATION OF FUNDS FOR FOREIGN COMPARATIVE TEST PROGRAM.

Paragraph (3) of section 2350a(g) of title 10, United States Code, is amended to read as follows:

"(3) The Director of Defense Research and Engineering shall notify the congressional defense committees of the intent to obligate funds made available to carry out this subsection not less than 7 days before such funds are obligated.".

SEC. 238. STRATEGIC PLAN FOR THE MANUFACTURING TECHNOLOGY PROGRAM.

(a) IN GENERAL.—Section 2521 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) FIVE-YEAR STRATEGIC PLAN.—(1) The Secretary shall develop a plan for the program that includes the following:

"(A) The overall manufacturing technology goals, milestones, priorities, and investment strategy for the program.

"(B) The objectives of, and funding for, the program for each military department and each Defense Agency that shall participate in the program during the period of the plan.

"(2) The Secretary shall include in the plan mechanisms for assessing the effectiveness of the program under the plan.

"(3) The Secretary shall update the plan on a biennial basis.

"(4) Each plan, and each update to the plan, shall cover a period of five fiscal years.".

(b) INITIAL DEVELOPMENT AND SUBMISSION OF PLAN.—

(1) DEVELOPMENT.—The Secretary of Defense shall develop the strategic plan required by subsection (e) of section 2521 of title 10, United States Code (as added by subsection (a) of this section), so that the plan goes into effect at the beginning of fiscal year 2009.

(2) SUBMISSION.—Not later than the date on which the budget of the President for fiscal year 2010 is submitted to Congress under section 1105 of title 31, United States Code, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives the plan specified in paragraph (1).

SEC. 239. MODIFICATION OF AUTHORITIES ON COORDINATION OF DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH WITH SIMILAR FEDERAL PROGRAMS.

Section 257(e)(2) of the National Defense Authorization Act for Fiscal Year 1995 (10 U.S.C. 2358 note) is amended by striking "shall" each place it appears and inserting "may".

SEC. 240. ENHANCEMENT OF DEFENSE NANOTECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

(a) PROGRAM PURPOSES.—Subsection (b) of section 246 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2500; 10 U.S.C. 2358 note) is amended—

(1) in paragraph (2), by striking "in nanoscale research and development" and inserting "in the National Nanotechnology Initiative and with the National Nanotechnology Coordination Office under section 3 of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7502)"; and

(2) in paragraph (3), by striking "portfolio of fundamental and applied nanoscience and engineering research initiatives" and inserting "portfolio of nanotechnology research and development initiatives".

(b) PROGRAM ADMINISTRATION.—

(1) ADMINISTRATION THROUGH UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.—Subsection (c) of such section is amended—

(A) by striking "the Director of Defense Research and Engineering" and inserting "the Under Secretary of Defense for Acquisition, Technology, and Logistics"; and

(B) by striking "The Director" and inserting "The Under Secretary".

(2) OTHER ADMINISTRATIVE MATTERS.—Such subsection is further amended—

(A) in paragraph (2), by striking "the Department's increased investment in nanotechnology research and development and the National Nanotechnology Initiative; and" and inserting "investments by the Department and other departments and agencies participating in the National Nanotechnology Initiative in nanotechnology research and development;";

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) oversee Department of Defense participation in interagency coordination of the program with other departments and agencies participating in the National Nanotechnology Initiative.".

(c) PROGRAM ACTIVITIES.—Such section is further amended—

(1) by striking subsection (d); and

(2) by adding at the end the following new subsection (d):

"(d) STRATEGIC PLAN.—The Under Secretary shall develop and maintain a strategic plan for defense nanotechnology research and development that—

"(1) is integrated with the strategic plan for the National Nanotechnology Initiative and the strategic plans of the Director of Defense Research and Engineering, the military departments, and the Defense Agencies; and

"(2) includes a clear strategy for transitioning the research into products needed by the Department.".

(d) REPORTS.—Such section is further amended by adding at the end the following new subsection:

"(e) REPORTS.—

"(1) IN GENERAL.—Not later than March 1 of each of 2009, 2011, and 2013, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the program.

"(2) MATTERS INCLUDED.—Each report under paragraph (1) shall include the following:

"(A) A review of—

"(i) the long-term challenges and specific technical goals of the program; and

"(ii) the progress made toward meeting such challenges and achieving such goals.

"(B) An assessment of current and proposed funding levels for the program, including an assessment of the adequacy of such funding levels to support program activities.

"(C) A review of the coordination of activities under the program within the Department of Defense, with other departments and agencies of the United States, and with the National Nanotechnology Initiative.

"(D) A review and analysis of the findings and recommendations relating to the Department of Defense of the most recent triennial external review of the National Nanotechnology Program under section 5 of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 1704), and a description of initiatives of the Department to implement such recommendations.

"(E) An assessment of technology transition from nanotechnology research and development to enhanced warfighting capabilities, including contributions from the Department of Defense Small Business Innovative Research and Small Business Technology Transfer Research programs, and the Department of Defense Manufacturing Technology program, and an identification of acquisition programs and deployed defense systems that are incorporating nanotechnologies.

"(F) An assessment of global nanotechnology research and development in areas of interest to the Department, including an identification of the use of nanotechnologies in any foreign defense systems.

"(G) An assessment of the defense nanotechnology manufacturing and industrial base and its capability to meet the near and far term requirements of the Department.

"(H) Such recommendations for additional activities under the program to meet emerging national security requirements as the Under Secretary considers appropriate.

"(3) CLASSIFICATION.—Each report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.".

SEC. 241. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER ASSESSMENT OF THE DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall—

(1) utilize a defense federally funded research and development center to carry out an assessment of the effectiveness of the Defense Experimental Program to Stimulate Competitive Research; and

(2) not later than nine months after the date of the enactment of this Act, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on that assessment.

(b) MATTERS ASSESSED.—The report under subsection (a) shall include the following:

(1) A description and assessment of the tangible results and progress toward the objectives of the program, including—

(A) an identification of any past program activities that led to, or were fundamental to, applications used by, or supportive of, operational users; and

(B) an assessment of whether the program has expanded the national research infrastructure.

(2) An assessment whether the activities undertaken under the program are consistent with the statute authorizing the program.

(3) An assessment whether the various elements of the program, such as structure, funding, staffing, project solicitation and selection, and administration, are working effectively and efficiently to support the effective execution of the program.

(4) A description and assessment of past and ongoing activities of State planning committees under the program in supporting the achievement of the objectives of the program.

(5) An analysis of the advantages and disadvantages of having an institution-based formula for qualification to participate in the program when compared with the advantages and disadvantages of having a State-based formula for qualification to participate in supporting defense missions and the objective of expanding the Nation's defense research infrastructure.

(6) An identification of mechanisms for improving the management and implementation of the program, including modification of the statute authorizing the program, Department regulations, program structure, funding levels, funding strategy, or the activities of the State committees.

(7) Any other matters the Secretary considers appropriate.

SEC. 242. COST-BENEFIT ANALYSIS OF PROPOSED FUNDING REDUCTION FOR HIGH ENERGY LASER SYSTEMS TEST FACILITY.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing a cost-benefit analysis of the proposed reduction in Army research, development, test, and evaluation funding for the High Energy Laser Systems Test Facility.

(b) EVALUATION OF IMPACT ON OTHER MILITARY DEPARTMENTS.—The report required under subsection (a) shall include an evaluation of the impact of the proposed reduction in funding on each Department of Defense organization or activity that utilizes the High Energy Laser Systems Test Facility.

SEC. 243. PROMPT GLOBAL STRIKE.

(a) RESEARCH, DEVELOPMENT, AND TESTING PLAN.—The Secretary of Defense shall submit to the congressional defense committees a research, development, and testing plan for prompt global strike program objectives for fiscal years 2008 through 2013.

(b) PLAN FOR OBLIGATION AND EXPENDITURE OF FUNDS.—

(1) IN GENERAL.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a plan for obligation and expenditure of funds available for prompt global strike for fiscal year 2008. The plan shall include correlations between each technology application being developed in fiscal year 2008 and the prompt global strike alternative or alternatives toward which the technology application applies.

(2) LIMITATION.—The Under Secretary shall not implement the plan required by paragraph (1) until at least 10 days after the plan is submitted as required by that paragraph.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Environmental Provisions

Sec. 311. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.
Sec. 312. Reimbursement of Environmental Protection Agency for certain costs in connection with the Arctic Surplus Superfund Site, Fairbanks, Alaska.
Sec. 313. Payment to Environmental Protection Agency of stipulated penalties in connection with Jackson Park Housing Complex, Washington.
Sec. 314. Report on control of the brown tree snake.
Sec. 315. Notification of certain residents and civilian employees at Camp Lejeune, North Carolina, of exposure to drinking water contamination.

Subtitle C—Workplace and Depot Issues

Sec. 321. Availability of funds in Defense Information Systems Agency Working Capital Fund for technology upgrades to Defense Information Systems Network.
Sec. 322. Modification to public-private competition requirements before conversion to contractor performance.
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Sec. 326. Bid protests by Federal employees in actions under Office of Management and Budget Circular A–76.
Sec. 327. Public-private competition required before conversion to contractor performance.
Sec. 328. Extension of authority for Army industrial facilities to engage in cooperative activities with non-Army entities.
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Sec. 330. Pilot program for availability of working-capital funds to Army for certain product improvements.

Subtitle D—Extension of Program Authorities

Sec. 341. Extension of Arsenal Support Program Initiative.
Sec. 342. Extension of period for reimbursement for helmet pads purchased by members of the Armed Forces deployed in contingency operations.
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Subtitle E—Reports

Sec. 351. Reports on National Guard readiness for emergencies and major disasters.
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Sec. 354. Modification of requirements of Comptroller General report on the readiness of Army and Marine Corps ground forces.
Sec. 355. Plan to improve readiness of ground forces of active and reserve components.
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Sec. 357. Department of Defense Inspector General report on physical security of Department of Defense installations.
Sec. 358. Review of high-altitude aviation training.
Sec. 359. Reports on safety measures and encroachment issues and master plan for Warren Grove Gunnery Range, New Jersey.
Sec. 360. Report on search and rescue capabilities of the Air Force in the northwestern United States.
Sec. 361. Report and master infrastructure recapitalization plan for Cheyenne Mountain Air Station, Colorado.

Subtitle F—Other Matters

Sec. 371. Enhancement of corrosion control and prevention functions within Department of Defense.
Sec. 372. Authority for Department of Defense to provide support for certain sporting events.
Sec. 373. Authority to impose reasonable restrictions on payment of full replacement value for lost or damaged personal property transported at Government expense.
Sec. 374. Priority transportation on Department of Defense aircraft of retired members residing in Commonwealths and possessions of the United States for certain health care services.

Sec. 375. Recovery of missing military property.
Sec. 376. Retention of combat uniforms by members of the Armed Forces deployed in support of contingency operations.
Sec. 377. Issue of serviceable material of the Navy other than to Armed Forces.
Sec. 378. Reauthorization of Aviation Insurance Program.

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $28,787,219,000.

(2) For the Navy, $33,355,683,000.

(3) For the Marine Corps, $4,967,193,000.

(4) For the Air Force, $33,118,462,000.

(5) For Defense-wide activities, $22,500,253,000.

(6) For the Army Reserve, $2,509,862,000.

(7) For the Navy Reserve, $1,186,883,000.

(8) For the Marine Corps Reserve, $208,637,000.

(9) For the Air Force Reserve, $2,821,817,000.

(10) For the Army National Guard, $5,857,409,000.

(11) For the Air National Guard, $5,456,668,000.

(12) For the United States Court of Appeals for the Armed Forces, $11,971,000.

(13) For Environmental Restoration, Army, $434,879,000.

(14) For Environmental Restoration, Navy, $300,591,000.

(15) For Environmental Restoration, Air Force, $458,428,000.

(16) For Environmental Restoration, Defense-wide, $12,751,000.

(17) For Environmental Restoration, Formerly Used Defense Sites, $270,249,000.

(18) For Overseas Humanitarian, Disaster, and Civic Aid programs, $103,300,000.

(19) For Former Soviet Union Threat Reduction programs, $428,048,000.

(20) For the Overseas Contingency Operations Transfer Fund, $5,000,000.

Subtitle B—Environmental Provisions

SEC. 311. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH MOSES LAKE WELLFIELD SUPERFUND SITE, MOSES LAKE, WASHINGTON.

(a) AUTHORITY TO REIMBURSE.—

(1) TRANSFER AMOUNT.—Using funds described in subsection (b), the Secretary of Defense may, notwithstanding section 2215 of title 10, United States Code, transfer not more than $91,588.51 to the Moses Lake Wellfield Superfund Site 10–6J Special Account.

(2) PURPOSE OF REIMBURSEMENT.—The payment under paragraph (1) is to reimburse the Environmental Protection Agency for its costs incurred in overseeing a remedial investigation/feasibility study performed by the Department of the Army under the Defense Environmental Restoration Program at the former Larson Air Force Base, Moses Lake Superfund Site, Moses Lake, Washington.

(3) INTERAGENCY AGREEMENT.—The reimbursement described in paragraph (2) is provided for in the interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Moses Lake Wellfield Superfund Site in March 1999.

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(16) for operation and maintenance for Environmental Restoration, Defense-wide.

(c) USE OF FUNDS.—The Environmental Protection Agency shall use the amount transferred under subsection (a) to pay costs incurred by the Agency at the Moses Lake Wellfield Superfund Site.

SEC. 312. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH THE ARCTIC SURPLUS SUPERFUND SITE, FAIRBANKS, ALASKA.

(a) AUTHORITY TO REIMBURSE.—

(1) TRANSFER AMOUNT.—Using funds described in subsection (b), the Secretary of Defense may, notwithstanding section 2215 of title 10, United States Code, transfer not more than $186,625.38 to the Hazardous Substance Superfund.

(2) PURPOSE OF REIMBURSEMENT.—The payment under paragraph (1) is to reimburse the Environmental Protection Agency for costs incurred pursuant to the agreement known as "In the Matter of Arctic Surplus Superfund Site, U.S. EPA Docket Number CERCLA–10–2003–0114: Administrative Order on Consent for Remedial Design and Remedial Action", entered into by the Department of Defense and the Environmental Protection Agency on December 11, 2003.

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(16) for operation and maintenance for Environmental Restoration, Defense-wide.

(c) USE OF FUNDS.—The Environmental Protection Agency shall use the amount transferred under subsection (a) to pay costs incurred by the Agency pursuant to the agreement described in paragraph (2) of such subsection.

SEC. 313. PAYMENT TO ENVIRONMENTAL PROTECTION AGENCY OF STIPULATED PENALTIES IN CONNECTION WITH JACKSON PARK HOUSING COMPLEX, WASHINGTON.

(a) AUTHORITY TO TRANSFER FUNDS.—

(1) TRANSFER AMOUNT.—Using funds described in subsection (b), the Secretary of the Navy may, notwithstanding section 2215 of title 10, United States Code, transfer not more than $40,000.00 to the Hazardous Substance Superfund.

(2) PURPOSE OF TRANSFER.—The payment under paragraph (1) is to pay a stipulated penalty assessed by the Environmental Protection Agency on October 25, 2005, against the Jackson Park Housing Complex, Washington, for the failure by the Navy to timely submit a draft final Phase II Remedial Investigation Work Plan for the Jackson Park Housing Complex Operable Unit (OU–3T–JPHC) pursuant to a schedule included in an Interagency Agreement (Administrative Docket No. CERCLA–10–2005–0023).

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(14) for operation and maintenance for Environmental Restoration, Navy.

(c) USE OF FUNDS.—The amount transferred under subsection (a) shall be used by the Environmental Protection Agency to pay the penalty described under paragraph (2) of such subsection.

SEC. 314. REPORT ON CONTROL OF THE BROWN TREE SNAKE.

(a) FINDINGS.—Congress finds the following:

(1) The brown tree snake (*Boiga irregularis*), an invasive species, is found in significant numbers on military installations and in other areas on Guam, and constitutes a serious threat to the ecology of Guam.

(2) If introduced into Hawaii, the Commonwealth of the Northern Mariana Islands, or the continental United States, the brown tree snake would pose an immediate and serious economic and ecological threat.

(3) The most probable vector for the introduction of the brown tree snake into Hawaii, the Commonwealth of the Northern Mariana Islands, or the continental United States is the movement from Guam of military aircraft, personnel, and cargo, including the household goods of military personnel and other military assets.

(4) It is probable that the movement of military aircraft, personnel, and cargo, including the household goods of military personnel, from Guam to Hawaii, the Commonwealth of the Northern Mariana Islands, or the continental United States will increase significantly coincident with the increase in the number of military units and personnel stationed on Guam.

(5) Current policies, programs, procedures, and dedicated resources of the Department of Defense and of other departments and agencies of the United States may not be sufficient to adequately address the management, control, and eradication of the brown tree snake on Guam and the increasing threat of the introduction of the brown tree snake from Guam into Hawaii, the Commonwealth of the Northern Mariana Islands, the continental United States, or other non-native environments.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the following:

(1) The actions currently being taken (including the resources being made available) by the Department of Defense to control, and to develop new or existing techniques to control, the brown tree snake on Guam and to prevent the introduction of the brown tree snake into Hawaii, the Commonwealth of the Northern Mariana Island, the continental United States, or any other non-native environment as a result of the movement from Guam of military aircraft, personnel, and cargo, including the household goods of military personnel and other military assets. Such actions shall include any actions taken by the Department of Defense to implement the recommendations of the Brown Tree Snake Review Panel commissioned by the Department of the Interior, as contained in the Review Panel's final report entitled "Review of Brown Tree Snake Problems and Control Programs" published in March 2005.

(2) Current plans for enhanced future actions, policies, and procedures and increased levels of resources in order to ensure that the projected increase of military personnel stationed on Guam does not increase the threat of introduction of the brown tree snake from Guam into Hawaii, the Commonwealth of the Northern Mariana Islands, the continental United States, or other non-native environments.

(3) The results of management, control, and eradication carried out by the Secretary of Defense, in consultation with the Secretary of the Interior, before the date on which the report is submitted with respect to brown tree snakes through the integrated natural resource management plans prepared for military installations in Guam under the pilot program authorized by section 101(g) of the Sikes Act (16 U.S.C. 670a(g)).

SEC. 315. NOTIFICATION OF CERTAIN RESIDENTS AND CIVILIAN EMPLOYEES AT CAMP LEJEUNE, NORTH CAROLINA, OF EXPOSURE TO DRINKING WATER CONTAMINATION.

(a) NOTIFICATION OF INDIVIDUALS SERVED BY TARAWA TERRACE WATER DISTRIBUTION SYSTEM, INCLUDING KNOX TRAILER PARK.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Navy shall make reasonable efforts to identify and notify directly individuals who were served by the Tarawa Terrace Water Distribution System, including Knox Trailer Park, at Camp Lejeune, North Carolina, during the years 1958 through 1987 that they may have been exposed to drinking water contaminated with tetrachloroethylene (PCE).

(b) NOTIFICATION OF INDIVIDUALS SERVED BY HADNOT POINT WATER DISTRIBUTION SYSTEM.—Not later than 1 year after the Agency for Toxic Substances and Disease Registry (ATSDR) completes its water modeling study of the Hadnot Point water distribution system, the Secretary of the Navy shall make reasonable efforts to identify and notify directly individuals who were served by the system during the period identified in the study of the drinking water contamination to which they may have been exposed.

(c) NOTIFICATION OF FORMER CIVILIAN EMPLOYEES AT CAMP LEJEUNE.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Navy shall make reasonable efforts to identify and notify directly civilian employees who worked at Camp Lejeune during the period identified in the ATSDR drinking water study of the drinking water contamination to which they may have been exposed.

(d) CIRCULATION OF HEALTH SURVEY.—

(1) FINDINGS.—Congress makes the following findings:

(A) Notification and survey efforts related to the drinking water contamination described in this section are necessary due to the potential negative health impacts of these contaminants.

(B) The Secretary of the Navy will not be able to identify or contact all former residents and former employees due to the condition, non-existence, or accessibility of records.

(C) It is the intent of Congress that the Secretary of the Navy contact as many former residents and former employees as quickly as possible.

(2) ATSDR HEALTH SURVEY.—

(A) DEVELOPMENT.—

(i) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the ATSDR, in consultation with a well-qualified contractor selected by the ATSDR, shall develop a health survey that would voluntarily request of individuals described in subsections (a), (b), and (c) personal health information that may lead to scientifically useful health information associated with exposure to trichloroethylene (TCE), PCE, vinyl chloride, and the other contaminants identified in the ATSDR studies that may provide a basis for further reliable scientific studies of potentially adverse health impacts of exposure to contaminated water at Camp Lejeune.

(ii) FUNDING.—The Secretary of the Navy is authorized to provide from available funds the necessary funding for the ATSDR to develop the health survey.

(B) INCLUSION WITH NOTIFICATION.—The survey developed under subparagraph (A) shall be distributed by the Secretary of the Navy concurrently with the direct notification required under subsections (a), (b), and (c).

(e) USE OF MEDIA TO SUPPLEMENT NOTIFICATION.—The Secretary of the Navy may use media notification as a supplement to direct notification of individuals described under subsections (a), (b), and (c). Media notification may reach those individuals not identifiable via remaining records. Once individuals respond to media notifications, the Secretary will add them to the contact list to be included in future information updates.

Subtitle C—Workplace and Depot Issues

SEC. 321. AVAILABILITY OF FUNDS IN DEFENSE INFORMATION SYSTEMS AGENCY WORKING CAPITAL FUND FOR TECHNOLOGY UPGRADES TO DEFENSE INFORMATION SYSTEMS NETWORK.

(a) IN GENERAL.—Notwithstanding section 2208 of title 10, United States Code, funds in the Defense Information Systems Agency Working Capital Fund may be used for expenses directly related to technology upgrades to the Defense Information Systems Network.

(b) LIMITATION ON CERTAIN PROJECTS.—Funds may not be used under subsection (a) for—

(1) any technology insertion to the Defense Information Systems Network that significantly changes the performance envelope of an end item; or

(2) any component with an estimated total cost in excess of $500,000.

(c) LIMITATION IN FISCAL YEAR PENDING TIMELY REPORT.—If in any fiscal year the report required by paragraph (1) of subsection (d) is not submitted by the date specified in paragraph (2) of subsection (d), funds may not be used under subsection (a) in such fiscal year during the period—

(1) beginning on the date specified in paragraph (2) of subsection (d); and

(2) ending on the date of the submittal of the report under paragraph (1) of subsection (d).

(d) ANNUAL REPORT.—

(1) IN GENERAL.—The Director of the Defense Information Systems Agency shall submit to the congressional defense committees each fiscal year a report on the use of the authority in subsection (a) during the preceding fiscal year.

(2) DEADLINE FOR SUBMITTAL.—The report required by paragraph (1) in a fiscal year shall be submitted not later than 60 days after the date of the submittal to Congress of the budget of the President for the succeeding fiscal year pursuant to section 1105 of title 31, United States Code.

(e) SUNSET.—The authority in subsection (a) shall expire on October 1, 2011.

SEC. 322. MODIFICATION TO PUBLIC-PRIVATE COMPETITION REQUIREMENTS BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

(a) COMPARISON OF RETIREMENT SYSTEM COSTS.—Section 2461(a)(1) of title 10, United States Code, is amended—

(1) in subparagraph (F), by striking "and" at the end;

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following new subparagraph (G):

"(G) requires that the contractor shall not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

"(i) not making an employer-sponsored health insurance plan (or payment that could be used in lieu of such a plan), health savings account, or medical savings account available to the workers who are to be employed to perform the function under the contract;

"(ii) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees of the Department under chapter 89 of title 5; or

"(iii) offering to such workers a retirement benefit that, in any year, costs less than the annual retirement cost factor applicable to civilian employees of the Department of Defense under chapter 84 of title 5; and".

(b) CONFORMING AMENDMENTS.—Such title is further amended—

(1) by striking section 2467; and

(2) in section 2461—

(A) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively; and

(B) by inserting after subsection (a) the following new subsection (b):

"(b) REQUIREMENT TO CONSULT DOD EMPLOYEES.—(1) Each officer or employee of the Department of Defense responsible for determining under Office of Management and Budget Circular A-76 whether to convert to contractor performance any function of the Department of Defense—

"(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

"(B) may consult with such employees on other matters relating to that determination.

"(2)(A) In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, consultation with representatives of that labor organization shall satisfy the consultation requirement in paragraph (1).

"(B) In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

"(C) The Secretary of Defense shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in subparagraph (B) for purposes of the consultation required by paragraph (1).".

(c) TECHNICAL AMENDMENTS.—Section 2461 of such title, as amended by this section, is further amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B), by inserting after "2003" the following: ", or any successor circular"; and

(B) in subparagraph (D), by striking "and reliability" and inserting ", reliability, and timeliness"; and

(2) in subsection (c)(2), as redesignated by subsection (b)(2), by inserting "of" after "examination".

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 146 of such title is amended by striking the item relating to section 2467.

SEC. 323. PUBLIC-PRIVATE COMPETITION AT END OF PERIOD SPECIFIED IN PERFORMANCE AGREEMENT NOT REQUIRED.

Section 2461(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) A military department or Defense Agency may not be required to conduct a public-private competition under Office of Management and Budget Circular A-76 or any other provision of law at the end of the performance period specified in a letter of obligation or other agreement entered into with Department of Defense civilian employees pursuant to a public-private competition for any function of the Department of Defense performed by Department of Defense civilian employees.".

SEC. 324. GUIDELINES ON INSOURCING NEW AND CONTRACTED OUT FUNCTIONS.

(a) CODIFICATION AND REVISION OF REQUIREMENT FOR GUIDELINES.—

(1) IN GENERAL.—Chapter 146 of title 10, United States Code, is amended by inserting after section 2462 the following new section:

"§ 2463. Guidelines and procedures for use of civilian employees to perform Department of Defense functions

"(a) GUIDELINES REQUIRED.—(1) The Under Secretary of Defense for Personnel and Readiness shall devise and implement guidelines and procedures to ensure that consideration is given to using, on a regular basis, Department of Defense civilian employees to perform new functions and functions that are performed by contractors and could be performed by Department of Defense civilian employees. The Secretary of a military department may prescribe supplemental regulations, if the Secretary determines such regulations are necessary for implementing such guidelines within that military department.

"(2) The guidelines and procedures required under paragraph (1) may not include any specific limitation or restriction on the number of functions or activities that may be converted to performance by Department of Defense civilian employees.

"(b) SPECIAL CONSIDERATION FOR CERTAIN FUNCTIONS.—The guidelines and procedures required under subsection (a) shall provide for special consideration to be given to using Department of Defense civilian employees to perform any function that—

"(1) is performed by a contractor and—

"(A) has been performed by Department of Defense civilian employees at any time during the previous 10 years;

"(B) is a function closely associated with the performance of an inherently governmental function;

"(C) has been performed pursuant to a contract awarded on a non-competitive basis; or

"(D) has been performed poorly, as determined by a contracting officer during the 5-year period preceding the date of such determination, because of excessive costs or inferior quality; or

"(2) is a new requirement, with particular emphasis given to a new requirement that is similar to a function previously performed by Department of Defense civilian employees or is a function closely associated with the performance of an inherently governmental function.

"(c) EXCLUSION OF CERTAIN FUNCTIONS FROM COMPETITIONS.—The Secretary of Defense may not conduct a public-private competition under this chapter, Office of Management and Budget Circular A-76, or any other provision of law or regulation before—

"(1) in the case of a new Department of Defense function, assigning the performance of the function to Department of Defense civilian employees;

"(2) in the case of any Department of Defense function described in subsection (b), converting the function to performance by Department of Defense civilian employees; or

"(3) in the case of a Department of Defense function performed by Department of Defense civilian employees, expanding the scope of the function.

"(d) USE OF FLEXIBLE HIRING AUTHORITY.—(1) The Secretary of Defense may use the flexible hiring authority available to the Secretary under the National Security Personnel System, as established pursuant to section 9902 of title 5, to facilitate the performance by Department of Defense civilian employees of functions described in subsection (b).

"(2) The Secretary shall make use of the inventory required by section 2330a(c) of this title for the purpose of identifying functions that should be considered for performance by Department of Defense civilian employees pursuant to subsection (b).

"(e) DEFINITIONS.—In this section the term 'functions closely associated with inherently governmental functions' has the meaning given that term in section 2383(b)(3) of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2462 the following new item:

"2463. Guidelines and procedures for use of civilian employees to perform Department of Defense functions.".

(3) DEADLINE FOR ISSUANCE OF GUIDELINES AND PROCEDURES.—The Secretary of Defense shall implement the guidelines and procedures required under section 2463 of title 10, United States Code, as added by paragraph (1), by not later than 60 days after the date of the enactment of this Act.

(b) INSPECTOR GENERAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Defense shall submit to the congressional defense committees a report on the implementation of this section and the amendments made by this section.

(c) CONFORMING REPEAL.—The National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) is amended by striking section 343.

SEC. 325. RESTRICTION ON OFFICE OF MANAGEMENT AND BUDGET INFLUENCE OVER DEPARTMENT OF DEFENSE PUBLIC-PRIVATE COMPETITIONS.

(a) RESTRICTION ON OFFICE OF MANAGEMENT AND BUDGET.—The Office of Management and Budget may not direct or require the Secretary of Defense or the Secretary of a military department to prepare for, undertake, continue, or complete a public-private competition or direct conversion of a Department of Defense function to performance by a contractor under Office of Management and Budget Circular A-76, or any other successor regulation, directive, or policy.

(b) RESTRICTION ON SECRETARY OF DEFENSE.—The Secretary of Defense or the Secretary of a military department may not prepare for, undertake, continue, or complete a public-private competition or direct conversion of a Department of Defense function to performance by a contractor under Office of Management and Budget Circular A-76, or any other successor regulation, directive, or policy by reason of any direction or requirement provided by the Office of Management and Budget.

(c) INSPECTOR GENERAL REVIEW.—

(1) COMPREHENSIVE REVIEW REQUIRED.—The Inspector General of the Department of Defense shall conduct a comprehensive review of the compliance of the Secretary of Defense and the Secretaries of the military departments with the requirements of this section during calendar year 2008. The Inspector General shall submit to the congressional defense committees the following reports on the comprehensive review:

(A) An interim report, to be submitted by not later than 90 days after the date of the enactment of this Act.

(B) A final report, to be submitted by not later than December 31, 2008.

(2) INSPECTOR GENERAL ACCESS.—For the purpose of determining compliance with the requirements of this section, the Secretary of Defense shall ensure that the Inspector General has access to all Department records of relevant communications between Department officials and officials of other departments and agencies of the Federal Government, whether such communications occurred inside or outside of the Department.

SEC. 326. BID PROTESTS BY FEDERAL EMPLOYEES IN ACTIONS UNDER OFFICE OF MANAGEMENT AND BUDGET CIRCULAR A-76.

(a) ELIGIBILITY TO PROTEST PUBLIC-PRIVATE COMPETITIONS.—Section 3551(2) of title 31, United States Code, is amended to read as follows:

"(2) The term 'interested party'—

"(A) with respect to a contract or a solicitation or other request for offers described in paragraph (1), means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract; and

"(B) with respect to a public-private competition conducted under Office of Management and Budget Circular A-76 with respect to the performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A-76, includes—

"(i) any official who submitted the agency tender in such competition; and

"(ii) any one individual who, for the purpose of representing the Federal employees engaged in the performance of the activity or function for which the public-private competition is conducted in a protest under this subchapter that relates to such public-private competition, has been designated as the agent of the Federal employees by a majority of such employees.".

(b) EXPEDITED ACTION.—

(1) IN GENERAL.—Subchapter V of chapter 35 of such title is amended by adding at the end the following new section:

"§ 3557. Expedited action in protests of Public-Private competitions

"For any protest of a public-private competition conducted under Office of Management and Budget Circular A-76 with respect to the performance of an activity or function of a Federal agency, the Comptroller General shall administer the provisions of this subchapter in the manner best suited for expediting the final resolution of the protest and the final action in the public-private competition.".

(2) CLERICAL AMENDMENT.—The chapter analysis at the beginning of such chapter is amended by inserting after the item relating to section 3556 the following new item:

"3557. Expedited action in protests of public-private competitions.".

(c) RIGHT TO INTERVENE IN CIVIL ACTION.—Section 1491(b) of title 28, United States Code, is amended by adding at the end the following new paragraph:

"(5) If an interested party who is a member of the private sector commences an action described in paragraph (1) with respect to a public-private competition conducted under Office of Management and Budget Circular A-76 regarding the performance of an activity or function of a Federal agency, or a decision to convert a function performed by

Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, then an interested party described in section 3551(2)(B) of title 31 shall be entitled to intervene in that action.''.

(d) APPLICABILITY.—Subparagraph (B) of section 3551(2) of title 31, United States Code (as added by subsection (a)), and paragraph (5) of section 1491(b) of title 28, United States Code (as added by subsection (c)), shall apply to—

(1) a protest or civil action that challenges final selection of the source of performance of an activity or function of a Federal agency that is made pursuant to a study initiated under Office of Management and Budget Circular A–76 on or after January 1, 2004; and

(2) any other protest or civil action that relates to a public-private competition initiated under Office of Management and Budget Circular A–76, or to a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, on or after the date of the enactment of this Act.

SEC. 327. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

(a) IN GENERAL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

"SEC. 43. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

''(a) PUBLIC-PRIVATE COMPETITION.—(1) A function of an executive agency performed by 10 or more agency civilian employees may not be converted, in whole or in part, to performance by a contractor unless the conversion is based on the results of a public-private competition that—

''(A) formally compares the cost of performance of the function by agency civilian employees with the cost of performance by a contractor;

''(B) creates an agency tender, including a most efficient organization plan, in accordance with Office of Management and Budget Circular A–76, as implemented on May 29, 2003, or any successor circular;

''(C) includes the issuance of a solicitation;

''(D) determines whether the submitted offers meet the needs of the executive agency with respect to factors other than cost, including quality, reliability, and timeliness;

''(E) examines the cost of performance of the function by agency civilian employees and the cost of performance of the function by one or more contractors to demonstrate whether converting to performance by a contractor will result in savings to the Government over the life of the contract, including—

''(i) the estimated cost to the Government (based on offers received) for performance of the function by a contractor;

''(ii) the estimated cost to the Government for performance of the function by agency civilian employees; and

''(iii) an estimate of all other costs and expenditures that the Government would incur because of the award of such a contract;

''(F) requires continued performance of the function by agency civilian employees unless the difference in the cost of performance of the function by a contractor compared to the cost of performance of the function by agency civilian employees would, over all performance periods required by the solicitation, be equal to or exceed the lesser of—

''(i) 10 percent of the personnel-related costs for performance of that function in the agency tender; or

''(ii) $10,000,000; and

''(G) examines the effect of performance of the function by a contractor on the agency mission associated with the performance of the function.

''(2) A function that is performed by the executive agency and is reengineered, reorganized, modernized, upgraded, expanded, or changed to become more efficient, but still essentially provides the same service, shall not be considered a new requirement.

''(3) In no case may a function being performed by executive agency personnel be—

''(A) modified, reorganized, divided, or in any way changed for the purpose of exempting the conversion of the function from the requirements of this section; or

''(B) converted to performance by a contractor to circumvent a civilian personnel ceiling.

''(b) REQUIREMENT TO CONSULT EMPLOYEES.—(1) Each civilian employee of an executive agency responsible for determining under Office of Management and Budget Circular A–76 whether to convert to contractor performance any function of the executive agency—

''(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

''(B) may consult with such employees on other matters relating to that determination.

''(2)(A) In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, United States Code, consultation with representatives of that labor organization shall satisfy the consultation requirement in paragraph (1).

''(B) In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

''(C) The head of each executive agency shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in paragraph (2)(B) for purposes of consultation required by paragraph (1).

''(c) CONGRESSIONAL NOTIFICATION.—(1) Before commencing a public-private competition under subsection (a), the head of an executive agency shall submit to Congress a report containing the following:

''(A) The function for which such public-private competition is to be conducted.

''(B) The location at which the function is performed by agency civilian employees.

''(C) The number of agency civilian employee positions potentially affected.

''(D) The anticipated length and cost of the public-private competition, and a specific identification of the budgetary line item from which funds will be used to cover the cost of the public-private competition.

''(E) A certification that a proposed performance of the function by a contractor is not a result of a decision by an official of an executive agency to impose predetermined constraints or limitations on such employees in terms of man years, end strengths, full-time equivalent positions, or maximum number of employees.

''(2) The report required under paragraph (1) shall include an examination of the potential economic effect of performance of the function by a contractor on—

''(A) agency civilian employees who would be affected by such a conversion in performance; and

''(B) the local community and the Government, if more than 50 agency civilian employees perform the function.

''(3)(A) A representative individual or entity at a facility where a public-private competition is conducted may submit to the head of the executive agency an objection to the public-private competition on the grounds that the report required by paragraph (1) has not been submitted or that the certification required by paragraph (1)(E) is not included in the report submitted as a condition for the public-private competition. The objection shall be in writing and shall be submitted within 90 days after the following date:

''(i) In the case of a failure to submit the report when required, the date on which the representative individual or an official of the representative entity authorized to pose the objection first knew or should have known of that failure.

''(ii) In the case of a failure to include the certification in a submitted report, the date on which the report was submitted to Congress.

''(B) If the head of the executive agency determines that the report required by paragraph (1) was not submitted or that the required certification was not included in the submitted report, the function for which the public-private competition was conducted for which the objection was submitted may not be the subject of a solicitation of offers for, or award of, a contract until, respectively, the report is submitted or a report containing the certification in full compliance with the certification requirement is submitted.

''(d) EXEMPTION FOR THE PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED PERSONS.—This section shall not apply to a commercial or industrial type function of an executive agency that—

''(1) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

''(2) is planned to be changed to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped persons in accordance with that Act.

''(e) INAPPLICABILITY DURING WAR OR EMERGENCY.—The provisions of this section shall not apply during war or during a period of national emergency declared by the President or Congress.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1(b) of such Act is amended by adding at the end the following new item:

''Sec. 43. Public-private competition required before conversion to contractor performance.''.

SEC. 328. EXTENSION OF AUTHORITY FOR ARMY INDUSTRIAL FACILITIES TO ENGAGE IN COOPERATIVE ACTIVITIES WITH NON-ARMY ENTITIES.

(a) EXTENSION OF AUTHORITY.—Section 4544 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following: ''This authority may be used to enter into not more than eight contracts or cooperative agreements.''; and

(2) in subsection (k), by striking ''2009'' and inserting ''2014''.

(b) Reports.—

(1) Annual report on use of authority.—The Secretary of the Army shall submit to Congress at the same time the budget of the President is submitted to Congress for fiscal years 2009 through 2016 under section 1105 of title 31, United States Code, a report on the use of the authority provided under section 4544 of title 10, United States Code.

(2) Analysis of use of authority.—Not later than September 30, 2012, the Secretary of the Army shall submit to the congressional defense committees a report assessing the advisability of making such authority permanent and eliminating the limitation on the number of contracts or cooperative arrangements that may be entered into pursuant to such authority.

SEC. 329. REAUTHORIZATION AND MODIFICATION OF MULTI-TRADES DEMONSTRATION PROJECT.

(a) Reauthorization and Expansion.—Section 338 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 5013 note) is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

"(a) Demonstration Project Authorized.—In accordance with section 4703 of title 5, United States Code, the Secretary of a military department may carry out a demonstration project under which workers who are certified at the journey level as able to perform multiple trades may be promoted by one grade level. A demonstration project under this subsection may be carried out as follows:

"(1) In the case of the Secretary of the Army, at one Army depot.

"(2) In the case of the Secretary of the Navy, at one Navy Fleet Readiness Center.

"(3) In the case of the Secretary of the Air Force, at one Air Force Logistics Center.";

(2) in subsection (b)—

(A) by striking "a Naval Aviation Depot" and inserting "an Air Force Air Logistics Center, Navy Fleet Readiness Center, or Army depot"; and

(B) by striking "Secretary" and inserting "Secretary of the military department concerned";

(3) by striking subsection (d) and redesignating subsections (e) through (g) as subsections (d) through (f), respectively;

(4) in subsection (d), as so redesignated, by striking "2004 through 2006" and inserting "2008 through 2013";

(5) in subsection (e), as so redesignated—

(A) by striking "2007" and inserting "2014";

(B) by inserting after "Secretary" the following "of each military department that carried out a demonstration project under this section"; and

(C) by adding at the end the following new sentence: "Each such report shall include the Secretary's recommendation on whether permanent multi-trade authority should be authorized."; and

(6) in subsection (f), as so redesignated—

(A) in the first sentence, by striking "The Secretary" and inserting "Each Secretary who submits a report under subsection (e)"; and

(B) in the second sentence—

(i) by striking "receiving the report" and inserting "receiving a report"; and

(ii) by striking "evaluation of the report" and inserting "evaluation of that report".

(b) Clerical Amendment.—The heading for such section is amended to read as follows:

"SEC. 338. MULTI-TRADES DEMONSTRATION PROJECT.".

SEC. 330. PILOT PROGRAM FOR AVAILABILITY OF WORKING-CAPITAL FUNDS TO ARMY FOR CERTAIN PRODUCT IMPROVEMENTS.

(a) In General.—Notwithstanding section 2208 of title 10, United States Code, the Secretary of the Army may use a working-capital fund established pursuant to that section for expenses directly related to conducting a pilot program for a product improvement described in subsection (b).

(b) Product Improvement.—A product improvement covered by the pilot program is the procurement and installation of a component or subsystem of a weapon system platform or major end item that would improve the reliability and maintainability, extend the useful life, enhance safety, lower maintenance costs, or provide performance enhancement of the weapon system platform or major end item.

(c) Limitation on Certain Projects.—Funds may not be used under subsection (a) for—

(1) any product improvement that significantly changes the performance envelope of an end item; or

(2) any component with an estimated total cost in excess of $1,000,000.

(d) Limitation in Fiscal Year Pending Timely Report.—If during any fiscal year the report required by paragraph (1) of subsection (e) is not submitted by the date specified in paragraph (3) of that subsection, funds may not be used under subsection (a) in such fiscal year during the period—

(1) beginning on the date specified in paragraph (3) of subsection (e); and

(2) ending on the date of the submittal of the report under paragraph (1) of subsection (e).

(e) Annual Report.—

(1) In general.—Each fiscal year, the Assistant Secretary of the Army for Acquisition, Logistics, and Technology, in consultation with the Assistant Secretary of the Army for Financial Management and Comptroller, shall submit to the congressional defense committees a report on the use of the authority in subsection (a) during the preceding fiscal year.

(2) Recommendation.—In the case of the report required to be submitted under paragraph (1) during fiscal year 2012, the report shall include the recommendation of the Assistant Secretary of the Army for Acquisition, Logistics, and Technology regarding whether the authority under subsection (a) should be made permanent.

(3) Deadline for submittal.—The report required by paragraph (1) in a fiscal year shall be submitted not later than 60 days after the date of the submittal to Congress of the budget of the President for the succeeding fiscal year pursuant to section 1105 of title 31, United States Code.

(f) Sunset.—The authority under subsection (a) shall expire on October 1, 2013.

Subtitle D—Extension of Program Authorities

SEC. 341. EXTENSION OF ARSENAL SUPPORT PROGRAM INITIATIVE.

Section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (10 U.S.C. 4551 note) is amended—

(1) in subsection (a), by striking "2008" and inserting "2010"; and

(2) in subsection (g)(1), by striking "2008" and inserting "2010".

SEC. 342. EXTENSION OF PERIOD FOR REIMBURSEMENT FOR HELMET PADS PURCHASED BY MEMBERS OF THE ARMED FORCES DEPLOYED IN CONTINGENCY OPERATIONS.

(a) Extension.—Section 351 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1857) is amended—

(1) in subsection (a)(3), by inserting before the period at the end the following: ", or in the case of protective helmet pads purchased by a member from a qualified vendor for that member's personal use, ending on September 30, 2007";

(2) in subsection (c)—

(A) by inserting after "Armed Forces" the following: "shall comply with regular Department of Defense procedures for the submission of claims and"; and

(B) by inserting before the period at the end the following: "or one year after the date on which the purchase of the protective, safety, or health equipment was made, whichever occurs last"; and

(3) in subsection (d), by adding at the end the following new sentence: "Subsection (a)(1) shall not apply in the case of the purchase of protective helmet pads on behalf of a member.".

(b) Funding.—Amounts for reimbursements made under section 351 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 after the date of the enactment of this Act shall be derived from supplemental appropriations for the Department of Defense for fiscal year 2008, contingent upon such appropriations being enacted.

SEC. 343. EXTENSION OF TEMPORARY AUTHORITY FOR CONTRACT PERFORMANCE OF SECURITY GUARD FUNCTIONS.

(a) Extension.—Subsection (c) of section 332 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314) is amended by striking "September 30, 2009" both places it appears and inserting "September 30, 2012".

(b) Limitation for Fiscal Years 2010 Through 2012.—Subsection (d) of such section is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(4) for fiscal year 2010, the number equal to 70 percent of the total number of such personnel employed under such contracts on October 1, 2006;

"(5) for fiscal year 2011, the number equal to 60 percent of the total number of such personnel employed under such contracts on October 1, 2006; and

"(6) for fiscal year 2012, the number equal to 50 percent of the total number of such personnel employed under such contracts on October 1, 2006.".

Subtitle E—Reports

SEC. 351. REPORTS ON NATIONAL GUARD READINESS FOR EMERGENCIES AND MAJOR DISASTERS.

(a) Annual Reports on Equipment.—Section 10541(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(9) An assessment of the extent to which the National Guard possesses the equipment required to perform the responsibilities of the National Guard pursuant to sections 331, 332, 333, 12304(b), and 12406 of this title in response to an emergency or major disaster (as such terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)). Such assessment shall—

"(A) identify any shortfall in equipment provided to the National Guard by the Department of Defense throughout the United States and the territories and possessions of the United States that is likely to affect the ability of the National Guard to perform such responsibilities;

"(B) evaluate the effect of any such shortfall on the capacity of the National Guard to perform such responsibilities in response to an emergency or major disaster that occurs in the United States or a territory or possession of the United States; and

"(C) identify the requirements and investment strategies for equipment provided to the National Guard by the Department of Defense that are necessary to plan for a reduction or elimination of any such shortfall.".

(b) INCLUSION OF ASSESSMENT OF NATIONAL GUARD READINESS IN QUARTERLY PERSONNEL AND UNIT READINESS REPORT.—Section 482 of such title is amended—

(1) in subsection (a), by striking "and (e)" and inserting "(e), and (f)";

(2) by redesignating subsection (f) as subsection (g); and

(3) by inserting after subsection (e) the following new subsection (f):

"(f) READINESS OF NATIONAL GUARD TO PERFORM CIVIL SUPPORT MISSIONS.—(1) Each report shall also include an assessment of the readiness of the National Guard to perform tasks required to support the National Response Plan for support to civil authorities.

"(2) Any information in an assessment under this subsection that is relevant to the National Guard of a particular State shall also be made available to the Governor of that State.

"(3) The Secretary shall ensure that each State Governor has an opportunity to provide to the Secretary an independent evaluation of that State's National Guard, which the Secretary shall include with each assessment submitted under this subsection.".

(c) EFFECTIVE DATE.—

(1) ANNUAL REPORT ON NATIONAL GUARD AND RESERVE COMPONENT EQUIPMENT.—The amendment made by subsection (a) shall apply with respect to reports submitted after the date of the enactment of this Act.

(2) QUARTERLY REPORTS ON PERSONNEL AND UNIT READINESS.—The amendment made by subsection (b) shall apply with respect to the quarterly report required under section 482 of title 10, United States Code, for the second quarter of fiscal year 2009 and each subsequent report required under that section.

(d) REPORT ON IMPLEMENTATION.—

(1) IN GENERAL.—As part of the budget justification materials submitted to Congress in support of the budget of the President for each of fiscal years 2009 and 2010 (as submitted under section 1105 of title 31, United States Code), the Secretary of Defense shall submit to the congressional defense committees a report on actions taken by the Secretary to implement the amendments made by this section.

(2) ELEMENTS.—Each report required under paragraph (1) shall include a description of the mechanisms to be utilized by the Secretary for assessing the personnel, equipment, and training readiness of the National Guard, including the standards and measures that will be applied and mechanisms for sharing information on such matters with the Governors of the States.

SEC. 352. ANNUAL REPORT ON PREPOSITIONED MATERIEL AND EQUIPMENT.

(a) ANNUAL REPORT REQUIRED.—Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2229a. Annual report on prepositioned materiel and equipment

"(a) ANNUAL REPORT REQUIRED.—Not later than the date of the submission of the President's budget request for a fiscal year under section 1105 of title 31, the Secretary of Defense shall submit to the congressional defense committees a report on the status of the materiel in the prepositioned stocks as of the end of the fiscal year preceding the fiscal year during which the report is submitted. Each report shall be unclassified and may contain a classified annex. Each report shall include the following information:

"(1) The level of fill for major end items of equipment and spare parts in each prepositioned set as of the end of the fiscal year covered by the report.

"(2) The material condition of equipment in the prepositioned stocks as of the end of such fiscal year, grouped by category or major end item.

"(3) A list of major end items of equipment drawn from the prepositioned stocks during such fiscal year and a description of how that equipment was used and whether it was returned to the stocks after being used.

"(4) A timeline for completely reconstituting any shortfall in the prepositioned stocks.

"(5) An estimate of the amount of funds required to completely reconstitute any shortfall in the prepositioned stocks and a description of the Secretary's plan for carrying out such complete reconstitution.

"(6) A list of any operations plan affected by any shortfall in the prepositioned stocks and a description of any action taken to mitigate any risk that such a shortfall may create.

"(b) COMPTROLLER GENERAL REVIEW.—(1) By not later than 120 days after the date on which a report is submitted under subsection (a), the Comptroller General shall review the report and, as the Comptroller General determines appropriate, submit to the congressional defense committees any additional information that the Comptroller General determines will further inform such committees on issues relating to the status of the materiel in the prepositioned stocks.

"(2) The Secretary of Defense shall ensure the full cooperation of the Department of Defense with the Comptroller General for purposes of the conduct of the review required by this subsection, both before and after each report is submitted under subsection (a). The Secretary shall conduct periodic briefings for the Comptroller General on the information covered by each report required under subsection (a) and provide to the Comptroller General access to the data and preliminary results to be used by the Secretary in preparing each such report before the Secretary submits the report to enable the Comptroller General to conduct each review required under paragraph (1) in a timely manner.

"(3) The requirement to conduct a review under this subsection shall terminate on September 30, 2015.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2229a. Annual report on prepositioned materiel and equipment.".

SEC. 353. REPORT ON INCREMENTAL COST OF EARLY 2007 ENHANCED DEPLOYMENT.

Section 323(b)(2) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2146; 10 U.S.C. 229 note) is amended—

(1) in subparagraph (A), by striking "; and" and inserting a semicolon;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) each of the military departments for the incremental changes in reset costs resulting from the deployment and redeployment of forces to Iraq and Afghanistan above the levels deployed to such countries on January 1, 2007.".

SEC. 354. MODIFICATION OF REQUIREMENTS OF COMPTROLLER GENERAL REPORT ON THE READINESS OF ARMY AND MARINE CORPS GROUND FORCES.

(a) SUBMITTAL DATE.—Subsection (a)(1) of section 345 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2156) is amended by striking "June 1, 2007" and inserting "June 1, 2008".

(b) ELEMENTS.—Subsection (b) of such section is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively; and

(3) by inserting after paragraph (1) the following new paragraphs:

"(2) An assessment of the ability of the Army and Marine Corps to provide trained and ready forces to meet the requirements of increased force levels in support of Operation Iraqi Freedom and Operation Enduring Freedom above such force levels in effect on January 1, 2007, and to meet the requirements of other ongoing operations simultaneously with such increased force levels.

"(3) An assessment of the strategic depth of the Army and Marine Corps and their ability to provide trained and ready forces to meet the requirements of the high-priority contingency war plans of the regional combatant commands, including an identification and evaluation for each such plan of—

"(A) the strategic and operational risks associated with current and projected forces of current and projected readiness;

"(B) the time required to make forces available and prepare them for deployment; and

"(C) likely strategic tradeoffs necessary to meet the requirements of each such plan.".

(c) DEPARTMENT OF DEFENSE COOPERATION.—Such section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) DEPARTMENT OF DEFENSE COOPERATION.—The Secretary of Defense shall ensure the full cooperation of the Department of Defense with the Comptroller General for purposes of the preparation of the report required by this section.".

SEC. 355. PLAN TO IMPROVE READINESS OF GROUND FORCES OF ACTIVE AND RESERVE COMPONENTS.

(a) REPORT REQUIRED.—At the same time that the budget is submitted under section 1105(a) of title 31, United States Code, for a fiscal year, the Secretary of Defense shall submit to the congressional defense committees a report on improving the readiness of the ground forces of active and reserve components of the Armed Forces. Each such report shall include—

(1) a summary of the readiness of each reporting unit of the ground forces of the active and reserve components and a summary of the readiness of each major combat unit of each Armed Force by readiness level;

(2) an identification of the extent to which the actual readiness ratings of the active and

reserve components of the Armed Forces have been upgraded based on the judgment of commanders and any efforts of the Secretary of Defense to analyze the trends and implications of such upgrades;

(3) the goals of the Secretary of Defense for managing the readiness of the ground forces of the active and reserve components, expressed in terms of the number of units or percentage of the force that the Secretary plans to maintain at each level of readiness, and the Secretary's projected timeframe for achieving each such goal;

(4) a prioritized list of items and actions to be accomplished during the fiscal year during which the report is submitted, and during the fiscal years covered by the future-years defense program, that the Secretary of Defense believes are necessary to significantly improve the readiness of the ground forces of the active and reserve components and achieve the goals and timeframes described in paragraph (3); and

(5) a detailed investment strategy and plan for each fiscal year covered by the future-years defense program under section 221 of title 10, United States Code, that is submitted during the fiscal year in which the report is submitted, that outlines the resources required to improve the readiness of the ground forces of the active and reserve components, including a description of how each resource identified in such plan relates to funding requested by the Secretary in the Secretary's annual budget, and how each such resource will specifically enable the Secretary to achieve the readiness goals described in paragraph (3) within the projected timeframes.

(b) COMPTROLLER GENERAL REVIEW.—By not later than 60 days after the date on which a report is submitted under subsection (a), the Comptroller General shall review the report and, as the Comptroller General determines appropriate, submit to the congressional defense committees any additional information that the Comptroller General determines will further inform the congressional defense committees on issues relating to the readiness of the ground forces of the active and reserve components of the Armed Forces.

(c) TERMINATION.—The requirement to submit a report under subsection (a) shall terminate on the date the Secretary of Defense submits the fifth report required under that subsection.

SEC. 356. INDEPENDENT ASSESSMENT OF CIVIL RESERVE AIR FLEET VIABILITY.

(a) INDEPENDENT ASSESSMENT REQUIRED.—The Secretary of Defense shall provide for an independent assessment of the viability of the Civil Reserve Air Fleet to be conducted by a federally-funded research and development center selected by the Secretary.

(b) CONTENTS OF ASSESSMENT.—The assessment required by subsection (a) shall include each of the following:

(1) An assessment of the Civil Reserve Air Fleet as of the date of the enactment of this Act, including an assessment of—

(A) the level of increased use of commercial assets to fulfill Department of Defense transportation requirements as a result of the increased global mobility requirements in response to the terrorist attacks of September 11, 2001;

(B) the extent of charter air carrier participation in fulfilling increased Department of Defense transportation requirements as a result of the increased global mobility requirements in response to the terrorist attacks of September 11, 2001;

(C) any policy of the Secretary of Defense to limit the percentage of income a single air carrier participating in the Civil Reserve Air Fleet may earn under contracts with the Secretary during any calendar year and the effects of such policy on the air carrier industry in peacetime and during periods during which the Armed Forces are deployed in support of a contingency operation for which the Civil Reserve Air Fleet is not activated; and

(D) any risks to the charter air carrier industry as a result of the expansion of the industry in response to contingency operations resulting in increased demand by the Department of Defense.

(2) A strategic assessment of the viability of the Civil Reserve Air Fleet that compares such viability as of the date of the enactment of this Act with the projected viability of the Civil Reserve Air Fleet 5, 10, and 15 years after the date of the enactment of this Act, including for activations at each of stages 1, 2, and 3—

(A) an examination of the requirements of the Department of Defense for the Civil Reserve Air Fleet for the support of operational and contingency plans, including any anticipated changes in the Department's organic airlift capacity, logistics concepts, and personnel and training requirements;

(B) an assessment of air carrier participation in the Civil Reserve Air Fleet; and

(C) a comparison between the requirements of the Department described in subparagraph (A) and air carrier participation described in subparagraph (B).

(3) An examination of any perceived barriers to Civil Reserve Air Fleet viability, including—

(A) the operational planning system of the Civil Reserve Air Fleet;

(B) the reward system of the Civil Reserve Air Fleet;

(C) the long-term affordability of the Aviation War Risk Insurance Program;

(D) the effect on United States air carriers operating overseas routes during periods of Civil Reserve Air Fleet activation;

(E) increased foreign ownership of United States air carriers;

(F) increased operational costs during activation as a result of hazardous duty pay, routing delays, and inefficiencies in cargo handling by the Department of Defense;

(G) the effect of policy initiatives by the Secretary of Transportation to encourage international code sharing and alliances; and

(H) the effect of limitations imposed by the Secretary of Defense to limit commercial shipping options for certain routes and package sizes.

(4) Recommendations for improving the Civil Reserve Air Fleet program, including an assessment of potential incentives for increasing participation in the Civil Reserve Air Fleet program, including establishing a minimum annual purchase amount during peacetime.

(c) SUBMISSION TO CONGRESS.—Upon the completion of the assessment required under subsection (a) and by not later than April 1, 2008, the Secretary shall submit to the congressional defense committees a report on the assessment.

(d) COMPTROLLER GENERAL REPORT.—Not later than 90 days after the report is submitted under subsection (c), the Comptroller General shall conduct a review of the assessment required under subsection (a).

SEC. 357. DEPARTMENT OF DEFENSE INSPECTOR GENERAL REPORT ON PHYSICAL SECURITY OF DEPARTMENT OF DEFENSE INSTALLATIONS.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Defense shall submit to Congress a report on the physical security of Department of Defense installations and resources.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An analysis of the progress in implementing requirements under the Physical Security Program as set forth in the Department of Defense Instruction 5200.08–R, Chapter 2 (C.2) and Chapter 3, Section 3: Installation Access (C3.3), which mandates the policies and minimum standards for the physical security of Department of Defense installations and resources.

(2) Recommendations based on the findings of the Comptroller General of the United States in the report required by section 344 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–366; 120 Stat. 2155).

(3) Recommendations based on the lessons learned from the thwarted plot to attack Fort Dix, New Jersey, in 2007.

SEC. 358. REVIEW OF HIGH-ALTITUDE AVIATION TRAINING.

(a) REVIEW REQUIRED.—The Secretary of the Defense shall conduct a review of the training requirements of the Department of Defense for helicopter operations in high-altitude or power-limited conditions.

(b) CONTENT.—The review required under subsection (a) shall include an examination of—

(1) power-management and high-altitude training requirements by military department, helicopter, and crew position;

(2) training methods and locations currently used by each of the military departments to fulfill those training requirements;

(3) department or service regulations that prohibit or inhibit joint-service or inter-service high-altitude aviation training;

(4) costs for each of the previous 5 years associated with transporting aircraft to and from the High-Altitude Aviation Training Site, Gypsum, Colorado, for training purposes;

(5) potential risk avoidance and reductions in accident rates due to power management if training of the type offered at the High-Altitude Aviation Training Site was required training, rather than optional training; and

(6) potential cost savings and operational benefits, if any, of permanently stationing no less than 4 UH–60, 2 CH–47, and 2 LUH–72 aircraft at the High-Altitude Aviation Training Site, Gypsum, Colorado.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the conduct and findings of the review required under subsection (a) along with a summary of changes to policy, regulation, or asset allocation necessary to ensure that Department of Defense helicopter aircrews are adequately trained in high-altitude or power-limited flying conditions prior to being exposed to such conditions operationally.

SEC. 359. REPORTS ON SAFETY MEASURES AND ENCROACHMENT ISSUES AND MASTER PLAN FOR WARREN GROVE GUNNERY RANGE, NEW JERSEY.

(a) ANNUAL REPORT ON SAFETY MEASURES.—Not later than March 1, 2008, and annually thereafter for 2 additional years, the Secretary of the Air Force shall submit to the congressional defense committees a report on efforts made by all of the military departments utilizing the Warren Grove Gunnery Range, New Jersey, to provide the highest level of safety.

(b) MASTER PLAN FOR WARREN GROVE GUNNERY RANGE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a master plan for Warren Grove Gunnery Range.

(2) CONTENT.—The master plan required under paragraph (1) shall include measures to mitigate encroachment of the Warren Grove Gunnery Range, taking into consideration military mission requirements, land use plans, the surrounding community, the economy of the region, and protection of the environment and public health, safety, and welfare.

(3) INPUT.—In establishing the master plan required under paragraph (1), the Secretary shall seek input from relevant stakeholders at the Federal, State, and local level.

SEC. 360. REPORT ON SEARCH AND RESCUE CAPABILITIES OF THE AIR FORCE IN THE NORTHWESTERN UNITED STATES.

(a) REPORT.—Not later than April 1, 2008, the Secretary of the Air Force shall submit to the appropriate congressional committees a report on the search and rescue capabilities of the Air Force in the northwestern United States.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) An assessment of the search and rescue capabilities required to support Air Force operations and training.

(2) A description of the compliance of the Air Force with the 1999 United States National Search and Rescue Plan (referred to hereinafter in this section as the "NSRP") for Washington, Oregon, Idaho, and Montana.

(3) An inventory and description of the search and rescue assets of the Air Force that are available to meet the requirements of the NSRP.

(4) A description of the use of such search and rescue assets during the 3-year period preceding the date when the report is submitted.

(5) The plans of the Air Force to meet current and future search and rescue requirements in the northwestern United States, including plans that take into consideration requirements related to support for both Air Force operations and training and compliance with the NSRP.

(6) An inventory of other search and rescue capabilities equivalent to such capabilities provided by the Air Force that may be provided by other Federal, State, or local agencies in the northwestern United States.

(c) USE OF REPORT FOR PURPOSES OF CERTIFICATION REGARDING SEARCH AND RESCUE CAPABILITIES.—Section 1085 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2065; 10 U.S.C. 113 note) is amended by striking "unless the Secretary first certifies" and inserting "unless the Secretary, after reviewing the search and rescue capabilities report prepared by the Secretary of the Air Force under subsection (a), first certifies".

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Homeland Security, the Committee on Energy and Commerce, the Committee on Natural Resources, and the Committee on Appropriations of the House of Representatives.

SEC. 361. REPORT AND MASTER INFRASTRUCTURE RECAPITALIZATION PLAN FOR CHEYENNE MOUNTAIN AIR STATION, COLORADO.

(a) REPORT ON RELOCATION OF NORTH AMERICAN AEROSPACE DEFENSE COMMAND CENTER.—

(1) IN GENERAL.—Not later than March 1, 2008, the Secretary of Defense shall submit to Congress a report on the relocation of the North American Aerospace Defense Command center and related functions from Cheyenne Mountain Air Station, Colorado, to Peterson Air Force Base, Colorado.

(2) CONTENT.—The report required under paragraph (1) shall include—

(A) an analysis comparing the total costs associated with the relocation, including costs determined as part of ongoing security-related studies of the relocation, to anticipated operational benefits from the relocation;

(B) a detailed explanation of the backup functions that will remain located at Cheyenne Mountain Air Station, and how such functions planned to be transferred out of Cheyenne Mountain Air Station, including the Space Operations Center, will maintain operational connectivity with their related commands and relevant communications centers;

(C) the final plans for the relocation of the North American Aerospace Defense Command center and related functions; and

(D) the findings and recommendations of an independent security and vulnerability assessment of Peterson Air Force Base carried out by Sandia National Laboratory for the United States Air Force Space Command and the Secretary's plans for mitigating any security and vulnerability risks identified as part of that assessment and associated cost and schedule estimates.

(b) LIMITATION ON AVAILABILITY OF FUNDS PENDING RECEIPT OF REPORT.—Of the funds appropriated pursuant to an authorization of appropriations or otherwise made available for fiscal year 2008 for operation and maintenance for the Air Force that are available for the Cheyenne Mountain Transformation project, $5,000,000 may not be obligated or expended until Congress receives the report required under subsection (a).

(c) COMPTROLLER GENERAL REVIEW.—Not later than 120 days after the date on which the Secretary of Defense submits the report required under subsection (a), the Comptroller General shall submit to Congress a review of the report and the final plans of the Secretary for the relocation of the North American Aerospace Defense Command center and related functions.

(d) MASTER INFRASTRUCTURE RECAPITALIZATION PLAN.—

(1) IN GENERAL.—Not later than March 16, 2008, the Secretary of the Air Force shall submit to Congress a master infrastructure recapitalization plan for Cheyenne Mountain Air Station.

(2) CONTENT.—The plan required under paragraph (1) shall include—

(A) a description of the projects that are needed to improve the infrastructure required for supporting missions associated with Cheyenne Mountain Air Station; and

(B) a funding plan explaining the expected timetable for the Air Force to support such projects.

Subtitle F—Other Matters

SEC. 371. ENHANCEMENT OF CORROSION CONTROL AND PREVENTION FUNCTIONS WITHIN DEPARTMENT OF DEFENSE.

(a) OFFICE OF CORROSION POLICY AND OVERSIGHT.—

(1) IN GENERAL.—Section 2228 of title 10, United States Code, is amended by striking the section heading and subsection (a) and inserting the following:

"§ 2228. Office of Corrosion Policy and Oversight

"(a) OFFICE AND DIRECTOR.—(1) There is an Office of Corrosion Policy and Oversight within the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics.

"(2) The Office shall be headed by a Director of Corrosion Policy and Oversight, who shall be assigned to such position by the Under Secretary from among civilian employees of the Department of Defense with the qualifications described in paragraph (3). The Director is responsible in the Department of Defense to the Secretary of Defense (after the Under Secretary of Defense for Acquisition, Technology, and Logistics) for the prevention and mitigation of corrosion of the military equipment and infrastructure of the Department of Defense. The Director shall report directly to the Under Secretary.

"(3) In order to qualify to be assigned to the position of Director, an individual shall—

"(A) have management expertise in, and professional experience with, corrosion project and policy implementation, including an understanding of the effects of corrosion policies on infrastructure; research, development, test, and evaluation; and maintenance; and

"(B) have an understanding of Department of Defense budget formulation and execution, policy formulation, and planning and program requirements.

"(4) The Secretary of Defense shall designate the position of Director as a critical acquisition position under section 1733(b)(1)(C) of this title.".

(2) CONFORMING AMENDMENTS.—Section 2228(b) of such title is amended—

(A) in paragraph (1), by striking "official or organization designated under subsection (a)" and inserting "Director of Corrosion Policy and Oversight (in this section referred to as the 'Director')"; and

(B) in paragraphs (2), (3), (4), and (5), by striking "designated official or organization" and inserting "Director".

(b) ADDITIONAL AUTHORITY FOR DIRECTOR OF OFFICE.—Section 2228 of such title is further amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) ADDITIONAL AUTHORITIES FOR DIRECTOR.—The Director is authorized to—

"(1) develop, update, and coordinate corrosion training with the Defense Acquisition University;

"(2) participate in the process within the Department of Defense for the development of relevant directives and instructions; and

"(3) interact directly with the corrosion prevention industry, trade associations, other government corrosion prevention agencies, academic research and educational institutions, and scientific organizations engaged in corrosion prevention, including the National Academy of Sciences.".

(c) INCLUSION OF COOPERATIVE RESEARCH AGREEMENTS AS PART OF CORROSION REDUCTION STRATEGY.—Subsection (d)(2)(D) of section 2228 of such title, as redesignated by subsection (b), is amended by inserting after "operational strategies" the following: ", including through the establishment of memoranda of agreement, joint funding agreements, public-private partnerships, university research and education centers, and other cooperative research agreements".

(d) REPORT REQUIREMENT.—Section 2228 of such title is further amended by inserting after subsection (d) (as redesignated by subsection (b)) the following new subsection:

"(e) REPORT.—(1) For each budget for a fiscal year, beginning with the budget for fiscal year 2009, the Secretary of Defense shall submit, with the defense budget materials, a report on the following:

"(A) Funding requirements for the long-term strategy developed under subsection (d).

"(B) The return on investment that would be achieved by implementing the strategy.

"(C) The funds requested in the budget compared to the funding requirements.

"(D) An explanation if the funding requirements are not fully funded in the budget.

"(2) Within 60 days after submission of the budget for a fiscal year, the Comptroller General shall provide to the congressional defense committees—

"(A) an analysis of the budget submission for corrosion control and prevention by the Department of Defense; and

"(B) an analysis of the report required under paragraph (1).".

(e) DEFINITIONS.—Subsection (f) of section 2228 of such title, as redesignated by subsection (b), is amended by adding at the end the following new paragraphs:

"(4) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

"(5) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.".

(f) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 131 of such title is amended by striking the item relating to section 2228 and inserting the following new item:

"2228. Office of Corrosion Policy and Oversight.".

SEC. 372. AUTHORITY FOR DEPARTMENT OF DEFENSE TO PROVIDE SUPPORT FOR CERTAIN SPORTING EVENTS.

(a) PROVISION OF SUPPORT.—Section 2564 of title 10, United States Code, is amended—

(1) in subsection (c), by adding at the end the following new paragraphs:

"(4) A sporting event sanctioned by the United States Olympic Committee through the Paralympic Military Program.

"(5) Any national or international paralympic sporting event (other than a sporting event described in paragraphs (1) through (4))—

"(A) that—

"(i) is held in the United States or any of its territories or commonwealths;

"(ii) is governed by the International Paralympic Committee; and

"(iii) is sanctioned by the United States Olympic Committee;

"(B) for which participation exceeds 100 amateur athletes; and

"(C) in which at least 10 percent of the athletes participating in the sporting event are members or former members of the armed forces who are participating in the sporting event based upon an injury or wound incurred in the line of duty in the armed force and veterans who are participating in the sporting event based upon a service-connected disability."; and

(2) by adding at the end the following new subsection:

"(g) FUNDING FOR SUPPORT OF CERTAIN EVENTS.—(1) Amounts for the provision of support for a sporting event described in paragraph (4) or (5) of subsection (c) may be derived from the Support for International Sporting Competitions, Defense account established by section 5802 of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104–208; 10 U.S.C. 2564 note), notwithstanding any limitation under that section relating to the availability of funds in such account for the provision of support for international sporting competitions.

"(2) The total amount expended for any fiscal year to provide support for sporting events described in subsection (c)(5) may not exceed $1,000,000.".

(b) SOURCE OF FUNDS.—Section 5802 of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104–208; 10 U.S.C. 2564 note) is amended—

(1) by inserting after "international sporting competitions" the following: "and for support of sporting competitions authorized under section 2564(c)(4) and (5), of title 10, United States Code,"; and

(2) by striking "45 days" and inserting "15 days".

SEC. 373. AUTHORITY TO IMPOSE REASONABLE RESTRICTIONS ON PAYMENT OF FULL REPLACEMENT VALUE FOR LOST OR DAMAGED PERSONAL PROPERTY TRANSPORTED AT GOVERNMENT EXPENSE.

Section 2636a(d) of title 10, United States Code, is amended by adding at the end the following new sentence: "The regulations may include a requirement that a member of the armed forces or civilian employee of the Department of Defense comply with reasonable restrictions or conditions prescribed by the Secretary in order to receive the full amount deducted under subsection (b).".

SEC. 374. PRIORITY TRANSPORTATION ON DEPARTMENT OF DEFENSE AIRCRAFT OF RETIRED MEMBERS RESIDING IN COMMONWEALTHS AND POSSESSIONS OF THE UNITED STATES FOR CERTAIN HEALTH CARE SERVICES.

(a) AVAILABILITY OF TRANSPORTATION.—Chapter 157 of title 10, United States Code, is amended by inserting after section 2641a the following new section:

"§ 2641b. Space-available travel on Department of Defense aircraft: retired members residing in Commonwealths and possessions of the United States for certain health care services

"(a) PRIORITY TRANSPORTATION.—The Secretary of Defense shall provide transportation on Department of Defense aircraft on a space-available basis for any member or former member of the uniformed services described in subsection (b), and a single dependent of the member if needed to accompany the member, at a priority level in the same category as the priority level for an unaccompanied dependent over the age of 18 traveling on environmental and morale leave.

"(b) ELIGIBLE MEMBERS AND FORMER MEMBERS.—A member or former member eligible for priority transport under subsection (a) is a covered beneficiary under chapter 55 of this title who—

"(1) is entitled to retired or retainer pay;

"(2) resides in or is located in a Commonwealth or possession of the United States; and

"(3) is referred by a military or civilian primary care provider located in that Commonwealth or possession to a specialty care provider for services to be provided outside of that Commonwealth or possession.

"(c) SCOPE OF PRIORITY.—The increased priority for space-available transportation required by subsection (a) applies with respect to both—

"(1) the travel from the Commonwealth or possession of the United States to receive the specialty care services; and

"(2) the return travel.

"(d) DEFINITIONS.—In this section, the terms 'primary care provider' and 'specialty care provider' refer to a medical or dental professional who provides health care services under chapter 55 of this title.

"(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations to implement this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2641a the following new item:

"2641b. Space-available travel on Department of Defense aircraft: retired members residing in Commonwealths and possessions of the United States for certain health care services.".

SEC. 375. RECOVERY OF MISSING MILITARY PROPERTY.

(a) IN GENERAL.—Chapter 165 of title 10, United States Code, is amended by adding at the end the following new sections:

"§ 2788. Property accountability: regulations

"The Secretary of a military department may prescribe regulations for the accounting for the property of that department and the fixing of responsibility for that property.

"§ 2789. Individual equipment: unauthorized disposition

"(a) PROHIBITION.—No member of the armed forces may sell, lend, pledge, barter, or give any clothing, arms, or equipment furnished to such member by the United States to any person other than a member of the armed forces or an officer of the United States who is authorized to receive it.

"(b) SEIZURE OF IMPROPERLY DISPOSED PROPERTY.—If a member of the armed forces has disposed of property in violation of subsection (a) and the property is in the possession of a person who is neither a member of the armed forces nor an officer of the United States who is authorized to receive it, that person has no right to or interest in the property, and any civil or military officer of the United States may seize the property, wherever found, subject to applicable regulations. Possession of such property furnished by the United States to a member of the armed forces by a person who is neither a member of the armed forces, nor an officer of the United States, is prima facie evidence that the property has been disposed of in violation of subsection (a).

"(c) DELIVERY OF SEIZED PROPERTY.—If an officer who seizes property under subsection (b) is not authorized to retain it for the United States, the officer shall deliver the property to a person who is authorized to retain it.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

"2788. Property accountability: regulations.
"2789. Individual equipment: unauthorized disposition.".

(c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Such title is further amended by striking the following sections:

(A) Section 4832.

(B) Section 4836.

(C) Section 9832.

(D) Section 9836.

(2) CLERICAL AMENDMENTS.—

(A) CHAPTER 453.—The table of sections at the beginning of chapter 453 of such title is amended by striking the items relating to sections 4832 and 4836.

(B) CHAPTER 953.—The table of sections at the beginning of chapter 953 of such title is amended by striking the items relating to sections 9832 and 9836.

SEC. 376. RETENTION OF COMBAT UNIFORMS BY MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF CONTINGENCY OPERATIONS.

(a) RETENTION OF COMBAT UNIFORMS.—Chapter 152 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2568. Retention of combat uniforms by members deployed in support of contingency operations

"The Secretary of a military department may authorize a member of the armed forces under the jurisdiction of the Secretary who has been deployed in support of a contingency operation for at least 30 days to retain, after that member is no longer so deployed, the combat uniform issued to that member as organizational clothing and individual equipment.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2568. Retention of combat uniforms by members deployed in support of contingency operations.".

SEC. 377. ISSUE OF SERVICEABLE MATERIAL OF THE NAVY OTHER THAN TO ARMED FORCES.

(a) IN GENERAL.—Part IV of subtitle C of title 10, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 667—ISSUE OF SERVICEABLE MATERIAL OTHER THAN TO ARMED FORCES

"Sec.

"7911. Arms, tentage, and equipment: educational institutions not maintaining units of R.O.T.C.

"7912. Rifles and ammunition for target practice: educational institutions having corps of midshipmen.

"7913. Supplies: military instruction camps.

"§ 7911. Arms, tentage, and equipment: educational institutions not maintaining units of R.O.T.C.

"Under such conditions as he may prescribe, the Secretary of the Navy may issue arms, tentage, and equipment that the Secretary considers necessary for proper military training, to any educational institution at which no unit of the Reserve Officers' Training Corps is maintained, but which has a course in military training prescribed by the Secretary and which has at least 50 physically fit students over 14 years of age.

"§ 7912. Rifles and ammunition for target practice: educational institutions having corps of midshipmen

"(a) AUTHORITY TO LEND.—The Secretary of the Navy may lend, without expense to the United States, magazine rifles and appendages that are not of the existing service models in use at the time and that are not necessary for a proper reserve supply, to any educational institution having a uniformed corps of midshipmen of sufficient number for target practice. The Secretary may also issue 40 rounds of ball cartridges for each midshipman for each range at which target practice is held, but not more than 120 rounds each year for each midshipman participating in target practice.

"(b) RESPONSIBILITIES OF INSTITUTIONS.—The institutions to which property is lent under subsection (a) shall—

"(1) use the property for target practice;

"(2) take proper care of the property; and

"(3) return the property when required.

"(c) REGULATIONS.—The Secretary of the Navy shall prescribe regulations to carry out this section, containing such other requirements as he considers necessary to safeguard the interests of the United States.

"§ 7913. Supplies: military instruction camps

"Under such conditions as he may prescribe, the Secretary of the Navy may issue, to any educational institution at which an officer of the naval service is detailed as professor of naval science, such supplies as are necessary to establish and maintain a camp for the military instruction of its students. The Secretary shall require a bond in the value of the property issued under this section, for the care and safekeeping of that property and except for property properly expended, for its return when required.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle C of such title, and the table of chapters at the beginning of part IV of such subtitle, are each amended by inserting after the item relating to chapter 665 the following new item:

"667. Issue of serviceable material other than to Armed Forces .... 7911.".

SEC. 378. REAUTHORIZATION OF AVIATION INSURANCE PROGRAM.

Section 44310 of title 49, United States Code, is amended by striking "March 30, 2008" and inserting "December 31, 2013".

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.

Sec. 402. Revision in permanent active duty end strength minimum levels.

Sec. 403. Additional authority for increases of Army and Marine Corps active duty end strengths for fiscal years 2009 and 2010.

Sec. 404. Increase in authorized strengths for Army officers on active duty in the grade of major.

Sec. 405. Increase in authorized strengths for Navy officers on active duty in the grades of lieutenant commander, commander, and captain.

Sec. 406. Increase in authorized daily average of number of members in pay grade E–9.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.

Sec. 412. End strengths for Reserves on active duty in support of the Reserves.

Sec. 413. End strengths for military technicians (dual status).

Sec. 414. Fiscal year 2008 limitation on number of non-dual status technicians.

Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

Sec. 416. Future authorizations and accounting for certain reserve component personnel authorized to be on active duty or full-time National Guard duty to provide operational support.

Sec. 417. Revision of variances authorized for Selected Reserve end strengths.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

(a) IN GENERAL.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 2008, as follows:

(1) The Army, 525,400.

(2) The Navy, 329,098.

(3) The Marine Corps, 189,000.

(4) The Air Force, 329,563.

(b) LIMITATION.—

(1) ARMY.—The authorized strength for the Army provided in paragraph (1) of subsection (a) for active duty personnel for fiscal year 2008 is subject to the condition that costs of active duty personnel of the Army for that fiscal year in excess of 489,400 shall be paid out of funds authorized to be appropriated for that fiscal year by section 1514.

(2) MARINE CORPS.—The authorized strength for the Marine Corps provided in paragraph (3) of subsection (a) for active duty personnel for fiscal year 2008 is subject to the condition that costs of active duty personnel of the Marine Corps for that fiscal year in excess of 180,000 shall be paid out of funds authorized to be appropriated for that fiscal year by section 1514.

SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.

Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

"(1) For the Army, 525,400.

"(2) For the Navy, 328,400.

"(3) For the Marine Corps, 189,000.

"(4) For the Air Force, 328,600.".

SEC. 403. ADDITIONAL AUTHORITY FOR INCREASES OF ARMY AND MARINE CORPS ACTIVE DUTY END STRENGTHS FOR FISCAL YEARS 2009 AND 2010.

(a) AUTHORITY TO INCREASE ARMY ACTIVE DUTY END STRENGTHS.—For each of fiscal years 2009 and 2010, the Secretary of Defense may, as the Secretary determines necessary for the purposes described in subsection (c), establish the active-duty end strength for the Army at a number greater than the number otherwise authorized by law up to the number equal to the fiscal-year 2008 baseline plus 22,000.

(b) MARINE CORPS.—For each of fiscal years 2009 and 2010, the Secretary of Defense may, as the Secretary determines necessary for the purposes described in subsection (c), establish the active-duty end strength for the Marine Corps at a number greater than the number otherwise authorized by law up to the number equal to the fiscal-year 2008 baseline plus 13,000.

(c) PURPOSE OF INCREASES.—The purposes for which increases may be made in Army and Marine Corps active duty end strengths under this section are—

(1) to support operational missions; and

(2) to achieve transformational reorganization objectives, including objectives for increased numbers of combat brigades and battalions, increased unit manning, force stabilization and shaping, and rebalancing of the active and reserve component forces.

(d) RELATIONSHIP TO PRESIDENTIAL WAIVER AUTHORITY.—Nothing in this section shall be construed to limit the President's authority under section 123a of title 10, United States Code, to waive any statutory end strength in a time of war or national emergency.

(e) RELATIONSHIP TO OTHER VARIANCE AUTHORITY.—The authority under this section is in addition to the authority to vary authorized end strengths that is provided in subsections (e) and (f) of section 115 of title 10, United States Code.

(f) BUDGET TREATMENT.—

(1) FISCAL YEARS 2009 AND 2010 BUDGETS.—The budget for the Department of Defense for fiscal years 2009 and 2010 as submitted to Congress shall comply, with respect to funding, with subsections (c) and (d) of section 691 of title 10, United States Code.

(2) OTHER INCREASES.—If the Secretary of Defense plans to increase the Army or Marine Corps active duty end strength for a fiscal year under this section, then the budget for the Department of Defense for that fiscal year as submitted to Congress shall include the amounts necessary for funding that active duty end strength in excess of the fiscal year 2008 active duty end strength authorized for that service under section 401.

(g) DEFINITIONS.—In this section:

(1) FISCAL-YEAR 2008 BASELINE.—The term "fiscal-year 2008 baseline", with respect to the Army and Marine Corps, means the active-duty end strength authorized for those services in section 401.

(2) ACTIVE-DUTY END STRENGTH.—In this subsection, the term "active-duty end strength" means the strength for active-duty personnel of one of the Armed Forces as of the last day of a fiscal year.

(h) REPEAL OF OTHER DISCRETIONARY AUTHORITY TO TEMPORARILY INCREASE ARMY AND MARINE CORPS ACTIVE DUTY END STRENGTHS.—Section 403 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 115 note), as amended by section 403 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2169), is repealed.

SEC. 404. INCREASE IN AUTHORIZED STRENGTHS FOR ARMY OFFICERS ON ACTIVE DUTY IN THE GRADE OF MAJOR.

The portion of the table in section 523(a)(1) of title 10, United States Code, relating to the Army is amended to read as follows:

"Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty:	Number of officers who may be serving on active duty in grade of:		
	Major	Lieutenant Colonel	Colonel
Army:			
20,000	7,768	5,253	1,613
25,000	8,689	5,642	1,796
30,000	9,611	6,030	1,980
35,000	10,532	6,419	2,163
40,000	11,454	6,807	2,347
45,000	12,375	7,196	2,530
50,000	13,297	7,584	2,713
55,000	14,218	7,973	2,897
60,000	15,140	8,361	3,080
65,000	16,061	8,750	3,264
70,000	16,983	9,138	3,447
75,000	17,903	9,527	3,631
80,000	18,825	9,915	3,814
85,000	19,746	10,304	3,997
90,000	20,668	10,692	4,181
95,000	21,589	11,081	4,364
100,000	22,511	11,469	4,548
110,000	24,354	12,246	4,915
120,000	26,197	13,023	5,281
130,000	28,040	13,800	5,648
170,000	35,412	16,908	7,116".

SEC. 405. INCREASE IN AUTHORIZED STRENGTHS FOR NAVY OFFICERS ON ACTIVE DUTY IN THE GRADES OF LIEUTENANT COMMANDER, COMMANDER, AND CAPTAIN.

The table in section 523(a)(2) of title 10, United States Code, is amended to read as follows:

"Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty:	Number of officers who may be serving on active duty in grade of:		
	Lieutenant Commander	Commander	Captain
Navy:			
30,000	7,698	5,269	2,222
33,000	8,189	5,501	2,334
36,000	8,680	5,733	2,447
39,000	9,172	5,965	2,559
42,000	9,663	6,197	2,671
45,000	10,155	6,429	2,784
48,000	10,646	6,660	2,896
51,000	11,136	6,889	3,007
54,000	11,628	7,121	3,120
57,000	12,118	7,352	3,232
60,000	12,609	7,583	3,344
63,000	13,100	7,813	3,457
66,000	13,591	8,044	3,568
70,000	14,245	8,352	3,718
90,000	17,517	9,890	4,467".

SEC. 406. INCREASE IN AUTHORIZED DAILY AVERAGE OF NUMBER OF MEMBERS IN PAY GRADE E–9.

Section 517(a) of title 10, United States Code, is amended by striking "1 percent" and inserting "1.25 percent".

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2008, as follows:

(1) The Army National Guard of the United States, 351,300.

(2) The Army Reserve, 205,000.

(3) The Navy Reserve, 67,800.

(4) The Marine Corps Reserve, 39,600.

(5) The Air National Guard of the United States, 106,700.

(6) The Air Force Reserve, 67,500.

(7) The Coast Guard Reserve, 10,000.

(b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) END STRENGTH INCREASES.—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2008, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 29,204.

(2) The Army Reserve, 15,870.

(3) The Navy Reserve, 11,579.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 13,936.

(6) The Air Force Reserve, 2,721.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2008 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 8,249.

(2) For the Army National Guard of the United States, 26,502.

(3) For the Air Force Reserve, 9,909.

(4) For the Air National Guard of the United States, 22,553.

SEC. 414. FISCAL YEAR 2008 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2008, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2008, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2008, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term "non-dual status technician" has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2008, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

(4) The Marine Corps Reserve, 3,000.

(5) The Air National Guard of the United States, 16,000.

(6) The Air Force Reserve, 14,000.

SEC. 416. FUTURE AUTHORIZATIONS AND ACCOUNTING FOR CERTAIN RESERVE COMPONENT PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY OR FULL-TIME NATIONAL GUARD DUTY TO PROVIDE OPERATIONAL SUPPORT.

(a) REVIEW OF OPERATIONAL SUPPORT MISSIONS PERFORMED BY CERTAIN RESERVE COMPONENT PERSONNEL.—

(1) REVIEW REQUIRED.—The Secretary of Defense shall conduct a review of the long-term operational support missions performed by members of the reserve components authorized under section 115(b) of title 10, United States Code, to be on active duty or full-time National Guard duty for the purpose of providing operational support, with the objectives of such review being—

(A) minimizing the number of reserve component members who perform such service for a period greater than 1,095 consecutive days, or cumulatively for 1,095 days out of the previous 1,460 days; and

(B) determining which long-term operational support missions being performed by such members would more appropriately be performed by members of the Armed Forces on active duty under other provisions of title 10, United States Code, or by full-time support personnel of reserve components.

(2) SUBMISSION OF RESULTS.—Not later than March 1, 2008, the Secretary shall submit to Congress the results of the review, including a description of the adjustments in Department of Defense policy to be implemented as a result of the review and such recommendations for changes in statute, as the Secretary considers to be appropriate.

(b) IMPROVED ACCOUNTING FOR RESERVE COMPONENT PERSONNEL PROVIDING OPERATIONAL SUPPORT.—Section 115(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) As part of the budget justification materials submitted by the Secretary of Defense to Congress in support of the end strength authorizations required under subparagraphs (A) and (B) of subsection (a)(1) for fiscal year 2009 and each fiscal year thereafter, the Secretary shall provide the following:

"(A) The number of members, specified by reserve component, authorized under subparagraphs (A) and (B) of paragraph (1) who were serving on active duty or full-time National Guard duty for operational support beyond each of the limits specified under subparagraphs (A) and (B) of paragraph (2) at the end of the fiscal year preceding the fiscal year for which the budget justification materials are submitted.

"(B) The number of members, specified by reserve component, on active duty for operational support who, at the end of the fiscal year for which the budget justification materials are submitted, are projected to be serving on active duty or full-time National Guard duty for operational support beyond such limits.

"(C) The number of members, specified by reserve component, on active duty or full-time National Guard duty for operational support who are included in, and counted against, the end strength authorizations requested under subparagraphs (A) and (B) of subsection (a)(1).

"(D) A summary of the missions being performed by members identified under subparagraphs (A) and (B).".

SEC. 417. REVISION OF VARIANCES AUTHORIZED FOR SELECTED RESERVE END STRENGTHS.

Section 115(f)(3) of title 10, United States Code, is amended by striking "2 percent" and inserting "3 percent".

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2008 a total of $117,091,420,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2008.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Assignment of officers to designated positions of importance and responsibility.
Sec. 502. Enhanced authority for Reserve general and flag officers to serve on active duty.
Sec. 503. Increase in years of commissioned service threshold for discharge of probationary officers and for use of force shaping authority.
Sec. 504. Mandatory retirement age for active-duty general and flag officers continued on active duty.
Sec. 505. Authority for reduced mandatory service obligation for initial appointments of officers in critically short health professional specialties.
Sec. 506. Expansion of authority for reenlistment of officers in their former enlisted grade.
Sec. 507. Increase in authorized number of permanent professors at the United States Military Academy.
Sec. 508. Promotion of career military professors of the Navy.

Subtitle B—Reserve Component Management

Sec. 511. Retention of military technicians who lose dual status in the Selected Reserve due to combat-related disability.
Sec. 512. Constructive service credit upon original appointment of Reserve officers in certain health care professions.
Sec. 513. Mandatory separation of Reserve officers in the grade of lieutenant general or vice admiral after completion of 38 years of commissioned service.
Sec. 514. Maximum period of temporary Federal recognition of person as Army National Guard officer or Air National Guard officer.

Sec. 515. Advance notice to members of reserve components of deployment in support of contingency operations.
Sec. 516. Report on relief from professional licensure and certification requirements for reserve component members on long-term active duty.

Subtitle C—Education and Training

Sec. 521. Revisions to authority to pay tuition for off-duty training or education.
Sec. 522. Reduction or elimination of service obligation in an Army Reserve or Army National Guard troop program unit for certain persons selected as medical students at Uniformed Services University of the Health Sciences.
Sec. 523. Repeal of annual limit on number of ROTC scholarships under Army Reserve and Army National Guard financial assistance program.
Sec. 524. Treatment of prior active service of members in uniformed medical accession programs.
Sec. 525. Repeal of post-2007-2008 academic year prohibition on phased increase in cadet strength limit at the United States Military Academy.
Sec. 526. National Defense University master's degree programs.
Sec. 527. Authority of the Air University to confer degree of master of science in flight test engineering.
Sec. 528. Enhancement of education benefits for certain members of reserve components.
Sec. 529. Extension of period of entitlement to educational assistance for certain members of the Selected Reserve affected by force shaping initiatives.
Sec. 530. Time limit for use of educational assistance benefit for certain members of reserve components and resumption of benefit.
Sec. 531. Secretary of Defense evaluation of the adequacy of the degree-granting authorities of certain military universities and educational institutions.
Sec. 532. Report on success of Army National Guard and Reserve Senior Reserve Officers' Training Corps financial assistance program.
Sec. 533. Report on utilization of tuition assistance by members of the Armed Forces.
Sec. 534. Navy Junior Reserve Officers' Training Corps unit for Southold, Mattituck, and Greenport High Schools.
Sec. 535. Report on transfer of administration of certain educational assistance programs for members of the reserve components.

Subtitle D—Military Justice and Legal Assistance Matters

Sec. 541. Authority to designate civilian employees of the Federal Government and dependents of deceased members as eligible for legal assistance from Department of Defense legal staff resources.
Sec. 542. Authority of judges of the United States Court of Appeals for the Armed Forces to administer oaths.
Sec. 543. Modification of authorities on senior members of the Judge Advocate Generals' Corps.
Sec. 544. Prohibition against members of the Armed Forces participating in criminal street gangs.

Subtitle E—Military Leave

Sec. 551. Temporary enhancement of carryover of accumulated leave for members of the Armed Forces.
Sec. 552. Enhancement of rest and recuperation leave.

Subtitle F—Decorations and Awards

Sec. 561. Authorization and request for award of Medal of Honor to Leslie H. Sabo, Jr., for acts of valor during the Vietnam War.
Sec. 562. Authorization and request for award of Medal of Honor to Henry Svehla for acts of valor during the Korean War.
Sec. 563. Authorization and request for award of Medal of Honor to Woodrow W. Keeble for acts of valor during the Korean War.
Sec. 564. Authorization and request for award of Medal of Honor to Private Philip G. Shadrach for acts of valor as one of Andrews' Raiders during the Civil War.
Sec. 565. Authorization and request for award of Medal of Honor to Private George D. Wilson for acts of valor as one of Andrews' Raiders during the Civil War.

Subtitle G—Impact Aid and Defense Dependents Education System

Sec. 571. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 572. Impact aid for children with severe disabilities.
Sec. 573. Inclusion of dependents of non-department of Defense employees employed on Federal property in plan relating to force structure changes, relocation of military units, or base closures and realignments.
Sec. 574. Payment of private boarding school tuition for military dependents in overseas areas not served by defense dependents' education system schools.

Subtitle H—Military Families

Sec. 581. Department of Defense Military Family Readiness Council and policy and plans for military family readiness.
Sec. 582. Yellow Ribbon Reintegration Program.
Sec. 583. Study to enhance and improve support services and programs for families of members of regular and reserve components undergoing deployment.
Sec. 584. Protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation.
Sec. 585. Family leave in connection with injured members of the Armed Forces.
Sec. 586. Family care plans and deferment of deployment of single parent or dual military couples with minor dependents.
Sec. 587. Education and treatment services for military dependent children with autism.
Sec. 588. Commendation of efforts of Project Compassion in paying tribute to members of the Armed Forces who have fallen in the service of the United States.

Subtitle I—Other Matters

Sec. 590. Uniform performance policies for military bands and other musical units.
Sec. 591. Transportation of remains of deceased members of the Armed Forces and certain other persons.
Sec. 592. Expansion of number of academies supportable in any State under STARBASE program.
Sec. 593. Gift acceptance authority.
Sec. 594. Conduct by members of the Armed Forces and veterans out of uniform during hoisting, lowering, or passing of United States flag.
Sec. 595. Annual report on cases reviewed by National Committee for Employer Support of the Guard and Reserve.
Sec. 596. Modification of Certificate of Release or Discharge from Active Duty (DD Form 214).
Sec. 597. Reports on administrative separations of members of the Armed Forces for personality disorder.
Sec. 598. Program to commemorate 50th anniversary of the Vietnam War.
Sec. 599. Recognition of members of the Monuments, Fine Arts, and Archives program of the Civil Affairs and Military Government Sections of the Armed Forces during and following World War II.

Subtitle A—Officer Personnel Policy

SEC. 501. ASSIGNMENT OF OFFICERS TO DESIGNATED POSITIONS OF IMPORTANCE AND RESPONSIBILITY.

(a) CONTINUATION IN GRADE WHILE AWAITING ORDERS.—Section 601(b) of title 10, United States Code, is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph (4):

"(4) at the discretion of the Secretary of Defense, while the officer is awaiting orders after being relieved from the position designated under subsection (a) or by law to carry one of those grades, but not for more than 60 days beginning on the day the officer is relieved from the position, unless, during such period, the officer is placed under orders to another position designated under subsection (a) or by law to carry one of those grades, in which case paragraph (2) will also apply to the officer; and".

(b) CONFORMING AMENDMENT REGARDING GENERAL AND FLAG OFFICER CEILINGS.—Section 525(e) of such title is amended by striking paragraph (2) and inserting the following new paragraph:

"(2) At the discretion of the Secretary of Defense, an officer of that armed force who has been relieved from a position designated under section 601(a) of this title or by law to carry one of the grades specified in such section, but only during the 60-day period beginning on the date on which the assignment of the officer to the first position is terminated or until the officer is assigned to a second such position, whichever occurs first.".

SEC. 502. ENHANCED AUTHORITY FOR RESERVE GENERAL AND FLAG OFFICERS TO SERVE ON ACTIVE DUTY.

Section 526(d) of title 10, United States Code, is amended—

(1) by inserting "(1)" before "The limitations"; and

(2) by adding at the end the following new paragraph:

"(2) The limitations of this section also do not apply to a number, as specified by the Secretary of the military department concerned, of reserve component general or flag officers authorized to serve on active duty for a period of not more than 365 days. The number so specified for an armed force may not exceed the number equal to 10 percent of the authorized number of general or flag officers, as the case may be, of that armed force under section 12004 of this title. In determining such number, any fraction shall be rounded down to the next whole number, except that such number shall be at least one.".

SEC. 503. INCREASE IN YEARS OF COMMISSIONED SERVICE THRESHOLD FOR DISCHARGE OF PROBATIONARY OFFICERS AND FOR USE OF FORCE SHAPING AUTHORITY.

(a) ACTIVE-DUTY LIST OFFICERS.—

(1) EXTENDED PROBATIONARY PERIOD.—Paragraph (1)(A) of section 630 of title 10, United States Code, is amended by striking "five years" and inserting "six years".

(2) SECTION HEADING.—The heading of such section is amended by striking "**five years**" and inserting "**six years**".

(3) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of subchapter III of chapter 36 of such title is amended to read as follows:

"630. Discharge of commissioned officers with less than six years of active commissioned service or found not qualified for promotion for first lieutenant or lieutenant (junior grade).".

(b) OFFICER FORCE SHAPING AUTHORITY.—Section 647(b)(1) of such title is amended by striking "5 years" both places it appears and inserting "six years".

(c) RESERVE OFFICERS.—

(1) EXTENDED PROBATIONARY PERIOD.—Subsection (a)(1) of section 14503 of such title is amended by striking "five years" and inserting "six years".

(2) SECTION HEADING.—The heading of such section is amended by striking "**five years**" and inserting "**six years**".

(3) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of chapter 1407 of such title is amended to read as follows:

"14503. Discharge of officers with less than six years of commissioned service or found not qualified for promotion to first lieutenant or lieutenant (junior grade).".

SEC. 504. MANDATORY RETIREMENT AGE FOR ACTIVE-DUTY GENERAL AND FLAG OFFICERS CONTINUED ON ACTIVE DUTY.

Section 637(b)(3) of title 10, United States Code, is amended by striking "but such period may not (except as provided under section 1251(b) of this title) extend beyond the date of the officer's sixty-second birthday" and inserting "except as provided under section 1251 or 1253 of this title".

SEC. 505. AUTHORITY FOR REDUCED MANDATORY SERVICE OBLIGATION FOR INITIAL APPOINTMENTS OF OFFICERS IN CRITICALLY SHORT HEALTH PROFESSIONAL SPECIALTIES.

Section 651 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) For the armed forces under the jurisdiction of the Secretary of Defense, the Secretary may waive the initial period of required service otherwise established pursuant to subsection (a) in the case of the initial appointment of a commissioned officer in a critically short health professional specialty specified by the Secretary for purposes of this subsection.

"(2) The minimum period of obligated service for an officer under a waiver under this subsection shall be the greater of—

"(A) two years; or

"(B) in the case of an officer who has accepted an accession bonus or executed a contract or agreement for the multiyear receipt of special pay for service in the armed forces, the period of obligated service specified in such contract or agreement.".

SEC. 506. EXPANSION OF AUTHORITY FOR REENLISTMENT OF OFFICERS IN THEIR FORMER ENLISTED GRADE.

(a) REGULAR ARMY.—Section 3258 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "a Reserve officer" and inserting "an officer"; and

(B) by striking "a temporary appointment" and inserting "an appointment"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "a Reserve officer" and inserting "an officer"; and

(B) in paragraph (2), by striking "the Reserve commission" and inserting "the commission".

(b) REGULAR AIR FORCE.—Section 8258 of such title is amended—

(1) in subsection (a)—

(A) by striking "a reserve officer" and inserting "an officer"; and

(B) by striking "a temporary appointment" and inserting "an appointment"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "a Reserve officer" and inserting "an officer"; and

(B) in paragraph (2), by striking "the Reserve commission" and inserting "the commission".

SEC. 507. INCREASE IN AUTHORIZED NUMBER OF PERMANENT PROFESSORS AT THE UNITED STATES MILITARY ACADEMY.

Paragraph (4) of section 4331(b) of title 10, United States Code, is amended to read as follows:

"(4) Twenty-eight permanent professors.".

SEC. 508. PROMOTION OF CAREER MILITARY PROFESSORS OF THE NAVY.

(a) PROMOTION.—

(1) IN GENERAL.—Chapter 603 of title 10, United States Code, is amended—

(A) by redesignating section 6970 as section 6970a; and

(B) by inserting after section 6969 the following new section 6970:

"§ 6970. Permanent professors: promotion

"(a) PROMOTION.—An officer serving as a permanent professor may be recommended for promotion to the grade of captain or colonel, as the case may be, under regulations prescribed by the Secretary of the Navy. The regulations shall include a competitive selection board process to identify those permanent professors best qualified for promotion. An officer so recommended shall be promoted by appointment to the higher grade by the President, by and with the advice and consent of the Senate.

"(b) EFFECTIVE DATE OF PROMOTION.—If made, the promotion of an officer under subsection (a) shall be effective not earlier than three years after the selection of the officer as a permanent professor as described in that subsection.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 6970 and inserting the following new items:

"6970. Permanent professors: promotion.
"6970a. Permanent professors: retirement for years of service; authority for deferral.".

(b) CONFORMING AMENDMENTS.—Section 641(2) of such title is amended—

(1) by striking "and the registrar" and inserting ", the registrar"; and

(2) by inserting before the period at the end the following: ", and permanent professors of the Navy (as defined in regulations prescribed by the Secretary of the Navy)".

(c) COMPETITIVE SELECTION ASSESSMENT.—The Secretary of Defense shall conduct an assessment of the effectiveness of the promotion system established under section 6970 of title 10, United States Code, as added by subsection (a), for permanent professors of the United States Naval Academy, including an evaluation of the extent to which the implementation of the promotion system has resulted in a competitive environment for the selection of permanent professors and an evaluation of whether the goals of the permanent professor program have been achieved, including adequate career progression and promotion opportunities for participating officers. Not later than December 31, 2009, the Secretary shall submit to the congressional defense committees a report containing the results of the assessment.

(d) USE OF EXCLUSIONS FROM AUTHORIZED OFFICER STRENGTHS.—Not later than March 31, 2008, the Secretary of the Navy shall submit to the congressional defense committees a report describing the plans of the Secretary for utilization of authorized exemptions under section 523(b)(8) of title 10, United States Code, and a discussion of the Navy's requirement, if any, and projections for use of additional exemptions by grade.

Subtitle B—Reserve Component Management

SEC. 511. RETENTION OF MILITARY TECHNICIANS WHO LOSE DUAL STATUS IN THE SELECTED RESERVE DUE TO COMBAT-RELATED DISABILITY.

Section 10216 of title 10, United States Code, is amended by inserting after subsection (f) the following new subsection:

"(g) RETENTION OF MILITARY TECHNICIANS WHO LOSE DUAL STATUS DUE TO COMBAT-RELATED DISABILITY.—(1) Notwithstanding subsection (d) of this section or subsections (a)(3) and (b) of section 10218 of this title, if a military technician (dual status) loses such dual status as the result of a combat-related disability (as defined in section 1413a of this title), the person may be retained as a non-dual status technician so long as—

"(A) the combat-related disability does not prevent the person from performing the non-dual status functions or position; and

"(B) the person, while a non-dual status technician, is not disqualified from performing the non-dual status functions or position because of performance, medical, or other reasons.

"(2) A person so retained shall be removed not later than 30 days after becoming eligible for an unreduced annuity and becoming 60 years of age.

“(3) Persons retained under the authority of this subsection do not count against the limitations of section 10217(c) of this title.”.

SEC. 512. CONSTRUCTIVE SERVICE CREDIT UPON ORIGINAL APPOINTMENT OF RESERVE OFFICERS IN CERTAIN HEALTH CARE PROFESSIONS.

(a) INCLUSION OF ADDITIONAL HEALTH CARE PROFESSIONS.—Paragraph (2) of section 12207(b) of title 10, United States Code, is amended to read as follows:

“(2)(A) If the Secretary of Defense determines that the number of officers in a health profession described in subparagraph (B) who are serving in an active status in a reserve component of the Army, Navy, or Air Force in grades below major or lieutenant commander is critically below the number needed in such health profession by such reserve component in such grades, the Secretary of Defense may authorize the Secretary of the military department concerned to credit any person who is receiving an original appointment as an officer for service in such health profession with a period of constructive credit in such amount (in addition to any amount credited such person under paragraph (1)) as will result in the grade of such person being that of captain or, in the case of the Navy Reserve, lieutenant.

“(B) The types of health professions referred to in subparagraph (A) include the following:

“(i) Any health profession performed by officers in the Medical Corps of the Army or the Navy or by officers of the Air Force designated as a medical officer.

“(ii) Any health profession performed by officers in the Dental Corps of the Army or the Navy or by officers of the Air Force designated as a dental officer.

“(iii) Any health profession performed by officers in the Medical Service Corps of the Army or the Navy or by officers of the Air Force designated as a medical service officer or biomedical sciences officer.

“(iv) Any health profession performed by officers in the Army Medical Specialist Corps.

“(v) Any health profession performed by officers of the Nurse Corps of the Army or the Navy or by officers of the Air Force designated as a nurse.

“(vi) Any health profession performed by officers in the Veterinary Corps of the Army or by officers designated as a veterinary officer.”.

(b) CONFORMING AMENDMENT.—Paragraph (3) of such section is amended by striking “a medical or dental officer” and inserting “officers covered by paragraph (2)”.

SEC. 513. MANDATORY SEPARATION OF RESERVE OFFICERS IN THE GRADE OF LIEUTENANT GENERAL OR VICE ADMIRAL AFTER COMPLETION OF 38 YEARS OF COMMISSIONED SERVICE.

(a) MANDATORY SEPARATION.—Section 14508 of title 10, United States Code, is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) THIRTY-EIGHT YEARS OF SERVICE FOR LIEUTENANT GENERALS AND VICE ADMIRALS.—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of lieutenant general and each reserve officer of the Navy in the grade of vice admiral shall be separated in accordance with section 14514 of this title on the later of the following:

“(1) 30 days after completion of 38 years of commissioned service.

“(2) The fifth anniversary of the date of the officer's appointment in the grade of lieutenant general or vice admiral.”.

(b) CLERICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting “FOR BRIGADIER GENERALS AND REAR ADMIRALS (LOWER HALF)” after “GRADE” in the subsection heading; and

(2) in subsection (b), by inserting “FOR MAJOR GENERALS AND REAR ADMIRALS” after “GRADE” in the subsection heading.

SEC. 514. MAXIMUM PERIOD OF TEMPORARY FEDERAL RECOGNITION OF PERSON AS ARMY NATIONAL GUARD OFFICER OR AIR NATIONAL GUARD OFFICER.

Section 308(a) of title 32, United States Code, is amended in the last sentence by striking “six months” and inserting “one year”.

SEC. 515. ADVANCE NOTICE TO MEMBERS OF RESERVE COMPONENTS OF DEPLOYMENT IN SUPPORT OF CONTINGENCY OPERATIONS.

(a) ADVANCE NOTICE REQUIRED.—The Secretary of a military department shall ensure that a member of a reserve component under the jurisdiction of that Secretary who will be called or ordered to active duty for a period of more than 30 days in support of a contingency operation (as defined in section 101(a)(13) of title 10, United States Code) receives notice in advance of the mobilization date. In so far as is practicable, the notice shall be provided not less than 30 days before the mobilization date, but with a goal of 90 days before the mobilization date.

(b) REDUCTION OR WAIVER OF NOTICE REQUIREMENT.—The Secretary of Defense may waive the requirement of subsection (a), or authorize shorter notice than the minimum specified in such subsection, during a war or national emergency declared by the President or Congress or to meet mission requirements. If the waiver or reduction is made on account of mission requirements, the Secretary shall submit to Congress a report detailing the reasons for the waiver or reduction and the mission requirements at issue.

SEC. 516. REPORT ON RELIEF FROM PROFESSIONAL LICENSURE AND CERTIFICATION REQUIREMENTS FOR RESERVE COMPONENT MEMBERS ON LONG-TERM ACTIVE DUTY.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the requirements to maintain licensure or certification by members of the National Guard or other reserve components of the Armed Forces while on active duty for an extended period of time.

(b) ELEMENTS OF STUDY.—In the study, the Comptroller General shall—

(1) identify the number and type of professional or other licensure or certification requirements that may be adversely impacted by extended periods of active duty; and

(2) determine mechanisms that would provide relief from professional or other licensure or certification requirements for members of the reserve components while on active duty for an extended period of time.

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the results of the study and such recommendations as the Comptroller General considers appropriate to provide further relief for members of the reserve components from professional or other licensure or certification requirements while on active duty for an extended period of time.

Subtitle C—Education and Training

SEC. 521. REVISIONS TO AUTHORITY TO PAY TUITION FOR OFF-DUTY TRAINING OR EDUCATION.

(a) INCLUSION OF COAST GUARD.—Subsection (a) of section 2007 of title 10, United States Code, is amended by striking “Subject to subsection (b), the Secretary of a military department” and inserting “Subject to subsections (b) and (c), the Secretary concerned”.

(b) COMMISSIONED OFFICERS ON ACTIVE DUTY.—Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) by inserting after “commissioned officer on active duty” the following: “(other than a member of the Ready Reserve)”;

(B) by striking “the Secretary of the military department concerned” and inserting “the Secretary concerned”; and

(C) by striking “or full-time National Guard duty” both places it appears; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “the Secretary of the military department” and inserting “the Secretary concerned”;

(B) in subparagraph (B), by inserting after “active duty service” the following: “for which the officer was ordered to active duty”; and

(C) in subparagraph (C), by striking “Secretary” and inserting “Secretary concerned”.

(c) AUTHORITY TO PAY TUITION ASSISTANCE TO MEMBERS OF THE READY RESERVE.—

(1) AVAILABILITY OF ASSISTANCE.—Subsection (c) of such section is amended to read as follows:

“(c)(1) Subject to paragraphs (3) and (5), the Secretary concerned may pay the charges of an educational institution for the tuition or expenses described in subsection (a) of a member of the Selected Reserve.

“(2) Subject to paragraphs (4) and (5), the Secretary concerned may pay the charges of an educational institution for the tuition or expenses described in subsection (a) of a member of the Individual Ready Reserve who has a military occupational specialty designated by the Secretary concerned for purposes of this subsection.

“(3) The Secretary concerned may not pay charges under paragraph (1) for tuition or expenses of an officer of the Selected Reserve unless the officer enters into an agreement to remain a member of the Selected Reserve for at least 4 years after completion of the education or training for which the charges are paid.

“(4) The Secretary concerned may not pay charges under paragraph (2) for tuition or expenses of an officer of the Individual Ready Reserve unless the officer enters into an agreement to remain in the Selected Reserve or Individual Ready Reserve for at least 4 years after completion of the education or training for which the charges are paid.

“(5) The Secretary of a military department may require an enlisted member of the Selected Reserve or Individual Ready Reserve to enter into an agreement to serve for up to 4 years in the Selected Reserve or Individual Ready Reserve, as the case may be, after completion of the education or training for which tuition or expenses are paid under paragraph (1) or (2), as applicable.”.

(2) REPEAL OF SUPERSEDED PROVISION.—Such section is further amended—

(A) by striking subsection (d); and

(B) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(3) REPAYMENT OF UNEARNED BENEFIT.—Subsection (e) of such section, as redesignated by paragraph (2) of this subsection, is amended—

(A) by inserting "(1)" after "(e)"; and

(B) by adding at the end the following new paragraph:

"(2) If a member of the Ready Reserve who enters into an agreement under subsection (c) does not complete the period of service specified in the agreement, the member shall be subject to the repayment provisions of section 303a(e) of title 37.".

(d) REGULATIONS.—Such section is further amended by adding at the end the following new subsection:

"(f) This section shall be administered under regulations prescribed by the Secretary of Defense or, with respect to the Coast Guard when it is not operating as a service in the Navy, the Secretary of Homeland Security.".

(e) STUDY.—

(1) STUDY REQUIRED.—The Secretary of Defense shall carry out a study on the tuition assistance program carried out under section 2007 of title 10, United States Code. The study shall—

(A) identify the number of members of the Armed Forces eligible for assistance under the program, and the number who actually receive the assistance;

(B) assess the extent to which the program affects retention rates; and

(C) assess the extent to which State tuition assistance programs affect retention rates in those States.

(2) REPORT.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the study.

SEC. 522. REDUCTION OR ELIMINATION OF SERVICE OBLIGATION IN AN ARMY RESERVE OR ARMY NATIONAL GUARD TROOP PROGRAM UNIT FOR CERTAIN PERSONS SELECTED AS MEDICAL STUDENTS AT UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

Paragraph (3) of section 2107a(b) of title 10, United States Code, is amended to read as follows:

"(3)(A) Subject to subparagraph (C), in the case of a person described in subparagraph (B), the Secretary may, at any time and with the consent of the person, modify an agreement described in paragraph (1)(F) submitted by the person for the purpose of reducing or eliminating the troop program unit service obligation specified in the agreement and to establish, in lieu of that obligation, an active duty service obligation.

"(B) Subparagraph (A) applies with respect to the following persons:

"(i) A cadet under this section at a military junior college.

"(ii) A cadet or former cadet under this section who is selected under section 2114 of this title to be a medical student at the Uniformed Services University of the Health Sciences.

"(iii) A cadet or former cadet under this section who signs an agreement under section 2122 of this title for participation in the Armed Forces Health Professions Scholarship and Financial Assistance program.

"(C) The modification of an agreement described in paragraph (1)(F) may be made only if the Secretary determines that it is in the best interests of the United States to do so.".

SEC. 523. REPEAL OF ANNUAL LIMIT ON NUMBER OF ROTC SCHOLARSHIPS UNDER ARMY RESERVE AND ARMY NATIONAL GUARD FINANCIAL ASSISTANCE PROGRAM.

Section 2107a(h) of title 10, United States Code, is amended by striking "not more than 416 cadets each year under this section, to include" and inserting "each year under this section".

SEC. 524. TREATMENT OF PRIOR ACTIVE SERVICE OF MEMBERS IN UNIFORMED MEDICAL ACCESSION PROGRAMS.

(a) MEDICAL STUDENTS OF USUHS.—

(1) TREATMENT OF STUDENTS WITH PRIOR ACTIVE SERVICE.—Section 2114 of title 10, United States Code, is amended—

(A) by redesignating subsections (c) through (h) as subsections (d) through (i), respectively; and

(B) in subsection (b)—

(i) by inserting "(1)" after "(b)"; and

(ii) by inserting after the second sentence the following new paragraph:

"(2) If a member of the uniformed services selected to be a student has prior active service in a pay grade and with years of service credited for pay that would entitle the member, if the member remained in the former grade, to a rate of basic pay in excess of the rate of basic pay for regular officers in the grade of second lieutenant or ensign, the member shall be paid basic pay based on the former grade and years of service credited for pay. The amount of such basic pay for the member shall be increased on January 1 of each year by the percentage by which basic pay is increased on average on that date for that year, and the member shall continue to receive basic pay based on the former grade and years of service until the date, whether occurring before or after graduation, on which the basic pay for the member in the member's actual grade and years of service credited for pay exceeds the amount of basic pay to which the member is entitled based on the member's former grade and years of service.".

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (b), by striking "Upon graduation they" and inserting the following:

"(c) Medical students who graduate"; and

(B) in subsection (i), as redesignated by paragraph (1), by striking "subsection (b)" and inserting "subsection (c)".

(b) PARTICIPANTS IN HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.—Section 2121(c) of such title is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following new paragraph:

"(2) If a member of the uniformed services selected to participate in the program as a medical student has prior active service in a pay grade and with years of service credited for pay that would entitle the member, if the member remained in the former grade, to a rate of basic pay in excess of the rate of basic pay for regular officers in the grade of second lieutenant or ensign, the member shall be paid basic pay based on the former grade and years of service credited for pay. The amount of such basic pay for the member shall be increased on January 1 of each year by the percentage by which basic pay is increased on average on that date for that year, and the member shall continue to receive basic pay based on the former grade and years of service until the date, whether occurring before or after the conclusion of such participation, on which the basic pay for the member in the member's actual grade and years of service credited for pay exceeds the amount of basic pay to which the member is entitled based on the member's former grade and years of service.".

(c) OFFICERS DETAILED AS STUDENTS AT MEDICAL SCHOOLS.—

(1) APPOINTMENT AND TREATMENT OF PRIOR ACTIVE SERVICE.—Section 2004a of such title is amended—

(A) by redesignating subsections (e) through (h) as subsections (f) through (i), respectively; and

(B) by inserting after subsection (d) the following new subsection:

"(e) APPOINTMENT AND TREATMENT OF PRIOR ACTIVE SERVICE.—(1) A commissioned officer detailed as a student at a medical school under subsection (a) shall be appointed as a regular officer in the grade of second lieutenant or ensign and shall serve on active duty in that grade with full pay and allowances of that grade.

"(2) If an officer detailed to be a medical student has prior active service in a pay grade and with years of service credited for pay that would entitle the officer, if the officer remained in the former grade, to a rate of basic pay in excess of the rate of basic pay for regular officers in the grade of second lieutenant or ensign, the officer shall be paid basic pay based on the former grade and years of service credited for pay. The amount of such basic pay for the officer shall be increased on January 1 of each year by the percentage by which basic pay is increased on average on that date for that year, and the officer shall continue to receive basic pay based on the former grade and years of service until the date, whether occurring before or after graduation, on which the basic pay for the officer in the officer's actual grade and years of service credited for pay exceeds the amount of basic pay to which the officer is entitled based on the officer's former grade and years of service.".

(2) TECHNICAL AMENDMENT.—Subsection (c) of such section is amended by striking "subsection (c)" and inserting "subsection (b)".

SEC. 525. REPEAL OF POST-2007-2008 ACADEMIC YEAR PROHIBITION ON PHASED INCREASE IN CADET STRENGTH LIMIT AT THE UNITED STATES MILITARY ACADEMY.

Section 4342(j)(1) of title 10, United States Code, is amended by striking the last sentence.

SEC. 526. NATIONAL DEFENSE UNIVERSITY MASTER'S DEGREE PROGRAMS.

(a) MASTER OF ARTS PROGRAM AUTHORIZED.—Section 2163 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting "or master of arts" after "master of science"; and

(2) in subsection (b), by adding at the end the following new paragraph:

"(4) MASTER OF ARTS IN STRATEGIC SECURITY STUDIES.—The degree of master of arts in strategic security studies, to graduates of the University who fulfill the requirements of the program at the School for National Security Executive Education.".

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 2163. National Defense University: master's degree programs".

(2) TABLE OF CONTENTS.—The table of sections at the beginning of chapter 108 of such title is amended by striking the item relating to section 2163 and inserting the following new item:

"2163. National Defense University: master's degree programs.".

(c) APPLICABILITY TO 2006-2007 GRADUATES.—Paragraph (4) of section 2163(b) of title 10, United States Code, as added by subsection (a) of this section, applies with respect to any person who becomes a graduate of the National Defense University on or after September 6, 2006, and fulfills the requirements of the program referred to in such paragraph (4).

SEC. 527. AUTHORITY OF THE AIR UNIVERSITY TO CONFER DEGREE OF MASTER OF SCIENCE IN FLIGHT TEST ENGINEERING.

Section 9317(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) The degree of master of science in flight test engineering upon graduates of the Air Force Test Pilot School who fulfill the requirements for that degree in a manner consistent with the recommendations of the Department of Education and the principles of the regional accrediting body for the Air University.".

SEC. 528. ENHANCEMENT OF EDUCATION BENEFITS FOR CERTAIN MEMBERS OF RESERVE COMPONENTS.

(a) ACCELERATED PAYMENT OF EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.—

(1) IN GENERAL.—Chapter 1606 of title 10, United States Code, is amended by inserting after section 16131 the following new section:

"§ 16131a. Accelerated payment of educational assistance

"(a) The educational assistance allowance payable under section 16131 of this title with respect to an eligible person described in subsection (b) may, upon the election of such eligible person, be paid on an accelerated basis in accordance with this section.

"(b) An eligible person described in this subsection is a person entitled to educational assistance under this chapter who is—

"(1) enrolled in an approved program of education not exceeding two years in duration and not leading to an associate, bachelors, masters, or other degree, subject to subsection (g); and

"(2) charged tuition and fees for the program of education that, when divided by the number of months (and fractions thereof) in the enrollment period, exceeds the amount equal to 200 percent of the monthly rate of educational assistance allowance otherwise payable with respect to the person under section 16131 of this title.

"(c)(1) The amount of the accelerated payment of educational assistance payable with respect to an eligible person making an election under subsection (a) for a program of education shall be the lesser of—

"(A) the amount equal to 60 percent of the established charges for the program of education; or

"(B) the aggregate amount of educational assistance allowance to which the person remains entitled under this chapter at the time of the payment.

"(2)(A) In this subsection, except as provided in subparagraph (B), the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary of Veterans Affairs) for tuition and fees which similarly circumstanced individuals who are not eligible for benefits under this chapter and who are enrolled in the program of education would be required to pay. Established charges shall be determined on the following basis:

"(i) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

"(ii) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

"(B) In this subsection, the term 'established charges' does not include any fees or payments attributable to the purchase of a vehicle.

"(3) The educational institution providing the program of education for which an accelerated payment of educational assistance allowance is elected by an eligible person under subsection (a) shall certify to the Secretary of Veterans Affairs the amount of the established charges for the program of education.

"(d) An accelerated payment of educational assistance allowance made with respect to an eligible person under this section for a program of education shall be made not later than the last day of the month immediately following the month in which the Secretary of Veterans Affairs receives a certification from the educational institution regarding—

"(1) the person's enrollment in and pursuit of the program of education; and

"(2) the amount of the established charges for the program of education.

"(e)(1) Except as provided in paragraph (2), for each accelerated payment of educational assistance allowance made with respect to an eligible person under this section, the person's entitlement to educational assistance under this chapter shall be charged the number of months (and any fraction thereof) determined by dividing the amount of the accelerated payment by the full-time monthly rate of educational assistance allowance otherwise payable with respect to the person under section 16131 of this title as of the beginning date of the enrollment period for the program of education for which the accelerated payment is made.

"(2) If the monthly rate of educational assistance allowance otherwise payable with respect to an eligible person under section 16131 of this title increases during the enrollment period of a program of education for which an accelerated payment of educational assistance allowance is made under this section, the charge to the person's entitlement to educational assistance under this chapter shall be determined by prorating the entitlement chargeable, in the manner provided for under paragraph (1), for the periods covered by the initial rate and increased rate, respectively, in accordance with regulations prescribed by the Secretary of Veterans Affairs.

"(f) The Secretary of Veterans Affairs shall prescribe regulations to carry out this section. The regulations shall include requirements, conditions, and methods for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment of educational assistance allowance under this section. The regulations may include such elements of the regulations prescribed under section 3014A of title 38 as the Secretary of Veterans Affairs considers appropriate for purposes of this section.

"(g) The aggregate amount of educational assistance payable under this section in any fiscal year for enrollments covered by subsection (b)(1) may not exceed $4,000,000.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1606 of such title is amended by inserting after the item relating to section 16131 the following new item:

"16131a. Accelerated payment of educational assistance.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2008, and shall only apply to initial enrollments in approved programs of education after such date.

(b) ACCELERATED PAYMENT OF EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.—

(1) IN GENERAL.—Chapter 1607 of title 10, United States Code, is amended by inserting after section 16162 the following new section:

"§ 16162a. Accelerated payment of educational assistance

"(a) PAYMENT ON ACCELERATED BASIS.—The educational assistance allowance payable under section 16162 of this title with respect to an eligible member described in subsection (b) may, upon the election of such eligible member, be paid on an accelerated basis in accordance with this section.

"(b) ELIGIBLE MEMBERS.—An eligible member described in this subsection is a member of a reserve component entitled to educational assistance under this chapter who is—

"(1) enrolled in an approved program of education not exceeding two years in duration and not leading to an associate, bachelors, masters, or other degree, subject to subsection (g); and

"(2) charged tuition and fees for the program of education that, when divided by the number of months (and fractions thereof) in the enrollment period, exceeds the amount equal to 200 percent of the monthly rate of educational assistance allowance otherwise payable with respect to the member under section 16162 of this title.

"(c) AMOUNT OF ACCELERATED PAYMENT.—(1) The amount of the accelerated payment of educational assistance payable with respect to an eligible member making an election under subsection (a) for a program of education shall be the lesser of—

"(A) the amount equal to 60 percent of the established charges for the program of education; or

"(B) the aggregate amount of educational assistance allowance to which the member remains entitled under this chapter at the time of the payment.

"(2)(A) In this subsection, except as provided in subparagraph (B), the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary of Veterans Affairs) for tuition and fees which similarly circumstanced individuals who are not eligible for benefits under this chapter and who are enrolled in the program of education would be required to pay. Established charges shall be determined on the following basis:

"(i) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

"(ii) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

"(B) In this subsection, the term 'established charges' does not include any fees or payments attributable to the purchase of a vehicle.

"(3) The educational institution providing the program of education for which an accelerated payment of educational assistance allowance is elected by an eligible member under subsection (a) shall certify to the Secretary of Veterans Affairs the amount of the established charges for the program of education.

"(d) Time of Payment.—An accelerated payment of educational assistance allowance made with respect to an eligible member under this section for a program of education shall be made not later than the last day of the month immediately following the month in which the Secretary of Veterans Affairs receives a certification from the educational institution regarding—

"(1) the member's enrollment in and pursuit of the program of education; and

"(2) the amount of the established charges for the program of education.

"(e) Charge Against Entitlement.—(1) Except as provided in paragraph (2), for each accelerated payment of educational assistance allowance made with respect to an eligible member under this section, the member's entitlement to educational assistance under this chapter shall be charged the number of months (and any fraction thereof) determined by dividing the amount of the accelerated payment by the full-time monthly rate of educational assistance allowance otherwise payable with respect to the member under section 16162 of this title as of the beginning date of the enrollment period for the program of education for which the accelerated payment is made.

"(2) If the monthly rate of educational assistance allowance otherwise payable with respect to an eligible member under section 16162 of this title increases during the enrollment period of a program of education for which an accelerated payment of educational assistance allowance is made under this section, the charge to the member's entitlement to educational assistance under this chapter shall be determined by prorating the entitlement chargeable, in the manner provided for under paragraph (1), for the periods covered by the initial rate and increased rate, respectively, in accordance with regulations prescribed by the Secretary of Veterans Affairs.

"(f) Regulations.—The Secretary of Veterans Affairs shall prescribe regulations to carry out this section. The regulations shall include requirements, conditions, and methods for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment of educational assistance allowance under this section. The regulations may include such elements of the regulations prescribed under section 3014A of title 38 as the Secretary of Veterans Affairs considers appropriate for purposes of this section.

"(g) Limitation.—The aggregate amount of educational assistance payable under this section in any fiscal year for enrollments covered by subsection (b)(1) may not exceed $3,000,000.".

(2) Clerical amendment.—The table of sections at the beginning of chapter 1607 of such title is amended by inserting after the item relating to section 16162 the following new item:

"16162a. Accelerated payment of educational assistance.".

(3) Effective date.—The amendments made by this subsection shall take effect on October 1, 2008, and shall only apply to initial enrollments in approved programs of education after such date.

(c) Enhancement of Educational Assistance for Reserve Component Members Supporting Contingency Operations and Other Operations.—

(1) Assistance for three years cumulative service.—Subsection (c)(4)(C) of section 16162 of title 10, United States Code, is amended by striking "for two continuous years or more." and inserting "for—

"(i) two continuous years or more; or

"(ii) an aggregate of three years or more.".

(2) Contributions for increased amount of educational assistance.—Such section is further amended by adding at the end the following new subsection:

"(f) Contributions for Increased Amount of Educational Assistance.—(1)(A) Any individual eligible for educational assistance under this section may contribute amounts for purposes of receiving an increased amount of educational assistance as provided for in paragraph (2).

"(B) An individual covered by subparagraph (A) may make the contributions authorized by that subparagraph at any time while a member of a reserve component, but not more frequently than monthly.

"(C) The total amount of the contributions made by an individual under subparagraph (A) may not exceed $600. Such contributions shall be made in multiples of $20.

"(D) Contributions under this subsection shall be made to the Secretary concerned. Such Secretary shall deposit any amounts received as contributions under this subsection into the Treasury as miscellaneous receipts.

"(2) Effective as of the first day of the enrollment period following the enrollment period in which an individual makes contributions under paragraph (1), the monthly amount of educational assistance allowance applicable to such individual under this section shall be the monthly rate otherwise provided for under subsection (c) increased by—

"(A) an amount equal to $5 for each $20 contributed by such individual under paragraph (1) for an approved program of education pursued on a full-time basis; or

"(B) an appropriately reduced amount based on the amount so contributed as determined under regulations that the Secretary of Veterans Affairs shall prescribe, for an approved program of education pursued on less than a full-time basis.".

SEC. 529. EXTENSION OF PERIOD OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR CERTAIN MEMBERS OF THE SELECTED RESERVE AFFECTED BY FORCE SHAPING INITIATIVES.

Section 16133(b)(1)(B) of title 10, United States Code, is amended by inserting "or the period beginning on October 1, 2007, and ending on September 30, 2014," after "December 31, 2001,".

SEC. 530. TIME LIMIT FOR USE OF EDUCATIONAL ASSISTANCE BENEFIT FOR CERTAIN MEMBERS OF RESERVE COMPONENTS AND RESUMPTION OF BENEFIT.

(a) Modification of Time Limit for Use of Benefit.—

(1) Modification.—Section 16164(a) of title 10, United States Code, is amended by striking "this chapter while serving—" and all that follows and inserting "this chapter—

"(1) while the member is serving—

"(A) in the Selected Reserve of the Ready Reserve, in the case of a member called or ordered to active service while serving in the Selected Reserve; or

"(B) in the Ready Reserve, in the case of a member ordered to active duty while serving in the Ready Reserve (other than the Selected Reserve); and

"(2) in the case of a person who separates from the Selected Reserve of the Ready Reserve after completion of a period of active service described in section 16163 of this title and completion of a service contract under other than dishonorable conditions, during the 10-year period beginning on the date on which the person separates from the Selected Reserve.".

(2) Conforming amendment.—Paragraph (2) of section 16165(a) of such title is amended to read as follows:

"(2) when the member separates from the Ready Reserve as provided in section 16164(a)(1) of this title, or upon completion of the period provided for in section 16164(a)(2) of this title, as applicable.".

(b) Reclaiming Benefit for Members Reentering Service.—Section 16165(b) of such title is amended by striking "of not more than 90 days" after "who incurs a break in service in the Selected Reserve".

(c) Effective Date.—The amendments made by this section shall take effect as of October 28, 2004, as if included in the enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375), to which such amendments relate.

SEC. 531. SECRETARY OF DEFENSE EVALUATION OF THE ADEQUACY OF THE DEGREE-GRANTING AUTHORITIES OF CERTAIN MILITARY UNIVERSITIES AND EDUCATIONAL INSTITUTIONS.

(a) Evaluation Required.—The Secretary of Defense shall carry out an evaluation of the degree-granting authorities provided by title 10, United States Code, to the academic institutions specified in subsection (b). The evaluation shall assess whether the current process, under which each degree conferred by each institution must have a statutory authorization, remains adequate, appropriate, and responsive enough to meet emerging military service education requirements.

(b) Specified Institutions.—The academic institutions covered by subsection (a) are the following:

(1) The National Defense University.

(2) The Army War College and the United States Army Command and General Staff College.

(3) The United States Naval War College.

(4) The United States Naval Postgraduate School.

(5) Air University and the United States Air Force Institute of Technology.

(6) The Marine Corps University.

(c) Report.—Not later than April 1, 2008, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the evaluation. The report shall include the results of the evaluation and any recommendations for changes to policy or law that the Secretary considers appropriate.

SEC. 532. REPORT ON SUCCESS OF ARMY NATIONAL GUARD AND RESERVE SENIOR RESERVE OFFICERS' TRAINING CORPS FINANCIAL ASSISTANCE PROGRAM.

(a) Report Required.—Not later than 150 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the success of the financial assistance program of the Senior Reserve Officers' Training Corps under section 2107a of title 10, United States Code, in securing the appointment of second lieutenants in the Army Reserve and Army National Guard. The report shall include detailed information on the appointment of cadets under the financial assistance program who are enrolled in an educational institution described in subsection (b) and address the efforts of the Secretary to increase awareness of the availability and advantages of appointment in the

Senior Reserve Officers' Training Corps at these institutions and to increase the number of cadets at these institutions.

(b) COVERED EDUCATIONAL INSTITUTIONS.—The educational institutions referred to in subsection (a) are the following:

(1) An historically Black college or university that is a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

(2) A minority institution, as defined in section 365(3) of that Act (20 U.S.C. 1067k(3)).

(3) An Hispanic-serving institution, as defined in section 502(a)(5) of that Act (20 U.S.C. 1101a(a)(5)).

SEC. 533. REPORT ON UTILIZATION OF TUITION ASSISTANCE BY MEMBERS OF THE ARMED FORCES.

(a) REPORTS REQUIRED.—Not later than April 1, 2008, the Secretary of each military department shall submit to the congressional defense committees a report on the utilization of tuition assistance by members of the Armed Forces, whether in the regular components of the Armed Forces or the reserve components of the Armed Forces, under the jurisdiction of such military department during fiscal year 2007.

(b) ELEMENTS.—The report with respect to a military department under subsection (a) shall include the following:

(1) Information on the policies of such military department for fiscal year 2007 regarding utilization of, and limits on, tuition assistance by members of the Armed Forces under the jurisdiction of such military department, including an estimate of the number of members of the reserve components of the Armed Forces under the jurisdiction of such military department whose requests for tuition assistance during that fiscal year were unfunded.

(2) Information on the policies of such military department for fiscal year 2007 regarding funding of tuition assistance for each of the regular components of the Armed Forces and each of the reserve components of the Armed Forces under the jurisdiction of such military department.

SEC. 534. NAVY JUNIOR RESERVE OFFICERS' TRAINING CORPS UNIT FOR SOUTHOLD, MATTITUCK, AND GREENPORT HIGH SCHOOLS.

For purposes of meeting the requirements of section 2031(b) of title 10, United States Code, the Secretary of the Navy may and, to the extent the schools request, shall treat any two or more of the following schools (all in Southold, Suffolk County, New York) as a single institution:

(1) Southold High School.

(2) Mattituck High School.

(3) Greenport High School.

SEC. 535. REPORT ON TRANSFER OF ADMINISTRATION OF CERTAIN EDUCATIONAL ASSISTANCE PROGRAMS FOR MEMBERS OF THE RESERVE COMPONENTS.

(a) REPORT REQUIRED.—Not later than September 1, 2008, the Secretary of Defense, in cooperation with the Secretary of Veterans Affairs, shall submit to the congressional defense committees and the Committees on Veterans Affairs of the Senate and House of Representatives a report on the feasibility and merits of transferring the administration of the educational assistance programs for members of the reserve components contained in chapters 1606 and 1607 of title 10, United States Code, from the Department of Defense to the Department of Veterans Affairs.

(b) ELEMENTS OF REPORT.—The report shall specifically address the following:

(1) A discussion of the history and purpose of the educational assistance benefits under chapters 1606 and 1607 of title 10, United States Code, and the data most recently available, as of the date of the enactment of this Act, relating to the cost of providing such benefits and the projected costs of providing such benefits over the ten-year period beginning on the such date.

(2) The effect of a transfer of administrative jurisdiction on the delivery of educational assistance benefits to members of the reserve components.

(3) The effect of a transfer of administrative jurisdiction on Department of Defense efforts relating to recruiting, retention, and compensation, including bonuses, special pays, and incentive pays.

(4) The extent to which educational assistance benefits influence the decision of a person to join a reserve component.

(5) The extent to which the educational assistance benefits available under chapter 1606 of title 10, United States Code, affect retention rates, including statistics showing how many members remain in the reserve components in order to continue to receive education benefits under such chapter.

(6) The extent to which the educational assistance benefits available under chapter 1607 of title 10, United States Code, affect retention rates, including statistics showing how many members remain in the reserve components in order to continue to receive education benefits under such chapter.

(7) The practical and budgetary issues involved in a transfer of administrative jurisdiction, including a discussion of the cost of equating the educational assistance benefits for members of the active and reserve components.

(8) Any recommendations of the Secretary for legislation to enhance or improve the delivery of educational assistance benefits for members of the reserve components.

(9) The feasibility and likely effects of transferring the administration of the educational assistance programs for members of the reserve components contained in chapters 1606 and 1607 of title 10, United States Code, from the Department of Defense to the Department of Veterans Affairs through the recodification of such chapters in title 38, United States Code, as proposed in section 525 of H.R. 1585 of the 110th Congress, as passed by the House of Representatives, together with any recommendations of the Secretary for improving that section.

(10) A discussion of the effects and impact of the amendments to chapter 1607 of title 10, United States Code, made by section 530 of this Act, relating to the extension of the time limit for the use of educational assistance benefits under that chapter.

(c) REVIEWS OF REPORT.—Before submission of the report to Congress, the Secretary of Defense shall secure the review of the report by the Defense Business Board, in cooperation with the Reserve Forces Policy Board. The Secretary of Veterans Affairs shall secure the review of the report by the Veterans Affairs Advisory Committee on Education. The results of such reviews shall be included as an appendix to the report.

(d) COMPTROLLER GENERAL REVIEW.—Not later than November 1, 2008, the Comptroller General shall submit to the congressional committees referred to in subsection (a) an assessment of the report, including a review of the costs inherent in the transfer of administrative jurisdiction and the recruiting and retention data and other assumptions used by the Secretary of Defense in preparing the report. As part of the assessment, the Comptroller General shall solicit responses from the Secretary of Defense and the Secretary of Veterans Affairs.

Subtitle D—Military Justice and Legal Assistance Matters

SEC. 541. AUTHORITY TO DESIGNATE CIVILIAN EMPLOYEES OF THE FEDERAL GOVERNMENT AND DEPENDENTS OF DECEASED MEMBERS AS ELIGIBLE FOR LEGAL ASSISTANCE FROM DEPARTMENT OF DEFENSE LEGAL STAFF RESOURCES.

Section 1044(a) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

"(6) Survivors of a deceased member or former member described in paragraphs (1), (2), (3), and (4) who were dependents of the member or former member at the time of the death of the member or former member, except that the eligibility of such survivors shall be determined pursuant to regulations prescribed by the Secretary concerned.

"(7) Civilian employees of the Federal Government serving in locations where legal assistance from non-military legal assistance providers is not reasonably available, except that the eligibility of civilian employees shall be determined pursuant to regulations prescribed by the Secretary concerned.".

SEC. 542. AUTHORITY OF JUDGES OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES TO ADMINISTER OATHS.

Section 936 of title 10, United States Code (article 136 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

"(c) The judges of the United States Court of Appeals for the Armed Forces may administer the oaths authorized by subsections (a) and (b).".

SEC. 543. MODIFICATION OF AUTHORITIES ON SENIOR MEMBERS OF THE JUDGE ADVOCATE GENERALS' CORPS.

(a) DEPARTMENT OF THE ARMY.—

(1) GRADE OF JUDGE ADVOCATE GENERAL.—Subsection (a) of section 3037 of title 10, United States Code, is amended by striking the third sentence and inserting the following new sentence: "The Judge Advocate General, while so serving, has the grade of lieutenant general.".

(2) REDESIGNATION OF ASSISTANT JUDGE ADVOCATE GENERAL AS DEPUTY JUDGE ADVOCATE GENERAL.—Such section is further amended—

(A) in subsection (a), by striking "Assistant Judge Advocate General" each place it appears and inserting "Deputy Judge Advocate General"; and

(B) in subsection (d), by striking "Assistant Judge Advocate General" and inserting "Deputy Judge Advocate General".

(3) CLERICAL AMENDMENTS.—(A) The heading of such section is amended to read as follows:

"§ 3037. Judge Advocate General, Deputy Judge Advocate General, and general officers of Judge Advocate General's Corps: appointment; duties".

(B) The table of sections at the beginning of chapter 305 of such title is amended by striking the item relating to section 3037 and inserting the following new item:

"3037. Judge Advocate General, Deputy Judge Advocate General, and general officers of Judge Advocate General's Corps: appointment; duties.".

(b) GRADE OF JUDGE ADVOCATE GENERAL OF THE NAVY.—Section 5148(b) of such title is amended by striking the last sentence and inserting the following new sentence: "The Judge Advocate General, while so serving, has the grade of vice admiral or lieutenant general, as appropriate.".

(c) GRADE OF JUDGE ADVOCATE GENERAL OF THE AIR FORCE.—Section 8037(a) of such title is amended by striking the last sentence and inserting the following new sentence: "The Judge Advocate General, while so serving, has the grade of lieutenant general.".

(d) INCREASE IN NUMBER OF OFFICERS SERVING IN GRADES ABOVE MAJOR GENERAL AND REAR ADMIRAL.—Section 525(b) of such title is amended in paragraphs (1) and (2)(A) by striking "15.7 percent" each place it appears and inserting "16.3 percent".

(e) LEGAL COUNSEL TO CHAIRMAN OF THE JOINT CHIEFS OF STAFF.—

(1) IN GENERAL.—Chapter 5 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 156. Legal Counsel to the Chairman of the Joint Chiefs of Staff

"(a) IN GENERAL.—There is a Legal Counsel to the Chairman of the Joint Chiefs of Staff.

"(b) SELECTION FOR APPOINTMENT.—Under regulations prescribed by the Secretary of Defense, the officer selected for appointment to serve as Legal Counsel to the Chairman of the Joint Chiefs of Staff shall be recommended by a board of officers convened by the Secretary of Defense that, insofar as practicable, is subject to the procedures applicable to selection boards convened under chapter 36 of this title.

"(c) GRADE.—An officer appointed to serve as Legal Counsel to the Chairman of the Joint Chiefs of Staff shall, while so serving, hold the grade of brigadier general or rear admiral (lower half).

"(d) DUTIES.—The Legal Counsel of the Chairman of the Joint Chiefs of Staff shall perform such legal duties in support of the responsibilities of the Chairman of the Joint Chiefs of Staff as the Chairman may prescribe.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by adding at the end the following new item:

"156. Legal Counsel to the Chairman of the Joint Chiefs of Staff".

(f) STRATEGIC PLAN TO LINK GENERAL AND FLAG OFFICER NUMBERS, ASSIGNMENTS, AND DEVELOPMENT TO THE MISSIONS AND REQUIREMENTS OF THE DEPARTMENT OF DEFENSE.—

(1) STRATEGIC PLAN REQUIRED.—The Secretary of Defense shall develop a strategic plan linking the missions and requirements of the Department of Defense for general and flag officers to the statutory limits on the numbers of general and flag officers, and current assignment, promotion, and joint officer development policies for general and flag officers.

(2) ADVICE OF CHAIRMAN OF JOINT CHIEFS OF STAFF.—The Secretary shall develop the strategic plan required under paragraph (1) with the advice of the Chairman of the Joint Chiefs of Staff.

(3) MATTERS TO BE INCLUDED.—The strategic plan required under paragraph (1) shall include the following:

(A) A description of the process for identification of the present and emerging requirements for general and flag officers and recommendations for meeting these requirements.

(B) Identification of the numbers of general and flag officers by service, grade, and qualifications currently available compared with the numbers needed to meet existing statutory requirements in support of the overall missions of the Department of Defense.

(C) An assessment of the problems or issues (and proposed solutions for any such problems or issues) arising from existing numerical limitations on the number and grade distribution of active and reserve component general and flag officers under sections 525, 526, and 12004 of title 10, United States Code.

(D) A discussion of how wartime requirements for additional general or flag officers have been addressed in support of Operation Enduring Freedom and Operation Iraqi Freedom, including the usage of wartime or national emergency authorities.

(E) An assessment of any problems or issues (and proposed solutions for any such problems or issues) arising from existing statutory provisions regarding general and flag officer assignments and grade requirements and the need, if any, for revision of provisions in title 10, United States Code, specific to individual general and flag officer positions along with recommendations to mitigate the need for routine legislative intervention as positions change to support organizational demands.

(F) An assessment of the use currently being made of reserve component flag and general officers and discussion of barriers to the qualification, selection, and assignment of National Guard and Reserve officers for the broadest possible range of positions of importance and responsibility.

(4) DEADLINE FOR SUBMISSION.—The Secretary shall submit the plan required under paragraph (1) to the Committees on Armed Services of the Senate and the House of Representatives not later than March 1, 2009.

SEC. 544. PROHIBITION AGAINST MEMBERS OF THE ARMED FORCES PARTICIPATING IN CRIMINAL STREET GANGS.

The Secretary of Defense shall prescribe regulations to prohibit the active participation by members of the Armed Forces in a criminal street gang.

Subtitle E—Military Leave

SEC. 551. TEMPORARY ENHANCEMENT OF CARRYOVER OF ACCUMULATED LEAVE FOR MEMBERS OF THE ARMED FORCES.

(a) TEMPORARY INCREASE IN ACCUMULATED LEAVE CARRYOVER AMOUNT.—Section 701 of title 10, United States Code, is amended—

(1) in subsection (b), by striking "subsection (f) and subsection (g)" and inserting "subsections (d), (f), and (g)"; and

(2) by inserting after subsection (c) the following new subsection:

"(d) Notwithstanding subsection (b), during the period beginning on October 1, 2008, through December 31, 2010, a member may accumulate up to 75 days of leave.".

(b) CONFORMING AMENDMENTS RELATED TO HIGH DEPLOYMENT MEMBERS.—Subsection (f) of such section is amended—

(1) in paragraph (1)(A), by striking "any accumulated leave in excess of 60 days at the end of the fiscal year" and inserting "at the end of the fiscal year any accumulated leave in excess of the number of days of leave authorized to be accumulated under subsection (b) or (d)";

(2) in paragraph (1)(C)—

(A) by striking "60 days" and inserting "the days of leave authorized to be accumulated under subsection (b) or (d) that are"; and

(B) by inserting "(or fourth fiscal year, if accumulated while subsection (d) is in effect)" after "third fiscal year"; and

(3) in paragraph (2), by striking "except for this paragraph—" and all that follows through the end of the paragraph and inserting "except for this paragraph, would lose at the end of that fiscal year any accumulated leave in excess of the number of days of leave authorized to be accumulated under subsection (b) or (d), shall be permitted to retain such leave until the end of the second fiscal year after the fiscal year in which such service on active duty is terminated.".

(c) CONFORMING AMENDMENT RELATED TO MEMBERS IN MISSING STATUS.—Subsection (g) of such section is amended by striking "60-day limitation in subsection (b) and the 90-day limitation in subsection (f)" and inserting "limitations in subsections (b), (d), and (f)".

(d) PAY.—Section 501(b) of title 37, United States Code, is amended by adding at the end the following new paragraph:

"(6) An enlisted member of the armed forces who would lose accumulated leave in excess of 120 days of leave under section 701(f)(1) of title 10 may elect to be paid in cash or by a check on the Treasurer of the United States for any leave in excess so accumulated for up to 30 days of such leave. A member may make an election under this paragraph only once.".

SEC. 552. ENHANCEMENT OF REST AND RECUPERATION LEAVE.

Section 705(b)(2) of title 10, United States Code, is amended by inserting "for members whose qualifying tour of duty is 12 months or less, or for not more than 20 days for members whose qualifying tour of duty is longer than 12 months," after "for not more than 15 days".

Subtitle F—Decorations and Awards

SEC. 561. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO LESLIE H. SABO, JR., FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized and requested to award the Medal of Honor under section 3741 of such title to Leslie H. Sabo, Jr., for the acts of valor during the Vietnam War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Leslie H. Sabo, Jr., on May 10, 1970, as a member of the United States Army serving in the grade of Specialist Four in the Republic of Vietnam with Company B of the 3d Battalion, 506th Infantry Regiment, 101st Airborne Division.

SEC. 562. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO HENRY SVEHLA FOR ACTS OF VALOR DURING THE KOREAN WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized and requested to award the Medal of Honor under section 3741 of such title to Henry Svehla for the acts of valor described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Henry Svehla on June 12, 1952, as a member of the United States Army serving in the grade of Private First Class in Korea with Company F of the 32d Infantry Regiment, 7th Infantry Division.

SEC. 563. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO WOODROW W. KEEBLE FOR ACTS OF VALOR DURING THE KOREAN WAR.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the

President is authorized and requested to award the Medal of Honor under section 3741 of such title to Woodrow W. Keeble for the acts of valor described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Woodrow W. Keeble of the United States Army as an acting platoon leader on October 20, 1950, during the Korean War.

SEC. 564. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO PRIVATE PHILIP G. SHADRACH FOR ACTS OF VALOR AS ONE OF ANDREWS' RAIDERS DURING THE CIVIL WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized and requested to award the Medal of Honor under section 3741 of such title posthumously to Private Philip G. Shadrach of Company K, 2nd Ohio Volunteer Infantry Regiment for the acts of valor described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Philip G. Shadrach as one of Andrews' Raiders during the Civil War on April 12, 1862.

SEC. 565. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO PRIVATE GEORGE D. WILSON FOR ACTS OF VALOR AS ONE OF ANDREWS' RAIDERS DURING THE CIVIL WAR.

(a) AUTHORIZATION.—The President is authorized and requested to award the Medal of Honor under section 3741 of title 10, United States Code, posthumously to Private George D. Wilson of Company B, 2nd Ohio Volunteer Infantry Regiment for the acts of valor described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of George D. Wilson as one of Andrews' Raiders during the Civil War on April 12, 1862.

Subtitle G—Impact Aid and Defense Dependents Education System

SEC. 571. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $30,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $10,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of such section 572.

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term "local educational agency" has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 572. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

SEC. 573. INCLUSION OF DEPENDENTS OF NON-DEPARTMENT OF DEFENSE EMPLOYEES EMPLOYED ON FEDERAL PROPERTY IN PLAN RELATING TO FORCE STRUCTURE CHANGES, RELOCATION OF MILITARY UNITS, OR BASE CLOSURES AND REALIGNMENTS.

Section 574(e)(3) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2227; 20 U.S.C. 7703b note) is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) elementary and secondary school students who are dependents of personnel who are not members of the Armed Forces or civilian employees of the Department of Defense but who are employed on Federal property.".

SEC. 574. PAYMENT OF PRIVATE BOARDING SCHOOL TUITION FOR MILITARY DEPENDENTS IN OVERSEAS AREAS NOT SERVED BY DEFENSE DEPENDENTS' EDUCATION SYSTEM SCHOOLS.

Section 1407(b)(1) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926(b)(1)) is amended by inserting after the first sentence the following new sentence: "Schools to which tuition may be paid under this subsection may include private boarding schools in the United States.".

Subtitle H—Military Families

SEC. 581. DEPARTMENT OF DEFENSE MILITARY FAMILY READINESS COUNCIL AND POLICY AND PLANS FOR MILITARY FAMILY READINESS.

(a) IN GENERAL.—Subchapter I of chapter 88 of title 10, United States Code, is amended by inserting after section 1781 the following new sections:

"§1781a. Department of Defense Military Family Readiness Council

"(a) IN GENERAL.—There is in the Department of Defense the Department of Defense Military Family Readiness Council (in this section referred to as the 'Council').

"(b) MEMBERS.—(1) The Council shall consist of the following members:

"(A) The Under Secretary of Defense for Personnel and Readiness, who shall serve as chair of the Council.

"(B) One representative of each of the Army, Navy, Marine Corps, and Air Force, who shall be appointed by the Secretary of Defense.

"(C) Three individuals appointed by the Secretary of Defense from among representatives of military family organizations, including military family organizations of families of members of the regular components and of families of members of the reserve components.

"(D) In addition to the representatives appointed under subparagraph (B), the senior enlisted advisors of the Army, Navy, Marine Corps, and Air Force, or the spouse of a senior enlisted member from each of the Army, Navy, Marine Corps, and Air Force.

"(2) The term on the Council of the members appointed under paragraph (1)(C) shall be three years.

"(c) MEETINGS.—The Council shall meet not less often than twice each year.

"(d) DUTIES.—The duties of the Council shall include the following:

"(1) To review and make recommendations to the Secretary of Defense regarding the policy and plans required under section 1781b of this title.

"(2) To monitor requirements for the support of military family readiness by the Department of Defense.

"(3) To evaluate and assess the effectiveness of the military family readiness programs and activities of the Department of Defense.

"(e) ANNUAL REPORTS.—(1) Not later than February 1 each year, the Council shall submit to the Secretary of Defense and the congressional defense committees a report on military family readiness.

"(2) Each report under this subsection shall include the following:

"(A) An assessment of the adequacy and effectiveness of the military family readiness programs and activities of the Department of Defense during the preceding fiscal year in meeting the needs and requirements of military families.

"(B) Recommendations on actions to be taken to improve the capability of the military family readiness programs and activities of the Department of Defense to meet the needs and requirements of military families, including actions relating to the allocation of funding and other resources to and among such programs and activities.

"§1781b. Department of Defense policy and plans for military family readiness

"(a) POLICY AND PLANS REQUIRED.—The Secretary of Defense shall develop a policy and plans for the Department of Defense for the support of military family readiness.

"(b) PURPOSES.—The purposes of the policy and plans required under subsection (a) are as follows:

"(1) To ensure that the military family readiness programs and activities of the Department of Defense are comprehensive, effective, and properly supported.

"(2) To ensure that support is continuously available to military families in peacetime and in war, as well as during periods of force structure change and relocation of military units.

"(3) To ensure that the military family readiness programs and activities of the Department of Defense are available to all military families, including military families of members of the regular components and military families of members of the reserve components.

"(4) To make military family readiness an explicit element of applicable Department of Defense plans, programs, and budgeting activities, and that achievement of military family readiness is expressed through Department-wide goals that are identifiable and measurable.

"(5) To ensure that the military family readiness programs and activities of the Department of Defense undergo continuous evaluation in order to ensure that resources are allocated and expended for such programs and activities to achieve Department-wide family readiness goals.

"(c) ELEMENTS OF POLICY.—The policy required under subsection (a) shall include the following elements:

"(1) A list of military family readiness programs and activities.

"(2) Department of Defense-wide goals for military family support, including joint programs, both for military families of members of the regular components and military families of members of the reserve components.

"(3) Policies on access to military family support programs and activities based on military family populations served and geographical location.

"(4) Metrics to measure the performance and effectiveness of the military family readiness programs and activities of the Department of Defense.

"(5) A summary, by fiscal year, of the allocation of funds (including appropriated funds and nonappropriated funds) for major categories of military family readiness programs and activities of the Department of Defense, set forth for each of the military departments and for the Office of the Secretary of Defense.

"(d) ANNUAL REPORT.—Not later than March 1, 2008, and each year thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the plans required under subsection (a) for the five-fiscal year period beginning with the fiscal year in which the report is submitted. Each report shall include the plans covered by the report and an assessment of the discharge by the Department of Defense of the previous plans submitted under this section.".

(b) REPORT ON MILITARY FAMILY READINESS POLICY.—Not later than February 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the policy developed under section 1781b of title 10, United States Code, as added by subsection (a).

(c) SURVEYS OF MILITARY FAMILIES.—Section 1782 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) SURVEY REQUIRED FOR FISCAL YEAR 2010.—Notwithstanding subsection (a), during fiscal year 2010, the Secretary of Defense shall conduct a survey otherwise authorized under such subsection. Thereafter, additional surveys may be conducted not less often than once every three fiscal years.".

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 88 of such title is amended by inserting after the item relating to section 1781 the following new items:

"1781a. Department of Defense Military Family Readiness Council.

"1781b. Department of Defense policy and plans for military family readiness.".

SEC. 582. YELLOW RIBBON REINTEGRATION PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense shall establish a national combat veteran reintegration program to provide National Guard and Reserve members and their families with sufficient information, services, referral, and proactive outreach opportunities throughout the entire deployment cycle. This program shall be known as the Yellow Ribbon Reintegration Program.

(b) PURPOSE OF PROGRAM; DEPLOYMENT CYCLE.—The Yellow Ribbon Reintegration Program shall consist of informational events and activities for members of the reserve components of the Armed Forces, their families, and community members to facilitate access to services supporting their health and well-being through the 4 phases of the deployment cycle:

(1) Pre-Deployment.

(2) Deployment.

(3) Demobilization.

(4) Post-Deployment-Reconstitution.

(c) EXECUTIVE AGENT.—The Secretary shall designate the Under Secretary of Defense for Personnel and Readiness as the Department of Defense executive agent for the Yellow Ribbon Reintegration Program.

(d) OFFICE FOR REINTEGRATION PROGRAMS.—

(1) ESTABLISHMENT.—The Under Secretary of Defense for Personnel and Readiness shall establish the Office for Reintegration Programs within the Office of the Secretary of Defense. The office shall administer all reintegration programs in coordination with State National Guard organizations. The office shall be responsible for coordination with existing National Guard and Reserve family and support programs. The Directors of the Army National Guard and Air National Guard and the Chiefs of the Army Reserve, Marine Corps Reserve, Navy Reserve, and Air Force Reserve may appoint liaison officers to coordinate with the permanent office staff. The office may also enter into partnerships with other public entities, including the Department of Health and Human Services, Substance Abuse and the Mental Health Services Administration, for access to necessary substance abuse and mental health treatment services from local State-licensed service providers.

(2) CENTER FOR EXCELLENCE IN REINTEGRATION.—The Office for Reintegration Programs shall establish a Center for Excellence in Reintegration within the office. The Center shall collect and analyze "lessons learned" and suggestions from State National Guard and Reserve organizations with existing or developing reintegration programs. The Center shall also assist in developing training aids and briefing materials and training representatives from State National Guard and Reserve organizations.

(e) ADVISORY BOARD.—

(1) APPOINTMENT.—The Secretary of Defense shall appoint an advisory board to analyze the Yellow Ribbon Reintegration Program and report on areas of success and areas for necessary improvements. The advisory board shall include the Director of the Army National Guard, the Director of the Air National Guard, Chiefs of the Army Reserve, Marine Corps Reserve, Navy Reserve, and Air Force Reserve, the Assistant Secretary of Defense for Reserve Affairs, an Adjutant General on a rotational basis as determined by the Chief of the National Guard Bureau, and any other Department of Defense, Federal Government agency, or outside organization as determined by the Secretary of Defense. The members of the advisory board may designate representatives in their stead.

(2) SCHEDULE.—The advisory board shall meet on a schedule determined by the Secretary of Defense.

(3) INITIAL REPORTING REQUIREMENT.—The advisory board shall issue internal reports as necessary and shall submit an initial report to the Committees on Armed Services of the Senate and House of Representatives not later than 180 days after the end of the 1-year period beginning on the date of the establishment of the Office for Reintegration Programs. The report shall contain—

(A) an evaluation of the implementation of the Yellow Ribbon Reintegration Program by State National Guard and Reserve organizations;

(B) an assessment of any unmet resource requirements; and

(C) recommendations regarding closer coordination between the Office of Reintegration Programs and State National Guard and Reserve organizations.

(4) ANNUAL REPORTS.—The advisory board shall submit annual reports to the Committees on Armed Services of the Senate and the House of Representatives following the initial report by the first week in March of subsequent years following the initial report.

(f) STATE DEPLOYMENT CYCLE SUPPORT TEAMS.—The Office for Reintegration Programs may employ personnel to administer the Yellow Ribbon Reintegration Program at the State level. The primary function of team members shall be—

(1) to implement the reintegration curriculum through the deployment cycle described in subsection (g);

(2) to obtain necessary service providers; and

(3) to educate service providers regarding the unique military nature of the reintegration program.

(g) OPERATION OF PROGRAM THROUGH DEPLOYMENT CYCLE.—

(1) IN GENERAL.—The Office for Reintegration Programs shall analyze the demographics, placement of State Family Assistance Centers and their resources before a mobilization alert is issued to affected State National Guard and Reserve organizations. The Office of Reintegration Programs shall consult with affected State National Guard and Reserve organizations following the issuance of a mobilization alert and implement the reintegration events in accordance with the Reintegration Program phase model.

(2) PRE-DEPLOYMENT PHASE.—The Pre-Deployment Phase shall constitute the time from first notification of mobilization until deployment of the mobilized National Guard or Reserve unit. Events and activities shall focus on providing education and ensuring the readiness of members of the unit, their families, and affected communities for the rigors of a combat deployment.

(3) DEPLOYMENT PHASE.—The Deployment Phase shall constitute the period from deployment of the mobilized National Guard or Reserve unit until the unit arrives at a demobilization station inside the continental United States. Events and services provided shall focus on the challenges and stress associated with separation and having a member in a combat zone. Information sessions shall utilize State National Guard and Reserve resources in coordination with the Employer Support of Guard and Reserve Office, Transition Assistance Advisors, and the State Family Programs Director.

(4) DEMOBILIZATION PHASE.—

(A) IN GENERAL.—The Demobilization Phase shall constitute the period from arrival of the National Guard or Reserve unit at the demobilization station until its departure for home station.

(B) INITIAL REINTEGRATION ACTIVITY.—The purpose of this reintegration program is to educate members about the resources that are available to them and to connect members to service providers who can assist them in overcoming the challenges of reintegration.

(5) POST-DEPLOYMENT-RECONSTITUTION PHASE.—

(A) IN GENERAL.—The Post-Deployment-Reconstitution Phase shall constitute the period from arrival at home station until 180 days following demobilization. Activities and services provided shall focus on reconnecting members with their families and communities and providing resources and information necessary for successful reintegration. Reintegration events shall begin with elements of the Initial Reintegration Activity program that were not completed during the Demobilization Phase.

(B) 30-DAY, 60-DAY, AND 90-DAY REINTEGRATION ACTIVITIES.—The State National Guard and Reserve organizations shall hold reintegration activities at the 30-day, 60-day, and 90-day interval following demobilization. These activities shall focus on reconnecting members and their families with the service providers from the Initial Reintegration Activity to ensure that members and their families understand what benefits they are entitled to and what resources are available to help them overcome the challenges of reintegration. The Reintegration Activities shall also provide a forum for members and their families to address negative behaviors related to combat stress and transition.

(C) MEMBER PAY.—Members shall receive appropriate pay for days spent attending the Reintegration Activities at the 30-day, 60-day, and 90-day intervals.

(h) OUTREACH SERVICES.—As part of the Yellow Ribbon Reintegration Program, the Office for Reintegration Programs may develop programs of outreach to members of the Armed Forces and their family members to educate such members and their family members about the assistance and services available to them under the Yellow Ribbon Reintegration Program. Such assistance and services may include the following:

(1) Marriage counseling.

(2) Services for children.

(3) Suicide prevention.

(4) Substance abuse awareness and treatment.

(5) Mental health awareness and treatment.

(6) Financial counseling.

(7) Anger management counseling.

(8) Domestic violence awareness and prevention.

(9) Employment assistance.

(10) Preparing and updating family care plans.

(11) Development of strategies for living with a member of the Armed Forces with post-traumatic stress disorder or traumatic brain injury.

(12) Other services that may be appropriate to address the unique needs of members of the Armed Forces and their families who live in rural or remote areas with respect to family readiness and servicemember reintegration.

(13) Assisting members of the Armed Forces and their families find and receive assistance with military family readiness and servicemember reintegration, including referral services.

(14) Development of strategies and programs that recognize the need for long-term follow-up services for reintegrating members of the Armed Forces and their families for extended periods following deployments, including between deployments.

(15) Assisting members of the Armed Forces and their families in receiving services and assistance from the Department of Veterans Affairs, including referral services.

SEC. 583. STUDY TO ENHANCE AND IMPROVE SUPPORT SERVICES AND PROGRAMS FOR FAMILIES OF MEMBERS OF REGULAR AND RESERVE COMPONENTS UNDERGOING DEPLOYMENT.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study to determine the most effective means to enhance and improve family support programs for families of deployed members of the regular and reserve components of the Armed Forces before, during, and after deployment. The study shall also take into account the potential to utilize non-governmental and local private sector entities and other Federal agencies having expertise in health and well-being of families, including family members who are children, infants, or toddlers.

(b) ELEMENTS.—The study shall include at a minimum the following:

(1) The assessment of the types of information on health care and mental health benefits and services and other community resources that should be made available to members of the regular and reserve components and their families, including—

(A) crisis services;

(B) marriage and family counseling; and

(C) financial counseling.

(2) An assessment of means to improve support to the parents and caretakers of military dependent children in order to mitigate any adverse effects of the deployment of members on such children, including consideration of the following:

(A) The need to develop materials for parents and other caretakers of children to assist in responding to the effects of such deployment on children, including extended and multiple deployments and reunion (and the death or injury of members during such deployment), and the role that parents and caretakers can play in addressing or mitigating such effects.

(B) The potential best practices that are identified which build psychological and emotional resiliency in children in coping with deployment.

(C) The potential to improve dissemination throughout the Armed Forces of the most effective practices for outreach, training, and building psychological and emotional resiliency in children.

(D) The effectiveness of training materials for education, mental health, health, and family support professionals who provide services to parents and caretakers of military dependent children.

(E) The requirement to develop programs and activities to increase awareness throughout the military and civilian communities of the effects of deployment of a military spouse or guardians for such children and their families and to increase collaboration within such communities to address and mitigate such effects.

(F) The development of training for early child care and education, mental health, health care, and family support professionals to enhance the awareness of such professionals of their role in assisting families in addressing and mitigating the adverse implications of such deployment.

(G) The conduct of research on best practices for building psychological and emotional resiliency in such children in coping with the deployment of such members.

(3) An assessment of the effectiveness of family-to-family support programs—

(A) in providing peer support for families of deployed members of the regular and reserve components;

(B) in identifying and preventing family problems in such families;

(C) in reducing adverse outcomes for children of such families, including poor academic performance, behavioral problems, stress, and anxiety;

(D) in improving family readiness and post-deployment transition for such families; and

(E) in utilizing spouses of members of the Armed Forces as counselors for families of deployed members, in order to assist such families in coping before, during, and after the deployment, and the best practices for training spouses of members of the Armed Forces to act as counselors for families of deployed members.

(4) An assessment of the effectiveness of transition assistance programs and policies for families of members during post-deployment transition from a combat zone back to civilian or military communities—

(A) in identifying signs and symptoms of mental health conditions for both service members and their families; and

(B) in receiving information and resources available within the local communities to ease transition.

(5) An assessment of the impact of multiple overseas deployments of members on their families, particularly in the case of members serving in Operation Iraqi Freedom and Operation Enduring Freedom, including financial impacts and emotional impacts.

(6) An assessment of the most effective timing of providing information and support to the families of deployed members before, during, and after deployment, including at least six months after the date of return of deployed members.

(7) An assessment of the need for additional long-term research on the effects of multiple wartime deployments on families, including children, and critical areas of focus that should be addressed by such research.

(c) REPORT ON RESULTS OF STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the study conducted under subsection (a).

SEC. 584. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.

(a) PROTECTION OF SERVICEMEMBERS AGAINST DEFAULT JUDGMENTS.—Section 201(a) of the Servicemembers Civil Relief Act (50 U.S.C. App. 521(a)) is amended by inserting ", including any child custody proceeding," after "proceeding".

(b) STAY OF PROCEEDINGS WHEN SERVICEMEMBER HAS NOTICE.—Section 202(a) of the Servicemembers Civil Relief Act (50 U.S.C. App. 522(a)) is amended by inserting ", including any child custody proceeding," after "civil action or proceeding".

SEC. 585. FAMILY LEAVE IN CONNECTION WITH INJURED MEMBERS OF THE ARMED FORCES.

(a) SERVICEMEMBER FAMILY LEAVE.—

(1) DEFINITIONS.—Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended by adding at the end the following new paragraphs:

"(14) ACTIVE DUTY.—The term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

"(15) CONTINGENCY OPERATION.—The term 'contingency operation' has the same meaning given such term in section 101(a)(13) of title 10, United States Code.

"(16) COVERED SERVICEMEMBER.—The term 'covered servicemember' means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

"(17) OUTPATIENT STATUS.—The term 'outpatient status', with respect to a covered servicemember, means the status of a member of the Armed Forces assigned to—

"(A) a military medical treatment facility as an outpatient; or

"(B) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

"(18) NEXT OF KIN.—The term 'next of kin', used with respect to an individual, means the nearest blood relative of that individual.

"(19) SERIOUS INJURY OR ILLNESS.—The term 'serious injury or illness', in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.".

(2) ENTITLEMENT TO LEAVE.—Section 102(a) of such Act (29 U.S.C. 2612(a)) is amended—

(A) in paragraph (1), by adding at the end the following new subparagraph:

"(E) Because of any qualifying exigency (as the Secretary shall, by regulation, determine) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation."; and

(B) by adding at the end the following new paragraphs:

"(3) SERVICEMEMBER FAMILY LEAVE.—Subject to section 103, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period.

"(4) COMBINED LEAVE TOTAL.—During the single 12-month period described in paragraph (3), an eligible employee shall be entitled to a combined total of 26 workweeks of leave under paragraphs (1) and (3). Nothing in this paragraph shall be construed to limit the availability of leave under paragraph (1) during any other 12-month period.".

(3) REQUIREMENTS RELATING TO LEAVE.—

(A) SCHEDULE.—Section 102(b) of such Act (29 U.S.C. 2612(b)) is amended—

(i) in paragraph (1), in the second sentence—

(I) by striking "section 103(b)(5)" and inserting "subsection (b)(5) or (f) (as appropriate) of section 103"; and

(II) by inserting "or under subsection (a)(3)" after "subsection (a)(1)";

(ii) in paragraph (1), by inserting after the second sentence the following new sentence: "Subject to subsection (e)(3) and section 103(f), leave under subsection (a)(1)(E) may be taken intermittently or on a reduced leave schedule."; and

(iii) in paragraph (2), by inserting "or under subsection (a)(3)" after "subsection (a)(1)".

(B) SUBSTITUTION OF PAID LEAVE.—Section 102(d) of such Act (29 U.S.C. 2612(d)) is amended—

(i) in paragraph (1)—

(I) by inserting "(or 26 workweeks in the case of leave provided under subsection (a)(3))" after "12 workweeks" the first place it appears; and

(II) by inserting "(or 26 workweeks, as appropriate)" after "12 workweeks" the second place it appears;

(ii) in paragraph (2)(A), by striking "or (C)" and inserting "(C), or (E)"; and

(iii) in paragraph (2)(B), by adding at the end the following: "An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, family leave, or medical or sick leave of the employee for leave provided under subsection (a)(3) for any part of the 26-week period of such leave under such subsection, except that nothing in this title requires an employer to provide paid sick leave or paid medical leave in any situation in which the employer would not normally provide any such paid leave.".

(C) NOTICE.—Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended—

(i) in paragraph (2), by inserting "or under subsection (a)(3)" after "subsection (a)(1)"; and

(ii) by adding at the end the following new paragraph:

"(3) NOTICE FOR LEAVE DUE TO ACTIVE DUTY OF FAMILY MEMBER.—In any case in which the necessity for leave under subsection (a)(1)(E) is foreseeable, whether because the spouse, or a son, daughter, or parent, of the employee is on active duty, or because of notification of an impending call or order to active duty in support of a contingency operation, the employee shall provide such notice to the employer as is reasonable and practicable.".

(D) SPOUSES EMPLOYED BY SAME EMPLOYER.—Section 102(f) of such Act (29 U.S.C. 2612(f)) is amended—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), and aligning the margins of the subparagraphs with the margins of section 102(e)(2)(A);

(ii) by striking "In any" and inserting the following:

"(1) IN GENERAL.—In any"; and

(iii) by adding at the end the following:

"(2) SERVICEMEMBER FAMILY LEAVE.—

"(A) IN GENERAL.—The aggregate number of workweeks of leave to which both that husband and wife may be entitled under subsection (a) may be limited to 26 workweeks during the single 12-month period described in subsection (a)(3) if the leave is—

"(i) leave under subsection (a)(3); or

"(ii) a combination of leave under subsection (a)(3) and leave described in paragraph (1).

"(B) BOTH LIMITATIONS APPLICABLE.—If the leave taken by the husband and wife includes leave described in paragraph (1), the limitation in paragraph (1) shall apply to the leave described in paragraph (1).".

(E) CERTIFICATION REQUIREMENTS.—Section 103 of such Act (29 U.S.C. 2613) is amended—

(i) in subsection (a)—

(I) by striking "section 102(a)(1)" and inserting "paragraph (1) or paragraph (3) of section 102(a)"; and

(II) by inserting "or of the next of kin of an individual in the case of leave taken under such paragraph (3)," after "parent of the employee,"; and

(ii) by adding at the end the following:

"(f) CERTIFICATION RELATED TO ACTIVE DUTY OR CALL TO ACTIVE DUTY.—An employer may require that a request for leave under section 102(a)(1)(E) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe. If the Secretary issues a regulation requiring such certification, the employee shall provide, in a timely manner, a copy of such certification to the employer.".

(F) FAILURE TO RETURN.—Section 104(c) of such Act (29 U.S.C. 2614(c)) is amended—

(i) in paragraph (2)(B)(i), by inserting "or under section 102(a)(3)" before the semicolon; and

(ii) in paragraph (3)(A)—

(I) in clause (i), by striking "or" at the end;

(II) in clause (ii), by striking the period and inserting "; or"; and

(III) by adding at the end the following:

"(iii) a certification issued by the health care provider of the servicemember being cared for by the employee, in the case of an employee unable to return to work because of a condition specified in section 102(a)(3).".

(G) ENFORCEMENT.—Section 107 of such Act (29 U.S.C. 2617) is amended, in subsection (a)(1)(A)(i)(II), by inserting "(or 26 weeks, in a case involving leave under section 102(a)(3))" after "12 weeks".

(H) INSTRUCTIONAL EMPLOYEES.—Section 108 of such Act (29 U.S.C. 2618) is amended, in subsections (c)(1), (d)(2), and (d)(3), by inserting "or under section 102(a)(3)" after "section 102(a)(1)".

(b) SERVICEMEMBER FAMILY LEAVE FOR CIVIL SERVICE EMPLOYEES.—

(1) DEFINITIONS.—Section 6381 of title 5, United States Code, is amended—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(7) the term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10;

"(8) the term 'covered servicemember' means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in an outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness;

"(9) the term 'outpatient status', with respect to a covered servicemember, means the status of a member of the Armed Forces assigned to—

"(A) a military medical treatment facility as an outpatient; or

"(B) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients;

"(10) the term 'next of kin', used with respect to an individual, means the nearest blood relative of that individual; and

"(11) the term 'serious injury or illness', in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.".

(2) ENTITLEMENT TO LEAVE.—Section 6382(a) of such title is amended by adding at the end the following:

"(3) Subject to section 6383, an employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 administrative workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period.

"(4) During the single 12-month period described in paragraph (3), an employee shall be entitled to a combined total of 26 administrative workweeks of leave under paragraphs (1) and (3). Nothing in this paragraph shall be construed to limit the availability of leave under paragraph (1) during any other 12-month period.".

(3) REQUIREMENTS RELATING TO LEAVE.—

(A) SCHEDULE.—Section 6382(b) of such title is amended—

(i) in paragraph (1), in the second sentence—

(I) by striking "section 6383(b)(5)" and inserting "subsection (b)(5) or (f) (as appropriate) of section 6383"; and

(II) by inserting "or under subsection (a)(3)" after "subsection (a)(1)"; and

(ii) in paragraph (2), by inserting "or under subsection (a)(3)" after "subsection (a)(1)".

(B) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by adding at the end the following: "An employee may elect to substitute for leave under subsection (a)(3) any of the employee's accrued or accumulated annual or sick leave under subchapter I for any part of the 26-week period of leave under such subsection.".

(C) NOTICE.—Section 6382(e) of such title is amended by inserting "or under subsection (a)(3)" after "subsection (a)(1)".

(D) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

"(f) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.".

SEC. 586. FAMILY CARE PLANS AND DEFERMENT OF DEPLOYMENT OF SINGLE PARENT OR DUAL MILITARY COUPLES WITH MINOR DEPENDENTS.

The Secretary of Defense shall establish appropriate procedures to ensure that an adequate family care plan is in place for a member of the Armed Forces with minor dependents who is a single parent or whose spouse is also a member of the Armed Forces when the member may be deployed in an area for which imminent danger pay is authorized under section 310 of title 37, United States Code. Such procedures should allow the member to request a deferment of deployment due to unforeseen circumstances, and the request for such a deferment should be considered and responded to promptly.

SEC. 587. EDUCATION AND TREATMENT SERVICES FOR MILITARY DEPENDENT CHILDREN WITH AUTISM.

(a) ASSESSMENT OF AVAILABILITY OF SERVICES.—The Secretary of Defense shall conduct a comprehensive assessment of the availability of Federal, State, and local education and treatment services on and in the vicinity of a covered military installation for children of members of the Armed Forces who are diagnosed with autism. This assessment shall include the following:

(1) The local availability of adequate educational services for children with autism.

(2) The local availability of adequate medical services for children with autism.

(3) The local availability of supplemental services for children with autism.

(4) The ease of access of children with autism to adequate educational services, such as the length of time on waiting lists.

(b) REVIEW OF BEST PRACTICES.—In preparing the assessment under subsection (a), the Secretary of Defense shall conduct a review of best practices in the United States in the provision of covered educational services and treatment services for children with autism, including an assessment of Federal and State education and treatment services for children with autism in each State, with an emphasis on locations where eligible members and eligible dependents reside. The Secretary of Defense shall conduct the review in coordination with the Secretary of Education.

(c) PERSONNEL MANAGEMENT REQUIREMENTS.—

(1) LIMITED STATIONING OPTIONS.—The Secretary of the military department concerned shall ensure that, whenever practicable, eligible members are only assigned to military installations that are identified in the report required by subsection (g)(1).

(2) STABILIZATION POLICY.—The Secretary of the military department concerned shall ensure that, whenever practicable, the families of eligible members residing at a military installation that is identified in such report are permitted to remain at that installation for a period of not less than 4 years.

(d) CASE MANAGERS AND SERVICES.—

(1) CASE MANAGERS.—The Secretary of the military department concerned shall ensure that eligible members are assigned case managers for both medical services and covered educational services for eligible dependents, which shall be required under the Exceptional Family Member Program pursuant to the policy established by the Secretary.

(2) INDIVIDUALIZED SERVICES PLAN.—The Secretary of the military department concerned shall provide for the voluntary development for eligible dependents of individualized autism services plans for use by case managers, caregivers, and families to ensure continuity of services throughout the active military service of eligible members.

(3) AUTISM SUPPORT CENTERS.—The Secretary of the military department concerned may establish local centers on military installations for the purpose of providing and coordinating autism services for eligible dependents.

(4) PARTNERSHIPS AND CONTRACTS.—The Secretary of the military department concerned is encouraged to enter into partnerships or contracts with other appropriate public and private entities to carry out the responsibilities of this section.

(e) DEMONSTRATION PROJECTS.—

(1) PROJECTS AUTHORIZED.—The Secretary of Defense may conduct 1 or more demonstration projects to evaluate improved approaches to the provision of covered educational services and treatment services to eligible dependents for the purpose of evaluating strategies for integrated treatment and case manager services, including early intervention and diagnosis, medical care, parent involvement, special education services, intensive behavioral intervention, and language, communications, and other interventions considered appropriate by the Secretary.

(2) CASE MANAGERS AND SERVICES PLAN.—Each demonstration project shall include the assignment of case managers under paragraph (1) of subsection (d) and utilize the services plans prepared for eligible dependents under paragraph (2) of such subsection.

(3) SUPERVISORY LEVEL PROVIDERS.—The Secretary of Defense may utilize for purposes of the demonstration projects personnel who are professionals with a level (as determined by the Secretary) of post-secondary education that is appropriate for the provision of safe and effective services for autism and who are from an accredited educational facility in the mental health, human development, social work, or education field to act as supervisory level providers of behavioral intervention services for autism. In so acting, such personnel may be authorized—

(A) to develop and monitor intensive behavior intervention plans for eligible dependents who are participating in the demonstration projects; and

(B) to provide appropriate training in the provision of approved services to participating eligible dependents.

(4) SERVICES UNDER CORPORATE SERVICES PROVIDER MODEL.—In carrying out the demonstration projects, the Secretary of Defense may utilize a corporate services provider model. Employees of a provider under such a model shall include personnel who implement special educational and behavioral intervention plans for eligible dependents that are developed, reviewed, and maintained by supervisory level providers approved by the Secretary. In authorizing such a model, the Secretary shall establish—

(A) minimum education, training, and experience criteria required to be met by employees who provide services to eligible dependents;

(B) requirements for supervisory personnel and supervision, including requirements for supervisor credentials and for the frequency and intensity of supervision; and

(C) such other requirements as the Secretary considers appropriate to ensure safety and the protection of the eligible dependents who receive services from such employees under the demonstration projects.

(5) PERIOD.—If the Secretary of Defense determines to conduct demonstration projects under this subsection, the Secretary shall commence such demonstration projects not later than 180 days after the date of the enactment of this Act. The demonstration projects shall be conducted for not less than 2 years.

(6) EVALUATION.—The Secretary of Defense shall conduct an evaluation of each demonstration project conducted under this section. The evaluation shall include the following:

(A) An assessment of the extent to which the activities under the demonstration project contributed to positive outcomes for eligible dependents.

(B) An assessment of the extent to which the activities under the demonstration project led to improvements in services and continuity of care for eligible dependents.

(C) An assessment of the extent to which the activities under the demonstration project improved military family readiness and enhanced military retention.

(f) RELATIONSHIP TO OTHER BENEFITS.—Nothing in this section precludes the eligibility of members of the Armed Forces and their dependents for extended benefits under section 1079 of title 10, United States Code.

(g) REPORTS.—

(1) REPORT IDENTIFYING COVERED MILITARY INSTALLATIONS.—As a result of the assessment required by subsection (a), the Secretary of Defense shall submit to the congressional defense committees, not later than December 31, 2008, a report identifying those covered military installations that have covered educational services and facilities available (on the installation or in the vicinity of the installation) for eligible dependents that provide special education and related services consistent with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(2) REPORTS ON DEMONSTRATION PROJECTS.—Not later than 30 months after the commencement of any demonstration project under subsection (e), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the demonstration project. The report shall include a description of the project, the results of the evaluation under subsection (e)(6) with respect to the project, and a description of plans for the further provision of services for eligible dependents under the project.

(h) COVERED EDUCATIONAL SERVICES PLAN.—After completing the assessment required by subsection (a) and the report required by subsection (g)(1), the Secretary of Defense shall develop a plan that would ensure that all eligible dependents are able to obtain covered educational services. In the event that eligible members are assigned to military installations that are not identified in the report required by subsection (g)(1), the plan should ensure that such eligible dependents are still able to obtain covered educational services, including by the use of authority granted to the Secretary under section 2164 of title 10, United States Code. The plan shall also include any legislative actions that the Secretary recommends to implement the plan and describe what funding or funding mechanisms may be needed to ensure eligible dependents obtain covered educational services. The Secretary shall submit the plan to the congressional defense committees not later than July 1, 2009.

(i) DEFINITIONS.—In this section:

(1) The term "autism" refers to the Autism Spectrum Disorders, which are developmental disabilities that cause substantial impairments in the areas of social interaction, emotional regulation, communication, and the integration of higher-order cognitive processes and are often characterized by the presence of unusual behaviors and interests. The term includes autistic disorder, pervasive developmental disorder (not otherwise specified), and Asperger's syndrome.

(2) The term "child" has the meaning given that term in section 1072 of title 10, United States Code.

(3) The term "covered military installation" means a military installation at which at least 1,000 members of the Armed Forces are assigned who are eligible for an assignment accompanied by dependents.

(4) The term "eligible member" means a member of the Armed Forces who—

(A) has a dependent child who is diagnosed with autism; and

(B) is enrolled in an Exceptional Family Member Program of the Department of Defense.

(5) The term "eligible dependent" means a child of an eligible member who is diagnosed with autism.

(6) The term "local educational agency" has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)), except that the term includes publicly financed schools in communities, Department of Defense domestic dependent elementary and secondary schools, and schools of the defense dependents' education system.

(7) The term "covered educational services" includes behavioral intervention services for autism, such as Applied Behavioral Analysis.

SEC. 588. COMMENDATION OF EFFORTS OF PROJECT COMPASSION IN PAYING TRIBUTE TO MEMBERS OF THE ARMED FORCES WHO HAVE FALLEN IN THE SERVICE OF THE UNITED STATES.

(a) COMMENDATION.—Congress, on the behalf of the people of the United States, commends Kaziah M. Hancock and the 4 other volunteer professional portrait artists of the nonprofit organization known as Project Compassion, as well as the entire Project Compassion organization, for their ongoing efforts to provide, without charge, to the family of each member of the Armed Forces who has died on active duty since September 11, 2001, a museum-quality original oil portrait of the member.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the people of the United States owe the deepest gratitude to Kaziah M. Hancock and the members of Project Compassion.

Subtitle I—Other Matters

SEC. 590. UNIFORM PERFORMANCE POLICIES FOR MILITARY BANDS AND OTHER MUSICAL UNITS.

(a) IN GENERAL.—

(1) CONSOLIDATION OF SEPARATE AUTHORITIES.—Chapter 49 of title 10, United States Code, is amended by inserting after section 973 the following new section:

"§ 974. Uniform performance policies for military bands and other musical units

"(a) RESTRICTIONS ON COMPETITION AND REMUNERATION.—Bands, ensembles, choruses, or similar musical units of the armed forces, including individual members of such a unit performing in an official capacity, may not—

"(1) engage in the performance of music in competition with local civilian musicians; or

"(2) receive remuneration for official performances.

"(b) MEMBERS PERFORMING IN PERSONAL CAPACITY.—A member of a band, ensemble, chorus, or similar musical unit of the armed forces may engage in the performance of music in the member's personal capacity, as an individual or part of a group, for remuneration or otherwise, if the member—

"(1) does not wear a military uniform for the performance;

"(2) does not identify himself or herself as a member of the armed forces in connection with the performance; and

"(3) complies with all other applicable regulations and standards of conduct.

"(c) RECORDINGS.—(1) When authorized pursuant to regulations prescribed by the Secretary of Defense for purposes of this section, bands, ensembles, choruses, or similar musical units of the armed forces may produce recordings for distribution to the public, at a cost not to exceed production and distribution expenses.

"(2) Amounts received in payment for recordings distributed to the public under this subsection shall be credited to the appropriation or account providing the funds for the production of such recordings. Any amounts so credited shall be merged with amounts in the appropriation or account to which credited, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

"(d) PERFORMANCE OF MUSIC IN COMPETITION WITH LOCAL CIVILIAN MUSICIANS DEFINED.—(1) In this section, the term 'performance of music in competition with local civilian musicians' includes performances—

"(A) that are more than incidental to events that are not supported solely by appropriated funds and are not free to the public; and

"(B) of background, dinner, dance, or other social music at events, regardless of location, that are not supported solely by appropriated funds.

"(2) The term does not include performances—

"(A) at official Federal Government events that are supported solely by appropriated funds;

"(B) at concerts, parades, and other events that are patriotic events or celebrations of national holidays and are free to the public; or

"(C) that are incidental, such as short performances of military or patriotic music to open or close events, to events that are not supported solely by appropriated funds, in compliance with applicable rules and regulations.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 973 the following new item:

"974. Uniform performance policies for military bands and other musical units.".

(b) REPEAL OF SEPARATE SERVICE AUTHORITIES.—

(1) REPEAL.—Sections 3634, 6223, and 8634 of such title are repealed.

(2) TABLE OF SECTIONS.—(A) The table of sections at the beginning of chapter 349 of such title is amended by striking the item relating to section 3634.

(B) The table of sections at the beginning of chapter 565 of such title is amended by striking the item relating to section 6223.

(C) The table of sections at the beginning of chapter 849 of such title is amended by striking the item relating to section 8634.

SEC. 591. TRANSPORTATION OF REMAINS OF DECEASED MEMBERS OF THE ARMED FORCES AND CERTAIN OTHER PERSONS.

Section 1482(a)(8) of title 10, United States Code, is amended by adding at the end the following new sentence: "When transportation of the remains includes transportation by aircraft under section 562 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 10 U.S.C. 1482 note), the Secretary concerned shall provide, to the maximum extent practicable, for delivery of the remains by air to the commercial, general aviation, or military airport nearest to the place selected by the designee.".

SEC. 592. EXPANSION OF NUMBER OF ACADEMIES SUPPORTABLE IN ANY STATE UNDER STARBASE PROGRAM.

Section 2193b(c)(3) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking "more than two academies" and inserting "more than four academies"; and

(2) in subparagraph (B), by striking "in excess of two" both places it appears and inserting "in excess of four".

SEC. 593. GIFT ACCEPTANCE AUTHORITY.

(a) PERMANENT AUTHORITY TO ACCEPT GIFTS ON BEHALF OF THE WOUNDED.—Section 2601(b) of title 10, United States Code, is amended by striking paragraph (4).

(b) LIMITATION ON SOLICITATION OF GIFTS.—The Secretary of Defense shall prescribe regulations implementing sections 2601 and 2608 of title 10, United States Code, that prohibit the solicitation of any gift under such sections by any employee of the Department of Defense if the nature or circumstances of such solicitation would compromise the integrity or the appearance of integrity of any program of the Department of Defense or of any individual involved in such program.

SEC. 594. CONDUCT BY MEMBERS OF THE ARMED FORCES AND VETERANS OUT OF UNIFORM DURING HOISTING, LOWERING, OR PASSING OF UNITED STATES FLAG.

Section 9 of title 4, United States Code, is amended by striking "all persons present" and all that follows through the end of the section and inserting the following: "all persons present in uniform should render the military salute. Members of the Armed Forces and veterans who are present but not in uniform may render the military salute. All other persons present should face the flag and stand at attention with their right hand over the heart, or if applicable, remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Citizens of other countries present should stand at attention. All such conduct toward the flag in a moving column should be rendered at the moment the flag passes.".

SEC. 595. ANNUAL REPORT ON CASES REVIEWED BY NATIONAL COMMITTEE FOR EMPLOYER SUPPORT OF THE GUARD AND RESERVE.

Section 4332 of title 38, United States Code, is amended—

(1) by redesignating paragraphs (2), (3), (4), (5), and (6) as paragraphs (3), (4), (5), (6), and (7) respectively;

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) The number of cases reviewed by the Secretary of Defense under the National Committee for Employer Support of the Guard and Reserve of the Department of Defense during the fiscal year for which the report is made."; and

(3) in paragraph (5), as so redesignated, by striking "(2), or (3)" and inserting "(2), (3), or (4)".

SEC. 596. MODIFICATION OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214).

The Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall modify the Certificate of Release or Discharge from Active Duty (DD Form 214) in order to permit a member of the Armed Forces, upon discharge or release from active duty in the Armed Forces, to elect that the DD-214 issued with regard to the member be forwarded to the following:

(1) The Central Office of the Department of Veterans Affairs in the District of Columbia.

(2) The appropriate office of the Department of Veterans Affairs for the State or other locality in which the member will first reside after such discharge or release.

SEC. 597. REPORTS ON ADMINISTRATIVE SEPARATIONS OF MEMBERS OF THE ARMED FORCES FOR PERSONALITY DISORDER.

(a) SECRETARY OF DEFENSE REPORT ON ADMINISTRATIVE SEPARATIONS BASED ON PERSONALITY DISORDER.—

(1) REPORT REQUIRED.—Not later than April 1, 2008, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on all cases of administrative separation from the Armed Forces of covered members of the Armed Forces on the basis of a personality disorder.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A statement of the total number of cases, by Armed Force, in which covered members of the Armed Forces have been separated from the Armed Forces on the basis of a personality disorder, and an identification of the various forms of personality disorder forming the basis for such separations.

(B) A statement of the total number of cases, by Armed Force, in which covered members of the Armed Forces who have served in Iraq and Afghanistan since October 2001 have been separated from the Armed Forces on the basis of a personality disorder, and the identification of the various forms of personality disorder forming the basis for such separations.

(C) A summary of the policies, by Armed Force, controlling administrative separations of members of the Armed Forces based on personality disorder, and an evaluation of the adequacy of such policies for ensuring that covered members of the Armed Forces who may be eligible for disability evaluation due to mental health conditions are not separated from the Armed Forces on the basis of a personality disorder.

(D) A discussion of measures being implemented to ensure that members of the Armed Forces who should be evaluated for disability separation or retirement due to mental health conditions are not processed for separation from the Armed Forces on the basis of a personality disorder, and recommendations regarding how members of the Armed Forces who may have been so separated from the Armed Forces should be provided with expedited review by the applicable board for the correction of military records.

(b) COMPTROLLER GENERAL REPORT ON POLICIES ON ADMINISTRATIVE SEPARATION BASED ON PERSONALITY DISORDER.—

(1) REPORT REQUIRED.—Not later than June 1, 2008, the Comptroller General shall submit to Congress a report evaluating the policies and procedures of the Department of Defense and of the military departments relating to the separation of members of the Armed Forces based on a personality disorder.

(2) ELEMENTS.—The report required by paragraph (1) shall—

(A) include an audit of a sampling of cases to determine the validity and clinical efficacy of the policies and procedures referred to in paragraph (1) and the extent, if any, of the divergence between the terms of such policies and procedures and the implementation of such policies and procedures; and

(B) include a determination by the Comptroller General of whether, and to what extent, the policies and procedures referred to in paragraph (1)—

(i) deviate from standard clinical diagnostic practices and current clinical standards; and

(ii) provide adequate safeguards aimed at ensuring that members of the Armed Forces who suffer from mental health conditions (including depression, post-traumatic stress disorder, or traumatic brain injury) resulting from service in a combat zone are not separated from the Armed Forces on the basis of a personality disorder.

(3) ALTERNATIVE SUBMISSION METHOD.—In lieu of submitting a separate report under this subsection, the Comptroller may include the evaluation, audit and determination required by this subsection as part of the study of mental health services required by section 723 of the Ronald W. Reagan National Defense Authorization Act of 2005 (Public Law 108–375; 118 Stat. 1989).

(c) COVERED MEMBER OF THE ARMED FORCES DEFINED.—In this section, the term "covered member of the Armed Forces" includes the following:

(1) Any member of a regular component of the Armed Forces who has served in Iraq or Afghanistan since October 2001.

(2) Any member of the Selected Reserve of the Ready Reserve of the Armed Forces who served on active duty in Iraq or Afghanistan since October 2001.

SEC. 598. PROGRAM TO COMMEMORATE 50TH ANNIVERSARY OF THE VIETNAM WAR.

(a) COMMEMORATIVE PROGRAM AUTHORIZED.—The Secretary of Defense may conduct a program to commemorate the 50th anniversary of the Vietnam War. In conducting the commemorative program, the Secretary shall coordinate, support, and facilitate other programs and activities of the Federal Government, State and local governments, and other persons and organizations in commemoration of the Vietnam War.

(b) SCHEDULE.—The Secretary of Defense shall determine the schedule of major events and priority of efforts for the commemorative program in order to ensure achievement of the objectives specified in subsection (c).

(c) COMMEMORATIVE ACTIVITIES AND OBJECTIVES.—The commemorative program may include activities and ceremonies to achieve the following objectives:

(1) To thank and honor veterans of the Vietnam War, including personnel who were held as prisoners of war or listed as missing in action, for their service and sacrifice on behalf of the United States and to thank and honor the families of these veterans.

(2) To highlight the service of the Armed Forces during the Vietnam War and the contributions of Federal agencies and governmental and non-governmental organizations that served with, or in support of, the Armed Forces.

(3) To pay tribute to the contributions made on the home front by the people of the United States during the Vietnam War.

(4) To highlight the advances in technology, science, and medicine related to military research conducted during the Vietnam War.

(5) To recognize the contributions and sacrifices made by the allies of the United States during the Vietnam War.

(d) NAMES AND SYMBOLS.—The Secretary of Defense shall have the sole and exclusive right to use the name "The United States of America Vietnam War Commemoration", and such seal, emblems, and badges incorporating such name as the Secretary may lawfully adopt. Nothing in this section may be construed to supersede rights that are established or vested before the date of the enactment of this Act.

(e) COMMEMORATIVE FUND.—

(1) ESTABLISHMENT AND ADMINISTRATION.—If the Secretary establishes the commemorative program under subsection (a), the Secretary the Treasury shall establish in the Treasury of the United States an account to be known as the "Department of Defense Vietnam War Commemoration Fund" (in this section referred to as the "Fund"). The Fund shall be administered by the Secretary of Defense.

(2) USE OF FUND.—The Secretary shall use the assets of the Fund only for the purpose of conducting the commemorative program and shall prescribe such regulations regarding the use of the Fund as the Secretary considers to be necessary.

(3) DEPOSITS.—There shall be deposited into the Fund—

(A) amounts appropriated to the Fund;

(B) proceeds derived from the Secretary's use of the exclusive rights described in subsection (d);

(C) donations made in support of the commemorative program by private and corporate donors; and

(D) funds transferred to the Fund by the Secretary from funds appropriated for fiscal year 2008 and subsequent years for the Department of Defense.

(4) AVAILABILITY.—Subject to subsection (g)(2), amounts deposited under paragraph (3) shall constitute the assets of the Fund and remain available until expended.

(5) BUDGET REQUEST.—The Secretary of Defense may establish a separate budget line for the commemorative program. In the budget justification materials submitted by the Secretary in support of the budget of the President for any fiscal year for which the Secretary establishes the separate budget line, the Secretary shall—

(A) identify and explain any amounts expended for the commemorative program in the fiscal year preceding the budget request;

(B) identify and explain the amounts being requested to support the commemorative program for the fiscal year of the budget request; and

(C) present a summary of the fiscal status of the Fund.

(f) ACCEPTANCE OF VOLUNTARY SERVICES.—

(1) AUTHORITY TO ACCEPT SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary of Defense may accept from any person voluntary services to be provided in furtherance of the commemorative program. The Secretary of Defense

shall prohibit the solicitation of any voluntary services if the nature or circumstances of such solicitation would compromise the integrity or the appearance of integrity of any program of the Department of Defense or of any individual involved in the program.

(2) REIMBURSEMENT OF INCIDENTAL EXPENSES.—The Secretary may provide for reimbursement of incidental expenses incurred by a person providing voluntary services under this subsection. The Secretary shall determine which expenses are eligible for reimbursement under this paragraph.

(g) FINAL REPORT.—

(1) REPORT REQUIRED.—Not later than 60 days after the end of the commemorative program, if established by the Secretary of Defense under subsection (a), the Secretary shall submit to Congress a report containing an accounting of—

(A) all of the funds deposited into and expended from the Fund;

(B) any other funds expended under this section; and

(C) any unobligated funds remaining in the Fund.

(2) TREATMENT OF UNOBLIGATED FUNDS.—Unobligated amounts remaining in the Fund as of the end of the commemorative period specified in subsection (b) shall be held in the Fund until transferred by law.

(h) LIMITATION ON EXPENDITURES.—Total expenditures from the Fund, using amounts appropriated to the Department of Defense, may not exceed $5,000,000 for fiscal year 2008 or for any subsequent fiscal year to carry out the commemorative program.

(i) FUNDING.—Of the amount authorized to be appropriated pursuant to section 301(5) for Defense-wide activities, $1,000,000 shall be available for deposit in the Fund for fiscal year 2008 if the Fund is established under subsection (e).

SEC. 599. RECOGNITION OF MEMBERS OF THE MONUMENTS, FINE ARTS, AND ARCHIVES PROGRAM OF THE CIVIL AFFAIRS AND MILITARY GOVERNMENT SECTIONS OF THE ARMED FORCES DURING AND FOLLOWING WORLD WAR II.

Congress hereby—

(1) recognizes the men and women who served in the Monuments, Fine Arts, and Archives program (MFAA) under the Civil Affairs and Military Government Sections of the United States Armed Forces for their heroic role in the preservation, protection, and restitution of monuments, works of art, and other artifacts of inestimable cultural importance in Europe and Asia during and following World War II;

(2) recognizes that without their dedication and service, many more of the world's artistic and historic treasures would have been destroyed or lost forever amidst the chaos and destruction of World War II;

(3) acknowledges that the detailed catalogues, documentation, inventories, and photographs developed and compiled by MFAA personnel during and following World War II, have made, and continue to make, possible the restitution of stolen works of art to their rightful owners; and

(4) commends and extols the members of the MFAA for establishing a precedent for action to protect cultural property in the event of armed conflict, and by their action setting a standard not just for one country, but for people of all nations to acknowledge and uphold.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2008 increase in military basic pay.
Sec. 602. Basic allowance for housing for reserve component members without dependents who attend accession training while maintaining a primary residence.
Sec. 603. Extension and enhancement of authority for temporary lodging expenses for members of the Armed Forces in areas subject to major disaster declaration or for installations experiencing sudden increase in personnel levels.
Sec. 604. Income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.
Sec. 605 Midmonth payment of basic pay for contributions of members of the uniformed services participating in Thrift Savings Plan.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 610. Correction of lapsed authorities for payment of bonuses, special pays, and similar benefits for members of the uniformed services.
Sec. 611. Extension of certain bonus and special pay authorities for Reserve forces.
Sec. 612. Extension of certain bonus and special pay authorities for health care professionals.
Sec. 613. Extension of special pay and bonus authorities for nuclear officers.
Sec. 614. Extension of authorities relating to payment of other bonuses and special pays.
Sec. 615. Increase in incentive special pay and multiyear retention bonus for medical officers.
Sec. 616. Increase in dental officer additional special pay.
Sec. 617. Increase in maximum monthly rate of hardship duty pay and authority to provide hardship duty pay in a lump sum.
Sec. 618. Definition of sea duty for career sea pay to include service as off-cycle crewmembers of multi-crew ships.
Sec. 619. Reenlistment bonus for members of the Selected Reserve.
Sec. 620. Availability of Selected Reserve accession bonus for persons who previously served in the Armed Forces for a short period.
Sec. 621. Availability of nuclear officer continuation pay for officers with more than 26 years of commissioned service.
Sec. 622. Waiver of years-of-service limitation on receipt of critical skills retention bonus.
Sec. 623. Accession bonus for participants in the Armed Forces Health Professions Scholarship and Financial Assistance Program.
Sec. 624. Payment of assignment incentive pay for Reserve members serving in combat zone for more than 22 months.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Payment of inactive duty training travel costs for certain Selected Reserve members.
Sec. 632. Survivors of deceased members eligible for transportation to attend burial ceremonies.
Sec. 633. Allowance for participation of Reserves in electronic screening.
Sec. 634. Allowance for civilian clothing for members of the Armed Forces traveling in connection with medical evacuation.
Sec. 635. Payment of moving expenses for Junior Reserve Officers' Training Corps instructors in hard-to-fill positions.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 641. Expansion of combat-related special compensation eligibility.
Sec. 642. Inclusion of veterans with service-connected disabilities rated as total by reason of unemployability under termination of phase-in of concurrent receipt of retired pay and veterans' disability compensation.
Sec. 643. Recoupment of annuity amounts previously paid, but subject to offset for dependency and indemnity compensation.
Sec. 644. Special survivor indemnity allowance for persons affected by required Survivor Benefit Plan annuity offset for dependency and indemnity compensation.
Sec. 645. Modification of authority of members of the Armed Forces to designate recipients for payment of death gratuity.
Sec. 646. Clarification of application of retired pay multiplier percentage to members of the uniformed services with over 30 years of service.
Sec. 647. Commencement of receipt of non-regular service retired pay by members of the Ready Reserve on active Federal status or active duty for significant periods.
Sec. 648. Computation of years of service for purposes of retired pay for non-regular service.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits

Sec. 651. Authority to continue commissary and exchange benefits for certain involuntarily separated members of the Armed Forces.
Sec. 652. Authorization of installment deductions from pay of employees of nonappropriated fund instrumentalities to collect indebtedness to the United States.

Subtitle F—Consolidation of Special Pay, Incentive Pay, and Bonus Authorities

Sec. 661. Consolidation of special pay, incentive pay, and bonus authorities of the uniformed services.
Sec. 662. Transitional provisions.

Subtitle G—Other Matters

Sec. 671. Referral bonus authorities.
Sec. 672. Expansion of education loan repayment program for members of the Selected Reserve.
Sec. 673. Ensuring entry into United States after time abroad for permanent resident alien military spouses and children.
Sec. 674. Overseas naturalization for military spouses and children.

Sec. 675. Modification of amount of back pay for members of Navy and Marine Corps selected for promotion while interned as prisoners of war during World War II to take into account changes in Consumer Price Index.

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2008 INCREASE IN MILITARY BASIC PAY.

(a) Rescission of Prior Basic Pay Adjustment.—The adjustment made as of January 1, 2008, pursuant to section 4 of Executive Order No. 13454 (issued January 4, 2008), in elements of compensation of members of the uniformed services pursuant to section 1009 of title 37, United States Code, is hereby rescinded in order to permit the 3.5 percent increase in monthly basic pay for members of the uniformed services required by subsection (b) to take effect as intended.

(b) Increase in Basic Pay.—Effective as of January 1, 2008, the rates of monthly basic pay for members of the uniformed services are increased by 3.5 percent.

SEC. 602. BASIC ALLOWANCE FOR HOUSING FOR RESERVE COMPONENT MEMBERS WITHOUT DEPENDENTS WHO ATTEND ACCESSION TRAINING WHILE MAINTAINING A PRIMARY RESIDENCE.

(a) Availability of Allowance.—Section 403(g)(1) of title 37, United States Code, is amended—

(1) by inserting "to attend accession training," after "active duty" the first place it appears; and

(2) by inserting a comma after "contingency operation" the first place it appears.

(b) Effective Date.—The amendments made by subsection (a) shall apply with respect to months beginning on or after the date of the enactment of this Act.

SEC. 603. EXTENSION AND ENHANCEMENT OF AUTHORITY FOR TEMPORARY LODGING EXPENSES FOR MEMBERS OF THE ARMED FORCES IN AREAS SUBJECT TO MAJOR DISASTER DECLARATION OR FOR INSTALLATIONS EXPERIENCING SUDDEN INCREASE IN PERSONNEL LEVELS.

(a) Maximum Period of Receipt of Expenses.—Section 404a(c)(3) of title 37, United States Code, is amended by striking "20 days" and inserting "60 days".

(b) Extension of Authority for Increase in Certain BAH.—Section 403(b)(7)(E) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

SEC. 604. INCOME REPLACEMENT PAYMENTS FOR RESERVE COMPONENT MEMBERS EXPERIENCING EXTENDED AND FREQUENT MOBILIZATION FOR ACTIVE DUTY SERVICE.

(a) Clarification Regarding When Payments Required.—Subsection (a) of section 910 of title 37, United States Code, is amended by inserting before the period at the end of the first sentence the following: ", when the total monthly military compensation of the member is less than the average monthly civilian income of the member".

(b) Eligibility.—Subsection (b) of such section is amended to read as follows:

"(b) Eligibility.—(1) A member of a reserve component is entitled to a payment under this section for any full month of active duty of the member, when the total monthly military compensation of the member is less than the average monthly civilian income of the member, while the member is on active duty under an involuntary mobilization order, following the date on which the member—

"(A) completes 547 continuous days of service on active duty under an involuntary mobilization order;

"(B) completes 730 cumulative days on active duty under an involuntary mobilization order during the previous 1,826 days; or

"(C) is involuntarily mobilized for service on active duty for a period of 180 days or more within 180 days after the date of the member's separation from a previous period of active duty for a period of 180 days or more.

"(2) The entitlement of a member of a reserve component to a payment under this section also shall commence or, if previously commenced under paragraph (1), shall continue if the member—

"(A) satisfies the required number of days on active duty specified in subparagraph (A) or (B) of paragraph (1) or was involuntarily mobilized as provided in subparagraph (C) of such paragraph; and

"(B) is retained on active duty under subparagraph (A) or (B) of section 12301(h)(1) of title 10 because of an injury or illness incurred or aggravated while the member was assigned to duty in an area for which special pay under section 310 of this title is available.".

(c) Termination of Authority.—Subsection (g) of such section is amended to read as follows:

"(g) Termination.—No payment shall be made to a member under this section for months beginning after December 31, 2008, unless the entitlement of the member to payments under this section commenced on or before that date.".

SEC. 605. MIDMONTH PAYMENT OF BASIC PAY FOR CONTRIBUTIONS OF MEMBERS OF THE UNIFORMED SERVICES PARTICIPATING IN THRIFT SAVINGS PLAN.

(a) Semi-Monthly Deposit of Member's Contributions.—Section 1014 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(c) With respect to a member of the uniformed services who has elected to participate in the Thrift Savings Plan under section 211 of this title, subsection (a) does not preclude the payment of an amount equal to one-half of the monthly deposit to the Thrift Savings Fund otherwise to be made by the member in participating in the Plan, which amount may be deposited in the Thrift Savings Fund at midmonth.".

(b) Semi-Monthly Repayment of Borrowed Amounts.—Section 211 of such title is amended by adding at the end the following new subsection:

"(e) Repayment of Amounts Borrowed From Member Account.—If a loan is issued to a member under section 8433(g) of title 5 from funds in the member's account in the Thrift Savings Plan, repayment of the loan may be required on the same semi-monthly basis as authorized for contributions to the Thrift Savings Fund on behalf of the member under section 1014(c) of this title.".

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 610. CORRECTION OF LAPSED AUTHORITIES FOR PAYMENT OF BONUSES, SPECIAL PAYS, AND SIMILAR BENEFITS FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) Retroactive Effective Date for Payment Authorities.—The amendments made by sections 611, 612, 613, and 614 shall take effect as of December 31, 2007.

(b) Ratification of Existing Contingent Agreements.—In the case of a provision of title 10 or 37, United States Code, amended by section 611, 612, 613, or 614 under which an individual must enter into an agreement with the Secretary concerned for receipt of a bonus, special pay, or similar benefit, the Secretary concerned may treat any agreement entered into under such a provision during the period beginning on January 1, 2008, and ending on the date of the enactment of this Act as having taken effect as of the date on which the agreement was signed by the individual.

(c) Temporary Additional Agreement Authority.—

(1) Authority.—In the case of a provision of title 10 or 37, United States Code, amended by section 611, 612, 613, or 614 under which an individual must enter into an agreement with the Secretary concerned for receipt of a bonus, special pay, or similar benefit, the Secretary concerned, during the 120-day period beginning on the date of the enactment of this Act, may treat any agreement entered into under such a provision by an individual described in paragraph (2) as having been signed by the individual during the period beginning on January 1, 2008, and ending on the date of the enactment of this Act.

(2) Covered individuals.—An individual referred to in paragraph (1) is an individual who would have met all of the qualifications for a bonus, special pay, or similar benefit under a provision of title 10 or 37, United States Code, amended by section 611, 612, 613, or 614 at any time during the period beginning on January 1, 2008, and ending on the date of the enactment of this Act, but for the fact that the statutory authority for the bonus, special pay, or similar benefit lapsed on December 31, 2007.

(d) Tax Treatment.—The payment of a bonus, special pay, or similar benefit under a provision of title 10 or 37, United States Code, amended by section 611, 612, 613, or 614 to an individual who would have been entitled to the tax treatment accorded by section 112 of the Internal Revenue Code of 1986 on the date on which the member would have otherwise earned the bonus, special pay, or similar benefit, but for the fact that the statutory authority for the bonus, special pay, or similar benefit lapsed on December 31, 2007, shall be treated as covered by such section 112.

(e) Retroactive Implementation of Army Referral Bonus.—The Secretary of the Army may pay a bonus under section 3252 of title 10, United States Code, as added by section 671(a)(1), to an individual referred to in subsection (a)(2) of such section 3252 who made a referral, as described in subsection (b) of such section 3252, to an Army recruiter during the period beginning on January 1, 2008, and ending on the date of the enactment of this Act.

(f) Secretary Concerned Defined.—In this section, the term "Secretary concerned" has the meaning given that term in section 101(5) of title 37, United States Code.

SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) Selected Reserve Reenlistment Bonus.—Section 308b(g) of title 37, United States Code, is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Selected Reserve Affiliation or Enlistment Bonus.—Section 308c(i) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(c) Special Pay for Enlisted Members Assigned to Certain High Priority Units.—Section 308d(c) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(d) Ready Reserve Enlistment Bonus for Persons Without Prior Service.—Section 308g(f)(2) of such title is amended by striking

"December 31, 2007" and inserting "December 31, 2008".

(e) Ready Reserve Enlistment and Reenlistment Bonus for Persons With Prior Service.—Section 308h(e) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(f) Selected Reserve Enlistment Bonus for Persons With Prior Service.—Section 308i(f) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) Nurse Officer Candidate Accession Program.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Repayment of Education Loans for Certain Health Professionals Who Serve in the Selected Reserve.—Section 16302(d) of such title is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(c) Accession Bonus for Registered Nurses.—Section 302d(a)(1) of title 37, United States Code, is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(d) Incentive Special Pay for Nurse Anesthetists.—Section 302e(a)(1) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(e) Special Pay for Selected Reserve Health Professionals in Critically Short Wartime Specialties.—Section 302g(e) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(f) Accession Bonus for Dental Officers.—Section 302h(a)(1) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(g) Accession Bonus for Pharmacy Officers.—Section 302j(a) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(h) Accession Bonus for Medical Officers in Critically Short Wartime Specialties.—Section 302k(f) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(i) Accession Bonus for Dental Specialist Officers in Critically Short Wartime Specialties.—Section 302l(g) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) Special Pay for Nuclear-Qualified Officers Extending Period of Active Service.—Section 312(f) of title 37, United States Code, is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Nuclear Career Accession Bonus.—Section 312b(c) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(c) Nuclear Career Annual Incentive Bonus.—Section 312c(d) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) Aviation Officer Retention Bonus.—Section 301b(a) of title 37, United States Code, is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Reenlistment Bonus for Active Members.—Section 308(g) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(c) Enlistment Bonus.—Section 309(e) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(d) Retention Bonus for Members With Critical Military Skills or Assigned to High Priority Units.—Section 323(i) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(e) Accession Bonus for New Officers in Critical Skills.—Section 324(g) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(f) Incentive Bonus for Conversion to Military Occupational Specialty to Ease Personnel Shortage.—Section 326(g) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(g) Accession Bonus for Officer Candidates.—Section 330(f) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(h) Prohibition on Charges for Meals Received at Military Treatment Facilities by Members Receiving Continuous Care.—Section 402(h)(3) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

SEC. 615. INCREASE IN INCENTIVE SPECIAL PAY AND MULTIYEAR RETENTION BONUS FOR MEDICAL OFFICERS.

(a) Incentive Special Pay.—Section 302(b)(1) of title 37, United States Code, is amended by striking "$50,000" and inserting "$75,000".

(b) Multiyear Retention Bonus.—Section 301d(a)(2) of title 37, United States Code, is amended by striking "$50,000" and inserting "$75,000".

(c) Effective Date.—The amendments made by this section shall apply with respect to agreements entered into under section 301d(a) or 302b(c) of title 37, United States Code, on or after the date of the enactment of this Act.

SEC. 616. INCREASE IN DENTAL OFFICER ADDITIONAL SPECIAL PAY.

(a) Increase.—Section 302b(a)(4) of title 37, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking "at the following rates" and inserting "at a rate determined by the Secretary concerned, which rate may not exceed the following";

(2) in subparagraph (A), by striking "$4,000" and inserting "$10,000"; and

(3) in subparagraph (B), by striking "$6,000" and inserting "$12,000".

(b) Effective Date.—The amendments made by this section shall apply with respect to agreements entered into under section 302b(b) of title 37, United States Code, on or after the date of the enactment of this Act.

SEC. 617. INCREASE IN MAXIMUM MONTHLY RATE OF HARDSHIP DUTY PAY AND AUTHORITY TO PROVIDE HARDSHIP DUTY PAY IN A LUMP SUM.

Section 305 of title 37, United States Code, is amended to read as follows:

"§ 305. Special pay: hardship duty pay

"(a) Special Pay Authorized.—A member of a uniformed service who is entitled to basic pay may be paid special pay under this section while the member is performing duty that is designated by the Secretary of Defense as hardship duty.

"(b) Payment on Monthly or Lump Sum Basis.—Special pay payable under this section may be paid on a monthly basis or in a lump sum.

"(c) Maximum Rate or Amount.—(1) The monthly rate of special pay payable to a member under this section may not exceed $1,500.

"(2) The amount of the lump sum payment of special pay payable to a member under this section may not exceed the product of—

"(A) the maximum monthly rate in effect under paragraph (1) at the time the member qualifies for payment of special pay under this section; and

"(B) the number of months during which the member will be performing the designated hardship duty.

"(d) Relationship to Other Pay and Allowances.—Special pay paid to a member under this section is in addition to any other pay and allowances to which the member is entitled.

"(e) Repayment.—A member who is paid special pay in a lump sum under this section, but who fails to perform the designated hardship duty during the months included in the calculation of the amount of the lump sum under subsection (c)(2), shall be subject to the repayment provisions of section 303a(e) of this title.

"(f) Regulations.—The Secretary of Defense shall prescribe regulations for the payment of hardship duty pay under this section, including the specific monthly rates at which the special pay will be available.".

SEC. 618. DEFINITION OF SEA DUTY FOR CAREER SEA PAY TO INCLUDE SERVICE AS OFF-CYCLE CREWMEMBERS OF MULTI-CREW SHIPS.

Section 305a(e)(1)(A) of title 37, United States Code, is amended—

(1) by striking "or" at the end of clause (ii); and

(2) by adding at the end the following new clause:

"(iv) while serving as an off-cycle crewmember of a multi-crewed ship; or".

SEC. 619. REENLISTMENT BONUS FOR MEMBERS OF THE SELECTED RESERVE.

(a) Minimum Term of Reenlistment or Enlistment Extension.—Subsection (a)(2) of 308b of title 37, United States Code, is amended by striking "his enlistment for a period of three years or for a period of six years" and inserting "an enlistment for a period of at least three years".

(b) Maximum Bonus Amount.—Subsection (b)(1) of such section is amended by striking "may not exceed" and all that follows through the end of the paragraph and inserting "may not exceed $15,000.".

(c) Conforming Amendments Regarding Eligibility Requirements.—Subsection (c) of such section is amended—

(1) by striking the subsection heading and all that follows through "(2) In the case" and inserting "Waiver of Condition on Eligibility.—In the case"; and

(2) by striking "paragraph (1)(B) or".

(d) Effective Date.—The amendments made by this section shall apply with respect to reenlistments or extensions of enlistment that occur on or after the date of the enactment of this Act.

SEC. 620. AVAILABILITY OF SELECTED RESERVE ACCESSION BONUS FOR PERSONS WHO PREVIOUSLY SERVED IN THE ARMED FORCES FOR A SHORT PERIOD.

Section 308c(c)(1) of title 37, United States Code, is amended by inserting before the semicolon the following: "or has served in the armed forces, but was released from such service before completing the basic training requirements of the armed force of which the person was a member and the service was characterized as either honorable or uncharacterized".

SEC. 621. AVAILABILITY OF NUCLEAR OFFICER CONTINUATION PAY FOR OFFICERS WITH MORE THAN 26 YEARS OF COMMISSIONED SERVICE.

(a) Increase.—Section 312 of title 37, United States Code, is amended—

(1) in subsection (a)(3), by striking "26 years" and inserting "30 years"; and

(2) in subsection (e)(1), by striking "the end of 26 years of commissioned service" and inserting "the maximum number of years of commissioned service authorized by subsection (a)(3)".

(b) Effect on Existing Agreements.—The Secretary of the Navy and an officer of the naval service who is a party to an agreement under section 312 of title 37, United States Code, that was entered into before the date of the enactment of this Act may revise the agreement to reflect the new limitation on the number of years of commissioned service that the officer may serve while remaining eligible for special pay under such section.

SEC. 622. WAIVER OF YEARS-OF-SERVICE LIMITATION ON RECEIPT OF CRITICAL SKILLS RETENTION BONUS.

Section 323(e) of title 37, United States Code, is amended by adding at the end the following new paragraph:

"(4) The Secretary of Defense, or the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, may waive the limitations in paragraph (1) with respect to a member who, during the period of active duty or service in an active status in a reserve component for which the bonus is being offered, is assigned duties in a skill designated as critical under subsection (b)(1). The authority to grant a waiver under this paragraph may not be delegated below the Under Secretary of Defense for Personnel and Readiness or the Deputy Secretary of the Department of Homeland Security.".

SEC. 623. ACCESSION BONUS FOR PARTICIPANTS IN THE ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

(a) Accession Bonus Authorized.—Subchapter I of chapter 105 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2128. Accession bonus for members of the program

"(a) Availability of Bonus.—The Secretary of Defense may offer a person who enters into an agreement under section 2122(a)(2) of this title an accession bonus of not more than $20,000 as part of the agreement.

"(b) Relation to Other Payments.—An accession bonus paid a person under this section is in addition to any other amounts payable to the person under this subchapter.

"(c) Repayment.—A person who receives an accession bonus under this section, but fails to comply with the agreement under section 2122(a)(2) of this title or to commence or complete the active duty obligation imposed by section 2123 of this title, shall be subject to the repayment provisions of section 303a(e) of title 37.".

(b) Clerical Amendment.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2128. Accession bonus for members of the program.".

(c) Effective Date.—The amendment made by subsection (a) shall apply with respect to agreements entered into under section 2122(a)(2) of title 10, United States Code, on or after the date of the enactment of this Act.

SEC. 624. PAYMENT OF ASSIGNMENT INCENTIVE PAY FOR RESERVE MEMBERS SERVING IN COMBAT ZONE FOR MORE THAN 22 MONTHS.

(a) Payment.—The Secretary of a military department may pay assignment incentive pay under section 307a of title 37, United States Code, to a member of a reserve component under the jurisdiction of the Secretary for each month during the eligibility period of the member determined under subsection (b) during which the member served for any portion of the month in a combat zone associated with Operating Enduring Freedom or Operation Iraqi Freedom in excess of 22 months of qualifying service.

(b) Eligibility Period.—The eligibility period for a member extends from January 1, 2005, through the end of the active duty service of the member in a combat zone associated with Operating Enduring Freedom or Operation Iraqi Freedom if the service on active duty during the member's most recent period of mobilization to active duty began before January 19, 2007.

(c) Amount of Payment.—The monthly rate of incentive pay payable to a member under this section is $1,000.

(d) Qualifying Service.—For purposes of this section, qualifying service includes cumulative mobilized service on active duty under sections 12301(d), 12302, and 12304 of title 10, United States Code, during the period beginning on January 1, 2003, through the end of the member's active duty service during the member's most recent period of mobilization to active duty beginning before January 19, 2007.

Subtitle C—Travel and Transportation Allowances

SEC. 631. PAYMENT OF INACTIVE DUTY TRAINING TRAVEL COSTS FOR CERTAIN SELECTED RESERVE MEMBERS.

(a) Payment of Travel Costs Authorized.—

(1) In general.—Chapter 7 of title 37, United States Code, is amended by inserting after section 408 the following new section:

"§ 408a. Travel and transportation allowances: inactive duty training outside of normal commuting distances

"(a) Allowance Authorized.—The Secretary concerned may reimburse an eligible member of the Selected Reserve of the Ready Reserve for travel expenses for travel to an inactive duty training location to perform inactive duty training when the member is required to commute a distance from the member's permanent residence to the inactive duty training location that is outside the normal commuting distance (as determined under the regulations prescribed under subsection (d)) for that commute.

"(b) Eligible Members.—To be eligible for reimbursement under subsection (a), a member of the Selected Reserve of the Ready Reserve must be—

"(1) qualified in a skill designated as critically short by the Secretary concerned;

"(2) assigned to a unit of the Selected Reserve with a critical manpower shortage or in a pay grade in the member's reserve component with a critical manpower shortage; or

"(3) assigned to a unit or position that is disestablished or relocated as a result of defense base closure or realignment or another force structure reallocation.

"(c) Maximum Reimbursement Amount.—The amount of reimbursement provided a member under subsection (a) for each round trip to a training location may not exceed $300.

"(d) Regulations.—The Secretary concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department shall be subject to the approval of the Secretary of Defense.

"(e) Termination.—No reimbursement may be provided under this section for travel that occurs after December 31, 2010.".

(2) Clerical amendment.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 408 the following new item:

"408a. Travel and transportation allowances: inactive duty training outside of normal commuting distances.".

(b) Application of Amendment.—No reimbursement may be provided under section 408a of title 37, United States Code, as added by subsection (a), for travel costs incurred before the date of the enactment of this Act.

SEC. 632. SURVIVORS OF DECEASED MEMBERS ELIGIBLE FOR TRANSPORTATION TO ATTEND BURIAL CEREMONIES.

(a) Eligible Relatives.—Paragraph (1) of section 411f(c) of title 37, United States Code, is amended—

(1) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) The child or children of the deceased member (including stepchildren, adopted children, and illegitimate children)."; and

(2) by adding at the end the following new subparagraphs:

"(D) The sibling or siblings of the deceased member.

"(E) The person who directs the disposition of the remains of the deceased member under section 1482(c) of title 10 or, in the case of a deceased member whose remains are commingled and buried in a common grave in a national cemetery, the person who would have been designated under such section to direct the disposition of the remains if individual identification had been made.".

(b) Other Persons.—Paragraph (2) of such section is amended to read as follows:

"(2) If no person described in subparagraphs (A) through (D) of paragraph (1) is provided travel and transportation allowances under subsection (a)(1), the travel and transportation allowances may be provided to one or two other persons who are closely related to the deceased member and are selected by the person referred to in paragraph (1)(E). A person provided travel and transportation allowances under this paragraph is in addition to the person referred to in paragraph (1)(E).".

SEC. 633. ALLOWANCE FOR PARTICIPATION OF RESERVES IN ELECTRONIC SCREENING.

(a) Allowance for Participation in Electronic Screening.—

(1) In general.—Chapter 7 of title 37, United States Code, is amended by inserting after section 433 the following new section:

"§ 433a. Allowance for participation in Ready Reserve screening

"(a) Allowance Authorized.—(1) Under regulations prescribed by the Secretaries concerned, a member of the Individual Ready Reserve may be paid a stipend for participation in the screening performed pursuant to section 10149 of title 10, in lieu of muster duty performed under section 12319 of title 10, if such participation is conducted through electronic means.

"(2) The stipend paid a member under this section shall constitute the sole monetary allowance authorized for participation in the screening described in paragraph (1), and shall constitute payment in full to the member for participation in such screening, regardless of the grade or rank in which the member is serving.

"(b) Maximum Payment.—The aggregate amount of the stipend paid a member of the Individual Ready Reserve under this section in any calendar year may not exceed $50.

"(c) Payment Requirements.—(1) The stipend authorized by this section may not be disbursed in kind.

"(2) Payment of a stipend to a member of the Individual Ready Reserve under this section for participation in screening shall be made on or after the date of participation in such screening, but not later than 30 days after such date.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 433 the following new item:

"433a. Allowance for participation in Ready Reserve screening.".

(b) BAR TO DUAL COMPENSATION.—Section 206 of such title is amended by adding at the end the following new subsection:

"(f) A member of the Individual Ready Reserve is not entitled to compensation under this section for participation in screening for which the member is paid a stipend under section 433a of this title.".

(c) BAR TO RETIREMENT CREDIT.—Section 12732(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(8) Service in the screening performed pursuant to section 10149 of this title through electronic means, regardless of whether or not a stipend is paid the member concerned for such service under section 433a of title 37.".

SEC. 634. ALLOWANCE FOR CIVILIAN CLOTHING FOR MEMBERS OF THE ARMED FORCES TRAVELING IN CONNECTION WITH MEDICAL EVACUATION.

Section 1047(a) of title 10, United States Code, is amended by inserting "and luggage" after "civilian clothing" both places it appears.

SEC. 635. PAYMENT OF MOVING EXPENSES FOR JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTORS IN HARD-TO-FILL POSITIONS.

Section 2031 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) When determined by the Secretary of the military department concerned to be in the national interest and agreed upon by the institution concerned, the institution may reimburse a Junior Reserve Officers' Training Corps instructor for moving expenses incurred by the instructor to accept employment at the institution in a position that the Secretary concerned determines is hard-to-fill for geographic or economic reasons.

"(2) As a condition on providing reimbursement under paragraph (1), the institution shall require the instructor to execute a written agreement to serve a minimum of two years of employment at the institution in the hard-to-fill position.

"(3) Any reimbursement provided to an instructor under paragraph (1) is in addition to the minimum instructor pay otherwise payable to the instructor.

"(4) The Secretary concerned shall reimburse an institution providing reimbursement to an instructor under paragraph (1) in an amount equal to the amount of the reimbursement paid by the institution under that paragraph. Any reimbursement provided by the Secretary concerned shall be provided from funds appropriated for that purpose.

"(5) The provision of reimbursement under paragraph (1) or (4) shall be subject to regulations prescribed by the Secretary of Defense for purposes of this subsection.".

Subtitle D—Retired Pay and Survivor Benefits

SEC. 641. EXPANSION OF COMBAT-RELATED SPECIAL COMPENSATION ELIGIBILITY.

(a) EXPANDED ELIGIBILITY FOR CHAPTER 61 MILITARY RETIREES.—Subsection (c) of section 1413a of title 10, United States Code, is amended by striking "entitled to retired pay who—" and all that follows and inserting "who—

"(1) is entitled to retired pay (other than by reason of section 12731b of this title); and

"(2) has a combat-related disability.".

(b) COMPUTATION.—Paragraph (3) of subsection (b) of such section is amended—

(1) by striking "In the case of" and inserting the following:

"(A) GENERAL RULE.—In the case of"; and

(2) by adding at the end the following new subparagraph:

"(B) SPECIAL RULE FOR RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—In the case of an eligible combat-related disabled uniformed services retiree who is retired under chapter 61 of this title with fewer than 20 years of creditable service, the amount of the payment under paragraph (1) for any month shall be reduced by the amount (if any) by which the amount of the member's retired pay under chapter 61 of this title exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2008, and shall apply to payments for months beginning on or after that date.

SEC. 642. INCLUSION OF VETERANS WITH SERVICE-CONNECTED DISABILITIES RATED AS TOTAL BY REASON OF UNEMPLOYABILITY UNDER TERMINATION OF PHASE-IN OF CONCURRENT RECEIPT OF RETIRED PAY AND VETERANS' DISABILITY COMPENSATION.

(a) INCLUSION OF VETERANS.—Section 1414(a)(1) of title 10, United States Code, is amended by striking "except that" and all that follows and inserting "except that payment of retired pay is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2004, in the case of the following:

"(A) A qualified retiree receiving veterans' disability compensation for a disability rated as 100 percent.

"(B) A qualified retiree receiving veterans' disability compensation at the rate payable for a 100 percent disability by reason of a determination of individual unemployability.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendment made by subsection (a) shall take effect as of December 31, 2004.

(2) TIMING OF PAYMENT OF RETROACTIVE BENEFITS.—Any amount payable for a period before October 1, 2008, by reason of the amendment made by subsection (a) shall not be paid until after that date.

SEC. 643. RECOUPMENT OF ANNUITY AMOUNTS PREVIOUSLY PAID, BUT SUBJECT TO OFFSET FOR DEPENDENCY AND INDEMNITY COMPENSATION.

(a) LIMITATION ON RECOUPMENT; NOTIFICATION REQUIREMENTS.—Section 1450(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) LIMITATION ON RECOUPMENT OF OFFSET AMOUNT.—Any amount subject to offset under this subsection that was previously paid to the surviving spouse or former spouse shall be recouped only to the extent that the amount paid exceeds any amount to be refunded under subsection (e). In notifying a surviving spouse or former spouse of the recoupment requirement, the Secretary shall provide the spouse or former spouse—

"(A) a single notice of the net amount to be recouped or the net amount to be refunded, as applicable, under this subsection or subsection (e);

"(B) a written explanation of the statutory requirements for recoupment of the offset amount and for refund of any applicable amount deducted from retired pay;

"(C) a detailed accounting of how the offset amount being recouped and retired pay deduction amount being refunded were calculated; and

"(D) contact information for a person who can provide information about the offset recoupment and retired pay deduction refund processes and answer questions the surviving spouse or former spouse may have about the requirements, processes, or amounts.".

(b) APPLICATION.—Paragraph (3) of subsection (c) of section 1450 of title 10, United States Code, as added by subsection (a), shall apply with respect to the recoupment on or after April 1, 2008, of amounts subject to offset under such subsection.

SEC. 644. SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR PERSONS AFFECTED BY REQUIRED SURVIVOR BENEFIT PLAN ANNUITY OFFSET FOR DEPENDENCY AND INDEMNITY COMPENSATION.

Section 1450 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(m) SPECIAL SURVIVOR INDEMNITY ALLOWANCE.—

"(1) PROVISION OF ALLOWANCE.—The Secretary concerned shall pay a monthly special survivor indemnity allowance under this subsection to the surviving spouse or former spouse of a member of the uniformed services to whom section 1448 of this title applies if—

"(A) the surviving spouse or former spouse is entitled to dependency and indemnity compensation under section 1311(a) of title 38;

"(B) except for subsection (c) of this section, the surviving spouse or former spouse is eligible for an annuity by reason of a participant in the Plan under section 1448(a)(1) of this title; and

"(C) the eligibility of the surviving spouse or former spouse for an annuity as described in subparagraph (B) is affected by subsection (c) of this section.

"(2) AMOUNT OF PAYMENT.—Subject to paragraph (3), the amount of the allowance paid to an eligible survivor under paragraph (1) for a month shall be equal to—

"(A) for months during fiscal year 2009, $50;

"(B) for months during fiscal year 2010, $60;

"(C) for months during fiscal year 2011, $70;

"(D) for months during fiscal year 2012, $80;

"(E) for months during fiscal year 2013, $90; and

"(F) for months after fiscal year 2013, $100.

"(3) LIMITATION.—The amount of the allowance paid to an eligible survivor under paragraph (1) for any month may not exceed the amount of the annuity for that month that is subject to offset under subsection (c).

"(4) STATUS OF PAYMENTS.—An allowance paid under this subsection does not constitute an annuity, and amounts so paid are not subject to adjustment under any other provision of law.

"(5) SOURCE OF FUNDS.—The special survivor indemnity allowance shall be paid from amounts in the Department of Defense Military Retirement Fund established under section 1461 of this title.

"(6) EFFECTIVE DATE AND DURATION.—This subsection shall only apply with respect to the month beginning on October 1, 2008, and subsequent months through the month ending on February 28, 2016. Effective on March

1, 2016, the authority provided by this subsection shall terminate. No special survivor indemnity allowance may be paid to any person by reason of this subsection for any period before October 1, 2008, or beginning on or after March 1, 2016.".

SEC. 645. MODIFICATION OF AUTHORITY OF MEMBERS OF THE ARMED FORCES TO DESIGNATE RECIPIENTS FOR PAYMENT OF DEATH GRATUITY.

(a) Authority To Designate Recipients.—Section 1477 of title 10, United States Code, is amended—

(1) by striking subsections (c) and (d);

(2) by redesignating subsection (b) as subsection (d) and, in such subsection, by striking "Subsection (a)(2)" and inserting "Treatment of Children.—Subsection (b)(2)"; and

(3) by striking subsection (a) and inserting the following new subsections:

"(a) Designation of Recipients.—(1) On and after July 1, 2008, or such earlier date as the Secretary of Defense may prescribe, a person covered by section 1475 or 1476 of this title may designate one or more persons to receive all or a portion of the amount payable under section 1478 of this title. The designation of a person to receive a portion of the amount shall indicate the percentage of the amount, to be specified only in 10 percent increments, that the designated person may receive. The balance of the amount of the death gratuity, if any, shall be paid in accordance with subsection (b).

"(2) If a person covered by section 1475 or 1476 of this title has a spouse, but designates a person other than the spouse to receive all or a portion of the amount payable under section 1478 of this title, the Secretary concerned shall provide notice of the designation to the spouse.

"(b) Distribution of Remainder; Distribution in Absence of Designated Recipient.—If a person covered by section 1475 or 1476 of this title does not make a designation under subsection (a) or designates only a portion of the amount payable under section 1478 of this title, the amount of the death gratuity not covered by a designation shall be paid as follows:

"(1) To the surviving spouse of the person, if any.

"(2) If there is no surviving spouse, to any surviving children (as prescribed by subsection (d)) of the person and the descendants of any deceased children by representation.

"(3) If there is none of the above, to the surviving parents (as prescribed by subsection (c)) of the person or the survivor of them.

"(4) If there is none of the above, to the duly-appointed executor or administrator of the estate of the person.

"(5) If there is none of the above, to other next of kin of the person entitled under the laws of domicile of the person at the time of the person's death.

"(c) Treatment of Parents.—For purposes of subsection (b)(3), parents include fathers and mothers through adoption. However, only one father and one mother may be recognized in any case, and preference shall be given to those who exercised a parental relationship on the date, or most nearly before the date, on which the decedent entered a status described in section 1475 or 1476 of this title.".

(b) Clerical and Conforming Amendments.—Subsection (e) of such section is amended—

(1) by inserting "Effect of Death Before Receipt of Gratuity.—" after "(e)";

(2) by striking "subsection (a) or (d)" and inserting "subsection (a) or (b)"; and

(3) by striking "subsection (a)." and inserting "subsection (b)".

(c) Existing Designation Authority.—The authority provided by subsection (d) of section 1477 of title 10, United States Code, as in effect on the day before the date of the enactment of this Act, shall remain available to persons covered by section 1475 or 1476 of such title until July 1, 2008, or such earlier date as the Secretary of Defense may prescribe, and any designation under such subsection made before July 1, 2008, or the earlier date prescribed by the Secretary, shall continue in effect until such time as the person who made the designation makes a new designation under such section 1477, as amended by subsection (a) of this section.

(d) Regulations.—

(1) In general.—Not later than April 1, 2008, the Secretary of Defense shall prescribe regulations to implement the amendments to section 1477 of title 10, United States Code, made by subsection (a).

(2) Elements.—The regulations required by paragraph (1) shall include forms for the making of the designation contemplated by subsection (a) of section 1477 of title 10, United States Code, as amended by subsection (a) of this section, and instructions for members of the Armed Forces in the filling out of such forms.

SEC. 646. CLARIFICATION OF APPLICATION OF RETIRED PAY MULTIPLIER PERCENTAGE TO MEMBERS OF THE UNIFORMED SERVICES WITH OVER 30 YEARS OF SERVICE.

(a) Computation of Retired and Retainer Pay for Members of Naval Service.—The table in section 6333(a) of title 10, United States Code, is amended in Column 2 of Formula A by striking "75 percent." and inserting "Retired pay multiplier prescribed under section 1409 for the years of service that may be credited to the member under section 1405.".

(b) Retired Pay for Certain Members Recalled to Active Duty.—The table in section 1402(a) of such title is amended by striking Column 3.

(c) Effective Date.—The amendments made by subsections (a) and (b) shall take effect as of January 1, 2007, and shall apply with respect to retired pay and retainer pay payable on or after that date.

SEC. 647. COMMENCEMENT OF RECEIPT OF NON-REGULAR SERVICE RETIRED PAY BY MEMBERS OF THE READY RESERVE ON ACTIVE FEDERAL STATUS OR ACTIVE DUTY FOR SIGNIFICANT PERIODS.

(a) Reduced Eligibility Age.—Section 12731 of title 10, United States Code, is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

"(1) has attained the eligibility age applicable under subsection (f) to that person;"; and

(2) by adding at the end the following new subsection:

"(f)(1) Subject to paragraph (2), the eligibility age for purposes of subsection (a)(1) is 60 years of age.

"(2)(A) In the case of a person who as a member of the Ready Reserve serves on active duty or performs active service described in subparagraph (B) after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008, the eligibility age for purposes of subsection (a)(1) shall be reduced below 60 years of age by three months for each aggregate of 90 days on which such person so performs in any fiscal year after such date, subject to subparagraph (C). A day of duty may be included in only one aggregate of 90 days for purposes of this subparagraph.

"(B)(i) Service on active duty described in this subparagraph is service on active duty pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) or under section 12301(d) of this title. Such service does not include service on active duty pursuant to a call or order to active duty under section 12310 of this title.

"(ii) Active service described in this subparagraph is also service under a call to active service authorized by the President or the Secretary of Defense under section 502(f) of title 32 for purposes of responding to a national emergency declared by the President or supported by Federal funds.

"(C) The eligibility age for purposes of subsection (a)(1) may not be reduced below 50 years of age for any person under subparagraph (A).".

(b) Continuation of Age 60 as Minimum Age for Eligibility of Non-Regular Service Retirees for Health Care.—Section 1074(b) of such title is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following new paragraph:

"(2) Paragraph (1) does not apply to a member or former member entitled to retired pay for non-regular service under chapter 1223 of this title who is under 60 years of age.".

(c) Administration of Related Provisions of Law or Policy.—With respect to any provision of law, or of any policy, regulation, or directive of the executive branch that refers to a member or former member of the uniformed services as being eligible for, or entitled to, retired pay under chapter 1223 of title 10, United States Code, but for the fact that the member or former member is under 60 years of age, such provision shall be carried out with respect to that member or former member by substituting for the reference to being 60 years of age a reference to having attained the eligibility age applicable under subsection (f) of section 12731 of title 10, United States Code (as added by subsection (a)), to such member or former member for qualification for such retired pay under subsection (a) of such section.

SEC. 648. COMPUTATION OF YEARS OF SERVICE FOR PURPOSES OF RETIRED PAY FOR NON-REGULAR SERVICE.

Section 12733(3) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period and inserting "before the year of service that includes October 30, 2007; and"; and

(3) by adding at the end the following new subparagraph:

"(D) 130 days in the year of service that includes October 30, 2007, and in any subsequent year of service.".

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits

SEC. 651. AUTHORITY TO CONTINUE COMMISSARY AND EXCHANGE BENEFITS FOR CERTAIN INVOLUNTARILY SEPARATED MEMBERS OF THE ARMED FORCES.

(a) Resumption for Members Involuntarily Separated From Active Duty.—Section 1146 of title 10, United States Code, is amended—

(1) by inserting "(a) Members Involuntarily Separated From Active Duty.—" before "The Secretary of Defense";

(2) in the first sentence, by striking "October 1, 1990, and ending on December 31, 2001"

and inserting "October 1, 2007, and ending on December 31, 2012"; and

(3) in the second sentence, by striking "the period beginning on October 1, 1994, and ending on December 31, 2001" and inserting "the same period".

(b) EXTENSION TO MEMBERS INVOLUNTARILY SEPARATED FROM SELECTED RESERVE.—Such section is further amended by adding at the end the following new subsection:

"(b) MEMBERS INVOLUNTARILY SEPARATED FROM SELECTED RESERVE.—The Secretary of Defense shall prescribe regulations to allow a member of the Selected Reserve of the Ready Reserve who is involuntarily separated from the Selected Reserve as a result of the exercise of the force shaping authority of the Secretary concerned under section 647 of this title or other force shaping authority during the period beginning on October 1, 2007, and ending on December 31, 2012, to continue to use commissary and exchange stores during the two-year period beginning on the date of the involuntary separation of the member in the same manner as a member on active duty. The Secretary of Homeland Security shall implement this provision for Coast Guard members involuntarily separated during the same period.".

SEC. 652. AUTHORIZATION OF INSTALLMENT DEDUCTIONS FROM PAY OF EMPLOYEES OF NONAPPROPRIATED FUND INSTRUMENTALITIES TO COLLECT INDEBTEDNESS TO THE UNITED STATES.

Section 5514 of title 5, United States Code, is amended—

(1) in subsection (a)(5), by inserting "any nonappropriated fund instrumentality described in section 2105(c) of this title," after "Commission,"; and

(2) by adding at the end the following new subsection:

"(e) An employee of a nonappropriated fund instrumentality described in section 2105(c) of this title is deemed an employee covered by this section.".

Subtitle F—Consolidation of Special Pay, Incentive Pay, and Bonus Authorities

SEC. 661. CONSOLIDATION OF SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES OF THE UNIFORMED SERVICES.

(a) CONSOLIDATION.—Chapter 5 of title 37, United States Code, is amended—

(1) by inserting before section 301 the following subchapter heading:

"SUBCHAPTER I—EXISTING SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES";

and

(2) by adding at the end the following new subchapters:

"SUBCHAPTER II—CONSOLIDATION OF SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES

"§ 331. General bonus authority for enlisted members

"(a) AUTHORITY TO PROVIDE BONUS.—The Secretary concerned may pay a bonus under this section to a person, including a member of the armed forces, who—

"(1) enlists in an armed force;

"(2) enlists in or affiliates with a reserve component of an armed force;

"(3) reenlists, voluntarily extends an enlistment, or otherwise agrees to serve—

"(A) for a specified period in a designated career field, skill, or unit of an armed force; or

"(B) under other conditions of service in an armed force;

"(4) transfers from a regular component of an armed force to a reserve component of that same armed force or from a reserve component of an armed force to the regular component of that same armed force; or

"(5) transfers from a regular component or reserve component of an armed force to a regular component or reserve component of another armed force, subject to the approval of the Secretary with jurisdiction over the armed force to which the member is transferring.

"(b) SERVICE ELIGIBILITY.—A bonus authorized by subsection (a) may be paid to a person or member only if the person or member agrees under subsection (d)—

"(1) to serve for a specified period in a designated career field, skill, unit, or grade; or

"(2) to meet some other condition or conditions of service imposed by the Secretary concerned.

"(c) MAXIMUM AMOUNT AND METHOD OF PAYMENT.—

"(1) MAXIMUM AMOUNT.—The Secretary concerned shall determine the amount of a bonus to be paid under this section, except that—

"(A) a bonus paid under paragraph (1) or (2) of subsection (a) may not exceed $50,000 for a minimum two-year period of obligated service agreed to under subsection (d);

"(B) a bonus paid under paragraph (3) of subsection (a) may not exceed $30,000 for each year of obligated service in a regular component agreed to under subsection (d);

"(C) a bonus paid under paragraph (3) of subsection (a) may not exceed $15,000 for each year of obligated service in a reserve component agreed to under subsection (d); and

"(D) a bonus paid under paragraph (4) or (5) of subsection (a) may not exceed $10,000.

"(2) LUMP SUM OR INSTALLMENTS.—A bonus under this section may be paid in a lump sum or in periodic installments, as determined by the Secretary concerned.

"(3) FIXING BONUS AMOUNT.—Upon acceptance by the Secretary concerned of the written agreement required by subsection (d), the total amount of the bonus to be paid under the agreement shall be fixed.

"(d) WRITTEN AGREEMENT.—To receive a bonus under this section, a person or member determined to be eligible for the bonus shall enter into a written agreement with the Secretary concerned that specifies—

"(1) the amount of the bonus;

"(2) the method of payment of the bonus under subsection (c)(2);

"(3) the period of obligated service; and

"(4) the type or conditions of the service.

"(e) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—A bonus paid to a person or member under this section is in addition to any other pay and allowance to which the person or member is entitled.

"(f) RELATIONSHIP TO PROHIBITION ON BOUNTIES.—A bonus authorized under this section is not a bounty for purposes of section 514(a) of title 10.

"(g) REPAYMENT.—A person or member who receives a bonus under this section and who fails to complete the period of service, or meet the conditions of service, for which the bonus is paid, as specified in the written agreement under subsection (d), shall be subject to the repayment provisions of section 373 of this title.

"(h) TERMINATION OF AUTHORITY.—No agreement may be entered into under this section after December 31, 2009.

"§ 332. General bonus authority for officers

"(a) AUTHORITY TO PROVIDE BONUS.—The Secretary concerned may pay a bonus under this section to a person, including an officer in the uniformed services, who—

"(1) accepts a commission or appointment as an officer in a uniformed service;

"(2) affiliates with a reserve component of a uniformed service;

"(3) agrees to remain on active duty or to serve in an active status for a specific period as an officer in a uniformed service;

"(4) transfers from a regular component of a uniformed service to a reserve component of that same uniformed service or from a reserve component of a uniformed service to the regular component of that same uniformed service; or

"(5) transfers from a regular component or reserve component of a uniformed service to a regular component or reserve component of another uniformed service, subject to the approval of the Secretary with jurisdiction over the uniformed service to which the member is transferring.

"(b) SERVICE ELIGIBILITY.—A bonus authorized by subsection (a) may be paid to a person or officer only if the person or officer agrees under subsection (d)—

"(1) to serve for a specified period in a designated career field, skill, unit, or grade; or

"(2) to meet some other condition or conditions of service imposed by the Secretary concerned.

"(c) MAXIMUM AMOUNT AND METHOD OF PAYMENT.—

"(1) MAXIMUM AMOUNT.—The Secretary concerned shall determine the amount of a bonus to be paid under this section, except that—

"(A) a bonus paid under paragraph (1) of subsection (a) may not exceed $60,000 for a minimum three-year period of obligated service agreed to under subsection (d);

"(B) a bonus paid under paragraph (2) of subsection (a) may not exceed $12,000 for a minimum three-year period of obligated service agreed to under subsection (d);

"(C) a bonus paid under paragraph (3) of subsection (a) may not exceed $50,000 for each year of obligated service in a regular component agreed to under subsection (d);

"(D) a bonus paid under paragraph (3) of subsection (a) may not exceed $12,000 for each year of obligated service in a reserve component agreed to under subsection (d); and

"(E) a bonus paid under paragraph (4) or (5) of subsection (a) may not exceed $10,000.

"(2) LUMP SUM OR INSTALLMENTS.—A bonus under this section may be paid in a lump sum or in periodic installments, as determined by the Secretary concerned.

"(3) FIXING BONUS AMOUNT.—Upon acceptance by the Secretary concerned of the written agreement required by subsection (d), the total amount of the bonus to be paid under the agreement shall be fixed.

"(d) WRITTEN AGREEMENT.—To receive a bonus under this section, a person or officer determined to be eligible for the bonus shall enter into a written agreement with the Secretary concerned that specifies—

"(1) the amount of the bonus;

"(2) the method of payment of the bonus under subsection (c)(2);

"(3) the period of obligated service; and

"(4) the type or conditions of the service.

"(e) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—The bonus paid to a person or officer under this section is in addition to any other pay and allowance to which the person or officer is entitled.

"(f) REPAYMENT.—A person or officer who receives a bonus under this section and who fails to complete the period of service, or meet the conditions of service, for which the bonus is paid, as specified in the written agreement under subsection (d), shall be subject to the repayment provisions of section 373 of this title.

"(g) Termination of Authority.—No agreement may be entered into under this section after December 31, 2009.

"§ 333. Special bonus and incentive pay authorities for nuclear officers

"(a) Nuclear Officer Bonus.—The Secretary of the Navy may pay a nuclear officer bonus under this section to a person, including an officer in the Navy, who—

"(1) is selected for the officer naval nuclear power training program in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants and agrees to serve, upon completion of such training, on active duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants; or

"(2) has the current technical and operational qualification for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants and agrees to remain on active duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.

"(b) Nuclear Officer Incentive Pay.—The Secretary of the Navy may pay nuclear officer incentive pay under this section to an officer in the Navy who—

"(1) is entitled to basic pay under section 204 of this title; and

"(2) remains on active duty for a specified period while maintaining current technical and operational qualifications, as approved by the Secretary, for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.

"(c) Additional Eligibility Criteria.—The Secretary of the Navy may impose such additional criteria for the receipt of a nuclear officer bonus or nuclear officer incentive pay under this section as the Secretary determines to be appropriate.

"(d) Maximum Amount and Method of Payment.—

"(1) Maximum amount.—The Secretary of the Navy shall determine the amounts of a nuclear officer bonus or nuclear officer incentive pay to be paid under this section, except that—

"(A) a nuclear officer bonus paid under subsection (a) may not exceed $35,000 for each 12-month period of the agreement under subsection (e); and

"(B) the amount of nuclear officer incentive paid under subsection (b) may not exceed $25,000 for each 12-month period of qualifying service.

"(2) Lump sum or installments.—A nuclear officer bonus or nuclear officer incentive pay under this section may be paid in a lump sum or in periodic installments.

"(3) Fixing bonus amount.—Upon acceptance by the Secretary concerned of the written agreement required by subsection (e), the total amount of the nuclear officer bonus to be paid under the agreement shall be fixed.

"(e) Written Agreement for Bonus.—

"(1) Agreement required.—To receive a nuclear officer bonus under subsection (a), a person or officer determined to be eligible for the bonus shall enter into a written agreement with the Secretary of the Navy that specifies—

"(A) the amount of the bonus;

"(B) the method of payment of the bonus under subsection (d)(2);

"(C) the period of obligated service; and

"(D) the type or conditions of the service.

"(2) Replacement agreement.—An officer who is performing obligated service under an agreement for a nuclear officer bonus may execute a new agreement to replace the existing agreement if the amount to be paid under the new agreement will be higher than the amount to be paid under the existing agreement. The period of the new agreement shall be equal to or exceed the remaining term of the period of the officer's existing agreement. If a new agreement is executed under this paragraph, the existing agreement shall be cancelled, effective on the day before an anniversary date of the existing agreement occurring after the date on which the amount to be paid under this paragraph is increased.

"(f) Relationship to Other Pay and Allowances.—A nuclear officer bonus or nuclear officer incentive pay paid to a person or officer under this section is in addition to any other pay and allowance to which the person or officer is entitled, except that a person or officer may not receive a payment under this section and section 332 or 353 of this title for the same skill and period of service.

"(g) Repayment.—A person or officer who receives a nuclear officer bonus or nuclear officer incentive pay under this section and who fails to complete the officer naval nuclear power training program, maintain required technical and operational qualifications, complete the period of service, or meet the types or conditions of service for which the bonus or incentive pay is paid, as specified in the written agreement under subsection (e) in the case of a nuclear officer bonus, shall be subject to the repayment provisions of section 373 of this title.

"(h) Regulations.—This section shall be administered under regulations prescribed by the Secretary of the Navy.

"(i) Termination of Authority.—No agreement may be entered into under this section after December 31, 2009.

"§ 334. Special aviation incentive pay and bonus authorities for officers

"(a) Aviation Incentive Pay.—The Secretary concerned may pay aviation incentive pay under this section to an officer in a regular or reserve component of a uniformed service who—

"(1) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title;

"(2) maintains, or is in training leading to, an aeronautical rating or designation that qualifies the officer to engage in operational flying duty or proficiency flying duty;

"(3) engages in, or is in training leading to, frequent and regular performance of operational flying duty or proficiency flying duty;

"(4) engages in or remains in aviation service for a specified period; and

"(5) meets such other criteria as the Secretary concerned determines appropriate.

"(b) Aviation Bonus.—The Secretary concerned may pay an aviation bonus under this section to an officer in a regular or reserve component of a uniformed service who—

"(1) is entitled to aviation incentive pay under subsection (a);

"(2) has completed any active duty service commitment incurred for undergraduate aviator training or is within one year of completing such commitment;

"(3) executes a written agreement to remain on active duty in a regular component or to serve in an active status in a reserve component in aviation service for at least one year; and

"(4) meets such other criteria as the Secretary concerned determines appropriate.

"(c) Maximum Amount and Method of Payment.—

"(1) Maximum amount.—The Secretary concerned shall determine the amount of a bonus or incentive pay to be paid under this section, except that—

"(A) aviation incentive pay under subsection (a) shall be paid at a monthly rate, not to exceed $850 per month; and

"(B) an aviation bonus under subsection (b) may not exceed $25,000 for each 12-month period of obligated service agreed to under subsection (d).

"(2) Lump sum or installments.—A bonus under this section may be paid in a lump sum or in periodic installments, as determined by the Secretary concerned.

"(3) Fixing bonus amount.—Upon acceptance by the Secretary concerned of the written agreement required by subsection (d), the total amount of the bonus to be paid under the agreement shall be fixed.

"(d) Written Agreement for Bonus.—To receive an aviation officer bonus under this section, an officer determined to be eligible for the bonus shall enter into a written agreement with the Secretary concerned that specifies—

"(1) the amount of the bonus;

"(2) the method of payment of the bonus under subsection (c)(2);

"(3) the period of obligated service; and

"(4) the type or conditions of the service.

"(e) Reserve Component Officers Performing Inactive Duty Training.—A reserve component officer who is entitled to compensation under section 206 of this title and who is authorized aviation incentive pay under this section may be paid an amount of incentive pay that is proportionate to the compensation received under section 206 for inactive-duty training.

"(f) Relationship to Other Pay and Allowances.—

"(1) Aviation incentive pay.—Aviation incentive pay paid to an officer under subsection (a) shall be in addition to any other pay and allowance to which the officer is entitled, except that an officer may not receive a payment under such subsection and section 351 or 353 of this title for the same skill and period of service.

"(2) Aviation bonus.—An aviation bonus paid to an officer under subsection (b) shall be in addition to any other pay and allowance to which the officer is entitled, except that an officer may not receive a payment under such subsection and section 332 or 353 of this title for the same skill and period of service.

"(g) Repayment.—An officer who receives aviation incentive pay or an aviation bonus under this section and who fails to fulfill the eligibility requirements for the receipt of the incentive pay or bonus or complete the period of service for which the incentive pay or bonus is paid, as specified in the written agreement under subsection (d) in the case of a bonus, shall be subject to the repayment provisions of section 373 of this title.

"(h) Definitions.—In this section:

"(1) The term 'aviation service' means service performed by an officer in a regular or reserve component (except a flight surgeon or other medical officer) while holding an aeronautical rating or designation or while in training to receive an aeronautical rating or designation.

"(2) The term 'operational flying duty' means flying performed under competent orders by rated or designated regular or reserve component officers while serving in assignments in which basic flying skills normally are maintained in the performance of assigned duties as determined by the Secretary concerned, and flying performed by members in training that leads to the award of an aeronautical rating or designation.

"(3) The term 'proficiency flying duty' means flying performed under competent orders by rated or designated regular or reserve component officers while serving in assignments in which such skills would normally not be maintained in the performance of assigned duties.

"(4) The term 'officer' includes an individual enlisted and designated as an aviation cadet under section 6911 of title 10.

"(i) TERMINATION OF AUTHORITY.—No agreement may be entered into under this section after December 31, 2009.

"§ 335. Special bonus and incentive pay authorities for officers in health professions

"(a) HEALTH PROFESSIONS BONUS.—The Secretary concerned may pay a health professions bonus under this section to a person, including an officer in the uniformed services, who is a graduate of an accredited school in a health profession and who—

"(1) accepts a commission or appointment as an officer in a regular or reserve component of a uniformed service, or affiliates with a reserve component of a uniformed service, and agrees to serve on active duty in a regular component or in an active status in a reserve component in a health profession;

"(2) accepts a commission or appointment as an officer and whose health profession specialty is designated by the Secretary of Defense as a critically short wartime specialty; or

"(3) agrees to remain on active duty or continue serving in an active status in a reserve component in a health profession.

"(b) HEALTH PROFESSIONS INCENTIVE PAY.—The Secretary concerned may pay incentive pay under this section to an officer in a regular or reserve component of a uniformed service who—

"(1) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title; and

"(2) is serving on active duty or in an active status in a designated health profession specialty or skill.

"(c) BOARD CERTIFICATION INCENTIVE PAY.—The Secretary concerned may pay board certification incentive pay under this section to an officer in a regular or reserve component of a uniformed service who—

"(1) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title;

"(2) is board certified in a designated health profession specialty or skill; and

"(3) is serving on active duty or in an active status in such designated health profession specialty or skill.

"(d) ADDITIONAL ELIGIBILITY CRITERIA.—The Secretary concerned may impose such additional criteria for the receipt of a bonus or incentive pay under this section as the Secretary determines to be appropriate.

"(e) MAXIMUM AMOUNT AND METHOD OF PAYMENT.—

"(1) MAXIMUM AMOUNT.—The Secretary concerned shall determine the amounts of a bonus or incentive pay to be paid under this section, except that—

"(A) a health professions bonus paid under paragraph (1) of subsection (a) may not exceed $30,000 for each 12-month period of obligated service agreed to under subsection (f);

"(B) a health professions bonus paid under paragraph (2) of subsection (a) may not exceed $100,000 for each 12-month period of obligated service agreed to under subsection (f);

"(C) a health professions bonus paid under paragraph (3) of subsection (a) may not exceed $75,000 for each 12-month period of obligated service agreed to under subsection (f);

"(D) health professions incentive pay under subsection (b) may be paid monthly and may not exceed, in any 12-month period—

"(i) $100,000 for medical officers and dental surgeons; and

"(ii) $15,000 for officers in other health professions; and

"(E) board certification incentive pay under subsection (c) may not exceed $6,000 for each 12-month period an officer remains certified in the designated health profession specialty or skill.

"(2) LUMP SUM OR INSTALLMENTS.—A health professions bonus under subsection (a) may be paid in a lump sum or in periodic installments, as determined by the Secretary concerned. Board certification incentive pay under subsection (c) may be paid monthly, in a lump sum at the beginning of the certification period, or in periodic installments during the certification period, as determined by the Secretary concerned.

"(3) FIXING BONUS AMOUNT.—Upon acceptance by the Secretary concerned of the written agreement required by subsection (f), the total amount of the health professions bonus to be paid under the agreement shall be fixed.

"(f) WRITTEN AGREEMENT FOR BONUS.—To receive a bonus under this section, an officer determined to be eligible for the bonus shall enter into a written agreement with the Secretary concerned that specifies—

"(1) the amount of the bonus;

"(2) the method of payment of the bonus under subsection (e)(2);

"(3) the period of obligated service;

"(4) whether the service will be performed on active duty or in an active status in a reserve component; and

"(5) the type or conditions of the service.

"(g) RESERVE COMPONENT OFFICERS.—An officer in a reserve component authorized incentive pay under subsection (b) or (c) who is not serving on continuous active duty and is entitled to compensation under section 204 of this title or compensation under section 206 of this title may be paid a monthly amount of incentive pay that is proportionate to the basic pay or compensation received under this title.

"(h) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—

"(1) HEALTH PROFESSIONS BONUS.—A bonus paid to a person or officer under subsection (a) shall be in addition to any other pay and allowance to which the person or officer is entitled, except that a person or officer may not receive a payment under such subsection and section 332 of this title for the same period of obligated service.

"(2) HEALTH PROFESSIONS INCENTIVE PAY.—Incentive pay paid to an officer under subsection (b) shall be in addition to any other pay and allowance to which an officer is entitled, except that an officer may not receive a payment under such subsection and section 353 of this title for the same skill and period of service.

"(3) BOARD CERTIFICATION INCENTIVE PAY.—Incentive pay paid to an officer under subsection (c) shall be in addition to any other pay and allowance to which an officer is entitled, except that an officer may not receive a payment under such subsection and section 353(b) of this title for the same skill and period of service covered by the certification.

"(i) REPAYMENT.—An officer who receives a bonus or incentive pay under this section and who fails to fulfill the eligibility requirements for the receipt of the bonus or incentive pay or complete the period of service for which the bonus or incentive pay is paid, as specified in the written agreement under subsection (f) in the case of a bonus, shall be subject to the repayment provisions of section 373 of this title.

"(j) HEALTH PROFESSION DEFINED.—In this section, the term 'health profession' means the following:

"(1) Any health profession performed by officers in the Medical Corps of a uniformed service or by officers designated as a medical officer.

"(2) Any health profession performed by officers in the Dental Corps of a uniformed service or by officers designated as a dental officer.

"(3) Any health profession performed by officers in the Medical Service Corps of a uniformed service or by officers designated as a medical service officer or biomedical sciences officer.

"(4) Any health profession performed by officers in the Medical Specialist Corps of a uniformed service or by officers designated as a medical specialist.

"(5) Any health profession performed by officers of the Nurse Corps of a uniformed service or by officers designated as a nurse.

"(6) Any health profession performed by officers in the Veterinary Corps of a uniformed service or by officers designated as a veterinary officer.

"(7) Any health profession performed by officers designated as a physician assistant.

"(8) Any health profession performed by officers in the regular or reserve corps of the Public Health Service.

"(k) TERMINATION OF AUTHORITY.—No agreement may be entered into under this section after December 31, 2009.

"§ 351. Hazardous duty pay

"(a) HAZARDOUS DUTY PAY.—The Secretary concerned may pay hazardous duty pay under this section to a member of a regular or reserve component of the uniformed services entitled to basic pay under section 204 of this title or compensation under section 206 of this title who—

"(1) performs duty in a hostile fire area designated by the Secretary concerned, is exposed to a hostile fire event, explosion of a hostile explosive device, or any other hostile action, or is on duty during a month in an area in which a hostile event occurred which placed the member in grave danger of physical injury;

"(2) performs duty designated by the Secretary concerned as hazardous duty based upon the inherent dangers of that duty and risks of physical injury; or

"(3) performs duty in a foreign area designated by the Secretary concerned as an area in which the member is subject to imminent danger of physical injury due to threat conditions.

"(b) MAXIMUM AMOUNT.—The amount of hazardous duty pay paid to a member under subsection (a) shall be based on the type of duty and the area in which the duty is performed, as follows:

"(1) In the case of a member who performs duty in a designated hostile fire area, as described in subsection (a)(1), hazardous duty pay may not exceed $450 per month.

"(2) In the case of a member who performs a designated hazardous duty, as described in subsection (a)(2), hazardous duty pay may not exceed $250 per month.

"(3) In the case of a member who performs duty in a foreign area designated as an imminent danger area, as described in subsection (a)(3), hazardous duty pay may not exceed $250 per month.

"(c) METHOD OF PAYMENT.—Hazardous duty pay shall be paid on a monthly basis. A member who is eligible for hazardous duty pay by reason of subsection (a) shall receive the full monthly rate of hazardous duty pay authorized by the Secretary concerned under such parágraph, notwithstanding subsection (d).

"(d) Reserve Component Members Performing Inactive Duty Training.—A member of a reserve component entitled to compensation under section 206 of this title who is authorized hazardous duty pay under this section may be paid an amount of hazardous duty pay that is proportionate to the compensation received by the member under section 206 of this title for inactive-duty training.

"(e) Administration and Retroactive Payments.—The effective date for the designation of a hostile fire area, as described in paragraph (1) of subsection (a), and for the designation of a foreign area as an imminent danger area, as described in paragraph (3) of such subsection, may be a date that occurs before, on, or after the actual date of the designation by the Secretary concerned.

"(f) Determination of Fact.—Any determination of fact that is made in administering subsection (a) is conclusive. The determination may not be reviewed by any other officer or agency of the United States unless there has been fraud or gross negligence. However, the Secretary concerned may change the determination on the basis of new evidence or for other good cause. The regulations prescribed to administer this section shall define the activities that are considered hazardous for purposes of subsection (a)(2).

"(g) Relationship to Other Pay and Allowances.—

"(1) In addition to other pay and allowances.—A member may be paid hazardous duty pay under this section in addition to any other pay and allowances to which the member is entitled. The regulations prescribed to administer this section shall address dual compensation under this section for multiple circumstances involving performance of a designated hazardous duty, as described in paragraph (2) of subsection (a), or for duty in certain designated areas, as described in paragraph (1) or (3) of such subsection, that is performed by a member during a single month of service.

"(2) Limitation.—A member may not receive hazardous duty pay under this section for a month for more than three qualifying instances described in subsection (a)(2).

"(h) Prohibition on Variable Rates.—The regulations prescribed to administer this section may not include varied criteria or rates for payment of hazardous duty for officers and enlisted members.

"(i) Termination of Authority.—No hazardous duty pay under this section may be paid after December 31, 2009.

"§ 352. Assignment pay or special duty pay

"(a) Assignment or Special Duty Pay Authorized.—The Secretary concerned may pay assignment or special duty pay under this section to a member of a regular or reserve component of the uniformed services who—

"(1) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title; and

"(2) performs duties in an assignment, location, or unit designated by, and under the conditions of service specified by, the Secretary concerned.

"(b) Maximum Amount and Method of Payment.—

"(1) Lump sum or installments.—Assignment or special duty pay under subsection (a) may be paid monthly, in a lump sum, or in periodic installments other than monthly, as determined by the Secretary concerned.

"(2) Maximum monthly amount.—The maximum monthly amount of assignment or special duty pay may not exceed $5,000.

"(3) Maximum lump sum amount.—The amount of a lump sum payment of assignment or special duty pay payable to a member may not exceed the amount equal to the product of—

"(A) the maximum monthly rate authorized under paragraph (2) at the time the member enters into a written agreement under subsection (c); and

"(B) the number of continuous months in the period for which assignment or special duty pay will be paid pursuant to the agreement.

"(4) Maximum installment amount.—The amount of each installment payment of assignment or special duty pay payable to a member on an installment basis may not exceed the amount equal to—

"(A) the product of—

"(i) a monthly rate specified in the written agreement entered into under subsection (c), which monthly rate may not exceed the maximum monthly rate authorized under paragraph (2) at the time the member enters into the agreement; and

"(ii) the number of continuous months in the period for which the assignment or special duty pay will be paid; divided by

"(B) the number of installments over such period.

"(5) Effect of extension.—If a member extends an assignment or performance of duty specified in an agreement with the Secretary concerned under subsection (c), assignment or special duty pay for the period of the extension may be paid on a monthly basis, in a lump sum, or in installments, consistent with this subsection.

"(c) Written Agreement.—

"(1) Discretionary for monthly payments.—The Secretary concerned may require a member to enter into a written agreement with the Secretary in order to qualify for the payment of assignment or special duty pay on a monthly basis. The written agreement shall specify the period for which the assignment or special duty pay will be paid to the member and the monthly rate of the assignment or special duty pay.

"(2) Required for lump sum or installment payments.—The Secretary concerned shall require a member to enter into a written agreement with the Secretary in order to qualify for payment of assignment or special duty pay on a lump sum or installment basis. The written agreement shall specify the period for which the assignment or special duty pay will be paid to the member and the amount of the lump sum or each periodic installment.

"(d) Reserve Component Members Performing Inactive Duty Training.—A member of a reserve component entitled to compensation under section 206 of this title who is authorized assignment or special duty pay under this section may be paid an amount of assignment or special duty pay that is proportionate to the compensation received by the member under section 206 of this title for inactive-duty training.

"(e) Relationship to Other Pay and Allowances.—Assignment or special duty pay paid to a member under this section is in addition to any other pay and allowances to which the member is entitled.

"(f) Repayment.—A member who receives assignment or special duty pay under this section and who fails to fulfill the eligibility requirements under subsection (a) for receipt of such pay shall be subject to the repayment provisions of section 373 of this title.

"(g) Termination of Authority.—No agreement may be entered into under this section after December 31, 2009.

"§ 353. Skill incentive pay or proficiency bonus

"(a) Skill Incentive Pay.—The Secretary concerned may pay a monthly skill incentive pay to a member of a regular or reserve component of the uniformed services who—

"(1) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title; and

"(2) serves in a career field or skill designated as critical by the Secretary concerned.

"(b) Skill Proficiency Bonus.—The Secretary concerned may pay a proficiency bonus to a member of a regular or reserve component of the uniformed services who—

"(1) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title; and

"(2) is determined to have, and maintains, certified proficiency under subsection (d) in a skill designated as critical by the Secretary concerned.

"(c) Maximum Amounts and Methods of Payment.—

"(1) Skill incentive pay.—Skill incentive pay under subsection (a) shall be paid monthly in an amount not to exceed $1,000 per month.

"(2) Proficiency bonus.—A proficiency bonus under subsection (b) may be paid in a lump sum at the beginning of the proficiency certification period or in periodic installments during the proficiency certification period. The amount of the bonus may not exceed $12,000 for each 12-month period of certification. The Secretary concerned may not vary the criteria or rates for the proficiency bonus paid for officers and enlisted members.

"(d) Certified Proficiency for Proficiency Bonus.—

"(1) Certification required.—Proficiency in a designated critical skill for purposes of subsection (b) shall be subject to annual certification by the Secretary concerned.

"(2) Duration of certification.—A certification period for purposes of subsection (c)(2) shall expire at the end of the one-year period beginning on the first day of the first month beginning on or after the certification date.

"(3) Waiver.—Notwithstanding paragraphs (1) and (2), the regulations prescribed to administer this section shall address the circumstances under which the Secretary concerned may waive the certification requirement under paragraph (1) or extend a certification period under paragraph (2).

"(e) Written Agreement.—

"(1) Discretionary for skill incentive pay.—The Secretary concerned may require a member to enter into a written agreement with the Secretary in order to qualify for the payment of skill incentive pay under subsection (a). The written agreement shall specify the period for which the skill incentive pay will be paid to the member and the monthly rate of the pay.

"(2) Required for proficiency bonus.—The Secretary concerned shall require a member to enter into a written agreement with the Secretary in order to qualify for payment of a proficiency bonus under subsection (b). The written agreement shall specify the amount of the proficiency bonus, the period for which the bonus will be paid, and the initial certification or recertification necessary for payment of the proficiency bonus.

"(f) RESERVE COMPONENT MEMBERS PERFORMING INACTIVE DUTY TRAINING.—

"(1) PRORATION.—A member of a reserve component entitled to compensation under section 206 of this title who is authorized skill incentive pay under subsection (a) or a skill proficiency bonus under subsection (b) may be paid an amount of the pay or bonus, as the case may be, that is proportionate to the compensation received by the member under section 206 of this title for inactive-duty training.

"(2) EXCEPTION FOR FOREIGN LANGUAGE PROFICIENCY.—No reduction in the amount of a skill proficiency bonus may be made under paragraph (1) in the case of a member of a reserve component who is authorized the bonus because of the member's proficiency in a foreign language.

"(g) REPAYMENT.—A member who receives skill incentive pay or a proficiency bonus under this section and who fails to fulfill the eligibility requirement for receipt of the pay or bonus shall be subject to the repayment provisions of section 373 of this title.

"(h) RELATIONSHIP TO OTHER PAYS AND ALLOWANCES.—A member may not be paid more than one pay under this section in any month for the same period of service and skill. A member may be paid skill incentive pay or the proficiency bonus under this section in addition to any other pay and allowances to which the member is entitled, except that a member may not be paid skill incentive pay or a proficiency bonus under this section and hazardous duty pay under section 351 of this title for the same period of service in the same career field or skill.

"(i) TERMINATION OF AUTHORITY.—No agreement may be entered into under this section after December 31, 2009.

"SUBCHAPTER III—GENERAL PROVISIONS

"§ 371. Relationship to other incentives and pays

"(a) TREATMENT.—A bonus or incentive pay paid to a member of the uniformed services under subchapter II is in addition to any other pay and allowance to which a member is entitled, unless otherwise provided under this chapter.

"(b) EXCEPTION.—A member may not receive a bonus or incentive pay under both subchapter I and subchapter II for the same activity, skill, or period of service.

"(c) RELATIONSHIP TO OTHER COMPUTATIONS.—The amount of a bonus or incentive pay to which a member is entitled under subchapter II may not be included in computing the amount of—

"(1) any increase in pay authorized by any other provision of this title; or

"(2) any retired pay, retainer pay, separation pay, or disability severance pay.

"§ 372. Continuation of pays during hospitalization and rehabilitation resulting from wounds, injury, or illness incurred while on duty in a hostile fire area or exposed to an event of hostile fire or other hostile action

"(a) CONTINUATION OF PAYS.—If a member of a regular or reserve component of a uniformed service incurs a wound, injury, or illness in the line of duty while serving in a combat operation or a combat zone, while serving in a hostile fire area, or while exposed to a hostile fire event, as described under section 351 of this title, and is hospitalized for treatment of the wound, injury, or illness, the Secretary concerned may continue to pay to the member, notwithstanding any provision of this chapter to the contrary, all pay and allowances (including any bonus, incentive pay, or similar benefit) that were being paid to the member at the time the member incurred the wound, injury, or illness.

"(b) DURATION.—The payment of pay and allowances to a member under subsection (a) may continue until the end of the first month beginning after the earliest of the following dates:

"(1) The date on which the member is returned for assignment to other than a medical or patient unit for duty.

"(2) One year after the date on which the member is first hospitalized for the treatment of the wound, injury, or illness, except that the Secretary concerned may extend the termination date in six-month increments.

"(3) The date on which the member is discharged, separated, or retired (including temporary disability retirement) from the uniformed services.

"(c) BONUS, INCENTIVE PAY, OR SIMILAR BENEFIT DEFINED.—In this section, the term 'bonus, incentive pay, or similar benefit' means a bonus, incentive pay, special pay, or similar payment paid to a member of the uniformed services under this title or title 10.

"§ 373. Repayment of unearned portion of bonus, incentive pay, or similar benefit when conditions of payment not met

"(a) REPAYMENT.—Except as provided in subsection (b), a member of the uniformed services who is paid a bonus, incentive pay, or similar benefit, the receipt of which is contingent upon the member's satisfaction of certain service or eligibility requirements, shall repay to the United States any unearned portion of the bonus, incentive pay, or similar benefit if the member fails to satisfy any such service or eligibility requirement.

"(b) EXCEPTIONS.—The regulations prescribed to administer this section may specify procedures for determining the circumstances under which an exception to the required repayment may be granted.

"(c) EFFECT OF BANKRUPTCY.—An obligation to repay the United States under this section is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11 does not discharge a person from such debt if the discharge order is entered less than five years after—

"(1) the date of the termination of the agreement or contract on which the debt is based; or

"(2) in the absence of such an agreement or contract, the date of the termination of the service on which the debt is based.

"(d) DEFINITIONS.—In this section:

"(1) The term 'bonus, incentive pay, or similar benefit' means a bonus, incentive pay, special pay, or similar payment, or an educational benefit or stipend, paid to a member of the uniformed services under a provision of law that refers to the repayment requirements of this section or section 303a(e) of this title.

"(2) The term 'service', as used in subsection (c)(2), refers to an obligation willingly undertaken by a member of the uniformed services, in exchange for a bonus, incentive pay, or similar benefit offered by the Secretary concerned—

"(A) to a member in a regular or reserve component who remains on active duty or in an active status;

"(B) to perform duty in a specified skill, with or without a specified qualification or credential;

"(C) to perform duty in a specified assignment, location or unit; or

"(D) to perform duty for a specified period of time.

"§ 374. Regulations

"This subchapter and subchapter II shall be administered under regulations prescribed by—

"(1) the Secretary of Defense, with respect to the armed forces under the jurisdiction of the Secretary of Defense;

"(2) the Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy;

"(3) the Secretary of Health and Human Services, with respect to the commissioned corps of the Public Health Service; and

"(4) the Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.".

(b) TRANSFER OF 15-YEAR CAREER STATUS BONUS TO SUBCHAPTER II.—

(1) TRANSFER.—Section 322 of title 37, United States Code, is transferred to appear after section 353 of subchapter II of chapter 5 of such title, as added by subsection (a), and is redesignated as section 354.

(2) CONFORMING AMENDMENT.—Subsection (f) of such section, as so transferred and redesignated, is amended by striking "section 303a(e)" and inserting "section 373".

(3) CROSS REFERENCES.—Sections 1401a, 1409(b)(2), and 1410 of title 10, United States Code, are amended by striking "section 322" each place it appears and inserting "section 322 (as in effect before the enactment of the National Defense Authorization Act for Fiscal Year 2008) or section 354".

(c) TRANSFER OF RETENTION INCENTIVES FOR MEMBERS QUALIFIED IN CRITICAL MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY UNITS.—

(1) TRANSFER.—Section 323 of title 37, United States Code, as amended by sections 614 and 622, is transferred to appear after section 354 of subchapter II of chapter 5 of such title, as transferred and redesignated by subsection (b)(1), and is redesignated as section 355.

(2) CONFORMING AMENDMENT.—Subsection (g) of such section, as so transferred and redesignated, is amended by striking "section 303a(e)" and inserting "section 373".

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended to read as follows:

"SUBCHAPTER I—EXISTING SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES

"Sec.
"301. Incentive pay: hazardous duty.
"301a. Incentive pay: aviation career.
"301b. Special pay: aviation career officers extending period of active duty.
"301c. Incentive pay: submarine duty.
"301d. Multiyear retention bonus: medical officers of the armed forces.
"301e. Multiyear retention bonus: dental officers of the armed forces.
"302. Special pay: medical officers of the armed forces.
"302a. Special pay: optometrists.
"302b. Special pay: dental officers of the armed forces.
"302c. Special pay: psychologists and nonphysician health care providers.
"302d. Special pay: accession bonus for registered nurses.
"302e. Special pay: nurse anesthetists.
"302f. Special pay: reserve, recalled, or retained health care officers.
"302g. Special pay: Selected Reserve health care professionals in critically short wartime specialties.
"302h. Special pay: accession bonus for dental officers.

"302i. Special pay: pharmacy officers.
"302j. Special pay: accession bonus for pharmacy officers.
"302k. Special pay: accession bonus for medical officers in critically short wartime specialties.
"302l. Special pay: accession bonus for dental specialist officers in critically short wartime specialties.
"303. Special pay: veterinarians.
"303a. Special pay: general provisions.
"303b. Waiver of board certification requirements.
"304. Special pay: diving duty.
"305. Special pay: hardship duty pay.
"305a. Special pay: career sea pay.
"305b. Special pay: service as member of Weapons of Mass Destruction Civil Support Team.
"306. Special pay: officers holding positions of unusual responsibility and of critical nature.
"306a. Special pay: members assigned to international military headquarters.
"307. Special pay: special duty assignment pay for enlisted members.
"307a. Special pay: assignment incentive pay.
"308. Special pay: reenlistment bonus.
"308b. Special pay: reenlistment bonus for members of the Selected Reserve.
"308c. Special pay: bonus for affiliation or enlistment in the Selected Reserve.
"308d. Special pay: members of the Selected Reserve assigned to certain high priority units.
"308g. Special pay: bonus for enlistment in elements of the Ready Reserve other than the Selected Reserve.
"308h. Special pay: bonus for reenlistment, enlistment, or voluntary extension of enlistment in elements of the Ready Reserve other than the Selected Reserve.
"308i. Special pay: prior service enlistment bonus.
"308j. Special pay: affiliation bonus for officers in the Selected Reserve.
"309. Special pay: enlistment bonus.
"310. Special pay: duty subject to hostile fire or imminent danger.
"312. Special pay: nuclear-qualified officers extending period of active duty.
"312b. Special pay: nuclear career accession bonus.
"312c. Special pay: nuclear career annual incentive bonus.
"314. Special pay or bonus: qualified members extending duty at designated locations overseas.
"315. Special pay: engineering and scientific career continuation pay.
"316. Special pay: bonus for members with foreign language proficiency.
"317. Special pay: officers in critical acquisition positions extending period of active duty.
"318. Special pay: special warfare officers extending period of active duty.
"319. Special pay: surface warfare officer continuation pay.
"320. Incentive pay: career enlisted flyers.
"321. Special pay: judge advocate continuation pay.
"324. Special pay: accession bonus for new officers in critical skills.
"325. Incentive bonus: savings plan for education expenses and other contingencies.
"326. Incentive bonus: conversion to military occupational specialty to ease personnel shortage.
"327. Incentive bonus: transfer between armed forces.
"328. Combat-related injury rehabilitation pay.
"329. Incentive bonus: retired members and reserve component members volunteering for high-demand, low-density assignments.
"330. Special pay: accession bonus for officer candidates.

"SUBCHAPTER II—CONSOLIDATION OF SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES

"331. General bonus authority for enlisted members.
"332. General bonus authority for officers.
"333. Special bonus and incentive pay authorities for nuclear officers.
"334. Special aviation incentive pay and bonus authorities for officers.
"335. Special bonus and incentive pay authorities for officers in health professions.
"351. Hazardous duty pay.
"352. Assignment pay or special duty pay.
"353. Skill incentive pay or proficiency bonus.
"354. Special pay: 15-year career status bonus for members entering service on or after August 1, 1986.
"355. Special pay: retention incentives for members qualified in critical military skills or assigned to high priority units.

"SUBCHAPTER III—GENERAL PROVISIONS

"371. Relationship to other incentives and pays.
"372. Continuation of pays during hospitalization and rehabilitation resulting from wounds, injury, or illness incurred while on duty in a hostile fire area or exposed to an event of hostile fire or other hostile action.
"373. Repayment of unearned portion of bonus, incentive pay, or similar benefit when conditions of payment not met.
"374. Regulations.".

SEC. 662. TRANSITIONAL PROVISIONS.

(a) IMPLEMENTATION PLAN.—

(1) DEVELOPMENT.—The Secretary of Defense shall develop a plan to implement subchapters II and III of chapter 5 of title 37, United States Code, as added by section 661(a), and to correspondingly transition all of the special and incentive pay programs for members of the uniformed services solely to provisions of such subchapters.

(2) SUBMISSION.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit the implementation plan to the congressional defense committees.

(b) TRANSITION PERIOD.—During a transition period of not more than 10 years beginning on the date of the enactment of this Act, the Secretary of Defense, the Secretary of a military department, and the Secretaries referred to in subsection (d) may continue to use the authorities in provisions in subchapter I of chapter 5 of title 37, United States Code, as designated by section 661(a), but subject to the terms of such provisions and such modifications as the Secretary of Defense may include in the implementation plan, to provide bonuses and special and incentive pays for members of the uniformed services.

(c) NOTICE OF IMPLEMENTATION OF NEW AUTHORITIES.—Not less than 30 days before the date on which a special pay or bonus authority provided under subchapter II of chapter 5 of title 37, United States Code, as added by section 661(a), is first utilized, the Secretary of Defense shall submit to the congressional defense committees a notice of the implementation of the authority, including whether, as a result of implementation of the authority, a corresponding authority in subchapter I of such chapter, as designated by section 661(a), will no longer be used.

(d) COORDINATION.—The Secretary of Defense shall prepare the implementation plan in coordination with—

(1) the Secretary of Homeland Security, with respect to the Coast Guard;

(2) the Secretary of Health and Human Services, with respect to the commissioned corps of the Public Health Service; and

(3) the Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

(e) NO EFFECT ON FISCAL YEAR 2008 OBLIGATIONS.—During fiscal year 2008, obligations incurred under subchapters I, II, and III of chapter 5 of title 37, United States Code, as amended by section 661, to provide bonuses, incentive pays, special pays, and similar payments to members of the uniformed services under such subchapters may not exceed the obligations that would be incurred in the absence of the amendments made by such section.

Subtitle G—Other Matters

SEC. 671. REFERRAL BONUS AUTHORITIES.

(a) CODIFICATION AND MODIFICATION OF ARMY REFERRAL BONUS AUTHORITY.—

(1) ARMY REFERRAL BONUS.—Chapter 333 of title 10, United States Code, is amended by inserting after section 3251 the following new section:

"§ 3252. Bonus to encourage Army personnel to refer persons for enlistment in the Army

"(a) AUTHORITY TO PAY BONUS.—

"(1) AUTHORITY.—The Secretary of the Army may pay a bonus under this section to an individual referred to in paragraph (2) who refers to an Army recruiter a person who has not previously served in an armed force and who, after such referral, enlists in the regular component of the Army or in the Army National Guard or Army Reserve.

"(2) INDIVIDUALS ELIGIBLE FOR BONUS.—Subject to subsection (c), the following individuals are eligible for a referral bonus under this section:

"(A) A member in the regular component of the Army.

"(B) A member of the Army National Guard.

"(C) A member of the Army Reserve.

"(D) A member of the Army in a retired status, including a member under 60 years of age who, but for age, would be eligible for retired pay.

"(E) A civilian employee of the Department of the Army.

"(b) REFERRAL.—For purposes of this section, a referral for which a bonus may be paid under subsection (a) occurs—

"(1) when the individual concerned contacts an Army recruiter on behalf of a person interested in enlisting in the Army; or

"(2) when a person interested in enlisting in the Army contacts the Army recruiter and informs the recruiter of the role of the individual concerned in initially recruiting the person.

"(c) CERTAIN REFERRALS INELIGIBLE.—

"(1) REFERRAL OF IMMEDIATE FAMILY.—A member of the Army or civilian employee of the Department of the Army may not be paid a bonus under subsection (a) for the referral of an immediate family member.

"(2) MEMBERS IN RECRUITING ROLES.—A member of the Army or civilian employee of the Department of the Army serving in a recruiting or retention assignment, or assigned to other duties regarding which eligibility for a bonus under subsection (a) could (as determined by the Secretary) be perceived as creating a conflict of interest, may not be paid a bonus under subsection (a).

"(3) JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTORS.—A member of the Army detailed under subsection (c)(1) of section 2031 of this title to serve as an administrator or instructor in the Junior Reserve Officers' Training Corps program or a retired member of the Army employed as an administrator or instructor in the program under subsection (d) of such section may not be paid a bonus under subsection (a).

"(d) AMOUNT OF BONUS.—The amount of the bonus payable for a referral under subsection (a) may not exceed $2,000. The amount shall be payable as provided in subsection (e).

"(e) PAYMENT.—A bonus payable for a referral of a person under subsection (a) shall be paid as follows:

"(1) Not more than $1,000 shall be paid upon the commencement of basic training by the person.

"(2) Not more than $1,000 shall be paid upon the completion of basic training and individual advanced training by the person.

"(f) RELATION TO PROHIBITION ON BOUNTIES.—The referral bonus authorized by this section is not a bounty for purposes of section 514(a) of this title.

"(g) COORDINATION WITH RECEIPT OF RETIRED PAY.—A bonus paid under this section to a member of the Army in a retired status is in addition to any compensation to which the member is entitled under this title, title 37 or 38, or any other provision of law.

"(h) DURATION OF AUTHORITY.—A bonus may not be paid under subsection (a) with respect to any referral that occurs after December 31, 2008.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3251 the following new item:

"3252. Bonus to encourage Army personnel to refer persons for enlistment in the Army.".

(b) BONUS FOR REFERRAL OF PERSONS FOR APPOINTMENT AS OFFICERS TO SERVE IN HEALTH PROFESSIONS.—

(1) HEALTH PROFESSIONS REFERRAL BONUS.—Chapter 53 of such title is amended by inserting before section 1031 the following new section:

"§ 1030. Bonus to encourage Department of Defense personnel to refer persons for appointment as officers to serve in health professions

"(a) AUTHORITY TO PAY BONUS.—

"(1) AUTHORITY.—The Secretary of Defense may authorize the appropriate Secretary to pay a bonus under this section to an individual referred to in paragraph (2) who refers to a military recruiter a person who has not previously served in an armed force and, after such referral, takes an oath of enlistment that leads to appointment as a commissioned officer, or accepts an appointment as a commissioned officer, in an armed force in a health profession designated by the appropriate Secretary for purposes of this section.

"(2) INDIVIDUALS ELIGIBLE FOR BONUS.—Subject to subsection (c), the following individuals are eligible for a referral bonus under this section:

"(A) A member of the armed forces in a regular component of the armed forces.

"(B) A member of the armed forces in a reserve component of the armed forces.

"(C) A member of the armed forces in a retired status, including a member under 60 years of age who, but for age, would be eligible for retired or retainer pay.

"(D) A civilian employee of a military department or the Department of Defense.

"(b) REFERRAL.—For purposes of this section, a referral for which a bonus may be paid under subsection (a) occurs—

"(1) when the individual concerned contacts a military recruiter on behalf of a person interested in taking an oath of enlistment that leads to appointment as a commissioned officer, or accepting an appointment as a commissioned officer, as applicable, in an armed force in a health profession; or

"(2) when a person interested in taking an oath of enlistment that leads to appointment as a commissioned officer, or accepting an appointment as a commissioned officer, as applicable, in an armed force in a health profession contacts a military recruiter and informs the recruiter of the role of the individual concerned in initially recruiting the person.

"(c) CERTAIN REFERRALS INELIGIBLE.—

"(1) REFERRAL OF IMMEDIATE FAMILY.—A member of the armed forces or civilian employee of a military department or the Department of Defense may not be paid a bonus under subsection (a) for the referral of an immediate family member.

"(2) MEMBERS IN RECRUITING ROLES.—A member of the armed forces or civilian employee of a military department or the Department of Defense serving in a recruiting or retention assignment, or assigned to other duties regarding which eligibility for a bonus under subsection (a) could (as determined by the appropriate Secretary) be perceived as creating a conflict of interest, may not be paid a bonus under subsection (a).

"(3) JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTORS.—A member of the armed forces detailed under subsection (c)(1) of section 2031 of this title to serve as an administrator or instructor in the Junior Reserve Officers' Training Corps program or a retired member of the armed forces employed as an administrator or instructor in the program under subsection (d) of such section may not be paid a bonus under subsection (a).

"(d) AMOUNT OF BONUS.—The amount of the bonus payable for a referral under subsection (a) may not exceed $2,000. The amount shall be payable as provided in subsection (e).

"(e) PAYMENT.—A bonus payable for a referral of a person under subsection (a) shall be paid as follows:

"(1) Not more than $1,000 shall be paid upon the execution by the person of an agreement to serve as an officer in a health profession in an armed force for not less than 3 years.

"(2) Not more than $1,000 shall be paid upon the completion by the person of the initial period of military training as an officer.

"(f) RELATION TO PROHIBITION ON BOUNTIES.—The referral bonus authorized by this section is not a bounty for purposes of section 514(a) of this title.

"(g) COORDINATION WITH RECEIPT OF RETIRED PAY.—A bonus paid under this section to a member of the armed forces in a retired status is in addition to any compensation to which the member is entitled under this title, title 37 or 38, or any other provision of law.

"(h) APPROPRIATE SECRETARY DEFINED.—In this section, the term 'appropriate Secretary' means—

"(1) the Secretary of the Army, with respect to matters concerning the Army;

"(2) the Secretary of the Navy, with respect to matters concerning the Navy, the Marine Corps, and the Coast Guard when it is operating as a service in the Navy;

"(3) the Secretary of the Air Force, with respect to matters concerning the Air Force; and

"(4) the Secretary of Defense, with respect to personnel of the Department of Defense.

"(i) DURATION OF AUTHORITY.—A bonus may not be paid under subsection (a) with respect to any referral that occurs after December 31, 2008.".

(2) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 1031 the following new item:

"1030. Bonus to encourage Department of Defense personnel to refer persons for appointment as officers to serve in health professions.".

(c) REPEAL OF SUPERSEDED ARMY REFERRAL BONUS AUTHORITY.—

(1) REPEAL.—Section 645 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) is repealed.

(2) PAYMENT OF BONUSES UNDER SUPERSEDED AUTHORITY.—Any bonus payable under section 645 of the National Defense Authorization Act for Fiscal Year 2006, as in effect before its repeal by paragraph (1), shall remain payable after that date and shall be paid in accordance with the provisions of such section, as in effect on the day before the date of the enactment of this Act.

SEC. 672. EXPANSION OF EDUCATION LOAN REPAYMENT PROGRAM FOR MEMBERS OF THE SELECTED RESERVE.

(a) ADDITIONAL EDUCATIONAL LOANS ELIGIBLE FOR REPAYMENT.—Paragraph (1) of subsection (a) of section 16301 of title 10, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; or"; and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) any loan incurred for educational purposes made by a lender that is—

"(i) an agency or instrumentality of a State;

"(ii) a financial or credit institution (including an insurance company) that is subject to examination and supervision by an agency of the United States or any State;

"(iii) a pension fund approved by the Secretary for purposes of this section; or

"(iv) a nonprofit private entity designated by a State, regulated by that State, and approved by the Secretary for purposes of this section.".

(b) PARTICIPATION OF OFFICERS IN PROGRAM.—Such subsection is further amended—

(1) in paragraph (2)—

(A) by striking "Except as provided in paragraph (3), the Secretary" and inserting "The Secretary"; and

(B) by striking "an enlisted member of the Selected Reserve of the Ready Reserve of an armed force in a reserve component and military specialty" and inserting "a member of the Selected Reserve of the Ready Reserve of an armed force in a reserve component and in an officer program or military specialty"; and

(2) by striking paragraph (3).

(c) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 16301. Education loan repayment program: members of Selected Reserve".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 1609 of such

title is amended by striking the item relating to section 16301 and inserting the following new item:

"16301. Education loan repayment program: members of Selected Reserve.".

SEC. 673. ENSURING ENTRY INTO UNITED STATES AFTER TIME ABROAD FOR PERMANENT RESIDENT ALIEN MILITARY SPOUSES AND CHILDREN.

Section 284 of the Immigration and Nationality Act (8 U.S.C. 1354) is amended—

(1) by striking "Nothing" and inserting "(a) Nothing"; and

(2) by adding at the end the following new subsection:

"(b) If a person lawfully admitted for permanent residence is the spouse or child of a member of the Armed Forces of the United States, is authorized to accompany the member and reside abroad with the member pursuant to the member's official orders, and is so accompanying and residing with the member (in marital union if a spouse), then the residence and physical presence of the person abroad shall not be treated as—

"(1) an abandonment or relinquishment of lawful permanent resident status for purposes of clause (i) of section 101(a)(13)(C); or

"(2) an absence from the United States for purposes of clause (ii) of such section.".

SEC. 674. OVERSEAS NATURALIZATION FOR MILITARY SPOUSES AND CHILDREN.

(a) SPOUSES.—Section 319 of the Immigration and Nationality Act (8 U.S.C. 1430) is amended by adding at the end the following new subsection:

"(e)(1) In the case of a person lawfully admitted for permanent residence in the United States who is the spouse of a member of the Armed Forces of the United States, is authorized to accompany such member and reside abroad with the member pursuant to the member's official orders, and is so accompanying and residing with the member in marital union, such residence and physical presence abroad shall be treated, for purposes of subsection (a) and section 316(a), as residence and physical presence in—

"(A) the United States; and

"(B) any State or district of the Department of Homeland Security in the United States.

"(2) Notwithstanding any other provision of law, a spouse described in paragraph (1) shall be eligible for naturalization proceedings overseas pursuant to section 1701(d) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 8 U.S.C. 1443a).".

(b) CHILDREN.—Section 322 of the Immigration and Nationality Act (8 U.S.C. 1433) is amended by adding at the end the following new subsection:

"(d) In the case of a child of a member of the Armed Forces of the United States who is authorized to accompany such member and reside abroad with the member pursuant to the member's official orders, and is so accompanying and residing with the member—

"(1) any period of time during which the member of the Armed Forces is residing abroad pursuant to official orders shall be treated, for purposes of subsection (a)(2)(A), as physical presence in the United States;

"(2) subsection (a)(5) shall not apply; and

"(3) the oath of allegiance described in subsection (b) may be subscribed to abroad pursuant to section 1701(d) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 8 U.S.C. 1443a).".

(c) OVERSEAS NATURALIZATION AUTHORITY.—Section 1701(d) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 8 U.S.C. 1443a) is amended—

(1) in the subsection heading, by inserting "AND THEIR SPOUSES AND CHILDREN" after "FORCES"; and

(2) by inserting ", and persons made eligible for naturalization by section 319(e) or 322(d) of such Act," after "Armed Forces".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and apply to any application for naturalization or issuance of a certificate of citizenship pending on or after such date.

SEC. 675. MODIFICATION OF AMOUNT OF BACK PAY FOR MEMBERS OF NAVY AND MARINE CORPS SELECTED FOR PROMOTION WHILE INTERNED AS PRISONERS OF WAR DURING WORLD WAR II TO TAKE INTO ACCOUNT CHANGES IN CONSUMER PRICE INDEX.

(a) MODIFICATION.—Section 667(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–170) is amended by adding at the end the following new paragraph:

"(3) The amount determined for a person under paragraph (1) shall be increased to reflect increases in cost of living since the basic pay referred to in paragraph (1)(B) was paid to or for that person, calculated on the basis of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.".

(b) RECALCULATION OF PREVIOUS PAYMENTS.—In the case of any payment of back pay made to or for a person under section 667 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 before the date of the enactment of this Act, the Secretary of the Navy shall—

(1) recalculate the amount of back pay to which the person is entitled by reason of the amendment made by subsection (a); and

(2) if the amount of back pay, as so recalculated, exceeds the amount of back pay so paid, pay the person, or the surviving spouse of the person, an amount equal to the excess.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Improvements to Military Health Benefits

Sec. 701. One-year extension of prohibition on increases in certain health care costs for members of the uniformed services.

Sec. 702. Temporary prohibition on increase in copayments under retail pharmacy system of pharmacy benefits program.

Sec. 703. Inclusion of TRICARE retail pharmacy program in Federal procurement of pharmaceuticals.

Sec. 704. Stipend for members of reserve components for health care for certain dependents.

Sec. 705. Authority for expansion of persons eligible for continued health benefits coverage.

Sec. 706. Continuation of eligibility for TRICARE Standard coverage for certain members of the Selected Reserve.

Sec. 707. Extension of pilot program for health care delivery.

Sec. 708. Inclusion of mental health care in definition of health care and report on mental health care services.

Subtitle B—Studies and Reports

Sec. 711. Surveys on continued viability of TRICARE Standard and TRICARE Extra.

Sec. 712. Report on training in preservation of remains under combat or combat-related conditions.

Sec. 713. Report on patient satisfaction surveys.

Sec. 714. Report on medical physical examinations of members of the Armed Forces before their deployment.

Sec. 715. Report and study on multiple vaccinations of members of the Armed Forces.

Sec. 716. Review of gender- and ethnic group-specific mental health services and treatment for members of the Armed Forces.

Sec. 717. Licensed mental health counselors and the TRICARE program.

Sec. 718. Report on funding of the Department of Defense for health care.

Subtitle C—Other Matters

Sec. 721. Prohibition on conversion of military medical and dental positions to civilian medical and dental positions.

Sec. 722. Establishment of Joint Pathology Center.

Subtitle A—Improvements to Military Health Benefits

SEC. 701. ONE-YEAR EXTENSION OF PROHIBITION ON INCREASES IN CERTAIN HEALTH CARE COSTS FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) CHARGES UNDER CONTRACTS FOR MEDICAL CARE.—Section 1097(e) of title 10, United States Code, is amended by striking "September 30, 2007" and inserting "September 30, 2008".

(b) CHARGES FOR INPATIENT CARE.—Section 1086(b)(3) of such title is amended by striking "September 30, 2007." and inserting "September 30, 2008".

(c) PREMIUMS UNDER TRICARE COVERAGE FOR CERTAIN MEMBERS IN THE SELECTED RESERVE.—Section 1076d(d)(3) of such title is amended by striking "September 30, 2007" and inserting "September 30, 2008".

SEC. 702. TEMPORARY PROHIBITION ON INCREASE IN COPAYMENTS UNDER RETAIL PHARMACY SYSTEM OF PHARMACY BENEFITS PROGRAM.

During the period beginning on October 1, 2007, and ending on September 30, 2008, the cost sharing requirements established under paragraph (6) of section 1074g(a) of title 10, United States Code, for pharmaceutical agents available through retail pharmacies covered by paragraph (2)(E)(ii) of such section may not exceed amounts as follows:

(1) In the case of generic agents, $3.

(2) In the case of formulary agents, $9.

(3) In the case of nonformulary agents, $22.

SEC. 703. INCLUSION OF TRICARE RETAIL PHARMACY PROGRAM IN FEDERAL PROCUREMENT OF PHARMACEUTICALS.

(a) IN GENERAL.—Section 1074g of title 10, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) PROCUREMENT OF PHARMACEUTICALS BY TRICARE RETAIL PHARMACY PROGRAM.—With respect to any prescription filled on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008, the TRICARE retail pharmacy program shall be treated as an element of the Department of Defense for purposes of the procurement of drugs by Federal agencies under section 8126 of title 38 to the extent necessary to ensure that pharmaceuticals paid for by the Department of Defense that are provided by pharmacies under the program to eligible covered beneficiaries under this section are subject to the pricing standards in such section 8126.".

(b) Regulations.—The Secretary of Defense shall, after consultation with the other administering Secretaries under chapter 55 of title 10, United States Code, modify the regulations under subsection (h) of section 1074g of title 10, United States Code (as redesignated by subsection (a)(1) of this section), to implement the requirements of subsection (f) of section 1074g of title 10, United States Code (as amended by subsection (a)(2) of this section). The Secretary shall so modify such regulations not later than December 31, 2007.

SEC. 704. STIPEND FOR MEMBERS OF RESERVE COMPONENTS FOR HEALTH CARE FOR CERTAIN DEPENDENTS.

The Secretary of Defense may, pursuant to regulations prescribed by the Secretary, pay a stipend to a member of a reserve component of the Armed Forces who is called or ordered to active duty for a period of more than 30 days for purposes of maintaining civilian health care coverage for a dependant whom the Secretary determines to possess a special health care need that would be best met by remaining in the member's civilian health plan. In making such determination, the Secretary shall consider whether—

(1) the dependent of the member was receiving treatment for the special health care need before the call or order to active duty of the member; and

(2) the call or order to active duty would result in an interruption in treatment or a change in health care provider for such treatment.

SEC. 705. AUTHORITY FOR EXPANSION OF PERSONS ELIGIBLE FOR CONTINUED HEALTH BENEFITS COVERAGE.

(a) Authority To Specify Additional Eligible Persons.—Subsection (b) of section 1078a of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) Any other person specified in regulations prescribed by the Secretary of Defense for purposes of this paragraph who loses entitlement to health care services under this chapter or section 1145 of this title, subject to such terms and conditions as the Secretary shall prescribe in the regulations.".

(b) Election of Coverage.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

"(4) In the case of a person described in subsection (b)(4), by such date as the Secretary shall prescribe in the regulations required for purposes of that subsection.".

(c) Period of Coverage.—Subsection (g)(1) of such section is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(D) in the case of a person described in subsection (b)(4), the date that is 36 months after the date on which the person loses entitlement to health care services as described in that subsection.".

SEC. 706. CONTINUATION OF ELIGIBILITY FOR TRICARE STANDARD COVERAGE FOR CERTAIN MEMBERS OF THE SELECTED RESERVE.

(a) In General.—Section 706(f) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2282; 10 U.S.C. 1076d note) is amended—

(1) by striking "Enrollments" and inserting "(1) Except as provided in paragraph (2), enrollments"; and

(2) by adding at the end the following new paragraph:

"(2) The enrollment of a member in TRICARE Standard that is in effect on the day before health care under TRICARE Standard is provided pursuant to the effective date in subsection (g) shall not be terminated by operation of the exclusion of eligibility under subsection (a)(2) of such section 1076d, as so amended, for the duration of the eligibility of the member under TRICARE Standard as in effect on October 16, 2006.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 2007.

SEC. 707. EXTENSION OF PILOT PROGRAM FOR HEALTH CARE DELIVERY.

(a) Extension of Duration of Pilot Program.—Section 721(e) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1988; 10 U.S.C. 1092 note) is amended by striking "and 2007" and inserting ", 2007, 2008, 2009, and 2010".

(b) Extension of Report Deadline.—Section 721(f) of such Act is amended by striking "July 1, 2007" and inserting "July 1, 2010".

(c) Revision in Selection Criteria.—Section 721(d)(2) of such Act is amended by striking "expected to increase over the next five years" and inserting "has increased over the five years preceding 2008".

(d) Addition to Requirements of Pilot Program.—Section 721(b) of such Act is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period and inserting "; and" at the end of paragraph (4); and

(3) by adding at the end the following:

"(5) collaborate with State and local authorities to create an arrangement to share and exchange, between the Department of Defense and non-military health care systems, personal health information and data of military personnel and their families.".

SEC. 708. INCLUSION OF MENTAL HEALTH CARE IN DEFINITION OF HEALTH CARE AND REPORT ON MENTAL HEALTH CARE SERVICES.

(a) Inclusion of Mental Health Care in Definition of Health Care.—Section 1072 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(10) The term 'health care' includes mental health care.".

(b) Report on Access to Mental Health Care Services.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the adequacy of access to mental health services under the TRICARE program, including in the geographic areas where surveys on the continued viability of TRICARE Standard and TRICARE Extra are conducted under section 711 of this Act.

Subtitle B—Studies and Reports

SEC. 711. SURVEYS ON CONTINUED VIABILITY OF TRICARE STANDARD AND TRICARE EXTRA.

(a) Requirement for Surveys.—

(1) In general.—The Secretary of Defense shall conduct surveys of health care providers and beneficiaries who use TRICARE in the United States to determine, utilizing a reconciliation of the responses of providers and beneficiaries to such surveys, each of the following:

(A) How many health care providers in TRICARE Prime service areas selected under paragraph (3)(A) are accepting new patients under each of TRICARE Standard and TRICARE Extra.

(B) How many health care providers in geographic areas in which TRICARE Prime is not offered are accepting patients under each of TRICARE Standard and TRICARE Extra.

(C) The availability of mental health care providers in TRICARE Prime service areas selected under paragraph (3)(C) and in geographic areas in which TRICARE Prime is not offered.

(2) Benchmarks.—The Secretary shall establish for purposes of the surveys required by paragraph (1) benchmarks for primary care and specialty care providers, including mental health care providers, to be utilized to determine the adequacy of the availability of health care providers to beneficiaries eligible for TRICARE.

(3) Scope of surveys.—The Secretary shall carry out the surveys required by paragraph (1) as follows:

(A) In the case of the surveys required by subparagraph (A) of that paragraph, in at least 20 TRICARE Prime service areas in the United States in each of fiscal years 2008 through 2011.

(B) In the case of the surveys required by subparagraph (B) of that paragraph, in 20 geographic areas in which TRICARE Prime is not offered and in which significant numbers of beneficiaries who are members of the Selected Reserve reside.

(C) In the case of the surveys required by subparagraph (C) of that paragraph, in at least 40 geographic areas.

(4) Priority for surveys.—In prioritizing the areas which are to be surveyed under paragraph (1), the Secretary shall—

(A) consult with representatives of TRICARE beneficiaries and health care and mental health care providers to identify locations where TRICARE Standard beneficiaries are experiencing significant levels of access-to-care problems under TRICARE Standard or TRICARE Extra;

(B) give a high priority to surveying health care and mental health care providers in such areas; and

(C) give a high priority to surveying beneficiaries and providers located in geographic areas with high concentrations of members of the Selected Reserve.

(5) Information from providers.—The surveys required by paragraph (1) shall include questions seeking to determine from health care and mental health care providers the following:

(A) Whether the provider is aware of the TRICARE program.

(B) What percentage of the provider's current patient population uses any form of TRICARE.

(C) Whether the provider accepts patients for whom payment is made under the medicare program for health care and mental health care services.

(D) If the provider accepts patients referred to in subparagraph (C), whether the provider would accept additional such patients who are not in the provider's current patient population.

(6) Information from beneficiaries.—The surveys required by paragraph (1) shall include questions seeking information to determine from TRICARE beneficiaries whether they have difficulties in finding health care and mental health care providers willing to provide services under TRICARE Standard or TRICARE Extra.

(b) GAO Review.—

(1) Ongoing review.—The Comptroller General shall, on an ongoing basis, review—

(A) the processes, procedures, and analysis used by the Department of Defense to determine the adequacy of the number of health care and mental health care providers—

(i) that currently accept TRICARE Standard or TRICARE Extra beneficiaries as patients under TRICARE Standard in each TRICARE area as of the date of completion of the review; and

(ii) that would accept TRICARE Standard or TRICARE Extra beneficiaries as new patients under TRICARE Standard or TRICARE Extra, as applicable, within a reasonable time after the date of completion of the review; and

(B) the actions taken by the Department of Defense to ensure ready access of TRICARE Standard beneficiaries to health care and mental health care under TRICARE Standard in each TRICARE area, including any pending or resolved requests for waiver of payment limits in order to improve access to health care or mental health care in a specific geographic area.

(2) REPORTS.—The Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives on a bi-annual basis a report on the results of the review under paragraph (1). Each report shall include the following:

(A) An analysis of the adequacy of the surveys under subsection (a).

(B) An identification of any impediments to achieving adequacy of availability of health care and mental health care under TRICARE Standard or TRICARE Extra.

(C) An assessment of the adequacy of Department of Defense education programs to inform health care and mental health care providers about TRICARE Standard and TRICARE Extra.

(D) An assessment of the adequacy of Department of Defense initiatives to encourage health care and mental health care providers to accept patients under TRICARE Standard and TRICARE Extra.

(E) An assessment of the adequacy of information available to TRICARE Standard beneficiaries to facilitate access by such beneficiaries to health care and mental health care under TRICARE Standard and TRICARE Extra.

(F) An assessment of any need for adjustment of health care and mental health care provider payment rates to attract participation in TRICARE Standard by appropriate numbers of health care and mental health care providers.

(G) An assessment of the adequacy of Department of Defense programs to inform members of the Selected Reserve about the TRICARE Reserve Select program.

(H) An assessment of the ability of TRICARE Reserve Select beneficiaries to receive care in their geographic area.

(c) EFFECTIVE DATE.—This section shall take effect on October 1, 2007.

(d) REPEAL OF SUPERSEDED REQUIREMENTS AND AUTHORITY.—Section 723 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 1073 note) is repealed, effective as of October 1, 2007.

(e) DEFINITIONS.—In this section:

(1) The term "TRICARE Extra" means the option of the TRICARE program under which TRICARE Standard beneficiaries may obtain discounts on cost-sharing as a result of using TRICARE network providers.

(2) The term "TRICARE Prime" means the managed care option of the TRICARE program.

(3) The term "TRICARE Prime service area" means a geographic area designated by the Department of Defense in which managed care support contractors develop a managed care network under TRICARE Prime.

(4) The term "TRICARE Standard" means the option of the TRICARE program that is also known as the Civilian Health and Medical Program of the Uniformed Services, as defined in section 1072(4) of title 10, United States Code.

(5) The term "TRICARE Reserve Select" means the option of the TRICARE program that allows members of the Selected Reserve to enroll in TRICARE Standard, pursuant to section 1076d of title 10, United States Code.

(6) The term "member of the Selected Reserve" means a member of the Selected Reserve of the Ready Reserve of a reserve component of the Armed Forces.

(7) The term "United States" means the United States (as defined in section 101(a) of title 10, United States Code), its possessions (as defined in such section), and the Commonwealth of Puerto Rico.

SEC. 712. REPORT ON TRAINING IN PRESERVATION OF REMAINS UNDER COMBAT OR COMBAT-RELATED CONDITIONS.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the requirements of section 567 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2224; 10 U.S.C. 1481 note).

(b) MATTERS COVERED.—The report shall include a detailed description of the implementation of such section, including—

(1) where the training program is taking place;

(2) who is providing the training;

(3) the number of each type of military health care professional trained to date; and

(4) what the training covers.

(c) DEADLINE.—The report required by this section shall be submitted not later than 180 days after the date of the enactment of this Act.

SEC. 713. REPORT ON PATIENT SATISFACTION SURVEYS.

(a) REPORT REQUIRED.—Not later than March 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the ongoing patient satisfaction surveys taking place in Department of Defense inpatient and outpatient settings at military treatment facilities.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) The types of survey questions asked.

(2) How frequently the surveying is conducted.

(3) How often the results are analyzed and reported back to the treatment facilities.

(4) To whom survey feedback is made available.

(5) How best practices are incorporated for quality improvement.

(6) An analysis of the effect of inpatient and outpatient surveys on quality improvement and a comparison of patient satisfaction survey programs with patient satisfaction survey programs used by other public and private health care systems and organizations.

(c) USE OF REPORT INFORMATION.—The Secretary shall use information in the report as the basis for a plan for improvements in patient satisfaction surveys used to assess health care at military treatment facilities in order to ensure the provision of high quality health care and hospital services in such facilities.

SEC. 714. REPORT ON MEDICAL PHYSICAL EXAMINATIONS OF MEMBERS OF THE ARMED FORCES BEFORE THEIR DEPLOYMENT.

Not later than April 1, 2008, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the following:

(1) A comparison of the policies of the military departments concerning medical physical examinations of members of the Armed Forces before their deployment, including an identification of instances in which a member (including a member of a reserve component) may be required to undergo multiple physical examinations, from the time of notification of an upcoming deployment through the period of preparation for deployment.

(2) An assessment of the current policies related to, as well as the feasibility of, each of the following:

(A) A single predeployment physical examination for members of the Armed Forces before their deployment.

(B) A single system for tracking electronically the results of examinations under subparagraph (A) that can be shared among the military departments and thereby eliminate redundancy of medical physical examinations for members of the Armed Forces before their deployment.

SEC. 715. REPORT AND STUDY ON MULTIPLE VACCINATIONS OF MEMBERS OF THE ARMED FORCES.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the policies of the Department of Defense for administering and evaluating the vaccination of members of the Armed Forces.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the Department's policies governing the administration of multiple vaccinations in a 24-hour period, including the procedures providing for a full review of an individual's medical history prior to the administration of multiple vaccinations, and whether such policies and procedures differ for members of the Armed Forces on active duty and members of reserve components.

(2) An assessment of how the Department's policies on multiple vaccinations in a 24-hour period conform to current regulations of the Food and Drug Administration and research performed or being performed by the Centers for Disease Control, other non-military Federal agencies, and non-Federal institutions on multiple vaccinations in a 24-hour period.

(3) An assessment of the Department's procedures for initiating investigations of deaths of members of the Armed Forces in which vaccinations may have played a role, including whether such investigations can be requested by family members of the deceased individuals.

(4) The number of deaths of members of the Armed Forces since May 18, 1998, that the Department has investigated for the potential role of vaccine administration, including both the number of deaths investigated that was alleged to have involved more than one vaccine administered in a given 24-hour period and the number of deaths investigated that was determined to have involved more than one vaccine administered in a given 24-hour period.

(5) An assessment of the procedures for providing the Adjutants General of the various States and territories with up-to-date information on the effectiveness and potential allergic reactions and side effects of vaccines required to be taken by National Guard members.

(6) An assessment of whether procedures are in place to provide that the Adjutants General of the various States and territories retain updated medical records of each National Guard member called up for active duty.

SEC. 716. REVIEW OF GENDER- AND ETHNIC GROUP-SPECIFIC MENTAL HEALTH SERVICES AND TREATMENT FOR MEMBERS OF THE ARMED FORCES.

(a) COMPREHENSIVE REVIEW.—The Secretary of Defense shall conduct a comprehensive review of—

(1) the need for gender- and ethnic group-specific mental health treatment and services for members of the Armed Forces; and

(2) the efficacy and adequacy of existing gender- and ethnic group-specific mental health treatment programs and services for members of the Armed Forces, to include availability of and access to such programs.

(b) ELEMENTS.—The review required by subsection (a) shall include, but not be limited to, an assessment of the following:

(1) The need for gender- and ethnic group-specific mental health outreach, prevention, and treatment services for members of the Armed Forces.

(2) The access to and efficacy of existing gender- and ethnic group-specific mental health outreach, prevention, and treatment services and programs (including substance abuse programs).

(3) The availability of gender- and ethnic group-specific services and treatment for members of the Armed Forces who experienced sexual assault or abuse.

(4) The access to and need for treatment facilities focusing on the gender- and ethnic group-specific mental health care needs of members of the Armed Forces.

(5) The need for further clinical research on the gender- and ethnic group-specific needs of members of the Armed Forces who served in a combat zone.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the review required by subsection (a).

SEC. 717. LICENSED MENTAL HEALTH COUNSELORS AND THE TRICARE PROGRAM.

(a) REGULATIONS.—The Secretary of Defense shall prescribe regulations to establish criteria that licensed or certified mental health counselors shall meet in order to be able to independently provide care to TRICARE beneficiaries and receive payment under the TRICARE program for such services. The criteria shall include requirements for education level, licensure, certification, and clinical experience as considered appropriate by the Secretary.

(b) STUDY REQUIRED.—The Secretary of Defense shall enter into a contract with the Institute of Medicine of the National Academy of Sciences, or another similarly qualified independent academic medical organization, for the purpose of—

(1) conducting an independent study of the credentials, preparation, and training of individuals practicing as licensed mental health counselors; and

(2) making recommendations for permitting licensed mental health counselors to practice independently under the TRICARE program.

(c) ELEMENTS OF STUDY.—

(1) EDUCATIONAL REQUIREMENTS.—The study required by subsection (b) shall provide for an assessment of the educational requirements and curricula relevant to mental health practice for licensed mental health counselors, including types of degrees recognized, certification standards for graduate programs for such profession, and recognition of undergraduate coursework for completion of graduate degree requirements.

(2) LICENSING REQUIREMENTS.—The study required by subsection (b) shall provide for an assessment of State licensing requirements for licensed mental health counselors, including for each level of licensure if a State issues more than one type of license for the profession. The assessment shall examine requirements in the areas of education, training, examination, continuing education, and ethical standards, and shall include an evaluation of the extent to which States authorize members of the licensed mental health counselor profession to diagnose and treat mental illnesses.

(3) CLINICAL EXPERIENCE REQUIREMENTS.—The study required by subsection (b) shall provide for an analysis of the requirements for clinical experience for a licensed mental health counselor to be recognized under regulations for the TRICARE program, and recommendations, if any, for standardization or adjustment of such requirements.

(4) INDEPENDENT PRACTICE UNDER OTHER FEDERAL PROGRAMS.—The study required by subsection (b) shall provide for an assessment of the extent to which licensed mental health counselors are authorized to practice independently under other Federal programs (such as the Medicare program, the Department of Veterans Affairs, the Indian Health Service, and Head Start), and a review of the relationship, if any, between recognition of mental health professions under the Medicare program and independent practice authority for such profession under the TRICARE program.

(5) INDEPENDENT PRACTICE UNDER FEHBP.—The study required by subsection (b) shall provide for an assessment of the extent to which licensed mental health counselors are authorized to practice independently under the Federal Employee Health Benefits Program and private insurance plans. The assessment shall identify the States having laws requiring private insurers to cover, or offer coverage of, the services of members of licensed mental health counselors and shall identify the conditions, if any, that are placed on coverage of practitioners under the profession by insurance plans and how frequently these types of conditions are used by insurers.

(6) HISTORICAL REVIEW OF REGULATIONS.—The study required by subsection (b) shall provide for a review of the history of regulations prescribed by the Department of Defense regarding which members of the mental health profession are recognized as providers under the TRICARE program as independent practitioners, and an examination of the recognition by the Department of third-party certification for members of such profession.

(7) CLINICAL CAPABILITIES STUDIES.—The study required by subsection (b) shall include a review of outcome studies and of the literature regarding the comparative quality and effectiveness of care provided by licensed mental health counselors and provide an independent review of the findings.

(d) RECOMMENDATIONS FOR TRICARE INDEPENDENT PRACTICE AUTHORITY.—The recommendations provided under subsection (b)(2) shall include recommendations regarding modifications of current policy for the TRICARE program with respect to allowing licensed mental health counselors to practice independently under the TRICARE program.

(e) REPORT.—Not later than March 1, 2009, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review required by subsection (b).

SEC. 718. REPORT ON FUNDING OF THE DEPARTMENT OF DEFENSE FOR HEALTH CARE.

(a) REPORT.—If the President submits to Congress the budget for a fiscal year under section 1105 of title 31, United States Code, and the aggregate amount included in that budget for the Department of Defense for health care for such fiscal year is less than the aggregate amount provided by Congress for the Department for health care for the preceding fiscal year, and, in the case of the Department, the total allocation from the Defense Health Program to any military department is less than the total of such allocation in the preceding fiscal year, the President shall submit to Congress a report on—

(1) the reasons for the determination that inclusion of a lesser aggregate amount or allocation to any military department is in the national interest; and

(2) the anticipated effects of the inclusion of such lesser aggregate amount or allocation to any military department on the access to and delivery of medical and support services to members of the Armed Forces and their family members.

(b) TERMINATION.—The section shall not be in effect after December 31, 2017.

Subtitle C—Other Matters

SEC. 721. PROHIBITION ON CONVERSION OF MILITARY MEDICAL AND DENTAL POSITIONS TO CIVILIAN MEDICAL AND DENTAL POSITIONS.

(a) PROHIBITION.—The Secretary of a military department may not convert any military medical or dental position to a civilian medical or dental position during the period beginning on October 1, 2007, and ending on September 30, 2012.

(b) RESTORATION OF CERTAIN POSITIONS TO MILITARY POSITIONS.—In the case of any military medical or dental position that is converted to a civilian medical or dental position during the period beginning on October 1, 2004, and ending on September 30, 2008, if the position is not filled by a civilian by September 30, 2008, the Secretary of the military department concerned shall restore the position to a military medical or dental position that can be filled only by a member of the Armed Forces who is a health professional.

(c) REPORT.—

(1) REQUIREMENT.—The Secretary of Defense shall submit to the congressional defense committees a report on conversions made during fiscal year 2007 not later than 180 days after the enactment of this Act.

(2) MATTERS COVERED.—The report shall include the following:

(A) The number of military medical or dental positions, by grade or band and specialty, converted to civilian medical or dental positions.

(B) The results of a market survey in each affected area of the availability of civilian medical and dental care providers in such area in order to determine whether there were civilian medical and dental care providers available in such area adequate to fill the civilian positions created by the conversion of military medical and dental positions to civilian positions in such area.

(C) An analysis, by affected area, showing the extent to which access to health care and cost of health care was affected in both the direct care and purchased care systems, including an assessment of the effect of any increased shifts in patient load from the direct care to the purchased care system, or any delays in receipt of care in either the direct or purchased care system because of the conversions.

(D) The extent to which military medical and dental positions converted to civilian medical or dental positions affected recruiting and retention of uniformed medical and dental personnel.

(E) A comparison of the full costs for the military medical and dental positions converted with the full costs for civilian medical and dental positions, including expenses such as recruiting, salary, benefits, training, and any other costs the Department identifies.

(F) An assessment showing that the military medical or dental positions converted were in excess of the military medical and dental positions needed to meet medical and dental readiness requirements of the uniformed services, as determined jointly by all the uniformed services.

(d) DEFINITIONS.—In this section:

(1) The term "military medical or dental position" means a position for the performance of health care functions within the Armed Forces held by a member of the Armed Forces.

(2) The term "civilian medical or dental position" means a position for the performance of health care functions within the Department of Defense held by an employee of the Department or of a contractor of the Department.

(3) The term "uniformed services" has the meaning given that term in section 1072(1) of title 10, United States Code.

(4) The term "conversion", with respect to a military medical or dental position, means a change of the position to a civilian medical or dental position, effective as of the date of the manning authorization document of the military department making the change (through a change in designation from military to civilian in the document, the elimination of the listing of the position as a military position in the document, or through any other means indicating the change in the document or otherwise).

(e) REPEAL.—Section 742 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2306) is repealed.

SEC. 722. ESTABLISHMENT OF JOINT PATHOLOGY CENTER.

(a) FINDINGS.—Congress makes the following findings:

(1) The Secretary of Defense proposed to disestablish all elements of the Armed Forces Institute of Pathology, except the National Medical Museum and the Tissue Repository, as part of the recommendations of the Secretary for the closure of Walter Reed Army Medical Center in the 2005 round of defense base closure and realignment.

(2) The Defense Base Closure and Realignment Commission altered, but did not reject, the proposal of the Secretary of Defense to disestablish the Armed Forces Institute of Pathology.

(3) The Commission's recommendation that the Armed Forces Institute of Pathology's "capabilities not specified in this recommendation will be absorbed into other DOD, Federal, or civilian facilities" provides the flexibility to retain a Joint Pathology Center as a Department of Defense or Federal entity.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Armed Forces Institute of Pathology has provided important medical benefits to the Armed Forces and to the United States and that the Federal Government should retain a Joint Pathology Center.

(c) ESTABLISHMENT.—

(1) ESTABLISHMENT REQUIRED.—The President shall establish and maintain a Joint Pathology Center that shall function as the reference center in pathology for the Federal Government.

(2) ESTABLISHMENT WITHIN DOD.—Except as provided in paragraph (3), the Joint Pathology Center shall be established in the Department of Defense, consistent with the final recommendations of the 2005 Defense Base Closure and Realignment Commission, as approved by the President.

(3) ESTABLISHMENT IN ANOTHER DEPARTMENT.—If the President makes a determination, within 180 days after the date of the enactment of this Act, that the Joint Pathology Center cannot be established in the Department of Defense, the Joint Pathology Center shall be established as an element of a Federal agency other than the Department of Defense. The President shall incorporate the selection of such agency into the determination made under this paragraph.

(d) SERVICES.—The Joint Pathology Center shall provide, at a minimum, the following:

(1) Diagnostic pathology consultation services in medicine, dentistry, and veterinary sciences.

(2) Pathology education, to include graduate medical education, including residency and fellowship programs, and continuing medical education.

(3) Diagnostic pathology research.

(4) Maintenance and continued modernization of the Tissue Repository and, as appropriate, utilization of the Repository in conducting the activities described in paragraphs (1) through (3).

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Sec. 800. Short title.

Subtitle A—Acquisition Policy and Management

Sec. 801. Internal controls for procurements on behalf of the Department of Defense by certain non-Defense agencies.
Sec. 802. Lead systems integrators.
Sec. 803. Reinvestment in domestic sources of strategic materials.
Sec. 804. Clarification of the protection of strategic materials critical to national security.
Sec. 805. Procurement of commercial services.
Sec. 806. Specification of amounts requested for procurement of contract services.
Sec. 807. Inventories and reviews of contracts for services.
Sec. 808. Independent management reviews of contracts for services.
Sec. 809. Implementation and enforcement of requirements applicable to undefinitized contractual actions.
Sec. 810. Clarification of limited acquisition authority for Special Operations Command.

Subtitle B—Provisions Relating to Major Defense Acquisition Programs

Sec. 811. Requirements applicable to multiyear contracts for the procurement of major systems of the Department of Defense.
Sec. 812. Changes to Milestone B certifications.
Sec. 813. Comptroller General report on Department of Defense organization and structure for major defense acquisition programs.
Sec. 814. Clarification of submission of cost or pricing data on noncommercial modifications of commercial items.
Sec. 815. Clarification of rules regarding the procurement of commercial items.
Sec. 816. Review of systemic deficiencies on major defense acquisition programs.
Sec. 817. Investment strategy for major defense acquisition programs.
Sec. 818. Report on implementation of recommendations on total ownership cost for major weapon systems.

Subtitle C—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 821. Plan for restricting Government-unique contract clauses on commercial contracts.
Sec. 822. Extension of authority for use of simplified acquisition procedures for certain commercial items.
Sec. 823. Five-year extension of authority to carry out certain prototype projects.
Sec. 824. Exemption of Special Operations Command from certain requirements for certain contracts relating to vessels, aircraft, and combat vehicles.
Sec. 825. Provision of authority to maintain equipment to unified combatant command for joint warfighting.
Sec. 826. Market research.
Sec. 827. Modification of competition requirements for purchases from Federal Prison Industries.
Sec. 828. Multiyear contract authority for electricity from renewable energy sources.
Sec. 829. Procurement of fire resistant rayon fiber for the production of uniforms from foreign sources.
Sec. 830. Comptroller General review of noncompetitive awards of congressional and executive branch interest items.

Subtitle D—Accountability in Contracting

Sec. 841. Commission on Wartime Contracting in Iraq and Afghanistan.
Sec. 842. Investigation of waste, fraud, and abuse in wartime contracts and contracting processes in Iraq and Afghanistan.
Sec. 843. Enhanced competition requirements for task and delivery order contracts.
Sec. 844. Public disclosure of justification and approval documents for noncompetitive contracts.
Sec. 845. Disclosure of government contractor audit findings.
Sec. 846. Protection for contractor employees from reprisal for disclosure of certain information.
Sec. 847. Requirements for senior Department of Defense officials seeking employment with defense contractors.
Sec. 848. Report on contractor ethics programs of Major Defense contractors.
Sec. 849. Contingency contracting training for personnel outside the acquisition workforce and evaluations of Army Commission recommendations.

Subtitle E—Acquisition Workforce Provisions

Sec. 851. Requirement for section on defense acquisition workforce in strategic human capital plan.
Sec. 852. Department of Defense Acquisition Workforce Development Fund.
Sec. 853. Extension of authority to fill shortage category positions for certain Federal acquisition positions.
Sec. 854. Repeal of sunset of acquisition workforce training fund.
Sec. 855. Federal acquisition workforce improvements.

Subtitle F—Contracts in Iraq and Afghanistan

Sec. 861. Memorandum of understanding on matters relating to contracting.
Sec. 862. Contractors performing private security functions in areas of combat operations.
Sec. 863. Comptroller General reviews and reports on contracting in Iraq and Afghanistan.
Sec. 864. Definitions and other general provisions.

Subtitle G—Defense Materiel Readiness Board

Sec. 871. Establishment of Defense Materiel Readiness Board.
Sec. 872. Critical materiel readiness shortfalls.

Subtitle H—Other Matters

Sec. 881. Clearinghouse for rapid identification and dissemination of commercial information technologies.
Sec. 882. Authority to license certain military designations and likenesses of weapons systems to toy and hobby manufacturers.
Sec. 883. Modifications to limitation on contracts to acquire military flight simulator.
Sec. 884. Requirements relating to waivers of certain domestic source limitations relating to specialty metals.
Sec. 885. Telephone services for military personnel serving in combat zones.
Sec. 886. Enhanced authority to acquire products and services produced in Iraq and Afghanistan.
Sec. 887. Defense Science Board review of Department of Defense policies and procedures for the acquisition of information technology.
Sec. 888. Green procurement policy.
Sec. 889. Comptroller General review of use of authority under the Defense Production Act of 1950.
Sec. 890. Prevention of export control violations.
Sec. 891. Procurement goal for Native Hawaiian-serving institutions and Alaska Native-serving institutions.
Sec. 892. Competition for procurement of small arms supplied to Iraq and Afghanistan.

SEC. 800. SHORT TITLE.

This title may be cited as the "Acquisition Improvement and Accountability Act of 2007".

Subtitle A—Acquisition Policy and Management

SEC. 801. INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE BY CERTAIN NON-DEFENSE AGENCIES.

(a) INSPECTORS GENERAL REVIEWS AND DETERMINATIONS.—

(1) IN GENERAL.—For each covered non-defense agency, the Inspector General of the Department of Defense and the Inspector General of such covered non-defense agency shall, not later than the date specified in paragraph (2), jointly—

(A) review—

(i) the procurement policies, procedures, and internal controls of such covered non-defense agency that are applicable to the procurement of property and services on behalf of the Department by such covered non-defense agency; and

(ii) the administration of such policies, procedures, and internal controls; and

(B) determine in writing whether such covered non-defense agency is or is not compliant with defense procurement requirements.

(2) DEADLINE FOR REVIEWS AND DETERMINATIONS.—The reviews and determinations required by paragraph (1) shall take place as follows:

(A) In the case of the General Services Administration, by not later than March 15, 2010.

(B) In the case of each of the Department of the Treasury, the Department of the Interior, and the National Aeronautics and Space Administration, by not later than March 15, 2011.

(C) In the case of each of the Department of Veterans Affairs and the National Institutes of Health, by not later than March 15, 2012.

(3) SEPARATE REVIEWS AND DETERMINATIONS.—The Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency may by joint agreement conduct separate reviews of the procurement of property and services on behalf of the Department of Defense that are conducted by separate business units, or under separate government-wide acquisition contracts, of the covered non-defense agency. If such separate reviews are conducted, the Inspectors General shall make a separate determination under paragraph (1)(B) with respect to each such separate review.

(4) MEMORANDA OF UNDERSTANDING FOR REVIEWS AND DETERMINATIONS.—Not later than one year before a review and determination is required under this subsection with respect to a covered non-defense agency, the Inspector General of the Department of Defense and the Inspector General of the covered non-defense agency shall enter into a memorandum of understanding with each other to carry out such review and determination.

(5) TERMINATION OF NON-COMPLIANCE DETERMINATION.—If the Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency determine, pursuant to paragraph (1)(B), that a covered non-defense agency is not compliant with defense procurement requirements, the Inspectors General shall terminate such a determination effective on the date on which the Inspectors General jointly—

(A) determine that the non-defense agency is compliant with defense procurement requirements; and

(B) notify the Secretary of Defense of that determination.

(6) RESOLUTION OF DISAGREEMENTS.—If the Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency are unable to agree on a joint determination under this subsection, a determination by the Inspector General of the Department of Defense under this subsection shall be conclusive for the purposes of this section.

(b) LIMITATION ON PROCUREMENTS ON BEHALF OF DEPARTMENT OF DEFENSE.—

(1) Except as provided in paragraph (2), an acquisition official of the Department of Defense may place an order, make a purchase, or otherwise procure property or services for the Department of Defense in excess of the simplified acquisition threshold through a non-defense agency only if—

(A) in the case of a procurement by any non-defense agency in any fiscal year, the head of the non-defense agency has certified that the non-defense agency will comply with defense procurement requirements for the fiscal year;

(B) in the case of—

(i) a procurement by a covered non-defense agency in a fiscal year for which a memorandum of understanding is required by subsection (a)(4), the Inspector General of the Department of Defense and the Inspector General of the covered non-defense agency have entered into such a memorandum of understanding; or

(ii) a procurement by a covered non-defense agency in a fiscal year following the Inspectors General review and determination required by subsection (a), the Inspectors General have determined that a covered non-defense agency is compliant with defense procurement requirements or have terminated a prior determination of non-compliance in accordance with subsection (a)(5); and

(C) the procurement is not otherwise prohibited by section 817 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364) or section 811 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163).

(2) EXCEPTION FOR PROCUREMENTS OF NECESSARY PROPERTY AND SERVICES.—

(A) IN GENERAL.—The limitation in paragraph (1) shall not apply to the procurement of property and services on behalf of the Department of Defense by a non-defense agency during any fiscal year for which there is in effect a written determination of the Under Secretary of Defense for Acquisition, Technology, and Logistics that it is necessary in the interest of the Department of Defense to procure property and services through the non-defense agency during such fiscal year.

(B) SCOPE OF PARTICULAR EXCEPTION.—A written determination with respect to a non-defense agency under subparagraph (A) shall apply to any category of procurements through the non-defense agency that is specified in the determination.

(c) GUIDANCE ON INTERAGENCY CONTRACTING.—

(1) REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall issue guidance on the use of interagency contracting by the Department of Defense.

(2) MATTERS COVERED.—The guidance required by paragraph (1) shall address the circumstances in which it is appropriate for Department of Defense acquisition officials to procure goods or services through a contract entered into by an agency outside the Department of Defense. At a minimum, the guidance shall address—

(A) the circumstances in which it is appropriate for such acquisition officials to use direct acquisitions;

(B) the circumstances in which it is appropriate for such acquisition officials to use assisted acquisitions;

(C) the circumstances in which it is appropriate for such acquisition officials to use interagency contracting to acquire items unique to the Department of Defense and the procedures for approving such interagency contracting;

(D) the circumstances in which it is appropriate for such acquisition officials to use interagency contracting to acquire items that are already being provided under a contract awarded by the Department of Defense;

(E) tools that should be used by such acquisition officials to determine whether items are already being provided under a contract awarded by the Department of Defense; and

(F) procedures for ensuring that defense procurement requirements are identified and communicated to outside agencies involved in interagency contracting.

(d) Compliance With Defense Procurement Requirements.—For the purposes of this section, a non-defense agency is compliant with defense procurement requirements if the procurement policies, procedures, and internal controls of the non-defense agency applicable to the procurement of products and services on behalf of the Department of Defense, and the manner in which they are administered, are adequate to ensure the compliance of the non-defense agency with the requirements of laws and regulations (including applicable Department of Defense financial management regulations) that apply to procurements of property and services made directly by the Department of Defense.

(e) Treatment of Procurements for Fiscal Year Purposes.—For the purposes of this section, a procurement shall be treated as being made during a particular fiscal year to the extent that funds are obligated by the Department of Defense for the procurement in that fiscal year.

(f) Definitions.—In this section:

(1) Non-defense agency.—The term "non-defense agency" means any department or agency of the Federal Government other than the Department of Defense. Such term includes a covered non-defense agency.

(2) Covered non-defense agency.—The term "covered non-defense agency" means each of the following:

(A) The General Services Administration.

(B) The Department of the Treasury.

(C) The Department of the Interior.

(D) The National Aeronautics and Space Administration.

(E) The Department of Veterans Affairs.

(F) The National Institutes of Health.

(3) Government-wide acquisition contract.—The term "government-wide acquisition contract" means a task or delivery order contract that—

(A) is entered into by a non-defense agency; and

(B) may be used as the contract under which property or services are procured for one or more other departments or agencies of the Federal Government.

(4) Simplified acquisition threshold.—The term "simplified acquisition threshold" has the meaning provided by section 2302(7) of title 10, United States Code.

(5) Interagency contracting.—The term "interagency contracting" means the exercise of the authority under section 1535 of title 31, United States Code, or other statutory authority, for Federal agencies to purchase goods and services under contracts entered into or administered by other agencies.

(6) Acquisition official.—The term "acquisition official", with respect to the Department of Defense, means—

(A) a contracting officer of the Department of Defense; or

(B) any other Department of Defense official authorized to approve a direct acquisition or an assisted acquisition on behalf of the Department of Defense.

(7) Direct acquisition.—The term "direct acquisition", with respect to the Department of Defense, means the type of interagency contracting through which the Department of Defense orders an item or service from a government-wide acquisition contract maintained by a non-defense agency.

(8) Assisted acquisition.—The term "assisted acquisition", with respect to the Department of Defense, means the type of interagency contracting through which acquisition officials of a non-defense agency award a contract or task or delivery order for the procurement of goods or services on behalf of the Department of Defense.

SEC. 802. LEAD SYSTEMS INTEGRATORS.

(a) Prohibitions on the Use of Lead Systems Integrators.—

(1) Prohibition on new lead systems integrators.—Effective October 1, 2010, the Department of Defense may not award a new contract for lead systems integrator functions in the acquisition of a major system to any entity that was not performing lead systems integrator functions in the acquisition of the major system prior to the date of the enactment of this Act.

(2) Prohibition on lead systems integrators beyond low-rate initial production.—Effective on the date of the enactment of this Act, the Department of Defense may award a new contract for lead systems integrator functions in the acquisition of a major system only if—

(A) the major system has not yet proceeded beyond low-rate initial production; or

(B) the Secretary of Defense determines in writing that it would not be practicable to carry out the acquisition without continuing to use a contractor to perform lead systems integrator functions and that doing so is in the best interest of the Department.

(3) Requirements relating to determinations.—A determination under paragraph (2)(B)—

(A) shall specify the reasons why it would not be practicable to carry out the acquisition without continuing to use a contractor to perform lead systems integrator functions (including a discussion of alternatives, such as the use of the Department of Defense workforce, or a system engineering and technical assistance contractor);

(B) shall include a plan for phasing out the use of contracted lead systems integrator functions over the shortest period of time consistent with the interest of the national defense;

(C) may not be delegated below the level of the Under Secretary of Defense for Acquisition, Technology, and Logistics; and

(D) shall be provided to the Committees on Armed Services of the Senate and the House of Representatives at least 45 days before the award of a contract pursuant to the determination.

(b) Acquisition Workforce.—

(1) Requirement.—The Secretary of Defense shall ensure that the acquisition workforce is of the appropriate size and skill level necessary—

(A) to accomplish inherently governmental functions related to acquisition of major systems; and

(B) to effectuate the purpose of subsection (a) to minimize and eventually eliminate the use of contractors to perform lead systems integrator functions.

(2) Report.—The Secretary shall include an update on the progress made in complying with paragraph (1) in the annual report required by section 820 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2330).

(c) Exception for Contracts for Other Management Services.—The Department of Defense may continue to award contracts for the procurement of services the primary purpose of which is to perform acquisition support functions with respect to the development or production of a major system, if the following conditions are met with respect to each such contract:

(1) The contract prohibits the contractor from performing inherently governmental functions.

(2) The Department of Defense organization responsible for the development or production of the major system ensures that Federal employees are responsible for—

(A) determining courses of action to be taken in the best interest of the government; and

(B) determining best technical performance for the warfighter.

(3) The contract requires that the prime contractor for the contract may not advise or recommend the award of a contract or subcontract for the development or production of the major system to an entity owned in whole or in part by the prime contractor.

(d) Definitions.—In this section:

(1) Lead systems integrator.—The term "lead systems integrator" means—

(A) a prime contractor for the development or production of a major system, if the prime contractor is not expected at the time of award to perform a substantial portion of the work on the system and the major subsystems; or

(B) a prime contractor under a contract for the procurement of services the primary purpose of which is to perform acquisition functions closely associated with inherently governmental functions with respect to the development or production of a major system.

(2) Major system.—The term "major system" has the meaning given such term in section 2302d of title 10, United States Code.

(3) Low-rate initial production.—The term "low-rate initial production" has the meaning given such term in section 2400 of title 10, United States Code.

SEC. 803. REINVESTMENT IN DOMESTIC SOURCES OF STRATEGIC MATERIALS.

(a) Assessment Required.—Not later than 180 days after the date of the enactment of this Act, the Strategic Materials Protection Board established pursuant to section 187 of title 10, United States Code, shall perform an assessment of the extent to which domestic producers of strategic materials are investing and planning to invest on a sustained basis in the processes, infrastructure, workforce training, and facilities required for the continued domestic production of such materials to meet national defense requirements.

(b) Cooperation of Domestic Producers.—The Department of Defense may take into consideration the degree of cooperation of any domestic producer of strategic materials with the assessment conducted under subsection (a) when determining how much weight to accord any comments provided by such domestic producer regarding a proposed waiver of domestic source limitations pursuant to section 2533b of title 10, United States Code.

(c) Report to Congressional Defense Committees.—The Board shall include the findings and recommendations of the assessment required by subsection (a) in the first report submitted to Congress pursuant to section 187(d) of title 10, United States Code, after the completion of such assessment.

(d) Definition.—The term "strategic material" means—

(1) a material designated as critical to national security by the Strategic Materials Protection Board in accordance with section 187 of title 10, United States Code; or

(2) a specialty metal as defined by section 2533b of title 10, United States Code.

SEC. 804. CLARIFICATION OF THE PROTECTION OF STRATEGIC MATERIALS CRITICAL TO NATIONAL SECURITY.

(a) Prohibition.—Subsection (a) of section 2533b of title 10, United States Code, is amended—

(1) by striking "Except as provided in subsections (b) through (j), funds appropriated or otherwise available to the Department of Defense may not be used for the procurement of—" and inserting "Except as provided in subsections (b) through (m), the acquisition by the Department of Defense of the following items is prohibited:";

(2) in paragraph (1)—

(A) by striking "the following" and inserting "The following"; and

(B) by striking "; or" and inserting a period; and

(3) in paragraph (2), by striking "a speciality" and inserting "A specialty".

(b) Applicability to Acquisition of Commercial Items.—Subsection (h) of such section is amended to read as follows:

"(h) Applicability to Acquisitions of Commercial Items.—(1) Except as provided in paragraphs (2) and (3), this section applies to acquisitions of commercial items, notwithstanding sections 34 and 35 of the Office of Federal Procurement Policy Act (41 U.S.C. 430 and 431).

"(2) This section does not apply to contracts or subcontracts for the acquisition of commercially available off-the-shelf items, as defined in section 35(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 431(c)), other than—

"(A) contracts or subcontracts for the acquisition of specialty metals, including mill products, such as bar, billet, slab, wire, plate and sheet, that have not been incorporated into end items, subsystems, assemblies, or components;

"(B) contracts or subcontracts for the acquisition of forgings or castings of specialty metals, unless such forgings or castings are incorporated into commercially available off-the-shelf end items, subsystems, or assemblies;

"(C) contracts or subcontracts for commercially available high performance magnets unless such high performance magnets are incorporated into commercially available off-the-shelf-end items or subsystems; and

"(D) contracts or subcontracts for commercially available off-the-shelf fasteners, unless such fasteners are—

"(i) incorporated into commercially available off-the-shelf end items, subsystems, assemblies, or components; or

"(ii) purchased as provided in paragraph (3).

"(3) This section does not apply to fasteners that are commercial items that are purchased under a contract or subcontract with a manufacturer of such fasteners, if the manufacturer has certified that it will purchase, during the relevant calendar year, an amount of domestically melted specialty metal, in the required form, for use in the production of such fasteners for sale to the Department of Defense and other customers, that is not less than 50 percent of the total amount of the specialty metal that it will purchase to carry out the production of such fasteners.".

(c) Electronic Components.—Subsection (g) of such section is amended by striking "commercially available" and all that follows through the end of the subsection and inserting "electronic components, unless the Secretary of Defense, upon the recommendation of the Strategic Materials Protection Board pursuant to section 187 of this title, determines that the domestic availability of a particular electronic component is critical to national security.".

(d) Additional Exceptions.—Section 2533b of title 10, United States Code, as amended by subsections (a), (b), and (c), is further amended—

(1) by redesignating subsections (i) and (j) as subsections (l) and (m), respectively; and

(2) by inserting after subsection (h) the following new subsections:

"(i) Exceptions for Purchases of Specialty Metals Below Minimum Threshold.—(1) Notwithstanding subsection (a), the Secretary of Defense or the Secretary of a military department may accept delivery of an item containing specialty metals that were not melted in the United States if the total amount of noncompliant specialty metals in the item does not exceed 2 percent of the total weight of specialty metals in the item.

"(2) This subsection does not apply to high performance magnets.

"(j) Streamlined Compliance for Commercial Derivative Military Articles.—(1) Subsection (a) shall not apply to an item acquired under a prime contract if the Secretary of Defense or the Secretary of a military department determines that—

"(A) the item is a commercial derivative military article; and

"(B) the contractor certifies that the contractor and its subcontractors have entered into a contractual agreement, or agreements, to purchase an amount of domestically melted specialty metal in the required form, for use during the period of contract performance in the production of the commercial derivative military article and the related commercial article, that is not less than the greater of—

"(i) an amount equivalent to 120 percent of the amount of specialty metal that is required to carry out the production of the commercial derivative military article (including the work performed under each subcontract); or

"(ii) an amount equivalent to 50 percent of the amount of specialty metal that is purchased by the contractor and its subcontractors for use during such period in the production of the commercial derivative military article and the related commercial article.

"(2) For the purposes of this subsection, the amount of specialty metal that is required to carry out the production of the commercial derivative military article includes specialty metal contained in any item, including commercially available off-the-shelf items, incorporated into such commercial derivative military article.

"(k) National Security Waiver.—(1) Notwithstanding subsection (a), the Secretary of Defense may accept the delivery of an end item containing noncompliant materials if the Secretary determines in writing that acceptance of such end item is necessary to the national security interests of the United States.

"(2) A written determination under paragraph (1)—

"(A) may not be delegated below the level of the Deputy Secretary of Defense or the Under Secretary of Defense for Acquisition, Technology, and Logistics;

"(B) shall specify the quantity of end items to which the waiver applies and the time period over which the waiver applies; and

"(C) shall be provided to the congressional defense committees prior to making such a determination (except that in the case of an urgent national security requirement, such certification may be provided to the defense committees up to 7 days after it is made).

"(3)(A) In any case in which the Secretary makes a determination under paragraph (1), the Secretary shall determine whether or not the noncompliance was knowing and willful.

"(B) If the Secretary determines that the noncompliance was not knowing or willful, the Secretary shall ensure that the contractor or subcontractor responsible for the noncompliance develops and implements an effective plan to ensure future compliance.

"(C) If the Secretary determines that the noncompliance was knowing or willful, the Secretary shall—

"(i) require the development and implementation of a plan to ensure future compliance; and

"(ii) consider suspending or debarring the contractor or subcontractor until such time as the contractor or subcontractor has effectively addressed the issues that lead to such noncompliance.".

(e) Additional Definitions.—Subsection (m) of section 2533b of title 10, United States Code, as redesignated by subsection (c), is further amended by adding at the end the following:

"(3) The term 'acquisition' has the meaning provided in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

"(4) The term 'required form' shall not apply to end items or to their components at any tier. The term 'required form' means in the form of mill product, such as bar, billet, wire, slab, plate or sheet, and in the grade appropriate for the production of—

"(A) a finished end item delivered to the Department of Defense; or

"(B) a finished component assembled into an end item delivered to the Department of Defense.

"(5) The term 'commercially available off-the-shelf', has the meaning provided in section 35(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 431(c)).

"(6) The term 'assemblies' means items forming a portion of a system or subsystem that can be provisioned and replaced as an entity and which incorporates multiple, replaceable parts.

"(7) The term 'commercial derivative military article' means an item procured by the Department of Defense that is or will be produced using the same production facilities, a common supply chain, and the same or similar production processes that are used for the production of articles predominantly used by the general public or by nongovernmental entities for purposes other than governmental purposes.

"(8) The term 'subsystem' means a functional grouping of items that combine to perform a major function within an end item, such as electrical power, attitude control, and propulsion.

"(9) The term 'end item' means the final production product when assembled or completed, and ready for issue, delivery, or deployment.

"(10) The term 'subcontract' includes a subcontract at any tier.".

(f) CONFORMING AMENDMENTS.—Section 2533b of title 10, United States Code, is further amended—

(1) in subsection (c)—

(A) in the heading, by striking "PROCUREMENTS" and inserting "ACQUISITIONS"; and

(B) in paragraphs (1) and (2), by striking "Procurements" and inserting "Acquisitions";

(2) in subsection (d), by striking "procurement" each place it appears and inserting "acquisition"; and

(3) in subsections (f) and (g), by striking "procurements" each place it appears and inserting "acquisitions".

(g) IMPLEMENTATION.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations on the implementation of this section and the amendments made by this section, including specific guidance on how thresholds established in subsections (h)(3), (i) and (j) of section 2533b of title 10, United States Code, as amended by this section, should be implemented.

(h) REVISION OF DOMESTIC NONAVAILABILITY DETERMINATIONS AND RULES.—No later than 180 days after the date of the enactment of this Act, any domestic nonavailability determination under section 2533b of title 10, United States Code, including a class deviation, or rules made by the Department of Defense between December 6, 2006, and the date of the enactment of this Act, shall be reviewed and amended, as necessary, to comply with the amendments made by this section. This requirement shall not apply to a domestic nonavailability determination that applies to—

(1) an individual contract that was entered into before the date of the enactment of this Act; or

(2) an individual Department of Defense program, except to the extent that such domestic nonavailability determination applies to contracts entered into after the date of the enactment of this Act.

(i) TRANSPARENCY REQUIREMENT FOR COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEM EXCEPTION.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives, not later than December 30, 2008, a report on the use of authority provided under subsection (h) of section 2533b of title 10, United States Code, as amended by this section. Such report shall include, at a minimum, a description of types of items being procured as commercially available off-the-shelf items under such subsection and incorporated into noncommercial items. The Secretary shall submit an update of such report to such committees not later than December 30, 2009.

SEC. 805. PROCUREMENT OF COMMERCIAL SERVICES.

(a) REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this Act , the Secretary of Defense shall modify the regulations of the Department of Defense for the procurement of commercial services for or on behalf of the Department of Defense.

(b) APPLICABILITY OF COMMERCIAL PROCEDURES.—

(1) SERVICES OF A TYPE SOLD IN MARKETPLACE.—The regulations modified pursuant to subsection (a) shall ensure that services that are not offered and sold competitively in substantial quantities in the commercial marketplace, but are of a type offered and sold competitively in substantial quantities in the commercial marketplace, may be treated as commercial items for purposes of section 2306a of title 10, United States Code (relating to truth in negotiations), only if the contracting officer determines in writing that the offeror has submitted sufficient information to evaluate, through price analysis, the reasonableness of the price for such services.

(2) INFORMATION SUBMITTED.—To the extent necessary to make a determination under paragraph (1), the contracting officer may request the offeror to submit—

(A) prices paid for the same or similar commercial items under comparable terms and conditions by both government and commercial customers; and

(B) if the contracting officer determines that the information described in subparagraph (A) is not sufficient to determine the reasonableness of price, other relevant information regarding the basis for price or cost, including information on labor costs, material costs, and overhead rates.

(c) TIME-AND-MATERIALS CONTRACTS.—

(1) COMMERCIAL ITEM ACQUISITIONS.—The regulations modified pursuant to subsection (a) shall ensure that procedures applicable to time-and-materials contracts and labor-hour contracts for commercial item acquisitions may be used only for the following:

(A) Services procured for support of a commercial item, as described in section 4(12)(E) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)(E)).

(B) Emergency repair services.

(C) Any other commercial services only to the extent that the head of the agency concerned approves a determination in writing by the contracting officer that—

(i) the services to be acquired are commercial services as defined in section 4(12)(F) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)(F));

(ii) if the services to be acquired are subject to subsection (b), the offeror of the services has submitted sufficient information in accordance with that subsection;

(iii) such services are commonly sold to the general public through use of time-and-materials or labor-hour contracts; and

(iv) the use of a time-and-materials or labor-hour contract type is in the best interest of the Government.

(2) NON-COMMERCIAL ITEM ACQUISITIONS.—Nothing in this subsection shall be construed to preclude the use of procedures applicable to time-and-materials contracts and labor-hour contracts for non-commercial item acquisitions for the acquisition of any category of services.

SEC. 806. SPECIFICATION OF AMOUNTS REQUESTED FOR PROCUREMENT OF CONTRACT SERVICES.

(a) SPECIFICATION OF AMOUNTS REQUESTED.—The budget justification materials submitted to Congress in support of the budget of the Department of Defense for any fiscal year after fiscal year 2009 shall identify clearly and separately the amounts requested in each budget account for the procurement of contract services.

(b) INFORMATION PROVIDED.—For each budget account, the materials submitted shall clearly identify—

(1) the amount requested for each Department of Defense component, installation, or activity; and

(2) the amount requested for each type of service to be provided.

(c) CONTRACT SERVICES DEFINED.—In this section, the term "contract services"—

(1) means services from contractors; but

(2) excludes services relating to research and development and services relating to military construction.

SEC. 807. INVENTORIES AND REVIEWS OF CONTRACTS FOR SERVICES.

(a) INVENTORY REQUIREMENT.—Section 2330a of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (g);

(2) by striking subsection (c) and inserting the following:

"(c) INVENTORY.—(1) Not later than the end of the third quarter of each fiscal year, the Secretary of Defense shall submit to Congress an annual inventory of the activities performed during the preceding fiscal year pursuant to contracts for services for or on behalf of the Department of Defense. The entry for an activity on an inventory under this subsection shall include, for the fiscal year covered by such entry, the following:

"(A) The functions and missions performed by the contractor.

"(B) The contracting organization, the component of the Department of Defense administering the contract, and the organization whose requirements are being met through contractor performance of the function.

"(C) The funding source for the contract under which the function is performed by appropriation and operating agency.

"(D) The fiscal year for which the activity first appeared on an inventory under this section.

"(E) The number of full-time contractor employees (or its equivalent) paid for the performance of the activity.

"(F) A determination whether the contract pursuant to which the activity is performed is a personal services contract.

"(G) A summary of the data required to be collected for the activity under subsection (a).

"(2) The inventory required under this subsection shall be submitted in unclassified form, but may include a classified annex.

"(d) PUBLIC AVAILABILITY OF INVENTORIES.—Not later than 30 days after the date on which an inventory under subsection (c) is required to be submitted to Congress, the Secretary shall—

"(1) make the inventory available to the public; and

"(2) publish in the Federal Register a notice that the inventory is available to the public.

"(e) REVIEW AND PLANNING REQUIREMENTS.—Within 90 days after the date on which an inventory is submitted under subsection (c), the Secretary of the military department or head of the Defense Agency responsible for activities in the inventory shall—

"(1) review the contracts and activities in the inventory for which such Secretary or agency head is responsible;

"(2) ensure that—

"(A) each contract on the list that is a personal services contract has been entered into, and is being performed, in accordance with applicable statutory and regulatory requirements;

"(B) the activities on the list do not include any inherently governmental functions; and

"(C) to the maximum extent practicable, the activities on the list do not include any functions closely associated with inherently governmental functions;

"(3) identify activities that should be considered for conversion—

"(A) to performance by civilian employees of the Department of Defense pursuant to section 2463 of this title; or

"(B) to an acquisition approach that would be more advantageous to the Department of Defense; and

"(4) develop a plan to provide for appropriate consideration of the conversion of activities identified under paragraph (3) within a reasonable period of time.

"(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize the performance of personal services by a contractor except where expressly authorized by a provision of law other than this section."; and

(3) by adding at the end of subsection (g) (as so redesignated) the following new paragraphs:

"(3) FUNCTION CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS.—The term 'function closely associated with inherently governmental functions' has the meaning given that term in section 2383(b)(3) of this title.

"(4) INHERENTLY GOVERNMENTAL FUNCTIONS.—The term 'inherently governmental functions' has the meaning given that term in section 2383(b)(2) of this title.

"(5) PERSONAL SERVICES CONTRACT.—The term 'personal services contract' means a contract under which, as a result of its terms or conditions or the manner of its administration during performance, contractor personnel are subject to the relatively continuous supervision and control of one or more Government officers or employees, except that the giving of an order for a specific article or service, with the right to reject the finished product or result, is not the type of supervision or control that makes a contract a personal services contract.".

(b) EFFECTIVE DATE.—

(1) The amendments made by subsection (a) shall be effective upon the date of the enactment of this Act.

(2) The first inventory required by section 2330a(c) of title 10, United States Code, as added by subsection (a), shall be submitted not later than the end of the third quarter of fiscal year 2008.

SEC. 808. INDEPENDENT MANAGEMENT REVIEWS OF CONTRACTS FOR SERVICES.

(a) GUIDANCE AND INSTRUCTIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance, with detailed implementation instructions, for the Department of Defense to provide for periodic independent management reviews of contracts for services. The independent management review guidance and instructions issued pursuant to this subsection shall be designed to evaluate, at a minimum—

(1) contract performance in terms of cost, schedule, and requirements;

(2) the use of contracting mechanisms, including the use of competition, the contract structure and type, the definition of contract requirements, cost or pricing methods, the award and negotiation of task orders, and management and oversight mechanisms;

(3) the contractor's use, management, and oversight of subcontractors;

(4) the staffing of contract management and oversight functions; and

(5) the extent of any pass-throughs, and excessive pass-through charges (as defined in section 852 of the John Warner National Defense Authorization Act for Fiscal Year 2007), by the contractor.

(b) ADDITIONAL SUBJECT OF REVIEW.—In addition to the matters required by subsection (a), the guidance and instructions issued pursuant to subsection (a) shall provide for procedures for the periodic review of contracts under which one contractor provides oversight for services performed by other contractors. In particular, the procedures shall be designed to evaluate, at a minimum—

(1) the extent of the agency's reliance on the contractor to perform acquisition functions closely associated with inherently governmental functions as defined in section 2383(b)(3) of title 10, United States Code; and

(2) the financial interest of any prime contractor performing acquisition functions described in paragraph (1) in any contract or subcontract with regard to which the contractor provided advice or recommendations to the agency.

(c) ELEMENTS.—The guidance and instructions issued pursuant to subsection (a) shall address, at a minimum—

(1) the contracts subject to independent management reviews, including any applicable thresholds and exceptions;

(2) the frequency with which independent management reviews shall be conducted;

(3) the composition of teams designated to perform independent management reviews;

(4) any phase-in requirements needed to ensure that qualified staff are available to perform independent management reviews;

(5) procedures for tracking the implementation of recommendations made by independent management review teams; and

(6) procedures for developing and disseminating lessons learned from independent management reviews.

(c) REPORTS.—

(1) REPORT ON GUIDANCE AND INSTRUCTION.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the guidance and instructions issued pursuant to subsection (a).

(2) GAO REPORT ON IMPLEMENTATION.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the implementation of the guidance and instructions issued pursuant to subsection (a).

SEC. 809. IMPLEMENTATION AND ENFORCEMENT OF REQUIREMENTS APPLICABLE TO UNDEFINITIZED CONTRACTUAL ACTIONS.

(a) GUIDANCE AND INSTRUCTIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance, with detailed implementation instructions, for the Department of Defense to ensure the implementation and enforcement of requirements applicable to undefinitized contractual actions.

(b) ELEMENTS.—The guidance and instructions issued pursuant to subsection (a) shall address, at a minimum—

(1) the circumstances in which it is, and is not, appropriate for Department of Defense officials to use undefinitized contractual actions;

(2) approval requirements (including thresholds) for the use of undefinitized contractual actions;

(3) procedures for ensuring that timelines for the definitization of undefinitized contractual actions are met;

(4) procedures for ensuring compliance with regulatory limitations on the obligation of funds pursuant to undefinitized contractual actions;

(5) procedures for ensuring compliance with regulatory limitations on profit or fee with respect to costs incurred before the definitization of an undefinitized contractual action; and

(6) reporting requirements for undefinitized contractual actions that fail to meet required timelines for definitization or fail to comply with regulatory limitations on the obligation of funds or on profit or fee.

(c) REPORTS.—

(1) REPORT ON GUIDANCE AND INSTRUCTIONS.—Not later than 210 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the guidance and instructions issued pursuant to subsection (a).

(2) GAO REPORT.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the extent to which the guidance and instructions issued pursuant to subsection (a) have resulted in improvements to—

(A) the level of insight that senior Department of Defense officials have into the use of undefinitized contractual actions;

(B) the appropriate use of undefinitized contractual actions;

(C) the timely definitization of undefinitized contractual actions; and

(D) the negotiation of appropriate profits and fees for undefinitized contractual actions.

SEC. 810. CLARIFICATION OF LIMITED ACQUISITION AUTHORITY FOR SPECIAL OPERATIONS COMMAND.

Section 167(e)(4) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C)(i) The staff of the commander shall include a command acquisition executive, who shall be responsible for the overall supervision of acquisition matters for the special operations command. The command acquisition executive shall have the authority to—

"(I) negotiate memoranda of agreement with the military departments to carry out the acquisition of equipment, material, supplies, and services described in subparagraph (A) on behalf of the command;

"(II) supervise the acquisition of equipment, material, supplies, and services described in subparagraph (A), regardless of whether such acquisition is carried out by the command, or by a military department pursuant to a delegation of authority by the command;

"(III) represent the command in discussions with the military departments regarding acquisition programs for which the command is a customer; and

"(IV) work with the military departments to ensure that the command is appropriately represented in any joint working group or integrated product team regarding acquisition programs for which the command is a customer.

"(ii) The command acquisition executive of the special operations command shall be included on the distribution list for acquisition directives and instructions of the Department of Defense.".

Subtitle B—Provisions Relating to Major Defense Acquisition Programs

SEC. 811. REQUIREMENTS APPLICABLE TO MULTIYEAR CONTRACTS FOR THE PROCUREMENT OF MAJOR SYSTEMS OF THE DEPARTMENT OF DEFENSE.

(a) ADDITIONAL REQUIREMENTS APPLICABLE TO MULTIYEAR CONTRACTS.—Section 2306b of title 10, United States Code, is amended as follows:

(1) Subsection (a) of such section is amended by adding at the end the following new paragraph:

"(7) In the case of a contract in an amount equal to or greater than $500,000,000, that the conditions required by subparagraphs (C) through (F) of paragraph (1) of subsection (i) will be met, in accordance with the Secretary's certification and determination under such subsection, by such contract.".

(2) Subsection (i)(1) of such section is amended by inserting after "unless" the following: "the Secretary of Defense certifies in writing by no later than March 1 of the year in which the Secretary requests legislative authority to enter into such contract that".

(3) Subsection (i)(1) of such section is further amended—

(A) by redesignating subparagraph (B) as subparagraph (G); and

(B) by striking subparagraph (A) and inserting the following:

"(A) The Secretary has determined that each of the requirements in paragraphs (1) through (6) of subsection (a) will be met by such contract and has provided the basis for such determination to the congressional defense committees.

"(B) The Secretary's determination under subparagraph (A) was made after the completion of a cost analysis performed by the Cost Analysis Improvement Group of the Department of Defense and such analysis supports the findings.

"(C) The system being acquired pursuant to such contract has not been determined to have experienced cost growth in excess of the critical cost growth threshold pursuant to section 2433(d) of this title within 5 years prior to the date the Secretary anticipates such contract (or a contract for advance procurement entered into consistent with the authorization for such contract) will be awarded.

"(D) A sufficient number of end items of the system being acquired under such contract have been delivered at or within the most current estimates of the program acquisition unit cost or procurement unit cost for such system to determine that current estimates of such unit costs are realistic.

"(E) During the fiscal year in which such contract is to be awarded, sufficient funds will be available to perform the contract in such fiscal year, and the future-years defense program for such fiscal year will include the funding required to execute the program without cancellation.

"(F) The contract is a fixed price type contract.".

(4) Subsection (i) of such section is further amended by adding at the end the following new paragraphs:

"(5) The Secretary may make the certification under paragraph (1) notwithstanding the fact that one or more of the conditions of such certification are not met if the Secretary determines that, due to exceptional circumstances, proceeding with a multiyear contract under this section is in the best interest of the Department of Defense and the Secretary provides the basis for such determination with the certification.

"(6) The Secretary of Defense may not delegate the authority to make the certification under paragraph (1) or the determination under paragraph (5) to an official below the level of Under Secretary of Defense for Acquisition, Technology, and Logistics.

"(7) The Secretary of Defense shall send a notification containing the findings of the agency head under subsection (a), and the basis for such findings, 30 days prior to the award of a multiyear contract for a defense acquisition program that has been specifically authorized by law.".

(5) Such section is further amended by adding at the end the following new subsection:

"(m) INCREASED FUNDING AND REPROGRAMMING REQUESTS.—Any request for increased funding for the procurement of a major system under a multiyear contract authorized under this section shall be accompanied by an explanation of how the request for increased funding affects the determinations made by the Secretary under subsection (i).".

(b) APPLICABILITY.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to multiyear contracts for the purchase of major systems for which legislative authority is requested on or after that date.

SEC. 812. CHANGES TO MILESTONE B CERTIFICATIONS.

Section 2366a of title 10, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a) CERTIFICATION.—A major defense acquisition program may not receive Milestone B approval, or Key Decision Point B approval in the case of a space program, until the milestone decision authority—

"(1) has received a business case analysis and certifies on the basis of the analysis that—

"(A) the program is affordable when considering the ability of the Department of Defense to accomplish the program's mission using alternative systems;

"(B) the program is affordable when considering the per unit cost and the total acquisition cost in the context of the total resources available during the period covered by the future-years defense program submitted during the fiscal year in which the certification is made;

"(C) reasonable cost and schedule estimates have been developed to execute the product development and production plan under the program; and

"(D) funding is available to execute the product development and production plan under the program, through the period covered by the future-years defense program submitted during the fiscal year in which the certification is made, consistent with the estimates described in subparagraph (C) for the program; and

"(2) further certifies that—

"(A) appropriate market research has been conducted prior to technology development to reduce duplication of existing technology and products;

"(B) the Department of Defense has completed an analysis of alternatives with respect to the program;

"(C) the Joint Requirements Oversight Council has accomplished its duties with respect to the program pursuant to section 181(b) of this title, including an analysis of the operational requirements for the program;

"(D) the technology in the program has been demonstrated in a relevant environment;

"(E) the program demonstrates a high likelihood of accomplishing its intended mission; and

"(F) the program complies with all relevant policies, regulations, and directives of the Department of Defense.";

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively;

(3) by inserting after subsection (a) the following new subsection (b):

"(b) CHANGES TO CERTIFICATION.—(1) The program manager for a major defense acquisition program that has received certification under subsection (a) shall immediately notify the milestone decision authority of any changes to the program that—

"(A) alter the substantive basis for the certification of the milestone decision authority relating to any component of such certification specified in paragraph (1) or (2) of subsection (a); or

"(B) otherwise cause the program to deviate significantly from the material provided to the milestone decision authority in support of such certification.

"(2) Upon receipt of information under paragraph (1), the milestone decision authority may withdraw the certification concerned or rescind Milestone B approval (or Key Decision Point B approval in the case of a space program) if the milestone decision authority determines that such certification or approval is no longer valid.";

(4) in subsection (c), as redesignated by paragraph (1)—

(A) by inserting "(1)" before "The certification"; and

(B) by adding at the end the following new paragraph (2):

"(2) A summary of any information provided to the milestone decision authority pursuant to subsection (b) and a description of the actions taken as a result of such information shall be submitted with the first Selected Acquisition Report submitted under section 2432 of this title after receipt of such information by the milestone decision authority.";

(5) in subsection (d), as so redesignated—

(A) by striking "authority may waive" and inserting the following: "authority may, at the time of Milestone B approval (or Key Decision Point B approval in the case of a space program) or at the time that such milestone decision authority withdraws a certification or rescinds Milestone B approval (or Key Decision Point B approval in the case of a space program) pursuant to subsection (b)(2), waive"; and

(B) by striking "paragraph (1), (2), (3), (4), (5), (6), (7), (8), or (9)" and inserting "paragraph (1) or (2)"; and

(6) in subsection (e), as so redesignated, by striking "subsection (c)" and inserting "subsection (d)".

SEC. 813. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE ORGANIZATION AND STRUCTURE FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on potential modifications of the organization and structure of the Department of Defense for major defense acquisition programs.

(b) ELEMENTS.—The report required by subsection (a) shall include the results of a review, conducted by the Comptroller General for purposes of the report, regarding the feasibility and advisability of, at a minimum, the following:

(1) Revising the acquisition process for major defense acquisition programs by establishing shorter, more frequent acquisition program milestones.

(2) Requiring certifications of program status to the defense acquisition executive and Congress prior to milestone approval for major defense acquisition programs.

(3) Establishing a new office (to be known as the "Office of Independent Assessment") to provide independent cost estimates and performance estimates for major defense acquisition programs.

(4) Requiring the milestone decision authority for a major defense acquisition program to specify, at the time of Milestone B approval, or Key Decision Point B approval, as applicable, the period of time that will be required to deliver an initial operational capability to the relevant combatant commanders.

(5) Establishing a materiel solutions process for addressing identified gaps in critical warfighting capabilities, under which process the Under Secretary of Defense for Acquisition, Technology, and Logistics circulates among the military departments and appropriate Defense Agencies a request for proposals for technologies and systems to address such gaps.

(6) Modifying the role played by chiefs of staff of the Armed Forces in the requirements, resource allocation, and acquisition processes.

(7) Establishing a process in which the commanders of combatant commands assess, and provide input on, the capabilities needed to successfully accomplish the missions in the operational and contingency plans of their commands over a long-term planning horizon of 15 years or more, taking into account expected changes in threats, the geopolitical environment, and doctrine, training, and operational concepts.

(c) CONSULTATION.—In conducting the review required under subsection (b) for the report required by subsection (a), the Comptroller General shall obtain the views of the following:

(1) Senior acquisition officials currently serving in the Department of Defense.

(2) Senior military officers involved in setting requirements for the joint staff, the Armed Forces, and the combatant commands currently serving in the Department of Defense.

(3) Individuals who formerly served as senior acquisition officials in the Department of Defense.

(4) Participants in previous reviews of the organization and structure of the Department of Defense for the acquisition of major weapon systems, including the President's Blue Ribbon Commission on Defense Management in 1986.

(5) Other experts on the acquisition of major weapon systems.

(6) Appropriate experts in the Government Accountability Office.

SEC. 814. CLARIFICATION OF SUBMISSION OF COST OR PRICING DATA ON NONCOMMERCIAL MODIFICATIONS OF COMMERCIAL ITEMS.

(a) MEASUREMENT OF PERCENTAGE AT CONTRACT AWARD.—Section 2306a(b)(3)(A) of title 10, United States Code, is amended by inserting after "total price of the contract" the following: "(at the time of contract award)".

(b) HARMONIZATION OF THRESHOLDS FOR COST OR PRICING DATA.—Section 2306a(b)(3)(A) of title 10, United States Code, is amended by striking "$500,000" and inserting "the amount specified in subsection (a)(1)(A)(i), as adjusted from time to time under subsection (a)(7),".

SEC. 815. CLARIFICATION OF RULES REGARDING THE PROCUREMENT OF COMMERCIAL ITEMS.

(a) TREATMENT OF SUBSYSTEMS, COMPONENTS, AND SPARE PARTS AS COMMERCIAL ITEMS.—

(1) IN GENERAL.—Section 2379 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) by redesignating paragraph (2) as paragraph (3);

(ii) in paragraph (1)(B), by striking "and" at the end; and

(iii) by inserting after paragraph (1), the following:

"(2) the offeror has submitted sufficient information to evaluate, through price analysis, the reasonableness of the price for such system; and";

(B) by striking subsection (b) and inserting the following new subsection (b):

"(b) TREATMENT OF SUBSYSTEMS AS COMMERCIAL ITEMS.—A subsystem of a major weapon system (other than a commercially available off-the-shelf item as defined in section 35(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 431(c))) shall be treated as a commercial item and purchased under procedures established for the procurement of commercial items only if—

"(1) the subsystem is intended for a major weapon system that is being purchased, or has been purchased, under procedures established for the procurement of commercial items in accordance with the requirements of subsection (a); or

"(2) the contracting officer determines in writing that—

"(A) the subsystem is a commercial item, as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)); and

"(B) the offeror has submitted sufficient information to evaluate, through price analysis, the reasonableness of the price for such subsystem.";

(C) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(D) by inserting after subsection (b) the following new subsections (c) and (d):

"(c) TREATMENT OF COMPONENTS AND SPARE PARTS AS COMMERCIAL ITEMS.—(1) A component or spare part for a major weapon system (other than a commercially available off-the-shelf item as defined in section 35(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 431(c))) may be treated as a commercial item for the purposes of section 2306a of this title only if—

"(A) the component or spare part is intended for—

"(i) a major weapon system that is being purchased, or has been purchased, under procedures established for the procurement of commercial items in accordance with the requirements of subsection (a); or

"(ii) a subsystem of a major weapon system that is being purchased, or has been purchased, under procedures established for the procurement of commercial items in accordance with the requirements of subsection (b); or

"(B) the contracting officer determines in writing that—

"(i) the component or spare part is a commercial item, as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)); and

"(ii) the offeror has submitted sufficient information to evaluate, through price analysis, the reasonableness of the price for such component or spare part.

"(2) This subsection shall apply only to components and spare parts that are acquired by the Department of Defense through a prime contract or a modification to a prime contract (or through a subcontract under a prime contract or modification to a prime contract on which the prime contractor adds no, or negligible, value).

"(d) INFORMATION SUBMITTED.—To the extent necessary to make a determination under subsection (a)(2), (b)(2), or (c)(1)(B), the contracting officer may request the offeror to submit—

"(1) prices paid for the same or similar commercial items under comparable terms and conditions by both government and commercial customers; and

"(2) if the contracting officer determines that the information described in paragraph (1) is not sufficient to determine the reasonableness of price, other relevant information regarding the basis for price or cost, including information on labor costs, material costs, and overhead rates.".

(2) CONFORMING AMENDMENT TO TECHNICAL DATA PROVISION.—Section 2321(f)(2) of such title is amended by striking "(whether or not under a contract for commercial items)" and inserting "(other than technical data for a commercially available off-the-shelf item as defined in section 35(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 431(c)))".

(b) SALES OF COMMERCIAL ITEMS TO NONGOVERNMENTAL ENTITIES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall modify the regulations of the Department of Defense on the procurement of commercial items in order to clarify that the terms "general public" and "nongovernmental entities" in such regulations do not include the Federal Government or a State, local, or foreign government.

SEC. 816. REVIEW OF SYSTEMIC DEFICIENCIES ON MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) ANNUAL REVIEW.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall conduct an annual review of systemic deficiencies in the major defense acquisition programs of the Department of Defense for each fiscal year in which three or more major defense acquisition programs—

(1) experience a critical cost growth threshold breach;

(2) have a section 2366a certification withdrawn; or

(3) have a Milestone A approval or Key Decision Point A approval rescinded, by the milestone decision authority under subsection (b) of section 2366b of title 10, United States Code, as added by section 943 of this Act.

(b) CONTENT OF REVIEW.—The review conducted under subsection (a) shall—

(1) identify common factors, including any systemic deficiencies in the budget, requirements, and acquisition policies and practices, that may have contributed to problems with major defense acquisition programs covered by the criteria in subsection (a);

(2) assess the adequacy of corrective actions taken or to be taken to address cost growth or other performance deficiencies in programs covered by the criteria in subsection (a); and

(3) make recommendations for any changes in budget, requirements, and acquisition policies and practices that may be appropriate to avoid similar problems with major defense acquisition programs in the future.

(c) DEFINITIONS.—In this section:

(1) CRITICAL COST GROWTH THRESHOLD BREACH.—The term "critical cost growth threshold breach" means a determination under section 2433(d) of title 10, United States Code, by the Secretary of a military department with respect to a major defense acquisition program that the program acquisition unit cost has increased by a percentage equal to or greater than the critical cost growth threshold or that the procurement unit cost has increased by a percentage equal to or greater than the critical cost growth threshold.

(2) SECTION 2366a CERTIFICATION.—The term "section 2366a certification" means a certification with respect to a major defense acquisition program under section 2366a(a) of title

10, United States Code, by the milestone decision authority.

(d) REPORT.—Not later than July 15, 2008, and not later than August 15 of each year from 2009 through 2012, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the annual review conducted (if any) for the preceding fiscal year under subsection (a).

(e) SUNSET.—The requirement to conduct an annual review under subsection (a) shall terminate on September 30, 2012.

SEC. 817. INVESTMENT STRATEGY FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) REPORT REQUIRED.—Not later than May 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the strategies of the Department of Defense for balancing the allocation of funds and other resources among major defense acquisition programs.

(b) ELEMENTS.—The report required by subsection (a) shall address, at a minimum, the ability of the organizations, policies, and procedures of the Department of Defense to provide for—

(1) establishing priorities among needed capabilities under major defense acquisition programs, and assessing the resources (including funds, technologies, time, and personnel) needed to achieve such capabilities;

(2) balancing the cost, schedule, and requirements of major defense acquisition programs, including those within the same functional or mission area, to ensure the most efficient use of resources; and

(3) ensuring that the budget, requirements, and acquisition processes of the Department of Defense work in a complementary manner to achieve desired results.

(c) ROLE OF TRI-CHAIR COMMITTEE IN RESOURCE ALLOCATION.—

(1) IN GENERAL.—The report required by subsection (a) shall also address the role of the committee described in paragraph (2) in the resource allocation process for major defense acquisition programs.

(2) COMMITTEE.—The committee described in this paragraph is a committee (to be known as the "Tri-Chair Committee") composed of the following:

(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics, who is one of the chairs of the committee.

(B) The Vice Chairman of the Joint Chiefs of Staff, who is one of the chairs of the committee.

(C) The Director of Program Analysis and Evaluation, who is one of the chairs of the committee.

(D) Any other appropriate officials of the Department of Defense, as jointly agreed upon by the Under Secretary and the Vice Chairman.

(d) CHANGES IN LAW.—The report required by subsection (a) shall, to the maximum extent practicable, include a discussion of any changes in the budget, acquisition, and requirements processes of the Department of Defense undertaken as a result of changes in law pursuant to any section in this Act.

(e) RECOMMENDATIONS.—The report required by subsection (a) shall include any recommendations, including recommendations for legislative action, that the Secretary considers appropriate to improve the organizations, policies, and procedures described in the report.

SEC. 818. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS ON TOTAL OWNERSHIP COST FOR MAJOR WEAPON SYSTEMS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the extent of the implementation of the recommendations set forth in the February 2003 report of the Government Accountability Office entitled "Setting Requirements Differently Could Reduce Weapon Systems' Total Ownership Costs".

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) For each recommendation described in subsection (a) that has been implemented, or that the Secretary plans to implement—

(A) a summary of all actions that have been taken to implement such recommendation; and

(B) a schedule, with specific milestones, for completing the implementation of such recommendation.

(2) For each recommendation that the Secretary has not implemented and does not plan to implement—

(A) the reasons for the decision not to implement such recommendation; and

(B) a summary of any alternative actions the Secretary plans to take to address the purposes underlying such recommendation.

(3) A summary of any additional actions the Secretary has taken or plans to take to ensure that total ownership cost is appropriately considered in the requirements process for major weapon systems.

Subtitle C—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 821. PLAN FOR RESTRICTING GOVERNMENT-UNIQUE CONTRACT CLAUSES ON COMMERCIAL CONTRACTS.

(a) PLAN.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall develop and implement a plan to minimize the number of government-unique contract clauses used in commercial contracts by restricting the clauses to the following:

(1) Government-unique clauses authorized by law or regulation.

(2) Any additional clauses that are relevant and necessary to a specific contract.

(b) COMMERCIAL CONTRACT.—In this section:

(1) The term "commercial contract" means a contract awarded by the Federal Government for the procurement of a commercial item.

(2) The term "commercial item" has the meaning provided by section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

SEC. 822. EXTENSION OF AUTHORITY FOR USE OF SIMPLIFIED ACQUISITION PROCEDURES FOR CERTAIN COMMERCIAL ITEMS.

(a) EXTENSION.—Section 4202(e) of the Clinger-Cohen Act of 1996 (division D of Public Law 104-106; 110 Stat. 652; 10 U.S.C. 2304 note) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(b) REPORT.—Not later than March 1, 2008, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the use by the Department of Defense of the authority provided by section 4202(e) of the Clinger-Cohen Act of 1996 (10 U.S.C. 2304 note). The report shall include, at a minimum, the following:

(1) Summary data on the use of the authority.

(2) Specific examples of the use of the authority.

(3) An evaluation of potential benefits and costs of extending the authority after January 1, 2010.

SEC. 823. FIVE-YEAR EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

Section 845(i) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended by striking "September 30, 2008" and inserting "September 30, 2013".

SEC. 824. EXEMPTION OF SPECIAL OPERATIONS COMMAND FROM CERTAIN REQUIREMENTS FOR CERTAIN CONTRACTS RELATING TO VESSELS, AIRCRAFT, AND COMBAT VEHICLES.

Section 2401(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) In the case of a contract described in subsection (a)(1)(B), the commander of the special operations command may make a contract without regard to this subsection if—

"(A) funds are available and obligated for the full cost of the contract (including termination costs) on or before the date the contract is awarded;

"(B) the Secretary of Defense submits to the congressional defense committees a certification that there is no alternative for meeting urgent operational requirements other than making the contract; and

"(C) a period of 30 days of continuous session of Congress has expired following the date on which the certification was received by such committees.".

SEC. 825. PROVISION OF AUTHORITY TO MAINTAIN EQUIPMENT TO UNIFIED COMBATANT COMMAND FOR JOINT WARFIGHTING.

(a) AUTHORITY.—Section 167a of title 10, United States Code, is amended—

(1) in subsection (a), by striking "and acquire" and inserting ", acquire, and maintain";

(2) by redesignating subsection (f) as subsection (g); and

(3) by inserting after subsection (e) the following new subsection:

"(f) LIMITATION ON AUTHORITY TO MAINTAIN EQUIPMENT.—The authority delegated under subsection (a) to maintain equipment is subject to the availability of funds authorized and appropriated specifically for that purpose.".

(b) TWO-YEAR EXTENSION.—Subsection (g) of such section, as so redesignated, is amended—

(1) by striking "through 2008" and inserting "through 2010"; and

(2) by striking "September 30, 2008" and inserting "September 30, 2010".

SEC. 826. MARKET RESEARCH.

(a) ADDITIONAL REQUIREMENTS.—Subsection (c) of section 2377 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "and" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(C) by adding at the end the following:

"(C) before awarding a task order or delivery order in excess of the simplified acquisition threshold."; and

(2) by adding at the end the following:

"(4) The head of an agency shall take appropriate steps to ensure that any prime contractor of a contract (or task order or delivery order) in an amount in excess of $5,000,000 for the procurement of items other than commercial items engages in such market research as may be necessary to carry out the requirements of subsection (b)(2) before making purchases for or on behalf of the Department of Defense.".

(b) REQUIREMENT TO DEVELOP TRAINING AND TOOLS.—The Secretary of Defense shall develop training to assist contracting officers, and market research tools to assist such officers and prime contractors, in performing appropriate market research as required by subsection (c) of section 2377 of title 10, United States Code, as amended by this section.

SEC. 827. MODIFICATION OF COMPETITION REQUIREMENTS FOR PURCHASES FROM FEDERAL PRISON INDUSTRIES.

(a) MODIFICATION OF COMPETITION REQUIREMENTS.—

(1) IN GENERAL.—Section 2410n of title 10, United States Code, is amended by striking subsections (a) and (b) and inserting the following new subsections (a) and (b):

"(a) PRODUCTS FOR WHICH FEDERAL PRISON INDUSTRIES DOES NOT HAVE SIGNIFICANT MARKET SHARE.—(1) Before purchasing a product listed in the latest edition of the Federal Prison Industries catalog under section 4124(d) of title 18 for which Federal Prison Industries does not have a significant market share, the Secretary of Defense shall conduct market research to determine whether the product is comparable to products available from the private sector that best meet the needs of the Department in terms of price, quality, and time of delivery.

"(2) If the Secretary determines that a Federal Prison Industries product described in paragraph (1) is not comparable in price, quality, or time of delivery to products of the private sector that best meets the needs of the Department in terms of price, quality, and time of delivery, the Secretary shall use competitive procedures for the procurement of the product, or shall make an individual purchase under a multiple award contract in accordance with the competition requirements applicable to such contract. In conducting such a competition, the Secretary shall consider a timely offer from Federal Prison Industries.

"(b) PRODUCTS FOR WHICH FEDERAL PRISON INDUSTRIES HAS SIGNIFICANT MARKET SHARE.—(1) The Secretary of Defense may purchase a product listed in the latest edition of the Federal Prison Industries catalog for which Federal Prison Industries has a significant market share only if the Secretary uses competitive procedures for the procurement of the product or makes an individual purchase under a multiple award contract in accordance with the competition requirements applicable to such contract. In conducting such a competition, the Secretary shall consider a timely offer from Federal Prison Industries.

"(2) For purposes of this subsection, Federal Prison Industries shall be treated as having a significant share of the market for a product if the Secretary, in consultation with the Administrator of Federal Procurement Policy, determines that the Federal Prison Industries share of the Department of Defense market for the category of products including such product is greater than 5 percent.".

(2) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 60 days after the date of the enactment of this Act.

(b) LIST OF PRODUCTS FOR WHICH FEDERAL PRISON INDUSTRIES HAS SIGNIFICANT MARKET SHARE.—

(1) INITIAL LIST.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall publish a list of product categories for which Federal Prison Industries' share of the Department of Defense market is greater than 5 percent, based on the most recent fiscal year for which data is available.

(2) MODIFICATION.—The Secretary may modify the list published under paragraph (1) at any time if the Secretary determines that new data require adding a product category to the list or omitting a product category from the list.

(3) CONSULTATION.—The Secretary shall carry out this subsection in consultation with the Administrator for Federal Procurement Policy.

SEC. 828. MULTIYEAR CONTRACT AUTHORITY FOR ELECTRICITY FROM RENEWABLE ENERGY SOURCES.

(a) MULTIYEAR CONTRACT AUTHORITY.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2410q. Multiyear contracts: purchase of electricity from renewable energy sources

"(a) MULTIYEAR CONTRACTS AUTHORIZED.—Subject to subsection (b), the Secretary of Defense may enter into a contract for a period not to exceed 10 years for the purchase of electricity from sources of renewable energy, as that term is defined in section 203(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)(2)).

"(b) LIMITATIONS ON CONTRACTS FOR PERIODS IN EXCESS OF FIVE YEARS.—The Secretary may exercise the authority in subsection (a) to enter into a contract for a period in excess of five years only if the Secretary determines, on the basis of a business case analysis prepared by the Department of Defense, that—

"(1) the proposed purchase of electricity under such contract is cost effective for the Department of Defense; and

"(2) it would not be possible to purchase electricity from the source in an economical manner without the use of a contract for a period in excess of five years.

"(c) RELATIONSHIP TO OTHER MULTIYEAR CONTRACTING AUTHORITY.—Nothing in this section shall be construed to preclude the Department of Defense from using other multiyear contracting authority of the Department to purchase renewable energy.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by adding at the end the following new item:

"2410q. Multiyear contracts: purchase of electricity from renewable energy sources.".

SEC. 829. PROCUREMENT OF FIRE RESISTANT RAYON FIBER FOR THE PRODUCTION OF UNIFORMS FROM FOREIGN SOURCES.

(a) AUTHORITY TO PROCURE.—The Secretary of Defense may procure fire resistant rayon fiber for the production of uniforms that is manufactured in a foreign country referred to in subsection (d) if the Secretary determines either of the following:

(1) That fire resistant rayon fiber for the production of uniforms is not available from sources within the national technology and industrial base.

(2) That—

(A) procuring fire resistant rayon fiber manufactured from suppliers within the national technology and industrial base would result in sole-source contracts or subcontracts for the supply of fire resistant rayon fiber; and

(B) such sole-source contracts or subcontracts would not be in the best interests of the Government or consistent with the objectives of section 2304 of title 10, United States Code.

(b) SUBMISSION TO CONGRESS.—Not later than 30 days after making a determination under subsection (a), the Secretary shall submit to Congress a copy of the determination.

(c) APPLICABILITY TO SUBCONTRACTS.—The authority under subsection (a) applies with respect to subcontracts under Department of Defense contracts as well as to such contracts.

(d) FOREIGN COUNTRIES COVERED.—The authority under subsection (a) applies with respect to a foreign country that—

(1) is a party to a defense memorandum of understanding entered into under section 2531 of title 10, United States Code; and

(2) does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(e) NATIONAL TECHNOLOGY AND INDUSTRIAL BASE DEFINED.—In this section, the term "national technology and industrial base" has the meaning given that term in section 2500 of title 10, United States Code.

(f) SUNSET.—The authority under subsection (a) shall expire on the date that is five years after the date of the enactment of this Act.

SEC. 830. COMPTROLLER GENERAL REVIEW OF NONCOMPETITIVE AWARDS OF CONGRESSIONAL AND EXECUTIVE BRANCH INTEREST ITEMS.

Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the use of procedures other than competitive procedures in the award of contracts by the Department of Defense. The report shall compare the procedures used by the Department of Defense for the award of funds for new projects pursuant to congressionally directed spending items, as defined in rule XLIV of the Standing Rules of the Senate, or congressional earmarks, as defined in rule XXI of the Rules of the House of Representatives, with the procedures used by the Department of Defense for the award of funds for new projects of special interest to senior executive branch officials.

Subtitle D—Accountability in Contracting

SEC. 841. COMMISSION ON WARTIME CONTRACTING IN IRAQ AND AFGHANISTAN.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the "Commission on Wartime Contracting" (in this section referred to as the "Commission").

(b) MEMBERSHIP MATTERS.—

(1) MEMBERSHIP.—The Commission shall be composed of 8 members, as follows:

(A) 2 members shall be appointed by the majority leader of the Senate, in consultation with the Chairmen of the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Foreign Relations of the Senate.

(B) 2 members shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairmen of the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Foreign Affairs of the House of Representatives.

(C) 1 member shall be appointed by the minority leader of the Senate, in consultation with the Ranking Minority Members of the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Foreign Relations of the Senate.

(D) 1 member shall be appointed by the minority leader of the House of Representatives, in consultation with the Ranking Minority Member of the Committee on Armed

Services, the Committee on Oversight and Government Reform, and the Committee on Foreign Affairs of the House of Representatives.

(E) 2 members shall be appointed by the President, in consultation with the Secretary of Defense and the Secretary of State.

(2) DEADLINE FOR APPOINTMENTS.—All appointments to the Commission shall be made not later than 120 days after the date of the enactment of this Act.

(3) CO-CHAIRMEN.—The Commission shall have two co-chairmen, including—

(A) a co-chairman who shall be a member of the Commission jointly designated by the Speaker of the House of Representatives and the majority leader of the Senate; and

(B) a co-chairman who shall be a member of the Commission jointly designated by the minority leader of the House of Representatives and the minority leader of the Senate.

(4) VACANCY.—In the event of a vacancy in a seat on the Commission, the individual appointed to fill the vacant seat shall be—

(A) appointed by the same officer (or the officer's successor) who made the appointment to the seat when the Commission was first established; and

(B) if the officer in subparagraph (A) is of a party other than the party of the officer who made the appointment to the seat when the Commission was first established, chosen in consultation with the senior officers in the Senate and the House of Representatives of the party which is the party of the officer who made the appointment to the seat when the Commission was first established.

(c) DUTIES.—

(1) GENERAL DUTIES.—The Commission shall study the following matters:

(A) Federal agency contracting for the reconstruction of Iraq and Afghanistan.

(B) Federal agency contracting for the logistical support of coalition forces operating in Iraq and Afghanistan.

(C) Federal agency contracting for the performance of security functions in Iraq and Afghanistan.

(2) SCOPE OF CONTRACTING COVERED.—The Federal agency contracting covered by this subsection includes contracts entered into both in the United States and abroad for the performance of activities described in paragraph (1).

(3) PARTICULAR DUTIES.—In carrying out the study under this subsection, the Commission shall assess—

(A) the extent of the reliance of the Federal Government on contractors to perform functions (including security functions) in Iraq and Afghanistan and the impact of this reliance on the achievement of the objectives of the United States;

(B) the performance exhibited by Federal contractors for the contracts under review pursuant to paragraph (1), and the mechanisms used to evaluate contractor performance;

(C) the extent of waste, fraud, and abuse under such contracts;

(D) the extent to which those responsible for such waste, fraud, and abuse have been held financially or legally accountable;

(E) the appropriateness of the organizational structure, policies, practices, and resources of the Department of Defense and the Department of State for handling program management and contracting for the programs and contracts under review pursuant to paragraph (1);

(F) the extent to which contractors under such contracts have engaged in the misuse of force or have used force in a manner inconsistent with the objectives of the operational field commander; and

(G) the extent of potential violations of the laws of war, Federal law, or other applicable legal standards by contractors under such contracts.

(d) REPORTS.—

(1) INTERIM REPORT.—On March 1, 2009, the Commission shall submit to Congress an interim report on the study carried out under subsection (c), including the results and findings of the study as of that date.

(2) OTHER REPORTS.—The Commission may from time to time submit to Congress such other reports on the study carried out under subsection (c) as the Commission considers appropriate.

(3) FINAL REPORT.—Not later than two years after the date of the appointment of all of the members of the Commission under subsection (b), the Commission shall submit to Congress a final report on the study carried out under subsection (c). The report shall—

(A) include the findings of the Commission;

(B) identify lessons learned relating to contingency program management and contingency contracting covered by the study; and

(C) include specific recommendations for improvements to be made in—

(i) the process for defining requirements and developing statements of work for contracts in contingency contracting;

(ii) the process for awarding contracts and task or delivery orders in contingency contracting;

(iii) the process for contingency program management;

(iv) the process for identifying, addressing, and providing accountability for waste, fraud, and abuse in contingency contracting;

(v) the process for determining which functions are inherently governmental and which functions are appropriate for performance by contractors in a contingency operation (including during combat operations), especially whether providing security in an area of combat operations is inherently governmental;

(vi) the organizational structure, resources, policies, and practices of the Department of Defense and the Department of State for performing contingency program management; and

(vii) the process by which roles and responsibilities with respect to management and oversight of contracts in contingency contracting are distributed among the various departments and agencies of the Federal Government, and interagency coordination and communication mechanisms associated with contingency contracting.

(e) OTHER POWERS AND AUTHORITIES.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any portion thereof, may, for the purpose of carrying out this section—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths (provided that the quorum for a hearing shall be three members of the Commission); and

(B) provide for the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents;

as the Commission, or such portion thereof, may determine advisable.

(2) INABILITY TO OBTAIN DOCUMENTS OR TESTIMONY.—In the event the Commission is unable to obtain testimony or documents needed to conduct its work, the Commission shall notify the committees of Congress of jurisdiction and appropriate investigative authorities.

(3) ACCESS TO INFORMATION.—The Commission may secure directly from the Department of Defense and any other department or agency of the Federal Government any information or assistance that the Commission considers necessary to enable the Commission to carry out the requirements of this section. Upon request of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission. Whenever information or assistance requested by the Commission is unreasonably refused or not provided, the Commission shall report the circumstances to Congress without delay.

(4) PERSONNEL.—The Commission shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section, except to the extent that such conditions would be inconsistent with the requirements of this section.

(5) DETAILEES.—Any employee of the Federal Government may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(6) SECURITY CLEARANCES.—The appropriate departments or agencies of the Federal Government shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this section without the appropriate security clearances.

(7) VIOLATIONS OF LAW.—

(A) REFERRAL TO ATTORNEY GENERAL.—The Commission may refer to the Attorney General any violation or potential violation of law identified by the Commission in carrying out its duties under this section.

(B) REPORTS ON RESULTS OF REFERRAL.—The Attorney General shall submit to Congress a report on each prosecution, conviction, resolution, or other disposition that results from a referral made under this subparagraph.

(f) TERMINATION.—The Commission shall terminate on the date that is 60 days after the date of the submittal of its final report under subsection (d)(3).

(g) DEFINITIONS.—In this section:

(1) CONTINGENCY CONTRACTING.—The term "contingency contracting" means all stages of the process of acquiring property or services during a contingency operation.

(2) CONTINGENCY OPERATION.—The term "contingency operation" has the meaning given that term in section 101 of title 10, United States Code.

(3) CONTINGENCY PROGRAM MANAGEMENT.—The term "contingency program management" means the process of planning, organizing, staffing, controlling, and leading the combined efforts of participating personnel for the management of a specific acquisition program or programs during contingency operations.

SEC. 842. INVESTIGATION OF WASTE, FRAUD, AND ABUSE IN WARTIME CONTRACTS AND CONTRACTING PROCESSES IN IRAQ AND AFGHANISTAN.

(a) AUDITS REQUIRED.—Thorough audits shall be performed in accordance with this section to identify potential waste, fraud, and abuse in the performance of—

(1) Department of Defense contracts, subcontracts, and task and delivery orders for the logistical support of coalition forces in Iraq and Afghanistan; and

(2) Federal agency contracts, subcontracts, and task and delivery orders for the performance of security and reconstruction functions in Iraq and Afghanistan.

(b) AUDIT PLANS.—

(1) The Department of Defense Inspector General shall develop a comprehensive plan for a series of audits of contracts, subcontracts, and task and delivery orders covered by subsection (a)(1), consistent with the requirements of subsection (g), in consultation with other Inspectors General specified in subsection (c) with regard to any contracts, subcontracts, or task or delivery orders over which such Inspectors General have jurisdiction.

(2) The Special Inspector General for Iraq Reconstruction shall develop a comprehensive plan for a series of audits of contracts, subcontracts, and task and delivery orders covered by subsection (a)(2) relating to Iraq, consistent with the requirements of subsection (h), in consultation with other Inspectors General specified in subsection (c) with regard to any contracts, subcontracts, or task or delivery orders over which such Inspectors General have jurisdiction.

(3) The Special Inspector General for Afghanistan Reconstruction shall develop a comprehensive plan for a series of audits of contracts, subcontracts, and task and delivery orders covered by subsection (a)(2) relating to Afghanistan, consistent with the requirements of subsection (h), in consultation with other Inspectors General specified in subsection (c) with regard to any contracts, subcontracts, or task or delivery orders over which such Inspectors General have jurisdiction.

(c) PERFORMANCE OF AUDITS BY CERTAIN INSPECTORS GENERAL.—The Special Inspector General for Iraq Reconstruction, during such period as such office exists, the Special Inspector General for Afghanistan Reconstruction, during such period as such office exists, the Inspector General of the Department of Defense, the Inspector General of the Department of State, and the Inspector General of the United States Agency for International Development shall perform such audits as required by subsection (a) and identified in the audit plans developed pursuant to subsection (b) as fall within the respective scope of their duties as specified in law.

(d) COORDINATION OF AUDITS.—The Inspectors General specified in subsection (c) shall work to coordinate the performance of the audits required by subsection (a) and identified in the audit plans developed under subsection (b) including through councils and working groups composed of such Inspectors General.

(e) JOINT AUDITS.—If one or more audits required by subsection (a) and identified in an audit plan developed under subsection (b) falls within the scope of the duties of more than one of the Inspectors General specified in subsection (c), and such Inspectors General agree that such audit or audits are best pursued jointly, such Inspectors General shall enter into a memorandum of understanding relating to the performance of such audit or audits.

(f) SEPARATE AUDITS.—If one or more audits required by subsection (a) and identified in an audit plan developed under subsection (b) falls within the scope of the duties of more than one of the Inspectors General specified in subsection (c), and such Inspectors General do not agree that such audit or audits are best pursued jointly, such audit or audits shall be separately performed by one or more of the Inspectors General concerned.

(g) SCOPE OF AUDITS OF CONTRACTS.—Audits conducted pursuant to subsection (a)(1) shall examine, at a minimum, one or more of the following issues:

(1) The manner in which contract requirements were developed.

(2) The procedures under which contracts or task or delivery orders were awarded.

(3) The terms and conditions of contracts or task or delivery orders.

(4) The staffing and method of performance of contractors, including cost controls.

(5) The efficacy of Department of Defense management and oversight, including the adequacy of staffing and training of officials responsible for such management and oversight.

(6) The flow of information from contractors to officials responsible for contract management and oversight.

(h) SCOPE OF AUDITS OF OTHER CONTRACTS.—Audits conducted pursuant to subsection (a)(2) shall examine, at a minimum, one or more of the following issues:

(1) The manner in which contract requirements were developed and contracts or task and delivery orders were awarded.

(2) The manner in which the Federal agency exercised control over the performance of contractors.

(3) The extent to which operational field commanders were able to coordinate or direct the performance of contractors in an area of combat operations.

(4) The degree to which contractor employees were properly screened, selected, trained, and equipped for the functions to be performed.

(5) The nature and extent of any incidents of misconduct or unlawful activity by contractor employees.

(6) The nature and extent of any activity by contractor employees that was inconsistent with the objectives of operational field commanders.

(7) The extent to which any incidents of misconduct or unlawful activity were reported, documented, investigated, and (where appropriate) prosecuted.

(i) INDEPENDENT CONDUCT OF AUDIT FUNCTIONS.—All audit functions under this section, including audit planning and coordination, shall be performed by the relevant Inspectors General in an independent manner, without consultation with the Commission established pursuant to section 841 of this Act. All audit reports resulting from such audits shall be available to the Commission.

SEC. 843. ENHANCED COMPETITION REQUIREMENTS FOR TASK AND DELIVERY ORDER CONTRACTS.

(a) DEFENSE CONTRACTS.—

(1) LIMITATION ON SINGLE AWARD CONTRACTS.—Section 2304a(d) of title 10, United States Code, is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following new paragraph (3):

"(3)(A) No task or delivery order contract in an amount estimated to exceed $100,000,000 (including all options) may be awarded to a single source unless the head of the agency determines in writing that—

"(i) the task or delivery orders expected under the contract are so integrally related that only a single source can reasonably perform the work;

"(ii) the contract provides only for firm, fixed price task orders or delivery orders for—

"(I) products for which unit prices are established in the contract; or

"(II) services for which prices are established in the contract for the specific tasks to be performed;

"(iii) only one source is qualified and capable of performing the work at a reasonable price to the government; or

"(iv) because of exceptional circumstances, it is necessary in the public interest to award the contract to a single source.

"(B) The head of the agency shall notify Congress within 30 days after any determination under subparagraph (A)(iv).".

(2) ENHANCED COMPETITION FOR ORDERS IN EXCESS OF $5,000,000.—Section 2304c of such title is amended—

(A) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(B) by inserting after subsection (c) the following new subsection (d):

"(d) ENHANCED COMPETITION FOR ORDERS IN EXCESS OF $5,000,000.—In the case of a task or delivery order in excess of $5,000,000, the requirement to provide all contractors a fair opportunity to be considered under subsection (b) is not met unless all such contractors are provided, at a minimum—

"(1) a notice of the task or delivery order that includes a clear statement of the agency's requirements;

"(2) a reasonable period of time to provide a proposal in response to the notice;

"(3) disclosure of the significant factors and subfactors, including cost or price, that the agency expects to consider in evaluating such proposals, and their relative importance;

"(4) in the case of an award that is to be made on a best value basis, a written statement documenting the basis for the award and the relative importance of quality and price or cost factors; and

"(5) an opportunity for a post-award debriefing consistent with the requirements of section 2305(b)(5) of this title."; and

(C) by striking subsection (e), as redesignated by paragraph (1), and inserting the following new subsection (e):

"(e) PROTESTS.—(1) A protest is not authorized in connection with the issuance or proposed issuance of a task or delivery order except for—

"(A) a protest on the ground that the order increases the scope, period, or maximum value of the contract under which the order is issued; or

"(B) a protest of an order valued in excess of $10,000,000.

"(2) Notwithstanding section 3556 of title 31, the Comptroller General of the United States shall have exclusive jurisdiction of a protest authorized under paragraph (1)(B).

"(3) This subsection shall be in effect for three years, beginning on the date that is 120 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008.".

(3) EFFECTIVE DATES.—

(A) SINGLE AWARD CONTRACTS.—The amendments made by paragraph (1) shall take effect on the date that is 120 days after the date of the enactment of this Act, and shall apply with respect to any contract awarded on or after such date.

(B) ORDERS IN EXCESS OF $5,000,000.—The amendments made by paragraph (2) shall take effect on the date that is 120 days after the date of the enactment of this Act, and shall apply with respect to any task or delivery order awarded on or after such date.

(b) CIVILIAN AGENCY CONTRACTS.—

(1) LIMITATION ON SINGLE AWARD CONTRACTS.—Section 303H(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h(d)) is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following new paragraph (3):

"(3)(A) No task or delivery order contract in an amount estimated to exceed $100,000,000 (including all options) may be awarded to a single source unless the head of the executive agency determines in writing that—

"(i) the task or delivery orders expected under the contract are so integrally related that only a single source can reasonably perform the work;

"(ii) the contract provides only for firm, fixed price task orders or delivery orders for—

"(I) products for which unit prices are established in the contract; or

"(II) services for which prices are established in the contract for the specific tasks to be performed;

"(iii) only one source is qualified and capable of performing the work at a reasonable price to the government; or

"(iv) because of exceptional circumstances, it is necessary in the public interest to award the contract to a single source.

"(B) The head of the executive agency shall notify Congress within 30 days after any determination under subparagraph (A)(iv).".

(2) ENHANCED COMPETITION FOR ORDERS IN EXCESS OF $5,000,000.—Section 303J of such Act (41 U.S.C. 253j) is amended—

(A) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(B) by inserting after subsection (c) the following new subsection (d):

"(d) ENHANCED COMPETITION FOR ORDERS IN EXCESS OF $5,000,000.—In the case of a task or delivery order in excess of $5,000,000, the requirement to provide all contractors a fair opportunity to be considered under subsection (b) is not met unless all such contractors are provided, at a minimum—

"(1) a notice of the task or delivery order that includes a clear statement of the executive agency's requirements;

"(2) a reasonable period of time to provide a proposal in response to the notice;

"(3) disclosure of the significant factors and subfactors, including cost or price, that the executive agency expects to consider in evaluating such proposals, and their relative importance;

"(4) in the case of an award that is to be made on a best value basis, a written statement documenting the basis for the award and the relative importance of quality and price or cost factors; and

"(5) an opportunity for a post-award debriefing consistent with the requirements of section 303B(e)."; and

(C) by striking subsection (e), as redesignated by paragraph (1), and inserting the following new subsection (e):

"(e) PROTESTS.—(1) A protest is not authorized in connection with the issuance or proposed issuance of a task or delivery order except for—

"(A) a protest on the ground that the order increases the scope, period, or maximum value of the contract under which the order is issued; or

"(B) a protest of an order valued in excess of $10,000,000.

"(2) Notwithstanding section 3556 of title 31, United States Code, the Comptroller General of the United States shall have exclusive jurisdiction of a protest authorized under paragraph (1)(B).

"(3) This subsection shall be in effect for three years, beginning on the date that is 120 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008.".

(3) EFFECTIVE DATES.—

(A) SINGLE AWARD CONTRACTS.—The amendments made by paragraph (1) shall take effect on the date that is 120 days after the date of the enactment of this Act, and shall apply with respect to any contract awarded on or after such date.

(B) ORDERS IN EXCESS OF $5,000,000.—The amendments made by paragraph (2) shall take effect on the date that is 120 days after the date of the enactment of this Act, and shall apply with respect to any task or delivery order awarded on or after such date.

SEC. 844. PUBLIC DISCLOSURE OF JUSTIFICATION AND APPROVAL DOCUMENTS FOR NONCOMPETITIVE CONTRACTS.

(a) CIVILIAN AGENCY CONTRACTS.—

(1) IN GENERAL.—Section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) is amended by adding at the end the following new subsection:

"(j)(1)(A) Except as provided in subparagraph (B), in the case of a procurement permitted by subsection (c), the head of an executive agency shall make publicly available, within 14 days after the award of the contract, the documents containing the justification and approval required by subsection (f)(1) with respect to the procurement.

"(B) In the case of a procurement permitted by subsection (c)(2), subparagraph (A) shall be applied by substituting '30 days' for '14 days'.

"(2) The documents shall be made available on the website of the agency and through a government-wide website selected by the Administrator for Federal Procurement Policy.

"(3) This subsection does not require the public availability of information that is exempt from public disclosure under section 552(b) of title 5, United States Code.".

(2) CONFORMING AMENDMENT.—Section 303(f) of such Act is amended—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

(b) DEFENSE AGENCY CONTRACTS.—

(1) IN GENERAL.—Section 2304 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(l)(1)(A) Except as provided in subparagraph (B), in the case of a procurement permitted by subsection (c), the head of an agency shall make publicly available, within 14 days after the award of the contract, the documents containing the justification and approval required by subsection (f)(1) with respect to the procurement.

"(B) In the case of a procurement permitted by subsection (c)(2), subparagraph (A) shall be applied by substituting '30 days' for '14 days'.

"(2) The documents shall be made available on the website of the agency and through a government-wide website selected by the Administrator for Federal Procurement Policy.

"(3) This subsection does not require the public availability of information that is exempt from public disclosure under section 552(b) of title 5.".

(2) CONFORMING AMENDMENT.—Section 2304(f) of such title is amended—

(A) by striking paragraph (4); and

(B) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

SEC. 845. DISCLOSURE OF GOVERNMENT CONTRACTOR AUDIT FINDINGS.

(a) REQUIRED ANNEX ON SIGNIFICANT AUDIT FINDINGS.—

(1) IN GENERAL.—Each Inspector General appointed under the Inspector General Act of 1978 shall submit, as part of the semiannual report submitted to Congress pursuant to section 5 of such Act, an annex on final, completed contract audit reports issued to the contracting activity containing significant audit findings issued during the period covered by the semiannual report concerned.

(2) ELEMENTS.—Such annex shall include—

(A) a list of such contract audit reports;

(B) for each audit report, a brief description of the nature of the significant audit findings in the report; and

(C) for each audit report, the specific amounts of costs identified as unsupported, questioned, or disallowed.

(3) INFORMATION EXEMPT FROM PUBLIC DISCLOSURE.—(A) Nothing in this subsection shall be construed to require the release of information to the public that is exempt from public disclosure under section 552(b) of title 5, United States Code.

(B) For each element required by paragraph (2), the Inspector General concerned shall note each instance where information has been redacted in accordance with the requirements of section 552(b) of title 5, United States Code, and submit an unredacted annex to the committees listed in subsection (d)(2) within 7 days after the issuance of the semiannual report.

(b) DEFENSE CONTRACT AUDIT AGENCY INCLUDED.—For purposes of subsection (a), audits of the Defense Contract Audit Agency shall be included in the annex provided by the Inspector General of the Department of Defense if they include significant audit findings.

(c) EXCEPTION.—Subsection (a) shall not apply to an Inspector General if no audits described in such subsection were issued during the covered period.

(d) SUBMISSION OF INDIVIDUAL AUDITS.—

(1) REQUIREMENT.—The head of each Federal department or agency shall provide, within 14 days after a request in writing by the chairman or ranking member of any committee listed in paragraph (2), a full and unredacted copy of any audit described in subsection (a). Such copy shall include an identification of information in the audit exempt from public disclosure under section 552(b) of title 5, United States Code.

(2) COMMITTEES.—The committees listed in this paragraph are the following:

(A) The Committee on Oversight and Government Reform of the House of Representatives.

(B) The Committee on Homeland Security and Governmental Affairs of the Senate.

(C) The Committees on Appropriations of the House of Representatives and the Senate.

(D) With respect to the Department of Defense and the Department of Energy, the Committees on Armed Services of the Senate and House of Representatives.

(E) The Committees of primary jurisdiction over the agency or department to which the request is made.

(e) CLASSIFIED INFORMATION.—Nothing in this section shall be interpreted to require the handling of classified information or information relating to intelligence sources and methods in a manner inconsistent with any law, regulation, executive order, or rule of the House of Representatives or of the Senate relating to the handling or protection of such information.

(f) DEFINITIONS.—In this section:

(1) SIGNIFICANT AUDIT FINDINGS.—The term "significant audit findings" includes—

(A) unsupported, questioned, or disallowed costs in an amount in excess of $10,000,000; or

(B) other findings that the Inspector General of the agency or department concerned determines to be significant.

(2) Contract.—The term "contract" includes a contract, an order placed under a task or delivery order contract, or a subcontract.

SEC. 846. PROTECTION FOR CONTRACTOR EMPLOYEES FROM REPRISAL FOR DISCLOSURE OF CERTAIN INFORMATION.

(a) Increased Protection From Reprisal.—Subsection (a) of section 2409 of title 10, United States Code, is amended—

(1) by striking "disclosing to a Member of Congress" and inserting "disclosing to a Member of Congress, a representative of a committee of Congress, an Inspector General, the Government Accountability Office, a Department of Defense employee responsible for contract oversight or management,"; and

(2) by striking "information relating to a substantial violation of law related to a contract (including the competition for or negotiation of a contract)" and inserting "information that the employee reasonably believes is evidence of gross mismanagement of a Department of Defense contract or grant, a gross waste of Department of Defense funds, a substantial and specific danger to public health or safety, or a violation of law related to a Department of Defense contract (including the competition for or negotiation of a contract) or grant".

(b) Clarification of Inspector General Determination.—Subsection (b) of such section is amended—

(1) by inserting "(1)" after "Investigation of Complaints.—";

(2) by striking "an agency" and inserting "the Department of Defense, or the Inspector General of the National Aeronautics and Space Administration in the case of a complaint regarding the National Aeronautics and Space Administration"; and

(3) by adding at the end the following new paragraph:

"(2)(A) Except as provided under subparagraph (B), the Inspector General shall make a determination that a complaint is frivolous or submit a report under paragraph (1) within 180 days after receiving the complaint.

"(B) If the Inspector General is unable to complete an investigation in time to submit a report within the 180-day period specified in subparagraph (A) and the person submitting the complaint agrees to an extension of time, the Inspector General shall submit a report under paragraph (1) within such additional period of time as shall be agreed upon between the Inspector General and the person submitting the complaint.".

(c) Acceleration of Schedule for Denying Relief or Providing Remedy.—Subsection (c) of such section is amended—

(1) in paragraph (1), by striking "If the head of the agency determines that a contractor has subjected a person to a reprisal prohibited by subsection (a), the head of the agency may" and inserting after "(1)" the following: "Not later than 30 days after receiving an Inspector General report pursuant to subsection (b), the head of the agency concerned shall determine whether there is sufficient basis to conclude that the contractor concerned has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief or shall";

(2) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively; and

(3) by inserting after paragraph (1) the following new paragraphs:

"(2) If the head of an executive agency issues an order denying relief under paragraph (1) or has not issued an order within 210 days after the submission of a complaint under subsection (b), or in the case of an extension of time under paragraph (b)(2)(B), not later than 30 days after the expiration of the extension of time, and there is no showing that such delay is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted all administrative remedies with respect to the complaint, and the complainant may bring a de novo action at law or equity against the contractor to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury.

"(3) An Inspector General determination and an agency head order denying relief under paragraph (2) shall be admissible in evidence in any de novo action at law or equity brought pursuant to this subsection.".

(d) Definitions.—Subsection (e) of such section is amended—

(1) in paragraph (4), by inserting "or a grant" after "a contract"; and

(2) by inserting before the period at the end the following: "and any Inspector General that receives funding from, or has oversight over contracts awarded for or on behalf of, the Secretary of Defense".

SEC. 847. REQUIREMENTS FOR SENIOR DEPARTMENT OF DEFENSE OFFICIALS SEEKING EMPLOYMENT WITH DEFENSE CONTRACTORS.

(a) Requirement to Seek and Obtain Written Opinion.—

(1) Request.—An official or former official of the Department of Defense described in subsection (c) who, within two years after leaving service in the Department of Defense, expects to receive compensation from a Department of Defense contractor, shall, prior to accepting such compensation, request a written opinion regarding the applicability of post-employment restrictions to activities that the official or former official may undertake on behalf of a contractor.

(2) Submission of request.—A request for a written opinion under paragraph (1) shall be submitted in writing to an ethics official of the Department of Defense having responsibility for the organization in which the official or former official serves or served and shall set forth all information relevant to the request, including information relating to government positions held and major duties in those positions, actions taken concerning future employment, positions sought, and future job descriptions, if applicable.

(3) Written opinion.—Not later than 30 days after receiving a request by an official or former official of the Department of Defense described in subsection (c), the appropriate ethics counselor shall provide such official or former official a written opinion regarding the applicability or inapplicability of post-employment restrictions to activities that the official or former official may undertake on behalf of a contractor.

(4) Contractor requirement.—A Department of Defense contractor may not knowingly provide compensation to a former Department of Defense official described in subsection (c) within two years after such former official leaves service in the Department of Defense, without first determining that the former official has sought and received (or has not received after 30 days of seeking) a written opinion from the appropriate ethics counselor regarding the applicability of post-employment restrictions to the activities that the former official is expected to undertake on behalf of the contractor.

(5) Administrative actions.—In the event that an official or former official of the Department of Defense described in subsection (c), or a Department of Defense contractor, knowingly fails to comply with the requirements of this subsection, the Secretary of Defense may take any of the administrative actions set forth in section 27(e) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(e)) that the Secretary of Defense determines to be appropriate.

(b) Recordkeeping Requirement.—

(1) Database.—Each request for a written opinion made pursuant to this section, and each written opinion provided pursuant to such a request, shall be retained by the Department of Defense in a central database or repository for not less than five years beginning on the date on which the written opinion was provided.

(2) Inspector general review.—The Inspector General of the Department of Defense shall conduct periodic reviews to ensure that written opinions are being provided and retained in accordance with the requirements of this section. The first such review shall be conducted no later than two years after the date of the enactment of this Act.

(c) Covered Department of Defense Officials.—An official or former official of the Department of Defense is covered by the requirements of this section if such official or former official—

(1) participated personally and substantially in an acquisition as defined in section 4(16) of the Office of Federal Procurement Policy Act with a value in excess of $10,000,000 and serves or served—

(A) in an Executive Schedule position under subchapter II of chapter 53 of title 5, United States Code;

(B) in a position in the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code; or

(C) in a general or flag officer position compensated at a rate of pay for grade O–7 or above under section 201 of title 37, United States Code; or

(2) serves or served as a program manager, deputy program manager, procuring contracting officer, administrative contracting officer, source selection authority, member of the source selection evaluation board, or chief of a financial or technical evaluation team for a contract in an amount in excess of $10,000,000.

(d) Definition.—In this section, the term "post-employment restrictions" includes—

(1) section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423);

(2) section 207 of title 18, United States Code; and

(3) any other statute or regulation restricting the employment or activities of individuals who leave government service in the Department of Defense.

SEC. 848. REPORT ON CONTRACTOR ETHICS PROGRAMS OF MAJOR DEFENSE CONTRACTORS.

(a) Report Required.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the internal ethics programs of major defense contractors.

(b) Elements.—The report required by subsection (a) shall address, at a minimum—

(1) the extent to which major defense contractors have internal ethics programs in place;

(2) the extent to which the ethics programs described in paragraph (1) include—

(A) the availability of internal mechanisms, such as hotlines, for contractor employees to report conduct that may violate applicable requirements of law or regulation;

(B) notification to contractor employees of the availability of external mechanisms, such as the hotline of the Inspector General of the Department of Defense, for the reporting of conduct that may violate applicable requirements of law or regulation;

(C) notification to contractor employees of their right to be free from reprisal for disclosing a substantial violation of law related to a contract, in accordance with section 2409 of title 10, United States Code;

(D) ethics training programs for contractor officers and employees;

(E) internal audit or review programs to identify and address conduct that may violate applicable requirements of law or regulation;

(F) self-reporting requirements, under which contractors report conduct that may violate applicable requirements of law or regulation to appropriate government officials;

(G) disciplinary action for contractor employees whose conduct is determined to have violated applicable requirements of law or regulation; and

(H) appropriate management oversight to ensure the successful implementation of such ethics programs;

(3) the extent to which the Department of Defense monitors or approves the ethics programs of major defense contractors; and

(4) the advantages and disadvantages of legislation requiring that defense contractors develop internal ethics programs and requiring that specific elements be included in such ethics programs.

(c) ACCESS TO INFORMATION.—In accordance with the contract clause required pursuant to section 2313(c) of title 10, United States Code, each major defense contractor shall provide the Comptroller General access to information requested by the Comptroller General that is within the scope of the report required by this section.

(d) MAJOR DEFENSE CONTRACTOR DEFINED.—In this section, the term "major defense contractor" means any company that was awarded contracts by the Department of Defense during fiscal year 2006 in amounts totaling more than $500,000,000.

SEC. 849. CONTINGENCY CONTRACTING TRAINING FOR PERSONNEL OUTSIDE THE ACQUISITION WORKFORCE AND EVALUATIONS OF ARMY COMMISSION RECOMMENDATIONS.

(a) TRAINING REQUIREMENT.—Section 2333 of title 10, United States Code is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e) TRAINING FOR PERSONNEL OUTSIDE ACQUISITION WORKFORCE.—(1) The joint policy for requirements definition, contingency program management, and contingency contracting required by subsection (a) shall provide for training of military personnel outside the acquisition workforce (including operational field commanders and officers performing key staff functions for operational field commanders) who are expected to have acquisition responsibility, including oversight duties associated with contracts or contractors, during combat operations, post-conflict operations, and contingency operations.

"(2) Training under paragraph (1) shall be sufficient to ensure that the military personnel referred to in that paragraph understand the scope and scale of contractor support they will experience in contingency operations and are prepared for their roles and responsibilities with regard to requirements definition, program management (including contractor oversight), and contingency contracting.

"(3) The joint policy shall also provide for the incorporation of contractors and contract operations in mission readiness exercises for operations that will include contracting and contractor support.".

(b) ORGANIZATIONAL REQUIREMENTS.—

(1) EVALUATION BY THE SECRETARY OF DEFENSE.—The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall evaluate the recommendations included in the report of the Commission on Army Acquisition and Program Management in Expeditionary Operations and shall determine the extent to which such recommendations are applicable to the other Armed Forces. Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit a report to the congressional defense committees with the conclusions of this evaluation and a description of the Secretary's plans for implementing the Commission's recommendations for Armed Forces other than the Army.

(2) EVALUATION BY THE SECRETARY OF THE ARMY.—The Secretary of the Army, in consultation with the Chief of Staff of the Army, shall evaluate the recommendations included in the report of the Commission on Army Acquisition and Program Management in Expeditionary Operations. Not later than 120 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report detailing the Secretary's plans for implementation of the recommendations of the Commission. The report shall include the following:

(A) For each recommendation that has been implemented, or that the Secretary plans to implement—

(i) a summary of all actions that have been taken to implement such recommendation; and

(ii) a schedule, with specific milestones, for completing the implementation of such recommendation.

(B) For each recommendation that the Secretary has not implemented and does not plan to implement—

(i) the reasons for the decision not to implement such recommendation; and

(ii) a summary of any alternative actions the Secretary plans to take to address the purposes underlying such recommendation.

(C) For each recommendation that would require legislation to implement, the Secretary's recommendations regarding such legislation.

(c) COMPTROLLER GENERAL REPORT.—Section 854(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2346) is amended by adding at the end the following new paragraph:

"(3) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date on which the Secretary of Defense submits the final report required by paragraph (2), the Comptroller General of the United States shall—

"(A) review the joint policies developed by the Secretary, including the implementation of such policies; and

"(B) submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the extent to which such policies, and the implementation of such policies, comply with the requirements of section 2333 of title 10, United States Code (as so amended).".

Subtitle E—Acquisition Workforce Provisions

SEC. 851. REQUIREMENT FOR SECTION ON DEFENSE ACQUISITION WORKFORCE IN STRATEGIC HUMAN CAPITAL PLAN.

(a) IN GENERAL.—In the update of the strategic human capital plan for 2008, and in each subsequent update, the Secretary of Defense shall include a separate section focused on the defense acquisition workforce, including both military and civilian personnel.

(b) FUNDING.—The section shall contain—

(1) an identification of the funding programmed for defense acquisition workforce improvements, including a specific identification of funding provided in the Department of Defense Acquisition Workforce Fund established under section 1705 of title 10, United States Code (as added by section 852 of this Act);

(2) an identification of the funding programmed for defense acquisition workforce training in the future-years defense program, including a specific identification of funding provided by the acquisition workforce training fund established under section 37(h)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(h)(3));

(3) a description of how the funding identified pursuant to paragraphs (1) and (2) will be implemented during the fiscal year concerned to address the areas of need identified in accordance with subsection (c);

(4) a statement of whether the funding identified under paragraphs (1) and (2) is being fully used; and

(5) a description of any continuing shortfall in funding available for the defense acquisition workforce.

(c) AREAS OF NEED.—The section also shall identify any areas of need in the defense acquisition workforce, including—

(1) gaps in the skills and competencies of the current or projected defense acquisition workforce;

(2) changes to the types of skills needed in the current or projected defense acquisition workforce;

(3) incentives to retain in the defense acquisition workforce qualified, experienced defense acquisition workforce personnel; and

(4) incentives for attracting new, high-quality personnel to the defense acquisition workforce.

(d) STRATEGIC HUMAN CAPITAL PLAN DEFINED.—In this section, the term "strategic human capital plan" means the strategic human capital plan required under section 1122 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3452; 10 U.S.C. prec. 1580 note).

SEC. 852. DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND.

(a) IN GENERAL.—

(1) ESTABLISHMENT OF FUND.—Chapter 87 of title 10, United States Code, is amended by inserting after section 1704 the following new section:

"§ 1705. Department of Defense Acquisition Workforce Development Fund

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish a fund to be known as the 'Department of Defense Acquisition Workforce Fund' (in this section referred to as the 'Fund') to provide funds, in addition to other funds that may be available, for the recruitment, training, and retention of acquisition personnel of the Department of Defense.

"(b) PURPOSE.—The purpose of the Fund is to ensure that the Department of Defense acquisition workforce has the capacity, in both personnel and skills, needed to properly perform its mission, provide appropriate oversight of contractor performance, and ensure that the Department receives the best value for the expenditure of public resources.

"(c) MANAGEMENT.—The Fund shall be managed by a senior official of the Department of Defense designated by the Under Secretary of Defense for Acquisition, Technology, and Logistics for that purpose, from among persons with an extensive background in management relating to acquisition and personnel.

"(d) ELEMENTS.—

"(1) IN GENERAL.—The Fund shall consist of amounts as follows:

"(A) Amounts credited to the Fund under paragraph (2).

"(B) Any other amounts appropriated to, credited to, or deposited into the Fund by law.

"(2) CREDITS TO THE FUND.—(A) There shall be credited to the Fund an amount equal to the applicable percentage for a fiscal year of all amounts expended by the Department of Defense in such fiscal year for contract services, other than services relating to research and development and services relating to military construction.

"(B) Not later than 30 days after the end of the third fiscal year quarter of fiscal year 2008, and 30 days after the end of each fiscal year quarter thereafter, the head of each military department and Defense Agency shall remit to the Secretary of Defense an amount equal to the applicable percentage for such fiscal year of the amount expended by such military department or Defense Agency, as the case may be, during such fiscal year quarter for services covered by subparagraph (A). Any amount so remitted shall be credited to the Fund under subparagraph (A).

"(C) For purposes of this paragraph, the applicable percentage for a fiscal year is a percentage as follows:

"(i) For fiscal year 2008, 0.5 percent.

"(ii) For fiscal year 2009, 1 percent.

"(iii) For fiscal year 2010, 1.5 percent.

"(iv) For any fiscal year after fiscal year 2010, 2 percent.

"(D) The Secretary of Defense may reduce a percentage established in subparagraph (C) for any fiscal year, if he determines that the application of such percentage would result in the crediting of an amount greater than is reasonably needed for the purpose of the Fund. In no event may the Secretary reduce a percentage for any fiscal year below a percentage that results in the deposit in a fiscal year of an amount equal to the following:

"(i) For fiscal year 2008, $300,000,000.

"(ii) For fiscal year 2009, $400,000,000.

"(iii) For fiscal year 2010, $500,000,000.

"(iv) For any fiscal year after fiscal year 2010, $600,000,000.

"(e) AVAILABILITY OF FUNDS.—

"(1) IN GENERAL.—Subject to the provisions of this subsection, amounts in the Fund shall be available to the Secretary of Defense for expenditure, or for transfer to a military department or Defense Agency, for the recruitment, training, and retention of acquisition personnel of the Department of Defense for the purpose of the Fund, including for the provision of training and retention incentives to the acquisition workforce of the Department.

"(2) PROHIBITION.—Amounts in the Fund may not be obligated for any purpose other than purposes described in paragraph (1) or otherwise in accordance with this subsection.

"(3) GUIDANCE.—The Under Secretary of Defense for Acquisition, Technology, and Logistics, acting through the senior official designated to manage the Fund, shall issue guidance for the administration of the Fund. Such guidance shall include provisions—

"(A) identifying areas of need in the acquisition workforce for which amounts in the Fund may be used, including—

"(i) changes to the types of skills needed in the acquisition workforce;

"(ii) incentives to retain in the acquisition workforce qualified, experienced acquisition workforce personnel; and

"(iii) incentives for attracting new, high-quality personnel to the acquisition workforce;

"(B) describing the manner and timing for applications for amounts in the Fund to be submitted;

"(C) describing the evaluation criteria to be used for approving or prioritizing applications for amounts in the Fund in any fiscal year; and

"(D) describing measurable objectives of performance for determining whether amounts in the Fund are being used in compliance with this section.

"(4) LIMITATION ON PAYMENTS TO OR FOR CONTRACTORS.—Amounts in the Fund shall not be available for payments to contractors or contractor employees, other than for the purpose of providing advanced training to Department of Defense employees.

"(5) PROHIBITION ON PAYMENT OF BASE SALARY OF CURRENT EMPLOYEES.—Amounts in the Fund may not be used to pay the base salary of any person who was an employee of the Department as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008.

"(6) DURATION OF AVAILABILITY.—Amounts credited to the Fund under subsection (d)(2) shall remain available for expenditure in the fiscal year for which credited and the two succeeding fiscal years.

"(f) ANNUAL REPORT.—Not later than 60 days after the end of each fiscal year beginning with fiscal year 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the operation of the Fund during such fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

"(1) A statement of the amounts remitted to the Secretary for crediting to the Fund for such fiscal year by each military department and Defense Agency, and a statement of the amounts credited to the Fund for such fiscal year.

"(2) A description of the expenditures made from the Fund (including expenditures following a transfer of amounts in the Fund to a military department or Defense Agency) in such fiscal year, including the purpose of such expenditures.

"(3) A description and assessment of improvements in the Department of Defense acquisition workforce resulting from such expenditures.

"(4) Recommendations for additional authorities to fulfill the purpose of the Fund.

"(5) A statement of the balance remaining in the Fund at the end of such fiscal year.

"(g) ACQUISITION WORKFORCE DEFINED.—In this section, the term 'acquisition workforce' means personnel in positions designated under section 1721 of this title as acquisition positions for purposes of this chapter.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of such chapter is amended by inserting after the item relating to section 1704 the following new item:

"1705. Department of Defense Acquisition Workforce Development Fund.".

(b) EFFECTIVE DATE.—Section 1705 of title 10, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act.

SEC. 853. EXTENSION OF AUTHORITY TO FILL SHORTAGE CATEGORY POSITIONS FOR CERTAIN FEDERAL ACQUISITION POSITIONS.

Section 1413(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1665) is amended by striking "September 30, 2007" and inserting "September 30, 2012".

SEC. 854. REPEAL OF SUNSET OF ACQUISITION WORKFORCE TRAINING FUND.

Section 37(h)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(h)(3)) is amended by striking subparagraph (H).

SEC. 855. FEDERAL ACQUISITION WORKFORCE IMPROVEMENTS.

(a) ASSOCIATE ADMINISTRATOR FOR ACQUISITION WORKFORCE PROGRAMS.—The Administrator for Federal Procurement Policy shall designate a member of the Senior Executive Service as the Associate Administrator for Acquisition Workforce Programs. The Associate Administrator for Acquisition Workforce Programs shall be located in the Federal Acquisition Institute (or its successor). The Associate Administrator shall be responsible for—

(1) supervising the acquisition workforce training fund established under section 37(h)(3) of the Office of Federal Procurement Policy Act (41 U. S. C. 433(h)(3));

(2) developing, in coordination with Chief Acquisition Officers and Chief Human Capital Officers, a strategic human capital plan for the acquisition workforce of the Federal Government;

(3) reviewing and providing input to individual agency acquisition workforce succession plans;

(4) recommending to the Administrator and other senior government officials appropriate programs, policies, and practices to increase the quantity and quality of the Federal acquisition workforce; and

(5) carrying out such other functions as the Administrator may assign.

(b) ACQUISITION AND CONTRACTING TRAINING PROGRAMS WITHIN EXECUTIVE AGENCIES.—

(1) REQUIREMENT.—The head of each executive agency, after consultation with the Associate Administrator for Acquisition Workforce Programs, shall establish and operate acquisition and contracting training programs. Such programs shall—

(A) have curricula covering a broad range of acquisition and contracting disciplines corresponding to the specific acquisition and contracting needs of the agency involved;

(B) be developed and applied according to rigorous standards; and

(C) be designed to maximize efficiency, through the use of self-paced courses, online courses, on-the-job training, and the use of remote instructors, wherever such features can be applied without reducing the effectiveness of the training or negatively affecting academic standards.

(2) CHIEF ACQUISITION OFFICER AUTHORITIES AND RESPONSIBILITIES.—Subject to the authority, direction, and control of the head of an executive agency, the Chief Acquisition Officer for such agency shall carry out all powers, functions, and duties of the head of the agency with respect to implementation

of this subsection. The Chief Acquisition Officer shall ensure that the policies established by the head of the agency in accordance with this subsection are implemented throughout the agency.

(c) Government-Wide Policies and Evaluation.—The Administrator for Federal Procurement Policy shall issue policies to promote the development of performance standards for training and uniform implementation of this section by executive agencies, with due regard for differences in program requirements among agencies that may be appropriate and warranted in view of the agency mission. The Administrator shall evaluate the implementation of the provisions of subsection (b) by executive agencies.

(d) Acquisition and Contracting Training Reporting.—The Administrator for Federal Procurement Policy shall ensure that the heads of executive agencies collect and maintain standardized information on the acquisition and contracting workforce related to the implementation of subsection (b).

(e) Acquisition Workforce Human Capital Succession Plan.—

(1) In general.—Not later than 1 year after the date of the enactment of this Act, each Chief Acquisition Officer for an executive agency shall develop, in consultation with the Chief Human Capital Officer for the agency and the Associate Administrator for Acquisition Workforce Programs, a succession plan consistent with the agency's strategic human capital plan for the recruitment, development, and retention of the agency's acquisition workforce, with a particular focus on warranted contracting officers and program managers of the agency.

(2) Content of plan.—The acquisition workforce succession plan shall address—

(A) recruitment goals for personnel from procurement intern programs;

(B) the agency's acquisition workforce training needs;

(C) actions to retain high performing acquisition professionals who possess critical relevant skills;

(D) recruitment goals for personnel from the Federal Career Intern Program; and

(E) recruitment goals for personnel from the Presidential Management Fellows Program.

(f) Training in the Acquisition of Architect and Engineering Services.—The Administrator for Federal Procurement Policy shall ensure that a sufficient number of Federal employees are trained in the acquisition of architect and engineering services.

(g) Utilization of Recruitment and Retention Authorities.—The Administrator for Federal Procurement Policy, in coordination with the Director of the Office of Personnel Management, shall encourage executive agencies to utilize existing authorities, including direct hire authority and tuition assistance programs, to recruit and retain acquisition personnel and consider recruiting acquisition personnel who may be retiring from the private sector, consistent with existing laws and regulations.

(h) Definitions.—In this section:

(1) Executive agency.—The term "executive agency" has the meaning provided in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(2) Chief acquisition officer.—The term "Chief Acquisition Officer" means a Chief Acquisition Officer for an executive agency appointed pursuant to section 16 of the Office of Federal Procurement Policy Act (41 U.S.C. 414).

Subtitle F—Contracts in Iraq and Afghanistan

SEC. 861. MEMORANDUM OF UNDERSTANDING ON MATTERS RELATING TO CONTRACTING.

(a) Memorandum of Understanding Required.—The Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall, not later than July 1, 2008, enter into a memorandum of understanding regarding matters relating to contracting for contracts in Iraq or Afghanistan.

(b) Matters Covered.—The memorandum of understanding required by subsection (a) shall address, at a minimum, the following:

(1) Identification of the major categories of contracts in Iraq or Afghanistan being awarded by the Department of Defense, the Department of State, or the United States Agency for International Development.

(2) Identification of the roles and responsibilities of each department or agency for matters relating to contracting for contracts in Iraq or Afghanistan.

(3) Responsibility for establishing procedures for, and the coordination of, movement of contractor personnel in Iraq or Afghanistan.

(4) Identification of common databases that will serve as repositories of information on contracts in Iraq or Afghanistan and contractor personnel in Iraq or Afghanistan, including agreement on the elements to be included in the databases, including, at a minimum—

(A) with respect to each contract—

(i) a brief description of the contract (to the extent consistent with security considerations);

(ii) the total value of the contract; and

(iii) whether the contract was awarded competitively; and

(B) with respect to contractor personnel—

(i) the total number of personnel employed on contracts in Iraq or Afghanistan;

(ii) the total number of personnel performing security functions under contracts in Iraq or Afghanistan; and

(iii) the total number of personnel working under contracts in Iraq or Afghanistan who have been killed or wounded.

(5) Responsibility for maintaining and updating information in the common databases identified under paragraph (4).

(6) Responsibility for the collection and referral to the appropriate Government agency of any information relating to offenses under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice) or chapter 212 of title 18, United States Code (commonly referred to as the Military Extraterritorial Jurisdiction Act), including a clarification of responsibilities under section 802(a)(10) of title 10, United States Code (article 2(a) of the Uniform Code of Military Justice), as amended by section 552 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364).

(c) Implementation of Memorandum of Understanding.—Not later than 120 days after the memorandum of understanding required by subsection (a) is signed, the Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall issue such policies or guidance and prescribe such regulations as are necessary to implement the memorandum of understanding for the relevant matters pertaining to their respective agencies.

(d) Copies Provided to Congress.—

(1) Memorandum of understanding.—Copies of the memorandum of understanding required by subsection (a) shall be provided to the relevant committees of Congress within 30 days after the memorandum is signed.

(2) Report on implementation.—Not later than 180 days after the memorandum of understanding required by subsection (a) is signed, the Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall each provide a report to the relevant committees of Congress on the implementation of the memorandum of understanding.

(3) Databases.—The Secretary of Defense, the Secretary of State, or the Administrator of the United States Agency for International Development shall provide access to the common databases identified under subsection (b)(4) to the relevant committees of Congress.

(4) Contracts.—Effective on the date of the enactment of this Act, copies of any contracts in Iraq or Afghanistan awarded after December 1, 2007, shall be provided to any of the relevant committees of Congress within 15 days after the submission of a request for such contract or contracts from such committee to the department or agency managing the contract.

SEC. 862. CONTRACTORS PERFORMING PRIVATE SECURITY FUNCTIONS IN AREAS OF COMBAT OPERATIONS.

(a) Regulations on Contractors Performing Private Security Functions.—

(1) In general.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall prescribe regulations on the selection, training, equipping, and conduct of personnel performing private security functions under a covered contract in an area of combat operations.

(2) Elements.—The regulations prescribed under subsection (a) shall, at a minimum, establish—

(A) a process for registering, processing, accounting for, and keeping appropriate records of personnel performing private security functions in an area of combat operations;

(B) a process for authorizing and accounting for weapons to be carried by, or available to be used by, personnel performing private security functions in an area of combat operations;

(C) a process for the registration and identification of armored vehicles, helicopters, and other military vehicles operated by contractors performing private security functions in an area of combat operations;

(D) a process under which contractors are required to report all incidents, and persons other than contractors are permitted to report incidents, in which—

(i) a weapon is discharged by personnel performing private security functions in an area of combat operations;

(ii) personnel performing private security functions in an area of combat operations are killed or injured; or

(iii) persons are killed or injured, or property is destroyed, as a result of conduct by contractor personnel;

(E) a process for the independent review and, if practicable, investigation of—

(i) incidents reported pursuant to subparagraph (D); and

(ii) incidents of alleged misconduct by personnel performing private security functions in an area of combat operations;

(F) requirements for qualification, training, screening (including, if practicable, through background checks), and security for personnel performing private security functions in an area of combat operations;

(G) guidance to the commanders of the combatant commands on the issuance of—

(i) orders, directives, and instructions to contractors performing private security functions relating to equipment, force protection, security, health, safety, or relations and interaction with locals;

(ii) predeployment training requirements for personnel performing private security functions in an area of combat operations, addressing the requirements of this section, resources and assistance available to contractor personnel, country information and cultural training, and guidance on working with host country nationals and military; and

(iii) rules on the use of force for personnel performing private security functions in an area of combat operations;

(H) a process by which a commander of a combatant command may request an action described in subsection (b)(3); and

(I) a process by which the training requirements referred to in subparagraph (G)(ii) shall be implemented.

(3) AVAILABILITY OF ORDERS, DIRECTIVES, AND INSTRUCTIONS.—The regulations prescribed under subsection (a) shall include mechanisms to ensure the provision and availability of the orders, directives, and instructions referred to in paragraph (2)(G)(i) to contractors referred to in that paragraph, including through the maintenance of a single location (including an Internet website, to the extent consistent with security considerations) at or through which such contractors may access such orders, directives, and instructions.

(b) CONTRACT CLAUSE ON CONTRACTORS PERFORMING PRIVATE SECURITY FUNCTIONS.—

(1) REQUIREMENT UNDER FAR.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) shall be revised to require the insertion into each covered contract (or, in the case of a task order, the contract under which the task order is issued) of a contract clause addressing the selection, training, equipping, and conduct of personnel performing private security functions under such contract.

(2) CLAUSE REQUIREMENT.—The contract clause required by paragraph (1) shall require, at a minimum, that the contractor concerned shall—

(A) comply with regulations prescribed under subsection (a), including any revisions or updates to such regulations, and follow the procedures established in such regulations for—

(i) registering, processing, accounting for, and keeping appropriate records of personnel performing private security functions in an area of combat operations;

(ii) authorizing and accounting of weapons to be carried by, or available to be used by, personnel performing private security functions in an area of combat operations;

(iii) registration and identification of armored vehicles, helicopters, and other military vehicles operated by contractors and subcontractors performing private security functions in an area of combat operations; and

(iv) the reporting of incidents in which—

(I) a weapon is discharged by personnel performing private security functions in an area of combat operations;

(II) personnel performing private security functions in an area of combat operations are killed or injured; or

(III) persons are killed or injured, or property is destroyed, as a result of conduct by contractor personnel;

(B) ensure that all personnel performing private security functions under such contract are briefed on and understand their obligation to comply with—

(i) qualification, training, screening (including, if practicable, through background checks), and security requirements established by the Secretary of Defense for personnel performing private security functions in an area of combat operations;

(ii) applicable laws and regulations of the United States and the host country, and applicable treaties and international agreements, regarding the performance of the functions of the contractor;

(iii) orders, directives, and instructions issued by the applicable commander of a combatant command relating to equipment, force protection, security, health, safety, or relations and interaction with locals; and

(iv) rules on the use of force issued by the applicable commander of a combatant command for personnel performing private security functions in an area of combat operations; and

(C) cooperate with any investigation conducted by the Department of Defense pursuant to subsection (a)(2)(E) by providing access to employees of the contractor and relevant information in the possession of the contractor regarding the incident concerned.

(3) NONCOMPLIANCE OF PERSONNEL WITH CLAUSE.—The contracting officer for a covered contract may direct the contractor, at its own expense, to remove or replace any personnel performing private security functions in an area of combat operations who violate or fail to comply with applicable requirements of the clause required by this subsection. If the violation or failure to comply is a gross violation or failure or is repeated, the contract may be terminated for default.

(4) APPLICABILITY.—The contract clause required by this subsection shall be included in all covered contracts awarded on or after the date that is 180 days after the date of the enactment of this Act. Federal agencies shall make best efforts to provide for the inclusion of the contract clause required by this subsection in covered contracts awarded before such date.

(5) INSPECTOR GENERAL REPORT ON PILOT PROGRAM ON IMPOSITION OF FINES FOR NONCOMPLIANCE OF PERSONNEL WITH CLAUSE.—Not later than March 30, 2008, the Inspector General of the Department of Defense shall submit to Congress a report assessing the feasibility and advisability of carrying out a pilot program for the imposition of fines on contractors for personnel who violate or fail to comply with applicable requirements of the clause required by this section as a mechanism for enhancing the compliance of such personnel with the clause. The report shall include—

(A) an assessment of the feasibility and advisability of carrying out the pilot program; and

(B) if the Inspector General determines that carrying out the pilot program is feasible and advisable—

(i) recommendations on the range of contracts and subcontracts to which the pilot program should apply; and

(ii) a schedule of fines to be imposed under the pilot program for various types of personnel actions or failures.

(c) AREAS OF COMBAT OPERATIONS.—

(1) DESIGNATION.—The Secretary of Defense shall designate the areas constituting an area of combat operations for purposes of this section by not later than 120 days after the date of the enactment of this Act.

(2) PARTICULAR AREAS.—Iraq and Afghanistan shall be included in the areas designated as an area of combat operations under paragraph (1).

(3) ADDITIONAL AREAS.—The Secretary may designate any additional area as an area constituting an area of combat operations for purposes of this section if the Secretary determines that the presence or potential of combat operations in such area warrants designation of such area as an area of combat operations for purposes of this section.

(4) MODIFICATION OR ELIMINATION OF DESIGNATION.—The Secretary may modify or cease the designation of an area under this subsection as an area of combat operations if the Secretary determines that combat operations are no longer ongoing in such area.

(d) EXCEPTION.—The requirements of this section shall not apply to contracts entered into by elements of the intelligence community in support of intelligence activities.

SEC. 863. COMPTROLLER GENERAL REVIEWS AND REPORTS ON CONTRACTING IN IRAQ AND AFGHANISTAN.

(a) REVIEWS AND REPORTS REQUIRED.—

(1) IN GENERAL.—Every 12 months, the Comptroller General shall review contracts in Iraq or Afghanistan and submit to the relevant committees of Congress a report on such review.

(2) MATTERS COVERED.—A report under this subsection shall cover the following with respect to the contracts in Iraq or Afghanistan reviewed for the report:

(A) Total number of contracts and task orders awarded during the period covered by the report.

(B) Total number of active contracts and task orders.

(C) Total value of all contracts and task orders awarded during the reporting period.

(D) Total value of active contracts and task orders.

(E) The extent to which such contracts have used competitive procedures.

(F) Total number of contractor personnel working on contracts during the reporting period.

(G) Total number of contractor personnel, on average, who are performing security functions during the reporting period.

(H) The number of contractor personnel killed or wounded during the reporting period.

(I) Information on any specific contract or class of contracts that the Comptroller General determines raises issues of significant concern.

(3) SUBMISSION OF REPORTS.—The Comptroller General shall submit an initial report under this subsection not later than October 1, 2008, and shall submit an updated report every year thereafter until October 1, 2010.

(b) ACCESS TO DATABASES ON CONTRACTS.—The Secretary of Defense and the Secretary of State shall provide full access to the databases described in section 861(b)(4) to the Comptroller General for purposes of the reviews carried out under this section.

SEC. 864. DEFINITIONS AND OTHER GENERAL PROVISIONS.

(a) DEFINITIONS.—In this subtitle:

(1) MATTERS RELATING TO CONTRACTING.—The term "matters relating to contracting", with respect to contracts in Iraq and Afghanistan, means all matters relating to awarding, funding, managing, tracking, monitoring, and providing oversight to contracts and contractor personnel.

(2) CONTRACT IN IRAQ OR AFGHANISTAN.—The term "contract in Iraq or Afghanistan"

means a contract with the Department of Defense, the Department of State, or the United States Agency for International Development, a subcontract at any tier issued under such a contract, or a task order or delivery order at any tier issued under such a contract (including a contract, subcontract, or task order or delivery order issued by another Government agency for the Department of Defense, the Department of State, or the United States Agency for International Development), if the contract, subcontract, or task order or delivery order involves worked performed in Iraq or Afghanistan for a period longer than 14 days.

(3) COVERED CONTRACT.—The term "covered contract" means—

(A) a contract of a Federal agency for the performance of services in an area of combat operations, as designated by the Secretary of Defense under subsection (c) of section 862;

(B) a subcontract at any tier under such a contract; or

(C) a task order or delivery order issued under such a contract or subcontract.

(4) CONTRACTOR.—The term "contractor", with respect to a covered contract, means the contractor or subcontractor carrying out the covered contract.

(5) PRIVATE SECURITY FUNCTIONS.—The term "private security functions" means activities engaged in by a contractor under a covered contract as follows:

(A) Guarding of personnel, facilities, or property of a Federal agency, the contractor or subcontractor, or a third party.

(B) Any other activity for which personnel are required to carry weapons in the performance of their duties.

(6) RELEVANT COMMITTEES OF CONGRESS.—The term "relevant committees of Congress" means each of the following committees:

(A) The Committees on Armed Services of the Senate and the House of Representatives.

(B) The Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

(C) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(D) For purposes of contracts relating to the National Foreign Intelligence Program, the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(b) CLASSIFIED INFORMATION.—Nothing in this subtitle shall be interpreted to require the handling of classified information or information relating to intelligence sources and methods in a manner inconsistent with any law, regulation, executive order, or rule of the House of Representatives or of the Senate relating to the handling or protection of such information.

Subtitle G—Defense Materiel Readiness Board

SEC. 871. ESTABLISHMENT OF DEFENSE MATERIEL READINESS BOARD.

(a) ESTABLISHMENT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense shall establish a Defense Materiel Readiness Board (in this subtitle referred to as the "Board") within the Office of the Secretary of Defense.

(b) MEMBERSHIP.—The Secretary shall appoint the chairman and the members of the Board from among officers of the Armed Forces with expertise in matters relevant to the function of the Board to assess materiel readiness and evaluate plans and policies relating to materiel readiness. At a minimum, the Board shall include representatives of the Joint Chiefs of Staff, each of the Armed Forces, and each of the reserve components of the Armed Forces.

(c) STAFF.—The Secretary of Defense shall assign staff, and request the Secretaries of the military departments to assign staff, as necessary to assist the Board in carrying out its duties.

(d) FUNCTIONS.—The Board shall provide independent assessments of materiel readiness, materiel readiness shortfalls, and materiel readiness plans to the Secretary of Defense and the Congress. To carry out such functions, the Board shall—

(1) monitor and assess the materiel readiness of the Armed Forces;

(2) assist the Secretary of Defense in the identification of deficiencies in the materiel readiness of the Armed Forces caused by shortfalls in weapons systems, equipment, and supplies;

(3) identify shortfalls in materiel readiness, including critical materiel readiness shortfalls, for purposes of the Secretary's designations under section 872 and the funding needed to address such shortfalls;

(4) assess the adequacy of current Department of Defense plans, policies, and programs to address shortfalls in materiel readiness, including critical materiel readiness shortfalls (as designated by the Secretary under section 872), and to sustain and improve materiel readiness;

(5) assist the Secretary of Defense in determining whether the industrial capacity of the Department of Defense and of the defense industrial base is being best utilized to support the materiel readiness needs of the Armed Forces;

(6) review and assess Department of Defense systems for measuring the status of current materiel readiness of the Armed Forces; and

(7) make recommendations with respect to materiel readiness funding, measurement techniques, plans, policies, and programs.

(e) REPORTS.—The Board shall submit to the Secretary of Defense a report summarizing its findings and recommendations not less than once every six months. Within 30 days after receiving a report from the Board, the Secretary shall forward the report in its entirety, together with his comments, to the congressional defense committees. The report shall be submitted in unclassified form. To the extent necessary, the report may be accompanied by a classified annex.

SEC. 872. CRITICAL MATERIEL READINESS SHORTFALLS.

(a) DESIGNATION OF CRITICAL MATERIEL READINESS SHORTFALLS.—

(1) DESIGNATION.—The Secretary of Defense may designate any requirement of the Armed Forces for equipment or supplies as a critical materiel readiness shortfall if there is a shortfall in the required equipment or supplies that materially reduces readiness of the Armed Forces and that—

(A) cannot be adequately addressed by identifying acceptable substitute capabilities or cross leveling of equipment that does not unacceptably reduce the readiness of other Armed Forces; and

(B) that is likely to persist for more than two years based on currently projected budgets and schedules for deliveries of equipment and supplies.

(2) CONSIDERATION OF BOARD FINDINGS AND RECOMMENDATIONS.—In making any such designation, the Secretary shall take into consideration the findings and recommendations of the Defense Materiel Readiness Board.

(b) MEASURES TO ADDRESS CRITICAL MATERIEL READINESS SHORTFALLS.—The Secretary of Defense shall ensure that critical materiel readiness shortfalls designated pursuant to subsection (a)(1) are transmitted to the relevant officials of the Department of Defense responsible for requirements, budgets, and acquisition, and that such officials prioritize and address such shortfalls in the shortest time frame practicable.

(c) TRANSFER AUTHORITY.—

(1) IN GENERAL.—The amounts of authorizations that the Secretary may transfer under the authority of section 1001 of this Act is hereby increased by $2,000,000,000.

(2) LIMITATIONS.—The additional transfer authority provided by this section—

(A) may be made only from authorizations to the Department of Defense for fiscal year 2008;

(B) may be exercised solely for the purpose of addressing critical materiel readiness shortfalls as designated by the Secretary of Defense under subsection (a); and

(C) is subject to the same terms, conditions, and procedures as other transfer authority under section 1001 of this Act.

(d) STRATEGIC READINESS FUND.—

(1) ESTABLISHMENT.—There is established on the books of the Treasury a fund to be known as the Department of Defense Strategic Readiness Fund (in this subsection referred to as the "Fund"), which shall be administered by the Secretary of the Treasury.

(2) PURPOSES.—The Fund shall be used to address critical materiel readiness shortfalls as designated by the Secretary of Defense under subsection (a).

(3) ASSETS OF FUND.—There shall be deposited into the Fund any amount appropriated to the Fund, which shall constitute the assets of the Fund.

(4) LIMITATION.—The procurement unit cost (as defined in section 2432(a) of title 10, United States Code) of any item purchased using assets of the Fund, whether such assets are in the Fund or after such assets have been transferred from the Fund using the authority provided in subsection (c), shall not exceed $30,000,000.

(e) MULTIYEAR CONTRACT NOTIFICATION.—

(1) NOTIFICATION.—If the Secretary of a military department makes the determination described in paragraph (2) with respect to the use of a multiyear contract, the Secretary shall notify the congressional defense committees within 30 days of the determination and provide a detailed description of the proposed multiyear contract.

(2) DETERMINATION.—The determination referred to in paragraph (1) is a determination by the Secretary of a military department that the use of a multiyear contract to procure an item to address a critical materiel readiness shortfall—

(A) will significantly accelerate efforts to address a critical materiel readiness shortfall;

(B) will provide savings compared to the total anticipated costs of carrying out the contract through annual contracts; and

(C) will serve the interest of national security.

(f) DEFINITION.—In this section, the term "critical materiel readiness shortfall" means a critical materiel readiness shortfall designated by the Secretary of Defense under this section.

Subtitle H—Other Matters

SEC. 881. CLEARINGHOUSE FOR RAPID IDENTIFICATION AND DISSEMINATION OF COMMERCIAL INFORMATION TECHNOLOGIES.

(a) REQUIREMENT TO ESTABLISH CLEARINGHOUSE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Assistant Secretary of Defense for Networks and Information Integration, shall establish a clearinghouse for identifying, assessing, and disseminating knowledge about readily available information technologies (with an emphasis on commercial off-the-shelf information technologies) that could support the warfighting mission of the Department of Defense.

(b) RESPONSIBILITIES.—The clearinghouse established pursuant to subsection (a) shall be responsible for the following:

(1) Developing a process to rapidly assess and set priorities and needs for significant information technology needs of the Department of Defense that could be met by commercial technologies, including a process for—

(A) aligning priorities and needs with the requirements of the commanders of the combatant command; and

(B) proposing recommendations to the commanders of the combatant command of feasible technical solutions for further evaluation.

(2) Identifying and assessing emerging commercial technologies (including commercial off-the-shelf technologies) that could support the warfighting mission of the Department of Defense, including the priorities and needs identified pursuant to paragraph (1).

(3) Disseminating information about commercial technologies identified pursuant to paragraph (2) to commanders of combatant commands and other potential users of such technologies.

(4) Identifying gaps in commercial technologies and working to stimulate investment in research and development in the public and private sectors to address those gaps.

(5) Enhancing internal data and communications systems of the Department of Defense for sharing and retaining information regarding commercial technology priorities and needs, technologies available to meet such priorities and needs, and ongoing research and development directed toward gaps in such technologies.

(6) Developing mechanisms, including web-based mechanisms, to facilitate communications with industry regarding the priorities and needs of the Department of Defense identified pursuant to paragraph (1) and commercial technologies available to address such priorities and needs.

(7) Assisting in the development of guides to help small information technology companies with promising technologies to understand and navigate the funding and acquisition processes of the Department of Defense.

(8) Developing methods to measure how well processes developed by the clearinghouse are being utilized and to collect data on an ongoing basis to assess the benefits of commercial technologies that are procured on the recommendation of the clearinghouse.

(c) PERSONNEL.—The Secretary of Defense, acting through the Assistant Secretary of Defense for Networks and Information Integration, shall provide for the hiring and support of employees (including detailees from other components of the Department of Defense and from other Federal departments or agencies) to assist in identifying, assessing, and disseminating information regarding commercial technologies under this section.

(d) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of this section.

SEC. 882. AUTHORITY TO LICENSE CERTAIN MILITARY DESIGNATIONS AND LIKENESSES OF WEAPONS SYSTEMS TO TOY AND HOBBY MANUFACTURERS.

(a) AUTHORITY TO LICENSE CERTAIN ITEMS.—Section 2260 of title 10, United States Code, is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) LICENSES FOR QUALIFYING COMPANIES.—(1) The Secretary concerned may license trademarks, service marks, certification marks, and collective marks owned or controlled by the Secretary relating to military designations and likenesses of military weapons systems to any qualifying company upon receipt of a request from the company.

"(2) For purposes of paragraph (1), a qualifying company is any United States company that—

"(A) is a toy or hobby manufacturer; and

"(B) is determined by the Secretary concerned to be qualified in accordance with such criteria as determined appropriate by the Secretary of Defense.

"(3) The fee for a license under this subsection shall not exceed by more than a nominal amount the amount needed to recover all costs of the Department of Defense in processing the request for the license and supplying the license.

"(4) A license to a qualifying company under this subsection shall provide that the license may not be transferred, sold, or relicensed by the qualifying company.

"(5) A license under this subsection shall not be an exclusive license.".

(b) EFFECTIVE DATE.—The Secretary of Defense shall prescribe regulations to implement the amendment made by this section not later than 180 days after the date of the enactment of this Act.

SEC. 883. MODIFICATIONS TO LIMITATION ON CONTRACTS TO ACQUIRE MILITARY FLIGHT SIMULATOR.

(a) EFFECT ON EXISTING CONTRACTS.—Section 832 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2331) is amended by adding at the end the following new subsection:

"(e) EFFECT ON EXISTING CONTRACTS.—The limitation in subsection (a) does not apply to any service contract of a military department to acquire a military flight simulator, or to any renewal or extension of, or follow-on contract to, such a contract, if—

"(1) the contract was in effect as of October 17, 2006;

"(2) the number of flight simulators to be acquired under the contract (or renewal, extension, or follow-on) will not result in the total number of flight simulators acquired by the military department concerned through service contracts to exceed the total number of flight simulators to be acquired under all service contracts of such department for such simulators in effect as of October 17, 2006; and

"(3) in the case of a renewal or extension of, or follow-on contract to, the contract, the Secretary of the military department concerned provides to the congressional defense committees a written notice of the decision to exercise an option to renew or extend the contract, or to issue a solicitation for bids or proposals using competitive procedures for a follow-on contract, and an economic analysis as described in subsection (c) supporting the decision, at least 30 days before carrying out such decision.".

(b) CHANGE IN GROUNDS FOR WAIVER.—Section 832(c)(1) of such Act, as redesignated by subsection (a), is amend by striking "necessary for national security purposes" and inserting "in the national interest".

SEC. 884. REQUIREMENTS RELATING TO WAIVERS OF CERTAIN DOMESTIC SOURCE LIMITATIONS RELATING TO SPECIALTY METALS.

(a) NOTICE REQUIREMENT.—At least 30 days prior to making a domestic nonavailability determination pursuant to section 2533b(b) of title 10, United States Code, that would apply to more than one contract of the Department of Defense, the Secretary of Defense shall, to the maximum extent practicable and in a manner consistent with the protection of national security information and confidential business information—

(1) publish a notice on the website maintained by the General Services Administration known as FedBizOpps.gov (or any successor site) of the Secretary's intent to make the domestic nonavailability determination; and

(2) solicit information relevant to such notice from interested parties, including producers of specialty metal mill products.

(b) DETERMINATION.—(1) The Secretary shall take into consideration all information submitted pursuant to subsection (a) in making a domestic nonavailability determination pursuant to section 2533b(b) of title 10, United States Code, that would apply to more than one contract of the Department of Defense, and may also consider other relevant information that cannot be made part of the public record consistent with the protection of national security information and confidential business information.

(2) The Secretary shall ensure that any such determination and the rationale for such determination is made publicly available to the maximum extent consistent with the protection of national security information and confidential business information.

SEC. 885. TELEPHONE SERVICES FOR MILITARY PERSONNEL SERVING IN COMBAT ZONES.

(a) COMPETITIVE PROCEDURES REQUIRED.—

(1) REQUIREMENT.—When the Secretary of Defense considers it necessary to provide morale, welfare, and recreation telephone services for military personnel serving in combat zones, the Secretary shall use competitive procedures when entering into a contract to provide those services.

(2) REVIEW AND DETERMINATION.—Before soliciting bids or proposals for new contracts, or considering extensions to existing contracts, to provide morale, welfare, and recreation telephone services for military personnel serving in combat zones, the Secretary shall review and determine whether it is in the best interest of the Department to require bids or proposals, or adjustments for the purpose of extending a contract, to include options that minimize the cost of the telephone services to individual users while providing individual users the flexibility of using phone cards from other than the prospective contractor. The Secretary shall submit the results of this review and determination to the Committees on Armed Services of the Senate and the House of Representatives.

(b) EFFECTIVE DATE.—

(1) REQUIREMENT.—Subsection (a)(1) shall apply to any new contract to provide morale, welfare, and recreation telephone services for military personnel serving in combat zones that is entered into after the date of the enactment of this Act.

(2) REVIEW AND DETERMINATION.—Subsection (a)(2) shall apply to any new contract

or extension to an existing contract to provide morale, welfare, and recreation telephone services for military personnel serving in combat zones that is entered into or agreed upon after the date of the enactment of this Act.

SEC. 886. ENHANCED AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN IRAQ AND AFGHANISTAN.

(a) IN GENERAL.—In the case of a product or service to be acquired in support of military operations or stability operations in Iraq or Afghanistan (including security, transition, reconstruction, and humanitarian relief activities) for which the Secretary of Defense makes a determination described in subsection (b), the Secretary may conduct a procurement in which—

(1) competition is limited to products or services that are from Iraq or Afghanistan;

(2) procedures other than competitive procedures are used to award a contract to a particular source or sources from Iraq or Afghanistan; or

(3) a preference is provided for products or services that are from Iraq or Afghanistan.

(b) DETERMINATION.—A determination described in this subsection is a determination by the Secretary that—

(1) the product or service concerned is to be used only by the military forces, police, or other security personnel of Iraq or Afghanistan; or

(2) it is in the national security interest of the United States to limit competition, use procedures other than competitive procedures, or provide a preference as described in subsection (a) because—

(A) such limitation, procedure, or preference is necessary to provide a stable source of jobs in Iraq or Afghanistan; and

(B) such limitation, procedure, or preference will not adversely affect—

(i) military operations or stability operations in Iraq or Afghanistan; or

(ii) the United States industrial base.

(c) PRODUCTS, SERVICES, AND SOURCES FROM IRAQ OR AFGHANISTAN.—For the purposes of this section:

(1) A product is from Iraq or Afghanistan if it is mined, produced, or manufactured in Iraq or Afghanistan.

(2) A service is from Iraq or Afghanistan if it is performed in Iraq or Afghanistan by citizens or permanent resident aliens of Iraq or Afghanistan.

(3) A source is from Iraq or Afghanistan if it—

(A) is located in Iraq or Afghanistan; and

(B) offers products or services that are from Iraq or Afghanistan.

SEC. 887. DEFENSE SCIENCE BOARD REVIEW OF DEPARTMENT OF DEFENSE POLICIES AND PROCEDURES FOR THE ACQUISITION OF INFORMATION TECHNOLOGY.

(a) REVIEW REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall direct the Defense Science Board to carry out a review of Department of Defense policies and procedures for the acquisition of information technology.

(b) MATTERS TO BE ADDRESSED.—The matters addressed by the review required by subsection (a) shall include the following:

(1) Department of Defense policies and procedures for acquiring national security systems, business information systems, and other information technology.

(2) The roles and responsibilities in implementing such policies and procedures of—

(A) the Under Secretary of Defense for Acquisition, Technology, and Logistics;

(B) the Chief Information Officer of the Department of Defense;

(C) the Director of the Business Transformation Agency;

(D) the service acquisition executives;

(E) the chief information officers of the military departments;

(F) Defense Agency acquisition officials;

(G) the information officers of the Defense Agencies; and

(H) the Director of Operational Test and Evaluation and the heads of the operational test organizations of the military departments and the Defense Agencies.

(3) The application of such policies and procedures to information technologies that are an integral part of weapons or weapon systems.

(4) The requirements of subtitle III of title 40, United States Code, and chapter 35 of title 44, United States Code, regarding performance-based and results-based management, capital planning, and investment control in the acquisition of information technology.

(5) Department of Defense policies and procedures for maximizing the usage of commercial information technology while ensuring the security of the microelectronics, software, and networks of the Department.

(6) The suitability of Department of Defense acquisition regulations, including Department of Defense Directive 5000.1 and the accompanying milestones, to the acquisition of information technology systems.

(7) The adequacy and transparency of metrics used by the Department of Defense for the acquisition of information technology systems.

(8) The effectiveness of existing statutory and regulatory reporting requirements for the acquisition of information technology systems.

(9) The adequacy of operational and development test resources (including infrastructure and personnel), policies, and procedures to ensure appropriate testing of information technology systems both during development and before operational use.

(10) The appropriate policies and procedures for technology assessment, development, and operational testing for purposes of the adoption of commercial technologies into information technology systems.

(c) REPORT REQUIRED.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the review required by subsection (a). The report shall include the findings and recommendations of the Defense Science Board pursuant to the review, including such recommendations for legislative or administrative action as the Board considers appropriate, together with any comments the Secretary considers appropriate.

SEC. 888. GREEN PROCUREMENT POLICY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense should establish a system to document and track the use of environmentally preferable products and services.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on a plan to increase the usage of environmentally friendly products that minimize potential impacts to human health and the environment at all Department of Defense facilities inside and outside the United States, including through the direct purchase of products and the purchase of products by facility maintenance contractors. The report shall also cover consideration of the budgetary impact of implementation of the plan.

SEC. 889. COMPTROLLER GENERAL REVIEW OF USE OF AUTHORITY UNDER THE DEFENSE PRODUCTION ACT OF 1950.

(a) THOROUGH REVIEW REQUIRED.—The Comptroller General of the United States (in this section referred to as the "Comptroller") shall conduct a thorough review of the application of the Defense Production Act of 1950, covering the period beginning on the date of the enactment of the Defense Production Act Reauthorization of 2003 (Public Law 108–195) and ending on the date of the enactment of this Act.

(b) CONSIDERATIONS.—In conducting the review required by this section, the Comptroller shall examine—

(1) the relevance and utility of the authorities provided under the Defense Production Act of 1950 to meet the security challenges of the 21st Century;

(2) the manner in which the authorities provided under such Act have been used by the Federal Government—

(A) to meet security challenges;

(B) to meet current and future defense requirements;

(C) to meet current and future energy requirements;

(D) to meet current and future domestic emergency and disaster response and recovery requirements;

(E) to reduce the interruption of critical infrastructure operations during a terrorist attack, natural catastrophe, or other similar national emergency; and

(F) to safeguard critical components of the United States industrial base, including American aerospace and shipbuilding industries;

(3) the economic impact of foreign offset contracts;

(4) the relative merit of developing rapid and standardized systems for use of the authorities provided under the Defense Production Act of 1950, by any Federal agency; and

(5) such other issues as the Comptroller determines relevant.

(c) REPORT TO CONGRESS.—Not later than 150 days after the date of the enactment of this Act, the Comptroller shall submit to the Committees on Armed Services and on Banking, Housing, and Urban Affairs of the Senate and the Committees on Armed Services and on Financial Services of the House of Representatives a report on the review conducted under this section.

(d) RULES OF CONSTRUCTION ON PROTECTION OF INFORMATION.—Notwithstanding any other provision of law—

(1) the provisions of section 705(d) of the Defense Production Act of 1950 (50 U.S.C. App. 2155(d)) shall not apply to information sought or obtained by the Comptroller for purposes of the review required by this section; and

(2) provisions of law pertaining to the protection of classified information or proprietary information otherwise applicable to information sought or obtained by the Comptroller in carrying out this section shall not be affected by any provision of this section.

SEC. 890. PREVENTION OF EXPORT CONTROL VIOLATIONS.

(a) PREVENTION OF EXPORT CONTROL VIOLATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations requiring any contractor under a contract with the Department of Defense to provide goods or technology that is subject to export controls under the Arms Export Control Act or the Export Administration of 1979 (as continued in effect under the International Emergency Economic Powers Act) to comply with those Acts and applicable regulations with respect to such goods and technology, including the International Traffic in Arms Regulations and the Export Administration Regulations. Regulations prescribed under this subsection shall include a contract clause enforcing such requirement.

(b) TRAINING ON EXPORT CONTROLS.—The Secretary of Defense shall ensure that any contractor under a contract with the Department of Defense to provide goods or technology that is subject to export controls under the Arms Export Control Act or the Export Administration of 1979 (as continued in effect under the International Emergency Economic Powers Act) is made aware of any relevant resources made available by the Department of State and the Department of Commerce to assist in compliance with the requirement established by subsection (a) and the need for a corporate compliance plan and periodic internal audits of corporate performance under such plan.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report assessing the utility of—

(1) requiring defense contractors (or subcontractors at any tier) to periodically report on measures taken to ensure compliance with the International Traffic in Arms Regulations and the Export Administration Regulations;

(2) requiring periodic audits of defense contractors (or subcontractors at any tier) to ensure compliance with all provisions of the International Traffic in Arms Regulations and the Export Administration Regulations;

(3) requiring defense contractors to maintain a corporate training plan to disseminate information to appropriate contractor personnel regarding the applicability of the Arms Export Control Act and the Export Administration Act of 1979; and

(4) requiring a designated corporate liaison, available for training provided by the United States Government, whose primary responsibility would be contractor compliance with the Arms Export Control Act and the Export Administration Act of 1979.

(d) DEFINITIONS.—In this section:

(1) EXPORT ADMINISTRATION REGULATIONS.—The term "Export Administration Regulations" means those regulations contained in sections 730 through 774 of title 15, Code of Federal Regulations (or successor regulations).

(2) INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.—The term "International Traffic in Arms Regulations" means those regulations contained in sections 120 through 130 of title 22, Code of Federal Regulations (or successor regulations).

SEC. 891. PROCUREMENT GOAL FOR NATIVE HAWAIIAN-SERVING INSTITUTIONS AND ALASKA NATIVE-SERVING INSTITUTIONS.

Section 2323 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking "and" at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(E) Native Hawaiian-serving institutions and Alaska Native-serving institutions (as defined in section 317 of the Higher Education Act of 1965).";

(2) in subsection (a)(2), by inserting after "Hispanic-serving institutions," the following: "Native Hawaiian-serving institutions and Alaska Native-serving institutions,";

(3) in subsection (c)(1), by inserting after "Hispanic-serving institutions," the following: "Native Hawaiian-serving institutions and Alaska Native-serving institutions,"; and

(4) in subsection (c)(3), by inserting after "Hispanic-serving institutions," the following: "to Native Hawaiian-serving institutions and Alaska Native-serving institutions,".

SEC. 892. COMPETITION FOR PROCUREMENT OF SMALL ARMS SUPPLIED TO IRAQ AND AFGHANISTAN.

(a) COMPETITION REQUIREMENT.—For the procurement of pistols and other weapons described in subsection (b), the Secretary of Defense shall ensure, consistent with the provisions of section 2304 of title 10, United States Code, that—

(1) full and open competition is obtained to the maximum extent practicable;

(2) no responsible United States manufacturer is excluded from competing for such procurements; and

(3) products manufactured in the United States are not excluded from the competition.

(b) PROCUREMENTS COVERED.—This section applies to the procurement of the following:

(1) Pistols and other weapons less than 0.50 caliber for assistance to the Army of Iraq, the Iraqi Police Forces, and other Iraqi security organizations.

(2) Pistols and other weapons less than 0.50 caliber for assistance to the Army of Afghanistan, the Afghani Police Forces, and other Afghani security organizations.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

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Subtitle A—Department of Defense Management

SEC. 901. REPEAL OF LIMITATION ON MAJOR DEPARTMENT OF DEFENSE HEADQUARTERS ACTIVITIES PERSONNEL AND RELATED REPORT.

(a) REPEAL OF LIMITATION.—

(1) REPEAL.—Section 130a of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 130a.

(b) REPORT REQUIRED.—The Secretary of Defense shall include a report with the defense budget materials for each fiscal year that includes the following information:

(1) The average number of military personnel and civilian employees of the Department of Defense assigned to major Department of Defense headquarters activities for each component of the Department of Defense during the preceding fiscal year.

(2) The total increase in personnel assigned to major headquarters activities, if any, during the preceding fiscal year—

(A) attributable to the replacement of contract personnel with military personnel or civilian employees of the Department of Defense, including the number of positions associated with the replacement of contract personnel performing inherently governmental functions; and

(B) attributable to reasons other than the replacement of contract personnel with military personnel or civilian employees of the Department, such as workload or operational demand increases.

(3) An estimate of the cost savings, if any, associated with the elimination of contracts for the performance of major headquarters activities.

(4) The number of military personnel and civilian employees of the Department of Defense assigned to major headquarters activities for each component of the Department of Defense as of October 1 of the preceding fiscal year.

(c) DEFINITIONS.—In this section:

(1) DEFENSE BUDGET MATERIALS.—The term "defense budget materials", with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year that is submitted to Congress by the President under section 1105 of title 31, United States Code.

(2) CONTRACT PERSONNEL.—The term "contract personnel" means persons hired under a contract with the Department of Defense for the performance of major Department of Defense headquarters activities.

SEC. 902. FLEXIBILITY TO ADJUST THE NUMBER OF DEPUTY CHIEFS AND ASSISTANT CHIEFS.

(a) ARMY.—Section 3035(b) of title 10, United States Code, is amended to read as follows:

"(b) The Secretary of the Army shall prescribe the number of Deputy Chiefs of Staff and Assistant Chiefs of Staff, for a total of not more than eight positions.".

(b) NAVY.—

(1) DEPUTY CHIEFS OF NAVAL OPERATIONS.—Section 5036(a) of title 10, United States Code, is amended—

(A) by striking "There are in the Office of the Chief of Naval Operations not more than five Deputy Chiefs of Naval Operations," and inserting "There are Deputy Chiefs of Naval Operations in the Office of the Chief of Naval Operations,"; and

(B) by adding at the end the following: "The Secretary of the Navy shall prescribe the number of Deputy Chiefs of Naval Operations under this section and Assistant Chiefs of Naval Operations under section 5037 of this title, for a total of not more than eight positions.".

(2) ASSISTANT CHIEFS OF NAVAL OPERATIONS.—Section 5037(a) of such title is amended—

(A) by striking "There are in the Office of the Chief of Naval Operations not more than three Assistant Chiefs of Naval Operations," and inserting "There are Assistant Chiefs of Naval Operations in the Office of the Chief of Naval Operations,"; and

(B) by adding at the end the following: "The Secretary of the Navy shall prescribe the number of Assistant Chiefs of Naval Operations in accordance with section 5036(a) of this title.".

(c) AIR FORCE.—Section 8035(b) of title 10, United States Code, is amended to read as follows:

"(b) The Secretary of the Air Force shall prescribe the number of Deputy Chiefs of Staff and Assistant Chiefs of Staff, for a total of not more than eight positions.".

SEC. 903. CHANGE IN ELIGIBILITY REQUIREMENTS FOR APPOINTMENT TO DEPARTMENT OF DEFENSE LEADERSHIP POSITIONS.

(a) SECRETARY OF DEFENSE.—Section 113(a) of title 10, United States Code, is amended by striking "10" and inserting "seven".

(b) DEPUTY SECRETARY OF DEFENSE.—Section 132(a) of such title is amended by striking "ten" and inserting "seven".

(c) UNDER SECRETARY OF DEFENSE FOR POLICY.—Section 134(a) of such title is amended by striking "10" and inserting "seven".

SEC. 904. MANAGEMENT OF THE DEPARTMENT OF DEFENSE.

(a) ASSIGNMENT OF MANAGEMENT DUTIES AND DESIGNATION OF A CHIEF MANAGEMENT OFFICER AND DEPUTY CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE.—

(1) ESTABLISHMENT OF POSITION.—Section 132 of title 10, United States Code is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following new subsection (c):

"(c) The Deputy Secretary serves as the Chief Management Officer of the Department of Defense. The Deputy Secretary shall be assisted in this capacity by a Deputy Chief Management Officer, who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.".

(2) ASSIGNMENT OF DUTIES.—

(A) The Secretary of Defense shall assign duties and authorities relating to the management of the business operations of the Department of Defense.

(B) The Secretary shall assign such duties and authorities to the Chief Management Officer as are necessary for that official to effectively and efficiently organize the business operations of the Department of Defense.

(C) The Secretary shall assign such duties and authorities to the Deputy Chief Management Officer as are necessary for that official to assist the Chief Management Officer to effectively and efficiently organize the business operations of the Department of Defense.

(D) The Deputy Chief Management Officer shall perform the duties and have the authorities assigned by the Secretary under subparagraph (C) and perform such duties and have such authorities as are delegated by the Chief Management Officer.

(3) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by inserting after the item relating to the Under Secretary of Defense for Intelligence the following new item:

"Deputy Chief Management Officer of the Department of Defense.".

(4) PLACEMENT IN OSD.—Section 131(b)(2) of title 10, United States Code, is amended—

(A) by redesignating paragraphs (3) through (8) as paragraphs (4) through (9), respectively; and

(B) by inserting after paragraph (2) the following new paragraph (3):

"(3) The Deputy Chief Management Officer of the Department of Defense.".

(b) ASSIGNMENT OF MANAGEMENT DUTIES AND DESIGNATION OF THE CHIEF MANAGEMENT OFFICERS OF THE MILITARY DEPARTMENTS.—

(1) The Secretary of a military department shall assign duties and authorities relating to the management of the business operations of such military department.

(2) The Secretary of a military department, in assigning duties and authorities under paragraph (1) shall designate the Under Secretary of such military department to have the primary management responsibility for business operations, to be known in the performance of such duties as the Chief Management Officer.

(3) The Secretary shall assign such duties and authorities to the Chief Management Officer as are necessary for that official to effectively and efficiently organize the business operations of the military department concerned.

(4) The Chief Management Officer of each military department shall promptly provide such information relating to the business operations of such department to the Chief Management Officer and Deputy Chief Management Officer of the Department of Defense as is necessary to assist those officials in the performance of their duties.

(c) MANAGEMENT OF DEFENSE BUSINESS TRANSFORMATION AGENCY.—Section 192(e)(2) of title 10, United States Code, is amended by striking "that the Agency" and all that follows and inserting "that the Director of the Agency shall report directly to the Deputy Chief Management Officer of the Department of Defense.".

(d) STRATEGIC MANAGEMENT PLAN REQUIRED.—

(1) REQUIREMENT.—The Secretary of Defense, acting through the Chief Management Officer of the Department of Defense, shall develop a strategic management plan for the Department of Defense.

(2) MATTERS COVERED.—Such plan shall include, at a minimum, detailed descriptions of—

(A) performance goals and measures for improving and evaluating the overall efficiency and effectiveness of the business operations of the Department of Defense and achieving an integrated management system for business support areas within the Department of Defense;

(B) key initiatives to be undertaken by the Department of Defense to achieve the performance goals under subparagraph (A), together with related resource needs;

(C) procedures to monitor the progress of the Department of Defense in meeting performance goals and measures under subparagraph (A);

(D) procedures to review and approve plans and budgets for changes in business operations, including any proposed changes to policies, procedures, processes, and systems, to ensure the compatibility of such plans and budgets with the strategic management plan of the Department of Defense; and

(E) procedures to oversee the development of, and review and approve, all budget requests for defense business systems.

(3) UPDATES.—The Secretary of Defense, acting through the Chief Management Officer, shall update the strategic management plan no later than July 1, 2009, and every two years thereafter and provide a copy to the Committees on Armed Services of the Senate and the House of Representatives.

(e) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of this section and a copy of the strategic management plan required by subsection (d).

SEC. 905. REVISION IN GUIDANCE RELATING TO COMBATANT COMMAND ACQUISITION AUTHORITY.

Subparagraph (B) of section 905(b)(1) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2353) is amended by striking "and mutually supportive of".

SEC. 906. DEPARTMENT OF DEFENSE BOARD OF ACTUARIES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Chapter 7 of title 10, United States Code, is amended by inserting after section 182 the following new section:

"§ 183. Department of Defense Board of Actuaries

"(a) IN GENERAL.—There shall be in the Department of Defense a Department of Defense Board of Actuaries (hereinafter in this section referred to as the 'Board').

"(b) MEMBERS.—(1) The Board shall consist of three members who shall be appointed by the Secretary of Defense from among qualified professional actuaries who are members of the Society of Actuaries.

"(2) The members of the Board shall serve for a term of 15 years, except that a member of the Board appointed to fill a vacancy occurring before the end of the term for which the member's predecessor was appointed shall only serve until the end of such term. A member may serve after the end of the member's term until the member's successor takes office.

"(3) A member of the Board may be removed by the Secretary of Defense only for misconduct or failure to perform functions vested in the Board.

"(4) A member of the Board who is not an employee of the United States is entitled to receive pay at the daily equivalent of the annual rate of basic pay of the highest rate of basic pay then currently being paid under the General Schedule of subchapter III of chapter 53 of title 5 for each day the member is engaged in the performance of the duties of the Board and is entitled to travel expenses, including a per diem allowance, in accordance with section 5703 of that title in connection with such duties.

"(c) DUTIES.—The Board shall have the following duties:

"(1) To review valuations of the Department of Defense Military Retirement Fund in accordance with section 1465(c) of this title and submit to the President and Congress, not less often than once every four years, a report on the status of that Fund, including such recommendations for modifications to the funding or amortization of that Fund as the Board considers appropriate and necessary to maintain that Fund on a sound actuarial basis.

"(2) To review valuations of the Department of Defense Education Benefits Fund in accordance with section 2006(e) of this title and make recommendations to the President and Congress on such modifications to the funding or amortization of that Fund as the Board considers appropriate to maintain that Fund on a sound actuarial basis.

"(3) To review valuations of such other funds as the Secretary of Defense shall specify for purposes of this section and make recommendations to the President and Congress on such modifications to the funding or amortization of such funds as the Board considers appropriate to maintain such funds on a sound actuarial basis.

"(d) RECORDS.—The Secretary of Defense shall ensure that the Board has access to such records regarding the funds referred to in subsection (c) as the Board shall require to determine the actuarial status of such funds.

"(e) REPORTS.—(1) The Board shall submit to the Secretary of Defense on an annual basis a report on the actuarial status of each of the following:

"(A) The Department of Defense Military Retirement Fund.

"(B) The Department of Defense Education Benefits Fund.

"(C) Each other fund specified by Secretary under subsection (c)(3).

"(2) The Board shall also furnish its advice and opinion on matters referred to it by the Secretary.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 182 the following new item:

"183. Department of Defense Board of Actuaries".

(3) INITIAL SERVICE AS BOARD MEMBERS.—Each member of the Department of Defense Retirement Board of Actuaries or the Department of Defense Education Benefits Board of Actuaries as of the date of the enactment of this Act shall serve as an initial member of the Department of Defense Board of Actuaries under section 183 of title 10, United States Code (as added by paragraph (1)), from that date until the date otherwise provided for the completion of such individual's term as a member of the Department of Defense Retirement Board of Actuaries or the Department of Defense Education Benefits Board of Actuaries, as the case may be, unless earlier removed by the Secretary of Defense.

(b) TERMINATION OF EXISTING BOARDS OF ACTUARIES.—

(1) DEPARTMENT OF DEFENSE RETIREMENT BOARD OF ACTUARIES.—(A) Section 1464 of title 10, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 74 of such title is amended by striking the item relating to section 1464.

(2) DEPARTMENT OF DEFENSE EDUCATION BENEFITS BOARD OF ACTUARIES.—Section 2006 of such title is amended—

(A) in subsection (c)(1), by striking "subsection (g)" and inserting "subsection (f)";

(B) by striking subsection (e);

(C) by redesignating subsections (f), (g), and (h) as subsections (e), (f), and (g), respectively;

(D) in subsection (e), as redesignated by subparagraph (C), by striking "subsection (g)" in paragraph (5) and inserting "subsection (f)"; and

(E) in subsection (f), as so redesignated—

(i) in paragraph (2)(A), by striking "subsection (f)(3)" and inserting "subsection (e)(3)"; and

(ii) in paragraph (2)(B), by striking "subsection (f)(4)" and inserting "subsection (e)(4)".

(c) CONFORMING AMENDMENTS.—

(1) Section 1175(h)(4) of title 10, United States Code, is amended by striking "Retirement" the first place it appears.

(2) Section 1460(b) of such title is amended by striking "Retirement".

(3) Section 1466(c)(3) of such title is amended by striking "Retirement".

(4) Section 12521(6) of such title is amended by striking "Department of Defense Education Benefits Board of Actuaries referred to in section 2006(e)(1) of this title" and inserting "Department of Defense Board of Actuaries under section 183 of this title".

SEC. 907. MODIFICATION OF BACKGROUND REQUIREMENT OF INDIVIDUALS APPOINTED AS UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.

Section 133(a) of title 10, United States Code, is amended by striking "in the private sector".

SEC. 908. ASSISTANT SECRETARIES OF THE MILITARY DEPARTMENTS FOR ACQUISITION MATTERS; PRINCIPAL MILITARY DEPUTIES.

(a) DEPARTMENT OF THE ARMY.—Section 3016(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5)(A) One of the Assistant Secretaries shall be the Assistant Secretary of the Army for Acquisition, Technology, and Logistics. The principal duty of the Assistant Secretary shall be the overall supervision of acquisition, technology, and logistics matters of the Department of the Army.

"(B) The Assistant Secretary shall have a Principal Military Deputy, who shall be a lieutenant general of the Army on active duty. The Principal Military Deputy shall be appointed from among officers who have significant experience in the areas of acquisition and program management. The position of Principal Military Deputy shall be designated as a critical acquisition position under section 1733 of this title.".

(b) DEPARTMENT OF THE NAVY.—Section 5016(b) of such title is amended by adding at the end the following new paragraph:

"(4)(A) One of the Assistant Secretaries shall be the Assistant Secretary of the Navy for Research, Development, and Acquisition. The principal duty of the Assistant Secretary shall be the overall supervision of research, development, and acquisition matters of the Department of the Navy.

"(B) The Assistant Secretary shall have a Principal Military Deputy, who shall be a vice admiral of the Navy or a lieutenant general of the Marine Corps on active duty. The Principal Military Deputy shall be appointed from among officers who have significant experience in the areas of acquisition and program management. The position of Principal Military Deputy shall be designated as a critical acquisition position under section 1733 of this title.".

(c) DEPARTMENT OF THE AIR FORCE.—Section 8016(b) of such title is amended by adding at the end the following new paragraph:

"(4)(A) One of the Assistant Secretaries shall be the Assistant Secretary of the Air Force for Acquisition. The principal duty of the Assistant Secretary shall be the overall supervision of acquisition matters of the Department of the Air Force.

"(B) The Assistant Secretary shall have a Principal Military Deputy, who shall be a lieutenant general of the Air Force on active duty. The Principal Military Deputy shall be appointed from among officers who have significant experience in the areas of acquisition and program management. The position of Principal Military Deputy shall be designated as a critical acquisition position under section 1733 of this title.".

(d) DUTY OF PRINCIPAL MILITARY DEPUTIES TO INFORM SERVICE CHIEFS ON MAJOR DEFENSE ACQUISITION PROGRAMS.—Each Principal Military Deputy to a service acquisition executive shall be responsible for keeping the Chief of Staff of the Armed Forces concerned informed of the progress of major defense acquisition programs.

SEC. 909. SENSE OF CONGRESS ON TERM OF OFFICE OF THE DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

It is the sense of Congress that the term of office of the Director of Operational Test and Evaluation of the Department of Defense should be not less than five years.

Subtitle B—Space Activities

SEC. 911. SPACE PROTECTION STRATEGY.

(a) SENSE OF CONGRESS.—It is the Sense of Congress that the United States should place greater priority on the protection of national security space systems.

(b) STRATEGY.—The Secretary of Defense, in conjunction with the Director of National Intelligence, shall develop a strategy, to be known as the Space Protection Strategy, for the development and fielding by the United States of the capabilities that are necessary to ensure freedom of action in space for the United States.

(c) MATTERS INCLUDED.—The strategy required by subsection (b) shall include each of the following:

(1) An identification of the threats to, and the vulnerabilities of, the national security space systems of the United States.

(2) A description of the capabilities currently contained in the program of record of the Department of Defense and the intelligence community that ensure freedom of action in space.

(3) For each period covered by the strategy, a description of the capabilities that are needed for the period, including—

(A) the hardware, software, and other materials or services to be developed or procured;

(B) the management and organizational changes to be achieved; and

(C) concepts of operations, tactics, techniques, and procedures to be employed.

(4) For each period covered by the strategy, an assessment of the gaps and shortfalls between the capabilities that are needed for the period and the capabilities currently contained in the program of record.

(5) For each period covered by the strategy, a comprehensive plan for investment in capabilities that identifies specific program and technology investments to be made in that period.

(6) A description of the current processes by which the systems protection requirements of the Department of Defense and the intelligence community are addressed in space acquisition programs and during key milestone decisions, an assessment of the adequacy of those processes, and an identification of the actions of the Department and the intelligence community for addressing any inadequacies in those processes.

(7) A description of the current processes by which the Department of Defense and the intelligence community program and budget for capabilities (including capabilities that are incorporated into single programs and capabilities that span multiple programs), an assessment of the adequacy of those processes, and an identification of the actions of the Department and the intelligence community for addressing any inadequacies in those processes.

(8) A description of the organizational and management structure of the Department of Defense and the intelligence community for addressing policy, planning, acquisition, and operations with respect to capabilities, a description of the roles and responsibilities of each organization, and an identification of the actions of the Department and the intelligence community for addressing any inadequacies in that structure.

(d) PERIODS COVERED.—The strategy required by subsection (b) shall cover the following periods:

(1) Fiscal years 2008 through 2013.

(2) Fiscal years 2014 through 2019.

(3) Fiscal years 2020 through 2025.

(e) DEFINITIONS.—In this section—

(1) the term "capabilities" means space, airborne, and ground systems and capabilities for space situational awareness and for space systems protection; and

(2) the term "intelligence community" has the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(f) REPORT; BIENNIAL UPDATE.—

(1) REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense, in conjunction with the Director of National Intelligence, shall submit to Congress a report on the strategy required by subsection (b), including each of the matters required by subsection (c).

(2) BIENNIAL UPDATE.—Not later than March 15 of each even-numbered year after 2008, the Secretary of Defense, in conjunction with the Director of National Intelligence, shall submit to Congress an update to the report required by paragraph (1).

(3) CLASSIFICATION.—The report required by paragraph (1), and each update required by paragraph (2), shall be in unclassified form, but may include a classified annex.

(g) CONFORMING REPEAL.—Section 911 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3405; 10 U.S.C. 2271 note) is repealed.

SEC. 912. BIENNIAL REPORT ON MANAGEMENT OF SPACE CADRE WITHIN THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 23 of title 10, United States Code, is amended by adding at the end the following new section:

"§490. Space cadre management: biennial report

"(a) REQUIREMENT.—The Secretary of Defense and each Secretary of a military department shall develop metrics and use these metrics to identify, track, and manage space cadre personnel within the Department of Defense to ensure the Department has sufficient numbers of personnel with the expertise, training, and experience to meet current and future national security space needs.

"(b) BIENNIAL REPORT REQUIRED.—

"(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, and every even-numbered year thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the management of the space cadre.

"(2) MATTERS INCLUDED.—The report required by paragraph (1) shall include—

"(A) the number of active duty, reserve duty, and government civilian space-coded billets that—

"(i) are authorized or permitted to be maintained for each military department and defense agency;

"(ii) are needed or required for each military department and defense agency for the year in which the submission of the report is required; and

"(iii) are needed or required for each military department and defense agency for each of the five years following the date of the submission of the report;

"(B) the actual number of active duty, reserve duty, and government civilian personnel that are coded or classified as space cadre personnel within the Department of Defense, including the military departments and defense agencies;

"(C) the number of personnel recruited or hired as accessions to serve in billets coded or classified as space cadre personnel for each military department and defense agency;

"(D) the number of personnel serving in billets coded or classified as space cadre personnel that discontinued serving each military department and defense agency during the preceding calendar year;

"(E) for each of the reporting requirements in subparagraphs (A) through (D), further classification of the number of personnel by—

"(i) space operators, acquisition personnel, engineers, scientists, program managers, and other space-related areas identified by the Department;

"(ii) expertise or technical specialization area—

"(I) such as communications, missile warning, spacelift, and any other space-related specialties identified by the Department or classifications used by the Department; and

"(II) consistent with section 1721 of this title for acquisition personnel;

"(iii) rank for active duty and reserve duty personnel and grade for government civilian personnel;

"(iv) qualification, expertise, or proficiency level consistent with service and agency-defined qualification, expertise, or proficiency levels; and

"(v) any other such space-related classification categories used by the Department or military departments; and

"(F) any other metrics identified by the Department to improve the identification, tracking, training, and management of space cadre personnel.

"(3) ASSESSMENTS.—The report required by paragraph (1) shall also include the Secretary's assessment of the state of the Department's space cadre, the Secretary's assessment of the space cadres of the military departments, and a description of efforts to ensure the Department has a space cadre sufficient to meet current and future national security space needs.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"490. Space cadre management: biennial report.".

SEC. 913. ADDITIONAL REPORT ON OVERSIGHT OF ACQUISITION FOR DEFENSE SPACE PROGRAMS.

Section 911(b)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2621) is amended by inserting ", and March 15, 2008," after "March 15, 2003,".

Subtitle C—Chemical Demilitarization Program

SEC. 921. CHEMICAL DEMILITARIZATION CITIZENS ADVISORY COMMISSIONS.

(a) FUNCTIONS.—Section 172 of the National Defense Authorization Act for Fiscal Year 1993 (50 U.S.C. 1521 note) is amended—

(1) in each of subsections (b) and (f), by striking "Assistant Secretary of the Army (Research, Development and Acquisition)" and inserting "Assistant Secretary of the Army (Acquisition, Logistics, and Technology)"; and

(2) in subsection (g), by striking "Assistant Secretary of the Army (Research, Development, and Acquisition)" and inserting "Assistant Secretary of the Army (Acquisition, Logistics, and Technology)".

(b) TERMINATION.—Such section is further amended in subsection (h) by striking "after the stockpile located in that commission's State has been destroyed" and inserting "after the closure activities required pursuant to regulations promulgated by the Administrator of the Environmental Protection Agency pursuant to the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) have been completed for the chemical agent destruction facility in the commission's State, or upon the request of the Governor of the commission's State, whichever occurs first".

SEC. 922. SENSE OF CONGRESS ON COMPLETION OF DESTRUCTION OF UNITED STATES CHEMICAL WEAPONS STOCKPILE.

(a) FINDINGS.—Congress makes the following findings:

(1) The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, done at Paris on January 13, 1993 (commonly referred to as the "Chemical Weapons Convention"), requires that destruction of the entire United States chemical weapons stockpile be completed by not later than April 29, 2007.

(2) In 2006, under the terms of the Chemical Weapons Convention, the United States requested and received a one-time, 5-year extension of its chemical weapons destruction deadline to April 29, 2012.

(3) On April 10, 2006, the Secretary of Defense notified Congress that the United States would not meet even the extended deadline under the Chemical Weapons Convention for destruction of the United States chemical weapons stockpile, but would "continue working diligently to minimize the time to complete destruction without sacrificing safety and security" and would also "continue requesting resources needed to complete destruction as close to April 2012 as practicable".

(4) The United States chemical demilitarization program has met its one percent, 20 percent, and extended 45 percent destruction deadlines under the Chemical Weapons Convention.

(5) Destroying the remaining stockpile of United States chemical weapons is imperative for public safety and homeland security, and doing so by April 2012, in accordance with the current destruction deadline provided under the Chemical Weapons Convention, is required by United States law.

(6) The elimination of chemical weapons anywhere they exist in the world, and the prevention of their proliferation, is of utmost importance to the national security of the United States.

(7) Section 921(b)(3) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2359) contained a sense of Congress urging the Secretary of Defense to ensure the elimination of the United States chemical weapons stockpile in the shortest time possible, consistent with the requirement to protect public health, safety, and the environment.

(8) Section 921(b)(4) of that Act contained a sense of Congress urging the Secretary of Defense to propose a credible treatment and disposal process with the support of affected communities. In this regard, any such process should provide for sufficient communication and consultation between representatives of the Department of Defense and representatives of affected States and communities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States is, and must remain, committed to making every effort to safely dispose of its entire chemical weapons stockpile by April 2012, the current destruction deadline provided under the Chemical Weapons Convention, or as soon thereafter as possible, and must carry out all of its other obligations under the Convention; and

(2) the Secretary of Defense should make every effort to plan for, and to request in the annual budget of the President submitted to Congress adequate funding to complete, the elimination of the United States chemical weapons stockpile in accordance with United States obligations under the Chemical Weapons Convention and in a manner that will protect public health, safety, and the environment, as required by law.

(c) REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than March 15, 2008, and every 180 days thereafter until the year in which the United States completes the destruction of its entire stockpile of chemical weapons under the terms of the Chemical Weapons Convention, the Secretary of Defense shall submit to the members and committees of Congress referred to in paragraph (3) a report on the implementation by the United States of its chemical weapons destruction obligations under the Chemical Weapons Convention.

(2) ELEMENTS.—Each report under paragraph (1) shall include the following:

(A) The anticipated schedule at the time of such report for the completion of destruction of chemical agents, munitions, and materiel at each chemical weapons demilitarization facility in the United States.

(B) A description of the options and alternatives for accelerating the completion of chemical weapons destruction at each such facility, particularly in time to meet the destruction deadline of April 29, 2012, currently provided by the Chemical Weapons Convention, and by December 31, 2017.

(C) A description of the funding required to achieve each of the options for destruction described under subparagraph (B), and a detailed life-cycle cost estimate for each of the affected facilities included in each such funding profile.

(D) A description of all actions being taken by the United States to accelerate the destruction of its entire stockpile of chemical weapons, agents, and materiel in order to meet the current destruction deadline under the Chemical Weapons Convention of April 29, 2012, or as soon thereafter as possible.

(3) MEMBERS AND COMMITTEES OF CONGRESS.—The members and committees of Congress referred to in this paragraph are—

(A) the majority leader of the Senate, the minority leader of the Senate, and the Committees on Armed Services and Appropriations of the Senate; and

(B) the Speaker of the House of Representatives, the majority leader of the House of Representatives, the minority leader of the House of Representatives, and the Committees on Armed Services and Appropriations of the House of Representatives.

SEC. 923. REPEAL OF CERTAIN QUALIFICATIONS REQUIREMENT FOR DIRECTOR OF CHEMICAL DEMILITARIZATION MANAGEMENT ORGANIZATION.

Section 1412(e)(3) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(e)(3)) is amended—

(1) in subparagraph (A), by adding "and" at the end;

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

SEC. 924. MODIFICATION OF TERMINATION OF ASSISTANCE TO STATE AND LOCAL GOVERNMENTS AFTER COMPLETION OF THE DESTRUCTION OF THE UNITED STATES CHEMICAL WEAPONS STOCKPILE.

Subparagraph (B) of section 1412(c)(5) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(c)(5)) is amended to read as follows:

"(B) Assistance may be provided under this paragraph for capabilities to respond to emergencies involving an installation or facility as described in subparagraph (A) until the earlier of the following:

"(i) The date of the completion of all grants and cooperative agreements with respect to the installation or facility for purposes of this paragraph between the Federal Emergency Management Agency and the State and local governments concerned.

"(ii) The date that is 180 days after the date of the completion of the destruction of lethal chemical agents and munitions at the installation or facility.".

Subtitle D—Intelligence-Related Matters

SEC. 931. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE, ARISING FROM ENACTMENT OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) REFERENCES TO HEAD OF INTELLIGENCE COMMUNITY.—Title 10, United States Code, is amended by striking "Director of Central Intelligence" each place it appears in the following provisions and inserting "Director of National Intelligence":

(1) Section 192(c)(2).

(2) Section 193(d)(2).

(3) Section 193(e).

(4) Section 201(a).

(5) Section 201(c)(1).

(6) Section 425(a).

(7) Section 426(a)(3).

(8) Section 426(b)(2).

(9) Section 441(c).

(10) Section 441(d).

(11) Section 443(d).

(12) Section 2273(b)(1).

(13) Section 2723(a).

(b) REFERENCES TO HEAD OF CENTRAL INTELLIGENCE AGENCY.—Such title is further amended by striking "Director of Central Intelligence" each place it appears in the following provisions and inserting "Director of the Central Intelligence Agency":

(1) Section 431(b)(1).

(2) Section 444.

(3) Section 1089(g).

(c) OTHER AMENDMENTS.—

(1) SUBSECTION HEADINGS.—

(A) SECTION 441(c).—The heading of subsection (c) of section 441 of such title is amended by striking "DIRECTOR OF CENTRAL INTELLIGENCE" and inserting "DIRECTOR OF NATIONAL INTELLIGENCE".

(B) SECTION 443(d).—The heading of subsection (d) of section 443 of such title is amended by striking "DIRECTOR OF CENTRAL INTELLIGENCE" and inserting "DIRECTOR OF NATIONAL INTELLIGENCE".

(2) SECTION 201.—Section 201 of such title is further amended—

(A) in subsection (b)(1), to read as follows:

"(1) In the event of a vacancy in a position referred to in paragraph (2), before appointing an individual to fill the vacancy or recommending to the President an individual to be nominated to fill the vacancy, the Secretary of Defense shall obtain the concurrence of the Director of National Intelligence as provided in section 106(b) of the National Security Act of 1947 (50 U.S.C. 403-6(b)).''; and

(B) in subsection (c)(1), by striking "National Foreign Intelligence Program" and inserting "National Intelligence Program".

Subtitle E—Roles and Missions Analysis

SEC. 941. REQUIREMENT FOR QUADRENNIAL ROLES AND MISSIONS REVIEW.

(a) REQUIREMENT FOR REVIEW.—

(1) IN GENERAL.—Chapter 2 of title 10, United States Code, is amended by inserting after section 118a the following new section:

"§ 118b. Quadrennial roles and missions review

"(a) REVIEW REQUIRED.—The Secretary of Defense shall every four years conduct a comprehensive assessment (to be known as the 'quadrennial roles and missions review') of the roles and missions of the armed forces and the core competencies and capabilities of the Department of Defense to perform and support such roles and missions.

"(b) INDEPENDENT MILITARY ASSESSMENT OF ROLES AND MISSIONS.—(1) In each year in which the Secretary of Defense is required to conduct a comprehensive assessment pursuant to subsection (a), the Chairman of the Joint Chiefs of Staff shall prepare and submit to the Secretary the Chairman's assessment of the roles and missions of the armed forces and the assignment of functions to the armed forces, together with any recommendations for changes in assignment that the Chairman considers necessary to achieve maximum efficiency and effectiveness of the armed forces.

"(2) The Chairman's assessment shall be conducted so as to—

"(A) organize the significant missions of the armed forces into core mission areas that cover broad areas of military activity;

"(B) ensure that core mission areas are defined and functions are assigned so as to avoid unnecessary duplication of effort among the armed forces; and

"(C) provide the Chairman's recommendations with regard to issues to be addressed by the Secretary of Defense under subsection (c).

"(c) IDENTIFICATION OF CORE MISSION AREAS AND CORE COMPETENCIES AND CAPABILITIES.—Upon receipt of the Chairman's assessment, and after giving appropriate consideration to the Chairman's recommendations, the Secretary of Defense shall identify—

"(1) the core mission areas of the armed forces;

"(2) the core competencies and capabilities that are associated with the performance or support of a core mission area identified pursuant to paragraph (1);

"(3) the elements of the Department of Defense (including any other office, agency, activity, or command described in section 111(b) of this title) that are responsible for providing the core competencies and capabilities required to effectively perform the core missions identified pursuant to paragraph (1);

"(4) any gaps in the ability of the elements (or other office, agency activity, or command) of the Department of Defense to provide core competencies and capabilities required to effectively perform the core missions identified pursuant to paragraph (1);

"(5) any unnecessary duplication of core competencies and capabilities between defense components; and

"(6) a plan for addressing any gaps or unnecessary duplication identified pursuant to paragraph (4) or paragraph (5).

"(d) REPORT.—The Secretary shall submit a report on the quadrennial roles and missions review to the Committees on Armed Services of the Senate and the House of Representatives. The report shall be submitted in the year following the year in which the review is conducted, but not later than the date on which the President submits the budget for the next fiscal year to Congress under section 1105(a) of title 31.".

(b) REPEAL OF SUPERSEDED PROVISION.—Section 118(e) of title 10, United States Code, is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

(c) TIMING OF QUADRENNIAL ROLES AND MISSIONS REVIEW.—

(1) FIRST REVIEW.—The first quadrennial roles and missions review under section 118b of title 10, United States Code, as added by subsection (a), shall be conducted during 2008.

(2) SUBSEQUENT REVIEWS.—Subsequent reviews shall be conducted every four years, beginning in 2011.

SEC. 942. JOINT REQUIREMENTS OVERSIGHT COUNCIL ADDITIONAL DUTIES RELATING TO CORE MISSION AREAS.

(a) REVISIONS IN MISSION.—Subsection (b) of section 181 of title 10, United States Code, is amended to read as follows:

"(b) MISSION.—In addition to other matters assigned to it by the President or Secretary of Defense, the Joint Requirements Oversight Council shall—

"(1) assist the Chairman of the Joint Chiefs of Staff—

"(A) in identifying, assessing, and approving joint military requirements (including existing systems and equipment) to meet the national military strategy; and

"(B) in identifying the core mission area associated with each such requirement;

"(2) assist the Chairman in establishing and assigning priority levels for joint military requirements;

"(3) assist the Chairman in reviewing the estimated level of resources required in the fulfillment of each joint military requirement and in ensuring that such resource level is consistent with the level of priority assigned to such requirement; and

"(4) assist acquisition officials in identifying alternatives to any acquisition program that meet joint military requirements for the purposes of section 2366a(a)(4), section 2366b(b), and section 2433(e)(2) of this title.".

(b) ADVISORS.—Section 181 of such title is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) ADVISORS.—The Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), and the Director of the Office of Program Analysis and Evaluation shall serve as advisors to the Council on matters within their authority and expertise.".

(c) ORGANIZATION.—Section 181 of such title is further amended by inserting after subsection (d) (as inserted by subsection (b)) the following new subsection (e):

"(e) ORGANIZATION.—The Joint Requirements Oversight Council shall conduct periodic reviews of joint military requirements within a core mission area of the Department of Defense. In any such review of a core mission area, the officer or official assigned to lead the review shall have a deputy from a different military department.".

(d) DEFINITIONS.—Section 181 of such title is further amended by adding at the end the following new subsection:

"(g) DEFINITIONS.—In this section:

"(1) The term 'joint military requirement' means a capability necessary to fulfill a gap in a core mission area of the Department of Defense.

"(2) The term 'core mission area' means a core mission area of the Department of Defense identified under the most recent quadrennial roles and missions review pursuant to section 118b of this title.".

(e) CONSULTATION.—Section 2433(e)(2) of such title is amended by inserting ", after consultation with the Joint Requirements Oversight Council regarding program requirements," after "Secretary of Defense" in the matter preceding subparagraph (A).

(f) DEADLINES.—Effective June 1, 2009, all joint military requirements documents of the Joint Requirements Oversight Council produced to carry out its mission under section 181(b)(1) of title 10, United States Code, shall reference the core mission areas organized and defined under section 118b of such title. Not later than October 1, 2009, all such documents produced before June 1, 2009, shall reference such structure.

SEC. 943. REQUIREMENT FOR CERTIFICATION OF MAJOR SYSTEMS PRIOR TO TECHNOLOGY DEVELOPMENT.

(a) REQUIREMENT FOR CERTIFICATION.—

(1) IN GENERAL.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2366a the following new section:

"§ 2366b. Major defense acquisition programs: certification required before Milestone A or Key Decision Point A approval

"(a) CERTIFICATION.—A major defense acquisition program may not receive Milestone A approval, or Key Decision Point A approval in the case of a space program, until the Milestone Decision Authority certifies, after consultation with the Joint Requirements Oversight Council on matters related to program requirements and military needs—

"(1) that the system fulfills an approved initial capabilities document;

"(2) that the system is being executed by an entity with a relevant core competency as identified by the Secretary of Defense under section 118b of this title;

"(3) if the system duplicates a capability already provided by an existing system, the duplication provided by such system is necessary and appropriate; and

"(4) that a cost estimate for the system has been submitted and that the level of resources required to develop and procure the system is consistent with the priority level assigned by the Joint Requirements Oversight Council.

"(b) NOTIFICATION.—With respect to a major system certified by the Milestone Decision Authority under subsection (a), if the projected cost of the system, at any time prior to Milestone B approval, exceeds the cost estimate for the system submitted at the time of the certification by at least 25 percent, the program manager for the system concerned shall notify the Milestone Decision Authority. The Milestone Decision Authority, in consultation with the Joint Requirements Oversight Council on matters related to program requirements and military needs, shall determine whether the level of resources required to develop and procure the system remains consistent with the priority level assigned by the Joint Requirements Oversight Council. The Milestone Decision Authority may withdraw the certification concerned or rescind Milestone A approval (or Key Decision Point A approval in the case of a space program) if the Milestone Decision Authority determines that such action is in the interest of national defense.

" (c) DEFINITIONS.—In this section:

"(1) The term 'major system' has the meaning provided in section 2302(5) of this title.

"(2) The term 'initial capabilities document' means any capabilities requirement document approved by the Joint Requirements Oversight Council that establishes the need for a materiel approach to resolve a capability gap.

"(3) The term 'technology development program' means a coordinated effort to assess technologies and refine user performance parameters to fulfill a capability gap identified in an initial capabilities document.

"(4) The term 'entity' means an entity listed in section 125a(a) of this title.

"(5) The term 'Milestone B approval' has the meaning provided that term in section 2366(e)(7) of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is

amended by adding at the end the following new item:

"2366b. Major defense acquisition programs: certification required before Milestone A or Key Decision Point A approval.".

(b) REVIEW OF DEPARTMENT OF DEFENSE ACQUISITION DIRECTIVES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall review Department of Defense Directive 5000.1 and associated guidance, and the manner in which such directive and guidance have been implemented, and take appropriate steps to ensure that the Department does not commence a technology development program for a major weapon system without Milestone A approval (or Key Decision Point A approval in the case of a space program).

(c) EFFECTIVE DATE.—Section 2366b of title 10, United States Code, as added by subsection (a), shall apply to major systems on and after March 1, 2008.

SEC. 944. PRESENTATION OF FUTURE-YEARS MISSION BUDGET BY CORE MISSION AREA.

(a) TIME OF SUBMISSION OF FUTURE-YEARS MISSION BUDGET.—The second sentence of section 222(a) of title 10, United States Code, is amended to read as follows: "That budget shall be submitted for any fiscal year with the future-years defense program submitted under section 221 of this title.".

(b) ORGANIZATION OF FUTURE-YEARS MISSION BUDGET.—The second sentence of section 222(b) of such title is amended by striking "on the basis" and all that follows through the end of the sentence and inserting the following: "on the basis of both major force programs and the core mission areas identified under the most recent quadrennial roles and missions review pursuant to section 118b of this title.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the future-years mission budget for fiscal year 2010 and each fiscal year thereafter.

Subtitle F—Other Matters

SEC. 951. DEPARTMENT OF DEFENSE CONSIDERATION OF EFFECT OF CLIMATE CHANGE ON DEPARTMENT FACILITIES, CAPABILITIES, AND MISSIONS.

(a) CONSIDERATION OF CLIMATE CHANGE EFFECT.—Section 118 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(g) CONSIDERATION OF EFFECT OF CLIMATE CHANGE ON DEPARTMENT FACILITIES, CAPABILITIES, AND MISSIONS.—(1) The first national security strategy and national defense strategy prepared after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008 shall include guidance for military planners—

"(A) to assess the risks of projected climate change to current and future missions of the armed forces;

"(B) to update defense plans based on these assessments, including working with allies and partners to incorporate climate mitigation strategies, capacity building, and relevant research and development; and

"(C) to develop the capabilities needed to reduce future impacts.

"(2) The first quadrennial defense review prepared after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008 shall also examine the capabilities of the armed forces to respond to the consequences of climate change, in particular, preparedness for natural disasters from extreme weather events and other missions the armed forces may be asked to support inside the United States and overseas.

"(3) For planning purposes to comply with the requirements of this subsection, the Secretary of Defense shall use—

"(A) the mid-range projections of the fourth assessment report of the Intergovernmental Panel on Climate Change;

"(B) subsequent mid-range consensus climate projections if more recent information is available when the next national security strategy, national defense strategy, or quadrennial defense review, as the case may be, is conducted; and

"(C) findings of appropriate and available estimations or studies of the anticipated strategic, social, political, and economic effects of global climate change and the implications of such effects on the national security of the United States.

"(4) In this subsection, the term 'national security strategy' means the annual national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a).".

(b) IMPLEMENTATION.—The Secretary of Defense shall ensure that subsection (g) of section 118 of title 10, United States Code, as added by subsection (a), is implemented in a manner that does not have a negative impact on the national security of the United States.

SEC. 952. INTERAGENCY POLICY COORDINATION.

(a) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop and submit to Congress a plan to improve and reform the Department of Defense's participation in and contribution to the interagency coordination process on national security issues.

(b) ELEMENTS.—The elements of the plan shall include the following:

(1) Assigning either the Under Secretary of Defense for Policy or another official to be the lead policy official for improving and reforming the interagency coordination process on national security issues for the Department of Defense, with an explanation of any decision to name an official other than the Under Secretary and the relative advantages and disadvantages of such decision.

(2) Giving the official assigned under paragraph (1) the following responsibilities:

(A) To be the lead person at the Department of Defense for the development of policy affecting the national security interagency process.

(B) To serve, or designate a person to serve, as the representative of the Department of Defense in Federal Government forums established to address interagency policy, planning, or reforms.

(C) To advocate, on behalf of the Secretary, for greater interagency coordination and contributions in the execution of the National Security Strategy and particularly specific operational objectives undertaken pursuant to that strategy.

(D) To make recommendations to the Secretary of Defense on changes to existing Department of Defense regulations or laws to improve the interagency process.

(E) To serve as the coordinator for all planning and training assistance that is—

(i) designed to improve the interagency process or the capabilities of other agencies to work with the Department of Defense; and

(ii) provided by the Department of Defense at the request of other agencies.

(F) To serve as the lead official in Department of Defense for the development of deployable joint interagency task forces.

(c) FACTORS TO BE CONSIDERED.—In drafting the plan, the Secretary of Defense shall also consider the following factors:

(1) How the official assigned under subsection (b)(1) shall provide input to the Secretary of Defense on an ongoing basis on how to incorporate the need to coordinate with other agencies into the establishment and reform of combatant commands.

(2) How such official shall develop and make recommendations to the Secretary of Defense on a regular or an ongoing basis on changes to military and civilian personnel to improve interagency coordination.

(3) How such official shall work with the combatant command that has the mission for joint warfighting experimentation and other interested agencies to develop exercises to test and validate interagency planning and capabilities.

(4) How such official shall lead, coordinate, or participate in after-action reviews of operations, tests, and exercises to capture lessons learned regarding the functioning of the interagency process and how those lessons learned will be disseminated.

(5) The role of such official in ensuring that future defense planning guidance takes into account the capabilities and needs of other agencies.

(d) RECOMMENDATION ON CHANGES IN LAW.—The Secretary of Defense may submit with the plan or with any future budget submissions recommendations for any changes to law that are required to enhance the ability of the official assigned under subsection (b)(1) in the Department of Defense to coordinate defense interagency efforts or to improve the ability of the Department of Defense to work with other agencies.

(e) ANNUAL REPORT.—If an official is named by the Secretary of Defense under subsection (b)(1), the official shall annually submit to Congress a report, beginning in the fiscal year following the naming of the official, on those actions taken by the Department of Defense to enhance national security interagency coordination, the views of the Department of Defense on efforts and challenges in improving the ability of agencies to work together, and suggestions on changes needed to laws or regulations that would enhance the coordination of efforts of agencies.

(f) DEFINITION.—In this section, the term "interagency coordination", within the context of Department of Defense involvement, means the coordination that occurs between elements of the Department of Defense and engaged Federal Government agencies for the purpose of achieving an objective.

(g) CONSTRUCTION.—Nothing in this provision shall be construed as preventing the Secretary of Defense from naming an official with the responsibilities listed in subsection (b) before the submission of the report required under this section.

SEC. 953. EXPANSION OF EMPLOYMENT CREDITABLE UNDER SERVICE AGREEMENTS UNDER NATIONAL SECURITY EDUCATION PROGRAM.

Paragraph (2) of subsection (b) of section 802 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902), as most recently amended by section 945 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2367), is amended—

(1) in subparagraph (A)—

(A) in clause (i) by striking "or" at the end; and

(B) by adding at the end the following:

"(iii) for not less than one academic year in a position in the field of education in a discipline related to the study supported by the program if the recipient demonstrates to the Secretary of Defense that no position is available in the departments, agencies, and offices covered by clauses (i) and (ii); or''; and

(2) in subparagraph (B)—

(A) in clause (i) by striking ''or'' at the end;

(B) in clause (ii) by striking ''and'' at the end and inserting ''or''; and

(C) by adding at the end the following:

''(iii) for not less than one academic year in a position in the field of education in a discipline related to the study supported by the program if the recipient demonstrates to the Secretary of Defense that no position is available in the departments, agencies, and offices covered by clauses (i) and (ii); and''.

SEC. 954. BOARD OF REGENTS FOR THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) REORGANIZATION AND AMENDMENT OF BOARD OF REGENTS PROVISIONS.—

(1) IN GENERAL.—Chapter 104 of title 10, United States Code, is amended by inserting after section 2113 the following new section:

''§ 2113a. Board of Regents

''(a) IN GENERAL.—To assist the Secretary of Defense in an advisory capacity, there is a Board of Regents of the University.

''(b) MEMBERSHIP.—The Board shall consist of—

''(1) nine persons outstanding in the fields of health and health education who shall be appointed from civilian life by the Secretary of Defense;

''(2) the Secretary of Defense, or his designee, who shall be an ex officio member;

''(3) the surgeons general of the uniformed services, who shall be ex officio members; and

''(4) the President of the University, who shall be a nonvoting ex officio member.

''(c) TERM OF OFFICE.—The term of office of each member of the Board (other than ex officio members) shall be six years except that—

''(1) any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and

''(2) any member whose term of office has expired shall continue to serve until his successor is appointed.

''(d) CHAIRMAN.—One of the members of the Board (other than an ex officio member) shall be designated by the Secretary as Chairman. He shall be the presiding officer of the Board.

''(e) COMPENSATION.—Members of the Board (other than ex officio members) while attending conferences or meetings or while otherwise performing their duties as members shall be entitled to receive compensation at a rate to be fixed by the Secretary and shall also be entitled to receive an allowance for necessary travel expenses while so serving away from their place of residence.

''(f) MEETINGS.—The Board shall meet at least once a quarter.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2113a. Board of Regents.''.

(3) CONFORMING AMENDMENTS.—

(A) Section 2113 of title 10, United States Code, is amended—

(i) in subsection (a), by striking ''To assist'' and all that follows through the end of paragraph (4);

(ii) by striking subsections (b), (c), and (e);

(iii) by redesignating subsections (d), (f), (g), (h), (i), and (j) as subsections (b), (c), (d), (e), (f), and (g), respectively; and

(iv) in subsection (b), as so redesignated, by striking ''who shall also serve as a nonvoting ex officio member of the Board''.

(B) Section 2114(h) of such title is amended by striking ''2113(h)'' and inserting ''2113(e)''.

(b) STATUTORY REDESIGNATION OF DEAN AS PRESIDENT.—

(1) Subsection 2113 of such title is further amended by striking ''Dean'' each place it appears in subsections (b) and (c)(1), as redesignated by subsection (a)(3), and inserting ''President''.

(2) Section 2114(e) of such title is amended by striking ''Dean'' each place it appears in paragraphs (3) and (5).

SEC. 955. ESTABLISHMENT OF DEPARTMENT OF DEFENSE SCHOOL OF NURSING.

(a) ESTABLISHMENT PLAN REQUIRED.—Not later than February 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a plan to establish a School of Nursing within the Uniformed Services University of the Health Sciences. The Secretary shall develop the plan in consultation with the Board of Regents of the Uniformed Services University of the Health Sciences and submit the plan to the Board of Regents for review and to solicit the Board's recommendations.

(b) PROGRAMS OF INSTRUCTION.—In consultation with the Secretaries of the military departments, the Secretary of Defense shall include in the plan required by subsection (a) programs of instruction for the School of Nursing that would lead to the award of a bachelor of science in nursing and such other baccalaureate or graduate degrees in nursing as the Secretary considers appropriate. The plan shall also address the enrollment as students of enlisted members and officers of the Armed Forces and civilians for the purpose of commissioning them as military nursing officers upon graduation. The graduates of such a program of instruction shall be fully eligible to meet credentialing and licensing requirements of the military departments and at least one State in their program of study.

(c) CONSIDERATION OF CERTAIN PROGRAMS.—In developing the plan under subsection (a), the Secretary shall consider the inclusion of the following types of programs:

(1) A program to enroll students who already possess an associate degree in nursing so that they can earn a bachelor of science in nursing.

(2) A program to enroll students who already possess other associate degrees so that they can earn a bachelor of science in nursing.

(3) A program to enroll students who already possess an associate degree in nursing so that they can earn a master of science in nursing.

(4) A program to enroll students who already possess a bachelor of science in nursing so that they can earn a master of science in nursing.

(d) OTHER CONSIDERATIONS.—The plan required by subsection (a) shall also include the following:

(1) The results of a study of the nursing shortage in the Department of Defense and the reasons for such shortages.

(2) Details of the curriculum and degree requirements for each category of students at the School of Nursing, if established.

(3) An analysis of the contributions to overall medical readiness that will be made by the School of Nursing.

(4) Proposals for the development of the School of Nursing to be phased in over a period of time.

(5) Faculty requirements based on degree requirements and numbers of projected students, to include the source and number of faculty required.

(6) Projected number of graduates per year for each of the first 15 years of operation.

(7) Predicted accession sources, military career paths, and service commitments and retention rates of School of Nursing graduates, to include the retention of enlisted personnel accessed into the school.

(8) Administrative and instructional facilities required, and the likely initial and final location of clinical training institutions.

(9) Plan for accreditation by a nationally recognized nursing school accrediting body.

(10) Projected faculty, administration, instruction, and facilities costs for the School of Nursing beginning in fiscal year 2009 and continuing through fiscal year 2024, including the cost analysis of developing the School of Nursing and the cost of additional administrative support for the Uniformed Services University of the Health Sciences on account of the establishment of the school.

(e) EFFECT ON CURRENT PROGRAMS.—Notwithstanding the development of the plan under subsection (a), the Secretary shall ensure that graduate degree programs in nursing, including advanced practice nursing, continue.

(f) EFFECT ON OTHER RECRUITMENT EFFORTS.—Nothing in this section shall be construed as limiting or terminating any current or future program related to the recruitment, accession, training, or retention of military nurses.

(g) ESTABLISHMENT AUTHORITY.—

(1) ESTABLISHMENT.—Chapter 104 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2117. School of Nursing

''(a) ESTABLISHMENT AUTHORIZED.—The Secretary of Defense may establish a School of Nursing within the University. The School of Nursing may include a program that awards a bachelor of science in nursing.

''(b) PHASED DEVELOPMENT.—The School of Nursing may be developed in phases as determined appropriate by the Secretary.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2117. School of Nursing.''.

SEC. 956. INCLUSION OF COMMANDERS OF WESTERN HEMISPHERE COMBATANT COMMANDS IN BOARD OF VISITORS OF WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

Subparagraph (F) of section 2166(e)(1) of title 10, United States Code, is amended to read as follows:

''(F) The commanders of the combatant commands having geographic responsibility for the Western Hemisphere, or the designees of those officers.''.

SEC. 957. COMPTROLLER GENERAL ASSESSMENT OF REORGANIZATION OF THE OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR POLICY.

(a) ASSESSMENT REQUIRED.—Not later than June 1, 2008, the Comptroller General of the United States shall submit to the congressional defense committees a report containing an assessment of the most recent reorganization of the office of the Under Secretary of Defense for Policy, including an assessment with respect to the matters set forth in subsection (b).

(b) MATTERS TO BE ASSESSED.—The matters to be included in the assessment required by subsection (a) are as follows:

(1) The manner in which the reorganization of the office furthers, or will further, its

stated purposes in the short-term and long-term, including the manner in which the reorganization enhances, or will enhance, the ability of the Department of Defense—

(A) to address current security priorities, including on-going military operations in Iraq, Afghanistan, and elsewhere;

(B) to manage geopolitical defense relationships; and

(C) to anticipate future strategic shifts in those relationships.

(2) The manner in which and the extent to which the reorganization adheres to generally accepted principles of effective organization, such as establishing clear goals, identifying clear lines of authority and accountability, and developing an effective human capital strategy.

(3) The extent to which the Department has developed detailed implementation plans for the reorganization, and the current status of the implementation of all aspects of the reorganization.

(4) The extent to which the Department has worked to mitigate congressional concerns and address other challenges that have arisen since the reorganization was announced.

(5) The manner in which the Department plans to evaluate progress in achieving the stated goals of the reorganization and what measurements, if any, the Department has established to assess the results of the reorganization.

(6) The impact of the large increase in responsibilities for the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict and Interdependent Capabilities under the reorganization on the ability of the Assistant Secretary to carry out the principal duties of the Assistant Secretary under law.

(7) The possible decrease in attention given to special operations issues resulting from the increase in responsibilities for the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict and Interdependent Capabilities, including responsibility under the reorganization for each of the following:

(A) Strategic capabilities.

(B) Forces transformation.

(C) Major budget programs.

(8) The possible diffusion of attention from counternarcotics, counterproliferation, and global threat issues resulting from the merging of those responsibilities under a single Deputy Assistant Secretary of Defense for Counternarcotics, Counterproliferation, and Global Threats.

(9) The impact of the reorganization on counternarcotics program execution.

(10) The unique placement under the reorganization of both functional and regional issue responsibilities under the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs.

(11) The differentiation between the responsibilities of the Deputy Assistant Secretary of Defense for Partnership Strategy and the Deputy Assistant Secretary of Defense for Coalition Affairs and the relationship between such officials.

SEC. 958. REPORT ON FOREIGN LANGUAGE PROFICIENCY.

(a) IN GENERAL.—Not later than 240 days after the date of the enactment of this Act, and annually thereafter until the date referred to in subsection (d), the Secretary of Defense, in conjunction with the Secretary of each military department, shall submit to the congressional defense committees a report on the foreign language proficiency of the personnel of the Department of Defense.

(b) CONTENTS.—Each report submitted under subsection (a) shall include—

(1) the number of positions, identified by each foreign language and dialect, for each military department and Defense Agency concerned that—

(A) require proficiency in that foreign language or dialect for the year in which the submission of the report is required;

(B) are anticipated to require proficiency in that foreign language or dialect for each of the five years following the date of the submission of the report; and

(C) are authorized in the future-years defense plan to be maintained for proficiency in a foreign language or dialect;

(2) the number of personnel for each military department and Defense Agency, identified by each foreign language and dialect, that are serving in a position that requires proficiency in the foreign language or dialect—

(A) to perform the primary duty of the position; and

(B) that meet the required level of proficiency of the Interagency Language Roundtable;

(3) the number of personnel for each military department and Defense Agency, identified by each foreign language and dialect, that are recruited or hired as accessions to serve in a position that requires proficiency in the foreign language or dialect;

(4) the number of personnel for each military department and Defense Agency, identified by each foreign language and dialect, that served in a position that requires proficiency in the foreign language or dialect and discontinued service during the preceding calendar year;

(5) the number of positions that require proficiency in a foreign language or dialect that are fulfilled by contractors;

(6) the percentage of work requiring linguistic skills that is fulfilled by personnel of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))); and

(7) an assessment of the foreign language capacity and capabilities of each military department and Defense Agency and of the Department of Defense as a whole.

(c) NON-MILITARY PERSONNEL.—Except as provided in paragraphs (6) and (7) of subsection (b), a report submitted under subsection (a) shall cover only members of the Armed Forces on active duty and reserve duty assigned to the military departments concerned or to the Department of Defense.

(d) TERMINATION OF REQUIREMENT.—The duty to submit a report under subsection (a) shall terminate on December 31, 2013.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.
Sec. 1002. United States contribution to NATO common-funded budgets in fiscal year 2008.
Sec. 1003. Authorization of additional emergency supplemental appropriations for fiscal year 2007.
Sec. 1004. Modification of fiscal year 2007 general transfer authority.
Sec. 1005. Financial management transformation initiative for the Defense Agencies.
Sec. 1006. Repeal of requirement for two-year budget cycle for the Department of Defense.

Subtitle B—Policy Relating to Vessels and Shipyards

Sec. 1011. Limitation on leasing of vessels.
Sec. 1012. Policy relating to major combatant vessels of the strike forces of the United States Navy.

Subtitle C—Counter-Drug Activities

Sec. 1021. Extension of authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.
Sec. 1022. Expansion of authority to provide additional support for counter-drug activities in certain foreign countries.
Sec. 1023. Report on counternarcotics assistance for the Government of Haiti.

Subtitle D—Miscellaneous Authorities and Limitations

Sec. 1031. Provision of Air Force support and services to foreign military and state aircraft.
Sec. 1032. Department of Defense participation in Strategic Airlift Capability Partnership.
Sec. 1033. Improved authority to provide rewards for assistance in combating terrorism.
Sec. 1034. Support for non-Federal development and testing of material for chemical agent defense.
Sec. 1035. Prohibition on sale of F-14 fighter aircraft and related parts.

Subtitle E—Reports

Sec. 1041. Extension and modification of report relating to hardened and deeply buried targets.
Sec. 1042. Report on joint modeling and simulation activities.
Sec. 1043. Renewal of submittal of plans for prompt global strike capability.
Sec. 1044. Report on workforce required to support the nuclear missions of the Navy and the Department of Energy.
Sec. 1045. Comptroller General report on Defense Finance and Accounting Service response to Butterbaugh v. Department of Justice.
Sec. 1046. Study on size and mix of airlift force.
Sec. 1047. Report on feasibility of establishing a domestic military aviation national training center.
Sec. 1048. Limited field user evaluations for combat helmet pad suspension systems.
Sec. 1049. Study on national security interagency system.
Sec. 1050. Report on solid rocket motor industrial base.
Sec. 1051. Reports on establishment of a memorial for members of the Armed Forces who died in the air crash in Bakers Creek, Australia, and establishment of other memorials in Arlington National Cemetery.

Subtitle F—Other Matters

Sec. 1061. Reimbursement for National Guard support provided to Federal agencies.
Sec. 1062. Congressional Commission on the Strategic Posture of the United States.
Sec. 1063. Technical and clerical amendments.
Sec. 1064. Repeal of certification requirement.
Sec. 1065. Maintenance of capability for space-based nuclear detection.
Sec. 1066. Sense of Congress regarding detainees at Naval Station, Guantanamo Bay, Cuba.

Sec. 1067. A report on transferring individuals detained at Naval Station, Guantanamo Bay, Cuba.
Sec. 1068. Repeal of provisions in section 1076 of Public Law 109–364 relating to use of Armed Forces in major public emergencies.
Sec. 1069. Standards required for entry to military installations in United States.
Sec. 1070. Revised nuclear posture review.
Sec. 1071. Termination of Commission on the Implementation of the New Strategic Posture of the United States.
Sec. 1072. Security clearances; limitations.
Sec. 1073. Improvements in the process for the issuance of security clearances.
Sec. 1074. Protection of certain individuals.
Sec. 1075. Modification of authorities on Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack.
Sec. 1076. Sense of Congress on Small Business Innovation Research Program.
Sec. 1077. Revision of proficiency flying definition.
Sec. 1078. Qualifications for public aircraft status of aircraft under contract with the Armed Forces.
Sec. 1079. Communications with the Committees on Armed Services of the Senate and the House of Representatives.
Sec. 1080. Retention of reimbursement for provision of reciprocal fire protection services.
Sec. 1081. Pilot program on commercial fee-for-service air refueling support for the Air Force.
Sec. 1082. Advisory panel on Department of Defense capabilities for support of civil authorities after certain incidents.
Sec. 1083. Terrorism exception to immunity.

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2008 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $5,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2008.

(a) FISCAL YEAR 2008 LIMITATION.—The total amount contributed by the Secretary of Defense in fiscal year 2008 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) TOTAL AMOUNT.—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 2007, of funds appropriated for fiscal years before fiscal year 2008 for payments for those budgets.

(2) The amount specified in subsection (c)(1).

(3) The amount specified in subsection (c)(2).

(4) The total amount of the contributions authorized to be made under section 2501.

(c) AUTHORIZED AMOUNTS.—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

(1) Of the amount provided in section 201(1), $1,031,000 for the Civil Budget.

(2) Of the amount provided in section 301(1), $362,159,000 for the Military Budget.

(d) DEFINITIONS.—For purposes of this section:

(1) COMMON-FUNDED BUDGETS OF NATO.—The term "common-funded budgets of NATO" means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

(2) FISCAL YEAR 1998 BASELINE LIMITATION.—The term "fiscal year 1998 baseline limitation" means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.

SEC. 1003. AUTHORIZATION OF ADDITIONAL EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2007.

Amounts authorized to be appropriated to the Department of Defense for fiscal year 2007 in the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation or by a transfer of funds, or decreased by a rescission, or any thereof, pursuant to the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28).

SEC. 1004. MODIFICATION OF FISCAL YEAR 2007 GENERAL TRANSFER AUTHORITY.

Section 1001(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2371) is amended by adding at the end the following new paragraph:

"(3) EXCEPTION FOR CERTAIN TRANSFERS.—The following transfers of funds shall be not be counted toward the limitation in paragraph (2) on the amount that may be transferred under this section:

"(A) The transfer of funds to the Iraq Security Forces Fund under reprogramming FY07–07–R PA.

"(B) The transfer of funds to the Joint Improvised Explosive Device Defeat Fund under reprogramming FY07–11 PA.

"(C) The transfer of funds back from the accounts referred to in subparagraphs (A) and (B) to restore the sources used in the reprogrammings referred to in such subparagraphs.".

SEC. 1005. FINANCIAL MANAGEMENT TRANSFORMATION INITIATIVE FOR THE DEFENSE AGENCIES.

(a) FINANCIAL MANAGEMENT TRANSFORMATION INITIATIVE.—

(1) IN GENERAL.—The Director of the Business Transformation Agency of the Department of Defense shall carry out an initiative for financial management transformation in the Defense Agencies. The initiative shall be known as the "Defense Agencies Initiative" (in this section referred to as the "Initiative").

(2) SCOPE OF AUTHORITY.—In carrying out the Initiative, the Director of the Business Transformation Agency may require the heads of the Defense Agencies to carry out actions that are within the purpose and scope of the Initiative.

(b) PURPOSES.—The purposes of Initiative shall be as follows:

(1) To eliminate or replace financial management systems of the Defense Agencies that are duplicative, redundant, or fail to comply with the standards set forth in subsection (d).

(2) To transform the budget, finance, and accounting operations of the Defense Agencies to enable the Defense Agencies to achieve accurate and reliable financial information needed to support financial accountability and effective and efficient management decisions.

(c) REQUIRED ELEMENTS.—The Initiative shall include, to the maximum extent practicable—

(1) the utilization of commercial, off-the-shelf technologies and web-based solutions;

(2) a standardized technical environment and an open and accessible architecture; and

(3) the implementation of common business processes, shared services, and common data structures.

(d) STANDARDS.—In carrying out the Initiative, the Director of the Business Transformation Agency shall ensure that the Initiative is consistent with—

(1) the requirements of the Business Enterprise Architecture and Transition Plan developed pursuant to section 2222 of title 10, United States Code;

(2) the Standard Financial Information Structure of the Department of Defense;

(3) the Federal Financial Management Improvement Act of 1996 (and the amendments made by that Act); and

(4) other applicable requirements of law and regulation.

(e) SCOPE.—The Initiative shall be designed to provide, at a minimum, capabilities in the major process areas for both general fund and working capital fund operations of the Defense Agencies as follows:

(1) Budget formulation.

(2) Budget to report, including general ledger and trial balance.

(3) Procure to pay, including commitments, obligations, and accounts payable.

(4) Order to fulfill, including billing and accounts receivable.

(5) Cost accounting.

(6) Acquire to retire (account management).

(7) Time and attendance and employee entitlement.

(8) Grants financial management.

(f) CONSULTATION.—In carrying out subsections (d) and (e), the Director of the Business Transformation Agency shall consult with the Comptroller of the Department of Defense to ensure that any financial management systems developed for the Defense Agencies, and any changes to the budget, finance, and accounting operations of the Defense Agencies, are consistent with the financial standards and requirements of the Department of Defense.

(g) PROGRAM CONTROL.—In carrying out the Initiative, the Director of the Business Transformation Agency shall establish—

(1) a board (to be known as the "Configuration Control Board") to manage scope and cost changes to the Initiative; and

(2) a program management office (to be known as the "Program Management Office") to control and enforce assumptions made in the acquisition plan, the cost estimate, and the system integration contract for the Initiative, as directed by the Configuration Control Board.

(h) PLAN ON DEVELOPMENT AND IMPLEMENTATION OF INITIATIVE.—Not later than six months after the date of the enactment of this Act, the Director of the Business Transformation Agency shall submit to the congressional defense committees a plan for the development and implementation of the Initiative. The plan shall provide for the implementation of an initial capability under the Initiative as follows:

(1) In at least one Defense Agency by not later than eight months after the date of the enactment of this Act.

(2) In not less than five Defense Agencies by not later than 18 months after the date of the enactment of this Act.

SEC. 1006. REPEAL OF REQUIREMENT FOR TWO-YEAR BUDGET CYCLE FOR THE DEPARTMENT OF DEFENSE.

Section 1405 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 744; 31 U.S.C. 1105 note) is repealed.

Subtitle B—Policy Relating to Vessels and Shipyards

SEC. 1011. LIMITATION ON LEASING OF VESSELS.

Section 2401 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(h) The Secretary of a military department may make a contract for the lease of a vessel or for the provision of a service through use by a contractor of a vessel, the term of which is for a period of greater than two years, but less than five years, only if—

"(1) the Secretary has notified the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives of the proposed contract and included in such notification—

"(A) a detailed description of the terms of the proposed contract and a justification for entering into the proposed contract rather than obtaining the capability provided for by the lease, charter, or services involved through purchase of the vessel;

"(B) a determination that entering into the proposed contract as a means of obtaining the vessel is the most cost-effective means of obtaining such vessel; and

"(C) a plan for meeting the requirement provided by the proposed contract upon completion of the term of the lease contract; and

"(2) a period of 30 days of continuous session of Congress has expired following the date on which notice was received by such committees.".

SEC. 1012. POLICY RELATING TO MAJOR COMBATANT VESSELS OF THE STRIKE FORCES OF THE UNITED STATES NAVY.

(a) INTEGRATED NUCLEAR POWER SYSTEMS.—It is the policy of the United States to construct the major combatant vessels of the strike forces of the United States Navy, including all new classes of such vessels, with integrated nuclear power systems.

(b) REQUIREMENT TO REQUEST NUCLEAR VESSELS.—If a request is submitted to Congress in the budget for a fiscal year for construction of a new class of major combatant vessel for the strike forces of the United States, the request shall be for such a vessel with an integrated nuclear power system, unless the Secretary of Defense submits with the request a notification to Congress that the inclusion of an integrated nuclear power system in such vessel is not in the national interest.

(c) DEFINITIONS.—In this section:

(1) MAJOR COMBATANT VESSELS OF THE STRIKE FORCES OF THE UNITED STATES NAVY.—The term "major combatant vessels of the strike forces of the United States Navy" means the following:

(A) Submarines.

(B) Aircraft carriers.

(C) Cruisers, battleships, or other large surface combatants whose primary mission includes protection of carrier strike groups, expeditionary strike groups, and vessels comprising a sea base.

(2) INTEGRATED NUCLEAR POWER SYSTEM.—The term "integrated nuclear power system" means a ship engineering system that uses a naval nuclear reactor as its energy source and generates sufficient electric energy to provide power to the ship's electrical loads, including its combat systems and propulsion motors.

(3) BUDGET.—The term "budget" means the budget that is submitted to Congress by the President under section 1105(a) of title 31, United States Code.

Subtitle C—Counter-Drug Activities

SEC. 1021. EXTENSION OF AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 371 note) is amended by striking "and 2007" and inserting "through 2008".

SEC. 1022. EXPANSION OF AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES IN CERTAIN FOREIGN COUNTRIES.

Subsection (b) of section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as amended by section 1021(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136, 117 Stat. 1593) and section 1022(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2382), is further amended by adding at the end the following new paragraphs:

"(17) The Government of Mexico.

"(18) The Government of the Dominican Republic.".

SEC. 1023. REPORT ON COUNTERNARCOTICS ASSISTANCE FOR THE GOVERNMENT OF HAITI.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the President shall submit to Congress a report on counternarcotics assistance for the Government of Haiti.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include the following:

(1) A description and assessment of the counternarcotics assistance provided to the Government of Haiti by the Department of Defense, the Department of State, the Department of Homeland Security, and the Department of Justice.

(2) A description and assessment of any impediments to increasing counternarcotics assistance to the Government of Haiti.

(3) An assessment of the potential for the provision of counternarcotics assistance for the Government of Haiti through the United Nations Stabilization Mission in Haiti.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

Subtitle D—Miscellaneous Authorities and Limitations

SEC. 1031. PROVISION OF AIR FORCE SUPPORT AND SERVICES TO FOREIGN MILITARY AND STATE AIRCRAFT.

(a) PROVISION OF SUPPORT AND SERVICES.—

(1) IN GENERAL.—Section 9626 of title 10, United States Code, is amended to read as follows:

"§ 9626. Aircraft supplies and services: foreign military or other state aircraft

"(a) PROVISION OF SUPPLIES AND SERVICES ON REIMBURSABLE BASIS.—(1) The Secretary of the Air Force may, under such regulations as the Secretary may prescribe and when in the best interests of the United States, provide any of the supplies or services described in paragraph (2) to military and other state aircraft of a foreign country, on a reimbursable basis without an advance of funds, if similar supplies and services are furnished on a like basis to military aircraft and other state aircraft of the United States by the foreign country concerned.

"(2) The supplies and services described in this paragraph are supplies and services as follows:

"(A) Routine airport services, including landing and takeoff assistance, servicing aircraft with fuel, use of runways, parking and servicing, and loading and unloading of baggage and cargo.

"(B) Miscellaneous supplies, including Air Force-owned fuel, provisions, spare parts, and general stores, but not including ammunition.

"(b) PROVISION OF ROUTINE AIRPORT SERVICES ON NON-REIMBURSABLE BASIS.—(1) Routine airport services may be provided under this section at no cost to a foreign country—

"(A) if such services are provided by Air Force personnel and equipment without direct cost to the Air Force; or

"(B) if such services are provided under an agreement with the foreign country that provides for the reciprocal furnishing by the foreign country of routine airport services, as defined in that agreement, to military and other state aircraft of the United States without reimbursement.

"(2) If routine airport services are provided under this section by a working-capital fund activity of the Air Force under section 2208 of this title and such activity is not reimbursed directly for the costs incurred by the activity in providing such services by reason of paragraph (1)(B), the working-capital fund activity shall be reimbursed for such costs out of funds currently available to the Air Force for operation and maintenance.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 939 of such title is amended by striking the item relating to section 9626 and inserting the following new item:

"9626. Aircraft supplies and services: foreign military or other state aircraft.".

(b) CONFORMING AMENDMENT.—Section 9629(3) of such title is amended by striking "for aircraft of a foreign military or air attaché".

SEC. 1032. DEPARTMENT OF DEFENSE PARTICIPATION IN STRATEGIC AIRLIFT CAPABILITY PARTNERSHIP.

(a) AUTHORITY TO PARTICIPATE IN PARTNERSHIP.—

(1) MEMORANDUM OF UNDERSTANDING.—The Secretary of Defense may enter into a multilateral memorandum of understanding authorizing the Strategic Airlift Capability Partnership to conduct activities necessary to accomplish its purpose, including—

(A) the acquisition, equipping, ownership, and operation of strategic airlift aircraft; and

(B) the acquisition or transfer of airlift and airlift-related services and supplies among members of the Strategic Airlift Capability Partnership, or between the Partnership and non-member countries or international organizations, on a reimbursable basis or by replacement-in-kind or exchange of airlift or airlift-related services of an equal value.

(2) PAYMENTS.—From funds available to the Department of Defense for such purpose, the Secretary of Defense may pay the United States equitable share of the recurring and non-recurring costs of the activities and operations of the Strategic Airlift Capability Partnership, including costs associated with procurement of aircraft components and spare parts, maintenance, facilities, and training, and the costs of claims.

(b) AUTHORITIES UNDER PARTNERSHIP.—In carrying out the memorandum of understanding entered into under subsection (a), the Secretary of Defense may do the following:

(1) Waive reimbursement of the United States for the cost of the following functions performed by Department of Defense personnel with respect to the Strategic Airlift Capability Partnership:

(A) Auditing.

(B) Quality assurance.

(C) Inspection.

(D) Contract administration.

(E) Acceptance testing.

(F) Certification services.

(G) Planning, programming, and management services.

(2) Waive the imposition of any surcharge for administrative services provided by the United States that would otherwise be chargeable against the Strategic Airlift Capability Partnership.

(3) Pay the salaries, travel, lodging, and subsistence expenses of Department of Defense personnel assigned for duty to the Strategic Airlift Capability Partnership without seeking reimbursement or cost-sharing for such expenses.

(c) CREDITING OF RECEIPTS.—Any amount received by the United States in carrying out the memorandum of understanding entered into under subsection (a) shall be credited, as elected by the Secretary of Defense, to the following:

(1) The appropriation, fund, or account used in incurring the obligation for which such amount is received.

(2) An appropriation, fund, or account currently providing funds for the purposes for which such obligation was made.

(d) AUTHORITY TO TRANSFER AIRCRAFT.—

(1) TRANSFER AUTHORITY.—The Secretary of Defense may transfer one strategic airlift aircraft to the Strategic Airlift Capability Partnership in accordance with the terms and conditions of the memorandum of understanding entered into under subsection (a).

(2) REPORT.—Not later than 30 days before the date on which the Secretary transfers a strategic airlift aircraft under paragraph (1), the Secretary shall submit to the congressional defense committees a report on the strategic airlift aircraft to be transferred, including the type of strategic airlift aircraft to be transferred and the tail registration or serial number of such aircraft.

(e) STRATEGIC AIRLIFT CAPABILITY PARTNERSHIP DEFINED.—In this section the term "Strategic Airlift Capability Partnership" means the strategic airlift capability consortium established by the United States and other participating countries.

SEC. 1033. IMPROVED AUTHORITY TO PROVIDE REWARDS FOR ASSISTANCE IN COMBATING TERRORISM.

(a) INCREASED AMOUNTS.—Section 127b of title 10, United States Code, is amended—

(1) in subsection (b), by striking "$200,000" and inserting "$5,000,000";

(2) in subsection (c)(1)(B), by striking "$50,000" and inserting "$1,000,000"; and

(3) in subsection (d)(2), by striking "$100,000" and inserting "$2,000,000".

(b) INVOLVEMENT OF ALLIED FORCES.—Such section is further amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting after "United States Government personnel" the following: ", or government personnel of allied forces participating in a combined operation with the armed forces,";

(B) in paragraph (1), by inserting after "armed forces" the following: ", or of allied forces participating in a combined operation with the armed forces,"; and

(C) in paragraph (2), by inserting after "armed forces" the following: ", or of allied forces participating in a combined operation with the armed forces"; and

(2) in subsection (c), by adding at the end the following:

"(3)(A) Subject to subparagraphs (B) and (C), an official who has authority delegated under paragraph (1) or (2) may use that authority, acting through government personnel of allied forces, to offer and make rewards.

"(B) The Secretary of Defense shall prescribe policies and procedures for making rewards in the manner described in subparagraph (A), which shall include guidance for the accountability of funds used for making rewards in that manner. The policies and procedures shall not take effect until 30 days after the date on which the Secretary submits the policies and procedures to the congressional defense committees. Rewards may not be made in the manner described in subparagraph (A) except under policies and procedures that have taken effect.

"(C) Rewards may not be made in the manner described in subparagraph (A) after September 30, 2009.

"(D) Not later than April 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of this paragraph. The report shall identify each reward made in the manner described in subparagraph (A) and, for each such reward—

"(i) identify the type, amount, and recipient of the reward;

"(ii) explain the reason for making the reward; and

"(iii) assess the success of the reward in advancing the effort to combat terrorism.".

(c) ANNUAL REPORT TO INCLUDE SPECIFIC INFORMATION ON ADDITIONAL AUTHORITY.—Section 127b of title 10, United States Code, is further amended in subsection (f)(2) by adding at the end the following new subparagraph:

"(D) Information on the implementation of paragraph (3) of subsection (c).".

SEC. 1034. SUPPORT FOR NON-FEDERAL DEVELOPMENT AND TESTING OF MATERIAL FOR CHEMICAL AGENT DEFENSE.

(a) AUTHORITY TO PROVIDE TOXIC CHEMICALS OR PRECURSORS.—

(1) IN GENERAL.—The Secretary of Defense, in coordination with the heads of other elements of the Federal Government, may make available, to a State, a unit of local government, or a private entity incorporated in the United States, small quantities of a toxic chemical or precursor for the development or testing, in the United States, of material that is designed to be used for protective purposes.

(2) TERMS AND CONDITIONS.—Any use of the authority under paragraph (1) shall be subject to such terms and conditions as the Secretary considers appropriate.

(b) PAYMENT OF COSTS AND DISPOSITION OF FUNDS.—

(1) IN GENERAL.—The Secretary shall ensure, through the advance payment required by paragraph (2) and through any other payments that may be required, that a recipient of toxic chemicals or precursors under subsection (a) pays for all actual costs, including direct and indirect costs, associated with providing the toxic chemicals or precursors.

(2) ADVANCE PAYMENT.—In carrying out paragraph (1), the Secretary shall require each recipient to make an advance payment in an amount that the Secretary determines will equal all such actual costs.

(3) CREDITS.—A payment received under this subsection shall be credited to the account that was used to cover the costs for which the payment was provided. Amounts so credited shall be merged with amounts in that account, and shall be available for the same purposes, and subject to the same conditions and limitations, as other amounts in that account.

(c) CHEMICAL WEAPONS CONVENTION.—The Secretary shall ensure that toxic chemicals and precursors are made available under this section for uses and in quantities that comply with the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, signed at Paris on January 13, 1993, and entered into force with respect to the United States on April 29, 1997.

(d) REPORT.—

(1) Not later than March 15, 2008, and each year thereafter, the Secretary shall submit to Congress a report on the use of the authority under subsection (a) during the previous calendar year. The report shall include a description of each use of the authority and specify what material was made available and to whom it was made available.

(2) Each report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(e) DEFINITIONS.—In this section, the terms "precursor", "protective purposes", and “toxic chemical” have the meanings given those terms in the convention referred to in subsection (c), in paragraph 2, paragraph 9(b), and paragraph 1, respectively, of article II of that convention.

SEC. 1035. PROHIBITION ON SALE OF F–14 FIGHTER AIRCRAFT AND RELATED PARTS.

(a) Prohibition on Sale by Department of Defense.—

(1) In general.—Except as provided in paragraph (2), the Department of Defense may not sell (whether directly or indirectly) any F–14 fighter aircraft, any parts unique to the F–14 fighter aircraft, or any tooling or dies used in the manufacture of such aircraft or parts, whether such sales occur through the Defense Reutilization and Marketing Service or through another agency or element of the Department.

(2) Exception.—Paragraph (1) shall not apply with respect to the sale of F–14 fighter aircraft or parts for F–14 fighter aircraft to a museum or similar organization located in the United States that is involved in the preservation of F–14 fighter aircraft for historical purposes.

(b) Prohibition on Export License.—No license for the export of any F-14 fighter aircraft, any parts unique to the F-14 fighter aircraft, or any tooling or dies used in the manufacture of such aircraft or parts may be issued by the United States Government to a non-United States person or entity.

Subtitle E—Reports

SEC. 1041. EXTENSION AND MODIFICATION OF REPORT RELATING TO HARDENED AND DEEPLY BURIED TARGETS.

Section 1032 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2643; 10 U.S.C. 2358 note) is amended—

(1) in the heading, by striking “**ANNUAL REPORT ON WEAPONS**” and inserting “**REPORT ON WEAPONS AND CAPABILITIES**”;

(2) in subsection (a)—

(A) in the heading, by striking “Annual”;

(B) by striking “April 1 of each year” and inserting “March 1, 2009, and every two years thereafter,”;

(C) by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”;

(D) by striking “the preceding fiscal year” and inserting “the preceding two fiscal years and planned for the current fiscal year and the next fiscal year”; and

(E) by striking “to develop weapons” and inserting “to develop weapons and capabilities”;

(3) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “The report for a fiscal year” and inserting “A report submitted”;

(B) in paragraph (1), by striking “were undertaken during that fiscal year” and inserting “were or will be undertaken during the four-fiscal-year period covered by the report”; and

(C) in paragraph (2) in the matter preceding subparagraph (A), by striking “were undertaken during such fiscal year” and inserting “were or will be undertaken during the four-fiscal-year period covered by the report”; and

(4) in subsection (d), by striking “April 1, 2007” and inserting “March 1, 2013”.

SEC. 1042. REPORT ON JOINT MODELING AND SIMULATION ACTIVITIES.

(a) Report Required.—Not later than December 31, 2008, the Secretary of Defense shall submit to the congressional defense committees a report that describes current and planned joint modeling and simulation activities within the Department of Defense.

(b) Matters to Be Included.—The report under subsection (a) shall include the following:

(1) An identification and description of how joint modeling and simulation activities support the development of capabilities to meet joint and service-unique military requirements and needs, in areas including but not limited to joint training, experimentation, systems acquisition, test and evaluation, assessment, and planning.

(2) A description of how joint modeling and simulation activities are supportive of Department-level strategies and goals.

(3) For each appropriate element of the Department of Defense and each appropriate combatant command—

(A) An identification of modeling and simulation capabilities; and

(B) A description of plans and programs to continuously introduce new modeling and simulation technologies so as to enhance defense capabilities.

(4) A description of incentives and plans to reduce or divest duplicative or outdated capabilities as necessary.

(5) Plans or activities to allow non-defense users to access defense joint modeling and simulation activities, as appropriate.

(6) Budget and resource estimates, including government and contractor personnel requirements, for planned joint modeling and simulation activities.

(7) A description of the relationship and coordination between and among joint modeling and simulation activities and the modeling and simulation activities of elements of the Department of Defense, Federal agencies, State and local governments, academia, private industry, United States and international standards organizations, and international partners.

(8) Any other matters the Secretary considers appropriate.

(c) Consultation.—The report under (a) shall be developed in consultation with appropriate military departments, Defense Agencies, combatant commands, and other defense activities.

SEC. 1043. RENEWAL OF SUBMITTAL OF PLANS FOR PROMPT GLOBAL STRIKE CAPABILITY.

Section 1032(b)(1) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1605; 10 U.S.C. 113 note) is amended by inserting “and each of 2007, 2008, and 2009,” after “2004, 2005, and 2006,”.

SEC. 1044. REPORT ON WORKFORCE REQUIRED TO SUPPORT THE NUCLEAR MISSIONS OF THE NAVY AND THE DEPARTMENT OF ENERGY.

(a) In General.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall each submit to Congress a report on the requirements for a workforce to support the nuclear missions of the Navy and the Department of Energy during the 10-year period beginning on the date of the report.

(b) Elements.—Each report shall include—

(1) a description of the projected nuclear missions of the Navy and the Department of Energy during the 10-year period beginning on the date of the report;

(2) an assessment of existing knowledge retention programs within the Department of Defense, the Department of Energy, the national laboratories, and federally funded research facilities that support the nuclear missions of the Navy and the Department of Energy, and any planned changes in those programs; and

(3) a plan to address anticipated workforce attrition, retirement, and recruiting trends during that period and ensure an adequate workforce in support of the nuclear missions of the Navy and the Department of Energy.

SEC. 1045. COMPTROLLER GENERAL REPORT ON DEFENSE FINANCE AND ACCOUNTING SERVICE RESPONSE TO BUTTERBAUGH V. DEPARTMENT OF JUSTICE.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment by the Comptroller General of the response of the Defense Finance and Accounting Service to the decision in Butterbaugh v. Department of Justice (336 F.3d 1332 (2003)).

(b) Elements.—The report required by subsection (a) shall include the following:

(1) An estimate of the number of members of the reserve components of the Armed Forces, both past and present, who are entitled to compensation under the decision in Butterbaugh v. Department of Justice.

(2) An assessment of the current policies, procedures, and timeliness of the Defense Finance and Accounting Service in implementing and resolving claims under the decision in Butterbaugh v. Department of Justice.

(3) An assessment whether or not the decisions made by the Defense Finance and Accounting Service in implementing the decision in Butterbaugh v. Department of Justice follow a consistent pattern of resolution.

(4) An assessment of whether or not the decisions made by the Defense Finance and Accounting Service in implementing the decision in Butterbaugh v. Department of Justice are resolving claims by providing more compensation than an individual has been able to prove, under the rule of construction that laws providing benefits to veterans are liberally construed in favor of the veteran.

(5) An estimate of the total amount of compensation payable to members of the reserve components of the Armed Forces, both past and present, as a result of the recent decision in Hernandez v. Department of the Air Force (No. 2006–3375, slip op.) that leave can be reimbursed for Reserve service before 1994, when Congress enacted chapter 43 of title 38, United States Code (commonly referred to as the “Uniformed Services Employment and Reemployment Rights Act”).

(6) A comparative assessment of the handling of claims by the Defense Finance and Accounting Service under the decision in Butterbaugh v. Department of Justice with the handling of claims by other Federal agencies (selected by the Comptroller General for purposes of the comparative assessment) under that decision.

(7) A statement of the number of claims by members of the reserve components of the Armed Forces under the decision in Butterbaugh v. Department of Justice that have been adjudicated by the Defense Finance and Accounting Service.

(8) A statement of the number of claims by members of the reserve components of the Armed Forces under the decision in Butterbaugh v. Department of Justice that have been denied by the Defense Finance and Accounting Service.

(9) A comparative assessment of the average amount of time required for the Defense Finance and Accounting Service to resolve a claim under the decision in Butterbaugh v. Department of Justice with the average amount of time required by other Federal agencies (as so selected) to resolve a claim under that decision.

(10) A comparative statement of the backlog of claims with the Defense Finance and Accounting Service under the decision in Butterbaugh v. Department of Justice with the backlog of claims of other Federal agencies (as so selected) under that decision.

(11) An estimate of the amount of time required for the Defense Finance and Accounting Service to resolve all outstanding claims under the decision in Butterbaugh v. Department of Justice.

(12) An assessment of the reasonableness of the requirement of the Defense Finance and Accounting Service for the submittal by members of the reserve components of the Armed Forces of supporting documentation for claims under the decision in Butterbaugh v. Department of Justice.

(13) A comparative assessment of the requirement of the Defense Finance and Accounting Service for the submittal by members of the reserve components of the Armed Forces of supporting documentation for claims under the decision in Butterbaugh v. Department of Justice with the requirement of other Federal agencies (as so selected) for the submittal by such members of supporting documentation for such claims.

(14) Such recommendations for legislative action as the Comptroller General considers appropriate in light of the decision in Butterbaugh v. Department of Justice and the decision in Hernandez v. Department of the Air Force.

SEC. 1046. STUDY ON SIZE AND MIX OF AIRLIFT FORCE.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a requirements-based study on alternatives for the proper size and mix of fixed-wing intratheater and intertheater airlift assets to meet the National Military Strategy for each of the following timeframes: fiscal year 2012, 2018, and 2024. The study shall—

(1) focus on organic and commercially programmed airlift capabilities;

(2) analyze the full-spectrum lifecycle costs of the various alternatives for organic models of each of the following aircraft: C–5A/B/C/M, C–17A, KC–X, KC–10, KC–135R, C–130E/H/J, Joint Cargo Aircraft; and

(3) incorporate the augmentation capability, viability, and feasibility of the Civil Reserve Air Fleet during activation stages I, II, and III.

(b) USE OF FFRDC.—The Secretary shall select, to carry out the study required by subsection (a), a federally funded research and development center that has experience and expertise in conducting similar studies.

(c) STUDY PLAN.—The study required by subsection (a) shall be carried out under a study plan. The study plan shall be developed as follows:

(1) The center selected under subsection (b) shall develop the study plan and shall, not later than 60 days after the date of enactment of this Act, submit the study plan to the congressional defense committees, the Secretary, and the Comptroller General of the United States.

(2) The Comptroller General shall review the study plan to determine whether it is complete and objective, and whether it has any flaws or weaknesses in scope or methodology, and shall, not later than 30 days after receiving the study plan, submit to the Secretary and the center a report that contains the results of that review and provides any recommendations that the Comptroller General considers appropriate for improvements to the study plan.

(3) The center shall modify the study plan to incorporate the recommendations under paragraph (2) and shall, not later than 45 days after receiving that report, submit to the Secretary and the congressional defense committees a report on those modifications. The report shall describe each modification and, if the modifications do not incorporate one or more of the recommendations, shall explain the reasons for not doing so.

(d) ELEMENTS OF STUDY PLAN.—The study plan required by subsection (c) shall address, at minimum, the following:

(1) A description of lift requirements and operating profiles for airlift aircraft required to meet the National Military Strategy, including assumptions regarding the following:

(A) Current and future military combat and support missions.

(B) The planned force structure growth of the military services.

(C) Potential changes in lift requirements, including the deployment of the Future Combat Systems by the Army.

(D) New capability in airlift to be provided by the KC(X) aircraft and the expected utilization of such capability, including its use in intratheater lift.

(E) The utilization of intertheater lift aircraft in intratheater combat mission support roles.

(F) The availability and application of Civil Reserve Air Fleet assets in future military scenarios.

(G) Air mobility requirements associated with the Global Rebasing Initiative of the Department of Defense.

(H) Air mobility requirements in support of worldwide peacekeeping and humanitarian missions.

(I) Air mobility requirements in support of homeland defense and national emergencies.

(J) The viability and capability of the Civil Reserve Air Fleet to augment organic forces in both friendly and hostile environments.

(K) An assessment of the Civil Reserve Air Fleet to adequately augment the organic fleet as it relates to commercial inventory management restructuring in response to future commercial markets, streamlining of operations, efficiency measures, or downsizing of the participant.

(2) An evaluation of the state of the current airlift fleet of the Air Force, including assessments of the following:

(A) The extent to which the increased use of airlift aircraft in on-going operations is affecting the programmed service life of the aircraft of that fleet.

(B) The adequacy of the current airlift force, including whether or not a minimum of 299 strategic airlift aircraft for the Air Force is sufficient to support future expeditionary combat and non-combat missions, as well as domestic and training mission demands consistent with the requirements of meeting the National Military Strategy.

(C) The optimal mix of C–5 and C–17 aircraft for the strategic airlift fleet of the Air Force, to include the following:

(i) The cost-effectiveness of modernizing various iterations of the C–5A and C–5B/C aircraft fleet versus procuring additional C–17 aircraft.

(ii) The military capability, operational availability, usefulness, and service life of the C–5A/B/C/M aircraft and the C–17 aircraft. Such an assessment shall examine appropriate metrics, such as aircraft availability rates, departure rates, and mission capable rates, in each of the following cases:

(I) Completion of the Avionics Modernization Program and the Reliability Enhancement and Re-engining Program.

(II) Partial completion of the Avionics Modernization Program and the Reliability Enhancement and Re-engining Program, with partial completion of either such program being considered the point at which the continued execution of each program is no longer supported by the cost-effectiveness analysis.

(iii) At what specific fleet inventory for each organic aircraft, to include air refueling aircraft used in the airlift role, would it impede the ability of Civil Reserve Air Fleet participants to remain a viable augmentation option.

(D) An analysis and assessment of the lessons that may be learned from the experience of the Air Force in restarting the production line for the C–5 aircraft after having closed the line for several years, and recommendations for the actions that the Department of Defense should take to ensure that the production line for the C–17 aircraft could be restarted if necessary, including—

(i) an analysis of the methods that were used and costs that were incurred in closing and re-opening the production line for the C–5 aircraft;

(ii) an assessment of the methods and actions that should be employed and the expected costs and risks of closing and re-opening the production line for the C–17 aircraft in view of that experience.

Such analysis and assessment should deal with issues such as production work force, production facilities, tooling, industrial base suppliers, contractor logistics support versus organic maintenance, and diminished manufacturing sources.

(E) Assessing the military capability, operational availability, usefulness, service life and optimal mix of intra-theater airlift aircraft, to include—

(i) the cost-effectiveness of procuring the Joint Cargo Aircraft versus procuring additional C–130J or refurbishing C–130E/H platforms to meet intra-theater airlift requirements of the combatant commander and component commands; and

(ii) the cost-effectiveness of procuring additional C–17 aircraft versus procuring additional C–130J platforms or refurbishing C–130E/H platforms to meet intra-theater airlift requirements of the combatant commander and component commands.

(3) Each analysis required by paragraph (2) shall include—

(A) a description of the assumptions and sensitivity analysis utilized in the study regarding aircraft performances and cargo loading factors; and

(B) a comprehensive statement of the data and assumptions utilized in making the program life cycle cost estimates and a comparison of cost and risk associated with the optimally mixed fleet of airlift aircraft versus the program of record airlift aircraft fleet.

(e) UTILIZATION OF OTHER STUDIES.—The study required by subsection (a) shall build upon the results of the 2005 Mobility Capabilities Studies, the on-going Intra-theater Airlift Fleet Mix Analysis, the Intra-theater Lift Capabilities Study, the Joint Future Theater Airlift Capabilities Analysis, and other appropriate studies and analyses, such as Fleet Viability Board Reports or special aircraft assessments. The study shall also include any testing data collected on modernization, recapitalization, and upgrade efforts of current organic aircraft.

(f) COLLABORATION WITH UNITED STATES TRANSPORTATION COMMAND.—In conducting the study required by subsection (a) and preparing the report required by subsection (c)(3), the center shall collaborate with the commander of the United States Transportation Command.

(g) COLLABORATION WITH COST ANALYSIS IMPROVEMENT GROUP.—In conducting the study required by subsection (a) and constructing the analysis required by subsection (a)(2), the center shall collaborate with the Cost Analysis Improvement Group of the Department of Defense.

(h) REPORT.—Not later than January 10, 2009, the center selected under subsection (b) shall submit to the Secretary and the congressional defense committees a report on the study required by subsection (a). The report shall be submitted in unclassified form, but shall include a classified annex.

SEC. 1047. REPORT ON FEASIBILITY OF ESTABLISHING A DOMESTIC MILITARY AVIATION NATIONAL TRAINING CENTER.

(a) IN GENERAL.—Not later than June 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report to determine the feasibility of establishing a Border State Aviation Training Center (BSATC) to support the current and future requirements of the existing RC–26 training site for counterdrug activities, located at the Fixed Wing Army National Guard Aviation Training Site (FWAATS), including the domestic reconnaissance and surveillance missions of the National Guard in support of local, State, and Federal law enforcement agencies, provided that the activities to be conducted at the BSATC shall not duplicate or displace any activity or program at the RC–26 training site or the FWAATS.

(b) CONTENT.—The report required under subsection (a) shall—

(1) examine the current and past requirements of RC–26 aircraft in support of local, State, and Federal law enforcement and determine the number of additional aircraft required to provide such support for each State that borders Canada, Mexico, or the Gulf of Mexico;

(2) determine the number of military and civilian personnel required to run a RC–26 domestic training center meeting the requirements identified under paragraph (1);

(3) determine the requirements and cost of locating such a training center at a military installation for the purpose of preempting and responding to security threats and responding to crises; and

(4) include a comprehensive review of the number and type of intelligence, reconnaissance, and surveillance platforms needed for the National Guard to effectively provide domestic operations and civil support (including homeland defense and counterdrug) to local, State, and Federal law enforcement and first responder entities and how those platforms would provide additional capabilities not currently available from the assets of other local, State, and Federal agencies.

(c) CONSULTATION.—In preparing the report required under subsection (a), the Secretary of Defense shall consult with the Adjutant General of each State that borders Canada, Mexico, or the Gulf of Mexico, the Adjutant General of the State of West Virginia, and the National Guard Bureau.

SEC. 1048. LIMITED FIELD USER EVALUATIONS FOR COMBAT HELMET PAD SUSPENSION SYSTEMS.

(a) IN GENERAL.—The Secretary of Defense shall carry out a limited field user evaluation and operational assessment of qualified combat helmet pad suspension systems. The evaluation and assessment shall be carried out using verified product representative samples from combat helmet pad suspension systems that are qualified as of the date of the enactment of this Act.

(b) REPORT.—Not later than September 30, 2008, the Secretary shall submit to the congressional defense committees a report on the results of the limited field user evaluation and operational assessment.

(c) FUNDING.—The limited field user evaluation and operational assessment required by subsection (a) shall be conducted using funds appropriated pursuant to an authorization of appropriations or otherwise made available for fiscal year 2008 for operation and maintenance, Army, for soldier protection and safety.

SEC. 1049. STUDY ON NATIONAL SECURITY INTERAGENCY SYSTEM.

(a) STUDY REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into an agreement with an independent, nonprofit, non-partisan organization to conduct a study on the national security interagency system.

(b) REPORT.—The agreement entered into under subsection (a) shall require the organization to submit to Congress and the President a report containing the results of the study conducted pursuant to such agreement and any recommendations for changes to the national security interagency system (including legislative or regulatory changes) identified by the organization as a result of the study.

(c) SUBMITTAL DATE.—The agreement entered into under subsection (a) shall require the organization to submit the report required under subsection (a) not later than September 1, 2008.

(d) NATIONAL SECURITY INTERAGENCY SYSTEM DEFINED.—In this section, the term "national security interagency system" means the structures, mechanisms, and processes by which the departments, agencies, and elements of the Federal Government that have national security missions coordinate and integrate their policies, capabilities, expertise, and activities to accomplish such missions.

(e) FUNDING.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, not more than $3,000,000 may be available to carry out this section.

SEC. 1050. REPORT ON SOLID ROCKET MOTOR INDUSTRIAL BASE.

(a) REPORT.—Not later than 190 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the status, capability, viability, and capacity of the solid rocket motor industrial base in the United States.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) An assessment of the ability to maintain the Minuteman III intercontinental ballistic missile through its planned operational life.

(2) An assessment of the ability to maintain the Trident II D–5 submarine launched ballistic missile through its planned operational life.

(3) An assessment of the ability to maintain all other space launch, missile defense, and other vehicles with solid rocket motors, through their planned operational lifetimes.

(4) An assessment of the ability to support projected future requirements for vehicles with solid rocket motors to support space launch, missile defense, or any range of ballistic missiles determined to be necessary to meet defense needs or other requirements of the United States Government.

(5) An assessment of the required materials, the supplier base, the production facilities, and the production workforce needed to ensure that current and future requirements could be met.

(6) An assessment of the adequacy of the current and projected industrial base support programs to support the full range of projected future requirements identified in paragraph (4).

SEC. 1051. REPORTS ON ESTABLISHMENT OF A MEMORIAL FOR MEMBERS OF THE ARMED FORCES WHO DIED IN THE AIR CRASH IN BAKERS CREEK, AUSTRALIA, AND ESTABLISHMENT OF OTHER MEMORIALS IN ARLINGTON NATIONAL CEMETERY.

(a) BAKERS CREEK MEMORIAL.—Not later than April 1, 2008, the Secretary of the Army shall submit to the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate a report containing a discussion of locations outside of Arlington National Cemetery that would serve as a suitable location for the establishment of a memorial to honor the memory of the 40 members of the Armed Forces of the United States who lost their lives in the air crash at Bakers Creek, Australia, on June 14, 1943.

(b) MEMORIALS IN ARLINGTON NATIONAL CEMETERY.—Not later than April 1, 2008, the Secretary of the Army shall submit to the congressional committees specified in subsection (a) a report containing—

(1) recommendations to implement the results of the study regarding proposals for the construction of new memorials in Arlington National Cemetery that was conducted pursuant to section 2897 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2157); and

(2) proposed legislation, if necessary, to implement the results of the study.

Subtitle F—Other Matters

SEC. 1061. REIMBURSEMENT FOR NATIONAL GUARD SUPPORT PROVIDED TO FEDERAL AGENCIES.

Section 377 of title 10, United States Code, is amended—

(1) in subsection (a), by striking "To the extent" and inserting "Subject to subsection (c), to the extent"; and

(2) by striking subsection (b) and inserting the following new subsections:

"(b)(1) Subject to subsection (c), the Secretary of Defense shall require a Federal agency to which law enforcement support or support to a national special security event is provided by National Guard personnel performing duty under section 502(f) of title 32 to reimburse the Department of Defense for the costs of that support, notwithstanding any other provision of law. No other provision of this chapter shall apply to such support.

"(2) Any funds received by the Department of Defense under this subsection as reimbursement for support provided by personnel of the National Guard shall be credited, at the election of the Secretary of Defense, to the following:

"(A) The appropriation, fund, or account used to fund the support.

"(B) The appropriation, fund, or account currently available for reimbursement purposes.

"(c) An agency to which support is provided under this chapter or section 502(f) of title 32 is not required to reimburse the Department of Defense for such support if the Secretary of Defense waives reimbursement. The Secretary may waive the reimbursement requirement under this subsection if such support—

"(1) is provided in the normal course of military training or operations; or

"(2) results in a benefit to the element of the Department of Defense or personnel of the National Guard providing the support that is substantially equivalent to that which would otherwise be obtained from military operations or training.".

SEC. 1062. CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the "Congressional Commission on the Strategic Posture of the United States". The purpose of the commission is to examine and make recommendations with respect to the long-term strategic posture of the United States.

(b) COMPOSITION.—

(1) MEMBERSHIP.—The commission shall be composed of 12 members appointed as follows:

(A) Three by the chairman of the Committee on Armed Services of the House of Representatives.

(B) Three by the ranking minority member of the Committee on Armed Services of the House of Representatives.

(C) Three by the chairman of the Committee on Armed Services of the Senate.

(D) Three by the ranking minority member of the Committee on Armed Services of the Senate.

(2) CHAIRMAN; VICE CHAIRMAN.—

(A) CHAIRMAN.—The chairman of the Committee on Armed Services of the House of Representatives and the chairman of the Committee on Armed Services of the Senate shall jointly designate one member of the commission to serve as chairman of the commission.

(B) VICE CHAIRMAN.—The ranking minority member of the Committee on Armed Services of the House of Representatives and the ranking minority member of the Committee on Armed Services of the Senate shall jointly designate one member of the commission to serve as vice chairman of the commission.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the commission. Any vacancy in the commission shall be filled in the same manner as the original appointment.

(c) DUTIES.—

(1) REVIEW.—The commission shall conduct a review of the strategic posture of the United States, including a strategic threat assessment and a detailed review of nuclear weapons policy, strategy, and force structure.

(2) ASSESSMENT AND RECOMMENDATIONS.—

(A) ASSESSMENT.—The commission shall assess the benefits and risks associated with the current strategic posture and nuclear weapons policies of the United States.

(B) RECOMMENDATIONS.—The commission shall make recommendations as to the most appropriate strategic posture and most effective nuclear weapons strategy.

(d) COOPERATION FROM GOVERNMENT.—

(1) COOPERATION.—In carrying out its duties, the commission shall receive the full and timely cooperation of the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Director of National Intelligence, and any other United States Government official in providing the commission with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

(2) LIAISON.—The Secretary of Defense, the Secretary of Energy, the Secretary of State, and the Director of National Intelligence shall each designate at least one officer or employee of the Department of Defense, the Department of Energy, the Department of State, and the intelligence community, respectively, to serve as a liaison officer between the department (or the intelligence community, as the case may be) and the commission.

(e) REPORT.—Not later than December 1, 2008, the commission shall submit to the President, the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives a report on the commission's findings, conclusions, and recommendations. The report shall identify the strategic posture and nuclear weapons strategy recommended under subsection (c)(2)(B) and shall include—

(1) the military capabilities and force structure necessary to support the strategy, including both nuclear and non-nuclear capabilities that might support the strategy;

(2) the number of nuclear weapons required to support the strategy, including the number of replacement warheads required, if any;

(3) the appropriate qualitative analysis, including force-on-force exchange modeling, to calculate the effectiveness of the strategy under various scenarios;

(4) the nuclear infrastructure (that is, the size of the nuclear complex) required to support the strategy;

(5) an assessment of the role of missile defenses in the strategy;

(6) an assessment of the role of nonproliferation programs in the strategy;

(7) the political and military implications of the strategy for the United States and its allies; and

(8) any other information or recommendations relating to the strategy (or to the strategic posture) that the commission considers appropriate.

(f) FUNDING.—Of the amounts appropriated or otherwise made available pursuant to this Act to the Department of Defense, $5,000,000 is available to fund the activities of the commission.

(g) TERMINATION.—The commission shall terminate on June 1, 2009.

SEC. 1063. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Chapter 3 is amended—

(A) by redesignating the section 127c added by section 1201(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2410) as section 127d and transferring that section so as to appear immediately after the section 127c added by section 1231(a) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3467); and

(B) by revising the table of sections at the beginning of such chapter to reflect the redesignation and transfer made by paragraph (1).

(2) Section 629(d)(1) is amended by inserting a comma after "(a)".

(3) Section 662(b) is amended by striking "paragraphs (1), (2), and (3) of subsection (a)" and inserting "paragraphs (1) and (2) of subsection (a)".

(4) Subsections (c) and (d) of section 948r are each amended by striking "Defense Treatment Act of 2005" each place it appears and inserting "Detainee Treatment Act of 2005".

(5) The table of sections at the beginning of subchapter VI of chapter 47A is amended by striking the item relating to section 950j and inserting the following:

"950j. Finality of proceedings, findings, and sentences.".

(6) Section 950f(b) is amended by striking "No person may be serve" and inserting "No person may serve".

(7) The heading for section 950j is amended by striking "**Finality or**" and inserting "**Finality of**".

(8) Section 1034(b)(2) is amended by inserting "unfavorable" before "action" the second place it appears.

(9) Section 1588(d)(1)(B) is amended by striking "the Act of March 9, 1920, commonly known as the 'Suits in Admiralty Act' (41 Stat. 525; 46 U.S.C. App. 741 et seq.) and the Act of March 3, 1925, commonly known as the 'Public Vessels Act' (43 Stat. 1112; 46 U.S.C. App. 781 et seq.)" and inserting "chapters 309 and 311 of title 46".

(10) The table of sections at the beginning of chapter 137 is amended by striking the item relating to section 2333 and inserting the following new item:

"2333. Joint policies on requirements definition, contingency program management, and contingency contracting.".

(11) The table of sections at the beginning of chapter 141 is amended by inserting a period at the end of the item relating to section 2410p.

(12) The table of sections at the beginning of chapter 152 is amended by inserting a period at the end of the item relating to section 2567.

(13) Section 2583(e) is amended by striking "DOGS" and inserting "ANIMALS".

(14) Section 2668(e) is amended by striking "and (d)" and inserting "and (e)".

(15) Section 12304(a) is amended by striking the second period at the end.

(16) Section 14310(d)(1) is amended by inserting a comma after "(a)".

(b) TITLE 37, UNITED STATES CODE.—Section 302c(d)(1) of title 37, United States Code, is amended by striking "Services Corps" and inserting "Service Corps".

(c) JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007.—Effective as of October 17, 2006, and as if included therein as enacted, the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) is amended as follows:

(1) Section 333(a) (120 Stat. 2151) is amended—

(A) by striking "Section 332(c)" and inserting "Section 332"; and

(B) in paragraph (1), by inserting "in subsection (c)," after "(1)".

(2) Section 348(2) (120 Stat. 2159) is amended by striking "60 days of" and inserting "60 days after".

(3) Section 511(a)(2)(D)(i) (120 Stat. 2182) is amended by inserting a comma after "title".

(4) Section 591(b)(1) (120 Stat. 2233) is amended by inserting a period after "this title".

(5) Section 606(b)(1)(A) (120 Stat. 2246) is amended by striking "in" and inserting "In".

(6) Section 670(b) (120 Stat. 2269) is amended by striking "such title" and inserting "such chapter".

(7) Section 673 (120 Stat. 2271) is amended—

(A) in subsection (a)(1), by inserting "the second place it appears" before "and inserting";

(B) in subsection (b)(1)—

(i) by striking "Section" and inserting "Subsection (a) of section"; and

(ii) by inserting "the second place it appears" before "and inserting"; and

(C) in subsection (c)(1), by inserting "the second place it appears" before "and inserting".

(8) Section 842(a)(2) (120 Stat. 2337) is amended by striking "adding at the end" and inserting "inserting after the item relating to section 2533a".

(9) Section 1017(b)(2) (120 Stat. 2379; 10 U.S.C. 2631 note) is amended by striking "section 27" and all that follows through the period at the end and inserting "sections 12112 and 50501 and chapter 551 of title 46, United States Code.".

(10) Section 1071(f) (120 Stat. 2402) is amended by striking "identical" both places it appears.

(11) Section 1231(d) (120 Stat. 2430; 22 U.S.C. 2776a(d)) is amended by striking "note".

(12) Section 2404(b)(2)(A)(ii) (120 Stat. 2459) is amended by striking "2906 of such Act" and inserting "2906A of such Act".

(13) Section 2831 (120 Stat. 2480) is amended—

(A) by striking "Section 2667(d)" and inserting "Section 2667(e)"; and

(B) by inserting "as redesignated by section 662(b)(1) of this Act," after "Code,".

(d) Public Law 109-366.—Effective as of October 17, 2006, and as if included therein as enacted, Public Law 109-366 is amended as follows:

(1) Section 8(a)(3) (120 Stat. 2636) is amended by inserting a semicolon after "subsection".

(2) Section 9(1) (120 Stat. 2636) is amended by striking "No. 1." and inserting "No. 1,".

(e) National Defense Authorization Act for Fiscal Year 2006.—Effective as of January 6, 2006, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) is amended as follows:

(1) Section 571 (119 Stat. 3270) is amended by striking "931 et seq.)" and inserting "921 et seq.)".

(2) Section 1052(j) (119 Stat. 3435) is amended by striking "Section 1049" and inserting "Section 1409".

(f) Military Commissions Act of 2006.—Section 7 of the Military Commissions Act of 2006 (Public Law 109-366) is amended by striking "added by added by" and inserting "added by".

(g) National Defense Authorization Act for Fiscal Year 2004.—The National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136) is amended as follows:

(1) Section 706(a) (117 Stat. 1529; 10 U.S.C. 1076b note) is amended by striking "those program" and inserting "those programs".

(2) Section 1413(a) (117 Stat. 1665; 41 U.S.C. 433 note) is amended by striking "(A))" and inserting "(A)))".

(3) Section 1602(e)(3) (117 Stat. 1683; 10 U.S.C. 2302 note) is amended by inserting "Security" after "Health".

(h) National Defense Authorization Act for Fiscal Year 1994.—Section 845(a) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended—

(1) in paragraph (2)(A), by inserting "Research" after "Defense Advanced"; and

(2) in paragraph (3), by inserting "Research" after "Defense Advanced".

(i) National Defense Authorization Act for Fiscal Year 1993.—Section 722(a)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 1073 note) is amended by striking "155 Stat." and inserting "115 Stat.".

SEC. 1064. REPEAL OF CERTIFICATION REQUIREMENT.

Section 1063 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3445) is repealed.

SEC. 1065. MAINTENANCE OF CAPABILITY FOR SPACE-BASED NUCLEAR DETECTION.

The Secretary of Defense shall maintain the capability for space-based nuclear detection at a level that meets or exceeds the level of capability as of the date of the enactment of this Act.

SEC. 1066. SENSE OF CONGRESS REGARDING DETAINEES AT NAVAL STATION, GUANTANAMO BAY, CUBA.

It is the sense of Congress that—

(1) the Nation extends its gratitude to the military personnel who guard and interrogate some of the world's most dangerous men every day at Naval Station, Guantanamo Bay, Cuba;

(2) the United States Government should urge the international community, in general, and in particular, the home countries of the detainees who remain in detention despite having been ordered released by a Department of Defense administrative review board, to work with the Department of Defense to facilitate and expedite the repatriation of such detainees;

(3) detainees at Guantanamo Bay, to the maximum extent possible, should be charged and expeditiously prosecuted for crimes committed against the United States; and

(4) operations at Guantanamo Bay should be carried out in a way that upholds the national interest and core values of the American people.

SEC. 1067. A REPORT ON TRANSFERRING INDIVIDUALS DETAINED AT NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) Report Required.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains the Secretary's plan for each individual presently detained at Naval Station, Guantanamo Bay, Cuba, under the control of the Joint Task Force Guantanamo, who is or has ever been classified as an "enemy combatant" (referred to in this section as a "detainee").

(b) Contents of Report.—The report required under subsection (a) shall include each of the following:

(1) An identification of the number of detainees who, as of December 31, 2007, the Department estimates—

(A) will have been or will be charged with one or more crimes and may, therefore, be tried before a military commission;

(B) will be subject of an order calling for the release or transfer of the detainee from the Guantanamo Bay facility; or

(C) will not have been charged with any crimes and will not be subject to an order calling for the release or transfer of the detainee from the Guantanamo Bay facility, but whom the Department wishes to continue to detain.

(2) A description of the actions required to be undertaken, by the Secretary of Defense, possibly the heads of other Federal agencies, and Congress, to ensure that detainees who are subject to an order calling for their release or transfer from the Guantanamo Bay facility have, in fact, been released.

(c) Form.—The report required by subsection (a) shall be submitted in unclassified form but may contain a classified annex.

SEC. 1068. REPEAL OF PROVISIONS IN SECTION 1076 OF PUBLIC LAW 109-364 RELATING TO USE OF ARMED FORCES IN MAJOR PUBLIC EMERGENCIES.

(a) Interference With State and Federal Laws.—

(1) In general.—Section 333 of title 10, United States Code, is amended to read as follows:

"§ 333. Interference with State and Federal law

"The President, by using the militia or the armed forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it—

"(1) so hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

"(2) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.

In any situation covered by clause (1), the State shall be considered to have denied the equal protection of the laws secured by the Constitution.".

(2) Proclamation to disperse.—Section 334 of such title is amended by striking "or those obstructing the enforcement of the laws" after "insurgents".

(3) Heading amendment.—The heading of chapter 15 of such title is amended to read as follows:

"CHAPTER 15—INSURRECTION".

(4) Clerical amendments.—

(A) The table of sections at the beginning of chapter 15 of such title is amended by striking the item relating to section 333 and inserting the following new item:

"333. Interference with State and Federal law.".

(B) The tables of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part I of such subtitle, are each amended by striking the item relating to chapter 15 and inserting the following new item:

"15. Insurrection .... 331".

(b) Repeal of Section Relating to Provision of Supplies, Services, and Equipment.—

(1) In general.—Section 2567 of title 10, United States Code, is repealed.

(2) Clerical amendment.—The table of sections at the beginning of chapter 152 of such title is amended by striking the item relating to section 2567.

(c) Conforming Amendment.—Section 12304(c) of such title is amended by striking "Except to perform" and all that follows through "this section" and inserting "No unit or member of a reserve component may be ordered to active duty under this section to perform any of the functions authorized by chapter 15 or section 12406 of this title or, except as provided in subsection (b),".

(d) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 1069. STANDARDS REQUIRED FOR ENTRY TO MILITARY INSTALLATIONS IN UNITED STATES.

(a) Development of Standards.—

(1) Access standards for visitors.—The Secretary of Defense shall develop access standards applicable to all military installations in the United States. The standards shall require screening standards appropriate to the type of installation involved, the security level, category of individuals authorized to visit the installation, and level of access to be granted, including—

(A) protocols to determine the fitness of the individual to enter an installation; and

(B) standards and methods for verifying the identity of the individual.

(2) ADDITIONAL CRITERIA.—The standards required under paragraph (1) may—

(A) provide for expedited access to a military installation for Department of Defense personnel and employees and family members of personnel who reside on the installation;

(B) provide for closer scrutiny of categories of individuals determined by the Secretary of Defense to pose a higher potential security risk; and

(C) in the case of an installation that the Secretary determines contains particularly sensitive facilities, provide additional screening requirements, as well as physical and other security measures for the installation.

(b) USE OF TECHNOLOGY.—The Secretary of Defense is encouraged to procure and field existing identification screening technology and to develop additional technology only to the extent necessary to assist commanders of military installations in implementing the standards developed under this section at points of entry for such installations.

(c) DEADLINES.—

(1) DEVELOPMENT AND IMPLEMENTATION.—The Secretary of Defense shall develop the standards required under this section by not later than July 1, 2008, and implement such standards by not later than January 1, 2009.

(2) SUBMISSION TO CONGRESS.—Not later than August 1, 2009, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives the standards implemented pursuant to paragraph (1).

SEC. 1070. REVISED NUCLEAR POSTURE REVIEW.

(a) REQUIREMENT FOR COMPREHENSIVE REVIEW.—In order to clarify United States nuclear deterrence policy and strategy for the near term, the Secretary of Defense shall conduct a comprehensive review of the nuclear posture of the United States for the next 5 to 10 years. The Secretary shall conduct the review in consultation with the Secretary of Energy and the Secretary of State.

(b) ELEMENTS OF REVIEW.—The nuclear posture review shall include the following elements:

(1) The role of nuclear forces in United States military strategy, planning, and programming.

(2) The policy requirements and objectives for the United States to maintain a safe, reliable, and credible nuclear deterrence posture.

(3) The relationship among United States nuclear deterrence policy, targeting strategy, and arms control objectives.

(4) The role that missile defense capabilities and conventional strike forces play in determining the role and size of nuclear forces.

(5) The levels and composition of the nuclear delivery systems that will be required for implementing the United States national and military strategy, including any plans for replacing or modifying existing systems.

(6) The nuclear weapons complex that will be required for implementing the United States national and military strategy, including any plans to modernize or modify the complex.

(7) The active and inactive nuclear weapons stockpile that will be required for implementing the United States national and military strategy, including any plans for replacing or modifying warheads.

(c) REPORT TO CONGRESS.—The Secretary of Defense shall submit to Congress, in unclassified and classified forms as necessary, a report on the results of the nuclear posture review conducted under this section. The report shall be submitted concurrently with the quadrennial defense review required to be submitted under section 118 of title 10, United States Code, in 2009.

(d) SENSE OF CONGRESS.—It is the sense of Congress that the nuclear posture review conducted under this section should be used as a basis for establishing future United States arms control objectives and negotiating positions.

SEC. 1071. TERMINATION OF COMMISSION ON THE IMPLEMENTATION OF THE NEW STRATEGIC POSTURE OF THE UNITED STATES.

Section 1051 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3431) is repealed.

SEC. 1072. SECURITY CLEARANCES; LIMITATIONS.

(a) IN GENERAL.—Title III of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b) is amended by adding at the end the following new section:

"SEC. 3002. SECURITY CLEARANCES; LIMITATIONS.

"(a) DEFINITIONS.—In this section:

"(1) CONTROLLED SUBSTANCE.—The term 'controlled substance' has the meaning given that term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

"(2) COVERED PERSON.—The term 'covered person' means—

"(A) an officer or employee of a Federal agency;

"(B) a member of the Army, Navy, Air Force, or Marine Corps who is on active duty or is in an active status; and

"(C) an officer or employee of a contractor of a Federal agency.

"(3) RESTRICTED DATA.—The term 'Restricted Data' has the meaning given that term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

"(4) SPECIAL ACCESS PROGRAM.—The term 'special access program' has the meaning given that term in section 4.1 of Executive Order No. 12958 (60 Fed. Reg. 19825).

"(b) PROHIBITION.—After January 1, 2008, the head of a Federal agency may not grant or renew a security clearance for a covered person who is an unlawful user of a controlled substance or an addict (as defined in section 102(1) of the Controlled Substances Act (21 U.S.C. 802)).

"(c) DISQUALIFICATION.—

"(1) IN GENERAL.—After January 1, 2008, absent an express written waiver granted in accordance with paragraph (2), the head of a Federal agency may not grant or renew a security clearance described in paragraph (3) for a covered person who—

"(A) has been convicted in any court of the United States of a crime, was sentenced to imprisonment for a term exceeding 1 year, and was incarcerated as a result of that sentence for not less than 1 year;

"(B) has been discharged or dismissed from the Armed Forces under dishonorable conditions; or

"(C) is mentally incompetent, as determined by an adjudicating authority, based on an evaluation by a duly qualified mental health professional employed by, or acceptable to and approved by, the United States Government and in accordance with the adjudicative guidelines required by subsection (d).

"(2) WAIVER AUTHORITY.—In a meritorious case, an exception to the disqualification in this subsection may be authorized if there are mitigating factors. Any such waiver may be authorized only in accordance with—

"(A) standards and procedures prescribed by, or under the authority of, an Executive order or other guidance issued by the President; or

"(B) the adjudicative guidelines required by subsection (d).

"(3) COVERED SECURITY CLEARANCES.—This subsection applies to security clearances that provide for access to—

"(A) special access programs;

"(B) Restricted Data; or

"(C) any other information commonly referred to as 'sensitive compartmented information'.

"(4) ANNUAL REPORT.—

"(A) REQUIREMENT FOR REPORT.—Not later than February 1 of each year, the head of a Federal agency shall submit a report to the appropriate committees of Congress if such agency employs or employed a person for whom a waiver was granted in accordance with paragraph (2) during the preceding year. Such annual report shall not reveal the identity of such person, but shall include for each waiver issued the disqualifying factor under paragraph (1) and the reasons for the waiver of the disqualifying factor.

"(B) DEFINITIONS.—In this paragraph:

"(i) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means, with respect to a report submitted under subparagraph (A) by the head of a Federal agency—

"(I) the congressional defense committees;

"(II) the congressional intelligence committees;

"(III) the Committee on Homeland Security and Governmental Affairs of the Senate;

"(IV) the Committee on Oversight and Government Reform of the House of Representatives; and

"(V) each Committee of the Senate or the House of Representatives with oversight authority over such Federal agency.

"(ii) CONGRESSIONAL DEFENSE COMMITTEES.—The term 'congressional defense committees' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

"(iii) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term 'congressional intelligence committees' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

"(d) ADJUDICATIVE GUIDELINES.—

"(1) REQUIREMENT TO ESTABLISH.—The President shall establish adjudicative guidelines for determining eligibility for access to classified information.

"(2) REQUIREMENTS RELATED TO MENTAL HEALTH.—The guidelines required by paragraph (1) shall—

"(A) include procedures and standards under which a covered person is determined to be mentally incompetent and provide a means to appeal such a determination; and

"(B) require that no negative inference concerning the standards in the guidelines may be raised solely on the basis of seeking mental health counseling.".

(b) CONFORMING AMENDMENTS.—

(1) REPEAL.—Section 986 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 49 of such title is amended by striking the item relating to section 986.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2008.

SEC. 1073. IMPROVEMENTS IN THE PROCESS FOR THE ISSUANCE OF SECURITY CLEARANCES.

(a) DEMONSTRATION PROJECT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence shall implement a demonstration project that applies new and innovative approaches to improve the processing of requests for security clearances.

(b) EVALUATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence shall carry out an evaluation of the process for issuing security clearances and develop a specific plan and schedule for replacing such process with an improved process.

(c) REPORT.—Not later than 30 days after the date of the completion of the evaluation required by subsection (b), the Secretary of Defense and the Director of National Intelligence shall submit to Congress a report on—

(1) the results of the demonstration project carried out pursuant to subsection (a);

(2) the results of the evaluation carried out under subsection (b); and

(3) the recommended specific plan and schedule for replacing the existing process for issuing security clearances with an improved process.

SEC. 1074. PROTECTION OF CERTAIN INDIVIDUALS.

(a) PROTECTION FOR DEPARTMENT LEADERSHIP.—The Secretary of Defense, under regulations prescribed by the Secretary and in accordance with guidelines approved by the Secretary and the Attorney General, may authorize qualified members of the Armed Forces and qualified civilian employees of the Department of Defense to provide physical protection and personal security within the United States to the following persons who, by nature of their positions, require continuous security and protection:

(1) Secretary of Defense.

(2) Deputy Secretary of Defense.

(3) Chairman of the Joint Chiefs of Staff.

(4) Vice Chairman of the Joint Chiefs of Staff.

(5) Secretaries of the military departments.

(6) Chiefs of the Services.

(7) Commanders of combatant commands.

(b) PROTECTION FOR ADDITIONAL PERSONNEL.—

(1) AUTHORITY TO PROVIDE.—The Secretary of Defense, under regulations prescribed by the Secretary and in accordance with guidelines approved by the Secretary and the Attorney General, may authorize qualified members of the Armed Forces and qualified civilian employees of the Department of Defense to provide physical protection and personal security within the United States to individuals other than individuals described in paragraphs (1) through (7) of subsection (a) if the Secretary determines that such protection and security are necessary because—

(A) there is an imminent and credible threat to the safety of the individual for whom protection is to be provided; or

(B) compelling operational considerations make such protection essential to the conduct of official Department of Defense business.

(2) PERSONNEL.—Individuals authorized to receive physical protection and personal security under this subsection include the following:

(A) Any official, military member, or employee of the Department of Defense.

(B) A former or retired official who faces serious and credible threats arising from duties performed while employed by the Department for a period of up to two years beginning on the date on which the official separates from the Department.

(C) A head of a foreign state, an official representative of a foreign government, or any other distinguished foreign visitor to the United States who is primarily conducting official business with the Department of Defense.

(D) Any member of the immediate family of a person authorized to receive physical protection and personal security under this section.

(E) An individual who has been designated by the President, and who has received the advice and consent of the Senate, to serve as Secretary of Defense, but who has not yet been appointed as Secretary of Defense.

(3) LIMITATION ON DELEGATION.—The authority of the Secretary of Defense to authorize the provision of physical protection and personal security under this subsection may be delegated only to the Deputy Secretary of Defense.

(4) REQUIREMENT FOR WRITTEN DETERMINATION.—A determination of the Secretary of Defense to provide physical protection and personal security under this subsection shall be in writing, shall be based on a threat assessment by an appropriate law enforcement, security, or intelligence organization, and shall include the name and title of the officer, employee, or other individual affected, the reason for such determination, the duration of the authorized protection and security for such officer, employee, or individual, and the nature of the arrangements for the protection and security.

(5) DURATION OF PROTECTION.—

(A) INITIAL PERIOD OF PROTECTION.—After making a written determination under paragraph (4), the Secretary of Defense may provide protection and security to an individual under this subsection for an initial period of not more than 90 calendar days.

(B) SUBSEQUENT PERIOD.—If, at the end of the period that protection and security is provided to an individual under subsection (A), the Secretary determines that a condition described in subparagraph (A) or (B) of paragraph (1) continues to exist with respect to the individual, the Secretary may extend the period that such protection and security is provided for additional 60-day periods. The Secretary shall review such a determination at the end of each 60-day period to determine whether to continue to provide such protection and security.

(C) REQUIREMENT FOR COMPLIANCE WITH REGULATIONS.—Protection and personal security provided under subparagraph (B) shall be provided in accordance with the regulations and guidelines referred to in paragraph (1).

(6) SUBMISSION TO CONGRESS.—

(A) IN GENERAL.—The Secretary of Defense shall submit to the congressional defense committees each determination made under paragraph (4) to provide protection and security to an individual and of each determination under paragraph (5)(B) to extend such protection and security, together with the justification for such determination, not later than 15 days after the date on which the determination is made.

(B) FORM OF REPORT.—A report submitted under subparagraph (A) may be made in classified form.

(C) REGULATIONS AND GUIDELINES.—The Secretary of Defense shall submit to the congressional defense committees the regulations and guidelines prescribed pursuant to paragraph (1) not less than 20 days before the date on which such regulations take effect.

(c) DEFINITIONS.—In this section:

(1) CONGRESSIONAL DEFENSE COMMITTEES.—The term "congressional defense committees" means the Committee on Appropriations and the Committee on Armed Services of the Senate and the Committee on Appropriations and the Committee on Armed Services of the House of Representatives.

(2) QUALIFIED MEMBERS OF THE ARMED FORCES AND QUALIFIED CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.—The terms "qualified members of the Armed Forces" and "qualified civilian employees of the Department of Defense" refer collectively to members or employees who are assigned to investigative, law enforcement, or security duties of any of the following:

(A) The Army Criminal Investigation Command.

(B) The Naval Criminal Investigative Service.

(C) The Air Force Office of Special Investigations.

(D) The Defense Criminal Investigative Service.

(E) The Pentagon Force Protection Agency.

(d) CONSTRUCTION.—

(1) NO ADDITIONAL LAW ENFORCEMENT OR ARREST AUTHORITY.—Other than the authority to provide protection and security under this section, nothing in this section may be construed to bestow any additional law enforcement or arrest authority upon the qualified members of the Armed Forces and qualified civilian employees of the Department of Defense.

(2) POSSE COMITATUS.—Nothing in this section shall be construed to abridge section 1385 of title 18, United States Code.

(3) AUTHORITIES OF OTHER DEPARTMENTS.—Nothing in this section may be construed to preclude or limit, in any way, the express or implied powers of the Secretary of Defense or other Department of Defense officials, or the duties and authorities of the Secretary of State, the Director of the United States Secret Service, the Director of the United States Marshals Service, or any other Federal law enforcement agency.

SEC. 1075. MODIFICATION OF AUTHORITIES ON COMMISSION TO ASSESS THE THREAT TO THE UNITED STATES FROM ELECTROMAGNETIC PULSE ATTACK.

(a) EXTENSION OF DATE OF SUBMITTAL OF FINAL REPORT.—Section 1403(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 50 U.S.C. 2301 note) is amended by striking "June 30, 2007" and inserting "November 30, 2008".

(b) COORDINATION OF WORK WITH DEPARTMENT OF HOMELAND SECURITY.—Section 1404 of such Act is amended by adding at the end the following new subsection:

"(c) COORDINATION WITH DEPARTMENT OF HOMELAND SECURITY.—The Commission and the Secretary of Homeland Security shall jointly ensure that the work of the Commission with respect to electromagnetic pulse attack on electricity infrastructure, and protection against such attack, is coordinated with Department of Homeland Security efforts on such matters.".

(c) LIMITATION ON DEPARTMENT OF DEFENSE FUNDING.—The aggregate amount of funds provided by the Department of Defense to the Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack for purposes of the preparation and submittal of the final report required by section 1403(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as amended by subsection (a)), whether by transfer or otherwise and including funds provided the Commission before the date of the enactment of this Act, shall not exceed $5,600,000.

SEC. 1076. SENSE OF CONGRESS ON SMALL BUSINESS INNOVATION RESEARCH PROGRAM.

It is the sense of Congress that—

(1) the Department of Defense's Small Business Innovation Research program has been effective in supporting the performance of the missions of the Department of Defense, by stimulating technological innovation through investments in small business research activities;

(2) the Department of Defense's Small Business Innovation Research program has transitioned a number of technologies and systems into operational use by warfighters; and

(3) the Department of Defense's Small Business Innovation Research program should be reauthorized so as to ensure that the program's activities can continue seamlessly, efficiently, and effectively.

SEC. 1077. REVISION OF PROFICIENCY FLYING DEFINITION.

Subsection (c) of section 2245 of title 10, United States Code, is amended to read as follows:

"(c) In this section, the term 'proficiency flying' means flying performed under competent orders by a rated or designated member of the armed forces while serving in a non-aviation assignment or in an assignment in which skills would normally not be maintained in the performance of assigned duties.".

SEC. 1078. QUALIFICATIONS FOR PUBLIC AIRCRAFT STATUS OF AIRCRAFT UNDER CONTRACT WITH THE ARMED FORCES.

(a) DEFINITION OF PUBLIC AIRCRAFT.—Section 40102(a)(41)(E) of title 49, United States Code, is amended—

(1) by inserting "or other commercial air service" after "transportation"; and

(2) by adding at the end the following: "In the preceding sentence, the term 'other commercial air service' means an aircraft operation that (i) is within the United States territorial airspace; (ii) the Administrator of the Federal Aviation Administration determines is available for compensation or hire to the public, and (iii) must comply with all applicable civil aircraft rules under title 14, Code of Federal Regulations.".

(b) AIRCRAFT OPERATED BY THE ARMED FORCES.—Section 40125(c)(1)(C) of such title is amended by inserting "or other commercial air service" after "transportation".

(c) CONFORMING AMENDMENTS.—

(1) Section 40125(b) of such title is amended by striking "40102(a)(37)" and inserting "40102(a)(41)".

(2) Section 40125(c)(1) of such title is amended by striking "40102(a)(37)(E)" and inserting "40102(a)(41)(E)".

SEC. 1079. COMMUNICATIONS WITH THE COMMITTEES ON ARMED SERVICES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

(a) REQUESTS OF COMMITTEES.—The Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any element of the intelligence community shall, not later than 45 days after receiving a written request from the Chair or ranking minority member of the Committee on Armed Services of the Senate or the Committee on Armed Services of the House of Representatives for any existing intelligence assessment, report, estimate, or legal opinion relating to matters within the jurisdiction of such Committee, make available to such committee such assessment, report, estimate, or legal opinion, as the case may be.

(b) ASSERTION OF PRIVILEGE.—

(1) IN GENERAL.—In response to a request covered by subsection (a), the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any element of the intelligence community shall provide to the Committee making such request the document or information covered by such request unless the President determines that such document or information shall not be provided because the President is asserting a privilege pursuant to the Constitution of the United States.

(2) SUBMISSION TO CONGRESS.—The White House Counsel shall submit to Congress in writing any assertion by the President under paragraph (1) of a privilege pursuant to the Constitution.

(c) DEFINITIONS.—In this section:

(1) INTELLIGENCE COMMUNITY.—The term "intelligence community" has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) INTELLIGENCE ASSESSMENT.—The term "intelligence assessment" means an intelligence-related analytical study of a subject of policy significance and does not include building-block papers, research projects, and reference aids.

(3) INTELLIGENCE ESTIMATE.—The term "intelligence estimate" means an appraisal of available intelligence relating to a specific situation or condition with a view to determining the courses of action open to an enemy or potential enemy and the probable order of adoption of such courses of action.

SEC. 1080. RETENTION OF REIMBURSEMENT FOR PROVISION OF RECIPROCAL FIRE PROTECTION SERVICES.

Section 5 of the Act of May 27, 1955 (chapter 105; 69 Stat. 67; 42 U.S.C. 1856d) is amended—

(1) by striking "Funds" and inserting "(a) Funds"; and

(2) by adding at the end the following new subsection:

"(b) Notwithstanding the provisions of subsection (a), all sums received for any Department of Defense activity for fire protection rendered pursuant to this Act shall be credited to the appropriation fund or account from which the expenses were paid. Amounts so credited shall be merged with funds in such appropriation fund or account and shall be available for the same purposes and subject to the same limitations as the funds with which the funds are merged.".

SEC. 1081. PILOT PROGRAM ON COMMERCIAL FEE-FOR-SERVICE AIR REFUELING SUPPORT FOR THE AIR FORCE.

(a) PILOT PROGRAM REQUIRED.—The Secretary of the Air Force shall conduct, as soon as practicable after the date of the enactment of this Act, a pilot program to assess the feasibility and advisability of utilizing commercial fee-for-service air refueling tanker aircraft for Air Force operations. The duration of the pilot program shall be at least five years after commencement of the program.

(b) PURPOSE.—

(1) IN GENERAL.—The pilot program required by subsection (a) shall evaluate the feasibility of fee-for-service air refueling to support, augment, or enhance the air refueling mission of the Air Force by utilizing commercial air refueling providers on a fee-for-service basis.

(2) ELEMENTS.—In order to achieve the purpose of the pilot program, the Secretary of the Air Force shall—

(A) demonstrate and validate a comprehensive strategy for air refueling on a fee-for-service basis by evaluating all mission areas, including testing support, training support to receiving aircraft, homeland defense support, deployment support, air bridge support, aeromedical evacuation, and emergency air refueling; and

(B) integrate fee-for-service air refueling described in paragraph (1) into Air Mobility Command operations during the evaluation and execution phases of the pilot program.

(c) ANNUAL REPORT.—The Secretary of the Air Force shall provide to the congressional defense committees an annual report on the fee-for-service air refueling program, which includes—

(1) information with respect to—

(A) missions flown;

(B) mission areas supported;

(C) aircraft number, type, model series supported;

(D) fuel dispensed;

(E) departure reliability rates; and

(F) the annual and cumulative cost to the Government for the program, including a comparison of costs of the same service provided by the Air Force;

(2) an assessment of the impact of outsourcing air refueling on the Air Force's flying hour program and aircrew training; and

(3) any other data that the Secretary determines is appropriate for evaluating the performance of the commercial air refueling providers participating in the pilot program.

(d) COMPTROLLER GENERAL REVIEW.—The Comptroller General shall submit to the congressional defense committees—

(1) an annual review of the conduct of the pilot program under this section and any recommendations of the Comptroller General for improving the program; and

(2) not later than 90 days after the completion of the pilot program, a final assessment of the results of the pilot program and the recommendations of the Comptroller General for whether the Secretary of the Air Force should continue to utilize fee-for-service air refueling.

SEC. 1082. ADVISORY PANEL ON DEPARTMENT OF DEFENSE CAPABILITIES FOR SUPPORT OF CIVIL AUTHORITIES AFTER CERTAIN INCIDENTS.

(a) IN GENERAL.—The Secretary of Defense shall establish an advisory panel to carry out an assessment of the capabilities of the Department of Defense to provide support to United States civil authorities in the event of a chemical, biological, radiological, nuclear, or high-yield explosive (CBRNE) incident.

(b) PANEL MATTERS.—

(1) IN GENERAL.—The advisory panel required by subsection (a) shall consist of individuals appointed by the Secretary of Defense (in consultation with the chairmen and ranking members of the Committees on Armed Services of the Senate and the House of Representatives) from among private citizens of the United States with expertise in the legal, operational, and organizational aspects of the management of the consequences of a chemical, biological, radiological, nuclear, or high-yield explosive incident.

(2) DEADLINE FOR APPOINTMENT.—All members of the advisory panel shall be appointed under this subsection not later than 30 days after the date on which the Secretary enters into the contract required by subsection (c).

(3) INITIAL MEETING.—The advisory panel shall conduct its first meeting not later than 30 days after the date that all appointments to the panel have been made under this subsection.

(4) PROCEDURES.—The advisory panel shall carry out its duties under this section under procedures established under subsection (c)

by the federally funded research and development center with which the Secretary contracts under that subsection. Such procedures shall include procedures for the selection of a chairman of the advisory panel from among its members.

(c) SUPPORT OF FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.—

(1) IN GENERAL.—The Secretary of Defense shall enter into a contract with a federally funded research and development center for the provision of support and assistance to the advisory panel required by subsection (a) in carrying out its duties under this section. Such support and assistance shall include the establishment of the procedures of the advisory panel under subsection (b)(4).

(2) DEADLINE FOR CONTRACT.—The Secretary shall enter into the contract required by this subsection not later than 60 days after the date of the enactment of this Act.

(d) DUTIES OF PANEL.—The advisory panel required by subsection (a) shall—

(1) evaluate the authorities and capabilities of the Department of Defense to conduct operations in support to United States civil authorities in the event of a chemical, biological, radiological, nuclear, or high-yield explosive incident, including the authorities and capabilities of the military departments, the Defense Agencies, the combatant commands, any supporting commands, and the reserve components of the Armed Forces (including the National Guard in a Federal and non-Federal status);

(2) assess the adequacy of existing plans and programs of the Department of Defense for training and equipping dedicated, special, and general purposes forces for conducting operations described in paragraph (1) across a broad spectrum of scenarios, including current National Planning Scenarios as applicable;

(3) assess policies, directives, and plans of the Department of Defense in support of civilian authorities in managing the consequences of a chemical, biological, radiological, nuclear, or high-yield explosive incident;

(4) assess the adequacy of policies and structures of the Department of Defense for coordination with other department and agencies of the Federal Government, especially the Department of Homeland Security, the Department of Energy, the Department of Justice, and the Department of Health and Human Services, in the provision of support described in paragraph (1);

(5) assess the adequacy and currency of information available to the Department of Defense, whether directly or through other departments and agencies of the Federal Government, from State and local governments in circumstances where the Department provides support described in paragraph (1) because State and local response capabilities are not fully adequate for a comprehensive response;

(6) assess the equipment capabilities and needs of the Department of Defense to provide support described in paragraph (1);

(7) develop recommendations for modifying the capabilities, plans, policies, equipment, and structures evaluated or assessed under this subsection in order to improve the provision by the Department of Defense of the support described in paragraph (1); and

(8) assess and make recommendations on—

(A) whether there should be any additional Weapons of Mass Destruction Civil Support Teams, beyond the 55 already authorized and, if so, how many additional Civil Support Teams, and where they should be located; and

(B) what criteria and considerations are appropriate to determine whether additional Civil Support Teams are needed and, if so, where they should be located.

(e) COOPERATION OF OTHER AGENCIES.—

(1) IN GENERAL.—The advisory panel required by subsection (a) may secure directly from the Department of Defense, the Department of Homeland Security, the Department of Energy, the Department of Justice, the Department of Health and Human Services, and any other department or agency of the Federal Government information that the panel considers necessary for the panel to carry out its duties.

(2) COOPERATION.—The Secretary of Defense, the Secretary of Homeland Secretary, the Secretary of Energy, the Attorney General, the Secretary of Health and Human Services, and any other official of the United States shall provide the advisory panel with full and timely cooperation in carrying out its duties under this section.

(f) REPORT.—Not later than 12 months after the date of the initial meeting of the advisory panel required by subsection (a), the advisory panel shall submit to the Secretary of Defense, and to the Committees on Armed Services of the Senate and the House of Representatives, a report on activities under this section. The report shall set forth—

(1) the findings, conclusions, and recommendations of the advisory panel for improving the capabilities of the Department of Defense to provide support to United States civil authorities in the event of a chemical, biological, radiological, nuclear, or high-yield explosive incident; and

(2) such other findings, conclusions, and recommendations for improving the capabilities of the Department for homeland defense as the advisory panel considers appropriate.

SEC. 1083. TERRORISM EXCEPTION TO IMMUNITY.

(a) TERRORISM EXCEPTION TO IMMUNITY.—

(1) IN GENERAL.—Chapter 97 of title 28, United States Code, is amended by inserting after section 1605 the following:

"§ 1605A. Terrorism exception to the jurisdictional immunity of a foreign state

"(a) IN GENERAL.—

"(1) NO IMMUNITY.—A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any case not otherwise covered by this chapter in which money damages are sought against a foreign state for personal injury or death that was caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources for such an act if such act or provision of material support or resources is engaged in by an official, employee, or agent of such foreign state while acting within the scope of his or her office, employment, or agency.

"(2) CLAIM HEARD.—The court shall hear a claim under this section if—

"(A)(i)(I) the foreign state was designated as a state sponsor of terrorism at the time the act described in paragraph (1) occurred, or was so designated as a result of such act, and, subject to subclause (II), either remains so designated when the claim is filed under this section or was so designated within the 6-month period before the claim is filed under this section; or

"(II) in the case of an action that is refiled under this section by reason of section 1083(c)(2)(A) of the National Defense Authorization Act for Fiscal Year 2008 or is filed under this section by reason of section 1083(c)(3) of that Act, the foreign state was designated as a state sponsor of terrorism when the original action or the related action under section 1605(a)(7) (as in effect before the enactment of this section) or section 589 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (as contained in section 101(c) of division A of Public Law 104-208) was filed;

"(ii) the claimant or the victim was, at the time the act described in paragraph (1) occurred—

"(I) a national of the United States;

"(II) a member of the armed forces; or

"(III) otherwise an employee of the Government of the United States, or of an individual performing a contract awarded by the United States Government, acting within the scope of the employee's employment; and

"(iii) in a case in which the act occurred in the foreign state against which the claim has been brought, the claimant has afforded the foreign state a reasonable opportunity to arbitrate the claim in accordance with the accepted international rules of arbitration; or

"(B) the act described in paragraph (1) is related to Case Number 1:00CV03110 (EGS) in the United States District Court for the District of Columbia.

"(b) LIMITATIONS.—An action may be brought or maintained under this section if the action is commenced, or a related action was commenced under section 1605(a)(7) (before the date of the enactment of this section) or section 589 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (as contained in section 101(c) of division A of Public Law 104-208) not later than the latter of—

"(1) 10 years after April 24, 1996; or

"(2) 10 years after the date on which the cause of action arose.

"(c) PRIVATE RIGHT OF ACTION.—A foreign state that is or was a state sponsor of terrorism as described in subsection (a)(2)(A)(i), and any official, employee, or agent of that foreign state while acting within the scope of his or her office, employment, or agency, shall be liable to—

"(1) a national of the United States,

"(2) a member of the armed forces,

"(3) an employee of the Government of the United States, or of an individual performing a contract awarded by the United States Government, acting within the scope of the employee's employment, or

"(4) the legal representative of a person described in paragraph (1), (2), or (3),

for personal injury or death caused by acts described in subsection (a)(1) of that foreign state, or of an official, employee, or agent of that foreign state, for which the courts of the United States may maintain jurisdiction under this section for money damages. In any such action, damages may include economic damages, solatium, pain and suffering, and punitive damages. In any such action, a foreign state shall be vicariously liable for the acts of its officials, employees, or agents.

"(d) ADDITIONAL DAMAGES.—After an action has been brought under subsection (c), actions may also be brought for reasonably foreseeable property loss, whether insured or uninsured, third party liability, and loss claims under life and property insurance policies, by reason of the same acts on which the action under subsection (c) is based.

"(e) SPECIAL MASTERS.—

"(1) IN GENERAL.—The courts of the United States may appoint special masters to hear damage claims brought under this section.

"(2) TRANSFER OF FUNDS.—The Attorney General shall transfer, from funds available for the program under section 1404C of the Victims of Crime Act of 1984 (42 U.S.C. 10603c), to the Administrator of the United

States district court in which any case is pending which has been brought or maintained under this section such funds as may be required to cover the costs of special masters appointed under paragraph (1). Any amount paid in compensation to any such special master shall constitute an item of court costs.

"(f) APPEAL.—In an action brought under this section, appeals from orders not conclusively ending the litigation may only be taken pursuant to section 1292(b) of this title.

"(g) PROPERTY DISPOSITION.—

"(1) IN GENERAL.—In every action filed in a United States district court in which jurisdiction is alleged under this section, the filing of a notice of pending action pursuant to this section, to which is attached a copy of the complaint filed in the action, shall have the effect of establishing a lien of lis pendens upon any real property or tangible personal property that is—

"(A) subject to attachment in aid of execution, or execution, under section 1610;

"(B) located within that judicial district; and

"(C) titled in the name of any defendant, or titled in the name of any entity controlled by any defendant if such notice contains a statement listing such controlled entity.

"(2) NOTICE.—A notice of pending action pursuant to this section shall be filed by the clerk of the district court in the same manner as any pending action and shall be indexed by listing as defendants all named defendants and all entities listed as controlled by any defendant.

"(3) ENFORCEABILITY.—Liens established by reason of this subsection shall be enforceable as provided in chapter 111 of this title.

"(h) DEFINITIONS.—For purposes of this section—

"(1) the term 'aircraft sabotage' has the meaning given that term in Article 1 of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation;

"(2) the term 'hostage taking' has the meaning given that term in Article 1 of the International Convention Against the Taking of Hostages;

"(3) the term 'material support or resources' has the meaning given that term in section 2339A of title 18;

"(4) the term 'armed forces' has the meaning given that term in section 101 of title 10;

"(5) the term 'national of the United States' has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(6) the term 'state sponsor of terrorism' means a country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), section 40 of the Arms Export Control Act (22 U.S.C. 2780), or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism; and

"(7) the terms 'torture' and 'extrajudicial killing' have the meaning given those terms in section 3 of the Torture Victim Protection Act of 1991 (28 U.S.C. 1350 note).".

(2) AMENDMENT TO CHAPTER ANALYSIS.—The table of sections at the beginning of chapter 97 of title 28, United States Code, is amended by inserting after the item relating to section 1605 the following:

"1605A. Terrorism exception to the jurisdictional immunity of a foreign state.".

(b) CONFORMING AMENDMENTS.—

(1) GENERAL EXCEPTION.—Section 1605 of title 28, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (5)(B), by inserting "or" after the semicolon;

(ii) in paragraph (6)(D), by striking "; or" and inserting a period; and

(iii) by striking paragraph (7);

(B) by repealing subsections (e) and (f); and

(C) in subsection (g)(1)(A), by striking "but for subsection (a)(7)" and inserting "but for section 1605A".

(2) COUNTERCLAIMS.—Section 1607(a) of title 28, United States Code, is amended by inserting "or 1605A" after "1605".

(3) PROPERTY.—Section 1610 of title 28, United States Code, is amended—

(A) in subsection (a)(7), by striking "1605(a)(7)" and inserting "1605A";

(B) in subsection (b)(2), by striking "(5), or (7), or 1605(b)" and inserting "or (5), 1605(b), or 1605A";

(C) in subsection (f), in paragraphs (1)(A) and (2)(A), by inserting "(as in effect before the enactment of section 1605A) or section 1605A" after "1605(a)(7)"; and

(D) by adding at the end the following:

"(g) PROPERTY IN CERTAIN ACTIONS.—

"(1) IN GENERAL.—Subject to paragraph (3), the property of a foreign state against which a judgment is entered under section 1605A, and the property of an agency or instrumentality of such a state, including property that is a separate juridical entity or is an interest held directly or indirectly in a separate juridical entity, is subject to attachment in aid of execution, and execution, upon that judgment as provided in this section, regardless of—

"(A) the level of economic control over the property by the government of the foreign state;

"(B) whether the profits of the property go to that government;

"(C) the degree to which officials of that government manage the property or otherwise control its daily affairs;

"(D) whether that government is the sole beneficiary in interest of the property; or

"(E) whether establishing the property as a separate entity would entitle the foreign state to benefits in United States courts while avoiding its obligations.

"(2) UNITED STATES SOVEREIGN IMMUNITY INAPPLICABLE.—Any property of a foreign state, or agency or instrumentality of a foreign state, to which paragraph (1) applies shall not be immune from attachment in aid of execution, or execution, upon a judgment entered under section 1605A because the property is regulated by the United States Government by reason of action taken against that foreign state under the Trading With the Enemy Act or the International Emergency Economic Powers Act.

"(3) THIRD-PARTY JOINT PROPERTY HOLDERS.—Nothing in this subsection shall be construed to supersede the authority of a court to prevent appropriately the impairment of an interest held by a person who is not liable in the action giving rise to a judgment in property subject to attachment in aid of execution, or execution, upon such judgment.".

(4) VICTIMS OF CRIME ACT.—Section 1404C(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603c(a)(3)) is amended by striking "December 21, 1988 with respect to which an investigation or" and inserting "October 23, 1983, with respect to which an investigation or civil or criminal".

(c) APPLICATION TO PENDING CASES.—

(1) IN GENERAL.—The amendments made by this section shall apply to any claim arising under section 1605A of title 28, United States Code.

(2) PRIOR ACTIONS.—

(A) IN GENERAL.—With respect to any action that—

(i) was brought under section 1605(a)(7) of title 28, United States Code, or section 589 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (as contained in section 101(c) of division A of Public Law 104–208), before the date of the enactment of this Act,

(ii) relied upon either such provision as creating a cause of action,

(iii) has been adversely affected on the grounds that either or both of these provisions fail to create a cause of action against the state, and

(iv) as of such date of enactment, is before the courts in any form, including on appeal or motion under rule 60(b) of the Federal Rules of Civil Procedure,

that action, and any judgment in the action shall, on motion made by plaintiffs to the United States district court where the action was initially brought, or judgment in the action was initially entered, be given effect as if the action had originally been filed under section 1605A(c) of title 28, United States Code.

(B) DEFENSES WAIVED.—The defenses of res judicata, collateral estoppel, and limitation period are waived—

(i) in any action with respect to which a motion is made under subparagraph (A), or

(ii) in any action that was originally brought, before the date of the enactment of this Act, under section 1605(a)(7) of title 28, United States Code, or section 589 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (as contained in section 101(c) of division A of Public Law 104–208), and is refiled under section 1605A(c) of title 28, United States Code,

to the extent such defenses are based on the claim in the action.

(C) TIME LIMITATIONS.—A motion may be made or an action may be refiled under subparagraph (A) only—

(i) if the original action was commenced not later than the latter of—

(I) 10 years after April 24, 1996; or

(II) 10 years after the cause of action arose; and

(ii) within the 60-day period beginning on the date of the enactment of this Act.

(3) RELATED ACTIONS.—If an action arising out of an act or incident has been timely commenced under section 1605(a)(7) of title 28, United States Code, or section 589 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (as contained in section 101(c) of division A of Public Law 104–208), any other action arising out of the same act or incident may be brought under section 1605A of title 28, United States Code, if the action is commenced not later than the latter of 60 days after—

(A) the date of the entry of judgment in the original action; or

(B) the date of the enactment of this Act.

(4) PRESERVING THE JURISDICTION OF THE COURTS.—Nothing in section 1503 of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11, 117 Stat. 579) has ever authorized, directly or indirectly, the making inapplicable of any provision of chapter 97 of title 28, United States Code, or the removal of the jurisdiction of any court of the United States.

(d) APPLICABILITY TO IRAQ.—

(1) APPLICABILITY.—The President may waive any provision of this section with respect to Iraq, insofar as that provision may, in the President's determination, affect Iraq or any agency or instrumentality thereof, if the President determines that—

(A) the waiver is in the national security interest of the United States;

(B) the waiver will promote the reconstruction of, the consolidation of democracy in, and the relations of the United States with, Iraq; and

(C) Iraq continues to be a reliable ally of the United States and partner in combating acts of international terrorism.

(2) TEMPORAL SCOPE.—The authority under paragraph (1) shall apply—

(A) with respect to any conduct or event occurring before or on the date of the enactment of this Act;

(B) with respect to any conduct or event occurring before or on the date of the exercise of that authority; and

(C) regardless of whether, or the extent to which, the exercise of that authority affects any action filed before, on, or after the date of the exercise of that authority or of the enactment of this Act.

(3) NOTIFICATION TO CONGRESS.—A waiver by the President under paragraph (1) shall cease to be effective 30 days after it is made unless the President has notified Congress in writing of the basis for the waiver as determined by the President under paragraph (1).

(4) SENSE OF CONGRESS.—It is the sense of the Congress that the President, acting through the Secretary of State, should work with the Government of Iraq on a state-to-state basis to ensure compensation for any meritorious claims based on terrorist acts committed by the Saddam Hussein regime against individuals who were United States nationals or members of the United States Armed Forces at the time of those terrorist acts and whose claims cannot be addressed in courts in the United States due to the exercise of the waiver authority under paragraph (1).

(e) SEVERABILITY.—If any provision of this section or the amendments made by this section, or the application of such provision to any person or circumstance, is held invalid, the remainder of this section and such amendments, and the application of such provision to other persons not similarly situated or to other circumstances, shall not be affected by such invalidation.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Extension of authority to waive annual limitation on total compensation paid to Federal civilian employees working overseas under areas of United States Central Command.
Sec. 1102. Continuation of life insurance coverage for Federal employees called to active duty.
Sec. 1103. Transportation of dependents, household effects, and personal property to former home following death of Federal employee where death resulted from disease or injury incurred in the Central Command area of responsibility.
Sec. 1104. Special benefits for civilian employees assigned on deployment temporary change of station.
Sec. 1105. Death gratuity authorized for Federal employees.
Sec. 1106. Modifications to the National Security Personnel System.
Sec. 1107. Requirement for full implementation of personnel demonstration project.
Sec. 1108. Authority for inclusion of certain Office of Defense Research and Engineering positions in experimental personnel program for scientific and technical personnel.
Sec. 1109. Pilot program for the temporary assignment of information technology personnel to private sector organizations.
Sec. 1110. Compensation for Federal wage system employees for certain travel hours.
Sec. 1111. Travel compensation for wage grade personnel.
Sec. 1112. Accumulation of annual leave by senior level employees.
Sec. 1113. Uniform allowances for civilian employees.
Sec. 1114. Flexibility in setting pay for employees who move from a Department of Defense or Coast Guard nonappropriated fund instrumentality position to a position in the General Schedule pay system.
Sec. 1115. Retirement service credit for service as cadet or midshipman at a military service academy.
Sec. 1116. Authorization for increased compensation for faculty and staff of the Uniformed Services University of the Health Sciences.
Sec. 1117. Report on establishment of a scholarship program for civilian mental health professionals.

SEC. 1101. EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON TOTAL COMPENSATION PAID TO FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS UNDER AREAS OF UNITED STATES CENTRAL COMMAND.

(a) EXTENSION.—Section 1105 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3450), as amended by section 1105 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2409), is amended—

(1) in subsection (a)—

(A) by striking "and 2007" and inserting ", 2007, and 2008"; and

(B) by striking "Code)." and inserting "Code) or, during 2008, a military operation (including a contingency operation, as so defined) or an operation in response to an emergency declared by the President."; and

(2) in subsection (b), by striking "2007." and inserting "2007 or 2008.".

(b) RETROACTIVE EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as of December 31, 2007.

SEC. 1102. CONTINUATION OF LIFE INSURANCE COVERAGE FOR FEDERAL EMPLOYEES CALLED TO ACTIVE DUTY.

Section 8706 of title 5, United States Code, is amended—

(1) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively; and

(2) by inserting after subsection (c) the following:

"(d)(1) An employee who enters on approved leave without pay in the circumstances described in paragraph (2) may elect to have such employee's life insurance continue (beyond the end of the 12 months of coverage provided for under subsection (a)) for an additional 12 months and arrange to pay currently into the Employees' Life Insurance Fund, through such employee's employing agency, both employee and agency contributions, from the beginning of that additional 12 months of coverage. The employing agency shall forward the premium payments to the Fund. If the employee does not so elect, such employee's insurance will continue during nonpay status and stop as provided by subsection (a). An individual making an election under this subsection may cancel that election at any time, in which case such employee's insurance will stop as provided by subsection (a) or upon receipt of notice of cancellation, whichever is later.

"(2) This subsection applies in the case of any employee who—

"(A) is a member of a reserve component of the armed forces called or ordered to active duty under a call or order that does not specify a period of 30 days or less; and

"(B) enters on approved leave without pay to perform active duty pursuant to such call or order.".

SEC. 1103. TRANSPORTATION OF DEPENDENTS, HOUSEHOLD EFFECTS, AND PERSONAL PROPERTY TO FORMER HOME FOLLOWING DEATH OF FEDERAL EMPLOYEE WHERE DEATH RESULTED FROM DISEASE OR INJURY INCURRED IN THE CENTRAL COMMAND AREA OF RESPONSIBILITY.

(a) IN GENERAL.—Paragraph (2) of section 5742(b) of title 5, United States Code, is amended to read as follows:

"(2) the expense of transporting his dependents, including expenses of packing, crating, draying, and transporting household effects and other personal property to his former home or such other place as is determined by the head of the agency concerned, if—

"(A) the employee died while performing official duties outside the continental United States or in transit thereto or therefrom; or

"(B) in the case of an employee who was a party to a mandatory mobility agreement that was in effect when the employee died—

"(i) the employee died in the circumstances described in subparagraph (A); or

"(ii)(I) the employee died as a result of disease or injury incurred while performing official duties—

"(aa) in an overseas location that, at the time such employee was performing such official duties, was within the area of responsibility of the Commander of the United States Central Command; and

"(bb) in direct support of or directly related to a military operation, including a contingency operation (as defined in section 101(13) of title 10) or an operation in response to an emergency declared by the President; and

"(II) the employee's dependents were residing either outside the continental United States or within the continental United States when the employee died; and".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to deaths occurring on or after the date of the enactment of this Act.

SEC. 1104. SPECIAL BENEFITS FOR CIVILIAN EMPLOYEES ASSIGNED ON DEPLOYMENT TEMPORARY CHANGE OF STATION.

(a) AUTHORITY.—Subchapter II of chapter 57 of title 5, United States Code, is amended by inserting after section 5737 the following:

"§ 5737a. Employees temporarily deployed in contingency operations

"(a) DEFINITIONS.—For purposes of this section—

"(1) the term 'covered employee' means an individual who—

"(A) is an employee of an Executive agency or a military department, excluding a Government controlled corporation; and

"(B) is assigned on a temporary change of station in support of a contingency operation;

"(2) the term 'temporary change of station', as used with respect to an employee, means an assignment—

"(A) from the employee's official duty station to a temporary duty station; and

"(B) for which such employee is eligible for expenses under section 5737; and

"(3) the term 'contingency operation' has the meaning given such term by section 1482a(c) of title 10.

"(b) QUARTERS AND RATIONS.—The head of an agency may provide quarters and rations, without charge, to any covered employee of such agency during the period of such employee's temporary assignment (as described in subsection (a)(1)(B)).

"(c) STORAGE OF MOTOR VEHICLE.—The head of an agency may provide for the storage, without charge, or for the reimbursement of the cost of storage, of a motor vehicle that is owned or leased by a covered employee of such agency (or by a dependent of such an employee) and that is for the personal use of the covered employee. This subsection shall apply—

"(1) with respect to storage during the period of the employee's temporary assignment (as described in subsection (a)(1)(B)); and

"(2) in the case of a covered employee, with respect to not more than one motor vehicle as of any given time.

"(d) RELATIONSHIP TO OTHER BENEFITS.—Any benefits under this section shall be in addition to (and not in lieu of) any other benefits for which the covered employee is otherwise eligible.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 57 of such title is amended by inserting after the item relating to section 5737 the following:

"5737a. Employees temporarily deployed in contingency operations.".

SEC. 1105. DEATH GRATUITY AUTHORIZED FOR FEDERAL EMPLOYEES.

(a) DEATH GRATUITY AUTHORIZED.—Chapter 81 of title 5, United States Code, is amended by inserting after section 8102 the following:

"§ 8102a. Death gratuity for injuries incurred in connection with employee's service with an Armed Force

"(a) DEATH GRATUITY AUTHORIZED.—The United States shall pay a death gratuity of up to $100,000 to or for the survivor prescribed by subsection (d) immediately upon receiving official notification of the death of an employee who dies of injuries incurred in connection with the employee's service with an Armed Force in a contingency operation.

"(b) RETROACTIVE PAYMENT IN CERTAIN CASES.—At the discretion of the Secretary concerned, subsection (a) may apply in the case of an employee who died, on or after October 7, 2001, and before the date of enactment of this section, as a result of injuries incurred in connection with the employee's service with an Armed Force in the theater of operations of Operation Enduring Freedom or Operation Iraqi Freedom.

"(c) RELATIONSHIP TO OTHER BENEFITS.—The death gratuity payable under this section shall be reduced by the amount of any death gratuity provided under section 413 of the Foreign Service Act of 1980, section 1603 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006, or any other law of the United States based on the same death.

"(d) ELIGIBLE SURVIVORS.—

"(1) Subject to paragraph (5), a death gratuity payable upon the death of a person covered by subsection (a) shall be paid to or for the living survivor highest on the following list:

"(A) The employee's surviving spouse.

"(B) The employee's children, as prescribed by paragraph (2), in equal shares.

"(C) If designated by the employee, any one or more of the following persons:

"(i) The employee's parents or persons in loco parentis, as prescribed by paragraph (3).

"(ii) The employee's brothers.

"(iii) The employee's sisters.

"(D) The employee's parents or persons in loco parentis, as prescribed by paragraph (3), in equal shares.

"(E) The employee's brothers and sisters in equal shares.

Subparagraphs (C) and (E) of this paragraph include brothers and sisters of the half blood and those through adoption.

"(2) Paragraph (1)(B) applies, without regard to age or marital status, to—

"(A) legitimate children;

"(B) adopted children;

"(C) stepchildren who were a part of the decedent's household at the time of death;

"(D) illegitimate children of a female decedent; and

"(E) illegitimate children of a male decedent—

"(i) who have been acknowledged in writing signed by the decedent;

"(ii) who have been judicially determined, before the decedent's death, to be his children;

"(iii) who have been otherwise proved, by evidence satisfactory to the employing agency, to be children of the decedent; or

"(iv) to whose support the decedent had been judicially ordered to contribute.

"(3) Subparagraphs (C) and (D) of paragraph (1), so far as they apply to parents and persons in loco parentis, include fathers and mothers through adoption, and persons who stood in loco parentis to the decedent for a period of not less than one year at any time before the decedent became an employee. However, only one father and one mother, or their counterparts in loco parentis, may be recognized in any case, and preference shall be given to those who exercised a parental relationship on the date, or most nearly before the date, on which the decedent became an employee.

"(4) Beginning on the date of the enactment of this paragraph, a person covered by this section may designate another person to receive not more than 50 percent of the amount payable under this section. The designation shall indicate the percentage of the amount, to be specified only in 10 percent increments up to the maximum of 50 percent, that the designated person may receive. The balance of the amount of the death gratuity shall be paid to or for the living survivors of the person concerned in accordance with subparagraphs (A) through (E) of paragraph (1).

"(5) If a person entitled to all or a portion of a death gratuity under paragraph (1) or (4) dies before the person receives the death gratuity, it shall be paid to the living survivor next in the order prescribed by paragraph (1).

"(e) DEFINITIONS.—(1) The term 'contingency operation' has the meaning given to that term in section 1482a(c) of title 10, United States Code.

"(2) The term 'employee' has the meaning provided in section 8101 of this title, but also includes a nonappropriated fund instrumentality employee, as defined in section 1587(a)(1) of title 10.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by inserting after the item relating to section 8102 the following:

"8102a. Death gratuity for injuries incurred in connection with employee's service with an Armed Force.".

SEC. 1106. MODIFICATIONS TO THE NATIONAL SECURITY PERSONNEL SYSTEM.

(a) IN GENERAL.—Section 9902 of title 5, United States Code, is amended to read as follows:

"§ 9902. Establishment of human resources management system

"(a) IN GENERAL.—The Secretary may, in regulations prescribed jointly with the Director, establish, and from time to time adjust, a human resources management system for some or all of the organizational or functional units of the Department of Defense. The human resources management system established under authority of this section shall be referred to as the 'National Security Personnel System'.

"(b) SYSTEM REQUIREMENTS.—Any system established under subsection (a) shall—

"(1) be flexible;

"(2) be contemporary;

"(3) not waive, modify, or otherwise affect—

"(A) the public employment principles of merit and fitness set forth in section 2301, including the principles of hiring based on merit, fair treatment without regard to political affiliation or other nonmerit considerations, equal pay for equal work, and protection of employees against reprisal for whistleblowing;

"(B) any provision of section 2302, relating to prohibited personnel practices;

"(C)(i) any provision of law referred to in section 2302(b)(1), (8), and (9); or

"(ii) any provision of law implementing any provision of law referred to in section 2302(b)(1), (8), and (9) by—

"(I) providing for equal employment opportunity through affirmative action; or

"(II) providing any right or remedy available to any employee or applicant for employment in the public service;

"(D) any other provision of this part (as described in subsection (d)); or

"(E) any rule or regulation prescribed under any provision of law referred to in this paragraph;

"(4) not apply to any prevailing rate employees, as defined in section 5342(a)(2);

"(5) ensure that employees may organize, bargain collectively, and participate through labor organizations of their own choosing in decisions which affect them, subject to any exclusion from coverage or limitation on negotiability established pursuant to law;

"(6) not be limited by any specific law or authority under this title, or by any rule or regulation prescribed under this title, that is waived in regulations prescribed under this chapter, subject to paragraph (3); and

"(7) include a performance management system that incorporates the following elements:

"(A) Adherence to merit principles set forth in section 2301.

"(B) A fair, credible, and transparent employee performance appraisal system.

"(C) A link between the performance management system and the agency's strategic plan.

"(D) A means for ensuring employee involvement in the design and implementation of the system.

"(E) Adequate training and retraining for supervisors, managers, and employees in the implementation and operation of the performance management system.

"(F) A process for ensuring ongoing performance feedback and dialogue between supervisors, managers, and employees throughout the appraisal period, and setting timetables for review.

"(G) Effective safeguards to ensure that the management of the system is fair and equitable and based on employee performance.

"(H) A means for ensuring that adequate agency resources are allocated for the design, implementation, and administration of the performance management system.

"(I) A pay-for-performance evaluation system to better link individual pay to performance, and provide an equitable method for appraising and compensating employees.

"(c) PERSONNEL MANAGEMENT AT DEFENSE LABORATORIES.—

"(1) The National Security Personnel System shall not apply with respect to a laboratory under paragraph (2) before October 1, 2011, and shall apply on or after October 1, 2011, only to the extent that the Secretary determines that the flexibilities provided by the National Security Personnel System are greater than the flexibilities provided to those laboratories pursuant to section 342 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721) and section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note), respectively.

"(2) The laboratories to which this subsection applies are—

"(A) the Aviation and Missile Research Development and Engineering Center;

"(B) the Army Research Laboratory;

"(C) the Medical Research and Materiel Command;

"(D) the Engineer Research and Development Command;

"(E) the Communications-Electronics Command;

"(F) the Soldier and Biological Chemical Command;

"(G) the Naval Sea Systems Command Centers;

"(H) the Naval Research Laboratory;

"(I) the Office of Naval Research; and

"(J) the Air Force Research Laboratory.

"(d) OTHER NONWAIVABLE PROVISIONS.—The other provisions of this part referred to in subsection (b)(3)(D) are—

"(1) subparts A, B, E, G, and H of this part; and

"(2) chapters 41, 45, 47, 55 (except subchapter V thereof, apart from section 5545b), 57, 59, 71, 72, 73, 75, 77, and 79, and this chapter.

"(e) LIMITATIONS RELATING TO PAY.—

"(1) Nothing in this section shall constitute authority to modify the pay of any employee who serves in an Executive Schedule position under subchapter II of chapter 53.

"(2) Except as provided for in paragraph (1), the total amount in a calendar year of allowances, differentials, bonuses, awards, or other similar cash payments paid under this title to any employee who is paid under section 5376 or 5383 or under title 10 or under other comparable pay authority established for payment of Department of Defense senior executive or equivalent employees may not exceed the total annual compensation payable to the Vice President under section 104 of title 3.

"(3) To the maximum extent practicable, the rates of compensation for civilian employees at the Department of Defense shall be adjusted at the same rate, and in the same proportion, as are rates of compensation for members of the uniformed services.

"(4) To the maximum extent practicable, for fiscal years 2004 through 2012, the overall amount allocated for compensation of the civilian employees of an organizational or functional unit of the Department of Defense that is included in the National Security Personnel System shall not be less than the amount that would have been allocated for compensation of such employees for such fiscal year if they had not been converted to the National Security Personnel System, based on, at a minimum—

"(A) the number and mix of employees in such organizational or functional unit prior to the conversion of such employees to the National Security Personnel System; and

"(B) adjusted for normal step increases and rates of promotion that would have been expected, had such employees remained in their previous pay schedule.

"(5) To the maximum extent practicable, the regulations implementing the National Security Personnel System shall provide a formula for calculating the overall amount to be allocated for fiscal years after fiscal year 2012 for compensation of the civilian employees of an organization or functional unit of the Department of Defense that is included in the National Security Personnel System. The formula shall ensure that in the aggregate, employees are not disadvantaged in terms of the overall amount of pay available as a result of conversion to the National Security Personnel System, while providing flexibility to accommodate changes in the function of the organization, changes in the mix of employees performing those functions, and other changed circumstances that might impact pay levels.

"(6) Amounts allocated for compensation of civilian employees of the Department of Defense pursuant to paragraphs (4) and (5) shall be available only for the purpose of providing such compensation.

"(7) At the time of any annual adjustment to pay schedules pursuant to section 5303, the rate of basic pay for each employee of an organizational or functional unit of the Department of Defense that is included in the National Security Personnel System who receives a performance rating above unacceptable or who does not have a current rating of record for the most recently completed appraisal period shall be adjusted by no less than 60 percent of the amount of such adjustment. The balance of the amount that would have been available for an annual adjustment under section 5303 shall be allocated to pay pool funding, for the purpose of increasing rates of pay on the basis of employee performance.

"(8) Each employee of an organizational or functional unit of the Department of Defense that is included in the National Security Personnel System who receives a performance rating above unacceptable or who does not have a current rating of record for the most recently completed appraisal period shall receive—

"(A) locality-based comparability payments under section 5304 and section 5304a in the same manner and to the same extent as employees under the General Schedule; or

"(B) the full measure of any other local market supplement applicable to the employee if locality-based comparability payments referred to in subparagraph (A) are not generally applicable to the employee.

Nothing in this paragraph shall be construed to make locality-based comparability payments or other local market supplements payable to any category of employees or positions which were ineligible for such payments or supplements (as the case may be) as of the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2004.

"(9) Any rate of pay established or adjusted in accordance with the requirements of this section shall be non-negotiable, but shall be subject to procedures and appropriate arrangements of paragraphs (2) and (3) of section 7106(b), except that nothing in this paragraph shall be construed to eliminate the bargaining rights of any category of employees who were authorized to negotiate rates of pay as of the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2004.

"(f) PROVISIONS REGARDING NATIONAL LEVEL BARGAINING.—

"(1) The Secretary may bargain with a labor organization which has been accorded exclusive recognition under chapter 71 at an organizational level above the level of exclusive recognition. The decision to bargain above the level of exclusive recognition shall not be subject to review. The Secretary shall consult with the labor organization before determining the appropriate organizational level of bargaining.

"(2) Any such bargaining shall—

"(A) address issues that are—

"(i) subject to bargaining under chapter 71 and this chapter;

"(ii) applicable to multiple bargaining units; and

"(iii) raised by either party to the bargaining;

"(B) except as agreed by the parties or directed through an independent dispute resolution process agreed upon by the parties, be binding on all affected subordinate bargaining units of the labor organization at the level of recognition and their exclusive representatives, and the Department of Defense and its subcomponents, without regard to levels of recognition;

"(C) to the extent agreed by the parties or directed through an independent dispute resolution process agreed upon by the parties, supersede conflicting provisions of all other collective bargaining agreements of the labor organization, including collective bargaining agreements negotiated with an exclusive representative at the level of recognition; and

"(D) except as agreed by the parties or directed through an independent dispute resolution process agreed upon by the parties, not be subject to further negotiations for any purpose, including bargaining at the level of recognition.

"(3) Any independent dispute resolution process agreed to by the parties for the purposes of paragraph (2) shall have the authority to address all issues on which the parties are unable to reach agreement.

"(4) The National Guard Bureau and the Army and Air Force National Guard may be included in coverage under this subsection.

"(5) Any bargaining completed pursuant to this subsection with a labor organization not otherwise having national consultation rights with the Department of Defense or its subcomponents shall not create any obligation on the Department of Defense or its subcomponents to confer national consultation rights on such a labor organization.

"(g) PROVISIONS RELATED TO SEPARATION AND RETIREMENT INCENTIVES.—

"(1) The Secretary may establish a program within the Department of Defense under which employees may be eligible for early retirement, offered separation incentive pay to separate from service voluntarily, or both. This authority may be used to reduce the number of personnel employed by the Department of Defense or to restructure the workforce to meet mission objectives without reducing the overall number of personnel. This authority is in addition to, and notwithstanding, any other authorities established by law or regulation for such programs.

"(2)(A) The Secretary may not authorize the payment of voluntary separation incentive pay under paragraph (1) to more than 25,000 employees in any fiscal year, except that employees who receive voluntary separation incentive pay as a result of a closure or realignment of a military installation under the Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) shall not be included in that number.

"(B) The Secretary shall prepare a report each fiscal year setting forth the number of employees who received such pay as a result of a closure or realignment of a military base as described under subparagraph (A).

"(C) The Secretary shall submit the report under subparagraph (B) to the Committee on Armed Services and the Committee on Governmental Affairs of the Senate, and the Committee on Armed Services and the Committee on Government Reform of the House of Representatives.

"(3) For purposes of this section, the term 'employee' means an employee of the Department of Defense, serving under an appointment without time limitation, except that such term does not include—

"(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84, or another retirement system for employees of the Federal Government;

"(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in subparagraph (A); or

"(C) for purposes of eligibility for separation incentives under this section, an employee who is in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance.

"(4) An employee who is at least 50 years of age and has completed 20 years of service, or has at least 25 years of service, may, pursuant to regulations promulgated under this section, apply and be retired from the Department of Defense and receive benefits in accordance with chapter 83 or 84 if the employee has been employed continuously within the Department of Defense for more than 30 days before the date on which the determination to conduct a reduction or restructuring within 1 or more Department of Defense components is approved.

"(5)(A) Separation pay shall be paid in a lump sum or in installments and shall be equal to the lesser of —

"(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c), if the employee were entitled to payment under such section; or

"(ii) $25,000.

"(B) Separation pay shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit. Separation pay shall not be taken into account for the purpose of determining the amount of any severance pay to which an individual may be entitled under section 5595, based on any other separation.

"(C) Separation pay, if paid in installments, shall cease to be paid upon the recipient's acceptance of employment by the Federal Government, or commencement of work under a personal services contract as described in paragraph (6).

"(6)(A) An employee who receives separation pay under such program may not be reemployed by the Department of Defense for a 12-month period beginning on the effective date of the employee's separation, unless this prohibition is waived by the Secretary on a case-by-case basis.

"(B) An employee who receives separation pay under this section on the basis of a separation occurring on or after the date of the enactment of the Federal Workforce Restructuring Act of 1994 (Public Law 103–226; 108 Stat. 111) and accepts employment with the Government of the United States, or who commences work through a personal services contract with the United States within 5 years after the date of the separation on which payment of the separation pay is based, shall be required to repay the entire amount of the separation pay to the Department of Defense. If the employment is with an Executive agency (as defined by section 105) other than the Department of Defense, the Director may, at the request of the head of that agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position. If the employment is within the Department of Defense, the Secretary may waive the repayment if the individual involved is the only qualified applicant available for the position. If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position. If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

"(7) Under this program, early retirement and separation pay may be offered only pursuant to regulations established by the Secretary, subject to such limitations or conditions as the Secretary may require.

"(h) PROVISIONS RELATING TO REEMPLOYMENT.—

"(1) Except as provided under paragraph (2), if an annuitant receiving an annuity from the Civil Service Retirement and Disability Fund becomes employed in a position within the Department of Defense, his annuity shall continue. An annuitant so reemployed shall not be considered an employee for purposes of subchapter III of chapter 83 or chapter 84.

"(2)(A) An annuitant retired under section 8336(d)(1) or 8414(b)(1)(A) receiving an annuity from the Civil Service Retirement and Disability Fund, who becomes employed in a position within the Department of Defense after the date of enactment of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136), may elect to be subject to section 8344 or 8468 (as the case may be).

"(B) An election for coverage under this paragraph shall be filed not later than the later of 90 days after the date the Department of Defense—

"(i) prescribes regulations to carry out this subsection; or

"(ii) takes reasonable actions to notify employees who may file an election.

"(C) If an employee files an election under this paragraph, coverage shall be effective beginning on the first day of the first applicable pay period beginning on or after the date of the filing of the election.

"(D) Paragraph (1) shall apply to an individual who is eligible to file an election under subparagraph (A) and does not file a timely election under subparagraph (B).

"(3) The Secretary shall prescribe regulations to carry out this subsection.

"(i) ADDITIONAL PROVISIONS RELATING TO PERSONNEL MANAGEMENT.—

"(1) Subject to the requirements of chapter 71 and the limitations in subsection (b)(3), the Secretary of Defense, in establishing and implementing the National Security Personnel System under subsection (a), shall not be limited by any provision of this title or any rule or regulation prescribed under this title in establishing and implementing regulations relating to—

"(A) the methods of establishing qualification requirements for, recruitment for, and appointments to positions; and

"(B) the methods of assigning, reassigning, detailing, transferring, or promoting employees.

"(2) In implementing this subsection, the Secretary shall comply with the provisions of section 2302(b)(11), regarding veterans' preference requirements, as provided for in subsection (b)(3).

"(j) PHASE-IN.—The Secretary may not, in any calendar year, add any organizational or functional unit to the National Security Personnel System which would cause the total number of employees added to such System in such year to exceed 100,000.".

(b) IMPLEMENTATION.—

(1) The requirements of section 9902 of title 5, United States Code, as amended by this section, may be implemented through rules promulgated jointly by the Secretary of Defense and the Director of the Office of Personnel Management after notice and opportunity for public comment or through Department of Defense rules or internal agency implementing issuances. Rules promulgated jointly by the Secretary and the Director under this paragraph shall be treated as major rules for the purposes of section 801 of title 5, United States Code.

(2) Both rules and implementing issuances shall be subject to collective bargaining consistent with the requirements of chapter 71 of title 5, United States Code. Rules promulgated jointly by the Secretary of Defense and the Director of the Office of Personnel Management after notice and opportunity for public comment and in accordance with the requirements of section 801 of such title 5 for a major rule shall be treated in the same manner as government-wide rules for the purpose of such collective bargaining, if such rules are uniformly applicable to all organizational or functional units included in the National Security Personnel System.

(3) Any rules and implementing issuances that were adopted prior to the date of the enactment of this Act—

(A) shall be invalid to the extent that they are inconsistent with the requirements of section 9902 of title 5, United States Code, as amended by this section;

(B) shall not supersede a collective bargaining agreement that was in place prior to the date on which the rule or implementing issuance was promulgated; and

(C) shall be subject to collective bargaining—

(i) in the case of rules which are uniformly applicable to all organizational or functional units included in the National Security Personnel System and issued jointly by the Secretary of Defense and the Director of the Office of Personnel Management pursuant to subsection 9902(f)(1) of title 5, United States Code (as in effect prior to the enactment of this section), only as to impact and implementation, when applied to employees of the

Department of Defense from any bargaining unit;

(ii) in the case of any other rules or implementing issuances, to the extent provided in chapter 71 of title 5, United States Code.

(4) The availability of judicial review of any rules or implementing issuances that were adopted prior to the date of the enactment of this Act shall not be affected by the enactment of this section.

(c) COMPTROLLER GENERAL REVIEWS.—

(1) The Comptroller General shall conduct annual reviews in calendar years 2008, 2009 and 2010 of—

(A) employee satisfaction with the National Security Personnel System established pursuant to section 9902 of title 5, United States Code, as amended by this section; and

(B) the extent to which the Department of Defense has effectively implemented accountability mechanisms, including those established in section 9902(b)(7) of title 5, United States Code, and internal safeguards for the National Security Personnel System.

(2) To the extent that the Department of Defense undertakes internal assessments or employee surveys to assess employee satisfaction with the National Security Personnel System in any such calendar year, the Comptroller General shall—

(A) determine whether such assessments or surveys are appropriately designed and statistically valid; and

(B) provide an independent evaluation of the results of such assessments or surveys.

(3) To the extent that the Department of Defense does not undertake appropriately designed and statistically valid employee surveys, the Comptroller General shall conduct such a survey and provide an independent evaluation of the results.

(4) The Comptroller General shall report the results of each annual review conducted under this subsection to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives.

SEC. 1107. REQUIREMENT FOR FULL IMPLEMENTATION OF PERSONNEL DEMONSTRATION PROJECT.

(a) REQUIREMENT.—The Secretary of Defense shall take all necessary actions to fully implement and use the authorities provided to the Secretary under section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–315), to carry out personnel management demonstration projects at Department of Defense laboratories that are exempted by section 9902(c) of title 5, United States Code, from inclusion in the Department of Defense National Security Personnel System.

(b) PROCESS FOR FULL IMPLEMENTATION.—The Secretary of Defense shall also implement a process and implementation plan to fully utilize the authorities described in subsection (a) to enhance the performance of the missions of the laboratories.

(c) OTHER LABORATORIES.—Any flexibility available to any demonstration laboratory shall be available for use at any other laboratory as enumerated in section 9902(c)(2) of title 5, United States Code.

(d) SUBMISSION OF LIST AND DESCRIPTION.—Not later than March 1 of each year, beginning with March 1, 2008, the Secretary of Defense shall submit to Congress a list and description of the demonstration project notices, amendments, and changes requested by the laboratories during the preceding calendar year. The list shall include all approved and disapproved notices, amendments, and changes, and the reasons for disapproval or delay in approval.

SEC. 1108. AUTHORITY FOR INCLUSION OF CERTAIN OFFICE OF DEFENSE RESEARCH AND ENGINEERING POSITIONS IN EXPERIMENTAL PERSONNEL PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.

Section 1101(b)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by adding "and" at the end; and

(3) by adding after subparagraph (C) the following:

"(D) not more than a total of 10 scientific and engineering positions in the Office of the Director of Defense Research and Engineering;".

SEC. 1109. PILOT PROGRAM FOR THE TEMPORARY ASSIGNMENT OF INFORMATION TECHNOLOGY PERSONNEL TO PRIVATE SECTOR ORGANIZATIONS.

(a) ASSIGNMENT AUTHORITY.—The Secretary of Defense may, with the agreement of the private sector organization and the Department of Defense employee concerned, arrange for the temporary assignment of such employee to such private sector organization under this section. An employee shall be eligible for such an assignment only if—

(1) the employee—

(A) works in the field of information technology management;

(B) is considered to be an exceptional employee;

(C) is expected to assume increased information technology management responsibilities in the future;

(D) is compensated at not less than the GS–11 level (or the equivalent); and

(E) is serving under a career or career-conditional appointment or an appointment of equivalent tenure in the excepted service; and

(2) the proposed assignment meets applicable requirements of section 209(b) of the E-Government Act of 2002 (44 U.S.C. 3501 note).

(b) AGREEMENTS.—The Secretary of Defense shall provide for a written agreement between the Department of Defense and the employee concerned regarding the terms and conditions of the employee's assignment under this section. The agreement—

(1) shall require that, upon completion of the assignment, the employee will serve in the civil service for a period equal to the length of the assignment; and

(2) shall provide that if the employee fails to carry out the agreement, such employee shall be liable to the United States for payment of all expenses of the assignment, unless that failure was for good and sufficient reason (as determined by the Secretary of Defense).

An amount for which an employee is liable under paragraph (2) shall be treated as a debt due the United States.

(c) TERMINATION.—An assignment under this section may, at any time and for any reason, be terminated by the Department of Defense or the private sector organization concerned.

(d) DURATION.—An assignment under this section shall be for a period of not less than 3 months and not more than 1 year, and may be extended in 3-month increments for a total of not more than 1 additional year; however, no assignment under this section may commence after September 30, 2010.

(e) CONSIDERATIONS.—In carrying out this section, the Secretary of Defense—

(1) shall ensure that, of the assignments made under this section each year, at least 20 percent are to small business concerns (as defined by section 3703(e)(2)(A) of title 5, United States Code); and

(2) shall take into consideration the question of how assignments under this section might best be used to help meet the needs of the Department of Defense with respect to the training of employees in information technology management.

(f) NUMERICAL LIMITATION.—In no event may more than 10 employees be participating in assignments under this section as of any given time.

(g) REPORTING REQUIREMENT.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the potential benefits of a program under which employees specializing in information technology may be temporarily assigned from private sector organizations to the Department of Defense.

(2) CONTENTS.—The report shall include—

(A) a statement of findings and an explanation of the bases for those findings;

(B) an assessment of the laws, rules, and processes relating to the prevention of conflicts of interest and abuse which would apply to private sector employees during the period of their assignment to the Department of Defense, and whether they need to be strengthened or otherwise changed;

(C) mechanisms proposed for the governance and oversight of the program; and

(D) recommendations for any legislation which may be necessary.

SEC. 1110. COMPENSATION FOR FEDERAL WAGE SYSTEM EMPLOYEES FOR CERTAIN TRAVEL HOURS.

Section 5544(a) of title 5, United States Code, is amended in clause (iv) (in the third sentence following paragraph (3)), by striking "administratively." and inserting "administratively (including travel by the employee to such event and the return of the employee from such event to the employee's official duty station).".

SEC. 1111. TRAVEL COMPENSATION FOR WAGE GRADE PERSONNEL.

(a) ELIGIBILITY FOR COMPENSATORY TIME OFF FOR TRAVEL.—Section 5550b(a) of title 5, United States Code, is amended by striking "section 5542(b)(2)," and inserting "any provision of section 5542(b)(2) or 5544(a),".

(b) CONFORMING AMENDMENT.—Section 5541(2)(xi) of such title is amended by striking "section 5544" and inserting "section 5544 or 5550b".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of—

(1) the effective date of any regulations prescribed to carry out such amendments; or

(2) the 90th day after the date of the enactment of this Act.

SEC. 1112. ACCUMULATION OF ANNUAL LEAVE BY SENIOR LEVEL EMPLOYEES.

Section 6304(f)(1) of title 5, United States Code, is amended—

(1) in the matter before subparagraph (A), by striking "in a position in—" and inserting "in—";

(2) in subparagraphs (A) through (E), by inserting "a position in" before "the";

(3) in subparagraph (D), by striking "or" at the end;

(4) in subparagraph (E), by striking the period and inserting a semicolon; and

(5) by adding after subparagraph (E) the following:

"(F) a position to which section 5376 applies; or

"(G) a position designated under section 1607(a) of title 10 as an Intelligence Senior Level position.".

SEC. 1113. UNIFORM ALLOWANCES FOR CIVILIAN EMPLOYEES.

Section 1593(b) of title 10, United States Code, is amended by striking "$400 per year." and inserting "$400 per year (or such higher maximum amount as the Secretary of Defense may by regulation prescribe).".

SEC. 1114. FLEXIBILITY IN SETTING PAY FOR EMPLOYEES WHO MOVE FROM A DEPARTMENT OF DEFENSE OR COAST GUARD NONAPPROPRIATED FUND INSTRUMENTALITY POSITION TO A POSITION IN THE GENERAL SCHEDULE PAY SYSTEM.

Section 5334(f) of title 5, United States Code, is amended—

(1) by striking "(f)" and inserting "(f)(1)";

(2) in the first sentence, by striking "does not exceed" and all that follows through "2105(c)." and inserting the following: "does not exceed—

"(A) if the highest previous rate of basic pay received by that employee during the employee's service described in section 2105(c) is equal to a rate of the appropriate grade, such rate of the appropriate grade;

"(B) if the employee's highest previous rate of basic pay (as described in subparagraph (A)) is between two rates of the appropriate grade, the higher of those two rates; or

"(C) if the employee's highest previous rate of basic pay (as described in subparagraph (A)) exceeds the maximum rate of the appropriate grade, the maximum rate of the appropriate grade."; and

(3) in the second sentence, by striking "In the case of" and inserting the following:

"(2) In the case of".

SEC. 1115. RETIREMENT SERVICE CREDIT FOR SERVICE AS CADET OR MIDSHIPMAN AT A MILITARY SERVICE ACADEMY.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8331(13) of title 5, United States Code, is amended by striking "but" and inserting "and includes service as a cadet at the United States Military Academy, the United States Air Force Academy, or the United States Coast Guard Academy, or as a midshipman at the United States Naval Academy, but".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8401(31) of such title is amended by striking "but" and inserting "and includes service as a cadet at the United States Military Academy, the United States Air Force Academy, or the United States Coast Guard Academy, or as a midshipman at the United States Naval Academy, but".

(c) APPLICABILITY.—The amendments made by this section shall apply to—

(1) any annuity, eligibility for which is based upon a separation occurring before, on, or after the date of enactment of this Act; and

(2) any period of service as a cadet at the United States Military Academy, the United States Air Force Academy, or the United States Coast Guard Academy, or as a midshipman at the United States Naval Academy, occurring before, on, or after the date of enactment of this Act.

SEC. 1116. AUTHORIZATION FOR INCREASED COMPENSATION FOR FACULTY AND STAFF OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

Section 2113(c) of title 10, United States Code, as redesignated by section 954(a)(3) of this Act, is amended—

(1) in paragraph (1)—

(A) by inserting "(after due consideration by the Secretary)" before "so as"; and

(B) by striking "within the vicinity of the District of Columbia" and inserting "identified by the Secretary for purposes of this paragraph"; and

(2) in paragraph (4)—

(A) by striking "section 5373" and inserting "sections 5307 and 5373"; and

(B) by adding at the end the following new sentence: "In no event may the total amount of compensation paid to an employee under paragraph (1) in any year (including salary, allowances, differentials, bonuses, awards, and other similar cash payments) exceed the total amount of annual compensation (excluding expenses) specified in section 102 of title 3.".

SEC. 1117. REPORT ON ESTABLISHMENT OF A SCHOLARSHIP PROGRAM FOR CIVILIAN MENTAL HEALTH PROFESSIONALS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Assistant Secretary of Defense for Health Affairs and each of the Surgeons General of the Armed Forces, submit to Congress a report on the feasibility and advisability of establishing a scholarship program for civilian mental health professionals.

(b) ELEMENTS.—The report shall include the following:

(1) An assessment of a potential scholarship program that provides certain educational funding to students seeking a career in mental health services in exchange for service in the Department of Defense.

(2) An assessment of current scholarship programs which may be expanded to include mental health professionals.

(3) Recommendations regarding the establishment or expansion of scholarship programs for mental health professionals.

(4) A plan to implement, or reasons for not implementing, recommendations that will increase mental health staffing across the Department of Defense.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Military-to-military contacts and comparable activities.
Sec. 1202. Authority for support of military operations to combat terrorism.
Sec. 1203. Medical care and temporary duty travel expenses for liaison officers of certain foreign nations.
Sec. 1204. Extension and expansion of Department of Defense authority to participate in multinational military centers of excellence.
Sec. 1205. Reauthorization of Commanders' Emergency Response Program.
Sec. 1206. Authority to build the capacity of the Pakistan Frontier Corps.
Sec. 1207. Authority to equip and train foreign personnel to assist in accounting for missing United States Government personnel.
Sec. 1208. Authority to provide automatic identification system data on maritime shipping to foreign countries and international organizations.
Sec. 1209. Report on foreign-assistance related programs carried out by the Department of Defense.
Sec. 1210. Extension and enhancement of authority for security and stabilization assistance.
Sec. 1211. Government Accountability Office report on Global Peace Operations Initiative.
Sec. 1212. Repeal of limitations on military assistance under the American Servicemembers' Protection Act of 2002.

Subtitle B—Matters Relating to Iraq and Afghanistan

Sec. 1221. Modification of authorities relating to the Office of the Special Inspector General for Iraq Reconstruction.
Sec. 1222. Limitation on availability of funds for certain purposes relating to Iraq.
Sec. 1223. Report on United States policy and military operations in Iraq.
Sec. 1224. Report on a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.
Sec. 1225. Report on support from Iran for attacks against coalition forces in Iraq.
Sec. 1226. Sense of Congress on the consequences of a failed state in Iraq.
Sec. 1227. Sense of Congress on federalism in Iraq.
Sec. 1228. Tracking and monitoring of defense articles provided to the Government of Iraq and other individuals and groups in Iraq.
Sec. 1229. Special Inspector General for Afghanistan Reconstruction.
Sec. 1230. Report on progress toward security and stability in Afghanistan.
Sec. 1231. United States plan for sustaining the Afghanistan National Security Forces.
Sec. 1232. Report on enhancing security and stability in the region along the border of Afghanistan and Pakistan.
Sec. 1233. Reimbursement of certain coalition nations for support provided to United States military operations.
Sec. 1234. Logistical support for coalition forces supporting operations in Iraq and Afghanistan.

Subtitle C—Iraq Refugee Crisis

Sec. 1241. Short title.
Sec. 1242. Processing mechanisms.
Sec. 1243. United States refugee program processing priorities.
Sec. 1244. Special immigrant status for certain Iraqis.
Sec. 1245. Senior Coordinator for Iraqi Refugees and Internally Displaced Persons.
Sec. 1246. Countries with significant populations of Iraqi refugees.
Sec. 1247. Motion to reopen denial or termination of asylum.
Sec. 1248. Reports.
Sec. 1249. Authorization of appropriations.

Subtitle D—Other Authorities and Limitations

Sec. 1251. Cooperative opportunities documents under cooperative research and development agreements with NATO organizations and other allied and friendly foreign countries.

Sec. 1252. Extension and expansion of temporary authority to use acquisition and cross-servicing agreements to lend military equipment for personnel protection and survivability.
Sec. 1253. Acceptance of funds from the Government of Palau for costs of United States military Civic Action Team in Palau.
Sec. 1254. Repeal of requirement relating to North Korea.
Sec. 1255. Justice for Osama bin Laden and other leaders of al Qaeda.
Sec. 1256. Extension of Counterproliferation Program Review Committee.
Sec. 1257. Sense of Congress on the Western Hemisphere Institute for Security Cooperation.
Sec. 1258. Sense of Congress on Iran.

Subtitle E—Reports

Sec. 1261. One-year extension of update on report on claims relating to the bombing of the Labelle Discotheque.
Sec. 1262. Report on United States policy toward Darfur, Sudan.
Sec. 1263. Inclusion of information on asymmetric capabilities in annual report on military power of the People's Republic of China.
Sec. 1264. Report on application of the Uniform Code of Military Justice to civilians accompanying the Armed Forces during a time of declared war or contingency operation.
Sec. 1265. Report on family reunions between United States citizens and their relatives in North Korea.
Sec. 1266. Reports on prevention of mass atrocities.
Sec. 1267. Report on threats to the United States from ungoverned areas.

Subtitle A—Assistance and Training

SEC. 1201. MILITARY-TO-MILITARY CONTACTS AND COMPARABLE ACTIVITIES.

Section 168(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(9) The assignment of personnel described in paragraph (3) or (4) on a non-reciprocal basis if the Secretary of Defense determines that such an assignment, rather than an exchange of personnel, is in the interests of the United States.".

SEC. 1202. AUTHORITY FOR SUPPORT OF MILITARY OPERATIONS TO COMBAT TERRORISM.

(a) MODIFICATION OF REPORTING REQUIREMENT.—Subsection (f) of section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2086–2087) is amended to read as follows:

"(f) ANNUAL REPORT.—

"(1) REPORT REQUIRED.—Not later than 120 days after the close of each fiscal year during which subsection (a) is in effect, the Secretary of Defense shall submit to the congressional defense committees a report on support provided under that subsection during that fiscal year.

"(2) MATTERS TO BE INCLUDED.—Each report required by paragraph (1) shall describe the support provided, including—

"(A) the country involved in the activity, the individual or force receiving the support, and, to the maximum extent practicable, the specific region of each country involved in the activity;

"(B) the respective dates and a summary of congressional notifications for each activity;

"(C) the unified commander for each activity, as well as the related objectives, as established by that commander;

"(D) the total amount obligated to provide the support;

"(E) for each activity that amounts to more than $500,000, specific budget details that explain the overall funding level for that activity; and

"(F) a statement providing a brief assessment of the outcome of the support, including specific indications of how the support furthered the mission objective of special operations forces and the types of follow-on support, if any, that may be necessary.".

(b) ANNUAL LIMITATION.—Subsection (g) of such section is amended—

(1) in the heading, by striking "FISCAL YEAR 2005" and inserting "ANNUAL"; and

(2) by striking "fiscal year 2005" and inserting "each fiscal year during which subsection (a) is in effect".

(c) EXTENSION OF PERIOD OF AUTHORITY.—Subsection (h) of such section is amended by striking "2007" and inserting "2010".

SEC. 1203. MEDICAL CARE AND TEMPORARY DUTY TRAVEL EXPENSES FOR LIAISON OFFICERS OF CERTAIN FOREIGN NATIONS.

(a) AUTHORITY.—Subsection (a) of section 1051a of title 10, United States Code, is amended—

(1) by striking "involved in a coalition" and inserting "involved in a military operation"; and

(2) by striking "coalition operation" and inserting "military operation".

(b) MEDICAL CARE AND TEMPORARY DUTY TRAVEL EXPENSES.—Subsection (b) of such section is amended—

(1) in the heading, by striking "AND SUBSISTENCE" inserting ", SUBSISTENCE, AND MEDICAL CARE";

(2) in paragraph (2), by adding at the end the following:

"(C) Expenses for medical care at a civilian medical facility if—

"(i) adequate medical care is not available to the liaison officer at a local military medical treatment facility;

"(ii) the Secretary determines that payment of such medical expenses is necessary and in the best interests of the United States; and

"(iii) medical care is not otherwise available to the liaison officer pursuant to any treaty or other international agreement."; and

(3) by adding at the end the following:

"(3) The Secretary may pay the mission-related travel expenses of a liaison officer described in subsection (a) if such travel is in support of the national interests of the United States and the commander of the headquarters to which the liaison officer is temporarily assigned directs round-trip travel from the assigned headquarters to one or more locations.".

(c) DEFINITION.—Subsection (d) of such section is amended—

(1) by striking "(d) DEFINITIONS.—" and all that follows through "(1) The term" and inserting "(d) DEFINITION.—In this section, the term"; and

(2) by striking paragraph (2).

(d) EXPIRATION OF AUTHORITY.—Such section is further amended by striking subsection (e).

(e) CONFORMING AND CLERICAL AMENDMENTS.—(1) The heading for such section is amended to read as follows:

"§ 1051a. Liaison officers of certain foreign nations; administrative services and support; travel, subsistence, medical care, and other personal expenses".

(2) The table of sections at the beginning of chapter 53 of title 10, United States Code, is amended by striking the item relating to section 1051a and inserting the following:

"1051a. Liaison officers of certain foreign nations; administrative services and support; travel, subsistence, medical care, and other personal expenses.".

SEC. 1204. EXTENSION AND EXPANSION OF DEPARTMENT OF DEFENSE AUTHORITY TO PARTICIPATE IN MULTINATIONAL MILITARY CENTERS OF EXCELLENCE.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 1205 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 1202 Stat. 2416) is amended by striking "fiscal year 2007" and inserting "fiscal years 2007 and 2008".

(b) LIMITATION ON AMOUNTS AVAILABLE FOR PARTICIPATION.—Subsection (e) of such section is amended by striking paragraph (2) and inserting the following new paragraph:

"(2) LIMITATION ON AMOUNT.—The amount available under paragraph (1)(A) for the expenses referred to in that paragraph may not exceed—

"(A) in fiscal year 2007, $3,000,000; and

"(B) in fiscal year 2008, $5,000,000.".

(c) REPORTS.—Subsection (g) of such section is amended—

(1) in paragraph (1)—

(A) by inserting "and October 31, 2008," after "October 31, 2007,"; and

(B) by striking "fiscal year 2007" and inserting "fiscal years 2007 and 2008"; and

(2) in paragraph (2)(A), by striking "during fiscal year 2007" and inserting "during the preceding fiscal year".

SEC. 1205. REAUTHORIZATION OF COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) AUTHORITY.—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3455-3456) is amended—

(1) in the heading, by striking "FISCAL YEARS 2006 AND 2007" and inserting "FISCAL YEARS 2008 AND 2009"; and

(2) in the matter preceding paragraph (1)—

(A) by striking "fiscal years 2006 and 2007" and inserting "fiscal years 2008 and 2009"; and

(B) by striking "$500,000,000" and inserting "$977,441,000".

(b) QUARTERLY REPORTS.—Subsection (b) of such section is amended by striking "fiscal years 2006 and 2007" and inserting "fiscal years 2008 and 2009".

SEC. 1206. AUTHORITY TO BUILD THE CAPACITY OF THE PAKISTAN FRONTIER CORPS.

(a) AUTHORITY.—The Secretary of Defense, with the concurrence of the Secretary of State, is authorized during fiscal year 2008 to provide assistance to enhance the ability of the Pakistan Frontier Corps to conduct counterterrorism operations along the border between Pakistan and Afghanistan.

(b) TYPES OF ASSISTANCE.—

(1) AUTHORIZED ELEMENTS.—Assistance under subsection (a) may include the provision of equipment, supplies, and training.

(2) REQUIRED ELEMENTS.—Assistance under subsection (a) shall be provided in a manner that promotes—

(A) observance of and respect for human rights and fundamental freedoms; and

(B) respect for legitimate civilian authority within Pakistan.

(c) LIMITATIONS.—

(1) FUNDING LIMITATION.—The Secretary of Defense may use up to $75,000,000 of funds available to the Department of Defense for operation and maintenance for fiscal year 2008 to provide the assistance under subsection (a).

(2) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense may not use the authority in subsection (a) to provide any type of assistance described in subsection (b) that is otherwise prohibited by any provision of law.

(d) CONGRESSIONAL NOTIFICATION.—

(1) IN GENERAL.—Not less than 15 days before providing assistance under subsection (a), the Secretary of Defense shall submit to the congressional committees specified in paragraph (2) a notice of the following:

(A) The budget, types of assistance, and completion date for providing the assistance under subsection (a).

(B) The source and planned expenditure of funds for the assistance under subsection (a).

(2) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees specified in this paragraph are the following:

(A) The Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

(B) The Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SEC. 1207. AUTHORITY TO EQUIP AND TRAIN FOREIGN PERSONNEL TO ASSIST IN ACCOUNTING FOR MISSING UNITED STATES GOVERNMENT PERSONNEL.

(a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 408. Equipment and training of foreign personnel to assist in Department of Defense accounting for missing United States Government personnel

"(a) IN GENERAL.—The Secretary of Defense may provide assistance to any foreign nation to assist the Department of Defense with recovery of and accounting for missing United States Government personnel.

"(b) TYPES OF ASSISTANCE.—The assistance provided under subsection (a) may include the following:

"(1) Equipment.

"(2) Supplies.

"(3) Services.

"(4) Training of personnel.

"(c) APPROVAL BY SECRETARY OF STATE.—Assistance may not be provided under this section to any foreign nation unless the Secretary of State specifically approves the provision of such assistance.

"(d) LIMITATION.—The amount of assistance provided under this section in any fiscal year may not exceed $1,000,000.

"(e) CONSTRUCTION WITH OTHER ASSISTANCE.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations under law.

"(f) ANNUAL REPORTS.—(1) Not later than December 31 each year, the Secretary of Defense shall submit to the congressional defense committees a report on the assistance provided under this section during the fiscal year ending in such year.

"(2) Each report under paragraph (1) shall include, for the fiscal year covered by such report, the following:

"(A) A listing of each foreign nation provided assistance under this section.

"(B) For each nation so provided assistance, a description of the type and amount of such assistance.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title is amended by adding at the end the following new item:

"408. Equipment and training of foreign personnel to assist in Department of Defense accounting for missing United States Government personnel.".

SEC. 1208. AUTHORITY TO PROVIDE AUTOMATIC IDENTIFICATION SYSTEM DATA ON MARITIME SHIPPING TO FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS.

(a) AUTHORITY TO PROVIDE DATA.—The Secretary of Defense, with the concurrence of the Secretary of State, may authorize the Secretary of a military department or a commander of a combatant command to exchange or furnish automatic identification system data broadcast by merchant or private ships and collected by the United States to a foreign country or international organization pursuant to an agreement for the exchange or production of such data. Such data may be transferred pursuant to this section without cost to the recipient country or international organization.

(b) DEFINITIONS.—In this section:

(1) AUTOMATIC IDENTIFICATION SYSTEM.—The term "automatic identification system" means a system that is used to satisfy the requirements of the Automatic Identification System under the International Convention for the Safety of Life at Sea, signed at London on November 1, 1974 (TIAS 9700).

(2) GEOGRAPHIC COMBATANT COMMANDER.—The term "commander of a combatant command" means a commander of a combatant command (as such term is defined in section 161(c) of title 10, United States Code) with a geographic area of responsibility.

SEC. 1209. REPORT ON FOREIGN-ASSISTANCE RELATED PROGRAMS CARRIED OUT BY THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report that specifies, on a country-by-country basis, each foreign-assistance related program carried out by the Department of Defense during the prior fiscal year under the authorities described in subsection (b).

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include—

(1) a description of the dollar amount, type of support, and purpose of each foreign-assistance related program carried out by the Department of Defense under—

(A) section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3456), relating to authority to build the capacity of foreign military forces;

(B) section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3458), relating to authority to provide security and stabilization assistance to foreign countries;

(C) section 1208 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3459), relating to authority to reimburse certain coalition nations for support provided to United States military operations;

(D) section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1881), relating to authority to provide additional support for counter-drug activities of Peru and Colombia;

(E) section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 374 note), relating to additional support for counter-drug activities;

(F) section 127d of title 10, United States Code, relating to authority to provide logistic support, supplies, and services to allied forces participating in a combined operation with the Armed Forces;

(G) section 2249c of title 10, United States Code, relating to authority to use appropriated funds for costs associated with education and training of foreign officials under the Regional Defense Combating Terrorism Fellowship Program; and

(H) section 2561 of title 10, United States Code, relating to authority to provide humanitarian assistance; and

(2) a description of each foreign-assistance related program that the Department of Defense undertakes or implements on behalf of any other department or agency of the United States Government, including programs under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) and the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

SEC. 1210. EXTENSION AND ENHANCEMENT OF AUTHORITY FOR SECURITY AND STABILIZATION ASSISTANCE.

(a) PROGRAM FOR ASSISTANCE.—Section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3458) is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) the following:

"(d) FORMULATION AND IMPLEMENTATION OF PROGRAM FOR ASSISTANCE.—The Secretary of State shall coordinate with the Secretary of Defense in the formulation and implementation of a program of reconstruction, security, or stabilization assistance to a foreign country that involves the provision of services or transfer of defense articles or funds under subsection (a).".

(b) ONE-YEAR EXTENSION.—Subsection (g) of such section, as redesignated by subsection (a) of this section, is amended by striking "September 30, 2007" and inserting "September 30, 2008".

SEC. 1211. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON GLOBAL PEACE OPERATIONS INITIATIVE.

(a) REPORT REQUIRED.—Not later than June 1, 2008, the Comptroller General of the United States shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report assessing the Global Peace Operations Initiative.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) An assessment of whether, and to what extent, the Global Peace Operations Initiative has met the goals set by the President at the inception of the program in 2004.

(2) Which goals, if any, remain unfulfilled.

(3) A description of activities conducted by each member state of the Group of Eight (G-

8), including the approximate cost of the activities, and the approximate percentage of the total monetary value of the activities conducted by each G–8 member, including the United States, as well as efforts by the President to seek contributions or participation by other G–8 members.

(4) A description of any activities conducted by non-G–8 members, or other organizations and institutions, as well as any efforts by the President to solicit contributions or participation.

(5) A description of the extent to which the Global Peace Operations Initiative has had global participation.

(6) A description of the administration of the program by the Department of State and Department of Defense, including—

(A) whether each Department should concentrate administration in one office or bureau, and if so, which one;

(B) the extent to which the two Departments coordinate and the quality of their coordination; and

(C) the extent to which contractors are used and an assessment of the quality and timeliness of the results achieved by the contractors, and whether the United States Government might have achieved similar or better results without contracting out functions.

(7) A description of the metrics, if any, that are used by the President and the G–8 to measure progress in implementation of the Global Peace Operations Initiative, including—

(A) assessments of the quality and sustainability of the training of individual soldiers and units;

(B) the extent to which the G–8 and participating countries maintain records or databases of trained individuals and units and conduct inspections to measure and monitor the continued readiness of such individuals and units;

(C) the extent to which the individuals and units are equipped and remain equipped to deploy in peace operations; and

(D) the extent to which, the timeline by which, and how individuals and units can be mobilized for peace operations.

(8) The extent to which, the timeline by which, and how individuals and units can be and are being deployed to peace operations.

(9) An assessment of whether individuals and units trained under the Global Peace Operations Initiative have been utilized in peace operations subsequent to receiving training under the Initiative, whether they will be deployed to upcoming operations in Africa and elsewhere, and the extent to which such individuals and units would be prepared to deploy and participate in such peace operations.

(10) Recommendations as to whether participation in the Global Peace Operations Initiative should require reciprocal participation by countries in peace operations.

(11) Any additional measures that could be taken to enhance the effectiveness of the Global Peace Operations Initiative in terms of—

(A) achieving its stated goals; and

(B) ensuring that individuals and units trained as part of the Initiative are regularly participating in peace operations.

(c) FORM.—To the maximum extent practicable, the report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex, if necessary.

SEC. 1212. REPEAL OF LIMITATIONS ON MILITARY ASSISTANCE UNDER THE AMERICAN SERVICEMEMBERS' PROTECTION ACT OF 2002.

(a) REPEAL OF LIMITATIONS.—Section 2007 of the American Servicemembers' Protection Act of 2002 (22 U.S.C. 7426) is repealed.

(b) CONFORMING AMENDMENTS.—Such Act is further amended—

(1) in section 2003 (22 U.S.C. 7422)—

(A) in subsection (a)—

(i) in the heading, by striking "SECTIONS 5 AND 7" and inserting "SECTION 2005"; and

(ii) by striking "sections 2005 and 2007" and inserting "section 2005";

(B) in subsection (b)—

(i) in the heading, by striking "SECTIONS 5 AND 7" and inserting "SECTION 2005"; and

(ii) by striking "sections 2005 and 2007" and inserting "section 2005";

(C) in subsection (c)(2)(A), by striking "sections 2005 and 2007" and inserting "section 2005";

(D) in subsection (d), by striking "sections 2005 and 2007" and inserting "section 2005"; and

(E) in subsection (e), by striking "2006, and 2007" and inserting "and 2006"; and

(2) in section 2013 (22 U.S.C. 7432), by striking paragraph (13).

Subtitle B—Matters Relating to Iraq and Afghanistan

SEC. 1221. MODIFICATION OF AUTHORITIES RELATING TO THE OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.

(a) PURPOSES.—Subsection (a)(1) of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1234-1238; 5 U.S.C. App., note to section 8G of Public Law 95–452) is amended by striking "to the Iraq Relief and Reconstruction Fund" and inserting "for the reconstruction of Iraq".

(b) ASSISTANT INSPECTORS GENERAL.—Subsection (d)(1) of such section is amended by striking "the Iraq Relief and Reconstruction Fund" and inserting "amounts appropriated or otherwise made available for the reconstruction of Iraq".

(c) SUPERVISION.—Subsection (e)(2) of such section is amended by striking "the Iraq Relief and Reconstruction Fund" and inserting "amounts appropriated or otherwise made available for the reconstruction of Iraq".

(d) DUTIES.—Subsection (f)(1) of such section is amended by striking "to the Iraq Relief and Reconstruction Fund" and inserting "for the reconstruction of Iraq".

(e) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—Subsection (h) of such section is amended—

(1) in paragraph (1), by inserting after "pay rates" the following: ", and may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of such section)"; and

(2) in paragraph (3), by striking "my enter" and inserting "may enter".

(f) REPORTS.—Subsection (i) of such section is amended by striking "to the Iraq Relief and Reconstruction Fund" each place it appears and inserting "for the reconstruction of Iraq".

(g) DEFINITIONS.—Subsection (m) of such section is amended—

(1) in the heading, by striking "APPROPRIATE COMMITTEES OF CONGRESS DEFINED" and inserting "DEFINITIONS";

(2) by striking "In this section, the term" and inserting the following: "In this section—

"(1) the term";

(3) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(4) in paragraph (1)(B) (as redesignated by paragraph (3) of this subsection), by striking "and International Relations" and inserting "Foreign Affairs, and Oversight and Government Reform";

(5) by striking the period at the end and inserting "; and"; and

(6) by adding at the end the following:

"(2) the term 'amounts appropriated or otherwise made available for the reconstruction of Iraq' means amounts appropriated or otherwise made available for any fiscal year—

"(A) to the Iraq Relief and Reconstruction Fund, the Iraq Security Forces Fund, and the Commanders' Emergency Response Program authorized under section 1202 of the National Defense Authorization for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455–3456); or

"(B) for assistance for the reconstruction of Iraq under—

"(i) the Economic Support Fund authorized under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.);

"(ii) the International Narcotics Control and Law Enforcement account authorized under section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291); or

"(iii) any other provision of law.".

(h) TERMINATION DATE.—Subsection (o) of such section is amended—

(1) in paragraph (1), to read as follows:

"(1) The Office of the Inspector General shall terminate 180 days after the date on which amounts appropriated or otherwise made available for the reconstruction of Iraq that are unexpended are less than $250,000,000."; and

(2) in paragraph (2)—

(A) by striking "funds deemed to be"; and

(B) by striking "to the Iraq Relief and Reconstruction Fund" and inserting "for the reconstruction of Iraq".

SEC. 1222. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds appropriated pursuant to an authorization of appropriations in this Act may be obligated or expended for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control of the oil resources of Iraq.

SEC. 1223. REPORT ON UNITED STATES POLICY AND MILITARY OPERATIONS IN IRAQ.

(a) REPORT.—

(1) IN GENERAL.—Subsection (c) of section 1227 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3465; 50 U.S.C. 1541 note) is amended—

(A) in paragraph (2), by striking "Iraq." and inserting the following: "Iraq, including—

"(A) enacting a broadly-accepted hydrocarbon law that equitably shares revenue among all Iraqis;

"(B) adopting laws necessary for the conduct of provincial and local elections, taking steps to implement such laws, and setting a schedule to conduct provincial and local elections;

"(C) reforming current laws governing the de-Baathification process in a manner that encourages national reconciliation;

"(D) amending the Constitution of Iraq in a manner that encourages national reconciliation;

"(E) allocating and beginning expenditure of $10 billion in Iraqi revenues for reconstruction projects, including delivery of essential services, and implementing such reconstruction projects on an equitable basis; and

"(F) making significant efforts to plan and implement disarmament, demobilization, and reintegration programs relating to Iraqi militias.";

(B) by striking paragraph (3) and inserting the following:

"(3) A detailed description of the Joint Campaign Plan, or any subsequent revisions, updates, or documents that replace or supersede the Joint Campaign Plan, including goals, phases, or other milestones contained in the Joint Campaign Plan. Specifically, the description shall include the following:

"(A) An explanation of conditions required to move through phases of the Joint Campaign Plan, in particular those conditions that must be met in order to provide for the transition of additional security responsibility to the Iraqi Security Forces, and the measurements used to determine progress.

"(B) An assessment of which conditions in the Joint Campaign Plan have been achieved and which conditions have not been achieved. The assessment of those conditions that have not been achieved shall include a discussion of the factors that have precluded progress.

"(C) A description of any companion or equivalent plan of the Government of Iraq used to measure progress for Iraqi Security Forces undertaking joint operations with Coalition Forces."; and

(C) by adding at the end the following:

"(7) An assessment of the levels of United States Armed Forces required in Iraq for the six-month period following the date of the report, the missions to be undertaken by the Armed Forces in Iraq for such period, and the incremental costs or savings of any proposed changes to such levels or missions.

"(8) A description of the range of conditions that could prompt changes to the levels of United States Armed Forces required in Iraq for the six-month period following the date of the report or the missions to be undertaken by the Armed Forces in Iraq for such period, including the status of planning for such changes to the levels or missions of the Armed Forces in Iraq.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect to each report required to be submitted to Congress under section 1227(c) of the National Defense Authorization Act for Fiscal Year 2006 on or after the date of the enactment of this Act.

(b) CONGRESSIONAL BRIEFINGS REQUIRED.—Such section is further amended by adding at the end the following:

"(d) CONGRESSIONAL BRIEFINGS REQUIRED.—Not later than 30 days after the submission of the first report under subsection (c) on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall meet with the congressional defense committees to brief such committees on the matters described in paragraphs (7) and (8) of subsection (c) contained in the report. Not later than 30 days after the submission of each subsequent report under subsection (c), appropriate senior officials of the Department of Defense shall meet with the congressional defense committees to brief such committees on the matters described in paragraphs (7) and (8) of subsection (c) contained in the report.".

SEC. 1224. REPORT ON A COMPREHENSIVE SET OF PERFORMANCE INDICATORS AND MEASURES FOR PROGRESS TOWARD MILITARY AND POLITICAL STABILITY IN IRAQ.

(a) REPORT.—Section 9010(c) of the Department of Defense Appropriations Act, 2007 (division A of Public Law 109–289; 120 Stat. 1307) is amended—

(1) in paragraph (1)(B)—

(A) by striking "and trends" and inserting "trends"; and

(B) by adding at the end before the period the following: ", and progress made in the transition of responsibility for the security of Iraqi provinces to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process"; and

(2) in paragraph (2)—

(A) in subparagraph (C)(i), by adding at the end before the semicolon the following: ", without any support from Coalition Forces";

(B) by redesignating subparagraphs (D) through (J) as subparagraphs (F) through (L), respectively;

(C) by inserting after subparagraph (C) the following:

"(D) The amount and type of support provided by Coalition Forces to the Iraqi Security Forces at each level of operational readiness.

"(E) The number of Iraqi battalions in the Iraqi Army currently conducting operations and the type of operations being conducted.";

(D) by redesignating subparagraphs (H) through (L) (as redesignated by subparagraph (B) of this paragraph) as subparagraphs (I) through (M), respectively;

(E) by inserting after subparagraph (G) (as redesignated by subparagraph (B) of this paragraph) the following:

"(H) The level and effectiveness of the Iraqi Security Forces under the Ministry of Defense in provinces where the United States has formally transferred responsibility for the security of the province to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process."; and

(F) in subparagraph (I) (as redesignated by subparagraphs (B) and (D) of this paragraph)—

(i) in clause (iv), by striking "and" at the end;

(ii) in clause (v), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(vi) the level and effectiveness of the Iraqi Police and other Ministry of Interior Forces in provinces where the United States has formally transferred responsibility for the security of the province to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to each report required to be submitted to Congress under section 9010 of the Department of Defense Appropriations Act, 2007 on or after the date of the enactment of this Act.

SEC. 1225. REPORT ON SUPPORT FROM IRAN FOR ATTACKS AGAINST COALITION FORCES IN IRAQ.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense, in coordination with the Director of National Intelligence, shall submit to the congressional defense committees a report describing and assessing in detail—

(1) any support or direction provided to anti-coalition forces in Iraq by the Government of Iran or its agents;

(2) the strategy and ambitions in Iraq of the Government of Iran; and

(3) any strategy or efforts by the United States Government to counter the activities of agents of the Government of Iran in Iraq.

(b) FORM.—Each report required under subsection (a) shall be submitted in unclassified form, to the maximum extent practicable, but may contain a classified annex, if necessary.

(c) TERMINATION.—The requirement to submit reports under subsection (a) shall terminate on the date on which the Secretary of Defense, in coordination with the Director of National Intelligence, submits to the congressional defense committees a certification in writing that the Government of Iran has ceased to provide military support to anti-coalition forces that conduct attacks against coalition forces in Iraq.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize or otherwise speak to the use of the Armed Forces against Iran.

SEC. 1226. SENSE OF CONGRESS ON THE CONSEQUENCES OF A FAILED STATE IN IRAQ.

It is the sense of Congress that—

(1) a failed state in Iraq will have a negative impact on the Middle East and United States interests in the region; and

(2) the United States should pursue strategies to prevent a failed state in Iraq or to contain the negative effects of a failed state in Iraq.

SEC. 1227. SENSE OF CONGRESS ON FEDERALISM IN IRAQ.

It is the sense of Congress that—

(1) policies supported by the United States in the pursuit of a political settlement in Iraq should be consistent with the wishes of the Iraqi people and should not violate the sovereignty of the nation of Iraq;

(2) if the Iraqi people support a political settlement in Iraq based on the final provisions of the Constitution of Iraq that create a federal system of government and allow for the creation of federal regions, consistent with the wishes of the Iraqi people and their elected leaders, the United States should actively support such a political settlement in Iraq;

(3) the active support referred to in paragraph (2) should include—

(A) calling on the international community, including countries with troops in Iraq, the permanent 5 members of the United Nations Security Council, members of the Gulf Cooperation Council, and Iraq's neighbors—

(i) to support an Iraqi political settlement based on federalism;

(ii) to acknowledge the sovereignty and territorial integrity of Iraq; and

(iii) to fulfill commitments for the urgent delivery of significant assistance and debt relief to Iraq, especially those made by the member states of the Gulf Cooperation Council; and

(B) convening a conference for Iraqis to reach an agreement on a comprehensive political settlement based on the federalism law approved by the Iraqi Parliament on October 11, 2006;

(4) the United States should urge the Government of Iraq to quickly agree upon and implement a law providing for the equitable distribution of oil revenues, which is a critical component of a comprehensive political settlement in Iraq, including a potential settlement based upon federalism;

(5) the steps described in paragraphs (2), (3), and (4) could lead to an Iraq that is stable, not a haven for terrorists, and not a threat to its neighbors;

(6) in pursuit of a political settlement in Iraq, whether based on federalism or not, the

United States should call on Iraq's neighbors to pledge not to militarily intervene in or destabilize Iraq; and

(7) nothing in this Act should be construed in any way to infringe on the sovereign rights of the nation of Iraq or to imply that the United States wishes to impose a political settlement in Iraq based on federalism if such a political settlement is contrary to the wishes of the Iraqi people.

SEC. 1228. TRACKING AND MONITORING OF DEFENSE ARTICLES PROVIDED TO THE GOVERNMENT OF IRAQ AND OTHER INDIVIDUALS AND GROUPS IN IRAQ.

(a) Export and Transfer Control Policy.—The President shall implement a policy to control the export and transfer of defense articles into Iraq, including implementation of the registration and monitoring system under subsection (c).

(b) Requirement to Implement Control System.—No defense articles may be provided to the Government of Iraq or any other group, organization, citizen, or resident of Iraq until the President certifies to the specified congressional committees that a registration and monitoring system meeting the requirements set forth in subsection (c) has been established.

(c) Registration and Monitoring System.—The registration and monitoring system required under this subsection shall include—

(1) the registration of the serial numbers of all small arms to be provided to the Government of Iraq or to other groups, organizations, citizens, or residents of Iraq;

(2) a program of end-use monitoring of all lethal defense articles provided to such entities or individuals; and

(3) a detailed record of the origin, shipping, and distribution of all defense articles transferred under the Iraq Security Forces Fund or any other security assistance program to such entities or individuals.

(d) Review; Exemption.—

(1) Review.—The President shall periodically review the items subject to the registration and monitoring requirements under subsection (c) to determine what items, if any, should no longer be subject to such registration and monitoring requirements. The President shall transmit to the specified congressional committees the results of each review conducted under this paragraph.

(2) Exemption.—The President may exempt an item from the registration and monitoring requirements under subsection (c) beginning on the date that is 30 days after the date on which the President provides notice of the proposed exemption to the specified congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1(a)). Such notice shall describe any controls to be imposed on such item under any other provision of law.

(e) Definitions.—In this section:

(1) Defense article.—The term "defense article" has the meaning given the term in section 644(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(d)).

(2) Small arms.—The term "small arms" means—

(A) handguns;

(B) shoulder-fired weapons;

(C) light automatic weapons up to and including .50 caliber machine guns;

(D) recoilless rifles up to and including 106mm;

(E) mortars up to and including 81mm;

(F) rocket launchers, man-portable;

(G) grenade launchers, rifle and shoulder fired; and

(H) individually-operated weapons which are portable or can be fired without special mounts or firing devices and which have potential use in civil disturbances and are vulnerable to theft.

(3) Specified congressional committees.—The term "specified congressional committees" means—

(A) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(f) Effective Date.—

(1) In general.—Except as provided in paragraph (2), this section shall take effect 180 days after the date of the enactment of this Act.

(2) Exception.—The President may delay the effective date of this section by an additional period of up to 90 days if the President certifies in writing to the specified congressional committees for such additional period that it is in the vital interest of the United States to do so and includes in the certification a description of such vital interest.

SEC. 1229. SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION.

(a) Purposes.—The purposes of this section are as follows:

(1) To provide for the independent and objective conduct and supervision of audits and investigations relating to the programs and operations funded with amounts appropriated or otherwise made available for the reconstruction of Afghanistan.

(2) To provide for the independent and objective leadership and coordination of, and recommendations on, policies designed to—

(A) promote economy efficiency, and effectiveness in the administration of the programs and operations described in paragraph (1); and

(B) prevent and detect waste, fraud, and abuse in such programs and operations.

(3) To provide for an independent and objective means of keeping the Secretary of State and the Secretary of Defense fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress on corrective action.

(b) Office of Inspector General.—There is hereby established the Office of the Special Inspector General for Afghanistan Reconstruction to carry out the purposes of subsection (a).

(c) Appointment of Inspector General; Removal.—

(1) Appointment.—The head of the Office of the Special Inspector General for Afghanistan Reconstruction is the Special Inspector General for Afghanistan Reconstruction (in this section referred to as the "Inspector General"), who shall be appointed by the President. The President may appoint the Special Inspector General for Iraq Reconstruction to serve as the Special Inspector General for Afghanistan Reconstruction, in which case the Special Inspector General for Iraq Reconstruction shall have all of the duties, responsibilities, and authorities set forth under this section with respect to such appointed position for the purpose of carrying out this section.

(2) Qualifications.—The appointment of the Inspector General shall be made solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(3) Deadline for appointment.—The appointment of an individual as Inspector General shall be made not later than 30 days after the date of the enactment of this Act.

(4) Compensation.—The annual rate of basic pay of the Inspector General shall be the annual rate of basic pay provided for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(5) Prohibition on political activities.—For purposes of section 7324 of title 5, United States Code, the Inspector General shall not be considered an employee who determines policies to be pursued by the United States in the nationwide administration of Federal law.

(6) Removal.—The Inspector General shall be removable from office in accordance with the provisions of section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.).

(d) Assistant Inspectors General.—The Inspector General shall, in accordance with applicable laws and regulations governing the civil service—

(1) appoint an Assistant Inspector General for Auditing who shall have the responsibility for supervising the performance of auditing activities relating to programs and operations supported by amounts appropriated or otherwise made available for the reconstruction of Afghanistan; and

(2) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and operations.

(e) Supervision.—

(1) In general.—Except as provided in paragraph (2), the Inspector General shall report directly to, and be under the general supervision of, the Secretary of State and the Secretary of Defense.

(2) Independence to conduct investigations and audits.—No officer of the Department of Defense, the Department of State, or the United States Agency for International Development shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation related to amounts appropriated or otherwise made available for the reconstruction of Afghanistan or from issuing any subpoena during the course of any such audit or investigation.

(f) Duties.—

(1) Oversight of Afghanistan reconstruction.—It shall be the duty of the Inspector General to conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of amounts appropriated or otherwise made available for the reconstruction of Afghanistan, and of the programs, operations, and contracts carried out utilizing such funds, including—

(A) the oversight and accounting of the obligation and expenditure of such funds;

(B) the monitoring and review of reconstruction activities funded by such funds;

(C) the monitoring and review of contracts funded by such funds;

(D) the monitoring and review of the transfer of such funds and associated information between and among departments, agencies, and entities of the United States and private and nongovernmental entities;

(E) the maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such fund;

(F) the monitoring and review of the effectiveness of United States coordination with the Government of Afghanistan and other donor countries in the implementation of the Afghanistan Compact and the Afghanistan National Development Strategy; and

(G) the investigation of overpayments such as duplicate payments or duplicate billing and any potential unethical or illegal actions of Federal employees, contractors, or affiliated entities and the referral of such reports, as necessary, to the Department of Justice to ensure further investigations, prosecutions, recovery of further funds, or other remedies.

(2) OTHER DUTIES RELATED TO OVERSIGHT.—The Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Inspector General considers appropriate to discharge the duties under paragraph (1).

(3) DUTIES AND RESPONSIBILITIES UNDER INSPECTOR GENERAL ACT OF 1978.—In addition to the duties specified in paragraphs (1) and (2), the Inspector General shall also have the duties and responsibilities of inspectors general under the Inspector General Act of 1978.

(4) COORDINATION OF EFFORTS.—In carrying out the duties, responsibilities, and authorities of the Inspector General under this section, the Inspector General shall coordinate with, and receive the cooperation of each of the following:

(A) The Inspector General of the Department of Defense.

(B) The Inspector General of the Department of State.

(C) The Inspector General of the United States Agency for International Development.

(g) POWERS AND AUTHORITIES.—

(1) AUTHORITIES UNDER INSPECTOR GENERAL ACT OF 1978.—In carrying out the duties specified in subsection (f), the Inspector General shall have the authorities provided in section 6 of the Inspector General Act of 1978, including the authorities under subsection (e) of such section.

(2) AUDIT STANDARDS.—The Inspector General shall carry out the duties specified in subsection (f)(1) in accordance with section 4(b)(1) of the Inspector General Act of 1978.

(h) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—

(1) PERSONNEL.—The Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(2) EMPLOYMENT OF EXPERTS AND CONSULTANTS.—The Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS–15 of the General Schedule by section 5332 of such title.

(3) CONTRACTING AUTHORITY.—To the extent and in such amounts as may be provided in advance by appropriations Acts, the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Inspector General.

(4) RESOURCES.—The Secretary of State or the Secretary of Defense, as appropriate, shall provide the Inspector General with appropriate and adequate office space at appropriate locations of the Department of State or the Department of Defense, as the case may be, in Afghanistan, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—Upon request of the Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Inspector General, or an authorized designee.

(B) REPORTING OF REFUSED ASSISTANCE.—Whenever information or assistance requested by the Inspector General is, in the judgment of the Inspector General, unreasonably refused or not provided, the Inspector General shall report the circumstances to the Secretary of State or the Secretary of Defense, as appropriate, and to the appropriate congressional committees without delay.

(6) USE OF PERSONNEL, FACILITIES, AND OTHER RESOURCES OF THE OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.—Upon the request of the Inspector General, the Special Inspector General for Iraq Reconstruction—

(A) may detail, on a reimbursable basis, any of the personnel of the Office of the Special Inspector General for Iraq Reconstruction to the Office of the Inspector General for Afghanistan Reconstruction for the purpose of carrying out this section; and

(B) may provide, on a reimbursable basis, any of the facilities or other resources of the Office of the Special Inspector General for Iraq Reconstruction to the Office of the Inspector General for Afghanistan Reconstruction for the purpose of carrying out this section.

(i) REPORTS.—

(1) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Inspector General shall submit to the appropriate congressional committees a report summarizing, for the period of that quarter and, to the extent possible, the period from the end of such quarter to the time of the submission of the report, the activities during such period of the Inspector General and the activities under programs and operations funded with amounts appropriated or otherwise made available for the reconstruction of Afghanistan. Each report shall include, for the period covered by such report, a detailed statement of all obligations, expenditures, and revenues associated with reconstruction and rehabilitation activities in Afghanistan, including the following:

(A) Obligations and expenditures of appropriated funds.

(B) A project-by-project and program-by-program accounting of the costs incurred to date for the reconstruction of Afghanistan, together with the estimate of the Department of Defense, the Department of State, and the United States Agency for International Development, as applicable, of the costs to complete each project and each program.

(C) Revenues attributable to or consisting of funds provided by foreign nations or international organizations to programs and projects funded by any department or agency of the United States Government, and any obligations or expenditures of such revenues.

(D) Revenues attributable to or consisting of foreign assets seized or frozen that contribute to programs and projects funded by any department or agency of the United States Government, and any obligations or expenditures of such revenues.

(E) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available for the reconstruction of Afghanistan.

(F) In the case of any contract, grant, agreement, or other funding mechanism described in paragraph (2)—

(i) the amount of the contract, grant, agreement, or other funding mechanism;

(ii) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism;

(iii) a discussion of how the department or agency of the United States Government involved in the contract, grant, agreement, or other funding mechanism identified, and solicited offers from, potential individuals or entities to perform the contract, grant, agreement, or other funding mechanism, together with a list of the potential individuals or entities that were issued solicitations for the offers; and

(iv) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

(2) COVERED CONTRACTS, GRANTS, AGREEMENTS, AND FUNDING MECHANISMS.—A contract, grant, agreement, or other funding mechanism described in this paragraph is any major contract, grant, agreement, or other funding mechanism that is entered into by any department or agency of the United States Government that involves the use of amounts appropriated or otherwise made available for the reconstruction of Afghanistan with any public or private sector entity for any of the following purposes:

(A) To build or rebuild physical infrastructure of Afghanistan.

(B) To establish or reestablish a political or societal institution of Afghanistan.

(C) To provide products or services to the people of Afghanistan.

(3) PUBLIC AVAILABILITY.—The Inspector General shall publish on a publically-available Internet website each report under paragraph (1) of this subsection in English and other languages that the Inspector General determines are widely used and understood in Afghanistan.

(4) FORM.—Each report required under this subsection shall be submitted in unclassified form, but may include a classified annex if the Inspector General considers it necessary.

(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

(j) REPORT COORDINATION.—

(1) SUBMISSION TO SECRETARIES OF STATE AND DEFENSE.—The Inspector General shall also submit each report required under subsection (i) to the Secretary of State and the Secretary of Defense.

(2) SUBMISSION TO CONGRESS.—Not later than 30 days after receipt of a report under paragraph (1), the Secretary of State or the Secretary of Defense may submit to the appropriate congressional committees any comments on the matters covered by the report as the Secretary of State or the Secretary of Defense, as the case may be, considers appropriate. Any comments on the matters covered by the report shall be submitted in unclassified form, but may include a classified annex if the Secretary of State

or the Secretary of Defense, as the case may be, considers it necessary.

(k) TRANSPARENCY.—

(1) REPORT.—Not later than 60 days after submission to the appropriate congressional committees of a report under subsection (i), the Secretary of State and the Secretary of Defense shall jointly make copies of the report available to the public upon request, and at a reasonable cost.

(2) COMMENTS ON MATTERS COVERED BY REPORT.—Not later than 60 days after submission to the appropriate congressional committees under subsection (j)(2) of comments on a report under subsection (i), the Secretary of State and the Secretary of Defense shall jointly make copies of the comments available to the public upon request, and at a reasonable cost.

(l) WAIVER.—

(1) AUTHORITY.—The President may waive the requirement under paragraph (1) or (2) of subsection (k) with respect to availability to the public of any element in a report under subsection (i), or any comment under subsection (j)(2), if the President determines that the waiver is justified for national security reasons.

(2) NOTICE OF WAIVER.—The President shall publish a notice of each waiver made under this subsection in the Federal Register no later than the date on which a report required under subsection (i), or any comment under subsection (j)(2), is submitted to the appropriate congressional committees. The report and comments shall specify whether waivers under this subsection were made and with respect to which elements in the report or which comments, as appropriate.

(m) DEFINITIONS.—In this section:

(1) AMOUNTS APPROPRIATED OR OTHERWISE MADE AVAILABLE FOR THE RECONSTRUCTION OF AFGHANISTAN.—The term "amounts appropriated or otherwise made available for the reconstruction of Afghanistan" means—

(A) amounts appropriated or otherwise made available for any fiscal year—

(i) to the Afghanistan Security Forces Fund; or

(ii) to the program to assist the people of Afghanistan established under subsection (a)(2) of section 1202 of the National Defense Authorization for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455–3456); and

(B) amounts appropriated or otherwise made available for any fiscal year for the reconstruction of Afghanistan under—

(i) the Economic Support Fund;

(ii) the International Narcotics Control and Law Enforcement account; or

(iii) any other provision of law.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(B) the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives.

(n) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for fiscal year 2008 to carry out this section.

(2) OFFSET.—The amount authorized to be appropriated by section 1513 for the Afghanistan Security Forces Fund is hereby reduced by $20,000,000.

(o) TERMINATION.—

(1) IN GENERAL.—The Office of the Special Inspector General for Afghanistan Reconstruction shall terminate 180 days after the date on which amounts appropriated or otherwise made available for the reconstruction of Afghanistan that are unexpended are less than $250,000,000.

(2) FINAL REPORT.—The Inspector General shall, prior to the termination of the Office of the Special Inspector General for Afghanistan Reconstruction under paragraph (1), prepare and submit to the appropriate congressional committees a final forensic audit report on programs and operations funded with amounts appropriated or otherwise made available for the reconstruction of Afghanistan.

SEC. 1230. REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter through the end of fiscal year 2010, the President, acting through the Secretary of Defense, shall submit to the appropriate congressional committees a report on progress toward security and stability in Afghanistan.

(b) COORDINATION.—The report required under subsection (a) shall be prepared in coordination with the Secretary of State, the Director of National Intelligence, the Attorney General, the Administrator of the Drug Enforcement Administration, the Administrator of the United States Agency for International Development, the Secretary of Agriculture, and the head of any other department or agency of the Government of the United States involved with activities relating to security and stability in Afghanistan.

(c) MATTERS TO BE INCLUDED: STRATEGIC DIRECTION OF UNITED STATES ACTIVITIES RELATING TO SECURITY AND STABILITY IN AFGHANISTAN.—The report required under subsection (a) shall include a description of a comprehensive strategy of the United States for security and stability in Afghanistan. The description of such strategy shall consist of a general overview and a separate detailed section for each of the following:

(1) NORTH ATLANTIC TREATY ORGANIZATION INTERNATIONAL SECURITY ASSISTANCE FORCE.—A description of the following:

(A) Efforts of the United States to work with countries participating in the North Atlantic Treaty Organization (NATO) International Security Assistance Force (ISAF) in Afghanistan (hereafter in this section referred to as "NATO ISAF countries").

(B) Any actions by the United States to achieve the following goals relating to strengthening the NATO ISAF, and the results of such actions:

(i) Encourage NATO ISAF countries to fulfill commitments to the NATO ISAF mission in Afghanistan, and ensure adequate contributions to efforts to build the capacity of the Afghanistan National Security Forces (ANSF), counter-narcotics efforts, and reconstruction and development activities in Afghanistan.

(ii) Remove national caveats on the use of forces deployed as part of the NATO ISAF.

(iii) Reduce the number of civilian casualties resulting from military operations of NATO ISAF countries and mitigate the impact of such casualties on the Afghan people.

(2) AFGHANISTAN NATIONAL SECURITY FORCES.—A description of the following:

(A) A comprehensive and effective long-term strategy and budget, with defined objectives, for activities relating to strengthening the resources, capabilities, and effectiveness of the Afghanistan National Army (ANA) and the Afghanistan National Police (ANP) of the ANSF, with the goal of ensuring that a strong and fully-capable ANSF is able to independently and effectively conduct operations and maintain security and stability in Afghanistan.

(B) Any actions by the United States to achieve the following goals relating to building the capacity of the ANSF, and the results of such actions:

(i) Improve coordination with all relevant departments and agencies of the Government of the United States, as well as NATO ISAF countries and other international partners.

(ii) Improve ANSF recruitment and retention, including through improved vetting and salaries for the ANSF.

(iii) Increase and improve ANSF training and mentoring.

(iv) Strengthen the partnership between the Government of the United States and the Government of Afghanistan.

(3) PROVINCIAL RECONSTRUCTION TEAMS AND OTHER RECONSTRUCTION AND DEVELOPMENT ACTIVITIES.—A description of the following:

(A) A comprehensive and effective long-term strategy and budget, with defined objectives, for reconstruction and development in Afghanistan, including a long-term strategy with a mission and objectives for each United States-led Provincial Reconstruction Team (PRT) in Afghanistan.

(B) Any actions by the United States to achieve the following goals with respect to reconstruction and development in Afghanistan, and the results of such actions:

(i) Improve coordination with all relevant departments and agencies of the Government of the United States, as well as NATO ISAF countries and other international partners.

(ii) Clarify the chain of command, and operations plans for United States-led PRTs that are appropriate to meet the needs of the relevant local communities.

(iii) Promote coordination among PRTs.

(iv) Ensure that each PRT is adequately staffed, particularly with civilian specialists, and that such staff receive appropriate training.

(v) Expand the ability of the Afghan people to assume greater responsibility for their own reconstruction and development projects.

(vi) Strengthen the partnership between the Government of the United States and the Government of Afghanistan.

(vii) Ensure proper reconstruction and development oversight activities, including implementation, where appropriate, of recommendations of any United States inspectors general, including the Special Inspector General for Afghanistan Reconstruction appointed pursuant to section 1229.

(4) COUNTER-NARCOTICS ACTIVITIES.—A description of the following:

(A) A comprehensive and effective long-term strategy and budget, with defined objectives, for the activities of the Department of Defense relating to counter-narcotics efforts in Afghanistan, including—

(i) roles and missions of the Department of Defense within the overall counter-narcotics strategy for Afghanistan of the Government of the United States, including a statement of priorities;

(ii) a detailed, comprehensive, and effective strategy with defined one-year, three-year, and five-year objectives and a description of the accompanying allocation of resources of the Department of Defense to accomplish such objectives;

(iii) in furtherance of the strategy described in clause (i), actions that the Department of Defense is taking and has planned to take to—

(I) improve coordination within the Department of Defense and with all relevant departments and agencies of the Government of the United States;

(II) strengthen significantly the Afghanistan National Counter-narcotics Police;

(III) build the capacity of local and provincial governments of Afghanistan and the national Government of Afghanistan to assume greater responsibility for counter-narcotics-related 'activities, including interdiction; and

(IV) improve counter-narcotics-related intelligence capabilities and tactical use of such capabilities by the Department of Defense and other appropriate departments and agencies of the Government of the United States; and

(iv) the impact, if any, including the disadvantages and advantages, if any, on the primary counter-terrorism mission of the United States military of providing enhanced logistical support to departments and agencies of the Government of the United States and counter-narcotics partners of the United States in their interdiction efforts, including apprehending or eliminating major drug traffickers in Afghanistan.

(B) The counter-narcotics roles and missions assumed by the local and provincial governments of Afghanistan and the national Government of Afghanistan, appropriate departments and agencies of the Government of the United States (other than the Department of Defense), the NATO ISAF, and the governments of other countries.

(C) The plan and efforts to coordinate the counter-narcotics strategy and activities of the Department of Defense with the counter-narcotics strategy and activities of the Government of Afghanistan, the NATO-led interdiction and security forces, other appropriate countries, and other counter-narcotics partners of the United States, and the results of such efforts.

(D) The progress made by the governments, organizations, and entities specified in subparagraph (B) in executing designated roles and missions, and in coordinating and implementing counternarcotics plans and activities, and based on the results of this progress whether, and to what extent, roles and missions for the Department of Defense should be altered in the future, or should remain unaltered.

(5) PUBLIC CORRUPTION AND RULE OF LAW.—A description of any actions, and the results of such actions, to help the Government of Afghanistan fight public corruption and strengthen governance and the rule of law at the local, provincial, and national levels.

(6) REGIONAL CONSIDERATIONS.—A description of any actions and the results of such actions to increase cooperation with countries geographically located around Afghanistan's border, with a particular focus on improving security and stability in the Afghanistan-Pakistan border areas.

(d) MATTERS TO BE INCLUDED: PERFORMANCE INDICATORS AND MEASURES OF PROGRESS TOWARD SUSTAINABLE LONG-TERM SECURITY AND STABILITY IN AFGHANISTAN.—

(1) IN GENERAL.—The report required under subsection (a) shall set forth a comprehensive set of performance indicators and measures of progress toward sustainable long-term security and stability in Afghanistan, as specified in paragraph (2), and shall include performance standards and progress goals, together with a notional timetable for achieving such goals.

(2) PERFORMANCE INDICATORS AND MEASURES OF PROGRESS SPECIFIED.—The performance indicators and measures of progress specified in this paragraph shall include, at a minimum, the following:

(A) With respect to the NATO ISAF, an assessment of unfulfilled NATO ISAF mission requirements and contributions from individual NATO ISAF countries, including levels of troops and equipment, the effect of contributions on operations, and unfulfilled commitments.

(B) An assessment of military operations of the NATO ISAF, including of NATO ISAF countries, and an assessment of separate military operations by United States forces. Such assessments shall include—

(i) indicators of a stable security environment in Afghanistan, such as number of engagements per day, and trends relating to the numbers and types of hostile encounters; and

(ii) the effects of national caveats that limit operations, geographic location of operations, and estimated number of civilian casualties.

(C) For the Afghanistan National Army (ANA), and separately for the Afghanistan National Police (ANP), of the Afghanistan National Security Forces (ANSF) an assessment of the following:

(i) Recruitment and retention numbers, rates of absenteeism, vetting procedures, and salary scale.

(ii) Numbers trained, numbers receiving mentoring, the type of training and mentoring, and number of trainers, mentors, and advisers needed to support the ANA and ANP and associated ministries.

(iii) Type of equipment used.

(iv) Operational readiness status of ANSF units, including the type, number, size, and organizational structure of ANA and ANP units that are—

(I) capable of conducting operations independently;

(II) capable of conducting operations with the support of the United States, NATO ISAF forces, or other coalition forces; or

(III) not ready to conduct operations.

(v) Effectiveness of ANA and ANP officers and the ANA and ANP chain of command.

(vi) Extent to which insurgents have infiltrated the ANA and ANP.

(vii) Estimated number and capability level of the ANA and ANP needed to perform duties now undertaken by NATO ISAF countries, separate United States forces and other coalition forces, including defending the borders of Afghanistan and providing adequate levels of law and order throughout Afghanistan.

(D) An assessment of the estimated strength of the insurgency in Afghanistan and the extent to which it is composed of non-Afghan fighters and utilizing weapons or weapons-related materials from countries other than Afghanistan.

(E) A description of all terrorist and insurgent groups operating in Afghanistan, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and any efforts to disarm or reintegrate each such group.

(F) An assessment of security and stability, including terrorist and insurgent activity, in Afghanistan-Pakistan border areas and in Pakistan's Federally Administered Tribal Areas.

(G) An assessment of United States military requirements, including planned force rotations, for the twelve-month period following the date of the report required under subsection (a).

(H) For reconstruction and development, an assessment of the following:

(i) The location, funding (including the sources of funding), staffing requirements, current staffing levels, and activities of each United States-led Provincial Reconstruction Team.

(ii) Key indicators of economic activity that should be considered the most important for determining the prospects of stability in Afghanistan, including—

(I) the indicators set forth in the Afghanistan Compact, which consist of roads, education, health, agriculture, and electricity; and

(II) unemployment and poverty levels.

(I) For counter-narcotics efforts, an assessment of the activities of the Department of Defense in Afghanistan, as described in subsection (c)(4), and the effectiveness of such activities.

(J) Key measures of political stability relating to both central and local Afghan governance.

(K) For public corruption and rule of law, an assessment of anti-corruption and law enforcement activities at the local, provincial, and national levels and the effectiveness of such activities.

(e) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex, if necessary.

(f) CONGRESSIONAL BRIEFINGS.—The Secretary of Defense shall supplement the report required under subsection (a) with regular briefings to the appropriate congressional committees on the subject matter of the report.

(g) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 1231. UNITED STATES PLAN FOR SUSTAINING THE AFGHANISTAN NATIONAL SECURITY FORCES.

(a) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter through the end of fiscal year 2010, the Secretary of Defense shall submit to the appropriate congressional committees a report on a long-term detailed plan for sustaining the Afghanistan National Army (ANA) and the Afghanistan National Police (ANP) of the Afghanistan National Security Forces (ANSF), with the objective of ensuring that a strong and fully-capable ANSF will be able to independently and effectively conduct operations and maintain long-term security and stability in Afghanistan.

(b) COORDINATION.—The report required under subsection (a) shall be prepared in coordination with the Secretary of State.

(c) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include a description of the following matters relating to the plan for sustaining the ANSF:

(1) A comprehensive and effective long-term strategy and budget, with defined objectives.

(2) A mechanism for tracking funding, equipment, training, and services provided for the ANSF by the United States, countries participating in the North Atlantic Treaty Organization (NATO) International Security Assistance Force (ISAF) in Afghanistan (hereafter in this section referred to as "NATO ISAF countries"), and other coalition forces that are not part of the NATO ISAF.

(3) Any actions to assist the Government of Afghanistan achieve the following goals, and the results of such actions:

(A) Build and sustain effective Afghan security institutions with fully-capable leadership and staff, including a reformed Ministry of Interior, a fully-established Ministry of Defense, and logistics, intelligence, medical, and recruiting units (hereafter in this section referred to as "ANSF-sustaining institutions").

(B) Train and equip fully-capable ANSF that are capable of conducting operations independently and in sufficient numbers.

(C) Establish strong ANSF-readiness assessment tools and metrics.

(D) Build and sustain strong, professional ANSF officers at the junior-, mid-, and senior-levels.

(E) Develop strong ANSF communication and control between central command and regions, provinces, and districts.

(F) Establish a robust mentoring and advising program, and a strong professional military training and education program, for all ANSF officials.

(G) Establish effective merit-based salary, rank, promotion, and incentive structures for the ANSF.

(H) Develop mechanisms for incorporating lessons learned and best practices into ANSF operations.

(I) Establish an ANSF personnel accountability system with effective internal discipline procedures and mechanisms, and a system for addressing ANSF personnel complaints.

(J) Ensure effective ANSF oversight mechanisms, including a strong record-keeping system to track ANSF equipment and personnel.

(4) Coordination with all relevant departments and agencies of the Government of the United States, as well as NATO ISAF countries and other international partners, including on—

(A) funding;

(B) reform and establishment of ANSF-sustaining institutions; and

(C) efforts to ensure that progress on sustaining the ANSF is reinforced with progress in other pillars of the Afghan security sector, particularly progress on building an effective judiciary, curbing production and trafficking of illicit narcotics, and demobilizing, disarming, and reintegrating militia fighters.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 1232. REPORT ON ENHANCING SECURITY AND STABILITY IN THE REGION ALONG THE BORDER OF AFGHANISTAN AND PAKISTAN.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 31, 2008, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate congressional committees a report on enhancing security and stability in the region along the border of Afghanistan and Pakistan.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include the following:

(A) A detailed description of the efforts by the Government of Pakistan to achieve the following objectives:

(i) Eliminate safe havens for Taliban, Al Qaeda, and other violent extremist forces on the national territory of Pakistan.

(ii) Prevent the movement of such forces across the border of Pakistan into Afghanistan to engage in insurgent or terrorist activities.

(B) An assessment of the Secretary of Defense as to whether Pakistan is making substantial and sustained efforts to achieve the objectives specified in subparagraph (A).

(3) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(4) LIMITATION.—

(A) IN GENERAL.—If the Secretary of Defense does not submit the report required under paragraph (1) by March 31, 2008, then after such date the Government of Pakistan may not be reimbursed under the authority of any provision of law described in subparagraph (B) for logistical, military, or other support provided by Pakistan to the United States until the Secretary submits to the appropriate congressional committees the report required by such paragraph.

(B) PROVISIONS OF LAW.—The provisions of law referred to in subparagraph (A) are the following:

(i) Section 1233.

(ii) Any other provision of law under which payments are authorized to reimburse key cooperating nations for logistical, military, or other support provided by that nation to or in connection with United States military operations.

(5) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

(b) NOTIFICATION RELATING TO DEPARTMENT OF DEFENSE COALITION SUPPORT FUNDS FOR PAKISTAN.—

(1) NOTIFICATION.—

(A) IN GENERAL.—Not less than 15 days before making any reimbursement to the Government of Pakistan under the authority of any provision of law described in subparagraph (B) for logistical, military, or other support provided by Pakistan to the United States, the Secretary of Defense shall submit to the congressional defense committees a written notification that contains a detailed description of such logistical, military, or other support.

(B) PROVISIONS OF LAW.—The provisions of law referred to in subparagraph (A) are the following:

(i) Section 1233.

(ii) Any other provision of law under which payments are authorized to reimburse key cooperating nations for logistical, military, or other support provided by that nation to or in connection with United States military operations.

(2) MATTERS TO BE INCLUDED.—Each notification required under paragraph (1) shall include an itemized description of the following support provided by Pakistan to the United States for which the United States will provide reimbursement:

(A) Logistic support, supplies, and services, as such term is defined in section 2350(1) of title 10, United States Code.

(B) Military support.

(C) Any other support or services.

(3) FORM.—Each notification required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(4) RELATIONSHIP TO OTHER NOTIFICATION REQUIREMENTS.—Each notification required under paragraph (1) shall be in addition to any notification requirements under any provision of law described in subparagraph (B) of such paragraph.

(5) EFFECTIVE DATE.—The requirement to submit notifications under paragraph (1) shall apply with respect to reimbursements to the Government of Pakistan for logistical, military, or other support provided by Pakistan to the United States during the period beginning on February 1, 2008, and ending on September 30, 2009.

SEC. 1233. REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) AUTHORITY.—From funds made available for the Department of Defense by section 1508 for operation and maintenance, Defense-wide activities, the Secretary of Defense may reimburse any key cooperating nation for logistical and military support provided by that nation to or in connection with United States military operations in Operation Iraqi Freedom or Operation Enduring Freedom.

(b) AMOUNTS OF REIMBURSEMENT.—

(1) IN GENERAL.—Reimbursement authorized by subsection (a) may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget, may determine, based on documentation determined by the Secretary of Defense to adequately account for the support provided.

(2) STANDARDS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe standards for determining the kinds of logistical and military support to the United States that shall be considered reimbursable under the authority in subsection (a). Such standards may not take effect until 15 days after the date on which the Secretary submits to the congressional defense committees a report setting forth such standards.

(c) LIMITATIONS.—

(1) LIMITATION ON AMOUNT.—The total amount of reimbursements made under the authority in subsection (a) during fiscal year 2008 may not exceed $1,200,000,000.

(2) PROHIBITION ON CONTRACTUAL OBLIGATIONS TO MAKE PAYMENTS.—The Secretary of Defense may not enter into any contractual obligation to make a reimbursement under the authority in subsection (a).

(d) NOTICE TO CONGRESS.—The Secretary of Defense shall—

(1) notify the congressional defense committees not less than 15 days before making any reimbursement under the authority in subsection (a); and

(2) submit to the congressional defense committees on a quarterly basis a report on any reimbursements made under the authority in subsection (a) during such quarter.

SEC. 1234. LOGISTICAL SUPPORT FOR COALITION FORCES SUPPORTING OPERATIONS IN IRAQ AND AFGHANISTAN.

(a) AVAILABILITY OF FUNDS FOR LOGISTICAL SUPPORT.—Subject to the provisions of this section, amounts available to the Department of Defense for fiscal year 2008 for operation and maintenance may be used to provide supplies, services, transportation (including airlift and sealift), and other logistical support to coalition forces supporting United States military and stabilization operations in Iraq and Afghanistan.

(b) REQUIRED DETERMINATION.—The Secretary may provide logistical support under the authority in subsection (a) only if the Secretary determines that the coalition forces to be provided the logistical support—

(1) are essential to the success of a United States military or stabilization operation; and

(2) would not be able to participate in such operation without the provision of the logistical support.

(c) COORDINATION WITH EXPORT CONTROL LAWS.—Logistical support may be provided under the authority in subsection (a) only in accordance with applicable provisions of the Arms Export Control Act and other export control laws of the United States.

(d) LIMITATION ON VALUE.—The total amount of logistical support provided under the authority in subsection (a) in fiscal year 2008 may not exceed $400,000,000.

(e) QUARTERLY REPORTS.—

(1) REPORTS REQUIRED.—Not later than 15 days after the end of each fiscal-year quarter of fiscal year 2008, the Secretary shall submit to the congressional defense committees a report on the provision of logistical support under the authority in subsection (a) during such fiscal-year quarter.

(2) ELEMENTS.—Each report under paragraph (1) shall include, for the fiscal-year quarter covered by such report, the following:

(A) Each nation provided logistical support under the authority in subsection (a).

(B) For each such nation, a description of the type and value of logistical support so provided.

Subtitle C—Iraq Refugee Crisis

SEC. 1241. SHORT TITLE.

This subtitle may be cited as the "Refugee Crisis in Iraq Act of 2007".

SEC. 1242. PROCESSING MECHANISMS.

(a) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Homeland Security, shall establish or use existing refugee processing mechanisms in Iraq and in countries, where appropriate, in the region in which—

(1) aliens described in section 1243 may apply and interview for admission to the United States as refugees; and

(2) aliens described in section 1244(b) may apply and interview for admission to United States as special immigrants.

(b) SUSPENSION.—If such is determined necessary, the Secretary of State, in consultation with the Secretary of Homeland Security, may suspend in-country processing under subsection (a) for a period not to exceed 90 days. Such suspension may be extended by the Secretary of State upon notification to the Committee on the Judiciary of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, the Committee on the Judiciary of the Senate, and the Committee on Foreign Relations of the Senate. The Secretary of State shall submit to such committees a report outlining the basis of any such suspension and any extensions thereof.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Homeland Security, shall submit to the committees specified in subsection (b) a report that—

(1) describes the Secretary of State's plans to establish the processing mechanisms required under subsection (a);

(2) contains an assessment of in-country processing that makes use of videoconferencing; and

(3) describes the Secretary of State's diplomatic efforts to improve issuance of exit permits to Iraqis who have been provided special immigrant status under section 1244 and Iraqi refugees under section 1243.

SEC. 1243. UNITED STATES REFUGEE PROGRAM PROCESSING PRIORITIES.

(a) IN GENERAL.—Refugees of special humanitarian concern eligible for Priority 2 processing under the refugee resettlement priority system who may apply directly to the United States Admission Program shall include—

(1) Iraqis who were or are employed by the United States Government, in Iraq;

(2) Iraqis who establish to the satisfaction of the Secretary of State that they are or were employed in Iraq by—

(A) a media or nongovernmental organization headquartered in the United States; or

(B) an organization or entity closely associated with the United States mission in Iraq that has received United States Government funding through an official and documented contract, award, grant, or cooperative agreement; and

(3) spouses, children, and parents whether or not accompanying or following to join, and sons, daughters, and siblings of aliens described in paragraph (1), paragraph (2), or section 1244(b)(1); and

(4) Iraqis who are members of a religious or minority community, have been identified by the Secretary of State, or the designee of the Secretary, as a persecuted group, and have close family members (as described in section 201(b)(2)(A)(i) or 203(a) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i) and 1153(a))) in the United States.

(b) IDENTIFICATION OF OTHER PERSECUTED GROUPS.—The Secretary of State, or the designee of the Secretary, is authorized to identify other Priority 2 groups of Iraqis, including vulnerable populations.

(c) INELIGIBLE ORGANIZATIONS AND ENTITIES.—Organizations and entities described in subsection (a)(2) shall not include any that appear on the Department of the Treasury's list of Specially Designated Nationals or any entity specifically excluded by the Secretary of Homeland Security, after consultation with the Secretary of State and the heads of relevant elements of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(d) APPLICABILITY OF OTHER REQUIREMENTS.—Aliens under this section who qualify for Priority 2 processing under the refugee resettlement priority system shall satisfy the requirements of section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) for admission to the United States.

(e) NUMERICAL LIMITATIONS.—In determining the number of Iraqi refugees who should be resettled in the United States under paragraphs (2), (3), and (4) of subsection (a) and subsection (b) of section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), the President shall consult with the heads of nongovernmental organizations that have a presence in Iraq or experience in assessing the problems faced by Iraqi refugees.

(f) ELIGIBILITY FOR ADMISSION AS REFUGEE.—No alien shall be denied the opportunity to apply for admission under this section solely because such alien qualifies as an immediate relative or is eligible for any other immigrant classification.

SEC. 1244. SPECIAL IMMIGRANT STATUS FOR CERTAIN IRAQIS.

(a) IN GENERAL.—Subject to subsection (c), the Secretary of Homeland Security, or, notwithstanding any other provision of law, the Secretary of State in consultation with the Secretary of Homeland Security, may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), if the alien—

(1) or an agent acting on behalf of the alien, submits a petition for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4));

(2) is otherwise eligible to receive an immigrant visa;

(3) is otherwise admissible to the United States for permanent residence (excluding the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)); and

(4) cleared a background check and appropriate screening, as determined by the Secretary of Homeland Security.

(b) ALIENS DESCRIBED.—

(1) PRINCIPAL ALIENS.—An alien is described in this subsection if the alien—

(A) is a citizen or national of Iraq;

(B) was or is employed by or on behalf of the United States Government in Iraq, on or after March 20, 2003, for not less than one year;

(C) provided faithful and valuable service to the United States Government, which is documented in a positive recommendation or evaluation, subject to paragraph (4), from the employee's senior supervisor or the person currently occupying that position, or a more senior person, if the employee's senior supervisor has left the employer or has left Iraq; and

(D) has experienced or is experiencing an ongoing serious threat as a consequence of the alien's employment by the United States Government.

(2) SPOUSES AND CHILDREN.—An alien is described in this subsection if the alien—

(A) is the spouse or child of a principal alien described in paragraph (1); and

(B) is accompanying or following to join the principal alien in the United States.

(3) TREATMENT OF SURVIVING SPOUSE OR CHILD.—An alien is described in subsection (b) if the alien—

(A) was the spouse or child of a principal alien described in paragraph (1) who had a petition for classification approved pursuant to this section or section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 8 U.S.C. 1101 note), which included the alien as an accompanying spouse or child; and

(B) due to the death of the principal alien—

(i) such petition was revoked or terminated (or otherwise rendered null); and

(ii) such petition would have been approved if the principal alien had survived.

(4) APPROVAL BY CHIEF OF MISSION REQUIRED.—A recommendation or evaluation required under paragraph (1)(C) shall be accompanied by approval from the Chief of Mission, or the designee of the Chief of Mission, who shall conduct a risk assessment of the alien and an independent review of records maintained by the United States Government or hiring organization or entity to confirm employment and faithful and valuable service to the United States Government prior to approval of a petition under this section.

(c) NUMERICAL LIMITATIONS.—

(1) IN GENERAL.—The total number of principal aliens who may be provided special immigrant status under this section may not exceed 5,000 per year for each of the five fiscal years beginning after the date of the enactment of this Act.

(2) EXCLUSION FROM NUMERICAL LIMITATIONS.—Aliens provided special immigrant status under this section shall not be counted against any numerical limitation under

sections 201(d), 202(a), or 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).

(3) CARRY FORWARD.—

(A) FISCAL YEARS ONE THROUGH FOUR.—If the numerical limitation specified in paragraph (1) is not reached during a given fiscal year referred to in such paragraph (with respect to fiscal years one through four), the numerical limitation specified in such paragraph for the following fiscal year shall be increased by a number equal to the difference between—

(i) the numerical limitation specified in paragraph (1) for the given fiscal year; and

(ii) the number of principal aliens provided special immigrant status under this section during the given fiscal year.

(B) FISCAL YEARS FIVE AND SIX.—If the numerical limitation specified in paragraph (1) is not reached in the fifth fiscal year beginning after the date of the enactment of this Act, the total number of principal aliens who may be provided special immigrant status under this section for the sixth fiscal year beginning after such date shall be equal to the difference between—

(i) the numerical limitation specified in paragraph (1) for the fifth fiscal year; and

(ii) the number of principal aliens provided such status under this section during the fifth fiscal year.

(d) VISA AND PASSPORT ISSUANCE AND FEES.—Neither the Secretary of State nor the Secretary of Homeland Security may charge an alien described in subsection (b) any fee in connection with an application for, or issuance of, a special immigrant visa. The Secretary of State shall make a reasonable effort to ensure that aliens described in this section who are issued special immigrant visas are provided with the appropriate series Iraqi passport necessary to enter the United States.

(e) PROTECTION OF ALIENS.—The Secretary of State, in consultation with the heads of other relevant Federal agencies, shall make a reasonable effort to provide an alien described in this section who is applying for a special immigrant visa with protection or the immediate removal from Iraq, if possible, of such alien if the Secretary determines after consultation that such alien is in imminent danger.

(f) ELIGIBILITY FOR ADMISSION UNDER OTHER CLASSIFICATION.—No alien shall be denied the opportunity to apply for admission under this section solely because such alien qualifies as an immediate relative or is eligible for any other immigrant classification.

(g) RESETTLEMENT SUPPORT.—Iraqi aliens granted special immigrant status described in section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of such Act (8 U.S.C. 1157) for a period not to exceed eight months.

(h) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect the authority of the Secretary of Homeland Security under section 1059 of the National Defense Authorization Act for Fiscal Year 2006.

SEC. 1245. SENIOR COORDINATOR FOR IRAQI REFUGEES AND INTERNALLY DISPLACED PERSONS.

(a) DESIGNATION IN IRAQ.—The Secretary of State shall designate in the embassy of the United States in Baghdad, Iraq, a Senior Coordinator for Iraqi Refugees and Internally Displaced Persons (referred to in this section as the "Senior Coordinator").

(b) RESPONSIBILITIES.—The Senior Coordinator shall be responsible for the oversight of processing for the resettlement in the United States of refugees of special humanitarian concern, special immigrant visa programs in Iraq, and the development and implementation of other appropriate policies and programs concerning Iraqi refugees and internally displaced persons. The Senior Coordinator shall have the authority to refer persons to the United States refugee resettlement program.

(c) DESIGNATION OF ADDITIONAL SENIOR COORDINATORS.—The Secretary of State shall designate in the embassies of the United States in Cairo, Egypt, Amman, Jordan, Damascus, Syria, and Beirut, Lebanon, a Senior Coordinator to oversee resettlement in the United States of refugees of special humanitarian concern in those countries to ensure their applications to the United States refugee resettlement program are processed in an orderly manner and without delay.

SEC. 1246. COUNTRIES WITH SIGNIFICANT POPULATIONS OF IRAQI REFUGEES.

With respect to each country with a significant population of Iraqi refugees, including Iraq, Jordan, Egypt, Syria, Turkey, and Lebanon, the Secretary of State shall—

(1) as appropriate, consult with the appropriate government officials of such countries and other countries and the United Nations High Commissioner for Refugees regarding resettlement of the most vulnerable members of such refugee populations; and

(2) as appropriate, except where otherwise prohibited by the laws of the United States, develop mechanisms in and provide assistance to countries with a significant population of Iraqi refugees to ensure the wellbeing and safety of such populations in their host environments.

SEC. 1247. MOTION TO REOPEN DENIAL OR TERMINATION OF ASYLUM.

An alien who applied for asylum or withholding of removal and whose claim was denied on or after March 1, 2003, by an asylum officer or an immigration judge solely, or in part, on the basis of changed country conditions may, notwithstanding any other provision of law, file a motion to reopen such claim in accordance with subparagraphs (A) and (B) of section 240(c)(7) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(7)) not later than six months after the date of the enactment of the Refugee Crisis in Iraq Act if the alien—

(1) is a citizen or national of Iraq; and

(2) has remained in the United States since the date of such denial.

SEC. 1248. REPORTS.

(a) SECRETARY OF HOMELAND SECURITY.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on the Judiciary of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, the Committee on the Judiciary of the Senate, and the Committee on Foreign Relations of the Senate a report containing plans to expedite the processing of Iraqi refugees for resettlement, including information relating to—

(1) expediting the processing of Iraqi refugees for resettlement, including through temporary expansion of the Refugee Corps of United States Citizenship and Immigration Services;

(2) increasing the number of personnel of the Department of Homeland Security devoted to refugee processing in Iraq, Jordan, Egypt, Syria, Turkey, and Lebanon;

(3) enhancing existing systems for conducting background and security checks of persons applying for special immigrant status and of persons considered Priority 2 refugees of special humanitarian concern under the refugee resettlement priority system, which enhancements shall support immigration security and provide for the orderly processing of such applications without delay; and

(4) the projections of the Secretary, per country and per month, for the number of refugee interviews that will be conducted in fiscal year 2008 and fiscal year 2009.

(b) PRESIDENT.—Not later than 120 days after the date of the enactment of this Act, and annually thereafter through 2013, the President shall submit to Congress an unclassified report, with a classified annex if necessary, which includes—

(1) an assessment of the financial, security, and personnel considerations and resources necessary to carry out the provisions of this subtitle;

(2) the number of aliens described in section 1243(a)(1);

(3) the number of such aliens who have applied for special immigrant visas;

(4) the date of such applications; and

(5) in the case of applications pending for longer than six months, the reasons that such visas have not been expeditiously processed.

(c) REPORT ON IRAQI CITIZENS AND NATIONALS EMPLOYED BY THE UNITED STATES GOVERNMENT OR FEDERAL CONTRACTORS IN IRAQ.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of the Treasury, and the Secretary of Homeland Security shall—

(A) review internal records and databases of their respective agencies for information that can be used to verify employment of Iraqi nationals by the United States Government; and

(B) request from each prime contractor or grantee that has performed work in Iraq since March 20, 2003, under a contract, grant, or cooperative agreement with their respective agencies that is valued in excess of $25,000 information that can be used to verify the employment of Iraqi nationals by such contractor or grantee.

(2) INFORMATION REQUIRED.—To the extent data is available, the information referred to in paragraph (1) shall include the name and dates of employment of, biometric data for, and other data that can be used to verify the employment of each Iraqi citizen or national who has performed work in Iraq since March 20, 2003, under a contract, grant, or cooperative agreement with an executive agency.

(3) EXECUTIVE AGENCY DEFINED.—In this subsection, the term "executive agency" has the meaning given the term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(d) REPORT ON ESTABLISHMENT OF DATABASE.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of the Treasury, and the Secretary of Homeland Security, shall submit to Congress a report examining the options for establishing a unified, classified database of information related to contracts, grants, or cooperative agreements entered into by executive agencies for the performance of work in Iraq since March 20, 2003, including the information described and collected under subsection (c), to be used by relevant Federal departments and agencies to adjudicate refugee, asylum, special immigrant visa, and other immigration claims and applications.

(e) Noncompliance Report.—Not later than 180 days after the date of the enactment of this Act, the President shall submit a report to Congress that describes—

(1) the inability or unwillingness of any contractor or grantee to provide the information requested under subsection (c)(1)(B); and

(2) the reasons for failing to provide such information.

SEC. 1249. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

Subtitle D—Other Authorities and Limitations

SEC. 1251. COOPERATIVE OPPORTUNITIES DOCUMENTS UNDER COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS WITH NATO ORGANIZATIONS AND OTHER ALLIED AND FRIENDLY FOREIGN COUNTRIES.

Section 2350a(e) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "(A)";

(B) by striking "an arms cooperation opportunities document" and inserting "a cooperative opportunities document before the first milestone or decision point"; and

(C) by striking subparagraph (B); and

(2) in paragraph (2), by striking "An arms cooperation opportunities document" and inserting "A cooperative opportunities document".

SEC. 1252. EXTENSION AND EXPANSION OF TEMPORARY AUTHORITY TO USE ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND MILITARY EQUIPMENT FOR PERSONNEL PROTECTION AND SURVIVABILITY.

(a) Expansion to Nations Engaged in Certain Peacekeeping Operations.—Subsection (a) of section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2412) is amended—

(1) in paragraph (1), by inserting "or participating in combined operations with the United States as part of a peacekeeping operation under the Charter of the United Nations or another international agreement" after "Iraq or Afghanistan"; and

(2) in paragraph (3) by inserting ", or in a peacekeeping operation described in paragraph (1), as applicable," after "Iraq or Afghanistan".

(b) One-Year Extension.—Subsection (e) of such section is amended by striking "September 30, 2008" and inserting "September 30, 2009".

(c) Conforming Amendment.—The heading of such section is amended by striking "**FOREIGN FORCES IN IRAQ AND AFGHANISTAN**" and inserting "**CERTAIN FOREIGN FORCES**".

SEC. 1253. ACCEPTANCE OF FUNDS FROM THE GOVERNMENT OF PALAU FOR COSTS OF UNITED STATES MILITARY CIVIC ACTION TEAM IN PALAU.

Section 104(a) of Public Law 99-658 (48 U.S.C. 1933(a)) is amended—

(1) by striking "In recognition" and inserting "(1) In recognition"; and

(2) by adding at the end the following:

"(2) For expenditures that the Department of Defense makes pursuant to paragraph (1), the Secretary of Defense may accept up to the amount of $250,000 in annual funds from the Government of Palau as specified in paragraph (1). Funds accepted by the Secretary from the Government of Palau under this paragraph shall be credited to and merged with appropriations available to the Department of Defense and shall be used to defray expenditures attendant to the operation of the United States military Civic Action Team in Palau. Funds so credited and merged shall be available for the same time period as the appropriations to which the funds are credited and merged.".

SEC. 1254. REPEAL OF REQUIREMENT RELATING TO NORTH KOREA.

Section 1211 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2420) is amended by striking subsection (a).

SEC. 1255. JUSTICE FOR OSAMA BIN LADEN AND OTHER LEADERS OF AL QAEDA.

(a) Enhanced Reward for Capture of Osama Bin Laden.—Section 36(e)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(e)(1)) is amended by adding at the end the following new sentence: "The Secretary shall authorize a reward of $50,000,000 for the capture or death or information leading to the capture or death of Osama bin Laden.".

(b) Status of Efforts To Bring Osama Bin Laden and Other Leaders of Al Qaeda to Justice.—

(1) Report required.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Defense shall, in coordination with the Director of National Intelligence, jointly submit to Congress a report on the progress made in bringing Osama bin Laden and other leaders of al Qaeda to justice.

(2) Elements.—The report required under paragraph (1) shall include the following:

(A) An assessment of the likely current location of terrorist leaders, including Osama bin Laden, Ayman al-Zawahiri, and other key leaders of al Qaeda.

(B) A description of ongoing efforts to bring to justice such terrorist leaders, particularly those who have been directly implicated in attacks in the United States and its embassies.

(C) An assessment of whether the government of each country assessed as a likely location of top leaders of al Qaeda has fully cooperated in efforts to bring those leaders to justice.

(D) A description of diplomatic efforts currently being made to improve the cooperation of the governments described in subparagraph (C).

(E) A description of the current status of the top leadership of al Qaeda and the strategy for locating them and bringing them to justice.

(F) An assessment of whether al Qaeda remains the terrorist organization that poses the greatest threat to United States interests, including the greatest threat to the territorial United States.

(3) Update of report.—Not later than one year after the submission of the report required under paragraph (1), the Secretary of State and the Secretary of Defense shall, in coordination with the Director of National Intelligence, jointly submit to Congress an update of the report required under paragraph (1).

(4) Form.—The report required under paragraph (1) and the update of the report required under paragraph (3) shall be submitted in unclassified form, but may contain a classified annex, if necessary.

SEC. 1256. EXTENSION OF COUNTERPROLIFERATION PROGRAM REVIEW COMMITTEE.

(a) Members.—Section 1605 of the National Defense Authorization Act for Fiscal Year 1994 (22 U.S.C. 2751 note) is amended in subsection (a)(1)—

(1) in subparagraph (C) by striking "Director of Central Intelligence" and inserting "Director of National Intelligence"; and

(2) by adding at the end the following:

"(E) The Secretary of State.

"(F) The Secretary of Homeland Security.".

(b) Access to Information.—Subsection (d) of such section is amended by inserting after "Department of Energy," the following: "the Department of State, the Department of Homeland Security,".

(c) Termination.—Subsection (f) of such section is amended by striking "2008" and inserting "2013".

(d) Submission of Report.—Section 1503 of the National Defense Authorization Act for Fiscal Year 1995 (22 U.S.C. 2751 note) is amended—

(1) in subsection (a)—

(A) by striking "ANNUAL" and inserting "BIENNIAL"; and

(B) by striking "each year" and inserting "each odd-numbered year"; and

(2) in subsection (b)(5)—

(A) by striking "fiscal year preceding" and inserting "two fiscal years preceding"; and

(B) by striking "preceding fiscal year" and inserting "preceding fiscal years".

SEC. 1257. SENSE OF CONGRESS ON THE WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

It is the sense of Congress that—

(1) the education and training facility of the Department of Defense known as the Western Hemisphere Institute for Security Cooperation has the mission of providing professional education and training to eligible military personnel, law enforcement officials, and civilians of nations of the Western Hemisphere that support the democratic principles set forth in the Inter-American Democratic Charter of the Organization of American States, while fostering mutual knowledge, transparency, confidence, and cooperation among the participating nations and promoting democratic values and respect for human rights; and

(2) therefore, the Institute is an invaluable education and training facility which the Department of Defense should continue to utilize in order to help foster a spirit of partnership and interoperability among the United States military and the militaries of participating nations.

SEC. 1258. SENSE OF CONGRESS ON IRAN.

It is the sense of Congress that—

(1) the manner in which the United States transitions and structures its military presence in Iraq will have critical long-term consequences for the future of the Persian Gulf and the Middle East, in particular with regard to the ability of the Government of Iran to pose a threat to the security of the region, the prospects for democracy for the people of the region, and the health of the global economy;

(2) it is in the national interest of the United States that the Government of Iran should not use extremists in Iraq to subvert or co-opt the institutions of the legitimate Government of Iraq;

(3) the United States should designate Iran's Islamic Revolutionary Guards Corps as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) and place the Islamic Revolutionary Guards Corps on the list of Specially Designated Global Terrorists, as established under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) and initiated under Executive Order 13224 (September 23, 2001); and

(4) the United States should act with all possible expediency to complete the listing of those entities targeted under United Nations Security Council Resolutions 1737 and 1747, adopted unanimously on December 23, 2006, and March 24, 2007, respectively.

Subtitle E—Reports

SEC. 1261. ONE-YEAR EXTENSION OF UPDATE ON REPORT ON CLAIMS RELATING TO THE BOMBING OF THE LABELLE DISCOTHEQUE.

Section 1225 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3465) is amended—

(1) in subsection (b)(2)—

(A) in the heading, by striking "UPDATE" and inserting "UPDATES"; and

(B) by inserting "and not later than two years after enactment of this Act," after "Not later than one year after enactment of this Act,"; and

(2) in subsection (c), by striking "Committee on International Relations" and inserting "Committee on Foreign Affairs".

SEC. 1262. REPORT ON UNITED STATES POLICY TOWARD DARFUR, SUDAN.

(a) REQUIREMENT FOR REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate congressional committees a report on the policy of the United States to address the crisis in the Darfur region of Sudan, eastern Chad, and north-eastern Central African Republic, and on the contributions of the Department of Defense and the Department of State to the North Atlantic Treaty Organization (NATO), the United Nations, and the African Union in support of the current African Union Mission in Sudan (AMIS) or any covered United Nations mission.

(2) UPDATE OF REPORT.—Not later than 180 days after the submission of the report required under paragraph (1), the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate congressional committees an update of the report.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) An assessment of the extent to which the Government of Sudan is in compliance with its obligations under international law and as a member of the United Nations, including under United Nations Security Council Resolutions 1591 (2005), 1706 (2006), 1769 (2007), and 1784 (2007) and a description of any violations of such obligations, including violations relating to the denial of or delay in facilitating access by AMIS and United Nations peacekeeping forces to conflict areas, failure to implement responsibilities to demobilize and disarm the Janjaweed militias, obstruction of the voluntary safe return of internally displaced persons and refugees, and degradation of security of and access to humanitarian supply routes.

(2) An assessment of the role played by rebel forces in contributing to violence being carried out against civilians and humanitarian organizations and of the impact of such activities on international efforts to create conditions of peace and security on the ground.

(3) A comprehensive explanation of the policy of the United States to address the crisis in the Darfur region, including the activities undertaken by the Department of Defense and the Department of State in support of that policy.

(4) A comprehensive assessment of the potential impact of a no-fly zone for the Darfur region, including an assessment of the impact of such a no-fly zone on humanitarian efforts in Darfur and the region and a plan to minimize any negative impact on such humanitarian efforts during the implementation of such a no-fly zone.

(5) A description of contributions made by the Department of Defense and the Department of State in support of NATO assistance to AMIS and any covered United Nations mission.

(6) An assessment of the extent to which additional United States Government resources are necessary to meet its obligations to AMIS and any covered United Nations mission.

(7) An assessment of the force size and composition of an international effort estimated to be necessary to provide protection to civilian populations currently displaced in the Darfur region, as well as the force size and composition of an international effort estimated to be necessary to provide broader stability within that region.

(8) An examination of the current capacity of the existing airfield in Abeche, Chad, including the scope of its current use by the international community in response to the crisis in the Darfur region.

(9) An analysis of the upgrades, and their associated costs, necessary to enable the airfield in Abeche, Chad, to be improved to be fully capable of accommodating a humanitarian, peacekeeping, or other force deployment of the size foreseen by United Nations Security Council Resolution 1769 calling for a United Nations deployment to Chad and a hybrid force of the United Nations and African Union operating under Chapter VII of the United Nations Charter for Sudan.

(c) FORM AND AVAILABILITY OF REPORTS.—

(1) FORM.—The report and update of the report required under subsection (a) shall be submitted in an unclassified form, but may include a classified annex.

(2) AVAILABILITY.—The unclassified portion of the report and update of the report required under subsection (a) shall be made available to the public.

(d) REPEAL OF SUPERSEDED REPORT REQUIREMENT.—Section 1227 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2426) is repealed.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) COVERED UNITED NATIONS MISSION.—The term "covered United Nations mission" means any United Nations-African Union hybrid peacekeeping operation in the Darfur region of Sudan, and any United Nations peacekeeping operation in the Darfur region, eastern Chad, or northern Central African Republic, that is deployed on or after the date of the enactment of this Act.

SEC. 1263. INCLUSION OF INFORMATION ON ASYMMETRIC CAPABILITIES IN ANNUAL REPORT ON MILITARY POWER OF THE PEOPLE'S REPUBLIC OF CHINA.

Section 1202(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 10 U.S.C. 113 note) is amended by adding at the end the following new paragraph:

"(9) Developments in China's asymmetric capabilities, including efforts to acquire, develop, and deploy cyberwarfare capabilities.".

SEC. 1264. REPORT ON APPLICATION OF THE UNIFORM CODE OF MILITARY JUSTICE TO CIVILIANS ACCOMPANYING THE ARMED FORCES DURING A TIME OF DECLARED WAR OR CONTINGENCY OPERATION.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the status of implementing paragraph (10) of section 802(a) of title 10, United States Code (article 2(a) of the Uniform Code of Military Justice), as amended by section 552 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), related to the application of chapter 47 of such title (the Uniform Code of Military Justice) to persons serving with or accompanying an armed force in the field during a time of declared war or contingency operation.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall include each of the following:

(1) A discussion of how the Secretary has resolved issues related to establishing jurisdiction under such chapter over persons referred to in paragraph (10) of section 802(a) of title 10, United States Code (article 2(a) of the Uniform Code of Military Justice), specifically with respect to persons under contract with the Department of Defense or with other Federal agencies.

(2) An identification of any outstanding issues that remain to be resolved with respect to implementing such paragraph and a timetable for resolving such issues.

(3) A description of key implementing steps that have been taken or remain to be taken to assert jurisdiction under chapter 47 of such title over such persons.

(4) An explanation of the Secretary's approach to identifying factors that commanders should consider in determining whether to seek prosecution of such a person under such chapter or under chapter 212 of title 18, United States Code.

SEC. 1265. REPORT ON FAMILY REUNIONS BETWEEN UNITED STATES CITIZENS AND THEIR RELATIVES IN NORTH KOREA.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to Congress a report on family reunions between United States citizens and their relatives in the Democratic People's Republic of Korea.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A description of the efforts, if any, of the United States Government to facilitate family reunions between United States citizens and their relatives in North Korea, including the following:

(A) Discussing with North Korea family reunions between United States citizens and their relatives in North Korea.

(B) Planning, in the event of a normalization of relations between the United States and North Korea, for the appropriate role of the United States embassy in Pyongyang, North Korea, in facilitating family reunions between United States citizens and their relatives in North Korea.

(2) A description of additional efforts, if any, of the United States Government to facilitate family reunions between United States citizens and their relatives in North Korea that the President considers to be desirable and feasible.

SEC. 1266. REPORTS ON PREVENTION OF MASS ATROCITIES.

(a) DEPARTMENT OF STATE REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report assessing the capability of the Department of State to provide training and guidance to the command of an international intervention force that seeks to prevent mass atrocities.

(2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) An evaluation of any doctrine currently used by the Secretary of State to prepare for the training and guidance of the command of an international intervention force.

(B) An assessment of the role played by the United States in developing the "responsibility to protect" doctrine described in paragraphs 138 through 140 of the outcome document of the High-level Plenary Meeting of the General Assembly adopted by the United Nations in September 2005, and an update on actions taken by the United States Mission to the United Nations to discuss, promote, and implement such doctrine.

(C) An assessment of the potential capability of the Department of State and other Federal departments and agencies to support the development of new doctrines for the training and guidance of an international intervention force in keeping with the "responsibility to protect" doctrine.

(D) Recommendations as to the steps necessary to allow the Secretary of State to provide more effective training and guidance to an international intervention force.

(b) DEPARTMENT OF DEFENSE REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report assessing the capability of the Department of Defense to provide training and guidance to the command of an international intervention force that seeks to prevent mass atrocities.

(2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) An evaluation of any doctrine currently used by the Secretary of Defense to prepare for the training and guidance of the command of an international intervention force.

(B) An assessment of the potential capability of the Department of Defense and other Federal departments and agencies to support the development of new doctrines for the training and guidance of an international intervention force in keeping with the "responsibility to protect" doctrine.

(C) Recommendations as to the steps necessary to allow the Secretary of Defense to provide more effective training and guidance to an international intervention force.

(D) A summary of any assessments or studies of the Department of Defense or other Federal departments or agencies relating to "Operation Artemis", the 2004 French military deployment and intervention in the eastern region of the Democratic Republic of Congo to protect civilians from local warring factions.

(c) INTERNATIONAL INTERVENTION FORCE.—For the purposes of this section, "international intervention force" means a military force that—

(1) is authorized by the United Nations; and

(2) has a mission that is narrowly focused on the protection of civilian life and the prevention of mass atrocities such as genocide.

SEC. 1267. REPORT ON THREATS TO THE UNITED STATES FROM UNGOVERNED AREAS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State, in coordination with the Director of National Intelligence, shall jointly submit to the specified congressional committees a report on the threats posed to the United States from ungoverned areas, including the threats to the United States from terrorist groups and individuals located in such areas who direct their activities against the national security interests of the United States and its allies.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) A description of those areas the United States Government considers ungoverned, including—

(A) a description of the geo-political and cultural influences exerted within such areas and by whom;

(B) a description of the economic conditions and prospects and the major social dynamics of such areas; and

(C) a description of the United States Government's relationships with entities located in such areas, including with relevant national or other governments and relevant tribal or other groups.

(2) A description of the capabilities required by the United States Government to support United States policy aimed at managing the threats described in subsection (a), including, specifically, the technical, linguistic, and analytical capabilities required by the Department of Defense and the Department of State.

(3) An assessment of the extent to which the Department of Defense and the Department of State possess the capabilities described in paragraph (2) as well as the necessary resources and organization to support United States policy aimed at managing the threats described in subsection (a).

(4) A description of the extent to which the implementation of Department of Defense Directive 3000.05, entitled "Military Support for Stability, Security, Transition, and Reconstruction Operations", will support United States policy for managing such threats.

(5) A description of the actions, if any, to be taken to improve the capabilities of the Department of Defense and the Department of State described in paragraph (2), and the schedule for implementing any actions so described.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, to the maximum extent practicable, but may contain a classified annex, if necessary.

(d) DEFINITION.—In this section, the term "specified congressional committees" means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.
Sec. 1303. Specification of Cooperative Threat Reduction programs in states outside the former Soviet Union.
Sec. 1304. Repeal of restrictions on assistance to states of the former Soviet Union for Cooperative Threat Reduction.
Sec. 1305. Modification of authority to use Cooperative Threat Reduction funds outside the former Soviet Union.
Sec. 1306. New initiatives for the Cooperative Threat Reduction Program.
Sec. 1307. Report relating to chemical weapons destruction at Shchuch'ye, Russia.
Sec. 1308. National Academy of Sciences study of prevention of proliferation of biological weapons.

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note), as amended by section 1303 of this Act.

(b) FISCAL YEAR 2008 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term "fiscal year 2008 Cooperative Threat Reduction funds" means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $428,048,000 authorized to be appropriated to the Department of Defense for fiscal year 2008 in section 301(19) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $92,885,000.

(2) For nuclear weapons storage security in Russia, $47,640,000.

(3) For nuclear weapons transportation security in Russia, $37,700,000.

(4) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $47,986,000.

(5) For biological weapons proliferation prevention in the former Soviet Union, $158,489,000.

(6) For chemical weapons destruction, $6,000,000.

(7) For defense and military contacts, $8,000,000.

(8) For new Cooperative Threat Reduction initiatives that are outside the former Soviet Union, $10,000,000.

(9) For activities designated as Other Assessments/Administrative Support, $19,348,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2008 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (9) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2008 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2008 for a purpose listed in paragraphs (1) through (9) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in paragraphs (1) through (9) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

SEC. 1303. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS IN STATES OUTSIDE THE FORMER SOVIET UNION.

Section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note) is amended—

(1) in subsection (a), by striking "subsection (b)" and inserting "subsections (b) and (c)"; and

(2) by adding at the end the following new subsection:

"(c) SPECIFIED PROGRAMS WITH RESPECT TO STATES OUTSIDE THE FORMER SOVIET UNION.—The programs referred to in subsection (a) are the following programs with respect to states that are not states of the former Soviet Union:

"(1) Programs to facilitate the elimination, and the safe and secure transportation and storage, of chemical or biological weapons, weapons components, weapons-related materials, and their delivery vehicles.

"(2) Programs to facilitate safe and secure transportation and storage of nuclear weapons, weapons components, and their delivery vehicles.

"(3) Programs to prevent the proliferation of nuclear and chemical weapons, weapons components, and weapons-related military technology and expertise.

"(4) Programs to prevent the proliferation of biological weapons, weapons components, and weapons-related military technology and expertise, which may include activities that facilitate detection and reporting of highly pathogenic diseases or other diseases that are associated with or that could be utilized as an early warning mechanism for disease outbreaks that could impact the Armed Forces of the United States or allies of the United States.

"(5) Programs to expand military-to-military and defense contacts.".

SEC. 1304. REPEAL OF RESTRICTIONS ON ASSISTANCE TO STATES OF THE FORMER SOVIET UNION FOR COOPERATIVE THREAT REDUCTION.

(a) IN GENERAL.—

(1) SOVIET NUCLEAR THREAT REDUCTION ACT OF 1991.—The Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228; 22 U.S.C. 2551 note) is amended—

(A) by striking section 211; and

(B) in section 212, by striking ", consistent with the findings stated in section 211,".

(2) COOPERATIVE THREAT REDUCTION ACT OF 1993.—Section 1203 of the Cooperative Threat Reduction Act of 1993 (22 U.S.C. 5952) is amended by striking subsection (d).

(3) RUSSIAN CHEMICAL WEAPONS DESTRUCTION FACILITIES.—Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 22 U.S.C. 5952 note) is repealed.

(4) CONFORMING REPEAL.—Section 1303 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 22 U.S.C. 5952 note) is repealed.

(b) INAPPLICABILITY OF OTHER RESTRICTIONS.—Section 502 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5852) shall not apply to any Cooperative Threat Reduction program.

SEC. 1305. MODIFICATION OF AUTHORITY TO USE COOPERATIVE THREAT REDUCTION FUNDS OUTSIDE THE FORMER SOVIET UNION.

Section 1308 of the National Defense Authorization Act for Fiscal Year 2004 (22 U.S.C. 5963) is amended—

(1) in subsection (a), by striking "Subject to" and all that follows through "the following:" and inserting "Subject to the provisions of this section, the Secretary of Defense may obligate and expend Cooperative Threat Reduction funds for a fiscal year, and any Cooperative Threat Reduction funds for a fiscal year before such fiscal year that remain available for obligation, for a proliferation threat reduction project or activity outside the states of the former Soviet Union if the Secretary of Defense, with the concurrence of the Secretary of State, determines each of the following:";

(2) by striking subsection (c) and redesignating subsections (d) and (e) as (c) and (d), respectively; and

(3) by amending subsection (c) (as so redesignated) to read as follows:

"(c) LIMITATION ON AVAILABILITY OF FUNDS.—

"(1) The Secretary of Defense may not obligate funds for a project or activity under the authority in subsection (a) of this section until the Secretary of Defense, with the concurrence of the Secretary of State, makes each determination specified in that subsection with respect to such project or activity.

"(2) Not later than 10 days after obligating funds under the authority in subsection (a) of this section for a project or activity, the Secretary of Defense and the Secretary of State shall notify Congress in writing of the determinations made under paragraph (1) with respect to such project or activity, together with—

"(A) a justification for such determinations; and

"(B) a description of the scope and duration of such project or activity.".

SEC. 1306. NEW INITIATIVES FOR THE COOPERATIVE THREAT REDUCTION PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department of Defense Cooperative Threat Reduction (CTR) Program should be strengthened and expanded, in part by developing new CTR initiatives;

(2) such new initiatives should—

(A) be well-coordinated with the Department of Energy, the Department of State, and any other relevant United States Government agency or department;

(B) include appropriate transparency and accountability mechanisms, and legal frameworks and agreements between the United States and CTR partner countries;

(C) reflect engagement with non-governmental experts on possible new options for the CTR Program;

(D) include work with the Russian Federation and other countries to establish strong CTR partnerships that, among other things—

(i) increase the role of scientists and government officials of CTR partner countries in designing CTR programs and projects; and

(ii) increase financial contributions and additional commitments to CTR programs and projects from Russia and other partner countries, as appropriate, as evidence that the programs and projects reflect national priorities and will be sustainable;

(E) include broader international cooperation and partnerships, and increased international contributions;

(F) incorporate a strong focus on national programs and sustainability, which includes actions to address concerns raised and recommendations made by the Government Accountability Office, in its report of February 2007 titled "Progress Made in Improving Security at Russian Nuclear Sites, but the Long-Term Sustainability of U.S. Funded Security Upgrades is Uncertain", which pertain to the Department of Defense;

(G) continue to focus on the development of CTR programs and projects that secure nuclear weapons; secure and eliminate chemical and biological weapons and weapons-related materials; and eliminate nuclear, chemical, and biological weapons-related delivery vehicles and infrastructure at the source; and

(H) include efforts to develop new CTR programs and projects in Russia and the former Soviet Union, and in countries and regions outside the former Soviet Union, as appropriate and in the interest of United States national security; and

(3) such new initiatives could include—

(A) programs and projects in Asia and the Middle East; and

(B) activities relating to the denuclearization of the Democratic People's Republic of Korea.

(b) NATIONAL ACADEMY OF SCIENCES STUDY.—

(1) STUDY.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall enter into an arrangement with the National Academy of Sciences under which the Academy shall carry out a study to analyze options for strengthening and expanding the CTR Program.

(2) MATTERS TO BE INCLUDED IN STUDY.—The Secretary shall provide for the study under paragraph (1) to include—

(A) an assessment of new CTR initiatives described in subsection (a); and

(B) an identification of options and recommendations for strengthening and expanding the CTR Program.

(3) SUBMISSION OF NATIONAL ACADEMY OF SCIENCES REPORT.—The National Academy of Sciences shall submit to Congress a report on the study under this subsection at the same time that such report is submitted to the Secretary of Defense pursuant to subsection (c).

(c) SECRETARY OF DEFENSE REPORT.—

(1) IN GENERAL.—Not later than 90 days after receipt of the report under subsection (b), the Secretary of Defense shall submit to Congress a report on new CTR initiatives. The report shall include—

(A) a summary of the results of the study carried out under subsection (b);

(B) an assessment by the Secretary of the study; and

(C) a statement of the actions, if any, to be undertaken by the Secretary to implement any recommendations in the study.

(2) FORM.—The report shall be in unclassified form but may include a classified annex if necessary.

(d) FUNDING.—Of the amounts appropriated pursuant to the authorization of appropriations in section 301(19) or otherwise made available for Cooperative Threat Reduction programs for fiscal year 2008, not more than $1,000,000 shall be obligated or expended to carry out this section.

SEC. 1307. REPORT RELATING TO CHEMICAL WEAPONS DESTRUCTION AT SHCHUCH'YE, RUSSIA.

(a) DEFINITION.—In this section, the terms "Shchuch'ye project" and "project" mean the Cooperative Threat Reduction Program chemical weapons destruction project located in the area of Shchuch'ye in the Russian Federation.

(b) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the Shchuch'ye project. The report shall include—

(1) a current and detailed cost estimate for completion of the project, to include costs that will be borne by the United States and Russia, respectively; and

(2) a specific strategic and operating plan for completion of the project, which includes—

(A) the Department's plans to ensure robust project management and oversight, including management and oversight with respect to the performance of any contractors;

(B) project quality assurance and sustainability measures;

(C) metrics for measuring project progress with a timetable for achieving goals, including initial systems integration and start-up testing; and

(D) a projected project completion date.

SEC. 1308. NATIONAL ACADEMY OF SCIENCES STUDY OF PREVENTION OF PROLIFERATION OF BIOLOGICAL WEAPONS.

(a) STUDY REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall enter into an arrangement with the National Academy of Sciences under which the Academy shall carry out a study to identify areas for cooperation with states other than states of the former Soviet Union under the Cooperative Threat Reduction Program of the Department of Defense in the prevention of proliferation of biological weapons.

(b) MATTERS TO BE INCLUDED IN STUDY.—The Secretary shall provide for the study under subsection (a) to include the following:

(1) An assessment of the capabilities and capacity of governments of developing countries to control the containment and use of dual-use technologies of potential interest to terrorist organizations or individuals with hostile intentions.

(2) An assessment of the approaches to cooperative threat reduction used by the states of the former Soviet Union that are of special relevance in preventing the proliferation of biological weapons in other areas of the world.

(3) A brief review of programs of the United States Government and other governments, international organizations, foundations, and other private sector entities that may contribute to the prevention of the proliferation of biological weapons.

(4) Recommendations on steps for integrating activities of the Cooperative Threat Reduction Program relating to biological weapons proliferation prevention with activities of other departments and agencies of the United States, as appropriate, in states outside of the former Soviet Union.

(c) SUBMISSION OF NATIONAL ACADEMY OF SCIENCES REPORT.—The National Academy of Sciences shall submit to Congress a report on the study under subsection (a) at the same time that such report is submitted to the Secretary of Defense pursuant to subsection (d).

(d) SECRETARY OF DEFENSE REPORT.—

(1) IN GENERAL.—Not later than 90 days after receipt of the report required by subsection (a), the Secretary shall submit to the Congress a report on the study carried out under subsection (a).

(2) MATTERS TO BE INCLUDED.—The report under paragraph (1) shall include the following:

(A) A summary of the results of the study carried out under subsection (a).

(B) An assessment by the Secretary of the study.

(C) A statement of the actions, if any, to be undertaken by the Secretary to implement any recommendations in the study.

(3) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(e) FUNDING.—Of the amounts appropriated pursuant to the authorization of appropriations in section 301(19) or otherwise made available for Cooperative Threat Reduction programs for fiscal year 2008, not more than $1,000,000 may be obligated or expended to carry out this section.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs
Sec. 1401. Working capital funds.
Sec. 1402. National Defense Sealift Fund.
Sec. 1403. Defense Health Program.
Sec. 1404. Chemical agents and munitions destruction, Defense.
Sec. 1405. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1406. Defense Inspector General.
Subtitle B—National Defense Stockpile
Sec. 1411. Authorized uses of National Defense Stockpile funds.
Sec. 1412. Revisions to required receipt objectives for previously authorized disposals from the National Defense Stockpile.
Sec. 1413. Disposal of ferromanganese.
Sec. 1414. Disposal of chrome metal.
Subtitle C—Armed Forces Retirement Home
Sec. 1421. Authorization of appropriations for Armed Forces Retirement Home.
Sec. 1422. Administration and oversight of the Armed Forces Retirement Home.

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $102,446,000.

(2) For the Defense Working Capital Fund, Defense Commissary, $1,250,300,000.

SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the National Defense Sealift Fund in the amount of $1,349,094,000.

SEC. 1403. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $23,080,384,000, of which—

(1) $22,583,641,000 is for Operation and Maintenance;

(2) $134,482,000 is for Research, Development, Test, and Evaluation; and

(3) $362,261,000 is for Procurement.

SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of $1,512,724,000, of which—

(1) $1,181,500,000 is for Operation and Maintenance;

(2) $312,800,000 is for Research, Development, Test, and Evaluation; and

(3) $18,424,000 is for Procurement.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $938,022,000.

SEC. 1406. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of $225,995,000, of which—

(1) $224,995,000 is for Operation and Maintenance; and

(2) $1,000,000 is for Procurement.

Subtitle B—National Defense Stockpile

SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2008, the National Defense Stockpile Manager may obligate up to $44,825,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 1412. REVISIONS TO REQUIRED RECEIPT OBJECTIVES FOR PREVIOUSLY AUTHORIZED DISPOSALS FROM THE NATIONAL DEFENSE STOCKPILE.

(a) Fiscal Year 2000 Disposal Authority.—Section 3402(b) of the National Defense Authorization Act for Fiscal Year 2000 (50 U.S.C. 98d note), as amended by section 3302 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1788) and section 3302 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3545), is amended by striking "$600,000,000 before" in paragraph (5) and inserting "$710,000,000 by".

(b) Fiscal Year 1999 Disposal Authority.—Section 3303(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 98d note), as amended by section 3302 of the Ronald W. Reagan National Defense Authorization Act for Year 2005 (Public Law 108–375; 118 Stat. 2193), section 3302 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3545), and section 3302(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2513), is amended by striking "$1,016,000,000 by the end of fiscal year 2014" in paragraph (7) and inserting "$1,066,000,000 by the end of fiscal year 2015".

SEC. 1413. DISPOSAL OF FERROMANGANESE.

(a) Disposal Authorized.—The Secretary of Defense may dispose of up to 50,000 tons of ferromanganese from the National Defense Stockpile during fiscal year 2008.

(b) Contingent Authority for Additional Disposal.—

(1) In general.—If the Secretary of Defense enters into a contract for the disposal of the total quantity of ferromanganese authorized for disposal by subsection (a) before September 30, 2008, the Secretary of Defense may dispose of up to an additional 25,000 tons of ferromanganese from the National Defense Stockpile before that date.

(2) Additional amounts.—If the Secretary enters into a contract for the disposal of the total quantity of additional ferromanganese authorized for disposal by paragraph (1) before September 30, 2008, the Secretary may dispose of up to an additional 25,000 tons of ferromanganese from the National Defense Stockpile before that date.

(c) Certification.—The Secretary of Defense may dispose of ferromanganese under the authority of paragraph (1) or (2) of subsection (b) only if the Secretary submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, written certification that—

(1) the disposal of the additional ferromanganese from the National Defense Stockpile under such paragraph is in the interest of national defense;

(2) the disposal of the additional ferromanganese under such paragraph will not cause disruption to the usual markets of producers and processors of ferromanganese in the United States; and

(3) the disposal of the additional ferromanganese under such paragraph is consistent with the requirements and purpose of the National Defense Stockpile.

(d) National Defense Stockpile Defined.—In this section, the term "National Defense Stockpile" means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

SEC. 1414. DISPOSAL OF CHROME METAL.

(a) Disposal Authorized.—The Secretary of Defense may dispose of up to 500 short tons of chrome metal from the National Defense Stockpile during fiscal year 2008.

(b) Contingent Authority for Additional Disposal.—

(1) In general.—If the Secretary of Defense completes the disposal of the total quantity of chrome metal authorized for disposal by subsection (a) before September 30, 2008, the Secretary of Defense may dispose of up to an additional 250 short tons of chrome metal from the National Defense Stockpile before that date.

(2) Additional amounts.—If the Secretary completes the disposal of the total quantity of additional chrome metal authorized for disposal by paragraph (1) before September 30, 2008, the Secretary may dispose of up to an additional 250 short tons of chrome metal from the National Defense Stockpile before that date.

(c) Certification.—The Secretary of Defense may dispose of chrome metal under the authority of paragraph (1) or (2) of subsection (b) only if the Secretary submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, not later than 30 days before the commencement of disposal under the applicable paragraph, written certification that—

(1) the disposal of the additional chrome metal from the National Defense Stockpile is in the interest of national defense;

(2) the disposal of the additional chrome metal will not cause disruption to the usual markets of producers and processors of chrome metal in the United States; and

(3) the disposal of the additional chrome metal is consistent with the requirements and purpose of the National Defense Stockpile.

(d) National Defense Stockpile Defined.—In this section, the term "National Defense Stockpile" means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

Subtitle C—Armed Forces Retirement Home

SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is authorized to be appropriated for fiscal year 2008 from the Armed Forces Retirement Home Trust Fund the sum of $61,624,000 for the operation of the Armed Forces Retirement Home.

SEC. 1422. ADMINISTRATION AND OVERSIGHT OF THE ARMED FORCES RETIREMENT HOME.

(a) Role of Secretary of Defense.—Section 1511 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411) is amended—

(1) in subsection (d), by adding at the end the following new paragraph:

"(3) The administration of the Retirement Home (including administration for the provision of health care and medical care for residents) shall remain under the direct authority, control, and administration of the Secretary of Defense."; and

(2) in subsection (h), by adding at the end the following new sentence: "The annual report shall include an assessment of all aspects of each facility of the Retirement Home, including the quality of care at the facility.".

(b) Accreditation.—Subsection (g) of section 1511 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411) is amended to read as follows:

"(g) Accreditation.—The Chief Operating Officer shall secure and maintain accreditation by a nationally recognized civilian accrediting organization for each aspect of each facility of the Retirement Home, including medical and dental care, pharmacy, independent living, and assisted living and nursing care.".

(c) Spectrum of Care.—Section 1513(b) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 413(b)) is amended by inserting after the first sentence the following new sentence: "The services provided residents of the Retirement Home shall include appropriate nonacute medical and dental services, pharmaceutical services, and transportation of residents, which shall be provided at no cost to residents.".

(d) Senior Medical Advisor for Retirement Home.—

(1) Designation and duties of senior medical advisor.—The Armed Forces Retirement Home Act of 1991 is amended by inserting after section 1513 (24 U.S.C. 413) the following new section:

"SEC. 1513A. IMPROVED HEALTH CARE OVERSIGHT OF RETIREMENT HOME.

"(a) Designation of Senior Medical Advisor.—(1) The Secretary of Defense shall designate the Deputy Director of the TRICARE Management Activity to serve as the Senior Medical Advisor for the Retirement Home.

"(2) The Deputy Director of the TRICARE Management Activity shall serve as Senior Medical Advisor for the Retirement Home in addition to performing all other duties and responsibilities assigned to the Deputy Director of the TRICARE Management Activity at the time of the designation under paragraph (1) or afterward.

"(b) Responsibilities.—(1) The Senior Medical Advisor shall provide advice to the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness, and the Chief Operating Officer regarding the direction and oversight of the provision of medical, preventive mental health, and dental care services at each facility of the Retirement Home.

"(2) The Senior Medical Advisor shall also provide advice to the Local Board for a facility of the Retirement Home regarding all medical and medical administrative matters of the facility.

"(c) Duties.—In carrying out the responsibilities set forth in subsection (b), the Senior Medical Advisor shall perform the following duties:

"(1) Ensure the timely availability to residents of the Retirement Home, at locations other than the Retirement Home, of such acute medical, mental health, and dental care as such resident may require that is not available at the applicable facility of the Retirement Home.

"(2) Ensure compliance by the facilities of the Retirement Home with accreditation standards, applicable health care standards of the Department of Veterans Affairs, or any other applicable health care standards and requirements (including requirements identified in applicable reports of the Inspector General of the Department of Defense).

"(3) Periodically visit and inspect the medical facilities and medical operations of each facility of the Retirement Home.

"(4) Periodically examine and audit the medical records and administration of the Retirement Home.

"(5) Consult with the Local Board for each facility of the Retirement Home not less frequently than once each year.

"(d) Advisory Bodies.—In carrying out the responsibilities set forth in subsection (b) and the duties set forth in subsection (c), the Senior Medical Advisor may establish and seek the advice of such advisory bodies as the Senior Medical Advisor considers appropriate.".

(2) CLERICAL AMENDMENT.—The table of contents in section 1501(b) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 401 note) is amended by inserting after the item relating to section 1513 the following new item:

"1513A. Improved health care oversight of Retirement Home.".

(e) LOCAL BOARDS OF TRUSTEES.—

(1) DUTIES.—Subsection (b) of section 1516 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 416) is amended to read as follows:

"(b) DUTIES.—(1) The Local Board for a facility shall serve in an advisory capacity to the Director of the facility and to the Chief Operating Officer.

"(2) The Local Board for a facility shall provide to the Chief Operating Officer and the Director of the facility such guidance and recommendations on the administration of the facility as the Local Board considers appropriate.

"(3) Not less often than annually, the Local Board for a facility shall provide to the Under Secretary of Defense for Personnel and Readiness an assessment of all aspects of the facility, including the quality of care at the facility.".

(2) COMPOSITION.—Subparagraph (K) of subsection (c) of such section is amended to read as follows:

"(K) One senior representative of one of the chief personnel officers of the Armed Forces, who shall be a commissioned officer of the Armed Forces serving on active duty in the grade of brigadier general, or in the case of the Navy or Coast Guard, rear admiral (lower half).".

(f) INSPECTION OF RETIREMENT HOME.—Section 1518 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 418) is amended to read as follows:

"SEC. 1518. INSPECTION OF RETIREMENT HOME.

"(a) DUTY OF INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.—The Inspector General of the Department of Defense shall have the duty to inspect the Retirement Home.

"(b) INSPECTIONS BY INSPECTOR GENERAL.—(1) In any year in which a facility of the Retirement Home is not inspected by a nationally recognized civilian accrediting organization, the Inspector General of the Department of Defense shall perform a comprehensive inspection of all aspects of that facility, including independent living, assisted living, medical and dental care, pharmacy, financial and contracting records, and any aspect of either facility on which the Local Board for the facility or the resident advisory committee or council of the facility recommends inspection.

"(2) The Inspector General shall be assisted in inspections under this subsection by a medical inspector general of a military department designated for purposes of this subsection by the Secretary of Defense.

"(3) In conducting the inspection of a facility of the Retirement Home under this subsection, the Inspector General shall solicit concerns, observations, and recommendations from the Local Board for the facility, the resident advisory committee or council of the facility, and the residents of the facility. Any concerns, observations, and recommendations solicited from residents shall be solicited on a not-for-attribution basis.

"(4) The Chief Operating Officer and the Director of each facility of the Retirement Home shall make all staff, other personnel, and records of each facility available to the Inspector General in a timely manner for purposes of inspections under this subsection.

"(c) REPORTS ON INSPECTIONS BY INSPECTOR GENERAL.—(1) The Inspector General shall prepare a report describing the results of each inspection conducted of a facility of the Retirement Home under subsection (b), and include in the report such recommendations as the Inspector General considers appropriate in light of the inspection. Not later than 45 days after completing the inspection of the facility, the Inspector General shall submit the report to Congress and the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer, the Director of the facility, the Senior Medical Advisor, and the Local Board for the facility.

"(2) Not later than 45 days after receiving a report of the Inspector General under paragraph (1), the Director of the facility concerned shall submit to the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer, and the Local Board for the facility, and to Congress, a plan to address the recommendations and other matters set forth in the report.

"(d) ADDITIONAL INSPECTIONS.—(1) The Chief Operating Officer shall request the inspection of each facility of the Retirement Home by a nationally recognized civilian accrediting organization in accordance with section 1511(g).

"(2) The Chief Operating Officer and the Director of a facility being inspected under this subsection shall make all staff, other personnel, and records of the facility available to the civilian accrediting organization in a timely manner for purposes of inspections under this subsection.

"(e) REPORTS ON ADDITIONAL INSPECTIONS.—(1) Not later than 45 days after receiving a report of an inspection from the civilian accrediting organization under subsection (d), the Director of the facility concerned shall submit to the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer, and the Local Board for the facility a report containing—

"(A) the results of the inspection; and

"(B) a plan to address any recommendations and other matters set forth in the report.

"(2) Not later than 45 days after receiving a report and plan under paragraph (1), the Secretary of Defense shall submit the report and plan to Congress.".

(g) ARMED FORCES RETIREMENT HOME TRUST FUND.—Section 1519 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 419) is amended by adding at the end the following new subsection:

"(d) REPORTING REQUIREMENTS.—The Chief Financial Officer of the Armed Forces Retirement Home shall comply with the reporting requirements of subchapter II of chapter 35 of title 31, United States Code.".

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

Sec. 1501. Purpose.
Sec. 1502. Army procurement.
Sec. 1503. Navy and Marine Corps procurement.
Sec. 1504. Air Force procurement.
Sec. 1505. Joint Improvised Explosive Device Defeat Fund.
Sec. 1506. Defense-wide activities procurement.
Sec. 1507. Research, development, test, and evaluation.
Sec. 1508. Operation and maintenance.
Sec. 1509. Working capital funds.
Sec. 1510. Other Department of Defense programs.
Sec. 1511. Iraq Freedom Fund.
Sec. 1512. Iraq Security Forces Fund.
Sec. 1513. Afghanistan Security Forces Fund.
Sec. 1514. Military personnel.
Sec. 1515. Strategic Readiness Fund.
Sec. 1516. Treatment as additional authorizations.
Sec. 1517. Special transfer authority.

SEC. 1501. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2008 to provide additional funds for Operation Iraqi Freedom and Operation Enduring Freedom.

SEC. 1502. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement accounts for the Army in amounts as follows:

(1) For aircraft procurement, $2,086,864,000.

(2) For ammunition procurement, $513,600,000.

(3) For weapons and tracked combat vehicles procurement, $7,289,697,000.

(4) For missile procurement, $641,764,000.

(5) For other procurement, $32,478,568,000.

SEC. 1503. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement accounts for the Navy in amounts as follows:

(1) For aircraft procurement, $3,908,458,000.

(2) For weapons procurement, $318,281,000.

(3) For other procurement, $1,870,597,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the procurement account for the Marine Corps in the amount of $5,519,740,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the procurement account for ammunition for the Navy and the Marine Corps in the amount of $609,890,000.

SEC. 1504. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement accounts for the Air Force in amounts as follows:

(1) For aircraft procurement, $5,828,239,000.

(2) For ammunition procurement, $104,405,000.

(3) For missile procurement, $1,800,000.

(4) For other procurement, $4,528,126,000.

SEC. 1505. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized for fiscal year 2008 for the Joint Improvised Explosive Device Defeat Fund in the amount of $4,541,000,000.

(b) USE AND TRANSFER OF FUNDS.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2439) shall apply to the funds appropriated pursuant to the authorization of appropriations in subsection (a).

(c) REVISION OF MANAGEMENT PLAN.—The Secretary of Defense shall revise the management plan required by section 1514(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 to identify projected transfers and obligations through September 30, 2008.

(d) DURATION OF AUTHORITY.—Section 1514(f) of the John Warner National Defense Authorization Act for Fiscal Year 2007 is amended by striking "September 30, 2009" and inserting "September 30, 2010".

SEC. 1506. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the procurement account for Defense-wide activities in the amount of $768,157,000.

SEC. 1507. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $183,299,000.

(2) For the Navy, $695,996,000.

(3) For the Air Force, $1,457,710,000.

(4) For Defense-wide activities, $1,320,088,000.

SEC. 1508. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $54,929,551,000.

(2) For the Navy, $6,249,793,000.

(3) For the Marine Corps, $4,674,688,000.

(4) For the Air Force, $10,798,473,000.

(5) For Defense-wide activities, $6,424,085,000.

(6) For the Army Reserve, $196,694,000.

(7) For the Navy Reserve, $83,407,000.

(8) For the Marine Corps Reserve, $68,193,000.

(9) For the Army National Guard, $757,008,000.

(10) For the Air Force Reserve, $24,266,000.

(11) For the Air National Guard, $103,267,000.

SEC. 1509. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $1,957,675,000.

(2) For the National Defense Sealift Fund, $5,110,000.

SEC. 1510. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $1,137,442,000 for operation and maintenance.

(b) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide in the amount of $257,618,000.

(c) DEFENSE INSPECTOR GENERAL.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense in the amount of $4,394,000 for operation and maintenance.

SEC. 1511. IRAQ FREEDOM FUND.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the Iraq Freedom Fund in the amount of $207,500,000.

(b) TRANSFER.—

(1) TRANSFER AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Freedom Fund to any accounts as follows:

(A) Operation and maintenance accounts of the Armed Forces.

(B) Military personnel accounts.

(C) Research, development, test, and evaluation accounts of the Department of Defense.

(D) Procurement accounts of the Department of Defense.

(E) Accounts providing funding for classified programs.

(F) The operating expenses account of the Coast Guard.

(2) NOTICE TO CONGRESS.—A transfer may not be made under the authority in paragraph (1) until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the transfer.

(3) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred to an account under the authority in paragraph (1) shall be merged with amounts in such account and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

SEC. 1512. IRAQ SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the Iraq Security Forces Fund in the amount of $3,000,000,000.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds appropriated pursuant to subsection (a) shall be available to the Secretary of Defense for the purpose of allowing the Commander, Multi-National Security Transition Command-Iraq, to provide assistance to the security forces of Iraq.

(2) TYPES OF ASSISTANCE AUTHORIZED.—Assistance provided under this section may include the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, construction, and funding.

(3) SECRETARY OF STATE CONCURRENCE.—Assistance may be provided under this section only with the concurrence of the Secretary of State.

(c) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.

(d) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Security Forces Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(F) Overseas Humanitarian, Disaster, and Civic Aid account.

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO THE FUND.—Upon determination that all or part of the funds transferred from the Iraq Security Forces Fund under paragraph (1) are not necessary for the purpose provided, such funds may be transferred back to the Iraq Security Forces Fund.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(e) NOTICE TO CONGRESS.—Funds may not be obligated from the Iraq Security Forces Fund, or transferred under the authority provided in subsection (d)(1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed obligation or transfer.

(f) CONTRIBUTIONS.—

(1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Subject to paragraph (2), the Secretary of Defense may accept contributions of amounts to the Iraq Security Forces Fund for the purposes provided in subsection (b) from any person, foreign government, or international organization. Any amounts so accepted shall be credited to the Iraq Security Forces Fund.

(2) LIMITATION.—The Secretary may not accept a contribution under this subsection if the acceptance of the contribution would compromise or appear to compromise the integrity of any program of the Department of Defense.

(3) USE.—Amounts accepted under this subsection shall be available for assistance authorized by subsection (b), including transfer under subsection (d) for that purpose.

(4) NOTIFICATION.—The Secretary shall notify the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, in writing, upon the acceptance, and upon the transfer under subsection (d), of any contribution under this subsection. Such notice shall specify the source and amount of any amount so accepted and the use of any amount so accepted.

(g) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional defense committees a report summarizing the details of any obligation or transfer of funds from the Iraq Security Forces Fund during such fiscal-year quarter.

(h) DURATION OF AUTHORITY.—Amounts authorized to be appropriated or contributed to the Iraq Security Forces Fund during fiscal year 2008 are available for obligation or transfer from the Iraq Security Forces Fund in accordance with this section until September 30, 2009.

SEC. 1513. AFGHANISTAN SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the Afghanistan Security Forces Fund in the amount of $2,700,000,000.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds authorized to be appropriated by subsection (a) shall be available to the Secretary of Defense to provide assistance to the security forces of Afghanistan.

(2) TYPES OF ASSISTANCE AUTHORIZED.—Assistance provided under this section may include the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, construction, and funds.

(3) SECRETARY OF STATE CONCURRENCE.—Assistance may be provided under this section only with the concurrence of the Secretary of State.

(c) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.

(d) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Afghanistan Security Forces Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(F) Overseas Humanitarian, Disaster, and Civic Aid.

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO FUND.—Upon a determination that all or part of the funds transferred from the Afghanistan Security Forces Fund under paragraph (1) are not necessary for the purpose for which transferred, such funds may be transferred back to the Afghanistan Security Forces Fund.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(e) PRIOR NOTICE TO CONGRESS OF OBLIGATION OR TRANSFER.—Funds may not be obligated from the Afghanistan Security Forces Fund, or transferred under subsection (d)(1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed obligation or transfer.

(f) CONTRIBUTIONS.—

(1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Subject to paragraph (2), the Secretary of Defense may accept contributions of amounts to the Afghanistan Security Forces Fund for the purposes provided in subsection (b) from any person, foreign government, or international organization. Any amounts so accepted shall be credited to the Afghanistan Security Forces Fund.

(2) LIMITATION.—The Secretary may not accept a contribution under this subsection if the acceptance of the contribution would compromise or appear to compromise the integrity of any program of the Department of Defense.

(3) USE.—Amounts accepted under this subsection shall be available for assistance authorized by subsection (b), including transfer under subsection (d) for that purpose.

(4) NOTIFICATION.—The Secretary shall notify the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, in writing, upon the acceptance, and upon the transfer under subsection (d), of any contribution under this subsection. Such notice shall specify the source and amount of any amount so accepted and the use of any amount so accepted.

(g) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional defense committees a report summarizing the details of any obligation or transfer of funds from the Afghanistan Security Forces Fund during such fiscal-year quarter.

(h) DURATION OF AUTHORITY.—Amounts authorized to be appropriated or contributed to the Afghanistan Security Forces Fund during fiscal year 2008 are available for obligation or transfer from the Afghanistan Security Forces Fund in accordance with this section until September 30, 2009.

SEC. 1514. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel accounts for fiscal year 2008 a total of $17,912,510,000.

SEC. 1515. STRATEGIC READINESS FUND.

There is authorized to be appropriated $1,000,000,000 to the Strategic Readiness Fund.

SEC. 1516. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1517. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2008 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $3,500,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

TITLE XVI—WOUNDED WARRIOR MATTERS

Sec. 1601. Short title.
Sec. 1602. General definitions.
Sec. 1603. Consideration of gender-specific needs of recovering service members and veterans.

Subtitle A—Policy on Improvements to Care, Management, and Transition of Recovering Service Members

Sec. 1611. Comprehensive policy on improvements to care, management, and transition of recovering service members.
Sec. 1612. Medical evaluations and physical disability evaluations of recovering service members.
Sec. 1613. Return of recovering service members to active duty in the Armed Forces.
Sec. 1614. Transition of recovering service members from care and treatment through the Department of Defense to care, treatment, and rehabilitation through the Department of Veterans Affairs.
Sec. 1615. Reports.
Sec. 1616. Establishment of a wounded warrior resource center.
Sec. 1617. Notification to Congress of hospitalization of combat wounded service members.
Sec. 1618. Comprehensive plan on prevention, diagnosis, mitigation, treatment, and rehabilitation of, and research on, traumatic brain injury, post-traumatic stress disorder, and other mental health conditions in members of the Armed Forces.

Subtitle B—Centers of Excellence in the Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury, Post-Traumatic Stress Disorder, and Eye Injuries

Sec. 1621. Center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury.
Sec. 1622. Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of post-traumatic stress disorder and other mental health conditions.
Sec. 1623. Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of military eye injuries.
Sec. 1624. Report on establishment of centers of excellence.

Subtitle C—Health Care Matters

Sec. 1631. Medical care and other benefits for members and former members of the Armed Forces with severe injuries or illnesses.
Sec. 1632. Reimbursement of travel expenses of retired members with combat-related disabilities for follow-on specialty care, services, and supplies.
Sec. 1633. Respite care and other extended care benefits for members of the uniformed services who incur a serious injury or illness on active duty.
Sec. 1634. Reports.
Sec. 1635. Fully interoperable electronic personal health information for the Department of Defense and Department of Veterans Affairs.
Sec. 1636. Enhanced personnel authorities for the Department of Defense for health care professionals for care and treatment of wounded and injured members of the Armed Forces.
Sec. 1637. Continuation of transitional health benefits for members of the Armed Forces pending resolution of service-related medical conditions.

Subtitle D—Disability Matters

Sec. 1641. Utilization of veterans' presumption of sound condition in establishing eligibility of members of the Armed Forces for retirement for disability.
Sec. 1642. Requirements and limitations on Department of Defense determinations of disability with respect to members of the Armed Forces.
Sec. 1643. Review of separation of members of the Armed Forces separated from service with a disability rating of 20 percent disabled or less.
Sec. 1644. Authorization of pilot programs to improve the disability evaluation system for members of the Armed Forces.

Sec. 1645. Reports on Army action plan in response to deficiencies in the Army physical disability evaluation system.
Sec. 1646. Enhancement of disability severance pay for members of the Armed Forces.
Sec. 1647. Assessments of continuing utility and future role of temporary disability retired list.
Sec. 1648. Standards for military medical treatment facilities, specialty medical care facilities, and military quarters housing patients and annual report on such facilities.
Sec. 1649. Reports on Army Medical Action Plan in response to deficiencies identified at Walter Reed Army Medical Center, District of Columbia.
Sec. 1650. Required certifications in connection with closure of Walter Reed Army Medical Center, District of Columbia.
Sec. 1651. Handbook for members of the Armed Forces on compensation and benefits available for serious injuries and illnesses.

Subtitle E—Studies and Reports

Sec. 1661. Study on physical and mental health and other readjustment needs of members and former members of the Armed Forces who deployed in Operation Iraqi Freedom and Operation Enduring Freedom and their families.
Sec. 1662. Access of recovering service members to adequate outpatient residential facilities.
Sec. 1663. Study and report on support services for families of recovering service members.
Sec. 1664. Report on traumatic brain injury classifications.
Sec. 1665. Evaluation of the Polytrauma Liaison Officer/Non-Commissioned Officer program.

Subtitle F—Other Matters

Sec. 1671. Prohibition on transfer of resources from medical care.
Sec. 1672. Medical care for families of members of the Armed Forces recovering from serious injuries or illnesses.
Sec. 1673. Improvement of medical tracking system for members of the Armed Forces deployed overseas.
Sec. 1674. Guaranteed funding for Walter Reed Army Medical Center, District of Columbia.
Sec. 1675. Use of leave transfer program by wounded veterans who are Federal employees.
Sec. 1676. Moratorium on conversion to contractor performance of Department of Defense functions at military medical facilities.

SEC. 1601. SHORT TITLE.

This title may be cited as the "Wounded Warrior Act".

SEC. 1602. GENERAL DEFINITIONS.

In this title:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committees on Armed Services, Veterans' Affairs, and Appropriations of the Senate; and

(B) the Committees on Armed Services, Veterans' Affairs, and Appropriations of the House of Representatives.

(2) BENEFITS DELIVERY AT DISCHARGE PROGRAM.—The term "Benefits Delivery at Discharge Program" means a program administered jointly by the Secretary of Defense and the Secretary of Veterans Affairs to provide information and assistance on available benefits and other transition assistance to members of the Armed Forces who are separating from the Armed Forces, including assistance to obtain any disability benefits for which such members may be eligible.

(3) DISABILITY EVALUATION SYSTEM.—The term "Disability Evaluation System" means the following:

(A) A system or process of the Department of Defense for evaluating the nature and extent of disabilities affecting members of the Armed Forces that is operated by the Secretaries of the military departments and is comprised of medical evaluation boards, physical evaluation boards, counseling of members, and mechanisms for the final disposition of disability evaluations by appropriate personnel.

(B) A system or process of the Coast Guard for evaluating the nature and extent of disabilities affecting members of the Coast Guard that is operated by the Secretary of Homeland Security and is similar to the system or process of the Department of Defense described in subparagraph (A).

(4) ELIGIBLE FAMILY MEMBER.—The term "eligible family member", with respect to a recovering service member, means a family member (as defined in section 411h(b) of title 37, United States Code) who is on invitational travel orders or serving as a nonmedical attendee while caring for the recovering service member for more than 45 days during a one-year period.

(5) MEDICAL CARE.—The term "medical care" includes mental health care.

(6) OUTPATIENT STATUS.—The term "outpatient status", with respect to a recovering service member, means the status of a recovering service member assigned to—

(A) a military medical treatment facility as an outpatient; or

(B) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

(7) RECOVERING SERVICE MEMBER.—The term "recovering service member" means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy and is in an outpatient status while recovering from a serious injury or illness related to the member's military service.

(8) SERIOUS INJURY OR ILLNESS.—The term "serious injury or illness", in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

(9) TRICARE PROGRAM.—The term "TRICARE program" has the meaning given that term in section 1072(7) of title 10, United States Code.

SEC. 1603. CONSIDERATION OF GENDER-SPECIFIC NEEDS OF RECOVERING SERVICE MEMBERS AND VETERANS.

(a) IN GENERAL.—In developing and implementing the policy required by section 1611(a), and in otherwise carrying out any other provision of this title or any amendment made by this title, the Secretary of Defense and the Secretary of Veterans Affairs shall take into account and fully address any unique gender-specific needs of recovering service members and veterans under such policy or other provision.

(b) REPORTS.—In submitting any report required by this title or an amendment made by this title, the Secretary of Defense and the Secretary of Veterans Affairs shall, to the extent applicable, include a description of the manner in which the matters covered by such report address the unique gender-specific needs of recovering service members and veterans.

Subtitle A—Policy on Improvements to Care, Management, and Transition of Recovering Service Members

SEC. 1611. COMPREHENSIVE POLICY ON IMPROVEMENTS TO CARE, MANAGEMENT, AND TRANSITION OF RECOVERING SERVICE MEMBERS.

(a) COMPREHENSIVE POLICY REQUIRED.—

(1) IN GENERAL.—Not later than July 1, 2008, the Secretary of Defense and the Secretary of Veterans Affairs shall, to the extent feasible, jointly develop and implement a comprehensive policy on improvements to the care, management, and transition of recovering service members.

(2) SCOPE OF POLICY.—The policy shall cover each of the following:

(A) The care and management of recovering service members.

(B) The medical evaluation and disability evaluation of recovering service members.

(C) The return of service members who have recovered to active duty when appropriate.

(D) The transition of recovering service members from receipt of care and services through the Department of Defense to receipt of care and services through the Department of Veterans Affairs.

(3) CONSULTATION.—The Secretary of Defense and the Secretary of Veterans Affairs shall develop the policy in consultation with the heads of other appropriate departments and agencies of the Federal Government and with appropriate non-governmental organizations having an expertise in matters relating to the policy.

(4) UPDATE.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly update the policy on a periodic basis, but not less often than annually, in order to incorporate in the policy, as appropriate, the following:

(A) The results of the reviews required under subsections (b) and (c).

(B) Best practices identified through pilot programs carried out under this title.

(C) Improvements to matters under the policy otherwise identified and agreed upon by the Secretary of Defense and the Secretary of Veterans Affairs.

(b) REVIEW OF CURRENT POLICIES AND PROCEDURES.—

(1) REVIEW REQUIRED.—In developing the policy required by subsection (a), the Secretary of Defense and the Secretary of Veterans Affairs shall, to the extent necessary, jointly and separately conduct a review of all policies and procedures of the Department of Defense and the Department of Veterans Affairs that apply to, or shall be covered by, the policy.

(2) PURPOSE.—The purpose of the review shall be to identify the most effective and patient-oriented approaches to care and management of recovering service members for purposes of—

(A) incorporating such approaches into the policy; and

(B) extending such approaches, where applicable, to the care and management of other injured or ill members of the Armed Forces and veterans.

(3) ELEMENTS.—In conducting the review, the Secretary of Defense and the Secretary of Veterans Affairs shall—

(A) identify among the policies and procedures described in paragraph (1) best practices in approaches to the care and management of recovering service members;

(B) identify among such policies and procedures existing and potential shortfalls in the care and management of recovering service members (including care and management of recovering service members on the temporary disability retired list), and determine means of addressing any shortfalls so identified;

(C) determine potential modifications of such policies and procedures in order to ensure consistency and uniformity, where appropriate, in the application of such policies and procedures—

(i) among the military departments;

(ii) among the Veterans Integrated Services Networks (VISNs) of the Department of Veterans Affairs; and

(iii) between the military departments and the Veterans Integrated Services Networks; and

(D) develop recommendations for legislative and administrative action necessary to implement the results of the review.

(4) DEADLINE FOR COMPLETION.—The review shall be completed not later than 90 days after the date of the enactment of this Act.

(c) CONSIDERATION OF EXISTING FINDINGS, RECOMMENDATIONS, AND PRACTICES.—In developing the policy required by subsection (a), the Secretary of Defense and the Secretary of Veterans Affairs shall take into account the following:

(1) The findings and recommendations of applicable studies, reviews, reports, and evaluations that address matters relating to the policy, including, but not limited, to the following:

(A) The Independent Review Group on Rehabilitative Care and Administrative Processes at Walter Reed Army Medical Center and National Naval Medical Center, appointed by the Secretary of Defense.

(B) The Secretary of Veterans Affairs Task Force on Returning Global War on Terror Heroes, appointed by the President.

(C) The President's Commission on Care for America's Returning Wounded Warriors.

(D) The Veterans' Disability Benefits Commission established by title XV of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1676; 38 U.S.C. 1101 note).

(E) The President's Task Force to Improve Health Care Delivery for Our Nation's Veterans, of March 2003.

(F) The Report of the Congressional Commission on Servicemembers and Veterans Transition Assistance, of 1999, chaired by Anthony J. Principi.

(G) The President's Commission on Veterans' Pensions, of 1956, chaired by General Omar N. Bradley.

(2) The experience and best practices of the Department of Defense and the military departments on matters relating to the policy.

(3) The experience and best practices of the Department of Veterans Affairs on matters relating to the policy.

(4) Such other matters as the Secretary of Defense and the Secretary of Veterans Affairs consider appropriate.

(d) TRAINING AND SKILLS OF HEALTH CARE PROFESSIONALS, RECOVERY CARE COORDINATORS, MEDICAL CARE CASE MANAGERS, AND NON-MEDICAL CARE MANAGERS FOR RECOVERING SERVICE MEMBERS.—

(1) IN GENERAL.—The policy required by subsection (a) shall provide for uniform standards among the military departments for the training and skills of health care professionals, recovery care coordinators, medical care case managers, and non-medical care managers for recovering service members under subsection (e) in order to ensure that such personnel are able to—

(A) detect early warning signs of post-traumatic stress disorder (PTSD), suicidal or homicidal thoughts or behaviors, and other behavioral health concerns among recovering service members; and

(B) promptly notify appropriate health care professionals following detection of such signs.

(2) TRACKING OF NOTIFICATIONS.—In providing for uniform standards under paragraph (1), the policy shall include a mechanism or system to track the number of notifications made by recovery care coordinators, medical care case managers, and non-medical care managers to health care professionals under paragraph (1)(A) regarding early warning signs of post-traumatic stress disorder and suicide in recovering service members.

(e) SERVICES FOR RECOVERING SERVICE MEMBERS.—The policy required by subsection (a) shall provide for improvements as follows with respect to the care, management, and transition of recovering service members:

(1) COMPREHENSIVE RECOVERY PLAN FOR RECOVERING SERVICE MEMBERS.—The policy shall provide for uniform standards and procedures for the development of a comprehensive recovery plan for each recovering service member that covers the full spectrum of care, management, transition, and rehabilitation of the service member during recovery.

(2) RECOVERY CARE COORDINATORS FOR RECOVERING SERVICE MEMBERS.—

(A) IN GENERAL.—The policy shall provide for a uniform program for the assignment to recovering service members of recovery care coordinators having the duties specified in subparagraph (B).

(B) DUTIES.—The duties under the program of a recovery care coordinator for a recovering service member shall include, but not be limited to, overseeing and assisting the service member in the service member's course through the entire spectrum of care, management, transition, and rehabilitation services available from the Federal Government, including services provided by the Department of Defense, the Department of Veterans Affairs, the Department of Labor, and the Social Security Administration.

(C) LIMITATION ON NUMBER OF SERVICE MEMBERS MANAGED BY COORDINATORS.—The maximum number of recovering service members whose cases may be assigned to a recovery care coordinator under the program at any one time shall be such number as the policy shall specify, except that the Secretary of the military department concerned may waive such limitation with respect to a given coordinator for not more than 120 days in the event of unforeseen circumstances (as specified in the policy).

(D) TRAINING.—The policy shall specify standard training requirements and curricula for recovery care coordinators under the program, including a requirement for successful completion of the training program before a person may assume the duties of such a coordinator.

(E) RESOURCES.—The policy shall include mechanisms to ensure that recovery care coordinators under the program have the resources necessary to expeditiously carry out the duties of such coordinators under the program.

(F) SUPERVISION.—The policy shall specify requirements for the appropriate rank or grade, and appropriate occupation, for persons appointed to head and supervise recovery care coordinators.

(3) MEDICAL CARE CASE MANAGERS FOR RECOVERING SERVICE MEMBERS.—

(A) IN GENERAL.—The policy shall provide for a uniform program among the military departments for the assignment to recovering service members of medical care case managers having the duties specified in subparagraph (B).

(B) DUTIES.—The duties under the program of a medical care case manager for a recovering service member (or the service member's immediate family or other designee if the service member is incapable of making judgments about personal medical care) shall include, at a minimum, the following:

(i) Assisting in understanding the service member's medical status during the care, recovery, and transition of the service member.

(ii) Assisting in the receipt by the service member of prescribed medical care during the care, recovery, and transition of the service member.

(iii) Conducting a periodic review of the medical status of the service member, which review shall be conducted, to the extent practicable, in person with the service member, or, whenever the conduct of the review in person is not practicable, with the medical care case manager submitting to the manager's supervisor a written explanation why the review in person was not practicable (if the Secretary of the military department concerned elects to require such written explanations for purposes of the program).

(C) LIMITATION ON NUMBER OF SERVICE MEMBERS MANAGED BY MANAGERS.—The maximum number of recovering service members whose cases may be assigned to a medical care case manager under the program at any one time shall be such number as the policy shall specify, except that the Secretary of the military department concerned may waive such limitation with respect to a given manager for not more than 120 days in the event of unforeseen circumstances (as specified in the policy).

(D) TRAINING.—The policy shall specify standard training requirements and curricula for medical care case managers under the program, including a requirement for successful completion of the training program before a person may assume the duties of such a manager.

(E) RESOURCES.—The policy shall include mechanisms to ensure that medical care case managers under the program have the resources necessary to expeditiously carry out the duties of such managers under the program.

(F) SUPERVISION AT ARMED FORCES MEDICAL FACILITIES.—The policy shall specify requirements for the appropriate rank or grade, and appropriate occupation, for persons appointed to head and supervise the medical care case managers at each medical facility of the Armed Forces. Persons so appointed may be appointed from the Army Medical Corps, Army Medical Service Corps, Army Nurse Corps, Navy Medical Corps, Navy Medical Service Corps, Navy Nurse Corps, Air Force Medical Service, or other corps or civilian health care professional, as applicable, at the discretion of the Secretary of Defense.

(4) NON-MEDICAL CARE MANAGERS FOR RECOVERING SERVICE MEMBERS.—

(A) IN GENERAL.—The policy shall provide for a uniform program among the military departments for the assignment to recovering service members of non-medical care managers having the duties specified in subparagraph (B).

(B) DUTIES.—The duties under the program of a non-medical care manager for a recovering service member shall include, at a minimum, the following:

(i) Communicating with the service member and with the service member's family or other individuals designated by the service member regarding non-medical matters that arise during the care, recovery, and transition of the service member.

(ii) Assisting with oversight of the service member's welfare and quality of life.

(iii) Assisting the service member in resolving problems involving financial, administrative, personnel, transitional, and other matters that arise during the care, recovery, and transition of the service member.

(C) DURATION OF DUTIES.—The policy shall provide that a non-medical care manager shall perform duties under the program for a recovering service member until the service member is returned to active duty or retired or separated from the Armed Forces.

(D) LIMITATION ON NUMBER OF SERVICE MEMBERS MANAGED BY MANAGERS.—The maximum number of recovering service members whose cases may be assigned to a non-medical care manager under the program at any one time shall be such number as the policy shall specify, except that the Secretary of the military department concerned may waive such limitation with respect to a given manager for not more than 120 days in the event of unforeseen circumstances (as specified in the policy).

(E) TRAINING.—The policy shall specify standard training requirements and curricula among the military departments for non-medical care managers under the program, including a requirement for successful completion of the training program before a person may assume the duties of such a manager.

(F) RESOURCES.—The policy shall include mechanisms to ensure that non-medical care managers under the program have the resources necessary to expeditiously carry out the duties of such managers under the program.

(G) SUPERVISION AT ARMED FORCES MEDICAL FACILITIES.—The policy shall specify requirements for the appropriate rank and occupational speciality for persons appointed to head and supervise the non-medical care managers at each medical facility of the Armed Forces.

(5) ACCESS OF RECOVERING SERVICE MEMBERS TO NON-URGENT HEALTH CARE FROM THE DEPARTMENT OF DEFENSE OR OTHER PROVIDERS UNDER TRICARE.—

(A) IN GENERAL.—The policy shall provide for appropriate minimum standards for access of recovering service members to non-urgent medical care and other health care services as follows:

(i) In medical facilities of the Department of Defense.

(ii) Through the TRICARE program.

(B) MAXIMUM WAITING TIMES FOR CERTAIN CARE.—The standards for access under subparagraph (A) shall include such standards on maximum waiting times of recovering service members as the policy shall specify for care that includes, but is not limited to, the following:

(i) Follow-up care.

(ii) Specialty care.

(iii) Diagnostic referrals and studies.

(iv) Surgery based on a physician's determination of medical necessity.

(C) WAIVER BY RECOVERING SERVICE MEMBERS.—The policy shall permit any recovering service member to waive a standard for access under this paragraph under such circumstances and conditions as the policy shall specify.

(6) ASSIGNMENT OF RECOVERING SERVICE MEMBERS TO LOCATIONS OF CARE.—

(A) IN GENERAL.—The policy shall provide for uniform guidelines among the military departments for the assignment of recovering service members to a location of care, including guidelines that provide for the assignment of recovering service members, when medically appropriate, to care and residential facilities closest to their duty station or home of record or the location of their designated care giver at the earliest possible time.

(B) REASSIGNMENT FROM DEFICIENT FACILITIES.—The policy shall provide for uniform guidelines and procedures among the military departments for the reassignment of recovering service members from a medical or medical-related support facility determined by the Secretary of Defense to violate the standards required by section 1648 to another appropriate medical or medical-related support facility until the correction of violations of such standards at the medical or medical-related support facility from which such service members are reassigned.

(7) TRANSPORTATION AND SUBSISTENCE FOR RECOVERING SERVICE MEMBERS.—The policy shall provide for uniform standards among the military departments on the availability of appropriate transportation and subsistence for recovering service members to facilitate their obtaining needed medical care and services.

(8) WORK AND DUTY ASSIGNMENTS FOR RECOVERING SERVICE MEMBERS.—The policy shall provide for uniform criteria among the military departments for the assignment of recovering service members to work and duty assignments that are compatible with their medical conditions.

(9) ACCESS OF RECOVERING SERVICE MEMBERS TO EDUCATIONAL AND VOCATIONAL TRAINING AND REHABILITATION.—The policy shall provide for uniform standards among the military departments on the provision of educational and vocational training and rehabilitation opportunities for recovering service members at the earliest possible point in their recovery.

(10) TRACKING OF RECOVERING SERVICE MEMBERS.—The policy shall provide for uniform procedures among the military departments on tracking recovering service members to facilitate—

(A) locating each recovering service member; and

(B) tracking medical care appointments of recovering service members to ensure timeliness and compliance of recovering service members with appointments, and other physical and evaluation timelines, and to provide any other information needed to conduct oversight of the care, management, and transition of recovering service members.

(11) REFERRALS OF RECOVERING SERVICE MEMBERS TO OTHER CARE AND SERVICES PROVIDERS.—The policy shall provide for uniform policies, procedures, and criteria among the military departments on the referral of recovering service members to the Department of Veterans Affairs and other private and public entities (including universities and rehabilitation hospitals, centers, and clinics) in order to secure the most appropriate care for recovering service members, which policies, procedures, and criteria shall take into account, but not be limited to, the medical needs of recovering service members and the geographic location of available necessary recovery care services.

(f) SERVICES FOR FAMILIES OF RECOVERING SERVICE MEMBERS.—The policy required by subsection (a) shall provide for improvements as follows with respect to services for families of recovering service members:

(1) SUPPORT FOR FAMILY MEMBERS OF RECOVERING SERVICE MEMBERS.—The policy shall provide for uniform guidelines among the military departments on the provision by the military departments of support for family members of recovering service members who are not otherwise eligible for care under section 1672 in caring for such service members during their recovery.

(2) ADVICE AND TRAINING FOR FAMILY MEMBERS OF RECOVERING SERVICE MEMBERS.—The policy shall provide for uniform requirements and standards among the military departments on the provision by the military departments of advice and training, as appropriate, to family members of recovering service members with respect to care for such service members during their recovery.

(3) MEASUREMENT OF SATISFACTION OF FAMILY MEMBERS OF RECOVERING SERVICE MEMBERS WITH QUALITY OF HEALTH CARE SERVICES.—The policy shall provide for uniform procedures among the military departments on the measurement of the satisfaction of family members of recovering service members with the quality of health care services provided to such service members during their recovery.

(4) JOB PLACEMENT SERVICES FOR FAMILY MEMBERS OF RECOVERING SERVICE MEMBERS.—The policy shall provide for procedures for application by eligible family members during a one-year period for job placement services otherwise offered by the Department of Defense.

(g) OUTREACH TO RECOVERING SERVICE MEMBERS AND THEIR FAMILIES ON COMPREHENSIVE POLICY.—The policy required by subsection (a) shall include procedures and mechanisms to ensure that recovering service members and their families are fully informed of the policies required by this section, including policies on medical care for recovering service members, on the management and transition of recovering service members, and on the responsibilities of recovering service members and their family members throughout the continuum of care and services for recovering service members under this section.

(h) APPLICABILITY OF COMPREHENSIVE POLICY TO RECOVERING SERVICE MEMBERS ON TEMPORARY DISABILITY RETIRED LIST.—Appropriate elements of the policy required by this section shall apply to recovering service members whose names are placed on the temporary disability retired list in such manner, and subject to such terms and conditions, as the Secretary of Defense shall prescribe in regulations for purposes of this subsection.

SEC. 1612. MEDICAL EVALUATIONS AND PHYSICAL DISABILITY EVALUATIONS OF RECOVERING SERVICE MEMBERS.

(a) MEDICAL EVALUATIONS OF RECOVERING SERVICE MEMBERS.—

(1) IN GENERAL.—Not later than July 1, 2008, the Secretary of Defense shall develop a policy on improvements to the processes, procedures, and standards for the conduct by the military departments of medical evaluations of recovering service members.

(2) ELEMENTS.—The policy on improvements to processes, procedures, and standards required under this subsection shall include and address the following:

(A) Processes for medical evaluations of recovering service members that—

(i) apply uniformly throughout the military departments; and

(ii) apply uniformly with respect to recovering service members who are members of the regular components of the Armed Forces and recovering service members who are members of the National Guard and Reserve.

(B) Standard criteria and definitions for determining the achievement for recovering service members of the maximum medical benefit from treatment and rehabilitation.

(C) Standard timelines for each of the following:

(i) Determinations of fitness for duty of recovering service members.

(ii) Specialty care consultations for recovering service members.

(iii) Preparation of medical documents for recovering service members.

(iv) Appeals by recovering service members of medical evaluation determinations, including determinations of fitness for duty.

(D) Procedures for ensuring that—

(i) upon request of a recovering service member being considered by a medical evaluation board, a physician or other appropriate health care professional who is independent of the medical evaluation board is assigned to the service member; and

(ii) the physician or other health care professional assigned to a recovering service member under clause (i)—

(I) serves as an independent source for review of the findings and recommendations of the medical evaluation board;

(II) provides the service member with advice and counsel regarding the findings and recommendations of the medical evaluation board; and

(III) advises the service member on whether the findings of the medical evaluation board adequately reflect the complete spectrum of injuries and illness of the service member.

(E) Standards for qualifications and training of medical evaluation board personnel, including physicians, case workers, and physical disability evaluation board liaison officers, in conducting medical evaluations of recovering service members.

(F) Standards for the maximum number of medical evaluation cases of recovering service members that are pending before a medical evaluation board at any one time, and requirements for the establishment of additional medical evaluation boards in the event such number is exceeded.

(G) Standards for information for recovering service members, and their families, on the medical evaluation board process and the rights and responsibilities of recovering service members under that process, including a standard handbook on such information (which handbook shall also be available electronically).

(b) PHYSICAL DISABILITY EVALUATIONS OF RECOVERING SERVICE MEMBERS.—

(1) IN GENERAL.—Not later than July 1, 2008, the Secretary of Defense and the Secretary of Veterans Affairs shall develop a policy on improvements to the processes, procedures, and standards for the conduct of physical disability evaluations of recovering service members by the military departments and by the Department of Veterans Affairs.

(2) ELEMENTS.—The policy on improvements to processes, procedures, and standards required under this subsection shall include and address the following:

(A) A clearly-defined process of the Department of Defense and the Department of Veterans Affairs for disability determinations of recovering service members.

(B) To the extent feasible, procedures to eliminate unacceptable discrepancies and improve consistency among disability ratings assigned by the military departments and the Department of Veterans Affairs, particularly in the disability evaluation of recovering service members, which procedures shall be subject to the following requirements and limitations:

(i) Such procedures shall apply uniformly with respect to recovering service members who are members of the regular components of the Armed Forces and recovering service members who are members of the National Guard and Reserve.

(ii) Under such procedures, each Secretary of a military department shall, to the extent feasible, utilize the standard schedule for rating disabilities in use by the Department of Veterans Affairs, including any applicable interpretation of such schedule by the United States Court of Appeals for Veterans Claims, in making any determination of disability of a recovering service member, except as otherwise authorized by section 1216a of title 10, United States Code (as added by section 1642 of this Act).

(C) Uniform timelines among the military departments for appeals of determinations of disability of recovering service members, including timelines for presentation, consideration, and disposition of appeals.

(D) Uniform standards among the military departments for qualifications and training of physical disability evaluation board personnel, including physical evaluation board liaison personnel, in conducting physical disability evaluations of recovering service members.

(E) Uniform standards among the military departments for the maximum number of physical disability evaluation cases of recovering service members that are pending before a physical disability evaluation board at any one time, and requirements for the establishment of additional physical disability evaluation boards in the event such number is exceeded.

(F) Uniform standards and procedures among the military departments for the provision of legal counsel to recovering service members while undergoing evaluation by a physical disability evaluation board.

(G) Uniform standards among the military departments on the roles and responsibilities of non-medical care managers under section 1611(e)(4) and judge advocates assigned to recovering service members undergoing evaluation by a physical disability board, and uniform standards on the maximum number of cases involving such service members that are to be assigned to judge advocates at any one time.

(c) ASSESSMENT OF CONSOLIDATION OF DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS DISABILITY EVALUATION SYSTEMS.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the feasability and advisability of consolidating the disability evaluation systems of the military departments and the disability evaluation system of the Department of Veterans Affairs into a single disability evaluation system. The report shall be submitted together with the report required by section 1611(a).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An assessment of the feasability and advisability of consolidating the disability evaluation systems described in paragraph (1) as specified in that paragraph.

(B) If the consolidation of the systems is considered feasible and advisable—

(i) recommendations for various options for consolidating the systems as specified in paragraph (1); and

(ii) recommendations for mechanisms to evaluate and assess any progress made in consolidating the systems as specified in that paragraph.

SEC. 1613. RETURN OF RECOVERING SERVICE MEMBERS TO ACTIVE DUTY IN THE ARMED FORCES.

The Secretary of Defense shall establish standards for determinations by the military departments on the return of recovering service members to active duty in the Armed Forces.

SEC. 1614. TRANSITION OF RECOVERING SERVICE MEMBERS FROM CARE AND TREATMENT THROUGH THE DEPARTMENT OF DEFENSE TO CARE, TREATMENT, AND REHABILITATION THROUGH THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Not later than July 1, 2008, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop and implement processes, procedures, and standards for the transition of recovering service members from care and treatment through the Department of Defense to care, treatment, and rehabilitation through the Department of Veterans Affairs.

(b) ELEMENTS.—The processes, procedures, and standards required under this section shall include the following:

(1) Uniform, patient-focused procedures to ensure that the transition described in subsection (a) occurs without gaps in medical care and in the quality of medical care, benefits, and services.

(2) Procedures for the identification and tracking of recovering service members during the transition, and for the coordination of care and treatment of recovering service members during the transition, including a system of cooperative case management of recovering service members by the Department of Defense and the Department of Veterans Affairs during the transition.

(3) Procedures for the notification of Department of Veterans Affairs liaison personnel of the commencement by recovering service members of the medical evaluation process and the physical disability evaluation process.

(4) Procedures and timelines for the enrollment of recovering service members in applicable enrollment or application systems of the Department of Veterans Affairs with respect to health care, disability, education, vocational rehabilitation, or other benefits.

(5) Procedures to ensure the access of recovering service members during the transition to vocational, educational, and rehabilitation benefits available through the Department of Veterans Affairs.

(6) Standards for the optimal location of Department of Defense and Department of Veterans Affairs liaison and case management personnel at military medical treatment facilities, medical centers, and other medical facilities of the Department of Defense.

(7) Standards and procedures for integrated medical care and management of recovering service members during the transition, including procedures for the assignment of medical personnel of the Department of Veterans Affairs to Department of Defense facilities to participate in the needs assessments of recovering service members before, during, and after their separation from military service.

(8) Standards for the preparation of detailed plans for the transition of recovering service members from care and treatment by

the Department of Defense to care, treatment, and rehabilitation by the Department of Veterans Affairs, which plans shall—

(A) be based on standardized elements with respect to care and treatment requirements and other applicable requirements; and

(B) take into account the comprehensive recovery plan for the recovering service member concerned as developed under section 1611(e)(1).

(9) Procedures to ensure that each recovering service member who is being retired or separated under chapter 61 of title 10, United States Code, receives a written transition plan, prior to the time of retirement or separation, that—

(A) specifies the recommended schedule and milestones for the transition of the service member from military service;

(B) provides for a coordinated transition of the service member from the Department of Defense disability evaluation system to the Department of Veterans Affairs disability system; and

(C) includes information and guidance designed to assist the service member in understanding and meeting the schedule and milestones specified under subparagraph (A) for the service member's transition.

(10) Procedures for the transmittal from the Department of Defense to the Department of Veterans Affairs of records and any other required information on each recovering service member described in paragraph (9), which procedures shall provide for the transmission from the Department of Defense to the Department of Veterans Affairs of records and information on the service member as follows:

(A) The address and contact information of the service member.

(B) The DD–214 discharge form of the service member, which shall be transmitted under such procedures electronically.

(C) A copy of the military service record of the service member, including medical records and any results of a physical evaluation board.

(D) Information on whether the service member is entitled to transitional health care, a conversion health policy, or other health benefits through the Department of Defense under section 1145 of title 10, United States Code.

(E) A copy of any request of the service member for assistance in enrolling in, or completed applications for enrollment in, the health care system of the Department of Veterans Affairs for health care benefits for which the service member may be eligible under laws administered by the Secretary of Veterans Affairs.

(F) A copy of any request by the service member for assistance in applying for, or completed applications for, compensation and vocational rehabilitation benefits to which the service member may be entitled under laws administered by the Secretary of Veterans Affairs.

(11) A process to ensure that, before transmittal of medical records of a recovering service member to the Department of Veterans Affairs, the Secretary of Defense ensures that the service member (or an individual legally recognized to make medical decisions on behalf of the service member) authorizes the transfer of the medical records of the service member from the Department of Defense to the Department of Veterans Affairs pursuant to the Health Insurance Portability and Accountability Act of 1996.

(12) Procedures to ensure that, with the consent of the recovering service member concerned, the address and contact information of the service member is transmitted to the department or agency for veterans affairs of the State in which the service member intends to reside after the retirement or separation of the service member from the Armed Forces.

(13) Procedures to ensure that, before the transmittal of records and other information with respect to a recovering service member under this section, a meeting regarding the transmittal of such records and other information occurs among the service member, appropriate family members of the service member, representatives of the Secretary of the military department concerned, and representatives of the Secretary of Veterans Affairs, with at least 30 days advance notice of the meeting being given to the service member unless the service member waives the advance notice requirement in order to accelerate transmission of the service member's records and other information to the Department of Veterans Affairs.

(14) Procedures to ensure that the Secretary of Veterans Affairs gives appropriate consideration to a written statement submitted to the Secretary by a recovering service member regarding the transition.

(15) Procedures to provide access for the Department of Veterans Affairs to the military health records of recovering service members who are receiving care and treatment, or are anticipating receipt of care and treatment, in Department of Veterans Affairs health care facilities, which procedures shall be consistent with the procedures and requirements in paragraphs (11) and (13).

(16) A process for the utilization of a joint separation and evaluation physical examination that meets the requirements of both the Department of Defense and the Department of Veterans Affairs in connection with the medical separation or retirement of a recovering service member from military service and for use by the Department of Veterans Affairs in disability evaluations.

(17) Procedures for surveys and other mechanisms to measure patient and family satisfaction with the provision by the Department of Defense and the Department of Veterans Affairs of care and services for recovering service members, and to facilitate appropriate oversight by supervisory personnel of the provision of such care and services.

(18) Procedures to ensure the participation of recovering service members who are members of the National Guard or Reserve in the Benefits Delivery at Discharge Program, including procedures to ensure that, to the maximum extent feasible, services under the Benefits Delivery at Discharge Program are provided to recovering service members at—

(A) appropriate military installations;

(B) appropriate armories and military family support centers of the National Guard;

(C) appropriate military medical care facilities at which members of the Armed Forces are separated or discharged from the Armed Forces; and

(D) in the case of a member on the temporary disability retired list under section 1202 or 1205 of title 10, United States Code, who is being retired under another provision of such title or is being discharged, at a location reasonably convenient to the member.

SEC. 1615. REPORTS.

(a) REPORT ON POLICY.—Upon the development of the policy required by subsection (a) of section 1611 but not later than July 1, 2008, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the policy, including a comprehensive and detailed description of the policy and of the manner in which the policy addresses the detailed elements of the policy specified in subsections (d) through (h) of section 1611, and the findings and recommendations of the reviews under subsections (b) and (c) of section 1611.

(b) INTERIM REPORT ON POLICY.—Not later than February 1, 2008, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress an interim report on the policy, which shall include a comprehensive and detailed description of the matters specified in subsection (a) current as of the date of such interim report.

(c) REPORT ON UPDATE OF POLICY.—Upon updating the policy under section 1611(a)(4), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the update of the policy, including a comprehensive and detailed description of such update and of the reasons for such update.

(d) COMPTROLLER GENERAL ASSESSMENT OF IMPLEMENTATION OF POLICY.—

(1) IN GENERAL.—Not later than six months after the date of the enactment of this Act and every year thereafter through 2010, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report setting forth the assessment of the Comptroller General of the progress of the Secretary of Defense and the Secretary of Veterans Affairs in developing and implementing the policy required by section 1611(a). Each report shall include a certification by the Comptroller General as to whether the Comptroller General has had timely access to sufficient information to enable the Comptroller General to make informed judgments on the matters covered by the report.

(2) ACCESS INFORMATION.—The Secretary of Defense and the Secretary of Veterans Affairs shall facilitate the ability of the Comptroller General to conduct any review required for a report under this subsection within the time period required for such report, including prompt and complete access to such information as the Comptroller General considers necessary to perform such review.

(e) REPORT ON REDUCTION IN DISABILITY RATINGS BY THE DEPARTMENT OF DEFENSE.—Not later than February 1, 2009, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the number of instances during the period beginning on October 7, 2001, and ending on September 30, 2006, in which a disability rating assigned to a member of the Armed Forces by an informal physical evaluation board of the Department of Defense was reduced upon appeal, and the reasons for such reduction.

SEC. 1616. ESTABLISHMENT OF A WOUNDED WARRIOR RESOURCE CENTER.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a wounded warrior resource center (in this section referred to as the "center") to provide wounded warriors, their families, and their primary caregivers with a single point of contact for assistance with reporting deficiencies in covered military facilities, obtaining health care services, receiving benefits information, and any other difficulties encountered while supporting wounded warriors. The Secretary shall widely disseminate information regarding the existence and availability of the center, including contact information, to members of the Armed Forces and their dependents. In carrying out this subsection, the

Secretary may use existing infrastructure and organizations but shall ensure that the center has the ability to separately keep track of calls from wounded warriors.

(b) ACCESS.—The center shall provide multiple methods of access, including at a minimum an Internet website and a toll-free telephone number (commonly referred to as a "hot line") at which personnel are accessible at all times to receive reports of deficiencies or provide information about covered military facilities, health care services, or military benefits.

(c) CONFIDENTIALITY.—

(1) NOTIFICATION.—Individuals who seek to provide information through the center under subsection (a) shall be notified, immediately before they provide such information, of their option to elect, at their discretion, to have their identity remain confidential.

(2) PROHIBITION ON FURTHER DISCLOSURE.—In the case of information provided through use of the toll-free telephone number by an individual who elects to maintain the confidentiality of his or her identity, any individual who, by necessity, has had access to such information for purposes of investigating or responding to the call as required under subsection (d) may not disclose the identity of the individual who provided the information.

(d) FUNCTIONS.—The center shall perform the following functions:

(1) CALL TRACKING.—The center shall be responsible for documenting receipt of a call, referring the call to the appropriate office within a military department for answer or investigation, and tracking the formulation and notification of the response to the call.

(2) INVESTIGATION AND RESPONSE.—The center shall be responsible for ensuring that, not later than 96 hours after a call—

(A) if a report of deficiencies is received in a call—

(i) any deficiencies referred to in the call are investigated;

(ii) if substantiated, a plan of action for remediation of the deficiencies is developed and implemented; and

(iii) if requested, the individual who made the report is notified of the current status of the report; or

(B) if a request for information is received in a call—

(i) the information requested by the caller is provided by the center;

(ii) all requests for information from the call are referred to the appropriate office or offices of a military department for response; and

(iii) the individual who made the report is notified, at a minimum, of the current status of the query.

(3) FINAL NOTIFICATION.—The center shall be responsible for ensuring that, if requested, the caller is notified when the deficiency has been corrected or when the request for information has been fulfilled to the maximum extent practicable, as determined by the Secretary.

(e) DEFINITIONS.—In this section:

(1) COVERED MILITARY FACILITY.—The term "covered military facility" has the meaning provided in section 1648(b) of this Act.

(2) CALL.—The term "call" means any query or report that is received by the center by means of the toll-free telephone number or other source.

(f) EFFECTIVE DATES.—

(1) TOLL-FREE TELEPHONE NUMBER.—The toll-free telephone number required to be established by subsection (a), shall be fully operational not later than April 1, 2008.

(2) INTERNET WEBSITE.—The Internet website required to be established by subsection (a), shall be fully operational not later than July 1, 2008.

SEC. 1617. NOTIFICATION TO CONGRESS OF HOSPITALIZATION OF COMBAT WOUNDED SERVICE MEMBERS.

(a) NOTIFICATION REQUIRED.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is further amended by inserting after section 1074k the following new section:

"§1074l. Notification to Congress of hospitalization of combat wounded members

"(a) NOTIFICATION REQUIRED.—The Secretary concerned shall provide notification of the hospitalization of any member of the armed forces evacuated from a theater of combat and admitted to a military treatment facility within the United States to the appropriate Members of Congress.

"(b) APPROPRIATE MEMBERS.—In this section, the term 'appropriate Members of Congress', with respect to the member of the armed forces about whom notification is being made, means the Senators representing the State, and the Member, Delegate, or Resident Commissioner of the House of Representatives representing the district, that includes the member's home of record or a different location as provided by the member.

"(c) CONSENT OF MEMBER REQUIRED.—The notification under subsection (a) may be provided only with the consent of the member of the armed forces about whom notification is to be made. In the case of a member who is unable to provide consent, information and consent may be provided by next of kin.".

(2) EFFECTIVE DATE.—The notification requirement under section 1074l(a) of title 10, United States Code, as added by paragraph (1), shall apply beginning 60 days after the date of the enactment of this Act.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1074l. Notification to Congress of hospitalization of combat wounded members.".

SEC. 1618. COMPREHENSIVE PLAN ON PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF, AND RESEARCH ON, TRAUMATIC BRAIN INJURY, POST-TRAUMATIC STRESS DISORDER, AND OTHER MENTAL HEALTH CONDITIONS IN MEMBERS OF THE ARMED FORCES.

(a) COMPREHENSIVE STATEMENT OF POLICY.—The Secretary of Defense and the Secretary of Veterans Affairs shall direct joint planning among the Department of Defense, the military departments, and the Department of Veterans Affairs for the prevention, diagnosis, mitigation, treatment, and rehabilitation of, and research on, traumatic brain injury, post-traumatic stress disorder, and other mental health conditions in members of the Armed Forces, including planning for the seamless transition of such members from care through the Department of Defense to care through the Department of Veterans Affairs.

(b) COMPREHENSIVE PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, submit to the congressional defense committees a comprehensive plan for programs and activities of the Department of Defense to prevent, diagnose, mitigate, treat, research, and otherwise respond to traumatic brain injury, post-traumatic stress disorder, and other mental health conditions in members of the Armed Forces, including—

(1) an assessment of the current capabilities of the Department for the prevention, diagnosis, mitigation, treatment, and rehabilitation of, and research on, traumatic brain injury, post-traumatic stress disorder, and other mental health conditions in members of the Armed Forces;

(2) the identification of gaps in current capabilities of the Department for the prevention, diagnosis, mitigation, treatment, and rehabilitation of, and research on, traumatic brain injury, post-traumatic stress disorder, and other mental health conditions in members of the Armed Forces; and

(3) the identification of the resources required for the Department in fiscal years 2009 through 2013 to address the gaps in capabilities identified under paragraph (2).

(c) PROGRAM REQUIRED.—One of the programs contained in the comprehensive plan submitted under subsection (b) shall be a Department of Defense program, developed in collaboration with the Department of Veterans Affairs, under which each member of the Armed Forces who incurs a traumatic brain injury or post-traumatic stress disorder during service in the Armed Forces—

(1) is enrolled in the program; and

(2) receives treatment and rehabilitation meeting a standard of care such that each individual who qualifies for care under the program shall—

(A) be provided the highest quality, evidence-based care in facilities that most appropriately meet the specific needs of the individual; and

(B) be rehabilitated to the fullest extent possible using up-to-date evidence-based medical technology, and physical and medical rehabilitation practices and expertise.

(d) PROVISION OF INFORMATION REQUIRED.—The comprehensive plan submitted under subsection (b) shall require the provision of information by the Secretary of Defense to members of the Armed Forces with traumatic brain injury, post-traumatic stress disorder, or other mental health conditions and their families about their options with respect to the following:

(1) The receipt of medical and mental health care from the Department of Defense and the Department of Veterans Affairs.

(2) Additional options available to such members for treatment and rehabilitation of traumatic brain injury, post-traumatic stress disorder, and other mental health conditions.

(3) The options available, including obtaining a second opinion, to such members for a referral to an authorized provider under chapter 55 of title 10, United States Code, as determined under regulations prescribed by the Secretary of Defense.

(e) ADDITIONAL ELEMENTS OF PLAN.—The comprehensive plan submitted under subsection (b) shall include comprehensive proposals of the Department on the following:

(1) LEAD AGENT.—The designation by the Secretary of Defense of a lead agent or executive agent for the Department to coordinate development and implementation of the plan.

(2) DETECTION AND TREATMENT.—The improvement of methods and mechanisms for the detection and treatment of traumatic brain injury, post-traumatic stress disorder, and other mental health conditions in members of the Armed Forces in the field.

(3) REDUCTION OF PTSD.—The development of a plan for reducing post traumatic-stress disorder, incorporating evidence-based preventive and early-intervention measures,

practices, or procedures that reduce the likelihood that personnel in combat will develop post-traumatic stress disorder or other stress-related conditions (including substance abuse conditions) into—

(A) basic and pre-deployment training for enlisted members of the Armed Forces, noncommissioned officers, and officers;

(B) combat theater operations; and

(C) post-deployment service.

(4) RESEARCH.—Requirements for research on traumatic brain injury, post-traumatic stress disorder, and other mental health conditions including (in particular) research on pharmacological and other approaches to treatment for traumatic brain injury, post-traumatic stress disorder, or other mental health conditions, as applicable, and the allocation of priorities among such research.

(5) DIAGNOSTIC CRITERIA.—The development, adoption, and deployment of joint Department of Defense-Department of Veterans Affairs evidence-based diagnostic criteria for the detection and evaluation of the range of traumatic brain injury, post-traumatic stress disorder, and other mental health conditions in members of the Armed Forces, which criteria shall be employed uniformly across the military departments in all applicable circumstances, including provision of clinical care and assessment of future deployability of members of the Armed Forces.

(6) ASSESSMENT.—The development and deployment of evidence-based means of assessing traumatic brain injury, post-traumatic stress disorder, and other mental health conditions in members of the Armed Forces, including a system of pre-deployment and post-deployment screenings of cognitive ability in members for the detection of cognitive impairment.

(7) MANAGING AND MONITORING.—The development and deployment of effective means of managing and monitoring members of the Armed Forces with traumatic brain injury, post-traumatic stress disorder, or other mental health conditions in the receipt of care for traumatic brain injury, post-traumatic stress disorder, or other mental health conditions, as applicable, including the monitoring and assessment of treatment and outcomes.

(8) EDUCATION AND AWARENESS.—The development and deployment of an education and awareness training initiative designed to reduce the negative stigma associated with traumatic brain injury, post-traumatic stress disorder, and other mental health conditions, and mental health treatment.

(9) EDUCATION AND OUTREACH.—The provision of education and outreach to families of members of the Armed Forces with traumatic brain injury, post-traumatic stress disorder, or other mental health conditions on a range of matters relating to traumatic brain injury, post-traumatic stress disorder, or other mental health conditions, as applicable, including detection, mitigation, and treatment.

(10) RECORDING OF BLASTS.—A requirement that exposure to a blast or blasts be recorded in the records of members of the Armed Forces.

(11) GUIDELINES FOR BLAST INJURIES.—The development of clinical practice guidelines for the diagnosis and treatment of blast injuries in members of the Armed Forces, including, but not limited to, traumatic brain injury.

(12) GENDER- AND ETHNIC GROUP-SPECIFIC SERVICES AND TREATMENT.—The development of requirements, as appropriate, for gender- and ethnic group-specific medical care services and treatment for members of the Armed Forces who experience mental health problems and conditions, including post-traumatic stress disorder, with specific regard to the availability of, access to, and research and development requirements of such needs.

(f) COORDINATION IN DEVELOPMENT.—The comprehensive plan submitted under subsection (b) shall be developed in coordination with the Secretary of the Army (who was designated by the Secretary of Defense as executive agent for the prevention, mitigation, and treatment of blast injuries under section 256 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3181; 10 U.S.C. 1071 note)).

Subtitle B—Centers of Excellence in the Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury, Post-Traumatic Stress Disorder, and Eye Injuries

SEC. 1621. CENTER OF EXCELLENCE IN THE PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF TRAUMATIC BRAIN INJURY.

(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury, including mild, moderate, and severe traumatic brain injury, to carry out the responsibilities specified in subsection (c).

(b) PARTNERSHIPS.—The Secretary shall ensure that the Center collaborates to the maximum extent practicable with the Department of Veterans Affairs, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

(c) RESPONSIBILITIES.—The Center shall have responsibilities as follows:

(1) To implement the comprehensive plan and strategy for the Department of Defense, required by section 1618 of this Act, for the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury, including research on gender and ethnic group-specific health needs related to traumatic brain injury.

(2) To provide for the development, testing, and dissemination within the Department of best practices for the treatment of traumatic brain injury.

(3) To provide guidance for the mental health system of the Department in determining the mental health and neurological health personnel required to provide quality mental health care for members of the Armed Forces with traumatic brain injury.

(4) To establish, implement, and oversee a comprehensive program to train mental health and neurological health professionals of the Department in the treatment of traumatic brain injury.

(5) To facilitate advancements in the study of the short-term and long-term psychological effects of traumatic brain injury.

(6) To disseminate within the military medical treatment facilities of the Department best practices for training mental health professionals, including neurological health professionals, with respect to traumatic brain injury.

(7) To conduct basic science and translational research on traumatic brain injury for the purposes of understanding the etiology of traumatic brain injury and developing preventive interventions and new treatments.

(8) To develop programs and outreach strategies for families of members of the Armed Forces with traumatic brain injury in order to mitigate the negative impacts of traumatic brain injury on such family members and to support the recovery of such members from traumatic brain injury.

(9) To conduct research on the mental health needs of families of members of the Armed Forces with traumatic brain injury and develop protocols to address any needs identified through such research.

(10) To conduct longitudinal studies (using imaging technology and other proven research methods) on members of the Armed Forces with traumatic brain injury to identify early signs of Alzheimer's disease, Parkinson's disease, or other manifestations of neurodegeneration, as well as epilepsy, in such members, in coordination with the studies authorized by section 721 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2294) and other studies of the Department of Defense and the Department of Veterans Affairs that address the connection between exposure to combat and the development of Alzheimer's disease, Parkinson's disease, and other neurodegenerative disorders, as well as epilepsy.

(11) To develop and oversee a long-term plan to increase the number of mental health and neurological health professionals within the Department in order to facilitate the meeting by the Department of the needs of members of the Armed Forces with traumatic brain injury until their transition to care and treatment from the Department of Veterans Affairs.

(12) To develop a program on comprehensive pain management, including management of acute and chronic pain, to utilize current and develop new treatments for pain, and to identify and disseminate best practices on pain management related to traumatic brain injury.

(13) Such other responsibilities as the Secretary shall specify.

SEC. 1622. CENTER OF EXCELLENCE IN PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF POST-TRAUMATIC STRESS DISORDER AND OTHER MENTAL HEALTH CONDITIONS.

(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of post-traumatic stress disorder (PTSD) and other mental health conditions, including mild, moderate, and severe post-traumatic stress disorder and other mental health conditions, to carry out the responsibilities specified in subsection (c).

(b) PARTNERSHIPS.—The Secretary shall ensure that the center collaborates to the maximum extent practicable with the National Center on Post-Traumatic Stress Disorder of the Department of Veterans Affairs, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

(c) RESPONSIBILITIES.—The center shall have responsibilities as follows:

(1) To implement the comprehensive plan and strategy for the Department of Defense, required by section 1618 of this Act, for the prevention, diagnosis, mitigation, treatment, and rehabilitation of post-traumatic stress disorder and other mental health conditions, including research on gender- and ethnic group-specific health needs related to post-traumatic stress disorder and other mental health conditions.

(2) To provide for the development, testing, and dissemination within the Department of

best practices for the treatment of post-traumatic stress disorder.

(3) To provide guidance for the mental health system of the Department in determining the mental health and neurological health personnel required to provide quality mental health care for members of the Armed Forces with post-traumatic stress disorder and other mental health conditions.

(4) To establish, implement, and oversee a comprehensive program to train mental health and neurological health professionals of the Department in the treatment of post-traumatic stress disorder and other mental health conditions.

(5) To facilitate advancements in the study of the short-term and long-term psychological effects of post-traumatic stress disorder and other mental health conditions.

(6) To disseminate within the military medical treatment facilities of the Department best practices for training mental health professionals, including neurological health professionals, with respect to post-traumatic stress disorder and other mental health conditions.

(7) To conduct basic science and translational research on post-traumatic stress disorder for the purposes of understanding the etiology of post-traumatic stress disorder and developing preventive interventions and new treatments.

(8) To develop programs and outreach strategies for families of members of the Armed Forces with post-traumatic stress disorder and other mental health conditions in order to mitigate the negative impacts of post-traumatic stress disorder and other mental health conditions on such family members and to support the recovery of such members from post-traumatic stress disorder and other mental health conditions.

(9) To conduct research on the mental health needs of families of members of the Armed Forces with post-traumatic stress disorder and other mental health conditions and develop protocols to address any needs identified through such research.

(10) To develop and oversee a long-term plan to increase the number of mental health and neurological health professionals within the Department in order to facilitate the meeting by the Department of the needs of members of the Armed Forces with post-traumatic stress disorder and other mental health conditions until their transition to care and treatment from the Department of Veterans Affairs.

SEC. 1623. CENTER OF EXCELLENCE IN PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF MILITARY EYE INJURIES.

(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of military eye injuries to carry out the responsibilities specified in subsection (c).

(b) PARTNERSHIPS.—The Secretary shall ensure that the center collaborates to the maximum extent practicable with the Secretary of Veterans Affairs, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The center shall—

(A) implement a comprehensive plan and strategy for the Department of Defense, as developed by the Secretary of Defense, for a registry of information for the tracking of the diagnosis, surgical intervention or other operative procedure, other treatment, and follow up for each case of significant eye injury incurred by a member of the Armed Forces while serving on active duty;

(B) ensure the electronic exchange with the Secretary of Veterans Affairs of information obtained through tracking under subparagraph (A); and

(C) enable the Secretary of Veterans Affairs to access the registry and add information pertaining to additional treatments or surgical procedures and eventual visual outcomes for veterans who were entered into the registry and subsequently received treatment through the Veterans Health Administration.

(2) DESIGNATION OF REGISTRY.—The registry under this subsection shall be known as the "Military Eye Injury Registry" (hereinafter referred to as the "Registry").

(3) CONSULTATION IN DEVELOPMENT.—The center shall develop the Registry in consultation with the ophthalmological specialist personnel and optometric specialist personnel of the Department of Defense and the ophthalmological specialist personnel and optometric specialist personnel of the Department of Veterans Affairs. The mechanisms and procedures of the Registry shall reflect applicable expert research on military and other eye injuries.

(4) MECHANISMS.—The mechanisms of the Registry for tracking under paragraph (1)(A) shall ensure that each military medical treatment facility or other medical facility shall submit to the center for inclusion in the Registry information on the diagnosis, surgical intervention or other operative procedure, other treatment, and follow up for each case of eye injury described in that paragraph as follows (to the extent applicable):

(A) Not later than 30 days after surgery or other operative intervention, including a surgery or other operative intervention carried out as a result of a follow-up examination.

(B) Not later than 180 days after the significant eye injury is reported or recorded in the medical record.

(5) COORDINATION OF CARE AND BENEFITS.—(A) The center shall provide notice to the Blind Rehabilitation Service of the Department of Veterans Affairs and to the eye care services of the Veterans Health Administration on each member of the Armed Forces described in subparagraph (B) for purposes of ensuring the coordination of the provision of ongoing eye care and visual rehabilitation benefits and services by the Department of Veterans Affairs after the separation or release of such member from the Armed Forces.

(B) A member of the Armed Forces described in this subparagraph is a member of the Armed Forces as follows:

(i) A member with a significant eye injury incurred while serving on active duty, including a member with visual dysfunction related to traumatic brain injury.

(ii) A member with an eye injury incurred while serving on active duty who has a visual acuity of 20/200 or less in the injured eye.

(iii) A member with an eye injury incurred while serving on active duty who has a loss of peripheral vision resulting in 20 degrees or less of visual field in the injured eye.

(d) UTILIZATION OF REGISTRY INFORMATION.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly ensure that information in the Registry is available to appropriate ophthalmological and optometric personnel of the Department of Defense and the Department of Veterans Affairs for purposes of encouraging and facilitating the conduct of research, and the development of best practices and clinical education, on eye injuries incurred by members of the Armed Forces in combat.

(e) INCLUSION OF RECORDS OF OIF/OEF VETERANS.—The Secretary of Defense shall take appropriate actions to include in the Registry such records of members of the Armed Forces who incurred an eye injury while serving on active duty on or after September 11, 2001, but before the establishment of the Registry, as the Secretary considers appropriate for purposes of the Registry.

(f) TRAUMATIC BRAIN INJURY POST TRAUMATIC VISUAL SYNDROME.—In carrying out the program at Walter Reed Army Medical Center, District of Columbia, on traumatic brain injury post traumatic visual syndrome, the Secretary of Defense and the Department of Veterans Affairs shall jointly provide for the conduct of a cooperative program for members of the Armed Forces and veterans with traumatic brain injury by military medical treatment facilities of the Department of Defense and medical centers of the Department of Veterans Affairs selected for purposes of this subsection for purposes of vision screening, diagnosis, rehabilitative management, and vision research, including research on prevention, on visual dysfunction related to traumatic brain injury.

SEC. 1624. REPORT ON ESTABLISHMENT OF CENTERS OF EXCELLENCE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on—

(1) the establishment of the center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury under section 1621;

(2) the establishment of the center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of post-traumatic stress disorder and other mental health conditions under section 1622; and

(3) the establishment of the center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of military eye injuries under section 1623.

(b) MATTERS COVERED.—The report shall, for each such center—

(1) describe in detail the activities and proposed activities of such center; and

(2) assess the progress of such center in discharging the responsibilities of such center.

Subtitle C—Health Care Matters

SEC. 1631. MEDICAL CARE AND OTHER BENEFITS FOR MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES WITH SEVERE INJURIES OR ILLNESSES.

(a) MEDICAL AND DENTAL CARE FOR FORMER MEMBERS.—

(1) IN GENERAL.—Effective as of the date of the enactment of this Act and subject to regulations prescribed by the Secretary of Defense, the Secretary may authorize that any former member of the Armed Forces with a serious injury or illness may receive the same medical and dental care as a member of the Armed Forces on active duty for medical and dental care not reasonably available to such former member in the Department of Veterans Affairs.

(2) SUNSET.—The Secretary of Defense may not provide medical or dental care to a former member of the Armed Forces under this subsection after December 31, 2012, if the Secretary has not provided medical or dental care to the former member under this subsection before that date.

(b) REHABILITATION AND VOCATIONAL BENEFITS.—

(1) IN GENERAL.—Effective as of the date of the enactment of this Act, a member of the

Armed Forces with a severe injury or illness is entitled to such benefits (including rehabilitation and vocational benefits, but not including compensation) from the Secretary of Veterans Affairs to facilitate the recovery and rehabilitation of such member as the Secretary otherwise provides to veterans of the Armed Forces receiving medical care in medical facilities of the Department of Veterans Affairs facilities in order to facilitate the recovery and rehabilitation of such members.

(2) SUNSET.—The Secretary of Veterans Affairs may not provide benefits to a member of the Armed Forces under this subsection after December 31, 2012, if the Secretary has not provided benefits to the member under this subsection before that date.

SEC. 1632. REIMBURSEMENT OF TRAVEL EXPENSES OF RETIRED MEMBERS WITH COMBAT-RELATED DISABILITIES FOR FOLLOW-ON SPECIALTY CARE, SERVICES, AND SUPPLIES.

(a) TRAVEL.—Section 1074i of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) OUTREACH PROGRAM AND TRAVEL REIMBURSEMENT FOR FOLLOW-ON SPECIALTY CARE AND RELATED SERVICES.—The Secretary concerned shall ensure that an outreach program is implemented for each member of the uniformed services who incurred a combat-related disability and is entitled to retired or retainer pay, or equivalent pay, so that—

"(1) the progress of the member is closely monitored; and

"(2) the member receives the travel reimbursement authorized by subsection (a) whenever the member requires follow-on specialty care, services, or supplies.".

(b) COMBAT-RELATED DISABILITY DEFINED.—Subsection (c) of such section, as redesignated by subsection (a)(1), is amended by adding at the end the following new paragraph:

"(3) The term 'combat-related disability' has the meaning given that term in section 1413a of this title.".

(c) EFFECTIVE DATE.—Subsection (b) of section 1074i of title 10, United States Code, as added by subsection (a)(2), shall apply with respect to travel described in subsection (a) of such section that occurs on or after January 1, 2008, for follow-on specialty care, services, or supplies.

SEC. 1633. RESPITE CARE AND OTHER EXTENDED CARE BENEFITS FOR MEMBERS OF THE UNIFORMED SERVICES WHO INCUR A SERIOUS INJURY OR ILLNESS ON ACTIVE DUTY.

(a) IN GENERAL.—Section 1074(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4)(A) Subject to such terms and conditions as the Secretary of Defense considers appropriate, coverage comparable to that provided by the Secretary under subsections (d) and (e) of section 1079 of this title shall be provided under this subsection to members of the uniformed services who incur a serious injury or illness on active duty as defined by regulations prescribed by the Secretary.

"(B) The Secretary of Defense shall prescribe in regulations—

"(i) the individuals who shall be treated as the primary caregivers of a member of the uniformed services for purposes of this paragraph; and

"(ii) the definition of serious injury or illness for the purposes of this paragraph.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2008.

SEC. 1634. REPORTS.

(a) REPORTS ON IMPLEMENTATION OF CERTAIN REQUIREMENTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the progress in implementing the requirements as follows:

(1) The requirements of section 721 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2294), relating to a longitudinal study on traumatic brain injury incurred by members of the Armed Forces in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) The requirements of section 741 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2304), relating to pilot projects on early diagnosis and treatment of post-traumatic stress disorder and other mental health conditions.

(b) ANNUAL REPORTS ON EXPENDITURES FOR ACTIVITIES ON TBI AND PTSD.—

(1) REPORTS REQUIRED.—Not later than March 1, 2008, and each year thereafter through 2013, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the amounts expended by the Department of Defense during the preceding calendar year on activities described in paragraph (2), including the amount allocated during such calendar year to the Defense and Veterans Brain Injury Center of the Department.

(2) COVERED ACTIVITIES.—The activities described in this paragraph are activities as follows:

(A) Activities relating to the improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with traumatic brain injury (TBI).

(B) Activities relating to the improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with post-traumatic stress disorder (PTSD).

(3) ELEMENTS.—Each report under paragraph (1) shall include—

(A) a description of the amounts expended as described in that paragraph, including a description of the activities for which expended;

(B) a description and assessment of the outcome of such activities;

(C) a statement of priorities of the Department in activities relating to the prevention, diagnosis, research, treatment, and rehabilitation of traumatic brain injury in members of the Armed Forces during the year in which such report is submitted and in future calendar years;

(D) a statement of priorities of the Department in activities relating to the prevention, diagnosis, research, treatment, and rehabilitation of post-traumatic stress disorder and other mental health conditions in members of the Armed Forces during the year in which such report is submitted and in future calendar years; and

(E) an assessment of the progress made toward achieving the priorities stated in subparagraphs (C) and (D) in the report under paragraph (1) in the previous year, and a description of any actions planned during the year in which such report is submitted to achieve any unfulfilled priorities during such year.

SEC. 1635. FULLY INTEROPERABLE ELECTRONIC PERSONAL HEALTH INFORMATION FOR THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly—

(1) develop and implement electronic health record systems or capabilities that allow for full interoperability of personal health care information between the Department of Defense and the Department of Veterans Affairs; and

(2) accelerate the exchange of health care information between the Department of Defense and the Department of Veterans Affairs in order to support the delivery of health care by both Departments.

(b) DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS INTERAGENCY PROGRAM OFFICE.—

(1) IN GENERAL.—There is hereby established an interagency program office of the Department of Defense and the Department of Veterans Affairs (in this section referred to as the "Office") for the purposes described in paragraph (2).

(2) PURPOSES.—The purposes of the Office shall be as follows:

(A) To act as a single point of accountability for the Department of Defense and the Department of Veterans Affairs in the rapid development and implementation of electronic health record systems or capabilities that allow for full interoperability of personal health care information between the Department of Defense and the Department of Veterans Affairs.

(B) To accelerate the exchange of health care information between the Department of Defense and the Department of Veterans Affairs in order to support the delivery of health care by both Departments.

(c) LEADERSHIP.—

(1) DIRECTOR.—The Director of the Office shall be the head of the Office.

(2) DEPUTY DIRECTOR.—The Deputy Director of the Office shall be the deputy head of the Office and shall assist the Director in carrying out the duties of the Director.

(3) APPOINTMENTS.—(A) The Director shall be appointed by the Secretary of Defense, with the concurrence of the Secretary of Veterans Affairs, from among persons who are qualified to direct the development, acquisition, and integration of major information technology capabilities.

(B) The Deputy Director shall be appointed by the Secretary of Veterans Affairs, with the concurrence of the Secretary of Defense, from among employees of the Department of Defense and the Department of Veterans Affairs in the Senior Executive Service who are qualified to direct the development, acquisition, and integration of major information technology capabilities.

(4) ADDITIONAL GUIDANCE.—In addition to the direction, supervision, and control provided by the Secretary of Defense and the Secretary of Veterans Affairs, the Office shall also receive guidance from the Department of Veterans Affairs-Department of Defense Joint Executive Committee under section 320 of title 38, United States Code, in the discharge of the functions of the Office under this section.

(5) TESTIMONY.—Upon request by any of the appropriate committees of Congress, the Director and the Deputy Director shall testify before such committee regarding the discharge of the functions of the Office under this section.

(d) FUNCTION.—The function of the Office shall be to implement, by not later than September 30, 2009, electronic health record systems or capabilities that allow for full interoperability of personal health care information between the Department of Defense and the Department of Veterans Affairs, which health records shall comply with applicable interoperability standards, implementation specifications, and certification criteria (including for the reporting of quality measures) of the Federal Government.

(e) SCHEDULES AND BENCHMARKS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly establish a schedule and benchmarks for the discharge by the Office of its function under this section, including each of the following:

(1) A schedule for the establishment of the Office.

(2) A schedule and deadline for the establishment of the requirements for electronic health record systems or capabilities described in subsection (d), including coordination with the Office of the National Coordinator for Health Information Technology in the development of a nationwide interoperable health information technology infrastructure.

(3) A schedule and associated deadlines for any acquisition and testing required in the implementation of electronic health record systems or capabilities that allow for full interoperability of personal health care information between the Department of Defense and the Department of Veterans Affairs.

(4) A schedule and associated deadlines and requirements for the implementation of electronic health record systems or capabilities that allow for full interoperability of personal health care information between the Department of Defense and the Department of Veterans Affairs.

(f) PILOT PROJECTS.—

(1) AUTHORITY.—In order to assist the Office in the discharge of its function under this section, the Secretary of Defense and the Secretary of Veterans Affairs may, acting jointly, carry out one or more pilot projects to assess the feasibility and advisability of various technological approaches to the achievement of the electronic health record systems or capabilities described in subsection (d).

(2) SHARING OF PROTECTED HEALTH INFORMATION.—For purposes of each pilot project carried out under this subsection, the Secretary of Defense and the Secretary of Veterans Affairs shall, for purposes of the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note), ensure the effective sharing of protected health information between the health care system of the Department of Defense and the health care system of the Department of Veterans Affairs as needed to provide all health care services and other benefits allowed by law.

(g) STAFF AND OTHER RESOURCES.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall assign to the Office such personnel and other resources of the Department of Defense and the Department of Veterans Affairs as are required for the discharge of its function under this section.

(2) ADDITIONAL SERVICES.—Subject to the approval of the Secretary of Defense and the Secretary of Veterans Affairs, the Director may utilize the services of private individuals and entities as consultants to the Office in the discharge of its function under this section. Amounts available to the Office shall be available for payment for such services.

(h) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than January 1, 2009, and each year thereafter through 2014, the Director shall submit to the Secretary of Defense and the Secretary of Veterans Affairs, and to the appropriate committees of Congress, a report on the activities of the Office during the preceding calendar year. Each report shall include, for the year covered by such report, the following:

(A) A detailed description of the activities of the Office, including a detailed description of the amounts expended and the purposes for which expended.

(B) An assessment of the progress made by the Department of Defense and the Department of Veterans Affairs in the full implementation of electronic health record systems or capabilities described in subsection (d).

(2) AVAILABILITY TO PUBLIC.—The Secretary of Defense and the Secretary of Veterans Affairs shall make available to the public each report submitted under paragraph (1), including by posting such report on the Internet website of the Department of Defense and the Department of Veterans Affairs, respectively, that is available to the public.

(i) COMPTROLLER GENERAL ASSESSMENT OF IMPLEMENTATION.—Not later than six months after the date of the enactment of this Act and every six months thereafter until the completion of the implementation of electronic health record systems or capabilities described in subsection (d), the Comptroller General of the United States shall submit to the appropriate committees of Congress a report setting forth the assessment of the Comptroller General of the progress of the Department of Defense and the Department of Veterans Affairs in implementing electronic health record systems or capabilities described in subsection (d).

SEC. 1636. ENHANCED PERSONNEL AUTHORITIES FOR THE DEPARTMENT OF DEFENSE FOR HEALTH CARE PROFESSIONALS FOR CARE AND TREATMENT OF WOUNDED AND INJURED MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 1599c of title 10, United States Code, is amended to read as follows:

"§ 1599c. Health care professionals: enhanced appointment and compensation authority for personnel for care and treatment of wounded and injured members of the armed forces

"(a) IN GENERAL.—The Secretary of Defense may, at the discretion of the Secretary, exercise any authority for the appointment and pay of health care personnel under chapter 74 of title 38 for purposes of the recruitment, employment, and retention of civilian health care professionals for the Department of Defense if the Secretary determines that the exercise of such authority is necessary in order to provide or enhance the capacity of the Department to provide care and treatment for members of the armed forces who are wounded or injured on active duty in the armed forces and to support the ongoing patient care and medical readiness, education, and training requirements of the Department of Defense.

"(b) RECRUITMENT OF PERSONNEL.—(1) The Secretaries of the military departments shall each develop and implement a strategy to disseminate among appropriate personnel of the military departments authorities and best practices for the recruitment of medical and health professionals, including the authorities under subsection (a).

"(2) Each strategy under paragraph (1) shall—

"(A) assess current recruitment policies, procedures, and practices of the military department concerned to assure that such strategy facilitates the implementation of efficiencies which reduce the time required to fill vacant positions for medical and health professionals; and

"(B) clearly identify processes and actions that will be used to inform and educate military and civilian personnel responsible for the recruitment of medical and health professionals.

"(c) TERMINATION OF AUTHORITY.—The authority of the Secretary of Defense to exercise authorities available under chapter 74 of title 38 for purposes of the recruitment, employment, and retention of civilian health care professionals for the Department of Defense expires September 30, 2010.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by striking the item relating to section 1599c and inserting the following new item:

"1599c. Health care professionals: enhanced appointment and compensation authority for personnel for care and treatment of wounded and injured members of the armed forces.".

(c) REPORTS ON STRATEGIES ON RECRUITMENT OF MEDICAL AND HEALTH PROFESSIONALS.—Not later than six months after the date of the enactment of this Act, each Secretary of a military department shall submit to the congressional defense committees a report setting forth the strategy developed by such Secretary under section 1599c(b) of title 10, United States Code, as added by subsection (a).

SEC. 1637. CONTINUATION OF TRANSITIONAL HEALTH BENEFITS FOR MEMBERS OF THE ARMED FORCES PENDING RESOLUTION OF SERVICE-RELATED MEDICAL CONDITIONS.

Section 1145(a) of title 10, United States Code, is amended—

(1) in paragraph (3), by striking "Transitional health care" and inserting "Except as provided in paragraph (6), transitional health care"; and

(2) by adding at the end the following new paragraph:

"(6)(A) A member who has a medical condition relating to service on active duty that warrants further medical care that has been identified during the member's 180-day transition period, which condition can be resolved within 180 days as determined by a Department of Defense physician, shall be entitled to receive medical and dental care for that medical condition, and that medical condition only, as if the member were a member of the armed forces on active duty for 180 days following the diagnosis of the condition.

"(B) The Secretary concerned shall ensure that the Defense Enrollment and Eligibility Reporting System (DEERS) is continually updated in order to reflect the continuing entitlement of members covered by subparagraph (A) to the medical and dental care referred to in that subparagraph.".

Subtitle D—Disability Matters

SEC. 1641. UTILIZATION OF VETERANS' PRESUMPTION OF SOUND CONDITION IN ESTABLISHING ELIGIBILITY OF MEMBERS OF THE ARMED FORCES FOR RETIREMENT FOR DISABILITY.

(a) RETIREMENT OF REGULARS AND MEMBERS ON ACTIVE DUTY FOR MORE THAN 30 DAYS.—Clause (i) of section 1201(b)(3)(B) of title 10, United States Code, is amended to read as follows:

"(i) the member has six months or more of active military service and the disability was not noted at the time of the member's entrance on active duty (unless compelling evidence or medical judgment is such to warrant a finding that the disability existed before the member's entrance on active duty);".

(b) Separation of Regulars and Members on Active Duty for More Than 30 Days.—Section 1203(b)(4)(B) of such title is amended by striking "and the member has at least eight years of service computed under section 1208 of this title" and inserting ", the member has six months or more of active military service, and the disability was not noted at the time of the member's entrance on active duty (unless evidence or medical judgment is such to warrant a finding that the disability existed before the member's entrance on active duty)".

SEC. 1642. REQUIREMENTS AND LIMITATIONS ON DEPARTMENT OF DEFENSE DETERMINATIONS OF DISABILITY WITH RESPECT TO MEMBERS OF THE ARMED FORCES.

(a) In General.—Chapter 61 of title 10, United States Code, is amended by inserting after section 1216 the following new section:

"§ 1216a. Determinations of disability: requirements and limitations on determinations

"(a) Utilization of VA Schedule for Rating Disabilities in Determinations of Disability.—(1) In making a determination of disability of a member of the armed forces for purposes of this chapter, the Secretary concerned—

"(A) shall, to the extent feasible, utilize the schedule for rating disabilities in use by the Department of Veterans Affairs, including any applicable interpretation of the schedule by the United States Court of Appeals for Veterans Claims; and

"(B) except as provided in paragraph (2), may not deviate from the schedule or any such interpretation of the schedule.

"(2) In making a determination described in paragraph (1), the Secretary concerned may utilize in lieu of the schedule described in that paragraph such criteria as the Secretary of Defense and the Secretary of Veterans Affairs may jointly prescribe for purposes of this subsection if the utilization of such criteria will result in a determination of a greater percentage of disability than would be otherwise determined through the utilization of the schedule.

"(b) Consideration of All Medical Conditions.—In making a determination of the rating of disability of a member of the armed forces for purposes of this chapter, the Secretary concerned shall take into account all medical conditions, whether individually or collectively, that render the member unfit to perform the duties of the member's office, grade, rank, or rating.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 61 of such title is amended by inserting after the item relating to section 1216 the following new item:

"1216a. Determinations of disability: requirements and limitations on determinations.".

SEC. 1643. REVIEW OF SEPARATION OF MEMBERS OF THE ARMED FORCES SEPARATED FROM SERVICE WITH A DISABILITY RATING OF 20 PERCENT DISABLED OR LESS.

(a) Board Required.—

(1) In general.—Chapter 79 of title 10, United States Code, is amended by inserting after section 1554 the following new section:

"§ 1554a. Review of separation with disability rating of 20 percent disabled or less

"(a) In General.—(1) The Secretary of Defense shall establish within the Office of the Secretary of Defense a board of review to review the disability determinations of covered individuals by Physical Evaluation Boards. The board shall be known as the 'Physical Disability Board of Review'.

"(2) The Physical Disability Board of Review shall consist of not less than three members appointed by the Secretary.

"(b) Covered Individuals.—For purposes of this section, covered individuals are members and former members of the armed forces who, during the period beginning on September 11, 2001, and ending on December 31, 2009—

"(1) are separated from the armed forces due to unfitness for duty due to a medical condition with a disability rating of 20 percent disabled or less; and

"(2) are found to be not eligible for retirement.

"(c) Review.—(1) Upon the request of a covered individual, or a surviving spouse, next of kin, or legal representative of a covered individual, the Physical Disability Board of Review shall review the findings and decisions of the Physical Evaluation Board with respect to such covered individual. Subject to paragraph (3), upon its own motion, the Physical Disability Board of Review may review the findings and decisions of the Physical Evaluation Board with respect to a covered individual.

"(2) The review by the Physical Disability Board of Review under paragraph (1) shall be based on the records of the armed force concerned and such other evidence as may be presented to the Physical Disability Board of Review. A witness may present evidence to the Board by affidavit or by any other means considered acceptable by the Secretary of Defense.

"(3) If the Physical Disability Board of Review proposes to review, upon its own motion, the findings and decisions of the Physical Evaluation Board with respect to a covered individual, the Physical Disability Board of Review shall notify the covered individual, or a surviving spouse, next of kin, or legal representative of the covered individual, of the proposed review and obtain the consent of the covered individual or a surviving spouse, next of kin, or legal representative of the covered individual before proceeding with the review.

"(4) With respect to any review by the Physical Disability Board of Review of the findings and decisions of the Physical Evaluation Board with respect to a covered individual, whether initiated at the request of the covered individual or a surviving spouse, next of kin, or legal representative of the covered individual or initiated by the Physical Disability Board of Review, the Physical Disability Board of Review shall notify the covered individual or a surviving spouse, next of kin, or legal representative of the covered individual that, as a result of the request or consent, the covered individual or a surviving spouse, next of kin, or legal representative of the covered individual may not seek relief from the Board for Correction of Military Records operated by the Secretary concerned.

"(d) Authorized Recommendations.—The Physical Disability Board of Review may, as a result of its findings under a review under subsection (c), recommend to the Secretary concerned the following (as applicable) with respect to a covered individual:

"(1) No recharacterization of the separation of such individual or modification of the disability rating previously assigned such individual.

"(2) The recharacterization of the separation of such individual to retirement for disability.

"(3) The modification of the disability rating previously assigned such individual by the Physical Evaluation Board concerned, which modified disability rating may not be a reduction of the disability rating previously assigned such individual by that Physical Evaluation Board.

"(4) The issuance of a new disability rating for such individual.

"(e) Correction of Military Records.—(1) The Secretary concerned may correct the military records of a covered individual in accordance with a recommendation made by the Physical Disability Board of Review under subsection (d). Any such correction may be made effective as of the effective date of the action taken on the report of the Physical Evaluation Board to which such recommendation relates.

"(2) In the case of a member previously separated pursuant to the findings and decision of a Physical Evaluation Board together with a lump-sum or other payment of back pay and allowances at separation, the amount of pay or other monetary benefits to which such member would be entitled based on the member's military record as corrected shall be reduced to take into account receipt of such lump-sum or other payment in such manner as the Secretary of Defense considers appropriate.

"(3) If the Physical Disability Board of Review makes a recommendation not to correct the military records of a covered individual, the action taken on the report of the Physical Evaluation Board to which such recommendation relates shall be treated as final as of the date of such action.

"(f) Regulations.—(1) This section shall be carried out in accordance with regulations prescribed by the Secretary of Defense.

"(2) The regulations under paragraph (1) shall specify reasonable deadlines for the performance of reviews required by this section.

"(3) The regulations under paragraph (1) shall specify the effect of a determination or pending determination of a Physical Evaluation Board on considerations by boards for correction of military records under section 1552 of this title.".

(2) Clerical amendment.—The table of sections at the beginning of chapter 79 of such title is amended by inserting after the item relating to section 1554 the following new item:

"1554a. Review of separation with disability rating of 20 percent disabled or less.".

(b) Implementation.—The Secretary of Defense shall establish the board of review required by section 1554a of title 10, United States Code (as added by subsection (a)), and prescribe the regulations required by such section, not later than 90 days after the date of the enactment of this Act.

SEC. 1644. AUTHORIZATION OF PILOT PROGRAMS TO IMPROVE THE DISABILITY EVALUATION SYSTEM FOR MEMBERS OF THE ARMED FORCES.

(a) Pilot Programs.—

(1) Programs authorized.—For the purposes set forth in subsection (c), the Secretary of Defense may establish and conduct pilot programs with respect to the system of the Department of Defense for the evaluation of the disabilities of members of the Armed Forces who are being separated or retired from the Armed Forces for disability under chapter 61 of title 10, United States Code (in this section referred to as the "disability evaluation system").

(2) Types of pilot programs.—In carrying out this section, the Secretary of Defense

may conduct one or more of the pilot programs described in paragraphs (1) through (3) of subsection (b) or such other pilot programs as the Secretary of Defense considers appropriate.

(3) CONSULTATION.—In establishing and conducting any pilot program under this section, the Secretary of Defense shall consult with the Secretary of Veterans Affairs.

(b) SCOPE OF PILOT PROGRAMS.—

(1) DISABILITY DETERMINATIONS BY DOD UTILIZING VA ASSIGNED DISABILITY RATING.—Under one of the pilot programs authorized by subsection (a), for purposes of making a determination of disability of a member of the Armed Forces under section 1201(b) of title 10, United States Code, for the retirement, separation, or placement of the member on the temporary disability retired list under chapter 61 of such title, upon a determination by the Secretary of the military department concerned that the member is unfit to perform the duties of the member's office, grade, rank, or rating because of a physical disability as described in section 1201(a) of such title—

(A) the Secretary of Veterans Affairs may—

(i) conduct an evaluation of the member for physical disability; and

(ii) assign the member a rating of disability in accordance with the schedule for rating disabilities utilized by the Secretary of Veterans Affairs based on all medical conditions (whether individually or collectively) that render the member unfit for duty; and

(B) the Secretary of the military department concerned may make the determination of disability regarding the member utilizing the rating of disability assigned under subparagraph (A)(ii).

(2) DISABILITY DETERMINATIONS UTILIZING JOINT DOD/VA ASSIGNED DISABILITY RATING.—Under one of the pilot programs authorized by subsection (a), in making a determination of disability of a member of the Armed Forces under section 1201(b) of title 10, United States Code, for the retirement, separation, or placement of the member on the temporary disability retired list under chapter 61 of such title, the Secretary of the military department concerned may, upon determining that the member is unfit to perform the duties of the member's office, grade, rank, or rating because of a physical disability as described in section 1201(a) of such title—

(A) provide for the joint evaluation of the member for disability by the Secretary of the military department concerned and the Secretary of Veterans Affairs, including the assignment of a rating of disability for the member in accordance with the schedule for rating disabilities utilized by the Secretary of Veterans Affairs based on all medical conditions (whether individually or collectively) that render the member unfit for duty; and

(B) make the determination of disability regarding the member utilizing the rating of disability assigned under subparagraph (A).

(3) ELECTRONIC CLEARING HOUSE.—Under one of the pilot programs authorized by subsection (a), the Secretary of Defense may establish and operate a single Internet website for the disability evaluation system of the Department of Defense that enables participating members of the Armed Forces to fully utilize such system through the Internet, with such Internet website to include the following:

(A) The availability of any forms required for the utilization of the disability evaluation system by members of the Armed Forces under the system.

(B) Secure mechanisms for the submission of such forms by members of the Armed Forces under the system, and for the tracking of the acceptance and review of any forms so submitted.

(C) Secure mechanisms for advising members of the Armed Forces under the system of any additional information, forms, or other items that are required for the acceptance and review of any forms so submitted.

(D) The continuous availability of assistance to members of the Armed Forces under the system (including assistance through the caseworkers assigned to such members of the Armed Forces) in submitting and tracking such forms, including assistance in obtaining information, forms, or other items described by subparagraph (C).

(E) Secure mechanisms to request and receive personnel files or other personnel records of members of the Armed Forces under the system that are required for submission under the disability evaluation system, including the capability to track requests for such files or records and to determine the status of such requests and of responses to such requests.

(4) OTHER PILOT PROGRAMS.—The pilot programs authorized by subsection (a) may also provide for the development, evaluation, and identification of such practices and procedures under the disability evaluation system as the Secretary considers appropriate for purposes set forth in subsection (c).

(c) PURPOSES.—A pilot program established under subsection (a) may have one or more of the following purposes:

(1) To provide for the development, evaluation, and identification of revised and improved practices and procedures under the disability evaluation system in order to—

(A) reduce the processing time under the disability evaluation system of members of the Armed Forces who are likely to be retired or separated for disability, and who have not requested continuation on active duty, including, in particular, members who are severely wounded;

(B) identify and implement or seek the modification of statutory or administrative policies and requirements applicable to the disability evaluation system that—

(i) are unnecessary or contrary to applicable best practices of civilian employers and civilian healthcare systems; or

(ii) otherwise result in hardship, arbitrary, or inconsistent outcomes for members of the Armed Forces, or unwarranted inefficiencies and delays;

(C) eliminate material variations in policies, interpretations, and overall performance standards among the military departments under the disability evaluation system; and

(D) determine whether it enhances the capability of the Department of Veterans Affairs to receive and determine claims from members of the Armed Forces for compensation, pension, hospitalization, or other veterans benefits.

(2) In conjunction with the findings and recommendations of applicable Presidential and Department of Defense study groups, to provide for the eventual development of revised and improved practices and procedures for the disability evaluation system in order to achieve the objectives set forth in paragraph (1).

(d) UTILIZATION OF RESULTS IN UPDATES OF COMPREHENSIVE POLICY ON CARE, MANAGEMENT, AND TRANSITION OF RECOVERING SERVICE MEMBERS.—The Secretary of Defense and the Secretary of Veterans Affairs, acting jointly, may incorporate responses to any findings and recommendations arising under the pilot programs conducted under subsection (a) in updating the comprehensive policy on the care and management of covered service members under section 1611(a)(4).

(e) CONSTRUCTION WITH OTHER AUTHORITIES.—

(1) IN GENERAL.—Subject to paragraph (2), in carrying out a pilot program under subsection (a)—

(A) the rules and regulations of the Department of Defense and the Department of Veterans Affairs relating to methods of determining fitness or unfitness for duty and disability ratings for members of the Armed Forces shall apply to the pilot program only to the extent provided in the report on the pilot program under subsection (g)(1); and

(B) the Secretary of Defense and the Secretary of Veterans Affairs may waive any provision of title 10, 37, or 38, United States Code, relating to methods of determining fitness or unfitness for duty and disability ratings for members of the Armed Forces if the Secretaries determine in writing that the application of such provision would be inconsistent with the purpose of the pilot program.

(2) LIMITATION.—Nothing in paragraph (1) shall be construed to authorize the waiver of any provision of section 1216a of title 10, United States Code, as added by section 1642 of this Act.

(f) DURATION.—Each pilot program conducted under subsection (a) shall be completed not later than one year after the date of the commencement of such pilot program under that subsection.

(g) REPORTS.—

(1) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on each pilot program that has been commenced as of that date under subsection (a). The report shall include—

(A) a description of the scope and objectives of the pilot program;

(B) a description of the methodology to be used under the pilot program to ensure rapid identification under such pilot program of revised or improved practices under the disability evaluation system in order to achieve the objectives set forth in subsection (c)(1); and

(C) a statement of any provision described in subsection (e)(1)(B) that will not apply to the pilot program by reason of a waiver under that subsection.

(2) INTERIM REPORT.—Not later than 180 days after the date of the submittal of the report required by paragraph (1) with respect to a pilot program, the Secretary shall submit to the appropriate committees of Congress a report describing the current status of the pilot program.

(3) FINAL REPORT.—Not later than 90 days after the completion of all of the pilot programs conducted under subsection (a), the Secretary shall submit to the appropriate committees of Congress a report setting forth a final evaluation and assessment of the pilot programs. The report shall include such recommendations for legislative or administrative action as the Secretary considers appropriate in light of such pilot programs.

SEC. 1645. REPORTS ON ARMY ACTION PLAN IN RESPONSE TO DEFICIENCIES IN THE ARMY PHYSICAL DISABILITY EVALUATION SYSTEM.

(a) REPORTS REQUIRED.—Not later than June 1, 2008, and June 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of corrective measures by the Department of Defense with respect to the Physical Disability Evaluation System (PDES) in response to the following:

(1) The report of the Inspector General of the Army on that system of March 6, 2007.

(2) The report of the Independent Review Group on Rehabilitation Care and Administrative Processes at Walter Reed Army Medical Center and National Naval Medical Center.

(3) The report of the Department of Veterans Affairs Task Force on Returning Global War on Terror Heroes.

(b) ELEMENTS OF REPORT.—Each report under subsection (a) shall include current information on the following:

(1) The total number of cases, and the number of cases involving combat disabled service members, pending resolution before the Medical and Physical Disability Evaluation Boards of the Army, including information on the number of members of the Army who have been in a medical hold or holdover status for more than each of 100, 200, and 300 days.

(2) The status of the implementation of modifications to disability evaluation processes of the Department of Defense in response to the following:

(A) The report of the Inspector General on such processes dated March 6, 2007.

(B) The report of the Independent Review Group on Rehabilitation Care and Administrative Processes at Walter Reed Army Medical Center and National Naval Medical Center.

(C) The report of the Department of Veterans Affairs Task Force on Returning Global War on Terror Heroes.

(c) POSTING ON INTERNET.—Not later than 24 hours after submitting a report under subsection (a), the Secretary shall post such report on the Internet website of the Department of Defense that is available to the public.

SEC. 1646. ENHANCEMENT OF DISABILITY SEVERANCE PAY FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 1212 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking "his years of service, but not more than 12, computed under section 1208 of this title" in the matter preceding subparagraph (A) and inserting "the member's years of service computed under section 1208 of this title (subject to the minimum and maximum years of service provided for in subsection (c))";

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following new subsection (c):

"(c)(1) The minimum years of service of a member for purposes of subsection (a)(1) shall be as follows:

"(A) Six years in the case of a member separated from the armed forces for a disability incurred in line of duty in a combat zone (as designated by the Secretary of Defense for purposes of this subsection) or incurred during the performance of duty in combat-related operations as designated by the Secretary of Defense.

"(B) Three years in the case of any other member.

"(2) The maximum years of service of a member for purposes of subsection (a)(1) shall be 19 years.".

(b) NO DEDUCTION FROM COMPENSATION OF SEVERANCE PAY FOR DISABILITIES INCURRED IN COMBAT ZONES.—Subsection (d) of such section, as redesignated by subsection (a)(2) of this section, is further amended—

(1) by inserting "(1)" after "(d)";

(2) by striking the second sentence; and

(3) by adding at the end the following new paragraphs:

"(2) No deduction may be made under paragraph (1) in the case of disability severance pay received by a member for a disability incurred in line of duty in a combat zone or incurred during performance of duty in combat-related operations as designated by the Secretary of Defense.

"(3) No deduction may be made under paragraph (1) from any death compensation to which a member's dependents become entitled after the member's death.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to members of the Armed Forces separated from the Armed Forces under chapter 61 of title 10, United States Code, on or after that date.

SEC. 1647. ASSESSMENTS OF CONTINUING UTILITY AND FUTURE ROLE OF TEMPORARY DISABILITY RETIRED LIST.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(1) a statistical history since January 1, 2000, of the numbers of members of the Armed Forces who are returned to duty or separated following a tenure on the temporary disability retired list and, in the case of members who were separated, how many of the members were granted disability separation or retirement and what were their disability ratings;

(2) the results of the assessments required by subsection (b); and

(3) such recommendations for the modification or improvement of the temporary disability retired list as the Secretary considers appropriate in response to the assessments.

(b) REQUIRED ASSESSMENTS.—The assessments required to be conducted as part of the report under subsection (a) are the following:

(1) An assessment of the continuing utility of the temporary disability retired list in satisfying the purposes for which the temporary disability retired list was established.

(2) An assessment of the need to require that the condition of a member be permanent and stable before the member is separated with less than a 30 percent disability rating prior to exceeding the maximum tenure allowed on the temporary disability retired list.

(3) An assessment of the future role of the temporary disability retired list in the Disability Evaluation System of the Department of Defense and the changes in policy and law required to fulfill the future role of the temporary disability retire list.

SEC. 1648. STANDARDS FOR MILITARY MEDICAL TREATMENT FACILITIES, SPECIALTY MEDICAL CARE FACILITIES, AND MILITARY QUARTERS HOUSING PATIENTS AND ANNUAL REPORT ON SUCH FACILITIES.

(a) ESTABLISHMENT OF STANDARDS.—The Secretary of Defense shall establish for the military facilities of the Department of Defense and the military departments referred to in subsection (b) standards with respect to the matters set forth in subsection (c). To the maximum extent practicable, the standards shall—

(1) be uniform and consistent for all such facilities; and

(2) be uniform and consistent throughout the Department of Defense and the military departments.

(b) COVERED MILITARY FACILITIES.—The military facilities covered by this section are the following:

(1) Military medical treatment facilities.

(2) Specialty medical care facilities.

(3) Military quarters or leased housing for patients.

(c) SCOPE OF STANDARDS.—The standards required by subsection (a) shall include the following:

(1) Generally accepted standards for the accreditation of medical facilities, or for facilities used to quarter individuals that may require medical supervision, as applicable, in the United States.

(2) To the extent not inconsistent with the standards described in paragraph (1), minimally acceptable conditions for the following:

(A) Appearance and maintenance of facilities generally, including the structure and roofs of facilities.

(B) Size, appearance, and maintenance of rooms housing or utilized by patients, including furniture and amenities in such rooms.

(C) Operation and maintenance of primary and back-up facility utility systems and other systems required for patient care, including electrical systems, plumbing systems, heating, ventilation, and air conditioning systems, communications systems, fire protection systems, energy management systems, and other systems required for patient care.

(D) Compliance of facilities, rooms, and grounds, to the maximum extent practicable, with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(E) Such other matters relating to the appearance, size, operation, and maintenance of facilities and rooms as the Secretary considers appropriate.

(d) COMPLIANCE WITH STANDARDS.—

(1) DEADLINE.—In establishing standards under subsection (a), the Secretary shall specify a deadline for compliance with such standards by each facility referred to in subsection (b). The deadline shall be at the earliest date practicable after the date of the enactment of this Act, and shall, to the maximum extent practicable, be uniform across the facilities referred to in subsection (b).

(2) INVESTMENT.—In carrying out this section, the Secretary shall also establish guidelines for investment to be utilized by the Department of Defense and the military departments in determining the allocation of financial resources to facilities referred to in subsection (b) in order to meet the deadline specified under paragraph (1).

(e) REPORT ON DEVELOPMENT AND IMPLEMENTATION OF STANDARDS.—

(1) IN GENERAL.—Not later than March 1, 2008, the Secretary shall submit to the congressional defense committees a report on the actions taken to carry out subsection (a).

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) The standards established under subsection (a).

(B) An assessment of the appearance, condition, and maintenance of each facility referred to in subsection (b), including—

(i) an assessment of the compliance of the facility with the standards established under subsection (a); and

(ii) a description of any deficiency or noncompliance in each facility with the standards.

(C) A description of the investment to be allocated to address each deficiency or noncompliance identified under subparagraph (B)(ii).

(f) ANNUAL REPORT.—Not later than the date on which the President submits the budget for a fiscal year to Congress pursuant to section 1105 of title 31, United States Code, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the adequacy, suitability, and quality of each facility referred to in subsection (b). The Secretary shall include in each report information regarding—

(1) any deficiencies in the adequacy, quality, or state of repair of medical-related support facilities raised as a result of information received during the period covered by the report through the toll-free hot line required by section 1616; and

(2) the investigations conducted and plans of action prepared under such section to respond to such deficiencies.

SEC. 1649. REPORTS ON ARMY MEDICAL ACTION PLAN IN RESPONSE TO DEFICIENCIES IDENTIFIED AT WALTER REED ARMY MEDICAL CENTER, DISTRICT OF COLUMBIA.

Not later than 30 days after the date of the enactment of this Act, and every 180 days thereafter until March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of the Army Medical Action Plan to correct deficiencies identified in the condition of facilities and patient administration.

SEC. 1650. REQUIRED CERTIFICATIONS IN CONNECTION WITH CLOSURE OF WALTER REED ARMY MEDICAL CENTER, DISTRICT OF COLUMBIA.

(a) CERTIFICATIONS.—In implementing the decision to close Walter Reed Army Medical Center, District of Columbia, required as a result of the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; U.S.C. 2687 note), the Secretary of Defense shall submit to the congressional defense committees a certification of each of the following:

(1) That a transition plan has been developed, and resources have been committed, to ensure that patient care services, medical operations, and facilities are sustained at the highest possible level at Walter Reed Army Medical Center until facilities to replace Walter Reed Army Medical Center are staffed and ready to assume at least the same level of care previously provided at Walter Reed Army Medical Center.

(2) That the closure of Walter Reed Army Medical Center will not result in a net loss of capacity in the major medical centers in the National Capitol Region in terms of total bed capacity or staffed bed capacity.

(3) That the capacity of medical hold and out-patient lodging facilities operating at Walter Reed Army Medical Center as of the date of the certification will be available in sufficient quantities at the facilities designated to replace Walter Reed Army Medical Center by the date of the closure of Walter Reed Army Medical Center.

(b) TIME FOR SUBMITTAL.—The Secretary shall submit the certifications required by subsection (a) not later than 90 days after the date of the enactment of this Act. If the Secretary is unable to make one or more of the certifications by the end of the 90-day period, the Secretary shall notify the congressional defense committees of the delay and the reasons for the delay.

SEC. 1651. HANDBOOK FOR MEMBERS OF THE ARMED FORCES ON COMPENSATION AND BENEFITS AVAILABLE FOR SERIOUS INJURIES AND ILLNESSES.

(a) INFORMATION ON AVAILABLE COMPENSATION AND BENEFITS.—Not later than October 1, 2008, the Secretary of Defense shall develop and maintain, in handbook and electronic form, a comprehensive description of the compensation and other benefits to which a member of the Armed Forces, and the family of such member, would be entitled upon the separation or retirement of the member from the Armed Forces as a result of a serious injury or illness. The handbook shall set forth the range of such compensation and benefits based on grade, length of service, degree of disability at separation or retirement, and such other factors affecting such compensation and benefits as the Secretary considers appropriate.

(b) CONSULTATION.—The Secretary of Defense shall develop and maintain the comprehensive description required by subsection (a), including the handbook and electronic form of the description, in consultation with the Secretary of Veterans Affairs, the Secretary of Health and Human Services, and the Commissioner of Social Security.

(c) UPDATE.—The Secretary of Defense shall update the comprehensive description required by subsection (a), including the handbook and electronic form of the description, on a periodic basis, but not less often than annually.

(d) PROVISION TO MEMBERS.—The Secretary of the military department concerned shall provide the descriptive handbook under subsection (a) to each member of the Armed Forces described in that subsection as soon as practicable following the injury or illness qualifying the member for coverage under such subsection.

(e) PROVISION TO REPRESENTATIVES.—If a member is incapacitated or otherwise unable to receive the descriptive handbook to be provided under subsection (a), the handbook shall be provided to the next of kin or a legal representative of the member, as determined in accordance with regulations prescribed by the Secretary of the military department concerned for purposes of this section.

Subtitle E—Studies and Reports

SEC. 1661. STUDY ON PHYSICAL AND MENTAL HEALTH AND OTHER READJUSTMENT NEEDS OF MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES WHO DEPLOYED IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM AND THEIR FAMILIES.

(a) STUDY REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, enter into an agreement with the National Academy of Sciences for a study on the physical and mental health and other readjustment needs of members and former members of the Armed Forces who deployed in Operation Iraqi Freedom or Operation Enduring Freedom and their families as a result of such deployment.

(b) PHASES.—The study required under subsection (a) shall consist of two phases:

(1) A preliminary phase, to be completed not later than one year after the date of the enactment of this Act—

(A) to identify preliminary findings on the physical and mental health and other readjustment needs described in subsection (a) and on gaps in care for the members, former members, and families described in that subsection; and

(B) to determine the parameters of the second phase of the study under paragraph (2).

(2) A second phase, to be completed not later than three years after the date of the enactment of this Act, to carry out a comprehensive assessment, in accordance with the parameters identified under the preliminary report required by paragraph (1), of the physical and mental health and other readjustment needs of members and former members of the Armed Forces who deployed in Operation Iraqi Freedom or Operation Enduring Freedom and their families as a result of such deployment, including, at a minimum—

(A) an assessment of the psychological, social, and economic impacts of such deployment on such members and former members and their families;

(B) an assessment of the particular impacts of multiple deployments in Operation Iraqi Freedom or Operation Enduring Freedom on such members and former members and their families;

(C) an assessment of the full scope of the neurological, psychiatric, and psychological effects of traumatic brain injury on members and former members of the Armed Forces, including the effects of such effects on the family members of such members and former members, and an assessment of the efficacy of current treatment approaches for traumatic brain injury in the United States and the efficacy of screenings and treatment approaches for traumatic brain injury within the Department of Defense and the Department of Veterans Affairs;

(D) an assessment of the effects of undiagnosed injuries such as post-traumatic stress disorder and traumatic brain injury, an estimate of the long-term costs associated with such injuries, and an assessment of the efficacy of screenings and treatment approaches for post-traumatic stress disorder and other mental health conditions within the Department of Defense and Department of Veterans Affairs;

(E) an assessment of the gender- and ethnic group-specific needs and concerns of members of the Armed Forces and veterans;

(F) an assessment of the particular needs and concerns of children of members of the Armed Forces, taking into account differing age groups, impacts on development and education, and the mental and emotional well being of children;

(G) an assessment of the particular educational and vocational needs of such members and former members and their families, and an assessment of the efficacy of existing educational and vocational programs to address such needs;

(H) an assessment of the impacts on communities with high populations of military families, including military housing communities and townships with deployed members of the National Guard and Reserve, of deployments associated with Operation Iraqi Freedom and Operation Enduring Freedom, and an assessment of the efficacy of programs that address community outreach and education concerning military deployments of community residents;

(I) an assessment of the impacts of increasing numbers of older and married members of the Armed Forces on readjustment requirements;

(J) the development, based on such assessments, of recommendations for programs, treatments, or policy remedies targeted at preventing, minimizing, or addressing the impacts, gaps, and needs identified; and

(K) the development, based on such assessments, of recommendations for additional research on such needs.

(c) POPULATIONS TO BE STUDIED.—The study required under subsection (a) shall consider the readjustment needs of each population of individuals as follows:

(1) Members of the regular components of the Armed Forces who are returning, or have

returned, to the United States from deployment in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) Members of the National Guard and Reserve who are returning, or have returned, to the United States from deployment in Operation Iraqi Freedom or Operation Enduring Freedom.

(3) Veterans of Operation Iraqi Freedom or Operation Enduring Freedom.

(4) Family members of the members and veterans described in paragraphs (1) through (3).

(d) ACCESS TO INFORMATION.—The National Academy of Sciences shall have access to such personnel, information, records, and systems of the Department of Defense and the Department of Veterans Affairs as the National Academy of Sciences requires in order to carry out the study required under subsection (a).

(e) PRIVACY OF INFORMATION.—The National Academy of Sciences shall maintain any personally identifiable information accessed by the Academy in carrying out the study required under subsection (a) in accordance with all applicable laws, protections, and best practices regarding the privacy of such information, and may not permit access to such information by any persons or entities not engaged in work under the study.

(f) REPORTS BY NATIONAL ACADEMY OF SCIENCES.—Upon the completion of each phase of the study required under subsection (a), the National Academy of Sciences shall submit to the Secretary of Defense, the Secretary of Veterans Affairs, and the congressional defense committees a report on such phase of the study.

(g) DOD AND VA RESPONSE TO NAS REPORTS.—Not later than 90 days after the receipt of a report under subsection (f) on each phase of the study required under subsection (a), the Secretary of Defense and the Secretary of Veterans Affairs shall develop a final joint Department of Defense-Department of Veterans Affairs response to the findings and recommendations of the National Academy of Sciences contained in such report.

SEC. 1662. ACCESS OF RECOVERING SERVICE MEMBERS TO ADEQUATE OUTPATIENT RESIDENTIAL FACILITIES.

(a) REQUIRED INSPECTIONS OF FACILITIES.—All quarters of the United States and housing facilities under the jurisdiction of the Armed Forces that are occupied by recovering service members shall be inspected on a semiannual basis for the first two years after the enactment of this Act and annually thereafter by the inspectors general of the regional medical commands.

(b) INSPECTOR GENERAL REPORTS.—The inspector general for each regional medical command shall—

(1) submit a report on each inspection of a facility conducted under subsection (a) to the post commander at such facility, the commanding officer of the hospital affiliated with such facility, the surgeon general of the military department that operates such hospital, the Secretary of the military department concerned, the Assistant Secretary of Defense for Health Affairs, and the congressional defense committees; and

(2) post each such report on the Internet website of such regional medical command.

SEC. 1663. STUDY AND REPORT ON SUPPORT SERVICES FOR FAMILIES OF RECOVERING SERVICE MEMBERS.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study of the provision of support services for families of recovering service members.

(b) MATTERS COVERED.—The study under subsection (a) shall include the following:

(1) A determination of the types of support services, including job placement services, that are currently provided by the Department of Defense to eligible family members, and the cost of providing such services.

(2) A determination of additional types of support services that would be feasible for the Department to provide to such family members, and the costs of providing such services, including the following types of services:

(A) The provision of medical care at military medical treatment facilities.

(B) The provision of additional employment services, and the need for employment protection, of such family members who are placed on leave from employment or otherwise displaced from employment while caring for a recovering service member for more than 45 days during a one-year period.

(C) The provision of meals without charge at military medical treatment facilities.

(3) A survey of military medical treatment facilities to estimate the number of family members to whom the support services would be provided.

(4) A determination of any discrimination in employment that such family members experience, including denial of retention in employment, promotion, or any benefit of employment by an employer on the basis of the person's absence from employment, and a determination, in consultation with the Secretary of Labor, of the options available for such family members.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study, with such findings and recommendations as the Secretary considers appropriate.

SEC. 1664. REPORT ON TRAUMATIC BRAIN INJURY CLASSIFICATIONS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs jointly shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the changes undertaken within the Department of Defense and the Department of Veterans Affairs to ensure that traumatic brain injury victims receive a medical designation concomitant with their injury rather than a medical designation that assigns a generic classification (such as "organic psychiatric disorder").

SEC. 1665. EVALUATION OF THE POLYTRAUMA LIAISON OFFICER/NON-COMMISSIONED OFFICER PROGRAM.

(a) EVALUATION REQUIRED.—The Secretary of Defense shall conduct an evaluation of the Polytrauma Liaison Officer/Non-Commissioned Officer program, which is the program operated by each of the military departments and the Department of Veterans Affairs for the purpose of—

(1) assisting in the seamless transition of members of the Armed Forces from the Department of Defense health care system to the Department of Veterans Affairs system; and

(2) expediting the flow of information and communication between military treatment facilities and the Veterans Affairs Polytrauma Centers.

(b) MATTERS COVERED.—The evaluation of the Polytrauma Liaison Officer/Non-Commissioned Officer program shall include an evaluation of the following:

(1) The program's effectiveness in the following areas:

(A) Handling of military patient transfers.

(B) Ability to access military records in a timely manner.

(C) Collaboration with Polytrauma Center treatment teams.

(D) Collaboration with veteran service organizations.

(E) Functioning as the Polytrauma Center's subject-matter expert on military issues.

(F) Supporting and assisting family members.

(G) Providing education, information, and referrals to members of the Armed Forces and their family members.

(H) Functioning as uniformed advocates for members of the Armed Forces and their family members.

(I) Inclusion in Polytrauma Center meetings.

(J) Completion of required administrative reporting.

(K) Ability to provide necessary administrative support to all members of the Armed Forces.

(2) Manpower requirements to effectively carry out all required functions of the Polytrauma Liaison Officer/Non-Commissioned Officer program given current and expected case loads.

(3) Expansion of the program to incorporate Navy and Marine Corps officers and senior enlisted personnel.

(c) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing—

(1) the results of the evaluation; and

(2) recommendations for any improvements in the program.

Subtitle F—Other Matters

SEC. 1671. PROHIBITION ON TRANSFER OF RESOURCES FROM MEDICAL CARE.

Neither the Secretary of Defense nor the Secretaries of the military departments may transfer funds or personnel from medical care functions to administrative functions within the Department of Defense in order to comply with the new administrative requirements imposed by this title or the amendments made by this title.

SEC. 1672. MEDICAL CARE FOR FAMILIES OF MEMBERS OF THE ARMED FORCES RECOVERING FROM SERIOUS INJURIES OR ILLNESSES.

(a) MEDICAL CARE AT MILITARY MEDICAL FACILITIES.—

(1) MEDICAL CARE.—A family member of a recovering service member who is not otherwise eligible for medical care at a military medical treatment facility may be eligible for such care at such facilities, on a space-available basis, if the family member is—

(A) on invitational orders while caring for the service member;

(B) a non-medical attendee caring for the service member; or

(C) receiving per diem payments from the Department of Defense while caring for the service member.

(2) SPECIFICATION OF FAMILY MEMBERS.—The Secretary of Defense may prescribe in regulations the family members of recovering service members who shall be considered to be a family member of a service member for purposes of this subsection.

(3) SPECIFICATION OF CARE.—The Secretary of Defense shall prescribe in regulations the medical care that may be available to family members under this subsection at military medical treatment facilities.

(4) RECOVERY OF COSTS.—The United States may recover the costs of the provision of

medical care under this subsection as follows (as applicable):

(A) From third-party payers, in the same manner as the United States may collect costs of the charges of health care provided to covered beneficiaries from third-party payers under section 1095 of title 10, United States Code.

(B) As if such care was provided under the authority of section 1784 of title 38, United States Code.

(b) Medical Care at Department of Veterans Affairs Medical Facilities.—

(1) Medical care.—When a recovering service member is receiving hospital care and medical services at a medical facility of the Department of Veterans Affairs, the Secretary of Veterans Affairs may provide medical care for eligible family members under this section when that care is readily available at that Department facility and on a space-available basis.

(2) Regulations.—The Secretary of Veterans Affairs shall prescribe in regulations the medical care that may be available to family members under this subsection at medical facilities of the Department of Veterans Affairs.

SEC. 1673. IMPROVEMENT OF MEDICAL TRACKING SYSTEM FOR MEMBERS OF THE ARMED FORCES DEPLOYED OVERSEAS.

(a) Protocol for Assessment of Cognitive Functioning.—

(1) Protocol required.—Subsection (b) of section 1074f of title 10, United States Code, is amended—

(A) in paragraph (2), by adding at the end the following new subparagraph:

"(C) An assessment of post-traumatic stress disorder."; and

(B) by adding at the end the following new paragraph:

"(3)(A) The Secretary shall establish for purposes of subparagraphs (B) and (C) of paragraph (2) a protocol for the predeployment assessment and documentation of the cognitive (including memory) functioning of a member who is deployed outside the United States in order to facilitate the assessment of the postdeployment cognitive (including memory) functioning of the member.

"(B) The protocol under subparagraph (A) shall include appropriate mechanisms to permit the differential diagnosis of traumatic brain injury in members returning from deployment in a combat zone.".

(2) Pilot projects.—(A) In developing the protocol required by paragraph (3) of section 1074f(b) of title 10, United States Code (as amended by paragraph (1) of this subsection), for purposes of assessments for traumatic brain injury, the Secretary of Defense shall conduct up to three pilot projects to evaluate various mechanisms for use in the protocol for such purposes. One of the mechanisms to be so evaluated shall be a computer-based assessment tool which shall, at a minimum, include the following:

(i) Administration of computer-based neurocognitive assessment.

(ii) Pre-deployment assessments to establish a neurocognitive baseline for members of the Armed Forces for future treatment.

(B) Not later than 60 days after the completion of the pilot projects conducted under this paragraph, the Secretary shall submit to the appropriate committees of Congress a report on the pilot projects. The report shall include—

(i) a description of the pilot projects so conducted;

(ii) an assessment of the results of each such pilot project; and

(iii) a description of any mechanisms evaluated under each such pilot project that will be incorporated into the protocol.

(C) Not later than 180 days after completion of the pilot projects conducted under this paragraph, the Secretary shall establish a means for implementing any mechanism evaluated under such a pilot project that is selected for incorporation in the protocol.

(b) Quality Assurance.—Subsection (d)(2) of section 1074f of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(F) The diagnosis and treatment of traumatic brain injury and post-traumatic stress disorder.".

(c) Standards for Deployment.—Subsection (f) of such section is amended—

(1) in the subsection heading, by striking "Mental Health"; and

(2) in paragraph (2)(B), by striking "or" and inserting ", traumatic brain injury, or".

SEC. 1674. GUARANTEED FUNDING FOR WALTER REED ARMY MEDICAL CENTER, DISTRICT OF COLUMBIA.

(a) Minimum Funding.—The amount of funds available for the commander of Walter Reed Army Medical Center, District of Columbia, for a fiscal year shall be not less than the amount expended by the commander of Walter Reed Army Medical Center in fiscal year 2006 until the first fiscal year beginning after the date on which the Secretary of Defense submits to the congressional defense committees a plan for the provision of health care for military beneficiaries and their dependents in the National Capital Region.

(b) Matters Covered.—The plan under subsection (a) shall at a minimum include—

(1) the manner in which patients, staff, bed capacity, and functions will move from the Walter Reed Army Medical Center to expanded facilities;

(2) a timeline, including milestones, for such moves;

(3) projected budgets, including planned budget transfers, for military treatment facilities within the region;

(4) the management or disposition of real property of military treatment facilities within the region; and

(5) staffing projections for the region.

(c) Certification.—After submission of the plan under subsection (a) to the congressional defense committees, the Secretary shall certify to such committees on a quarterly basis that patients, staff, bed capacity, functions, or parts of functions at Walter Reed Army Medical Center have not been moved or disestablished until the expanded facilities at the National Naval Medical Center, Bethesda, Maryland, and DeWitt Army Community Hospital, Fort Belvoir, Virginia, are completed, equipped, and staffed with sufficient capacity to accept and provide, at a minimum, the same level of and access to care as patients received at Walter Reed Army Medical Center during fiscal year 2006.

(d) Definitions.—In this section:

(1) The term "expanded facilities" means the other two military hospitals/medical centers within the National Capital Region, namely—

(A) the National Naval Medical Center, Bethesda, Maryland (or its successor resulting from implementation of the recommendations of the 2005 Defense Base Closure and Realignment Commission); and

(B) the DeWitt Army Community Hospital, Fort Belvoir, Virginia.

(2) The term "National Capital Region" has the meaning given that term in section 2674(f) of title 10, United States Code.

SEC. 1675. USE OF LEAVE TRANSFER PROGRAM BY WOUNDED VETERANS WHO ARE FEDERAL EMPLOYEES.

(a) In General.—Section 6333(b) of title 5, United States Code, is amended—

(1) by striking "(b)" and inserting "(b)(1)"; and

(2) by adding at the end the following new paragraph:

"(2)(A) The requirement under paragraph (1) relating to exhaustion of annual and sick leave shall not apply in the case of a leave recipient who—

"(i) sustains a combat-related disability while a member of the armed forces, including a reserve component of the armed forces; and

"(ii) is undergoing medical treatment for that disability.

"(B) Subparagraph (A) shall apply to a member described in such subparagraph only so long as the member continues to undergo medical treatment for the disability, but in no event for longer than 5 years from the start of such treatment.

"(C) For purposes of this paragraph—

"(i) the term 'combat-related disability' has the meaning given such term by section 1413a(e) of title 10; and

"(ii) the term 'medical treatment' has such meaning as the Office of Personnel Management shall by regulation prescribe.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, except that, in the case of a leave recipient who is undergoing medical treatment on such date of enactment, section 6333(b)(2)(B) of title 5, United States Code (as amended by this section) shall be applied as if it had been amended by inserting "or the date of the enactment of this subsection, whichever is later" after "the start of such treatment".

SEC. 1676. MORATORIUM ON CONVERSION TO CONTRACTOR PERFORMANCE OF DEPARTMENT OF DEFENSE FUNCTIONS AT MILITARY MEDICAL FACILITIES.

(a) Moratorium.—No study or competition may be begun or announced pursuant to section 2461 of title 10, United States Code, or otherwise pursuant to Office of Management and Budget circular A-76, relating to the possible conversion to performance by a contractor of any Department of Defense function carried out at a military medical facility until the Secretary of Defense—

(1) submits the certification required by subsection (b) to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives together with a description of the steps taken by the Secretary in accordance with the certification; and

(2) submits the report required by subsection (c).

(b) Certification.—The certification referred to in paragraph (a)(1) is a certification that the Secretary has taken appropriate steps to ensure that neither the quality of military medical care nor the availability of qualified personnel to carry out Department of Defense functions related to military medical care will be adversely affected by either—

(1) the process of considering a Department of Defense function carried out at a military medical facility for possible conversion to performance by a contractor; or

(2) the conversion of such a function to performance by a contractor.

(c) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the

Senate and the Committee on Armed Services of the House of Representatives a report on the public-private competitions being conducted for Department of Defense functions carried out at military medical facilities as of the date of the enactment of this Act by each military department and defense agency. Such report shall include—

(1) for each such competition—

(A) the cost of conducting the public-private competition;

(B) the number of military personnel and civilian employees of the Department of Defense affected;

(C) the estimated savings identified and the savings actually achieved;

(D) an evaluation whether the anticipated and budgeted savings can be achieved through a public-private competition; and

(E) the effect of converting the performance of the function to performance by a contractor on the quality of the performance of the function; and

(2) an assessment of whether any method of business reform or reengineering other than a public-private competition could, if implemented in the future, achieve any anticipated or budgeted savings.

TITLE XVII—VETERANS MATTERS

Sec. 1701. Sense of Congress on Department of Veterans Affairs efforts in the rehabilitation and reintegration of veterans with traumatic brain injury.
Sec. 1702. Individual rehabilitation and community reintegration plans for veterans and others with traumatic brain injury.
Sec. 1703. Use of non-Department of Veterans Affairs facilities for implementation of rehabilitation and community reintegration plans for traumatic brain injury.
Sec. 1704. Research, education, and clinical care program on traumatic brain injury.
Sec. 1705. Pilot program on assisted living services for veterans with traumatic brain injury.
Sec. 1706. Provision of age-appropriate nursing home care.
Sec. 1707. Extension of period of eligibility for health care for veterans of combat service during certain periods of hostilities and war.
Sec. 1708. Service-connection and assessments for mental health conditions in veterans.
Sec. 1709. Modification of requirements for furnishing outpatient dental services to veterans with service-connected dental conditions or disabilities.
Sec. 1710. Clarification of purpose of outreach services program of Department of Veterans Affairs.
Sec. 1711. Designation of fiduciary or trustee for purposes of Traumatic Servicemembers' Group Life Insurance.

SEC. 1701. SENSE OF CONGRESS ON DEPARTMENT OF VETERANS AFFAIRS EFFORTS IN THE REHABILITATION AND REINTEGRATION OF VETERANS WITH TRAUMATIC BRAIN INJURY.

It is the sense of Congress that—

(1) the Department of Veterans Affairs is a leader in the field of traumatic brain injury care and coordination of such care;

(2) the Department of Veterans Affairs should have the capacity and expertise to provide veterans who have a traumatic brain injury with patient-centered health care, rehabilitation, and community integration services that are comparable to or exceed similar care and services available to persons with such injuries in the academic and private sector;

(3) rehabilitation for veterans who have a traumatic brain injury should be individualized, comprehensive, and interdisciplinary with the goals of optimizing the independence of such veterans and reintegrating them into their communities;

(4) family support is integral to the rehabilitation and community reintegration of veterans who have sustained a traumatic brain injury, and the Department should provide the families of such veterans with education and support;

(5) the Department of Defense and the Department of Veterans Affairs have made efforts to provide a smooth transition of medical care and rehabilitative services to individuals as they transition from the health care system of the Department of Defense to that of the Department of Veterans Affairs, but more can be done to assist veterans and their families in the continuum of the rehabilitation, recovery, and reintegration of wounded or injured veterans into their communities;

(6) in planning for rehabilitation and community reintegration of veterans who have a traumatic brain injury, it is necessary for the Department of Veterans Affairs to provide a system for life-long case management for such veterans; and

(7) in such system for life-long case management, it is necessary to conduct outreach and to tailor specialized traumatic brain injury case management and outreach to the unique needs of veterans with traumatic brain injury who reside in urban and nonurban settings.

SEC. 1702. INDIVIDUAL REHABILITATION AND COMMUNITY REINTEGRATION PLANS FOR VETERANS AND OTHERS WITH TRAUMATIC BRAIN INJURY.

(a) IN GENERAL.—Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1710B the following new sections:

"§1710C. Traumatic brain injury: plans for rehabilitation and reintegration into the community

"(a) PLAN REQUIRED.—The Secretary shall, for each individual who is a veteran or member of the Armed Forces who receives inpatient or outpatient rehabilitative hospital care or medical services provided by the Department for a traumatic brain injury—

"(1) develop an individualized plan for the rehabilitation and reintegration of the individual into the community; and

"(2) provide such plan in writing to the individual—

"(A) in the case of an individual receiving inpatient care, before the individual is discharged from inpatient care or after the individual's transition from serving on active duty as a member of the Armed Forces to receiving outpatient care provided by the Department; or

"(B) as soon as practicable following a diagnosis of traumatic brain injury by a Department health care provider.

"(b) CONTENTS OF PLAN.—Each plan developed under subsection (a) shall include, for the individual covered by such plan, the following:

"(1) Rehabilitation objectives for improving the physical, cognitive, and vocational functioning of the individual with the goal of maximizing the independence and reintegration of such individual into the community.

"(2) Access, as warranted, to all appropriate rehabilitative components of the traumatic brain injury continuum of care, and where appropriate, to long-term care services.

"(3) A description of specific rehabilitative treatments and other services to achieve the objectives described in paragraph (1), which shall set forth the type, frequency, duration, and location of such treatments and services.

"(4) The name of the case manager designated in accordance with subsection (d) to be responsible for the implementation of such plan.

"(5) Dates on which the effectiveness of such plan will be reviewed in accordance with subsection (f).

"(c) COMPREHENSIVE ASSESSMENT.—(1) Each plan developed under subsection (a) shall be based on a comprehensive assessment, developed in accordance with paragraph (2), of—

"(A) the physical, cognitive, vocational, and neuropsychological and social impairments of the individual; and

"(B) the family education and family support needs of the individual after the individual is discharged from inpatient care or at the commencement of and during the receipt of outpatient care and services.

"(2) The comprehensive assessment required under paragraph (1) with respect to an individual is a comprehensive assessment of the matters set forth in that paragraph by a team, composed by the Secretary for purposes of the assessment, of individuals with expertise in traumatic brain injury, including any of the following:

"(A) A neurologist.
"(B) A rehabilitation physician.
"(C) A social worker.
"(D) A neuropsychologist.
"(E) A physical therapist.
"(F) A vocational rehabilitation specialist.
"(G) An occupational therapist.
"(H) A speech language pathologist.
"(I) A rehabilitation nurse.
"(J) An educational therapist.
"(K) An audiologist.
"(L) A blind rehabilitation specialist.
"(M) A recreational therapist.
"(N) A low vision optometrist.
"(O) An orthotist or prosthetist.
"(P) An assistive technologist or rehabilitation engineer.
"(Q) An otolaryngology physician.
"(R) A dietician.
"(S) An ophthalmologist.
"(T) A psychiatrist.

"(d) CASE MANAGER.—(1) The Secretary shall designate a case manager for each individual described in subsection (a) to be responsible for the implementation of the plan developed for that individual under that subsection and the coordination of the individual's medical care.

"(2) The Secretary shall ensure that each case manager has specific expertise in the care required by the individual for whom the case manager is designated, regardless of whether the case manager obtains such expertise through experience, education, or training.

"(e) PARTICIPATION AND COLLABORATION IN DEVELOPMENT OF PLANS.—(1) The Secretary shall involve each individual described in subsection (a), and the family or legal guardian of such individual, in the development of the plan for such individual under that subsection to the maximum extent practicable.

"(2) The Secretary shall collaborate in the development of a plan for an individual under subsection (a) with a State protection and advocacy system if—

"(A) the individual covered by the plan requests such collaboration; or

"(B) in the case of such an individual who is incapacitated, the family or guardian of the individual requests such collaboration.

"(3) In the case of a plan required by subsection (a) for a member of the Armed Forces who is serving on active duty, the Secretary shall collaborate with the Secretary of Defense in the development of such plan.

"(4) In developing vocational rehabilitation objectives required under subsection (b)(1) and in conducting the assessment required under subsection (c), the Secretary shall act through the Under Secretary for Health in coordination with the Vocational Rehabilitation and Employment Service of the Department of Veterans Affairs.

"(f) EVALUATION.—

"(1) PERIODIC REVIEW BY SECRETARY.—The Secretary shall periodically review the effectiveness of each plan developed under subsection (a). The Secretary shall refine each such plan as the Secretary considers appropriate in light of such review.

"(2) REQUEST FOR REVIEW BY VETERANS.—In addition to the periodic review required by paragraph (1), the Secretary shall conduct a review of the plan for an individual under paragraph (1) at the request of the individual, or in the case of an individual who is incapacitated, at the request of the guardian or designee of the individual.

"(g) STATE DESIGNATED PROTECTION AND ADVOCACY SYSTEM DEFINED.—In this section, the term 'State protection and advocacy system' means a system established in a State under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.) to protect and advocate for the rights of persons with development disabilities.

"§1710D. Traumatic brain injury: comprehensive program for long-term rehabilitation

"(a) COMPREHENSIVE PROGRAM.—In developing plans for the rehabilitation and reintegration of individuals with traumatic brain injury under section 1710C of this title, the Secretary shall develop and carry out a comprehensive program of long-term care for post-acute traumatic brain injury rehabilitation that includes residential, community, and home-based components utilizing interdisciplinary treatment teams.

"(b) LOCATION OF PROGRAM.—The Secretary shall carry out the program developed under subsection (a) in each Department polytrauma rehabilitation center designated by the Secretary.

"(c) ELIGIBILITY.—A veteran is eligible for care under the program developed under subsection (a) if the veteran is otherwise eligible to receive hospital care and medical services under section 1710 of this title and—

"(1) served on active duty in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) during a period of war after the Persian Gulf War, or in combat against a hostile force during a period of hostilities (as defined in section 1712A(a)(2)(B) of this title) after November 11, 1998;

"(2) is diagnosed as suffering from moderate to severe traumatic brain injury; and

"(3) is unable to manage routine activities of daily living without supervision or assistance, as determined by the Secretary.

"(d) REPORT.—Not later than one year after the date of the enactment of this section, and annually thereafter, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report containing the following information:

"(1) A description of the operation of the program.

"(2) The number of veterans provided care under the program during the year preceding such report.

"(3) The cost of operating the program during the year preceding such report.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1710B the following new items:

"1710C. Traumatic brain injury: plans for rehabilitation and reintegration into the community.
"1710D. Traumatic brain injury: comprehensive plan for long-term rehabilitation.".

SEC. 1703. USE OF NON-DEPARTMENT OF VETERANS AFFAIRS FACILITIES FOR IMPLEMENTATION OF REHABILITATION AND COMMUNITY REINTEGRATION PLANS FOR TRAUMATIC BRAIN INJURY.

(a) IN GENERAL.—Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1710D, as added by section 1702, the following new section:

"§1710E. Traumatic brain injury: use of non-Department facilities for rehabilitation

"(a) COOPERATIVE AGREEMENTS.—The Secretary, in implementing and carrying out a plan developed under section 1710C of this title, may provide hospital care and medical services through cooperative agreements with appropriate public or private entities that have established long-term neurobehavioral rehabilitation and recovery programs.

"(b) AUTHORITIES OF STATE PROTECTION AND ADVOCACY SYSTEMS.—Nothing in subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 shall be construed as preventing a State protection and advocacy system (as defined in section 1710C(g) of this title) from exercising the authorities described in such subtitle with respect to individuals provided rehabilitative treatment or services under section 1710C of this title in a non-Department facility.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1710D, as added by section 1702, the following new item:

"1710E. Traumatic brain injury: use of non-Departmental facilities for rehabilitation.".

SEC. 1704. RESEARCH, EDUCATION, AND CLINICAL CARE PROGRAM ON TRAUMATIC BRAIN INJURY.

(a) IN GENERAL.—To improve the provision of health care by the Department of Veterans Affairs to veterans with traumatic brain injuries, the Secretary of Veterans Affairs shall—

(1) conduct research, including—

(A) research on the sequelae of mild to severe forms of traumatic brain injury;

(B) research on visually-related neurological conditions;

(C) research on seizure disorders;

(D) research on means of improving the diagnosis, rehabilitative treatment, and prevention of such sequelae;

(E) research to determine the most effective cognitive and physical therapies for such sequelae;

(F) research on dual diagnosis of post-traumatic stress disorder and traumatic brain injury;

(G) research on improving facilities of the Department concentrating on traumatic brain injury care; and

(H) research on improving the delivery of traumatic brain injury care by the Department;

(2) educate and train health care personnel of the Department in recognizing and treating traumatic brain injury; and

(3) develop improved models and systems for the furnishing of traumatic brain injury care by the Department.

(b) COLLABORATION.—In carrying out research under subsection (a), the Secretary of Veterans Affairs shall collaborate with—

(1) facilities that conduct research on rehabilitation for individuals with traumatic brain injury;

(2) facilities that receive grants for such research from the National Institute on Disability and Rehabilitation Research of the Department of Education; and

(3) the Defense and Veterans Brain Injury Center of the Department of Defense and other relevant programs of the Federal Government (including Centers of Excellence).

(c) DISSEMINATION OF USEFUL INFORMATION.—The Under Secretary of Veterans Affairs for Health shall ensure that information produced by the research, education and training, and clinical activities conducted under this section that may be useful for other activities of the Veterans Health Administration is disseminated throughout the Veterans Health Administration.

(d) TRAUMATIC BRAIN INJURY REGISTRY.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall establish and maintain a registry to be known as the "Traumatic Brain Injury Veterans Health Registry" (in this section referred to as the "Registry").

(2) DESCRIPTION.—The Registry shall include the following information:

(A) A list containing the name of each individual who served as a member of the Armed Forces in Operation Enduring Freedom or Operation Iraqi Freedom who exhibits symptoms associated with traumatic brain injury, as determined by the Secretary of Veterans Affairs, and who—

(i) applies for care and services furnished by the Department of Veterans Affairs under chapter 17 of title 38, United States Code; or

(ii) files a claim for compensation under chapter 11 of such title on the basis of any disability which may be associated with such service.

(B) Any relevant medical data relating to the health status of an individual described in subparagraph (A) and any other information the Secretary considers relevant and appropriate with respect to such an individual if the individual—

(i) grants permission to the Secretary to include such information in the Registry; or

(ii) is deceased at the time such individual is listed in the Registry.

(3) NOTIFICATION.—When possible, the Secretary shall notify each individual listed in the Registry of significant developments in research on the health consequences of military service in the Operation Enduring Freedom and Operation Iraqi Freedom theaters of operations.

SEC. 1705. PILOT PROGRAM ON ASSISTED LIVING SERVICES FOR VETERANS WITH TRAUMATIC BRAIN INJURY.

(a) PILOT PROGRAM.—Beginning not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs, in collaboration with the Defense and Veterans Brain Injury Center of the Department of Defense, shall carry out a five-year pilot program to assess the effectiveness of providing assisted living services to eligible veterans to enhance the rehabilitation, quality of life, and community integration of such veterans.

(b) PROGRAM LOCATIONS.—

(1) IN GENERAL.—The pilot program shall be carried out at locations selected by the Secretary for purposes of the pilot program. Of the locations so selected—

(A) at least one location shall be in each health care region of the Veterans Health Administration of the Department of Veterans Affairs that contains a polytrauma center of the Department of Veterans Affairs; and

(B) any location other than a location described in subparagraph (A) shall be in an area that contains a high concentration of veterans with traumatic brain injuries, as determined by the Secretary.

(2) SPECIAL CONSIDERATION FOR VETERANS IN RURAL AREAS.—The Secretary shall give special consideration to providing veterans in rural areas with an opportunity to participate in the pilot program.

(c) PROVISION OF ASSISTED LIVING SERVICES.—

(1) AGREEMENTS.—In carrying out the pilot program, the Secretary may enter into agreements for the provision of assisted living services on behalf of eligible veterans with a provider participating under a State plan or waiver under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(2) STANDARDS.—The Secretary may not place, transfer, or admit a veteran to any facility for assisted living services under the pilot program unless the Secretary determines that the facility meets such standards as the Secretary may prescribe for purposes of the pilot program. Such standards shall, to the extent practicable, be consistent with the standards of Federal, State, and local agencies charged with the responsibility of licensing or otherwise regulating or inspecting such facilities.

(d) CONTINUATION OF CASE MANAGEMENT AND REHABILITATION SERVICES.—In carrying out the pilot program, the Secretary shall—

(1) continue to provide each veteran who is receiving assisted living services under the pilot program with rehabilitative services; and

(2) designate employees of the Veterans Health Administration of the Department of Veterans Affairs to furnish case management services for veterans participating in the pilot program.

(e) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the completion of the pilot program, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the pilot program.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the pilot program.

(B) An assessment of the utility of the activities under the pilot program in enhancing the rehabilitation, quality of life, and community reintegration of veterans with traumatic brain injury.

(C) Such recommendations as the Secretary considers appropriate regarding the extension or expansion of the pilot program.

(f) DEFINITIONS.—In this section:

(1) The term "assisted living services" means services of a facility in providing room, board, and personal care for and supervision of residents for their health, safety, and welfare.

(2) The term "case management services" includes the coordination and facilitation of all services furnished to a veteran by the Department of Veterans Affairs, either directly or through a contract, including assessment of needs, planning, referral (including referral for services to be furnished by the Department, either directly or through a contract, or by an entity other than the Department), monitoring, reassessment, and followup.

(3) The term "eligible veteran" means a veteran who—

(A) is enrolled in the patient enrollment system of the Department of Veterans Affairs under section 1705 of title 38, United States Code;

(B) has received hospital care or medical services provided by the Department of Veterans Affairs for a traumatic brain injury;

(C) is unable to manage routine activities of daily living without supervision and assistance, as determined by the Secretary; and

(D) could reasonably be expected to receive ongoing services after the end of the pilot program under this section under another program of the Federal Government or through other means, as determined by the Secretary.

SEC. 1706. PROVISION OF AGE-APPROPRIATE NURSING HOME CARE.

(a) FINDING.—Congress finds that young veterans who are injured or disabled through military service and require long-term care should have access to age-appropriate nursing home care.

(b) REQUIREMENT TO PROVIDE AGE-APPROPRIATE NURSING HOME CARE.—Section 1710A of title 38, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) The Secretary shall ensure that nursing home care provided under subsection (a) is provided in an age-appropriate manner.".

SEC. 1707. EXTENSION OF PERIOD OF ELIGIBILITY FOR HEALTH CARE FOR VETERANS OF COMBAT SERVICE DURING CERTAIN PERIODS OF HOSTILITIES AND WAR.

Subparagraph (C) of section 1710(e)(3) of title 38, United States Code, is amended to read as follows:

"(C) in the case of care for a veteran described in paragraph (1)(D) who—

"(i) is discharged or released from the active military, naval, or air service after the date that is five years before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008, after a period of five years beginning on the date of such discharge or release; or

"(ii) is so discharged or released more than five years before the date of the enactment of that Act and who did not enroll in the patient enrollment system under section 1705 of this title before such date, after a period of three years beginning on the date of the enactment of that Act; and".

SEC. 1708. SERVICE-CONNECTION AND ASSESSMENTS FOR MENTAL HEALTH CONDITIONS IN VETERANS.

(a) PRESUMPTION OF SERVICE-CONNECTION FOR MENTAL ILLNESS IN PERSIAN GULF WAR VETERANS.—

(1) IN GENERAL.—Section 1702 of title 38, United States Code, is amended—

(A) by inserting "(a) PSYCHOSIS.—" before "For the purposes"; and

(B) by adding at the end the following new subsection:

"(b) MENTAL ILLNESS.—For purposes of this chapter, any veteran of the Persian Gulf War who develops an active mental illness (other than psychosis) shall be deemed to have incurred such disability in the active military, naval, or air service if such veteran develops such disability—

"(1) within two years after discharge or release from the active military, naval, or air service; and

"(2) before the end of the two-year period beginning on the last day of the Persian Gulf War.".

(2) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

"§ 1702. Presumptions: psychosis after service in World War II and following periods of war; mental illness after service in the Persian Gulf War".

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by striking the item relating to section 1702 and inserting the following new item:

"1702. Presumptions: psychosis after service in World War II and following periods of war; mental illness following service in the Persian Gulf War.".

(b) PROVISION OF MENTAL HEALTH ASSESSMENTS FOR CERTAIN VETERANS.—Section 1712A(a) of such title is amended—

(1) in paragraph (1)(B), by adding at the end the following new clause:

"(iii) Any veteran who served on active duty—

"(I) in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) during a period of war after the Persian Gulf War; or

"(II) in combat against a hostile force during a period of hostilities (as defined in paragraph (2)(B)) after November 11, 1998."; and

(2) by adding at the end the following new paragraph:

"(3) Upon request of a veteran described in paragraph (1)(B)(iii), the Secretary shall provide the veteran a preliminary general mental health assessment as soon as practicable after receiving the request, but not later than 30 days after receiving the request.".

SEC. 1709. MODIFICATION OF REQUIREMENTS FOR FURNISHING OUTPATIENT DENTAL SERVICES TO VETERANS WITH SERVICE-CONNECTED DENTAL CONDITIONS OR DISABILITIES.

Section 1712(a)(1)(B)(iii) of title 38, United States Code, is amended—

(1) by striking "90 days after such discharge" and inserting "180 days after such discharge";

(2) by striking "90 days from the date of such veteran's subsequent discharge" and inserting "180 days from the date of such veteran's subsequent discharge"; and

(3) by striking "90 days after the date of correction" and inserting "180 days after the date of correction".

SEC. 1710. CLARIFICATION OF PURPOSE OF OUTREACH SERVICES PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS.

(a) CLARIFICATION OF INCLUSION OF MEMBERS OF THE NATIONAL GUARD AND RESERVE IN PROGRAM.—Subsection (a)(1) of section 6301 of title 38, United States Code, is amended by inserting ", or from a reserve component," after "active military, naval, or air service".

(b) DEFINITION OF OUTREACH.—Subsection (b) of such section is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2) the following new paragraph (1):

"(1) the term 'outreach' means the act or process of reaching out in a systematic manner to proactively provide information, services, and benefits counseling to veterans, and to the spouses, children, and parents of veterans who may be eligible to receive benefits under the laws administered by the Secretary, to ensure that such individuals are fully informed about, and receive assistance in applying for, such benefits;".

SEC. 1711. DESIGNATION OF FIDUCIARY OR TRUSTEE FOR PURPOSES OF TRAUMATIC SERVICEMEMBERS' GROUP LIFE INSURANCE.

Section 1980A of title 38, United States Code, is amended by adding at the end the following new subsection:

"(k) Designation of Fiduciary or Trustee.—(1) The Secretary concerned, in consultation with the Secretary, shall develop a process for the designation of a fiduciary or trustee of a member of the uniformed services who is insured against traumatic injury under this section. The fiduciary or trustee so designated would receive a payment for a qualifying loss under this section if the member is medically incapacitated (as determined pursuant to regulations prescribed by the Secretary concerned in consultation with the Secretary) or experiencing an extended loss of consciousness.

"(2) The process under paragraph (1) may require each member of the uniformed services who is insured under this section to—

"(A) designate an individual as the member's fiduciary or trustee for purposes of subsection (a); or

"(B) elect that a court of proper jurisdiction designate an individual as the member's fiduciary or trustee for purposes of subsection (a) in the event that the member becomes medically incapacitated or experiences an extended loss of consciousness.".

TITLE XVIII—NATIONAL GUARD BUREAU MATTERS AND RELATED MATTERS

Sec. 1801. Short title.

Subtitle A—National Guard Bureau

Sec. 1811. Appointment, grade, duties, and retirement of the Chief of the National Guard Bureau.
Sec. 1812. Establishment of National Guard Bureau as joint activity of the Department of Defense.
Sec. 1813. Enhancement of functions of the National Guard Bureau.
Sec. 1814. Requirement for Secretary of Defense to prepare plan for response to natural disasters and terrorist events.
Sec. 1815. Determination of Department of Defense civil support requirements.

Subtitle B—Additional Reserve Component Enhancement

Sec. 1821. United States Northern Command.
Sec. 1822. Council of Governors.
Sec. 1823. Plan for Reserve Forces Policy Board.
Sec. 1824. High-level positions authorized or required to be held by reserve component general or flag officers.
Sec. 1825. Retirement age and years of service limitations on certain reserve general and flag officers.
Sec. 1826. Additional reporting requirements relating to National Guard equipment.

SEC. 1801. SHORT TITLE.

This title may be cited as the "National Guard Empowerment Act of 2007".

Subtitle A—National Guard Bureau

SEC. 1811. APPOINTMENT, GRADE, DUTIES, AND RETIREMENT OF THE CHIEF OF THE NATIONAL GUARD BUREAU.

(a) Appointment.—Subsection (a) of section 10502 of title 10, United States Code, is amended by striking paragraphs (1) through (3) and inserting the following new paragraphs:

"(1) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard;

"(2) are recommended for such appointment by the Secretary of the Army or the Secretary of the Air Force;

"(3) have had at least 10 years of federally recognized commissioned service in an active status in the National Guard;

"(4) are in a grade above the grade of brigadier general;

"(5) are determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have significant joint duty experience;

"(6) are determined by the Secretary of Defense to have successfully completed such other assignments and experiences so as to possess a detailed understanding of the status and capabilities of National Guard forces and the missions of the National Guard Bureau as set forth in section 10503 of this title;

"(7) have a level of operational experience in a position of significant responsibility, professional military education, and demonstrated expertise in national defense and homeland defense matters that are commensurate with the advisory role of the Chief of the National Guard Bureau; and

"(8) possess such other qualifications as the Secretary of Defense shall prescribe for purposes of this section.".

(b) Grade.—Subsection (d) of such section is amended by striking "lieutenant general" and inserting "general".

(c) Repeal of Age 64 Limitation on Service.—Subsection (b) of such section is amended by striking "An officer may not hold that office after becoming 64 years of age.".

(d) Advisory Duties.—Subsection (c) of such section is amended to read as follows:

"(c) Advisor on National Guard Matters.—The Chief of the National Guard Bureau is—

"(i) a principal advisor to the Secretary of Defense, through the Chairman of the Joint Chiefs of Staff, on matters involving non-federalized National Guard forces and on other matters as determined by the Secretary of Defense; and

"(2) the principal adviser to the Secretary of the Army and the Chief of Staff of the Army, and to the Secretary of the Air Force and the Chief of Staff of the Air Force, on matters relating to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States.".

SEC. 1812. ESTABLISHMENT OF NATIONAL GUARD BUREAU AS JOINT ACTIVITY OF THE DEPARTMENT OF DEFENSE.

(a) Joint Activity of the Department of Defense.—Subsection (a) of section 10501 of title 10, United States Code, is amended by striking "joint bureau of the Department of the Army and the Department of the Air Force" and inserting "joint activity of the Department of Defense".

(b) Joint Manpower Requirements.—

(1) In general.—Chapter 1011 of such title is amended by adding at the end the following new section:

"§ 10508. National Guard Bureau: general provisions

"The manpower requirements of the National Guard Bureau as a joint activity of the Department of Defense shall be determined in accordance with regulations prescribed by the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff.".

(2) Clerical amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"10508. National Guard Bureau: general provisions.".

SEC. 1813. ENHANCEMENT OF FUNCTIONS OF THE NATIONAL GUARD BUREAU.

(a) Additional General Functions.—Section 10503 of title 10, United States Code, is amended—

(1) by redesignating paragraph (12) as paragraph (14) and inserting before such paragraph (14) the following new paragraph (13):

"(13)(A) Assisting the Secretary of Defense in facilitating and coordinating with the entities listed in subparagraph (B) the use of National Guard personnel and resources for operations conducted under title 32, or in support of State missions.

"(B) The entities listed in this subparagraph for purposes of subparagraph (A) are the following:

"(i) Other Federal agencies.

"(ii) The Adjutants General of the States.

"(iii) The United States Joint Forces Command.

"(iv) The combatant command the geographic area of responsibility of which includes the United States.";

(2) by redesignating paragraphs (2) through (11) as paragraphs (3) through (12), respectively; and

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) The role of the National Guard Bureau in support of the Secretary of the Army and the Secretary of the Air Force.".

(b) Charter Developed and Prescribed by Secretary of Defense.—Section 10503 of such title is further amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "The Secretary of the Army and the Secretary of the Air Force shall jointly develop" and inserting "The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Secretary of the Army, and the Secretary of the Air Force, shall develop"; and

(B) by striking "cover" in the second sentence and inserting "reflect the full scope of the duties and activities of the Bureau, including"; and

(2) in paragraph (14), as redesignated by subsection (a)(1), by striking "the Secretaries" and inserting "the Secretary of Defense".

(c) Conforming and Clerical Amendments.—

(1) Conforming amendment.—The heading of section 10503 of such title is amended to read as follows:

"§ 10503. Functions of National Guard Bureau: charter".

(2) Clerical amendment.—The table of sections at the beginning of chapter 1011 of such title is amended by striking the item relating to section 10503 and inserting the following new item:

"10503. Functions of National Guard Bureau: charter.".

SEC. 1814. REQUIREMENT FOR SECRETARY OF DEFENSE TO PREPARE PLAN FOR RESPONSE TO NATURAL DISASTERS AND TERRORIST EVENTS.

(a) Requirement for Plan.—

(1) In general.—Not later than June 1, 2008, the Secretary of Defense, in consultation with the Secretary of Homeland Security, the Chairman of the Joint Chiefs of Staff, the commander of the United States Northern Command, and the Chief of the National Guard Bureau, shall prepare and submit to Congress a plan for coordinating the use of the National Guard and members of

the Armed Forces on active duty when responding to natural disasters, acts of terrorism, and other man-made disasters as identified in the national planning scenarios described in subsection (e).

(2) UPDATE.—Not later than June 1, 2010, the Secretary, in consultation with the persons consulted under paragraph (1), shall submit to Congress an update of the plan required under paragraph (1).

(b) INFORMATION TO BE PROVIDED TO SECRETARY.—To assist the Secretary of Defense in preparing the plan, the National Guard Bureau, pursuant to its purpose as channel of communications as set forth in section 10501(b) of title 10, United States Code, shall provide to the Secretary information gathered from Governors, adjutants general of States, and other State civil authorities responsible for homeland preparation and response to natural and man-made disasters.

(c) TWO VERSIONS.—The plan shall set forth two versions of response, one using only members of the National Guard, and one using both members of the National Guard and members of the regular components of the Armed Forces.

(d) MATTERS COVERED.—The plan shall cover, at a minimum, the following:

(1) Protocols for the Department of Defense, the National Guard Bureau, and the Governors of the several States to carry out operations in coordination with each other and to ensure that Governors and local communities are properly informed and remain in control in their respective States and communities.

(2) An identification of operational procedures, command structures, and lines of communication to ensure a coordinated, efficient response to contingencies.

(3) An identification of the training and equipment needed for both National Guard personnel and members of the Armed Forces on active duty to provide military assistance to civil authorities and for other domestic operations to respond to hazards identified in the national planning scenarios.

(e) NATIONAL PLANNING SCENARIOS.—The plan shall provide for response to the following hazards:

(1) Nuclear detonation, biological attack, biological disease outbreak/pandemic flu, the plague, chemical attack-blister agent, chemical attack-toxic industrial chemicals, chemical attack-nerve agent, chemical attack-chlorine tank explosion, major hurricane, major earthquake, radiological attack-radiological dispersal device, explosives attack-bombing using improvised explosive device, biological attack-food contamination, biological attack-foreign animal disease and cyber attack.

(2) Any other hazards identified in a national planning scenario developed by the Homeland Security Council.

SEC. 1815. DETERMINATION OF DEPARTMENT OF DEFENSE CIVIL SUPPORT REQUIREMENTS.

(a) DETERMINATION OF REQUIREMENTS.—The Secretary of Defense, in consultation with the Secretary of Homeland Security, shall determine the military-unique capabilities needed to be provided by the Department of Defense to support civil authorities in an incident of national significance or a catastrophic incident.

(b) PLAN FOR FUNDING CAPABILITIES.—

(1) PLAN.—The Secretary of Defense shall develop and implement a plan, in coordination with the Secretaries of the military departments and the Chairman of the Joint Chiefs of Staff, for providing the funds and resources necessary to develop and maintain the following:

(A) The military-unique capabilities determined under subsection (a).

(B) Any additional capabilities determined by the Secretary to be necessary to support the use of the active components and the reserve components of the Armed Forces for homeland defense missions, domestic emergency responses, and providing military support to civil authorities.

(2) TERM OF PLAN.—The plan required under paragraph (1) shall cover at least five years.

(c) BUDGET.—The Secretary of Defense shall include in the materials accompanying the budget submitted for each fiscal year a request for funds necessary to carry out the plan required under subsection (b) during the fiscal year covered by the budget. The defense budget materials shall delineate and explain the budget treatment of the plan for each component of each military department, each combatant command, and each affected Defense Agency.

(d) DEFINITIONS.—In this section:

(1) The term "military-unique capabilities" means those capabilities that, in the view of the Secretary of Defense—

(A) cannot be provided by other Federal, State, or local civilian agencies; and

(B) are essential to provide support to civil authorities in an incident of national significance or a catastrophic incident.

(2) The term "defense budget materials", with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

(e) STRATEGIC PLANNING GUIDANCE.—Section 113(g)(2) of title 10, United States Code, is amended by striking "contingency plans" at the end of the first sentence and inserting the following: "contingency plans, including plans for providing support to civil authorities in an incident of national significance or a catastrophic incident, for homeland defense, and for military support to civil authorities".

Subtitle B—Additional Reserve Component Enhancement

SEC. 1821. UNITED STATES NORTHERN COMMAND.

(a) MANPOWER REVIEW.—

(1) REVIEW BY CHAIRMAN OF THE JOINT CHIEFS OF STAFF.—Not later than one year after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall submit to the Secretary of Defense a review of the civilian and military positions, job descriptions, and assignments within the United States Northern Command with the goal of determining the feasibility of significantly increasing the number of members of a reserve component assigned to, and civilians employed by, the United States Northern Command who have experience in the planning, training, and employment of forces for homeland defense missions, domestic emergency response, and providing military support to civil authorities.

(2) SUBMISSION OF RESULTS OF REVIEW.—Not later than 90 days after the date on which the Secretary of Defense receives the results of the review under paragraph (1), the Secretary shall submit to Congress a copy of the results of the review, together with such recommendations as the Secretary considers appropriate to achieve the objectives of the review.

(b) DEFINITION.—In this section, the term "United States Northern Command" means the combatant command the geographic area of responsibility of which includes the United States.

SEC. 1822. COUNCIL OF GOVERNORS.

The President shall establish a bipartisan Council of Governors to advise the Secretary of Defense, the Secretary of Homeland Security, and the White House Homeland Security Council on matters related to the National Guard and civil support missions.

SEC. 1823. PLAN FOR RESERVE FORCES POLICY BOARD.

(a) PLAN.—The Secretary of Defense shall develop a plan to implement revisions that the Secretary determines necessary in the designation, organization, membership, functions, procedures, and legislative framework of the Reserve Forces Policy Board. The plan—

(1) shall be consistent with the findings, conclusions, and recommendations included in Part III E of the Report of the Commission on the National Guard and Reserves of March 1, 2007; and

(2) to the extent possible, shall take into account the views and recommendations of civilian and military leaders, past chairmen of the Reserve Forces Policy Board, private organizations with expertise and interest in Department of Defense organization, and other individuals or groups in the discretion of the Secretary.

(b) REPORT.—Not later than July 1, 2008, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the plan developed under subsection (a), including such recommendations for legislation as the Secretary considers necessary.

SEC. 1824. HIGH-LEVEL POSITIONS AUTHORIZED OR REQUIRED TO BE HELD BY RESERVE COMPONENT GENERAL OR FLAG OFFICERS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, whenever officers of the Armed Forces are considered for promotion to the grade of lieutenant general, or vice admiral in the case of the Navy, on the active duty list, officers in the reserve components of the Armed Forces who are eligible for promotion to such grade should be considered for promotion to such grade.

(b) NATIONAL GUARD OFFICER AS DEPUTY COMMANDER OF UNITED STATES NORTHERN COMMAND.—Section 164(e) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) At least one deputy commander of the combatant command the geographic area of responsibility of which includes the United States shall be a qualified officer of the National Guard who is eligible for promotion to the grade of O–9, unless a National Guard officer is serving as commander of that combatant command.".

(c) INCREASE IN NUMBER OF UNIFIED AND SPECIFIED COMBATANT COMMAND POSITIONS FOR RESERVE COMPONENT OFFICERS.—Section 526(b)(2)(A) of such title is amended by striking "10 general and flag officer positions on the staffs of the commanders of" and inserting "15 general and flag officer positions in".

SEC. 1825. RETIREMENT AGE AND YEARS OF SERVICE LIMITATIONS ON CERTAIN RESERVE GENERAL AND FLAG OFFICERS.

(a) RETIREMENT FOR AGE.—

(1) INCLUSION OF RESERVE GENERALS AND ADMIRALS.—Section 14511 of title 10, United States Code, is amended to read as follows:

"§ 14511. Separation at age 64: officers in grade of major general or rear admiral and above

"(a) SEPARATION REQUIRED.—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine

Corps in the grade of major general or above and each reserve officer of the Navy in the grade of rear admiral or above shall be separated in accordance with section 14515 of this title on the last day of the month in which the officer becomes 64 years of age.

"(b) EXCEPTION FOR OFFICERS SERVING IN O–9 AND O–10 POSITIONS.—The retirement of a reserve officer of the Army, Air Force, or Marine Corps in the grade of lieutenant general or general, or a reserve officer of the Navy in the grade of vice admiral or admiral, under subsection (a) may be deferred—

"(1) by the President, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age; or

"(2) by the Secretary of Defense, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 66 years of age.

"(c) EXCEPTION FOR OFFICERS HOLDING CERTAIN OFFICES.—This section does not apply to an officer covered by section 14512 of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1407 of such title is amended by striking the item relating to section 14511 and inserting the following new item:

"14511. Separation at age 64: officers in grade of major general or rear admiral and above.".

(b) CONFORMING AMENDMENTS AND RESERVE OFFICERS HOLDING CERTAIN OTHER OFFICES.—Section 14512 of such title is amended—

(1) in subsection (a)(2)—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively; and

(2) in subsection (b)—

(A) by inserting "(1)" before "The Secretary"; and

(B) by adding at the end the following new paragraph:

"(2) The Secretary of Defense may defer the retirement of a reserve officer serving in the position of Chief of the Navy Reserve or Commander of the Marine Forces Reserve, but such deferment may not extend beyond the first day of the month following the month in which the officer becomes 66 years of age. A deferment under this paragraph shall not count toward the limitation on the total number of officers whose retirement may be deferred at any one time under paragraph (1).".

(c) IMPOSITION OF YEARS OF SERVICE LIMITATION.—

(1) IMPOSITION OF LIMITATION.—Section 14508 of such title is amended by inserting after subsection (c), as added by section 513, the following new subsection:

"(d) FORTY YEARS OF SERVICE FOR GENERALS AND ADMIRALS.—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of general and each reserve officer of the Navy in the grade of admiral shall be separated in accordance with section 14514 of this title on the first day of the first month beginning after the date of the fifth anniversary of the officer's appointment to that grade or 30 days after the date on which the officer completes 40 years of commissioned service, whichever is later.".

(2) CONFORMING AMENDMENTS.—Subsection (b) of section 10502 of such title, as amended by section 1811, is further amended—

(A) by inserting "(1)" before the first sentence; and

(B) by striking "While holding that office" and inserting the following:

"(2) Except as provided in section 14508(d) of this title, while holding the office of Chief of the National Guard Bureau".

SEC. 1826. ADDITIONAL REPORTING REQUIREMENTS RELATING TO NATIONAL GUARD EQUIPMENT.

Section 10541 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) Each report under this section concerning equipment of the National Guard shall also include the following:

"(1) A statement of the accuracy of the projections required by subsection (b)(5)(D) contained in earlier reports under this section, and an explanation, if the projection was not met, of why the projection was not met.

"(2) A certification from the Chief of the National Guard Bureau setting forth an inventory for the preceding fiscal year of each item of equipment—

"(A) for which funds were appropriated;

"(B) which was due to be procured for the National Guard during that fiscal year; and

"(C) which has not been received by a National Guard unit as of the close of that fiscal year.".

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2008".

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII and in title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2010; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2010; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2011 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Termination of authority to carry out fiscal year 2007 Army projects for which funds were not appropriated.
Sec. 2106. Technical amendments to Military Construction Authorization Act for Fiscal Year 2007.
Sec. 2107. Modification of authority to carry out certain fiscal year 2006 project.
Sec. 2108. Extension of authorization of certain fiscal year 2005 project.
Sec. 2109. Ground lease, SOUTHCOM headquarters facility, Miami-Doral, Florida.

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	$26,000,000
	Redstone Arsenal	$22,000,000
Alaska	Fort Richardson	$92,800,000
	Fort Wainwright	$114,500,000
Arizona	Fort Huachuca	$129,600,000
California	Fort Irwin	$24,000,000
	Presidio, Monterey	$28,000,000
Colorado	Fort Carson	$156,200,000
Delaware	Dover Air Force Base	$17,500,000
Florida	Miami Doral	$237,000,000
Georgia	Fort Benning	$189,500,000
	Fort Stewart/Hunter Army Air Field	$123,500,000
Hawaii	Fort Shafter	$31,000,000
	Kahuku Training Area	$10,200,000
	Schofield Barracks	$88,000,000
	Wheeler Army Air Field	$51,000,000
Illinois	Rock Island Arsenal	$3,350,000

Army: Inside the United States—Continued

State	Installation or Location	Amount
Kansas	Fort Leavenworth	$102,400,000
	Fort Riley	$140,200,000
Kentucky	Fort Campbell	$113,600,000
	Fort Knox	$6,700,000
Louisiana	Fort Polk	$15,900,000
Maryland	Aberdeen Proving Ground	$12,200,000
Michigan	Detroit Arsenal	$18,500,000
Missouri	Fort Leonard Wood	$136,050,000
Nevada	Hawthorne Army Ammunition Plant	$11,800,000
New Jersey	Picatinny Arsenal	$9,900,000
New Mexico	White Sands Missile Range	$71,000,000
New York	Fort Drum	$311,200,000
North Carolina	Fort Bragg	$287,200,000
Oklahoma	Fort Sill	$7,500,000
South Carolina	Fort Jackson	$85,000,000
Texas	Camp Bullis	$1,600,000
	Corpus Christi	$11,200,000
	Fort Bliss	$118,400,000
	Fort Hood	$163,400,000
	Fort Sam Houston	$19,150,000
	Red River Army Depot	$9,200,000
Virginia	Fort Belvoir	$13,000,000
	Fort Eustis	$75,000,000
	Fort Lee	$22,600,000
	Fort Myer	$20,800,000
Washington	Fort Lewis	$178,500,000
	Yakima Training Center	$29,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Afghanistan	$13,800,000
Bulgaria	Nevo Selo FOS	$61,000,000
Germany	Grafenwoehr	$62,000,000
Honduras	Various locations	$2,550,000
Italy	Aviano	$12,100,000
	Vicenza	$160,900,000
Korea	Camp Humphreys	$57,000,000
Romania	Mihail Kogalniceanu FOS	$12,600,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

State or Country	Installation or Location	Units	Amount
Utah	Dugway Proving Ground	28	$5,000,000
Germany	Ansbach	138	$52,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,000,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $365,400,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $5,106,703,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $3,198,150,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $254,950,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $25,900,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $321,983,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $424,400,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $731,920,000.

(6) For the construction of increment 2 of a barracks complex at Fort Lewis, Washington, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109-364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109-289), as added by section 2 of the Revised

Continuing Appropriations Resolution, 2007 (Public Law 110–5; 121 Stat. 41), $102,000,000.

(7) For the construction of increment 3 of a barracks complex at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3485), $47,400,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $137,000,000 (the balance of the amount authorized under section 2101(a) for construction of the United States Southern Command Headquarters, Miami, Florida).

(3) $63,500,000 (the balance of the amount authorized under section 2101(b) for construction of a brigade complex operations support facility at Vicenza, Italy).

(4) $63,500,000 (the balance of the amount authorized under section 2101(b) for construction of a brigade complex barracks and community support facility at Vicenza, Italy).

SEC. 2105. TERMINATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2007 ARMY PROJECTS FOR WHICH FUNDS WERE NOT APPROPRIATED.

(a) TERMINATION OF INSIDE THE UNITED STATES PROJECTS.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289), as added by section 2 of the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5), is further amended—

(1) by striking the item relating to Redstone Arsenal, Alabama;

(2) by striking the item relating to Fort Wainwright, Alaska;

(3) in the item relating to Fort Irwin, California, by striking "$18,200,000" in the amount column and inserting "$10,000,000";

(4) in the item relating to Fort Carson, Colorado, by striking "$30,800,000" in the amount column and inserting "$24,000,000";

(5) in the item relating to Fort Leavenworth, Kansas, by striking "$23,200,000" in the amount column and inserting "$15,000,000";

(6) in the item relating to Fort Riley, Kansas, by striking "$47,400,000" in the amount column and inserting "$37,200,000";

(7) in the item relating to Fort Campbell, Kentucky, by striking "$135,300,000" in the amount column and inserting "$115,400,000";

(8) by striking the item relating to Fort Polk, Louisiana;

(9) by striking the item relating to Aberdeen Proving Ground, Maryland;

(10) by striking the item relating to Fort Detrick, Maryland;

(11) by striking the item relating to Detroit Arsenal, Michigan;

(12) in the item relating to Fort Leonard Wood, Missouri, by striking "$34,500,000" in the amount column and inserting "$17,000,000";

(13) by striking the item relating to Picatinny Arsenal, New Jersey;

(14) in the item relating to Fort Drum, New York, by striking "$218,600,000" in the amount column and inserting "$209,200,000";

(15) in the item relating to Fort Bragg, North Carolina, by striking "$96,900,000" in the amount column and inserting "$89,000,000";

(16) by striking the item relating to Letterkenny Depot, Pennsylvania;

(17) by striking the item relating to Corpus Christi Army Depot, Texas;

(18) by striking the item relating to Fort Bliss, Texas;

(19) in the item relating to Fort Hood, Texas, by striking "$93,000,000" in the amount column and inserting "$75,000,000";

(20) by striking the item relating to Red River Depot, Texas; and

(21) by striking the item relating to Fort Lee, Virginia.

(b) CONFORMING AMENDMENTS.—Section 2104(a) of such Act (120 Stat. 2447) is amended—

(1) in the matter preceding paragraph (1), by striking "$3,518,450,000" and inserting "$3,275,700,000"; and

(2) in paragraph (1), by striking "$1,362,200,000" and inserting "$1,119,450,000".

SEC. 2106. TECHNICAL AMENDMENTS TO MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 2007.

(a) LOCATION OF PROJECT IN ROMANIA.—The table in section 2101(b) of the Military Construction Authorization Act for 2007 (division B of Public Law 109–364; 120 Stat. 2446) is amended by striking "Babadag Range" and inserting "Mihail Kogalniceanu Air Base".

(b) SPELLING ERROR RELATING TO ARMY FAMILY HOUSING.—The table in section 2102(a) of the Military Construction Authorization Act for 2007 (division B of Public Law 109–364; 120 Stat. 2446) is amended by striking "Fort McCoyine" and inserting "Fort McCoy".

SEC. 2107. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECT.

(a) MODIFICATION.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3485) is amended in the item relating to Fort Bragg, North Carolina, by striking "$301,250,000" in the amount column and inserting "$308,250,000".

(b) CONFORMING AMENDMENTS.—Section 2104(b)(5) of that Act (119 Stat. 3488) is amended by striking "$77,400,000" and inserting "$84,400,000".

SEC. 2108. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2005 PROJECT.

(a) EXTENSION AND RENEWAL.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), the authorization set forth in the table in subsection (b), as provided in section 2101 of that Act (118 Stat. 2101), shall remain in effect until October 1, 2008, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2005 Project Authorization

Installation or Location	Project	Amount
Schofield Barracks, Hawaii	Training facility	$35,542,000

SEC. 2109. GROUND LEASE, SOUTHCOM HEADQUARTERS FACILITY, MIAMI-DORAL, FLORIDA.

(a) GROUND LEASE AUTHORIZED.—The Secretary of the Army may utilize the State of Florida property as described in sublease number 4489–01, entered into between the State of Florida and the United States (in this section referred to as the "ground lease"), for the purpose of constructing a consolidated headquarters facility for the United States Southern Command (SOUTHCOM).

(b) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may carry out the project to construct a new headquarters on property leased from the State of Florida when the following conditions have been met regarding the lease for the property:

(1) The United States Government shall have the right to use the property without interruption until at least December 31, 2055.

(2) The United States Government shall have the right to use the property for general administrative purposes in the event the United States Southern Command relocates or vacates the property.

(c) AUTHORITY TO OBTAIN GROUND LEASE OF ADJACENT PROPERTY.—The Secretary may obtain the ground lease of additional real property owned by the State of Florida that is adjacent to the real property leased under the ground lease for purposes of completing the construction of the SOUTHCOM headquarters facility, as long as the additional terms of the ground lease required by subsection (b) apply to such adjacent property.

(d) LIMITATION.—The Secretary may not obligate or expend funds appropriated pursuant to the authorization of appropriations in section 2104(a)(1) for the construction of the SOUTHCOM headquarters facility authorized under section 2101(a) until the Secretary transmits to the congressional defense committees a modification to the ground lease signed by the United States Government and the State of Florida in accordance with subsection (b).

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Termination of authority to carry out fiscal year 2007 Navy projects for which funds were not appropriated.
Sec. 2206. Modification of authority to carry out certain fiscal year 2005 project.
Sec. 2207. Repeal of authorization for construction of Navy Outlying Landing Field, Washington County, North Carolina.

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section

2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Alabama	Outlying Field Evergreen	$9,560,000
Arizona	Marine Corps Air Station, Yuma	$33,720,000
California	Marine Corps Air Station, Miramar	$26,760,000
	Marine Corps Base, Camp Pendleton	$264,360,000
	Marine Corps Base, Twentynine Palms	$142,619,000
	Naval Station, San Diego	$3,000,000
	Naval Support Activity, Monterey	$9,780,000
	Submarine Base, San Diego	$23,630,000
Connecticut	Submarine Base, New London	$21,160,000
Florida	Marine Corps Logistics Base, Blount Island	$10,240,000
	Naval Support Activity, Cape Canaveral	$9,900,000
	Naval Surface Warfare Center, Panama City	$13,870,000
	Naval Training Center, Corry Field	$3,140,000
Georgia	Marine Corps Logistics Base	$9,980,000
Hawaii	Marine Corps Air Station, Kaneohe	$37,961,000
	Naval Base, Pearl Harbor	$99,860,000
	Naval Station Pearl Harbor, Wahiawa	$65,410,000
	Pearl Harbor Naval Shipyard	$30,200,000
Illinois	Naval Training Center, Great Lakes	$10,221,000
Indiana	Naval Support Activity, Crane	$23,800,000
Maine	Portsmouth Naval Shipyard	$9,700,000
Maryland	Naval Air Warfare Center, Patuxent River	$38,360,000
	Naval Surface Warfare Center, Indian Head	$9,450,000
Mississippi	Naval Air Station, Meridian	$6,770,000
Nevada	Naval Air Station, Fallon	$11,460,000
New Jersey	Naval Air Warfare Center, Lakehurst	$4,100,000
North Carolina	Marine Corps Air Station, Cherry Point	$28,610,000
	Marine Corps Air Station, New River	$58,700,000
	Marine Corps Base, Camp Lejeune	$248,930,000
Rhode Island	Naval Station, Newport	$13,760,000
South Carolina	Marine Corps Air Station, Beaufort	$10,300,000
	Marine Corps Recruit Depot, Parris Island	$55,282,000
Texas	Naval Air Station, Corpus Christi	$14,290,000
Virginia	Marine Corps Base, Quantico	$50,519,000
	Naval Station, Norfolk	$79,560,000
	Naval Support Activity, Chesapeake	$8,450,000
	Naval Surface Warfare Center, Dahlgren	$10,000,000
Washington	Naval Air Station, Whidbey Island	$34,520,000
	Naval Station, Bremerton	$190,960,000
	Naval Station, Everett	$10,940,000
	Naval Station, Kitsap	$6,130,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain	Southwest Asia	$35,500,000
Diego Garcia	Naval Support Facility, Diego Garcia	$7,150,000
Djibouti	Camp Lemonier	$22,390,000
Guam	Naval Activities, Guam	$278,818,000

(c) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(3), the Secretary of the Navy may acquire real property and carry out military construction projects for unspecified installations or locations in the amount set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Unspecified	Wharf Utilities Upgrade	$8,900,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations, in the number of units, and in the amounts set forth in the following table:

Navy: Family Housing

Location	Installation	Units	Amount
California	Twentynine Palms	N/A	$4,800,000
Mariana Islands	Naval Activities, Guam	73	$57,167,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $3,172,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $237,990,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,885,317,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $1,628,762,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $292,946,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2201(c), $11,600,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $113,017,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $293,129,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $371,404,000.

(7) For the construction of increment 2 of the construction of an addition to the National Maritime Intelligence Center, Suitland, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), $52,069,000.

(8) For the construction of increment 3 of recruit training barracks infrastructure upgrade at Recruit Training Command, Great Lakes, Illinois, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $16,650,000.

(9) For the construction of increment 3 of wharf upgrades at Yokosuka, Japan, authorized by section 2201(b) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $8,750,000.

(10) For the construction of increment 2 of the Bachelor Enlisted Quarters Homeport Ashore Program at Bremerton, Washington (formerly referred to as a project at Naval Station, Everett), authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $47,240,000.

(11) For the construction of increment 4 of the limited area production and storage complex at Naval Submarine Base, Kitsap, Bangor, Washington (formerly referred to as a project at the Strategic Weapons Facility Pacific, Bangor), authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493), $39,750,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a).

(2) $50,000,000 (the balance of the amount authorized under section 2201(a) for a submarine drive-in magnetic silencing facility in Pearl Harbor, Hawaii).

(3) $50,912,000 (the balance of the amount authorized under section 2201(b) for construction of a wharf extension in Apra Harbor, Guam).

(4) $71,200,000 (the balance of the amount authorized under section 2201(a) for a nuclear aircraft carrier maintenance pier at Naval Station Bremerton, Washington).

SEC. 2205. TERMINATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2007 NAVY PROJECTS FOR WHICH FUNDS WERE NOT APPROPRIATED.

(a) TERMINATION OF INSIDE THE UNITED STATES PROJECTS.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2449) is amended—

(1) in the item relating to Marine Corps Base, Twentynine Palms, California, by striking "$27,217,000" in the amount column and inserting "$8,217,000";

(2) by striking the item relating to Naval Support Activity, Monterey, California;

(3) by striking the item relating to Naval Submarine Base, New London, Connecticut;

(4) by striking the item relating to Cape Canaveral, Florida;

(5) in the item relating to Marine Corps Logistics Base, Albany, Georgia, by striking "$70,540,000" in the amount column and inserting "$62,000,000";

(6) by striking the item relating to Naval Magazine, Pearl Harbor, Hawaii;

(7) by striking the item relating to Naval Shipyard, Pearl Harbor, Hawaii;

(8) by striking the item relating to Naval Support Activity, Crane, Indiana;

(9) by striking the item relating to Portsmouth Naval Shipyard, Maine;

(10) by striking the item relating to Naval Air Station, Meridian, Mississippi;

(11) by striking the item relating to Naval Air Station, Fallon, Nevada;

(12) by striking the item relating to Marine Corps Air Station, Cherry Point, North Carolina;

(13) by striking the item relating to Naval Station, Newport, Rhode Island;

(14) in the item relating to Marine Corps Air Station, Beaufort, South Carolina, by striking "$25,575,000" in the amount column and inserting "$22,225,000";

(15) by striking the item relating to Naval Special Weapons Center, Dahlgren, Virginia;

(16) in the item relating to Naval Support Activity, Norfolk, Virginia, by striking "$41,712,000" in the amount column and inserting "$28,462,000";

(17) in the item relating to Naval Air Station, Whidbey Island, Washington, by striking "$67,303,000" in the amount column and inserting "$57,653,000"; and

(18) in the item relating to Naval Base, Kitsap, Washington, by striking "$17,617,000" in the amount column and inserting "$13,507,000".

(b) TERMINATION OF MILITARY FAMILY HOUSING PROJECTS.—Section 2204(a)(6)(A) of such Act (120 Stat. 2450) is amended by striking "$308,956,000" and inserting "$305,256,000".

(c) CONFORMING AMENDMENTS.—Section 2204(a) of such Act (120 Stat. 2450) is amended—

(1) in the matter preceding paragraph (1), by striking "$2,109,367,000" and inserting "$1,946,867,000"; and

(2) in paragraph (1), by striking "$832,982,000" and inserting "$674,182,000".

SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2005 PROJECT.

(a) MODIFICATION.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493) and section 2205 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2452), is amended—

(1) in the item relating to Strategic Weapons Facility Pacific, Bangor, Washington, by striking "$147,760,000" in the amount column and inserting "$295,000,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$972,719,000".

(b) CONFORMING AMENDMENT.—Section 2204 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2107), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493) and section 2205 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2453), is amended in subsection (b)(6), by striking "$95,320,000" and inserting "$259,320,000".

SEC. 2207. REPEAL OF AUTHORIZATION FOR CONSTRUCTION OF NAVY OUTLYING LANDING FIELD, WASHINGTON COUNTY, NORTH CAROLINA.

(a) REPEAL OF AUTHORIZATION.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat.

1704) is amended by striking the item relating to Navy Outlying Landing Field, Washington County, North Carolina, as added by section 2205(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109-364; 120 Stat. 2452).

(b) REPEAL OF INCREMENTAL FUNDING AUTHORITY.—Section 2204(b) of that Act (117 Stat. 1706) is amended by striking paragraph (6).

(c) EFFECT OF REPEAL.—The amendments made by this section do not affect the expenditure of funds obligated, before the effective date of this title, for the construction of the Navy Outlying Landing Field, Washington County, North Carolina, or the acquisition of real property to facilitate such construction.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Termination of authority to carry out fiscal year 2007 Air Force projects for which funds were not appropriated.
Sec. 2306. Modification of authority to carry out certain fiscal year 2006 projects.
Sec. 2307. Extension of authorizations of certain fiscal year 2005 projects.
Sec. 2308. Extension of authorizations of certain fiscal year 2004 projects.

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Elmendorf Air Force Base	$83,180,000
Arizona	Davis-Monthan Air Force Base	$11,200,000
	Luke Air Force Base	$5,500,000
Arkansas	Little Rock Air Force Base	$19,600,000
California	Travis Air Force Base	$37,400,000
Colorado	Fort Carson	$13,500,000
	Schriever Air Force Base	$24,500,000
	United States Air Force Academy	$15,000,000
District of Columbia	Bolling Air Force Base	$2,500,000
Florida	Eglin Air Force Base	$158,300,000
	MacDill Air Force Base	$60,500,000
	Patrick Air Force Base	$11,854,000
	Tyndall Air Force Base	$52,514,000
Georgia	Moody Air Force Base	$7,500,000
	Robins Air Force Base	$19,700,000
Hawaii	Hickam Air Force Base	$31,971,000
Illinois	Scott Air Force Base	$24,900,000
Kansas	Fort Riley	$12,515,000
	McConnell Air Force Base	$6,300,000
Massachusetts	Hanscom Air Force Base	$12,800,000
Mississippi	Columbus Air Force Base	$9,800,000
Missouri	Whiteman Air Force Base	$11,400,000
Montana	Malmstrom Air Force Base	$7,000,000
Nebraska	Offutt Air Force Base	$16,952,000
Nevada	Nellis Air Force Base	$4,950,000
New Mexico	Cannon Air Force Base	$1,688,000
	Kirtland Air Force Base	$15,100,000
North Dakota	Grand Forks Air Force Base	$13,000,000
	Minot Air Force Base	$18,200,000
Oklahoma	Altus Air Force Base	$2,000,000
	Tinker Air Force Base	$34,600,000
	Vance Air Force Base	$7,700,000
South Carolina	Charleston Air Force Base	$11,000,000
	Shaw Air Force Base	$9,300,000
South Dakota	Ellsworth Air Force Base	$16,600,000
Texas	Goodfellow Air Force Base	$5,800,000
	Lackland Air Force Base	$14,000,000
	Laughlin Air Force Base	$5,200,000
	Randolph Air Force Base	$2,950,000
	Shepard Air Force Base	$7,000,000
Utah	Hill Air Force Base	$25,999,000
Washington	Fairchild Air Force Base	$6,200,000
Wyoming	Francis E. Warren Air Force Base	$14,600,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Germany	Ramstein Air Base	$48,209,000
Guam	Andersen Air Force Base	$15,816,000
Qatar	Al Udeid Air Base	$22,300,000
Spain	Moron Air Base	$1,800,000
United Kingdom	Royal Air Force Lakenheath	$17,300,000
	Royal Air Force Menwith Hill Station	$41,000,000

(c) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for unspecified installations or locations in the amount set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified	Classified Project	$1,500,000
	Classified-Special Evaluation Program	$12,328,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Air Force: Family Housing

State or Country	Installation or Location	Units	Amount
Germany	Ramstein Air Base	117	$56,275,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $12,210,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $259,262,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,175,829,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $872,273,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $146,425,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), $13,828,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $15,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $43,721,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $327,747,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $688,335,000.

(7) For the construction of increments 3 and 4 of the main base runway at Edwards Air Force Base, California, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3494), $43,500,000.

(8) For the construction of increment 3 of the CENTCOM Joint Intelligence Center at MacDill Air Force Base, Florida, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3494), as amended by section 2305 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109-364; 120 Stat. 2456), $25,000,000.

SEC. 2305. TERMINATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2007 AIR FORCE PROJECTS FOR WHICH FUNDS WERE NOT APPROPRIATED.

(a) TERMINATION OF INSIDE THE UNITED STATES PROJECTS.—The table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109-364; 120 Stat. 2453) is amended—

(1) in the item relating to Elmendorf, Alaska, by striking "$68,100,000" in the amount column and inserting "$56,100,000";

(2) in the item relating to Davis-Monthan Air Force Base, Arizona, by striking "$11,800,000" in the amount column and inserting "$4,600,000";

(3) by striking the item relating to Little Rock Air Force Base, Arkansas;

(4) in the item relating to Travis Air Force Base, California, by striking "$85,800,000" in the amount column and inserting "$73,900,000";

(5) by striking the item relating to Peterson Air Force Base, Colorado;

(6) in the item relating to Dover Air Force, Delaware, by striking "$30,400,000" in the amount column and inserting "$26,400,000";

(7) in the item relating to Eglin Air Force Base, Florida, by striking "$30,350,000" in the amount column and inserting "$19,350,000";

(8) in the item relating to Tyndall Air Force Base, Florida, by striking "$8,200,000" in the amount column and inserting "$1,800,000";

(9) in the item relating to Robins Air Force Base, Georgia, by striking "$59,600,000" in the amount column and inserting "$38,600,000";

(10) in the item relating to Scott Air Force Base, Illinois, by striking "$28,200,000" in the amount column and inserting "$20,000,000";

(11) by striking the item relating to McConnell Air Force Base, Kansas;

(12) by striking the item relating to Hanscom Air Force Base, Massachusetts;

(13) by striking the item relating to Whiteman Air Force Base, Missouri;

(14) by striking the item relating to Malmstrom Air Force Base, Montana;

(15) in the item relating to McGuire Air Force Base, New Jersey, by striking "$28,500,000" in the amount column and inserting "$15,500,000";

(16) by striking the item relating to Kirtland Air Force Base, New Mexico;

(17) by striking the item relating to Minot Air Force Base, North Dakota;

(18) in the item relating to Altus Air Force Base, Oklahoma, by striking "$9,500,000" in the amount column and inserting "$1,500,000";

(19) by striking the item relating to Tinker Air Force Base, Oklahoma;

(20) by striking the item relating to Charleston Air Force Base, South Carolina;

(21) in the item relating to Shaw Air Force Base, South Carolina, by striking "$31,500,000" in the amount column and inserting "$22,200,000";

(22) by striking the item relating to Ellsworth Air Force Base, South Dakota;

(23) by striking the item relating to Laughlin Air Force Base, Texas;

(24) by striking the item relating to Sheppard Air Force Base, Texas;

(25) in the item relating to Hill Air Force Base, Utah, by striking "$63,400,000" in the amount column and inserting "$53,400,000"; and

(26) by striking the item relating to Fairchild Air Force Base, Washington.

(b) CONFORMING AMENDMENTS.—Section 2304(a) of such Act (120 Stat. 2455) is amended—

(1) in the matter preceding paragraph (1), by striking "$3,231,442,000" and inserting "$3,005,817,000"; and

(2) in paragraph (1), by striking "$962,286,000" and inserting "$736,661,000".

(c) EXCEPTION.—The termination of the authorization of a military construction project or land acquisition as a result of the amendment made by subsection (a) shall not apply with respect to a military construction project or land acquisition—

(1) that was authorized by section 2301(a) of such Act; and

(2) for which a contract for the construction or acquisition was entered into before October 1, 2007.

SEC. 2306. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) FURTHER MODIFICATION OF INSIDE THE UNITED STATES PROJECT.—The table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3494), as amended by section 2305(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109-364; 120 Stat. 2456), is further amended—

(1) in the item relating to Edwards Air Force Base, California, by striking "$103,000,000" in the amount column and inserting "$111,500,000"; and

(2) in the item relating to MacDill Air Force Base, Florida, by striking "$101,500,000" in the amount column and inserting "$126,500,000".

(b) CONFORMING AMENDMENTS.—Section 2304(b) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3496), as amended by section 2305(b) of the Military Construction Authorization Act for Fiscal Year

2007 (division B of Public Law 109–364; 120 Stat. 2456), is further amended—

(1) in paragraph (3), by striking "$66,000,000" and inserting "$74,500,000"; and

(2) in paragraph (4), by striking "$23,300,000" and inserting "$48,300,000".

SEC. 2307. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) EXTENSION AND RENEWAL.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), the authorizations set forth in the table in subsection (b), as provided in section 2302 of that Act (118 Stat. 2110), shall remain in effect until October 1, 2008, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2005 Project Authorizations

Installation or location	Project	Amount
Davis-Monthan Air Force Base, Arizona	Family housing (250 units)	$48,500,000
Vandenberg Air Force Base, California	Family housing (120 units)	$30,906,000
MacDill Air Force Base, Florida	Family housing (61 units)	$21,723,000
	Housing maintenance facility	$1,250,000
Columbus Air Force Base, Mississippi	Housing management facility	$711,000
Whiteman Air Force Base, Missouri	Family housing (160 units)	$37,087,000
Seymour Johnson Air Force Base, North Carolina	Family housing (167 units)	$32,693,000
Goodfellow Air Force Base, Texas	Family housing (127 units)	$20,604,000
Ramstein Air Base, Germany	USAFE Theater Aerospace Operations Support Center	$24,024,000

SEC. 2308. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2004 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1716), authorizations set forth in the table in subsection (b), as provided in section 2302 of that Act (117 Stat. 1710) and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2464), shall remain in effect until October 1, 2008, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2004 Project Authorizations

Installation or location	Project	Amount
Travis Air Force Base, California	Family housing (56 units)	$12,723,000
Eglin Air Force Base, Florida	Family housing (279 units)	$32,166,000

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Energy conservation projects.
Sec. 2403. Authorization of appropriations, Defense Agencies.
Sec. 2404. Termination or modification of authority to carry out certain fiscal year 2007 Defense Agencies projects.
Sec. 2405. Munitions demilitarization facilities, Blue Grass Army Depot, Kentucky, and Pueblo Chemical Activity, Colorado.
Sec. 2406. Extension of authorizations of certain fiscal year 2005 projects.

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

State	Installation or location	Amount
North Carolina	Marine Corps Base, Camp Lejeune	$2,014,000

Defense Intelligence Agency

State	Installation or location	Amount
District of Columbia	Bolling Air Force Base	$1,012,000

Defense Logistics Agency

State	Installation or location	Amount
California	Port Loma Annex	$140,000,000
Florida	Naval Air Station, Key West	$1,874,000
Hawaii	Hickam Air Force Base	$11,900,000
New Mexico	Kirtland Air Force Base	$1,800,000
Ohio	Defense Supply Center, Columbus	$4,000,000
Pennsylvania	Defense Distribution Depot, New Cumberland	$21,000,000
Virginia	Fort Belvoir	$5,000,000

National Security Agency

State	Installation or location	Amount
Maryland	Fort Meade	$11,901,000

Special Operations Command

State	Installation or location	Amount
California	Marine Corps Base, Camp Pendleton	$20,030,000
	Naval Amphibious Base, Coronodo	$12,000,000
Florida	Hurlburt Field	$29,111,000
	MacDill Air Force Base	$47,700,000
Georgia	Fort Benning	$35,000,000
	Hunter Army Air Field	$13,800,000
Kentucky	Fort Campbell	$53,500,000
Mississippi	Stennis Space Center	$10,200,000
New Mexico	Cannon Air Force Base	$7,500,000
North Carolina	Fort Bragg	$47,250,000
	Marine Corps Base, Camp Lejeune	$28,210,000
Virginia	Dam Neck	$113,800,000
	Naval Amphibious Base, Little Creek	$48,000,000
Washington	Fort Lewis	$77,000,000

TRICARE Management Activity

State	Installation or location	Amount
Florida	MacDill Air Force Base	$5,000,000
Illinois	Naval Hospital, Great Lakes	$99,000,000
New York	Fort Drum	$41,000,000
Texas	Camp Bullis	$7,400,000
Virginia	Naval Station, Norfolk	$6,450,000
Washington	Fort Lewis	$21,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

Country	Installation or location	Amount
Belgium	Sterrebeek	$5,992,000
Germany	Ramstein Air Base	$5,393,000
	Wiesbaden Air Base	$20,472,000

Special Operations Command

Country	Installation or location	Amount
Bahrain	Southwest Asia	$19,000,000
Qatar	Al Udeid AB	$52,852,000

TRICARE Management Activity

Country	Installation or location	Amount
Germany	Spangdahlem Air Base	$30,100,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(3), the Secretary of Defense may acquire real property and carry out military construction projects for unspecified installations or locations in the amount set forth in the following table:

Defense Agencies: Unspecified Worldwide

Location	Installation or location	Amount
Worldwide Classified	Classified Project	$1,887,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(7), the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount of $70,000,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $1,763,120,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $791,902,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $133,809,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), $1,887,000.

(4) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $23,711,000.

(5) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $5,000,000.

(6) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $155,569,000.

(7) For energy conservation projects authorized by section 2402 of this Act, $70,000,000.

(8) For military family housing functions:

(A) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $48,848,000.

(B) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, $500,000.

(9) For the construction of increment 3 of the regional security operations center at Kunia, Hawaii, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497), as amended by section 7017 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 485), $136,318,000.

(10) For the construction of increment 3 of the regional security operations center at Augusta, Georgia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497), as amended by section 7016 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 485), $100,000,000.

(11) For the construction of increment 2 of the health clinic replacement at MacDill Air Force Base, Florida, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $41,400,000.

(12) For the construction of increment 2 of the replacement of the Army Medical Research Institute of Infectious Diseases at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $150,000,000.

(13) For the construction of increment 9 of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $35,159,000.

(14) For the construction of increment 8 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $69,017,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a).

(2) $84,300,000 (the balance of the amount authorized for the Defense Logistics Agency under section 2401(a) for the replacement of fuel storage facilities, Point Loma Annex, California).

(3) $47,250,000 (the balance of the amount authorized for the Special Operations Command under section 2401(a) for a special operations forces operations facility at Dam Neck, Virginia).

SEC. 2404. TERMINATION OR MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 DEFENSE AGENCIES PROJECTS.

(a) TERMINATION OF PROJECTS FOR WHICH FUNDS WERE NOT APPROPRIATED.—The table relating to Special Operations Command in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457) is amended—

(1) by striking the item relating to Stennis Space Center, Mississippi; and

(2) in the item relating to Fort Bragg, North Carolina, by striking "$51,768,000" in the amount column and inserting "$44,868,000".

(b) MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN BASE CLOSURE AND REALIGNMENT ACTIVITIES.—Section 2405(a)(7) of that Act (120 Stat. 2460) is amended by striking "$191,220,000" and inserting "$252,279,000".

(c) MODIFICATION OF MUNITIONS DEMILITARIZATION FACILITY PROJECT.—Section 2405(a)(15) of that Act (120 Stat. 2461) is amended by striking "$99,157,000" and inserting "$89,157,000".

(d) CONFORMING AMENDMENTS.—Section 2405(a) of that Act (120 Stat. 2460) is amended—

(1) in the matter preceding paragraph (1), by striking "$7,163,431,000" and inserting "$7,197,390,000"; and

(2) in paragraph (1), by striking "$533,099,000" and inserting "$515,999,000".

SEC. 2405. MUNITIONS DEMILITARIZATION FACILITIES, BLUE GRASS ARMY DEPOT, KENTUCKY, AND PUEBLO CHEMICAL ACTIVITY, COLORADO.

(a) MUNITIONS DEMILITARIZATION FACILITY, BLUE GRASS ARMY DEPOT.—

(1) AUTHORITY TO INCREASE AMOUNT FOR CONSTRUCTION.—Consistent with the total project amount authorized for the construction a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 836), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), the Secretary of Defense may transfer amounts of authorizations made available by section 2403(a)(1) of this Act to increase amounts available for the construction of increment 8 of such munitions demilitarization facility.

(2) AGGREGATE LIMIT.—The aggregate amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed $17,300,000.

(b) MUNITIONS DEMILITARIZATION FACILITY, PUEBLO CHEMICAL ACTIVITY.—

(1) AUTHORITY TO INCREASE AMOUNT FOR CONSTRUCTION.—Consistent with the total project amount authorized for the construction a munitions demilitarization facility at Pueblo Chemical Activity, Colorado, by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), the Secretary of Defense may transfer amounts of authorizations made available by section 2403(a)(1) of this Act to increase amounts available for the construction of increment 9 of such munitions demilitarization facility.

(2) AGGREGATE LIMIT.—The aggregate amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed $32,000,000.

(c) CERTIFICATION REQUIREMENT.—Before exercising the authority provided in subsection (a) or (b), the Secretary of Defense shall provide to the congressional defense committees—

(1) a certification that the transfer under such subsection of amounts authorized to be appropriated is in the best interest of national security; and

(2) a statement that the increased amount authorized to be appropriated will be used to carry out authorized military construction activities.

SEC. 2406. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) EXTENSION AND RENEWAL.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), the authorizations set forth in the table in subsection (b), as provided in section 2401 of that Act (118 Stat. 2112), shall remain in effect until October 1, 2008, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Agencies: Extension of 2005 Project Authorizations

Installation or location	Agency and Project	Amount
Naval Air Station, Oceana, Virginia	DLA bulk fuel storage tank	$3,589,000
Naval Air Station, Jacksonville, Florida	TMA hospital project	$28,438,000

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $201,400,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
Sec. 2606. Authorization of appropriations, National Guard and Reserve.
Sec. 2607. Termination of authority to carry out fiscal year 2007 Guard and Reserve projects for which funds were not appropriated.
Sec. 2608. Modification of authority to carry out fiscal year 2006 Air Force Reserve construction and acquisition projects.
Sec. 2609. Extension of authorizations of certain fiscal year 2005 projects.
Sec. 2610. Extension of authorizations of certain Fiscal Year 2004 projects.

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(A), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations, and in the amounts, set forth in the following table:

Army National Guard

State	Location	Amount
Alabama	Springville	$3,300,000
Arizona	Florence	$10,870,000
Arkansas	Camp Robinson	$25,823,000
California	Camp Roberts	$2,850,000
	Sacramento Army Depot	$21,000,000
Connecticut	Niantic	$13,600,000
Florida	Camp Blanding	$15,524,000
	Jacksonville	$12,200,000
Idaho	Gowen Field	$7,615,000
	Orchard Training Area	$1,700,000
Illinois	St. Clair County	$8,100,000
Indiana	Muscatatuck	$4,996,000
Iowa	Iowa City	$13,186,000
Kentucky	London	$2,427,000
Michigan	Camp Grayling	$2,450,000
	Lansing	$4,239,000
Minnesota	Camp Ripley	$17,450,000
Mississippi	Camp Shelby	$4,000,000
Missouri	Whiteman Air Force Base	$30,000,000
North Carolina	Asheville	$3,733,000
North Dakota	Camp Grafton	$33,416,000
Oregon	Ontario	$11,000,000
Pennsylvania	Carlisle	$7,800,000
	East Fallowfield Township	$8,300,000
	Fort Indiantown Gap	$9,500,000
	Gettysburg	$6,300,000
	Graterford	$7,300,000
	Hanover	$5,500,000
	Hazelton	$5,600,000
	Holidaysburg	$9,400,000
	Huntingdon	$7,500,000
	Kutztown	$6,800,000
	Lebanon	$7,800,000
	Philadelphia	$13,650,000
	Waynesburg	$9,000,000
Rhode Island	East Greenwich	$8,200,000
	North Kingstown	$33,000,000
Texas	Camp Bowie	$1,500,000
	Fort Wolters	$2,100,000
Utah	North Salt Lake	$12,200,000
Vermont	Ethan Allen Range	$1,996,000
Virginia	Fort Pickett	$26,211,000
	Winchester	$3,113,000
West Virginia	Camp Dawson	$9,400,000
Wyoming	Camp Guernsey	$2,650,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(B), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations, and in the amounts, set forth in the following table:

Army Reserve

State	Location	Amount
California	BT Collins	$6,874,000
	Fort Hunter Liggett	$7,035,000
	Garden Grove	$25,440,000
Montana	Butte	$7,629,000
New Jersey	Fort Dix	$22,900,000
New York	Fort Drum	$15,923,000
Texas	Ellington Field	$15,000,000
	Fort Worth	$15,076,000
Wisconsin	Ellsworth	$9,100,000
	Fort McCoy	$8,523,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
California	Miramar	$5,580,000
Michigan	Selfridge	$4,030,000
Ohio	Wright-Patterson Air Force Base	$10,277,000
Oregon	Portland	$1,900,000
South Dakota	Sioux Falls	$3,730,000
Texas	Austin	$6,490,000
	Fort Worth	$27,484,000
Virginia	Quantico	$2,410,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(A), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
Colorado	Buckley Air National Guard Base	$7,300,000
Delaware	New Castle	$10,800,000
Florida	Jacksonville International Airport	$6,000,000
Georgia	Savannah International Airport	$9,000,000
Indiana	Hulman Regional Airport	$7,700,000
Kansas	Smoky Hill Air National Guard Range	$9,000,000
Louisiana	Camp Beauregard	$1,800,000
Massachusetts	Otis Air National Guard Base	$1,800,000
	Barnes Air National Guard Base	$7,300,000
Mississippi	Key Field	$6,100,000
Nebraska	Lincoln	$8,900,000
Nevada	Reno-Tahoe International Airport	$5,200,000
New Hampshire	Pease Air National Guard Base	$8,900,000
New Jersey	Atlantic City	$9,800,000
New York	Gabreski Airport	$8,400,000
	Griffiss	$6,600,000
	Hancock Field	$5,100,000
North Carolina	Charlotte	$4,000,000
Ohio	Rickenbacker Air National Guard Base	$7,600,000
Pennsylvania	Fort Indiantown Gap	$12,700,000
	Harrisburg	$1,000,000
Rhode Island	Quonset State Airport	$5,000,000
South Dakota	Joe Foss Field	$7,900,000
Tennessee	Lovell Field	$8,200,000
	McGhee-Tyson Airport	$3,200,000
	Memphis International Airport	$11,376,000
Texas	Ellington Field	$7,200,000
Vermont	Burlington	$6,600,000
West Virginia	Eastern WV Regional Airport	$50,776,000
	Yeager	$17,300,000
Wisconsin	Truax Field	$7,000,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(B), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
Alaska	Elmendorf Air Force Base	$14,950,000
Utah	Hill Air Force Base	$3,200,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $536,656,000; and

(B) for the Army Reserve, $148,133,000.

(2) For the Department of the Navy, for the Navy and Marine Corps Reserve, $64,430,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $287,537,000; and

(B) for the Air Force Reserve, $28,359,000.

SEC. 2607. TERMINATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2007 GUARD AND RESERVE PROJECTS FOR WHICH FUNDS WERE NOT APPROPRIATED.

Section 2601 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2463) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "$561,375,000" and inserting "$476,697,000"; and

(B) in subparagraph (B), by striking "$190,617,000" and inserting "$167,987,000";

(2) in paragraph (2), by striking "49,998,000" and inserting "$43,498,000"; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking "$294,283,000" and inserting "$133,983,000"; and

(B) in subparagraph (B), by striking "$56,836,000" and inserting "$47,436,000".

SEC. 2608. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2006 AIR FORCE RESERVE CONSTRUCTION AND ACQUISITION PROJECTS.

Section 2601(3)(B) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501) is amended by striking "$105,883,000" and inserting "$102,783,000".

SEC. 2609. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) EXTENSION AND RENEWAL.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), the authorizations set forth in the tables in subsection (b), as provided in section 2601 of that Act (118 Stat. 2115), shall remain in effect until October 1, 2008, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army National Guard: Extension of 2005 Project Authorizations

Installation or location	Project	Amount
Dublin, California	Readiness center	$11,318,000
Gary, Indiana	Reserve center	9,380,000

Army Reserve: Extension of 2005 Project Authorization

Installation or location	Project	Amount
Corpus Christi (Robstown), Texas	Storage facility	$9,038,000

SEC. 2610. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2004 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1716), the authorizations set forth in the table in subsection (b), as provided in section 2601 of that Act (117 Stat. 1715) and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2464), shall remain in effect until October 1, 2008, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2004 Project Authorizations

Installation or location	Project	Amount
Albuquerque, New Mexico	Readiness center	$2,533,000
Fort Indiantown Gap, Pennsylvania	Multi-purpose training range	15,338,000

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

Sec. 2701. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 1990.
Sec. 2702. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005.
Sec. 2703. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 2005.
Sec. 2704. Authorized cost and scope of work variations for military construction and military family housing projects related to base closures and realignments.
Sec. 2705. Transfer of funds from Department of Defense Base Closure Account 2005 to Department of Defense Housing Funds.
Sec. 2706. Comprehensive accounting of funding required to ensure timely implementation of 2005 Defense Base Closure and Realignment Commission recommendations.
Sec. 2707. Relocation of units from Roberts United States Army Reserve Center and Navy-Marine Corps Reserve Center, Baton Rouge, Louisiana.
Sec. 2708. Acquisition of real property, Fort Belvoir, Virginia, as part of the realignment of the installation.
Sec. 2709. Report on availability of traffic infrastructure and facilities to support base realignment.

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of

Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of $295,689,000, as follows:

(1) For the Department of the Army, $98,716,000.

(2) For the Department of the Navy, $50,000,000.

(3) For the Department of the Air Force, $143,260,000.

(4) For the Defense Agencies, $3,713,000.

SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Using amounts appropriated pursuant to the authorization of appropriations in section 2703, the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of $8,718,988,000.

SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the total amount of $8,040,401,000, as follows:

(1) For the Department of the Army, $4,015,746,000.

(2) For the Department of the Navy, $733,695,000.

(3) For the Department of the Air Force, $1,183,812,000.

(4) For the Defense Agencies, $2,241,062,000.

(b) General Reduction.—The amount otherwise authorized to be appropriated by subsection (a) is reduced by $133,914,000.

SEC. 2704. AUTHORIZED COST AND SCOPE OF WORK VARIATIONS FOR MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING PROJECTS RELATED TO BASE CLOSURES AND REALIGNMENTS.

(a) Variations Authorized.—Section 2905A of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new subsection:

"(f) Authorized Cost and Scope of Work Variations.—(1) Subject to paragraphs (2) and (3), the cost authorized for a military construction project or military family housing project to be carried out using funds in the Account may not be increased or reduced by more than 20 percent or $2,000,000, whichever is greater, of the amount specified for the project in the conference report to accompany the Military Construction Authorization Act authorizing the project. The scope of work for such a project may not be reduced by more than 25 percent from the scope specified in the most recent budget documents for the projects listed in such conference report.

"(2) Paragraph (1) shall not apply to a military construction project or military family housing project to be carried out using funds in the Account with an estimated cost of less than $5,000,000, unless the project has not been previously identified in any budget submission for the Account and exceeds the applicable minor construction threshold under section 2805 of title 10, United States Code.

"(3) The limitation on cost or scope variation in paragraph (1) shall not apply if the Secretary of Defense makes a determination that an increase or reduction in cost or a reduction in the scope of work for a military construction project or military family housing project to be carried out using funds in the Account needs to be made for the sole purpose of meeting unusual variations in cost or scope. If the Secretary makes such a determination, the Secretary shall notify the congressional defense committees of the variation in cost or scope not later than 21 days before the date on which the variation is made in connection with the project or, if the notification is provided in an electronic medium pursuant to section 480 of title 10, United States Code, not later than 14 days before the date on which the variation is made. The Secretary shall include the reasons for the variation in the notification.".

(b) Report on Existing Projects.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report specifying all military construction projects and military family housing projects carried out using funds in the Department of Defense Base Closure Account 2005 for which a cost or scope of work variation was made before that date that would have been subject to subsection (f) of section 2905A of the Defense Base Closure and Realignment Act of 1990, as added by this section, if such subsection had been in effect when the cost or scope of work variation was made. The Secretary shall include a description of each variation covered by the report and the reasons for the variation.

SEC. 2705. TRANSFER OF FUNDS FROM DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005 TO DEPARTMENT OF DEFENSE HOUSING FUNDS.

(a) Transfer Authority.—Subsection (c) of section 2883 of title 10, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

"(G) Subject to subsection (f), any amounts that the Secretary of Defense transfers to that Fund from amounts in the Department of Defense Base Closure Account 2005."; and

(2) in paragraph (2), by adding at the end the following new subparagraph:

"(G) Subject to subsection (f), any amounts that the Secretary of Defense transfers to that Fund from amounts in the Department of Defense Base Closure Account 2005.".

(b) Notification and Justification for Transfer.—Subsection (f) of such section is amended—

(1) by striking "paragraph (1)(B) or (2)(B)" and inserting "subparagraph (B) or (G) of paragraph (1) or subparagraph (B) or (G) of paragraph (2)"; and

(2) by adding at the end the following new sentence: "In addition, the notice required in connection with a transfer under subparagraph (G) of paragraph (1) or subparagraph (G) of paragraph (2) shall include a certification that the amounts to be transferred from the Department of Defense Base Closure Account 2005 were specified in the conference report to accompany the most recent Military Construction Authorization Act.".

SEC. 2706. COMPREHENSIVE ACCOUNTING OF FUNDING REQUIRED TO ENSURE TIMELY IMPLEMENTATION OF 2005 DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION RECOMMENDATIONS.

The Secretary of Defense shall submit to Congress with the budget materials for fiscal year 2009 a comprehensive accounting of the funding required to ensure that the plan for implementing the final recommendations of the 2005 Defense Base Closure and Realignment Commission remains on schedule for completion by September 15, 2011, as required by section 2904(c)(5) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

SEC. 2707. RELOCATION OF UNITS FROM ROBERTS UNITED STATES ARMY RESERVE CENTER AND NAVY-MARINE CORPS RESERVE CENTER, BATON ROUGE, LOUISIANA.

The Secretary of the Army may use funds appropriated pursuant to the authorization of appropriations in paragraphs (1) and (2) of section 2703 for the purpose of siting an Army Reserve Center and Navy and Marine Corps Reserve Center on land under the control of the State of Louisiana adjacent to, or in the vicinity of, the Baton Rouge Metropolitan Airport in Baton Rouge, Louisiana, at a location determined by the Secretary to be in the best interest of national security and in the public interest.

SEC. 2708. ACQUISITION OF REAL PROPERTY, FORT BELVOIR, VIRGINIA, AS PART OF THE REALIGNMENT OF THE INSTALLATION.

(a) Acquisition Authority.—Pursuant to section 2905(a)(1)(A) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), the relocation of members of the Armed Forces and civilian employees of the Department of Defense who are scheduled to be relocated to Fort Belvoir, Virginia, shall be limited to the following locations:

(1) Fort Belvoir.

(2) A parcel of real property consisting of approximately 69.5 acres, under the administrative jurisdiction of the Administrator of General Services (in this section referred to as the "Administrator") and containing warehouse facilities in Springfield, Virginia (in this section referred to as the "GSA Property").

(3) Any other parcels of land (using including any improvement thereon) that are acquired, using competitive procedures, in fee in the vicinity of Fort Belvoir.

(b) Acquisition Selection Criteria.—The Secretary of the Army shall select the site to be used under subsection (a) based on the best value to the Government, and, in making that determination, the Secretary shall consider cost and schedule.

(c) GSA Property Transfer Authorized.—Pursuant to the relocation alternative authorized by subsection (a)(2), the Administrator may transfer the GSA Property to the administrative jurisdiction of the Secretary of the Army for the purpose of permitting the Secretary to construct facilities on the property to support administrative functions to be located at Fort Belvoir, Virginia.

(d) Implementation of GSA Property Transfer.—

(1) Consideration.—As consideration for the transfer of the GSA Property under subsection (c), the Secretary of the Army shall—

(A) pay all reasonable costs to move personnel, furnishings, equipment, and other material related to the relocation of functions identified by the Administrator; and

(B) if determined to be necessary by the Administrator—

(i) transfer to the administrative jurisdiction of the Administrator a parcel of property in the National Capital Region under the jurisdiction of the Secretary and determined to be suitable by the Administrator;

(ii) design and construct storage facilities, utilities, security measures, and access to a road infrastructure on the parcel transferred under clause (i) to meet the requirements of the Administrator; and

(iii) enter into a memorandum of agreement with the Administrator for support services and security at the new facilities constructed pursuant to clause (ii).

(2) EQUAL VALUE TRANSFER.—As a condition of the transfer of the GSA Property under subsection (c), the transfer agreement shall provide that the fair market value of the GSA Property and the consideration provided under paragraph (1) shall be equal or, if not equal, shall be equalized through the use of a cash equalization payment.

(3) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the GSA Property shall be determined by surveys satisfactory to the Administrator and the Secretary of the Army.

(4) CONGRESSIONAL NOTICE.—Before undertaking an activity under subsection (c) that would require approval of a prospectus under section 3307 of title 40, United States Code, the Administrator shall provide to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the congressional defense committees a written notice containing a description of the activity to be undertaken.

(5) NO EFFECT ON COMPLIANCE WITH ENVIRONMENTAL LAWS.—Nothing in this section or subsection (c) may be construed to affect or limit the application of or obligation to comply with any environmental law, including section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(6) ADDITIONAL TERMS AND CONDITIONS.—The Administrator and the Secretary of the Army may require such additional terms and conditions in connection with the GSA Property transfer as the Administrator, in consultation with the Secretary, determines appropriate to protect the interests of the United States and further the purposes of this section.

(e) ADMINISTRATION OF TRANSFERRED OR ACQUIRED PROPERTY.—Upon completion of any property transfer or acquisition authorized by subsection (a), the property shall be administered by the Secretary of the Army as a part of Fort Belvoir.

(f) STATUS REPORT.—Not later than March 1, 2008, the Secretary of the Army shall submit to the congressional defense committees a report on the status and estimated costs of implementing subsection (a).

SEC. 2709. REPORT ON AVAILABILITY OF TRAFFIC INFRASTRUCTURE AND FACILITIES TO SUPPORT BASE REALIGNMENT.

(a) SENSE OF CONGRESS.—

(1) DESIGNATION OF DEFENSE ACCESS ROADS.—It is the sense of Congress that roads leading onto Fort Belvoir, Virginia, and other military installations that will be significantly impacted by an increase in the number of members of the Armed Forces and civilian employees of the Department of Defense assigned to the installation as a result of the 2005 round of defense base closures and realignments under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) or any other significant impact resulting from a realignment of forces should be considered for designation as defense access roads for purposes of section 210 of title 23, United States Code.

(2) FACILITIES AND INFRASTRUCTURE.—It is the sense of Congress that the Secretary of Defense should seek to ensure that the permanent facilities and infrastructure necessary to support the mission of the Armed Forces and the quality of life needs of members of the Armed Forces, civilian employees, and their families are ready for use at receiving locations before units are transferred to such locations as a result of the 2005 round of defense base closures and realignments.

(b) STUDY OF MILITARY INFRASTRUCTURE AND SURFACE TRANSPORTATION INFRASTRUCTURE.—Not later than April 1, 2008, the Comptroller General shall submit to the congressional defense committees a report with regard to each military installation that will be significantly impacted by an increase in assigned forces or civilian personnel, as described in subsection (a), for the purpose of determining whether—

(1) military facility requirements (including quality of life projects) will be met before the arrival of assigned forces; and

(2) the Department of Defense has programmed sufficient funding to mitigate community traffic congestion in accordance with the defense access roads program under section 210 of title 23, United States Code.

TITLE XXVIIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Authority to use operation and maintenance funds for construction projects outside the United States.
Sec. 2802. Clarification of requirement for authorization of military construction.
Sec. 2803. Increase in thresholds for unspecified minor military construction projects.
Sec. 2804. Temporary authority to support revitalization of Department of Defense laboratories through unspecified minor military construction projects.
Sec. 2805. Extension of authority to accept equalization payments for facility exchanges.
Sec. 2806. Modifications of authority to lease military family housing.
Sec. 2807. Expansion of authority to exchange reserve component facilities.
Sec. 2808. Limitation on use of alternative authority for acquisition and improvement of military housing for privatization of temporary lodging facilities.
Sec. 2809. Two-year extension of temporary program to use minor military construction authority for construction of child development centers.
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Subtitle B—Real Property and Facilities Administration

Sec. 2821. Requirement to report real property transactions resulting in annual costs of more than $750,000.
Sec. 2822. Continued consolidation of real property provisions without substantive change.
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Sec. 2824. Cooperative agreement authority for management of cultural resources on certain sites outside military installations.
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Sec. 2828. Sense of Congress on Department of Defense actions to protect installations, ranges, and military airspace from encroachment.
Sec. 2829. Reports on Army and Marine Corps operational ranges.
Sec. 2830. Niagara Air Reserve Base, New York, basing report.
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Subtitle C—Land Conveyances

Sec. 2841. Modification of conveyance authority, Marine Corps Base, Camp Pendleton, California.
Sec. 2842. Grant of easement, Eglin Air Force Base, Florida.
Sec. 2843. Land conveyance, Lynn Haven Fuel Depot, Lynn Haven, Florida.
Sec. 2844. Modification of lease of property, National Flight Academy at the National Museum of Naval Aviation, Naval Air Station, Pensacola, Florida.
Sec. 2845. Land exchange, Detroit, Michigan.
Sec. 2846. Transfer of jurisdiction, former Nike missile site, Grosse Ile, Michigan.
Sec. 2847. Modification to land conveyance authority, Fort Bragg, North Carolina.
Sec. 2848. Land conveyance, Lewis and Clark United States Army Reserve Center, Bismarck, North Dakota.
Sec. 2849. Land exchange, Fort Hood, Texas.

Subtitle D—Energy Security

Sec. 2861. Repeal of congressional notification requirement regarding cancellation ceiling for Department of Defense energy savings performance contracts.
Sec. 2862. Definition of alternative fueled vehicle.
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Subtitle E—Other Matters

Sec. 2871. Revised deadline for transfer of Arlington Naval Annex to Arlington National Cemetery.
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Sec. 2873. Report on plans to replace the monument at the Tomb of the Unknowns at Arlington National Cemetery, Virginia.

Sec. 2874. Increased authority for repair, restoration, and preservation of Lafayette Escadrille Memorial, Marnes-la-Coquette, France.
Sec. 2875. Addition of Woonsocket local protection project.
Sec. 2876. Repeal of moratorium on improvements at Fort Buchanan, Puerto Rico.
Sec. 2877. Establishment of national military working dog teams monument on suitable military installation.
Sec. 2878. Report required prior to removal of missiles from 564th Missile Squadron.
Sec. 2879. Report on condition of schools under jurisdiction of Department of Defense Education Activity.
Sec. 2880. Report on facilities and operations of Darnall Army Medical Center, Fort Hood Military Reservation, Texas.
Sec. 2881. Report on feasibility of establishing a regional disaster response center at Kelly Air Field, San Antonio, Texas.
Sec. 2882. Naming of housing facility at Fort Carson, Colorado, in honor of the Honorable Joel Hefley, a former member of the United States House of Representatives.
Sec. 2883. Naming of Navy and Marine Corps Reserve Center at Rock Island, Illinois, in honor of the Honorable Lane Evans, a former member of the United States House of Representatives.
Sec. 2884. Naming of research laboratory at Air Force Rome Research Site, Rome, New York, in honor of the Honorable Sherwood L. Boehlert, a former member of the United States House of Representatives.
Sec. 2885. Naming of administration building at Joint Systems Manufacturing Center, Lima, Ohio, in honor of the Honorable Michael G. Oxley, a former member of the United States House of Representatives.
Sec. 2886. Naming of Logistics Automation Training Facility, Army Quartermaster Center and School, Fort Lee, Virginia, in honor of General Richard H. Thompson.
Sec. 2887. Authority to relocate Joint Spectrum Center to Fort Meade, Maryland.

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

(a) ONE-YEAR EXTENSION OF AUTHORITY.—Subsection (a) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128), section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3508), and section 2802 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2466), is further amended by striking "2007" and inserting "2008".

(b) PRENOTIFICATION REQUIREMENT.—Subsection (b) of such section is amended by striking the first sentence and inserting the following new sentences: "Before using appropriated funds available for operation and maintenance to carry out a construction project outside the United States that has an estimated cost in excess of the amounts authorized for unspecified minor military construction projects under section 2805(c) of title 10, United States Code, the Secretary of Defense shall submit to the congressional committees specified in subsection (f) a notice regarding the construction project. The project may be carried out only after the end of the 10-day period beginning on the date the notice is received by the committees or, if earlier, the end of the 7-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of title 10, United States Code.".

(c) ANNUAL LIMITATION ON USE OF AUTHORITY.—Subsection (c) of such section is amended to read as follows:

"(c) ANNUAL LIMITATION ON USE OF AUTHORITY.—The total cost of the construction projects carried out under the authority of this section using, in whole or in part, appropriated funds available for operation and maintenance shall not exceed $200,000,000 in a fiscal year.".

(d) CONFORMING AMENDMENT.—Subsection (g) of such section is amended by striking "notice of the" and inserting "advance notice of the proposed".

(e) RATIFICATION OF PROPOSED CONSTRUCTION AND LAND ACQUISITION PROJECTS USING FISCAL YEAR 2007 OPERATION AND MAINTENANCE FUNDS.—The nine construction projects outside the United States proposed to be carried out using funds appropriated to the Department of Defense for operation and maintenance for fiscal year 2007, but for which the obligation or expenditure of funds was prohibited by subsection (g) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as added by section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3508), may be carried out using such funds after the date of the enactment of this Act notwithstanding such subsection (g).

SEC. 2802. CLARIFICATION OF REQUIREMENT FOR AUTHORIZATION OF MILITARY CONSTRUCTION.

(a) CLARIFICATION OF REQUIREMENT FOR AUTHORIZATION.—Section 2802(a) of title 10, United States Code, is amended by inserting after "military construction projects" the following: ", land acquisitions, and defense access road projects (as described under section 210 of title 23)".

(b) CLARIFICATION OF DEFINITION.—Section 2801(a) of such title is amended by inserting after "permanent requirements" the following: ", or any acquisition of land or construction of a defense access road (as described in section 210 of title 23)".

SEC. 2803. INCREASE IN THRESHOLDS FOR UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.

Section 2805(a)(1) of title 10, United States Code, is amended by striking "$1,500,000" and inserting "$2,000,000".

SEC. 2804. TEMPORARY AUTHORITY TO SUPPORT REVITALIZATION OF DEPARTMENT OF DEFENSE LABORATORIES THROUGH UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.

(a) LABORATORY REVITALIZATION.—Section 2805 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) LABORATORY REVITALIZATION.—(1) For the revitalization and recapitalization of laboratories owned by the United States and under the jurisdiction of the Secretary concerned, the Secretary concerned may obligate and expend—

"(A) from appropriations available to the Secretary concerned for operation and maintenance, amounts necessary to carry out an unspecified minor military construction project costing not more than $2,000,000; or

"(B) from appropriations available to the Secretary concerned for military construction not otherwise authorized by law, amounts necessary to carry out an unspecified minor military construction project costing not more than $4,000,000.

"(2) For an unspecified minor military construction project conducted pursuant to this subsection, $2,000,000 shall be deemed to be the amount specified in subsection (b)(1) regarding when advance approval of the project by the Secretary concerned and congressional notification is required. The Secretary of Defense shall establish procedures for the review and approval of requests from the Secretary of a military department to carry out a construction project under this subsection.

"(3) For purposes of this subsection, the total amount allowed to be applied in any one fiscal year to projects at any one laboratory shall be limited to the larger of the amounts applicable under paragraph (1).

"(4) Not later than February 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority provided by this subsection. The report shall include a list and description of the construction projects carried out under this subsection, including the location and cost of each project.

"(5) In this subsection, the term 'laboratory' includes—

"(A) a research, engineering, and development center; and

"(B) a test and evaluation activity.

"(6) The authority to carry out a project under this subsection expires on September 30, 2012.".

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting "AUTHORITY TO CARRY OUT UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—" after "(a)";

(2) in subsection (b), by inserting "APPROVAL AND CONGRESSIONAL NOTIFICATION.—" after "(b)";

(3) in subsection (c), by inserting "USE OF OPERATION AND MAINTENANCE FUNDS.—" after "(c)"; and

(4) in subsection (e), as redesignated by subsection (a)(1), by inserting "PROHIBITION ON USE FOR NEW HOUSING UNITS.—" after "(e)".

SEC. 2805. EXTENSION OF AUTHORITY TO ACCEPT EQUALIZATION PAYMENTS FOR FACILITY EXCHANGES.

Section 2809(c)(5) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2127) is amended by striking "September 30, 2007" and inserting "September 30, 2010".

SEC. 2806. MODIFICATIONS OF AUTHORITY TO LEASE MILITARY FAMILY HOUSING.

(a) INCREASED MAXIMUM LEASE AMOUNT APPLICABLE TO CERTAIN DOMESTIC ARMY FAMILY HOUSING LEASES.—Subsection (b) of section 2828 of title 10, United States Code, is amended—

(1) in paragraph (2), by striking "paragraphs (3) and (4)" and inserting "paragraphs (3), (4), and (7)";

(2) in paragraph (5), by striking "paragraphs (2) and (3)" and inserting "paragraphs (2), (3), and (7)"; and

(3) by adding at the end the following new paragraph:

"(7)(A) Not more than 600 housing units may be leased by the Secretary of the Army under subsection (a) for which the expenditure for the rental of such units (including the cost of utilities, maintenance, and operation) exceeds the maximum amount per unit per year in effect under paragraph (2) but does not exceed $18,620 per unit per year, as adjusted from time to time under paragraph (5).

"(B) The maximum lease amount provided in subparagraph (A) shall apply only to Army family housing in areas designated by the Secretary of the Army.

"(C) The term of a lease under subparagraph (A) may not exceed 2 years.".

(b) Foreign Military Family Housing Leases.—Subsection (e)(2) of such section is amended by striking "the Secretary of the Navy may lease not more than 2,800 units of family housing in Italy, and the Secretary of the Army may lease not more than 500 units of family housing in Italy" and inserting "the Secretaries of the military departments may lease not more than 3,300 units of family housing in Italy".

(c) Increased Threshold for Congressional Notification for Foreign Military Family Housing Leases.—Subsection (f) of such section is amended by striking "$500,000" and inserting "$1,000,000".

(d) Report Required.—Not later than March 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the rental of family housing in foreign countries (including the costs of utilities, maintenance, and operations) that exceed $60,000 per unit per year. The report shall include a list and description of rental units (including total gross square feet and number of bedrooms), location, rental cost, the requirement for the rental, and the options that the Secretary has available to decrease the costs associated with the rentals.

SEC. 2807. EXPANSION OF AUTHORITY TO EXCHANGE RESERVE COMPONENT FACILITIES.

Section 18240(a) of title 10, United States Code, is amended by striking "with a State" in the first sentence and inserting "with an Executive agency (as defined in section 105 of title 5), the United States Postal Service, or a State".

SEC. 2808. LIMITATION ON USE OF ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING FOR PRIVATIZATION OF TEMPORARY LODGING FACILITIES.

(a) Limitation on Privatization of Temporary Lodging Facilities.—Notwithstanding any other provision of subchapter IV of chapter 169 of title 10, United States Code, the privatization of temporary lodging facilities under such subchapter is limited to the military installations authorized in subsection (b) until 120 days after the date on which the report described in subsection (d)(1) is submitted.

(b) Authorized Installations.—The military installations at which the privatization of temporary lodging facilities may proceed under subsection (a) are the following:

(1) Redstone Arsenal, Alabama.
(2) Fort Rucker, Alabama.
(3) Yuma Proving Ground, Arizona.
(4) Fort McNair, District of Columbia.
(5) Fort Shafter, Hawaii.
(6) Tripler Army Medical Center, Hawaii.
(7) Fort Leavenworth, Kansas.
(8) Fort Riley, Kansas.
(9) Fort Polk, Louisiana.
(10) Fort Sill, Oklahoma.
(11) Fort Hood, Texas.
(12) Fort Sam Houston, Texas.
(13) Fort Myer, Virginia.

(c) Effect of Limitation.—The limitation imposed by subsection (a) prohibits the issuance of contract solicitations for the privatization of temporary lodging facilities at any military installation not specified in subsection (b).

(d) Reporting Requirements.—

(1) Report by Secretary of the Army.—Not earlier than eight months after the date on which the notice of transfer associated with the military installations specified in subsection (b) is issued, the Secretary of the Army shall submit to the congressional defense committees and the Comptroller General a report that—

(A) describes the implementation of the privatization of temporary lodging facilities at the installations specified in subsection (b);

(B) evaluates the efficiency of the program; and

(C) contains such recommendations as the Secretary considers appropriate regarding expansion of the program.

(2) Report by Comptroller General.—Not later than 90 days after receiving the report under paragraph (1), the Comptroller General shall submit to the congressional defense committees a review of both the privatization of temporary lodging facilities and the report of the Secretary.

SEC. 2809. TWO-YEAR EXTENSION OF TEMPORARY PROGRAM TO USE MINOR MILITARY CONSTRUCTION AUTHORITY FOR CONSTRUCTION OF CHILD DEVELOPMENT CENTERS.

(a) Extension.—Subsection (e) of section 2810 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3510) is amended by striking "September 30, 2007" and inserting "September 30, 2009".

(b) Report Required.—Subsection (d) of such section is amended by striking "March 1, 2007" and inserting "March 1, 2009".

SEC. 2810. REPORT ON HOUSING PRIVATIZATION INITIATIVES.

(a) Report Required.—Not later than March 31, 2008, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing—

(1) a list of all housing privatization transactions carried out by the Department of Defense that, as of such date, are behind schedule or in default; and

(2) recommendations regarding the opportunities for the Federal Government to ensure that all terms of each housing privatization transaction are completed according to the original schedule and budget.

(b) Specific Information Regarding Each Transaction.—For each housing privatization transaction included in the report required by subsection (a), the report shall provide a description of the following:

(1) The reasons for schedule delays, cost overruns, or default.

(2) How solicitations and competitions were conducted for the project.

(3) How financing, partnerships, legal arrangements, leases, or contracts in relation to the project were structured.

(4) Which entities, including Federal entities, are bearing financial risk for the project, and to what extent.

(5) The remedies available to the Federal Government to restore the transaction to schedule or ensure completion of the terms of the transaction in question at the earliest possible time.

(6) The extent to which the Federal Government has the ability to affect the performance of various parties involved in the project.

(7) The remedies available to subcontractors to recoup liens in the case of default, non-payment by the developer or other party to the transaction or lease agreement, or restructuring.

(8) The remedies available to the Federal Government to affect receivership actions or transfer of ownership of the project.

(9) The names of the developers for the project and any history of previous defaults or bankruptcies by these developers or their affiliates.

(c) Housing Privatization Transaction Defined.—In this section, the term "housing privatization transaction" means any contract or other transaction for the construction or acquisition of military family housing or military unaccompanied housing entered into under the authority of subchapter IV of chapter 169 of title 10, United States Code.

Subtitle B—Real Property and Facilities Administration

SEC. 2821. REQUIREMENT TO REPORT REAL PROPERTY TRANSACTIONS RESULTING IN ANNUAL COSTS OF MORE THAN $750,000.

(a) Inclusion of Transactions Involving Defense Agencies.—

(1) Requirement to report.—Subsection (a) of section 2662 of title 10, United States Code, is amended—

(A) in paragraph (1), by striking ", or his designee," and inserting "or, with respect to a Defense Agency, the Secretary of Defense"; and

(B) in paragraph (3), by inserting after "military department" the following: "or the Secretary of Defense".

(2) Annual report regarding minor transactions.—Subsection (b) of such section is amended by inserting after "military department" the following: "and, with respect to Defense Agencies, the Secretary of Defense".

(3) Exceptions.—Subsection (g) of such section is amended by adding at the end the following new paragraph:

"(4) In this subsection, the term 'Secretary concerned' includes, with respect to Defense Agencies, the Secretary of Defense.".

(b) Inclusion of Additional Transaction.—Subsection (a)(1) of such section is amended by adding at the end the following new subparagraph:

"(G) Any transaction or contract action that results in, or includes, the acquisition or use by, or the lease or license to, the United States of real property, if the estimated annual rental or cost for the use of the real property is more than $750,000.".

SEC. 2822. CONTINUED CONSOLIDATION OF REAL PROPERTY PROVISIONS WITHOUT SUBSTANTIVE CHANGE.

(a) Consolidation.—Section 2663 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(h) Land Acquisition Options in Advance of Military Construction Projects.—(1) The Secretary of a military department may acquire an option on a parcel of real property before or after its acquisition is authorized by law, if the Secretary considers it suitable and likely to be needed for a military project of the military department under the jurisdiction of the Secretary.

"(2) As consideration for an option acquired under paragraph (1), the Secretary may pay, from funds available to the military department under the jurisdiction of the Secretary for real property activities, an amount that is not more than 12 percent of the appraised fair market value of the property.''.

(b) Repeal of Superseded Provision.—

(1) Repeal.—Section 2677 of such title is repealed.

(2) Clerical Amendment.—The table of sections at the beginning of chapter 159 of such title is amended by striking the item relating to section 2677.

SEC. 2823. MODIFICATION OF AUTHORITY TO LEASE NON-EXCESS PROPERTY OF THE MILITARY DEPARTMENTS.

(a) Elimination of Authority To Accept Facilities Operation Support as In-Kind Consideration.—Subsection (c)(1) of section 2667 of title 10, United States Code, is amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

(2) by striking subparagraph (D) and inserting the following new subparagraphs:

''(D) Provision or payment of utility services for the Secretary concerned.

''(E) Provision of real property maintenance services for the Secretary concerned.''.

(b) Elimination of Authority To Use Rental and Certain Other Proceeds for Facilities Operation Support.—Subsection (e)(1)(C) of such section is amended—

(1) by adjusting the margins of clauses (ii) and (iii) to conform to the margin of clause (i); and

(2) by striking clause (iv) and inserting the following new clauses:

''(iv) Payment of utility services.

''(v) Real property maintenance services.''.

(c) Use of Competitive Procedures for Selection of Certain Lessees.—Subsection (h) of such section is amended—

(1) in paragraph (1), by striking ''exceeds one year, and the fair market value of the lease'' and inserting ''exceeds one year, or the fair market value of the lease'';

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by striking paragraph (2) and inserting the following new paragraphs:

''(2) Paragraph (1) does not apply if the Secretary concerned determines that—

''(A) a public interest will be served as a result of the lease; and

''(B) the use of competitive procedures for the selection of certain lessees is unobtainable or not compatible with the public benefit served under subparagraph (A).

''(3) Not later than 45 days before entering into a lease described in paragraph (1), the Secretary concerned shall submit to Congress written notice describing the terms of the proposed lease and—

''(A) the competitive procedures used to select the lessee; or

''(B) in the case of a lease involving the public benefit exception authorized by paragraph (2), a description of the public benefit to be served by the lease.''.

(d) Technical Amendments Related to Prior-Year Amendment.—Subsection (e) of such section is amended—

(1) in paragraph (1)(B)(ii), by striking ''paragraph (4), (5), or (6)'' and inserting ''paragraph (3), (4), or (5)''; and

(2) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5).

SEC. 2824. COOPERATIVE AGREEMENT AUTHORITY FOR MANAGEMENT OF CULTURAL RESOURCES ON CERTAIN SITES OUTSIDE MILITARY INSTALLATIONS.

(a) Expanded Authority.—Section 2684 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''on military installations'' and inserting ''located on a site authorized by subsection (b)'';

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(3) by inserting after subsection (a) the following new subsection (b):

''(b) Authorized Cultural Resources Sites.—To be covered by a cooperative agreement under subsection (a), cultural resources must be located—

''(1) on a military installation; or

''(2) on a site outside of a military installation, but only if the cooperative agreement will directly relieve or eliminate current or anticipated restrictions that would or might restrict, impede, or otherwise interfere, whether directly or indirectly, with current or anticipated military training, testing, or operations on a military installation.''.

(b) Cultural Resource Defined.—Subsection (d) of such section, as redesignated by subsection (a)(2), is amended by adding at the end the following new paragraph:

''(5) An Indian sacred site, as defined in section 1(b)(iii) of Executive Order No. 13007.''.

SEC. 2825. AGREEMENTS TO LIMIT ENCROACHMENTS AND OTHER CONSTRAINTS ON MILITARY TRAINING, TESTING, AND OPERATIONS.

(a) Management of Natural Resources of Acquired Property.—Subsection (d) of section 2684a of title 10, United States Code, is amended—

(1) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively; and

(2) by inserting after paragraph (2) the following new paragraph (3):

''(3) An agreement with an eligible entity under this section may provide for the management of natural resources on real property in which the Secretary concerned acquires any right, title, or interest in accordance with this subsection and for the payment by the United States of all or a portion of the costs of such natural resource management if the Secretary concerned determines that there is a demonstrated need to preserve or restore habitat for the purpose described in subsection (a)(2).''.

(b) Limitation on Portion of Acquisition Costs Borne by United States.—Paragraph (4) of such subsection, as redesignated by subsection (a)(1), is amended—

(1) by redesignating subparagraph (D) as subparagraph (E);

(2) in subparagraph (C), by striking ''equal to the fair market value'' and all that follows through the period at the end and inserting ''equal to, at the discretion of the Secretary concerned—

''(i) the fair market value of any property or interest in property to be transferred to the United States upon the request of the Secretary concerned under paragraph (5); or

''(ii) the cumulative fair market value of all properties or interests to be transferred to the United States under paragraph (5) pursuant to an agreement under subsection (a).''; and

(3) by inserting after subparagraph (C) the following new subparagraph:

''(D) The portion of acquisition costs borne by the United States under subparagraph (A) may exceed the amount determined under subparagraph (C), but only if—

''(i) the Secretary concerned provides written notice to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives containing—

''(I) a certification by the Secretary that the military value to the United States of the property or interest to be acquired justifies a payment in excess of the fair market value of the property or interest; and

''(II) a description of the military value to be obtained; and

''(ii) the contribution toward the acquisition costs of the property or interest is not made until at least 14 days after the date on which the notice is submitted under clause (i) or, if earlier, at least 10 days after the date on which a copy of the notice is provided in an electronic medium pursuant to section 480 of this title.''.

SEC. 2826. EXPANSION TO ALL MILITARY DEPARTMENTS OF ARMY PILOT PROGRAM FOR PURCHASE OF CERTAIN MUNICIPAL SERVICES FOR MILITARY INSTALLATIONS.

(a) Expansion of Pilot Program.—Section 325 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 2461 note) is amended—

(1) in the section heading, by striking ''**ARMY**'' and inserting ''**MILITARY**'';

(2) in subsection (a)—

(A) by striking ''Secretary of the Army'' and inserting ''Secretary of a military department''; and

(B) by striking ''an Army installation'' and inserting ''a military installation under the jurisdiction of the Secretary''; and

(3) in subsection (d), by striking ''The Secretary'' and inserting ''The Secretary of a military department''.

(b) Participating Installations.—Subsection (c) of such section is amended by striking ''two Army installations'' and inserting ''three military installations from each military service''.

(c) Extension of Duration of Program.—Such section is further amended by striking subsections (e) and (f) and inserting the following new subsection:

''(e) Termination of Pilot Program.—The pilot program shall terminate on September 30, 2012. Any contract entered into under the pilot program shall terminate not later than that date.''.

SEC. 2827. PROHIBITION ON COMMERCIAL FLIGHTS INTO SELFRIDGE AIR NATIONAL GUARD BASE.

The Secretary of Defense shall prohibit the use of Selfridge Air National Guard Base by commercial service aircraft.

SEC. 2828. SENSE OF CONGRESS ON DEPARTMENT OF DEFENSE ACTIONS TO PROTECT INSTALLATIONS, RANGES, AND MILITARY AIRSPACE FROM ENCROACHMENT.

(a) Findings.—In light of the initial report of the Department of Defense submitted pursuant to section 2684a(g) of title 10, United States Code, and of the RAND Corporation report entitled ''The Thin Green Line: An Assessment of DoD's Readiness and Environmental Protection Initiative to Buffer Installation Encroachment'', Congress makes the following findings:

(1) Development and loss of habitat in the vicinity of, or in areas ecologically related to, military installations, ranges, and airspace pose a continuing and significant threat to the readiness of the Armed Forces.

(2) The Range Sustainability Program (RSP) of the Department of Defense, and in particular the Readiness and Environmental Protection Initiative (REPI) involving agreements pursuant to section 2684a of title 10, United States Code, have been effective in addressing this threat to readiness with regard to a number of important installations, ranges, and airspace.

(3) The opportunities to take effective action to protect installations, ranges, and airspace from encroachment is in many cases

transient, and delay in taking action will result in either higher costs or permanent loss of the opportunity effectively to address encroachment.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense should—

(1) develop additional policy guidance on the further implementation of the Readiness and Environmental Protection Initiative (REPI), to include additional emphasis on protecting biodiversity and on further refining procedures;

(2) give greater emphasis to effective cooperation and collaboration on matters of mutual concern with other Federal agencies charged with managing Federal land; and

(3) ensure that each military department takes full advantage of the authorities provided by section 2684a of title 10, United States Code, in addressing encroachment adversely affecting, or threatening to adversely affect, the installations, ranges, and military airspace of the department.

(c) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall review Chapter 6 of the initial report submitted to Congress under section 2684a(g) of title 10, United States Code, and report to the congressional defense committees on the specific steps, if any, that the Secretary plans to take, or recommends that Congress take, to address the issues raised in such chapter.

SEC. 2829. REPORTS ON ARMY AND MARINE CORPS OPERATIONAL RANGES.

(a) REPORT ON UTILIZATION AND POTENTIAL EXPANSION OF ARMY OPERATIONAL RANGES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report containing an assessment of the Army operational ranges used to support training and range activities of the Army. The report shall include the following information:

(1) The size, description, and mission-essential tasks supported by each Army operational range during fiscal year 2003.

(2) A description of the projected changes in Army operational range requirements, including the size, characteristics, and attributes for mission-essential activities at each Army operational range and the extent to which any changes in requirements are a result of—

(A) decisions made as part of the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note);

(B) the conversion of Army brigades to a modular format;

(C) the Integrated Global Presence and Basing Strategy;

(D) the proposal contained in the budget justification materials submitted in support of the Department of Defense budget for fiscal year 2008 to increase the size of the active component of the Army to 547,400 personnel by the end of fiscal year 2012 and any modification or acceleration contemplated in the budget submission for fiscal year 2009; or

(E) high operational tempos or surge requirements.

(3) The projected deficit or surplus of land at each Army operational range, and a description of the Army's plan to address that projected deficit or surplus of land as well as the upgrade of range attributes at each existing Army operational range.

(4) A description of the Army's prioritization process and investment strategy to address the potential expansion or upgrade of Army operational ranges.

(5) An analysis of alternatives to the expansion of Army operational ranges, including an assessment of the joint use of operational ranges under the jurisdiction, custody, or control of the Secretary of another military department.

(6) An analysis of the cost of, potential military value of, and potential legal or practical impediments to, the expansion of the Joint Readiness Training Center at Fort Polk, Louisiana, through the acquisition of additional land adjacent to or in the vicinity of the installation.

(7) An analysis of the impact of the proposal described in paragraph (2)(D) on the plan developed prior to such proposal to relocate forces from Germany to the United States and vacate installations in Germany as part of the Integrated Global Presence and Basing Strategy, including a comparative analysis of—

(A) the projected utilization of the three combat training centers of the Army if all of the six light infantry brigades proposed to be added to the active component of the Army would be based in the United States; and

(B) the projected utilization of such ranges if at least one of those brigades would be based in Germany or if one of the brigades proposed to be relocated pursuant to the plan in paragraph (a)(2)(C) is retained in Germany.

(8) If the analysis required by paragraph (7) indicates that the Joint Multi-National Readiness Center in Hohenfels, Germany, or the Army's training complex at Grafenwoehr, Germany, would not be fully utilized under the basing scenarios analyzed, an estimate of the cost to replicate the training capability at that center in another location.

(b) REPORT ON POTENTIAL EXPANSION OF MARINE CORPS OPERATIONAL RANGES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report containing an assessment of Marine Corps operational ranges used to support training and range activities of the Marine Corps. The report required shall include the following information:

(1) The size, description, and mission-essential tasks supported by each major Marine Corps operational range during fiscal year 2003.

(2) A description of the projected changes in Marine Corps operational range requirements, including the size, characteristics, and attributes for mission-essential activities at each range and the extent to which any changes in requirements are a result of the proposal contained in the fiscal year 2008 budget request to increase the size of the active component of the Marine Corps to 202,000 personnel by the end of fiscal year 2012 and any modification or acceleration contemplated in the budget submission for fiscal year 2009.

(3) The projected deficit or surplus of land at each major Marine Corps operational range, and a description of the Secretary's plan to address that projected deficit or surplus of land as well as the upgrade of range attributes at each existing Marine Corps operational range.

(4) A description of the Secretary's prioritization process and investment strategy to address the potential expansion or upgrade of Marine Corps operational ranges.

(5) An analysis of alternatives to the expansion of Marine Corps operational ranges, including an assessment of the joint use of operational ranges under the jurisdiction, custody, or control of the Secretary of another military department.

(6) An analysis of the cost of, potential military value of, and potential legal or practical impediments to, the expansion of Marine Corps Base, Twentynine Palms, California, through the acquisition of additional land adjacent to or in the vicinity of that installation that is under the control of the Bureau of Land Management.

(c) SUPPLEMENTAL REPORT.—Not later than 90 days after the date on which the second of the two reports required by subsections (a) and (b) is submitted, the Secretary of Defense shall submit to the congressional defense committees a report containing the following information:

(1) A description of initiatives by the Secretary of Defense to coordinate the range expansion activities of the Army and Marine Corps in order to gain efficiencies in investment and resource allocation.

(2) An analysis of training requirements for the Army and the Marine Corps that could be accomplished through joint use of existing ranges.

(3) An analysis of the responses provided by the Secretary of the Army under subsection (a)(5) and the Secretary of the Navy subsection (b)(5).

(4) Any other matter that the Secretary of Defense considers to be of importance to ensure the effective and timely expansion of ranges to meet Army and Marine Corps training requirements.

(d) DEFINITIONS.—In this section:

(1) The term "Army operational range" has the meaning given the term "operational range" in section 101(e)(3) of title 10, United States Code, except that the term is limited to operational ranges under the jurisdiction, custody, or control of the Secretary of the Army.

(2) The term "Marine Corps operational range" has the meaning given the term "operational range" in section 101(e)(3) of such title, except that the term is limited to operational ranges under the jurisdiction, custody, or control of the Secretary of the Navy that are used by or available for use by the Marine Corps.

(3) The term "range activities" has the meaning given that term in section 101(e)(2) of such title.

SEC. 2830. NIAGARA AIR RESERVE BASE, NEW YORK, BASING REPORT.

Not later than March 1, 2008, the Secretary of the Air Force shall submit to the congressional defense committees a report containing a detailed plan of the current and future aviation assets that the Secretary expects will be based at Niagara Air Reserve Base, New York. The report shall include a description of all of the aviation assets that will be impacted by the series of relocations to be made to or from Niagara Air Reserve Base and the timeline for such relocations.

SEC. 2831. REPORT ON THE PINON CANYON MANEUVER SITE, COLORADO.

(a) REPORT ON THE PINON CANYON MANEUVER SITE.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the Pinon Canyon Maneuver Site (referred to in this section as "the Site").

(2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) An analysis of whether existing training facilities at Fort Carson, Colorado, and the Site are sufficient to support the training needs of units stationed or planned to be stationed at Fort Carson, including the following:

(i) A description of any new training requirements or significant developments affecting training requirements for units stationed or planned to be stationed at Fort Carson since the 2005 Defense Base Closure and Realignment Commission found that the base has "sufficient capacity" to support four brigade combat teams and associated support units at Fort Carson.

(ii) A study of alternatives for enhancing training facilities at Fort Carson and the Site within their current geographic footprint, including whether these additional investments or measures could support additional training activities.

(iii) A description of the current training calendar and training load at the Site, including—

(I) the number of brigade-sized and battalion-sized military exercises held at the Site since its establishment;

(II) an analysis of the maximum annual training load at the Site, without expanding the Site; and

(III) an analysis of the training load and projected training calendar at the Site when all brigades stationed or planned to be stationed at Fort Carson are at home station.

(B) A report of need for any proposed addition of training land to support units stationed or planned to be stationed at Fort Carson, including the following:

(i) A description of additional training activities, and their benefits to operational readiness, which would be conducted by units stationed at Fort Carson if, through leases or acquisition from consenting landowners, the Site were expanded to include—

(I) the parcel of land identified as "Area A" in the Potential PCMS Land expansion map;

(II) the parcel of land identified as "Area B" in the Potential PCMS Land expansion map;

(III) the parcels of land identified as "Area A" and "Area B" in the Potential PCMS Land expansion map;

(IV) acreage sufficient to allow simultaneous exercises of a light infantry brigade and a heavy infantry brigade at the Site;

(V) acreage sufficient to allow simultaneous exercises of two heavy infantry brigades at the Site;

(VI) acreage sufficient to allow simultaneous exercises of a light infantry brigade and a battalion at the Site; and

(VII) acreage sufficient to allow simultaneous exercises of a heavy infantry brigade and a battalion at the Site.

(ii) An analysis of alternatives for acquiring or utilizing training land at other installations in the United States to support training activities of units stationed at Fort Carson.

(iii) An analysis of alternatives for utilizing other federally owned land to support training activities of units stationed at Fort Carson.

(C) An analysis of alternatives for enhancing economic development opportunities in southeastern Colorado at the current Site or through any proposed expansion, including the consideration of the following alternatives:

(i) The leasing of land on the Site or any expansion of the Site to ranchers for grazing.

(ii) The leasing of land from private landowners for training.

(iii) The procurement of additional services and goods, including biofuels and beef, from local businesses.

(iv) The creation of an economic development fund to benefit communities, local governments, and businesses in southeastern Colorado.

(v) The establishment of an outreach office to provide technical assistance to local businesses that wish to bid on Department of Defense contracts.

(vi) The establishment of partnerships with local governments and organizations to expand regional tourism through expanded access to sites of historic, cultural, and environmental interest on the Site.

(vii) An acquisition policy that allows willing sellers to minimize the tax impact of a sale.

(viii) Additional investments in Army missions and personnel, such as stationing an active duty unit at the Site, including—

(I) an analysis of anticipated operational benefits; and

(II) an analysis of economic impacts to surrounding communities.

(3) POTENTIAL PCMS LAND EXPANSION MAP DEFINED.—In this subsection, the term "Potential PCMS Land expansion map" means the June 2007 map entitled "Potential PCMS Land expansion".

(b) COMPTROLLER GENERAL REVIEW OF REPORT.—Not later than 180 days after the Secretary of Defense submits the report required under subsection (a), the Comptroller General of the United States shall submit to Congress a review of the report and of the justification of the Army for expansion at the Site.

(c) PUBLIC COMMENT.—After the report required under subsection (b) is submitted to Congress, the Army shall solicit public comment on the report for a period of not less than 90 days. Not later than 30 days after the public comment period has closed, the Secretary shall submit to Congress a written summary of comments received.

Subtitle C—Land Conveyances

SEC. 2841. MODIFICATION OF CONVEYANCE AUTHORITY, MARINE CORPS BASE, CAMP PENDLETON, CALIFORNIA.

Section 2851(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2219) is amended by striking ", notwithstanding any provision of State law to the contrary,", as added by section 2867 of Public Law 107–107 (115 Stat. 1334).

SEC. 2842. GRANT OF EASEMENT, EGLIN AIR FORCE BASE, FLORIDA.

(a) GRANT AUTHORIZED.—Secretary of the Air Force may use the authority provided by section 2668 of title 10, United States Code, to grant to the Mid Bay Bridge Authority an easement for a roadway right-of-way over such land at Eglin Air Force Base, Florida, as the Secretary determines necessary to facilitate the construction of a road connecting the northern landfall of the Mid Bay Bridge to Florida State Highway 85.

(b) CONSIDERATION.—As consideration for the grant of the easement under subsection (a), the Mid Bay Bridge Authority shall pay to the Secretary an amount equal to the fair-market-value of the easement, as determined by the Secretary.

(c) COSTS OF PROJECT.—As a condition of the grant of the easement under subsection (a), the Mid Bay Bridge Authority shall be responsible for all costs associated with the highway project described in such subsection, including all costs the Secretary determines to be necessary to address any impacts that the project may have on the defense missions at Eglin Air Force Base.

SEC. 2843. LAND CONVEYANCE, LYNN HAVEN FUEL DEPOT, LYNN HAVEN, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to Florida State University (in this section referred to as the "University") all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 40 acres located at the Lynn Haven Fuel Depot in Lynn Haven, Florida, as a public benefit conveyance for the purpose of permitting the University to develop the property as a new satellite campus.

(b) CONSIDERATION.—

(1) IN GENERAL.—For the conveyance of the property under subsection (a), the University shall provide the United States with consideration in an amount that is acceptable to the Secretary, whether in the form of cash payment, in-kind consideration, or a combination thereof.

(2) REDUCED TUITION RATES.—The Secretary may accept as in-kind consideration under paragraph (1) reduced tuition rates or scholarships for military personnel at the University.

(c) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the University to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, appraisal costs, and other costs related to the conveyance. If amounts are collected from the University in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the University.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) USE OF PROPERTY FOR OTHER THAN INTENDED PURPOSES.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purposes of the conveyance specified in such subsection, the University shall pay to the United States an amount equal to the fair market value of the property, as of the time of such determination. The fair market value of the property, excluding the value of any improvements made to the property by the University, shall be determined by the Secretary in accordance with Federal appraisal standards and procedures.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2844. MODIFICATION OF LEASE OF PROPERTY, NATIONAL FLIGHT ACADEMY AT THE NATIONAL MUSEUM OF NAVAL AVIATION, NAVAL AIR STATION, PENSACOLA, FLORIDA.

Section 2850(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National

Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–428)) is amended—

(1) by striking "naval aviation and" and inserting "naval aviation,"; and

(2) by inserting before the period at the end the following: ", and, as of January 1, 2008, to teach the science, technology, engineering, and mathematics disciplines that have an impact on and relate to aviation".

SEC. 2845. LAND EXCHANGE, DETROIT, MICHIGAN.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of General Services.

(2) CITY.—The term "City" means the City of Detroit, Michigan.

(3) CITY LAND.—The term "City land" means the approximately 0.741 acres of real property, including any improvement thereon, as depicted on the exchange maps, that is commonly identified as 110 Mount Elliott Street, Detroit, Michigan.

(4) COMMANDANT.—The term "Commandant" means the Commandant of the United States Coast Guard.

(5) EDC.—The term "EDC" means the Economic Development Corporation of the City of Detroit.

(6) EXCHANGE MAPS.—The term "exchange maps" means the maps entitled "Atwater Street Land Exchange Maps" prepared pursuant to subsection (f).

(7) FEDERAL LAND.—The term "Federal land" means approximately 1.26 acres of real property, including any improvements thereon, as depicted on the exchange maps, that is commonly identified as 2660 Atwater Street, Detroit, Michigan, and under the administrative control of the United States Coast Guard.

(8) SECTOR DETROIT.—The term "Sector Detroit" means Coast Guard Sector Detroit of the Ninth Coast Guard District.

(b) CONVEYANCE AUTHORIZED.—The Commandant of the Coast Guard, in coordination with the Administrator, may convey to the EDC all right, title, and interest of the United States in and to the Federal land.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (b)—

(A) the City shall convey to the United States all right, title, and interest in and to the City land; and

(B) the EDC shall construct a facility and parking lot acceptable to the Commandant of the Coast Guard.

(2) EQUALIZATION PAYMENT OPTION.—

(A) IN GENERAL.—The Commandant may, upon the agreement of the City and the EDC, waive the requirement to construct a facility and parking lot under paragraph (1)(B) and accept in lieu thereof an equalization payment from the City equal to the difference between the value, as determined by the Administrator at the time of transfer, of the Federal land and the City land.

(B) AVAILABILITY OF FUNDS.—Any amounts received pursuant to subparagraph (A) shall be available to the Commandant, without further appropriation and until expended, to construct, expand, or improve facilities related to Sector Detroit's aids to navigation or vessel maintenance.

(d) CONDITIONS OF EXCHANGE.—

(1) COVENANTS.—All conditions placed within the deeds of title shall be construed as covenants running with the land.

(2) AUTHORITY TO ACCEPT QUITCLAIM DEED.—The Commandant may accept a quitclaim deed for the City land and may convey the Federal land by quitclaim deed.

(3) ENVIRONMENTAL REMEDIATION.—Prior to the time of the exchange, the Coast Guard and the EDC shall remediate any and all contaminants existing on their respective properties to levels required by applicable State and Federal law. The Commandant and, as a condition of the exchange, the EDC shall make available for review and inspection any record relating to hazardous materials on the land to be exchanged under this section. The costs of remedial actions relating to hazardous materials on exchanged land shall be paid by those entities responsible for costs under applicable law.

(e) AUTHORITY TO ENTER INTO LICENSE OR LEASE.—The Commandant may enter into a license or lease agreement with the Detroit Riverfront Conservancy for the use of a portion of the Federal land for the Detroit Riverfront Walk. Such license or lease shall be at no cost to the City and upon such other terms that are acceptable to the Commandant, and shall terminate upon the completion of the exchange authorized by this section, or the date specified in subsection (h), whichever occurs earlier.

(f) MAP AND LEGAL DESCRIPTIONS OF LAND.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Commandant shall file with the Committee on Commerce, Science and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the maps, entitled "Atwater Street Land Exchange Maps", which depict the Federal land and the City lands and provide a legal description of each property to be exchanged.

(2) FORCE OF LAW.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Commandant may correct typographical errors in the maps and each legal description.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Coast Guard and the City.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Commandant may require such additional terms and conditions in connection with the exchange under this section as the Commandant considers appropriate to protect the interests of the United States.

(h) EXPIRATION OF AUTHORITY TO CONVEY.—The authority to enter into the exchange authorized by this section shall expire three years after the date of enactment of this Act.

SEC. 2846. TRANSFER OF JURISDICTION, FORMER NIKE MISSILE SITE, GROSSE ILE, MICHIGAN.

(a) TRANSFER.—Administrative jurisdiction over the property described in subsection (b) is hereby transferred from the Administrator of the Environmental Protection Agency to the Secretary of the Interior.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is the former Nike missile site located at the southern end of Grosse Ile, Michigan, as depicted on the map entitled "07–CE" on file with the Environmental Protection Agency and dated May 16, 1984.

(c) ADMINISTRATION OF PROPERTY.—Subject to subsection (d), the Secretary of the Interior shall administer the property described in subsection (b)—

(1) acting through the United States Fish and Wildlife Service;

(2) as part of the Detroit River International Wildlife Refuge; and

(3) for use as a habitat for fish and wildlife and as a recreational property for outdoor education and environmental appreciation.

(d) MANAGEMENT OF REMEDIATION.—The Secretary of Defense, acting through the Army Corps of Engineers, shall manage and carry out environmental remediation activities with respect to the property described in subsection (b) that, at a minimum, achieve the standard sufficient to allow the property to be used as provided in subsection (c)(3). Such remediation activities, with the exception of long-term monitoring, shall be completed to achieve that standard not later than two years after the date of the enactment of this Act. The Secretary of Defense may use amounts made available from the account established by section 2703(a)(5) of title 10, United States Code, to carry out such remediation.

(e) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

SEC. 2847. MODIFICATION TO LAND CONVEYANCE AUTHORITY, FORT BRAGG, NORTH CAROLINA.

(a) REQUIREMENT TO CONVEY TRACT NO. 404–1 PROPERTY WITHOUT CONSIDERATION.—Section 2836 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 2005) is amended—

(1) in subsection (a)(3), by striking "at fair market value" and inserting "without consideration";

(2) in subsection (b), by striking paragraph (2) and inserting the following new paragraph:

"(2) The conveyances under paragraphs (2) and (3) of subsection (a) shall be subject to the condition that the County develop and use the conveyed properties for educational purposes and the construction of public school structures."; and

(3) in subsection (c), by striking paragraph (2) and inserting the following new paragraph:

"(2) If the Secretary determines at any time that the real property conveyed under paragraph (2) or paragraph (3) of subsection (a) is not being used in accordance with subsection (b)(2), all right, title, and interest in and to the property conveyed under such paragraph, including any improvements thereon, shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry thereon.".

(b) PAYMENT OF COSTS OF CONVEYANCE.—Such section is further amended by adding at the end the following new subsection:

"(f) PAYMENT OF COSTS OF CONVEYANCE OF TRACT NO. 404–1 PROPERTY.—

"(1) PAYMENT REQUIRED.—The Secretary shall require the County to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a)(3), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the County in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the County.

"(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.".

SEC. 2848. LAND CONVEYANCE, LEWIS AND CLARK UNITED STATES ARMY RESERVE CENTER, BISMARCK, NORTH DAKOTA.

(a) Conveyance Authorized.—The Secretary of the Army may convey, without consideration, to the United Tribes Technical College all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 2 acres located at the Lewis and Clark United States Army Reserve Center, 3319 University Drive, Bismarck, North Dakota, for the purpose of supporting education at the United Tribes Technical College.

(b) Reversionary Interest.—

(1) In general.—Subject to paragraph (2), if the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purposes of the conveyance specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(2) Expiration.—The reversionary interest under paragraph (1) shall expire upon satisfaction of the following conditions:

(A) The real property conveyed under subsection (a) is used in accordance with the purposes of the conveyance specified in such subsection for a period of not less than 30 years following the date of the conveyance.

(B) After the end of period specified in subparagraph (A), the United Tribes Technical College applies to the Secretary for the release of the reversionary interest.

(C) The Secretary certifies, in a manner that can be filed with the appropriate land recordation office, that the condition under subparagraph (A) has been satisfied.

(c) Payment of Costs of Conveyance.—

(1) Payment required.—The Secretary shall require the United Tribes Technical College to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the United Tribes Technical College in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the United Tribes Technical College.

(2) Treatment of amounts received.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) Description of Real Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2849. LAND EXCHANGE, FORT HOOD, TEXAS.

(a) Exchange Authorized.—The Secretary of the Army may convey to the City of Copperas Cove, Texas (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 200 acres at Fort Hood, Texas, for the purpose of permitting the City to improve arterial transportation routes in the community.

(b) Consideration.—As consideration for the conveyance under subsection (a), the City shall convey to the Secretary all right, title, and interest of the City in and to one or more parcels of real property that are acceptable to the Secretary. The fair market value of the real property acquired by the Secretary under this subsection shall be at least equal to the fair market value of the real property conveyed under subsection (a), as determined by appraisals acceptable to the Secretary.

(c) Description of Property.—The exact acreage and legal description of the real property to be exchanged under this section shall be determined by surveys satisfactory to the Secretary.

(d) Payment of Costs of Conveyances.—

(1) Payment required.—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyances under this section, including survey costs related to the conveyances. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyances, the Secretary shall refund the excess amount to the City.

(2) Treatment of amounts received.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyances under this section shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyances. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) Additional Term and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

Subtitle D—Energy Security

SEC. 2861. REPEAL OF CONGRESSIONAL NOTIFICATION REQUIREMENT REGARDING CANCELLATION CEILING FOR DEPARTMENT OF DEFENSE ENERGY SAVINGS PERFORMANCE CONTRACTS.

Section 2913 of title 10, United States Code, is amended by striking subsection (e).

SEC. 2862. DEFINITION OF ALTERNATIVE FUELED VEHICLE.

Section 301(3) of the Energy Policy Act of 1992 (42 U.S.C. 13211(3)) is amended—

(1) by striking "(3) the term" and inserting the following:

"(3) Alternative fueled vehicle.—

"(A) In general.—The term"; and

(2) by adding at the end the following:

"(B) Inclusions.—The term 'alternative fueled vehicle' includes—

"(i) a new qualified fuel cell motor vehicle (as defined in section 30B(b)(3) of the Internal Revenue Code of 1986);

"(ii) a new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3) of that Code);

"(iii) a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of that Code); and

"(iv) any other type of vehicle that the Administrator demonstrates to the Secretary would achieve a significant reduction in petroleum consumption.".

SEC. 2863. USE OF ENERGY EFFICIENT LIGHTING FIXTURES AND BULBS IN DEPARTMENT OF DEFENSE FACILITIES.

(a) Construction and Alteration of Buildings.—Each building constructed or significantly altered by the Secretary of Defense or the Secretary of a military department shall be equipped, to the maximum extent feasible as determined by the Secretary concerned, with lighting fixtures and bulbs that are energy efficient.

(b) Maintenance of Buildings.—Each lighting fixture or bulb that is replaced in the normal course of maintenance of buildings under the jurisdiction of the Secretary of Defense or the Secretary of a military department shall be replaced, to the maximum extent feasible as determined by the Secretary concerned, with a lighting fixture or bulb that is energy efficient.

(c) Considerations.—In making a determination under this section concerning the feasibility of installing a lighting fixture or bulb that is energy efficient, the Secretary of Defense or the Secretary of a military department shall consider—

(1) the life cycle cost effectiveness of the fixture or bulb;

(2) the compatibility of the fixture or bulb with existing equipment;

(3) whether use of the fixture or bulb could result in interference with productivity;

(4) the aesthetics relating to use of the fixture or bulb; and

(5) such other factors as the Secretary concerned determines appropriate.

(d) Energy Star.—A lighting fixture or bulb shall be treated as being energy efficient for purposes of this section if—

(1) the fixture or bulb is certified under the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a); or

(2) the Secretary of Defense or the Secretary of a military department has otherwise determined that the fixture or bulb is energy efficient.

(e) Significant Alterations.—A building shall be treated as being significantly altered for purposes of subsection (a) if the alteration is subject to congressional authorization under section 2802 of title 10, United States Code.

(f) Waiver Authority.—The Secretary of Defense may waive the requirements of this section if the Secretary determines that such a waiver is necessary to protect the national security interests of the United States.

(g) Effective Date.—The requirements of subsections (a) and (b) shall take effect one year after the date of the enactment of this Act.

SEC. 2864. REPORTING REQUIREMENTS RELATING TO RENEWABLE ENERGY USE BY DEPARTMENT OF DEFENSE TO MEET DEPARTMENT ELECTRICITY NEEDS.

(a) INITIAL REPORT.—Not later than 120 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report containing the following information:

(1) The extent to which energy from renewable energy sources is used to meet the electricity needs of the Department of Defense, to be stated as a percentage of total facility electricity use for the previous fiscal year.

(2) The extent to which energy from renewable energy sources was procured through alternative financing methods, to be stated as a percentage of total renewable energy procurement and as a dollar amount for the previous fiscal year.

(3) The extent to which energy from renewable energy sources was procured through the use of appropriated funds, to be stated as a percentage of total renewable energy procurement and as a dollar amount for the previous fiscal year.

(4) A graphical illustration of energy use from renewable energy sources by the Department as a percentage of total facility electricity use over time, starting no later than fiscal year 2000 and running through fiscal year 2025, including projected future trends in renewable energy consumption through fiscal year 2025 in order to meet the goals for renewable energy set forth in section 2911(e) of title 10, United States Code, or other goals, as appropriate.

(b) SUBSEQUENT REPORTS.—For fiscal year 2008 and each fiscal year thereafter, the information required by paragraphs (1) through (4) of subsection (a) shall be included in the Annual Energy Management Report prepared by the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(c) RENEWABLE ENERGY SOURCES DEFINED.—In this section, the term "renewable energy sources" has the meaning given that term in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)).

Subtitle E—Other Matters

SEC. 2871. REVISED DEADLINE FOR TRANSFER OF ARLINGTON NAVAL ANNEX TO ARLINGTON NATIONAL CEMETERY.

Subsection (h) of section 2881 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 879), as amended by section 2863 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1330), section 2851 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2726), and section 2881 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 115 Stat. 2153), is further amended by striking paragraphs (1) and (2) and inserting the following new paragraphs:

"(1) January 1, 2011;

"(2) the date on which the Navy Annex property is no longer required (as determined by the Secretary of Defense) for use as temporary office space; or

"(3) one year after the date on which the Secretary of the Army notifies the Secretary of Defense that the Navy Annex property is needed for the expansion of Arlington National Cemetery.".

SEC. 2872. TRANSFER OF JURISDICTION OVER AIR FORCE MEMORIAL TO DEPARTMENT OF THE AIR FORCE.

(a) TRANSFER OF JURISDICTION.—Notwithstanding section 2881 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 879) and section 2863 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1330; 40 U.S.C. 1003 note), the Secretary of the Army may transfer administrative jurisdiction, custody, and control of the parcel of Federal land described in subsection (b)(1) of such section 2863 to the Secretary of the Air Force.

(b) LIMITATION ON PAYMENT OF EXPENSES.—If the Air Force Memorial is transferred to the Secretary of the Air Force as authorized by subsection (a), the United States shall not pay any costs incurred for the maintenance and repair of the Air Force Memorial.

SEC. 2873. REPORT ON PLANS TO REPLACE THE MONUMENT AT THE TOMB OF THE UNKNOWNS AT ARLINGTON NATIONAL CEMETERY, VIRGINIA.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army and the Secretary of Veterans Affairs shall jointly submit to Congress a report setting forth the following:

(1) The current plans of the Secretaries with respect to—

(A) replacing the monument at the Tomb of the Unknowns at Arlington National Cemetery, Virginia; and

(B) disposing of the current monument at the Tomb of the Unknowns, if it were removed and replaced.

(2) An assessment of the feasibility and advisability of repairing the monument at the Tomb of the Unknowns rather than replacing it.

(3) A description of the current efforts of the Secretaries to maintain and preserve the monument at the Tomb of the Unknowns.

(4) An explanation of why no attempt has been made since 1989 to repair the monument at the Tomb of the Unknowns.

(5) A comprehensive estimate of the cost of replacement of the monument at the Tomb of the Unknowns and the cost of repairing such monument.

(6) An assessment of the structural integrity of the monument at the Tomb of the Unknowns.

(b) LIMITATION ON ACTION.—The Secretary of the Army and the Secretary of Veterans Affairs may not take any action to replace the monument at the Tomb of the Unknowns at Arlington National Cemetery, Virginia, until 180 days after the date of the receipt by Congress of the report required by subsection (a).

(c) EXCEPTION.—The limitation in subsection (b) shall not prevent the Secretary of the Army or the Secretary of Veterans Affairs from repairing the current monument at the Tomb of the Unknowns or from acquiring any blocks of marble for uses related to such monument, subject to the availability of appropriations for those purposes.

SEC. 2874. INCREASED AUTHORITY FOR REPAIR, RESTORATION, AND PRESERVATION OF LAFAYETTE ESCADRILLE MEMORIAL, MARNES-LA-COQUETTE, FRANCE.

Section 1065 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1233) is amended—

(1) in subsection (a)(2), by striking "$2,000,000" and inserting "$2,500,000"; and

(2) in subsection (e), by striking "under section 301(a)(4)".

SEC. 2875. ADDITION OF WOONSOCKET LOCAL PROTECTION PROJECT.

Section 2866 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2499) is amended by adding at the end the following new subsection:

"(d) WOONSOCKET LOCAL PROTECTION PROJECT.—

"(1) ASSUMPTION OF RESPONSIBILITY.—The Secretary of the Army, acting through the Chief of Engineers, shall assume responsibility for the annual operation and maintenance of the Woonsocket local protection project authorized by section 10 of the Act of December 22, 1944 (commonly known as the Flood Control Act of 1944; 58 Stat. 892, chapter 665), including by acquiring, in accordance with paragraph (2), any interest of the city of Woonsocket, Rhode Island, in and to land and structures required for the continued operation and maintenance, repair, replacement, rehabilitation, and structural integrity of the project, as identified by the city, in coordination with the Secretary.

"(2) ACQUISITION.—As a condition on the Secretary's assumption of responsibility for the Woonsocket local protection project under paragraph (1), the city of Woonsocket shall convey, not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008, to the Secretary of the Army, by quitclaim deed and without consideration, all right, title, and interest of the city in and to the Woonsocket local protection project, including any interest of the city in and to land and structures required for the continued operation and maintenance, repair, replacement, rehabilitation, and structural integrity of the project, as identified by the city.".

SEC. 2876. REPEAL OF MORATORIUM ON IMPROVEMENTS AT FORT BUCHANAN, PUERTO RICO.

Section 1507 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–355) is repealed.

SEC. 2877. ESTABLISHMENT OF NATIONAL MILITARY WORKING DOG TEAMS MONUMENT ON SUITABLE MILITARY INSTALLATION.

(a) AUTHORITY TO ESTABLISH MONUMENT.—The Secretary of Defense may permit the National War Dogs Monument, Inc., to establish and maintain, at a suitable location at Fort Belvoir, Virginia, or another military installation in the United States, a national monument to honor the sacrifice and service of United States Armed Forces working dog teams that have participated in the military operations of the United States.

(b) LOCATION AND DESIGN OF MONUMENT.—The actual location and final design of the monument authorized by subsection (a) shall be subject to the approval of the Secretary. In selecting the military installation and site on such installation to serve as the location for the monument, the Secretary shall seek to maximize access to the resulting monument for both visitors and their dogs.

(c) MAINTENANCE.—The maintenance of the monument authorized by subsection (a) by the National War Dogs Monument, Inc., shall be subject to such conditions regarding access to the monument, and such other conditions, as the Secretary considers appropriate to protect the interests of the United States.

(d) LIMITATION ON PAYMENT OF EXPENSES.—The United States Government shall not pay any expense for the establishment or maintenance of the monument authorized by subsection (a).

SEC. 2878. REPORT REQUIRED PRIOR TO REMOVAL OF MISSILES FROM 564TH MISSILE SQUADRON.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of establishing an association between the 120th Fighter Wing of the Montana Air National Guard and active duty personnel stationed at Malmstrom Air Force Base, Montana. In preparing the report, the Secretary shall include the following evaluations:

(1) An evaluation of the requirement of the Air Force for additional F-15 aircraft active or reserve component force structure.

(2) An evaluation of the airspace training opportunities in the immediate airspace around Great Falls International Airport Air Guard Station.

(3) An evaluation of the impact of civilian operations on military operations at Great Falls International Airport.

(4) An evaluation of the level of civilian encroachment on the facilities and airspace of the 120th Fighter Wing.

(5) An evaluation of the support structure available, including active military bases nearby.

(6) An evaluation of opportunities for additional association between the Montana National Guard and the 341st Space Wing.

(b) Limitation on Removal Pending Report.—Not more than 40 missiles may be removed from the 564th Missile Squadron until 15 days after the report required in subsection (a) has been submitted.

SEC. 2879. REPORT ON CONDITION OF SCHOOLS UNDER JURISDICTION OF DEPARTMENT OF DEFENSE EDUCATION ACTIVITY.

(a) Report Required.—Not later than March 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the conditions of schools under the jurisdiction of the Department of Defense Education Activity.

(b) Content.—The report required under subsection (a) shall include the following:

(1) A description of each school under the control of the Secretary, including the location, year constructed, grades of attending children, maximum capacity, and current capacity of the school.

(2) A description of the standards and processes used by the Secretary to assess the adequacy of the size of school facilities, the ability of facilities to support school programs, and the current condition of facilities.

(3) A description of the conditions of the facility or facilities at each school, including the level of compliance with the standards described in paragraph (2), any existing or projected facility deficiencies or inadequate conditions at each facility, and whether any of the facilities listed are temporary structures.

(4) An investment strategy planned for each school to correct deficiencies identified in paragraph (3), including a description of each project to correct such deficiencies, cost estimates, and timelines to complete each project.

(5) A description of requirements for new schools to be constructed over the next 10 years as a result of changes to the population of military personnel.

(c) Use of Report as Master Plan for Repair, Upgrade, and Construction of Schools.—The Secretary shall use the report required under subsection (a) as a master plan for the repair, upgrade, and construction of schools in the Department of Defense system that support dependents of members of the Armed Forces and civilian employees of the Department of Defense.

SEC. 2880. REPORT ON FACILITIES AND OPERATIONS OF DARNALL ARMY MEDICAL CENTER, FORT HOOD MILITARY RESERVATION, TEXAS.

(a) In General.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the facilities and operations of the Darnall Army Medical Center at Fort Hood Military Reservation, Texas.

(b) Content.—The report required under subsection (a) shall include the following:

(1) A specific determination of whether the facilities currently housing Darnall Army Medical Center meet Department of Defense standards for Army medical centers.

(2) A specific determination of whether the existing facilities adequately support the operations of Darnall Army Medical Center, including the missions of medical treatment, medical hold, medical holdover, and Warriors in Transition.

(3) A specific determination of whether the existing facilities provide adequate physical space for the number of personnel that would be required for Darnall Army Medical Center to function as a full-sized Army medical center.

(4) A specific determination of whether the current levels of medical and medical-related personnel at Darnall Army Medical Center are adequate to support the operations of a full-sized Army medical center.

(5) A specific determination of whether the current levels of graduate medical education and medical residency programs currently in place at Darnall Army Medical Center are adequate to support the operations of a full-sized Army medical center.

(6) A description of any and all deficiencies identified by the Secretary.

(7) A proposed investment plan and timeline to correct such deficiencies.

SEC. 2881. REPORT ON FEASIBILITY OF ESTABLISHING A REGIONAL DISASTER RESPONSE CENTER AT KELLY AIR FIELD, SAN ANTONIO, TEXAS.

(a) Findings.—Congress makes the following findings:

(1) The Federal response to Hurricane Katrina demonstrated the need for greater coordination and planning capability at the Federal, State, and local levels of government.

(2) Coordination of State and local assets can be more effectively accomplished if such assets are organized on a regional basis similar to the manner in which the Federal Emergency Management Agency organizes its efforts.

(3) Despite the obvious need for experienced and routinely exercised operational headquarters skilled in disaster response, no such headquarters have been established.

(4) Such a headquarters would be appropriately located on available Federal property in Region VI of the Federal Emergency Management Agency, which includes Texas, Louisiana, Oklahoma, Arkansas, and New Mexico, and is a region subject to forest fires, floods, hurricanes, and tornadoes.

(b) Report Required.—Not later than March 31, 2008, the Secretary of Defense, in coordination with the Secretary of Homeland Security, shall submit to Congress a report on the feasibility of establishing at Kelly Air Field in San Antonio, Texas, a permanent, regionally oriented disaster response center responsible for planning, coordinating, and directing the Federal, State, and local response to man-made and natural disasters that occur in Region VI of the Federal Emergency Management Agency.

(c) Content.—The report required under subsection (b) shall include the following:

(1) A determination of how the regional disaster response center, if established at Kelly Air Field, would organize and leverage capabilities of the following currently co-located organizations, facilities, and forces located in San Antonio, Texas:

(A) Lackland Air Force Base.

(B) Fort Sam Houston.

(C) Brooke Army Medical Center.

(D) Wilford Hall Medical Center.

(E) City of San Antonio/Bexar County Emergency Operations Center.

(F) Audie Murphy Veterans Administration Medical Center.

(G) 433rd Airlift Wing C-5 Heavy Lift Aircraft.

(H) 149 Fighter Wing and Texas Air National Guard F-16 fighter aircraft.

(I) Army Northern Command.

(J) The three level 1 trauma centers of the National Trauma Institute.

(K) Texas Medical Rangers.

(L) San Antonio Metro Health Department.

(M) The University of Texas Health Science Center at San Antonio.

(N) The Air Intelligence Surveillance and Reconnaissance Agency at Lackland Air Force Base.

(O) The United States Air Force Security Police Training Department at Lackland Air Force Base.

(P) The large manpower pools and blood donor pools from the more than 6,000 trainees at Lackland Air Force Base.

(2) A determination of the number of military and civilian personnel who would have to be mobilized to run the logistics, planning, and maintenance of the regional disaster response center, if established at Kelly Air Field, during a time of disaster recovery.

(3) A determination of the number of military and civilian personnel who would be required to run the logistics, planning, and maintenance of the regional disaster response center during a time when no disaster is occurring.

(4) A determination of the cost of improving the current infrastructure at Kelly Air Field to meet the needs of displaced victims of a disaster equivalent to that of Hurricanes Katrina and Rita or a natural or man-made disaster of similar scope, including adequate beds, food stores, and decontamination stations to triage radiation or other chemical or biological agent contamination victims.

(5) An evaluation of the current capability of the Department of Defense and the Department of Homeland Security to respond to these mission requirements and an assessment of any additional capabilities that are required.

(6) An assessment of the costs and benefits of adding such capabilities at Kelly Air Field to the costs and benefits of other locations.

SEC. 2882. NAMING OF HOUSING FACILITY AT FORT CARSON, COLORADO, IN HONOR OF THE HONORABLE JOEL HEFLEY, A FORMER MEMBER OF THE UNITED STATES HOUSE OF REPRESENTATIVES.

(a) Findings.—Congress makes the following findings:

(1) Representative Joel Hefley was elected to represent Colorado's 5th Congressional district in 1986 and served in the House of Representatives until the end of the 109th Congress in 2007 with distinction, class, integrity, and honor.

(2) Representative Hefley served on the Committee on Armed Services of the House of Representatives for 18 years, including service as Chairman of the Subcommittee on Military Installations and Facilities from 1995 through 2000 and, from 2001 until 2007, as Chairman of the Subcommittee on Readiness.

(3) Representative Hefley was a fair and effective lawmaker who worked for the national interest while never forgetting his Western roots.

(4) Representative Hefley's efforts on the Committee on Armed Services were instrumental to the military value of, and quality of life at, installations in the State of Colorado, including Fort Carson, Cheyenne Mountain, Peterson Air Force Base, Schriever Air Force Base, Buckley Air Force Base, and the United States Air Force Academy.

(5) Representative Hefley was a leader in efforts to retain and expand Fort Carson as an essential part of the national defense system during the Defense Base Closure and Realignment process.

(6) Representative Hefley consistently advocated for providing members of the Armed Forces and their families with quality, safe, and affordable housing and supportive communities.

(7) Representative Hefley spearheaded the Military Housing Privatization Initiative to eliminate inadequate housing on military installations, with the first pilot program located at Fort Carson.

(8) Representative Hefley's leadership on the Military Housing Privatization Initiative allowed for the privatization of more than 121,000 units of military family housing, which brought meaningful improvements to living conditions for thousands of members of the Armed Forces and their spouses and children at installations throughout the United States.

(9) It is fitting and proper that an appropriate military family housing area or structure at Fort Carson be designated in honor of Representative Hefley.

(b) DESIGNATION.—Notwithstanding Army Regulation AR 1-33, the Secretary of the Army shall designate one of the military family housing areas or facilities constructed for Fort Carson, Colorado, using the authority provided by subchapter IV of chapter 169 of title 10, United States Code, as the "Joel Hefley Village".

SEC. 2883. NAMING OF NAVY AND MARINE CORPS RESERVE CENTER AT ROCK ISLAND, ILLINOIS, IN HONOR OF THE HONORABLE LANE EVANS, A FORMER MEMBER OF THE UNITED STATES HOUSE OF REPRESENTATIVES.

(a) FINDINGS.—Congress makes the following findings:

(1) Representative Lane Evans was elected to the House of Representatives in 1982 and served in the House of Representatives until the end of the 109th Congress in 2007 representing the people of Illinois' 17th Congressional district.

(2) As a member of the Committee on Armed Services of the House of Representatives, Representative Evans worked to bring common sense priorities to defense spending and strengthen the military's conventional readiness.

(3) Representative Evans was a tireless advocate for military veterans, ensuring that veterans receive the medical care they need and advocating for individuals suffering from post-traumatic stress disorder and Gulf War Syndrome.

(4) Representative Evans' efforts to improve the transition of individuals from military service to the care of the Department of Veterans Affairs will continue to benefit generations of veterans long into the future.

(5) Representative Evans was credited with bringing new services to veterans living in his Congressional district, including outpatient clinics in the Quad Cities and Quincy and the Quad-Cities Vet Center.

(6) Representative Evans worked with local leaders to promote the Rock Island Arsenal, and it earned new jobs and missions through his support.

(7) In honor of his service in the Marine Corps and to his district and the United States, it is fitting and proper that the Navy and Marine Corps Reserve Center at Rock Island Arsenal be named in honor of Representative Evans.

(b) DESIGNATION.—The Navy and Marine Corps Reserve Center at Rock Island Arsenal, Illinois, shall be known and designated as the "Lane Evans Navy and Marine Corps Reserve Center". Any reference in a law, map, regulation, document, paper, or other record of the United States to the Navy and Marine Corps Reserve Center at Rock Island Arsenal shall be deemed to be a reference to the Lane Evans Navy and Marine Corps Reserve Center.

SEC. 2884. NAMING OF RESEARCH LABORATORY AT AIR FORCE ROME RESEARCH SITE, ROME, NEW YORK, IN HONOR OF THE HONORABLE SHERWOOD L. BOEHLERT, A FORMER MEMBER OF THE UNITED STATES HOUSE OF REPRESENTATIVES.

The new laboratory building at the Air Force Rome Research Site, Rome, New York, shall be known and designated as the "Sherwood Boehlert Center of Excellence for Information Science and Technology". Any reference in a law, map, regulation, document, paper, or other record of the United States to such laboratory facility shall be deemed to be a reference to the Sherwood Boehlert Center of Excellence for Information Science and Technology.

SEC. 2885. NAMING OF ADMINISTRATION BUILDING AT JOINT SYSTEMS MANUFACTURING CENTER, LIMA, OHIO, IN HONOR OF THE HONORABLE MICHAEL G. OXLEY, A FORMER MEMBER OF THE UNITED STATES HOUSE OF REPRESENTATIVES.

The administration building under construction at the Joint Systems Manufacturing Center in Lima, Ohio, shall be known and designated as the "Michael G. Oxley Administration and Technology Center". Any reference in a law, map, regulation, document, paper, or other record of the United States to such building shall be deemed to be a reference to the Michael G. Oxley Administration and Technology Center.

SEC. 2886. NAMING OF LOGISTICS AUTOMATION TRAINING FACILITY, ARMY QUARTERMASTER CENTER AND SCHOOL, FORT LEE, VIRGINIA, IN HONOR OF GENERAL RICHARD H. THOMPSON.

Notwithstanding Army Regulation AR 1-33, the Logistics Automation Training Facility of the Army Quartermaster Center and School at Fort Lee, Virginia, shall be known and designated as the "General Richard H. Thompson Logistics Automation Training Facility" in honor of General Richard H. Thompson, the only quartermaster to have risen from private to full general. Any reference in a law, map, regulation, document, paper, or other record of the United States to such facility shall be deemed to be a reference to the General Richard H. Thompson Logistics Automation Training Facility.

SEC. 2887. AUTHORITY TO RELOCATE JOINT SPECTRUM CENTER TO FORT MEADE, MARYLAND.

(a) AUTHORITY TO CARRY OUT RELOCATION AGREEMENT.—The Secretary of Defense may carry out an agreement to relocate the Joint Spectrum Center, a geographically separated unit of the Defense Information Systems Agency, from Annapolis, Maryland, to Fort Meade, Maryland, or another military installation if—

(1) the Secretary determines that the relocation of the Joint Spectrum Center is in the best interest of national security and the physical protection of personnel and missions of the Department of Defense; and

(2) the agreement between the lease holder and the Department of Defense provides equitable and appropriate terms to facilitate the relocation.

(b) AUTHORIZATION.—Any facility, road, or infrastructure constructed or altered on a military installation as a result of the agreement referred to in subsection (a) is deemed to be authorized in accordance with section 2802 of title 10, United States Code.

(c) TERMINATION OF EXISTING LEASE.—Upon completion of the relocation of the Joint Spectrum Center, all right, title, and interest of the United States in and to the existing lease for the Joint Spectrum Center shall be terminated, as contemplated under Condition 29.B of the lease.

TITLE XXIX—WAR-RELATED AND EMERGENCY MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2901. Authorized Army construction and land acquisition projects.
Sec. 2902. Authorized Navy construction and land acquisition projects.
Sec. 2903. Authorized Air Force construction and land acquisition projects.
Sec. 2904. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2905. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005 and related authorization of appropriations.

SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Colorado	Fort Carson	$8,100,000
Georgia	Fort Stewart	$6,000,000
Kansas	Fort Riley	$50,000,000
Kentucky	Fort Campbell	$7,400,000
Louisiana	Fort Polk	$4,900,000

Army: Inside the United States—Continued

State	Installation or Location	Amount
New York	Fort Drum	$38,000,000
Texas	Fort Hood	$9,100,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	$249,600,000
	Ghazni	$5,000,000
	Kabul	$36,000,000
Iraq	Camp Adder	$80,650,000
	Al Asad	$92,600,000
	Camp Anaconda	$53,500,000
	Camp Constitution	$11,700,000
	Camp Cropper	$9,500,000
	Fallujah	$880,000
	Camp Marez	$880,000
	Mosul	$43,000,000
	Q-West	$26,000,000
	Camp Ramadi	$880,000
	Scania	$14,200,000
	Camp Speicher	$83,900,000
	Camp Taqqadum	$880,000
	Tikrit	$43,000,000
	Camp Victory	$65,400,000
	Camp Warrior	$880,000
	Various Locations	$207,000,000
Kuwait	Camp Arifjan	$30,000,000

(c) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $1,257,750,000 as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $123,500,000.

(2) For military construction projects outside the United States authorized by subsection (b), $1,055,450,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $78,800,000.

(d) REPORT REQUIRED BEFORE COMMENCING CERTAIN PROJECTS.—Funds may not be obligated for the projects authorized by subsection (b) for Camp Arifjan, Kuwait, or Camp Cropper, Iraq, until 14 days after the date on which the Secretary of Defense submits to the congressional defense committees a report, in either unclassified or classified form, containing a detailed justification for the project, including the overall intent of the requested construction, host-nation views, longevity of the site selected, and timelines for completion. The Secretary shall submit the report not later than January 15, 2008.

SEC. 2902. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (d)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
California	Camp Pendleton	$102,034,000
	Twentynine Palms	$4,440,000
North Carolina	Camp Lejeune	$43,340,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (d)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Djibouti	Camp Lemonier	$25,410,000

(c) FAMILY HOUSING.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (d)(4), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, and in the amounts, set forth in the following table:

Navy: Family Housing

State	Installation or Location	Amount
California	Camp Pendleton	$10,692,000

Navy: Family Housing—Continued

State	Installation or Location	Amount
	Twentynine Palms	$1,074,000

(d) AUTHORIZATION OF APPROPRIATIONS.—Subject to section 2825 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $198,781,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $149,814,000.

(2) For military construction projects outside the United States authorized by subsection (a), $25,410,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $11,791,000.

(4) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $11,766,000.

SEC. 2903. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	$108,800,000
	Kandahar	$26,300,000
Iraq	Balad Air Base	$58,300,000
Kyrgyzstan	Manas Air Base	$30,300,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $258,700,000, as follows:

(1) For military construction projects outside the United States authorized by subsection (a), $223,700,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $35,000,000.

SEC. 2904. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Texas	Fort Sam Houston	$21,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Qatar	Al Udeid	$6,600,000

(c) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $27,600,000 as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $21,000,000.

(2) For military construction projects outside the United States authorized by subsection (a), $6,600,000.

SEC. 2905. AUTHORIZED BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005 AND RELATED AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZED BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.—Using amounts authorized appropriated pursuant to the authorization of appropriations in subsection (b), the Secretary of Defense may carry out base closure and realignment activities otherwise authorized by section 2702 of this Act, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of $423,650,000. Such amount is in addition to the amount specified for such base closure and realignment activities in section 2702 of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for base closure and realignment activities authorized by subsection (a) and funded through the Department of Defense Base Closure Account 2005 in the total amount of $415,910,000.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental cleanup.
Sec. 3103. Other defense activities.
Sec. 3104. Defense nuclear waste disposal.
Sec. 3105. Energy security and assurance.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Reliable Replacement Warhead program.
Sec. 3112. Nuclear test readiness.
Sec. 3113. Modification of reporting requirement.
Sec. 3114. Limitation on availability of funds for Fissile Materials Disposition program.

Sec. 3115. Modification of limitations on availability of funds for Waste Treatment and Immobilization Plant.
Sec. 3116. Modification of sunset date of the Office of the Ombudsman of the Energy Employees Occupational Illness Compensation Program.
Sec. 3117. Technical amendments.

Subtitle C—Other Matters

Sec. 3121. Study on using existing pits for the Reliable Replacement Warhead program.
Sec. 3122. Report on retirement and dismantlement of nuclear warheads.
Sec. 3123. Plan for addressing security risks posed to nuclear weapons complex.
Sec. 3124. Department of Energy protective forces.
Sec. 3125. Evaluation of National Nuclear Security Administration strategic plan for advanced computing.
Sec. 3126. Sense of Congress on the nuclear nonproliferation policy of the United States and the Reliable Replacement Warhead program.
Sec. 3127. Department of Energy report on plan to strengthen and expand International Radiological Threat Reduction program.
Sec. 3128. Department of Energy report on plan to strengthen and expand Materials Protection, Control, and Accounting program.
Sec. 3129. Agreements and reports on nuclear forensics capabilities.
Sec. 3130. Report on status of environmental management initiatives to accelerate the reduction of environmental risks and challenges posed by the legacy of the Cold War.

Subtitle D—Nuclear Terrorism Prevention

Sec. 3131. Definitions.
Sec. 3132. Sense of Congress on the prevention of nuclear terrorism.
Sec. 3133. Minimum security standard for nuclear weapons and formula quantities of strategic special nuclear material.
Sec. 3134. Annual report.

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2008 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $9,576,095,000, to be allocated as follows:

(1) For weapons activities, $6,465,574,000.

(2) For defense nuclear nonproliferation activities, $1,902,646,000.

(3) For naval reactors, $808,219,000.

(4) For the Office of the Administrator for Nuclear Security, $399,656,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

(1) For readiness in technical base and facilities, the following new plant projects:

Project 08–D–801, High pressure fire loop, Pantex Plant, Amarillo, Texas, $7,000,000.

Project 08–D–802, High explosive pressing facility, Pantex Plant, Amarillo, Texas, $25,300,000.

Project 08–D–804, Technical Area 55 reinvestment project, Los Alamos National Laboratory, Los Alamos, New Mexico, $6,000,000.

(2) For facilities and infrastructure recapitalization, the following new plant projects:

Project 08–D–601, Mercury highway, Nevada Test Site, Nevada, $7,800,000.

Project 08–D–602, Potable water system upgrades, Y–12 Plant, Oak Ridge, Tennessee, $22,500,000.

(3) For safeguards and security, the following new plant project:

Project 08–D–701, Nuclear materials safeguards and security upgrade, Los Alamos National Laboratory, Los Alamos, New Mexico, $49,496,000.

(4) For naval reactors, the following new plant projects:

Project 08–D–901, Shipping and receiving and warehouse complex, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, $9,000,000.

Project 08–D–190, Project engineering and design, Expended Core Facility M–290 Recovering Discharge Station, Naval Reactors Facility, Idaho Falls, Idaho, $550,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2008 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,367,905,000.

(b) AUTHORIZATION FOR NEW PLANT PROJECT.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out, for defense environmental cleanup activities, the following new plant project:

Project 08–D–414, Project engineering and design, Plutonium Vitrification Facility, various locations, $9,000,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2008 for other defense activities in carrying out programs necessary for national security in the amount of $763,974,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2008 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $292,046,000.

SEC. 3105. ENERGY SECURITY AND ASSURANCE.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2008 for energy security and assurance programs necessary for national security in the amount of $5,860,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. RELIABLE REPLACEMENT WARHEAD PROGRAM.

No funds appropriated pursuant to the authorization of appropriations in section 3101(a)(1) or otherwise made available for weapons activities of the National Nuclear Security Administration for fiscal year 2008 may be obligated or expended for activities under the Reliable Replacement Warhead program under section 4204a of the Atomic Energy Defense Act (50 U.S.C. 2524a) beyond phase 2A activities.

SEC. 3112. NUCLEAR TEST READINESS.

(a) REPEAL OF REQUIREMENTS ON READINESS POSTURE.—Section 3113 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1743; 50 U.S.C. 2528a) is repealed.

(b) REPORTS ON NUCLEAR TEST READINESS POSTURES.—

(1) IN GENERAL.—Section 4208 of the Atomic Energy Defense Act (50 U.S.C. 2528) is amended to read as follows:

"SEC. 4208. REPORTS ON NUCLEAR TEST READINESS.

"(a) IN GENERAL.—Not later than March 1, 2009, and every odd-numbered year thereafter, the Secretary of Energy shall submit to the congressional defense committees a report on the nuclear test readiness of the United States.

"(b) ELEMENTS.—Each report under subsection (a) shall include, current as of the date of such report, the following:

"(1) An estimate of the period of time that would be necessary for the Secretary of Energy to conduct an underground test of a nuclear weapon once directed by the President to conduct such a test.

"(2) A description of the level of test readiness that the Secretary of Energy, in consultation with the Secretary of Defense, determines to be appropriate.

"(3) A list and description of the workforce skills and capabilities that are essential to carrying out an underground nuclear test at the Nevada Test Site.

"(4) A list and description of the infrastructure and physical plant that are essential to carrying out an underground nuclear test at the Nevada Test Site.

"(5) An assessment of the readiness status of the skills and capabilities described in paragraph (3) and the infrastructure and physical plant described in paragraph (4).

"(c) FORM.—Each report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.".

(2) CLERICAL AMENDMENT.—The item relating to section 4208 in the table of contents for such Act is amended to read as follows:

"Sec. 4208. Reports on nuclear test readiness.".

SEC. 3113. MODIFICATION OF REPORTING REQUIREMENT.

Section 3111 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3539) is amended—

(1) by redesignating subsections (c) and (d) as (d) and (e), respectively;

(2) by inserting after subsection (b) the following:

"(c) FORM.—The report required by subsection (b) shall be submitted in classified form, and shall include a detailed unclassified summary."; and

(3) in subsection (e), as so redesignated, by striking "(c)" and inserting "(d)".

SEC. 3114. LIMITATION ON AVAILABILITY OF FUNDS FOR FISSILE MATERIALS DISPOSITION PROGRAM.

(a) LIMITATION PENDING REPORT ON USE OF PRIOR FISCAL YEAR FUNDS.—No more than 75 percent of the fiscal year 2008 Fissile Materials Disposition program funds may be obligated for the Fissile Materials Disposition program until the Secretary of Energy, in consultation with the Administrator for Nuclear Security, submits to the congressional defense committees a report setting forth a plan for obligating and expending funds made available for that program in fiscal years before fiscal year 2008 that remain available for obligation or expenditure as of January 1, 2005, and for fiscal year 2008.

(b) AVAILABILITY OF UNUTILIZED FUNDS UNDER CERTIFICATION OF PARTIAL USE.—Any funds identified in the plan required in subsection (a) that are not planned to be obligated by the end of fiscal year 2009 shall also be available for any defense nuclear nonproliferation activities (other than the Fissile Materials Disposition program) for which amounts are authorized to be appropriated by section 3101(a)(2).

(c) Fiscal Year 2008 Fissile Materials Disposition Program Funds Defined.—In this section, the term "fiscal year 2008 Fissile Materials Disposition program funds" means amounts authorized to be appropriated by section 3101(a)(2) and available for the Fissile Materials Disposition program.

SEC. 3115. MODIFICATION OF LIMITATIONS ON AVAILABILITY OF FUNDS FOR WASTE TREATMENT AND IMMOBILIZATION PLANT.

Paragraph (2) of section 3120(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2510) is amended—

(1) by striking "the Defense Contract Management Agency has recommended for acceptance" and inserting "an independent entity has reviewed"; and

(2) by inserting "and that the system has been certified by the Secretary for use by a construction contractor at the Waste Treatment and Immobilization Plant" after "Waste Treatment and Immobilization Plant".

SEC. 3116. MODIFICATION OF SUNSET DATE OF THE OFFICE OF THE OMBUDSMAN OF THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

Section 3686(g) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–15(g)) is amended by striking "on the date that is 3 years after the date of the enactment of this section" and inserting "October 28, 2012".

SEC. 3117. TECHNICAL AMENDMENTS.

The Atomic Energy Defense Act (50 U.S.C. 2521 et seq.) is amended as follows:

(1) The heading of section 4204a (50 U.S.C. 2524a) is amended to read as follows:

"SEC. 4204A. RELIABLE REPLACEMENT WARHEAD PROGRAM.".

(2) The table of contents for that Act is amended by inserting after the item relating to section 4204 the following new item:

"Sec. 4204A. Reliable Replacement Warhead program.".

Subtitle C—Other Matters

SEC. 3121. STUDY ON USING EXISTING PITS FOR THE RELIABLE REPLACEMENT WARHEAD PROGRAM.

(a) Study Required.—The Administrator for Nuclear Security, in consultation with the Nuclear Weapons Council, shall carry out a study analyzing the feasibility of using existing pits in the Reliable Replacement Warhead program.

(b) Report.—

(1) In general.—Not later six months after the date of the enactment of this Act, the Administrator shall submit to the congressional defense committees a report on the results of the study. The report shall be in unclassified form, but may include a classified annex.

(2) Matters included.—The report shall contain the assessment of the Administrator of the results of the study, including—

(A) an assessment of—

(i) whether using existing pits in the program is technically feasible;

(ii) whether using existing pits in the program is more advantageous than using newly manufactured pits in the program;

(iii) the number of existing pits suitable for such use;

(iv) whether proceeding to use existing pits in the program before using newly manufactured pits in the program is desirable; and

(v) the extent to which using existing pits, as compared to using newly manufactured pits, in the program would reduce future requirements for new pit production, and how such use of existing pits would affect the schedule and scope for new pit production; and

(B) a comparison of the requirements for certifying—

(i) reliable replacement warheads using existing pits;

(ii) reliable replacement warheads using newly manufactured pits; and

(iii) warheads maintained by the Stockpile Life Extension Program.

(c) Funding.—Of the amounts made available pursuant to the authorization of appropriations in section 3101(a)(1), such funds as may be necessary shall be available to carry out this section.

SEC. 3122. REPORT ON RETIREMENT AND DISMANTLEMENT OF NUCLEAR WARHEADS.

Not later than March 1, 2008, the Administrator for Nuclear Security, in consultation with the Nuclear Weapons Council, shall submit to the congressional defense committees a report on the retirement and dismantlement of the nuclear warheads that will not be part of the enduring stockpile as of December 31, 2012, but that have not yet been retired or dismantled. The report shall include—

(1) the existing plan and schedule for retiring and dismantling those warheads;

(2) an assessment of the capacity of the nuclear weapons complex to accommodate an accelerated schedule for retiring and dismantling those warheads, taking into account the full range of capabilities in the complex; and

(3) an identification of the resources needed to accommodate such an accelerated schedule for retiring and dismantling those warheads.

SEC. 3123. PLAN FOR ADDRESSING SECURITY RISKS POSED TO NUCLEAR WEAPONS COMPLEX.

Section 3253(b) of the National Nuclear Security Administration Act (50 U.S.C. 2453(b)) is amended by adding at the end the following:

"(6) A plan, developed in consultation with the Director of the Office of Health, Safety, and Security of the Department of Energy, for the research and development, deployment, and lifecycle sustainment of the technologies employed within the nuclear weapons complex to address physical and cyber security threats during the applicable five-fiscal year period, together with—

"(A) for each site in the nuclear weapons complex, a description of the technologies deployed to address the physical and cyber security threats posed to that site;

"(B) for each site and for the nuclear weapons complex, the methods used by the National Nuclear Security Administration to establish priorities among investments in physical and cyber security technologies; and

"(C) a detailed description of how the funds identified for each program element specified pursuant to paragraph (1) in the budget for the Administration for each fiscal year during that five-fiscal year period will help carry out that plan.".

SEC. 3124. DEPARTMENT OF ENERGY PROTECTIVE FORCES.

(a) Comptroller General Report on Department of Energy Protective Force Management.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the management of the protective forces of the Department of Energy.

(2) Contents.—The report shall include the following:

(A) An identification of each Department of Energy site with Category I nuclear materials.

(B) For each site identified under subparagraph (A)—

(i) a description of the management and contractual structure for protective forces at the site;

(ii) a statement of the number and category of protective force members at the site;

(iii) a description of the manner in which the site is moving to a tactical response force as required by the policy of the Department of Energy and an assessment of the issues or problems, if any, involved in moving to such a force;

(iv) a description of the extent to which the protective force at the site has been assigned or is responsible for law enforcement or law-enforcement related activities;

(v) an assessment of the ability of the protective force at the site to fulfill any such law enforcement or law enforcement-related responsibilities; and

(vi) an assessment of whether the protective force at the site is adequately staffed, trained, and equipped to comply with the requirements of the Design Basis Threat issued by the Department of Energy in November 2005 and, if not, when it is projected to be.

(C) An analysis comparing the management, training, pay, benefits, duties, responsibilities, and assignments of the protective force at each site identified under subparagraph (A) with the management, training, pay, benefits, duties, responsibilities, and assignments of the Federal transportation security force of the Department of Energy.

(D) A statement of options for managing the protective force at sites identified under subparagraph (A) in a more uniform manner, an analysis of the advantages and disadvantages of each option, and an assessment of the approximate cost of each option when compared with the costs associated with the existing management of the protective force at such sites.

(3) Form.—The report shall be submitted in unclassified form, but may include a classified annex.

(b) Department of Energy Analysis of Alternatives for Managing and Deploying Protective Forces.—

(1) In general.—Not later than 90 days after the date on which the report is submitted under subsection (a), the Secretary of Energy, in conjunction with the Administrator for Nuclear Security and the Assistant Secretary for Environmental Management, shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the management of the protective forces of the Department of Energy.

(2) Contents.—The report shall include the following:

(A) Each of the matters specified in subparagraphs (A), (B), and (C) of subsection (a)(2).

(B) Each of the matters specified in subparagraph (D) of subsection (a)(2), except that—

(i) the options analyzed shall include each of the options included in the report submitted under subsection (a), as well as any other options identified by the Secretary; and

(ii) the analysis and assessment shall also include an analysis of the role played by incentives inherent in the use of private contractors to provide protective forces in the performance of those protective forces.

(3) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 3125. EVALUATION OF NATIONAL NUCLEAR SECURITY ADMINISTRATION STRATEGIC PLAN FOR ADVANCED COMPUTING.

(a) IN GENERAL.—The Secretary of Energy shall—

(1) enter into an agreement with an independent entity to conduct an evaluation of the strategic plan for advanced computing of the National Nuclear Security Administration; and

(2) not later than one year after the date of the enactment of this Act, submit to the congressional defense committees a report containing the results of the evaluation described in paragraph (1).

(b) ELEMENTS.—The evaluation described in subsection (a)(1) shall include the following:

(1) An assessment of—

(A) the adequacy of the strategic plan in supporting the Stockpile Stewardship Program;

(B) the role of research into, and development of, high-performance computing supported by the National Nuclear Security Administration in fulfilling the mission of the National Nuclear Security Administration and in maintaining the leadership of the United States in high-performance computing; and

(C) the impacts of changes in investment levels or research and development strategies on fulfilling the missions of the National Nuclear Security Administration.

(2) An assessment of the efforts of the Department of Energy to—

(A) coordinate high-performance computing work within the Department, in particular between the National Nuclear Security Administration and the Office of Science;

(B) develop joint strategies with other Federal agencies and private industry groups for the development of high-performance computing; and

(C) share high-performance computing developments with private industry and capitalize on innovations in private industry in high-performance computing.

SEC. 3126. SENSE OF CONGRESS ON THE NUCLEAR NON-PROLIFERATION POLICY OF THE UNITED STATES AND THE RELIABLE REPLACEMENT WARHEAD PROGRAM.

It is the sense of Congress that—

(1) the United States should maintain its commitment to Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (in this section referred to as the "Nuclear Non-Proliferation Treaty");

(2) the United States should initiate talks with Russia to reduce the number of nonstrategic nuclear weapons and further reduce the number of strategic nuclear weapons in the respective nuclear weapons stockpiles of the United States and Russia in a transparent and verifiable fashion and in a manner consistent with the security of the United States;

(3) the United States and other declared nuclear weapons state parties to the Nuclear Non-Proliferation Treaty, together with weapons states that are not parties to the Treaty, should work to reduce the total number of nuclear weapons in the respective stockpiles and related delivery systems of such states;

(4) the United States, Russia, and other states should work to negotiate, and then sign and ratify, a treaty setting forth a date for the cessation of the production of fissile material;

(5) the United States should sustain the science-based stockpile stewardship program, which provides the basis for certifying the United States nuclear deterrent and maintaining the moratorium on underground nuclear weapons testing;

(6) the United States should commit to dismantle as soon as possible all retired warheads or warheads that are planned to be retired from the United States nuclear weapons stockpile;

(7) the United States, along with the other declared nuclear weapons state parties to the Nuclear Non-Proliferation Treaty, should participate in transparent discussions regarding their nuclear weapons programs and plans, including plans for any new weapons or warheads, and how such programs and plans relate to their obligations as nuclear weapons state parties under the Treaty;

(8) the United States and the declared nuclear weapons state parties to the Nuclear Non-Proliferation Treaty should work to decrease reliance on, and the importance of, nuclear weapons; and

(9) the United States should formulate any decision on whether to manufacture or deploy a reliable replacement warhead within the broader context of the progress made by the United States toward achieving each of the goals described in paragraphs (1) through (8).

SEC. 3127. DEPARTMENT OF ENERGY REPORT ON PLAN TO STRENGTHEN AND EXPAND INTERNATIONAL RADIOLOGICAL THREAT REDUCTION PROGRAM.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Energy shall submit to Congress a report that sets forth a specific plan for strengthening and expanding the Department of Energy International Radiological Threat Reduction (IRTR) program within the Global Threat Reduction Initiative. The plan shall address concerns raised and recommendations made by the Government Accountability Office in its report of March 13, 2007, titled "Focusing on the Highest Priority Radiological Sources Could Improve DOE's Efforts to Secure Sources in Foreign Countries", and shall specifically include actions to—

(1) improve the Department's coordination with the Department of State and the Nuclear Regulatory Commission;

(2) improve information-sharing between the Department and the International Atomic Energy Agency;

(3) with respect to hospitals and clinics containing radiological sources that receive security upgrades, give high priority to those determined to be the highest risk;

(4) accelerate efforts to remove as many radioisotope thermoelectric generators (RTGs) in the Russian Federation as practicable;

(5) develop a long-term sustainability plan for security upgrades that includes, among other things, future resources required to implement such a plan; and

(6) develop a long-term operational plan that ensures sufficient funding for the IRTR program and ensures sufficient funding to identify, recover, and secure all vulnerable high-risk radiological sources worldwide as quickly and effectively as possible.

SEC. 3128. DEPARTMENT OF ENERGY REPORT ON PLAN TO STRENGTHEN AND EXPAND MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Energy shall submit to Congress a specific plan for strengthening and expanding the Department of Energy Materials Protection, Control, and Accounting (MPC&A) program. The plan shall address concerns raised and recommendations made by the Government Accountability Office in its report of February 2007, titled "Progress Made in Improving Security at Russian Nuclear Sites, but the Long-Term Sustainability of U.S. Funded Security Upgrades is Uncertain", and shall specifically include actions to—

(1) strengthen program management and the effectiveness of the Department's efforts to improve security at weapons-usable nuclear material and warhead sites in the Russian Federation and other countries by—

(A) revising the metrics used to measure MPC&A program progress to better reflect the level of security upgrade completion at buildings reported as "secure";

(B) actively working with other countries, in coordination with the Secretary of State, to develop an appropriate access plan for each country; and

(C) developing a management information system to track the Department's progress in providing Russia with a sustainable MPC&A system by 2013; and

(2) develop a long-term operational plan that ensures sufficient funding for the MPC&A program, including for National Programs and Sustainability, and ensures sufficient funding to secure all weapons-usable nuclear material and warhead sites as quickly and effectively as possible.

SEC. 3129. AGREEMENTS AND REPORTS ON NUCLEAR FORENSICS CAPABILITIES.

(a) INTERNATIONAL AGREEMENTS.—

(1) IN GENERAL.—Title XLIII of the Atomic Energy Defense Act (50 U.S.C. 2561 et seq.) is amended by adding at the end the following:

"SEC. 4307. INTERNATIONAL AGREEMENTS ON NUCLEAR WEAPONS DATA.

"The Secretary of Energy may, with the concurrence of the Secretary of State and in coordination with the Secretary of Defense, the Secretary of Homeland Security, and the Director of National Intelligence, enter into agreements with countries or international organizations to conduct data collection and analysis to determine accurately and in a timely manner the source of any components of, or fissile material used or attempted to be used in, a nuclear device or weapon.

"SEC. 4308. INTERNATIONAL AGREEMENTS ON INFORMATION ON RADIOACTIVE MATERIALS.

"The Secretary of Energy may, with the concurrence of the Secretary of State and in coordination with the Secretary of Defense, the Secretary of Homeland Security, and the Director of National Intelligence, enter into agreements with countries or international organizations—

"(1) to acquire for the materials information program of the Department of Energy validated information on the physical characteristics of radioactive material produced, used, or stored at various locations, in order to facilitate the ability to determine accurately and in a timely manner the source of any components of, or fissile material used or attempted to be used in, a nuclear device or weapon; and

"(2) to obtain access to information described in paragraph (1) in the event of—

"(A) a nuclear detonation; or

"(B) the interdiction or discovery of a nuclear device or weapon or nuclear material.".

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of such Act is amended by inserting after the item relating to section 4306A the following:

"Sec. 4307. International agreements on nuclear weapons data.
"Sec. 4308. International agreements on information on radioactive materials.".

(b) REPORT ON AGREEMENTS.—Not later than one year after the date of the enactment of this Act, the Secretary of Energy shall, in coordination with the Secretary of State, submit to Congress a report identifying—

(1) the countries or international organizations with which the Secretary has sought to make agreements pursuant to sections 4307 and 4308 of the Atomic Energy Defense Act, as added by subsection (a);

(2) any countries or international organizations with which such agreements have been finalized and the measures included in such agreements; and

(3) any major obstacles to completing such agreements with other countries and international organizations.

(c) REPORT ON STANDARDS AND CAPABILITIES.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report—

(1) setting forth standards and procedures to be used in determining accurately and in a timely manner any country or group that knowingly or negligently provides to another country or group—

(A) a nuclear device or weapon;

(B) a major component of a nuclear device or weapon; or

(C) fissile material that could be used in a nuclear device or weapon;

(2) assessing the capability of the United States to collect and analyze nuclear material or debris in a manner consistent with the standards and procedures described in paragraph (1); and

(3) including a plan and proposed funding for rectifying any shortfalls in the nuclear forensics capabilities of the United States by September 30, 2010.

SEC. 3130. REPORT ON STATUS OF ENVIRONMENTAL MANAGEMENT INITIATIVES TO ACCELERATE THE REDUCTION OF ENVIRONMENTAL RISKS AND CHALLENGES POSED BY THE LEGACY OF THE COLD WAR.

(a) IN GENERAL.—Not later than September 30, 2008, the Secretary of Energy shall submit to the congressional defense committees and the Comptroller General of the United States a report on the status of the environmental management initiatives undertaken to accelerate the reduction of the environmental risks and challenges that, as a result of the legacy of the Cold War, are faced by the Department of Energy, contractors of the Department, and applicable Federal and State agencies with regulatory jurisdiction.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A discussion and assessment of the progress made in reducing the environmental risks and challenges described in subsection (a) in each of the following areas:

(A) Acquisition strategy and contract management.

(B) Regulatory agreements.

(C) Interim storage and final disposal of high-level waste, spent nuclear fuel, transuranic waste, and low-level waste.

(D) Closure and transfer of environmental remediation sites.

(E) Achievements in innovation by contractors of the Department with respect to accelerated risk reduction and cleanup.

(F) Consolidation of special nuclear materials and improvements in safeguards and security.

(2) An assessment of whether legislative changes or clarifications would improve or accelerate environmental management activities.

(3) A listing of the major mandatory milestones and commitments by site, by type of agreement, and by year to the extent that they are currently defined, together with a summary of the major mandatory milestones by site that are projected to be missed or are in jeopardy of being missed, with categories to explain the reason for non-compliance.

(4) An estimate of the life cycle cost of the current scope of the environmental management program as of October 1, 2007, by project baseline summary and summarized by site, including assumptions impacting cost projections and descriptions of the work to be done at each site.

(5) For environmental cleanup liabilities and excess facilities projected to be transferred to the environmental management program, a description of the process for nomination and acceptance of new work scope into the program, a listing of pending nominations, and life cycle cost estimates and schedules to address them.

(c) REVIEW BY COMPTROLLER GENERAL.—Not later than March 30, 2009, the Comptroller General shall submit to the congressional defense committees a report containing a review of the report required by subsection (a).

Subtitle D—Nuclear Terrorism Prevention

SEC. 3131. DEFINITIONS.

In this subtitle:

(1) The term "Convention on the Physical Protection of Nuclear Material" means the Convention on the Physical Protection of Nuclear Material, signed at New York and Vienna March 3, 1980.

(2) The term "formula quantities of strategic special nuclear material" means uranium-235 (contained in uranium enriched to 20 percent or more in the U-235 isotope), uranium-233, or plutonium in any combination in a total quantity of 5,000 grams or more computed by the formula, grams = (grams contained U-235) + 2.5 (grams U-233 + grams plutonium), as set forth in the definitions of "formula quantity" and "strategic special nuclear material" in section 73.2 of title 10, Code of Federal Regulations.

(3) The term "Nuclear Non-Proliferation Treaty" means the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (21 UST 483).

(4) The term "nuclear weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for the development of, a weapon, a weapon prototype, or a weapon test device.

SEC. 3132. SENSE OF CONGRESS ON THE PREVENTION OF NUCLEAR TERRORISM.

It is the sense of Congress that—

(1) the President should make the prevention of a nuclear terrorist attack on the United States a high priority;

(2) the President should accelerate programs, requesting additional funding as appropriate, to prevent nuclear terrorism, including combating nuclear smuggling, securing and accounting for nuclear weapons, and eliminating, removing, or securing and accounting for formula quantities of strategic special nuclear material wherever such quantities may be;

(3) the United States, together with the international community, should take a comprehensive approach to reducing the danger of nuclear terrorism, including by making additional efforts to identify and eliminate terrorist groups that aim to acquire nuclear weapons, to ensure that nuclear weapons worldwide are secure and accounted for and that formula quantities of strategic special nuclear material worldwide are eliminated, removed, or secure and accounted for to a degree sufficient to defeat the threat that terrorists and criminals have shown they can pose, and to increase the ability to find and stop terrorist efforts to manufacture nuclear explosives or to transport nuclear explosives and materials anywhere in the world;

(4) within such a comprehensive approach, a high priority must be placed on ensuring that all nuclear weapons worldwide are secure and accounted for and that all formula quantities of strategic special nuclear material worldwide are eliminated, removed, or secure and accounted for; and

(5) the International Atomic Energy Agency should be funded appropriately to fulfill its role in coordinating international efforts to protect nuclear material and to combat nuclear smuggling.

SEC. 3133. MINIMUM SECURITY STANDARD FOR NUCLEAR WEAPONS AND FORMULA QUANTITIES OF STRATEGIC SPECIAL NUCLEAR MATERIAL.

(a) POLICY.—It is the policy of the United States to work with the international community to take all possible steps to ensure that all nuclear weapons around the world are secure and accounted for and that all formula quantities of strategic special nuclear material are eliminated, removed, or secure and accounted for to a level sufficient to defeat the threats posed by terrorists and criminals.

(b) INTERNATIONAL NUCLEAR SECURITY STANDARD.—It is the sense of Congress that, in furtherance of the policy described in subsection (a), and consistent with the requirement for "appropriate effective" physical protection contained in United Nations Security Council Resolution 1540 (2004), as well as the Nuclear Non-Proliferation Treaty and the Convention on the Physical Protection of Nuclear Material, the President, in consultation with relevant Federal departments and agencies, should seek the broadest possible international agreement on a global standard for nuclear security that—

(1) ensures that nuclear weapons and formula quantities of strategic special nuclear material are secure and accounted for to a sufficient level to defeat the threats posed by terrorists and criminals;

(2) takes into account the limitations of equipment and human performance; and

(3) includes steps to provide confidence that the needed measures have in fact been implemented.

(c) INTERNATIONAL EFFORTS.—It is the sense of Congress that, in furtherance of the policy described in subsection (a), the President, in consultation with relevant Federal departments and agencies, should—

(1) work with other countries and the International Atomic Energy Agency to assist as appropriate, and if necessary work to convince, the governments of any and all countries in possession of nuclear weapons or formula quantities of strategic special nuclear material to ensure that security is upgraded to meet the standard described in

subsection (b) as rapidly as possible and in a manner that—

(A) accounts for the nature of the terrorist and criminal threat in each such country; and

(B) ensures that any measures to which the United States and any such country agree are sustained after United States and other international assistance ends;

(2) ensure that United States financial and technical assistance is available, as appropriate, to countries for which the provision of such assistance would accelerate the implementation of, or improve the effectiveness of, such security upgrades; and

(3) work with the governments of other countries to ensure that effective nuclear security rules, accompanied by effective regulation and enforcement, are put in place to govern all nuclear weapons and formula quantities of strategic special nuclear material around the world.

SEC. 3134. ANNUAL REPORT.

(a) IN GENERAL.—Not later than September 1 of each year through 2012, the President, in consultation with relevant Federal departments and agencies, shall submit to Congress a report on the security of nuclear weapons and related equipment and formula quantities of strategic special nuclear material outside of the United States.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) A section on the programs for the security and accounting of nuclear weapons and the elimination, removal, and security and accounting of formula quantities of strategic special nuclear material, established under section 3132(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2569(b)), which shall include the following:

(A) A survey of the facilities and sites worldwide that contain nuclear weapons or related equipment, or formula quantities of strategic special nuclear material.

(B) A list of such facilities and sites determined to be of the highest priority for security and accounting of nuclear weapons and related equipment, or the elimination, removal, or security and accounting of formula quantities of strategic special nuclear material, taking into account risk of theft from such facilities and sites, and organized by level of priority.

(C) A prioritized plan, including measurable milestones, metrics, estimated timetables, and estimated costs of implementation, on the following:

(i) The security and accounting of nuclear weapons and related equipment and the elimination, removal, or security and accounting of formula quantities of strategic special nuclear material at such facilities and sites worldwide.

(ii) Ensuring that security upgrades and accounting reforms implemented at such facilities and sites worldwide, using the financial and technical assistance of the United States, are effectively sustained after such assistance ends.

(iii) The role that international agencies and the international community have committed to play, together with a plan for securing international contributions.

(D) An assessment of the progress made in implementing the plan described in subparagraph (C), including a description of the efforts of foreign governments to secure and account for nuclear weapons and related equipment and to eliminate, remove, or secure and account for formula quantities of strategic special nuclear material.

(2) A section on efforts to establish and implement the international nuclear security standard described in section 3133(b) and related policies.

(c) FORM.—The report may be submitted in classified form but shall include a detailed unclassified summary.

TITLE XXXII—WAR-RELATED NATIONAL NUCLEAR SECURITY ADMINISTRATION AUTHORIZATIONS

Sec. 3201. Additional war-related authorization of appropriations for National Nuclear Security Administration.

SEC. 3201. ADDITIONAL WAR-RELATED AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2008 to the Department of Energy for the National Nuclear Security Administration for defense nuclear nonproliferation in the amount of $50,000,000, of which $30,000,000 is for the International Nuclear Materials Protection and Cooperation program and $20,000,000 is for the Global Threat Reduction Initiative.

(b) TREATMENT AS ADDITIONAL AUTHORIZATION.—The amounts authorized to be appropriated by this section are in addition to amounts otherwise authorized to be appropriated by this Act.

TITLE XXXIII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3301. Authorization.

SEC. 3301. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2008, $22,499,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.
Sec. 3402. Remedial action at Moab uranium milling site.

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $17,301,000 for fiscal year 2008 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

SEC. 3402. REMEDIAL ACTION AT MOAB URANIUM MILLING SITE.

Section 3405(i) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 10 U.S.C. 7420 note) is amended by adding at the end the following new paragraph:

"(6)(A) Not later than October 1, 2019, the Secretary of Energy shall complete remediation at the Moab site and removal of the tailings to the Crescent Junction site in Utah.

"(B) In the event the Secretary of Energy is unable to complete remediation at the Moab Site by October 1, 2019, the Secretary shall submit to Congress a plan setting forth the projected completion date and the estimated funding to meet the revised date. The Secretary shall submit the plan, if required, to Congress not later than October 2, 2019.".

TITLE XXXV—MARITIME ADMINISTRATION

Subtitle A—Maritime Administration Reauthorization

Sec. 3501. Authorization of appropriations for fiscal year 2008.
Sec. 3502. Temporary authority to transfer obsolete combatant vessels to Navy for disposal.
Sec. 3503. Vessel disposal program.

Subtitle B—Programs

Sec. 3511. Commercial vessel chartering authority.
Sec. 3512. Maritime Administration vessel chartering authority.
Sec. 3513. Chartering to State and local governmental instrumentalities.
Sec. 3514. Disposal of obsolete Government vessels.
Sec. 3515. Vessel transfer authority.
Sec. 3516. Sea trials for Ready Reserve Force.
Sec. 3517. Review of applications for loans and guarantees.

Subtitle C—Technical Corrections

Sec. 3521. Personal injury to or death of seamen.
Sec. 3522. Amendments to Chapter 537 based on Public Law 109-163.
Sec. 3523. Additional amendments based on Public Law 109-163.
Sec. 3524. Amendments based on Public Law 109-171.
Sec. 3525. Amendments based on Public Law 109-241.
Sec. 3526. Amendments based on Public Law 109-364.
Sec. 3527. Miscellaneous amendments.
Sec. 3528. Application of sunset provision to codified provision.
Sec. 3529. Additional technical corrections.

Subtitle A—Maritime Administration Reauthorization

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2008.

Funds are hereby authorized to be appropriated for fiscal year 2008, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $124,303,000, of which—

(A) $63,958,000 shall remain available until expended for expenses and capital improvements at the United States Merchant Marine Academy; and

(B) $11,500,000 which shall remain available until expended for maintenance and repair of school ships at the State Maritime Academies.

(2) For expenses to maintain and preserve a United States-flag merchant fleet to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $156,000,000.

(3) For paying reimbursement under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), $19,500,000.

(4) For assistance to small shipyards and maritime communities under section 54101 of title 46, United States Code, $25,000,000.

(5) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, including provision of assistance under section 7 of Public Law 92-402, $20,000,000.

(6) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C 661a(5)) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, $30,000,000.

(7) For administrative expenses related to the implementation of the loan guarantee program under chapter 537 of title 46, United States Code, administrative expenses related to implementation of the reimbursement program under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note),

and administrative expenses related to the implementation of the small shipyards and maritime communities assistance program under section 54101 of title 46, United States Code, $6,000,000.

SEC. 3502. TEMPORARY AUTHORITY TO TRANSFER OBSOLETE COMBATANT VESSELS TO NAVY FOR DISPOSAL.

The Secretary of Transportation shall, subject to the availability of appropriations and consistent with section 1535 of title 31, United States Code, popularly known as the Economy Act, transfer to the Secretary of the Navy during fiscal year 2008 for disposal by the Navy, no fewer than 3 combatant vessels in the nonretention fleet of the Maritime Administration that are acceptable to the Secretary of the Navy.

SEC. 3503. VESSEL DISPOSAL PROGRAM.

(a) IN GENERAL.—Within 30 days after the date of the enactment of this Act, the Secretary of Transportation shall convene a working group to review and make recommendations on best practices for the storage and disposal of obsolete vessels owned or operated by the Federal Government. The Secretary shall invite senior representatives from the Maritime Administration, the Coast Guard, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and the United States Navy to participate in the working group. The Secretary may request the participation of senior representatives of any other Federal department or agency, as appropriate, and may also request participation from concerned State environmental agencies.

(b) SCOPE.—Among the vessels to be considered by the working group are Federally owned or operated vessels that are—

(1) to be scrapped or recycled;

(2) to be used as artificial reefs; or

(3) to be used for the Navy's SINKEX program.

(c) PURPOSE.—The working group shall—

(1) examine current storage and disposal policies, procedures, and practices for obsolete vessels owned or operated by Federal agencies;

(2) examine Federal and State laws and regulations governing such policies, procedures, and practices and any applicable environmental laws; and

(3) within 90 days after the date of enactment of the Act, submit a plan to the Committee on Armed Services and the Committee on Commerce, Science and Transportation of the Senate and the Committee on Armed Services of the House of Representatives to improve and harmonize practices for storage and disposal of such vessels, including the interim transportation of such vessels.

(d) CONTENTS OF PLAN.—The working group shall include in the plan submitted under subsection (c)(3)—

(1) a description of existing measures for the storage, disposal, and interim transportation of obsolete vessels owned or operated by Federal agencies in compliance with Federal and State environmental laws in a manner that protects the environment;

(2) a description of Federal and State laws and regulations governing the current policies, procedures, and practices for the storage, disposal, and interim transportation of such vessels;

(3) recommendations for environmental best practices that meet or exceed, and harmonize, the requirements of Federal environmental laws and regulations applicable to the storage, disposal, and interim transportation of such vessels;

(4) recommendations for environmental best practices that meet or exceed the requirements of State laws and regulations applicable to the storage, disposal, and interim transportation of such vessels;

(5) procedures for the identification and remediation of any environmental impacts caused by the storage, disposal, and interim transportation of such vessels; and

(6) recommendations for necessary steps, including regulations if appropriate, to ensure that best environmental practices apply to all such vessels.

(e) IMPLEMENTATION OF PLAN.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of the Act, the head of each Federal department or agency participating in the working group, in consultation with the other Federal departments and agencies participating in the working group, shall take such action as may be necessary, including the promulgation of regulations, under existing authorities to ensure that the implementation of the plan provides for compliance with all Federal and State laws and for the protection of the environment in the storage, interim transportation, and disposal of obsolete vessels owned or operated by Federal agencies.

(2) ARMED SERVICES VESSELS.—The Secretary and the Secretary of Defense, in consultation with the Administrator of the Environmental Protection Agency, shall each ensure that environmental best practices are observed with respect to the storage, disposal, and interim transportation of obsolete vessels owned or operated by the Department of Defense.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to supersede, limit, modify, or otherwise affect any other provision of law, including environmental law.

Subtitle B—Programs

SEC. 3511. COMMERCIAL VESSEL CHARTERING AUTHORITY.

(a) IN GENERAL.—Subchapter III of chapter 575 of title 46, United States Code, is amended by adding at the end the following:

"§ 57533. Vessel chartering authority

"The Secretary of Transportation may enter into contracts or other agreements on behalf of the United States to purchase, charter, operate, or otherwise acquire the use of any vessels documented under chapter 121 of this title and any other related real or personal property. The Secretary is authorized to use this authority as the Secretary deems appropriate.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 575 of such title is amended by adding at the end the following:

"57533. Vessel chartering authority".

SEC. 3512. MARITIME ADMINISTRATION VESSEL CHARTERING AUTHORITY.

Section 50303 of title 46, United States Code, is amended by—

(1) inserting "vessels," after "piers,"; and

(2) by striking "control;" in subsection (a)(1) and inserting "control, except that the prior consent of the Secretary of Defense for such use shall be required with respect to any vessel in the Ready Reserve Force or in the National Defense Reserve Fleet which is maintained in a retention status for the Department of Defense;".

SEC. 3513. CHARTERING TO STATE AND LOCAL GOVERNMENTAL INSTRUMENTALITIES.

Section 11(b) of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744(b)), is amended—

(1) by striking "or" after the semicolon in paragraph (3);

(2) by striking "Defense." in paragraph (4) and inserting "Defense; or"; and

(3) by adding at the end thereof the following:

"(5) on a reimbursable basis, for charter to the government of any State, locality, or Territory of the United States, except that the prior consent of the Secretary of Defense for such use shall be required with respect to any vessel in the Ready Reserve Force or in the National Defense Reserve Fleet which is maintained in a retention status for the Department of Defense.".

SEC. 3514. DISPOSAL OF OBSOLETE GOVERNMENT VESSELS.

Section 6(c)(1) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(c)(1)) is amended—

(1) by inserting "(either by sale or purchase of disposal services)" after "shall dispose"; and

(2) by striking subparagraph (A) of paragraph (1) and inserting the following:

"(A) in accordance with a priority system for disposing of vessels, as determined by the Secretary, which shall include provisions requiring the Maritime Administration to—

"(i) dispose of all deteriorated high priority ships that are available for disposal, within 12 months of their designation as such; and

"(ii) give priority to the disposition of those vessels that pose the most significant danger to the environment or cost the most to maintain;".

SEC. 3515. VESSEL TRANSFER AUTHORITY.

Section 50304 of title 46, United States Code, is amended by adding at the end thereof the following:

"(d) VESSEL CHARTERS TO OTHER DEPARTMENTS.—On a reimbursable or nonreimbursable basis, as determined by the Secretary of Transportation, the Secretary may charter or otherwise make available a vessel under the jurisdiction of the Secretary to any other department, upon the request by the Secretary of the Department that receives the vessel. The prior consent of the Secretary of Defense for such use shall be required with respect to any vessel in the Ready Reserve Force or in the National Defense Reserve Fleet which is maintained in a retention status for the Department of Defense.".

SEC. 3516. SEA TRIALS FOR READY RESERVE FORCE.

Section 11(c)(1)(B) of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744(c)(1)(B)) is amended to read as follows:

"(B) activate and conduct sea trials on each vessel at least once every 30 months;".

SEC. 3517. REVIEW OF APPLICATIONS FOR LOANS AND GUARANTEES.

(a) FINDINGS.—The Congress makes the following findings:

(1) The maritime loan guarantee program was established by the Congress through the Merchant Marine Act, 1936 to encourage domestic shipbuilding by making available federally backed loan guarantees for new construction to ship owners and operators.

(2) The maritime loan guarantee program has a long and successful history of ship construction with a low historical default rate.

(3) The current process for review of applications for maritime loans in the Department of Transportation has effectively discontinued the program as envisioned by the Congress.

(4) The President has requested no funding for the loan guarantee program despite the stated national policy to foster the development and encourage the maintenance of a

merchant marine in section 50101 of title 46, United States Code.

(5) United States commercial shipyards were placed at a competitive disadvantage in the world shipbuilding market by government subsidized foreign commercial shipyards.

(6) The maritime loan guarantee program has the potential to modernize shipyards and the ships of the United States coastwise trade and restore a competitive position in the world shipbuilding market for United States shipyards.

(7) The maritime loan guarantee program is a useful tool to encourage domestic shipbuilding, preserving a vital industrial capacity critical to the security of the United States.

(b) REQUIREMENTS.—

(1) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Administrator of the Maritime Administration shall develop and implement a comprehensive plan for the review of applications for loan guarantees under chapter 537 of title 46, United States Code.

(2) DEADLINE FOR ACTION ON APPLICATION.—

(A) TRADITIONAL APPLICATIONS.—In the comprehensive plan the Administrator will ensure that within the 90-day period following receipt of all pertinent documentation required for review of a traditional loan application, the application shall be either accepted or rejected.

(B) NONTRADITIONAL APPLICATIONS.—In the comprehensive plan the Administrator will ensure that within the 180-day period following receipt of all pertinent documentation required for review of a nontraditional loan application, the application shall be either accepted or rejected.

(c) SUBMISSION TO CONGRESS.—The Administrator shall submit a copy of the comprehensive plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services of the House of Representatives within 180 days after the date of enactment of this Act.

(d) DEFINITIONS.—In this section:

(1) TRADITIONAL APPLICATION.—The term "traditional application" means an application for a loan, guarantee, or commitment to guarantee submitted pursuant to chapter 537 of title 46, United States Code, that involves a market, technology, and financial structure of a type that has proven successful in previous applications and does not present an unreasonable risk to the United States, as determined by the Administrator of the Maritime Administration.

(2) NONTRADITIONAL APPLICATION.—The term "nontraditional application" means an application for a loan, guarantee, or commitment to guarantee submitted pursuant to chapter 537 of title 46, United States Code, that is not a traditional application, as determined by the Administrator of the Maritime Administration.

Subtitle C—Technical Corrections

SEC. 3521. PERSONAL INJURY TO OR DEATH OF SEAMEN.

(a) AMENDMENT.—Section 30104 of title 46, United States Code, is amended—

(1) by striking "(a) CAUSE OF ACTION.—"; and

(2) by repealing subsection (b).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as if included in the enactment of Public Law 109-304.

SEC. 3522. AMENDMENTS TO CHAPTER 537 BASED ON PUBLIC LAW 109-163.

(a) AMENDMENTS.—Title 46, United States Code, is amended as follows:

(1) Section 53701 is amended by—

(A) redesignating paragraphs (2) through (13) as paragraphs (3) through (14), respectively;

(B) inserting after paragraph (1) the following:

"(2) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Maritime Administration."; and

(C) striking paragraph (13) (as redesignated) and inserting the following:

"(13) SECRETARY.—The term 'Secretary' means the Secretary of Commerce with respect to fishing vessels and fishery facilities.".

(2) Section 53706(c) is amended to read as follows:

"(c) PRIORITIES FOR CERTAIN VESSELS.—

"(1) VESSELS.—In guaranteeing or making a commitment to guarantee an obligation under this chapter, the Administrator shall give priority to—

"(A) a vessel that is otherwise eligible for a guarantee and is constructed with assistance under subtitle D of the Maritime Security Act of 2003 (46 U.S.C. 53101 note); and

"(B) after applying subparagraph (A), a vessel that is otherwise eligible for a guarantee and that the Secretary of Defense determines—

"(i) is suitable for service as a naval auxiliary in time of war or national emergency; and

"(ii) meets a shortfall in sealift capacity or capability.

"(2) TIME FOR DETERMINATION.—The Secretary of Defense shall determine whether a vessel satisfies paragraph (1)(B) not later than 30 days after receipt of a request from the Administrator for such a determination.".

(3) Section 53707 is amended—

(A) by inserting "or Administrator" in subsections (a) and (d) after "Secretary" each place it appears;

(B) by striking "Secretary of Transportation" in subsection (b) and inserting "Administrator";

(C) by striking "of Commerce" in subsection (c); and

(D) in subsection (d)(2), by—

(i) inserting "if the Secretary or Administrator considers necessary," before "the waiver"; and

(ii) striking "the increased" and inserting "any significant increase in".

(4) Section 53708 is amended—

(A) by striking "SECRETARY OF TRANSPORTATION" in the heading of subsection (a) and inserting "ADMINISTRATOR";

(B) by striking "Secretary" and "Secretary of Transportation" each place they appear in subsection (a) and inserting "Administrator";

(C) by striking "OF COMMERCE" in the heading of subsection (b);

(D) by striking "of Commerce" in subsections (b) and (c);

(E) in subsection (d), by—

(i) inserting "or Administrator" after "Secretary" the first place it appears; and

(ii) striking "financial structures, or other risk factors identified by the Secretary. Any independent analysis conducted under this subsection shall be performed by a party chosen by the Secretary." and inserting "or financial structures. A third party independent analysis conducted under this subsection shall be performed by a private sector expert in assessing such risk factors who is selected by the Secretary or Administrator."; and

(F) in subsection (e), by—

(i) inserting "or Administrator" after "Secretary" the first place it appears; and

(ii) striking "financial structures, or other risk factors identified by the Secretary" and inserting "or financial structures".

(5) Section 53710(b)(1) is amended by striking "Secretary's" and inserting "Administrator's".

(6) Section 53712(b) is amended by striking the last sentence and inserting "If the Secretary or Administrator has waived a requirement under section 53707(d) of this title, the loan agreement shall include requirements for additional payments, collateral, or equity contributions to meet the waived requirement upon the occurrence of verifiable conditions indicating that the obligor's financial condition enables the obligor to meet the waived requirement.".

(7) Subsections (c) and (d) of section 53717 are each amended—

(A) by striking "OF COMMERCE" in the subsection heading; and

(B) by striking "of Commerce" each place it appears.

(8) Section 53732(e)(2) is amended by inserting "of Defense" after "Secretary" the second place it appears.

(9) The following provisions are amended by striking "Secretary" and "Secretary of Transportation" and inserting "Administrator":

(A) Section 53710(b)(2)(A)(i).

(B) Section 53717(b) each place it appears in a heading and in text.

(C) Section 53718.

(D) Section 53731 each place it appears, except where "Secretary" is followed by "of Energy".

(E) Section 53732 (as amended by paragraph (8)) each place it appears, except where "Secretary" is followed by "of the Treasury", "of State", or "of Defense".

(F) Section 53733 each place it appears.

(10) The following provisions are amended by inserting "or Administrator" after "Secretary" each place it appears in headings and text, except where "Secretary" is followed by "of Transportation" or "of the Treasury":

(A) The items relating to sections 53722 and 53723 in the chapter analysis for chapter 537.

(B) Sections 53701(1), (4), and (9) (as redesignated by paragraph (1)(A)), 53702(a), 53703, 53704, 53706(a)(3)(B)(iii), 53709(a)(1), (b)(1) and (2)(A), and (d), 53710(a) and (c), 53711, 53712 (except in the last sentence of subsection (b) as amended by paragraph (6)), 53713 to 53716, 53721 to 53725, and 53734.

(11) Sections 53715(d)(1), 53716(d)(3), 53721(c), 53722(a)(1) and (b)(1)(B), and 53724(b) are amended by inserting "or Administrator's" after "Secretary's".

(b) REPEAL OF SUPERSEDED AMENDMENTS.—Section 3507 (except subsection (c)(4)) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) is repealed.

SEC. 3523. ADDITIONAL AMENDMENTS BASED ON PUBLIC LAW 109-163.

(a) AMENDMENTS.—Title 46, United States Code, is amended as follows:

(1) Chapters 513 and 515 are amended by striking "Naval Reserve" each place it appears in analyses, headings, and text and inserting "Navy Reserve".

(2) Section 51504(f) is amended to read as follows:

"(f) FUEL COSTS.—

"(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall pay to each State maritime academy the costs of fuel used by a vessel provided under this section while used for training.

"(2) MAXIMUM AMOUNTS.—The amount of the payment to a State maritime academy under paragraph (1) may not exceed—

"(A) $100,000 for fiscal year 2006;

"(B) $200,000 for fiscal year 2007; and

"(C) $300,000 for fiscal year 2008 and each fiscal year thereafter.".

(3) Section 51505(b)(2)(B) is amended by striking "$200,000" and inserting "$300,000 for fiscal year 2006, $400,000 for fiscal year 2007, and $500,000 for fiscal year 2008 and each fiscal year thereafter".

(4) Section 51701(a) is amended by striking "of the United States." and inserting "of the United States and to perform functions to assist the United States merchant marine, as determined necessary by the Secretary.".

(5)(A) Section 51907 is amended to read as follows:

"§ 51907. Provision of decorations, medals, and replacements

"The Secretary of Transportation may provide—

"(1) the decorations and medals authorized by this chapter and replacements for those decorations and medals; and

"(2) replacements for decorations and medals issued under a prior law.".

(B) The item relating to section 51907 in the chapter analysis for chapter 519 is amended to read as follows:

"51907. Provision of decorations, medals, and replacements".

(6)(A) The following new chapter is inserted after chapter 539:

"CHAPTER 541—MISCELLANEOUS

"Sec

"54101. Assistance for small shipyards and maritime communities".

(B) Section 3506 of the National Defense Authorization Act for Fiscal Year 2006 (46 U.S.C. 53101 note) is transferred to and redesignated as section 54101 of title 46, United States Code, to appear at the end of chapter 541 of title 46, as inserted by subparagraph (A).

(C) The heading of such section, as transferred by subparagraph (B), is amended to read as follows:

"§ 54101. Assistance for small shipyards and maritime communities".

(D) Paragraph (1) of subsection (h) of such section, as transferred by subparagraph (B), is amended by striking "(15 U.S.C. 632);" and inserting "(15 U.S.C. 632));".

(E) The table of chapters at the beginning of subtitle V is amended by inserting after the item relating to chapter 539 the following new item:

"541. Miscellaneous .... 54101".

(b) REPEAL OF SUPERSEDED AMENDMENTS.—Sections 515(g)(2), 3502, 3509, and 3510 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) are repealed.

SEC. 3524. AMENDMENTS BASED ON PUBLIC LAW 109–171.

(a) AMENDMENTS.—Section 60301 of title 46, United States Code, is amended—

(1) by striking "2 cents per ton (but not more than a total of 10 cents per ton per year)" in subsection (a) and inserting "4.5 cents per ton, not to exceed a total of 22.5 cents per ton per year, for fiscal years 2006 through 2010, and 2 cents per ton, not to exceed a total of 10 cents per ton per year, for each fiscal year thereafter,"; and

(2) by striking "6 cents per ton (but not more than a total of 30 cents per ton per year)" in subsection (b) and inserting "13.5 cents per ton, not to exceed a total of 67.5 cents per ton per year, for fiscal years 2006 through 2010, and 6 cents per ton, not to exceed a total of 30 cents per ton per year, for each fiscal year thereafter,".

(b) REPEAL OF SUPERSEDED AMENDMENTS.—Section 4001 of the Deficit Reduction Act of 2005 (Public Law 109–171) is repealed.

SEC. 3525. AMENDMENTS BASED ON PUBLIC LAW 109–241.

(a) AMENDMENTS.—Title 46, United States Code, is amended as follows:

(1) Section 12111 is amended by adding at the end the following:

"(d) ACTIVITIES INVOLVING MOBILE OFFSHORE DRILLING UNITS.—

"(1) IN GENERAL.—Only a vessel for which a certificate of documentation with a registry endorsement is issued may engage in—

"(A) the setting, relocation, or recovery of the anchors or other mooring equipment of a mobile offshore drilling unit that is located over the outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a))); or

"(B) the transportation of merchandise or personnel to or from a point in the United States from or to a mobile offshore drilling unit located over the outer Continental Shelf that is not attached to the seabed.

"(2) COASTWISE TRADE NOT AUTHORIZED.—Nothing in paragraph (1) authorizes the employment in the coastwise trade of a vessel that does not meet the requirements of section 12112 of this title.".

(2) Section 12139(a) is amended by striking "and charterers" and inserting "charterers, and mortgagees".

(3) Section 51307 is amended—

(A) by striking "and" at the end of paragraph (2);

(B) by striking "organizations." in paragraph (3) and inserting "organizations; and"; and

(C) by adding at the end the following:

"(4) on any other vessel considered by the Secretary to be necessary or appropriate or in the national interest.".

(4) Section 55105(b)(3) is amended by striking "Secretary of the department in which the Coast Guard is operating" and inserting "Secretary of Homeland Security".

(5) Section 70306(a) is amended by striking "Not later than February 28 of each year, the Secretary shall submit a report" and inserting "The Secretary shall submit an annual report".

(6) Section 70502(d)(2) is amended to read as follows:

"(2) RESPONSE TO CLAIM OF REGISTRY.—The response of a foreign nation to a claim of registry under paragraph (1)(A) or (C) may be made by radio, telephone, or similar oral or electronic means, and is proved conclusively by certification of the Secretary of State or the Secretary's designee.".

(b) REPEAL OF SUPERSEDED AMENDMENTS.—Sections 303, 307, 308, 310, 901(q), and 902(o) of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109–241) are repealed.

SEC. 3526. AMENDMENTS BASED ON PUBLIC LAW 109–364.

(a) UPDATING OF CROSS REFERENCES.—Section 1017(b)(2) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364, 10 U.S.C. 2631 note) is amended by striking "section 27 of the Merchant Marine Act, 1920 (46 U.S.C. 883), section 12106 of title 46, United States Code, and section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)" and inserting "sections 12112, 50501, and 55102 of title 46, United States Code".

(b) SECTION 51306(e).—

(1) IN GENERAL.—Section 51306 of title 46, United States Code, is amended by adding at the end the following:

"(e) ALTERNATIVE SERVICE.—

"(1) SERVICE AS COMMISSIONED OFFICER.—An individual who, for the 5-year period following graduation from the Academy, serves as a commissioned officer on active duty in an armed force of the United States or as a commissioned officer of the National Oceanic and Atmospheric Administration or the Public Health Service shall be excused from the requirements of paragraphs (3) through (5) of subsection (a).

"(2) MODIFICATION OR WAIVER.—The Secretary may modify or waive any of the terms and conditions set forth in subsection (a) through the imposition of alternative service requirements.".

(2) APPLICATION.—Section 51306(e) of title 46, United States Code, as added by paragraph (1), applies only to an individual who enrolls as a cadet at the United States Merchant Marine Academy, and signs an agreement under section 51306(a) of title 46, after October 17, 2006.

(c) SECTION 51306(f).—

(1) IN GENERAL.—Section 51306 of title 46, United States Code, is further amended by adding at the end the following:

"(f) SERVICE OBLIGATION PERFORMANCE REPORTING REQUIREMENT.—

"(1) IN GENERAL.—Subject to any otherwise applicable restrictions on disclosure in section 552a of title 5, the Secretary of Defense, the Secretary of the department in which the Coast Guard is operating, the Administrator of the National Oceanic and Atmospheric Administration, and the Surgeon General of the Public Health Service—

"(A) shall report the status of obligated service of an individual graduate of the Academy upon request of the Secretary; and

"(B) may, in their discretion, notify the Secretary of any failure of the graduate to perform the graduate's duties, either on active duty or in the Ready Reserve component of their respective service, or as a commissioned officer of the National Oceanic and Atmospheric Administration or the Public Health Service, respectively.

"(2) INFORMATION TO BE PROVIDED.—A report or notice under paragraph (1) shall identify any graduate determined to have failed to comply with service obligation requirements and provide all required information as to why such graduate failed to comply.

"(3) CONSIDERED AS IN DEFAULT.—Upon receipt of such a report or notice, such graduate may be considered to be in default of the graduate's service obligations by the Secretary, and subject to all remedies the Secretary may have with respect to such a default.".

(2) APPLICATION.—Section 51306(f) of title 46, United States Code, as added by paragraph (1), does not apply with respect to an agreement entered into under section 51306(a) of title 46, United States Code, before October 17, 2006.

(d) SECTION 51509(c).—Section 51509(c) of title 46, United States Code, is amended—

(1) by striking "MIDSHIPMAN AND" in the subsection heading and "midshipman and" in the text; and

(2) inserting "or the Coast Guard Reserve" after "Reserve)".

(e) SECTION 51908(a).—Section 51908(a) of title 46, United States Code, is amended by striking "under this chapter" and inserting "by this chapter or the Secretary of Transportation".

(f) SECTION 53105(e)(2).—Section 53105(e)(2) of title 46, United States Code, is amended by striking "section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)," and inserting "section 50501 of this title".

(g) REPEAL OF SUPERSEDED AMENDMENTS.—Sections 3505, 3506, 3508, and 3510(a) and (b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) are repealed.

SEC. 3527. MISCELLANEOUS AMENDMENTS.

(a) DELETION OF OBSOLETE REFERENCE TO CANTON ISLAND.—Section 55101(b) of title 46, United States Code, is amended—

(1) by inserting "or" after the semicolon at the end of paragraph (2);

(2) by striking paragraph (3); and

(3) by redesignating paragraph (4) as paragraph (3).

(b) IMPROVEMENT OF HEADING.—Title 46, United States Code, is amended as follows:

(1) The heading of section 55110 is amended by inserting "**valueless material or**" before "**dredged material**".

(2) The item for section 55110 in the analysis for chapter 551 is amended by inserting "valueless material or" before "dredged material".

SEC. 3528. APPLICATION OF SUNSET PROVISION TO CODIFIED PROVISION.

For purposes of section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Public Law 108–27, 26 U.S.C. 1 note), the amendment made by section 301(a)(2)(E) of that Act shall be deemed to have been made to section 53511(f)(2) of title 46, United States Code.

SEC. 3529. ADDITIONAL TECHNICAL CORRECTIONS.

(a) AMENDMENTS TO TITLE 46.—Title 46, United States Code, is amended as follows:

(1) The analysis for chapter 21 is amended by striking the item relating to section 2108.

(2) Section 12113(g) is amended by inserting "and" after "Conservation".

(3) Section 12131 is amended by striking "commmand" and inserting "command".

(b) AMENDMENTS TO PUBLIC LAW 109–304.—

(1) AMENDMENTS.—Public Law 109–304 is amended as follows:

(A) Section 15(10) is amended by striking "46 App. U.S.C." and inserting "46 U.S.C. App.".

(B) Section 15(30) is amended by striking "Shipping Act, 1936" and inserting "Shipping Act, 1916".

(C) The schedule of Statutes at Large repealed in section 19, as it relates to the Act of June 29, 1936, is amended by—

(i) striking the second section "1111" (relating to 46 U.S.C. App. 1279f) and inserting section "1113"; and

(ii) striking the second section "1112" (relating to 46 U.S.C. App. 1279g) and inserting section "1114".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall be effective as if included in the enactment of Public Law 109–304.

(c) REPEAL OF DUPLICATIVE OR UNEXECUTABLE AMENDMENTS.—

(1) REPEAL.—Sections 9(a), 15(21) and (33)(A) through (D)(i), and 16(c)(2) of Public Law 109–304 are repealed.

(2) INTENDED EFFECT.—The provisions repealed by paragraph (1) shall be treated as if never enacted.

(d) LARGE PASSENGER VESSEL CREW REQUIREMENTS.—Section 8103(k)(3)(C)(iv) of title 46, United States Code, is amended by inserting "and section 252 of the Immigration and Nationality Act (8 U.S.C. 1282)" after "of such section".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. SKELTON) and the gentleman from New Jersey (Mr. SAXTON) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. SKELTON. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the bill that is now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SKELTON. Madam Speaker, I yield myself such time as I may consume.

I rise today in strong support of the National Defense Authorization Act for the Fiscal Year 2008, a bill which we will today consider for the third time on the House floor and which has been revised to address the objections expressed by the President. I strongly believe, Madam Speaker, that this bill is one of the most important pieces of legislation passed by this Congress and I must say one of the very best, if not the best, defense authorization bills that I can recall during my time in Congress. And I am so extremely proud, Madam Speaker, of all the members of the Armed Services Committee as well as all those who have worked hard in and out of our committee to make it happen.

☐ 1600

A special thanks to our wonderful staff, our crack staff, for the hard work that they have done to get us where we are today, with a bill that will be signed by the President, and the recipients of the benefits of this bill will be those young men and young women in uniform.

Last night, we disposed of the President's veto of an earlier version of this bill. That veto was a surprise, frankly, to all of us. Today, we move on. We send a final version to the President that his aides have indicated he will sign. The changes to the conference report, which we passed in the House by a vote of 370–49, and passed the Senate by 90–3, are minimal. Only one section, section 1083, dealing with claims against countries that are or have been state sponsors of terrorism, caused a problem for the administration that led to this veto.

This bill before us includes a compromise on that provision we worked out on a bipartisan basis with the body on the other side of the Capitol, as well as with the White House, and it allows the President to waive the application of the section under consideration to the government of Iraq, while also expressing the sense of the Congress that the President should negotiate with the government of Iraq to satisfy the legitimate claims that American citizens have against that country and its former leader, Saddam Hussein.

The only other changes made to the bill were those required to make retroactive the pay increases and many benefit improvements provided for the military servicemembers as well as their families. Those provisions will be made effective under this bill as of January 1 of this year, as would have been the case had the President signed the original bill that was before you.

This is a good bill. I think it's the best defense bill in decades that this Congress has put forward. It's good for our troops, good for their families, it will help improve the readiness of our Armed Forces, and it will bring significant oversight to the Department of Defense in much needed areas where oversight was so needed in the past.

Madam Speaker, I reserve the balance of my time.

Mr. SAXTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to very sincerely thank my good friend from Missouri for his leadership in bringing this revised edition of the National Defense Authorization Act to the floor in an expedited manner. It's unfortunate that we find ourselves in this position, but through Mr. SKELTON and Mr. HUNTER's leadership, we were able to find a mutually agreeable compromise in an expeditious manner.

On December 12, the House passed the National Defense Authorization Act, as my good friend just pointed out, by a vote of 370–49. This amended version is a good bipartisan bill, with very few changes from the original legislation. In section 1083, we ensure terrorism victims have the legal redress against state sponsors of terrorism, while granting the President the waiver authority to protect our relationship with the new government of Iraq. This provision was the crux of the issue that brought this bill back to the House after we sent it to the President, and it's something that is near and dear to many of our hearts, and some of us worked very closely with Members of the other body, in particular Senator LAUTENBERG, over several years to bring the language that we had in the original bill to the attention of the House and inclusion in the NDAA bill.

The new version simply gives the President the ability to waive the totality of this pertinent section as to claims against Iraq for terrorism acts that occurred before or on the date of enactment of the fiscal year 2008 NDAA bill. As my good friend, Mr. SKELTON, just pointed out, this is perhaps a better way to write this because certainly we can't or shouldn't hold the current government of Iraq responsible for things done by its predecessor, Saddam Hussein. And so this is a good compromise and a good effort. We also make some other provisions. We make the 3.5 percent across-the-board pay raise and targeted pay raises retroactive to ensure American servicemembers are not penalized due to this delay.

Overall, the defense bill takes care of the brave men and women serving our country at home and abroad. It authorizes $506.9 billion in budget authority for the Department of Defense and the national security programs of the Department of Energy. Additionally, it supports current operations in Iraq, Afghanistan, and elsewhere in the global war on terrorism by authorizing $189.4 billion in supplemental funding for operational costs, personnel expenses, and procurement of new equipment for fiscal year 2008.

Once again, I want to acknowledge the leadership of Chairman IKE SKELTON and Ranking Member DUNCAN HUNTER for their hard work in shepherding this vital legislation expeditiously through their chamber. Through their work, this bill guarantees that our service men and women will get what they need, and when they need it.

Madam Speaker, I reserve the balance of my time.

Mr. SKELTON. Madam Speaker, I yield 2 minutes to a longstanding and hardworking member of our Armed Services Committee, the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Thank you, Mr. Chairman, for yielding time.

I rise in strong support of this legislation. The slogan that we should support our troops is given life and reality by this bill, by paying them well, by equipping them well, and by supporting them in every respect. This bill deserves the support of each and every Member of this body.

I also echo the remarks of my friend from New Jersey with respect to the hard work that has been done to be sure that Americans who have been victimized by the state-sponsored terrorism have adequate means of redress in our courts. This is the issue that gave rise to the Presidential veto. I happen to agree that the compromise in front of us makes imminent sense.

The general rule in American law is that when you sue someone, you don't have the right to freeze their assets or go after their assets unless you win a judgment. We make an exception to that general rule in the case of assets owned by states which are involved in state-sponsored terrorism. It is the wisdom of the compromise here that that provision remains in effect for all of the other states that are involved in state-sponsored terrorism, with the exception of Iraq, which was under the regime of Saddam Hussein. It leaves to the discretion of the President a waiver to determine whether claims against that regime under Saddam Hussein should go forward, and how they should go forward.

This is an issue that I think the Congress ought to reconsider and revisit in 2008 and beyond. I, frankly, believe that an American who has been the victim of improper or illegal conduct under the old regime should not go without legal redress. That is a lingering question that is as a result of this compromise, but it's a wise and necessary compromise that would permit us to do what we should have done a long time ago for the men and women who serve this country so well.

So I congratulate the chairman and Ranking Member HUNTER as authors of the compromise. I appreciate their hard work in bringing this bill back to life. Happily, I will support it, and look forward to doing even greater things in 2008.

Mr. SAXTON. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. MCHUGH).

Mr. MCHUGH. I thank the gentleman for yielding.

Madam Speaker, let me begin by admitting right up front, this is not a perfect approach, but it is by far the best approach that we have available to us. I want to echo the words of my friend who just spoke, the gentleman from New Jersey, and add my words of appreciation and deep compliments to the distinguished chairman of the full committee, Chairman SKELTON, the distinguished ranking member, Chairman HUNTER, the great staff on both sides, and all the members who have worked so very hard to bring this moment to reality.

Frankly, we are dealing with an issue that is a product of the challenge that did not begin in this House. It came through the general authorization process, a provision that started in the Senate, that, as we have heard here today, and I certainly endorse, we in concept all agree with. All of us believe that American citizens who have been aggrieved by any state sponsor of terrorism, including the previous Iraqi Government, deserve every possible means of redress available to them.

We believe that in the context of the challenge before us, this bill continues and preserves that right, and does it in a way that, most importantly, understands that the primary objective of this bill is bringing to those brave men and women in uniform who are serving so ably across this planet, particularly in theaters of conflict like Iraq and Afghanistan, the immediate added benefits that are derived from this piece of legislation.

The distinguished chairman could not be more correct in his observation that this is not just a good bill, it is bordering on a great bill. The pay increases, the increases in various benefits are something that we cannot put in jeopardy by choosing another course other than by voting for and feeling very positive about this piece of legislation.

Like all the speakers before, I join with them in hoping that each and every Member of this House will take advantage of this opportunity, rise to the challenge that has been presented to us, and vote "aye," in the affirmative, for this legislation, and preserve the rights and lead a path toward justice that those aggrieved people of state sponsors of terrorism so richly deserve, and at the same time provide the wealth of benefits that are embodied in this great piece of legislation.

Mr. SKELTON. Madam Speaker, I yield 4 minutes to my friend, the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I thank the gentleman.

This is a 1,513-page document which was completed today at 11:12 a.m., and delivered most recently to the Clerk's desk. I am sure many Members are familiar with some of the aspects of it, but perhaps not all.

My good friend, Mr. SKELTON, whose work I am always grateful for, your commitment to this country is very admirable. It takes a lot of work to do what you do, and I stand here today to express reservations to, and opposition to, this bill; and the reservations I have are of course that this bill will continue to fund the war in Iraq.

I have offered Congress an alternative, which is that we can end the occupation, close the bases, bring the troops home, set in motion a parallel process of an international security and peacekeeping force that would move in as our troops leave. We all want to protect our troops. I think the best way to defend and protect them is to bring them home. So that is one of the first concerns I have.

The second concern I have is section 229 of the bill relates to protection of U.S. and allies from the Iranian ballistic missile. One of the things in the bill that I am very concerned about, Mr. Chairman, is that it says that Iran maintains a nuclear program. Now the National Intelligence Agency, which made information available to this Congress, would assert otherwise. I think that we have to be very cautious about building out an entire part of our defense, planning for an attack from Iran, when we haven't even made an effort to break down the walls that have been built up over 29 years and use diplomacy. Yet, we are actually defining and making a connection between a nuclear capability that Iran clearly doesn't have at this moment and ballistic missiles. And by creating that linkage, we are actually creating an architecture of fear. I don't think that is a sensible way for the greatest Nation of the world to be pursuing its policy. In connection with that, it creates increased tensions for Europe.

I am concerned that we keep building these missile interceptors in Alaska that in a sense helps to frame an interceptor system that has not even been proved to be technologically feasible; that we are getting into nanotechnology without any serious discussion of what it means when you start using nanotechnology and marry it to weapons production.

☐ 1615

The discussion in this bill about a Space Posture Review speaks of the United States policies in space as space control, space superiority, targeting objects on Earth from outer space. Now, that doesn't sound like the America that many of us would want to participate in when we think that we are going into kind of a Buck Rogers scenario here.

Another section deals with continuing and encouraging the School of the Americas, something a number of Members have opposed.

Mr. Chairman, I have gone over a good part of this bill, as much as I could with this short a period of time, and I think when we, on the one hand, accept the judgment of Members of Congress that we don't want a permanent presence in Iraq, and on the other hand give $80 million for one base, $86 million for another, $88 million for a third, and $103 million for a fourth, that sounds like a permanent presence to me. Either that or it is the most expensive trailers in the history of humanity.

So there are so many factors in here that really I think need to cause us to be cautious. Also the one about Pakistan, because I think we are setting the stage for sending U.S. troops to Pakistan, something the American people do not want to do.

I want to thank my friend, nevertheless, for his commitment to our troops. We agree that we should protect our troops.

Mr. SAXTON. Madam Speaker, I yield myself such time as I may consume.

I would just like to say to my friend from Cleveland, who speaks very articulately on this bill, as I am sure he did on the original bill, the gentleman made some points that he believes I am sure very much that there are some things in the bill that he disagrees with, and the gentleman and 48 other people voted against the original bill, and I am sure for many of the same reasons.

In fact, it would be surprising if they weren't the same reasons, because the 1,513 pages that the gentleman has under his arm that he referred to are almost identical to the original bill which is here, which has been available since December 6 of last year. And the 1,513 pages that my friend referred to had one single change from the copy that I have in my hand that has been available since December 6. And that change, both the ranking member and I took care to explain, I think we explained it well, had to do with terrorism, had to do with Iraq, had to do with not holding the current government in Iraq responsible for acts committed by the previous regime. And we also of course added the second provision that had to do with back pay.

So, this is a good bill that passed by 370-49 previously.

Mr. KUCINICH. Madam Speaker, will my friend yield?

Mr. SAXTON. I yield to the gentleman from Ohio.

Mr. KUCINICH. Madam Speaker, one of the things that I just want to call to your attention, to my friend, I am concerned about that section 229 about Iran, especially in light of the new development that may have happened since this was drafted and the draft that you cite about the National Intelligence Estimate. I am not sure that that discussion about the National Intelligence Estimate has really been given weight with respect to the language in section 229 which essentially says that Iran maintains a nuclear program. When you say that Iran maintains a nuclear program and it is in that legislation, I think we set the stage for some problems.

I want to thank the gentleman for being so kind to yield to me.

Mr. SAXTON. Madam Speaker, I reserve the balance of my time.

Mr. SKELTON. Madam Speaker, I yield 2 minutes to my colleague from the Armed Services Committee, the gentleman from Pennsylvania (Mr. SESTAK).

Mr. SESTAK. Madam Speaker, I rise with great respect for Mr. SKELTON, but I did want to express my real hesitation and my real concern over what is occurring.

When I have gone and sat through this with lawyers, a lien is not a hold, and we are actually not freezing these assets. My concern is this, that here men and women who have worn the cloth of this Nation and have actually been tortured, successfully won a judgment, are now precluded by a President because the Iraqi Government, to whom we are providing $12 billion a month in terms of our natural resources, has threatened to pull out of the United States' trillion dollars of markets $25 billion. I don't think this is right.

There are a lot of good things in this bill that need to pass, the pay raise to the readiness. But I honestly believe the President has not taken care of those who sacrificed the most for this Nation, and I would like us to look upon ourselves as to what we are doing here today.

Mr. SKELTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, if I may, let me add to the comments today the importance of this legislation. Under our Constitution, it is up to the Congress of the United States to raise and maintain the military and provide the rules and regulations therefore. We do that by means of a defense authorization bill that comes from the Armed Services Committee.

We worked long and hard, and we were able to pass such a bill from our committee back in May and the Senate passed one back in September. And we, of course, had conference with the Senate, and we were finally able to reach an agreement on a conference report that is a piece of legislation that embodies both the House and the Senate provisions.

The people at the White House had the opportunity to look at it and give comments on various sections of the proposed legislation, which they did. We looked at them and worked with them and passed a good piece of legislation. Like I said before, 370 Members of this House and 90 Members of the other body voted for it. However, the President chose to veto over this provision—that to me was a surprise—that it rose to the level of a veto. Nevertheless, it is what happened, and that is why we are here.

There seems to be a rather interesting intellectual discussion as to the type of veto. If I remember correctly, the veto message that was read to us yesterday here in this Chamber, the President's remarks made reference to the fact that it was a pocket veto for the reason that we were not in session and also that it was a regular veto. To me it sounded as if there were two vetoes wrapped up in one message.

Nevertheless, regarding the issue as to whether it was a pocket veto or not, the 1974 case Kennedy v. Sampson, which was a DC Circuit Court case, said that the ability to receive a veto message, which we had, under our adjournment resolution, Madam Speaker, we had language that allowed the Clerk of the House to receive any messages which, of course, on December 28 was the veto message from the President. The Speaker designated the Clerk to receive it. As we saw, it was a regular veto as opposed to a pocket veto. I hope that puts that issue to rest for the days ahead.

Let me briefly also mention, Madam Speaker, that besides the pay raise and the family benefits and the fact that we prevent the increase in fees for pharmaceuticals and TRICARE for the troops and their families, we provide for taking care of the problems that were raised in the Walter Reed situation a good number of months ago where our injured and wounded soldiers were not receiving the best care. We knew that and discussed it. As a matter of fact, on this floor, in the Wounded Warriors Act, we included that in toto in this legislation; also, outstanding sections on contract reform regarding the possibility of fraud, the reform of acquisition, we touched on many areas such as that.

I was so pleased with the outcome of this, including, of course, most importantly readiness, which we need to keep up, allowing additional troops for the Army and the Marine Corps.

I have been on the Armed Services Committee most of my career in Congress, and I just can't think of any more comprehensive and far-reaching authorization bill that we have ever had. I have to really give credit to our committee for the hard work they did. I just can't say enough about our crack staff on the committee. They are just first rate, and we appreciate them, rely on their hard work so very, very much, and I want to again pay tribute to them.

With that, Madam Speaker, I will reserve the balance of my time. If my friend has some further comments to make, we would appreciate them.

Mr. HALL of New York. Madam Speaker, regarding H.R. 4986, the National Defense Authorization Act of 2008, I am disappointed that changes have been made from the bill passed in December which will weaken the ability of Americans tortured by Saddam Hussein to collect an award determined in federal court for the abuses of his regime. I am hopeful that this unfortunate circumstance will be remedied and that Congress and the President will find a way to ensure that these brave troops are able to pursue justice.

Mr. CONYERS. Madam Speaker, the provision that caused the President to veto the entire Defense bill simply reaffirms the original intent of Congress to allow victims of terrorism to hold countries that commit or provide material support for terrorist acts accountable. As a principal author of the provision, I am pleased that we were able to salvage much of it. But I am disappointed in the change that the President has insisted on.

The President has decided that it is of utmost importance to shield the Iraqi Government from suits by American soldiers who were brutally tortured by the Iraqi Government under Saddam Hussein, as prisoners of war during the gulf war. The soldiers were not only starved, denied sleep, and exposed to extreme temperatures. They were severely beaten, threatened with castration and dismemberment, and put through mock executions. As a result, they have sustained lasting physical and mental injuries.

These brave soldiers and their families have been waiting many years for justice in our courts. The President, through the actions of his lawyers in the courts, has endeavored to block their progress at every turn. He has even gone so far as to twist a provision Congress included in the Emergency Wartime Supplemental Appropriations Act of 2003, designed to remove restrictions on providing assistance to the new Iraqi Government, into an astonishing claim that Congress somehow implicitly thereby gave him authority to block court jurisdiction over suits against Iraq—a claim that disregards the understanding of those involved in negotiating that provision, as well as article III of the Constitution and the separation of powers.

And now, despite these new congressional efforts to help those soldiers, the President wants them to continue to wait—for the good, he says, of the new Iraqi Government. In order for the Defense bill to be signed, my colleagues and I have reluctantly had to amend this provision to allow the President to carve out the Iraqi Government entirely.

It is important to note that this change does not affect rights under current law. The President's waiver authority extends only to the provisions being newly enacted in this bill; by its clear terms, it does not extend to current law. There is ongoing litigation regarding the rights of these American soldiers under current law; if the President exercises his new waiver authority, that litigation will proceed unaffected by that waiver.

The difference is that, if the President exercises the waiver authority, these soldiers will not be helped by this new provision we wrote and passed, as we wanted them to be, and as they would be absent the waiver. I believe current law, properly interpreted, already gives them the protection they need to obtain justice. Among other things, I believe it is clear, despite the administration's assertions and one aberrational court holding to the contrary, that Congress intended the 1996 amendment to the Foreign Sovereign Immunities Act to provide an explicit Federal statutory cause of action against state sponsors of terrorism for the victims. That intent is stated explicitly, among other places, in the House Judiciary Committee's report for the bill in the previous Congress, H. Rept. 103–702.

In the face of sustained efforts by the President to persuade the courts to disregard congressional intent, we wanted to give these soldiers, and other victims of state-sponsored terrorism, another clear path to obtaining justice. But the soldiers who suffered at the hands of Saddam Hussein will not get the benefit of this other clear path if the President exercises his waiver authority, as we expect he will.

And there is always a risk that the courts will be persuaded by the arguments of the President and his lawyers, and reach what we believe would be the wrong interpretation, and deny the soldiers' claims under current law. If so, then the waiver will have the effect of further delaying justice, and a very real possibility of making it harder to obtain at all. Because even though the waiver cannot permanently and irrevocably extinguish their claims, another delay may make it all the more difficult to gather the proof when those claims can once again be pursued.

For all these reasons, we did not want to make this change.

And when we ultimately concluded that the President was willing to hold the entire Defense bill hostage unless we did, we tried to limit the harm.

We wanted the President to have to weigh the interests of the victims in justice, and make specific findings to inform us, and the victims, why he believes those interests are outweighed by the interests of the Iraqi Government, and why he believes those interests cannot fairly be reconciled.

We wanted him to have to explain in those findings why he believes it necessary to shelter all of Iraq's assets from legal accountability, even when Iraq is reaping billions upon billions of dollars from its oil fields.

We wanted the President to have to reaffirm those findings periodically, so that they would not be set in stone.

And we wanted a sunset, to bring a definite end to what we believe is a manifest injustice.

Unfortunately, we were not able to achieve these goals.

What we have been able to do, instead, is to add a new sense of the Congress that the President should work with the Government of Iraq to get fair compensation to these victims. That is, of course, non-binding; but it could also create a new path to justice. And I hope the President will take it to heart, and act on it, and that through one of these paths, the victims will see some semblance of the justice they have been struggling for these many years.

Otherwise, I think the President will have done a grave disservice to these soldiers, who are only 17 in number, and whose treatment at the hands of our enemies, in the service of their country, calls for greater respect than they have been getting.

Mr. SAXTON. Madam Speaker, we have no further speakers on our side, and I yield back the balance of my time.

Mr. SKELTON. If the gentleman from New Jersey yields back, I yield back.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. SKELTON) that the House suspend the rules and pass the bill, H.R. 4986.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. KUCINICH. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 369, nays 46, not voting 15, as follows:

[Roll No. 11]

YEAS—369

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Flake
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves

Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Ortiz
Pascrell
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watt
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)
Waters
Watson
Welch (VT)
Woolsey
Wu
Wynn
Yarmuth

NAYS—46

Baldwin
Capuano
Clarke
Clay
Conyers
Davis (IL)
DeFazio
Delahunt
Doggett
Duncan
Ellison
Fattah
Filner
Frank (MA)
Goode
Grijalva
Holt
Jackson (IL)
Kucinich
Lee
Lewis (GA)
Markey
McDermott
McGovern
Miller, George
Moore (WI)
Oberstar
Olver
Pallone
Pastor
Payne
Petri
Schakowsky
Sensenbrenner
Serrano
Stark
Tierney
Towns
Velázquez

NOT VOTING—15

Baca
Berkley
Culberson
Forbes
Fossella
Honda
Hunter
Jackson-Lee (TX)
Jefferson
Kingston
Lantos
Miller, Gary
Paul
Shimkus
Tanner

☐ 1651

Ms. VELÁZQUEZ, Messrs. GEORGE MILLER of California, SERRANO, HOLT, OLVER, Ms. WOOLSEY and Ms. WATSON changed their vote from "yea" to "nay."

Messrs. CANTOR, NEUGEBAUER and WALBERG changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. MICHAUD. Madam Speaker, I mistakenly voted "yea" on rollcall vote 11. While I support many provisions in H.R. 4986, I do not support this legislation because of the authorization for war funding in Iraq. I intended to vote "nay" on rollcall 11.

PERSONAL EXPLANATION

Mr. BACA. Madam Speaker, if I were present today, January 16, 2008, I would have voted the following way:

"Yea"—H. Res. 912—Condemning the assassination of former Pakistani Prime Minister Benazir Bhutto and reaffirming the commitment of the United States to assist the people of Pakistan in combating terrorist activity and promoting a free and democratic Pakistan (Rep. ACKERMAN—Foreign Affairs) Suspension bill.

"Yea"—H. Res. 921—Providing for the concurrence by the House in the Senate amendment to H.R. 4253, with an amendment—Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007—(Rep. VELÁZQUEZ—Small Business) Suspension bill.

"Yea"—H.R. 4986—The National Defense Authorization Act (Rep. SKELTON—Armed Services).

"Yea"—H.R. 2768—S-Miner Act (Rep. GEORGE MILLER—Education and Labor) (Subject to a Rule).

PROVIDING FOR AN ADJOURNMENT OF THE HOUSE

Mr. SKELTON. Madam Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 279

Resolved by the House of Representatives (the Senate concurring),

That when the House adjourns on the legislative day of Wednesday, January 23, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, January 28, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Tuesday, January 29, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Wednesday, February 6, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker or her designee, after consultation with the Minority Leader, shall notify the Members of the House to reassemble at such place and time as she may designate if, in her opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING FAIRFIELDS VOLUNTEER FIRE DEPARTMENT

(Mr. WITTMAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WITTMAN of Virginia. Mr. Speaker, I rise today to honor the Fairfields Volunteer Fire Department of Northumberland County, Virginia. I join a grateful community in extending my appreciation as they celebrate 60 years of service to our community.

The Fairfields Volunteer Fire Department began serving the community on January 30, 1947. It was at that time that R.L. Haynie, the department's founder, gathered together 17 original members to provide much needed fire and rescue service to the Reedville community.

In the beginning, the department housed its fire truck at a service station. Over the years, the department has grown and expanded, adding a Glebe Point substation in 1957 and a new Reedville firehouse in 1985.

The Fairfields Volunteer Fire Department now boasts 44 members with a fleet of eight vehicles.

I would like to extend my appreciation to all of the current and former members of the Fairfields Volunteer Fire Department for their dedication and outstanding service to our community. I would also like to thank them for their patience and understanding in my absence at their 60th anniversary celebration.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3524, HOPE VI IMPROVEMENT AND REAUTHORIZATION ACT OF 2007

Ms. SUTTON, from the Committee on Rules, submitted a privileged report (Rept. No. 110–509) on the resolution (H. Res. 922) providing for consideration of the bill (H.R. 3524) to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SIRES). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AMERICA'S INFRASTRUCTURE IS ABYSMAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, yesterday the commission which Congress created during the enactment of the surface transportation, the SAFETEA-LU bill, reported its results to the Congress in terms of the state of the Nation's infrastructure. The short version is that the state of the Nation's infrastructure is abysmal. We are seeing dramatically increased congestion. We are seeing bridges collapse. We are losing ground. We are not even maintaining the investment made by the Eisenhower generation in the Nation's interstate system let alone other vital national needs. It needs immediate attention.

And, of course, investment in our infrastructure will produce jobs. Large numbers of jobs will be produced should we go ahead with this needed construction, not only construction jobs but suppliers, small businesses, communities will benefit. The economy as a whole will benefit in terms of our economic productivity and competitiveness with just-in-time delivery and other concerns. And the American people will benefit in terms of more time at home, less time in commutes, less fuel wasted in congestion and backups in traffic. These are investments that need to be made.

The commission, a bipartisan commission, by a large majority said we need to be investing between $220 and $335 billion a year from all sources, Federal, State, local, and private, in the Nation's transportation infrastructure.

□ 1700

And today we're investing about $87 billion, about a third of the minimum they think is necessary. This is a wake-up call that's long overdue to this Congress, to this administration, and to the country about how we're losing ground. We're headed toward Third World status in terms of our Nation's transportation infrastructure. That is not acceptable.

Unfortunately, the Bush administration, the headquarters of the head in the sand folks, are saying no additional Federal investment is necessary; that all of that $220 billion can come from privatizing the Nation's highways; tolling and pricing people off the roads will help mitigate congestion. Yes, they want to toll existing highways, paid for by taxpayers, they want to put extortionate tolls on where they would charge more at rush hour. Now, if you happen to live on the east side of town and work on the west side and have to travel a congested highway, from George Bush and Mary Peters, Secretary of Transportation, the message is, quit your job, move, or tough luck, suck it up. That's not acceptable for America. We are not going to solve this problem through the fantasies of this administration. You're not going to solve it with the privatization of our existing network.

Now, in certain areas, tolling, congestion pricing and private-public partnerships, done properly, protecting the public interest, can contribute a small amount. The estimates are, generously, maybe 10 percent. But the Bush administration is saying that can do 100 percent because they're saying they will never ever support any increase in any taxes to increase any investment in the national transportation infrastructure. That's a shame. That's an incredible shame. And it is doing an amazing disservice to the future of our economy.

And as we stagger in this recession created by the policies of this administration, one of the best ways that we can begin to build out of it and to make ourselves more productive in the future and prevent future recessions is investment in our infrastructure. You can justify borrowing money to build things that are going to last 30, 50, 100 years and benefit all of the American people and our economy. They want to borrow money to give more tax cuts to the few rich people, many of whom have done fabulously well, some of whom lost their shirts with speculation in this recent market. Other sides of the speculators made hundreds of millions and billions of dollars by speculating on the collapse of the housing market, while the Bush administration and Alan Greenspan and everybody watched the bubble grow and grow and grow and grow and did nothing.

We need a concrete investment for the future, an investment in our transportation infrastructure, despite what Mary Peters and George Bush think is one of the best ways to promote the long-term health and competitiveness of the United States of America. We should begin to make those investments.

HONORING RICHARD HENRY "DICK" WHITE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of California. Mr. Speaker, as we begin our work in the new year, I want to take a few moments to reflect on the passing of a good friend of mine. Richard Henry "Dick" White, Jr., a fixture in Washington for four decades, lost his fight against cancer on December 21, and his death took a whole lot of sunshine from the world.

Like many who came to Washington, Dick White expected to stay in Washington for a very short period of time. A 1955 journalism graduate of the University of Oklahoma, Dick arrived here in 1965 as a correspondent for the Tulsa Tribune. But rather than return home, he moved to public service, and that work caused him to become a congressional staff member over the next 14 years. He was the top staffer for Ed Edmonson of Oklahoma and Dale Milford of Texas.

He left the Hill in the late 1970s to serve as Washington representative on a number of farm-related issues. He later served as the vice president for the Tobacco Institute, and most recently maintained a small public affairs consulting business.

Mr. Speaker, it has regrettably become vogue in politics to suggest that lobbying, that is, representing the American people in Washington, is less than an honorable profession. Well, anyone who knew Dick White would strongly disagree. He represented his clients, small businesses, tens of thousands of farmers, hundreds of thousands of workers, with integrity, humanity and a wealth of knowledge. His service helped thousands of Americans be treated fairly when Congress considered policy changes that would affect their livelihoods.

I came to know Dick White as a friend after his marriage in 1991 to one of my senior staff members, Letitia Hoadley. To say this pair was a devoted couple is putting it mildly. For the past 15 years they have been inseparable and tenderly have cared for each other through good times and bad.

Dick White was always welcome in my office as a member of our extended staff family. But his optimism and good humor made him welcome anywhere he went. He always added a bit of sunshine on any visit, and left everyone feeling more positive towards the day.

Beyond his public affairs interests, Dick was an avid follower of college sports, including Oklahoma football. He loved to travel, especially to the Caribbean. But his greatest joy was to spend time at his weekend cottage in Southern Maryland where he enjoyed boating, gardening and swimming. He loved to entertain. He would revel in a swimming pool full of kids. He was a great listener, and was considered a great grandpa by every boy and girl who was lucky enough to spend time with him.

Even as Dick battled cancer in the last few years, he maintained his positive nature, hearty laugh, infectious smile, always a part of Dick's life. In his last summer he purchased a small boat, hired an instructor, and provided a sailing school for neighborhood kids.

Dick White is survived by his loving wife Letitia and her family; his daughter, Ann Calvert Brown; son-in-law Stephen Brown; and grandchildren Suzanne Noel Brown and Daniel Calvert Brown. He is also survived by siblings, Miles White of San Antonio, Texas; Elizabeth White George of Belfair, Washington; and Robert White of Oklahoma City, Oklahoma, as well as their families, including numerous nieces, nephews and their children.

Mr. Speaker, Dick White, a man of all seasons, gave all who knew him a reason to believe in the value of friendship as we go forward in life. He would have told us not to mourn his passing, but rather to celebrate the life he lived in his time with us. In that spirit, I ask my colleagues to join me in remembering a wonderful husband, father and friend to all and to express our warmest good will to his family.

AMERICA NEEDS ACTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, America is embarking upon a Presidential election year. And what are these candidates offering? Some say hope. Others say change. Others say tax cuts. My fellow citizens, what we need for someone to say is we need action.

America is being bought out from under us. What do the candidates have to say about that? Nothing. Not yet. All the while, their campaign coffers are brimming with money, more and more, from Wall Street's hallowed givers and offshoring artists.

America, meanwhile, is falling deeper and deeper into recession with inflation rates the steepest in 17 years. All Wall Street wants to do is make more money. But at whose expense? These big bankers and fund managers will stop at nothing for profit, even at the price of our national security. They are selling out America.

Wall Street's thirst for profit drove the subprime lending crisis to suck the equity away from ordinary homebuyers. It has raided your pension funds. And the latest gimmick is grabbing for foreign money to bail themselves out from bad decisions that are covering staggering losses.

Citigroup, the largest institution in the country, has made headlines with its $10 billion fourth quarter losses. As a result, the bank is cutting thousands of jobs and turning to investors from where? China, Saudi Arabia, Singapore, Kuwait, to bail the company out.

An article I wish to place in the RECORD from the New York Times states, "Other investors that are trying to pump money into Citigroup are Capital Research Global Investors." Well, who are they? Capital World Investors. I wonder who they are? It mentions the Kuwait Investment Authority, the New Jersey Division of Investment. New Jersey is going to bail out Citigroup? How can that be? Shareholder Prince Alwaleed bin Talal of Saudi Arabia and former chief executive Sanford Weill and his family foundation.

The article goes on to say, "Citigroup said it raised $12.5 billion in new cash from outside investors, including $6.88 billion from the Government of Singapore Investment Corporation."

We're raising money from foreign governments to pump into U.S. banking institutions? Our entire financial sector is clawing at survival.

J.P. Morgan Chase lost 34 percent in the fourth quarter, with $1.3 billion in write-downs attributed to the subprime crisis. Will Tony Blair be able to bail them out in his new advisory position? To which foreign interest will he turn for cash?

Foreign capital indebts us more than the face value of the transaction. I thought we were a nation founded in independence. This kind of borrowing means America is no longer free. We owe and our children will owe, so will our grandchildren and our great grandchildren. And they won't owe Uncle Sam; they'll owe the Premier of Communist China, the King of Saudi Arabia, the Emir of the United Arab Emirates, the Bank of Singapore.

Wake up, America. George Washington said beware of entangling foreign alliances. He said, "How many opportunities do such alliances afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils."

Wake up, America.

Well, these creditors won't forget what we owe. They like the influence they are wielding. They will call in their favors to Wall Street as they are calling in their favors as our troops are staged all over this globe. And to those candidates who were elected with Wall Street's help and their enormous financial support, they will call.

The problem is, the American people and the very principles to which this Republic is dedicated are compromised and eroded in the process.

Wake up, America. It's a time for action and for the people of this country to rise to preserve their diminishing independence.

CITIGROUP MAY CUT THOUSANDS OF JOBS

NEW YORK.—Citigroup Inc. is expected to announce thousands of job cuts after posting dismal results for the fourth quarter, when the bank's mortgage-riddled portfolio lost billions of dollars in value.

Citigroup swung to a loss of nearly $10 billion in the fourth quarter as it took a write down of $18.1 billion for bad bets related to the mortgage industry, the bank said on Tuesday.

On the hunt for cash, the nation's largest bank said Tuesday it also got a $12.5 billion investment from outside investors, including $6.88 billion from the Government of Singapore Investment Corp.

Other investors were Capital Research Global Investors, Capital World Investors, the Kuwait Investment Authority, the New Jersey Division of Investment, shareholder Prince Alwaleed bin Talal of Saudi Arabia and former chief executive Sanford Weill and his family foundation.

Citigroup also took a net charge of $3.31 billion for loan-loss reserves in its U.S. consumer credit business—primarily for delinquencies on mortgages, credit cards and auto loans. A year earlier it reversed $127 million in loan-loss reserves. Citi cited increasing signs of weakness among the consumer—something many others have pointed to as a potential indicator of a recession.

Fourth-quarter losses totaled $9.83 billion, or $1.99 per share, compared with earnings of $5.13 billion, or $1.03 per share, during the same quarter in 2006. Citigroup's revenue fell to $7.22 billion in the fourth quarter, down 70 percent from $23.83 billion generated during the final quarter of 2006.

Analysts polled by Thomson Financial, on average, forecast a loss of $1.03 per share for the quarter on revenue of $10.64 billion. The biggest loss estimate for the quarter was for a loss of $1.43 per share, while the lowest revenue estimate was for $6.47 billion.

Citigroup was hit hard for the second straight quarter by rising delinquencies and defaults in the mortgage market—especially among subprime loans given to customers with poor credit history. The New York-based bank cut the value of bonds and debt backed by the troubled loans by $18.1 billion. During the third quarter, Citigroup took about $6 billion in write-downs.

It was not all bad news for Citigroup, though, as the bank recorded record results in its international consumer, transaction services and wealth management segments.

International consumer revenue increased 45 percent, due to a 21 percent year-over-year increase in average deposits and a 30 percent jump in loan volume. Citigroup's international consumer unit also benefited from a $507 million pretax gain on Visa Inc. shares and a $313 million gain on the sale of Nikko Cordial's Simplex Investment Advisors.

Transaction services revenue increased to a record $2.29 billion, driven by growing customer volume.

For the full year, Citigroup posted net income of $3.62 billion, or 72 cents per share.

As part of a plan to boost capital on its balance sheet after the fourth-quarter losses, Citigroup said it raised $12.5 billion in new cash from outside investors, including $6.88 billion from the Government of Singapore Investment Corp.

Citigroup also cut its quarterly dividend to 32 cents per share from 54 cents per share to save money.

Shares of Citigroup fell 85 cents, or 2.9 percent, to $28.21 in premarket trading from a $29.06 close Monday.

□ 1715

CELEBRATING THE LIFE OF JOHN MICHAEL GRANVILLE, AN AMERICAN DIPLOMAT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HIGGINS) is recognized for 5 minutes.

Mr. HIGGINS. Mr. Speaker, I rise today to honor and pay tribute to an outstanding citizen of Buffalo and Western New York, John Michael Granville, an American diplomat who devoted his life to promoting peace through his humanitarian work in the continent of Africa.

John Granville worked for the United States Agency for International Development in Sudan. He was fatally shot on New Year's Day after attending a party at the British Embassy in Khartoum. His driver was also killed. His sudden passing is a great shock to all of us, and my thoughts and prayers are with his family and friends at this difficult time.

In this senseless tragedy, we lost a man of peace and purpose, a man who dedicated himself to serving people that most of us will never know in a place we will never visit.

John's love for Africa, its culture, its people was nurtured during his years of service there. His most recent work involved distributing radios to people in the southern part of Sudan to support his agency's broadcasting initiative in the region which was recovering from 21 years of civil war. The goal was to prepare southern Sudan for elections in 2009 and a possible referendum on independence in 2011.

Before joining the United States Agency for International Development, John served as a Peace Corps volunteer in Cameroon where he helped build the first school in a rural village there.

In my capacity as a member of the Oversight and Government Reform Subcommittee on National Security and Foreign Affairs, I have traveled to Sudan. I have seen firsthand how important the work of peacemakers like John is to the people in these war-torn regions.

John knew the dangers he faced, and he went anyway, with dignity and conviction. Such was his commitment to serve the people of Africa.

John Granville was a thoughtful and honorable man who was deeply loved by his family, friends and the community in my hometown of South Buffalo, New York. We are proud to salute John and honor him for his lasting service to our Nation and for the important humanitarian work that he was doing in Africa.

John was a graduate of Canisius High School and Fordham University and earned a master's degree in international development from Clark University. A memorial scholarship has been established at Canisius High School in his memory as family, friends and classmates want to make sure that he is never forgotten.

We know John will be missed beyond measure by his loving mother, Jane; his beloved sister, Katie; and brother-in-law, Sean; his loving nieces, Carolina, Julia, Hanna and Molly; and nephew, Matthew; his extended family and dear friends.

I take the liberty of honoring John's life and legacy by including the statement issued by his family shortly after his death, and it read's: "John's life was a celebration of love, hope and peace. He will be missed by many people throughout the world whose lives were touched and made better because of his care."

Everyone who knew and was influenced by John will mourn his loss in their own way. I will do my part to honor John's memory by calling upon the administration to strengthen its efforts to protect American diplomats serving overseas and to help end the genocide in Darfur and to bring peace and reconciliation to the Sudan.

Mr. Speaker, on this night, this solemn and peaceful night in our Nation's capital, a neighborhood grieves because a family from that neighborhood grieves. Our neighborhood and family grieve the loss of a young, courageous man of peace and reconciliation. And Mr. Speaker, as we have lost a great young man doing God's work, tonight our Nation grieves with them.

REAUTHORIZATION OF THE HOPE VI PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. OLVER) is recognized for 5 minutes.

Mr. OLVER. Mr. Speaker, last month at a hearing of the Subcommittee on Energy and Water of the Appropriations Committee we heard expert, corroborated testimony that heating and cooling and the electrical fixtures and appliances in buildings in the industrial, commercial and residential sectors use nearly 50 percent of all the energy that is used in America today and thereby were responsible for nearly 50 percent of the greenhouse gas emissions that cause global warming.

We were also told that we could reduce by one-half the energy used in new or renovated buildings using present knowledge and technology.

One month ago, because of the powerful and insistent leadership of Speaker NANCY PELOSI, and the critical cooperation of Chairmen DINGELL and MARKEY and a host of others from both parties, this Congress passed and the President signed landmark energy legislation.

That new law focused heavily on reducing the fossil fuel used in transportation by raising corporate average fleet efficiency standards to 35 miles per gallon by the year 2020 and mandating production of 36 billion gallons of biofuel, mostly ethanol, by the year 2020.

But equally important were some provisions relating to buildings, what I have said already, which use nearly 50 percent of all the energy used in America today. First, the increased energy efficiency standards for appliances used in commercial and residential buildings; second, the goal that all commercial buildings built after the year 2025 would use zero net energy; third, that all federally constructed buildings would reduce their general energy usage by 30 percent by the year 2015; and fourth, that all new Federal buildings reduce their fossil fuel-produced energy by 55 percent in 2010 and eliminate by 2030 all fossil fuel-produced energy.

Our first opportunity to meet the spirit of this landmark energy bill comes in the bill before us tomorrow, the reauthorization of the Hope VI program.

This reauthorization proposes a rejuvenated program at $800 million a year which with just Hope VI dollars alone could produce as many as 4,000 units per year of housing, affordable housing for people with low income. Put in perspective, those potential affordable housing units represent less than 0.1 percent less than 1/1000th of the housing built in this country each year, and virtually all of the cost is borne by the Federal Government.

The bill includes an extremely important provision that projects must use green community criteria to be eligible for the Federal funding. Numerous cities and even States already require or use compliance with such green community criteria.

Washington, DC, for instance, requires the criteria for all residential construction, not just public construction.

Washington State requires criteria stronger than the green community base criteria for all State-funded housing.

Maine requires similar criteria for all housing built with public dollars in that State.

Cities from coast to coast, such as Cleveland, Ohio, and Boston, Massachusetts, and Portland, Oregon, have already built Hope VI projects complying with the green community criteria. An assessment of the added costs for construction using such criteria and for some 20 already completed projects shows an average of 2.4 percent increase in construction costs.

But we build housing to last for 50 to 100 years. Such projects exceed savings in energy costs that are greater than the construction costs that is slightly higher within about 5 years, and those savings accrue to the low-income families using that housing over the 50- to 100-year lifetime of the housing.

The benefits go to the low-income families directly if the families pay their utility bills directly or those benefits go to the public housing authorities if the authority itself pays the utility bill for the housing unit. And those benefits are then passed on to the tenants, and they require less of an appropriation in operating costs by our government to the public housing authorities in the various cities around the country that use this housing.

We should not lose this opportunity to meet the spirit of the energy bill, the new energy law, that landmark legislation which we have all touted and so strongly supported. We should use the best green criteria available to promote healthier homes for low-income families and save all of that energy over the long haul.

HONORING PRIVATE FIRST CLASS BILLY MACLEOD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, I rise to honor Private First Class Billy MacLeod.

Private First Class Billy MacLeod of Cheboygan, Michigan, was a brave 19-year-old who answered the call to duty and served our Nation during the Korean War.

Billy was among the thousands of U.S. and other United Nations servicemembers pitted against the North Koreans and Chinese in the Battle of Chosin Reservoir. These men were outnumbered by the Chinese and faced bitter cold winter temperatures.

It was in this battle on November 28, 1950, that Billy lost his life fighting for his country.

The Army first declared Billy missing in action, but soon after informed his family that Billy was, in fact, killed in action. Unfortunately, Billy's body was not recovered, and Billy's family was never able to welcome him home.

After 58 years, and through the use of modern technology, the Army positively identified Billy's remains. Billy's body, along with five of his comrades, was discovered in 2002 by accident when a road was being built near the trench where he was buried.

Army officials recovered about 90 percent of Billy's remains and were successful in matching his DNA with that of his half-brother, Burnie Potter. Burnie Potter had given the Army a DNA sample years ago on the chance that Billy's remains might one day be recovered.

On October 31 of just last year, Burnie Potter and the rest of Billy's extended family finally received their answers. Billy had been found and was coming home.

Since October, the family and the community has been busy planning for his return. Originally, Billy was to be reunited with his family at the Pellston Regional Airport, just a short 20 miles from his hometown of Cheboygan, Michigan, on January 15.

However, just a few days short before Billy's expected arrival, his family was informed that they'd have to pick up his remains in Traverse City, Michigan. Traverse City is 100 miles away from his home. This is easily a 2-hour drive, if not more, during the winter months.

Upon learning this news from a friend, I offered my assistance and immediately contacted the Army. After numerous phone calls, I learned that repatriated soldiers like Billy are treated differently than soldiers who are killed in active military theaters like Iraq and Afghanistan.

Under current regulations, the Department of Defense does not use military aircraft to transport repatriated soldiers to their final resting place and instead use only commercial aviation. I was told that the Pellston Airport was too small to accommodate a commercial plane that could transport Billy's remains. I don't buy it. The Pellston Regional Airport is a rather large airport. It is not a small airport.

Furthermore, I was told by the Department of Defense that it does not provide an honor guard at the airport when a repatriated soldier returns home. Both policies differ for current theater deaths. For soldiers who are killed in active theater, the military uses both military and civilian aircraft to reach a family's desired resting place and provide a military honor guard at the airport upon the body's arrival.

Why does the Department of Defense not treat our soldiers the same way? Why does it matter, or does it really matter, if a soldier was killed yesterday or 50 years ago defending our country? A man died fighting for our country and we should honor him to the fullest possible extent. This means bringing his remains to the airport closest to his final resting place and providing full military honors upon the plane's arrival as well as at the funeral.

It was only through pressure from my office that the military provided a nine-member contingent of the Michigan State Funeral Honors Team at the Traverse City Airport. To honor Billy's memory, and to ensure that this does not happen again to another family member, I will work to change the current Department of Defense policy on repatriated soldiers. In my short time in Congress, this has been the third repatriated soldier. Whether it was from Vietnam or World War II or now the Korean War, each and every soldier should be treated the same and should be given full military honors when they return home after sacrificing their life for their country. Every soldier should be treated the same, with the same honors and respect upon their homecoming.

The Korean War, Mr. Speaker, is often referenced as the United States' forgotten war, but Billy MacLeod will not be forgotten. I know all of Cheboygan County and northern Michigan residents are proud of Billy and are pleased that this brave soldier will be coming home to his northern Michigan home.

On behalf of a grateful nation, we say thank you and may God bless you, Billy MacLeod. You were never forgotten.

□ 1730

REVISIONS TO ALLOCATIONS FOR HOUSE COMMITTEE ON ARMED SERVICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Mr. Speaker, under section 302 of S. Con. Res. 21, the Concurrent Resolution on the Budget for fiscal year 2008, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget allocations and aggregates for certain House committees for fiscal year 2008 and the period of 2008 through 2012. This revision represents an adjustment to certain House committee budget allocation and aggregates for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended, and in response to the consideration of H.R. 4986 (National Defense Authorization Act for Fiscal Year 2008). Corresponding tables are attached.

Under section 211 of S. Con. Res. 21, this adjustment to the budget allocations and aggregates applies while the measure is under consideration. The adjustments will take effect upon enactment of the measure. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 211 of S. Con. Res. 21 is to be considered as an allocation included in the resolution.

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal Year 2007	Fiscal Year 2008[1]	Fiscal Years 2008–2012[2]
Current Aggregates:[3]			
Budget Authority	2,250,680	2,354,727	n.a.
Outlays	2,263,759	2,358,862	n.a.
Revenues	1,900,340	2,016,857	11,141,747
Change in the National Defense Authorization Act (H.R. 4986):			
Budget Authority	0	−6	n.a.
Outlays	0	−31	n.a.
Revenues	0	2	−13
Revised Aggregates:			
Budget Authority	2,250,680	2,354,721	n.a.
Outlays	2,263,759	2,358,831	n.a.
Revenues	1,900,340	2,016,859	11,141,734

[1] Current aggregates do not include spending covered by section 207(d)(1)(E) (overseas deployments and related activities). The section has not been triggered to date in Appropriations action.

[2] Change in revenue aggregate required for the Tax Increase Prevention Act, P.L. 110–166, has been readjusted pursuant to section 321 of S. Con. Res. 21.

[3] Excludes emergency amounts exempt from enforcement in the budget resolution.

n.a. = Not applicable because annual appropriations Acts for fiscal years 2009 through 2012 will not be considered until future sessions of Congress.

DIRECT SPENDING LEGISLATION AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

[Fiscal Years, in millions of dollars]

House Committee	2007		2008		2008–2012 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Current allocation:						
Armed Services	0	0	−50	−50	−410	−410
Change in the National Defense Authorization Act (H.R. 4986):						
Armed Services	0	0	−6	−31	271	−17
Revised allocation:						
Armed Services	0	0	−56	−81	−139	−427

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MEEK of Florida. Thank you very much, Mr. Speaker. It is an honor to be here on the floor.

As you know, in the 30-Something Working Group, we come to the floor to share information not only with the Members, but also with the American people. And I think it's very, very important, now that we are in our second day of reconvening after the new year, to wish everyone a happy new year, and hopefully we will be very productive on behalf of this great country of ours.

A lot has happened, Mr. Speaker, since my last time on the floor. The 30-Something Working Group had the opportunity to adjourn the House for the year 2007. One of the Members of your class actually had the opportunity to hit the gavel, Ms. YVETTE CLARKE.

We left, and a lot took place. There are a lot of Presidential politics that have taken place since then on both sides of the aisle, Republican and Democrat. There has been a lot said. There has been a lot of media coverage on different issues. But I can tell you, Mr. Speaker, the issue of the economy and the issue of the war in Iraq continues to bubble up to the top. The issue of health care continues to bubble to the top.

And also, as we reflect on what took place last year, the closing part of last year, it was very frustrating for many Americans because one may think that we would have accomplished, when I say "we," those of us here in Washington, D.C., I'm including the President of the United States and the Congress, to achieve some sort of sensible plan as it relates to Iraq, and that was not achieved. More accountability, because we have control of the Congress, and I say "we," Democrats have control of the Congress, small majority, but control. I had a chance to put some accountability measures in an Armed Services mark and the Foreign Affairs legislation. We were able to do that, but very limited because the President continues to hold on to the 40 Republicans solid that he needs to withstand a congressional override when he vetoes legislation that the American people would like to see enacted.

Even though it had bipartisan support, many pieces of legislation dealing with Iraq, also dealing with a number of other issues that are important to the American people, the President was able to use his veto pen for the first time, many times, and not for the very first time, but for the first time that he has been consistent in doing so. Sometimes it actually has sent the country backwards when we start dealing with issues that we're facing right now.

I come to the floor with a new spirit and hopefully a new outlook in the year 2008 that we will have a better way of working in a bipartisan way here in this House and in the Senate and working with the President. We can't say that there has not been reaching out, especially on behalf of Democrats to Republicans, here in the Congress. I can tell you that we have had an opportunity to work with President Bush and also congressional Republicans in talking about various issues that are facing our economy. We came in and had discussions with Secretary Paulson, who is the Secretary of the Treasury, about the economy. You will be hearing a lot more from him, Mr. Speaker and Members, as we start to approach the date that the President is going to release his budget, which will be in the early part of next month. I believe it will be the 4th. On February 4 he will be releasing his budget, as the date stands now. Well, between now and then there's a lot that has to happen. And we're just 12 short days, I must add, Mr. Speaker, from the President giving the countdown to the State of the Union. Those are the days remaining, the 12 days.

I can tell you, also, Mr. Speaker and Members, that it's important what the President says at the podium just below where you are, Mr. Speaker; what he says is going to be very, very important. Not only will the United States and the people that work every day, those that defend our country that are abroad, but other world leaders will be paying attention to what the President has to say. And I'm pretty sure he is going to have to say a lot.

In past State of the Unions, and this will be my sixth opportunity to be a part of this Congress and to witness a State of the Union in this Chamber, there have been some highlights and there have been a lot of disappointments. And I think that we have to plow through that now, Mr. Speaker, in a bipartisan way in making sure we do what we must do on behalf of the country.

I say that in the spirit that House Democrats in December had an economic forum, talking about the economy, talking about what we need to stimulate this economy. You've heard a lot of proposals on the campaign trail from Republicans and Democrats and Democrats and Republicans. And everyone has a great plan. But I think that it's important that those of us that are elected now to govern, that we govern, because I don't think the American people can wait until 2009 to get accountability and to get relief from this government.

Saying that, I want to commend the administration, the Bush administration, that they released $450 million from the Low-Income Home Energy Assistance Program. And I can tell you that it's very, very important to be able to assist some of our seniors and many of our low-income. But this money was made available because the Congress put $2.6 billion into that particular program and funding it in an appropriations bill that passed in December and increased it by $400 million. So really, when you look at it, Mr. Speaker, thanks to not only a Democratic-led Congress, but also some Republicans that did vote in the affirmative to pass this work product out of this Congress, out of the $2.6 billion, within that we increased it by $400 million, the President released $450 million. I hope that we can continue in this spirit, Mr. Speaker, on behalf of Americans that are being hit the hardest in this economy as we move forward.

So many times that the administration, the Bush administration, and so many times within that 40 that we talk about that the President has been holding on to, on many issues that the Congress and Republicans here in the House, and we've passed bills with bipartisan support, are able to hold on to not being overridden. And I think that it's time, it's high time, especially for those Americans that are concerned about what happened on Wall Street yesterday, I believe it's 45 points down now, I don't know how it's going to close today, but I think it's very, very important that we look at what is happening right now, what's happening with the mortgage crisis right now in this country, and what we must do by leadering up and reaching across the aisle to one another to make it happen.

We have achieved that, Mr. Speaker, in the first session. When I say "we," I always used to say in the 109th Congress and the 108th Congress, bipartisanship is only allowed when the majority allows it to happen. And I can say that what I witnessed in the first session of the 110th Congress, bipartisanship was achieved because you can see that there were a number of votes, major votes on major pieces of legislation, that was bipartisan in double digit numbers, and sometimes three digit numbers, of Republicans voting in favor of major pieces of legislation that has passed off this floor and was sent to the President. And in some cases, the President vetoed it because we fell short of achieving the 40 that he always counts on to help him withstand a veto.

I think it's important, when we start talking about the letter that the Speaker and Senator REID, the leader in the Senate, wrote to the President on the 11th of this month talking about energy, talking about gas. And I think it's important that the President responds to that, because as the President is flying to Saudi Arabia and other places, really talking with those leaders because of this very issue here, Mr. Speaker. We've gone from January 22, 2001 per gallon price for gas $1.47 over today's average of $3.07 per gallon. Now, Mr. Speaker, some Members may be saying and some staff may be saying, and I know the American people are saying, excuse me, Congressman, you must have the wrong number with that $3.07 because just earlier today I've seen gas not only here in Washington, D.C., but back in my district that has been hit real hard in Florida, upwards of $3.33, and that's just for regular unleaded, octane 87. So when you think about it, especially those small business men and women that may have an F–10 or what have you, that comes up to a lot of dollars.

And when you think about gas prices, even for those that use mass transit and those that are driving hybrids and other vehicles that are high mileage vehicles, it hits them, too. But think about when you go to the grocery store. That means that milk is going to cost more because of transportation costs. Everything will go up. And that's when we start talking about an economy that's out of reach for Americans that are making just the same as they were making last year or the year before.

And speaking of a bipartisan victory, Mr. Speaker and Members, the passage of the minimum wage bill that some in this Congress said over their dead body will they see the minimum wage increase, that it was increased. And at the same time, because of the respect that the majority here in this Congress has for small businesses, that's the backbone of our economy, that we were able to also put a package onto the minimum wage bill that also provided some relief to small business people.

But I think it's important, Mr. Speaker, and I won't digress into how we got to this point because I think that's self-explanatory. I think we know that governance has a lot to do with it, and we're trying to bring about that kind of change with the passage of the energy bill that this House passed in the first session of Congress. But $3.07 is something that we must address and that we have to address. And until we get to the point, Mr. Speaker, that Republicans are able to work along with Democratic leadership, Democratic chairmen, Democratic leaders, and not really bringing about the difference between us and them and making a political statement, but kind of being under the same banner of "we want to work together." And a good step towards that direction, Mr. Speaker, was today, seeing the Republican leader stand with Speaker PELOSI and also with the majority leader and the whip on the Republican side and so on and so on, it's good to see that. I hope that that relationship continues. I hope that that effort of coming together continues.

□ 1745

Definitely, the majority has shown, the Democrats have shown, we have shown, that we are willing and able to work in a bipartisan way as it relates to putting together a stimulus package that would work on behalf of all Americans. And I hope that the President shares in that theme and that notion that the American people would like to see. And we do know the American people would like to see us work in a bipartisan way.

Speaking of that, Mr. Speaker, I talked about the Dow closing yesterday, but today the market finished 34 points down, and I can tell you that it's been a roller coaster day. And many Americans don't have a great understanding of how important the opening and closing of the market is, but it has a lot to do with our economy and it also will make investors more fearful of going out and doing some of the things they have been doing. So we as the government have to step up and rise to the occasion on behalf of not only the American people but also in making sure that we stand up to keep our economy going for small and medium-sized and large businesses.

I think, Mr. Speaker, as we continue to head down the days to the State of the Union, we know that there will be a lot of things said, and we know that the American people are going to be paying more attention than they were paying even last year to the President's State of the Union for the following reason: States, come this February 5, Super Tuesday, will stand in judgment of those that will replace the President of the United States because of term limits, will be the nominee on both sides, and they will be paying attention to the issues. Well, I want to make sure that my colleagues know and all of my colleagues know in Congress and also in the executive branch, those of us that are "working to make this government better," that we understand our responsibility, because I am a little concerned, Mr. Speaker, that some may feel that one can play Presidential politics as real Americans are going through real life issues, and I think that it's important that we don't allow that season to seep into this Chamber or seep into the Senate or seep into the President's office to logjam what we must do on behalf of the American people. It's okay to take a stand and say, This is what I would like to have, but it's another thing when one goes out of their way to stop progress, and I think that progress is something that we must work on very hard.

I want to, Mr. Speaker, share a couple of more points with you tonight. I think it's important that we look at the fact that we are still in a very difficult situation and we look at putting together this stimulus package, and I am speaking to the administration and those that are coming up with the budget, the Office of Management and Budget over in the President's executive branch. And also as agencies start to move their budget requests forward, there is a number of Members of Congress that are concerned about that very number to the far end, $1.19 trillion over the last 6 years, and the Federal debt continuing to rise, compared to the 224-year history of this country, from 1776 to 2000, $1.01 trillion. Forty-two Presidents weren't able to come up with that number, and we are about to double that number now. A lot of that number was brought about up until 2006, and we have worked very hard to bring that number down in 2007.

And as you know, there has been a great discussion on the pay-as-you-go mandate that we have put forth. And I know that the AMT, the alternative minimum tax, to avoid a tax increase on so many Americans was held to the last minute and Members had to vote to borrow the money to offset that. I'm hoping that as we move forth in the stimulus package and as we move forth in other tax reform packages, and I am speaking to my colleagues on the Republican side of the aisle that really strongly supported borrowing the money in both the House and Senate, I think that's important that we come together and think about not only the future but the present.

We used to talk about this debt dealing with the future, our children and our grandchildren. Well, guess what? The debt that's being accumulated now and the posture that this country is in right now in the fiscal sense today is dealing with our economy now, is dealing with how we are respected by other countries now. We owe more countries more money than we ever owed them in the history of the Republic. So that means that we are in a position now financially that we have never been in before. And so the President takes 8-day tours to other parts of the world, which he has done, and I think any world leader must do that. Everyone can't come here to the United States. You have to go visit them and take part in that cultural exchange and discussion. But I think it's also important, Mr. Speaker, when we think about that, when the Commander in Chief goes down those steps off of Air Force One, that that world leader should not be looking at that Commander in Chief and saying, First of all, you owe me money. You owe my country money. You borrowed money from us. That should not be the thought in that world leader's head. The vision that that world leader should have is, A, that I have communications with this world leader. We have a relationship. We have one that we can work together in making this world safer and also looking at our global economy. As this chart shows here, and you've seen it before, the largest foreign holders of U.S. national debt. When the Japanese leaders come to the United States or we see them abroad, any of our diplomats or what have you, they are thinking $644.3 billion and counting, and this number is higher now.

China as of 11–05 was at $249.8 billion. China now is at 349.6, and that number is a little higher than that now, and I know I need to get this chart updated. But I think when we look at that and we say that we want China to do things better than they are doing as it relates to providing products that will be safe for U.S. consumers, but as we look at China, I can't help but think about the conversation I had earlier today with my colleague TIM RYAN from Ohio, who said that he has had 1,100 jobs leave in the last 2 months from Youngstown, Ohio, or around that Niles, Ohio, area. But meanwhile, not only is China the benefactor of those jobs in many cases, but they also have the opportunity to use those dollars that they have accumulated off of commerce or what have you and use those dollars to buy our debt. So that's a win-win situation. Not only am I the recipient of your jobs that used to be your jobs, but I am also the recipient of being able to buy your debt where you have to pay me back with interest.

So as we look at this economic stimulus, you have to think about what's happening, and that's the reason why I hope that the President responds to Speaker PELOSI's letter and also Majority Leader REID's letter, which if he doesn't respond to it, I will have it on the floor to ask the President or someone over at the administration to respond to it because these are very trying times for everyday Americans. And it's not trying times just for Democrats or independents or Republicans. We're talking about all Americans and what they are facing right now.

I was about to put this chart up, but let me just point out over here, OPEC nations, that's Saudi Arabia. So when the President is over there meeting with the leadership in Saudi Arabia, with the King, Prince, and what have you, they can't help but think, You owe me money. You owe Saudi Arabia money. So when you look at this debt that is record breaking at the $1.19 trillion, that's how we're getting there. We are getting there with an administration putting forth budgets that are still borrowing money and also holding the Congress hostage and getting us into a position to where now the American people will have to pay through the nose or lose tax benefits to continue that philosophy.

So I think the key would be a more bipartisan effort here in this House and in the Senate to pass a good stimulus package, hopefully in concert with the President. But if it's not in concert with the President and the administration, and Secretary Paulson is going to have a lot to do with that and a lot to say about that, the Secretary of the Treasury, and if that does not happen, since there have been committee hearings and there have been Budget and Ways and Means and Financial Services and other committee meetings and the American people have had an opportunity to hear hours and hours of debate on the committee level and also here in this Chamber, this may very well be a sign to put together a stimulus package and at least stand next to our work product and not whither under the President's threat of a veto. If he does veto it, that means we have to go back to the drawing board if there are 40 Members that are willing to stand with the President.

I would also add that in the 30-Something Working Group, we always take an opportunity to show illustrations of what we're talking about here. This is the veto where 40-plus Republicans went down to the White House and stood with the President when we put requirements on the administration to make sure that we have accountability measures on the Iraq spending bill. And this was something that the American people wanted, something that I believe had a big part of Democrats taking over the Congress, and we found ourselves in a situation being denied that opportunity to bring that kind of accountability to the issue in Iraq and the spending in Iraq and the lack of accountability in Iraq with 40 of our Republican colleagues plus going down to the White House saying, We stand with you Mr. President.

Now, I pulled that picture out just to say that it did happen and that it can happen. Do we want that to happen again? No. Can we work these issues out before we get to the point of the President saying, "I have to veto," and a bus has to pull out in front of the Capitol and just over 40 Republicans get on that bus and go down to the White House and say, We stand with you, Mr. President, and God bless America and apple pie and Chevy trucks? We don't necessarily need to do that. We can head that off if we know that we need to work in a bipartisan way, and we are asking for that to happen here on the majority side.

☐ 1800

The State of the Union is a very, very important time for the country, and also for the world. I took the opportunity today to pull some of the statements from the 2007 State of the Union. I think that it's important for us to look at what has transpired and what has not transpired; just some of the things that were said that have not come to reality or have not come to being a part of Federal law.

I think when you start dealing with issues such as health care, there's good lofty words that can be used, and during the President's talk on health care he said, a future hope and opportunity requires that all of the citizens have affordable and available health care.

The Republican record on that has been the President's tax deduction plan, which would do nothing to reinvest a majority of the 47 million Americans in his plan. And he also makes the health care problem even worse, a plan of raising taxes on many middle-class families and also undermining the employer-provided insurance health program over the next 6 to 8 years.

Now, I think it's important that we look at this issue, and we try to look at this issue, talking about a Democratic approach of dealing with that health care, and starting this issue with our very newly born citizens to this great country of ours through the SCHIP program. And our plan, looking at the direction that we were heading in, we were working to increase the availability of health care insurance to children, those that are in need the most, and that was through the SCHIP program. And we were not able to do that, even after one, two, three attempts to get that SCHIP bill past the President's desk without the veto that he actually carried out and without a continued threat of a veto if we were to send it.

We did reauthorize the bill for another year, but that is not addressing many of the issues that are facing Americans right now, and I think as we start to look at this issue, Mr. Speaker and Members, we have to look at it from the standpoint of we have to start somewhere. What better place to start than dealing with our children? I think that it's important that we move in that direction.

Fiscal discipline and the economy. We talked about that, and some of that will be placed in this State of the Union, I am sure. I don't think the President can come in here in another 12 days or so and not talk about the economy. I mean it's almost like an elephant standing 3 feet in front of me, and I'm saying, I don't see the elephant. I don't see what you're talking about. That is the situation right now in dealing with the economy.

Another slogan issue, not really a plan, but a plan that's released nine times out of 10 in the budget or a piece of legislation, the President says, together we can balance the budget.

Well, let's look at that statement. "Together we can balance the budget." Well, over the last 6 years President Bush has not put forth one balanced budget plan. First you have got to start with that. You have got to put on the table the work product that will actually balance the budget.

I think that when you look at historic numbers, where we are now, we turned a $5.6 trillion surplus into more than a $3 trillion deficit. The fastest growing item in the budget is interest payments to foreign countries that I have put up on this chart. It may not be the most exciting thing in the world, but I can tell you, once we start to really start moving down and paying down this debt, the goalpost continues to move further and further away because of the fact that we are not working together to make sure that we can balance this budget. The President said, Together we can balance the budget. Well, just because he says it doesn't necessarily mean that it's going to happen.

So when we start to move down the track, Mr. Speaker, in closing, looking at the economy; looking at the fact that the American people expect for us to work together, which we should; looking at the fact that this is not the centerpiece or peak of the political season, but there's a lot being said on both sides, Democrat and Republican, and I think it's important for us to look at the past, learn from the past, hopefully for a brighter future, looking at the past, what has happened and what has not happened, and looking at a brighter future.

The first session of the 110th Congress was a good session and a lot was done in the first session. I think it's important too, when we look at the past and start looking towards the future, in the first session of the 110th Congress, the 9/11 Commission recommendations to protect America from terrorism, passed, signed into law; the largest college student aid expansion since 1944; the GI Bill, that saved average students $4,400, that is in their pockets, passed, signed into law; the first minimum wage increase in a decade, there's a pay raise for 33 million Americans, that comes in handy now, passed, signed into law; Innovation agenda promoting 21st century jobs, passed, put into law. That is coming back towards making sure we are able to stay competitive with other nations.

The tough lobbying and ethics reform bill that was just held by independent reform groups, passed, signed into law; reconstruction and assistance of the Gulf Coast devastated hurricane areas, passed, signed into law. That was a long fought effort that was something where the people in the gulf coast asked for fairness, equity, and attention from this government. We were able to bring that to fruition through the first session of the 110th Congress, which is a Democratic Congress.

I can tell you there are a number of issues that have not been resolved, that were attempted to get resolved, but I think that some of those issues, we look at the expansion of research of stem cells, passed, was not signed by the President. Also, health care for 10 million children of working families, passed, not signed into law. Vetoed.

We also look at the other major, major pieces of legislation that were even threatened by veto that were stalled in the legislative process because the President issued a veto threat.

I think that as we look at the past success that we have had in a bipartisan way, and as we look at the future of what the American people are going through now and what they will be going through in the coming months, I think now more than ever in any other time since I have been in Congress, and it's now my third term, that the American people need us. The American people need us to work together like no other time in recent history.

Some forecasters have said this is going to be a pretty bad economic downturn. A lot of folks are using the R word, the recession word. We have to work together so that the American people don't suffer, and we will work together, especially on the majority side, in hopefully a bipartisan spirit to allow that to happen. But there has to be the will and the desire on behalf of the minority party, which is the Republican Party here in this Congress, and the spirit and desire on behalf of the administration to get something done.

I think the President should be more motivated than any other time in his Presidency to make this right and to be what he said he was in his first campaign, that he is a uniter and not a divider, a uniter and not a divider. I think the American people need to see that played out in this last year that he will be serving as President of the United States.

Once again, the majority in the House and Senate, the only way we can achieve bipartisanship is if the majority allows it. We know that the majority has the will and the desire to allow that to happen. The question is, the President and the administration, do they have the will and desire to allow bipartisanship to work between the legislative branch and between the executive branch?

I hope and I pray, especially on behalf of those that are punching in and punching out every day, on behalf of those that their only income is a Social Security check and what their family assists them with to keep the lights on, keep food in the refrigerator, I hope on behalf of those that are in harm's way, fighting on behalf of our country in Afghanistan and also in Iraq, and those that are deployed in military installations throughout the world, that their mother or their family members are able to survive here under this economy and the direction that it's headed in.

It's going to take bipartisanship. That means we need to rise up above Democrat and Republican, rise up over our differences, and stand on behalf of the American people who are counting on us.

With that, Mr. Speaker, it's always an honor to come to the floor and address the Members. The 30-Something Working Group will continue to work hard on behalf of the common good, and also bipartisanship in the House and in the Senate, and hopefully with the administration. But we ask for the Members, if they have any questions or anyone has any questions or would like to share a story, that they can contact us at 30-Somethingdems@mail.House.gov, or just visit www.speaker.gov/30something, and we would love to have a conversation with you. Also if you wish to share your stories about what is actually happening in your hometown or happening with your business and what it will mean to you for us to work in a bipartisan way.

I think that is the spirit we want to pick up and the spirit that we want to have so that we can get something done on behalf of the American people.

CONSTITUTIONAL CAUCUS ON THE BILL OF RIGHTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from New Jersey (Mr. GARRETT) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARRETT of New Jersey. Mr. Speaker, I appreciate the opportunity to come back from our break, come here to these hallowed halls to speak on an important subject, and before the gentlèman from the other side of the aisle leaves, and I know he is involved in a discussion right now, but before I repeat my remarks, I will reference his closing remarks, which was an outreach for bipartisanship to address the economic situations that the country finds itself in. The gentleman can rest assured that, at least from this gentleman from this side of the aisle, he can find that bipartisanship, because I think when we all go back home to our districts, regardless of the States that we are in, we are hearing the same complaint, outcry, what have you. It may be different in different portions of the country. Certain States are certainly harder hit than others. But I think there is a general perception out there that no matter where you are, the economy is in, let's say something of the doldrums.

So this side of the aisle is glad to reach out to the other side of the aisle. I also know that the White House is more than willing to work to address the economic situation that we find ourselves in. That being said, I think that the American public wants to be sure, wants to be sure that whatever solution that we come up with out of this House, the House and the Senate, and the President eventually signs onto, will do something that will create more good than harm, and that will be long lasting and not just short-lived or a flash in the pan.

A flash-in-the-pan might be something like we have seen in my very own State. I come from the great State of New Jersey. We do something in our State which is called homestead rebates. Every year around election time, whichever party is in power at that time sends out a homestead rebate check of around $300, $400 or $500. I guess that is supposed to be good for the economy and that sort of thing, but at the end of the day of course that has just de minimis effect on the overall economy, and if you look at the State of New Jersey economy right now, you will know it is not doing well at all. That, coupled with the fact that the State legislature has raised taxes on the people, but corporate taxes, income taxes, sales taxes and the like, we have seen 72,000 flee our State.

□ 1815

So we know that we do not want a flash-in-the-pan approach, but instead something that will improve the economy in a better way. That would most likely be something that would allow a permanent return of people's money to their pocketbooks, such as lowering the tax rates, allowing the creation of more jobs and the like. But I digress, because I was just referring to the closing comments to the gentleman on the other side the aisle.

Now I would like to turn the attention to what we are here for the next hour to speak about, and that is during the Constitution Hour. As I do that, let me just take an introductory moment to thank the gentleman from Utah who will be speaking shortly. I thank him not only for his usual diligent work as he works earnestly in his capacity as a Member representing his great State as a Member of Congress and all the responsibilities that that takes, I thank him not only for his work that he does in addition to that to try to come up with methodologies to improve the performance of this House, which we are all eager to look forward to and take part and see the work there as well, but in addition to all those responsibilities, he has also taken on the chore and responsibility, and I don't think he looks at it as a chore, to come to the floor once a month as part of the Congressional Constitutional Caucus to address the important philosophical and fundamental issues of the day.

So before I begin, I want to thank the gentleman from Utah, Mr. BISHOP, for all of his work to his constituents and also to the members of this conference as well.

As I say, we are here tonight as we begin another year of our monthly Constitutional Hour. During this second session of the 110th Congress, the members of this caucus will use this opportunity to emphasize for our colleagues and also for the Nation the necessity of ensuring that our government is operating according to the intent of our Founding Fathers and the original intent in the Constitution.

As the tenth amendment affirms, as I often speak of on this floor, the authority over most domestic issues belongs to the States, either directly or through their political subdivisions and the people themselves, and not here for this House to be haranguing about.

As the one who helped begin this caucus, I have discovered that for many Americans, including unfortunately some of my fellow colleagues, I guess, the Constitution is nothing more than a historical document, not germane to the current hour. Too many citizens do not know what the Constitution says about the governance of this Nation, let alone how to help discern its meaning and therefore apply it to what we do in this conference.

Therefore, one of the goals of this caucus is to help educate both the Members of this Congress and also the public as well about the original intent of the Founding Fathers and how some portions of that document got here, and tonight we will be talking about the Bill of Rights.

Last month, on that point, we celebrated the 216th anniversary of the ratification of that Bill of Rights. It was on December 15, 1791, our Founding Fathers decided to attach the first 10 amendments to the Constitution. After months of deliberation, they succeeded, I believe, in securing liberties and freedoms that were unimaginable, truly unimaginable, to previous civilizations.

Just as an aside, some scholars would perhaps disagree and say that this was seen in other documents such as the Magna Carta and the like, but nothing to the poignancy and the directness as we have in the Bill of Rights was ever seen prior to this documentation.

Tonight I join, as I say, with Mr. BISHOP and others in focusing on the ratification of this Bill of Rights, and I would like then to begin a discussion of how this document continues then to affect us today.

According to Thomas Jefferson, the Bill of Rights was largely the brainchild of one man, George Mason. In fact, Jefferson wrote, "The fact is unquestionable that the Bill of Rights in the constitution of Virginia," which is where he was from, "were drawn originally by George Mason, one of our greatest men." Yet, unfortunately, not many people today have even heard of him. It is for this reason that many have called him the forgotten founder.

But most Americans recognize the name from the movie and Cinderella story of 2006, the NCAA tournament, in which the George Mason University Patriots made its way to the final four. But it was George Mason's tremendous contributions and accomplishments himself that have largely gone unrecognized.

Mr. Mason established himself as one of the richest planters in colonial Virginia, and, like George Washington, who everyone is familiar with, he preferred to remain at home working on his plantation and spending time with his family. But when duty called, he did not ignore it nor hide from it, and throughout his adulthood, consented to the request of his fellow Virginians and served in various political capacities. He was a Fairfax County justice, a trustee of the City of Alexandria, and a representative in the Virginia House of Burgesses.

It was when England enacted the Stamp Act that he wrote a letter to London merchants, who he had often many dealings with, explaining the colonists' position and asking for their support leading to the revolution.

One of his greatest accomplishments was his contribution to the Virginia Declaration of Rights. When he became a delegate to the Constitutional Convention, he was one of the five frequent speakers there.

Despite all that, he ultimately refused to sign the final version of the Constitution, for two reasons: One, and most importantly to our discussion tonight, he wanted to have a Bill of Rights in that original document to protect individuals against a grasping, overgrowing central government, one which we see today. Secondly, he disagreed with the convention's tacit approval of the institution of slavery.

So, because of his stands, he refused to sign the document and he also lost a longtime friendship with George Washington and others. But it was one year before his death Mason was vindicated. That was when the Bill of Rights was finally adopted by all the States. Moreover, much of the adopted language was actually the identical words that he used and crafted in the original Virginia Declaration of Rights.

Author George Grant describes Mason as a rationalist who had little faith in the workings of government bodies. He fought passionately for the freedoms of the individual, whether it was a citizen or slave at the time, and he was largely responsible for ensuring that the protection of the rights of the individual would be such an essential part of the American system. That is our responsibility as Members of Congress, to ensure that those rights are continuously protected in the legislation that we deal with on this floor.

To show you how much we are indebted to Mason, let me quote a portion of the Virginia Declaration of Rights, which I just said he authored. "All men are born equally free and independent and have certain inherent natural rights, among which are the enjoyment of life and liberty, with the means of acquiring and possessing property and pursuing and obtaining happiness and safety."

Those were his words. They sound very familiar to us all. Mason was also among the first to call for such basic American liberties as freedom of press, religious tolerance and the right to trial by jury. As he understood it, the Bill of Rights would protect citizens, as I say, from encroaching Federal Government, and so his original language then eventually made its way into our current U.S. Constitution and the Bill of Rights.

As my colleague will detail, I presume, or talk about, and I will a little bit later on, the Bill of Rights has been in certain cases misinterpreted in certain court cases in the past over the last centuries. In certain instances these errors have allowed the government to seize some of the very freedoms that the Bill of Rights was intended to protect.

I will go into those in a little bit dealing with the first amendment and the establishment of religion, an issue that is very poignant today, and also in the first amendment, issues of the court's interpretation of abuse of freedom of speech and the press and how they have changed in the interpretations of recent Supreme Court decisions as to which is more important and paramount, commercial and independent speech.

The second amendment, I believe we may have some speakers later on again on very poignant cases that will be coming dealing here with issues right here in the District of Columbia.

The fifth amendment, taking clauses again, legislation that this House has dealt with and we will be talking about very briefly later on as well.

Right to speedy trial and how what we do here with regard to the criminalization of laws can have an impact on that as well.

In closing my remarks right now, the tenth amendment, I believe Ms. FOXX will be on the floor a little bit later on talking about that and how that closes up and compresses or closes the end tail, if you will, of the entire Bill of Rights.

So those are some of the elements of it, our discussion tonight. With that, I would like to yield to the gentleman from Utah. Again, I appreciate your being with us.

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to be here and I am grateful to the gentleman from New Jersey for allowing me to have some time here.

You know, when we come into this Chamber and we look around, there are cameos of the great lawgivers of the world all around us. There is Moses to Hammurabi, even Napoleon over there in the corner. It is interesting, there are only two Americans in this pantheon of great lawgivers, Thomas Jefferson and George Mason, ironically neither of whom signed the Constitution.

Of those two, Mason is, as the gentleman from New Jersey said, clearly the most interesting. He is one of three people who was at the entire Constitutional Convention, and then at the end refused to give his assent to the actual document because it did not contain a Bill of Rights.

I would like to talk for just a second about the other members of that convention who did not agree to add this Bill of Rights, because one must ask why were great patriots like Washington, Franklin, Madison, Hamilton, Dickinson, Wilson, why did they refuse to join with a Bill of Rights? Were they opposed to civil liberties? It is pretty obvious they were not.

But what they said is a fear that the Bill of Rights, that actually if you start listing what those rights are, it may be a ceiling of what rights are allowed as opposed to a floor of what rights are going to be guaranteed. Actually, the Bill of Rights is misnamed. It should be called the "Bill of Wrongs." It is a list of things that it is wrong for the Federal Government to do, no matter how many people actually want to do it.

In their concern though, they were still concerned about civil liberties. They had an additional plan to do that, which was a structural guarantee of the rights of citizens. We call it today federalism. It was a means to defend the individual liberties of Americans.

They realized that increasing the number of competitors to power was as effective as listing the things that would be prohibited for the government to do. As Madison said, ambition would counteract ambition.

They had two ways of looking at it. The horizontal separation of powers between the executive, legislative and judicial branches, which, unfortunately, is what we only spend our time teaching in schools today. But equally important to them was a vertical separation of powers between a national government and a State government.

The fear, obviously, was that the Federal Government would not check itself, so the 50 States would be the perfect counterbalance to a national government.

Justice Scalia in Mack v. The United States once said the Constitution protects us from our own best intentions. It divides power among sovereigns and among branches of government precisely so we may resist the temptation to concentrate power in one location as an expedient solution to the crisis of the day.

Power with no check historically resulted in tyranny, and no government was out of the potential of doing that; however, balance of power and limitations of governments would result in the support of individual civil liberties.

In Federalist 51, Madison said, "Experience has taught mankind the necessity of auxiliary precautions." That was the structure he was talking about, separation of powers, federalism.

In Federalist 45, Madison again wrote, "The powers delegated by the proposed Constitution are few and defined. Those which are to remain in the State governments are numerous and indefinite." That was the plan.

In Federalist 32, Hamilton continued to say that "under the plan of the convention, States retained the authority in the most absolute and unqualified sense, and that attempt on the part of the national government to abridge any State power would be a violent assumption of power unwarranted by any article or clause of the Constitution."

Unfortunately, today our national government has grown out of the bounds originally established. Often by good intent, often by misguided compassion for people, which eventually actually ends up hurting far more than it ever intended to help. As P.J. O'Rourke once wrote, the history of government is not how Washington works, but how to make it stop.

We understood in the Bill of Rights, when they were listed, a couple of unique concepts. The Bill of Rights always talked about how Congress may make no law to inhibit the rights of an individual. Other countries had bills of rights. The USSR Constitution did also have a bill of rights which contained guarantees of free speech. But, as they said, in order to produce a socialist state, citizens of the USSR are guaranteed freedom of speech, et cetera.

□ 1830

Now, there is a difference. In the USSR constitution, the freedom of speech was granted by the government and therefore could be taken back by the government, as opposed to the way we are looking at it as rights inherent in individuals.

Now, when the Bill of Rights was actually established, there were 10 Bills of Rights. I want you to know that when they did that, they did not forget this concept of a structural balance of power, both horizontally and vertically, as the foundation for ensuring the civil liberties. And that is why they did the 10th amendment. The 10th amendment clearly says that the powers not delegated to the United States by the Constitution nor prohibited by its States are reserved to the States respectively or to the people.

Jefferson called this 10th amendment the bedrock of constitutional government. These are the words that are significant and important, and we must remind ourselves.

Congress passes laws almost on a weekly basis. Sometimes we make incorrect assumptions about the meaning the Founding Fathers had on the words, or we simply ignore those words as looking as if they were irrelevant to our time. Justice Scalia once again wrote about the Constitution, "What it meant when it was adopted, it means today. And its meaning doesn't change just because we think that meaning is no longer adequate to our times."

That also applies to the words in the Bill of Rights: What it meant at its time of adoption, it still means today, and it doesn't change in the period of time and simply because our assumptions may wish to change.

I was once in a conversation with another history teacher. She asked, how do we know what they originally thought when they were writing these words? And it was very simple: We study history.

It may be that I am an old history teacher and I am kind of biased about this; but when we fail to study the history of this country and, more importantly, when we fail to study the history of our government, the history of this document, we fail to understand what they meant by those words, and then we replace our own definition. We use our own wit to try and come up with what it should be and oftentimes we fail in understanding what made this country great or what we need to do to truly honor the Constitution and the Bill of Rights that are there.

One of the things we need to do most definitely in this country is take the time and effort to ensure that we read the documents, that we understand the documents, and we put them in their historical connotation. That is the way we preserve and secure them.

I would like to yield to the gentleman from Texas who has a unique approach here, one of the things we may do to try to remind us, even those of us who were elected to this body, that maybe it is time to review and know the history of this document and these documents so we understand what the words mean and how the words should be applied in our time.

Mr. CONAWAY. I thank my colleagues from Utah and New Jersey for once again highlighting these important documents and important truths that this country was founded upon, and how important they really are. And you are both doing a great job of walking through some of the details.

But at a bit higher plane is the idea that each of us should know what the Constitution says. It is one thing to study the history of the Constitution and try to figure out what they were thinking, but we clearly know what they thought in the sense that they wrote it down. In the language of the day, this Constitution, the Bill of Rights, and Declaration of Independence were written in plain English, and each of us as intelligent human beings should be able to read that document and understand what it has to say. And I think our Founding Fathers intended for us to do that. They wrote it down not for some archaic court to continue to interpret on our behalf, but for us to live our lives and run this government and create the kind of Federal Government that is limited, that doesn't have the reach into our personal lives that governments always want to do, that even this government under leadership from both sides of the aisle continues to reach into our own private lives in ways that our Founding Fathers I don't think intended.

Hamilton was probably the one founding father who had the most expansive view of Federal Government of any of the Founding Fathers. And I think, if he came back to life today and got a good look at what we are doing, he would simply say, "Oh, my, how could you possibly do this reach of government based on the documents that we left you guys?"

My bill, H.R. 3550, is pretty simple, pretty straightforward. It is the idea that every Senator, every Member of the House, every senior staffer would once a year be required to simply read the Constitution. It is not a long read, it is about 2,500 words, and most of us have third grade educations or better and should be able to comprehend the simple, straightforward language of the Constitution.

I am told anecdotally that even in our law schools where they teach a one-semester or two-semester course on the Constitution and constitutional law, that a requirement to read it from cover to cover, from start to finish, is generally not included in the curriculum. Now, they will read parts of it and they will read pieces of it and study pieces of it, but just simply sitting down and reading it from start to finish is not something that they do.

At a minimum, there should be 435 Members of this body and 100 Members across the building who once a year take a look at the Constitution and the Bill of Rights, just to make sure that as we go about our business day in and day out that we are not straying from the original precepts that are clearly there. This body and the one across the other side of the building write laws every day to implement this government, to run this government under that Constitution. From time to time, many of us propose amendments to the Constitution; those work their way through the process. It would seem to me pretty straightforward logic that, if we are working in that manner, we ought to know what is in the Constitution. And, without reading it, with purposely ignoring it, then you run down the path, as my colleague from Utah said a few moments ago, and that is we simply with our own wit, our own wisdom, and our own wishes decide what it says as opposed to actually looking at the document and interpreting it.

Another benefit it would give us if we would do that is, from time to time, the Constitution is interpreted by our Supreme Court. One recent ruling that has many of us scratching our head is the definition of the word public good, public purpose, in which the Supreme Court has announced that those words can be defined to say that any government can take property, personal, private property away from one taxpayer and give it to another taxpayer if the subsequent receiving taxpayer can create more value for the taxing entity. That does not seem to square with a simple straightforward reading of the Constitution. And it would encourage all of us, as we look at the work that the Supreme Court does, to understand those clear documents.

So this bill, it would be great, my colleagues and Mr. Speaker, if we could get additional cosponsors. In September of each year, we celebrate Constitution Week, and I think it would be terrific if this coming September that one of the things that we brag on about the Constitution is that we will endeavor to once a year read that document and to understand it and to try to use it as we move forward in our business of fulfilling our constitutional responsibilities as the legislators under the legislative branch.

I appreciate both my colleagues allowing me to come down here and briefly pitch my bill. It is a bit self-serving. It seems awfully simplistic. I have gotten some rather interesting responses from folks I have talked to about it, ones that you would not expect. And it is a bit disappointing to have people laugh at the idea that we would actually read that document once a year and make a note in the front of our pocket copy that we have read it, that somehow that is beneath us, it is beneath the dignity of this body that we should in fact read that Constitution and the Bill of Rights once a year.

So, hopefully we will be able to work on the other 432 Members of this body to get them to agree that this is something that we would do once a year in an attempt to do our jobs better.

Again, I appreciate being able to spend the time with my colleagues from Utah and New Jersey.

Mr. GARRETT of New Jersey. I thank the gentleman from Texas. Can the gentleman just remind me of the bill number again?

Mr. CONAWAY. It is H.R. 3550. I believe you are already a cosponsor.

Mr. GARRETT of New Jersey. I am already a cosponsor, but I don't always remember bill numbers.

Mr. CONAWAY. There are thousands of bills introduced. But this was in the 110th Congress, and it is styled The AMERICA Act, A Modest Effort to Read and Instill the Constitution Again.

Mr. GARRETT of New Jersey. And if the gentleman would inform us, do we have bipartisan support as far as cosponsors of the bill as of yet?

Mr. CONAWAY. Not yet.

Mr. GARRETT of New Jersey. I would encourage the gentleman, because I know I have been on the floor and while we have established this Congressional Constitutional Caucus, which is open to all Members of both sides of the aisle, I believe I have heard sitting on this floor that there is another caucus on the other side of the aisle which I guess is open but I haven't heard yet, the First Amendment Caucus. So at least there is at least one caucus over there who is concerned about the first amendment, if I am not mistaken, and hopefully maybe some of those Members would be willing to, if they are eager to speak on the first amendment, they will want to be knowledgeable about the entire Constitution as well. We might want to reach out to them.

I share with the gentleman from Texas his eagerness to see this legislation. It is one of those commonsense sort of things that if you are engaged in crafting laws, then you should know what your authority for crafting those laws are. And, of course, that authority comes to us not from previous laws that we have passed, but from the Constitution of the United States, which was obviously ratified and supported by all the States and the people thereof.

The gentleman from Texas also makes me think back on my history. I am an attorney, and you got me thinking there for a moment what my history as far as the courses that I have taken over the years. I went to a State school for undergraduate studies, Montclair State College and now it is Montclair State University, I believe I took a constitutional law class there and I believe it was a requirement for that class to read the Constitution. But then I went to law school; and as I am sitting here listening to your remarks, I don't believe that I was required in any of my courses, whether it is contracts or torts and the whole litany of courses that you are required in the first, second, and third year of law school, I don't believe that I was required as a law student to ever sit down and read the entire Constitution. Most of what you do in law school, actually, is the case method, in which case all you are doing is reading cases. And cases simply give you information of judges' interpretation of other cases.

Mr. CONAWAY. It just occurred to me. I am a CPA in a different life, and in order to keep my license current I have to have 40 hours a year of continuing education, and I know you as a lawyer also have to have continuing education. Maybe this could be looked at as continuing education for Members of Congress to spend the 2 hours it might take to read through the document. So, if nothing else, we could say we are trying to learn how to do our jobs better, much in the vein that the other professionals, doctors, lawyers, and CPAs year in and year out have to do to hone their skills.

Mr. GARRETT of New Jersey. I like that idea. CE credits, continuing education credits for Members of Congress.

There are two avenues to get people to do something, whatever their professions are. One is the CE way, and the other is just personal pressure. If you are in a profession, you have to be good at your profession to continue to be hired. I guess, in Congress, you have to be good in your profession to continue to be reelected. But the other way, I would suggest to constituents who may hear these remarks tonight, to ask their Member of Congress at the next town hall meeting, at the next town hall meeting when the questions come up just to ask the Members of Congress, "By the way, when was the last time, if ever, that you have read the U.S. Constitution?" I know there are a few folks out there like ROSCOE BARTLETT that carry the Constitution with them. But that would be a good question for the members of the public to ask their Members of Congress. Give them a quiz, ask if they know what any of the 10 amendments are to the Bill of Rights and so on.

Going back now to comments by the gentleman from Utah of the foundation or the formulation of the Bill of Rights, and I note the gentleman touched upon this. Part of the reason initially why there was a, I don't know if you want to say a pushback, but not so much of a strong desire, except for folks such as Mason and also what were called the anti-Federalists, a lot of people who talk about the Federalist Society and the Federalists who gave us this and Hamiltonians. But the anti-Federalists were on the other side. Part of the reason why there was a pushback and saying we don't need this was because the original push for creation of the current Constitution came after the Articles of Confederation. And originally, when they set up their, convention is not the right word but in essence that is what it was, to establish a new document, what they were intending to do was simply to create a new document or make amendments to the old Articles of Confederation to grant certain powers to a centralized government. So if their intent was to create or to establish powers for this new centralized government, there was not the mindset to say, well, we also at the same time need to set out for what the powers or rights of the individuals are; because that is taken as a given, that it is the people who have the rights and the powers, and we are just simply granting some of those rights or powers to the Federal Government to be able to better administer the commerce and trade and so on and so forth that the Articles was incompetent of doing.

So I think that was part of the discussion that was going on: If we are simply giving certain rights over here to a central government, we really don't need to establish it.

The anti-Federalists realized, however, that there was a need for it; that without establishing the paramount power of the individual and also the state, that this centralized government could consume the States. And that is exactly what Mason was talking about when he set forth his objections to it. It was, as I said before, I believe in September of 1787, it was during the final days of the Constitutional Convention that George Mason wrote the reasons for his refusal to sign the Constitution. He did it, interestingly enough, on the back of a committee of style report. Since we have committee reports up here, he simply wrote them all down. Copies of those, manuscript copies of that document were then circulated, and Mason sent copies to various individuals, including George Washington, a long-time friend of his. Washington, though, was on the other side of this issue. So, on November 22, the objections were printed in the Virginia Journal. Interestingly, again, it was done at the behest of Washington's secretary, and the reason they were printing them out publicly like this was so that Washington could publicly refute them. Those original documents are still with us today. They are in the Chapin Library in Williams College.

☐ 1845

The preamble of his objections read: "There is no declaration of rights, and the laws of the general government being paramount to the laws and constitution of the several States, the declarations of rights in the separate States are no security, nor are the people secure even in the enjoyment of the benefits of the common law."

So Mason is simply saying here that I may live in a State, and my State may provide certain rights, but if the Federal Government's rights or powers are paramount to my own State's rights, the Federal Government can step in and take away any rights that my State constitution guarantees me, and I would lose those rights and privileges that are God given.

Now, a lot of this discussion by people listening is: How does this affect me? This is a lot of philosophical talking. Well, it isn't really. Day after day, as the gentleman from Utah mentioned before, we pass bill after bill, and some are signed into law. Some are perfunctory, naming of a school or post office, but others are profoundly important upon our daily lives. Do I have to remind the public about the PATRIOT Act and the discussion that entailed there? Later on I believe we will be discussing the FISA Court's issues and the powers; again, the issues of the powers of the various branches of the government and how they impact upon our individual liberties.

These are all fundamental questions that come back to not powers created in the House or Senate or the executive, but rights or powers that we see in the documents, the Constitution of the United States.

It is germane that we bring these things up this year, 2008, a Presidential election year. Most of the candidates are speaking about change. Either side of the party is talking about change. But the fundamental question that the voter has to ask: Is the change that they are espousing and bringing about founded on any constitutional principles or are they simply giving us change for change's sake and change that does not have any constitutional powers or rights given to the Federal Government?

I see we have been joined by the gentlewoman from North Carolina (Ms. FOXX), and if she would like to speak now, I appreciate her participation.

Ms. FOXX. Thank you, Congressman GARRETT. I appreciate the leadership that you give to the Constitution Caucus, along with our colleague, Mr. BISHOP. I thank you for letting me participate.

I think about the Constitution every day and I think about it many, many times during the day. I think that what we are doing through the Constitution Caucus is an extremely important thing, that we come here and talk about it and bring attention to it to the American people, because I think that because we live in basically a peaceful time, I know we are at war with Islamic terrorists and we have to be dealing with that every day, but basically we go about our work on a day-to-day basis, we go to school, go to work, doing the day-to-day things that we do in this country without thinking too much about what is happening worldwide. But we need to be aware of the fact that it is because we have such a wonderful document as the Constitution that we are able to do that. We are a Nation of laws, and our laws are rooted in the Constitution itself.

I want to say again that I don't really need much of a reminder of that, but during the Christmas recess that we had I had the opportunity to take my 11-year-old grandson and 8½-year-old granddaughter and daughter to Philadelphia for 3 days. My grandson is studying United States history, and I thought what a great opportunity for him to be able to go to Philadelphia and see where the Declaration of Independence was written and signed, where the Constitution was signed, and reflect a little bit on those documents and on this country and particularly the beginning of the country.

I want to commend the trip to anybody in the United States to Philadelphia. There is a new Constitution Center there that I had not seen before. They have marvelous displays, marvelous examples of the Constitution and what it means to us on a day-to-day basis in this country. The amendments to the Constitution are spelled out, and the rulings of the Supreme Court relative to many different issues are there. So it is a great opportunity to go.

But it reminds us again, I think, of the really radical notion that this country was in the 1700s and still is in many ways. Our Constitution is really a short and very, very elegant document. I know tonight that we have been talking somewhat about the Bill of Rights and what that meant to the Constitution and was the Bill of Rights needed. I know that even when the Constitution was being debated in the 1700s that there was a great deal of debate about it. But I think that one of the tasks that we should always focus on, and we do most of the time, is focus on particularly the 9th and 10th amendments, those two amendments in the Bill of Rights.

I also know that coming from the State of North Carolina, that it is probably unlikely that the State of North Carolina would have ever ratified the Constitution had it not been for the Bill of Rights, and I think there were other delegates to the Constitutional Convention who felt the same way.

But those of us again who have such a particular fondness for our Constitution and for highlighting it and continually bringing it to the attention of the American people, that most of the time we want to highlight the 9th and 10th amendments.

Again, taking my grandchildren to Philadelphia and talking with people there and talking with them about it, you try to get people to understand the radical notion that we, the first three words of the Constitution, "We the People," how radical that idea was then, how radical in many ways it is now when you look at what is happening all over the world in terms of violence and upheaval in other governments, and to realize how little of that we have had in this country because we are so grounded in the words, "We the People."

I want to say a little about the 9th and 10th amendments and then make some comments about my concern particularly about the 10th amendment and what has happened over the last 200 or so years in this country.

The ninth amendment, of course, is the enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people. Again, the emphasis always is on the rights that belong to the people, those inalienable rights that are spelled out. And then of course the 10th amendment, the powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people. Always the emphasis comes back to the people and to the powers that are given to the States.

One of the things that troubles me the most and that I highlight whenever I talk to school groups or even other people about the Constitution and about our work here is that we have gotten too far away from the 10th amendment in our exercise of power here at the Federal level. We have taken onto ourselves at the Federal level many, many more powers than I think the Founders anticipated that we would take on. We have no business, for example, being involved in education. There is nowhere in the Constitution the mention of education, and that is not a responsibility of the Federal Government.

We have taken on the issue of health care and so many more things that I think we should not be involved in. If we would contain our activities and responsibilities to those things that the Founders said we should be dealing with, I think we might be able to find governing a lot more manageable here at the Federal level. I think we have lost much of the sense of accountability for Federal spending because we are not able to put the time into it that we need in terms of oversight because we are so involved in things that we have no business being involved in.

We must be very grateful for the ninth and 10th amendments, I think, because they are bulwarks against unchecked expansion, many people would say, and are really the ideological foundation of the other eight amendments. But again, we lose site of that because we go out there and get involved in all kinds of good ideas and good intentions, but they are simply violating what the Constitution says we should be about. And of course we take that oath to uphold the Constitution, but we tweak things in an effort to make better things happen.

But again, I want us to constantly be reminding the American public of what they should be demanding from us. They should be demanding of the Federal Government that we not get involved in those things that are left to the States and left to the people because that takes us away from looking after particularly the defense of this Nation which again allows us to do those things on a day-to-day basis that we do without very much thinking about it.

I hope that as we bring this to the attention of the public, that they will be more demanding of us in terms of these issues. There are very hearty souls out there in the country who do that on a regular basis. I know that they do it to me on a regular basis, and I am sure they do it to some of my colleagues. But I think what we need is those frequent revolutions that Jefferson talked about, that that would be good for our country.

I think we saw that happen last year a little bit when the Senate was debating what they called a comprehensive immigration bill. The people of this country clearly did not want that. They spoke and they spoke with a loud voice. What I hope we will see at times when the Congress is dealing with issues that are not covered in the Constitution, that people will more often rise up and say, We don't want you to do those things. Pay attention to what we are saying. Those are our responsibilities or they are the responsibilities of the States.

So I want to thank you again for having this Special Order tonight and giving us the opportunity to bring to the attention of the public the issues that we are concerned about relative to the Constitution and say that I will turn it back to my colleague from Utah who is the cochair for this Special Order.

Mr. BISHOP of Utah. I appreciate the gentlewoman from North Carolina expressing her comments about the Bill of Rights and the significance of the ninth and 10th amendments.

I would now like to concentrate on a couple of other bills that are in the Bill of Rights. Perhaps the second amendment. As we talked earlier, it is very important for us to understand and know the meaning of the words.

The preamble of the Constitution talks about a more perfect union, which is a terribly ungrammatical saying. You can be perfect, but you can't be more perfect. What we don't realize is that this is a term of art historically used. "More perfect union" was the concept of the union of England, Scotland and Wales, where all of a sudden their defense was based on a navy, not necessarily on armies.

It is interesting in our Constitution we prohibit an army from lasting any longer than 2 years, for specific reasons.

☐ 1900

Armies, at that time, were mercenary units. When one thought of the army, they thought of mercenaries. When the British were fighting us in the Revolutionary War, they didn't send British over here. They sent German Hessians over here for us.

The concept was for an army, when it was not attacking foreign countries, a tyrant could use the army to attack his own people and there would be no remorse since they were not necessarily of the same nationality. The idea of a popular army does not come until the French Revolution, and that's still a couple of decades away.

So when we talk about the militia, at that particular period of time the militia meant the people. Army was a mercenary; militia was individuals who were, by definition, to be a balance in the power against the government.

When Madison wrote that all members, all Americans should be in the militia, and all Americans should be able to have a gun and know how to use a gun, he was making reference to that historical concept.

When one looks at the second amendment today, they have to realize that the word militia was a reference to the people.

With that, I would like to yield some time now to the gentleman from Georgia (Mr. BROUN) who has a few comments specifically about the second amendment which I think is very apropos as we're talking about the Bill of Rights today.

Mr. BROUN of Georgia. I thank the gentleman for yielding.

Mr. Speaker, I must begin by saying that I believe in the Constitution as James Madison and company meant it. In fact, I carry a copy in my pocket at all times. It's getting a little shopworn and dog-eared. I describe myself as a Madisonian Republican. And it's interesting, most people in our country today don't realize that James Madison, Thomas Jefferson, Alexander Hamilton, John Quincy Adams all considered themselves to be Republicans because they believed in very limited government, and that's what I believe in also.

But I rise today to join in with my colleagues on this discussion of the importance of the Bill of Rights and the Constitution, specifically about the second amendment.

I began to be politically active by coming to Washington as vice president for Safari Club International. And in my capacity of being a vice president, I would work on hunters' rights and gun owners' rights. And I must say that, as you look at this, as my colleague just mentioned, the militia in the days of the Constitution writing meant every single male 18 years of age and older.

In his address to the second session of the First Congress of the United States, the President, George Washington stated, "Firearms stand next in importance to the Constitution itself. They are the American people's liberty teeth and keystone under independence."

He went on, "From the hour the Pilgrims landed, to this present day, events, occurrences, and tendencies prove that to ensure peace, security and happiness, the rifle and pistol are equally indispensable. The very atmosphere of firearms anywhere restrains evil interference. They deserve a place of honor with all that's good."

When I ran for Congress, I made a commitment to the constituents in my district, the 10th Congressional District in Georgia, that if elected, I would fight to protect their constitutional rights and their pocketbooks for every American. I promised to apply a four-way test to every piece of legislation that comes before the House for a vote and everything that we do in our office. Before every vote, every vote that we take, I ask whether the legislation is moral and right, and does it fit within the constraints of what God gives us in His inherent word.

The second question, is it constitutional. And I'm not talking about this perverted idea of the Constitution that this Congress and the administration and particularly the judiciary are operating on today, but is it constitutional according to James Madison and the people who wrote it. They wrote voluminously about what they meant in the Constitution of the United States, and we in all three branches of government need to apply their writings to how we operate government.

The third question is do we really need it. And the fourth is can we afford it. I believe so firmly in those that I printed those up and it's on the desk of every single staffer in my office. Upholding and defending law-abiding citizens' rights to bear arms passes all four of those tests.

The second amendment of the Constitution declares that "A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."

Our Founding Fathers believed very firmly that an armed populace was the only way to prevent tyranny by their own government and I, likewise, adhere to that same philosophy.

I am an avid hunter and outdoorsman, and I strongly support the Constitution's second amendment right to bear arms, and will defend the right of law-abiding citizens to purchase, use and keep firearms, as well as to bear those, arms and to transport those arms. I vigorously oppose all attempts to restrict the second amendment. I believe that any law, local, State, or Federal, that infringes upon a law-abiding citizen's God-given right to bear an arm, a God-given right that's supposed to be protected by the Constitution of the United States, any law, Federal, State or local that infringes upon those rights are unconstitutional, and I'll fight to try to restore those rights that have been already put in place on all levels.

Since 1975, the residents of Washington, DC have had their second amendment right to bear arms stolen from them by the District's government. Last year, in Heller v. DC, the DC Court of Appeals ruled that the gun ban in the District of Columbia violated an individual's right to keep and bear arms that is protected by the Constitution and the second amendment; thus, nullifying the gun ban that the District of Columbia put upon its citizens.

Upon appeal by the District of Columbia, the Supreme Court has decided to consider this very important second amendment constitutional case. The U.S. Supreme Court will consider the constitutionality of DC's ban on handgun ownership and self-defense by law-abiding residents in their own homes.

The Court will first address the question of whether the second amendment to the Constitution, as embodied in the Bill of Rights, protects an individual's right to own a firearm and to protect themselves, or whether it is a right of the government.

We already see that the government cannot protect citizens. In fact, the courts even ruled that the police do not have an obligation to protect a citizen anywhere. We only have that right ourselves. If the Court agrees that it is an individual right, then they will determine if the District's self-defense and handgun bans are constitutional or not.

The Supreme Court has a historic opportunity to return to the original intent and the meaning of the second amendment. The second amendment protects us. It's a fundamental and an individual right of law-abiding citizens to own firearms for any lawful purpose. Further, any law infringing upon this freedom, including the ban on self-defense and on handgun ownership, is unconstitutional.

Further, every study that's been done has shown that gun control provides absolutely no benefit in curbing crime. Rather, these types of restrictions only leave law-abiding citizens more susceptible to criminal attack. Other than law enforcement, only criminals have guns in the District of Columbia.

In fact, it was interesting, the community of Morton Grove, Illinois passed a ban on handguns. And then in response to that, a city in Georgia, Kennesaw, Georgia, passed an ordinance stating that every household should own a firearm. It was a very interesting social experiment.

And what happened? The crime rate in Morton Grove, Illinois skyrocketed. The crime rate in Kennesaw, Georgia plummeted. These bans do not protect anybody but a criminal.

The U.S. Court of Appeals for the District of Columbia Circuit correctly ruled that DC statutes are unconstitutional. I strongly believe that the ruling should and will be upheld by the U.S. Supreme Court.

Mr. GARRETT of New Jersey. I thank the gentleman. I understand we have 3 minutes. I thank him for his elaboration on the importance of one of the critical elements of the Bill of Rights, the second amendment. I am just referring now to the gentlelady from North Carolina (Ms. FOXX), knowing that we only have 3 minutes left. Does she have further? I think she does.

I yield her now such time as she may consume.

Ms. FOXX. I thank the gentleman from New Jersey.

The comments Mr. BISHOP made a little bit ago reminded me, when we were talking about the second amendment, that if you look again at the Bill of Rights, and you realize that every one of those issues, almost, was in reaction to what had happened during the war for independence, and just prior to the war for independence, with the actions on the part of England toward the United States. And I think that it is very important that we remember, again, the context in which those amendments were written, because the abuses of a national or Federal Government were very, very clear in the minds of the people of this country at the time that they worked on the Declaration of Independence, and they outlined their grievances there. And then, as they looked at the amendments to the Constitution, they did not want soldiers billeted in their homes. They did want the right to assembly. They did want the right to freedom of speech. All of those things needed to be spelled out because of the abuses of power of the Federal Government.

Now, we have not seen that very much in our 200-plus-year history since the Constitution was adopted. But it's very important that we put it into the historical context that it was in at the time, and understand, again, that under the rule of the British Government, they didn't have those rights and those rights could be very easily abused. Thank you for giving me the opportunity to add that to the comments that I had made earlier.

Mr. GARRETT of New Jersey. Is there any time remaining?

The SPEAKER pro tempore (Mr. WELCH of Vermont). 30 seconds.

Mr. GARRETT of New Jersey. In the concluding 30 seconds, I again thank the gentleman from Utah and the gentlelady for her comments as well. And as we continue this elaboration, education on the Bill of Rights and the overall Constitution, I hearken back to the gentleman's comments from Texas and the gentleman from Georgia, that we should all ask the seminal and basic question for whatever we do here in this Congress and of course in the Presidential election that is coming up as well when they make all the promises to us across the country. Is what they're proposing to do, is it in the Constitution?

STRATEGIC IMPORTANCE OF THE NATION OF TURKEY

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, as the global war on terror continues, it is more important than ever that our Nation secures strategic partners in fighting the scourge of radical Islamic terrorism. The nation of Turkey is just such an ally. It has proven to be a committed ally in the fight for freedom and democracy. Turkey has worked side by side with the United States to make strides in our struggle against the forces of terror.

Turkey is also a nation that is in the midst of a tremendous political and economic transformation. Its economy has seen almost unprecedented economic growth in recent years, and is a shining example of the power of the market to spur investment, raise living standards and promote stability.

During Turkish President Abdullah Gul's visit to Washington this month, I had the privilege to meet with him and hear his speech to the American Turkish Council about the economic and democratic promise his nation holds. He told the story of Turkey's remarkable growth and reforms over the past few years. Turkey's successes are a story of the power of freedom, democracy and economic growth.

Turkey is an important ally that will play a strategic role in the future peace and prosperity of a volatile region. It is more important than ever that we hear the voices of Turkish leaders and understand their visions for Turkey's future.

SPEECH DELIVERED BY H.E. ABDULLAH GÜL, PRESIDENT OF THE REPUBLIC OF TURKEY, ON JANUARY 9, 2008

Distinguished guests, ladies and gentlemen, it is a pleasure for me to address such a distinguished audience.

At the outset, I would like to thank American-Turkish Council for providing me with such an opportunity.

I would also like to thank the Council and its members for their invaluable contributions for advancing the economic and commercial ties between Turkey and the United

States. I expect ATC to continue its efforts in this regard.

Turkey and the United States have been enjoying a robust partnership of a strategic nature. This solidarity is important not only for our two nations. It is also important for preserving peace, security and stability in a wide geography.

Yesterday, in the White House, President Bush and I have confirmed our commitment to consolidate this valuable relationship.

Ladies and gentlemen, since the end of the Cold War, Turkish-American relations have been undergoing a transformation in line with changing global dynamics. Within this context, it is crucial that our trade and economic relations should be elevated to the level of our political and military ties.

Although our trade volume increased from $6.3 billion to $11 billion in 2006, these figures are still far from reflecting the potential of our two countries. Already numerous business relations exist between our two nations. But there is a vast and still growing opportunity for so many more.

As members of the business and investment community, your contributions to this goal will be invaluable.

Today, I will briefly dwell on Turkey's European Union bid, recent economic transformation, the near-term outlook for the Turkish economy and Turkey's main focus areas for the coming years.

I would like to start with Turkey's relations with the European Union. Turkey's accession process is critically important for us.

We are fully committed to doing all that takes to become an EU member because we believe the steps required are in themselves beneficial to Turkey.

Turkey's reform efforts are poised to regain momentum. The Program for Alignment with the European Acquis" envisages the completion of our harmonization process by 2013. We appreciate the continued strong support of the U.S. Administrations for our E.U. bid.

Thanks to economic and political reforms of the past few years, the Turkish economy has experienced its fastest sustained growth in more than 80 years.

Despite the recent slowdown, the medium outlook for growth remains strong. Turkey is already the 6th largest economy in Europe and 17th in the world. Our GDP was about half a trillion U.S. Dollars in 2007.

The target is to make Turkey the world's 11th largest economy by the year 2023. Foreign direct investments have averaged to a mere one billion US dollars per year during the 1980-2002 period. This figure has jumped to 10 billion in 2005, 20 billion in 2006, and around 20 billion US dollars last year.

The United States ranks fourth among the countries that invest in Turkey. In 2006, American companies invested approximately five billion Dollars in Turkey. An increase in this figure in the coming years will allow American companies to make use of Turkey's potential.

The boom in FDI inflows is no accident. It reflects the improvement in Turkey's business climate and its growth potential. In World Bank's "Doing Business Survey", Turkey has jumped from 91st to 57th place. Turkey's main focus areas over the coming years will be:

(1) implementing the social security reform and introducing a universal health insurance scheme,

(2) streamlining and liberalizing the energy sector, while ensuring supply security,

(3) accelerating privatization with key companies on the agenda,

(4) enhancing the labor market and mitigating the financial and non-financial costs on registered employment,

(5) fighting effectively against the informality,

(6) improving the intermediation role of the financial sector.

I believe, undertaking these reforms will pave the way for a more competitive and more efficient business environment in Turkey. I would also like to remind you that the economic and political reform process in Turkey have gone hand in hand. I am confident that they will proceed hand in hand.

Ladies and gentlemen, a few years ago, we only had a road map. Today, we have results.

Turkey has made significant progress in achieving economic and financial stability over the past few years. We are committed to preserving the gains and building on the success. Turkey is a land of opportunities and we are open for business.

I firmly believe that Turkey provides ample opportunities to reach out to Eurasia and the Middle East. Both Turkish and American private sector entities should consider joint investment and business opportunities that they can successfully embark upon in different regions.

Turkey's close historic, cultural and social ties with the Balkans, South Caucasus and the Central Asia could provide comparative advantages to these joint ventures.

Cooperation on energy will bring a new strategic dimension to our bilateral relations. Such cooperation will also help in further deepening of Turkish-American relations.

To the extent American companies invest in technology in Turkey, their contributions for peace and stability in the region will grow.

Turkey has a flourishing economy. As Turkish economy grows, the opportunities it presents grow as well. I trust that businessmen such as yourselves will seize these opportunities, thereby enabling our economic and trade relations to develop further and for our bilateral ties to become even closer.

Thank you.

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THE STATE OF THE ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Minnesota (Mr. WALZ) is recognized for 60 minutes.

Mr. WALZ of Minnesota. Mr. Speaker, in coming today on the first day back in this new session, the second session of the 110th Congress, I wanted to take a little bit of time to reflect on some of the changes that happened in this Congress but also more importantly to look towards the future and look at the priorities that this new Congress is bringing.

It's very apparent that myself and my 43 Democratic colleagues were brought to this House, the reason we were sent here was to change the way business has been done. It wasn't about maintaining a status quo. It wasn't about talking about issues that weren't relevant to their lives. It was very apparent that at least in my district of southern Minnesota that they chose to send a schoolteacher without political experience to Congress to speak about those issues that were most on their minds, to talk about the issues of economic equality, to talk about the issues of true national security, to talk about the issues that were going to impact their children for generations to come.

And in doing so, they sent several loud and clear messages to us. And I think first and foremost, as I'm joined with some of my other freshman Democratic colleagues, it was very apparent to many of us that we were sent here to talk about those issues in a manner that was about effectiveness. It was not about ideology. It was not about espousing to have a firm belief or the firm understanding that we had all the answers. The belief was to work together, to work with the experts, to work with local elected officials and come up with some of the most pressing solutions.

And I think many of us understood during our campaigns and the time that we've been here in Congress, it's not surprising to anyone, and my colleagues tonight will talk about these things, they didn't need to see a poll to understand that Americans were becoming very nervous with the state of the economy.

They were told over and over and over again by this administration that they were living in the best economy America had ever seen, and they would quote facts and figures like the gross domestic product and things like that. And when I would talk to my constituents in southern Minnesota, they would come up with something that was very insightful. They would say, I don't know. It's very possible that the GDP is growing, but that's not filling my gas tank; and, I don't know about you, but college is becoming more expensive; and, I'm concerned about heating oil prices this fall; and, I'm concerned that what's happening with the economy is not moving any closer to addressing those issues that I care most about.

They were concerned about the loss of their jobs. They were continuously told that this global economy and these trade agreements that we were working on would grow these wonderful jobs, wonderful prosperity, and what they continued to hear in the news was global corporations making record profits as we saw real wages for working Americans sink.

They were told that this great awakening of the global economy would be so helpful to them, and then they would open up their gas bills for heating and find out that they were having trouble making ends meet. They were told that this great global economy would bring a lasting prosperity to them, and they were receiving lay-off notices or many of the other ills that had come with it.

I think many of us understood, and not denying that there is a global economy, there is a need for an interconnectedness, but it needs to be based on some solid principles that benefit those vast majority of Americans.

So I think as we get ready to talk about some of those priorities we get ready to talk about what this Congress can do and what this Nation should do to make sure that our economic prosperity is not limited to a small slice of the population, and in fact, it's limited to the slice of the population that quite honestly isn't producing that well.

Americans over the last 5 years have got a record that I think they can be very proud of. Their productivity levels are as high as any Nation in the world. The thing that becomes a disconnect on that is, as that productivity levels went up, their real wages went down. At the same time, they watched CEO salaries and corporate profits reach an all-time high. And that disconnect is breeding that sense of anxiety amongst the public, and I think there's some things that this Congress can do and will do to address those needs and to put policies forward.

I have a couple of interesting statistics that I think Americans should know. First and foremost, on December 21, President Bush, giving a speech on the economy, was clear to stress how strong this economy is. And in fact, his outgoing economic policy adviser said, We just don't see the reason the economy won't continue to expand. Had I been a reporter in that room or a Congressman there, I might have asked, For who will it expand? And the issue or the answer to that is not for the working middle class.

We see 47 million Americans without health care. I think a more telling statistic is this. I came to this Congress as a high school teacher. I was lucky to have years of experience and advanced degrees that put me a little further on the pay scale. Had I been a first year teacher teaching high school in southern Minnesota, I would have started at just around $32,000 a year. My share of the premium for family health care coverage would have been $7,200 a year right off the top of that. And this is an issue that would expand that 47 million into another possibly 50 million that are on the verge of being unable to pay for it.

So we have issues of health care costs. We have issues of energy costs. We have issues of tuition and those types of things. And as this Congress came to session, those are the issues we were talking about, making college more affordable, addressing the issue of moving into renewable energies and passing CAFE standards to make our automobiles reach that level of efficiency that will help working class families.

So, as I'm joined here tonight by my colleagues from across this great Nation, and I might add, a very optimistic group at that and a very visionary group that understand, and the last statistic I will give before letting some of my colleagues join in on this, we had a piece of research that was done by the independent, nonpartisan Congressional Research Service. And they did a study asking what had added to our national deficit, and their conclusion was that 98 percent of that was added by legislative choices, the biggest being tax cuts for a very small percentage that, quite honestly, we were told on theory would generate wealth back into the economy.

The fact of the matter is the tax cuts were not targeted at our great entrepreneurial class. They were not targeted at those people who were going to create jobs and reinvest. They were targeted to people that would continue to build trust funds to pass on to future generations of that very, very thin privileged class.

And because of that, this Congress has got work to do. This Congress and these Members that were sent to this Congress that will speak tonight were sent by their constituents not to talk ideology, not to argue with the other side, but to look at the issues and not come with facts and figures, but to say, Hey, I'm a schoolteacher sitting in southern Minnesota and I'm having trouble making ends meet and I actually could qualify for food stamps. What's wrong with an economy that does that and what can be done to bring back a sense of fairness to it?

I think the good news in this is, if 98 percent of the Federal deficit was caused directly as a consequence of legislation, we've got the opportunity to reverse that. And I'm proud to be standing with three Members that I know have that as a priority, and I'd like to first of all yield to my colleague south of the border in Iowa, Mr. BRALEY.

Mr. BRALEY of Iowa. Mr. Speaker, I'd like to thank the gentleman for yielding and also thank you for your outstanding leadership with this special time we get to share together here on the House floor.

My district in northeast Iowa, the First District of Iowa, is in some ways very similar to yours, my friend, Mr. WALZ's. It's the rust belt of Iowa. It's got a lot of agricultural, manufacturing history, and I think it's a microcosm of what you've been talking about.

We have great manufacturers that I'm fortunate enough to have in my district, companies like John Deere that have been around for years and have stayed in the communities providing jobs and opportunity. But we've also had a tremendous impact on our economy in Iowa this year from our loss of our Maytag plant in Newton, one of those manufacturers that people know as a brand name that used to be on the game shows we used to watch as kids growing up. And then just recently, the Schaeffer Pen Company in Fort Madison closed after over 100 years of being one of those symbols of what American manufacturers can produce.

Those aren't just losses of jobs to people in those communities. The ripple effect throughout those communities in terms of people who move out and leave a void of volunteers who work in community service organizations, who work as mentors to the next generation of leaders that are going to be responsible for leading this country in a great new direction, those are the disturbing trends we never hear about from the President when he's talking about the rosy state of the economy.

And one of the things that brought all of us here to Congress is our sense that the middle class was increasingly being shut out of the American Dream, that the opportunity for our children and the next generation of children to follow them was being limited by economic policies that did not provide incentive for the middle-class entrepreneurs to make risks and create jobs and provide opportunities in their home communities. And what we want to do as a Congress is make sure that our fiscal policies are creating those types of opportunities in our own districts and throughout this country, because that's what's going to make us competitive in the 21st century.

So what I'd like to do at this time is let my friend Mr. YARMUTH, who comes from the great State of Kentucky and has probably a different perspective on what he sees in his home district, share with us some of the things he observes that are directly related to the state of the economy that brings us here tonight.

Mr. YARMUTH. Mr. Speaker, will the gentleman yield?

Mr. WALZ of Minnesota. I yield to the gentleman from Kentucky.

Mr. YARMUTH. Mr. Speaker, I thank my colleague and thank him for his comments and also Mr. WALZ for his leadership as well.

I will say, no, the situation in Kentucky is not much different than it is anywhere else in the country, and throughout the campaign 2 years ago and before that, as I talked to people in my district and around the State of Kentucky, what I heard was the same message you have heard. You know, we're working harder and harder, we're struggling, we're doing the best we can, and yet we're falling behind. We're not making progress. Our standard of living is not getting better, not improving.

And I know that we don't want to burden the audience with too many statistics, but Mr. WALZ talked about productivity, and one of the most astounding statistics I've heard recently is that 25 years ago, when there was a productivity gain in the United States, workers benefited to the tune of 70 percent of that productivity gain. So for every dollar increase in productivity, workers got 70 percent, owners got 30 percent.

In the current era, that number is down in the 20s. So while American workers are working harder and harder, most of the gain in their productivity is not going to them. It's going to owners. It's going to the corporations, and the workers working harder and harder are not getting the benefit of that.

And we're seeing it day in and day out. And not only that; we're seeing instances in which people who have worked their entire lives, because of emergencies, because of businesses going out of business, are losing their life savings.

I will never forget being at a Catholic picnic one day in 2006 and talking to a man who had worked for Winn-Dixie Corporation. He had worked 28 years for Winn-Dixie, and he had accumulated $150,000 in his retirement plan. Winn-Dixie had gone into bankruptcy. He was left with $30,000. He lost 80 percent of his life savings because of the problems inherent in his corporation, and they had not planned adequately to secure his retirement benefits.

So these have ripple effects. These are stories that are heard by relatives, by friends, by neighbors, and that increases the anxiety throughout society. And this is what I sense that we face in this country today is not just the actual fact of people's standard of living not increasing despite the fact they're working harder and harder, but their faith in the future is declining and faith in the future of their neighbors and their friends because they see the threats to them, and they say what am I working for, what am I trying so hard to accomplish.

Then we had the added specter, as I know one of our colleagues will discuss this evening, of the incredible crisis in the health care system where 50 percent of the bankruptcies that we now experience in this country are due to health care costs and people, again, who have done everything the right way and have lost everything because of bad luck of the draw. They've come down with cancer. They've come down with a serious injury that's preventing them from working.

So as we go across the entire spectrum of American society that's what we find day in and day out. I like to think of government as the way we organize our responsibilities to each other, and in this day and age we do face these very serious choices and very clear choices in how we perceive our economy and what government's role should be.

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And the question is, do we reward wealth versus work? And I think this group that was elected in 2006 has a clear position on that; we want to reward work and not necessarily wealth. We want to make sure that when people work harder, they benefit. And we want to make sure that the economy is fair to everyone and works for everyone. And if we can't do that, then we don't deserve to be representing the American people because we have let them down. And I know that this group is not going to let them down; I know that's why we came here. And I'm proud to be here for that reason, and I'm not going to stop fighting as long as I'm here.

So, I thank all of you for your collegiality and all of your efforts in this behalf. We are part of a great cause for the working families in America, and I'm very proud to be a part of that.

With that, I will yield to my colleague from out west, the site of this year's Democratic convention, Mr. PERLMUTTER.

Mr. PERLMUTTER. Thank you, Mr. YARMUTH.

It's great to be standing on the floor with gentlemen who have been elected by the people in 2006 to change the way this Nation is being run, and to provide the hope that we need to deal with the problems you've outlined. And we can do this, we know we can do this. This is a time where we change the focus from the wealthiest 1 percent to the hardworking people of middle America. This is the time for hardworking Americans. And we're going to provide, based on this stimulus package, a package of different approaches to help middle Americans, hardworking Americans, we're going to provide them with refunds so that there will be some money in their pocket, not just in the pocket of the wealthiest 1 percent, but in the pockets of everyone across America. Ronald Reagan used to talk about trickle down. Well, that's not how the economy works, it works trickle up. It's a flood up. If people in the middle have money, they spend it, and that will generate all sorts of new business in America.

We're also going to provide stimuli that will create many new jobs, whether it's in the energy sector. We can improve how we're dealing with health care and increase jobs there. But this is a time when we really are going to change how Washington is conducting business. The President would like us just to focus on the wealthiest. He would like us just to keep things the same. We're not doing that. We're here to provide hope to people and change so that people in their everyday lives know that they've got folks here who were elected to fight for them. And we are going to change things by providing a whole new approach to the economy this year.

We hope to provide a package that will be $100 billion, that's about 10 months in Iraq, that's nothing, where we can help this country really get on a solid footing economically, and then for the long-term future, really develop a whole new energy system that will provide thousands and thousands and thousands of jobs across this country, as well as revamp our health care system that has become such a drag on the economy.

This is a time when we have to look very hard and be realistic about the problems that face us. But when America really turns its attention to something, it changes the future. And that's what this Congress is going to do. That's our job. That's why we were sent here was to change the future and to provide hope to people.

With that, I would like to turn this over to my friend from Wisconsin, STEVEN KAGEN. And with that, sir, would you let us know what you think of this stimulus package that the Speaker is talking about.

Mr. KAGEN. Well, thank you very much, Congressman ED. I really appreciate being with you, not just here on the floor, but many people don't realize that you're my roommate. We've got an apartment. We're working together to pay our rent, we're working together to pay our Nation's bills, and we're working together to build a better nation for everyone.

And before I mention anything about our economy, you have to all be thinking about the Green Bay Packers this weekend. We've got a football game up in Green Bay that we're going to rock the world. We're going to demonstrate not just how professionals can work together as a team in athletics, but we have to imitate them here on the House floor by beginning to work across party lines.

And if you're looking for a good example of how corporate America should be run, look no further than the Green Bay Packers because they will never, ever be outsourced. They cannot be shipped overseas. Why? Because the community owns the Green Bay Packers. Not a bad example.

I'd like to turn your attention to two questions, questions that I think are important for all of us in this class of '06, what some of us call "America's Hope," whose side are we on? Now, does anybody sitting here, standing here having this conversation with America, anybody here sitting in a board room of a major corporation? I don't think so. We're working hard for everyday people who are trying to make it through the day.

The second question is, what kind of Nation are we, what kind of Nation are we when we don't educate our children, when we don't guarantee access to affordable health care for every child in America, for every citizen, every legal resident of this country? Who are we now as a Nation? Now, you don't want to talk much about statistics because it will put people to sleep at this hour of the night, but the Department of Labor has given us these numbers. The Consumer Price Index went up by .3 percent. That's a little bit of inflation, a little whiff of what we're going to get at the end of 2008. The unemployment rate up to 5 percent nationwide; some areas of my district even more. We got the news today earlier this morning that a paper maker in Niagara, Wisconsin, they're going to shut down 320 jobs. That's 320 homes in a very small neighborhood that won't have a bread earner, in Kimberly, Wisconsin, just outside of my district, 120 paper making jobs.

Now, how does it happen in this country at this time, how does it happen when we allow Communist China to target each and every sector of our economy and our manufacturing economy for extinction? They've targeted our steel. And what happened to steel production? It went down here and went overseas. They've targeted textiles. They've targeted auto production. So, what are we going to make in America? Because if we don't make anything, quite simply put, we won't have anything.

The unemployment claims for the month of December, 322,000 jobs lost, people looking for work. What about the minimum wage, $5.85? You can't feed a family on $5.85 per hour. You can't educate yourself and your children.

So, we have got a lot of work to do, not just in the Green Bay football game. I don't know who we're playing, some team from New Jersey or the New York Giants. I wish them well. I hope no one is injured because—well, they do have pretty good health insurance, I hear.

So, we've got a lot of problems that we have to face together. I am very proud and honored to be able to serve with all of you here tonight as we talk about this economic stimulus, as I send it over to my colleague, Mr. ELLISON, who represents the great State of Minnesota. And he is going to, perhaps, allude to the fact that we have to have an economic stimulus that's timely, that's targeted to those who really need it, and temporary.

Mr. ELLISON. Well, Doctor, let me just add my voice and say I love to be on the House floor with my colleagues. You guys are servants of the people of the United States, whether we're from the upper Midwest or Iowa, Kentucky, or all the way out in Colorado, it's a joy to be in the company of people who care about the American working class and are willing to get out there strong to speak up for what working class people need.

You know, this stimulus package is to signal change in a broader sense to make our economy fair and more productive. It's signaling change. One hundred billion dollars is a whole lot of money, but when you think about this trillion-plus-dollar economy we live in, it's not a whole lot by comparison. But it's not designed to solve every problem, it's supposed to spark economic change, signal an overall change in the way our economy is structured so that we can have working class people prosper and grow.

My colleague from Colorado pointed out that it's not a matter of trickle down, it's bubble up. You put the money in the hands of middle-class people, they go out and buy washing machines, they go out and buy food, they go out and buy groceries, they put their kids in school, and the next thing you know more deals are being done and you see an overall increase in the economy, a rising tide lifting all boats. You take care of the middle class and the rest will take care of itself.

If you give tax cuts to the wealthiest of the wealthy, the very definition of being rich is that you don't need the money. So, what do you do? You don't spend the money. You merge. You go buy some company overseas and then they take advantage of comparative wage differentials and the next thing you know we're exporting jobs. The fact is is that an economic stimulus targeted to people who really will spend that money and really do need that money and can spend that discretionary income will spark our economy. But it will only be a signal of an overall shift of economic fairness that has to do with our innovation agenda, that has to do with increasing the minimum wage, that has to do with decreasing the cost of college loans, an overall economic package that is big and that is structural that has to do with making changes to predatory lending laws, that has to do with our housing markets, an overall package that will take a little more time to implement, but an economic stimulus package that will happen soon and will spark economic growth directly affecting the unemployment numbers that jumped in December, and as Mr. PERLMUTTER correctly points out, directly affecting the increase in the Consumer Price Index as well.

Now, you know, the underlying source of this economy's weakness is the collapse in the housing market. In 1995, what happened to the housing market? Bam, straight to the moon. People thought it would never end. As a matter of fact, people bought houses, some of them subprime. Some of them found themselves thinking, well, if I buy this house right now, get into this subprime mortgage, the increasing housing values gives me wealth; I can refinance when this house is even worth more. But, you know, everything that goes up must come down. And as a matter of fact, when we saw people refinance these homes, they consumed that increased wealth in their house. That helped drive the consumer sector, but eventually these things come down and we are hitting the wall.

People are not making it, folks. We have a negative savings rate in America. Negative savings rate. That means if you get paid on Friday, you're out of money Wednesday night. That means you're hanging on and you're hoping that you can stretch that penny out to get to the end of the week. That means that instead of steak you're eating hamburger and instead of salmon you're eating tuna fish. And it's not funny. It's serious business. People are really, really struggling.

And so the fact is, folks, that we have a negative savings rate and that is why people are turning to the credit cards. That's why, when they get a big purchase, they've got to refinance their homes, although that's tough to do today, and that's why they go to title loans, payday loans and pawnshops. This is what is driving that move. We are drying up the consumer sector.

And I just want to say that we have seen record foreclosures in America, record foreclosures. We haven't seen this many foreclosures since the Great Depression.

Mr. BRALEY of Iowa. Would the gentleman yield?

Mr. ELLISON. Absolutely.

Mr. BRALEY of Iowa. Like all of you, I spent time out of my district during the recess between the holidays and coming back this week. And I was shocked to visit Davenport, Iowa, the largest city in my district, and learn that Davenport leads the country per capita in the number of subprime mortgage foreclosures. And I know that all of you have constituents in your districts that are being impacted directly by the subprime crisis. And although our friend from Wisconsin certainly spent a lot of time talking about the Green Bay Packers, and I know that's heresy in the State of Minnesota, what I thought maybe we could do is share some of the personal stories we've heard from people who are directly impacted by these mortgage foreclosures by the need to convert their spending habits to credit rather than cash because they're being pinched in the middle, and put a human face on the problems we're talking about and why this economic stimulus package is so important.

With that, I will yield back.

Mr. ELLISON. I want to respond directly to your point, Congressman, because I think this is one of the things that in a very palpable feeling way really struck home to me, and that was when I was campaigning back in 2006. I met a gentleman who kind of came to the front door when I knocked on his door. And he came in a very gingerly way; it was clear that he had suffered some kind of injury and wasn't feeling very good. And he said to me, you know, KEITH, about a year ago I was up on my roof because me and my partner make a little more than minimum wage, not that much more than minimum wage, but we were able to get into the house because we got into the subprime mortgage. We got some credit cards that they sent to us that we didn't ask for. But because I didn't have a whole lot of money, I climbed up on that roof to fix it because it was leaking. I didn't want to see more damage happen to the house, we had to patch it. And I, as you might guess, fell off that roof. The guy fell off the roof and sustained some serious injuries. The injuries were too bad, his partner was going to try to put him in the car but he couldn't move him because he was hurting, and it was dangerous, and so he called the EMS truck, Emergency Medical Services. They came to get him. That was about 1,800 bucks right there. He didn't have health care insurance. He put the medical bills on the credit card as long as he could, couldn't pay that; as a matter of fact, paid one credit card, but on the other one he was late. Guess what happened to the interest rate on the credit card that he was on time for? It went up. That's called universal default. So, now he's paying 32 percent interest. He's getting further and further behind. He's not working. His partner is struggling to keep the mortgage paid. They see a reset in the mortgage. Now they are totally up. They are just really in bad shape now, and they are facing foreclosure.

When the man told me this story, he was dry in the eye but I was misty. I couldn't believe, I said, you know, not in America. People who work hard, 40 hours a week every week, cannot be in this situation. It's wrong. And I felt it was my responsibility to do something about it.

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So when I stand on the floor to talk about working class prosperity with you here tonight, six Members of Congress, and when I heard our Speaker talk about this stimulus package, I was reminded of what happened when the great President Franklin Delano Roosevelt died. Back in those days, Representative YARMUTH, they used to have the coffin of the President loaded up on the trains. You know what I am talking about, Representative WALZ? And that train was carrying that casket across the country. And there was a man who appeared at one of those train stops where that casket was being carried across the country, and there was a journalist there too, and the man was crying about the President. He was in tears over President Roosevelt. And as you know, he was the President during the Great Depression.

And the journalist walked up to the man and said to the man, "Sir, I see that you're crying and very emotional over what happened to the President. Did you know President Roosevelt?"

And the man gathered himself, cleared his threat, and he said, "No, I didn't know President Roosevelt. But he knew me."

Mr. WALZ of Minnesota. Absolutely. And as I said, it's very encouraging, and I think it should be, Mr. Speaker, to the American people to see the dedication and the commitment. I know my colleague from Minneapolis has taken a lead role on this issue of foreclosures. And as my colleague from down in Iowa has said, this is an area that no one is escaping being touched by this. Mr. ELLISON may represent a very urban area in Minneapolis, but Mr. BRALEY and I and the rest of us here have areas that are somewhat rural, and we are feeling that pinch. We're feeling it.

One thing I would say is it reminds me, in thinking of the story that you just recalled about President Roosevelt's knowing us, I'd like to give you a quote from our current President when he was out meeting constituents. And this was out in Omaha, Nebraska, a little while back, and it was with a woman named Mary Mornin. And Mary was explaining, she was a woman in her fifties, a divorced mother of three, including a special needs child. And she was explaining to the President at that time, just several years ago already, of the growing anxiety she had about what was happening. And she mentioned to the President that to make ends meet, she was working three jobs. And the President said, "You work three jobs?"

Ms. Mornin said, "Yes, sir, three jobs."

And the President said, "Wow, that's uniquely American, isn't it? I mean, that's fantastic that you're doing that." And then he laughed and said, "laughter" in parentheses here, "Do you get any sleep?"

And Ms. Mornin said, "No, not much."

This President has been so out of touch with the reality that affects most Americans that he can stand in front of them and tell us this is the greatest economy ever. He can stand there and watch as the housing market imploded and the indicators were there and people were asking him to do things about that. He can stand there and talk about this being the greatest economy under his watch full well knowing that the facts indicate he took office with a $126 billion surplus and he has continuously driven us into debt.

We are at a point in this great Nation now that last year alone we spent $406 billion servicing the interest on the debt, not the principle.

Mr. ELLISON. Will the gentleman yield?

Mr. WALZ of Minnesota. I yield.

Mr. ELLISON. How much is your debt for this big debt that he has run up?

Mr. WALZ of Minnesota. It's $30,000 for each and every one of us.

Mr. ELLISON. How about little Gus, your son?

Mr. WALZ of Minnesota. Gus is 14 months. His is $30,000, not counting the interest.

I would just make this point that the President, in the theatrics of the appropriation bills to run this country, held up funding across the spectrum from veterans to health care research to our soldiers' pay increase that he pocket vetoed, all of these things, over $22 billion. And I want you to put this into perspective. What this President has done in his fiscal irresponsibility, which should not surprise a single person in this country given his track record on the private sector and given that he was practicing, as my colleagues have said, a very tenuous principle of trickle down, that took the complexity of the entire economy and shook it down into one mantra. Today as this economy and this Democratic Congress is looking for real solutions for working Americans, the President is concerned about making tax cuts permanent in the year 2011 when they expire. All of the money that we spent last year on higher education, on our veterans, on conservation, and on medical research does not equal the amount we spent servicing the debt. Think what this great Nation can do.

And with that, I yield to the doctor from Wisconsin.

Mr. KAGEN. Thank you very much for yielding. I just wanted to make a more accurate diagnosis of the condition that you are in. Mr. WALZ, it's not $30,000 of Federal debt sitting over your head or your newborn son. It's $375,000 on an accrual basis when you factor into all the debts that we're going to owe to those of us who very soon will be on Social Security or Medicare as we retire.

So you have to begin to accurately diagnose the problem in health care, physically, or an architect has to do it, a plumber has to do it. Let's identify what's really going on here. What is it that has caused millions and millions of manufacturing jobs to jump overseas, to be taken away from the workers that we represent, the families that we represent? Because people back home are asking me, as they are asking you, Hey, KAGEN, what are you going to do for me? The first thing you have to do is identify the two causes I believe are doing this.

First, it's the trade policy. A trade policy that allows corporations to take away our jobs. Listen, Mr. PERLMUTTER, if I go to your home and I take your car and you don't even know about it, if I steal your car, I go to jail. I get punished for stealing, for taking away your property. But if I go to where you are working, if it's a paper company, if it's a steel factory, if it's some auto manufacturer in Detroit, if I take away your job, I get rich. So there is something wrong with our trade policy that allows communist China to compete unfairly using an abundance of what I would call slave labor.

The second reason is we have had a fiscal policy by the Republican administration that has plowed more debt onto everybody. The debt in 2000 on an accrual basis, according to the most trusted man in Washington, David Walker, the Comptroller General of the GAO, was $20 trillion and at the end of 2006 was $53 trillion. From $20 trillion to $53 trillion is a debt no one in this room, no one living today can afford to repay. So we have to repair our trade policies, and we have to come to an end with this policy of borrow and spend and borrow and spend and borrow and spend. We cannot afford to stay on this path.

I believe in large part those are the reasons why we came here to the House to do the people's work and why we are going to speak up every day for the people that tell us their problems. And I will share with you just one story of my constituents.

I went up north to northern Wisconsin. On the way back, I stopped into Two Angels Restaurant in Antigo to see what's going on, to put my finger on the pulse of their community. And there at the counter was a 55-year-old former carpenter, a former carpenter because he has gone through bankruptcy not once but twice because of health care bills. The first time, since he works by himself, he's his own employer, he went bankrupt because he didn't have enough health insurance when he had cardiac surgery, and the second time he had a new heart valve put in. The second bankruptcy he went through, and he went through it twice, was due to an abscess in his brain. He can't think straight. He can't work. And he's counting on us to do something to help him, to guarantee he has access to health care he and his wife can afford. They can't take away his home, but they have destroyed his spirit.

So I think we are here to give hope to everybody, that by working together we will repair not just this idea of borrow and spend with pay as you go, with fiscal responsibility, but also ultimately, and we won't get to it tonight, we have to fashion a trade policy that is not just fair but is balanced.

I yield to Mr. PERLMUTTER.

Mr. PERLMUTTER. Mr. Speaker, I think we have got again to realize and understand why the people sent us here to change America, to change the way Washington runs, and they want us to look out for middle America, hardworking people. They want us to look out in the short term, the mid term, and the long term.

And in the short term, you talked about it. We want to provide in a bipartisan way, working with our friends on the other side and with the administration, real relief to millions of people across America. And you described it as timely, targeted, and temporary. Relief that gets right into people's pockets where they can then buy those necessities, whether it's a washer or they have got to fix the sink or whatever it might be, because people, even those that don't run into terrible problems as you described, are having a heck of a time making ends meet. They're working 40 hours. They're working 60 hours. But if there is one bump in the road, a kid who has to have braces or any little thing just sets you back, because everybody is that close, as energy prices go up, as tuition goes up, as health care costs go up. So our job is to give them some relief. And when we do that, that will help the economy as a whole.

Then we have the mid term and long term, the trade policies. But for me in my area, which is primarily the suburbs of Denver, it is middle America. It is right down the middle politically. It is right down the middle financially. It's not rich. It's not poor. It's not Democrat or Republican. It is right down the middle as an independent kind of an area. And they are expecting of us to turn the attention to them, to middle America, and not just the wealthiest people. And when we do that, we're going to change the face of this Nation again.

JOHN YARMUTH was talking about the fact that as we have improved productivity, the worker, the average guy, hasn't seen the benefit of that, but it's been more of the owner. And that's okay, too, that the owner sees some benefit, but it should be shared across the board, because at the end of the day you have this disparity between the rich and the poor continue to grow, and that's not healthy for any country. This country has thrived and progressed because of the middle class, because of the hardworking people in the middle.

So we have long-term strategies, which would be investments in energy, rebuilding our infrastructure. The speaker comes from the city where we had the bridge collapse. We have too many roads, too many things that have to be repaired in this country, and it is time for us to turn our investments to this country, and lots of jobs will be developed as a response to that.

I yield to my friend from Kentucky.

Mr. YARMUTH. Thank you. One of the things that I want to follow up on what you were talking about was we were sent here to solve problems. And I think one of the reasons that we have gotten into the predicament we're in is because a lot of people in the White House and in this Congress thought that you can govern by dogma. And when people say the free market's infallible or that regulation is bad or government should get out of the way and we hear those kinds of dogmatic philosophical statements, a lot of people bought into those. And what we see time after time, and I guess we are all slow learners in this country, but what we see time after time, whether it's with the subprime mortgage, whether it's with Katrina, or in all sorts of areas, with our health care system, is that dogma doesn't do very well when the rubber meets the road. There are real facts that we have to deal with.

So we come here, and I know a lot of people, when we try to suggest that the disparity between rich and poor has gotten too great or that corporations have too much power, think we are playing at class war or we are trying to pit one part of society against the other. And that's not at all what we're doing. And I hope the audience has understood that everybody tonight has talked about fairness and, dare I say it, balance, and we are talking about the fact that in this country over the last couple of decades the economic pendulum has swung way too far to one side. And the marketplace works where there is some kind of balance in power, and now there is no balance in power because the rules are all stacked against every working American.

So we're not trying to say that corporations are evil. I don't think anybody would say that, or that the rich are evil and that they don't care about the working class. But we have a situation in which that pendulum needs to be moved back to the point where everybody shares in the growth of this country.

So as I look at this group, all of whom are committed to solving problems and not necessarily to advancing a dogma, I think that's what the American people expect us to do and I think that's what we are going to continue to work to do.

I would like to yield to my distinguished colleague and friend from Vermont (Mr. WELCH).

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Mr. WELCH of Vermont. Thank you. I have been listening, partly presiding, but I have been thinking about this question of why is it there is such a sense that we need to do something called a stimulus package, where we are talking about $100 billion going into an economy that is $14 trillion, and it's a modest amount. Why is it that there is such a sense that this stimulus is needed when in fact, by historical standards, unemployment is actually relatively low. We had bad news. It went from 4.7 to 5 percent. But the historical average is well above 5 percent.

The reason there is such anxiety is the reasons my friend from Kentucky and all of you have mentioned, that this has not been a rising tide that lifts all boats. Most people, even those who are employed, have not had wages that have come close to keeping up with their bills, and that has been intensified, of course, with energy, buying gas, buying home heating fuel, paying for your college education for your kids, and medical bills. The story that the Speaker told about that young family with medical bills is painful, but it's true. So what you have had is this economy that is simply not working for average people.

So what do we have an opportunity to do? A stimulus package is something that is concrete. We don't offer it as something that is going to "solve" the problem, but it is going to show that there's a cop on the beat. And there is an opportunity, by following the advice of economists across the spectrum, from conservative to liberal, that say that in a time of declining incomes, a stimulus is a mainstream Keynesian approach to giving a shot in the arm to the economy and a boost in confidence.

Now, we do that and do it quickly, hopefully in the next 2 weeks, and we do it together with our colleagues. It's a statement of confidence, and it also, by the way, establishes that where you need to help is with those folks who are paying their bills on the basis of their salary or punching a clock. Then we have the longer term work to do, and that is to right the inequities that have been so systemically applied to have this vast spread between the middle class, low-income folks, and everyone else. It's all these things people have been talking about, credit card abuse, this scheme that was cooked up by Wall Street and others on the subprime mortgage, and even the so-called exceptional mortgages that are below subprime, the way that Wall Street has found to package these and then sell them to, in some cases, unsuspecting buyers, and in some cases, to knowledgeable buyers who thought they could make money; the degradation of any kind of regulatory oversight, when regulatory oversight done right is going to protect average people. The chairman of Financial Services, I think, put it right on regulation. There's only two problems; one is when you do too much, and the other is when you do none at all. It is something that has to be done in order to protect the pocketbooks of everyday Americans.

Mr. BRALEY of Iowa. Would the gentleman yield for a question about the great State of Vermont?

Mr. WELCH of Vermont. Yes.

Mr. BRALEY of Iowa. I have made this statement before, that my family wound up in Iowa because of one of the greatest Federal economic stimulus packages in history, something called the Homestead Act. One of my great great grandfathers, George Washington Braley, walked to Iowa from Northfield, Vermont, because of the Homestead Act. My other great great grandparents, John and Nancy, left Ireland during the potato famine and went there because of the Homestead Act. One of the first things they did was found a Presbyterian Church, which they named the Homestead Church because of the importance of that stimulus package in creating opportunity and hope for that generation of Americans.

So my question to you, my friend, is as you look at your State now and the people that you have the privilege of representing here in Congress, what type of real world benefits are they going to receive from this stimulus package we are talking about to give hope and opportunity to the next generation of people from the Green Mountain State?

Mr. WELCH of Vermont. The elements of the stimulus package, as we know, are being discussed, but basically it would be a short-term tax break or check to families; it would be food stamps for folks who are struggling; it would be an extension of unemployment benefits from 26 weeks to 39 weeks for folks who have been laid off from their jobs. So those are some of the things that would help.

It's not just Vermont, as you know, my friend from Iowa. By the way, I am a great fan of the Homestead Act, but if your forebears had not walked from Vermont to Iowa, you might be a Congressman from Vermont right now.

I yield to my friend and class president from Minnesota.

Mr. WALZ of Minnesota. I think it's interesting, and the changes that this Congress has meant to bring, this stimulus package has meant, as all my colleagues have talked about, is of being that short-term, targeted, temporary reform that will put money right into the economy. That is in exact opposition to, I guess, the plan this President has espoused for the past 6 years that has drained money from not only the Federal coffers, but has drained jobs and siphoned them overseas.

I think it's really critical. A couple of points. I think my colleague from Louisville was exactly right when he was talking about the pendulum has swung. The only thing I wished on that is, and I think people need to be very clear about is, there is no natural order to things where that pendulum will come back on its own. The change to make that pendulum come back was the votes that were cast last year for Members, just like this, standing here. Sometimes you have got to reach up and grab that pendulum and get your hands a little bit bloody, pulling it back to where it needs to be.

That is exactly what we are trying to do. But as we are doing this today, some of the leadership on the Republican side of the aisle held a news conference and put forward a piece of legislation that they would do, that they would target to help this situation, to take away the anxiety of working class Americans, to make them feel like they can feed their family, heat their homes, and keep their good job. And their solution? Corporate tax breaks. The only thing in their package, reducing the corporate tax rate.

We all understand the theory that that will allow for corporate America to reinvest in infrastructure, to reinvest in jobs. In theory, it sounds brilliant. In practice, it's going to mean higher CEO salaries and more imports coming from China where they put the factories to save the money on the labor, to save the money on the environmental standards.

So those are the type of things that I think need to be clear, and I hear my colleague from Colorado saying very clear that we were not sent here to bicker, we were not sent here to espouse ideology, but we were sent here with a very clear mandate: Force change. The status quo would say, Continue on with President Bush's tax cuts, give corporate tax breaks. But everyone in this room knows that your constituents, the vast majority of Americans know that is not going to work.

So I am quite intrigued that our colleagues on the other side are going to stick with that. And I don't know if they need to poke their heads outside a little bit more, but that wind of change is blowing very hard and it will sweep this place clean. It will sweep this place clean and put people here who understand those needs, who don't need to go and find talking points to understand how hard it is to send your kids to college, to understand paying a gas bill becomes a major family issue. And it needs to understand that what President Bush failed to realize with Ms. Mornin is, this wasn't a sense of she wanted to be away from her child, working three jobs. She had to be.

And the idea that you should be proud, and we are going to hear more about this, this idea of productivity is a great thing, but in many cases, Americans will work as hard as they possibly can. But the problem with this economy is the return is not coming.

Before I yield to my colleagues, I think this is one thing that we were sent here to reinspire, to get Americans to change their view on this, because I think this is one of the most disturbing statistics that I have ever heard. Now, for the first time since they have been asking this question, since President Bush's Presidency, and during this time period, when asked if their children will be better off than they were, the majority of Americans respond no. They do not believe that the leadership out of this administration or the previous years of Republican-led Congresses have done anything to set a vision for America.

So I don't know if we should be surprised that the solution would be more of the same coming from the other side. The solution that the American people want is not more of the same. It's a change that reflects their values.

So with that, I would yield to my friend from Wisconsin for a few closing words from him.

Mr. KAGEN. Thank you, Mr. WALZ. I certainly appreciate it. I think what people in Wisconsin are telling me in Green Bay and Clintonville, everywhere I go throughout my district, is they want their country back. I was walking in a parade and a lifetime Republican pulled me over and said, hey, Doc, we sent you to Washington because I want my country back. I said, Exactly what do you mean by that? He said, Heck, I want a border I can see and defend. I want my Nation back. Without any borders, we cease to exist. I agree with him.

Several blocks later in that same parade a retired teacher pulled me in and said, Hey, KAGEN, we sent you to Congress because we want our country back. I said, What is this, an epidemic? I said, What do you mean by that? He said, Well, I want my constitutional rights back. I want my government to protect my fourth amendment rights, my rights to habeas corpus.

People want their country back. We all feel it here in Washington. We want our country back. We don't want to take it back; we want our values back. We want a government again that believes in being responsible with our hard-earned tax dollars. Everywhere I go, I ask people in Wisconsin, Hey, I'm working for you. I'm your hired hand. I have got your hard-earned tax money here from your family. Where do you want me to spend it, overseas or right back here at home? And everybody tells me they want it spent at home.

But, Mr. WALZ, this United States dollar doesn't buy what it used to buy. It has been devalued. In Milwaukee we've got Miller and Miller Light beer. Well, we have got dollar light. The gold hasn't changed for millions of years, but it takes a lot more money to buy an ounce of gold. The oil that drives our economy, our fossil-based fuel economy, our oil that we are purchasing hasn't changed in millions of years, but it takes a lot more money today. How much? Almost $100 a barrel. To do what? To drive our economy.

Folks, we have to get our country back, and it begins by working together, no matter what party you're in, to give people hope and confidence that their government can work together across party lines. But we have to be able to see the same problem and begin to work on it together.

This economic stimulus that we are putting together in Washington today, that the Democrats are preparing to work with the Republicans, is great for America. It gives me hope that we can work together across party lines and put together a stimulus package that will help every working family in America. Because what do we have to do? We have to reward work just as we do wealth.

I yield back to my colleague from Louisville.

Mr. YARMUTH. I would just like to add as maybe a closing remark that one of the things in the area of dogma we talk about, or cliches, we want government out of our lives. Everybody hates government until they need government. That is from the richest to the poorest. We know there's a lot of subsidy to the wealthiest people, the wealthiest corporations. They say they don't like government, but they are always coming here to ask for help when it suits them.

This is one of those times when everyone needs government in this country. Everyone needs the stimulus that we are about to try to provide. It's the right thing, it's the smart thing, and it's the moral thing to do. I think that if we can convince enough people on the other side of the aisle, we will strike a great victory for this country and for the American people. I look forward to doing that in the next couple of weeks.

Mr. PERLMUTTER. I just would like to close. I think our friend from Minneapolis, Mr. ELLISON, used the right word; the economic stimulus is a spark. It will help those people who really can use it just make the ends meet that week. Once that happens, that moves an economy as millions of people in unison do that.

So we have a chance to really change the way this economy is headed, we have a real chance to change the focus from the wealthiest 1 percent to the people who are working so hard every day across America. Those people that make this country so wonderful, so great.

I am just glad that the folks from Wheat Ridge and Lakewood and Arvada and Golden and Brighton and Commerce City and Aurora and a number of other places in my District gave me the chance to come here and help make that change. I think that they are looking for change, and they are looking for hope, and we are going to deliver that.

With that, I will turn it back to the president of our class, the eminent Mr. WALZ.

Mr. WALZ of Minnesota. I thank the gentleman. I thank all of my colleagues. I cannot tell you how proud I am to have each and every one of you here, and while all of us believe in the free market, the one thing I know for sure is I believe a lot more in my fellow citizens, and I thank the citizens of Colorado and of Wisconsin and of Kentucky and of Iowa for sending people here who care about those values, who want to get that right.

So with that, I leave in an optimistic state of mind. I leave with the American people, Mr. Speaker, knowing that these gentlemen here are going to direct us in the right direction and truly bring back that sense of equity.

□ 2015

ISSUES AFFECTING AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, it is an honor to be recognized to address you here on the floor of the United States Congress, as always, and I appreciate this privilege. There are a series of subjects that come to mind that I think it is important for you to consider and for the Members and for those onlookers that are here to consider as well.

One of those issues has been front and center in my mind and in my legislative career as we watch these presidential debates that go on on both sides of the aisle, from the Democrat and the Republican side, and as we watch the caucus and primary season flow across the country, and as America waits with bated breath to see how this emerges, as far as who will be the nominees on either side for the Democrats and the Republicans.

A series of issues that come to mind that stand out to me that I would ask you, Mr. Speaker, to consider as you and as others take a look at where they might come down on their particular choice of nominees and the things that are important here in the United States of America, and I would submit this approach, and that is that there are a whole series of issues that are important to us and we talk about them and we debate them constantly. But we often overlook the necessity to prioritize those issues.

I will say there are roughly about 10 big issues out there that get discussed on the parts of Republicans and Democrats as we turn the focus of America towards who will be the next leader of the free world, the next commander-in-chief of the strongest nation in the world, the unchallenged superpower in the world.

Those issues include items such as Social Security reform and health care reform and tax reform, fiscal responsibility. The social programs, education for example, would be another one. How strong should our military be? How do we fight our enemies globally. How to do we get to the point where we can declare one day in this global war on terror against Islamic jihadists? And how do we secure our borders and how do we reestablish the, I will call it the sanctity of this Nation, the sovereignty of America? How do we reestablish that? How do we reestablish the rule of law in this country when we have watched the rule of law and the enforcement of our laws decline over the last 20 years, a little bit more than 20 years, I will say since the 1986 amnesty bill that Ronald Reagan signed and defined as amnesty?

What about the appointments that will be made to the Supreme Court but by the next president of the United States? As most of the pundits have analyzed, it looks like it will be perhaps two appointments to the Supreme Court that will come up in the next term. Those two appointments that are anticipated will change the balance in the court and perhaps have more impact on the destiny of America, and I will say will be the legacy of the next President. There will be big questions such as will Rowe versus Wade be overturned? Will the States be then in a position where they can determine their policy on protecting innocent, unborn human life?

The issue of marriage is coming forward here in this Nation. It is under assault across this country. It happens to be a bellwether issue within the State of Iowa. Judge Robert Hansen overturned Iowa's Defense of Marriage Act. In that decision, he just unilaterally erased the will of the Iowa people and replaced it with his own. That case is going before the Supreme Court. That will be determined.

If the decision of Judge Hansen is upheld, Iowa then becomes the Mecca for same-sex marriage, because there is not a residency requirement, which means then that weekend packages from Las Vegas or San Francisco traveling to Iowa for same sex couples to get married, and then they will go back to their home States to file suit.

These are big issues, Mr. Speaker, the issue of innocent human life, the issue of marriage, the institution, which goes all the way back to the Garden of Eden, and it is transcended and that sacrament of marriage has been preserved since before original sin and it survived the great flood, but it is under assault now from judicial activists. Those, life and marriage, will likely be determined by the next two appointments to the Supreme Court.

And will we have a President that understands that the Constitution means what it says and it means what it was understood to mean, the text of the Constitution means what it was understood to mean when it was ratified by our forebearers, and that each amendment means what it was understood to mean when it was ratified? It is not a living, breathing document, not a changing document, but a document that is a guarantee to the people here in the United States. The next President will make those decisions.

Of all the issues that I have laid out here, including our border security and our national security, which many times are wrapped up into one, and the refurbishment of the rule of law, which I believe is the central pillar of American exceptionalism, all of that is up for grabs in the presidential race that is being played out across America State By State. The world watches. The world watches because it affects them, because we will be electing the next leader in the free world.

Of all of these issues that I have laid out, Mr. Speaker, I would ask you to put those issues down into two different columns. I would label those two columns. On the one side I would label it the column called quality of life issues.

The quality of life issues are those issues that probably don't turn the destiny of America. They will change our quality of life and raise our standard of living perhaps and give us a little better security, but if we get them wrong, we can go back and try them again.

One of those issues that I would put in the quality of life side of thing would be the health care issue. That is about all they talk about over on the other side of the aisle, Mr. Speaker, except for change, change, change, change, and that may be what is in your pocket, Mr. Speaker. But when you don't say what you would change to, you are just going to change from what we are to something else under the presumption that doing something different, even if it is wrong, is better than what we are doing now, isn't good enough for the American people.

The American people are going to want to know what you would change from and what you would change to, what you would make different and why and what is the rationale. That will be a requirement moving into the general election. It may not be a requirement in the primary election, that change.

But the issues in the two categories, the one category which is quality of life issues, and I put health care in there. We can do some things with health care, and I think we should. And if we get some of those wrong, we can back up and we can try again and try to get it right. In fact, we have been doing that for some time, and I expect we will do that for some time. Health care belongs in the quality of life side, not in the destiny side, because it probably doesn't change the destiny of America, but it something that has to do with our quality of life. It is important.

It is important like Social Security reform is also important, Mr. Speaker. And we are here now with a bankrupt Social Security program. It has been a couple of years since I have checked the numbers, but the Social Security trust fund, the last time I checked it was $1.74 trillion. That is how much money this Congress owes the trust fund.

The trust fund is in little bonds in Parkersburg, West Virginia, in filing cabinets. I have a copy of one. It says $3.54 billion on this little piece of paper. It is an IOU from the government written to the government. But we haven't prepared to pay the Social Security liability that accrues starting as we go into the red, the deficit spending in 2016 or 2017, and then by 2042, all of the surplus is spent and now we are digging ourselves an even deeper hole.

But it happens to us in 2016 and 2017, because already the Social Security trust fund couldn't be trusted. That money has all been spent, and we have simply written ourselves an IOU and we have decided to take the paper out of this pocket, write ourselves an IOU of $1.74 trillion and take it and put it over in this pocket, because there is nothing in this trust fund.

It is important that we address the reform of Social Security, but if we don't do it this year or next year or 4 years from now, it gets harder and harder, but it probably doesn't change the destiny of America. So I put that over also in the quality of life side along with health care.

Then we come to tax reform. I am listening as my colleagues debate this around in committee and on the floor, Mr. Speaker, about what we will do about this impending recession. Well, the first question is, are we in a recession? And I can't quite hear somebody say yes, we are.

Most of the time we don't know we are in one until we look back and realize that we were, Mr. Speaker. So I am not going to submit that we are in a recession today. I would submit though that we are constantly on our way into one. We are either on our way to a boom or on our way to a bust or some minimized version of either.

So, yes, we are likely, since we have had this long, long period of unprecedented growth here in America, chances are we are going to have to make some corrections. And this economy is not an economy, and no free market economy has ever been, the kind where you just simply said we are going to grow this economy out, let's just say 3.5 percent a year, and we will lay the ruler on the graph, lift it up to a 3.5 percent growth and strike ourselves a line out there and say we are going to be on target every single day. It doesn't work that way, Mr. Speaker.

The way it works is that you have little periods of growth and little periods of decline, and as the graph ratchets its way up, if you look at it in more of an illuminated perspective, it looks more like a sawtooth, where it goes up and down and up and down. But all the while while that is happening, our gross domestic product is increasing, people are earning more money, our capital base is growing, and this economy that now sits here, as it has in the past year, the dollar went out past historical limits a whole series of numbers of times, it has grown exponentially from where it was 20 years ago. We have that much more assets to work with, an economy that is growing.

But if this category of our economic growth and our tax reform, if we get it wrong, we can back up and try again. We have been backing up and trying it again for over 200 years here in America.

So I will submit that tax reform also belongs over here in the category of quality of life issues, issues that are important to us, issues that have to do with whether we will be in a boom or whether we will be in a decline, and how much prosperity might be there and how we provide a tax program that takes the burden off of sectors of the economy so that they can earn, save and invest and expect a return off their investment. But I don't think the tax reform issue is a destiny issue. I think it is a quality of life issue.

While I am on that subject, Mr. Speaker, I want to address this issue that is before this Congress about whether there is going to be some kind of a check, a payout to everybody to stimulate the economy. Will we send somebody a rebate on their taxes and give everybody $200 of walking around money so they can go out in the streets and buy some Gucci bags and go to the massage parlor, like what happened with some checks that went to the southern part of the United States not that long ago? Is that a way to get us out of that economy?

When I think about that, I back up to 1992, Mr. Speaker, when Bill Clinton was elected President. He came into this city, was inaugurated in January of 1993, and immediately he said to this Congress, I need a $30 billion economic incentive plan, because the recession that had been kind of illustrated and probably was part of the imagination of the political campaign, I will argue it didn't really exist, but in order to get rid of it, he had to have this creation of this recession, President Clinton needed an economic incentive plan.

So he asked this Congress to appropriate $30 billion to go into make-work projects, make-work projects that we might see today as AmeriCorps. In fact, I think it actually came out of that inspiration. But the idea was to borrow $30 billion and put it into the hands of Americans and have that money be spent out into the streets of America, and then now this recession that he thought we were in would be solved because money would be spent into the economy and stimulate the economy.

Well, the $30 billion economic incentive package that was requested by President Clinton in the first month of his first term in office in 1993, was debated in this Congress from $30 billion down to $17 billion, and finally they concluded that $17 billion wasn't enough to make any kind of a difference and they just kind of dropped it.

Well, now we are up to about, one request I have heard was $300 billion to put into the hands of people, borrowed money so it could be spent to stimulate the economy. Other arguments are that we should cut corporate income tax and capital gains and a few other things, and I do support those changes.

But what needs to happen, Mr. Speaker, is the Bush tax cuts need it to be made permanent. The two tax cuts in 2001 and 2003 saved us from I believe a severe recession and perhaps a depression because there was enough vision in the eyes and in the mind of President Bush that we were under assault from a lot of ways. One was al Qaeda. The financial center had been attacked, and the things that had been designed to drive us down needed to be stimulated back the other way.

So we did those tax cuts in 2001. We did them in 2003. And this economy has boomed. Sometime last April, this government collected more money in a single day than had ever been collected before, stimulated by tax cuts.

□ 2030

And today we are hanging in the balance. The whole series of tax cuts winds down in 2010 and disappear and expire because they were set up to sunset, and politically that was the way that they were sold. And, of course, if those tax cuts sunset, they become tax increases; and those tax increases will be tax increases on capital gains, there will be a personal and corporate income tax. There will be tax increases on the estate tax, the death tax. And all of those things are in the way they prevent people from planning, they take away their confidence in this economy. And when you take away confidence in an economy, the result is people don't invest, they don't expand, they don't create jobs. And if you are not creating jobs and if you are not able to increase wages and benefits, then the money that is in people's pockets diminishes and they spend less money and this economy collapses eventually.

Extending the Bush tax cuts and making them permanent would be the single most effective thing we could do to cause this economy to turn around the other way and head back up again for another long period of economic growth. The single most important thing this Congress has a chance to do, and I believe that as history looks back on this time they will say, you had your chance, this was it. And I submit, Mr. Speaker, we should take that chance.

But back to this subject at hand of these quality of life issues. Tax reform is quality of life, because the dynamics in the economy are tied to it. Health care is quality of life, because the very care that we get that gives us this robust health that we have enjoyed comes from the policies we put in place there and the incentives we put in place, and a lot of it is getting the regulations out of the way. And reforming Social Security is another quality of life issue. Those issues over on that side, quality of life, let's weigh them for the importance that they are.

But the decision that we are making in this Presidential race isn't a decision necessarily about what the quality of life will be for the Americans that live in the next 4 years, the first 4 years of the next term, or the next 8 years for that matter. This decision is far more important than our quality of life that will take place between 2009 and perhaps as late as 2017.

No, Mr. Speaker, the decision the American people need to make is a destiny decision. We need to be making a decision in this country about who will be the best leader in the free world that moves us forward, that lays the foundation down on the tracks so that the next generations will have that foundation to build on so that they can achieve the American Dream and they can aspire to leaving the world a better place than it was when they came, as we have had that responsibility handed to us from our fathers and our forefathers.

But I want to make an argument here, Mr. Speaker, about how important this is, in a sense of this country that we are that is America.

First of all, the Founders came here to the United States of America and they had a vision. That vision first was that our rights come from God. They don't come from humanity. They are not endowed upon us by a king or a foreign prince and potentate. They are not endowed upon us by a dictator. Our rights come directly from God. And they come directly to the people. And then the people hand that responsibility over to government to govern them, but always under the will of the people and always with the rights that are guaranteed to the people. And if this foundation of this great Nation, those values that we hold dear are diminished, if they are eroded, if we don't build upon that foundation, the next generation doesn't have a good foundation to build upon.

The culture that is created from the Constitution and from our religious values and our values of family and faith and freedom and free market economy and property rights, if this culture that is the culture of the United States of America that has within it the vitality of millions of immigrants that came here legally, that have injected their vitality into this overall American culture with an appreciation for the host country that is here and an obligation that they happily provide, which is to give back to this country, the country that so gladly welcomed them.

This vitality that is this Nation, this vitality of this culture is what raises up the leaders of today. And the culture of a generation ago was the culture that raised up the leaders of a generation ago, and so on, and so it goes as you look back through the history of America all the way back to before the Revolutionary War. So each generation is built upon the previous generation, and the leaders of each generation are produced and raised up by the culture, by the values of the current time.

And today, the values of the United States of America in their aggregate raise up the leaders that come in here to serve in this United States Congress. The culture of every 435 districts produces the leader that represents each of the 435 districts; and the cultures in the States produces the Senators, two for each of the 50 States that go to serve in the United States Senate. And the values of the congressional districts and the values of the States are the values that, at least presumably, are embodied within the people who are elected to come and serve in this United States Congress, Mr. Speaker.

The culture raises up the leaders, and the leaders reflect the values of their time and their place. And then the decisions that are made by the leaders, and I will take this to the decisions made by the President of the United States, lay the foundation and alter the culture and shift the values and set the principles that shift the culture for the next generation. And if we shift this culture now, the next generation will react to it, will reflect the new values of the new culture that has been changed by the decisions made by the leaders today.

That is why it is so important that we turn our focus to the destiny issues and begin to ask the question, who will best lead this country? Who will best lay the foundation for the decisions that will be made that will affect the formation and the shaping of the values of America which are our culture? Who will make those decisions?

And as I look forward into this, I will argue that those are the destiny decisions, Mr. Speaker, those issues that change the destiny of America. And when the destiny of America is changed, it shifts the culture, and the foundation of the culture will be the foundation that our entire culture grows from, that young people learn about.

Now, this menu of life that I had when I was a young boy in the early 1950s in Iowa, Mr. Speaker, was not quite such a varied menu of life as our young people growing up in America have today. I had a very, very bright black and white list on what was right and what was wrong, and what I could do and what I couldn't do. And it covered a whole gamut of things between telling the truth and working industriously and helping my fellow man and having a strong, faithful Christian background, and having a duty to my father and my mother and later on my wife and my children, and knowing that I needed to teach them in these same values so that they would go out and go to work every day and they would carry the values of our faith and our family and our freedom.

A lot more freedom has been injected into this society, a lot of it through the 1960s, and not just sexual freedom but freedom that has to do with illegal drugs and freedom for a lifestyle that is far more permissive than the lifestyle that was permitted in the environment that I grew up in, Mr. Speaker. Those are cultural changes. Our music reflects it, our literature reflects it, our movies reflect it, and our television reflect the shifts and the differences in our culture, and they reflect the differences in our values.

For example, could one imagine that there would be sitcoms and serial programs on TV that have to do with same-sex marriage or same-sex relationships even 10 years ago, let alone 20, 30, 40, 50 years ago. And I would say maybe 10 years ago, not much earlier than that could one have conceived of such a thing. That is how far this society has been moved quickly, much of it by the courts, much of it by the liberal media in the movie industry and the television entertainment industry. But the permissiveness is different than the society that I grew up in, and our values have changed.

Now, I am not one of the people who sits over on that side of the aisle and believe that change itself is a goal. I am one who thinks that we should be rooted in our values; we should identify the central pillar and all of the other pieces of the foundation of American exceptionalism, and we should refurbish those pillars of American exceptionalism and we should diminish those things that undermine those pillars of exceptionalism. But the permissiveness that has grown has changed our culture. And because of that, it is reflected here on the floor of Congress, and in such a way that I can go to St. Peter's Square and go to communion with more than one Member of Congress, and then next week come back here and on the floor hear one of those Members of Congress who walked to communion with the new Pope Benedict XVI, a very pro-life faith that we have, and have that Member that went to communion come to the floor and argue that there should be a constitutional right to partial-birth abortion. What a twist and a shape in our civilization and our society.

What that says about the foundation of our culture, that is something that has got to be shifted back, Mr. Speaker. It has got to be shifted back, and it needs to be changed at the Supreme Court level and all the Federal courts all the way down.

When we have law schools in America that teach the Constitution from case law and not from the text of the Constitution; if they presume that the students that come there read the Constitution and understand it, I don't know where they think they got the education. But when they teach that the case law controls and the text of the Constitution does not control, that is something that has got to have a dramatic shift if we are to have any guarantee. And when I realized that, and I know that we have three or four members, maybe even more, of the Supreme Court that think that the Constitution is this living, breathing document that is there for them to manipulate at their will, and when I think of the prospect of one or two or more justices in the Supreme Court potentially being nominated by a liberal President and confirmed by a United States Senate that believe that the Constitution can mean what a judge wants it to mean, especially if it is an activist decision because of a judge that might conclude a result rather than the text, I think that is wrong, Mr. Speaker, and I think it puts our constitutional guarantees at risk.

We have an issue before the Supreme Court that was just heard the other day on the second amendment, and there was an amicus brief that was offered apparently before the Court and by the White House that the second amendment is an individual constitutional right, but it could be regulated by political subdivisions, by cities or counties or States. And I could argue that if you are going to guarantee my second amendment rights but tell political subdivisions that they don't have to respect that constitutional right, that it is no right at all. And we need judges that understand that. We need appointments to the Supreme Court that understand that this Constitution means what it says, and we need Federal judges appointed all the way down the line with that philosophy.

I dream of the day that, for example, when Justice Roberts went before the United States Senate and he spoke about his beliefs in the Constitution and his understanding of case law, he went through that confirmation. And when he handled that in an exceptional fashion, it was extraordinarily impressive and absolutely worthy of the Chief Justice of the Supreme Court. I thought I detected a tone that was more constitutional in Justice Alito's confirmation hearings, when I recall him speaking more openly about the Constitution meaning what it says, and having less deference to case law and more deference to the text of this Constitution. And I dream of the day that, in order to get confirmed to the Supreme Court or perhaps confirmed at any Federal court level, Mr. Speaker, that an appointee would have to profess belief and conviction in the text of the Constitution rather than the deference to case law that may have been manipulated by liberal judges that have come before them.

Those appointments to the Supreme Court, if we are successful in confirming those judges that believe the Constitution means what it says and that it is not a living, breathing document, if we get appointments and confirmation of those kind of judges, at some point the law schools will have to start teaching the Constitution for what it says, not for what some piece of case law might say about that Constitution. And I think we should be able to drill back to the Constitution and always anchor it in the text of the Constitution. If we get appointments to the Supreme Court that do so, we can transform the guarantees that we have, and we can change the dynamics within all the law schools in America, and we can change the understanding here in the House of Representatives, and we can change the understanding of the Constitution in the United States Senate, and we can go back to those fundamental guarantees. Because after all, Mr. Speaker, if the Constitution doesn't mean what it says it means, if it is there, something that only a judge can determine is in the emanations and the penumbras of the Constitution itself, if that is all it is, then what guarantees do we have at all? Is the Constitution then some archaic document? Or is it a tool to be deployed by activist judges only for them to decide when they will amend the Constitution? Or is it a guarantee to the people of the United States as it was designed to be?

I would submit that if the Constitution were offered to the American people to be ratified with a little caveat there that, well, the judges will be able to rewrite or define it whenever they see fit, it would have never been ratified by the several States and would not be the document that has held together this free country that we are.

□ 2045

Destiny issues, Mr. Speaker. The appointments to the Supreme Court, the next one or two or perhaps more appointments to the Supreme Court, will redirect the destiny of America.

We either go into the abyss of judicial activism, the judicial activism that found a right to privacy that didn't exist, a right to abortion that didn't exist, and a Roe v. Wade decision that was poorly reasoned and an unjust mandate on the American people that has taken us down this path where next week will mark the 35th year of Roe v. Wade. We have already marked the 50 millionth innocent little unborn baby that has been aborted and not given a chance at life.

The solutions to our problems are in the generations that will come after us, and 50 million have been denied this opportunity to breathe this free air in America, creating a sin against this Nation and a hole in our heart and a vacuum that is filled by tens of millions of illegal immigrants that have come across our border. And we can't talk about that openly, Mr. Speaker, because it becomes a reactionary thing.

But we should put the whole formula together. The quality of life issues pale in comparison to the destiny issues, and the destiny of America is wrapped up in Roe v. Wade. Next week when we mark that 35th year, 50 million babies aborted before they had an opportunity to breathe free air and contribute to this society and have been denied the right to life.

Marriage is being attacked from all sides, mostly within the courts because they understand that they cannot win these cases to the legislatures across America, and they can't take their case to the United States Congress.

But it changes the destiny of a country if you destroy marriage. Some will say why am I worried about two people of the same sex getting married and moving next door to me; it doesn't affect my life. It may not affect my life if that were my neighborhood either. And I don't know that I would take a personal objection to that.

But I would ask, Mr. Speaker, that people step back and take a broader look and think about how the culture gets shifted and changed, and think about the menu of life that little kids would have in a society where we would see a court impose same-sex marriage on America. If you can make the argument in court that two men ought to be able to get married and access all the benefits that are saved right now, preserved, protected and promoted for a man and woman joined together in holy matrimony because the State has an interest in promoting marriage because that is a crucible through which we pour all of our values. But if we open that up to a man and a man or a woman and a woman, what standard do we draw the line upon next? What standard do we say it can't be two men and a woman or two women and a man, or three women, or a brother and a sister and a mother? Where do we draw the line?

I recall some testimony before a hearing in the Judiciary Committee a couple of years ago, the now chairman of the Finance Committee said, Well, it would be two consenting adults. Two consenting adults doesn't satisfy a standard here in America. Two consenting adults could be twin brothers, a brother and a sister, a mother and a daughter, a mother and a son, a father and a daughter. Those things would all be rejected and objected to by society's norms today.

But is this about breaking down society's norms? Is it about breaking down our values? Is that really the agenda over here on this side of the aisle, Mr. Speaker? I will submit it is. The agenda is change, change, change. Change sells at every one of those Presidential rallies across the country because that is the mission of that side of the aisle. Change for what purpose?

I will submit that if I had a magic wand and an infinitely long list, and I could say that Speaker PELOSI and the people whom she works with and those philosophically aligned with her, you can make me a list of all the things on your wish list, and I will assume here in fantasy land that I have a magic wand and I can grant every wish.

So here we are in the middle of January, and you can spend all year long putting that wish list together, Madam Speaker. When it comes midnight, all of the things that you want to change, the full breadth of the imagination of your wish list and all of your ideological colleagues, put that list together and submit the list, and when the ball drops in Times Square to turn us into the new year 2009, at the stroke of midnight, with the help of the magic wand, could grant every wish on the wish list, I would argue that should that happen, and the deal would need to be you get your wish, but now you have to be quiet for the rest of your life. You fill out your wish list, and now you are going to have to be satisfied and live with the results of your request, and maybe even the consequences of your request, but just the results.

If that happened and the wish list were achieved at midnight, December 31, 2008, at the stroke of midnight on the new year of 2009, and the deal was no more complaints, you have to be happy you have finally gotten everything you wanted, now and forever, or even for a decade or a generation, that team that put the list together would stay up the rest of the night not celebrating but looking to see what it was that they forgot to change. What they wanted to tear down of society's values today or what they forgot to change for tomorrow.

There is no anchor. There is no philosophical anchor. There is no philosophical core because the core changes. For me and for my colleagues, we have a philosophical core, Mr. Speaker. This core is rooted in our constitutional values and the values that are laid out by our Founding Fathers and the rights that come from God and the values that are taught through the family that is joined together in holy matrimony. And the ethics of faith and worship and freedom and hard work and the obligation to leave this world a better place than it was when we came, that achievement of the American Dream, that laying out a culture that raises up the leaders for the next generation that will lay a new foundation on top of the old one so that the next generation can build on that and achieve the American Dream, all of that is wrapped up in the value system of the people that I go to conference with, the constituents that come out day after day after day to talk to me, to talk to nearly a multitude of Presidential candidates that went across Iowa for the past year or more.

These values matter. These destiny issues matter. The next two appointments to the Supreme Court matter, and those will be the appointments that will uphold all of our constitutional rights. They will uphold our second amendment rights, for example. And our rights to freedom of speech and religion and assembly. And they will understand the 10th amendment; the responsibility that the power is not designated for the Federal Government, are reserved for the States and the people, respectively. That devolution of power down to the States, that idea called federalism, the States' rights idea need to be preserved and promoted by the next President of the United States. We need to understand basic fundamental principles.

But the destiny of America is going to be tied to our ability to be able to produce leaders that make decisions today that lay the foundation, that shapes the culture that tomorrow raises up tomorrow's leaders who will then lay the next layer on top of that foundation.

And if we get it wrong, if we get a flaw, if we get a rotten piece in the foundation and we have to build upon that, we can't go back and take that section back and reform and reshape and repour it. The destiny issues we are stuck with. They are our decisions and we have to live with them, and that's why it is important.

So as I have spoken about Roe v. Wade and life and marriage and appointments to the Supreme Court and emphasize how important that is and how essential that we have a President who makes those appointments, and when he closes the door of the Oval Office after all of the lobbyists have come and gone and after all of the political supporters and advisor and the chief of staff and all of the people that advise the President, when they are all done weighing in and the door closes on the Oval Office, I want a leader in that office that I know shares my core values, Mr. Speaker. I want a leader in that office that I don't have to wonder about whether he is swayed by someone's special interest or whether he is swayed by some temporary benefit or some trade or some deal or some bargain or something other than the best interests in the long-term good for the United States of America as grounded in our core values and understanding the very principles that this Nation was founded upon and the necessity to adhere to those core principles and move forward and build another layer of a sound foundation.

That's what I want in a leader, Mr. Speaker. And those will be appointments to the Supreme Court that will shape the foundation of our culture and our destiny.

But another component of this, an essential core component of this, as I mentioned earlier, of all of the pillars of American exceptionalism, the pillars of faith and family and freedom and the Declaration and the Constitution and the free-market economy and property rights and the devolution of power from the Federal Government down to the States and the States' rights as separated within the 10th amendment, all of those issues are pillars of American exceptionalism.

And another pillar would be the vitality that comes with legal immigration. We have had the privilege in this country of having, for the most part of our history, a smart immigration policy that attracted people to come into the United States that had a dream. And many of them sold themselves into indentured servitude for perhaps 7 years just to get a boat ride from London to Baltimore, for example, and went to work and worked off their passage because they knew that they could become free and they could then go to work here and build a dream and raise a family.

I look back at my ancestors and what they have done, and most, if not all of them, have participated in that dream. But from every donor culture in civilization, we got the vitality of that culture and civilization.

The people who didn't have a dream, didn't find a way to get on a boat and come to the United States, they sat back where they were. They were content to live within that society and environment that didn't provide the opportunities that were here because they didn't want to take the risk or they didn't have the energy or just didn't share the dream. And I don't say that, Mr. Speaker, to diminish anyone who didn't come to the United States. I say that to identify that we skimmed the vitality off the top of every donor civilization that sent people here across the world. And they came here with an extra vigor and energy and dream, and we found a way to bring them together and assimilate them into a common culture, this greater overall American culture. And when they got tied together, they latched onto that opportunity and got in the harness and went to work. We found a vitality here that had never been created in any society or civilization anywhere in the world. That is often a missed component of American exceptionalism is the vitality that comes from the donor civilizations that sent legal immigrants here to the United States. That is a vitality that I want to preserve and promote and protect.

Another one of the reasons that we have been able to be a successful Nation, because we are a Nation not of men but a Nation of laws, of all of the pillars of American exceptionalism that I have mentioned, the central pillar of American exceptionalism, Mr. Speaker, is the rule of law. If we do not protect and preserve the rule of law, you can only then go back to what kind of political influence you have: who do you have favor with, who can you get to do you a favor, who can you get to set aside a law, and who will be immune to the law.

In this country, justice has always been equal for everyone regardless of their economic or their social status or their ethnicity or their national origin. If you are a member of the human race, you get the same version of justice in America and the same opportunity in America as anybody else. And it has not been about equality of results; it has been about equality of opportunity. Those protected civil rights that are identified in title VII of the Civil Rights Act are there, and they need to be protected so everyone has an equal opportunity.

And the rule of law gives us that guarantee that we can work within that environment and that rule of law will protect our property rights and let us build, earn, saving and invest. But if we become a society and a civilization that has disregarded the rule of law and perhaps created contempt for the rule of law, I believe that central pillar of American exceptionalism would have been removed from our society or diminished or eroded to the point that it no longer has the credibility that it has, let me say that it had, 20 years ago.

□ 2100

I believe that pillar called the rule of law needs to be refurbished and restrengthened because it is essential for America to continue to be an exceptional Nation. For us to continue to be a leader in the free world, the leader in the free world, we simply must preserve and protect and refurbish the rule of law.

So as I look to the 1986 amnesty bill that was signed by Ronald Reagan, defined as amnesty, and if you lay the components of that bill down alongside the components of either one of the two Senate versions of the comprehensive immigration reform bill, the McCain-Kennedy bill, that's probably the one that most often defines it, the components of those bills, when you do a side-by-side comparison match up almost identically. The 1986 amnesty bill, the McCain-Kennedy comprehensive immigration reform bill match up side by side, piece by piece almost all the way down.

President Reagan called it amnesty. I remember the debate in New Hampshire the other night where it was alleged that anybody that says that anyone who supports comprehensive immigration reform in the Senate, or that anyone who calls comprehensive immigration reform in the Senate amnesty is a liar. That came out in the debate.

Mr. Speaker, that offends me, because I know what amnesty is and the American people know what amnesty is. And either of the two versions that were presented in the United States Senate last year was amnesty. And I don't know how anyone can argue otherwise, except to go back to the President's speech in about January 6 of 2004; that was the first aggressive effort to roll out comprehensive immigration reform. That speech attempted to redefine amnesty, and there's been an attempt on the part of the administration and the open borders crowd to redefine amnesty for the last 4 years.

You just can't trump Noah Webster, Mr. Speaker. People in America know what amnesty is. And if you wanted comprehensive immigration reform, which I'll call comprehensive amnesty, then you should have just stepped up to it and said, yes, we're for amnesty, and we're going to define for you what amnesty is, too, and we're going to also argue that we have to grant amnesty, or otherwise we can't accomplish the goals that we'd like to see with immigration reform.

If they would have made that argument, Mr. Speaker, and I don't make that argument, but if they had, their argument would have had a lot more credibility. But instead, the proponents of comprehensive immigration reform sought to redefine the term amnesty, and they got bogged down in trying to tell the American people that the word we understood to mean amnesty meant something different.

They argued that, well, it's not amnesty if somebody has to pay a fine. It's not amnesty if you make people learn English. It's not amnesty if you require them to pay their back taxes or pay their bills or be an honest citizen and not get locked up and be convicted of a felony.

Mr. Speaker, they argue that if you required all of those things, it wasn't amnesty. And so of all of those things that I've mentioned, those are required of people that would come here legally to become an American citizen, including pay the fee in order to be naturalized.

By the time you add up the dollars that are required to come into the United States legally and achieve a lawful permanent resident status and the fees for a green card, and the fees to be naturalized as a citizen, you're pretty close to the dollar figure that they first proposed would be necessary in order, if you're here illegally, to buy your way into legality. It's lawful permanent residence, a green card, naturalization, citizenship of the United States for sale for paying a fee that they called a fine that they said that they are going to absolve the issue of amnesty.

Now, the American people understand this, that when you commit a crime in America, there's a penalty for that that's listed in the penal code, whether it's a Federal law or whether it's a State law. And the penalty that's listed needs to be the one that's applied to the perpetrator upon conviction.

You can't go rob a bank and be looking at life in prison for robbing a bank, and after you rob the bank, they come along and change the law and say, well, now the penalty is only going to be a year in prison rather than life in prison. If you did that for a whole class of people, that would be amnesty. If you said to the bank robbers, you're going to have to pay a fine now instead of being locked up in prison for 10 or 20 years or life, and you did that to a whole class of people, that's amnesty.

The distinction for amnesty generally comes into, are you going to waive the penalty or reduce the penalty for a class of people for a crime they've already committed under a different penalty clause, a different penalty phase? If you do that, you're granting amnesty, Mr. Speaker.

And what is amnesty? I've defined this many times. It's many times in the Congressional RECORD. It's gone through the House Judiciary Committee. To grant amnesty is to pardon immigration lawbreakers and reward them with the objective of their crime. Pardon and reward. Pretty simple concept.

If people are here in the United States illegally, and the Senate gets their way, well, they actually voted it down over there, so some in the Senate who at least were aggressive enough to advance this got their way, then they would have pardoned the immigration lawbreakers en masse, by the tens of millions.

While I'm on that subject, you know, we've been saying here in this Congress for at least 5 years, there are 12 million illegals in America. Twelve million. It's interesting to me that last year we stopped 1,188,000 illegal border crossers on the southern border; that's the Border Patrol doing their job. And most of them self-deported, volunteered to go back to their home country. Most of them went across the line to the south to their home country; about two-thirds of them did. So we've stopped 1,188,000.

And according to testimony before the House Judiciary Committee, the Border Patrol says they stop a fourth to a third of those who try. So that means, and you do the math, about 4 million tried to go across the southern border. Most of them made it. Two out of every three, or three out of every four made it. You kind of do the math on that, 4 million border crossing attempts, and that works out to be about 11,000 a night trying to get across our southern border, most of them making it, the significant majority of them making it across the border, 11,000.

Now, what does that mean? Four million in a year. 11,000 a night, Mr. Speaker. To put that in context, I just ask the question, how large was Santa Ana's army? And go back and read the historical reports. Most of them will fall between five and 6,000 was the size of Santa Ana's army.

So every single night, coming across our southern border, on average, and I say night, not day, because most happens at night, the equivalent of twice the size of Santa Ana's army, 11,000 come pouring into the United States illegally, accumulating at a rate a lot faster than not just 12 million 5 years ago, but a number that I believe today significantly exceeds 20 million illegals in the United States of America, putting pressure on our social services, putting pressure on our health care, putting pressure on our schools, putting pressure on our infrastructure, our utilities, our roads, our streets, our sewers, our lights.

We're building infrastructure to accommodate for people that if ICE got there first wouldn't be there to put pressure on our infrastructure. And under the guise of what? The idea that the argument made by the open borders crowd, by the comprehensive amnesty people, and that would include everybody on the Democrat ticket and some of the folks on the Republican ticket for President, Mr. Speaker, advocating that we need to legalize tens of millions of people here. And I guess you can eliminate law breaking if you just eliminate the laws.

They argue that this economy can't prosper if we don't have massive amounts of cheap labor, and that if they all went home tomorrow this economy would collapse.

Mr. Speaker, I'm here to put this into perspective for the American people. You have to think of this United States of America as one big company. 300 million people here. And of those 300 million people, we have a work force of about 142 million. And out of that work force, about 6.9 million of them are illegals working in our economy, 6.9 million of the 142 million.

If you do the math, you're going to come down to around 4.7 percent of the work force is illegal. And of that 4.7 percent, since they're lower skilled people, on average, they're doing only 2.2 percent of the work.

So, if you're managing a factory and say you're a good manager and you show up at 7:30 in the morning and your employees clock in at 8 o'clock and the production lines have to start and you run from 8 till 5 and you work 8 hours and you kick product out the door and you load it on trucks and it has to go every day in an 8-hour shift, you have to produce the gross domestic product of that company.

Well, this Nation has to do the same thing equivalently. So, at 7:30 in the morning, if you, as a manager of a company, discovered that 2.2 percent of your work force, remember, that's the percentage of the work that's being done, not the percentage of the work force; but if 2.2 percent of your work force wasn't going to show up, it would take about 5 minutes to type out a memo that would go to all the departments in your company that would say, we're going to have to make up for a loss of 2.2 percent of our production today and every day until we can hire enough people to replace those 2.2 percent that didn't show up.

And my memo would say this. Your coffee break in the morning isn't going to be 15 minutes today; it's going to be 9½ minutes. And your coffee break this afternoon isn't going to be 15 minutes, it's going to be 9½ minutes because we have to pick up 2.2 percent of the production if you're going to go home at 5 o'clock.

Now, I made that management decision today because you might have plans, but we can decide to work till 11 minutes after 5 every day and you can get your full coffee break morning and afternoon. But 2.2 percent of the work, if all the work in America was done in an 8-hour day, amounts to 11 minutes out of an 8-hour day. That's the impact of the illegal labor in our work force here in America.

And the rest of it's just distribution, Mr. Speaker. The rest of it's recruitment lines and it's training and it's education and it's letting the market work; letting companies that need labor go out there and do the recruitment, do the training.

It's never been easy. And I've been an employer most all of my life. I met payroll for over 28 years, 1,400 some consecutive weeks. And I can remember recruiting in the high schools and around and making sure that I had a good program out there so that we could hire good people. I didn't always make the best decision. But we were able to put together a good, reliable work force because that was part of our operation.

Today the argument is, well, no, we don't have people lined up for these jobs, and so, therefore, that proves we need to open the borders some more. Well, of course they're not lined up for the jobs. Of course they aren't; not if you're not going to pay them the wages that it takes so that people can take care of their families and pay their way in this society.

Supply and demand. And we're watching the middle class in America collapse because of a flood of cheap labor coming in on the low side of the economic spectrum to provide cheap labor in the factories for the elitists in America who are increasingly moving into gated communities and sending their children to Ivy League schools and believing that their descendants will all be able to live in the upper crust and have cheap labor to take care of their yards and their mansions and the labor in their factories, while the blue collar person in America, the one who, of the 16 or 17 percent of Americans who are high school dropouts, the American citizens that decide that education isn't in their future, but would like to go work in the local factory, punch the time clock and go in there and do an honest day's work for an honest day's pay, that dream that was achievable 20 years ago, that dream that would allow them, the blue collar people, lower educated people with a good work ethic to be able to punch the clock and do a day's work for a day's pay and buy a modest house and raise their family and go fishing and go to the ball game and do those things and be part of this society, that dream is almost gone, Mr. Speaker, because those jobs have been flooded and diminished by low skilled labor pouring into America. Labor is a commodity like corn and beans or gold or oil. And the value of it will be determined by supply and demand in the marketplace. And when you flood lower skilled jobs with low skilled people, you're going to see wages go down. They've, in fact, gone down in some of the categories. And unemployment in America has gone up within the categories of the lowest skill. There's direct evidence in this economy that the flood of cheap labor is holding wages down.

Twenty years ago, people that worked in the packing plant in my neighborhood were making about the same amount as a teacher. Today, they're making about half as much as a teacher is making, and they can't make it any longer. And so society pays the burden of health insurance and that burden on the schools on our infrastructure, while the companies get a discount on their labor.

We need to think this thing through, Mr. Speaker, and we need to hold the Presidential candidates, whether they're Democrats or Republicans accountable. We need to ask them, please define amnesty. Accept my definition; to pardon immigration lawbreakers and reward them with the objective of their crime. Pardon and reward. Accept that definition, take the oath not to promote amnesty, to veto any bill that might come before their desk that is amnesty. Let's have a little tighter labor supply in America. Let's reestablish the sovereignty of the United States of America by building the fence and end birthright citizenship, and apply our laws in the workplace to shut off the jobs magnet.

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Let's let attrition kick in and let people make a decision to go back to their home country. They got here on their own; they can go home on their own.

We have got to build a country for America. We have to have an immigration policy that's designed to enhance the economic, the social and the cultural well-being of this country, and we need to export our values to other countries so they can build on the same dream. If we do that, not only would this Nation be a greater Nation but this planet and the people on it will be better off, and we will have achieved the American dream.

We will have not just left this Nation a better place for the people that come behind us; we'll have left this world a better place for the people that come behind us.

With that, Mr. Speaker, I thank you for your indulgence.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BARROW (at the request of Mr. HOYER) for January 15 on account of codel to Iraq.

Mr. TANNER (at the request of Mr. HOYER) for today on account of personal illness.

Mr. CULBERSON (at the request of Mr. BOEHNER) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. HIGGINS, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

Mr. OLVER, for 5 minutes, today.

(The following Members (at the request of Mr. GOHMERT) to revise and extend their remarks and include extraneous material:)

Mr. LEWIS of California, for 5 minutes, today.

Mr. POE, for 5 minutes, January 23.

Mr. JONES of North Carolina, for 5 minutes, January 23.

Mr. BURGESS, for 5 minutes, today.

Mr. DREIER, for 5 minutes, January 17 and 18.

Mr. FRANKS of Arizona, for 5 minutes, January 23.

Mr. GOHMERT, for 5 minutes, today.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 16 minutes p.m.), the House adjourned until tomorrow, Thursday, January 17, 2008, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the third and fourth quarters of 2007, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, CATLIN O'NEILL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 25 AND DEC. 2, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Catlin O'Neill	11/25	11/27	Italy		292.00		(3)				292.00
	11/27	11/28	Chad		230.00		(3)				230.00
	11/28	11/30	Ethiopia		200.00		(3)				200.00
	11/30	12/1	Kenya		200.00		(3)				
	12/1	12/2	Belgium		167.00		(3)				167.00
Committee total					889.00						889.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

CATLIN O'NEILL, Dec. 30, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, ROSE AUMAN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 2 AND DEC. 8, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Rose Auman	12/03	12/08	Macedonia		1,185.00		7,918.07				9,103.07
Committee total					1,185.00		7,918.07				9,103.07

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROSE AUMAN, Jan. 3, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. equivalent or U.S. currency	Foreign currency	U.S. equivalent or U.S. currency	Foreign currency	U.S. equivalent or U.S. currency[2]	Foreign currency	U.S. equivalent or U.S. currency[2]
Hon. Dave Reichert	9/7	9/10	Kuwait/Iraq		210.00		9,374.12				9,584.12
Committee total					210.00		9,374.12				9,584.12

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BENNIE G. THOMPSON, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATURAL RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

HOUSE COMMITTEES

Plese note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

NICK J. RAHALL II, Chairman, Jan. 7, 2008.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4924. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 3 (Native) Spearmint Oil for the 2007-2008 Marketing Year [Docket Nos. AMS-FV-07-0134; FV08-985-1 IFR] received December 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4925. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — National Organic Program (NOP); Amendments to the National List of Allowed and Prohibited Substances (Livestock) [Docket Number MAS-TM-07-0123; TM-03-04] (RIN: 0581-AC62) received December 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4926. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Pistachios Grown in California; Changes in Handling Requirements [Docket No. AMS-FV-07-0082; FV07-983-1 IFR] received December 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4927. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — National Organic Program (NOP); Amendments to the National List of Allowed and Prohibited Substances (Crops and Livestock) [Docket Number AMS-TM-07-0112; TM-06-04FR] (RIN: 0581-AC61) received December 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4928. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Decreased Assessment Rate [Docket No. AMS-FV-07-0088; FV07-905-1 FIR] received December 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4929. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Veterinary Diagnostic Services User Fees [Docket No. APHIS-2006-0161] (RIN: 0579-AC52) received December 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4930. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Thiabendazole; Threshold of Regulation Determination [EPA-HQ-OPP-2007-0546; FRL-8347-7] received January 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4931. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Poly(hexamethylenebiguanide) hydrochloride (PHMB); Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2005-0268; FRL-8345-8] received January 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4932. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Mesotrione; Pesticide Tolerance [EPA-HQ-OPP-2006-0093]; FRL-8344-3] received January 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4933. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Direct Grant Programs [DOCKET ID ED-2007-OCFO-0132] (RIN: 1890-AA15) received January 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4934. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Conservation Standards for New Federal Commercial and Multi-Family High-Rise Residential Buildings and New Federal Low-Rise Residential Buildings [Docket No. EE-RM/STD-02-112] (RIN: 1904-AB13) received January 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4935. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Kern County Air Pollution Control District [EPA-R09-OAR-2007-1075; FRL-8506-2] received January 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4936. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List [EPA-HQ-SFUND-1989-0007; FRL-8485-3] received January 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4937. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Air Pollution Control District and Sacramento Metropolitan Air Quality Management District [EPA-R09-OAR-2007-1104; FRL-8512-7] received January 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4938. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Withdrawal of Direct Final Rule [EPA-R03-OAR-2007-0448; FRL-8493-2] received January 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4939. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Revised Motor Vehicle Emission Budgets for the Charleston 8-Hour Ozone Maintenance Area [EPA-R03-OAR-2007-1010; FRL-8575-6] received January 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4940. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Fredericksburg and Shenandoah National Park 8-Hour Ozone Areas Movement from the Nonattainment Area List to the Maintenance Area List [EPA-R03-OAR-2007-1149; FRL-8515-4] received January 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4941. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the York (York and Adams Counties) 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base Year Inventory [EPA-R03-OAR-2007-0625; FRL-8515-2] received January 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4942. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Areas' Maintenance Plans and 2002 Base-Year Inventories; Correction [EPA-R03-OAR-2007-0175; EPA-R03-OAR-2007-0476; EPA-R03-OAR-2007-0344; FRL-8515-1] received January 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4943. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; VOC Emissions from Fuel Grade Ethanol Production Operations; Withdrawal of Direct Final Rule [EPA-R05-OAR-2007-0293; FRL-8490-2] received January 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4944. A letter from the Industry Operations Specialist, Department of Justice, transmitting the Department's final rule — U.S. Munitions Import List and Import Restrictions Applicable to Certain Countries (2005R-5P) [Docket No. ATF-9F; AG Order No. 2922-2007] (RIN: 1140-AA29) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4945. A letter from the Director, Office of Personnel Management, President's Pay Agent, transmitting a report justifying the reasons for the extension of locality-based comparability payments to categories of positions that are in more than one executive agency, pursuant to 5 U.S.C. 5304(h)(2)(C); to the Committee on Oversight and Government Reform.

4946. A letter from the Secretary, Department of Commerce, transmitting the semiannual report on the activities of the Inspector General for the period April 1, 2007 through September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

4947. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Inspector General's semiannual report for the period April 1, 2007 through September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

4948. A letter from the Executive Director, Consumer Product Safety Commission, transmitting purusant to Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, a report on the Commission's competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

4949. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting the Department's Annual Category Rating Report for calendar year 2006, pursuant to Public Law 107-296, section 3319; to the Committee on Oversight and Government Reform.

4950. A letter from the Secretary, Department of Health and Human Services, transmitting in accordance with Section 647(b) of Title VI of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's Report to Congress on FY 2007 Competitive Sourcing Efforts; to the Committee on Oversight and Government Reform.

4951. A letter from the Chief Financial Officer, Department of Housing and Urban Development, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

4952. A letter from the Attorney General, Department of Justice, transmitting the Department's view on S. 274, the "Federal Employee Protection of Disclosures Act"; to the Committee on Oversight and Government Reform.

4953. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting in accordance with Section 645 of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

4954. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting purusant to Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, a report on the Department's competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

4955. A letter from the Deputy Assistant Secretary, Department of the Interior, transmitting in accordance with Section 647(b) of the Consolidated Appropriations Act, FY 2004, Pub., L. 108-199, the Department's Report to Congress on FY 2007 Competitive Sourcing Efforts; to the Committee on Oversight and Government Reform.

4956. A letter from the Federal Register Certifying Officer, Department of the Treasury, transmitting the Department's final rule — Federal Government Participation in the Automated Clearing House (RIN: 1510-AB00) received January 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4957. A letter from the Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury, transmitting purusant to Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, a report on the Department's competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

4958. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the FY 2007 Annual Performance and Accountability Report in accordance with the Report Consolidation Act of 2000; to the Committee on Oversight and Government Reform.

4959. A letter from the Chairman, Federal Election Commission, transmitting in accordance with Section 647(b) of Title VI of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Commission's Report to Congress on FY 2007 Competitive Sourcing Efforts; to the Committee on Oversight and Government Reform.

4960. A letter from the Acting Chief of Staff, Federal Mediation and Conciliation Service, transmitting the FY 2007 annual report under the Federal Managers' Financial Integrity Act (FMFIA) of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Oversight and Government Reform.

4961. A letter from the Chairman, Federal Trade Commission, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Comission's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

4962. A letter from the Administrator, General Services Administration, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Administration's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

4963. A letter from the Comptroller General, Government Accountability Office, transmitting a copy of the Office's report entitled, "A Call for Stewardship: Enhancing the Federal Government's Ability to Address Key Fiscal and Other 21st Century Challenges''; to the Committee on Oversight and Government Reform.

4964. A letter from the President, James Madison Memorial Fellowship Foundation, transmitting the Foundation's Annual Report for the year ending September 30, 2007, pursuant to 20 U.S.C. 4513; to the Committee on Oversight and Government Reform.

4965. A letter from the Assistant Administrator for Legislative and Intergovernmental Affairs, National Aeronautics and Space Administration, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum M-08-02, the Administration's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

4966. A letter from the Chairperson, Amtrak Board of Directors, National Railroad Passenger Corporation, transmitting Amtrak's Office of Inspector General's Semiannual Report to Congress for the period ending September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4967. A letter from the Deputy Director for Administration and Information Management, Office of Government Ethics, transmitting in accordance with Section 647(b) of Title VI of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Office's Report to Congress on FY 2007 Competitive Sourcing Efforts; to the Committee on Oversight and Government Reform.

4968. A letter from the President and CEO, Overseas Private Investment Corporation, transmitting the Corporation's annual Management Report for FY 2007, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

4969. A letter from the Chairman, Securities and Exchange Commission, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum M-08-02, the Commission's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

4970. A letter from the Administrator, Small Business Administration, transmitting the Administration's FY 2007 Agency Financial Report, pursuant to Public Law 106-351; to the Committee on Oversight and Government Reform.

4971. A letter from the Acting Secretary, Smithsonian Institution, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Institution's report on competitive sourcing efforts for FY 2004, FY 2005, FY 2006, or FY 2007; to the Committee on Oversight and Government Reform.

4972. A letter from the Commissioner, Social Security Administration, transmitting the third annual report of the Administration's use of the category rating system; to the Committee on Oversight and Government Reform.

4973. A letter from the Commissioner, Social Security Administration, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum M-08-02, the Administration's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

4974. A letter from the Bureau of Legislative and Public Affairs, U.S. Agency for International Development, transmitting the Agency's Fiscal Year 2007 Agency Financial Report; to the Committee on Oversight and Government Reform.

4975. A letter from the Chairman, U.S. Postal Service, transmitting the Service's report as required by Sections 706 and 707 of the Postal Accountability and Enhancement Act of 2006; to the Committee on Oversight and Government Reform.

4976. A letter from the Acting Director, U.S. Trade and Development Agency, transmitting the Agency's Annual Report for FY 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4977. A letter from the Acting Director, U.S. Trade and Development Agency, transmitting the Agency's Annual Report for FY 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

4978. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Monterey Spineflower (Chorizanthe pungens var. pungens) [FWS-R8-ES-2007-0026] [92210-1117-0000] [ABC Code: B4] (RIN: 1018-AU83) received January 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4979. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Lower Cowlitz River Dredging Operation; Longview, Washington [CGD Docket No. 13-07-049] (RIN: 1625-AA00) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4980. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Atlantic Intracoastal Waterway (AIWW), at Scotts Hill, NC [USCG-2007-0168] (RIN: 1625-AA09) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4981. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operating Regulation; Gulf Intracoastal Waterway (Algiers Alternate Route), Belle Chasse, LA [CGD08-07-042] (RIN: 1625-AA09) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4982. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Buzzards Bay, Massachusetts; Navigable Waterways within the First Coast Guard District [CGD01-04-133] (RIN: 1625-AB17) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4983. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Rates for Pilotage on the Great Lakes [USCG-2006-24414] (RIN: 1625-AB05) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4984. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Vessel Documentation; Recording of Instruments [USCG-2007-28098] (RIN: 1625-AB18) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4985. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Charenton Drainage and Navigation Canal, Baldwin, LA [CGD08-07-025] received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4986. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Jamaica Bay, New York, NY [CGD01-07-137] received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4987. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Kennebec River, Bath and Woolrich, ME [CGD01-07-136] received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A);

to the Committee on Transportation and Infrastructure.

4988. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Quinnipiac River, New Haven, CT [CGD01-07-091] (RIN: 1625-AA09) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4989. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Nawiliwili Harbor, Kauai, Hawaii [CGD14-07-002] (RIN: 1625-AA87) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4990. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulations; Edgecomb, Maine, Sheepscot River [Docket No. CGD01-07-011] (RIN: 1625-AA01) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4991. A letter from the Principal Deputy Associate Administrator, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Kahului Harbor, Maui, HI [Docket No. USCG-2007-0093] (RIN: 1625-AA87) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4992. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Tinian, Commonwealth of the Northern Mariana Islands [COTP Guam 07-005] (RIN: 1625-AA87) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4993. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Regattas and Marine Parades; Great Lake annual marine events. [USCG-2007-27373] (RIN: 1625-AA08) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4994. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting 'the Department's final rule — Safety Zone; Alameda County Sheriff's Office Maritime Interdiction Training, San Francisco Bay, CA [Docket No. COTP San Francisco Bay 07-051] (RIN 1625-AA00) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4995. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Ambrose Light, Offshore Sandy Hook, New Jersey, Atlantic Ocean [CGD01-07-157] (RIN: 1625-AA00) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4996. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Wantagh Parkway 3 Bridge over the Sloop Channel, Town of Hempstead, New York [Docket No. CGD01-07-150] (RIN: 1625-AA00) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4997. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Calculating and Apportioning the Section 11(b)(1) Additional Tax under Section 1561 for Controlled Groups. [TD 9369] (RIN: 1545-BG40) received December 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4998. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — User Fees Relating to Enrollment to Perform Actuarial Services [TD 9370] (RIN: 1545-BG88) received December 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4999. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1274.—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Also Sections 42, 280G, 382, 412, 467, 468, 482, 483, 642, 807, 846, 1288, 7520, 7872.) (Rev. Rul. 2008-4) received December 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5000. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Regulations Under Section 367(a) Applicable to Certain Outbound Reorganizations and Section 351 Exchanges [Notice 2008-10] received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5001. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Information Reporting Requirements Under Internal Revenue Code 6039 [Notice 2008-8] received December 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. CASTOR: Committee on Rules. House Resolution 922. A resolution providing for consideration of the bill (H.R. 3524) to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes (Rept. 110–509). Referred to the House Calendar.

Mr. FRANK: Committee on Financial Services. H.R. 3959. A bill to amend the National Flood Insurance Act of 1968 to provide for the phase-in of actuarial rates for certain pre-FIRM properties; with an amendment (Rept. 110–510). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 275. A bill to promote freedom of expression on the Internet, to protect United States businesses from coercion to participate in repression by authoritarian foreign governments, and for other purposes; referred to the Committee on the Judiciary for a period ending not later than February 1, 2008 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

[Submitted January 16, 2008]

By Mrs. CUBIN:

H.R. 4983. A bill to suspend temporarily the duty on certain acrylic fiber tow; to the Committee on Ways and Means.

By Mrs. CUBIN:

H.R. 4984. A bill to suspend temporarily the duty on certain acrylic fiber tow; to the Committee on Ways and Means.

By Mr. CHABOT:

H.R. 4985. A bill to extend the temporary suspension of duty on Penta Amino Aceto Nitrate Cobalt III; to the Committee on Ways and Means.

By Mr. SKELTON (for himself and Mr. HUNTER):

H.R. 4986. A bill to provide for the enactment of the National Defense Authorization Act for Fiscal Year 2008, as previously enrolled, with certain modifications to address the foreign sovereign immunities provisions of title 28, United States Code, with respect to the attachment of property in certain judgements against Iraq, the lapse of statutory authorities for the payment of bonuses, special pays, and similar benefits for members of the uniformed services, and for other purposes; to the Committee on Armed Services. considered and passed.

By Mr. JONES of North Carolina (for himself and Mr. KING of New York):

H.R. 4987. A bill to require construction of fencing and security improvements in the border area from the Pacific Ocean to the Gulf of Mexico; to the Committee on Homeland Security.

By Mr. PETERSON of Pennsylvania:

H.R. 4988. A bill to extend the temporary suspension of duty on Orgasol; to the Committee on Ways and Means.

By Mr. PETERSON of Pennsylvania:

H.R. 4989. A bill to suspend temporarily the duty on stainless steel single piece exhaust gas manifolds; to the Committee on Ways and Means.

By Mr. WAXMAN (for himself and Ms. ROYBAL-ALLARD):

H.R. 4990. A bill to amend title XIX of the Social Security Act to include all public clinics for the distribution of pediatric vaccines under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. WAXMAN (for himself and Ms. ROYBAL-ALLARD):

H.R. 4991. A bill to amend the Social Security Act, the Federal Food, Drug, and Cosmetic Act, and the Public Health Service Act to ensure a sufficient supply of vaccines, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WAXMAN (for himself and Ms. ROYBAL-ALLARD):

H.R. 4992. A bill to amend title XVIII of the Social Security Act to provide for coverage of federally recommended vaccines under Medicare part B; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN (for himself and Ms. ROYBAL-ALLARD):

H.R. 4993. A bill to amend the Public Health Service Act to increase the availability of vaccines, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Ways and Means, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERRY:

H.R. 4994. A bill to suspend temporarily the duty on certain inflatable mattresses; to the Committee on Ways and Means.

By Mr. CANTOR (for himself, Mr. HENSARLING, Mr. BLUNT, Mr. CAMPBELL of California, Ms. GRANGER, Mr. JORDAN, Mr. MCHENRY, Mrs. BACHMANN, Mr. HERGER, Mr. CHABOT, Mr. PRICE of Georgia, Mr. FLAKE, Mr. FEENEY, Mr. DAVID DAVIS of Tennessee, Mr. BROWN of South Carolina, Mr. BARRETT of South Carolina, Mr. GARRETT of New Jersey, Mr. DOOLITTLE, Mr. LAMBORN, Mr. AKIN, Mr. WELDON of Florida, Mr. KINGSTON, Mr. PITTS, Mr. MARCHANT, Mr. GINGREY, Mr. SOUDER, Mr. GOODE, Ms. FOXX, Mr. ROSKAM, Mr. KUHL of New York, Mr. WALBERG, Mr. BISHOP of Utah, Mr. FRANKS of Arizona, Mr. KING of Iowa, and Mr. PENCE):

H.R. 4995. A bill to amend the Internal Revenue Code of 1986 to reduce corporate marginal income tax rates, and for other purposes; to the Committee on Ways and Means.

By Mr. MCDERMOTT:

H.R. 4996. A bill to suspend temporarily the duty on modified steel leaf spring leaves; to the Committee on Ways and Means.

By Mr. MCDERMOTT:

H.R. 4997. A bill to extend the temporary suspension of duty on certain suspension system stabilizer bars; to the Committee on Ways and Means.

By Mr. NEUGEBAUER:

H.R. 4998. A bill to extend the temporary suspension of duty on mixtures of methyl 4-iodo-2-[3-(4-methoxy-6-methyl-1,3,5- triazin-2-yl)ureidosulfonyl] benzoate, sodium salt(Iodosulfuron methyl, sodium salt) and application adjuvants; to the Committee on Ways and Means.

By Mr. NEUGEBAUER:

H.R. 4999. A bill to extend the temporary suspension of duty on Mesosulfuronmethyl; to the Committee on Ways and Means.

By Mr. NEUGEBAUER:

H.R. 5000. A bill to suspend temporarily the duty on mixtures containing (R)-2-[4-(6-chloro-1,3-benzoxazol-2-yloxy)phenoxy]propionate (Fenoxaprop Ethyl), (CAS No. 71283-80-2), 5-hydroxy-1,3-dmiethylpyrazol-4-yl 2-mesyl-4-(trifluoromethyl)phenyl ketone (Pyrafulfotole) (CAS No. 365400-11-9), 2,6-dibromo-4-cyanophenyl octanoate (Bromoxynil octanoate) (CAS No. 1689-99-2), and 2,6-dibromo-4-cyanophenyl heptanoate (Bromoxynil heptanoate) (CAS No. 56634-95-8); to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 5001. A bill to authorize the Administrator of General Services to provide for the redevelopment of the Old Post Office Building located in the District of Columbia; to the Committee on Transportation and Infrastructure.

By Mrs. TAUSCHER:

H.R. 5002. A bill to extend the temporary suspension of duty on Deltamethrin; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5003. A bill to extend the temporary suspension of duty on Tetramethrin; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5004. A bill to extend the temporary suspension of duty on flumiclorac pentyl ester; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5005. A bill to extend the temporary suspension of duty on Flumioxasin; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5006. A bill to extend the temporary suspension of duty on Acephate; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5007. A bill to extend the temporary suspension of duty on Resmethrin; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5008. A bill to extend the temporary suspension of duty on Cypermethrin; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5009. A bill to suspend temporarily the duty on s-Methoprene; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5010. A bill to extend the temporary suspension of duty on Clothianidin; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5011. A bill to extend the temporary suspension of duty on Permethrin; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5012. A bill to extend the temporary suspension of duty on artichokes, prepared or preserved by vinegar or acetic acid; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5013. A bill to extend the temporary suspension of duty on artichokes, prepared or preserved otherwise than by vinegar or acetic acid, not frozen; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5014. A bill to extend the temporary suspension of duty on oysters (other than smoked), prepared or preserved; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5015. A bill to suspend temporarily the duty on certain sardines in oil, in airtight containers, neither skinned nor boned; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5016. A bill to suspend temporarily the duty on S-Abscisic Acid; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5017. A bill to suspend temporarily the duty on Pyrethrum Extract; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5018. A bill to extend the suspension of duty on Fenpropathrin; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5019. A bill to extend the temporary suspension of duty on Tralemethrin; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5020. A bill to extend the temporary suspension of duty on Bioallethrin; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5021. A bill to extend the temporary suspension of duty on S-Bioallethrin; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5022. A bill to extend the temporary suspension of duty on Bispyribac-sodium; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5023. A bill to extend the temporary suspension of duty on Dinotefuran; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5024. A bill to extend the temporary suspension of duty on Etoxazole; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5025. A bill to extend the temporary suspension of duty on Pyriproxyfen; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5026. A bill to extend the temporary suspension of duty on Uniconazole; to the Committee on Ways and Means.

By Mr. WEXLER:

H.R. 5027. A bill to suspend temporarily the duty on integral flow controllers, certified by the importer exclusively for installation in semiconductor wafer fabrication machines; to the Committee on Ways and Means.

By Mr. WEXLER:

H.R. 5028. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to require that group health plans provide coverage for pervasive developmental disorders such as autism; to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Florida:

H.R. 5029. A bill to designate the name for the medical facilities being constructed at the National Naval Medical Center, Bethesda, Maryland, to replace Walter Reed Army Medical Center; to the Committee on Armed Services.

By Mr. SKELTON:

H. Con. Res. 279. Concurrent resolution providing for an adjournment of the House; considered and agreed to.

By Ms. LEE (for herself, Mr. MEEKS of New York, Mrs. CHRISTENSEN, Ms. WATERS, Ms. KILPATRICK, Mr. WAXMAN, Ms. NORTON, Ms. BALDWIN, Ms. CORRINE BROWN of Florida, Mr. RUSH, Ms. BORDALLO, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. CUMMINGS, Ms. MOORE of Wisconsin, and Mr. DAVIS of Illinois):

H. Con. Res. 280. Concurrent resolution supporting the goals and ideals of "National Black HIV/AIDS Awareness Day"; to the Committee on Energy and Commerce.

By Ms. VELÁZQUEZ:

H. Res. 921. A resolution providing for the concurrence by the House in the Senate amendment to H.R. 4253, with an amendment; considered and agreed to.

By Mrs. BACHMANN (for herself, Mr. KLINE of Minnesota, Mr. PETERSON of Minnesota, Mr. WALZ of Minnesota, Mr. ELLISON, Mr. RAMSTAD, Ms. MCCOLLUM of Minnesota, and Mr. OBERSTAR):

H. Res. 923. A resolution recognizing the State of Minnesota's 150th anniversary; to the Committee on Oversight and Government Reform.

By Mr. BRALEY of Iowa (for himself, Mr. LATHAM, Mr. BOSWELL, Mr. LOEBSACK, and Mr. KING of Iowa):

H. Res. 924. A resolution congratulating Iowa State University of Science and Technology for 150 years of leadership and service to the United States and the world as Iowa's land-grant university; to the Committee on Education and Labor.

By Mr. POE:

H. Res. 925. A resolution condemning the People's Republic of China for its socially unacceptable business practices, including the manufacturing and exportation of unsafe products, casual disregard for the environment, and exploitative employment practices; to the Committee on Foreign Affairs.

By Ms. SUTTON:

H. Res. 926. A resolution recognizing the importance of food, product safety, and U.S. trade policy; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEXLER (for himself, Ms. WASSERMAN SCHULTZ, Mr. KLEIN of Florida, Mr. HASTINGS of Florida, and Mr. MAHONEY of Florida):

H. Res. 927. A resolution commending the Florida Atlantic University Owls for their historic win in the 2007 R & L Carriers New Orleans Bowl; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. LIPINSKI introduced A bill (H.R. 5030) for the relief of Corina de Chalup Turcinovic; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 136: Mr. INGLIS of South Carolina.

H.R. 192: Mr. GILCHREST.

H.R. 219: Mr. SESSIONS.

H.R. 241: Mrs. BIGGERT.

H.R. 248: Mr. ENGLISH of Pennsylvania.

H.R. 303: Mrs. LOWEY.

H.R. 549: Mr. REYNOLDS.

H.R. 631: Mr. BROUN of Georgia.

H.R. 782: Mr. HARE.

H.R. 958: Mr. BAIRD.

H.R. 992: Mr. HINCHEY, Mr. GRIJALVA, and Mr. KENNEDY.

H.R. 997: Mr. REYNOLDS.

H.R. 1014: Mr. COURTNEY.

H.R. 1076: Mr. ROSS.

H.R. 1084: Mr. SMITH of Washington and Mr. VAN HOLLEN.

H.R. 1279: Mr. WALSH of New York.

H.R. 1352: Mr. FRANK of Massachusetts.

H.R. 1386: Mr. SHAYS and Mr. GERLACH.

H.R. 1391: Mr. TIERNEY.

H.R. 1418: Mr. GORDON.

H.R. 1521: Mr. KLEIN of Florida.

H.R. 1553: Mr. LATOURETTE, Mr. ANDREWS, and Mr. BARTLETT of Maryland.

H.R. 1576: Mr. ETHERIDGE and Mr. MATHESON.

H.R. 1609: Mr. KIRK, Mr. GENE GREEN of Texas, Mr. HODES, Mr. RUSH, and Mr. TAYLOR.

H.R. 1621: Mr. WAXMAN and Ms. SOLIS.

H.R. 1665: Mr. LATOURETTE.

H.R. 1783: Mr. BISHOP of Georgia.

H.R. 1824: Mr. NEUGEBAUER.

H.R. 1843: Mr. MILLER of North Carolina.

H.R. 1888: Ms. BEAN.

H.R. 1927: Mr. RUSH.

H.R. 1957: Ms. ESHOO.

H.R. 2073: Mr. ROTHMAN.

H.R. 2141: Mr. SMITH of Nebraska.

H.R. 2169: Mr. BAIRD and Mr. ACKERMAN.

H.R. 2210: Mr. ROTHMAN.

H.R. 2343: Ms. BALDWIN.

H.R. 2470: Mr. DAVIS of Kentucky.

H.R. 2564; Mr. GOODE.

H.R. 2702: Mr. LARSON of Connecticut.

H.R. 2708: Mrs. LOWEY, Mr. SERRANO, Ms. WASSERMAN SCHULTZ, Mr. MCGOVERN, Mr. COHEN, Mr. ALLEN, and Ms. WOOLSEY.

H.R. 2723: Mr. MORAN of Virginia.

H.R. 2762: Mr. HODES and Mrs. GILLIBRAND.

H.R. 2790: Ms. CORRINE BROWN of Florida and Mr. DOYLE.

H.R. 2862: Mr. PETRI.

H.R. 2994: Mr. ROTHMAN, Mr. ROSS, and Ms. HOOLEY.

H.R. 3029: Mrs. CAPPS.

H.R. 3094: Mr. SESTAK and Mr. FILNER.

H.R. 3099: Mr. BISHOP of Georgia.

H.R. 3140: Mr. CRENSHAW, Mr. PORTER, and Mr. SESTAK.

H.R. 3257: Mr. ETHERIDGE.

H.R. 3282: Mr. SESTAK.

H.R. 3304: Mr. CHABOT and Mr. BRADY of Pennsylvania.

H.R. 3326: Mr. STARK.

H.R. 3327: Mr. LIPINSKI and Mrs. MALONEY of New York.

H.R. 3334: Mr. LANGEVIN.

H.R. 3359: Mr. MACK, Mr. SESSIONS, and Mr. BUTTERFIELD.

H.R. 3457: Mr. HERGER.

H.R. 3533: Ms. WOOLSEY and Mr. WOLF.

H.R. 3546: Mr. LOEBSACK, Mr. DELAHUNT, and Mr. BUTTERFIELD.

H.R. 3609: Mr. BACA.

H.R. 3622: Mr. CROWLEY and Mr. PRICE of North Carolina.

H.R. 3630: Ms. LINDA T. SÁNCHEZ of California.

H.R. 3639: Mr. SHAYS.

H.R. 3652: Ms. JACKSON-LEE of Texas.

H.R. 3654: Mr. LEWIS of Kentucky, Mr. BARTLETT of Maryland, Mr. JONES of North Carolina, and Mr. SMITH of Texas.

H.R. 3663: Mr. LYNCH, Mr. ISRAEL, Mr. CONYERS, Ms. LINDA T. SÁNCHEZ of California, Mr. PALLONE, Mr. HALL of New York, Ms. SOLIS, Mr. FATTAH, and Mr. SHERMAN.

H.R. 3670: Mr. HERGER.

H.R. 3865: Mr. WU, Mr. MARKEY, and Mr. SESTAK.

H.R. 3926: Ms. LINDA T. SÁNCHEZ of California.

H.R. 3934: Mr. CHABOT.

H.R. 3968: Mr. PLATTS.

H.R. 4014: Ms. RICHARDSON.

H.R. 4015: Ms. RICHARDSON.

H.R. 4016: Ms. RICHARDSON.

H.R. 4029: Mr. WYNN.

H.R. 4105: Mr. HINCHEY and Ms. WOOLSEY.

H.R. 4204: Ms. MCCOLLUM of Minnesota, Mr. HARE, Mr. CLEAVER, Ms. MATSUI, Mr. MORAN of Virginia, and Mr. AL GREEN of Texas.

H.R. 4206: Mr. MCHUGH.

H.R. 4207: Mr. HOBSON, Mr. COOPER, and Mr. ELLISON.

H.R. 4221: Ms. HOOLEY.

H.R. 4236: Mr. MCGOVERN, Mr. RUSH, Mr. DOYLE, Mr. COURTNEY, Ms. LINDA T. SÁNCHEZ of California, Mr. SHULER, Mr. WYNN, and Mr. PASTOR.

H.R. 4247: Mr. PETERSON of Minnesota and Mr. BRADY of Pennsylvania.

H.R. 4248: Mr. BUTTERFIELD, Mr. DENT, and Ms. SHEA-PORTER.

H.R. 4264: Mr. FILNER.

H.R. 4266: Mr. CHANDLER.

H.R. 4297: Mr. KAGEN.

H.R. 4318: Mr. WAMP and Mr. LEWIS of Kentucky.

H.R. 4327: Mr. SCOTT of Virginia.

H.R. 4355: Mr. BOUCHER and Ms. LINDA T. SÁNCHEZ of California.

H.R. 4461: Mrs. DRAKE.

H.R. 4544: Ms. WOOLSEY, Mr. CUELLAR, Mrs. CUBIN, Ms. WASSERMAN SCHULTZ, and Ms. HARMAN.

H.R. 4660: Ms. WOOLSEY.

H.R. 4835: Mr. HARE, Mr. PRICE of North Carolina, Ms. BALDWIN, Mr. SCHIFF, and Mr. KAGEN.

H.R. 4882: Ms. ZOE LOFGREN of California and Ms. LINDA T. SÁNCHEZ of California.

H.R. 4915: Mr. EHLERS, Mr. HOEKSTRA, Mr. SHAYS, Mr. RUSH, and Mr. COBLE.

H.R. 4926: Ms. JACKSON-LEE of Texas, Mr. KENNEDY, and Ms. KAPTUR.

H.R. 4959: Mr. GRIJALVA, Ms. SCHAKOWSKY, and Ms. MOORE of Wisconsin.

H. Con. Res. 2: Mr. LEWIS of Georgia.

H. Con. Res. 26: Ms. DEGETTE.

H. Con. Res. 27: Ms. DEGETTE.

H. Con. Res. 28: Mr. CULBERSON and Mrs. BOYDA of Kansas.

H. Con. Res. 154: Mrs. MYRICK and Mr. ENGEL.

H. Con. Res. 198: Mr. WALZ of Minnesota, Ms. HIRONO, and Mr. MARKEY.

H. Con. Res. 253: Mr. BRADY of Pennsylvania, Mr. MILLER of Florida, Mr. SESTAK, Mr. SNYDER, Ms. BORDALLO, and Mr. RUSH.

H. Con. Res. 257: Mr. MCCOTTER.

H. Con. Res. 267: Mr. SPACE, Mr. HERGER, and Mr. LOBIONDO.

H. Res. 111: Mr. MURTHA.

H. Res. 185: Mr. FRANK of Massachusetts.

H. Res. 652: Mr. COSTA.

H. Res. 692: Mr. MCCOTTER.

H. Res. 821: Mr. INGLIS of South Carolina and Mrs. MCCARTHY of New York.

H. Res. 834: Mr. MORAN of Virginia, Mr. MCDERMOTT, and Mr. HINCHEY.

H. Res. 854: Mr. ROTHMAN.

H. Res. 886: Mr. AKIN, Mrs. BLACKBURN, Mrs. BACHMANN, Mr. FORTENBERRY, Mr. WELDON of Florida, Mr. KINGSTON, Mr. PITTS, Mr. GINGREY, Mr. SOUDER, Mr. GOODE, Ms. FOXX, Mr. ROSKAM, Mr. KUHL of New York, Mr. BISHOP of Utah, Mr. WALBERG, Mr. FRANKS of Arizona, Mr. KING of Iowa, Mr. CHABOT, Mr. DANIEL E. LUNGREN of California, Mr. PENCE, Mr. PRICE of Georgia, Mr. BROUN of Georgia, Mr. FEENEY, Mr. SALI, Mr. DAVID DAVIS of Tennessee, Mr. WAMP, Mr. GARRETT of New Jersey, Mr. DOOLITTLE, and Mr. BRADY of Texas.

H. Res. 909: Ms. JACKSON-LEE of Texas, Mr. PALLONE, Ms. ROS-LEHTINEN, Mr. SIRES, Mrs. JONES of Ohio, and Mr. WEXLER.

H. Res. 912: Mr. SHAYS, Mr. JONES of North Carolina, Mrs. MALONEY of New York, Mr. CHABOT, Mr. HARE, Ms. BORDALLO, Mr. PITTS, Mr. MARIO DIAZ-BALART of Florida, Mr. KING of New York, Mr. MCCAUL of Texas, and Mr. GALLEGLY.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative MAXINE WATERS or a designee to H.R. 3524 the HOPE VI Improvement and Reauthorization Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

EXTENSIONS OF REMARKS

IN MEMORY OF TEXAS TRANSPORTATION COMMISSION CHAIRMAN RICHARD "RIC" WILLIAMSON

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. BURGESS. Madam Speaker, I rise today to remember The Honorable Ric Williamson, former Chairman of the Texas Transportation Commission and a dear friend of mine.

Ric began his 23-year tenure in faithful public service to the state of Texas in 1984, when he was elected as a State Representative. In 2001, he was appointed by Texas Governor Rick Perry to serve on the Texas Transportation Commission, and was named chairman in 2004. Ric served on several boards, including the Southern Regional Education Board, Legislative Budget Board, Department of Information Resources Board, Uniform Statewide Accounting System Committee, and the Southern Legislative Conference, to name a few.

As Chairman of the Texas Transportation Commission, Ric's visions always aimed at improving the state of transportation and the quality of infrastructure in Texas. Many times his initiatives were deemed controversial or difficult, but his resolve and determination persevered and many of his harshest critics have come to respect and support his innovative transportation concepts.

Ric will always be remembered by his friends and associates as a true champion for all things Texan. Unafraid to challenge the status quo, he was a highly regarded leader bringing innovative ideas to provide safe, economic and reliable transportation to improve the daily lives of Texans.

On a personal level Ric remained a patient mentor and a steadfast friend. My thoughts and prayers are with his wife Mary Ann and his family. Ric will be greatly missed.

HONORING WILLIAM J. WINIARSKI

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to William J. Winiarski as he retires from Rowe Incorporated. A dinner was held in his honor on January 11th in Grand Blanc, Michigan.

William Winiarski started working for Rowe Incorporated in 1971. He received his bachelor of science in civil engineering degree from Michigan Technological University in 1973. He was promoted to project manager in 1976, the same year he became a professional engineer. His career with Rowe continued and he was named a vice president in 1978 and became the president/chief operating officer in 1986. During this time William was licensed as a professional surveyor. He assumed the position of chief operating officer in 1991 and 10 years later became the marketing principal. This enabled him to focus on the marketing and client side of the business.

Working at the helm of several significant projects, William has put the Rowe stamp on many communities in Michigan. He led the team that worked on projects for the City of Flushing, City of Niles, City of Linden, Village of Byron, Village of Chesaning, Village of Holly, Village of Oxford, Charter Township of Flushing, Genesee County Road Commission, Shiawassee County Road Commission, Shiawassee County Drain Commission, Flint Downtown Development Authority, Genesys Health Systems, and Venice Park Landfill.

He is affiliated with several professional and community organizations and has held leadership positions with many. He is the past national director and past president of the American Council of Engineering Companies. He is the past president of the American Society of Civil Engineers, East Central Michigan Chapter. William is the past president of the Michigan Society of Professional Engineers, Flint Chapter. He is a member of the Michigan Society of Professional Surveyors, a Genesee/Lapeer/Shiawassee Region V planning commissioner, the Chairman of the Genesee County Brownfield Redevelopment Board, and the vice chairman of the Flint River Corridor Alliance. He has served as the chairman and acting president of the Flint/Genesee Economic Growth Alliance and the chairman of the Genesee Area Focus Council. He is on the board of directors of Genesee County Mental Health Facilities, Genesee County Mental Health, and the "Ready-Set-Grow" Program for Genesee County. William is a past board of directors member of the Flint Industrial Mutual Association and the past chairman of the Genesee Regional Chamber of Commerce.

William continues his association with his alma mater by serving on the board of directors for the Michigan Technological University Fund, the Civil Engineering Advisory Board and as a member of the Civil and Environmental Engineering Academy.

Madam Speaker, I ask the House of Representatives to join me in paying tribute to William J. Winiarski as he retires from Rowe Incorporated. Through his work he has left a permanent mark upon the communities of Michigan and has enhanced the quality of life for its citizens.

CONGRATULATING THE TAFT UNION HIGH SCHOOL WILDCATS VARSITY FOOTBALL TEAM

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. MCCARTHY of California. Madam Speaker, I rise today to honor the student athletes and coaches of the Taft Union High School Wildcats varsity football team on winning the 2007 California Interscholastic Federation Central Section Division IV championship, also known as the Valley Championship.

On Friday, November 30, 2007, the Wildcats defeated Corcoran High School 28–14 in their last game of the season to win the championship. This was a truly outstanding achievement to cap an outstanding season; a season where the Wildcats finished with a record of 12–1. The Wildcat victory marked the first football Valley Championship for Taft since 1930. Taft Union High School football fans, students and the Taft community were treated to an exciting championship game where in the fourth quarter with a tied score, the Wildcats' skill, training, hard work, and athleticism paid off and led them to an emotional two touchdown victory.

I want to extend my congratulations to the Taft Union High School Wildcats student athletes for their impressive championship win and 2007 season. The 2007 roster included Donald Baggs II, Derek Barnes, David Barraza, Dalton Botts, Chad Cruz, Wes Elland, Blake Emberson, Lyndon Faagau, Jose Flores, Jeremy Gonzales, Sergio Gonzales, Tommy Halphin, James Hiracheta, Tyler Houghton, Austin Kindred, Loren Kolb, Joe Laulu, Andrew LeClair, Konelio Maino, Dylan Niblett, Matther Nixon, Jeremy Orr, Christian Ramirez, Kurtis Rawls, Blaine Reich, Jerry Romo, Ricardo Romo, Ben Savali, Ioane Savail, Fabian Scheifele, Shane Sefo, Cody Shirreffs, Jesse Simmons, Steven Spoonemore, Jesse Tafoya, Fabian Taute, Kyle Taylor, Jeremiah Twisselman, Joel Vermillion, Tommy Williams, Aaron Wroblewski, Stewart Bandy, Avesee Faagau, Adalberto Figueroa, Eric Foch, Shaquil Gant, Mike Hagstrom, Kacey Kaszyckl, Hunter Liljeroos, Mike Newkirk, Todd Parker, Felipe Pulldo, Cody Reaves, Andrew Smith, Freddy Tuuamalemalo, Jordan Vermillion, and Braxton Walters.

I also want to congratulate the coaching staff who helped lead the team to its championship season. The Wildcat head coach is Steve Sprague and his coaching team includes Russell Emberson, Arley Hill, Rick Woodson, Shawn Cummins, Rob Cleveland, Paul Martinez, Brian Durkan, Bryan Powell, Dee Griffith, Mike Goodwin, John Wagner, and Jeremy Letterman.

Participation in athletics is a wonderful component of a high school education because it provides opportunities for leadership, teamwork and competition. The months of physical and mental training and the teamwork that was required to win this Valley Championship will benefit these young men long after their high school graduation.

On behalf of the residents of the 22nd Congressional District, I once again commend the Taft Union High School Wildcats on winning the 2007 Valley Championship. I am very proud of the accomplishments of the 2007 Wildcats football team, and I know the parents, teachers, neighbors and fans in our community will remember this season for many years to come.

IN HONOR OF THE GEORGE WASHINGTON CARVER TIGERS: 2007 AAA GEORGIA STATE FOOTBALL CHAMPIONS

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor the achievements of the 2007 Georgia AAA State Football Champions, the George Washington Carver Tigers. On December 15th, 2007, the Tigers defeated another great football team in my district, the Cairo Syrupmakers by a score of 16–13 on a rainy, windy day in Cairo, Georgia.

The game was an epic battle between two talented, well coached teams. This capped an undefeated 15–0 year for the Tigers and also delivered the school's first State football title in history. And the first state title in any sport since the basketball team accomplished this feat in 1971.

I want to extend my congratulations to Principal Chris Lindsey, Coach Dell McGee and the entire Carver family for this great achievement.

I also want to extend my congratulations to the Cairo Syrupmakers for a great season. They played all season with courage, spirit, and intestinal fortitude.

It takes a great deal of work and sacrifice to assemble a State-championship football team. It takes the dedication of the young men who are playing on the team. It also takes a dedicated coaching staff who have the wherewithal to dedicate their time and energy to not only teaching young men about the game of football, but also the game of life. A winning football team can in many ways bring a community together. This team has brought this community together.

The 99 young men that made up this year's football team accomplished something special. By accomplishing this special goal, they developed the character that will help them to succeed in other aspects of life. I am proud to represent these special young men and once again congratulate them on their history-making achievement.

HONORING GEORGE W. BRITTON

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Mr. George Britton upon his retirement from the city of Modesto as the city manager. Mr. Britton was honored on January 3, 2008, in Modesto, CA.

George Britton was born and raised in Modesto, CA. After graduating from high school, Mr. Britton attended the University of Oregon where he received a bachelor's degree and then attended the University of Southern California where he received a master's degree in public administration. He also completed the program at the John F. Kennedy School of Government and the Senior Governmental Executive Program at Harvard University.

Mr. Britton served in the Air Force Reserve from 1970 until 1978. He left reserve to join the city manager in the city of Scottsdale, Arizona, where he served as the director of municipal utilities and assistant to the city manager. Mr. Britton was the executive assistant to Arizona Governor Bruce Babbitt from 1980 through 1986, where he chaired the Governor's Cabinet and oversaw various State agencies. For the next 15 years, he was the deputy city manager for the city of Phoenix.

In 2001 Mr. Britton returned back to Modesto and joined the city of Modesto. He started as deputy city manager and was appointed city manager in March 2005. During Mr. Britton's time in office the city of Modesto has made numerous improvements. In 2006 alone the city had increased downtown signage, and developed and increased participation in the Citizens Emergency Response Team. The Modesto Fire Department was also able to add 12 new firefighters, a new fire truck, and the department was awarded funding to add three fire investigators to be available for all of Stanislaus County. In addition to all of this, the city was also awarded funding to increase the capacity and ability of the airport. There have also been major developments with the city's solid waste program, expansion of the youth center, increased commerce, the creation of more parks and bridges and 71 miles of roads were added, repaved or repaired. The city of Modesto was able to make enormous strides under the direction of Mr. Britton.

Madam Speaker, I rise today to commend and congratulate George Britton upon his retirement from the city of Modesto. I invite my colleagues to join me in wishing Mr. Britton many years of continued success.

HONORING 100TH ANNIVERSARY OF HURLEY MEDICAL CENTER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. KILDEE. Madam Speaker, I rise today to honor the 100th anniversary of Hurley Medical Center in my hometown of Flint, MI. Hurley Medical Center kicked off a yearlong celebration on January 11.

In 1908, James J. Hurley left $55,000 and property to the city of Flint to establish a hospital to treat everyone, regardless of their ability to pay. The first Board of Managers, J. Dallas Dort, Charles A. Lippincott, Edward D. Black, William E. Martin, and George L. Walker, implemented his vision. Mrs. Flint P. Smith organized the first auxiliary to raise money for the fledgling hospital. Their vision and hard work paid off and the hospital opened its doors on December 19, 1908.

Today Hurley Medical Center is a 443-bed teaching medical center annually treating over 20,000 persons for inpatient care and 76,000 emergency room cases. It is the only Level I trauma center and Level III neonatal intensive care unit in Genesee County. In addition to these two services, Hurley Medical Center offers the region's only care centers in the following specialties: Burn center, maternal and fetal care center, pediatric intensive care unit, pediatric emergency room, fertility and reproductive medicine center, and kidney transplantation center.

The 2,500 employees of Hurley Medical Center work very hard to provide quality healthcare to their patients. The medical center has received the 2007 HealthGrades Critical Care Excellence Award, and the 2007 "Certificate of Merit for Outstanding Achievement in Organ Donation" from Michigan Gift of Life. In 2005 they received the Governor's Award for Quality in Inpatient Setting, Ambulatory Setting, and Emergency Department. The Hurley Asthma Center has also received the MHA Ludwig Community Benefit Award.

Madam Speaker, I ask the House of Representatives to join me in congratulating Hurley Medical Center for providing outstanding healthcare to the Flint community for the past 100 years. Their mission statement is "Clinical Excellence, Service to People." Every person living in Genesee County has been touched, either directly or through a loved one, by the commitment of the employees, affiliated healthcare providers and volunteers of Hurley Medical Center to live up to their motto. They continue to exemplify James Hurley's vision to provide quality healthcare to everyone regardless of their income. I am grateful for their compassion and wish them the best for the next 100 years.

IN MEMORY OF COACH NEAL WILSON

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. BURGESS. Madam Speaker, I rise today to remember Coach Neal Wilson, the longtime athletic director of Lewisville Independent School District in Lewisville, Texas and a tireless public servant.

Coach Wilson began his four decade-long coaching career in 1965 with the Lewisville ISD, and was Lewisville head football coach from 1978 to the fall of 1985, when he assumed full-time athletic director duties. He retired in December 2000, but came back for brief athletic director stints at surrounding school districts for several years. Coach Wilson then came back to assume the athletic director role in the Lewisville ISD during the spring of 2004, and then again in 2007.

In 2003, Coach Wilson was inducted into the Texas High School Coaches Association Hall of Honor, and in 2005, Flower Mound High School in Flower Mound, Texas, renamed its football stadium the Neal E. Wilson/Jaguar Stadium. Coach Wilson was known as a strong advocate of all sports and took great pride in making sure he not only gave equally to all sports, but also increased his knowledge about every sport with each passing day.

His motto, according to Lewisville assistant athletic director Rody Durham, was that you have to give the kids a chance to win. Coach Wilson expected himself and every coach to do their part to put their teams in the best position possible and lead by example. "When we have needed him, he's always been there for us," Coach Durham said.

My thoughts go out to his wife Donna and two sons, Darrell and Lance, as well as a long-list of family and friends. Coach Wilson will be greatly missed by the many that are fortunate enough to speak of the impact he had on their lives.

HONORING RAY KARPE

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. McCARTHY of California. Madam Speaker, I rise today to honor Ray Karpe, a resident and community leader from Bakersfield, California, for his outstanding and exemplary leadership while serving as the 2007 President of the Bakersfield Association of Realtors®.

After earning a bachelor of science degree in business administration from California State University, Bakersfield, Ray graduated from the Graduate Realtor® Institute, GRI, in 1989. He began his real estate career with Karpe Real Estate Center in 1986 and served as property manager, sales associate, loan officer, project development manager, and vice president before becoming the center's president. He received his real estate broker's license in 1998.

Ray Karpe has been a longtime leader in local real estate matters, reflecting the same success, enthusiasm, care, and commitment to his community as two generations of Karpes before him. He has served the Bakersfield Association of Realtors® in all levels of leadership and served on over 35 committees since becoming a Director of the association in 2002. He became the third generation of the Karpe family to be honored as the Realtor® of the Year in 2005 by the Bakersfield Association of Realtors®, before being appointed president of the association in 2007.

Ray has also ably represented Bakersfield realtors and the Bakersfield community in the State and national association. Since 2003, Ray has been a director of the California Association of Realtors®, C.A.R., and has served as chair and vice-chair of the Taxation Committee. And this year, C.A.R. President Bill Brown appointed him to serve on the 2008 C.A.R. executive committee. Since 2006, Mr. Karpe has been a director of the National Association of Realtors®, a member of the Taxation Committee, and is a "National Golden R" Member—President's Circle.

In his free time, Ray is an active community volunteer serving as a director on the boards of the California State University, Bakersfield Foundation, Mercy Hospitals of Bakersfield, and Garces Memorial High School. He is also a member and past director of the Rotary Club of Bakersfield, the Young Presidents' Organization, YPO, and a member of the 11 Gallon Club at the Houchin Community Blood Bank.

A true mark of leadership is the generosity of time and talents that one gives on behalf of his neighbors and communities. Ray Karpe exemplifies this time-honored tradition. I commend Ray for his service and leadership as president of the Bakersfield Association of Realtors® and wish him and his family well as he continues to serve our community.

IN HONOR OF EDWARD DuBOSE

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor Edward Dubose, the president of the Georgia State Conference of the NAACP and Second District citizen.

Edward O. DuBose was born in Atlanta, Georgia, the third oldest of 10 children to Carnell and Margie DuBose. He received his early education through the Atlanta public school system, graduating from Harper High School. He then joined the United States Army where he completed 21 years of honorable service.

Mr. DuBose, who also earned a masters degree in clinical mental health counseling, is a licensed professional counselor, anger management specialist, member of the National Board of Certified Counselors, and a member of the Licensed Professional Counselors Association of Georgia. As the owner of Oxygen Mental Health Counseling services, he provides in-home counseling to at risk youth and families throughout the State of Georgia and Alabama.

In addition to his career as a counselor, Mr. DuBose has served his community through leadership in the NAACP. He has served 7 years as president of the Columbus, Georgia, branch of the NAACP, and 5 years as 2nd vice president of the Georgia State Conference NAACP. In addition, he has served as Georgia State NAACP veterans affairs chairman and as the district coordinator for a 9-county area.

Mr. DuBose was elected to the position of president of the Georgia State Conference NAACP on October 2005, and reelected for a second term in 2007. He is the only resident and NAACP member in Columbus history to hold the title of State president.

While serving the NAACP, Mr. DuBose led the organization to achieve several landmark accomplishments, including negotiating the only NAACP radio show in Georgia, helping start the first Black History Month Parade in Columbus, Georgia now in its seventh year, and coordinating the largest protest march in Columbus history by rallying over 15,000 people to call for justice for the shooting death of Kenneth Walker.

Mr. DuBose is married to Cynthia DuBose and they have three beautiful daughters; Cynthia Harris, Casonya Hardaway Glover, and Kimberly DuBose. Madam Speaker, it is my privilege to honor this man today for his dedication to Columbus, the NAACP, the Second Congressional District, and to the betterment of his State and Nation.

HONORING ROBERT DUNBAR

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Councilman Robert Dunbar upon his retirement from the Modesto City Council. Councilman Dunbar was recognized at the city of Modesto swearing in ceremony held on December 19, 2007.

Councilman Dunbar was born in Terre Haute, Indiana and attended Indiana University and Indiana State University where he received a bachelor of science degree in speech and drama with a minor in political science. After moving to southern California he attended University of Redlands, University of California in Riverside and California State University, Fullerton and received a master of science degree in public school administration with a minor in political science and urban politics. This was the beginning of Councilman Dunbar's first career as a teacher.

Before Councilman Dunbar was an elected official, he worked in the public school system. He began by teaching high school and junior high school. He moved to Merced, California, in 1972 to pursue a position with the Merced Union High School District. He held various positions within the district, including; dean of boys, vice-principal and learning director. In 1980 he moved to Modesto, California to join the Sylvan Union School District, where he became the principal of Somerset Junior High School. The school was named a "Top 100 Distinguished Junior High School" during his tenure. He was also the principal at Sylvan Elementary School, and was named the "Eighth District PTA Principal of the Year." While working for the school districts, he was also a part-time professor on various subjects at Merced Junior College, California State University, Stanislaus, St. Mary's College, and Chapman University. Councilman Dunbar retired from education in 2001 and moved onto more civic duties.

Councilman Dunbar served on the Planning Commission for the city of Merced for 2 years and on the Planning Commission for the city of Modesto for 7 years serving as the chairman for 2 of those years. He was elected to the Modesto City Council in 2003, and currently serves as vice chair of the Finance Committee. Throughout his lifetime he has served in many capacities; as a baseball coach, Boy Scout leader, Kiwanis leader, member of the board of directors for the Modesto chapter of the Red Cross, member of the Association of California School Administrators and Stanislaus Partners in Education.

Madam Speaker, I rise today to commend and congratulate Councilman Robert Dunbar upon his retirement from the Modesto City Council. I invite my colleagues to join me in wishing Councilman Dunbar many years of continued success.

HONORING BRAD L. HARNICK

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. KILDEE. Madam Speaker, I rise today and ask the House of Representatives to join me in congratulating Brad L. Harnick upon his retirement from Michigan State University Extension for Genesee County. A reception for Brad was held on January 11th in my hometown of Flint, Michigan.

Brad began working for the Michigan State University Extension Service in 1978. He worked as the Genesee County 4–H Youth Development Program associate until 1990. At that time he became the 4–H Youth Development agent and Extension educator.

During his tenure he developed several programs to promote leadership, citizenship, achievement, and community service in young people and adult volunteers. He created the Citizenship Academy, the Adolescent Mentoring Program, and the Genesee After-School Program. He was a significant contributor to the development of the Capitol Experience Program, Exploration Days, and the Great Lakes Environmental Camp.

As the 4–H coordinator for Genesee County, Brad has instilled the four values of 4–H: head, heart, hands and health, into thousands of young people. He has brought the resources of Michigan State University Extension and the 4–H program into partnership with schools, churches, community groups and youth-serving organizations to enhance the advancement of young persons throughout Genesee County.

Madam Speaker, I ask the House of Representatives to join me in thanking Brad L. Harnick for his service to our youth. His innovative programs have educated, his creativity has inspired, and his leadership has enhanced the lives of countless children. I am grateful that he devoted his life to giving life skills to the young people of Genesee County and I wish him the best for the future.

HONORING MERCY HOSPITAL CADILLAC ON THE 100TH ANNIVERSARY OF ITS PUBLIC DEDICATION

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. HOEKSTRA. Madam Speaker, I rise today to honor the founders, administrators, staff and supporters of Mercy Hospital Cadillac as they celebrate the 100th anniversary of the hospital's public dedication.

Madam Speaker, Mercy Hospital Cadillac has helped to ensure that the local community has remained healthy and productive since 1908.

Mr. and Mrs. Delos F. and Esther Diggins started construction on a home for the sick in 1907 and entrusted it to the Sisters of Mercy in 1908. It admitted its first patient on January 15, 1908, and it was dedicated to its purpose by a reception to the public on January 20, 1908. It will be rededicated to its purpose during a public celebration on Sunday, January 20, 2008.

From 1908 to 1934 Mercy Hospital conducted a nursing program titled the "Mercy Hospital School of Nursing," which prepared young women for careers as skilled nurses. In 1952 the Mercy School of Practical Nursing was founded, and it educated 1,115 students before closing in 1985. It was ranked first or second by the Michigan Nursing Board in its last 16 years.

The hospital is currently engaged in an $11 million capital campaign to modernize its facilities and invest in new technologies, which so far has provided it with the means to construct a 1,800-square-foot Obstretrical Unit, a new emergency department and a new radiology department. The initiative will build upon the hospital's successes and ensure that it has the best equipment, expertise and infrastructure.

Mercy Hospital Cadillac provides health care services to more than 60,000 residents across four counties, and with more than 600 employees is one of the area's largest employers.

Madam Speaker, Mercy Hospital Cadillac has contributed greatly to its community by continuing the legacy of Mr. and Mrs. Diggins and is deserving of the recognition of the U.S. House of Representatives.

CONGRATULATING THE LEWISVILLE INDEPENDENT SCHOOL DISTRICT FOR RECEIVING AN AA+ BOND RATING FOR 2007

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. BURGESS. Madam Speaker, I rise today to congratulate the City of Lewisville's Independent School District. The Lewisville Independent School District has received an AA+ bond rating for 2007.

District officials apply for the ratings each year, which are granted by Standard and Poor's Corporation of New York. Lewisville is the only district in Texas, and one of three districts in the Nation, to receive such a rating this year.

The Lewisville Independent School District has demonstrated a strong aptitude for increasing fund balances while responding to modifications in State funding policies. The AA+ rating is an improvement from the district's AA rating in 2006.

The Lewisville Independent School District has managed to increase its bond rating from AA− to AA+ in two years, despite statewide school finance issues. State funding policies have been changed multiple times throughout the last decade, and Lewisville has positively modified its spending practices each time in response.

I extend my sincerest congratulations to the City of Lewisville and the Lewisville Independent School District. It is my hope that they will continue to be as fiscally responsible and resourceful as they have proven themselves to be in the past. It is my honor to represent them in the United States Congress.

RECOGNIZING GENEVA MAE SMITH

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. GRAVES. Madam Speaker, I proudly pause an ask you to join me in recognizing Geneva Mae Smith of Gladstone, MO. Geneva celebrated her 100th birthday on January 9, 2008, and it is my privilege to offer her my warmest regards on achieving this important milestone.

Geneva Mae Richardson was born to Lille Mae and Lee Howard Richardson in Kansas City, KS, on January 9, 1908. Geneva was one of eight children born into the Richardson family. On October 11, 1924, Geneva married Chester Melvin Smith. Geneva and Chester had four children: Geneva Mae, Chester Melvin, Georgia Bea, and Frank Cooper. After Geneva's parents passed away, she also cared for and raised her baby brother Glenn.

Chester and Geneva remained active in the community during their marriage by participating in Chester's Masonic Lodge and American War Dads. For 12 years Geneva was the national pianist for the American War Dads organization. After Chester's death Geneva remained active in American War Dads and other community organizations.

Madam Speaker, I proudly ask you to join me in recognizing Geneva as she celebrates her 100th birthday. It is an honor to represent Geneva in the United States Congress, and I wish her the best of luck in the future.

HONORING ROBERT CRAWFORD

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mrs. CAPITO. Madam Speaker, I rise to honor Robert Crawford, for his retirement and years of dedicated service to the citizens of Berkeley County.

"Bob," as he is better known to his friends and colleagues, has served as the executive director of the Berkeley County Development Authority since March 1990.

During his tenure, he has experienced the many changes Berkeley County has undergone in the past 18 years as it transformed from a small rural county to a bustling bedroom community of the Washington, DC metro area. Bob has worked tirelessly to assure that all the needs of the county were sufficiently met despite surging growth and infrastructure challenges.

As executive director of the Berkeley County Development Authority, Bob has been involved with the development of the two major industrial parks; Cumbo Yard Industrial Park and Tabler Station Business Park. He also played a major role in recruiting industries to the area that serve as the county's major employers.

It is an honor to congratulate such a distinguished public servant for his years of service and contributions to Berkeley County and the State of West Virginia. I'm proud to call Bob a friend and fellow West Virginian. I wish him all the best in the years to come.

HONORING SAMUEL ARTHUR FRIEDMAN

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. COLE of Oklahoma. Madam Speaker, I rise today to honor Professor Samuel Arthur Friedman for his devotion and extensive contributions to the science and literature of geology.

As a leading authority on coal geology and resources, Professor Friedman developed his passion early on earning his undergraduate degree from Brooklyn College, a master's in geology from Ohio State University along with completing graduate work in geology at Indiana University and the University of Tennessee.

For 15 years, Professor Friedman served as an expert on coal formations at the Geological Survey at Indiana University after which he became the coal project leader for the U.S. Bureau of Mines in Tennessee and Pennsylvania. In 1971, he joined the Oklahoma Geological Survey where he established a coal research program and taught coal geology seminars as a member of the graduate faculty of the School of Geology and Geophysics. Professor Friedman also chaired master's students' thesis committees and organized continuing education classes in the fundamentals of coal geology.

He has held numerous leadership positions in professional geological societies such as serving as chairman of the Coal Geology Division of the Geological Society of America and receiving the division's Distinguished Service Award in 1992. Professor Friedman was also awarded the Past Presidents Award, the Distinguished Founders Award, and the Distinguished Service Award from the American Association of Petroleum Geologists Energy Minerals Division. In recognition of his extensive contributions to the science of geology and of his generous commitment to the advancement of his profession, Brooklyn College awarded him the Distinguished Alumnus Award in 1995.

Professor Friedman's work as a research and resources coal geologist with the U.S. Bureau of Mines and the Oklahoma Geological Survey, his excellent relationship with Federal and State agencies, and his role as a principal investor in geology projects have all contributed to his being recognized as a leading expert in the field of coal geology and resources.

His biography has been listed in American Men and Women of Science, Marquis Who's Who in America, Who's Who in Science and Engineering, and Who's Who in the World.

Madam Speaker, I would like to ask my colleagues to join me in congratulating Professor Samuel Arthur Friedman on his many accomplishments in the field of coal geology.

TRIBUTE TO KATY HIGH SCHOOL FOOTBALL TEAM

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. McCAUL of Texas. Madam Speaker, I rise today to congratulate the Katy High School football team of Katy, Texas, on their Class 5A, Division II Texas State football championship on Saturday, December 22, 2007.

Katy High School became the Class 5A, Division II State champions after defeating Pflugerville High School, 28 to 7, at the Alamodome in San Antonio, Texas.

Starting the season as the second-ranked team in Class 5A and ending the regular season as the top-ranked team, the Katy Tigers were a team expected to do great things, and they did. When the senior players were freshmen, they made it their goal to win a State championship game and with much hard work and determination this objective was accomplished. Always tough to live up to expectations, the Tigers did so and then some in claiming the Class 5A, Division II title in 2007 with a perfect 16–0 season record.

Throughout the season, both the offense and defense were dominant. Offensively, the Tigers scored over 43 points per game. Defensively, Katy allowed an average of only 8 points per game.

The Katy Tigers advanced to the championship game by easily defeating Strake Jesuit College Preparatory 51–18 in the bi-district playoff game, by defeating Houston Madison High School 42 to 8 in the Region 3 semifinals, by defeating Pasadena Memorial High School 30 to 14 in the Region 3 championship, by defeating Fort Bend Clements High School 42 to 0 in the quarterfinal playoff game, and by defeating San Antonio Madison High School 66 to 21 in the State semi-final game.

The Katy Tigers rose to the challenge during the championship game against the Pflugerville Panthers, in San Antonio at the Alamodome. Katy scored 28 unanswered points after being down 7 in the first half. A hail mary at the end of the first half changed the momentum for the Katy Tigers to finish out the State championship game with a final score of 28–7, a truly outstanding accomplishment.

The win is Katy's fifth title all-time and fourth since 1997. More significantly, it is the first for head coach Gary Joseph, who ran his all-time win-loss record to 55–4 with the victory. It was not just a State title however, as the Tigers would find out about 30 minutes after the game's final whistle. Coach Joseph announced to a packed home locker room that the Tigers had been voted the No. 1 team in the Nation by ESPN. A roar of shouts, whistles and cheers filled the underground corridors of the Alamodome following that announcement as Katy returned to the top of the charts in Texas for the first time since 2003. In addition, Katy is ranked No. 4 in the USA Today Super 25 football rankings.

The success of these fine young athletes of Katy High School serves as an inspiration for their school and community. I know from my own experience how high school football teaches you not only how to win on the field but also how to succeed in life. It teaches you that through hard work, discipline, dedication, and teamwork you can dream any dream and achieve any goal. I know that these fine athletes will apply their success on the football field to their lives after high school to accomplish great things.

I officially recognize and honor the outstanding achievements and contributions by the 2007 Katy High School Varsity Football Team, coaches, school and loyal fans, for their exemplary representation of our community. Congratulations Katy Tigers. I commend you on a spectacular football year and wish you the best next season and beyond.

HONORING MRS. MARGUERITE CANTINI

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. KLEIN of Florida. Madam Speaker, I rise to honor Mrs. Marguerite Cantini of Fort Lauderdale, FL, who will turn 100 years old on January 25, 2008.

Mrs. Cantini is the paradigm of her generation. Her parents immigrated to the United States, making her the first generation of her family to be born on U.S. soil. She was the second daughter to her parents, Edgar and Thea Barbe, who had recently arrived in New York. The family moved to California and then returned to the East Coast.

In 1936, she married Raphael S. Cantini, a surgeon from New Jersey, and together, they raised a family. She dedicated her life to the welfare and happiness of those around her. The American people can look to Mrs. Cantini as a model for family values.

Mrs. Cantini has always lived a graceful and creative life, and throughout her 100 years, she has excelled in flower arranging and drawing. She would create doll houses out of cardboard with her grandchildren and especially enjoyed making paper dolls and all their clothing for her granddaughters.

I join her family and friends in wishing Mrs. Marguerite Cantini a very happy birthday.

IN HONOR OF THE PRESIDENT OF JESUS THE HOPE OF ROMANIA, PETER DUGULESCU

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. WOLF. Madam Speaker, on behalf of my colleagues Representative CHRISTOPHER H. SMITH of New Jersey and Representative JOSEPH R. PITTS, we rise today to honor the memory of Pastor Peter Dugulescu, who was the founder and president of the charitable organization "Jesus the Hope of Romania" and who passed away from a heart attack on January 3, 2008.

Pastor Dugulescu was born in 1945 in Romania, eventually marrying and having four children. He served as a Baptist pastor during the Communist regime, and was seen as a fighter of the revolution and a true spiritual leader in Romania. He was given the honor of many awards, including the "Ambassador of Peace" award from the Interreligious and International Peace Council.

Pastor Dugulescu was a dear friend of many of us who have followed events in Romania over the years. He was a strong Christian, and a selfless servant of the poor. His charity opened an orphanage, created feeding programs for the impoverished, and established a home for the elderly and handicapped children. The loss of this bright soul will be felt acutely by all whose lives he touched. We extend our condolences to his family and friends.

THE RETIREMENT OF DOUG MACDONALD

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. DEFAZIO. Madam Speaker, I rise today to pay tribute to a dedicated member of the United States Forest Service as he concludes his 32-plus years of service to his country. Mr. Doug Macdonald deserves this honor. Oregonians are grateful for his contributions to the wise and sustainable use of our Nation's forests.

Doug Macdonald's personal and professional career accomplishments are as diverse as they are noteworthy. His loyal service and sacrifices for over three decades working in the communities of Oregon are a testament to all who use and appreciate our public lands. I would like to take a moment to reflect upon Doug's career as he makes the transition to life beyond Government service.

Born in Yakima, Washington, Doug learned to speak Japanese before he spoke English because he spent time in Japan as a toddler while his father was serving in the Armed Forces. His family then moved to upstate New York where Doug gained appreciation for the outdoors at their home near the Catskill Mountains. After high school, Doug started college in Boston but the lure of the Pacific Northwest pulled him back to where he calls home.

Doug joined the Army National Guard where he served his country for 6 years. He graduated with a civil engineering degree from the University of Washington and in 1975 started his Forest Service career as a civil engineer trainee on the Willamette National Forest.

Doug's career in the Pacific Northwest Region of the Forest Service included positions in the regional office in Portland, Oregon, and on the Malheur National Forest in John Day, Oregon. In 1986, Doug returned to the Willamette National Forest as the Assistant Forest Engineer and eventually was promoted to the Forest Engineer. In the 1990s, Doug was part of an international team that traveled to Indonesia for 3 or 4 weeks per year to train Indonesian foresters to design and build environmentally sensitive roads. He retires as the Zone Engineer for the Willamette, Siuslaw, and Mt. Hood National Forests. as well as the Columbia River Gorge Scenic Area.

Early in his career, Doug was instrumental in developing and implementing new forest road designs that were efficient, cost effective, and more environmentally sensitive. Doug also played a significant leadership role in bringing together research science and engineering to improve hydrologic function and fish passage on forest roads and culverts. In the last several years, Doug has worked tirelessly to enhance the facilities of the Forest Service. He has forged new partnerships and inspired innovation and creativity to reduce costs and improve the vital facilities for the entire Pacific Northwest Region. In my own district, Doug was responsible for initiating a partnership to build an interagency center to house the new offices for the Forest Service, the BLM, and the Oregon Military Department. His efforts helped save tax payers millions of dollars in facilities costs.

Among Doug's numerous and exemplary accomplishments, none are more evident than the relationships he has built and his commitment to others that he tirelessly displays. Doug has touched so many people both in and outside the Forest Service. His caring for people has resulted in immeasurable benefits to the people of Oregon and our Nation.

Madam Speaker, it is with great honor for me to present these credentials of Doug Macdonald to the House of Representatives today. It is clear through all of his accomplishments that he has dedicated himself to furthering the benefits we enjoy on public lands. All of his actions reflect a true leader with a sense of purpose, commitment, and conscience.

As Doug departs from public service, I ask my colleagues to join me in delivering an appreciative tribute from a grateful nation, and best wishes to him and his family for a productive and rewarding retirement.

HONORING MANUEL ESCONTRIAS ON HIS RETIREMENT

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to commend Mr. Manuel Escontrias on announcing his retirement from Exxon-Mobil, after 38 years of service. Mr. Escontrias, a long time Baytonian, served his community for 6 years as a District 3 city councilman, 6 years as a Goose Creek school board trustee and as a Lee College regent for 1 year.

Mr. Escontrias holds a bachelor's degree in science from Texas A&M and a master's degree from Pepperdine University. In 1968, Mr. Escontrias went to work for the Exxon-Mobil Chemical Plant as the first Hispanic engineer at the Baytown complex.

In the 1980s, while with Exxon-Mobil, Mr. Escontrias helped develop and build the Exxon Coal Liquefaction Plant (ECLP), was involved in the biggest expansion in the company's history, and was part of the Exxon-Mobil Process/Risk Management Group. Through his 40 years as a Baytonian, Mr. Escontrias has been involved with many local groups including the United Way, the Hispanic Chamber of Commerce, the Lakewood Civic Association, and many more. For his involvement in the community, Mr. Escontrias was awarded the Henry B. Gonzalez Leadership Award.

And so it is with great pleasure that I recognize Mr. Manuel Escontrias, for his service to Exxon-Mobil and the city of Baytown, and I congratulate him on the announcement of his retirement.

HONORING DETECTIVE KENT HAWS

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. NUNES. Madam Speaker, I take this opportunity to pay tribute to Tulare County Sheriff's Detective Kent Haws, who, at the age of 38, sacrificed his life in the line of duty so others may live.

Detective Haws honorably served our Nation in the United States Army and subsequently went on to serve his community as a member of the Tulare County Sheriff's Department.

After spending time overseeing local prisoners, he was posted to a community officer position covering the Porterville area. His talents and commitment to duty were quickly recognized with an appointment to the prestigious Sheriff's Tactical Personnel Unit. In this capacity, he led his team in tactical responses to drug cartel activities in our Nation's forests and parks.

Detective Haws' commitment to his community was proven last December when he fearlessly confronted a suspicious individual on a back road of our farming community. That confrontation ended with Detective Haws' making the ultimate sacrifice for his family and his community. His true act of heroism will only be known between himself and his God.

Those of us that he left behind will forever remember his brave actions that day. His heroics deserve a place in history on the National Law Enforcement Officers Memorial here in Washington. This memorial contains a fitting quote that sums up Detective Haws' life—"In Valor—There is Hope".

Detective Haws, a devoted husband, and a loving father, is survived by his wife Francis and three wonderful sons Dominik, Nicholas and Evan.

I ask that my colleagues join me in solemn tribute to Detective Kent Haws, whose actions undoubtedly saved others.

HONORING THE 40TH ANNIVERSARY OF THE FELD FAMILY OWNERSHIP OF THE RINGLING BROS. AND BARNUM & BAILEY CIRCUS

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. BUCHANAN. Madam Speaker, I rise today to recognize the Feld Family, who, for forty years have preserved the legacy of the circus and provided Americans with quality family entertainment. On November 11, 1967, Irvin Feld fulfilled a life long dream by purchasing the Ringling Bros. and Barnum & Bailey circus, which for years made its winter home in Sarasota, Florida. Quickly, Irvin Feld made changes to modernize the show and ushered in the era of modern American entertainment.

An astute promoter, Irvin Feld designed a new two-year tour system for Ringling Bros. and Barnum & Bailey. He purchased the Circus Williams and created a second unit of Ringling Bros. equal in size, scope, and quality to the first. The second unit showcased the incredible talents of Gunther Gebel-Williams, who captivated American audiences for 30 years.

Just like the great Barnum, Feld devised national advertising campaigns and creative public relations, to reinstate the Ringling circus as America's living treasure. It is not surprising that Irvin Feld was dubbed "The Greatest Showman on Earth."

To save the art of clowning from extinction, Irvin Feld founded the Ringling Bros. and Barnum & Bailey Clown College in 1968. Originally located in Venice, Florida, then relocated to Baraboo, Wisconsin and finally, Sarasota, Florida it was the world's first and only "Clown College."

In 1970, Feld's son, Kenneth, joined the organization and was made a co-producer in 1973. When Irvin Feld suddenly died on September 6,1984, Kenneth Feld immediately assumed control and has surpassed the level of entertainment excellence set by his father and other legendary showmen before him. Expanding the circus, he instituted a third unit that travels all across America.

Today, Kenneth Feld is the largest provider of live action family entertainment in the world. The Feld legacy continues through the third generation with Kenneth Feld's daughters, Nicole and Alana, who work to maintain the high quality, family-focused productions that have been the hallmark of the "Greatest Show on Earth."

The Feld's support school curriculum programs and have developed Circus Fit, a national youth fitness program. To help preserve the Asian elephant, Kenneth Feld established the Center for Elephant Conservation (CEC) in central Florida in 1995. This state-of-the-art breeding and retirement facility is dedicated to the conservation, breeding, and study of the Asian elephant.

In each generation, the Feld family has continued to capture children of all ages by preserving the great American circus and led the Ringling Bros. and Barnum & Bailey Circus, The Greatest Show on Earth, into the 21st century.

I thank my colleagues for joining me in recognizing the contributions of the Feld Family to American culture and entertainment.

TRIBUTE TO PHILLIP S. FIGA UNITED STATES DISTRICT COURT JUDGE

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Ms. DEGETTE. Madam Speaker. I rise to honor the extraordinary life and exceptional accomplishments of United States District Court Judge Phillip S. Figa. This exceptional jurist merits both our recognition and esteem as his impressive record of civic leadership and invaluable service has improved the lives of many Coloradoans.

Sadly, Judge Figa was taken from us by a brain tumor at the young age of 56 and he will be greatly missed. His passion for the law and justice and his capacity for community service were beyond measure. He molded a life of genuine accomplishment and served our Nation with distinction. His passing is a great loss to the Federal bench and our entire community.

Judge Figa was born in 1951 in Skokie, Illinois, the son of Holocaust survivors from Poland. He earned a scholarship to Northwestern University and graduated with a degree in economics. While at Northwestern, he met and married Candace Cole Figa. He went on to graduate from Cornell Law School and started his law practice in Colorado at Sherman & Howard in 1976. Four years later, Judge Figa became a founding partner of Burns, Figa & Will, P.C. and became the firm's President. For over 26 years, Judge Figa maintained a broad litigation-oriented practice and established a national reputation as an expert in the field of legal ethics. He was actively involved in the Colorado legal community and served as President of the Colorado Bar Association and as Chair of the Ethics Committee. He served on the Civil Justice Reform Act Advisory Committee and on the Colorado Commission on Judicial Discipline. He served as an instructor at the University of Denver College of Law and the National Institute of Trial Advocacy. Judge Figa was also one of the founding members of the Faculty of Federal Advocates and is credited with the development of the very successful Pro Bono Mentoring Program. As a former Chair of the Mountain States Region of the Anti-Defamation League. Judge Figa was deeply committed to fighting bigotry, extremism, anti-Semitism and supporting Holocaust awareness.

President Bush nominated Judge Figa to the United States District Court and he was confirmed by the United States Senate on October 2, 2003. During the confirmation process, Senators of both parties viewed him as highly intelligent and a fair prospective jurist. Many friends, family and associates have praised Judge Figa as "even handed" . . . "smart, caring and authentic" . . . "a great jurist" "a true humanitarian" . . ."one who brought passion and integrity to the field of law ". . . a humble and gracious man who genuinely cared about helping other people." I was honored to give the highest recommendation to the Senate Judiciary Committee. On a personal note, Judge Figa was a good friend of both me and my husband. He was loved and respected across the legal community. Judge Figa was a mensch—an upright, honorable and decent human being.

Judge Figa has been recognized with several accolades and honors including nomination to the International Society of Barristers, the American Bar Foundation and the Colorado Bar Foundation. He was honored by the Colorado Supreme Court for "outstanding leadership of the Coalition for the Independence of the Colorado Judiciary" and in January of 2006, he was named one of the Leading Judges in America by The Lawdragon. On February 4, 2008, the Anti-Defamation League will present the late Judge Figa with the Distinguished Community Service Award "for his commitment to human rights and dignity, and his dedicated service to his community, state and nation." Judge Figa lived a life that is rich in consequence and our country is a better place because of his labors. Truly. we are all diminished by the all too early passing of this remarkable gentleman and our thoughts are with Candace Figa and their two children, Ben and Elizabeth. Please join me in paying tribute to the life of United States District Court Judge Phillip S. Figa, a distinguished jurist. It is the values, leadership and dedication he exhibited during his life that serves to build a better future for all of us.

IN TRIBUTE TO MR. BOOKER TOWNSELL

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Ms. MOORE of Wisconsin. Madam Speaker, I rise today to recognize Mr. Booker Townsell. Mr. Townsell was falsely accused along with 42 other African-American soldiers for rioting and lynching an Italian POW at Fort Lawton, an Army base in Seattle in 1944. It was the largest and longest Army courts-martial of World War II. Mr. Townsell was ultimately court-martialed and convicted with 27 others and served two years in prison. After 63 years, Booker Townsell has been fully exonerated. Mr. Townsell was not able to see this travesty reversed having died in 1984 at the age of 69. However, his family persevered until he was fully exonerated for a crime he did not commit.

Members of Mr. Townsell's family learned of Jack Hamann's, 2005 book, "On American Soil: How Justice Became a Casualty of World War II", which chronicled the Fort Lawton court martial. The Townsell family contacted

Hamann and was the first to petition the Army to reverse the conviction. The Army Review Board required each family to apply individually for a review. Bipartisan requests were made in Congress to review the case. In October, 2007, an Army review board, acting on evidence uncovered by Hamann's book, overturned Townsell's conviction. The analysis used to reverse Townsell's conviction would apply to all of the soldiers convicted, an Army lawyer who reviewed the case for the review board told The New York Times.

Hamann's investigation uncovered racial bias against the soldiers, including charges being brought immediately without the benefit of full counsel which led to their unfair convictions. This incredible story also involves Leon Jaworski, a young lieutenant who prosecuted the case for the Army and later served as special prosecutor in the Watergate case. Hamann discovered that Jaworski failed to share evidence with defense lawyers that could have exonerated the black soldiers. Hamann said it seemed suspicious that black soldiers in 1944 would participate in a lynching, given the racial attitudes in America at the time. According to his research, no black person had ever been put on trial for a lynching until then.

A lawyer who specializes in military affairs helped the Townsell family with their petition to the Army review board. The decision that overturned Townsell's conviction was a sweet victory for justice in our country.

On January 19th 2008, the family will celebrate their legal victory with a ceremony attended by Army officials to recognize the overturning of this conviction after 63 years. I am honored to have this opportunity to pay tribute to Mr. Townsell and to his family. Mr. Townsell's good name has now been restored.

COMMEMORATING THE 25TH ANNIVERSARY OF PHEASANTS FOREVER

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise today to honor the members of Pheasants Forever for their strong legacy of environmental advocacy and conservation on the occasion of the 25th Anniversary of the organization.

Pheasants Forever started with a campaign for a Minnesota pheasant stamp. Since that modest beginning, the organization has demonstrated just how effective conservation at the grassroots level can be. By working with local farmers to restore marginal lands, a few pioneering Minnesotans started a movement that has spread across North America with great success. Currently the members of Pheasants Forever organize the efforts of hunters, farmers, and environmentalists in nearly 30,000 restoration projects each year. During the past 25 years, these efforts have helped to protect 4 million acres of wildlife habitat.

Pheasants Forever has accomplished great things over the past two and a half decades in the areas of critical habitat improvement, public and private land management, and public awareness and education. Hunting and other outdoor recreational activities are strong traditions for many families in Minnesota and across America. Thanks to the foresight and hard work from the members of Pheasants Forever, these traditions can be passed down for generations to come.

Madam Speaker, please join me in honoring Pheasants Forever on its first 25 years of grassroots advocacy.

CONGRATULATING LIBERTY CHRISTIAN SCHOOL

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. BURGESS. Madam Speaker, I rise today to congratulate Liberty Christian School in Argyle, Texas for winning the TAPP Division II State Championship in football.

This season's title was the program's third state title in six tries, and capped a season in which the Warriors went 12–2 and were the No. 1 ranked team in the Dallas Morning News' Large Private School poll the entire season. Liberty Christian's season was certainly a magical one. After beginning the season 1–2, the Warriors won 11 games in a row. They held opponents to two touchdowns or less in nine of those games while scoring 40 or more points in eight games during that stretch.

The Athletic Director of Liberty Christian, Coach Darren Chrane, attributed the success of this season's team after their rough start to the resolve of their senior class. "They decided that they weren't going to be denied a win and went out there and dominated against a good football team." Coach Chrane stated.

This year's team was eighth out of all private schools in offense with an average of 384 yards per game. Defensively, the Warriors were 11th overall with 246 yards against per game.

These student athletes exemplify the type of leadership and work ethic we all strive to possess. I extend my sincerest congratulations to the Liberty Christian football team, Athletic Director Darren Chrane, Head Coach Mark Bowles and the entire coaching staff, and all of those involved in the successful 2007 season. I wish them the best of luck in their future endeavors. It is my honor to represent a group that exhibits such talent, hard work, and dedication.

HONORING CONRAD BECKER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Conrad Becker of Platte City, Missouri. Conrad is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and earning the most prestigious award of Eagle Scout.

Conrad has been very active with his troop, participating in many Scout activities. Over the many years Conrad has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Conrad Becker for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING RETIRING ERIE COUNTY EXECUTIVE JOEL GIAMBRA

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the public career and personal sacrifices of Joel A. Giambra, who, on December 31, 2007, concluded more than two decades of continuous elective public service with the end of his second and final term as Erie County Executive.

Joel faced challenges throughout his career, and most particularly throughout his two terms as County Executive. Hit with a cancer diagnosis before taking the oath of office as County Executive, Joel faced that challenge and many, many more with a sense of commitment and—most especially—aplomb that inspired many to heed his advice to quit smoking.

Joel and I had the pleasure—and I do mean that it was a pleasure—to serve together as members of the Buffalo Common Council. My time serving alongside Joel was brief, but we were part of a new majority caucus on the council that was thoughtful, deliberative and served as an important check and balance on the office of the Mayor.

Following Joel's service on the Common Council, he distinguished himself as Buffalo City Comptroller, administering a large department of city government charged with important day to day functions in city life.

Joel's election as County Executive in 1999 was challenging at its start and was controversial almost throughout. Joel fought the fights he believed were worth fighting and never ducked a challenge. Joel rightly brought to the forefront the issues of overlapping governmental services and the need for county and local governments in Western New York to develop new strategies to collaborate and save taxpayer dollars. While Joel's efforts certainly could not be termed a complete success, he is widely and appropriately credited for bringing these issues to the forefront, and his efforts have paved the way for succeeding elected officials to find new and innovative ways to collaborate and consolidate services in the future.

As I indicated, Joel's eight years as County Executive had its share of ups and downs, but while some questioned the policies Joel implemented, no one could question his commitment to the community that he lives in and loves so much. From meetings in Albany to Washington, DC and to points abroad, during his years as County Executive, Buffalo and Western New York had no more dedicated ambassador than Joel Giambra.

Joel is now entering a new chapter of his professional life and we wish him good luck and Godspeed in his future endeavors, and Madam Speaker, I want to thank you for allowing me the opportunity to recognize Joel's public career.

TRIBUTE TO HARDIN COUNTY, TEXAS, AND ITS RESIDENTS ON THEIR 150TH ANNIVERSARY

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. BRADY of Texas. Madam Speaker, I rise today to honor and congratulate Hardin County, Texas, and its residents on their 150th anniversary.

Sixty-eight miles northeast of Houston and 54 miles from the Gulf of Mexico, Hardin County's 897 square miles are covered by pine and hardwood forests. This puts Hardin County in the middle of the beautiful Big Thicket of southeast Texas and the larger east Texas Timberlands region. Natural resources are still a main driver of the local economy and timber, oil, gas, sand, gravel, and salt domes are found within the county.

In 1836 the area was split between the jurisdictions of Liberty and Jefferson counties. Following the region's population growth, in 1858 the legislature established a new county. The new county was named in honor of the Hardin family from nearby Liberty County; the county seat was also to be designated as Hardin. When the Sabine and East Texas Railroad bypassed Hardin in favor of the newly established railroad town, Kountze was made the new county seat.

Long ago, American Indians in the region began to visit what they called Medicine Lake, seeking the healing powers of the mud and mineral water in what we today call Sour Lake. Oil was discovered in 1901 around Sour Lake and quickly became the lifeblood of the area, production later reached 7 million barrels a day. This same discovery allowed for the creation of the Texas Company, better known as Texaco. Today, Hardin County has grown to over 50,000 residents.

Immigrants from Ireland, Germany, France, and other countries were drawn to Hardin County for its oil, timber, livestock and agricultural products. This rich diversity contributed to economic growth and the rich culture Hardin County still enjoys today.

Today, Hardin County is one of the fastest growing areas of southeast Texas—there is a bright future of growth and prosperity. Families are choosing to live in Hardin County because of its outstanding schools and traditional sense of community. Hardin County is the type of place where neighbors check in on each other and catch up at high school football games. Local leaders through out the county have worked hard to maintain Hardin County's quality of life. These men and women are following in the footsteps of early settlers and the county's founders to make Hardin County a better place for hardworking men and women who call it home.

Madam Speaker, it is an honor to represent this community in the U.S. House of Representatives and I urge you to join me in congratulating Hardin County on its sesquicentennial birthday.

HONORING QUINTIN PHILLIP O'DELL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Quintin Phillip O'Dell of Platte City, Missouri. Quintin is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and earning the most prestigious award of Eagle Scout.

Quintin has been very active with his troop, participating in many Scout activities. Over the many years Quintin has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Quintin Phillip O'Dell for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING RETIRING TOWN OF SARDINIA COUNCILWOMAN CARLA FULLER

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. HIGGINS. Madam Speaker, I rise today to recognize the accomplishments and public service career of Carla Fuller, councilwoman from the Town of Sardinia, upon her retirement from active public service as a member of the Town Board.

Sardinia is among the smallest towns in my congressional district and sometimes, Madam Speaker, that makes for the most difficult service in public office. Because everyone in a small town seems to know everyone else, the decisions made in government often have a oversized impact upon the very people that you represent. It is that very challenge that makes the service of people like Carla Fuller all the more substantial.

Carla served as a diligent, thoughtful and respectful representative of the people during her years on the town board. While she will retire from active service on the town board at the end of this year, I have little doubt that Carla will remain dedicated to Sardinia and to its residents for many years to come.

Madam Speaker, I am pleased to have had this opportunity to honor Carla's service to the Town of Sardinia and am certain that you join me and the rest of our colleagues in wishing Carla and her entire family the best of luck and Godspeed in all of their future endeavors.

TRIBUTE TO MS. SONJA DRAN EMBRY

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. LEWIS of Kentucky. Madam Speaker, let me take this time to recognize the outstanding federal civilian service of Ms. Sonja Dran Embry on the occasion of her retirement. Ms. Embry has worked for the federal civil service at the Navy Personnel Command for the past 36 years.

A native of Caneyville, Kentucky, Ms. Embry is a 1970 graduate of the Kentucky Business College in Lexington, Kentucky. On January 4th 1971, she began her civil service career working at the Bureau of Naval Personnel where she held administrative support positions in the Recall and Release Branch, Civilian Personnel Branch/Administrative and Management Division, and the Congressional/Disposal Sections. As the Vietnam Conflict was winding down, Ms. Embry was again assigned to the Recall and Release Branch where she worked until September 1979.

Ms. Embry was selected to serve as the Human Resources Assistant in the Submarine and Nuclear Power Officer Assignments Branch in September 1979. In August 1998, she assisted in the move and reorganization of the Bureau of Naval Personnel, Washington, DC into the Navy Personnel Command in Millington, TN. She has been the cornerstone of this office providing continuity and service to the military members of the U.S. Navy's Submarine Service. Her tireless and caring performance of duty has touched and had a pronounced effect on the lives and careers of over 18,000 submarine officers.

Please join me and our colleagues in thanking Ms. Embry for her tireless contributions to a grateful Nation and in wishing her the best in her future.

HONORING ZACHARY BOYD HEISER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Zachary Boyd Heiser of Platte City, Missouri. Zachary is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and earning the most prestigious award of Eagle Scout.

Zachary has been very active with his troop, participating in many Scout activities. Over the many years Zachary has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Zachary Boyd Heiser for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING RETIRING NYS SUPREME COURT JUSTICE JEROME GORSKI

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. HIGGINS. Madam Speaker, it is with great pride that I rise today to honor a respected jurist, a dedicated public servant and a trusted friend of this community upon the occasion of his retirement from the New York State Appellate Court Division. Madam Speaker, I want to call to the House's attention the outstanding record of public service of Justice Jerome C. Gorski.

Judge Gorski received his law degree from Georgetown University in 1962 and was admitted to practice later that year. He initially practiced in Buffalo, concentrating on negligence, products liability litigation, and labor relations related work. From 1973 until 1980, he served as law clerk to Judge James L. Kane, first in County Court and later in Supreme Court. In the past, Justice Gorski served a clerkship under renowned U.S. District Court Judge John J. Sirica.

Initially elected to the Supreme Court in the late 1980s, Judge Gorski's judicial career culminated in his appointment to serve on the Supreme Court's Appellate Division for the Fourth Department in 2001. Judge Gorski received the Outstanding Jurist Award from the Erie County Bar Association in 1998, and the 2000 Award of Merit.

Judge Gorski is a part of a revered family in Western New York. Judge Gorski's father, the late Chester Gorski, and his brother Dennis, each had outstanding careers in public service, and each were, in the past, candidates for the congressional seat that I am fortunate to occupy today. Imbued within the Gorski family is an innate commitment to the community that is Buffalo and Western New York, and all of our residents are better for the tremendous commitment to public service demonstrated by the Gorski family.

Madam Speaker, in recognition of and in gratitude for his service, leadership and patriotism, I ask that this honorable body join me in honoring Justice Jerome Gorski upon the occasion of his retirement, and wish he and his family the very best of health and happiness in the months and years ahead.

A FAREWELL TO HOUSE GENERAL COUNSEL GERALDINE GENNET

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. BERMAN. Madam Speaker, I rise today to say a few words on the recent retirement of Geraldine Gennet, the outgoing General Counsel of the House of Representatives.

Because of the sensitive areas that it works on, the Office of the General Counsel is not well known to many people outside of Congress. Nevertheless, the office provides invaluable legal advice and representation to Members, committees, employees, and officers of Congress, regardless of their political party or affiliation. Geraldine joined the Office of the General Counsel in 1995, and became General Counsel in 1997. Prior to her service in the House of Representatives, she worked as a sole practitioner in the District of Columbia, and then served as General Counsel for the D.C. Metropolitan Police Department and as Litigation Counsel for the Office of Thrift Supervision.

During her time at the helm of the Office of the General Counsel, Congress was involved in a host of public and private battles and constitutional issues with wide-ranging implications, and through each one, Geraldine provided tremendous leadership to Congress and its Members. Indeed, even as Congress became a more partisan place over the last decade, Geraldine was ceaselessly nonpartisan in her work. During my time on the House Ethics and Judiciary Committees, I was fortunate to work with her on several occasions, and I was always impressed with Geraldine's strong focus on ensuring that congressional prerogatives and Congress as an institution were tenaciously protected from political considerations and other negative influences.

It is an honor to commend Geraldine for her leadership and hard work, and to wish her the very best in all of her future endeavors.

HONORING DAVID KYLE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize David Kyle of Liberty, Missouri. David is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and earning the most prestigious award of Eagle Scout.

David has been very active with his troop, participating in many Scout activities. Over the many years David has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending David Kyle for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO NICOLE SCHWARTZ

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. RODRIGUEZ. Madam Speaker, I am honored to rise here today to recognize the efforts of Ms. Nicole Schwartz to promote a "Bill of Rights for Diabetics."

Ms. Schwartz is an exemplary young woman whose passion to fight diabetes is leaving an indelible mark in our community. By taking it upon herself to raise awareness of this devastating disease among the people most vulnerable to it, she is setting an important example of how civic engagement can change the lives of our fellow community members. She has actively engaged policy makers at the local, State and Federal level as well as prominent civic organizations to further awareness.

For example, in partnering with the League of Latin American Citizens (LULAC), Ms. Schwartz organized a health fair to share important resources and information about diabetes with at-risk San Antonians. She also volunteers her time at the Christus Santa Rosa Hospital in order to learn more about the disease and distribute her knowledge to patients through a newsletter she created.

Without question, her dedication and persistence have proven essential in educating her colleagues and community. These two personal qualities also played a role in her efforts to encourage organizations like LULAC to adopt her Bill of Rights for Diabetics. The Bill of Rights echoes the 2007 ADA Standards of Care and includes the six following exams: a hemoglobin/A1c test; a lipid evaluation; blood pressure checks; a microalbumin test; a dilated and comprehensive eye examination; and a barefoot exam.

Ms. Schwartz shares a passion for learning more about diabetes with her father, Dr. Sherwin Schwartz, who built one of the largest diabetes research facilities in the country. Only a junior at St. Mary's Hall in San Antonio, Ms. Schwartz has the potential to achieve much more and hopes to pursue a degree at Georgetown University.

As a Member of Congress who represents the Texas-Mexico Border, a region with one of the highest incidences of diabetes in the world, I am acutely aware of the impact of diabetes and the other health problems associated with it. Young people such as Ms. Schwartz are invaluable partners in bettering our communities, and I thank her for her efforts.

It is with great pride that I recognize Ms. Schwartz as an exemplary young leader in the San Antonio community, and I wish her continued success in raising awareness about this devastating disease.

HONORING KEVIN MICHAEL WILBUR

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Kevin Michael Wilbur of Platte City, Missouri. Kevin is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and earning the most prestigious award of Eagle Scout.

Kevin has been very active with his troop, participating in many Scout activities. Over the many years Kevin has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Kevin Michael Wilbur for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCTION OF THE "OLD POST OFFICE DEVELOPMENT ACT OF 2008"

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Ms. NORTON. Madam Speaker, I introduce the Old Post Office Development Act to make fully useful to the government the nearly empty Old Post Office a unique, historic treasure located at 1100 Pennsylvania Avenue, NW., owned by the Federal government's General Services Administration (GSA). For many years the Subcommittee on Economic Development, Public Buildings and Emergency Management has expressed concern about the waste and neglect of this valuable government site and has pressed the GSA to develop and use this building. The GSA recognized the need in 2004 and issued a Request for Expression of Interest for which it received many indications of interest. However, for no good or sufficient reason GSA has never proceeded to the next step.

Because the building was designed as a Post Office in the 19th century, it's present design makes it virtually unusable without appropriate remodeling. During decades of underutilization the government has attempted to make the space suitable for office space, but its huge, cavernous central area on the main floor and the areas that surround the atrium could only accommodate a few very small agencies currently housed there, GSA has indicated that these agencies can be easily and economically relocated elsewhere in the District of Columbia.

As we begin a new year, further delay in making use of a centrally located historic treasure can no longer be tolerated. Apparently, the private sector stepped forward when the GSA asked for indications of interest. GSA must respond without further delay. I will seek quick passage of this bill to assure that the taxpayers receive the value due long ago for this Federal site.

HONORING ZACHARY KIRK HOLBROOK

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Zachary Kirk Holbrook of Platte City, Missouri. Zachary is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and earning the most prestigious award of Eagle Scout.

Zachary has been very active with his troop, participating in many Scout activities. Over the many years Zachary has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Zachary Kirk Holbrook for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. NIKI TSONGAS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Ms. TSONGAS. Madam Speaker, I wanted to take a moment to explain my absence for the quorum call on January 15th. I recently returned from visiting U.S. forces serving in Iraq and Afghanistan as part of a bipartisan Congressional Delegation trip led by my colleague, Representative LINCOLN DAVIS.

The purpose of this Congressional Delegation trip was to meet firsthand with our brave men and women in uniform currently deployed in Iraq and Afghanistan to thank them for their outstanding service and to learn what additional resources they may need on the ground. I also met with military commanders as well as with national leaders in Iraq and Afghanistan to get the latest information on the security, political, and economic conditions in both countries. I think it is important for all members of Congress to see what is happening on the ground in Iraq, but as a member of the House Armed Services Committee, I take that responsibility particularly seriously.

As a result of the Congressional Delegation trip, I was unable to participate in the votes held on Tuesday evening. If I would have been here, I would have voted "present".

HONORING DONALD ALEXANDER SOPER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Donald Alexander Soper of Platte City, Missouri. Donald is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and earning the most prestigious award of Eagle Scout.

Donald has been very active with his troop, participating in many Scout activities. Over the many years Donald has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Donald Alexander Soper for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING WILLIAM TRAUGOTT HENRY BRUNE II

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize William Traugott Henry Brune II of Kansas City, Missouri. William is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and earning the most prestigious award of Eagle Scout.

William has been very active with his troop, participating in many Scout activities. Over the many years William has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending William Traugott Henry Brune II for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 17, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 22

2 p.m.

Judiciary

To hold hearings to examine the nominations of Kevin J. O'Connor, of Connecticut, to be Associate Attorney General, and Gregory G. Katsas, of Massachusetts, to be an Assistant Attorney General.

SD–226

JANUARY 23

10 a.m.
Judiciary
To hold oversight hearings to examine the Justice for All Act (Public Law 108–405), focusing on the administration of the Bloodsworth and Coverdell DNA Grant Programs by the Department of Justice.
SD–226

JANUARY 24

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings to examine ways to reform the Mining Law of 1872.
SD–366

Veterans' Affairs
To hold oversight hearings to examine the report of the Veterans' Disability Benefits Commission, focusing on veterans disability compensation.
SD–562

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine S. 1843, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to clarify that an unlawful practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice.
SD–430

2 p.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the nomination of Ed Schafer, of North Dakota, to be Secretary of Agriculture.
SR–328A

JANUARY 30

10 a.m.
Judiciary
To hold oversight hearings to examine the Department of Justice.
SH–216

FEBRUARY 5

9:30 a.m.
Veterans' Affairs
To continue oversight hearings to examine veterans disability compensation.
SR–418

FEBRUARY 13

9:30 a.m.
Veterans' Affairs
To hold hearings to examine the President's proposed budget request for fiscal year 2009 for veterans programs.
SR–418

HOUSE OF REPRESENTATIVES—*Thursday, January 17, 2008*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. SOLIS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

> WASHINGTON, DC,
> *January 17, 2008.*
>
> I hereby appoint the Honorable HILDA L. SOLIS to act as Speaker pro tempore on this day.
>
> NANCY PELOSI,
> *Speaker of the House of Representatives.*

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

O God, the source of all justice, truth and love. Members of the House of Representatives stand before You as government of the people, seeking Your grace and guidance in their service.

We know we must always be deeply concerned with the human needs that surround us. We cannot be indifferent to suffering, to injustice, error, or untruth. For this reason, again today we are committed to face the risks and problems that confront the people of this Nation.

Help us, Lord, to take all their human concerns to heart; to pray over them, seeking Your guidance; to address them honestly with others so they will be drawn into the awareness of their importance as well.

Enable us to investigate together the forces of destruction and creativity at work within each human concern so we may be led to decisive action that will free people and at the same time bind them together in just law and good policy.

May this work be a blessing upon the Nation. In the end, to You, O Lord, be all glory and honor.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. SMITH) come forward and lead the House in the Pledge of Allegiance.

Mr. SMITH of Texas led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five 1-minutes per side.

TRIBUTE TO JIM WENSITS

(Mr. DONNELLY asked and was given permission to address the House for 1 minute.)

Mr. DONNELLY. Madam Speaker, I would like to rise to honor a reporter's reporter, Mr. Jim Wensits, from the South Bend Tribune, who has recently retired. Jim is a proud graduate of Purdue University from 1966. Three days later, he started with the Tribune; and 40 years later he is retiring, after 20,000 articles and editorials. His hallmarks were integrity, accuracy, and fairness. His life's work made the South Bend Tribune a better paper and made our community a better place.

So on behalf of everyone back home, Jim, we want to say thank you. We wish Jim a great retirement with his family and with his beloved country music. Good luck, Godspeed, and thank you from everyone back home.

ECONOMIC FORECAST CLOUDY?

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, economic forecasters are similar to the weather forecasters: they are the only people who can consistently be wrong about their predictions and keep their jobs, and we listen to them anyway.

The doom-and-gloom economic naysayers have predicted for years that the economy is in trouble, but the last years of economic growth have proved them wrong. Now this year, they say we are headed for a fearful recession. Well, we shall see.

In any event, some of these pseudoeconomic forecasters say we need to increase taxes to stimulate the economy. Well, that makes no sense. In fact, we ought to do just the opposite. We need to make the tax cuts permanent because tax cuts historically prove they work. They work to stimulate the economy. They did so under Presidents Kennedy, Reagan, and Bush. Americans need to keep more of their own money, and the economy will prosper. And who benefits from tax cuts? Anybody that pays taxes benefits from tax cuts. Americans who don't pay taxes are not affected.

Cut the fraud and abuse in the Federal bureaucracies, cut wasteful spending, and cut taxes to bring a sunny forecast to our economy.

And that's just the way it is.

SOLAR TAX INCENTIVES: "MUST PASS" LEGISLATION IN 2008

(Ms. GIFFORDS asked and was given permission to address the House for 1 minute.)

Ms. GIFFORDS. Madam Speaker, in the week before we adjourned for the holidays, Congress, in a bipartisan effort, passed, and the President signed, the Energy Independence and Security Act. This bill, which is now law, represents a major stride forward towards a clean energy future. I applaud my colleagues on both sides of the aisle for moving this historic and very important legislation.

It was a good first step, but we are not there yet. The real meat of an effective energy package, which was not included in the legislation, must be the extension of critical tax incentives. These are essential for the solar industry to really take root and flourish. This is one of the reasons why I introduced H.R. 3807, the Renewable Energy Assistance Act, to improve and extend vital tax incentives for solar energy. These incentives will spur innovation, decrease our carbon emissions, and reduce our dependency on foreign energy.

In this time of economic uncertainty, it is important that we provide this critical stimulus so that we can move forward on these renewable energy efforts. We have to act this year, before the end of 2008. Doing so will get America back on track and working toward a better and brighter future.

JEANNETTE HIGH SCHOOL STATE FOOTBALL CHAMPIONS

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, congratulations to Coach Ray Reitz and the Jeannette Jayhawks football team, who are the Class AA football champions, beating

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

every team they played this year by more than 20 points. Senior quarterback Terrell Pryor, who is also USA Today's Offensive Player of the Year, scored five of the seven touchdowns in their 49–21 win. He is the first player in State history to eclipse both 4,000 yards rushing and 4,000 yards passing.

But Jeannette is champions in the classroom as well, with McKee Elementary being a Blue Ribbon school, and all their schools receiving the Keystone Achievement Recognition this year, and the school district getting the bronze medal. Great accomplishment for a small school district.

Congrats to the Jayhawks for excellence in the classroom and on the field.

SUPPORT HOPE VI

(Mr. CUELLAR asked and was given permission to address the House for 1 minute.)

Mr. CUELLAR. Madam Speaker, I rise today in support of H.R. 3524, the HOPE VI Improvement Reauthorization Act of 2007. I commend Representative WATERS and the members of the Financial Services Committee for supporting a bill with such valuable enhancement and improvement to the HOPE VI grant program.

This legislation reauthorizes a program that represents one of our government's best efforts to provide quality housing for low-income families. Again, I am particularly pleased with one provision of this legislation that will help communities rebuild in the wake of severe natural disasters and emergencies.

For example, in my congressional district there is one particular county public housing unit in Starr County that has been destroyed by flood waters when it rose to dangerous levels. This was not the first time the Housing Authority of Starr County has had to manage severe flooding damage and subsequent resident displacement. In fact, since 1981, this public housing unit has experienced major unit-destroying flooding seven different times.

This legislation gives the Secretary of the Department of Housing and Urban Development the latitude to waive the public housing authority's fund-matching requirements in cases of extreme distress and emergency.

This is a good piece of legislation. I ask for support of this legislation.

KOREAN AMERICAN DAY

(Mr. ROYCE asked and was given permission to address the House for 1 minute.)

Mr. ROYCE. Madam Speaker, I rise today to recognize Korean American Day, which was held this past Sunday to honor the achievements, to honor the contributions of Korean Americans to our country. Back on January 13 of 1903, the first Korean immigrants came here to the United States; and since that time, Korean Americans have taken root and thrived in this country through their strong ties, their hard work, their commitment to their rich heritage and values, education, and entrepreneurship.

But, Madam Speaker, we have an ally and friend in South Korea, and they have been a friend for the decades. Over this time, South Korea has emerged as a major economic power, our seventh largest trading partner. It is vital that Congress take up and pass the Korean-U.S. trade agreement.

Let me tell you why: this particular agreement, the U.S. International Trade Commission, just released its report. They say this agreement can benefit the economy of the United States of America to the tune of over $10 billion, between $10 billion and $11.9 billion.

We stand to gain if this passes. It's vital that we continue to open up new markets for our goods and services. This agreement accomplishes that.

TRIBUTE TO JACQUELINE MONTEIRO DACOSTA

(Mr. KENNEDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY. Madam Speaker, I rise today to express my sympathies to a wonderful Rhode Island family who has lost a devoted loved one named Jacqueline Monteiro Dacosta, and to briefly share with you the impact that she has had on so many lives here in Rhode Island.

She worked in my office for 11 years, and during that time she touched countless lives who sought her advice and help on a multitude of issues. At the end of it, she always made them feel at ease. She worked in my office and filed many claims and issues; but in the midst of all of it, she made people feel good about themselves, and always did her work. The number of letters I have for her are extensive, and the testament of her good works were in the wake that she had, where thousands of people showed up to pay tribute to her life and celebrate it. Next month, I will take a trip with her family to the islands of Cape Verde, her ancestral homeland, where we will plant a tree in her memory.

I just want to extend my condolences to her family: Jackie's parents, Jose and Adelisa Monteiro; her children, Stephanie and Justin; her siblings, Filomena, Osvaldo, and Jose, Jr., in continuing to honor Jackie's memory and her joyous spirit. We will miss you, Jackie, we love you, and we will never forget you.

SACRED HEART UNIVERSITY MEDIA FAIRNESS POLL

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, a Sacred Heart University poll released this month found that less than 20 percent of those surveyed believed news media reporting. Almost 9 out of 10 Americans believe that the news media attempt to influence public opinion, and about the same number think the media attempt to influence public policies.

Fewer than one in three Americans give the media positive rating for "keeping any personal bias out of stories, fairness, presenting and even balance of views, and presenting negative and positive views equally." By four-to-one margins, Americans see the New York Times and National Public Radio as having a liberal bias, and by a three-to-one margin, Americans see journalists and broadcasters as having a liberal bias.

We need to encourage the media to adhere to the highest standards of their profession. Only then can we restore Americans' faith in news reporting.

A METRICS APPROACH

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY of New York. Madam Speaker, when Congress considers competing proposals to stimulate the economy, why not take a businesslike approach and consider the "metrics" of previous efforts? When the current administration took office, the Dow Jones Industrial Average stood at 10,587. Yesterday, it was 12,472, representing a gain of 18 percent over 7 years. Unemployment and poverty rates are higher. Our debt is staggering. Our trade deficit is the highest in history.

During the previous Democratic administration, the Dow Jones Industrials rose 328 percent over an 8-year period. Unemployment fell every year, millions were lifted out of poverty, and we achieved a budget surplus.

So this time around, ask yourself, which model works for me? Which model was better? I think the facts speak for themselves.

□ 1015

WORKING IN A BIPARTISAN MANNER TO STAVE OFF IMPENDING ECONOMIC DOWNTURN

(Mr. PENCE asked and was given permission to address the House for 1 minute.)

Mr. PENCE. Madam Speaker, one year into a liberal Democratic majority in Congress, the economy is struggling. The big government policies of the new majority are taking their toll. High gasoline prices, the subprime market crisis in housing and news that inflation is at a 17-year high all demand a bipartisan stimulus package in the next 30 days. Congress must act, and must act swiftly.

But there will be choices to make. Democrats want an extension of unemployment insurance benefits and tax rebates. Republicans will accept rebates, but they also want incentives for businesses, while avoiding tax increases to offset the package.

I submit that Congress must focus stimulus on the kind of economic stimulus that will create jobs and growth for small business and family farmers. The real antidote to the impending recession is more money in the hands of the wage earner and the wage payer. This is and always has been the pathway to prosperity in the American economy.

I urge my colleagues to work in a bipartisan manner to stave off this impending economic downturn in the best interests of all of the American people.

PROVIDING FOR CONSIDERATION OF H.R. 3524, HOPE VI IMPROVEMENT AND REAUTHORIZATION ACT OF 2007

Ms. CASTOR. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 922 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 922

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3524) to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 3524 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 3. House Resolution 894 is laid upon the table.

The SPEAKER pro tempore. The gentlewoman from Florida is recognized for 1 hour.

Ms. CASTOR. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to my colleague from the Rules Committee, the gentleman from Texas (Mr. SESSIONS). All time yielded is for debate only.

GENERAL LEAVE

Ms. CASTOR. Madam Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 922.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. CASTOR. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Resolution 922 provides for consideration of H.R. 3524, the HOPE VI Improvement and Reauthorization Act of 2007, under a structured rule. The rule provides 1 hour of general debate, controlled by the Committee on Financial Services, and the rule also makes in order seven of the eight amendments submitted to the Rules Committee.

Madam Speaker, I rise in strong support today of the HOPE VI Improvement and Reauthorization Act and this rule. HOPE VI is a partnership between the Feds and local communities that started in the 1990s that revitalizes our communities across this country by replacing old, distressed public housing projects with modern housing and new communities that are healthy, safe and affordable.

Our renewed effort could not come at a more important time, because so many families across America are in the grips of a housing crisis. Foreclosures are way up, and options for safe, clean and affordable housing are down. Just last month in my home county, Hillsborough County, in Florida, there were over 1,000 foreclosures filed, a huge jump from last year. And affordable apartments and housing are few and far between.

The House of Representatives over the past months has been doing a great deal to throw lifelines to our families, our seniors and veterans when it comes to housing. We have passed bills in this House that help homeowners avoid foreclosure, that provide resources to local communities, to build safe and clean affordable housing, and that cracks down on predatory lending.

Families across America also should be aware that the Congress passed a helpful new law that is now in effect for 3 years that relieves homeowners facing foreclosure from paying income taxes on their discharged mortgage debt, meaning that homeowners who refinance their mortgage will pay no taxes on any debt forgiveness that they receive. Previously, loan forgiveness was often taxed as income.

We are going to keep working to provide families with affordable options for safe places to live through the HOPE VI reauthorization and this rule today.

HOPE VI has been very successful since its inception in the 1990s. HOPE VI has revitalized neighborhoods across the country, including in my hometown of Tampa, Florida. A little public investment can be the linchpin to wider community redevelopment in communities across this great country.

HOPE VI completely transformed the distressed public housing complexes of College Hill and Ponce de Leon Court public housing projects in Tampa into the new Belmont Heights Estates. I attended school when I was younger next to these housing projects, and I saw firsthand what these conditions can do to an area and the folks who live there.

Behind me are posters of before and after, before HOPE VI, and then after the investment of HOPE VI.

So many public housing projects have deteriorated to the point that the health and safety of families is at risk and surrounding businesses and neighborhoods suffer. Since 1992, through HOPE VI, many communities have revitalized and transformed severely distressed housing into safe and livable communities. And 15 years later, this Congress, in a bipartisan way, but led by Democrats, will renew our commitment to safe, clean and affordable housing for families across this great country by building on the success of HOPE VI investment.

Over time, through HOPE VI, we have demolished nearly 135,000 severely distressed public housing units and replaced them with modern, safe and clean neighborhoods that do not concentrate poverty in a single location. What happens on the ground to these neighborhoods? Crime rates decrease, employment rates increase, and fewer folks have to rely on public financial assistance.

In Tampa, demolition started in 1999, and 8 years later we have built 860 rental units. Some are for families who need a little help and others are market rate. We built 74 new safe and clean homes for seniors and mixed in single family homes, some for rental and some for purchase.

More important than the buildings, however, and these were very bad, the new Belmont Heights Estates community made possible by HOPE VI has improved people's lives in the surrounding community and private investment has followed. Families are thriving in their new revitalized neighborhood, and their success stories are remarkable, because, remember, to qualify for that helping hand of an affordable home, most folks are required to improve their own self-sufficiency, like Belkis Rodriguez, who, after completing job training, has been promoted at the day care center where she is employed and she is now on the path to becoming a public schoolteacher. And Patricia Gowins in Tampa, a mother of two, is working on her high school diploma while working at a local hotel since her community has been revitalized. My neighbors and their stories of success are proof that HOPE VI is able to make positive contributions to our communities.

Our update legislation today will make further improvements and ensure that residents who are displaced by revitalization efforts will have the right to return to their neighborhoods. Because of the shortage across America of clean, safe and affordable housing, it is vital that the number of units demolished are replaced so that we do not shortchange our neighbors who have been asked to leave their homes.

We are committed to ensuring that homes built with the help of Federal funds are sustainable and energy efficient, and that helps save money in the long run. Our efforts today will make the American Dream of home ownership possible for more families across this country. And thanks to Chairwoman MAXINE WATERS, Financial Services Committee Chair BARNEY FRANK and Congressman MEL WATT of North Carolina, thanks to them and their leadership and their dedication to safe, clean, affordable housing for our families, we are going to do a great service for families across this great country.

Madam Speaker, I encourage my colleagues to support this rule and the HOPE VI Improvement and Reauthorization Act.

Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I appreciate the gentlewoman from Florida yielding me the time. I appreciate the gentlewoman's comments, specifically as they relate to really the author of HOPE VI, who is Jack Kemp, at that time in the early nineties the Secretary of Housing in the United States of America.

□ 1030

I think that today, as we talk about HOPE VI and the wonderful attributes that HOPE VI has brought not only to inner cities but to thousands of people who live in these new areas as opposed to a large housing complex, it is a testament to the dream that, as Secretary, Jack Kemp brought to our great Nation.

Madam Speaker, I rise in reluctant opposition to this restrictive rule and to a number of the provisions included in the underlying legislation in its current form. This legislation, which alters a successful public-private partnership and housing program that encourages public housing authorities to work with the private sector to create more livable public housing, has a number of avoidable, and I repeat, avoidable shortcomings; and I hope that there will be at least some of them that will be corrected during this restrictive rule process as is provided for by the rule.

One of the provisions in this bill particularly threatens the continued participation of private developers in the program, which jeopardizes HOPE VI's continued success. I believe that is part of the success, the public-private partnership, in creating mixed-financed and mixed-income affordable housing.

By mandating compliance with privately developed green building rating systems, rather than providing market-based incentives to reach these goals, this legislation creates additional cost burdens for green compliance and adds further impediments to an already complicated financing structure which could discourage developers from undertaking future projects.

Further, because the legislation makes specific reference to only one green building rating system, this legislation federally mandates winners and losers and stifles future innovation and technology advancement in all aspects of green buildings.

I think it would be a flaw to say that the one standard that has been developed in 2007 and 2008 would be the only model as we move forward in public housing. I certainly would not want that in the free market where, as a user of the free market, I would be told one standard that was developed this year is what we will use. The future is bright, and I wish that our friends on the other side would recognize that there will be many, many more technological advances made in the future; and mandating one standard today is a flaw in this bill.

Thankfully, my former Rules Committee colleague and friend from West Virginia, the gentlewoman SHELLEY MOORE CAPITO, has an amendment to this legislation that will require minimum green building standards, in other words, the floor, not the ceiling, that will make mandatory graded sections of HOPE VI application, requiring a minimum standard for green building, and allowing for developers who build to a more stringent green standard to receive even greater credits. That means that we could exceed the one standard. For instance, if you lived in a very cold area, or very hot area, you could exceed for maximum utilization the opportunity to build the house, up front, properly.

So our friends on the other side who are telling us the one standard is like a one-size-fits-all rather than a minimum standard, however, if a determination is made in the section of the country that might artificially or might otherwise be able to take advantage of a different standard, a different way that might improve economical standards of efficiency, it wouldn't be included.

By utilizing this market-based approach, rather than the one-size-fits-all standard of our friends in Washington of a heavy-handed government mandate, this amendment achieves the goal of building green without stifling innovation for new and improved green building standards.

I encourage all of my colleagues on both sides of the aisle, because it will take our friends who are Democrats if we are going to pass this, to please support this commonsense fix to the legislation.

Another aspect of this legislation which requires improvement is the elimination of HUD's current authority to award demolition-only grants, which would prohibit the demolition of unsuitable public housing without the replacement of those units. Mr. Speaker, clearly there may be instances when demolition-only grants are appropriate; for instance, when public housing authorities may have already assembled a financing package to fund redevelopment and replacement housing activities, but are lacking the funds for the demolition itself.

Additionally, because of their age and denigration, it is certainly possible that some distressed public housing sites would not be viable candidates for redevelopment. There are lots of places in this country where something was built 15, 20, 30, 40 years ago that might not be easily accessible to the modern conveniences of today. And these sites, though only partially occupied or completely vacant, because they put a demand in a particular area, would be excluded. In these instances, other forms of housing assistance such as section 8 vouchers may be more appropriate in a community than public housing.

To address this flaw in the legislation, I have introduced an amendment to allow HUD to retain this commonsense authority, rather than trying to tie their hands by taking some of the options that had previously been available to them off the table.

For their part, HUD has noted that these grants have provided housing authorities with resources to raze, or to tear down, distressed developments and relocate impacted families. The result is a cleared site that more readily attracts Federal or private resources for the revitalization of the property. I encourage all of my colleagues to once again support this commonsense amendment to allow HUD to retain the flexibility to respond to individual cases, particularly in those cases where a public housing authority does not even have a HOPE VI renovation grant, leaving it with fewer options in revitalization in its most distressed or otherwise not as easily used sites.

Mr. Speaker, in the last five budget proposals to Congress, this Bush administration has advocated the elimination of the HOPE VI program, citing the completion of the program's mission and ongoing inefficiencies within the programs. These programs have been assessed by the administration's objective Program Assessing Rating Tool, what is called PART, which has deemed HOPE VI to be not performing, inefficient, and more costly than other programs that serve the same population. In addition to these fundamental problems, the PART assessment notes that "the program has accomplished its stated mission of the demolition of 100,000 severely distressed public housing units."

I include a copy of this assessment as well as a Statement of Administration Policy on this matter for insertion into the RECORD.

PROGRAM ASSESSMENT: HOPE VI—SEVERELY DISTRESSED PUBLIC HOUSING

The HOPE VI program revitalizes distressed and obsolete public housing, usually replacing it with less dense housing combining a mixture of public and privately owned housing. The program awards grants through a competitive process to State and local public housing agencies for this activity.

NOT PERFORMING: INEFFECTIVE

The program is more costly than other programs that serve the same population. It also has an inherently long, drawn-out planning and redevelopment process.

The program has accomplished its stated mission of demolishing 100,000 severely distressed public housing units.

The program coordinates effectively with related programs in designing a comprehensive program to improve the community.

We are taking the following actions to improve the performance of the program:

Implementing changes to complete projects more quickly. The average time to complete a project after award is being reduced from 8 years to 7 years with further improvement anticipated.

Reducing the average cost per unit of the project. (The average grant award has been reduced from $30 million to $20 million to improve project management.)

Terminating the program since it has completed its mission. The remaining balance of over $2 billion will be spent during the next several years to complete funded projects.

STATEMENT OF ADMINISTRATION POLICY—H.R. 3524—HOPE VI IMPROVEMENT AND REAUTHORIZATION ACT OF 2007

(Rep. Waters (D) CA and 8 cosponsors.)

The Administration is strongly committed to providing safe, decent, and affordable public housing to those citizens least able to care for themselves and recognizes the contribution made by the HOPE VI program toward the revitalization of public housing. However, because the program has proven over time to be less cost-effective and efficient than other public housing programs, the Administration strongly opposes H.R. 3524, the HOPE VI Improvement and Reauthorization Act of 2007.

HUD has awarded $5.8 billion in HOPE VI revitalization funds to public housing agencies through the end of 2007. While the majority of the funds have been used to promote neighborhood revitalization, $1.3 billion remains unspent. The program's complex planning and redevelopment process has resulted in significant delays in the execution and completion of projects, with the average HOPE VI project taking 7 years to complete. Additionally, some public housing authorities lack the capacity to properly manage their redevelopment projects. The Administration believes that sufficient program funds remain available to allow HUD to properly oversee the completion of existing HOPE VI redevelopment projects but does not believe that additional funds should be authorized or appropriated for this program. Indeed, the last five Administration Budgets have proposed to terminate the program in favor of more efficient and cost-effective programs. The Administration's first priority is to place HUD's principal programs, housing approximately 4 million low-income households, on sure footing. In fact, the President's FY 2008 Budget proposed approximately $28 billion for that priority.

The Administration also strongly opposes provisions of H.R. 3524 that mandate one-for-one replacement of any public housing unit that is demolished or disposed of under the HOPE VI program. It is not feasible in many communities to provide mixed-use development, including one-for-one replacement of public housing units, on the location of the demolished public housing project. Further, acquisition of additional land in the surrounding neighborhood for use in implementing a one-for-one replacement strategy may not be possible. Even if such land were available, costs to acquire and develop it would be expected to increase the cost of each HOPE VI unit.

Mr. Speaker, I encourage all of my colleagues to support these commonsense amendments that I have spoken about today on the floor which we believe will better the bill, in some cases keeping the good parts that had been in and other parts allowing flexibility. We believe that, in fact, this can be a wonderful bipartisan agreement that we could reach today. However, we would ask that all of our colleagues support the Neugebauer, Sessions, King, and Capito amendments.

I also encourage every Member of this body to oppose this rule until the Democrat majority provides us with the open rule process that we were promised over a year ago. I ask all of my colleagues to vote "no" on the previous question and on the rule.

Mr. Speaker, I yield back the balance of my time.

Ms. CASTOR. Mr. Speaker, I urge a "yes" vote on the previous question and on the rule. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. WATERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3524, and to insert extraneous material thereon.

The SPEAKER pro tempore (Mr. CUELLAR). Is there objection to the request of the gentlewoman from California?

There was no objection.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING CONSIDERATION OF H.R. 3524

Ms. WATERS. Mr. Speaker, I ask unanimous consent that, during consideration of H.R. 3524 pursuant to House Resolution 922, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

HOPE VI IMPROVEMENT AND REAUTHORIZATION ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 922 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3524.

☐ 1041

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3524) to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes, with Ms. SOLIS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentlewoman from California (Ms. WATERS) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 30 minutes.

The Chair recognizes the gentlewoman from California.

Ms. WATERS. Madam Chairman, I yield myself such time as I may consume.

I rise in support of H.R. 3524, the HOPE VI Improvement and Reauthorization Act of 2007. As you know, I introduced H.R. 3524 on September 11 of 2007.

I want to thank each of my colleagues both on the Committee on Financial Services and in the House who have joined with me to see that this important legislation passes the House. I want to especially thank Chairman BARNEY FRANK, MELVIN WATT, and CHRISTOPHER SHAYS for their original coauthorship, cosponsorship, and support of H.R. 3524.

In drafting this bill, we worked closely with the minority, resident organizations, housing advocacy groups, public housing agencies, housing developers, bankers, green building experts, and practitioners, and other Members with an interest in the HOPE VI program. The end result is a bill that I believe takes into account the needs of residents, the community, the investors and lenders, and our public housing managers. Most importantly, we have a bill that preserves and revitalizes our public housing stock.

H.R. 3524 reauthorizes and improves the HOPE VI public housing revitalization program by requiring the one-for-one replacement of all demolished public housing units, providing residents with meaningful and substantive involvement in the planning and development of the HOPE VI plan, expanding community and supportive services from 15 percent of grants that amount to 25 percent of grant amount; prohibiting HOPE VI specific screening criteria so that public housing residents and HOPE VI aren't held to a higher standard than non-HOPE VI residents, requiring housing agencies to monitor and track the whereabouts of relocated families, and mandating that developments be built in accordance with green building standards.

Public housing residents, including those not yet impacted by HOPE VI, and housing advocates have said that this bill has been a long time in coming, and I agree with them. I would like to note why the bill before us today is so important.

First, it preserves public housing. The administration eliminated the one-for-one replacement requirement in 1996, effectively triggering a national sloughing off of our Nation's public housing inventory.

Housing authorities have consistently built back fewer units than they have torn down and, as a result, over 30,000 units have been lost as a direct result of the HOPE VI program. Stopping this bleeding was paramount in the drafting of this legislation. One-for-one replacement is not only a part of the bill; it is the heart of this bill. Limiting one-for-one to only occupied units does a disservice to families on waiting lists and to families waiting to get on waiting lists. Public housing is a community resource, and units can be unoccupied because they are not fit for humans to live in. That does not mean that there is no need for them.

Second, because of strict screening criteria, HOPE VI has become limited to the cream of the public housing crop. Some people think that the HOPE VI development represents a new and better community and should have new and better people. However, as a Congress, we must be clear that public housing is for the most in need, not just the easiest to serve.

□ 1045

HOPE VI projects have programs and services that can greatly benefit our neediest families.

In addition, in the drive to separate the wheat from the chaff, public housing agencies have implemented screening criteria that are nothing short of draconian. These criteria include everything from credit checks, home visits, work requirements, and other criteria that many nonpublic housing residents would be unable to meet. We must reject any attempt to continue to punish public housing residents for being poor and must continue to provide them with the tools, through programs like HOPE VI, to assist them in improving their lives.

Lastly, I would like to talk about why green building standards should be mandatory in HOPE VI developments. Our public housing was built poorly and inefficiently. Many of our developments are wasteful and hazardous to the health of the residents, and many investments we make in public housing developments, which will be around for the next 40 years, should ensure that this housing is safe, sound, energy efficient and good for the environment. This is just good public policy. We owe it to our public housing residents and to the environment to make sure that we do not recreate the inefficient and harmful mistakes that went into building many of these developments in the first place.

This bill has the support of over 145 resident organizations: The National Low-Income Housing Coalition, the National Alliance to End Homelessness, the National Housing Law Project, the Community Builders, Bank of America, the Housing Justice Network, the Corporation for Supportive Housing, and others. There are a lot of good things in this bill, and these groups recognize this.

Specifically, regarding the green building provisions, although one group is not supportive, over 30 organizations, including the U.S. Conference of Mayors, the American Public Health Association, the Metropolitan Washington Council of Governments, the National Low-Income Housing Coalition, the Council of Large Public Housing Authorities, and others, have voiced their overwhelming support for the green building requirements in the bill.

We have crafted a bill that is good for residents, housing authorities, and communities. I urge you not to be blindsided by threats from third parties and to support our Nation's low-income families and to preserve our housing stock.

Madam Chairman, I would like to say in closing that this should be a bill that receives support from both sides of the aisle. This is the kind of bill that we can truly come together around. Everyone recognizes that it is needed in all communities, rural and urban, suburban, all over the United States.

I reserve the balance of my time.

Ms. CAPITO. Madam Chairman, I yield myself 5 minutes.

Today's HOPE VI program is the direct result of the 1992 report submitted to Congress by the National Commission on Severely Distressed Public Housing that said approximately 6 percent of the 1.4 million existing public housing apartments were severely distressed and recommended that they be removed from the housing stock.

Since Congress began appropriating funds for HOPE VI in 1992, the program has been revitalizing and replacing some of the most dangerous and dilapidated public housing units in the country with mixed-income communities. These grants play a vital role in a community's redevelopment and have changed the physical characteristics of public housing from high-rise tenements to attractive, marketable units that blend in with the surrounding neighborhood and help residents attain self-sufficiency.

While the goals of the program are to be commended, and HOPE VI projects remain popular with many Members of Congress, it is not without faults. The HOPE VI program has been criticized by the administration, which argues that grantees spend their money too slowly, and by tenant advocates, who claim the program displaces more families than it houses in new developments. Also, there are those who argue that HOPE VI is not an efficient method for meeting the current and future capital needs of public housing programs.

The bill we are considering today, H.R. 3524, makes several significant changes to the underlying program. I want to commend Chairman FRANK, Chairwoman WATERS, and Congressman SHAYS for their bipartisan work on this bill. I know that Congressman SHAYS has worked hard to address some of the concerns raised by HUD and by those on this side of the aisle regarding the bill. Certainly, the manager's amendment moves in the right direction. However, there are still several areas of disagreement on this legislation, such as the elimination of demolition-only grants, implementing one-for-one replacement requirements, and mandating HOPE VI developers comply with the Green Communities Green Building Rating System.

The HOPE VI program has been a program that has worked. Through public-private partnerships, we have changed the physical shape of public housing by establishing positive incentives for resident self-sufficiency and comprehensive services that empower residents. We must take care not to make this program so prescriptive that developers and nonprofits find the program too difficult in which to participate.

Several years ago, I spoke at the opening ceremonies at Orchard Manor in Charleston, West Virginia. Orchard Manor is now a beautiful complex of townhouses, duplexes and apartments that began its transformation from a rundown public housing project with the removal of 230 out of the existing 360 units under a HUD HOPE VI demolition-only grant. Following the initial demolition, additional units were constructed using replacement housing funds until the complex reached its present state. Orchard Manor is a shining example of the importance and significance of using demolition-only grants as part of HOPE VI. The gentleman from Texas (Mr. NEUGEBAUER) has an amendment that will reinstate HUD's ability to fund demolition-only grants, and I urge its adoption so future successful projects, such as Orchard Manor, can receive that funding.

Finally, I plan to offer an amendment that I believe is a commonsense approach to green building requirements outlined in this legislation. I am concerned that Congress is attempting to mandate this program. Building green is a good thing. Mandating how to do it by a private building standard, I believe there are other ways to do it, which is essentially the heart of my amendment.

Specifically, the green building requirements in the bill could lead to fewer affordable housing units being built. My amendment still requires minimum green building standards, but it directs the Secretary to select an appropriate green building rating system standard or code that addresses environmental soundness but leaves that flexibility for the Secretary to determine other criteria as appropriate.

We are currently experiencing rapid development in our definition of what constitutes a legitimate "green building standard" through the competition of differing ideas. This competition is a healthy one, and we should not cut short through a hasty endorsement of one of the competing proprietary standards as our definition.

In closing, the HOPE VI program is not a cure-all for the rehabilitation and capital improvement needs of public housing units. However, this House has the opportunity with this bill, through several amendments, to further develop a program that rehabilitates our public housing into affordable, mixed-income communities.

I reserve the balance of my time.

Ms. WATERS. Madam Chairman, I yield 6 minutes to Mr. BARNEY FRANK of Massachusetts, the chairman of the Committee on Financial Services.

Mr. FRANK of Massachusetts. I thank the gentlewoman who chairs the Housing Subcommittee for the time and for her very creative and diligent work on this bill and others. And I also want to acknowledge our new ranking member of the Housing Subcommittee, the gentlewoman from West Virginia.

Let me begin by noting that obviously in the parliamentary forum we focus on areas of difference. Members should note how small those are relatively in the context of this bill. This is a significant rewrite of the HOPE VI program in which there was not a lot of objection. In fact, I think every amendment but one that was offered was made in order. I disagree with several of the amendments, but I do want to stress the commonality of reform that is in here as we go forward.

There are two basic areas of difference. Two amendments on the other side of the aisle from the two gentlemen from Texas would reduce the requirement that with Federal money we replace low-income units that we destroy. Yes, there are low-income units that should be eliminated as they now exist, but that does not mean that the total number of housing units available for lower-income people ought to be diminished as a conscious Federal policy. And the amendments of my two colleagues from Texas would do that.

The Sessions amendment would allow the Federal Government to give people money simply to tear down all of the houses that poor people live in in a particular area on the grounds that those weren't very nice houses. No doubt in many cases they are not nice houses, but the poor people who live in those houses didn't decide voluntarily to live in bad housing as opposed to nice housing. They had nowhere else to go. And if you tear down where they now are and build zero in its place, you have exacerbated the housing crisis.

Similarly, the amendment of the gentleman from Texas (Mr. NEUGEBAUER) would diminish our capacity. We say if you tear them down, you have to replace them. You don't replace them in the same place. You can do it in a much broader area with more flexibility. You have 4½ years to replace the ones you have torn down and may go to the Secretary of HUD and get a waiver, say there is a court order, there is this land shortage. Some of these were, in fact, so useless. There are a lot of reasons you can go to the Secretary of HUD. So we are not saying that the one-for-one has to be followed in every case. We do say that should be the standard.

Here is the problem with the Neugebauer amendment. He says the housing authorities only have to replace units that they tear down that were occupied. Most people who run housing authorities are diligent, hardworking people in difficult circumstances, but there is incompetence in some housing authorities. People who have incompetently been unable to rent housing for one reason or another shouldn't be rewarded by then being allowed to tear that housing down.

In other words, if housing authorities, who have the obligation to use the money available to house people, refuse to do that or are unable to do that, we should not reward them by saying then you don't have to build those. And there will be places where people don't like poor people living in their community, and the political leadership of that community could then order the housing authority to leave some of those units vacant, and then we will apply for a HOPE VI grant and we will be able to replace far fewer because we will be rewarded for leaving them vacant.

The gentlewoman from West Virginia's amendment, and again there is some common agreement that we should go towards encouraging green building, but here is the difference. I know the homebuilders say this is bad for them, but understand, this is a Federal program with Federal money. We are not talking here about imposing on private-sector developers any requirement whatsoever to do energy efficiency. We are here as the landlord, not as the regulator.

What we are saying is that we are the Federal Government and we will set an example. We will take the money that we, the Federal Government, makes available, and hold ourselves to a high energy efficiency standard. If people think that is inappropriate and it is too expensive, they don't have to apply to come here. That leaves everyone in the private sector free to do as they wish.

Beyond that, one of the strongest advocates of this has been my colleague from Massachusetts (Mr. OLVER), the chairman of the Appropriations Subcommittee. He has to fund all of this, and he has to fund it going forward. We don't simply build the HOPE VI projects and walk away. We don't. The builders do. It is not their fault.

If I am the contractor to build the buildings, my obligation is completed the day I have done the building and gotten the money for it. But we, the Federal Government, then have to fund it on an ongoing basis. What we are saying is, as the landlord, we want to build it in a way that makes it energy efficient going forward.

We will take an up-front cost because, over time, over 20 and 30 and 40 years, we will reduce our operating budget. So we are being told that as the landlord we can't make the decision about how efficiently to use funds and how to say we will reduce costs going forward. So I would hope that the gentlewoman's amendment is defeated. It would take it from a mandatory to one factor among many.

We also have an argument about the standard. We do mention one standard. The homebuilders are wrong in their letter where they talk about the LEED standard. That is out of the bill in the manager's amendment.

☐ 1100

On the green communities, we do mention the green community standard; but we explicitly give the Secretary of HUD the ability to propose another standard if it is equivalent in energy savings, and that's the key.

So the amendment of the gentlewoman from West Virginia (Mrs. CAPITO) makes this one factor among many, not a required factor, and everything we do with our money to be energy efficient.

And, secondly, she would allow a much weaker standard in many cases than ours does. So we allow flexibility, but flexibility as to how to achieve the goal of energy efficiency, not flexibility as to how much energy efficiency to offer.

I hope the bill, as essentially presented, or a couple of amendments I think are relatively noncontroversial, are accepted.

Mrs. CAPITO. I would like to respond just a little bit to the gentleman's comments on the amendment I'm going to put forward. I don't want the misunderstanding of the Members to think that my amendment would remove green building from any of the HOPE VI projects. It's a different philosophy in how we're putting forth the idea to meet green standards. And he clarified that. His is a mandatory. Mine is a flexible, one among many. But I do believe in the philosophy of building more green and more efficient buildings, we've got new technology coming online. Why tie ourselves to a certain standard?

At this point I would like to recognize Mr. GILCHREST for 3 minutes, the gentleman from Maryland.

Mr. GILCHREST. I'm not on the committee of jurisdiction where the HOPE project originated, but I'm interested in this issue because I was born in what would now be called a housing project, 62 years ago. It was a housing apartment complex built many decades ago, a few years before I was born, for young families, for soldiers serving in World War II and certainly then, for the baby boom generation, for military people coming home looking for places to live.

This place was called Cora Place. Now I still don't know to this day whether it was a K or a C, Cora Place. But it was a vast housing unit apartment complex for young families. I was born there 62 years ago, and there's still young families there. That place has still survived all these decades. It was built adequately. It was built with good construction techniques. It was built with good standards. It was not rebuilt. It was not demolished and rebuilt. It was built in a way, in a form, in a complex where it became a community, not an isolated pocket of poverty. It was built for a community. There are small businesses there. The standards of construction were fine. You don't waste heat. You don't waste water. You don't waste electricity. It was built for young American families. It was built for a community where there could be dignity, where there could be small businesses, where people could come together and exchange information and feel like they belonged. That's what we need to do today. That's what HOPE VI is all about. That's what this committee, in a bipartisan fashion, wants to pursue.

I also want to talk about one of the provisions in this bill called "green buildings and technical assistance." And I want to say that what this does to today's communities is what happened 62 years ago. We want to do it right the first time, not the second time. The Federal Government is not requiring one standard. The Federal Government, in this bill, is requiring a standard that is flexible so it can change and provide for new technology.

This is a standard that reduces and eliminates waste. It's a standard that promotes local businesses and local communities. It's a standard that provides adequate housing for those who otherwise would not have adequate housing. The high cost of housing has increased the high cost of renting, and the peripheral outside effect is that it has increased homelessness.

So HOPE VI goes a long way into eliminating that problem in our communities. It is not a mandate to comply with one standard. It does not, this text in this bill, create a monopoly. It does not require certification fees. You save way more energy, way more energy than up-front costs. And it uses standards of efficiency that are off-the-shelf technology. So I encourage my colleagues to vote for the bill.

Ms. WATERS. I yield to the gentleman from New Jersey, hardworking member of our subcommittee, Congressman SIRES, 2 minutes.

Mr. SIRES. Madam Chairman, I rise in support of H.R. 3524, the HOPE VI Improvement Reauthorization Act of 2007.

As a former mayor in New Jersey, I have a unique perspective of this program. Its impact on local communities is real and is positive. Beyond the obvious impact of cleaning up distressed public housing units and providing people with housing, HOPE VI generates economic activity in the community. New housing brings new residents. New residents bring new infrastructure and spurs new businesses. These new residents shop and dine and invest in their community. The new businesses hire employees, which has a positive impact on the economy.

The benefits of this program do not end there. Research indicates that HOPE VI increases per capita income of residents and decreases unemployment rates. That same research shows that this program decreases the number of households receiving public assistance and decreases violent crimes in surrounding communities.

A reauthorization of this HOPE VI is long overdue. I applaud the efforts of the chairman and Chairwoman WATERS for bringing this to the floor today.

And I will share a story. I recently visited in Elizabeth, New Jersey, part of my district, a program of HOPE VI. I knew that area before, and the transformation is beyond. As I went there the other day, a new restaurant opened up. People were hired to work in that restaurant. So this program does work. Is it perfect? Nothing is perfect, but it certainly works. And I hope that everybody supports this.

Mrs. CAPITO. Madam Chairman, I would now like to yield 9 minutes to the ranking member of the full committee, Mr. BACHUS of Alabama.

Mr. BACHUS. Since HOPE VI, we've had a lot of success. I think the program is a success. How the program has been a success is not as simple as simply replacing units on-site. In fact, most of the residents of these housing projects have actually moved to other communities through vouchers. The main thing, I think, to remember is that it has eliminated some of the most dangerous and distressed public housing in the country and created livable, mixed-income communities; and that's very good.

To date, there have been over 200 HOPE VI grants, and to various housing agencies. Almost all of them have been a success. These grants have been used to fund public/private partnerships that have changed landscapes once populated by failed housing projects and crime-ridden neighborhoods into vibrant mixed-income, mixed-use communities, providing quality, affordable housing for those in need.

I think anybody on the Financial Services Committee who's attended these public hearings has heard the testimony of the living conditions that these tenants in public housing were living under. High crime areas, vandalism, dilapidated conditions, paint peeling off, lead, plumbing that didn't work, electricity that didn't work, heating that was inadequate, areas where there was such a concentration of crime that many of the youth growing up in those communities really had no or very few role models.

In my home State of Alabama, there are several examples of projects where HOPE VI has made a tremendous difference. For example, Park Place is a 12-block section of downtown Birmingham that a HOPE VI grant has transformed into an attractive, mixed-income housing development. Not only has it decreased the concentration of low-income residents living in a crime-infested area with very few prospects of jobs, but it's also improved the surrounding communities. The surrounding communities, the property values were going down. It was more dangerous. And those areas have been improved. The commercial district downtown has improved. One of the stories that we need to realize is not only the improvement that we see in the community that was replaced or rehabilitated, but the community around it.

But most residents, if you track where they've gone, they have chosen, through vouchers, and a lot of them just by simply turning down housing assistance, they've moved to other communities, and they're doing quite well. They've moved to communities where they think there are better schools. The students of those residents who have actually moved and not returned, they're doing better, on the average, than those residents who chose to return.

In New Orleans, we actually found a lot of people chose not to go back to the original community because they did not trust the public housing authority. And that's one reason that we've tried to advocate not simply replacing these units on a one-by-one basis, and re-duplicating a bad situation.

The Tuxedo Court project in Birmingham is going to replace 488 obsolete units of aging buildings with 331 modern, for-purchase rental homes. All the residents who are not going to relocate there have been given vouchers, or if they qualify, public assistance, and many of them have chosen to move to communities across town.

Our vision, and I think the vision of both Democrats and Republicans on this committee, should be for the residents of those communities to better themselves and better their living conditions, their housing. It should be vibrant, mixed-use communities with good housing, safe streets, strong schools.

In a previous debate, I mentioned a public housing project in downtown Atlanta called East Lake. East Lake was so dangerous that the police refused to patrol it. And it's not alone. Children slept in bathtubs or closets for fear of being hit by random gunfire.

A developer by the name of Tom Cousins proposed replacing this crime-ridden project, where there was very little hope for the residents, very little future for the youth, with a mixed-income community. And that's been done. Today, professionals, accountants, doctors, lawyers, people with good income, are living side by side with families still on subsidized and on public assistance. The end result is a sharp reduction in crime in East Lake. But the more important result is a sharp increase in the level of academic achievement and success among the youth living in that community.

Now, for all the good, we are concerned about this bill. First of all, it eliminates the Main Street Revitalization program, which was for the benefit of smaller communities.

Mr. FRANK of Massachusetts. Madam Chairman, will the gentleman yield?

Mr. BACHUS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. As the gentleman may know, an amendment is going to be offered to restore that, and I agree with the gentleman that that amendment should be accepted.

Mr. BACHUS. I thank the chairman for that.

Another problem that we have with it is eliminating the demolition-only grants, because on certain occasions we feel like public housing, there may be adequate housing other places, or vouchers or a better system. But I think one of the main causes of concerns we have, and the gentlelady from West Virginia, is the green requirements. While some of the provisions have merit, we believe that they have, number one, the unintended result of reducing the number of affordable housing units that can actually be constructed under HOPE VI.

In fact, I have a letter I would like to introduce from the homebuilders, but also a coalition of National Affordable Housing Management Association. And basically what they say here is that the additional cost burdens of these particular green compliances will greatly discourage the development of these projects and drive up the cost substantially.

JANUARY 14, 2008.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services, House of Representatives, Washington, DC.
Hon. MAXINE WATERS,
Chair, Subcommittee on Housing and Community Opportunity, Committee on Financial Services, House of Representatives, Washington, DC.
Hon. SPENCER BACHUS,
Ranking Member, Committee on Financial Services, House of Representatives, Washington, DC.
Hon. SHELLEY MOORE CAPITO,
Ranking Member, Subcommittee on Housing and Community Opportunity, Committee on Financial Services, House of Representatives, Washington, DC.

DEAR COMMITTEE LEADERS: The undersigned organizations, who work collectively in support of affordable housing and promoting sustainability in our nation's housing stock, are writing to express our opposition to H.R. 3524, The HOPE VI Improvement and Reauthorization Act, in its current form. We do appreciate that the forthcoming Manager's amendment will make several important improvements to the bill. For example, we support allowing HUD to grant a waiver to the one-for-one replacement provision under certain circumstances. However, we suggest that HUD also should be able to provide waivers related to funding realities. If one-for-one replacement renders a deal infeasible, there should be enough flexibility to waive that provision. We also believe that extending the period in which all replacement units must be provided after demolition has been completed from 12 to 36 months is very sensible. HOPE VI projects must contend with many variables, from weather conditions, securing local approvals and working extensively with tenant groups. All of these factors can increase construction periods beyond what otherwise might be considered normal.

However, while our organizations have long-supported this important housing program, there are several provisions in the bill which we believe are so onerous that private developers may no longer be able to participate, jeopardizing the very existence of the program. Specifically, our main objection is that the legislation will unfairly and unnecessarily drive up development costs by mandating compliance with privately developed green building rating systems. The additional cost burdens for green compliance adds further impediments to an already complicated financing structure for HOPE VI projects and could greatly discourage developers from undertaking future projects. In addition, there are provisions related to the occupancy of HOPE VI projects that are unclear and could be interpreted to prevent owners from instituting sensible eligibility standards.

GREEN BUILDING MANDATE

Our members are committed to working on increasing the sustainability of affordable housing, as well as keeping housing affordable in all markets. We believe that mandatory green requirements in the HOPE VI program will have unintended consequences that far outweigh any sustainability gains. Dramatic reductions in additional HOPE VI projects is a very real possibility because of increased costs that developers would have to finance based on the proposed provisions in the bill. There is a limited amount of HOPE VI funding, and a developer's ability to leverage a significant amount of additional financing is limited. In addition, total development costs (TDC) are capped. Unless TDCs are allowed to increase (or alternatively, the costs of complying with the green building requirements are excluded from TDC), the developers may be forced to scrimp on other important aspects of these developments to pay for costly green components. Decisions on what aspects of green development can be afforded in these properties should be left to the developers and their partner public housing agencies. HUD has recognized this as a practicable approach, as demonstrated by its implementation of green building incentives in the Mark-to-Market program.

Further, the specific reference to only one green rating system will stifle innovation and technology advancement in all aspects of green building. During a time when green building is growing exponentially and programs are competing to be the "greenest," Congress should not be codifying one inflexible benchmark that cannot adapt to future sustainability needs. Congress should not be using the HOPE VI program to pick winners and losers in the green building arena.

Keeping green building as flexible and competitive as possible reaps the greatest environmental and economic rewards. Mandating a specific green building requirement for HOPE VI is short-sighted, overly restrictive and costly and is a disservice to community affordable housing needs. Sustainable green design for all housing markets should be protected from government mandates and rigid statutory benchmarks. Green building means something different in every climate zone, just as every market has differing demands for affordable housing.

It is important to understand that opposing a green building mandate in no way signals opposition to sustainability or environmental conservation. Green building should not be driven to the lowest common denominator or serve as a deterrent for development of these vital housing projects. Opposing the green building requirements in this bill demonstrates awareness that green building is an important variable that needs to be incorporated into HOPE VI in a manner that is functional, flexible, and encourages more energy and resource-efficient construction in the future.

ELIGIBILITY PROVISIONS

The Limitation on Exclusion provision (Section 7(m)(2)) could be interpreted to place limits on the public housing agencies' (PHAs) ability to establish reasonable eligibility criteria for occupancy in the new HOPE VI development. The provision says that replacement housing under a HOPE VI plan must be subject to the same policies, practices, standards, and criteria regarding waiting lists, tenant screening (including screening criteria such as credit checks), and occupancy that apply to other housing owned, managed or assisted by the PHA.

However, the provision goes on to say that a household cannot be excluded from the HOPE VI development, except to the extent specifically provided by other provisions of Federal law (e.g., relating to safety and security in public and assisted housing; ineligibility of drug criminals, illegal drug users, alcohol abusers and dangerous sex offenders; as well as preferences for the elderly and disabled; and persons convicted of methamphetamine offenses). This seems to preclude PHAs from screening for credit worthiness or other typical screening criteria.

We support holding all households to the same standards. We note that HUD's Housing Choice Voucher Handbook encourages PHAs and owners to adopt screening policies that take into consideration tenancy history related to payment of rent and utility bills; caring for a unit and premises; respecting the rights of others to the peaceful enjoyment of their housing; drug-related criminal activity or other criminal activity that is a threat to life, safety or property of others and compliance with other essential conditions of tenancy. The proposed provision in H.R. 3524 could be interpreted to undermine HUD's existing policies and create an unfair disadvantage to other eligible tenants who wish to move into a HOPE VI property. Further, it appears that the bill may provide a de facto preference to applicants that have been released from a prison or other correctional facility. It is the responsibility of the owner/landlord to ensure a safe environment for all residents, and such a preference may preclude their ability to honor that responsibility.

The owners of HOPE VI developments must be able to implement good business practices to attract investors and lenders. Otherwise, the developments will be viewed as too risky, and the developer's financing prospects will be in jeopardy. We suggest that these provisions be clarified to ensure that PHAs can continue to set fair and reasonable screening and eligibility standards that are applied to all households.

OTHER

We believe that the provision eliminating HUD's ability to award demolition grants should be revisited. There may be circumstances under which a demolition only is warranted. HUD and PHAs should be allowed to retain this current authority.

SUMMARY

Our organizations are committed to furthering the sustainability of affordable housing and believe that the success of these efforts lies in the ability of the industry to take advantage of the innovations that are constantly occurring in the market. The provisions in H.R. 3524, The HOPE VI Improvement and Reauthorization Act, as currently written, will impede these efforts by mandating the use of one specific system. In addition, owners of HOPE VI properties must be able to establish reasonable and workable occupancy policies that are fair to all prospective tenants in HOPE VI communities.

Our organizations stand ready to work with the Committee to craft an effective and appropriate way to address green building and eligibility standards within the HOPE VI program. Thank you for your consideration of our views.

Institute of Real Estate Management.
National Affordable Housing Management Association.
National Apartment Association.
National Association of Home Builders.
National Multi Housing Council.

More important, and let me close by saying this, and this is a serious problem with this bill, I have a letter from the United Brotherhood of Carpenters and Joiners of America. They say that the standards we're using in this bill, let me quote them:

"If a builder wants to use wood and receive LEED certification," that's the program we're using, "they are largely forced to use wood products grown and manufactured overseas."

□ 1115

"This puts American workers and American products at a competitive disadvantage."

UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA,
Washington, DC, January 11, 2008.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services, House of Representatives, Washington, DC.
Hon. MAXINE WATERS,
Chairman, Subcommittee on Housing and Community Development, Committee on Financial Services, House of Representatives, Washington, DC.
Hon. SPENCER BACHUS,
Ranking Member, Committee on Financial Services, House of Representatives, Washington, DC.
Hon. SHELLEY MOORE CAPITO,
Ranking Member, Subcommittee on Housing and Community Development Committee on Financial Services, House of Representatives, Washington, DC.

DEAR CHAIRMEN FRANK AND WATERS, AND RANKING MEMBERS BACHUS AND CAPITO: On behalf of the United Brotherhood of Carpenters and Joiners of America, I am writing to express our concerns with provisions of H.R. 3524 that would require non-residential construction in HOPE VI grant projects to meet the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) rating criteria.

For the last four years, the Carpenters have had a great interest in green building legislation as it affects both parts of our union—the part that constructs buildings and the part that harvests and manufactures wood products that are used in them. Therefore, we are strong supporters of green building, but want to ensure that building "green" does not result in "pink" slips for our members.

Over this time, we have found a number of important flaws in the LEED system that we believe makes it unsatisfactory for the marketplace and should not be the only standard referenced in legislation.

Our primary concern is LEED's failure to recognize all credible, sustainable forestry certification programs in its certified wood credit. LEED only provides credit to builders using forest products certified by the Forest Stewardship Council (FSC). No credits are awarded for wood products produced by other companies independently third party certified to the Sustainable Forestry Initiative (SFI) Program standard or the American Tree Farm System, the two largest sustainable forest management systems in the United States. These two systems account for over 90 million acres of forestland, yet do not qualify for points under LEED. Therefore, if a builder wants to use wood and receive LEED certification, they are largely forced to use wood products grown or manufactured overseas. This puts American workers and American products at a competitive disadvantage.

LEED also discriminates against wood compared to other imported building products. LEED credits builders for using "rapidly renewable materials," which are defined as products originating from plants harvested in a 10-year cycle. As you might expect, construction lumber cannot earn this credit since it takes more than ten years for a tree to grow to a usable size and diameter. Instead, if a builder uses exotic crops such as imported bamboo, they can earn the credit.

As a result of these flaws, we have actively supported other green building systems that are inclusive in regard to the use of wood. One system that we have supported at the national, state and local levels is the Green Building Initiative's Green Globes program. Unlike LEED, it recognizes all the major sustainable forestry programs used in the United States and does not put wood at a disadvantage compared to other building products. Also unlike LEED, Green Globes takes into account the concept of life-cycle analysis, or the cost to operate the building over time.

As a result, Green Globes has been increasingly recognized by federal agencies and state governments. At the federal level, it has been recognized by the Department of Health and Human Services, the Department of the Interior and the Environmental Protection Agency. In addition, 11 states have written Green Globes into their state green building statutes,

Therefore, we request that the legislation be modified in order to specifically include other standards, such as Green Globes. Should any amendments be offered to create a process that gives the government the opportunity to review and select a standard, we request that language be included that gives all eligible and viable green building standards equal consideration and ability to participate in the process. We believe that with these changes, we will produce a piece of legislation that meets all of the legislation's goals.

Sincerely,

DOUGLAS J. MCCARRON,
General President.

Number 1, under the standards you've adopted, we won't be using wood, when it's one of our greatest renewable resources. We won't be using wood. So you will be putting a lot of carpenters and laborers and joiners out of work, the framers.

But second, if you do use wood, you will have to import that wood. So, as an article in Slate magazine said, and it's the reason the University of Michigan in one of their projects is trying to decide whether they want to use this LEED program, LEED, this article in Slate magazine actually pointed out that you can put up a bicycle rack and you get the same credit as if you used an energy efficient heating system. That's wrong.

Ms. WATERS. Madam Chairman, to correct that information, I yield 30 seconds to the chairman, Mr. FRANK.

Mr. FRANK of Massachusetts. The gentleman from Alabama correctly quoted the carpenters' letter. The manager's amendment responds to that. The manager's amendment, which we are now debating, removes reference to the leadership and energy and environmental design. So the objection raised by the carpenters we thought had some validity to it, and the manager's amendment takes care of it.

So there is no reference to that. So two of the points the gentleman made we agree with, and we're correcting, restoring main street and removing any reference to LEED. There will be other differences, but I did want to acknowledge this is an example of how we're trying to work together.

Mr. BACHUS. Madam Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Alabama.

Mr. BACHUS. Would you continue to work with us to make sure that, in fact, is possible?

Mr. FRANK of Massachusetts. Yes.

Ms. WATERS. Madam Chairman, I yield to the gentlewoman from New York (Mrs. MALONEY) 2 minutes.

Mrs. MALONEY of New York. Madam Chairman, I thank the gentlewoman for her leadership and chairing this important subcommittee and her hard work on this bill, along with Chairman FRANK, and I rise in very strong support of the revitalization, reauthorization of an important program, HOPE VI.

This legislation will increase the annual authorization from $100 million to $800 million, and it is really a funding housing crisis, affordable housing crisis in our Nation. This funding and this program is desperately needed.

In New York City alone, over tens of thousands of people are on the waiting list for public housing. This bill requires that all public housing units proposed for demolition be replaced on a one-for-one basis and that any units demolished will be replaced within 36 months. This is tremendously important because people in public housing have no other place to go.

It adds additional tenant protections by requiring public housing agencies to monitor and track all households affected by the HOPE VI revitalization program, as well as develop a relocation plan that provides comparable housing for all relocated residents.

In an effort to be better stewards of our environment, this bill requires all replacement housing and other structures part of the HOPE VI development to be built in accordance with flexible green building standards, and it's appropriate for the government to have high environmental standards. It will be more energy efficient in the future and, in the long run, will save taxpayers dollars.

This bill continues a really important program that revitalizes severely distressed public housing and transforms them into safe, livable communities. And since its creation, it has provided over 560 grants, and Congress has appropriated over $6.6 billion in funding.

It has helped public housing authorities create relationships with the private sector and open up opportunities to bring partnerships that bring in much-needed resources into struggling communities.

For example, by 2004, 92 public housing authorities have used $313 million capital funds to leverage over $1 billion in private investment. These funds have been used to modernize and redevelop public housing.

With the crisis in safe, affordable housing we are seeing in our country, it is my hope that with our reauthorization of this important legislation we can continue the successes of this program.

I really urge my colleagues to support this program that is vitally needed.

Mrs. CAPITO. Madam Chairman, I yield the gentleman from Connecticut (Mr. SHAYS), who I mentioned in my opening statement had been very integral in reaching what I think is a very good bill, 3 minutes.

Mr. SHAYS. Madam Chairman, I thank the gentlewoman for yielding. I thank my colleagues on the other side of the aisle for bringing out this legislation and for their willingness to work on a bipartisan basis to get a good bill. And thank you for that.

I am a strong believer in the HOPE VI program because I've seen its unbelievable benefit to my district. We had Southfield Village public housing. We converted it into Southwood Square, with a $26 million Federal grant, leveraging $79 million to reach $105 million. It has 330 units, 160 of low-income and 85 of market rental, but the unique thing is the 160 and the 85 are all the same units. They are really nice units, market rate units.

So, you may have someone paying market rate, and when they leave, the new person may be low-income. There's a guaranteed of the 330 units, 160 are low-income. It has actually a pool. It has a workout area, and it has some wealthy people staying there. They work at successful businesses in the greater Stamford community.

So young kids who have very little income when they see someone getting into a BMW, it's not for a drug deal; it's to go to work where they are paid well. When young children go to work out, what they hear discussed is how someone can make money legitimately.

It is not a place warehousing the poor, but having all our fellow Americans live together, black, white, Hispanic, minorities from all areas of the world, with people who have income, minorities as well who have income and those who don't. It is an incredible thing to see our country come together under a HOPE VI program.

And besides the 85 units of market rental, you have 15 of affordable home ownership. These are townhouses, four-story buildings. And then we have Fairfield Court, $19 million of Federal funds leveraging $80 million, 272 units, 141 of low-income and 131 of affordable rental, market rental and affordable home ownership.

What I see in the HOPE VI grant is a transformation not just of the physical outlay of a community and the upgrading of neighborhoods, but I'm seeing Americans come together, living like we think we should live, together, not separate.

I rise today in strong support of the reauthorization of the HOPE VI program. HOPE VI has transformed rundown housing projects into vibrant communities and changed the face of affordable housing throughout the country.

I am grateful to have worked on this reauthorization and am grateful for all of the hard work and collaboration of this Committee. Specifically, I would like to thank Chairwoman WATERS and Ranking Member CAPITO and their staff for their leadership on this important program.

The mixed income communities created through HOPE VI grants epitomize the power of public-private partnerships. This reauthorization represents a renewed commitment by the Federal Government to revitalize our Nation's most distressed public housing.

Since the creation of HOPE VI, public-private partnerships have leveraged significant commitments from private sector resources. For every dollar the Government commits to this revitalization effort, HOPE VI projects yield three to four in private funding.

In light of a serious shortage of affordable housing in Connecticut's Fourth District and throughout the Nation, it is imperative we encourage the utilization of all available resources to provide quality, safe, and affordable housing for our Nation's neediest citizens.

I have experienced first hand the transformation that HOPE VI grants are capable of making. We have two incredible HOPE VI sites in Stamford, and I wish Members and the administration could see that transformation. If they did, I doubt they would ever dream of eliminating this program.

Southfield Village received a $26 million HOPE VI grant, which leveraged $79 million in funds to create Southwood Square. The development features 330 units, 160 of which are low-income public housing units, 85 are market rate units, and 15 are affordable homeownership units.

In 2004, Fairfield Court received a HOPE VI grant of $19 million that will leverage $80 million. This project will house 141 low-income units and 131 affordable rental, market rate rental, and affordable homeownership units.

At these mixed-income communities, low-income families and those paying market rent live side-by-side, and have the opportunity to learn and grow from one another. They are safe places to live where children can grow and play together and where residents are involved in the planning and growth of their community.

When the Federal Government demonstrates its interest in improving the housing needs of low income families, the community responds. I call my colleagues today to reaffirm our commitment to this program, which has significantly expanded upon affordable housing options for families throughout the country.

Ms. WATERS. Madam Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. ELLISON), a hardworking member of our committee.

Mr. ELLISON. Madam Chairman, let me start by thanking Chairman FRANK and Chairwoman WATERS for bringing this critical and much-needed legislation to the floor.

The HOPE VI program was developed as a result of recommendations by the National Commission on Severely Distressed Public Housing, which was charged with proposing a national action plan to eradicate severely distressed public housing. The commission recommended revitalization in three general areas: physical improvements, management improvements, and social and community services to address resident needs. As a result, the HOPE VI program was developed in 1993.

Grants are used by public housing authorities to fund capital costs of major rehabilitation, new construction and physical improvements, demolition of severely distressed public housing, acquisition of sites for off-site construction, and community and supportive service programs for residents. Any public housing authority that has severely distressed public housing units in its inventory is eligible to apply.

In each of the past 5 years, the Bush administration has proposed elimination of the HOPE VI program, requesting no money for this successful program, threatening to strand tens of thousands of low-income families and children to live in substandard public housing.

But the Congress, under both Republican and Democratic majorities, has continued to fund the program. In 2006, $100 million was appropriated, and last month, $100 million was included in the Omnibus Appropriations Act. This reauthorization of HOPE VI is long overdue.

In the Fifth Congressional District and in the City of Minneapolis alone, my local public housing authority has estimated that they need over $205 million just to maintain 5,883 public housing units at only a fair condition. Again, let me repeat this. My district needs $205 million to keep these public housing units from not falling below basic standards. The backlog of units in desperate need of refurbishment and rehabilitation is a result of 7 long years of neglect of public infrastructure.

This is why I urge all of my colleagues to vote for this bill. By passing H.R. 3524, we move a step closer to recognizing the rights for all citizens.

Mrs. CAPITO. Madam Chairman, I yield 5 minutes to the gentleman from Texas (Mr. HENSARLING), a member of the Financial Services Committee.

Mr. HENSARLING. I thank the gentlewoman for yielding.

Madam Chairman, President Reagan once said that the nearest thing to eternal life on Earth is a Federal program, and I don't think there is any better case study than perhaps the HOPE VI program. If there was ever a program that cried out for termination, it's this one; termination so that the money used for this program can be returned to hardworking American families.

Many of us are acquainted with the history of the program, begun in 1992 with a very noble purpose of taking 86,000 units of severely distressed public housing and replacing them, demolishing them.

Well, guess what, Madam Chairman; it achieved its mission. But somewhere along the line we had this thing in Washington known as mission creep. What we should have done is probably given all the employees of the program a bonus, throw them a big party and say thank you for doing something good and achieving the mission of your particular program. But instead, somehow the program goes on and on and on.

Now, the Office of Management and Budget has said that this program is ineffective. If you look at their part rating of the Office of Management and Budget and start to study it, they ask very specific questions about the program, one of which is: Does the program address a specific and existing problem, interest or need? And the answer is no. The program has accomplished its primary goal to demolish 100,000 severely distressed public housing units by 2003.

Another question in the part rating of the Office of Management and Budget: Is the program designed so that it is not redundant or duplicative of any Federal, State, local or private effort? The answer again, no. HOPE VI is one of a select number of tools available to housing authorities to revitalize distressed or obsolete public housing.

So again, number one, we had a program that accomplished its original mission. We now have a program that is duplicative of other housing programs. And I know there are many who come to the floor who are very sincere and passionate in their belief that the only way to help low-income people is through government housing programs. I have a different philosophy. I have a different set of principles.

We already have 80-plus Federal housing programs, and the budget for Federal housing programs has almost doubled in the last 10 years, from $15.4 billion to more than $30 billion now.

And this percentage increase, almost double, is a rate, Madam Chairman, a rate of increase that is higher than veterans spending, education spending, energy spending, transportation spending, international affairs spending, and even Social Security over that same time period.

So, relative to our budget priorities, it's very hard to argue that somehow Federal housing programs have been shortchanged. I fear that HOPE VI simply compounds failure. We take failed housing projects, we start to demolish them, and then we fail to get rid of the program.

Again, I understand that some people and many on the other side of the aisle do not agree with my vision. They believe the only way to help is through other government programs, and if so, I would ask this, and I'm sorry that this didn't happen in committee.

I offered an amendment to transfer this money to the section 8 program. I think there are a number of challenges with section 8, but I certainly see it as a superior form of government assistance than these other programs.

□ 1130

And Member after Member on the other side of the aisle has complained that we have insufficient resources for section 8. Well, here's an opportunity. Now, unfortunately, that amendment was not ruled in order. I hope that one day maybe I can work with the majority in finding ways to take less effective government housing programs and perhaps transfer funds to more effective housing programs.

I also find it quite curious that many Members on the other side of the aisle complained about this program in hearings and in markups. So they complained about it and then sit here and reauthorize it.

And there are two other reasons that we should not support this. One is, it puts us on a trajectory to help double-spending to the next generation. Now, sometimes we have to make some tough choices. We are going to double taxes on the next generation if we don't do something about spending today.

And we should never forget that the best housing program is a job. And the greatest threat to jobs today is the threatened tax increases of the majority. That's where we ought to get our affordable housing.

Ms. WATERS. Madam Chairman, this would be an excellent time for me to call on the major cosponsor of this bill, someone who has been consistently involved with HOPE VI ever since it was originated.

I yield 3 minutes to the gentleman from North Carolina, Mr. MEL WATT.

Mr. WATT. I thank the Chair of the subcommittee for moving me up in the order so that I can address some of the misconceptions that we've just heard.

I'm holding in my hand a report that was authored, in fact one-third of the report that was authored, by HUD in 1996, about 4 or 5 years into the HOPE VI program. And if we thought that this program was only about demolishing distressed public housing, as my colleague who just spoke would have us believe, we should read the report. It did identify 86,000 severely distressed public housing units that needed to be demolished and replaced in a different kind of setting. It went on to say that we needed to address the needs of the residents. And the commission proposed providing increased funding for supportive services, creating a national system to coordinate social and supportive services to enable residents to become self-sufficient, and devising a system that requires public housing agencies to solicit resident input into the solutions.

And the things we have been complaining about, the gentleman is correct, we have been complaining about the HOPE VI program because it has only been about demolishing public housing and not doing any of the services that were originally contemplated by the program. And the amendments in this reauthorization bill are designed to attack those very shortcomings and the original objectives that HOPE VI was designed to accomplish. Number one, not only demolition, but one-for-one replacement is in this bill; input by residents is in this bill; supportive services, increased funding is in this bill.

So the gentleman is absolutely correct: those of us who have been complaining about the program acknowledge that it has not accomplished the objectives that were set for the programs by Republicans, not Democrats, to replace and eliminate severely distressed housing and to provide the kind of support that is necessary for residents of public housing to be successful. That's exactly what this bill does, and I encourage support for the bill.

Mrs. CAPITO. Madam Chairman, I have no further speakers, and I would like to reserve the balance of my time.

Ms. WATERS. I yield 2 minutes to the gentleman from Texas, a member of the subcommittee who has never missed a meeting, Congressman AL GREEN.

Mr. AL GREEN of Texas. Thank you, Madam Chairman. I thank you, the ranking member, and all of the other Members on the other side, Members on both sides. This is a bipartisan effort.

Madam Chairman, please let me dispel any notion that there is a surplus of affordable available housing in this country. In fact, in the State of Texas alone, we have a need for 437,000 units, and we are third in the Nation. New York is number two, with 528,000 units needed; California, 830,000 units. There is no surplus of available affordable housing. But we're talking about the public housing units, and there is no surplus of available public housing units.

Let me share a brief vignette with you. I had the privilege and honor, the pre-eminent privilege, if you will, of traveling to New Orleans with our subcommittee Chair, the Honorable MAXINE WATERS. While we were there, we visited the public housing units, and we actually talked to tenants. There were tenants who were pleading with us to give them the opportunity to return to what they called their homes. These were not just pieces of trash to them. These were places where they have memories, where they had hopes, where they had aspirations. And they were being denied access to property that they believed that they could live in. Now, was it to the standard that you and I my might want to live in? No. To the standards of those who live in the sweets of life, they were not; but to the standards of those who live in the streets of life, they were above standard. If you've got a choice of living on the streets or living in units that are not suitable for those who have much, you will choose to live in the units that are available to you.

I regret that some of us seem to think that the best way to help people who are living in conditions that we find unacceptable is to cause them to have no place to live at all. Now, there is something wrong with that kind of thinking. And at some point, we've got to consider what the people need, and not see these as projects. I beg that we support this legislation. Keep people off the streets of life.

Mrs. CAPITO. I would like to recognize the ranking member, the gentleman from Alabama (Mr. BACHUS), for 3 minutes.

Mr. BACHUS. Madam Chairman, Members of this body, let me say that there is a difference of opinion on our side and different opinions on our side. But I do believe that one thing ought to be clarified, and I believe I share this opinion with all my colleagues on this side. We believe the purpose of HOPE VI is not simply to replace a failed housing project model with another public housing project or community. We believe the purpose that all of us have, Republicans and Democrats, is to help those families in those communities have a better life and a better future, and hope.

As I think the Urban Institute and others have found, the majority of those residents, and I don't dispute what the gentleman from Texas said, there are and there will be residents that will say I want to go back to that community. But, hopefully, and one thing HOPE VI does, that community is replaced by a much better community, a much better mixed-income community where there is more hope, there is less crime, there is less poverty, and there are residents in those communities that can actually help those children get jobs. But most, and every study that has looked at this, and maybe someone on your side will correct me, most, if not every, study has shown that the average resident of that community is going to choose not to come back to that same location, but to relocate to another area because in most cases the area they would relocate to is closer to their job, it's closer to a school, or if not a school, it's closer to a higher performing school, and they choose, through a voucher, to relocate. In fact, a substantial minority of those residents relocate to another community, get a better job, get a better income, and move totally off public assistance.

There are a lot of fond memories in those communities, but there are a lot of people trapped in a circle of poverty in those communities and surrounded by criminal elements. And when we do this one-for-one model, I believe we are taking resources where we could give people the choice of relocating elsewhere and reestablishing what we had that we tore down.

Ms. WATERS. Madam Chairman, I yield 2 minutes to the gentlelady from Wisconsin, who has been so much involved in this issue, GWEN MOORE.

Ms. MOORE of Wisconsin. Thank you, Madam Chairman. HOPE VI is not just a tremendously successful housing program; it's a program that revitalizes entire communities.

When you have an area with thousands of people in dense public housing communities, it's essential that we disperse poverty and create communities within mixed-income groups. HOPE VI has had enormous success at doing just that.

I would like to remind my colleagues that HOPE VI is not some liberal Democrat program; it was created under a Republican administration, the previous President Bush. However, for the past 5 years, this President Bush has proposed ending this vital program, claiming that it has already accomplished its goal. Clearly, he's mistaken.

Secondly, I just want to remind the body that we're experiencing a mortgage crisis of gargantuan, indeed, global proportions. The bad actors in the mortgage market have found fertile ground among families who have yearned for decent housing. They have preyed upon these families with these awful mortgage products because of the dearth of affordable rental units. HOPE VI is an answer to prayer for these families who may not be able to achieve homeownership, but deserve decent and affordable housing.

Mrs. CAPITO. May I inquire as to how much time I have remaining.

The CHAIRMAN. The gentlewoman from West Virginia has 2 minutes remaining.

Ms. WATERS. I would like to inquire as to how much time I have left, Madam Chairman.

The CHAIRMAN. The gentlewoman from California has 4 minutes remaining.

Ms. WATERS. Madam Chairman, I yield 1 minute to the gentleman from New Jersey, Congressman BILL PASCRELL.

Mr. PASCRELL. I rise in strong support of H.R. 3524.

I can provide testimony here. I was a mayor. In fact, in the final years before I came to the Congress of the United States, we built HOPE VI housing. It was successful. And the community decided what that housing would be like and the community decided what the standards would be of living. In the same area, in the same area that I've just heard we should move people out of, you want to lift up. That's what hope is all about. That's what HOPE VI is all about.

So I can testify to the success. Come to Paterson, New Jersey, and see how HOPE VI operates. And we want to provide other areas of buildings that are falling down. Why should tenants have to live in those other buildings in that same situation? We want to give hope to those people as well, to provide better housing.

HOPE VI grants are used by public housing authorities to fund major rehab and demolition. I urge everyone to vote for this legislation.

Ms. WATERS. I yield 1 minute to the gentleman from Illinois, Mr. DANNY DAVIS.

Mr. DAVIS of Illinois. Madam Chairman, I represent one of the largest concentrations of public housing in the United States of America in the third largest city. And I can assure you that the mayor of the City of Chicago strongly supports HOPE VI. The Governor of Illinois strongly supports HOPE VI. Every member of our delegation from the City of Chicago strongly supports HOPE VI. It gives hope to those individuals who are homeless, who have given up, who are left out.

I strongly urge passage of this legislation. And let's keep the hope in it.

□ 1145

Ms. WATERS. Madam Chairman, I yield 1 minute to a gentleman who has been very much involved in this issue, Congressman ELIJAH CUMMINGS.

Mr. CUMMINGS. I want to thank the gentlewoman for yielding and for her leadership and to you, Chairman FRANK, and all of the members of the committee.

Madam Chairman, this is a very important piece of legislation involving what we have, HOPE VI projects. And I just want to correct Mr. BACHUS. Two of those projects are within six blocks of my house, so I deal with these folks every day. I talk to them. I wish we had more HOPE VI projects because I will never forget when we opened one of them. The area had been drug infested, a highrise, and when we opened it up, literally a lot of residents came back and they were crying because they were going to move in. There were others who couldn't move in because we did not have enough housing. I will never forget that day. I said this is like having Andy of Mayberry in the middle of our community. And it is. Children are able to play. Men staying out late at night playing checkers. People can leave their bikes out. A wonderful life and giving hope. That's what it's all about.

So I want to thank Ms. WATERS and Chairman FRANK for including in this legislation, as part of their manager's amendment, certain items that we included. And I want to thank you very much for your leadership.

Mrs. CAPITO. Madam Chairman, I have no further requests for time, and I continue to reserve the balance of my time.

Ms. WATERS. Madam Chairman, I would like to inquire how much time I have left.

The CHAIRMAN. The gentlewoman has 1 minute remaining.

Ms. WATERS. I will yield that 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentlewoman's courtesy and her leadership on this.

Madam Chairman, I come from a community that took almost 500 units of World War II-era public housing and replaced it with almost 1,000 units, including 230 that were unrestricted market rate. It was an anchor for revitalizing the community. It leveraged three-to-one investment from the private sector, and it was built according to environmentally sustainable standards.

I cannot say how strongly I support this legislation to be a blueprint for how HOPE VI can make a difference for public housing and community revitalization around America. I strongly urge support for this legislation and rejection of efforts to water it down. Use this model. Make it work. You will be proud.

Mrs. CAPITO. Madam Chairman, I would like to thank all the speakers for discussing what I think is a good program, HOPE VI. On this side of the aisle, even though the chairmen of the full committee and subcommittee have made great strides in terms of the manager's amendment in terms of answering some of our concerns, but we still have some concerns. And you are going to hear this through the amendment process, whether it's one-on-one replacement, demolition only, and my amendment on the green communities.

So I appreciate HOPE VI's successes. I think we have heard from a lot of Members who have had individual successes in their own districts. I reiterate the success in my district was from a demolition-only grant, and I've seen how the community can benefit and the housing conditions can improve and the quality of life improve at the same time.

Mr. CONYERS. Madam Chairman, I rise today in support of the passage of H.R. 3524, the "HOPE VI Improvement and Reauthorization Act of 2007." This bipartisan bill allows public housing agencies to continue to improve the lives of families in public housing through the revitalization of severely distressed public housing. Throughout America, there are tens of thousands of working families who are in desperate need of affordable housing, but are unable to obtain it, due to a shortage of sufficient public housing units. Passage of H.R. 3524 will dramatically improve the lives of those from low and moderate incomes who are having difficulty finding decent and affordable housing.

In Detroit, there are scores of families who are on the public housing waiting list, and are in dire need of affordable housing. Many of these families are forced to stay in homeless shelters, sleep in expensive hotels, or stay with friends and relatives until they can find permanent housing. This bill will provide direct assistance to low-income individuals and families in Detroit who will now have access to more affordable housing units, given that cities and towns across America will have increased federal funding to construct affordable housing units.

H.R. 3524 also ensures that the HOPE VI program does not contribute to the loss of public housing. It requires public housing agencies replace any demolished public housing unit with another comparable unit. Furthermore, the legislation gives agencies flexibility in the location of replacement housing by allowing replacement units to be provided in on-site mixed-income housing developments; and in other areas where the public housing agency has jurisdiction.

One of the most important benefits of H.R. 3524 is that more Americans will receive expanded housing opportunities through ensuring that families are able to move back into replacement housing units by prohibiting unreasonably stringent rescreening policies and making residents who are otherwise eligible for public housing also eligible for a HOPE VI unit.

The bill also encourages resident involvement in the redevelopment planning phases for new affordable housing. This is a critically important provision because it will help ensure that communities impacted by housing redevelopment will have a say in where they are going to live. Also, H.R. 3524 requires the monitoring and tracking of displaced residents by requiring housing authorities to maintain current contact information for each affected household while the mixed-income community is being developed. It is also a progressive bill, in that it implements green building standards in order to provide long-term energy efficiency and savings.

Ms. NORTON. Madam Chairman, I am obliged to speak up on the HOPE VI bill before us today, particularly because of the District's track record has made this city a shining success story, the fourth largest recipient of HOPE VI funding in the Nation, and an innovative leader in HOPE VI projects spurred on by federal funds available until recently, and the District's success in obtaining HOPE VI grants. I have devoted considerable time and effort to help the city obtain these grants. The great success the city has had in the stiff, nationwide competition it has faced in seeking each grant it has won, greatly energized by its own efforts. Even now, the District of Columbia has a grant pending.

HOPE VI has been the functional equivalent of a federal government stamp of approval. The District provides a fabulous example of how a little government money can act as a magnet for private and nonprofit funds that otherwise would not be available. Having received over $140 million in HOPE VI grants, the District has been able to maximize every grant dollar, leveraging the grant awards at a ratio of 1 to 7 to attract unusually large amounts of public and private funds, $740 million of non-government funding to five HOPE VI sites in the District.

A brief sampling of HOPE VI successes in the city illustrates the incredible economic impact that the grants have had. The H Street Barracks in Ward 6 is the hottest retail strip under HOPE VI. The District's first HOPE VI development, the Town Homes in Ward 6, not far from where we stand today, has been occupied by District residents for over eight years. In its prior life, the Town Homes was known as the Ellen Wilson Dwellings and stood abandoned for eight years, depressing the vibrancy of the surrounding community. However, a $26 million HOPE VI grant, awarded in 1993, transformed the public housing units into 134 cooperative, mixed-income town homes, with 33 families at 0 percent to 24 percent of area median income, AMI, 34 families at 25 percent to 50 percent of AMI, and 67 families at 50 percent to 115 percent of AMI.

One of the most ambitious HOPE VI projects undertaken nationwide is transforming the Arthur Capper/Carrollsburg Dwellings, a 23-acre 758-unit public housing complex near the Washington Navy Yard and the Southeast Federal Center, into a revitalized residential part of general Anacostia waterfront revitalization, one of the largest urban redevelopment areas in the country. The Arthur Capper/Carrollsburg development is the first HOPE VI site in the country to provide one-for-one replacement of demolished public housing units. The $34.9 million grant award has been leveraged to provide a total of over $424 million for the creation of 1,562 rental and home ownership units, replacing the demolished units with 707 public housing units, 525 affordable rental units and 330 market rate homes for purchase, for a total of 1,562 new units, and additional office space, neighborhood retail space and a community center.

One of the best examples of how HOPE VI grants have helped DC communities is the lowest-income ward in the District of Columbia, Ward 8, where HOPE VI developments are transforming an entire ward. Ward 8 leads the city in housing starts and new rental housing. A Giant Food grocery store near the Henson Ridge HOPE VI development is the only supermarket in the ward and the largest in the region. The Henson Ridge HOPE VI across the street gave Giant an immediate customer base and now draws the entire ward.

HOPE VI has been nothing short of a veritable economic engine to drive the reinvigoration of entire communities. It would be a national tragedy for Congress to allow HOPE VI to expire rather than building on the success of the District and other cities. The investment by the government pales in comparison to the return generated. I strongly support H.R. 3524 to reauthorize the HOPE VI program for the next eight years with up to $800 million dollars a year, and I urge my colleagues to do the same.

Mr. BISHOP of Georgia. Madam Chairman, I strongly support H.R. 3524, the HOPE VI Improvement and Reauthorization Act of 2007. As the name of this program suggests, the revitalization of distressed public housing brings hope to millions of Americans—the hope of living in a community that cherishes family values, the hope of enjoying a stable living environment, and the hope of moving out of poverty and toward self-sufficiency.

The HOPE VI program offers residents the ability to improve their housing opportunities by transforming severely distressed public housing into thriving mixed-income communities. The program has worked well since its inception in 1992 and I am pleased that the bill makes a number of significant improvements to HOPE VI to ensure that it is even stronger into the future. These changes include requiring full replacement for lost units and increased involvement of residents in planning the redevelopment.

Furthermore, HOPE VI promotes the efforts of Congress in supporting a cleaner environment by requiring compliance with green building standards.

In Georgia's Second Congressional District, we have had resounding success with the HOPE VI program. The Housing Authority of Columbus, Georgia was awarded a $20 million HOPE VI grant in 2002. The revitalization plan called for the demolition of 510 units of severely distressed public housing units. At the time of grant award 380 families lived at Peabody.

The end result is a new mixed-income community (Ashley Station), set on a beautifully designed site which incorporates new housing, new parks, and new retail and street improvements. In addition, connections were made that improved access to job training, employment opportunities, education, health care, and other supportive services. HOPE VI allowed for a unique public-private collaboration and more than $5,800,000 in "in-kind" services were received by the HOPE VI residents.

Invigorating the HOPE VI program will strengthen families, reduce poverty, and rejuvenate the spirit of American communities throughout the Nation. The program is more than just "bricks and mortar." It will make the American dream a reality for millions of low-income people. I commend my colleagues for bringing this vital piece of legislation to the House floor and I urge their strong support.

Ms. JACKSON-LEE of Texas. Madam Chairman, I rise today in support of H.R. 3524, to reauthorize the "HOPE VI Improvement and Reauthorization Act of 2007," introduced by my distinguished colleague from California, Representative MAXINE WATERS. This important legislation will reauthorize and make changes to the HOPE VI public housing revitalization program. I would like to thank Congresswoman WATERS for her consistent and dedicated work on this important issue, as well as to commend Chairman FRANK for his leadership in bringing this bill to the floor today.

Madam Chairman, this legislation reauthorizes, with important changes, the HOPE VI public housing revitalization program. Among other provisions, it provides for the retention of public housing units, protects residents from disruptions resulting from the grant, increases resident involvement, and improves the efficiency and expediency of construction. The HOPE VI program, created in 1992, has worked to improve the Nation's most dilapidated public housing units by providing much needed resources to public housing agencies. These funds have directly benefited countless Americans, particularly the elderly and those with disabilities, partnering with local agencies to improve conditions in public housing units and communities.

In December, we were reminded of the existing problems in our Nation's public housing systems when protesters in New Orleans skirmished with police in New Orleans, as the City Council unanimously voted to destroy 4,500 public housing units. I was appalled that, in the holiday season, the citizens of New Orleans and survivors of Hurricane Katrina were put in a position in which they had to fight to keep a roof over their heads. The residents of New Orleans who saw their homes and livelihoods destroyed by natural disaster two years ago are far from alone in their need for improved public housing; citizens across the country are feeling the acute need for the housing reform delivered by this bill.

My home city of Houston faces unique challenges and opportunities. One of the most important of which is dealing with the impact of taking in nearly 200,000 Hurricane Katrina evacuees, an unprecedented act of generosity for which Houston is famous. According to the 2000 U.S. Census, nearly 2 million people live in Houston, the fourth largest city in America. When the metropolitan area is taken into account, the population swells to approximately 5.2 million. The Houston metropolitan grew in population by more than 950,000 people between 1990 and 2000.

Madam Chairman, according to the American Community Survey (ACS) conducted by the Census Bureau, there are 859,245 total housing units in the City of Houston, of which 748,323 are occupied—347,865 are occupied by owners (2.5 percent vacancy rate) and 400,458 by renters (11.8 percent vacancy rate). Though the average cost of housing and rent in Houston is low by national standards, Houston residents still face a problem when it comes to affordable housing. According to a 2006 study by the Harvard Joint Center for Housing Studies, 28.4 percent of Houston homeowners and 51 percent of renters in the Houston metropolitan area spend more than 30 percent of their monthly pre-tax income on housing costs. This makes them "housing-cost burdened" as defined by the Department of Housing and Urban Development (HUD).

Fully a quarter of Houston renters are "severely housing-cost burdened," meaning they pay more than 50 percent of their income in housing costs. The National Low Income Housing Coalition, in its report Out of Reach in 2006, estimates that in order to afford a 2-bedroom apartment at the FMR, a renter would have to earn $14.77 an hour, more than two and on-half times the minimum wage.

The affordability crisis is most pronounced among Houston's poorest and disabled households. Among the 83,367 renter households in Houston with incomes below 30 percent of the Area Median Income (AMI)—or approximately $18,500 in the Houston metropolitan area—more than half, 56 percent, of them spend more than half of their gross income on housing. Another 1 in 6 devotes more than 30 percent of their gross income for housing.

Moreover, there is little federally subsidized housing available to those in need. The Housing Authority's waiting list for Section 8 Housing Choice Vouchers now has been closed for three years and there are still more than 10,000 people on the list. The average wait time is between 18 months and two years. It is estimated that more than 12,000 people are homeless on any given night in Houston: 6,583 of them are unsheltered and 3,600 of them are chronically homeless.

Madam Chairman, I support this legislation because it will begin to address the serious housing problems we face in our own local communities, and as a nation. Among its many important provisions, this legislation requires that all public housing units proposed for demolition be replaced on a one-to-one basis, guaranteeing the total availability of public housing. This requirement will serve to protect low income residents under fair housing laws. Further, a mixed-income housing development must be provided on the site of the original public housing location and all replacement housing units must be located in a mixed-income community. The bill requires a third of the units in this development must be public housing units, with limited exceptions. Public housing agencies can build additional units on the site provided the provision of these units does not violate fair housing laws and the number of additional units is determined in consultation with residents, community leaders, and local government officials. Remaining units must be built in the jurisdiction of the public housing agency in low poverty areas and in a manner that affirmatively furthers fair housing.

The bill provides displaced residents with three housing choices: (a) A revitalized unit on the site of the original public housing location; (b) a revitalized unit in the jurisdiction of the public housing agency; or (c) a housing choice voucher, which can be used in areas with lower concentrations of poverty. Public housing residents of the revitalized developments must, under the provisions of this bill, be subject to the same screening criteria used for all public housing units.

This legislation also mandates adequate oversight, requiring public housing agencies to monitor and track all households affected by the HOPE VI revitalization plan. In addition, public housing agencies must develop a temporary relocation plan that provides comparable housing for all relocated residents, protects residents in transitioning to the private rental market with housing choice vouchers, provides for housing opportunities in 7 neighborhoods with lower concentrations of poverty, and extends the voucher search time to 150 days.

Madam Chairman, this legislation also provides for the active involvement and participation of residents in the grant planning process, including public hearings and four notices to residents on (a) the intent to apply for a HOPE VI grant, (b) grant award and relocation options, (c) grant agreement and relocation options, and (d) replacement housing.

The bill includes several provisions designed to increase the rate at which HOPE VI developments are constructed, which will help reduce the time tenants are relocated. The bill requires all new housing to be rebuilt within 12 months from the allocation of low-income housing tax credits or, for those grants that do not use tax credits, within 12 months of demolition or disposition. The bill waives the grant matching requirement for HOPE VI applicants in areas recovering from natural disasters or emergencies. This further helps these communities recover quickly and efficiently. Grantees that do not meet performance benchmarks will be penalized.

Finally, I would like to draw attention to requirements in this legislation mandating that all replacement housing and other structures part of the HOPE VI development to comply with certain energy-efficient green building standards. This Congress has made protecting the environment a priority, and I am pleased to see this provision included in today's legislation.

I strongly urge my colleagues to join me in supporting this extremely important legislation.

Mr. TERRY. Madam Chairman, I rise to express my opposition to H.R. 3524, the HOPE VI Improvement and Reauthorization Act of 2007.

After speaking with the Omaha Housing Authority in my District, I have been informed that the changes in the bill are overly prescriptive and potentially burdensome for the community of Omaha.

In particular the one-for-one replacement of public housing units that is required under this bill is simply not feasible. This legislation requires one-for-one replacement of units that are demolished under the proposed plan on the original site or within the jurisdiction of the public housing authority. H.R. 3524 also mandates that one-third of the units that are constructed as a part of the mixed-income community revitalization plan remain public housing units.

One particular area where the Omaha Housing Authority would like to apply a HOPE IV grant to is the Pleasant View area. I am told that there are 190 units in Pleasant View that are in need of demolition, however, with the overly burdensome regulation of the one-to-one replacement requirement prescribed in this bill, the OHA would not be able to feasibly perform this demolition. These units are currently not occupied, so with the inclusion of Mr. NEUGEBAUER's amendment we would at least have some relief in this area.

I commend my colleague, RANDY NEUGEBAUER, for his amendment that would apply the one-to-one replacement requirement for units demolished under this program only to units that are occupied prior to demolition.

Another very problematic change for the Housing Authority in Omaha included in this legislation would be the compliance with the Green Communities rating system. As you know, this legislation requires the proposed revitalization plan to comply with the mandatory and non-mandatory items of the National Green Community checklist for residential construction and the mandatory and non-mandatory components of version 2.2 of the Leadership in Energy and Environmental Design (LEED) green building system for New Construction and Major Renovations.

The mandatory green building requirements for Green Communities and the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED) will drive up development costs and threaten the viability of this important housing program in Omaha reducing the actual number of units that can be built.

Because of the vital importance of protecting housing affordability and keeping green building flexible, functional and effective, I will be voting against this bill as is and urge a "no" vote to my colleagues.

Mr. COHEN. Madam Chairman, the HOPE VI program in the Department of Housing and Urban Development is a vital program that aims to improve public housing. The HOPE VI Improvement and Reauthorization Act of 2007 not only extends HOPE VI, but makes important changes to the program to ensure that affordable housing is available to more people who are in need.

The one-for-one replacement included in the bill will keep the same number of units available for public housing if an existing building is scheduled to be demolished. The reauthorization bill also includes language to allow HOPE VI participants to re-enroll in the program under the same guidelines as other public housing residents of the revitalized development.

The reauthorization bill brings the HOPE VI program into the 21st century with the provision that requires all replacement housing to meet Green Communities standards and nonresidential structures to comply with LEED standards. With so much focus on climate change and energy conservation, it is only fitting for the government to address these issues through its departments, agencies, and programs.

I am proud to be a co-sponsor of H.R. 3524 and proud to support the bill today.

Ms. CLARKE. Madam Chairman, I rise in support of H.R. 3524, the "HOPE VI Improvement and Revitalization Act of 2007," which eradicates severely distressed public housing.

Ever since public housing was first created, there were many obstacles that hindered its success. As time progressed, many public housing units became nothing more than a highly concentrated community containing many of society's social problems such as poverty, high crime, and unemployment. Consequently, many units became deplorable and uninhabitable. But H.R. 3524 would help transform many severely distressed neighborhoods into the livable communities that public housing was originally intended to be for many low-income families.

The HOPE VI program was created in 1992 and has been credited with eliminating and replacing some of the most dangerous and distressed public housing in the country with new mixed income communities. It has been reported that mixed-income communities have resulted in increases in per capita incomes, decreases in unemployment rates, decreases in the number of households receiving public assistance, and declines in violent crime.

Therefore, one of the reasons why I support H.R. 3524 is because this bill would require public housing agencies to create more mixed-income housing on demolished low-income housing sites. Also, these mixed-income housing units developed to replace demolished public housing would have to be built in low-concentrated poverty areas to avoid concentrating public housing in low-income neighborhoods.

Other reasons why I support this bill is because it provides more replacement housing units; ensures residents have access to revitalized sites; provides residents with more involvement in the planning and redevelopment process; and establishes green development standards for HOPE VI revitalization activities.

Therefore, Madam Chairman, I urge my colleagues for strong bipartisan support of the HOPE VI Improvement and Revitalization Act of 2007, which will redefine public housing by transforming distressed communities into new, safe sustainable communities for many families who deserve it.

Mrs. CAPITO. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 3524

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "HOPE VI Improvement and Reauthorization Act of 2007".

(b) REFERENCES.—Except as otherwise expressly provided in this Act, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.).

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; references; table of contents.
Sec. 2. Purposes of program.
Sec. 3. Authority to waive contribution requirement in cases of extreme distress or emergency.
Sec. 4. Prohibition of demolition-only grants.
Sec. 5. Repeal of main street projects grant authority.
Sec. 6. Eligible activities.
Sec. 7. Selection of proposals for grants.
Sec. 8. Requirements for mandatory core components.
Sec. 9. Planning and technical assistance grants.
Sec. 10. Annual report; availability of documents.
Sec. 11. Definitions.
Sec. 12. Conforming amendment.
Sec. 13. Authorization of appropriations.
Sec. 14. Extension of program.
Sec. 15. Review.
Sec. 16. Regulations.

SEC. 2. PURPOSES OF PROGRAM.

Subsection (a) of section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v(a)) is amended—

(1) in paragraph (1), by inserting before "through" the following: "located in communities of all sizes, including small- and medium-sized communities,";

(2) in paragraph (3)—

(A) by inserting "low- and" before "very low-income"; and

(B) by striking "and" at the end;

(3) in paragraph (4), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(5) promoting housing choice among low- and very low-income families.".

SEC. 3. AUTHORITY TO WAIVE CONTRIBUTION REQUIREMENT IN CASES OF EXTREME DISTRESS OR EMERGENCY.

Subsection (c) of section 24 is amended by adding at the end the following new paragraph:

"(4) WAIVER.—

"(A) AUTHORITY.—The Secretary may waive the applicability of paragraph (1) with respect to an applicant or grantee if the Secretary determines that circumstances of extreme distress or emergency, in the area that the revitalization plan of the applicant is to be carried out, directly affect the ability of the applicant or grantee to comply with such requirement.

"(B) REGULATIONS.—The Secretary shall issue regulations to carry out this paragraph, which shall—

"(i) set forth such circumstances of extreme distress and emergency; and

"(ii) provide that such circumstances shall include any instance in which the area in which a revitalization plan assisted with amounts from a grant under this section is to be carried out is subject to a declaration by the President of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.".

SEC. 4. PROHIBITION OF DEMOLITION-ONLY GRANTS.

Section 24 is amended—

(1) in subsection (c)(3), by striking "or demolition of public housing (without replacement)";

(2) in the first sentence of subsection (e)(3)—

(A) by striking "demolition only,"; and

(B) by striking the last comma; and

(3) in subsection (e), by adding at the end the following new paragraph:

"(4) PROHIBITION OF DEMOLITION-ONLY GRANTS.—The Secretary may not make a grant under this section for a revitalization plan that proposes to demolish public housing without revitalization of any existing public housing dwelling units.".

SEC. 5. REPEAL OF MAIN STREET PROJECTS GRANT AUTHORITY.

Section 24 is amended—

(1) by striking subsection (n) (relating to grants for assisting affordable housing developed through main street projects in smaller communities);

(2) in subsection (a), by striking the last sentence (that appears after and below paragraph (5), as added by section 2(4) of this Act);

(3) in subsection (l)—

(A) in paragraph (3), by striking ", including a specification of the amount and type of assistance provided under subsection (n);" and inserting "; and"; and

(B) by striking paragraph (4); and

(4) in subsection (m), by striking paragraph (3).

SEC. 6. ELIGIBLE ACTIVITIES.

Paragraph (1) of section 24(d) is amended—

(1) in the matter preceding subparagraph (A), by striking "programs" and inserting "plans";

(2) in subparagraph (G), by striking "program" and inserting "plan";

(3) by striking subparagraph (J) and inserting the following new subparagraph:

"(J) the acquisition and development of replacement housing units in accordance with subsection (j);".

(4) in subparagraph (K), by striking "and" at the end;

(5) in subparagraph (L)—

(A) by striking "15 percent" and inserting "25 percent"; and

(B) by striking the period at the end and inserting a semicolon; and

(6) by adding at the end the following new subparagraphs:

"(M) necessary costs of ensuring the effective relocation of residents displaced as a result of the revitalization of the project, including costs of monitoring as required under subsection (k); and

"(N) activities undertaken to comply with the provisions of (B)(vii) and (C)(xiii) of subsection (e)(2) and subsection (l) (relating to green developments).".

SEC. 7. SELECTION OF PROPOSALS FOR GRANTS.

(a) SELECTION CRITERIA.—Section 24(e) is amended by striking paragraph (2) and inserting the following new paragraph:

"(2) GRANT AWARD CRITERIA.—

"(A) ESTABLISHMENT.—The Secretary shall establish criteria for the award of grants under this section.

"(B) MANDATORY CORE COMPONENTS.—The criteria under this paragraph shall require that a proposed revitalization plan may not be selected for award of a grant under this section unless the proposed plan meets all of the following requirements:

"(i) EVIDENCE OF SEVERE DISTRESS.—The proposed plan shall contain evidence sufficient to demonstrate that the public housing project that is subject to the plan is severely distressed, which shall include—

"(I) a certification signed by an engineer or architect licensed by a State licensing board that the project meets the criteria for physical distress under subsection (t)(2); and

"(II) such other evidence that the project meets criteria for nonphysical distress under

subsection (t)(2), such as census data, crime statistics, and past surveys of neighborhood stability conducted by the public housing agency.

“(ii) RESIDENT INVOLVEMENT AND SERVICES.—The proposed plan shall provide for opportunities for involvement of residents of the housing subject to the plan and the provision of services for such residents, in accordance with subsection (g).

“(iii) RELOCATION PLAN.—The proposed plan shall provide a plan for relocation of households occupying the public housing project that is subject to the plan, in accordance with subsection (h), including a statement of the estimated number of vouchers for rental assistance under section 8 that will be needed for such relocation.

“(iv) RESIDENT RIGHT TO EXPANDED HOUSING OPPORTUNITIES.—The proposed plan provides right of resident households to occupy housing provided under such revitalization plan in accordance with subsection (i).

“(v) ONE-FOR-ONE REPLACEMENT.—The proposed plan shall provide a plan that—

“(I) provides for replacement in accordance with subsection (j) of 100 percent of all dwelling units demolished or disposed of under such revitalization plan, as of the date of the application for the grant, on the site of the original public housing or within the jurisdiction of the public housing agency;

“(II) identifies the type of replacement housing that will be offered to tenants displaced by the revitalization plan;

“(III) contains such agreements with or assurances by the Secretary, State and local governmental agencies, and other entities sufficient to ensure compliance with subsection (j) and the requirements of section 18 applicable pursuant to subsection (p)(1); and

“(IV) contains such assurances or agreements as the Secretary considers necessary to ensure compliance with subsection (i)(2).

“(vi) FAIR HOUSING; LIMITATION ON EXCLUSION.—The proposed plan shall be carried out in a manner that complies with section (m) (relating to affirmatively furthering fair housing and limitation on exclusion).

“(vii) GREEN DEVELOPMENTS.—The proposed plan complies with the requirement under subsection (l) (relating to green developments).

“(C) MANDATORY GRADED COMPONENTS.—The criteria under this paragraph shall provide that, in addition to the requirements under subparagraph (B), the proposed revitalization plan shall address and meet minimum requirements with respect to, and shall provide additional priority based on the extent to which the plan satisfactorily addresses, each of the following issues:

“(i) COMPLIANCE WITH PURPOSES.—The extent to which the proposed plan of an applicant achieves the purposes of this section set forth in subsection (a).

“(ii) CAPABILITY AND RECORD.—The extent of the capability and record of the applicant public housing agency, public partners, proposed private development partners, or any alternative management entity for the agency, for managing redevelopment or modernization projects, meeting performance benchmarks, and obligating amounts in a timely manner, including any past performance of such entities under the HOPE VI program and any record of such entities of working with socially and economically disadvantaged businesses, as such term is defined in section 8(a)(4) of the Small Business Act (15 U.S.C. 637(a)(4)).

“(iii) DIVERSITY OUTREACH.—The extent to which the proposed revitalization plan includes partnerships with socially and economically disadvantaged businesses, as such term is defined by section 8(a)(4) of the Small Business Act.

“(iv) EFFECTIVENESS OF RELOCATION AND ONE-FOR-ONE REPLACEMENT PLANS.—The extent of the likely effectiveness of the proposed revitalization plan for temporary and permanent relocation of existing residents, including the likely effectiveness of the relocation plan under subparagraph (B)(iii) and the one-for-one replacement plan under subparagraph (B)(v).

“(v) ACHIEVABILITY OF REVITALIZATION PLAN.—The achievability of the proposed revitalization plan pursuant to subsection (o), with respect to the scope and scale of the project.

“(vi) LEVERAGING.—The extent to which the proposed revitalization plan will leverage other public or private funds or assets for the project.

“(vii) NEED FOR ADDITIONAL FUNDING.—The extent to which the applicant could undertake the activities proposed in the revitalization plan without a grant under this section.

“(viii) PUBLIC AND PRIVATE INVOLVEMENT.—The extent of involvement of State and local governments, private service providers, financing entities, and developers, in the development and ongoing implementation of the revitalization plan.

“(ix) NEED FOR AFFORDABLE HOUSING.—The extent of need for affordable housing in the community in which the proposed revitalization plan is to be carried out.

“(x) AFFORDABLE HOUSING SUPPLY.—The extent of the supply of other housing available and affordable to families receiving tenant-based assistance under section 8.

“(xi) PROJECT-BASED HOUSING.—The extent to which the proposed revitalization plan sustains or creates more project-based housing units available to persons eligible for residency in public housing in markets where the proposed plan shows there is demand for the maintenance or creation of such units.

“(xii) GREEN DEVELOPMENTS COMPLIANCE.—The extent to which the proposed revitalization plan—

“(I) in the case of residential construction, complies with the nonmandatory items of the national Green Communities criteria checklist identified in subsection (l)(1)(A), or any substantially equivalent standard as determined by the Secretary, but only to the extent such compliance exceeds the compliance necessary to accumulate the number of points required under such subsection; and

“(II) in the case of non-residential construction, includes non-mandatory components of version 2.2 of the Leadership in Energy and Environmental Design (LEED) green building rating system for New Construction and Major Renovations, version 2.0 of the LEED for Core and Shell rating system, or version 2.0 of the LEED for Commercial Interiors rating system, as applicable, or any substantially equivalent standard as determined by the Secretary, but only to the extent such inclusion exceeds the inclusion necessary to accumulate the number of points required under such system.

“(xiii) HARD-TO-HOUSE FAMILIES.—The extent to which the one-for-one replacement plan under subparagraph (B)(v) for the revitalization plan provides replacement housing that is likely to be most appropriate and beneficial for families whose housing needs are difficult to fulfill, including individuals who are not ineligible for occupancy in public housing pursuant to subsection (m)(2), have been released from a State or Federal correctional facility, have not been arrested for or charged with any crime during the period beginning upon probation or parole and ending one year after completion of probation or parole, and for whom affordable housing is a critical need.

“(xiv) FAMILY-FRIENDLY HOUSING.—The extent to which replacement housing units provided through the revitalization plan contain a sufficient number of bedrooms to prevent overcrowding.

“(xv) ADDITIONAL ON-SITE MIXED-INCOME HOUSING.—The extent to which the one-for-one replacement plan under subparagraph (B)(v) provides public housing units in addition to the number necessary to minimally comply with the requirement under subsection (j)(2)(A)(i), including the extent to which such plan provides sufficient housing for elderly and disabled residents who indicate a preference to return to housing provided on the site of the original public housing involved in the revitalization plan and complies with the requirements of subsection (j)(2)(A)(ii).

“(xvi) OTHER.—Such other factors as the Secretary considers appropriate.”.

(b) TREATMENT OF LOW-INCOME HOUSING TAX CREDIT ALLOCATIONS; MANDATORY SITE VISITS.—Section 24(e), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new paragraphs:

“(5) TREATMENT OF LOW-INCOME HOUSING TAX CREDIT ALLOCATION.—In the case of any application for a grant under this section that relies on the allocation of any low-income housing tax credit provided pursuant to section 42 of the Internal Revenue Code of 1986 as part of the revitalization plan proposed in the application, the Secretary shall not require that the first phase of any project to be developed under the plan possess an allocation of such low-income housing tax credits at the time of such application.

“(6) MANDATORY SITE VISITS.—Notwithstanding any other provision of law, the Secretary shall provide for appropriate officers or employees of the Department of Housing and Urban Development to conduct a visit to the site of the public housing involved in the revitalization plan proposed under each application for a grant under this section that is involved in a final selection of applications to be funded under this section. Site visits pursuant to this paragraph shall be used only for the purpose of obtaining information to assist in determining whether the public housing projects involved in the application are severely distressed public housing.”.

SEC. 8. REQUIREMENTS FOR MANDATORY CORE COMPONENTS.

Section 24 is amended—

(1) by redesignating subsections (h) through (m) as subsections (q) through (v), respectively;

(2) by redesignating subsection (o) as subsection (w); and

(3) by striking subsection (g) and inserting the following new subsections:

“(g) RESIDENT INVOLVEMENT AND SERVICES.—

“(1) IN GENERAL.—Each revitalization plan assisted under this section shall provide opportunities for the active involvement and participation of, and consultation with, residents of the public housing that is subject to the revitalization plan during the planning process for the revitalization plan, including prior to submission of the application, and during all phases of the planning and implementation. Such opportunities for participation may include participation of members of any resident council, but may not be limited to such members, and shall include all segments of the population of residents of the public housing that is subject to the revitalization plan, including single parent-headed households, the elderly, young employed and unemployed adults, teenage youth, and disabled persons. Such opportunities shall include a process that provides opportunity for comment on specific proposals for redevelopment, any demolition and disposition involved, and any proposed significant amendments or changes to the revitalization plan.

“(2) NOTICES.—In carrying out a revitalization plan assisted under this section, a public housing agency shall provide the following written notices, in plain and nontechnical language, to each household occupying a dwelling unit in the public housing that is subject to, or to be subject to, the plan:

"(A) NOTICE OF INTENT.—Not later than the expiration of the 30-day period beginning upon publication by the Secretary of a notice of funding availability for a grant under this section for such plan, notice of—

"(i) the public housing agency's intent to submit such application;

"(ii) the proposed implementation and management of the revitalized site;

"(iii) residents' rights under this section to participate in the planning process for the plan, including opportunities for participation in accordance with paragraph (1), and to receive comprehensive relocation assistance and community and supportive services pursuant to paragraph (4); and

"(iv) the public hearing pursuant to paragraph (3).

"(B) NOTICE OF GRANT AWARD AND RELOCATION OPTIONS.—Not later than 30 days after notice to the public housing agency of the award of a grant under this section, notice that—

"(i) such grant has been awarded;

"(ii) describes the process involved under the revitalization plan to temporarily relocate residents of the public housing that is subject to the plan;

"(iii) provides the information required pursuant to subsection (h)(2) (relating to relocation options); and

"(iv) informs residents of opportunities for participation in accordance with paragraph (1).

"(C) NOTICE OF GRANT AGREEMENT AND RELOCATION OPTIONS.—Not later than 30 days after execution of a grant agreement under this section with a public housing agency, notice that—

"(i) specifically identifies the housing available for relocation of resident of the public housing subject to the revitalization plan;

"(ii) sets forth the schedule for relocation of residents of the public housing subject to the revitalization plan, including the dates on which such housing will be available for such relocation; and

"(iii) informs residents of opportunities for participation in accordance with paragraph (1).

"(D) NOTICE OF REPLACEMENT HOUSING.—Upon the availability of replacement housing provided pursuant to subsection (j), notice to each household described in subsection (i)(1) of—

"(i) such availability;

"(ii) the process and procedure for exercising the right to expanded housing opportunities and preferences under subsection (i)(2); and

"(iii) opportunities for participation in accordance with paragraph (1) of this subsection.

"(E) OTHER.—Such other notices as the Secretary may require.

"(3) PUBLIC HEARING.—The Secretary may not make a grant under this section to an applicant unless the applicant has convened and conducted a public hearing regarding the revitalization plan, including the one-for-one replacement to occur under the plan, not later than 75 days before submission of the application for the grant under this section for such plan, at a time and location that is convenient for residents of the public housing subject to the plan.

"(4) SERVICES.—Each recipient of a grant under this section shall—

"(A) provide each household who is residing at the site of the revitalization as of the date of the notice of intent under subparagraph (A) with comprehensive relocation assistance for a period that is the latter of the two periods referred to in subparagraph (B) with comprehensive relocation assistance; and

"(B) offer, to each such displaced resident and each low-income family provided housing under the revitalization plan, community and supportive services until the latter of—

"(i) the expiration of the two-year period that begins upon the end of the development period under the plan; and

"(ii) the date on which all funding under the grant for community and supportive services has been expended.

"(h) RELOCATION PROGRAM.—Each recipient of a grant under this section shall—

"(1) provide for each household displaced by the revitalization plan for which the grant is made to be relocated to a comparable replacement dwelling, as defined in section 101 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601), and for payment of actual and reasonable relocation expenses of each such household and any replacement housing payments as are required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

"(2) fully inform such households of all relocation options, which may include relocating to housing in a neighborhood with a lower concentration of poverty than their current residence or remaining in the housing to which they relocate;

"(3) to the maximum extent possible, minimize academic disruptions on affected children enrolled in school by coordinating relocation with school calendars;

"(4) establish strategies and plans that assist such displaced residents in utilizing tenant-based vouchers to select housing opportunities, including in communities with a lower concentration of poverty, that—

"(A) will not result in a financial burden to the family; and

"(B) will promote long-term housing stability;

"(5) establish and comply with relocation benchmarks that ensure successful relocation in terms of timeliness; and

"(6) notwithstanding any other provision of law, in the case of any tenant-based assistance made available for relocation of a household under this subsection, provide that the term during which the household may lease a dwelling unit using such assistance shall not be shorter than 150 days; if the household is unable to lease a dwelling unit during such period, the public housing agency shall either extend the period during which the household may lease a dwelling unit using such assistance or provide the tenant with the next available dwelling unit owned by the public housing agency.

"(i) RIGHT TO EXPANDED HOUSING OPPORTUNITIES FOR RESIDENT HOUSEHOLDS.—

"(1) IN GENERAL.—Subject only to paragraph (3), each revitalization plan assisted with a grant under this section shall make available, to each household occupying a dwelling unit in the public housing subject to a revitalization plan that is displaced as a result of the revitalization plan (including any demolition or disposition of the unit), occupancy for such household in a replacement dwelling unit provided pursuant to subsection (j). To exercise such right under this paragraph to occupancy in such a replacement dwelling unit, the household shall respond in writing to the notice provided pursuant to subsection (g)(2)(C) by the public housing agency.

"(2) PREFERENCES.—Such a replacement dwelling unit shall be made available to each household displaced as a result of the revitalization plan before any replacement dwelling unit is made available to any other eligible household.

"(3) REPORTS TO SECRETARY.—The Secretary shall require each public housing agency carrying out a revitalization plan assisted under this section to submit to the Secretary such reports as may be necessary to allow the Secretary to determine the extent to which the public housing agency has complied with this subsection and to which displaced residents occupy replacement housing provided pursuant to subsection (j), which shall include information describing the location of replacement housing provided pursuant to subsection (j) and statistical information on the characteristics of all households occupying such replacement housing.

"(j) ONE-FOR-ONE REPLACEMENT.—Each revitalization plan assisted with a grant under this section under which any public housing dwelling unit is demolished or disposed of shall provide as follows:

"(1) NUMBER.—For one hundred percent of all such dwelling units in existence as of the date of the application for the grant that are demolished or disposed under the revitalization plan, the public housing agency carrying out the plan shall provide an additional dwelling unit.

"(2) LOCATION.—Such dwelling units shall be provided in the following manner:

"(A) ON-SITE MIXED-INCOME HOUSING.—

"(i) ONE-THIRD REQUIREMENT.—A mixed-income housing development shall be provided on the site of the original public housing involved in the revitalization plan in which, except as provided in clause (iii), at least one-third of all dwelling units shall be public housing dwelling units and shall be provided through the development of additional public housing dwelling units.

"(ii) REQUIREMENTS FOR ADDITIONAL ON-SITE UNITS.—If the mixed-income housing development provided pursuant to clause (i) includes more public housing dwelling units at the site of the original public housing than is minimally necessary to comply with such clause, the public housing agency shall consult with residents, community leaders, and local government officials regarding such additional public housing dwelling units and shall ensure that such units are provided in a manner that affirmatively furthers fair housing.

"(iii) EXCEPTION.—If, upon a showing by a public housing agency, the Secretary determines that it is infeasible to locate replacement dwelling units on the site of the original public housing involved in the revitalization plan in accordance with clause (i), all replacement units shall be located in areas within the jurisdiction of the public housing agency having low concentrations of poverty, except that at least one mixed-income housing development shall be provided in such an area within the jurisdiction of the public housing agency and that one-third of all units in such development shall be public housing dwelling units. The Secretary may make a finding of infeasibility under this clause only if—

"(I) such location on-site would result in the violation of a consent decree; or

"(II) the land on which the public housing is located is environmentally unsafe, geologically unstable, or otherwise unsuitable for the construction of housing, as evidenced by an independent environmental review or assessment.

"(iv) DECONCENTRATION OF POVERTY.—All dwelling units provided pursuant to this subparagraph shall be provided in a manner that results in decreased concentrations of poverty, with respect to such concentrations existing on the date of the application for the grant under this section.

"(B) OFF-SITE MIXED-INCOME HOUSING.—Any other replacement housing units provided in addition to the dwelling units provided pursuant to subparagraph (A) shall be provided, in areas within the jurisdiction of the public housing agency having low concentrations of poverty, through—

"(i) the acquisition or development of additional public housing dwelling units; or

"(ii) the acquisition, development, or contracting (including through project-based assistance) of additional dwelling units that are subject to requirements regarding eligibility for occupancy, tenant contribution toward rent, and

long-term affordability restrictions which are comparable to public housing units, except that subparagraphs (B) and (D) of section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13); relating to percentage limitation and income-mixing requirement for project-based assistance) shall not apply with respect to vouchers used to comply with the requirements of this clause.

"(3) TIMING.—All replacement dwelling units provided pursuant to this subsection shall be provided not later than the expiration of the 12-month period beginning upon the demolition or disposition of the public housing dwelling units, except that replacement dwelling units financed with a low-income housing tax credit under section 42 of the Internal Revenue Code of 1986 in connection with the revitalization plan shall be provided not later than the expiration of the 12-month period beginning upon the allocation of such low-income housing tax credit. To the greatest extent practicable, such replacement or additional dwelling units, or redevelopment, shall be accomplished in phases over time and, in each such phase, the public housing dwelling units and the dwelling units described in subparagraph (B)(ii) of paragraph (2) shall be made available for occupancy before any nonassisted dwelling unit is made available for occupancy.

"(4) FAIR HOUSING.—The demolition or disposition, relocation, and provision of replacement housing units under paragraph (2)(B) shall be carried out in a manner that affirmatively furthers fair housing, as described in subsection (e) of section 808 of the Civil Rights Act of 1968 (42 U.S.C. 3608(e)).

"(k) MONITORING OF DISPLACED HOUSEHOLDS.—

"(1) PHA RESPONSIBILITIES.—To facilitate compliance with the requirement under subsection (i) (relating to right to expanded housing opportunities), the Secretary shall, by regulation, require each public housing agency that receives a grant under this section, during the period of the revitalization plan assisted with the grant and until all funding under the grant has been expended—

"(A) to maintain a current address of residence and contact information for each household affected by the revitalization plan who was occupying a dwelling unit in the housing that is subject to the plan; and

"(B) to provide such updated information to the Secretary on at least a quarterly basis.

"(2) CERTIFICATION.—The Secretary may not close out any grant made under this section to a public housing agency before the agency has certified to the Secretary that the agency has complied with subsection (i) (relating to a right to expanded housing opportunities for resident households) with respect to each resident displaced as a result of the revitalization plan, including providing occupancy in a replacement dwelling unit for each household who requested such a unit in accordance with such subsection.

"(3) REPORTS BY SECRETARY.—Not less frequently than once every six months, the Secretary shall submit a report to the Congress that includes all information submitted to the Secretary pursuant to paragraph (1) by all public housing agencies and summarizes the extent of compliance by public housing agencies with the requirements under this subsection and subsection (i).

"(l) GREEN DEVELOPMENTS REQUIREMENT.—

"(1) REQUIREMENT.—The Secretary may not make a grant under this section to an applicant unless the proposed revitalization plan of the applicant to be carried out with such grant amounts meets the following requirements, as applicable:

"(A) GREEN COMMUNITIES CRITERIA CHECKLIST.—All residential construction under the proposed plan complies with the national Green Communities criteria checklist for residential construction that provides criteria for the design, development, and operation of affordable housing, as such checklist is in effect for purposes of this subsection pursuant to paragraph (3) at the date of the application for the grant, or any substantially equivalent standard as determined by the Secretary, as follows:

"(i) The proposed plan shall comply with all items of the national Green Communities criteria checklist for residential construction that are identified as mandatory.

"(ii) The proposed plan shall comply with such other nonmandatory items of such national Green Communities criteria checklist so as to result in a cumulative number of points attributable to such nonmandatory items under such checklist of not less than—

"(I) 25 points, in the case of any proposed plan (or portion thereof) consisting of new construction; and

"(II) 20 points, in the case of any proposed plan (or portion thereof) consisting of rehabilitation.

"(B) LEED RATINGS SYSTEM.—All non-residential construction under the proposed plan complies with version 2.2 of the LEED for New Construction rating system, version 2.0 of the LEED for Core and Shell rating system, version 2.0 of the LEED for Commercial Interiors rating system, as such systems are in effect for purposes of this subsection pursuant to paragraph (3) at the time of the application for the grant, at least to the minimum extent necessary to be certified to the Silver Level under such system, or any substantially equivalent standard as determined by the Secretary.

"(2) VERIFICATION.—

"(A) IN GENERAL.—The Secretary shall verify, or provide for verification, sufficient to ensure that each proposed revitalization plan carried out with amounts from a grant under this section complies with the requirements under paragraph (1) and that the revitalization plan is carried out in accordance with such requirements and plan.

"(B) TIMING.—In providing for such verification, the Secretary shall establish procedures to ensure such compliance with respect to each grantee, and shall report to the Congress with respect to the compliance of each grantee, at each of the following times:

"(i) Not later than 60 days after execution of the grant agreement under this section for the grantee.

"(ii) Upon completion of the revitalization plan of the grantee.

"(3) APPLICABILITY AND UPDATING OF STANDARDS.—

"(A) APPLICABILITY.—Except as provided in subparagraph (B), the national Green Communities criteria checklist and LEED rating systems referred to in subparagraphs (A) and (B) that are in effect for purposes of this subsection are such checklist and systems as in existence upon the date of the enactment of the HOPE VI Improvement and Reauthorization Act of 2007.

"(B) UPDATING.—The Secretary may, by regulation, adopt and apply, for purposes of this section, future amendments and supplements to, and editions of, the national Green Communities criteria checklist, the LEED rating systems, and any standard that the Secretary has determined to be substantially equivalent to such checklist or systems.

"(m) FAIR HOUSING; LIMITATION ON EXCLUSION.—

"(1) FAIR HOUSING.—Each revitalization plan assisted under this section shall affirmatively further fair housing, as described in subsection (e) of section 808 of the Civil Rights Act of 1968.

"(2) LIMITATION ON EXCLUSION.—Except to the extent necessary to comply with the requirements of this section, replacement housing provided pursuant to subsection (j) under a revitalization plan of a public housing agency that is owned or managed, or assisted, by the agency shall be subject to the same policies, practices, standards, and criteria regarding waiting lists, tenant screening (including screening criteria, such as credit checks), and occupancy that apply to other housing owned or managed, or assisted, respectively, by such agency. A household may not be prevented from occupying a replacement dwelling unit provided pursuant to subsection (j), or from being provided a tenant-based voucher under the revitalization plan, except to the extent specifically provided by any other provision of Federal law (including subtitle F of title V of the Quality Housing and Work Responsibility Act of 1998 (42 U.S.C. 13661 et seq.; relating to safety and security in public and assisted housing and ineligibility of drug criminals, illegal drug users, alcohol abusers, and dangerous sex offenders), subtitle D of title VI of the Housing and Community Development Act of 1992), (42 U.S.C. 13611 et seq.; relating to preferences for elderly and disabled residents), and section 16(f) of the United States Housing Act of 1937 (42 U.S.C. 1437n(f); relating to ineligibility of persons convicted of methamphetamine offenses)).

"(n) ENFORCEMENT.—

"(1) ADMINISTRATIVE ENFORCEMENT.—If the Secretary determines on the record after opportunity for an agency hearing, pursuant to a request made by any member of household described in subsection (i)(1) who is adversely affected or aggrieved by a violation of subsection (g), (h), (i), (j), (k), (m), or (o), that such a violation has occurred, the Secretary shall issue an order requiring the public housing agency committing such violation to cease and desist for such violation and to take any affirmative action necessary to correct or remedy the conditions resulting from such violation.

"(2) AVAILABILITY OF OTHER REMEDIES.—The remedy under paragraph (1) shall be in addition to all other rights and remedies provided by law.

"(o) PERFORMANCE BENCHMARKS.—

"(1) IN GENERAL.—Each public housing agency that receives a grant under this section shall, in consultation with the Secretary and residents of the public housing subject to the revitalization plan for which the grant is made that are displaced as a result of the revitalization plan, establish performance benchmarks for each component of their revitalization plan.

"(2) FAILURE TO MEET BENCHMARKS.—If a public housing agency fails to meet the performance benchmarks established pursuant to paragraph (1), the Secretary shall impose appropriate sanctions, including—

"(A) appointment of an alternative administrator for the revitalization plan;

"(B) financial penalties;

"(C) withdrawal of funding under subsection (j); or

"(D) such other sanctions as the Secretary may deem necessary.

"(3) EXTENSION OF BENCHMARKS.—The Secretary shall extend the period for compliance with performance benchmarks under paragraph (1) for a public housing agency, for such period as the Secretary determines to be necessary, if the failure of the agency to meet such benchmarks is attributable to—

"(A) litigation;

"(B) obtaining approvals of the Federal Government or a State or local government;

"(C) complying with environmental assessment and abatement requirements;

"(D) relocating residents;

"(E) resident involvement that leads to significant changes to the revitalization plan; or

"(F) any other reason established by the Secretary by notice published in the Federal Register.

“(4) AUTHORITY OF SECRETARY.—In determining the amount of each grant under this section and the closeout date for the grant, the Secretary shall take into consideration the scope, scale, and size of the revitalization plan assisted under the grant.

“(p) APPLICABILITY OF OTHER LAWS.—

“(1) SECTION 18.—Any severely distressed public housing demolished or disposed of pursuant to a revitalization plan and any public housing developed in lieu of such severely distressed housing shall be subject to the provisions of section 18. To the extent the provisions of section 18 conflict with or are duplicative of the provisions of this section, the provisions of this section solely shall apply.

“(2) URA.—The Uniform Relocation and Real Property Acquisition Policies Act of 1974 shall apply to all relocation activities pursuant to a revitalization plan under this section.”.

SEC. 9. PLANNING AND TECHNICAL ASSISTANCE GRANTS.

Subsection (v) of section 24 (42 U.S.C. 1437v(v)), as so redesignated by section 8(1), is amended by striking paragraph (2) and inserting the following new paragraph:

“(2) TECHNICAL ASSISTANCE GRANTS.—Subject only to approvable requests for grants pursuant to paragraph (1) for any fiscal year, the Secretary shall use not less than two percent for grants in such fiscal year to recipients of grants under this section to assist such recipients in obtaining technical assistance in carrying out revitalization programs.”.

SEC. 10. ANNUAL REPORT; AVAILABILITY OF DOCUMENTS.

Subsection (u) of section 24, as so redesignated by section 8(1) of this Act, is amended—

(1) by inserting after paragraph (3) the following new paragraph:

“(4) the extent to which public housing agencies carrying out revitalization plans with grants under this section have complied with the requirements under subsection (i) (relating to right to expanded housing opportunities for resident households); and”; and

(2) by adding at the end the following:

“To the extent not inconsistent with any other provisions of law, the Secretary shall make publicly available through a World Wide Web site of the Department of Housing and Urban Development all documents of, or filed with, the Department relating to the program under this section, including applications, grant agreements, plans, budgets, reports, and amendments to such documents; except that in carrying out this sentence, the Secretary shall take such actions as may be necessary to protect the privacy of any residents and households displaced from public housing as a result of a revitalization plan assisted under this section.”.

SEC. 11. DEFINITIONS.

Subsection (s) of section 24, as so redesignated by section 8(l) of this Act, is amended—

(1) in clauses (i) and (iii) of paragraph (1)(C), by striking “program” each place such term appears and inserting “plan”;

(2) in paragraph (3)—

(A) by striking “SUPPORTIVE” and inserting “COMMUNITY AND SUPPORTIVE”;

(B) by inserting “community and” before “supportive services”;

(C) by inserting before the period at the end the following: “, and such other services that, linked with affordable housing, will improve the health and residential stability of public housing residents”; and

(D) by inserting after “transportation,” the following: “employment and vocational counseling, financial counseling, life skills training,”;

(3) by redesignating paragraph (3) as paragraph (6);

(4) by inserting after paragraph (2), the following new paragraph:

“(5) SIGNIFICANT AMENDMENT OR CHANGE.—The term ‘significant’ means, with respect to an amendment or change to a revitalization plan, that the amendment or change—

“(A) changes the use of 10 percent or more of the funds provided under the grant made under this section for the plan from use for one activity to use for another;

“(B) eliminates an activity that, notwithstanding the change, would otherwise be carried out under the plan; or

“(C) changes the scope, location, or beneficiaries of the project carried out under the plan.”;

(5) by redesignating paragraph (2) as paragraph (4); and

(6) by inserting after paragraph (1) the following new paragraphs:

“(2) COMPREHENSIVE RELOCATION ASSISTANCE.—The term ‘comprehensive relocation assistance’ means comprehensive assistance necessary to relocate the members of a household, and includes counseling, including counseling regarding housing options and locations and use of tenant-based assistance, case management services, assistance in locating a suitable residence, site tours, and other assistance.

“(3) DEVELOPMENT.—The term ‘development’ has the same meaning given such term in the first sentence of paragraph (1) of section 3(c) (42 U.S.C. 1437a).”.

SEC. 12. CONFORMING AMENDMENT.

Paragraph (1) of section 24(f) is amended by striking “programs” and inserting “plans”.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

Subsection (v)(1) of section 24, as so redesignated by section 8(1) of this Act, is amended by striking all that follows “section” and inserting “$800,000,000 for each of fiscal years 2008 through 2015.”.

SEC. 14. EXTENSION OF PROGRAM.

Subsection (w) of section 24, (as so redesignated by section 8(2) of this Act) is amended by striking “September 30, 2007” and inserting “September 30, 2015”.

SEC. 15. REVIEW.

The Comptroller General of the United States shall—

(1) conduct a review of activities, actions, and methods used in revitalization plans assisted under section 24 of the United States Housing Act of 1937 to determine which may be transferable to other federally-assisted housing programs; and

(2) make recommendations to the Congress regarding the activities, actions, and methods reviewed under paragraph (1) not later than the expiration of the 3-year period beginning on the date of the enactment of this Act.

SEC. 16. REGULATIONS.

Section 24, as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

“(x) REGULATIONS.—Not later than the expiration of the 120-day period beginning on the date of the enactment of the HOPE VI Improvement and Reauthorization Act of 2007, the Secretary shall issue regulations to carry out this section, including the amendments made by such Act.”.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–509. Each amendment may be offered only in the order printed in the report; by a Member designated by the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MS. WATERS

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–509.

Ms. WATERS. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Ms. WATERS:

Page 9, strike lines 7 through 12, and insert the following:

“(I)(aa) provides for replacement in accordance with subsection (j) of 100 percent of all dwelling units in existence as of January 1, 2005, that are subject to the revitalization plan and that have been or will be demolished or disposed of, on the site of”.

Page 9, line 15, before the semicolon insert the following: “, or (bb) pursuant to subsection (j)(1)(B), requests a reduction of the percentage specified in subsection (j)(1)(A) and provides for replacement of dwelling units demolished or disposed of in accordance with the percentage requested”.

Page 9, line 18, strike “tenants” and insert “residents”.

Page 9, strike “and” in line 24 and all that follows through “(p)(1)” on page 10, line 2, and insert “(as modified by any percentage reduction requested under subsection (j)(1)(B))”.

Page 11, line 9, before the comma insert “(including nonprofit housing developers)”.

Page 13, line 4, before the last comma insert “(including nonprofit housing developers)”.

Page 14, line 9, after “standard” insert “or standards”.

Strike line 16 on page 14 and all that follows through page 15, line 5, and insert the following: “construction, complies with the components of the green building rating systems and levels identified by the Secretary pursuant to subsection (l)(3), but only to the extent such compliance exceeds the minimum level required under such systems and levels.”.

Page 15, line 13, before “individuals” insert “, but not limited to, elderly households, disabled households, households consisting of grandparents raising grandchildren, large families, households displaced by the revitalization plan in need of special services, and”.

Page 15, line 16, strike “State or Federal correctional facility” and insert “prison, jail, or other correctional facility of the Federal Government, a State government, or a unit of local government”.

Page 17, after line 21, insert the following:

(c) EXCLUSION OF GREEN DEVELOPMENT COSTS FROM TOTAL DEVELOPMENT COSTS.—Subsection (f) of section 24 is amended by adding after and below paragraph (2) the following:

“In determining the total development costs for a revitalization plan, the Secretary shall not consider any costs of compliance with green building rating systems and levels identified by the Secretary pursuant to subsection (l)(3).”.

Page 21, line 6, before “dates” insert “approximate”.

Page 23, after line 3, insert the following new paragraph:

“(5) SIGNIFICANT AMENDMENTS OR CHANGES TO PLAN.—A public housing agency may not carry out any significant amendment or change to a revitalization plan unless—

“(A) the public housing agency has convened and conducted a public hearing regarding the significant amendment or change at a time and location that is convenient for residents of the public housing subject to the plan and has provided each household occupying a dwelling unit in such public housing with written notice of such hearing not less than 10 days before such hearing; and

“(B) after such hearing, the public housing agency consults with the households occupying dwelling units in the public housing that are subject to, or to be subject to the plan, and the agency submits a report to the Secretary describing the results of such consultation; and

“(C) the Secretary approves the significant amendment or change.

Notwithstanding subparagraph (C), if the Secretary does not approve or disapprove a request for a significant amendment or change to a revitalization plan before the expiration of the 30-day period beginning upon the receipt by the Secretary of the report referred to in subparagraph (B), such request shall be considered to have been approved.”.

Page 24, line 20, strike “either”.

Page 24, line 22, strike “or provide the tenant” and insert “and continue to provide the household with comprehensive relocation assistance, or at the option of the household, provide the household”.

Page 26, strike line 13, and insert the following:

“(1) NUMBER.—

“(A) IN GENERAL.—For one hundred percent, or such lower percentage as is provided pursuant to subparagraph (B), of all”.

Page 26, strike “the date” in line 14 and all that follows through line 16 and insert the following: “January 1, 2005, that are subject to the revitalization plan and that have been or will be demolished or disposed of, the public hous-”.

Page 26, after line 18, insert the following:

“(B) WAIVER.—

“(i) AUTHORITY.—Upon the written request of a public housing agency submitted as part of an application for a grant under this section, the Secretary may reduce the percentage applicable under subparagraph (A) to a revitalization plan of the agency to not less than 90 percent, but only if—

“(I) the Secretary determines that such written request has sufficiently demonstrated a compelling need for such reduction due to extenuating circumstances, which shall include—

“(aa) a judgment, consent decree, or other order of a court that limits the ability of the public housing agency to comply with such requirements;

“(bb) a severe shortage of land available to comply with such requirements; and

“(cc) such other circumstances as the Secretary determines on a case-by-case basis; and

“(II) the reduction is narrowly tailored such that it—

“(aa) reduces the percentage only to the extent necessary to address the particular extenuating circumstances demonstrated pursuant to subclause (I); and

“(bb) is limited in a manner that ensures the maximum extent of compliance with the requirements of this subsection.

“(ii) REQUIRED AND IMPERMISSIBLE CONSIDERATIONS.—In determining whether a compelling need for a reduction pursuant to this subparagraph exists, and extenuating circumstances exist, for purposes of clause (i), the Secretary—

“(I) shall take into consideration the extent and circumstances of any vacant public housing dwelling units of the public housing agency;

“(II) shall take into consideration the extent to which revitalization plan provides additional amenities that will improve the quality of the life of residents by increasing open space or by providing health care or day care facilities or by providing larger units to accommodate families; and

“(III) shall not base any such determination solely or primarily upon any financial hardship of a public housing agency or any other financial condition or consideration.

“(iii) NO WAIVER OF TIME LIMITS.—The Secretary may not, under this subparagraph, waive any requirement of paragraph (3) (relating to timing). The preceding sentence may not be construed to limit or otherwise affect the authority under subsection (o)(3).

“(iv) PENALTY.—If, pursuant to this subparagraph, the Secretary reduces the percentage under subparagraph (A) applicable to the revitalization plan of a public housing agency, no grant under this section may be made to such agency or for any public housing of such agency at any time that such agency is not in full compliance with the requirements of this paragraph, as modified by the terms of such reduction.”.

Page 30, after line 2, insert the following: “Notwithstanding the preceding sentence, if a public housing agency has limited areas within its jurisdiction having low concentrations of poverty, the replacement housing units provided in addition to the dwelling units provided pursuant to subparagraph (A) may be provided within a 25-mile radius of the mixed-income development referred to in subparagraph (A).”.

Page 30, strike line 3 and all that follows through “credit.” in line 13, and insert the following:

“(3) TIMING.—All replacement dwelling units required pursuant to this subsection with respect to the revitalization plan of a public housing agency shall be provided not later than the expiration of the 54-month period that begins upon the execution of the grant agreement under this section for the revitalization plan of the public housing agency.”.

Page 31, after line 2, insert the following:

“(5) PROJECT-BASED VOUCHERS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2009 through 2015 for providing replacement vouchers for project-based rental assistance for the purpose of complying with the one-for-one replacement requirement under this subsection.”.

Page 33, line 1, strike “(3)” and insert “(4)”.

Page 33, line 3, after “standard” insert “or standards”.

Strike line 22 on page 33 and all that follows through page 34, line 9, and insert the following:

“(B) GREEN BUILDINGS CERTIFICATION SYSTEM.—All non-residential construction under the proposed plan complies with all minimum required levels of the green building rating systems and levels identified by the Secretary pursuant to paragraph (3), as such systems and levels are in effect for purposes of this subsection pursuant to paragraph (4) at the time of the application for the grant.”.

Page 35, after line 5, insert the following:

“(3) IDENTIFICATION OF GREEN BUILDINGS RATING SYSTEMS AND LEVELS.—

“(A) IN GENERAL.—For purposes of this section, the Secretary shall identify rating systems and levels for green buildings that the Secretary determines to be the most likely to encourage a comprehensive and environmentally-sound approach to ratings and standards for green buildings. The identification of the ratings systems and levels shall be based on the criteria specified in subparagraph (B), shall identify the highest levels the Secretary determines are appropriate above the minimum levels required under the systems selected. Within 90 days of the completion of each study required by subparagraph (C), the Secretary shall review and update the rating systems and levels, or identify alternative systems and levels for purposes of this section, taking into account the conclusions of such study.

“(B) CRITERIA.—In identifying the green rating systems and levels, the Secretary shall take into consideration—

“(i) the ability and availability of assessors and auditors to independently verify the criteria and measurement of metrics at the scale necessary to implement this subsection;

“(ii) the ability of the applicable ratings system organizations to collect and reflect public comment;

“(iii) the ability of the standards to be developed and revised through a consensus-based process;

“(iv) an evaluation of the robustness of the criteria for a high-performance green building, which shall give credit for promoting—

“(I) efficient and sustainable use of water, energy, and other natural resources;

“(II) use of renewable energy sources;

“(III) improved indoor environmental quality through enhanced indoor air quality, thermal comfort, acoustics, day lighting, pollutant source control, and use of low-emission materials and building system controls; and

“(IV) such other criteria as the Secretary determines to be appropriate; and

“(v) national recognition within the building industry.

“(C) 5-YEAR EVALUATION.—At least once every five years, the Secretary shall conduct a study to evaluate and compare available third-party green building rating systems and levels, taking into account the criteria listed in subparagraph (B).”.

Page 35, line 6, strike “(3)” and insert “(4)”.

Page 35, lines 10 and 11, strike “ LEED rating systems” and insert “green building rating systems and levels”.

Page 35, line 12, after “(B)” insert “of paragraph (1)”.

Page 35, line 13, strike “and systems” and insert “, systems, and levels”.

Page 35, strike lines 21 through 24 and insert the following: “criteria checklist, any standard or standards that the Secretary has determined to be substantially equivalent to such checklist, and the green building ratings systems and levels identified by the Secretary pursuant to paragraph (3).”.

Page 35, line 25, strike “LIMITATION ON EXCLUSION” and insert “CONSISTENT ELIGIBILITY AND OCCUPANCY STANDARDS”.

Page 36, line 5, strike “LIMITATION ON EXCLUSION” and insert “CONSISTENT ELIGIBILITY AND OCCUPANCY STANDARDS”.

Strike “. A household” in line 15, on page 36 and all that follows through page 37, line 7, and insert the following: “, including requirements under Federal law relating to safety and security in public and assisted housing and ineligibility of drug criminals, illegal drug users, alcohol abusers, and dangerous sex offenders, preferences for elderly and disabled residents, and ineligibility of persons convicted of methamphetamine offenses.”.

Page 37, after line 7, insert the following:

"(3) CONSISTENT OCCUPANCY STANDARDS FOR DISPLACED FAMILIES.—Notwithstanding paragraph (2), any household who occupied a dwelling unit in public housing subject to a revitalization plan of a public housing agency and that was displaced as a result of the revitalization shall be subject, for purposes of occupancy in replacement housing provided pursuant to subsection (j) under the replacement plan that is owned or managed, or assisted, by the agency, only to policies, practices, standards, criteria, and requirements regarding continued occupancy in such original public housing (and not to initial occupancy).".

Page 38, line 7, after the period insert the following: "Such benchmarks shall include completion of the provision of all replacement dwelling units provided pursuant to the requirements of subsection (j)".

Page 39, after line 5, insert the following:

"(D) project delays and cost increases due to shortages in labor and materials as a direct result of location in an area that is subject to a declaration by the President of a major disaster or emergency under the Robert T. Stafford Disaster and Emergency Assistance Act, except that an extension of the period for compliance with performance benchmarks pursuant to this subparagraph shall not be for a period longer than 12 months;".

Page 39, line 6, strike "(D)" and insert "(E)".

Page 39, line 7, strike "(E)" and insert "(F)".

Page 39, line 9, strike "(F)" and insert "(G)".

Strike line 17 on page 39 and all that follows through "(2) URA.—" on page 40, line 1, and insert the following:

"(p) APPLICABILITY OF UNIFORM RELOCATION ACT.—".

Page 42, lines 17 and 18, strike "10 percent or more of the funds" and insert "20 percent or more of the total amount of HOPE VI grant amounts provided under this section".

Page 44, after line 18, insert the following:

SEC. 16. EXTENSION OF AVAILABILITY OF FUNDS FOR REVITALIZATION PLANS DELAYED BY HURRICANES.

Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may not, before October 1, 2009, recapture any portion of a grant made to a public housing agency to carry out a revitalization plan under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) if the public housing agency has suffered, as a direct result of Hurricane Katrina, Wilma, or Rita of 2005—

(1) project delays; and

(2) cost increases due to shortages in labor and materials.

Page 44, line 19, strike "SEC. 16." and insert "SEC. 17.".

Page 45, after line 2, insert the following:

SEC. 18. NON-CITIZEN ELIGIBILITY RESTRICTIONS.

No person not lawfully permitted to be in or remain in the United States is eligible for housing assistance under this Act or the amendments made by this Act. Nothing in this Act or the amendments made by this Act alters the rules under section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. §1436a).

The CHAIRMAN. Pursuant to House Resolution 922, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from California.

Ms. WATERS. Madam Chairman, I yield myself 3 minutes.

I would like to thank the distinguished chairman of the Committee on Financial Services, BARNEY FRANK, and Oversight Subcommittee Chairman MEL WATT for their strong support of the manager's amendment to H.R. 3524.

In the manager's amendment filed before this committee, we worked very hard to address concerns that had been raised by the minority, housing advocates, resident organizations, housing authorities, and others to ensure that we have a bill that is achievable and responsive to the needs of low-income families and communities.

In the manager's amendment we maintain more of our public housing stock by requiring the replacement of any units in existence as of January 1, 2005; provide an extremely limited waiver of the one-for-one requirement in special circumstances, such as a court decree or a severe shortage of land, and impose a penalty on those housing authorities who receive a waiver but fail to meet their obligations under it; allow replacement units to be built outside the jurisdiction of the housing authority in the event the housing authority's jurisdiction is limited in the number of low-poverty areas; extend the timeline for rebuilding from 12 to 54 months; increase resident involvement in decisions surrounding significant changes to HOPE VI plans; exclude green building from total development costs; provide flexibility in nonresidential green development standards; protect grantees affected by cost increases and project delays as a result of the 2005 hurricanes from recapture of their funds; and provide that HOPE VI housing assistance is only for persons who are legally present in the United States.

These changes will greatly improve the bill and build upon the success of the HOPE VI program. Since this program's inception in 1992, we have all watched it at work in our districts and wondered how it could work better. We have all seen families displaced and heard stories about families disappearing into thin air because of these developments. We have seen the units come down and seen a reduced number come back up. We know that HOPE VI can and must do better.

This manager's amendment as well as the underlying bill will go far into making this a program that truly gives hope to low-income families. I urge you to support the manager's amendment and the underlying bill and to remember that this bill is about maintaining housing for our low-income families. They need our support.

Madam Chairman, I reserve the balance of my time.

Mrs. CAPITO. Madam Chairman, I rise to claim the time in opposition, although I am not opposed to the manager's amendment.

The CHAIRMAN. Without objection, the gentlewoman from West Virginia is recognized for 10 minutes.

There was no objection.

Mrs. CAPITO. Madam Chairman, I yield myself such time as I may consume.

I would like to thank the chairman and the chairwoman of the subcommittee, Ms. WATERS, for reaching across the aisle and working on some of the very serious concerns that we had about the original bill.

I would like to speak specifically about one area, the one-for-one replacement. We have heard a lot of discussion about that on the floor in the beginning arguments. But in this manager's amendment, there is much more flexibility in the one-for-one replacement. It also allows the Secretary to have some flexibility, and I think that means we will have more meaningful housing, housing with more vision on how to improve family and home life.

Another thing is the development timeline. In the original bill, the development timeline was 12 months. I can't imagine myself trying to build large projects such as these and have everything in 12 months. So that deadline was extended to 54 months, which I think was a very good move.

Also on the green building requirements, I have an amendment coming forward to ask for flexibility again in the green building requirements. But in the manager's amendment, some revisions were made, and I think it's moving us a step in the right direction.

I myself support the manager's amendment. I think that a lot of the changes that were made were made in response to what we were hearing in our various offices from not only individuals but various groups their concern for the best way to put forward affordable housing, HOPE VI, and make sure that what we build stands up to the challenges of the future.

Madam Chairman, I reserve the balance of my time.

Ms. WATERS. Madam Chairman, I yield 3½ minutes to the gentleman from Massachusetts (Mr. OLVER), who spent a lot of time working on this manager's amendment and this bill.

Mr. OLVER. I thank the gentlewoman for yielding.

Madam Chairman, I want to congratulate first Chairman FRANK and Subcommittee Chairwoman WATERS, both from the Financial Services Committee, for their great work in bringing forward to the floor this reauthorization bill for the important HOPE VI program.

I am a supporter of the manager's amendment, and I want to say a few words from an appropriator's perspective here as the chairman of the Appropriations Subcommittee that deals with HUD.

In America, we have at least 10 million American families who live below or near the poverty line who are struggling to make ends meet and working largely in minimum wage or near minimum wage jobs and part-time jobs. We appropriate voucher rental assistance for roughly 2½ million of those families through the tenant and project basis, and they're costly. We also appropriate monies to provide operations for the roughly 600,000 units which are under our public housing authorities all over the country.

The HOPE VI program is our only program that allows for total renovation of replacement of family housing units in that group that are under the public housing authorities in cities and towns all over the country. All 10 million of those families dream about better jobs and owning a home, but with incomes so limited, the family budget gets destabilized if there is a job loss or an unanticipated health problem in the family, and they end up being the most vulnerable people for predatory lending practices that have become so obvious in the mortgage disclosure crisis if they are trying to make ends meet and trying to have homeownership. Those are exactly the families that would benefit the most from reduced monthly energy bills, and they are the most in need of that help.

Under the bill before us, HOPE VI projects must meet energy saving requirements embodied in the green community criteria established by Enterprise Partners, the American Planning Association, the American Institute of Architects, and the Natural Resource Defense Council, among others, who have put forth a comprehensive set of criteria which include siting of buildings to maximize passive solar heating and cooling, siting near public transportation, using Energy Star highly efficient appliances, using water fixtures that save water and energy.

A study of 20 already completed projects using these standards showed an average of 2.4 percent only in construction cost increase, but that cost is recovered within 5 to 7 years by lower monthly energy bills.

□ 1200

For the rest of the 50- to 100-year lifetime of the public housing, the moneys, those savings go back to the individual families, and it requires us to appropriate less money to the public housing authority. So it's a very important program.

Mrs. CAPITO. Mr. Chairman, I would like to yield my remaining time to the ranking member of the full committee, Mr. BACHUS of Alabama.

Mr. BACHUS. Mr. Chairman, I rise in support of the manager's amendment, and I would like to commend the majority on addressing several of our concerns. I think particularly the developmental timeline is very significant. I think it's a much more practical way of dealing with notifying tenants about changes, eligibility standards are much improved, and the provision on illegal aliens.

I do think that the one-on-one replacement provision, and I very much appreciate you, I think, making a good change, and I think it allows more of our Members to support the underlying bill. I do intend to continue to support doing away with the one-on-one replacement for the reasons I said in earlier debate, because I still believe that for most people the best option is for them to move out of this concentrated housing. I also think it has an unintended consequence of restricting the ability to create a mixed-income community that you attract a mix of individuals into.

So I will support the Neugebauer amendment. I think the green building requirement, it does do away with some specific references to the LEED rating standard. However, the Green Communities rating system for residential construction remains in the bill, and I believe that we have got to give more flexibility. Let's be environmentally sound, but let's don't adopt one standard, particularly as expressed by the Carpenters Union, the Laborers Union, also the National Home Builders. Let's not discriminate against American wood products.

As we continue to move forward, I am sure that the cooperation you all have shown today will manifest itself, and we will continue to work on that. I will support, and I believe very much we need Mrs. CAPITO's amendments on the green building requirement.

Mrs. CAPITO. Mr. Chairman, I yield back the balance of my time.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I again appreciate the gentlewoman's courtesy, as I appreciate her leadership on this, and that of my friend, Mr. OLVER.

There is a difference between flexibility in green building standards and gutting the provision altogether. Having green building standards should not be merely one factor that is considered, as will be proposed by the gentlewoman's amendment later in the game. The manager's amendment provides flexibility and allows the Secretary to deal with compliance. It does not have strict LEED certification, but still retains that environmental green building standard. Frankly, the notion that we just dismiss this as merely one factor to be considered is going to be regarded in the years to come as an embarrassingly shortsighted proposal.

As I mentioned earlier in the debate we in Portland used HOPE VI to create an environmentally-sensitive community that actually provided twice as many housing units as had been on the site before, using HOPE VI as an anchor for more investment and as a development model. The provisions that are in the underlying bill and the manager's amendment will provide more environmentally-sensitive construction and, frankly, the costs are going to be recovered in relatively short order, as my friend from Massachusetts pointed out, in savings, not just from energy, but also water and sewer as well.

These costs are going up exponentially over time. Having this wired into the HOPE VI provision means that it is a better investment for the community and a better investment for the Federal Government. It's going to save the Federal Government and the tenants money over the long haul. There is absolutely no reason to water it down.

I strongly urge approval of the manager's amendment and rejection of the subsequent amendment.

Ms. WATERS. Mr. Chairman, I would like to thank all of the people that I have identified on this side of the aisle today, plus people I have not identified on the opposite side of the aisle. It has been very enjoyable working with Mrs. CAPITO, I have appreciated the work of Mr. SHAYS, and of course my old friend, Mr. BACHUS, even though we disagree on some things; and Mr. NEUGEBAUER. We have all come to the conclusion certainly that HOPE VI is a valuable program and that all of our communities can benefit from it.

We have a few different views about one-for-one, we have a few different views about Davis-Bacon maybe, the destruction of units, and the green requirements. But this is one bill that both sides of the aisle understand very thoroughly that America is going to benefit. Mr. BACHUS reminded us, even though I know that he understands, that the reason for HOPE VI is to deal with those public housing projects, those developments that were in great disrepair, that needed to be replaced, that needed to be restored, and not just the physical makeup, not just the buildings; but we also understood that what was wrong with our public housing developments was lack of services.

Many of these developments are like little towns, little cities without services. We all know and appreciate they need after-school, they need health care, they need all kinds of support for families, and job development. All of those things we all support, and I would not challenge my Members on the opposite side of the aisle on any of those issues.

I would like to thank them for the tremendous cooperation they have given, and the staffs have worked so well together to resolve a lot of questions to get us to the point that we are today; and while we will go through a few amendments, I feel very, very good that this very, very big and complicated bill has received such wonderful support.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. HOLDEN). The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Ms. WATERS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. NEUGEBAUER

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–509.

Mr. NEUGEBAUER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. NEUGEBAUER:

Page 9, line 4, before the period insert "FOR OCCUPIED UNITS".

Page 9, line 11, after the comma insert "occupied".

Page 26, line 9, before the period insert "FOR OCCUPIED UNITS".

Page 26, line 14, strike "in existence" and insert "occupied".

The Acting CHAIRMAN. Pursuant to House Resolution 922, the gentleman from Texas (Mr. NEUGEBAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. NEUGEBAUER. Mr. Chairman, I yield myself such time as I may consume.

I believe there is a concept that I strongly support, and one that I think a lot of Members of this body support, that when government is too prescriptive, then good ideas and innovation get suppressed. This is the reason I brought forward this amendment, because in H.R. 3524, it requires that all housing units demolished under the HOPE VI grant program be replaced on a one-for-one basis. What we know is that this is a new provision in the HOPE VI program. One of the things that concerns me most about this is in many cases it is not necessarily feasible for us to go back on a one-for-one basis, nor may it be a need in that particular community.

Chairman WATERS and I had a chance to travel down to New Orleans and see some of the activities going on down there, and what we saw is some units that were brought back on a one-for-one basis that were vacant, were unoccupied, which indicated there may be some resistance to coming back to that particular neighborhood.

What we also know with the HOPE VI program is that this program was designed to replace some very terrible housing conditions, an old, failed system of putting all of these low-income systems in a very concentrated area, and we found out very quickly that that was not a successful program. So now with this particular legislation we are going to go back and say we didn't learn our lesson the first time; we are going to go back with these kinds of concentrations in these neighborhoods, which have already shown to fail.

The other thing that I think needs to be brought out is in some cases there may be land constraints that make this not feasible to go back for one-for-one. The second piece of it is that housing and demographics have changed since a lot of these units have been built.

What we are learning now is that we can do these mixed-use projects where we bring moderate and low-income families together and not putting all of these low-income families in one place. We have also learned a lot about the density, the environment, where we have open spaces for children to play, and we are not forcing them to play in the streets.

So there's a lot of things that we do better now, but we are trying to limit using some of those new techniques and new innovations in housing by going back to the old model.

One of the things that I think has been brought out in this debate is that this is not a debate about whether HOPE VI is a good program or not. I want to be clear about that, that when I stand before this body today and say we shouldn't be too prescriptive, I am not talking about not funding this HOPE VI program or reauthorizing it. I think we did some things that actually did make this better, but being too prescriptive begins to deny the ability of communities to sit down and decide what is the best footprint to provide good quality housing for our low-income residents, and they deserve that. For us to stand up and say this body of 435 here and 100 on the other side, that we know more about what the housing needs are in these communities around America, I think is a little ludicrous.

We need to empower the local governments and the housing authorities to be able to sit down and say, look, we have got these old and dilapidated units, people don't want to live in them, some are vacant, some are occupied, and some of them probably shouldn't be occupied, but for the United States Congress to say we know more about your housing needs in your community, I think is poor policy.

That is the reason I am going to be encouraging my colleagues today to vote for the Neugebauer amendment that takes out the provision of being too prescriptive, allowing American cities and communities and housing authorities to make the right decisions for our low-income folks.

Mr. Chairman, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. FRANK of Massachusetts. I appreciate the cooperative spirit, and we should note that the one-for-one replacement will remain in effect, but there's a question about what it accomplishes.

Let me describe the one-for-one replacement, because it is not nearly as prescriptive as my friend would have indicated. In the first place, communities will have 54 months after the demolition with which to replace the housing. Secondly, it does not have to be new public housing. We have explicitly added here the ability to do project-based vouchers. We have worked with some of those who in fact try to do HOPE VI, to make it more flexible.

Third, there's a waiver in here. One of the factors in the waiver, the gentleman from Texas correctly mentioned open spaces, one of the desirable things. My colleague from Massachusetts, Mr. CAPUANO, offered an amendment that has been incorporated into the manager's amendment that would say when you apply for a waiver, your willingness to put in more open space would be one of the justifications for a waiver for one-for-one. So we do have flexibility.

On the other hand, I reject the notion that we shouldn't be prescriptive here. This is not the Federal Government reaching out and telling people what to do. This is a restriction on the expenditure of Federal funds for a limited purpose. Here is the problem: we do have a shortage of affordable housing units. We do not want to see a Federal program contribute to a diminution of that. We allowed flexibility in the replacement.

Here's the problem with the gentleman's amendment: most of the people who run housing authorities are decent, hardworking people who have taken on a tough job, and we have tried to help them. But there are political situations in some community where the people running housing authorities are not supportive of this purpose.

What the gentleman's amendment says is if they leave the units vacant, they can then permanently get rid of the units. That is the problem. Going forward it gives people an incentive or reward not to fill the units. Most housing authorities won't be like that, but there is incompetence and there are people who for political reasons say, We don't want these people, they are too much of a problem.

So rewarding housing authorities for leaving units vacant by allowing them, if the people left them vacant may want to have fewer housing units, allowing them that is a very bad idea. We should have flexibility, I agree with the gentleman. But that is flexibility with the waiver; that is flexibility in how you deliver placement. In other words, show why you're trying to do it. But to diminish the requirement at the outset arbitrarily to reward people for leaving units vacant, to reward the incompetence. People say, We have got too many other units here. We're going to leave them vacant. Remember, elderly housing is a major component. That would be a very grave error.

□ 1215

We have, I believe, in much of this country a shortage.

Now, if a community comes forward and says to HUD, You know what, there is no population here left anymore, there is nobody who wants to live here anymore, those are considerations that can be put into the waiver. So we agree there should be flexibility. That is why we have a waiver component.

By the way, in addition to open space, if you show you are going to do day care facilities, if you show you are going to do health care facilities, that can further justify fewer units. If you say you are going to build more large units for large families, yes, you can trade in a couple of small units for a large unit. All of those are encouraged.

The only thing we disagree with, because we believe we have built flexibility in here, is, as I said, to give people in some cases those who are, and it is not the majority by any means, people who are not supportive of this, give them an incentive to leave housing vacant.

Now, let me say this to the gentleman: His amendment didn't say housing that was physically unoccupiable. I agree the bill does not make that consideration. I would say to the gentleman, going forward, we might be able to work on a situation where units that were physically not habitable might not be counted. I agree with that. If that was the amendment, I think we might be working something out, and I hope we will as it goes forward. But what the gentleman's amendment says, units that are perfectly in good shape, that the authority either can't rent because they are incompetent or decides not to, that those can be disregarded.

So I hope the amendment is defeated. But I would promise to work with the gentleman as we go forward so that units that are in fact not habitable, not occupiable, would not be counted.

I would yield to the gentleman.

Mr. NEUGEBAUER. I thank the gentleman. I do understand that there could be a small minority of housing authorities trying to accomplish some purpose by keeping those units vacant, but I would say we are being probably more prescriptive for the ones that are vacant.

Mr. FRANK of Massachusetts. Taking back my time, I would agree with that if we didn't have a waiver in there, if we didn't have a variety of ways of meeting the one-for-one replacement. It is not all public housing. In fact, one of the things I plan to do in future legislation in cooperation with my colleagues is to go to some of the other housing programs we may have, maybe the Low Income Housing Fund or others, and give a preference to housing authorities who have that HOPE VI obligation. So, in other words, there would be a wide variety of ways in which they could replace the housing, not simply by public housing, because, I agree, that would be self-defeating.

Mr. NEUGEBAUER. If the gentleman would yield, I would appreciate working with the gentleman on that particular provision of making sure that those units that are not habitable now would not be counted.

Mr. FRANK of Massachusetts. I appreciate that. I thank the gentleman.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. NEUGEBAUER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. MAHONEY OF FLORIDA

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–509.

Mr. MAHONEY of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. MAHONEY of Florida:

Page 5, strike lines 8 through 23, and insert the following:

SEC. 5. MAIN STREET PROJECTS GRANTS.

Section 24 is amended—

(1) by redesignating subsection (n) as subsection (y);

(2) in subsection (l), by striking "subsection (n)" each place such term appears and inserting "subsection (y)"; and

(3) in subsection (m)(3), by striking "subsection (n)" and inserting "subsection (y)".

Page 40, strike lines 19 and 20 and insert the following:

(1) in paragraph (4), by striking "and" at the end;

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following new paragraph:

Page 40, line 21, strike "(4)" and insert "(5)".

Page 44, line 21, strike "by adding at the end" and inserting "by inserting before subsection (y) (as so redesignated by section 5(1) of this Act)".

The Acting CHAIRMAN. Pursuant to House Resolution 922, the gentleman from Florida (Mr. MAHONEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MAHONEY of Florida. Mr. Chairman, I rise today to offer an amendment that will preserve the HOPE VI Main Street Grant program. This program, important to rural communities with very small populations, was created with the passage of the American Dream Act of 2003. Since its inception, the program has helped a small number of rural communities develop affordable housing units in conjunction with larger revitalization efforts.

The creation of the HOPE VI Main Street Grant program in 2003 is important to rural communities because it allows rural communities to compete with larger urban areas for HOPE VI dollars.

Mr. Chairman, for those not familiar with the program, the HOPE VI Main Street grants are funded through a 5 percent set-aside in the HOPE VI annual appropriations and each award is capped at $1 million.

As I noted, this program is extremely important to rural communities such as Moore Haven, Florida. Located on the banks of the Caloosahatchee River in Glades County and one of the most rural areas of Florida, Moore Haven is one of the oldest cities in South Florida. This beautiful, old, sleepy Florida town is home to one doctor, Dr. Geek, and one restaurant. It is one of the few places left in Florida where the families have lived there for generations and everyone knows their neighbor.

Unfortunately, it is also one of the poorest areas in the State. The population of the city is approximately 1,900 people and the annual tax revenue for all of Glades County is $6 million. The people of Moore Haven have a desire to revitalize their historic downtown area, but they lack the financial resources.

Guided by the vision of Tracy Whirls, the Executive Director of the Glades County Economic Development Council, Moore Haven applied for a HOPE VI Main Street grant last year. The city had hoped to use the money to purchase three historic but dilapidated and vacant buildings, with the intention of attracting businesses to the first floors and 12 affordable housing units on the upper levels. Plans for the first floors included opening Moore Haven's only pharmacy and furniture store.

I regret, Mr. Chairman, that Moore Haven was not successful in its attempt to secure the grant. The good news is that they are game and they are going to apply for it again this year. But I believe it is imperative that we continue to give Moore Haven and small rural cities like Moore Haven across this great Nation this opportunity.

Mr. Chairman, in closing, I would like to leave you with the words of Larry Luckey, the Glades County property appraiser. "If we are unable to save these historic commercial buildings, the downtown historic district will cease to exist. I am saddened at the thought that we may well become a city with no history."

I would ask for the support of my colleagues to preserve the HOPE VI Main Street Grant program and the economy and history of small towns across America, including Moore Haven. In addition, with the passage of my amendment, we will ensure that rural communities continue to have access to the affordable housing benefits provided by the HOPE VI program.

Mr. Chairman, I yield 1½ minutes to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. Mr. Chairman, I want to thank the gentleman for yielding and thank the chairman and chairwoman for their passion and leadership on this very important issue.

I rise today in support of the amendment offered by my good friend and colleague from Florida, Mr. MAHONEY. Mr. Chairman, I represent the First District of North Carolina, which is the 15th poorest district in our country. One of the towns in my district is called Henderson, North Carolina. Last year, this town was one of three, one of three towns across the country, to receive the HOPE VI Main Street grant that this bill attempts to remove.

As we all know, HOPE VI Main Street grants seek to revitalize and rejuvenate older downtown business districts while retaining the area's traditional and historic character. The purpose of this program is to provide assistance to smaller communities in the development of affordable housing and the revitalization and reconfiguration of obsolete commercial offices or buildings into sustainable and affordable housing.

Mr. Chairman, towns like Henderson need these grants. We need these grants to reinvigorate the communities and to spur outside commercial investment. The point is, in closing, that HOPE VI Main Street grants are needed for rural America.

I want to thank Mr. MAHONEY for his leadership and passion and thank him for bringing forth this amendment.

Mr. MAHONEY of Florida. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. MAHONEY).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. SESSIONS

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–509.

Mr. SESSIONS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. SESSIONS:

Strike line 18 on page 4 and all that follows through page 5, line 7.

Page 16, lines 20 through 22, strike ", as amended by the preceding provisions of this Act, is further" and insert "is".

Page 16, line 24, strike "(5)" and insert "(4)".

Page 17, line 9, strike "(6)" and insert "(5)".

The Acting CHAIRMAN. Pursuant to House Resolution 992, the gentleman from Texas (Mr. SESSIONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SESSIONS. Mr. Chairman, I rise in support of this amendment, which strikes the prohibition of the demolition-only grants from the HOPE VI, allowing HUD to retain its current authority to issue these grants as conditions warrant. The original goal of HOPE VI was to eliminate severely distressed public housing, and demolition-only grants continue to play an important role in achieving this goal.

Currently, HUD is allowed to grant demolition-only grants only when necessary and in instances that benefit the community. That means it will be done in consultation with the community. As a result, HUD provides these grants with great discretion. In fact, a demolition-only grant has not been issued by HUD since 2003. Clearly, despite what the opponents of this legislation may claim, HUD has not covertly abused this power to tear down public housing units without reason and, I would suggest to you, without being asked to participate.

However, sometimes public housing authorities have already put together their own financing to redevelop housing, but they lack the funds to tear down the existing distressed facility. In instances like these, common sense dictates that a demolition-only grant under HOPE VI would be appropriate, once again, working with the existing local authority to make sure that what they want is accomplished.

As an added bonus, a cleared site also attracts more Federal and private resources for revitalization efforts, meaning that when local people ask for the support, then it can and would presumably be granted, making the site better.

Another instance in which demolition-only grants make sense is when a severely distressed public housing site is simply not a viable candidate for redevelopment, either because it is only partially occupied or completely vacant, once again, working directly with the local housing authority. In these cases, other forms of housing assistance, like section 8 vouchers, may be more beneficial to community members simply than reconstructing a new building, in particular on the same site, once again, at the discretion of local housing authorities.

The question that every Member should be asking themselves before they vote to eliminate this authority is, if there is no demand for public housing in a certain area, as evidenced by its partially or completely vacant status, and if the local housing authority is seeking this help, then why on Earth would Congress mandate that HUD create an unwanted supply? It makes no logical or fiscal sense to inefficiently direct these taxpayer dollars where there is no reason or demand to build. Prohibiting demolition-only grants almost guarantees this type of waste would occur.

Additionally and finally, Mr. Chairman, let's not forget that the ultimate goal of this program is to empower people to eventually get off public housing and become self-determined, not simply to create more public housing units. I would submit in the greater scheme of things, it is also to have the Federal Government, through HUD, have the flexibility to work carefully and closely with local housing authorities to make sure that the right thing happens.

By preventing HUD from having the authority to remove dilapidated housing without also rebuilding new units as Congress, we are certainly failing to live up to the spirit of this philosophy. I encourage all of my colleagues to support what I think is a commonsense amendment.

I reserve the balance of my time.

Mr. WATT. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from North Carolina is recognized for 5 minutes.

Mr. WATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, listening to the gentleman, one would think that the demolition-only program is a harmless program in the Federal Government. It is absolutely true that the Bush administration has decided not to use the demolition-only authority that the statute gives them since 2003, but there are reasons that they have decided not to use the demolition-only authority.

Between 1996 and 2003, administrations made 285 demolition-only grants to 127 public housing authorities that resulted in demolishing, demolishing, 56,755 housing units, affordable housing units, in this country.

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And the result was replacing less than half of those demolished housing units because we have had a net loss over that period of 30,000 affordable housing units. So the administration in its good wisdom decided that this was a program that was counterproductive, was contrary in fact to the original objective of the HOPE VI program, and discontinued the use of the authority that it had because it didn't think it was a good program.

Now, the case has been made well by a number of our committee members, Mr. GREEN from Texas in particular, that if there is anybody in America who thinks that there is an excess of affordable housing, they haven't read any statistics. If there is anybody in America who believes there is an excess of affordable public housing, or public housing, period, in America, they haven't read the statistics.

So why the Federal Government would be giving money to local communities solely to tear down public housing, affordable housing in this country, given the dire shortage of housing in America and the massive existence of homelessness in America, I can't tell you.

Now, HOPE VI allows local communities to demolish distressed public housing; and one of the concerns that this bill addresses is that we have tried to have a program to replace those houses so that people won't be on the street. And that is exactly what HOPE VI does. That part of it we need to retain. The demolition grants need to be terminated. This bill terminates demolition-only grants, and we should support the bill.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Chairman, I appreciate the gentleman. What he said is let's take away the flexibility, notwithstanding that he has a disagreement with what the Clinton and the first term of this President has done.

I think what we are doing is taking a tool away from the toolbox rather than flexibility. I believe it is local people who would ask for this to be done, anyway, and then the Federal Government can participate. But simply to say we have a house and we ought to keep it no matter what, is, in my opinion, a bad argument. It is a bad argument because keeping up something that is bad and needs repair and can't take care of itself, we need to get rid of those. We need to rebuild. That is what HOPE VI is all about. I hope you vote for my amendment.

I yield back the balance of my time.

Mr. WATT. I would just say the gentleman has made the exact point that I tried to make in my argument, probably even more cogently than I made it, that HOPE VI is about not only tearing down but rebuilding. And there is plenty of discretion in local communities inside the HOPE VI program to demolish public housing, as long as there is a plan to put housing back in place. And we have retained that authority to put housing back in place. The bill terminates the authority to just tear down rather than having the obligation to rebuild.

I oppose the gentleman's amendment and encourage my colleagues to vote against it.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. SESSIONS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 5 OFFERED BY MS. LEE

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110-509.

Ms. LEE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. LEE:

Page 40, line 4, strike the quotation marks and the second period.

Page 40, after line 4, insert the following:

"(3) PUBLIC HOUSING AND SECTION 8 EVICTION PROVISIONS.—In the case of any public housing or housing assisted under section 8, for which assistance is provided at any time pursuant to a grant for a revitalization plan under this section, the provisions of paragraph (6) of section 6(l) and clause (iii) of section 8(d)(1)(B), respectively, shall apply, except that any criminal or drug-related criminal activity referred to in the matter preceding subparagraph (A) of such paragraph or in the matter preceding subclause (I) of such clause, respectively, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of tenancy of the tenant if—

"(A) the tenant is an elderly person (as such term is defined in section 202(k) of the Housing Act of 1959 (12 U.S.C. 1701q)) or a person with disabilities (as such term is defined in section 811(k) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(k)), and

"(B) the tenant did not know and should not have known of the activity or the tenant or member of household was the victim of the criminal activity;".

The Acting CHAIRMAN. Pursuant to House Resolution 922, the gentlewoman from California (Ms. LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. LEE. Mr. Chairman, first let me thank Chairman BARNEY FRANK and our chairwoman, Congresswoman MAXINE WATERS, for their hard work in bringing to the floor this very critical legislation that reauthorizes HOPE VI for the first time in 6 years.

As a former member of Congresswoman WATERS' subcommittee, I saw firsthand her leadership on this and so many issues to create and expand affordable housing, to promote fair housing, to improve public housing, and to support the creation of a National Housing Trust Fund, among other initiatives. And so I know that, without her expertise and the chairman's expertise and their commitment, we wouldn't be considering today this truly important HOPE VI reauthorization bill. So I want to thank Congresswoman WATERS and Chairman FRANK for their leadership.

In revitalizing public housing, the HOPE VI program is able to offer precisely that, and that is hope: Hope for a better community, hope for a better future. And I know that in my own district, for example, in Oakland, California, the Mandela Gateway HOPE VI initiative is doing just that.

Mr. Chairman, that is why I come to the floor today with a very simple amendment that builds on this hope. My amendment would allow Congress to stand up for the elderly and the disabled residents of public housing who are unwitting victims of the misdeeds of their relatives or guests. Specifically, this amendment would create a narrow exemption from the eviction rule for those who are elderly or disabled and who have committed no crime and have no knowledge of a crime being committed or are the actual victims of a crime. This amendment will give completely innocent tenants who are the most vulnerable a fighting chance to stay in their homes.

It is sad that we have to stipulate this, but there is a history of these unfair evictions. Let me just share one. In 2002, the Supreme Court reversed the Ninth Circuit Court and upheld the eviction order to remove a 63-year-old woman, Ms. Pearlie Rucker, from her home. The court did so despite the fact that she had committed no crime or had any knowledge that the crime was happening. The Court did so based on the criminal actions of her adult son and daughter, who committed their crime several blocks away from their home. The Court found that, because she had signed a lease that gave public housing authority the right to no-fault evictions, her inability to control the actions of other adults made her a threat to other tenants, and evicted her. This is just plain wrong.

Unfortunately, Pearlie Rucker and her Supreme Court case has become the basis for more forced evictions of people who have committed no crime.

So this amendment certainly does not want to stop our hardworking public housing authorities from providing low-income families with a safe place to live; but innocent, elderly, and disabled tenants must not have their housing rights stripped from them because of the actions of other individuals away from their homes. So as such, it is especially tragic that the elderly and the disabled are the most vulnerable but are the least able to effectively control the actions of their guests as fellow tenants should be held liable and punished for the actions of other adults.

So I urge my colleagues to support this very simple amendment, and again I want to thank Congresswoman WATERS and Chairman FRANK for their leadership and their assistance with this.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in support of H.R. 3524, to reauthorize the HOPE VI Improvement and Reauthorization Act of 2007, introduced by my distinguished colleague from California, Representative MAXINE WATERS. This important legislation will reauthorize and make changes to the HOPE VI public housing revitalization program. I would like to thank Congresswoman WATERS for her consistent and dedicated work on this important issue, as well as to commend Chairman FRANK for his leadership in bringing this bill to the floor today.

Mr. Chairman, this legislation reauthorizes, with important changes incorporated into the Manager's Amendment, the HOPE VI public housing revitalization program. Among other provisions, it provides for the retention of public housing units, protects residents from disruptions resulting from the grant, increases resident involvement, and improves the efficiency and expediency of construction. The HOPE VI program, created in 1992, has worked to improve the Nation's most dilapidated public housing units by providing much needed resources to public housing agencies. These funds have directly benefited countless Americans, particularly the elderly and those with disabilities, partnering with local agencies to improve conditions in public housing units and communities. I also support the technical changes made by the Manager's Amendment, and I believe that they will ensure that this legislation works to the maximum benefit of all Americans.

Mr. Chairman, because I believe that this is strong and positive legislation, and I would like to take this opportunity to address a number of amendments offered by my distinguished colleagues. I would like to express my support for the amendment introduced by my colleague, Mr. MAHONEY. This amendment will restore the set-aside funds for the Main Street grant program. Mr. Chairman, this important program provides resources for the revitalization of older, downtown business districts, while retaining an area's historical character. The Main Street grant program enables smaller communities to develop affordable housing while still retaining their traditional identity and roots in the past. I believe that this program is very important to countless communities across the Nation, seeking to provide for their citizens without losing sight of their shared history. I strongly urge my colleagues to join me in supporting Mr. MAHONEY's amendment to restore funding for this program to this legislation.

Mr. Chairman, I also strongly support the amendment introduced by my colleague, Congresswoman LEE. This amendment will safeguard the rights of elderly and disabled tenants living in HOPE VI housing. Congresswoman LEE's amendment prohibits the eviction of elderly or disabled tenants based on the criminal activities of others, provided that the elderly or disabled tenant did not have knowledge of the criminal activity. This important amendment improves the underlying legislation by ensuring that disadvantaged members of our communities are not further victimized for events beyond their control. It allows Congress to stand up for the rights of those living in public housing, preventing the eviction of elderly and disabled residents as the result of the wrongdoing of family members.

However, I must oppose several amendments that I feel will harm the integrity of this bill. I stand opposed to the amendment offered by my colleague and fellow Texan Mr. NEUGEBAUER, limiting the number of dwelling units that housing agencies are required to replace. Under the provisions of this amendment, only those units that are occupied as of the date of the HOPE VI application must be replaced, rather than requiring that all units torn down through the use of HOPE VI grants be replaced on a one-to-one basis. I strongly oppose this change, because I believe it weakens the one-for-one requirement in this legislation by creating incentives for housing agencies to increase the number of vacant units prior to seeking a HOPE VI grant, to decrease the overall number of units that must be replaced. I encourage my colleagues to join me in opposing this amendment, and in support of the underlying language.

Mr. Chairman, I also must oppose the amendment offered by my colleague Mr. SESSIONS, reinstating the Department of Housing and Urban Development's authority to issue demolition-only grants. These grants, which have not been issued since 2003, provide resources for the demolition of properties and the relocation of families living there. While this legislation eliminates demolition-only grants, unless the demolition is done in connection with the replacement of dwelling units, ensuring that the total amount of units does not diminish. The adoption of this amendment would gut the strong replacement requirements of the underlying legislation, and would further reduce the already limited affordable housing stock in our nation.

I also oppose the amendment offered by Congressman KING of Iowa. This amendment would prohibit any amount authorized under this legislation from being used to pay wages in compliance with the Davis-Bacon Act. The adoption of this provision would in effect nullify the applicability of Davis-Bacon to the HOPE VI program. Mr. Chairman, the Davis-Bacon Wage Determinations are issued by the U.S. Department of Labor, and they indicate the prevailing wage rates in a region, to be paid on federally funded or assisted construction projects. These standards ensure that workers on Federal projects are paid a fair wage, and I believe it would be extremely detrimental to workers and to our economy as a whole to exempt HOPE VI projects from these standards.

Mr. Chairman, I also stand in opposition to the amendment offered by my colleague Congresswoman CAPITO, eliminating the requirements that all grants must comply with minimum Green Building requirements. I believe today's legislation, as introduced, makes important steps forward toward responsible stewardship of our natural resources, and Ms. CAPITO's proposal that compliance with Green Building requirements be only one factor in the evaluation of grant applications would weaken our effort to protect our global environment. The Capito amendment would weaken the minimum standards for energy efficiency set forth in this bill, and would permit the Department of Housing and Urban Development to propose much weaker green development standards than are currently required under this bill. I urge my colleagues to oppose the Capito amendment, and to keep the language set forth by this legislation.

I strongly urge my colleagues to join me in supporting this extremely important legislation by protecting the integrity of the underlying language, while making the technical corrections included in the Manager's Amendment to ensure that the intent of the legislation can be enacted.

Ms. LEE. I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. LEE).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. KING OF IOWA

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110–509.

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. KING of Iowa:

Page 44, line 2, before the closing quotation marks insert the following: "None of the funds authorized to be appropriated under this paragraph may used to pay wages in compliance with subchapter IV of chapter 31 of title 40, United States Code.".

The Acting CHAIRMAN. Pursuant to House Resolution 922, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, the amendment that I offer to this bill that is before us today is an amendment that strikes the requirements for Davis-Bacon wage scale and prohibits any of the funds from going to Davis-Bacon wage scale. And for the information of the body, Davis-Bacon wage scale is a Federal wage scale that was imposed over 75 years ago in this country; and I could go back into the history of it, but the essence of Davis-Bacon wage scale is this: It imposes union scale on all projects and any projects that are $2,000 or more, which essentially are all projects.

I am a Member of this Congress that has worked and lived under Davis-Bacon wage scale, and I have done that for well over 30 years. I have done the homework, I have done the paperwork, I have put together the spreadsheets, and I dealt with all the employee dynamics that were involved there.

And I make the point, Mr. Chairman, that labor is a commodity like corn or beans or gold or oil or gasoline, and the value of it needs to be determined by the marketplace, not by the government. And for the Federal Government to intervene in a relationship between two people, and a contractual relationship in particular, at the cost of the taxpayer that always favors going to a union scale and is not a prevailing wage but it is in effect a union scale, this authorization as written, if my amendment is not adopted, will cost the taxpayers an additional $26 million.

And the inflation to construction projects runs between 8 percent and 35 percent. I use the number 20 percent. It is a low average. But I am pledged here to protect the taxpayers, and I believe we need to protect the relationship between the employer and the employee. And if unions want to negotiate, I am all for their ability to do that, but I don't think it should be imposed by statute, a statute that cannot keep up with a change in the wage scale, a statute that is not effective, and one that, according to a Department of Labor Inspector General study, nearly 100 percent of the data cannot be relied upon. It is time to end this practice. It is archaic, and it is time to strike this provision out of here and eliminate Davis-Bacon wage scale.

I reserve the balance of my time.

Mr. SCOTT of Georgia. Mr. Chairman, I rise to oppose the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. SCOTT of Georgia. Mr. Chairman, the gentleman from Iowa very cleverly uses the words "union scale." This is not union scale; this is prevailing wage scale. This is set by scientific surveys within a community, based upon what is the prevailing wage in that community. It moves from community to community. There is a reason for that.

Davis-Bacon has been one of the foremost agents that we have been able to use in our entire economic structure to make sure that the American worker has a livable wage that maintains the standards in that community. The Davis-Bacon requirement has been on the books since 1931, and, if I might add, put on by a Republican, one of my opponents' party members, President Hoover, and it has served us well.

Now, this amendment is certainly an amendment that is very timely. Here we are in the throes of a recession, one of the most damaging economic crises that this Nation has faced in the last quarter of a century, and we have the gentleman from Iowa wanting to put on an amendment that would diametrically affect the living wages of the people who need the help the most.

Now, by preventing workers on HOPE VI projects from earning a living wage is certainly not the right way to go. It is a hole in the head bucket strategy, given that those very same workers in the absence of Davis-Bacon protections would be unable to find housing themselves. A part of the HOPE VI mission, Mr. Chairman, is to make construction of units more efficient and to ensure that the HOPE VI housing units are more environmentally friendly and cost effective. The Davis-Bacon prevailing wages helps attract the necessary skilled workforce to build housing in the most efficient and cost-effective manner. This is a bad amendment.

I yield 2 minutes to Mr. GEORGE MILLER to put his statement in the RECORD at this point.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding, and I very much appreciate his remarks against this amendment to eliminate Davis-Bacon.

You cannot build good solid communities on the backs of poor people, and you can't build good solid communities on the back of poor wages, poor working conditions. This is about prevailing wages; it is not about a union wage. They constantly year after year come and mischaracterize this amendment; they mischaracterize the program. But the fact of the matter is the majority in this House understands how important this provision is to working people in this country and to the communities in which these projects are being built. In fact, all projects in this country where we invest taxpayer money, we should get good projects, good wages and good working conditions for the people on those projects.

I thank the gentleman for his statement.

I rise in strong opposition to the amendment offered by Mr. KING of Iowa.

Here we have a bill to reauthorize the HOPE VI program. That program provides grants to localities for the construction, rehabilitation, and, in some cases, demolition of public housing units. That work is going to be done in some of the poorest neighborhoods in this country. That work is going to be done in areas with some of the highest unemployment in this country.

And what does the King amendment do? It eliminates prevailing wage requirements for this work. It gives the money to contractors who would be free to pay poverty wages and pocket the rest as profit. This amendment worsens the cycle of poverty in the very areas that need the most help.

But that's not all. This is taxpayer money. What do you get when you give taxpayer money to contractors who pay poverty wages and treat their workers poorly? You get shoddy work. And you have to spend more taxpayer money to fix it later.

Let's summarize: The King amendment uses taxpayer money to worsen the cycle of poverty in the poorest neighborhoods in this country. It uses taxpayer money to buy shoddy work that just increases the costs later on. It's difficult to tell who the amendment is trying to hurt the most—the poor neighborhoods, the workers, or the taxpayers. This Amendment is outrageous and should be roundly defeated by this House.

Mr. SCOTT of Georgia. Mr. Chairman, I reserve the balance of my time.

Mr. KING of Iowa. Mr. Chairman, may I inquire of the amount of time remaining for each party.

The Acting CHAIRMAN. The gentleman from Iowa has 3 minutes remaining; the gentleman from Georgia has 1½ minutes remaining.

Mr. KING of Iowa. Mr. Chairman, first of all I say to the gentleman from California, that is offensive to me to say that my 28 years of meeting payroll, my 1,400-some consecutive weeks of making payroll, of providing health insurance and retirement benefits and year-around work for employees and a career path for them is, to take his words, poor wages and poor working conditions. My employees didn't think so, and neither did the people that applied for a job that I didn't have room to hire. That is not the way it works out there in the world. And who in this Congress has some experience that can step forward and say otherwise?

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I lived it. I lived it all of my working life. I know what happens when you pay the excavator operator $28 an hour and the shovel operator $12 an hour. You can't get the guy on the excavator to get down and pick up the shovel to move a clod. You can't get him to pick up a grease gun. It destroys the relationship on the workplace, and it rearranges everybody's assignments. And so the guy running the finish motor grader is rolling clods out there because he doesn't want to get off the machine and pick up the grease gun, and your machines wear out. And the boss has got to come to work at 3 o'clock in the morning to do the maintenance. That's what happens when government gets in the way. And it costs money. The inflation goes up; 8 percent, 35 percent. I pick 20 percent. There is $26.4 million in this bill that is unnecessary.

We have a shortage of labor. We are bringing in millions of people to unskilled jobs here in the United States because we say this economy cannot survive without that. And now we can't go without a union scale. That is union scale, Mr. SCOTT. And you can't show me any statistical evidence otherwise. It is the union operations that file the reports because those that are not union get organized and they get picketed.

These people are smart. They are not foolish about this. And this is a Jim Crow law. We went through this before. This was New York City. It was a Federal building back in 1930 or 1931, and a contractor in New York City decided that he wanted to keep out the low bid that came from Alabama. The low bid came from Alabama because the labor could come from Alabama. Those didn't happen to be white people. Those were African Americans that came up and undercut the union wages in New York and that brought about this "Republican" bill.

So I call it a Jim Crow bill. And I call it a racist bill, and it is one that has been now shoehorned into this economy, into this bill, into this legislation, in order to protect union wage scale.

I have pledged to come here to preserve and protect the free enterprise side of this, the competition that is necessary for the efficiency that is here. And I will also protect the right of individuals to organize and negotiate for a good wage and good benefits. That's also a right we should have in this country.

But this is not about prevailing wage. This is about union pay scale, and it was a bill that was rooted in Jim Crow laws that has now been transferred into union scale.

I urge the adoption of my amendment. Save $26.4 million and protect the relationship between employers and employees and let me provide a 12-month, year-round job with benefits and retirement funds so that people can plan their future, not hire them for 3 hours and let them go for the next rest of the week.

Mr. SCOTT of Georgia. Mr. Chairman, let it be noted that the gentleman from Iowa, my good friend, is the one who brought up the race card, not I. But I will be the one who quickly puts it back into the middle of the deck, where it should stay and belong forever.

The fact of the matter is this: For 77 years, Mr. Chairman, this country has had the prevailing wage. Not a union wage. The prevailing wage standards are set by scientific surveys of actual wages paid in the local communities, and anyone awarded a government contract pays at least those prevailing wages. It is not a union scale. If you had union scale, that is it no matter where you go. Prevailing wages are what is established based upon that local economy, that local situation.

You talk about New York. When Hoover put this in in 1931, he didn't put it in for New York. It was for the entire Nation, because we were at the throes of the depression, at the beginning of the depression.

And now in a similar situation, while we are not in the beginning of a depression, but certainly in a recession, you misguidedly, my good friend, want to remove it. How ironic.

Mr. Chairman, this is a terrible amendment. It certainly is not the right time to even think about in any fashion any measure that would constrict the economic sector in this country rather than at a much greater need when we need to expand it, and we need to stand and protect the wage earner and working America on this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT NO. 7 OFFERED BY MRS. CAPITO

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110–509.

Mrs. CAPITO. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mrs. CAPITO:

Page 10, strike lines 13 through 16.

Page 14, strike "non-mandatory" in lines 5 and 6 and all that follows through line 14, and insert the following: "components of the green building rating system, standard, or code determined by the Secretary pursuant to subsection (l)(3); and".

Strike line 16 on page 14 and all that follows through page 15, line 5, and insert the following: "construction, complies with the components of the green building rating system, standard, or code determined by the Secretary pursuant to subsection (l)(3).".

Page 32, line 13, strike "REQUIREMENT".

Strike line 14 on page 32 and all that follows through page 34, line 9.

Page 34, line 10, strike "(2)" and insert "(1)".

Page 34, line 13, strike "proposed".

Page 34, strike lines 15 through 18, and insert "this section is carried out in accordance with the terms included in the approved plan pursuant to section (e)(2)(C)(xii)".

Page 35, after line 5, insert the following:

"(2) IDENTIFICATION OF GREEN BUILDINGS RATING SYSTEM, STANDARD, OR CODE.—

"(A) IN GENERAL.—For purposes of this section, the Secretary shall identify a rating system, standard, or code for green buildings that the Secretary determines to be a comprehensive and environmentally-sound approach to development of green buildings.

"(B) CRITERIA.—In identifying the green building rating system, standard, or code under this paragraph, the Secretary shall take into consideration—

"(i) the impact of the cost of the enhanced building quality rating systems, standards, or codes on the number of affordable housing units;

"(ii) the ability and availability of assessors and auditors to independently verify the criteria and measurement of metrics at the scale necessary to implement this subsection;

"(iii) the ability of the applicable developer of the rating system, standard, or code to collect and reflect public comment;

"(iv) the ability of the rating system, standard, or code to be developed and revised through a consensus-based process;

"(v) an evaluation of the robustness of the criteria for a high-performance green building, which shall give credit for promoting—

"(I) efficient and sustainable use of land, water, energy, and other natural resources;

"(II) use of renewable energy sources;

"(III) improved indoor environmental quality through enhanced indoor air quality, day lighting, pollutant source control, and use of low-emission materials and building system controls; and

"(IV) such other criteria as the Secretary determines to be appropriate; and

"(vi) whether the rating system, standard, or code is accredited by a national standards developing organization.

"(C) 5-YEAR EVALUATION.—At least once every five years, the Secretary shall conduct a study to evaluate and compare available third-party green building rating systems, standards, and codes, taking into account the criteria specified in subparagraph (B).".

Page 35, lines 9 through 11, strike "national Green Communities criteria checklist and LEED rating systems" and insert "green building rating system, standard, or code".

Page 35, line 13, strike "checklist and systems" and insert "system, standard, or code".

Page 35, strike "the national" in line 20 and all that follows through line 24, and insert the following: "any rating system, standard, or code that the Secretary has determined to be appropriate pursuant to paragraph (3).".

The Acting CHAIRMAN. Pursuant to House Resolution 922, the gentlewoman from West Virginia (Mrs. CAPITO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from West Virginia.

Mrs. CAPITO. Mr. Chairman, I offer this amendment to the HOPE VI bill, and I would like to talk about first of all what this amendment does not do because my fear is the argument on the other side is going to distort what I really think the core of the discussion between my amendment and those opposed should be.

This amendment in no way is an advocate for destroying or throwing out the window environmental or green building standards. That is not my goal or my intention with this amendment. It retains requirements for green building standards, but it looks at how we build green in a different way.

In the bill presently, there is a mandatory building standard that has been a criteria that has been developed by a proprietary preference for one organization. My amendment would simply move this out of a mandated into the green communities specifically mandated criteria, and move it into a more flexible situation where the Secretary would then choose an appropriate green building standard, green building rating system and code that would address environmental considerations, and leaves flexibility for the Secretary, this Secretary and secretaries to follow, to be able to determine that criteria.

We are going to be building these HOPE VI projects all across this Nation, and I think it is important to note that there should be some geographic considerations for green building standards across the country.

We are also trying to find the best way to use our Federal dollars, to maximize the number of Federal housing units, while still adhering to good environmental standards.

I have listened a lot over the last 60 years to housing projects that have been made, destroyed and rebuilt and why some of them haven't lasted as long as they should. I think by putting this amendment forward, I think I am taking into consideration that what we know today to be a good green building standard and to be in the best interest of an environment or a community or a quality of life in 3 years may be outdated. The technology may not be in front of us now that says if you look at your water this way or your air this way or your environmental considerations for the landscaping, that there is going to be a better way in 3 years.

In this bill, I think we are locking down a certain proprietarily developed standard for green building. I think in selecting appropriate green building criteria, this gives HUD the ability to choose a green building system, a standard or code, in an open, consensus-based way. That is why I put forward this amendment to give HUD the flexibility not only for today but for the future.

Again, I want to reiterate what this amendment does not do. It does not have a goal in mind of undercutting green building in an environmentally stable way to create new HOPE VI projects. Also in this amendment, it also requires the Secretary to conduct a review once every 5 years to determine if the chosen system and standard or code is still relevant, and I think that is appropriate in terms of innovation.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, first, there are two points, and the gentlewoman tends to confuse the two. One is should there be flexibility in the standard. Both versions have that. Our version says the green communities or a standard promulgated by the Secretary, but we say it has to be substantially equivalent in what it accomplishes.

Secondly and more important, the bill with the manager's amendment says that a green component must be in any HOPE VI application. The gentlewoman dilutes that. She says it will be one factor that can be considered. But under her proposal, if you are very strong elsewhere, they would not have to be very much in the green. So there is a real difference there. We both say it is a good idea, but the bill says you must include the green component. Her bill says you may include the green component. You will get points if you do, but you might not. Both have flexibility as to how you reach that.

Now I yield 2 minutes to the gentleman from Massachusetts (Mr. OLVER), the chairman of the Appropriations Subcommittee on HUD and Transportation.

Mr. OLVER. Mr. Chairman, I have high respect for the gentlewoman from West Virginia, the ranking member of the subcommittee. In fact, I occupy now the apartment that she used before upgrading.

But arguments in the builders' letter to Members promoting the amendment are specious and deliberately misleading. First of all, all references to LEED have been removed. Secondly, the letter greatly exaggerates the cost of green community criteria which are so strongly supported by the U.S. Council of Mayors and 40 other major organizations.

A well-documented study of some 20 completed projects using these criteria, completed projects using these criteria, showed an average of only 2.4 percent increase in cost. We all need to remember that we build housing for 50 to 100 years. The small increased construction costs produce huge savings in lower monthly bills for energy for tenants. The low-income tenants have all of the remaining 50 years to accrue those savings after the payback comes within the first 5 to 7 years of the program.

I urge defeat of the amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I reserve the balance of my time.

Mrs. CAPITO. Mr. Chairman, I would like to ask the gentleman if I left the apartment environmentally stable? I think I did.

I yield 1 minute to my colleague from the Committee on Financial Services, the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Chairman, I thank my colleague and appreciate her leadership.

Leave it to my colleagues on the other side of the aisle to make an inefficient program even more inefficient. By imposing these arbitrary and uncredited green standards, it will drive up construction costs. And in the end, that means we will have fewer units put out in this housing program. And it also delays the spending of the $1.3 billion HOPE VI surplus that we currently have.

I think it is a better use of the money to allow the Secretary to establish standards that are appropriate for the region, appropriate for the product being put out, and this gives the flexibility to do that.

What I would say is that the Capito amendment still allows for green standards, high, strong, green standards, but it does not impose arbitrary standards. It allows for a collaborative effort for this to go forward, and it strikes the right balance, not a one-size-fits-all approach.

I urge adoption of her amendment.

The Acting CHAIRMAN. The gentlewoman from West Virginia has 30 seconds remaining.

Mrs. CAPITO. Mr. Chairman, I would encourage a "yes" vote for my amendment to give the flexibility, to give the innovation and technology that we see every day in green and environmental building standards to move forward so we don't lock down in this bill.

And when the gentleman just briefly says that the LEED standards were removed from the commercial building, yes, they were removed. Why? Because the union of carpenters that we heard about earlier were raising Cain because they were going to have to get their wood from imported wood to be able to meet these standards. That goes right to my point. We need to be reasonable, but we also need to make sure that we protect our environment and move forward with the best communities we can.

Mr. FRANK of Massachusetts. First, Mr. Chairman, yes, the carpenters objected to the LEED standard. They did not object to the green community standard. We thought the objection was reasonable and met it.

Secondly, again, the bill, without the gentlewoman's amendment, does provide flexibility. We say, however, that when HUD does an alternative proposal, it has to meet the minimum standard. That is the difference.

□ 1300

We put in the minimum. The other difference is that her amendment would allow some of the projects to go forward without green components, depending on how they were otherwise rated and others would not.

I yield for the remainder of our time to the head of our Subcommittee on Energy Efficiency for the Financial Services Committee, my colleague, Mr. PERLMUTTER of Colorado.

Mr. PERLMUTTER. I thank the chairman. I thank the chairwoman for bringing this bill. And Congresswoman CAPITO and I are part of this energy efficiency task force. And I know that she has strong feelings toward building in an energy-efficient, sustainable way. We have a big difference of opinion as to property rights on this one. And it's unusual, here in this instance, the Federal Government is the owner and the financer of these projects. It has the right, as any property owner does, as any owner does, to say how it wants its building built. And that's what's done within this proposal, within this bill, and that is to build these units in a green fashion. And so that, I think, is appropriate. It is an appropriate exercise of ownership to say we want these to be green. And the people of the United States of America in this last election said we have to be more energy conscious. We have to figure out a change to how we power this Nation and how we consume energy, and this is where we get started as a Federal Government.

Now, one of the things we've talked about is the flexibility within the bill as to the standards to be used. We use the words "substantially equivalent." And if, in fact, HUD or EPA or the Department of Energy is being recalcitrant, isn't following through on developing substantially equivalent standards, you can bet that our side of the aisle will work with you and the various Departments to make sure they get off their fannies and they do develop some substantially equivalent standards so that there is flexibility.

This is a good bill. This is a bad amendment. I urge a "no" vote.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mrs. CAPITO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from West Virginia will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 110-509 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Ms. WATERS of California.

Amendment No. 2 by Mr. NEUGEBAUER of Texas.

Amendment No. 4 by Mr. SESSIONS of Texas.

Amendment No. 6 by Mr. KING of Iowa.

Amendment No. 7 by Mrs. CAPITO of West Virginia.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT NO. 1 OFFERED BY MS. WATERS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. WATERS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 388, noes 20, not voting 27, as follows:

[Roll No. 12]

AYES—388

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Bachmann
Bachus
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Fortuño
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—20

Akin
Barrett (SC)
Bartlett (MD)
Broun (GA)
Campbell (CA)
Cannon
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Hensarling
Johnson, Sam
Lamborn
Linder
Mack
Miller (FL)
Pence
Royce
Stearns
Wilson (SC)

NOT VOTING—27

Baca
Baker
Berkley
Berry
Brown (SC)
Davis (IL)
Deal (GA)
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Faleomavaega
Forbes
Fossella
Gordon
Hobson
Hunter
Jefferson
Kingston
Lantos
Lewis (KY)
Miller, Gary
Paul
Schmidt
Sherman
Shimkus
Visclosky
Wu

□ 1321

Messrs. LAMBORN, BARRETT of South Carolina, BARTLETT of Maryland and MACK changed their vote from "aye" to "no."

Messrs. BURGESS, CHABOT, Mrs. BONO, Mr. MACK and Mr. CONAWAY changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. NEUGEBAUER

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 181, noes 227, not voting 27, as follows:

[Roll No. 13]

AYES—181

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fortuño
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—227

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Renzi
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wynn
Yarmuth

NOT VOTING—27

Baca
Baker
Berkley
Berry
Boehner
Brown (SC)
Davis (IL)
Deal (GA)
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Faleomavaega
Forbes
Fossella
Hobson
Hunter
Jefferson
Kingston
Lantos
Lewis (KY)
Miller, Gary
Paul
Schmidt
Sherman
Shimkus
Visclosky
Wu

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1336

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, on Thursday, January 17, 2008. I was unavoidably detained and thus I missed rollcall votes No. 12 through 13. Had I been present, I would have voted in the following manner:

On rollcall vote No. 12, the Waters Amendment to H.R. 3524, the HOPE VI Improvement and Reauthorization Act of 2007, I would have voted "aye."

On rollcall vote No. 13, the Neugebauer Amendment to H.R. 3524, the HOPE VI Improvement and Reauthorization Act of 2007, I would have voted "aye."

AMENDMENT NO. 4 OFFERED BY MR. SESSIONS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. SESSIONS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 186, noes 221, not voting 28, as follows:

[Roll No. 14]

AYES—186

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fortuño
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Sensenbrenner
Sessions
Shadegg
Shays
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—221

Abercrombie
Allen
Altmire
Andrews
Arcuri
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo

Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Yarmuth

NOT VOTING—28

Ackerman
Baca
Baker
Berkley
Berry
Boehner
Brown (SC)
Davis (IL)
Deal (GA)
Delahunt
Faleomavaega
Forbes
Fossella
Hobson
Hunter
Jefferson
Kingston
Lantos
Lewis (KY)
Miller, Gary
Paul
Radanovich
Schmidt
Sherman
Shimkus
Visclosky
Wu
Wynn

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1343

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. KING OF IOWA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 136, noes 268, not voting 31, as follows:

[Roll No. 15]

AYES—136

Aderholt
Akin
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kline (MN)
Knollenberg
Lamborn
Latham
Latta
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Sali
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Walberg
Wamp
Weldon (FL)
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOES—268

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capito
Capps
Capuano
Carnahan
Carney
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Ferguson
Filner
Fortuño
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Petri
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (OH)
Woolsey
Wynn
Yarmuth
Young (AK)

NOT VOTING—31

Baca
Baker
Berkley
Berry
Boehner
Brown (SC)
Burton (IN)
Cardoza
Davis (IL)
Deal (GA)
Delahunt
Faleomavaega
Fattah
Forbes
Fossella
Heller
Hobson
Hoyer
Hunter
Jefferson
Kingston
Lantos
Lewis (KY)
Miller, Gary
Paul
Payne
Schmidt
Sherman
Shimkus
Visclosky
Wu

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1350

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MRS. CAPITO

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 169, noes 240, not voting 26, as follows:

[Roll No. 16]

AYES—169

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Ferguson
Flake
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Sensenbrenner
Sessions
Shadegg
Shays
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Walden (OR)
Wamp
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—240

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baird
Baldwin
Bartlett (MD)
Bean
Becerra
Berman
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortuño
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Price (NC)
Ramstad
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Wilson (OH)
Woolsey
Wynn
Yarmuth

NOT VOTING—26

Baca
Baker
Berkley
Berry
Boehner
Brown (SC)
Davis (IL)
Deal (GA)
Delahunt
Faleomavaega
Feeney
Forbes
Fossella
Hobson
Hunter
Jefferson
Kingston
Lantos
Lewis (KY)
Miller, Gary
Paul
Schmidt
Sherman
Shimkus
Visclosky
Wu

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1356

Mr. LOBIONDO changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. WELDON of Florida. Mr. Speaker, on rollcall No. 16 for the Capito amendment to H.R. 3524 I voted "no" but my intent was to vote "aye". I ask that the official RECORD reflect that my intent was to vote "aye" on the Capito amendment.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PASTOR) having assumed the chair, Mr. HOLDEN, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3524) to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes, pursuant to House Resolution 922, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GRAVES

Mr. GRAVES. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GRAVES. Yes, sir, in its current form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Graves moves to recommit the bill H.R. 3524 to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following instructions:

In clause (xiii) of paragraph (2)(C) of the matter proposed to be inserted by the amendment made by section 7(a) of the bill, strike "individuals who are not ineligible" and all that follows through the end of the clause and insert the following: "households consisting of or including an individual who served on active duty in the Armed Forces of the United States for a period of not less than 90 days and who was discharged or released from such duty under conditions other than dishonorable. For purposes of this clause, the term 'families whose housing needs are difficult to fulfill' shall not include any individuals, or any categories of individuals, who have been released from a prison, jail, or other correctional facility of the Federal Government, a State government, or a unit of general local government, notwithstanding whether such individuals are not ineligible for occupancy in public housing pursuant to subsection (m)(2), have not been arrested for or charged with any crime during any specific period, or are individuals for whom housing is a critical need.".

Mr. GRAVES (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

□ 1400

The SPEAKER pro tempore. The gentleman from Missouri is recognized for 5 minutes.

Mr. GRAVES. Mr. Speaker, the Republican motion to recommit on this legislation is as straightforward as it is reasonable. All you have to do is read it and see exactly what it does. As written, it would simply amend the legislation forthwith to give greater priority for housing decisions under the HOPE VI program to give men and women who have served our country on the battlefield rather than men and women who have acted in violation of our laws.

Mr. Speaker, under current law, public housing authorities may use discretion when determining whether or not it is in the interest of the community to provide public housing to certain felons, including those convicted of drug-related criminal offenses. This bill under consideration on the floor, however, incentivizes public housing authorities when applying for HOPE VI grant funding to give convicted felons preferential treatment.

There is absolutely, absolutely no reason why we should be encouraging local public housing authorities to place convicted felons at the head of the line, especially when so many, so many of the American veterans live today without adequate housing. We should be encouraging public housing authorities to assist these men and women first and foremost and in a manner that recognizes their tremendous service to this country.

Veterans have acute housing needs, Mr. Speaker. According to the most recent Veterans Affairs reports, there are over 310,000 homeless veterans. The frustrating part about this is we are talking about our veterans. These are people that served our country, were willing to give their lives for our country, and I think they deserve to be heard on this bill.

The National Association to End Homelessness estimates that veterans represent roughly a quarter of all homeless people in America. My home State of Missouri has an estimated 4,800 homeless veterans and ranks fourth in the Nation of the highest percentage of veterans that are homeless, according to a recent report.

Mr. Speaker, I can talk about figures all day long; I can go on and on about this and that. The bottom line is we are talking about veterans. These are men and women who have served their country, and they served their country with great distinction. They are willing to put their lives on the line, and now they aren't at the front of the list? We would put somebody who has knowingly, knowingly violated our laws ahead of somebody who has stood up for this Nation?

To me, Mr. Speaker, it's very frustrating. The motion to recommit includes veterans in the category of those considered hard to house. It helps address the pressing housing needs of America's past and present heroes, Mr. Speaker.

There are some out there, Mr. Speaker, that hold our veterans in contempt. That is a fact. There are some that do it, but I don't, and we don't. We don't hold our veterans in contempt, Mr. Speaker, and they should be at the front of the line.

I encourage my colleagues to support this legislation, because that is what it does. Towards that end, I encourage every one of us, every one of us in this Chamber to support this motion so that men and women who step forward in the service of our country and in defense of our freedom and in defense of that flag, Mr. Speaker, are the ones given preferential treatment. They should be the ones getting preferential treatment, not folks who have violated our laws. If there is any preferential treatment to be given, it ought to be given to those folks.

Mr. Speaker, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I rise to speak on the motion to recommit.

The SPEAKER pro tempore. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. FRANK of Massachusetts. Mr. Speaker, first of all, I am suffering a little disorientation because I didn't get the anti-immigration amendment. So I hope the gentleman from Georgia isn't ill and was not, therefore, able to present it.

On this amendment, I congratulate the minority. They make a reasonable point. Yes, I think that we should have included the veterans. To that extent, I think this is worth supporting. I do not understand why this has to come at the expense of people who had committed an offense and have come out. I had thought there was these days some sense that rehabilitation was a goal. As the gentlewoman from California will explain, we are talking about a very narrow category of ex-offenders. We certainly don't believe that when you come out of prison, you ought to then become homeless if you have otherwise satisfied society's reasonable demands. But I do not oppose this because, I agree, we should be including the veterans.

I will say this. What this does is two things: it says include the veterans, but then excludes people who have been sentenced, served a term, et cetera, and have shown that they met all these conditions. We will be going forward with this bill with the Senate, and there is no need to put these two issues against each other. So I believe that we can accept this with full support then for the veterans, but then not have the other issue foreclosed. I would ask the gentleman, I will yield to him, if he would clarify this.

Sadly, one of the problems we have had with some veterans, because of problems that were created, some veterans have committed offenses. I would ask the gentleman, what about a veteran, and this has two parts, yes to veterans, no to people who are ex-offenders. I would ask the gentleman: How should the housing authority on this treat a veteran ex-offender, assuming again it was an honorable discharge. Someone who was honorably discharged, later got into some trouble, completed all the term, et cetera, how should the housing authority under this deal with a veteran who's an ex-offender?

And I will yield to the gentleman.

Mr. GRAVES. Mr. Speaker, I was having a hard time hearing what the gentleman was saying.

Mr. Speaker, we are after the veteran here. They will take precedence.

Mr. FRANK of Massachusetts. Mr. Speaker, I take back my time to repose the question. I am sorry the gentleman had trouble hearing me. He may not be sorry he had trouble hearing me, but now I will try to be more clear. We say in this "preference for veterans." We agree with that. But it also denies that, not preference, but listing in this category for ex-offenders. What does the housing authority do if a veteran who was an ex-offender who has served his or her term, satisfied all the conditions, how do you treat under this amendment a veteran who's an ex-offender?

I will yield to the gentleman.

Mr. GRAVES. Mr. Speaker, it's going to give preference to that veteran. If they are a veteran, then they are going to get it. Vote for the motion and show the support for the veterans.

Mr. FRANK of Massachusetts. Mr. Speaker, I am sorry the gentleman doesn't want to answer the question. I still don't understand. It seems to me the housing authority is entitled to guidance. What do you do if it's a veteran who's an ex-offender?

I will yield to the gentleman.

Mr. GRAVES. Mr. Speaker, they can still receive assistance; they won't get preferential treatment. Support the veterans.

Mr. FRANK of Massachusetts. Mr. Speaker, the gentleman has got that mantra that he keeps repeating. He can send out a taped phone call with that and not take up our time.

We are, I assume, going to back this, but I think there is this ambiguity. So I will have to say we will have to deal with this further. I would not want to give to the veterans with one hand what you might take away with another one. We do know some veterans, not entirely through their fault, given the conditions in which they serve, problems that occur, some of them become offenders. So we will deal with that going forward, and I would assume people would want to vote for this because we should have included veterans. But I will say, especially after my inability to get an answer, the question of ex-offenders will remain an open question and we'll have to deal with that going forward.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GRAVES. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 372, noes 28, not voting 30, as follows:

[Roll No. 17]

AYES—372

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Chabot
Chandler
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watt
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Yarmuth
Young (AK)
Young (FL)

NOES—28

Becerra
Castor
Clarke
Clay
Conyers
Davis (IL)
DeGette
Dingell
Ellison
Grijalva
Gutierrez
Honda
Johnson, E. B.
Kucinich
Lee
Lewis (GA)
McDermott
Miller, George
Moran (VA)
Richardson
Schakowsky
Slaughter
Stark
Thompson (MS)
Waters
Watson
Woolsey
Wynn

NOT VOTING—30

Baca
Baker
Berkley
Berry
Boehner
Brown (SC)
Camp (MI)
Deal (GA)
Delahunt
Forbes
Fossella
Hobson
Hunter
Jefferson
Kingston
Lantos
Lewis (KY)
Markey
McGovern
Miller, Gary
Paul
Radanovich
Schmidt
Sherman
Shimkus
Space
Visclosky
Welch (VT)
Wilson (SC)
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 1 minute remains.

☐ 1426

Mr. DAVIS of Illinois changed his vote from "aye" to "no."

Ms. MOORE of Wisconsin, Ms. LINDA T. SÁNCHEZ of California and Messrs. THOMPSON of California, RUSH, BUTTERFIELD and MEEKS of New York changed their vote from "no" to "aye."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. FRANK of Massachusetts. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 3524, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. FRANK of Massachusetts:

In clause (xiii) of paragraph (2)(C) of the matter proposed to be inserted by the amendment made by section 7(a) of the bill, strike "individuals who are not ineligible" and all that follows through the end of the clause and insert the following: "households consisting of or including an individual who served on active duty in the Armed Forces of the United States for a period of not less than 90 days and who was discharged or released from such duty under conditions other than dishonorable. For purposes of this clause, the term 'families whose housing needs are difficult to fulfill' shall not include any individuals, or any categories of individuals, who have been released from a prison, jail, or other correctional facility of the Federal Government, a State government, or a unit of general local government, notwithstanding whether such individuals are not ineligible for occupancy in public housing pursuant to subsection (m)(2), have not been arrested for or charged with any crime during any specific period, or are individuals for whom housing is a critical need.".

Mr. FRANK of Massachusetts (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 271, noes 130, not voting 29, as follows:

[Roll No. 18]

AYES—271

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Shuler
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Whitfield (KY)
Wilson (OH)
Wolf
Woolsey
Wynn
Yarmuth

NOES—130

Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Buchanan
Burton (IN)
Buyer
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hulshof
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Latta
Lewis (CA)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Rehberg
Reynolds
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Tancredo
Terry
Thornberry
Walberg
Wamp
Weller
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (AK)
Young (FL)

NOT VOTING—29

Baca
Baker
Berkley
Berry
Boehner
Brown (SC)
Camp (MI)
Cohen
Deal (GA)
Delahunt
Forbes
Fossella
Hobson
Hunter
Jefferson
Kingston
Lantos
Lewis (KY)
Miller, Gary
Paul
Rush
Schmidt
Sherman
Shimkus
Slaughter
Solis
Sullivan
Visclosky
Wu

□ 1433

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BACA. Mr. Speaker, I was unable to be present for today's floor votes due to personal business. If I were present I would have voted "aye" on Final Passage of H.R. 3524, the HOPE VI Improvement and Reauthorization Act of 2007.

Stated against:

Mr. WELDON of Florida. Mr. Speaker, on rollcall No. 18 for final passage to H.R. 3524 I voted "aye" but my intent was to vote "no." I ask that the official RECORD reflect that my intent was to vote "no" on final passage.

PERSONAL EXPLANATION

Mr. BERRY. Mr. Speaker, on Thursday, January 17, I was unable to vote on rollcall votes Nos. 12, 13, 14, 15, 16, 17, and 18 due to unavoidable circumstances. Had I been present, I would have voted "no" on rollcall votes Nos. 13, 14, 15, and 16; and "aye" on rollcall votes Nos. 12, 17, and 18.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3524, HOPE VI IMPROVEMENT AND REAUTHORIZATION ACT OF 2007

Ms. WATERS. Madam Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 3524, to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

The SPEAKER pro tempore (Ms. LEE). Is there objection to the request of the gentlewoman from California?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 760

Mrs. CAPITO. Madam Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 760.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from West Virginia?

There was no objection.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Madam Speaker, I was unavoidably detained on yesterday, January 16, in the rollcall vote No. 11, H.R. 4986, the defense authorization bill.

If I had been present, because of the continued support of the Iraq war, I would have voted "no."

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. I yield to my friend from Maryland, the majority leader, to inquire about next week's schedule.

Mr. HOYER. I thank the distinguished Republican whip for yielding.

On Monday, the House will not be in session, in observance of Martin Luther King, Jr.'s birthday, which was on January 15, but will be celebrated and honored on Monday.

On Tuesday, the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business.

On Wednesday, the House will meet at 10 a.m. for legislative business. We will consider several bills under suspension of the rules. A list of those bills, as is the normal course, will be announced by the close of business tomorrow. On Wednesday, we will also take up the President's veto of the children's health insurance legislation.

The House will not be in session on Thursday or Friday. The minority party is having its conference at that point in time, as we will have the following week.

Mr. BLUNT. I thank the gentleman for that information. And we are having a short week next week because of the Republican planning retreat and a short week the next week because of the majority's planning retreat.

With those two short weeks, I know that the FISA legislation that had a bipartisan extension in the very first days of August expires February 1. That is just 2 weeks from now; it is about 4 or 5 working days. Given that deadline, I wonder if we could expect the House to consider some extension during that 2-week period of time, and if the gentleman has any sense yet as to what extension the majority might propose.

Mr. HOYER. I thank the gentleman for his question. As he and I have discussed and as he knows, I am disappointed that we are not in conference on the FISA bill. The Senate has not yet passed its version of the FISA bill. As you know, we passed the FISA bill in December. I think it was early December, as a matter of fact. And we understand that the legislation we passed last August has an expiration date of February 1 and that, therefore, we will either be acting under the old law, an extended law, or a revision that we might pass.

The leader of the Senate, Harry Reid, has talked about perhaps a 30-day extension. I have not talked to him about that personally, but I know that they are considering that. I also know that it is the Senate's intention to address this issue upon their return next week. As you know, they will be in most of the week next week, I think, so we will have to see probably the end of next week where the other body is so that we might better judge where we need to be.

Mr. BLUNT. I look forward to talking to my friend during the week next week and at the end of next week at this same opportunity about that if we don't yet quite know where we are. But I appreciate that, and I know we are both going to keep a close eye on that. This is an important law, and my belief is that everyone involved would rather have a long-term solution as another short-term solution, but it does appear at least possible if not likely that a short-term solution might have to be part of what happens here before we get to a conference.

On the DOD authorization bill that we passed by working together this week to solve a problem, does the majority leader have any sense as to whether that bill that we sent over originally will be back on the floor at any time, or if there will be any provisions? I have heard some discussion that there might be those among our Members who would like to vote on just the passage that created a problem, and I am wondering if you have any thoughts on how to deal with that bill. The authorization bill we replaced is still out there, but it would be my impression that it is not coming back in any form, and I am wanting some verification on that.

Mr. HOYER. First of all, I share the gentleman's view, and my expectation is that the authorization bill we passed yesterday will be passed by the Senate as was passed here. Because, as you know, the only thing we did was modify, consistent with an agreement with the administration and the Senate, the provision that the administration vetoed the bill on. So my expectation is it will pass whole.

Now, as the gentleman observes, there is an interest I think perhaps on both sides of the aisle in considering the provision that was modified and essentially a part of it taken out of the bill. There is interest in considering that bill. That has been discussed with Mr. SKELTON, and Mr. SKELTON and the committee are looking at that.

I believe, and I don't have confirmation of that, that there were Members who have talked to me who are in fact introducing a bill to speak to that particular point. I say "I believe" because, again, I don't have confirmation that that bill has been introduced, but I know that there were Members very focused on that, very concerned. As you know, this provision dealt with the ability of some of our former soldiers, in particular marines, injured by, tortured by the Saddam Hussein regime and being compensated for that to which they had been subjected. I know there is a lot of concern about making sure that litigants who have gotten judgments have an opportunity to execute on those judgments. The President was concerned about that.

So I think the short answer to your question is it either has been introduced, or going to be introduced maybe next week. Mr. SKELTON has indicated that he will look at that.

Mr. BLUNT. I appreciate that information. I also appreciate the way we are able to work through that problem, get the DOD authorization bill on the way back to the President's desk, get that remaining half a percent of pay increase for military personnel taken care of. I don't know on this side of the aisle of any interest in addressing that. Certainly it is a debate that we could have, but it does seem to me that we have already reached a bipartisan consensus on that, and we may or may not want to pursue that. But I had heard those same things and wanted to ask in that regard.

Mr. HOYER. If my friend will yield.

Mr. BLUNT. I would.

Mr. HOYER. When you indicate we reached bipartisan agreement, what we reached bipartisan agreement on was, obviously, that the bill, as you point out, had many important provisions, not only the pay that you refer to, the wounded warriors, treatment of veterans medically, as well as meeting our defense needs, all of which we did have an agreement on and we passed that bill. There was bipartisan agreement that if we were going to pass that bill with all those important provisions in it, that it was necessary to consider the matter that the President was opposed to separately and apart, and take it out, which was done.

□ 1445

But certainly all of the Members on my side did not believe that the President's veto was appropriate. So I don't want to mislead anybody that there was a bipartisan agreement that his veto was appropriate in that sense and that there was a consensus on that. There was disagreement on that.

Mr. BLUNT. I thank my friend for that. I believe I understand the point that you just made that the procedure there certainly was a procedure that, frankly, we could have spent a lot of time debating. By doing that, we could have slowed down this pay increase, and I think we wisely did not do that.

I suppose that if the greater issue of individuals that were harmed by the Saddam Hussein regime comes to the floor, we can debate that at the time. And I just would suggest right now, if there was some way to reach the personal or family assets of Saddam Hussein, that is one thing. I think we hamper the efforts of this new government if we continue to hold the new government responsible for whatever bad things a government did that was virtually universally held in the lowest possible regard by the Congress. And I think we are universally glad that government is gone, no matter how we feel about the other issues in Iraq. I think that is really the point at the end of this one part of that debate. The government is gone. I suppose we can debate that. I think the arrangement we made in the bill handles other countries appropriately and also gives the President the proper waiver authority for dealing with this new situation in Iraq. But I suppose today is also not the day to debate that, unless my friend wants to comment on that.

Mr. HOYER. I understand the gentleman's point, but as the gentleman well knows, there are opposing views to that point. But certainly now, as the gentleman observed, is not the time to debate it. I think the answer to your question is that it may well be before us again.

HOUR OF MEETING ON TOMORROW

Mr. HOYER. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. tomorrow, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, January 22, for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

HOPE VI AND DEFENSE AUTHORIZATION

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, yesterday we revisited the question of the Defense Authorization bill. I think it is important to remind my colleagues that in our appropriations bill that was passed and signed by the President, we took care of a number of issues dealing with our soldiers, including an increase in their compensation, including a recognition of traumatic brain injury, and a number of other concerns.

This bill yesterday was a disappointment because it continued to include money for Iraq, and it is time to bring our soldiers home.

I also want to commend the debate today on HOPE VI, another issue that addresses the issue of homelessness and those who are without homes. This legislation was provocative and important because it is an economic stimulus when you provide housing for those in public housing who cannot be housed.

It is innovative because it suggests we should have green buildings, meaning more efficient, and it is innovative because it protects the elderly who may have those young people in their homes who have had some run-in with the law, that those individuals go but not the elderly who would be evicted.

This is a good piece of legislation. I supported HOPE VI. I am disappointed I could not support the Defense Authorization bill.

EARMARK REFORM

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Madam Speaker, we have always been fortunate to have in this body of legislators Members who, for lack of a better term, are called "institutionalists." These are Members on both sides of the aisle who understand and appreciate the fact that this institution will outlive all of us and that we should try to ensure that when we leave the Congress, we leave the institution better than we found it.

Madam Speaker, we desperately need these institutionalists to stand up today and play a role in reforming the practice of earmarking that is beneath the dignity of this great institution.

It is almost a daily occurrence that we wake up to newspaper articles detailing questionable earmarks that coincide with large campaign contributions, earmarks that face little or no scrutiny in this body, earmarks that were more intended to garner votes or contributions than to address legitimate needs.

We have also seen little inclination on the part of those currently in the position of leadership on either side of the aisle to address this issue in a meaningful way. We have changed the parties in charge, but we haven't changed the practice.

So the mantle falls on the institutionalists among us to foster this change, those who deep down know that we owe more to this institution than we are giving it.

It is time to stand up and be counted.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

POLITICAL PRISONERS FOR ONE YEAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, today it is cold in Washington. It is snowing. They say it may snow some more. But there are two places in the United States that are colder than in this city, and they are in separate places. They are two prison cells, Federal penitentiaries, where two border agents, now, today have spent one calendar year in confinement for doing their job on the Texas-Mexico border.

Madam Speaker, it seems as though border agents Ramos and Compean have been punished for doing what we hired them to do. Because, you see, when they were patrolling the Texas-Mexico border, a drug smuggler came into the United States bringing almost a million dollars worth of drugs into this country. They had a confrontation with this drug dealer. They both believed him to have a weapon. Shots were fired, and he disappeared in Mexico, leaving his load of drugs in this country.

Unbeknownst to them, they shot the drug smuggler. A few months later, our Federal Government relentlessly went and found this drug dealer, brought him back to the United States and gave him immunity from his crimes to testify against the border agents for, get this, a civil rights violation against him, the drug smuggler. They were tried and they were convicted and sent to the Federal penitentiary for 11 and 12 years.

But what the jury in that trial did not know was that the U.S. Justice Department, the Attorney General's Office, hid evidence in that case from the jury, because Madam Speaker, they not only made a deal with this drug smuggler not to prosecute him for bringing in a million dollars worth of drugs; while he is waiting to testify at the trial, he brings in another load of drugs. And then our U.S. Attorney's Office had the audacity for months to deny that ever occurred.

But now the truth has come out. Now we know. Now the whole world knows that that evidence was hidden from the jury. The Fifth Circuit Court of Appeals has heard this case on appeal. We are waiting to see if they reverse the case because the U.S. Attorney's Office hid evidence that the jury should have heard because, you see, the star witness, the witness that the U.S. Attorney's Office made a backroom deal with, brought in other drugs. The jury should have known that to judge the credibility of the witness. And this is not the first time the U.S. Attorney's Office has done this.

In the year 2000, another border agent by the name of David Sipes came in contact with a human smuggler. He had a fight with him in the Rio Grande River as the human smuggler was bringing in people. And then David Sipes was prosecuted for, yes, a civil rights violation for assaulting the human smuggler.

In that particular case, the U.S. Attorney's Office did the same thing. They hid evidence from the jury. They hid from the jury that this human smuggler was given $80,000 as a settlement, that he was allowed to cross back and forth between the United States and Mexico, that he was given a Texas driver's license, a U.S. Social Security card. And also in that case, yes, that human smuggler, while waiting to testify, brought in another load of illegals into this country.

But in that case, the U.S. Attorney's Office was caught. A new trial was ordered because they hid evidence, and that jury in that case found David Sipes, border agent, not guilty because the U.S. Attorney's Office was not seeking justice but convictions.

It makes us wonder what our U.S. Attorney's Office is doing and what side of they border war they are on. They are supposed to be protecting Americans. They are supposed to be protecting the border agents. But yet they seem to prefer protecting human smugglers and drug dealers. That makes us wonder whether the Justice Department needs to be investigated as to their priorities, because this ought not to be.

Yet two border agents are still in prison 1 year today. They have served time, and they should be released. The President should pardon them, and hopefully the Fifth Circuit will do the right thing and order a new trial in this case.

Our government needs to be on the right side of the border war and support our border agents and make people understand that you can't bring drugs and illegals into the country without being prosecuted.

And that's just the way it is.

HONORING THE LIFE OF HRANT DINK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CROWLEY) is recognized for 5 minutes.

Mr. CROWLEY. Madam Speaker, I rise today to solemnly remember the life of journalist and activist Hrant Dink.

On January 19, 2007, Mr. Dink was gunned down by a Turkish ultranationalist outside his newspaper office in Istanbul, Turkey.

Hrant Dink was a man who called for tolerance, peaceful dialogue, and greater civil rights for all Turkish citizens. He was a fierce defender of freedom and believed all people have equal rights under the law. He believed that everyone should have the right to know the truth about their Nation's past, however dark that past may be.

Hrant Dink had been prosecuted by the Turkish Government under penal code 301, a law that bans free speech and was used to suppress a wide range of dissenting opinion, from criticism of Turkish Government institutions to opposing official Turkish denial of the Ottoman campaign of genocide against its Armenian population. Under the all-encompassing phrase "insulting Turkishness," a citizen in Turkey can receive a prison sentence of up to 3 years with the offense being increased by 50 percent if the so-called offense is committed abroad.

Nearly 100 journalists and intellectuals have been prosecuted under article 301, including Nobel Prize author Orhan Pamuk. Many informed observers believe Hrant Dink's prosecution under article 301 opened him up to a campaign of harassment and death threats from ultranationalists, which eventually led to his murder. To this day, citizens of Turkey live under threat of this gag law, with Hrant Dink's own son prosecuted under this law because he reprinted his father's newspaper articles.

This is not the action of a true democracy. It is reflective of how a totalitarian state would behave, and this is not the Turkey we, the United States of America, have aligned our country with.

Amnesty International has called for a complete repeal of this punitive legislation. The European Commission has repeatedly asked for its repeal.

Unfortunately, indications now suggest that the Government of Turkey is only tinkering with changes, making this gag rule even more ambiguous. Today, I ask the House to support calls for the Turkish Government to immediately repeal article 301.

One year ago, Members of Congress, their staffers and several members, and members of several communities, came together to watch "Screamers," a film about genocide in the last century, featuring, among others, Hrant Dink. Here, in the Halls of Congress, we watched as Hrant Dink discussed the problems of article 301.

Just 2 days after the film's premiere, Hrant Dink was shot dead, a man who only wanted to speak the truth about historical facts as he saw them, a man who wanted every citizen to be treated equally, a man we should applaud here in America for his courage and dedication to democracy.

I believe that if Turkey wants to further explore the opportunities that she wishes to do within the present European Union, she must address the issue of article 301. I hope my colleagues will join me in honoring the memory of Hrant Dink and continue to urge the repeal of article 301.

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ECONOMIC STIMULUS PACKAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. MICHAUD) is recognized for 5 minutes.

Mr. MICHAUD. Madam Speaker, I rise today on behalf of the workers at NewPage Corporation in Rumford, Maine, and Fraser Timber Limited in Ashland, Maine. These workers received some devastating news this week about job losses and layoffs. Fraser Timber Limited will lay off 70 workers on February 8, 2008 to June 1, 2008. NewPage Corporation announced a shutdown of a paper machine in Rumford as of February 25, 2008. This decision could impact approximately 60 to 70 jobs in Maine.

In Maine, we are all too familiar with an economic and trade policy that has devastated our manufacturing sector. As a mill worker for nearly 30 years at Great Northern Paper Company, I know how devastating this news is for these workers and their families. When this happens in small rural communities in Maine, it ripples through the economy and throughout the region.

When the House considers a potential economic stimulus package in the next few weeks, I'll keep the workers of NewPage and Fraser at the forefront of my mind. Any economic stimulus package the House considers must consider what's good for our workers and their industry. We must get back to fiscal discipline, yet provide the relief so many people in Maine need.

But if we are truly trying to reform our economy, we must also address the serious trade imbalance that's creating this job loss. It's no secret that trade has gotten the better of Maine's manufacturing industry. Since passage of NAFTA, Maine has lost 23 percent of our manufacturing base.

Today the USTR Trade Representative Susan Schwab said that moving forward on these trade agreements will actually help our economy. Well, I can tell you this, she obviously hasn't talked to the men and women of NewPage and Fraser. She hasn't talked to other workers in Maine and across this country that have been devastated by these NAFTA-style trade deals. These workers don't want more TAA. They want their jobs back.

I've been in touch with the Maine Department of Labor Rapid Response Team, the workers at the mills, to discuss the implication of this, the paper machine shutting down on these workers. In the days and weeks ahead, my office will be working to provide whatever assistance is necessary to help these workers get back to work. But they want their jobs.

Mainers have rallied for each other during difficult times in the past and will do so again. I'll continue to be involved in meeting the needs of our workers affected by this announcement, and I'll stay in close contact with plant officials and workers in the days ahead.

But this Congress has to look at the fundamental problem with our flawed trade models and trade deals that we've been passing in this Congress. And this Congress is no different than the previous Congress. We continue to use the same flawed trade model, and that's going to continue to hurt workers and manufacturing businesses here in this country.

This Congress has to wake up to what's actually happening out there. We will not need any economic stimulus package if we make sure that we pass fair trade deals that are good for our workers here, that are good for our businesses here in this country.

THE ELON PEACE PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Madam Speaker, today I rise to bring to the attention of the House an important new plan that seeks to bridge the long-standing divide between the Israelis and the Palestinians. The plan is titled "The Right Road to Peace," and it is a comprehensive proposal for finding an avenue to peace, as well as addressing the humanitarian needs of the Palestinian people.

As we know, the Palestinian people have, for nearly three generations, languished in U.N.-run refugee camps in Lebanon, Jordan, Gaza and the West Bank. The author of the proposal, Mr. Binyamin Elon, a highly respected member of Israel's Knesset, he, at the heart of this plan, has offered an innovative approach for providing opportunity, housing and education to a population which, for a long time, has lived as a ward of the international community. Mr. Elon's proposal would end the cycle of dependence that long has shackled Palestinian development.

Madam Speaker, I will include a summary of the document entitled "The Right Road to Peace" into the RECORD after my remarks.

Today, there are approximately 1.3 million registered Palestinians being cared for in 59 camps run by the United Nations Relief and Works Agency, or the U-N-R-W-A, sometimes referred to as UNRWA.

Nearly 60 years after the first of these camps were established, virtually nothing has been done to return this population to a settled existence. The 1.3 million Palestinians living in these camps live in a world of poverty, their day-to-day existence solely reliant on international handouts.

The history of Palestinian refugee problems clarifies why the Elon peace plan is so needed at this time:

Following the Israeli War of Independence in 1948, hundreds of thousands of Palestinians were displaced. At the time, hundreds of thousands of Jews fled also or were ousted from their homes in Arab lands. The U.N. established the U.N. Relief and Works Agency in 1949 to care for the Arab/Palestinian refugees. The U.N. has never created an agency solely to serve the interests of one displaced group of people.

Many of the refugees do not even have historical roots in the territory now known as Palestine. Many of those residing in the West Bank are descendants of those who came from Syria and the Trans-Jordan area.

While the displaced Jews of the region settled in Israel and were integrated into the Israeli society, the Palestinians remain sequestered in these refugee camps. Why the Arab community that perpetually talks about the welfare of the Palestinians does nothing to relocate these people out of these camps is strange and, for many, it's considered no mystery. Many of these regimes fought against Israel in 1948, seeking to destroy Israel, and their desire is to perpetuate the camps and to perpetuate the terrorism the camps breed.

This, in my opinion, is unfortunate, and UNWRA is a U.N. agency established purportedly for the benefit of the refugees. However, in my opinion, it serves to perpetuate the terrorism problem.

While UNWRA lets camp residents run their own activities, under its own oversight, the camps have become centers of terrorism, lawlessness, and crime. This further victimizes the Palestinians in the refugee camps who have no involvement in these criminal activities. Palestinian terrorists operate freely in many of these camps, coordinating attacks against innocent Israeli civilians and Palestinians who oppose their terror agenda.

In 2004, the UNWRA commissioner, Peter Hansen, admitted in an interview with the Canadian Broadcasting Corporation that the agency employs individuals who are members of groups like Hamas, a group the U.S. Government considers to be a terrorist organization.

Madam Speaker, it is high time that the truth be told and that the UNWRA mandate come to an end. In its place, a proposal should be adopted that would truly resolve the Palestinian refugee question, regardless of whether there is ever a formal resolution of the Arab-Israeli conflict.

There is no reason why generations of Palestinians must continue to subsist in squalor and deprivation just so regimes in the Arab world have a diplomatic foil with which to attack Israel.

The Elon plan is simple. Working cooperatively with nations around the world, Israel and the international community will assist the Palestinian refugees to find new homes outside the camps.

Why should Palestinians continue to languish? Support the Elon plan.

THE ISRAELI INITIATIVE: THE RIGHT ROAD TO PEACE

PRINCIPLES OF THE ISRAELI INITIATIVE

(1) Rehabilitation of the refugees and dismantling of the camps. Israel, the US, and the international community will formulate it multi-year program for full and rapid rehabilitation of the Palestinian refugees, while absorbing them as citizens in various countries. During the rehabilitation process, UNRWA, an organization that perpetuates the status of the refugees, will be dismantled, and all residents of refugee camps will be offered permanent places of residence, citizenship, and a generous rehabilitation grant. The refugee camps will also he dismantled following this process.

(2) Strategic cooperation with the Kingdom of Jordan, Israel, the U.S., and the international community will recognize the Kingdom of Jordan as the sole legitimate representative of the Palestinians, and Jordan will again grant citizenship status to the residents of Judea and Samaria. The Palestinian Authority in Judea, Samaria and Gaza will no longer be recognized as a representative body, and all weapons will be collected from armed organizations.

Israel, the US, and the international community will invest in the long-term development of the Kingdom of Jordan to restore and strengthen its economy.

Israel and Jordan, together with Egypt, Turkey, and the US, will create a strategic organization to halt the Islamic axis based in Teheran, and to promote overall peace between Israel and the Arab countries.

(3) Israeli sovereignty in Judea and Samaria. In coordination with Jordan, Israel will extend its sovereignty over Judea and Samaria. Arab residents of these areas will become citizens of Jordan (Palestine). Their status, their relationship to the two countries, and the nature of the administration in the populated areas will be formulated and set forth in an agreement between the governments of Israel and Jordan.

THE CONFLICT IN IRAQ IS STILL GOING ON

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, I rise to make an important and urgent announcement to the House: the conflict in Iraq is still going on, and we are still occupying that country.

I have to make this announcement because apparently some people have forgotten all about Iraq or don't think it's an important issue anymore. That's because it doesn't dominate the TV news like it used to. As an example of that, a recent story on CNN began with the words, "Whatever Happened to the War?"

Well, I hate to spoil everyone's day, but I have to report, with great regret, that the occupation is still going. As proof of that, nearly 300 American and Iraqi soldiers and Iraqi civilians have been killed or wounded so far this month alone. Yes, the bloodshed continues.

And after nearly 5 years of occupation, our leaders still have no exit strategy. They have even stopped pretending that they have one. Last year they told us we couldn't get out of Iraq because things on the ground were going badly. This year they're telling us we can't get out because things are going well; and if we get out, they'll go badly again.

So if you follow the administration's argument to its logical conclusion, this is what you get: We can't leave when things are good; we can't leave when things are bad. Which means we can never leave. The result is permanent occupation, which is precisely what the administration appears to want.

Forgetting about the bloodshed in Iraq is bad enough. But it's dangerous for many, many other reasons. It gives the administration a free hand to ratchet up the threats against Iran. It takes the pressure off the Iraqi Government to make progress toward national political reconciliation. It means our military will continue to be overstretched and less capable of meeting real challenges to our national security that may and will arise elsewhere. It continues to make America appear to be a lawless and arrogant Western occupier of the Middle East. And it allows our budget to be plundered at a time when our economy is more than shaky. People are in danger of losing their jobs here at home; but thanks to the administration's policies, the boys at Blackwater will always have their high-paying military contractor jobs in Iraq where they can continue to terrify the Iraqi people.

We are spending over $300 million every day in Iraq, Madam Speaker. We couldn't afford that when the economy was good, and we certainly can't afford it as the economy goes into recession.

But thankfully, thankfully, the American people are too smart to fall into the trap of believing that everything is just swell. According to a recent CBS News poll, nearly 60 percent of Americans continue to believe the occupation is going badly, and 58 percent believe the U.S. should never have gotten into Iraq in the first place.

Madam Speaker, we cannot stick our heads in the sand and pretend that Iraq isn't a problem anymore. The only way to change course is to hold the administration accountable, and the only way to do that is to keep the pressure on the administration every single day. That's why I'll continue to raise my voice against the madness of this occupation, and why I will continue to urge the House to use its power of the purse to end it.

Iraq is not a television show that got canceled because of the writers' strike. Iraq is a real place where real people continue to die. We must redeploy our troops. We must give the Iraqi people back their sovereignty, and we must give them their hope for a brighter future.

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FREE TRADE AGREEMENT WITH INDIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

Mr. DREIER. Madam Speaker, today my very good friend Mr. CROWLEY of New York, in a bipartisan way, and I joined together, and we now have, I'm happy to say, our good friend from north Dallas, a great Member of the Rules Committee, PETE SESSIONS as a cosponsor of legislation, a resolution actually calling for free trade negotiations to begin between the United States and India. We introduced this resolution to highlight the tremendous benefits of deeper economic engagement between the world's two largest democracies.

While bilateral trade has spurred growth in both of our countries, we have not yet come close to realizing the full benefits of complete access to each other's markets and full liberalization of the Indian economy.

Madam Speaker, the American people are very focused on the economy right now, understandably. While growth remains strong and unemployment remains low, and we just this morning got the report of the drop in unemployment claims, the prevailing economic stories, however, in the news stir up a great deal of fear and concern among working families. The subprime mortgage crisis has dominated the headlines for months. The housing slump in many communities makes homeowners feel like their financial security is threatened. And as always, Madam Speaker, there is the natural anxiety that comes from the highly dynamic and fast-paced environment of the global economy.

At a time of economic anxiety, the most important thing is to ensure that growth remains strong, so that opportunities can be creative. If we look at what has been our biggest source of strength in recent months, it has been export-led growth. Over the last year, there have been dire predictions for GDP growth, and every single quarter the numbers have come out much stronger than has been anticipated because exports have made up for softer areas within our own economy.

At the same time, Madam Speaker, imports have ensured that working families have access to the goods they need at prices that they can afford. We are weathering these economic challenges because we are engaging in the worldwide marketplace.

India has been a very important component of that engagement. Our exports to India have doubled in the last 5 years. We are India's largest trading partner and largest investment partner. Trading with India has opened up new doors for American producers, service providers, workers and consumers as well.

But India still has miles to go in its reform process. Tariffs in many sectors are prohibitively high. The regulatory environment is absolutely Byzantine. American investors looking for opportunity in an otherwise ripe environment still confront significant roadblocks to successful investment.

If we are to maximize the benefits of trade with the world's second-largest consumer market, there must be broad, comprehensive reform. Free trade negotiations would provide maximum leverage for encouraging this kind of reform. Whether it's slashing exorbitant tariffs, which average 20 percent and range as high as 210 percent, Madam Speaker, that's a 210 percent tariff, protecting intellectual property, and another thing they have done is ensuring transparency in governance, a free trade agreement would provide the necessary impetus for comprehensive liberalization of their economy.

Many of our FTAs are negotiated with foreign policy concerns chiefly in mind. Our pending FTA with Colombia, for example, will solidify strong democratic institutions for a key ally in a key region, in addition to the economic benefits to both countries.

There are certainly foreign policy concerns associated with a U.S.-India free trade agreement as well. It would provide an opportunity to deepen and broaden our ties with a strong, stable Asian democracy that shares our fundamental values in a challenging region.

But Madam Speaker, the commercial benefits to such an FTA would be considerable. It would open up a tremendous opportunity to build upon our export-led growth and ensure that Americans can take full advantage of the more than 1 billion consumers in the world's second-largest emerging market. With all eyes on the economy, now is the time for the U.S. and India to begin to pursue comprehensive economic engagement with a free trade agreement.

THE TRAGIC MISADVENTURE IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SESTAK) is recognized for 5 minutes.

Mr. SESTAK. Madam Speaker, in the wake of the 9/11 attacks against the United States, I was sent on the ground for a short period of time to Afghanistan. As a Navy admiral, I saw what needed to be accomplished. Eighteen months later, I returned on the ground and saw what had not been done because we tragically changed the focus of our attention and our resources to Iraq.

Now, Afghanistan has become once again prey to terrorists and the Taliban have moved back into the southern ungoverned regions and the provinces.

Because of this failure to have our legal or political or security structures there that we were trying to support be established, we were unable to have economic activity, the education take root so that we would be able to harness the efforts to have livelihoods established and an infrastructure in place, to overcome what General Eikenberry, our U.S. commander who was the NATO commander earlier last year said, "Where the road ends, the Taliban begin."

Secretary of Defense Gates has recently said that we will place 3,000 troops into Afghanistan because of the possible spring offensive of the Taliban. That is too little and way too late.

We have to be able to bring the infrastructure into those ungoverned regions so the Taliban once again cannot provide a safe haven for al Qaeda, that is presently in a safe haven because of this tragic misadventure in Iraq, within Pakistan.

But more to my point today, I do not understand the criticism of a very good Secretary of Defense, Secretary Gates, that the United States wants to point at NATO and say you have not met your commitment in Afghanistan when, in fact, potentially a little known fact is that the United States itself has not met its own requirement for trainers and mentors of the Afghanistan National Army and the Afghanistan National Police. In fact, we are 63 percent short of our goal. That's 2,400 troops.

It all began in Afghanistan. And if we are to look back there 2 years from now and another tragedy would have been planned by the al Qaeda in another safe haven, whether Pakistan or Afghanistan, how can we say, as a senior commander said, "In Iraq we do what we must; in Afghanistan we do what we can?"

The right strategic template is as Winston Churchill said, "Sometimes it's not enough to do your best; sometimes you have to do what is required."

It is required to ensure that the education, the economic activity, the wells, the reconstruction can be accomplished, but you can only do that in a secure enough environment. That, again, is one of the tragedies of this misadventure of Iraq.

FOREIGN INTELLIGENCE SURVEILLANCE ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for 60 minutes as the designee of the minority leader.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, this afternoon we find ourselves in what only can be described as ominous circumstances.

In 2 weeks, our Nation will no longer be able to conduct critical surveillance of foreign terrorists located outside the United States. We face this situation because, in order to close what the Director of National Intelligence described as critical intelligence gaps, he had to agree with the Congress the necessary reforms embodied in the Protect America Act would expire in 180 days.

Although this body did adopt follow-on legislation, the majority party's so-called RESTORE Act in November of last year, this legislation imposed additional burdens on the intelligence community which, in my judgment, undermined the essential nature of the compromise reached with Admiral McConnell.

Furthermore, it punted on the critical question of whether retroactive protection would be extended to those communication providers who responded to the call for help from their government in the wake of 9/11. If press reports are accurate, similar ideological currents in the other body threaten to dominate the outcome of this critical issue and potentially the eventual resolution of the larger FISA issue itself, that is, the Foreign Intelligence Surveillance Act issue itself.

There is no issue of greater importance to those of us who serve in this body than the protection of the American people from another catastrophic attack like that we received on 9/11. In fact, this responsibility goes to the very heart of the purpose for which government exists. The very preamble to our Nation's Constitution spells out this obligation to provide for the common defense.

It was for this very reason that on August 5 last year we passed the Protect America Act, which responded to the minimum requirements presented to this body by the Director of National Intelligence, Admiral McConnell.

At the same time, Admiral McConnell described this legislation as necessary in order to "close critical intelligence gaps." He defined the concept of a gap to mean "foreign intelligence information that we should have been collecting."

Admiral McConnell testified before the House Judiciary Committee that prior to the enactment of the Protect America Act this past August we were not collecting somewhere between one-half and two-thirds of the foreign intelligence information which would have been collected were it not for the recent legal interpretations of FISA which required the government to obtain FISA warrants for overseas surveillance.

This is very serious business, because if you look at our challenge from those who would kill us in the name of some sort of distorted view of Islam, we basically have to assess that risk by way of threat, by way of vulnerability and by way of consequence.

With respect to consequence and vulnerability, we have within our property of information, within our store of information, the ability to make those judgments. In other words, when we look at vulnerability for a particular site, a potential target, we have the information about that target because it is either American owned, privately or governmentally, and we can analyze that and determine what vulnerabilities exist.

Similarly, with respect to the question of consequence, we have that information available as well, because we can make calculations as to a type of attack which might take place, the damage it would do and, therefore, the consequences that would flow from that.

But there is one area of the analysis of risk that is not totally within our information base, and that is the area of the threat. What is the threat? The threat is that which is in the mind of those who would do us harm. It is within the planning of those who would do us harm, and it is within the orders of those who would carry out those attacks on us to do us harm.

That is where intelligence comes into play. Intelligence means gathering information that otherwise is within the authority of those who would do us harm. That means essentially listening in wherever we can on the conversations or communications they may have.

□ 1530

That is the essence of intelligence. That's why it is so important. It is that part of the three-part analysis of risk which is not totally within our information base and therefore that which we have to go out and extract. That's why it's so important.

I am sure that most Americans would agree with Admiral McConnell, a distinguished public servant who headed the National Security Agency in the Clinton administration for 4 years and now serves as our Director of National Intelligence, that the changes contained in the Protect America Act were necessary. Regardless of how one interprets the most recent National Intelligence Estimate concerning Iran, any attempt to attack Admiral McConnell as a tool of the Bush administration would appear to be lacking in any credibility whatsoever.

I would say it is somewhat interesting that when he appeared before our committee, one of the questions asked of him was whether he had it in himself to speak truth to power. There should be no doubt in anyone's mind that Admiral McConnell is a man of honor who, in fact, calls them as he sees them. And, in fact, that's precisely what he has done. According to Admiral McConnell, the Protect America Act has provided us with the tools to close gaps in our foreign intelligence collection. In other words, the law that we passed in August, which necessarily accompanied with it a 180-day sunset as the price of passing it, so, therefore, it is in the law now, that law, as it works, has, in the judgment of Admiral McConnell, provided us with the tools "to close those gaps in our foreign intelligence collection." This act clarified that the definition of "electronic surveillance" under FISA would not be interpreted to include intelligence directed at persons reasonably believed to be located outside of the United States. Thus, under the Protect America Act, it is not required for our intelligence community to obtain a FISA warrant when the subject of the surveillance is a foreign intelligence target located outside the United States.

Now, critics of the Protect America Act have suggested that the FISA warrant process should be excused only under circumstances where the communication is a foreign-to-foreign communication. The corollary of this argument is that if a foreign terrorist were to contact someone in the U.S., the intelligence community should be required to first obtain a warrant before listening to the conversation.

Now, let's put aside the fact that were Aiman al Zawahiri to place a telephone call to a sleeper cell, let's say in San Francisco, perhaps that might be the most worrisome of circumstances, and we want to be assured that we would collect that information.

But focusing purely on the practical legal considerations raised by the opponents of the Protect America Act, this formulation is simply unworkable. Why? The problem is that we do not target both ends of the conversation or communication, because we can't. Rather, we target only one end of the communication or conversation, the foreign person located outside the U.S. When a foreign terrorist in Islamabad places a call, the known factor beforehand that we have is that he or she is the one making the call. In the normal course of things, to whom the call is being made is unknown prior to the time that the call is made. Before the call is placed, it is simply not technically possible to note whether the call will go to another foreign destination, say Frankfurt, or to someone somewhere in the U.S.

The attempt to legislate warrant requirements on foreign individuals outside the U.S. based on whether they place a call to another foreign destination or to a U.S. destination would create an impossible nightmare for our foreign intelligence operations. Admiral McConnell made this very point in questioning during the Judiciary Committee hearing. The admiral responded that "when you're conducting surveillance in the context of electronic surveillance, you can only target one end of the conversation. So you have no control over who that number might call or who they might receive a call from. The Protect America Act addressed the problem, while at the same time maintaining the longstanding prohibition against targeting U.S. persons in the U.S."

The Protect America Act was a targeted response to a specific challenge. However, if we're presented with a problem, which has once again brought us to the House floor this afternoon, by its terms, as I mentioned before, the Protect America Act is scheduled to expire on February 1, about 2 weeks from today, but with a lot fewer legislative days available.

It's interesting, the 5-day work week has gone by the boards; we canceled any consideration of votes tomorrow; we are able to get out of here in the afternoon in good time. That's good for Members who had to leave because of the weather. But what is the reason we're here? The reason we're here is to do the people's business. And is there anything more important than protecting the American people from attack? What can be more important than working out an answer to the FISA problem?

Why is it a problem? Because on February 1 the currently law expires, we go back to the old law, which Admiral McConnell testified under oath did not allow him to gather between 50 percent and two-thirds of the information we otherwise would gather from those who are suspected terrorists or terrorist affiliates around the world.

Unless you think the Islamic radicals who are plotting to kill us are for some reason going to have a dramatic change of heart before the first week of February and, therefore, we don't need the law, this doesn't make a whole lot of sense. If that is the intention here, then maybe this body should, in the spirit of wishful idealism, pass legislation renouncing wars as an instrumental policy and hope the whole world will follow it. Unfortunately, Osama bin Laden and al Qaeda are not likely to be assuaged any more than Hitler was in the decade following the signing of the Kellog-Briand Pact outlawing war. No, these people made it very explicit they want to come here, or go anywhere, and kill us; and there is no indication that's going to change within the next 2 weeks.

I don't want to be or appear unfair to the leadership of this body, for they do recognize in their RESTORE Act, which would repeal the core provisions requested by Admiral McConnell, that the need to defend our Nation will require a commitment beyond 180 days. Their new proposal has a sunset date which is approximately 2 years from now. Now, when I first saw this, my immediate reaction was, again, one of bewilderment. Such a truncated timeframe would require a great deal of optimism concerning the conduct of the war against Islamic radicalism by the Bush administration. On reflection, this did not seem to be a likely explanation. For even President Bush has repeatedly stressed that we are engaged in a prolonged battle with those who would seek to kill us.

So an alternative explanation of the short sunset might be that the nature of the threat is such that the next occupant of the White House, whoever that might be, will have it in their power to bring an end to terrorism's war on us within 10 months of their inauguration. This, to put it mildly, is quite a leap of faith. However, it appears that FISA has become a faith-based initiative in the 110th Congress. For if there is any truth to recent press accounts, it appears that one of the proposed solutions to the current stalemate over FISA in the other body would be to extend the terms of the Protect America Act for an additional 12 to 18 months. The superficial logic of such an extension would enable the next administration to change the direction of foreign intelligence gathering. Despite the fact that the vernacular of "change" has come to dominate the race for the White House, I would suggest it has little or no relevance to the challenge posed by terrorists and their network.

One thing is abundantly clear, Madam Speaker, that terrorists are not going to change their objective. Our policy as a Nation must begin with the recognition of reality. However inconvenient or discomforting it may be, we must recognize that meeting the challenge posed by those who seek to kill us is going to be a long-term challenge. It will, therefore, require a long-term investment in our security. We can't just be thinking about 6 months or 12 months or 18 months or 2 years. The gravity of the challenge that we face requires a commitment which is commensurate with the serious nature of the threat.

There is absolutely no excuse for this failure to pursue a permanent reauthorization for intelligence measures which are critical to the safety of the American people. We must send a clear message to the terrorists that we understand the nature of their struggle. There must be no doubt in their minds that we will never forget what they've done, or that we are committed to the long haul.

There is no excuse for this body not providing Admiral McConnell with the tools he has asked for and doing so on a permanent basis. We know this policy of fits and starts isn't going to satisfy the leftist blogosphere anyway. And more importantly, it undermines the necessary confidence of those in the intelligence community that there will be a long-term continuity in the law.

Unfortunately, the majority party's RESTORE Act, which passed this Chamber last November, did not reflect what Admiral McConnell and the Intelligence Committee told us it needs as a minimum. The idea that a court order should be required before surveillance can take place against a foreigner overseas is precisely the thing that Admiral McConnell warned against and which he said had made it impossible for him to collect that necessary intelligence.

While my friends on the other side of the aisle are fond of the rejoinder that they only require a basket warrant under their version of the law, that does little or nothing to respond to the admiral's concern. For even if it is a basket, the intelligence community is going to have to identify every piece of fruit in that basket. In the real world of intelligence, this is simply unworkable.

And what is worse, the language found in section 282 of the majority party's RESTORE Act creates even additional problems. The language that was passed in this body includes a section entitled "Treatment of Inadvertent Interceptions." Now, this deals with a situation where the intelligence community believes in good faith that they are dealing with a foreign-to-foreign communication, but inadvertently they capture a communication that deals with a foreign-to-domestic call. And the language in the majority party's act says that you cannot use that information for any purpose; cannot be disclosed, cannot be disseminated; cannot be used for any purpose or retained for longer than 7 days unless a court order is obtained or unless the Attorney General determines that the information contained within indicates a threat of death or serious bodily harm to any person.

Now, this means simply that if we have a conversation or communication involving Osama bin Laden on one hand and someone in the United States, we didn't know he was going to call the United States beforehand, but we now have captured that communication and there is no indication that what is said or contained in that communication concerning a threat of death or serious bodily harm to any person, but in that conversation something indicates where Osama bin Laden happens to be at that time or where he is going to be in a very short period of time, we couldn't use that information for any purpose unless we went through a process of finding the Attorney General, having the Attorney General determine that the information contained within indicates a threat of death or serious bodily harm to any person.

And, actually, the Attorney General would have to break the law to make that finding because all the information indicates is where Osama bin Laden is. He is not at that time making any threat against anybody. Now, simply put, that's nonsense. That's not the way we handle legal wiretaps in the United States involving someone who is, let's say, a Mafia member. If you have a wiretap on someone who's a Mafia member and he calls someone who is not also a target and that communication indicates where the Mafia member is or he's about to be and you want to capture him, you can use that information; you can use that information for any purpose.

But we don't allow that here in this bill, which means that Osama bin Laden or another terrorist has greater protection under this law as passed by this House, the majority party's bill, than an American citizen who is accused of a crime in the United States. That makes no sense.

Now, to be fair, the majority responds to this criticism by saying that language is found in section 22 of the bill which provides this: it would not "prohibit the intelligence community from conducting lawful surveillance necessary to protect Osama bin Laden or any other terrorist or terrorist organization from attacking the United States." That's their catch-all; it takes care of the problem. But it does not. Why? The problem with this logic is that the qualification that the surveillance must be "lawful" is obviously affected by what is found elsewhere in the law, including the language found in section 282 that I just discussed. Thus, by its own terms, any assertion we will be able to listen to the conversation of Osama bin Laden, as I just suggested, must be read in light of the bill and, therefore, would not allow us to act in a timely fashion.

Not only did the majority party's legislation, which passed this body in November, fail to address the needs of the intelligence community, it also added insult to injury by throwing under the bus those telecommunications providers who responded to the call of their government after 9/11. And if the press reports are true, the issue of liability protection for these companies is one of the major sticking points of FISA in the other body.

Now, let me suggest that the failure of Congress to address this liability issue will have telling consequences, not only for those companies who came to the aid of their country at a time of great peril, but for our Nation as well.

Failure to act on this critical issue would send this message to the American people: if you are stupid enough to respond to our government when our fellow citizens are threatened by a cataclysmic attack, the very government which sought your help will not be there for you when the ideologues come after you with lawsuits. You might say that this is the majority's position on the matter, the reverse Good Samaritan act.

□ 1545

Do you know what the Good Samaritan law is? It's a law where we grant immunity upon a doctor who comes upon an automobile accident, immunity from prosecution. Why? Because we think it is better to have him or her attempt to help someone that they come upon at the time of an accident and not have to be worried about a lawsuit later on. Now, does this sometimes allow a doctor to screw up, a malpractice, and not be sued? Yes, it does. But we made the judgment that on balance it is better to have people coming to the aid of their countrymen, coming to the aid of someone who is in need, and here we have said don't dare come to the aid of your country because afterward you might be sued.

When I was a young person learning how to type, we used to type something that said, "Now is the time for all good men to come to the aid of their countrymen." That was the way you learned to type. We'd have to change that now: "Now is the time for all good people not to come to the aid of their countrymen unless they have got a lawyer and enough money to defend themselves against subsequent lawsuits." This would be a terrible precedent for future generations with respect to future conflicts, which, if history is any guide, are certain to occur. The failure to step up to the plate on this issue can only serve to erode our national ethos and a willingness to respond to future crises.

It is time, Madam Speaker, to transcend ideology and to do the right thing. And this has nothing to do with what you think of President Bush. It has nothing to do with what you think about the war in Iraq or the larger war on terrorism. It's not a Republican or a Democratic issue. We're going to have a change of administrations in about a year from now, and whoever that President might be, we must not do anything which would detract from his or her ability to marshal all the resources and support necessary to defeat the enemies of our Nation. The new administration is going to need to call on the help of all Americans, including companies like those whose only offense was to respond to the appeal of the Nation in the aftermath of the tragedy of 9/11 by seeking to help prevent its occurrence.

This ideologically driven abandonment of those who relied on the word of their government following the worst attack on our Nation since Pearl Harbor hardly qualifies as a profile in courage. If there is any culpability to be found from the safe vantage point of 20/20 hindsight, it's not with the communication provider. Rather, if any fault is to be found, it is with the government itself, and the proper recourse lies within the political process. That's why we have elections. On this issue, it is my belief that the American public will overwhelmingly understand the unfairness of walking away from those who responded when the memory of over 3,000 dead Americans was the only known fact at the time. Perhaps it is this reality which makes the lawsuit option more appealing than the normal remedy of the democratic process.

It is indeed ironic that at a time when such respect has been accorded to the Greatest Generation, and appropriately so, in my estimation, we would through our inaction eschew the ethos of service to our country after it has been attacked. It is particularly odd in the light of the fact that there was grave concern that we would be hit again. In fact, you will all recall that this fear was so prominent that a Member of the other body temporarily closed his office. This was the environment produced by 9/11, and we should not reward those who rose to the defense of their country with ingratitude and the prospect of lawsuits. For in the end, if we are to prevail against the terrorists, a tireless, relentless commitment much like that of the generation before will be required. I would hope we would send a message to all who were asked to take a stand to protect our citizens that we will likewise be with you.

There is a serious misconception about what is a allowed under the Protect America Act, which is about to expire. In her statement in support of the majority party's RESTORE Act, which made those changes in the compromise reached by Admiral McConnell I spoke of before, the Speaker observed this: that "all of us want our President to have the best possible intelligence, our President and our policymakers, so they can do the best possible job to protect the American people. But no President, Democrat or Republican, should have the authority, to have inherent authority, to collect on Americans without doing so under the law."

Let me point out there is absolutely nothing in the Protect America Act which would allow the President to target Americans or U.S. persons outside of the law. The Protect America Act did nothing to change this aspect of law which has existed since 1978. The problem addressed by the soon-to-expire Protect America Act related to changes in technology which led to gaps in our ability to listen in on conversations by foreign terrorists outside the U.S. This stifling of the capability of our Nation's intelligence community was unrelated to any other considerations envisioned by the Foreign Intelligence Surveillance Act in 1978.

In short, the definition of "electronic surveillance" constructed almost 28 years ago has not kept pace with changes in technology. When FISA was enacted, almost all international communications were wireless and almost all local calls were on a wire. Over time the evolution of our telecommunications technology has reversed this state of affairs, has turned it upside down. Today most intelligence communications are transmitted by wire. Even though most international communications were not considered to be subject to the FISA Act in 1978, now they are subject to the FISA warrant requirement simply because they are transmitted by wire. That clearly was not the intention of the law. Thus, changes in technology have brought communications within the scope of FISA which Congress did not cover in 1978. Now, this is simply no way to operate in the age of weapons of mass destruction where terrorists are seeking to obtain them. Our intelligence policy must be made by policymakers, not by technological default.

Madam Speaker, the adoption of the Protect America Act last August was designed to address this very issue and to assure that, if Osama bin Laden were to place a call into the United States, there would be no obstacle placed in the way of our ability to uncover any murderous scheme aimed at innocent Americans. Admiral McConnell told us what he needs to prevent Osama bin Laden from succeeding. However, the majority party in this body has made a dramatic U-turn with the so-called RESTORE Act. Their bill responds to Admiral McConnell with the rebuff that "we know better and that we will substitute our own judgment for that of the Director of National Intelligence."

Now, please don't misunderstand me. As a Member of this body, I am the first to defend our right to exercise our oversight responsibilities as a coequal branch of government. Those in this body certainly have the prerogative to pursue a different course concerning our national security policy. However, based upon Admiral McConnell's expertise and service in the last two administrations, one Democrat and one Republican, I would suggest that those who seek substantive changes in what he has told us to be necessary should face a heavy burden of proof.

This burden of overcoming the expressed needs of our intelligence community should be considered all the more difficult in light of the fact that the impact of the Protect America Act on the privacy rights of Americans is itself de minimis. There are two things I would hope we would keep in mind:

First, if the intelligence community targets someone inside the United States, they must first obtain a court order from the FISA Court under the law that we passed in August, continuing what has been the case before. Secondly, if the intelligence community surveils a communication where both ends of the communication are in the United States, the intelligence community must obtain a FISA Court order. Furthermore, if Osama bin Laden calls a U.S. person within the United States, the end of the conversation conducted by the U.S. person would have to be minimized, and that's a term of art, minimized under the existing procedures of the 1978 act. Let me once again emphasize the minimization process which is applied in cases where information has been inadvertently obtained from a U.S. person is not only in the original FISA statute but is something that we have been familiar with on the criminal side for decades as well. It is not something we dreamed up for the FISA Act. It is not something we put into the Protect America Act. It is something that has been within the fabric of the U.S. criminal justice system for at least five decades.

The Protect America Act does nothing to alter the definition of "electronic surveillance" under the 1978 act which determines when a FISA warrant is required. So under the scenario where a U.S. person located in the U.S. is involved, nothing would change. The minimization requirements under the law remain intact and are intact today.

Finally, the Speaker's comment about the "inherent authority of the President" would not and could not be affected by either the Protect America Act or the leadership's attempt to alter the compromise with Admiral McConnell under the RESTORE Act. Such rhetoric has no relevance to this debate. The majority's law, the majority's bill, the RESTORE Act, which passed this body on November 15, represents not so much a rejection of the claims of executive authority as it does the rejection of the actions taken by this House as recently as August 2007. The language of the majority party's bill places burdens on the intelligence community which have nothing to do with the protection of civil liberties of Americans.

As a matter of law, the FISA appeals court set the record straight in its decision of In Re Seals by stating that all courts, to have addressed the issue of the President's inherent authority, have "held that the President did have inherent authority to conduct warrantless searches to obtain foreign intelligence information." Not some courts, not a court, not just the FISA appeal courts, but all Federal courts have so found. Nothing does or could alter the President's inherent authority under the Constitution. So it's not pertinent to this debate.

And finally, the Speaker made the assertion that the majority party's bill protects Americans by providing the Director of National Intelligence with the flexibility he has requested to conduct electronic surveillance of persons outside the United States.

Now, this is the most puzzling of all. Why would Admiral McConnell be happy with legislation which has the effect of replacing what he sought as recently as August of this last year? If the claim were true, it would in essence place Admiral McConnell in the position of opposing himself. However, it's not necessary to engage in speculation because the admiral has been the most vocal defender of the agreement reached by Congress in August. In fact, this is what he said to the Judiciary Committee of the other body:

"The Protect America Act, passed by the Congress and signed into law by the President on August 5, 2007, has already made the Nation safer by allowing the intelligence community to close existing gaps in our foreign intelligence collection." He goes on: "After the Protect America Act was signed, we took immediate action to close critical foreign intelligence gaps related to the terrorist threat, particularly the preeminent threats to our national security."

It sure sounds like an endorsement to me. As a matter of fact, it suggests that if we get rid of the provisions of the Protect America Act, as suggested by the majority, that we would be opening up the foreign intelligence gaps that we had previously closed. Why anyone would think the admiral would support legislation which would do this is a puzzle, to say the least.

Now, why is all this so important? The manner in which we approach FISA is of such critical importance because of its direct connection with the larger question of homeland security. I think we ought to do whatever is necessary and is constitutional and lawful to prevent another attack against our homeland, but we should not put ourselves in the position of having to get it right every time. Perfection is not possible in this world. Overseas intelligence collection is absolutely a critical component to developing a successful homeland security strategy.

The relationship between foreign intelligence and the protection of our homeland is very real. Here's how Admiral McConnell explained it to our committee:

"In the debate over the summer and since, I have heard individuals from both inside and outside the government assert that threats to our Nation do not justify this authority," that is, the authority he asked for. "Indeed, I have been accused of exaggerating the threats that face our Nation. Allow me to attempt to dispel this notion. The threats that we face are real and they are indeed serious. In July of this year, we released a National Intelligence Estimate, commonly referred to as an NIE, on the terrorist threat to the homeland . . ."

In short, these assessments conclude the following: The United States will face a persistent and evolving terrorist threat over the next 3 years. And let me just parenthetically mention the reason why it's limited to 3 years is that is the limit of the NIE's reach.

The main threat comes from Islamic terrorist groups and cells, especially al Qaeda. Al Qaeda continues to coordinate with regional terrorist groups such as al Qaeda in Iraq, across North Africa, and other regions. Al Qaeda is likely to continue to focus on prominent political, economic, and infrastructure targets with a goal of producing mass casualties, visually dramatic destruction, significant economic aftershock, and fear among the United States population.

□ 1600

These terrorists are weapons-proficient, they are innovative, and they are persistent. Al Qaeda will continue to seek to acquire chemical, biological, radiological, and nuclear material for attack, and they will use them, given the opportunity.

Now this is the threat we face today, and one that our intelligence community is challenged to counter. This is the real issue. This is the 800-pound gorilla in the room, if you will, and it remains the central question for us. How do we best protect the American people from another cataclysmic attack? As the National Intelligence Estimate makes clear, those who seek to kill us continue in their resolve to once again inflict mass casualties upon our Nation. The threat is still here. Although we have been successful in thwarting another attack since 9/11, there are no guarantees in this business.

Independent sources such as Brian Jenkins of the Rand Corporation have stressed that our intelligence capability is a key element in our effort to protect our homeland. He says this: in the terror attacks since 9/11, we have seen combinations of local conspiracies inspired by, assisted by, guided by al Qaeda's central leadership. It is essential that while protecting the basic rights of American citizens, we find ways to facilitate the collection and exchange of intelligence across national and bureaucratic borders.

Again, the development of a comprehensive homeland security strategy cannot be conceived in isolation from the need for surveillance of terrorists overseas. The Director of National Intelligence has told us what he needs and, unfortunately, that is not encompassed by the RESTORE Act, which passed this body in November. The expiration of the Protect America Act on February 1 will leave us without the minimum acceptable threshold of protection negotiated with Admiral McConnell last August.

The gravity of the potentially cataclysmic consequences of a failure to get it right presents a threat not only to our national security but the protection of our rights as Americans. Anyone concerned, and I hope that is everybody, about the protection of civil liberties should be most alarmed about the potential consequences of a successful terrorist attack on the United States with weapons of mass destruction. This is the real threat to civil liberties acknowledged by the U.S. Supreme Court in the Keith case when they noted that were the government, that is the U.S. Government, to fail "to preserve the security of its people, society itself would become so disordered that all rights and liberties would be endangered."

In like manner, Brian Jenkins notes that several national commissions convened both before and after 9/11 reached the same conclusion. All agreed "that the United States has to prepare for catastrophe." They also warn that "national panic in the face of such threats could imperil civil liberties."

Finally, Mr. Speaker, the 9/11 Commission itself issued the following observation concerning the relationship between national security and civil liberties: "The choice between security and liberty is a false choice, as nothing is more likely to endanger America's liberty than the success of a terrorist attack at home."

Mr. Speaker, there's nothing more important for us to confront than the expiration of the existing FISA law on February 1 of this year. I would beg us, as a collective body, both the House and the Senate, to come together to work out an answer to this problem, and respond to the request by Admiral McConnell for us to continue to give him those tools necessary to gather that information so that we cannot only know what the terrorists want to do, but to allow us to take timely action to prevent them from succeeding.

A COLD WAR ERA STATUTE IN A WORLD OF WMDS

The changes made by the Protect America Act responded to the needs of our intelligence community. That act meets our national security needs without in any way departing from the framework of the original FISA statute. At the time of the adoption of the 1978 act, our Nation was in the midst of a cold war with the Soviet Union. FISA was designed to accommodate the need to intercept overseas communications without prior court approval. The failure to capture such communications—including those coming into the United States—was recognized as potentially damaging to our national security.

Now, 29 years later, our adversary operates undeterred by balance of power calculation, and its surreptitious means of operation are conceived with the express purpose of avoiding detection in order to succeed in killing innocent civilians. Can anyone seriously suggest that there is not an equally compelling need to uncover the plans of these murderers, regardless of the intended destination of the call? I don't think so, and believe that it would be a serious error to move away from a rationale that remains as valid today, if not more so than it did in 1978.

PAKISTAN AS AN EXAMPLE FOR THE NEED FOR INTEL

In this regard, is there anyone who has been following events in Pakistan who does not have an appreciation for the need for the greatest flexibility in our foreign intelligence collection. Although I am sure that we all hope for an outcome in Pakistan which entails stability and democratic elections, our national security policy cannot be based upon hope. This is a nation with nuclear weapons and a segment of the population which subscribes to radical Islamic ideologies. We need the best foreign intelligence possible to ensure that if the unthinkable was ever to happen that we are in the best possible position to detect any potential transfer of nuclear materials or a WMD that could end up in the hands of terrorists positioned in the United States. Good foreign intelligence is essential to the protection of the American people.

OPTIONS FOR STIMULATING THE U.S. ECONOMY THROUGH EFFICIENCY AND CLEAN ENERGY

The SPEAKER pro tempore (Mr. YARMUTH). Under the Speaker's announced policy of January 18, 2007, the gentleman from Washington (Mr. INSLEE) is recognized for 60 minutes as the designee of the majority leader.

Mr. INSLEE. Mr. Speaker, I come to the House floor today to address the two issues that we have a chance to really move forward on, and that is the difficulties in our economy and the difficulties in our energy policy; and we think we have an opportunity, and I met this afternoon with a good number of my colleagues about how to do something about both, the slow-down in our economy and our need to rejuvenate our economy by adopting some new clean energy strategies for the country. We think this is an ideal opportunity for the House of Representatives to lead a short-term plan economically to help stimulate our economy, while at the same time directing our economy towards a clean energy future which can really grow jobs, millions of jobs in our country.

What the group of my colleagues and I discussed is the hope that in our upcoming stimulus package, which is now under development, that our stimulus package can hew to the values set forth by Speaker PELOSI of being timely, targeted, and temporary. We think if we follow those three guidelines, we can do things to help our short-term clean energy revolution really take off in the United States.

I have come to the floor to talk about that night, about some options that are available to us. We know that we want to make sure that our stimulus package is timely, that it in fact gets into the economy very quickly, because that is what we need. This is not something that can wait 5 years. We need to have a stimulus now. But we also need that stimulus to be targeted. This is not a moment where it would be wise for us to simply sort of spread butter across America very thinly in the hopes that somehow it will help the economy blossom.

We need to target our strategies so that it will be really driving economic growth in the United States and, importantly, make sure that that economic growth takes place in the United States. It won't do us much good to just short of spread a thin layer of relief, because a lot of that would end up buying products from China, frankly.

We want to look for targeted stimulus that will really help the growth in the American economy and create jobs in America. If we have a choice between two activities, one of which would be simply to allow buying retail products from China, and one which would really grow jobs in America, we should pick the latter.

A group of my colleagues and myself want to make a proposal that will ensure that we target some of the stimulus into a clean energy future for America that really grows jobs in this country and doesn't simply buy retail products from China. So we are going to make a proposal that will suggest that we adopt some measures that in a very timely fashion can inject growth into the American economy this year and will ensure that we target that strategy to the development of clean energy jobs, and I want to talk about some of the things that can accomplish that in our stimulus package.

The first thing that we will propose is a very down-to-Earth, extremely commonsense expansion of an existing program that helps low-income Americans weatherize their homes. We currently have a program that is working very well, very efficient, and extremely popular to help Americans put in insulation, fill in cracks, get energy-efficient windows, essentially just quit wasting heat that filters out through the cracks of our homes. That right now is a $250 million program to help Americans do that.

We suggest we boost that by $100 million this year in a program that can immediately put people to work. We know we have people that are losing their jobs today because the home construction industry is slowing down, something I am familiar with. My oldest son is in the home construction industry, and he is doing okay in Washington State, but we know in other areas, particularly, they have had a real slow-down in the home construction industry.

We can put those people that are being laid off back to work in the home weatherization industry, and we can do that today if we boost the funding in the home weatherization industry. If we do that, and we have checked with the Department and it can easily accommodate another $100 million right away so that we can get that work being done in the next several months.

So we are proposing that we add $100 million. It sounds like a lot of money, but in the course of a 50 or $100 billion stimulus package, it is actually a very small amount of money. It can make a big difference for people to make their homes more weather efficient. They reduce their energy costs. At the same time, we are putting people back to work who are being laid of in the construction industry. This is really a golden opportunity for us. It's the first thing we'd propose.

The second thing we'd like to propose is that we stop the hemorrhaging that is going on right now in the renewable energy industry. Now, we allowed, in a huge failure by our Congress, frankly, the lapse of some tax incentives which have created thousands of jobs in this country in the renewable energy industry. Those lapsed this past December, essentially. Any project that is not done this year would not be able to take advantage of them. We have projects right now that are just crying out for this tax relief as an incentive in the wind industry, in the solar energy industry, and several of the other renewable energy industries.

Because those tax credits lapsed, and I just got off the phone this afternoon with a leader in the solar energy industry who told us we are already seeing a decline already in the number of orders for some of these renewable energy industry projects, and that is a terrible mistake at the very moment where we need to stimulate growth, and we know we need to do it in these advanced energy growth segments of our economy.

So we would propose that we have a short-term, a 1-year extension of the production tax credit and the investment tax credit, which would allow these industries to again get on the growth track that they have been on with such great success. These industries are tremendously beneficial in creating jobs. They actually create twice as many jobs. For every $1 of economic growth, they create twice as many jobs. They are very, very labor intensive in growing these technologies.

Now, it would be a terrible moment to allow us to go backwards in solar and wind and other associated technologies. The reason is we are just starting to lead the world in these technologies.

Last Friday was the first commercial shipment of what we call thin cell photovoltaics by the Nano Solar Company in Palo Alto, California. Thin cell photovoltaics are extremely cost effective. It's a new type of photovoltaic cells. People are now familiar with the silicone-based cell. The thin cell photovoltaic cells, as its name suggests, it's thin, and it can be made with great cost advantages. The very first commercial sale in world history took place a week ago last Friday.

So we hate to see these breakthroughs taking place and not see the possible expansion of their application.

The very first permit for a wave power buoy, and we have buoys now that can generate electricity as they bob up and down in the waves, the very first permit off the Washington State coast was issued in the last two weeks to the Finavera Company, a company with offices in the Northwest.

So at the moment we see these technologies, we'd hate to see a decline in the orders for these technologies taking place, which is now taking place because we allowed these production and investment tax credits to lapse. We should simply restore them and renew them for at least another year, short-term relief, and this is very timely if we do this, because if we do this, there's an immediate, an immediate demand by people when we know these tax credits will be available to go out and order these projects that get these jobs going, putting the pedal to the metal. You don't have to wait.

The third thing we would propose is a renewal and partial extension of the solar tax credit for residential homes. That also expired, and it has been historically limited to $2,000. Frankly, it hasn't cut the mustard. It simply hasn't been enough to really get residential customers engaged to get going on ordering these products. If we simply renew that for 1 year, we recommend expanding it to $4,000 per consumer. If we do that, we are going to have an immediate burst of orders and at least continuation of the growth in orders in solar, as we have had historically.

Fourth, we propose to essentially extend the otherwise lapsed consumer credit for solar for the same reasons that we just talked about. It just makes a lot of sense. Fifth, we'd suggest extending the expired energy efficient credit both for homes and commercial buildings. It makes no sense to have allowed these tax credits to expire. When they exist, they create this demand for the type of work we talked about in the weatherization program, only it's larger in its application, because this is not just low-income people. It's now the entire United States, folks who can take advantage of it. It creates a demand. It happens immediately, because once people know they are going to be able to have access to these tax credits, they can go out and make the orders right away to get this done.

We also hope to propose a Green Fund proposal. Frankly, we are working on this right now to discuss how we can create "green collar jobs" in this country, and a "green collar job" proposal is something we think we ought to pursue.

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We want to find a way to do that to make it timely.

But as a package, these proposals as a package have the capacity to make sure that our stimulus package is targeted to something that is really going to get spent in America. Frankly, a lot of the other proposals out there are going to get spent buying retail products from China. You know, that is fair and Americans do that. But if we want to stimulate the economy, these proposals we have now proposed have the added advantage of spending money right here.

This will happen immediately, and we know it works, because all of the things we have proposed have been tested. These are not avant-garde proposals. These are things we know that work because they have been in the field, we know the economic growth they have produced, we know they create jobs. The weatherization program is doing it today. The production investment tax credits for several years we know created great growth. The most rapidly growing part of the economy right now has been the wind turbine industry, and we hate to see that slow down, and the same can be said about the solar industry.

So we simply want to continue apace the success we have had, and we are going to urge our colleagues to include at least a portion of our proposal in this package.

We also want to note that we don't want to bust the bank on this. The proposals we have talked about, cumulatively, if this is a $100 billion stimulus package, this would be about 1 percent. We are proposing just maybe 1 percent, of the package would include the provisions we have included. If it is $50 billion, it would be 2 percent. So the items we have suggested today are relatively modest portions of this package, but they are very important, because we are going to lose the momentum the United States is starting to develop as a world leader in clean technology.

We have just started to gain that momentum. We don't want to give it up. It would be a shame to see these industries start to plateau just when they are on the growth curve of new technological development. That is not the American way. The American way is to innovate, to grow and have a confidence in our economy and our inventive talents. This is part and parcel of that, and in the spirit of the New Apollo Project, something I have been advocating for a long time, that we should have the same confidence that Kennedy had in the original Apollo project that took us to the moon, we ought to have the same confidence in a clean energy economy.

I am not the only one talking about this. I was listening to Senator CLINTON talk about this the other day in the Senate, about the need for an Apollo project. She has made some proposals about a stimulus package that are very similar to some of the ones we are proposing in the House. I think that is the right attitude we should have, because it is based on confidence.

Her larger program for clean energy also tracks the New Apollo Project that I have proposed in the House that would really on a major league basis propose major investments in clean technology. She has proposed a major league weatherization program to weatherize 20 million homes, and that is the scale that we ought to be thinking about. She has proposed 55 mile per gallon standards for our cars, and a $50 billion pool of funds to be financed by transferring some of the tax benefits that have been given to the oil and gas industry and put it back into the clean energy industry and create a multi-billion dollar fund for the research to expand this technology. That is the type of thing we need. We appreciate that going on in the Senate, and we are going to continue to push these ideas in the House.

But let's start on the stimulus package. It is one small step for man, maybe not quite a giant leap for mankind, but it is commonsense for Americans that we do this. I appreciate my colleagues working with me, LLOYD DOGGETT, who has been a long time leader on this, TOM UDALL and others. We are going to push this ball. We hope we are successful.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACA (at the request of Mr. HOYER) for today and January 16 on account of personal business.

Mr. SHERMAN (at the request of Mr. HOYER) for today.

Mr. VISCLOSKY (at the request of Mr. HOYER) for today on account of legislative business in the State.

Mr. WU (at the request of Mr. HOYER) for today on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CROWLEY) to revise and extend their remarks and include extraneous material:)

Mr. CROWLEY, for 5 minutes, today.

Mr. MICHAUD, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. BURGESS, for 5 minutes, today.

Mr. CONAWAY, for 5 minutes, today.

ADJOURNMENT

Mr. INSLEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, January 18, 2008, at 10:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5002. A letter from the Principal Deputy Under Secretary for Policy, Department of Defense, transmitting the Department's Fiscal Year 2007 annual report on the Regional Defense Counterterrorism Fellowship Program, pursuant to 10 U.S.C. 2249c; to the Committee on Armed Services.

5003. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting An interim report on the activities of a working group tasked with identifying the needs of National Guard and Reserve Members Returning From Deployment In Operation Iraqi Freedom or Operation Enduring Freedom, pursuant to Public Law 109-364, section 676; to the Committee on Armed Services.

5004. A letter from the Assistant Secretary of the Navy for Installations and Environment, Department of Defense, transmitting notification of the results of a public-private competition for the administrative support services being performed by civilian employees at the Fleet Readiness Center-East (Cherry Point), located in Havelock, NC; to the Committee on Armed Services.

5005. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General James L. Campbell, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

5006. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-8001] received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5007. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-8003] received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5008. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7750] received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5009. A letter from the Secretary of the Commission, Federal Communications Commission, transmitting the Commission's final rule — Charges for Certain Disclosures — received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5010. A letter from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5011. A letter from the Acting Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Definition of "Positional Isomer" as It Pertains to the Control of Schedule I Controlled Substances [Docket No. DEA-260F] (RIN: 1117-AA94) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5012. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revisions to Stage II Requirements in Allegheny County [EPA-R03-OAR-2006-1011; FRL-8517-2] received January 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5013. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Revisions to Stage II Requirements [EPA-R03-OAR-2007-0644; FRL-8516-9] received January 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5014. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Amendments to Lead Rules, Quemetco [EPA-R05-OAR-2006-0276; FRL-8508-8] received January 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5015. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Transportation Conformity Rule Amendments to Implement Provisions Contained in the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users [EPA-HQ-OAR-2006-0612; FRL-8516-6] received January 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5016. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Exclusive Service Contracts for Provision of Video Services in Multiple Dwelling Units and Other Real Estate Developments [MB Docket No. 07-51] received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5017. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 15-07 informing of an intent to sign a Project Arrangement for the F/A-18 International Structure Integrity Program among Australia, Canada, Finland, Switzerland, and the United States, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

5018. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

5019. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

5020. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08–22, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Kuwait for defense articles and services; to the Committee on Foreign Affairs.

5021. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-18 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Saudi Arabia for defense articles and services; to the Committee on Foreign Affairs.

5022. A letter from the Deputy Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions to License Exceptions TMP and BAG: Expansion of Eligible Items [Docket No. 071114704-7749-01] (RIN: 0694-AD72) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5023. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with section 1(a)(6) of Executive Order 13313, a report prepared by the Department of State and the National Security Council on the progress toward a negotiated solution of the Cyprus question covering the period October 1, 2007 through November 30, 2007; to the Committee on Foreign Affairs.

5024. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Report on the U.S. — Vietnam Human Rights Dialogue Meeting, pursuant to Public Law 107-228, section 702; to the Committee on Foreign Affairs.

5025. A letter from the Under Secretary for Political Affairs, Department of State, transmitting the Department's report covering current military, diplomatic, political, and economic measures that are being or have been undertaken to complete our mission in Iraq successfully, pursuant to Public Law 109-163, section 1227; to the Committee on Foreign Affairs.

5026. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and 36(d) of the Arms Export Control Act, certification regarding the proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of major defense equipment with the Government of Greece and Israel (Transmittal No. DDTC 009-07); to the Committee on Foreign Affairs.

5027. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and 36(d) of the Arms Export Control Act, certification regarding the proposed agreement for the export of major defense equipment with the Government of Germany (Transmittal No. DDTC 099-07); to the Committee on Foreign Affairs.

5028. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of major defense equipment with the Government of Sweden and Italy (Transmittal No. DDTC 079-07); to the Committee on Foreign Affairs.

5029. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed technical assistance agreement for the export of technical data, defense services and defense articles to the Government of South Korea (Transmittal No. DDTC 066-07); to the Committee on Foreign Affairs.

5030. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles or defense services to the Government of Iraq (Transmittal No. DDTC 118-07); to the Committee on Foreign Affairs.

5031. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the annual inventory of U.S. Government-sponsored international exchanges and training programs, as well as the FY 2006 report on the activities of the Interagency Working Group on U.S. Government-Sponsored International Exchanges and Training (IAWG), pursuant to 22 U.S.C. 2460(f) and (g); to the Committee on Foreign Affairs.

5032. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000; to the Committee on Foreign Affairs.

5033. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report of the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Foreign Affairs.

5034. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995; to the Committee on Foreign Affairs.

5035. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Acquisition Regulation: Guidance on Use of Award Term Incentives; Administrative Amendments [Docket ID No. EPA-HQ-OARM-2003-0001; FRL-8575-8] (RIN: 2030-AA89) received January 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5036. A letter from the Acting Chair, Federal Subsistence Board, Department of Agriculture, transmitting the Department's final rule — Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D-2007-08 Subsistence Taking of Wildlife Regulations; 2007-08 Subsistence Taking of Fish on the Kenai Peninsula Regulations (RIN: 1018-AU15) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5037. A letter from the Acting Assistant Director — International Affairs, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Rule to List Six Foreign Birds as Endangered [FWS-R1-JA-2008-007] [96100-1671-000] (RIN: 1018-AT62) received January 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5038. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Arenaria ursina (Bear Valley Sandwort), Castilleja cinerea (Ash-gray Indian Paintbrush), and Eriogonum kennedyi var. austromontanum (Southern Mountain Wild-Buckwheat) (RIN: 1018-AU80) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5039. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critial Habitat for the San Diego Fairy Shrimp (Branchinecta sandiegoensis) (RIN: 1018-AV37) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5040. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Coastal California Gnatcatcher (Polioptila californica californica) (RIN: 1018-AV38) received December 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5041. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments [Docket No. 060824226-6322-02] (RIN: 0648-AW27) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5042. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Commercial Quota Harvested for New York [Docket No. 061109296-7009-02] (RIN: 0648-XD64) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5043. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Connecticut [Docket No. 061020273-7001-03] (RIN: 0648-XE14) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5044. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Subsistence Fishing; Correction [Docket No. 070913514-7517-01] (RIN: 0648-AW04) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5045. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; 2008 Final Harvest Specifications for Groundfish [Docket No. 070213033-7033-01] (RIN: 0648-XD68) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5046. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the report on the Administration of the Foreign Agents Registration Act for the six months ending December 31, 2006, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

5047. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the 2007 Annual Report of the Office of Privacy and Civil Liberties, pursuant to Public Law 109-162, section 1174; to the Committee on the Judiciary.

5048. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Reduction of foreign tax credit limitation categories under section 904(d) [TD 9368] (RIN: 1545-BG55) received December 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5049. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Allocation of Prepaid Qualified Mortgage Insurance Premiums for 2007 [Notice 2008-15] received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5050. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program; Elimination of Reimbursement under Medicaid for School Administration Expenditures and Costs Related to Transportation of School-Age Children between Home and School [CMS-2287-F] (RIN: 0938-AF13) received December 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of the rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 664. A bill to amend the Water Desalination Act of 1996 to authorize the Secretary of the Interior to assist in research and development, environmental and feasibility studies, and preliminary engineering for the Municipal Water District of Orange County, California, Dana Point Desalination Project located at Dana Point, California (Rept. 110–511, Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Science and Technology discharged from further consideration. H.R. 664 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. REYNOLDS (for himself, Mr. HERGER, Mr. ENGLISH of Pennsylvania, Mr. WELLER, Mr. CANTOR, Mr. TIBERI, Mr. WALSH of New York, Mr. FOSSELLA, Mr. KUHL of New York, Mr. BARTLETT of Maryland, Mr. BILIRAKIS, Mr. WILSON of South Carolina, Mr. GERLACH, Mrs. BIGGERT, Mr. CULBERSON, Mr. MILLER of Florida, Mr. CAMPBELL of California, Mrs. BONO MACK, Mr. TERRY, Mrs. DRAKE, Mr. WALBERG, Mr. LOBIONDO, Mr. SESSIONS, Mr. NEUGEBAUER, Mrs. MUSGRAVE, Mr. WESTMORELAND, Mr. WALDEN of Oregon, Mr. MCCARTHY of California, Mr. KLINE of Minnesota, Mr. KING of New York, Mr. MCHUGH, Mrs. BACHMANN, Mr. SOUDER, Mr. BRADY of Texas, and Mr. HUNTER):

H.R. 5031. A bill to amend the Internal Revenue Code of 1986 to extend relief from the alternative minimum tax; to the Committee on Ways and Means.

By Mr. JORDAN (for himself, Mr. STUPAK, Mr. SMITH of New Jersey, Mr. FRANKS of Arizona, Mr. MCHENRY, Mr. DAVID DAVIS of Tennessee, Mr. WALBERG, Mr. SALI, Mr. WELDON of Florida, Mr. MCCARTHY of California, Mr. HENSARLING, Mrs. MCMORRIS RODGERS, and Mrs. BACHMANN):

H.R. 5032. A bill to ensure that women seeking an abortion receive an ultrasound and the opportunity to review the ultrasound before giving informed consent to receive an abortion; to the Committee on Energy and Commerce.

By Mr. LIPINSKI:

H.R. 5033. A bill to amend the Public Health Service Act to provide for the public disclosure of charges for certain hospital and ambulatory surgical center services and drugs; to the Committee on Energy and Commerce.

By Mr. MCNERNEY:

H.R. 5034. A bill to amend titles 10 and 38, United States Code, to extend the time periods of for the use of educational assistance benefits to which certain veterans and members of the reserve components are entitled under such titles; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Virginia (for himself, Mr. CONYERS, Mr. NADLER, Ms. ZOE LOFGREN of California, Ms. JACKSON-LEE of Texas, Ms. WATERS, Mr. COHEN, Mr. JOHNSON of Georgia, Mr. GUTIERREZ, Mr. ELLISON, Ms. CORRINE BROWN of Florida, Mr. DAVIS of Illinois, Mr. FILNER, Mr. GRIJALVA, Mr. LEWIS of Georgia, Ms. NORTON, Mr. PAYNE, Mr. RANGEL, and Mr. STARK):

H.R. 5035. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to eliminate increased penalties for cocaine offenses where the cocaine involved is cocaine base, to eliminate minimum mandatory penalties for offenses involving cocaine, to use the resulting savings to provide drug treatment and diversion programs for cocaine users, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT (for himself, Mr. TOM DAVIS of Virginia, Mr. WEXLER, Mr. EMANUEL, Mr. CONYERS, Mr. LEWIS of Georgia, Mrs. MALONEY of New York, Ms. SCHAKOWSKY, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. ABERCROMBIE, Mr. INSLEE, Ms. BALDWIN, Mr. FARR, Mr. RYAN of Ohio, Mr. HONDA, Mr. DOGGETT, Mr. BLUMENAUER, Mr. HARE, Mr. LOEBSACK, Mr. SIRES, Mr. FRANK of Massachusetts, Mr. WEINER, Mr. BERMAN, Mr. DEFAZIO, Ms. HIRONO, Mr. GRIJALVA, Mr. DAVIS of Illinois, Mr. ROTHMAN, Mr. OLVER, Mr. FATTAH, Mr. DOYLE, Ms. KAPTUR, Ms. WATSON, Mr. HINCHEY, Mr. KLEIN of Florida, and Mr. CROWLEY):

H.R. 5036. A bill to direct the Administrator of General Services to reimburse certain jurisdictions for the costs of obtaining paper ballot voting systems for the general elections for Federal office to be held in November 2008, to reimburse jurisdictions for the costs incurred in conducting audits or hand counting of the results of the general elections for Federal office to be held in November 2008, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOOZMAN (for himself and Mr. HAYES):

H.R. 5037. A bill to require offices of the legislative branch to meet a threshold for participation by small business concerns owned and controlled by veterans with service-connected disabilities in procurement contracts entered into by such offices, and for other purposes; to the Committee on House Administration.

By Mr. CONYERS (for himself, Mr. EMANUEL, Mr. VAN HOLLEN, Mr. BECERRA, Mr. NADLER, Ms. ZOE LOFGREN of California, Mr. ELLISON, Mr. COHEN, Mr. HOLT, Mr. HONDA, Ms. KILPATRICK, and Ms. MOORE of Wisconsin):

H.R. 5038. A bill to amend title 18, United States Code, to prevent the election practice known as caging, and for other purposes; to the Committee on the Judiciary.

By Mr. COSTA:

H.R. 5039. A bill to suspend temporarily the duty on 1,2,4 Triazole; to the Committee on Ways and Means.

By Mr. COSTA:

H.R. 5040. A bill to suspend temporarily the duty on Fluopicolide; to the Committee on Ways and Means.

By Mr. COSTA:

H.R. 5041. A bill to suspend temporarily the duty on Fenhexamid; to the Committee on Ways and Means.

By Mr. COSTA:

H.R. 5042. A bill to suspend temporarily the duty on Belt & Synapse; to the Committee on Ways and Means.

By Mr. COSTA:

H.R. 5043. A bill to extend the temporary suspension of duty on Phenmedipham; to the Committee on Ways and Means.

By Mr. COSTA:

H.R. 5044. A bill to extend the temporary suspension of duty on Propiconazole; to the Committee on Ways and Means.

By Mr. COSTA:

H.R. 5045. A bill to extend the temporary suspension of duty on Previcur; to the Committee on Ways and Means.

By Mr. FORTUÑO:

H.R. 5046. A bill to amend the Military Construction Authorization Act, 1974 to repeal the limitation on the authorized uses of the former bombardment area on the island of Culebra and the prohibition on Federal Government responsibility for decontamination of the area; to the Committee on Armed Services.

By Mr. GARRETT of New Jersey:

H.R. 5047. A bill to suspend temporarily the duty on Bismuth Subsalicylate; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey:

H.R. 5048. A bill to suspend temporarily the duty on Acetoacetamide; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey:

H.R. 5049. A bill to suspend temporarily the duty on 5-Ethyl-2-methylpyridine; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey:

H.R. 5050. A bill to suspend temporarily the duty on squaric acid; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey:

H.R. 5051. A bill to suspend temporarily the duty on N,N-Dimethylacetoacetamide; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey:

H.R. 5052. A bill to suspend temporarily the duty on certain mixtures of N,N-Dimethylacetoacetamide; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey:

H.R. 5053. A bill to suspend temporarily the duty on Chlorodimethylacetoacetamide; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey:

H.R. 5054. A bill to suspend temporarily the duty on Polyphenolcyanate; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey:

H.R. 5055. A bill to suspend temporarily the duty on certain mixtures of N,N-Dimethylacetoacetamide; to the Committee on Ways and Means.

By Ms. LEE (for herself, Ms. WOOLSEY, Ms. WATERS, Mr. OLVER, Ms. NORTON, Mr. KUCINICH, and Mr. HINCHEY):

H.R. 5056. A bill to provide for the appointment of a high-level United States representative or special envoy for Iran for the purpose of easing tensions and normalizing relations between the United States and Iran; to the Committee on Foreign Affairs.

By Mrs. MALONEY of New York (for herself, Mr. CONYERS, and Mr. SMITH of Texas):

H.R. 5057. A bill to reauthorize the Debbie Smith DNA Backlog Grant Program; to the Committee on the Judiciary.

By Mr. MARKEY (for himself, Mr. INSLEE, Mr. HINCHEY, and Mr. LARSON of Connecticut):

H.R. 5058. A bill to prohibit the Secretary of the Interior from selling any oil and gas lease for any tract in the Lease Sale 193 Area of the Alaska Outer Continental Shelf Region until the Secretary determines whether to list the polar bear as a threatened species or an endangered species under the Endangered Species Act of 1973, and for other purposes; to the Committee on Natural Resources.

By Mr. McDERMOTT:

H.R. 5059. A bill to amend the African Growth and Opportunity Act with respect to lesser developed countries; to the Committee on Ways and Means.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. DELAHUNT, Mr. ENGEL, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Mr. CHABOT, Mr. COBLE, Mr. FLAKE, Mr. COHEN, Mr. PASCRELL, Mrs. McCARTHY of New York, Mr. STUPAK, Mr. PERLMUTTER, Mr. BECERRA, Mr. BISHOP of New York, and Mr. SERRANO):

H.R. 5060. A bill to amend the Immigration and Nationality Act to allow athletes admitted as nonimmigrants described in section 101(a)(15)(P) of such Act to renew their period of authorized admission in 5-year increments; to the Committee on the Judiciary.

By Mr. SESTAK:

H.R. 5061. A bill to suspend temporarily the duty on Oryzalin; to the Committee on Ways and Means.

By Mr. SESTAK:

H.R. 5062. A bill to suspend temporarily the duty on lambda-cyhalothrin; to the Committee on Ways and Means.

By Mr. SESTAK:

H.R. 5063. A bill to extend the temporary suspension of duty on Acephate; to the Committee on Ways and Means.

By Mr. SESTAK:

H.R. 5064. A bill to extend the temporary suspension of duty on Ziram; to the Committee on Ways and Means.

By Mr. SESTAK:

H.R. 5065. A bill to extend the temporary suspension of duty on Cypermenthrin; to the Committee on Ways and Means.

By Mr. SESTAK:

H.R. 5066. A bill to extend the temporary suspension of duty on mixtures of thiophanate methyl and application adjuvants; to the Committee on Ways and Means.

By Mr. SESTAK:

H.R. 5067. A bill to extend the temporary suspension of duty on thiophanate methyl; to the Committee on Ways and Means.

By Mr. SESTAK:

H.R. 5068. A bill to extend the temporary suspension of duty on asulam sodium salt; to the Committee on Ways and Means.

By Mr. VISCLOSKY (for himself, Mr. WILSON of Ohio, Mr. COHEN, Mr. MOLLOHAN, Ms. DELAURO, Mr. PASTOR, Ms. KAPTUR, Mr. MURTHA, and Mr. ALLEN):

H.R. 5069. A bill to require manufacturers to demonstrate sufficient means to cover, for certain products distributed in commerce, costs of potential recalls, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER (for himself and Mr. CROWLEY):

H. Res. 928. A resolution expressing the sense of the House of Representatives with respect to the trade relationship between the United States and India; to the Committee on Ways and Means.

By Ms. FOXX (for herself and Mr. COBLE):

H. Res. 929. A resolution commending the Appalachian State University Mountaineers for winning the 2007 National Collegiate Athletic Association Division I Football Championship Subdivision (formerly Division I-AA) title; to the Committee on Education and Labor.

By Mr. BAIRD (for himself and Mr. ENGLISH of Pennsylvania):

H. Res. 930. A resolution supporting the goals and ideals of "Career and Technical Education Month"; to the Committee on Education and Labor.

By Mr. FEENEY (for himself, Mr. MICA, Mr. KELLER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Ms. CORRINE BROWN of Florida, Mr. BOYD of Florida, Mr. MAHONEY of Florida, Mr. MEEK of Florida, Mr. WELDON of Florida, and Mr. STEARNS):

H. Res. 931. A resolution expressing support for designation of February 17, 2008, as "Race Day in America" and highlighting the 50th running of the Daytona 500; to the Committee on Oversight and Government Reform.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. EHLERS, Mr. GEORGE MILLER of California, Mr. McKEON, Ms. BORDALLO, Mr. BOUSTANY, Mr. BRADY of Pennsylvania, Mr. CARDOZA, Mr. CASTLE, Mr. CONYERS, Mr. DAVIS of Illinois, Ms. DELAURO, Mr. FARR, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOLT, Mr. HONDA, Mr. KAGEN, Mr. KELLER, Mr. KILDEE, Mr. KUHL of New York, Mr. LANGEVIN, Mr. LOEBSACK, Mr. MARCHANT, Ms. McCOLLUM of Minnesota, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. PAYNE, Mr. PLATTS, Mr. RUPPERSBERGER, Mr. SCOTT of Virginia, Ms. SUTTON, Mr. TOWNS, Ms. ROYBAL-ALLARD, Ms. WATSON, and Ms. SOLIS):

H. Res. 932. A resolution expressing support for designation of the week of February 4 through February 8, 2008 as "National School Counseling Week"; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mr. WITTMAN of Virginia.
H.R. 248: Mr. KUHL of New York.
H.R. 460: Mr. McDERMOTT.
H.R. 471: Mr. LATOURETTE.
H.R. 543: Mr. ABERCROMBIE.
H.R. 621: Mr. ENGLISH of Pennsylvania.
H.R. 624: Mr. SESTAK.
H.R. 657: Ms. ZOE LOFGREN of California.
H.R. 891: Mr. PRICE of North Carolina, Ms. TSONGAS, Mr. HODES, and Ms. NORTON.
H.R. 1000: Mr. RAHALL, Mr. DEFAZIO, Ms. RICHARDSON, Mr. CANNON, Mr. BURTON of Indiana, and Mrs. LOWEY.
H.R. 1032: Ms. WOOLSEY and Mr. BISHOP of Georgia.
H.R. 1069: Mr. HONDA.
H.R. 1070: Mr. McINTYRE and Mr. HONDA.
H.R. 1073: Ms. GINNY BROWN-WAITE of Florida.
H.R. 1174: Mr. SHAYS.
H.R. 1261: Mr. PRICE of Georgia.
H.R. 1283: Mr. ROTHMAN and Mr. GENE GREEN of Texas.
H.R. 1407: Mr. AKIN.
H.R. 1419: Mr. GOODLATTE.
H.R. 1428: Mr. McINTYRE.
H.R. 1435: Mrs. LOWEY.
H.R. 1497: Mr. GUTIERREZ.
H.R. 1553: Mr. SERRANO, Mr. RAMSTAD, and Ms. WOOLSEY.
H.R. 1609: Mr. GOODLATTE and Mr. GUTIERREZ.
H.R. 1610: Ms. CORRINE BROWN of Florida, Mr. ROSKAM, and Mr. GRIJALVA.
H.R. 1621: Mr. FERGUSON.
H.R. 1673: Mr. JORDAN and Ms. RICHARDSON.
H.R. 1778: Mr. COHEN.
H.R. 1843: Mr. SALI and Mr. DOYLE.
H.R. 1845: Mrs. CUBIN.
H.R. 1881: Mr. WOLF and Mr. KIND.
H.R. 1947: Mr. SESTAK, Mr. COHEN, and Ms. WOOLSEY.
H.R. 2040: Mr. WEXLER, Mr. HOLT, and Mr. HONDA.
H.R. 2049: Ms. SUTTON.
H.R. 2131: Mr. OBERSTAR.
H.R. 2212: Mr. SERRANO.
H.R. 2220: Mr. MANZULLO.
H.R. 2267: Mr. ALTMIRE.
H.R. 2290: Mr. MELANCON.
H.R. 2353: Mr. ALTMIRE.
H.R. 2379: Mr. SIRES.
H.R. 2464: Mr. SESTAK and Ms. WOOLSEY.
H.R. 2473: Mr. MICHAUD.
H.R. 2478: Mr. KUCINICH and Mr. MARKEY.
H.R. 2564: Mr. SAM JOHNSON of Texas.
H.R. 2634: Ms. VELÁZQUEZ.
H.R. 2734: Mr. JOHNSON of Illinois, Mr. TERRY, and Mr. BROUN of Georgia.
H.R. 2744: Mr. KAGEN, Mr. TOWNS, Ms. MOORE of Wisconsin, Ms. BEAN, Ms. WATSON, Mr. COURTNEY, Ms. HERSETH SANDLIN, and Mr. ENGLISH of Pennsylvania.
H.R. 2802: Mr. SESTAK.
H.R. 2862: Mr. EHLERS.
H.R. 2915: Ms. SOLIS and Mr. CLAY.
H.R. 2923: Mr. BURTON of Indiana.
H.R. 2927: Mr. PEARCE and Mr. FORBES.
H.R. 2942: Mr. HARE.
H.R. 2964: Mr. SESTAK.
H.R. 3001: Ms. SOLIS.
H.R. 3008: Mr. HINOJOSA.
H.R. 3132: Mr. SPACE.
H.R. 3176: Mr. McCAUL of Texas.
H.R. 3229: Mr. ABERCROMBIE, Mr. HINCHEY, Ms. BORDALLO, Ms. BEAN, and Ms. HOOLEY.
H.R. 3232: Ms. BEAN, Mr. BOUSTANY, and Mr. HERGER.
H.R. 3289: Mr. HARE.
H.R. 3291: Ms. GINNY BROWN-WAITE of Florida.
H.R. 3304: Mr. GOODE.
H.R. 3363: Mr. MARSHALL and Mr. ROGERS of Michigan.
H.R. 3438: Mr. SESTAK.
H.R. 3439: Mr. SPACE and Mr. TOWNS.
H.R. 3464: Mr. ALLEN and Mr. CAPUANO.
H.R. 3532: Mr. MARSHALL, Mr. LINDER, Mr. SCOTT of Georgia, Mr. GINGREY, Mr. BISHOP of Georgia, Mr. KINGSTON, Mr. WESTMORELAND, Mr. JOHNSON of Georgia, Mr. PRICE of Georgia, Mr. BARROW, Mr. LEWIS of Georgia, and Mr. BROUN of Georgia.
H.R. 3618: Mr. BISHOP of Georgia.
H.R. 3645: Mr. HINOJOSA.
H.R. 3660: Mr. COURTNEY and Mr. EVERETT.
H.R. 3691: Mr. WATT.
H.R. 3697: Mrs. CUBIN and Mr. HINOJOSA.
H.R. 3698: Mr. FRANK of Massachusetts and Mr. VAN HOLLEN.
H.R. 3700: Mr. UDALL of Colorado.
H.R. 3726: Mr. KUHL of New York.
H.R. 3819: Mr. ALTMIRE.
H.R. 3903: Mr. BISHOP of Georgia.
H.R. 3934: Mr. SMITH of Washington and Mr. CANTOR.
H.R. 3936: Mr. MARSHALL, Mr. LINDER, Mr. SCOTT of Georgia, Mr. GINGREY, Mr. BISHOP

of Georgia, Mr. KINGSTON, Mr. WESTMORELAND, Mr. JOHNSON of Georgia, Mr. PRICE of Georgia, Mr. BARROW, Mr. LEWIS of Georgia, and Mr. BROUN of Georgia.

H.R. 3957: Ms. GIFFORDS.

H.R. 3987: Ms. MATSUI.

H.R. 4008: Mrs. MALONEY of New York, Mr. JONES of North Carolina, Mr. MOORE of Kansas, and Mr. NADLER.

H.R. 4025: Mr. YOUNG of Alaska and Mr. BOREN.

H.R. 4036: Mr. MCCOTTER.

H.R. 4054: Mr. RUPPERSBERGER and Mr. BISHOP of Georgia.

H.R. 4087: Mrs. DRAKE.

H.R. 4088: Mr. BRADY of Texas.

H.R. 4173: Mr. ABERCROMBIE.

H.R. 4288: Mr. SMITH of Washington.

H.R. 4460: Mr. MCCAUL of Texas.

H.R. 4462: Mrs. CUBIN.

H.R. 4464: Mr. NEUGEBAUER, Mr. LUCAS, Mr. MCCOTTER, Mr. CALVERT, Mr. WITTMAN of Virginia, Mr. PITTS, and Mr. SENSENBRENNER.

H.R. 4498: Mr. TERRY, Mr. KING of New York, Mrs. EMERSON, and Mr. SALI.

H.R. 4504: Mr. AL GREEN of Texas.

H.R. 4627: Mr. KUHL of New York and Mr. BILIRAKIS.

H.R. 4838: Ms. SOLIS, Mr. CROWLEY, Mr. MCGOVERN, Mr. GUTIERREZ, Ms. JACKSON-LEE of Texas, Mr. RANGEL, Mr. JACKSON of Illinois, Mr. GRIJALVA, Mr. FARR, Mrs. CAPPS, and Mr. FILNER.

H.R. 4852: Mr. FRANKS of Arizona, Mr. PAUL, Mr. RENZI, Mr. HAYES, Mr. BOOZMAN, Mr. SOUDER, Mr. SALI, Mr. BILIRAKIS, and Mrs. SCHMIDT.

H.R. 4934: Mr. ELLISON, Mr. FARR, Mr. GEORGE MILLER of California, Ms. CORRINE BROWN of Florida, Mr. GRIJALVA, and Mr. DEFAZIO.

H.R. 4936: Ms. DELAURO, and Mrs. MALONEY of New York.

H.J. Res. 9: Mr. GARRETT of New Jersey.

H.J. Res. 12: Mr. GARRETT of New Jersey.

H.J. Res. 54: Mr. DENT, Mr. MOORE of Kansas, Mrs. TAUSCHER, Mr. BOUSTANY, and Ms. FALLIN.

H.J. Res. 63: Mr. TERRY.

H. Con. Res. 154: Mr. WITTMAN of Virginia.

H. Con. Res. 161: Mr. FILNER.

H. Con. Res. 163: Ms. JACKSON-LEE of Texas.

H. Con. Res. 198: Mr. ROSS, and Mr. FRANK of Massachusetts.

H. Con. Res. 244: Ms. GINNY BROWN-WAITE of Florida, Mr. LINDER, Mr. BISHOP of Georgia, Mr. BACHUS, Mr. PORTER, Mr. WALDEN of Oregon, Mr. ALEXANDER, Mr. WAMP, Mrs. DRAKE, Mr. CUELLAR, Mr. BARTLETT of Maryland, Mr. PASCRELL, and Mrs. MUSGRAVE.

H. Con. Res 257: Mr. WITTMAN of Virginia.

H. Con. Res. 267: Mr. HINOJOSA and Mr. PETERSON of Pennsylvania.

H. Con. Res. 280: Mr. BISHOP of Georgia, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. JEFFERSON, Mr. TOWNS, Mr. KUCINICH, and Mr. NADLER.

H. Res. 49: Mr. DAVID DAVIS of Tennessee.

H. Res. 185: Mr. GENE GREEN of Texas.

H. Res. 248: Mr. MARKEY and Mr. TOWNS.

H. Res. 339: Mr. BOUCHER, Mr. BUTTERFIELD, Mr. LATOURETTE, Mr. FILNER, and Mr. TOWNS.

H. Res. 620: Ms. KAPTUR, Mr. FRELINGHUYSEN, Ms. GINNY BROWN-WAITE of Florida, and Mr. TOWNS.

H. Res. 821: Mr. TANCREDO.

H. Res. 848: Mr. WOLF and Mr. GENE GREEN of Texas.

H. Res. 875: Mr. TOWNS and Mr. WOLF.

H. Res. 887: Mr. RENZI, Mr. WHITFIELD of Kentucky, and Mr. KING of New York.

H. Res. 897: Mr. ROHRABACHER.

H. Res. 908: Ms. ESHOO, Mr. VAN HOLLEN, Mr. AL GREEN of Texas, Mr. SESSIONS, Mr. NEAL of Massachusetts, Mr. REICHERT, Mr. RENZI, Mr. DONNELLY, and Mr. LANGEVIN.

H. Res. 916: Mr. KAGEN, Mr. MCCAUL of Texas, Mr. JONES of North Carolina, Mr. GINGREY, Mr. BAKER, Mr. MCKEON, Mr. CHABOT, Mr. HARE, Mr. COURTNEY, Mr. RENZI, Ms. ROS-LEHTINEN, Mr. MCCOTTER, and Mr. DONNELLY.

H. Res. 917: Mr. WILSON of Ohio, Mr. MCNERNEY, Mr. KILDEE, Mr. HONDA, Mr. KIND, Ms. BORDALLO, Ms. SUTTON, Mr. DOYLE, Mr. CLEAVER, and Mr. HINCHEY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 760: Mrs. CAPITO.

EXTENSIONS OF REMARKS

HONORING TEMPLE SHOLOM

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. SESTAK. Madam Speaker, I rise before you today to recognize the 50th anniversary of Temple Sholom in Broomall, Pennsylvania.

Temple Sholom, founded in 1956, is a member of the Union for Reform Judaism dedicated to the promotion of fundamental Jewish principles. The Temple strives to ensure the continuity of the Jewish people by honoring traditions, beliefs and rituals of both the past and present. It allows members to develop their spiritual relationship with God and each other. Temple Sholom also serves to promote a firm sense of identity for its members and employs social activism to improve local, national and global communities.

Temple Sholom is a Reform Congregation, promoting a sense of warmth and openness. Through the practice of inclusion, the Temple aids its members throughout their lives and does not exclude individuals regardless of race, religion or sexual orientation. Such diversity and heterogeneity within the community adds to the ever-changing personality of the Temple.

Temple Sholom serves its members beyond religious practice. It also assists individuals with social, educational and community opportunities. Members adopt the Temple as a place to study, worship and simply interact with others. Opportunities for participation include Preschool through Adult Education programs as well as holiday festivals and community service.

Madam Speaker, I ask you to join me in recognizing the 50th anniversary of Temple Sholom. The openness and warmth of the Temple and its members is highly admirable. It is without doubt that Temple Sholom will, in the future, continue to serve our citizens on local, national and global levels.

IN RECOGNITION OF NICHOLAS J. PIRRO ON HIS RETIREMENT

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. WALSH of New York. Madam Speaker, I rise today with great pride to honor someone who is a good friend and for whom I hold great respect—Mr. Nicholas J. Pirro. For two decades Nick has served as Onondaga County Executive, and it has been a great honor to work with him for so many years.

Nick began his career in county government in 1965, when he was elected to the Onondaga County Board of Supervisors, the precursor to today's Onondaga County Legislature. He would eventually be elected as the Legislature's chairman. In 1987, Nick was elected to the first of five terms as Onondaga County Executive, an office he would hold for 20 years.

When Nick took office in 1987, he was confronted with a number of challenging tasks. Onondaga County had a failing trash disposal system and jails that were so severely overcrowded that the U.S. Justice Department filed a remediation order. The county was also faced with the tremendous task of cleaning up Onondaga Lake after a Federal clean-up order was issued. Convention business was stagnant due to the lack of appropriate facilities and the future of Syracuse's Triple-A baseball franchise was in jeopardy because of an insufficient stadium. In addition, Onondaga County tax payers were feeling the heavy burden of high Medicaid costs.

Today, as Nick steps down as County Executive, Onondaga County has a state-of-the-art trash disposal system and a new county justice center, which opened in 1995. A local, State, and federally-shared $535-million clean up of Onondaga Lake has been ongoing for the past 10 years. The OnCenter was opened in 1992 to increase the success of convention business and a convention center hotel will begin construction soon. The Syracuse Chiefs have a state-of-the-art baseball stadium that was built in 1997. Skyrocketing Medicaid costs have been curbed by instituting a State-wide price cap that Nick was instrumental in obtaining due to his lobbying of State lawmakers for change.

Onondaga County in 1987 is vastly different from Onondaga County in 2007, and a large reason for that is because of the efforts of Nick Pirro. For 20 years Nick has been the face of Onondaga County and has been committed to doing what was right for the people he so faithfully served.

I thank Nick for his 42 years of serving Onondaga County and recognize his wife Patti and his children Nicholas III and Jessica for sharing him with us for so many years. While Nick is retiring, I know he will continue to be a fixture in the community and an advocate for the people of Onondaga County. I congratulate Nick on a job well done and wish him the best in a well-deserved retirement. We will miss him.

IN HONOR OF THE TREMENDOUS PUBLIC SERVICE OF ROBERT GABRIEL SHORTAL

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to pay tribute to a tremendous public servant, Robert Gabriel Shortal of Harrington Park, NJ. From the time that he, his wife, Jackie, and his children moved to this small Bergen County suburb, the Shortal family has been an integral part of this community, raising money for the public library and founding the Harrington Park Swim Club and more.

Bob was born in Kearny, NJ, in 1928. After the bombing of Pearl Harbor, Bob convinced his father to allow him to enlist at the young age of 16. He served honorably with the Navy, stationed on a destroyer in the Atlantic theater. Upon his discharge, he completed his education, studying journalism at New York University. He worked for United Press International, UPI, first as a copy boy and later as a financial reporter. Dedicated to his profession, Bob joined the Financial Writers Association and became its president in 1958.

As his family grew, Bob switched to work in public relations, first at City Service and later at RCA, where he remained until his retirement in 1985. Upon his retirement, Bob threw his talents and energies into community service. He became a certified EMT and became a leader with the Harrington Park Ambulance Corps. He has applied his journalist's skills as editor of the Harrington Park Newsletter. And, he has served his fellow veterans as Commander of American Legion Post 30. Bob is an active member of the Our Lady of Victories Church community and the Knights of Columbus. And, he can often be found working as a school crossing guard.

In 1992, Bob was elected to the Borough Council. He has chaired or served on each of its standing committees until his retirement last year. All the while, Bob and Jackie raised a lovely family of four children—John Frances, Mary Judith, Roberta Ann, and Judith Ann. Jackie passed away in 1999, but Bob remains blessed with seven beautiful grandchildren and a lifetime of memories.

Bob Shortal epitomizes public service. He has answered the call of his country and his community and given of his talents and time for his neighbors. I join the people of the Borough of Harrington Park in honoring Bob for his dedication and commitment.

PASSING OF FORMER DELEGATE MARGARETTE LEACH

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. RAHALL. Madam Speaker, West Virginia recently lost an outstanding daughter, Margarette Leach. Margarette passed away on December 23, 2007, but today I rise to celebrate a life well lived and to remember with fondness the accomplishments of a remarkable woman who, over her many years, was

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

a torchbearer in the arenas of healthcare and politics in West Virginia.

The unfortunate news of her passing has brought sadness to so many throughout West Virginia, including those who did not have the opportunity to meet Mrs. Leach but who have come to benefit from her passionate support for the field of healthcare.

Margarette, a West Virginia native, was born in Goodwill, WV on December 4, 1926. She graduated from Beaver High School in 1944 and from St. Mary's School of Nursing in 1948. She would go on to dedicate her life to helping other by serving as a nurse and elected official for the next 60 years, 14 of which she spent as a member of the West Virginia House of Delegates representing District 15.

In April of last year, Delegate Leach was honored with The Center for Rural Health Development's 2007 Rural Health Leadership Award. The year 2007 would see another honor bestowed on Margarette, when the Prestera Center for Youth and Families was named after her. She pushed hard for the Merritt Creek connector from Interstate 64 to State Route 2 and helped to obtain funding for the Jenkins Plantation Museum and the Madie Carroll House. She also helped to bring the bronze statue of Carter G. Woodson to its current location in Huntington.

In 2004, Margarette was named a West Virginia History Hero, but to those she diligently served over the years, she was already a hero many times over.

She will be greatly missed by her family, in particular her husband of 58 years and their family, as well as, the community she served so faithfully over these many years. My thoughts and prayers are with the family of Margarette Leach. I join with West Virginians in honoring her remarkable life and the legacy she left behind.

IN MEMORY OF SGT. SHAWN FITZGERALD HILL

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. WILSON of South Carolina.' Madam Speaker, on January 2nd of this year, Sergeant Shawn Hill of the South Carolina National Guard's 218th Brigade Combat Team lost his life when his Humvee was struck by a roadside bomb in Afghanistan. The community of Wellford, SC, where Seargent. Hill had been an all-region football player at Byrnes High School and worked as an electrician while serving with the National Guard lost a fine citizen and friend.

Sergeant Hill's funeral was attended by almost 700 people who came to honor the life and sacrifice of this brave American. His commander in the field, BG Bob Livingston described Sergeant Hill as someone who "didn't have to go to Afghanistan, but he went because he thought it was the right thing to do." He further noted that it was through the courageous and selfless acts of Sergeant Hill and his fellow soldiers that parts of Afghanistan that were once considered lawless had become peaceful and safe for the citizens of Afghanistan. This success is a tribute to his life, a life that General Livingston said had "made more of a difference than 99 percent of the people will make in their entire lifetime."

Our thoughts and prayers are with Sergeant Hill's wife, Julie Ann, his children, and all his family, friends, and fellow soldiers of the 218th Combat Brigade during this difficult time. Sergeant Hill's death is a reminder of the tremendous sacrifice so many of our citizen-soldiers make to protect American families. His life was a testament to the strength and selfless dedication so many Americans have for the defense of liberty. We should always remain grateful for their service.

HONORING OFFICER KEITH G. LOCKHART

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. SESTAK. Madam Speaker, I rise today to honor Officer Keith G. Lockhart on his retirement on March 31, 2007 from the police force after 28 years of dedicated service to Ridley Township and Delaware County, Pennsylvania.

Officer Lockhart joined the Ridley Township Police Department in January of 1979 along with eight other officers. He worked the then newly created "24" district of Holmes, Morton, and Secane, where he remained for the majority of his career.

During his career, Officer Lockhart received many letters and commendations for his exemplary police work. He served briefly as a corporal and temporary sergeant during his time as a police officer.

A lifelong resident of the Leedom Estates Section of Ridley Township, Officer Lockhart has been married to his wife Mary for 19 years. One of Keith's hobbies is Delaware County history. In 30 years of collecting, Keith has amassed one of the largest collections of Delaware County historical memorabilia, from which he has created history websites for both Ridley Township and Delaware County. He now serves the community as historian for theses websites, and has received hundreds of comments of praise for his efforts from the over 12,000 grateful viewers of the sites' guestbooks. Keith has also written several booklets on the history of the area.

Madam Speaker, I ask you to join me in honoring Officer Keith G. Lockhart for the decades of hard work and selfless dedication given to the Police Department and citizens of Ridley Township and Delaware County, Pennsylvania.

HONORING THE 175TH ANNIVERSARY OF THE DEMOCRAT AND CHRONICLE

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. WALSH of New York. Madam Speaker, I rise today to recognize the 175th anniversary of Rochester, New York's Democrat and Chronicle.

In 1833 the first publication of a new daily newspaper, the Evening Advertiser, was issued. Thirty seven years later, after a series of mergers and name changes, the name plate of the Democrat and Chronicle was established.

From Susan B. Anthony and Fredrick Douglas to Kodak and Xerox, as history unfolded in Western New York the Democrat and Chronicle was there to cover it. As the publication continued to grow it began reaching historic milestones of its own. In 1884 the Democrat and Chronicle published its first Sunday edition. That same year the paper printed a portrait of a woman for the first time. In 1906, the first color comic strip was run and in 1978 the paper printed its first articles using a word processor that included a video monitor.

Not only has the Democrat and Chronicle been essential to reporting news and covering history, but it has also been an innovator in how the news is delivered. Throughout its history, the paper has used a wide range of delivery methods, including the pony express and a pigeon carrier service, and now it serves the community technologically, using the internet, videos, photos, forums, podcasts, text messages and online newsletters.

Over the past 175 years, many things about the Democrat and Chronicle have changed—the name, the cost, the delivery method—but the commitment to deliver the news and serve the community has never wavered. I congratulate the staff at the Democrat and Chronicle, both past and present, on achieving this milestone, and thank them for their hard work and dedicated service. This anniversary should not only serve to look back at the Democrat and Chronicle's history, but it should also be used to look forward to the papers future, as it will continue to serve an essential role in serving the Greater Rochester community.

IN HONOR OF CHIEF FRANK GURNARI, 2008 PRESIDENT OF THE BERGEN COUNTY POLICE CHIEFS ASSOCIATION

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to pay tribute to a fine public servant, Frank Gurnari, police chief in Bogota, New Jersey. Chief Gurnari has served the people of Bogota for 30 years, exemplifying the honor and pride of the uniform. This weekend, he will be installed as President of the Bergen County Police Chiefs Association, extending his service to other Bergen County residents and to his fellow chiefs.

Upon his graduation from the Bergen County Police Academy in June 1978, Chief Gurnari was assigned to the Bogota patrol division. Except for a brief assignment to the Detective Bureau, Chief Gurnari served with the patrol division for nearly 20 years. He attained the rank of sergeant in 1988, and was promoted to lieutenant two years later. As lieutenant, he remained in patrol as a Tour Commander. In June 2000, Chief Gurnari was appointed Acting Chief of Police, and just six months later, he was sworn in as Chief of Police. He and the officers that work under his leadership respond to about 16,000 calls each year.

For almost eighty years, the Bergen County Police Chiefs Association has served as a fellowship of officers throughout this busy corner of New Jersey. The camaraderie it fosters helps local police chiefs protect and serve the people of Bergen County and enhances the safety of the county. Chief Gurnari has earned the respect of his peers and by virtue of his long and honorable career of service he has earned this position of leadership.

Throughout his honorable career, Chief Gurnari has received two Honorable Service Awards from the Bogota Police Department and the Chiefs Achievement Award from the Bergen County Police Chiefs Association. I commend Chief Gurnari for his lifetime of service and wish him and his colleagues the best for a safe and productive year.

MRS. NITA GORE'S 80TH BIRTHDAY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. RAHALL. Madam Speaker, I rise today to honor and personally congratulate my dear friend, Mrs. Nita Gore of Huntington, WV, on her 80th birthday this Friday, January 18, 2008.

Thomas Jefferson once said, "None deserve better than those who contribute to the amelioration of that form (government)." As a nurse at St. Mary's Hospital, a life-long Democrat, and member of Our Lady of Fatima Church, she has spent a lifetime serving the residents of Huntington. Her unwavering dedication to bettering the lives of others is very much appreciated by the people of southern West Virginia.

In her amazing 80 years, she has been a devoted mother, wife, and friend. At the same time she has been a nurse, volunteer, and public servant and has endlessly battled for the betterment of southern West Virginia. I agree with Mr. Jefferson. None deserve better than Mrs. Gore.

Mrs. Gore has spent many years encouraging others to become active in our government. She brings an irreplaceable enthusiasm to her community and the State of West Virginia. As her birthday approaches, I wish to thank my dear friend, Mrs. Nita Gore, for the extraordinary effort she has put into our State.

Mrs. Nita Gore is a true pillar of the community, whose list of accomplishments far exceeds her years of service. Her devotion to her family and commitment to her community are examples to us all. Southern West Virginia is lucky to have her.

I salute Mrs. Gore for her 80 years of friendship and service, thank her for the contributions she has made to the city of Huntington and southern West Virginia, and wish her the best of health and happiness in the years to come.

COMMEMORATING BLACK JANUARY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. WILSON of South Carolina. Madam Speaker, as a member of the House Foreign Affairs Committee, I note that January 19 will mark the 18th anniversary of an historic and tragic day in the history of the country of Azerbaijan. On the night of January 19, 1990, 26,000 Soviet troops invaded the capital city of Baku and surrounding areas. By the end of the next day, more than 130 people had died, 611 were injured, 841 were arrested and 5 were missing. This event is memorialized as "Black January," and for the citizens of the Republic of Azerbaijan this event left an indelible mark on the minds of all citizens.

Soviet troops entered Azerbaijan under the authority of a state of emergency declared by the USSR Supreme Soviet Presidium and signed by then President Mikhail Gorbachev. In the face of growing unrest among the people of Azerbaijan, a national independence movement which had gained a strong foothold, and emerging democratic groups who were projected to succeed in an upcoming Parliament, the Soviet Union sought to "restore order" by indiscriminately firing on those peacefully demonstrating in Baku, including women and children. The protesters were calling for independence from the Soviet Union and the removal of Communist officials.

The Soviet incursion in early 1990 was intended to suppress the growing independence movement. Instead, it further incited Azerbaijani nationalism. In the end, Azerbaijan's pro-Moscow regime grew weaker and by 1991, popular pressure led the country to break away from Soviet rule and declare its independence. On August 30, 1991, Azerbaijan's Parliament adopted the Declaration on the Restoration of the State Independence of the Republic of Azerbaijan, and on October 18, 1991, the Constitutional Act on the State Independence of the Republic of Azerbaijan was approved. November 1991 marked the beginning of international recognition of Azerbaijan's independence. The United States opened an embassy in Baku in March 1992 and remains committed to aiding Azerbaijan in its transition to democracy and its formation of an open market economy.

Some historical observers have noted that the violence inflicted on the citizens of Baku may have been intended to send a message to other Soviet republics that similar aspirations of nationalism would not be tolerated. In the wake of this horrific act and inspired by the strength of the Azerbaijani people's belief in the principles of democracy, the Republic of Azerbaijan has maintained its independence for over 16 years, despite lingering economic and social problems from the Soviet era. Today, Azerbaijan has developed into a thriving country with double digit growth, in large part due to a freely elected president and parliament, free market reforms led by the energy sector, and most importantly, no foreign troops on its soil.

The road to independence, sovereignty and territorial integrity for the Azerbaijani people has not come without adversity and sacrifice. Even though Azerbaijan thrives today, the people of Azerbaijan recognize those who lost their lives on Black January in 1990 and honor their sacrifice through their commitment to the ideals of democracy. On the anniversary of this terrible tragedy, we who believe in the tenets of freedom and the hope of democracy should recognize the incredible sacrifice made by the people of Azerbaijan and by free people all around the world.

HONORING DETECTIVE SERGEANT RICHARD HOLMES

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. SESTAK. Madam Speaker, I rise today to honor Detective Sergeant Richard Holmes on his retirement from the Ridley Township Police Department after over 30 years of service to the people of Delaware County, Pennsylvania.

Detective Sergeant Holmes began his distinguished career in 1975, and the following year became one of the first four canine officers for Ridley Township. He was promoted to corporal in 1988, and became a sergeant in May 2005. In April 2006, he was promoted to Detective Sergeant, and served as the Township Juvenile Officer until his retirement on March 31, 2007.

During his career, Rich also worked as the Township Arson Investigator and served with the Holmes Fire Department, one of six volunteer fire companies serving Ridley Township. Rich and his wife Darlene live in the Holmes section of the township.

Madam Speaker, I ask you to join me in honoring Detective Sergeant Rich Holmes for his decades of distinguished service and selfless dedication to the community of Ridley Township.

HONORING THE RED CREEK HIGH SCHOOL BOY'S SOCCER TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. WALSH of New York. Madam Speaker, I rise today in tribute to the Red Creek High School Boy's Soccer Team, 2007 Class C New York State Champions. The Red Creek Mules Boy's Soccer Team defeated the Marathon Olympians by a score of 3–1, earning Red Creek's second State soccer championship in 3 years.

The Red Creek Boy's Soccer Team has an excellent tradition of athletic achievement. They have been crowned State champions five times, including twice in the last 3 years alone.

On behalf of the 25th Congressional District, I congratulate these young men on their outstanding athletic achievement and praise head coach Don Hartley, and assistant coach David Gregg on their team's success. I look forward to another exciting year when the Mules take to the field to defend their title in 2008.

The team members are: Colton Gregg, Jordan Lang, Bryan March, Anthony Roden, Devin Reese, Eric Stevens, Reis Cunningham, Steve Deferio, Ryan Fisher, Drew Knox, Alex Keeling, Ryan Pudlowski, Anthony Losurdo, Keyan Scutt, Cody Sherman, Ryon Adam, Nathaniel Gregg, Eli Vitale, Matt Treby, Dan Burnett, Ryan Gould and Juan (Chino) Torres.

HONORING SEAN PATRICK ASHCRAFT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Sean Patrick Ashcraft of Holt, Missouri. Sean is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 494, and earning the most prestigious award of Eagle Scout.

Sean has been very active with his troop, participating in many Scout activities. Over the many years Sean has been involved with Scouting; he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Sean Patrick Ashcraft for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO DR. MARTIN LUTHER KING

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. VISCLOSKY. Madam Speaker, as we celebrate the birth of Dr. Martin Luther King, Jr. and reflect on his life and work, we are reminded of the challenges that democracy poses to us and the delicate nature of liberty. Dr. King's life, and, unfortunately, his untimely death, reminds us that we must continually work to secure and protect our freedoms. Dr. King, in his courage to act, his willingness to meet challenges, and his ability to achieve, embodied all that is good and true in the battle for liberty.

The spirit of Dr. King lives on in the citizens of communities throughout our nation. It lives on in the people whose actions reflect the spirit of resolve and achievement that will help move our country into the future. In particular, several distinguished individuals from Indiana's First Congressional District will be recognized during the 29th Annual Dr. Martin Luther King, Jr. Memorial Breakfast on Monday, January 21, 2008, at the Genesis Convention Center in Gary, Indiana. The Gary Frontiers Service Club, which was founded in 1952, sponsors this annual breakfast.

This year, the Gary Frontiers Club will pay tribute to several local individuals who have for decades unselfishly contributed to improving the quality of life for the people of Gary. Those individuals who will be recognized as Dr. Martin Luther King, Jr. Marchers at this year's breakfast include: James Baker, Reverend Carrell Cargle, Sr., Eloise Gentry, Joseph Nichols, Earl Smith, Jr., and Attorney Frederick Work. Additionally, Finis Springer will be honored with the prestigious Dr. Martin Luther King, Jr. Drum Major Award, an award given out annually to an outstanding individual of the Gary community.

Several other individuals will be receiving special recognition as well. Alpha Stewart will be recognized as the first female to serve as Chief of Police in the City of Gary. Also, Bill Joiner will be honored as the 2007 Yokefellow of the Year, and Dr. A.S. Williams will receive a special honor, the Founders Award, as the only remaining founder of the Frontiers Club.

Though very different in nature, the achievement of all these individuals reflect many of the same attributes that Dr. King possessed, as well as the values he advocated. Like Dr. King, these individuals saw challenges and faced them with unwavering strength and determination. Each one of the honored guests' greatness has been found in their willingness to serve with "a heart full of grace and a soul generated by love." They set goals and work selflessly to make them a reality.

Madam Speaker, I urge you and my other distinguished colleagues to join me in commending the Gary Frontiers Service Club officers: President Oliver J. Gilliam, Vice President James Piggee, Secretary Melvin Ward, Financial Secretary Sam Frazier, and Treasurer/Seventh District Director Floyd Donaldson, as well as Breakfast Chairman Clorius L. Lay, Videographer Otho Lyles, Master of Ceremony Alfred Hammonds, the honorees, and all other members of the service club for their initiative, determination, and dedication to serving the people of Northwest Indiana.

COMMEMORATING THE 230TH ANNIVERSARY OF THE BATTLE OF BRANDYWINE

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. SESTAK. Madam Speaker, our Nation will soon commemorate the 230th anniversary of the Battle of Brandywine. Let me take this opportunity to relate the importance of that battle, the largest land battle of the Revolutionary War, and to remember the brave soldiers who fought for the independence of our country.

In 1777, the British army campaigned to control Philadelphia, which was then the capital of the newly-declared United States of America. British General William Howe and his troops approached Philadelphia through the Chesapeake, landing in Elkton, Maryland in early September of that year.

American General George Washington was confident that his army would secure the capital city. On September 9, 1777, American troops were stationed along the Brandywine River, guarding the fords. Washington's strategy was to force a fight at Chadds Ford, where the Americans would have the advantage.

On September 9, a small portion of British troops marched from Kennett Square as if they would battle the Americans at Chadds Ford. However, the majority of British troops this time marched north to cross the river at a ford unknown to Washington and his army.

The battle began in the early morning on September 11. Washington, believing that all of Howe's army would fight at Chadds Ford, was unprepared when British troops arrived at the right flank of the American line. He ordered his troops to take the high ground, near the Birmingham Friends Meetinghouse to defend their position. However, British troops were already stationed nearby, and the Americans were unable to secure these grounds.

General Howe's army soundly defeated the Americans due to their superior position and the surprise of their attack. By night, Washington's troops were forced to retreat to Chester.

Despite being outnumbered and outmaneuvered, Washington's troops fought valiantly. The American Congress was able to escape from Philadelphia to safety in Lancaster, and then York, PA. Military supplies were also removed from the capital city before the impending British takeover.

On September 26, 1777, British forces marched unopposed through the city of Philadelphia. This takeover proved of little strategic value, however.

Washington's troops regrouped. The General wrote to John Hancock that night, "Notwithstanding the misfortune of the day, I am happy to find the troops in good spirits; and I hope another time we shall compensate for the losses now sustained." Congress sent reinforcements, strengthening the American army.

Washington's troops successfully defended the military supplies in Reading. On June 18, 1778, British troops abandoned Philadelphia and the city returned to American control.

IN RECOGNITION OF DON COLVIN

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. WALSH of New York. Madam Speaker, I rise today to honor former Savannah Town Supervisor Don Colvin.

Don was first elected to public office in 1959 and served the people of Savannah for the next 48 years. His dedication and leadership helped Savannah through some of its toughest times. The three heavy duty trucks that Don sought to purchase in 1964 were essential in helping the town deal with the storms of 1966.

In 1966 Don was elected chairman of the Wayne County Board of Supervisors, where his influence during trying times continued to be felt. After flooding affected the county in 1972, Don played a crucial role securing a disaster declaration and in helping to obtain $1 million to fix the dikes.

Don's contributions were also instrumental in creating the Montezuma Audubon Center, which has helped to bring people to Savannah and revitalize the town. He also helped to establish the annual Potato Fest, which grew from a car show that Don sponsored.

As he vacates his role of town supervisor, Don leaves the town of Savannah in good shape to continue progressing in the future. On behalf of the people of New York's 25th Congressional District, I thank Don for his commitment to the people of Savannah and for the hard work he has done on their behalf for 48 years. I wish him well in all of his future endeavors.

EXPRESSING APPRECIATION FOR THE CONTRIBUTIONS OF MISS JOHNNIE WHITELAW

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. TANNER. Madam Speaker, I rise today to honor a long-time community servant, a dedicated teacher and historian, and my friend, Miss Johnnie Whitelaw.

In more than 20 years of knowing Johnnie, I have grown to see how important she is to our community in Dyersburg and how much she is loved by her friends, former students and neighbors throughout West Tennessee. An active leader of the Dyer County Democratic Party, Johnnie was also a teacher and librarian from 1972 to 1991.

Even after retiring, however, she did not give up on one of her greatest loves—collecting oral, photographic and written first-hand accounts of history so that we and future generations will forever understand the history of West Tennessee and the stories of its people. Her contributions will truly be appreciated for generations to come.

Madam Speaker, I hope you and all our colleagues will join me in congratulating Miss Johnnie Whitelaw on her upcoming honor from the Dyer County branch of the NAACP, Delta Sigma Theta sorority, Community Resource Development and Order of the Eastern Star, organizations which understand how valuable Miss Johnnie's contributions have been to our community.

HONORING THE TINICUM TOWNSHIP FIRE DEPARTMENT

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. SESTAK. Madam Speaker, I rise today to congratulate Tinicum Township and the Tinicum Township Fire Department on the opening of their new firehouse.

The Tinicum Township Firehouse, named Station 48, will be home to the recently merged Essington and Lester Fire Companies. After several years of planning, the township's hard work has produced a state of the art facility that will serve the community for years to come.

The opening of Station 48 represents a new chapter in public safety for the township of Tinicum. Both the Lester and Essington Fire Companies have a long history of heroic and dedicated service. Combining them under one roof will maximize their ability to provide the entire township with coordinated fire protection services.

It is my honor to have been a part of the Tinicum Township Fire Company's ribbon cutting ceremony this past Saturday. It is important to recognize the brave men and women who volunteer their time to protect our communities. Through the years, their names and faces have changed, but the commitment and pride with which they serve has persevered.

The members of the Essington and Lester Fire Companies have selflessly served the community while balancing their full-time careers and families, and will continue to do so at Station 48. I ask everyone to join me in commending the members of the Tinicum Township Fire Company and to congratulate them on the dedication of their new firehouse.

HONORING DANIEL JESUS BERMEJO

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Daniel Jesus Bermejo of Faucett, Missouri. Daniel is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and earning the most prestigious award of Eagle Scout.

Daniel has been very active with his troop, participating in many Scout activities. Over the many years Daniel has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Daniel Jesus Bermejo for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO NORTHWEST INDIANA'S MOST DEDICATED AND HARDWORKING INDIVIDUALS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008–

Mr. VISCLOSKY. Madam Speaker, it is with great admiration and respect that I offer congratulations to several of Northwest Indiana's most dedicated and hardworking individuals. On Saturday, January 12, 2008, the Hammond Letter Carriers Organization, Hammond Merged Branch 580 of the National Association of Letter Carriers (NALC) recognized its retiring members for 2007, and they also honored members with at least 50 years of service. The event was held at the Patrician banquet hall in Schererville, Indiana.

At this year's banquet, the organization recognized the following retirees for their commitment and their many years of outstanding service to their communities: Kenneth Durall, William Harper, Judy Krause, Roger Reins, Frank Robinson, Tim Rutz, and Audrey Simpson. I wish them all the best of health and happiness in the years to come.

Also honored at the event for their many years of membership in the organization were: Marlin Bossard (65 years), John Schlesinger (60 years), Nolan Camp (58 years), Joe Watson (57 years), Bell Anderson (56 years), Ray Breshock (54 years), Ben Dotson (54 years), Richard Barnard (50 years), and Joseph Pressnell (50 years).

Northwest Indiana has a rich history of excellence in its workforce. These individuals are an outstanding representation of the work ethic present in Northwest Indiana. They have demonstrated their loyalty to each other and to their communities through their hard work and selfless dedication.

Madam Speaker, I ask that you and my other distinguished colleagues join me in honoring these dedicated and hardworking individuals. They have committed themselves to the people of Northwest Indiana, and I am very proud to represent them in Washington, DC.

HONORING RETIRING HAMBURG TOWN COUNCILMAN MARK CAVALCOLI

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. HIGGINS. Madam Speaker, I rise to honor Mark Cavalcoli, a longtime public servant whose retirement at the end of this year will mark the close of a distinguished career in elective office that has spanned nearly two and a half decades.

Mark began his public service as a biology teacher, working 33 years at Frontier Central High School before retiring in 1997.

In 1983 Mark was first elected to serve on the Hamburg Town Board, where he worked to improve and protect Hamburg's unique character. Throughout his tenure the Councilman was deeply involved in waterfront development, greenspace preservation, regional cooperation, and local master planning.

A natural negotiator and leader, Mark acted as the liaison between the town board and several departments and also functioned at Deputy Supervisor for 15 years.

Of all the great accomplishments, one of Councilman Cavalcoli's proudest is working to provide public water to nearly 300 homes not connected to water lines and severely restricted in their water use.

Despite his deep involvement on the town board and his commitment to his wife and two children, Mark still found time to further serve his community as a member of the Hamburg Chamber of Commerce, Knights of Columbus, PTAs for Frontier and Hamburg High Schools and as the Chairman of the Eighteen Mile Creek Preservation Committee.

In 2007, Mark Cavalcoli chose not to run for re-election and instead will spend time traveling with Anne, his wife of 45 years.

The Town of Hamburg is a better place because of Councilman Mark Cavalcoli's years of dedication. This community is fortunate to have benefited from his leadership, and I am grateful, Madam Speaker, that you have allowed me this opportunity to commemorate his service here today.

A TRIBUTE TO MICHAEL PATTERSON FOR SAVING THE LIFE OF AN ELEMENTARY SCHOOL STUDENT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise today to pay tribute to Michael Patterson whose heroic actions helped save the life of Chad Hostnick, a first-grader at Elsanor School in Robertsdale, Alabama.

On the morning of Monday, December 17, 2007, Michael decided to take the bus to school instead of driving his motorcycle as he often does. Michael just had a feeling that he should ride the bus that morning and what followed was simply miraculous.

On the bus ride home from school that Monday afternoon, Michael noticed that 7-year-old Chad appeared to be having trouble breathing. Without hesitation, Michael put to use his first-aid training—training he learned as a part of his Navy Junior ROTC program at Robertsdale High School—and he initiated the Heimlich Maneuver.

When Michael realized that his efforts were not dislodging the object, he quickly began to massage Chad's throat until he located the obstruction and pushed upward. He then attempted the Heimlich Maneuver again and a piece of butterscotch candy came out of Chad's mouth.

In recognition of Michael's efforts, Master Chief Petty Officer Robert Dairy awarded him the Meritorious Service Ribbon, the highest honor available to Navy Junior ROTC members.

Madam Speaker, I ask my colleagues to join me recognizing Michael Patterson for his heroism and commending him on his quick actions to save the life of Chad Hostnick. The citizens of Robertsdale and the state of Alabama are forever thankful. Michael is a true hero.

HONORING THE UPPER MAIN LINE YMCA

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. SESTAK. Madam Speaker, I rise today to congratulate the Upper Main Line YMCA on the dedication and grand opening of its new facility.

Since its charter in 1962, the Y has become a vital resource, now serving more than 20,000 residents of Berwyn, PA, and the surrounding communities. In addition to providing traditional exercise facilities, YMCA offers programs, classes, and events for youth, teens, families, and older adults in everything from painting to tennis to babysitting.

In order to accommodate a growing community and membership, over the past 40 years, the Y has renovated, reconfigured, and expanded Cassatt Mansion and the surrounding property. The new building houses an 8,500-square-foot Wellness Center, new locker rooms, exercise, cycling, and dance studios, expanded childcare services, and a cafe overlooking the tennis courts, complete with internet access. In addition, the new facility provides improved handicapped and parking accessibility.

The opening of this new facility furthers the YMCA's mission to build healthy spirit, mind, and body through programs and facilities that nurture children, strengthen families, and build strong communities.

Madam Speaker, I ask everyone to join me in commending all those who have generously contributed their time, effort, and resources to the Upper Main Line YMCA and its state-of-the-art facility.

HONORING ALEXANDER E. COOPER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Alexander E. Cooper of Platte City, Missouri. Alexander is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and earning the most prestigious award of Eagle Scout.

Alexander has been very active with his troop, participating in many Scout activities. Over the many years Alexander has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Alexander E. Cooper for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING MR. MARK MAASSEL

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008–

Mr. VISCLOSKY. Madam Speaker, it is with great admiration and pleasure that I stand before you today to recognize the many years of dedicated service of Mr. Mark Maassel. Having known Mark for a long time, I can truly say that he is one of the most committed, knowledgeable, and honorable citizens in Northwest Indiana. Nowhere has his knowledge and commitment been more evident than in his faithful service as President of Northern Indiana Public Service Company, Northern Indiana Fuel and Light, and Kokomo Gas and Fuel for NiSource. Mark has served NiSource with over three decades of dedicated leadership in different roles throughout the company, and has been a constant fixture and involved in virtually all aspects of NIPSCO's business. For his efforts, I would like to thank him and extend my best wishes for his retirement.

Mark Maassel has spent his entire life, both professionally and personally, working at ways to improve not only NIPSCO, but society as a whole. Mark has continuously devoted himself to our community by serving on the Board of Directors of several local community organizations, such as: the Indiana Humanities Council, the Indiana Chamber, the Ivy Tech Foundation and the Northwest Indiana Forum, at which he served as Chairman in 2006. During this time, Mark has shared his unrivaled expertise and knowledge of his field with local organizations. From his service at NIPSCO and NiSource to his work with various organizations in Northwest Indiana, Mark has always sought opportunities to better our community with his expertise.

Looking back, it is no surprise that Mark was chosen to lead NIPSCO. Following a very successful undergraduate career, earning a Civil Engineering degree from the University of Minnesota, Mark was initially offered a job at NIPSCO to work on a proposed nuclear plant. Since beginning with NIPSCO in the late 1970's, Mark has completely dedicated his professional life to the advancement and improvement of the company and the quality of life for its customers. Due to Mark's involvement at so many levels of NIPSCO's business, his tenure as president will forever be remembered.

Though it may be difficult to imagine where he has found the time, Mark has always been a dedicated husband and father, raising three children with is wife Christine. They are the proud parents of Jesse, Lee and Jill, all now grown. He has also found time to develop several hobbies, becoming an accomplished woodworker and golfer, as well as a novice runner.

Madam Speaker, Mark Maassel has devoted his life to improving NIPSCO and to serving the people of Northwest Indiana. At this time, I ask that you and all of my distinguished colleagues join me in commending him for his lifetime of service, perseverance, and dedication. I also ask that you join me in wishing him the best of health and happiness in the years to come.

RECOGNIZING THE GARRETTFORD DREXEL HILL FIRE COMPANY FOR 100 YEARS OF SERVICE

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. SESTAK. Madam Speaker, I rise today to recognize the Garrettford Drexel Hill Fire Company for 100 years of service to the residents of Upper Darby, Pennsylvania.

The Garrettford Drexel Hill Fire Company is the oldest of Upper Darby's five fire companies, and is the only one that remains entirely comprised of volunteers. What began with a handful of citizens committed to protecting the people of Drexel Hill has grown into a company with over 60 active members. These men and women selflessly protect the community while balancing their full-time careers and families. Through the years, their names and faces have changed, but the commitment and pride with which they serve has persevered.

I would like to recognize in particular James Verner, who served as chief of the company from 1913 until his tragic death in 1934. His was the first and only line of duty death to strike the Garrettford Drexel Hill Fire Company.

The Garrettford Fire Company, as it was originally known, started with just two Babcock extinguishers. From these humble beginnings, Garrettford Drexel Hill has expanded to an impressive, modernized apparatus fleet. The current firehouse, built at the site of the converted Baptist church, which originally housed the company, now has four bays and a spacious hall to accommodate this growth.

I ask everyone to join me in commending the members of the Garrettford Drexel Hill Fire Company, past and present, for their service to the community, and to congratulate them on reaching this 100-year milestone.

HONORING RETIRING TOWN OF EVANS COUNCILWOMAN KATHLEEN BARTUS

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. HIGGINS. Madam Speaker, I rise today to honor Town of Evans councilwoman Kathleen Bartus for her years of tireless service to the residents of the town of Evans. A longtime town resident and a leader within her community, Kathy's commitment to others stretched far beyond the scope of her position in town government and rested its hand on a passionate soul and loving heart.

A wife, mother of three and a longtime business and community activist in Evans, Kathy's commitment to her community is rivaled by few. While she'll be missed on the town board in a formal capacity, Kathy will never be more than a phone call away, in a manner that will no doubt comfort those continuing to serve.

Madam Speaker, I ask you to join me in recognizing the achievements of Kathleen Bartus upon the occasion of her retirement as a member of the Evans Town Board. I know that you join with me in wishing Kathy, her husband Robert and their entire family the very best of good luck and Godspeed in the years to come.

HONORING THE MEMORY OF ARTHUR ROBERT "BOBBY" WILSON

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday January 17, 2008

Mr. BONNER. Madam Speaker, Baldwin County and indeed the entire state of Alabama recently lost a dear friend, and I rise today to honor and pay tribute to the memory of Mr. Arthur Robert Wilson.

Known to his many friends as "Bobby," he was a devoted family man and a dear friend to his community. Bobby, the "Unofficial Mayor" of Spanish Fort, was the owner of Wilson's Service Center for roughly 50 years. Wilson's Service Center was much more than a typical service station; it was the heartbeat of Spanish Fort. As Mobile's Press-Register remembered Bobby, "just about anyone who passed through Spanish Fort seemed to have encountered him."

Known for his insatiable work ethic, Bobby "rose with the chickens" and was often at the service station before 5 a.m.—he never seemed to stop working. Bobby's service to Spanish Fort did not stop at the doors of Wilson's Service Center. For 26 years, he served as the volunteer fire chief, keeping a red phone and firefighter's gear in his shop for emergencies. Bobby also served in the U.S. Army and was a veteran of the Korean War. He was a justice of the peace and a Mason; it's probably safe to say that everyone in Spanish Fort knew Bobby Wilson or at least knew who he was.

In a fitting tribute, Bobby's casket was placed on the back of a tow truck for his final trip through Spanish Fort. His procession, which included about 12 other tow trucks, cars carrying his family, and a police escort, drove to Wilson's Service Center, passing through the parking lot and under the front awning. All along the route to Wilson's Cemetery, fellow residents stopped and got out of their cars to stand along the route with their hands on their hearts.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout south Alabama. Bobby Wilson will be deeply missed by his family—his wife, Jo Anne Wilson; his daughters, Tracey Goens and her husband Robert, Gina Lee and her husband Thomas, and Joelle Wilson; his brothers, Earl Wilson and Charles Wilson; his sister, Louise Dahlen; his grandchildren, Jeffrey Mosley, Jonathan Mosley, Jasmine Lee, and Zackary Lee; his great-grandchild, Lola Jo Anne Mosley—as well as the countless friends he leaves behind.

Our thoughts and prayers are with them all at this difficult time.

RECOGNITION OF THE WOMAN'S CLUB OF NEWTOWN SQUARE'S 60TH ANNIVERSARY

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. SESTAK. Madam Speaker, I rise today in recognition of the Woman's Club of Newtown Square's 60th anniversary.

Founded in 1947, the Woman's Club of Newtown Square is part of the General Federation of Women's Clubs, a world-wide organization that donates millions of volunteer hours to their respective communities every year.

The 110 members of the Woman's Club of Newtown Square selflessly volunteer countless hours in service to their community.

The services and donations of the club are given to: the Coatesville Veterans Medical Center, the Newtown Public Library, the Newtown Square Fire Department, Operation Smile, area arboretums and gardens, fine arts awards, and the Hugh O'Brian Youth Award.

The Woman's Club of Newtown Square gives donations to: the Marple Newtown Senior High School Student of the Month, middle school awards, three high school scholarships, fifth grade essay awards, and the Youth Recreation Center.

I ask that everyone please join me in recognizing the Woman's Club of Newtown Square for their contributions and commitment to enriching the community of Newtown Square, Pennsylvania, for the last 60 years.

HONORING ERIC MICHAEL BARMANN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Eric Michael Barmann of Platte City, Missouri. Eric is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and earning the most prestigious award of Eagle Scout.

Eric has been very active with his troop, participating in many Scout activities. Over the many years Eric has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Eric Michael Barmann for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE MEMORY OF DWAIN LUCE

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. BONNER. Madam Speaker, the city of Mobile and indeed the entire nation recently lost a true American hero, and I rise today to honor Mr. Dwain Luce of Mobile, Alabama, and pay tribute to his memory.

Many Americans came to know Mr. Luce last year as his courageous story, along with those of other Mobilians, was told in the Ken Burns' documentary series "The War."

Born in Mobile in 1916, Mr. Luce was educated at University Military School. Upon graduation from high school, he continued his studies and earned a degree in chemical engineering from Auburn University.

Shortly following the attack on Pearl Harbor, Dwain volunteered for military service and entered the U.S. Army as a second lieutenant in January 1942. As a lieutenant in the 82nd Airborne Division's 320th Glider Field Artillery

Battalion, he participated in the invasions of Sicily and later Italy. Just prior to the U.S. invasion of Normandy, he was promoted to captain. He landed his glider at Normandy on D-Day and survived 33 days of fighting there.

Several months later, his unit saw action again when they were dropped behind enemy lines into Holland as part of Operation Market Garden. They remained in Holland for six weeks battling both the Germans and the cold weather. He and his unit also participated in the Battle of the Bulge where they anchored the northern flank of the American lines. On May 1, 1945, the 82nd Airborne took 144,000 German prisoners as they surrendered to Americans.

Following the war, Mr. Luce left the service as a major in 1945, and began a career in banking. He joined American National Bank, in Mobile, Alabama, and rose to senior vice president and director. He remained with American National Bank for 16 years before joining First National Bank of Mobile, where he served as executive vice president. Mr. Luce retired as president of First Bancgroup-Alabama and as vice-chairman of the board of directors of the First National Bank of Mobile.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader, a true American and friend to many throughout Alabama, as well as a wonderful husband and devoted father. Mr. Luce will be missed by his family—his wife of 65 years, Margaret Wilson Luce; their children, Margaret Luce Brown and Dwain Gregory Luce Jr.; his brother, Jex Ransom Luce; his five grandchildren; and three great-grandchildren—as well as the many countless friends he leaves behind. Our thoughts and prayers are with them all during this difficult time.

HONORING CAROL A. WILEY AND RONALD SCOTT YOUNG

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. SESTAK. Madam Speaker, I rise today to honor Mrs. Carol A. Wiley and Mr. Ronald Scott Young for their years of service to the community. These two outstanding citizens were recognized this past weekend at the annual Freedom Fund dinner for their commitment to the Darby area NAACP branch.

Carol is a lifetime member of the Darby area NAACP branch, and has served for over 10 years as branch treasurer and co-coordinator of the annual Freedom Fund banquet. She also volunteers with the Sharon Hill School, and was a group leader for a 4–H program in Darby Township/Sharon Hill. In addition, Carol is a lifetime member of the Mt. Zion C.M.E. Church of Darby Township, where she serves on the Usher Board and often coordinates the annual fashion show.

Carol grew up in Darby Township, PA, with her dad, Richard A. Stewart, an electrician, and her mother, Clemie, a homemaker. The youngest of three children, Carol was educated in the Southeast Delco School District and attended Darby Township High School. Carol graduated from Apex Beauty School and is an experienced beautician. During the last year, she has been sharing her love for cooking with Conversation's Catering, a new catering company located in Sharon Hill, PA. Carol is married to Alex, and is the mother of four children: Sheila A. Carter, Donna Dailey, Charles Roberts and Andre Harrison. She is also blessed with seven grandchildren.

Mr. Ronald Scott Young joined the Darby area branch in 1988, and he initially served as 1st vice president, and later assumed the duties of secretary. He has been a valuable asset to the branch, recruiting new members, raising money, and working to complete whatever task is at hand.

Ron's contributions to the community include serving as Cub Scout Master for Pack 189 for the past 45 years, and as treasurer at Southwest Community Enrichment Center of southwest Philadelphia. He is also an active member of Mt. Zion Baptist Church in southwest Philadelphia, where he serves on the Senior Choir and monitors the summer cleaning project. As a result of his involvement, Mt. Zion holds a life membership with the Darby area NAACP branch. Ron's devoted family includes wife Lucille, sons Scott and Drake, daughters Donna and Nicole, granddaughter Tempest and grandson Ryan.

Through their contributions to the community, Carol and Ron have shown their commitment to the NAACP's mission of ensuring the political, educational, social, and economic equality of rights of all persons. I ask my colleagues to join me in honoring Carol and Ron for their years of service, and to thank them for their hard work for the NAACP.

HONORING JASON SCOTT BARMANN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jason Scott Barmann of Platte City, Missouri. Jason is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and earning the most prestigious award of Eagle Scout.

Jason has been very active with his troop, participating in many Scout activities. Over the many years Jason has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Jason Scott Barmann for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE LIFE OF TERRANCE J. "TERRY" WILSON, FORMER EXECUTIVE DIRECTOR, HILLSBOROUGH CLASSROOM TEACHERS ASSOCIATION

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Ms. CASTOR. Madam Speaker, I rise today to honor the life and contributions of Terrance J. "Terry" Wilson, and to acknowledge his tireless work for the teachers, children, and all of us in Hillsborough County.

Terry was born in Everett, Massachusetts October 22, 1942. After graduating from Lincoln-Sudbury Regional High School in 1960, he moved to Tampa to attend the University of Tampa. A member of the Class of 1965, he graduated with degrees in business administration and economics and then went on to obtain a master's degree from the University of South Florida in 1968.

During Terry's four year tenure as a social studies teacher at Leto High School in Tampa, he became actively involved in the Hillsborough Classroom Teachers Association. During that time, he witnessed a teachers' strike, poor benefits, and failing students, and he found his calling as an advocate for creating a better environment for both teachers and students in the community's classrooms. As his wife, Elizabeth Wilson, explains it, "He just saw that teachers were extremely dedicated and selfless. They weren't going to spend a lot of time speaking up for themselves."

For decades, Terry dedicated his career to tirelessly defending Hillsborough County school teachers. Fellow members elected him to two terms as president of the Association, and he later served as executive director from 1989 to 2000. He fought for higher teacher salaries, sick leave pay, early retirement, and better health insurance, and he spear-headed efforts to create the Center for Technology for teachers.

The Tampa community honors the life of Terry Wilson for his outstanding contributions to teachers. His service to the Hillsborough Classroom Teachers Association has made a lasting mark on education in the Tampa area.

RECOGNIZING THE RETIREMENT OF SOLANO COALITION FOR BETTER HEALTH EXECUTIVE DIRECTOR PATRICK HUGHES

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mrs. TAUSCHER. Madam Speaker, I rise with the support of my colleague, Hon. GEORGE MILLER, in the House of Representatives, to recognize Patrick S. Hughes, Ed.D, who has faithfully served the residents of Solano County since 1990.

Mr. Hughes has dedicated over 18 years to the community. After serving as assistant to the city manager for the city of Vacaville, Mr.

Hughes shifted his focus to the community health arena where his innovation and accomplishments have made him a leader in his field.

During his tenure with the Solano Coalition for Better Health, SCBH, Mr. Hughes has implemented initiatives and strategies that promote access to health care, have improved population health, continue to support policy advancement, and increase community organization.

As a result of his work and dedication, great strides have been made in eradicating disparities in health care throughout the community, especially in our youth population.

Mr. Hughes designed and facilitated a comprehensive strategy to enroll children in appropriate health care coverage that is currently experiencing record success. In conjunction with successful fundraising efforts, this helped lead Solano County to the coveted distinction as one of the "100 Best Communities for Young People," as recognized by the America's Promise Alliance, for 2 consecutive years.

Building on his achievements in children's health awareness, Mr. Hughes has also made a commitment to decreasing the disparities in health care within minority communities in Solano County. Under his leadership, a major initiative is underway aimed at eliminating the disparities in health status that impact the African-American residents of Solano County. Attention to these disparities received a concentrated focus with the successful celebration, "Champions for African-Americans," sponsored by the SCBH.

Taking his vision and dedication to the national stage, Mr. Hughes recently completed a 2-year term as president of Communities Joined in Action, a national organization supporting community efforts to increase access to health care.

Mr. Patrick Hughes's many accomplishments have immeasurably improved Solano County and enriched the life of its residents. Mr. MILLER and I thank him for his years of public service and wish him success and happiness in his future endeavors.

HONORING MATTHEW PHILIP SHINER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Matthew Philip Shiner of Platte City, Missouri. Matthew is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and earning the most prestigious award of Eagle Scout.

Matthew has been very active with his troop, participating in many Scout activities. Over the many years Matthew has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Matthew Philip Shiner for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATING WILBUR C. HENDERSON

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. SESTAK. Madam Speaker, I rise before you today to honor Wilbur C. Henderson, the founder, chairman, president, and CEO of Henderson Group, Inc and the recipient of Delaware County Chamber of Commerce's Lifetime Achievement Award, 2002.

Mr. Henderson houses commercial, industrial, office, professional, and retail operations in his buildings throughout Delaware County. He pioneered a new vision providing park-like settings to businesses in Chadds Ford, Darby Township, Folcroft, Media, Nether Providence, Sharon Hill, and Tinicum Township.

Moreover, Mr. Henderson defended his country during World War II, including the Battle of the Bulge, as a distinguished member of the 82nd Airborne Division, 508th Parachute Infantry. Currently, this American hero is a retired lieutenant colonel of the U.S. Army Reserve.

If Mr. Henderson's military and business accomplishments were not enough, he is currently active in his community as chairman of the Borough of Folcroft Planning Commission, senior deacon of the Folcroft Union Church, and a member of the Board of Trustees of the Florida Institute of Technology. Likewise, Mr. Henderson was formerly a member of the Board of Trustees of Drexel University, a member of the Delaware County Government Study Commission, a member of the Greater Philadelphia First Corporation, a bank director with Fidelity and Elmwood Federal Savings and Loan Association, and, last but not least, the chairman of the board of the Delaware County Chamber of Commerce.

Mr. Henderson was recognized as one of Drexel's most outstanding 100 graduates and received numerous other awards and honors during his 60-year career. Wilbur C. Henderson may have many accomplishments, but he is not nearly done. This entrepreneur has future plans to expand his programs in Delaware County and Florida.

Madam Speaker, I ask you to join me in honoring Wilbur C. Henderson. He is the living epitome of the American dream. Through his hard work, Mr. Henderson has defined Delaware County's industry for six decades, defended our country during WWII, and exhibited altruism as a volunteer in a myriad of community activities.

HONORING JESS A. LAIRD FOR CITIZEN OF THE YEAR AWARD

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. HENSARLING. Madam Speaker, today I rise to recognize an outstanding citizen, Mr. Jess A. Laird, for being named Citizen of the Year by the Athens Chamber of Commerce.

Jess currently serves as president of First State Bank and as a board member for the Athens Chamber of Commerce. He devotes his time and efforts to not only serving, but also to leading the community through numerous civic organizations. In addition to serving as the former president of the Cain Center board, Rotary Club, Industrial Foundation and the American Heart Association, Jess has worked with the TVCC Foundation, ETMC board of managers, Salvation Army and United Way board.

In addition, Jess still finds time to be involved at First United Methodist Church, by singing with the Praise Team. More importantly, Jess is a devoted husband to Susan and a dedicated father to two sons, Blake and Rex.

Madam Speaker, on behalf of the Fifth District of Texas, I am honored to be able to recognize a constituent and good friend of mine, Jess, for being an invaluable leader and for generously offering his talents to improve his community.

HONORING REED WILLIAMS

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mrs. CAPITO. Madam Speaker, I rise today to honor a hometown hero and someone who embodies the true spirit of the Mountain State.

Reed Williams of Moorefield, West Virginia captured the attention of the nation on January 2, 2008 after he was named Defensive MVP for his outstanding performance in the West Virginia University Mountaineers' historic win over the Oklahoma Sooners in the Fiesta Bowl this year.

Reed's talents are not only on the football field, but also in the classroom. He was named by ESPN as a member of the prestigious Academic All-American Football Team and maintains the highest G.P.A. on the Mountaineer football team. Prior to his college career he was the valedictorian of the Moorefield High School Class of 2005.

Reed is currently a junior majoring in finance and plans to pursue postgraduate studies. He is the son of Robert and Jacqueline Williams of Moorefield, West Virginia.

I look forward to hearing about Reed Williams' future accomplishments both on and off the football field and wish him and his teammates congratulations on their Fiesta Bowl victory. I'm proud to call Reed Williams a fellow West Virginian and a true Mountaineer.

HONORING JOSHUA E. CATTON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Joshua E. Catton, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America and in earning the most prestigious award of Eagle Scout.

Joshua has been very active with his troop, participating in many Scout activities. Over the many years Joshua has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Joshua E. Catton for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

NIAGARA LOSES ITS JOBS

HON. STEVE KAGEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. KAGEN. Madam Speaker, yesterday, Niagara, Wisconsin—a town of 1,900 people—was hit with an economic earthquake when the new corporate owner of the former Stora Enso paper company, Newpage, announced that every single one of the 319 higher-wage papermaking jobs would be eliminated. The mill is closing. Period. It's gone.

The paper company is the primary source of income and the town's tax base. And as Niagara goes, so goes our Nation.

Niagara is paying the price for our Nation's unbalanced and unfair trade policies.

The NAFTA and CAFTA-style "fair trade" policies have failed to produce prosperity that professional politicians promised.

These failed trade deals will soon bankrupt hard-working families in Niagara and families all across America.

When will the President realize that no one—not even skilled papermakers—can compete against slave labor in Communist China?

China has targeted every one of our manufacturing industries for extinction. .Textiles, steel, paper, automobiles, toys, pots and pans, even our ammunitions; what's next?

We must stop the bleeding of our economy and we must stop it now. We simply cannot afford to lose any more jobs, and we certainly cannot afford to stand by the side of the road and watch the tax base of every city in America disappear.

Instead of exporting our jobs, we must begin to export our values, for without a viable economy, we have no freedom.

Today, the good people of Niagara have lost their freedom.

Congress must hear their voices, their fears, and their prayers.

These papermaking jobs put food on their tables and helped pay the mortgages for the 1,880 hard-working families in Niagara. The good people of Niagara need our economic and psychological support—and they need help now, not next year.

INTRODUCTION OF THE STEALTH TAX RELIEF EXTENSION ACT OF 2008

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. REYNOLDS. Madam Speaker, I rise today—along with numerous original cosponsors—to announce the introduction of the "Stealth Tax Relief Extension Act of 2008"—new legislation that would extend to 2008 the temporary alternative minimum tax (AMT) relief that Congress enacted on a bipartisan basis last month. As the lead sponsor of a prior bill—the "Stealth Tax Relief Extension Act of 2007" (H.R. 1112)—on which Congress's year-end AMT patch bill for 2007 was based, I urge the House to take the earliest possible action this year on a new patch for 2008.

As my colleagues will recall, last year's AMT patch—which extended temporary AMT relief through December 31, 2007, without raising taxes—was enacted later in the legislative year than ever before. As a result of that unprecedented delay in Congressional action on last year's patch, the upcoming tax-filing season is expected to involve significant disruption and substantial taxpayer confusion. While I remain hopeful that bipartisan efforts to achieve a long-term AMT solution will eventually bear fruit, I sincerely hope that, over the weeks ahead, Republicans and Democrats can, at the very least, work together to prevent a similar situation from developing again.

Accordingly, I am today introducing follow-up legislation that would simply extend for an additional year—through December 31, 2008—the temporary AMT relief enacted this past December. I am confident that the common-sense approach taken in my new legislation will once again engender overwhelming, bipartisan support, just as it did last year.

Specifically, my new legislation would increase the AMT exemption level for single filers from $44,350 in 2007 to $46,200 in 2008, and it would increase the exemption level for joint filers from $66,250 in 2007 to $69,950 this year. These increases—$1,850 for singles and $3,700 for joint filers—reflect the same dollar amounts by which Congress raised these exemption levels in December, and they represent the best current estimates of the amounts necessary to ensure that no additional taxpayers will be affected by AMT in 2008 than were affected in 2007. I have submitted a formal request to the Joint Committee on Taxation for an updated estimate as to the exact dollar amounts that will be required to achieve this objective, and I expect to receive that information sometime next month. At that time, any appropriate adjustments to the figures included in today's bill can be made. In the interest of ensuring that Congress can begin work on the 2008 AMA patch as early in the year as possible, however, I am formally filing this bill as a place-holder today.

Timely introduction of this bill is all the more important in light of the heightened, bipartisan interest over recent weeks in enacting an economic stimulus package early this year. I would note that the 2008 AMT patch has been identified by the Congressional Budget Office (CBO) as among the more effective legislative options to help address the current economic situation. As this week's CBO report made clear, enacting an AMT patch early this year would permit hard-working, middle-class taxpayers to properly adjust their withholding levels to provide workers additional take-home pay in each paycheck. Because the AMT patch has been estimated to save affected taxpayers an average of about $2,000 per year, early enactment of my new legislation would be expected to increase the typical AMT-affected worker's take-home pay by as much as $167 per month. These taxpayers could, in turn, use those additional funds to purchase food, gasoline, healthcare, or other critical items that would help them not only meet the material needs of their families, but spur the economy as well. In my view, this is precisely the sort of immediate, high-impact tax policy change that Congress should be discussing as part of the ongoing economic stimulus debate, and I would encourage my colleagues to give this idea careful consideration as we work to craft a bipartisan stimulus package.

Clearly, the AMT patch stands on its own merits as a matter of tax policy and fairness, as evidenced by the House's overwhelming 352–64 vote on the free-standing 2007 patch last month. Regardless of whether my new AMT patch legislation covering 2008 is included as part of the forthcoming stimulus package or is considered separately at a later date, I stand ready to work with members on both sides of the aisle to prevent this needless tax increase on millions of America's middle-class taxpayers, while also ensuring that we avoid other unwarranted tax increases that would further endanger our economy. Working together, I am confident that we can once again protect taxpayers from an unwelcome tax hike due to the AMT, and that we can do so in a much more responsible manner than occurred last year.

HONORING HAROLD C. HILL

HON. MIKE FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. FERGUSON. Madam Speaker, I am pleased to announce that I recently honored Harold C. Hill of the Scotch Plains Rescue Squad with the top award at the First Annual Volunteer Awards Breakfast, which I held in Bridgewater, NJ, November 29, 2007.

Offering one's time and energy to help others and make a difference is what being a member of a community is all about, and I created this event and award to recognize the importance of volunteering in our society. In preparation for the event, I contacted numerous volunteer organizations in New Jersey's Seventh District—which includes portions of Hunterdon, Middlesex, Somerset and Union counties—and asked them to nominate an individual who has made exceptional contributions to the community.

I was thrilled to see the number of nominations we received. Any of our nominees are worthy of recognition, and my staff and I were faced with the difficult task of selecting a recipient of our top award.

In the end, we found Mr. Hill to be the most notable of the many outstanding candidates, and I am sure anyone who knows him and is familiar with his dedication to his community was not surprised. He was born and raised in Scotch Plains, NJ, and has served for 50 years as a member of the town's rescue squad, an all-volunteer organization that serves and protects more than 25,000 residents.

Records indicate that during his service, Mr. Hill has answered more than 12,300 calls for assistance to the residents, businesses and visitors of Scotch Plains, and he still actively rides as an emergency medical technician answering more than 250 calls a year. He also has been instrumental in assisting the squad in maintaining and upgrading ambulances and equipment, and is an exemplary role model to other members of the squad.

As devoted as he has been to serving his community, perhaps Mr. Hill's most impressive service was to his country. He is an American hero who served honorably in the Korean war, was twice wounded and was decorated with the Purple Heart.

It is with great pride that I thank and congratulate all of our nominees for their service and recognize Harold Hill for his exceptional commitment to others.

INTRODUCTION OF CAGING PROHIBITION ACT OF 2008

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. CONYERS. Madam Speaker, today I am pleased to introduce the Caging Prohibition Act of 2008, a critical contribution to the Congress's election reform efforts as we approach the 2008 election. I would like to acknowledge and thank those that join me in this introduction—Representatives RAHM EMANUEL, CHRIS VAN HOLLEN, XAVIER BECERRA, RUSH HOLT, MIKE HONDA, CAROLYN CHEEKS KILPATRICK, and GWEN MOORE and members of my committee, the Judiciary Committee—Representatives JERROLD NADLER, ZOE LOFGREN, STEVEN COHEN, and KEITH ELLISON.

Since the late 1950's, the pernicious practice of "voter caging" has been used to discourage or prevent eligible voters from having their vote cast and counted on election day. Recent elections have shown that caging tactics are not outdated, and in fact, have been used to disenfranchise voters in recent midterm and Presidential elections. While caging efforts have traditionally been directed at minority communities, all voters are susceptible to these attempts at voter intimidation and suppression.

The undemocratic practice of voter caging involves sending mail to voters at the addresses at which they are registered to vote. Should such mail be returned as undeliverable or without a return receipt, the voter's name is placed on a "caging list." These caging lists are then used to challenge a voter's registration or eligibility. For those that suggest that voter caging is done with the purest of intentions, I point out that this method remains an unreliable and dangerous way to identify ineligible voters. Mail may be returned as undeliverable for any number of reasons unrelated to an individual's ability to vote. Typos, transposed numbers, new street names, and improper deliveries explain just some of the many reasons for returned mail.

In my home State of Michigan, I have seen firsthand how caging efforts are used to harass, bully, and ultimately disenfranchise, eligible voters. During the 2004 election, challengers monitored every single one of Detroit's 254 polling stations. With a Michigan lawmaker advocating "suppress the Detroit vote," it was obvious why the challengers were at every polling place—to create a tense and hostile environment for those eligible voters who simply wished to participate in our democracy by casting a ballot. And furthermore, I cannot help but think that "suppress the Detroit vote" is synonymous with "suppress the Black vote" as Detroit is 83 percent African American. These voter suppression campaigns always seem to target our most vulnerable voters—racial minorities, language minorities, low-income people, homeless people, and college students.

However, during the 2004 election, we learned that no one is immune to voter suppression when Ohio and Florida caging lists specifically targeted soldiers whose mail was returned as undeliverable because they were stationed overseas. Here it is, our soldiers are fighting for democracy abroad, but find out that they cannot participate in democracy at home. During the last Presidential election, caging tactics were not limited to Michigan, Ohio, and Florida. Reports of caging came from all over the country—from Wisconsin, where "suspicious addresses" were used as the basis for challenges, to Nevada, where partisan gains were the acknowledged motive for challenges.

Voter caging is inconsistent with the principle that every eligible citizen should be entitled to the right to vote. The Caging Prohibition Act of 2008 will clearly define and criminalize voter caging and other questionable challenges intended to disqualify eligible voters. This bill is really quite simple. One, it requires election officials to corroborate their caging documents with independent evidence before a voter can be deemed ineligible. And two, it limits all other challenges that do not come from election officials to those based on personal, first-hand knowledge.

Caging tactics meant to suppress the vote do more than impede the right to vote. They threaten to erode the very core of our democracy. By eliminating barriers to the polls, we can help restore what has been missing from our elections—fairness, honesty, and integrity.

IN HONOR OF POLICE OFFICER VINCENT J. ROMANO, CITY OF NEW JERSEY, NJ

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. SIRES. Madam Speaker, I rise today in honor of Jersey City Police Officer Vincent J. Romano on the occasion of his retirement. Police Officer Romano who retired on November 1, 2007, received numerous recognitions for his service, evidence that he was an outstanding member of the Jersey City Police Force.

Police Officer Romano, was appointed to the Jersey City Police Department in 1988, and initially assigned to the South District. His dedication garnered the trust of his superiors and earned him other opportunities to serve the Department in the West District, North District, Municipal Court Unit and the Records Room. His experience and his knowledge of the community also won him specialized assignments in the Narcotics Unit and the Violent Crimes Unit.

Throughout his career, Police Officer Vincent J. Romano has received numerous awards which included: 2 commendations, 11 Excellence Police Service Awards, 3 Unit Citations and 1 World Trade Center Award.

Please join me in honoring Police Officer Vincent J. Romano for his distinguished service to the Jersey City Police Department, and in congratulating him, his wife, Connie, and their two sons, Vincent and Joseph.

COMMENDING BILL CAMERON FOR BEING NAMED THE SOUTHEAST FARMER OF THE YEAR

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. HAYES. Madam Speaker, today I rise to congratulate a friend and hardworking farmer who has received one of the most distinguished awards a farmer can receive in the Nation. Bill Cameron, a Hoke County citizen, won the Swisher Sweets/Sunbelt Expo Southeastern Farm of the Year for 2007, and I couldn't be more proud of him for this well-deserved accomplishment.

Bill Cameron is a native of Hoke County. He coached the high school football team for 11 years and then decided to focus on farming full time and invest his life in the agriculture industry.

Bill started his farming operation with 82 acres, and it has grown to almost 900 acres today. He is well diversified with swine, cattle, and row crops. His livestock operations include Santa Gertrudis cows, bulls used to raise seed stock, feeder steers, and a large breeder gilt grower operation. On the crop side, Cameron grows hundreds of acres of corn, soybeans, wheat, oats, rye, and hay.

During the Southeastern competition, Cameron was selected among ten state finalists in the Southeastern states including Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee and Virginia.

Folks, this is quite an achievement to be selected from such a competitive group of farmers, and I am very happy for Bill. I know that there was a tremendous amount of hard work and sacrifice that went into his operation and making it such an efficient and successful operation.

Anyone who knows Hoke County understands that agriculture is at the heart of the community. Bill Cameron has gone above and beyond the call of duty to help create and sustain a strong agriculture community, and as a citizen of North Carolina, I join many in sincerely thanking him.

Not only has Bill Cameron built a first class farming operation, but he has worked tirelessly to help increase the quality of life for Hoke County and the 8th District as a whole. Bill is a former Hoke County Commissioner, and his determination to help build and create a better community and a better North Carolina is inspiring.

I would also like to acknowledge Bill's family that has been there backing him in his efforts and successes. I am sure Bill's wife, Rhenda, and his two children, Candace and Bill, are as proud as I am of his many accomplishments and his dedication to his profession.

AMERICA'S LOOMING LONG-TERM CARE CRISIS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. BURTON of Indiana. Madam Speaker, while I was back home in Indiana for the recent congressional recess, I came across an excellent op-ed in the Indianapolis Star written by the CEO of Conseco Inc—one of our Nation's premier insurance, annuity and financial security firms—C. James Prieur. The topic of this op-ed was a subject that I have been deeply concerned about for some time, namely, the question of long-term health care. Not since the days of Hillarycare back in the early 1990s has the issue of health care been raised to such prominence in political and civic debates all across the country. However, one aspect of health care that I believe is still not garnering the kind of attention it should is long-term care, LTC, insurance.

Back in December 2006, the AARP released a shocking survey, which found that a full 59 percent of American adults age 45 and older overestimate Medicare coverage for long-term care. Other studies have shown similar results. Taken together, the implication is clear; far too many Americans do not have a clear perception of long-term care costs or to what extent long-term care is covered by public programs. For example, Medicare pays for care delivered in skilled nursing facilities to patients who require longer term medical treatment, but Medicare does not pay for custodial care needed to assist frail and disabled beneficiaries with eating, bathing and other activities of daily living. Medicaid only covers those types of services if you are impoverished or become impoverished, and it provides far fewer quality care choices than are offered through typical long-term care insurance plans.

With the impending retirement of roughly 76 million baby boomers in the next 10 to 20 years, and the average cost of a private room in a nursing home running about $75,000 a year, in current dollars, we are facing a potential long-term care train wreck. Fortunately, the solution is already in place, and it is not a Government-run insurance program; it is the private insurance industry. As Mr. Prieur clearly says in his op-ed, and I agree with him, long-term care insurance isn't for everyone. But, millions of Americans have already put their trust in LTC insurance, and when 97 percent of long-term care claims submitted to private insurers are being paid out—which is the finding of a survey of the leading LTC insurers done by America's health insurance plans—the facts seem to show that this trust is well placed.

I urge my colleagues to read this op-ed and to talk to your constituents about Medicare and long-term care issues. And I urge my colleagues to come together to enact simple, commonsense changes in Federal policy that can help Americans take an important step towards preparing for their long-term care and retirement security needs. One of the easiest things we could do is to allow long-term care insurance to be offered among employer-sponsored cafeteria plans and flexible spending arrangements, FSAs. Currently, benefits such as medical insurance, disability income, life insurance, and a variety of other voluntary benefits are cafeteria style but long-term care insurance is not. Moreover, long-term care insurance cannot be purchased using FSA dollars. That simply makes no sense.

[From the Indianapolis Star, Dec. 31, 2007]

LET'S WORK TO AVOID LONG-TERM CARE CRISIS

(By C. James Prieur)

Here's a question: What percentage of the long-term care claims submitted to private insurance companies were paid in 2006? 10 percent? 25 percent? 50 percent? The actual answer—according to a survey of the leading LTC insurers by America's Health Insurance Plans—is 97 percent. If that high percentage surprises you, it may be because a small number of problem LTC insurance cases have been grabbing the headlines.

Public attention is focusing as never before on the important issue of how Americans will pay for their long-term care needs. Soaring health care costs, the looming retirement of millions of baby boomers, and the fear that Medicare and Medicaid will be dangerously strained are behind this concern. Unfortunately, misleading media accounts may be driving away the very people who would benefit most from LTC insurance.

Far-sighted leaders in Congress who are pushing to broaden the number of Americans who have LTC insurance are doing so for good reason. The cost for providing long-term care will be a major, potentially crippling expense for many households. Contrary to what many think, government programs will pay only part of the tab. Sen. Chuck Grassley of Iowa noted recently that "preparing for long-term care needs can make a big difference in both the quality of life for individuals and the solvency of Medicaid." How the success of these products and their new variations will affect public programs is a serious issue. Many seniors mistakenly believe their LTC costs will be covered by Medicare. In fact, Medicare does not cover home health care, nursing home care or the type of care one may need for a severe cognitive impairment like Alzheimer's disease.

This means that most seniors will have to bear a meaningful share of their own long-term care costs, and that's where private LTC insurers enter the picture. It is our mission to provide seniors with the assurance that their long-term care needs will be covered and their legacy will be preserved.

Millions of Americans have put their trust in LTC insurance, and the facts show that this trust is well placed. Overwhelmingly, insurers are meeting their obligations. Across the country in 2005 (the most recent full-year data available), the LTC industry paid more than $3 billion of claims.

LTC insurance isn't for everyone. If you are among the wealthiest of Americans, you might be able to afford to pay your own LTC expenses. If you have a very low income or few assets, Medicaid may help you. If you fall somewhere in between, LTC insurance may be the smart choice to relieve the financial strain on your family and help you protect assets.

LTC insurance is getting more expensive. Many LTC insurers today are asking state insurance departments for authority to raise their LTC insurance rates. Policyholder premiums are based on several factors that have changed significantly over time, and in ways that few anticipated.

PERSONAL EXPLANATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. COLE of Oklahoma. Madam Speaker, on Wednesday, January 16, 2008, I missed a vote.

I would have voted as follows: rollcall vote No. 3: "yea," passage of H. Res. 912 under suspension of the rules, condemning the assassination of former Pakistani Prime Minister Benazir Bhutto and reaffirming the commitment of the United States to assist the people of Pakistan in combating terrorist activity and promoting a free and democratic Pakistan.

RECOGNIZING CATHOLIC SCHOOLS WEEK 2008

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. AKIN. Madam Speaker, I rise today in recognition of Catholic Schools Week 2008.

From January 27 to February 2, 2008 nearly 2.4 million students who attend the Nation's 7,800 elementary, middle and secondary Catholic schools will celebrate Catholic Schools Week.

I laud the efforts of faculty and parents who provide our Nation's children with an excellent education focused on faith and values.

The 2008 theme, "Catholic Schools Light the Way" focuses on the leadership that

Catholic Schools provide to our Nation by producing graduates who "light the way to a brighter future for all humankind."

The Archdiocese of St. Louis has a longstanding tradition of leadership. I thank the Archdiocese for their commitment to enriching the lives of children.

Catholic Schools Week is a testament to the outstanding work by the Archdioceses across the country.

COMMEMORATING THE ONE YEAR ANNIVERSARY OF THE ASSASSINATION OF MR. HRANT DINK

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. CROWLEY. Madam Speaker, I rise today to solemnly remember the life of journalist and activist, Hrant Dink,

On January 19th, 2007, Mr. Dink was gunned down by a Turkish ultra-nationalist outside his newspaper office in Istanbul, Turkey.

Hrant Dink was a man who called for tolerance, peaceful dialogue and greater civil rights for all Turkish citizens. He was a fierce defender of freedom and believed all people have equal rights under the law. He believed that everyone should have the right to know the truth about their nation's past, however dark that past was.

Hrant Dink had been prosecuted by the Turkish government under penal code 301—a law that bans free speech and was used to suppress a wide range of dissenting opinions, from criticism of Turkish government institutions to opposing official Turkish denial of the Ottoman campaign of genocide against its Armenian population. Under the all-encompassing phrase "insulting Turkishness" a citizen in Turkey can receive a prison sentence of up to three years, with the offence being increased 50 percent if the so-called offence is committed abroad.

Nearly 100 journalists and intellectuals have been prosecuted under Article 301—including Nobel Prize author Orhan Pamuk. Many informed observers believe Hrant Dink's prosecution under Article 301 opened him up to a campaign of harassment and death threats from ultra-nationalists, which led to his eventual murder. To this day, citizens of Turkey live under threat of this gag-law, with Hrant Dink's own son prosecuted because he reprinted his father's newspaper articles.

This is not the actions of a true democracy—it is reflective of how a totalitarian state would behave.

And, this is not the Turkey we—the United States of America—have aligned our country with.

Amnesty International has called for a complete repeal of this punitive legislation.

The European Commission has repeatedly asked for its repeal.

One year ago, Members of Congress, their staffers, and members of several communities came together to watch "Screamers"—a film about genocide in the last century featuring amongst others, Hrant Dink. Here, in the halls of Congress, we saw watched as Hrant Dink discussed the problems of Article 301.

Just two days after the film's premier, Hrant Dink was shot dead. A man who only wanted to speak the truth about historical fact. A man who wanted every citizen to be equal. A man we should applaud here in America for his courage and dedication to democracy.

I hope my colleagues will join me in honoring the memory of Hrant Dink and continuing to urge the repeal of Article 301.

ECONOMIC GROWTH PACKAGE

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. PENCE. Madam Speaker, one year into a liberal Democratic majority in Congress the economy is struggling. The big government policies of the new majority are taking their toll. High gasoline prices, the sub-prime market crisis in housing, and news that inflation is at a seventeen year high, all demand a bipartisan stimulus package in the next thirty days. Congress must act; and must act swiftly.

I submit that Congress must focus economic relief on the kind of stimulus that will create jobs and growth for small businesses and family farmers. The real antidote to the impending downturn is more money in the hands of the wage-earner, and the wage-payer. This is, and always has been, the pathway to prosperity in the American economy.

INTRODUCTION OF "THE DEBBIE SMITH REAUTHORIZATION ACT OF 2008"

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mrs. MALONEY of New York. Madam Speaker, Along with Representatives JOHN CONYERS and LAMAR SMITH, I am introducing "The Debbie Smith Reauthorization Act of 2008." I have been working on the issue of DNA technology since 2001 when I, along with former Representative Steve Horn, held a hearing in the Government Reform Committee where we heard from a courageous rape survivor, Debbie Smith. Debbie recounted her horrifying story . . . how on a Friday afternoon in March 1989, she was in the kitchen of her home in Virginia, when a masked intruder broke in and blindfolded and robbed her. He then took her to the woods nearby and savagely raped her. Years later, Debbie learned that DNA processing techniques had produced a "cold hit" identifying her assailant, who had been jailed 6 months after her assault for another crime. He was charged with Debbie's rape in 1995, freeing Debbie from a life of fear.

It was for Debbie, and the thousands of rape survivors like her, that I authored a bill to provide Federal funding to process the unconscionable backlog of DNA evidence. Originally introduced in 2001, "The Debbie Smith Act" was signed into law in 2004 as part of "The Justice for All Act," comprehensive legislation that ensured that DNA evidence could be used to convict the guilty and free the innocent.

Since 2004, millions of dollars in funding have been appropriated under the Debbie Smith DNA Backlog Grant Program to process thousands of unprocessed DNA evidence kits across the country. Because this groundbreaking program's authorization expires at the end of FY2009, "The Debbie Smith Reauthorization Act of 2008" extends the program through FY2014.

According to the Rape, Abuse, & Incest National Network, every 2 minutes someone is sexually assaulted somewhere in the United States. DNA evidence does not forget and it cannot be intimidated. By processing this evidence, we can prevent rapists from attacking more innocent victims and ensure that the survivors and their families receive justice.

CONGRATULATIONS TO LEROY HIGH SCHOOL ON THEIR 2007 2A STATE FOOTBALL CHAMPIONSHIP

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. BONNER of Alabama. Madam Speaker, it is with great pride and pleasure that I rise to honor Leroy High School on their 2007 2A Alabama State Football Championship.

Head coach Danny Powell led the Bears to their second straight Class 2A state football championship. The title is the third for Leroy in past four seasons and the third for Coach Powell in the last two years. Like Coach Powell, I am so proud of his players, and I know they worked hard for this great accomplishment.

The Leroy Bears proved they are a team of champions in their victory on December 7, 2007, at Legion Field in Birmingham. They defeated Fyffe High School in a thrilling fourth quarter comeback to win the state crown.

Both teams had strong support from their families and fans. They traveled to Birmingham to support and cheer on their team. The fan support is a strong symbol of encouragement.

Madam Speaker, I ask my colleagues to join me in congratulating Leroy High School on their winning season and state championship. This school deserves public recognition for this great accomplishment.

I extend my congratulations to each member of the team and coaching staff:

LEROY HIGH SCHOOL ROSTER

1—Stephen Scoggins, 2—Aerik Davis, 3—Laurence Powell, 5—Grant Brown, 6—Josh Ervin, 7—Jerome Taylor, 8—Jared Elmore, 9—Patrick Wilson, 10—Josh Trotter, 11—Patrick Rivers, 12—Brandon Jones, 14—Paul Gartman, 15—Clint Moseley, 16—Alan James, 17—Zach Flowers.

18—Kenny Mitchell, 19—Ryan Daugerty, 20—Sammie Coates, 21—Johnny Williams, 22—Victor Lovick, 23—Andrew Williams,

24—Michael Bracy, 25—Clent Collins, 26—Terrence Brown, 27—Rob Reeves, 28—Phillip

Ervin, 30—Deon Smith, 31—Luke Griffin, 32—Terrence Yelder, 33—Chris Weaver.

34—Detrick Powell, 35—Chet Elmore, 37—Jarrette Davis, 38—Andre Thomas, 43—Avery Nash, 44—John Truitt, 45—Tobais Roper, 46—Christian Smith, 47—Crayton Motes, 48—TJ Brannon, 51—Cody Overstreet, 52—Eddie Satterfield, 53—Anthony Payne, 54—Johathan Hammons, 55—Cody Childs.

56—Raymond Williams, 57—Jonathan Woodyard, 58—Keith Barnes, 59—Jacob Trujillo, 60—Chris Powell, 61—Tyler Faith, 62—Kyle Hayes, 63—James Foster, 64—Neil Hayes, 65—Brett Ayers, 66—Marquis Land, 67—Johnathan Sullivan, 68—Micah Bailey, 69—Tyler Chastain, 70—Frank Turner.

71—Devin Byrd, 72—Harris Long, 73—Aaron Williams, 74—Coby Powell, 75—Kendall Williams, 76—Jonathan Overstreet, 77—Tevin Anderson, 79—Payton Goldman, 83—David Morris, 84—Matt Delegal, 85—Ronny Reed, 88—Ross Reed, 89—Cody Sullivan, 90—Tyler Brown, 98—Richard Weaver, 99—Scottie McBride.

Head Coach: Danny Powell, Assistant Coaches: Jason Massey, Emanuel King, Matt Braun, Jason Rowell, Rodney Loper, Tony Nader, and Saul Worthy.

HONORING CYNTHIA "CINDY" HARRISON

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. INSLEE. Madam Speaker, I rise today to honor Cynthia "Cindy" Harrison for nearly 20 years of hard work and dedication as Bainbridge Island's head librarian. After two decades of extraordinary service, Cindy is retiring from Bainbridge Island Public Library. In 2006, Cindy was recognized with the highly-coveted New York Times Librarian of the Year Award, bringing her library national recognition through her tireless efforts. Cindy was a public face for the library during a period of growth when more than $2 million was raised solely from private donations. Under Cindy's leadership, more than 75 percent of Bainbridge Islanders have library cards, with the Island's 8,000 households, borrowing more than one-half millions books and materials last year.

Cindy has made the library a better place in every way. Her stewardship and leadership has ensured that the building and programs have adapted to the changing needs of Bainbridge Islanders. Her imagination and dedication to learning have made the Library a magnet for all the citizens of Bainbridge Island and have endeared her to the community.

I offer my praise to Cindy Harrison, for her devotion to the Bainbridge Island library and community.

INTRODUCTION OF BILL TO PROTECT THE POLAR BEAR

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. MARKEY. Madam Speaker, I am introducing this bill today because the polar bear is in the crosshairs of global warming and the ill-advised decisions of the Bush administration to proceed with an oil lease sale in a major polar bear habitat while delaying a decision to list the polar bear as threatened under the Endangered Species Act. This legislation would require that the Interior Department delay the oil drilling rights sale in Alaska's Chukchi Sea until it had made a decision on the listing of the polar bear under the Endangered Species Act, and had performed its responsibility of establishing "critical habitat" for the polar bear.

The Bush administration's own scientists project that the prospects for the polar bear's survival are bleak. Last year, Dr. Steven Amstrup, the Government's leading polar bear scientist, headed up a team of scientists charged with examining the impact of sea ice loss on polar bear populations. In a series of reports released last fall, Dr. Amstrup's team concluded that by mid-century, two-thirds of all the world's polar bears could disappear and that polar bears could be gone entirely from Alaska. Dr. Amstrup's team also noted that based on recent observations, this dire assessment could actually be conservative.

The actions of the Bush administration in the coming months could very well determine the fate of this iconic animal. The Interior Department is currently considering whether to list the polar bear under the Endangered Species Act as a result of the impact of global warming. While this decision has been nearly three years in the making, last week the Fish and Wildlife Service announced that it was going to delay any decisions beyond its statutorily required deadline—that legal protection for the polar bear would be put on ice while its critical habitat continues to melt.

Meanwhile, the Interior Department is revving up its regulatory machine to allow new oil drilling in sensitive polar bear habitat. Earlier this month, the Minerals Management Service finalized its plan to move forward early next month with an oil and gas lease sale of nearly 30 million acres in the Chukchi Sea, an area that is essential habitat for polar bears in the United States.

The timing of these two decisions leaves the door open for the administration to give Big Oil the rights to this polar bear habitat the moment before the protections for the polar bear under the Endangered Species Act go into effect. Rushing to allow drilling in polar bear habitat before protecting the bear would be the epitome of this administration's backwards energy policy—a policy of drill first and ask questions later.

The decision to list the polar bear must be made on the best science. The Bush administration is still working out how it can solve global warming—with great delay—but has not yet made any declaration that we, or the polar bear, are in any danger. The Endangered Species Act does not call for a solution before a declaration, but rather a clear decision to be made on the biological status of a species at a specific time. The Bush administration are not going to solve global warming without first declaring it a problem, and they are not going to save the bear without first declaring it endangered or threatened under the Endangered Species Act.

Robert Frost wrote about two roads diverging in the wood, and here we have the Bush administration looking down two roads with regard to the polar bear. Down one road lies the survival of the polar bear and the orderly consideration of oil drilling and global warming and common sense. Down the other road, too often traveled by this administration, lies regulatory lunacy and a blatant disregard for moral responsibility. I urge Secretary Kempthorne and his agency to choose the Bush administration's road less traveled and protect the polar bear, and the rest of us, from global warming.

A TRIBUTE TO THE MONITORS CELEBRATING 50 YEARS OF MAKING MUSIC

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. BUTTERFIELD. Madam Speaker, I rise and ask my colleagues to join me in paying tribute to the Monitors, one of eastern North Carolina's most noted bands. On January 25, 2008, members of this band will come together at the Boykin Center in Wilson, NC, to celebrate 50 years of making music.

Madam Speaker, Bill Myers and Cleveland Flowe came together and organized the band in 1957 setting the Monitors in motion over the next 50 years. And they are still grooving today. I want to say that Bill Myers is married to my very special cousin, Diana Davis Myers, and Cleveland Flowe was my band teacher when I was in high school many years ago.

Bill Myers is the only original member of the band who performs once or twice per month. Cleveland Flowe and his wife, Cathy, now live in Charlotte, NC. The Monitors' music varies according to the crowd. The band is very versatile and can take an audience back on a journey to the World War II era, or can have them doing the twist, jerk, or mashed potatoes into the 1940s, 50s, 60s, 70s or even break dancing to the 80s or "leaning back" to those songs that you may hear on the radio today. Although the band has kept up with the time, the members have been able to savor its original flavor and can kick it into gear on command.

Madam Speaker, all one has to do is just name the occasion—a concert, Mardi Gras, Hawaiian luau, wedding reception, prom, cabaret, or a street festival, and the Monitors will have you springing to your feet and dancing to the beat.

The Monitors' claim to fame is their noted performances as back-up band with such greats as Otis Redding, Millie Jackson, Major Lance, Faye Adams and Joyce Thorne, and as the opening act with Ray Charles and Roberta Flack. Further, a little known history fact is that in the early stages of her career, Roberta Flack was lead singer for the Monitors.

Madam Speaker, this celebration is not only a time of reminiscence for the members of the Monitors which include Bill Myers, Cleveland Flowe, Jerome Morgan, Willie Dupree, Dick Knight, Fred Moye, Donald Tuckson, Sam Lathan, Clark Mills, Jr., Mollie Hunter and Gerald Hunter, but it is a charitable occasion where proceeds of the concert will be divided between the Arts Council of Wilson and the Charles H. Darden High School Alumni Association.

Madam Speaker, I applaud the Monitors for the joy that they have brought into the lives of people across the Nation through their musical talents. I ask my colleagues to join me in extending to this renowned band our heartfelt wishes and God's continued blessings.

IN REMEMBRANCE OF ZORA McARTHUR MEISSNER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of Zora McArthur Meissner, and to celebrate her life of service to others and her community.

As a young woman in Alabama, Zora devoted herself to the civil rights movement as she registered young black voters, fought for the desegregation of schools, and demanded equality in the workplace.

After moving to Cleveland, Zora earned her bachelor's and master's degrees from John Carroll University while raising her children. Her spirit for advocacy and empowerment led her to a number of jobs working with the most vulnerable populations in Cleveland. Zora's compassion embraced everyone she encountered, and her desire to make the world and Cleveland a better place never waned. She had a genuine desire to help people, and relished the time she spent with clients.

Zora is celebrated in life by her beloved husband of 37 years, Joseph; and her children Betina, Chiquita, and Paul.

Madam Speaker and colleagues, please join me in remembering and honoring Zora McArthur Meissner, for a rich life spent dedicated to her family and her community. May her strength and spirit live on in us all.

HONORING RETIRING TOWN OF CHEEKTOWAGA COUNCILMAN THOMAS M. JOHNSON, JR.

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. HIGGINS. Madam Speaker, I rise today to commemorate the illustrious public career of one of western New York's most dedicated and hard working public servants—the Dean of the Cheektowaga Town Board, its longest serving member, Councilman Thomas M. Johnson, Jr.

Many years ago, the Buffalo News once referred to another public official with a reputation for energetic representation of his constituents as "indefatigable." Untiring. Unrelenting. Unfaltering. These and so many other adjectives only begin to describe the manner in which Tom Johnson served his constituents, and the town he loves so dearly.

Since my very first days in service as a Member of the House, Tom has been an advocate for countless projects within Cheektowaga, and for the betterment of the people who live there. I am proud to serve in public office alongside people of the caliber of Tom Johnson, and I am prouder still to call Tom my friend.

I have taken the liberty, Madam Speaker, of including within this extension excerpts from an article recently published in the Buffalo News that chronicles Tom's career and his plans to "retire"—with that word intentionally left in quotation marks. Tom will never truly retire from serving the town he so dearly loves, and all of us in elective office owe a great debt of gratitude to Tom for his service and his dedication to the people in his community. Tom, on behalf of the entirety of the House of Representatives, let me wish you, Barbara and your entire family the very best of luck and Godspeed.

CHEEKTOWAGA ICON JOHNSON LEARNING THE WORD "RETIRE"

(By Thomas J. Dolan)

Cheektowaga's longest-serving Town Board member, Thomas M. Johnson Jr., is stepping down after three decades in office, but you wouldn't know it to see him.

With just days to go before his term ends, Johnson, 66, is as restless as ever. He's showing up for work sessions at Town Hall, popping in at community meetings and appearing at all manner of ceremonies and events, just as he has done through much of his career. "He gets involved in practically everything. He goes to all the meetings. He gets involved with various groups," said Thomas J. Adamczak, supervisor of town inspectors.

Whether it's the Cheektowaga Community Symphony Orchestra, a ceremony honoring veterans, a planning session to restock walleye in Cayuga Creek or a discussion of storm-drainage problems, Johnson has been a force in town affairs for decades. He has left his stamp on a wide variety of projects, from the Walden Galleria shopping mall to the town's new bike path, now under construction.

Johnson's 30 years on the board easily qualify him as Cheektowaga's longest-serving lawmaker, said Supervisor-elect Mary F. Holtz, the town historian.

"Nobody else even comes close," Holtz said after checking her records.

And few town officials have made a greater impact than Johnson, observers say.

"Tom is a true institution in Cheektowaga," said Eric L. Recoon, vice president of development for Benderson Development Co.

Recoon, who has frequently negotiated with Johnson regarding Benderson projects, gave this assessment: "Tom probably has, in his own way, done more for the town than almost anybody. He's so passionate about his town, and he was really tireless in his efforts to do what he feels would benefit the Town of Cheektowaga."

And while many politicians show up at public meetings to earn some "face time," Johnson comes armed with questions, talking points and often documents to back them up. It's not long before he's deep in the debate—or taking over the meeting, as some critics would describe it.

Recoon, who has dealt with Johnson for more than a decade, said: "He's incredibly frank. He's very straightforward, and he is candid—sometimes not in a fashion that you want him to be. But you know what? You always know where you stand with him."

Johnson, an engineer and retired manager for Goodyear-Dunlop Tire Corp., recalls buying a house on Meadowlawn Road in the early 1970s and then learning that—instead of being used for housing, as real estate agents had assured him—the large lot behind his home would be developed as a shopping mall.

As a result, Johnson helped form the Depew-Cheektowaga Home Association, which grew to more than 700 members. And, through most of his political career, he has kept close ties with Cheektowaga's homeowners' and taxpayers' associations.

His list of honors and awards—many of them from community groups—fill more than a page. But after more than 32 years on the political stage, Johnson says he is retiring to spend more time with his family, especially his grandchildren, Natalie, 7, and Eric, 5. It's difficult to imagine him no longer being active in town affairs, especially since he believes strongly in having citizens take part in government.

"What we need more than anything else is participatory government," he said. "For my mind, government that is closest to the people is best."

SENATE—*Friday, January 18, 2008*

(Legislative day of January 3, 2008)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 18, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL 10 A.M. TUESDAY, JANUARY 22, 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until Tuesday, January 22, 2008, at 10 a.m.

Thereupon, the Senate, at 10:00:27 a.m., recessed until Tuesday, January 22, 2008, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Friday, January 18, 2008*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mrs. BOYDA of Kansas).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 18, 2008.

I hereby appoint the Honorable NANCY E. BOYDA to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Forty years ago, President Lyndon Johnson said: "This I do believe. The dream of Dr. Martin Luther King, Jr. has not died with him. People who are white, people who are black, must and will now join together as never in the past to let all the forces of divisiveness know that America shall not be ruled by the bullet but only by the ballot of a free and just nation."

Lord our God, keep the dream of Dr. King alive in another generation of Americans. Bring an end to violence as the way to settle our differences and our difficulties.

May the gospel he preached and the message he brought to the world inspire all citizens, especially politicians and military, to become agents of reconciliation, nation building, and peace.

This we ask, calling upon Your holy name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 17, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington DC.

MADAM SPEAKER: Earlier today I informed Louisiana Governor Bobby Jindal that I am resigning my position as United States Representative for the Sixth Congressional District of Louisiana effective February 2, 2008.

I have been humbled to serve in the U.S. House of Representatives for the past 22 years. I want to thank all members for their friendship during this time and willingness to sacrifice to serve this great nation. In particular, I want to thank the Louisiana Congressional delegation for always keeping the best interests of our state as our highest priority.

I also want to thank President Bush, the U.S. Congress, and the American people for their generosity in Louisiana's most pressing time of need. The people of Louisiana are indeed grateful for the support of the nation in the aftermath of the 2005 hurricane season, and on their behalf I once again express our deep gratitude.

With warmest personal regards, I remain
Sincerely yours,
RICHARD H. BAKER.

HOUSE OF REPRESENTATIVES,
Washington, DC January 17, 2008.

Hon. BOBBY JINDAL,
Governor, State of Louisiana,
Baton Rouge, LA.

DEAR GOVERNOR JINDAL: On January 15, 2008, I announced to the people of Louisiana's Sixth Congressional District my decision to accept an offer to serve as the President & Chief Executive Officer of the Managed Funds Association. I am hereby resigning my position as the United States Representative for the Sixth Congressional District of Louisiana, effective February 2, 2008.

I count it a high privilege to have served the people of the Sixth District in the U.S. House of Representatives and to have worked with my colleagues in the Louisiana Congressional delegation to advance the interests of the great State of Louisiana. I want to wish you well as you begin your first term as governor and offer my support as your administration continues the work of building a better Louisiana for future generations.

With warmest personal regards, I remain
Sincerely yours,
RICHARD H. BAKER.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. on Tuesday next for morning-hour debate.

There was no objection.

Accordingly (at 10 o'clock and 35 minutes a.m.), under its previous order, the House adjourned until Tuesday, January 22, 2008, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5051. A letter from the Secretary, Department of Transportation, transmitting the annual report of the Maritime Administration (MARAD) for Fiscal Year 2006, pursuant to 46 U.S.C. app. 1118; to the Committee on Armed Services.

5052. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Terrance T. Etnyre, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

5053. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

5054. A letter from the Assistant Secretary for Installations and Environment, Department of Defense, transmitting notification of the decision to cancel the public-private competition for the Naval Supply Systems Command's ocean terminal operations and maintenance services; to the Committee on Armed Services.

5055. A letter from the Secretary, Department of Energy, transmitting the Department's annual report on the status of efforts to secure material in Russia and the former Soviet States, pursuant to Public Law 106-398, section 3171; to the Committee on Armed Services.

5056. A letter from the General Counsel, Department of the Treasury, transmitting the Department's final rule—Identify Theft Red Flags and Address Discrepancies Under the Fair and Accurate Credit Transactions Act of 2003 [Docket ID OCC-2007-0017] (RIN: 1557-AC87) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5057. A letter from the General Counsel, Department of the Treasury, transmitting the Department's final rule—Fair Credit Reporting Affiliate Marketing Regulations [Docket ID. OCC-2007-0010] (RIN: 1557-AC88) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5058. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—ACCEPTANCE FROM FOREIGN PRIVATE ISSUERS OF FINANCIAL STATEMENTS PREPARED IN

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ACCORDANCE WITH INTERNATIONAL FINANCIAL REPORTING STANDARDS WITHOUT RECONCILIATION TO U.S. GAAP [RELEASE NOS. 33–8879; 34–57026; INTERNATIONAL SERIES RELEASE NO. 1306; File No. S7–13–07] (RIN: 3235–AJ90) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5059. A letter from the Assistant Associate Administrator, SNP, Department of Agriculture, transmitting the Department's final rule—Applying for Free and Reduced Price Meals in the National School Lunch Program and School Breakfast Program and for Benefits in the Special Milk Program and Technical Amendments [Docket No.: FNS–2007–0023] (RIN: 0584–AD54) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5060. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Regulatory Amendment to Modify Recordkeeping and Reporting and Observer Requirements; Correction [Docket No. 071106654–7655–01] (RIN: 0648–AW20) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5061. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Temporary Haddock Size Limit Extension [Docket No. 070709299–7300–01] (RIN: 0648–AV75) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5062. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish and Halibut Fisheries of the Bering Sea and Aleutian Islands Management Area and Gulf of Alaska, Seabird Avoidance Measures Revisions [Docket No. 070705262–7683–03] (RIN: 0648–AV38) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5063. A letter from the Secretary, Department of Veterans Affairs, transmitting a copy of a draft bill, "To amend title 38, United States Code, to establish within the Department of Veterans Affairs, the position of Assistant Secretary for Acquisition, Logistics, and Construction, and for other purposes."; to the Committee on Veterans' Affairs.

5064. A letter from the Director, Office of Personnel Management, transmitting the Office's Fiscal Year 2006 annual report on Veteran's Employment in the Federal Government; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on the Judiciary. H.R. 3971. A bill to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies; with an amendment (Rept. 110–512). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TIM MURPHY of Pennsylvania:

H.R. 5070. A bill to extend the suspension of duty on Polyfunctional aziridine; to the Committee on Ways and Means.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 5071. A bill to extend the suspension of duty on Poly(toluene diisocyanate); to the Committee on Ways and Means.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 5072. A bill to suspend temporarily the duty on Arcol Catalyst 3; to the Committee on Ways and Means.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 5073. A bill to extend the suspension of duty on Crelan VP LS 2147; to the Committee on Ways and Means.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 5074. A bill to extend the suspension of duty on Desmodur RF-E; to the Committee on Ways and Means.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 5075. A bill to extend the suspension of duty on Desmodur R-E; to the Committee on Ways and Means.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 5076. A bill to suspend temporarily the duty on Mondur M Flaked; to the Committee on Ways and Means.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 5077. A bill to extend the suspension of duty on TSME; to the Committee on Ways and Means.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 5078. A bill to extend the suspension of duty on Desmodur BL XP 2468; to the Committee on Ways and Means.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 5079. A bill to extend the suspension of duty on Trimethylopropane tris(3-aziridinylpropanoate); to the Committee on Ways and Means.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 5080. A bill to extend the suspension of duty on Desmodur HL BA; to the Committee on Ways and Means.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 5081. A bill to extend the suspension of duty on Desmodur VP LS 2253; to the Committee on Ways and Means.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 5082. A bill to suspend temporarily the duty on Desmodur VP LS 2253/1; to the Committee on Ways and Means.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 5083. A bill to extend the suspension of duty on Desmodur E 14; to the Committee on Ways and Means.

By Mr. SHAYS:

H.R. 5084. A bill to require the Secretary of State to conduct ongoing assessments of the effectiveness of sanctions against Iran, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, Oversight and Government Reform, Ways and Means, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER (for himself, Mr. MCCRERY, Mr. JEFFERSON, Mr. ALEXANDER, Mr. BOUSTANY, and Mr. MELANCON):

H. Res. 933. A resolution commending the Louisiana State University Tigers football team for winning the 2007 Bowl Championship Series national championship game; to the Committee on Education and Labor.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1398: Mr. TIM MURPHY of Pennsylvania.

H.R. 5036: Mrs. CAPPS, Mr. PRICE of North Carolina, Ms. SUTTON, Mr. ELLISON, and Mr. MCGOVERN.

H.J. Res. 76: Mr. BECERRA, Mr. BERRY, Mr. BISHOP of New York, Mr. BOREN, Ms. CORRINE BROWN of Florida, Mr. BURTON of Indiana, Mr. BUTTERFIELD, Mr. CAPUANO, Mr. CARDOZA, Mr. CONYERS, Mr. CRAMER, Mr. DAVIS of Illinois, Mr. DOYLE, Mr. EMANUEL, Mr. FRANK of Massachusetts, Mr. GARRETT of New Jersey, Mr. HILL, Ms. HOOLEY, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Mr. KANJORSKI, Mr. KENNEDY, Ms. KILPATRICK, Mr. LARSON of Connecticut, Mr. LEWIS of Georgia, Mr. LOEBSACK, Ms. ZOE LOFGREN of California, Mr. MAHONEY of Florida, Mr. MEEK of Florida, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Mr. PALLONE, Mr. PETERSON of Minnesota, Mr. PORTER, Mr. ROGERS of Michigan, Mr. SERRANO, Mr. SIRES, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Mr. TERRY, Ms. VELÁZQUEZ, Mr. WAXMAN, Mr. WILSON of Ohio, and Mr. YOUNG of Alaska.

H. Con. Res. 196: Mr. DOYLE.

H. Con. Res. 280: Mr. MARKEY, Mrs. NAPOLITANO, Ms. JACKSON-LEE of Texas, Mr. WYNN, Mr. JACKSON of Illinois, and Mr. ELLISON.

H. Res. 909: Ms. CORRINE BROWN of Florida, Mr. BURTON of Indiana, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. SHERMAN.

H. Res. 932: Mr. WU, Mr. HARE, Ms. MATSUI, Mrs. TAUSCHER, and Mr. ETHERIDGE.

EXTENSIONS OF REMARKS

TRIBUTE TO CRATER LAKE SUPERINTENDENT CHUCK LUNDY

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 2008

Mr. WALDEN of Oregon. Madam Speaker, I rise today to pay tribute to a very special public servant of extraordinary ability and dedication, Crater Lake National Park Superintendent Chuck Lundy. This weekend I will attend in picturesque Klamath County, Oregon, a celebration in honor of Superintendent Lundy's retirement after 33 years of exemplary service to the National Park Service and millions of park visitors from around the world. As Superintendent Lundy officially hangs up his Park Service ranger hat for the last time, I want to share with you, Madam Speaker, and our colleagues some background about this special leader.

Chuck Lundy was raised in the small farming town of Swartz Creek, Michigan, which cemented early in his life his affinity for rural areas and the natural beauty of our open spaces. Chuck's parents instilled in him at an early age the virtues of public service and hard work. His father, Frank, served in the U.S. Marine Corps and was a decorated veteran of the Pacific Campaign, and sustained serious wounds on the initial landing at Iwo Jima. Chuck himself enlisted and served in the U.S. Air Force from 1967–1971, and then graduated second in his class from Northern Arizona University with summa cum laude honors. Chuck actually began his professional career while still in college as a seasonal park ranger. After graduating, Chuck continued what ultimately would be a tremendous 33-year career of service in the National Park Service which concluded with nearly 10 years as Superintendent of Crater Lake National Park, which I'm proud to represent in Congress.

During the course of Chuck's career at many national parks and monuments, he was presented many challenges and opportunities. It is well known among his peers, supervisors and local community leaders that each time Chuck accepted a new assignment, he left his prior one having solidly achieved the guiding principle of the Park Service: "Leave the Park better than you found it". I can personally attest to the amazing progress made at Crater Lake National Park under Chuck's leadership, and I believe there is not a more dedicated or capable steward of our natural gems in the National Park Service than Chuck Lundy.

In November of 1998, Chuck came to Crater Lake National Park as Superintendent. This is the same month I was first elected to Congress. As an avid park and outdoor recreation enthusiast myself, and having secured a seat on the Resources Committee my first term in the House, Chuck and I had the opportunity to work closely together early on. We became fast friends as Chuck constantly kept me posted on his vision to bring resources for the public to Crater Lake, one of the most spectacular natural wonders in the world.

President Theodore Roosevelt in 1902 signed the bill into law giving Crater Lake national park status. Crater Lake is located in southern Oregon on the crest of the Cascade Mountain range and it lies in a caldera, or volcanic basin, created when the 12,000 foot high Mt. Mazama collapsed 7,700 years ago following a massive eruption. It is a place of immeasurable beauty, and an outstanding outdoor laboratory and classroom. At 1,943 feet deep, it is the deepest lake in the United States. At Crater Lake, Chuck had a great "product" to offer and showcase to the public, but maximizing the financial resources and procedural challenges to provide the public the best experience possible at an affordable price while still preserving this natural gem was no small task. Chuck's creativity, thoughtfulness and dedication to addressing all of these aspects resulted in great success.

The list of major developments under Chuck's watch at Crater Lake is a long one, I'd like to note just a few of them: A fantastic Centennial Celebration for the park in 2002, which provided the springboard to launch the Crater Lake Trust, the park's distinguished philanthropic group; the creation of the Crater Lake license plate, a smashing success that led to the creation of a multi-million dollar endowment fund to support future operations at the park's new Science and Learning Center; keeping the Rim Redevelopment Project moving to relocate the parking lot away from close proximity to the lake along with beautiful architectural improvements; completion of an incredibly accurate bathymetry, map of the lake, which yields tremendous insights into the eruption of Mt. Mazama and the formation of the lake; and completion of a progressive general management plan for the park to replace a nearly 30-year-old predecessor. Chuck would deflect praise for these substantial accomplishments to others, and while he has benefited from the support of many great people, these successes would not have reached the heights they have without Chuck's leadership and deep involvement.

My colleagues, Superintendent Chuck Lundy has been a tremendous servant to the National Park Service and the millions of people who enjoy our parks and monuments. On behalf of our country, I thank Chuck for all that he has done. Chuck will be sorely missed, and I wish him and the entire Lundy family many happy years to come.

SALUTING BARB OBERSHAW'S VISIONARY LEADERSHIP OF MINNESOTA'S DYNAMIC TWIN WEST CHAMBER

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 2008

Mr. RAMSTAD. Madam Speaker, I rise today to pay tribute to a very special business and civic leader in Minnesota.

Barb Obershaw, president of the Twin West Chamber of Commerce, recently announced her retirement, and her many outstanding accomplishments deserve special recognition.

Barb has served as Twin West president for five dynamic years after serving five years as president of the Burnsville Chamber of Commerce.

Under Barb's dynamic and visionary leadership, the Twin West Chamber has grown and become the most active chamber of commerce in the region, with scores of dedicated members who serve on its committees, board of directors and foundation board.

Madam Speaker, through Barb's leadership, Twin West successfully persuaded state officials to accelerate the Highway 100 expansion, established an emerging-leaders program for young professionals, and awarded more than $400,000 in scholarships to local high school students and adult learners through the Twin West Foundation. These are just a few of the many accomplishments during Barb's term as president.

Madam Speaker, Barb's hard work and strong stewardship have done so much to promote our area's businesses and to grow and develop good jobs.

Barb, thank you for all you have done for the people of our area and, on a personal level, for your wise counsel, friendship and support through the years.

Congratulations again Barb, on your retirement and many thanks for your outstanding leadership of the Twin West Chamber of Commerce!

HONORING THE LIFE AND MEMORY OF DR. MARTIN LUTHER KING, JR.

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 2008

Mr. LARSON of Connecticut. Madam Speaker, I rise today to honor and pay tribute to the significant accomplishments and contributions of the great Reverend Dr. Martin Luther King, Jr., who fought tirelessly throughout his life against injustices not only towards African-Americans, but for all members of society,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

in order to promote community amongst all citizens.

As the Nation takes pause on Monday to honor the late Martin Luther King, Jr., we will remember the portrait of his life. Americans across the country will reflect on how the great Dr. King dedicated his life to making this Nation a more tolerant place. We will remember his critical role in the Civil Rights Movement—the Montgomery Bus Boycott, his involvement in the formation of the Southern Christian Leadership Coalition, his arrest in Birmingham, the march on Washington, his outspoken stance on the war in Vietnam—a collection of heroic acts that forged change in this great Nation.

As we reflect, we must remember this great leader's words that he delivered 40 years ago, "If any of you are around when I have to meet my day . . . Tell them not to mention that I have a Nobel Peace Prize, that isn't important. Tell them not to mention that I have three or four hundred other awards, that's not important. I'd like somebody to mention that day that Martin Luther King Jr. tried to give his life serving others . . . I'd like for somebody to say that day, that Martin Luther King Jr. tried to love somebody. I want you to say that I tried to love and serve humanity." Though these statements spoke to the memory he wanted us to have of him at the time of his death, these words still linger as we consider his beginnings. We can still remember his humble outlook on life. We are truly saddened each time we hear these words, yet we can be grateful for his presence, even for such a short time.

As we remember his legacy, it is important to realize the work of Dr. King is not complete. He dedicated his life to serving others and humanity. He believed in nonviolence. He believed in the greater good of mankind. What would Dr. King say about the violence plaguing cities across the country, in cities like Hartford, in my home State of Connecticut? Our children are growing up in war zones. Families are being devastated and a generation is lost.

Madam Speaker, this year on Martin Luther King Day, I urge my colleagues and this Nation to remember Dr. King and his message of nonviolence. I urge all of us to realize his work of service and compassion to humanity. This year, let us truly remember Dr. King the way he asked—let us bring his message of compassion and nonviolence to our city streets.

HOUSE OF REPRESENTATIVES—*Tuesday, January 22, 2008*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. MCGOVERN).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 22, 2008.

I hereby appoint the Honorable JAMES P. MCGOVERN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

The Chair recognizes the gentlewoman from Illinois (Mrs. BIGGERT) for 2 minutes.

PROTECT AMERICA

Mrs. BIGGERT. Mr. Speaker, I rise today to discuss a matter of great urgency. In just a few short days, the legislation that permits our intelligence community to monitor terrorist communications will expire. This law, known as the Protect America Act, is a vital tool used by American agents to quickly intercept and act upon electronic communications between foreign terrorists.

Just last summer, we passed this law because Congress recognized that the Foreign Intelligence Surveillance Act of 1978 was not designed to govern the surveillance of modern telecommunications, the same electronic communications that groups like al Qaeda are using to plan attacks against U.S. citizens. I, for one, still believe that intelligence analysts shouldn't need to consult with lawyers every time a suspected terrorist buys a new disposable cell phone. But unless we act before February 1, that is exactly the kind of legal delay that our intelligence agents will face.

So let's abandon the partisan rhetoric and enact a long-term reauthorization of this important law, and let's do so without adding new bureaucratic hurdles or exposing private communication companies to unjustified lawsuits. Our men and women on the front lines deserve every tool we can give them to intercept and interrupt terrorist plots. The American people count on them to keep us safe. Let's pass this law.

PAYROLL TAX HOLIDAY

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Oregon (Mr. DEFAZIO) is recognized during morning-hour debate for 5 minutes.

Mr. DEFAZIO. The Bush administration presided over the creation of the housing bubble and the underlying exotic financial instruments with their typical "hands off" regulatory approach. Now it has exploded, and some in the administration are recognizing that the economy is in trouble, something that middle-income America and average Americans have known for quite some time.

Finally, the President and his appointees are talking about some stimulus. But they are drawing a line. They are saying yes, we will do some stimulus, but we will not invest in America. There will be no infrastructure investment. They are saying that would be bad. So far, there's no indication either that they intend to bring any regulatory discipline to the bizarre, exotic, over-leveraged, and opaque financial markets, something that also cries out to be done.

Stimulus, yes. I believe we can reach agreement on that. It needs to be targeted toward those who have been hurt the worst: Middle-income and working families. The best way to do that, the most progressive way to do that would be through a payroll tax holiday. Nearly half of the people in this country pay more in payroll taxes than they do Federal income taxes. It's a flat, regressive tax. Forty-four percent pay more in payroll taxes than they do income taxes. Lower income Americans, seniors in particular, who work part-time jobs to augment their retirement Social Security, pay no taxes, and would not get any rebates under the President's plan. They need help too. They are struggling with higher costs of medical care, fuel, and heating like everybody else in this country.

So a payroll tax holiday would be the fairest way to get money to the people who need it the most, who would be most likely to spend the money, and provide some short-term stimulus to the economy. That is short-term. But long-term we need to reinvest in America, and it is strange the President draws a line in the sand there. It is not so strange, I guess, since the Secretary of Transportation last week, Mary Peters, recommended phasing out any Federal role, any Federal investment in our roads, bridges, highways, and transportation systems in this country. She said the financial markets will take care of that, they will lend us the money, the same financial markets that are totally in the tank and having to go overseas now, the same big firms that are borrowing money from Saudi Arabia and other state funds in order to stay afloat because of all their speculation. No. We need investment in America.

Unemployment among construction workers is up to nearly 10 percent, and nearly a million are unemployed. If we just spent $15 billion on ready-to-go and needed infrastructure projects in this country; roads, bridges, highways, water and sewer systems, we could put 712,000 people to work. That's 712,000 people. We could basically wipe out unemployment in the construction trades. But the President says no. He won't borrow money to invest in America, he will borrow some money to provide some short-term consumption.

Of course, part of the problem with that is those who won't just use it to pay bills, or essentials, which many will, will be buying things that aren't made in America any more. So that money is going to leak overseas to China when they buy that flat screen television with the $600 or $800 rebate the President is proposing.

So we need both. We need a stimulus, and that will help some if it's targeted to those most in need, but we also need a long-term reinvestment in our country. It will make us more economically efficient, it will save fuel, and it will put people to work. It's worth borrowing money to do that.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 42 minutes p.m.), the House stood in recess until 2 p.m.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. TAUSCHER) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, You not only design but create. You sustain and shape what we know as reality. In Your hands as the craftsman and artist, we are instruments for a time. Fitting into the palm of Your hands we can accomplish Your will and produce what You have in mind for us. Or we can prove unfit to achieve Your purpose for the task at hand.

Almighty God, help us to see ourselves as instruments in Your hands shaping the times we live in. In addition, enable us to see every other living person as Your creative instrument as well.

Only by relating to each one as Yours can we find our true identity, work together, and truly give You glory, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MEXICAN BORDER RAIDERS HAVE STRUCK AGAIN

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, in the desert sand dunes near the western town of Yuma, Arizona, Mexican border raiders have struck again. These outlaws snuck into America driving high dollar SUVs. They were smuggling dope into America. But American lawmen were waiting for these bandits. Upon seeing the good guys, however, the drug dealers sped back toward the safe haven of complacent Mexico.

Border Agent Louis Aguilar of El Paso, Texas, cut them off and threw tire spikes into their path. But the illegal driving a fancy Humvee at a speed of 55 miles an hour ran over and killed Agent Aguilar. One witness said "the driver swerved and hit the agent on purpose." The Humvee, bandits and drugs disappeared in the dust across the border to a protected hideout in the badlands of Mexico.

Aguilar was 32, married and had two little kids. The Mexican government said it will find the killers. Yeah, right.

There is a border war going on, Madam Speaker. Agents should have the authority to prevent the infiltration of criminal bandits into our homeland by any legal means necessary. Otherwise, our Nation will continue to be at risk by these invaders.

And that's just the way it is.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, January 17, 2008.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives,
The Capitol, Washington, DC.

DEAR MADAM SPEAKER, on January 16, 2008, the Committee on Transportation and Infrastructure met in open session to consider 17 resolutions authorizing the General Services Administration ("GSA") Capital Investment Program for Fiscal Year 2008, in accordance with 40 U.S.C. §3307. The resolutions authorize leases for various Federal agencies. The Committee adopted the resolutions with a quorum present.

Enclosed are copies of the resolutions adopted by the Committee on Transportation and Infrastructure on January 16, 2008.

Sincerely,
JAMES L. OBERSTAR,
Chairman.

Enclosures.

LEASE—INTERNAL REVENUE SERVICE, SAN JOSE, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 122,000 rentable square feet for the Internal Revenue Service, currently located at 55 S. Market Street, San Jose, CA, at a proposed total annual cost of $4,270,000 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 82,274 rentable square feet for the Department of the Treasury, currently located at 1650 65th Street, in Emeryville, CA, at a proposed total annual cost of $2,879,590 for a lease term of up to 12 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—COURT SERVICES AND OFFENDER SUPERVISION AGENCY—PUBLIC DEFENDER SERVICE FOR THE DISTRICT OF COLUMBIA—PRE-TRIAL SERVICES AGENCY, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 151,300 rentable square feet for the Court Services and Offender Supervision Agency, Public Defender Service for the District of Columbia, and Pre-trial Services Agency, currently located at 633 Indiana Avenue, NW., Washington, DC, at a proposed total annual cost of $7,111,100 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—Court Services and Offenders Supervision Agency—Pre-Trial Services Agency, Washington, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §4 3307, appropriations are authorized to lease up to 79,105 rentable square feet for the Court Services and Offender Supervision Agency and Pre-trial Services Agency, currently located at 300 Indiana Avenue, NW., Washington, DC, at a proposed total annual cost of $3,717,935 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Amended Lease—Department of the Interior, Washington, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to amend lease prospectus PDC–09–WA05 to lease up to 94,435 rentable square feet for the Department of the Interior, Bureau of Land Management, currently located at 1620 L Street NW., Washington, DC, at a proposed total annual cost of $4,438,445 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution. This resolution amends the Committee resolution of July 21, 2004, which authorized prospectus PDC–09–WA05, a lease up to 74,698 rentable square feet, at a proposed total annual cost of $3,361,410 for a lease term of up to 10 years.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—National Archives and Records Administration, St. Louis, MO

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 524,737 rentable square feet for the National Archives and Records Administration, currently located in two government-owned buildings at the Federal Records Center at 9700 Page Boulevard in Overland, MO and one leased facility at 1319 Dielman Road in St. Louis, MO, at a proposed total annual cost of $11,545,137 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—Department of Defense—Defense Advanced Research Projects Agency, Northern Virginia

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §5 3307, appropriations are authorized to lease up to 362,671 rentable square feet for the Department of Defense, Defense Advanced Research Projects Agency, currently located at 3701 North Fairfax Drive and 4301 North Fairfax Drive in Arlington, VA, at a proposed total annual cost of $14,506,840 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—Department of Defense, Crystal Gateway North, Northern Virginia

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 133,292 rentable square feet for the Department of Defense, currently located at Crystal Gateway North, 1111 Jefferson Davis Highway, Arlington, VA, at a proposed total annual cost of $4,665,220 for a lease term of up to three years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—Environmental Protection Agency, San Francisco, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 275,135 rentable square feet for the Environmental Protection Agency, currently located at 75 Hawthorne Street in San Francisco, CA, at a proposed total annual cost of $13,756,750 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—Federal Bureau of Investigation, San Francisco, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 215,459 rentable square feet for the Federal Bureau of Investigation, currently located in the federally owned Phillip Burton Federal Building in San Francisco and a leased facility at 4703 Tidewater Avenue in Oakland, CA, at a proposed total annual cost of $13,142,999 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Amended Lease—Drug Enforcement Administration, Miami, FL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 58,811 rentable square feet for the Drug Enforcement Administration, currently located in the Columbus Building, 5205 NW 84th Avenue, Miami, FL, at a proposed total annual cost of $3,881,527 for a lease term of up to 20 years, which is attached to and included in this resolution. This resolution amends the Committee resolution of February 25, 2004, which authorized prospectus PFL–02–MI04, a lease of up to 58,811 rentable square feet, at a proposed annual cost of $3,116,983 for a lease term of up to 15 years.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—Nuclear Regulatory Commission, Atlanta, GA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 101,528 rentable square feet for the Nuclear Regulatory Commission, currently located in the Sam Nunn Atlanta Federal Center and Richard B. Russell FB-CT in Atlanta, GA, at a proposed total annual cost of $3,959,592 for a lease term of up to 15 years, a prospectus which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Lease—Federal Aviation Administration, Burlington, MA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 92,000 rentable square feet for the Federal Aviation Administration, currently located in two buildings in the New England Executive Park Burlington, MA, at a proposed total annual cost of $3,956,000 for a lease term of up to 10 years, a prospectus which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Amended Lease—Federal Bureau of Investigation, Frederick County, VA and Berkeley County, WV

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 626,488 rentable square feet for the Federal Bureau of Investigation, currently located at the Central Records Complex, in Frederick County, VA, at a proposed total annual cost of $27,565,000 for a lease term of up to 20 years, which is attached to and included in this resolution. This resolution amends a July 19, 2006 Committee resolution that authorized a lease up to 947,000 rentable square feet, at a proposed total annual cost of $33,145,000 for a lease term of up to 20 years. The Committee resolution of July 19, 2006, amended an October 26, 2005 Committee resolution which authorized a lease up to 947,000 rentable square feet, at a proposed total annual cost of $33,145,000 for a lease term of 15 years.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF ENERGY—NATIONAL NUCLEAR SECURITY ADMINISTRATION, KANSAS CITY, MO

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 1,552,500 rentable square feet for the Department of Energy, National Nuclear Security Administration currently located at the Bannister Federal Complex in Kansas City, MO, at a proposed total annual cost of $58,995,000 for a lease term of up to 20 years, a prospectus which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

ALTERATIONS IN LEASED SPACE, FEDERAL BUREAU OF INVESTIGATION, SAN DIEGO, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized for the alteration of leased space at 4181 Ruffin Road, San Diego, CA, for the Federal Bureau of Investigation centralized Intelligence and Counter Terrorism Fusion Center, at design costs of $300,000, and estimated construction costs of $2,936,000, for an estimated project cost of $3,236,000, a prospectus which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration ("GSA") shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that, within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the U.S. House of Representatives and the Committee on Environment and Public Works of the U.S. Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and, if such systems are not used for the project, the specific rationale for GSA's decision.

Provided further, that, beginning on the date of approval of this resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and a specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

ALTERATIONS IN LEASED SPACE, BUREAU OF THE PUBLIC DEBT, MINERAL WELLS, WV

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. §3307, appropriations are authorized for the installation of a backup generator and uninterruptible power supply at the Bureau of the Public Debt's Contingency and Alternate Processing Site facility located in Mineral Wells, WV, at design costs of $50,000, management and inspection costs of $68,000 and estimated construction costs of $1,737,000, for an estimated project cost of $1,855,000, a prospectus for which is attached to, and included in, this resolution.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration ("GSA") shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that, within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the U.S. House of Representatives and the Committee on Environment and Public Works of the U.S. Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and, if such systems are not used for the project, the specific rationale for GSA's decision.

Provided further, that, beginning on the date of approval of this resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and a specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

MASTER SERGEANT KENNETH N. MACK POST OFFICE BUILDING

Ms. NORTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3988) to designate the facility of the United States Postal Service located at 3107 Altamesa Boulevard in Fort Worth, Texas, as the "Master Sergeant Kenneth N. Mack Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3988

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MASTER SERGEANT KENNETH N. MACK POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3701 Altamesa Boulevard in Fort Worth, Texas, shall be known and designated as the "Master Sergeant Kenneth N. Mack Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Master Sergeant Kenneth N. Mack Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in consideration of H.R. 3988, which names the postal facility in Fort Worth, Texas, after Master Sergeant Kenneth N. Mack.

H.R. 3988, which was introduced by Representative KAY GRANGER of Texas on October 29, 2007, was reported from the Oversight Committee on December 12, 2007, by voice vote. This measure, which has been cosponsored by 31 Members, has the support of the entire Texas congressional delegation.

Master Sergeant Mack was both a U.S. Marine and a postal employee for over 20 years before being killed in Iraq on February 5 during combat operations.

Madam Speaker, I am pleased to join my colleague and to urge the swift passage of this bill.

Madam Speaker, I reserve the balance of my time.

Mr. SHAYS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today we honor the life of Marine Corps Master Sergeant Kenneth Mack, a soldier who strongly believed in the fight for freedom and was a true American hero.

In 1982, shortly after graduating from Southwest High School, Master Sergeant Mack joined the Marines, where he served honorably for 23 years. Master Sergeant Mack was a Postal Service mechanic and Master Sergeant in the Marine Reserve assigned to the Second Marine Expeditionary Force out of Camp Lejeune, North Carolina.

In March of last year, this dedicated soldier was called to duty in Iraq for the second time and once again had to leave his family to serve his country. On the morning of May 5th of that year, a roadside bomb struck Master Sergeant Mack's vehicle in Al Anbar Province, Iraq. In a flash, an outstanding 23-year Marine Corps career was over and he was killed.

A passionate family man, Sergeant Mack's wife remembers him as a person who put his family first and made sure the family participated in many activities together. His primary goal in life was to be a mentor for his children and to all children, according to his wife. He leaves behind his wife, mother and two children. I might just add, obviously he put his country first, too.

Madam Speaker, in recognition of his service to his community and country as a Postal Service mechanic and Marine, we feel it is fitting to name the postal facility located at 3701 Altamesa Boulevard in Forth Worth, Texas, in honor of Master Sergeant Kenneth Mack.

Madam Speaker, I yield back the balance of my time.

Ms. NORTON. Madam Speaker, I want to take note of the fact that this was probably a member of the Reserve or National Guard, because for over 20 years he had been a member of the Postal Service, which also comes under the jurisdiction of this committee.

I think it bears underlining how much of the armed services of the United States today is made up of the post office, civil servants, first responders, often needed at home, but always willing to go where their country needs them. I find this a particularly deserving measure and urge passage of the bill.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 3988.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ARMY PFC JUAN ALONSO COVARRUBIAS POST OFFICE BUILDING

Ms. NORTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3720) to designate the facility of the United States Postal Service located at 424 Clay Avenue in Waco, Texas, as the "Army PFC Juan Alonso Covarrubias Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3720

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ARMY PFC JUAN ALONSO COVARRUBIAS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 424 Clay Avenue in Waco, Texas, shall be known and designated as the "Army PFC Juan Alonso Covarrubias Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Army PFC Juan Alonso Covarrubias Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to join my colleagues in consideration of H.R. 3720, which names the postal facility in Waco, Texas, after Army PFC Juan Alonso Covarrubias.

H.R. 3720, which was introduced by Representative CHET EDWARDS on October 7, 2007, was reported from the Oversight Committee on December 12, 2007, by voice vote. This measure has been cosponsored by 31 Members and has the support of the entire Texas delegation.

The bill is named after a servicemember who served and died as an airborne paratrooper in the Vietnam war in 1969. As a member of the Army Selective Service, he served in Thua Thien, South Vietnam. Through his efforts and sacrifice, he was awarded the National Defense Service Medal, Vietnam Service Medal, and Bronze Star Medal. His name appears on the Vietnam Memorial in Washington, DC. I urge swift passage of this bill.

Madam Speaker, I reserve the balance of my time.

Mr. SHAYS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, on April 19, 1948, an American hero was born. His name was Juan Alonso Covarrubias. He was raised in Waco, Texas, but moved to Dallas, where he was drafted in 1968 into the United States Army. At the age of 20, he served courageously in Vietnam as an airborne paratrooper. It was there on April 24, 1969, in the Thua Thien Province, where he tragically lost his life while defending his country.

Army Private First Class Covarrubias was buried with full military honors on April 4, 1969. Among his awards and decorations for his remarkable achievements are the Bronze Star Medal, Good Conduct Medal, National Defense Service Medal, Vietnam Service Medal, Expert Badge and Rifle Bar, Marksman Badge with Auto Rifle Bar, Sharpshooter Badge and Machine Gun Bar.

□ 1415

His service has also been acknowledged at the Waco Vietnam Veterans Memorial and on the veterans wall in Washington, DC.

Madam Speaker, let us recognize the courageous service and ultimate sacrifice of Army Private First Class Juan Alonso Covarrubias by renaming the post office located at 424 Clay Avenue in Waco, Texas, in his honor.

Madam Speaker, I yield back the balance of my time.

Ms. NORTON. Madam Speaker, I am pleased to yield such time as he may require to the Member from Texas (Mr. EDWARDS) who sponsored this resolution.

Mr. EDWARDS. Madam Speaker, let me first thank my colleagues for joining with me in honoring this great American. I rise today in support of H.R. 3720, which salutes the service and sacrifice of Army Private First Class Juan Alonso Covarrubias by naming a U.S. Post Office in Waco, Texas, my hometown, in his honor.

For generations to come, citizens in Waco will be reminded that Mr. Covarrubias in the prime of his life in 1969, in the words of Lincoln, gave his "last full measure of devotion" to country.

In doing so, Mr. Covarrubias joined the hallowed hall of heroes who, throughout our Nation's history, have given their lives and duty to country. Juan Alonso Covarrubias was born on April 19, 1948. He was raised in Waco and, as mentioned, later moved to Dallas. In 1968, he answered his country's call to duty. He served in the Army's famed 101st Airborne Division and arrived in Vietnam on November 28, 1968, as a young 20-year-old airborne paratrooper.

On March 24, 1969, just 1 month after the birth of his daughter, Tammy, this young father gave his life so very far from home. It is that type of incredible sacrifice that should remind us all that we are the land of the free, because we are still the home of the brave.

With full military honors, Mr. Covarrubias was buried in Waco on Good Friday in 1969. While his final resting place may be there at Waco Memorial Park, I have faith that his spirit will touch the lives of others who will be inspired by this young man's love of country.

Mr. Covarrubias is honored at the Waco Vietnam Veterans Memorial and on the Veterans Wall in Washington DC. He earned the National Defense Service Medal, Vietnam Service Medal, the Bronze Star Medal, the Good Conduct Medal, Expert Badge with Rifle Bar, Marksman Badge with Auto Rifle Bar, and the Sharpshooter Badge with Machine Gun Bar.

Upon the passage of this bill into law, thousands of Waco citizens who visit the U.S. Post Office at 424 Clay Avenue, just blocks away from the Waco VA regional office, will be touched by the life and sacrifice of the young man raised in their neighborhood.

It is my hope that Hispanic Americans, who have time and again served our Nation in combat with distinction, will take special pride in knowing that Private First Class Covarrubias will forever stand as a symbol of all Hispanics who so patriotically served America in uniform.

I especially want to thank my friend, a Vietnam veteran and a great veterans leader, Robert Gamboa, for working on this legislation to ensure that Mr. Covarrubias's service would never be forgotten.

Madam Speaker, I believe the families and loved ones of our servicemen and women are truly the unsung heroes and heroines in our Nation's defense. That is why I want to express my respect to the family of Mr. Covarrubias, his 97-year-old father, Juan Covarrubias; his brother, Gilbert; his sister, Irene Covarrubias Ramirez; and his daughter, Tammy Covarrubias Boyett.

I would also like to say to the Covarrubias family, which sacrificed so much for the American family, that a grateful Nation owes you a great, deep debt of gratitude.

I would like to say to Tammy that while you never got to know your father in person, I hope you will always be proud that he loved you so much that he was willing to sacrifice his life for the country in which his little girl would be raised. Surely he must look down upon you now from a special place in heaven reserved for those who would lay down their lives for their neighbors.

To Private Covarrubias's father, I would say, myself, as the father of two young sons, that no father should ever have to see his own son buried. But I hope you take comfort and pride in knowing that the spirit of your son that you helped bring into this world will be touching and inspiring the lives of others long after we are gone.

Juan Alonso Covarrubias is an American hero who gave his life in defending our country in Vietnam. We humbly recognize that we could never fully repay him or his family and loved ones for their loss. But I hope and pray that honoring him in this way will celebrate his dedicated service and preserve his memory.

Madam Speaker, with honor and respect for the life of Juan Alonso Covarrubias, I urge my colleagues to support H.R. 3720.

Ms. NORTON. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 3720.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF CONGRESS THAT THE UNITED STATES HAS A MORAL RESPONSIBILITY TO MEET THE NEEDS OF THOSE PERSONS, GROUPS AND COMMUNITIES THAT ARE IMPOVERISHED, DISADVANTAGED OR OTHERWISE IN POVERTY

Ms. NORTON. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 198) expressing the sense of Congress that the United States has a moral responsibility to meet the needs of those persons, groups and communities that are impoverished, disadvantaged or otherwise in poverty, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 198

Whereas poverty can be seen as a deep, structural problem that implicates our value system and our educational and economic institutions;

Whereas poverty may be defined as the lack of basic necessities of life such as food, shelter, clothing, health care, education, security, and opportunity;

Whereas policy initiatives addressing poverty have not kept pace with the needs of millions of Americans;

Whereas many experts believe that the lack of an equitable distribution of housing choices across the country leads to isolation and concentrated poverty;

Whereas the number of Americans living in poverty has risen by over 5,000,000 since 2000;

Whereas there were 37 million Americans living in poverty in 2005;

Whereas the official poverty rate in 2005 was 12.6 percent;

Whereas 24.9 percent of African Americans, 21.8 percent of Hispanics, 25.3 percent of Native Americans, 10.9 percent of Asian Americans, and 8.3 percent of Whites lived in poverty in the United States in 2005;

Whereas in 2005 a family of 4 was considered poor under the U.S. Census Bureau's official measure if the family's income was below $19,971;

Whereas the poverty rate for children 18 years and younger (17.6 percent) remained higher than that of 18–24 year-olds (11.1 percent) and that of people 65 and older (10.1 percent) in 2005; and

Whereas the number in poverty increased for people 65 and older by almost 400,000 since 2000: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the United States should set a national goal of cutting poverty in half over the next 10 years.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Madam Speaker, I am pleased to join my colleagues in consideration of H. Con. Res. 198, as amended, which expresses the sense of Congress that the United States has a moral responsibility to meet the needs of those persons, groups and communities that are impoverished, disadvantaged or otherwise in poverty.

H. Con. Res. 198 was introduced by Representative BARBARA LEE on August 1, 2007, and was amended and reported from the Oversight Committee on December 12 by a voice vote. The measure has the support and sponsorship of 80 Members of Congress and reminds each of us of the important role we play in the battle against poverty.

Madam Speaker, I want to continue with certain of my remarks in the RECORD, but I would like to make other remarks at this time.

We have just come from the celebration of the birth of Martin Luther King, Jr. His signature issues, of course, were war and peace and poverty, falling only behind civil rights. It's clear that he achieved what he desired, certainly much of what we desired, because during the 1960s there were three seminal civil rights bills passed, long-time goals of African Americans, other people of color, and many in this Chamber.

But two of King's goals remain completely without remedy. One, of course, is war and peace, and you can imagine where he would have been on the war in Iraq. But perhaps, most telling, is that we celebrated Martin Luther King Jr.'s birthday at a time when the gap between rich and poor is considerably wider than when King died.

Therefore, I am not sure whether the gentlewoman from California had in mind that we would bring this bill up right after Martin Luther King Jr.'s birthday, but there it is, and that makes it all the more timely.

As it turns out, though, Madam Speaker, the state of the economy has rendered this issue high on the national agenda for the first time in many years. For the first time, the entire Congress will be looking or should be looking at those who have the least in our society and why. I am afraid it's not because of their high priority. They are the lowest voting group. They sometimes are invisible. But the fact is that economists across the board have said that we need to enact a stimulus package yesterday, and that in order for it to have any effect, and, in fact, not be effective when it might do more harm than good, we need to get the stimulus package in the pockets of people who can spend the money immediately.

Therefore, many of us think that the people we know who will spend the money tomorrow are the people who have no money to spend. The people who run out of food stamps in the middle of the month. The people who have run out of unemployment security. The people who need the most but who have the lowest profile often in the Congress now have assumed importance because of the state of the economy.

Madam Speaker, what is most distressing was to see that the poverty rate increased even for people 65 and over by almost 400,000 people. The one group of people that, in fact, gets some attention in the Congress, of course, are the elderly. They are the highest percentage of voting people; yet, their poverty rate is going up. That is very distressing since they are on fixed incomes and are least able to do something about it. They don't get unemployment insurance, many of them don't.

I am particularly concerned about the people who don't show up on the tax rolls. Many, if not most of them, pay payroll taxes. The only way to focus on them is to focus on them who needs, who will spend the money first should get the money first.

My concern about the baby boomers, those over 65, is not only that they should be in this group. I know they will spend the money instantly. But my concern is to wonder whether or not this is a harbinger of the baby boomers, the first baby boomers have just come forward, whether we are about to see that huge group of people show up, bringing increased pressure on the economy.

So I compliment the gentlelady from California for coming forward with a bill that I am sure will have bipartisan support.

In the District of Columbia, I have to tell her that we are not a poor city. We are second per capita in Federal income taxes and, therefore, a lot of middle-class and rich people in the District of Columbia, but one of every three children in the District of Columbia lives in poverty.

I want to make sure that whatever we do to stimulate the economy or to pay attention to this resolution hits those children very quickly. We have 10 percent of District residents living in extreme poverty, even though the District cannot be counted among those cities which have lost so much, many of them lost a base, because we have the Federal Government here, because even our real estate industry continues to boom.

□ 1430

Madam Speaker, I think this timely resolution is important not only for its own sake, but because it draws our attention to what I believe will be a first priority for the Congress this session, especially today as our congressional leadership on both sides of the aisle are meeting with the President of the United States on the very stimulus package that I have described.

Madam Speaker, I reserve the balance of my time.

Mr. SHAYS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to urge passage of H. Con. Res. 198 which expresses the sense of Congress that we have a moral responsibility as a Nation to meet the needs of those persons, groups and communities that are impoverished, disadvantaged or otherwise in poverty.

Madam Speaker, it is fitting that a day after the celebration of the life and achievement of Reverend Martin Luther King, Jr., we are taking up a resolution that addresses our obligation to help many of those that Dr. King had particular concern for, the downtrodden, the underserved and the impoverished.

I believe we all seek, as Dr. King did, to create a just society and to alleviate poverty and its attendant suffering. We may differ on methods, we may differ on who and how and how many, but broad prosperity for all is, I believe, the goal of virtually everyone who graces this Chamber.

This resolution seeks to bring attention to poverty and the responsibility we have as citizens of this Nation and this world to help relieve the suffering of others. This responsibility does not fall only to the Federal Government, but it will be solved only through the collective efforts of not just governments at every level, but charities, businesses and individuals.

We are told the poor will always be among us, but that does not relieve us of the challenge of trying to alleviate the suffering, tend to their needs, and improve to the extent we can their lot in life.

I commend our colleague, Representative LEE, for reminding us of this, and I, too, think it is a wonderful coincidence, that we are taking this resolution on the day we have all come back from celebrations recognizing that the Reverend Martin Luther King, Jr. didn't lead a rebellion, which is a failed revolution, he led a revolution. And he spoke to this young person, me, in the 1950s when I saw Little Rock with military forces and I wondered as a child what was happening to my country. Reverend King helped guide all of us in a direction that has done so much to address many of the concerns he championed. His dream is not dead, it is still alive and it is a dream that we need to carry into the future.

It wasn't a mindless dream, it was a dream based on the promise of America. He spoke to our better nature and lifted all of us. He spoke to the oppressor and to the oppressed, those with much and those with very little, and those with nothing.

Reverend King belongs to all of us. We have a duty, as I think my colleague Representative LEE will point out. We have a duty and obligation and a wonderful opportunity to heed his call to action.

Madam Speaker, I yield back the balance of my time.

Ms. NORTON. Madam Speaker, I am pleased to yield such time as she may desire to the gentlewoman from California (Ms. LEE) who authored the resolution.

Ms. LEE. Madam Speaker, let me thank the gentlelady from the District of Columbia, not only for managing this resolution today, but for your long-standing work in addressing injustice everywhere, including economic justice which goes to the heart of this resolution.

Also let me take a moment to thank my colleague, the gentleman from Connecticut (Mr. SHAYS) for your leadership and for your support and for your commitment to eliminate poverty; to Speaker NANCY PELOSI; our majority leader, STENY HOYER; Chairman WAXMAN and Ranking Member TOM DAVIS. I want to commend them and thank them for their strong support in bringing this very important resolution forward today because I think the bipartisan support for this shows and demonstrates that we all understand very clearly this is not a Democratic or Republican issue, it is not an urban issue or rural issue, this is a moral issue that we must address together.

I would like to recognize all 83 cosponsors who have worked hard on this resolution. Your support has been critical in helping to move it forward.

Also to those who co-chair the Congressional Out of Poverty Caucus with me: Congressman CONYERS, Chairman BACA, who chairs the Congressional Hispanic Caucus; Congressman HONDA, who chairs the Congressional Asian Pacific American Caucus; and Congressman BUTTERFIELD. Their dedication and commitment is crucial to our broader goal of ending poverty.

I would also like to thank our staff, Alexis Brandt of the majority leader's office; Bill Goold of the Congressional Progressive Caucus; Leila Gomez of the Congressional Hispanic Caucus, who works in my office and has done a tremendous job on this; Tunde Eboda, who was a Brookings Fellow in my office; and Chris Lee of my staff. All of our staffs have really kept focused and worked together and have worked very hard to make sure that this resolution received the support that it has received.

Madam Speaker, the resolution before us today is really very straightforward. It simply states that Congress supports setting a national goal of cutting poverty in half over the next 10 years. It is unfortunate that in the wealthiest country in the world that we even need this resolution, but the fact is that we do.

As both the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Connecticut (Mr. SHAYS) reminded us, yesterday we took the time out to honor what would have been Dr. Martin Luther King, Jr.'s 79th birthday, and as we reflect upon his life and his legacy and the struggle for civil and human rights, for peace and for justice, it is important also to reflect upon how far we have strayed from his vision to eradicate poverty.

So this resolution is just one small step in honoring his legacy in more than words. It is one small legislative action we can do today to say we, too, believe that not only on his birthday but throughout the year we have a responsibility to live his legacy and do what we can do to eliminate poverty.

Our country is the land of opportunity. But the sad reality is that income inequality continues to grow and more people are falling into poverty than getting ahead. Just consider the fact that over 37 million Americans, more than the population of my home State of California, are in poverty, and the number has grown by 5 million within the last 5 to 6 years. One in eight Americans lives in poverty now. Poverty in the United States is far higher than in many other developed nations, and inequality is at an all-time high.

The richest 1 percent of Americans in 2005 held the largest share of the Nation's income since 1925; and at the same time, the poorest 20 percent held only 3.4 percent of the Nation's income.

Madam Speaker, I will include for the RECORD a document titled "From Poverty to Prosperity." It was put forth by the Center for American Progress' Task Force on Poverty.

The statistics in this report and other reports quantify what most of us already know, that we are heading in the wrong direction, and that we need a national commitment to address the growing poverty crisis in this Nation.

This resolution helps us get back on track by setting an achievable, and in my view a very modest goal, of cutting poverty in half over the next decade.

Madam Speaker, perhaps the greatest example of the profound need for action to address the poverty crisis in our Nation was Hurricane Katrina and the incredible suffering that it brought to so many, and which continues today.

The facts speak for themselves. One-third of those displaced by Hurricane Katrina had incomes below 1½ times the poverty line. The storm had its greatest impact on people of color, affecting African Americans who accounted for nearly half of those affected. The gulf coast hurricane should have been a wake-up call. Unfortunately, the administration chose only to hit the snooze button.

That is why I am glad we are here today in a bipartisan way helping to sound this alarm again. By setting our sights to tackling poverty head-on, we can take some very serious steps towards bridging the gap between the haves and the have-nots. There is much work to be done.

Last year again, this important document on the state of poverty in America made several important proposals. The Center based its recommendations on four principles: Promote decent work, promoting opportunity for all, ensuring economic security for all, and helping people build wealth. Based on these principles, the report offers 12 key steps, including raising the minimum wage, and many of the efforts which we have been engaging in in this Congress, but much more needs to be done.

So as we consider an income stimulus plan in the next few weeks, I hope we keep these points in mind. Fighting poverty isn't a mystery, it just requires us to make a commitment to the goal and to dedicate the necessary resources to do this.

This resolution is an important step forward, and I urge my colleagues to support it and join me and my colleagues in the Out of Poverty Caucus in our efforts to eliminate poverty in America. This is a moral imperative which we must all embrace.

FROM POVERTY TO PROSPERITY

EXECUTIVE SUMMARY

Thirty-seven million Americans live below the official poverty line. Millions more struggle each month to pay for basic necessities, or run out of savings when they lose their jobs or face health emergencies. Poverty imposes enormous costs on society. The lost potential of children raised in poor households, the lower productivity and earnings of poor adults, the poor health, increased crime, and broken neighborhoods all hurt our nation. Persistent childhood poverty is estimated to cost our nation $500 billion each year, or about 4 percent of the nation's Gross Domestic Product. In a world of increasing global competition, we cannot afford to squander these human resources.

The Center for American Progress last year convened a diverse group of national experts and leaders to examine the causes and consequences of poverty in America and make recommendations for national action. In this report, our Task Force on Poverty calls for a national goal of cutting poverty in half in the next 10 years and proposes a strategy to reach the goal.

Our nation has seen periods of dramatic poverty reduction at times when near-full employment was combined with sound federal and state policies, motivated individual initiative, supportive civic involvement, and sustained national commitment. In the last six years, however, our nation his moved in the opposite direction. The number of poor Americans has grown by five million, while inequality has reached historic high levels.

Consider the following facts:

One in eight Americans now lives in poverty. A family of four is considered poor if the family's income is below $19,971—a bar far below what most people believe a family needs to get by. Still, using this measure, 12.6 percent of all Americans were poor in 2005, and more than 90 million people (31 percent of all Americans) had incomes below 200 percent of federal poverty thresholds.

Millions of Americans will spend at least one year in poverty at some point in their lives. One third of all Americans will experience poverty within a 13-year period. In that period, one in 10 Americans are poor for most of the time, and one in 20 are poor for 10 or more years.

Poverty in the United States is far higher than in many other developed nations. At the turn of the 21st century, the United States ranked 24th among 25 countries when measuring the share of the population below 50 percent of median income.

Inequality has reached record highs. The richest one percent of Americans in 2005 had the largest share of the nation's income (19 percent) since 1929. At the same time, the poorest 20 percent of Americans had only 3.4 percent of the nation's income.

It does not have to be this way. Our nation need not tolerate persistent poverty alongside great wealth.

The United States should set a national goal of cutting poverty in half over the next 10 years. A strategy to cut poverty in half should be guided by four principles:

Promote Decent Work. People should work and work should pay enough to ensure that workers and their families can avoid poverty, meet basic needs, and save for the future.

Provide Opportunity for All. Children should grow up in conditions that maximize their opportunities for success; adults should have opportunities throughout their lives to connect to work, get more education, live in a good neighborhood, and move up in the workforce.

Ensure Economic Security. Americans should not fall into poverty when they cannot work or work is unavailable, unstable, or pays so little that they cannot make ends meet.

Help People Build Wealth. All Americans should have the opportunity to build assets that allow them to weather periods of flux and volatility, and to have the resources that may be essential to advancement and upward mobility.

We recommend 12 key steps to cut poverty in half:

1. Raise and index the minimum wage to half the average hourly wage. At $5.15, the federal minimum wage is at its lowest level in real terms since 1956. The federal minimum wage was once 50 percent of the average wage but is now 30 percent of that wage. Congress should restore the minimum wage to 50 percent of the average wage, about $8.40 an hour in 2006. Doing so would help over 4.5 million poor workers and nearly nine million other low-income workers.

2. Expand the Earned Income Tax Credit and Child Tax Credit. As an earnings supplement for low-income working families, the EITC raises incomes and helps families build assets. EITC expansions during the 1990s helped increase employment and reduced poverty. But the current EITC does little to help workers without children. We recommend tripling the EITC for childless

workers, and expanding help to larger working families. Doing so would cut the number of people in poverty by over two million. The Child Tax Credit provides a tax credit of up to $1,000 per child, but provides no help to the poorest families. We recommend making it available to all low- and moderate-income families. Doing so would move two million children and one million parents out of poverty.

3. Promote unionization by enacting the Employee Free Choice Act. The Employee Free Choice Act would require employers to recognize a union after a majority of workers signs cards authorizing union representation and establish stronger penalties for violation of employee rights. The increased union representation made possible by the Act would lead to better jobs and less poverty for American workers.

4. Guarantee child care assistance to low-income families and promote early education for all. We propose that the federal and state governments guarantee child care help to families with incomes below about $40,000 a year, and also expand the child care tax credit. At the same time, states should be encouraged to improve the quality of early education and broaden access for all children. Our child care expansion would raise employment among low-income parents and help nearly three million parents and children escape poverty.

5. Create two million new "opportunity" housing vouchers, and promote equitable development in and around central cities. Nearly 8 million Americans live in neighborhoods of concentrated poverty where at least 40 percent of residents are poor. Our nation should seek to end concentrated poverty and economic segregation, and promote regional equity and inner-city revitalization. We propose that over the next 10 years the federal government fund two million new "opportunity vouchers" designed to help people live in opportunity-rich areas. New affordable housing should be in communities with employment opportunities and high-quality public services, or in gentrifying communities. These housing policies should be part of a broader effort to pursue equitable development strategies in regional and local planning effects, including efforts to improve schools, create affordable housing, assure physical security, and enhance neighborhood amenities.

6. Connect disadvantaged and disconnected youth with school and work. About 1.7 million poor youth ages 16 to 24 were out of school and out of work in 2005. We recommend that the federal government restore Youth Opportunity Grants to help the most disadvantaged communities and expand funding for effective and promising youth programs—with the goal of reaching 600,000 poor disadvantaged youth through these efforts. We propose a new Upward Pathway program to offer low-income youth opportunities to participate in service and training in fields that are in high-demand and provide needed public services.

7. Simplify and expand Pell Grants and make higher education accessible to residents of each state.

Low-income youth are much less likely to attend college than their higher income peers, even among those of comparable abilities. Pell Grants play a crucial role for lower-income students. We propose to simplify the Pell grant application process, gradually raise Pell Grants to reach 70 percent of the average costs of attending a four-year public institution, and encourage institutions to do more to raise student completion rates. As the federal government does its part, states should develop strategies to make post-secondary education affordable for all residents, following promising models already underway in a number of states.

8. Help former prisoners find stable employment and reintegrate into their communities. The United States has the highest incarceration rate in the world. We urge all states to develop comprehensive reentry services aimed at reintegrating former prisoners into their communities with full-time, consistent employment.

9. Ensure equity for low-wage workers in the Unemployment Insurance system. Only about 35 percent of the unemployed, and a smaller share of unemployed low-wage workers, receive unemployment insurance benefits. We recommend that states (with federal help) reform "monetary eligibility" rules that screen out low-wage workers, broaden eligibility for part-time workers and workers who have lost employment as a result of compelling family circumstances, and allow unemployed workers to use periods of unemployment as a time to upgrade their skills and qualifications.

10. Modernize means-tested benefits programs to develop a coordinated system that helps workers and families. A well-functioning safety net should help people get into or return to work and ensure a decent level of living for those who cannot work or are temporarily between jobs. Our current system fails to do so. We recommend that governments at all levels simplify and improve benefits access for working families and improve services to individuals with disabilities. The Food Stamp Program should be strengthened to improve benefits, eligibility, and access. And the Temporary Assistance for Needy Families Program should be reformed to shift its focus from cutting caseloads to helping needy families find sustainable employment.

11. Reduce the high costs of being poor and increase access to financial services. Despite having less income, lower-income families often pay more than middle and high-income families for the same consumer products. We recommend that the federal and state governments should address the foreclosure crisis through expanded mortgage assistance programs and by new federal legislation to curb unscrupulous practices. And we propose that the federal government establish a $50 million Financial Fairness Innovation Fund to support state efforts to broaden access to mainstream goods and financial services in predominantly low-income communities.

12. Expand and simplify the Saver's Credit to encourage saving for education, homeownership and retirement. For many families, saving for purposes such as education, a home, or a small business is key to making economic progress. We propose that the federal "Saver's Credit" be reformed to make it fully refundable. This Credit should also be broadened to apply to other appropriate savings vehicles intended to foster asset accumulation, with consideration given to including individual development accounts, children's saving accounts, and college savings plans.

We believe our recommendations will cut poverty in half. The Urban Institute, which modeled the implementation of one set of our recommendations, estimates that four of our steps would reduce poverty by 26 percent, bringing us more than halfway toward our goal. Among their findings:

Taken together, our minimum wage, EITC, child credit, and child care recommendations would reduce poverty by 26 percent. This would mean over nine million fewer people in poverty and a national poverty rate of 9.1 percent—the lowest in recorded U.S. history.

The racial poverty gap would be narrowed. White poverty would fall from 8.7 percent to 7 percent. Poverty among African Americans would fall from 21.4 percent to 15.6 percent. Hispanic poverty would fall from 21.4 percent to 12.9 percent and poverty for all others would fall from 12.7 percent to 10.3 percent.

Child poverty and extreme poverty would both fall. Child poverty would drop by 41 percent. The number of people in extreme poverty would fall by over two million.

Millions of low- and moderate-income families would benefit. Almost half of the benefits would help low- and moderate-income families.

That these recommendations would reduce poverty by more than one quarter is powerful evidence that a 50 percent reduction can be reached within a decade.

The combined cost of our principal recommendations is in the range of $90 billion a year—a significant cost but one that is necessary and could be readily funded through a fairer tax system. An additional $90 billion in annual spending would represent about 0.8 percent of the nation's Gross Domestic Product, which is a fraction of the money spent on tax changes that benefited primarily the wealthy in recent years. Consider that:

The current annual costs of the tax cuts enacted by Congress in 2001 and 2003 are in the range of $400 billion a year.

In 2008 alone the value of the tax cuts to households with incomes exceeding $200,000 a year is projected to be $100 billion.

Our recommendations could be fully paid for simply by bringing better balance to the federal tax system and recouping part of what has been lost by the excessive tax cuts of recent years. We recognize that serious action has serious costs, but the challenge before the nation is not whether we can afford to act, but rather that we must decide to act.

THE NEXT STEPS

In 2009, we will have a new president and a new Congress. Across the nation, there is a yearning for a shared national commitment to build a better, fairer, more prosperous country, with opportunity for all. In communities across the nation, policymakers, business people, people of faith, and concerned citizens are coming together. Our commitment to the common good compels us to move forward.

POVERTY TASK FORCE MEMBERS

Angela Glover Blackwell, Founder and CEO, PolicyLink (co-chair).

Peter B. Edelman, Professor of Law, Georgetown University (co-chair).

Rebecca Blank, Dean, Gerald R. Ford School of Public Policy, Henry Carter Adams Collegiate Professor of Public Policy, University of Michigan.

Linda Chavez-Thompson, Executive Vice President, AFL-CIO.

Reverend Dr. Floyd H. Flake, President, Wilberforce University.

Wizipan Garriott, Law Student and Board President of the He Sapa Leadership Academy.

Maude Hurd, National President, ACORN.

Charles E. M. Kolb, President, Committee for Economic Development.

Meizhu Lui, Executive Director, United for a Fair Economy.

Alice M. Rivlin, Senior Fellow and Director, Greater Washington Research Program, Brookings Institution.

Barbara J. Robles, Associate Professor, Arizona State University.

Robert Solow, Professor Emeritus, Massachusetts Institute of Technology.

Dorothy Stoneman, Founder and President, YouthBuild USA.

Wellington E. Webb, Former Mayor of Denver.

Mr. SHAYS. I had already yielded back my time.

I wonder if the gracious lady would yield me a minute.

Ms. NORTON. I certainly will.

Mr. SHAYS. Madam Speaker, I thank the gentlewoman for yielding me this time, and I want to agree with everything I have heard to the point of the need to have a stimulus package that recognizes those who have the least resources.

But I do want to say that we also need to recognize that we need to stimulate investment in plants, machinery, and we need to make sure that whatever goods consumers buy are likely to be American products and that we are just not transferring that benefit overseas. So there is going to be a lot that happens, but I agree with my colleagues, we will be able to work together on this issue.

Ms. NORTON. Madam Speaker, the poor in our country have assumed a high profile today because of the state of the economy. I hope that the gentlelady's resolution helps us to bear in mind that the poor in our country need a higher profile throughout the 110th Congress.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of H. Con. Res. 198, expressing the sense of Congress that the United States has a moral responsibility to meet the needs of those persons, groups and communities that are impoverished, disadvantaged or otherwise in poverty, introduced by my distinguished colleague from California, Representative BARBARA LEE. Congresswoman BARBARA LEE, co-founder of the Out of Poverty Caucus, has articulated a national goal to reduce poverty by 50 percent over the next 10 years. This legislation is an imperative instrument in addressing the ongoing endemic that is poverty in America.

Approximately 36.5 million American citizens, 12.3 percent of United States population, live in poverty. The incidence of destitution is associated with race and ethnicity, location, family composition, age, and education. America has allowed poverty to fall off the national agenda. In a nation as industrial and prominent as the United States, it seems paradoxical to have such high levels of poverty. During the 1960s, when President Johnson made poverty a national concern, policies and programs were created to set into motion a series of bills and acts which "brought about real results, reduced rates of poverty, and improved living standards for America's poor."

Madam Speaker, it is essential that this Congress satisfies the needs of Americans who are impoverished, disadvantaged, or otherwise in poverty; this legislation requires that we acknowledge that responsibility. While poverty is believed by some to be a statistical phenomenon, it is in fact a daily reality for millions of Americans. Policy proposals addressing poverty have not kept pace with the needs of millions of Americans. The measure of poverty is simple but rather crude. Poverty cannot be accurately evaluated until we can essentially comprehend the number of people in poverty.

When Mollie Orshansky, renowned economist and statistician, defined the poverty line in the 1960s, she used a farm family living in the 1950s as her model, nevertheless times have changed. In this day and age, an income of $20,000 is not sufficient for a family of four to survive. Journalist Barbara Ehreinreht worked alongside the "near poor" in her nonfiction piece "Nickel and Dimed." Ten years ago, a family in her book earned $40,000 a year cumulatively, but was still unable to afford suitable housing. An annual income of $20,000 in 1950 and $40,000 in 1998 for a family of four is "unpretentious." Technology has advanced, times have changed, the price of living is constantly rising, and those factors, along with many others should be used to evaluate how a family can survive.

Many impoverished individuals are believed to be able to return to self-sufficiency with 12–18 months of assistance and affordable housing. Since its conception, welfare has caused countless economic, political, psychological, and sociological effects that have shaped American society, produced innumerable reforms and depicted its recipients as irresponsible agents of self- inflicted poverty. In 1996, the Republican-led Congress introduced welfare reform. If the objective was to reduce the number of people on the welfare rolls, it worked; however, poverty did not decline. The central goal that needs to be established is how to decrease poverty while simultaneously placing welfare recipients in a position to maintain an existence above the poverty line after assistance. Welfare is not a substantial economic alternative; in no state do welfare disbursements alone lift a family above the poverty line. The Federal Government must play a vital role in revitalizing and restoring opportunities for Americans to reach the American dream.

Congress is morally obligated to provide better services to meet the needs of its citizens; nevertheless, the quality of the services for various groups differs greatly. The aftermath of Hurricanes Katrina and Rita demonstrated that sub-par services are readily available to minorities. While many existing organizations have worked to help those displaced, and some new groups and special efforts have been initiated, the survivors of Hurricane Katrina are still largely disorganized and deprived. In the United States, the incidence of poverty is associated with race and ethnicity, location, family composition, age, and education. Three years ago, the criticisms of the Government's response to Hurricane Katrina generally consisted of condemnations of negligence and lack of leadership in the relief efforts in response to the storm and its aftermath. Currently, the principal criticism is the long overdue assistance for the poverty-stricken.

The U.S. has a higher sense of poverty and a visible phenomenon of poverty than any other country. Internationally, the United States poverty rate at the turn of the 21st century ranked 24th of 25 countries, with only Mexico having a higher percentage rate.

This important piece of legislation will recognize the continuing need of many Americans. This is extremely significant in the sense that it will assist those who desire upward mobility and believe in the "American Dream." This is an unprecedented step forward for impoverished Americans and I applaud this legislation for this significant first step towards helping American realize their dreams.

As we celebrate Dr. King's birthday, we also commemorate the 40th anniversary of King's Poor People's Campaign which, through nonviolent direct action, King hoped to focus the Nation's attention on economic inequality and poverty. I strongly urge my colleagues to join me in supporting this extremely important legislation.

Mr. HONDA. Madam Speaker, I rise today in support of H. Con. Res. 198, a resolution introduced by Congresswoman BARBARA LEE that expresses the sense of Congress that the United States should set a national goal of cutting poverty in half over the next 10 years.

Poverty can be defined as meaning a lack of the basic necessities of life such as food, shelter, clothing, health care, education, security, and opportunity. According to the U.S. Census Bureau, in 2006 over 38.7 million men, women and children across this country struggled to survive on an annual income well below the national poverty line. The number of people living in poverty has increased by over 5 million since the year 2000. In a country that prides itself on being the land of freedom and opportunity, and that has a level of affluence unparalleled by any other nation in the world, these statistics are both alarming and unacceptable.

I am a proud cosponsor of H. Con. Res. 198 because I believe that any nation that considers itself great must make a concerted effort to step up and do something about the problem of poverty. When the average national poverty rate is at 13.3 percent and growing, the status of poverty in this country should not be diagnosed as simply an unfortunate anomaly, but rather, as a nationwide epidemic; an epidemic that should be treated with the utmost care and concern, because it is a condition that affects all of us. Poverty erodes the health and security of our Nation's most valuable resources—our children and our communities. Strong, healthy communities are necessary for the preservation of the American way of life, a way of life that cannot exist when infected by the ills that are symptomatic of poverty stricken areas.

In addition, poverty hits hardest those with the least amount of immunity against the conditions that contribute to poverty. While minority communities have made many significant advancements over the past few decades, a disproportionate number of minorities are still impoverished and disadvantaged. African Americans comprise nearly 25 percent of people living in poverty, Hispanics 22 percent, and Asian Americans nearly 11 percent. Native American communities capture an astounding 25.3 percent of people living under the poverty level, many living in what are considered "fourth world" poverty conditions. Many Native Americans on the Rosebud and Pine Ridge reservations will not make it through the winter due to inadequate housing, warm clothing, and nourishment. In this country, and in this day and age, these numbers are simply deplorable. Unfortunately, they do not stop there.

More than half of those living at or below the Federal poverty level come from single parent households, and children ages 18 and younger have the highest rate of poverty of any age group with 17.6 percent living at or below the poverty line. Instead of receiving a proper education in school, learning valuable life-lessons and leadership skills in extra-curricular activities, and partaking in the many other childhood activities that are a necessary part of growing up, nearly 13 million kids will spend the day wondering whether or not they are going to eat that night, or whether their mother or father will be drunk or in prison when they get home, that is assuming they even have a place to go home to. Nevertheless, these children are expected to perform well in schools, meet the national score on standardized tests, or risk having their school shut down thanks to No Child Left Behind system. Children who live under such conditions are not destined to succeed. Most will not graduate from high school. Many will turn to gangs, drugs, or a life of crime, and as a result, spend most of their adult life in and out of prison.

Poverty is the result of a deep structural problem that implicates our value system as well as our educational and economic institutions, and it is a problem that permeates into all aspects of society. The costs to victims of poverty are great, but the costs to us are greater.

That is why I wholeheartedly emphatically support the commitment to cutting poverty made by H. Con. Res. 198. It will not be easy, but there is a moral, and social urgency facing us. We have the opportunity today to impact the lives of millions and give others the opportunity to share in the great wealth that our nation has to offer.

Ms. WOOLSEY. Madam Speaker, in the richest country in the world, no one should go to bed hungry, no one should have to go without heat on a cold winter night, and no one should be deprived of life saving medicine because they can't afford it.

It is so sad that in our country, the richest in the world, 37 million people live below the poverty line and deal with these fears everyday.

As a Congress, we need to do more to help these people, which is why I am proud to stand in support of Congresswoman BARBARA LEE's bill, H. Con. Res. 198, and the goal of cutting poverty in the U.S. in half in the next 10 years.

This bill, recognizing the problem of poverty in our country is a good start, but we need to do more. We can put our money where our mouths are, starting with an economic stimulus package that gets money to the people who need it most in an economic downturn. This can be done by extending unemployment insurance and food stamps to help the neediest among us . . . not by extending tax breaks for the richest people in this country who have amassed great wealth at the expense of the rest of us. Let's do the right thing and help those who actually need it.

Madam Speaker, again I thank Representative LEE for her leadership in fighting poverty and for bring this resolution to the floor and urge all my colleagues to support this bill.

Mr. STARK. Madam Speaker, I rise today in strong support of resolving to cut poverty in half over the next 10 years. America is the richest country in the history of the world, yet 37 million Americans languish in poverty. The poverty rate is an inexcusable 17 percent for all children and 33 percent for black children. As a body, Congress has a moral obligation to alleviate poverty and provide all people with opportunities to lead healthy and independent lives.

The resolution, H. Con. Res. 198, before us is simple: it puts Congress and the Nation on the clock and acknowledges our collective responsibility to the impoverished and disadvantaged. As a country, we spend more than all other countries combined on our military and ongoing wars. Yet, our poverty rate is dead last among developed nations. Clearly, we have the financial ability to drastically reduce the number of people living in poverty. The question is do we have the political will.

I believe the answer is yes. During the 1960s the poverty rate fell from over 22.2 percent to 12.6 percent. These gains were brought about by the creation and expansion of a strong safety net supported by programs such as Medicaid, food stamps, and AFDC. Now, the safety net is frayed and under constant attack from those who don't blink when approving the $500 billion to fight the Iraq war, but would like to see crucial entitlement programs "wither on the vine." This resolution rejects the failed ideology that has brought us the manmade disaster in New Orleans and the shame of an additional 5 million people living in poverty since 2000.

As we celebrate Martin Luther King's birthday, we must redouble our efforts to fight poverty. Congress has to expand SCHIP and continue moving toward universal health care. We need to ensure that all families can afford childcare, decent housing, nutritious meals, and a good education. These are basic human rights. As a society, our obligation is to lift those who are disadvantaged and provide opportunities. I urge my colleagues to support this resolution and rededicate ourselves to eradicating poverty.

Mr. MEEK of Florida. Madam Speaker, I rise in strong and unwavering support for H. Con. Res. 198 and am pleased to be a co-sponsor on this Congressional Resolution that draws attention to the approximately 37 million Americans who live in poverty. In particular, I am bound and determined to meeting the Resolution's goal of cutting poverty in half over the next 10 years.

The number of impoverished Floridians increased from 859,888 in 2000 to 943,670 in 2005, a 9.7 percent rise, representing almost 6 percent of the total population. Over those years, Broward County's severely poor grew from 77,942 to 82,327, while Miami-Dade's poverty rate of 6.8 percent was among the highest in the State.

African Americans and Hispanics have poverty rates far above the poverty rate for Caucasians. In 2005, 24.9 percent of African Americans (9.2 million) and 21.8 percent of Hispanics (94 million) had incomes below poverty, compared to 8.3 percent of non-Hispanic whites (16.2 million) and 11.1 percent of Asians (1.4 million). Although African-Americns represent only 12.6 percent of the total population, they make up 24.8 percent of the poor population.

And among those that are the highest of our country's poor are our children. In 2005, 12.3 million children (17.1 percent) were poor. For African American children, this statistic is even higher—in 2005, 34.2 percent of black children were poor (3.7 million). This is inexcusable in a country where so many live in great wealth.

Poverty is hunger. Poverty is lack of shelter. Poverty is being sick and not being able to see a doctor. Poverty is not having access to school and not knowing how to read. Poverty is not having a job, is fear for the future, living one day at a time. Poverty is losing a child to illness brought about by unclean water. Poverty is powerlessness, lack of representation and freedom.

It is time to change these statistics. Our citizens with minimal education, and our citizens without a job are among those that are the most susceptible to poverty. Clearly, Americans need to work. We need to do what we have to do to make this happen.

And we need to do this soon, and not drag our feet on this important issue. This Resolution will motivate us to get moving and gives us a very necessary goal—to cut poverty in half over the next 10 years.

Mr. BACA. Madam Speaker, I ask unanimous consent to address the House for 1 minute.

I rise today in strong support of H. Con. Res. 198.

Poverty is all too real an issue in America today.

As a co-chair of the Congressional Out of Poverty Caucus, I have worked with my colleagues to create a world where no child goes to bed hungry, and where every parent can put a roof over their family's heads.

We have made progress this Congress—but we still have a long road ahead of us.

And while poverty disproportionately affects our minority communities—it does not discriminate on a basis of color.

We must remember poverty is not just a Hispanic, or a Black, or an Asian issue—it is a "people" issue.

Whether it's a family trying to put food on the table, or a child in need of basic health care—when poverty affects one of us, it affects all of us.

I urge my colleagues to join the Out of Poverty Caucus in voicing their dedication to creating a better America for everyone, not just the privileged few.

I ask my colleagues to vote in favor of H. Con. Res. 198.

Mr. AL GREEN of Texas. Madam Speaker, I express my strong support for H. Con. Res. 198, a resolution expressing the sense of Congress that the United States has a moral responsibility to meet the needs of those who are disadvantaged or impoverished and that our country should set a national goal of cutting poverty in half over the next 10 years by promoting good jobs at livable wages.

In this land of hope and opportunity, all working families should also be able to rely on the product of their labor to feed, clothe, house and provide health care for their families. Unfortunately, all too many working Americans are unable to do so. Today, 35 million Americans will go to sleep hungry. Thirty-seven million Americans still live in poverty and 47 million Americans are without health insurance. In my home state of Texas, 16,000 brave men and women who have served nobly in our Nation's military go homeless every night.

These statistics are unbecoming of the wealthiest Nation in the history of our planet. As a Nation, we must undertake all efforts necessary to end the scourge of poverty. One of the best ways to move forward in this effort is to promote good jobs and to ensure that all jobs pay livable wages.

Congress made great progress last year by passing a long-overdue increase in the minimum wage and providing that it will increase to $7.25 per hour next year. A full-time job should be a bridge out of poverty, an opportunity to make a living through work. Unfortunately, for many Americans, especially those with families, it is not.

In our great country, it is unacceptable that poverty continues to devastate the lives of tens of millions of our fellow Americans. For this reason, I strongly support this resolution and believe that Congress must continue working to make the principles expressed in the resolution a reality. I am proud to be a cosponsor of this important resolution and I commend my good friend and colleague, Ms. BARBARA LEE of California, for introducing the resolution.

Ms. NORTON. Madam Speaker, I have no further speakers and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 198, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

JUDGE RICHARD B. ALLSBROOK POST OFFICE

Ms. NORTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4211) to designate the facility of the United States Postal Service located at 725 Roanoke Avenue in Roanoke Rapids, North Carolina, as the "Judge Richard B. Allsbrook Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4211

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JUDGE RICHARD B. ALLSBROOK POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 725 Roanoke Avenue in Roanoke Rapids, North Carolina, shall be known and designated as the "Judge Richard B. Allsbrook Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Judge Richard B. Allsbrook Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

I am pleased to join my colleagues in consideration of H.R. 4211 which names a postal facility in Roanoke Rapids, North Carolina, the Judge Richard B. Allsbrook Post Office.

H.R. 4211 was introduced by Representative BUTTERFIELD of North Carolina on November 15, 2007. It was reported from the House Oversight Committee on December 12, 2007 by voice vote. This measure has been cosponsored by 12 Members and has support of the entire North Carolina congressional delegation.

I am asking the House to join me in honoring Judge Richard B. Allsbrook, a dedicated civil servant, who passed away in October 2007.

Judge Allsbrook served his country as a second lieutenant in the United States Navy before becoming an attorney in North Carolina at a family law firm. In 1978, Judge Allsbrook was appointed resident superior court judge for the Sixth Judicial District, from which he retired in September 2000. In addition, he served as a mediator in the North Carolina judicial system, and was sitting president of the Roanoke Rapids Chamber of Commerce.

□ 1445

The community was deeply touched by his efforts. Madam Speaker, I urge swift passage of this bill.

I reserve the balance of my time.

Mr. SHAYS. Madam Speaker, I yield such time as I may consume.

Madam Speaker, I rise today to urge passage of this bill honoring the late Honorable Judge Richard B. Allsbrook with the naming of the Judge Richard B. Allsbrook Post Office located at 725 Roanoke Avenue, in Roanoke Rapids, North Carolina. Described as a "meticulous, fair and compassionate" jurist, Allsbrook served as the Superior Court Judge for the Sixth Judicial District in Roanoke Rapids, North Carolina, for 22 years before retiring in 2000.

A native of Halifax, and son of the late State Senator Julian Allsbrook, Judge Allsbrook earned his undergraduate degree and his juris doctorate from the University of North Carolina, Chapel Hill.

After spending 4 years as a second lieutenant in the U.S. Navy, Allsbrook spent 20 years practicing law with his father in the practice of Allsbrook, Benton and Knott.

Judge Allsbrook was also an active member of the community, serving as the president of the Roanoke Rapids Kiwanis Club and the president of the Roanoke Rapids Chamber of Commerce. He also received awards for his service to the community, including the Boy Scouts of America's Distinguished Citizen Award.

A dedicated father and grandfather, distinguished public servant, and valuable member of the community, Judge Allsbrook touched many lives and, fittingly, his life deserves to be recognized with the naming of the Judge Richard B. Allsbrook Post Office in Roanoke Rapids, North Carolina, in his honor.

Madam Speaker, I yield back the balance of my time.

Mr. BUTTERFIELD. Madam Speaker, I rise today to honor a great leader and powerful figure in North Carolina by naming the post office located at 725 Roanoke Avenue in Roanoke Rapids, North Carolina as the Judge Richard B. Allsbrook Post Office. Unfortunately, Judge Allsbrook passed away on October 26, 2007, just a few months before we were able to bestow upon him this great honor.

Judge Allsbrook was a native of Halifax County, North Carolina—one of the largest and most populated areas of my congressional district. He was born in 1929 to State Senator Julian and Mrs. Frances Allsbrook.

In his formative years, Richard Allsbrook attended Roanoke Rapids High School where he excelled academically. After graduating, Richard attended the University of North Carolina, Chapel Hill where he received a bachelors of arts degree. He went on to attend law school at the prestigious University of North Carolina School of Law, and subsequently served for 4 years with the United States Navy as a second lieutenant.

Madam Speaker, after honorably serving his country in the military, Richard returned to Roanoke Rapids to practice law with his father in the firm of Allsbrook, Benton and Knott. During his 20 years as a practicing attorney, he always took time for his clients and worked diligently to ensure that they were represented to the best of his ability. His meticulous nature and even temperament served him well when he was appointed resident superior court judge for the Sixth Judicial District in 1978. Over the next 22 years, he tempered justice with mercy, earning a reputation as a fair, compassionate jurist. All those present in his courtroom—attorneys, defendants, jurors, witnesses and court personnel—consistently found him to be well-prepared, respectful, and courteous. I had the privilege of practicing law before Judge Allsbrook on many occasions prior to my election as Resident Superior Court Judge when I became his colleague.

After serving as Senior Resident Superior Court Judge for over two decades, he retired in September 2000 and worked as a mediator in the North Carolina judicial system.

Judge Allsbrook attended the Rosemary Baptist Church for over 50 years. He was a dedicated deacon, trustee and Sunday School teacher where he worked to enrich each person with whom he came into contact. He was also dedicated to improving the community through his involvement in the Kiwanis Club where he served as president, and also the Roanoke Rapids Chamber of Commerce where he also served as president. Because of his dedication and commitment to the community, Judge Allsbrook received the Jaycees' Distinguished Service Award and also received the Boy Scouts of America Distinguished Citizen Award.

Madam Speaker, sadly, Judge Allsbrook's devoted and loving wife Barbara passed away in February of last year—just 8 months before Judge Allsbrook. Judge Allsbrook and his wife Barbara reared 2 children, Barbara Alison who resides in Roanoke, and Richard Jr., who resides in Boston.

Judge Richard Allsbrook was indeed a pillar of the Halifax community. He was my dear friend and I am so proud to have known him. Roanoke Rapids, Halifax County, and the State of North Carolina is a better place because of Richard Allsbrook's sacrifices and contributions on behalf of so many.

This legislation—H.R. 4211—has bipartisan support and is cosponsored by the entire North Carolina Congressional Delegation. It is my hope that my colleagues here in the House will join me and my North Carolina colleagues in voting "aye" on H.R. 4211.

Ms. NORTON. Madam Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 4211.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. NORTON. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ESTABLISHING NATIONAL TUNNEL INSPECTION STANDARDS

Mr. DEFAZIO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 409) to amend title 23, United States Code, to inspect highway tunnels, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 409

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL TUNNEL INSPECTION PROGRAM.

(a) IN GENERAL.—Title 23, United States Code, is amended by inserting after section 149 the following:

"§ 150. National tunnel inspection program

"(a) NATIONAL TUNNEL INSPECTION STANDARDS.—The Secretary, in consultation with State transportation departments and interested and knowledgeable private organizations and individuals, shall establish national tunnel inspection standards for the proper safety inspection and evaluation of all highway tunnels. The standards established under this subsection shall be designed to ensure uniformity among the States in the conduct of such inspections and evaluations.

"(b) MINIMUM REQUIREMENTS FOR INSPECTION STANDARDS.—The standards established under subsection (a) shall, at a minimum—

"(1) specify, in detail, the method by which highway tunnel inspections shall be carried out by the States;

"(2) establish the maximum time period between the inspections based on a risk-management approach;

"(3) establish the qualifications for those charged with carrying out the inspections;

"(4) require each State to maintain and make available to the Secretary upon request—

"(A) written reports on the results of the inspections together with notations of any action taken pursuant to the findings of the inspections; and

"(B) current inventory data for all highway tunnels located in the State reflecting the findings of the most recent highway tunnel inspections conducted;

"(5) establish procedures for national certification of highway tunnel inspectors;

"(6) establish procedures for conducting annual compliance reviews of State inspections and State implementation of quality control and quality assurance procedures; and

"(7) establish standards for State tunnel management systems to improve the tunnel inspection process and the quality of data collected and reported by the States to the Secretary for inclusion in the national tunnel inventory to be established under this section.

"(c) TRAINING AND CERTIFICATION PROGRAM FOR TUNNEL INSPECTORS.—The Secretary, in cooperation with State transportation departments, shall establish a program designed to ensure that all individuals carrying out highway tunnel inspections receive appropriate training and certification. Such program shall be revised from time to time to take into account new and improved techniques.

"(d) NATIONAL TUNNEL INVENTORY.—The Secretary shall establish a national inventory of highway tunnels reflecting the findings of the most recent highway tunnel inspections conducted by States under this section.

"(e) AVAILABILITY OF FUNDS.—To carry out this section, the Secretary may use funds made available pursuant to the provisions of sections 104(a) and 502.".

(b) SURFACE TRANSPORTATION PROGRAM.—Section 133(b)(1) of such title is amended by inserting ", tunnels that are eligible for assistance under this title (including safety inspection of such tunnels)," after "highways)".

(c) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by inserting after the item relating to section 149 the following:

"150. National tunnel inspection program.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. DEFAZIO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 409.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DEFAZIO. Madam Speaker, this legislation will fill a gap in the national inspection regime and in public safety, one that was brought to our attention by the gentleman from Massachusetts (Mr. CAPUANO). Obviously, a failing infrastructure is very much on the minds of the public, given the collapse in Minnesota this last year, but, unfortunately, the Minnesota instance is not unique and it points to the need for constant vigilance and inspection of the critical infrastructure to avoid tragic accidents. And in this case, the gentleman from Massachusetts has pointed out that we do not have a regular regime of tunnel inspection, nor do we have standards which are set nationally for tunnel safety and inspection, nor do we have certified tunnel inspectors. All of that would be rectified by this legislation, so I'm very supportive of the legislation.

Madam Speaker, I reserve the balance of my time.

Mr. DUNCAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to voice my strong support for H.R. 409, and I would also like to commend Chairman DEFAZIO and the gentleman from Massachusetts (Mr. CAPUANO) for bringing this bill to the floor at this time.

On August 2, the Transportation and Infrastructure Committee passed an earlier version of this bill on a voice vote. I believe that the entire committee agreed with the main objective of this bill, to ensure that our Nation's highway tunnels are safe. But some members had concerns about the new tunnel inspections directly competing with ongoing bridge inspections. This substitute bill addresses these concerns.

This bill requires the Federal Highway Administration to establish a new national highway tunnel inspection program in consultation with State DOTs and other knowledgeable organizations. The new tunnel inspection program is modeled directly on the existing highway bridge inspection program and addresses three major areas: One, it establishes national highway tunnel inspection standards to ensure tunnel inspection uniformity. Secondly, this establishes a national tunnel inventory to publish the findings of all tunnel inspections. And thirdly, it develops a national program for training and certification of highway tunnel inspectors.

This bill will make tunnel inspection requirements consistent with the current bridge inspection requirements. I think this is a concept we can all agree on.

There are approximately 400 highway tunnels in the United States, and we need to make sure that those tunnels are safe. But there are more than 580,000 road and highway bridges in the United States, including almost 55,000 interstate bridges. I'm pleased that instead of having tunnel inspections compete directly with highway bridge inspections, the substitute bill before us makes tunnel inspections eligible for funding from other highway programs: the Surface Transportation Program, the Federal Highway Administration administrative expenses, or surface transportation research funds.

I hope that if this legislation secures Senate passage and becomes law, we can further fine-tune the tunnel inspection funding source issue so that the different tunnel inspection activities are funded from the appropriate program.

Again, I voice my support for H.R. 409, and I urge its passage.

Madam Speaker, I reserve the balance of my time.

Mr. DEFAZIO. Madam Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Madam Speaker, the substance of the bill has already been outlined. I just want to rise to thank the chairman and ranking member of the full committee, Mr. OBERSTAR and Mr. MICA, and the chairman and ranking member of the subcommittee, Mr. DEFAZIO and Mr. DUNCAN, for moving this forward; also thank the staff for working out a few items that need to be worked out.

And I would also want to take a moment just to thank the National Transportation Safety Board. This legislation was done in conjunction with them. We had a tragedy in Boston that led me, no different than any other American. I didn't come to Congress knowing that tunnels were not inspected, and I have not met anyone, anyone who thinks that they are not. And when they find out that they are not, it's one of those deals where, well, why not? Of course you should. This legislation will fix this. The National Transportation Safety Board took their duties investigating a tragedy we had in Boston and went, I think, the extra step, and I think the proper extra step, to call on us to pass legislation just like this. I think it was the right thing to do, the courageous thing to do. I think it's good for the country. And again, I want to extend my thanks to those people that made this possible.

Mr. OBERSTAR. Madam Speaker, I rise in strong support of H.R. 409, to amend title 23 of the United States Code, to ensure the safety of the traveling public by establishing a national program to inspect highway tunnels, modeled after the National Bridge Inspection Program.

I thank the gentleman from Massachusetts, Mr. CAPUANO, for introducing this important piece of legislation that will address the absence of comprehensive inspections standards for our Nation's highway tunnels.

Madam Speaker, recent tragic events have highlighted the very real crisis facing our Nation's transportation infrastructure. America's transportation network is aging and increasingly in need of maintenance or reconstruction. Many facilities are being stretched to the limit of their design life and beyond.

The tragic collapse of the Interstate 35W bridge in my home State illustrated the deteriorating conditions of our bridges and the need for routine inspections. Similarly, another tragedy in Massachusetts has shown that we must do the same for highway tunnels.

On Monday, July 10, 2006, at approximately 11 p.m., a section of the suspended concrete ceiling above the eastbound lanes of the Interstate 90 connector tunnel in Boston, Massachusetts, fell onto a vehicle traveling to Logan International Airport. A passenger, riding in the right front seat of the vehicle, was killed. The driver escaped with minor injuries.

The National Transportation Safety Board, NTSB, immediately launched an investigation into the cause of the ceiling panel collapse.

On July 10, 2007, the NTSB issued its accident report, identifying the failure of the epoxy adhesive used to attach the panels to the anchors in the ceiling to sustain long-term loads as the probable cause of the accident.

The NTSB report observed that had the Massachusetts Turnpike Authority inspected the area above the suspended ceilings at regular intervals, the anchor creep that led to this accident would likely have been detected, and this tragedy could have been prevented.

The NTSB report also found that the Federal Highway Administration, FHWA, lacked the regulatory authority to conduct tunnel inspections, and recommended that the FHWA seek legislation authorizing the agency to establish a mandatory tunnel inspection program similar to the National Bridge Inspection Program.

H.R. 409 will fulfill the NTSB recommendation, and establish a national program to inspect highway tunnels.

Under this legislation, the Secretary of Transportation, in consultation with State departments of transportation, private organizations and individuals, is required to establish national tunnel inspection standards for safety inspections and evaluations of all public highway tunnels.

This bill also establishes criteria for certification and training of tunnel inspectors, and requires States to prepare and maintain an inventory of public highway tunnels.

FHWA has already begun to develop a tunnel inspection regime modeled after the bridge inspection program. This regime must account for the inherent differences between bridges and tunnels. Working in conjunction with the Federal Transit Administration, the agency has published highway and rail transit tunnel inspection manuals.

FHWA has also begun the process of working with State departments of transportation, highway tunnel owners, and other stakeholders to develop National Tunnel Inspection Standards and establish minimum training and qualification requirements for inspectors.

These are important steps, but the passage of this legislation will ensure that FHWA has the resources necessary to develop and implement comprehensive tunnel inspection standards and training.

I thank the gentleman from Florida, Ranking Member MICA, and his staff for working with us to ensure that this legislation accomplished its goal of increasing tunnel safety without inadvertently diverting resources from bridge inspections.

Madam Speaker, while we cannot undo the damage caused by this accident, we can, and we must, take the necessary actions to prevent future tunnel collapses. H.R. 409 establishes a framework to address the serious safety concerns raised by the NTSB, and ensures that tragedies like that of July 10, 2006, will never occur again.

I urge my colleagues to join me in strongly supporting H.R. 409.

Mr. MARKEY. Madam Speaker, I rise in strong support of H.R. 409. This legislation will require that tunnels are inspected with the same kind of intensity and scrutiny as bridges in every community in the United States.

In Massachusetts for years now we have been working on the Central Artery/Tunnel Project, also known as the "Big Dig", a system of tunnels that has made it much easier to get around in and outside of Boston. In July of 2006 there was a tragic death in the Ted Williams tunnel due to a collapse of a concrete panel in the ceiling. By adding tunnels to all inspection legislation we will give states the vital jurisdiction they need to look into important transportation structures.

This bill will not require excessive funds or staffing. As of right now it is estimated by the Department of Transportation that it will cost less than $1 million and require 5 employees or less to run the program. This is a small amount to ask for the safety it would provide to all of our constituents across the U.S.

The legislation calls for standards that must be met for all of the tunnel inspections and timelines for states to fix any reported deficiencies. We have seen first hand in Minnesota this year what can happen if a structurally deficient bridge is left unchecked. This bill would help reduce the risk of more tragedies occurring as a result of tunnels that have fallen into disrepair. In addition, the Federal Highway Administration would be required to work with state transportation departments to establish a certification and training program for tunnel inspectors as well as keep an inventory of highway tunnels.

I urge adoption of this important legislation.

Ms. TSONGAS. Madam Speaker, I rise today in strong support of H.R. 409, a bill that will go a long way toward making our highway infrastructure safer. I want to give special thanks to my colleague from Somerville, Congressman CAPUANO, for introducing this common-sense bill.

H.R. 409 expands the National Bridge Inspection Program to include the inspection of highway tunnels. Current law does not contain national standards or requirements for inspecting tunnels. This bill corrects that flaw. In doing so, I believe that lives will be saved.

It is, sadly, because of the loss of life that this bill came to be.

On the evening of July 10, 2006, Milena Del Valle was killed tragically as she and her husband traveled to Boston's Logan Airport, utilizing the Ted Williams Tunnel. Milena was killed when sections of the concrete ceiling collapsed.

A number of investigations were launched in the wake of this tragedy. One, undertaken by the National Transportation Safety Board, cited "inadequate regulatory requirements for tunnel inspections" as a major safety issue that merited correction.

This bill puts in place those needed requirements, mandatory tunnel inspections, and creates a national list of tunnels, to complement existing lists of bridges. I hope that swift action today in the House will be followed by the Senate, so that any future tragedies like we saw in Massachusetts can be averted, Again, I want to thank Congressman CAPUANO, and am pleased to support this bill.

Mr. DUNCAN. Madam Speaker, I have no additional speakers, and I simply will urge passage, and yield back the balance of my time.

Mr. DEFAZIO. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. DEFAZIO) that the House suspend the rules and pass the bill, H.R. 409, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend title 23, United States Code, to direct the Secretary of Transportation to establish national tunnel inspection standards for the proper safety inspection and evaluation of all highway tunnels, and for other purposes.".

A motion to reconsider was laid on the table.

RECOGNIZING THE AMERICAN HIGHWAY USERS ALLIANCE ON THE OCCASION OF ITS 75TH ANNIVERSARY

Mr. DEFAZIO. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 772) recognizing the American Highway Users Alliance on the occasion of its 75th anniversary, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 772

Whereas in 1932, Alfred P. Sloan, Jr., then president of General Motors Corporation, and other civic leaders had the foresight to found the National Highway Users Conference for the purpose of working "for good, all-weather roads in every state";

Whereas in 1970, the National Highway Users Conference merged with the Automotive Safety Foundation to form the Highway Users Federation for Safety and Mobility, which in 1995 was renamed as the American Highway Users Alliance (known as the "Highway Users");

Whereas since its founding, the Highway Users has been a persistent and outspoken proponent for adequate funding of the Nation's highway infrastructure and a consistent voice for motorists who use the highways for leisure, family, and business purposes and for those who depend on the Nation's transportation infrastructure for commercial purposes;

Whereas the Highway Users has voiced the interests of motorists and businesses on all major national highway and traffic safety legislation over the past 75 years, including the Federal-Aid Highway Act of 1956, which authorized the Interstate Highway System and established the Highway Trust Fund;

Whereas the Highway Users has been a consistent force for protecting the integrity of the Highway Trust Fund and State highway trust funds;

Whereas research conducted by the Highway Users has documented the promise and potential of modern United States highways in improving safety, facilitating emergency evacuations, and growing the national economy; and

Whereas the Highway Users has been a strong advocate in favor of strengthening the national highway network by promoting a strong Federal role in mobility and safety and by advocating policies that benefit highway users: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the American Highway Users Alliance on the occasion of its 75th anniversary;

(2) commends the many achievements of the American Highway Users Alliance; and

(3) encourages the American Highway Users Alliance to continue its tradition of excellence in service to motorists and the transportation industry.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. DEFAZIO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 772.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DEFAZIO. Madam Speaker, I rise today in strong support of H. Res. 772, a resolution to congratulate the American Highway Users Alliance on the occasion of its 75th anniversary.

Founded in 1932 as the National Highway Users Conference, in 1970 the group merged with the Automotive Safety Foundation and were renamed the Highway Users Federation for Safety and Mobility, and in 1995 they took on the current name of American Highway Users Alliance ("the Highway Users").

The Highway Users has always been an outspoken proponent for adequate funding for our Nation's highway infrastructure and a consistent voice for motorists and those who depend on our highways for commercial purposes.

For the past 75 years, Highway Users have expressed the interests of motorists and businesses on all major national highway and traffic safety legislation, including strong support for the Federal Aid Highway Act of 1956, which authorized the Interstate Highway System, established the Highway Trust Fund. Since then, it's been an unwavering force for protecting the integrity of the Federal Highway Trust Fund and State Highway Trust Funds.

As we received a report last week on the state of the Nation's infrastructure from a commission that was created by the passage of the SAFETEA–LU bill, we find that we are dramatically in deficit in investing in the Nation's infrastructure. And the current administration is dramatically in denial about the deficit in investing in infrastructure, so there will be a lot of work to be done by the American Highway Users Alliance and other advocates for an improved transportation network in the United States of America.

Madam Speaker, I reserve the balance of my time.

Mr. DUNCAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to also voice my support for House Resolution 772. House Resolution 772 was introduced by Chairman OBERSTAR, Ranking Member MICA, Highways and Transit Subcommittee Chairman DEFAZIO, and myself to recognize the 75th anniversary of the American Highway Users Alliance, a broad national coalition of organizations representing motorists and businesses.

The American Highway Users Alliance is a nonprofit advocacy organization with the mission to promote safe, uncongested highways and enhanced mobility. The group's membership includes over 300 national trade associations, corporations, small businesses, and other State and local nonprofit groups. They represent over 45 million highway users.

Since 1932, the group has fought for road and bridge investments that will save lives, promote economic growth, improve quality of life, and protect freedom of mobility.

The American Highway Users Alliance focuses its campaigns on fair highway use taxation, Federal highway policy and funding, and responsible environmental policy.

The American Highway Users Alliance is an important voice for the interests of motorists and businesses and has been an active participant in every major national highway and traffic safety law passed over the last 75 years.

I strongly support this resolution and congratulate the American Highway Users Alliance on its achievements and on its 75th anniversary. Madam Speaker, I urge all my colleagues to support this resolution.

Mr. OBERSTAR. Madam Speaker, I rise today in strong support of H. Res. 772, to congratulate American Highway Users Alliance on the occasion of its 75th anniversary.

The American Highway Users Alliance ("Highway Users") has changed its name several times over 75 years. The group was founded in 1932 as the National Highway Users Conference. In 1970, the group merged with the Automotive Safety Foundation and was renamed the Highway Users Federation for Safety and Mobility. In 1995, the organization took on its current name.

Yet no matter what the group was called, Highway Users has always been a persistent and outspoken proponent for adequate funding and oversight of the Nation's highway infrastructure, and a diligent voice for the interests of the public.

Highway Users has voiced the interests of motorists and businesses on all major national highway and traffic safety legislation over the past 75 years, including strong support of the Federal-Aid Highway Act of 1956, which authorized the Interstate Highway System and established the Highway Trust Fund.

Highway Users has worked tirelessly over the past 75 years to protect the integrity of the Highway Trust Fund and State highway trust funds.

The organization has conducted crucial research documenting the promise and potential of modern United States highways in improving safety, facilitating emergency evacuations, and growing the national economy.

The American Highway Users Alliance has also been a consistent advocate in favor of strengthening the national highway network by promoting a strong Federal role in mobility and safety and by advocating policies that benefit all highway users.

For these and other contributions to our daily lives, our economic well-being, and our health and safety, I rise to recognize the outstanding achievements of the American Highway Users Alliance and its sustained contribution in service to our Nation.

I urge my colleagues to support this resolution and join me in commemorating the 75th anniversary of the American Highway Users Alliance.

Mr. DUNCAN. Madam Speaker, I have no other speakers, and so I yield back the balance of my time.

Mr. DEFAZIO. Madam Speaker, I have no further requests for time, and I would yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. DEFAZIO) that the House suspend the rules and agree to the resolution, H. Res. 772.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

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HONORING THE UNITED STATES COAST GUARD

Mr. DEFAZIO. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 866) honoring the brave men and women of the United States Coast Guard whose tireless work, dedication, and commitment to protecting the United States have led to the Coast Guard seizing over 350,000 pounds of cocaine at sea during 2007, far surpassing all of our previous records.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 866

Whereas the estimated street value of the cocaine seized by the Coast Guard in 2007 is more than $4,700,000,000 or nearly half of the Coast Guard's annual budget;

Whereas the Coast Guard's at sea drug interdictions are making a difference in the lives of American citizens evidenced by the reduced supply of cocaine in more than 35 major cities throughout the United States;

Whereas keeping illegal drugs from reaching our shores where they undermine American values and threaten families, schools, and communities continues to be an important national priority;

Whereas through robust interagency teamwork, collaboration with international partners, and ever-more effective tools and tactics, the Coast Guard has seized more than 2,000,000 pounds of cocaine during the past 10 years and will continue to tighten the web of detection and interdiction at sea; and

Whereas the Coast Guard men and women who, while away from family and hundreds of miles from our shores, execute this dangerous mission, as well as other vital maritime safety, security, and environmental protection missions, with quiet dedication and without want of public recognition, continue to show dedication and selfless service in protecting the Nation and the American people: Now, therefore, be it

Resolved, That the United States House of Representatives honors the United States Coast Guard, with its proud 217 year legacy of maritime law enforcement and border protection, along with the brave men and women whose efforts clearly demonstrate the honor, respect, and devotion to duty that ensures America's parents can sleep soundly knowing the Coast Guard is on patrol.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from South Carolina (Mr. COBLE) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. DEFAZIO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 866.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DEFAZIO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the United States Coast Guard provides extraordinary service to our Nation on a daily basis. They are providing for homeland security. They are providing in this case that we will talk about in some depth a drug interdiction to keep our citizens safe and deprive drug traffickers of easy access to the United States, and they also provide life-saving services, in addition to other routine law enforcement and monitoring activities.

This seizure is fairly extraordinary: 350,000 pounds of cocaine with an estimated street value of about $4.7 billion. That is more than half the budget of the United States Coast Guard. It is extraordinary for this, the smallest of our uniformed services, to have provided that much protection for our country.

There are 41,000 men and women in the Coast Guard who patrol our Nation's shores, gather and process intelligence from around the world every single day of the year, as I mentioned earlier, both a homeland security purpose, and in this case, to interdict drug smuggling.

Though most Americans may not often see the Coast Guard at work along our 95,000 miles of coastline, you can be certain that the effects of the service's essential work ripple down into even local neighborhoods. Drug dealers are feeling the effects of the Coast Guard's good work as they complain of short supplies in more than 35 major U.S. cities.

The Coast Guard has been guarding our coasts and securing our borders since 1790. They do so without need for special recognition. They execute their missions daily, whether it is maritime safety, environmental protection, search and rescue, maritime law enforcement or homeland security.

Due to the Coast Guard's aggressive enforcement in monitoring the Caribbean drug routes, drug smugglers have now had to resort to much more dangerous and expensive tactics providing a deterrent. They've had deterrents to specific routes, which takes them more than 1,000 miles offshore, which costs them more money and presents logistical difficulties, and yet again, gives the Coast Guard further opportunities to interdict.

Although the Coast Guard is the smallest of the seven uniformed services, it is the Nation's leading maritime enforcement agency. Interdicting drugs is an Interagency effort. The Coast Guard relies heavily on their partnerships with numerous Federal and State agencies, including the Department of Defense, Federal Bureau of

Investigation, Drug Enforcement Administration and Customs and Border Patrol to extend their law enforcement authority.

These partnerships are a critical component of their interdiction success. They have also negotiated international bilateral agreements to allow them to conduct operations and stop illegal smuggling outside of U.S. territorial waters.

H. Res. 866 honors the brave men and women of the Coast Guard whose tireless work, dedication and commitment to protecting the United States resulted in this extraordinary interdiction of illegal drug shipments in 2007, and on a daily basis protects our Nation and our citizens.

I rise in strong support of H. Res. 866 and urge adoption of the resolution.

Madam Speaker, I reserve the balance of my time.

Mr. COBLE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, initially, I would like to express thanks to Chairman OBERSTAR and Subcommittee Chairman CUMMINGS for their support of H. Res. 866, and I also want to express thanks to Ranking Member MICA and Subcommittee Ranking Member LATOURETTE for their support of the measure and the members on the subcommittee who cosponsored the resolution.

H. Res. 866, Madam Speaker, recognizes the men and women of the United States Coast Guard whose efforts led to a record year in drug interdiction. They are to be commended for their dedication and selfless service in protecting the American people.

Madam Speaker, I'm going to read some numbers imminently, and oftentimes when one reads numbers, it becomes boring and induces sleep, but these numbers I think are significant to the issue at hand.

In 2007, the Coast Guard seized over 355,000 pounds of cocaine, besting the previous record by almost 20,000 pounds. These interdictions removed more than $4.7 billion worth of illegal drugs destined for our communities. Because of these efforts, today our families, schools and communities are more safe and secure despite the bold and sophisticated actions of drug smugglers.

I'd like to take a minute to highlight a few interdictions which led to this year's drug seizure record. First, the Coast Guard made its largest maritime cocaine seizure when it intercepted a Panamanian vessel carrying more than 33,000 pounds of narcotics in March of last year. Additionally, in September of 2007, the Coast Guard interdicted more than 9,000 pounds of cocaine and 3,600 gallons of liquid cocaine.

Finally, Coast Guard men and women, in collaboration with interagency partners, interdicted and boarded a self-propelled, semi-submersible vessel loaded with an estimated $352 billion worth of cocaine this past August.

These success stories, Madam Speaker, are the result of an interagency approach to stemming the tide of illegal drugs. According to Director John Walters of the Office of National Drug Control Policy, the efforts are clearly working as the average price of cocaine has increased and the quality decreased.

Since 1790, the Coast Guard has been the Nation's leading maritime law enforcement agency. Today, missions include drug interdiction, migrant interdiction, fisheries enforcement, environmental compliance and safe boating enforcement. Clearly, the success of the men and women of the Coast Guard is attributed to the multifaceted nature of this branch.

The Coast Guard also confronts unique obstacles with migrant smugglers who, not unlike drug runners, are becoming more brazen and bold in their efforts. I believe we must continue to work to provide the enhanced penalties necessary to deter and punish dangerous, high-speed pursuits and other patently unsafe activity associated with maritime alien smuggling. If we can implement increased deterrence, I have no doubt that the success that the Coast Guard has in drug interdiction will translate to similar success with migrant interdiction.

As we move forward, we need to ensure that the Coast Guard has the appropriate resources to ensure our safety and security. Currently, the Coast Guard is in the midst of a fleet modernization. The overall intent is to provide the men and women of the Coast Guard with the necessary tools to protect our homeland. I applaud the actions taken by Admiral Allen, the commandant, to move this acquisition program, which is desperately needed, in the right direction.

I also again applaud Chairman OBERSTAR, Subcommittee Chairman CUMMINGS, as well as Congressman MICA and Congressman LATOURETTE, the ranking members of the full committee and the subcommittee, for their efforts to complement and oversee these actions, and I look forward to working with my colleagues to ensure that the Coast Guard has the equipment necessary to meet our homeland security and safety needs.

Again, Madam Speaker, we commend the men and women of the United States Coast Guard for their drug interdiction success in 2007, and again, I want to thank my colleagues for their consideration and support of H. Res. 866.

Madam Speaker, I reserve the balance of my time.

Mr. DEFAZIO. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. COBLE. Madam Speaker, I yield 5 minutes to the distinguished gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Madam Speaker, I thank the distinguished former chairman from North Carolina who's been a leader in the anti-narcotics efforts in the Judiciary Committee and elsewhere and a tireless combatant against illegal drugs. I also want to thank Chairman OBERSTAR who clearly knows the importance of the Coast Guard in the Great Lakes, and Ranking Member JOHN MICA who headed the Drug Subcommittee, who I succeeded as chairman of that subcommittee a number of years ago; Subcommittee Chairman CUMMINGS, who was the ranking member of the Drug Subcommittee over the last 6 years; and my friend STEVE LATOURETTE as well.

This resolution has a particular personal importance to me, too, beyond the larger question. The big bust of 42,845 pounds of cocaine was primarily done by the Coast Guard Cutter *Sherman*. Captain Charlie Diaz served as a detailee to our subcommittee for a number of years, and then was detailed to the Speaker's office, and I want to congratulate Charlie in particular and his crew on the Sherman.

It would be nice to claim that we taught him how to do this, but in fact, we're just really glad that while he was here on the Hill learning how we work that he didn't lose the skills necessary to track down the huge loads of cocaine and other things the Coast Guard does.

It's also important that in this big bust where they got the freighter Gatun and 14 people just off the coast of Panama, it's critical to have the intelligence. We, earlier, heard about the joint agency effort, particularly JATF, the Joint Agency Task Force, based out of south Florida that is run by the Coast Guard and provides such valuable intelligence. You're just not going to pick up a boat and find 42,000 pounds of cocaine, nearly 20 tons of cocaine. You have to have decent intelligence because when you look at the Bahamas and all those boats out there, we have to have these kind of coordinated efforts, and JATF is a key part of it, and drug intelligence is a key part of it.

I want to thank Commandant Allen, Admiral Allen, in particular, for understanding that narcotics are part of the terrorism effort. There's tremendous pressure on the Coast Guard, and in the Great Lakes and Alaska and many places, its fisheries, search and rescue is still the day-to-day what they do. They have all sorts of migrant interventions way out even coming in towards Hawaii, coming off of Haiti, coming off of Cuba, huge challenges in migrant interdiction.

They're trying to patrol and have increasing narcotics coming off from the Andean region into the eastern Pacific off of Mexico. We have routes that are going into Guatemala and Panama, like this big interception, biggest bust in the history of the Coast Guard. There are constant challenges.

Last year, we had zero deaths from what we just were talking about, 9/11-type terrorism, and 20,000 from drug overdose. Since 9/11, we've lost roughly 120,000 Americans to drug and alcohol abuse and all the violence that associates with that, and we lost 3,300 at 9/11.

It's important to understand we're dealing with all sorts of terrorism here, and the Coast Guard has been an important element. As the ranking member of the Homeland Security Subcommittee on Border, Port Security and Global Anti-Terrorism, I'm one who understands how conflicted they are in their missions: Do they stay at port and protect the port? Are they supposed to be out getting a sailboat that tipped over? Are they supposed to be helping the fisheries? Are they supposed to be trying to get people in the eastern Pacific, as they go out past the Galapagos Islands? What about the Caribbean?

They are so multitasked that this Congress has to understand that if we're going to ask the Coast Guard to tackle all these missions, there has to be adequate funding. We have to make sure that not only do the Deepwater ships float, but we also need to make sure they have them. The controversies over the construction doesn't change the need.

As the drug traffickers move further out into the ocean, they have to have the ability to stay at sea longer. They can't keep running back into port because that's when the drug dealers, and if you can smuggle this much drugs, you can smuggle anthrax, you can smuggle nuclear parts, you can smuggle anything. Contraband is contraband.

If we aren't out there with a physical presence, if we don't have boats that are fast enough, if we don't have helicopters that can come off, if we can't surround or disable, we're not going to be able to intercept narcotics or other terrorists.

□ 1515

I want to commend Commandant Allen, who also basically bailed us out in Katrina, because the Coast Guard has served such an important function in so many areas there is not enough we can do to thank the men and women of the Coast Guard for their bravery, for their ability to do multitasking. And it's very important for this Congress to honor them and to make sure they have adequate funding.

Mr. OBERSTAR. Madam Speaker, I rise in strong support of House Resolution 866, which recognizes the brave men and women of the U.S. Coast Guard for their tireless work and dedication in guarding our coasts and securing our borders since 1790. I thank the distinguished gentleman from North Carolina (Mr. COBLE), a former Coastguardsman, for introducing this resolution.

Last year was particularly noteworthy for the Coast Guard's drug interdiction efforts. In 2007, the Coast Guard seized more than 350,000 pounds of cocaine, far surpassing all previous Coast Guard records. This seizure had a street value of over $4.7 billion, which equates to almost 50 percent of the Coast Guard's budget.

Throughout its history, the Coast Guard has protected the nation from piracy, rum runners, and illegal drug and migrant smugglers. The Coast Guard's first documented opium seizure was in 1890, by the Revenue Cutter *Wolcott*. In 1921, the Coast Guard Cutter *Seneca* seized 1,500 cases of liquor from a rum running schooner off the coast of New Jersey.

Due to the Coast Guard's aggressive drug interdiction pursuits, the supply of cocaine has been greatly reduced in more than 35 major U.S. cities. This has made a significant difference in the lives of American citizens.

The Coast Guard has established interagency and international partnerships which have contributed to its success. The United States negotiated bilateral agreements with 26 Caribbean and South American nations to allow the Coast Guard to stop illegal smuggling and conduct operations far outside the United States territorial seas.

Through these partnerships and more effective tools and tactics, the Coast Guard seized 2 million pounds of cocaine in the past 10 years. In March 2007, the Coast Guard made its largest maritime cocaine seizure in history when it intercepted and seized a Panamanian vessel carrying approximately 20 tons of the dangerous narcotic.

I commend the brave men and women of the Coast Guard for their selfless service and dedication to Nation and the American people. They work tirelessly to fulfill the numerous missions of the service, from search and rescue and environmental protection to maritime law enforcement and homeland security. We can live each day in solace knowing that the Coast Guard is on watch.

I urge my colleagues to join with me in strongly supporting H. Res. 866.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H. Res. 866, introduced by my distinguished colleague from North Carolina, Representative COBLE, honoring the brave men and women of the United States Coast Guard whose tireless work, dedication, and commitment to protecting the United States have led to the Coast Guard seizing over 350,000 pounds of cocaine at sea during 2007, far surpassing all of our previous records. This bipartisan legislation honors the Coast Guard's important 217-year legacy of protecting American borders and enforcing the laws of the sea.

The maritime safety laws of this country were written in understanding and appreciation of the peril which mariners face when they get on a ship, go out to sea, whether on the saltwater or the fourth coastline of this country, the Great Lakes.

Americans put their trust every day in the Coast Guard to regulate safety on ferry boats and other types of vessels conveying passengers, or on liquefied natural gas tankers that come into our ports. We have to ensure that the Coast Guard will get their full funding needed to carry out those responsibilities.

The United States Coast Guard is the smallest of the seven uniformed services of the United States. Their mission is to protect the public, environment, and the economic and security interest of the United States' coasts, ports, and inland waterways. During the Coast Guard's 217-year legacy of border protection and maritime law enforcement, modern technologies have made their job more perilous. This, however, has not deterred our Nation's brave young men and women from conducting the dangerous duty of drug interdiction.

In 2007, the Coast Guard seized more than 350,000 pounds of cocaine at sea. The street value of this seizure is worth over an estimated $4.7 billion. The sum is nearly one-half of the Coast Guard's annual budget.

The Coast Guard's at-sea drug seizures have reduced the supply of cocaine in more than 35 major cities across the United States, consequently making a positive difference in our American communities. This important legislation recognizes the overwhelming contributions of the Coast Guard to the American community. It furthermore applauds the Coast Guard for their commitment to participating as part of a robust interagency team and international partners that has contributed to the seizure over 2 million pounds of cocaine in the past 10 years.

I commend the men and women of the Coast Guard, who spend countless hours at sea away from their families while they unremittingly work to execute their service's mission. I acknowledge the commitment and selfless service required to protect our Nation and the American people done by Coast Guard men and women without want of public recognition.

I strongly urge my colleagues to join me in supporting this important legislation, and, in so doing, giving our men and women in uniform the respect and recognition they deserve.

Mr. THOMPSON of Mississippi. Madam Speaker, I rise today in support of H. Res. 866, a resolution commending the dedicated men and women of the Coast Guard on their remarkable drug interdiction efforts, which have resulted in the record seizure of 355,755 pounds of cocaine, valued at more than $4.7 billion.

Embodying its motto of Semper Paratus or "Always Ready", the Coast Guard has used improved information-sharing and intelligence to anticipate and combat smuggling, piracy and other threats before they reach America's shores. For example, in September, the Coast Guard stopped a vessel loaded with 3,600 gallons of cocaine dissolved in diesel fuel. This liquid cocaine could have been converted into 15,800 pounds of pure cocaine. Earlier last year, the Coast Guard made its largest maritime cocaine seizure when it intercepted a Panamanian vessel carrying approximately 20 tons of the drug.

Since the tragic events of 9/11, the Coast Guard's mission has taken on increased significance, as they have added critical homeland security responsibilities to their traditional missions. As chairman of the Committee on Homeland Security, I am well acquainted with the extraordinary job the Coast Guard does in fulfilling these missions on behalf of our Nation. H. Res. 866 affirms our appreciation for the valiant members of the United States Coast Guard, who risk their lives every day to rescue and protect the American people and preserve the Nation's security. I encourage my colleagues to join me in supporting this important legislation.

Mr. COBLE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. DEFAZIO) that the House suspend the rules and agree to the resolution, H. Res. 866.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DEFAZIO. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3120

Mr. FEENEY. Madam Speaker, I ask unanimous consent that my cosponsorship of the bill, H.R. 3120, be withdrawn.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

COMMISSION ON THE ABOLITION OF THE TRANSATLANTIC SLAVE TRADE ACT

Mr. PAYNE. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3432) to establish the Commission on the Abolition of the Transatlantic Slave Trade.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

On page 15, strike lines 3 through 5.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PAYNE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAYNE. Madam Speaker, I rise as the sponsor of H.R. 3432 and yield myself such time as I may consume.

I would like to thank Chairman LANTOS and Ranking Member ROS-LEHTINEN for their leadership on this legislation. I would also like to thank my friends in the other body and the senior Senator from my home State of New Jersey for sponsoring and ensuring the passage of this bill. And finally, I would like to thank Speaker PELOSI and Representative CLYBURN for their assistance in bringing this important and timely bill to the House.

This year will mark the 200th anniversary of the act to prohibit the importation of slaves, which effectively ended the legal transatlantic slave trade.

The bill under consideration before us, H.R. 3432, the 200th Anniversary Commemoration Commission of the Abolition of Transatlantic Slave Trade, establishes a commission to cultivate and preserve the memory of a grave injustice in American history, the transatlantic slave trade, and to mark the trade's conclusion at the hands of President Thomas Jefferson.

As you know, the transatlantic slave trade was the capture and procurement of Africans, mostly from west and central Africa, to western colonies and new nations in America, including the United States, where they were enslaved in forced labor between the 15th and mid-19th centuries.

In the early years of this Republic, the transatlantic slave trade constituted a thriving economic vein of the United States. By 1807, millions of Africans had been captured and transported to the Americas on notorious slave ships. That ship replica can be seen at the National Great Blacks in Wax Museum in Baltimore, Maryland.

Many individuals perished as a result of torture, including rape, malnutrition, and disease. Those who survived faced the miserable prospects of a lifetime in bondage. Few Americans are aware that captured slaves resisted their enslavement until the bitter end.

During the Middle Passage, enslaved Africans defied their slave masters through nonviolent and violent means, including hunger strikes, suicide, and shipboard revolts, the most historically recognized events taking place on board the *Don Carlos* in 1732 and on board the *Amistad* in 1839.

On March 3, 1807, President Thomas Jefferson signed into law the Transatlantic Slave Trade Act, which prohibited the importation of slaves from any port or any place within the jurisdiction of the United States. This bill was nothing short of revolutionary at that time in 1806 when it was passed through this Congress. It singlehandedly outlawed the long-standing and brutal slave trade of transporting Africans to the United States.

As we know, even before this bill was passed, free and slave persons fought in the Revolutionary War, the War of Independence against Britain. In the Boston Massacre on March 3, 1770, Crispus Attucks was the first American to shed his blood at that Boston Massacre, which was led by Major Pitcairn, at that time a British officer. Ironically, in 1775, at the famous Battle of Bunker Hill, Peter Salem and Salem Poor were two outstanding blacks who fought with the minutemen. And it was Peter Salem who fired the shot that killed Major Pitcairn, who led the Boston Massacre. So, there were blacks long before slavery was ended that fought heroically for this country.

The commission will encourage civic, historical, educational, religious, economic and other organizations, as well as the State and local governments throughout the United States, to organize and participate in anniversary activities to expand the understanding and appreciation of the transatlantic slave trade.

As we constantly admonish the prevalence of modern-day slavery worldwide, it would be hypocritical if we did not acknowledge the history of transatlantic slave trade and slavery that existed not long ago in our country.

African labor was an essential feature of economic development in Europe and our former colonies, including the United States. All of the nations involved flourished economically as a result of slave labor.

Slave trade and the legacy of slavery continues to have a profound impact on social and economic disparities, hatred, bias, racism and discrimination that continues to affect people in the Americas, particularly those of African descent.

It is important, as Americans, that we extend our highest appreciation for the contributions and struggles of African Americans to create an equitable and just society from which we all benefit today.

The commission created by this bill will be tasked with the mandate to plan, develop and execute programs and activities appropriate with the 200th anniversary of the abolition of the transatlantic slavery. The mission is timely and the subject is critical.

The United States is a primary voice on trafficking issues. We are also the principal advocates for human rights and freedom around the world. Our Nation's willingness to confront its past and calmly assess the impact of slavery on the United States strengthens our ability to serve as an advocate on the international stage.

I strongly urge my colleagues to support this timely legislation that will embrace America's history and honor its past.

Madam Speaker, I reserve the balance of my time.

Mr. POE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 3432, an act to establish a commission on the abolition of the transatlantic slave trade.

The House passed this bill on October 2nd of last year, and today we take it up again as amended by the Senate, which removed three lines of authorizing language.

For over 200 years, countless Africans died appalling deaths during the so-called "Middle Passage," the inhumane overseas voyage of their lives to slavery. Many Africans never made it to the Americas because they died on the way.

In that era, as throughout history, man's inhumanity to man had a lot to do with money. The Middle Passage referred to a middle portion of a triangular trade in cargo and people that began and ended in Europe.

Portuguese, English, Spanish, French, Dutch and other traders, including Americans, arrived on the West Coast of Africa where they sold or traded European cargo of textiles, firearms and other goods for Africans, who had been enslaved or kidnapped in many cases by other Africans. From there, they began the inhumane "Middle" journey to the Caribbean Islands and the Americas, during which many of them died. In the New World, which included North and South America and the Caribbean Islands, the slaves were sold for profit and traded for colonial goods that traveled mainly back to Europe, such as rum, sugar, rice and molasses.

Most of the victims of the Atlantic slave trade ended up in the Caribbean Islands and South America. Approximately 5 percent ended up in North America. These humans served as cheap forced labor for profiteers.

As recognized in this bill, the Transatlantic Slave Act went into effect 200 years ago this month, prohibiting the importation of slaves into the United States. President Thomas Jefferson authorized this act in 1808. Sadly, in spite of the formal prohibition and the act of Congress, this shameful institution of slavery persisted in this country for nearly 6 decades afterwards.

This bill will establish a commission to ensure that this important anniversary is appropriately commemorated within the United States and abroad. It will help afford all Americans the opportunity to learn more about the institution of slavery and its vestiges so that we may understand this tragic aspect of history.

In addition to promoting greater tolerance and understanding within the United States, this commission can also help shed light on the fact that slavery still exists in the modern world 200 years after the transatlantic slave trade was abolished. It exists today as it did in the past because of greed. It exists in the form of human trafficking. It exists wherever any group is systematically robbed of their fundamental human rights. These problems are undeniably real for the hundreds and thousands of women and children who are trafficked internationally every year.

Madam Speaker, it is appropriate, on the day after we honor the late Dr. Martin Luther King, a humanitarian and advocate of basic human rights, that we pass this legislation.

I want to thank the author of the bill, the gentleman from New Jersey (Mr. PAYNE) for his efforts.

I urge all colleagues to support this measure.

Madam Speaker, I yield back the balance of my time.

Mr. PAYNE. Let me thank the gentleman from Texas for his eloquent statement, very well done, and thank you very much for your support of this legislation.

As we conclude, there were two other Members who indicated they wanted to speak, but I think that our time is about expiring.

But let me, once again, thank our chairman and ranking member for assisting us in bringing this bill forward. We hope that, as has been indicated, that we will be able to deal with modern-day slavery. We have problems in our country today where people are being brought in from eastern Europe and other areas where they are being exploited, and we need to really be more vigilant about wiping some of these terrible practices away.

And so, we hope that this commission will focus not only on the past, deal with the present, but also deal with the future. And we certainly appreciate the support from the other body and the senior Senator from New Jersey.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of H.R. 3432, the 200th Anniversary Commemoration Commission of the Abolition of the Transatlantic Slave Trade of 2007, which I am proud, along with over 95 of my colleagues, to cosponsor. This legislation recognizes the 200th anniversary of the Transatlantic Slave Trade, and it establishes the rubric from which the Commission, to be known as the "Transatlantic Slave Trade 200th Anniversary Commission," shall be formed.

I would like to thank my distinguished colleague, Congressman PAYNE, for introducing this important legislation, as well as the Chairman of the Committee on Foreign Affairs, Congressman LANTOS, for his leadership on this issue.

Madam Speaker, though 200 years have passed since the abolition of the transatlantic slave trade, the legacy of slavery continues to have a profound impact on American society. The legacy of social and economic disparity lives on, as do hatred, bias, and discrimination. Despite two centuries of progress, the African American community continues to feel the impact of the transatlantic slave trade, and subsequent years of racism and persecution.

While our Nation has pursued the ideals of liberty and equality for all, there still remain steps that must be taken in order to ensure that even such a dark piece of our Nation's history be preserved and its conclusion at the hand of President Thomas Jefferson be celebrated.

Madam Speaker, the bill before us establishes a commission to cultivate and preserve the memory of a grave injustice in American history: we must recognize and in some small way try to rectify our past. In the early years of the Republic, the transatlantic slave trade constituted a thriving economic vein of the United States. By 1807, millions of Africans had been captured and transported to the Americas, many perishing as the result of torture, rape, malnutrition, and disease. It was not until March of 1807 that President Thomas Jefferson signed into law "An Act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States," a Congressionally approved bill intended to end the heinous practice of the transatlantic slave trade.

It is in commemoration of President Jefferson's revolutionary act, and to explore further the impacts of the slave trade on our Nation that H.R. 3432 establishes the 200th Anniversary Commemoration Commission. This important commission will be composed of 11 congressionally appointed members charged with the task of planning, developing, and executing programs and activities appropriate to commemorate the 200th anniversary of the abolition of the transatlantic slave trade. Though the Senate amendments to this bill strike the appropriation of funds for this important legislation, I still feel that this is an imperative first step in the right direction. While I am disappointed that the Senate did not see fit to allocate the necessary funds to see the formation of this unprecedented commission to fruition, I remain supportive of the significant mission of this legislation and hope to see it through to its completion.

January 1, 2008, marked the 200th anniversary of the "Act to Prohibit the Importation of Slaves." The United States today serves as a moral compass for the rest of the world and as such we must provide a voice for human trafficking issues. Our willingness to confront our Nation's past and to address the impacts of the slave trade and its legacy on the United States strengthens our undeterred commitment to serving as an advocate for human rights and freedom in the international community.

I strongly urge my colleagues to join me in supporting this important legislation.

Mr. PAYNE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3432.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 29 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GUTIERREZ) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 4211, by the yeas and nays;

H. Res. 866, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

JUDGE RICHARD B. ALLSBROOK POST OFFICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4211, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 4211.

The vote was taken by electronic device, and there were—yeas 391, nays 0, not voting 39, as follows:

[Roll No. 19]

YEAS—391

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Gutierrez
Hall (NY)
Hall (TX)
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—39

Bachmann
Baird
Baker
Berman
Brown, Corrine
Costello
Davis (IL)
DeGette
Ellison
Gallegly
Giffords
Green, Gene
Grijalva
Hare
Harman
Hayes
Hinojosa
Hunter
Johnson (IL)
Kingston
LaHood
Lantos
Lucas
Miller, Gary
Moran (KS)
Napolitano
Radanovich
Rahall
Rohrabacher
Ross
Roybal-Allard
Rush
Sanchez, Loretta
Sherman
Snyder
Solis
Sutton
Watt
Wilson (OH)

☐ 1854

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, on Tuesday, January 22, 2008, I was absent during rollcall vote No. 19. Had I been present, I would have voted "yea" on H.R. 4211—To designate the facility of the United States Postal Service located at 725 Roanoke Avenue in Roanoke Rapids, North Carolina, as the "Judge Richard B. Allsbrook Post Office".

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 19 on passing the Judge Richard B. Allsbrook Post Office Bill, I was unavoidably detained. Had I been present, I would have voted "yea."

HONORING THE UNITED STATES COAST GUARD

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 866, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. DEFAZIO) that the House suspend the rules and agree to the resolution, H. Res. 866.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 391, nays 0, not voting 39, as follows:

[Roll No. 20]

YEAS—391

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)

Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Gutierrez
Hall (NY)
Hall (TX)
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—39

Baird
Baker
Berman
Brown, Corrine
Costello
Davis (IL)
DeGette
Ellison
Gallegly
Giffords
Green, Gene
Grijalva
Hare
Harman
Hayes
Hinojosa
Holden
Hunter
Johnson (IL)
Kingston
LaHood
Lantos
Lucas
Miller, Gary
Moran (KS)
Napolitano
Radanovich
Rahall
Rohrabacher
Ross
Roybal-Allard
Rush
Sanchez, Loretta
Sherman
Snyder
Solis
Sutton
Watt
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1906

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, on Tuesday, January 22, 2008, I was absent during rollcall vote No. 20. Had I been present, I would have voted "yea" on H. Res. 866—Honoring the brave men and women of the United States Coast Guard whose tireless work, dedication, and commitment to protecting the United States have led to the Coast Guard seizing over 350,000 pounds of cocaine at sea during 2007, far surpassing all of our previous records.

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 20 on agreeing to honor the Coast Guard's drug interdiction effort, I was unavoidably detained. Had I been present, I would have voted "yea."

APPOINTMENT OF MEMBER TO PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore. Pursuant to clause 11 of rule X, clause 11 of rule I, and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Member of the House to the Permanent Select Committee on Intelligence to fill the existing vacancy thereon:

Mr. SCHIFF, California

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate had passed without amendment a bill and a concurrent resolution of the House of the following titles.

H.R. 4986. An act to provide for the enactment of the National Defense Authorization Act for Fiscal year 2008, as previously enrolled, with certain modifications to address the foreign sovereign immunities provisions of title 28, United States Code, with respect to the attachment of property in certain judgments against Iraq, the lapse of statutory authorities for the payment of bonuses, special pays, and similar benefits for members of the uniformed services, and for other purposes.

H. Con. Res. 279. Concurrent resolution providing for a conditional adjournment of the House of Representatives.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

TAX REBATE RELIEF

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Mr. Speaker, it is all too rare when we in the majority and the President arrive at a consensus. So it's welcome news that we agree on relief Americans need in today's economy should come in the form of a stimulus bill. Targeted tax breaks and short-term measures to help the middle class can salvage our economy from plummeting home values, savings and market conditions.

We should insist upon including expanded unemployment benefits and food stamps, in addition to tax rebates. These benefits will be spent immediately by those who need our help most in this economy.

In fact, for every dollar spent by the government on food stamps, there is a $1.60 return to the economy; and for every dollar spent on unemployment benefits, the return is $1.90.

The tax rebate should be targeted to the middle class and include those low-income workers who didn't earn enough to pay income taxes but still pay into Medicare and Social Security through payroll taxes withheld from their paychecks.

This is the prescription middle-class Americans need to cure the ills of today's economy. Mr. Speaker, I strongly encourage my colleagues to do their part to help us towards that end.

TRIBUTE TO HRANT DINK

(Mr. ROYCE asked and was given permission to address the House for 1 minute.)

Mr. ROYCE. Mr. Speaker, I am rising today to recognize the 1-year anniversary of the brutal murder of Hrant

Dink, the newspaper editor and leading figure in the Armenian genocide debate in Turkey.

On January 19, 2007, freedom of speech suffered a setback as Dink was shot outside his office in Istanbul. As a Turkish citizen of Armenian descent, Dink had gained notoriety in Turkish society for the court cases brought against him in which he faced jail time for simply talking of the Armenian genocide.

While many will give speeches to remember Hrant Dink, the most meaningful tribute would be a rescinding of article 301 of the Turkish penal code that outlaws "insults to Turkishness."

Under this law, journalists like Dink and Nobel Laureate Orhan Pamuk continue to be persecuted by draconian laws that seek to stifle debate or discussion on matters that could be seen as insulting to Turkish identity. It is my sincere hope that the Turkish government will use this occasion to reflect upon this restrictive article and rescind it before it does more harm.

UNIVERSITY OF MEMPHIS AND THEIR NUMBER ONE RANKING

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, 25 years ago, I was a freshman member of the Tennessee State Senate, and on that occasion, the University of Memphis now, then Memphis State University, became number one in the country in basketball. It was the first time that we had ever had a number one ranking, and I got up on the floor of the Tennessee Senate and spoke proudly about my basketball team and their number one ranking. That night, my Tigers lost, and they were no longer number one.

Well, today, 25 years later and a freshman Member in the United States House of Representatives, the University of Memphis is again the number one basketball team in the country. Should I talk about them? Not.

IN RECOGNITION OF MONGOLIAN AMBASSADOR RAVDAN BOLD

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to recognize the service of Ravdan Bold, Ambassador of Mongolia to the United States. Ambassador Bold is retiring as Mongolia's emissary to the United States, and I want to thank him for his service on behalf of the Mongolian people.

As a member of the House Foreign Affairs Committee and co-chair of the Mongolia Caucus, I've had the pleasure of getting to know Ambassador Bold over the past few years. During his tenure, America celebrated the 20th anniversary of diplomatic relations between our countries. He is an honest and capable public servant whose work here in Washington has been vital to the growth of democracy in Mongolia.

Mongolia remains a strong and strategic partner of the United States. Mongolian troops proudly serve in Liberia, Afghanistan, Kosovo and Iraq. I'm particularly grateful for Mongolia's continued support of our efforts in Iraq and Afghanistan as the central front in the larger global war on terrorism, and I look forward to working with the future ambassador to strengthen this partnership.

I wish Ambassador Bold; his wife, Oyuum; his two daughters, Buyandelger and Buyanjargal, all the best in the years to come.

In conclusion, God bless our troops and we will never forget September the 11th.

ECONOMIC STIMULUS NEEDS TO INCLUDE A MORATORIUM ON HOME FORECLOSURES

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I was here on the floor last week reminding my colleagues as my intention is to continue to emphasize those who have been hurt by the economic recession, the downtrend in our financial markets, that they are, in fact, real people. So, in the course of visiting my district and around the country, we have met individuals who are suffering.

Today, I met an Iraqi veteran whose parents have built their home brick by brick, and now they find that their homestead, these senior citizens, their son in Iraq, is having their house foreclosed on.

I met an elderly woman, a widow, whose husband was deceased 7 years ago. She's trying to pay the costliness of the heating oil and now is being called by her bank that her home, because of her delinquent payments, will be foreclosed on.

It is imperative I believe that an economic stimulus package include a moratorium on foreclosures in order to ensure that those individuals can reconstruct their loans. Mr. Speaker, it is imperative it is a stimulus to help people keep their homes.

□ 1915

AGREEMENT FOR COOPERATION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF TURKEY CONCERNING PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–90)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

I transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)) (the "Act"), the text of the proposed Agreement for Cooperation between the United States of America and the Republic of Turkey Concerning Peaceful Uses of Nuclear Energy (the "Agreement") together with a copy of the unclassified Nuclear Proliferation Assessment Statement (NPAS) and of my approval of the proposed Agreement and determination that the proposed Agreement will promote, and will not constitute an unreasonable risk to, the common defense and security. The Secretary of State will submit the classified NPAS and accompanying annexes separately in appropriate secure channels.

The Agreement was signed on July 26, 2000, and President Clinton approved and authorized execution and made the determinations required by section 123 b. of the Act (Presidential Determination 2000–26, 65 FR 44403 (July 18, 2000)). However, immediately after signature, U.S. agencies received information that called into question the conclusions that had been drawn in the required NPAS and the original classified annex, specifically, information implicating Turkish private entities in certain activities directly relating to nuclear proliferation. Consequently, the Agreement was not submitted to the Congress and the executive branch undertook a review of the NPAS evaluation.

My Administration has completed the NPAS review as well as an evaluation of actions taken by the Turkish government to address the proliferation activities of certain Turkish entities (once officials of the U.S. Government brought them to the Turkish government's attention). The Secretary of State, the Secretary of Energy, and the members of the Nuclear Regulatory Commission are confident that the pertinent issues have been sufficiently resolved and that there is a sufficient basis (as set forth in the classified annexes, which will be transmitted separately by the Secretary of State) to proceed with congressional review of the Agreement and, if legislation is not enacted to disapprove it, to bring the Agreement into force.

In my judgment, entry into force of the Agreement will serve as a strong incentive for Turkey to continue its support for nonproliferation objectives and enact future sound nonproliferation policies and practices. It will also promote closer political and economic ties with a NATO ally, and provide the necessary legal framework for U.S. industry to make nuclear exports to Turkey's planned civil nuclear sector.

This transmittal shall constitute a submittal for purposes of both section 123 b. and 123 d. of the Act. My Administration is prepared to begin immediate consultations with the Senate Foreign Relations Committee and the House Foreign Affairs Committee as provided in section 123 b. Upon completion of the period of 30 days of continuous session provided for in section 123 b., the period of 60 days of continuous session provided for in section 123 d. shall commence.

GEORGE W. BUSH.
THE WHITE HOUSE, *January 22, 2008.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

COMMUNIST CHINA'S TOXIC EXPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, what do toys, pet food, jewelry, toothpaste, lipstick, and glazed pottery have in common? Well, if these products are from China, it's toxic chemical poisoning.

In 2007, millions of toys were imported to the United States from the People's Republic of China, and then they were recalled after it was discovered that they contained high amounts of lead paint. Mr. Speaker, one of those was Thomas the Tank Engine, and here is a photograph of it. It was one of many of the millions of toys recalled; 1.5 million of these toys were recalled because they were made in China and had lead in them, in the paint that covered these toys.

Of course, everyone knows that lead poisoning can cause serious problems for children, including learning disabilities, kidney failure, irreversible brain damage, and anemia. Here in the United States, the leading cause of lead poisoning in children used to be old paint, but U.S. manufacturers stopped using this toxic ingredient over 30 years ago. But despite this ban on U.S. manufacturers, China consistently failed to maintain the same level of concern over the health and safety of consumers in the United States that it sells products to.

In 2006, the United States imported billions of dollars worth of toys, dolls, and games from China. That was approximately 85 percent of the United States' total imports of these products worldwide. And yet, between January and December of last year, the Consumer Product Safety Commission recalled 17 million Chinese toys, all due to excessive amounts of lead. Another 10 million Chinese toys were recalled last year due to other dangerous manufacturing defects like loose magnets, toxic chemicals on beads, and items that are burn hazards.

Also, Mr. Speaker, during that same period, the FDA recalled 150 pet brand foods from China which were believed to cause the deaths of hundreds of pets in the United States; it seems they contained fertilizer. So, Chinese products contain lead in their exported toys for tots to Americans and contain fertilizer in pet foods that kill our dogs. But that's not all, however. The FDA has also recalled tires, lunch boxes, toothpaste that had antifreeze in it, and fake drugs due to consumer safety and health concerns. This is all from products from China. And in all, Mr. Speaker, 80 percent of the recalls issued by the Consumer Product Safety Commission last year involved Chinese products. This kind of disregard for the well-being of America's consumers is not acceptable and should not be tolerated by our government.

American companies buy these products because they're cheap. You see, a person in China gets paid about 67 cents an hour. Even illegals in this country won't work for that. And since the 1980s, China has been privileged to receive most-favored-nation treatment from the United States.

China is the second largest U.S. trading partner, but most of the billion dollars in trade goes to China. It's a one-way street. It's a free-trade street for China, and it's all for cheap, dangerous products made with cheap, sweatshop labor in China.

As the second largest U.S. trading partner, China must conform to the standards of safety that are required of American companies for the well-being of Americans. Even better, why don't American companies buy goods that are manufactured in the United States?

And lastly, Mr. Speaker, Chinese manufacturing companies are notorious polluters of their own environment.

It's time for a day of reckoning with cheap, dangerous communist Chinese products. We hear talk of free trade, but what we need is fair trade with China, something that's fair to American consumers. Americans should look to see if the products they buy are made in China. If so, they should ignore those products and look for an item made in the United States. What a novel idea.

And that's just the way it is.

REDEPLOY OUR TROOPS OUT OF IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, this Thursday night, I will join many of my constituents at the 26th Annual Martin Luther King, Jr. Humanitarian Awards hosted by the Marin County Human Rights Commission in San Rafael, California.

Ten of my constituents, including four high school seniors, will receive awards for the many, many contributions they have made to our community, and I would like to name a few of them. Two doctors, Paul Cohen and Alicia Suski, will be honored for developing a partnership to provide medical and legal services to low-income residents. An educator, Whitney Hoyt, will be honored for protecting the rights of gay students. A high school senior, Joanna Sitzmann, will be recognized for her work with a therapeutic horseback riding program for people with disabilities. Another student, Morgan Green, will be cited for helping to raise money for the victims of the crisis in Darfur. And another high school senior, Allison Franklin, will be honored for working with disadvantaged youngsters, including those participating in the Marin Special Olympics.

I am really proud of these wonderful constituents, constituents who are serving others. I know there are millions of other Americans just like them, and they can be found in every single congressional district. They represent the true face of America, the America that has compassion for the people of the world, who want the world to be a better place for all of us.

But today, the world has a very different picture of America, Mr. Speaker. The people of the world see us through the lens of the occupation of Iraq, Abu Ghraib, and Guantanamo. They hear about torture, waterboarding, and the reckless activities of the Blackwater military contracts.

In addition to the very real human rights issues that these problems raise, they have made it much harder for us to win the public relations battle against the terrorists. And in the long run, that public relations battle, along with other elements of so-called "soft power," are just as important, if not more important, than any military battle that we will fight in Iraq.

Even Secretary of Defense Robert Gates has recognized this. In a speech he gave 2 months ago, Secretary Gates said, and I quote, "One of the more important lessons of the wars in Iraq and

Afghanistan is that military success is not sufficient to win. Economic development, institution building, and rule of law, promoting internal reconciliation, good governance, providing basic services to the people, and strategic communications are essential ingredients for long-term success." He also called for an increase in spending on the soft power components of national security. These include diplomacy, foreign assistance, and economic reconstruction and development.

I agree with Secretary Gates about all of this, but this appears to be one more example of our leaders not backing up their words with actions. This administration has relied solely upon military power to achieve its objectives. It hasn't believed in diplomacy in the first place, or of the other elements of soft power.

Our leaders think they can bomb and shoot their way to a more democratic and peaceful world, and they've been proven wrong over and over again. In their latest testimony before the House, our generals have told us that our occupation of Iraq may last until the year 2020. And even Secretary Gates has undermined his own lofty rhetoric about diplomacy by saying that a 50-year occupation would be just fine with him.

The only way to restore our moral leadership and our ability to influence events is to responsibly redeploy our troops out of Iraq. That would allow the regional and international diplomacy needed to end the conflict to begin. It is up to Congress to use its power of the purse to make this happen. The administration will never do it. Our leaders offer us high-minded speeches about the rule of law and diplomacy, but all they give us are bloodshed and occupation. And Mr. Speaker, it must stop.

INCREASED BORDER SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, over the weekend, a tragic incident took place along our Nation's southern border. On January 20, 2008, Border Patrol Agent Luis Aguilar was attempting to disable the vehicles of two suspected smugglers who entered this country illegally at the Southern California border. Agent Aguilar was struck and killed by one of the vehicles as it fled back to Mexico.

The tragic death of this border agent highlights the need for our government to get serious about defending our borders. As a key step in addressing this need, I recently introduced H.R. 4987, Defense By Date Certain Act. This legislation would mandate and fully fund the completion of a double-layered fence at designated locations on our southern border by June 30, 2009.

□ 1930

The fence alone cannot solve the illegal immigration crises, but it is an important step in securing our borders and regaining control of our Nation's sovereignty. The chaos and violence along our southern border is putting the lives of U.S. citizens and law enforcement officers at risk. Our Nation can no longer allow smugglers to cross our borders illegally, ignore our laws, carry guns, intimidate, and even murder our border agents.

Mr. Speaker, as Members of the House are well aware, two other victims of violence on our southern border have now served more than a year in Federal prison. Agents Ramos and Compean entered Federal prison on January 17, 2007, and are serving 11- and 12-year prison sentences. These agents were convicted in March of 2006 for shooting a Mexican drug smuggler who brought 743 pounds of marijuana across our border into Texas. Ramos and Compean were doing their duty to protect the American people from an illegal alien drug smuggler.

There is bipartisan agreement among Members of Congress that the overzealous prosecution of these agents, and their excessive prison sentences, is a tremendous miscarriage of justice. While our calls for a pardon have gone unanswered, these agents continue to languish in Federal prison away from their families and loved ones.

Again I call on Chairman JOHN CONYERS to schedule a hearing of the House Judiciary Committee to fully examine this case. I am hopeful that the committee will review the justification for the indictment of these agents, which I sincerely believe have no justification, and how this U.S. Attorney's Office proceeded in this case.

Mr. Speaker, when those who bravely defend our borders are prosecuted, it sends a terrible message to illegal aliens and drug smugglers. Our southern borders are threatened, and it is time for our government to start defending its citizens from these who will cross our borders illegally and threaten the American people.

MORPHING CAMPAIGN FINANCE, GOVERNANCE, AND PERSONAL AGGRANDIZEMENT IN A TANGLED WEB

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, while the U.S. economy retrenches, the front page of the Wall Street Journal today reports that former President Bill Clinton could "get a $20 million payout from a politically sensitive partnership tie to Dubai in the United Arab Emirates, made possible by his high profile business relationship with the investment firm of billionaire friend Ron Burkle.

The last time I looked, Dubai is not part of the United States and it is not a democracy.

As I read this article by John Emshwiller, I thought to myself, has any President in modern history, but for Jimmy Carter, not used the White House to cash in upon retirement? Further, has any modern President not used their White House connections to build themselves pyramid monuments upon leaving office in the form of presidential libraries where they milk their presidential contacts for millions and millions of dollars? How sad is it that former President George Bush and former President Bill Clinton took huge sums of money from foreign interests like Saudi Arabia to build their presidential libraries? Contrast this to our Nation's Founders, who pledged their lives, their fortunes, and their sacred honors to the cause of freedom. Now it appears all is for sale.

Today's story is but another example of where our Nation's highest elected officials are morphing campaign finance, governance, and their own personal aggrandizement in a tangled web. It raises to the highest levels the issue of influence peddling and what was done during those White House years to yield such super human rewards.

I lament the condition in which we find our national politics. Until the American people hear and understand what is happening, nothing will change. It will only worsen. Look at the disgraceful sums of money being raised by presidential candidates in both political parties and, of course, waiting in the wings the latest batch of billionaire contenders who are just ready to put their oars in the water too.

One of America's greatest President's was John Quincy Adams. After John Quincy Adams left the presidency, he did not immediately head out onto the lecture circuit. He did not sell his services to a rich foreign power. He did not set out to enrich himself on the fame that he had acquired by virtue of his service to the Nation. No, it was a different day and time. John Quincy Adams, after leaving the presidency, came back to Washington as a Member of this U.S. House of Representatives. To this day, he is the only President who did. He finished his life here, dying on the second floor of this Capitol. John Quincy Adams, instead of lining his own pockets, started his vaunted "second political career" by fighting against slave power. He made it the cause of his lifetime.

Just as money power dominates the national political preoccupation today, so slave power dominated political life in the United States in the first half of the 19th century. It was as deeply entrenched as the neoliberal model of international trade is today.

When Adams was President, Members from the Deep South had enacted a "gag rule" here in the People's House so that anti-slavery petitions would be summarily rejected, as if this parliamentary maneuvering could stop the discussion about slavery and the slow march to justice.

Professor William Lee Miller has written about John Quincy Adams's commitment to fighting slave power here in Congress, a battle that some historians have described as the "Pearl Harbor of the slave controversy." John Quincy Adams refused to give up the fight until at last the Nation had heard the message of the petitioners: That slavery was inimical to the American ideal, an assault on the Constitution, and a stain on the Nation's conscience.

America must cleanse our political system today of the stains that even Presidents of the United States create as they enrich themselves. The Wall Street Journal article describes how Mr. Clinton is a partner of the Yucaipa Global Partnership Fund, which raised several hundred billion dollars from a range of investors. Who were these investors? How did any of them relate to the policies of the Clinton administration? These private funds do not have to disclose their activities as a normal business; so how do the American people know?

The director of this fund is Mr. Ron Burkle, a major fundraiser and backer of the Clintons. To mix fundraising, undisclosed business interests, and the presidency is a combustible mix. The American people have a right to know.

The article goes on to relate how Rudy Giuliani's consulting firm has interests in the government of Qatar. What are those interests? And how does he seek to personally benefit if elected President?

Mr. Speaker, the American people want Washington to clean up its act. As the presidential races proceed this year, isn't it high time that the campaign finance reform question be a top one in all the debates? John Quincy Adams would not recognize the Republic as it stands today.

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, permission for a 5-minute Special Order speech for the gentleman from Arizona (Mr. FRANKS) is vacated.

There was no objection.

HONORING HRANT DINK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise to honor the life of Turkish Armenian journalist Hrant Dink. One year ago, Hrant Dink was brutally gunned down outside his office in Istanbul, Turkey by a self-proclaimed Turkish nationalist. The world lost a great human rights advocate and his tragic death was an attack on democratic ideals and values.

Dink was first charged with treason for upholding an irrefutable historical fact about the Armenian Genocide. He was convicted for his writings in 2005 for violating article 301, a law that makes it a crime to "insult" the Turkish state. This law continues today to be used to persecute, prosecute, and incarcerate those who attempt to exercise their universal human right of freedom of speech.

Mr. Speaker, Turkey uses intimidation to deny its citizens their right to freedom of expression. It lobbies for its so-called rightful role in the international community and a place in the European Union. Yet it does not live up to democratic principles and standards.

Hrant Dink is not the only one who has suffered from the consequences of this Turkish penal law. Anyone who refers to the events of 1915 for what they were, genocide, is targeted within Turkey. In addition, our own country is seeing the effects of this denial as Turkey continues to oppose human rights legislation condemning the Armenian Genocide here in this House.

Mr. Speaker, I remain deeply concerned with Turkey's failure to adopt standards and practices of both domestic and international conduct that would reverse and overturn the climate of intolerance, prejudice, and repression, as exemplified by article 301 of the Turkish penal code. It was this penal code that precipitated Mr. Dink's murder.

Hrant Dink was guilty of nothing more than having the courage to defend freedom of the press and promote human rights and tolerance in Turkey. He was a man of conviction and principle who believed in democratic ideals and peaceful change. I urge Turkey to honor his name and repeal article 301.

SCHIP VETO OVERRIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, a new report by the Joint Economic Committee shows that a million more children a year may need public health insurance due to worsening economic conditions, even apart from the growing trend in public coverage.

If history is any guide, an economic downturn will lead to substantial increases in the demand for children's health and Medicaid, including some 70,000 additional children in each year of a downturn in my home State of New York.

Yet the administration is proposing a range of cutbacks to these programs that will make the problem even more severe. And State budgets are already strained by the weak national economy and the growing housing crisis.

This is a perfect economic storm that can be avoided if Congress votes today or tomorrow to override the President's veto of legislation that would bring health care to 10 million children in need.

Over the next 5 years, our bill would preserve coverage for the more than 6 million children currently covered by children's health care and extend coverage to nearly 4 million children who are currently uninsured. Overriding the President's veto of SCHIP reauthorization would guarantee sufficient funding levels for the Children's Health Program to serve future enrollment needs. Additional Medicaid assistance to the States would also provide shelter from the coming economic storm. Increasing the Federal Medicaid match percentage to the States as part of a stimulus package would help ease the blow of the economic slowdown on our children, families, and States.

I urge my colleagues to override the President's veto of children's health care tomorrow.

ROE v. WADE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Arizona (Mr. FRANKS) is recognized for 60 minutes as the designee of the minority leader.

Mr. FRANKS of Arizona. Mr. Speaker, this is the 35th anniversary of Roe versus Wade, and tonight I would like to recognize Congressman CHRIS SMITH, who has been a committed champion to protect the unborn for as long as he has remained a Member of this body. So I yield now to Congressman SMITH.

Mr. SMITH of New Jersey. Mr. Speaker, today, 35 years after the infamous Supreme Court decisions legalizing abortion on demand throughout pregnancy, we mourn the estimated 50 million innocent girls and boys whose lives were cut off by abortion, a staggering loss of children's lives, equal to six times the total number of all people, young and old, living in my home State of New Jersey.

Someday, Mr. Speaker, future generations of Americans will look back on us and wonder how and why such a rich and seemingly enlightened society, so blessed and endowed with the capacity to protect and enhance vulnerable human life, could have instead so aggressively promoted death to children and the exploitation of women by abortion. They will note with keen sadness that some of our most prominent politicians and media icons often spoke of human and civil rights, while precluding virtually all protection to the most persecuted minority in the world today: unborn children.

On Sunday, Senator BARAK OBAMA criticized Americans for both our moral deficit and what he called our "empathy deficit" and called upon us to be our brothers' and sisters' keepers.

□ 1945

Can Senator OBAMA not see, appreciate or understand that the abortion culture that he and others so assiduously promote lacks all empathy for unborn children, be they black, white, Latino or Asian, and is at best profoundly misguided when it comes to their mothers? Why does dismembering a child with sharp knives, pulverizing a child with powerful suction devices more powerful than 20 to 30 times the average cleaning machine, vacuum machine, or chemically poisoning a baby with any number of toxic chemicals fail to elicit so much as a scintilla of empathy, moral outrage, mercy or compassion by America's liberal elite?

Abortion destroys the very life of our "brothers and sisters," and the proabortion movement is the quintessential example of an "empathy deficit."

Mr. Speaker, we need to be blunt. Abortion is violence against children. It is extreme child abuse. To strip away the euphemism, it is cruelty to children. Sadly, abortion is not only legal until birth, but the daily perpetrators of this terrible injustice are massively subsidized by liberal politicians who enrich the abortion industry with taxpayer funds.

In 2008, the largest abortion provider in the Nation, Planned Parenthood, continued to receive huge amounts of taxpayer funds. Some time ago on the floor, Mr. Speaker, I asked Americans, I asked my colleagues, and suggested it was time to take a second look at Planned Parenthood, "Child Abuse, Incorporated." Every year they abort over 265,000 children in their clinics, a huge and staggering, stunning number of child deaths. And yet they get massive amounts of Federal funds and local funds.

Mr. Speaker, there are at least two victims in every abortion. It is time to recognize and accept the inconvenient truth that abortion exploits women.

Dr. Alveda King, niece of the late Dr. Martin Luther King, has had two abortions. Today she has joined the growing coalition of women who deeply regret their abortions and are part of a group called Silent No More. Out of deep personal pain and compassion for others, they challenge us to respect, protect and tangibly love both mother and the child. The women of Silent No More give post-abortive women a safe place to grieve and a road map to reconciliation. And to society at large, these brave women compel us to rethink and reassess the chief sophistry of the abortion culture. Reflecting on their famous uncle's speech, the "I Have a Dream" speech, Dr. Alveda King asks us, "How can the 'Dream' survive if we murder the children?"

Finally, 35 years after Roe, the pro-life ranks today have swelled with abortion survivors, women who tell their stories with great bravery and candor. I remember hearing a woman right outside of the Supreme Court who, while she was actually getting the abortion, said to the doctor, she was only partially sedated, said, "It is trying to move." She said she wanted to get up off of that table and run out the door, and the nurses practically screamed at her and said, "It is too late. The abortion is already underway." So many others who have actually seen the child after being aborted, very often they whisk the baby away so that there is no contact made, who then tell the story of the nightmares. Again, the Silent No More campaign helps these women reconnect and find reconciliation and hope for their shattered lives.

Today, at the March for Life, the ranks of the pro-life movement was filled with young people. I have gone to that march each year for 35 years. I have never seen more young people speaking out passionately, all ethnicities represented, young boys and young girls, teenagers and young adults, who say we are going to be, and are, the pro-life generation. And they have certainly reason to react that way. Every third member of their generation has died from abortion.

Mr. Speaker, finally, I hope this Congress takes a long and hard second look at the glib euphemisms that are used to promote abortion, the marketing strategies, the polls that have driven this terrible issue forward, and strip it all away. Look at the deed itself: Chemical poisoning, dismemberment, partial-birth abortion awakened at least some Members to the cruelty of abortion. Connect the dots. Every method is an act of violence. And again, there are two victims in every abortion, mother and child.

I truly believe that united in prayer, united in fasting, and with a lot of hard work, just like the abolitionists of old, who said that you cannot discount the humanity of people because of the color of their skin, well, the dependency or the immaturity of a child also should not become a disqualifier. America's dark night of child slaughter will some day, and some day soon, Mr. Speaker, come to an end.

I yield back to Mr. FRANKS and thank him for his extraordinary leadership on this human rights issue.

Mr. FRANKS of Arizona. Mr. Speaker, I now yield to Mr. WALBERG.

Mr. WALBERG. Mr. Speaker, I thank my colleague and good friend from Arizona for the opportunity to speak tonight. I just came back from Iraq and Afghanistan this past week, and on the way back from Kabul to the airport, I looked out of our window of the vehicle we were riding in and I saw two young children running alongside the vehicle, as children will do, having fun together. They were racing each other and racing our vehicle. I looked in their eyes, and I saw nothing but what I would see in normal little children's eyes having fun, except these two young children had smudged faces and tattered clothes that they were playing in, in a war zone. And I thought to myself, these two little children could be just like a number of children we have read about, through the barbarism of individuals for a particular philosophy would have ammunitions strapped to them, and then, in a barbaric, gruesome way, their lives taken.

On this day, the 35th anniversary of Roe v. Wade, we live in a civilized country, well educated, cleaned up, sanitized, and yet, because of a lie, there are innocent women, and indeed birth fathers, as well, who are caught in a lie and a trap that causes them to, in a sanitized way to some degree, yet the ultimate outcome is the same, to snuff out innocent lives for no reason that justifies that taking place. Today marks the 35th anniversary of Roe v. Wade. Since that time, nearly 50 million abortions have been performed. That is a staggering number which intensifies when we recognize each abortion consists of one innocent life snuffed out and at least one other life that is wounded.

While I respect the fact that others may disagree, I believe that human life begins at conception. That means that almost 50 million lives have been extinguished since 1973. Because of Roe v. Wade, we have learned that a reckless majority on the Supreme Court can visit untold destruction and pain on us as a Nation if they search for results in individual cases that are outside the scope and text of the history of the Constitution.

We have learned that the activist justices can find "penumbras, formed by emanations" in the Bill of Rights as a basis for establishing new constitutional rights that are not found anywhere in the text or history of the Constitution, as Justice Douglas ridiculously claimed in the case of Griswold v. Connecticut, a precedent for Roe v. Wade.

Sadly, unelected activist judges with lifetime appointments continue to make law rather than to apply the law as it is written. As elected officials, it is our right to make law, and it certainly is not the right of judges and justices to do so. Rather, they must follow the law as we, the accountable decision makers, have written it.

We have engaged in a long struggle and must continue in that struggle to ensure that the Supreme Court and our lower Federal courts are stocked with people who abide by the text and the history of the Constitution instead of acting as super-legislators in making new law.

Mr. Speaker, today, on the 35th anniversary of that tragic ruling, my heart is grieved; yet, it is heartened. Though we mourn for lives that could have been, we see significant progress in the fight to defend human life. Just today, a bipartisan majority in the Michigan Senate voted to ban partial birth abortion. Abortions have declined by nearly 20 percent in the past 15 years, and every year Americans have become increasingly pro-life. I, along with millions of Americans, remain committed to saving the unborn and upholding the right to life our Nation was founded upon. Perhaps the tide is finally turning.

I also call, Mr. Speaker, for an all-out effort of compassion for the women and the birth fathers who have been caught in the lie of abortion and have had their lives altered. A loving God offers forgiveness and hope and healing, and we, His people, can offer no less.

I pledge to continue to work every day to bring back the sanctity of life to our Nation. And it is heartening to stand here with my colleagues tonight and with hundreds of thousands of individuals today on the Mall and speak for life.

Mr. FRANKS of Arizona. Mr. Speaker, I now yield to the distinguished gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank my colleague for leading this hour and for allowing me to be with him tonight and for giving me this time.

I think my colleagues, Mr. Speaker, know that my prior career, my profession before becoming a Member of Congress 5½ years ago was I practiced medicine, and not just as a medical doctor, but as an OB/GYN specialist. In that specialty for 26 years, I delivered over 5,200 babies during that time. I am very proud to say that I performed no abortions. But I think it is important for our colleagues, Mr. Speaker, and for men and women across this country to understand how this Roe v. Wade came about 35 years ago in 1973.

Prior to that, abortion in many States was illegal. It could not be performed. In some instances, yes, it was true that women would have what is known as a criminal abortion done, and sometimes with very devastating consequences to the woman. If the abortion was done by a doctor with skills, surgical skills, there probably were no complications, other than destroying that human life, that little human life. But if the abortion was performed in an unprofessional, botched manner, then the life not only of the fetus but also of the woman was at stake.

When I was an intern at Grady Memorial Hospital in Atlanta, Georgia, back in those days in the late 1960s, 1969, 1970, yes, there occasionally was a patient on the ward suffering from septic shock. And in one instance I very vividly remember that that patient, that mother who had had an abortion done and the complications thereof, infection set in and she died. And these cases were presented across the country to the Supreme Court eventually, basically, in Roe v. Wade. And then all of a sudden the Supreme Court said that no State, no State could proscribe abortion.

That is what we got to in 1973. And since that time, of course, as my colleague from Michigan just mentioned, something like 48 million lives have been destroyed in the abortion process, in that so-called safe, legal process, where the procedures are done by licensed physicians, and they are done under certain circumstances, maybe in a hospital with anesthesia, and it is very safe and that no mothers die.

Well, some mothers do die. But without question, some 48 million little children, potential Members of Congress in fact, lost their lives by this abortion procedure. And that is why I am so proud to be here tonight to join with my colleagues, with the gentleman from New Jersey, Mr. SMITH, Mr. FRANKS, Mr. DAVIS, Mr. WALBERG, Mr. LAMBORN and others to talk about this issue.

□ 2000

Each of us will have a little bit of time. But I am very grateful to be standing here tonight to know that today on the Mall, right here at the Capitol, we had so many come. I don't know how many thousands of families came. We had something like 12 or 14 Members of Congress speak on behalf of life, the life of the infant, the life of the fetus. This is a very proud day, and it is a very proud evening too for us to stand here for the sanctity of life.

Mr. Speaker, I would like to focus on a couple of charts that I have got. The first one, if my colleagues will look, basically says this. This is a quote from a very important person, and I will mention her in just a minute. "Abortion, at any point, was wrong. It was so clear. Painfully clear." That ends the quote. This is from Norma McCorvey, better known as Jane Roe from Roe v. Wade. In other words, she was the plaintiff.

Mrs. McCorvey wanted to have an abortion in a State that didn't allow it, so she was the plaintiff. This quote is taken from her book, "Won by Love" by Norma McCorvey, and she is now a pro-life advocate. She didn't have that abortion, because by the time Roe v. Wade was passed, she had gone on and had that little girl, who is in her mid-thirties now. Mrs. McCorvey, Norma, is also the proud grandmother of two children. Thank God that she didn't have that abortion.

Listen to what Susan B. Anthony, this is way long, many years ago, in another century, said even before this issue came up. "Abortion is a reflection of our society's failure to meet the needs of women. We are dedicated to systematically eliminating the root causes that drive women to abortion." That is a quote from Susan B. Anthony.

What I want to point out is that many States now, many States, including my own State of Georgia, I am very proud that we have passed, as this poster shows, a "woman's right to know law," required not just in Georgia, but in 23 States, that women who seek abortions be fully informed about relevant issues such as, the first bullet point, medical risk of abortion; the possible detrimental psychological effects of an abortion; a father's legal responsibility in State laws for paternal child support; and medical assistance benefits may be available to prenatal care, childbirth, and neonatal care.

Mr. Speaker, the Children's Health Insurance Program, SCHIP, that we just in the last month reauthorized for an additional 18 months, does include prenatal care so that women are not forced for financial reasons to terminate a pregnancy. So this is really what Susan B. Anthony was talking about so many years ago.

What we are seeing as a result of that, in my last chart that I want to present, is that over these 35 years, we are seeing a gradual and actually dramatic drop in the number of abortions per 1,000 women aged 15 to 44. Those women who are most fertile, that peaked at 29 per 1,000 women that age back in 1979. Now the latest statistics in 2005, that number has dropped down to something like 19.4. So we are making great progress.

The point that I want to make in conclusion, Mr. Speaker, is we don't need to continue to destroy life. We need to inform women. We need to inform women of their choices, the alternatives to destroying a human life, which in almost every instance they are opposed to. But they are uninformed, they are frightened, they are scared, they are concerned about raising a child as a single parent. But if they are given the opportunity maybe to place that child for adoption, if they know there is financial help available, if they know that there are counselors who want to work with them that help them if they decide to have their baby and be a single parent, if that is the case, these are the things that we need to be concentrating on, Mr. Speaker.

So as I conclude, I just want to say to the gentleman from Arizona, I thank him for giving all of us an opportunity tonight to speak on this hugely important issue. Let's stand for the rights of the unborn. Let's not be so concerned about some person who is already here, man or woman, about their property rights guaranteed under the 14th Amendment. Let's think about what we said in our Declaration of Independence and think about unalienable rights, such as the right to life. Let's think about what is in the Charter of the United Nations, that every member nation is bound to abide by, and that is the sanctity of life. And, last but not least, what God says in both the New and the Old Testament, thou shalt not kill; you shall not take another's life. That is why we stand here tonight, to bring that to our Members.

I yield back to the gentleman from Arizona, and thank him for allowing me to be part of this.

Mr. FRANKS of Arizona. I thank the distinguished gentleman for his compelling words.

Mr. Speaker, I yield to the distinguished gentleman from Tennessee, Mr. DAVID DAVIS.

Mr. DAVID DAVIS of Tennessee. Mr. FRANKS, thank you for your leadership on this very important issue.

To many of us across this great land of America, life is an emotional issue. To many of us, it is a Biblical issue. The Bible actually tells us that we are knit together in our mother's womb.

Let's go back and just think about a day that we lost a lot of Americans. Let's go back to September 11th, 2001. If you are listening across this great land, just think back how you felt on September 11th when you learned that 3,000 Americans had been killed. Do you remember where you were? Do you remember how you felt? It was 3,000 Americans killed that day. I know exactly where I was and I know how I felt.

Now, where were you on September 12th, September the 13th, September the 14th, September the 15th? Those days, almost 4,000 Americans were killed, and every day subsequent. We are losing Americans to the tune of almost 4,000 Americans a day.

Ronald Reagan once said "abortion is only advocated by persons who have themselves been born." His pro-life position was not limited to the beginning of life issues, but extended all the way to natural death. It is clear that Reagan would have stood against pro-assisted suicide and euthanasia laws. In 1988, he declared "The right to life belongs equally to babies in the womb, babies born handicapped and the elderly and the infirm."

In the years since our Supreme Court ruled on Roe v. Wade and declared abortion a constitutional right, the assault Mother Theresa rightly called the "war against the child" has claimed nearly 50 million Americans, 1.2 million every year, and, yes, almost 4,000 babies every day.

Pro-life policies such as parental consent and waiting periods enjoy tremendous public support, 82 percent and 74 percent respectively. Washington, this Congress, should deny hundreds of millions of dollars to Planned Parenthood and abortion centers that promote and perform abortions here and abroad. The unborn child has the right to life, and that right should not be taken away.

Roe v. Wade was poorly conceived and morally wrong. This decision should be overturned. Life begins at conception. An unborn baby should share the birthright of all Americans, the right to life, liberty and the pursuit of happiness.

I yield back to the gentleman.

Mr. FRANKS of Arizona. I thank the gentleman for his very moving words. I would now yield to Mr. LAMBORN from Colorado.

Mr. LAMBORN. Mr. Speaker, I thank the gentleman from Arizona for putting this time together and for recognizing me.

Mr. Speaker, today marks the 35th anniversary of the Roe v. Wade Supreme Court decision which legalized abortion in the United States. Elective abortion, a tragic practice, is the most common medical procedure performed in the United States. Let me repeat: Abortion is the most common medical procedure performed in the United States, and is perpetuated by a perverse logic that the life of an unplanned child is somehow not of the same value as that of any other child.

A recent study published by the Journal of Child Psychology and Psychiatry in 2006 indicates that women who have had an abortion have a much higher incidence of mental health problems, including depression, anxiety, suicidal behaviors and substance abuse. Abortion can also cause physical side effects, such as reduced fertility, hemorrhaging, and even death.

Mr. Speaker, I want to recognize pregnancy care centers around the country, who defend the lives of the unborn and protect the physical and psychological health of American women who find themselves in unplanned pregnancies every year. Through the support of selfless men and women devoted to a culture of life, these care centers are able to give concrete, practical assistance to women, from pregnancy testing to prenatal vitamins, ultrasound imaging and infant supplies.

Tragically, many women in the United States are told and believe abortion is the only way. Pregnancy care centers respect these women and their right to know that there are other options. These facilities offer guidance for mothers faced with heart-wrenching decisions. Whether the woman chooses to give the child up for adoption or raise the baby, pregnancy care centers provide counseling, information and support.

Pregnancy care centers across the world have and will continue to reduce abortion rates, save unborn lives, and help women avoid the psychological and physical damages of abortion.

Tonight, I mourn the 50 million American lives cut short by abortion, and pray that God continues to protect and strengthen those touched by this tragic practice. I will be among those working to end it.

Mr. Speaker, I yield back to the gentleman.

Mr. FRANKS of Arizona. I thank the gentleman.

Mr. Speaker, I would now yield to the very distinguished gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the gentleman from Arizona for yielding. I also want to thank him for his extraordinary and compassionate and principled and eloquent advocacy of life. The people of Arizona who cherish life are extraordinarily well served by Mr. FRANKS.

I come to this well having enjoyed a day, Mr. Speaker, on the National Mall, where over 100,000 Americans by some estimates gathered in the bitter cold 35 years after a Supreme Court decision, and they gathered for one reason and one reason only, because those Americans cherish the sanctity of life and are unwilling to go quietly into that good night, which is an America that walks away from a belief that every life is sacred.

100,000 people. Not at the podium. Not with the television cameras on them, as some of us were. Not with the accolades of people in a movement who will write on the Internet or write editorials how they approve of our stand. But in the obscurity of a throng of tens of thousands, Americans came. In the dead of winter. It was extraordinary, Mr. Speaker, I must say, and it gives me great hope about this movement.

The sanctity of life is the central axiom of Western civilization. It is, I believe, our commitment to the unalienable right to life and liberty and the pursuit of happiness that split the atom of the American experiment and has created the freest and most prosperous and most powerful nation in the history of the world. It is because we embrace that ethic that we are endowed by our Creator with the unalienable right to life. And there, 35 years after Roe v. Wade, 100,000 Americans are still standing in the cold for that principle.

I rise tonight very humbled to hear the eloquence of my colleagues, but filled with hope after a hurried day in this movement, because I have seen the faces of the foot soldiers of the right to life. I have stood among a throng of young Americans, particularly young women under the age of 30, who are choosing life as never before. In the last 20 years, abortion has declined by more than 20 percent.

□ 2015

I believe, as you could see in those relationships today on the National Mall, it's not just because of political debate, but it's because of moral persuasion. In the last 35 years, I believe in the quiet counsels between mothers and daughters, between grandmothers and granddaughters, the truth about abortion is being told.

Life is winning in America.

I rise tonight simply, Mr. Speaker, to speak a little out of turn, and not just to your chair, but maybe to those that are looking in tonight and to say thank you for standing for life. Your efforts on behalf of the unborn are not in vain, and I do believe in our lifetime, if we will exercise the faith and perseverance and compassion and civility that was in evidence on the National Mall today, we will see Roe v. Wade collapse like the Berlin Wall. It will collapse finally and at last on that day when people on both sides of the debate don't want it there anymore.

Mr. FRANKS of Arizona. Mr. Speaker, I just thank the gentleman so much for his moving words.

Now I yield to the gentleman from Iowa, Congressman KING.

Mr. KING of Iowa. I thank the gentleman from Arizona for organizing this Special Order tonight on this day that culminates a long period of time here in Washington across America where we have gathered together to march and to speak and to appeal and to pray for the end of this holocaust of abortion in America.

I have enjoyed those experiences that I have been able to share with my prolife colleagues. As I went to the mass last night in the basilica and looked out across that sea of faces, more than 10,000 strong on the ground floor of that magnificent cathedral up on the hill in northeast Washington, realizing that there are 10,000 people in the main floor and another 5,000 in the basement, 15 to 16,000, many young people, who have done the pilgrimage from all across America, gotten on a bus and ridden for hours, maybe 18 or 20 or more hours to get here. They will go to the service, and they came to the march, the march for life today on The Mall in the cold and in the drizzle. They got back on the bus, some of them without even getting a chance to get warm, and headed back to their homes again. Those are people with conviction. Those are people that understand the two simple and basic questions that are before us here.

The first question is, and so when I ask many high school students in public auditoriums, do you believe in the sanctity of life? Is human life sacred in all of its forms? Is the person sitting next to you, is their life sacred? Is your life sacred? And I get the answer, the universal answer is yes, yes from all of them. I have never had a dissenter.

Then I asked them, there is only one other question you need to ask to determine your position on life, and that is, this sacred life, your life, the person sitting next to you, at what instant did that life begin?

We know that there is only one instant, and that is the instant of conception. But once a person understands and comes to a faithful conviction that human life is sacred, and it begins at the instant of conception, we also will never lose the debate, will never lose our conviction.

I would invite anyone in this Congress to come to this floor and debate me on those two points. I would like to have someone stand up and tell me their life began at some other instant than conception, but it will not happen, because they know that the minute, the instant that anybody over here takes a position other than this sacred life begins at the instant of conception, they have instantly lost the debate.

That's the point that I think all Americans should understand. If they do, this Nation will one day put an end to Roe v. Wade.

I am a Catholic, an active Catholic, and I understand the church's teachings on this. I wonder, sometimes about some of the active Catholics in this Congress that do not necessarily reflect the church's teachings. I would love to see, and I would call out an invitation next year for the special mass at the basilica, for the Speaker to join us there in our public prayer for those 50 million lives of those little babies, those little babies that will never have the opportunity to laugh, to love, never be hugged at night, never be kissed at night, not a single night, 50 million babies, 50 million little empty pairs of shoes, 50 million empty baby cribs, 50 million toys never played with, 50 million children, innocent as could be, denied the right to life.

I reflect upon the appointments to the Supreme Court that the President made in this past term, two magnificent appointments to the Supreme Court, and that would be Chief Justice Roberts and Justice Alito. We got a Supreme Court decision that upheld our ban on partial birth abortion finally, finally a measure that came from this Congress that was not denied by the Court.

When I looked across the sea of faces that filled The Mall as far as the eye could see today by the tens of thousands, and perhaps by the hundreds of thousands, and reflected that they all came here to this city today because the Court injected themselves into a policy decision, not a constitutional decision.

Roe vs. Wade and Doe v. Bolten, both need to be ripped out and both need to be overturned. The two magnificent appointments to the Supreme Court that understand this Constitution to mean what it says and mean what it was understood when it was ratified by our Founders, those appointments are wonderful appointments that move us down the line.

This Constitution will protect life; it will protect marriage. But we must have a Supreme Court that protects the Constitution, that does not amend it with their liberalism and their activism.

Mr. Speaker, the next two appointments to the Supreme Court will be more important than the last two. The next two appointments to the Supreme Court will determine whether we preserve and protect life and whether we preserve and protect marriage. Those two are transformational issues before this Congress. We must stand up for life.

We said goodbye to the elegant statesman and the great lion for life, Henry Hyde, Chairman Henry Hyde. Many of us count him as a friend. I counted him as one of the honors of my life to be able to call him as a friend and someone whom I admired.

The words on the program at Henry Hyde's funeral were a quote from him that say this: "When the time comes, as it surely will, when we face that awesome moment, the final judgment, I've often thought, as Fulton Sheen wrote, that it is a terrible moment of loneliness. You have no advocates. You are there alone standing before God, and a terror will rip through your soul like nothing you can imagine. But I really think that those in the pro-life movement will not be alone. I think there will be a chorus of voices that have never been heard in this world but are heard beautifully and clearly in the next world, and they will plead for everyone who has been in this movement. They will say to God, 'Spare him because he loved us,' and God will look at you and say not 'Did you succeed?' but 'Did you try?'"

God bless his life and his effort, and may he save the lives of the unborn.

Mr. FRANKS of Arizona. I thank the distinguished gentleman.

I now, Mr. Speaker, yield to the distinguished gentleman, Congressman JORDAN of Ohio.

Mr. JORDAN of Ohio. I thank the gentleman for yielding, and I thank him for his compassion and his commitment to protecting all life, defending those defenseless and his tireless work, and my colleagues as well, who understand that all life is sacred.

Mr. Speaker, I want to thank, as other speakers have done, I want to thank those thousands of families, thousands of young people, thousands of Americans who gathered today in our Nation's Capital. They too understand that life is precious, life is special, life is sacred and it should be protected in all forms.

I really want to thank them for two things, and I said this today at the rally. First, I want to thank them for having the willingness to engage in the struggle. I learned a long time ago that nothing of meaning, nothing of significance happens by hanging out on the sidelines. You have got to be willing to get in the game step, you have got to be willing to get out of the shadows, step in the game if you are going to make a difference.

That is what Americans were doing today here in our Nation's Capital. I also want to thank them for something else. One of the things that all of us as

Members of Congress deal with are those interest groups, those lobbyists who want to come talk to us about all kinds of issues.

I say this every chance I get to talk about the life issue. We have all kinds of lobbyists who want to come talk to us, then to talk to us and influence the way things work here in Congress, the way legislation is passed. The reason they want to talk to us is they and their clients have a financial interest at stake.

But the people who came to our Nation's Capital today, they had nothing to gain financially for doing what they did today. They simply did it because it was the right thing to do. They understand that the truth is the truth, and that life should be protected. I reassured them today. I think we are going to win.

It may take some time, but America always gets it right. Sometimes it takes us a while, but we get it right. We are making progress. We wish it would happen quicker. It has been 35 years now in this struggle. We wish it would happen quicker, but we are getting closer. Someday in this great country, the greatest Nation in history, we will get it right and every single human life will be protected.

I said to many of the folks that I had an opportunity to speak with today, you know, stay positive, because in America things do work out and the truth does prevail in the end.

I told them the story from scripture, and I will finish with this before I yield back to my old friend. The old story from scripture is so appropriate, I think, in that we should stay positive. The story goes, when the Israelites were camped against the Philistines, and every day the Philistine giant would walk out and issue the challenge, Who will fight Goliath? The Israelites' response was, He is so big we can never defeat him.

But David's response was, He is so big I can't miss. That is the attitude we saw on display today in our Nation's Capital. That's the attitude that has always been a part of the American experience. That is the attitude we need as we go forward. We will win this effort and all life will be protected in this country because you have great people like Mr. FRANKS from Arizona. I appreciate his time tonight in scheduling this hour for us.

Mr. FRANKS of Arizona. I thank the gentleman so much.

I now yield to the gentleman from Idaho (Mr. SALI).

Mr. SALI. Thank you, gentlemen.

Mr. Speaker, I stand before you today to commemorate National Sanctity of Human Life Day. This year marks the 35th anniversary of the Supreme Court ruling in Roe v. Wade, that landmark decision that so drastically altered the landscape.

This month also bears a sad distinction. In January 2008, we passed the tragic mark of 50 million lives that have been lost to abortion since Roe vs. Wade. We cannot help but wonder about the implications of this astonishing statistic. We are all concerned about the shortage of workers in our country. So many of those unborn lives lost due to Roe v. Wade would now be in the workforce.

What about Social Security? Could we not better sustain the vitality of the program if these same workers were paying into the system? These are matters of demographics and economics, yes, but ultimately they are about the most profound issue of all, the simple but indispensable sanctity of human life.

In this very room, from the view of the distinguished Speaker, the center of relief that looks over all of us is an image of Moses, the lawgiver. In the 90th Psalm, Moses wrote "Teach us to number our days aright, that we may gain a heart of wisdom . . . May your deeds be shown to your servants, your splendor to their children."

How many of our children will never be able to number their days because their days will never begin? How many will never know God's splendor in the life He wants for each of us, because they never have been allowed to see the light of day?

As the father of six and the grandfather of six, five of whom have been born and one who remains unborn, yes, a grandfather of six, I have watched the breathtaking miracle of life unfold again and again. Every time I see a small child, I am reminded of the wondrous blessings of a creator who allows us to share in the miracle of creation.

In the words of the poet William Wordsworth, "Heaven lies about us in our infancy." It is essential for all of us to remember that in any abortion there are two victims, the mother and the unborn child.

Mr. Speaker, we have to do a better job of communicating to women in crisis what public and private resources are available to help them, to reach out more vigilantly to these women with a tenderness and a practical compassion our country has shown so often to so many.

I applaud the selfless unsung sacrifices of tens of thousands of our fellow citizens who care for women with crisis pregnancies and to provide spiritual, emotional and material support for them.

It is fitting that we recall the words of our Declaration of Independence, that our creator has endowed all with certain unalienable rights, the first of which is life. The little one in the womb is a person with value independent of his or her mother and deserves the right to that life.

As Members of Congress, we are uniquely positioned to protect the most innocent and vulnerable members of our society, the unborn. If we cannot protect the most innocent and helpless among us, how can we proclaim that we want to provide justice and protection for anyone else?

☐ 2030

May those of us who believe in the uniqueness of human personhood, from conception to death, today again resolve never to cease our efforts to make our beloved country not only a beacon of hope but a sanctuary of human dignity. Surely there can be no higher calling for us as public servants of this blessed land.

Mr. FRANKS of Arizona. I thank the distinguished gentleman.

Mr. Speaker, because the end of the hour grows close, I would now come before this body with a sunset memorial. We intend to repeat this from time to time to chronicle the loss of life by abortion on demand in this country.

Mr. Speaker, it is January 22, 2008, in the land of the free and the home of the brave, and before the sun sets today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand just today.

Exactly 35 years today, the tragic judicial fiat called Roe v. Wade was handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million children. Mr. Speaker, that is more than 16,000 times the number of innocent lives lost on September 11.

Each of the 4,000 children that we lost today had at least four things in common. They were each just little babies who had done nothing wrong to anyone. And each one of them died a nameless and lonely death. And each of their mothers, whether she realizes it immediately or not, will never be the same. And all the gifts that these children might have brought to humanity are now lost forever.

Mr. Speaker, those noble heroes lying in frozen silence out in Arlington National Cemetery did not die so America could shred her own Constitution, as well as her own children, by the millions. It seems that we are never quite so eloquent as when we decry the genocidal crimes of past generations, those who allowed their courts to strip the black man and the Jew of their constitutional personhood, and then proceeded to murderously desecrate millions of these, God's own children.

Yet even in the full glare of such tragedy, this generation clings to blindness and invincible ignorance while history repeats itself and our own genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Perhaps it is important for those of us in this Chamber to remind ourselves again of why we are really all here.

Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government."

Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath. The phrase in the 14th amendment capsulizes our entire Constitution. It says: "No state shall deprive any person of life, liberty or property without due process of law."

The bedrock foundation of this Republic is the Declaration, not the casual notion, but the Declaration of the self-evident truth that all human beings are created equal and endowed by their creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world. It is who we are.

And yet today, Mr. Speaker, in this body we fail to honor that commitment. We fail our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 innocent American babies who died without the protection we should have been given them.

And so for them in this moment, Mr. Speaker, without yielding my time, I would invite anyone inclined to join me for a moment of silence on their behalf.

Mr. Speaker, I believe that this discussion tonight presents this Congress and the American people with two destiny questions.

The first that all of us must ask ourselves is very simple: Does abortion really kill a baby? If the answer to that question is "yes," there is a second destiny question that inevitably follows. And it is this, Mr. Speaker: Will we allow ourselves to be dragged by those who have lost their way into a darkness where the light of human compassion has gone out and the predatory survival of the fittest prevails over humanity? Or will America embrace her destiny to lead the world to cherish and honor the God-given miracle of each human life?

Mr. Speaker, it has been said that every baby comes with a message, that God has not yet despaired of mankind. And I mourn that those 4,000 messages sent to us today will never be heard. Mr. Speaker, I also have not yet despaired. Because tonight maybe someone new, maybe even someone in this Congress, who heard this sunset memorial will finally realize that abortion really does kill a baby, that it hurts mothers more than anyone else, and that nearly 50 million dead children in America is enough. And that America is great enough to find a better way than abortion on demand.

So tonight, Mr. Speaker, may we each remind ourselves that our own days in this sunshine of life are numbered and that all too soon each of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on another day yet to come, may that be the day that we hear the cries of the unborn at last. May that be the day we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

This is a sunset memorial, Mr. Speaker. It is January 22, 2008, in the land of free and the home of the brave.

Ms. SHAKOWSKY. Mr. Speaker, thirty-five years ago today, the Supreme Court guaranteed American women the right to choose abortion in its landmark decision Roe v. Wade. In doing so, the Supreme Court brought an end to decades of State and Federal laws that outlawed or restricted abortions and put reproductive choice back in the hands of women and gave them safe, medical options.

Since that time, however, a concerted and organized campaign aimed at diminishing this momentous decision has succeeded in whittling down the original intent of the decision and now presents a very serious threat to the long-term security of Roe itself.

I rise today not only to commemorate this important day in American history, but also to remind the supporters of Roe v. Wade that it is absolutely critical that the pro-choice movement remain united and vigilant against all attempts to take away a woman's right to choose. As a member of the Pro-Choice Caucus, I promise to do my part and continue to oppose any attempts in Congress to limit, restrict or deny a woman's reproductive rights.

In conclusion, I believe that it is imperative, not only for women's rights, but for women's health as well, that the United States not return to an era in which the government gets to decide what a woman can and cannot do with her own body.

Mr. AL GREEN of Texas. Mr. Speaker, I wish to commemorate the 35th Anniversary of Roe v. Wade, a United States Supreme Court decision that broadened women's rights nationwide.

On January 22, 1973, three years after "Jane Roe" was denied an abortion in a Texas district court, the Supreme Court decided that the Fourteenth Amendment right of personal privacy was broad enough to cover a woman's decision whether to terminate her pregnancy. The Texas statute proscribed all abortions not necessary "for the purpose of saving the life of the mother." "Jane Roe", or Norma McCorvey, desired an abortion because she was raped; however, her rights were firmly denied in the Texas courts. Her case made it to the Supreme Court by way of an appeal in 1971. The case was argued twice before the Supreme Court because Associate Justice William Rehnquist initially missed part of the arguments. After great debate and deliberation, the Supreme Court struck down the Texas statute as unconstitutional. The decision was made in favor of Roe by a vote of 7 to 2, with Justices William Rehnquist and Byron White dissenting. Justice Harry Blackmun wrote the opinion of the court declaring that it is a woman's constitutional right to decide whether to carry a pregnancy to term. The court ordered that the performance of an abortion should not be criminalized and also ordered that access to an abortion should not be restricted, limited or unnecessarily difficult.

The 35th Anniversary of Roe v. Wade is a momentous occasion because it symbolizes the notion of liberty and justice for all people under the constitution. Women have historically been deprived of equal rights and liberty, but this court decision brought a new day for all women. I respectfully commemorate the anniversary of Roe v. Wade.

RIGHT TO LIFE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Minnesota (Mrs. BACHMANN) is recognized for 60 minutes.

Mrs. BACHMANN. Mr. Speaker, it truly is a momentous evening this evening and the entire day here on the March for Life that occurred here on our Nation's capital, and it is a privilege for me to be here as a freshman Member of Congress, hailing from the very cold State of Minnesota, to be able to be here on this floor on this momentous occasion.

We heard so many eloquent speakers, led by TRENT FRANKS, a man who has a great love for people, not just a love for babies, not just a love for women. He has a love for people, and I am so grateful for the wonderful hour that he just led. We have other Members of Congress, Mr. Speaker, who have come down to this Chamber because they are moved by this issue, not just for their love for babies or their love for women or love for men, but they are moved by many factors that go to increase our Nation and the natural resources that are in our Nation.

One of those is Mr. BISHOP who is from Utah's First District, and he would like to speak for a few moments on the floor of Congress.

Mr. BISHOP of Utah. I thank the gentlewoman from Minnesota (Mrs. BACHMANN) and the gentleman from Arizona (Mr. FRANKS) leading this discussion.

As I walked past the Supreme Court this evening, remnants of the two groups were protesting this very issue, one dealing with a press conference, the other marching in chants in a way that was really more appropriate to a high school pep rally than to this particular issue.

And I was saddened because this is one of those issues that should never be simplified into simply chants or slogans or sound bites because this issue is one that deals with the soul of this particular country. For when we have a cavalier attitude about life at the beginning of the cycle, we tend to develop a cavalier attitude about life at the end of the cycle. And then for those areas in between, we tend to look at life not in terms of its sanctity but in its quality of life.

I firmly believe that man is both perfectable and savable. But we are perfectable and savable not in the ease in which we make our lives or the material possessions which we can accumulate, but in our relationships with others and our development of our families.

I appreciate being able to add my voice to this particular discussion, and I appreciate the representative from Arizona, as well as the gentlewoman from Minnesota, for leading these two hours because this discussion is truly about the very heart of this country and where we go.

Mrs. BACHMANN. I thank Mr. BISHOP so much. The people from the First District of Utah have to be so proud of you, especially on the issue of life.

Mr. Speaker, now I would like to introduce the gentleman from New Jersey (Mr. GARRETT) for whom I have a great deal of respect. He has a tremendous story to tell, and I yield to Mr. GARRETT.

Mr. GARRETT of New Jersey. Mr. Speaker, I thank the gentlelady for managing this hour as Members come to the floor to speak about this extremely important topic.

I must begin my remarks by thanking everyone who took part earlier today, all those folks who traveled down here to Washington to participate in the annual Right to Life March from all over the country, in bad bus rides and distant flight delays and bumpy car rides. I am grateful to all the marchers who came from the great State of New Jersey. Particularly, I would like to recognize the students from Pope John High School and also the kids from Veritas Christian Academy located in Sparta, as well as some of the parishioners who came down from Our Lady of Fatima in Vernon, St. Jude's Church in Blairstown, Our Lady of Mount Carmel in Stillwater, and the folks from Lafayette Federated Church from Lafayette.

I didn't include everyone, but the list would go on and on with all of the people from the great State of New Jersey, people concerned and taking part to make sure that their voice was heard.

Earlier today I had the opportunity, and I would say the honor of speaking to the thousands of marchers who came out. They braved the freezing wind and the rain that was coming on as well. As I had a chance to talk to them, I told them that they, along with Members of Congress, were probably experiencing mixed emotions at the time, similar to the emotions I was experiencing.

Think about it, on the one hand, we are immensely encouraged by what we see. We are encouraged that so many people have gathered here in Washington, DC to mark the anniversary of the Roe v. Wade decision. We draw comfort from that fact. We are encouraged that our Nation has not forgotten that tragic death even 35 years later. We are encouraged that we can stand firm in reminding our fellow citizens that all men are endowed by their Creator with certain unalienable rights. And most importantly of all, is the right to life.

Finally, we are encouraged that in many cases, our efforts have been rewarded. For instance, the number of abortions that are performed annually has actually dropped down back to levels not seen since the 1970s. Still, despite those signs of encouragement, our hearts are still heavy with sadness and that is because we mourn the millions of babies who have been mercilessly killed before they can even take their first single breath. And we grieve for the mothers and fathers who suffer from the emotional pain of having to have gone through an abortion.

We lament the fact of a continuing decline of morality, civility, and respect for human dignity and worth. For me and my constituents in New Jersey, I am particularly disheartened by a study that was released just last week that showed that our home State, the so-called Garden State, has the second highest abortion rate in the Nation.

It is in moments like these that we must turn our gaze upward and remember the One, the One who created life is also the One who governs the universe. He commands us to "run and not be weary, to walk and not faint."

And so today, we ultimately find encouragement in knowing that the battle is not over. The battle is not ours alone, and the might of right is on our side.

So we will keep working to increase the number of States that have substantive parental involvement laws, thereby protecting teens from the abortion propaganda. We will continue to prohibit partial-birth abortions and fight that in other States as well. And we will show by example how to value life.

Finally, some day I pray that we will experience a January 22 free of these mixed emotions. And instead, we will be able to celebrate a renewed culture of life in this entire Nation.

We elected officials come to the floor to remember the weakest among us. Yet I know we will succeed not because of who we are, but because of what Americans all across this great Nation are doing on behalf of life.

☐ 2045

Mrs. BACHMANN. Thank you, Mr. GARRETT. Appreciate your kindness and your words of love and life for those who are our fellow Americans. Thank you, and thank the people of New Jersey for sending you to this great body.

Now we have a man that I've known for a number of years of whom I just have great admiration. His name is Mr. TODD AKIN from Missouri's Second District. I yield to Mr. AKIN from Missouri.

Mr. AKIN. Thank you very much. I'm just so thankful for your willingness to take this special hour and organize things here on the floor of the U.S. Congress, and your leadership. The people of Minnesota are blessed to have you, and I'm just very thankful to be able to be a small part.

But one of the things that those of us who are Members of Congress do, as you can imagine, is that we do give speeches. We talk to different groups of people, young and old, on all kinds of different issues.

But one of the questions that I love to ask, and it's something that we should know the answer to rather quickly, and yet, most Americans don't really have the answer quite on the tips of their tongues, and that would be to ask the question, what is it that has made America such a unique and a special place for all of us to live?

Now, if you live here, sometimes you can take for granted some of the things that we enjoy every day. But America is extremely different.

First of all, there are all these people from other countries that want to come here because they believe that this is the land of opportunity; this is where your dreams can become true.

Aside from that, America has been engaged in a number of huge and colossal wars. We find ourselves as the dominant military power on the planet. And so through these different wars, did we create empires? Did we build kingdoms? The answer is, of course, no. We have named no emperors, no kings. In fact, what we did was we voted to tax our constituents to rebuild our enemies after we had defeated them.

America is a unique and special place. But what is it that makes America so special? Why do all these different people from different nations all come together here for the American Dream? What is it, if you were to define it, if you're looking at it like an onion and you're to say you peel off the outer layers of fireworks and apple pie and the flag and you get to the center of what makes it tick?

One of the words when I ask this question frequently is the word "freedom." But freedom doesn't really describe the core principle or the logic of on which basis America tips. You know, the people in Tiananmen Square, they wanted freedom. They stood up for freedom. They were willing to die for freedom. They were greased underneath the treads of tanks and they gave their lives, but they didn't get freedom.

So what is it that produces the freedom? What is it that makes America what it is? What is the formula?

Well, if I were asked that question, I would cheat a little bit. I would go back to our first great war when America wrote a statement of what we believe and what we stand for as a people. It is, of course, called the Declaration of Independence. It was the reason why we would dare to challenge the biggest military power in the world. And that second paragraph, the sentence, "We hold these truths to be self-evident that all men are endowed by their Creator with certain unalienable rights; that among these is life, liberty and the pursuit of happiness." And then the sentence goes on after "pursuit of happiness," and says, "And governments are instituted among men deriving their just power from the consent of the governed." And it goes on to say, the purpose of the government is essentially to protect these basic rights. What rights? Well, life and liberty and the pursuit of happiness.

So the engineer in me says, now, let's break this down. How does the formula that defines America work? Well, it's based on these ideas: One, that there is a God; second of all, that that God grants basic fundamental rights to all people; and lastly, the job of civil government is to protect those rights.

Now, if you take a look at that equation then you say, well, what does that mean? Well, first of all, we can take away from that the fact that if you take God out of the equation, you don't have any fundamental rights and the whole American system starts to come unglued.

Second of all, you notice that the rights are not just Americans' rights. These are rights for all human beings. This is a powerful idea. This idea is being exported overseas, and other people are enthused and caught up in the possibility that there is a gracious, loving God that gives fundamental rights to all people.

Another rather straightforward conclusion would be this: That a government that does not protect the most fundamental right, the right of life, is a government that is not doing its job. It is broken. And for those of us in America over these years to have tolerated selling the lives of our unborn down the river of convenience, we have violated the most fundamental and basic logic of what America has always stood for.

Abortion is so un-American. It's something that people weren't paying attention on, and the Court slipped it in on them, and pretty soon people started to wake up and say, Oh, my goodness, this is horrible. And all across America, people are starting now to wake up.

Now, because of the nature of the way that the Court usurped their power and authority and decided to take the power to themselves to create law out of thin air, we have one of the most polarizing issues that has confronted our Nation since the days of slavery. And yet, just as slavery is fundamentally un-American, so, even more so, anything that violates the most fundamental right, the right to life, is contrary to everything that Americans have stood for and fought for.

Now, some people are aware of the fact, now that we're engaged in a great war, a war against terrorists, should that surprise us? Well, think about it a little bit. What is it that terrorists believe? Terrorists believe that, hey, it's okay to blow up a few people to make a political statement.

And what do we believe? We believe right to life is a fundamental, God-given right. We are completely on the opposite side of the page of the terrorist. The terrorist is a terrorist. And what does that mean? Well, it means he wants to compel you into doing something because you're so afraid of him. That's not very similar, is it, to what we believe; that God gives people the right to life and then the right to liberty. The right to liberty is to be able to follow your own conscience without being terrorized by some opponent. So it is no big surprise that we fight the terrorists because they are fundamentally un-American. And yet we have terrorists in our own culture called abortionists.

One of the good pieces of news why we are winning this war is because there are not enough heartless doctors being graduated from medical schools. There is a real shortage of abortionists. Who wants to be at the very bottom of the food chain of the medical profession? And what sort of these places do these bottom-of-the-food-chain doctors work in? Places that are really a pit. You find that along with the culture of death go all kinds of other lawbreaking, the not following good sanitary procedures, giving abortions to women who are not actually pregnant, cheating on taxes, all these kinds of things, the misuse of anesthetic so that people die or almost die. All of these things are common practice. And all that information is available for America. And the day is coming when this public discussion will continue and America will say we're tired of abortion because it's so fundamentally un-American. And this, like a bad nightmare, will pass away, and there will be a day, just as there is today, where people say who would ever support slavery. In the future there will be a day when men will say who would ever have supported something so un-American as abortion.

I'm so thankful for the gentlelady for her leadership and for allowing us to have a time to engage in this public discussion, something that's not going to be done by political tricks, but by the conscience of the American public being raised to the point where they say, No more. The bad dream is over. We are going to once again honor what Americans have always stood for, the God-given right to life and liberty and the pursuit of happiness.

God bless you.

Mrs. BACHMANN. Thank you, Mr. AKIN. It was a delight to be able to hear you speak, Mr. AKIN. I know the people of Missouri's Second are honored that you are their Member of Congress. That was certainly a heartfelt emotion that you shared with us at the microphone, and I thank you for bringing what for many Americans is the pivotal watershed issue of our day, and I thank you for speaking so eloquently to that.

We have next before us this evening during this hour, Mr. JEB HENSARLING from Texas' Fifth District.

Mr. HENSARLING is a very special Member of Congress to me. He is my mentor here and is a giant among men in many ways. He's a giant in my eyes, and a giant I know for his wife, a giant for his two children.

He lives the words that he speaks on a daily basis. There is no greater testimony that any man or any woman could ever have is the testimony of their life, and that, Mr. HENSARLING, he knows very well.

And so with that, I yield to Mr. JEB HENSARLING of Texas' Fifth District.

Mr. HENSARLING. I certainly thank the gentlelady for yielding. I thank her for those kind words. And I must admit, at 5′6″, I'm rarely referred to as a giant, but I certainly take it as a great compliment.

The gentlelady from Minnesota has done great work in this body. I'm honored to serve with her, and I hope her constituents are very proud of the work that she has done. She has been a leader on so many issues from day one, and I thank her especially on probably the most fundamental question we have in American society today, for helping lead this Special Order today on the whole question of life.

Mr. Speaker, I need not tell you that millions of people all across America are reflecting upon that Supreme Court decision of decades ago, Roe v. Wade. Many Americans are celebrating. Many others are mourning. I am mourning. I mourn that decision.

I'm not naive. I know this question represents one of the great political fault lines in America today, and I know many of my countrymen feel quite differently than I do. But I just believe in my heart, I believe in my head, that there is no more fundamental right that we have than the right to life. And it is enshrined in our very founding documents that we were created. Our creator brought us into this world with certain unalienable rights, including the right to life.

Now, again, Mr. Speaker, I can come to no other conclusion in my head, in my heart, than but life begins at conception. And I don't understand my countrymen who come to different conclusions. I don't hate these people. I don't disparage them. But I have great sadness about what has occurred because of their beliefs; that millions of our countrymen are not here today to take that first breath, to take that first walk, to go into that first dance recital, to hit that first baseball, to put together that first two plus two equals four, I did it daddy. Millions and millions of our fellow countrymen will never experience that moment because of what I believe to be a very wrongheaded and a very unconstitutional decision made many, many years ago.

And so Mr. Speaker, a battle continues in this great body as a battle continues all across our land. And it's not just a battle to change laws. It is a battle to change the hearts and minds of our countrymen. And again, it's something that I take as an article of faith. But Mr. Speaker, if there's any parent in this body who has seen that sonogram when your baby is just weeks old, to see that beating heart, to see those little fingers, to see those little toes, and know that you have this great privilege that God Almighty has entrusted you with this gift to nurture this life, how you see that and turn your back on it is beyond me, is absolutely beyond me.

□ 2100

And so, Mr. Speaker, there have been others who have come here tonight who are far more eloquent than am I.

But, Mr. Speaker, I just want to, one, thank all of the fellow members of the Republican Study Committee that I have the great honor of chairing in this institution, really the conservative caucus in this House. I want to thank them for raising their voice on the single most important issue we face as a society, and that is the definition of the right to life. I want to thank them for coming to this body to do this.

And Mr. Speaker, I believe that I have a lot of blessings in life. I am not sure I will ever have a greater privilege than serving in the United States House. I enjoy coming to the floor of this institution and being able to talk about my beliefs and my vision for this great Republic.

Like some of us, we have the opportunity to occasionally meet with the President of the United States and tell the most powerful man in the world what our views are. We have opportunities to salute people who deserve recognition. We have all kinds of opportunities that give us a lot of self-satisfaction.

But no matter how many speeches I give on the House floor, no matter how many opportunities I have to meet with the President in the Oval Office, Mr. Speaker, those opportunities pale, absolutely pale in comparison to the opportunity that I have each week to fly home to Dallas, Texas, and have my 5-year-old daughter and my 4-year-old son run into my arms saying, "Daddy, Daddy, Daddy. We missed you."

And it's just one more reminder, Mr. Speaker, of how critical and how precious human life is, and it transcends all of the other debates that we have in this institution.

And so, again, I want to thank all of my fellow members of the Republican Study Committee. I want to thank the gentlelady from Minnesota adding her leadership and her eloquent voice here tonight. I wish I knew what I could say to reach out to my follow citizens and try to convince them to treasure human life and to understand how precious it is.

And often when we hear in the debate in this institution that we ought to do it for the least of these, truly, truly unborn life is the least of these. Let us recognize it. Let us hold it precious. And let us live up to our constitutional responsibilities, and let us live up to our responsibilities from the Creator and grant our follow citizens that precious right to life.

And so the battle goes on, Mr. Speaker. There has been some progress. There are fewer abortions in the land today than there was previously.

So I continue to be optimistic. I could not serve in this body unless I was an optimist. There is much work to be done. But I see a day, it may not be in my life, Mr. Speaker, but maybe in the life of my children, maybe in the life of my grandchildren, should I be blessed with any, that one day all Americans will somehow lock arms and lock hearts and decide that they will protect and defend that unalienable right to life; and I thank the gentlelady for yielding.

Ms. BACHMANN. Mr. Speaker, I want to thank Mr. HENSARLING from Texas' Fifth District. He has confirmed once again to me, Mr. Speaker, that not only is he a giant among men here in this body, but he is a gentle giant, and those are the greatest of all.

I think I have seen a tenderness here this evening, a softness and an eloquence that he speaks, the foundational nature of the issue that we are grappling tonight. There is a sweet sorrow, if you will, regarding this subject because we are talking about something that is dealing with the foundational nature of this country and yet of all humanity, and that is life and what we will do with life.

And I jotted down just a few words before I came up to manage this hour. And I wrote down that every generation, Mr. Speaker, seems to grapple with an issue that transcends all others. That issue for 31 years has been whether government will protect from destruction life, innocent human life.

Our American landscape has changed so dramatically over these last 31 years. I was in high school when the Roe v. Wade decision came down. I hate to admit I was so ignorant when I was a junior in high school, I didn't even know what abortion meant. I didn't even know what it was. What innocence that time was in the early seventies here in the United States.

In that time, Mr. Speaker, we have lost 50 million fellow Americans, and now we've lost the children, some of whom those 50 million would have borne. There are 50 million women whose bodies were violated by the horrific violence that we call here in this chamber abortion. There are 50 million men who have lost out on the tremendous privilege and joy of fatherhood, and our Nation today is poorer because we're missing, Mr. Speaker, 50 million fellow Americans, so sadly.

An inordinate number of these 50 million Americans are children of color. We needed those children of color in our Nation. We needed those African American babies, those Latino babies, those Asian babies. We need them, Mr. Speaker, in our Nation.

And we mourn together the loss of these priceless treasures that would have woven a beautiful tapestry of humanity even here in our midst. Yes, we mourn with a great sadness, but we also rejoice, and we also take great joy in the fact that today, even now, we're making a down payment because today is a new day.

It's a new day for a future of change, and it's my hope and my prayer that it is today, Mr. Speaker, that the words that are spoken on this floor would captivate the attention of young women and young men across our Nation, young people who may have had the chance to turn this show this evening on television, who would choose to respect their bodies and would choose to respect their sexuality and choose to respect their fertility because fertility is a gift. It's not a given. It's a gift.

Ask those people who can't have children. Ask women with love who would love to bear a child but can't, young people who will choose to be givers in this Nation, givers to one another in love, givers to themselves, givers to our Nation and givers to the next generation of Americans.

Today, earlier, I had the great privilege of being in my home State of Minnesota. I went up to the steps of our State capitol. Thousands of Minnesotans had gathered. You think it's cold in Washington, DC? There is nothing like a March For Life rally in the State of Minnesota. It was sub-zero. I wasn't wearing boots. I had a wool overcoat on, and in a moment, my feet were tingling, freezing cold. There were thousands that were there that had braved sub-zero freezing temperatures, holding signs, from cities across the State of Minnesota because they wanted to be there to choose life, Mr. Speaker, and march for the greatest gift that any of us have ever had, the gift of life.

I want to take these few minutes right now to thank the Americans and the people across the globe who have chosen to adopt children. There is no such thing in this country as an unwanted child. There is no such thing.

There is a line a mile long of men and women who would give anything tonight to adopt a child. Yes, even the less than a perfect child there's a mile long group of people who would say me, let me, just like Mother Theresa of India who said give them to me and I will take these children.

Thank you to those who have chosen to give life, and whether you kept that child or blessed another family with a child, thank you for choosing life tonight.

I want to thank parents who have chosen to be foster parents, who have taken children in less than ideal situations, or parents that couldn't cope with a child who was difficult. I thank the foster parents who have opened your hearts, opened your arms, opened your homes, who've inconvenienced yourselves, but yet, you have chosen a better way, to give life in a different sort of way to children in foster homes.

I also want to thank the women who have chosen life and the parents who have encouraged their young daughters or their sons to be supportive of women in a situation where they didn't know if they would choose life or if they would choose to take life. I thank the parents.

It's easy when your child is suffering with an unplanned pregnancy to say it's okay, I'll support you, I'll take you to that abortion clinic, I will pay for that abortion. But they don't always recognize that there is a price that that young woman will pay for the rest of her life in her emotion because her arms will be forever empty, and she'll know that there is a baby that could have been hers and yet was not, or a young man who knows he could have been a father to that baby.

Parents, think again. Taking the easy way isn't always the easy way, Mr. Speaker, and for boyfriends who just heard the news that their girlfriend is pregnant, oh, my gosh, of course I will pay for the abortion you say, let's do that. You don't need this; I don't need this. We've got a whole life in front of us. Who needs this? We can do this. I will borrow the money from my parents, the boyfriend might say, Mr. Speaker, or yet he might say I'll drop you if you don't have this abortion. I'll leave you. I'll walk out on you.

There's another way. There's another choice. There's a choice called life, and it may be inconvenient and it may be embarrassing and it may be expensive, and yes, it will change your life and there may be pain, but there will be joy when you hear that first cry, when you hold that hand that literally covers your finger. And when you look in those eyes and you stroke that silky hair, there is nothing like that baby that you will see, and it will change your life as a young man. It will change your life as a young woman.

That baby has the power to change America. Every baby has the power to change this country. They are America's greatest natural resource.

I thank my parents, David and Jean, who gave me life. I thank my husband who stood by me with our five babies and who stood by me when we lost a baby. I thank you for standing by me when we didn't know if we could go on anymore, and I thank you for stepping up to the plate, for being willing to bring 23 foster children into our home so we could offer an alternative for those children and hopefully give them a down payment on a future and on a hope.

These remarks that we gave here tonight are not about condemning anyone. Who could? Who could? I couldn't condemn anyone. Who could? But it's about lifting up people. We're here to lift up people. These remarks tonight weren't given to judge anyone. Who could? We're here to heal and offer a healing alternative.

That's why recently I introduced a bill, and it's a bipartisan bill. Democrats are on this bill. Republicans are on this bill. This is not partisan. This is about life, and this is about humanity and choosing the best that are among us, and in the Positive Alternatives Act, we just say something very simply. It says that today there are tax dollars that go to Planned Parenthood, the largest provider of abortion in the United States. Tax dollars go to Planned Parenthood.

There are not tax dollars that go to life care centers in this country, and we want to change that. We want to level the playing field.

□ 2115

And we want to give a positive alternative all across this great country so that there is a chance for men and women to say, let me think about this. Maybe I don't want to choose death. Maybe I want to choose something else. Maybe there's someone out there who can help me through a difficult time, who could help me with my medical needs, who could help me to get a job, who could help me get some education, who could help me get clothes on my back, who could help me if I want to keep this baby, who could help me if I want to give this baby to a family who maybe doesn't have a baby. It's just common decency to allow for an alternative that leads to life and not lead to guilt and to death, and perhaps remorse that even a lifetime could never erase.

We are such a great country, Mr. Speaker. I know you feel that way, I know you do. And we're a blessed country. Let's choose life. Let's choose the better way. It's the American way.

Mr. MANZULLO. Mr. Speaker, I rise in this hour to speak for the millions of innocent voices that have been silenced due to the passage of Roe v. Wade on this day, 35 years ago.

Since the passage of Roe v. Wade, the National Right to Life estimates that nearly 50 million lives have been lost. This number is staggering.

What do the deaths of 50 million children, say about the state of our Nation? It says that the Declaration of Independence is no longer absolute, as its "unalienable" right to life only applies when it is convenient. It says that Congress can make a Federal crime out of roosters crossing State lines, but when a defenseless child is taken across state lines to have an abortion, it is merely a "right"—a choice being exercised. It says that seven unelected Supreme Court justices ignored the separation of powers, and appointed themselves as a superior legislature in order to decide the abortion issue.

But what is the good news? The good news is that citizens who believe that the Constitution protects life in all its seasons have worked to educate the public about abortion and the biological development of the unborn child, as well as to provide support and options for women when they need it the most. As a result, abortion numbers continue to drop from a high of over 1.6 million in 1990 to 1.2 million in 2005—proving that when given the right options and the whole truth about abortion, many women will choose life.

However, even as the pro-life movement continues to have an impact all over the United States, science has opened other doors that threaten the sanctity of life in the United States. Mass production of cloned embryos to be destroyed in research promotes the same principle as abortion—that human life only matters when it is chosen to matter. We must continue to be vigilant in protecting human life at its creation—whether in the womb or in the lab.

GENERAL LEAVE

Mrs. BACHMANN. Mr. Speaker, I ask unanimous consent that all Members in this body may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of this Special Order today.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Minnesota?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for today and January 23, 2008.

Mr. WATT (at the request of Mr. HOYER) for today on account of travel delays.

Mr. SHERMAN (at the request of Mr. HOYER) for today and January 23, 2008.

Mr. RUSH (at the request of Mr. HOYER) for today and January 23, 2008.

Mrs. NAPOLITANO (at the request of Mr. HOYER) for today and January 23, 2008.

Ms. ROYBAL-ALLARD (at the request of Mr. HOYER) for today on account of illness.

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today and the balance of the week on account of personal reasons due to family matters.

Mr. LUCAS (at the request of Mr. BOEHNER) for today on account of family illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. YARMUTH, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. ENGLISH of Pennsylvania, for 5 minutes, for January 23, 2008.

Mr. FRANKS of Arizona, for 5 minutes, for January 29, 2008.

Mr. JONES of North Carolina, for 5 minutes, for January 29, 2008.

Mr. POE, for 5 minutes, for January 29, 2008.

Mr. BURTON of Indiana, for 5 minutes, for today and January 23.

Mr. BURGESS, for 5 minutes, January 23.

Mr. DREIER, for 5 minutes, January 23.

Mr. TIAHRT, for 5 minutes, today.

ADJOURNMENT

Mrs. BACHMANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Wednesday, January 23, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5065. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Mandipropamid; Pesticide Tolerance [EPA-HQ-OPP-2007-0461; FRL-8346-6] received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5066. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Acetamiprid; Pesticide Tolerance [EPA-HQ-OPP-2006-0733; FRL-8348-1] received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5067. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Payment Withholding — Deletion of Duplicative Text [DFARS Case 2007-D010] (RIN: 0750-AF76) received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5068. A letter from the Director, Defense Procurement and Acquisition, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Trade Agreements — New Thresholds [DFARS Case 2007-D023] (RIN: 0750-AF89) received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5069. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Loan Guarantees for Projects That Employ Innovative Technologies (RIN: 1901-AB21) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5070. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Nevada; Washoe County 8-Hour Ozone Maintenance Plan [EPA-R09-OAR-2007-1079; FRL-8509-2] received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5071. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Designation of Areas for Air Quality Planning Purposes; Arizona; San Manuel Sulfur Dioxide State Implementation Plan and Request for Redesignation to Attainment [EPA-R09-OAR-2006-0214; FRL-8514-7] received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5072. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Missouri; Clean Air Mercury Rule [EPA-R07-OAR-2007-0943; FRL-8517-7] received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5073. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New York: Clean Air Interstate Rule [EPA-R02-OAR-2007-0913; FRL-8514-9] received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5074. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Illinois; Revisions to Emission Reduction Market System [EPA-R05-OAR-2007-0183; FRL-8514-5] received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5075. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Commercial Item Determinations [DFARS Case 2007-D005] (RIN: 0750-AF78) received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5076. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Closeout of Contract Files [DFARS Case 2006-D045] (RIN: 0750-AF61) received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5077. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Combating Trafficking in Persons [DFARS Case 2004-D017] (RIN: 0750-AF11) received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5078. A letter from the Deputy Director of Civil Works, Department of Defense, transmitting the Department's final rule — Reissuance of Nationwide Permits [ZRIN 0710-ZA02] received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5079. A letter from the Regulations Officer, FHWA, Department of Transportation, transmitting the Department's final rule — Temporary Traffic Control Devices [FHWA Docket No. FHWA-2006-25203] (RIN: 2125-AF10) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5080. A letter from the FMCSA Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule — Technical Amendments to Federal Motor Carrier Safety Regulations (RIN: 2126-AB13) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5081. A letter from the FMCSA Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule — Civil Penalties Adjustments (RIN: 2126-AB12) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5082. A letter from the Director of Regulations, Office of Pipeline Safety, Department of Transportation, transmitting the Department's final rule — Pipeline Safety: Applicability of Public Awareness Regulations to Certain Gas Distribution Operators [Docket ID PHMSA-2003-15852] (RIN: 2137-AE17) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5083. A letter from the Regulations Officer, FHWA, Department of Transportation, transmitting the Department's final rule — National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways; Maintaining Traffic Sign Retroflectivity [FHWA Docket No. FHWA-2003-15149] (RIN: 2125-AE98) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5084. A letter from the Assistant Chief Counsel for Hazardous Materials Safety, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Revisions to the List of Hazardous Substances and Reportable Quantities [Docket No. PHMSA-2006-28711 (HM-145N)] (RIN: 2137-AE24) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5085. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes, and Model A340-200 and -300 Series Airplanes [Docket No. FAA-2007-28925; Directorate Identifier 2007-NM-123-AD; Amendment 39-15248; AD 2007-23-02] (RIN: 2120-AA64) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5086. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0700 and 0100 Airplanes [Docket No. FAA-2007-29064; Directorate Identifier 2007-NM-128-AD; Amendment 39-15249; AD 2007-23-03] (RIN: 2120-AA64) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5087. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 Airplanes [Docket No. FAA-2007-29066; Directorate Identifier 2007-NM-147-AD; Amendment 39-15250; AD 2007-23-04] (RIN: 2120-AA64) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5088. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No. FAA-2007-28922; Directorate Identifier 2007-NM-132-AD; Amendment 39-15225; AD 2007-21-07] (RIN: 2120-AA64) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5089. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB 2000 Airplanes [Docket No. FAA-2007-29171; Directorate Identifier 2007-NM-154-AD; Amendment 39-15251; AD 2007-23-05] (RIN: 2120-AA64) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5090. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes [Docket No. FAA-2007-29235; Directorate Identifier 2007-NM-232-AD; Amendment 39-15245; AD 2007-22-09] (RIN: 2120-AA64) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5091. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CF6-80C2D1F Turbofan Engines [Docket No. FAA-2007-28319; Directorate Identifier 2007-NE-27-AD; Amendment 39-15243; AD 2007-22-07] (RIN: 2120-AA64) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5092. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 Airplanes [Docket No. FAA-2007-28371; Directorate Identifier 2007-NM-040-AD; Amendment 39-15234; AD 2007-21-16] (RIN: 2120-AA64) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5093. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No. FAA-2007-28645; Directorate Identifier 2007-CE-059-AD; Amendment 39-15228; AD 2007-21-10] (RIN: 2120-AA64) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5094. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Model Hawker 800XP Airplanes [Docket No. FAA-2007-28810; Directorate Identifier 2007-NM-104-AD; Amendment 39-15226; AD 2007-21-08] (RIN: 2120-AA64) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5095. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300-600 Series Airplanes; and Model A310 Series Airplanes [Docket No. FAA-2007-28663; Directorate Identifier 2006-NM-223-AD; Amendment 39-15221; AD 2007-21-03] (RIN: 2120-AA64) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5096. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No. FAA-2007-27925; Directorate Identifier 2006-NM-183-AD; Amendment 39-15232; AD 2007-21-14] (RIN: 2120-AA64) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5097. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ Airplanes [Docket No. FAA-2007-28909; Directorate Identifier 2007-NM-135-AD; Amendment 39-15230; AD 2007-21-12] (RIN: 2120-AA64) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5098. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 707 Airplanes and Model 720 and 720B Series Airplanes [Docket No. FAA-2007-28811; Directorate Identifier 2006-NM-246-AD; Amendment 39-15233; AD 2007-21-15] (RIN: 2120-AA64) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5099. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 and 767 Airplanes [Docket No. FAA-2005-21701; Directorate Identifier 2005-NM-086-AD; Amendment 39-15231; AD 2007-21-13] (RIN: 2120-AA64) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 866. A resolution honoring the brave men and women of the United States Coast Guard whose tireless work, dedication, and commitment to protecting the United States have led to the Coast Guard seizing over 350,000 pounds of cocaine at sea during 2007, far surpassing all of our previous records (Rept. 110–513). Referred to the House Calendar.

Mr. CONYERS: Committee on the Judiciary. H.R. 3992. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, and for other purposes (Rept. 110–514). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HERGER:

H.R. 5085. A bill to amend the Internal Revenue Code of 1986 to expand expensing for small business; to the Committee on Ways and Means.

By Mr. PALLONE:

H.R. 5086. A bill to require the Attorney General to issue guidelines delineating when to enter into deferred prosecution agreements, to require judicial sanction of deferred prosecution agreements, and to provide for Federal monitors to oversee deferred prosecution agreements; to the Committee on the Judiciary.

By Mr. MITCHELL (for himself and Mr. PAUL):

H.R. 5087. A bill to prevent Members of Congress from receiving the automatic pay adjustment scheduled to take effect in 2009; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JORDAN:

H.R. 5088. A bill to suspend temporarily the duty on certain laundry work surfaces; to the Committee on Ways and Means.

By Mr. BARROW:

H.R. 5089. A bill to reform the veterans' disability determination process by requiring the Secretary of Veterans Affairs to pay disability compensation to certain veterans based on the concurring diagnosis of two physicians; to the Committee on Veterans' Affairs.

By Mr. BARROW:

H.R. 5090. A bill to amend the Family and Medical Leave Act of 1993 to permit a family member of a wounded veteran to take leave under such Act after a lesser period of service with an employer; to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURTON of Indiana:

H.R. 5091. A bill to prevent Members of Congress from receiving the automatic pay adjustment scheduled to take effect in 2009; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COBLE:

H.R. 5092. A bill to extend the temporary suspension of duty on acrylic or modoacrylic staple fibers, not carded, combed, or otherwise processed for spinning; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 5093. A bill to extend the temporary suspension of duty on acrylic or modacrylic filament tow; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 5094. A bill to extend the temporary suspension of duty on acrylic or modacrylic stable fibers, carded, combed, or otherwise processed for spinning; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 5095. A bill to extend the temporary suspension of duty on filament tow of rayon; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 5096. A bill to extend the temporary suspension of duty on certain staple fibers of viscose rayon, not carded, combed, or otherwise processed for spinning; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 5097. A bill to extend the temporary suspension of duty on certain staple fibers of viscose rayon, carded, combed, or otherwise processed for spinning; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 5098. A bill to extend the temporary suspension of duty on staple fibers of viscose rayon, not carded, combed, or otherwise processed for spinning; to the Committee on Ways and Means.

By Mr. GRAVES:

H.R. 5099. A bill to amend title 49, United States Code, to establish additional goals for airport master plans; to the Committee on Transportation and Infrastructure.

By Mr. SIMPSON:

H.R. 5100. A bill to extend the temporary suspension of duty on certain semi-manufactured forms of gold; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas (for himself and Mr. POE):

H. Res. 934. A resolution congratulating the city of Baytown, Texas, on its 60th anniversary; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 211: Mr. BUCHANAN.

H.R. 368: Mr. JACKSON of Illinois.

H.R. 551: Mrs. LOWEY.

H.R. 618: Mr. WITTMAN of Virginia, Mr. GRAVES, and Mr. LATHAM.

H.R. 619: Mr. UDALL of Colorado.

H.R. 620: Mr. WATT.

H.R. 676: Mr. MORAN of Virginia.

H.R. 821: Mr. REYNOLDS and Mr. SESTAK.

H.R. 822: Mrs. NAPOLITANO.

H.R. 861: Mr. BARRETT of South Carolina.

H.R. 871: Mr. PASCRELL.

H.R. 992: Mr. GEORGE MILLER of California.

H.R. 1032: Ms. RICHARDSON, Mr. LEWIS of Georgia, and Ms. LEE.

H.R. 1063: Mr. GRAVES.

H.R. 1110: Mrs. NAPOLITANO, Mr. LAMBORN, Ms. LORETTA SANCHEZ of California, and Mr. ISSA.

H.R. 1280: Ms. TSONGAS.

H.R. 1390: Mr. UDALL of Colorado.

H.R. 1553: Mr. MITCHELL, Mr. RYAN of Ohio, Mr. BOOZMAN, and Mr. GILCHREST.

H.R. 1621: Mr. PETERSON of Minnesota and Mr. EMANUEL.

H.R. 1667: Mr. MCNERNEY.

H.R. 1691: Mr. VAN HOLLEN.

H.R. 1747: Mr. MARKEY.

H.R. 1843: Mr. ETHERIDGE, Mr. MURPHY of Connecticut, and Mr. WITTMAN of Virginia.

H.R. 1912: Mr. FRANK of Massachusetts.

H.R. 1914: Mr. KLINE of Minnesota.

H.R. 1961: Mr. FRANK of Massachusetts.

H.R. 1964: Mr. PALLONE and Mr. GUTIERREZ.

H.R. 1968: Mrs. NAPOLITANO.

H.R. 2032: Mr. FRANK of Massachusetts.

H.R. 2052: Ms. HERSETH SANDLIN and Mr. BERMAN.

H.R. 2063: Mr. LAMPSON and Ms. HOOLEY.

H.R. 2091: Mr. CASTLE and Mr. CLAY.

H.R. 2092: Mr. BRALEY of Iowa.

H.R. 2138: Ms. FALLIN and Mr. WALSH of New York.

H.R. 2164: Mr. MCCARTHY of California and Mr. OBERSTAR.

H.R. 2169: Mr. TOWNS and Ms. TSONGAS.

H.R. 2255: Mr. DAVIS of Alabama.

H.R. 2266: Mr. ANDREWS and Mr. DOGGETT.

H.R. 2287: Mr. DAVIS of Kentucky and Mr. ALEXANDER.

H.R. 2320: Mr. BILBRAY.

H.R. 2370: Mr. HINOJOSA.

H.R. 2548: Mr. BLUMENAUER.

H.R. 2676: Mrs. MALONEY of New York and Mrs. SCHMIDT.

H.R. 2702: Mr. ANDREWS.

H.R. 2712: Mr. WILSON of South Carolina, Mr. GOODLATTE, and Mr. BUYER.

H.R. 2834: Ms. LINDA T. SÁNCHEZ of California.

H.R. 2926: Mr. FILNER.

H.R. 2933: Mr. VAN HOLLEN and Mr. SNYDER.

H.R. 2965: Mr. VAN HOLLEN and Mr. BRALEY of Iowa.

H.R. 3010: Mr. ARCURI and Ms. WOOLSEY.

H.R. 3014: Ms. BERKLEY and Mr. COHEN.

H.R. 3042: Mr. HINOJOSA.

H.R. 3098: Mrs. BOYDA of Kansas.

H.R. 3119: Mr. DAVIS of Illinois.

H.R. 3168: Mr. KLEIN of Florida.

H.R. 3175: Mr. HINOJOSA.

H.R. 3326: Ms. MATSUI and Ms. ZOE LOFGREN of California.

H.R. 3329: Mr. HINOJOSA, Mr. COURTNEY, and Mr. PETERSON of Minnesota.

H.R. 3430: Ms. WOOLSEY and Mr. BISHOP of Georgia.

H.R. 3481: Mr. SERRANO.

H.R. 3533: Mr. JEFFERSON.

H.R. 3598: Mr. SMITH of New Jersey, Mr. WALZ of Minnesota, Ms. SOLIS, Mr. OBERSTAR, Mr. HOLT, Mr. MCGOVERN, Mrs. MALONEY of New York, Mr. MCDERMOTT, Mr. HINCHEY, Mr. HONDA, Mr. BRALEY of Iowa, Mr. ISRAEL, Ms. HIRONO, and Mr. KILDEE.

H.R. 3646: Mr. MARIO DIAZ-BALART of Florida and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3663: Mr. ENGEL, Mr. MURPHY of Connecticut, Mr. PRICE of North Carolina, Mrs. LOWEY, Mr. KENNEDY, Mr. MITCHELL, and Ms. VELÁZQUEZ.

H.R. 3689: Mr. HINOJOSA, Mr. BOOZMAN, Ms. CLARKE, Mr. JEFFERSON, and Mr. KENNEDY.

H.R. 3700: Mr. JEFFERSON.

H.R. 3819: Mr. MILLER of Florida.

H.R. 3934: Mr. SOUDER, Mr. SHUSTER, Mr. MCGOVERN, and Ms. ROYBAL-ALLARD.

H.R. 3955: Mr. WAMP.

H.R. 4057: Mr. ALEXANDER.

H.R. 4088: Mr. SESTAK.

H.R. 4097: Mr. ABERCROMBIE, Mr. REYES, Mr. JOHNSON of Georgia, and Mr. TAYLOR.

H.R. 4129: Ms. DEGETTE and Mrs. NAPOLITANO.

H.R. 4157: Mrs. CUBIN.

H.R. 4236: Ms. SCHAKOWSKY, Mr. HASTINGS of Florida, Ms. MCCOLLUM of Minnesota, Mr. VISCLOSKY, and Mr. CLAY.

H.R. 4296: Mr. ALTMIRE.

H.R. 4318: Mr. SAM JOHNSON of Texas.

H.R. 4335: Mr. SESTAK, Mr. RUPPERSBERGER, Mr. MILLER of North Carolina, Mr. COURTNEY, Ms. SUTTON, and Mr. AL GREEN of Texas.

H.R. 4652: Ms. MOORE of Wisconsin and Ms. SCHAKOWSKY.

H.R. 4807: Mr. GENE GREEN of Texas.

H.R. 4841: Mr. BACA and Mr. COLE of Oklahoma.

H.R. 4936: Mr. DEFAZIO, Mr. CROWLEY, Mr. BERMAN, Mr. BROWN of South Carolina, Mr. ROTHMAN, and Mr. HARE.

H.R. 4959: Mr. HINCHEY, Mr. DOGGETT, Mr. BISHOP of New York, Mr. MCGOVERN, Mr. COURTNEY, Ms. SHEA-PORTER, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, Mr. FARR, Mr. BLUMENAUER, and Ms. HIRONO.

H.R. 4987: Mr. ROYCE, Mr. BILIRAKIS, Mrs. BLACKBURN, Ms. GINNY BROWN-WAITE of Florida, Mr. GOODE, Mr. TANCREDO, Mr. WHITFIELD of Kentucky, Mr. BURTON of Indiana, Mr. GINGREY, Mr. SALI, Mr. GRAVES, Ms. FOXX, Mrs. MYRICK, Mr. COBLE, Mr. HOEKSTRA, Mr. SIMPSON, Mr. ROHRABACHER, and Mr. ROGERS of Alabama.

H.R. 4995: Mr. SESSIONS, Mr. BILBRAY, Mrs. MYRICK, Mr. WILSON of South Carolina, Mr. DREIER, Mr. KELLER, and Mr. KIRK.

H.R. 5036: Mrs. TAUSCHER, Ms. GIFFORDS, Ms. CORRINE BROWN of Florida, and Mr. BOYD of Florida.

H.R. 5056: Mr. CONYERS, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. STARK.

H.R. 5058: Mr. CLEAVER.

H.J. Res. 64: Mr. CAPUANO, Mr. BISHOP of New York, Mr. WELCH of Vermont, Mrs. MALONEY of New York, and Mr. THOMPSON of California.

H.J. Res. 70: Mr. RADANOVICH.

H.J. Res. 76: Ms. NORTON, Mr. WAMP, and Mr. YARMUTH.

H. Con. Res. 32: Mr. SHAYS and Mr. ROGERS of Michigan.

H. Con. Res. 198: Mr. SCOTT of Virginia, Mr. GONZALEZ, and Mr. GEORGE MILLER of California.

H. Con. Res. 223: Mr. PRICE of North Carolina.

H. Con. Res. 232: Mr. FEENEY.

H. Con. Res. 263: Mr. BONNER, Mr. GARRETT of New Jersey, Mr. CAMPBELL of California, Mr. JORDAN of Ohio, Mr. BARRETT of South Carolina, Mr. SHADEGG, Mr. RYAN of Wisconsin, Mr. SMITH of Texas, Mrs. BACHMANN, Mr. WILSON of South Carolina, and Mr. PEARCE.

H. Con. Res. 273: Mr. BILBRAY.

H. Con. Res. 280: Ms. MCCOLLUM of Minnesota, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SIRES, Mr. PAYNE, Mr. HASTINGS of Florida, Mr. SERRANO, and Mr. BUTTERFIELD.

H. Res. 102: Mr. ROYCE.

H. Res. 532: Mr. MCCAUL of Texas.

H. Res. 543: Mr. GILCHREST and Mr. CUMMINGS.

H. Res. 700: Mr. HILL and Mr. TOWNS.

H. Res. 758: Mr. MCCOTTER.

H. Res. 795: Mr. CHABOT and Mr. PETERSON of Minnesota.

H. Res. 821: Mr. JONES of North Carolina.

H. Res. 838: Mr. CHABOT, Mr. HINOJOSA, Mr. HOLT, Mr. JORDAN, OF OHIO Mr. LAMPSON, Mr. LIPINSKI, and Mr. WALSH of New York.

H. Res. 854: Mr. MCHUGH.

H. Res. 858: Mr. HOLT, Mr. COHEN, Mr. TOWNS, Mr. DAVIS of Illinois, Mr. SESTAK, Mr. WALDEN of Oregon, Mr. BRADY of Pennsylvania, and Ms. BORDALLO.

H. Res. 886: Mr. POE.

H. Res. 889: Mr. FORTUÑO, Mr. TOWNS, and Ms. JACKSON-LEE of Texas.

H. Res. 908: Ms. KILPATRICK.

H. Res. 916: Mr. SOUDER, Mr. TIBERI, Mrs. MALONEY of New York, Mr. PATRICK MURPHY of Pennsylvania, Mr. WOLF, Mr. RADANOVICH, Mr. LEWIS of Kentucky, Mr. BURGESS, Ms. HIRONO, Mr. LATTA, and Mr. TIM MURPHY of Pennsylvania.

H. Res. 917: Mr. KUHL of New York, Mr. MCGOVERN, Mr. UDALL of Colorado, and Mrs. MCMORRIS RO[illegible]ERS.

H. Res. 932: Ms. KILPATRICK and Mr. SNYDER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3120: Mr. FEENEY.

SENATE—*Tuesday, January 22, 2008*

(Legislative day of Thursday, January 3, 2008)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Vice President (Mr. CHENEY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal King, God of fresh starts and new beginnings, thank You for the gracious love and provision which You have lavished on us. As we begin the work of this second session of the 110th Congress, we commit anew our lives to You. Let this commitment empower us to keep our priorities in order so we may honor You with our work.

Guide our Senators. Help them to be accountable to the people who gave them their mandate and to the world which looks to this body for responsible leadership. But most of all, strengthen them to be accountable to You, the author and finisher of their destinies.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The VICE PRESIDENT led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CERTIFICATE OF APPOINTMENT

The VICE PRESIDENT. The Chair lays before the Senate the certificate of appointment to fill the vacancy created by the resignation of former Senator Trent Lott of Mississippi. The certificate, the Chair is advised, is in the form suggested by the Senate and contains all the essential requirements suggested by the Senate. If there be no objection, the reading of the abovementioned certificate will be waived, and it will be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF MISSISSIPPI,
OFFICE OF THE GOVERNOR.

CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Mississippi, I, Haley Barbour, the Governor of said State, do hereby appoint Roger F. Wicker a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the resignation of Chester Trent Lott, is filled by election as provided by law.

WITNESS: His Excellency our Governor Haley Barbour, and our seal hereto affixed at Jackson, Mississippi this 31st day of December, in the year of our Lord 2007.

By the Governor:

HALEY BARBOUR,
Governor.

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senator-designate will present himself at the desk, the Chair will administer the oath of office as required by the Constitution and prescribed by law.

The Senator-designate, escorted by Mr. COCHRAN, advanced to the desk of the Vice President, the oath prescribed by law was administered to him by the Vice President, and he subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. TESTER). The Republican leader is recognized.

WELCOMING SENATOR ROGER WICKER

Mr. MCCONNELL. Mr. President, with a new year we welcome the newest Senator, ROGER WICKER of Mississippi, to the 110th Congress. With the resignation of our friend, Trent Lott, the former Republican whip, Governor Haley Barbour has appointed Senator WICKER to fill the remainder of his term. He could not have made a finer choice.

Senator WICKER may be new to this Chamber, but he is no stranger to serving the people of Mississippi and the Nation. The son of a Mississippi State senator and circuit judge, public service has long been his life's calling.

It all began with his service as a House page in 1967 to Representative Jamie Whitten, the man he would one day succeed in the House of Representatives. Senator WICKER is one of the few people in history to have served as a House page for the Congressman he eventually replaced.

His first stint of public service left him wanting more. He served his country in the Air Force and retired from the Air Force Reserves in 2004 with the rank of lieutenant colonel.

He returned to the Hill in 1980 as a staffer to then-Representative Trent Lott, a man he would come to know very well. In fact, Senator WICKER has known and worked with both Senators COCHRAN and Lott for many years.

In fact, he and Senator COCHRAN were both born in the Mississippi town of——

Mr. COCHRAN. Pontotoc.

Mr. MCCONNELL. Pontotoc. I wanted to make sure I got that right. I am sure Senator WICKER's friendship with both of these men will only benefit him as he takes up his new office.

In 1987, at age 36, Senator WICKER was the first Republican ever elected to the Mississippi State senate from northern Mississippi since Reconstruction. In 1994, he was elected to the U.S. House to succeed Jamie Whitten, ending over 53 years of Democratic possession of that seat. Senator WICKER quickly became one of the stars of the House freshman class of 1994. He was elected the president of that class. He won a seat on the powerful Appropriations Committee, and he served on the leadership team as a deputy whip.

Around this time, Senator WICKER also gained a keen understanding of how to handle the press attention that goes with being a Member of Congress. Allow me to share with my colleagues a brief story to illustrate.

It was 3 days after the historic election of 1994 which gave the Republicans control of the House of Representatives for the first time in 40 years. Naturally, the 73 Members of the 1994 freshman class—one of the largest ever—were getting a lot of media attention.

So early that morning, ROGER WICKER, the newly elected Congressman, was shaving. Suddenly his daughter burst in and breathlessly yelled, "Dad, it's Time magazine on the phone."

This was an important moment. So Congressman WICKER calmly wiped the shaving cream off his face and gathered his thoughts. Then he strode purposefully into the den and picked up the phone.

"Hello, this is ROGER WICKER," he said, in his most congressional voice. The voice at the other end of the line responded, "Mr. WICKER, this is Time magazine calling. For only a $19.95 annual subscription . . ."

Senator WICKER will surely have some Members of the press who want to talk to him today, and I doubt they will try to sell him magazine subscriptions. Today, Senator WICKER is the story.

Senator WICKER, welcome to the U.S. Senate. With a seat in this Chamber, you not only have a unique view of history but a unique opportunity to shape that history for the betterment of the people of Mississippi and of your country.

Mr. President, I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, today we are going to move shortly to the Indian health bill. We have a little business we need to take care of prior to that. We are going to be in a period of morning business. We will add to that period of morning business whatever time the Republican leader used. When we get to morning business, the first 30 minutes will be under the control of the Republicans. The majority will control the 30 minutes that follow.

Following morning business, the Senate will begin consideration of S. 1200, the Indian health bill. There will be amendments offered today. We are not going to vote until 5:30. We hope to have a number of votes at that time.

On Wednesday, the Republicans will conduct a 1-day retreat or meeting. They are going to be at the Library of Congress. The Senate will be in session, and hopefully any amendments from the Democratic side will be offered and debated at that time.

Another issue which the Senate will be considering—and I will talk about that in a little bit—is the FISA legislation. That matter is going to expire on February 1.

HONORING THE LIFE AND EXTRAORDINARY CONTRIBUTIONS OF DIANE WOLF

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 419.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 419) honoring the life and extraordinary contributions of Diane Wolf.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 419) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 419

Whereas the Senate has heard with profound sorrow and deep regret of the untimely death of Diane Wolf, a member of the Senate Preservation Board of Trustees and a former distinguished member of the United States Commission of Fine Arts; and

Whereas for over 2 decades Diane Wolf devoted extraordinary personal efforts to and displayed great passion for the preservation and restoration of the United States Capitol Building, and was singularly instrumental in supporting and guiding the early efforts of the United States Capitol Preservation Commission and developing the plans for striking the coins commemorating the Bicentennial of the United States Capitol: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life and extraordinary contributions of Diane Wolf;

(2) conveys its sorrow and deepest condolences to the family of Diane Wolf on her untimely death; and

(3) requests the Secretary of the Senate to convey an enrolled copy of this resolution to the family of Diane Wolf.

Mr. BYRD. Mr. President, I wish today to recognize the public service contributions of Diane Wolf. I also wish to join in cosponsoring the Senate resolution expressing condolences to the family of Ms. Wolf upon her unexpected passing. Diane Wolf was a unique and remarkable individual. Diane Wolf was very inspired by our democratic institutions and, with an abundance of energy and goodwill, she inspired others to share her appreciation for the blessings of our liberties and the institutions that protect them. She was an enthusiastic student of the form and process of our representative democracy and she greatly admired the structures that house our government, especially the "Shrine of Democracy"—the U.S. Capitol.

It was her appreciation of the art, architecture, and history of the Capitol that initially brought Ms. Wolf to my attention. At that time, Ms. Wolf served as a member of the U.S. Commission of Fine Art, which oversees the design of U.S. coins. During my second tenure as majority leader of the Senate in 1988, I sponsored and achieved passage of a bill establishing the Capitol Preservation Commission and a bill authorizing the Congressional Bicentennial Coin Program. As these legislative items were developed, considered, and passed, Diane Wolf provided a wealth of ideas, expertise, and counsel, and the results of her efforts will prove beneficial to Americans and their Capitol for perhaps as long as this building shall stand.

As stated in the Capitol Preservation Commission law, the purpose of that Commission is to provide for "improvements in, preservation of, and acquisitions for, the United States Capitol" Additionally, through the Congressional Bicentennial Coin Program, Congress celebrated its inception and history by authorizing the minting of three commemorative coins, the surcharges of which were made available to the Capitol Preservation Commission for the preservation and improvement of the Capitol. As I stated on the Senate floor on October 7, 1988, these proceeds would provide historic art, furnishings, and documents for display in public areas of the Capitol to be seen by millions of Americans and international visitors for generations to come.

Diane Wolf was a very accomplished individual. She earned her undergraduate degree cum laude from the University of Pennsylvania, became a teacher with masters degree in education from Columbia University, and later became an attorney after graduating the Georgetown University Law Center. She served as President of the Capitol Hill chapter of the Federal Bar Association and was a member of the Senate Preservation Board of Trustees. Ms. Wolf also contributed actively to several other national and local civic organizations. She served on boards and councils supporting the National Archives, the Library of Congress, National Public Radio, the National Trust for Historic Preservation, Georgetown University Law Center, the Woodrow Wilson International Center for Scholars, the Kennedy Center for the Performing Arts, the National Symphony Orchestra, the Washington National Opera, and the Smithsonian Council for American Art. In New York City, Ms. Wolf served on the Rockefeller University Council and was a benefactor of the Metropolitan Museum of Art.

Finally, Mr. President, no description of Diane Wolf would be complete without recognizing the generosity of her spirit, the strength of her character, and the cheerful nature of her personality. She met everyone with a bright smile, and very often she humbly and quietly lent a hand to others, asking nothing in return. She was respected by Members of Congress and their staff, not only for her knowledge and advice, but also for her genuine friendliness, gracefulness, and humor. She was much admired and appreciated by everyone in the Capitol community, including secretaries, doorkeepers, elevator operators, and Capitol Police alike.

Diane Wolf will be missed. I join my Senate colleagues in conveying to her family deepest condolences, and with great respect repeat here the words of Adon 'Olam, one of the most familiar hymns in all of Jewish liturgy:

ADON 'OLAM

The Lord of all, who reigned supreme Ere first Creation's form was framed; When all was finished by His will His Name Almighty was proclaimed.

When this our world shall be no more, In majesty He still shall reign, Who was, who is, who will for aye In endless glory still remain.
Alone is He, beyond compare, Without division or ally; Without initial date or end, Omnipotent He rules on high.
He is my God and Savior too, To whom I turn in sorrow's hour—My banner proud, my refuge sure—Who hears and answers with His power.
Then in His hand myself I lay, And trusting, sleep; and wake with cheer; My soul and body are His care; The Lord doth guard, I have no fear!

Mr. STEVENS. Mr. President I ask unanimous consent that my following statement appear in the RECORD as if read contemporaneous with consideration of the resolution honoring the life of Diane Wolf.

The Senate was deeply saddened by the sudden loss of Diane. Her passion for art and philanthropy lead her to devote her considerable talents to the service of countless organizations and causes. Diane was an attorney, teacher, and civic leader. Much of her work was dedicated to the preservation of the very building in which we meet.

My wife, Catherine, and I worked closely with Diane on her efforts to preserve and restore the U.S. Capitol. Diane was passionate about the Capitol's history and symbolism. She enjoyed the pomp and circumstance of the Presidential inauguration and the annual tradition of the President's State of the Union Address. Her contributions as a member of the board of trustees of the U.S. Senate Preservation Commission were invaluable. It was her support and guidance that led to the development of the commemorative coins which marked the bicentennial of the U.S. Capitol.

President Reagan appointed Diane to the U.S. Commission of Fine Arts in 1985. Her father, Erving, says Diane considered that appointment as a full-time job. Diane demanded high quality in all endeavors. She believed a thing worth doing is worth doing well.

During her tenure on the Commission she strongly advocated redesigning our coins to commemorate the 200th anniversary of the Bill of Rights and update the Presidential portraits. She believed that American coinage could recapture our imagination and become highly prized by collectors. This is just one example of how Diane used her creativity, intelligence, and boundless energy to promote art in America.

Her vision has been realized in recent years, as the Mint produced new designs for the quarter with images representing each of the 50 States.

Diane's energy and passion for public service will be missed. The institutions she served and the lives she touched benefited greatly from her dedication, generosity, and lively spirit.

Catherine and I are fortunate to know Diane's wonderful family. She cherished her relationships with her parents, Erving and Joyce, and her brothers Daniel and Matthew. Our thoughts and prayers are with them and their loved ones.

WELCOMING SENATOR ROGER WICKER

Mr. REID. Mr. President, we said farewell last year to our friend, Senator Lott. Today, we welcome his successor, ROGER WICKER.

Senator WICKER is no stranger to Washington, DC, having served the people of Mississippi's First Congressional District since 1995.

In the House, he served as the Republican deputy whip, and he served on his party's policy committee for some 6 years.

His distinguished history in the U.S. Air Force has informed his advocacy on behalf of veterans health care and pensions, as well as military construction projects throughout the world. He has also been a strong supporter of health care research and has received numerous awards for his advocacy in this regard.

His background and expertise on these and other issues will surely make him a welcome addition to our Senate. So on behalf of all Democratic Senators, I extend my congratulations to him.

DEMOCRATIC STAFF CHANGES

Mr. REID. Mr. President, it is good to be back in the Senate. The past 4½ weeks have been very pleasurable for me. Since I have been the Democratic leader—which has now been for 3 years—it was the longest period of time I have been able to spend at home, and it was a great experience for me. Every day I was able to spend it in my home in Searchlight.

Searchlight, even though it is 60 miles from Las Vegas, is much different in temperature. It rains twice as much—not a lot but 8 inches a year compared to 4 inches in Las Vegas—but it is much colder. It is 3,600 feet high. It has had a number of days in the recent past where the temperature has been 8 degrees. That is the lowest it has ever been, but it has hit that low degree on a number of occasions. This trip home, the lowest it got was 18 degrees, but that was on the same occasion when we had 40-mile-an-hour winds, so it was bitter cold.

But that is one reason I so love Searchlight. The air is pristine and clean and pure. It is refreshing for me to be able to go home. Out my window, on one side of the house, I have set up two little ceramic water dishes, and water comes on there four times a day. Those little animals have it made.

Even though it is wintertime, the quail still come and need a drink of water now and then. If you are lucky, you see a coyote—which I saw on a couple of occasions. As wily and as reclusive as they are, you still see them out wandering around—and all kinds of different birds of different hues and colors.

It may not be very exciting to most people, but for me, one of the exciting events of my trip home was the opportunity to see an animal you rarely see. My wife and I were working in a little study I have there, and we heard three distinct knocks. We didn't know what it was. We got up and looked out the front door—nothing there; we looked out the back—nothing there. I went back to work and a minute or two later my wife says: Get down here. Hurry. So we go to these windows, some picture windows, two large rectangular windows that look out on the area where the ceramic dishes are, and there was a bobcat. For those of us who live in the desert, seeing a bobcat is really almost akin to seeing the Abominable Snowman. Rarely does anyone see a bobcat. They do most of their hunting at night. They are very secretive in everything they do. But this afternoon, this bobcat was there drinking water, very thirsty. I had never seen a bobcat before. Having been born there, raised there, I had never seen a bobcat before. This little animal finished its water, was walking around, saw me in the window and, boy, that little animal hit that window. It was after me and whatever it could see through that window. That was the knock on our window the four times. We have these shutters that when we are not there are down so you cannot see in the house. On this day, the shutters were up and he was looking around and saw inside and he wanted to nose around a little bit and he couldn't do that. Similar to all animals when they are frightened, they jump to protect themselves. Fortunately, even though the animal weighs about 30 pounds, he would have at least took a bite or two out of me. It was great to see. Finally, I got to see a bobcat, but enough of my travel log.

The Senate is going to be forever different for me now. For more than a quarter of a century, part of my workplace has evolved around one of the Senate employees: Martin Paone. First, as I was a new Senator, he was always here to help me feel more comfortable and answer, I am sure as we look back, dumb questions we all ask as new Senators, but he was always a gentleman, always willing to give us the information. For the 9 years I have been involved as Democratic leader, he has been available. During the 6 years I spent on the floor as Senator Daschle's assistant and whip, Marty was always there giving me guidance and advice. He was always so very helpful. It is important to have someone who understands these complicated rules we have in the Senate. He has been a terrific coworker and a good friend and I am going to miss him tremendously. As I have said, the Senate will never be the same with Marty not being here.

So it is bittersweet news that Marty is going to be leaving—retiring. He has served the Senate for 30 years. His story is a remarkable success story. He began his career in the House Post Office to help pay his way through graduate school at Georgetown. Later he moved to the Senate Parking Office before joining the Democratic cloakroom in 1979. With his tremendous intellect and vast knowledge of procedure, it was no surprise that he moved up the ranks to become Secretary for the minority in 1995. It is no exaggeration to say that every single Democrat and a number of Republicans rely upon Marty's expert advice. That has ended. I have been, as I have indicated, one of those who has depended on his expertise. Nothing has happened on the Senate floor, no legislation was considered, no parliamentary procedure enacted without his influence. Countless staff have come and gone over the years, but he has been a constant, steady presence. I am grateful beyond words and express gratitude for his exceptional service. Ruby is someone we see as we come to work every day. She has worked here for many years herself. Marty has three beautiful children: Alexander, Stephanie, and TJ. I have followed their high school athletic careers over the last several years. But he is moving on to new things, new challenges. We will all miss him. We wish him nothing but the best and know he will be a tremendous success.

Although we are sad to say goodbye to Marty, I am pleased to announce we have chosen Lula Davis as our new Democratic Secretary. She is a longtime veteran of this Chamber. Lula has had more than 25 years of Senate service, which began in the office of the legendary Russell Long of Louisiana. Since 1993, she has been a member of the Democratic floor staff. In 1997, she was elected as the first woman ever to serve as Assistant Democratic Secretary. Much like Marty, Lula has risen to become indispensable for all of us. She has big shoes to fill, but I can't think of a more capable person to take on this crucial role.

Replacing Lula as Assistant Democratic Secretary will be Tim Mitchell. Tim is quiet, always available, so important to me. I appreciate his attention to me on so many different occasions. He has served as floor assistant to the Democratic leader, where he has become a leading expert on floor procedure and legislative process. With 16 years of Hill experience and as a policy adviser for the Democratic Policy Committee, research director for Senator Daschle, and a legislative assistant to the Senate Banking Committee, Tim could not be better prepared for some of these new responsibilities.

Finally, I am pleased to announce that Jacques Purvis, a member of our floor staff, will take on Tim's role as floor assistant. A Howard University fellow, Jacques began his career in my personal office. He is a wonderful, fine young man. He has shown enormous skill and has a bright future ahead of him.

Mr. McCONNELL. Mr. President, will the majority leader yield for a moment?

Mr. REID. I am happy to yield.

Mr. McCONNELL. I would like to extend my appreciation for the service Marty has given your conference. I have found him invariably to be a straight shooter and somebody we could work with to try to make the Senate function. I think he and Dave have enjoyed a good working relationship. I, too, want to wish him well and thank him for his many years in the Senate and congratulate Lula on her appointment.

Mr. DURBIN. Mr. President, will the majority leader yield?

Mr. REID. I am happy to yield.

Mr. DURBIN. I would like to join in this chorus. Prior to my election to the House of Representatives, I served as parliamentarian of the Illinois State Senate for 14 years. It is a very important role in that body, as Marty's role has been here. You don't spend much time before a microphone, but you spend a lot of time preparing the Members to say the right things before the microphone, and Marty has done that I think in the best possible tradition of the Senate.

Time and again, Members on our side of the aisle, and I believe on the other side as well, knew they could trust his word, trust his judgment, that he understood this institution, not just the rules but the history and the tradition. He served this institution well, as his wife has, and I wish him the very best in his new endeavors.

I am also happy to hear Lula Davis is going to replace Marty in his position. She has a tough act to follow, as has been said, but she is an extraordinary woman, who has served this Senate well for 25 years, and I am certain she will continue on in this fine tradition.

Mr. President, I yield back to the majority leader.

The PRESIDING OFFICER. The majority leader is recognized.

REFLECTIONS

Mr. REID. Mr. President, Benjamin Franklin once said:

> Be always at war with your vices, at peace with your neighbors, and let each new year find you a better man.

This year, I know all 100 Senators will work to enable the words of Franklin to be meaningful, to make us each a better person and, in a cumulative effort, a better Senate.

Having come back from my time in Nevada, I think it is an opportunity for me to reflect briefly upon 2007, the first year of the 110th Congress. This past year made one thing clear: We in the Senate are at a constant crossroads, with two paths from which to choose. One path is bipartisanship. The other is obstructionism. One path leads to change, the other to more of the same. This is not directed toward Republicans only but certainly Democrats also. Bipartisanship is a two-way street and we have to understand that. One path leads to change, the other to more of the same; the other to finger pointing.

When we chose bipartisanship last year, we made real progress. For whom did we make real progress? We made it for the American people.

With bipartisanship, we passed the toughest ethics bill in the history of our country to ensure a government as good and as honest as the people we represent. With bipartisanship, we finally passed the recommendations of the 9/11 Commission to support our first responders and secure our most at-risk cities. With bipartisanship, we provided our veterans with the largest health care funding increase in history.

When we sought and found common ground, we passed the first minimum wage increase in 10 years to help the hardest working Americans make ends meet. When we sought and found common ground, we helped struggling homeowners, a few—we have a lot more to do—to at least be aware of and avoid foreclosure. When we sought and found common ground, we enacted the largest expansion of student financial aid since the GI bill. When we sought and found common ground, we passed an energy bill that will lower gas and electricity prices and begin to stem the tide of global warming. Could we have done more with that Energy bill? Of course, we could, and we are going to try in the next few months to enlarge upon it.

Time and time again, we have proved that bipartisanship works. Far too often, unfortunately, others chose the other path—the path of being an obstructionist. We saw that on Iraq. Most Republicans chose to stick with the President's policy that has devastated our Armed Forces, compromised our security, and damaged our standing around the world. We saw it on Medicare drug prices. We were unable to get done something that is so common sense. The American people say: Why couldn't you do that? What we wanted to do was allow Medicare to negotiate for lower priced drugs. We couldn't get it done. We saw it on children's health. We tried, and we had good bipartisan cooperation. We passed it, but the President vetoed it, and we were unable to override that veto. It is often we see how destructive partisanship can be. So let's hope the old way of doing business is no longer this year's way of doing business.

Many of last year's problems have grown worse—all we have to do is look at the morning newspaper—and many new ones have arisen. Last year, the subprime lending issue was not part of our mantra. Now it is in every speech anyone gives in the political world. We can no longer turn to the old playbook of political posturing. We must end that. We have to do better.

What are the new and growing challenges? We don't need an economics professor or philosopher to tell us: A walk through a neighborhood most anyplace in this country to see the sea of for sale signs, foreclosures are all over this country. All it takes is a trip to a gas station or even drive by a gas station to see people are paying over $3 a gallon most everyplace in this country.

All it takes is a glance at the headlines in the newspaper to see the rising violence and turmoil all across the globe.

Like all of my colleagues, I spent a lot of time back home, and we talked about that. Mr. President, in Nevada, things have changed. But to show you, in a sparsely populated State such as Nevada, similar to the State of my colleague, the Presiding Officer—Nevada is a sparsely populated State. To show how people are so concerned about this country, in an hour and a half on Saturday, 30,000 new Democrats registered to vote in Nevada. In an hour and a half, during the caucuses we had, 30,000 new Democrats registered to vote. Think about that. In the State of Nevada, there were 30,000 new Democratic registrants in an hour and a half. Why? Because we have an economy that is sliding toward recession. Hundreds of thousands of families are at risk of losing their homes—millions, really, not hundreds of thousands. The price of gas and heating homes is skyrocketing to alltime highs. New threats of violence, war, and terrorism are emerging at home and abroad.

Regarding the war in Iraq, it is debatable now how much we are spending there. Is it $10 billion or $12 billion a month? And now we have, during this break we have had, a Republican frontrunner for the Republican nomination for President who says we will have to be in Iraq for as long as 40 more years. This war will soon be going into its sixth year. We are now an occupying force in Iraq.

So together we must address these growing challenges, both foreign and domestic.

At home, the first thing we have to work on is the economic stimulus package. During the break, I spoke to the Secretary of the Treasury at least eight or nine times. He is concerned, and we are all concerned. To be effective, this stimulus plan must be timely, targeted, and temporary. It must be timely because America needs relief right now. It must be targeted because for too long the Republican approach has been to put money in the pockets of corporations and the wealthy rather than the working families who need it most. It must be temporary because, as important as it is to help people right now, we don't do ourselves or our economy any favors by saddling our children and grandchildren with mountains of debt, as has happened over the past 7 years.

If the President and congressional Republicans work together with us to pass this short-term stimulus plan that follows these principles, we can make a real and immediate difference in people's lives and perhaps stave off this looming recession. I call upon all of my colleagues—Democrats and Republicans—to come together to pass the stimulus package this work period. We have 4 weeks, and we must do it during this 4-week work period. We will meet with President Bush today to continue working out this plan.

While we await the results of the discussions on the stimulus package, we will begin this year by addressing other important issues, such as Indian health. We have to do this. The sickest and worst health care in America is on Indian reservations. That is why we are doing this. Native Americans all over America have the highest rate of diabetes, tuberculosis, and other dread diseases. We must address the health care of the poorest of the poor. They are the poorest of the poor—Native Americans.

This legislation will allow Indian and tribal health providers to offer long-term health care services and even hospice care and will provide diabetes and youth substance abuse programs to urban Indians and will encourage State-tribe agreements to improve health service delivery. We would like to finish that as soon as possible. After we finish that, we will return to the foreign intelligence surveillance bill.

Mr. President, we must pass a FISA law that gives our law enforcement officials the tools they need to fight terrorism, without infringing on the fundamental rights of law-abiding Americans. We have always been willing to work with the President to give him the constitutional authority to meet the post-9/11 challenges. All he had to do was tell us what he needed. It wasn't until we read in the New York Times that he was doing things that were contrary to law that we decided we had to do something legislatively. If he had come to us, we would have done anything we could to maintain the framework for a constitutional form of government to help whatever problems there might be.

With the current law set to expire soon, Democrats are resolved to replace it with a new and stronger one. Senator ROCKEFELLER, Senator LEAHY, and their committees—both Democrats and Republicans—believe the law needs to be changed. Hopefully, we can do that. Last month, I requested a 1-month extension of the current law to allow lawmakers additional time to do just that. The present law expires in just a few days, on February 1. That request I made to extend the law was objected to. With just a few days left before the expiration, I will renew my request for an extension. After we act, the House has to act on this bill. They have not done that. The failure to extend the present law for 1 month could lead to the law no longer being something that guides what happens in this country. Some may want that. I think the majority of the Senate doesn't want that. We need time to do that.

The Defense authorization bill—we have to finish that this work period. Hopefully, we can do it by unanimous consent. I personally thought the veto was unnecessary. I think the Iraqi Government, which we have funded with hundreds of billions of dollars, should stand up and be responsible for what has taken place in that country in years past.

I have had one serviceman from Nevada, who was tortured in the first war, who sought compensation in court, and the Bush administration joined in fighting the relief he sought. We tried to do things legislatively to help, and the Bush administration stopped that. He did veto it. We are where we are. Iraq's treatment of American servicemen during the first Gulf war was important. The bill should not have been vetoed. It was.

We will be as agreeable as we can be to get this money. Hopefully, today we can finish this legislation. It is something we need to do. The Wounded Warrior legislation is in here and an additional pay raise for the troops. We will do what we can on that.

There are other things we look forward to this coming year. We want to make sure we do something about product safety legislation. We want to have toys, for example, that are sold that are safe and that don't make kids sick. We will also look at patent reform.

So we have a work-filled legislative session that I have outlined. We have a number of things we cannot put off, and we are going to have to spend some long hours here in the Senate. Hopefully, we won't have to work weekends. I hope that is not the case. FISA, for example—I have had a number of Senators say they want to go to these very important discussions in Doha that start this week. We cannot do that unless we somehow resolve this FISA legislation, either extending it or completing our work. We may have to finish that work this weekend. We have energy legislation on which we have indicated we are going to move forward. We won't do it this work period, but we have a bipartisan piece of legislation that came out of the Environment and Public Works Committee dealing with global warming; it is the Lieberman-Warner legislation. We need to get to that. We have to be concerned about children's health and what we can do in that regard.

Can we accomplish these goals? Yes, we can. It won't be easy, and it cannot be done if we resort to the same business as usual. We have a shortened time period. We have the Presidential election coming up, and we have contested Senate seats that take a lot of the time of incumbent Senators and the challengers. Last year, my colleagues on the other side of the aisle broke the 2-year record of filibustering in just 1 year. I hope that isn't the case this year, that we don't break another record.

Our work has begun in this new year and new legislative session. Hope springs eternal, and I repeat what I have said before: If we accomplish things here, there is credit to go around to both Democrats and Republicans. Everybody can claim credit for what we do. If we are not able to pass legislation, there is blame to go around for everybody. I hope we can move forward on the important legislation that faces this country and needs to be done.

The PRESIDING OFFICER. The Republican leader is recognized.

THE SECOND SESSION OF THE 110TH CONGRESS

Mr. McCONNELL. Mr. President, first, I welcome back the distinguished majority leader. It is good to see him and good to be at the podium again, refreshed and ready for act 2 of the 110th Congress. Republicans are eager to get to work on the unfinished business from last year, and we are determined to address the other issues that have become more pressing or pronounced since we stood here last.

We face a number of urgent challenges domestically and internationally, and there will be a strong temptation to politicize them or put them off as the current administration comes to a close and a new one prepares to take its place. This would be an irresponsible path, and it is one we should not take. We have had a Presidential election in this country every 4 years since 1788. We won't use this one as an excuse to put off the people's business for another day.

We have our differences in this Chamber. But Americans expect that when we walk into this well we will sort through those differences and work together toward common goals. And here are a few things we should be able to agree on: We need to show America that Government can live within its means by keeping spending low; that we can protect their quality of life without raiding their wallets with higher taxes; that we won't push problems off to future Congresses; and that we will not take chances with their security.

As we do all this, we can be confident of success—confident because we have faith in this institution, and confident because of what we learned the last time around. Personally, I think there are a lot of lessons we can take away from last year, and that if we're smart we will learn from them. We all know what worked and what didn't work. We all know the formula for success and the formula for failure. So this year even more than last year, success and failure will be a choice.

I think we can agree, for instance, that we all worked best last year when we worked together. Last January our Democrat colleagues presented us with a minimum wage bill that didn't include needed tax relief for small businesses. It didn't pass. But when they did include the tax relief these small businesses deserved, it did pass—by a wide margin.

Our friends gave us an energy bill that would have meant higher taxes and higher utility rates. It didn't pass. But when they agreed to remove these objectionable provisions, it did—by a wide margin. Senate Democrats also tried to use a looming AMT middle class tax hike as an excuse for a giant tax hike elsewhere. That didn't get very far. But when we all agreed to block the AMT expansion without a new tax, together we prevented a major middle class tax hike.

The temptation to partisanship was strongest on issues of national security. By the end of the year, the majority had held 34 votes related to the war in Iraq and its opposition to the Petraeus Plan. Yet whenever Republicans defended the view that Congress should not substitute its military judgment for the judgment of our military commanders, or cut off funds for troops in the field, we moved forward. With the recent success of the Petraeus Plan, the chances of such votes passing this year have not improved. It was wrong to tempt fate when our progress in Iraq was uncertain. It would be foolish to do so when progress is undeniable.

So there is a pattern here, a pattern for true accomplishment. And now that we know it, we shouldn't hesitate to follow it. Not this November. Not sometime this summer. But now.

As we move into 2008, the problems we face are big, they're real, and they are urgent. And Americans expect competence, cooperation, and results. We know from experience that it's in our power to deliver. And it's in everyone's interests that we do. So on behalf of Senate Republicans, I want to begin this session by extending the hand of cooperation to our colleagues on the other side. As we begin this second session, we need to focus on our common goals.

We need to come together to protect and defend Americans from harm. We need to come together to meet the economic challenges of the moment. And we will need to come together to protect Americans' quality of life by keeping taxes low, and by working to relieve anxieties about healthcare, tuition, the cost and quality of education, jobs, and the fate of entitlements.

On the economy, Republicans are encouraged by recent talk on the other side of a willingness to work with us on an economic growth package. Now it is time to prove this is more than just talk. We need to move ahead with a plan that stimulates the economy right away and which is consistent with good long-term economic policy.

An effective plan will focus on growing the economy and securing jobs. It will be broad based for maximum effect, and it won't include wasteful spending on programs that might make us feel good but which have no positive impact on the economy.

Republicans in the 110th Congress have shown that we will use our robust minority to ensure we are heard. And we will use our power to reject any growth package that's held hostage to wasteful spending. Americans are concerned about the state of the economy, they are looking to us to act, and acting now will be far less costly than waiting for more troubles to gather. Time is short. We need to put together a bipartisan package that helps the economy, and do it soon—without raising taxes and without growing government.

In the longer term, Congress can keep the economy stable by keeping taxes low and by assuring families, retirees, and small businesses that current rate reductions and tax credits will continue. We can prepare for the future by making sure every child in America gets a good education through reauthorization of the No Child Left Behind Act and by completing action on the Higher Education Act.

Our friends should also resist the temptation to increase taxes on dividends and capital gains; agree early that we would not offset a patch for the alternative minimum tax with a massive tax elsewhere; extend the current expanded child tax credit; and end the marriage penalty for good.

We can also boost the economy by boosting trade, which broadens the market for U.S. goods. Last May, Democratic leaders agreed to allow passage of four free—trade agreements if the Administration negotiated increased worker rights and stronger environmental protections. The administration did its part by negotiating the changes. Yet so far, only one of the four FTAs from last year, Peru, has passed. Now it is time for the Democrats to uphold their end of the bargain and pass the remaining three FTAs: Panama, South Korea and Colombia.

We can help the economy by keeping spending low. Republicans will do our part by making sure, as we did last year, that government spending bills don't exceed fiscally responsible levels even as they meet the Nation's highest priorities. And Democrats can help by keeping spending in these bills low from the start—and resisting the urge to lace them with poison pill social policy.

Working together to strengthen America at home also means increasing access and lowering the cost of good health care. We should empower individuals and protect the doctor-patient relationship by promoting research into new treatments and cures and by investing in new information technology like electronic medical records and e-prescribing. We can also increase access by letting small businesses pool resources to get the same deals from insurers big businesses do.

In the coming months, Americans will hear a lot of different health care proposals coming out of the campaigns. And while presidential election years are not typically the time when broad based reforms are achieved, we shouldn't let disputes among candidates or the failures of the past keep us from delivering something for Americans now. In the long term, Republicans are committed to the goal of every American having health insurance. But there is no reason we can't find bipartisan support this year for other common sense measures that remove barriers to access and increase coverage options.

We should also be able to agree that too many judicial posts have been left empty too long. Last year we confirmed 40 judges, including six circuit court nominees, and an attorney general. But we are not on pace to keep up with historical precedent. The historical average for circuit court confirmations in the last Congress of a divided government is 17. President Clinton—who had the second most judicial confirmations in history, despite having to deal with a Republican Senate almost his entire time in office—had 15 circuit court confirmations in his last Congress.

Clearly, we need to catch up. But we can not confirm judges if they don't get hearings. And since last summer, Democrats have allowed only one hearing since last summer, one hearing—since last summer, one hearing—on a circuit court nominee. Compare that with Senate Republicans in 1999, who held more hearings on President Clinton's nominees in the fall of that year alone than Democrats allowed this President all last year. This pattern is neither fair nor acceptable.

As we focus on crucial issues at home, we are reminded that our first responsibility is to keep Americans safe. For some, the passage of time has made 9/11 seem like a distant memory and the people behind it a distant threat. Yet the best argument in favor of our current strategy of staying on offense is the fact that not a single terrorist act has been carried out on American soil since that awful day.

We decided early on in this fight that the best strategy would be to fight the terrorists overseas so we wouldn't have to fight them at home. This policy has worked. And we must continue to ensure that it does by giving those who protect us all the tools they need.

One of the most valuable tools we have had is the Foreign Intelligence Surveillance Act, which lets us monitor foreign terrorists overseas and react in real time to planned attacks. In August, we updated this protection. Yet with only 10 days to go before it expires, we need to pass new FISA legislation that allows the intelligence community to continue its work and which assures telecom companies they will not be sued for answering the call to help in the hunt for terrorists.

Some of our Democratic colleagues delayed consideration of this vital legislation at the end of the last session. And it should have been the first thing we turned to this session. American lives do not depend on whether we pass the Indian health bill by the end of the month.

We also need to renew our commitment to the brave men and women of the Armed Forces whose hard work over a number of years has helped change the story in Iraq in 2007. No issue should bring us together more readily than this one. Yet no issue threatens to divide us more as the November elections draw near. Let the candidates say what they will. The Senate should stand united in supporting the troops—and we can start by affirming that the Petraeus plan is working.

We could even go one step further by making a pledge that during the session that begins today, we will not attack the integrity of our uniformed officers or subvert the efforts of the troops—all of whom have made sacrifices for us equally, regardless of our political parties or theirs.

Beyond that, we should be able to agree that we need to invest in the future of our military. This remarkable volunteer force is built on the finest training, weaponry, and education system in the world. We need to support this great national resource not only to retain our strength for today's battles, but in preparation for the unexpected challenges that lie ahead—particularly in the Persian Gulf and in the Pacific, where our strategic interests will continue to be challenged for many years to come.

So we stand at the beginning of a new year. I, for one, am hopeful that it will be a year in which we accomplish much for the people who sent us here. We can start by agreeing to protect taxpayer wallets and by facing concerns about health care and the other economic pressures that so many American families face. We must act right away to keep our economy strong. And above all we can work together to keep America and its interests safe both at home and overseas.

We can do all this—we can live up to our duties to work together on behalf of the American people—by learning from last year and working together. Republicans are ready, we are eager, to do our part.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak for up to 10 minutes each and the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Arizona.

WELCOMING ROGER WICKER

Mr. KYL. Mr. President, first, I join those who welcomed our new colleague, ROGER WICKER from Mississippi, to the Senate. I know he will serve his State and this Nation with distinction.

THE CHAPLAIN

Mr. KYL. Mr. President, I wish to mention and thank specifically our Chaplain, ADM Barry Black, for coming to Arizona this past weekend to join in celebrations relating to the Martin Luther King activities that occurred. After preaching three sermons and attending a couple other major events associated with Martin Luther King celebrations, Chaplain Black was right back here to open our session today. He certainly deserves our thanks and has my gratitude for joining us in Arizona.

FOREIGN INTELLIGENCE SURVEILLANCE ACT

Mr. KYL. Mr. President, I also wish to pick up on what our Republican leader has just been talking about: that we can, with bipartisanship, accomplish a great deal in this Senate and that there is no better place to start than on the Foreign Intelligence Surveillance Act. In the Senate, we refer to that by its acronym, FISA, but it needs to be our first important piece of business.

Certainly, our intelligence community, to whom we have given a very big responsibility, needs certainty with respect to its responsibilities and its rights. It needs permanency, not just 1-month extensions. This intelligence community must know the rules of the road. That is why it is so important for us to, within the next week or so, reauthorize the Foreign Intelligence Surveillance Act with a few additional changes to ensure that we can, in fact, collect this intelligence on our enemies.

Theodore Roosevelt once referred to his opportunities in life and said the greatest opportunity was work worth doing. And there is no more work worth doing than ensuring that we can gain the intelligence on the enemy that attacked us in this war.

We are at war, both at home and abroad. These radical militant Islamists have attacked us, and they continue to threaten us. We all know that the best approach to defeating them is good intelligence and that most of that intelligence, by necessity, is collected overseas—that is why it is called foreign intelligence—and that the basis for the collection of much of this intelligence is the FISA law, or the Foreign Intelligence Surveillance Act. As noted, that act expires next week, and that is why it is important for the Senate to act now and the reason this reauthorization is actually very simple and straightforward and very interesting.

Technology has actually outpaced the law. What we found is that we are now able to collect intelligence in ways that were never understood when the FISA law was first written nearly 30 years ago. As a result, we need to change that law to accommodate the intelligence collection capabilities we have today.

Before we changed the law last year, U.S. intelligence agencies had lost about two-thirds of their ability to collect communications intelligence against al-Qaida. Obviously, in this war, we cannot cede two-thirds of the battlefield to our enemy, to the terrorists.

When we enacted the Protect America Act last summer, we regained that capability to collect communications intelligence against al-Qaida by conforming the legal procedures to the technology that is available to us. Let there be no doubt that the collection of this information, as a result of that work, is critical to our Nation's security. In fact, in a New York Times oped on December 10, Michael McConnell, the Director of National Intelligence, noted that "[i]nformation obtained under this law has helped us develop a greater understanding of international Qaeda networks, and the law has allowed us to obtain significant insight into terrorist planning."

Similarly, on October 31 of this year, Kenneth Wainstein, the Assistant Attorney General in charge of the Justice Department's National Security Division, testified before the Judiciary Committee that "since the passage of the [Protect America] Act, the Intelligence Community has collected critical intelligence important to preventing terrorist actions and enhancing our national security."

This is important business. It is work worth doing.

The Intelligence Committee, in a very bipartisan way, crafted an extension of the foreign Intelligence Committee legislation.

The Judiciary Committee, on which I sit, took a much more partisan approach. The Judiciary Committee bill has a lot of flaws that the Intelligence Committee bill does not have. Let me mention a couple of those flaws, suggesting to my colleagues that the bill we should start with as our base bill is the Intelligence Committee bill, not the bill that came out of Judiciary Committee.

One of the things the Judiciary Committee bill does is it includes an "exclusive means" provision that would undermine intelligence gathering directed at foreign terrorist organizations. The provision not only uses vague terms whose mention is unclear, it also appears to preclude use of other intelligence-gathering tools that have already proven to be valuable sources of intelligence about al-Qaida.

As the official Statement of Administration Policy for this bill notes:

> The exclusivity provision in the Judiciary Committee substitute ignores FISA's complexity and its interrelationship with other federal laws and, as a result, could operate to preclude the Intelligence Community from using current tools and authorities, or preclude Congress from acting quickly to give the Intelligence Community the tools it may need in the aftermath of a terrorist attack in the United States or in response to a grave threat to the national security.

Another serious flaw of the Judiciary Committee bill is it has a provision that would limit FISA overseas intelligence gathering—to quote the legislation itself—

> . . . to communications to which at least one party is a specific individual target who is reasonably believed to be outside the United States.

The problem, of course, is it is not always possible to identify such a specific individual in our intelligence collection.

And finally let me respond generally to those who would dismiss or ignore the harm done to our national security by applying layer after layer of bureaucratic hurdles to foreign intelligence investigations. These restrictions, for example, that the Judiciary bill would impose, matter in our agents' ability to collect this intelligence. We know they can undermine critical investigations because we have seen it happen in the past, and let me cite an example that makes this point.

In the 1990s, the Justice Department determined—well, first of all, it imposed this infamous wall that segregated foreign intelligence and criminal investigations. It determined it was necessary to do this to protect constitutional rights, but it went well beyond what the FISA law itself required. These rules were created by individuals, and they prevented criminal and intelligence agents who were chasing after the same suspects from cooperating with each other, even sharing information with each other and with the other agents. So the FBI and the CIA had a very difficult time talking to each other. This was part of the criticism of the 9/11 Commission after that horrible event.

Well, a few years after this wall was built, in the summer of 2001—note the date, summer 2001—an FBI agent in the Bureau's New York field office became aware that Khalid al-Mihdhar, Nawaf al-Hazmi, and two other bin Laden-related individuals were present in the United States. They were here. This agent knew these men had been at an important al-Qaida meeting in Kuala Lumpur, Malaysia, and instinctively understood they were dangerous. The agent initiated a search for these men and sought the help of criminal investigators who have much greater access to resources for finding people in the United States. This search was probably the best chance the United States had of disrupting or potentially stopping the September 11 attacks.

This FBI agent was literally on the trail of the 9/11 hijackers in the summer of 2001. But what happened when the agent sought to enlist the help of criminal investigators and the full resources of the FBI? Well, the agent ran into this legal wall separating criminal and intelligence investigations, and he was repeatedly told criminal investigators could not aid in the investigation. Finally, after being repeatedly rebuffed in requests for assistance in searching for Khalid al-Mihdhar and the other hijackers, the agent sent the following, disturbingly prophetic, e-mail to FBI headquarters in August 2001. August 2001.

> Whatever has happened to this, someday someone will die and, wall or not, the public will not understand why we were not more effective in throwing every resource we had at certain problems.

Well, the officials who created the intelligence investigation wall in the 1990s, and who thereby undercut the search for al-Mihdhar and the other hijackers, at least had one excuse. In the summer of 2001, few people appreciated the threat the Nation faced from al-Qaida. Few realized how devastating an al-Qaida terrorist attack could be and how many innocent people could be killed.

Today we have no such excuses. We have already suffered one horrific al-Qaida attack, and we know much worse attacks are possible. We now know what is at stake. Yet despite this knowledge, some in this body are proposing we repeat the mistakes of the past; that we create new walls and other arbitrary legal procedures to the surveillance of al-Qaida. We know from hard experience terrorist plots are hard to detect, and we don't get many chances to stop them. We know what a terrible loss of life a terrorist attack can inflict.

We know if another terrorist attack occurs, there will be multiple reviews and investigations that will identify what went wrong, what opportunities were missed, and who was responsible. Members who are thinking about supporting the Judiciary Committee bill should think hard about the consequences of enacting a set of arbitrary limits on the surveillance of al-Qaida. If that substitute is enacted, it is likely to undermine future critical intelligence investigations, just as the wall between intelligence and criminal investigations undermined the search for the 9/11 hijackers. Future investigations will uncover exactly what went wrong, and we will be held accountable for our actions.

I urge my colleagues to reject the Judiciary Committee substitute and vote to ensure our intelligence agents have the tools they need to confront the threat posed by al-Qaida and other foreign terrorist organizations.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I wish to congratulate the Senator from Arizona on his thoughtful comments regarding intelligence.

How much time remains?

The PRESIDING OFFICER. There are 18 minutes remaining.

Mr. ALEXANDER. Mr. President, I will take half that, and if the Chair will let me know when 2 minutes remain, I will be grateful.

REPUBLICANS READY TO WORK

Mr. ALEXANDER. I, too, welcome ROGER WICKER to the Senate. I have known him a long time. He has been a leader for the Tennessee Valley Authority. He is one of Congress's most knowledgeable Members, and he has been a leader in helping to put American history back in its rightful place in our classrooms so our children can grow up learning what it means to be an American. He was the lead sponsor in the House of Representatives on legislation that I introduced in the Senate that created summer academies for outstanding teachers and students of American history.

I would also like to congratulate Marty Paone on his service here. We all admire him and will miss him.

I thank the majority leader for his remarks at the beginning of the year, and I especially wanted to echo the remarks the Republican leader, Senator MCCONNELL of Kentucky, made. He pointed out that we have had a Presidential election in this country every 4 years since 1788. Senator MCCONNELL pointed that out, and he said we would not use this year's election as an excuse to put off the people's business for another day. In other words, it is a Presidential year, and some around town are writing and saying: Well, they will not get much done in Congress this year. We are saying on the Republican side of the aisle, and I hope it is being said on both sides of the aisle, that there is no excuse for Congress to take a year off, given the serious issues facing our country.

A number of politicians are campaigning for change, we have all heard. Republican Senators are ready to help, working with our colleagues, to give the Senate an opportunity to vote for real change. We wish to change the way Washington does business by going to work on big issues facing our country. And not just go to work on them but to get principled solutions this year. And because this is the Senate, where it often takes 60 votes to get a meaningful result, that means we invite the Democrats to work with us in a bipartisan way to get those results.

Republicans didn't seek our offices to do bad things to Democrats. We are here to do good things for our country, and there is plenty to do. We see what is happening in the housing market, with oil prices, with rising health care costs. We know we need to move quickly with a bipartisan approach to help get the economy back on track. Our preference is to let businesses and people keep and spend more of their own money to boost the economy. We want to grow the economy, not the Government.

We know we need, as Senator KYL was saying, to intercept communications among terrorists to protect our country. We saw the Rockefeller-Bond bipartisan proposal passed by 13 to 2 in the Intelligence Committee. Our solution is to make sure companies aren't penalized for helping us protect ourselves, while at the same time securing individual rights. We want a strong national defense.

We see there are 40 million or so Americans uninsured, and we want to change that. We don't want to take a year off in dealing with health insurance. We want to start this year. As the Republican leader said, our goal is that every American have health insurance, starting with small business health insurance plans, moving on to reforming the Tax Code so Americans can afford to buy private insurance. There are a number of Democratic and Republican proposals on reaching the goal we have in helping every American to have health insurance. We can start this year.

There is no need to wait to deal with Medicaid and Medicare spending another year. We all know, at their present pace of growth, those two accounts will bankrupt our Government. It is irresponsible to wait. That is a bipartisan conclusion. There are a number of proposals from both sides of the aisle to begin to deal with that, from Senator GREGG and Senator CONRAD, to Senator FEINSTEIN and Senator DOMENICI and Senator VOINOVICH as well. We should get started. These are the principles of fiscal responsibility and limited Government.

Last year, we took some important steps to keep jobs from going overseas by growing more jobs at home. We see the problem of competition with China and India. We worked together to pass a bill—the American COMPETES Act—authorizing $34 billion to keep our brainpower advantage. Now let us implement it. Senator HUTCHISON of Texas, Senators BINGAMAN and DOMENICI of New Mexico, and many others have worked hard on this. So let us implement more advanced placement courses for low-income students, a million and a half more; more highly trained scientists and engineers coming in to help grow jobs in the United States; and 10,000 more math and science teachers. That we can do.

We know we have to be bipartisan to get a result. Some things are bipartisan, and I have mentioned many of them, but some things should be bipartisan that aren't. For example, the Federal Government is saying the Salvation Army can't require its employees to speak English on the job. Well, Americans, by 80 to 17 percent, believe employers should be able to require their employees to speak America's common language on the job. We have legislation to make that clear. It is bipartisan to some degree, but not as bipartisan as it ought to be. The principle is right there above the Senate Presiding Officer's desk. It says: One from many—"e pluribus unum."

Another challenge that should be more bipartisan, because most Americans see the wisdom of it, is addressing a shortage of medical care in rural America caused by lawsuit abuse. OB-GYN doctors are abandoning rural areas across America and mothers are driving too far for prenatal health care and to have their babies. We should work across party lines to change that. The solution we have offered is to stop runaway lawsuits that make doctors pay $100,000 or more a year for malpractice insurance. That is why they leave the rural areas. This is the principle of equal opportunity.

There is plenty of work to do. Thirty years ago, I began my service as the Governor of Tennessee. I was a young Republican Governor and the State was very Democratic, thank you. So the media ran up to the big Democratic speaker of the house, Ned McWherter, and said: Mr. Speaker, what are you going to do with this new young Republican Governor? And to their surprise, the speaker said: I am going to help him. Because if he succeeds, our State succeeds. And that is the way we worked for 8 years.

Now, we are not naive about politics in Tennessee. We had, and have, our fights. We argued about our principles. If I had a better schools program, they had an even better schools program on the other side. But we kept our eye on the ball. In the end, we worked together. In the end, we got results. That is why we brought in the auto industry and created the best four-lane highway system and created chairs and centers of excellence at our universities that still exist, and we began to pay teachers more for teaching well.

I would like nothing more than to move that kind of cooperation from Tennessee to DC. I sense that from Democrats and Republicans all through this body. Of course, we will argue. We were elected because we have differences. This is a debating society. But we don't stop with our disagreements, we should finish with our results. So we are here to change the way Washington does business, as the Republican leader said, and I look forward to a constructive year of helping our country move ahead with a steady stream of specific solutions to big problems that get results because they either are bipartisan or because they should be bipartisan.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I would like to join my distinguished colleague from Tennessee who recently was elected to the leadership on this side of the aisle. His responsibility and mine is to help try to find a way to work together, not by sacrificing our principles but to try to find that common ground rather than what divides us.

But first let me also express my congratulations to our new colleague from Mississippi, Senator WICKER, who had a distinguished career in the House of Representatives and comes here, I know, with a lot of hopes and aspirations. I look forward to working with him as he represents his State and as I represent my State, the State of Texas, and as we all work together to represent the United States, hopefully, to provide for the aspirations and dreams of the American people to make it possible for them to live their dream. That is what the United States has always been; that is what it should remain.

I cannot help but reflect, returning from our holiday recess, I had somebody this morning in the cafeteria say: Welcome back from your vacation.

I said: Well, I prefer to call it the alternate work period because it was not entirely a vacation, although I did get some time off, as did my colleagues. But I trust that we all came back refreshed and rejuvenated and ready to take on the challenging work that lies ahead.

I have to say, if I heard it once, I heard it a thousand times as I traveled the State of Texas, people are frustrated with Washington, DC. They think Washington is broken. They do not hear about those occasions when we work together to pass legislation on a bipartisan basis. They hear the conflict and the divisiveness and the partisanship, and they do not like it. I had to tell them, each of my constituents when they mentioned that: Well, I do not like it very much either. I did not run for the Senate and I do not serve in a position of public trust to come up and pick fights.

Everybody knows in politics it is always possible to pick a fight, but it does not take any particular genius to do that. What we ought to be doing, and what it takes hard work to do, is trying to find common ground. There is plenty of common ground.

Senator ALEXANDER mentioned a number of tremendous bipartisan accomplishments—the America Competes Act. There have been a number of opportunities for us to work together in a bipartisan way. I am particularly proud of some legislation that Senator PAT LEAHY, the chairman of the Judiciary Committee, and I were the cosponsors of that the President signed into law in December, the first reform of the Freedom of Information Act in perhaps as much as 25 years.

I think perhaps the best anecdote to public skepticism about Washington is greater transparency because I believe giving the public information about how their Government works is a way to empower them to hold elected officials and Government accountable. When things happen in secret, behind closed doors, that does not happen. So I am delighted there are plenty of opportunities for us to work together. I think we should embrace them, not run away from them or look for opportunities for us to pick fights and to feed that skepticism and really the sense that I think many people expressed to me that they feel as though Washington is increasingly irrelevant when it comes to dealing with the challenges that affect our lives.

The economy is one that has, of course, come roaring to the forefront as an issue on which we need to work together. I was pleased to hear Speaker PELOSI and Majority Leader REID say they wanted to work with the President to come up with a stimulus package that is timely, targeted, and temporary, something that would hopefully get the economy moving again as it has been for roughly the last 4 years, where we have seen an unbroken record of growth of the economy, increased number of jobs, some 9 million new jobs created.

Frankly, the way that happened is because we allowed the American taxpayer and small businesses to keep more of what they earned so they could invest it, they could spend it on the education for their children, they could do whatever they wanted to with it because it is theirs. Sometimes I think it is helpful to remind ourselves that the money that hard-working Americans earn is their money. It is not ours. It is not the Federal Government's money.

Sometimes I think when people are in Washington too long they begin to think of this as revenue pay-fors, ways to raise funds so that Government can grow bigger and spend people's money. Well, the American people understand there are some things they cannot do for themselves and Government has to do, such as the common defense, and they are willing to pay their taxes for efficient Government that delivers a particular result that Government only can provide.

But we ought not to use this stimulus package, the downturn in the economy, as a way to burden the American people with more taxes or find new ways to grow the size of the Federal Government. So I hope we can continue in a careful and judicious and thoughtful way to find common ground to work on a stimulus package that the President will sign and that will enjoy bipartisan support.

Now, there is a lot of skepticism, as I said, about Washington. Part of it is that the Government does not spend the tax dollars well, efficiently. I have to tell you there is good evidence of that. There is a Web site associated with the Office of Management and Budget called expectmore.gov. I hope people will look at that.

What I discovered when I looked at it is that the Office of Management and Budget has reviewed 1,000 different Federal Government programs and found 22 percent of them either ineffective or the Office of Management and Budget cannot tell whether they are serving their intended purpose.

I am not sure which is worse. Either they are proven ineffective or else you cannot tell. Either way that is unacceptable and we need to find a way to deal with those wasteful Washington programs that need to be eliminated. I proposed a Federal sunset commission that is modeled after many of the States, such as my State, the State of Texas, where you have periodic reviews of those programs, and every once in a while the bureaucrats have to come in and justify the reason for the program's existence.

If circumstances have changed, the program is no longer needed, it can be eliminated or the budget, rather than securing an inflationary or cost-of-living increase in the size of that program each year without any real scrutiny or oversight, they start out with a zero-based budget and have to justify each dollar of that budget.

So I think a national sunset commission would help us eliminate more wasteful Washington spending. As I said, I am proud of the work that Senator LEAHY and I were able to do in a bipartisan way to reform the Freedom of Information Act to give people more information about their Government so they can hold Government and Government officials accountable. But I think there is more that we need to do. Recently, earlier this month, the Government launched a new Web site called www.usaspending.gov which allows Americans to search for Federal grants and contracts. I am going to propose legislation—I am eager to find colleagues on the other side of the aisle with whom I can work; I am sure there will be a number of them—to build on this Web site and allow taxpayers to see how the Government spends their tax dollars.

Now, I wish I could say I thought of this on my own, but the fact is, our comptroller in the State of Texas—may I inquire how much time remains?

The PRESIDING OFFICER. Five seconds.

Mr. CORNYN. Mr. President, I am proud of the work that is being done by the State comptroller of Texas, Susan Combs, who has created a Web site wherethemoneygoes.gov. We need to use greater transparency and the accountability that goes with it to restore public confidence in how Government works. I look forward to working with our colleagues across the aisle and hope to find common ground, not to pick fights and find out where we differ but to find where we can move this country forward and solve some of the problems that confront us.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

SENATE GRIDLOCK AND ECONOMIC STIMULUS

Mr. DURBIN. Mr. President, I thank my colleague from Texas for speaking to a higher level of bipartisan cooperation in the Senate.

I sensed this in returning to Illinois and out on the campaign trail for my colleague, Senator OBAMA, that this is a sentiment widely shared. The American people understand we have a lot of challenges in this country, and they also understand it is easy to gridlock the Senate.

We had an all-time record number of filibusters initiated by the minority side of the aisle this last year. Sixty-two, I believe, was the final count, which eclipsed the 2-year record of 62 filibusters that had been prevailing. Certainly, we all know how to stop this train in the Senate. Minority rights are well respected by the Senate rules. And 15 minutes into our service in the Senate, you might hear the words "unanimous consent," and realize: Well, I will be darned. If I stand up and object, everything stops. And it is a fact.

Many Senators have used that for valid and invalid reasons, but it has been used a lot. We have one Senator on the other side of the aisle who takes pride in the fact that he has single-handedly stopped 150 pieces of legislation from even being debated and considered on the Senate floor. Many of them are not even controversial.

I hope we find a way around this. I want to respect every Senator's right, but if we truly want bipartisan cooperation, there are ways to achieve that. Using filibusters would not be that; objecting to bills just categorically would not be that approach either. But the one thing the American people certainly want us to do is to wake up and smell the coffee. And this morning, if you woke up and smelled the coffee, you also smelled something burning on Wall Street. What is burning is the Dow Jones Industrial Average. I do not know what it is at this moment, but it has been pretty awful starting this day, and it has been pretty awful for a long time.

It is interesting in American politics that when I first started running for Congress 25 years ago, the most important information for most voters was how many people were unemployed. And the monthly reports on unemployment really kind of fueled the campaign. If a President had more and more people out of work, there was a downturn in the economy and a downturn in that President's popularity. That was historically the standard. But over time we have stopped talking about the unemployment figures as much and tend to watch the stock market a lot more.

I think it has to do with many of us have our retirement savings tied up in mutual funds and 401(k)s and IRAs. And so what happens is the stock market, at least in the back of our minds, is how I am doing. If the stock market is not doing well, my family is not doing well. So when the news came out yesterday that the bottom is falling out of international markets, and the Dow Jones opens with a tremendous slump of 400 points or more, people understand something is not right.

Last week, the Secretary of the Treasury, Mr. Paulson, called me and many leaders in the Senate and all but acknowledged that we need to do something, and do it in a hurry, if we are going to try to stop this economy from sliding into a recession.

Well, I agree with him completely. If you look at what we have done over the past 7 years, to many of us it is no surprise where we are today. There were many on the Republican side who argued for years and years, and still continue to argue, that tax cuts for the wealthiest people in America are the answer to everything.

If you have a surplus, you need a tax cut. If you have a deficit and need to stimulate the economy, you need a tax cut. You always need a tax cut. This kind of moralistic position of cutting taxes for the wealthiest people in America has been the basic doctrine of the Republicans in leadership for a long time.

They have had their way: President Bush's tax cuts, even though they have generated the highest deficits in our history; a greater dependence on foreign countries and foreign capital than ever before; the fact that the President made history, in an unusual way, in calling for more tax cuts in the midst of a war.

All of these things notwithstanding, our economy is slumping. There are a lot of reasons for that. One of the reasons, of course, is we have ignored the obvious. The strength of America is the strength of our families. And 40 percent of the families in America do not get close to the numbers that Republicans consider to be the right level for tax cuts.

Over 40 percent of the people in this Nation struggle in an effort to pay their bills and really live paycheck to paycheck.

It doesn't take much to derail that family train, whether it is the loss of a job or serious illness or some other catastrophe. These people have not been a priority of the Republican leadership in the Senate, the House, or the White House. Now comes the time when the economy is slumping, and all of a sudden this group that had been ignored for so long by Republicans in their tax-cutting priorities is, front and center, the centerpiece for saving the American economy. Welcome to real America, I say to my colleagues. These are the people who have been struggling for a long time and waiting to be rediscovered. They should be rediscovered.

I am troubled to learn—at least some speculation is out there—that this so-called stimulus package is going to be limited so that it still doesn't help those in middle-income status or lower middle-income status, those working families who really do put up a struggle trying to get by. You don't have to spend much time out in the real world to meet them. They are not the legendary welfare kings and queens. These people get up and go to work every morning. They work hard. They don't make a lot of money. They struggle with no health insurance or health insurance that is virtually worthless. They struggle with trying to fill up a gas tank. It may be a beat-up old car, but it is their lifeline to get to work, to make a paycheck, to keep things going. They struggle with heating bills in a harsh and cold winter. They struggle with the dream of a college education for their kids and pray they will have a better life. These are the real-world struggles of real families who have been largely ignored in this economic debate in Washington.

When we get down to a discussion of an economic stimulus package, we ignore these families again at our peril. Any stimulus package that fails to acknowledge their need will fail to stimulate the economy. I don't know what the parameters will be. Targeted, temporary—all of these things make sense. But let's make sure we are doing the right thing for the right people.

Many people go to work every day making a minimum income. They struggle to get by. At the end of the day, they pay their taxes but don't have a Federal income tax liability. How can that be? They are paying their Social Security taxes, they are paying the Medicare requirements, all of the things all workers have to pay. But they don't make enough money because of the size of the family to be liable for Federal income tax.

Who are these people? I can give an example. We estimate that 40 percent of all households may not make enough to qualify for one of the proposed stimulus packages. Families of four making less than $25,000 a year would get nothing. A family of four making $25,000 a year, if it isn't given a refundable tax credit, will receive nothing by way of a stimulus check.

What does a family do if they are making $25,000 a year and receives $1,600, let's say, from the Federal Government? Well, if you are trying to get by on $2,000 a month, $1,600 from the Federal Government may be the answer to your prayers. You may finally be able to turn around and buy something you have put off for a long time. You may be able to catch up on some of your bills. Getting $1,600 when you are making $2,000 a month is a big deal.

Let's look at the other end of the equation. What if you are making $20,000 a month and you get $1,600 more? That is nice. I am sure there is something you can do. Will it change your lifestyle? Will it change the economy? It is not as likely.

That goes back to something I learned a long time ago from a Jesuit priest who taught economics at Georgetown University called the marginal propensity to save. For every dollar you are given, what is the likelihood you will spend it and the likelihood you will save it? Economists look at that, and they know that if you are in a lower income group, you are less likely to save, more likely to spend, because you are living paycheck to paycheck. If you have a lot of money, you are more likely to save and less likely to spend because you are meeting your needs each paycheck. So when we devise a stimulus package, let's make sure we keep that fundamental rule of economics in mind. Let's make sure struggling families at lower incomes aren't left behind. The fact that they don't pay income tax doesn't mean they are tax free. They do pay taxes for Social Security, for Medicare, other things—sales tax, for example. This is the targeted group when it comes to a real stimulus.

I ask unanimous consent to have printed in the RECORD a letter sent to all Members in leadership on January 18 from John Sweeney. John is president of the American Federation of Labor and Congress of Industrial Organizations, the AFL–CIO. John lays out his priorities, the priorities of his organization when it comes to a stimulus package, a short-term stimulus.

There being no objection, the material was ordered to be printed in the Record, as follows:

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, January 18, 2008.

Hon. NANCY PELOSI,
Speaker of the House of Representatives, Washington, DC.
Hon. HARRY REID,
Senate Majority Leader, Washington, DC.

DEAR SPEAKER PELOSI AND MAJORITY LEADER REID: As Congress considers legislative responses to current and anticipated weakness in the U.S. economy, the AFL–CIO urges you (1) to include in a short-term stimulus package measures that will have the most impact on the economy and get the "biggest bang for the buck": and (2) to address the underlying causes of current economic weakness.

SHORT-TERM STIMULUS

It is encouraging that President Bush has recognized the immediate need for an economic stimulus package. Judging from initial reports, however, it appears that President Bush's proposals are too heavily weighted towards tax cuts over much-needed spending, do not address crucial problems facing working families, and do not target tax benefits to those families who need them most and will spend them fastest.

In particular, we are concerned that the President's income tax cut proposal would not be sufficiently stimulative because it fails to target lower-income and middle-income households who, as the Congressional Budget Office (CBO) wrote last week, are likely to spend a larger share of any tax benefit they receive. We are also concerned that the President's proposal to cut business taxes would not be sufficiently timely and, because of the linkages between federal and state tax codes, could trigger economically depressing budget cuts and tax increases by state governments.

While we understand that compromise will be necessary to enact a stimulus package within the next month, we urge you to insist on legislative measures that will have the greatest stimulative impact on the economy and would not lead to economically depressing budget cuts and tax increases at the state and local level.

(1) Extension of unemployment benefits. The Congressional Budget Office (CBO) and Mark Zandi of Moody's Economy.com rank unemployment benefits at the top of the list of possible stimulus choices, increasing economic demand by $1.73 to $2.15 for each dollar spent. We urge you to enact a one-year federal unemployment compensation program that provides 20 weeks of extended unemployment benefits in all states; 13 additional weeks in "high unemployment" states with an unemployment rate of 6.0% or more; a $50 per week benefit increase; and additional administrative funding. We also urge Congress to provide federal financing for states to expand eligibility to lower-income workers, part-time workers, and workers who leave their jobs for compelling family reasons.

(2) Increase in food stamp benefits. Many food stamp recipients are not tax filers and do not receive unemployment benefits, so they would not benefit from a tax rebate or unemployment benefit extension. An increase in food stamp benefits would be one of the most effective forms of economic stimulus, since it would almost certainly be spent in its entirety very quickly, boosting demand for goods and services in the short term.

(3) Tax rebate targeted towards middle-income and lower income taxpayers. The individual income tax rebates proposed by President Bush should be retargeted towards middle-income and lower-income taxpayers, who are most likely to spend the money and thereby stimulate economic activity, by making them available to taxpayers who pay payroll taxes but not income taxes. According to Mark Zandi, a one-time uniform tax rebate would increase demand by $1.19 for every dollar spent.

(4) Fiscal relief for state and local governments to avoid the economically depressing effect of tax increases and budget cuts. State and local governments are experiencing lower property and sales tax revenues, due to the slumping housing market and slowing economic activity. Tax collections are down in 24 states, and at least 20 states are expected to have budget deficits this year. Since many states have balanced budget requirements, a decrease in revenues can lead to budget cuts or tax increases, both of which intensify the impact of an economic downturn. Congress should provide at least $30 billion in aid to the states in the form of revenue-sharing grants and increases in the Medicaid match. According to Mark Zandi, state fiscal relief would increase demand by $1.24 for every dollar spent.

(5) Acceleration of ready-to-go construction projects. Putting Americans to work directly in construction and repair projects is an obvious response to rising unemployment, and would directly create additional demand. Unlike tax rebates, all of this investment would be spent to increase domestic economic activity, none would be spent on imports, and none would be saved.

Furthermore, we believe public investment in infrastructure can be targeted and timely. For example, there is a backlog of at least $100 billion in needed repairs to U.S. schools. There are 6,000 bridges that have been declared unsafe, and many of these projects are ready for work to begin immediately.

We urge Congress to provide $40 billion for public investment in infrastructure, including school, bridge, and sewage treatment repair.

ADDRESSING THE LONGER-TERM CAUSES OF ECONOMIC WEAKNESS

We are hopeful that Congress and President Bush can enact a short-term stimulus within the next month. However, given the nature of legislative compromise, any stimulus package enacted within that time frame is likely to be only a down payment on what is necessary to address this country's economic problems-even in the short term. Congress may even need to consider a second stimulus package later in the year.

Congress must also begin focusing today on the most fundamental underlying causes of our current economic weakness. While it is appropriate for Congress to focus on measures that have an immediate economic impact as it crafts a short-term stimulus package, this is no excuse to put our heads in the sand and do nothing about the underlying longer-term problems afflicting our economy.

One of the underlying causes of our current economic weakness is the stagnation of ordinary Americans' incomes. This will probably be the first business cycle in which the typical family will have lower incomes at the end of the recovery than they did at the beginning of the last recession. Wage stagnation, which began in the 1970s, has led to longer working hours, higher consumer debt, and increasing reliance on home equities. But today home values are plummeting, home foreclosures are on the rise, consumer debt is reaching unsustainable levels, and prices for energy, health care, and education are soaring out of reach for many working families.

There are various long-term solutions to the underlying problem of wage stagnation, They include fixing our broken labor laws so that workers who want to form a union can bargain with their employers for better wages and benefits; ensuring affordable health care and retirement security; fixing our flawed trade policies; and reactivating the historically successful fiscal and monetary policies that place a higher priority on full employment. Near-term energy investments in the greening of our energy base would also offer both environmental and economic payoffs in the form of good jobs and improved competitiveness.

Another underlying cause of our current economic weakness is deregulation of the financial sector. The absence of transparency and effective regulation of the mortgage and financial services industries cries out for urgent attention.

Speaker Pelosi and Majority Leader Reid: though we have framed this discussion in the rather dry and impersonal language of stimulus and macroeconomic impacts, there is a human dimension to this story we can never lose sight of. Many, many working families all over this country are barely hanging on and are deeply worried that the steep economic downdraft will pull them off their perilous perch. The real test for any economic proposal considered by Congress in the coming weeks and months should be: what does it mean for them?

Thank you in advance for your consideration of our concerns.

Sincerely,

JOHN J. SWEENEY,
President.

Mr. DURBIN. If Members look at the list of things John Sweeney has highlighted, he understands what I have just described: the rules of economics, the fact that a lot of working families have not been part of the grand bargain in Washington for a long time. John Sweeney says: Let's extend unemployment benefits. That certainly is something on which money is well spent. Every dollar you put into unemployment benefits increases economic activity by $1.73, up to $2.15. It is a terrific boost to the economy, plus it goes to the people who need it the most, the ones who are out of work.

Mr. Sweeney also calls for an increase in food stamp benefits. Many of these people are not tax filers and don't receive unemployment benefits, so they would benefit. They are struggling with their jobs, trying to get by, and many of them still qualify for food stamps.

He also talks about a tax rebate targeted toward middle and lower income taxpayers. He talks about acceleration of construction projects. That is money well spent too. It isn't just the Tax Code we should be looking at. There are other ways to move the economy and do the right thing for America.

One of the things Mr. Sweeney notes in his letter is that there is a backlog of $100 billion in needed repairs to American schools. He also says there are 6,000 bridges that have been declared unsafe. The Presiding Officer certainly knows that issue well, as chair of the Transportation Appropriations Subcommittee. There is a lot we can do to improve the economy of America by improving the infrastructure. I don't have to remind people what happened in Minnesota not long ago when a bridge failed. People died. It is an indication to all of us that we have to be aware of that need.

This letter I commend to all colleagues because it is a good starting point when we discuss what we can do to this economy to make a difference, a real stimulus package.

This package should be funded at appropriate levels to have an impact on our gross domestic product. The money should go by way of help to taxpayers and their families who truly are struggling. I just have to tell you, if you are making a quarter million a year, the notion that the Federal Government is going to send a rebate check to Members of Congress and people who make dramatically more money—wait a minute; what is this all about? Doesn't it make more sense for us to focus on those folks who are struggling who will spend it, who will energize the economy, than maybe giving enough money for families so that they can put a little extra coat of varnish on their yacht? Is that really an economic stimulus? I don't think so.

I hope we will be able to help those businesses that will create good-paying jobs in America. That is critically important. I hope we will do this in a way mindful of the need for unemployment insurance and food stamps for those who are truly at the bottom and trying to move on with their lives and make a new life for their families.

The Center on Budget and Policy Priorities issued a statement and said that the stimulus plan that some have suggested may fail a test of being effective if it doesn't help families making under $40,000 a year. Keep in mind that if you are being paid the minimum wage in America, you are making a little over $20,000 a year. So even people making twice the minimum wage and more would receive no help from some of proposals made already. We don't need to bypass 45 percent of households, 65 million of them with modest incomes. If a family of four has an income below $41,000 a year, under some of the proposals being discussed, they receive no help at all. We have to make sure they are included. We have to make certain the economic stimulus package really reaches those who have been left behind by the tax cuts for wealthy people that have been in vogue for so long in Washington.

These families are the strength of our country. These are the people who get up every morning and go to work, raise the kids, and make the neighborhoods and towns that make America strong. It is time for us to try to come together on a bipartisan basis, get an economy moving forward which helps all of us by making certain we don't leave behind those families at the end of the economic ladder who have been ignored for so long.

During the course of this break, I visited with a lot of families. It is hard to imagine sometimes, for those of us who are lucky enough to make a good living and have good health insurance, what these poor families put up with in trying every single month to keep it together. It is a lot of stress and strain. There is no stimulus package we will pass that will wave a magic wand and make their lives miraculously better. But woe to us if we pass a stimulus package which ignores the reality of economic sacrifice and struggle in America. Woe to us if we pass a stimulus package which ends up putting money in the hands of those who, frankly, don't need it as much as others. And woe to us if, at the end of the day, we stay hidebound to some old theories that have not worked and find our Nation sliding into a recession where we will all suffer.

I yield the floor.

The PRESIDING OFFICER (Mrs. MURRAY). The Senator from Montana.

Mr. BAUCUS. Madam President, is the Senate in morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAUCUS. I rise to speak for less than 10 minutes.

The PRESIDING OFFICER. The Senator from Montana has 12½ minutes remaining on the Democratic side.

Mr. BAUCUS. I thank the Chair.

I would like to make two points. First, the Finance Committee held a hearing this morning—in fact, it is going on right now—on an economic stimulus package, pressing the Director of the Congressional Budget Office, Peter Orszag, on various options that will stimulate the economy the most and what options will help people who need their money the most. That is not just all Americans who pay income taxes but people who don't pay income taxes, people who don't pay payroll taxes but file because they think, as good Americans, they should—they have no income tax liability and no payroll tax liability—and also some senior citizens who file income tax returns but who do not have any significant income tax liability. The fact is, if the rebate alone were to be given to anybody who files an income tax return, which was not the case with the 2001 rebate program—that applied only to people who paid income taxes—if a rebate were to apply to all filers irrespective of whether they paid income tax, that would reach 90-plus percent of all Americans. Add to that extending unemployment insurance benefits and food stamp benefits, I think that package would really help people who need it the most.

There are various ways to put this together. I even suggested as a possibility, so as not to spend more than we should on a total package, that whereas the President is suggesting an $800 rebate for individual filers and a $1,600 rebate for couples, that could be significantly cut down, but give a bonus to households that have children so that a couple with two or three children would get an additional, say, $400 bonus per child in addition to the, say, $400 or $500 payment an individual would get or, say, an $800 check that a couple would get.

My point is, the Finance Committee is exploring different ways to make sure we do what is best. Of course, it will depend on some negotiation with the White House and both Houses of Congress. But I want to make the point clearly that we in the Finance Committee are doing our level best to try to find what works best, to get the greatest bang for the buck, with a view toward getting a stimulus package passed quickly, not loading it up with measures that are going to bog it down and prevent passage.

INDIAN HEALTH CARE IMPROVEMENT ACT

Mr. BAUCUS. Madam President, I rise to speak briefly on the next order of business, and that is the Indian Health Care Improvement Act.

In the 1939 WPA Guide to Montana, it is written:

> The Indian attitude toward the land was expressed by a Crow named Curly.

He was from the Crow Indian tribe. Here is what he said:

> The soil you see is not ordinary soil—it is the dust of the blood, the flesh, and the bones of our ancestors. You will have to dig down to find Nature's earth, for the upper portion is Crow, my blood and my dead. I do not want to give it up.

But over our long national history, we all know, sadly, the Federal Government repeatedly separated America's original inhabitants from the land they so dearly loved and continue to love. As a result of that sad and sometimes dishonorable history, as a result of treaties, statutes, court decisions, executive orders, and moral obligations, the United States owes a singular debt to its Native Americans.

In partial fulfillment of that obligation, in 1976, Congress passed the first Indian Health Care Improvement Act. That 1976 law was the first legislative statement of goals for Federal Indian health care programs. That law established the first statutory requirements for the provision of resources to meet those goals.

In that 1976 act, the Congress found that:

> Federal health services to maintain and improve the health of the Indians are consonant with and required by the Federal Government's historical and unique legal relationship with, and resulting responsibility to, the American Indian people.

Today, when we get to the bill—I think roughly in about an hour from now—at long last, we will have before us the Indian Health Care Improvement Act of 2007. It has been a long trail that has led us here today. It is important we made the journey to get here. This bill will provide better health care for nearly 2 million American Indians from 562 federally recognized American Indian and Alaska Native tribes. We need to improve the health care of Native Americans. Native Americans suffer from tuberculosis at a rate 7½ times higher than the non-Indian population. The Native American suicide rate is 60 percent higher than in the general population.

Medicare—our program for seniors—spends about $6,800 per person a year. Medicaid—the low-income program for health care—spends about $4,300 per person. The Bureau of Prisons spends about $3,200 per person for health care. But the Indian Health Service spends only $2,100 for health care. That is less than a third of Medicare, less than half of Medicaid, and a third less than what the Federal Government spends for medical care for prisoners.

From the beginning of the Indian Health Care Improvement Act of 1976, Medicare and Medicaid have played a part in paying for health care delivered to Native Americans. The 1976 act amended the Social Security Act "to permit reimbursement by Medicare and Medicaid for covered services provided by the Indian Health Service." Today, Medicare, Medicaid, and now the Children's Health Insurance Program are a significant source of funding for health care delivered to Native Americans.

I am proud that an important part of the Indian Health Care Improvement Act before us today is a product of the Finance Committee. That committee's provisions address health care provided to Indians through Medicare, Medicaid, and the Children's Health Insurance Program. Those provisions would increase outreach and enrollment of Indians in Medicaid and the Children's Health Insurance Program. These provisions would protect Indian health care providers from discrimination in payment for services and require States and the Secretary of HHS to consult with Indian health providers, and they would ensure that Medicaid managed care organizations pay Indian health providers appropriately.

It is a good package. It is not near enough. It is an abomination—it is a tragedy what little attention we pay to Native Americans' health care needs. I wish more people in the country would visit Indian reservations. I wish they would visit Indian Health Service hospitals. They would realize the abysmal plight of so many people in America. But this bill helps. It helps provide more resources where people need it—not near enough but more—and I strongly encourage the Senate to pass this bill when we get to it in the next hour or so. Congress should reauthorize the Indian Health Care Improvement Act.

The United States owes a debt to the Native American population whose ancestors are tied up with the very soil all Americans share. The Federal Government owes a duty to help improve the health of American Indians. And we in this Senate have the obligation to pass this act and honor the flesh, the bones, and the blood of our Indian brethren.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. DORGAN. Madam President, what is the order of the Senate?

The PRESIDING OFFICER. Morning business is now closed.

INDIAN HEALTH CARE IMPROVEMENT ACT AMENDMENTS OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 1200, which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 1200) to amend the Indian Health Care Improvement Act to revise and extend the act.

Mr. DORGAN. Madam President, this is a piece of legislation we have reported out of the Committee on Indian Affairs in the Senate. Senator MURKOWSKI, the vice chair, and I have worked hard on these issues. We have also made some changes since reporting the bill out of the Committee on Indian Affairs and will offer a substitute that will be cosponsored by both of us. We are now clearing that substitute, and I will, at the appropriate time today, I hope, offer the substitute version.

Some might wonder why there is a separate Indian health care bill, and the answer is relatively simple: because this country has a trust responsibility—a trust responsibility that has grown over a long period of time and has been reaffirmed by the Supreme Court, affirmed by treaties with various Indian tribes—a trust responsibility to provide health care for Native Americans.

The last comprehensive reauthorization of the Indian Health Care Improvement Act was 15 years ago in 1992. The act itself has been expired for the last 7 years, and it is long past the time for this Congress to reauthorize this program. Even though the act has expired, the Indian Health Service continues to provide Indian health care, despite not having a current authorization. But with advances in medicine and in the delivery and in the administration of health care, we need to finally pass this reauthorization and give the Indian population of this country the advantage of the expansions we will do in this reauthorization bill.

This legislation reflects the voices and the visions of Indian Country. It also responds to a number of concerns that have been raised by others, including the administration. The enactment of this reauthorization has been the top priority of myself and the vice chair of the committee, Senator MURKOWSKI. I also wish to say the former vice chair of the committee, the late Senator Craig Thomas from Wyoming, at the start of this Congress, worked very hard on this legislation and cared very deeply about it. We bring this to the floor, remembering the work of Senator Thomas and recognizing his important work.

I wish to describe the need for the legislation as I begin before I describe the legislation itself. I have in the past couple weeks done some listening tours on Indian reservations, particularly in North Dakota, and we heard and saw many examples of deplorable conditions in Indian health care. It is true there are some health care providers in the Indian Health Service that are making very strong efforts to do the best they can, but they are overburdened and understaffed, underfunded. I wish to give some examples of that.

I wish to show a picture—a photograph, rather—of someone I have shown to the Senate before. This is a woman on the reservation in North Dakota, the Three Affiliated Tribes near New Town, ND. Her name is Ardel Hale Baker. Ardel Hale Baker has given me consent to use her image. She had chest pains that wouldn't quit. Her blood pressure was very high. So they went to the Indian health clinic, and she was diagnosed as having a heart attack. The clinic staff determined she needed to be sent immediately to the nearest hospital 80 miles away. She told the staff she didn't want to go in an ambulance because she knew she would end up being billed for the trip, and she didn't have the money. So she signed a waiver declining the ambulance service, but the Indian Health Service said you have to take it anyway. We have diagnosed a heart attack happening here. You have to take the ambulance.

She arrived at the hospital and Ardel Hale Baker at the hospital was being taken out of the ambulance and transferred to a hospital gurney. As this woman, having a heart attack, was transferred to the hospital gurney, a nurse saw a piece of paper taped to her thigh and the piece of paper taped to her thigh was a piece of paper that was notifying the health care provider there wasn't going to be any money for this patient. The nurse asked this woman who was then having a heart attack what the envelope was. She pulled the envelope that was taped to her leg off her leg and asked: "Mrs. Baker, is this yours?" When they looked at the paper, here was the document. The document was from the Department of Health and Human Services, attached by the folks on the Indian reservation, taped to her leg as she left to be put in the ambulance, and it says:

> Understand that Priority 1 care cannot be paid for at this time due to funding issues. A formal denial letter has been issued. If and when funds become available, the health service will do everything possible to pay for Priority 1 care.

What this means is this—contract health care, which cannot be delivered on the reservation. This reservation has a clinic. It is open from 9 until 4 every day, 5 days a week. It is not a hospital, it is a clinic. For health care that cannot be delivered at that clinic, you have to refer the patient somewhere else. But that has to be paid for with contract health care funds, and they run out very quickly.

We had one reservation tell us they were out of health care contract money in January, 4 months into the fiscal year. On this reservation, they say don't get sick after June because the contract health care money is gone. This poor woman was loaded onto a hospital gurney with a piece of paper taped to her leg, saying to the hospital that if you admit her, understand that the Indian Health Service will not pay. This woman must pay. Obviously, this woman had no money. It was a way to say to the hospital that if you admit this patient, you are on your own.

Well, I visited a Sioux reservation at Standing Rock, the McLaughlin Indian Health Center, a couple of weeks ago. The Standing Rock Reservation clinic sees 10 patients in the morning and 10 in the afternoon. I believe they only have a physician assistant there. The reason given in the memorandum about the 10 and 10 was the clinic had only one medical provider and patients signed up in the morning. Anybody arriving after the quotas were made were turned away.

Harriet Archambault received her last prescription for serious hypertension and stomach medication on October 25, 2007. As the medicine ran out, she attempted five times to sign up at the clinic, leaving home early in the morning, driving 18 miles to the clinic but arriving too late each time. Her name was not on the top 10. She couldn't wait at the clinic for a possible opening because she provided day care for three of her grandchildren. So her medication ran out.

In a conversation with her sister prior to her death, she said: What do I have to do, die first before I finally get my medication? She tried five times to drive the nearly 20 miles to the clinic, and five times failed and never got her medicine, and she died a month later, November 27, 2007. Her husband told that story because he wants us to understand that delivery of health care is about life and death.

I have shown a photograph to my colleagues. I wish to do so again. It is a photo of a precious young lady who died, Ta'shon Rain Littlelight. I was at the Crow Indian Reservation in Montana when I met the grandmother of Ta'Shon Rain Littlelight. This was a beautiful 5-year-old girl. She loved to dance. This was traditional dance regalia, and she loved to go to dance contests. Ta'Shon Rain Littlelight died. Here is how she died. Her grandmother and mother and aunt told me she died, with the last 3 months of her life in unmedicated, severe pain. She went back and back and back to the Crow Tribe's Indian Health Service clinic for health problems. They began treating her for depression. Depression. During one of the visits, one of the grandparents of Ta'Shon said: Well, she has a bulbous condition on her fingertips and toes. That suggests there may be a lack of oxygen to the body, or something is going on. Can't you check that? Ta'Shon was treated for depression.

Finally, one day, August 2006, she was rushed from the Crow clinic, where she had gone once again to the St. Vincent Hospital in Billings, MT. The next day she was airlifted to the Denver Children's Hospital and was diagnosed with untreatable, incurable cancer. She lived for 3 more months after the tumor was discovered in what her grandmother said was unmedicated pain. She died in September 2006. Her parents and grandparents asked the question: If Ta'Shon's cancer had been detected sooner, would this child perhaps have lived?

When diagnosed with terminal illness, the one thing Ta'shon Rain Littlelight wanted to do was see Cinderella's castle, so Make-a-Wish sent her to Orlando. But the night before she was to see the castle, in the hotel room in Orlando, she died in her mother's arms.

The question is, for a young girl such as Ta'shon Rain Littlelight, should she have had the same opportunity in health care others have? Is this what we are willing to accept? Not me. This problem has a human face. I could tell a dozen more stories similar to Ardel Hale Baker and Ta'Shon Rain Littlelight.

I sat on Indian reservations for a total of probably six hours listening to stories about Indian health care. Let me talk about the statistics, if I might.

For tuberculosis, the mortality rate for American Indians and Alaskan Natives is seven times higher than the American population as a whole.

For alcoholism, the mortality rate is six times higher.

For diabetes, it is not double but triple—three times higher.

Twenty percent of American Indians and Alaskan Natives over age 45 have diabetes. There are reservations in my State where they estimate over 50 percent of the adults have diabetes.

American Indians and Alaskan Natives have higher rates of sudden infant death syndrome than the rest of the Nation.

Injuries are the leading cause of death for Native Americans ages 1 to 44. Injuries include pedestrian accidents, vehicular accidents, and suicides.

The cervical cancer rate for Indians and Alaskan Natives is four times higher than the rest of the population.

The suicide rate for American Indians and Alaska Natives between ages 15 and 34 is triple the national average. For Indian teens in the northern Great Plains, it is 10 times the national average.

I have shown my colleagues a photograph of Avis Little Wind. Avis Little Wind is a young teen who died. Avis Little Wind's relatives gave me permission to use her photograph. This is a 14-year-old girl who lay in bed in a fetal position for 90 days and then killed herself. Her sister had taken her life 2 years previous. Her dad had taken his life. For 90 days, somehow, everybody missed little Avis. The school missed wondering what happened. She lay in bed for 90 days and then took her life because she felt there was no hope and no help.

On that reservation, I went and met with the tribal council, school administrators, and her classmates to try to find out how does a kid, age 14, fall out of everyone's memory and everyone's vision? What I have discovered is there are a lot of issues, but there was not any kind of health care treatment available for a young girl, age 14, who had these kinds of problems. Even had there been health care available, there would not have been a car to drive her there. There is a basic lack of transportation. Aside from the fact they don't have the capability to provide the necessary health care treatment that is necessary to intervene, we have to do better. We have a responsibility to do better.

I wish to address the question of why it is our responsibility. Why is the plight of Native Americans a responsibility to the Federal Government? The simple answer is we are bound to follow the law set forth in the Constitution, in treaties, and in the laws of our land. We are bound to follow the trust responsibility that has been imposed on us by the Constitution, the rulings of the Supreme Court, and by treaties.

Now, our predecessors long ago negotiated treaties with Indian tribes in which we received, as a Nation, hundreds and hundreds of millions of acres of Indian homeland to help build this great Nation of ours. In return for the enormous cessions of land by the Indians, our country promised certain things. We promised to provide things such as health care, education, and the general welfare of Native Americans.

This chart I am going to show you shows a provision from one of those treaties, and there are a lot of them, most of them broken by our country. This is with the northern Cheyenne and Arapaho. It says:

> The U.S. hereby agrees to furnish annually to the Indians who settle upon the reservation a physician.

It says we have your land and we are going to give you a reservation, but we also understand our responsibility, and we will provide health care. We have failed miserably to hold up our end of the bargain.

This bill doesn't provide health care for Native Americans simply because it is the moral and right thing to do. It is, certainly. It is a bill that requires us to keep our word. It is an active step to fulfill our responsibility, our end of the bargain, struck by our predecessors a long time ago.

In addition to the treaty obligations, the U.S. obligations to Indian tribes are set forth in hundreds of U.S. Supreme Court cases and Federal statutes.

I wish to especially refer to the next chart. In 1831, the U.S. Supreme Court, in an opinion by Chief Justice John Marshall, recognized a general trust relationship between the United States and Indian tribes. He held that the United States assumed a trust responsibility toward the tribes and their members. He explained the United States not only has the authority to deal with Indian tribes and their members, but also the responsibility and obligation to look after their well-being.

In describing Indian tribes as "domestic dependent nations," he also established the relationship in that ruling between the United States and tribes as similar to one between "a ward to his guardian."

Now, at the time, these Supreme Court decisions were used by the United States to justify our actions toward the Indians, such as forcing Indians from homelands and placing them on reservations. But we cannot now ignore these court decisions merely because we are doing a poor job of fulfilling our obligation.

At the time of the Supreme Court's decision I described, the United States, through the Department of War, was already providing health care services to Indians on reservations. That practice began in 1803 and the United States has been providing such health care for over 200 years.

One of the initial reasons for providing health care on reservations was because we were the ones who were transmitting diseases to Indian nations and forcing them into environments where diseases would prevail. That became evident in 1912 when then-President Taft sent a special message to Congress summarizing a report that documented the deplorable health care conditions on Indian reservations.

In 1913, the Public Health Service reached a similarly distressing conclusion about the health of Native Americans. The Snyder Act was passed in 1921—I am providing the history so people understand what is the context of health care for Indian nations—one of many laws passed by the Congress over the last 100 years to try to address the health disparities between American Indians and the rest of our society: The Snyder Act of 1921, Indian Health Facilities Act of 1957, Indian Self-Determination of 1975, and the Indian Health Care Improvement Act of 1976 as it was amended in 1992.

President Nixon, in 1970, said in a message to the Congress:

> The special relationship between Indians and the Federal Government is the result of solemn obligations which have been entered into by the United States Government. Down through the years through written treaties . . . our Government has made specific commitments to the Indian people. For their part, the Indians have often surrendered claims to vast tracks of land. . . . In exchange, the Government has agreed to provide community services such as health, education and public safety, services which would presumably allow Indian communities to enjoy a standard of living comparable to that of other Americans. This goal, of course, has never been achieved.

That is in 1970 from the President of the United States, describing our responsibility.

Let me talk just for a moment about the proposed legislation, having described the reason for us to bring a piece of legislation to the floor of the Senate.

We know—and it has been like pulling teeth to find this out—we know there is full-scale health care rationing on Indian reservations. It should be front-page headline news in all the biggest newspapers in the country, but it is not. If it was happening elsewhere, it would be front-page headlines, but it is not now.

Forty percent of health care needs of Native Americans are not being met. We meet 60 percent of the health care needs; 40 percent are unmet. So it is rationed, and that is why Ardel Hale Baker, having a heart attack, is wheeled in to a hospital with a piece of paper taped to her leg saying: "This isn't going to be paid for." It is health care rationing, there is no other way to describe it, no soft way to put a shine on it. It is health care rationing. It shouldn't happen, and I think it is an outrage, because it is happening on Indian reservations. It is seldom covered by the 24/7 news hour, but it should be, because it is a scandal. I hope this is the first step to begin addressing it.

This legislation will be described by some who come to the floor of the Senate as not enough. I agree with that assessment. This is a first step, at last, at long last, that should have been done a decade ago. It is a first step in the right direction, but it is a first step as a precursor to real reform because we need reform.

This is a reauthorization 10 years after it should have been done. We are reauthorizing and expanding programs that I will describe, but we need to do much more. When we move this legislation through the Senate, through the House, and it is signed by the President, I intend, with the Indian Affairs Committee, to begin immediately with new and more aggressive reforms, and it is urgent we do so.

This bill expands the types of cancer screenings that are available to American Indians. It expands the types of communicable and infectious diseases that health programs can monitor and prevent beyond tuberculosis, which now is the emphasis, to include any disease. It expands the recruitment and scholarship programs and authorizes nurses currently serving in the Indian Health Service to spend time teaching students in nursing programs. These are critical programs, given that there is a 21-percent vacancy rate for physicians in the Indian Health Service, and the entire Nation faces a shortage of nurses.

There is a new program in this legislation dealing with teen suicide on Indian reservations. I held hearings on this subject. We have worked for legislation that will provide screenings and mental health treatment, and we begin to address those issues with this legislation.

Treatment for diabetes: We held a hearing to examine the threat of diabetes to the health of American Indians. It is an unbelievable threat. Diabetes emerges as the most serious and devastating health problems of our time, and nowhere in this country is it worse than on Indian reservations. It affects the Indian population in a dramatic way.

I ask any of my colleagues, if they wonder about that, go to a reservation and see if they have a dialysis unit, and watch the people in the dialysis unit getting dialysis, some having lost limbs, having one leg cut off, another leg cut off, still trying to stay alive. The ravages of diabetes is an unbelievable scourge in Indian country. It is a serious problem for our entire country, but nowhere is it worse than among American Indians. In some communities, the prevalence reaches 60 percent of adults. In the 14-year period from 1990 to 2004, the diabetes rate among Indian kids 15 to 19 years old increased 128 percent.

We expand and enhance the current diabetes screening program. We direct the Secretary to establish an approach to monitor the disease, provide continuing care among Native Americans, and authorize the Secretary to establish a dialysis program to treat this threatening disease.

Health service to Native American veterans: It is well documented that there is no population in this country that has participated with greater distinction or in greater numbers per capita serving in this Nation's military than Native Americans—none. Many Indians served in World War I even before our Nation recognized Indians as citizens of our country. Think of that, we had American Indians sign up to fight for this country when they were not yet considered citizens of this country.

I was checking recently, and 1962 was the last time when a State finally passed legislation allowing Indians to vote in the State. Think of that, go back to 1961 and understand, there were places in this country where American Indians were not allowed to vote in State elections. And until the early part of the last century, they were not considered citizens. Yet they were signing up to go to war for this country, to fight for this country.

I attended a ceremony on the Spirit Lake Reservation a few months ago and passed out medals—Silver Stars, a lot of medals—to three soldiers who are now elderly men who served this country in the Second World War with unbelievable valor, had fought all around this world for this country and earned these medals—Silver Star, Purple Heart, and various others. They were enormously proud of their country.

Go to a reservation and find out what percent of the population of eligible adults sign up to serve in the military on an Indian reservation and you will be surprised. There is no group of Americans who signs up in bigger numbers to serve this country in the military.

Senator MURKOWSKI and I have a provision in this bill that deals with health services to Native American veterans. More than 44,000 American Indians out of a total Native American population of less than 350,000 at that point served in World War II. Think of that. Out of a population of 350,000, 44,000 of them served in the Second World War.

We had a ceremony in this Capitol Building, honoring the Code Talkers who played a significant role in intercepting and deciphering the codes used by the Nazis. We gave the Congressional Gold Medal to those Native American Code Talkers.

We direct the Secretary of Health and Human Services to provide for the expenses incurred by any eligible Native American veteran who receives any medical service that is authorized by the Department of Veterans Affairs and administered at an Indian Health Service or tribal facility. We want the Indian Health Service to be able to get the funding to provide that health care.

This bill also provides a provision dealing with domestic violence. My colleague, Senator MURKOWSKI from Alaska, was particularly instrumental in this provision. We held a hearing to examine the causes of and solutions to stopping violence against Native American women.

We received testimony that more than one in three American Indian and Alaska Native women will be raped or sexually assaulted during their lifetime. That is pretty unbelievable. We received reports of rapes that were not investigated. We received reports of circumstances where there isn't even the basics, just a rape kit available to take evidence.

We have included in this legislation some approaches that I think will be very helpful: Community education programs related to domestic violence and sexual abuse, victim support services and medical treatment, including examinations performed by sexual assault nurse examiners, and a requirement for rape kits. I think we have made significant progress. I thank Senator MURKOWSKI for her special interest in that section of the bill as well.

Finally, we have a section of the bill that deals with convenient care service demonstration projects. The reason for that is I don't want to see the rest of the country move toward convenient care, walk-in clinics with long hours, 7 days a week, only to have Indian reservations be out there with these clinics that serve at times that are not very convenient.

I have a photograph of a clinic I visited last week on the New Town Reservation. They are open, I believe, from 9 a.m. until 4 p.m., 5 days a week. Good for them. They take an hour off for the noon hour, by the way, and close it. I think it is 9 a.m., maybe 8. This is the Minne-Tohe Health Center, of the Three Affiliated Tribes. I visited there within the last week or so. They are open 6 or 8 hours a day, take an hour off for lunch and close it down. If at 5 o'clock in the afternoon, you are having a heart attack there, you are in trouble. If it is Saturday and you have a bone fracture, you are in trouble, because you are 80 miles from the hospital in Minot, ND.

My point is, why not develop a model care system of convenient care clinics open long hours, 7 days a week? Let's extend the opportunity for real health care on Indian reservations.

We have done a lot of other things in this legislation, including establishing the framework for the next approach on reforming this system completely, and that is the establishment of a bipartisan commission on Indian health care which will study the delivery of this system and recommend approaches that we will begin working on immediately in the Indian health care area in our committee.

I have described a number of items that are not positive, and I will later today describe some good news, because there are some positive things going on. One of the Indian reservations I visited in the last week has an Indian health care clinic that is dramatically underfunded. The tribal council voted to take $500,000 of the funds that belong to the tribal government and move it to try to support that clinic. That is good news. Good for them. That takes a lot of courage and commitment.

There are good things happening, and I am going to talk about that a little later today.

The fact is, we have a desperate situation with respect to health care in the Indian nation, and it cannot continue. We cannot allow it to continue. In the name of children who should not have died—Avis Little Wind or Ta'Shon Rain Littlelight or others—we cannot allow this to continue to happen. This country is better than that.

I close by quoting Chief Joseph of the Nez Perce Tribe, located in what is now Idaho. Chief Joseph, one of the great Indian leaders, was pretty upset about a lot of things. Here is what he said about broken promises:

> Good words do not last long unless they amount to something. Words do not pay for my dead people.
>
> Good words cannot give me back my children. Good words will not give my people good health and stop them from dying.
>
> I am tired of talk that comes to nothing. It makes my heart sick when I remember all the good words and all the broken promises.

This legislation on the floor of the Senate is not just some other bill. This is a step toward the completion of promises that have been made, not "we hope to help you," but promises—promises that have been made in treaties, promises that have to be kept as a result of a trust responsibility that exists with American Indians.

To make the case finally, let me say this: There is a chart that shows how much we spend per person on health care, and that chart describes something I think all need to know about the commitment of Congresses and Presidents for a long period of time.

This chart shows we have a responsibility to provide health care for Federal prisoners. We incarcerate them because they committed a crime, and we stick them in prison. But in their prison cell, we have a responsibility for their health care. That is our job, and we meet that responsibility.

We also have a responsibility for health care for American Indians, because of a trust responsibility and because of treaties we signed after we expropriated massive amounts of their land. We don't meet that responsibility. In fact, this chart shows that we spend almost twice as much per person providing health care for incarcerated Federal prisoners as we do providing health care for American Indians. That is why little 5-year-old Ta'Shon Rain Littlelight dies, because she doesn't have the same access to health care that the rest of us do. It is why when a woman goes to the doctor, the doctor shows up at our committee and testifies, saying: You know, a woman came to me who had been to the Indian Health Service doctor. She had a knee so bad—it was bone on bone—it was unbelievably painful. He said it was the kind of knee that, if it belonged to somebody in my family or yours, we would get knee replacement surgery. We would have to get knee replacement surgery because we wouldn't be able to live with it that way. You can't live with that kind of pain. But she told me she went to Indian Health Service, and they told her to wrap the knee in cabbage leaves for 4 days and it would be okay. Wrap the knee in cabbage leaves. This is a knee which we would get replaced, yet this Indian woman is told to wrap it in cabbage leaves.

Are we meeting our responsibility? People are dying. Forty percent of the health care need is unmet. I have described the conditions that exist in these health clinics and on reservations. The answer is, we are not meeting our responsibility, and at least from my standpoint, and I believe I speak for the vice chair, though she will speak for herself, it is past time, long past the time when this country should keep its promise.

Chief Joseph is long gone, but that doesn't mean we don't have a responsibility to keep our promise to the first Americans. They were here first. To this point, we have had all kinds of circumstances over many years of pushing them to reservations after we took their land, then pushing them off the reservation and saying they had to go to the city. So they got a one-way bus ticket and were told: By the way, we want you to mainstream, to get you off this reservation. So they got a ticket and were sent to the city, and then we decided that was wrong, and we brought them back.

What has been happening in this country in public policy dealing with American Indians is unbelievable, and it has to stop. Let us meet our responsibility, keep our promises, and provide decent health care to the people who were here first. That is what this bill does.

This bill is just a step in the right direction, and it will be followed by significant reform. When we do that, I will feel that, finally, at long last, this country has kept an important promise to those who were here first.

Mr. President, I yield the floor.

Mr. GREGG. Mr. President, I ask unanimous consent to speak briefly at this point. I ask unanimous consent that at the completion of the remarks of the Senator from Alaska I be recognized for up to 10 minutes.

The PRESIDING OFFICER (Mr. Salazar). Without objection, it is so ordered.

The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I so appreciate the passion and the advocacy of my colleague, the Senator from North Dakota, and working together on the Indian Affairs Committee on an issue in which I think both of us believe very strongly. Both of us believe in the commitment we have to the American Indians and the Alaska Natives, particularly insofar as providing them with a level of access to health care. That commitment is one that in far too many areas we have failed, and that is why it is so important that we are able to advance, as the first legislation of this new year, the Indian Health Care Improvement Act of 2007.

We just celebrated the birthday of Martin Luther King, and as a nation we think about that time in our history when we were not proud of how we treated one another based on color of skin and ethnicity. We know that in many parts of this country, we still have far to go, but we are making progress. Yet, as we look to how the American Indians, the Alaska Natives, and so many in our Native communities have been treated when it comes to the basics in health care, that is an area where I think we need to look very critically and say we can and we must do more.

When I first became the vice chair of this committee, Chairman DORGAN and I sat down, and he said to me: LISA, what are your priorities for the Indian Affairs Committee? What is it that you would like to see advanced? He told me what his priorities were. It is awfully nice being able to walk into that new relationship and agree that the most important thing we could do was to work together in a bipartisan effort to advance legislation that has been working through the process for a number of years, for a number of Congresses, and to successfully move that through the Congress.

We have worked on this bill through three committees of jurisdiction—the Indian Affairs Committee, the Finance Committee, and the HELP Committee—before finally bringing this here to the Senate Floor. I believe this legislation brings new hope for Indian health. It represents a step forward, a step toward the goal of providing our first Americans with health care that is on par with other Americans. It is not the end-all and be-all, but it is a first step, and I am encouraged that we have the opportunity to produce this legislation in support of that goal.

As my colleague has noted, this day has been far too long in coming. Efforts to enact comprehensive reform for the Indian Health Care Improvement Act began in 1999. This act was extended for 1 year back in 2001 through legislation introduced by Senator THUNE when he was a Member of the House of Representatives. Since then, the Indian Affairs Committee has shepherded several reauthorization bills through multiple Congresses, through multiple hearings, through multiple markups, but it has yet to be reauthorized despite the very good efforts of a great many.

This bill would reauthorize and would amend the Indian Health Care Improvement Act and applicable parts of the Indian Self-Determination and Education Assistance Act, as well as the Social Security Act.

The Indian Health Care Improvement Act provides a basic framework for delivery of health care services to American Indians and Alaska Natives. As Senator DORGAN has indicated, this is a Federal responsibility arising from the Constitution, arising from the treaties and from Federal court cases.

The act itself, first enacted back in 1976, was last comprehensively reauthorized in 1992. Think about the status of health care back in 1992 and what has changed. Certainly, in my State of Alaska, we have been able to do so much more in our remote areas because of what we are able to do through Telehealth. Well, back in 1992, I can guarantee you we were not doing then what we are doing now. It is so vitally important that we provide for this authorization to update a system by passing this bill.

We recognize there are still some outstanding issues that need to be resolved. I would like to think they are not central parts to this bill, and I am very confident we can deal with them if our colleagues work with us in the same very bipartisan way that we on the committee have done to advance this.

Now, Chairman DORGAN has given good background in terms of an overview, the need for reauthorization, and he has highlighted it with stories that touch our hearts, as they should. I wish to elaborate a little bit further on the legislation, how it developed, and give that overview as well as some of the key improvements we have in S. 1200.

To really understand the framework of the Indian health care system under this act, you have to keep in mind that there is very significant interplay between this act and the Indian Self-Determination and Education Assistance Act. The Indian Self-Determination and Education Assistance Act provides the process whereby Indian tribes and the tribal organizations contract or compact to take over administration of programs from the Indian Health Service. It is the interplay between these two statutes that provides a great deal of the backdrop for many of the principles that underlie this reauthorization.

The act essentially governs programs for the recruitment and retention of Indian health professionals, for health promotion and disease prevention, for facilities, urban Indians, and a comprehensive behavioral health system. The act also governs important authorizations which increase access to care where there is third-party reimbursement. It also sets forth the administrative organization for the Indian Health Service. Finally, it contains reporting requirements and other regulatory authority for the Secretary of the Department of Health and Human Services.

The bill is intended to improve Indian health care in three areas: First, by increasing access to health care; second, by updating the authorized services and programs; and third, by facilitating innovative financing systems to help support Indian health.

So let's talk about the increase in access to care. In Alaska, we are talking about access to care all over the State. Geographically, as you know, we are very large, populations are very small, and providers are very limited. And this is throughout all systems, not necessarily just the Indian Health Service. This legislation includes programs to increase outreach and enrollment in Medicare, Medicaid, and SCHIP. We need to have aggressive outreach in order to ensure that the Native people who are eligible for these programs participate in them and so that they can navigate through a relatively challenging enrollment process.

We recognized the critical importance of the Medicare, the Medicaid, and the SCHIP programs for Indian patients. There was an Indian woman by the name of Ski who lives in southwestern Oklahoma. Along with her husband, she takes care of her three grandchildren and her great-granddaughter. About 4 years ago, Ski's doctor, after checking her x rays, found a large spot on her lungs. They also diagnosed her with thyroid cancer. Sadly, though, the IHS Contract Health Service, which is intended to provide for the kind of specialty care Ski needed, notified her that the funds aren't available to pay for it. This is very similar to some of the stories my colleague has mentioned.

Without this additional care, Ski, who is the primary caregiver for her grandchildren and great-grandchild, wondered if she would be around to watch her children and great-grandchild grow up. Fortunately, Ski won't have to face the prospect of living without health care because she did receive it—not through the Contract Health Service but through Medicare. It was these resources which allowed Ski to undergo the biopsy which ruled out lung cancer and to see a pulmonologist and receive testing on a regular basis for the pulmonary fibrosis she was eventually diagnosed to have. She had complete removal of her cancerous thyroid and since that time has been able to receive the follow-up treatments, the testing, and the examinations, all of which we know are very costly but which Medicare helped to cover so that Ski can continue her life raising her family.

She is fortunate and, unfortunately, somewhat of a rarity. Many Indian patients do not have Medicare or Medicaid to help them even though they may be eligible. In the legislation we have, S. 1200, it will help those Indian patients in accessing Medicare, Medicaid, and SCHIP through the outreach and the enrollment programs as well as other means.

Now, accessing third-party reimbursement also helps Indian health providers. The Makah Tribe is a good example of why we should include the provisions to assist tribes in participating in Medicare, Medicaid, and SCHIP. The Makah Tribe is in Washington State, and they are located on a very picturesque 44-square-mile Indian reservation filled with rich forests, wildlife, birds, and plant life—a very beautiful area.

From their home, tribal members can cross the Strait of Juan de Fuca and during the summers go fishing or boating in the Pacific. Although their home is a place of amazing beauty, it is also a very remote part of the State which presents some daunting challenges to the delivery of health services to the tribal members.

It has been reported that the tribe operates a small ambulatory clinic with over 2,000 users and only two doctors. Due to the remoteness of the clinic, the tribe has difficulty recruiting health care professionals, including dentists.

Over 70 miles away you have the nearest town with a full-service hospital, Port Angeles. But those 70 miles can be treacherous to negotiate. It is a winding road, a difficult road. There are several instances when the road has been washed out by storms, leaving no access to or from the reservation.

So there is no surprise that Port Angeles, being a larger town and a more accessible town, has salaries that are more attractive than the reservation.

The Makah Tribe administers the health care services through a self-governance compact for which the tribe should receive contract support costs.

However, those contract support costs do not cover all of the indirect costs of health care services. So this impacts the tribe's ability to provide for competitive salaries and to provide for that full array of health care services. But despite all of those challenges, the Makah Tribe has remained resourceful. They are in the process of improving their third-party reimbursements, in particular the Medicare Part B access for eligible people on the reservation.

It is these additional reimbursements that assist the tribe in essentially hedging against the insufficient contract support costs. So when you hear of situations like what we are seeing with the Makah, recognize this legislation will serve to benefit the tribal health providers as well as the Indians who are served by allowing for, again, the additional reimbursement for improving access to care.

The legislation will also improve access by removing barriers to such enrollment such as the waivers of Medicaid copays and allowing the use of tribal enrollment documentation for Medicaid enrollment. These are very important to provisions in this legislation. I hope we will hear more of the good stories, the stories like Ski's, rather than the very damning stories we hear of the system currently.

Now, in updating health care services in Native communities, the bill establishes permanent authority for home and community-based services, and these are services which have been operating in the State of Alaska with very impressive results.

I mentioned just a few minutes ago Alaska's size. Many know Alaska Natives have to travel enormous distances away from their home communities to obtain any level of specialized care. Some people think we make this map up, just to show Alaska's shape over the continental United States—but this is actually true to size—the State of Alaska does stretch from just about Florida into Arizona and beyond, from Canada down to the southern area. Geographically, we are huge.

We have another chart that indicates how the distances for an individual coming from, let's say, Unalaska down here where Arizona is on the map. Unalaska is not only our State's largest fishing port, it is the largest, in terms of volume of fish, fishing community in the United States of America.

For an individual who is coming from Unalaska, which just has a small clinic, to come to Anchorage, which is where all of the points converge in the middle of the map, it is the equivalent of essentially going from Arizona to Kansas for your medical appointment to come to the Alaska Native Medical Center where you can see a specialist.

To give another example, the residents of Barrow, at the northern most part of the State, also have to travel to Anchorage to obtain specialty medical services in the Alaska Native Medical Hospital. That is the distance of coming from the Canadian border down to Kansas for medical services.

If you are coming out of the southeastern part of our State, in many of our island communities, again, you are moving from essentially Alabama or Florida into Kansas. The distances we deal with to provide access to care are realities for us in the State that other people cannot relate to.

We are not talking 100 miles, we are talking several hundred miles. When you put it in context that way, you recognize it is not just the time and the distance traveled, but it is the expense and the distance traveled.

Mr. President, as I was mentioning the distances that we deal with, I mentioned the time to travel, the expense to travel, but think about the situation if perhaps you are elderly, you are ill, or perhaps you do not know what is wrong, and you have to leave your village to go to our cities, our largest cities, which is very intimidating for many of our Alaska Natives in the first place.

They are away from their family, they are away from their community members, they are away from their traditional foods, they are away from their traditional activities. Many of our elders do not speak English, so they are coming into town where the language is different. Think about how well you would heal or how well you would feel in truly a strange and foreign place like this.

Well, the Yukon-Kuskokwim Health Corporation located out in Bethel, Alaska, in western Alaska, decided this is unacceptable, to have to pull everybody from the villages so far away. And they developed a village and a regional service structure to help the elders, to help the Alaska Native patients with chronic diseases to continue living in their homes or in their community rather than being sent hundreds of miles away to receive special nursing care.

It was their pilot program to take over all home and community-based care in their region, which resulted in a reduction in service waiting time for the disabled and the elders in the region and truly improved the patients' health status level. This legislation may enable other tribal programs around the country to also engage in home and community-based care which would allow Indian patients to remain in their homes rather than face a lengthy hospital stay or nursing home stay in a distant and, again, a strange location.

Our legislation also consolidates and coordinates the various tribal health programs into a more comprehensive approach. As we well know, alcohol and drug abuse among many of our Native communities, and methamphetamine abuse, has reached epidemic proportions in some communities.

We had a gentleman, the former chairman of the Northern Arapahoe, Mr. Richard Brannan. He testified before our joint hearing before the 109th Congress, and then again during the 110th, and told us truly a heart-breaking story of the tragic and painful and terrible unnecessary death of a beautiful little Indian girl at the hands of methamphetamine-addicted individuals.

Chairman Brannan sought our help in providing both prevention and treatment for the drug and alcohol addictions that ravage Native communities. I am pleased that this bill will authorize such assistance and more to help prevent these tragedies from happening to other Indian children.

Now, also during the committee hearing on the methamphetamine plague, we received testimony from tribal leaders about the devastation this terrible drug has brought to their communities. Kathleen Kitcheyan, the former tribal chairwoman of the San Carlos Apache Tribe in Arizona, described a very personal loss, a tragic loss of a grandson to drugs. And she stated that on her reservation, they have methamphetamine users who are as young as 9 years old.

Think about what is happening to our children. Think about drug abuse and the addictions. But to know that children as young as 9 years old are being made the victims, we should all be alarmed when we hear stories like this. And what is equally horrifying are the residual effects of methamphetamine abuse on children. The former chairwoman testified how babies were being born on the reservation, born addicted to methamphetamine, with physical deformities. She stated that on her reservation a 22-year-old methamphetamine user tried to commit suicide by stabbing himself with a 10-inch knife. So many terrible stories. There were 101 suicide attempts on her reservation during the year 2004, 101 attempts that were directly related to meth.

Now, I have described that we are seeing methamphetamine users as young as 9, but it also afflicts the middle-aged as well as the elderly. Once meth has taken hold, few can escape without considerable help. The Indian Health Service estimates it takes well over 60 days in treatment programs in order to overcome these addictions. So just separating a methamphetamine addict from the drug for a period of a few weeks or even a month is not nearly enough to provide effective treatment, not nearly enough to break the addiction. The methamphetamine addicts need the long-term treatment necessary to allow their mental and their physical state to heal and to recover.

For the children, the IHS has 11 federally funded youth regional treatment centers with 300 beds overall. In addition, there are an estimated 47 or perhaps 48 tribal and urban residential programs for adults. One program, the Native American Rehabilitation Association in Portland, OR, which is an urban Indian facility, can also house the patient's family so the patient can also receive the very necessary family support during the recovery.

These programs authorized under the Indian Health Care Improvement Act, and more importantly the Indian and Alaska Natives who are suffering from meth addiction, will benefit from the updates to the behavioral health program in this bill.

Now, we heard from Chairman DORGAN that the Indian health system is funded at approximately 60 percent of the need. And with the new health hazards, whether it is methamphetamine or whatever the hazard is, that face our Native communities, we have to be innovative in finding solutions and resources in building upon the foundations that are set forth in the Indian Health Care Improvement Act.

This legislation will establish the Native American Wellness Foundation, a federally chartered foundation to facilitate mechanisms to support but not supplant the mission of the Indian Health Service. It is modeled after legislation which passed the Senate in the 108th Congress. I am pleased to say we will have an opportunity to advance it in this legislation as well.

I wish to mention two key provisions that have been briefly mentioned. This is regarding the issue of violence against Native women. In the substitute we hope to advance later, we will provide for authorization of prevention and treatment programs for Indian victims and the perpetrators of domestic and sexual violence. We will also provide critical incentives for Indian health providers to obtain certification and training as sexual assault nurse examiners or in other areas to serve victims of violence. Both these provisions build upon very important work this Congress did in the Violence Against Women Act, by addressing some of the systematic shortcomings to improve prosecutions, such as forensic examinations. I will speak on this a bit later.

One of the things we heard in testimony before the committee was that in many of our IHS facilities, they did not have rape kits available. They could not collect the forensic evidence. If you don't have the evidence, you cannot proceed with prosecution. When you hear stories such as this and ask for confirmation that, in fact, this is the situation, that we simply don't have the kits available—it is confirmed—it is no wonder women feel helpless in even seeking assistance after a violent act such as a rape. In addition, simply not having the training for the nurses at the clinics, these are areas of critical shortcomings and ways we can help to make a difference.

There are many good things in this bill, but I do wish to impress upon Members this is truly a national bill. It works to benefit Indians and Indian health programs in communities across the spectrum. I have mentioned that it has been a product that has been in the works for years, a very determined effort on the part of Native health leaders truly from all corners of our Nation. There are over 560 Indian tribes in this country, with 225 of those tribes in Alaska alone. Our Indian tribes and Indian health care system span the Nation from Maine to Florida, California to Washington, and, of course, to Alaska up North. According to recent information from IHS, over 1.6 million American Indians and Alaska Natives receive services in this system at over 600 facilities. These facilities are all over the board, in terms of what they can provide, ranging from inpatient hospitals, general clinics, and health stations.

There are some that look beautiful and there are some that you look at and say: We can do far better.

I mentioned earlier many Natives in the State travel into Anchorage from outlying areas to receive care at the Alaska Native Medical Center. As you can see behind me, it is a large, beautiful facility. It is designed to provide for that advanced level of care and specialty for Alaska Natives from around the entire State. But as one travels away from Anchorage, and you get off the road system out into the bush, the facilities vary in size and certainly in service and are certainly much more modest. We have a picture of the clinic in Atka, AK. It is a little rough around the edges, certainly, but they are able to provide for the basic needs in that region. I checked to identify some of the other challenges the folks in Atka face, in terms of their costs. This is a village where gas is selling for $5.09 a gallon, and home heating oil is going for $4.99 a gallon.

We have a picture of the clinic at Arctic Village which is located more in the central or interior part of the State. I checked with them this weekend on the price of gas per gallon. It is 7 bucks a gallon. Their home heating oil costs are $6.36 a gallon. So it is expensive to live out there. It is expensive to heat your home. When you are ill or need help, this clinic is where you go in Arctic Village.

We know the need is extensive. The Indian health care system has to provide everything from basic medical to dental to vision services and medical support systems. It has to include the laboratory, nutrition, pharmaceutical, diagnostic imagining, medical records. Obviously, they are not providing that there at Arctic Village.

Senator DORGAN had mentioned the history of the Indian health care system. I will not take the time today to speak to that. I do, before taking a break, wish to take time to talk about some of the updates to the current Indian health care system we have in this legislation. As I mentioned, there have been enormous changes to the medical system since the last reauthorization of the Indian Health Care Act in 1992. So in order to update and provide for an improvement in the overall status of the American Indian and Alaska Native health and well-being, we have to make sure our facilities access is better.

Chairman DORGAN mentioned some of the health statistics and mortality rates we see among American Indians and Alaska Natives. We know these populations are dying at higher rates than others within the U.S. population. On tuberculosis, for American Indians and Alaska Natives the rate is 600 percent higher; alcoholism, 510 percent higher; diabetes, 229 percent higher; unintentional injuries, 152 percent higher; homicides, suicides higher. The statistics are all so troubling as we look to what we are providing and whether we are seeing improvement.

As I say that, we have seen some gains. With passage of the Indian Health Care Improvement Act of 1976, there were some pieces of good news insofar as decreases in mortality rates over the past 35 years. The average death rate from all causes for the American Indian and Alaska Native population dropped 28 percent between 1974 and 2002. We have seen gastrointestinal disease mortality reduced. Even though the death rate for Indians is 600 percent higher than the rest of the United States, we have seen tuberculosis mortality reduced 80 percent, and cervical cancer mortality has been reduced. Infant mortality has been reduced 66 percent. We are seeing good news there. The problem is, we started at such high levels. So, the statistics are still unacceptable.

In addition, we have population growth and economic factors which are creating strong pressure on American Indian and Alaska Native communities and their health care facilities. From 1990 to 2000, the population grew at a rate of 26 percent among the American Indian and Alaska Native populations. Compared to the total U.S. population, it grew by 13 percent. But we know the health care funding for Native people simply has not kept up with the expanding population and inflation.

This effective reduction in health care funding creates our current health status level. We see the survival rate improving, but all we need to do is look at the charts, look at the statistics. We know Indians and Alaska Natives still suffer disproportionately from a number of health problems. We know, for instance, in the area of diabetes, the rates are unacceptably high. While we recognize the Indian Health Service is trying to get this diabetes crisis under control—they are providing diabetes care to greater numbers of Native people than ever before, and we see some success—is it adequate? Is it sufficient?

Another area where we are seeing some success is in the area of vaccinations. We are getting higher vaccination rates for adults over 65. These have been instrumental in helping with some of our health statistics. Screenings, such as for fetal alcohol syndrome, have been helping to reduce the burden of preventable disease.

One of the aspects we face in increasing efficiencies within the delivery of the health care system, we know we have to use new technologies, new techniques, and these are contemplated and outlined in many areas of the legislation before us. I will go back to Alaska as an example of a State that faces very unique challenges in providing for quality health care to the residents in rural Alaska. The majority of the 200 rural Alaska Native villages are not connected to a road system. We don't have the roads. We are 47 out of 50 in ranking of States for the number of road miles, but we rank first out of 50 for overall land mass. We simply don't have a road system to speak of in much of Alaska. When you don't have a road system, you fly. We fly in small bush planes. During the summer months, we rely on skiffs and riverboats to get around. But for the most part, we fly. It is not luxury travel. It is a basic need.

From the chart I have behind me, you can't see the names of all the towns there, but it is there to demonstrate what we deal with as a State. When you look at the IHS budget in Alaska, you may be surprised to see the travel budgets are unusually large, oftentimes larger than staff budgets. That gets people's attention. Are we going out to conferences? No. This is how we get around in the State of Alaska and how we move our patients, those who need to get to that medical specialist. We move them by airplane. Up in the north there you see a community of Barrow. Nuiqsut is a small village outside of Barrow. They have a small clinic. Barrow has a larger one. But in order to receive any level of specialty care, an Alaska Native would have to fly about 700 miles south to Anchorage to the Alaska Native Medical Center. The cost of that particular flight is $1,100 for that person coming out of Nuiqsut.

Over to the west, out on St. Lawrence Island, an individual who is ill in Savoonga and needs to come into Anchorage for medical care is going to pay about $1,000. This is round trip, not that that makes it any better.

Down south of Anchorage, off of Kodiak Island—and if you look at the red lines, it looks as if it must be much closer to Anchorage and therefore less costly—if you are coming from Old Harbor on Kodiak Island, your airfare is going to be about $1,350 round trip to get you to and from.

So when we factor in the budgets of doing business, travel costs are enormous. This is all about access. We also recognize it is not just the cost. Oftentimes during the winter—this time of year—travel is shut down completely. For some of our communities, because of weather conditions, fuel barges have not been able to get into the community, and they have had to fly fuel in to provide for the diesel generation that provides the power in these villages.

Whether it is the ice, the wind, the snow, oftentimes it is just too dangerous to make the trip into town. Blue Cross has estimated that it is 300 times more expensive to operate a hospital or a clinic in Alaska than it is in the continental United States. These are the expenses we deal with.

In the last 10 years, we have seen access to medical specialists and health care improve. Working with my colleague, Senator STEVENS, we have seen a revolution in terms of how health care is delivered to our rural villages with the development of an advanced telehealth network. With 99 percent of the telehealth initiative coming from IHS funding and managed by the Alaska Native Tribal Health Care Consortium, the Alaska Federal Health Care Partnership is a collaboration with the Department of Veterans Affairs, the Department of Defense, and the U.S. Coast Guard. They teamed up together to develop the Alaska Federal Health Care Access Network. They developed a special telehealth cart, and they deploy these carts to small villages in rural Alaska. They are able to provide a very wide variety of clinical services, including cardiology, community health aid training, dental and oral health, dermatology, ear, nose and throat care, as well as emergency room services.

They had a demonstration cart here a couple years back to just kind of show us what it is they were doing. I had just come off a trip up north, and I was due to fly again very soon. My ears were all plugged up. I said: Well, show me how this works. Just standing right there, they put a little monitor in my ear, and they were talking to a doctor in Anchorage. He said: You just have a little inflammation there. You are fine to fly.

What we are able to do with telehealth is to connect many of our Alaska Natives in a very cost-effective way for them to have access to qualified health care specialists without necessarily leaving their village.

We continue to evaluate the cost savings we are seeing as a consequence of this telemedicine. The preliminary data suggests that 37 percent of the time, telemedicine prevented the need for a patient and family escort to travel. That saved an estimated $4.4 million in travel costs. So if you can save $4 million in travel, because we have the technology in front of us, it is a savings for all of us.

Tribal health providers in Alaska with their Federal counterparts have been extremely innovative in addressing the unique health care challenges of our State. The Alaska Federal Health Care Access Network has been working with the IHS service areas to expand quality and affordable health care to American Indians across the United States.

The new opportunities, such as expanded telehealth, found in S. 1200 serve important purposes in promoting good investments. Indian tribes and tribal organizations have performed admirably in developing their health care services and facilities. These types of efforts should be rewarded and encouraged by passage of this bill.

There are some other items I would like to speak to, and I may come back to them at another point in time. But before I conclude for now, I want to mention the importance of the program in the sanitation facilities area.

I could probably stand all day justifying the need for the reauthorization, but one area that has been demonstrated to be one of those very important functions in reducing health disparities is the Sanitation Facilities Program. This program governs the construction, operations, and maintenance of sanitation facilities providing clean water and sanitary disposal systems to Indian and Alaska Native communities.

For us in Alaska, the issue of sanitation is one we have been struggling with for far, far too many years. One in three families—one in three families—in rural Alaska has no sanitation facilities. We are not talking about upgraded sanitation facilities; we are saying no sanitation facilities. What we have in many of our villages, still, unfortunately, is a system we refer to as the honey-bucket system. It is not a very refined system. In fact, it is a system that, for those of us in the State, we look at with shame and say: For Alaska Natives, for Alaskans to have to rely on this as their sanitation system is offensive. It is close to Third World conditions, and here we are in the United States of America, and you have a system where human waste is collected in a bucket and hauled outside and dumped in a collection facility. In some areas, it is less than a collection area; it is dumped in a lagoon. You can walk through some of these communities, and you have waste that is spilled along the wayside.

I have in the Chamber this picture of these two little Native boys. It is like the equivalent of taking out the trash—taking out the honey bucket. If you do not think this does not contribute to some of our health issues in rural Alaska, you have not looked at the facts.

In testimony before the committee, we had Steven Weaver. He is from the Alaska Native Tribal Health Consortium. Steve Weaver has been very instrumental working with us in order to eliminate the honey bucket. But he spoke at that hearing to the challenges families face in communities without sanitation facilities. He said: Other folks in America have the convenience of running water and inside flushing toilets, but in too many of our Native communities we have to haul the clean water into the homes and then haul the honey buckets out of the homes as part of the household chores, part of the daily living.

I was in a community several years back and visited the health clinic there. It was a very small health clinic. It was one of the villages that still do not have running water. There was a honey bucket in the corner of the health clinic. When you think about the need for sanitation, particularly in your clinic, and you realize there is no running water and the human waste must be discarded by walking it out the door, the health consequences in communities without running water, without sewer are very real.

The Alaska Native Tribal Health Consortium reported that infants in communities without adequate sanitation are 11 times more likely to be hospitalized for respiratory infections in comparison to all U.S. infants and 5 times more likely to be hospitalized for skin infections than those in communities with adequate sanitation.

We have about 6,000 homes without potable water, about 18,650 homes that need improvements or upgrades for water, sewer, or solid waste.

This legislation, S. 1200, will maintain the Sanitation Facilities Program. For us in a State such as Alaska, this is vitally important.

Mr. President, at this time I am prepared to defer to Senator GREGG. He has been waiting some time. I do have additional comments I will make throughout the day, but I yield the floor at this time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent that Senator STEVENS be recognized for up to 10 minutes following my remarks.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, is the request for a presentation on the bill without amendment?

Mr. GREGG. Mr. President, I have no knowledge of what the request is other than a request for 10 minutes of remarks.

Mr. DORGAN. Mr. President, I will agree to that request with the understanding it is on the bill without an amendment. I would also like to add to the request that Senator BINGAMAN be recognized to offer an amendment immediately following the presentation by Senator STEVENS.

The PRESIDING OFFICER. Is there objection to the request, as modified?

Without objection, it is so ordered.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I wish to speak on a subject which is not related to this bill. I congratulate the managers for bringing this bill forward.

STIMULUS PACKAGE

Mr. President, the subject I rise to speak about is one that is fairly topical to today's events, obviously, with what is happening in the international markets and in the stock market and with the Federal Reserve System, and that is the issue of how we as a Congress should proceed relative to what has been called a stimulus or growth proposal.

I want to put down what I would call a red flag of reason, let's call it, as we move forward on this stimulus package. Let's first understand what the problem is we are confronting.

The economy has a serious overextension of credit. This overextension of credit occurred because, as often occurs, there was a period of exuberance in the credit markets.

Now, I have had the good fortune to be involved in Government and in the private sector for a number of years, and I have seen this type of situation arise at least two major times during my career, once when I was Governor of New Hampshire. What happens is people who make loans suddenly find they have a lot of cash available to them to make loans, and they go out and start making loans based on speculation that it can be repaid rather than on the capacity of the individual they are lending the money to to repay it or based on speculation that the collateral for that loan will always maintain its value as originally assessed when, in fact, that collateral may be overstated.

This usually comes at the end of what is known as a business cycle, when basically you have a lot of people out there who probably have not been through a downturn before in their lives who basically put out credit at a rate that is irrationally exuberant—to use the terms of Mr. Greenspan on another subject of the late 1990s bubble—and as a result, credit is put out that, in this instance, was put out at a rate and to individuals who basically did not have the capacity to repay it under the terms of the credit, and with collateral that did not support it.

This exuberant expenditure of credit or promotion of credit was compounded by the fact that we had an inverted pyramid created. That item of credit, that loan that was made, which was made on collateral which didn't support it and which was made to an individual who probably didn't have the ability to repay it under the terms that it was made on, that item was then sold and it was sold again, and then it was turned into some sort of synthetic instrument which was multiplied and created more sales of the item. So you have basically an inverted pyramid, where that initial loan, which had problems in and of itself on the repayment side and on the collateral side, was compounded by a reselling of the loan over and over again in a variety of different markets and through a number of different instruments, which essentially exaggerated the implications that that loan should not be repaid. So that is what has happened. The loans can't be repaid, in many instances, or the collateral isn't there, in many instances, so these loans start to get called and they start to be foreclosed on. Because they can't be repaid, the lenders find themselves in a situation where they have to obtain liquidity from somewhere else. So they start to contract their lending to basically people who can repay because they must maintain a strong balance sheet, they must maintain their capital reserve, and as a result it feeds on itself and you have a liquidity crisis.

That is a classic business cycle. It is a classic end to a business cycle, and that is what we are in today. It is unfortunate and it causes great personal harm and trauma and it obviously disrupts the economy and people and it affects people's lives. People are damaged by this. Its roots basically go to the fact that there were people lending money to people who should not have been lent money under the terms they were lent it without the collateral they needed for support.

So how do we react to that? How do we keep that from snowballing into a massive slowdown in the economy or a possible potential recession? Well, the discussion is to stimulate the economy through some sort of fiscal policy and the Federal Government taking action—what is known as fiscal policy. There is also, of course, the monetary side. Today the Federal Reserve cut the rates by 75 basis points, and as a result, the market reacted, although it was hugely down when they started. I haven't looked at it recently. I don't know that it reacted in a positive way to that cut in rates.

On the fiscal side, there is a lot of discussion about stimulating the economy. I guess my red flag of reason I am putting out here is, if we are going to stimulate the economy through fiscal policy, let's at least do it correctly. Let's not do it in a way that damages the economy or the future or that basically gets you a short-term political headline but doesn't get you the impact you need, which is to help people through a difficult economic period.

The proposals which are out there, most of which I have seen, have fallen into two categories. One is stimulate the economy by giving people money to spend and the other is to stimulate the economy through energizing small business and large business to invest in economic activity. The problem we have with a stimulative event, which is basically giving people $100, $200, $300, $400, whether you give it to them directly or whether you give it to them through the tax laws, is that money will be spent, but does it stimulate our economy? I am not so sure. So much of the product we buy in America today, that we consume in America today is produced outside the United States: Maybe it stimulates the Chinese economy, but I am not so sure it stimulates our economy. What may be raising the Chinese economy may raise the national economy and that helps us out, but as a practical matter, I am not sure it gets a big bang for the bucks expended, and, most importantly, what happens when you take that sort of action is you borrow this money. This money doesn't appear from nowhere that you are going to put out into the marketplace and say: Here, American citizen, we are going to return you X dollars through a direct payment—probably an inverted tax payment of some sort, for people of low income who aren't basically paying taxes are going to get some sort of payment; middle-income people will get a lesser payment or some marginal payment. That money has to be borrowed. That money gets borrowed from our children. The practical effect of borrowing that money, if it is a $150 billion one-time event, is it compounds because there is interest on top of that and it grows into a lot more money. Then our children and our children's children end up having to pay it back. So do you get the value? Is there a value there that is large enough to justify putting this debt on our children's backs for this type of stimulus event? I think we have to look at that very seriously.

There are proposals out there that we should essentially waive the Social Security payment, for example; that we should say we are not going to require people to make their Social Security withholding payment for 1 month or 2 months or whatever the number would be that we would settle on. That, as a policy matter, has very serious implications for our children and our children's children. Essentially, the Social Security system is supposed to be an insurance system, where you as a working American pay into the system so when you retire, you have paid into the system money which is then returned to you through Social Security payments for your retirement. It is and historically has been viewed as an insurance policy approach, with the Federal Government managing the insurance. Yes, nobody is going to argue the fact that the Social Security system in the outyears does not have the resources to repay the liabilities that are on the books. That is a big issue for us and it is a function of the retirement of the baby boom generation. But you only radically, quite honestly, aggravate that problem by borrowing from the Social Security Administration to essentially fund the short-term fix of a stimulus package.

First, you have created a brandnew event, which has never happened in my knowledge, of taking Social Security dollars and moving them over for the purposes of an expenditure which is a day-to-day operation of Government expenditure. You are basically formally saying the Social Security dollars which are paid in, in taxes, can be used for something other than the purposes of creating obligations which will be paid back in the form of retirement payments. You are saying Social Security dollars will go directly—without any obligation being shown on the Social Security balance sheet—will be taken off the Social Security balance sheet and put directly into the day-to-day operation of Government for the purposes of paying people a stimulus event of $500 or $600. The implications of that are huge, from a public policy standpoint.

We are basically totally readjusting our approach as a nation toward Social Security. You are basically saying Social Security is a dollar in, dollar out purpose, with absolutely no fund and that there is no offsetting balance being set up for Social Security payments, which is used later to pay down the Social Security responsibility. That is a terrible precedent. It may be a theoretical debate, but it is one heck of a big precedent to create that sort of new paradigm relative to Social Security.

Again, what do you get for it? You get a momentary stimulus which may or may not help our economy, because as we all know, most of that consumer event is going to occur with the purchase of products produced outside the country, to a large degree, and you don't get any long-term action which is essentially going to improve the financial viability of the Social Security system. In fact, you significantly aggravate it because, again, you compound that event, and compounding interest has an amazing effect in the area of what will end up as the total cost of that one-time event. Ask the notch babies about that. So this is a policy choice which I think would be truly destructive to the historical role of Social Security in our Government and would be equally probably nonproductive as a stimulus to our economy and probably do more damage than good.

There is also the proposal that we extend unemployment insurance for another 2 weeks, 3 weeks, 4 weeks. Well, that has some arguably positive benefits if you are into a recession, but we are not in a recession. We have essentially what has historically been deemed full employment in this country, which is we are at about 5 percent of unemployment. When you extend unemployment and you have full employment, you are basically creating an atmosphere where people who are on unemployment have no incentive to go out and find a job, even though there may be a job available because you are at pretty much a full economy. So are you being destructive to the system or are you actually reducing productivity to the system when you make that choice? I would say that is a very debatable issue and one which needs to be looked at before we take this action.

I understand that politically it is a great press release: We are going to extend unemployment for 2 weeks for people who are out of work. Yes, that is a great press release, but if you have earned literally at full employment, which is where we appear to be right now, or pretty close to it, then to extend unemployment at this time could be counterproductive, significantly counterproductive to keeping the economy going, because it would not allow people to go out and find jobs for whom jobs may be available.

Now, if we do move into recession, which is——

The PRESIDING OFFICER. The Senator from New Hampshire has used his allotted 10 minutes.

Mr. GREGG. I ask unanimous consent for an additional 5 minutes.

Mr. DORGAN. Mr. President, Senator STEVENS is to be recognized following Senator GREGG and then Senator BINGAMAN, both of whom I believe are here. Certainly, if the Senator wishes I would not object, but both I think have been waiting for some period of time on the bill.

Mr. GREGG. I appreciate that, and I will try to make this brief and wrap up in less than 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. So we have that issue, which is fairly significant. The real goal of a stimulus package should be to create an atmosphere where we actually improve the underlying pillars of the economy, and that means we improve productivity, we improve the incentive of people to be productive and go out and create jobs, and that can be done if we need to do this, and that is very much an issue—that can be done through initiatives which are productive, or which are on the productive side of the ledger rather than just on the spending side of the ledger.

I know, historically, people have said: Well, inject money into the economy and that will make it move. That was before we got to an international economy, where essentially injecting money into the economy so consumers can spend money basically moves the Chinese economy, not necessarily ours. What makes much more sense is if we are going to inject money into this economy through some sort of Federal initiative, we should do it in a way where we create economic benefit to our economy, by making it more productive and thus creating more jobs and creating more incentive for entrepreneurs. There are a lot of ways to do that. As we proceed down this road to discuss this issue of stimulus, I will continue to discuss that point and get specific on ways we could do that.

So I wished to raise this sort of red flag of reason before we step on to this slippery slope of a stimulus package which could easily end up being primarily a spending package, for the purposes of addressing whatever anybody happens to deem to be a good political spending issue, that before we step on that slope, we take a hard look at what we will end up with in the way of producing benefit for people today versus producing debt that our children will have to repay and maybe undermining our economy generally for the long term.

I yield the floor at this time.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I am pleased to speak today in support of my colleague, Senator MURKOWSKI, and explain my strong support for the passage of S. 1200 which will reauthorize the Indian Health Care Improvement Act.

It has been 15 years since the Indian Health Care Act was reauthorized and almost 10 years during which reauthorization bills were introduced in the Congress but received no action. Great advances in the models for the delivery of health care have occurred during this time which need to be incorporated into the Indian health care system. This bill does that. The health needs of Alaska Natives in our State and American Indians throughout the country continue to grow. It is important we pass this bill.

Ten years ago, we opened the Alaska Native Medical Center in Anchorage. It is the only tertiary care hospital in the Indian health care system. At the same time, we created the Alaska Native Tribal Health Consortium, and Alaska Natives took over the management of the entire Native health care system in our State.

I believe much has been done in the last decade. Alaska now has the best health care system in the entire country. The reason, in my judgment, is that the system is operated by the Alaska Native people, who have shaped it to fit their own needs. But Alaska Native health leaders across our State have told me again and again that they believe this legislation needs to be passed because it contains new provisions to aid delivery of health care to the Indian people. It is necessary to continue their critically important work.

This Indian Health Care Improvement Act is a comprehensive bill. Every aspect of what it takes to improve a true system of care to the Alaska Natives and the American Indians is in this bill.

The health status of Alaska Natives and American Indians is poorer than that of the average American. It is poorer than what the average American receives. Many of our people live in remote communities with little economic base, high unemployment rates, and low income levels. These conditions create a "perfect storm" of health care obstacles for Alaska Native people. These people must travel farther than others throughout our country to receive health care services. They are less healthy than the average American, and they have more medical issues they face because of the circumstances under which they live.

In Alaska, many communities are not served by roads. For instance, a pregnant woman living in Adak, way out on the Aleutian chain—almost 1,200 miles from Anchorage—must travel by air to deliver her child. She must fly to Anchorage to do that. As she does, she will have flown more than 5 hours, and she will be flying on a plane that is only available 2 to 3 days a week. As it is almost everywhere in Alaska, the weather conditions are really great problems and can delay the start of such a trip for a week or more. Of course, all of these concepts increase the cost of health care, but it is the availability of health care that counts, and it is really difficult for our people to get to the areas where health care can be provided to them.

The Alaska Native Tribal Health Consortium and the Native health organizations in our State have worked hard to improve the health status of our Native people. Rates for diseases, such as tuberculosis, have dropped dramatically, and we have improved access to health care and basic public health measures, such as childhood vaccinations, and installation of water and sewer systems in rural Alaska has also improved our health care. Between 1950 and 2007, Alaska Native life expectancy rose from 46 years to 64 years of age. Those are improvements brought about by health care.

However, in Alaska, as in other parts of the country with Indian populations, many infectious diseases have increased, and other health problems have taken the place of those we have eliminated. Respiratory illness outbreaks threaten the lives of Native babies and toddlers and fill our hospital beds in the Yukon-Kuskokwim area of our State every winter. Noninfectious conditions, such as suicide, violent injury, and intentional injury, still plague Alaska Natives at a very high rate. As the population ages, rates of cancer, heart disease, and diabetes threaten the gains we have made in life expectancy.

The Alaska Native health system has been innovative and pioneered access to and delivery of health services to the Native people in Alaska. Yet huge disparities continue to exist. This bill needs to be passed and funding increased to address these health disparities to save and improve lives in Alaska and to reduce the cost of health care throughout our area and Indian Country.

Title I of this Indian health care bill provides support for Native people to receive training as health workers. Each year, Alaska Natives and American Indians complete their education, supported in part by programs authorized under title I, and return back to their home to take positions as nurses, doctors, social workers, behavioral health specialists, and administrators—all to improve the health care system.

The Alaska Community Health Aide Program, which is an important example, is an outstanding example of innovation in the delivery of health care in remote communities.

When I came to the Senate, there was hardly any health care in our Alaska villages. They received their health care by the wife or a spouse of the superintendent of the Indian school or native school, calling in to Anchorage, their one central hospital. There were no health aides. We created and pioneered the concept of community health aides.

Through the many years since that time, Alaska Native health leaders worked with the Indian Health Service to train community members to provide tuberculosis treatment during epidemics in Alaska, and the program has provided more than 500 community health aides, with all levels of health care in over 178 remote villages where there is no other type of health care provider.

Recently, the Community Health Aide Program was expanded by the Alaska Native health system, making specifically trained behavioral and dental health aides available to people living in villages. Today, Alaska's telemedicine system, with installations in 235 sites across Alaska, allows the community health aides to have direct access to physicians and dentists in regional hub hospitals in Anchorage and Fairbanks. They can use telemedicine to contact outside specialists who can assist them in the various clinics throughout the country. I will speak of a few of these people.

Jennifer Kalmakof, a community health aide from Chignik Lake, is an example of how important the aides are in their communities. Jennifer won the 2007 Vaccine Alaska Coalition's Excellence in Immunization Award, presented to her at the Alaska Public Health Summit this past December. She made it her mission to increase and improve and maintain immunizations at the local level. She started her own system to keep track of infants, children, elders, and adults, using her own money to buy tackle boxes in which she organized clinic vaccines and kept them in her own refrigerator. She pioneered keeping track of the type of assistance these people need in terms of immunizations and various types of vaccinations.

Title II of the bill addresses the range of services authorized, recognizing the change which has already occurred in our non-Native health system, where the emphasis has shifted from health care to home- and community-based care—such as provided by the young woman I mentioned—especially for long-term care services. All Alaska Natives need to have access to these home-based services, and the assisted living and nursing homes that recognize the cultural needs of Alaska Native elders need to also be available.

Title III of the bill addresses safe water and sanitation needs. There continues to be enormous unmet needs for investment in safe water and sanitation systems in Alaska Native communities. Currently, 26 percent of rural Alaska Native homes lack adequate water and wastewater facilities.

For instance, Andrew Dock lives with his large family in Kipnuk, AK. In his household, there are two adults, six boys, and three girls. The youngest child is 1, and the oldest is 22. There is no piped-in water in this village and not even a central watering point. In the winter, water is obtained by chopping ice from tundra ponds with a steel ice pick and hauling it to his home in three 30-gallon gray garbage cans in a sled pulled by a snow machine. In the summer, he obtains water by collecting rainwater from domestic rooftops. It is also possible to haul water from a lake at Tern Mountain, which is a 13-mile boat trip. Hauling water is a daily chore—one to three trips a day to support drinking, cooking, and washing clothes. He hauls over 1,000 gallons of water per week to just keep safe water for the Dock household.

In Kipnuk, sanitation is accomplished by 5-gallon honey buckets in each home. I know Senator MURKOWSKI talked about this. Buckets are self-hauled twice a day through the living space of the family and deposited in a collection hopper nearby. Buckets must be emptied into another bucket when they become too full to carry without spilling in the home.

Collection of the hoppers is often delayed, and there can be as many as five buckets waiting next to the hopper to be emptied.

More than 6,000 homes in rural Alaska are without safe drinking water, and nearly 14,000 homes require upgrades or improvements to their water, sewer, or solid waste systems to meet minimum sanitation standards.

There is also an immense unmet need for health care facilities throughout the Indian Health Care system, including in remote parts of Alaska. In Barrow, the northernmost point in the United States, $143 million is needed to build the only hospital in an area the size of Idaho. And in Nome, $148.5 million is needed to build the only hospital in an area the size of Virginia.

Other parts of the bill address the ability of native health organizations to bill third parties for health care services delivered to native beneficiaries also covered under public or private insurance programs. These funds provide critical additional funds to make up for shortfalls in Indian Health Service funding, including for emergency care.

While the typical emergency response time from emergency 911 call to hospital care is generally clocked in minutes, in Alaska it is clocked in hours. In 2005, a young man in Bethel, Alaska, was stabbed in the stomach during an early morning fight and needed to be air-ambulanced to Anchorage, more than an hour away by jet. Due to weather and mechanical issues, the patient finally arrived at the hospital in anchorage about 7 hours after the first emergency call. A one-way air ambulance flight from Bethel to Anchorage costs more than $13,000.

Finally, the bill addresses behavioral health needs of native people. The life expectancy of people with mental health issues is 25 years less than those without mental health issues. In Alaska that means that while we continue to make strides towards improving life span, we have not yet been able to adequately address this issue due to program and funding limitations.

The combination of substance abuse and mental illness is associated with much higher rates of multiple diseases and early death. One in eleven Alaska native deaths is alcohol-induced, and alcohol was the fourth leading cause of death from 1993 to 2002 in Alaska. Alcohol contributed to 85 percent of reported domestic violence cases and 80% of reported sexual assault cases between 2000 and 2003. Suicide among Alaska natives remained steadily at two times the non-native rate in Alaska from 1992 to 2000.

Integrated behavioral health programs can make a difference in this picture. Maniilaq, the native health organization in northwest Alaska, operates a very successful behavioral health program called the Mapsivik Treatment Camp, which provides alcohol treatment for families in a remote location. It is a year-round program that integrates the family into cultural and behavioral health treatment models. The camp has been successful in reducing recidivism and helping to heal whole families. And the Raven's Way program operated by the Southeast Alaska Regional Health Consortium for adolescents has now graduated more than 1,000 kids. Many of these graduates have gone on to lead healthier lives, become hardworking adults, and some have even become native leaders.

In conclusion, the need to pass this legislation now is clear, and I urge my colleagues to support passage of the bill.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, the Indian Health Care Improvement Act was first enacted in 1976. It has enabled us to develop programs and facilities and services that are models of health care delivery with community participation and with cultural relevance.

We have accomplished a substantial amount under the Indian Health Care Improvement Act. American Indians and Alaska Natives today have lower mortality rates from diseases, such as heart disease and cerebrovascular disease, malignancy, and HIV infection, than they did before. Under the Indian Health Care Improvement Act, the infant mortality rate has decreased since 1976 from 22 per 1,000 to 8 per 1,000.

In spite of the notable improvements, there are still shocking health disparities that remain for Indian people. Let me give you some examples from my home State of New Mexico.

First, let me say that over 10 percent of our population in New Mexico is American Indians. We have the second highest percentage of Native Americans of any State in the country.

Native American women in New Mexico are three times as likely to receive late or no prenatal care compared to national rates. Native American New Mexicans are more than three times more likely to die from diabetes compared to other New Mexicans. Death rates for Native American New Mexicans from motor vehicle crashes are more than double those of non-Indians. That is largely explained because American Indians on tribal lands have accidents that are far from trauma centers, and therefore they do not have rapid access to lifesaving care.

These disparities in mortality rates contribute to a shortened life expectancy for Indians compared to other Americans. National statistics show that Indians live, on average, 6 years less than do other Americans. That discrepancy is as high as 11 years for some South Dakota tribes.

The Indian Health Service is one of the primary sources of health care for Native Americans. For years, the Indian Health Service has struggled to meet the needs of the Indian population, but in doing so they have faced enormous challenges. There are aging facilities, staff shortages, funding shortfalls, and all of these present challenges to the Indian Health Service. When facilities and staff are not sufficient to meet the needs, contract health services need to be purchased at the prevailing rates. Funds supporting contract health services generally run out by about midyear, and that leaves the Indian Health Service with no alternative but to ration care. Life-and-limb saving measures are selected by necessity over such things as health promotion and disease prevention.

So what resources would be adequate to meet these challenges? To answer that question, I call my colleagues' attention to information that has been provided by the Congressional Research Service.

Let me put up a chart that makes the comparison that I think is useful. This is a graphic illustration of 10 years of health care expenditures per person in various of the programs we support. The top line, the red line, is Medicare, primarily individuals 65 or older in this country. Medicaid is the level of funding per capita we provide under Medicaid. The Indian Health Service number is this blue line which is the lowest line on the chart. The sum of all public and private sources of health care dollars divided by the number of users nationally, or the average health care expenditure per American, is depicted in the green line. So we can see that the average American gets substantially more per recipient spent on them for health care services than does the average Indian American.

In 2004, the U.S. Commission on Civil Rights produced a report entitled "Broken Promises: Evaluating the Native American Health Care System." This report contained four important findings.

No. 1, they found annual per capita health expenditures for Native Americans are far less than the amount spent on other Americans under mainstream health plans. That is exactly what this chart says.

No. 2, they find annual per capita expenditures fall below the level provided for every other Federal medical program. And, again, that is demonstrated very well on this chart.

No. 3, they found annual increases in Indian Health Service funding have failed to account for medical inflation rates or for increases in Indian population.

And, No. 4, they found that annual increases in Indian health care funding are less than those for other health and human services components.

This 2004 report concluded:

> Congress failed to provide the resources necessary to create and maintain an effective health care system for Native Americans. The Indian Health Care Improvement Act has not been reauthorized since.

That report was done in 2004. Reauthorization of this legislation is long overdue. As many of my colleagues have already said, we need to act now to ensure its swift passage because of the very serious funding shortages within the Indian Health Service.

Senator THUNE and I are offering an amendment to provide for an expansion of section 506 of the Medicare Modernization Act, which protects Indian Health Service contract health services funding. This contract health services funding is utilized by the Indian Health Service and tribes to purchase health care services that are not available through the IHS and tribal facilities. These are health services such as critical medical care and speciality inpatient and outpatient services.

Nationally, the Indian Health Service and tribes contract with more than 2,000 private providers in order to get these services. Unfortunately, because of the very low funding levels available for contract health services, funding often runs out in midyear, as I indicated before.

Making this problem even worse, prior to section 506 of the Medicare Modernization Act, there was no limitation on the price that could be charged for contract health services. In many instances, providers were charged commercial rates or even higher rates for those services, far in excess of the rates that were being paid by Medicare, by Medicaid, by the Veterans' Administration, and by other Federal health care programs.

Section 506 of the Medicare Modernization Act provided that Medicare participating hospitals had to agree to accept contract health services patients and had to agree that Medicare payment rates would serve as a ceiling for contract health services payment rates to those hospitals.

AMENDMENT NO. 3894

Mr. President, I send a Bingaman-Thune amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from New Mexico [Mr. BINGAMAN], for himself and Mr. THUNE, proposes an amendment numbered 3894.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title XVIII of the Social Security Act to provide for a limitation on the charges for contract health services provided to Indians by Medicare providers)

At the end of title II, add the following:

SEC. ______. LIMITATION ON CHARGES FOR CONTRACT HEALTH SERVICES PROVIDED TO INDIANS BY MEDICARE PROVIDERS.

(a) ALL PROVIDERS OF SERVICES.—

(1) IN GENERAL.—Section 1866(a)(1)(U) of the Social Security Act (42 U.S.C. 1395cc(a)(1)(U)) is amended by striking "in the case of hospitals which furnish inpatient hospital services for which payment may be made under this title," in the matter preceding clause (i).

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to Medicare participation agreements in effect (or entered into) on or after the date that is 1 year after the date of enactment of this Act.

(b) ALL SUPPLIERS.—

(1) IN GENERAL.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

"(n) LIMITATION ON CHARGES FOR CONTRACT HEALTH SERVICES PROVIDED TO INDIANS BY SUPPLIERS.—No payment may be made under this title for an item or service furnished by a supplier (as defined in section 1861(d)) unless the supplier agrees (pursuant to a process established by the Secretary) to be a participating provider of medical care both—

"(1) under the contract health services program funded by the Indian Health Service and operated by the Indian Health Service, an Indian Tribe, or Tribal Organization (as those terms are defined in section 4 of the Indian Health Care Improvement Act), with respect to items and services that are covered under such program and furnished to an individual eligible for such items and services under such program; and

"(2) under any program funded by the Indian Health Service and operated by an urban Indian Organization with respect to the purchase of items and services for an eligible Urban Indian (as those terms are defined in such section 4),

in accordance with regulations promulgated by the Secretary regarding payment methodology and rates of payment (including the acceptance of no more than such payment rate as payment in full for such items and services.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to items and services furnished on or after the date that is 1 year after the date of enactment of this Act.

Mr. BINGAMAN. Mr. President, the Bingaman-Thune amendment would build on section 506 to ensure that these requirements, the requirements that 506 apply to hospitals that were contracted with by the IHS, apply not just to hospitals but to all participating Medicare providers and suppliers. In other words, the amendment would ensure that scarce contract health services dollars are used more efficiently, providers would be ensured a greater likelihood of receiving contract health services payments and would be provided continuity in the payment levels with other Federal programs.

The Bingaman-Thune amendment is supported by a wide range of Indian health advocates, including the National Indian Health Board, the Navajo Nation, and First Nations Community Health Source in New Mexico.

I urge my fellow Senators to join Senator THUNE and myself in supporting this important amendment.

In conclusion, I underscore that passage of this overall legislation, the Indian Health Care Improvement Act, is critically needed and long overdue. I congratulate the Senator from North Dakota for his persistence in getting this legislation brought to the floor, and I congratulate and thank our majority leader, Senator REID, for scheduling this as the first item of business in this second session of this Congress. It speaks volumes about the importance Senator REID attaches to this legislation.

I hope my fellow Senators will join me in strongly supporting passage of the legislation once the Bingaman-Thune amendment has been adopted.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I thank the Senator from New Mexico for offering the amendment. I know he offers it on behalf of himself and Senator THUNE from South Dakota. I fully support the amendment. This amendment will provide maximum opportunity to stretch the Indian health care dollars. The amendment is a thoughtful amendment that will, in my judgment, strengthen the underlying bill.

I am very interested in supporting it. We are working to see if we can get a vote on this amendment today. I believe the majority leader wishes to begin voting today, and I hope perhaps we can arrange consent to have a vote on this amendment later this afternoon.

I also thank the majority leader for bringing this bill to the floor of the Senate. When I was vice chairman of the Indian Affairs Committee and Senator JOHN McCAIN was chairman, we worked on this bill. We tried very hard to get it to the floor, but we were not successful. This is the culmination of lot of work and important work, in my judgment, to get it to the floor. I appreciate the cooperation of the majority leader for giving us the opportunity to get it to the floor.

My hope is we will have the cooperation of other Members of the Senate. If there are amendments to be offered, we wish they would come and offer those amendments. We would like to get amendments and time agreements and try to find a way to complete this legislation.

I also failed to mention earlier that the Senate Finance Committee had a referral on this bill. They did some very important work. Senator BAUCUS, Senator GRASSLEY, and other members of the Senate Finance Committee were very helpful, as has been Senator KENNEDY and Senator ENZI on the HELP Committee, and Senator KYL and others.

This bill is bipartisan. We are trying very hard to get this legislation completed. As I indicated earlier, this is long past the time when this should have been done. People are literally dying for lack of decent health care that most of us take for granted, most of us expect and receive. That is not the case with respect to Native Americans. We desperately need to change this situation.

My hope is, if there are those who are intending to offer amendments today, that they come to the floor and offer the amendments. We know of a number of amendments. I appreciate the cooperation of Senator BINGAMAN in offering his amendment now. If there are others, I hope we can proceed.

Mr. President, I wish to briefly speak about another issue we have been dealing with. My colleague from New Hampshire spoke briefly, and I think in the absence of others being in the Chamber, I wish to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. DORGAN. Mr. President, some of my colleagues have spoken today about the difficulty in the economy. I am concerned about it, as are virtually all Americans at this point. The stock market seems to be bouncing around like a yo-yo. The economy is slowing and consumer spending is down. Recently, there was a substantial increase in unemployment in a single month—and a whole series of items that suggest there are real economic problems.

My colleague from New Hampshire said: I am concerned about a stimulus package. So am I, but in my judgment, we need to err on the side of taking action rather than err on the side of doing nothing. The Federal Reserve Board this morning cut interest rates by 75 basis points. That is a blunt instrument of monetary policy to try to address what is seen as a serious weakness in this economy.

I want to say this: No matter what we do—and we almost certainly will produce some sort of stimulus package—I believe a stimulus package should provide some tax rebates to middle and lower income people. It also ought to provide an extension of unemployment benefits. We have done that during previous economic downturns. I think a stimulus package should provide investment tax credits for businesses with an end date and other temporary tax incentives to persuade businesses to make capital investments now when the economy would benefit most from it. So we should do two things: We should put money in the hands of consumers, middle to lower income consumers, and we also should stimulate businesses to make needed capital investments earlier rather than later in order to prime the pump with respect to the economy.

I also think it is important to consider, even as we talk about stimulus, making investments in this country's infrastructure. There is nothing that puts people back to work more quickly than money that goes to building roads and bridges and making other improvements in this country's infrastructure that are so desperately needed. Many of us are working on and talking about that issue. But that ought to be a part of a second phase of a stimulus package. To ignore that, in my judgment, is to ignore significant job-creating opportunities at a time when we desperately need those opportunities.

Having said all of that, I believe we need to act to provide confidence to the American people about the future—after all, that is what the business cycle is about. If people are confident about the future, they manifest that confidence. They take the trip they wanted to take. They buy the car they wanted to buy. They do the things that manifest confidence in the future. That represents expansion.

If they feel as if the future has some troublesome aspects, they say: I am going to defer taking the trip, I am going to defer buying that car or piece of equipment, I am going to defer purchasing that piece of furniture, and then the economy contracts.

There are some in Washington with an overinflated sense of self who think this is a ship of state with an engine room. And you get out of the engine room and you dial the knobs and the switches and the levers—M-1 B, taxes and all of these things—and somehow the ship of state just sails right on forward.

That is not the case at all. This ship of state moves or fails to move based on the people's expectation about the future. If they are optimistic, they do things that express that optimism, and the economy expands.

I wish to talk for a moment about some of the fundamentals. We can genuflect here and even do some dancing in the Senate Chamber about the issue of stimulus packages, but if we don't address the fundamentals, we are not going to get out of this problem.

Every single day, 7 days a week, all year long, we import $2 billion more in goods than we export. So we run up a bill of $700 billion plus a year in trade deficits. Our trade situation is an abysmal failure. Do you think the rest of the country doesn't know that? Do you think that has no impact on the falling dollar? Of course it does. It is one of the reasons the dollar is falling.

In addition to that, we have a fiscal policy that has been reckless. Last year, we had a $196 billion request from the President in front of us, none of it paid for—add it to the debt, he says—for Iraq and Afghanistan and restoring military accounts. Well, that is $16 billion a month, $4 billion a week, and none of it paid for. That is on top of the yearly deficit, which is understated. It uses all the Social Security money as if it were other revenue in order to show a lower deficit.

The American people know better and so do the financial markets. They see the combination of a reckless fiscal policy and a trade policy that is deeply in debt. They see a country whose fundamentals are out of line. These electronic herds, called the currency buyers or currency traders, when they see these things and they run against the currency, a country is in trouble. We have to get our fundamentals in order. We need to fix our trade policy, stop these hemorrhaging deficits, and we need to fix our fiscal policy.

We can't say yes to a President who says let's fight a war and do tax cuts for wealthy Americans at the same time. Let's fight a war, spend a lot of money doing it—two-thirds of a trillion at this point but heading north—and none of it paid for; all of it borrowed. This from a conservative President. This Congress has to stop saying yes to that. This reckless fiscal policy has helped set the stage and table for part of what we have seen the last couple of weeks, the jitters and concerns about where this country is headed and the economic difficulty we are now in.

Let me talk about something my colleague from New Hampshire talked about, and that is the underlying issue of the so-called subprime loan scandal. That is a fascinating thing. Someday somebody will do a book about that and just about that issue. Here is what happened, and we know better. Everybody knows better.

You wake up in the morning and go to brush your teeth and perhaps you have a television set on. You are sort of getting ready for work and you see a television ad. We see them every morning, and the ads say: Do you have bad credit? Do you have trouble getting a loan? Have you been missing payments on your home loan? Have you filed for bankruptcy? It doesn't matter. Come to us; we will give you a loan.

We have all seen these ads, and you think to yourself: Well, how can they do that? How can they advertise that if you have bad credit you can borrow money from them? The fact is, you can't do that. But that is what we were doing all across this country. Here is what was happening. Mortgage brokers were making a fortune in big fees by selling subprime mortgages. The companies that were writing these mortgages, the largest of which was Countrywide Financial, were saying to people: You know what, take our low-interest mortgage, with a teaser rate at 2 percent. It won't reset for 3 years. By the way, if you have an existing home loan, so you can get rid of that and we will lend you money you can pay back at a 2-percent interest rate, and it will not reset for 3 years, during which time the market is going to go up and you can flip it and sell it. In any event, what we will do is decide that on your home loan you don't have to make any principal payments at this point, just interest. We will add the principal later on.

Or they will say, borrow this money from us, and we will make the first 12 months' payments. For the first year, you make no payments at all.

OK, that practice was totally, completely and thoroughly irresponsible by a bunch of greedy folks. They are talking to people, cold-calling them and saying, we would like to put you in a better mortgage but not telling them, of course, there is a prepayment penalty. They are telling you monthly mortgage payments that didn't include real estate taxes, insurance costs, and so forth. So they were quoting borrowers 2 percent teaser rates with prepayment penalties that didn't include the escrow. So they put these people in these loans.

Now, were the victims partly at fault? Sure. By victims, I am talking about those who took these loans out. But these were high-powered salespeople working for big companies that were putting bad products in the hands of a lot of unsuspecting people.

Then what do they do? They have these subprime loans packaged up with other loans. It is sort of like the old days when they used to put sawdust in sausage in the meat plants and mix it all up as filler. Then they would cut it up and you would never know where the filler was and where the sausage was. Well, similar to that, they would take the good loans and the subprime loans and they would mix them all together and put them in securities—securitize them. Then they would sell the securities to these hedge funds, among others. So hedge funds were buying securities. They didn't have the foggiest idea what they were buying because the rating agency said it looked okay. These agencies were dead from the neck up.

Everybody was greedy, and now the whole tent comes collapsing down. Now, you say, how could that be? Well, it was because people were loaning money to people who were never going to be able to repay it. The CEO of Countrywide, the largest company doing this, made hundreds of millions of dollars selling the stock back. It looks like Countrywide is going to go belly up, so Bank of America comes in and buys Countrywide. No idea why, but the big guys, they all waltz off smiling ear to ear, sparkling teeth and big smiles. Why? Because they made a lot of money—hundreds of millions of dollars. Meanwhile, all these folks can't repay their mortgages and are left to try to pick up the pieces and then we wonder what on Earth happened here.

In the midst of all this, this morning I was listening to a TV show with a man named Jim Cramer, who talks about stock prices. He has a TV show. Half the time he is yelling. I don't have the foggiest idea why he thinks that is the approach to use to thoughtfully talk about stock prices, but apparently it is successful. So he says this morning that one of the ways we should deal with the problem in the economy is to start trying to provide some recompense or some money to the insurers of bonds and other things that are going to get hit—derivatives, he said. And I thought, I understand that language. He is talking about credit default swaps.

That sounds like a flatout foreign language, but it can't be because I don't speak a foreign language. Credit default swaps. So what Jim Cramer was talking about on the television this morning is that in order to bail out this country, his approach is we ought to provide about 50 percent of taxpayer money to the losses for those who have credit default swaps. Let me talk a moment about what this means because, as I said, it sounds completely foreign.

Hedge funds in this country are largely unregulated. I, Senator FEINSTEIN, and many others have tried for a long time to say that is dangerous for this country. Hedge funds are somewhere around $1 to $1.5 trillion. Now, that is not so much, considering mutual funds are about $9 trillion. The total of the stocks and bonds in the stock market and bond funds are about $40 billion. So hedge funds are about $1 to $1.5 trillion. But hedge funds represent one-half of all the trades on the stock market. Think of that—$1 trillion plus unregulated—and they comprise half the trades on the stock market.

Now, because of the very heavy use of the leverage, it is a fact that hedge funds can lose much more than they are worth. If somebody goes into a casino in Las Vegas with a pocketful of money and grinning, thinking they are going to win a lot of money but end up losing it all, in most cases the only thing they lose is the money they have. That is not the case with heavily leveraged hedge funds.

That is why the episode with Long-Term Capital Management, a hedge fund that had the smartest people working for them, was so important that over a decade ago the Federal Reserve Board had to try to save Long-Term Capital Management. That hedge fund was unbelievably leveraged, over $1 trillion. Its collapse would have affected the entire American economy.

So here is what we have. We have this language now called credit default swaps. The credit default swap is a derivative, and it is an insurance policy on a bond or some other instrument. The person who sells the swap is actually writing a policy that collects a premium, and it says if nothing goes wrong with the underlying instrument, the person who sold the swap gets the premium and looks like a genius. If, however, the bond or the underlying instrument collapses, then the swap seller has to make good. The notional amount—understand this—the notional amount, the aggregate of bonds, loans, and other debt called by credit default swaps in the United States, is now $26 trillion.

I have spoken before on the floor of the Senate about creating a house of cards, every child has done it, and then pulled out a card on the bottom. Everyone understands what happens to the house of cards. We now have roughly $1-$1.5 trillion in hedge funds, as I understand it, doing one-half of the stock trades on the stock exchanges. In most cases, hedge funds have a notional value of $26 trillion in credit default swaps, and the question is: Where is all this exposure? How much exposure? We don't know. Most hedge funds are unregulated, and a whole lot of folks in this Chamber have wanted to keep it that way, despite the efforts of some of us who believe it is dangerous to our economy to pretend this kind of risk does not exist.

It is interesting to me that we are in this situation and troubling to me we are in a situation that all of us knew was going to be difficult. You can't run a $2-billion-a-day trade deficit without consequence. Warren Buffett always pointed out with the housing bubble that every bubble bursts. It is one of the immutable laws. The question isn't whether, it is when. He makes the same point about the trade deficit. The trade deficit is unsustainable. The question isn't whether we will see consequences, the question is when will those consequences exist.

The consequences are beginning to exist now, with the declining value of the dollar and the combination of all the other issues—the highest deficits in human history, the trade deficit, a fiscal policy that is completely and thoroughly reckless, combined with the scandal that exists with respect to subprime loans and the massive amount of unregulated hedge fund credit swap defaults. I mean it is staggering to see what we have done. Again, the credit default swap is a notional derivative whose value is dramatic and the consequences of which could be dramatic for the entire economy.

Most regulators were looking the other way and doing so deliberately. If ever one wonders whether thoughtful and effective regulation is necessary, look at all this. If anyone has ever wondered whether you can get by with a trade deficit of $2 billion a day, look at where we find ourselves now. If anyone ever wonders if you can spend money you don't have on things you don't need, look at this country's fiscal policy and its consequences for the country.

Having said that, all of us want the same thing for this country's future. We want a country that grows and provides economic opportunity. We want a country where the fundamentals are fair and put in order. That means a trade deficit that is eliminated, or at least close to eliminated, and a trade policy that works for this country's interest. It means a fiscal policy that pays our bills, and it means effective regulation in areas where you have substantial potential risk for the entire economy, and that means regulation of certain hedge funds' transactions and derivatives now well outside the view of public regulators.

So I think this is going to be a very difficult time for this country. It is one thing for us to take a shower in the morning, put on a suit and drive to work and talk about it, it is another thing for the people who go home tonight and say: Sweetheart, I have lost my job, not because I didn't do a good job, but they are laying people off where I work. That is a consequence for that family in which unemployment is 100 percent.

We face some pretty daunting challenges. My hope with this President and with Republicans and Democrats working together, as the Speaker of the House and the majority leader of the Senate said last week, with all of us working together, combined with the Federal Reserve's monetary policy, that we can develop some thoughtful approaches in fiscal policy that might lead us in a constructive direction to say to the American people we believe you can honestly look at the future and have a positive view. But they won't believe that if they feel we are not serious about the fundamentals. The American people aren't going to be fooled. If we don't fix our trade policies and get rid of these unbelievable deficits, if we don't put our fiscal house in order and stop doing what the administration suggests we do, we are in big trouble.

We had a Treasury Secretary named Paul O'Neill—the first Treasury Secretary under this President. If ever there was a straight shooter in Government, it was Paul O'Neill. He came here as an executive from an aluminum company. He was blunt-spoken, an interesting guy, and I happened to like him a lot. Paul O'Neill got fired. In fact, DICK CHENEY is the one who fired him, at the request of the President. When fired, he was told that deficits don't matter. Deficits don't matter.

Well, we now understand they do matter and we have to do something about it. This fiscal policy is out of control. Our trade policy is broken and we have had regulators who looked the other way while we had grand theft in this area of the subprime scandal, and it is time we tell the American people we are serious about addressing these issues and we are going to do it now.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, I rise today in strong support of the Indian Health Care Improvement Act. I, first, wish to thank our chairman, Senator DORGAN, for his passion and commitment. I have had the opportunity to listen to some of the floor debate and opening comments and very much appreciate the way you have laid out the incredible need for this legislation and the fact it is long overdue.

It is a promise that has not been kept, and hopefully today we are going to move forward in keeping that. Also, thank you to my friend and ranking member, Senator MURKOWSKI, for her eloquence as well in laying out the legislation. It is wonderful to see the partnership that has happened on this legislation.

I also wish to remember our colleague, former Senator Craig Thomas, who I know was a wonderful friend to Indian Country and cared very deeply about these issues. We certainly take a moment again to remember him and send our best wishes to his family in remembrance of his leadership on this issue as well.

Just over 31 years ago, this bill, the original bill, was signed into law by the late President Gerald R. Ford, who I am proud to say resided and represented the great State of Michigan. It had the purpose of bringing the health status of Native Americans up to the level of other Americans.

This program, the Indian Health Services Program, funds health services to about 1.8 million Native Americans from our Nation's more than 500 federally recognized American Indian and Alaskan Native tribes. I am proud to have many of them in Michigan.

The Federal Government provides those health care services based on our trust responsibility to Indian tribes derived from Federal treaties, statutes, court rulings, Executive actions, and from our own Constitution, which assigns authority over Indian relations to the Congress.

Reauthorization of the various Indian health care programs has languished for 15 years in this body, so our work today is vital. It is a vital component, it is long overdue, as our chairman has reminded us over and over again in bringing this issue forward for years.

It is a vital component in improving and updating health care services in Indian Country. The Indian Health Care Improvement Act will modernize and improve Indian health care services and delivery. We know this is an incredibly important step. We know more needs to be done, but we know this is an incredibly important step.

The bill will also allow for in-home care for Indian elders and will provide much-needed programs to address mental health and other issues related to the well-being of Indian communities.

More importantly, the Indian Health Care Improvement Act will address many health care disparities in Indian Country. For example, infant mortality rates are 150 percent greater for Indians than for Caucasian infants.

Those in the Indian communities are 2.6 times more likely to be diagnosed with diabetes. Tuberculosis rates for

Native Americans are four times the national average. The life expectancy for Native Americans is nearly 6 years less than the rest of the U.S. population.

What this bill, unfortunately, cannot do is mandate the necessary funding from our budget every year to uphold our country's trust responsibility to provide adequate health care to our tribal members. But we intend to make sure that happens.

As it stands, the Indian Health Services annual funding does not allow it to provide all the needed care for eligible Native Americans. That is what we are speaking to today, that sense of urgency we have in making that happen.

As of today, funding levels are only at 60 percent of the demand for services each year, which requires IHS tribal health facilities, organizations, and urban clinics to ration care so the most critical care and the needs are funded first and foremost, which, in turn, results in the tragic denial of needed services for too many men, women, and children, old and young in Indian country.

As unbelievable as it may sound, health care expenditures to Native Americans are less than half of what America spends on Federal prisoners.

Preventative health care is so important for Indian Country due to the high incidence of chronic diseases such as diabetes and obesity within these communities. IHS funding shortfalls for medical personnel have only further contributed to the severe gaps in health care delivery in Indian Country. In 2005, there were job vacancy rates of 24 percent for dentists, 14 percent for nurses, 11 percent for physicians and pharmacists, according to IHS data.

I am very pleased and proud to be a cosponsor of this important legislation, as it establishes objectives to address these health disparities between Native Americans and other members of the American community. It will enhance IHS ability to attract and retain qualified health care professionals for Indian Country.

As a government, I am also hopeful we will commit the additional resources to Indian health care for this year and every year in the future. The time has long passed for this reauthorization. I am very proud our leader, Senator REID, has determined this to be a priority for the Senate. I am proud of the work that has been done. It is truly time to get this done now.

I yield the floor and I suggest the absence of a quorum

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Mr. President, I ask unanimous consent to call up my amendment at the desk, Vitter amendment No. 3896.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. DORGAN. Mr. President, I have not had a chance to visit with the Senator from Louisiana. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. VITTER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

AMENDMENT NO. 3896

Mr. VITTER. Madam President, I ask unanimous consent to call up amendment No. 3896 at the desk.

The PRESIDING OFFICER. Is there objection to setting aside the committee amendment?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 3896.

Mr. VITTER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify a section relating to limitation on use of funds appropriated to the Service)

Strike section 805 of the Indian Health Care Improvement Act (as amended by section 101(a)) and insert the following:

"SEC. 805. LIMITATION RELATING TO ABORTION.

"(a) DEFINITION OF HEALTH BENEFITS COVERAGE.—In this section, the term 'health benefits coverage' means a health-related service or group of services provided pursuant to a contract, compact, grant, or other agreement.

"(b) LIMITATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no funds or facilities of the Service may be used—

"(A) to provide any abortion; or

"(B) to provide, or pay any administrative cost of, any health benefits coverage that includes coverage of an abortion.

"(2) EXCEPTIONS.—The limitation described in paragraph (1) shall not apply in any case in which—

"(A) a pregnancy is the result of an act of rape, or an act of incest against a minor; or

"(B) the woman suffers from a physical disorder, physical injury, or physical illness that, as certified by a physician, would place the woman in danger of death unless an abortion is performed, including a life-endangering physical condition caused by or arising from the pregnancy itself.".

Mr. VITTER. Madam President, I offer an important amendment with regard to abortion and the pro-life cause. It is a very appropriate day that we talk about this because as we speak tens of thousands upon tens of thousands of people, particularly young people, from all around the country are marching in Washington, on the Mall, at the Supreme Court, in a positive, vibrant march for life. In offering this amendment, I also want to thank all of my original amendment cosponsors: Senators ALLARD, BROWNBACK, THUNE, and INHOFE.

This amendment is very simple. This amendment codifies, solidifies the Hyde amendment policy in this important Indian Health Care Improvement Act. It establishes, reasserts, the policy of the Hyde amendment with regard to the Indian Health Care Improvement Act and puts that Hyde amendment language in the authorization language for this important part of Federal law.

Let me explain why it is necessary. For many years the Hyde amendment has been honored, including in this Federal program, but in a very roundabout and precarious way. For many years this program and this authorization have included language that says: This program will be governed by whatever abortion language is contained in the current Health and Human Services appropriations bill. And for those years, Congress has included Hyde amendment language in that appropriations bill to which this program points. That has worked, sort of, in accomplishing having the Hyde amendment in Federal law with regard to Indian health care, but it puts it in a tenuous and precarious posture. It puts it up for debate and possible change of policy every year, every time we debate a new Health and Human Services appropriations bill. Therefore, it doesn't make the policy very solid, very secure, or very clear.

My amendment is very simple. It would simply place that Hyde amendment language directly in the Indian health care language and say: No Federal funds in this program will be used to perform abortions except in the rare exceptions delineated in the original Hyde amendment.

This is very appropriate. Why should we go to this in such a roundabout and tenuous and precarious way? I think we should place that clear policy, which has been accepted over many years, since the original Hyde amendment debate, directly in the Indian Health Care Improvement Act and not have it sort of get there maybe every year through such a torturous and tenuous and precarious route.

It is very simple. On this day, where tens of thousands upon tens of thousands of Americans, particularly young people—and that is so heartening—are marching on Washington in a positive march for life, will we clearly reaffirm that Hyde amendment language in the

Indian Health Care Improvement Act? I suggest all of us should do that. I suggest that would be a positive statement for life, for positive values for the future. Voting for the amendment will accomplish just that.

I have talked to the chairman of the committee, and he has indicated that a vote will be forthcoming further on in the debate of this bill. I welcome that. I welcome everyone on both sides of the aisle joining together around this consensus amendment to make a positive statement for life, to reaffirm what has been Federal policy for several years, the Hyde amendment, and to move forward, hopefully together, in a positive spirit, making that positive statement for life.

In closing, this is a very important issue and a very important amendment, a very important vote to millions of people around the country who care deeply about life. Because of that, this will be a vote focused on and graded by several key national groups; specifically, the National Right to Life Committee, Concerned Women of America, and the Family Research Council.

I have letters from all three of these groups making clear their strong support of the Vitter amendment and also making clear that this vote on this amendment will be graded in their activity monitoring the Congress. I ask unanimous consent that three letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL RIGHT
TO LIFE COMMITTEE, INC.,
Washington, DC, October 23, 2007.

Re Vitter Amendment to S. 1200 (abortion funding).

DEAR SENATOR: The Senate is expected to soon consider S. 1200, the Indian Health Care Improvement Act Amendments of 2007. The National Right to Life Committee (NRLC) urges you to vote for an amendment that Senator Vitter will offer, which would codify a longstanding policy against funding of abortions with federal Indian Health Service (IHS) funds (except to save the life of the mother, or in cases of rape or incest).

For Medicaid, federal funding of abortion was restricted beginning in 1976 by enactment of the Hyde Amendment to the annual HHS appropriations bill. However, because the IHS is funded through the separate Interior appropriations bill, which has never contained a "Hyde Amendment," the IHS continued to pay for abortion on demand long after the Hyde Amendment was enacted. The Reagan Administration curbed the practice administratively in 1982, as a temporary fix. Subsequently, in an IHS reauthorization bill in 1988, Congress enacted 25 U.S.C. §1676, which said that any abortion funding limitations found in the HHS appropriations measure in effect at any given time will also apply to the IHS. That requirement, which would be continued by Section 805 of S. 1200 as reported, provides no real assurance that federal IHS funds will not be used to pay for abortion on demand in the future, because the language of future HHS appropriations bills depends upon a host of legislative and political contingencies. Rather than merely extending such a convoluted arrangement, NRLC urges adoption of Senator Vitter's amendment, which would simply codify the longstanding policy: No federal funds for abortion, except to save the life of the mother, or in cases of rape or incest. The substance of Senator Vitter's amendment is based directly on the version of the Hyde Amendment that has been in effect since 1997, which appears as Section 508 in the current Labor/HHS appropriations bill (H.R. 3043).

In short, if you are opposed to direct federal funding of abortion on demand, you should support the Vitter Amendment. Rejection of the Vitter Amendment would have the effect of leaving the door open to future federal funding of abortion on demand by the IHS.

We anticipate that the roll call on the Vitter Amendment will be included in NRLC's scorecard of key pro-life votes of the 110th Congress. Thank you for your consideration of NRLC's position on this important issue.

Sincerely,

DOUGLAS JOHNSON,
Legislative Director.

OCTOBER 29, 2007.

Hon. DAVID VITTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR VITTER: The 500,000 members of Concerned Women for America are grateful for your continued commitment to the sanctity of life. We appreciate your work to eliminate federal funding of abortions through the Indian Health Care Improvement Act (S. 1200). This amendment will benefit many women and save innocent lives as Indian Health Services (IHS) funds will be prohibited for use for abortions.

Thank you for your work to codify a longstanding policy and ensure that despite the change in partisan politics, this nation will stand for life. A permanent adoption of this policy to the IHS program will be a positive step in the direction of upholding our nation's claim to the sanctity of life.

The Hyde amendment of 1976 restricted the federal funding of abortion through Medicaid, but this policy did not apply to the IHS due to its receiving funding through a separate Interior Appropriations bill. The IHS continued to pay for abortion on demand until 1982. This was six years too long. Though the Reagan administration administratively curbed the practice, future administrations have not been and will not be barred from paying for abortion on demand using IHS funds.

Senator Vitter, that is why we are grateful for your pro-life amendment to S. 1200. Legislative policies are needed to ensure that the sanctity of life is not subject to partisan politics. We appreciate your commitment to prohibit the federal government from funding abortion on demand.

Sincerely,

WENDY WRIGHT,
President,
Concerned Women for America.

FAMILY RESEARCH COUNCIL,
Washington, DC, January 14, 2008.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of Family Research Council and the families we represent, I want to urge you to vote for the amendment offered by Senator David Vitter (R–LA) to the Indian Health Care Improvement Act of 2007 (S. 1200) which would prevent Indian Health Service funds from being used for abortion. Exceptions would include cases where the life of the mother is at risk, or in the case of rape or incest with a minor. We strongly support this amendment.

Current federal law since the 1988 Indian Health Care reauthorization limits Indian Health Service funds from being used to perform abortion. It does so by referencing the Hyde provision in the annual LHHS appropriations bill, which prohibits such funding for abortion. S. 1200 in Section 805 reiterates this reference to the Hyde provision. However, if the Hyde provision were removed from the LHHS appropriations bill, funding of abortion under Indian Health Services would ensue.

Senator Vitter's amendment language is similar to the Hyde provision and would simply codify this long-standing policy in the Indian Health Care Improvement Act. As such, federal Indian Health Service funds would not be used for abortions, no matter what happens with the Hyde provision in future appropriations cycles.

Your support for the Vitter amendment will uphold the long-standing policy that United States taxpayers should not subsidize abortion. FRC reserves the right to score votes surrounding this amendment in our scorecard for the Second Session of the 110th Congress to be published this fall.

Sincerely,

THOMAS MCCLUSKY,
Vice President for Government Affairs.

Mr. VITTER. Again, in closing, I welcome all of our colleagues to support this commonsense, pro-life, positive amendment. I look forward to any further debate on it, to answer any questions that might arise, and to an important vote before we conclude consideration on this bill.

I yield the floor.

Mr. DORGAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 2539 and S. 2540 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Madam President, I come to the floor today to talk about my support for the reauthorization of the Indian Health Care Improvement Act. I am a cosponsor of this bill because there is a vital need for our Native American communities to have access to modernized health care.

Today, the health disparities between our tribal communities and the rest of the country are shocking. According to the Indian Health Service, the average life expectancy for Native Americans is almost 2½ years below any other group in the country. The incidence of sudden death syndrome among tribal communities is more than three times the rate of nontribal infants. If you are a Native American, you are 200 percent more likely to die of diabetes, you are 500 percent more likely to die from tuberculosis, you are 550 percent more likely to die from alcoholism, and you are 60 percent more likely to commit suicide.

These may seem like nothing but statistics, but behind them are real people who are in real need of modernized health care services.

The suicide rate among Native American youth is the highest of any racial group in the Nation. In fact, suicide is the third leading cause of death among Native American youth. One of the country's most recent victims is a 12-year-old Red Lake boy who hanged himself last October. This young boy's suicide only added to the heartache of the Red Lake Indian Reservation, which is located in my State of Minnesota. This Indian reservation, the people there had already suffered a lot. Back in March of 2005, at the Red Lake High School, a troubled teenager named Jeff Weise went on a shooting rampage, killing nine people before turning the gun on himself. Most of the news reports highlighted the troubled teen's past, including a history of depression and suicide attempts and the daunting socioeconomic conditions in his reservation community. This calamity serves as a tragic reminder of the importance of increasing efforts to effectively address mental health issues in Indian Country and elsewhere. I know my colleague, Senator DORGAN, has been leading this effort, this bipartisan effort, to make sure we reauthorize this important act.

We know the negative impact mental health issues have on our communities, but we also know access to modern mental health care resources can make a difference. That is why it is so critical to reauthorize the Indian Health Care and Improvement Act.

Reauthorizing this bill will provide tribal communities with the tools needed to build comprehensive behavioral health prevention and treatment programs—programs that emphasize collaboration among alcohol and substance abuse, social services, and mental health programs, and programs that will help communities such as Red Lake prevent further tragedies.

Reauthorizing this bill will also help tribal communities attract and retain qualified Indian health care professionals and address the backlog in needed health care facilities on Indian reservations. I have visited the facilities. I visited the reservations throughout my State, and I know they are in need of this help. The lack of availability of nearby health care facilities and specialized treatment is a major concern for tribal communities, especially those with large reservations.

On the Minnesota White Earth Indian Reservation, which is the largest reservation in our State, spanning 200 miles and home to almost 10,000 people, elective surgeries are not even an option—in an area that spans 200 miles—due to a lack of modernized health care resources and facilities. Currently, these White Earth tribal members are unable to undergo elective surgery on the reservation. These are people who need a hip replacement or a knee replacement or a simple cataract surgery, but they are unable to get the health care they deserve because there is a lack of doctors, adequate medical facilities, and basic insurance coverage.

The Federal Government has a trust responsibility to provide health care for our tribal communities. I cosponsored the Indian Health Care Improvement Act because we made a commitment to our tribal communities. We must ensure our tribal communities have access to convenient, preventive, and modern health care. I urge my colleagues to join me and support reauthorizing this important bill.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I believe Senator NELSON of Florida is on his way. Before that, the legislation we brought to the floor from the Committee on Indian Affairs has been worked on for a long while. It is long past due to be considered by the Congress. It deals with the urgent need for Indian health care.

I want to especially say we worked with the National Indian Health Board on this legislation and Sally Smith, chair of the board; with the Tribal Leaders Steering Committee on Indian Health, Buford Rollin, cochair, and Rachel Joseph, cochair. We worked closely with the National Congress of American Indians, Joe Garcia, president, and Jackie Johnson, executive director. We held listening sessions at many Indian reservations to talk about the challenges and what we need to do to resolve these issues.

I wish to mention as well today we have from the White House a statement of administration policy in which the White House is talking about a potential veto of this legislation. That is not particularly unusual. The White House has been talking about vetoing almost anything and everything for the last several months. So I am not particularly surprised. My hope is we can work with the White House. This is a bipartisan piece of legislation. We expect to pass it through the Congress, and my hope is the President will sign it.

I wish to address one of the issues the White House is concerned about—the Indian urban health care program. The President has requested we not have any funding for it, that we discontinue the urban Indian health care program. My colleague, Senator MURKOWSKI, and I and many others have disagreed with that. We believe there is a need for the urban Indian health care program.

I wish to describe that need by describing one person, a Native American, the late Lyle Frechette. This is a photograph taken after he finished high school. He was a member of the Menominee Tribe of Indians in Wisconsin. He was a proud veteran, who went into the Marine Corps right after high school, when this picture was taken. After serving his country as a U.S. marine, he came home to the Indian reservation to find life had significantly changed. That was at a time in this country when we were going through what is called "termination and relocation." The policy in this country was to say to American Indians that we want to get you off the reservation and to a city someplace.

In fact, the official policy of the Federal Government was to terminate government-to-government relationships with 109 Indian tribes during that period, the early 1950s. It was suggested, well, let's terminate relationships with tribes and say to these Indians: Go to the city and leave your reservation. So many did, and Lyle Frechette did. The movement from a tribal reservation, where there was some Indian health care, although inadequate, to the major cities meant that Lyle Frechette was leaving an area that had vast forests and timber resources that represented financial stability for the Menominee Tribe. Yet the Federal Government thought this was a great candidate for termination. So they took steps to terminate the tribal status.

That termination had catastrophic effects on the lives of many of the tribal governments and the people who were members of the tribes. It required many of the young tribal members, such as Lyle Frechette, to either stay on the reservation and live in abject poverty, with no further health or any benefits that had long been promised to them, or participate in the Federal urban relocation program. Often, they were given a one-way bus ticket and told good luck; they ended up in cities with substantial limitations on what they could do.

Lyle Frechette had a young wife and a child and they relocated to Milwaukee, WI, 3½ hours from the reservation. He no longer had access to health care on the Indian reservation. There were very few urban clinics and the relocated Indians only qualified for private sector insurance for 6 months, and that was over. Health care is essential. Many of these folks, including this young man, left the reservation because of the termination and relocation program and discovered they were not able to access health care programs.

Then, over a period of years, urban health care programs were established to try to be helpful to those whom we had literally forced off the reservations. The fact is it has been a lifesaving experience for many urban Indians to be able to access that which was guaranteed them as part of the trust responsibility of the Federal Government to American Indians, even being able to access that in some of our urban areas. The President has wanted to shut down that program. We have said we don't support that, on a bipartisan basis. Congress has said the urban health care programs for American Indians has worked very well.

I wished to describe that issue because the President indicated that is one of the issues in his letter and the statement of administrative policy today in which he suggests he may well veto this legislation. I hope he will not and that we will work on a bipartisan basis to convince the President doing this is the right thing to do.

I know my colleague from Florida is here ready to speak. At this point, I yield the floor, and my colleague wishes to be recognized.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Madam President, I wish to say to the very distinguished Senator from North Dakota he has always been one of the foremost advocates for improving Indian health on the tribal lands, and I intend to support him. I thank him for his advocacy.

In my State of Florida, we have a number of very prominent Indian tribes, the Seminoles, the Mikasukis, and others. The good fortune is they do not have the health problems other tribes have throughout other parts of the country. Yet there are some problems in Florida as well. This is a matter we cannot continue to close our eyes to. We need to help them. I intend to support the Senator from North Dakota on this bill. I look forward to its passage and, hopefully, working out the problems with the White House so they will not veto this legislation.

Madam President, I wish to talk about this. We are now obviously in a recession: The gyration of the stock market, the weakness of the dollar, the roiling markets around the world, the emergency meeting of the Federal Reserve, the cutting of the rate three-quarters of a percent, from 4¼ to 3½, the likelihood they will meet again next week and cut the interest rate further. We are in a full-scale recession.

I have returned from my State of Florida and this recess having done town hall meetings all over the State, in which the town halls were packed, with standing room only. They were out into the hallways. They were hungry to be heard, and that is the way I conduct those town hall meetings. I go in and say: This is your meeting, and I want to hear what is on your mind, what your concerns are, and I want to know how you are hurting, so we can try to help you. We pick up huge numbers of cases for our caseworkers as a result of these outreach town hall meetings all over my State.

Let me remind you my State is the fourth largest in the Union and by 2012 it will surpass New York and will be the third largest in the Union. In that midst of 18 million people who are as diverse as America, indeed becoming as diverse as the Western Hemisphere, people are hurting. In addition to the global and national economies, our people are triply hurting by getting the double whammy of increased real estate taxes, as well as huge increases in homeowners insurance. We talked about this crisis many times on the floor—about an appropriate Federal role to assist the States with regard to insurance markets that have gone out of control, jacking the rates to the Moon, in the anticipation of another catastrophe following Katrina in New Orleans and the previous year, 2004, four hurricanes that hit Florida within a 6-week period.

All those things have come together, so that I can tell you in these 15 town hall meetings I did, from literally one end of Florida, Key West, to the other, Pensacola, people are hurting. You take a very upscale, increasingly hot economy, such as Fort Myers, Lee County, they are in the economic doldrums. They are hurting. Go to your rural areas. We always talk about rural health care. It is certainly true there. But the rural areas are depressed. The jobs have diminished. Unemployment has gone up. The people are concerned about their investments. The main investment the average Florida family has is their home. If they need cash and need to sell their home, now they cannot sell their home because there is a complete flat market; and if they need cash, trying to get an additional loan because of equity, the banks are not loaning. So you get the picture of what is happening in Florida. Indeed, Florida is the microcosm of America. This is happening all over America.

Now, what we have already voted on in the Senate is a first step. But it is a small step. We have voted on, and I have supported, mortgage forgiveness debt relief so if a bank were to forgive part of the loan, we want to change the Tax Code so the homeowner doesn't have to pay income tax on that reduction in the amount of the loan the bank grants them, to try to keep them solvent so they can continue to pay off the loan.

We are also supporting property tax relief, which is that 32 million homeowners, or 70 percent of taxpayers, do not itemize their real estate property taxes, and of that 70 percent, 32 million of those are homeowners. What we are suggesting is that we give them a standard deduction, so if you own real estate property and you don't itemize your deductions, there will be a standard deduction that will be available.

And then in December the Senate passed, and this Senator voted for, the Federal Housing Administration Modernization Act. It was intended to help homeowners in the risky subprime mortgages to be able to refinance them through the FHA into more reliable mortgages. These are all attempts at getting at the problem. But that was December and this is now late January and the economy has slipped further and deeper into recession. So we need to come out in a bipartisan way with a fix that will help stimulate the economy and try to get us back on track: increasing unemployment compensation perhaps from the 26 weeks to as many as 46 weeks; the ability to go in and put money quickly in somebody's pocket, such as a reduction of the payroll taxes, that in those every 2-week paychecks, they will see an increase in that take-home pay; perhaps for those who are hurting the most at the lower end of the economic scale, additional food stamps; infrastructure support that would get money into the economy, stimulating and turning over those dollars into the economy if it is invested in items that can be spent immediately in the much needed repair of roads and bridges.

Whatever the ideas are, there is going to be an ideological divide. Let's hope it does not come down to this question of taxing the poor and giving the tax breaks to the more well off. That is not going to give the economic stimulus this country needs. And then approaching this question of all these defaulted loans or the ones that are about to be defaulted, over and above what we have already attempted to do in December, is something that we must address. What is the appropriate action, not to reward those who were gaming the system, but for those who are genuinely hurting because they either did not know or they were deceived into signing a mortgage that lulled them along with cheap interest rates and then all of a sudden has an escalation of that interest rate that they cannot pay.

A combination of all these actions is what we ought to think about and come up with a stimulus package very soon in a bipartisan way. Let's in the Senate rise above the petty partisan politics that has so dominated this Chamber now for the last several years. Let's rise and come together and help our people with a quick passage of a stimulus package that will get America back on the economic track.

FLORIDA PRIMARY

I end by saying a word or two about a completely different subject. It has been painful for this Senator to see the Democratic candidates for President stay out of my State of Florida because they had to sign a pledge that was insisted upon by the four first privileged States—Iowa, New Hampshire, Nevada, and South Carolina—even though it was a Republican State legislature, signed into law by a Republican Governor of Florida, moving the primary 1 week before super Tuesday, February 5, to the Florida primary date of January 29, those four privileged States insisted that the candidates sign a pledge or else suffer the consequences in those early four States.

The pledge was that they would not campaign in Florida, they would not hire staff in Florida, they would not open an office, they would not make telephone calls, they would not make advertisements, they would not, can you believe, have press conferences.

This Senator thinks that the first amendment protections have been shredded. Nevertheless, that is what the Democratic candidates did, and they have stayed out of Florida.

The Republican National Committee, not taking away all the delegates as the Democratic National Committee did from Florida, took away half the Republican delegates from Florida but did not extract such a pledge. Thus, since the South Carolina primary was already held for the Republicans, and it is still to be held this Saturday for the Democrats, we see the Republicans en masse in Florida campaigning, much to the chagrin of Florida Democrats who do not see their candidates.

What is going to happen is that next Tuesday, Florida is going to vote; Florida, 18 million people, the first big State to vote, the first State that is representative of the country as a whole in almost any demographic that we line up with the country, it is going to vote, and it is going to cast its ballots for President of both parties, and it is going to be reported how Florida votes. It is definitely going to have an effect 7 days going into super Tuesday when 22 States vote.

Senator LEVIN of Michigan and I have filed a bill that will bring some order out of this chaos. There should not be a person in America who thinks this is the way to nominate a President of the United States for their party. If we continue to allow this kind of chaos going on, the States will continue to leapfrog each other, and the first primary will be at Halloween.

This is not a good way of selecting nominees. Senator LEVIN and I have suggested a more orderly system that I will describe in detail at a later time but that would have six primaries: the first in March, two in April, two in May, and the last one in June, through which the States, large and small, geographically distributed, would each, according to the sequence of which they would draw out of a hat one to six, proceed on that order. Four years later, they would rotate. The ones second would go first, and the ones first would go to the last primary in June, 4 years down the road in the next Presidential cycle.

We have to bring order out of this chaos. In the meantime, I am here as Florida's senior Senator to say and to let all those Presidential candidates know that Florida takes its vote very seriously. Florida will express herself in both parties. Florida will have the influence of the first big State, and by the time we get to the conventions in August and September, the entire Florida delegation will be seated and voted.

So I ask the Presidential candidates to consider the frustration and the consternation on the Democratic side as we approach our Florida Presidential primary on January 29.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 3893

Mr. BROWNBACK. Madam President, I ask unanimous consent that the pending business be set aside and that my amendment, No. 3893, be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 3893.

Mr. BROWNBACK. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To acknowledge a long history of official depredations and ill-conceived policies by the Federal Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States)

At the end, add the following:

TITLE III—MISCELLANEOUS

SEC. 301. RESOLUTION OF APOLOGY TO NATIVE PEOPLES OF UNITED STATES.

(a) FINDINGS.—Congress finds that—

(1) the ancestors of today's Native Peoples inhabited the land of the present-day United States since time immemorial and for thousands of years before the arrival of people of European descent;

(2) for millennia, Native Peoples have honored, protected, and stewarded this land we cherish;

(3) Native Peoples are spiritual people with a deep and abiding belief in the Creator, and for millennia Native Peoples have maintained a powerful spiritual connection to this land, as evidenced by their customs and legends;

(4) the arrival of Europeans in North America opened a new chapter in the history of Native Peoples;

(5) while establishment of permanent European settlements in North America did stir conflict with nearby Indian tribes, peaceful and mutually beneficial interactions also took place;

(6) the foundational English settlements in Jamestown, Virginia, and Plymouth, Massachusetts, owed their survival in large measure to the compassion and aid of Native Peoples in the vicinities of the settlements;

(7) in the infancy of the United States, the founders of the Republic expressed their desire for a just relationship with the Indian tribes, as evidenced by the Northwest Ordinance enacted by Congress in 1787, which begins with the phrase, "The utmost good faith shall always be observed toward the Indians";

(8) Indian tribes provided great assistance to the fledgling Republic as it strengthened and grew, including invaluable help to Meriwether Lewis and William Clark on their epic journey from St. Louis, Missouri, to the Pacific Coast;

(9) Native Peoples and non-Native settlers engaged in numerous armed conflicts;

(10) the Federal Government violated many of the treaties ratified by Congress and other diplomatic agreements with Indian tribes;

(11) the United States should address the broken treaties and many of the more ill-conceived Federal policies that followed, such as extermination, termination, forced removal and relocation, the outlawing of traditional religions, and the destruction of sacred places;

(12) the United States forced Indian tribes and their citizens to move away from their traditional homelands and onto federally established and controlled reservations, in accordance with such Acts as the Act of May 28, 1830 (4 Stat. 411, chapter 148) (commonly known as the "Indian Removal Act");

(13) many Native Peoples suffered and perished—

(A) during the execution of the official Federal Government policy of forced removal, including the infamous Trail of Tears and Long Walk;

(B) during bloody armed confrontations and massacres, such as the Sand Creek Massacre in 1864 and the Wounded Knee Massacre in 1890; and

(C) on numerous Indian reservations;

(14) the Federal Government condemned the traditions, beliefs, and customs of Native Peoples and endeavored to assimilate them by such policies as the redistribution of land under the Act of February 8, 1887 (25 U.S.C. 331; 24 Stat. 388, chapter 119) (commonly known as the "General Allotment Act"), and the forcible removal of Native children from their families to faraway boarding schools where their Native practices and languages were degraded and forbidden;

(15) officials of the Federal Government and private United States citizens harmed Native Peoples by the unlawful acquisition of recognized tribal land and the theft of tribal resources and assets from recognized tribal land;

(16) the policies of the Federal Government toward Indian tribes and the breaking of covenants with Indian tribes have contributed to the severe social ills and economic troubles in many Native communities today;

(17) despite the wrongs committed against Native Peoples by the United States, Native Peoples have remained committed to the protection of this great land, as evidenced by the fact that, on a per capita basis, more Native Peoples have served in the United States Armed Forces and placed themselves in harm's way in defense of the United States in every major military conflict than any other ethnic group;

(18) Indian tribes have actively influenced the public life of the United States by continued cooperation with Congress and the Department of the Interior, through the involvement of Native individuals in official Federal Government positions, and by leadership of their own sovereign Indian tribes;

(19) Indian tribes are resilient and determined to preserve, develop, and transmit to future generations their unique cultural identities;

(20) the National Museum of the American Indian was established within the Smithsonian Institution as a living memorial to Native Peoples and their traditions; and

(21) Native Peoples are endowed by their Creator with certain unalienable rights, and among those are life, liberty, and the pursuit of happiness.

(b) ACKNOWLEDGMENT AND APOLOGY.—The United States, acting through Congress—

(1) recognizes the special legal and political relationship Indian tribes have with the United States and the solemn covenant with the land we share;

(2) commends and honors Native Peoples for the thousands of years that they have stewarded and protected this land;

(3) recognizes that there have been years of official depredations, ill-conceived policies, and the breaking of covenants by the Federal Government regarding Indian tribes;

(4) apologizes on behalf of the people of the United States to all Native Peoples for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States;

(5) expresses its regret for the ramifications of former wrongs and its commitment to build on the positive relationships of the past and present to move toward a brighter future where all the people of this land live reconciled as brothers and sisters, and harmoniously steward and protect this land together;

(6) urges the President to acknowledge the wrongs of the United States against Indian tribes in the history of the United States in order to bring healing to this land by providing a proper foundation for reconciliation between the United States and Indian tribes; and

(7) commends the State governments that have begun reconciliation efforts with recognized Indian tribes located in their boundaries and encourages all State governments similarly to work toward reconciling relationships with Indian tribes within their boundaries.

(c) DISCLAIMER.—Nothing in this section—

(1) authorizes or supports any claim against the United States; or

(2) serves as a settlement of any claim against the United States.

Mr. BROWNBACK. Madam President, I thank my colleague from North Dakota, the chairman of the Indian Affairs Committee, who has been a sponsor of this bill that I put in amendment form and am calling up now as an amendment, as an official apology to Native Americans in the United States for past issues. It is an amendment with a lot of history to it.

The bill has been brought up this Congress, the last Congress, and it has passed the Indian Affairs Committee both Congresses. It is an amendment with an issue of a lot of history to it. The chairman and myself are from Plains States where there is a lot of Native American history, as there is throughout the United States. It is a history that is both beautiful, difficult, and sad at the same time.

I have four tribal lands in my State, four areas where there are tribal lands, some that are tribal but don't have a resident tribe in the State. This has been an issue that has been around for some time—the relationship between the Federal Government and the tribes.

What we have crafted in this amendment, a previous bill that is now in amendment form, is an official apology. It does not deal with property issues whatsoever, but it recognizes some of the past difficulty in the relationship.

It says that for those times the Federal Government was wrong, we acknowledge that and apologize for it. Apologies are difficult and tough to do, but I think this one is meritorious and, as I present my case, I hope my colleagues will agree and support this amendment.

I rise today to speak about this issue that I believe is important to the well-being of all who reside in the United States. It is an issue that has lain unresolved for far too long, an issue of the United States Government's relationship with the Native peoples of this land.

Native Americans have a vast and proud legacy on this continent. Long before 1776 and the establishment of the United States of America, Native peoples inhabited this land and maintained a powerful physical and spiritual connection to it. In service to the Creator, Native peoples sowed the land, journeyed it, and protected it. The people from my State of Kansas have a similar strong attachment to the land.

Like many in my State, I was raised on the land. I grew up farming and caring for the land. I and many in my State established a connection to this land as well. We care for our Nation and the land of our forefathers so greatly that we too are willing to serve and protect it, as faithful stewards of the creation with which God has blessed us. I believe without a doubt citizens across this great Nation share this sentiment and know its unifying power. Americans have stood side by side for centuries to defend this land we love.

Both the Founding Fathers of the United States and the indigenous tribes that lived here were attached to this land. Both sought to steward and protect it. There were several instances of collegiality and cooperation between our forbears—for example, in Jamestown, VA, Plymouth, MA, and in aid to explorers Lewis and Clark. Yet, sadly, since the formation of the American Republic, numerous conflicts have ensued between our Government, the Federal Government, and many of these tribes, conflicts in which warriors on all sides fought courageously and which all sides suffered. Even from the earliest days of our Republic there existed a sentiment that honorable dealings and a peaceful coexistence were clearly preferable to bloodshed. Indeed, our predecessors in Congress in 1787 stated in the Northwest Ordinance:

> The utmost good faith shall always be observed toward the Indians.

Many treaties were made between the U.S. Government and Native peoples, but treaties are far more than just words on a page. Treaties represent our word, and they represent our bond. Treaties with other governments are not to be regarded lightly. Unfortunately, again, too often the United States did not uphold its responsibilities as stated in its covenants with Native tribes.

I have read all of the treaties in my State between the tribes and the Federal Government that apply to Kansas. They generally came in tranches of three. First, there would be a big land grant to the tribe. Then there would be a much smaller one associated with some equipment and livestock, and then a much smaller one after that.

Too often, our Government broke its solemn oath to Native Americans. For too long, relations between the United States and Native people of this land have been in disrepair. For too much of our history, Federal tribal relations have been marked by broken treaties, mistreatment, and dishonorable dealings. I believe it is time to work to restore these relationships to good health. While the record of the past cannot be erased, I am confident the United States can acknowledge its past failures, express sincere regrets, and work toward establishing a brighter future for all Americans. It is in this spirit of hope for our land that I am offering Senate Joint Resolution 4, the Native American Apology Resolution, as an amendment to the bill currently before us. This resolution will extend a formal apology from the United States to tribal governments and Native peoples nationwide—something we have never done; something we should have done years and years ago.

I want my fellow Senators to note this resolution does not—does not—dismiss the valiance of our American soldiers who fought bravely for their families in wars between the United States and a number of the Indian tribes, nor does this resolution cast all the blame for the various battles on one side or another.

Further, this resolution will not resolve the many challenges still facing Native Americans, nor will it authorize, support or settle any claims against the United States. It doesn't have anything to do with any property claims against the United States. That is specifically set aside and not in this bill. What this resolution does do is recognize and honor the importance of Native Americans to this land and to the United States in the past and today and offers an official apology for the poor and painful choices the U.S. Government sometimes made to disregard its solemn word to Native peoples. It recognizes the negative impact of numerous destructive Federal acts and policies on Native Americans and their culture, and it begins—begins—the effort of reconciliation.

President Ronald Reagan spoke of the importance of reconciliation many times throughout his Presidency. In a 1984 speech to mark the 40th anniversary of the day when the Allied armies joined in battle to free the European Continent from the grip of the Axis powers, Reagan implored the United States and Europe to "prepare to reach out in the spirit of reconciliation."

Martin Luther King, whom we recognized and celebrated yesterday, who was a true reconciler, once said:

> The end is reconciliation, the end is redemption, the end is the creation of the beloved community.

This resolution is not the end, but perhaps it signals the beginning of the end of division and a faint first light and first fruits of the creation of beloved community. This is a resolution of apology and a resolution of reconciliation. It is a step toward healing the wounds that have divided our country for so long—a potential foundation for a new era of positive relations between tribal governments and the Federal Government.

It is time—as I have stated, it is way past time—for us to heal our land of division, all divisions, and bring us together. There is perhaps no better place than in the midst of the Senate's consideration of the Indian Health Care Improvement Act reauthorization to do this. With this in mind, I hope my Senate colleagues will support this amendment. I would ask their consideration on it. I would ask for their positive vote for it.

I hope a number of my colleagues in the Senate will join me as a cosponsor of the amendment itself so we can show a united front and that it is time for us to heal. I ask they give us that consideration. I simply ask my colleagues to look for this, and I hope they can vote for it as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I thank the Senator from Kansas. I am a cosponsor in support of the amendment he has offered.

If one studies the history in this country with respect to Indian tribes, it is a tragedy. It is very hard for someone to study it, understand it, and not wish our country to apologize for it. We entered into treaties with the tribes; agreements, signed treaties, with the tribes. We took tribal homelands and pushed them onto reservations and made agreements, including trust agreements, to provide for their health care and many other things.

Then we decided we wanted to push them off reservations and move them into urban areas. Then we decided we would discontinue a government-to-government relationship with 109 tribes. We terminated the tribal status of 109 tribes, and we told these folks to leave the reservations and here is a one-way ticket. We want you to go to the cities to be assimilated into the cities. So we sent them off to the cities, far away from families and health care facilities. Then we sent them off to boarding schools and terminated their governmental status. We took lands off protected trust status and then turned, once again, and began to revitalize tribal language and culture and governments.

When you understand what this country has done, in terms of abrogating agreements and treaties it has made, one can understand the words of Chief Joseph. Here is what Chief Joseph said:

> Good words do not last long unless they amount to something. Good words do not pay for my dead people. Good words cannot give me back my children. Good words will not give my people good health and stop them from dying. I am tired of talk that comes to nothing. It makes my heart sick when I remember all of the good words and then all of the broken promises.

Chief Joseph was an honorable Indian leader. He negotiated face-to-face with the leaders of our country. And while he lived, he saw promise after promise after promise broken. U.S. Supreme Court Justice Hugo Black wrote:

Great nations, like great men, should keep their word.

That is all Chief Joseph and so many other Indian leaders asked, and it was never granted. We are trying now, in some small and some significant ways, to remedy and address these issues. The Indian Health Care Improvement Act is one step in the right direction to say this country will start to keep its promise, its promise, as a trust responsibility, to provide health care for American Indians.

I say to my colleague from Kansas, I used a chart earlier today to say the American people, the American Government, is responsible, because of treaty obligations and a trust obligation, a trust obligation we have for American Indians, to provide health care to two groups of people. One group is incarcerated Federal prisoners. That is our charge. We put them in prison for crimes, we are required to provide for their health care in Federal prisons. We also have a responsibility for health care for American Indians because of the trust responsibility and treaties by which we made that promise.

Compare the two. We spend twice as much money providing health care for incarcerated prisoners in Federal prisons as we do providing health care to American Indians. And that is why today it is likely somewhere on an Indian reservation someone is dying who shouldn't have to die. Some young child is suffering who shouldn't have to suffer because the health care we expect for our families is not available to them.

If I might, for another minute, say once again that I showed a picture this morning of a young girl named Ta'Shon Rain Littlelight. She died at the age of 5. Ta'Shon Rain Littlelight didn't get the health care most of us would expect for our children. She was a beautiful young child on the Crow reservation, and she spent the last 3 months of her life in unmedicated pain. Finally, she was diagnosed with a terminal illness. And when she was, and I talked about this earlier, she asked to go to see Cinderella's castle, and so the Make-A-Wish Foundation sent her and her mother to Orlando. In the hotel, on the night before she was to see Cinderella's castle, she died in her mother's arms. As she lay in her mother's arms, she said: Mommy, I will try not to be sick. Mommy, I will try to get better.

This young girl, time after time after time, had been taken to the clinic and was diagnosed and treated for depression at the age of 5 when, in fact, she had terminal cancer and she is now dead. A beautiful young girl—Ta'Shon Rain Littlelight. This is happening across our country, and we have to stop it. It is our responsibility to stop it.

My colleague from Kansas offers a resolution that talks about past abuses, and they are unbelievable. But some of them continue, and that is the purpose of this bill and the reason I appreciate his support for the underlying bill. But I did wish to say I am a cosponsor of the amendment offered by Senator BROWNBACK. It is the right thing for our country to do. I am proud to cosponsor what he is suggesting to the Senate today. He is offering it now as an amendment. I have previously cosponsored it as a bill when he has introduced it in the Senate.

So my thanks to the Senator from Kansas. And after he speaks, Madam President, I know the Senator from Ohio wishes to be recognized. But I suspect the Senator from Kansas wishes to say a word, at which point I am happy the Senator from Ohio is here and wishes to speak on this bill.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, I wished to thank my colleague from North Dakota, and I would ask the amendment be referred to as the Brownback-Dorgan amendment, if that would be acceptable to my colleague. We will put it forward that way because he has been lead sponsor of this for the past several Congresses, and I appreciate his hard work.

I appreciate his heart and his practicality on the current situation. We do have to get better health care on the reservations and for the Native tribes.

I appreciate the effort to get that done, and I think that is an important effort for us and a very practical and necessary thing, so the examples he talks about, and unfortunately so many others, don't continue to happen across this country.

The amendment put forward by my colleague from Louisiana, Senator VITTER, is also important, his view about codifying a situation regarding abortions with Native Americans. I would hope that would be something we could see passed as something that is a hopeful sign in pushing to the future, rather than a sign of despair and the killing of children, which I think is completely wrong for us to see taking place and for us to be funding it as well.

I am delighted this bill is coming up. I think this is an important issue for us to debate, and I am glad to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, Wall Street and international markets are clearly concerned or worse over a possible U.S. recession. Congress is formulating, as we know—the President, both parties' leadership, the Members of the House and Senate—an economic stimulus package, which is the right thing to do, but there are several pieces to this puzzle. The economy is faltering, to be sure, and we have those concerns about our economy as a whole. Equally important, I would argue more importantly, more Americans are losing access to basic necessities because of it.

A stimulus package should do two things. First of all, a stimulus package needs to stimulate the economy so we can pull ourselves more quickly and more vigorously, if you will, out of this recession. A stimulus package also, equally or more importantly, needs to help those people who have been most victimized by the recession.

I rise to urge this body to take responsibility for helping those who are without food, without adequate heat, and without adequate housing; those for whom the economic crisis is not just a source of anxiety, in some sense it is a thief in the night who has robbed Americans of basic human needs.

In December, I spoke about the crisis food banks across our Nation face. It was the lead-up to Christmas, a time when the spirit of giving is at its peak. The holidays are now over and we are deep into January. Not surprisingly, food bank donations have fallen off precipitously. Yet the need for food grows as the economic crisis deepens.

Across this country more Americans are in need of food assistance and less food is available. The result is hunger. In the wealthiest Nation in the world, people are waiting in line for a subsistence level of food, food that runs out too often before the lines run out. People who live in the communities we serve are facing increasing food insecurity. In too many cases, people don't know from where their next meal will come.

Increasingly, these are families with children. Food banks in Ohio and Virginia and Arizona and California and in the Presiding Officer's home State of Missouri, in Colorado and every State in the Union are underfunded, overextended. The unemployed, the sick, the aged, the homeless, the mentally ill—these are the individuals who typically seek food banks and food pantries for assistance. And now more working families are also being forced to seek food assistance as factories close and as gas prices and transportation prices—the cost of transportation goes up for people driving to work, wages stagnate, food prices go up, and daily necessities become more expensive.

Five years ago, the Food Bank of Southeast Virginia reported serving 95,000 people—95,000 people in 2002. In 2007, that food bank served 203,000. Forty-two percent of their recipients are categorized as working poor, a population that is on the rise.

In Warren County, OH, a generally affluent county northeast of Cincinnati—the county seat is Lebanon, which I visited last week—in that county, 90 percent of people who go to food pantries have jobs, 90 percent of them are working. They are working often in part-time jobs, often in full-time jobs without benefits, always in jobs that cannot pay their bills.

For many years, one of my constituents, Tim, and his wife donated time and money to Cleveland-area food banks and soup kitchens. But over time, cash for Tim and his wife became tight. They stopped giving money to the food bank; they continued to donate their time to the food bank. This year, after months of rationing food in their own household, Tim and his wife were forced to use the food bank themselves. It took great humility, Tim recalls. Tim says he used to be middle class, but he does not see himself as middle class anymore. He says his wages have not kept pace with subsistence expenses. What he gets from the food bank is not enough either. The groceries he receives last his household about 1 week. Food distributions are limited to once a month.

In Ohio, 70 percent of food pantries do not have enough food to serve everyone in need. This problem is not unique to Ohio. It is affecting cities across the country, with Denver and Orlando and Phoenix particularly hard-hit. American's Second Harvest, the nationwide food bank network, projected a food shortage of 15 million pounds—11.7 million meals—by the end of 2007.

Congress must act swiftly to alleviate the current food shortage. That is why I introduced last month legislation that would allocate $40 million in emergency assistance—$40 million is all. Just to put it in perspective, we are spending $3 billion a week on the war in Iraq. We are asking for $40 million in short-term emergency funding for the Emergency Food Assistance Program, so-called TEFAP.

With legislators still negotiating the details of the farm bill, critical TEFAP funding, which provides food at no cost to low-income Americans in need of short-term hunger relief, has dried up at the worst possible time. This bill will provide the funding necessary to keep food banks funding intact until the farm bill is signed into law.

On a cold December morning about a month ago in southeast Ohio, in the town of Logan, at 3:30 in the morning—3:30 in the morning—people began to line up at a food bank at the Smith Chapel United Methodist Church pantry. By 8 o'clock, about 4½ hours later, when volunteers began distributing food, the line of cars stretched for more than a mile and a half. By early afternoon of this cold December day, more than 2,000 residents had received food. That is 7 percent of the local population in a county where people drove 20 or 30 minutes to get there. Seven percent of the local population in 1 day, in one church, came to this food pantry for food. Just 8 years ago, that pantry served 17 families a month—17 families a month. One December day, 2,000 families, that is a crisis.

In the Los Angeles Times yesterday, a grateful recipient of scant food donations said: I eat anything they give me.

In the Virginia Pilot in southeast Virginia yesterday, a recipient admitted: What I get here lasts all month. I kind of stretch it.

Of the shortages at the food banks, Tim from Cleveland asked: How hard is it to give a can of tuna?

In a nation as wealthy as ours, no one who works hard for a lifetime—as most of these people who have gone to food banks do and have worked a lifetime to provide for their families, to get along, try to join the middle class—no one who works hard for a lifetime should ever have to make statements like those statements.

This is a national crisis. In a faltering economy, more people descend into crisis. It is inevitable. The need for economic stimulus goes hand in hand with the need for a caring community. Again, the economic stimulus package needs to stimulate the economy. It also needs, equally, maybe more importantly, to help those who have been victimized by this recession.

Our Nation has always been a caring community. More children are hungry today. More elderly Americans cannot pay their heating bills. More middle-class families now consider themselves among the working poor. Americans do not turn their backs on fellow Americans in need. As individuals, Americans do not; as a government, we should not.

The economic stimulus package should revive the economy and reaffirm our bonds with each other. This economic stimulus package is an opportunity to demonstrate our economic and moral strength. Let us take that opportunity. Let us act immediately to prevent more Americans from going to bed hungry.

The stimulus package needs to include food banks, food pantries, extension of unemployment compensation, and help for those elderly Americans who simply cannot pay their heating bills.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I wish to commend my friend and colleague from Ohio for addressing this issue on the challenges we are facing in terms of our economic situation here in the United States. The world is aware of this, as is anyone who watches the early morning programs. But most of all, we have been seeing this develop over a period of time, as the Senator has pointed out, and it is really shocking to me that it has really taken this long for the administration to come up and develop its own program.

I join with him in urging early action. We cannot delay. We cannot wait. The time is now on this issue. And I just thank him for telling us how it was out in the State of Ohio because the conditions he has described out in his State are very similar to the conditions in my State of Massachusetts. We will hear from many of our colleagues that they are feeling this as well. So we look forward to working with him and others here in the Senate and helping to fashion this program that is absolutely essential for the well-being of working families in this country.

I am always reminded, as the Senator is, that the American people who are so adversely affected did not do anything wrong. They have been working hard, playing by the rules, and trying to provide for their families. The responsibility to do something about it is right here with the administration and with the Congress. So many Americans' lives have been turned upside down, in many respects shattered. It adds a very special responsibility for all of us. So I thank him for his very useful and important contribution.

In recent weeks, the headlines have been filled with bad economic news. Two weeks ago, it was an alarming increase in the unemployment rate. Last week, it was rising prices for basic essentials such as food and gasoline. Week after week, there is more bad housing news. Foreclosures are skyrocketing. Bankruptcies are rising. Yesterday, the Washington Post discussed challenges facing the more than 1.3 million Americans who have been actively looking for a job for more than 6 months—for more than 6 months without success. It is a tragic tale. College-educated professionals and people who have worked for decades are now forced to drain their retirement accounts and rely on charity to make ends meet. It seems that every day there is new information showing that the economy is headed in the wrong direction, that no one will be spared.

These are not statistical trends or indicators. Every bad number reflects a real hardship in real people's lives. When food prices increase by 5 percent, that means average families will pay over $400 more next year to put meals on the table. When the unemployment rate rises 1.5 percent, it pushes a typical family's wages down $2,400. Each higher cost or lower paycheck adds up to big problems for working Americans. Parents are giving up time with their families to work longer hours or take a second job. Employees are struggling with credit card debt and skyrocketing interest rates. Young couples are losing their first homes because they cannot pay the mortgage, and parents are pulling their children out of college because they cannot pay the bills. For these families, a recession is not just part of the business cycle; it is a life-changing event from which they may never fully recover.

I have heard from many in Massachusetts who are struggling in these tough times. There is Teresa in Everett. She is a single mom with three children aged 10, 6, and 3. She is proud that she has worked her way out of welfare, but her life as a working mother is increasingly hard. Her bills are out of control, and each day she is faced with impossible decisions: Do I feed myself or feed my children? Can I turn on the heat or just put on an extra layer of clothing and try to get by? In Teresa's household, a $4 gallon of milk has become a luxury she cannot afford.

Teresa's family is not alone. A looming crisis is now facing tens of millions of American families. Economists across the spectrum, from former Treasury Secretary Larry Summers to Federal Reserve Chairman Ben Bernanke, and even President Bush himself, all agree that we are facing tough times to come and the Government must act.

But even more importantly than advice from these noted scholars is the clear message of the American people. They are struggling. They need our help now. They elected us to make their lives and their children's lives better, and now is the time.

We need a simple, effective plan to stimulate the economy and also put back in workers' pockets resources and money to give them the support they need to weather the storm. This plan should be built on one fundamental principle: People do not work for the economy; the economy should work for the people. If we want an economic recovery that works, if we want real opportunities and sustainable growth, that effort must start and end with working families.

Putting people first means targeting our stimulus efforts to meet three essential goals.

First, we must act quickly to provide immediate help for those in crisis. The declining economy may be a current issue in the newspapers, but working families have been suffering for some time; 7.7 million Americans are already unemployed. There have been almost 2 million foreclosure filings in the last year alone, including 225,000 last month. The number of families facing bankruptcy has risen by 40 percent in the past year. For these Americans, the recession is already here, and they need help now to get back on their feet.

Second, we must do the most for those who need help the most. Targeting families at the very bottom of the economic ladder is essential because it also provides the biggest economic boost. Every dollar a low-income household receives is spent on basic needs, putting money back into the local economy right away. In regions with many struggling families, such spending is critical to help keep entire communities afloat.

Finally, we must find solutions that will make a real difference in people's lives. It is not enough just to tinker at the margins. Our economic problems are getting worse every day, and we need a strong medicine to make things right.

There are a number of short-term steps we can take to achieve these goals and restore hope and opportunity to families across the country. They are simple. They build on existing programs. They are effective. We should pass them, and we should pass them now.

For workers who are struggling to find a job, we must support them in the difficult process of finding work. It becomes harder and harder to find a good job in today's economy. The Nation is enduring profound changes as we adapt to the global economy. Entire industries are disappearing, leaving workers and communities devastated in their wake. Madam President, 1.3 million workers have been getting up early every morning, day in and day out, looking for a job for more than 6 months. That number will only rise as the recession deepens. Just last week, Goldman Sachs economists predicted that the unemployment rate would reach 6.5 percent by the beginning of 2009 compared to 5 percent today.

This is a dual challenge. We now have projections about what we are going to have in terms of unemployment. No matter what we do in terms of stimulating the economy—we have to stimulate the economy—we also have to be mindful that we are going to have significant unemployment even in the outyear of 2009 as Goldman Sachs has predicted. We have both challenges, the economy and the fact that people are going to be unemployed.

To help these unemployed men and women weather the storm we need to extend unemployment benefits and expand access to benefits. As workers, they have paid into the system and they deserve help when they need it. We should also provide transitional health care assistance. People who receive unemployment compensation have paid into the fund. The problem now is many of them, even though they paid into the fund, are unable to benefit from it. That is wrong. We should address that. We have legislation to do so. It passed the House of Representatives, and we should pass it as part of a stimulus program at the present time.

Most importantly, we should do more to help unemployed workers find good jobs they are seeking. We have open jobs, 93,000 in Massachusetts alone. We certainly have jobs that are available, and we have more than 178,000 unemployed workers. So we have the jobs that are available, and we have the unemployed workers. What is missing? Training programs. How many applicants do we have for every training program? We have 21 applicants for every training program. We have good jobs with good benefits, and we have the people who want them. The only ingredient missing is training, and these workers want the training. They will sacrifice for training. But they haven't got it because we have cut back on training programs in recent years. We ought to be able to address those issues, and we ought to do it now.

It is not just those who have lost their jobs and are facing a crisis. Millions more families are living on the brink of disaster because they are struggling to pay bills. Since President Bush took office, the cost of health insurance has risen 38 percent. Housing prices are up 39 percent. A tank of gas is up 78 percent; tuition, 43 percent; and wages are stagnant, up 6 percent. This is the pressure families are feeling today, a sense of insecurity.

Security is an issue that is of major importance and consequence to families. They are concerned about security overseas. They are concerned about homeland security. But they are also concerned about job security and health security and education security. They are also concerned about energy security. They are concerned about their long-term security, what is going to happen to pensions, as they see the safety net for pensions increasingly fragmented. They are concerned about unemployment insurance security as they have seen that safety net fragment. They are deeply concerned. They are all worried deeply about it.

It is interesting. I don't know how many times during the course of the debate on the stimulus that we will take a moment and think of what is the cost of the anxiety that these families have, when they are worried primarily about their children or grandparents. That doesn't appear on the bottom line of any sheet we will have on the floor of the Senate, but it is out there and being felt now, and it is very real. We ought to understand that—real anxiety, real frustration, real suffering, real worry every day, every night, primarily by parents as they are concerned about their children. They worry about their loved ones and their families, immediate family, and less about themselves. They worry about others. We have the ability to deal with that, and we must.

We need a boost in basic support programs to help working families cope with the relentless pressure of everyday life during this time. This means expanding home heating assistance. A typical household may have to spend as much as $3,000 on heating oil this winter, probably closer to $4,000 in Massachusetts. Fuel assistance will cover less than a third of these costs. Of the 35 million households eligible for fuel assistance nationwide, only 5 million receive such benefits. Six of seven families in need receive no help at all because the States run out of funds.

Last week, the White House released $450 million in emergency assistance to States across the Nation, including $27 million for Massachusetts. The reality is, when oil prices are surging past $3.30 per gallon, and households will need at least 800 gallons of heating oil this winter, it is just not enough.

Bob Coard of Action for Boston Community Development, one of the largest community action agencies in the Northeast, says the emergency funds will barely cover enough to make a 100-gallon delivery to ABCD clients, and the 100-gallon delivery will cost about $300 and will provide a family with heat for about 2 to 3 weeks. Talk about something that will have a direct impact. A week ago Massachusetts was notified that it was going to receive approximately $30 million, and they were, within a 2-week period, able to get the oil tankers up to find those who are eligible for that program to deliver 100 gallons of fuel oil to needy families. That will only last 2 weeks. It is out there. We know what the need is. We know what these individuals suffer. So we can do things that can have an immediate impact. Certainly this is something to which we should be attentive.

The people who are receiving this fuel assistance are in danger of this perfect storm that we refer to in New England where they have extraordinary increases in prices generally. One part of the storm is an increase in the cost of fuel oil to heat their homes. A second part is their ability to afford to pay their mortgage. If they cannot pay the mortgage, this is what happens. They make a judgment about whether they are going to pay the fuel or pay the mortgage. With children in the picture, they pay their fuel and they end up losing their home. So the fact that they don't get maybe 100 gallons, 200 gallons, 300 gallons of oil means they lose their home.

The cost in Massachusetts of providing services to a homeless family can be thousands of dollars a year. You can provide the oil for a fraction of that and keep people in their homes.

These are the kinds of things that make a difference. We should give focus and attention to them.

In our hearing this last week, I heard from Margaret Gilliam who takes care of her grandchildren in Dorchester and has already spent more on heating oil this heating season than she did all of last year. We still have many weeks of cold weather ahead, and she wonders what is going to happen to her grandchildren and to her home. Diane Colby, a single mother of two in Lynn, MA, keeps the thermostat at only 62 degrees to stretch out the heating oil as long as possible. She has to sit down and decide which bills get paid and which don't. Otherwise she can't afford to keep the heat on. We must ensure that these families have the help they need through the winter. This is part of the challenge we are facing.

In the proposals we have had from the President, we find that he proposes a tax break and a stimulus program that would completely leave out the poorest Americans. That is bad policy. Not only are low-income families the ones who suffer most in a recession, helping them is the best way to be certain that any stimulus goes directly into the economy and benefits our country the most. We can't keep repeating the mistakes of the past. Any tax rebate we pass now should be for everyone so that everyone can get back on their feet. The President's tax cuts for business are ill-advised. Past experience shows that such corporate tax breaks do not provide an effective stimulus. The problem with our economy today is a lack of demand, not of capacity. Businesses will not produce more until they know that customers are ready to buy. That is extremely important.

We heard at our Joint Economic Committee hearing economists talk about the lack of demand, not a lack of capacity. Since there is a lack of demand, it doesn't make a lot of sense to increase capacity if there is not demand for it. Yet that is what the administration is attempting to do.

Personal tax cuts targeting middle- and low-income families and funding boosts for programs such as unemployment insurance and food stamps are a better stimulus than business tax cuts because they encourage consumers to start spending. The economy is at a crossroads, and we must act carefully to choose the right path for the future. I am confident we can do that. I am certain we must do it to get America back on track.

Finally, I want to review a few of the charts I have that spell out exactly where we are globally on this issue. Americans are deeply anxious about the economy. In a survey from just two weeks ago, Madam President, 61 percent of Americans say the condition of the economy is bad; one in five think things are very bad. This is an indication of the attitude of the American people. Here is one of the reasons.

We see a significant increase in the unemployment rate in December, going to 5 percent. Among unemployed workers, 17.5 percent are long-term unemployed. If you look at 2001 as we approached the last recession, it was only 11 percent. Now it is 17.5 percent, up 55 percent. These are individuals who are out there, workers who want a job and have been spending month after month after month looking for one, unable to get a job. That has a devastating impact, particularly when you terminate the unemployment compensation for them which these individuals should be eligible to receive and which they have paid into.

This shows the prediction from economists that unemployment will skyrocket next year. We heard this in testimony in the Joint Economic Committee hearing last week. Assuming we have a stimulus program, they say the economy can improve, but even with the economy improving, we are going to have a continued increase in the numbers of unemployed. That is something we have to be aware of.

We still have job openings that are here, but nearly 8 million unemployed workers competing for 4 million jobs. It is a real problem. Not being able to get these jobs is a result of administration cuts to training programs all of these years. This is a pretty good indicator of what happens with the limitations.

Americans cannot access job training programs. Opportunities are limited for workers to improve their skills. In Massachusetts alone, as I mentioned, for every available slot in a job training program, there are 21 workers on a waiting list. I have in the Chamber a picture of workers waiting on a waiting list. These people want to work. They want to provide for their families. They have the skills, the training programs to be able to get the job done, but they cannot afford that. We have had training programs, the kind the administration has cut back. Last year, it was close to half a billion dollars.

This chart shows what has been happening with the unemployment rate. It has been going steadily up. High unemployment drives down wages. A 1.5-percent increase in the unemployment rate would decrease the average family's income by $2,400 because of the downward pressure it puts on wages. So for every family—we know from Goldman Sachs; this is not our estimate, we have it from financial institutions—economic indicators indicate we are still going to have high unemployment. What that means is a real reduction for average working families in their purchasing power by $2,400. That is what is going on.

We have seen what is happening as to the kinds of products that families are used to purchasing. The price of food is rising far faster than the rate of inflation. We have milk going up 16 percent, eggs going up 78 percent, and beef going up some 13 percent.

In our part of the country, still, about 75 percent of all the homes are heated with home heating oil. Look what has happened. There has been a 40-percent increase in the cost of home heating oil since last year. And a great many of our people in my part of the country who own their homes are living on fixed incomes. They are getting this kind of increase. Social Security, for the average person, went up only 2.3 percent from last year. But here we have a 40-percent increase in the cost of home heating oil, and it has been a cold winter.

So these charts indicate, in different ways, how the average family is facing more and more difficulties. Too many middle-class families could not pay the essential expenses in the event of a job loss or other financial hardship. Seventy-seven percent of middle-class families do not have enough assets to pay the essential expenses for 3 months.

What is happening is many people are relying on their credit cards to do it, and then they are unable to meet their ends with their credit cards. That directly affects their credit standing for the rest of their lives—under the last bankruptcy bill we passed here, which was such an unfortunate action that we took in the Senate.

We find out parents are listing credit cards in the names of their children—young children—in order to be able to heat their homes. It is affecting so many hard-working Americans who are facing that whammy—the fact they are in danger of losing their homes because of the mortgage challenge. They cannot afford heating oil, and then they find out, when they resort to using credit cards, they lose all of their potential for credit for years to come.

This chart is a reflection of what is happening with people losing their homes. Foreclosures have gone up 181 percent from 2005. Millions of American families face losing their homes. Make no mistake about it, many who lose their homes have in the past paid their mortgages each month, and yet now they lose their home. We have to ask: What are we going to do about it?

Just a final two points I will make. There has been a 40-percent increase in bankruptcies. This is a result of the kind of economic squeeze these families have been under. There has been a 40-percent increase in bankruptcies. With the way that last bankruptcy act was enacted, they will find out, once the hooks get into these families, they will never get free from them. Families are going to be indebted for a very considerable period of time. That is now happening to working Americans.

The final chart I will put up is that in looking at the stimulus program we ought to look at what gets the biggest bang for the buck. Targeted stimulus programs deliver far more bang for the buck. As to unemployment benefits, for every $1 we invest, there is $1.73 in economic growth; for aid to the States, $1.24; for income taxes, it is only 59 cents. These are the areas the administration is talking about: business write-offs, 24 cents; capital gains tax cuts, 9 cents.

If we are going to pass a stimulus package—which we should do—let's look at the areas that will have the greatest impact, the greatest stimulus that will help the working families of this country in the most meaningful way. That is what we should do. That is what should be the first order of business in the Senate. I hope we will get about the business of helping working families in America.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARDIN). The clerk will call the roll of the Senate.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3899

(Purpose: To provide a complete substitute.)

Mr. DORGAN. Mr. President, I have a substitute at the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from North Dakota [Mr. DORGAN] for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR, proposes an amendment numbered 3899.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. DORGAN. Mr. President, I ask unanimous consent that the amendments previously considered be conformed to the substitute I have just offered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

I withhold that suggestion.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DURBIN are printed in today's RECORD under "Morning Business.")

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, we have had a lot of discussion and debate today about the Indian Health Care Improvement Act. We, on behalf of myself and Senator MURKOWSKI, sent the substitute to the desk. The substitute is something we worked on that amends and changes somewhat what we had originally moved out of the committee. We have refined it, improved it, and changed it a bit. The substitute was agreed to by Senator MURKOWSKI and myself and other Senators with whom we have worked. So we have made some progress by laying down the substitute which perfects this bill. We have a number of amendments pending.

What I would ask—and so would Senator MURKOWSKI—is if there are others who have amendments to this bill, they come to the floor and offer them. We want to finish this piece of legislation. It is not as if we haven't had a lot of discussion and debate. We have pretty much filled the time today. But we do want additional amendments to be offered. What we would like to see is if those Senators who have amendments would contact us, we could schedule them and hopefully we can get some time agreements, so when we finish this evening and come back on this bill, we could get a list of amendments, work through those amendments and finish the bill and send it along to the House. Because there is an urgency here.

There are some things we do that are not particularly urgent. I understand that. If anyone thinks the issue of Indian health care is not urgent, I urge them to go to the nearest Indian reservation and have a visit about what is happening with respect to the Indian Health Service. I know there are a lot of good people working in the Indian Health Service, but I am telling you, go sit and listen for awhile, listen to a discussion about what happens when you ration health care, when health care is not a right and not only not a right but when health care is absolutely rationed. There are people dying. There are people living in pain. There are people who don't have access to any kind of health care facility. There are people who are having emergencies at 5 in the afternoon, when their local clinic closed their doors at 4, and they are 100 miles from the nearest hospital. That is what is happening on Indian reservations across this country.

We have a responsibility, a trust responsibility to provide for that health care. The Congress, this country has not owned up to that responsibility, and we must. That is why we have brought this bill to the floor of the Senate, and I am hoping very much for the cooperation of my colleagues. Let's complete the amendments, raise them with us, let us work with you on getting them up and getting votes on them so we can at least indicate our support to do what we are required to do as American citizens: honor our treaties, meet our trust responsibilities, and keep the promises we have made to the first Americans.

UNANIMOUS CONSENT AGREEMENT—H.R. 4986

Mr. DORGAN. Mr. President, I ask unanimous consent that at 5:30 p.m. today, the Senate proceed to the immediate consideration of H.R. 4986, the Department of Defense authorization, with no amendments in order to the bill; that the bill be read a third time, and without further action, the Senate proceed to vote on passage; that upon passage, the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I yield the floor and I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. LEVIN. Mr. President, in a few moments we are going to vote on the Defense Authorization Act for fiscal year 2008.

The bill before us today is the same bill we passed by a 90-to-3 vote a little more than a month ago, except for minor changes.

This bill will provide essential pay and benefits for our men and women in uniform. It includes a 3.5-percent pay raise for the troops.

It includes the Wounded Warrior Act, the greatest reform in the law relative to medical care for our troops in more than a decade. It will address the substandard living conditions, poor outpatient care and bureaucratic roadblocks and delays faced by injured soldiers. These provisions will dramatically improve the management of medical care, disability evaluations, personnel actions, and the quality of life for service members recovering from illness or injuries incurred while performing their military duties and begin the process of fundamental reform of DOD and VA disability evaluation systems.

The Wounded Warrior Act will require the Secretary of Defense and the Secretary of Veterans Affairs to work together to develop a comprehensive policy on the care, management, and transition of severely injured service members, including Active Duty, National Guard, and Reserve members, from the military to the Veterans Administration or to civilian life. It will require the use of a single medical examination where appropriate, and require and fund the establishment of centers of excellence for the signature wounds of the wars in Iraq and Afghanistan—post-traumatic stress disorder and traumatic brain injury.

To improve the disability evaluation system, the bill will require the military departments to use VA standards when making disability determinations, authorizing deviation from these standards only when it will result in a higher disability rating for the service member, and will require the services to take into account all medical conditions that render a member unfit for duty.

The bill will also increase the severance pay for military personnel who are separated for medical disability with a disability rating of less than 30 percent and will eliminate the requirement that this severance pay be deducted from VA disability compensation for disabilities incurred in a combat zone or combat-related operation.

The bill also includes essential management reforms for the Department of Defense, including the Acquisition Improvement and Accountability Act of 2007. Some of the reforms included are: establishment of a defense acquisition workforce development fund to ensure that DOD has the people and the skills needed to effectively manage its contracts; strengthening of statutory protections for contractor employees who blow the whistle on waste, fraud, and abuse in DOD contracts; and tightening of the rules for DOD acquisition of major weapons systems and subsystems, components and spare parts to reduce the risk of contract overpricing, cost overruns, and failure to meet contract schedules and performance requirements. These and other provisions should go a long way toward addressing the contracting waste, fraud and abuse that we have seen altogether too frequently in recent years.

Our legislation will also address a major failure in Iraq—the failure to exercise control over private security contractors. It will require for the first time that private security contractors hired by the State Department and other Federal agencies to work in a war zone comply with directives and orders issued by our military commanders as well as with DOD regulations.

On December 17, 2007, we sent the defense authorization act to the President for his signature. The following weekend, the White House staff notified us that they had identified a problem with one provision that would lead the President to veto the bill. While the administration had previously expressed concerns about this provision, no administration official had ever indicated that the President would consider a veto. Quite the opposite, this provision was not on the list of potential veto-causing problems.

I remain disappointed by the administration's failure to work with us to address this provision until after the bill had passed both Houses of Congress and was sent to the President for signature. It does not serve anybody's interest when we fail to address issues like this in a timely manner. The veto of the National Defense Authorization Act sent the wrong message to our soldiers, sailors, airmen and marines at a time when many of them are risking their lives on a daily basis in Iraq, Afghanistan, and elsewhere.

I am pleased that we have been able to work out language to address the administration's concerns on a bicameral and bipartisan basis. The bill that is before us today contains modifications that have been agreed upon by the White House and by the bipartisan leadership of the House and Senate Armed Services Committee. I understand that these changes are also acceptable to Senator Lautenberg and other Members who worked with him to put together the provision in the earlier bill.

Let me briefly explain the White House's problem, and how we have addressed it.

Section 1083 of the bill clarifies the law that permits U.S. nationals and members of the U.S. Armed Forces who are victims of terrorist acts to sue state sponsors of terrorism for damages resulting from terrorist acts in the U.S. courts. The provision also strengthens mechanisms to ensure that victims of terrorism can collect on their judgments against such State sponsors of terrorism. U.S. courts have previously entered such judgments against Iran, Libya, and Saddam Hussein's Iraq.

After the bill was passed and sent to the President for signature, the administration informed us that Iraq currently has more than $25 billion of assets in this country that could be tied up in litigation if section 1083 were enacted into law and that such restrictions on Iraq's funds could take months to lift. The White House stated that restrictions on Iraqi funds would interfere with political and economic progress in Iraq and undermine our relations with Iraq.

We have addressed these concerns with new language which authorizes the President to waive the applicability of section 1083 to Iraq, if he determines that a waiver is in the national security interest of the United States; that the waiver will promote Iraqi reconstruction, the consolidation of democracy in Iraq, and U.S. relations with Iraq; and that Iraq continues to be a reliable ally of the United States and a partner in combating international terrorism.

The revised language also expresses the sense of Congress that the President, acting through the Secretary of State, should work with the Government of Iraq on a state-to-state basis to ensure compensation for any meritorious claims based on terrorist acts committed by the Saddam Hussein regime that cannot be addressed in the U.S. courts due to a Presidential waiver.

We expect that the Department of State will actively pursue such compensation from Iraq.

As one of the authors of the new section 1083, I want to assure the Senate that the new language authorizes the waiver of section 1083, only as it applies to Iraq. The new subsection (d), which we have added to the bill, specifies that the President may waive any provision of section 1083 "with respect to Iraq" and not with regard to any other country. We explicitly reaffirm in this bill that other cases against state sponsors of terrorism, including both Iran and Libya, may proceed to judgment and collection under section 1083, unaffected by any Presidential waiver.

Over the last 2 weeks, concerns have been expressed about the possible impact of this provision on innocent third parties entering joint ventures with Libya or Iran. The concern was that these companies would find their own property seized to satisfy judgments against those countries. Our language does not allow for that result, because that is not our intent. This is not a new issue: the question has been raised by the language of the Lautenberg amendment ever since it was first approved by the Senate last fall.

We specifically addressed the problem of joint ventures in our conference on the Defense authorization bill, previously approved by the Congress. We added language to the bill making it clear that the courts are authorized to compensate victim of state-sponsored terrorism out of Libya's—or other states'—assets, while separating and shielding the assets of companies engaged in joint ventures with those States. In the accompanying statement of managers, we specifically urged the courts to make use of this authority. This language was the strongest action that we could take to protect innocent third parties without also shielding the offending governments from liability for their own actions.

We have included a provision to ensure that the statement of managers on our previous conference report will apply to this new bill in this and all regards.

Outside of the modification of section 1083, the bill remains virtually unchanged. We have, however, taken steps to ensure our men and women in uniform will not lose a penny as a result of the delayed enactment of this bill. Toward that end, we have revised a number of provisions in the bill to make pay increases and bonus provisions retroactive to January 1 and avoid any gap in these authorities. These changes have been worked out with the Department of Defense and agreed to by the two Armed Services Committees on a bipartisan basis.

Other than these few changes, the bill before us today is identical to the conference report that the Senate overwhelmingly passed last month. It is my hope that the bill will receive similar support when we vote on it again later today.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4986) to provide for the enactment of the National Defense Authorization Act for fiscal year 2008, and for other purposes.

Mr. FEINGOLD. Mr. President, I oppose the fiscal year 2008 Defense authorization bill because it authorizes $189.5 billion for the war in Iraq but does nothing to end the President's misguided, open-ended Iraq policy. That policy has overburdened our military, weakened our national security, diminished our international credibility, and cost the lives of thousands of brave American soldiers.

There are certain provisions of the bill that I support strongly, including a pay raise for military personnel, Senator WEBB's amendment creating a Commission on Wartime Contracting to examine waste, fraud, and abuse in Iraq and Afghanistan, and Senator LAUTENBERG's amendment to create a Special Investigator General for Afghanistan Reconstruction.

But on balance, I cannot vote to support a bill that defies the will of so many Wisconsinites—and so many Americans—by allowing the President to continue one of the worst foreign policy mistakes in the history of our Nation.

Mr. LAUTENBERG. Mr. President, I rise to applaud the chairman and ranking members of the Senate Armed Services Committee, Senators LEVIN and MCCAIN, respectively, on passage of the National Defense Authorization Act for fiscal year 2008.

Specifically, I would like to express my gratitude to the bill conferees for their inclusion of four amendments that I authored and which were unanimously adopted by the Senate during its initial consideration of this bill. These provisions will increase oversight of our country's economic and security assistance to Afghanistan by creating a Special Inspector General for Afghanistan Reconstruction, section 1229; help victims of state sponsored terrorism to achieve justice through the U.S. courts, section 1083; prevent military health care fees through the TRICARE program from rising, sections 701 and 702; and increase accountability and planning for safety and security at the Warren Grove Gunnery Range in New Jersey, section 359.

First, I was proud to be joined by my cosponsors, Senators COBURN, DODD, HAGEL, FEINGOLD, WEBB, and MCCASKILL, in creating a Special Inspector General for Afghanistan Reconstruction. I wrote this legislation because I believe that while a democratic, stable, and prosperous Afghanistan is important to the national security of the United States and to combating international terrorism, I am concerned that we are not achieving all of our goals there. The United States has provided Afghanistan with over $20 billion in reconstruction and security assistance. However, repeated and documented incidents of waste, fraud, and abuse in the utilization of these funds have undermined reconstruction efforts. I therefore believe that there is a critical need for vigorous oversight of spending by the United States on reconstruction programs and projects in Afghanistan.

I would like to emphasize that the Government Accountability Office and the departmental Inspectors general have provided valuable information on these activities. However, I believe that the congressional oversight process requires more timely oversight and reporting of reconstruction activities in Afghanistan. Oversight by this new Special Inspector General would encompass the activities of the Department of State, the Department of Defense, and the U.S. Agency for International Development, as well as other relevant agencies. It would highlight specific acts of waste, fraud, and abuse, as well as other managerial failures in our assistance programs that need to be addressed.

This new position will monitor U.S. assistance to Afghanistan in the civilian and security sectors, as well as in the counternarcotics arena, and will help both Congress and the American people better understand the challenges facing U.S. programs and projects in that country. I am pleased that this provision has been included in this final bill.

Second, this bill includes my legislation to provide justice for victims of state-sponsored terrorism, which has strong bipartisan support. I believe this legislation is essential to providing justice to those who have suffered at the hands of terrorists and is an important tool designed to deter future state-sponsored terrorism. The existing law passed by Congress in 1996 has been weakened by recent judicial decisions. This legislation fixes these problems.

In 1996, Congress created the "state sponsored terrorism exception" to the Foreign Sovereign Immunities Act, FSIA. This exception allows victims of terrorism to sue those nations designated as state sponsors of terrorism by the Department of State for terrorist acts they commit or for which they provide material support. Congress subsequently passed the Flatow Amendment to the FSIA, which allows victims of terrorism to seek meaningful damages, such as punitive damages, from state sponsors of terrorism for the horrific acts of terrorist murder and injury committed or supported by them.

Congress's original intent behind the 1996 legislation has been muddied by numerous court decisions. For example, the courts decided in Cicippió-Puleo v. Islamic Republic of Iran that there is no private right of action against foreign governments—as opposed to individuals—under the Flatow Amendment. Since this decision, judges have been prevented from applying a uniform damages standard to all victims in a single case because a victim's right to pursue an action against a foreign government depends upon State law. My provision in this bill fixes this problem by reaffirming the private right of action under the Flatow Amendment against the foreign state sponsors of terrorism themselves.

My provision in this bill also addresses a part of the law which until now has granted foreign states an unusual procedural advantage. As a general rule, interim court orders cannot be appealed until the court has reached a final disposition on the case as a whole. However, foreign states have abused a narrow exception to this bar on interim appeals—the collateral order doctrine—to delay justice for, and the resolution of, victim's suits. In Beecham v. Socialist People's Libyan Arab Jamahiriya, Libya has delayed the claims of dead and injured U.S. service personnel who were off duty when attacked by Libyan agents at the Labelle Discothèque in Berlin in 1986. These delays have lasted for many years, as the Libyans have taken or threatened to take frivolous collateral order doctrine appeals whenever possible. My provision will eliminate the ability of state sponsors of terrorism to utilize the collateral order doctrine. My legislation sends a clear and unequivocal message to Libya. Its refusal to act in good faith will no longer be tolerated by Congress.

Another purpose of my provision is to facilitate victims' collection of their damages from state sponsors of terrorism. The misapplication of the "Bancec doctrine," named for the Supreme Court's decision in First National City Bank v. Banco Para El Comercio Exterior de Cuba, has in the past erroneously protected the assets of terrorist states from attachment or collection. For example, in Flatow v. Bank Saderat Iran, the Flatow family attempted to attach an asset owned by Iran through the Bank Saderat Iran. Although Iran owned the Bank Saderat Iran, the court, relying on the State Department's application of the Bancec doctrine, held that the Flatows could not attach the asset because they could not show that Iran exercised day-to-day managerial control over Bank Saderat Iran. My provision will remedy this issue by allowing attachment of the assets of a state sponsor of terrorism to be made upon the satisfaction of a "simple ownership" test.

Another problem is that courts have mistakenly interpreted the statute of limitations provision that Congress created in 1996. In cases such as Vine v. Republic of Iraq and later Buonocore v. Socialist People's Libyan Arab Jamahiriya, the court interpreted the statute to begin to run at the time of the attack, contrary to our intent. It was our intent to provide a 10-year period from the date of enactment of the legislation for all acts that had occurred at anytime prior to its passage in 1996. We also intended to provide a period of 10 years from the time of any attack which might occur after 1996. My provision clarifies this intent.

My provision also addresses the problems that arose from overly mechanistic interpretations of the 1996 legislation. For example, in several cases, such as Certain Underwriters v. Socialist People's Libyan Arab Jamahiriya, courts have prevented victims from pursuing claims for collateral property damage sustained in terrorist attacks directed against U.S. citizens. My new provision fixes this problem by creating an explicit cause of action for these kinds of property owners, or their insurers, against state sponsors of terrorism.

Finally, in several cases the courts have prevented non-U.S. nationals who work for the U.S. Government and were injured in a terrorist attack during their official duties from pursuing claims for their personal injuries. My provision fixes this inequity by creating an explicit cause of action for non-U.S. nationals who were either working as an employee of the U.S. Government or working pursuant to a U.S. Government contract.

I also want to make special mention of the inspiration for this new legislation. On October 23, 1983, the Battalion Landing Team headquarters building in the Marine Amphibious Unit compound at the Beirut International Airport was destroyed by a terrorist bomb killing 241 marines, sailors, and soldiers who were present in Lebanon on a peacekeeping mission. In a case known as Peterson v. the Islamic Republic of Iran, filed on behalf of many of the marine victims and their families, the U.S. District Court ruled in 2003 that the terrorist organization Hezbollah was funded by, directed by, and relied upon the Islamic Republic of Iran and its Ministry of Information and Security to carry out that heinous attack. The judge presiding over this case, Judge Royce Lamberth, referred to this as "the most deadly state sponsored terrorist attack made against United States citizens before September 11, 2001." In September of this year Judge Lamberth found that Iran not only is responsible for this attack but also owes the families of the victims a total of more than $2.6 billion for the attack. Congress's support of my provision will now empower these victims to pursue Iranian assets to obtain this just compensation for their suffering. This is true justice through American rule of law.

However, President Bush's veto of the initial version of the National Defense Authorization Act for fiscal year 2008, H.R. 1585, on New Year's Eve required that my provision to provide justice for victims of state-sponsored terrorism be amended. The President chose to take this extraordinary action without warning after asserting that he had not been aware of the provision's potential impact on the Government of Iraq. The President contended that this provision would hinder Iraqi reconstruction by exposing the current Iraqi government to liability for terrorist acts committed by Saddam Hussein's government and vetoed the entire Defense Authorization bill on that basis.

To address the President's concerns that the Government of Iraq could be made liable, the revised provision grants the President the authority to waive the terror victim's provision only for cases in which Iraq or its agencies, instrumentalities, or governmental actors are named defendants. The provision does not give the President the authority to waive any part of the provision for any case in which a government, its agencies, instrumentalities, or governmental actors are named defendants other than Iraq.

By insisting on being given the power to waive application of this new law to Iraq, the President seeks to prevent victims of past Iraqi terrorism—for acts committed by Saddam Hussein—from achieving the same justice as victims of other countries. Fortunately, the President will not have authority to waive the provision's application to terrorist acts committed by Iran and Libya, among others.

In addition, my new provision includes a Sense of the Congress that the Secretary of State should work with Iraq, on a state-to-state basis, to resolve the meritorious claims made against Iraq by terror victims. It is crucial that the victims of these terrorist acts be included in such discussions. Their approval of agreements made between the two governments on their behalf is critical to ensuring that justice is served.

Third, this Defense authorization bill includes my provision to prevent proposed increases in enrollment fees, premiums, and pharmacy copayments for TRICARE, the military community's health plan. The principal coauthor of this provision is Senator HAGEL.

Both career members of the uniformed services and their families endure unique and extraordinary demands and make extraordinary sacrifices over the course of 20-year to 30-year careers in protecting freedom for all Americans. I believe they deserve the best retirement benefits that a grateful nation can provide. Proposals to compare cash fees paid by retired military members and their families to fees paid by civilians fails to adequately recognize the sacrifice of military members. We must be mindful that military members prepay the equivalent of very large advance premiums for health care in retirement through their extended service and sacrifice.

The Department of Defense and our Nation have a committed obligation to provide health care benefits to Active Duty, National Guard, Reserve, and retired members of the uniformed services, their families, and survivors, that considerably exceed the obligation of corporate employers to provide health care benefits to their employees. Ultimately, the Department of Defense has options to constrain the growth of health care spending in ways that do not disadvantage current and retired members of the uniformed services, and it should pursue any and all such options as a first priority. Raising fees excessively on TRICARE beneficiaries is not the way to achieve this objective.

Finally, I thank the conferees for including my amendment to require increased oversight and accountability, as well as improved safety measures, at the Warren Grove Gunnery Range in New Jersey. I wrote this provision with Senator MENENDEZ because a number of dangerous safety incidents caused by the Air National Guard have repeatedly impacted the residents living nearby the range.

On May 15, 2007, a fire ignited during an Air National Guard practice mission at Warren Grove Gunnery Range, scorching 17,250 acres of New Jersey's Pinelands, destroying 5 houses, significantly damaging 13 others, and temporarily displacing approximately 6,000 people from their homes in sections of Ocean and Burlington Counties in New Jersey.

My provision will require that an annual report on safety measures taken at the range be produced by the Secretary of the Air Force. The first report will be due no later than March 1, 2008, and two more will be due annually thereafter. My provision will also require that a master plan for the range be drafted that includes measures to mitigate encroachment issues surrounding the range, taking into consideration military mission requirements, land use plans, the surrounding community, the economy of the region, and the protection of the environment and public health, safety, and welfare. I believe that these studies will provide the type of information that we need to ensure that there is long-term safety at the range, both for the military and the surrounding communities.

Mr. SPECTER. Mr. President, I have sought recognition to address the pay raise given to members of the U.S. military. On December 28, 2007, President Bush vetoed the National Defense Authorization Act for Fiscal Year 2008 because of a disagreement over a provision in the Justice for Victims of State Sponsored Terrorism Act of 2007.

The disagreement over language in the Justice for Victims of State Sponsored Terrorism Act has affected far more individuals than the legislation itself addresses. By holding up the signing of the National Defense Authorization Act for Fiscal Year 2008, it jeopardized the pay raise which was promised to our Nation's servicemen and servicewomen.

On January 4, 2008, the President issued Executive Order 13454, which gave all members of the military a 3-percent pay raise effective January 1, 2008. I commend the House for its January 16, 2008, decision to make retroactive to January 1, 2008, a 3.5-percent pay raise for members of the uniformed services. This was the number that the House and the Senate agreed upon before we sent the bill to President Bush in December; I think it is only fair this be the number we return to when we again submit the bill to the President. The men and women of the military should not be made to suffer for disagreements between the Congress and the White House.

Mr. REID. Mr. President, in a few minutes, I am going to ask unanimous consent to take up the authorization bill for the Department of Defense for fiscal year 2008. But before we proceed to consider and pass this important legislation, I want to take just a moment to advise my colleagues of the unfortunate and troubling path that this legislation has taken since the Senate last voted to pass it on December 14.

On December 19, the same day the other body adjourned its first session, the Congress sent to the President legislation, H.R. 1585, that was identical to the bill we are about to take up and pass, with one substantive difference regarding section 1083 and several associated technical corrections necessary due to the delay of the bill's enactment.

What I want to focus on today is the manner in which the President chose to exercise his veto prerogative. As the Chair and our colleagues are well aware, the Framers of our Constitution deliberately gave the President only a limited or qualified veto power, one that could be overridden by Congress if it could muster a two-third vote in both Houses—a formidable challenge. But President Bush was not satisfied simply to veto the bill and risk an override, as contemplated under our constitutional process.

Rather, on December 28, the President issued a memorandum of disapproval stating that, because the other body had adjourned its first session, while the Senate remained in session to protect its advise-and-consent prerogative, he considered the bill pocket vetoed, relying upon the constitutional provision that protects against the Congress's adjourning in order to prevent the President from exercising his veto power. But the President did not actually pocket the bill. Instead, using the mechanism provided in the rules of the other body for such periods as the December holidays, the White House returned the bill, with the President's veto message, to the Clerk of the House, for transmission to the full body when it reconvened last week. The President said that he was returning the bill "to avoid unnecessary litigation" and "to leave no doubt" that he was vetoing the bill.

The Constitution does not provide for double vetoes: A bill is vetoed either by being returned or, if return is prevented by Congress's adjournment, by being pocketed. Here, the President returned the bill to the other body through delivery to the Clerk. Obviously, the adjournment did not prevent the bill's return. Accordingly, the bill was not subject to a pocket veto. Had the President not returned the bill within the 10 days—excluding Sunday—prescribed by the Constitution, the bill would have become law without his signature. That fact explains why the President returned the bill.

Indeed, in 1983, President Reagan attempted to pocket veto a military aid appropriations measure during an analogous adjournment—the break between the first and second sessions of the 98th Congress. On a bipartisan basis, the Senate joined a group of Members of the other body to challenge that attempted misuse of the pocket veto in a Federal court case called Barnes v. Kline. Although the decision was subsequently vacated because the fiscal year for the military aid bill had expired in the meantime, thereby mooting the case, the Court of Appeals for the District of Columbia Circuit rejected the Executive's attempt to pocket veto the bill and held that, because it could have been returned to the House, under the Constitution the bill had become law. The court held that three factors, when taken together, establish that adjournment of the first session of a Congress does not prevent the President from returning a bill under the Constitution: First, "[t]he existence of an authorized receiver of veto messages"; second, "the rules providing for carryover of unfinished business" in the second session of a Congress; and third, "the duration of modern intersession adjournments."

In that decision, the court of appeals built upon the foundation laid by our colleague, the senior Senator from Massachusetts, who, a decade earlier personally had argued and won the case Kennedy v. Sampson in the same court, thereby establishing the President's duty to return bills to Congress, through its appointed officers, during intrasession adjournments. As the court made clear, during both types of adjournments, the application of the pocket veto clause has necessarily been guided from the beginning by its "manifest purpose." And that purpose is solely to ensure that the Congress cannot deprive the President of his right to exercise the qualified veto, not to permit the President to accomplish what the Framers of our Constitution denied him—by transforming the qualified veto into an absolute veto.

I have gone into some detail in explicating the background and history of the pocket veto controversy because of its importance to our constitutional system of separation of powers and checks and balances between the branches. The President should abandon the strange and unseemly practice of maintaining that he cannot return a bill to Congress, while simultaneously returning the bill. Such game-playing is unworthy of the Office of the President and breaks faith with the brilliant, carefully crafted system that the Founders bequeathed to us and future generations.

However, much as part of me would like to see Congress take the opportunity provided by the President's action here to establish definitively the Congress's constitutional power to override a veto exercised during its adjournment, the Nation's security and the care of our troops and wounded warriors demands that we get this bill signed into law as soon as possible. This bill provides important congressional authorizations and guidance for the Nation's defense budget, a 3.5-percent 9 pay raise and key bonuses for the troops, legislation to improve the system of care for our wounded warriors, and authorization to establish a war profiteering commission. The President's veto of this bill in December has already delayed these provisions for too long.

I also want to reiterate that it is my belief that the Government of Iraq should take responsibility for what has taken place there in years past, including the brutal torture of American POWs. Congress has gone on record repeatedly—most recently, in overwhelmingly passing section 1083 of the conference report to H.R. 1585 last year in both the House and Senate and sending it to the President—to support the efforts of these Americans who have suffered so much for their country to hold their torturers accountable. This administration has been fighting for years to oppose efforts to win compensation for these American soldiers, which is, frankly, a disgrace.

In light of the President's veto over this issue, I call on him and his administration to work with the POWs and their family members to facilitate negotiations with the Government of Iraq. It is my understanding that the administration has been working with Iraq to settle gulf war commercial debts with foreign corporations such as Mitsubishi of Japan and Hyundai of Korea through issuance of Iraqi bonds. This mechanism takes no funds from the reconstruction of Iraq. It is beyond me why the administration would refuse to do at least that for the POWs. The administration needs to make this right.

The bill (H.R. 4986) was ordered to a third reading and was read the third time.

Mr. LEVIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on passage of the bill.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. MENENDEZ) would vote "yea."

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN), the Senator from South Dakota (Mr. THUNE), and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 3, as follows:

[Rollcall Vote No. 1 Leg.]

YEAS—91

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Vitter
Voinovich
Webb
Whitehouse
Wicker
Wyden

NAYS—3

Byrd
Feingold
Sanders

NOT VOTING—6

Clinton
McCain
Menendez
Obama
Thune
Warner

The bill (H.R. 4986) was passed.

The PRESIDING OFFICER. The motion to reconsider is considered made and laid on the table.

The majority leader is recognized.

UNANIMOUS CONSENT REQUEST—S. 2541

Mr. REID. Mr. President, I am glad we have a large number of Senators here today. I want to go over the schedule for this week.

First of all, I am going to ask unanimous consent, and I will do that now, that the Senate proceed to the consideration of S. 2541, which is a 30-day extension of the Foreign Intelligence Surveillance Act we are going to be dealing with; that the bill be read three times, passed, the motion to reconsider be laid upon the table, with no intervening action or debate.

The reason I ask consent on this legislation is that this bill expires on February 1. The House has not acted on this bill yet, so when we pass this bill, the House has to pass their bill, and there has to be a conference. I hope we could have this extension. I need not belabor the point. I asked this consent before we left; I ask it again.

The PRESIDING OFFICER. Is there objection? The Republican leader.

Mr. MCCONNELL. Mr. President, reserving the right to object, and I will be objecting, let me say, my good friend, the majority leader, and I have discussed this issue. There is a significant amount of time left this month to pass this bill in the Senate. A conference may or may not be necessary. Back in August, when we did an extension of the FISA bill, the House simply took up the Senate-passed bill and passed it, and it went down to the President for signature. So I think the discussion of extension, particularly when, hopefully, we will turn to this bill in the very near future in the Senate, is not timely and, therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. REID. Mr. President, for all Members here, we are on the Indian health bill now. I hope we can complete that bill tomorrow. The Republicans are having a retreat. They are having theirs tomorrow; we are going to have ours in 10 days or so. There will be activities on the Senate floor tomorrow, but there will be no votes. If there are any votes tomorrow, it will be after they finish their retreat, after 6 o'clock tomorrow night.

So we hope some work can be done on this bill tomorrow. We know the Republicans will be absent, so that makes it very difficult.

We have to finish FISA this week. Everyone should be aware of that point. We have to finish it this week. I know there are important trips people want to take. We have the very important economic conference in Davos that Democrats and Republicans alike would like to go to.

I say, unless we finish the bill Thursday—and we will not be able to get to it until tomorrow night—unless we finish the bill on Thursday, then we are going to have to continue working this week until we finish this bill. We have to finish this bill. It is not fair to the House to jam them so that they have 1 day to act on this legislation. If we finish it this week, I have spoken to the Speaker today and they will work to complete this matter next week. It would be to everyone's advantage if we had more time to do this.

I respect what the Republican leader has said, but everyone here should understand all weekend activities have to be put on hold until we finish this bill. Now, it is possible we could finish it fairly quickly. We are going to work from the Intelligence bill, and if amendments are offered that people don't like, I would suggest they move to table those amendments. Because if people think they are going to talk this to death, we are going to be in here all night. This is not something we are going to have a silent filibuster on. If someone wants to filibuster this bill, they are going to do it in the openness of the Senate.

We are not going to say, well, we can't get 60 votes on this. We are going to work toward completing this bill as quickly as we can. I would rather we didn't have to do this. And maybe if we get to it on Thursday, we can finish it Thursday. If not, hopefully on Friday. But I know of no alternative. This work period is very short. We have, after this week, only 3 weeks.

I have had many meetings, and they have been bipartisan in nature, to try to come up with a stimulus package that is so important to our country. Everyone has seen what has happened to not only our own stock markets but those around the world. We may not be in a recession, but people are looking at an economic downturn as concerning to everyone, including the President. So we have a lot to do this work period. I have only mentioned a couple issues we need to work on, but there are a lot of others, of course, we need to do also.

UNANIMOUS CONSENT REQUEST—H.R. 1255

Madam President, I ask unanimous consent that the Senate proceed to consideration of Calendar No. 213, H.R. 1255, Presidential Records Act Amendments of 2007; that the amendment at the desk be considered and agreed to; the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto appear at the appropriate place in the RECORD as if given; and that there be no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Mr. President, on the issue of FISA, let me second the observation of the majority leader. There is no more important issue for us to deal with in terms of protecting the homeland. I agree with his decision that we press forward on FISA and get it out of the Senate—but not just get it out of the Senate, get it out of the Senate and to the House in a form the President will sign. Nothing is more important to protecting the homeland than getting this done and getting it done properly.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Vermont.

Mr. LEAHY. Mr. President, we have a number of Members who are supposed to go to the Davos economic summit tomorrow night, and I would note I have talked with Senator BENNETT of Utah, who is the senior Republican on that trip, and the trip that is set to leave tomorrow night will not. We will put it on hold until Thursday, to determine whether we can leave on Thursday.

If I could have the attention of the majority leader for a moment. I appreciate the majority leader has been very clear. I happen to concur with him that this is important and we should finish it. All we want to do is to know how it will go. There is a Judiciary Committee amendment to the bill. I would not anticipate taking a great deal of time on that, but I think the distinguished majority leader is doing the absolute right thing.

He has the worst job in America, trying to accommodate the schedules of 99 other people, plus his own, which usually comes in number 100 out of the 100. I am not in any way suggesting we change for the Davos summit. I will keep in touch with him, Senator ROCKEFELLER, and others as we go forward. If it is possible for us to leave Thursday night, we will be able to leave Thursday night. But I would not suggest the bipartisan delegation go to Davos if this matter is pending.

I appreciate the distinguished leader spending a lot of time on the phone over the weekend and again today and I appreciate his consideration.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. If I might address the majority leader for a moment, we have had a great deal of debate today on the Indian Health Care Improvement Act, and I appreciate, as I said earlier, the willingness of the majority leader to bring this bill to the floor of the Senate. I know it deals with about 4 million Americans. But the fact is there are people dying, dying in this country, because of inadequate health care for a trust requirement, a responsibility our Government has for the health of the American Indians.

I know we will be considering that issue still tomorrow. I talked to Senator COBURN, who indicated he has some amendments and will be here tomorrow to be discussing the bill. My hope is we could get the Senators to come and offer amendments, that we can finish these amendments, and for the first time in 10 years get this bill passed. Senator McCAIN, when chairman of this committee; Senator Ben Nighthorse Campbell, when chairman; and now myself, along with Vice Chair MURKOWSKI, have worked hard to get this done. We are so close, and I appreciate the cooperation of the majority leader.

I understand we will have to move to FISA at some point, but I know the majority leader wants to give us fair opportunity to consider these amendments and see if we can finish in a day or so, and I hope that can be the case.

Mr. REID. Mr. President, through the Chair to my friend from North Dakota, we have a Presidential debate going on now. Democrats and Republicans are talking about health care. I say to my friend, there is no place, no people in America more badly in need of health care than Native Americans. In Nevada, we have 22 different tribal organizations. The sickest, the most dependent people on health care are Indians. We had hospitals that used to exist where they could go, but they are gone. We had a hospital that was brand new. It was never staffed. The people have to drive 110 miles over the worst roads in Nevada to go to the hospital—these Native Americans.

So I say if we, as a people, have any concern about health care, please direct it to the Native Americans. No one needs it more than they do. That is what this legislation is all about. We have legal responsibilities to take care of it, and we have neglected those responsibilities. We as a Federal Government have neglected those responsibilities.

So I so appreciate the chair of this committee, the ranking member of the committee, Senator MURKOWSKI of Alaska, and I hope the two of you can work hard to get us a piece of legislation we can send over to the House and that the President will sign it. People desperately need this legislation.

Mr. DORGAN. Mr. President, I thank the majority leader. I understand we are going to need to move off and go to FISA at some point. We need some time, at least another day, to have some amendments, and then I think we can finish this bill.

Frankly, we have a trust responsibility. We have signed treaties, and this great country needs to keep its word. It has not kept its word on Indian health care. That is the reason we are on the floor of the Senate. So I wanted to make this point as we move to consider all these other priorities, that one of the significant priorities is to get the amendments on the floor, get them debated, have time agreements, and let us get this bill passed. It is 10 years late, but let us at least pay respect to our word, the commitments we have made, the treaties we have signed, and the trust responsibilities that are ours.

I heard someone say, people aren't dying over this. They are dying over this, I guarantee you. I will get you their names. There are people who deserve health care who aren't getting it, and the fact is people are dying today as a result of it. Ten years later we ought to pass this legislation. I have worked hard with Senator MURKOWSKI, Senator McCAIN, and so many others to move this legislation. All we ask is fair opportunity to get the amendments to the floor and get them considered and voted on and let us do the right thing.

Tomorrow, I will be back. I do have great passion about this because I have seen people who are sick, I have seen people who are suffering and I have seen people and talked to people who had children die and spouses die because of inadequate health care, because of full-scale health care rationing in this country for American Indians. That is unacceptable, and it ought to be unacceptable to every single Member of this Senate.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 279, received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 279) providing for conditional adjournment of the House of Representatives.

Mr. DORGAN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 279) was agreed to.

INDIAN HEALTH CARE IMPROVEMENT ACT AMENDMENTS OF 2007—Continued

The PRESIDING OFFICER. The Senator from Alaska.

Mrs. MURKOWSKI. Mr. President, I wished to echo the comments of my colleague and my chairman on the Indian Affairs Committee. Reauthorization of this Indian Health Care Improvement Act is something that is long overdue. When we sat down as the chairman and vice chairman of this committee to assess the priorities of the committee, it was absolutely clear the one thing we could do now to help make a difference in the lives of American Indians and Alaska Natives was to improve the health care system, the delivery, and the access.

The last time this was updated, if you will, was 1992. Think about what has happened in health care and the technologies and the techniques since 1992. We owe it to our constituents across the country—not just in Alaska, where we have 225 tribes, but from California to Maine, from the Dakotas down to Florida—we owe it to all our constituents to finally see this reauthorization through. We do acknowledge there are some issues that are as yet unresolved, but it is not as if we have not had the time to resolve them. The time is now to make it happen.

I, too, would urge the Senate to work together, as the chairman and I have, in a very cooperative, very bipartisan manner to figure out how we move this legislation through the Senate to the House so it is finally enacted into law.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 3900

Mr. SANDERS. Mr. President, I ask unanimous consent that the pending amendment be set aside so I can send an amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS], for himself, Mr. OBAMA, Ms. CANTWELL, Mr. KERRY, Ms. SNOWE, Ms. COLLINS, Mr. SUNUNU, Mr. MENENDEZ, Mr. LEAHY, Mrs. CLINTON, and Mr. KENNEDY, proposes an amendment numbered 3900.

Mr. SANDERS. Mr. President, I ask unanimous consent that the amendment be considered as read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for payments under subsections (a) through (e) of section 2604 of the Low-Income Home Energy Assistance Act of 1981)

At the end of title II, insert the following:

SEC. 2___. LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

(a) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) $400,000,000 (to remain available until expended) for making payments under subsections (a) through (d) of section 2604 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623); and

(2) $400,000,000 (to remain available until expended) for making payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), notwithstanding the designation requirement of section 2602(e) of such Act (42 U.S.C. 8621(e)).

(b) DESIGNATION.—Any amount provided under subsection (a) is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

Mr. SANDERS. Mr. President, let me begin by saying this amendment is being cosponsored by Senators SNOWE, COLLINS, OBAMA, CANTWELL, SUNUNU, MENENDEZ, STABENOW, CLINTON, LEAHY, and KERRY. This amendment, which would increase LIHEAP funding by $800 million, also has the support of the National Energy Assistance Directors Association, the National Fuel Funds Network, the American Gas Association, the National Association of State Energy Officials, and many other groups.

This amendment is as simple and straightforward as it can be, and what it is about is that at a time when, as everybody knows, home heating prices are going through the roof, it is getting colder every day—it will be below zero in Vermont this week—this amendment would provide real relief to millions of senior citizens on fixed incomes, low-income families with children, and persons with disabilities.

Specifically, this amendment would provide $800 million emergency funding for the Low-Income Home Energy Assistance Program, otherwise known as LIHEAP. Four hundred million dollars of this funding would be distributed under the regular LIHEAP formula and the other $400 million would be used under the contingency LIHEAP program.

Last month, I introduced the Keeping Americans Warm Act to provide $1 billion in emergency LIHEAP funding. I am pleased that this bill has garnered 26 cosponsors—19 Democrats, 6 Republicans, and 1 Independent.

In addition, as you know, on December 3, 38 Senators cosigned a letter spearheaded by Senator JACK REED and SUSAN COLLINS to the Labor-HHS-Education Appropriations Subcommittee Chairman HARKIN and Ranking Member SPECTER urging the appropriations committee to provide a total of $3.4 billion in LIHEAP funding.

As you know, there is a lot of discussion right now in seeing that there be a substantial increase in LIHEAP funding in the economic stimulus bill that is being talked about, which I certainly support.

I would also like to take this opportunity to commend Subcommittee Chairman HARKIN, Ranking Member SPECTER, Appropriations Chairman BYRD, and Ranking Member COCHRAN for providing a total of $2.6 billion in funding for LIHEAP in the Omnibus appropriations bill. I understand how difficult it was to reach a deal on this bill. I appreciate everything Senator BYRD and others have done for LIHEAP to make sure people in our country do not go cold.

Unfortunately, this $2.6 billion in funding for LIHEAP, while an 18-percent increase from last year, is still 23 percent below what was provided for LIHEAP just 2 years ago. And that 23-percent reduction is not even adjusted for inflation. I am talking about nominal dollars.

Two years ago, as I think every American fully understands, the price of heating oil was less than $2.50 a gallon. Today, it is over $3.36 a gallon. In central Vermont, we have seen prices as high as $3.73 a gallon for heating oil. This winter, consumers are projected to pay over $1,800 to heat their homes with heating oil—$1,800 just to stay warm this winter. This winter, it is projected that consumers will be paying over $1,600 to heat their homes with propane. Two years ago, they only paid $1,281.

The skyrocketing prices are already stretching the household budgets of millions of families with children, senior citizens on fixed incomes, and persons with disabilities beyond the breaking point. I cannot tell you—I am sure the situation is not radically different in Pennsylvania—how many people are telling me that when they see these heating bills, they cannot believe it. They just do not know how they are going to stay warm this winter.

Unfortunately, the spike in energy costs is completely eviscerating the purchasing power of this extremely important program in State after State. If Congress does not act soon to confront this problem head-on—and this is a problem which is existing now and will get worse in late January and in February—I fear for the public health and safety of many of our most vulnerable citizens.

The point is, we have to act. We have to act. I support any and all efforts to expand LIHEAP but, frankly, it will do less good if it is passed in March or in April than it will if it is passed in January and February. We need to get the money out to people now so they do not go cold.

According to the National Energy Assistance Directors Association, due to insufficient funding, the average LIHEAP grant only pays for 18 percent of the total cost of heating a home with heating oil this winter, 21 percent of residential propane costs, 41 percent of natural gas costs, and 43 percent of electricity costs this winter. What this means is that low-income families with kids, senior citizens on fixed incomes, and others will have to make up the remaining cost out of their own pockets. As you know, in this country we are looking at some very rocky economic times. More and more people are unemployed. Poverty is going up. Where are those people going to get these large sums of money to stay warm this winter?

In addition, only 15 percent of eligible LIHEAP recipients currently receive assistance with home heating bills. Eighty-five percent of eligible low-income families with children, senior citizens on fixed incomes, and persons with disabilities do not receive any LIHEAP assistance whatsoever due to a lack of funding. There are many people all over this country who are eligible for this program who are unable to get the help they need. In my own State of Vermont, it has been reported that outrageously high home heating costs, oil costs, are pushing families into homelessness. In fact, it is not uncommon for families with two working parents to receive help from homeless shelters in the State of Vermont because they cannot afford anyplace else to live during the winter.

This is a national energy emergency which is affecting States all over the country, certainly not just Vermont. On January 17, 1 day after the President released $450 million in emergency LIHEAP funding, the National Energy Assistance Directors Association testified in front of the Health, Education, Labor and Pensions Committee chaired by Senator KENNEDY. I very much appreciate his holding that hearing in Boston focusing national attention on this crisis. Here is what the national energy directors reported. This is what they say:

In Arkansas, the number of families receiving LIHEAP assistance is expected to be reduced by up to 20 percent from last year if they are not able to get more funding. Arkansas, 20 percent reduction.

In Arizona, estimates are that they will have to cut the number of families receiving LIHEAP assistance by 10,000 families as compared to last year.

In Delaware, the number of families receiving LIHEAP assistance will be reduced by up to 20 percent. In most instances, your average LIHEAP grant only pays for about 20 percent of the total cost of heating a home in Delaware.

During the winter in Iowa, the regular LIHEAP grant has been cut by 7 percent from last year. The average LIHEAP grant in Iowa is $300. Two years ago, the average grant was $450.

The State of Kentucky can run out of LIHEAP funding as early as next February.

In Maine, the average LIHEAP grant will only pay for about 2 to 3 weeks of home heating costs in most homes in that State, and I can tell you that it stays cold for a lot longer than 2 or 3 weeks in Maine, in New England.

In Massachusetts, the spike in energy costs means that the purchasing costs for LIHEAP has declined by 39 percent since 2006.

The State of Minnesota can run out of LIHEAP funding as early as February.

In New York, many households have already exhausted their entire LIHEAP funding.

While Ohio has seen a 10-percent increase in the number of people applying for LIHEAP assistance, that State will have to cut back its regular LIHEAP grant by between 15 to 20 percent.

Rhode Island, Texas, the State of Washington—on and on it goes. The bottom line is, home heating fuel costs are soaring, and LIHEAP does not have enough money to take care of the needs of people in State after State after State.

In the richest country on the face of the Earth, no family, no child, no senior citizen should be forced to go cold this winter. I am afraid that unless we act, and act very quickly, that is exactly what will be happening.

We hear a lot of talking about energy funding around here. Not every piece of legislation, in fact, is an emergency. This is an emergency. As we speak tonight, people all over this country do not have enough money to stay warm. That situation will only get worse. We have to act, and we have to act now.

Let me again thank the many cosponsors of this legislation. It is certainly bipartisan. There are cold people in Republican States, Democratic States, Independent States. We have to act together, and we have to move as rapidly as we can.

I am offering this amendment now on the Indian health bill. I will offer it at every opportunity I can. I look forward to working with the Members of the Senate to see that we do the right thing so that no American goes cold this winter.

Ms. COLLINS. Mr. President, I wish to discuss funding for the Low Income Home Energy Assistance Program, commonly known as LIHEAP. LIHEAP is a Federal grant program that provides vital funding to help low-income and elderly citizens meet their home energy needs.

Due to record-high oil costs, the situation for our neediest citizens is especially dire this winter. That is why I have sponsored Senator SANDERS' amendment to increase LIHEAP funding by $800 million.

Nationwide, over the last 4 years, the number of households receiving LIHEAP assistance increased by 26 percent from 4.6 million to about 5.8 million, but during this same period, Federal funding increased by only 10 percent. The result is that the average grant declined from $349 to $305. In addition, since August 2007, crude oil prices quickly rose from around $60 a barrel to nearly $100 a barrel earlier this month, so a grant buys less fuel today than it would have just 4 months ago. According to Maine's Office of Energy Independence and Security, the average price of heating oil in our State is $3.30 per gallon, which is $1.09 higher than at this time last year.

This large, rapid increase, combined with less LIHEAP funding available per family, imposes hardship on people who use home heating oil to heat their homes. Low-income families and senior citizens living on limited incomes in Maine and many other States face a crisis situation in staying warm this winter.

The Sanders amendment would provide an additional $800 million as emergency funding for LIHEAP. The term "emergency" could not be more accurate. Our Nation is in a heating emergency this winter. Families are being forced to choose among paying for food, housing, prescription drugs, and heat. No family should be forced to suffer through a severe winter without adequate heat.

I urge all my colleagues to support the Sanders proposal to provide vital home energy assistance for the most vulnerable of our citizens.

Mr. SMITH. Mr. President, I rise today to speak in favor of reauthorizing the Indian Health Care Improvement Act, IHCIA, of which I am a cosponsor. Like many of my colleagues, I feel that passing this legislation is long overdue. Since its enactment in 1976, the IHCIA has provided the framework for carrying out our responsibility to provide Native Americans with adequate health care. As we know, the act has not been updated in more than 16 years, despite the growing need among Native Americans.

We cannot allow the health of Native Americans to remain in jeopardy for yet another year. The reauthorization legislation is a major step in addressing the growing health disparities that Native Americans face. The act makes much needed changes to the way the Indian Health Service, IHS, delivers health care to Native Americans and is the product of significant consultation and cooperation with Tribes and health care providers.

I would like to thank Chairman DORGAN and Vice Chair MURKOWSKI for their leadership and for building on the momentum from the last Congress to reauthorize this act.

The IHCIA was last reauthorized in 1992. Now 16 years later, another reauthorization is necessary to modernize Indian health care services and delivery and improve the health status of Native American people to the highest level possible.

A September 2004 report released by the United States Commission on Civil Rights gives us a snapshot of the health crises Native Americans face. Native Americans are 770 percent more likely to die from alcoholism, 650 percent more likely to die from tuberculosis, 420 percent more likely to die from diabetes, 52 percent more likely to die from pneumonia or influenza, and 60 percent more likely to die of suicide.

Also, according to the CDC, American Indians and Alaska Natives, AI/AN, also have the highest rate of suicide in the 15- to 24-year-old age group, and suicide is the second leading cause of death among Native American youth aged 10 to 24. The overall rate of suicide for American Indians and Alaska Natives is 20.2 per 100,000, or approximately double the rate for all other racial groups in the United States. Given these circumstances, the life expectancy for Native Americans is 71 years of age, nearly 5 years less than the rest of the U.S population.

Many serious health issues affect our Native American population. Yet, today, funding levels meet only 60 percent of demand for services each year, which requires IHS, tribal health facilities and organizations, and urban Indian clinics to ration care, resulting in tragic denials of needed services. Reauthorization of the act will facilitate the modernization of the systems, such as prevention and behavioral health programs for the approximately 1.8 million Native Americans who rely upon the system. I sincerely hope that we can pass this legislation and send it to the President for his signature.

Although this bill makes vast and necessary improvements upon current law, it is not perfect. In my home State of Oregon, as well as in many other States across the country, there is concern that the current bill creates inequities among the tribes related to the distribution of health care facilities funding. Senator CANTWELL and I intend to offer an amendment that we are hopeful can resolve this issue because, ultimately we must ensure that all tribes are treated equitably.

The current priority system outlined in S. 1200 seems to favor health facility construction in a few States and will harm Oregon's tribes as well as many others across the country. Since the original bill was drafted, the IHS and tribes have worked together to develop a new and more equitable construction priority system that more fairly allocates funds across Indian Country. This priority system includes the development of an area distribution methodology. This proposed methodology would provide for a portion of facility construction funds to be used to build health facilities that are not part of the current facilities priority system. Unfortunately, the language in S. 1200 does not explicitly account for this agreement made between the tribes and IHS through the National Steering Committee. Many tribes in Oregon and around the country have never received any construction funding and are concerned that the proposed language is outdated and will continue to cause their facilities to lose priority to the extent that it could be 20 to 30 years until facility upgrades would occur.

I offered an amendment during the May 2007 Senate Committee on Indian Affairs markup of S. 1200 that would have allowed for a portion of health facility construction funds to be distributed equitably among all of the IHS areas for local health facilities projects. I withdrew my amendment because Chairman DORGAN assured me that he would work with me to find a suitable compromise before the bill went to the floor. Since then, I have been working with my colleagues and national tribal organizations to develop compromise language. Yet, given all of this effort, some Senators are unwilling to compromise.

Therefore, Senator CANTWELL and I intend to offer our amendment which represents an appropriate middle ground for all tribes. I hope my colleagues will vote in favor of this amendment, and I look forward to continuing to work with them to explore other creative ways to identify approaches that address everyone's interest and ensures that all Native American Indians receive the health care they need and deserve.

I am pleased to see that the bill contains my legislation, the American Indian Veteran Health Care Improvement Act. This legislation would encourage collaborations between the Department of Health and Human Services, HHS, and the Department of Veterans Affairs, VA, resulting in greater access to health care services for American Indian and Alaska Native, veterans of federally recognized tribes. This legislation also would ensure that these AI/AN veterans eligible for VA health care benefits delivered by IHS, an Indian tribe, or tribal organization will not be liable for any out of pocket expenses.

American Indians and Alaska Natives have a long history of exemplary military service to the United States. They have volunteered to serve our country at a higher percentage in all of America's wars and conflicts than any other ethnic group on a per capita basis. As a result, they have a wide range of combat related health care needs. AI/AN veterans may be eligible for health care from the Veterans Health Administration, VHA, or from IHS or both. Despite this dual eligibility, AI/AN veterans report the highest rate of unmet health care needs among veterans and exhibit high rates of disease risk factors.

On February 25, 2003, HHS and the VA entered into a Memorandum of Understanding, MOU, to encourage cooperation and resource sharing between IHS and the VHA. The goal of the MOU is to use the strengths and expertise of both organizations to increase access, deliver quality health care services, and enhance the health status of AI/AN veterans. These collaborations are designed to improve communication between the agencies and tribal governments and to create opportunities to develop strategies for sharing information services and technology. The technology sharing includes the VA's electronic medical record system, bar code medication administration, and telemedicine. Also, the VA and IHS cosponsor continuing medical training for their health care staffs. The MOU encourages VA, tribal, and IHS programs to collaborate in numerous ways at the local level. These services may include referrals for specialty care at a VA facility, prescriptions offered by the VA, and testing not offered by IHS.

At the local level, many partnerships are being formed among IHS, the VA, and tribal governments to identify local needs and develop local solutions. These may include outreach and enrollment for the VA's health system, initial screenings, and other health care services. The anticipated product of these collaborations is to ensure that quality health care is provided to all eligible AI/AN veterans.

In my State, the Portland VA Medical Center and the Portland Area Office-IHS are working on a local MOU for the purpose of improving access to VA health care services for eligible AI/AN veterans. The Warm Springs Confederated Tribes have been instrumental in developing this agreement based on the needs of AI veterans on the Warm Springs Reservation. These veterans often are eligible for health benefits from both the VA and IHS, and it is their intended purpose to make care more seamless, thereby improving access and quality.

In November 2001, President George W. Bush proclaimed National American Indian Heritage Month by celebrating the role of the indigenous peoples of North America in shaping our Nation's history and culture. He said, "American Indian and Alaska Native cultures have made remarkable contributions to our national identity. Their unique spiritual, artistic, and literary contributions, together with their vibrant customs and celebrations, enliven and enrich our land."

An important part of the overall contribution of AI/AN peoples to our Nation is the part they play in protecting and preserving our freedoms. Their contributions to our Armed Forces have been made throughout our history. I am hopeful that the VA and IHS will continue to work together to deliver health care services to our Nation's AI/AN veterans that they so deserve. I look forward to hearing about more of these partnership projects, and to learn of their successes.

As I mentioned earlier, Native Americans have some of the highest suicide rates in our Nation. That is why it is so critical that we increase physical and mental health services to this population and, ultimately, that we pass this bill. I am proud to have cosponsored the telemental health language in this bill. The bill would authorize a demonstration project to use telemental health services for suicide prevention and for the treatment of Indian youth in Indian communities. The Indian Health Service would carry out a 4-year demonstration program under which five tribes, tribal organizations or urban Indian organizations with telehealth capabilities could use telemental health services in youth suicide prevention and treatment.

I also would like to speak to my support of the Urban Indian Health Program, UIHP. It constitutes only 1 percent of IHS's budget; however, 34 UIH centers provide care for nearly 70 percent of the Native American population residing in cities. According to the 2000 Census, nearly 70 percent of Americans identifying themselves as having American Indian or Alaska Native heritage live in urban areas.

In my home State of Oregon, the Native American Rehabilitation Association of the Northwest, NARA, an urban Indian health provider, has been in existence for over 37 years and provides education, physical and mental health services, and substance abuse prevention and treatment that is culturally appropriate to Native Americans and other vulnerable people. NARA is an Indian-owned and operated nonprofit urban Indian health clinic that annually serves over 4,000 people including 257 tribes and bands, of which 25 percent are from Oregon. NARA's health clinic delivers health care services to tribal members from over half of the federally recognized tribes that reside in about 30 States. Notably, NARA is a grant recipient of the Garrett Lee

Smith Memorial Act, which it uses to serve Oregon's tribes.

The UIHP has been a fixture of the Indian Health Care Improvement Act since its initial passage in 1976, principally serving urban Indian communities in those cities where the Federal Government relocated Indians during the 1960s and 1970s. Notably, the Federal Government relocated thousands of tribal members to Portland at that time. Although the UIHP overwhelmingly serves citizens of federally recognized tribes, it has the authority to serve other Native Americans, largely those who have descended from the Federal relocatees. S. 1200 provides a modest expansion of authority for the UIHP to engage in a wider array of health related programs, consistent with the many changes that have occurred in health delivery in the United States since the IHCIA was last reauthorized 16 years ago.

Proposals to eliminate or even limit the UIHP within the IHS would have far-reaching and devastating consequences. Urban Indian health clinics report that the elimination of Federal support would result in bankruptcies, lease defaults, elimination of services to tens of thousands of Indians who may not seek care elsewhere, an increase in the health care disparity for American Indians and Alaska Natives, and the near annihilation of a body of medical and cultural knowledge addressing the unique cultural and medical needs of the urban Indian population held almost exclusively by these programs. Notably, Urban Indian health clinics typically leverage IHS funding 2:1 from other sources.

Urban Indian health clinics provide unique and nonduplicable assistance to urban Indians who face extraordinary barriers to accessing mainstream health care. Many Native Americans are reluctant to go to health care providers who are unfamiliar with and insensitive to Native cultures. Urban Indian programs not only enjoy the confidence of their clients but also play a vital role in educating other health care providers in the community to the unique needs and cultural conditions of the urban Indian population. Urban Indian health clinics also save costs and improve medical care by getting urban Indians to seek medical attention earlier; Provide care to the large population of uninsured urban Indians who otherwise might go without care; and reduce costs to other parts of the Indian Health Service system by reducing their patient load.

More than 30 years ago, President Ford saw the great need and had the wisdom to sign into law the Indian Health Care Improvement Act. His signature was a promise made to American Indians that the Federal Government would work to improve their health status. That promise is one that we must not back away from. Reauthorizing this act is a reaffirmation of that commitment and proves that we understand there is work yet to be done to further improve Indian health.

Again, I am thankful to Chairman DORGAN and Vice Chair MURKOWSKI for their leadership and for building on the momentum from the last Congress to reauthorize the act. I hope that we can swiftly resolve any remaining issues and get this long-overdue bill signed into law.

I would like to close my statement with a quote from Mourning Dove, the literary name of Christine Quintasket, a Salish tribal woman from the Pacific Northwest now recognized as the first Native American woman to publish a novel (1888-1936). "Everything on the earth has a purpose, every disease an herb to cure it, and every person a mission . . . this is the Indian theory of existence."

There are indeed cures and treatments for the maladies that disproportionately afflict Native Americans: diabetes, alcoholism, and suicide. The purpose and the mission of this bill is to connect those cures with those who need it the most—those who have sought it the longest—and through chapters of our history, have a unique claim to those cures and treatment.

Mr. COCHRAN. Mr. President, I am a cosponsor of the Indian Health Care Improvement Act, which provides updated objectives and policy for addressing the health needs of American Indians.

By virtue of many treaties and agreements, the Federal Government has a trust responsibility—an obligation—to provide a variety of basic needs, including healthcare.

The Indian Health Care Service estimates that it provides about 60 percent of the health care that is needed in Indian Country: an amount that is less than half of what we spend on the health care needs of Federal prisoners. Tribes with the resources, try to make up the difference. In most cases, the result is an absence of health care.

In my State, the Mississippi Band of Choctaw Indians has improved its health care and the overall health of its population over the last 30 years. But the sad fact remains that health care on the reservation is inadequate.

For the 9,600 members of the tribe, there are four doctors. The hospital has 14 beds. The approximately $8 million the tribe spent last year is simply not enough to cover the needs of the Choctaw's growing population.

According to Health Care Financing Review—Summer 2004, Volume 24, Number 4—the national health care expenditure average cost per person per year was calculated at $5,440. Using the $5,440 estimate, the Mississippi Band of Choctaw Indians Health Care System would need over $48 million dollars to cover the tribe's health care costs.

From fiscal year 2000 to fiscal year 2005, there was a 30.4 percent increase in the number of patients from the Mississippi Band of Choctaw Indians who accessed the health care system. During that same time period there was a 41.4 percent increase in the number of ambulatory visits.

According to the CDC, 7 percent of Americans have diabetes. In comparison, 20.5 percent of Choctaws have diabetes, one of the highest percentages of any tribe in the country. From 2000 to 2005 there was a 62.3 percent increase in the number of patients diagnosed with diabetes.

My point in telling the Senate these examples is, with adequate health care, successful preventive care, appropriate facilities, and more health care professionals, lives would be longer and general health would improve.

Statistics for other tribes are similar. Some include alarming incidences of suicide, high infant mortality rates, and practically nonexistent mental health care.

This bill includes provisions that promote better communication between tribes and the Indian Health Care Service, in order to ensure effective administration of the programs meant to assist the well-being of the American Indian population.

I urge my colleagues to vote for the Indian Health Care Improvement Act.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. OBAMA. Mr. President, I commend Senator DORGAN and the Committee on Indian Affairs for their leadership on the long-overdue Indian Health Care Improvement Act, IHCIA, Amendments of 2007.

The historical treatment of Native Americans is a tarnished mark on American history. Lawmakers must ensure that this Nation fulfills its treaty obligations to Native Americans and address the injustices that continue to be suffered by the first Americans. I am committed to making sure that Native Americans are treated with respect, dignity, and equality both now and in the future and to ensure that promises made by this great Nation are promises kept as well. As such, I believe it is this country's moral imperative to address the significant health disparities between Native Americans and the American population as a whole.

Diabetes is perhaps the most striking example of such health disparities. American Indians have the highest rate of diabetes in the world. The American Diabetes Association reports that American Indians and Alaska Natives are more than twice as likely to be diagnosed with diabetes as non-Hispanic Whites, and the death rate from diabetes is three times higher among American Indians and Alaska Natives than the rate in the general U.S. population. Yet these statistical averages mask the fact that certain tribal populations are experiencing epidemic rates of diabetes. About half of adult Pima Indians, for example, have diabetes. Even worse, on average, Pima Indians are only 36 years old when they develop diabetes, which contrasts to an average age of 60 years for White diabetics.

Unfortunately, diabetes is not the only health condition that disproportionately affects American Indians. Death rates from heart disease and stroke are respectively 20 and 14 percent greater among American Indians compared to the average U.S. population. We know the infant mortality rate is 150 percent higher for Indian infants than White infants. The rate of suicide for Indians is 2½ times greater than the national rate, and methamphetamine use has ravaged Indian reservations all across the country.

Urban Indians are not exempt from these dire health challenges. In addition to facing higher than average rates of chronic disease and mental health and substance abuse disorders, urban Indians experience serious difficulties accessing needed health care services. Given that over half of the Native American population no longer reside on reservations, our efforts to improve Indian health and health care must include explicit focus on the urban Indian population.

For these reasons, I am proud to be an original cosponsor of the Indian Health Care Improvement Act. Our tribal health care programs must be modernized and prepared to provide preventive and chronic disease health care services and to address other key issues such as access and quality of care concerns. And these activities must be supported while honoring the principle of tribal sovereignty.

The bill before us would enact much needed advancements in the scope and delivery of health care services to Native Americans. In particular, it authorizes a host of new health services, makes crucial organizational improvements, and provides greater funding for facilities construction. Through scholarships, investments in recruitment activities, loan repayment programs, and grants to institutions of higher education, IHCIA also takes steps to help increase the number of Native Americans entering the health services field.

I am especially pleased that the bill addresses well-documented health problems affecting urban Indian communities as well. This proposal provides grants and increased aid for diabetes prevention and treatment, community health programs, behavioral health training, school health education programs, and youth drug abuse programs in urban areas.

I trust my colleagues will agree with me on the critical need to address health disparities facing the Native American community. I urge the Senate to act quickly to pass this bill.●

● Mr. McCAIN. Mr. President, today the Senate is considering S. 1200, the Indian Health Care Improvement Act, IHCIA, Amendments of 2007. This bill would reauthorize the IHCIA, the statutory framework for the Indian health system, which covers just about every aspect of Native American health care.

I would first like to acknowledge the hard work of Chairman DORGAN and my other colleagues on the Senate Indian Affairs Committee for their efforts to bring this important legislation to the floor. Reauthorization of the IHCIA is critical to the lives of more than 2 million American Indians and Alaska Natives and is long overdue.

The IHCIA expired in 2000, and Indian tribes and health organizations have been working diligently to see it reauthorized. Seven years ago, a steering committee of tribal leaders, with extensive consultation by the Indian Health Service, developed a broad consensus in Indian Country about what needs to be done to improve and update health services for Indian people. During the 109th Congress, we made significant progress towards passing a reauthorization bill. Unfortunately, the Senate was unable to complete work on that bill before adjourning last Congress.

I believe now as I did when I served as chairman of the Senate Indian Affairs Committee during the last Congress that reauthorizing our Indian health care programs is a top priority for us, and I hope that the Senate will move a sound comprehensive bill through the legislative process as quickly as possible. However, there are some key and troubling differences between the bill pending before the Senate and the proposal I put forward at the end of the last Congress, S. 4122. In particular, the new version contains language that would essentially authorize the Indian Health Service to promote "reproductive health and family planning" services. As my colleagues know, I have had a longstanding policy against promoting abortion as an acceptable form of birth control, except in cases of rape and incest. I strongly believe that society and government have a legitimate interested in protecting life, born or unborn. Obviously, my thinking on this question applies to the unborn children of patients to the Indian Health Service. I cannot in good conscience support the promotion of abortions at Federally funded IHS facilities or any Federal facilities. I remain hopeful the bill will be modified to allow me to supports its swift passage.

I am, however, supportive of the majority of this bill which builds upon the principles of Indian self-determination. Over the years, Indian health care delivery has greatly expanded and tribes are taking over more health care services on the local level. It is our responsibility to maintain support for these services and promote high standards of quality health care for IHS and its partner units. Among the items provided in this bill are provisions exploring options for long-term care, governing children and senior issues. It also would provide support for recruitment and retention purposes; access to health care, especially for Indian children and low-income Indians. Further, it would provide more flexibility in facility construction programs, consolidated behavioral health programs for more comprehensive care, and would establish a Commission to study and recommend the best means of providing Indian health care.

We must remember that nearly 30 years ago, Congress first enacted the IHCIA to meet the fundamental trust obligation of the United States to ensure that comprehensive health care would be provided to American Indians and Alaska Natives. Yet the health status of Indian people remains much worse than that of other Americans. They have a shorter average lifespan, higher infant mortality rate, and a much higher rate of diabetes than the national average. American Indians and Alaska Natives are 650 percent more likely to die of tuberculosis, 770 percent more likely to die of alcoholism, and 60 percent more likely to die of suicide. The suicide mortality rate among Indian youth is three times that of the general population.

I have seen the hard reality of these statistics in the families of Arizona tribes as well as tribes across the Nation. Methamphetamine addiction, diabetes, alcoholism, and heart disease are epidemics devastating the Indian people. Our trust obligation dictates we address these health crises on reservations, and I strongly support actions to that effect. However, as I stated before, using taxpayer money to promote abortion services is something I find highly objectionable and will vehemently oppose. I strongly urge my colleagues to support efforts to strike these unacceptable provisions and enable this bill, which is of critical importance to Indian country, to be approved.●

Mr. SANDERS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Mr. President, is the pending business S. 1200, the Indian Health Care Improvement Act Amendments of 2007?

The PRESIDING OFFICER. That is correct.

Mr. THUNE. Mr. President, I wish to speak to that legislation. The Indian Health Care Improvement Act is before the Senate today and tomorrow and hopefully will be completed, and we will be able to vote on some amendments and finally get this legislation reauthorized because it is very long overdue and the need for its completion cannot be underestimated.

I represent nine tribes in my State of South Dakota, and in any given year, depending on the year we are talking about, as many as five of those reservation counties in South Dakota will be in the top 10 poorest counties in America. These are areas in my State that are struggling in so many different ways where many of the basic services that those of us who live off the reservations expect on a daily basis are just not available.

One of the things that is desperately needed is access to health care, making sure there is quality health care available to people on the reservations.

The Indian Health Care Improvement Act reauthorization has really been in the works since 1999–2000. I think the 106th Congress was the last time this issue was debated. We have been trying since that time to get this bill on the floor and get it reauthorized. It is a critical piece of legislation that is so important to the people whom I represent and to tribes all across this country and to Native American people.

To give an example of what I am talking about, in South Dakota, between 2000 and 2005, Native American infants were more than twice as likely to die as White infants. Nationally, Native Americans are three times as likely to die from diabetes as compared to the rest of the population in the country.

In South Dakota, a recent survey found that 13 percent of Native Americans suffered from diabetes. This is twice the rate of the general population in which only 6 percent are suffering from diabetes.

An individual who is served by IHS is 6.5 times more likely to suffer an alcohol-related death than the general population. An individual served by an IHS facility is 50 percent more likely to commit suicide than the general population.

I appreciate the time the Senate is taking to debate this bill and the serious health issues this bill hopes to address and correct. I especially thank the Indian Affairs Committee for working with me to help the Yankton Sioux Tribe of South Dakota keep the Wagner emergency room open. Our delegation from South Dakota has been working for some time in making sure that members of the Yankton Sioux Tribe have access to emergency room service 24 hours a day, which is critically important.

The committee was very helpful in making sure that issue was addressed in this authorization. I thank them for that help and appreciate their work in working with us to that end.

I also thank them for the work they have done to ensure that the Urban Indian Health Program remains a viable and helpful program for Native Americans who live off the reservation.

I am also a cosponsor of an amendment that has been offered by Senator VITTER. I reiterate my support for extending the Hyde language of this bill in preventing Federal funds being spent on abortions, except in cases where the life of the mother is at stake or in case of incest or rape.

I also reiterate my support for Senator BINGAMAN's amendment. I am a cosponsor of that amendment which will extend Medicare payment rates to all Medicare providers who accept IHS contracting agreements.

This amendment hopefully will stretch IHS contracting dollars even further and help reduce, even if it is only in a small way, some of the shortfalls that currently exist.

This legislation goes a long way in attempting to improve health care throughout Indian country. However, we have to remember there is still more, lots more, that we need to do, especially in the area of tribal justice and law enforcement in order to help improve the lives of individuals who live on and near Indian reservations throughout the country.

Last year, I worked hard to improve tribal justice and law enforcement on Indian reservations, and I look forward to partnering with my colleagues in the Senate to continue that fight this year to make sure we have adequate law enforcement personnel, that we have an adequate number of prosecutors so that when crimes are committed, they can be prosecuted. But we have to address these very fundamental issues if we are going to improve the quality of life for people on the reservations.

As I travel the reservations in South Dakota—and I was at the Rosebud Indian Reservation just this last week—what strikes me is, people on the reservations, just as those I represent who live off the reservations, want the same thing: They want a better life for their children, for their grandchildren, for future generations. They want to make sure they have security and there is adequate law enforcement and they do not have to live in fear when it comes to the issues of crime. They want to make sure their children have access to quality education and a responsibility that many of us take very seriously, ensuring and seeing to it that young people, children on the reservation, have an opportunity to learn at the very fastest rate possible, to go through elementary and secondary school and then on to higher education if they choose to.

A number of the tribal colleges we support in many cases suffer, again, from a lack of funding. They also have to have basic health care services, which is what this bill attempts to address. Whether it is in the area of dental care, whether it is in the area of basic primary care, speciality care, the IHS facilities on the reservations suffer from being unable to recruit and retain health care providers. Whether it is physicians or dentists—and that is an issue we face as well—we need to make sure we have the right incentives in place to attract health care providers to serve in reservation areas.

This bill, as it is currently structured, I believe, will help to address that very basic expectation that all people who live on reservations have, and that is, when they have a need, they will have access to quality health care to address those needs.

This bill will be debated again tomorrow in the Senate, probably, I hope, voted on sometime tomorrow so that we can finally get this reauthorization bill through. It has been teed up for some time.

I appreciate the work the chairman, Senator DORGAN from North Dakota, and Senator MURKOWSKI from Alaska, the ranking Republican, have done to bring this bill to the floor and, as I said before, to work with us on issues important to South Dakota.

I am also happy to cosponsor a couple of amendments that I hope can be adopted—the Vitter amendment and, as I said earlier, the Bingaman amendment, which will help make health care more available and take the dollars of the IHS and stretch them further when it comes to contracting services.

I urge my colleagues in the Senate to vote for this bill. This should be a big bipartisan vote. If anybody cares seriously about improving the quality of life on reservations in this country and addressing what are deep economic needs, it starts with some of these very basic services. It starts with law enforcement security, it starts with education, and it starts with health care, and I think this bill takes us a long way in the direction of dealing with the health care issues that affect so many of our tribes in this country.

I hope my colleagues in a very big bipartisan way will vote for this legislation, support it, and hopefully get it signed into law before this year is out.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. CASEY. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO JOHN STROGER

Mr. DURBIN. Mr. President, tomorrow, the city of Chicago and Cook County, IL, will say goodbye to a legend.

John Stroger was born into poverty in Arkansas at the start of the Great Depression. He lived to become the first African American ever elected president of the Board of Commissioners of Cook County, IL. He lived to be one of the most powerful politicians in my home State.

He died at 8 o'clock last Friday morning from complications of a stroke he suffered almost 2 years ago and from which he never fully recovered.

John Stroger was 78 years old.

Mayor Daley confirmed the passing of John Stroger at a prayer breakfast on that day when we were honoring Dr. Martin Luther King. What a fitting coincidence. Dr. King had told us:

> Everybody can be great, because everyone can serve.

John Stroger spent his life serving.

John Stroger was a grandson of former slaves who believed in the promise of America and believed that government can and should be a force for progress.

He was a man of compassion, integrity, great humor, and great political skill. He used all of those qualities to help others.

He spent his political life breaking down racial barriers and working to lift up those who were less fortunate. His lifelong commitment to serve those who struggle every day to find affordable, quality medical care will certainly be his legacy.

Many years ago, John Stroger befriended me when I was an unknown candidate from Springfield with a few friends in the Chicago political world. For me, John Stroger was more than an ally. He was a great friend.

He was also a man of strong opinions. Our mutual friend, Congressman DANNY DAVIS of Illinois, once joked that John Stroger "would argue with a signpost." But he never held grudges. He was a real gentleman.

He was also a champion for working families and the poor. As Cook County board president from 1994 to 2006, John Stroger opened doors of opportunity in government and business for women and minorities and improved the county's bond rating.

He made county government more responsive by changing the way commissioners are elected.

He created a special domestic violence court.

And then there is the achievement of which he was probably most proud: the construction in the year 2002 of a state-of-the-art hospital to serve the poor, the uninsured, and the underserved of Cook County and the Chicagoland area.

At a time when public hospitals across America are having to turn people away, John Stroger still believed that every person deserved the dignity and security of basic health care and lifesaving medicine.

The Chicago Sun Times noted:

> John Stroger was so much larger than life they did not even wait until he was dead to put his name on the Cook County Hospital he defied the critics to build.

The John H. Stroger Hospital of Cook County, IL, is just one way that the legacy of this remarkable man will continue to serve the people and city he loved for years to come.

Mr. President, I remember when John Stroger decided that this hospital was going to be built. There were scores of critics. Why in the world would we want to build a hospital for poor people? John Stroger knew the answer to that question. It was an answer from his heart: Because that is what America does. America cares for the poor. America provides the poor in Cook County and all across our Nation with the same kind of quality care that we all want for our families.

John Stroger knew that. His battle for that hospital ended up in one of the great success stories of public life in Illinois.

John Stroger was born in 1929 in Helena, AR—the oldest of four kids. His father was a tailor, his mother worked as a maid. The family lived in a three-room shack with no electricity and no indoor plumbing.

John Stroger later described it for a Sun Times reporter when he said: "We didn't have any boots, and we didn't have any straps."

He graduated from Xavier College in New Orleans in 1952 with a degree in business administration. He was proud of Xavier to the last day I ever spoke to him. He always spoke with great pride about that college. He moved back to Arkansas and spent a year teaching high school math and coaching basketball. When he came home one day, his mom had packed a suitcase. She told him she had arranged for him to move to Chicago because there would be more opportunities for a young black man.

John Stroger had caught the political bug years earlier. After hearing a speaker in Arkansas say that the election of President Harry Truman would lead to full rights for African Americans, he had organized voters and tried to persuade them to pay the poll tax so they could vote.

In Chicago, there was no poll tax, but there were other obstacles to full political participation for African Americans in the 1950s. Over the next four decades, John Stroger fought them all.

In 1968, he was named Democratic committeeman for South Side's Eighth ward—the first African-American committeeman for that famous ward. Two years later, John was elected to the Cook County Board. In 1994, he became board president. He was running for his fourth term in 2006 when he suffered a stroke a week before the primary.

John was my friend. The last picture we had taken together was at the St. Patrick's Day march, a legendary march in Chicago. There was John, with his big smile and big green sash, standing next to me and Mayor Daley. I am going to treasure that photo. I think it was one of the last taken of John as a candidate.

After he suffered a stroke, the Chicago Tribune ran an editorial that read, in part:

> If John Stroger ever anticipated a career farewell, he surely saw himself shaking hands with everyone—his allies, his adversaries, the bypassers captivated if only for a moment by one of the more genuine personalities in Chicago politics.

The Tribune went on to write:

> But he likely didn't anticipate a farewell. He wouldn't have enjoyed those elaborate exercises in staged finality. Politics and governance were his life; an intimate says the prospect of retirement unnerved him. Even in this awkward moment, we know he leaves public office just as he occupied it: Without a grudge, without a complaint, and with precious few regrets.

Those were the words of the Chicago Tribune, not always John Stroger's political friend.

The mayor and Members of Congress and the city council and even a former President of the United States have praised John Stroger's life and legacy these past days—and rightly so. But I think the eulogy John Stroger would have liked best wasn't offered by a politician.

Clyde Black runs a shoeshine operation in the City Hall-County Building complex in Chicago. Years ago, John Stroger gave him a helping hand to start his little business. As word of President Stroger's death spread last Friday, Clyde Black told a reporter:

> He changed my life—made me a better person. He's someone we all dearly miss a lot.

It is a sentiment I and many others share.

I offer my deep condolences to President Stroger's family, especially his wife Yonnie. What a wonderful woman, by his side throughout his political life and by his bedside as his illness lingered on for years; their daughter Yonnie Clark; their son and my friend Cook County Board President Todd Stroger, his family; and their two grandchildren. America and the State of Illinois have lost a great leader and I have lost a great friend.

I yield the floor.

UNION LEAGUE CLUB OF CHICAGO

Mr. DURBIN. Mr. President, I wish to congratulate the Union League Club of Chicago and its Boys and Girls Clubs.

This month they celebrate an important milestone.

The Union League Club of Chicago was founded in 1879, adopting the motto "commitment to country and community." Throughout its long and distinguished history, the Union League Club of Chicago has maintained a strong tradition of civic involvement. Over the years, Club members have been a part of politics and society, advocating on issues ranging from election reform to the death penalty. The Union League Club of Chicago also helped develop community support for cultural institutions as they were coming into the community, including Orchestra Hall, the Field Museum, and the Harold Washington Library Center.

In 1920, recognizing a critical need in the community, the Union League Club of Chicago established the Union League Boys Club, a club designed to serve the large population of underprivileged children in Chicago.

Today, the club opens the doors of its four Chicago area facilities to disadvantaged youth who are in communities with some Chicago's the lowest educational attainment levels and highest dropout and poverty rates. In addition to providing wholesome social and recreational opportunities, the Union League Boys and Girls Clubs offer a wide variety of structured programs that emphasis character building and empowerment.

The clubs provide a safe and inviting refuge for young Chicagoans, free from the negative influences of drugs, gangs, and violence. Studies have shown that afterschool programs, like those offered by the Union League Boys and Girls Clubs, can reduce urban crime rates by keeping teens off the streets and providing positive alternatives.

At each club, members are served balanced snacks and meals and given nutritional guidance they can use when not at the club. The clubs also provide an environment in which students can tackle their homework, with assistance when they need it and access to personal computers. Not surprisingly, club members average significantly higher grade point averages than their peers.

A full-time professional staff, assisted by part-time workers and volunteers, provides high school students with career guidance and job training to help young club members become responsible citizens. Each year, the clubs award scholarships to help members pay for college or trade school.

In the summer, members take advantage of the 250-acre summer camp owned by the clubs. Located a short distance north of the Illinois-Wisconsin border, the camp gives Chicago youth an opportunity to experience and enjoy the outdoors.

This month, the Union League Boys and Girls Clubs realize a remarkable achievement. For the first time in its 87-year history, the Clubs will enroll the 10,000th member in a single program year.

Mr. President, I join the Chicago community in commending the Union League Club of Chicago and its Boys and Girls Clubs for outstanding commitment to the welfare of the community and for enriching thousands of young lives—in the past, today, and for decades to come.

RETIREMENT OF GREG HARNESS

Mr. BYRD. Mr. President, on January 31, 2008, the Senate Librarian, Mr. Greg Harness, will retire. With his departure, we will lose a dedicated, loyal, and very important member of the Senate family.

The Senate Library is a fundamental part of the U.S. Senate. Operating under the direction of the Secretary of the Senate, the Senate Library serves as both a legislative and general reference library, and provides a wide variety of information services to Senators and our staffs in a prompt and timely fashion. It maintains a comprehensive collection of congressional and governmental publications and of materials relating to the specialized needs of the Senate.

The origins of this unique and important institution date back to 1792, when the Senate directed the Secretary "to procure and deposit in his office, the laws of the states, for the use of the Senate." The first Senate Librarian to be appointed was George S. Wagner, who officially commenced his duties on July 1, 1871.

In 1997, Greg Harness became the 17th Senate Librarian. A native of North Dakota, Mr. Harness began work in the Senate Library on October 20, 1975, as a reference librarian. He planned to work only a few years in Washington and then return to North Dakota to attend law school. Fortunately, his plans changed.

Mr. Harness continued his employment in the Senate Library for the next 32 years. As a reference librarian, Mr. Harness was a wonderful and pleasant person with whom to work. He undertook every request, no matter how large or small, how urgent or demanding, whether from the majority or the minority, and answered it effectively, professionally, and promptly. He always took that extra step to ensure that the Senator or his staff member received the best, the most accurate, and the most recent information.

As the Senate Librarian, Mr. Harness directed the administrative and professional operations of the Senate Library. He oversaw the movement of the Library from the Capitol to the Russell Building in 1999 and oversaw the design of the new Senate Library. More important, he continued that same cooperative, helpful attitude that he had always displayed as a reference librarian. As a result, he set a model of superior service for his entire staff.

Mr. President, I want to take this opportunity to thank Mr. Harness for his years of loyalty to the Senate, as well as his dedicated and distinguished service. And, I want him to know that my staff and I will certainly miss him. I wish him happiness and success as he enters the next phase of his life.

TRIBUTE TO MAJOR GENERAL DONALD C. STORM

Mr. McCONNELL. Mr. President, I wish to honor a respected Kentuckian, MG Donald C. Storm, who has nobly served the United States and Kentucky for 37 years.

In 1970, General Storm enlisted in the U.S. Army, serving with Military Assistance Command Vietnam. After 2 years of Active Duty, he continued to serve his country in the Kentucky National Guard. Years of accomplishment and experience earned General Storm the appointment to Adjutant General of the Kentucky National Guard by Governor Ernie Fletcher in 2003. Regretfully, after 37 years of service and 4 years in that post, General Storm has decided to retire. Because of his dignified and unwavering commitment to the citizens of this country and the Commonwealth of Kentucky, I stand to honor him today.

General Storm has served the Commonwealth and its citizens in superb ways. He was an advocate for the destruction of marijuana, supporting the Marijuana Eradication Program; he oversaw a recruitment program that exceeded its goals; and finally, he was a true leader and supporter of his troops. General Storm was known for his dedication to the care of his soldiers and their families, celebrating with them in times of victory and mourning with them in times of loss.

Storm has clearly proved himself a man of honor and dignity who represents not only his country proudly but his State proudly. I wish General Storm and his family much happiness after retirement, and I ask my colleagues to join me in honoring General Storm for his dedication, patriotism, and willingness to give so much of himself for the good of his country and his fellow Kentuckians.

Mr. President, recently the Lexington Herald-Leader published a story about Major General Storm, "Generally Speaking; Retiring Guard chief's mission: 'Take care of the troops.'" I ask unanimous consent to have the full article printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Lexington Herald-Leader, Jan. 13, 2008]

GENERALLY SPEAKING; RETIRING GUARD CHIEF'S MISSION: "TAKE CARE OF THE TROOPS"

(By Jim Warren)

LEXINGTON, KY.—The pace of life is slower these days around Donald Storm's Elizabethtown home.

No more dashing to catch planes for Iraq. No more late-night phone calls about soldiers lost. No more need to put on the uniform.

After a 37-year military career, Storm, the former Kentucky adjutant general, is relearning civilian life.

Storm had hoped to be retained as adjutant general in the new administration of Gov. Steve Beshear. But the governor chose to replace him with Brig. Gen. Edward W. Tonini, 61, former chief of staff for the Kentucky Air National Guard.

Storm could have elected to remain in uniform, but that would have required him to move to another state guard program with a slot for someone of his rank, or take a post at the National Guard Bureau in Washington. But he chose retirement, and respite from the stresses and strains of commanding the Kentucky National Guard during its most difficult period in more than 30 years.

Storm did not escape controversy during his tenure, but is generally remembered for working hard to support the troops he led.

During his watch, the Kentucky Guard sent thousands of soldiers to Iraq and Afghanistan, losing troops in both countries. It sent units to Louisiana to help in the recovery from Hurricane Katrina, and dispatched about 1,000 soldiers to help monitor the U.S.-Mexico border in Operation Jump Start. Add peace-keeping duties in Bosnia, and Homeland Security assignments, and about 9,400 Kentucky Army and Air National Guard members were deployed over the course of Storm's tenure—more than the entire membership of the state guard when Storm became adjutant general.

Storm was the guard's chief of staff in December 2003, when incoming Gov. Ernie Fletcher appointed him to be adjutant general, succeeding D. Allen Youngman.

"Little did I know then that I would face some of the things I had to face," Storm said.

Sgt. Darrin Potter of Louisville, the first Kentucky National Guard member lost in combat since Vietnam, had died in Iraq about two months before Storm's promotion. Many others would follow during the next four years. Officially, 15 Kentucky Guard members were lost in combat while Storm was in command. He personally includes two others who were on inactive guard status when they were killed while working for private security firms in Iraq. Once a guard member, always a guard member, Storm believes.

Today, he admits that losing soldiers was the one part of his job he wasn't prepared for.

The period from March through September 2005 was particularly bloody, for example, with six guard members killed in action. That year also saw one of the Kentucky Guard's proudest moments, as members of the Richmond-based 617th Military Police Company fought off a furious insurgent attack on a convoy at Salman Pak on March 20, 2005. Three unit members, including a woman, were awarded the Silver Star. One of them, Sgt. Timothy Nein, later received the Distinguished Service Cross, the nation's second-highest military decoration.

But displays of undaunted courage could never offset the pain of lost lives. Attending funerals and consoling the families of lost soldiers became an all-too-common part of Storm's job.

"Sergeant Potter had died," he recalled, "and then it was just one right after another."

It was particularly painful because Storm, through his many years in the guard, personally knew many of those who were lost.

"I'm going to admit that it took a toll on me," Storm said. "I don't think I fully understood how much of a toll it was at the time. But it was the toughest thing I ever went through . . . the losses of these soldiers and the tremendous sacrifices of their wonderful families. I just grieved with all of them."

Storm, a native of Laurel County, began his military career as an enlisted man, serving in Vietnam in 1971–72. He never planned to be a soldier—he says he just wanted to get a college education—but he quickly found that he liked the regimentation and the values of life in uniform. He joined the Kentucky National Guard after his Army enlistment ended. He was commissioned a first lieutenant in 1981, beginning a steady rise through the ranks. By the time Storm took over the top job, he had held virtually every major post in the Kentucky Guard.

Storm sometimes sounds like a social philosopher when he speaks on the importance of military service.

"Military power," he says, "is one of the four types of power you must have to support a nation state—information power, diplomatic power, economic power and military power. The fifth common denominator is the will of the people."

No one had to convince Storm that invading Afghanistan and Iraq were the right things to do. He said he had seen the plight of the common people in both lands and felt that liberating them was a proper use of American force.

He admits that he didn't expect the war in Iraq to drag on this long, though he says he knew it would be "a long hard road" once the insurgency kicked into high gear in 2004. But he says he was never discouraged, even when polls began to show declining citizen support for the war.

"I could see the light at the end of the tunnel, which was something that our people here at home didn't have the opportunity to see," he said. "I knew that if we stayed the course . . . that removing Saddam . . . would bode well for free people and the other countries in that part of the world."

Storm says he personally saw off every Kentucky guard unit as it left for the war zone except one (he was on his way to Iraq himself at the time), and greeted every unit when it came home. He made eight trips to Iraq, Afghanistan and Kuwait to visit Kentucky troops and encourage them.

"I tried to make it my business to meet as many of the soldiers as I could, and let them know how much the people of Kentucky appreciated their service," he said. "You know, it's not about generals. It's about soldiers and airmen."

Storm, however, drew some fire in April 2005, after a Kentucky Guard member in Iraq went public with complaints that his unit was saddled with old, inadequately armored trucks. It happened shortly after a Kentucky guardsman died when a roadside bomb detonated near his vehicle. Storm responded that he didn't agree with the soldier going outside channels to raise a complaint, but that he would work to get better equipment for Guard units in Iraq.

The adjutant general found himself in hot water again in March 2007, after an usual appearance in the State Senate, where he made a last-minute appeal in support of an income-tax break for Kentucky military personnel that was stuck in the State House. Some House leaders, including Speaker Jody Richards, attacked Storm's comments as a "shameless, partisan diatribe." The Louisville Courier-Journal ran an editorial saying Storm should be replaced as adjutant general.

Storm maintains that his "whole deal" always was "to take care of the troops."

Nowadays, he believes the work and sacrifices of the soldiers in Iraq are beginning to pay off. He sees the decline in violence since last summer as proof that "we have turned the corner." The question, he says, is whether the improvement can be sustained as U.S. troops sent over for the "surge" start returning home in coming weeks.

"I pray that we can sustain this," he said. "You never know in that part of the world because there are so many factions to deal with.

"But, boy, it sure does look great now. And if we can pull it off, it would be one of the greatest accomplishments ever for world peace . . . because the enemy we face is real. They want to destroy the western world and all the freedoms we enjoy."

Storm won't be in uniform to see the victory he hopes for. But he says the biggest thing he will miss is simply serving in the Kentucky National Guard.

"The Kentucky National Guard is probably the best Guard unit in America," he says. "That's what some three- and four-star generals will tell you. And it's because of all these great Kentuckians who have stood up, particularly after 9/11, to serve the State and the Nation. I'm so proud of the way they answered the call."

REPORT ON FOREIGN TRAVEL TO THE UNITED KINGDOM, ISRAEL, PAKISTAN, JORDAN, SYRIA, AUSTRIA, AND BELGIUM

Mr. SPECTER. Mr. President, I rise to comment about a trip which I made over the recess during the period from December 22 of last year to January 4 of this year on travels which I undertook with visits to the United Kingdom, Israel, Pakistan, Jordan, Syria, Austria, and Belgium.

The stop which Congressman PATRICK KENNEDY and I made in Pakistan was an extraordinary visit, a shocking visit, and a visit at a time of great tragedy.

On Thursday, December 27, Congressman KENNEDY and I were scheduled to meet with Benazir Bhutto in Islamabad. She had set the meeting for 9 p.m., at the end of a busy day of campaigning. While we were preparing to go that night to an earlier dinner with the President of Pakistan, President Musharraf, and then plans to go on to meet with Benazir Bhutto, we were informed, within 2 hours of our planned meeting with Ms. Bhutto, that she had been brutally assassinated. It was obviously a great shock, a great loss to Pakistan, obviously, a great loss to her family, and really a loss to the world because she had the unique potential to unite Pakistan and to provide leadership in a very troubled country.

Pakistan has nuclear weapons, and it is an ongoing matter of concern as to whether those nuclear weapons are being adequately protected. President Musharraf assured us that they were. So did the Chairman of the Joint Chiefs of Staff. And we accept those assurances. But with Pakistan in a condition with militants there, there is always the worry and concern, and it would be reassuring, comforting, if there can be political stability in Pakistan. It is our hope that will occur with the oncoming elections.

But whether Benazir Bhutto would have emerged as Prime Minister, as the leader, remained to be seen. But certainly she had extraordinary potential. Those who have seen her on television know she was a movie star, beautiful, charismatic, and beyond those features, a great intellect, educated in the United States, at Radcliffe, of course, at Harvard, Oxford—a real intellectual and a real leader in the political sphere. Her father had been Prime Minister. She had been Prime Minister.

I had the opportunity to meet her some 20 years ago when my wife and I visited her at her family home in Karachi. She was a very disarming young woman. When I took some pictures of her, she asked if I would send her copies. She said nobody ever sent her copies of pictures which were taken. I was surprised, really sort of amused, because she was on the cover of People magazine at that time. You only had to pick up most any magazine on the stands and find a picture of a glamorous, beautiful, talented Benazir Bhutto.

I visited her when she was Prime Minister in Islamabad in 1995. I discussed with her the possibility at that time of having the subcontinent nuclear free. Senator Hank Brown and I carried a message from the Prime Minister of India, Prime Minister Singh at that time, to have the subcontinent nuclear free. Then I had seen her from time to time in Washington. Beyond any doubt, she had the power to and the potential to be a great leader in Pakistan and the great potential to be a stabilizing force.

I learned after she was assassinated, according to members of her own party, that she had planned to give Congressman KENNEDY and me some documentation about the likelihood of vote fraud. I have sought information on those matters.

I ask unanimous consent that at the conclusion of my statement, the full text of a lengthy 40-page report be printed in the RECORD, together with copies of the letters which I have sent to her family and to her political allies making inquiries about the information on vote fraud which reportedly she was interested in turning over to Congressman KENNEDY and me.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SPECTER. With the assassination of Ms. Bhutto, it seems to me there is a need for an international investigation. By letter dated January 2, before returning to the United States, I wrote a letter to the Secretary General of the United Nations urging that there be an international investigation because of the obvious concerns as to whether security was involved or the kinds of conspiratorial theories which arise, whether there is any basis for them.

President Musharraf of Pakistan had asked for assistance from Scotland Yard. My own view is that was insufficient because Pakistan would retain control of the investigation, but that would certainly be a step in the right direction.

I supplemented that letter to the Secretary General on January 17, 2008, with a suggestion that the United Nations put into operation a standing commission to investigate international assassinations. The importance of immediate action and investigation is well known—to get to the scene, to preserve the evidence to the maximum extent possible, and to question witnesses while their memories are fresh and before they are potentially intimidated. Some of the doctors who attended Benazir Bhutto reported they had been told not to talk to the media. I think these ideas are ideas which are worth pursuing.

The composition of the standing commission would have to be very carefully thought through. There would obviously be exemptions for nations which are capable of carrying on an investigation with the technical expertise and which would have the confidence of the public, but I think this is an issue which ought to be undertaken. The Wiesenthal Institute has published the idea, full-page ads in the New York Times, that assassination ought to be classified as a crime against humanity. That, too, is an idea, in my opinion, which ought to be pursued. But the lessons learned and the pain and suffering which comes from the assassination of a great leader such as Ms. Bhutto ought to be studied. We ought to look to the future to be sure that where there are recurrences—and regrettably, it is highly likely there will be recurrences—that we profit by that experience.

In addition to traveling to Pakistan, Congressman KENNEDY and I visited in Israel and in Syria. We talked to Prime Minister Olmert in Israel. We talked to President Bashar al-Asad in Syria. Both are national leaders and both expressed a desire to have a peace treaty. It is very difficult to assess the possibilities by talking, even with the probing questions, because it depends so much on a matter of trust. But I think it is worth noting that back-channel negotiations have been undertaken. A report has appeared in the Arabic press and specified in my written statement but has not appeared, to my knowledge, in the American press. We do know Israel and Syria came very close to an agreement in 1995, until Prime Minister Rabin was assassinated, and then again brokered by President Clinton near the end of his term in 2000. They came very close to an agreement, when it was reported that Syrian President Hafez al-Asad was more concerned with the succession of his son than in completing the treaty. Only Israel can decide whether it is in Israel's interest to give up the Golan, which is the central issue.

But warfare is very different now than it was in 1967, when Israel took the Golan Heights. The rockets are impervious to elevated spots such as the Golan, and it is a very different strategic concern. But as Prime Minister Olmert commented—and I quoted him in the written statement—there are very material advantages which could come if Syria would stop supporting Hamas. It would promote the possibilities of a treaty between Palestinian President Abbas and Israel. If Syria would stop supporting Hezbollah and destabilizing Lebanon, there could be a great advantage. Such a treaty would have the potential of driving a wedge between Syria and Iran which would be of value.

That is a very brief statement of the extensive written report which I have filed, and I appreciate it being printed in the RECORD, at the conclusion of my statement. I thank the managers of the pending bill for yielding this time, and I conclude my statement by yielding the floor.

EXHIBIT 1

STATEMENT OF SENATOR ARLEN SPECTER

REPORT ON FOREIGN TRAVEL TO THE UNITED KINGDOM, ISRAEL, PAKISTAN, JORDAN, SYRIA, AUSTRIA AND BELGIUM

Mr. President, as is my custom from returning abroad, I have sought recognition to report on the recent trip I made overseas from December 22, 2007 to January 4, 2008.

UNITED KINGDOM

On the morning of December 23, the delegation which included my wife Joan, Representative Patrick Kennedy, Christopher Bradish, a member of my staff, Colonel Gregg Olson, our escort officer and Captain Ron Smith, our doctor and me, departed from Washington Dulles International Airport for London, England. After a flight of just over 7 hours, we arrived at London Heathrow Airport. The following morning we departed for Tel Aviv, Israel.

ISRAEL

We arrived in Tel Aviv on the evening of December 24. We were greeted at the airport by Rachel Smith our control officer from the embassy.

The following morning, I was briefed by DCM Luis Moreno and Political Counsel Marc Sievers on the latest developments in the region. The country team stressed that, prior to the Annapolis conference, tension in the region was high. The team informed us that Prime Minister Olmert and President Mahmoud Abbas have good chemistry and that the leaders remain optimistic that an agreement can be reached in 2008. We discussed some of the prevalent matters in the region including the situation in the Gaza strip, the dynamic between Fatah and Hamas, the Paris conference, the security situation in Israel and the political outlook for the region. Following the briefing, we departed for a meeting with Israeli President Shimon Peres.

Having traveled to Israel 25 times during my tenure, I had come to know many of Israel's leaders including President Shimon Peres. I asked the President for his thoughts on how to break the cycle of violence and hate that reigns in the region. He provided his candid assessment of the prospects for peace but stressed that nothing can be solved without cooperation, a strong commitment to economic improvement which entails the creation of jobs in addition to aid money and the tangible benefits of changing the economic situation and the impact that has on changing people's lives. President Peres stated it was critical to support Abu Mazen and develop the West Bank.

I asked Peres on the prospects for future dealings with Syria. The President said Syria should make a choice: Lebanon or the Golan. If they meddle in Lebanon, the Israeli's will not discuss Golan and that all other issues are secondary.

I pressed President Peres on Iran and what he thought should be done. He stated that the U.S. needs a united, coherent policy to combat President Ahmadinejad's policy of enriching uranium. He complimented President Bush in showing courage, but that the capacity to build a coalition was absent. Peres did not express great alarm about Iran as he believes that the world will not allow the Islamic Republic to acquire nuclear weapons. I asked if there were any lessons from our diplomatic engagement with North Korea to which he responded by highlighting the benefits of diplomatic and economic efforts.

I mentioned to Peres that we would be traveling to Pakistan and solicited his thoughts. He believes that religious fanatics in the region are a massive problem for the government and that the U.S. should not force Pakistan and its leaders to be an American democracy—a theme that would continue in our meetings in Pakistan. He did not believe that the situation between Pakistan and India would lead to war but that it is imperative that Pakistan secure its nuclear arsenal—something with which I strongly agree.

President Peres suggested that oil is our great enemy: It finances terror, makes a mockery of democracy, negatively impacts the environment, and undercuts ideological foundations. He called for increased efforts to pursue alternatives to fossil fuels.

When asked about his view on our engagement in Iraq and Afghanistan, Peres stated that we have no choice but to combat radical extremism and those who think modernity will end. He elevated the struggle to one of those in the modern world versus those who are not able to deal with the fact that science has replaced them. He pointed to the fact that you cannot find an Israeli hospital without an Arab doctor. And even an Israeli who will not hire an Arab has no problem with one operating on him with a knife.

When discussing our bilateral relationship, Peres said: "The less we need America, the more friendly our relations will become." President Peres ended the meeting by extending an invitation for us to come back to Israel for the sixtieth anniversary of Israel. We left the President's office for our next meeting at the Knesset with former Prime Minister and Likud party leader, Benjamin Netanyahu.

The focus of our discussion with Netanyahu and Zarman Shoval centered on Iran. He expressed his support for continued economic pressure in the form of sanctions and pension fund divestment. He reported that U.S. states divesting from companies, mostly European, doing business with Iran is having an impact. Netanyahu concluded that Iran's building of long range weapon platforms and its increased centrifuge activities leaves it with very little left to do to obtain a nuclear weapon. A theme in my discussions with Israeli officials, in Washington, DC and Israel, is that our Nations don't differ on the facts but we do differ on the interpretation. He was not convinced that Iran halted its program and more importantly that we do not know if Iran restarted its efforts.

In addition to talking about unilateral actions, Netanyahu recommended that we work with the Europeans and form a unified front with Russia. He stressed the importance of "turning back the momentum" domestically and internationally to combat Iran.

I asked Netanyahu what can be done to break the cycle of violence and hatred. He said this is a battle between modernity/globalization and militant Islam and that this "culture of death" with nuclear weapons could lead to catastrophe. Militant Islam, according to Netanyahu, works by brainwashing individuals. The information and economic revolution could be the best weapon against this ideology as a form of combating brainwashing. Following our meeting with Netanyahu, we departed for a meeting with Former Prime Minister and current Defense Minister, Ehud Barak.

I had met with Barak when he was in Washington, DC attending the Annapolis conference. He provided me an update on Israeli security service actions and intelligence gained since we last spoke. I asked the Defense Minister to provide his views on breaking the cycle of violence and hatred and his outlook for the region. Barak believes that we cannot reshape but can guide and offer a path of more opportunity. He expressed his support for strengthening moderates like Abu Mazen and Salaam Fayyad and that he is more optimistic dealing with these leaders than he was when serving as Prime Minister dealing with Yasser Arafat. I asked him about coming close to an agreement in 2000 with Chairman Arafat. Barak said the gap may have been narrow, but it was very deep.

When asked about Lebanon and Syria, Barak said Syria continues to destabilize Lebanon. He pointed to the recent assassination of Francois El-Hajj, who was expected to be Lebanon's new Army commander in chief should General Michel Suleiman take over as President. Barak believes that Syria would not stand to see the deputy elevated and that Syria wants a government that will request the U.N. to halt its investigation in the Hariri assassination—an attack that some suspect was orchestrated by Syria. When I asked Barak about his peace efforts while serving as Prime Minister with Syria, he indicated that there was an opportunity, but Hafez Assad was more concerned about his son's succession than peace.

On Iran, Minister Barak reiterated that the information between U.S. and Israeli intelligence is 95 percent the same, but that different interpretations persist. Barak expressed concern over Iran's hidden program and that they are not likely to cooperate. I asked about getting Russia to assist and President Putin's offer to handle part of Iran's fuel cycle. Barak stated that Russia wants to see the U.S. squeezed right now but that we must engage China and Russia if we want to have success on this front. We departed the Knesset for our next meeting with President Mahmoud Abbas and Salaam Fayyad in the West Bank.

On Christmas Eve, we loaded in our convoy bound for Bethlehem in the Palestinian-controlled West Bank. Security was tight as we left Jerusalem and entered the West Bank with security personnel lining both sides of the street every 100 yards. Upon arrival we were greeted by Salaam Fayyad, the well-respected, western-educated finance minster, with whom I've had a relationship for some years. I asked Abu Mazen about the status of talks and prospects for peace. He shared his optimism and informed me that he would be meeting with Prime Minister Olmert in two days. He described 2008 as precious and that he will work with the Israelis to reach a deal. He expressed his concern over Israeli settlement activities and the negative impact this could have on the process.

President Abbas informed the delegation that Hamas' popularity was subsiding but that they are still receiving assistance through tunnels and border crossings. Should these not be blocked, money and weaponry still can flow to Gaza. While this type of activity harms the process, he indicated that humanitarian aid must flow to Palestinians residing in the West Bank.

The delegation pressed Abu Mazen about anti-Israeli Palestinian decrees and expressed that these are not acceptable. The President responded emphatically by saying, "I am the head of the PLO, I am the head of Fatah and I am recognizing Israel and we want peace."

Congressman Kennedy asked President Abbas about comparisons to the successful peace talks in Ireland and the prospects for transferring some of the mechanisms employed to the Middle East. Abu Mazen said there are elements that can be utilized especially in the arena of people to people programs.

Salaam Fayyad shared his gratitude for the pledges made in Paris and informed us that debt is being paid and the economy showing signs of improvement. He cited that hotel occupancy rate is near 100 percent which is up from 5-10 percent earlier this year. He expressed his desire for implementing larger infrastructure projects and a reduction in Israeli restrictions, such as check points, which hinder businesses. We concluded our meeting and returned to Jerusalem.

On December 25, we had a morning meeting with Prime Minister Ehud Olmert. The Prime Minister requested I brief him on developments in the United States and our views towards the region. Olmert asked about the U.S. role in moving forward with Syria and if anything can be done given their meddling in Lebanon. I told him I thought there is a chance based on the progress made in 1995 and 2000. I told him of my discussions in Washington, DC with Syrian officials and that they expressed their interest in talks. I told him I thought that the status of the Golan Heights would be the crux of the negotiations.

Olmert told me he is prepared to negotiate with Syria but that it is a long process that needs to mature and that Syria must deliver, not just talk. I pressed Olmert about what actions he had taken and who would make the first move. I reminded Olmert that Henry Kissinger said it took 34 negotiating sessions with Hafez Al-Assad to get an agreement.

Prime Minister Olmert said the National Intelligence Estimate on Iran was not helpful in efforts to combat Iran's suspected nuclear weapons program. When asked if he thought they stopped in 2003, Olmert replied, "I don't know." He expressed his hope that U.S. intelligence based its findings on solid facts.

Olmert, like Netanyahu, stated that if they have enough uranium they can do everything else needed to make a weapon in short order. Nevertheless, Olmert stated that we must carry on impressing upon Iran to change their course.

I requested specifics on how to confine Iran's nuclear weapons program to which Olmert cited the usefulness of economic pressure such as sanctions. He expressed displeasure that the debate has been confined to two options: Military action or acquiescence. The Prime Minister said he will raise alternatives with President Bush during his January 2008 visit.

Representative Kennedy asked Olmert about the Gaza-Hamas-Egypt nexus and the problems associated with smuggling. Olmert confirmed that the movement of money, weapons, to include anti-tank and anti-air missiles, and terrorists across the Philadelphia line is a major concern. He indicated displeasure with Egyptian acquiescence on this front and said that he had raised his concerns with President Mubarak and that he would be dispatching Defense Minister Barak to Egypt the following day to follow up on these issues.

I asked the Prime Minister about the reported "offer" from Hamas for a ceasefire. Olmert said that no offer was made, but rather a journalist reported receiving a call from Hamas indicating an interest and that the media subsequently played it up. He questions the logic of negotiating with Hamas as all it would do is provide Hamas an opportunity to re-arm and Israel would get nothing. He made clear his stance that he is not inclined to negotiate with a group who wants to kill Israelis and refuses to recognize the state.

On the Israeli-Palestinian track, Olmert stated that Abbas and Fayyad recognize Israel and want to make peace and are serious, committed partners. When we discussed breaking the cycle of violence and hate in the region, Olmert pointed to Abbas as an example as someone who changed, became a legitimate political leader and sees things differently than he did 30 years ago. However, the question if the two sides can agree on outstanding issues in unknown. He believes reaching an agreement in 2008 is possible but that implementation would take more time.

I pressed the Prime Minister about the settlements controversy raised in the media and directly by the Palestinians. He explained that he has established a complete moratorium on new settlements, but that Israel can build on plans previously approved at current sites. We departed the Prime Minister's office for our next meeting with Foreign Minister Tzipi Livni.

I called on Tzipi Livni to get her perspective on the Israeli-Palestinian track, Syrian-Israeli track and broader regional matters. Livni believes Abu Mazen and Salaam Fayyad are sincere in their goals for peace and in refraining from using terrorism. She supports the approach of strengthening pragmatic Palestinians like Abbas and Fayyad. She went so far as to say that Salaam Fayyad is a determined person in this process and has exhibited real courage.

I asked the Foreign Minister about economic development for the Palestinians and the strategy to elevate their situation. She said development was important but that we should not look to it as the sole source to bring about change. Minister Livni stated that Israel cannot afford another terrorist state, a real partner in peace must be found and the only way to achieve a Palestinian state is through negotiations, not terror. She appreciated the rights of Palestinians and the impacts of security measures, but stated that Israelis have a right not to live in fear and endure terror.

That afternoon, the delegation met with Saeb Erekat, the Palestinian's chief negotiator. I had met with Saeb in the past and found him to be an intelligent and insightful player on understanding the conflict.

Saeb informed me that the Israelis and Palestinians have "matured" and that there is a genuine need for the peace process. He expressed his view that the sides are in agreement on 70 percent of what a pact would entail but that no outside country can finalize a deal—it must be done by the Israelis and Palestinians—it must be done by Olmert and Abbas.

Saeb and I talked about the broader Middle East and regional conflicts. He believes that democracy in the Middle East will defeat Al Qaeda and if negotiations between Israel and the Palestinians fail, Osama bin Laden wins. He expressed his optimism that a deal can be reached in 2008 and that both sides are prepared for peace. He stated that there needs to be a package deal and both sides know exactly what the other wants—Israel wants no refugees and security and the Palestinians want Jerusalem and land.

On the issue of Iran, Saeb said that Iranian nationalism cannot be overlooked when approaching Tehran. He expressed frustration over anti-Israeli comments made by President Ahmadinejad: "When he says he wants Israel off the map, he is killing me!" He cannot comprehend why Iran would support Hamas in Gaza and pointed out that Abu Mazen has been invited to Tehran nine times and never responded. He suggested that Iran wants a deal and is willing to make one with the U.S. or international community.

Saeb closed by indicating that progress on the Syrian-Israeli track would be beneficial to the Palestinian-Israeli track. The following morning we drove from Jerusalem to Tel Aviv en route to Pakistan.

PAKISTAN

We landed in Islamabad, Pakistan on the night of Wednesday, December 26 and were met by our control officer Jason Jeffreys.

The following morning, we met with Hamid Karzai, President of Afghanistan, in his hotel room. President Karzai was in Islamabad for officials meetings. President Karzai stated that U.S. efforts in Afghanistan are working, roads are being built, economies are being turned around and schools are improving.

I pressed President Karzai on the prospects for victory over the Taliban and Al Qaeda. He stated that he and President Musharraf had focused on this issue in their meeting earlier and that it was a priority. Karzai stated that the Taliban is not a long term threat in Afghanistan as they have no popular support. The President stated that more must be done to address the sanctuaries, training grounds and madrasas.

I asked Karzai about the prospects of catching Osama bin Laden. The President told me that he will not be able to hide forever and that sooner or later he will be caught.

I asked President Karzai about Iran's pursuit of nuclear weapons. He stated that nuclear weapons in the region bring pride and a sense of security. He stated that Iran and the U.S. should open a dialogue, talking pays and that no one can benefit from confrontation.

Following our meeting with President Karzai, we departed for the embassy for the country team briefing led by Ambassador Patterson.

The delegation, including Ambassador Patterson, departed the embassy to our next meeting with General Tariq Majid, Chairman of the Joint Chiefs of Staff. General Majid's headquarters are located in Rawalpindi—the same part of Islamabad where Benazir Bhutto would be killed later that same day.

I pressed Gen. Majid on Pakistan's efforts to combat Al-Qaeda and locate Osama bin Laden. He indicated that he does not know where he is but that Pakistan should be able to find him but that it must be an integrated and combined effort with U.S. support.

I expressed my concern over the problems in the FATA region and asked what is being done to combat the issues plaguing that region and the country. He responded by telling me that for many years, Pakistan did not have access to the tribal belt but that military forces were now engaged—100,000 according to Majid.

I told the General of my concern over Pakistan's nuclear arsenal and the command and control structures in place to ensure the weapons do not fall into the hands of militants. He informed me that there is a structure in place that ensures that there can be no rogue launch of nuclear weapons as the President, Prime Minister, Foreign Minister, Defense Minister and the service chiefs all have to approve usage.

I expressed my desire to see the Indian subcontinent denuclearized—a matter I had taken up with the Prime Ministers of India and Pakistan over a decade earlier. Majid informed me that Pakistan had made such an offer to India but that it was rejected. Pakistan claims its arsenal is an insurance policy against the much larger Indian force and that they do not have regional ambitions. India not only looks at Pakistan but looks east towards China and would not likely give up their arsenal with such a neighbor. China would be unlikely to surrender its weapons given the considerable arsenals of Russia and the United States.

I expressed my concern over Iran's nuclear activities and ambitions. Majid indicated that Pakistan did not have a problem with a peaceful program but that they object to high levels of enrichment. Any military action against Iran, Majid said, would compound problems in Pakistan. He suggested bilateral talks between the U.S. and Iran as the path leading us out of this dilemma.

I told Gen. Majid of my great concern over the situation in Pakistan, the political crisis, the removal of members of the judiciary and the imprisonment of citizens. I told him there was great concern in the United States and talk of altering U.S. aid to Pakistan's military. Majid asked us to remember that Pakistan is not the U.S. and that their democracy and institutions are not as strong as ours. He asked us to review the actions taken by the Chief Justice as he claimed he was acting beyond his jurisdiction.

Following our meeting with Gen. Majid, we were received by President Pervez Musharraf at his palace. He expressed his satisfaction with bilateral relations but indicated that stopping the military cooperation would negatively impact the relationship. I pressed Musharraf on the reported misuse of aid and overcharging on reimbursements. The President objected to the characterization of his government's actions claiming that all requests are analyzed, mutually agreed upon and submitted.

I asked Musharraf about his efforts to combat terrorism. He generalized about his government's efforts to combat the Taliban and Al Qaeda. He indicated that actions in Afghanistan have led to an overflow of troublemakers in western Pakistan. When I asked if he will catch Osama bin Laden, he responded that he, "can't say for sure, but we should." He claimed he does not have the forces required to search and police some of the areas he may be hiding.

I informed the President that we want transparency in Pakistan and events such as removal of the Chief Justice cause grave concern. I told Musharraf responded by saying Pakistan has various pillars of government like the U.S. but that their institutions are not as strong and capable as those in the U.S. He indicated that the Chief Justice had acted inappropriately and that his activities included corruption, kickbacks and inappropriately using his influence, which would not be tolerated in the United States. Musharraf stated the Chief Justice was doing an injustice to Pakistan, interfering in various cases in other courts, actively campaigned in political rallies, traveling with his own masked security detail and interfering with the executive branch in privatization matters which had led to Pakistan's recent economic success.

When I pressed Musharraf on the rationale of imposing martial law, he stated that the government was weakening, economy declining and terrorists rising and that it was needed to maintain stability. He stated that most people that were detained had been released. We departed the Presidential Palace for a working lunch at the Ambassador's residence to further evaluate and discuss the issues confronting Pakistan and our bilateral relationship. Attendees included Ambassador Patterson, General Helmly, Peter Bodde, Candace Putnam, Jason Jeffreys and the delegation.

On the afternoon of December 27, we received word in our control room that there had been an incident at a political rally for Benazir Bhutto. As we were preparing for a dinner hosted by President Musharraf we got word that she had possibly been injured and was taken to the hospital. As I headed to the elevators, Chris Bradish, my deputy, informed me that Benazir had died. I had known her for nearly 20 years. We were scheduled to meet with her in her home at 9 p.m. that night—in approximately 3 hours.

I received many calls and e-mails from the U.S. requesting information on the situation. Below is a transcript of a phone conversation I had with MSNBC:

HALL: On the phone with us now is Senator ARLEN SPECTER, who is in Islamabad and was, according to what I'm being told, expected to meet with Benazir Bhutto sometime tonight. Senator, are you there?

SPECTER: I am. Congressman PATRICK KENNEDY and I were scheduled to meet with Benazir Bhutto this evening. We were scheduled to go to a dinner with President Musharraf. We had met with President Musharraf earlier today and, en route to the dinner, about ready to go, we heard the tragic news.

HALL: And how did you learn the news, sir?

SPECTER: Watching CNN. We heard, first, that there had been a suicide bomber attempt, that Benazir Bhutto was OK. Then we heard she'd been hurt, critically, and then the news came in that it had been fatal.

HALL: And tell us a little bit about what you were planning to meet with her regarding. We know that Hamid Karzai met with her, as well as Pervez Musharraf, on the security issue concerning the border of Afghanistan and Pakistan. What was the focus of your meeting?

SPECTER: Well, Congressman Patrick Kennedy and I are in the region. We had been to Israel on our way to Syria. And we had meetings with President Musharraf today, and we also saw Afghanistan President Karzai, who just coincidentally was in town.

And we had a meeting with former Prime Minister Benazir Bhutto this evening at nine o'clock Pakistan time, and it was scheduled then because she had a full day of campaigning.

And our concerns are about what is happening here, the stability; what's happening with the supreme court; what's happening with our fight against terrorism, our efforts to capture Osama Bin Laden; and what is happening to the very substantial funding the United States has put in here; what the prospects were for the election.

I've known Benazir Bhutto for the better part of two decades, having been visiting her in Karachi back in 1988 and when she was Prime Minister in 1995. And we were looking forward to talking to her to get to her evaluation on whether the elections would be honest and open, and to get her sense of the situation.

HALL: And what did you think her—the impact that she played while, of course, she was alive, with her opposition group, and now with her assassination? Obviously, you felt that she was important, a critical piece of this puzzle, in that you were planning to meet with her at 9 p.m., at the time there.

SPECTER: Well, Benazir Bhutto was a very prominent person this year, the leader of a major party; had a real opportunity to become Prime Minister, a brilliant woman with a family background. Her father had been Prime Minister. She had been Prime Minister twice.

She had a lot of popular support, and she was the first woman Prime Minister of Pakistan and a very prominent woman internationally, sort of, the symbol of modernity, so that it's a tremendous loss, and we. . .

HALL: And what do you think is the . . .

SPECTER: . . . we can't let the terrorists win. We have to rebound and we have to be sure that democracy moves forward in Pakistan.

HALL: But Senator, we're looking at the images out of Pakistan, and I don't want to paint a picture bleaker than it is, but certainly, immediately following the assassination, people spilling out into the streets blaming, some of them, anyway, Pervez Musharraf—quite a picture of instability. What needs to happen, in your opinion, being there?

SPECTER: Well, it is easy to blame people, but it's premature. There has to be an investigation. There has to be determination, to the extent possible, as to what happened.

When you have an assassination, this sort of a violent act, you have to expect people to be erupting in the streets. But there will be a tomorrow. There will be elections here. We have to assert the democratic process and we have to move forward.

We cannot let the crazy suicide bombers take over the world. And that is our job for tomorrow.

HALL: And still very early into this breaking news, Senator—again, to update our audience, we are following developments in Pakistan in the assassination of former Prime Minister Benazir Bhutto. Senator Arlen Specter was expected to meet with her this evening.

Senator Specter, the impact—so many people are wondering, with Pakistan being so crucial to this war on terror, that there may perhaps be a vacuum in that country, now, with the assassination having taken place and this could offset all of the work, the $10 billion that's been put into Pakistan and the support of Pervez Musharraf since 9/11.

SPECTER: Well, we are not going to allow this incident, tragic as it is, to upset the very important work at hand. You have the Pakistani government working with the United States government. They have been allies of ours.

We have not been pleased with some of the things that they have done, like having the chief justice under house arrest or having an emergency suspension, which has been eliminated.

But the elections are going forward and we are going to rebound from this event and do what is necessary to defeat the terrorists and to have the democratic elections. We are not going to give in.

And we will rebound, and stability will be restored after the outbursts which are present tonight. It may take some time, but we're going to win.

HALL: Senator, do you have confidence in Pervez Musharraf and the job that he's done and doing?

SPECTER: I do have confidence. When Congressman Patrick Kennedy and I met with him today, we raised a number of our concerns in a very candid discussion.

We are concerned that the substantial U.S. funding be directed toward the specific purposes of fighting terrorism. And we are checking to see if some of it might have been diverted. But by and large, we think the monies are going in the right direction. We expressed concern about what is happening with the supreme court here. We expressed concern about the state of emergency, but that has been reversed.

The elections are going forward and he is our best hope there. It is not a perfect situation. Nothing is. But we have to utilize the government which is here to help stabilize it and to move forward.

HALL: All right, Senator Arlen Specter from Islamabad.

Thank you very much, Senator, for your time, just on the very day you were expected to meet with former Prime Minister Benazir Bhutto. Thank you, Senator.

Just before midnight on the night of Bhutto's death, we ventured back out into the city to go to Bhutto's local headquarters to pay our respects. We met with her supporters, gave our condolences and laid flowers beneath a photo of her.

We were scheduled to travel to Lahore the following morning to meet with Chaudhry Pervaiz Elahi and Mian Shahbaz Sharif and visit a USAID project. After the State Department consulted with the Pakistani government, it was recommended that our delegation cancel the planned trip to Lahore due to the deteriorating and uncertain security situation. The following morning we left Chakala Airfield for Amman, Jordan.

SYRIA

On Saturday, December 29 we departed Amman for Damascus, Syria. Upon arrival at

Allama Iqbal International Airport, we were greeted by CDA Todd Holmstrom and officials from our embassy Pamela Mills and Katherine Van De Vate. This trip was my 17th visit to Syria.

We proceeded to a working lunch with Mr. Holmstrom where we discussed the situation in Syria, Lebanon, Israel and the greater region. Following our lunch we departed for a meeting with Foreign Minister Walid al-Mouallem.

I provided him with a copy of Haaretz which published the headline: "Olmert Says Ball is in Assad's Court."

[From Haaretz, Dec. 26, 2007]

OLMERT: BALL IS IN ASSAD'S COURT

(By Barak Ravid)

Prime Minister Ehud Olmert sent a message to Syrian President Bashar Assad yesterday saying he was still waiting for a Syrian response on the likelihood of renewing negotiations between the two countries.

Olmert met yesterday with U.S. Senator Arlen Specter (Republican-Pennsylvania), who will travel tomorrow for meetings with Assad's government. Specter is a big supporter of resuming dialogue with Damascus.

Much of yesterday's meeting addressed Syria. During the meeting, Specter asked Olmert whether he wanted to further the diplomatic process with Syria. Olmert said that for the past few months he has been appraising whether negotiations could be resumed through mediators.

"I am still evaluating the Syrian track and the degree to which Damascus is serious about [a peace process]," Olmert said. "I have not stopped the assessment, but so far I have not received a clear answer and I am still waiting."

Officials in Jerusalem added yesterday: "Even though Olmert did not ask specifically that his message be relayed to Assad, we assume that it will be raised during [Specter's] talks in Damascus."

Specter also met with Foreign Minister Tzipi Livni and discussed Syria.

Livni did not reject the possibility of renewing negotiations with Syria, but said there was a series of issues troubling Israel.

"The Syrians need to show that they are willing to contribute something toward gaining the release of the abducted soldiers in the Gaza Strip and in Lebanon, or express willingness to end the smuggling of weapons to Hezbollah, so that we will know that they are serious," Livni said.

This would "make it easier for us to consider negotiations with them," she added.

According to an annual assessment prepared by the Foreign Ministry's research office and presented to the Knesset Foreign Relations and Defense Committee, "Damascus is interested in a settlement with Israel, but only on its terms and with American involvement."

According to the report, Assad understands that the current American administration is unwilling to negotiate with him on his terms, so he is ready to wait until 2009, when a new president is in the White House.

Walid told me that during Speaker PELOSI's visit, she brought a message from Olmert and President Assad responded only to have Israel deny it made such an overture. We agreed that certain conversations must remain out of the press and remain private.

Mouallem outlined a plan he believes critical to pushing ahead with the Israeli-Syrian track including Israeli withdrawal from the Golan and return to the June 4, 1967 borders. Walid stated that, based on prior discussions dating back to 1995, 95 percent of a prospective deal had been agreed upon.

I said it was good that Syria sent representatives to Annapolis; and added that Olmert was waiting for a signal from Syria. I pressed him on Lebanon and told him it was my view that the International Community as well as the United States does not accept that Syria does not have a role in Lebanon and that this relationship has a negative impact on U.S.-Syrian as well as Israeli-Syrian relations.

Walid stated the need to create a climate for peace. Walid stated that French President Sarkozy asked President Assad to help elect a president in Lebanon. The Foreign Minister highlighted the importance of having a consensus candidate and the difficulty of ruling by majority in Lebanon. He stated that Syria agreed to work with the French provided that the goal be a consensus unity government, not majority rule, the U.S. remain neutral and France would not back any party. The Foreign Minister provided me with a document which was presented to the Lebanese on the path forward. He stated that Syria's work was done and that it was in Lebanon's hands to chart the course forward.

I asked him about the prospects of a prompt resolution of the stalemate. Walid told me that the Syrians and French had been working for 45 days trying to find common ground. In the end, according to Walid, the outcome depends on what the majority will give the minority in terms of minister posts.

When I pressed him on Syria's actions to destabilize its neighbor, the Foreign Minister responded, "We are not destabilizing Lebanon, we are directly impacted. We have 250,000 Lebanese as the result of last summer's conflict with Israel, we have 500,000 Palestinian refugees and we have 1.6 million Iraqi refugees."

The Foreign Minister emphasized he did not approve of the U.S. holding the Israeli-Syrian track or improved U.S.-Syrian relations hostage to the issue of Lebanon. He specifically asked that the U.S. not deal with Syria only through the lens of Lebanon, Hamas and Hezbollah.

The Foreign Minister rejected my complaints that Syria was supporting Hamas and Hezbollah. He said that weapons to Hamas go through Egypt and that only 20 members of Hamas were in Syria. He said that resumption of Syrian cooperation on intelligence with the U.S. would depend on better U.S.-Syrian relations.

Following our meeting at the Ministry of Foreign Affairs, we attended a dinner hosted by the embassy. Civil society leaders were in attendance and shared their wide array of views on the region and U.S. Syrian relations.

The next morning we met with President Bashar al-Assad. He reiterated what the Foreign Minister told us of the steps needed to bring Israel and Syria closer to the table. He stated that there must be U.S. involvement. I told him it would be beneficial to use the momentum and attention of Annapolis to show the region, the U.S. and the world that Syria was interested in peace. Assad said he was more optimistic about the potential for success on a Syrian-Israeli agreement after Annapolis than before.

I told Assad that it would be beneficial to take positive action to show that he is serious about peace and that Syria is not meddling in Lebanon. I also told him that Syria would benefit by cooperating with the U.S. on intelligence sharing. Assad told me that there must be political cooperation first—sending an Ambassador to Syria and refraining from negative rhetoric would be a good first step.

I pressed Assad on the case of missing Israeli soldiers. He indicated that he had spoken to Hezbollah and asked them to release the Israelis but that Hezbollah was waiting for a response from Israel on a prisoner swap proposal. He said he believed Hezbollah was ready to make a deal and Syria was willing to take messages between the two. He stated that Egypt was working on the release of the soldier held by Hamas in Gaza. On the case of Ron Arad, Assad stated that he had no information on what happened to him.

When I asked Assad about the request for a new U.S. mission, he stated that Syria needed a year to facilitate the development of the requisite infrastructure. Assad said that he was disappointed with the slow progress but that that bureaucracy had been the cause of the delay.

Following our meeting with President Assad, we met with Syrian opposition leader Riad Seif. Seif shared with us his ongoing bout with prostate cancer and the difficulty he has had with the Syrian government limiting his ability to seek treatment. Seif said he needs to travel outside of Syria to receive the most advanced care which is currently not available in Damascus. We discussed his activities and those of the National Council which includes over 160 members and was formed on December 1. We discussed the plight of those who have been imprisoned and the repressive acts of the Syrian government.

The news conference which Representative Kennedy and I had at the Damascus airport summarizes our meetings in Syria:

SENATOR ARLEN SPECTER AND REPRESENTATIVE PATRICK KENNEDY REMARKS TO PRESS AT DAMASCUS INTERNATIONAL AIRPORT PRIOR TO DEPARTURE DECEMBER 29, 2007

SENATOR SPECTER: Good afternoon ladies and gentlemen, Congressman Kennedy and I had a very productive, lengthy meeting this morning with President Bashar al-Assad, and it is my custom not to quote directly; obviously President Assad speaks for himself. We had a meeting in the past several days in Jerusalem with Israeli Prime Minister Olmert, and again I choose not to quote directly, but to give you impressions as to where I think the situation stands with respect to the potential for a Syrian-Israeli peace treaty.

It is my sense that the time is right now, and the prospects are very good that the Syrians and the Israelis are in a position to proceed to have a peace treaty. I say that because of a number of factors. One is the Annapolis meetings were a significant step forward. President Bashar al-Assad had the courage to go there representing Syria, meeting with the Israelis, meeting with the Palestinians, a meeting attended by President Bush, a meeting with the invitations coming from the Secretary of State, Condoleezza Rice. A very important factor is present when President Bush has signified his willingness to participate and interest in becoming involved in the Mideast peace process, and that is a significant change as to what has been for the first seven years of his Administration.

To give you just a little insight into U.S. political activities, with the Congress in the hands of the Democrats; I'm a Republican; Congressman Kennedy is a Democrat. But in the United States, as you may know, Congress is separate. We have separation of powers, and we speak independently; even though the President is of my party, it is the tradition of Senators to be independent. But what has happened is that the President's domestic agenda has not been successful because of the division of power. He had ideas for social security reform, tax reform, immigration reform, and that is not productive now. So he is in a position to turn his attention to international affairs.

There is the potential for a victory for the President. It would also be a victory for Syria if Syria could regain the Golan Heights. It would be a victory for Israel if there could be a peace treaty. Right now, Syria and Israel continue to be in a state of war. Now the President is not going to spend his time unless there is a realistic possibility that something can be worked out, that it can be fruitful. But he is available, I think, to help on the Palestinian-Israeli track, and the Syrian-Israeli track can go forward at the same time.

It is not to say that there are not problems. Lebanon continues to be a major problem which we all know about. Whether it is right or whether it is wrong, there is the international perception that Syria has great influence, if not control, in Lebanon. Again, I say I make no judgment on the point. I am citing what I think to be the international perception. And it would be very important if the efforts of Syria and France working together can find an answer to the Lebanese issue. Congressman Kennedy and I discussed this, at some length, last night in a very long meeting, an hour and a half, with Foreign Minister Walid al-Moallem and again to some extent with President Bashar al-Assad today. There are problems with Hamas and Hizbollah, and again there is the perception that Syria could be helpful in those, in those matters. So it is overall a very complicated picture. I've been coming to this region, as you may know, for a long time. I made my first trip here in 1964, been here some 16 times. [I] met nine times with President Hafez al-Assad, and now seven times with President Bashar al-Assad. It is different this year. It is different this year from what it was last year. It is my hope that the parties will seize the moment.

Let me yield now to my distinguished colleague.

CONGRESSMAN KENNEDY: I want to say it is an honor to be here. We had a very good meeting with the President, and I was very pleased that the President, when we brought up the issue of Syria's moving towards a more representative democracy because of the fact that the President was very clear that the kind of American democracy that we have, a Jeffersonian democracy, does not necessarily work here in the Middle East. He pointed to the fact that Iraq and Lebanon are perfect examples.

I did say, "Well then, what does work, where people can have a voice in their government?" He suggested that a coalition government, where various people, based upon the representation of their tribal group or ethnic group, can speak through their coalition, could have a representative government. And I said, "Well, to that degree then, is Syria moving towards that regard?" He said: "Well, that will take time." And I said, "Well, is it then your policy to jail people who are outspoken politically to your regime? Particularly the Foreign Minister said it was not the policy of Syria to jail political opponents, only to jail people who were related to foreigners in opposing Syria. And so I asked about the National Council, the Damascus Declaration, because recently they were all detained and put in jail, and they are not related to any foreigners. So I asked "Why were they put in jail? And have they been, would they be released?" and the President said that they would be released if they have not already. I gave him the names, I read the names, and he said they all are released. Could you read the names?

Akram al-Bunni, Walid al-Bunni, Ali Abdullah, Fidaa Khourani, Mohammed Yasser al-Eitti, Jaber al-Shufi, Ahmed Toumeh.

The President said they were released. The President assured me personally that they were released. He assured me personally that they had already been released. Yes. And I had the chance also to meet with Riad Seif, and I want to say that when I go back to the United States, I am going to nominate Mr. Seif for the Robert F. Kennedy Human Rights Award, named after my uncle Robert Kennedy. That award is given to a person who has put their life in jeopardy on behalf of human rights. As all of you know, Mr. Seif's life, he was in jail for standing up for human rights; his son was incarcerated and has never reappeared. He is fighting on behalf of the 19,000 people who have disappeared and never reappeared again. I just don't know anything more frightening than being taken away in the middle of the night and not knowing whether you are ever going to return to your family again.

And for all of you to know, I say this to my own government when they are wrong as well. I say it all over the world wherever there are problems, and certainly when there are problems at home I write letters about my own government's mistreatment of human rights. So it is universal wherever it is. I would hope that someone over here would speak up on my behalf if they were over in my country, just as I would hope that I could speak up on someone else's behalf if I were over in their country, because it doesn't matter what country we are in; we are all human beings. We are not Syrians; we are not Americans; we are human beings first, and we ought to be treated as human beings.

QUESTION: Khalid Ouweiss from Reuters: Senator Specter, what is the next step to resume peace negotiations between Israel and Syria? What needs to be done? Have you heard of any compromises on both sides? Can you tell us in forthright and certain terms what needs to be done and when and when do you expect it to be done?

SENATOR SPECTER: The next step will be the arrival of President Bush in the Middle East in the course of the next week to ten days. And the focus will be on the Palestinian-Israeli track. But I think there will also be an opportunity to get a sense for what is happening in the region more broadly, including the Syrian-Israeli track. The parties are going to have to initiate, or continue talks through intermediaries. It is my hope, really expectation, that at some point when some preliminary progress has been made that the United States government will be a party to broker conversations. But, this is going to have to evolve step by step from what has happened at Annapolis and what the sense is in Jerusalem today and what my sense is in Damascus today.

Later today I will be in touch with officials in the White House in Washington and also with officials of the Israeli government in Jerusalem to tell them the conversation with President Bashar al-Assad and my sense as to what ought to be done next.

QUESTION: Ziad Haider for Los Angeles Times. Senator, could you please elaborate on your role? Do you have a specific role between the Syrians and the Israelis? Are you an official mediator between the two sides?

SENATOR SPECTER: What is my role? The foreign policy of the United States Government under our Constitution is carried out by the Executive [Branch]. The Congress has very substantial authority on the appropriations process, on control of the military, on the authority to declare war, so Congress has very extensive responsibilities. Do I have an official role in the government?

QUESTION: Do you have a personal role? A specific personal role as a mediator?

SENATOR SPECTER: Well, I have described for you what my undertakings have been. They have been to talk to Israeli Prime Minister Olmert and other Israeli officials—Netanyahu, Barak, and Perez—and to talk to President Bashar al-Assad and also to Foreign Minister Walid al-Moallem. And to convey to President Bashar al-Assad what conversations I had with Prime Minister Olmert and the others and I will now convey the conversations back to the Israeli officials.

QUESTION: Senator Specter and Congressman Kennedy, what was the content of your conversations with President Assad and Foreign Minister regarding the American steps with regard to Lebanon, what steps they are going to take in that regard? Are there any deals which have been talked about? Can you confirm that?

SENATOR SPECTER: Congressman Kennedy and I talked at length with Foreign Minister Walid al-Moallem and again today to some extent with President Bashar al-Assad. We are looking for an answer there. Congressman Kennedy referenced the fact that we understand that it is not possible to have the same kind of democracy in Lebanon like we have in the United States, that what they are looking for is a consensus democracy, that you can't have the majority govern the country effectively, but with all the various factions, there has to be a consensus. Foreign Minister Walid al-Moallem gave to Congressman Kennedy and me a document which the Syrians and the French have agreed to as the basis for adjusting the situation and going forward with elections in Lebanon. With respect to Israeli Prime Minister Olmert, we talked about Lebanon to some extent, but Israel does not factor into being a determinative factor there. Prime Minister Olmert is concerned about Hizbollah, concerned about potential Syrian support for Hamas, but the answers in Lebanon are going to have to come through the efforts of the Lebanese themselves with the assistance of Syria and France.

QUESTION: Lina Sinjab, BBC World News: Senator Specter, you mentioned, you talked about the importance of getting Syria and Israel back to the peace track and Syria's attendance in Annapolis was provided to have a Moscow version of Annapolis to talk about the Syrian-Israeli peace track. Are the Israelis committed to that? Is Olmert's government committed to attend the Moscow version of Annapolis and what is going to happen next?

SENATOR SPECTER: The question is, is Olmert committed to the peace track and what will happen next?

QUESTION: The question is there was a Moscow version of Annapolis to discuss Syria-Israel peace track and to talk about the Golan Heights, and is the Israeli government committed to that?

SENATOR SPECTER: Well, the question as to whether the Israeli government is committed is something only the Israeli government can answer and it will require the evolving discussions. I believe the inference is clear that Israel understands that if there is to be a treaty, that the Golan will have to be returned to Syria. I believe that that is the overhang. Has Prime Minister Olmert told me flatly that he is prepared to give the Golan Heights back? No. We did not get into that detail, but the whole process would not make any sense unless Syria gets back the Golan. Now there is going to have to be a working out of the fine lines. There is a question about the June 4, 1967, boundary. There are questions about security when the Golan goes back. There are questions about confidence-building measures. But I think it is accurate and conclusive to say that Prime Minister Olmert wants to have a peace treaty with Syria. Prime Minister Olmert is prepared to do what is necessary, in a reciprocal arrangement, to get it done.

QUESTION: Asaaf Aboud, BBC in Arabic. Senator Specter, you mentioned in your briefing that this visit is different from previous visits. In what aspect is it different? Have you reached a specific breakthrough in terms of the Syrian-Israeli peace track, for example?

SENATOR SPECTER: Well, it is different in many ways. When I was here in 1995 and 1996, Netanyahu was Prime Minister, there had been some conversations about Prime Minister Netanyahu holding Syria responsible for what was going on with Hizbollah. I carried a message to President Hafez al-Assad and it was, there were disagreements. A year ago, Israeli Prime Minister Olmert said he was interested in talks, but did not have the intensity of interest that he has now. Annapolis is a big change. President Bashar al-Assad had the courage to go in a difficult situation and made progress. Now, most of all, as I explained at some length, President Bush is willing to participate. To have the President of the United States involved is a big plus if the parties will take advantage of it. It is a very different atmosphere today, in Damascus, in Jerusalem and in Washington. Big difference.

Let me see how many more questions are there? I don't want to cut anyone short, but I'll know long my answers will be. One, two, three questions.

QUESTION (Elaph): This is a question for Representative Kennedy. You mentioned that regarding the Damascus Declaration detainees, that you expressed concern over their human rights, et cetera. And you did mention in your statement also that you are willing to accept somebody from Syria to criticize the violation of human rights in the United States. The lady is from Elaph News Agency, or website; she is saying that the Syrian opposition have, they interpret, they are critical of foreign intervention in local politics here, even on the human rights level. They would understand that if an American writer or a journalist would be critical of the human rights situation here, but they view with caution the intervention of foreign officials in the local political scene, the same way as a Syrian official would not interfere in the local political scene in the U.S. What would be your comment to that?

CONGRESSMAN KENNEDY: That makes no sense. The greatest human rights people in the world have their voice because they transcend political boundaries of any nation state. They are human beings. They speak to the human consciousness that is universal. We are not Syrians, [or] Americans; there's the great Niemuller quote after Auschwitz: "First they came for the Catholics, and I wasn't a Catholic, so I did not speak up. Then they came for the laborers, and I wasn't a laborer, so I did not speak up. Then they came for the Jews, and I was not a Jew, so I did not speak up. Then they came for me, and there was no one left to speak up."

QUESTION: You talk about the return of dialogue between Damascus and Washington. But we know that such a dialogue should be conducted through diplomatic channels, at least this is the level which is a reasonable level. But as we know, there is no American ambassador to Damascus. So have you been talking about the possibility of returning an American ambassador to Damascus?

SENATOR SPECTER: The issue about a U.S. ambassador to Damascus, I think, in the eyes of President Bush turns on Lebanon today. The Ambassador was withdrawn when the assassination of Prime Minister Harari [Hariri]. I think that is a decision which only the President can make, and I believe that he is not yet ready to make it, but perhaps—it's his decision, I'll emphasize—when things improve, an ambassador will come back.

QUESTION: You talked about Netanyahu in the previous visits you did. But do you feel after this visit that the current Israeli government is willing to return the Golan Heights in return for a peace treaty with Syria?

SENATOR SPECTER: Well, I repeat that I do not speak for the Israeli government. I started off by saying it is not my practice to quote President Bashar al-Assad or to quote Israeli Prime Minister Olmert or to quote anybody, but to tell you what my impressions are from the extended conversations which we have had. But we know that in 1995, when Prime Minister Rabin negotiated for Israel with President Hafez al-Assad, the deal was to return the Golan. We know that when Prime Minister Barak negotiated in the year 2000 with President Hafez al-Assad, the deal was to return the Golan. There was some disagreement as to precisely where the line would be on the June 4, 1967, line.

The core of any agreement, I think, is accepted that the Golan is going to have to come back. But only the parties can speak for themselves. Forty years later, it is a very strategic difference. You have rockets; you have very different issues of security than you had 40 years ago when the Golan was taken by Israel. I think it is fair and accurate to say, in a very complex context, that if there is no Golan return, there is no deal. That is the core of the deal. Then there has to be reciprocity. But nobody from the United States, including the President, can speak for Israel or for Syria. That's why it is important that the parties come forward at this time. I do not believe there will be a time this opportune, after Annapolis, and in the last year of a presidency where the President has so many domestic problems, that he has time and interest in coming to the Israel-Palestinian issue and the Syrian-Israeli issue.

Congressman Kennedy and I thank you for your attention. The presence of a free press is very, very important in our society, and Congressman Kennedy has spoken about our interest in human rights. He spoke very eloquently about that issue. Officials have a standing to talk about human rights, as well as journalists. You journalists have unique standing, but so do officials. But we admire what you are doing and your efforts in spreading the word as to what Congressman Kennedy and I have said today. We hope we'll be helpful in getting the word out that something very constructive can be done soon.

One final comment: Mrs. Assad and my wife Joan had a very pleasant meeting this morning and spent some very quality time together.

Thank you very, very much.

We departed directly from the meeting for the airport en route to Vienna, Austria. During the flight, I had to opportunity to brief National Security Advisor Hadley on my visits to Pakistan, Syria and Israel. Because the connection was not good, I called Hadley from Vienna on a hard line for a more extensive discussion.

AUSTRIA

Upon arrival in Vienna, we were met by Michael Spring, our control officer and Christian Ludwig, a foreign service national. The following morning we traveled to the U.S. embassy for a country team briefing. Vienna is a unique location in that the U.S. has multi-missions: one to the Austrian government, the OSCE and the United Nations.

CDA Scott Kilner led the briefing which included representatives from the FBI, DHS and the United States Military. In all, the U.S. has 24 government agencies represented in Austria. We discussed the problem, one which is not only faced by the State Department, that there is not enough funding for certain government bodies.

We discussed Austria's role in the international community and more specifically their identity in Europe, their relationship with the EU, their bilateral relationship with the Czech Republic and their views on nuclear energy and missile defense. The group noted that Austria is currently campaigning for a seat on the UN Security Council. We discussed terrorism, the IAEA, Kosovo, energy security, Afghanistan and the changing demographics of Europe. We discussed the situation in Iran and our mission's efforts to process and assist Iranian refugees.

Following the country team briefing, I briefed Secretary of State Rice by telephone on some aspects of our discussions in Syria.

I met with Dr. Ferdinand Trautmannsdorf, the Director of International Legal Affairs and Thomas Mayr-Harting, the Political Director of the Austrian Foreign Ministry. The officials were very interested in my recent travels especially the situation in Pakistan. We had a substantial discussion about Iran, to include the impact of the NIE in Europe. I pressed them on Austria's significant stake in OMV, an Austrian industrial firm which has dealings with Iran. They responded by saying that the government does not have the ability to influence OMV—a statement with which I disagreed strongly.

On January 2, 2008, we met with Geoff Pyatt from our mission prior to our meetings at the United Nations. We discussed the IAEA and the issues surrounding Iran's nuclear program.

We departed the hotel for our meeting with Dr. Mohamed El-Baradei, the Director General of the International Atomic Energy Agency (IAEA). I had spoken to Dr. Baradei about two months before by telephone when he extended an invitation to me to visit him in Vienna to discuss further the issues surrounding Iran's nuclear ambitions.

Dr. Baradei shared his view that the Middle East is in disarray and almost in civil war. I asked him about his views on Iran and his concept of seeking a "confession" from them on their nuclear agenda. He stated that the problems between the U.S. and Iran go back to 1953 with the CIA's intervention, the reign of the Shah and the embassy hostage situation and that these events have led to distrust and a lot of emotion on both sides. Iran's rationale for going underground with its nuclear program was that they could not do it above ground. The Director General stated that Iran does not want to rely on others to enrich uranium and that it is a matter of national pride and is a lucrative trade.

When solicited about his views on President Putin's idea to have Russia handle

Iran's nuclear material, he stated that Iran did not reject it but that they wanted their own capability. He suggested that an acceptable security structure must be negotiated with Iran to deter them. The DG agreed that it is not acceptable for Iran to have nuclear weapons and that his job was to verify that the program is clean and under IAEA inspections.

I pressed him on Iran's devious behavior in the past to conceal nuclear efforts and asked if we can ever be 100 percent sure. He stated that you can never be 100 positive but that he thinks Iran has things to tell him and that he has told them they should come clean.

The Director General suggested that direct U.S.-Iranian negotiations should begin immediately to resolve the impasse. The U.S. and international community need to understand what the nuclear issue means to Iran with respect to its position in the region and the world, that there needs to be an understanding of the repercussions and that it must be done in a manner that allows all sides to save face.

We discussed Secretary Rice's precondition that the U.S. would only meet with Iran if they halt enrichment. He said there must be middle ground to bring the parties together on this issue. He emphasized that sanctions alone won't resolve the situation and only makes people more hawkish. Iran's concealment of its R&D program, according to the Director, led to a confidence deficit in the international community.

I asked about the capabilities of an inspection regime given Iran's substantial size. He confirmed the need to have a robust verification system on the ground. Baradei stated that the Additional Protocol to the Nuclear Non-Proliferation Treaty (NPT) was helpful but that Iran stopped implementing it. The Additional Protocol was the result of an IAEA initiative to better constrain NPT member-states' ability to illicitly pursue nuclear weapons after secret nuclear weapons programs in Iraq and North Korea exposed weaknesses in existing agency safeguards. That effort eventually produced a voluntary Additional Protocol, designed to strengthen and expand existing IAEA safeguards for verifying that non-nuclear-weapon states-parties to the nuclear Nonproliferation Treaty (NPT) only use nuclear materials and facilities only for peaceful purposes. He stated that the Protocol gives him a good handle on Iran's nuclear program in that it provides access to additional facilities and information.

We discussed other issues confronting the Middle East such as the Palestinian question and Pakistan. I expressed my concern over the controls Pakistan has on its nuclear arsenal. Baradei agreed with my assessment and stated his first concern is those countries that already possess weapons. In the case of Pakistan, he stated his concern about those weapons falling under militant control.

Following our meeting with Dr. Baradei, we met with the United Nations office on Drugs and Crime. Dr. Thomas Pietschmann from the Research and Analysis Section and an expert on Afghanistan, Mr. Jean-Luc Lemahieu, an Afghanistan expert and Matthew Nice, a synthetic drug expert provided a detailed brief on the UN's efforts globally with a focus on Afghanistan. We discussed the patterns and trends in illicit drug production, trafficking and abuse. The group provided significant data on cultivation, eradication and supply and demand. Following the briefing we flew from Vienna to Brussels, Belgium.

BELGIUM

On January 3, we met with Victoria Nuland, the U.S. Ambassador to the North Atlantic Treaty Organization (NATO). We discussed a wide range of topics to include NATO's involvement in Afghanistan, the NATO-Russian dynamic, NATO expanding global partnerships, the EU-NATO relationship, Kosovo and missile defense.

On January 4, we departed for our return to the United States.

U.S. SENATE,
Washington, DC, January 2, 2008.
Hon. BAN KI-MOON,
Secretary-General of the United Nations,
New York, NY.

DEAR SECRETARY-GENERAL: In light of the uncertainty on who assassinated former Pakistan Prime Minister Benazir Bhutto and the impact of her assassination on the pending Pakistani elections, I urge the United Nations, either alone or in conjunction with the Musharraf government of Pakistan, to appoint an investigating commission.

Since President Musharraf has already suggested an international investigation, joint action by the U.N. would be consistent with Pakistani sovereignty. Even without the voluntary joinder of the Musharraf government, it is obvious that a U.N. investigatian would have greater public credibility.

In making this recommendation, I recollect the action taken by President Lyndon Johnson within seven days after the assassination of President John F. Kennedy to appoint an independent investigating commission.

As you may know, Representative Patrick Kennedy, member of the U.S. House of Representatives (D–RI), and I were scheduled to meet with Ms. Bhutto at 9 p.m. an Thursday, December 27th. She had called for that late meeting because she was fully engaged in campaigning that day. As Representative KENNEDY and I were preparing to depart for a dinner with President Musharraf at 7 p.m. and the later meeting with Ms. Bhutto, we were informed of her assassination.

I am further concerned by a report in the Boston Globe from January 2, 2008 picking up a Washington Post story by Griff Witte and Emily Wax which says:

"Senator Latif Khosa, a lawmaker from Bhutta's Pakistan Peoples Party, said she had planned to give the lawmakers (referring to Representative KENNEDY and myself) a report outlining complaints an 'pre-poll rigging' by Musharraf's government and the military-run Inter-Services Intelligence Directorate."

In a matter of this sort it is to be expected, based on what happened following the assassination of President Kennedy, to have a wide range of allegations and conspiracy theories.

It would be expected that expert investigative bodies like the FBI and Scotland Yard and other national, reputable investigating organizations would be willing to undertake such an investigation under the name of the United Nations.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
Washington, DC, January 17, 2008.
Hon. BAN KI-MOON,
Secretary-General of the United Nations,
United Nations Headquarters, New York, NY.

DEAR SECRETARY-GENERAL: By letter dated January 2, 2008, I requested that the United Nations initiate an investigation into the assassination of former Pakistani Prime Minister Benazir Bhutto. With this letter, I am enclosing for you a copy of that letter and would appreciate a response.

After considering the matter further and watching developments, it is my view that the United Nations should organize a standing commission to investigate assassinations which would have international importance. We are seeing terrorism, supplemented by assassinations, becoming commonplace to achieve political objectives.

While a United Nations investigation into the assassination of former Prime Minister Bhutto is still something that should be done, it would obviously have been much better to have had a unit in existence which could be immediately dispatched to the scene to investigate the locale as soon as possible and to interrogate witnesses while their memories are fresh and before others might try to stop them from talking.

I would very much appreciate your response on these important matters.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
Washington, DC, January 22, 2008.
Hon. SARFRAZ KHAN LASHARI,
Election Monitor,
Pakistan People's Party

DEAR MR. LASHARI: It is my understanding that Ms. Bhutto may have intended to present me with a report detailing election fraud in Pakistan's upcoming election at the time of our scheduled meeting on December 27, 2007.

According to a January 1, 2008 article in The Guardian, you told reporters, "That's what she was going to explain to the U.S. Senators." "We have a lot of evidence that the government is involved in rigging. It was going to be discussed on that evening." I am very interested in examining any material that your party may have prepared for my review.

Americans are closely watching what is happening in Pakistan. Any help you can provide in shedding light on this tragic event may further the investigation into Ms. Bhutto's death, as well as help to ensure that the upcoming elections are free and fair.

I Thank you for your consideration of this request. I look forward to your response.

My best.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
Washington, DC.

MR. ASIF ALI ZARDARI: Please accept my sincere condolences on the loss of your wife.

Since my wife and I first visited your wife in Kurachi some twenty years ago, and in follow-up meetings when she was Prime Minister in Islamabad and thereafter in Washington, I have had great respect and admiration for her.

As you may know, Representative Patrick Kennedy and I were scheduled to meet with Ms. Bhutto at 9 p.m. on December 27, 2007, and were shocked by the assassination. I have noted in the press that the Honorable Sarfraz Khan Lashari was quoted in a January 1, 2008 article in the Guardian that Ms. Bhutto was going to turn over evidence of election-rigging to Representative Kennedy and me at our meeting.

With this letter, I am enclosing for you a copy of my letter to Mr. Lashari.

If you have any such evidence in your possession and would care to transmit it to me, I would be very pleased to receive it.

I am sure you will be interested to know that I wrote to UN Secretary General Ban Ki-Moon on January 2, 2008 calling for an international investigation of the assassination. I have not yet had a response.

I am also writing today to the UN Secretary General urging that the United Nations set up a standing investigating commission which would be available to move quickly to investigate any future assassinations.

With this letter I am enclosing copies of both those letters for you.

Again, my condolences. Let me know if I can be of further assistance.

My best.

Sincerely,

ARLEN SPECTER.

AMERICAN REVOLUTIONARY CENTER

Mr. SPECTER. Mr. President, I wish to discuss the current situation with regard to siting of the American Revolution Center at Valley Forge, a museum dedicated to interpreting, honoring, and celebrating the complete story of the entire American Revolution, within Valley Forge National Historical Park in Pennsylvania.

I have been working with the American Revolution Center for a number of years, and there has been no shortage of challenges. The current challenge is related to zoning issues in Lower Providence Township, Montgomery County. The township has approved a zoning ordinance to enable development of the American Revolution Center on a 78-acre parcel of land that is within the federally authorized boundary of Valley Forge National Historical Park but not owned by the National Park Service. The 78-acre parcel is part of a larger 125-acre tract of land that is in danger of housing development. Not only would the American Revolution Center, a tax-exempt 501(c)(3) organization, develop a museum dedicated to the Revolutionary War, but it would also preserve the remaining 47 acres as open space.

I have supported appropriating Federal funding to acquire the aforementioned land that is in jeopardy of residential development. In fiscal year 2005, I helped secure $1.5 million for the National Park Service to begin acquiring 85 acres that were related to the 125-acre tract that is now connected with the American Revolution Center. In fiscal years 2006 and 2007, I supported the appropriation of $9 million and $3.1 million, respectively, for the Park Service to complete the 125-acre acquisition. However, due to increasing fiscal constraints, no funding was available at that time to continue the project. Additionally, in fiscal year 2004, I helped secure $5 million for the National Park Service to acquire other land within the Valley Forge boundary to also prevent it from housing development.

By the American Revolution Center taking possession of this land, it is easing the financial and obligatory burden of the Federal Government to preserve this sacred ground. Additionally, I am confident that those in charge of the administration of the American Revolution Center will be responsible stewards of the historical integrity of the land and ensure its conservation for generations to come. I am also confident that the Lower Providence Township managers, the local governing branch, will appropriately manage the zoning ordinance for the 125-acre tract under current direction of the American Revolution Center to guarantee its conservation should the museum ever vacate the property.

Thus, recognizing the importance of Valley Forge to the founding of the United States, the creation of a museum to celebrate its history and preserve the park's integrity is a positive development. Local government decisions regarding private land use ought to be respected, and I strongly urge the Department of the Interior, the National Park Service, and the American Revolution Center to work cooperatively to expedite the creation of this museum, which is long overdue.

U.S. SENATE TRAVEL REGULATIONS UPDATE

Mrs. FEINSTEIN. Mr. President, I wish to inform all Senators that the Committee on Rules and Administration has updated the U.S. Senate Travel Regulations to include two changes.

First, P.L. 110-81 requires the Rules Committee to make certain changes to the U.S. Senate Travel Regulations. The provision dealing with how Members estimate costs for charter jets is amended in section III Transportation, paragraph C, of the Travel Regulations, as follows:

C. Corporate/Private Aircraft: Reimbursement of official expenses for the use of a corporate or private aircraft is allowable from the contingent fund of the Senate provided the traveler complies with the prohibitions, restrictions, and authorizations specified in these regulations. Moreover, pursuant to the Ethics Committee Interpretive Ruling 444, excess campaign funds may be used to defray official expenses consistent with the regulations promulgated by the Federal Election Commission.

i. An amendment to Rule XXXV of the Standing Rules of the Senate, paragraph 1(c)(1)(C), enacted September 14, 2007, pursuant to P.L. 110-81, states:

(C)(i) Fair market value for a flight on an aircraft described in item (ii) shall be the pro rata share of the fair market value of the normal and usual charter fare or rental charge for a comparable plane of comparable size, as determined by dividing such cost by the number of Members, officers, or employees of Congress on the flight.

(ii) A flight on an aircraft described in this item is any flight on an aircraft that is not—

(I) operated or paid for by an air carrier or commercial operator certificated by the Federal Aviation Administration and required to be conducted under air carrier safety rules; or

(II) in the case of travel which is abroad, an air carrier or commercial operator certificated by an appropriate foreign civil aviation authority and the flight is required to be conducted under air carrier safety rules.

(iii) This subclause shall not apply to an aircraft owned or leased by a governmental entity or by a Member of Congress or a Member's immediate family member (including an aircraft owned by an entity that is not a public corporation in which the Member or Member's immediate family member has an ownership interest), provided that the Member does not use the aircraft anymore than the Member's or immediate family member's proportionate share of ownership allows.

ii. Prior to the commencement of official travel on a corporate or private aircraft, the traveler or the traveler's designee shall contact a charter company in the departure or destination city to request a written estimate of the cost of a flight between the two cities on a similar aircraft of comparable size being provided by the corporation or private entity.

1. For example, if a Learjet 45 XR aircraft is being provided by the corporation or private entity, the traveler or the traveler's designee shall request a written estimate of the cost to charter a Learjet 45 XR aircraft from the departure city to the destination city.

2. If no charter company is located in either the departure or destination city which rents a similar aircraft of comparable size, a charter company nearest either the destination or departure city which does so shall be contacted for a written estimate.

iii. Following the completion of official travel on a corporate or private aircraft, reimbursement for related expenses may be processed on direct pay vouchers payable to each individual traveler, to the corporation or private entity, or to the travel charge card vendor. The written estimate received from the charter company shall be attached to the voucher for processing.

The second change concerns travel by Members to the home State for funerals. The provision is amended in section of the Travel Regulations entitled "Special Events, II. Funerals," as follows:

II. Funerals: Members who represent the Senate at the funeral of a Member or former Member may be reimbursed for the actual and necessary expenses of their attendance, pursuant to S. Res. 263, agreed to July 30, 1998. Additionally, the actual and necessary expenses of a committee appointed to represent the Senate at the funeral of a deceased Member or former Member may be reimbursed pursuant to S. Res. 458, agreed to October 4, 1984.

A. Pursuant to 2 U.S.C. 58e, which authorizes reimbursement for travel while on official business within the United States, Members and their staff may be reimbursed for the actual and necessary expenses of attending funerals within their home state only.

B. Examples of funerals that may be considered official business include, but are not limited to, funerals for military servicemembers, first responders, or public officials from the Member's state.

These changes became effective on December 20, 2007.

Mr. President, I ask unanimous consent to have the updated U.S. Senate Travel Regulations printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AUTHORITY OF THE COMMITTEE ON RULES AND ADMINISTRATION TO ISSUE SENATE TRAVEL REGULATIONS

The travel regulations herein have been promulgated by the Committee on Rules and Administration pursuant to the authority vested in it by paragraph 1(n)(1)8 of Rule XXV of the Standing Rules of the Senate and by section 68 of Title 2 of the United States Code, the pertinent portions of which provisions are as follows:

STANDING RULES OF THE SENATE

RULE XXV

PARAGRAPH 1(n)(1)8

(n)(1) Committee on Rules and Administration, to which committee shall be referred . . . matters relating to the following subjects: . . .

8. Payment of money out of the contingent fund of the Senate or creating a charge upon the same . . .

UNITED STATES CODE

TITLE 2 SECTION 68

Sec. 68. Payments from contingent fund of Senate

No payment shall be made from the contingent fund of the Senate unless sanctioned by the Committee on Rules and Administration of the Senate . . . .

UNITED STATES SENATE TRAVEL REGULATIONS

Revised by the Committee on Rules and Administration

United States Senate, effective October 1, 1991 as amended January 1, 1999, as further amended December 7, 2006, as further amended October 29, 2007, as further amended December 20, 2007.

GENERAL REGULATIONS

Travel Authorization

A. Only those individuals having an official connection with the function involved may obligate the funds of said function.

B. Funds disbursed by the Secretary of Senate may be obligated by:

1. Members of standing, select, special, joint, policy or conference committees
2. Staff of such committees
3. Employees properly detailed to such committees from other agencies
4. Employees of Members of such committees whose salaries are disbursed by the Secretary of the Senate and employees appointed under authority of section 111 of Public Law 95-94, approved August 5, 1977, when designated as "ex officio employees" by the Chairman of such committee. Approval of the reimbursement voucher will be considered sufficient designation.
5. Senators, including staff and nominating board members. (Also individuals properly detailed to a Senator's office under authority of Section 503(b)(3) of P.L. 96-465, approved October 17, 1980.)
6. All other administrative offices, including Officers and staff.

c. An employee who transfers from one office to another on the same day he/she concludes official travel shall be considered an employee of the former office until the conclusion of that official travel.

D. All travel shall be either authorized or approved by the chairman of the committee, Senator, or Officer of the Senate to whom such authority has been properly delegated. The administrative approval of the voucher will constitute the approvals required. It is expected that ordinarily the authority will be issued prior to the expenses being incurred and will specify the travel to be performed as such possible unless circumstances in a particular case prevent such action.

E. Official Travel Authorizations: The General Services Administration, on behalf of the Committee on Rules and Administration, has contracted with several air carriers to provide discount air fares for Members, Officers, and employees of the Senate only when traveling on official business. This status is identifiable to the contracting air carriers by one of the following ways:

1. The use of a government issued travel charge card

2. The use of an "Official Travel Authorization" form which must be submitted to the air carrier prior to purchasing a ticket. These forms must be personally approved by the Senator, chairman, or Officer of the Senate under whose authority the travel for official business is taking place. Payment must be made in advance by cash, credit card, check, or money order. The Official Travel Authorization forms are available in the Senate Disbursing Office.

II. Funds for Traveling Expenses

A. Individuals traveling on official business for the Senate will provide themselves with sufficient funds for all current expenses, and are expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business.

1. Travel Advances

(a) Advances to Committees (P.L. 81-118)

(1) Chairmen of joint committees operating from the contingent fund of the Senate, and chairmen of standing, special, select, policy, or conference committees of the Senate, may requisition an advance of the funds authorized for their respective committees.

(a) When any duty is imposed upon a committee involving expenses that are ordered to be paid out of the contingent fund of the Senate, upon vouchers to be approved by the chairman of the committee charged with such duty, the receipt of such chairman for any sum advanced to him[her] or his[her] order out of said contingent fund by the Secretary of the Senate for committee expenses not involving personal services shall be taken and passed by the accounting officers of the Government as a full and sufficient voucher; but it shall be the duty of such chairman, as soon as practicable, to furnish to the Secretary of the Senate vouchers in detail for the expenses so incurred.

(2) Upon presentation of the properly signed statutory advance voucher, the Disbursing Office will make the original advance to the chairman or his/her representative. This advance may be in the form of a check, or in cash, receipted for on the voucher by the person receiving the advance. Under no circumstances are advances to be used for the payment of salaries or obligations, other than petty cash transactions of the committee.

(3) In no case shall a cash advance be paid more than seven (7) calendar days prior to the commencement of official travel. In no case shall an advance in the form of a check be paid more than fourteen (14) calendar days prior to the commencement of official travel. Requests for advances in the form of a check should be received by the Senate Disbursing Office no less than five (5) calendar days prior to the commencement of official travel. The amount of the advance then becomes the responsibility of the individual receiving the advance, in that he/she must return the amount advanced before or shortly after the expiration of the authority under which these funds were obtained.

(Regulations Governing Cash Advances for Official Senate Travel adopted by the Committee on Rules and Administration, effective July 23, 1987, pursuant to S. Res. 258, October 1, 1987, as applicable to Senate committees)

(4) Travel advances shall be made prior to the commencement of official travel in the form of cash, direct deposit, or check. Travel advance requests shall be signed by the Committee Chairman and a staff person designated with signature authority.

(5) Cash: Advances for travel in the form of cash shall be picked up only in the Senate Disbursing Office and will be issued only to the person traveling (photo ID required), with exceptions being made for Members and elected Officers of the Senate. The traveler (or the individual receiving the advance in the case of a travel advance for a Member or elected Officer of the Senate) shall sign the travel advance form to acknowledge receipt of the cash.

(6) In those cases when a travel advance has been paid, every effort should be made by the office in question to submit to the Senate Disbursing Office a corresponding travel voucher within twenty-one (21) days of the conclusion of such official travel.

(7) Travel advances for official Senate travel shall be repaid within 30 days after completion of travel. Anyone with an outstanding advance at the end of the 30 day period will be notified by the Disbursing Office that they must repay within 15 days, or their salary may be garnisheed in order to satisfy their indebtedness to the Federal government.

(8) In those cases when a travel advance has been paid for a scheduled trip which prior to commencement is canceled or postponed indefinitely, the traveler should immediately return the travel advance to the Senate Disbursing Office.

(9) No more than two (2) travel advances per traveler may be outstanding at any one time.

(10) The amount authorized for each travel advance should not exceed the estimated total of official out-of-pocket expenses for the trip in question. The minimum travel advance that can be authorized for the official travel expenses of a Committee Chairman and his/her staff is $200.

(11) The aggregate total of travel advances for committees shall not exceed $5,000, unless otherwise authorized by prior approval of the Committee on Rules and Administration.

(b) Advances to Senators and their staffs (2 U.S.C. 58(j))

(Regulations for Travel Advances for Senators and Their Staffs adopted by the Committee on Rules and Administration, effective April 20, 1983, pursuant to P.L. 97-276)

(1) Travel advances from a Senators' Official Personnel and Office Expense Account must be authorized by that Senator for himself/herself as well as for his/her staff. Staff is defined as those individuals whose salaries are funded from the Senator's account. An employee in the Office of the President Pro Tempore, the Deputy President Pro Tempore, the Majority Leader, the Minority Leader, the Majority Whip, the Minority Whip, the Secretary for the Conference of the Majority, or the Secretary for the Conference of the Minority shall be considered an employee in the office of the Senator holding such office.

(2) Advances shall only be used to defray official travel expenses . . .

(3) Travel advances shall be made prior to the commencement of official travel in the

form of cash, direct deposit, or check. Travel advance requests shall be signed by the Member and a staff person designated with signature authority.

(4) Cash: Advances in the form of cash shall be picked up only in the Senate Disbursing Office and will be issued only to the person traveling (photo ID required), with exceptions being made for Members and elected Officers of the Senate. The traveler (or the individual receiving the advance in the case of a travel advance for a Member or elected Officer of the Senate) will sign the travel advance form to acknowledge receipt of the cash.

(5) In no case shall a travel advance in the form of cash be paid more than seven (7) calendar days prior to the commencement of official travel. In no case shall an advance in the form of a direct deposit or check be paid more than fourteen (14) calendar days prior to the commencement of official travel. Requests for advances in the form of a direct deposit or check should be received by the Senate Disbursing Office no less than five (5) calendar days prior to the commencement of official travel.

(6) In those cases when a travel advance has been paid, every effort should be made by the office in question to submit to the Senate Disbursing Office a corresponding travel voucher within twenty-one (21) days of the conclusion of such official travel.

(7) Travel advances for official Senate travel shall be repaid within 30 days after completion of travel. Anyone with an outstanding advance at the end of the 30 day period will be notified by the Senate Disbursing Office that they must repay within 15 days, or their salary may be garnisheed in order to satisfy their indebtedness to the Federal government.

(8) In those instances when a travel advance has been paid for a scheduled trip which prior to commencement is canceled or postponed indefinitely, the traveler in question should immediately return the travel advance to the Senate Disbursing Office.

(9) The amount authorized for each travel advance should not exceed the estimated total of official out-of-pocket travel expenses for the trip in question. The minimum travel advance that can be authorized for the official travel expenses of a Senator and his/her staff is $200. No more than two (2) travel advances per traveler may be outstanding at any one time.

(10) The aggregate total of travel advances per Senator's office shall not exceed 10% of the expense portion of the Senators' Official Personnel and Office Expense Account, or $5,000, whichever is greater.

(c) Advances to Administrative Offices of the Senate

(Regulations Governing Cash Advances for Official Senate Travel, adopted by the Committee on Rules and Administration, effective July 23, 1987, pursuant to S. Res. 258, October 1, 1987, as amended, as applicable to Senate administrative offices)

(1) Travel advances shall be made prior to the commencement of official travel in the form of cash, direct deposit, or check. Travel advance requests shall be signed by the applicable Officer of the Senate and a staff person designated with signature authority.

(2) Cash: Advances in the form of cash shall be picked up only in the Senate Disbursing Office and will be issued only to the person traveling (photo ID required), with exceptions being made for Members and elected Officers of the Senate. The traveler (or the individual receiving the advance in the case of a travel advance for a Member or elected Officer of the Senate) will sign the travel advance form to acknowledge receipt of the cash.

(3) In no case shall a travel advance be paid more than seven (7) calendar days prior to the commencement of official travel. In no case shall an advance in the form of a direct deposit or check be paid more than fourteen (14) calendar days prior to the commencement of official travel. Requests for advances in the form of a direct deposit or check should be received by the Senate Disbursing Office no less than five (5) calendar days prior to the commencement of official travel.

(4) In those cases when a travel advance has been paid, every effort should be made by the office in question to submit to the Senate Disbursing Office a corresponding travel voucher within twenty-one (21) days of the conclusion of such official travel.

(5) Travel advances for official Senate travel shall be repaid within 30 days after completion of travel. Anyone with an outstanding advance at the end of the 30 day period will be notified by the Disbursing Office that they must repay within 15 days, or their salary may be garnisheed in order to satisfy their indebtedness to the Federal government.

(6) In those instances when a travel advance has been paid for a scheduled trip which prior to commencement is canceled or postponed indefinitely, the traveler in question should immediately return the travel advance to the Senate Disbursing Office.

(7) The amount authorized for each travel advance should not exceed the estimated total of official out-of-pocket travel expenses for the trip in question. The minimum travel advance that can be authorized for the official travel expenses of a Senator Officer and his/her staff is $200. No more than two (2) travel advances per traveler may be outstanding at any one time.

(d) Office of the Secretary of the Senate (2 U.S.C. 61a-9a)

(1) . . . The Secretary of the Senate is authorized to advance, with his discretion, to any designated employee under his jurisdiction, such sums as may be necessary, not exceeding $1,000, to defray official travel expenses in assisting the Secretary in carrying out his duties . . .

(e) Office of the Sergeant at Arms and Doorkeeper of the Senate (2 U.S.C. 61f-1a)

(1) For the purpose of carrying out his duties, the Sergeant at Arms and Doorkeeper of the Senate is authorized to incur official travel expenses during each fiscal year not to exceed sums made available for such purpose under appropriations Acts. With the approval of the Sergeant at Arms and Doorkeeper of the Senate and in accordance with such regulations as may be promulgated by the Senate Committee on Rules and Administration, the Secretary of the Senate is authorized to advance to the Sergeant at Arms or to any designated employee under the jurisdiction of the Sergeant at Arms and Doorkeeper, such sums as may be necessary to defray official travel expenses incurred in carrying out the duties of the Sergeant at Arms and Doorkeeper. The receipt of any such sum so advanced to the Sergeant at Arms and Doorkeeper or to any designated employee shall be taken and passed by the accounting officers of the Government as a full and sufficient voucher; but it shall be the duty of the traveler, as soon as practicable, to furnish to the Secretary of the Senate a detailed voucher of the expenses incurred for the travel to which the sum was so advanced, and make settlement with respect to such sum. Payments under this section shall be made from funds included in the appropriations account, within the contingent fund of the Senate, for the Sergeant at Arms and Doorkeeper of the Senate, upon vouchers approved by the Sergeant at Arms and Doorkeeper.

(Committee on Rules and Administration Regulations for Travel Advances for the Office of the Senate Sergeant at Arms)

(a) GENERAL.—With the written approval of the Sergeant at Arms or designee, advances from the contingent expense appropriation account for the Office of the Sergeant at Arms may be provided to the Sergeant at Arms or the Sergeant at Arms' staff to defray official travel expenses, as defined by the U.S. Senate Travel Regulations. Staff is defined as those individuals whose salaries are funded by the line item within the "Salaries, Officers, and Employees" appropriation account for the Office of the Sergeant at Arms.

(b) FORMS.—Travel advance request forms shall include the date of the request, the name of the traveler, the dates of the official travel, the intended itinerary, the authorizing signature of the Sergeant at Arms or his designee, and a staff person designated with signature authority.

(c) PAYMENT OF ADVANCES.—

(i) Travel advances shall be paid prior to the commencement of official travel in the form of cash, direct deposit, or check.

(ii) Advances in the form of cash shall be picked up only in the Senate Disbursing Office and will be issued only to the person traveling (photo ID required), with exceptions being made for Members and elected Officers of the Senate. The traveler (or the individual receiving the advance in the case of a travel advance for a Member or elected Officer of the Senate) will sign the travel advance form to acknowledge receipt of the cash.

(iii) In no case shall a travel advance in the form of cash be paid more than seven (7) calendar days prior to the commencement of official travel. In no case shall a travel advance in the form of a direct deposit or check be paid more than fourteen (14) days prior to the commencement of official travel. Requests for travel advances in the form of a direct deposit or check should be received by the Senate Disbursing Office no less than five (5) calendar days prior to the commencement of official travel.

(d) REPAYMENT OF ADVANCES.—

(i) The total of the expenses on a travel voucher shall be offset by the amount of the corresponding travel advance, providing for the payment (or repayment) of the difference between the outstanding advance and the total of the official travel expenses.

(ii) In those cases when a travel advance has been paid, every effort should be made to submit to the Senate Disbursing Office a corresponding travel voucher within twenty-one (21) days of the conclusion of such official travel.

(iii) Travel Advances for official Senate travel shall be repaid within 30 days after completion of travel. Anyone with an outstanding travel advance at the end of the 30 day period will be notified by the Senate Disbursing Office that they must repay within 15 days, or their salary may be garnisheed in order to satisfy their indebtedness to the Federal Government.

(iv) In those instances when a travel advance has been paid for a scheduled trip which prior to commencement is cancelled or postponed indefinitely, the traveler in question should immediately return the travel advance to the Senate Disbursing Office.

(e) LIMITS.—

(i) To minimize the payment of travel advances, whenever possible, travelers are expected to utilize the corporate and individual travel cards approved by the Committee on Rules and Administration.

(ii) The amount authorized for each travel advance should not exceed the estimated total of official out-of-pocket travel expenses for the trip in question.

(iii) The minimum travel advance that can be authorized for official travel expenses is $200. No more than two (2) cash advances per traveler may be outstanding at any one time.

2. Government Travel Plans

(a) Government Charge Cards

(1) Individual government charge cards authorized by the General Services Administration and approved by the Committee on Rules and Administration are available to Members, Officers, and employees of the Senate for official travel expenses.

(a) The employing Senator, chairman, or Officer of the Senate should authorize only those staff who are or will be frequent travelers. The Committee on Rules and Administration reserves the right to cancel the annual renewal of the card if the employee has not traveled on official business during the previous year.

(b) All reimbursable travel expenses may be charged to these accounts including but not limited to per diem expenses and incidentals. Direct pay vouchers to the charge card vendor (currently Bank of America) may be submitted for the airfare, train, and bus tickets charged to this account. All other travel charges on the account must be paid to the traveler for him/her to personally reimburse the charge card vendor.

(c) Timely payment of these Individually Billed travel accounts is the responsibility of the cardholder. The General Services Administration contract requires payment to the account within 60 days before suspension is enforced on the account. The account is cancelled and the cardholder's credit is revoked when a past due balance is carried on the card for 120 days.

(2) One Centrally Billed government charge account authorized by the General Services Administration and approved by the Committee on Rules and Administration are available to each Member, Committee, and Administrative Office for official transportation expenses in the form of airfare, train, and bus tickets, and rental cars.

(a) Direct pay vouchers to the charge card vendor (currently Bank of America) may be submitted for the airfare, train, and bus tickets, and rental car expenses charged to this account.

(b) Other transportation costs, per diem expenses, and incidentals are not authorized charges for these accounts unless expressly authorized by these regulations or through prior approval from the Committee on Rules and Administration.

(c) Timely payment of these Centrally Billed travel accounts is the responsibility of the cardholder, usually the Office Manager or Chief Clerk of the office. The General Services Administration contract requires payment to the account within 60 days before suspension is enforced on the account. The account is cancelled and the cardholder's credit is revoked when a past due balance is carried on the card for 120 days.

(3) A centrally billed account may be established through the approved Senate vendor (currently the Combined Airlines Ticket Office (CATO)) and will be charged against an account number issued to each designated office; there are no charge cards issued for such an account.

III. Foreign Travel

A. Reimbursement of foreign travel expenses is not authorized from the contingent fund of Member offices.

B. Committees, including all standing, select, and special committees of the Senate and all joint committees of the Congress whose funds are disbursed by the Secretary of the Senate, are authorized funds for foreign travel from their committee budget and through S. Res. 179, 95–1, notwithstanding Congressional Delegations which are authorized foreign travel funds under the authority of the Mutual Security Act of 1954 (22 U.S.C. 1754).

C. (Restrictions)—amendment to Rule XXXIX of the Standing Rules of the Senate, pursuant to S. Res. 80, agreed to January 28, 1987.

1. (a) Unless authorized by the Senate (or by the President of the United States after an adjournment sine die), no funds from the United States Government (including foreign currencies made available under section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b), as amended) shall be received by any Member of the Senate whose term will expire at the end of a Congress after—

(1) the date of the general election in which his successor is elected; or

(2) in the case of a Member who is not a candidate in such general election, the earlier of the date of such general election or the adjournment sine die of the second regular session of that Congress.

(b) The travel restrictions provided by subparagraph (a) with respect to a Member of the Senate whose term will expire at the end of a Congress shall apply to travel by—

(1) any employee of the Member;

(2) any elected Officer of the Senate whose employment will terminate at the end of a Congress; and

(3) any employee of a committee whose employment will terminate at the end of a Congress.

2. No Member, Officer, or employee engaged in foreign travel may claim payment or accept funds from the United States Government (including foreign currencies made available under section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b)) for any expense for which the individual has received reimbursement from any other source; nor may such Member, Officer, or employee receive reimbursement for the same expense more than once from the United States Government. No Member, Officer, or employee shall use any funds furnished to him[/her] to defray ordinary and necessary expenses of foreign travel for any purpose other than the purpose or purposes for which such funds were furnished.

3. A per diem allowance provided a Member, Officer, or employee in connection with foreign travel shall be used solely for lodging, food, and related expenses and it is the responsibility of the Member, Officer, or employee receiving such an allowance to return to the United States Government that portion of the allowance received which is not actually used for necessary lodging, food, and related expenses.

IV. Reimbursable Expenses: Travel expenses (i.e., transportation, lodging, meals and incidental expenses) which will be reimbursed are limited to those expenses essential to the transaction of official business while away from the official station or post of duty.

A. Member Duty Station(s): The official duty station of Senate Members shall be considered to be the metropolitan area of Washington, DC.

1. During adjournment sine die or the August adjournment/recess period, the usual place of residence in the home state, as certified for purposes of official Senate travel, shall also be considered a duty station.

2. Each Member shall certify in writing at the beginning of each Congress to the Senate Disbursing Office his/her usual place of residence in the home state; such certification document shall include a statement that the Senator has read and agrees to the pertinent travel regulations on permissible reimbursements.

3. For purposes of this provision, "usual place of residence" in the home state shall encompass the area within thirty-five (35) miles of the residence (by the most direct route). If a Member has no "usual place of residence" in his/her home state, he/she may designate a "voting residence," or any other "legal residence," pursuant to state law (including the area within thirty-five (35) miles of such residence), as his/her duty station.

B. Officer and Employee Duty Station

1. In the case of an officer or employee, reimbursement for official travel expenses other than interdepartmental transportation shall be made only for trips which begin and end in Washington, DC, or, in the case of an employee assigned to an office of a Senator in the Senator's home state, on trips which begin and end at the place where such office is located.

2. Travel may begin and/or end at the Senate traveler's residence when such deviation from the duty station locale is more advantageous to the government.

3. For purposes of these regulations, the "duty station" shall encompass the area within thirty-five (35) miles from where the Senator's home state office or designated duty station is located.

C. No employee of the Senate, relative or supervisor of the employee may directly benefit monetarily from the expenditure of appropriated funds which reimburse expenses associated with official Senate travel. Therefore, reimbursements are not permitted for mortgage payments, or rental fees associated with any type of leasehold interest.

D. A duty station for employees, other than Washington, DC, may be designated by Members, Committee Chairmen, and Officers of the Senate upon written designation of such station to the Senate Disbursing Office. Such designation shall include a statement that the Member or Officer has read and agrees to the pertinent travel regulations on permissible reimbursements. The duty station may be the city of the office location or the city of residence.

E. For purposes of these regulations, the metropolitan area of Washington, D.C., shall be defined as follows:

1. The District of Columbia
2. Maryland Counties of
(a) Charles
(b) Montgomery
(c) Prince Georges
3. Virginia Counties of
(a) Arlington
(b) Fairfax
(c) Loudoun
(d) Prince William
4. Virginia Cities of
(a) Alexandria
(b) Fairfax
(c) Falls Church
(d) Manassas
(e) Manassas Park
5. Airport locations of
(a) Baltimore/Washington International Thurgood Marshall Airport

(b) Ronald Reagan Washington National Airport

(c) Washington Dulles International Airport

F. When the legislative business of the Senate requires that a Member be present, then the round trip actual transportation expenses incurred in traveling from the city within the United States where the Member is located to Washington, D.C., may be reimbursed from official Senate funds.

G. Any deviation from this policy will be considered on a case by case basis upon the written request to, and approval from, the Committee on Rules and Administration.

V. Travel Expense Reimbursement Vouchers

A. All persons authorized to travel on official business for the Senate should keep a memorandum of expenditures properly chargeable to the Senate, noting each item at the time the expense is incurred, together with the date, and the information thus accumulated should be made available for the proper preparation of travel vouchers which must be itemized on an official expense summary report and stated in accordance with these regulations. The official expense summary report form is available at the Senate Disbursing Office or through the Senate Intranet.

B. Computer generated vouchers should be submitted with a signed original. Every travel voucher must show in the space provided for such information on the voucher form the dates of travel, the official travel itinerary, the value of the transportation, per diem expenses, incidental expenses, and conference/training fees incurred.

C. Travel vouchers must be supported by receipts for expenses in excess of $50. In addition, the Committee on Rules and Administration reserves the right to request additional clarification and/or certification upon the audit of any expense seeking reimbursement from the contingent fund of the Senate regardless of the expense amount.

D. When presented independently, credit card receipts such as VISA, MASTER CHARGE, or DINERS CLUB, etc. are not acceptable documentation for lodging. If a hotel bill is lost or misplaced, then the credit card receipt accompanied by a certifying letter from the traveler to the Financial Clerk of the Senate will be considered necessary documentation. Such letter must itemize the total expenses in support of the credit card receipt.

TRANSPORTATION EXPENSES

I. Common Carrier Transportation and Accommodations

A. Transportation includes all necessary official travel on railroads, airlines, helicopters, buses, streetcars, taxicabs, and other usual means of conveyance. Transportation may include fares and such expenses incidental to transportation such as but not limited to baggage transfer. When a claim is made for common carrier transportation obtained with cash, the travel voucher must show the amount spent, including Federal transportation tax, and the mode of transportation used.

1. Train Accommodations

(a) Sleeping-car accommodations: The lowest first class sleeping accommodations available shall be allowed when night travel is involved. When practicable, through sleeping accommodations should be obtained in all cases where more economical to the Senate.

(b) Parlor-car and coach accommodations: One seat in a sleeping or parlor car will be allowed. Where adequate coach accommodations are available, coach accommodations should be used to the maximum extent possible, on the basis of advantage to the Senate, suitability and convenience to the traveler, and nature of the business involved.

2. Airplane Accommodations

(a) First-class and air-coach accommodations: It is the policy of the Senate that persons who use commercial air carriers for transportation on official business shall use less than first-class accommodations instead of those designated first-class with due regard to efficient conduct of Senate business and the travelers' convenience, safety, and comfort.

(b) Use of United States-flag air carriers: All official air travel shall be performed on United States-flag air carriers except where travel on other aircraft (1) is essential to the official business concerned, or (2) is necessary to avoid unreasonable delay, expense, or inconvenience.

(B) Change in Travel Plans: When a traveler finds he/she will not use accommodations which have been reserved for him/her, he/she must release them within the time limits specified by the carriers. Likewise, where transportation service furnished is inferior to that called for by a ticket or where a journey is terminated short of the destination specified, the traveler must report such facts to the proper official. Failure of travelers to take such action may subject them to liability for any resulting losses.

1. "No show" charges, if incurred by Members or staff personnel in connection with official Senate travel, shall not be considered payable or reimbursable from the contingent fund of the Senate.

2. Senate travelers exercising proper prudence can make timely cancellations when necessary in order to avoid "no show" assessments.

3. A Member shall be permitted to make more than one reservation on scheduled flights with participating airlines when such action assists the Member in conducting his/her official business.

C. Compensation Packages: In the event that a Senate traveler is denied passage or gives up his/her reservation due to overbooking on transportation for which he/she held a reservation and this results in a payment of any rebate, this payment shall not be considered as a personal receipt by the traveler, but rather as a payment to the Senate, the agency for which and at whose expense the travel is being performed.

1. Such payments shall be submitted to the appropriate individual for the proper disposition when the traveler submits his/her expense account.

2. Through fares, special fares, commutation fares, excursion, and reduced-rate round trip fares should be used for official travel when it can be determined prior to the start of a trip that any such type of service is practical and economical to the Senate.

3. Round-trip tickets should be secured only when, on the basis of the journey as planned, it is known or can be reasonably anticipated that such tickets will be utilized.

D. Ticket Preparation Fees: Each Chairman, Senator, or Officer of the Senate may, at his/her discretion, authorize in extenuating circumstances the reimbursement of penalty fees associated with the cancellation of through fares, special fares, commutation fares, excursion, reduced-rate round trip fares and fees for travel arrangements, provided that reimbursement of such fees offers the best value and does not exceed $30.

E. Frequent Flyer Miles: Travel promotional awards (e.g. free travel, travel discounts, upgrade certificates, coupons, frequent flyer miles, access to carrier club facilities, and other similar travel promotional items) obtained by a Member, officer or employee of the Senate while on official travel may be utilized for personal use at the discretion of the Member or officer pursuant to this section.

1. Travel Awards may be retained and used at the sole discretion of the Member or officer only if the Travel Awards are obtained under the same terms and conditions as those offered to the general public and no favorable treatment is extended on the basis of the Member, officer or employee's position with the Federal Government.

2. Members, officers and employees may only retain Travel Awards for personal use when such Travel Awards have been obtained at no additional cost to the Federal Government. It should be noted that any fees assessed in connection with the use of Travel Awards shall be considered a personal expense of the Member, officer or employee and under no circumstances shall be paid for or reimbursed from official funds.

3. Although this section permits Members, officers and employees of the Senate to use Travel Awards at the discretion of the Member or officer, the Committee encourages the use of such Travel Awards (whenever practicable) to offset the cost of future official travel.

F. Indirect Travel: In case a person, for his/her own convenience, travels by an indirect route or interrupts travel by direct route, the extra expense will be borne by the traveler. Reimbursement for expenses shall be allowed only on such charges as would have been incurred by the official direct route. Personal travel should be noted on the traveler's expense summary report when it interrupts official travel.

G. Public Transportation During Official Travel: Transportation by bus, streetcar, subway, or taxicab, when used in connection with official travel, will be allowed as an official transportation expense.

H. Dual Purpose Travel: Dual purpose travel occurs when a Senator, staffer, or other official traveler conducts both Senatorial office business and Committee office business during the same trip. The initial point at which official business is conducted will determine the fund which will be charged for travel expenses from and to Washington, DC. Examples include:

1. If committee business is conducted at the first stop in the trip, travel expenses from Washington, DC, to said point and return will be chargeable to the committee's funds. Additional travel expenses from said point to other points in the United States, incurred by reason of conducting senatorial business, will be charged to the Senators' Official Personnel and Office Expense Account.

2.. If senatorial business is conducted at the first stop in the trip, travel expenses from Washington, DC, to said point and return will be chargeable to the Senators' Official Personnel and Office Expense Account. Committee funds will be charged with any additional travel expenses incurred for the purpose of performing committee business.

I. Interrupted Travel: If a traveler interrupts official travel for personal business, the traveler may be reimbursed for transportation expenses incurred which are less than or equal to the amount the traveler would have been reimbursed had he/she not interrupted travel for personal business. Likewise, if a traveler departs from or returns to a city other than the traveler's duty station or residence for personal business, then the traveler may be reimbursed for transportation expenses incurred which are less than or equal to the amount the traveler would have been reimbursed had the witness departed from and returned to his/her duty station or residence.

II. Baggage

A. The term "baggage" as used in these regulations means Senate property and personal property of the traveler necessary for the purposes of the official travel.

B. Baggage in excess of the weight or of size greater than carried free by transportation companies will be classed as excess baggage. Where air-coach or air-tourist accommodations are used, transportation of baggage up to the weight carried free on first-class service is authorized without charge to the traveler; otherwise excess baggage charges will be an allowable expense.

C. Necessary charges for the transfer of baggage will be allowed. Charges for the storage of baggage will be allowed when such storage was solely on account of official business. Charges for porters and checking baggage at transportation terminals will be allowed.

III. Use of Conveyances: When authorized by the employing Senator, Chairman, or Officer of the Senate, certain conveyances may be used when traveling on official Senate business. Specific types of conveyances are privately owned, special, and private airplane.

A. Privately Owned

1. Chairmen of committees, Senators, Officers of the Senate, and employees, regardless of subsistence status and hours of travel, shall, whenever such mode of transportation is authorized or approved as more advantageous to the Senate, be paid the appropriate mileage allowance in lieu of actual expenses of transportation. This amount should not exceed the maximum amount authorized by statute for use of privately owned motorcycles, automobiles, or airplanes, when engaged in official business within or outside their designated duty stations. It is the responsibility of the office to fix such rates, within the maximum, as will most nearly compensate the traveler for necessary expenses.

2. In addition to the mileage allowance there may be allowed reimbursement for the actual cost of automobile parking fees (except parking fees associated with commuting); ferry fees; bridge, road, and tunnel costs; and airplane landing and tie-down fees.

3. When transportation is authorized or approved for motorcycles or automobiles, mileage between points traveled shall be certified by the traveler. Such mileage should be in accordance with the Standard Highway Mileage Guide. Any substantial deviations shall be explained on the reimbursement voucher.

4. In lieu of the use of taxicab, payment on a mileage basis at a rate not to exceed the maximum amount authorized by statute will be allowed for the round-trip mileage of a privately owned vehicle used in connection with an employee going from either his/her place of abode or place of business to a terminal or from a terminal to either his/her place of abode or place of business: Provided, that the amount of reimbursement for round-trip mileage shall not in either instance exceed the taxicab fare for a one-way trip between such applicable points, notwithstanding the obligations of reasonable schedules.

5. Parking Fees: Parking fees for privately owned vehicles may be incurred in the duty station when the traveler is engaged in interdepartmental transportation or when the traveler is leaving their duty station and entering into a travel status. The fee for parking a vehicle at a common carrier terminal, or other parking area, while the traveler is away from his/her official station, will be allowed only to the extent that the fee, plus the allowable mileage reimbursement, to and from the terminal or other parking area, does not exceed the estimated cost for use of a taxicab to and from the terminal.

6. Mileage for use of privately owned airplanes shall be certified from airway charts issued by the National Oceanic and Atmospheric Administration, Department of Commerce, and will be reported on the reimbursement voucher and used in computing payment. If a detour was necessary due to adverse weather, mechanical difficulty, or other unusual conditions, the additional air mileage may be included in the mileage reported on the reimbursement voucher and, if included, it must be explained.

7. Mileage shall be payable to only one of two or more employees traveling together on the same trip and in the same vehicle, but no deduction shall be made from the mileage otherwise payable to the employee entitled thereto by reason of the fact that other passengers (whether or not Senate employees) may travel with him/her and contribute in defraying the operating expenses. The names of Senate Members or employees accompanying the traveler must be stated on the travel voucher.

8. When damages to a privately owned vehicle occur due to the negligent or wrongful act or omission of any Member, Officer, or employee of the Senate while acting within the scope of his/her employment, relief may be sought under the Federal Tort Claims Act.

B. Special

1. General:

(a) The hire of boat, automobile, aircraft, or other conveyance will be allowed if authorized or approved as advantageous to the Senate whenever the Member or employee is engaged on official business outside his/her designated duty station.

(b) Where two or more persons travel together by means of such special conveyance, that fact, together with the names of those accompanying him/her, must be stated by each traveler on his/her travel voucher and the aggregate cost reimbursable will be subject to the limitation stated above.

(c) If the hire of a special conveyance includes payment by the traveler of the incidental expenses of gasoline or oil, rent of garage, hangar, or boathouse, subsistence of operator, ferriage, tolls, operator waiting time, charges for returning conveyances to the original point of hire, etc., the same should be first paid, if practicable, by the person furnishing the accommodation, or his/her operator, and itemized in the bill.

2. Rental Cars:

(a) In no case may automobiles be hired for use in the metropolitan area of Washington, DC, by anyone whose duty station is Washington, DC.

(b) Reimbursements for rental of special conveyances will be limited to the cost applicable to a conveyance of a size necessary for a single traveler regardless of the number of authorized travelers transported by said vehicle, unless the use of a larger class vehicle on a shared cost basis is specifically approved in advance by the Committee on Rules and Administration, or the form "Request for a Waiver of the Travel Regulations" is submitted with the voucher, and found in order upon audit by the Rules Committee.

(c) For administrative purposes, reimbursement may be payable to only one of two or more Senate travelers traveling together on the same trip and in the same vehicle.

(d) Government Rate: In connection with the hire of an automobile for the use in conducting Senate business outside of Washington, DC, it should be noted that the Military Traffic Management Command (MTMC), a division of the Department of Defense, arranges all rental car agreements for the government.

(1) These negotiated car rental rates are for federal employees traveling on official business and include unlimited mileage, plus full comprehensive and collision coverage (CDW) on rented vehicles at no cost to the traveler.

(2) For guidance on rate structure and the companies participating in these rate agreements, call the approved Senate vendor (currently the Combined Airline Ticket Office (CATO)).

(3) Individuals traveling on behalf of the United States Senate should use these companies to the maximum extent possible since these agreements provide full coverage with no extra fee. The Senate will not pay for separate insurance charges; therefore, any individuals who choose to use non-participatory car rental agencies may be personally responsible for any damages or liability accrued while on official Senate business.

(e) Insurance: In connection with the rental of vehicles from commercial sources, the Senate will not pay or reimburse for the cost of the loss/damage waiver (LDW), collision damage waiver (CDW) or collision damage insurance available in commercial rental contracts for an extra fee.

(1) The waiver or insurance referred to is the type offered a renter to release him/her from liability for damage to the rented vehicle in amounts up to the amount deductible on the insurance included as part of the rental contract without additional charge.

(2) The cost of personal accident insurance is a personal expense and is not reimbursable.

(3) Accidents While On Official Travel: Collision damage to a rented vehicle, for which the traveler is liable while on official business, will be considered an official travel expense of the Senate up to the deductible amount contained in the rental contract. Such claims shall be considered by the Sergeant at Arms of the Senate on a case by case basis and, when authorized, settled from the contingent fund of the Senate under the line item—Reserve for Contingencies. This is consistent with the long-standing policy of the government to self-insure its own risks of loss or damage to government property and the liability of government employees for actions within the scope of their official duties.

(4) However, when damages to a rented vehicle occurs due to the negligent or wrongful act or omission of any Member, Officer, or employee of the Senate while acting within the scope of his/her employment, relief may be sought under the Federal Tort Claims Act.

3. Charter Aircraft:

(a) Reimbursements for charter aircraft will be limited to the charges for a twin-engine, six-seat plane, or comparable aircraft. Charter of aircraft may be allowed notwithstanding the availability of commercial facilities, if such commercial facilities are not such that reasonable schedules may be kept. When charter aircraft is used, an explanation and detail of the size of the aircraft, i.e., seating capacity and number of engines, shall be provided on the face of the voucher.

(b) In the event charter facilities are not available at the point of departure, reimbursement for charter from nearest point of such availability to the destination and return may be allowed.

(c) When a charter aircraft larger than a twin-engine, six-seat plane is used, the form "Request for a Waiver of the Travel Regulations" is submitted with the voucher.

C. Corporate/Private Aircraft: Reimbursement of official expenses for the use of a corporate or private aircraft is allowable from the contingent fund of the Senate provided the traveler complies with the prohibitions, restrictions, and authorizations specified in these regulations. Moreover, pursuant to the Ethics Committee Interpretive Ruling 444, excess campaign funds may be used to defray official expenses consistent with the regulations promulgated by the Federal Election Commission.

1. An amendment to Rule XXXV of the Standing Rules of the Senate, paragraph 1(c)(1)(C), enacted September 14, 2007, pursuant to P.L. 110-81, states:

(C)(i) Fair market value for a flight on an aircraft described in item (ii) shall be the pro rata share of the fair market value of the normal and usual charter fare or rental charge for a comparable plane of comparable size, as determined by dividing such cost by the number of Members, officers, or employees of Congress on the flight.

(ii) A flight on an aircraft described in this item is any flight on an aircraft that is not—

(I) operated or paid for by an air carrier or commercial operator certificated by the Federal Aviation Administration and required to be conducted under air carrier safety rules; or

(II) in the case of travel which is abroad, an air carrier or commercial operator certificated by an appropriate foreign civil aviation authority and the flight is required to be conducted under air carrier safety rules.

(iii) This subclause shall not apply to an aircraft owned or leased by a governmental entity or by a Member of Congress or a Member's immediate family member (including an aircraft owned by an entity that is not a public corporation in which the Member or Member's immediate family member has an ownership interest), provided that the Member does not use the aircraft anymore than the Member's or immediate family member's proportionate share of ownership allows.

Prior to the commencement of official travel on a corporate or private aircraft, the traveler or the traveler's designee shall contact a charter company in the departure or destination city to request a written estimate of the cost of a flight between the two cities on a similar aircraft of comparable size being provided by the corporation or private entity.

(a) For example, if a Learjet 45 XR aircraft is being provided by the corporation or private entity, the traveler or the traveler's designee shall request a written estimate of the cost to charter a Learjet 45 XR aircraft from the departure city to the destination city.

(b) If no charter company is located in either the departure or destination city which rents a similar aircraft of comparable size, a charter company nearest either the destination or departure city which does so shall be contacted for a written estimate.

3. Following the completion of official travel on a corporate or private aircraft, reimbursement for related expenses may be processed on direct pay vouchers payable to each individual traveler, to the corporation or private entity, or to the travel charge card vendor. The written estimate received from the charter company shall be attached to the voucher for processing.

IV. Interdepartmental Transportation

A. The reimbursement for interdepartmental transportation is authorized as a travel expense pursuant to 2 U.S.C. 58(e) but only for the incidental transportation expenses incurred within the duty station in the course of conducting official Senate business. Such reimbursement would include the following expenses:

1. Mileage when using a privately owned vehicle

2. Bus, subway, taxi-cab, parking, and auto rental. (However, reimbursement is prohibited for auto rental expenses within the Washington, DC, metropolitan area duty station.)

B. Pursuant to S. Res. 294, agreed to April 29, 1980, section 2.(1), reimbursements and payments shall not be made for commuting expenses, including parking fees incurred in commuting.

SUBSISTENCE EXPENSES

I. Per Diem Expenses

A. Allowance

1. Per diem expenses include all charges for meals, lodging, personal use of room during daytime, baths, all fees and tips to waiters, porters, baggagemen, bell boys, hotel servants, dining room stewards and others on vessels, laundry, cleaning and pressing of clothing, and fans in rooms. The term "lodging" does not include accommodations on airplanes or trains, and these expenses are not subsistence expenses.

(a) Laundry: Laundry expenses must be incurred during the midway point of a trip. Reimbursable laundry expenses are for the refreshing of clothing during a trip, but not the maintenance of the clothing.

(b) Meals: Reimbursable expenses incurred for meals while on official travel include meals and tips for the traveler only and may not include alcohol.

2. Per diem expenses will not be allowed an employee at his/her permanent duty station and will be allowed only when associated with round trip travel outside his/her permanent duty station.

(a) Training: Meals in the duty station are only reimbursable when they are incurred during a training session. If the cost of the meal is included in the training session, then a meal certification form should be included with the voucher. The Committee on Rules and Administration will consider these on a case by case basis. Meal certification forms are available at the Disbursing Office or on the Senate intranet.

(1) Training is defined as a planned, prepared, and coordinated program, course, curriculum, subject, system, or routine of instruction or education, in scientific, professional or technical fields which are or will be directly related to the performance by the employee of official duties for the Senate, in order to increase the knowledge, proficiency, ability, skill and qualifications of the employee in the performance of official duties.

(2) Meetings in the duty station where meals are served, such as but not limited to Chamber of Commerce monthly meetings do not constitute training. Therefore, the meals associated with these meetings are not an authorized reimbursable expense.

3. In any case where the employee's tour of travel requires more than two months' stay at a temporary duty station, consideration should be given to either a change in official station or a reduction in the per diem allowance.

4. Where for a traveler's personal convenience/business there is an interruption of travel or deviation from the direct route, the per diem expenses allowed will not exceed that which would have been incurred on uninterrupted travel by a usually traveled route and the time of departure from and return to official business shall be stated on the voucher.

5. Per diem expenses will be allowed through the time the traveler departs on personal business and will be recommenced at the time he/she returns to official business. Such dates and times shall be stated on the voucher.

B. Rates

1. The per diem allowances provided in these regulations represent the maximum allowance, not the minimum. It is the responsibility of each office to see that travelers are reimbursed only such per diem expenses as are justified by the circumstances affecting the travel. Maximum rates for subsistence expenses are established by the General Services Administration and are published in the FEDERAL REGISTER. Maximum per diem rates for Alaska, Hawaii, the Commonwealth of Puerto Rico, and possessions of the United States are established by the Department of Defense and are also published in the FEDERAL REGISTER. In addition, per diem rates for foreign countries are established by the Department of State and are published in the document titled, "Maximum Travel Per Diem for Foreign Areas."

(a) Per diem expenses reimbursable to a Member or employee of the Senate in connection with official travel within the continental United States shall be made on the basis of actual expenses incurred, but not to exceed the maximum rate prescribed by the Committee on Rules and Administration for each day spent in a travel status. Any portion of a day while in a travel status shall be considered a full day for purposes of per diem entitlement.

(b) When travel begins or ends at a point in the continental United States, the maximum per diem rate allowable for the portion of travel between such place and the place of entry or exit in the continental United States shall be the maximum rate prescribed by the Committee on Rules and Administration for travel within the continental United States. However, the quarter day in which travel begins, in coming from, or ends, in going to, a point outside the continental United States may be paid at the rate applicable to said point, if higher.

(c) In traveling between localities outside the continental United States, the per diem rate allowed at the locality from which travel is performed shall continue through the quarter day in which the traveler arrives at his/her destination: Provided, that if such rate is not commensurate with the expenses incurred, the per diem rate of the destination locality may be allowed for the quarter day of arrival.

(d) Ship travel time shall be allowed at not to exceed the maximum per diem rate prescribed by the Committee on Rules and Administration for travel within the continental United States.

C. Computations

1. The date of departure from, and arrival at, the official station or other point where official travel begins and ends, must be shown on the travel voucher. Other points visited should be shown on the voucher but date of arrival and departure at these points need not be shown.

2. For computing per diem allowances official travel begins at the time the traveler

leaves his/her home, office, or other point of departure and ends when the traveler returns to his/her home, office, or other point at the conclusion of his/her trip.

(a) The maximum allowable per diem for an official trip is computed by multiplying the number of days on official travel, beginning with the departure date, by the maximum daily rate as prescribed by the Committee on Rules and Administration. If the maximum daily rate for a traveler's destination is higher than the prescribed daily rate, then the form "Request for a Waiver of the Travel Regulations" must be submitted with the voucher showing the maximum daily rate for that location and found in order upon audit by the Rules Committee.

(b) Total per diem for an official trip includes lodging expenses (excluding taxes), meals (including taxes and tips), and other per diem expenses as defined by these regulations.

INCIDENTAL EXPENSES

I. Periodicals: Periodicals purchased while in a travel status should be limited to newspapers and news magazines necessary to stay informed on issues directly related to Senate business.

II. Traveler's Checks/Money Orders: The service fee for preparation of traveler's checks or money orders for use during official travel is allowable.

III. Communications

A. Communication services such as telephone, telegraph, and faxes, may be used on official business when such expeditious means of communications is essential. Government-owned facilities should be used, if practical. If not available, the cheapest practical class of commercial service should be used.

B. Additionally, one personal telephone call will be reimbursed for each day that a Senator or staff member is in a travel status. The calls may not exceed an average of five minutes a day, and cannot be reimbursed at a rate higher than $5.00 without itemized documentation.

IV. Stationery: Stationery items such as pens, paper, batteries, etc. which are necessary to conduct official Senate business while in a travel status are authorized.

V. Conference Center/Meeting Room Reservations: The fee for the reservation of a meeting room, conference room, or business center while on official travel is allowable.

VI. Other: This category would be used (with full explanation on the Expense Summary Report for Travel) to disclose any expense which would occur incidentally while on official travel, and for which there is no other expense category, i.e., interpreting services, hotel taxes, baggage cart rental, etc.

CONFERENCE AND TRAINING FEES

I. Training of Senators' Office Staff: The Senators' Official Personnel and Office Expense Account is available to defray the fees associated with the attendance by the Senator or the Senator's employees at conferences, seminars, briefings, or classes which are or will be directly related to the performance of official duties.

A. When such fees (actual or reduced) are less than or equal to $500, have a time duration of not more than five (5) days, and have been asked to be waived or reduced for Government participation, reimbursement shall be made as an official travel expense. However, if the fee or time duration for meetings is in excess of the aforementioned, reimbursement shall be made as a non-travel expense.

B. Reimbursement shall not be allowed for tuition or fees associated with classes attended to earn credits towards an advanced degree or certification.

C. The costs of meals that are considered an integral, mandatory and non-separable element of the conference, seminar, briefing, or class will be allowed as part of the attendance fee when certified by the registrant. The meal certification form, which must accompany the reimbursement voucher, is available in the Disbursing Office or through the Senate Intranet.

II. Training of Committee Employees: Section 202 (j) of the Legislative Reorganization Act of 1946 provides for the expenditure of funds available to standing committees of the Senate for the training of professional staff personnel under certain conditions. It is the responsibility of each committee to set aside funds within its annual funding resolution to cover the expenses of such training.

A. Prior approval for attendance by professional staff at seminars, briefings, conferences, etc., as well as committee funds earmarked for training, will not be required when all of the following conditions are met:

1. The sponsoring organization has been asked to waive or reduce the fee for Government participation.

2. The fee involved (actual or reduced) is not in excess of $500.

3. The duration of the meeting does not exceed five (5) days.

B. When such fees are less than or equal to $500, have a time duration of not more than five (5) days, and have been requested to be waived or reduced for Government participation, reimbursement shall be made as a non-training, official travel expense. However, if the fee or time duration for meetings is in excess of the aforementioned, reimbursement shall be made as an official training expense. Reimbursement shall not be allowed for tuition or fees associated with classes attended to earn credits towards an advanced degree or certification.

C. If the fee or time duration for meetings is in excess of the aforementioned, advance approval by the Committee on Rules and Administration must be sought. Training requests should be received sufficiently in advance of the training to permit appropriate consideration by the Committee on Rules and Administration.

D. The costs of meals that are considered an integral, mandatory, and non-separable element of the conference, seminar, briefing, or class will be allowed as part of the attendance fee when certified by the registrant. The meal certification forms which must accompany the reimbursement voucher are available in the Disbursing Office or through the Senate Intranet.

II. Training of Administrative Offices Staff: The administrative approval of the voucher is the only approval required by the Committee on Rules and Administration. Training expenses of staff shall be limited to those fees associated with the attendance by staff at conferences, seminars, briefings, or classes which are or will be directly related to the performance of official duties. However, reimbursement shall not be allowed for tuition or fees associated with classes attended to earn credits towards an advanced degree or certification.

SPECIAL EVENTS

I. Retreats: Reimbursement of official travel expenses for office staff retreats is allowable from the contingent fund provided they follow the restrictions and authorizations in these regulations. Reimbursement of expenses for meeting rooms and equipment used during the retreat also is allowable. The vouchers for retreat expenses should be noted as retreat vouchers.

A. Discussion of Interpretative Ruling of the Select Committee on Ethics, No. 444, issued February 14, 2002.

An office retreat may be paid for with either or both official funds (with Rules Committee approval) or principal campaign committee funds. Private parties may not pay expenses incurred in connection with an office retreat. Campaign workers may attend, at campaign expense, office retreats if their purpose in attending is to engage in official activities, such as providing feedback from constituents on legislative or representational matters.

B. When processing direct pay vouchers payable either to each individual traveler or to the vendor providing the retreat accommodations, prior approval by the Committee on Rules and Administration is not required. Retreat expenses, including but not limited to per diem, may be charged to the office's official centrally billed government travel charge card and paid on direct vouchers to the charge card vendor. Any deviation from this policy will be considered on a case by case basis upon the written request to, and approval from, the Committee on Rules and Administration.

C. Spreadsheet of Expenses

1. The Member office, Committee, or Administrative office, must attach to the retreat voucher(s) a spreadsheet detailing each day of the retreat broken out by breakfast, lunch, dinner, and lodging for each traveler attending the retreat.

2. For each traveler, the spreadsheet should list his/her duty station, additional per diem expenses incurred outside of the retreat, and any other retreat attendee the traveler shared a room with during the retreat. Any non-staff members attending the retreat also should be detailed on the spreadsheet. The "Waiver of the Travel Regulations" form does not need to be attached to retreat voucher(s) for the sharing of rooms.

3. The per diem expenses for staff members attending a retreat within their duty station are not reimbursable but should be detailed on the spreadsheet. All expenses for non-staff members attending the retreat are not reimbursable, but their attendance at the retreat must be taken into account when computing a per traveler cost on the spreadsheet.

II. Funerals: Members who represent the Senate at the funeral of a Member or former member may be reimbursed for the actual and necessary expenses of their attendance, pursuant to S. Res. 263, agreed to July 30, 1998. Additionally, the actual and necessary expenses of a committee appointed to represent the Senate at the funeral of a deceased Member or former Member may be reimbursed pursuant to S. Res. 458, agreed to October 4, 1984.

A. Pursuant to 2 U.S.C. 58e, which authorizes reimbursement for travel while on official business within the United States, members and their staff may be reimbursed for the actual and necessary expenses of attending funerals within their home state only.

B. Examples of funerals that may be considered official business include, but are not limited to, funerals for military servicemembers, first responders, or public officials from the Member's state.

SENATORS' OFFICE STAFF

I. Legislative Authority (2 U.S.C. 58(e), as amended)

(e) Subject to and in accordance with regulations promulgated by the Committee on Rules and Administration of the Senate, a Senator

and the employees in his office shall be reimbursed under this section for travel expenses incurred by the Senator or employee while traveling on official business within the United States.'The term 'travel expenses' includes actual transportation expenses, essential travel-related expenses, and, where applicable, per diem expenses (but not in excess of actual expenses). A Senator or an employee of the Senator shall not be reimbursed for any travel expenses (other than actual transportation expenses) for any travel occurring during the sixty days immediately before the date of any primary or general election (whether regular, special, or runoff) in which the Senator is a candidate for public office (within the meaning of section 301(b) of the Federal Election Campaign Act of 1971), unless his candidacy in such election is uncontested. For purposes of this subsection and subsection 2(a)(6) of this section, an employee in the Office of the President Pro Tempore, Deputy President Pro Tempore, Majority Leader, Minority Leader, Majority Whip, Minority Whip, Secretary of the Conference of the Majority, or Secretary of the Conference of the Minority shall be considered to be an employee in the office of the Senator holding such office.

II. Regulations Governing Senators' Official Personnel and Office Expense Accounts Adopted by the Committee on Rules and Administration Pursuant to Senate Resolution 170 agreed to September 19, 1979, as amended.

Section 1. For the purposes of these regulations, the following definitions shall apply:

(a) Documentation means invoices, bills, statements, receipts, or other evidence of expenses incurred, approved by the Committee on Rules and Administration.

(b) Official expenses means ordinary and necessary business expenses in support of the Senators' official and representational duties.

Section 2. No reimbursement will be made from the contingent fund of the Senate for any official expenses incurred under a Senator's Official Personnel and Office Expense Account, in excess of $50, unless the voucher submitted for such expenses is accompanied by documentation, and the voucher is personally signed by the Senator.

Section 3. Official expenses of $50 or less must either be documented or must be itemized in sufficient detail so as to leave no doubt of the identity of, and the amount spent for, each item. Items of a similar nature may be grouped together in one total on a voucher, but must be itemized individually on a supporting itemization sheet.

Section 4. Travel expenses shall be subject to the same documentation requirements as other official expenses, with the following exceptions:

(a) Hotel bills or other evidence of lodging costs will be considered necessary in support of per diem.

(b) Documentation will not be required for reimbursement of official travel in a privately owned vehicle.

Section 5. No documentation will be required for reimbursement of the following classes of expenses, as these are billed and paid directly through the Sergeant at Arms and Doorkeeper:

(a) official telegrams and long distance calls and related services;

(b) stationery and other office supplies procured through the Senate Stationery Room for use for official business.

Section 6. The Committee on Rules and Administration may require documentation for expenses incurred of $50 or less, or authorize payment of expenses incurred in excess of $50 without documentation, in special circumstances.

COMMITTEE AND ADMINISTRATIVE OFFICE STAFF

(Includes all committees of the Senate, the Office of the Secretary of the Senate, and the Office of the Sergeant at Arms and Doorkeeper of the Senate)

I. Legislative Authority (2 U.S.C. 68b)

No part of the appropriations made under the heading 'Contingent Expenses of the Senate' may be expended for per diem and subsistence expenses (as defined in section 5701 of Title 5) at rates in excess of the rates prescribed by the Committee on Rules and Administration; except that (1) higher rates may be established by the Committee on Rules and Administration for travel beyond the limits of the continental United States, and (2) in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate, reimbursement for such expenses may be made on an actual expense basis of not to exceed the daily rate prescribed by the Committee on Rules and Administration in the case of travel within the continental limits of the United States.

II. Incidental Expenses: The following items may be authorized or approved when related to official travel:

1. Commissions for conversion of currency in foreign countries.

2. Fees in connection with the issuance of passports, visa fees; costs of photographs for passports and visas; costs of certificates of birth, health, identity; and affidavits; and charges for inoculations which cannot be obtained through a federal dispensary when required for official travel outside the limits of the United States.

III. Hearing Expenses (committees only)

A. In connection with hearings held outside of Washington, DC, committees are authorized to pay the travel expenses of official reporters having company offices in Washington, DC, or in other locations, for traveling to points outside the District of Columbia or outside such other locations, provided:

1. Said hearings are of such a classified or security nature that their transcripts can be accomplished only by reporters having the necessary clearance from the proper federal agencies;

2. Extreme difficulty is experienced in the procurement of local reporters; or

3. The demands of economy make the use of Washington, DC, reporters or traveling reporters in another area highly advantageous to the Senate; and further provided, that should such hearings exceed five days in duration, prior approval (for the payment of reporters' travel expenses) must be obtained from the Committee on Rules and Administration.

IV. Witnesses Appearing Before the Senate (committees only)

A. The authorized transportation expenses incurred and associated with a witness appearing before the Senate at a designated place of examination pursuant to S. Res. 259, agreed to August 5, 1987, will be those necessary transportation expenses incurred in traveling from the witness' place of residence to the site of the Senate examination and the necessary transportation expenses incurred in returning the witness to his/her residence.

B. If a witness departs from a city other than the witness' city of residence to appear before the Senate or returns to a city other than the witness' city of residence after appearing before the Senate, then Senate committees may reimburse the witness for transportation expenses incurred which are less than or equal to the amount the committee would have reimbursed the witness had the witness departed from and returned to his/her residence. Any deviation from this policy will be considered on a case by case basis upon the written request to, and approval from, the Committee on Rules and Administration.

C. Service fees for the preparation or mailing of passenger coupons for indigent or subpoenaed witnesses testifying before Senate committees shall be considered reimbursable for purposes of official travel.

D. Transportation expenses for witnesses may be charged to the Committee's official centrally billed government travel charge card and paid on direct vouchers to the charge card vendor. Additionally, per diem expenses for indigent witnesses may be charged to the Committee's official government charge card and paid on direct vouchers to the charge card vendor.

V. Regulations Governing Payments and Reimbursements from the Senate Contingent Funds for Expenses of Senate Committees and Administrative Offices

> *(Adopted by the Committee on Rules and Administration on July 23, 1987, as authorized by S. Res. 258, 100th Congress, 1st session, these regulations supersede regulations adopted by the Committee on October 22, 1975, and April 30, 1981, as amended.)*

Section 1. Unless otherwise authorized by law or waived pursuant to Section 6, herein, no payment or reimbursement will be made from the contingent fund of the Senate for any official expenses incurred by any Senate committee (standing, select, joint, or special), commission, administrative office, or other authorized Senate activity whose funds are disbursed by the Secretary of the Senate, in excess of $50, unless the voucher submitted for such expenses is accompanied by documentation, and the voucher is certified by the properly designated staff member and approved by the Chairman or elected Senate Officer. The designation of such staff members for certification shall be done by means of a letter to the Chairman of the Committee on Rules and Administration. "Official expenses," for the purposes of these regulations, means ordinary and necessary business expenses in support of a committee's or administrative office's official duties.

Section 2. Such documentation should consist of invoices, bills, statements, receipts, or other evidence of expenses incurred, and should include ALL of the following information:

(a) date expense was incurred;

(b) the amount of the expense;

(c) the product or service that was provided;

(d) the vendor providing the product or service;

(e) the address of the vendor; and

(f) the person or office to whom the product or service was provided.

Expenses being claimed should reflect only current charges. Original copies of documentation should be submitted. However, legible facsimiles will be accepted.

Section 3. Official expenses of $50 or less must either be documented or must be itemized in sufficient detail so as to leave no doubt of the identity of, and the amount spent for, each item. However, hotel bills or other evidence of lodging costs will be considered necessary in support of per diem expenses and cannot be itemized.

Section 4. Documentation for services rendered on a contract fee basis shall consist of a contract status report form available from the Disbursing Office. However, other expenses authorized expressly in the contract will be subject to the documentation requirements set forth in these regulations.

Section 5. No documentation will be required for the following expenses:

(a) salary reimbursement for compensation on a "When Actually Employed" basis;

(b) reimbursement of official travel in a privately owned vehicle;

(c) foreign travel expenses incurred by official congressional delegations, pursuant to S. Res. 179, 95th Congress, 1st session;

(d) expenses for receptions of foreign dignitaries, pursuant to S. Res. 247, 87th Congress, 2nd session, as amended; and

(e) expenses for receptions of foreign dignitaries pursuant to Sec. 2 of P.L. 100–71 effective July 11, 1987.

Section 6. In special circumstances, the Committee on Rules and Administration may require documentation for expenses incurred of $50 or less, or authorize payment of expenses incurred in excess of $50 without documentation.

Section 7. Cash advances from the Disbursing Office are to be used for travel and petty cash expenses only. No more than $5000 may be outstanding at one time for Senate committees or administrative offices, unless otherwise authorized by law or resolution, and no more than $300 of that amount may be used for a petty cash fund. The individual receiving the cash advance will be personally liable. The Committee on Rules and Administration may, in special instances, increase these non-statutory limits upon written request by the Chairman of that committee and proper justification.

Section 8. Documentation of petty cash expenses shall be listed on an official petty cash itemization sheet available from the Disbursing Office and should include ALL of the following information:

(a) date expense was incurred;

(b) amount of expense;

(c) product or service provided; and

(d) the person incurring the expense (payee).

Each sheet must be signed by the Senate employee receiving cash and an authorizing official (i.e., someone other than the employee(s) authorized to certify vouchers). Original receipts or facsimiles must accompany the itemization sheet for petty cash expenses over $50.

Section 9. Petty cash funds should be used for the following incidental expenses:

(a) postage;

(b) delivery expenses;

(c) interdepartmental transportation (reimbursements for parking, taxi, subway, bus, privately owned automobile (p.o.a.), etc.;

(d) single copies of publications (not subscriptions);

(e) office supplies not available in the Senate Stationery Room; and

(f) official telephone calls made from a staff member's residence or toll charges incurred within a staff member's duty station.

Petty cash funds should not be used for the procurement of equipment.

Section 10. Committees are encouraged to maintain a separate checking account only for the purpose of a petty cash fund and with a balance not in excess of $300.

Section 11. Vouchers for the reimbursement of official travel expenses to a committee chairman or member, officer, employee, contractor, detailee, or witness shall be accompanied by an "Expense Summary Report—Travel" signed by such person. Vouchers for the reimbursement to any such individual for official expenses other than travel expenses shall be accompanied by an "Expense Summary Report—Non-Travel" signed by such person.

APPENDIX A: THE FEDERAL TORT CLAIMS ACT

Pursuant to the provisions of S. Res. 492, agreed to December 10, 1982, the Sergeant at Arms has the authority to consider and ascertain and, with the approval of the Committee on Rules and Administration, determine, compromise, adjust, and settle, in accordance with the provisions of chapter 171 of Title 28, United States Code (The Federal Tort Claims Act), any claim for money damages against the United States for injury of loss of property or personal injury or death caused by negligent or wrongful act or omission of any Member, Officer, or Employee of the Senate while acting within the scope of his/her employment. Any compromise, adjustment, or settlement of any such claim not exceeding $2,500 shall be paid from the contingent fund of the Senate on a voucher approved by the Chairman of the Committee on Rules and Administration.

Payments of awards, compromises, or settlements in excess of $2,500 are obtained by the agency by referring the award, compromise, or settlement to the General Accounting Office for payment. Appropriations or funds for the payment of judgments and compromises are made available for payment of awards, compromises, and settlements under the Federal Tort Claims Act.

However, any award under the Federal Tort Claims Act in excess of $25,000 cannot take effect except with the prior written approval of the Attorney General.

FURTHER CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, pursuant to section 302 of S. Con. Res. 21, I filed revisions to S. Con. Res. 21, the 2008 budget resolution. Those revisions were made for legislation that improved certain services for and benefits to wounded or disabled military personnel and retirees, veterans, and their survivors and dependents.

Congress cleared the conference report accompanying H.R. 1585, the National Defense Authorization Act for fiscal year 2008, on December 14, 2007. Unfortunately, H.R. 1585 was not signed into law by the President. Consequently, I am further revising the 2008 budget resolution and reversing the adjustments previously made pursuant to section 302 to the aggregates and the allocation provided to the Senate Armed Services Committee.

Mr. President, last week the House passed H.R. 4986, a bill that is substantially similar to H.R. 1585 and that also meets the conditions of the reserve fund for veterans and wounded servicemembers. Consequently, for the information of my colleagues, I will be further revising the 2008 budget resolution pursuant to section 302 of S. Con. Res. 21 for Senate consideration of H.R. 4986.

I ask unanimous consent that the following revisions to S. Con. Res. 21 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 302 DEFICIT-NEUTRAL RESERVE FUND FOR VETERANS AND WOUNDED SERVICEMEMBERS

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,025.851
FY 2009	2,122.271
FY 2010	2,176.587
FY 2011	2,357.853
FY 2012	2,500.250
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−24.945
FY 2009	15.345
FY 2010	12.866
FY 2011	−36.697
FY 2012	−96.846
(2) New Budget Authority:	
FY 2007	2,371.470
FY 2008	2,512.564
FY 2009	2,526.556
FY 2010	2,581.669
FY 2011	2,696.949
FY 2012	2,736.623
(3) Budget Outlays:	
FY 2007	2,294.862
FY 2008	2,476.456
FY 2009	2,573.413
FY 2010	2,609.610
FY 2011	2,702.343
FY 2012	2,715.437

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S CON RES 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 302 DEFICIT-NEUTRAL RESERVE FUND FOR VETERANS AND WOUNDED SERVICEMEMBERS

[In millions of dollars]

Current Allocation to Senate Armed Services Committee:	
FY 2007 Budget Authority	98,717
FY 2007 Outlays	98,252
FY 2008 Budget Authority	102,110
FY 2008 Outlays	102,041
FY 2008–2012 Budget Authority	547,250
FY 2008–2012 Outlays	546,657
Adjustments:	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	15
FY 2008 Outlays	112
FY 2008–2012 Budget Authority	−258
FY 2008–2012 Outlays	22
Revised Allocation to Senate Armed Services Committee:	
FY 2007 Budget Authority	98,717
FY 2007 Outlays	98,252
FY 2008 Budget Authority	102,125
FY 2008 Outlays	102,153
FY 2008–2012 Budget Authority	546,992
FY 2008–2012 Outlays	546,679

FURTHER CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, section 302 of S. Con. Res. 21, the 2008 budget resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels for legislation that improves certain services for and benefits to wounded or disabled military personnel and retirees, veterans, and their survivors and dependents. Section 302 authorizes the revisions provided that the legislation does not worsen the deficit over either the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

I find that H.R. 4986, the National Defense Authorization Act for fiscal year 2008, satisfies the conditions of the deficit-neutral reserve fund for veterans and wounded servicemembers. Therefore, pursuant to section 302, I am adjusting the aggregates in the 2008 budget resolution, as well as the allocation provided to the Senate Armed Services Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 21 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 302 DEFICIT-NEUTRAL RESERVE FUND FOR VETERANS AND WOUNDED SERVICEMEMBERS

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,025.853
FY 2009	2,122.272
FY 2010	2,176.581
FY 2011	2,357.845
FY 2012	2,500.246
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−24.943
FY 2009	15.346
FY 2010	12.860
FY 2011	−36.705
FY 2012	−96.850
(2) New Budget Authority:	
FY 2007	2,371.470
FY 2008	2,512.558
FY 2009	2,527.441
FY 2010	2,581.501
FY 2011	2,696.692
FY 2012	2,736.438
(3) Budget Outlays:	
FY 2007	2,294.862
FY 2008	2,476.425
FY 2009	2,574.227
FY 2010	2,609.365
FY 2011	2,702.029
FY 2012	2,715.194

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 302 DEFICIT-NEUTRAL RESERVE FUND FOR VETERANS AND WOUNDED SERVICEMEMBERS

[In millions of dollars]

Current Allocation to Senate Armed Services Committee:	
FY 2007 Budget Authority	98,717
FY 2007 Outlays	98,252
FY 2008 Budget Authority	102,125
FY 2008 Outlays	102,153
FY 2008–2012 Budget Authority	546,992
FY 2008–2012 Outlays	546,679
Adjustments:	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	−6
FY 2008 Outlays	−31
FY 2008–2012 Budget Authority	271
FY 2008–2012 Outlays	−17
Revised Allocation to Senate Armed Services Committee:	
FY 2007 Budget Authority	98,717
FY 2007 Outlays	98,252
FY 2008 Budget Authority	102,119
FY 2008 Outlays	102,122
FY 2008–2012 Budget Authority	547,263
FY 2008–2012 Outlays	546,662

HONORING SENATOR TRENT LOTT

Mr. LUGAR. I join my Senate colleagues in expressing our confidence that many wonderful adventures lie before our friend, Trent Lott, and his family, even as we are saddened by his plans to leave the Senate.

Tributes to Trent will include praise of his extraordinary leadership abilities, his thoughtfulness for others, his physical strength and endurance during long sessions of work, his even temper and good humor, and even his vocal performance talents.

But Senate "insiders" will usually turn to the concept of "Trent the Vote-Counter" in an attempt to identify how and why our friend succeeded on so many occasions while many colleagues did not fare so well. I would not suggest for a moment that Trent lacked any counting ability, but I would suggest that a search for his crystal ball misses a major point. Trent was successful because he convinced people that they should support him and demonstrate that support by voting for him.

Long before he announced his interest in elective office or commenced "herding cats" on the House or Senate floors, Trent studied the Congress with the benefit of his able mentors, and he learned the fundamentals of how they had gained election in his home State of Mississippi. Trent learned that long before any vote-counting commenced, the fundamental task was to win hearts, minds, and trust of individual voters, and that requires evaluation of interests, the best arguments delivered in the most appropriate language with the best selection of time and place, and the steady development of trust.

We watched Trent win elections in Mississippi, from afar, but we have witnessed his House and Senate leadership races up close. He faced strong and able opposition. He was a graceful winner. He fulfilled all expectations and promises, and we know he will continue to do so.

Trent, I thank you for loyal friendship, personal encouragement, and the times we have enjoyed great experiences, together. I pray for your continuing good health and vitality which will make possible the enjoyment of your loving family and your service to others.

HONORING OUR ARMED FORCES

STAFF SERGEANT SEAN M. GAUL

Mr. GRASSLEY. Mr. President, today I salute a great American hero who has fallen in service to his country in support of Operation Iraqi Freedom. Army SSG Sean M. Gaul gave his life on January 9, 2008, after sustaining wounds when an improvised explosive device detonated while he was on patrol in Sinsil, Iraq, in the Diyala Province. He was serving his fifth deployment in Iraq and Afghanistan. His loyalty and bravery will be remembered. My thoughts and prayers go out to Sean's family and friends, especially to his wife Jessica and their young daughter, his mother Christine, and his father Michael.

Sean Gaul lived in Cresco, IA, with his parents until the age of 7. He then moved to Reno, NV, with his mother. He attended Reed High School, where he was a member of the Junior Reserve Officers' Training Corps. In 1997, he passed the GED exam. He was first deployed to Afghanistan shortly after the Sept. 11, 2001, terrorist attacks. Before deploying for the final time, he completed the Army's sniper school.

Staff Sergeant Gaul's wife Jessica called him a "very good man and loving husband." She said, "He did not waiver from his responsibility. He always trained hard as he led the way by example. He was focused and determined as he sought out more special forces training." Again, my sincerest condolences go to his family and friends. I ask my colleagues here in the Senate and all Americans to remember with gratitude and appreciation a fine man and an exemplary solider, Army SSG Sean M. Gaul.

RECOGNIZING THE SAFE COALITION

Mr. DORGAN. Mr. President, early in 2007 I met with a distinguished group of American business leaders and retired military officers who had formed an organization called Securing America's Future Energy, SAFE, Coalition for the purpose of improving our country's energy security.

This organization was comprised of a high level group of business and retired military leaders led by Federal Express CEO Fred Smith, and retired Marine GEN P.X. Kelley. They understood that our country's continued dependence on foreign oil coming from troubled parts of the world holds our entire economy hostage to events that are outside of our control. They knew that our energy security relates to both economic security and our national security and they wanted to do something about it.

Their organization worked to develop a specific, aggressive plan that would reduce our dependence on foreign oil and reduce the intensity of oil use.

Specifically, the plan called for an increase in vehicle efficiency through more aggressive CAFE standards. It also called for additional energy production here at home, both renewable and fossil energy, a much greater emphasis on conservation, and new and innovative ways to make more efficient use of our energy.

Following our meeting I decided to take the lead in sponsoring legislation to implement the bulk of the SAFE Coalition's plan because I believed it was the best combination of approaches to begin solving our problem of excessive dependence on foreign oil.

By the end of 2007 I am pleased to say that a substantial portion of that legislation which was recommended by the SAFE Coalition is now law. For the first time in over 34 years, Congress finally increased CAFE standards that require a 10-mile-per-gallon increase over 10 years. It applies to both automobiles and trucks and does it in a way that does not penalize large vehicles. But it requires all vehicles to meet greater efficiency standards.

The Congress also included major new goals with respect to a robust renewable fuel standard of 36 billion gallons a year. All of those provisions were recommendations of the SAFE Coalition and recommendations in the legislation that I introduced in the Congress.

The recommendations on additional production of energy was advanced with the recent passage legislation to open a portion of the Gulf of Mexico, known as Lease 181, to additional production of oil and natural gas.

There is still more to be done to reduce our oil intensity and to allow us to become less dependent on foreign sources of oil. But I was proud to have been a member of the Energy Committee in the Senate that has advanced an energy bill with real and constructive solutions that will improve America's energy future.

And I was also pleased to work with Fred Smith, P.X. Kelley, and many other American leaders who wanted to do the right thing for this country and whose efforts as a part of the SAFE Coalition, I believe, had measurable and substantial impact on the progress that we made this year.

In a climate of so much partisanship, and at a time when it is so difficult to get things done, I am proud that all of us, working together, did something that represents a real investment in America's future.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

HONORING SARGENT SHRIVER

● Mrs. CLINTON. Mr. President, I would like to pay tribute to Sargent Shriver, a humanitarian and powerful advocate for the poor and most vulnerable among us.

While serving under President John F. Kennedy, Sargent Shriver was the driving force behind the creation of the Peace Corps and is credited with turning a bold idea for public service into a reality. Each year, more than 8,000 of our best and brightest citizens travel around the world, representing our Nation and values, to work with governments, nonprofits, schools, and local citizens to fulfill three goals: Providing aid to those in need, promoting a better understanding of America, and fostering greater understanding between people of different nations.

Today, Peace Corps volunteers join with people across the globe in helping to lift up families and communities: farming and agricultural development in Paraguay; promoting education in China; combating HIV/AIDS in Ghana; and so much else. More than 190,000 Peace Corps volunteers have served in nearly 140 countries. The work Peace Corps volunteers are carrying out on behalf of our country has never been more important than it is today. There is an urgent need to repair the damage to America's image abroad, both among our friends and those who do not wish America well.

And the Peace Corps is only one part of Sargent Shriver's important contributions to our country.

Sargent Shriver served as the first Director of the Office of Economic Opportunity under President Lyndon Johnson. He helped lead President Johnson's war on poverty where he created or inspired the creation of many social programs, including Volunteers in Service to America, VISTA, Head Start, Foster Grandparents, Job Corps, Upward Bound, and the Legal Services Corporation. I was honored and proud to serve on the board of Legal Services Corporation from 1978 to 1981, chairing the board of directors from 1978 to 1980. The Legal Services Corporation, and many efforts mentioned, continue to help millions of low-income Americans today.

He played a significant role in the drafting and passage of the National Community Service Trust Act of 1993, legislation that created AmeriCorps, and I was proud to work with him on this effort in the Clinton administration. In recognition of his service to this Nation, on August 8, 1994, President Bill Clinton presented Sargent Shriver with the Presidential Medal of Freedom, our country's highest civilian honor.

I continue to be inspired by Sargent Shriver's service to our country. In fact, nearly a decade ago, I joined Sargent Shriver at the dedication of the new Peace Corps building and recounted a story I once heard. When the founders of Peace Corps were just starting out—still figuring out what the organization would look like and how it would work—Sargent Shriver was shown an organizational chart. This chart showed him at the top, with lines pointing down at staff members at various levels of a hierarchy. At the bottom of the chart was the word "volunteer." When Sargent Shriver saw this chart, he turned it upside down because he believed deeply that the volunteers were the heart and soul—and the most important part—of the Peace Corps. His vision set the course of the agency—and that is how it has been run ever since.

Each of us has a responsibility to live up to that vision, to promote volunteerism, to give our young people a chance to give back to the Nation that has given each of us so much. That is why I stood with my colleagues in 2003 to undo massive funding cuts to AmeriCorps. These are cuts that would have meant thousands of Americans who wanted to serve through programs like VISTA, City Year, and Teach For America but would be turned away at the doors.

And that is why I have worked to support AmeriCorps and to remove barriers to public service. I proposed the Public Service Academy Act. It would create a new Public Service Academy, modeled on the military service academies, to provide a 4-year, affordable college education for more than 5,000 students each year in exchange for 5-year commitment to public service.

Sargent Shriver is a leader and servant whose legacy will live on for generations to come. It will live on in the work of Peace Corps volunteers in nations around the world. It will live on in the work of AmeriCorps helping to lift up communities here at home. And it will live on in his work to create more opportunities for children and families living in poverty.

Together, we can help to carry his legacy forward, too, through public service—and through small and large acts of kindness and generosity to build better communities and a better world.●

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

IRAQ'S RELIGIOUS MINORITIES

● Mr. OBAMA. Mr. President, I wrote to Secretary Rice on September 11, 2007, out of concern for Iraq's Christian and other non-Muslim religious minorities who appear to be targeted by Sunni, Shiite, and Kurdish militants. The severe violations of religious freedom faced by members of these indigenous communities, and their potential extinction from their ancient homeland, is deeply alarming in light of our mission to bring freedom to the Iraqi people.

In addition, such violence may be an indicator of greater sectarian violence. Such rising violence and the Iraqi internally displaced people and refugee crises potentially could serve as catalysts for wider regional instability. These crises demand an urgent response from our Government.

On January 11, 2008, I received a response from the Department of State to the questions I posed in my letter. I ask to have my original letter and the response from the Department of State printed in the CONGRESSIONAL RECORD.●

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 11, 2007.
Hon. CONDOLEEZZA RICE,
Secretary, Department of State,
Washington, DC.

DEAR SECRETARY RICE: I am writing out of concern for Iraq's Christian and other non-Muslim religious minorities, including Catholic Chaldeans, Syriac Orthodox, Assyrian, Armenian and Protestant Christians, as well as smaller Yazidi and Sabean Mandaean communities. I know that the fate of these communities was the subject of a recent letter to you from the U.S. Commission on International Religious Freedom.

These communities appear to be targeted by Sunni, Shiite and Kurdish militants. The

U.N. High Commissioner for Refugees reports that Christians, now less than 4 percent of Iraq's population, make up 40 percent of its refugees. And according to the United States Commission on International Religious Freedom, "violence against members of Iraq's Christian community occurs throughout the country, and the Commission has raised particular concern about reports from Baghdad, Mosul, Basra, and the north Kurdish regions."

Such violence bespeaks a humanitarian crisis of grave proportions. The severe violations of religious freedom faced by members of these indigenous communities, and their potential extinction from their ancient homeland, is deeply alarming in light of our mission to bring freedom to the Iraqi people. In addition, such violence may be an indicator of greater sectarian violence. Such rising sectarian violence and the Iraqi internally displaced people and refugee crises potentially could serve as catalysts for wider regional instability. These crises demand an urgent response from our government.

In that regard, I request that you provide responses to the following questions:

(1) Is it the State Department's view that Iraq's Christian and other non-Muslim minorities face particular threats because of their religion? Do they face a level of threat and abuse disproportionate to their representation in the Iraqi population?

(2) Has the State Department or our embassy in Baghdad sought out members of these communities to inquire as to what the United States could do to enhance their protection?

(3) What steps, if any, has the State Department taken to urge the Iraqi government to provide protection to Iraq's Christian and other non-Muslim religious minorities?

(4) Has the Iraqi government been responsive to requests for such protection?

(5) Do you have reason to believe that any Iraqi security forces or other government forces or personnel are involved in violence against such vulnerable populations?

(6) What mechanisms are in place to ensure that U.S.-trained and equipped Iraqi Security Forces do not use U.S.-provided assistance for sectarian purposes?

(7) What plans have the Agency for International Development and State Department developed to increase humanitarian assistance to Iraq's internally displaced?

I thank you in advance for the consideration of these questions, and I look forward to your prompt reply.

Sincerely,

BARACK OBAMA,
United States Senator.

U.S. DEPARTMENT OF STATE,
Washington, DC., January 11, 2008.

Hon. BARACK OBAMA,
U.S. Senate,

DEAR SENATOR OBAMA: Thank you for your letter regarding the status of Iraq's religious minorities. We regret the delay in sending you this response, but we wanted to provide you with a reply that was both comprehensive and accurate.

We share the concerns you express in your letter and assure you the Department of State takes matters relating to the safety of Iraq's ethnic and religious minorities very seriously.

Iraqis from all ethnic and religious communities suffer from the sectarian and general violence in Iraq. While it is true that in some cases religious minorities, such as Christians, are targeted due to their religion, the threat to Iraq's religious minorities is not unique to them; Shi'a in Sunni majority areas face much the same situation, and vice versa. In fact, Muslim citizens generally who do not support the actions of militants within their region are subject to similar threats. The assassination in Anbar of Sunni Sheikh Abdul Sattar Bezia al-Rishawi, who rejected extremist ideologies and sectarianism, and the murders of associates of the Shi'a Grand Ayatollah Ali al-Sistani are recent examples of how violence impacts all of Iraq's communities, not just Christians or other non-Muslims.

Unfortunately, given the difficulty of compiling accurate data in Iraq, it is not possible to determine through statistical analysis whether violence against specific groups is disproportionate to their representation in the population. However, communities that are isolated or small in number and that lack the means of providing for their own protection are particularly at risk.

The Department of State is coordinating closely with several U.S. Government agencies, as well as the Government of Iraq, religious leaders, and local ethnic and religious organizations in Iraq, to help alleviate the plight of minority groups. Moreover, the Embassy and Provincial Reconstruction Teams (PRTs), together with Coalition Forces, are working at the national and provincial level to help the Iraqi Government provide the necessary protection and safety for all of its citizens, including Iraqi religious minorities. And the Government of Iraq continues to improve its capacity and capability to improve the overall security situation and, thereby, protect Iraq's minority communities. We would also note that while we have seen reports of violence against Iraqi non-Muslims, we have not seen evidence showing these acts were part of an orchestrated effort by Iraqi government forces.

As part of our efforts to help improve the situation for minority groups in Iraq, State Department and Embassy officials meet regularly with representatives of Iraq's ethnic and minority groups and raise their concerns with the appropriate Iraqi Government officials at all levels. The PRTs located in Ninewa province and the Kurdish region—areas with large Christian and other non-Muslim communities—also meet regularly with representatives from these communities and work to ensure that their concerns are heard at the provincial government level.

The status of religious minorities in Iraq will become more secure as groups representing them develop the capability to advocate on their own behalf and participate actively in the political system. To that end, U.S. Government-sponsored programs offer assistance to such groups upon request in areas such as conflict resolution, political party development, and human rights. In conjunction with these efforts, the U.S. Agency for International Development (USAID) and the Department of State's Bureau of Population, Refugees, and Migration (PRM) are supporting capacity-building programs for the Government of Iraq's Ministry of Displacement and Migration at both the local and national levels. While PRM focuses primarily on assisting refugees and facilitating entry into the U.S. Refugee Admissions Program for the most vulnerable Iraqi refugees, it coordinates its programs with those of USAIP to ensure that as many vulnerable Iraqis as possible receive essential services as quickly as possible.

USAID's Office of Foreign Disaster Assistance (OFDA) has five implementing partner organizations presently working with internally displaced persons (IDPs) in all 18 of Iraq's provinces. For 2007, assistance has been targeted to reach approximately 550,000 of the most vulnerable IDP beneficiaries. OFDA plans to obligate an additional $26 million by December 31, 2007, and has requested an additional $80 million for Iraqi IDP in FY 2008. USAID is also funding humanitarian organizations to collect data on IDP movements and needs to prioritize humanitarian assistance.

USAID's understanding of the current breakdown in IDP accommodation is that 56 percent are renting accommodations, 19 percent are living with host families, 25 percent are living in abandoned buildings such as former military sites (barracks, etc.), and less than one percent are living in tented camps. This indicates that coping mechanis remain for the majority of IDPs, although threats and vulnerabilities still exist, including a continuing need for access to food and potable water, adequate shelter and sanitation, and health care and other social services. In addition, IDPs are faced with border crossing closures; restrictions on their abilities to register as IDPs, and the upcoming winter. USAID is prepared to help IDPs respond to these vulnerabilities with existing resources and partners, and plans to continue responding with additional resources expected to be obligated by the end of calendar year 2007.

The Secretary of Defense could best address your question about mechanisms to ensure that U.S.-trained and equipped Iraqi Security Forces do not use U.S.-provided assistance for sectarian purposes.

We hope this information is helpful to you. Please do not hesitate to contact us if we can be of further assistance on this or any other matter.

Sincerely,

JEFFREY T. BERGNER,
Assistant Secretary, Legislative Affairs.

ADDITIONAL STATEMENTS

TRIBUTE TO REVEREND DR. WALLACE S. HARTSFIELD, SR.

• Mr. BOND. Mr. President, today I wish to recognize a devoted pastor, community leader, father and friend: Reverend Dr. Wallace S. Hartsfield, Sr.

On January 1 of this year, Reverend Hartsfield retired as senior pastor of the Metropolitan Missionary Baptist Church in Kansas City, MO. He served as the congregation's pastor for more than 40 years and as a dedicated member of the clergy for more than 55 years.

Dr. Hartsfield has worked as a key leader and mentor in social, political, and religious circles in Kansas City and throughout the country. He has served at every level of the National Baptist Convention of America and as the president of the General Baptist Convention of Missouri, Kansas, and Nebraska.

My friend, Congressman EMANUEL CLEAVER, has dubbed this remarkable leader the "Godfather of Preachers" for his ministerial knowledge and superior oratorical skills.

Countless Kansas Citians—and Americans—have been touched by this man and his messages. Always positive, Dr. Hartsfield speaks out for peace, social and racial justice, AIDS intervention, faith, and hard work. And like a true pastor, he cares deeply for his congregation and the surrounding community. My guess is he will not slow down much even in retirement.

As a measure of our appreciation for Pastor Hartsfield's long service to the community, Congressman CLEAVER, Senator MCCASKILL, and I worked to enact legislation designating the U.S. Postal Service facility at 4320 Blue Parkway in Kansas City the "Wallace S. Hartsfield Post Office Building." This designation is but small recognition of Dr. Hartsfield's many accomplishments as a minister, dedicated community activist, civil servant, and compassionate role model. I am proud to call him a friend.

Future generations will look to his leadership and example to find hope and inspiration. Dr. Hartsfield has truly made the world a better place.●

HONORING MAXINE FROST

● Mrs. BOXER. Mr. President, I ask my colleagues to join me in recognizing the accomplishments of Maxine Pierce Frost, a longtime community leader in Riverside, CA, and nationally renown leader in education. In November 2007 Maxine Frost announced her retirement from the Riverside Unified School District after 40 years of dedicated service. Due to failing health, she died shortly thereafter.

Since 1967, Maxine Frost has provided leadership to her community, the State of California, and our Nation. As a board member of the Riverside Unified School District, Frost has seen great change in education policy throughout her tenure. Being a member of the first large school district in the Nation to voluntarily desegregate, she has helped pave the way for similar changes across America.

Throughout periods of intense growth in the State and the region, Maxine Frost has worked diligently to ensure that students and educators are provided with adequate resources. The Riverside Unified School District has grown from roughly 23,000 students to 43,000 students during Frost's tenure. Throughout this period of intense growth, she has maintained her resolve that every student have the resources they need to succeed.

Numerous academic committees across the State of California and our Nation have benefitted from the leadership and experience of Maxine Frost. She has held a number of leadership posts: president of the Pacific Region of National School Boards Association, the California School Boards Association Legislative Network, the California Association of Suburban School Districts, the Schools Accrediting Commissions, the Council for Basic Education, and the California Association of Student Council's Board of Directors. In 1981, after serving as president of the California School Boards Association, California Governor George Deukmejian appointed her to the Education Commission of the States, in which she served alongside future President William Jefferson Clinton, who chaired the commission at that time.

On October 16, 2006, the Riverside Unified School District adopted a resolution to designate one of its elementary schools as Maxine Frost Elementary School, in honor of her longtime service and dedication to the community.

On her retirement from four decades of service and dedication to the students, families, and educators of California and our Nation, I am pleased to ask my colleagues to join me in posthumously thanking her for her fine work. Her tremendous leadership and lifetime of achievement will be long remembered.●

100TH ANNIVERSARY OF MUIR WOODS NATIONAL MONUMENT

● Mrs. BOXER. Mr. President, I take this opportunity to observe the 100th anniversary of Muir Woods National Monument, located in Marin County, CA.

It was U.S. Representative William Kent whose visionary actions would lead to the creation of Muir Woods National Monument. During the mid-nineteenth century, the Gold Rush brought treasure seekers to northern California in large numbers. To accommodate this rapid population growth in San Francisco and other coastal cities, timber, meat, and crops were needed in much larger quantities. As a result, much of the easily accessible timber in Marin County was logged between 1840 and 1870.

Representative Kent witnessed this massive resource depletion and decided to take action to preserve coastal redwood forest areas. In 1905, he purchased 612 acres of the Redwood Canyon from the Tamalpais Land & Water Co. On December 26, 1907, in order to best protect the land, Representative Kent and his wife, Elizabeth Thatcher Kent, donated 298 acres of Redwood Canyon to the Federal Government. On January 9, 1908, President Theodore Roosevelt declared Muir Woods a National Monument. This year, we celebrate its centennial anniversary.

Coast redwoods, Sequoia sempervirens, are the dominant feature of Muir Woods' forest. These ancient wonders are also the world's tallest living tree species and the official tree of the State of California. This species of redwood is believed to have existed when the dinosaurs roamed the Earth. Visitors to Muir Woods are left fascinated as they get to experience living history by exploring the Bohemian and Cathedral groves of Muir Woods, where many trees are more than 1,200 years old. Muir Woods is also home to douglas fir, tanbark oak, bigleaf maple, and bay laurel trees, leading conservationist and namesake John Muir to remark that Muir Woods "is the best tree-lovers' monument that could possibly be found in all the forests of the world."

Only 15 miles north of San Francisco, Muir Woods National Monument offers a stunning glimpse of the redwood forests that once covered northern California's coastal valleys. For 100 years, Muir Woods National Monument has served as a recreational escape for nature enthusiasts, hikers, and those seeking a glimpse of northern California's rich history. It is a powerful reminder of the beauty of nature and the importance of conservation efforts.

I commend the National Park Service staff and volunteers for maintaining the natural beauty and historical significance of Muir Woods National Monument. I look forward to future generations having the opportunity to study and enjoy this unique piece of our State and national history for another 100 years.●

100TH ANNIVERSARY OF PINNACLES NATIONAL MONUMENT

● Mrs. BOXER. Mr. President, I take this opportunity to recognize the 100th anniversary of Pinnacles National Monument, located in San Benito County, CA.

On January 16, 1908, President Theodore Roosevelt proclaimed 2,080 acres of the Pinnacles National Forest Reserve as Pinnacles National Monument. This year, we celebrate its centennial anniversary. Part of an extinct volcano, the spectacular geology of Pinnacles National Monument has fascinated visitors for decades. A variety of flora and fauna flourishes in this unusual landscape, including an exquisite chaparral ecosystem and nearly 400 species of bees, the highest known bee-diversity of any place on Earth.

Situated near the San Andreas Rift Zone with the Central Coast to the west and Gabilan Mountain Range to the east, Pinnacles National Monument now occupies over 26,000 acres 14,000 acres of which are congressionally designated wilderness. With surrounding lands tended by farmers whose ancestors homesteaded the region and cowboys who watch over the cattle that graze on the expansive plains, Pinnacles National Monument offers a sublime glimpse into California's past.

Pinnacles is home to 20 endemic species holding special Federal or state status and is also the ancestral home range of the California condor. Pinnacles is the only National Park site that releases and maintains this extremely endangered bird species, and is critical to the overall condor recovery effort. Pinnacles is also located within the Pacific Flyway migratory route and contains the highest concentration of nesting prairie falcons of any national park in the country.

Only 100 miles from the urban centers of San Francisco and San Jose, Pinnacles National Monument remains a haven of solitude for nature enthusiasts and offers a stunning reflection of California's rural history and heritage. For 100 years, Pinnacles National Monument has served as a recreational escape for hikers, outdoor enthusiasts, and those seeking a glimpse of California's rich history. It is a powerful reminder of the beauty of nature and the importance of conservation efforts.

I commend the National Park Service staff and volunteers for maintaining the natural beauty and historical significance of Pinnacles National Monument. I look forward to future generations having the opportunity to study and enjoy this unique piece of our State and national history for another 100 years.●

RIALTO AIDS WALK

● Mrs. BOXER. Mr. President, I wish to recognize an important event that has occurred in my State of California. To honor World AIDS Day, the city of Rialto partnered with Brothers and Sisters in Action, BASIA, and First Chance/Youth-Community Health Outreach Workers to host the inaugural AIDS Walk Rialto on December 8, 2007. I am pleased to say that it was a success.

Since reported in 1981, HIV/AIDS has become the most significant communicable disease in San Bernardino County for African Americans. The rate of HIV among this group has increased dramatically since the first cases were reported. In 2005, 18 percent of the new HIV cases in San Bernardino County were in African Americans, yet African Americans represent only 8.5 percent of the population of the county. AIDS Walk Rialto aimed to broaden awareness of this disparity.

I commend the city of Rialto and the organizers of this event for the work that they are doing to turn the tide of HIV/AIDS infections on the local level. Better education and awareness programs can make a tremendous difference in stopping the spread of this disease, and I encourage an even larger parade next year.●

HONORING THE LIFE OF VU NGUYEN

● Mrs. BOXER. Mr. President, I ask my colleagues to join me as I honor the life of Sacramento sheriff's deputy Vu Dinh Nguyen, who was tragically killed in the line of duty on December 19, 2007.

Deputy Nguyen dedicated his career to law enforcement and public safety. He was a member of the Sacramento Sheriff's Department for 7 years, serving as a member of the gang unit for 3 years. Prior to his career with the Sheriff's Department, he was a probation officer for Sacramento County.

Vu Nguyen was born in Vietnam in 1970 and immigrated to the United States in 1975. His family settled in Modesto, CA, where he attended Burbank Elementary School, Mark Twain Junior High School, and Modesto High School. While attending Modesto High School he participated in several activities including football, yearbook, and student government.

Vu continued his education at California State University, Sacramento, where he graduated cum laude with a degree in criminal justice. He continued to excel at the Sheriff's Academy where he graduated with high honors.

Deputy Nguyen was married in April and is survived by his wife Phanh, parents, five sisters, and two brothers. His family, friends, and colleagues remember him as a humble man, a respected officer, and an ambassador for the Sheriff's Department in the Asian-American community where he often reached out to troubled youth.

Deputy Vu Nguyen's brave service and commitment to public safety will not be forgotten.●

ALPHA KAPPA ALPHA SORORITY

● Mrs. CLINTON. Mr. President, I am pleased to commemorate the centennial anniversary of the Alpha Kappa Alpha Sorority, Incorporated, America's first Greek-letter organization established by Black college women. It is with great pride that I join my friends Congresswoman SHEILA JACKSON-LEE, Congresswomen DIANE WATSON, and Congresswoman EDDIE BERNICE JOHNSON in extending our congratulations to all of its members on this tremendous occasion.

On January 15, 1908, Alpha Kappa Alpha Sorority was founded at Howard University in Washington, DC, by Ethel Hedgeman Lyle, who envisioned AKA as a source of social and intellectual enrichment for its members. Over the past century, AKA has evolved into a nationwide organization of college-trained women working to improve the socioeconomic conditions in their cities, States, and countries throughout the world. Today, the sorority serves through a membership of more than 200,000 women in 975 chapters in the United States and several other countries.

In September 2005, along with my colleagues in the House, I had the pleasure of cohosting a reception on Capitol Hill for the House AKA leadership and nearly 100 members. I was reminded yet again of the remarkable strength and unwavering dedication of AKA to improve the lives of others.

AKA's significant contributions to the Black community and to American society over the past century are widespread. From election reform and safety to and health care and education initiatives, AKA has raised money for and spread awareness about issues that directly impact countless lives across the country. In addition to advancing these services, AKA maintains a focus on strengthening the quality of life for its members. AKA cultivates and encourages high scholastic and ethical standards, promotes unity and friendship among college women, alleviates problems facing girls and women, maintains a progressive interest in college life and continues to demonstrate the power of Ethel Hedgeman Lyle's vision a century later.

Today marks not only a moment for celebration but also a time to give thanks to all members for the significant contributions AKA have made to our communities and America over the past century.

AKA's members have built an enduring legacy of leadership and service that has made a profound contribution to our history and to our future. As the women of AKA celebrate this significant milestone, I add to the chorus of thanks and praise for your 100 years of groundbreaking achievement and the many accomplishments yet to come.●

RETIREMENT OF MR. DAVID J. WILLIAMS

● Mr. SPECTER. Mr. President, I congratulate David J. Williams for his 30 years of service to the vaccine industry and Pennsylvania.

Mr. Williams was born in Scranton, PA, and received his accounting degree from the University of Scranton in 1973. He then joined Connaught Laboratories in 1978 as the manager of financial services. Mr. Williams was a member of the executive team and was named chief operating officer of Connaught Laboratories in 1989.

Mr. Williams steered the company through several mergers and acquisitions, growing the organization from 100 employees and sales of just over $5 million in 1978, to the creation of today's Sanofi Pasteur, the world's largest vaccine manufacturer with 11,000 employees and more than $4 billion in sales in 2007. Under Mr. Williams' guidance, more than a billion doses of Sanofi Pasteur's lifesaving vaccines are administered to more than 500 million people around the world each year, representing more than 25 percent of the global vaccine market.

Mr. Williams recognized his company's ability to address current and future public health needs by investing in a research and development program and a production plan for pandemic preparedness in the event that a public health emergency strikes the United States. Mr. Williams and Sanofi Pasteur have helped to build the domestic infrastructure necessary to protect millions of Americans from deadly diseases, while addressing public health around the world.

Mr. Williams has served as an advocate for the survival of the vaccine industry. I am told that in 1986, when the industry was being diminished by lawsuits, he served as the industry point person for negotiation of The National Childhood Vaccine Injury Compensation Act, which established the Vaccine Injury Compensation Fund. In his dedication to the larger immunization community, he created the Vaccine Policy Committee of the Pharmaceutical Research and Manufacturers of America and is a founding member of the Partnership for Prevention which includes public and private sector representatives who focus on preventative health care policies.

Mr. Williams served as the first liaison member of the Advisory Committee on Immunization Practices to the U.S. Centers for Disease Control and Prevention, which sets immunization policy in the United States. He has also served on the board of directors of the Biotechnology Industry Organization, Blue Cross of Northeastern Pennsylvania, the Hospital Service Association of Northeastern Pennsylvania, and the Board of Regents of the University of Scranton. He is one of the founding board members of the Medical Education Development Consortium.

I am advised that Mr. Williams has cultivated a culture of community involvement at Sanofi Pasteur and demonstrated a commitment to philanthropy through the company's contributions to United Way and donations of vaccines through UNICEF, the Global Alliance for Vaccines Immunization, GAVI, the World Health Organization's Global Polio Eradication Initiative and various humanitarian relief efforts.

Mr. Williams has also been committed to the economic growth and development of the Commonwealth of Pennsylvania. This includes expanding the impressive campus in Swiftwater to maintain a domestic manufacturing base for many vaccines, including influenza. Under his guidance, Sanofi Pasteur has grown to be the largest private employer in Monroe County and a purchaser of over $145 million in goods and services from Pennsylvania-based vendors. I have been pleased to assist in this important expansion through appropriation of Federal funding which not only benefits the county but the entire Commonwealth and Nation.

On January 16, 2008, after 30 years of service, David J. Williams will retire as the chairman, president, and chief executive officer of Sanofi Pasteur. I commend Dr. Williams for his distinguished career and leadership in the advancement of immunizations and the eradication of vaccine-preventable diseases.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and treaties which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE PROPOSED AGREEMENT FOR COOPERATION BETWEEN THE UNITED STATES AND THE REPUBLIC OF TURKEY RELATIVE TO PEACEFUL USES OF NUCLEAR ENERGY—PM 34

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)) (the "Act"), the text of the proposed Agreement for Cooperation between the United States of America and the Republic of Turkey Concerning Peaceful Uses of Nuclear Energy (the "Agreement") together with a copy of the unclassified Nuclear Proliferation Assessment Statement (NPAS) and of my approval of the proposed Agreement and determination that the proposed Agreement will promote, and will not constitute an unreasonable risk to, the common defense and security. The Secretary of State will submit the classified NPAS and accompanying annexes separately in appropriate secure channels.

The Agreement was signed on July 26, 2000, and President Clinton approved and authorized execution and made the determinations required by section 123 b. of the Act (Presidential Determination 2000-26, 65 FR 44403 (July 18, 2000)). However, immediately after signature, U.S. agencies received information that called into question the conclusions that had been drawn in the required NPAS and the original classified annex, specifically, information implicating Turkish private entities in certain activities directly relating to nuclear proliferation. Consequently, the Agreement was not submitted to the Congress and the executive branch undertook a review of the NPAS evaluation.

My Administration has completed the NPAS review as well as an evaluation of actions taken by the Turkish government to address the proliferation activities of certain Turkish entities (once officials of the U.S. Government brought them to the Turkish government's attention). The Secretary of State, the Secretary of Energy, and the members of the Nuclear Regulatory Commission are confident that the pertinent issues have been sufficiently resolved and that there is a sufficient basis (as set forth in the classified annexes, which will be transmitted separately by the Secretary of State) to proceed with congressional review of the Agreement and, if legislation is not enacted to disapprove it, to bring the Agreement into force.

In my judgment, entry into force of the Agreement will serve as a strong incentive for Turkey to continue its support for nonproliferation objectives and enact future sound nonproliferation policies and practices. It will also promote closer political and economic ties with a NATO ally, and provide the necessary legal framework for U.S. industry to make nuclear exports to Turkey's planned civil nuclear sector.

This transmittal shall constitute a submittal for purposes of both section 123 b. and 123 d. of the Act. My Administration is prepared to begin immediate consultations with the Senate Foreign Relations Committee and the House Foreign Affairs Committee as provided in section 123 b. Upon completion of the period of 30 days of continuous session provided for in section 123 b., the period of 60 days of continuous session provided for in section 123 d. shall commence.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 22, 2008.*

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

ENROLLED BILLS SIGNED

Under authority of the order of January 4, 2007, the following enrolled bills, previously signed by the Speaker pro tempore of the House, were signed on December 20, 2007, during the recess of the Senate, by the President pro tempore (Mr. BYRD):

S. 2271. An act to authorize State and local governments to divest assets in companies that conduct business operations in Sudan, to prohibit United States Government contracts with such companies, and for other purposes.

S. 2488. An act to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

H.R. 366. An act to designate the Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, as the "Earnest Childers Department of Veterans Affairs Outpatient Clinic".

H.R. 3996. An act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on December 20, 2007, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. VAN HOLLEN) has signed the following enrolled bills and joint resolution:

H.R. 1045. An act to designate the Federal building located at 210 Walnut Street in Des Moines, Iowa, as the "Neal Smith Federal Building".

H.R. 2011. An act to designate the Federal building and United States courthouse located at 100 East 8th Avenue in Pine Bluff, Arkansas, as the "George Howard, Jr. Federal Building and United States Courthouse".

H.R. 3470. An act to designate the facility of the United States Postal Service located at 744 West Oglethorpe Highway in Hinesville, Georgia, as the "John Sidney 'Sid' Flowers Post Office Building".

H.R. 3569. An act to designate the facility of the United States Postal Service located at 16731 Santa Ana Avenue in Fontana, California, as the "Beatrice E. Watson Post Office Building".

H.R. 3571. An act to amend the Congressional Accountability Act of 1995 to permit individuals who have served as employees of the Office of Compliance to serve as Executive Director, Deputy Executive Director, or General Counsel of the Office, and to permit individuals appointed to such positions to serve one additional term.

H.R. 3690. An act to provide for the transfer of the Library of Congress police to the United States Capitol Police, and for other purposes.

H.R. 3974. An act to designate the facility of the United States Postal Service located at 797 Sam Bass Road in Round Rock, Texas, as the "Marine Corps Corporal Steven P. Gill Post Office Building".

H.R. 4009. An act to designate the facility of the United States Postal Service located at 567 West Nepessing Street in Lapeer, Michigan, as the "Turrill Post Office Building".

H.J. Res. 72. Joint resolution making further continuing appropriations for the fiscal year 2008, and for other purposes.

S. 1396. An act to authorize a major medical facility project to modernize inpatient wards at the Department of Veterans Affairs Medical Center in Atlanta, Georgia.

S. 1896. An act to designate the facility of the United States Postal Service located at 11 Central Street in Hillsborough, New Hampshire, as the "Officer Jeremy Todd Charron Post Office".

S. 1916. An act to amend the Public Health Service Act to modify the program for the sanctuary system for surplus chimpanzees by terminating the authority for the removal of chimpanzees from the system for research purposes.

Under the authority of the order of the Senate of January 4, 2007, the enrolled bills and joint resolution were signed on December 20, 2007, by the President pro tempore (Mr. BYRD).

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on December 21, 2007, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. VAN HOLLEN) has signed the following enrolled bills:

H.R. 660. An act to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

H.R. 4839. An act to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes.

S. 863. An act to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds.

S. 2436. An act to amend the Internal Revenue Code of 1986 to clarify the term of the Commissioner of Internal Revenue.

S. 2499. An act to amend titles XVIII, XIX, and XXI of the Social Security Act to extend provisions under the Medicare, Medicaid, and SCHIP programs, and for other purposes.

Under the authority of the order of the Senate of January 4, 2007, the enrolled bills and joint resolution were signed on December 27, 2007, by the President pro tempore (Mr. BYRD).

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 4, 2007, the President pro tempore, on December 23, 2007, during the recess of the Senate, announced that he had signed the following enrolled bill:

H.R. 2764. An act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes.

Under the authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on December 24, 2007, during the recess of the Senate, received a message from the House of Representatives announcing that the enrolled bill was subsequently signed by the Speaker pro tempore (Mr. VAN HOLLEN).

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on January 3, 2008, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. VAN HOLLEN) has signed the following enrolled bill:

H.R. 2640. An act to improve the National Instant Criminal Background Check System, and for other purposes.

Under the authority of the order of the Senate of January 4, 2007, the enrolled bill was signed on January 4, 2008, by the President pro tempore (Mr. BYRD).

MESSAGE FROM THE HOUSE

At 12:30 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4986. An act to provide for the enactment of the National Defense Authorization Act for Fiscal Year 2008, as previously enrolled, with certain modifications to address the foreign sovereign immunities provisions of title 28, United States Code, with respect to the attachment of property in certain judgements against Iraq, the lapse of statutory authorities for the payment of bonuses, special pays, and similar benefits for members of the uniformed services, and for other purposes.

H.R. 2768. An act to establish improved mandatory standards to protect miners during emergencies, and for other purposes.

H.R. 3524. An act to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 4253) to improve and expand small business assistance programs for veterans of the armed forces and military reservists, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H. Res. 914. Resolution that the Clerk of the House inform the Senate that a quorum of the House is present and that the House is ready to proceed with business.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 279. Concurrent resolution providing for a conditional adjournment of the House of Representatives.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1216. An act to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 1374. An act to amend the Florida National Forest Land Management Act of 2003 to authorize the conveyance of an additional tract of National Forest System land under that Act, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2517. An act to amend the Missing Children's Assistance Act to authorize appropriations, and for other purposes; to the Committee on the Judiciary.

H.R. 2768. An act to establish improved mandatory standards to protect miners during emergencies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3179. An act to amend title 40, United States Code, to authorize the use of Federal supply schedules for the acquisition of law enforcement, security, and certain other related items by State and local governments;

to the Committee on Homeland Security and Governmental Affairs.

H.R. 3524. An act to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3866. An act to reauthorize certain programs under the Small Business Act for each of fiscal years 2008 and 2009; to the Committee on Small Business and Entrepreneurship.

H.R. 3911. An act to designate the facility of the United States Postal Service located at 95 Church Street in Jessup, Pennsylvania, as the "Lance Corporal Dennis James Veater Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4210. An act to designate the facility of the United States Postal Service located at 401 Washington Avenue in Weldon, North Carolina", as the "Dock M. Brown Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4220. An act to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4286. An act to award a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4341. An act to extend the trade adjustment assistance program under the Trade Act of 1974 for 3 months; to the Committee on Finance.

H.R. 4342. An act to designate the facility of the United States Postal Service located at 824 Manatee Avenue West in Bradenton, Florida, as the "Dan Miller Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4351. An act to amend the Internal Revenue Code of 1986 to provide individuals temporary relief from the alternative minimum tax, and for other purposes; to the Committee on Finance.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 246. Concurrent resolution honoring the United States Marine Corps for serving and defending the United States on the anniversary of its founding on November 10, 1775; to the Committee on Armed Services.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 783. An act to modify the boundary of Mesa Verde National Park, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4532. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, Tangelos Grown in Florida; Decreased Assessment Rate" (Docket No. AMS-FV-07-0088) received on January 2, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4533. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "National Organic Program—Amendments to the National List of Allowed and Prohibited Substances (Crops and Livestock)" (RIN0581-AC61) received on January 2, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4534. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pistachios Grown in California; Changes in Handling Requirements" (Docket No. AMS-FV-07-0082) received on January 2, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4535. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "National Organic Program—Amendments to the National List of Allowed and Prohibited Substances (Livestock)" (RIN0581-AC62) received on January 2, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4536. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 3 Spearmint Oil for the 2007-2008 Marketing Year" (Docket No. AMS-FV-07-0134) received on January 2, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4537. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Veterinary Diagnostic Services User Fees" (Docket No. APHIS-2006-0161) received on January 2, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4538. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to violations of the Antideficiency Act in the Health and Resource Services Administration's National Health Service Corps Scholarship and Loan Repayment Programs; to the Committee on Appropriations.

EC-4539. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to the Department's decision to cancel a public-private competition for the Naval Supply Systems Command's ocean terminal operations and maintenance services; to the Committee on Armed Services.

EC-4540. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of (23) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-4541. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Lead System Integrators" (DFARS Case 2006-D051) received on January 3, 2008; to the Committee on Armed Services.

EC-4542. A communication from the Principal Deputy Under Secretary of Defense, transmitting, pursuant to law, the Department's annual report relative to the Regional Defense Combating Terrorism Fellowship Program for fiscal year 2007; to the Committee on Armed Services.

EC-4543. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Annual Adjustment of Ceiling on Allowable Charge for Certain Disclosures Under the Fair Credit Reporting Act Section 612(f)" (FR Doc. E7-24672) received on January 3, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-4544. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Acceptance from Foreign Private Issuers of Financial Statements Prepared in Accordance with International Financial Reporting Standards without Reconciliation to U.S. GAAP" (RIN3235-AJ90) received on January 2, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-4545. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving the export of railway equipment to China; to the Committee on Banking, Housing, and Urban Affairs.

EC-4546. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving the export of materials needed to construct a natural gas plant in Peru; to the Committee on Banking, Housing, and Urban Affairs.

EC-4547. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Eligibility Requirements for Primary Securities Offerings on Forms S-3 and F-3" (RIN3235-AJ89) received on December 19, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-4548. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Smaller Reporting Company Regulatory Relief and Simplification" (RIN3235-AJ86) received on December 19, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-4549. A communication from the Regulatory Specialist, Legislative and Regulatory Activities Division, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act Regulations" (RIN1557-AD05) received on January 3, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-4550. A communication from the Counsel for Legislation and Regulations, Office of Community Planning and Development, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Empowerment Zones: Performance Standards for Utilization of Grant Funds" (RIN2506-AC16) received on January 3, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-4551. A communication from the Chief Financial Officer, Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts during fiscal year 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–4552. A communication from the Chairman, Federal Housing Finance Board, transmitting, pursuant to law, the Board's Annual Performance Budget for fiscal year 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–4553. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Federal Government Participation in the Automated Clearing House" (RIN1510-AB00) received on January 3, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–4554. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act" (Docket No. R-1302) received on December 21, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–4555. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Home Mortgage Disclosure Act" (Docket No. R-1303) received on December 21, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–4556. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, a report relative to competitions initiated or completed by the Commission during fiscal year 2007; to the Committee on Commerce, Science, and Transportation.

EC–4557. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Regulatory Amendment to Modify Recordkeeping and Reporting and Observer Requirements; Emergency Secretarial Action; Correction" (RIN0648-AW20) received on December 21, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4558. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Correcting Amendment to 50 CFR 300 Pacific Halibut Fisheries" (RIN0648-AW14) received on December 21, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4559. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Vessel Documentation; Recording of Instruments" ((RIN1625-AB18)(Docket No. USCG-2007-28098)) received on January 3, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4560. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Rates for Pilotage on the Great Lakes" ((RIN1625-AB05)(USCG 2006-24414)) received on January 3, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4561. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Lower Cowlitz River Dredging Operation; Longview, Washington" (RIN1624-AA00) received on January 3, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4562. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations (including 4 regulations beginning with. CGD01-07-161)" (RIN1624-AA09) received on January 3, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4563. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations; Gulf Intracoastal Waterway (Algiers Alternate Route), Belle Chasse, LA" ((RIN1625-AA09)(CGD08-07-042)) received on January 3, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4564. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area; Buzzards Bay, Massachusetts; Navigable Waterways within the First Coast Guard District" ((RIN1625–AB17)(CGD01–04–133)) received on January 3, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4565. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations Zone (including 3 regulations beginning with CGD01–07–136)" (RIN1625–AA09) received on January 3, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4566. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations; Quinnipiac River, New Haven, CT" ((RIN1625–AA09)(CGD01–07–091)) received on January 3, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4567. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Transportation Worker Identification Credential Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver's License" ((RIN1652–AA41)(USCG–2006–24196)) received on January 3, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4568. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Anchorage Regulations: Edgecomb, Maine, Sheepscot River" ((RIN1625–AA01)(CGD01–07–011)) received on January 3, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4569. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone: Kahului Harbor, Maui, HI" ((RIN1625–AA87)(USCG–2007–0093)) received on January 3, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4570. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone: Tinian, Commonwealth of the Northern Mariana Islands" ((RIN1625–AA87)(COTP Guam 07–005)) received on January 3, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4571. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regattas and Marine Parades; Great Annual Marine Events" ((RIN1625–AA08)(USCG–2007–27373)) received on January 3, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4572. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones (including 3 regulations beginning with COTP San Francisco Bay 07–051)" (RIN1625–AA00) received on January 3, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4573. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Correcting Amendment to 50 CFR 300.65 Pacific Halibut Fisheries; Subsistence Fishing" (RIN0648–AW04) received on January 3, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4574. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Exclusive Service Contracts for Provision of Video Services in Multiple Dwelling United and Other Real Estate Developments" ((FCC 07–189)(MB Docket 07–51)) received on January 2, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4575. A communication from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Transparency Provisions under Section 23 of the Natural Gas Act" (RIN1902–AD32) received on January 2, 2008; to the Committee on Energy and Natural Resources.

EC–4576. A communication from the Deputy Assistant Secretary, Human Capital, Performance, and Partnerships, Department of the Interior, transmitting, pursuant to law, a report relative to the competitions conducted by the Department of Interior in fiscal year 2007; to the Committee on Energy and Natural Resources.

EC–4577. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Standards for New Federal Commercial and Multi-Family High-Rise Residential Buildings and New Federal Low-Rise Residential Buildings" (RIN1904–AB13) received on January 3, 2008; to the Committee on Energy and Natural Resources.

EC–4578. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the progress of the Louisiana Coastal Protection and Restoration study; to the

Committee on Environment and Public Works.

EC–4579. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the progress of the Comprehensive Plan report on the Mississippi Coastal Improvements Program; to the Committee on Environment and Public Works.

EC–4580. A communication from the Inspector General, Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to the commercial and inherently governmental activities for fiscal year 2007; to the Committee on Environment and Public Works.

EC–4581. A communication from the Acting Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Arenaria ursina, Castilleja cinerea, and Eriogonum kennedyi var. austromontanum" (RIN1018–AU80) received on December 20, 2007; to the Committee on Environment and Public Works.

EC–4582. A communication from the Acting Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Coastal California Gnatcatcher" (RIN1018–AV38) received on December 20, 2007; to the Committee on Environment and Public Works.

EC–4583. A communication from the Acting Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the San Diego Fairy Shrimp" (RIN1018–AI71) received on December 20, 2007; to the Committee on Environment and Public Works.

EC–4584. A communication from the Acting Chair, Federal Subsistence Board, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D—2007–2008 Subsistence Taking of Wildlife Regulations; 2007–2008 Subsistence Taking of Fish on the Kenai Peninsula Regulations" (RIN1018–AU15) received on December 20, 2007; to the Committee on Environment and Public Works.

EC–4585. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Michigan: Final Authorization of State Hazardous Waste Management Program Revision" (FRL No. 8514–1) received on January 3, 2008; to the Committee on Environment and Public Works.

EC–4586. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and Amendments to the 1-Hour Ozone Maintenance Plan" (FRL No. 8513–8) received on January 3, 2008; to the Committee on Environment and Public Works.

EC–4587. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Difenoconazole; Pesticide Tolerance" (FRL No. 8343–5) received on January 3, 2008; to the Committee on Environment and Public Works.

EC–4588. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, a report relative to the Administration's competitive sourcing efforts during fiscal year 2007; to the Committee on Finance.

EC–4589. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Revisit User Fee Program for Medicare Survey and Certification Activities" (RIN0938–AP22) received on January 2, 2008; to the Committee on Finance.

EC–4590. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Elimination of Reimbursement under Medicaid for School Administration Expenditures and Costs Related to Transportation of School-Age Children between Home and School" (RIN0938–AP13) received on January 2, 2008; to the Committee on Finance.

EC–4591. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 6615 of SWOTA on 10-year Amortization for Funding Modifying Section 402 of PPA'06" (Announcement 2008–2) received on January 2, 2008; to the Committee on Finance.

EC–4592. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—January 2008" (Rev. Rul. 2008–4) received on January 2, 2008; to the Committee on Finance.

EC–4593. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service. Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Diversification of Investments in Certain Defined Contribution Plans—Extension of Notice 2006–107" (Notice 2008–7) received on January 2, 2008; to the Committee on Finance.

EC–4594. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "CPI Adjustment for Section 1274A for 2008" (Rev. Rul. 2008–3) received on January 2, 2008; to the Committee on Finance.

EC–4595. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Active Conduct of a Trade or Business" (Notice 2008–9) received on January 2, 2008; to the Committee on Finance.

EC–4596. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Return Information to the Bureau of the Census" ((RIN1545–BE08)(TD 9372)) received on January 2, 2008; to the Committee on Finance.

EC–4597. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Reduction of Foreign Tax Credit Limitation Categories under Section 904(d)" ((RIN1545–BG55)(TD 9368)) received on January 2, 2008; to the Committee on Finance.

EC–4598. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Treatment of Overall Foreign and Domestic Losses" ((RIN1545–BH13)(TD 9371)) received on January 2, 2008; to the Committee on Finance.

EC–4599. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "User Fees Relating to Enrollment to Perform Actuarial Services" ((RIN1545–BG88)(TD 9370)) received on January 2, 2008; to the Committee on Finance.

EC–4600. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Application of Wash Sale Rule when Stock is Repurchased in an IRA" (Rev. Rul. 2008–5) received on January 2, 2008; to the Committee on Finance.

EC–4601. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Information Reporting Requirements under Internal Revenue Code Section 6039" (Notice 2008–8) received on January 2, 2008; to the Committee on Finance.

EC–4602. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Return Information to the Bureau of the Census" ((RIN1545–BH30)(TD 9373)) received on January 2, 2008; to the Committee on Finance.

EC–4603. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Calculating and Apportioning Section 11(b)(1) Additional Tax under Section 1561 for Controlled Groups" ((RIN1545–BG40)(TD 9369)) received on January 2, 2008; to the Committee on Finance.

EC–4604. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to actions taken to extend certain conditions of an agreement with the Republic of Mali; to the Committee on Finance.

EC–4605. A communication from the Director, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Small Domestic Producer Wine Tax Credit—Implementation of Public Law 104–108, Section 1702, Amendments Related to the Revenue Reconciliation Act of 1990" (RIN1515–AA05) received on December 19, 2007; to the Committee on Finance.

EC–4606. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Regulations Under

Section 367(a) Applicable to Certain Outbound Reorganizations and Section 351 Exchanges" (Notice 2008-10) received on January 3, 2008; to the Committee on Finance.

REPORTS OF COMMITTEES DURING ADJOURNMENT

Under the authority of the order of the Senate of December 19, 2007, the following reports of committees were submitted on January 8, 2008:

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S. 2532. An original bill to amend titles XVIII, XIX, and XXI of the Social Security Act to improve health care provided to Indians under the Medicare, Medicaid, and State Children's Health Insurance Programs, and for other purposes (Rept. No. 110-255).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 550. A bill to preserve existing judgeships on the Superior Court of the District of Columbia (Rept. No. 110-256).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1650. A bill to establish a digital and wireless network technology program, and for other purposes (Rept. No. 110-257).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 2248, An original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes (Rept. No. 110-258).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

H.R. 735. A bill to designate the Federal building under construction at 799 First Avenue in New York, New York, as the "Ronald H. Brown United States Mission to the United Nations Building".

S. 862. A bill to designate the Federal building located at 210 Walnut Street in Des Moines, Iowa, as the "Neal Smith Federal Building".

S. 1189. A bill to designate the Federal building and United States Courthouse located at 100 East 8th Avenue in Pine Bluff, Arkansas, as the "George Howard, Jr. Federal Building and United States Courthouse".

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS DURING ADJOURNMENT

By Mr. BAUCUS:

S. 2532. An original bill to amend titles XVIII, XIX, and XXI of the Social Security Act to improve health care provided to Indians under the Medicare, Medicaid, and State Children's Health Insurance Programs, and for other purposes; from the Committee on Finance; placed on the calendar.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KENNEDY (for himself, Mr. SPECTER, and Mr. LEAHY):

S. 2533. A bill to enact a safe, fair, and responsible state secrets privilege Act; to the Committee on the Judiciary.

By Mr. BAYH:

S. 2534. A bill to designate the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, Indiana, as the "Julia M. Carson Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. REID (for Mrs. CLINTON):

S. 2535. A bill to revise the boundary of the Martin Van Buren National Historic Site, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. HUTCHISON:

S. 2536. A bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain debts to the United States in the case of veterans who die as a result of a service-connected disability incurred or aggravated on active duty in a combat zone, and for other purposes; to the Committee on Veterans' Affairs .

By Mr. VITTER:

S. 2537. A bill to suspend temporarily the duty on cyclopentanone; to the Committee on Finance.

By Mr. VITTER:

S. 2538. A bill to suspend temporarily the duty on glyoxylic acid; to the Committee on Finance.

By Mr. SPECTER:

S. 2539. A bill to amend the Internal Revenue Code of 1986 to provide a special depreciation allowance for certain property placed in service during 2008 and 2009; to the Committee on Finance.

By Mr. SPECTER:

S. 2540. A bill to amend the Internal Revenue Code to provide expensing for certain property placed in service during 2008 and 2009; to the Committee on Finance.

By Mr. REID:

S. 2541. A bill to extend the provisions of the Protect America Act of 2007 for an additional 30 days; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 2542. A bill to amend the Truth in Lending Act to provide for enhanced disclosure under an open end credit plan; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ENSIGN (for himself, Mr. ALEXANDER, Mr. BROWNBACK, Mr. BUNNING, Mr. COBURN, Mr. COLEMAN, Mr. CORNYN, Mrs. DOLE, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGEL, Mrs. HUTCHISON, Mr. INHOFE, Mr. KYL, Mr. MCCAIN, Mr. MCCONNELL, Mr. ROBERTS, Mr. SESSIONS, Mr. SHELBY, Mr. THUNE, Mr. VOINOVICH, Mr. HATCH, and Mr. NELSON of Nebraska):

S. 2543. A bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. BINGAMAN, Mr. HARKIN, Mr. REED, Mrs. CLINTON, Mr. OBAMA, and Mr. BROWN):

S. 2544. A bill to provide for a program of temporary extended unemployment compensation; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. STEVENS (for himself, Mr. BYRD, and Mr. COLEMAN):

S. Res. 419. A resolution honoring the life and extraordinary contributions of Diane Wolf; considered and agreed to.

By Mr. REID (for himself, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 420. A resolution commending Martin P. Paone; considered and agreed to.

ADDITIONAL COSPONSORS

S. 14

At the request of Mr. KYL, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 14, a bill to repeal the sunset on certain tax rates and other incentives and to repeal the individual alternative minimum tax, and for other purposes.

S. 22

At the request of Mr. WEBB, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 170

At the request of Mr. ENSIGN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 170, a bill to amend the Internal

Revenue Code of 1986 to repeal the excise tax on telephone and other communications services.

S. 218

At the request of Ms. SNOWE, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 218, a bill to amend the Internal Revenue Code of 1986 to modify the income threshold used to calculate the refundable portion of the child tax credit.

S. 367

At the request of Mr. DORGAN, the names of the Senator from New York (Mr. SCHUMER), the Senator from California (Mrs. BOXER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 367, a bill to amend the Tariff Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, and for other purposes.

S. 400

At the request of Mr. SUNUNU, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Arizona (Mr. MCCAIN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 502

At the request of Mr. CRAPO, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 502, a bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gains rates.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 548

At the request of Mr. LEAHY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 548, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 627

At the request of Mr. HARKIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 627, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to improve the health and well-being of maltreated infants and toddlers through the creation of a National Court Teams Resource Center, to assist local Court Teams, and for other purposes.

S. 814

At the request of Mr. SPECTER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 814, a bill to amend the Internal Revenue Code of 1986 to allow the deduction of attorney-advanced expenses and court costs in contingency fee cases.

S. 937

At the request of Ms. COLLINS, her name was added as a cosponsor of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 970

At the request of Mr. SMITH, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

At the request of Mr. DURBIN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 970, supra.

S. 980

At the request of Mrs. FEINSTEIN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 980, a bill to amend the Controlled Substances Act to address online pharmacies.

S. 988

At the request of Ms. MIKULSKI, the names of the Senator from North Carolina (Mrs. DOLE) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 1003

At the request of Ms. STABENOW, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1107

At the request of Mr. SMITH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1107, a bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

S. 1120

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1120, a bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine and public health.

S. 1204

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1204, a bill to enhance Federal efforts focused on public awareness and education about the risks and dangers associated with Shaken Baby Syndrome.

S. 1259

At the request of Mr. SANDERS, his name was added as a cosponsor of S. 1259, a bill to amend the Foreign Assistance Act of 1961 to provide assistance for developing countries to promote quality basic education and to establish the achievement of universal basic education in all developing countries as an objective of United States foreign assistance policy, and for other purposes.

S. 1310

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1310, a bill to amend title XVIII of the Social Security Act to provide for an extension of increased payments for ground ambulance services under the Medicare program.

S. 1343

At the request of Mr. BROWN, his name was added as a cosponsor of S. 1343, a bill to amend the Public Health Service Act with respect to prevention and treatment of diabetes, and for other purposes.

S. 1395

At the request of Mr. LEVIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1395, a bill to prevent unfair practices in credit card accounts, and for other purposes.

S. 1406

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1406, a bill to amend the Marine Mammal Protection Act of 1972 to strengthen polar bear conservation efforts, and for other purposes.

S. 1515

At the request of Mr. BIDEN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1515, a bill to establish a domestic violence volunteer attorney network to represent domestic violence victims.

S. 1551

At the request of Mr. BROWN, the name of the Senator from South Dakota, (Mr. JOHNSON) was added as a cosponsor of S. 1551, a bill to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1750

At the request of Mr. SPECTER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1750, a bill to amend title XVIII of the Social Security Act to preserve access to community cancer care by Medicare beneficiaries.

S. 1812

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 1812, a bill to amend the Elementary and Secondary Education Act of 1965 to strengthen mentoring programs, and for other purposes.

S. 1914

At the request of Mrs. FEINSTEIN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1914, a bill to require a comprehensive nuclear posture review, and for other purposes.

S. 1951

At the request of Mr. BAUCUS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1951, a bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes.

S. 1965

At the request of Mr. STEVENS, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1965, a bill to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

S. 1975

At the request of Mr. DODD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1975, a bill to expand family and medical leave in support of servicemembers with combat-related injuries.

S. 1980

At the request of Mr. SMITH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1980, a bill to improve the quality of, and access to, long-term care.

S. 2050

At the request of Mr. BROWN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2050, a bill to amend title II of the Social Security Act to eliminate the five-month waiting period in the disability insurance program, and for other purposes.

S. 2051

At the request of Mr. CONRAD, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2051, a bill to amend the small rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 2059

At the request of Ms. COLLINS, her name was added as a cosponsor of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S. 2059, supra.

At the request of Mr. BROWN, his name was added as a cosponsor of S. 2059, supra.

S. 2067

At the request of Mr. MARTINEZ, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2067, a bill to amend the Federal Water Pollution Control Act relating to recreational vessels.

S. 2071

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2071, a bill to enhance the ability to combat methamphetamine.

S. 2092

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2092, a bill to amend title 11, United States Code, to improve protections for employees and retirees in business bankruptcies.

S. 2119

At the request of Mr. JOHNSON, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2166

At the request of Mr. CASEY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2166, a bill to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes.

At the request of Mr. KERRY, his name was added as a cosponsor of S. 2166, supra.

S. 2194

At the request of Mr. SALAZAR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2194, a bill to amend the Elementary and Secondary Education Act of 1965 to establish a partnership between the Department of Education and the National Park Service to provide educational opportunities for students and teachers, and for other purposes.

S. 2324

At the request of Mrs. MCCASKILL, the name of the Senator from Oklahoma (Mr. COBURN) was withdrawn as a cosponsor of S. 2324, a bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to enhance the Offices of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes.

S. 2332

At the request of Mr. DORGAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2332, a bill to promote transparency in the adoption of new media ownership rules by the Federal Communications Commission, and to establish an independent panel to make recommendations on how to increase the representation of women and minorities in broadcast media ownership.

S. 2337

At the request of Mr. GRASSLEY, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2337, a bill to amend the Internal Revenue Code of 1986 to allow long-term care insurance to be offered under cafeteria plans and flexible spending arrangements and to provide additional consumer protections for long-term care insurance.

S. 2368

At the request of Mr. PRYOR, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2368, a bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical employer verification program.

S. 2372

At the request of Mr. SMITH, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 2372, a bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear.

S. 2420

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2420, a bill to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food.

S. 2423

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2423, a bill to facilitate price transparency in markets for the sale of emission allowances, and for other purposes.

S. 2426

At the request of Mr. WHITEHOUSE, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2426, a bill to provide for congressional oversight of United States agreements with the Government of Iraq.

At the request of Mr. BAYH, his name was added as a cosponsor of S. 2426, supra.

S. 2453

At the request of Mr. ALEXANDER, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 2453, a bill to amend title VII of the Civil Rights Act of 1964 to clarify requirements relating to nondiscrimination on the basis of national origin.

S. 2456

At the request of Mr. BAYH, his name was added as a cosponsor of S. 2456, a bill to amend the Public Health Service Act to improve and secure an adequate supply of influenza vaccine.

S. 2485

At the request of Mr. TESTER, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2485, a bill to amend the Public Health Service Act to provide for the participation of physical therapists in the National Health Service Corps Loan Repayment Program, and for other purposes.

S. 2486

At the request of Mr. KERRY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2486, a bill to remove a provision from the Immigration and Nationality Act that prohibits individuals with HIV from being admissible to the United States, and for other purposes.

S.J. RES. 26

At the request of Mrs. DOLE, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Florida (Mr. MARTINEZ) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S.J. Res. 26, a joint resolution supporting a base Defense Budget that at the very minimum matches 4 percent of gross domestic product.

S.J. RES. 27

At the request of Mrs. DOLE, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S.J. Res. 27, a joint resolution proposing an amendment to the Constitution of the United States relative to the line item veto.

S. CON. RES. 63

At the request of Mr. SPECTER, his name was added as a cosponsor of S. Con. Res. 63, a concurrent resolution expressing the sense of the Congress regarding the need for additional research into the chronic neurological condition hydrocephalus, and for other purposes.

S. RES. 106

At the request of Mr. DURBIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Res. 106, a resolution calling on the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

AMENDMENT NO. 3857

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 3857 intended to be proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON:

S. 2536. A bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain debts to the United States in the case of veterans who die as a result of a service-connected disability incurred or aggravated on active duty in a combat zone, and for other purposes; to the Committee on Veterans' Affairs.

Mrs. HUTCHISON. Mr. President, I rise to speak on a bill I filed today, the Combat Veterans Debt Elimination Act of 2008. This bill requires the Secretary of the Department of Veterans Affairs to forgive certain debts by our service members who have already paid the ultimate price in combat. This bill is about honoring our fallen heroes by treating the families they left behind with dignity, and by showing them we truly mean it when we tell them our Nation is grateful.

If a member of our Armed Forces is killed and owes the Department of Veterans Affairs any outstanding debts, the Secretary of VA is required by law to notify the deceased family of the debt. I am appalled at this. I am saddened. If a service member is killed in combat, his or her family has already paid enough. I cannot think of anything more insulting than to tell a family who has just lost a loved one that they owe a couple of hundred dollars to the Government. I for one will not stand for this.

Let me explain the scope of this problem to illustrate how simple it should be to fix. There are 22 service members who were killed in combat fighting in Iraq and Afghanistan who have debts to the VA. If you combined the debts of those 22 service members, the total amount of their debt would come to $56,366. In most cases the service member's debt came in the form of educational benefit payments so they could go to college. During their enrollment at school, they were called into service, and they were killed. Later on, the VA was forced to contact the families of the deceased and notify them of those outstanding debts. How tragic is this?

Three of the 22 cases occurred in my home State of Texas, which is more than any other State. One fallen hero, a brave young man from Raymondville, TX, joined the Army in 1997, right out of high school where he was both an academic star, and an athletic star. He had been accepted to a prestigious university, but put service to his country first. He was on his 3rd tour in Iraq when he was killed by a sniper's bullet. When he died, he owed the Government $389 in education assistance payments. The Secretary of VA was required by law to contact that family and ask for $389. I cannot imagine a more insensitive requirement. The family paid this debt in full because they believed it was the right thing to do. But did we do the right thing? I regret to say we did not. I am embarrassed that this happened and I beseech my colleagues to fix this problem today.

A second case involved an Army Sergeant from Missouri City, TX. After serving in the Marine Corps for a number of years, this young man enlisted in the Army. After high school he attended 2 different colleges utilizing VA education benefits. When he was deployed, he dropped out of school to serve his country. He served one tour in Afghanistan and was on his 2nd tour in Iraq when he was killed by a bomb explosion. Because he had dropped out of school, the deceased owed the VA $2,282. He is survived by a wife and 4 children. The family paid the VA because they also believed it was the right thing to do.

The third Texas case involved a Marine reservist. He graduated from Texas A&M University and intended to be a cardiovascular surgeon. He had received education assistance to go to the University. He was also killed in an explosion in Iraq. He was married and had 2 small children. Two days before his death the VA sent him a letter saying he owed $845.

This is not a bill that should in any way fall into politics. This bill should be passed quickly on a bipartisan basis. There are cases just like the ones I mentioned in Wisconsin, North Carolina, Illinois, Iowa, Connecticut, Nebraska, Colorado, Michigan, Washington, California, New York, Kentucky, Georgia and South Carolina. It is clear our entire Nation is affected and we have to do something now.

I know bills are usually referred to the committee of jurisdiction for review. I have served in this distinguished body for 15 years. But I am convinced this is a special case, and so I am here today asking the distinguished Majority and Minority Leaders to bring this bill to the floor before another family suffers the indignity of the current law. The VA has no choice but to follow the law, but we, here in Congress, have the power to change it. We can and should correct this requirement and honor the memories and the families of our fallen heroes.

I am calling on all of my colleagues to right this wrong immediately. We cannot let this law stand another day. Our soldiers and their families deserve better. Every day is crucial to passing this legislation and I ask my colleagues to join with me in this endeavor.

By Mr. SPECTER:

S. 2539. A bill to amend the Internal Revenue Code of 1986 to provide a special depreciation allowance for certain property placed in service during 2008 and 2009; to the Committee on Finance.

Mr. SPECTER. I have sought recognition to introduce two bills with a view to aiding an emergency economic stimulus package. I am pleased to see that the President and the Democratic leaders of the House of Representatives and the Senate have stated their intentions to work together to provide an economic stimulus package. There is no doubt, based upon what is happening in markets around the world, that there is an urgent need for such a package.

It has been well known that the American people have not looked kindly on what is happening in Washington, DC. The approval ratings of the President are low. The approval ratings of the Congress are low. It appears sometimes as if it is a race to the bottom as to who is going to be the lowest the fastest.

But now I think we have an opportunity, in the face of an emergency—what may accurately be described as a real crisis—to take some effective action. It is my hope we will move with dispatch, with all due deliberation. We have the finest economic minds at work on the issue. There have been a lot of studies, and with our background of knowledge we are in a position to move.

There is no doubt the Congress can move promptly when the Congress has the will to do so with the President. Congress and the President have the capacity to move promptly. It is only a question of the will. I think this is an opportunity for the Federal Government to redeem itself in the eyes of the American people by acting.

I am pleased to see that Federal Reserve Chairman Bernanke has acted this morning to drop interest rates by three-quarters of a percentage point to 3.5 percent. The Chairman of the Fed does not quite go so far as to say we are in a recession, but he has pretty dire news saying:

> The committee took this action in view of a weakening of the economic outlook and increasing downside risks to growth. While strains in short-term funding markets have eased somewhat, broader financial market conditions have continued to deteriorate and credit has tightened further for some businesses and households.

I think it is really an understatement. I think the credit market is a shambles, that if you look at the indicators in terms of borrowing on a variety of sources, credit is simply not there.

Many had urged the Fed to lower the rate to 3 percent. Candidly, that would have been my choice. But I think three-quarters of a percent is decisive action, and that should be the starting point for an economic package from Congress.

I appreciate the fact that the President has honored the wishes of the leaders of the Democrats in Congress to await specifics until there has been a meeting and a rejoinder of action. But I think the time has come now to be specific.

The two legislative proposals which I am suggesting today deal with depreciation schedules. Currently, there are depreciation schedules on the 3-, 5-, and 7-year mark which my legislation would expense—or, that is, depreciate—in the year when the expenditure is made. Calculating the cost of this legislation over a 10-year period, the Joint Committee on Taxation should find that it will not cost a great deal on the books.

The second bill which I am introducing would give a bonus depreciation of 50 percent on items purchased on all depreciation schedules. The bonus of 50 percent in 2008 or 50 percent in 2009, if the purchases are made in either of these 2 years, will be a considerable stimulus.

These are not original ideas of mine; these ideas have been proposed from a variety of sources, including a commentary article from The Wall Street Journal dated January 12, 2008. The ideas were forwarded last week to the Secretary of Treasury, Secretary Paulson, and the Chairman of the Council of Economic Advisers, Edward Lazear.

It is my hope we will move promptly with an economic stimulus package. It is my hope that while there may be divergent views and many different points of view, that the efforts are being focused to the maximum extent possible on progrowth ideas.

There is no doubt we have a very serious problem with credit today. What the Federal Reserve has done in lowering the rate three-quarters of a percent to 3.5 percent is a significant start, but more needs to be done on seeing to it that credit is available in our economy.

Mr. President, I have sought recognition to introduce two pieces of legislation designed to provide immediate economic stimulus for an economy hindered by a housing crisis, rising oil prices, unemployment, sagging stock markets, and battered consumer confidence. Both bills I am introducing today, S. 2539 and S. 2540, provide incentives for firms to place new equipment and other assets into use, thus creating new job opportunities. Specifically, my proposals allow firms to deduct, or expense, a greater share of new equipment in the year placed in service. The need for aggressive action is becoming more apparent with each passing day.

There is increasing sentiment that timely action is needed by Congress to stimulate growth beyond what the Federal Reserve can achieve through lower interest rates. Many experts, including former Federal Reserve chairman Alan Greenspan and former Treasury Secretary Lawrence H. Summers, have indicated that the U.S. economy is not faring well and that a recession may be in our future.

Meanwhile, Federal Reserve Chairman Ben Bernanke has been hesitant to classify the deteriorating economy as being in recession. However, in response to an international stock selloff and the likelihood of a sharp drop in America, the Federal Reserve cut its benchmark short-term interest rate by ¾ of a percentage point to 3.5 percent this morning, Tuesday January 22, 2007. In a statement, the Federal Reserve said: "The committee took this action in view of a weakening of the economic outlook and increasing downside risks to growth. While strains in short-term funding markets have eased somewhat, broader financial market conditions have continued to deteriorate and credit has tightened further for some businesses and households."

Our current economic difficulties were accentuated with the subprime mortgage crisis. With interest rates at all-time lows, lenders increasingly offered mortgages to those who previously either would not have qualified for a mortgage or could not have afforded the payments on a mortgage. Many borrowers with adjustable rate, interest-only or no-down-payment mortgages have been unable to keep up with their monthly mortgage payments that have reset to higher rates.

The implications of the subprime mortgage crisis have now spread beyond the housing sector.

A mere 18,000 jobs were added in December, falling significantly short from the 70,000 that were projected by industry analysts. According to the Labor Department's monthly report, the unemployment rate also jumped to 5 percent, up from November's 4.7 percent. Our economy has not seen that level of unemployment in 2 years. On January 2, 2007, crude oil prices hit the $100 per barrel milestone for the first time. The high cost of energy continues to drive up the cost of doing business. This also means a higher cost of living for American consumers. The Consumer Price Index increased 0.8 percent in November, its largest advance since September 2005. A weak holiday shopping season also suggests that consumer confidence is low. According to the International Council of Shopping Centers, sales growth for retailers was the lowest in 7 years.

On Friday, January 18, 2008, the President made clear that timely action is needed during a televised address with his economic advisors. The President outlined a broad framework for an economic stimulus package, one that: Is big enough to make a difference; is built on broad-based tax relief; is temporary and takes effect right away; and does not include any tax increases. Specifically, the President called for Congress to enact temporary tax relief consisting of rebate checks for individuals and investment incentives for businesses. He has tasked Treasury Secretary Henry Paulson and Ed Lazear, Chairman of the Council on Economic Advisors, to work with Congress on agreeing on details of a package.

Many in Congress are floating ideas for a package to kick-start the economy, including boosting spending for extending unemployment benefits and providing States with fiscal relief. No matter what the final product, it is my belief that any package passed into law should include tax incentives to spur immediate business investment. The two bills I introduce today are designed to help firms acquire new capital and expand their operations. Incentives for investment will lead to job creation and help dampen the threat of a recession. In the long-term, investment incentives will lead to increased growth. On January 16, 2008, I wrote to Edward Lazear, Chairman of the President's Council of Economic Advisors, urging him to consider these proposals as cornerstones of any economic stimulus package. I sent a similar letter to Treasury Secretary Hank Paulson on January 18, 2008.

My first piece of legislation provides 2 years of "bonus depreciation" for all sectors of the economy. Specifically, firms would be allowed to expense 50 percent of the cost of new equipment in the first year the asset is put to use. Remaining value would be deducted over the course of its useful life by using the Internal Revenue Code depreciation schedules. By allowing firms to expense a greater share of the value of an asset in the first year, this proposal frees up additional resources for firms to hire more workers and expand their operations.

In the long-run, the cost of this proposal is minimal because it simply accelerates a tax benefit that is due over time. This proposal does not create a new deduction. However, because this proposal will affect assets depreciated on schedules longer than 10 years, this bill will have a static revenue cost over a 10-year scoring period.

The second piece of legislation I offer today will allow a variety of sectors to take advantage of one-hundred percent up-front expensing for new assets that are placed into service during tax years 2008 and 2009. Specifically, this legislation would allow all equipment which is currently depreciated on the 3-, 5-, and 7-year schedules to be fully expensed in year one. Under current law, when a company buys an asset that will last longer than 1 year, the company cannot, under most circumstances, deduct the entire cost and enjoy an immediate tax benefit. Instead, the company must depreciate the cost over the useful life of the asset, taking a tax deduction for a part of the cost each year. While the company will get to deduct the full cost of the asset, delaying this benefit is a disadvantage to the company. By allowing firms to deduct the cost of a new asset in year one, expensing spurs new investments quickly, which helps to drive immediate job creation.

The assets that currently depreciate on these schedules are so varied that virtually every sector of the economy would be able to take advantage of this benefit and expand their businesses. Some of the assets and sectors on these schedules include office equipment, transportation equipment, agriculture, textiles, furniture manufacturing, steel products and high-tech manufacturing. I have included at the conclusion of this statement a full list of the asset classes impacted by this bill.

One particular advantage to this legislation is the minimal cost impact as viewed by the Joint Committee on Taxation, the Congressional unit which investigates the operation and effects of internal revenue taxes and the administration of such taxes. Because revenue legislation is scored over a 10-year window and the tax benefit inferred by this bill still occurs within that span, quicker, it is my belief that the revenue impact will be negligible. This point is of particular importance in the 110th Congress because of PAYGO scoring rules that require offsetting revenue raising provisions to be included in order to "pay for" tax relief.

A January 12, 2008, op-ed in the Wall Street Journal entitled "The JFK Stimulus Plan," by Ernest S. Christian and Gary A. Robbins, provides an excellent argument for the approach I have identified with these two bills. According to Mr. Christian and Mr. Robbins, "More investment means more productivity—and 80 percent of the net benefit from increased productivity goes to labor. Expensing is a no-risk tax cut. It worked four times in the 1960s and 1970s. It worked in 1981–1982 and again in 2002–2004." They cite a 2001 analysis conducted by the Institute for Policy Innovation: "Each $1 of tax cut from first-year expensing produces about $9 of additional GDP growth." A copy of the op-ed is included for the RECORD.

To address a short-run need for economic stimulus, I urge my colleagues to support this legislation as Congress begins making important decisions on how best to address our slumping economy. These bills are supported by the U.S. Chamber of Commerce, the National Association of Manufacturers, Americans for Tax Reform, and the National Restaurant Association.

In the long run, it is my belief that Congress should consider taking steps to both enhance and make expensing tax benefits permanent. There are strong arguments for allowing all businesses to deduct these costs fully in the year paid instead of requiring them to collect a benefit over a long amount of time. In addition to the issue of providing tax incentives for businesses to invest in new growth capital, I believe it will also be important in the long-run to provide sustained relief for American taxpayers. The President has acknowledged that while passing a new growth package is our most pressing economic priority, Congress needs to turn next to making sure that tax relief that is now in place is not taken away.

I look forward to working with my colleagues to rapidly enact a bipartisan fiscal stimulus package to help our sluggish economy.

Mr. President I ask unanimous consent that the text of the bills and supporting material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2539

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIAL DEPRECIATION ALLOWANCE FOR CERTAIN PROPERTY PLACED IN SERVICE DURING 2008 AND 2009.

(a) IN GENERAL.—Subsection (k) of section 168 of the Internal Revenue Code of 1986 is amended to read as follows:

"(k) 50 PERCENT BONUS DEPRECIATION FOR CERTAIN PROPERTY.—

"(1) ADDITIONAL ALLOWANCE.—In the case of any qualified property—

"(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of the qualified property, and

“(B) the adjusted basis of the qualified property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

“(2) QUALIFIED PROPERTY.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified property’ means property—

“(i)(I) to which this section applies which has a recovery period of 20 years or less,

“(II) which is computer software (as defined in section 167(f)(1)(B)) for which a deduction is allowable under section 167(a) without regard to this subsection,

“(III) which is water utility property,

“(IV) which is qualified leasehold improvement property,

“(V) which is qualified restaurant property (as defined in subsection (e)(7), but without regard to subparagraph (A) thereof), or

“(VI) which is qualified retail improvement property,

“(ii) the original use of which commences with the taxpayer on or after the starting date,

“(iii) which is—

“(I) acquired by the taxpayer on or after the starting date and before the ending date, but only if no written binding contract for the acquisition was in effect before the starting date, or

“(II) acquired by the taxpayer pursuant to a written binding contract which was entered into on or after the starting date and before the ending date, and

“(iv) which is placed in service by the taxpayer before the ending date, or, in the case of property described in subparagraph (B) or (C), before the date that is 1 year after the ending date.

“(B) CERTAIN PROPERTY HAVING LONGER PRODUCTION PERIODS TREATED AS QUALIFIED PROPERTY.—

“(i) IN GENERAL.—The term ‘qualified property’ includes any property if such property—

“(I) meets the requirements of clauses (i), (ii), and (iii) of subparagraph (A),

“(II) has a recovery period of at least 10 years or is transportation property,

“(III) is subject to section 263A, and

“(IV) meets the requirements of clause (ii) or (iii) of section 263A(f)(1)(B) (determined as if such clauses also apply to property which has a long useful life (within the meaning of section 263A(f))).

“(ii) ONLY PRE-ENDING DATE BASIS ELIGIBLE FOR ADDITIONAL ALLOWANCE.—In the case of property which is qualified property solely by reason of clause (i), paragraph (1) shall apply only to the extent of the adjusted basis thereof attributable to manufacture, construction, or production before the ending date.

“(iii) TRANSPORTATION PROPERTY.—For purposes of this subparagraph, the term ‘transportation property’ means tangible personal property used in the trade or business of transporting persons or property.

“(iv) APPLICATION OF SUBPARAGRAPH.—This subparagraph shall not apply to any property which is described in subparagraph (C).

“(C) CERTAIN AIRCRAFT.—The term ‘qualified property’ includes property—

“(i) which meets the requirements of clauses (ii) and (iii) of subparagraph (A),

“(ii) which is an aircraft which is not a transportation property (as defined in subparagraph (B)(iii)) other than for agricultural or firefighting purposes,

“(iii) which is purchased and on which such purchaser, at the time of the contract for purchase, has made a nonrefundable deposit of the lesser of—

“(I) 10 percent of the cost, or

“(II) $100,000, and

“(iv) which has—

“(I) an estimated production period exceeding 4 months, and

“(II) a cost exceeding $200,000.

“(3) EXCEPTIONS.—

“(A) ALTERNATIVE DEPRECIATION PROPERTY.—This subsection shall not apply to any property to which the alternative depreciation system under subsection (g) applies, determined—

“(i) without regard to paragraph (7) of subsection (g) (relating to election to have system apply), and

“(ii) after application of section 280F(b) (relating to listed property with limited business use).

“(B) ELECTION OUT.—If a taxpayer makes an election under this subparagraph with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

“(4) SPECIAL RULES.—

“(A) SELF-CONSTRUCTED PROPERTY.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer's own use, the requirements of paragraph (2)(A)(iii) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property after the starting date and before the ending date.

“(B) SALE-LEASEBACKS.—For purposes of subparagraph (C) and paragraph (2)(A)(ii), if property is—

“(i) originally placed in service on or after the starting date by a person, and

“(ii) sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in subclause (II).

“(C) SYNDICATION.—For purposes of paragraph (2)(A)(ii), if—

“(i) property is originally placed in service on or after the starting date by the lessor of such property,

“(ii) such property is sold by such lessor or any subsequent purchaser within 3 months after the date such property was originally placed in service (or, in the case of multiple units of property subject to the same lease, within 3 months after the date the final unit is placed in service, so long as the period between the time the first unit is placed in service and the time the last unit is placed in service does not exceed 12 months), and

“(iii) the user of such property after the last sale during such 3-month period remains the same as when such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date of such last sale.

“(D) LIMITATIONS RELATED TO USERS AND RELATED PARTIES.—This subsection shall not apply to any property if—

“(i) the user of such property (as of the date on which such property is originally placed in service) or a person which is related (within the meaning of section 267(b) or 707(b)) to such user or to the taxpayer had a written binding contract in effect for the acquisition of such property at any time before the starting date, or

“(ii) in the case of property manufactured, constructed, or produced for such user's or person's own use, the manufacture, construction, or production of such property began at any time before the starting date.

“(5) COORDINATION WITH SECTION 280F.—For purposes of section 280F—

“(A) AUTOMOBILES.—In the case of a passenger automobile (as defined in section 280F(d)(5)) which is qualified property, the Secretary shall increase the limitation under section 280F(a)(1)(A)(i) by $7,650.

“(B) LISTED PROPERTY.—The deduction allowable under paragraph (1) shall be taken into account in computing any recapture amount under section 280F(b)(2).

“(6) DEDUCTION ALLOWED IN COMPUTING MINIMUM TAX.—For purposes of determining alternative minimum taxable income under section 55, the deduction under subsection (a) for qualified property shall be determined under this section without regard to any adjustment under section 56.

“(7) STARTING DATE; ENDING DATE.—For purposes of this paragraph—

“(A) STARTING DATE.—The term ‘starting date’ means January 1, 2008.

“(B) ENDING DATE.—The term ‘ending date’ means January 1, 2010.

“(8) QUALIFIED LEASEHOLD IMPROVEMENT PROPERTY.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified leasehold improvement property’ means any improvement to an interior portion of a building which is nonresidential real property if—

“(i) such improvement is made under or pursuant to a lease (as defined in subsection (h)(7))—

“(I) by the lessee (or any sublessee) of such portion, or

“(II) by the lessor of such portion,

“(ii) such portion is to be occupied exclusively by the lessee (or any sublessee) of such portion, and

“(iii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

“(B) CERTAIN IMPROVEMENTS NOT INCLUDED.—Such term shall not include any improvement for which the expenditure is attributable to—

“(i) the enlargement of the building,

“(ii) any elevator or escalator,

“(iii) any structural component benefitting a common area, and

“(iv) the internal structural framework of the building.

“(C) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

“(i) COMMITMENT TO LEASE TREATED AS LEASE.—A commitment to enter into a lease shall be treated as a lease, and the parties to such commitment shall be treated as lessor and lessee, respectively.

“(ii) RELATED PERSONS.—A lease between related persons shall not be considered a lease. For purposes of the preceding sentence, the term ‘related persons’ means—

“(I) members of an affiliated group (as defined in section 1504), and

“(II) persons having a relationship described in subsection (b) of section 267; except that, for purposes of this clause, the phrase ‘80 percent or more’ shall be substituted for the phrase ‘more than 50 percent’ each place it appears in such subsection.

“(9) QUALIFIED RETAIL IMPROVEMENT PROPERTY.—

“(A) IN GENERAL.—The term ‘qualified retail improvement property’ means any improvement to an interior portion of a building which is nonresidential real property if—

"(i) such portion is open to the general public and is used in the trade or business of selling tangible personal property or services to the general public, and

"(ii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

"(B) CERTAIN IMPROVEMENTS NOT INCLUDED.—Such term shall not include any improvement for which the expenditure is attributable to—

"(i) the enlargement of the building,

"(ii) any elevator or escalator, or

"(iii) the internal structural framework of the building.".

(b) COORDINATION WITH CELLULOSIC BIOMASS ETHANOL PLANT PROPERTY.—Paragraph (4) of section 168(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(D) BONUS DEPRECIATION PROPERTY.—Such term shall not include any property to which subsection (k) applies.".

(c) CONFORMING AMENDMENTS.—

(1) Section 168(e)(6) of the Internal Revenue Code of 1986 is amended by striking "section 168(k)(3)" and inserting "section 168(k)(8)".

(2) Section 168(l) of such Code is amended—

(A) in paragraph (4), by striking "168(k)(2)(D)(i)" and inserting "169(k)(3)(A)".

(B) by striking paragraph (5) and inserting the following:

"(5) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of paragraph (4) of section 168(k) shall apply, except that in applying such paragraph—

"(A) the starting date shall be one day after the date of the enactment of subsection (l),

"(B) the ending date shall be January 1, 2013, and

"(C) 'qualified cellulosic biomass ethanol plant property' shall be substituted for 'qualified property' in clause (iv) thereof.", and

(C) in paragraph (6), by striking "168(k)(2)(G)" and inserting "168(k)(6)".

(3) Section 1400L(b)(2) of such Code is amended—

(A) in subparagraph (A)(i)(I), by inserting "(determined without regard to subclauses (V) and (VI) thereof)" after "168(k)(2)(A)(i)",

(B) in subparagraph (C)(ii), by striking "168(k)(2)(D)(i)" and inserting "168(k)(3)(A)",

(C) in subparagraph (C)(iv), by striking "168(k)(2)(D)(iii)" and inserting "168(k)(3)(B)", and

(D) in subparagraph (E), by striking "168(k)(2)(G)" and inserting "168(k)(6)".

(4) Section 1400L(c) of such Code is amended—

(A) in paragraph (2), by striking "168(k)(3)" and inserting "168(k)(8)", and

(B) in paragraph (5), by striking "168(k)(2)(D)(iii)" and inserting "168(k)(3)(B)".

(5) Section 1400N(d) of such Code is amended—

(A) in paragraph (2)(A)(i)(I), by inserting "(determined without regard to subclauses (V) and (VI) thereof)" after "168(k)(2)(A)(i)", and

(B) in paragraph (2)(B)(i), by striking "168(k)(2)(D)(i)" and inserting "168(k)(3)(A)",

(C) by striking paragraph (3) and inserting the following:

"(5) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of paragraph (4) of section 168(k) shall apply, except that in applying such paragraph—

"(A) the starting date shall be August 28, 2005,

"(B) the ending date shall be January 1, 2008, and

"(C) 'qualified Gulf Opportunity Zone property' shall be substituted for 'qualified property' in clause (iv) thereof.", and

(D) in paragraph (4), by striking "168(k)(2)(G)" and inserting "168(k)(6)", and

(E) in paragraph (6)(B)(ii)(II), by inserting "(determined without regard to subclauses (V) and (VI) thereof)" after "168(k)(2)(A)(i)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

S. 2540

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPENSING FOR CERTAIN PROPERTY PLACED IN SERVICE DURING 2008 AND 2009.

(a) IN GENERAL.—Section 168 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(m) SPECIAL ALLOWANCE FOR CERTAIN QUALIFIED PROPERTY PLACED IN SERVICE DURING 2008 AND 2009.—

"(1) IN GENERAL.—In the case of any qualified property—

"(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 100 percent of the adjusted basis of the qualified property, and

"(B) the adjusted basis of the qualified property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

"(2) QUALIFIED PROPERTY.—For purposes of this subsection, the term 'qualified property' means property—

"(A) which is 3-year property, 5-year property, or 7-year property,

"(B) the original use of which commences with the taxpayer on or after the starting date,

"(C) which is—

"(i) acquired by the taxpayer on or after the starting date and before the ending date, but only if no written binding contract for the acquisition was in effect before the starting date, or

"(ii) acquired by the taxpayer pursuant to a written binding contract which was entered into on or after the starting date and before the ending date, and

"(D) which is placed in service by the taxpayer before the ending date.

"(3) EXCEPTIONS.—

"(A) ALTERNATIVE DEPRECIATION PROPERTY.—This subsection shall not apply to any property to which the alternative depreciation system under subsection (g) applies, determined—

"(i) without regard to paragraph (7) of subsection (g) (relating to election to have system apply), and

"(ii) after application of section 280F(b) (relating to listed property with limited business use).

"(B) ELECTION OUT.—If a taxpayer makes an election under this subparagraph with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

"(4) SPECIAL RULES.—

"(A) SELF-CONSTRUCTED PROPERTY.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer's own use, the requirements of paragraph (2)(C) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property after the starting date and before the ending date.

"(B) SALE-LEASEBACKS.—For purposes of subparagraph (C) and paragraph (2)(B), if property is—

"(i) originally placed in service on or after the starting date by a person, and

"(ii) sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in subclause (II).

"(C) SYNDICATION.—For purposes of paragraph (2)(B), if—

"(i) property is originally placed in service on or after the starting date by the lessor of such property,

"(ii) such property is sold by such lessor or any subsequent purchaser within 3 months after the date such property was originally placed in service (or, in the case of multiple units of property subject to the same lease, within 3 months after the date the final unit is placed in service, so long as the period between the time the first unit is placed in service and the time the last unit is placed in service does not exceed 12 months), and

"(iii) the user of such property after the last sale during such 3-month period remains the same as when such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date of such last sale.

"(D) LIMITATIONS RELATED TO USERS AND RELATED PARTIES.—This subsection shall not apply to any property if—

"(i) the user of such property (as of the date on which such property is originally placed in service) or a person which is related (within the meaning of section 267(b) or 707(b)) to such user or to the taxpayer had a written binding contract in effect for the acquisition of such property at any time before the starting date, or

"(ii) in the case of property manufactured, constructed, or produced for such user's or person's own use, the manufacture, construction, or production of such property began at any time before the starting date.

"(5) COORDINATION WITH SECTION 280F.—For purposes of section 280F—

"(A) AUTOMOBILES.—In the case of a passenger automobile (as defined in section 280F(d)(5)) which is qualified property, the Secretary shall increase the limitation under section 280F(a)(1)(A)(i) by $7,650.

"(B) LISTED PROPERTY.—The deduction allowable under paragraph (1) shall be taken into account in computing any recapture amount under section 280F(b)(2).

"(6) DEDUCTION ALLOWED IN COMPUTING MINIMUM TAX.—For purposes of determining alternative minimum taxable income under section 55, the deduction under subsection (a) for qualified property shall be determined under this section without regard to any adjustment under section 56.

"(7) STARTING DATE; ENDING DATE.—For purposes of this paragraph—

"(A) STARTING DATE.—The term 'starting date' means January 1, 2008.

"(B) ENDING DATE.—The term 'ending date' means January 1, 2010.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

TABLE OF ASSET CLASSES AND DEPRECIATION SCHEDULES—*INFORMATION ACQUIRED FROM INTERNAL REVENUE SERVICE

Asset Class	Description of assets included	Class Life (in years)	General Depreciation Schedule (in years)
00.11	Office Furniture, Fixtures, and Equipment: Includes furniture and fixtures that are not a structural component of a building. Includes such assets as desks, files, safes, and communications equipment. Does not include communications equipment that is included in other classes.	10	7
00.12	Information Systems: Includes Computers and their peripheral equipment used in administering normal business transactions and the maintenance of business records, their retrieval and analysis. Information Systems are defined as: (1) Computers: A computer is a programmable electronically activated device capable of accepting information, applying prescribed processes to the information, and supplying the results of these processes with or without human intervention. It usually consists of a central processing unit containing extensive storage, logic arithmetic, and control capabilities. Excluded from this category are adding machines, electronic desk calculators, etc., and other equipment described in class 00.13. (2) Peripheral equipment consists of the auxiliary machines which are designed to be placed under control of the central processing unit. Nonlimiting examples are: Card readers, card punches, magnetic tape feeds, high speed printers, optical character readers, tape cassettes, mass storage units, paper tape equipment, keypunches, data entry devices, teleprinters, terminals, tape drives, disc drives, disc files, disc packs, visual image projector tubes, card sorters, plotters, and collators. Peripheral equipment may be used on-line or off-line. Does not include equipment that is an integral part of other capital equipment that is included in other classes of economic activity, i.e., computers used primarily for process or production control switching, channeling, and automating distributive trades and services such as point of sale (POS) computer systems. Also does not include equipment of a kind used primarily for amusement or entertainment of the user.	6	5
00.13	Data Handling Equipment; except Computers: Includes only typewriters, calculators, adding and accounting machines, copiers, and duplicating equipment.	6	5
00.21	Airplanes (airframes and engines), except those used in commercial or contract carrying of passengers or freight, and all helicopters (airframes and engines).	6	5
00.22	Automobiles, Taxis	3	5
00.23	Buses	9	5
00.241	Light General Purpose Trucks: Includes trucks for use over the road (actual weight less than 13,000 pounds)	4	5
00.242	Heavy General purpose Trucks: Includes heavy general purpose trucks, concrete ready mix-trucks, and ore trucks, for use over the road (actual unloaded weight 13,000 pounds or more).	6	5
00.25	Railroad Cars and Locomotives, except those owned by railroad transportation companies	15	7
00.26	Tractor units for Use Over-The-Road	4	3
00.27	Trailers and Trailer-Mounted Containers	6	5
01.1	Agriculture: Includes machinery and equipment, grain bins, and fences but no other land improvements, that are used in the production of crops or plants, vines, and trees; livestock; the operation of farm dairies, nurseries, greenhouses, sod farms, mushroom cellars, cranberry bogs, apiaries and fur farms; the performance of agriculture, animal husbandry, and horticultural services.	10	7
01.11	Cotton Ginning Assets	12	7
01.21	Cattle, Breeding or Dairy	7	5
01.221	Any breeding or work horse that is more than 12 years old at the time it is placed in service	10	7
01.222	Any breeding or work horse that is more than 12 years old at the time it is placed in service	10	3
01.223	Any race horse that is more than 2 years old at the time it is placed in service	10	3
01.224	Any race horse that is more than 12 years old at the time it is placed in service and that is neither a race horse nor a horse described in class 01.222 ...	10	3
01.225	Any horse not described in classes 01.221, 01.222, 01.223, or 01.224	10	7
01.23	Hogs, Breeding	3	3
01.24	Sheep and Goats, Breeding	5	5
10.0	Mining: Includes assets used in the mining and quarrying of metallic and nonmetallic minerals (including sand, gravel, stone, and clay) and the milling, beneficiation and other primary preparation of such materials.	10	7
13.0	Offshore Drilling: Includes assets used in offshore drilling for oil and gas such as floating, self-propelled and other drilling vessels, barges, platforms, and drilling equipment and support vessels such as tenders, barges, towboats and crewboats. Excludes oil and gas production assets.	.5	5
13.1	Drilling of Oil and Gas Wells: Includes assets used in the drilling of onshore oil and gas wells and the provision of geophysical and other exploration services; and the provision of such oil and gas field services as chemical treatment, plugging and abandoning of wells and cementing or perforating well casings. Does not include assets used in the performance of any of these activities and services by integrated petroleum and natural gas producers for their own account.	6	5
13.2	Exploration for and Production of Petroleum and Natural Gas Deposits: Includes assets used by petroleum and natural gas producers for drilling of wells and production of petroleum and natural gas, including gathering pipelines and related storage facilities. Also includes petroleum and natural gas offshore transportation facilities used by producers and others consisting of platforms (other than drilling platforms classified in Class 13.0), compression or pumping equipment, and gathering and transmission lines to the first onshore transshipment facility. The assets used in the first onshore transshipment facility are also included and consist of separation equipment (used for separation of natural gas, liquids, and in Class 49.23), and liquid holding or storage facilities (other than those classified in Class 49.25). Does not include support vessels.	14	7
15.0	Construction: Includes assets used in construction by general building, special trade, heavy and marine construction contractors, operative and investment builders, real estate subdividers and developers, and others except railroads.	6	5
20.4	Manufacture of Other Food and Kindred Products: Includes assets used in the production of foods and beverages not included in classes 20.1, 20.2 and 20.3.	12	7
20.5	Manufacture of Food and Beverages—Special Handling Devices: Includes assets defined as specialized materials handling devices such as returnable pallets, palletized containers, and fish processing equipment including boxes, baskets, carts, and flaking trays used in activities as defined in classes 20.1, 20.2, 20.3 and 20.4. Does not include general purpose small tools such as wrenches and drills, both hand and power-driven, and other general purpose equipment such as conveyors, transfer equipment, and materials handling devices.	4	3
21.0	Manufacture of Tobacco and Tobacco Products: Includes assets used in the production of cigarettes, cigars, smoking and chewing tobacco, snuff, and other tobacco products.	15	7
22.1	Manufacture of Knitted Goods: Includes assets used in the production of knitted and netted fabrics and lace. Assets used in yarn preparation, bleaching, dyeing, printing, and other similar finishing processes, texturing, and packaging, are elsewhere classified.	7.5	5
22.2	Manufacture of Yarn, Thread, and Woven Fabric: Includes assets used in the production of spun yarns including the preparing, blending, spinning, and twisting of fibers into yarns and threads, the preparation of yarns such as twisting, warping, and winding, the production of covered elastic yarn and thread, cordage, woven fabric, tire fabric, braided fabric, twisted jut for packaging, mattresses, pads, sheets, and industrial belts, and the processing of textile mill waste to recover fibers, flocks, and shoddies. Assets used to manufacture carpets, man-made fibers, and nonwovens, and assets used in texturing, bleaching, dyeing, printing, and other similar finishing processes, are elsewhere classified.	11	7
22.3	Manufacture of Carpets and Dyeing, Finishing, and Packaging of Textile Products and Manufacture of Medical and Dental Supplies: Includes assets used in the production of carpets, rugs, mats, woven carpet backing, chenille, and other tufted products, and assets used in the joining together of backing with carpet yarn or fabric. Includes assets used in washing, scouring, bleaching, dyeing, printing, drying, and similar finishing processes applied to textile fabrics, yarns, threads, and other textile goods. Includes assets used in the production and packaging of textile products, other than apparel, by creasing, forming, trimming, cutting, and sewing, such as the preparation of carpet and fabric samples, or similar joining together processes (other than the production of scrim reinforced paper products and laminated paper products) such as the sewing and folding of hosiery and panty hose, and the creasing, folding, trimming, and cutting of fabrics to produce nonwoven products, such as disposable diapers and sanitary products. Also includes assets used in the production of medical and dental supplies other than drugs and medicines. Assets used in the manufacture of nonwoven carpet backing, and hard surface floor covering such as tile, rubber, and cork, are elsewhere classified.	9	5
22.4	Manufacture of Textile Yarns: Includes assets used in the processing of yarns to impart bulk and/or stretch properties to the yarn. The principal machines involved are falsetwist, draw, beam-to-beam, and stuffer box texturing equipment and related highspeed twisters and winders. Assets, as described above, which are used to further process man-made fibers are elsewhere classified when located in the same plant in an integrated operation with man-made fiber producing assets. Assets used to manufacture man-made fibers and assets used in bleaching, dyeing, printing, and other similar finishing processes, are elsewhere classified.	8	5
22.5	Manufacture of Nonwoven Fabrics: Includes assets used in the production of nonwoven fabrics, felt goods including felt hats, padding, batting, wadding, oakum, and fillings, from new materials and from textile mill waste. Nonwoven fabrics are defined as fabrics (other than reinforced and laminated composites consisting of nonwovens and other products) manufactured by bonding natural and/or synthetic fibers and/or filaments by means of induced mechanical interlocking, fluid entanglement, chemical adhesion, thermal or solvent reaction, or by combination thereof other than natural hydration bonding as occurs with natural cellulose fibers. Such means include resin bonding, web bonding, and melt bonding. Specifically includes assets used to make flocked and needle punched products other than carpets and rugs. Assets, as described above, which are used to manufacture nonwovens are elsewhere classified when located in the same plant in an integrated operation with man-made fiber producing assets. Assets used to manufacture man-made fibers and assets used in bleaching, dyeing, printing, and other similar finishing processes, are elsewhere classified.	10	7
23.0	Manufacture of Apparel and Other Finished Products: Includes assets used in the production of clothing and fabricated textile products by the cutting and sewing of woven fabrics, other textile products, and furs; but does not include assets used in the manufacture of apparel from rubber and leather.	9	5
24.1	Cutting of Tiber: Includes logging machinery and equipment and roadbuilding equipment used by logging and sawmill operators and pulp manufacturers for their own account.	6	5
24.2	Sawing of Dimensional Stock from Logs: Includes machinery and equipment installed in permanent of well established sawmills	10	7
24.3	Sawing of Dimensional Stock from Logs: Includes machinery and equipment in sawmills characterized by temporary foundations and a lack, or minimum amount, of lumberhandling, drying, and residue disposal equipment and facilities.	6	5
24.4	Manufacture of Wood Products, and Furniture: Includes assets used in the production of plywood, hardboard, flooring, veneers, furniture, and other wood products, including the treatment of poles and timber.	10	7
26.1	Manufacture of Pulp and Paper: Includes assets for pulp materials handling and storage, pulpmill processing, bleach processing, paper and paperboard manufacturing, and on-line finishing. Includes pollution control assets and all land improvements associated with the factory site or production process such as effluent ponds and canals, provided such improvements are depreciable but does not include building and structural components as defined in section 1.4801(e)(1) of the regulations. Includes steam and chemical recovery boiler systems, with any rated capacity, used for the recovery and regeneration of chemicals used in manufacturing. Does not included assets used either in pulpwood logging, or in the manufacture of hardboard.	13	7

TABLE OF ASSET CLASSES AND DEPRECIATION SCHEDULES—*INFORMATION ACQUIRED FROM INTERNAL REVENUE SERVICE—Continued

Asset Class	Description of assets included	Class Life (in years)	General Depreciation Schedule (in years)
26.2	Manufacture of Converted Paper, Paperboard, and Pulp Products: Includes assets used for modification, or remanufacture of paper and pulp into converted products, such as paper coated off the paper machine, paper bags, paper boxes, cartons and envelopes. Does not include assets used for manufacture of nonwovens that are elsewhere classified.	10	7
27.0	Printing, Publishing, and Allied Industries: Includes assets used in printing by one or more processes, such as letter-press, lithography, gravure, or screen; the performance of services for the printing trade, such as bookbinding, typesetting, engraving, photo-engraving, and electrotyping and the publication of newspapers, books, and periodicals.	11	7
28.0	Manufacture of Chemicals and Allied Products: Includes assets used to manufacture basic organic and inorganic chemicals; chemical products to be used in further manufacture, such as synthetic fibers and plastics materials; and finished chemical products. Includes assets used to further process man-made fibers, to manufacture plastic film, and to manufacture nonwoven fabrics, when such assets are located in the same plant in an integrated operation with chemical products producing assets. Also includes assets used to manufacture photographic supplies, such as film, photographic paper, sensitized photographic paper, and developing chemicals. Includes all land improvements associated with plant site or production processes, such as effluent ponds and canals, provided such land improvements are depreciable but does not include building and structural components as defined in section 1.48–1(e) of the regulations. Does not include assets used in the manufacture of finished rubber and plastic products or in the production of natural gas products, butane, propane, and by-products of natural gas production plants.	9.5	5
30.1	Manufacture of Rubber Products: Includes assets used for the production of products from natural, synthetic, or reclaimed rubber, gutta percha, balata, or gutta siak, such as tires tubes, rubber footwear, mechanical rubber goods, heels and soles, flooring, and rubber sundries; and in the recapping, retreading, and rebuilding of tires.	14	7
30.11	Manufacture of Rubber Products—Special Tools and Devices: Includes assets defined as special tools, such as jigs, dies, mandrels, molds, lasts, patterns, specialty containers, pallets, shells; and tire molds, and accessory parts such as rings and insert plates used in activities as defined in class 30.1. Does not include tire building drums and accessory parts and general purpose small tools such as wrenches and drills, both power and hand-driven, and other general purpose equipment such as conveyors and transfer equipment.	4	3
30.2	Manufacture of Finished Plastic Products: Includes assets used in the manufacture of plastics products and the molding of primary plastics for the trade. Does not include assets used in the manufacture of basic plastics materials nor the manufacture of phonograph records.	11	7
30.21	Manufacture of Finished Products—Special Tools: Includes assets defined as special tools, such as jigs, dies, fixtures, molds, patterns, gauges, and specialty transfer and shipping devices, used in activities as defined in class 30.2. Special tools are specifically designed for the production or processing of particular parts and have no significant utilitarian value and cannot be adapted to further or different use after changes or improvements are made in the model design of the particular part produced by the special tools. Does not include general purpose small tools such as wrenches and drills, both hand and power-driven, and other general purpose equipment such as conveyors, transfer equipment, and materials handling devices.	3.5	3
31.0	Manufacture of Leather and Leather Products: Includes assets used in the tanning, currying, and finishing of hides and skins; the processing of fur pelts; and the manufacture of finished leather products, such as footwear, belting, apparel, and luggage.	11	7
32.1	Manufacture of Glass Products: Includes assets used in the production of flat, blown, or pressed products of glass, such as float and window glass, glass containers, glassware and fiberglass. Does not include assets used in the manufacture of lenses.	14	7
32.11	Manufacture of Glass Products—Special Tools: Includes assets defined as special tools such as molds, patterns, pallets, and specialty transfer and shipping devices such as steel racks to transport automotive glass, used in activities as defined in class 32.1. Special tools are specifically designed for the production or processing of particular parts and have no significant utilitarian value and cannot be adapted to further or different use after changes or improvements are made in the model design of the particular part produced by the special tools. Does not include general purpose small tools such as wrenches and drills, both hand and power-driven, and other general purpose equipment such as conveyors, transfer equipment, and materials handling devices.	2.5	3
32.3	Manufacture of Other Stone and Clay Products: Includes assets used in the manufacture of products from materials in the form of clay and stone, such as brick, tile, and pipe; pottery and related products, such as vitreous-china, plumbing fixtures, earthenware and ceramic insulating materials; and also includes assets used in manufacture of concrete and concrete products. Does not include assets used in any mining or extraction processes.	15	7
33.2	Manufacture of Primary Nonferrous Metals: Includes assets used in the smelting, refining, and electrolysis of nonferrous metals from ore, pig, or scrap, the rolling, drawing, and alloying of nonferrous metals; the manufacture of castings, forgings, and other basic products of nonferrous metals; and the manufacture of nails, spikes, structural shapes, tubing, wire, and cable.	14	7
33.21	Manufacture of Primary Nonferrous Metals—Special Tools: Includes assets defined as special tools such as dies, jigs, molds, patterns, fixtures, gauges and drawings concerning such special tools used in the activities as defined in class 33.2, Manufacture of Primary Nonferrous Metals. Special tools are specifically designed for the production or processing of particular products or parts and have no significant utilitarian value and cannot be adapted to further or different use after changes or improvements are made in the model design of the particular part produced by the special tools. Does not include general purpose small tools such as wrenches and drills, both hand and power-driven, and other general purpose equipment such as conveyors, transfer equipment, and materials handling devices. Rolls, mandrels and refractories are not included in class 33.21 but are included in class 33.2.	6.5	5
33.3	Manufacture of Foundry Products: Includes assets used in the casting of iron and steel, including related operations such as molding and coremaking. Also includes assets used in the finishing of castings and patternmaking when performed at the foundry, all special tools and related land improvements.	14	7
33.4	Manufacture of Primary Steel Mill Products: Includes assets used in the smelting, reduction, and refining of iron and steel from ore, pig, or scrap; the rolling, drawing and alloying of steel; the manufacture of nails, spikes, structural shapes, tubing, wire, and cable. Includes assets used by steel service centers, ferrous metal forges, and assets used in coke production, regardless of ownership. Also includes related land improvements and all special tools used in the above activities.	15	7
34.0	Manufacture of Fabricated Metal Products: Includes assets used in the production of metal cans, tinware, fabricated structural metal products, metal stampings, and other ferrous and nonferrous metal and wire products not elsewhere classified. Does not include assets used to manufacture non-electric heating apparatus.	12	7
34.01	Manufacture of Fabricated Metal Products—Special Tools: Includes assets defined as special tools such as dies, jigs, molds, patterns, fixtures, gauges, and returnable containers and drawings concerning such special tools used in the activities as defined in class 34.0. Special tools are specifically designed for the production or processing of particular machine components, products, or parts, and have no significant utilitarian value and cannot be adapted to further or different use after changes or improvements are made in the model design of the particular part produced by the special tools. Does not include general small tools such as wrenches and drills, both hand and power-driven, and other general purpose equipment such as conveyors, transfer equipment, and materials handling devices.	3	3
35.0	Manufacture of Electrical and Non-Electrical Machinery and Other Mechanical Products: Includes assets used to manufacture or rebuild finished machinery and equipment and replacement parts thereof such as machine tools, general industrial and special industry machinery, electrical power generation, transmission, and distribution systems, space heating, cooling, and refrigeration systems, commercial and home appliances, farm and garden machinery, construction machinery, mining and oil field machinery, internal combustion engines except those elsewhere classified), turbines (except those that power airborne vehicles), batteries, lamps and lighting fixtures, carbon and graphite products, and electromechanical and mechanical products including business machines, instruments, watches and clocks, vending and amusement machines, photographic equipment, medical and dental equipment and appliances, and ophthalmic goods. Includes assets used by manufacturers or rebuilders of such finished machinery and equipment in activities elsewhere classified such as the manufacture of castings, forging, rubber and plastic products, electronic subassemblies or other manufacturing activities if the interim products are used by the same manufacturer primarily in the manufacture, assembly or rebuilding of such finished machinery and equipment. Does not include assets used in mining, assets used in the manufacture of primary ferrous and nonferrous metals, assets included in class 00.11 through 00.4 and assets elsewhere classified.	10	7
36.0	Manufacture of Electronic Components, Products, and Systems: Includes assets used in the manufacture of electronic communication computation, instrumentation and control system, including airborne applications; also includes assets used in the manufacture of electronic products such as frequency and amplitude modulated transmitters and receivers, electronic switching stations, television cameras, video recorders, record players and tape recorders, computers and computer peripheral machines, and electronic instruments, watches, and clocks; also includes assets used in the manufacture of components, provided their primary use is products and systems defined above such as electron tubes, capacitors, coils, resistors, printed circuit substrates, switches, harness cables, lasers, fiber optic devices, and magnetic media devices. Specifically excludes assets used to manufacture electronic products and components, photocopiers, typewriters, postage meters and other electromechanical and mechanical business machines and instruments that are elsewhere classified. Does not include semiconductor manufacturing equipment included in class 36.1.	6	5
36.1	Any Semiconductor Manufacturing Equipment	5	5
37.11	Manufacture of Motor Vehicles: Includes assets used in the manufacture and assembly of finished automobiles, trucks, trailers, motor homes, and buses. Does not include assets used in mining, printing and publishing, production of primary metals, electricity, or steam, or the manufacture of glass, industrial chemicals, batteries, or rubber products, which are classified other than those excluded above, where such activities are incidental to and an integral part of the manufacture and assembly of finished motor vehicles such as the manufacture of parts and subassemblies of fabricated metal products, electrical equipment, textiles, plastics, leather, and foundry and forging operations. Does not include any assets not classified in manufacturing activity classes, e.g., does not include any assets classified in assets guideline classes 00.11 through 00.4. Activities will be considered incidental to the manufacture and assembly of finished motor vehicles only in 75 percent or more of the value of the products produced under one roof are used for the manufacture and assembly of finished motor vehicles. Parts that are produced as a normal replacement stock complement in connection with the manufacture and assembly of finished motor vehicles are considered used for the manufacture assembly of finished motor vehicles. Does not include assets used in the manufacture of component parts if these assets are used by taxpayers not engaged in the assembly of finished motor vehicles.	12	7
37.12	Manufacture of Motor Vehicles—Special Tools: Includes assets defined as special tools, such as jigs, dies, fixtures, molds, patterns, gauges, and specialty transfer and shipping devices, owned by manufacturers of finished motor vehicles and used in qualified activities as defined in class 37.11. Special tools are specifically designed for the production or processing of particular motor vehicle components and have no significant utilitarian value, and cannot be adapted to further or different use, after changes or improvement are made in the model design of the particular part produced by the special tools. Does not include general purpose small tools such as wrenches and drills, both hand and power-driven, and other general purpose equipment such as conveyors, transfer equipment, and materials handling devices.	3	3
37.2	Manufacture of Aerospace Products: Includes assets used in the manufacture and assembly of airborne vehicles and their component parts including hydraulic, pneumatic, electrical, and mechanical systems. Does not include assets used in the production of electronic airborne detection, guidance, control, radiation, computation, test navigation, and communication equipment or the components thereof.	10	7

TABLE OF ASSET CLASSES AND DEPRECIATION SCHEDULES—*INFORMATION ACQUIRED FROM INTERNAL REVENUE SERVICE—Continued

Asset Class	Description of assets included	Class Life (in years)	General Depreciation Schedule (in years)
37.31	Ship and Boat Building Machinery and Equipment: Includes assets used in the manufacture and repair of ships, boats, caissons, marine drilling rigs, and special fabrications not included in assets classes 37.32 and 37.33. Specifically includes all manufacturing and repairing machinery and equipment, including machinery and equipment used in the operation of assets included in assets class 37.32. Excludes building and their structural components.	12	7
37.33	Ship and Boat Building—Special Tools: Includes assets defined as special tools such as dies, jigs, molds, patterns fixtures, gauges, and drawings concerning such special tools used in the activities defined in classes 37.31 and 37.32. Special tools are specifically designed for the production or processing particular machine components, products or parts, and have no significant utilitarian value and cannot be adapted to further or different use after changes or improvements are made in the model design of the particular part produced by the special tools. Does not include general purpose small tools such as wrenches and drills, both hand and power-driven, and other general purpose equipment such as conveyors, transfer equipment, and materials handling devices.	6.5	5
37.41	Manufacture of Locomotives: Includes assets used in building or rebuilding railroad locomotives (including mining and industrial locomotives). Does not include assets of railroad transportation companies or assets of companies which manufacture components of locomotives but do not manufacture finished locomotives.	11.5	7
37.42	Manufacture of Railroad Cars: Includes assets used in building or rebuilding railroad freight or passenger cars (including rail transit cars). Does not include assets of railroad transportation companies or assets of companies which manufacture components of railroad cars but do not manufacture finished railroad cars.	12	7
39.0	Manufacture of Athletic, Jewelry, and Other Goods: Includes assets used in the production of jewelry; musical instruments; toys and sporting goods; motion picture and television films and tapes; and pens, pencils, office and art supplies, brooms, brushes, caskets, etc.	12	7
	Railroad Transportation: Classes with the prefix 40 include the assets identified below that are used in the commercial and contract carrying of passengers and freight by rail. Assets of electrified railroads will be classified in a manner corresponding to that set forth below for railroads not independently operated as electric lines. Excludes the assets included in classes with the prefix beginning 00.1 and 00.2 above, and also excludes and nondepreciable assets included in Interstate Commerce Commission accounts enumerated for this class.		
40.1	Railroad Machinery and Equipment: Includes assets classified in the following Interstate Commerce Commission accounts: Roadway accounts: (16) Station and office buildings (freight handling machinery and equipment only) (25) TOFC/COFC terminals (freight handling machinery and equipment only) (26) Communication systems (27) Signals and interlockers (37) Roadway machines (44) Shop machinery Equipment accounts: (52) Locomotives (53) Freight train cars (54) Passenger train cars (57) Work equipment	14	7
40.4	Railroad Track	10	7
41.0	Motor Transport—Passengers: Includes assets used in the commercial and contract carrying of freight by road, except the transportation assets included in classes with the prefix 00.2.	8	5
45.0	Air Transport: Includes assets (except helicopters) used in commercial and contract carrying of passengers and freight by air. For purposes of section 1.167(a)–11(d)(2)(iv)(a) of the regulations, expenditures for "repair, maintenance, rehabilitation, or improvement," shall consist of direct maintenance expenses (irrespective of airworthiness provisions or charges) as defined by Civil Aeronautics Board uniform accounts 5200, maintenance burden (exclusive of expenses pertaining to maintenance buildings and improvements) as defined by Civil Aeronautics Board accounts 5300, and expenditures which are not "excluded additions" as defined in section 1.167(a)–11(d)(2)(vi) of the regulations and which would be charged to property and equipment accounts in the Civil Aeronautics Board uniform system of accounts.	12	7
45.1	Air Transport (restricted): Includes each assets described in the description of class 45.0 which was held by the taxpayer on April 15, 1976, or is acquired by the taxpayer pursuant to a contract which was, on April 15, 1976, and at all times thereafter, binding on the taxpayer. This criterion of classification based on binding contact concept is to be applied in the same manner as under the general rules expressed in section 49(b)(1), (4), (5) and (8) of the Code (as in effect prior to its repeal by the Revenue Act of 1978, section 312(c)(1), (d), 1978–3 C.B. 1, 60).	6	5
48.121	Computer-based Telephone Central Office Switching Equipment: Includes equipment whose function are those of a computer of peripheral equipment (as defined in section 168(i)(2)(B) of the Code) used in its capacity as telephone central office equipment. Does not include private exchange (PBX) equipment.	9.5	5
48.13	Telephone Station Equipment: Includes such station apparatus and connections and teletypewriters, telephones, booths, private exchanges, and comparable equipment as defined in Federal Communication Commission Part 31 Account Nos 231, 232, and 234.	10	7
48.2	Radio and Television Broadcastings: Includes assets used in radio and television broadcasting, except transmitting towers.	6	5
	Telegraph, Ocean Cable, and Satellite Communications (TOCSC) includes communications-related assets used to provide domestic and international radio-telegraph, wire-telegraph, ocean-cable, and satellite communications services; also includes related land improvements. If property described in Classes 48.31–48.45 is comparable to telephone distribution plant described in Class 48.14 and used for 2-way exchange of voice and data communication which is the equivalent of telephone communication, such property is assigned a class life of 24 years under this revenue procedure. Comparable equipment does not include cable television equipment used primarily for 1-way communication.		
48.32	TOCSC—High Frequency Radio and Microwave Systems: Includes assets such as transmitters and receivers, antenna supporting structure, antennas, transmission lines from equipment to antenna, transmitter cooling systems, and control and amplification equipment. Does not include cable and long-line systems.	13	7
48.35	TOCSC—Computerized Switching, Channeling, and Associated Control Equipment: Includes central office switching computers, interfacing computers, other associated specialized control equipment, and site improvements.	10.5	7
48.36	TOCSC—Satellite Ground Segment Property: Includes assets such as fixed earth station equipment, antennas, satellite communications equipment, and interface equipment used in satellite communications. Does not include general purpose equipment or equipment used in satellite space segment property.	10	7
48.37	TOCSC—Satellite Space Segment Property: Includes satellites and equipment used for telemetry, tracking, control, and monitoring when used in satellite communications.	8	5
48.38	TOCSC—Equipment Installed on Customer's Premises: Includes assets installed on customer's premises, such as computers, terminal equipment, power generation and distribution systems, private switching center, teleprinters, facsimile equipment and other associated and related equipment.	10	7
48.39	TOCSC—Support and Service Equipment: Includes assets used to support but not engage in communications. Includes store, warehouse and shop tools and test and laboratory assets.	13.5	7
	Cable Television (CATV): Includes communications-related assets used to provide cable television community antenna television services. Does not include assets used to provide subscribers with two-way communications services.		
48.41	CATV—Headend: Includes assets such as towers, antennas, preamplifiers, converters, modulation equipment, and program non-duplication systems. Does not include headend building and program origination assets.	11	7
48.42	CATV—Subscriber Connection and Distribution Systems: Includes assets such as trunk and feeder cable, connecting hardware, amplifiers, power equipment, passive devices, direction taps, pedestals, pressure taps, drop cables, matching transformers, multiple set connector equipment, and converters.	10	7
48.43	CATV—Program Origination: Includes assets such as cameras, film chains, video tape recorders, lighting, and remote location equipment excluding vehicles. Does not include buildings and their structural components.	9	5
48.44	CATV—Service and Test: Includes assets such as oscilloscopes, field strength meters, spectrum analyzers, and cable testing equipment, but does not include vehicles.	8.5	5
48.45	CATV—Microwave Systems: Includes assets such as towers, antennas, transmitting and receiving equipment, and broadband microwave assets used in the provision of cable television services. Does not include assets used in the provision of common carrier services.	9.5	5
49.121	Electric Utility Nuclear Fuel Assemblies: Includes initial core and replacement core nuclear fuel assemblies (i.e., the composite of fabricated nuclear fuel and container) when used in a boiling water, pressurized water, or high temperature gas reactor used in the production of electricity. Does not include nuclear fuel assemblies used in breader reactors.	5	5
49.222	Gas Utility Substitute Natural Gas (SNG) Production Plant (naphtha or lighter hydrocarbon feedstocks): Includes assets used in the catalytic conversion of feedstocks or naphtha or lighter hydrocarbons to a gaseous fuel which is completely interchangeable with domestic natural gas.	14	7
49.23	Natural Gas Production Plant	14	7
49.5	Waste Reduction and Resource Recovery Plants: Includes assets used in the conversion of refuse or other solid waste or biomass to heat or to a solid, liquid, or gaseous fuel. Also includes all process plant equipment and structures at the site used to receive, handle, collect, and process refuse or other solid waste or biomass in a waterwall, combustion system, oil or gas pyrolysis system, or refuse derived fuel system to create hot water, gas steam and electricity. Includes material recovery and support assets used in refuse or solid refuse or solid waste receiving, collecting, handling, sorting, shredding, classifying, and separation systems. Does not include any package boilers, or electric generators and related assets such as electricity, hot water, steam and manufactured gas production plants classified in classes 00.4, 49.13, 49.221, and 49.4. Does include, however, all other utilities such as water supply and treatment facilities, ash handling and other related land improvements of a waste reduction and resource recovery plant.	10	7
57.0	Distributive Trades and Services: Includes assets used in wholesale and retail trade, and personal and professional services. Includes section 1245 assets used in marketing petroleum and petroleum products.	9	5
79.0	Recreation: Includes assets used in the provision of entertainment services on payment of a fee or admission charge, as in the operation of bowling alleys, billiard and pool establishments, theaters, concert halls, and miniature golf courses. Does not include amusement and theme parks and assets which consist primarily of specialized land improvements or structures, such as golf courses, sports stadia, racetracks, ski slopes, and buildings which house the assets used in entertainment services.	10	7

TABLE OF ASSET CLASSES AND DEPRECIATION SCHEDULES—*INFORMATION ACQUIRED FROM INTERNAL REVENUE SERVICE—Continued

Asset Class	Description of assets included	Class Life (in years)	General Depreciation Schedule (in years)
80.0	Theme and Amusement Parks: Includes assets used in the provision of rides, attractions, and amusements in activities defined as theme and amusement parks, and includes appurtenances associated with a ride, attraction, amusement or theme setting within the park such as ticket booths, facades, shop interiors, and props, special purpose structures, and buildings other than warehouses, administration buildings, hotels, and motels. Includes all land improvements for or in support of park activities (e.g., parking lots, sidewalks, waterways, bridges, fences, landscaping, etc.), and support functions (e.g., food and beverage retailing, souvenir vending and other nonlodging accommodations) if owned by the park and provided exclusively for the benefit of park patrons. Theme and amusement parks are defined as combinations of amusements, rides, and attractions which are permanently situated on park land and open to the public for the price of admission. This guideline class is a composite of all assets used in this industry except transportation equipment (general purpose trucks, cars, airplanes, etc., which are included in asset guideline classes with the prefix 00.2), assets used in the provision of administrative services (asset classes with the prefix 00.1) and warehouses, administration buildings, hotels and motels.	12.5	7

[From the Wall Street Journal Online, Jan. 12, 2008]

THE JFK STIMULUS PLAN

(By Ernest S. Christian and Gary A. Robbins)

Got an economic downturn? Need a stimulus package? Why not adopt full or partial first-year expensing (or its cousin, the investment tax credit), which has come to the rescue many times since 1962, when President John F. Kennedy first administered this type of remedy to the economy?

By allowing more of the cost of machinery and equipment to be deducted more quickly, first-year expensing causes new investment to be made sooner. More investment means more productivity—and 80% of the net benefit from increased productivity goes to labor. Expensing is a no-risk tax cut. It worked four times in the 1960s and 1970s. It worked in 1981–1982 and again in 2002–2004.

It also has bipartisan appeal. Democrat Dan Rostenkowski proposed it in 1981, when he was Chairman of the House Ways and Means Committee. More recently, Democrat Max Baucus, the current Chairman of the Senate Finance Committee, was the Senate sponsor of 30% partial expensing in 2002.

During the recession that started in 2000, the economy did not respond much to a Keynesian tax cut in 2001, consisting mostly of a new 10% bottom bracket for individuals and a child credit. In the first quarter of 2001, real investment began falling at an annual rate of 6%. The decline was stopped by the 30% partial expensing enacted in the spring of 2002. Investment started rising again at a real annual rate of 9% beginning with the enactment in 2003 of 50% partial expensing, in combination with lower rates of tax on capital gains and dividends.

Expensing is the favorite of tightfisted budgeters because ultimately it pays for most of its cost. This is true even when the Treasury uses old-fashioned static revenue estimates that do not take into account feedback revenues from the large amount of induced economic growth. Expensing is the low-cost remedy because it does not create any new deductions, but merely accelerates forward in time currently allowable depreciation write-offs.

Much of the revenue payback starts quickly. In the case of a full, first-year deduction for the cost of equipment with a five-year depreciation life, the Treasury gets 52% of its money back in the first two years. The economy gets a boost even quicker.

In terms of the real benefit from capital investment—induced economic growth and higher living standards—first-year expensing produces enormous bang for the buck. Experience in 2003–2004 shows that new orders for manufacturing equipment and other business durables begin to be placed within weeks of the enactment date. Small businesses and other producers will not order what they do not need. But when the price goes down (which is the effect of expensing), they can afford to order what they do need more quickly, and in larger volumes.

An analysis for the Institute for Policy Innovation in 2001 concluded that, over time, each $1 of tax cut from first-year expensing produces about $9 of additional GDP growth. The high ratio occurs in large part because more capital investment leads to more employment and higher wages.

Expensing is not the favorite of the financial accountants who treat it as a tax deferral rather than a tax cut—and for that reason it is probably also not the favorite of some corporate financial officers. But it ranks very high with economists, tax reformers and many members of Congress. In fact, first-year expensing is not a stimulant for emergency use only. It is the correct way to treat capital investment and is, therefore, a key component of all mainstream tax-reform proposals.

A surefire economic stimulus with an exceptional pedigree that ultimately pays for most of its cost and can get enacted ought to be at the top of the list for inclusion in President George Bush's upcoming State of the Union message. It ought also to be made a permanent part of the tax code.

Although essentially revenue neutral in the long run, full and permanent fist-year expensing is not "free" from a budget-accounting standpoint. The static revenue cost may on average be as much as $80 billion per year until it is paid back. But these sums do not take into account feedbacks, and are relatively small compared to all the money that simply falls through the cracks on the spending side of the budget. And then there are all the earmarks and other waste.

Surely Congress and the administration can find enough money to finance the temporary cost of a much needed tax reform that will make the American people at least $2.5 trillion better off through economic growth.

CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
Washington, DC, January 15, 2008.
Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, appreciates the introduction of your legislative proposals that would accelerate cost recovery, The Chamber believes that provisions such as these that promote economic growth should be included in any tax legislation that moves this year.

The Chamber recognizes that the U.S. economy has weakened and believes that a tax package to combat this economic deterioration should encourage broad based activity. Your accelerated cost recovery proposals would, in the short run, act as an insurance policy by encouraging immediate investment, and, in the long run, would increase productivity and further the prospects for long-term economic growth.

Thank you for your leadership on this issue. The Chamber looks forward to working with you to ensure that it is considered in the coming debate on the economy.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President,
Government Affairs.

U.S. SENATE,
Washington, DC, January 18, 2008.
Hon. HENRY M. PAULSON, JR.,
Secretary, Department of the Treasury, Washington, DC.

DEAR SECRETARY PAULSON: I am writing to bring to your attention two pieces of legislation which I plan to introduce when the Senate returns on Tuesday, January 22, 2008, to provide immediate economic stimulus for an economy hindered by a housing crisis, rising oil prices, unemployment, sagging stock markets, and battered consumer confidence. Both are designed to spur new business investments through the use of partial- and full-expensing. By allowing firms to expense a greater share of the value of an asset in the first year, these proposals free up additional resources for firms to hire more workers and expand their operations.

The first bill provides two years of "bonus depreciation" for all sectors of the economy. Specifically, firms would be allowed to expense fifty percent of the cost of new equipment in the first year the asset is put to use. Remaining value would be deducted over the course of its useful life by using the Internal Revenue Code depreciation schedules.

The second bill allows a variety of sectors to take advantage of one-hundred percent up-front expensing for new assets that are placed into service during tax years 2008 and 2009. Specifically, this legislation would allow all equipment which is currently depreciated on the three-, five-, and seven-year schedules to be fully expensed in year one. One particular advantage to this legislation is the minimal cost impact as viewed by the Joint Committee on Taxation. Because revenue legislation is scored over a ten-year window and the tax benefit inferred by this bill still occurs within that span (only quicker), the revenue impact will be negligible.

I believe that these proposals should be the cornerstone of any economic stimulus package crafted by the Administration and/or Congress. To that end, I urge you to review these proposals and include them in any potential stimulus package.

Thank you for your attention to this important matter.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
Washington, DC, January 16, 2008.
Hon. EDWARD P. LAZEAR,
Chairman, Council of Economic Advisers,
Washington, DC.

DEAR CHAIRMAN LAZEAR: I am writing to bring to your attention two pieces of legislation which I plan to introduce when the Senate returns on Tuesday, January 22, 2008, to provide immediate economic stimulus for an economy hindered by a housing crisis, rising oil prices, unemployment, sagging stock markets, and battered consumer confidence. Both are designed to spur new business investments through the use of partial- and full-expensing. By allowing firms to expense a greater share of the value of an asset in the first year, these proposals free up additional resources for firms to hire more workers and expand their operations.

The first bill provides two years of "bonus depreciation" for all sectors of the economy. Specifically, firms would be allowed to expense fifty percent of the cost of new equipment in the first year the asset is put to use. Remaining value would be deducted over the course of its useful life by using the Internal Revenue Code depreciation schedules.

The second bill allows a variety of sectors to take advantage of 100 percent up-front expensing for new assets that are placed into service during tax years 2008 and 2009. Specifically, this legislation would allow all equipment which is currently depreciated on the three-, five-, and seven-year schedules to be fully expensed in year one. One particular advantage to this legislation is the minimal cost impact as viewed by the Joint Committee on Taxation. Because revenue legislation is scored over a ten-year window and the tax benefit ihferred by this bill still occurs within that span (only quicker), the revenue impact will be negligible.

I believe that these proposals should be the cornerstone of any economic stimulus package crafted by the Administration and/or Congress. To that end, I urge you to review these proposals and include them in any potential stimulus package drafted by the Administration.

Thank you for your attention to this important matter.

Sincerely,

ARLEN SPECTER.

NATIONAL RESTAURANT ASSOCIATION,
Washington, DC, January 18, 2008.

DEAR SENATOR SPECTER: The National Restaurant Association, founded in 1919, is the leading business association for the restaurant industry, which is comprised of 945,000 restaurant and foodservice outlets and a work force of 13.1 million employees, generating estimated sales of $558 billion in 2008.

Not only are restaurants the cornerstone of the economy, they are also the cornerstone of career opportunities and community involvement. Nearly half of all American adults have worked in a restaurant and 32 percent of adults got their first job experience in a restaurant. Eight out of 10 salaried employees in restaurants started as hourly employees and the restaurant industry employs more minority managers than any other industry. Furthermore, more than one in nine restaurants are involved in some type of charitable activity.

We commend you for introducing this legislation that would help stimulate the economy by allowing businesses, like restaurants, to use partial- and full-expensing and spur on new investments. Under current law, when a company buys an asset that will last longer than one year, the company cannot, under most circumstances, deduct the entire cost and enjoy an immediate tax benefit. Instead, the company must depreciate the cost over the useful life of the asset, taking a tax deduction for a part of the cost each year. By allowing firms to deduct the cost of a new asset in year one, expensing spurs new investments quickly and drives immediate job creation.

It is clear an economic stimulus package is needed quickly to help the U.S. economy. Restaurants are in the unique position to help by creating more demand for projects that will bring increased opportunity for new construction and improvements to our businesses. The restaurant industry will quickly respond to signals and take advantage of bonus depreciation periods, as we have done in the past, should such provisions be enacted into law.

Restaurants also have a great opportunity to create more jobs for Americans. Not only will we build new locations and improve existing ones, thereby creating more jobs within the restaurant industry, but we can also generate jobs in other sectors of the economy. According to the Bureau of Economic Analysis, every dollar spent in the construction industry generates an additional $2.39 in spending in the rest of the economy, while every $1 million spent in the construction industry creates more than 28 jobs in the overall economy.

Again, we commend you and support your efforts with these two pieces of legislation. We look forward to working with you as discussions quickly move forward to craft an economic stimulus package for the country.

Sincerely,

JOHN GAY,
Senior Vice President,
Government Affairs and Public Policy.

By Mr. REID:

S. 2541. A bill to extend the provisions of the Protect America Act of 2007 for an additional 30 days; to the Committee on the Judiciary.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2541

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF THE PROTECT AMERICA ACT OF 2007.

Subsection (c) of section 6 of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 557; 50 U.S.C. 1803 note) is amended by striking "180" and inserting "210".

By Mrs. FEINSTEIN:

S. 2542. A bill to amend the Truth in Lending Act to provide for enhanced disclosure under an open end credit plan; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Credit Card Minimum Payment Notification Act.

Many Americans now own multiple credit cards. The average American has four credit cards, and 1 in 7 Americans hold more than 10 cards.

The proliferation of credit cards can be traced, in part, to a dramatic increase in credit card solicitation. In 1990, credit card companies sent about 1.1 billion solicitations to American homes; in 2006, they sent over 9.2 billion.

As one would expect, the increase in credit card ownership has also yielded an increase in credit card debt. Individuals get 6, 7, or 8 different credit cards, pay only the minimum payment required, and many end up drowning in debt. That happens in case after case.

Over the past two decades, the credit card debt of American consumers has nearly tripled—from $238 billion in 1989 to a staggering $800 billion in 2005.

As a result, the average American household now has about $9,500 of credit card debt. That is almost twice the average level of credit card debt from just 10 years ago.

In light of these figures it should be no surprise that vast numbers of Americans have been filing for bankruptcy in recent years. In 2005—just before the implementation date of the Bankruptcy Reform Act—over 2 million nonbusiness bankruptcies were filed.

Many of these personal bankruptcies are people who utilize credit cards. The benefits and flexibility these cards offer are enormously attractive. However, these individual credit card holders receive no information on the impact of carrying a balance with compounding interest. Too often individuals make just the minimum payment. They pay it for 1 year, 2 years—they make additional purchases, they get another card, and another, and another.

After, 2 or 3 years, many find that the interest on the debt is larger than the total purchases they originally made, such that they can never repay these cards—and they do not know what to do about it.

The Credit Card Minimum Payment Notification Act would help prevent this problem. Let me tell you exactly what the bill would do. It would require credit card companies to add two items to each consumer's monthly credit card statement: A notice warning credit card holders that making only the minimum payment each month will increase the interest they pay and the amount of time it takes to repay their debt; and examples of the amount of time and money required to repay a credit card debt if only minimum payments are made.

If the consumer makes only minimum payments for, 6 consecutive months, the amount of time and money required to repay the individual's specific credit card debt, under the terms of their credit card agreement.

The bill would also require that a toll-free number be included on statements, to allow consumers to call and speak to a live person to get an estimate of the time and money required to repay their balance if only minimum payments are made.

If the consumer makes only minimum payments for 6 consecutive months, they will receive a toll-free number for an accredited credit counseling service.

The disclosure requirements in this bill would only apply if the consumer has a minimum payment that is less than 10 percent of the debt on the credit card. Otherwise, none of these disclosures would be required on their statement.

Statistics vary about the number of individuals who make only the minimum payments. One study in 2004 determined that 35 million people pay only the minimum on their credit cards. In a 2005 poll, 40 percent of respondents said that they pay the minimum or slightly more.

What is certain is that many Americans pay only the minimum, and that paying only the minimum has harsh financial consequences.

I suspect that most people would be surprised to know how much interest can pile up when paying the minimum. Take the average household, with $9,500 of credit card debt, and the average credit card interest rate, which last week was 13.74 percent. If only the 2 percent minimum payment is made, it will take them 35 years and $21,799.07 to pay off the card.

That is if the family doesn't spend another cent on their credit cards—an unlikely assumption. In other words, the family will need to pay over $12,000 in interest to repay just $9,500 of principal.

For individuals or families with more than average debt, the pitfalls are even greater. $20,000 of credit card debt at the average 13.74 percent interest rate will take 42 years and more than $46,300 to pay off if only the minimum payments are made.

Mr. President, 13.74 percent is only the average rate. Interest rates around 20 percent are not uncommon. Penalty interest rates on credit cards average 27.3 percent, and seven major credit cards charge penalty rates of more than 30 percent.

Even if we assume only a 20 percent interest rate, a family that has the average debt of $9,500 at a 20 percent interest rate and makes the minimum payments will need an incredible 82 years and $55,084 to pay off that initial $9,500 of debt. That's $45,584 in interest payments—an amount that approaches 5 times the original debt. These examples are far from extreme.

Last March, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs heard testimony from Wesley Wannemacher, a consumer from Lima, OH.

Mr. Wannemacher charged $3,200 to a credit card in 2001 and 2002. He never charged anything on the card again, but he spent the next 6 years struggling to pay it off, as he experienced the kinds of events that American households routinely face—unexpected medical expenses, a growing family, and so on.

By early 2007 Mr. Wannemacher had paid $6,300 on the initial $3,200 in debt, but he still owed $4,400 on the card. Interest charges, late fees, and $1,500 in fees for going over the limit—even though the balance had only exceeded the limit three times—had resulted in total charges of $10,700 for that initial $3,200 in credit.

Fortunately for Mr. Wannemacher, his credit card company reviewed his account—after it became known that he was going to testify to Congress about his experience. The remaining balance on his account was forgiven.

Mr. President, testifying before a Senate committee is not something that Americans could—or should have to—do to escape from crushing credit card debt.

That is one of the reasons why it is so important for this Congress to pass the Credit Card Minimum Payment Notification Act.

There will always be people who cannot afford to pay more than their minimum payments. But there is also a large number of consumers who can afford to pay more but feel comfortable paying the minimum payment because they don't realize the consequences of doing so.

Now I am certainly not trying to demonize credit cards or the credit card industry. Credit cards are an important part of everyday life, and they help the economy operate more smoothly by giving consumers and merchants a reliable, convenient way to exchange funds.

However, I do think that people should understand the dangers of paying only their monthly minimums. In this way individuals will be able to act responsibly.

The bottom line is that for many consumers, the two percent minimum payment is a financial trap.

The Credit Card Minimum Payment Notification Act is designed to ensure that people are not caught in this trap through lack of information. The bill tracks the language of an amendment I cosponsored during the debate on the 2005 bankruptcy bill.

The language of this bill is based on a California law, the California Credit Card Payment Warning Act, passed in 2001. Unfortunately, in 2002, this California law was struck down in U.S. District Court as being preempted by the 1968 Truth in Lending Act.

The Truth in Lending Act was enacted in part because Congress found that, "The informed use of credit results from an awareness of the cost thereof by consumers."

This bill would amend the Truth in Lending Act, and would also further its core purpose.

These disclosures will allow consumers to know exactly what it means for them to carry a balance and only make minimum payments, so they can make informed decisions on credit card use and repayment.

The disclosure required by this bill is straightforward—how much it will cost to pay off the debt if only minimum payments are made, and how long it will take to do it. As for expense, my staff tells me that on the Web site Cardweb.com, there is a free interest calculator that does these calculations in under a second. Moreover, I am told that banks make these calculations internally to determine credit risk. The expense of making these disclosures would be minimal.

Percentage rates and balances are constantly changing, and each month, the credit card companies are able to assess the minimum payment, late fees, over-the-limit fees and finance charges for millions of accounts.

If the credit card companies can put in their bills what the minimum monthly payment is, they can certainly figure out how to disclose to their customers how much it might cost them if they stick to that minimum payment.

The credit card industry is the most profitable sector of banking, and in 2006 it made $36.8 billion in profits—an increase of nearly 80 percent from their profits in 2000. I don't think they will have any trouble implementing the requirements of this bill.

I believe that this legislation is extraordinarily important and that it will reduce bankruptcies. In the face of the subprime mortgage crisis, and as we appear to be heading toward a recession, this bill is needed now more than ever.

The harsh effects of the 2005 bankruptcy bill are starting to become apparent. I continue to believe that a bill requiring a limited but meaningful disclosure by credit card companies is a necessary accompaniment. I think you will see consumers acting more cautiously if these disclosures are made, and I believe that will be good for the bankruptcy courts in terms of reducing their caseloads, and also good for American consumers.

The credit card debt problem facing our Nation is significant. I believe that this bill is an important step in providing individuals with the information needed to act responsibly, and it does so with a minimal burden on the industry.

I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2542

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Credit Card Minimum Payment Notification Act of 2008".

SEC. 2. ENHANCED DISCLOSURE UNDER AN OPEN END CREDIT PLAN.

Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

"(13) ENHANCED DISCLOSURE UNDER AN OPEN END CREDIT PLAN.—

"(A) IN GENERAL.—A credit card issuer shall, with each billing statement provided to a cardholder in a State, provide the following on the front of the first page of the billing statement, in type no smaller than that required for any other required disclosure, but in no case in less than 8-point capitalized type:

"(i) A written statement in the following form: 'Minimum Payment Warning: Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance.'.

"(ii) Either of the following:

"(I) A written statement in the form of and containing the information described in item (aa) or (bb), as applicable, as follows:

"(aa) A written 3-line statement, as follows: 'A one thousand dollar ($1,000) balance will take 17 years and 3 months to pay off at a total cost of two thousand five hundred ninety dollars and thirty-five cents ($2,590.35). A two thousand five hundred dollar ($2,500) balance will take 30 years and 3 months to pay off at a total cost of seven thousand seven hundred thirty-three dollars and forty-nine cents ($7,733.49). A five thousand dollar ($5,000) balance will take 40 years and 2 months to pay off at a total cost of sixteen thousand three hundred five dollars and thirty-four cents ($16,305.34). This information is based on an annual percentage rate of 17 percent and a minimum payment of 2 percent or ten dollars ($10), whichever is greater.'. In the alternative, a credit card issuer may provide this information for the 3 specified amounts at the annual percentage rate and required minimum payment that are applicable to the cardholder's account. The statement provided shall be immediately preceded by the statement required by clause (i).

"(bb) Instead of the information required by item (aa), retail credit card issuers shall provide a written 3-line statement to read, as follows: 'A two hundred fifty dollar ($250) balance will take 2 years and 8 months to pay off at a total cost of three hundred twenty-five dollars and twenty-four cents ($325.24). A five hundred dollar ($500) balance will take 4 years and 5 months to pay off at a total cost of seven hundred nine dollars and ninety cents ($709.90). A seven hundred fifty dollar ($750) balance will take 5 years and 5 months to pay off at a total cost of one thousand ninety-four dollars and forty-nine cents ($1,094.49). This information is based on an annual percentage rate of 21 percent and a minimum payment of 5 percent or ten dollars ($10), whichever is greater.'. In the alternative, a retail credit card issuer may provide this information for the 3 specified amounts at the annual percentage rate and required minimum payment that are applicable to the cardholder's account. The statement provided shall be immediately preceded by the statement required by clause (i). A retail credit card issuer is not required to provide this statement if the cardholder has a balance of less than five hundred dollars ($500).

"(II) A written statement providing individualized information indicating an estimate of the number of years and months and the approximate total cost to pay off the entire balance due on an open-end credit card account if the cardholder were to pay only the minimum amount due on the open-ended account based upon the terms of the credit agreement. For purposes of this subclause only, if the account is subject to a variable rate, the creditor may make disclosures based on the rate for the entire balance as of the date of the disclosure and indicate that the rate may vary. In addition, the cardholder shall be provided with referrals or, in the alternative, with the '800' telephone number of the National Foundation for Credit Counseling through which the cardholder can be referred, to credit counseling services in, or closest to, the cardholder's county of residence. The credit counseling service shall be in good standing with the National Foundation for Credit Counseling or accredited by the Council on Accreditation for Children and Family Services. The creditor is required to provide, or continue to provide, the information required by this clause only if the cardholder has not paid more than the minimum payment for 6 consecutive months, beginning after July 1, 2002.

"(iii)(I) A written statement in the following form: 'For an estimate of the time it would take to repay your balance, making only minimum payments, and the total amount of those payments, call this toll-free telephone number: (Insert toll-free telephone number).'. This statement shall be provided immediately following the statement required by clause (ii)(I). A credit card issuer is not required to provide this statement if the disclosure required by clause (ii)(II) has been provided.

"(II) The toll-free telephone number shall be available between the hours of 8 a.m. and 9 p.m., 7 days a week, and shall provide consumers with the opportunity to speak with a person, rather than a recording, from whom the information described in subclause (I) may be obtained.

"(III) The Federal Trade Commission shall establish not later than 1 month after the date of enactment of this paragraph a detailed table illustrating the approximate number of months that it would take and the approximate total cost to repay an outstanding balance if the consumer pays only the required minimum monthly payments and if no other additional charges or fees are incurred on the account, such as additional extension of credit, voluntary credit insurance, late fees, or dishonored check fees by assuming all of the following:

"(aa) A significant number of different annual percentage rates.

"(bb) A significant number of different account balances, with the difference between sequential examples of balances being no greater than $100.

"(cc) A significant number of different minimum payment amounts.

"(dd) That only minimum monthly payments are made and no additional charges or fees are incurred on the account, such as additional extensions of credit, voluntary credit insurance, late fees, or dishonored check fees.

"(IV) A creditor that receives a request for information described in subclause (I) from a cardholder through the toll-free telephone number disclosed under subclause (I), or who is required to provide the information required by clause (ii)(II), may satisfy the creditor's obligation to disclose an estimate of the time it would take and the approximate total cost to repay the cardholder's balance by disclosing only the information set forth in the table described in subclause (III). Including the full chart along with a billing statement does not satisfy the obligation under this paragraph.

"(B) DEFINITIONS.—In this paragraph:

"(i) OPEN-END CREDIT CARD ACCOUNT.—The term 'open-end credit card account' means an account in which consumer credit is granted by a creditor under a plan in which the creditor reasonably contemplates repeated transactions, the creditor may impose a finance charge from time to time on an unpaid balance, and the amount of credit that may be extended to the consumer during the term of the plan is generally made available to the extent that any outstanding balance is repaid and up to any limit set by the creditor.

"(ii) RETAIL CREDIT CARD.—The term 'retail credit card' means a credit card that is issued by or on behalf of a retailer, or a private label credit card, that is limited to customers of a specific retailer.

"(C) EXEMPTIONS.—

"(i) MINIMUM PAYMENT OF NOT LESS THAN TEN PERCENT.—This paragraph shall not apply in any billing cycle in which the account agreement requires a minimum payment of not less than 10 percent of the outstanding balance.

"(ii) NO FINANCE CHARGES.—This paragraph shall not apply in any billing cycle in which finance charges are not imposed.".

By Mr. ENSIGN (for himself, Mr. ALEXANDER, Mr. BROWNBACK, Mr. BUNNING, Mr. COBURN, Mr. COLEMAN, Mr. CORNYN, Mrs. DOLE, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGEL, Mrs. HUTCHISON, Mr. INHOFE, Mr. KYL, Mr. MCCAIN, Mr. MCCONNELL, Mr. ROBERTS, Mr. SESSIONS, Mr. SHELBY, Mr. THUNE, Mr. VOINOVICH, Mr. HATCH, and Mr. NELSON of Nebraska):

S. 2543. A bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; to the Committee on the Judiciary.

• Mr. MCCAIN. Mr. President, today in Washington, DC, thousands of people of all ages are taking part in the annual March for Life and staking a claim for the rights of the unborn. I commend them and am in awe of their great dedication to the cause of protecting life. I share their strong pro-life beliefs, and I am proud to be an original cosponsor of the Child Custody Protection Act that is being introduced today.

This is one of the most important pieces of legislation to be introduced during this Congress, and for good reason. While more than 20 States require a minor to receive parental consent prior to obtaining an abortion, these laws are being violated. Today, minors, with the assistance of adults—who are not their parents—are being transported across State lines to receive abortions without obtaining parental consent. We need to end this circumvention of State laws and, far more importantly, the consequences such actions have on life.

This legislation would make it a Federal offense to knowingly transport a minor across a State line for the purpose of an abortion, in circumvention of a State's parental consent or notification laws, unless it is needed to save the life of the minor. We have attempted to enact similar legislation in previous Congresses without success, and it is critical that we do not allow opponents to further stall its enactment.

I am and always have been pro-life, and my record during my tenure in Congress reflects my strong belief that life is sacred. We must stand up for the rights of the unborn and do all that we can to enact this important legislation.●

By Mr. KENNEDY (for himself, Mr. DODD, Mr. BINGAMAN, Mr. HARKIN, Mr. REED, Mrs. CLINTON, Mr. OBAMA, and Mr. BROWN):

S. 2544. A bill to provide for a program of temporary extended unemployment compensation; to the Committee on Finance.

Mr. KENNEDY. Mr. President, it is clear that our economy is going from bad to worse. Every day the headlines bring more bad news. Fuel prices are going through the roof. Millions of families are at risk of losing their homes. Bankruptcies have risen by 40 percent in the last year alone.

Most alarming, we are seeing a drastic rise in the number of Americans out of work. In December, half a million more Americans were unemployed than the month before. Today nearly 8 million Americans are looking for a job and can't find one. The national unemployment rate has shot up to 5 percent—the biggest increase since the last recession. Experts say this number will rise well above 6 percent in 2009. Vulnerable parts of our population have been hit even harder—last month, 9 percent of African-American workers were unemployed, up sharply from 8.4 percent in November. Latino workers now have an unemployment rate of 6 percent.

What's more, we are seeing a large number of out-of-work Americans who still can't find a new job months later. Nearly one out of five Americans who is looking for work has been out of a job for over 6 months—compared with roughly one out of ten in 2001, before the last recession. With only 4 million job openings and nearly 8 million unemployed Americans, there are two workers for every job. As unemployment rises, there will be even more workers competing for each job. As highlighted in yesterday's front-page article in the Washington Post, this problem is affecting workers across our economy—even those with college educations and years of experience can't find work.

These aren't just statistics. These numbers are coworkers, our relatives, our neighbors. For each and every one of those families, a pink slip can spell economic disaster.

Losing a job isn't just losing a paycheck—it can mean losing the results of years of hard work and sacrifice.

For too many families, losing a job means losing health insurance. Without insurance, an unexpected hospital stay—from a broken leg or a cancer diagnosis—means certain financial disaster. Mr. President, 77 percent of middle class Americans do not have enough assets to pay essential expenses for 3 months. Without a paycheck, the rising price of daily necessities—housing, gasoline, and even groceries—becomes impossible to afford.

Our unemployment insurance program is intended to help workers weather a job loss. Workers pay into the program throughout their careers. If they lose their jobs, they can collect a benefit while they look for work. The amounts are modest—typically less than half of a worker's regular wages—but they help families to pay their rent, keep the house warm, and put food on the table.

In good economic times, such benefits are enough to tide workers and their families over for the few weeks it takes to find a job. But these are not good times. It is taking longer and longer for unemployed Americans to find new work. Over 1.3 million Americans have been looking for a job for 6 months or more. As a result, an increasing number of workers have not found a new job by the time their unemployment benefits run out. Over the past year, over 2.6 million Americans—or 35 percent of all unemployed workers—have exhausted their unemployment benefits. Unless we respond soon, these and other families will be left in the cold.

So we must act, and we must act now, to help these workers before financial disaster strikes. That is why I am introducing legislation today to give workers the help they need and have earned. The Emergency Unemployment Compensation Extension Act will ensure that Americans who keep looking for work but can't find a job after 6 months will be eligible for up to 20 weeks of additional benefits. In very high-unemployment States, workers could also receive up to 13 more weeks of benefits. Because out-of-work families are facing skyrocketing costs of gas, home heating, food, and housing, long-term unemployed workers will temporarily receive $50 extra each week to help pay their bills.

Providing this extension is a matter of fairness. We owe it to all workers who have lost their jobs in this struggling economy to provide help while they look for new jobs. Out-of-work Americans have worked hard all their lives. They have paid into the unemployment insurance system with the promise they would receive its protection when our economy is in crisis. Part of the American Dream is the opportunity to work hard, provide for your family, put your children through school, and save for retirement. When the economy isn't working the way it should and the jobs simply aren't there, we must stick together. We must take care of those who can't find a job.

But there's another major reason to act. Economists agree that extending unemployment benefits is a powerful, cost-effective way to deliver a boost to the economy. The extension of benefits puts money into the hands of those who need assistance the most and are most likely to spend it immediately on basic essentials. This means money is flowing immediately to local businesses, which will in turn provide a further economic boost.

Indeed, according to a report by Mark Zandi of Moody's, each dollar invested in benefits to out-of-work Americans leads to a $1.73 increase in growth—the most of any measure tested. That compares with only pennies on the dollar for cuts in income tax rates or cuts in taxes on investments.

The Congressional Budget Office agrees. Its report last week on short-term economic stimulus found that extending unemployment benefits is among the most cost-effective, potent, temporary steps that Congress can take to jump-start our economy.

This is a tried and true approach to helping working families in economic downturns. In each recession since the late 1950s, Congress has extended unemployment benefits to those who have exhausted their benefits and can't find work. It has often done so by overwhelming, bipartisan votes. Layoffs don't discriminate by party.

Extending unemployment benefits is the right thing to do for the economy and the fair thing to do for workers. I urge my colleagues to join me in helping out-of-work Americans and putting our economy back on track.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 419—HONORING THE LIFE AND EXTRAORDINARY CONTRIBUTIONS OF DIANE WOLF

Mr. STEVENS (for himself, Mr. BYRD, and Mr. COLEMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 419

Whereas the Senate has heard with profound sorrow and deep regret of the untimely death of Diane Wolf, a member of the Senate Preservation Board of Trustees and a former distinguished member of the United States Commission of Fine Arts; and

Whereas for over 2 decades Diane Wolf devoted extraordinary personal efforts to and displayed great passion for the preservation and restoration of the United States Capitol Building, and was singularly instrumental in supporting and guiding the early efforts of the United States Capitol Preservation Commission and developing the plans for striking the coins commemorating the Bicentennial of the United States Capitol: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life and extraordinary contributions of Diane Wolf;

(2) conveys its sorrow and deepest condolences to the family of Diane Wolf on her untimely death; and

(3) requests the Secretary of the Senate to convey an enrolled copy of this resolution to the family of Diane Wolf.

SENATE RESOLUTION 420—COMMENDING MARTIN P. PAONE

Mr. REID (for himself, Mr. McCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DeMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. McCAIN, Mrs. McCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 420

Whereas Marty Paone has faithfully served the Congress in various capacities over the past 32 years, twenty-eight of which were spent in service to the Senate;

Whereas Marty Paone is the first person to rise through the ranks of various positions—including Vehicular Placement Specialist—to finally serve with distinction as Secretary for the Minority, and concluding his Senate service as Secretary for the Majority;

Whereas Marty Paone has at all times discharged the important duties and responsibilities of his office with great efficiency, dedication and diligence;

Whereas his dedication, good humor, and exceptional service have earned him the respect and admiration of Democratic and Republican Senators, as well as their staffs; Now, therefore be it

Resolved, that the Senate expresses its appreciation to Marty Paone and commends him for his lengthy, faithful and outstanding service to the Senate.

The Secretary of the Senate shall transmit a copy of this resolution to Martin P. Paone.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3893. Mr. BROWNBACK (for himself, Mr. DORGAN, Ms. CANTWELL, and Mr. INOUYE) submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act.

SA 3894. Mr. BINGAMAN (for himself and Mr. THUNE) proposed an amendment to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra.

SA 3895. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1200, supra; which was ordered to lie on the table.

SA 3896. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra.

SA 3897. Mr. SMITH (for himself, Ms. CANTWELL, Mr. WYDEN, Mr. CRAPO, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill S. 1200, supra; which was ordered to lie on the table.

SA 3898. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 1200, supra; which was ordered to lie on the table.

SA 3899. Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) proposed an amendment to the bill S. 1200, supra.

SA 3900. Mr. SANDERS (for himself, Mr. OBAMA, Ms. CANTWELL, Mr. KERRY, Ms. SNOWE, Ms. COLLINS, Mr. SUNUNU, Mr. MENENDEZ, Mr. LEAHY, Mrs. CLINTON, Mr. KENNEDY, and Mr. DURBIN) proposed an amendment to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, supra.

TEXT OF AMENDMENTS

SA 3893. Mr. BROWNBACK (for himself, Mr. DORGAN, Ms. CANTWELL, and Mr. INOUYE) submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; as follows:

At the end, add the following:

TITLE III—MISCELLANEOUS

SEC. 301. RESOLUTION OF APOLOGY TO NATIVE PEOPLES OF UNITED STATES.

(a) FINDINGS.—Congress finds that—

(1) the ancestors of today's Native Peoples inhabited the land of the present-day United States since time immemorial and for thousands of years before the arrival of people of European descent;

(2) for millennia, Native Peoples have honored, protected, and stewarded this land we cherish;

(3) Native Peoples are spiritual people with a deep and abiding belief in the Creator, and for millennia Native Peoples have maintained a powerful spiritual connection to this land, as evidenced by their customs and legends;

(4) the arrival of Europeans in North America opened a new chapter in the history of Native Peoples;

(5) while establishment of permanent European settlements in North America did stir conflict with nearby Indian tribes, peaceful and mutually beneficial interactions also took place;

(6) the foundational English settlements in Jamestown, Virginia, and Plymouth, Massachusetts, owed their survival in large measure to the compassion and aid of Native Peoples in the vicinities of the settlements;

(7) in the infancy of the United States, the founders of the Republic expressed their desire for a just relationship with the Indian tribes, as evidenced by the Northwest Ordinance enacted by Congress in 1787, which begins with the phrase, "The utmost good faith shall always be observed toward the Indians";

(8) Indian tribes provided great assistance to the fledgling Republic as it strengthened and grew, including invaluable help to Meriwether Lewis and William Clark on their epic journey from St. Louis, Missouri, to the Pacific Coast;

(9) Native Peoples and non-Native settlers engaged in numerous armed conflicts;

(10) the Federal Government violated many of the treaties ratified by Congress and other diplomatic agreements with Indian tribes;

(11) the United States should address the broken treaties and many of the more ill-conceived Federal policies that followed, such as extermination, termination, forced removal and relocation, the outlawing of traditional religions, and the destruction of sacred places;

(12) the United States forced Indian tribes and their citizens to move away from their traditional homelands and onto federally established and controlled reservations, in accordance with such Acts as the Act of May 28, 1830 (4 Stat. 411, chapter 148) (commonly known as the "Indian Removal Act");

(13) many Native Peoples suffered and perished—

(A) during the execution of the official Federal Government policy of forced removal, including the infamous Trail of Tears and Long Walk;

(B) during bloody armed confrontations and massacres, such as the Sand Creek Massacre in 1864 and the Wounded Knee Massacre in 1890; and

(C) on numerous Indian reservations;

(14) the Federal Government condemned the traditions, beliefs, and customs of Native Peoples and endeavored to assimilate them by such policies as the redistribution of land under the Act of February 8, 1887 (25 U.S.C. 331; 24 Stat. 388, chapter 119) (commonly known as the "General Allotment Act"), and the forcible removal of Native children from their families to faraway boarding schools where their Native practices and languages were degraded and forbidden;

(15) officials of the Federal Government and private United States citizens harmed Native Peoples by the unlawful acquisition of recognized tribal land and the theft of

tribal resources and assets from recognized tribal land;

(16) the policies of the Federal Government toward Indian tribes and the breaking of covenants with Indian tribes have contributed to the severe social ills and economic troubles in many Native communities today;

(17) despite the wrongs committed against Native Peoples by the United States, Native Peoples have remained committed to the protection of this great land, as evidenced by the fact that, on a per capita basis, more Native Peoples have served in the United States Armed Forces and placed themselves in harm's way in defense of the United States in every major military conflict than any other ethnic group;

(18) Indian tribes have actively influenced the public life of the United States by continued cooperation with Congress and the Department of the Interior, through the involvement of Native individuals in official Federal Government positions, and by leadership of their own sovereign Indian tribes;

(19) Indian tribes are resilient and determined to preserve, develop, and transmit to future generations their unique cultural identities;

(20) the National Museum of the American Indian was established within the Smithsonian Institution as a living memorial to Native Peoples and their traditions; and

(21) Native Peoples are endowed by their Creator with certain unalienable rights, and among those are life, liberty, and the pursuit of happiness.

(b) ACKNOWLEDGMENT AND APOLOGY.—The United States, acting through Congress—

(1) recognizes the special legal and political relationship Indian tribes have with the United States and the solemn covenant with the land we share;

(2) commends and honors Native Peoples for the thousands of years that they have stewarded and protected this land;

(3) recognizes that there have been years of official depredations, ill-conceived policies, and the breaking of covenants by the Federal Government regarding Indian tribes;

(4) apologizes on behalf of the people of the United States to all Native Peoples for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States;

(5) expresses its regret for the ramifications of former wrongs and its commitment to build on the positive relationships of the past and present to move toward a brighter future where all the people of this land live reconciled as brothers and sisters, and harmoniously steward and protect this land together;

(6) urges the President to acknowledge the wrongs of the United States against Indian tribes in the history of the United States in order to bring healing to this land by providing a proper foundation for reconciliation between the United States and Indian tribes; and

(7) commends the State governments that have begun reconciliation efforts with recognized Indian tribes located in their boundaries and encourages all State governments similarly to work toward reconciling relationships with Indian tribes within their boundaries.

(c) DISCLAIMER.—Nothing in this section—

(1) authorizes or supports any claim against the United States; or

(2) serves as a settlement of any claim against the United States.

SA 3894. Mr. BINGAMAN (for himself and Mr. THUNE) proposed an amendment to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; as follows:

At the end of title II, add the following:

SEC. ______. LIMITATION ON CHARGES FOR CONTRACT HEALTH SERVICES PROVIDED TO INDIANS BY MEDICARE PROVIDERS.

(a) ALL PROVIDERS OF SERVICES.—

(1) IN GENERAL.—Section 1866(a)(1)(U) of the Social Security Act (42 U.S.C. 1395cc(a)(1)(U)) is amended by striking "in the case of hospitals which furnish inpatient hospital services for which payment may be made under this title," in the matter preceding clause (i).

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to Medicare participation agreements in effect (or entered into) on or after the date that is 1 year after the date of enactment of this Act.

(b) ALL SUPPLIERS.—

(1) IN GENERAL.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

"(n) LIMITATION ON CHARGES FOR CONTRACT HEALTH SERVICES PROVIDED TO INDIANS BY SUPPLIERS.—No payment may be made under this title for an item or service furnished by a supplier (as defined in section 1861(d)) unless the supplier agrees (pursuant to a process established by the Secretary) to be a participating provider of medical care both—

"(1) under the contract health services program funded by the Indian Health Service and operated by the Indian Health Service, an Indian Tribe, or Tribal Organization (as those terms are defined in section 4 of the Indian Health Care Improvement Act), with respect to items and services that are covered under such program and furnished to an individual eligible for such items and services under such program; and

"(2) under any program funded by the Indian Health Service and operated by an urban Indian Organization with respect to the purchase of items and services for an eligible Urban Indian (as those terms are defined in such section 4),

in accordance with regulations promulgated by the Secretary regarding payment methodology and rates of payment (including the acceptance of no more than such payment rate as payment in full for such items and services.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to items and services furnished on or after the date that is 1 year after the date of enactment of this Act.

SA 3895. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—ELECTION LAW

SEC. 301. APPLICATION OF FECA TO INDIAN TRIBES.

(a) CONTRIBUTIONS AND EXPENDITURES BY CORPORATIONS.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following:

"(d) TREATMENT OF INDIAN TRIBES AS CORPORATIONS.—

"(1) IN GENERAL.—In this section, the term 'corporation' includes an unincorporated Indian tribe.

"(2) TREATMENT OF MEMBERS AS STOCKHOLDERS.—In applying this subsection, a member of an unincorporated Indian tribe shall be treated in the same manner as a stockholder of a corporation.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any election that occurs on or after the date of enactment of this Act.

SA 3896. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; as follows:

Strike section 805 of the Indian Health Care Improvement Act (as amended by section 101(a)) and insert the following:

"SEC. 805. LIMITATION RELATING TO ABORTION.

"(a) DEFINITION OF HEALTH BENEFITS COVERAGE.—In this section, the term 'health benefits coverage' means a health-related service or group of services provided pursuant to a contract, compact, grant, or other agreement.

"(b) LIMITATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no funds or facilities of the Service may be used—

"(A) to provide any abortion; or

"(B) to provide, or pay any administrative cost of, any health benefits coverage that includes coverage of an abortion.

"(2) EXCEPTIONS.—The limitation described in paragraph (1) shall not apply in any case in which—

"(A) a pregnancy is the result of an act of rape, or an act of incest against a minor; or

"(B) the woman suffers from a physical disorder, physical injury, or physical illness that, as certified by a physician, would place the woman in danger of death unless an abortion is performed, including a life-endangering physical condition caused by or arising from the pregnancy itself.".

SA 3897. Mr. SMITH (for himself and Ms. CANTWELL, Mr. WYDEN, Mr. CRAPO, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

Strike subsection (f) of section 301 of the Indian Health Care Improvement Act (as amended by section 101) and insert the following:

"(f) DEVELOPMENT OF INNOVATIVE APPROACHES.—The Secretary shall consult and cooperate with Indian Tribes and Tribal Organizations, and confer with Urban Indian Organizations, in developing innovative approaches to address all or part of the total unmet need for construction of health facilities, that may include—

"(1) the establishment of an area distribution fund in which a portion of health facility construction funding could be devoted to all Service Areas;

"(2) approaches provided for in other provisions of this title; and

"(3) other approaches, as the Secretary determines to be appropriate.".

SA 3898. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

The Indian Health Care Improvement Act (as amended by section 101(a)) is amended—

(1) by redesignating sections 816 and 817 as sections 817 and 818, respectively; and

(2) by inserting after section 815 the following:

"SEC. 816. GAO REPORT ON COORDINATION OF SERVICES.

"(a) STUDY AND EVALUATION.—The Comptroller General of the United States shall conduct a study, and evaluate the effectiveness, of coordination of health care services provided to Indians—

"(1) through Medicare, Medicaid, or SCHIP;

"(2) by the Service; or

"(3) using funds provided by—

"(A) State or local governments; or

"(B) Indian Tribes.

"(b) REPORT.—Not later than 18 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Comptroller General shall submit to Congress a report—

"(1) describing the results of the evaluation under subsection (a); and

"(2) containing recommendations of the Comptroller General regarding measures to support and increase coordination of the provision of health care services to Indians as described in subsection (a).".

SA 3899. Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) proposed an amendment to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Indian Health Care Improvement Act Amendments of 2008".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO INDIAN LAWS

Sec. 101. Indian Health Care Improvement Act amended.
Sec. 102. Soboba sanitation facilities.
Sec. 103. Native American Health and Wellness Foundation.

TITLE II—IMPROVEMENT OF INDIAN HEALTH CARE PROVIDED UNDER THE SOCIAL SECURITY ACT

Sec. 201. Expansion of payments under Medicare, Medicaid, and SCHIP for all covered services furnished by Indian Health Programs.
Sec. 202. Increased outreach to Indians under Medicaid and SCHIP and improved cooperation in the provision of items and services to Indians under Social Security Act health benefit programs.
Sec. 203. Additional provisions to increase outreach to, and enrollment of, Indians in SCHIP and Medicaid.
Sec. 204. Premiums and cost sharing protections under Medicaid, eligibility determinations under Medicaid and SCHIP, and protection of certain Indian property from Medicaid estate recovery.
Sec. 205. Nondiscrimination in qualifications for payment for services under Federal health care programs.
Sec. 206. Consultation on Medicaid, SCHIP, and other health care programs funded under the Social Security Act involving Indian Health Programs and Urban Indian Organizations.
Sec. 207. Exclusion waiver authority for affected Indian Health Programs and safe harbor transactions under the Social Security Act.
Sec. 208. Rules applicable under Medicaid and SCHIP to managed care entities with respect to Indian enrollees and Indian health care providers and Indian managed care entities.
Sec. 209. Annual report on Indians served by Social Security Act health benefit programs.
Sec. 210. Development of recommendations to improve interstate coordination of Medicaid and CHIP coverage of Indian children and other children who are outside of their State of residency because of educational or other needs.
Sec. 211. Establishment of National Child Welfare Resource Center for Tribes.
Sec. 212. Adjustment to the Medicare Advantage stabilization fund.

TITLE I—AMENDMENTS TO INDIAN LAWS

SEC. 101. INDIAN HEALTH CARE IMPROVEMENT ACT AMENDED.

The Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Indian Health Care Improvement Act'.

"(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

"Sec. 1. Short title; table of contents.
"Sec. 2. Findings.
"Sec. 3. Declaration of national Indian health policy.
"Sec. 4. Definitions.

"TITLE I—INDIAN HEALTH, HUMAN RESOURCES, AND DEVELOPMENT

"Sec. 101. Purpose.
"Sec. 102. Health professions recruitment program for Indians.
"Sec. 103. Health professions preparatory scholarship program for Indians.
"Sec. 104. Indian health professions scholarships.
"Sec. 105. American Indians Into Psychology Program.
"Sec. 106. Scholarship programs for Indian Tribes.
"Sec. 107. Indian Health Service extern programs.
"Sec. 108. Continuing education allowances.
"Sec. 109. Community Health Representative Program.
"Sec. 110. Indian Health Service Loan Repayment Program.
"Sec. 111. Scholarship and Loan Repayment Recovery Fund.
"Sec. 112. Recruitment activities.
"Sec. 113. Indian recruitment and retention program.
"Sec. 114. Advanced training and research.
"Sec. 115. Quentin N. Burdick American Indians Into Nursing Program.
"Sec. 116. Tribal cultural orientation.
"Sec. 117. INMED Program.
"Sec. 118. Health training programs of community colleges.
"Sec. 119. Retention bonus.
"Sec. 120. Nursing residency program.
"Sec. 121. Community Health Aide Program.
"Sec. 122. Tribal Health Program administration.
"Sec. 123. Health professional chronic shortage demonstration programs.
"Sec. 124. National Health Service Corps.
"Sec. 125. Substance abuse counselor educational curricula demonstration programs.
"Sec. 126. Behavioral health training and community education programs.
"Sec. 127. Authorization of appropriations.

"TITLE II—HEALTH SERVICES

"Sec. 201. Indian Health Care Improvement Fund.
"Sec. 202. Catastrophic Health Emergency Fund.
"Sec. 203. Health promotion and disease prevention services.
"Sec. 204. Diabetes prevention, treatment, and control.
"Sec. 205. Shared services for long-term care.
"Sec. 206. Health services research.
"Sec. 207. Mammography and other cancer screening.
"Sec. 208. Patient travel costs.
"Sec. 209. Epidemiology centers.
"Sec. 210. Comprehensive school health education programs.
"Sec. 211. Indian youth program.
"Sec. 212. Prevention, control, and elimination of communicable and infectious diseases.
"Sec. 213. Other authority for provision of services.
"Sec. 214. Indian women's health care.
"Sec. 215. Environmental and nuclear health hazards.
"Sec. 216. Arizona as a contract health service delivery area.
"Sec. 216A. North Dakota and South Dakota as contract health service delivery area.
"Sec. 217. California contract health services program.
"Sec. 218. California as a contract health service delivery area.
"Sec. 219. Contract health services for the Trenton service area.
"Sec. 220. Programs operated by Indian Tribes and Tribal Organizations.
"Sec. 221. Licensing.
"Sec. 222. Notification of provision of emergency contract health services.
"Sec. 223. Prompt action on payment of claims.
"Sec. 224. Liability for payment.
"Sec. 225. Office of Indian Men's Health.
"Sec. 226. Authorization of appropriations.

"TITLE III—FACILITIES

"Sec. 301. Consultation; construction and renovation of facilities; reports.
"Sec. 302. Sanitation facilities.
"Sec. 303. Preference to Indians and Indian firms.
"Sec. 304. Expenditure of non-Service funds for renovation.
"Sec. 305. Funding for the construction, expansion, and modernization of small ambulatory care facilities.

"Sec. 306. Indian health care delivery demonstration projects.
"Sec. 307. Land transfer.
"Sec. 308. Leases, contracts, and other agreements.
"Sec. 309. Study on loans, loan guarantees, and loan repayment.
"Sec. 310. Tribal leasing.
"Sec. 311. Indian Health Service/tribal facilities joint venture program.
"Sec. 312. Location of facilities.
"Sec. 313. Maintenance and improvement of health care facilities.
"Sec. 314. Tribal management of Federally-owned quarters.
"Sec. 315. Applicability of Buy American Act requirement.
"Sec. 316. Other funding for facilities.
"Sec. 317. Authorization of appropriations.

"TITLE IV—ACCESS TO HEALTH SERVICES

"Sec. 401. Treatment of payments under Social Security Act health benefits programs.
"Sec. 402. Grants to and contracts with the Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations to facilitate outreach, enrollment, and coverage of Indians under Social Security Act health benefit programs and other health benefits programs.
"Sec. 403. Reimbursement from certain third parties of costs of health services.
"Sec. 404. Crediting of reimbursements.
"Sec. 405. Purchasing health care coverage.
"Sec. 406. Sharing arrangements with Federal agencies.
"Sec. 407. Eligible Indian veteran services.
"Sec. 408. Payor of last resort.
"Sec. 409. Nondiscrimination under Federal health care programs in qualifications for reimbursement for services.
"Sec. 410. Consultation.
"Sec. 411. State Children's Health Insurance Program (SCHIP).
"Sec. 412. Exclusion waiver authority for affected Indian Health Programs and safe harbor transactions under the Social Security Act.
"Sec. 413. Premium and cost sharing protections and eligibility determinations under Medicaid and SCHIP and protection of certain Indian property from Medicaid estate recovery.
"Sec. 414. Treatment under Medicaid and SCHIP managed care.
"Sec. 415. Navajo Nation Medicaid Agency feasibility study.
"Sec. 416. General exceptions.
"Sec. 417. Authorization of appropriations.

"TITLE V—HEALTH SERVICES FOR URBAN INDIANS

"Sec. 501. Purpose.
"Sec. 502. Contracts with, and grants to, Urban Indian Organizations.
"Sec. 503. Contracts and grants for the provision of health care and referral services.
"Sec. 504. Contracts and grants for the determination of unmet health care needs.
"Sec. 505. Evaluations; renewals.
"Sec. 506. Other contract and grant requirements.
"Sec. 507. Reports and records.
"Sec. 508. Limitation on contract authority.
"Sec. 509. Facilities.
"Sec. 510. Division of Urban Indian Health.
"Sec. 511. Grants for alcohol and substance abuse-related services.
"Sec. 512. Treatment of certain demonstration projects.
"Sec. 513. Urban NIAAA transferred programs.
"Sec. 514. Conferring with Urban Indian Organizations.
"Sec. 515. Urban youth treatment center demonstration.
"Sec. 516. Grants for diabetes prevention, treatment, and control.
"Sec. 517. Community Health Representatives.
"Sec. 518. Effective date.
"Sec. 519. Eligibility for services.
"Sec. 520. Authorization of appropriations.

"TITLE VI—ORGANIZATIONAL IMPROVEMENTS

"Sec. 601. Establishment of the Indian Health Service as an agency of the Public Health Service.
"Sec. 602. Automated management information system.
"Sec. 603. Authorization of appropriations.

"TITLE VII—BEHAVIORAL HEALTH PROGRAMS

"Sec. 701. Behavioral health prevention and treatment services.
"Sec. 702. Memoranda of agreement with the Department of the Interior.
"Sec. 703. Comprehensive behavioral health prevention and treatment program.
"Sec. 704. Mental health technician program.
"Sec. 705. Licensing requirement for mental health care workers.
"Sec. 706. Indian women treatment programs.
"Sec. 707. Indian youth program.
"Sec. 708. Indian youth telemental health demonstration project.
"Sec. 709. Inpatient and community-based mental health facilities design, construction, and staffing.
"Sec. 710. Training and community education.
"Sec. 711. Behavioral health program.
"Sec. 712. Fetal alcohol spectrum disorders programs.
"Sec. 713. Child sexual abuse and prevention treatment programs.
"Sec. 714. Domestic and sexual violence prevention and treatment.
"Sec. 715. Behavioral health research.
"Sec. 716. Definitions.
"Sec. 717. Authorization of appropriations.

"TITLE VIII—MISCELLANEOUS

"Sec. 801. Reports.
"Sec. 802. Regulations.
"Sec. 803. Plan of implementation.
"Sec. 804. Availability of funds.
"Sec. 805. Limitations.
"Sec. 806. Eligibility of California Indians.
"Sec. 807. Health services for ineligible persons.
"Sec. 808. Reallocation of base resources.
"Sec. 809. Results of demonstration projects.
"Sec. 810. Provision of services in Montana.
"Sec. 811. Tribal employment.
"Sec. 812. Severability provisions.
"Sec. 813. Establishment of National Bipartisan Commission on Indian Health Care.
"Sec. 814. Confidentiality of medical quality assurance records; qualified immunity for participants.
"Sec. 815. Appropriations; availability.
"Sec. 816. Authorization of appropriations.

"SEC. 2. FINDINGS.

"Congress makes the following findings:

"(1) Federal health services to maintain and improve the health of the Indians are consonant with and required by the Federal Government's historical and unique legal relationship with, and resulting responsibility to, the American Indian people.

"(2) A major national goal of the United States is to provide the resources, processes, and structure that will enable Indian Tribes and tribal members to obtain the quantity and quality of health care services and opportunities that will eradicate the health disparities between Indians and the general population of the United States.

"(3) A major national goal of the United States is to provide the quantity and quality of health services which will permit the health status of Indians to be raised to the highest possible level and to encourage the maximum participation of Indians in the planning and management of those services.

"(4) Federal health services to Indians have resulted in a reduction in the prevalence and incidence of preventable illnesses among, and unnecessary and premature deaths of, Indians.

"(5) Despite such services, the unmet health needs of the American Indian people are severe and the health status of the Indians is far below that of the general population of the United States.

"SEC. 3. DECLARATION OF NATIONAL INDIAN HEALTH POLICY.

"Congress declares that it is the policy of this Nation, in fulfillment of its special trust responsibilities and legal obligations to Indians—

"(1) to assure the highest possible health status for Indians and Urban Indians and to provide all resources necessary to effect that policy;

"(2) to raise the health status of Indians and Urban Indians to at least the levels set forth in the goals contained within the Healthy People 2010 or successor objectives;

"(3) to ensure maximum Indian participation in the direction of health care services so as to render the persons administering such services and the services themselves more responsive to the needs and desires of Indian communities;

"(4) to increase the proportion of all degrees in the health professions and allied and associated health professions awarded to Indians so that the proportion of Indian health professionals in each Service Area is raised to at least the level of that of the general population;

"(5) to require that all actions under this Act shall be carried out with active and meaningful consultation with Indian Tribes and Tribal Organizations, and conference with Urban Indian Organizations, to implement this Act and the national policy of Indian self-determination;

"(6) to ensure that the United States and Indian Tribes work in a government-to-government relationship to ensure quality health care for all tribal members; and

"(7) to provide funding for programs and facilities operated by Indian Tribes and Tribal Organizations in amounts that are not less than the amounts provided to programs and facilities operated directly by the Service.

"SEC. 4. DEFINITIONS.

"For purposes of this Act:

"(1) The term 'accredited and accessible' means on or near a reservation and accredited by a national or regional organization with accrediting authority.

"(2) The term 'Area Office' means an administrative entity, including a program office, within the Service through which services and funds are provided to the Service Units within a defined geographic area.

"(3)(A) The term 'behavioral health' means the blending of substance (alcohol, drugs, inhalants, and tobacco) abuse and mental health prevention and treatment, for the purpose of providing comprehensive services.

"(B) The term 'behavioral health' includes the joint development of substance abuse and mental health treatment planning and coordinated case management using a multidisciplinary approach.

"(4) The term 'California Indians' means those Indians who are eligible for health services of the Service pursuant to section 806.

"(5) The term 'community college' means—

"(A) a tribal college or university, or

"(B) a junior or community college.

"(6) The term 'contract health service' means health services provided at the expense of the Service or a Tribal Health Program by public or private medical providers or hospitals, other than the Service Unit or the Tribal Health Program at whose expense the services are provided.

"(7) The term 'Department' means, unless otherwise designated, the Department of Health and Human Services.

"(8) The term 'Director' means the Director of the Service.

"(9) The term 'disease prevention' means the reduction, limitation, and prevention of disease and its complications and reduction in the consequences of disease, including—

"(A) controlling—

"(i) the development of diabetes;

"(ii) high blood pressure;

"(iii) infectious agents;

"(iv) injuries;

"(v) occupational hazards and disabilities;

"(vi) sexually transmittable diseases; and

"(vii) toxic agents; and

"(B) providing—

"(i) fluoridation of water; and

"(ii) immunizations.

"(10) The term 'health profession' means allopathic medicine, family medicine, internal medicine, pediatrics, geriatric medicine, obstetrics and gynecology, podiatric medicine, nursing, public health nursing, dentistry, psychiatry, osteopathy, optometry, pharmacy, psychology, public health, social work, marriage and family therapy, chiropractic medicine, environmental health and engineering, allied health professions, and any other health profession.

"(11) The term 'health promotion' means—

"(A) fostering social, economic, environmental, and personal factors conducive to health, including raising public awareness about health matters and enabling the people to cope with health problems by increasing their knowledge and providing them with valid information;

"(B) encouraging adequate and appropriate diet, exercise, and sleep;

"(C) promoting education and work in conformity with physical and mental capacity;

"(D) making available safe water and sanitary facilities;

"(E) improving the physical, economic, cultural, psychological, and social environment;

"(F) promoting culturally competent care; and

"(G) providing adequate and appropriate programs, which may include—

"(i) abuse prevention (mental and physical);

"(ii) community health;

"(iii) community safety;

"(iv) consumer health education;

"(v) diet and nutrition;

"(vi) immunization and other prevention of communicable diseases, including HIV/AIDS;

"(vii) environmental health;

"(viii) exercise and physical fitness;

"(ix) avoidance of fetal alcohol spectrum disorders;

"(x) first aid and CPR education;

"(xi) human growth and development;

"(xii) injury prevention and personal safety;

"(xiii) behavioral health;

"(xiv) monitoring of disease indicators between health care provider visits, through appropriate means, including Internet-based health care management systems;

"(xv) personal health and wellness practices;

"(xvi) personal capacity building;

"(xvii) prenatal, pregnancy, and infant care;

"(xviii) psychological well-being;

"(xix) family planning;

"(xx) safe and adequate water;

"(xxi) healthy work environments;

"(xxii) elimination, reduction, and prevention of contaminants that create unhealthy household conditions (including mold and other allergens);

"(xxiii) stress control;

"(xxiv) substance abuse;

"(xxv) sanitary facilities;

"(xxvi) sudden infant death syndrome prevention;

"(xxvii) tobacco use cessation and reduction;

"(xxviii) violence prevention; and

"(xxix) such other activities identified by the Service, a Tribal Health Program, or an Urban Indian Organization, to promote achievement of any of the objectives described in section 3(2).

"(12) The term 'Indian', unless otherwise designated, means any person who is a member of an Indian Tribe or is eligible for health services under section 806, except that, for the purpose of sections 102 and 103, the term also means any individual who—

"(A)(i) irrespective of whether the individual lives on or near a reservation, is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside; or

"(ii) is a descendant, in the first or second degree, of any such member;

"(B) is an Eskimo or Aleut or other Alaska Native;

"(C) is considered by the Secretary of the Interior to be an Indian for any purpose; or

"(D) is determined to be an Indian under regulations promulgated by the Secretary.

"(13) The term 'Indian Health Program' means—

"(A) any health program administered directly by the Service;

"(B) any Tribal Health Program; or

"(C) any Indian Tribe or Tribal Organization to which the Secretary provides funding pursuant to section 23 of the Act of June 25, 1910 (25 U.S.C. 47) (commonly known as the 'Buy Indian Act').

"(14) The term 'Indian Tribe' has the meaning given the term in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(15) The term 'junior or community college' has the meaning given the term by section 312(e) of the Higher Education Act of 1965 (20 U.S.C. 1058(e)).

"(16) The term 'reservation' means any federally recognized Indian Tribe's reservation, Pueblo, or colony, including former reservations in Oklahoma, Indian allotments, and Alaska Native Regions established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

"(17) The term 'Secretary', unless otherwise designated, means the Secretary of Health and Human Services.

"(18) The term 'Service' means the Indian Health Service.

"(19) The term 'Service Area' means the geographical area served by each Area Office.

"(20) The term 'Service Unit' means an administrative entity of the Service, or a Tribal Health Program through which services are provided, directly or by contract, to eligible Indians within a defined geographic area.

"(21) The term 'telehealth' has the meaning given the term in section 330K(a) of the Public Health Service Act (42 U.S.C. 254c-16(a)).

"(22) The term 'telemedicine' means a telecommunications link to an end user through the use of eligible equipment that electronically links health professionals or patients and health professionals at separate sites in order to exchange health care information in audio, video, graphic, or other format for the purpose of providing improved health care services.

"(23) The term 'tribal college or university' has the meaning given the term in section 316(b)(3) of the Higher Education Act (20 U.S.C. 1059c(b)(3)).

"(24) The term 'Tribal Health Program' means an Indian Tribe or Tribal Organization that operates any health program, service, function, activity, or facility funded, in whole or part, by the Service through, or provided for in, a contract or compact with the Service under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(25) The term 'Tribal Organization' has the meaning given the term in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(26) The term 'Urban Center' means any community which has a sufficient Urban Indian population with unmet health needs to warrant assistance under title V of this Act, as determined by the Secretary.

"(27) The term 'Urban Indian' means any individual who resides in an Urban Center and who meets 1 or more of the following criteria:

"(A) Irrespective of whether the individual lives on or near a reservation, the individual is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those tribes, bands, or groups that are recognized by the States in which they reside, or who is a descendant in the first or second degree of any such member.

"(B) The individual is an Eskimo, Aleut, or other Alaska Native.

"(C) The individual is considered by the Secretary of the Interior to be an Indian for any purpose.

"(D) The individual is determined to be an Indian under regulations promulgated by the Secretary.

"(28) The term 'Urban Indian Organization' means a nonprofit corporate body that (A) is situated in an Urban Center; (B) is governed by an Urban Indian-controlled board of directors; (C) provides for the participation of all interested Indian groups and individuals; and (D) is capable of legally cooperating with other public and private entities for the purpose of performing the activities described in section 503(a).

"TITLE I—INDIAN HEALTH, HUMAN RESOURCES, AND DEVELOPMENT

"SEC. 101. PURPOSE.

"The purpose of this title is to increase, to the maximum extent feasible, the number of Indians entering the health professions and providing health services, and to assure an optimum supply of health professionals to the Indian Health Programs and Urban Indian Organizations involved in the provision of health services to Indians.

"SEC. 102. HEALTH PROFESSIONS RECRUITMENT PROGRAM FOR INDIANS.

"(a) IN GENERAL.—The Secretary, acting through the Service, shall make grants to public or nonprofit private health or educational entities, Tribal Health Programs, or Urban Indian Organizations to assist such entities in meeting the costs of—

"(1) identifying Indians with a potential for education or training in the health professions and encouraging and assisting them—

"(A) to enroll in courses of study in such health professions; or

"(B) if they are not qualified to enroll in any such courses of study, to undertake such postsecondary education or training as may be required to qualify them for enrollment;

"(2) publicizing existing sources of financial aid available to Indians enrolled in any course of study referred to in paragraph (1) or who are undertaking training necessary to qualify them to enroll in any such course of study; or

"(3) establishing other programs which the Secretary determines will enhance and facilitate the enrollment of Indians in, and the subsequent pursuit and completion by them of, courses of study referred to in paragraph (1).

"(b) GRANTS.—

"(1) APPLICATION.—The Secretary shall not make a grant under this section unless an application has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe pursuant to this Act. The Secretary shall give a preference to applications submitted by Tribal Health Programs or Urban Indian Organizations.

"(2) AMOUNT OF GRANTS; PAYMENT.—The amount of a grant under this section shall be determined by the Secretary. Payments pursuant to this section may be made in advance or by way of reimbursement, and at such intervals and on such conditions as provided for in regulations issued pursuant to this Act. To the extent not otherwise prohibited by law, grants shall be for 3 years, as provided in regulations issued pursuant to this Act.

"SEC. 103. HEALTH PROFESSIONS PREPARATORY SCHOLARSHIP PROGRAM FOR INDIANS.

"(a) SCHOLARSHIPS AUTHORIZED.—The Secretary, acting through the Service, shall provide scholarship grants to Indians who—

"(1) have successfully completed their high school education or high school equivalency; and

"(2) have demonstrated the potential to successfully complete courses of study in the health professions.

"(b) PURPOSES.—Scholarship grants provided pursuant to this section shall be for the following purposes:

"(1) Compensatory preprofessional education of any recipient, such scholarship not to exceed 2 years on a full-time basis (or the part-time equivalent thereof, as determined by the Secretary pursuant to regulations issued under this Act).

"(2) Pregraduate education of any recipient leading to a baccalaureate degree in an approved course of study preparatory to a field of study in a health profession, such scholarship not to exceed 4 years. An extension of up to 2 years (or the part-time equivalent thereof, as determined by the Secretary pursuant to regulations issued pursuant to this Act) may be approved.

"(c) OTHER CONDITIONS.—Scholarships under this section—

"(1) may cover costs of tuition, books, transportation, board, and other necessary related expenses of a recipient while attending school;

"(2) shall not be denied solely on the basis of the applicant's scholastic achievement if such applicant has been admitted to, or maintained good standing at, an accredited institution; and

"(3) shall not be denied solely by reason of such applicant's eligibility for assistance or benefits under any other Federal program.

"SEC. 104. INDIAN HEALTH PROFESSIONS SCHOLARSHIPS.

"(a) IN GENERAL.—

"(1) AUTHORITY.—The Secretary, acting through the Service, shall make scholarship grants to Indians who are enrolled full or part time in accredited schools pursuing courses of study in the health professions. Such scholarships shall be designated Indian Health Scholarships and shall be made in accordance with section 338A of the Public Health Services Act (42 U.S.C. 254*l*), except as provided in subsection (b) of this section.

"(2) DETERMINATIONS BY SECRETARY.—The Secretary, acting through the Service, shall determine—

"(A) who shall receive scholarship grants under subsection (a); and

"(B) the distribution of the scholarships among health professions on the basis of the relative needs of Indians for additional service in the health professions.

"(3) CERTAIN DELEGATION NOT ALLOWED.—The administration of this section shall be a responsibility of the Director and shall not be delegated in a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(b) ACTIVE DUTY SERVICE OBLIGATION.—

"(1) OBLIGATION MET.—The active duty service obligation under a written contract with the Secretary under this section that an Indian has entered into shall, if that individual is a recipient of an Indian Health Scholarship, be met in full-time practice equal to 1 year for each school year for which the participant receives a scholarship award under this part, or 2 years, whichever is greater, by service in 1 or more of the following:

"(A) In an Indian Health Program.

"(B) In a program assisted under title V of this Act.

"(C) In the private practice of the applicable profession if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

"(D) In a teaching capacity in a tribal college or university nursing program (or a related health profession program) if, as determined by the Secretary, the health service provided to Indians would not decrease.

"(2) OBLIGATION DEFERRED.—At the request of any individual who has entered into a contract referred to in paragraph (1) and who receives a degree in medicine (including osteopathic or allopathic medicine), dentistry, optometry, podiatry, or pharmacy, the Secretary shall defer the active duty service obligation of that individual under that contract, in order that such individual may complete any internship, residency, or other advanced clinical training that is required for the practice of that health profession, for an appropriate period (in years, as determined by the Secretary), subject to the following conditions:

"(A) No period of internship, residency, or other advanced clinical training shall be counted as satisfying any period of obligated service under this subsection.

"(B) The active duty service obligation of that individual shall commence not later than 90 days after the completion of that advanced clinical training (or by a date specified by the Secretary).

"(C) The active duty service obligation will be served in the health profession of that individual in a manner consistent with paragraph (1).

"(D) A recipient of a scholarship under this section may, at the election of the recipient, meet the active duty service obligation described in paragraph (1) by service in a program specified under that paragraph that—

"(i) is located on the reservation of the Indian Tribe in which the recipient is enrolled; or

"(ii) serves the Indian Tribe in which the recipient is enrolled.

"(3) PRIORITY WHEN MAKING ASSIGNMENTS.—Subject to paragraph (2), the Secretary, in making assignments of Indian Health Scholarship recipients required to meet the active duty service obligation described in paragraph (1), shall give priority to assigning individuals to service in those programs specified in paragraph (1) that have a need for health professionals to provide health care services as a result of individuals having breached contracts entered into under this section.

"(c) PART-TIME STUDENTS.—In the case of an individual receiving a scholarship under this section who is enrolled part time in an approved course of study—

"(1) such scholarship shall be for a period of years not to exceed the part-time equivalent of 4 years, as determined by the Secretary;

"(2) the period of obligated service described in subsection (b)(1) shall be equal to the greater of—

"(A) the part-time equivalent of 1 year for each year for which the individual was provided a scholarship (as determined by the Secretary); or

"(B) 2 years; and

"(3) the amount of the monthly stipend specified in section 338A(g)(1)(B) of the Public Health Service Act (42 U.S.C. 254*l*(g)(1)(B)) shall be reduced pro rata (as determined by the Secretary) based on the number of hours such student is enrolled.

"(d) BREACH OF CONTRACT.—

"(1) SPECIFIED BREACHES.—An individual shall be liable to the United States for the amount which has been paid to the individual, or on behalf of the individual, under a contract entered into with the Secretary under this section on or after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008 if that individual—

"(A) fails to maintain an acceptable level of academic standing in the educational institution in which he or she is enrolled (such level determined by the educational institution under regulations of the Secretary);

"(B) is dismissed from such educational institution for disciplinary reasons;

"(C) voluntarily terminates the training in such an educational institution for which he or she is provided a scholarship under such contract before the completion of such training; or

"(D) fails to accept payment, or instructs the educational institution in which he or she is enrolled not to accept payment, in whole or in part, of a scholarship under such contract, in lieu of any service obligation arising under such contract.

"(2) OTHER BREACHES.—If for any reason not specified in paragraph (1) an individual breaches a written contract by failing either to begin such individual's service obligation required under such contract or to complete such service obligation, the United States shall be entitled to recover from the individual an amount determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

"(3) CANCELLATION UPON DEATH OF RECIPIENT.—Upon the death of an individual who receives an Indian Health Scholarship, any outstanding obligation of that individual for service or payment that relates to that scholarship shall be canceled.

"(4) WAIVERS AND SUSPENSIONS.—

"(A) IN GENERAL.—The Secretary shall provide for the partial or total waiver or suspension of any obligation of service or payment of a recipient of an Indian Health Scholarship if the Secretary determines that—

"(i) it is not possible for the recipient to meet that obligation or make that payment;

"(ii) requiring that recipient to meet that obligation or make that payment would result in extreme hardship to the recipient; or

"(iii) the enforcement of the requirement to meet the obligation or make the payment would be unconscionable.

"(B) FACTORS FOR CONSIDERATION.—Before waiving or suspending an obligation of service or payment under subparagraph (A), the Secretary shall consult with the affected Area Office, Indian Tribes, or Tribal Organizations, or confer with the affected Urban Indian Organizations, and may take into consideration whether the obligation may be satisfied in a teaching capacity at a tribal college or university nursing program under subsection (b)(1)(D).

"(5) EXTREME HARDSHIP.—Notwithstanding any other provision of law, in any case of extreme hardship or for other good cause shown, the Secretary may waive, in whole or in part, the right of the United States to recover funds made available under this section.

"(6) BANKRUPTCY.—Notwithstanding any other provision of law, with respect to a recipient of an Indian Health Scholarship, no obligation for payment may be released by a discharge in bankruptcy under title 11, United States Code, unless that discharge is granted after the expiration of the 5-year period beginning on the initial date on which that payment is due, and only if the bankruptcy court finds that the nondischarge of the obligation would be unconscionable.

"SEC. 105. AMERICAN INDIANS INTO PSYCHOLOGY PROGRAM.

"(a) GRANTS AUTHORIZED.—The Secretary, acting through the Service, shall make grants of not more than $300,000 to each of 9 colleges and universities for the purpose of developing and maintaining Indian psychology career recruitment programs as a means of encouraging Indians to enter the behavioral health field. These programs shall be located at various locations throughout the country to maximize their availability to Indian students and new programs shall be established in different locations from time to time.

"(b) QUENTIN N. BURDICK PROGRAM GRANT.—The Secretary shall provide a grant authorized under subsection (a) to develop and maintain a program at the University of North Dakota to be known as the 'Quentin N. Burdick American Indians Into Psychology Program'. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick Indian Health Programs authorized under section 117(b), the Quentin N. Burdick American Indians Into Nursing Program authorized under section 115(e), and existing university research and communications networks.

"(c) REGULATIONS.—The Secretary shall issue regulations pursuant to this Act for the competitive awarding of grants provided under this section.

"(d) CONDITIONS OF GRANT.—Applicants under this section shall agree to provide a program which, at a minimum—

"(1) provides outreach and recruitment for health professions to Indian communities including elementary, secondary, and accredited and accessible community colleges that will be served by the program;

"(2) incorporates a program advisory board comprised of representatives from the tribes and communities that will be served by the program;

"(3) provides summer enrichment programs to expose Indian students to the various fields of psychology through research, clinical, and experimental activities;

"(4) provides stipends to undergraduate and graduate students to pursue a career in psychology;

"(5) develops affiliation agreements with tribal colleges and universities, the Service, university affiliated programs, and other appropriate accredited and accessible entities to enhance the education of Indian students;

"(6) to the maximum extent feasible, uses existing university tutoring, counseling, and student support services; and

"(7) to the maximum extent feasible, employs qualified Indians in the program.

"(e) ACTIVE DUTY SERVICE REQUIREMENT.—The active duty service obligation prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) shall be met by each graduate who receives a stipend described in subsection (d)(4) that is funded under this section. Such obligation shall be met by service—

"(1) in an Indian Health Program;

"(2) in a program assisted under title V of this Act; or

"(3) in the private practice of psychology if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,700,000 for each of fiscal years 2008 through 2017.

"SEC. 106. SCHOLARSHIP PROGRAMS FOR INDIAN TRIBES.

"(a) IN GENERAL.—

"(1) GRANTS AUTHORIZED.—The Secretary, acting through the Service, shall make grants to Tribal Health Programs for the purpose of providing scholarships for Indians to serve as health professionals in Indian communities.

"(2) AMOUNT.—Amounts available under paragraph (1) for any fiscal year shall not exceed 5 percent of the amounts available for each fiscal year for Indian Health Scholarships under section 104.

"(3) APPLICATION.—An application for a grant under paragraph (1) shall be in such form and contain such agreements, assurances, and information as consistent with this section.

"(b) REQUIREMENTS.—

"(1) IN GENERAL.—A Tribal Health Program receiving a grant under subsection (a) shall provide scholarships to Indians in accordance with the requirements of this section.

"(2) COSTS.—With respect to costs of providing any scholarship pursuant to subsection (a)—

"(A) 80 percent of the costs of the scholarship shall be paid from the funds made available pursuant to subsection (a)(1) provided to the Tribal Health Program; and

"(B) 20 percent of such costs may be paid from any other source of funds.

"(c) COURSE OF STUDY.—A Tribal Health Program shall provide scholarships under this section only to Indians enrolled or accepted for enrollment in a course of study (approved by the Secretary) in 1 of the health professions contemplated by this Act.

"(d) CONTRACT.—

"(1) IN GENERAL.—In providing scholarships under subsection (b), the Secretary and the Tribal Health Program shall enter into a written contract with each recipient of such scholarship.

"(2) REQUIREMENTS.—Such contract shall—

"(A) obligate such recipient to provide service in an Indian Health Program or Urban Indian Organization, in the same Service Area where the Tribal Health Program providing the scholarship is located, for—

"(i) a number of years for which the scholarship is provided (or the part-time equivalent thereof, as determined by the Secretary), or for a period of 2 years, whichever period is greater; or

"(ii) such greater period of time as the recipient and the Tribal Health Program may agree;

"(B) provide that the amount of the scholarship—

"(i) may only be expended for—

"(I) tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in attendance at the educational institution; and

"(II) payment to the recipient of a monthly stipend of not more than the amount authorized by section 338(g)(1)(B) of the Public Health Service Act (42 U.S.C. 254m(g)(1)(B)), with such amount to be reduced pro rata (as determined by the Secretary) based on the number of hours such student is enrolled, and not to exceed, for any year of attendance for which the scholarship is provided, the total amount required for the year for the purposes authorized in this clause; and

"(ii) may not exceed, for any year of attendance for which the scholarship is provided, the total amount required for the year for the purposes authorized in clause (i);

"(C) require the recipient of such scholarship to maintain an acceptable level of academic standing as determined by the educational institution in accordance with regulations issued pursuant to this Act; and

"(D) require the recipient of such scholarship to meet the educational and licensure requirements appropriate to each health profession.

"(3) SERVICE IN OTHER SERVICE AREAS.—The contract may allow the recipient to serve in another Service Area, provided the Tribal Health Program and Secretary approve and services are not diminished to Indians in the Service Area where the Tribal Health Program providing the scholarship is located.

"(e) BREACH OF CONTRACT.—

"(1) SPECIFIC BREACHES.—An individual who has entered into a written contract with the Secretary and a Tribal Health Program under subsection (d) shall be liable to the United States for the Federal share of the amount which has been paid to him or her, or on his or her behalf, under the contract if that individual—

"(A) fails to maintain an acceptable level of academic standing in the educational institution in which he or she is enrolled (such level as determined by the educational institution under regulations of the Secretary);

"(B) is dismissed from such educational institution for disciplinary reasons;

"(C) voluntarily terminates the training in such an educational institution for which he or she is provided a scholarship under such contract before the completion of such training; or

"(D) fails to accept payment, or instructs the educational institution in which he or she is enrolled not to accept payment, in whole or in part, of a scholarship under such contract, in lieu of any service obligation arising under such contract.

"(2) OTHER BREACHES.—If for any reason not specified in paragraph (1), an individual breaches a written contract by failing to either begin such individual's service obligation required under such contract or to complete such service obligation, the United States shall be entitled to recover from the individual an amount determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

"(3) CANCELLATION UPON DEATH OF RECIPIENT.—Upon the death of an individual who receives an Indian Health Scholarship, any outstanding obligation of that individual for service or payment that relates to that scholarship shall be canceled.

"(4) INFORMATION.—The Secretary may carry out this subsection on the basis of information received from Tribal Health Programs involved or on the basis of information collected through such other means as the Secretary deems appropriate.

"(f) RELATION TO SOCIAL SECURITY ACT.—The recipient of a scholarship under this section shall agree, in providing health care pursuant to the requirements herein—

"(1) not to discriminate against an individual seeking care on the basis of the ability of the individual to pay for such care or on the basis that payment for such care will be made pursuant to a program established in title XVIII of the Social Security Act or pursuant to the programs established in title XIX or title XXI of such Act; and

"(2) to accept assignment under section 1842(b)(3)(B)(ii) of the Social Security Act for all services for which payment may be made under part B of title XVIII of such Act, and to enter into an appropriate agreement with the State agency that administers the State plan for medical assistance under title XIX, or the State child health plan under title XXI, of such Act to provide service to individuals entitled to medical assistance or child health assistance, respectively, under the plan.

"(g) CONTINUANCE OF FUNDING.—The Secretary shall make payments under this section to a Tribal Health Program for any fiscal year subsequent to the first fiscal year of such payments unless the Secretary determines that, for the immediately preceding fiscal year, the Tribal Health Program has not complied with the requirements of this section.

"SEC. 107. INDIAN HEALTH SERVICE EXTERN PROGRAMS.

"(a) EMPLOYMENT PREFERENCE.—Any individual who receives a scholarship pursuant to section 104 or 106 shall be given preference for employment in the Service, or may be employed by a Tribal Health Program or an Urban Indian Organization, or other agencies of the Department as available, during any nonacademic period of the year.

"(b) NOT COUNTED TOWARD ACTIVE DUTY SERVICE OBLIGATION.—Periods of employment pursuant to this subsection shall not be counted in determining fulfillment of the service obligation incurred as a condition of the scholarship.

"(c) TIMING; LENGTH OF EMPLOYMENT.—Any individual enrolled in a program, including a high school program, authorized under section 102(a) may be employed by the Service or by a Tribal Health Program or an Urban Indian Organization during any nonacademic period of the year. Any such employment shall not exceed 120 days during any calendar year.

"(d) NONAPPLICABILITY OF COMPETITIVE PERSONNEL SYSTEM.—Any employment pursuant to this section shall be made without regard to any competitive personnel system or agency personnel limitation and to a position which will enable the individual so employed to receive practical experience in the health profession in which he or she is engaged in study. Any individual so employed shall receive payment for his or her services comparable to the salary he or she would receive if he or she were employed in the competitive system. Any individual so employed shall not be counted against any employment ceiling affecting the Service or the Department.

"SEC. 108. CONTINUING EDUCATION ALLOWANCES.

"In order to encourage scholarship and stipend recipients under sections 104, 105, 106, and 115 and health professionals, including community health representatives and emergency medical technicians, to join or continue in an Indian Health Program, in the case of nurses, to obtain training and certification as sexual assault nurse examiners, and to provide their services in the rural and remote areas where a significant portion of Indians reside, the Secretary, acting through the Service, may—

"(1) provide programs or allowances to transition into an Indian Health Program, including licensing, board or certification examination assistance, and technical assistance in fulfilling service obligations under sections 104, 105, 106, and 115; and

"(2) provide programs or allowances to health professionals employed in an Indian Health Program to enable them for a period of time each year prescribed by regulation of the Secretary to take leave of their duty stations for professional consultation, management, leadership, refresher training courses, and, in the case of nurses, additional clinical sexual assault nurse examiner experience to maintain competency or certification.

"SEC. 109. COMMUNITY HEALTH REPRESENTATIVE PROGRAM.

"(a) IN GENERAL.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall maintain a Community Health Representative Program under which Indian Health Programs—

"(1) provide for the training of Indians as community health representatives; and

"(2) use such community health representatives in the provision of health care, health promotion, and disease prevention services to Indian communities.

"(b) DUTIES.—The Community Health Representative Program of the Service, shall—

"(1) provide a high standard of training for community health representatives to ensure that the community health representatives provide quality health care, health promotion, and disease prevention services to the Indian communities served by the Program;

"(2) in order to provide such training, develop and maintain a curriculum that—

"(A) combines education in the theory of health care with supervised practical experience in the provision of health care; and

"(B) provides instruction and practical experience in health promotion and disease prevention activities, with appropriate consideration given to lifestyle factors that have an impact on Indian health status, such as alcoholism, family dysfunction, and poverty;

"(3) maintain a system which identifies the needs of community health representatives for continuing education in health care, health promotion, and disease prevention and develop programs that meet the needs for continuing education;

"(4) maintain a system that provides close supervision of Community Health Representatives;

"(5) maintain a system under which the work of Community Health Representatives is reviewed and evaluated; and

"(6) promote traditional health care practices of the Indian Tribes served consistent with the Service standards for the provision of health care, health promotion, and disease prevention.

"SEC. 110. INDIAN HEALTH SERVICE LOAN REPAYMENT PROGRAM.

"(a) ESTABLISHMENT.—The Secretary, acting through the Service, shall establish and administer a program to be known as the Service Loan Repayment Program (hereinafter referred to as the 'Loan Repayment Program') in order to ensure an adequate supply of trained health professionals necessary to maintain accreditation of, and provide health care services to Indians through, Indian Health Programs and Urban Indian Organizations.

"(b) ELIGIBLE INDIVIDUALS.—To be eligible to participate in the Loan Repayment Program, an individual must—

"(1)(A) be enrolled—

"(i) in a course of study or program in an accredited educational institution (as determined by the Secretary under section 338B(b)(1)(c)(i) of the Public Health Service Act (42 U.S.C. 254*l*-1(b)(1)(c)(i))) and be scheduled to complete such course of study in the same year such individual applies to participate in such program; or

"(ii) in an approved graduate training program in a health profession; or

"(B) have—

"(i) a degree in a health profession; and

"(ii) a license to practice a health profession;

"(2)(A) be eligible for, or hold, an appointment as a commissioned officer in the Regular or Reserve Corps of the Public Health Service;

"(B) be eligible for selection for civilian service in the Regular or Reserve Corps of the Public Health Service;

"(C) meet the professional standards for civil service employment in the Service; or

"(D) be employed in an Indian Health Program or Urban Indian Organization without a service obligation; and

"(3) submit to the Secretary an application for a contract described in subsection (e).

"(c) APPLICATION.—

"(1) INFORMATION TO BE INCLUDED WITH FORMS.—In disseminating application forms and contract forms to individuals desiring to participate in the Loan Repayment Program, the Secretary shall include with such forms a fair summary of the rights and liabilities of an individual whose application is approved (and whose contract is accepted) by the Secretary, including in the summary a clear explanation of the damages to which the United States is entitled under subsection (l) in the case of the individual's breach of contract. The Secretary shall provide such individuals with sufficient information regarding the advantages and disadvantages of service as a commissioned officer in the Regular or Reserve Corps of the Public Health Service or a civilian employee of the Service to enable the individual to make a decision on an informed basis.

"(2) CLEAR LANGUAGE.—The application form, contract form, and all other information furnished by the Secretary under this section shall be written in a manner calculated to be understood by the average individual applying to participate in the Loan Repayment Program.

"(3) TIMELY AVAILABILITY OF FORMS.—The Secretary shall make such application forms, contract forms, and other information available to individuals desiring to participate in the Loan Repayment Program on a date sufficiently early to ensure that such individuals have adequate time to carefully review and evaluate such forms and information.

"(d) PRIORITIES.—

"(1) LIST.—Consistent with subsection (k), the Secretary shall annually—

"(A) identify the positions in each Indian Health Program or Urban Indian Organization for which there is a need or a vacancy; and

"(B) rank those positions in order of priority.

"(2) APPROVALS.—Notwithstanding the priority determined under paragraph (1), the Secretary, in determining which applications under the Loan Repayment Program to approve (and which contracts to accept), shall—

"(A) give first priority to applications made by individual Indians; and

"(B) after making determinations on all applications submitted by individual Indians as required under subparagraph (A), give priority to—

"(i) individuals recruited through the efforts of an Indian Health Program or Urban Indian Organization; and

"(ii) other individuals based on the priority rankings under paragraph (1).

"(e) RECIPIENT CONTRACTS.—

"(1) CONTRACT REQUIRED.—An individual becomes a participant in the Loan Repayment Program only upon the Secretary and the individual entering into a written contract described in paragraph (2).

"(2) CONTENTS OF CONTRACT.—The written contract referred to in this section between the Secretary and an individual shall contain—

"(A) an agreement under which—

"(i) subject to subparagraph (C), the Secretary agrees—

"(I) to pay loans on behalf of the individual in accordance with the provisions of this section; and

"(II) to accept (subject to the availability of appropriated funds for carrying out this section) the individual into the Service or place the individual with a Tribal Health Program or Urban Indian Organization as provided in clause (ii)(III); and

"(ii) subject to subparagraph (C), the individual agrees—

"(I) to accept loan payments on behalf of the individual;

"(II) in the case of an individual described in subsection (b)(1)—

"(aa) to maintain enrollment in a course of study or training described in subsection (b)(1)(A) until the individual completes the course of study or training; and

"(bb) while enrolled in such course of study or training, to maintain an acceptable level of academic standing (as determined under regulations of the Secretary by the educational institution offering such course of study or training); and

"(III) to serve for a time period (hereinafter in this section referred to as the 'period of obligated service') equal to 2 years or such longer period as the individual may agree to serve in the full-time clinical practice of such individual's profession in an Indian Health Program or Urban Indian Organization to which the individual may be assigned by the Secretary;

"(B) a provision permitting the Secretary to extend for such longer additional periods, as the individual may agree to, the period of obligated service agreed to by the individual under subparagraph (A)(ii)(III);

"(C) a provision that any financial obligation of the United States arising out of a contract entered into under this section and any obligation of the individual which is conditioned thereon is contingent upon funds being appropriated for loan repayments under this section;

"(D) a statement of the damages to which the United States is entitled under subsection (l) for the individual's breach of the contract; and

"(E) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with this section.

"(f) DEADLINE FOR DECISION ON APPLICATION.—The Secretary shall provide written notice to an individual within 21 days on—

"(1) the Secretary's approving, under subsection (e)(1), of the individual's participation in the Loan Repayment Program, including extensions resulting in an aggregate period of obligated service in excess of 4 years; or

"(2) the Secretary's disapproving an individual's participation in such Program.

"(g) PAYMENTS.—

"(1) IN GENERAL.—A loan repayment provided for an individual under a written contract under the Loan Repayment Program shall consist of payment, in accordance with paragraph (2), on behalf of the individual of the principal, interest, and related expenses on government and commercial loans received by the individual regarding the undergraduate or graduate education of the individual (or both), which loans were made for—

"(A) tuition expenses;

"(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual; and

"(C) reasonable living expenses as determined by the Secretary.

"(2) AMOUNT.—For each year of obligated service that an individual contracts to serve under subsection (e), the Secretary may pay up to $35,000 or an amount equal to the amount specified in section 338B(g)(2)(A) of the Public Health Service Act, whichever is more, on behalf of the individual for loans described in paragraph (1). In making a determination of the amount to pay for a year of such service by an individual, the Secretary shall consider the extent to which each such determination—

"(A) affects the ability of the Secretary to maximize the number of contracts that can be provided under the Loan Repayment Program from the amounts appropriated for such contracts;

"(B) provides an incentive to serve in Indian Health Programs and Urban Indian Organizations with the greatest shortages of health professionals; and

"(C) provides an incentive with respect to the health professional involved remaining in an Indian Health Program or Urban Indian Organization with such a health professional shortage, and continuing to provide primary health services, after the completion of the period of obligated service under the Loan Repayment Program.

"(3) TIMING.—Any arrangement made by the Secretary for the making of loan repayments in accordance with this subsection shall provide that any repayments for a year of obligated service shall be made no later than the end of the fiscal year in which the individual completes such year of service.

"(4) REIMBURSEMENTS FOR TAX LIABILITY.—For the purpose of providing reimbursements for tax liability resulting from a payment under paragraph (2) on behalf of an individual, the Secretary—

"(A) in addition to such payments, may make payments to the individual in an amount equal to not less than 20 percent and not more than 39 percent of the total amount of loan repayments made for the taxable year involved; and

"(B) may make such additional payments as the Secretary determines to be appropriate with respect to such purpose.

"(5) PAYMENT SCHEDULE.—The Secretary may enter into an agreement with the holder of any loan for which payments are made under the Loan Repayment Program to establish a schedule for the making of such payments.

"(h) EMPLOYMENT CEILING.—Notwithstanding any other provision of law, individuals who have entered into written contracts with the Secretary under this section shall not be counted against any employment ceiling affecting the Department while those individuals are undergoing academic training.

"(i) RECRUITMENT.—The Secretary shall conduct recruiting programs for the Loan Repayment Program and other manpower programs of the Service at educational institutions training health professionals or specialists identified in subsection (a).

"(j) APPLICABILITY OF LAW.—Section 214 of the Public Health Service Act (42 U.S.C. 215) shall not apply to individuals during their period of obligated service under the Loan Repayment Program.

"(k) ASSIGNMENT OF INDIVIDUALS.—The Secretary, in assigning individuals to serve in Indian Health Programs or Urban Indian Organizations pursuant to contracts entered into under this section, shall—

"(1) ensure that the staffing needs of Tribal Health Programs and Urban Indian Organizations receive consideration on an equal basis with programs that are administered directly by the Service; and

"(2) give priority to assigning individuals to Indian Health Programs and Urban Indian Organizations that have a need for health professionals to provide health care services as a result of individuals having breached contracts entered into under this section.

"(l) BREACH OF CONTRACT.—

"(1) SPECIFIC BREACHES.—An individual who has entered into a written contract with the Secretary under this section and has not received a waiver under subsection (m) shall be liable, in lieu of any service obligation arising under such contract, to the United States for the amount which has been paid on such individual's behalf under the contract if that individual—

“(A) is enrolled in the final year of a course of study and—

“(i) fails to maintain an acceptable level of academic standing in the educational institution in which he or she is enrolled (such level determined by the educational institution under regulations of the Secretary);

“(ii) voluntarily terminates such enrollment; or

“(iii) is dismissed from such educational institution before completion of such course of study; or

“(B) is enrolled in a graduate training program and fails to complete such training program.

“(2) OTHER BREACHES; FORMULA FOR AMOUNT OWED.—If, for any reason not specified in paragraph (1), an individual breaches his or her written contract under this section by failing either to begin, or complete, such individual's period of obligated service in accordance with subsection (e)(2), the United States shall be entitled to recover from such individual an amount to be determined in accordance with the following formula: $A=3Z(t-s/t)$ in which—

“(A) ‘A’ is the amount the United States is entitled to recover;

“(B) ‘Z’ is the sum of the amounts paid under this section to, or on behalf of, the individual and the interest on such amounts which would be payable if, at the time the amounts were paid, they were loans bearing interest at the maximum legal prevailing rate, as determined by the Secretary of the Treasury;

“(C) ‘t’ is the total number of months in the individual's period of obligated service in accordance with subsection (f); and

“(D) ‘s’ is the number of months of such period served by such individual in accordance with this section.

“(3) DEDUCTIONS IN MEDICARE PAYMENTS.—Amounts not paid within such period shall be subject to collection through deductions in Medicare payments pursuant to section 1892 of the Social Security Act.

“(4) TIME PERIOD FOR REPAYMENT.—Any amount of damages which the United States is entitled to recover under this subsection shall be paid to the United States within the 1-year period beginning on the date of the breach or such longer period beginning on such date as shall be specified by the Secretary.

“(5) RECOVERY OF DELINQUENCY.—

“(A) IN GENERAL.—If damages described in paragraph (4) are delinquent for 3 months, the Secretary shall, for the purpose of recovering such damages—

“(i) use collection agencies contracted with by the Administrator of General Services; or

“(ii) enter into contracts for the recovery of such damages with collection agencies selected by the Secretary.

“(B) REPORT.—Each contract for recovering damages pursuant to this subsection shall provide that the contractor will, not less than once each 6 months, submit to the Secretary a status report on the success of the contractor in collecting such damages. Section 3718 of title 31, United States Code, shall apply to any such contract to the extent not inconsistent with this subsection.

“(m) WAIVER OR SUSPENSION OF OBLIGATION.—

“(1) IN GENERAL.—The Secretary shall by regulation provide for the partial or total waiver or suspension of any obligation of service or payment by an individual under the Loan Repayment Program whenever compliance by the individual is impossible or would involve extreme hardship to the individual and if enforcement of such obligation with respect to any individual would be unconscionable.

“(2) CANCELED UPON DEATH.—Any obligation of an individual under the Loan Repayment Program for service or payment of damages shall be canceled upon the death of the individual.

“(3) HARDSHIP WAIVER.—The Secretary may waive, in whole or in part, the rights of the United States to recover amounts under this section in any case of extreme hardship or other good cause shown, as determined by the Secretary.

“(4) BANKRUPTCY.—Any obligation of an individual under the Loan Repayment Program for payment of damages may be released by a discharge in bankruptcy under title 11 of the United States Code only if such discharge is granted after the expiration of the 5-year period beginning on the first date that payment of such damages is required, and only if the bankruptcy court finds that nondischarge of the obligation would be unconscionable.

“(n) REPORT.—The Secretary shall submit to the President, for inclusion in the report required to be submitted to Congress under section 801, a report concerning the previous fiscal year which sets forth by Service Area the following:

“(1) A list of the health professional positions maintained by Indian Health Programs and Urban Indian Organizations for which recruitment or retention is difficult.

“(2) The number of Loan Repayment Program applications filed with respect to each type of health profession.

“(3) The number of contracts described in subsection (e) that are entered into with respect to each health profession.

“(4) The amount of loan payments made under this section, in total and by health profession.

“(5) The number of scholarships that are provided under sections 104 and 106 with respect to each health profession.

“(6) The amount of scholarship grants provided under section 104 and 106, in total and by health profession.

“(7) The number of providers of health care that will be needed by Indian Health Programs and Urban Indian Organizations, by location and profession, during the 3 fiscal years beginning after the date the report is filed.

“(8) The measures the Secretary plans to take to fill the health professional positions maintained by Indian Health Programs or Urban Indian Organizations for which recruitment or retention is difficult.

“SEC. 111. SCHOLARSHIP AND LOAN REPAYMENT RECOVERY FUND.

“(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the Indian Health Scholarship and Loan Repayment Recovery Fund (hereafter in this section referred to as the ‘LRRF’). The LRRF shall consist of such amounts as may be collected from individuals under section 104(d), section 106(e), and section 110(l) for breach of contract, such funds as may be appropriated to the LRRF, and interest earned on amounts in the LRRF. All amounts collected, appropriated, or earned relative to the LRRF shall remain available until expended.

“(b) USE OF FUNDS.—

“(1) BY SECRETARY.—Amounts in the LRRF may be expended by the Secretary, acting through the Service, to make payments to an Indian Health Program—

“(A) to which a scholarship recipient under section 104 and 106 or a loan repayment program participant under section 110 has been assigned to meet the obligated service requirements pursuant to such sections; and

“(B) that has a need for a health professional to provide health care services as a result of such recipient or participant having breached the contract entered into under section 104, 106, or section 110.

“(2) BY TRIBAL HEALTH PROGRAMS.—A Tribal Health Program receiving payments pursuant to paragraph (1) may expend the payments to provide scholarships or recruit and employ, directly or by contract, health professionals to provide health care services.

“(c) INVESTMENT OF FUNDS.—The Secretary of the Treasury shall invest such amounts of the LRRF as the Secretary of Health and Human Services determines are not required to meet current withdrawals from the LRRF. Such investments may be made only in interest bearing obligations of the United States. For such purpose, such obligations may be acquired on original issue at the issue price, or by purchase of outstanding obligations at the market price.

“(d) SALE OF OBLIGATIONS.—Any obligation acquired by the LRRF may be sold by the Secretary of the Treasury at the market price.

“(e) EFFECTIVE DATE.—This section takes effect on October 1, 2009.

“SEC. 112. RECRUITMENT ACTIVITIES.

“(a) REIMBURSEMENT FOR TRAVEL.—The Secretary, acting through the Service, may reimburse health professionals seeking positions with Indian Health Programs or Urban Indian Organizations, including individuals considering entering into a contract under section 110 and their spouses, for actual and reasonable expenses incurred in traveling to and from their places of residence to an area in which they may be assigned for the purpose of evaluating such area with respect to such assignment.

“(b) RECRUITMENT PERSONNEL.—The Secretary, acting through the Service, shall assign 1 individual in each Area Office to be responsible on a full-time basis for recruitment activities.

“SEC. 113. INDIAN RECRUITMENT AND RETENTION PROGRAM.

“(a) IN GENERAL.—The Secretary, acting through the Service, shall fund, on a competitive basis, innovative demonstration projects for a period not to exceed 3 years to enable Tribal Health Programs and Urban Indian Organizations to recruit, place, and retain health professionals to meet their staffing needs.

“(b) ELIGIBLE ENTITIES; APPLICATION.—Any Tribal Health Program or Urban Indian Organization may submit an application for funding of a project pursuant to this section.

“SEC. 114. ADVANCED TRAINING AND RESEARCH.

“(a) DEMONSTRATION PROGRAM.—The Secretary, acting through the Service, shall establish a demonstration project to enable health professionals who have worked in an Indian Health Program or Urban Indian Organization for a substantial period of time to pursue advanced training or research areas of study for which the Secretary determines a need exists.

“(b) SERVICE OBLIGATION.—An individual who participates in a program under subsection (a), where the educational costs are borne by the Service, shall incur an obligation to serve in an Indian Health Program or Urban Indian Organization for a period of obligated service equal to at least the period of time during which the individual participates in such program. In the event that the individual fails to complete such obligated service, the individual shall be liable to the United States for the period of service remaining. In such event, with respect to individuals entering the program after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the United States shall be entitled to recover from such individual an amount to be determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

“(c) EQUAL OPPORTUNITY FOR PARTICIPATION.—Health professionals from Tribal Health Programs and Urban Indian Organizations shall be given an equal opportunity to participate in the program under subsection (a).

“SEC. 115. QUENTIN N. BURDICK AMERICAN INDIANS INTO NURSING PROGRAM.

“(a) GRANTS AUTHORIZED.—For the purpose of increasing the number of nurses, nurse midwives, and nurse practitioners who deliver health care services to Indians, the Secretary, acting through the Service, shall provide grants to the following:

“(1) Public or private schools of nursing.

“(2) Tribal colleges or universities.

“(3) Nurse midwife programs and advanced practice nurse programs that are provided by any tribal college or university accredited nursing program, or in the absence of such, any other public or private institutions.

“(b) USE OF GRANTS.—Grants provided under subsection (a) may be used for 1 or more of the following:

“(1) To recruit individuals for programs which train individuals to be nurses, nurse midwives, or advanced practice nurses.

“(2) To provide scholarships to Indians enrolled in such programs that may pay the tuition charged for such program and other expenses incurred in connection with such program, including books, fees, room and board, and stipends for living expenses.

“(3) To provide a program that encourages nurses, nurse midwives, and advanced practice nurses to provide, or continue to provide, health care services to Indians.

“(4) To provide a program that increases the skills of, and provides continuing education to, nurses, nurse midwives, and advanced practice nurses.

“(5) To provide any program that is designed to achieve the purpose described in subsection (a).

“(c) APPLICATIONS.—Each application for a grant under subsection (a) shall include such information as the Secretary may require to establish the connection between the program of the applicant and a health care facility that primarily serves Indians.

“(d) PREFERENCES FOR GRANT RECIPIENTS.—In providing grants under subsection (a), the Secretary shall extend a preference to the following:

“(1) Programs that provide a preference to Indians.

“(2) Programs that train nurse midwives or advanced practice nurses.

“(3) Programs that are interdisciplinary.

“(4) Programs that are conducted in cooperation with a program for gifted and talented Indian students.

“(5) Programs conducted by tribal colleges and universities.

“(e) QUENTIN N. BURDICK PROGRAM GRANT.—The Secretary shall provide 1 of the grants authorized under subsection (a) to establish and maintain a program at the University of North Dakota to be known as the ‘Quentin N. Burdick American Indians Into Nursing Program’. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick Indian Health Programs established under section 117(b) and the Quentin N. Burdick American Indians Into Psychology Program established under section 105(b).

“(f) ACTIVE DUTY SERVICE OBLIGATION.—The active duty service obligation prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) shall be met by each individual who receives training or assistance described in paragraph (1) or (2) of subsection (b) that is funded by a grant provided under subsection (a). Such obligation shall be met by service—

“(1) in the Service;

“(2) in a program of an Indian Tribe or Tribal Organization conducted under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) (including programs under agreements with the Bureau of Indian Affairs);

“(3) in a program assisted under title V of this Act;

“(4) in the private practice of nursing if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health shortage area and addresses the health care needs of a substantial number of Indians; or

“(5) in a teaching capacity in a tribal college or university nursing program (or a related health profession program) if, as determined by the Secretary, health services provided to Indians would not decrease.

“SEC. 116. TRIBAL CULTURAL ORIENTATION.

“(a) CULTURAL EDUCATION OF EMPLOYEES.—The Secretary, acting through the Service, shall require that appropriate employees of the Service who serve Indian Tribes in each Service Area receive educational instruction in the history and culture of such Indian Tribes and their relationship to the Service.

“(b) PROGRAM.—In carrying out subsection (a), the Secretary shall establish a program which shall, to the extent feasible—

“(1) be developed in consultation with the affected Indian Tribes, Tribal Organizations, and Urban Indian Organizations;

“(2) be carried out through tribal colleges or universities;

“(3) include instruction in American Indian studies; and

“(4) describe the use and place of traditional health care practices of the Indian Tribes in the Service Area.

“SEC. 117. INMED PROGRAM.

“(a) GRANTS AUTHORIZED.—The Secretary, acting through the Service, is authorized to provide grants to colleges and universities for the purpose of maintaining and expanding the Indian health careers recruitment program known as the ‘Indians Into Medicine Program’ (hereinafter in this section referred to as ‘INMED’) as a means of encouraging Indians to enter the health professions.

“(b) QUENTIN N. BURDICK GRANT.—The Secretary shall provide 1 of the grants authorized under subsection (a) to maintain the INMED program at the University of North Dakota, to be known as the ‘Quentin N. Burdick Indian Health Programs’, unless the Secretary makes a determination, based upon program reviews, that the program is not meeting the purposes of this section. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick American Indians Into Psychology Program established under section 105(b) and the Quentin N. Burdick American Indians Into Nursing Program established under section 115.

“(c) REGULATIONS.—The Secretary, pursuant to this Act, shall develop regulations to govern grants pursuant to this section.

“(d) REQUIREMENTS.—Applicants for grants provided under this section shall agree to provide a program which—

“(1) provides outreach and recruitment for health professions to Indian communities including elementary and secondary schools and community colleges located on reservations which will be served by the program;

“(2) incorporates a program advisory board comprised of representatives from the Indian Tribes and Indian communities which will be served by the program;

“(3) provides summer preparatory programs for Indian students who need enrichment in the subjects of math and science in order to pursue training in the health professions;

“(4) provides tutoring, counseling, and support to students who are enrolled in a health career program of study at the respective college or university; and

“(5) to the maximum extent feasible, employs qualified Indians in the program.

“SEC. 118. HEALTH TRAINING PROGRAMS OF COMMUNITY COLLEGES.

“(a) GRANTS TO ESTABLISH PROGRAMS.—

“(1) IN GENERAL.—The Secretary, acting through the Service, shall award grants to accredited and accessible community colleges for the purpose of assisting such community colleges in the establishment of programs which provide education in a health profession leading to a degree or diploma in a health profession for individuals who desire to practice such profession on or near a reservation or in an Indian Health Program.

“(2) AMOUNT OF GRANTS.—The amount of any grant awarded to a community college under paragraph (1) for the first year in which such a grant is provided to the community college shall not exceed $250,000.

“(b) GRANTS FOR MAINTENANCE AND RECRUITING.—

“(1) IN GENERAL.—The Secretary, acting through the Service, shall award grants to accredited and accessible community colleges that have established a program described in subsection (a)(1) for the purpose of maintaining the program and recruiting students for the program.

“(2) REQUIREMENTS.—Grants may only be made under this section to a community college which—

“(A) is accredited;

“(B) has a relationship with a hospital facility, Service facility, or hospital that could provide training of nurses or health professionals;

“(C) has entered into an agreement with an accredited college or university medical school, the terms of which—

“(i) provide a program that enhances the transition and recruitment of students into advanced baccalaureate or graduate programs that train health professionals; and

“(ii) stipulate certifications necessary to approve internship and field placement opportunities at Indian Health Programs;

“(D) has a qualified staff which has the appropriate certifications;

“(E) is capable of obtaining State or regional accreditation of the program described in subsection (a)(1); and

“(F) agrees to provide for Indian preference for applicants for programs under this section.

“(c) TECHNICAL ASSISTANCE.—The Secretary shall encourage community colleges described in subsection (b)(2) to establish and maintain programs described in subsection (a)(1) by—

“(1) entering into agreements with such colleges for the provision of qualified personnel of the Service to teach courses of study in such programs; and

“(2) providing technical assistance and support to such colleges.

“(d) ADVANCED TRAINING.—

“(1) REQUIRED.—Any program receiving assistance under this section that is conducted with respect to a health profession shall also offer courses of study which provide advanced training for any health professional who—

“(A) has already received a degree or diploma in such health profession; and

“(B) provides clinical services on or near a reservation or for an Indian Health Program.

“(2) MAY BE OFFERED AT ALTERNATE SITE.—Such courses of study may be offered in conjunction with the college or university with which the community college has entered into the agreement required under subsection (b)(2)(C).

“(e) PRIORITY.—Where the requirements of subsection (b) are met, grant award priority shall be provided to tribal colleges and universities in Service Areas where they exist.

“SEC. 119. RETENTION BONUS.

“(a) BONUS AUTHORIZED.—The Secretary may pay a retention bonus to any health professional employed by, or assigned to, and serving in, an Indian Health Program or Urban Indian Organization either as a civilian employee or as a commissioned officer in the Regular or Reserve Corps of the Public Health Service who—

“(1) is assigned to, and serving in, a position for which recruitment or retention of personnel is difficult;

“(2) the Secretary determines is needed by Indian Health Programs and Urban Indian Organizations;

“(3) has—

“(A) completed 2 years of employment with an Indian Health Program or Urban Indian Organization; or

“(B) completed any service obligations incurred as a requirement of—

“(i) any Federal scholarship program; or

“(ii) any Federal education loan repayment program; and

“(4) enters into an agreement with an Indian Health Program or Urban Indian Organization for continued employment for a period of not less than 1 year.

“(b) RATES.—The Secretary may establish rates for the retention bonus which shall provide for a higher annual rate for multiyear agreements than for single year agreements referred to in subsection (a)(4), but in no event shall the annual rate be more than $25,000 per annum.

“(c) DEFAULT OF RETENTION AGREEMENT.—Any health professional failing to complete the agreed upon term of service, except where such failure is through no fault of the individual, shall be obligated to refund to the Government the full amount of the retention bonus for the period covered by the agreement, plus interest as determined by the Secretary in accordance with section 110(l)(2)(B).

“(d) OTHER RETENTION BONUS.—The Secretary may pay a retention bonus to any health professional employed by a Tribal Health Program if such health professional is serving in a position which the Secretary determines is—

“(1) a position for which recruitment or retention is difficult; and

“(2) necessary for providing health care services to Indians.

“SEC. 120. NURSING RESIDENCY PROGRAM.

“(a) ESTABLISHMENT OF PROGRAM.—The Secretary, acting through the Service, shall establish a program to enable Indians who are licensed practical nurses, licensed vocational nurses, and registered nurses who are working in an Indian Health Program or Urban Indian Organization, and have done so for a period of not less than 1 year, to pursue advanced training. Such program shall include a combination of education and work study in an Indian Health Program or Urban Indian Organization leading to an associate or bachelor’s degree (in the case of a licensed practical nurse or licensed vocational nurse), a bachelor’s degree (in the case of a registered nurse), or advanced degrees or certifications in nursing and public health.

“(b) SERVICE OBLIGATION.—An individual who participates in a program under subsection (a), where the educational costs are paid by the Service, shall incur an obligation to serve in an Indian Health Program or Urban Indian Organization for a period of obligated service equal to 1 year for every year that nonprofessional employee (licensed practical nurses, licensed vocational nurses, nursing assistants, and various health care technicals), or 2 years for every year that professional nurse (associate degree and bachelor-prepared registered nurses), participates in such program. In the event that the individual fails to complete such obligated service, the United States shall be entitled to recover from such individual an amount determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

“SEC. 121. COMMUNITY HEALTH AIDE PROGRAM.

“(a) GENERAL PURPOSES OF PROGRAM.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the ‘Snyder Act’), the Secretary, acting through the Service, shall develop and operate a Community Health Aide Program in Alaska under which the Service—

“(1) provides for the training of Alaska Natives as health aides or community health practitioners;

“(2) uses such aides or practitioners in the provision of health care, health promotion, and disease prevention services to Alaska Natives living in villages in rural Alaska; and

“(3) provides for the establishment of teleconferencing capacity in health clinics located in or near such villages for use by community health aides or community health practitioners.

“(b) SPECIFIC PROGRAM REQUIREMENTS.—The Secretary, acting through the Community Health Aide Program of the Service, shall—

“(1) using trainers accredited by the Program, provide a high standard of training to community health aides and community health practitioners to ensure that such aides and practitioners provide quality health care, health promotion, and disease prevention services to the villages served by the Program;

“(2) in order to provide such training, develop a curriculum that—

“(A) combines education in the theory of health care with supervised practical experience in the provision of health care;

“(B) provides instruction and practical experience in the provision of acute care, emergency care, health promotion, disease prevention, and the efficient and effective management of clinic pharmacies, supplies, equipment, and facilities; and

“(C) promotes the achievement of the health status objectives specified in section 3(2);

“(3) establish and maintain a Community Health Aide Certification Board to certify as community health aides or community health practitioners individuals who have successfully completed the training described in paragraph (1) or can demonstrate equivalent experience;

“(4) develop and maintain a system which identifies the needs of community health aides and community health practitioners for continuing education in the provision of health care, including the areas described in paragraph (2)(B), and develop programs that meet the needs for such continuing education;

“(5) develop and maintain a system that provides close supervision of community health aides and community health practitioners;

“(6) develop a system under which the work of community health aides and community health practitioners is reviewed and evaluated to assure the provision of quality health care, health promotion, and disease prevention services; and

“(7) ensure that pulpal therapy (not including pulpotomies on deciduous teeth) or extraction of adult teeth can be performed by a dental health aide therapist only after consultation with a licensed dentist who determines that the procedure is a medical emergency that cannot be resolved with palliative treatment, and further that dental health aide therapists are strictly prohibited from performing all other oral or jaw surgeries, provided that uncomplicated extractions shall not be considered oral surgery under this section.

“(c) PROGRAM REVIEW.—

“(1) NEUTRAL PANEL.—

“(A) ESTABLISHMENT.—The Secretary, acting through the Service, shall establish a neutral panel to carry out the study under paragraph (2).

“(B) MEMBERSHIP.—Members of the neutral panel shall be appointed by the Secretary from among clinicians, economists, community practitioners, oral epidemiologists, and Alaska Natives.

“(2) STUDY.—

“(A) IN GENERAL.—The neutral panel established under paragraph (1) shall conduct a study of the dental health aide therapist services provided by the Community Health Aide Program under this section to ensure that the quality of care provided through those services is adequate and appropriate.

“(B) PARAMETERS OF STUDY.—The Secretary, in consultation with interested parties, including professional dental organizations, shall develop the parameters of the study.

“(C) INCLUSIONS.—The study shall include a determination by the neutral panel with respect to—

“(i) the ability of the dental health aide therapist services under this section to address the dental care needs of Alaska Natives;

“(ii) the quality of care provided through those services, including any training, improvement, or additional oversight required to improve the quality of care; and

“(iii) whether safer and less costly alternatives to the dental health aide therapist services exist.

“(D) CONSULTATION.—In carrying out the study under this paragraph, the neutral panel shall consult with Alaska Tribal Organizations with respect to the adequacy and accuracy of the study.

“(3) REPORT.—The neutral panel shall submit to the Secretary, the Committee on Indian Affairs of the Senate, and the Committee on Natural Resources of the House of

Representatives a report describing the results of the study under paragraph (2), including a description of—

“(A) any determination of the neutral panel under paragraph (2)(C); and

“(B) any comments received from an Alaska Tribal Organization under paragraph (2)(D).

“(d) NATIONALIZATION OF PROGRAM.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary, acting through the Service, may establish a national Community Health Aide Program in accordance with the program under this section, as the Secretary determines to be appropriate.

“(2) EXCEPTION.—The national Community Health Aide Program under paragraph (1) shall not include dental health aide therapist services.

“(3) REQUIREMENT.—In establishing a national program under paragraph (1), the Secretary shall not reduce the amount of funds provided for the Community Health Aide Program described in subsections (a) and (b).

“SEC. 122. TRIBAL HEALTH PROGRAM ADMINISTRATION.

“The Secretary, acting through the Service, shall, by contract or otherwise, provide training for Indians in the administration and planning of Tribal Health Programs.

“SEC. 123. HEALTH PROFESSIONAL CHRONIC SHORTAGE DEMONSTRATION PROGRAMS.

“(a) DEMONSTRATION PROGRAMS AUTHORIZED.—The Secretary, acting through the Service, may fund demonstration programs for Tribal Health Programs to address the chronic shortages of health professionals.

“(b) PURPOSES OF PROGRAMS.—The purposes of demonstration programs funded under subsection (a) shall be—

“(1) to provide direct clinical and practical experience at a Service Unit to health profession students and residents from medical schools;

“(2) to improve the quality of health care for Indians by assuring access to qualified health care professionals; and

“(3) to provide academic and scholarly opportunities for health professionals serving Indians by identifying all academic and scholarly resources of the region.

“(c) ADVISORY BOARD.—The demonstration programs established pursuant to subsection (a) shall incorporate a program advisory board composed of representatives from the Indian Tribes and Indian communities in the area which will be served by the program.

“SEC. 124. NATIONAL HEALTH SERVICE CORPS.

“The Secretary shall not—

“(1) remove a member of the National Health Service Corps from an Indian Health Program or Urban Indian Organization; or

“(2) withdraw funding used to support such member, unless the Secretary, acting through the Service, has ensured that the Indians receiving services from such member will experience no reduction in services.

“SEC. 125. SUBSTANCE ABUSE COUNSELOR EDUCATIONAL CURRICULA DEMONSTRATION PROGRAMS.

“(a) CONTRACTS AND GRANTS.—The Secretary, acting through the Service, may enter into contracts with, or make grants to, accredited tribal colleges and universities and eligible accredited and accessible community colleges to establish demonstration programs to develop educational curricula for substance abuse counseling.

“(b) USE OF FUNDS.—Funds provided under this section shall be used only for developing and providing educational curriculum for substance abuse counseling (including paying salaries for instructors). Such curricula may be provided through satellite campus programs.

“(c) TIME PERIOD OF ASSISTANCE; RENEWAL.—A contract entered into or a grant provided under this section shall be for a period of 3 years. Such contract or grant may be renewed for an additional 2-year period upon the approval of the Secretary.

“(d) CRITERIA FOR REVIEW AND APPROVAL OF APPLICATIONS.—Not later than 180 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary, after consultation with Indian Tribes and administrators of tribal colleges and universities and eligible accredited and accessible community colleges, shall develop and issue criteria for the review and approval of applications for funding (including applications for renewals of funding) under this section. Such criteria shall ensure that demonstration programs established under this section promote the development of the capacity of such entities to educate substance abuse counselors.

“(e) ASSISTANCE.—The Secretary shall provide such technical and other assistance as may be necessary to enable grant recipients to comply with the provisions of this section.

“(f) REPORT.—Each fiscal year, the Secretary shall submit to the President, for inclusion in the report which is required to be submitted under section 801 for that fiscal year, a report on the findings and conclusions derived from the demonstration programs conducted under this section during that fiscal year.

“(g) DEFINITION.—For the purposes of this section, the term ‘educational curriculum’ means 1 or more of the following:

“(1) Classroom education.

“(2) Clinical work experience.

“(3) Continuing education workshops.

“SEC. 126. BEHAVIORAL HEALTH TRAINING AND COMMUNITY EDUCATION PROGRAMS.

“(a) STUDY; LIST.—The Secretary, acting through the Service, and the Secretary of the Interior, in consultation with Indian Tribes and Tribal Organizations, shall conduct a study and compile a list of the types of staff positions specified in subsection (b) whose qualifications include, or should include, training in the identification, prevention, education, referral, or treatment of mental illness, or dysfunctional and self destructive behavior.

“(b) POSITIONS.—The positions referred to in subsection (a) are—

“(1) staff positions within the Bureau of Indian Affairs, including existing positions, in the fields of—

“(A) elementary and secondary education;

“(B) social services and family and child welfare;

“(C) law enforcement and judicial services; and

“(D) alcohol and substance abuse;

“(2) staff positions within the Service; and

“(3) staff positions similar to those identified in paragraphs (1) and (2) established and maintained by Indian Tribes and Tribal Organizations (without regard to the funding source).

“(c) TRAINING CRITERIA.—

“(1) IN GENERAL.—The appropriate Secretary shall provide training criteria appropriate to each type of position identified in subsection (b)(1) and (b)(2) and ensure that appropriate training has been, or shall be provided to any individual in any such position. With respect to any such individual in a position identified pursuant to subsection (b)(3), the respective Secretaries shall provide appropriate training to, or provide funds to, an Indian Tribe or Tribal Organization for training of appropriate individuals. In the case of positions funded under a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the appropriate Secretary shall ensure that such training costs are included in the contract or compact, as the Secretary determines necessary.

“(2) POSITION SPECIFIC TRAINING CRITERIA.—Position specific training criteria shall be culturally relevant to Indians and Indian Tribes and shall ensure that appropriate information regarding traditional health care practices is provided.

“(d) COMMUNITY EDUCATION ON MENTAL ILLNESS.—The Service shall develop and implement, on request of an Indian Tribe, Tribal Organization, or Urban Indian Organization, or assist the Indian Tribe, Tribal Organization, or Urban Indian Organization to develop and implement, a program of community education on mental illness. In carrying out this subsection, the Service shall, upon request of an Indian Tribe, Tribal Organization, or Urban Indian Organization, provide technical assistance to the Indian Tribe, Tribal Organization, or Urban Indian Organization to obtain and develop community educational materials on the identification, prevention, referral, and treatment of mental illness and dysfunctional and self-destructive behavior.

“(e) PLAN.—Not later than 90 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary shall develop a plan under which the Service will increase the health care staff providing behavioral health services by at least 500 positions within 5 years after the date of enactment of this section, with at least 200 of such positions devoted to child, adolescent, and family services. The plan developed under this subsection shall be implemented under the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the ‘Snyder Act’).

“SEC. 127. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.

“TITLE II—HEALTH SERVICES

“SEC. 201. INDIAN HEALTH CARE IMPROVEMENT FUND.

“(a) USE OF FUNDS.—The Secretary, acting through the Service, is authorized to expend funds, directly or under the authority of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), which are appropriated under the authority of this section, for the purposes of—

“(1) eliminating the deficiencies in health status and health resources of all Indian Tribes;

“(2) eliminating backlogs in the provision of health care services to Indians;

“(3) meeting the health needs of Indians in an efficient and equitable manner, including the use of telehealth and telemedicine when appropriate;

“(4) eliminating inequities in funding for both direct care and contract health service programs; and

“(5) augmenting the ability of the Service to meet the following health service responsibilities with respect to those Indian Tribes with the highest levels of health status deficiencies and resource deficiencies:

“(A) Clinical care, including inpatient care, outpatient care (including audiology, clinical eye, and vision care), primary care, secondary and tertiary care, and long-term care.

“(B) Preventive health, including mammography and other cancer screening in accordance with section 207.

“(C) Dental care.

“(D) Mental health, including community mental health services, inpatient mental health services, dormitory mental health services, therapeutic and residential treatment centers, and training of traditional health care practitioners.

“(E) Emergency medical services.

“(F) Treatment and control of, and rehabilitative care related to, alcoholism and drug abuse (including fetal alcohol spectrum disorders) among Indians.

“(G) Injury prevention programs, including training.

“(H) Home health care.

“(I) Community health representatives.

“(J) Maintenance and improvement.

“(b) NO OFFSET OR LIMITATION.—Any funds appropriated under the authority of this section shall not be used to offset or limit any other appropriations made to the Service under this Act or the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the ‘Snyder Act’), or any other provision of law.

“(c) ALLOCATION; USE.—

“(1) IN GENERAL.—Funds appropriated under the authority of this section shall be allocated to Service Units, Indian Tribes, or Tribal Organizations. The funds allocated to each Indian Tribe, Tribal Organization, or Service Unit under this paragraph shall be used by the Indian Tribe, Tribal Organization, or Service Unit under this paragraph to improve the health status and reduce the resource deficiency of each Indian Tribe served by such Service Unit, Indian Tribe, or Tribal Organization.

“(2) APPORTIONMENT OF ALLOCATED FUNDS.—The apportionment of funds allocated to a Service Unit, Indian Tribe, or Tribal Organization under paragraph (1) among the health service responsibilities described in subsection (a)(5) shall be determined by the Service in consultation with, and with the active participation of, the affected Indian Tribes and Tribal Organizations.

“(d) PROVISIONS RELATING TO HEALTH STATUS AND RESOURCE DEFICIENCIES.—For the purposes of this section, the following definitions apply:

“(1) DEFINITION.—The term ‘health status and resource deficiency’ means the extent to which—

“(A) the health status objectives set forth in section 3(2) are not being achieved; and

“(B) the Indian Tribe or Tribal Organization does not have available to it the health resources it needs, taking into account the actual cost of providing health care services given local geographic, climatic, rural, or other circumstances.

“(2) AVAILABLE RESOURCES.—The health resources available to an Indian Tribe or Tribal Organization include health resources provided by the Service as well as health resources used by the Indian Tribe or Tribal Organization, including services and financing systems provided by any Federal programs, private insurance, and programs of State or local governments.

“(3) PROCESS FOR REVIEW OF DETERMINATIONS.—The Secretary shall establish procedures which allow any Indian Tribe or Tribal Organization to petition the Secretary for a review of any determination of the extent of the health status and resource deficiency of such Indian Tribe or Tribal Organization.

“(e) ELIGIBILITY FOR FUNDS.—Tribal Health Programs shall be eligible for funds appropriated under the authority of this section on an equal basis with programs that are administered directly by the Service.

“(f) REPORT.—By no later than the date that is 3 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary shall submit to Congress the current health status and resource deficiency report of the Service for each Service Unit, including newly recognized or acknowledged Indian Tribes. Such report shall set out—

“(1) the methodology then in use by the Service for determining Tribal health status and resource deficiencies, as well as the most recent application of that methodology;

“(2) the extent of the health status and resource deficiency of each Indian Tribe served by the Service or a Tribal Health Program;

“(3) the amount of funds necessary to eliminate the health status and resource deficiencies of all Indian Tribes served by the Service or a Tribal Health Program; and

“(4) an estimate of—

“(A) the amount of health service funds appropriated under the authority of this Act, or any other Act, including the amount of any funds transferred to the Service for the preceding fiscal year which is allocated to each Service Unit, Indian Tribe, or Tribal Organization;

“(B) the number of Indians eligible for health services in each Service Unit or Indian Tribe or Tribal Organization; and

“(C) the number of Indians using the Service resources made available to each Service Unit, Indian Tribe or Tribal Organization, and, to the extent available, information on the waiting lists and number of Indians turned away for services due to lack of resources.

“(g) INCLUSION IN BASE BUDGET.—Funds appropriated under this section for any fiscal year shall be included in the base budget of the Service for the purpose of determining appropriations under this section in subsequent fiscal years.

“(h) CLARIFICATION.—Nothing in this section is intended to diminish the primary responsibility of the Service to eliminate existing backlogs in unmet health care needs, nor are the provisions of this section intended to discourage the Service from undertaking additional efforts to achieve equity among Indian Tribes and Tribal Organizations.

“(i) FUNDING DESIGNATION.—Any funds appropriated under the authority of this section shall be designated as the ‘Indian Health Care Improvement Fund’.

“SEC. 202. CATASTROPHIC HEALTH EMERGENCY FUND.

“(a) ESTABLISHMENT.—There is established an Indian Catastrophic Health Emergency Fund (hereafter in this section referred to as the ‘CHEF’) consisting of—

“(1) the amounts deposited under subsection (f); and

“(2) the amounts appropriated to CHEF under this section.

“(b) ADMINISTRATION.—CHEF shall be administered by the Secretary, acting through the headquarters of the Service, solely for the purpose of meeting the extraordinary medical costs associated with the treatment of victims of disasters or catastrophic illnesses who are within the responsibility of the Service.

“(c) CONDITIONS ON USE OF FUND.—No part of CHEF or its administration shall be subject to contract or grant under any law, including the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), nor shall CHEF funds be allocated, apportioned, or delegated on an Area Office, Service Unit, or other similar basis.

“(d) REGULATIONS.—The Secretary shall promulgate regulations consistent with the provisions of this section to—

“(1) establish a definition of disasters and catastrophic illnesses for which the cost of the treatment provided under contract would qualify for payment from CHEF;

“(2) provide that a Service Unit shall not be eligible for reimbursement for the cost of treatment from CHEF until its cost of treating any victim of such catastrophic illness or disaster has reached a certain threshold cost which the Secretary shall establish at—

“(A) the 2000 level of $19,000; and

“(B) for any subsequent year, not less than the threshold cost of the previous year increased by the percentage increase in the medical care expenditure category of the consumer price index for all urban consumers (United States city average) for the 12-month period ending with December of the previous year;

“(3) establish a procedure for the reimbursement of the portion of the costs that exceeds such threshold cost incurred by—

“(A) Service Units; or

“(B) whenever otherwise authorized by the Service, non-Service facilities or providers;

“(4) establish a procedure for payment from CHEF in cases in which the exigencies of the medical circumstances warrant treatment prior to the authorization of such treatment by the Service; and

“(5) establish a procedure that will ensure that no payment shall be made from CHEF to any provider of treatment to the extent that such provider is eligible to receive payment for the treatment from any other Federal, State, local, or private source of reimbursement for which the patient is eligible.

“(e) NO OFFSET OR LIMITATION.—Amounts appropriated to CHEF under this section shall not be used to offset or limit appropriations made to the Service under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the ‘Snyder Act’), or any other law.

“(f) DEPOSIT OF REIMBURSEMENT FUNDS.—There shall be deposited into CHEF all reimbursements to which the Service is entitled from any Federal, State, local, or private source (including third party insurance) by reason of treatment rendered to any victim of a disaster or catastrophic illness the cost of which was paid from CHEF.

“SEC. 203. HEALTH PROMOTION AND DISEASE PREVENTION SERVICES.

“(a) FINDINGS.—Congress finds that health promotion and disease prevention activities—

“(1) improve the health and well-being of Indians; and

“(2) reduce the expenses for health care of Indians.

“(b) PROVISION OF SERVICES.—The Secretary, acting through the Service and Tribal Health Programs, shall provide health promotion and disease prevention services to Indians to achieve the health status objectives set forth in section 3(2).

“(c) EVALUATION.—The Secretary, after obtaining input from the affected Tribal Health Programs, shall submit to the President for inclusion in the report which is required to be submitted to Congress under section 801 an evaluation of—

“(1) the health promotion and disease prevention needs of Indians;

“(2) the health promotion and disease prevention activities which would best meet such needs;

“(3) the internal capacity of the Service and Tribal Health Programs to meet such needs; and

"(4) the resources which would be required to enable the Service and Tribal Health Programs to undertake the health promotion and disease prevention activities necessary to meet such needs.

"SEC. 204. DIABETES PREVENTION, TREATMENT, AND CONTROL.

"(a) Determinations Regarding Diabetes.—The Secretary, acting through the Service, and in consultation with Indian Tribes and Tribal Organizations, shall determine—

"(1) by Indian Tribe and by Service Unit, the incidence of, and the types of complications resulting from, diabetes among Indians; and

"(2) based on the determinations made pursuant to paragraph (1), the measures (including patient education and effective ongoing monitoring of disease indicators) each Service Unit should take to reduce the incidence of, and prevent, treat, and control the complications resulting from, diabetes among Indian Tribes within that Service Unit.

"(b) Diabetes Screening.—To the extent medically indicated and with informed consent, the Secretary shall screen each Indian who receives services from the Service for diabetes and for conditions which indicate a high risk that the individual will become diabetic and establish a cost-effective approach to ensure ongoing monitoring of disease indicators. Such screening and monitoring may be conducted by a Tribal Health Program and may be conducted through appropriate Internet-based health care management programs.

"(c) Diabetes Projects.—The Secretary shall continue to maintain each model diabetes project in existence on the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, any such other diabetes programs operated by the Service or Tribal Health Programs, and any additional diabetes projects, such as the Medical Vanguard program provided for in title IV of Public Law 108-87, as implemented to serve Indian Tribes. Tribal Health Programs shall receive recurring funding for the diabetes projects that they operate pursuant to this section, both at the date of enactment of the Indian Health Care Improvement Act Amendments of 2008 and for projects which are added and funded thereafter.

"(d) Dialysis Programs.—The Secretary is authorized to provide, through the Service, Indian Tribes, and Tribal Organizations, dialysis programs, including the purchase of dialysis equipment and the provision of necessary staffing.

"(e) Other Duties of the Secretary.—

"(1) In general.—The Secretary shall, to the extent funding is available—

"(A) in each Area Office, consult with Indian Tribes and Tribal Organizations regarding programs for the prevention, treatment, and control of diabetes;

"(B) establish in each Area Office a registry of patients with diabetes to track the incidence of diabetes and the complications from diabetes in that area; and

"(C) ensure that data collected in each Area Office regarding diabetes and related complications among Indians are disseminated to all other Area Offices, subject to applicable patient privacy laws.

"(2) Diabetes control officers.—

"(A) In general.—The Secretary may establish and maintain in each Area Office a position of diabetes control officer to coordinate and manage any activity of that Area Office relating to the prevention, treatment, or control of diabetes to assist the Secretary in carrying out a program under this section or section 330C of the Public Health Service Act (42 U.S.C. 254c-3).

"(B) Certain activities.—Any activity carried out by a diabetes control officer under subparagraph (A) that is the subject of a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), and any funds made available to carry out such an activity, shall not be divisible for purposes of that Act.

"SEC. 205. SHARED SERVICES FOR LONG-TERM CARE.

"(a) Long-Term Care.—Notwithstanding any other provision of law, the Secretary, acting through the Service, is authorized to provide directly, or enter into contracts or compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) with Indian Tribes or Tribal Organizations for, the delivery of long-term care (including health care services associated with long-term care) provided in a facility to Indians. Such agreements shall provide for the sharing of staff or other services between the Service or a Tribal Health Program and a long-term care or related facility owned and operated (directly or through a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) by such Indian Tribe or Tribal Organization.

"(b) Contents of Agreements.—An agreement entered into pursuant to subsection (a)—

"(1) may, at the request of the Indian Tribe or Tribal Organization, delegate to such Indian Tribe or Tribal Organization such powers of supervision and control over Service employees as the Secretary deems necessary to carry out the purposes of this section;

"(2) shall provide that expenses (including salaries) relating to services that are shared between the Service and the Tribal Health Program be allocated proportionately between the Service and the Indian Tribe or Tribal Organization; and

"(3) may authorize such Indian Tribe or Tribal Organization to construct, renovate, or expand a long-term care or other similar facility (including the construction of a facility attached to a Service facility).

"(c) Minimum Requirement.—Any nursing facility provided for under this section shall meet the requirements for nursing facilities under section 1919 of the Social Security Act.

"(d) Other Assistance.—The Secretary shall provide such technical and other assistance as may be necessary to enable applicants to comply with the provisions of this section.

"(e) Use of Existing or Underused Facilities.—The Secretary shall encourage the use of existing facilities that are underused or allow the use of swing beds for long-term or similar care.

"SEC. 206. HEALTH SERVICES RESEARCH.

"(a) In General.—The Secretary, acting through the Service, shall make funding available for research to further the performance of the health service responsibilities of Indian Health Programs.

"(b) Coordination of Resources and Activities.—The Secretary shall also, to the maximum extent practicable, coordinate departmental research resources and activities to address relevant Indian Health Program research needs.

"(c) Availability.—Tribal Health Programs shall be given an equal opportunity to compete for, and receive, research funds under this section.

"(d) Use of Funds.—This funding may be used for both clinical and nonclinical research.

"(e) Evaluation and Dissemination.—The Secretary shall periodically—

"(1) evaluate the impact of research conducted under this section; and

"(2) disseminate to Tribal Health Programs information regarding that research as the Secretary determines to be appropriate.

"SEC. 207. MAMMOGRAPHY AND OTHER CANCER SCREENING.

"The Secretary, acting through the Service or Tribal Health Programs, shall provide for screening as follows:

"(1) Screening mammography (as defined in section 1861(jj) of the Social Security Act) for Indian women at a frequency appropriate to such women under accepted and appropriate national standards, and under such terms and conditions as are consistent with standards established by the Secretary to ensure the safety and accuracy of screening mammography under part B of title XVIII of such Act.

"(2) Other cancer screening that receives an A or B rating as recommended by the United States Preventive Services Task Force established under section 915(a)(1) of the Public Health Service Act (42 U.S.C. 299b-4(a)(1)). The Secretary shall ensure that screening provided for under this paragraph complies with the recommendations of the Task Force with respect to—

"(A) frequency;

"(B) the population to be served;

"(C) the procedure or technology to be used;

"(D) evidence of effectiveness; and

"(E) other matters that the Secretary determines appropriate.

"SEC. 208. PATIENT TRAVEL COSTS.

"(a) Definition of Qualified Escort.—In this section, the term 'qualified escort' means—

"(1) an adult escort (including a parent, guardian, or other family member) who is required because of the physical or mental condition, or age, of the applicable patient;

"(2) a health professional for the purpose of providing necessary medical care during travel by the applicable patient; or

"(3) other escorts, as the Secretary or applicable Indian Health Program determines to be appropriate.

"(b) Provision of Funds.—The Secretary, acting through the Service and Tribal Health Programs, is authorized to provide funds for the following patient travel costs, including qualified escorts, associated with receiving health care services provided (either through direct or contract care or through a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) under this Act—

"(1) emergency air transportation and non-emergency air transportation where ground transportation is infeasible;

"(2) transportation by private vehicle (where no other means of transportation is available), specially equipped vehicle, and ambulance; and

"(3) transportation by such other means as may be available and required when air or motor vehicle transportation is not available.

"SEC. 209. EPIDEMIOLOGY CENTERS.

"(a) Establishment of Centers.—The Secretary shall establish an epidemiology center in each Service Area to carry out the functions described in subsection (b). Any new center established after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008 may be operated under a grant authorized by subsection (d), but funding under such a grant shall not be divisible.

"(b) Functions of Centers.—In consultation with and upon the request of Indian Tribes, Tribal Organizations, and Urban Indian communities, each Service Area epidemiology center established under this section shall, with respect to such Service Area—

"(1) collect data relating to, and monitor progress made toward meeting, each of the health status objectives of the Service, the Indian Tribes, Tribal Organizations, and Urban Indian communities in the Service Area;

"(2) evaluate existing delivery systems, data systems, and other systems that impact the improvement of Indian health;

"(3) assist Indian Tribes, Tribal Organizations, and Urban Indian Organizations in identifying their highest priority health status objectives and the services needed to achieve such objectives, based on epidemiological data;

"(4) make recommendations for the targeting of services needed by the populations served;

"(5) make recommendations to improve health care delivery systems for Indians and Urban Indians;

"(6) provide requested technical assistance to Indian Tribes, Tribal Organizations, and Urban Indian Organizations in the development of local health service priorities and incidence and prevalence rates of disease and other illness in the community; and

"(7) provide disease surveillance and assist Indian Tribes, Tribal Organizations, and Urban Indian communities to promote public health.

"(c) Technical Assistance.—The Director of the Centers for Disease Control and Prevention shall provide technical assistance to the centers in carrying out the requirements of this section.

"(d) Grants for Studies.—

"(1) In general.—The Secretary may make grants to Indian Tribes, Tribal Organizations, Indian organizations, and eligible intertribal consortia to conduct epidemiological studies of Indian communities.

"(2) Eligible intertribal consortia.—An intertribal consortium or Indian organization is eligible to receive a grant under this subsection if—

"(A) the intertribal consortium is incorporated for the primary purpose of improving Indian health; and

"(B) the intertribal consortium is representative of the Indian Tribes or urban Indian communities in which the intertribal consortium is located.

"(3) Applications.—An application for a grant under this subsection shall be submitted in such manner and at such time as the Secretary shall prescribe.

"(4) Requirements.—An applicant for a grant under this subsection shall—

"(A) demonstrate the technical, administrative, and financial expertise necessary to carry out the functions described in paragraph (5);

"(B) consult and cooperate with providers of related health and social services in order to avoid duplication of existing services; and

"(C) demonstrate cooperation from Indian Tribes or Urban Indian Organizations in the area to be served.

"(5) Use of funds.—A grant awarded under paragraph (1) may be used—

"(A) to carry out the functions described in subsection (b);

"(B) to provide information to and consult with tribal leaders, urban Indian community leaders, and related health staff on health care and health service management issues; and

"(C) in collaboration with Indian Tribes, Tribal Organizations, and urban Indian communities, to provide the Service with information regarding ways to improve the health status of Indians.

"(e) Access to Information.—The Secretary shall grant epidemiology centers operated by a grantee pursuant to a grant awarded under subsection (d) access to use of the data, data sets, monitoring systems, delivery systems, and other protected health information in the possession of the Secretary. Such activities shall be for the purposes of research and for preventing and controlling disease, injury, or disability for purposes of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 2033), as such activities are described in part 164.512 of title 45, Code of Federal regulations (or a successor regulation).

"SEC. 210. COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAMS.

"(a) Funding for Development of Programs.—In addition to carrying out any other program for health promotion or disease prevention, the Secretary, acting through the Service, is authorized to award grants to Indian Tribes and Tribal Organizations to develop comprehensive school health education programs for children from pre-school through grade 12 in schools for the benefit of Indian and Urban Indian children.

"(b) Use of Grant Funds.—A grant awarded under this section may be used for purposes which may include, but are not limited to, the following:

"(1) Developing health education materials both for regular school programs and afterschool programs.

"(2) Training teachers in comprehensive school health education materials.

"(3) Integrating school-based, community-based, and other public and private health promotion efforts.

"(4) Encouraging healthy, tobacco-free school environments.

"(5) Coordinating school-based health programs with existing services and programs available in the community.

"(6) Developing school programs on nutrition education, personal health, oral health, and fitness.

"(7) Developing behavioral health wellness programs.

"(8) Developing chronic disease prevention programs.

"(9) Developing substance abuse prevention programs.

"(10) Developing injury prevention and safety education programs.

"(11) Developing activities for the prevention and control of communicable diseases.

"(12) Developing community and environmental health education programs that include traditional health care practitioners.

"(13) Violence prevention.

"(14) Such other health issues as are appropriate.

"(c) Technical Assistance.—Upon request, the Secretary, acting through the Service, shall provide technical assistance to Indian Tribes and Tribal Organizations in the development of comprehensive health education plans and the dissemination of comprehensive health education materials and information on existing health programs and resources.

"(d) Criteria for Review and Approval of Applications.—The Secretary, acting through the Service, and in consultation with Indian Tribes and Tribal Organizations, shall establish criteria for the review and approval of applications for grants awarded under this section.

"(e) Development of Program for BIA-Funded Schools.—

"(1) In general.—The Secretary of the Interior, acting through the Bureau of Indian Affairs and in cooperation with the Secretary, acting through the Service, and affected Indian Tribes and Tribal Organizations, shall develop a comprehensive school health education program for children from preschool through grade 12 in schools for which support is provided by the Bureau of Indian Affairs.

"(2) Requirements for programs.—Such programs shall include—

"(A) school programs on nutrition education, personal health, oral health, and fitness;

"(B) behavioral health wellness programs;

"(C) chronic disease prevention programs;

"(D) substance abuse prevention programs;

"(E) injury prevention and safety education programs; and

"(F) activities for the prevention and control of communicable diseases.

"(3) Duties of the secretary.—The Secretary of the Interior shall—

"(A) provide training to teachers in comprehensive school health education materials;

"(B) ensure the integration and coordination of school-based programs with existing services and health programs available in the community; and

"(C) encourage healthy, tobacco-free school environments.

"SEC. 211. INDIAN YOUTH PROGRAM.

"(a) Program Authorized.—The Secretary, acting through the Service, is authorized to establish and administer a program to provide grants to Indian Tribes, Tribal Organizations, and Urban Indian Organizations for innovative mental and physical disease prevention and health promotion and treatment programs for Indian preadolescent and adolescent youths.

"(b) Use of Funds.—

"(1) Allowable uses.—Funds made available under this section may be used to—

"(A) develop prevention and treatment programs for Indian youth which promote mental and physical health and incorporate cultural values, community and family involvement, and traditional health care practitioners; and

"(B) develop and provide community training and education.

"(2) Prohibited use.—Funds made available under this section may not be used to provide services described in section 707(c).

"(c) Duties of the Secretary.—The Secretary shall—

"(1) disseminate to Indian Tribes and Tribal Organizations information regarding models for the delivery of comprehensive health care services to Indian and Urban Indian adolescents;

"(2) encourage the implementation of such models; and

"(3) at the request of an Indian Tribe or Tribal Organization, provide technical assistance in the implementation of such models.

"(d) Criteria for Review and Approval of Applications.—The Secretary, in consultation with Indian Tribes and Tribal Organizations, and in conference with Urban Indian Organizations, shall establish criteria for the review and approval of applications or proposals under this section.

“SEC. 212. PREVENTION, CONTROL, AND ELIMINATION OF COMMUNICABLE AND INFECTIOUS DISEASES.

“(a) GRANTS AUTHORIZED.—The Secretary, acting through the Service, and after consultation with the Centers for Disease Control and Prevention, may make grants available to Indian Tribes and Tribal Organizations for the following:

“(1) Projects for the prevention, control, and elimination of communicable and infectious diseases, including tuberculosis, hepatitis, HIV, respiratory syncytial virus, hanta virus, sexually transmitted diseases, and H. Pylori.

“(2) Public information and education programs for the prevention, control, and elimination of communicable and infectious diseases.

“(3) Education, training, and clinical skills improvement activities in the prevention, control, and elimination of communicable and infectious diseases for health professionals, including allied health professionals.

“(4) Demonstration projects for the screening, treatment, and prevention of hepatitis C virus (HCV).

“(b) APPLICATION REQUIRED.—The Secretary may provide funding under subsection (a) only if an application or proposal for funding is submitted to the Secretary.

“(c) COORDINATION WITH HEALTH AGENCIES.—Indian Tribes and Tribal Organizations receiving funding under this section are encouraged to coordinate their activities with the Centers for Disease Control and Prevention and State and local health agencies.

“(d) TECHNICAL ASSISTANCE; REPORT.—In carrying out this section, the Secretary—

“(1) may, at the request of an Indian Tribe or Tribal Organization, provide technical assistance; and

“(2) shall prepare and submit a report to Congress biennially on the use of funds under this section and on the progress made toward the prevention, control, and elimination of communicable and infectious diseases among Indians and Urban Indians.

“SEC. 213. OTHER AUTHORITY FOR PROVISION OF SERVICES.

“(a) FUNDING AUTHORIZED.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may provide funding under this Act to meet the objectives set forth in section 3 of this Act through health care-related services and programs not otherwise described in this Act for the following services:

“(1) Hospice care.

“(2) Assisted living services.

“(3) Long-term care services.

“(4) Home- and community-based services.

“(b) ELIGIBILITY.—The following individuals shall be eligible to receive long-term care under this section:

“(1) Individuals who are unable to perform a certain number of activities of daily living without assistance.

“(2) Individuals with a mental impairment, such as dementia, Alzheimer's disease, or another disabling mental illness, who may be able to perform activities of daily living under supervision.

“(3) Such other individuals as an applicable Indian Health Program determines to be appropriate.

“(c) DEFINITIONS.—For the purposes of this section, the following definitions shall apply:

“(1) The term ‘assisted living services’ means any service provided by an assisted living facility (as defined in section 232(b) of the National Housing Act (12 U.S.C. 1715w(b))), except that such an assisted living facility—

“(A) shall not be required to obtain a license; but

“(B) shall meet all applicable standards for licensure.

“(2) The term ‘home- and community-based services’ means 1 or more of the services specified in paragraphs (1) through (9) of section 1929(a) of the Social Security Act (42 U.S.C. 1396t(a)) (whether provided by the Service or by an Indian Tribe or Tribal Organization pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) that are or will be provided in accordance with applicable standards.

“(3) The term ‘hospice care’ means the items and services specified in subparagraphs (A) through (H) of section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1)), and such other services which an Indian Tribe or Tribal Organization determines are necessary and appropriate to provide in furtherance of this care.

“(4) The term ‘long-term care services’ has the meaning given the term ‘qualified long-term care services’ in section 7702B(c) of the Internal Revenue Code of 1986.

“(d) AUTHORIZATION OF CONVENIENT CARE SERVICES.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may also provide funding under this Act to meet the objectives set forth in section 3 of this Act for convenient care services programs pursuant to section 306(c)(2)(A).

“SEC. 214. INDIAN WOMEN'S HEALTH CARE.

“The Secretary, acting through the Service and Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall monitor and improve the quality of health care for Indian women of all ages through the planning and delivery of programs administered by the Service, in order to improve and enhance the treatment models of care for Indian women.

“SEC. 215. ENVIRONMENTAL AND NUCLEAR HEALTH HAZARDS.

“(a) STUDIES AND MONITORING.—The Secretary and the Service shall conduct, in conjunction with other appropriate Federal agencies and in consultation with concerned Indian Tribes and Tribal Organizations, studies and ongoing monitoring programs to determine trends in the health hazards to Indian miners and to Indians on or near reservations and Indian communities as a result of environmental hazards which may result in chronic or life threatening health problems, such as nuclear resource development, petroleum contamination, and contamination of water sources and of the food chain. Such studies shall include—

“(1) an evaluation of the nature and extent of health problems caused by environmental hazards currently exhibited among Indians and the causes of such health problems;

“(2) an analysis of the potential effect of ongoing and future environmental resource development on or near reservations and Indian communities, including the cumulative effect over time on health;

“(3) an evaluation of the types and nature of activities, practices, and conditions causing or affecting such health problems, including uranium mining and milling, uranium mine tailing deposits, nuclear power plant operation and construction, and nuclear waste disposal; oil and gas production or transportation on or near reservations or Indian communities; and other development that could affect the health of Indians and their water supply and food chain;

“(4) a summary of any findings and recommendations provided in Federal and State studies, reports, investigations, and inspections during the 5 years prior to the date of enactment of the Indian Health Care Improvement Act Amendments of 2008 that directly or indirectly relate to the activities, practices, and conditions affecting the health or safety of such Indians; and

“(5) the efforts that have been made by Federal and State agencies and resource and economic development companies to effectively carry out an education program for such Indians regarding the health and safety hazards of such development.

“(b) HEALTH CARE PLANS.—Upon completion of such studies, the Secretary and the Service shall take into account the results of such studies and develop health care plans to address the health problems studied under subsection (a). The plans shall include—

“(1) methods for diagnosing and treating Indians currently exhibiting such health problems;

“(2) preventive care and testing for Indians who may be exposed to such health hazards, including the monitoring of the health of individuals who have or may have been exposed to excessive amounts of radiation or affected by other activities that have had or could have a serious impact upon the health of such individuals; and

“(3) a program of education for Indians who, by reason of their work or geographic proximity to such nuclear or other development activities, may experience health problems.

“(c) SUBMISSION OF REPORT AND PLAN TO CONGRESS.—The Secretary and the Service shall submit to Congress the study prepared under subsection (a) no later than 18 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008. The health care plan prepared under subsection (b) shall be submitted in a report no later than 1 year after the study prepared under subsection (a) is submitted to Congress. Such report shall include recommended activities for the implementation of the plan, as well as an evaluation of any activities previously undertaken by the Service to address such health problems.

“(d) INTERGOVERNMENTAL TASK FORCE.—

“(1) ESTABLISHMENT; MEMBERS.—There is established an Intergovernmental Task Force to be composed of the following individuals (or their designees):

“(A) The Secretary of Energy.

“(B) The Secretary of the Environmental Protection Agency.

“(C) The Director of the Bureau of Mines.

“(D) The Assistant Secretary for Occupational Safety and Health.

“(E) The Secretary of the Interior.

“(F) The Secretary of Health and Human Services.

“(G) The Director.

“(2) DUTIES.—The Task Force shall—

“(A) identify existing and potential operations related to nuclear resource development or other environmental hazards that affect or may affect the health of Indians on or near a reservation or in an Indian community; and

“(B) enter into activities to correct existing health hazards and ensure that current and future health problems resulting from nuclear resource or other development activities are minimized or reduced.

“(3) CHAIRMAN; MEETINGS.—The Secretary of Health and Human Services shall be the Chairman of the Task Force. The Task Force shall meet at least twice each year.

“(e) HEALTH SERVICES TO CERTAIN EMPLOYEES.—In the case of any Indian who—

“(1) as a result of employment in or near a uranium mine or mill or near any other environmental hazard, suffers from a work-related illness or condition;

“(2) is eligible to receive diagnosis and treatment services from an Indian Health Program; and

“(3) by reason of such Indian's employment, is entitled to medical care at the expense of such mine or mill operator or entity responsible for the environmental hazard, the Indian Health Program shall, at the request of such Indian, render appropriate medical care to such Indian for such illness or condition and may be reimbursed for any medical care so rendered to which such Indian is entitled at the expense of such operator or entity from such operator or entity. Nothing in this subsection shall affect the rights of such Indian to recover damages other than such amounts paid to the Indian Health Program from the employer for providing medical care for such illness or condition.

“SEC. 216. ARIZONA AS A CONTRACT HEALTH SERVICE DELIVERY AREA.

“(a) IN GENERAL.—For fiscal years beginning with the fiscal year ending September 30, 1983, and ending with the fiscal year ending September 30, 2016, the State of Arizona shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health care services to members of federally recognized Indian Tribes of Arizona.

“(b) MAINTENANCE OF SERVICES.—The Service shall not curtail any health care services provided to Indians residing on reservations in the State of Arizona if such curtailment is due to the provision of contract services in such State pursuant to the designation of such State as a contract health service delivery area pursuant to subsection (a).

“SEC. 216A. NORTH DAKOTA AND SOUTH DAKOTA AS A CONTRACT HEALTH SERVICE DELIVERY AREA.

“(a) IN GENERAL.—Beginning in fiscal year 2003, the States of North Dakota and South Dakota shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health care services to members of federally recognized Indian Tribes of North Dakota and South Dakota.

“(b) LIMITATION.—The Service shall not curtail any health care services provided to Indians residing on any reservation, or in any county that has a common boundary with any reservation, in the State of North Dakota or South Dakota if such curtailment is due to the provision of contract services in such States pursuant to the designation of such States as a contract health service delivery area pursuant to subsection (a).

“SEC. 217. CALIFORNIA CONTRACT HEALTH SERVICES PROGRAM.

“(a) FUNDING AUTHORIZED.—The Secretary is authorized to fund a program using the California Rural Indian Health Board (hereafter in this section referred to as the ‘CRIHB’) as a contract care intermediary to improve the accessibility of health services to California Indians.

“(b) REIMBURSEMENT CONTRACT.—The Secretary shall enter into an agreement with the CRIHB to reimburse the CRIHB for costs (including reasonable administrative costs) incurred pursuant to this section, in providing medical treatment under contract to California Indians described in section 806(a) throughout the California contract health services delivery area described in section 218 with respect to high cost contract care cases.

“(c) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amounts provided to the CRIHB under this section for any fiscal year may be for reimbursement for administrative expenses incurred by the CRIHB during such fiscal year.

“(d) LIMITATION ON PAYMENT.—No payment may be made for treatment provided hereunder to the extent payment may be made for such treatment under the Indian Catastrophic Health Emergency Fund described in section 202 or from amounts appropriated or otherwise made available to the California contract health service delivery area for a fiscal year.

“(e) ADVISORY BOARD.—There is established an advisory board which shall advise the CRIHB in carrying out this section. The advisory board shall be composed of representatives, selected by the CRIHB, from not less than 8 Tribal Health Programs serving California Indians covered under this section at least ½ of whom of whom are not affiliated with the CRIHB.

“SEC. 218. CALIFORNIA AS A CONTRACT HEALTH SERVICE DELIVERY AREA.

“The State of California, excluding the counties of Alameda, Contra Costa, Los Angeles, Marin, Orange, Sacramento, San Francisco, San Mateo, Santa Clara, Kern, Merced, Monterey, Napa, San Benito, San Joaquin, San Luis Obispo, Santa Cruz, Solano, Stanislaus, and Ventura, shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health services to California Indians. However, any of the counties listed herein may only be included in the contract health services delivery area if funding is specifically provided by the Service for such services in those counties.

“SEC. 219. CONTRACT HEALTH SERVICES FOR THE TRENTON SERVICE AREA.

“(a) AUTHORIZATION FOR SERVICES.—The Secretary, acting through the Service, is directed to provide contract health services to members of the Turtle Mountain Band of Chippewa Indians that reside in the Trenton Service Area of Divide, McKenzie, and Williams counties in the State of North Dakota and the adjoining counties of Richland, Roosevelt, and Sheridan in the State of Montana.

“(b) NO EXPANSION OF ELIGIBILITY.—Nothing in this section may be construed as expanding the eligibility of members of the Turtle Mountain Band of Chippewa Indians for health services provided by the Service beyond the scope of eligibility for such health services that applied on May 1, 1986.

“SEC. 220. PROGRAMS OPERATED BY INDIAN TRIBES AND TRIBAL ORGANIZATIONS.

“The Service shall provide funds for health care programs and facilities operated by Tribal Health Programs on the same basis as such funds are provided to programs and facilities operated directly by the Service.

“SEC. 221. LICENSING.

“Health care professionals employed by a Tribal Health Program shall, if licensed in any State, be exempt from the licensing requirements of the State in which the Tribal Health Program performs the services described in its contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

“SEC. 222. NOTIFICATION OF PROVISION OF EMERGENCY CONTRACT HEALTH SERVICES.

“With respect to an elderly Indian or an Indian with a disability receiving emergency medical care or services from a non-Service provider or in a non-Service facility under the authority of this Act, the time limitation (as a condition of payment) for notifying the Service of such treatment or admission shall be 30 days.

“SEC. 223. PROMPT ACTION ON PAYMENT OF CLAIMS.

“(a) DEADLINE FOR RESPONSE.—The Service shall respond to a notification of a claim by a provider of a contract care service with either an individual purchase order or a denial of the claim within 5 working days after the receipt of such notification.

“(b) EFFECT OF UNTIMELY RESPONSE.—If the Service fails to respond to a notification of a claim in accordance with subsection (a), the Service shall accept as valid the claim submitted by the provider of a contract care service.

“(c) DEADLINE FOR PAYMENT OF VALID CLAIM.—The Service shall pay a valid contract care service claim within 30 days after the completion of the claim.

“SEC. 224. LIABILITY FOR PAYMENT.

“(a) NO PATIENT LIABILITY.—A patient who receives contract health care services that are authorized by the Service shall not be liable for the payment of any charges or costs associated with the provision of such services.

“(b) NOTIFICATION.—The Secretary shall notify a contract care provider and any patient who receives contract health care services authorized by the Service that such patient is not liable for the payment of any charges or costs associated with the provision of such services not later than 5 business days after receipt of a notification of a claim by a provider of contract care services.

“(c) NO RECOURSE.—Following receipt of the notice provided under subsection (b), or, if a claim has been deemed accepted under section 223(b), the provider shall have no further recourse against the patient who received the services.

“SEC. 225. OFFICE OF INDIAN MEN'S HEALTH.

“(a) ESTABLISHMENT.—The Secretary may establish within the Service an office to be known as the ‘Office of Indian Men's Health’ (referred to in this section as the ‘Office’).

“(b) DIRECTOR.—

“(1) IN GENERAL.—The Office shall be headed by a director, to be appointed by the Secretary.

“(2) DUTIES.—The director shall coordinate and promote the status of the health of Indian men in the United States.

“(c) REPORT.—Not later than 2 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary, acting through the director of the Office, shall submit to Congress a report describing—

“(1) any activity carried out by the director as of the date on which the report is prepared; and

“(2) any finding of the director with respect to the health of Indian men.

“SEC. 226. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.

“TITLE III—FACILITIES

“SEC. 301. CONSULTATION; CONSTRUCTION AND RENOVATION OF FACILITIES; REPORTS.

“(a) PREREQUISITES FOR EXPENDITURE OF FUNDS.—Prior to the expenditure of, or the making of any binding commitment to expend, any funds appropriated for the planning, design, construction, or renovation of facilities pursuant to the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the

'Snyder Act'), the Secretary, acting through the Service, shall—

“(1) consult with any Indian Tribe that would be significantly affected by such expenditure for the purpose of determining and, whenever practicable, honoring tribal preferences concerning size, location, type, and other characteristics of any facility on which such expenditure is to be made; and

“(2) ensure, whenever practicable and applicable, that such facility meets the construction standards of any accrediting body recognized by the Secretary for the purposes of the Medicare, Medicaid, and SCHIP programs under titles XVIII, XIX, and XXI of the Social Security Act by not later than 1 year after the date on which the construction or renovation of such facility is completed.

“(b) Closures and Reductions in Hours of Service.—

“(1) Evaluation required.—Notwithstanding any other provision of law, no facility operated by the Service, or any portion of such facility, may be closed or have the hours of service of the facility reduced if the Secretary has not submitted to Congress not less than 1 year, and not more than 2 years, before the date of the proposed closure or reduction in hours of service an evaluation, completed not more than 2 years before the submission, of the impact of the proposed closure or reduction in hours of service that specifies, in addition to other considerations—

“(A) the accessibility of alternative health care resources for the population served by such facility;

“(B) the cost-effectiveness of such closure or reduction in hours of service;

“(C) the quality of health care to be provided to the population served by such facility after such closure or reduction in hours of service;

“(D) the availability of contract health care funds to maintain existing levels of service;

“(E) the views of the Indian Tribes served by such facility concerning such closure or reduction in hours of service;

“(F) the level of use of such facility by all eligible Indians; and

“(G) the distance between such facility and the nearest operating Service hospital.

“(2) Exception for certain temporary closures and reductions.—Paragraph (1) shall not apply to any temporary closure or reduction in hours of service of a facility or any portion of a facility if such closure or reduction in hours of service is necessary for medical, environmental, or construction safety reasons.

“(c) Health Care Facility Priority System.—

“(1) In general.—

“(A) Priority system.—The Secretary, acting through the Service, shall maintain a health care facility priority system, which—

“(i) shall be developed in consultation with Indian Tribes and Tribal Organizations;

“(ii) shall give Indian Tribes' needs the highest priority;

“(iii)(I) may include the lists required in paragraph (2)(B)(ii); and

“(II) shall include the methodology required in paragraph (2)(B)(v); and

“(III) may include such other facilities, and such renovation or expansion needs of any health care facility, as the Service, Indian Tribes, and Tribal Organizations may identify; and

“(iv) shall provide an opportunity for the nomination of planning, design, and construction projects by the Service, Indian Tribes, and Tribal Organizations for consideration under the priority system at least once every 3 years, or more frequently as the Secretary determines to be appropriate.

“(B) Needs of facilities under ISDEAA agreements.—The Secretary shall ensure that the planning, design, construction, renovation, and expansion needs of Service and non-Service facilities operated under contracts or compacts in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) are fully and equitably integrated into the health care facility priority system.

“(C) Criteria for evaluating needs.—For purposes of this subsection, the Secretary, in evaluating the needs of facilities operated under a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), shall use the criteria used by the Secretary in evaluating the needs of facilities operated directly by the Service.

“(D) Priority of certain projects protected.—The priority of any project established under the construction priority system in effect on the date of enactment of the Indian Health Care Improvement Act Amendments of 2008 shall not be affected by any change in the construction priority system taking place after that date if the project—

“(i) was identified in the fiscal year 2008 Service budget justification as—

“(I) 1 of the 10 top-priority inpatient projects;

“(II) 1 of the 10 top-priority outpatient projects;

“(III) 1 of the 10 top-priority staff quarters developments; or

“(IV) 1 of the 10 top-priority Youth Regional Treatment Centers;

“(ii) had completed both Phase I and Phase II of the construction priority system in effect on the date of enactment of such Act; or

“(iii) is not included in clause (i) or (ii) and is selected, as determined by the Secretary—

“(I) on the initiative of the Secretary; or

“(II) pursuant to a request of an Indian Tribe or Tribal Organization.

“(2) Report; contents.—

“(A) Initial comprehensive report.—

“(i) Definitions.—In this subparagraph:

“(I) Facilities appropriation advisory board.—The term 'Facilities Appropriation Advisory Board' means the advisory board, comprised of 12 members representing Indian tribes and 2 members representing the Service, established at the discretion of the Director—

“(aa) to provide advice and recommendations for policies and procedures of the programs funded pursuant to facilities appropriations; and

“(bb) to address other facilities issues.

“(II) Facilities needs assessment workgroup.—The term 'Facilities Needs Assessment Workgroup' means the workgroup established at the discretion of the Director—

“(aa) to review the health care facilities construction priority system; and

“(bb) to make recommendations to the Facilities Appropriation Advisory Board for revising the priority system.

“(ii) Initial report.—

“(I) In general.—Not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the comprehensive, national, ranked list of all health care facilities needs for the Service, Indian Tribes, and Tribal Organizations (including inpatient health care facilities, outpatient health care facilities, specialized health care facilities (such as for long-term care and alcohol and drug abuse treatment), wellness centers, staff quarters and hostels associated with health care facilities, and the renovation and expansion needs, if any, of such facilities) developed by the Service, Indian Tribes, and Tribal Organizations for the Facilities Needs Assessment Workgroup and the Facilities Appropriation Advisory Board.

“(II) Inclusions.—The initial report shall include—

“(aa) the methodology and criteria used by the Service in determining the needs and establishing the ranking of the facilities needs; and

“(bb) such other information as the Secretary determines to be appropriate.

“(iii) Updates of report.—Beginning in calendar year 2011, the Secretary shall—

“(I) update the report under clause (ii) not less frequently that once every 5 years; and

“(II) include the updated report in the appropriate annual report under subparagraph (B) for submission to Congress under section 801.

“(B) Annual reports.—The Secretary shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, a report which sets forth the following:

“(i) A description of the health care facility priority system of the Service established under paragraph (1).

“(ii) Health care facilities lists, which may include—

“(I) the 10 top-priority inpatient health care facilities;

“(II) the 10 top-priority outpatient health care facilities;

“(III) the 10 top-priority specialized health care facilities (such as long-term care and alcohol and drug abuse treatment);

“(IV) the 10 top-priority staff quarters developments associated with health care facilities; and

“(V) the 10 top-priority hostels associated with health care facilities.

“(iii) The justification for such order of priority.

“(iv) The projected cost of such projects.

“(v) The methodology adopted by the Service in establishing priorities under its health care facility priority system.

“(3) Requirements for preparation of reports.—In preparing the report required under paragraph (2), the Secretary shall—

“(A) consult with and obtain information on all health care facilities needs from Indian Tribes and Tribal Organizations; and

“(B) review the total unmet needs of all Indian Tribes and Tribal Organizations for health care facilities (including hostels and staff quarters), including needs for renovation and expansion of existing facilities.

“(d) Review of Methodology Used for Health Facilities Construction Priority System.—

“(1) In general.—Not later than 1 year after the establishment of the priority system under subsection (c)(1)(A), the Comptroller General of the United States shall prepare and finalize a report reviewing the methodologies applied, and the processes followed, by the Service in making each assessment of needs for the list under subsection (c)(2)(A)(ii) and developing the priority system under subsection (c)(1), including a review of—

"(A) the recommendations of the Facilities Appropriation Advisory Board and the Facilities Needs Assessment Workgroup (as those terms are defined in subsection (c)(2)(A)(i)); and

"(B) the relevant criteria used in ranking or prioritizing facilities other than hospitals or clinics.

"(2) SUBMISSION TO CONGRESS.—The Comptroller General of the United States shall submit the report under paragraph (1) to—

"(A) the Committees on Indian Affairs and Appropriations of the Senate;

"(B) the Committees on Natural Resources and Appropriations of the House of Representatives; and

"(C) the Secretary.

"(e) FUNDING CONDITION.—All funds appropriated under the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), for the planning, design, construction, or renovation of health facilities for the benefit of 1 or more Indian Tribes shall be subject to the provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(f) DEVELOPMENT OF INNOVATIVE APPROACHES.—The Secretary shall consult and cooperate with Indian Tribes and Tribal Organizations, and confer with Urban Indian Organizations, in developing innovative approaches to address all or part of the total unmet need for construction of health facilities, including those provided for in other sections of this title and other approaches.

"SEC. 302. SANITATION FACILITIES.

"(a) FINDINGS.—Congress finds the following:

"(1) The provision of sanitation facilities is primarily a health consideration and function.

"(2) Indian people suffer an inordinately high incidence of disease, injury, and illness directly attributable to the absence or inadequacy of sanitation facilities.

"(3) The long-term cost to the United States of treating and curing such disease, injury, and illness is substantially greater than the short-term cost of providing sanitation facilities and other preventive health measures.

"(4) Many Indian homes and Indian communities still lack sanitation facilities.

"(5) It is in the interest of the United States, and it is the policy of the United States, that all Indian communities and Indian homes, new and existing, be provided with sanitation facilities.

"(b) FACILITIES AND SERVICES.—In furtherance of the findings made in subsection (a), Congress reaffirms the primary responsibility and authority of the Service to provide the necessary sanitation facilities and services as provided in section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a). Under such authority, the Secretary, acting through the Service, is authorized to provide the following:

"(1) Financial and technical assistance to Indian Tribes, Tribal Organizations, and Indian communities in the establishment, training, and equipping of utility organizations to operate and maintain sanitation facilities, including the provision of existing plans, standard details, and specifications available in the Department, to be used at the option of the Indian Tribe, Tribal Organization, or Indian community.

"(2) Ongoing technical assistance and training to Indian Tribes, Tribal Organizations, and Indian communities in the management of utility organizations which operate and maintain sanitation facilities.

"(3) Priority funding for operation and maintenance assistance for, and emergency repairs to, sanitation facilities operated by an Indian Tribe, Tribal Organization or Indian community when necessary to avoid an imminent health threat or to protect the investment in sanitation facilities and the investment in the health benefits gained through the provision of sanitation facilities.

"(c) FUNDING.—Notwithstanding any other provision of law—

"(1) the Secretary of Housing and Urban Development is authorized to transfer funds appropriated under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) to the Secretary of Health and Human Services;

"(2) the Secretary of Health and Human Services is authorized to accept and use such funds for the purpose of providing sanitation facilities and services for Indians under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a);

"(3) unless specifically authorized when funds are appropriated, the Secretary shall not use funds appropriated under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), to provide sanitation facilities to new homes constructed using funds provided by the Department of Housing and Urban Development;

"(4) the Secretary of Health and Human Services is authorized to accept from any source, including Federal and State agencies, funds for the purpose of providing sanitation facilities and services and place these funds into contracts or compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.);

"(5) the Secretary is authorized to establish a program under which the Secretary may, in accordance with this subsection and with paragraphs (2), (3), (4), and (5) of section 330(d) of the Public Health Service Act (42 U.S.C. 254b(d)) related to a loan guarantee program, guarantee the principal and interest on loans made by lenders to Indian Tribes for new projects to construct eligible sanitation facilities to serve Indian homes, but only to the extent that appropriations are provided in advance specifically for such program, and without reducing funds made available for the provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), and this Act;

"(6) except as otherwise prohibited by this section, the Secretary may use funds appropriated under the authority of section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a) to meet matching or cost participation requirements under other Federal and non-Federal programs for new projects to construct eligible sanitation facilities;

"(7) all Federal agencies are authorized to transfer to the Secretary funds identified, granted, loaned, or appropriated whereby the Department's applicable policies, rules, and regulations shall apply in the implementation of such projects;

"(8) the Secretary of Health and Human Services shall enter into interagency agreements with Federal and State agencies for the purpose of providing financial assistance for sanitation facilities and services under this Act;

"(9) the Secretary of Health and Human Services shall, by regulation, establish standards applicable to the planning, design, and construction of sanitation facilities funded under this Act; and

"(10) the Secretary of Health and Human Services is authorized to accept payments for goods and services furnished by the Service from appropriate public authorities, nonprofit organizations or agencies, or Indian Tribes, as contributions by that authority, organization, agency, or tribe to agreements made under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), and such payments shall be credited to the same or subsequent appropriation account as funds appropriated under the authority of section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a).

"(d) CERTAIN CAPABILITIES NOT PREREQUISITE.—The financial and technical capability of an Indian Tribe, Tribal Organization, or Indian community to safely operate, manage, and maintain a sanitation facility shall not be a prerequisite to the provision or construction of sanitation facilities by the Secretary.

"(e) FINANCIAL ASSISTANCE.—The Secretary is authorized to provide financial assistance to Indian Tribes, Tribal Organizations, and Indian communities for operation, management, and maintenance of their sanitation facilities.

"(f) OPERATION, MANAGEMENT, AND MAINTENANCE OF FACILITIES.—The Indian Tribe has the primary responsibility to establish, collect, and use reasonable user fees, or otherwise set aside funding, for the purpose of operating, managing, and maintaining sanitation facilities. If a sanitation facility serving a community that is operated by an Indian Tribe or Tribal Organization is threatened with imminent failure and such operator lacks capacity to maintain the integrity or the health benefits of the sanitation facility, then the Secretary is authorized to assist the Indian Tribe, Tribal Organization, or Indian community in the resolution of the problem on a short-term basis through cooperation with the emergency coordinator or by providing operation, management, and maintenance service.

"(g) ISDEAA PROGRAM FUNDED ON EQUAL BASIS.—Tribal Health Programs shall be eligible (on an equal basis with programs that are administered directly by the Service) for—

"(1) any funds appropriated pursuant to this section; and

"(2) any funds appropriated for the purpose of providing sanitation facilities.

"(h) REPORT.—

"(1) REQUIRED CONTENTS.—The Secretary, in consultation with the Secretary of Housing and Urban Development, Indian Tribes, Tribal Organizations, and tribally designated housing entities (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, a report which sets forth—

"(A) the current Indian sanitation facility priority system of the Service;

"(B) the methodology for determining sanitation deficiencies and needs;

"(C) the criteria on which the deficiencies and needs will be evaluated;

"(D) the level of initial and final sanitation deficiency for each type of sanitation facility for each project of each Indian Tribe or Indian community;

"(E) the amount and most effective use of funds, derived from whatever source, necessary to accommodate the sanitation facilities needs of new homes assisted with funds under the Native American Housing Assistance and Self-Determination Act (25 U.S.C. 4101 et seq.), and to reduce the identified sanitation deficiency levels of all Indian Tribes and Indian communities to level I sanitation deficiency as defined in paragraph (3)(A); and

“(F) a 10-year plan to provide sanitation facilities to serve existing Indian homes and Indian communities and new and renovated Indian homes.

“(2) UNIFORM METHODOLOGY.—The methodology used by the Secretary in determining, preparing cost estimates for, and reporting sanitation deficiencies for purposes of paragraph (1) shall be applied uniformly to all Indian Tribes and Indian communities.

“(3) SANITATION DEFICIENCY LEVELS.—For purposes of this subsection, the sanitation deficiency levels for an individual, Indian Tribe, or Indian community sanitation facility to serve Indian homes are determined as follows:

“(A) A level I deficiency exists if a sanitation facility serving an individual, Indian Tribe, or Indian community—

“(i) complies with all applicable water supply, pollution control, and solid waste disposal laws; and

“(ii) deficiencies relate to routine replacement, repair, or maintenance needs.

“(B) A level II deficiency exists if a sanitation facility serving an individual, Indian Tribe, or Indian community substantially or recently complied with all applicable water supply, pollution control, and solid waste laws and any deficiencies relate to—

“(i) small or minor capital improvements needed to bring the facility back into compliance;

“(ii) capital improvements that are necessary to enlarge or improve the facilities in order to meet the current needs for domestic sanitation facilities; or

“(iii) the lack of equipment or training by an Indian Tribe, Tribal Organization, or an Indian community to properly operate and maintain the sanitation facilities.

“(C) A level III deficiency exists if a sanitation facility serving an individual, Indian Tribe or Indian community meets 1 or more of the following conditions—

“(i) water or sewer service in the home is provided by a haul system with holding tanks and interior plumbing;

“(ii) major significant interruptions to water supply or sewage disposal occur frequently, requiring major capital improvements to correct the deficiencies; or

“(iii) there is no access to or no approved or permitted solid waste facility available.

“(D) A level IV deficiency exists—

“(i) if a sanitation facility for an individual home, an Indian Tribe, or an Indian community exists but—

“(I) lacks—

“(aa) a safe water supply system; or

“(bb) a waste disposal system;

“(II) contains no piped water or sewer facilities; or

“(III) has become inoperable due to a major component failure; or

“(ii) if only a washeteria or central facility exists in the community.

“(E) A level V deficiency exists in the absence of a sanitation facility, where individual homes do not have access to safe drinking water or adequate wastewater (including sewage) disposal.

“(i) DEFINITIONS.—For purposes of this section, the following terms apply:

“(1) INDIAN COMMUNITY.—The term ‘Indian community’ means a geographic area, a significant proportion of whose inhabitants are Indians and which is served by or capable of being served by a facility described in this section.

“(2) SANITATION FACILITIES.—The terms ‘sanitation facility’ and ‘sanitation facilities’ mean safe and adequate water supply systems, sanitary sewage disposal systems, and sanitary solid waste systems (and all related equipment and support infrastructure).

“SEC. 303. PREFERENCE TO INDIANS AND INDIAN FIRMS.

“(a) BUY INDIAN ACT.—The Secretary, acting through the Service, may use the negotiating authority of section 23 of the Act of June 25, 1910 (25 U.S.C. 47, commonly known as the ‘Buy Indian Act’), to give preference to any Indian or any enterprise, partnership, corporation, or other type of business organization owned and controlled by an Indian or Indians including former or currently federally recognized Indian Tribes in the State of New York (hereinafter referred to as an ‘Indian firm’) in the construction and renovation of Service facilities pursuant to section 301 and in the construction of sanitation facilities pursuant to section 302. Such preference may be accorded by the Secretary unless the Secretary finds, pursuant to regulations, that the project or function to be contracted for will not be satisfactory or such project or function cannot be properly completed or maintained under the proposed contract. The Secretary, in arriving at such a finding, shall consider whether the Indian or Indian firm will be deficient with respect to—

“(1) ownership and control by Indians;

“(2) equipment;

“(3) bookkeeping and accounting procedures;

“(4) substantive knowledge of the project or function to be contracted for;

“(5) adequately trained personnel; or

“(6) other necessary components of contract performance.

“(b) LABOR STANDARDS.—

“(1) IN GENERAL.—For the purposes of implementing the provisions of this title, contracts for the construction or renovation of health care facilities, staff quarters, and sanitation facilities, and related support infrastructure, funded in whole or in part with funds made available pursuant to this title, shall contain a provision requiring compliance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the ‘Davis-Bacon Act’), unless such construction or renovation—

“(A) is performed by a contractor pursuant to a contract with an Indian Tribe or Tribal Organization with funds supplied through a contract or compact authorized by the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), or other statutory authority; and

“(B) is subject to prevailing wage rates for similar construction or renovation in the locality as determined by the Indian Tribes or Tribal Organizations to be served by the construction or renovation.

“(2) EXCEPTION.—This subsection shall not apply to construction or renovation carried out by an Indian Tribe or Tribal Organization with its own employees.

“SEC. 304. EXPENDITURE OF NON-SERVICE FUNDS FOR RENOVATION.

“(a) IN GENERAL.—Notwithstanding any other provision of law, if the requirements of subsection (c) are met, the Secretary, acting through the Service, is authorized to accept any major expansion, renovation, or modernization by any Indian Tribe or Tribal Organization of any Service facility or of any other Indian health facility operated pursuant to a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), including—

“(1) any plans or designs for such expansion, renovation, or modernization; and

“(2) any expansion, renovation, or modernization for which funds appropriated under any Federal law were lawfully expended.

“(b) PRIORITY LIST.—

“(1) IN GENERAL.—The Secretary shall maintain a separate priority list to address the needs for increased operating expenses, personnel, or equipment for such facilities. The methodology for establishing priorities shall be developed through regulations. The list of priority facilities will be revised annually in consultation with Indian Tribes and Tribal Organizations.

“(2) REPORT.—The Secretary shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, the priority list maintained pursuant to paragraph (1).

“(c) REQUIREMENTS.—The requirements of this subsection are met with respect to any expansion, renovation, or modernization if—

“(1) the Indian Tribe or Tribal Organization—

“(A) provides notice to the Secretary of its intent to expand, renovate, or modernize; and

“(B) applies to the Secretary to be placed on a separate priority list to address the needs of such new facilities for increased operating expenses, personnel, or equipment; and

“(2) the expansion, renovation, or modernization—

“(A) is approved by the appropriate area Director for Federal facilities; and

“(B) is administered by the Indian Tribe or Tribal Organization in accordance with any applicable regulations prescribed by the Secretary with respect to construction or renovation of Service facilities.

“(d) ADDITIONAL REQUIREMENT FOR EXPANSION.—In addition to the requirements under subsection (c), for any expansion, the Indian Tribe or Tribal Organization shall provide to the Secretary additional information pursuant to regulations, including additional staffing, equipment, and other costs associated with the expansion.

“(e) CLOSURE OR CONVERSION OF FACILITIES.—If any Service facility which has been expanded, renovated, or modernized by an Indian Tribe or Tribal Organization under this section ceases to be used as a Service facility during the 20-year period beginning on the date such expansion, renovation, or modernization is completed, such Indian Tribe or Tribal Organization shall be entitled to recover from the United States an amount which bears the same ratio to the value of such facility at the time of such cessation as the value of such expansion, renovation, or modernization (less the total amount of any funds provided specifically for such facility under any Federal program that were expended for such expansion, renovation, or modernization) bore to the value of such facility at the time of the completion of such expansion, renovation, or modernization.

“SEC. 305. FUNDING FOR THE CONSTRUCTION, EXPANSION, AND MODERNIZATION OF SMALL AMBULATORY CARE FACILITIES.

“(a) GRANTS.—

“(1) IN GENERAL.—The Secretary, acting through the Service, shall make grants to Indian Tribes and Tribal Organizations for the construction, expansion, or modernization of facilities for the provision of ambulatory care services to eligible Indians (and noneligible persons pursuant to subsections (b)(2) and (c)(1)(C)). A grant made under this section may cover up to 100 percent of the costs of such construction, expansion, or modernization. For the purposes of this section, the term 'construction' includes the replacement of an existing facility.

"(2) GRANT AGREEMENT REQUIRED.—A grant under paragraph (1) may only be made available to a Tribal Health Program operating an Indian health facility (other than a facility owned or constructed by the Service, including a facility originally owned or constructed by the Service and transferred to an Indian Tribe or Tribal Organization).

"(b) USE OF GRANT FUNDS.—

"(1) ALLOWABLE USES.—A grant awarded under this section may be used for the construction, expansion, or modernization (including the planning and design of such construction, expansion, or modernization) of an ambulatory care facility—

"(A) located apart from a hospital;

"(B) not funded under section 301 or section 306; and

"(C) which, upon completion of such construction or modernization will—

"(i) have a total capacity appropriate to its projected service population;

"(ii) provide annually no fewer than 150 patient visits by eligible Indians and other users who are eligible for services in such facility in accordance with section 807(c)(2); and

"(iii) provide ambulatory care in a Service Area (specified in the contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) with a population of no fewer than 1,500 eligible Indians and other users who are eligible for services in such facility in accordance with section 807(c)(2).

"(2) ADDITIONAL ALLOWABLE USE.—The Secretary may also reserve a portion of the funding provided under this section and use those reserved funds to reduce an outstanding debt incurred by Indian Tribes or Tribal Organizations for the construction, expansion, or modernization of an ambulatory care facility that meets the requirements under paragraph (1). The provisions of this section shall apply, except that such applications for funding under this paragraph shall be considered separately from applications for funding under paragraph (1).

"(3) USE ONLY FOR CERTAIN PORTION OF COSTS.—A grant provided under this section may be used only for the cost of that portion of a construction, expansion, or modernization project that benefits the Service population identified above in subsection (b)(1)(C)(ii) and (iii). The requirements of clauses (ii) and (iii) of paragraph (1)(C) shall not apply to an Indian Tribe or Tribal Organization applying for a grant under this section for a health care facility located or to be constructed on an island or when such facility is not located on a road system providing direct access to an inpatient hospital where care is available to the Service population.

"(c) GRANTS.—

"(1) APPLICATION.—No grant may be made under this section unless an application or proposal for the grant has been approved by the Secretary in accordance with applicable regulations and has set forth reasonable assurance by the applicant that, at all times after the construction, expansion, or modernization of a facility carried out using a grant received under this section—

"(A) adequate financial support will be available for the provision of services at such facility;

"(B) such facility will be available to eligible Indians without regard to ability to pay or source of payment; and

"(C) such facility will, as feasible without diminishing the quality or quantity of services provided to eligible Indians, serve noneligible persons on a cost basis.

"(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to Indian Tribes and Tribal Organizations that demonstrate—

"(A) a need for increased ambulatory care services; and

"(B) insufficient capacity to deliver such services.

"(3) PEER REVIEW PANELS.—The Secretary may provide for the establishment of peer review panels, as necessary, to review and evaluate applications and proposals and to advise the Secretary regarding such applications using the criteria developed pursuant to subsection (a)(1).

"(d) REVERSION OF FACILITIES.—If any facility (or portion thereof) with respect to which funds have been paid under this section, ceases, at any time after completion of the construction, expansion, or modernization carried out with such funds, to be used for the purposes of providing health care services to eligible Indians, all of the right, title, and interest in and to such facility (or portion thereof) shall transfer to the United States unless otherwise negotiated by the Service and the Indian Tribe or Tribal Organization.

"(e) FUNDING NONRECURRING.—Funding provided under this section shall be nonrecurring and shall not be available for inclusion in any individual Indian Tribe's tribal share for an award under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or for reallocation or redesign thereunder.

"SEC. 306. INDIAN HEALTH CARE DELIVERY DEMONSTRATION PROJECTS.

"(a) IN GENERAL.—The Secretary, acting through the Service, is authorized to carry out, or to enter into construction agreements under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) with Indian Tribes or Tribal Organizations to carry out, a health care delivery demonstration project to test alternative means of delivering health care and services to Indians through facilities.

"(b) USE OF FUNDS.—The Secretary, in approving projects pursuant to this section, may authorize such construction agreements for the construction and renovation of hospitals, health centers, health stations, and other facilities to deliver health care services and is authorized to—

"(1) waive any leasing prohibition;

"(2) permit carryover of funds appropriated for the provision of health care services;

"(3) permit the use of other available funds;

"(4) permit the use of funds or property donated from any source for project purposes;

"(5) provide for the reversion of donated real or personal property to the donor; and

"(6) permit the use of Service funds to match other funds, including Federal funds.

"(c) HEALTH CARE DEMONSTRATION PROJECTS.—

"(1) GENERAL PROJECTS.—

"(A) CRITERIA.—The Secretary may approve under this section demonstration projects that meet the following criteria:

"(i) There is a need for a new facility or program, such as a program for convenient care services, or the reorientation of an existing facility or program.

"(ii) A significant number of Indians, including Indians with low health status, will be served by the project.

"(iii) The project has the potential to deliver services in an efficient and effective manner.

"(iv) The project is economically viable.

"(v) For projects carried out by an Indian Tribe or Tribal Organization, the Indian Tribe or Tribal Organization has the administrative and financial capability to administer the project.

"(vi) The project is integrated with providers of related health and social services and is coordinated with, and avoids duplication of, existing services in order to expand the availability of services.

"(B) PRIORITY.—In approving demonstration projects under this paragraph, the Secretary shall give priority to demonstration projects, to the extent the projects meet the criteria described in subparagraph (A), located in any of the following Service Units:

"(i) Cass Lake, Minnesota.

"(ii) Mescalero, New Mexico.

"(iii) Owyhee, Nevada.

"(iv) Schurz, Nevada.

"(v) Ft. Yuma, California.

"(2) CONVENIENT CARE SERVICE PROJECTS.—

"(A) DEFINITION OF CONVENIENT CARE SERVICE.—In this paragraph, the term 'convenient care service' means any primary health care service, such as urgent care services, nonemergent care services, prevention services and screenings, and any service authorized by sections 203 or 213(d), that is—

"(i) provided outside the regular hours of operation of a health care facility; or

"(ii) offered at an alternative setting, including through telehealth.

"(B) APPROVAL.—In addition to projects described in paragraph (1), in any fiscal year, the Secretary is authorized to approve not more than 10 applications for health care delivery demonstration projects that—

"(i) include a convenient care services program as an alternative means of delivering health care services to Indians; and

"(ii) meet the criteria described in subparagraph (C).

"(C) CRITERIA.—The Secretary shall approve under subparagraph (B) demonstration projects that meet all of the following criteria:

"(i) The criteria set forth in paragraph (1)(A).

"(ii) There is a lack of access to health care services at existing health care facilities, which may be due to limited hours of operation at those facilities or other factors.

"(iii) The project—

"(I) expands the availability of services; or

"(II) reduces—

"(aa) the burden on Contract Health Services; or

"(bb) the need for emergency room visits.

"(d) PEER REVIEW PANELS.—The Secretary may provide for the establishment of peer review panels, as necessary, to review and evaluate applications using the criteria described in paragraphs (1)(A) and (2)(C) of subsection (c).

"(e) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical and other assistance as may be necessary to enable applicants to comply with this section.

"(f) SERVICE TO INELIGIBLE PERSONS.—Subject to section 807, the authority to provide services to persons otherwise ineligible for the health care benefits of the Service, and the authority to extend hospital privileges in Service facilities to non-Service health practitioners as provided in section 807, may be included, subject to the terms of that section, in any demonstration project approved pursuant to this section.

"(g) EQUITABLE TREATMENT.—For purposes of subsection (c), the Secretary, in evaluating facilities operated under any contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C.

450 et seq.), shall use the same criteria that the Secretary uses in evaluating facilities operated directly by the Service.

"(h) EQUITABLE INTEGRATION OF FACILITIES.—The Secretary shall ensure that the planning, design, construction, renovation, and expansion needs of Service and non-Service facilities that are the subject of a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) for health services are fully and equitably integrated into the implementation of the health care delivery demonstration projects under this section.

"SEC. 307. LAND TRANSFER.

"Notwithstanding any other provision of law, the Bureau of Indian Affairs and all other agencies and departments of the United States are authorized to transfer, at no cost, land and improvements to the Service for the provision of health care services. The Secretary is authorized to accept such land and improvements for such purposes.

"SEC. 308. LEASES, CONTRACTS, AND OTHER AGREEMENTS.

"The Secretary, acting through the Service, may enter into leases, contracts, and other agreements with Indian Tribes and Tribal Organizations which hold (1) title to, (2) a leasehold interest in, or (3) a beneficial interest in (when title is held by the United States in trust for the benefit of an Indian Tribe) facilities used or to be used for the administration and delivery of health services by an Indian Health Program. Such leases, contracts, or agreements may include provisions for construction or renovation and provide for compensation to the Indian Tribe or Tribal Organization of rental and other costs consistent with section 105(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j(l)) and regulations thereunder.

"SEC. 309. STUDY ON LOANS, LOAN GUARANTEES, AND LOAN REPAYMENT.

"(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the Treasury, Indian Tribes, and Tribal Organizations, shall carry out a study to determine the feasibility of establishing a loan fund to provide to Indian Tribes and Tribal Organizations direct loans or guarantees for loans for the construction of health care facilities, including—

"(1) inpatient facilities;

"(2) outpatient facilities;

"(3) staff quarters;

"(4) hostels; and

"(5) specialized care facilities, such as behavioral health and elder care facilities.

"(b) DETERMINATIONS.—In carrying out the study under subsection (a), the Secretary shall determine—

"(1) the maximum principal amount of a loan or loan guarantee that should be offered to a recipient from the loan fund;

"(2) the percentage of eligible costs, not to exceed 100 percent, that may be covered by a loan or loan guarantee from the loan fund (including costs relating to planning, design, financing, site land development, construction, rehabilitation, renovation, conversion, improvements, medical equipment and furnishings, and other facility-related costs and capital purchase (but excluding staffing));

"(3) the cumulative total of the principal of direct loans and loan guarantees, respectively, that may be outstanding at any 1 time;

"(4) the maximum term of a loan or loan guarantee that may be made for a facility from the loan fund;

"(5) the maximum percentage of funds from the loan fund that should be allocated for payment of costs associated with planning and applying for a loan or loan guarantee;

"(6) whether acceptance by the Secretary of an assignment of the revenue of an Indian Tribe or Tribal Organization as security for any direct loan or loan guarantee from the loan fund would be appropriate;

"(7) whether, in the planning and design of health facilities under this section, users eligible under section 807(c) may be included in any projection of patient population;

"(8) whether funds of the Service provided through loans or loan guarantees from the loan fund should be eligible for use in matching other Federal funds under other programs;

"(9) the appropriateness of, and best methods for, coordinating the loan fund with the health care priority system of the Service under section 301; and

"(10) any legislative or regulatory changes required to implement recommendations of the Secretary based on results of the study.

"(c) REPORT.—Not later than September 30, 2009, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources and the Committee on Energy and Commerce of the House of Representatives a report that describes—

"(1) the manner of consultation made as required by subsection (a); and

"(2) the results of the study, including any recommendations of the Secretary based on results of the study.

"SEC. 310. TRIBAL LEASING.

"A Tribal Health Program may lease permanent structures for the purpose of providing health care services without obtaining advance approval in appropriation Acts.

"SEC. 311. INDIAN HEALTH SERVICE/TRIBAL FACILITIES JOINT VENTURE PROGRAM.

"(a) IN GENERAL.—The Secretary, acting through the Service, shall make arrangements with Indian Tribes and Tribal Organizations to establish joint venture demonstration projects under which an Indian Tribe or Tribal Organization shall expend tribal, private, or other available funds, for the acquisition or construction of a health facility for a minimum of 10 years, under a no-cost lease, in exchange for agreement by the Service to provide the equipment, supplies, and staffing for the operation and maintenance of such a health facility. An Indian Tribe or Tribal Organization may use tribal funds, private sector, or other available resources, including loan guarantees, to fulfill its commitment under a joint venture entered into under this subsection. An Indian Tribe or Tribal Organization shall be eligible to establish a joint venture project if, when it submits a letter of intent, it—

"(1) has begun but not completed the process of acquisition or construction of a health facility to be used in the joint venture project; or

"(2) has not begun the process of acquisition or construction of a health facility for use in the joint venture project.

"(b) REQUIREMENTS.—The Secretary shall make such an arrangement with an Indian Tribe or Tribal Organization only if—

"(1) the Secretary first determines that the Indian Tribe or Tribal Organization has the administrative and financial capabilities necessary to complete the timely acquisition or construction of the relevant health facility; and

"(2) the Indian Tribe or Tribal Organization meets the need criteria determined using the criteria developed under the health care facility priority system under section 301, unless the Secretary determines, pursuant to regulations, that other criteria will result in a more cost-effective and efficient method of facilitating and completing construction of health care facilities.

"(c) CONTINUED OPERATION.—The Secretary shall negotiate an agreement with the Indian Tribe or Tribal Organization regarding the continued operation of the facility at the end of the initial 10 year no-cost lease period.

"(d) BREACH OF AGREEMENT.—An Indian Tribe or Tribal Organization that has entered into a written agreement with the Secretary under this section, and that breaches or terminates without cause such agreement, shall be liable to the United States for the amount that has been paid to the Indian Tribe or Tribal Organization, or paid to a third party on the Indian Tribe's or Tribal Organization's behalf, under the agreement. The Secretary has the right to recover tangible property (including supplies) and equipment, less depreciation, and any funds expended for operations and maintenance under this section. The preceding sentence does not apply to any funds expended for the delivery of health care services, personnel, or staffing.

"(e) RECOVERY FOR NONUSE.—An Indian Tribe or Tribal Organization that has entered into a written agreement with the Secretary under this subsection shall be entitled to recover from the United States an amount that is proportional to the value of such facility if, at any time within the 10-year term of the agreement, the Service ceases to use the facility or otherwise breaches the agreement.

"(f) DEFINITION.—For the purposes of this section, the term 'health facility' or 'health facilities' includes quarters needed to provide housing for staff of the relevant Tribal Health Program.

"SEC. 312. LOCATION OF FACILITIES.

"(a) IN GENERAL.—In all matters involving the reorganization or development of Service facilities or in the establishment of related employment projects to address unemployment conditions in economically depressed areas, the Bureau of Indian Affairs and the Service shall give priority to locating such facilities and projects on Indian lands, or lands in Alaska owned by any Alaska Native village, or village or regional corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), or any land allotted to any Alaska Native, if requested by the Indian owner and the Indian Tribe with jurisdiction over such lands or other lands owned or leased by the Indian Tribe or Tribal Organization. Top priority shall be given to Indian land owned by 1 or more Indian Tribes.

"(b) DEFINITION.—For purposes of this section, the term 'Indian lands' means—

"(1) all lands within the exterior boundaries of any reservation; and

"(2) any lands title to which is held in trust by the United States for the benefit of any Indian Tribe or individual Indian or held by any Indian Tribe or individual Indian subject to restriction by the United States against alienation.

"SEC. 313. MAINTENANCE AND IMPROVEMENT OF HEALTH CARE FACILITIES.

"(a) REPORT.—The Secretary shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, a report which identifies the backlog of maintenance and repair work required at both Service and tribal health care facilities, including new health care facilities expected to be in operation in the next fiscal year. The report shall also identify the need for renovation and expansion of existing facilities to support the growth of health care programs.

"(b) Maintenance of Newly Constructed Space.—The Secretary, acting through the Service, is authorized to expend maintenance and improvement funds to support maintenance of newly constructed space only if such space falls within the approved supportable space allocation for the Indian Tribe or Tribal Organization. Supportable space allocation shall be defined through the health care facility priority system under section 301(c).

"(c) Replacement Facilities.—In addition to using maintenance and improvement funds for renovation, modernization, and expansion of facilities, an Indian Tribe or Tribal Organization may use maintenance and improvement funds for construction of a replacement facility if the costs of renovation of such facility would exceed a maximum renovation cost threshold. The maximum renovation cost threshold shall be determined through the negotiated rulemaking process provided for under section 802.

"SEC. 314. TRIBAL MANAGEMENT OF FEDERALLY-OWNED QUARTERS.

"(a) Rental Rates.—

"(1) Establishment.—Notwithstanding any other provision of law, a Tribal Health Program which operates a hospital or other health facility and the federally-owned quarters associated therewith pursuant to a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall have the authority to establish the rental rates charged to the occupants of such quarters by providing notice to the Secretary of its election to exercise such authority.

"(2) Objectives.—In establishing rental rates pursuant to authority of this subsection, a Tribal Health Program shall endeavor to achieve the following objectives:

"(A) To base such rental rates on the reasonable value of the quarters to the occupants thereof.

"(B) To generate sufficient funds to prudently provide for the operation and maintenance of the quarters, and subject to the discretion of the Tribal Health Program, to supply reserve funds for capital repairs and replacement of the quarters.

"(3) Equitable funding.—Any quarters whose rental rates are established by a Tribal Health Program pursuant to this subsection shall remain eligible for quarters improvement and repair funds to the same extent as all federally-owned quarters used to house personnel in Services-supported programs.

"(4) Notice of rate change.—A Tribal Health Program which exercises the authority provided under this subsection shall provide occupants with no less than 60 days notice of any change in rental rates.

"(b) Direct Collection of Rent.—

"(1) In general.—Notwithstanding any other provision of law, and subject to paragraph (2), a Tribal Health Program shall have the authority to collect rents directly from Federal employees who occupy such quarters in accordance with the following:

"(A) The Tribal Health Program shall notify the Secretary and the subject Federal employees of its election to exercise its authority to collect rents directly from such Federal employees.

"(B) Upon receipt of a notice described in subparagraph (A), the Federal employees shall pay rents for occupancy of such quarters directly to the Tribal Health Program and the Secretary shall have no further authority to collect rents from such employees through payroll deduction or otherwise.

"(C) Such rent payments shall be retained by the Tribal Health Program and shall not be made payable to or otherwise be deposited with the United States.

"(D) Such rent payments shall be deposited into a separate account which shall be used by the Tribal Health Program for the maintenance (including capital repairs and replacement) and operation of the quarters and facilities as the Tribal Health Program shall determine.

"(2) Retrocession of authority.—If a Tribal Health Program which has made an election under paragraph (1) requests retrocession of its authority to directly collect rents from Federal employees occupying federally-owned quarters, such retrocession shall become effective on the earlier of—

"(A) the first day of the month that begins no less than 180 days after the Tribal Health Program notifies the Secretary of its desire to retrocede; or

"(B) such other date as may be mutually agreed by the Secretary and the Tribal Health Program.

"(c) Rates in Alaska.—To the extent that a Tribal Health Program, pursuant to authority granted in subsection (a), establishes rental rates for federally-owned quarters provided to a Federal employee in Alaska, such rents may be based on the cost of comparable private rental housing in the nearest established community with a year-round population of 1,500 or more individuals.

"SEC. 315. APPLICABILITY OF BUY AMERICAN ACT REQUIREMENT.

"(a) Applicability.—The Secretary shall ensure that the requirements of the Buy American Act apply to all procurements made with funds provided pursuant to section 317. Indian Tribes and Tribal Organizations shall be exempt from these requirements.

"(b) Effect of Violation.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a 'Made in America' inscription or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to section 317, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

"(c) Definitions.—For purposes of this section, the term 'Buy American Act' means title III of the Act entitled 'An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes', approved March 3, 1933 (41 U.S.C. 10a et seq.).

"SEC. 316. OTHER FUNDING FOR FACILITIES.

"(a) Authority To Accept Funds.—The Secretary is authorized to accept from any source, including Federal and State agencies, funds that are available for the construction of health care facilities and use such funds to plan, design, and construct health care facilities for Indians and to place such funds into a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.). Receipt of such funds shall have no effect on the priorities established pursuant to section 301.

"(b) Interagency Agreements.—The Secretary is authorized to enter into interagency agreements with other Federal agencies or State agencies and other entities and to accept funds from such Federal or State agencies or other sources to provide for the planning, design, and construction of health care facilities to be administered by Indian Health Programs in order to carry out the purposes of this Act and the purposes for which the funds were appropriated or for which the funds were otherwise provided.

"(c) Establishment of Standards.—The Secretary, through the Service, shall establish standards by regulation for the planning, design, and construction of health care facilities serving Indians under this Act.

"SEC. 317. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.

"TITLE IV—ACCESS TO HEALTH SERVICES

"SEC. 401. TREATMENT OF PAYMENTS UNDER SOCIAL SECURITY ACT HEALTH BENEFITS PROGRAMS.

"(a) Disregard of Medicare, Medicaid, and SCHIP Payments in Determining Appropriations.—Any payments received by an Indian Health Program or by an Urban Indian Organization under title XVIII, XIX, or XXI of the Social Security Act for services provided to Indians eligible for benefits under such respective titles shall not be considered in determining appropriations for the provision of health care and services to Indians.

"(b) Nonpreferential Treatment.—Nothing in this Act authorizes the Secretary to provide services to an Indian with coverage under title XVIII, XIX, or XXI of the Social Security Act in preference to an Indian without such coverage.

"(c) Use of Funds.—

"(1) Special fund.—

"(A) 100 percent pass-through of payments due to facilities.—Notwithstanding any other provision of law, but subject to paragraph (2), payments to which a facility of the Service is entitled by reason of a provision of the Social Security Act shall be placed in a special fund to be held by the Secretary. In making payments from such fund, the Secretary shall ensure that each Service Unit of the Service receives 100 percent of the amount to which the facilities of the Service, for which such Service Unit makes collections, are entitled by reason of a provision of the Social Security Act.

"(B) Use of funds.—Amounts received by a facility of the Service under subparagraph (A) shall first be used (to such extent or in such amounts as are provided in appropriation Acts) for the purpose of making any improvements in the programs of the Service operated by or through such facility which may be necessary to achieve or maintain compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act. Any amounts so received that are in excess of the amount necessary to achieve or maintain such conditions and requirements shall, subject to consultation with the Indian Tribes being served by the Service Unit, be used for reducing the health resource deficiencies (as determined under section 201(d)) of such Indian Tribes.

"(2) Direct payment option.—Paragraph (1) shall not apply to a Tribal Health Program upon the election of such Program under subsection (d) to receive payments directly. No payment may be made out of the special fund described in such paragraph with respect to reimbursement made for services provided by such Program during the period of such election.

"(d) Direct Billing.—

"(1) In general.—Subject to complying with the requirements of paragraph (2), a

Tribal Health Program may elect to directly bill for, and receive payment for, health care items and services provided by such Program for which payment is made under title XVIII or XIX of the Social Security Act or from any other third party payor.

"(2) Direct Reimbursement.—

"(A) Use of Funds.—Each Tribal Health Program making the election described in paragraph (1) with respect to a program under a title of the Social Security Act shall be reimbursed directly by that program for items and services furnished without regard to subsection (c)(1), but all amounts so reimbursed shall be used by the Tribal Health Program for the purpose of making any improvements in facilities of the Tribal Health Program that may be necessary to achieve or maintain compliance with the conditions and requirements applicable generally to such items and services under the program under such title and to provide additional health care services, improvements in health care facilities and Tribal Health Programs, any health care related purpose, or otherwise to achieve the objectives provided in section 3 of this Act.

"(B) Audits.—The amounts paid to a Tribal Health Program making the election described in paragraph (1) with respect to a program under a title of the Social Security Act shall be subject to all auditing requirements applicable to the program under such title, as well as all auditing requirements applicable to programs administered by an Indian Health Program. Nothing in the preceding sentence shall be construed as limiting the application of auditing requirements applicable to amounts paid under title XVIII, XIX, or XXI of the Social Security Act.

"(C) Identification of Source of Payments.—Any Tribal Health Program that receives reimbursements or payments under title XVIII, XIX, or XXI of the Social Security Act, shall provide to the Service a list of each provider enrollment number (or other identifier) under which such Program receives such reimbursements or payments.

"(3) Examination and Implementation of Changes.—

"(A) In General.—The Secretary, acting through the Service and with the assistance of the Administrator of the Centers for Medicare & Medicaid Services, shall examine on an ongoing basis and implement any administrative changes that may be necessary to facilitate direct billing and reimbursement under the program established under this subsection, including any agreements with States that may be necessary to provide for direct billing under a program under a title of the Social Security Act.

"(B) Coordination of Information.—The Service shall provide the Administrator of the Centers for Medicare & Medicaid Services with copies of the lists submitted to the Service under paragraph (2)(C), enrollment data regarding patients served by the Service (and by Tribal Health Programs, to the extent such data is available to the Service), and such other information as the Administrator may require for purposes of administering title XVIII, XIX, or XXI of the Social Security Act.

"(4) Withdrawal From Program.—A Tribal Health Program that bills directly under the program established under this subsection may withdraw from participation in the same manner and under the same conditions that an Indian Tribe or Tribal Organization may retrocede a contracted program to the Secretary under the authority of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.). All cost accounting and billing authority under the program established under this subsection shall be returned to the Secretary upon the Secretary's acceptance of the withdrawal of participation in this program.

"(5) Termination for Failure to Comply With Requirements.—The Secretary may terminate the participation of a Tribal Health Program or in the direct billing program established under this subsection if the Secretary determines that the Program has failed to comply with the requirements of paragraph (2). The Secretary shall provide a Tribal Health Program with notice of a determination that the Program has failed to comply with any such requirement and a reasonable opportunity to correct such noncompliance prior to terminating the Program's participation in the direct billing program established under this subsection.

"(e) Related Provisions Under the Social Security Act.—For provisions related to subsections (c) and (d), see sections 1880, 1911, and 2107(e)(1)(D) of the Social Security Act.

"SEC. 402. GRANTS TO AND CONTRACTS WITH THE SERVICE, INDIAN TRIBES, TRIBAL ORGANIZATIONS, AND URBAN INDIAN ORGANIZATIONS TO FACILITATE OUTREACH, ENROLLMENT, AND COVERAGE OF INDIANS UNDER SOCIAL SECURITY ACT HEALTH BENEFIT PROGRAMS AND OTHER HEALTH BENEFITS PROGRAMS.

"(a) Indian Tribes and Tribal Organizations.—From funds appropriated to carry out this title in accordance with section 417, the Secretary, acting through the Service, shall make grants to or enter into contracts with Indian Tribes and Tribal Organizations to assist such Tribes and Tribal Organizations in establishing and administering programs on or near reservations and trust lands to assist individual Indians—

"(1) to enroll for benefits under a program established under title XVIII, XIX, or XXI of the Social Security Act and other health benefits programs; and

"(2) with respect to such programs for which the charging of premiums and cost sharing is not prohibited under such programs, to pay premiums or cost sharing for coverage for such benefits, which may be based on financial need (as determined by the Indian Tribe or Tribes or Tribal Organizations being served based on a schedule of income levels developed or implemented by such Tribe, Tribes, or Tribal Organizations).

"(b) Conditions.—The Secretary, acting through the Service, shall place conditions as deemed necessary to effect the purpose of this section in any grant or contract which the Secretary makes with any Indian Tribe or Tribal Organization pursuant to this section. Such conditions shall include requirements that the Indian Tribe or Tribal Organization successfully undertake—

"(1) to determine the population of Indians eligible for the benefits described in subsection (a);

"(2) to educate Indians with respect to the benefits available under the respective programs;

"(3) to provide transportation for such individual Indians to the appropriate offices for enrollment or applications for such benefits; and

"(4) to develop and implement methods of improving the participation of Indians in receiving benefits under such programs.

"(c) Application to Urban Indian Organizations.—

"(1) In General.—The provisions of subsection (a) shall apply with respect to grants and other funding to Urban Indian Organizations with respect to populations served by such organizations in the same manner they apply to grants and contracts with Indian Tribes and Tribal Organizations with respect to programs on or near reservations.

"(2) Requirements.—The Secretary shall include in the grants or contracts made or provided under paragraph (1) requirements that are—

"(A) consistent with the requirements imposed by the Secretary under subsection (b);

"(B) appropriate to Urban Indian Organizations and Urban Indians; and

"(C) necessary to effect the purposes of this section.

"(d) Facilitating Cooperation.—The Secretary, acting through the Centers for Medicare & Medicaid Services, shall develop and disseminate best practices that will serve to facilitate cooperation with, and agreements between, States and the Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations with respect to the provision of health care items and services to Indians under the programs established under title XVIII, XIX, or XXI of the Social Security Act.

"(e) Agreements Relating to Improving Enrollment of Indians Under Social Security Act Health Benefits Programs.—For provisions relating to agreements between the Secretary, acting through the Service, and Indian Tribes, Tribal Organizations, and Urban Indian Organizations for the collection, preparation, and submission of applications by Indians for assistance under the Medicaid and State children's health insurance programs established under titles XIX and XXI of the Social Security Act, and benefits under the Medicare program established under title XVIII of such Act, see subsections (a) and (b) of section 1139 of the Social Security Act.

"(f) Definition of Premiums and Cost Sharing.—In this section:

"(1) Premium.—The term 'premium' includes any enrollment fee or similar charge.

"(2) Cost Sharing.—The term 'cost sharing' includes any deduction, deductible, copayment, coinsurance, or similar charge.

"SEC. 403. REIMBURSEMENT FROM CERTAIN THIRD PARTIES OF COSTS OF HEALTH SERVICES.

"(a) Right of Recovery.—Except as provided in subsection (f), the United States, an Indian Tribe, or Tribal Organization shall have the right to recover from an insurance company, health maintenance organization, employee benefit plan, third-party tortfeasor, or any other responsible or liable third party (including a political subdivision or local governmental entity of a State) the reasonable charges billed by the Secretary, an Indian Tribe, or Tribal Organization in providing health services through the Service, an Indian Tribe, or Tribal Organization to any individual to the same extent that such individual, or any nongovernmental provider of such services, would be eligible to receive damages, reimbursement, or indemnification for such charges or expenses if—

"(1) such services had been provided by a nongovernmental provider; and

"(2) such individual had been required to pay such charges or expenses and did pay such charges or expenses.

"(b) Limitations on Recoveries From States.—Subsection (a) shall provide a right of recovery against any State, only if the injury, illness, or disability for which health services were provided is covered under—

"(1) workers' compensation laws; or

"(2) a no-fault automobile accident insurance plan or program.

"(c) NONAPPLICATION OF OTHER LAWS.—No law of any State, or of any political subdivision of a State and no provision of any contract, insurance or health maintenance organization policy, employee benefit plan, self-insurance plan, managed care plan, or other health care plan or program entered into or renewed after the date of the enactment of the Indian Health Care Amendments of 1988, shall prevent or hinder the right of recovery of the United States, an Indian Tribe, or Tribal Organization under subsection (a).

"(d) NO EFFECT ON PRIVATE RIGHTS OF ACTION.—No action taken by the United States, an Indian Tribe, or Tribal Organization to enforce the right of recovery provided under this section shall operate to deny to the injured person the recovery for that portion of the person's damage not covered hereunder.

"(e) ENFORCEMENT.—

"(1) IN GENERAL.—The United States, an Indian Tribe, or Tribal Organization may enforce the right of recovery provided under subsection (a) by—

"(A) intervening or joining in any civil action or proceeding brought—

"(i) by the individual for whom health services were provided by the Secretary, an Indian Tribe, or Tribal Organization; or

"(ii) by any representative or heirs of such individual, or

"(B) instituting a civil action, including a civil action for injunctive relief and other relief and including, with respect to a political subdivision or local governmental entity of a State, such an action against an official thereof.

"(2) NOTICE.—All reasonable efforts shall be made to provide notice of action instituted under paragraph (1)(B) to the individual to whom health services were provided, either before or during the pendency of such action.

"(3) RECOVERY FROM TORTFEASORS.—

"(A) IN GENERAL.—In any case in which an Indian Tribe or Tribal Organization that is authorized or required under a compact or contract issued pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) to furnish or pay for health services to a person who is injured or suffers a disease on or after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008 under circumstances that establish grounds for a claim of liability against the tortfeasor with respect to the injury or disease, the Indian Tribe or Tribal Organization shall have a right to recover from the tortfeasor (or an insurer of the tortfeasor) the reasonable value of the health services so furnished, paid for, or to be paid for, in accordance with the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.), to the same extent and under the same circumstances as the United States may recover under that Act.

"(B) TREATMENT.—The right of an Indian Tribe or Tribal Organization to recover under subparagraph (A) shall be independent of the rights of the injured or diseased person served by the Indian Tribe or Tribal Organization.

"(f) LIMITATION.—Absent specific written authorization by the governing body of an Indian Tribe for the period of such authorization (which may not be for a period of more than 1 year and which may be revoked at any time upon written notice by the governing body to the Service), the United States shall not have a right of recovery under this section if the injury, illness, or disability for which health services were provided is covered under a self-insurance plan funded by an Indian Tribe, Tribal Organization, or Urban Indian Organization. Where such authorization is provided, the Service may receive and expend such amounts for the provision of additional health services consistent with such authorization.

"(g) COSTS AND ATTORNEYS' FEES.—In any action brought to enforce the provisions of this section, a prevailing plaintiff shall be awarded its reasonable attorneys' fees and costs of litigation.

"(h) NONAPPLICATION OF CLAIMS FILING REQUIREMENTS.—An insurance company, health maintenance organization, self-insurance plan, managed care plan, or other health care plan or program (under the Social Security Act or otherwise) may not deny a claim for benefits submitted by the Service or by an Indian Tribe or Tribal Organization based on the format in which the claim is submitted if such format complies with the format required for submission of claims under title XVIII of the Social Security Act or recognized under section 1175 of such Act.

"(i) APPLICATION TO URBAN INDIAN ORGANIZATIONS.—The previous provisions of this section shall apply to Urban Indian Organizations with respect to populations served by such Organizations in the same manner they apply to Indian Tribes and Tribal Organizations with respect to populations served by such Indian Tribes and Tribal Organizations.

"(j) STATUTE OF LIMITATIONS.—The provisions of section 2415 of title 28, United States Code, shall apply to all actions commenced under this section, and the references therein to the United States are deemed to include Indian Tribes, Tribal Organizations, and Urban Indian Organizations.

"(k) SAVINGS.—Nothing in this section shall be construed to limit any right of recovery available to the United States, an Indian Tribe, or Tribal Organization under the provisions of any applicable, Federal, State, or Tribal law, including medical lien laws.

"SEC. 404. CREDITING OF REIMBURSEMENTS.

"(a) USE OF AMOUNTS.—

"(1) RETENTION BY PROGRAM.—Except as provided in section 202(f) (relating to the Catastrophic Health Emergency Fund) and section 807 (relating to health services for ineligible persons), all reimbursements received or recovered under any of the programs described in paragraph (2), including under section 807, by reason of the provision of health services by the Service, by an Indian Tribe or Tribal Organization, or by an Urban Indian Organization, shall be credited to the Service, such Indian Tribe or Tribal Organization, or such Urban Indian Organization, respectively, and may be used as provided in section 401. In the case of such a service provided by or through a Service Unit, such amounts shall be credited to such unit and used for such purposes.

"(2) PROGRAMS COVERED.—The programs referred to in paragraph (1) are the following:

"(A) Titles XVIII, XIX, and XXI of the Social Security Act.

"(B) This Act, including section 807.

"(C) Public Law 87-693.

"(D) Any other provision of law.

"(b) NO OFFSET OF AMOUNTS.—The Service may not offset or limit any amount obligated to any Service Unit or entity receiving funding from the Service because of the receipt of reimbursements under subsection (a).

"SEC. 405. PURCHASING HEALTH CARE COVERAGE.

"(a) IN GENERAL.—Insofar as amounts are made available under law (including a provision of the Social Security Act, the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), or other law, other than under section 402) to Indian Tribes, Tribal Organizations, and Urban Indian Organizations for health benefits for Service beneficiaries, Indian Tribes, Tribal Organizations, and Urban Indian Organizations may use such amounts to purchase health benefits coverage for such beneficiaries in any manner, including through—

"(1) a tribally owned and operated health care plan;

"(2) a State or locally authorized or licensed health care plan;

"(3) a health insurance provider or managed care organization; or

"(4) a self-insured plan.

The purchase of such coverage by an Indian Tribe, Tribal Organization, or Urban Indian Organization may be based on the financial needs of such beneficiaries (as determined by the Indian Tribe or Tribes being served based on a schedule of income levels developed or implemented by such Indian Tribe or Tribes).

"(b) EXPENSES FOR SELF-INSURED PLAN.—In the case of a self-insured plan under subsection (a)(4), the amounts may be used for expenses of operating the plan, including administration and insurance to limit the financial risks to the entity offering the plan.

"(c) CONSTRUCTION.—Nothing in this section shall be construed as affecting the use of any amounts not referred to in subsection (a).

"SEC. 406. SHARING ARRANGEMENTS WITH FEDERAL AGENCIES.

"(a) AUTHORITY.—

"(1) IN GENERAL.—The Secretary may enter into (or expand) arrangements for the sharing of medical facilities and services between the Service, Indian Tribes, and Tribal Organizations and the Department of Veterans Affairs and the Department of Defense.

"(2) CONSULTATION BY SECRETARY REQUIRED.—The Secretary may not finalize any arrangement between the Service and a Department described in paragraph (1) without first consulting with the Indian Tribes which will be significantly affected by the arrangement.

"(b) LIMITATIONS.—The Secretary shall not take any action under this section or under subchapter IV of chapter 81 of title 38, United States Code, which would impair—

"(1) the priority access of any Indian to health care services provided through the Service and the eligibility of any Indian to receive health services through the Service;

"(2) the quality of health care services provided to any Indian through the Service;

"(3) the priority access of any veteran to health care services provided by the Department of Veterans Affairs;

"(4) the quality of health care services provided by the Department of Veterans Affairs or the Department of Defense; or

"(5) the eligibility of any Indian who is a veteran to receive health services through the Department of Veterans Affairs.

"(c) REIMBURSEMENT.—The Service, Indian Tribe, or Tribal Organization shall be reimbursed by the Department of Veterans Affairs or the Department of Defense (as the case may be) where services are provided through the Service, an Indian Tribe, or a Tribal Organization to beneficiaries eligible for services from either such Department, notwithstanding any other provision of law.

"(d) CONSTRUCTION.—Nothing in this section may be construed as creating any right of a non-Indian veteran to obtain health services from the Service.

"SEC. 407. ELIGIBLE INDIAN VETERAN SERVICES.

"(a) FINDINGS; PURPOSE.—

“(1) FINDINGS.—Congress finds that—

“(A) collaborations between the Secretary and the Secretary of Veterans Affairs regarding the treatment of Indian veterans at facilities of the Service should be encouraged to the maximum extent practicable; and

“(B) increased enrollment for services of the Department of Veterans Affairs by veterans who are members of Indian tribes should be encouraged to the maximum extent practicable.

“(2) PURPOSE.—The purpose of this section is to reaffirm the goals stated in the document entitled ‘Memorandum of Understanding Between the VA/Veterans Health Administration And HHS/Indian Health Service’ and dated February 25, 2003 (relating to cooperation and resource sharing between the Veterans Health Administration and Service).

“(b) DEFINITIONS.—In this section:

“(1) ELIGIBLE INDIAN VETERAN.—The term ‘eligible Indian veteran’ means an Indian or Alaska Native veteran who receives any medical service that is—

“(A) authorized under the laws administered by the Secretary of Veterans Affairs; and

“(B) administered at a facility of the Service (including a facility operated by an Indian tribe or tribal organization through a contract or compact with the Service under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) pursuant to a local memorandum of understanding.

“(2) LOCAL MEMORANDUM OF UNDERSTANDING.—The term ‘local memorandum of understanding’ means a memorandum of understanding between the Secretary (or a designee, including the director of any Area Office of the Service) and the Secretary of Veterans Affairs (or a designee) to implement the document entitled ‘Memorandum of Understanding Between the VA/Veterans Health Administration And HHS/Indian Health Service’ and dated February 25, 2003 (relating to cooperation and resource sharing between the Veterans Health Administration and Indian Health Service).

“(c) ELIGIBLE INDIAN VETERANS’ EXPENSES.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall provide for veteran-related expenses incurred by eligible Indian veterans as described in subsection (b)(1)(B).

“(2) METHOD OF PAYMENT.—The Secretary shall establish such guidelines as the Secretary determines to be appropriate regarding the method of payments to the Secretary of Veterans Affairs under paragraph (1).

“(d) TRIBAL APPROVAL OF MEMORANDA.—In negotiating a local memorandum of understanding with the Secretary of Veterans Affairs regarding the provision of services to eligible Indian veterans, the Secretary shall consult with each Indian tribe that would be affected by the local memorandum of understanding.

“(e) FUNDING.—

“(1) TREATMENT.—Expenses incurred by the Secretary in carrying out subsection (c)(1) shall not be considered to be Contract Health Service expenses.

“(2) USE OF FUNDS.—Of funds made available to the Secretary in appropriations Acts for the Service (excluding funds made available for facilities, Contract Health Services, or contract support costs), the Secretary shall use such sums as are necessary to carry out this section.

“SEC. 408. PAYOR OF LAST RESORT.

“Indian Health Programs and health care programs operated by Urban Indian Organizations shall be the payor of last resort for services provided to persons eligible for services from Indian Health Programs and Urban Indian Organizations, notwithstanding any Federal, State, or local law to the contrary.

“SEC. 409. NONDISCRIMINATION UNDER FEDERAL HEALTH CARE PROGRAMS IN QUALIFICATIONS FOR REIMBURSEMENT FOR SERVICES.

“(a) REQUIREMENT TO SATISFY GENERALLY APPLICABLE PARTICIPATION REQUIREMENTS.—

“(1) IN GENERAL.—A Federal health care program must accept an entity that is operated by the Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization as a provider eligible to receive payment under the program for health care services furnished to an Indian on the same basis as any other provider qualified to participate as a provider of health care services under the program if the entity meets generally applicable State or other requirements for participation as a provider of health care services under the program.

“(2) SATISFACTION OF STATE OR LOCAL LICENSURE OR RECOGNITION REQUIREMENTS.—Any requirement for participation as a provider of health care services under a Federal health care program that an entity be licensed or recognized under the State or local law where the entity is located to furnish health care services shall be deemed to have been met in the case of an entity operated by the Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization if the entity meets all the applicable standards for such licensure or recognition, regardless of whether the entity obtains a license or other documentation under such State or local law. In accordance with section 221, the absence of the licensure of a health care professional employed by such an entity under the State or local law where the entity is located shall not be taken into account for purposes of determining whether the entity meets such standards, if the professional is licensed in another State.

“(b) APPLICATION OF EXCLUSION FROM PARTICIPATION IN FEDERAL HEALTH CARE PROGRAMS.—

“(1) EXCLUDED ENTITIES.—No entity operated by the Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization that has been excluded from participation in any Federal health care program or for which a license is under suspension or has been revoked by the State where the entity is located shall be eligible to receive payment or reimbursement under any such program for health care services furnished to an Indian.

“(2) EXCLUDED INDIVIDUALS.—No individual who has been excluded from participation in any Federal health care program or whose State license is under suspension shall be eligible to receive payment or reimbursement under any such program for health care services furnished by that individual, directly or through an entity that is otherwise eligible to receive payment for health care services, to an Indian.

“(3) FEDERAL HEALTH CARE PROGRAM DEFINED.—In this subsection, the term, ‘Federal health care program’ has the meaning given that term in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a–7b(f)), except that, for purposes of this subsection, such term shall include the health insurance program under chapter 89 of title 5, United States Code.

“(c) RELATED PROVISIONS.—For provisions related to nondiscrimination against providers operated by the Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization, see section 1139(c) of the Social Security Act (42 U.S.C. 1320b–9(c)).

“SEC. 410. CONSULTATION.

“For provisions related to consultation with representatives of Indian Health Programs and Urban Indian Organizations with respect to the health care programs established under titles XVIII, XIX, and XXI of the Social Security Act, see section 1139(d) of the Social Security Act (42 U.S.C. 1320b–9(d)).

“SEC. 411. STATE CHILDREN’S HEALTH INSURANCE PROGRAM (SCHIP).

“For provisions relating to—

“(1) outreach to families of Indian children likely to be eligible for child health assistance under the State children’s health insurance program established under title XXI of the Social Security Act, see sections 2105(c)(2)(C) and 1139(a) of such Act (42 U.S.C. 1397ee(c)(2), 1320b–9); and

“(2) ensuring that child health assistance is provided under such program to targeted low-income children who are Indians and that payments are made under such program to Indian Health Programs and Urban Indian Organizations operating in the State that provide such assistance, see sections 2102(b)(3)(D) and 2105(c)(6)(B) of such Act (42 U.S.C. 1397bb(b)(3)(D), 1397ee(c)(6)(B)).

“SEC. 412. EXCLUSION WAIVER AUTHORITY FOR AFFECTED INDIAN HEALTH PROGRAMS AND SAFE HARBOR TRANSACTIONS UNDER THE SOCIAL SECURITY ACT.

“For provisions relating to—

“(1) exclusion waiver authority for affected Indian Health Programs under the Social Security Act, see section 1128(k) of the Social Security Act (42 U.S.C. 1320a–7(k)); and

“(2) certain transactions involving Indian Health Programs deemed to be in safe harbors under that Act, see section 1128B(b)(4) of the Social Security Act (42 U.S.C. 1320a–7b(b)(4)).

“SEC. 413. PREMIUM AND COST SHARING PROTECTIONS AND ELIGIBILITY DETERMINATIONS UNDER MEDICAID AND SCHIP AND PROTECTION OF CERTAIN INDIAN PROPERTY FROM MEDICAID ESTATE RECOVERY.

“For provisions relating to—

“(1) premiums or cost sharing protections for Indians furnished items or services directly by Indian Health Programs or through referral under the contract health service under the Medicaid program established under title XIX of the Social Security Act, see sections 1916(j) and 1916A(a)(1) of the Social Security Act (42 U.S.C. 1396o(j), 1396o-1(a)(1));

“(2) rules regarding the treatment of certain property for purposes of determining eligibility under such programs, see sections 1902(e)(13) and 2107(e)(1)(B) of such Act (42 U.S.C. 1396a(e)(13), 1397gg(e)(1)(B)); and

“(3) the protection of certain property from estate recovery provisions under the Medicaid program, see section 1917(b)(3)(B) of such Act (42 U.S.C. 1396p(b)(3)(B)).

“SEC. 414. TREATMENT UNDER MEDICAID AND SCHIP MANAGED CARE.

“For provisions relating to the treatment of Indians enrolled in a managed care entity under the Medicaid program under title XIX of the Social Security Act and Indian Health Programs and Urban Indian Organizations that are providers of items or services to such Indian enrollees, see sections 1932(h) and 2107(e)(1)(H) of the Social Security Act (42 U.S.C. 1396u–2(h), 1397gg(e)(1)(H)).

“SEC. 415. NAVAJO NATION MEDICAID AGENCY FEASIBILITY STUDY.

“(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of treating the Navajo Nation as a State for the purposes of title XIX of the Social Security Act, to provide services to Indians living within the boundaries of the Navajo Nation through an entity established having the same authority and performing the same functions as single-State medicaid agencies responsible for the administration of the State plan under title XIX of the Social Security Act.

"(b) CONSIDERATIONS.—In conducting the study, the Secretary shall consider the feasibility of—

"(1) assigning and paying all expenditures for the provision of services and related administration funds, under title XIX of the Social Security Act, to Indians living within the boundaries of the Navajo Nation that are currently paid to or would otherwise be paid to the State of Arizona, New Mexico, or Utah;

"(2) providing assistance to the Navajo Nation in the development and implementation of such entity for the administration, eligibility, payment, and delivery of medical assistance under title XIX of the Social Security Act;

"(3) providing an appropriate level of matching funds for Federal medical assistance with respect to amounts such entity expends for medical assistance for services and related administrative costs; and

"(4) authorizing the Secretary, at the option of the Navajo Nation, to treat the Navajo Nation as a State for the purposes of title XIX of the Social Security Act (relating to the State children's health insurance program) under terms equivalent to those described in paragraphs (2) through (4).

"(c) REPORT.—Not later then 3 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary shall submit to the Committee on Indian Affairs and Committee on Finance of the Senate and the Committee on Natural Resources and Committee on Energy and Commerce of the House of Representatives a report that includes—

"(1) the results of the study under this section;

"(2) a summary of any consultation that occurred between the Secretary and the Navajo Nation, other Indian Tribes, the States of Arizona, New Mexico, and Utah, counties which include Navajo Lands, and other interested parties, in conducting this study;

"(3) projected costs or savings associated with establishment of such entity, and any estimated impact on services provided as described in this section in relation to probable costs or savings; and

"(4) legislative actions that would be required to authorize the establishment of such entity if such entity is determined by the Secretary to be feasible.

"SEC. 416. GENERAL EXCEPTIONS.

"The requirements of this title shall not apply to any excepted benefits described in paragraph (1)(A) or (3) of section 2791(c) of the Public Health Service Act (42 U.S.C. 300gg-91).

"SEC. 417. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.

"TITLE V—HEALTH SERVICES FOR URBAN INDIANS

"SEC. 501. PURPOSE.

"The purpose of this title is to establish and maintain programs in Urban Centers to make health services more accessible and available to Urban Indians.

"SEC. 502. CONTRACTS WITH, AND GRANTS TO, URBAN INDIAN ORGANIZATIONS.

"Under authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall enter into contracts with, or make grants to, Urban Indian Organizations to assist such organizations in the establishment and administration, within Urban Centers, of programs which meet the requirements set forth in this title. Subject to section 506, the Secretary, acting through the Service, shall include such conditions as the Secretary considers necessary to effect the purpose of this title in any contract into which the Secretary enters with, or in any grant the Secretary makes to, any Urban Indian Organization pursuant to this title.

"SEC. 503. CONTRACTS AND GRANTS FOR THE PROVISION OF HEALTH CARE AND REFERRAL SERVICES.

"(a) REQUIREMENTS FOR GRANTS AND CONTRACTS.—Under authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall enter into contracts with, and make grants to, Urban Indian Organizations for the provision of health care and referral services for Urban Indians. Any such contract or grant shall include requirements that the Urban Indian Organization successfully undertake to—

"(1) estimate the population of Urban Indians residing in the Urban Center or centers that the organization proposes to serve who are or could be recipients of health care or referral services;

"(2) estimate the current health status of Urban Indians residing in such Urban Center or centers;

"(3) estimate the current health care needs of Urban Indians residing in such Urban Center or centers;

"(4) provide basic health education, including health promotion and disease prevention education, to Urban Indians;

"(5) make recommendations to the Secretary and Federal, State, local, and other resource agencies on methods of improving health service programs to meet the needs of Urban Indians; and

"(6) where necessary, provide, or enter into contracts for the provision of, health care services for Urban Indians.

"(b) CRITERIA.—The Secretary, acting through the Service, shall, by regulation, prescribe the criteria for selecting Urban Indian Organizations to enter into contracts or receive grants under this section. Such criteria shall, among other factors, include—

"(1) the extent of unmet health care needs of Urban Indians in the Urban Center or centers involved;

"(2) the size of the Urban Indian population in the Urban Center or centers involved;

"(3) the extent, if any, to which the activities set forth in subsection (a) would duplicate any project funded under this title, or under any current public health service project funded in a manner other than pursuant to this title;

"(4) the capability of an Urban Indian Organization to perform the activities set forth in subsection (a) and to enter into a contract with the Secretary or to meet the requirements for receiving a grant under this section;

"(5) the satisfactory performance and successful completion by an Urban Indian Organization of other contracts with the Secretary under this title;

"(6) the appropriateness and likely effectiveness of conducting the activities set forth in subsection (a) in an Urban Center or centers; and

"(7) the extent of existing or likely future participation in the activities set forth in subsection (a) by appropriate health and health-related Federal, State, local, and other agencies.

"(c) ACCESS TO HEALTH PROMOTION AND DISEASE PREVENTION PROGRAMS.—The Secretary, acting through the Service, shall facilitate access to or provide health promotion and disease prevention services for Urban Indians through grants made to Urban Indian Organizations administering contracts entered into or receiving grants under subsection (a).

"(d) IMMUNIZATION SERVICES.—

"(1) ACCESS OR SERVICES PROVIDED.—The Secretary, acting through the Service, shall facilitate access to, or provide, immunization services for Urban Indians through grants made to Urban Indian Organizations administering contracts entered into or receiving grants under this section.

"(2) DEFINITION.—For purposes of this subsection, the term 'immunization services' means services to provide without charge immunizations against vaccine-preventable diseases.

"(e) BEHAVIORAL HEALTH SERVICES.—

"(1) ACCESS OR SERVICES PROVIDED.—The Secretary, acting through the Service, shall facilitate access to, or provide, behavioral health services for Urban Indians through grants made to Urban Indian Organizations administering contracts entered into or receiving grants under subsection (a).

"(2) ASSESSMENT REQUIRED.—Except as provided by paragraph (3)(A), a grant may not be made under this subsection to an Urban Indian Organization until that organization has prepared, and the Service has approved, an assessment of the following:

"(A) The behavioral health needs of the Urban Indian population concerned.

"(B) The behavioral health services and other related resources available to that population.

"(C) The barriers to obtaining those services and resources.

"(D) The needs that are unmet by such services and resources.

"(3) PURPOSES OF GRANTS.—Grants may be made under this subsection for the following:

"(A) To prepare assessments required under paragraph (2).

"(B) To provide outreach, educational, and referral services to Urban Indians regarding the availability of direct behavioral health services, to educate Urban Indians about behavioral health issues and services, and effect coordination with existing behavioral health providers in order to improve services to Urban Indians.

"(C) To provide outpatient behavioral health services to Urban Indians, including the identification and assessment of illness, therapeutic treatments, case management, support groups, family treatment, and other treatment.

"(D) To develop innovative behavioral health service delivery models which incorporate Indian cultural support systems and resources.

"(f) PREVENTION OF CHILD ABUSE.—

"(1) ACCESS OR SERVICES PROVIDED.—The Secretary, acting through the Service, shall facilitate access to or provide services for Urban Indians through grants to Urban Indian Organizations administering contracts entered into or receiving grants under subsection (a) to prevent and treat child abuse (including sexual abuse) among Urban Indians.

“(2) EVALUATION REQUIRED.—Except as provided by paragraph (3)(A), a grant may not be made under this subsection to an Urban Indian Organization until that organization has prepared, and the Service has approved, an assessment that documents the prevalence of child abuse in the Urban Indian population concerned and specifies the services and programs (which may not duplicate existing services and programs) for which the grant is requested.

“(3) PURPOSES OF GRANTS.—Grants may be made under this subsection for the following:

“(A) To prepare assessments required under paragraph (2).

“(B) For the development of prevention, training, and education programs for Urban Indians, including child education, parent education, provider training on identification and intervention, education on reporting requirements, prevention campaigns, and establishing service networks of all those involved in Indian child protection.

“(C) To provide direct outpatient treatment services (including individual treatment, family treatment, group therapy, and support groups) to Urban Indians who are child victims of abuse (including sexual abuse) or adult survivors of child sexual abuse, to the families of such child victims, and to Urban Indian perpetrators of child abuse (including sexual abuse).

“(4) CONSIDERATIONS WHEN MAKING GRANTS.—In making grants to carry out this subsection, the Secretary shall take into consideration—

“(A) the support for the Urban Indian Organization demonstrated by the child protection authorities in the area, including committees or other services funded under the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.), if any;

“(B) the capability and expertise demonstrated by the Urban Indian Organization to address the complex problem of child sexual abuse in the community; and

“(C) the assessment required under paragraph (2).

“(g) OTHER GRANTS.—The Secretary, acting through the Service, may enter into a contract with or make grants to an Urban Indian Organization that provides or arranges for the provision of health care services (through satellite facilities, provider networks, or otherwise) to Urban Indians in more than 1 Urban Center.

“SEC. 504. CONTRACTS AND GRANTS FOR THE DETERMINATION OF UNMET HEALTH CARE NEEDS.

“(a) GRANTS AND CONTRACTS AUTHORIZED.—Under authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the ‘Snyder Act’), the Secretary, acting through the Service, may enter into contracts with or make grants to Urban Indian Organizations situated in Urban Centers for which contracts have not been entered into or grants have not been made under section 503.

“(b) PURPOSE.—The purpose of a contract or grant made under this section shall be the determination of the matters described in subsection (c)(1) in order to assist the Secretary in assessing the health status and health care needs of Urban Indians in the Urban Center involved and determining whether the Secretary should enter into a contract or make a grant under section 503 with respect to the Urban Indian Organization which the Secretary has entered into a contract with, or made a grant to, under this section.

“(c) GRANT AND CONTRACT REQUIREMENTS.—Any contract entered into, or grant made, by the Secretary under this section shall include requirements that—

“(1) the Urban Indian Organization successfully undertakes to—

“(A) document the health care status and unmet health care needs of Urban Indians in the Urban Center involved; and

“(B) with respect to Urban Indians in the Urban Center involved, determine the matters described in paragraphs (2), (3), (4), and (7) of section 503(b); and

“(2) the Urban Indian Organization complete performance of the contract, or carry out the requirements of the grant, within 1 year after the date on which the Secretary and such organization enter into such contract, or within 1 year after such organization receives such grant, whichever is applicable.

“(d) NO RENEWALS.—The Secretary may not renew any contract entered into or grant made under this section.

“SEC. 505. EVALUATIONS; RENEWALS.

“(a) PROCEDURES FOR EVALUATIONS.—The Secretary, acting through the Service, shall develop procedures to evaluate compliance with grant requirements and compliance with and performance of contracts entered into by Urban Indian Organizations under this title. Such procedures shall include provisions for carrying out the requirements of this section.

“(b) EVALUATIONS.—The Secretary, acting through the Service, shall evaluate the compliance of each Urban Indian Organization which has entered into a contract or received a grant under section 503 with the terms of such contract or grant. For purposes of this evaluation, the Secretary shall—

“(1) acting through the Service, conduct an annual onsite evaluation of the organization; or

“(2) accept in lieu of such onsite evaluation evidence of the organization’s provisional or full accreditation by a private independent entity recognized by the Secretary for purposes of conducting quality reviews of providers participating in the Medicare program under title XVIII of the Social Security Act.

“(c) NONCOMPLIANCE; UNSATISFACTORY PERFORMANCE.—If, as a result of the evaluations conducted under this section, the Secretary determines that an Urban Indian Organization has not complied with the requirements of a grant or complied with or satisfactorily performed a contract under section 503, the Secretary shall, prior to renewing such contract or grant, attempt to resolve with the organization the areas of noncompliance or unsatisfactory performance and modify the contract or grant to prevent future occurrences of noncompliance or unsatisfactory performance. If the Secretary determines that the noncompliance or unsatisfactory performance cannot be resolved and prevented in the future, the Secretary shall not renew the contract or grant with the organization and is authorized to enter into a contract or make a grant under section 503 with another Urban Indian Organization which is situated in the same Urban Center as the Urban Indian Organization whose contract or grant is not renewed under this section.

“(d) CONSIDERATIONS FOR RENEWALS.—In determining whether to renew a contract or grant with an Urban Indian Organization under section 503 which has completed performance of a contract or grant under section 504, the Secretary shall review the records of the Urban Indian Organization, the reports submitted under section 507, and shall consider the results of the onsite evaluations or accreditations under subsection (b).

“SEC. 506. OTHER CONTRACT AND GRANT REQUIREMENTS.

“(a) PROCUREMENT.—Contracts with Urban Indian Organizations entered into pursuant to this title shall be in accordance with all Federal contracting laws and regulations relating to procurement except that in the discretion of the Secretary, such contracts may be negotiated without advertising and need not conform to the provisions of sections 1304 and 3131 through 3133 of title 40, United States Code.

“(b) PAYMENTS UNDER CONTRACTS OR GRANTS.—

“(1) IN GENERAL.—Payments under any contracts or grants pursuant to this title, notwithstanding any term or condition of such contract or grant—

“(A) may be made in a single advance payment by the Secretary to the Urban Indian Organization by no later than the end of the first 30 days of the funding period with respect to which the payments apply, unless the Secretary determines through an evaluation under section 505 that the organization is not capable of administering such a single advance payment; and

“(B) if any portion thereof is unexpended by the Urban Indian Organization during the funding period with respect to which the payments initially apply, shall be carried forward for expenditure with respect to allowable or reimbursable costs incurred by the organization during 1 or more subsequent funding periods without additional justification or documentation by the organization as a condition of carrying forward the availability for expenditure of such funds.

“(2) SEMIANNUAL AND QUARTERLY PAYMENTS AND REIMBURSEMENTS.—If the Secretary determines under paragraph (1)(A) that an Urban Indian Organization is not capable of administering an entire single advance payment, on request of the Urban Indian Organization, the payments may be made—

“(A) in semiannual or quarterly payments by not later than 30 days after the date on which the funding period with respect to which the payments apply begins; or

“(B) by way of reimbursement.

“(c) REVISION OR AMENDMENT OF CONTRACTS.—Notwithstanding any provision of law to the contrary, the Secretary may, at the request and consent of an Urban Indian Organization, revise or amend any contract entered into by the Secretary with such organization under this title as necessary to carry out the purposes of this title.

“(d) FAIR AND UNIFORM SERVICES AND ASSISTANCE.—Contracts with or grants to Urban Indian Organizations and regulations adopted pursuant to this title shall include provisions to assure the fair and uniform provision to Urban Indians of services and assistance under such contracts or grants by such organizations.

“SEC. 507. REPORTS AND RECORDS.

“(a) REPORTS.—

“(1) IN GENERAL.—For each fiscal year during which an Urban Indian Organization receives or expends funds pursuant to a contract entered into or a grant received pursuant to this title, such Urban Indian Organization shall submit to the Secretary not more frequently than every 6 months, a report that includes the following:

“(A) In the case of a contract or grant under section 503, recommendations pursuant to section 503(a)(5).

“(B) Information on activities conducted by the organization pursuant to the contract or grant.

"(C) An accounting of the amounts and purpose for which Federal funds were expended.

"(D) A minimum set of data, using uniformly defined elements, as specified by the Secretary after consultation with Urban Indian Organizations.

"(2) HEALTH STATUS AND SERVICES.—

"(A) IN GENERAL.—Not later than 18 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary, acting through the Service and working with a national membership-based consortium of Urban Indian Organizations, shall submit to Congress a report evaluating—

"(i) the health status of Urban Indians;

"(ii) the services provided to Indians pursuant to this title; and

"(iii) areas of unmet needs in the delivery of health services to Urban Indians, including unmet health care facilities needs.

"(B) CONSULTATION AND CONTRACTS.—In preparing the report under paragraph (1), the Secretary—

"(i) shall confer with Urban Indian Organizations; and

"(ii) may enter into a contract with a national organization representing Urban Indian Organizations to conduct any aspect of the report.

"(b) AUDIT.—The reports and records of the Urban Indian Organization with respect to a contract or grant under this title shall be subject to audit by the Secretary and the Comptroller General of the United States.

"(c) COSTS OF AUDITS.—The Secretary shall allow as a cost of any contract or grant entered into or awarded under section 502 or 503 the cost of an annual independent financial audit conducted by—

"(1) a certified public accountant; or

"(2) a certified public accounting firm qualified to conduct Federal compliance audits.

"SEC. 508. LIMITATION ON CONTRACT AUTHORITY.

"The authority of the Secretary to enter into contracts or to award grants under this title shall be to the extent, and in an amount, provided for in appropriation Acts.

"SEC. 509. FACILITIES.

"(a) GRANTS.—The Secretary, acting through the Service, may make grants to contractors or grant recipients under this title for the lease, purchase, renovation, construction, or expansion of facilities, including leased facilities, in order to assist such contractors or grant recipients in complying with applicable licensure or certification requirements.

"(b) LOAN FUND STUDY.—The Secretary, acting through the Service, may carry out a study to determine the feasibility of establishing a loan fund to provide to Urban Indian Organizations direct loans or guarantees for loans for the construction of health care facilities in a manner consistent with section 309, including by submitting a report in accordance with subsection (c) of that section.

"SEC. 510. DIVISION OF URBAN INDIAN HEALTH.

"There is established within the Service a Division of Urban Indian Health, which shall be responsible for—

"(1) carrying out the provisions of this title;

"(2) providing central oversight of the programs and services authorized under this title; and

"(3) providing technical assistance to Urban Indian Organizations working with a national membership-based consortium of Urban Indian Organizations.

"SEC. 511. GRANTS FOR ALCOHOL AND SUBSTANCE ABUSE-RELATED SERVICES.

"(a) GRANTS AUTHORIZED.—The Secretary, acting through the Service, may make grants for the provision of health-related services in prevention of, treatment of, rehabilitation of, or school- and community-based education regarding, alcohol and substance abuse, including fetal alcohol spectrum disorders, in Urban Centers to those Urban Indian Organizations with which the Secretary has entered into a contract under this title or under section 201.

"(b) GOALS.—Each grant made pursuant to subsection (a) shall set forth the goals to be accomplished pursuant to the grant. The goals shall be specific to each grant as agreed to between the Secretary and the grantee.

"(c) CRITERIA.—The Secretary shall establish criteria for the grants made under subsection (a), including criteria relating to the following:

"(1) The size of the Urban Indian population.

"(2) Capability of the organization to adequately perform the activities required under the grant.

"(3) Satisfactory performance standards for the organization in meeting the goals set forth in such grant. The standards shall be negotiated and agreed to between the Secretary and the grantee on a grant-by-grant basis.

"(4) Identification of the need for services.

"(d) ALLOCATION OF GRANTS.—The Secretary shall develop a methodology for allocating grants made pursuant to this section based on the criteria established pursuant to subsection (c).

"(e) GRANTS SUBJECT TO CRITERIA.—Any grant received by an Urban Indian Organization under this Act for substance abuse prevention, treatment, and rehabilitation shall be subject to the criteria set forth in subsection (c).

"SEC. 512. TREATMENT OF CERTAIN DEMONSTRATION PROJECTS.

"Notwithstanding any other provision of law, the Tulsa Clinic and Oklahoma City Clinic demonstration projects shall—

"(1) be permanent programs within the Service's direct care program;

"(2) continue to be treated as Service Units and Operating Units in the allocation of resources and coordination of care; and

"(3) continue to meet the requirements and definitions of an Urban Indian Organization in this Act, and shall not be subject to the provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"SEC. 513. URBAN NIAAA TRANSFERRED PROGRAMS.

"(a) GRANTS AND CONTRACTS.—The Secretary, through the Division of Urban Indian Health, shall make grants to, or enter into contracts with, Urban Indian Organizations, to take effect not later than September 30, 2010, for the administration of Urban Indian alcohol programs that were originally established under the National Institute on Alcoholism and Alcohol Abuse (hereafter in this section referred to as 'NIAAA') and transferred to the Service.

"(b) USE OF FUNDS.—Grants provided or contracts entered into under this section shall be used to provide support for the continuation of alcohol prevention and treatment services for Urban Indian populations and such other objectives as are agreed upon between the Service and a recipient of a grant or contract under this section.

"(c) ELIGIBILITY.—Urban Indian Organizations that operate Indian alcohol programs originally funded under the NIAAA and subsequently transferred to the Service are eligible for grants or contracts under this section.

"(d) REPORT.—The Secretary shall evaluate and report to Congress on the activities of programs funded under this section not less than every 5 years.

"SEC. 514. CONFERRING WITH URBAN INDIAN ORGANIZATIONS.

"(a) IN GENERAL.—The Secretary shall ensure that the Service confers or conferences, to the greatest extent practicable, with Urban Indian Organizations.

"(b) DEFINITION OF CONFER; CONFERENCE.—In this section, the terms 'confer' and 'conference' mean an open and free exchange of information and opinions that—

"(1) leads to mutual understanding and comprehension; and

"(2) emphasizes trust, respect, and shared responsibility.

"SEC. 515. URBAN YOUTH TREATMENT CENTER DEMONSTRATION.

"(a) CONSTRUCTION AND OPERATION.—

"(1) IN GENERAL.—The Secretary, acting through the Service, through grant or contract, shall fund the construction and operation of at least 1 residential treatment center in each Service Area that meets the eligibility requirements set forth in subsection (b) to demonstrate the provision of alcohol and substance abuse treatment services to Urban Indian youth in a culturally competent residential setting.

"(2) TREATMENT.—Each residential treatment center described in paragraph (1) shall be in addition to any facilities constructed under section 707(b).

"(b) ELIGIBILITY REQUIREMENTS.—To be eligible to obtain a facility under subsection (a)(1), a Service Area shall meet the following requirements:

"(1) There is an Urban Indian Organization in the Service Area.

"(2) There reside in the Service Area Urban Indian youth with need for alcohol and substance abuse treatment services in a residential setting.

"(3) There is a significant shortage of culturally competent residential treatment services for Urban Indian youth in the Service Area.

"SEC. 516. GRANTS FOR DIABETES PREVENTION, TREATMENT, AND CONTROL.

"(a) GRANTS AUTHORIZED.—The Secretary may make grants to those Urban Indian Organizations that have entered into a contract or have received a grant under this title for the provision of services for the prevention and treatment of, and control of the complications resulting from, diabetes among Urban Indians.

"(b) GOALS.—Each grant made pursuant to subsection (a) shall set forth the goals to be accomplished under the grant. The goals shall be specific to each grant as agreed to between the Secretary and the grantee.

"(c) ESTABLISHMENT OF CRITERIA.—The Secretary shall establish criteria for the grants made under subsection (a) relating to—

"(1) the size and location of the Urban Indian population to be served;

"(2) the need for prevention of and treatment of, and control of the complications resulting from, diabetes among the Urban Indian population to be served;

"(3) performance standards for the organization in meeting the goals set forth in such grant that are negotiated and agreed to by the Secretary and the grantee;

"(4) the capability of the organization to adequately perform the activities required under the grant; and

"(5) the willingness of the organization to collaborate with the registry, if any, established by the Secretary under section 204(e) in the Area Office of the Service in which the organization is located.

"(d) FUNDS SUBJECT TO CRITERIA.—Any funds received by an Urban Indian Organization under this Act for the prevention, treatment, and control of diabetes among Urban Indians shall be subject to the criteria developed by the Secretary under subsection (c).

"SEC. 517. COMMUNITY HEALTH REPRESENTATIVES.

"The Secretary, acting through the Service, may enter into contracts with, and make grants to, Urban Indian Organizations for the employment of Indians trained as health service providers through the Community Health Representatives Program under section 109 in the provision of health care, health promotion, and disease prevention services to Urban Indians.

"SEC. 518. EFFECTIVE DATE.

"The amendments made by the Indian Health Care Improvement Act Amendments of 2008 to this title shall take effect beginning on the date of enactment of that Act, regardless of whether the Secretary has promulgated regulations implementing such amendments.

"SEC. 519. ELIGIBILITY FOR SERVICES.

"Urban Indians shall be eligible for, and the ultimate beneficiaries of, health care or referral services provided pursuant to this title.

"SEC. 520. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.

"TITLE VI—ORGANIZATIONAL IMPROVEMENTS

"SEC. 601. ESTABLISHMENT OF THE INDIAN HEALTH SERVICE AS AN AGENCY OF THE PUBLIC HEALTH SERVICE.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—In order to more effectively and efficiently carry out the responsibilities, authorities, and functions of the United States to provide health care services to Indians and Indian Tribes, as are or may be hereafter provided by Federal statute or treaties, there is established within the Public Health Service of the Department the Indian Health Service.

"(2) DIRECTOR.—The Service shall be administered by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall report to the Secretary. Effective with respect to an individual appointed by the President, by and with the advice and consent of the Senate, after January 1, 2008, the term of service of the Director shall be 4 years. A Director may serve more than 1 term.

"(3) INCUMBENT.—The individual serving in the position of Director of the Service on the day before the date of enactment of the Indian Health Care Improvement Act Amendments of 2008 shall serve as Director.

"(4) ADVOCACY AND CONSULTATION.—The position of Director is established to, in a manner consistent with the government-to-government relationship between the United States and Indian Tribes—

"(A) facilitate advocacy for the development of appropriate Indian health policy; and

"(B) promote consultation on matters relating to Indian health.

"(b) AGENCY.—The Service shall be an agency within the Public Health Service of the Department, and shall not be an office, component, or unit of any other agency of the Department.

"(c) DUTIES.—The Director shall—

"(1) perform all functions that were, on the day before the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, carried out by or under the direction of the individual serving as Director of the Service on that day;

"(2) perform all functions of the Secretary relating to the maintenance and operation of hospital and health facilities for Indians and the planning for, and provision and utilization of, health services for Indians;

"(3) administer all health programs under which health care is provided to Indians based upon their status as Indians which are administered by the Secretary, including programs under—

"(A) this Act;

"(B) the Act of November 2, 1921 (25 U.S.C. 13);

"(C) the Act of August 5, 1954 (42 U.S.C. 2001 et seq.);

"(D) the Act of August 16, 1957 (42 U.S.C. 2005 et seq.); and

"(E) the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.);

"(4) administer all scholarship and loan functions carried out under title I;

"(5) directly advise the Secretary concerning the development of all policy- and budget-related matters affecting Indian health;

"(6) collaborate with the Assistant Secretary for Health concerning appropriate matters of Indian health that affect the agencies of the Public Health Service;

"(7) advise each Assistant Secretary of the Department concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility;

"(8) advise the heads of other agencies and programs of the Department concerning matters of Indian health with respect to which those heads have authority and responsibility;

"(9) coordinate the activities of the Department concerning matters of Indian health; and

"(10) perform such other functions as the Secretary may designate.

"(d) AUTHORITY.—

"(1) IN GENERAL.—The Secretary, acting through the Director, shall have the authority—

"(A) except to the extent provided for in paragraph (2), to appoint and compensate employees for the Service in accordance with title 5, United States Code;

"(B) to enter into contracts for the procurement of goods and services to carry out the functions of the Service; and

"(C) to manage, expend, and obligate all funds appropriated for the Service.

"(2) PERSONNEL ACTIONS.—Notwithstanding any other provision of law, the provisions of section 12 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 472), shall apply to all personnel actions taken with respect to new positions created within the Service as a result of its establishment under subsection (a).

"SEC. 602. AUTOMATED MANAGEMENT INFORMATION SYSTEM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary shall establish an automated management information system for the Service.

"(2) REQUIREMENTS OF SYSTEM.—The information system established under paragraph (1) shall include—

"(A) a financial management system;

"(B) a patient care information system for each area served by the Service;

"(C) a privacy component that protects the privacy of patient information held by, or on behalf of, the Service;

"(D) a services-based cost accounting component that provides estimates of the costs associated with the provision of specific medical treatments or services in each Area office of the Service;

"(E) an interface mechanism for patient billing and accounts receivable system; and

"(F) a training component.

"(b) PROVISION OF SYSTEMS TO TRIBES AND ORGANIZATIONS.—The Secretary shall provide each Tribal Health Program automated management information systems which—

"(1) meet the management information needs of such Tribal Health Program with respect to the treatment by the Tribal Health Program of patients of the Service; and

"(2) meet the management information needs of the Service.

"(c) ACCESS TO RECORDS.—Notwithstanding any other provision of law, each patient shall have reasonable access to the medical or health records of such patient which are held by, or on behalf of, the Service.

"(d) AUTHORITY TO ENHANCE INFORMATION TECHNOLOGY.—The Secretary, acting through the Director, shall have the authority to enter into contracts, agreements, or joint ventures with other Federal agencies, States, private and nonprofit organizations, for the purpose of enhancing information technology in Indian Health Programs and facilities.

"SEC. 603. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.

"TITLE VII—BEHAVIORAL HEALTH PROGRAMS

"SEC. 701. BEHAVIORAL HEALTH PREVENTION AND TREATMENT SERVICES.

"(a) PURPOSES.—The purposes of this section are as follows:

"(1) To authorize and direct the Secretary, acting through the Service, Indian Tribes and Tribal Organizations to develop a comprehensive behavioral health prevention and treatment program which emphasizes collaboration among alcohol and substance abuse, social services, and mental health programs.

"(2) To provide information, direction, and guidance relating to mental illness and dysfunction and self-destructive behavior, including child abuse and family violence, to those Federal, tribal, State, and local agencies responsible for programs in Indian communities in areas of health care, education, social services, child and family welfare, alcohol and substance abuse, law enforcement, and judicial services.

"(3) To assist Indian Tribes to identify services and resources available to address mental illness and dysfunctional and self-destructive behavior.

"(4) To provide authority and opportunities for Indian Tribes and Tribal Organizations to develop, implement, and coordinate with community-based programs which include identification, prevention, education, referral, and treatment services, including through multidisciplinary resource teams.

"(5) To ensure that Indians, as citizens of the United States and of the States in which they reside, have the same access to behavioral health services to which all citizens have access.

"(6) To modify or supplement existing programs and authorities in the areas identified in paragraph (2).

“(b) PLANS.—

“(1) DEVELOPMENT.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall encourage Indian Tribes and Tribal Organizations to develop tribal plans and to participate in developing areawide plans for Indian Behavioral Health Services. The plans shall include, to the extent feasible, the following components:

“(A) An assessment of the scope of alcohol or other substance abuse, mental illness, and dysfunctional and self-destructive behavior, including suicide, child abuse, and family violence, among Indians, including—

“(i) the number of Indians served who are directly or indirectly affected by such illness or behavior; or

“(ii) an estimate of the financial and human cost attributable to such illness or behavior.

“(B) An assessment of the existing and additional resources necessary for the prevention and treatment of such illness and behavior, including an assessment of the progress toward achieving the availability of the full continuum of care described in subsection (c).

“(C) An estimate of the additional funding needed by the Service, Indian Tribes, and Tribal Organizations to meet their responsibilities under the plans.

“(2) COORDINATION WITH NATIONAL CLEARINGHOUSES AND INFORMATION CENTERS.—The Secretary, acting through the Service, shall coordinate with existing national clearinghouses and information centers to include at the clearinghouses and centers plans and reports on the outcomes of such plans developed by Indian Tribes, Tribal Organizations, and Service Areas relating to behavioral health. The Secretary shall ensure access to these plans and outcomes by any Indian Tribe, Tribal Organization, or the Service.

“(3) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to Indian Tribes and Tribal Organizations in preparation of plans under this section and in developing standards of care that may be used and adopted locally.

“(c) PROGRAMS.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall provide, to the extent feasible and if funding is available, programs including the following:

“(1) COMPREHENSIVE CARE.—A comprehensive continuum of behavioral health care which provides—

“(A) community-based prevention, intervention, outpatient, and behavioral health aftercare;

“(B) detoxification (social and medical);

“(C) acute hospitalization;

“(D) intensive outpatient/day treatment;

“(E) residential treatment;

“(F) transitional living for those needing a temporary, stable living environment that is supportive of treatment and recovery goals;

“(G) emergency shelter;

“(H) intensive case management;

“(I) diagnostic services; and

“(J) promotion of healthy approaches to risk and safety issues, including injury prevention.

“(2) CHILD CARE.—Behavioral health services for Indians from birth through age 17, including—

“(A) preschool and school age fetal alcohol spectrum disorder services, including assessment and behavioral intervention;

“(B) mental health and substance abuse services (emotional, organic, alcohol, drug, inhalant, and tobacco);

“(C) identification and treatment of co-occurring disorders and comorbidity;

“(D) prevention of alcohol, drug, inhalant, and tobacco use;

“(E) early intervention, treatment, and aftercare; and

“(F) identification and treatment of neglect and physical, mental, and sexual abuse.

“(3) ADULT CARE.—Behavioral health services for Indians from age 18 through 55, including—

“(A) early intervention, treatment, and aftercare;

“(B) mental health and substance abuse services (emotional, alcohol, drug, inhalant, and tobacco), including sex specific services;

“(C) identification and treatment of co-occurring disorders (dual diagnosis) and comorbidity;

“(D) promotion of healthy approaches for risk-related behavior;

“(E) treatment services for women at risk of a fetal alcohol-exposed pregnancy; and

“(F) sex specific treatment for sexual assault and domestic violence.

“(4) FAMILY CARE.—Behavioral health services for families, including—

“(A) early intervention, treatment, and aftercare for affected families;

“(B) treatment for sexual assault and domestic violence; and

“(C) promotion of healthy approaches relating to parenting, domestic violence, and other abuse issues.

“(5) ELDER CARE.—Behavioral health services for Indians 56 years of age and older, including—

“(A) early intervention, treatment, and aftercare;

“(B) mental health and substance abuse services (emotional, alcohol, drug, inhalant, and tobacco), including sex specific services;

“(C) identification and treatment of co-occurring disorders (dual diagnosis) and comorbidity;

“(D) promotion of healthy approaches to managing conditions related to aging;

“(E) sex specific treatment for sexual assault, domestic violence, neglect, physical and mental abuse and exploitation; and

“(F) identification and treatment of dementias regardless of cause.

“(d) COMMUNITY BEHAVIORAL HEALTH PLAN.—

“(1) ESTABLISHMENT.—The governing body of any Indian Tribe or Tribal Organization may adopt a resolution for the establishment of a community behavioral health plan providing for the identification and coordination of available resources and programs to identify, prevent, or treat substance abuse, mental illness, or dysfunctional and self-destructive behavior, including child abuse and family violence, among its members or its service population. This plan should include behavioral health services, social services, intensive outpatient services, and continuing aftercare.

“(2) TECHNICAL ASSISTANCE.—At the request of an Indian Tribe or Tribal Organization, the Bureau of Indian Affairs and the Service shall cooperate with and provide technical assistance to the Indian Tribe or Tribal Organization in the development and implementation of such plan.

“(3) FUNDING.—The Secretary, acting through the Service, may make funding available to Indian Tribes and Tribal Organizations which adopt a resolution pursuant to paragraph (1) to obtain technical assistance for the development of a community behavioral health plan and to provide administrative support in the implementation of such plan.

“(e) COORDINATION FOR AVAILABILITY OF SERVICES.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall coordinate behavioral health planning, to the extent feasible, with other Federal agencies and with State agencies, to encourage comprehensive behavioral health services for Indians regardless of their place of residence.

“(f) MENTAL HEALTH CARE NEED ASSESSMENT.—Not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary, acting through the Service, shall make an assessment of the need for inpatient mental health care among Indians and the availability and cost of inpatient mental health facilities which can meet such need. In making such assessment, the Secretary shall consider the possible conversion of existing, underused Service hospital beds into psychiatric units to meet such need.

“SEC. 702. MEMORANDA OF AGREEMENT WITH THE DEPARTMENT OF THE INTERIOR.

“(a) CONTENTS.—Not later than 12 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary, acting through the Service, and the Secretary of the Interior shall develop and enter into a memoranda of agreement, or review and update any existing memoranda of agreement, as required by section 4205 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2411) under which the Secretaries address the following:

“(1) The scope and nature of mental illness and dysfunctional and self-destructive behavior, including child abuse and family violence, among Indians.

“(2) The existing Federal, tribal, State, local, and private services, resources, and programs available to provide behavioral health services for Indians.

“(3) The unmet need for additional services, resources, and programs necessary to meet the needs identified pursuant to paragraph (1).

“(4)(A) The right of Indians, as citizens of the United States and of the States in which they reside, to have access to behavioral health services to which all citizens have access.

“(B) The right of Indians to participate in, and receive the benefit of, such services.

“(C) The actions necessary to protect the exercise of such right.

“(5) The responsibilities of the Bureau of Indian Affairs and the Service, including mental illness identification, prevention, education, referral, and treatment services (including services through multidisciplinary resource teams), at the central, area, and agency and Service Unit, Service Area, and headquarters levels to address the problems identified in paragraph (1).

“(6) A strategy for the comprehensive coordination of the behavioral health services provided by the Bureau of Indian Affairs and the Service to meet the problems identified pursuant to paragraph (1), including—

“(A) the coordination of alcohol and substance abuse programs of the Service, the Bureau of Indian Affairs, and Indian Tribes and Tribal Organizations (developed under the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2401 et seq.)) with behavioral health initiatives pursuant to this Act, particularly with respect to the referral and treatment of dually diagnosed individuals requiring behavioral health and substance abuse treatment; and

“(B) ensuring that the Bureau of Indian Affairs and Service programs and services (including multidisciplinary resource teams) addressing child abuse and family violence are coordinated with such non-Federal programs and services.

“(7) Directing appropriate officials of the Bureau of Indian Affairs and the Service, particularly at the agency and Service Unit levels, to cooperate fully with tribal requests made pursuant to community behavioral health plans adopted under section 701(c) and section 4206 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2412).

“(8) Providing for an annual review of such agreement by the Secretaries which shall be provided to Congress and Indian Tribes and Tribal Organizations.

“(b) SPECIFIC PROVISIONS REQUIRED.—The memoranda of agreement updated or entered into pursuant to subsection (a) shall include specific provisions pursuant to which the Service shall assume responsibility for—

“(1) the determination of the scope of the problem of alcohol and substance abuse among Indians, including the number of Indians within the jurisdiction of the Service who are directly or indirectly affected by alcohol and substance abuse and the financial and human cost;

“(2) an assessment of the existing and needed resources necessary for the prevention of alcohol and substance abuse and the treatment of Indians affected by alcohol and substance abuse; and

“(3) an estimate of the funding necessary to adequately support a program of prevention of alcohol and substance abuse and treatment of Indians affected by alcohol and substance abuse.

“(c) PUBLICATION.—Each memorandum of agreement entered into or renewed (and amendments or modifications thereto) under subsection (a) shall be published in the Federal Register. At the same time as publication in the Federal Register, the Secretary shall provide a copy of such memoranda, amendment, or modification to each Indian Tribe, Tribal Organization, and Urban Indian Organization.

“SEC. 703. COMPREHENSIVE BEHAVIORAL HEALTH PREVENTION AND TREATMENT PROGRAM.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall provide a program of comprehensive behavioral health, prevention, treatment, and aftercare, which shall include—

“(A) prevention, through educational intervention, in Indian communities;

“(B) acute detoxification, psychiatric hospitalization, residential, and intensive outpatient treatment;

“(C) community-based rehabilitation and aftercare;

“(D) community education and involvement, including extensive training of health care, educational, and community-based personnel;

“(E) specialized residential treatment programs for high-risk populations, including pregnant and postpartum women and their children; and

“(F) diagnostic services.

“(2) TARGET POPULATIONS.—The target population of such programs shall be members of Indian Tribes. Efforts to train and educate key members of the Indian community shall also target employees of health, education, judicial, law enforcement, legal, and social service programs.

“(b) CONTRACT HEALTH SERVICES.—

“(1) IN GENERAL.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may enter into contracts with public or private providers of behavioral health treatment services for the purpose of carrying out the program required under subsection (a).

“(2) PROVISION OF ASSISTANCE.—In carrying out this subsection, the Secretary shall provide assistance to Indian Tribes and Tribal Organizations to develop criteria for the certification of behavioral health service providers and accreditation of service facilities which meet minimum standards for such services and facilities.

“SEC. 704. MENTAL HEALTH TECHNICIAN PROGRAM.

“(a) IN GENERAL.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the ‘Snyder Act’), the Secretary shall establish and maintain a mental health technician program within the Service which—

“(1) provides for the training of Indians as mental health technicians; and

“(2) employs such technicians in the provision of community-based mental health care that includes identification, prevention, education, referral, and treatment services.

“(b) PARAPROFESSIONAL TRAINING.—In carrying out subsection (a), the Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall provide high-standard paraprofessional training in mental health care necessary to provide quality care to the Indian communities to be served. Such training shall be based upon a curriculum developed or approved by the Secretary which combines education in the theory of mental health care with supervised practical experience in the provision of such care.

“(c) SUPERVISION AND EVALUATION OF TECHNICIANS.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall supervise and evaluate the mental health technicians in the training program.

“(d) TRADITIONAL HEALTH CARE PRACTICES.—The Secretary, acting through the Service, shall ensure that the program established pursuant to this subsection involves the use and promotion of the traditional health care practices of the Indian Tribes to be served.

“SEC. 705. LICENSING REQUIREMENT FOR MENTAL HEALTH CARE WORKERS.

“(a) IN GENERAL.—Subject to the provisions of section 221, and except as provided in subsection (b), any individual employed as a psychologist, social worker, or marriage and family therapist for the purpose of providing mental health care services to Indians in a clinical setting under this Act is required to be licensed as a psychologist, social worker, or marriage and family therapist, respectively.

“(b) TRAINEES.—An individual may be employed as a trainee in psychology, social work, or marriage and family therapy to provide mental health care services described in subsection (a) if such individual—

“(1) works under the direct supervision of a licensed psychologist, social worker, or marriage and family therapist, respectively;

“(2) is enrolled in or has completed at least 2 years of course work at a post-secondary, accredited education program for psychology, social work, marriage and family therapy, or counseling; and

“(3) meets such other training, supervision, and quality review requirements as the Secretary may establish.

“SEC. 706. INDIAN WOMEN TREATMENT PROGRAMS.

“(a) GRANTS.—The Secretary, consistent with section 701, may make grants to Indian Tribes, Tribal Organizations, and Urban Indian Organizations to develop and implement a comprehensive behavioral health program of prevention, intervention, treatment, and relapse prevention services that specifically addresses the cultural, historical, social, and child care needs of Indian women, regardless of age.

“(b) USE OF GRANT FUNDS.—A grant made pursuant to this section may be used to—

“(1) develop and provide community training, education, and prevention programs for Indian women relating to behavioral health issues, including fetal alcohol spectrum disorders;

“(2) identify and provide psychological services, counseling, advocacy, support, and relapse prevention to Indian women and their families; and

“(3) develop prevention and intervention models for Indian women which incorporate traditional health care practices, cultural values, and community and family involvement.

“(c) CRITERIA.—The Secretary, in consultation with Indian Tribes and Tribal Organizations, shall establish criteria for the review and approval of applications and proposals for funding under this section.

“(d) EARMARK OF CERTAIN FUNDS.—Twenty percent of the funds appropriated pursuant to this section shall be used to make grants to Urban Indian Organizations.

“SEC. 707. INDIAN YOUTH PROGRAM.

“(a) DETOXIFICATION AND REHABILITATION.—The Secretary, acting through the Service, consistent with section 701, shall develop and implement a program for acute detoxification and treatment for Indian youths, including behavioral health services. The program shall include regional treatment centers designed to include detoxification and rehabilitation for both sexes on a referral basis and programs developed and implemented by Indian Tribes or Tribal Organizations at the local level under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.). Regional centers shall be integrated with the intake and rehabilitation programs based in the referring Indian community.

“(b) ALCOHOL AND SUBSTANCE ABUSE TREATMENT CENTERS OR FACILITIES.—

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall construct, renovate, or, as necessary, purchase, and appropriately staff and operate, at least 1 youth regional treatment center or treatment network in each area under the jurisdiction of an Area Office.

“(B) AREA OFFICE IN CALIFORNIA.—For the purposes of this subsection, the Area Office in California shall be considered to be 2 Area Offices, 1 office whose jurisdiction shall be considered to encompass the northern area of the State of California, and 1 office whose jurisdiction shall be considered to encompass the remainder of the State of California for the purpose of implementing California treatment networks.

“(2) FUNDING.—For the purpose of staffing and operating such centers or facilities, funding shall be pursuant to the Act of November 2, 1921 (25 U.S.C. 13).

“(3) LOCATION.—A youth treatment center constructed or purchased under this subsection shall be constructed or purchased at a location within the area described in paragraph (1) agreed upon (by appropriate tribal resolution) by a majority of the Indian Tribes to be served by such center.

“(4) SPECIFIC PROVISION OF FUNDS.—

"(A) IN GENERAL.—Notwithstanding any other provision of this title, the Secretary may, from amounts authorized to be appropriated for the purposes of carrying out this section, make funds available to—

"(i) the Tanana Chiefs Conference, Incorporated, for the purpose of leasing, constructing, renovating, operating, and maintaining a residential youth treatment facility in Fairbanks, Alaska; and

"(ii) the Southeast Alaska Regional Health Corporation to staff and operate a residential youth treatment facility without regard to the proviso set forth in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

"(B) PROVISION OF SERVICES TO ELIGIBLE YOUTHS.—Until additional residential youth treatment facilities are established in Alaska pursuant to this section, the facilities specified in subparagraph (A) shall make every effort to provide services to all eligible Indian youths residing in Alaska.

"(c) INTERMEDIATE ADOLESCENT BEHAVIORAL HEALTH SERVICES.—

"(1) IN GENERAL.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may provide intermediate behavioral health services to Indian children and adolescents, including—

"(A) pretreatment assistance;

"(B) inpatient, outpatient, and aftercare services;

"(C) emergency care;

"(D) suicide prevention and crisis intervention; and

"(E) prevention and treatment of mental illness and dysfunctional and self-destructive behavior, including child abuse and family violence.

"(2) USE OF FUNDS.—Funds provided under this subsection may be used—

"(A) to construct or renovate an existing health facility to provide intermediate behavioral health services;

"(B) to hire behavioral health professionals;

"(C) to staff, operate, and maintain an intermediate mental health facility, group home, sober housing, transitional housing or similar facilities, or youth shelter where intermediate behavioral health services are being provided;

"(D) to make renovations and hire appropriate staff to convert existing hospital beds into adolescent psychiatric units; and

"(E) for intensive home- and community-based services.

"(3) CRITERIA.—The Secretary, acting through the Service, shall, in consultation with Indian Tribes and Tribal Organizations, establish criteria for the review and approval of applications or proposals for funding made available pursuant to this subsection.

"(d) FEDERALLY-OWNED STRUCTURES.—

"(1) IN GENERAL.—The Secretary, in consultation with Indian Tribes and Tribal Organizations, shall—

"(A) identify and use, where appropriate, federally-owned structures suitable for local residential or regional behavioral health treatment for Indian youths; and

"(B) establish guidelines for determining the suitability of any such federally-owned structure to be used for local residential or regional behavioral health treatment for Indian youths.

"(2) TERMS AND CONDITIONS FOR USE OF STRUCTURE.—Any structure described in paragraph (1) may be used under such terms and conditions as may be agreed upon by the Secretary and the agency having responsibility for the structure and any Indian Tribe or Tribal Organization operating the program.

"(e) REHABILITATION AND AFTERCARE SERVICES.—

"(1) IN GENERAL.—The Secretary, Indian Tribes, or Tribal Organizations, in cooperation with the Secretary of the Interior, shall develop and implement within each Service Unit, community-based rehabilitation and follow-up services for Indian youths who are having significant behavioral health problems, and require long-term treatment, community reintegration, and monitoring to support the Indian youths after their return to their home community.

"(2) ADMINISTRATION.—Services under paragraph (1) shall be provided by trained staff within the community who can assist the Indian youths in their continuing development of self-image, positive problem-solving skills, and nonalcohol or substance abusing behaviors. Such staff may include alcohol and substance abuse counselors, mental health professionals, and other health professionals and paraprofessionals, including community health representatives.

"(f) INCLUSION OF FAMILY IN YOUTH TREATMENT PROGRAM.—In providing the treatment and other services to Indian youths authorized by this section, the Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall provide for the inclusion of family members of such youths in the treatment programs or other services as may be appropriate. Not less than 10 percent of the funds appropriated for the purposes of carrying out subsection (e) shall be used for outpatient care of adult family members related to the treatment of an Indian youth under that subsection.

"(g) MULTIDRUG ABUSE PROGRAM.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall provide, consistent with section 701, programs and services to prevent and treat the abuse of multiple forms of substances, including alcohol, drugs, inhalants, and tobacco, among Indian youths residing in Indian communities, on or near reservations, and in urban areas and provide appropriate mental health services to address the incidence of mental illness among such youths.

"(h) INDIAN YOUTH MENTAL HEALTH.—The Secretary, acting through the Service, shall collect data for the report under section 801 with respect to—

"(1) the number of Indian youth who are being provided mental health services through the Service and Tribal Health Programs;

"(2) a description of, and costs associated with, the mental health services provided for Indian youth through the Service and Tribal Health Programs;

"(3) the number of youth referred to the Service or Tribal Health Programs for mental health services;

"(4) the number of Indian youth provided residential treatment for mental health and behavioral problems through the Service and Tribal Health Programs, reported separately for on- and off-reservation facilities; and

"(5) the costs of the services described in paragraph (4).

"SEC. 708. INDIAN YOUTH TELEMENTAL HEALTH DEMONSTRATION PROJECT.

"(a) PURPOSE.—The purpose of this section is to authorize the Secretary to carry out a demonstration project to test the use of telemental health services in suicide prevention, intervention and treatment of Indian youth, including through—

"(1) the use of psychotherapy, psychiatric assessments, diagnostic interviews, therapies for mental health conditions predisposing to suicide, and alcohol and substance abuse treatment;

"(2) the provision of clinical expertise to, consultation services with, and medical advice and training for frontline health care providers working with Indian youth;

"(3) training and related support for community leaders, family members and health and education workers who work with Indian youth;

"(4) the development of culturally-relevant educational materials on suicide; and

"(5) data collection and reporting.

"(b) DEFINITIONS.—For the purpose of this section, the following definitions shall apply:

"(1) DEMONSTRATION PROJECT.—The term 'demonstration project' means the Indian youth telemental health demonstration project authorized under subsection (c).

"(2) TELEMENTAL HEALTH.—The term 'telemental health' means the use of electronic information and telecommunications technologies to support long distance mental health care, patient and professional-related education, public health, and health administration.

"(c) AUTHORIZATION.—

"(1) IN GENERAL.—The Secretary is authorized to award grants under the demonstration project for the provision of telemental health services to Indian youth who—

"(A) have expressed suicidal ideas;

"(B) have attempted suicide; or

"(C) have mental health conditions that increase or could increase the risk of suicide.

"(2) ELIGIBILITY FOR GRANTS.—Such grants shall be awarded to Indian Tribes and Tribal Organizations that operate 1 or more facilities—

"(A) located in Alaska and part of the Alaska Federal Health Care Access Network;

"(B) reporting active clinical telehealth capabilities; or

"(C) offering school-based telemental health services relating to psychiatry to Indian youth.

"(3) GRANT PERIOD.—The Secretary shall award grants under this section for a period of up to 4 years.

"(4) AWARDING OF GRANTS.—Not more than 5 grants shall be provided under paragraph (1), with priority consideration given to Indian Tribes and Tribal Organizations that—

"(A) serve a particular community or geographic area where there is a demonstrated need to address Indian youth suicide;

"(B) enter in to collaborative partnerships with Indian Health Service or Tribal Health Programs or facilities to provide services under this demonstration project;

"(C) serve an isolated community or geographic area which has limited or no access to behavioral health services; or

"(D) operate a detention facility at which Indian youth are detained.

"(d) USE OF FUNDS.—

"(1) IN GENERAL.—An Indian Tribe or Tribal Organization shall use a grant received under subsection (c) for the following purposes:

"(A) To provide telemental health services to Indian youth, including the provision of—

"(i) psychotherapy;

"(ii) psychiatric assessments and diagnostic interviews, therapies for mental health conditions predisposing to suicide, and treatment; and

"(iii) alcohol and substance abuse treatment.

"(B) To provide clinician-interactive medical advice, guidance and training, assistance in diagnosis and interpretation, crisis counseling and intervention, and related assistance to Service, tribal, or urban clinicians and health services providers working with youth being served under this demonstration project.

"(C) To assist, educate and train community leaders, health education professionals and paraprofessionals, tribal outreach workers, and family members who work with the youth receiving telemental health services under this demonstration project, including with identification of suicidal tendencies, crisis intervention and suicide prevention, emergency skill development, and building and expanding networks among these individuals and with State and local health services providers.

"(D) To develop and distribute culturally appropriate community educational materials on—

"(i) suicide prevention;

"(ii) suicide education;

"(iii) suicide screening;

"(iv) suicide intervention; and

"(v) ways to mobilize communities with respect to the identification of risk factors for suicide.

"(E) For data collection and reporting related to Indian youth suicide prevention efforts.

"(2) TRADITIONAL HEALTH CARE PRACTICES.—In carrying out the purposes described in paragraph (1), an Indian Tribe or Tribal Organization may use and promote the traditional health care practices of the Indian Tribes of the youth to be served.

"(e) APPLICATIONS.—To be eligible to receive a grant under subsection (c), an Indian Tribe or Tribal Organization shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

"(1) a description of the project that the Indian Tribe or Tribal Organization will carry out using the funds provided under the grant;

"(2) a description of the manner in which the project funded under the grant would—

"(A) meet the telemental health care needs of the Indian youth population to be served by the project; or

"(B) improve the access of the Indian youth population to be served to suicide prevention and treatment services;

"(3) evidence of support for the project from the local community to be served by the project;

"(4) a description of how the families and leadership of the communities or populations to be served by the project would be involved in the development and ongoing operations of the project;

"(5) a plan to involve the tribal community of the youth who are provided services by the project in planning and evaluating the mental health care and suicide prevention efforts provided, in order to ensure the integration of community, clinical, environmental, and cultural components of the treatment; and

"(6) a plan for sustaining the project after Federal assistance for the demonstration project has terminated.

"(f) COLLABORATION; REPORTING TO NATIONAL CLEARINGHOUSE.—

"(1) COLLABORATION.—The Secretary, acting through the Service, shall encourage Indian Tribes and Tribal Organizations receiving grants under this section to collaborate to enable comparisons about best practices across projects.

"(2) REPORTING TO NATIONAL CLEARINGHOUSE.—The Secretary, acting through the Service, shall also encourage Indian Tribes and Tribal Organizations receiving grants under this section to submit relevant, declassified project information to the national clearinghouse authorized under section 701(b)(2) in order to better facilitate program performance and improve suicide prevention, intervention, and treatment services.

"(g) ANNUAL REPORT.—Each grant recipient shall submit to the Secretary an annual report that—

"(1) describes the number of telemental health services provided; and

"(2) includes any other information that the Secretary may require.

"(h) REPORT TO CONGRESS.—Not later than 270 days after the termination of the demonstration project, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources and Committee on Energy and Commerce of the House of Representatives a final report, based on the annual reports provided by grant recipients under subsection (h), that—

"(1) describes the results of the projects funded by grants awarded under this section, including any data available which indicates the number of attempted suicides;

"(2) evaluates the impact of the telemental health services funded by the grants in reducing the number of completed suicides among Indian youth;

"(3) evaluates whether the demonstration project should be—

"(A) expanded to provide more than 5 grants; and

"(B) designated a permanent program; and

"(4) evaluates the benefits of expanding the demonstration project to include Urban Indian Organizations.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000 for each of fiscal years 2008 through 2011.

"SEC. 709. INPATIENT AND COMMUNITY-BASED MENTAL HEALTH FACILITIES DESIGN, CONSTRUCTION, AND STAFFING.

"Not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may provide, in each area of the Service, not less than 1 inpatient mental health care facility, or the equivalent, for Indians with behavioral health problems. For the purposes of this subsection, California shall be considered to be 2 Area Offices, 1 office whose location shall be considered to encompass the northern area of the State of California and 1 office whose jurisdiction shall be considered to encompass the remainder of the State of California. The Secretary shall consider the possible conversion of existing, underused Service hospital beds into psychiatric units to meet such need.

"SEC. 710. TRAINING AND COMMUNITY EDUCATION.

"(a) PROGRAM.—The Secretary, in cooperation with the Secretary of the Interior, shall develop and implement or assist Indian Tribes and Tribal Organizations to develop and implement, within each Service Unit or tribal program, a program of community education and involvement which shall be designed to provide concise and timely information to the community leadership of each tribal community. Such program shall include education about behavioral health issues to political leaders, Tribal judges, law enforcement personnel, members of tribal health and education boards, health care providers including traditional practitioners, and other critical members of each tribal community. Such program may also include community-based training to develop local capacity and tribal community provider training for prevention, intervention, treatment, and aftercare.

"(b) INSTRUCTION.—The Secretary, acting through the Service, shall, either directly or through Indian Tribes and Tribal Organizations, provide instruction in the area of behavioral health issues, including instruction in crisis intervention and family relations in the context of alcohol and substance abuse, child sexual abuse, youth alcohol and substance abuse, and the causes and effects of fetal alcohol spectrum disorders to appropriate employees of the Bureau of Indian Affairs and the Service, and to personnel in schools or programs operated under any contract with the Bureau of Indian Affairs or the Service, including supervisors of emergency shelters and halfway houses described in section 4213 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2433).

"(c) TRAINING MODELS.—In carrying out the education and training programs required by this section, the Secretary, in consultation with Indian Tribes, Tribal Organizations, Indian behavioral health experts, and Indian alcohol and substance abuse prevention experts, shall develop and provide community-based training models. Such models shall address—

"(1) the elevated risk of alcohol and behavioral health problems faced by children of alcoholics;

"(2) the cultural, spiritual, and multigenerational aspects of behavioral health problem prevention and recovery; and

"(3) community-based and multidisciplinary strategies for preventing and treating behavioral health problems.

"SEC. 711. BEHAVIORAL HEALTH PROGRAM.

"(a) INNOVATIVE PROGRAMS.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, consistent with section 701, may plan, develop, implement, and carry out programs to deliver innovative community-based behavioral health services to Indians.

"(b) AWARDS; CRITERIA.—The Secretary may award a grant for a project under subsection (a) to an Indian Tribe or Tribal Organization and may consider the following criteria:

"(1) The project will address significant unmet behavioral health needs among Indians.

"(2) The project will serve a significant number of Indians.

"(3) The project has the potential to deliver services in an efficient and effective manner.

"(4) The Indian Tribe or Tribal Organization has the administrative and financial capability to administer the project.

"(5) The project may deliver services in a manner consistent with traditional health care practices.

"(6) The project is coordinated with, and avoids duplication of, existing services.

"(c) EQUITABLE TREATMENT.—For purposes of this subsection, the Secretary shall, in evaluating project applications or proposals, use the same criteria that the Secretary uses in evaluating any other application or proposal for such funding.

"SEC. 712. FETAL ALCOHOL SPECTRUM DISORDERS PROGRAMS.

"(a) PROGRAMS.—

"(1) ESTABLISHMENT.—The Secretary, consistent with section 701, acting through the Service, Indian Tribes, and Tribal Organizations, is authorized to establish and operate fetal alcohol spectrum disorders programs as provided in this section for the purposes of meeting the health status objectives specified in section 3.

"(2) USE OF FUNDS.—

"(A) IN GENERAL.—Funding provided pursuant to this section shall be used for the following:

"(i) To develop and provide for Indians community and in-school training, education, and prevention programs relating to fetal alcohol spectrum disorders.

"(ii) To identify and provide behavioral health treatment to high-risk Indian women and high-risk women pregnant with an Indian's child.

"(iii) To identify and provide appropriate psychological services, educational and vocational support, counseling, advocacy, and information to fetal alcohol spectrum disorders-affected Indians and their families or caretakers.

"(iv) To develop and implement counseling and support programs in schools for fetal alcohol spectrum disorders-affected Indian children.

"(v) To develop prevention and intervention models which incorporate practitioners of traditional health care practices, cultural values, and community involvement.

"(vi) To develop, print, and disseminate education and prevention materials on fetal alcohol spectrum disorders.

"(vii) To develop and implement, in consultation with Indian Tribes and Tribal Organizations, and in conference with Urban Indian Organizations, culturally sensitive assessment and diagnostic tools including dysmorphology clinics and multidisciplinary fetal alcohol spectrum disorders clinics for use in Indian communities and Urban Centers.

"(B) ADDITIONAL USES.—In addition to any purpose under subparagraph (A), funding provided pursuant to this section may be used for 1 or more of the following:

"(i) Early childhood intervention projects from birth on to mitigate the effects of fetal alcohol spectrum disorders among Indians.

"(ii) Community-based support services for Indians and women pregnant with Indian children.

"(iii) Community-based housing for adult Indians with fetal alcohol spectrum disorders.

"(3) CRITERIA FOR APPLICATIONS.—The Secretary shall establish criteria for the review and approval of applications for funding under this section.

"(b) SERVICES.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall—

"(1) develop and provide services for the prevention, intervention, treatment, and aftercare for those affected by fetal alcohol spectrum disorders in Indian communities; and

"(2) provide supportive services, including services to meet the special educational, vocational, school-to-work transition, and independent living needs of adolescent and adult Indians with fetal alcohol spectrum disorders.

"(c) TASK FORCE.—The Secretary shall establish a task force to be known as the Fetal Alcohol Spectrum Disorders Task Force to advise the Secretary in carrying out subsection (b). Such task force shall be composed of representatives from the following:

"(1) The National Institute on Drug Abuse.

"(2) The National Institute on Alcohol and Alcoholism.

"(3) The Office of Substance Abuse Prevention.

"(4) The National Institute of Mental Health.

"(5) The Service.

"(6) The Office of Minority Health of the Department of Health and Human Services.

"(7) The Administration for Native Americans.

"(8) The National Institute of Child Health and Human Development (NICHD).

"(9) The Centers for Disease Control and Prevention.

"(10) The Bureau of Indian Affairs.

"(11) Indian Tribes.

"(12) Tribal Organizations.

"(13) Urban Indian communities.

"(14) Indian fetal alcohol spectrum disorders experts.

"(d) APPLIED RESEARCH PROJECTS.—The Secretary, acting through the Substance Abuse and Mental Health Services Administration, shall make grants to Indian Tribes, Tribal Organizations, and Urban Indian Organizations for applied research projects which propose to elevate the understanding of methods to prevent, intervene, treat, or provide rehabilitation and behavioral health aftercare for Indians and Urban Indians affected by fetal alcohol spectrum disorders.

"(e) FUNDING FOR URBAN INDIAN ORGANIZATIONS.—Ten percent of the funds appropriated pursuant to this section shall be used to make grants to Urban Indian Organizations funded under title V.

"SEC. 713. CHILD SEXUAL ABUSE PREVENTION AND TREATMENT PROGRAMS.

"(a) ESTABLISHMENT.—The Secretary, acting through the Service, and the Secretary of the Interior, Indian Tribes, and Tribal Organizations, shall establish, consistent with section 701, in every Service Area, programs involving treatment for—

"(1) victims of sexual abuse who are Indian children or children in an Indian household; and

"(2) perpetrators of child sexual abuse who are Indian or members of an Indian household.

"(b) USE OF FUNDS.—Funding provided pursuant to this section shall be used for the following:

"(1) To develop and provide community education and prevention programs related to sexual abuse of Indian children or children in an Indian household.

"(2) To identify and provide behavioral health treatment to victims of sexual abuse who are Indian children or children in an Indian household, and to their family members who are affected by sexual abuse.

"(3) To develop prevention and intervention models which incorporate traditional health care practices, cultural values, and community involvement.

"(4) To develop and implement culturally sensitive assessment and diagnostic tools for use in Indian communities and Urban Centers.

"(5) To identify and provide behavioral health treatment to Indian perpetrators and perpetrators who are members of an Indian household—

"(A) making efforts to begin offender and behavioral health treatment while the perpetrator is incarcerated or at the earliest possible date if the perpetrator is not incarcerated; and

"(B) providing treatment after the perpetrator is released, until it is determined that the perpetrator is not a threat to children.

"(c) COORDINATION.—The programs established under subsection (a) shall be carried out in coordination with programs and services authorized under the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3201 et seq.).

"SEC. 714. DOMESTIC AND SEXUAL VIOLENCE PREVENTION AND TREATMENT.

"(a) IN GENERAL.—The Secretary, in accordance with section 701, is authorized to establish in each Service Area programs involving the prevention and treatment of—

"(1) Indian victims of domestic violence or sexual abuse; and

"(2) perpetrators of domestic violence or sexual abuse who are Indian or members of an Indian household.

"(b) USE OF FUNDS.—Funds made available to carry out this section shall be used—

"(1) to develop and implement prevention programs and community education programs relating to domestic violence and sexual abuse;

"(2) to provide behavioral health services, including victim support services, and medical treatment (including examinations performed by sexual assault nurse examiners) to Indian victims of domestic violence or sexual abuse;

"(3) to purchase rape kits,

"(4) to develop prevention and intervention models, which may incorporate traditional health care practices; and

"(5) to identify and provide behavioral health treatment to perpetrators who are Indian or members of an Indian household.

"(c) TRAINING AND CERTIFICATION.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary shall establish appropriate protocols, policies, procedures, standards of practice, and, if not available elsewhere, training curricula and training and certification requirements for services for victims of domestic violence and sexual abuse.

"(2) REPORT.—Not later than 18 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the means and extent to which the Secretary has carried out paragraph (1).

"(d) COORDINATION.—

"(1) IN GENERAL.—The Secretary, in coordination with the Attorney General, Federal and tribal law enforcement agencies, Indian Health Programs, and domestic violence or sexual assault victim organizations, shall develop appropriate victim services and victim advocate training programs—

"(A) to improve domestic violence or sexual abuse responses;

"(B) to improve forensic examinations and collection;

"(C) to identify problems or obstacles in the prosecution of domestic violence or sexual abuse; and

"(D) to meet other needs or carry out other activities required to prevent, treat, and improve prosecutions of domestic violence and sexual abuse.

"(2) REPORT.—Not later than 2 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes, with respect to the matters described in paragraph (1), the improvements made and needed, problems or obstacles identified, and costs necessary to address the problems or obstacles, and any other recommendations that the Secretary determines to be appropriate.

“SEC. 715. BEHAVIORAL HEALTH RESEARCH.

“The Secretary, in consultation with appropriate Federal agencies, shall make grants to, or enter into contracts with, Indian Tribes, Tribal Organizations, and Urban Indian Organizations or enter into contracts with, or make grants to appropriate institutions for, the conduct of research on the incidence and prevalence of behavioral health problems among Indians served by the Service, Indian Tribes, or Tribal Organizations and among Indians in urban areas. Research priorities under this section shall include—

“(1) the multifactorial causes of Indian youth suicide, including—

“(A) protective and risk factors and scientific data that identifies those factors; and

“(B) the effects of loss of cultural identity and the development of scientific data on those effects;

“(2) the interrelationship and interdependence of behavioral health problems with alcoholism and other substance abuse, suicide, homicides, other injuries, and the incidence of family violence; and

“(3) the development of models of prevention techniques.

The effect of the interrelationships and interdependencies referred to in paragraph (2) on children, and the development of prevention techniques under paragraph (3) applicable to children, shall be emphasized.

“SEC. 716. DEFINITIONS.

“For the purpose of this title, the following definitions shall apply:

“(1) ASSESSMENT.—The term ‘assessment’ means the systematic collection, analysis, and dissemination of information on health status, health needs, and health problems.

“(2) ALCOHOL-RELATED NEURODEVELOPMENTAL DISORDERS OR ARND.—The term ‘alcohol-related neurodevelopmental disorders’ or ‘ARND’ means any 1 of a spectrum of effects that—

“(A) may occur when a woman drinks alcohol during pregnancy; and

“(B) involves a central nervous system abnormality that may be structural, neurological, or functional.

“(3) BEHAVIORAL HEALTH AFTERCARE.—The term ‘behavioral health aftercare’ includes those activities and resources used to support recovery following inpatient, residential, intensive substance abuse, or mental health outpatient or outpatient treatment. The purpose is to help prevent or deal with relapse by ensuring that by the time a client or patient is discharged from a level of care, such as outpatient treatment, an aftercare plan has been developed with the client. An aftercare plan may use such resources as a community-based therapeutic group, transitional living facilities, a 12-step sponsor, a local 12-step or other related support group, and other community-based providers.

“(4) DUAL DIAGNOSIS.—The term ‘dual diagnosis’ means coexisting substance abuse and mental illness conditions or diagnosis. Such clients are sometimes referred to as mentally ill chemical abusers (MICAs).

“(5) FETAL ALCOHOL SPECTRUM DISORDERS.—

“(A) IN GENERAL.—The term ‘fetal alcohol spectrum disorders’ includes a range of effects that can occur in an individual whose mother drank alcohol during pregnancy, including physical, mental, behavioral, and/or learning disabilities with possible lifelong implications.

“(B) INCLUSIONS.—The term ‘fetal alcohol spectrum disorders’ may include—

“(i) fetal alcohol syndrome (FAS);

“(ii) fetal alcohol effect (FAE);

“(iii) alcohol-related birth defects; and

“(iv) alcohol-related neurodevelopmental disorders (ARND).

“(6) FETAL ALCOHOL SYNDROME OR FAS.—The term ‘fetal alcohol syndrome’ or ‘FAS’ means any 1 of a spectrum of effects that may occur when a woman drinks alcohol during pregnancy, the diagnosis of which involves the confirmed presence of the following 3 criteria:

“(A) Craniofacial abnormalities.

“(B) Growth deficits.

“(C) Central nervous system abnormalities.

“(7) REHABILITATION.—The term ‘rehabilitation’ means to restore the ability or capacity to engage in usual and customary life activities through education and therapy.

“(8) SUBSTANCE ABUSE.—The term ‘substance abuse’ includes inhalant abuse.

“SEC. 717. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out the provisions of this title.

“TITLE VIII—MISCELLANEOUS

“SEC. 801. REPORTS.

“For each fiscal year following the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary shall transmit to Congress a report containing the following:

“(1) A report on the progress made in meeting the objectives of this Act, including a review of programs established or assisted pursuant to this Act and assessments and recommendations of additional programs or additional assistance necessary to, at a minimum, provide health services to Indians and ensure a health status for Indians, which are at a parity with the health services available to and the health status of the general population.

“(2) A report on whether, and to what extent, new national health care programs, benefits, initiatives, or financing systems have had an impact on the purposes of this Act and any steps that the Secretary may have taken to consult with Indian Tribes, Tribal Organizations, and Urban Indian Organizations to address such impact, including a report on proposed changes in allocation of funding pursuant to section 808.

“(3) A report on the use of health services by Indians—

“(A) on a national and area or other relevant geographical basis;

“(B) by gender and age;

“(C) by source of payment and type of service;

“(D) comparing such rates of use with rates of use among comparable non-Indian populations; and

“(E) provided under contracts.

“(4) A report of contractors to the Secretary on Health Care Educational Loan Repayments every 6 months required by section 110.

“(5) A general audit report of the Secretary on the Health Care Educational Loan Repayment Program as required by section 110(n).

“(6) A report of the findings and conclusions of demonstration programs on development of educational curricula for substance abuse counseling as required in section 125(f).

“(7) A separate statement which specifies the amount of funds requested to carry out the provisions of section 201.

“(8) A report of the evaluations of health promotion and disease prevention as required in section 203(c).

“(9) A biennial report to Congress on infectious diseases as required by section 212.

“(10) A report on environmental and nuclear health hazards as required by section 215.

“(11) An annual report on the status of all health care facilities needs as required by section 301(c)(2)(B) and 301(d).

“(12) Reports on safe water and sanitary waste disposal facilities as required by section 302(h).

“(13) An annual report on the expenditure of non-Service funds for renovation as required by sections 304(b)(2).

“(14) A report identifying the backlog of maintenance and repair required at Service and tribal facilities required by section 313(a).

“(15) A report providing an accounting of reimbursement funds made available to the Secretary under titles XVIII, XIX, and XXI of the Social Security Act.

“(16) A report on any arrangements for the sharing of medical facilities or services, as authorized by section 406.

“(17) A report on evaluation and renewal of Urban Indian programs under section 505.

“(18) A report on the evaluation of programs as required by section 513(d).

“(19) A report on alcohol and substance abuse as required by section 701(f).

“(20) A report on Indian youth mental health services as required by section 707(h).

“(21) A report on the reallocation of base resources if required by section 808.

“SEC. 802. REGULATIONS.

“(a) DEADLINES.—

“(1) PROCEDURES.—Not later than 90 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5, United States Code, to negotiate and promulgate such regulations or amendments thereto that are necessary to carry out titles II (except section 202) and VII, the sections of title III for which negotiated rulemaking is specifically required, and section 807. Unless otherwise required, the Secretary may promulgate regulations to carry out titles I, III, IV, and V, and section 202, using the procedures required by chapter V of title 5, United States Code (commonly known as the ‘Administrative Procedure Act’).

“(2) PROPOSED REGULATIONS.—Proposed regulations to implement this Act shall be published in the Federal Register by the Secretary no later than 2 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008 and shall have no less than a 120-day comment period.

“(3) FINAL REGULATIONS.—The Secretary shall publish in the Federal Register final regulations to implement this Act by not later than 3 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008.

“(b) COMMITTEE.—A negotiated rulemaking committee established pursuant to section 565 of title 5, United States Code, to carry out this section shall have as its members only representatives of the Federal Government and representatives of Indian Tribes, and Tribal Organizations, a majority of whom shall be nominated by and be representatives of Indian Tribes and Tribal Organizations from each Service Area.

“(c) ADAPTATION OF PROCEDURES.—The Secretary shall adapt the negotiated rulemaking procedures to the unique context of self-governance and the government-to-government relationship between the United States and Indian Tribes.

“(d) LACK OF REGULATIONS.—The lack of promulgated regulations shall not limit the effect of this Act.

“(e) INCONSISTENT REGULATIONS.—The provisions of this Act shall supersede any conflicting provisions of law in effect on the day before the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, and the Secretary is authorized to repeal any regulation inconsistent with the provisions of this Act.

“SEC. 803. PLAN OF IMPLEMENTATION.

“Not later than 9 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary, in consultation with Indian Tribes and Tribal Organizations, and in conference with Urban Indian Organizations, shall submit to Congress a plan explaining the manner and schedule, by title and section, by which the Secretary will implement the provisions of this Act. This consultation may be conducted jointly with the annual budget consultation pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq).

“SEC. 804. AVAILABILITY OF FUNDS.

“The funds appropriated pursuant to this Act shall remain available until expended.

“SEC. 805. LIMITATIONS.

“(a) USE OF FUNDS.—Any limitation on the use of funds contained in an Act providing appropriations for the Department for a period with respect to the performance of abortions shall apply for that period with respect to the performance of abortions using funds contained in an Act providing appropriations for the Service.

“(b) TRADITIONAL HEALTH CARE PRACTICES.—Although the Secretary may promote traditional health care practices, consistent with the Service standards for the provision of health care, health promotion, and disease prevention under this Act, the United States is not liable for any provision of traditional health care practices pursuant to this Act that results in damage, injury, or death to a patient. Nothing in this subsection shall be construed to alter any liability or other obligation that the United States may otherwise have under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or this Act.

“SEC. 806. ELIGIBILITY OF CALIFORNIA INDIANS.

“(a) IN GENERAL.—The following California Indians shall be eligible for health services provided by the Service:

“(1) Any member of a federally recognized Indian Tribe.

“(2) Any descendant of an Indian who was residing in California on June 1, 1852, if such descendant—

“(A) is a member of the Indian community served by a local program of the Service; and

“(B) is regarded as an Indian by the community in which such descendant lives.

“(3) Any Indian who holds trust interests in public domain, national forest, or reservation allotments in California.

“(4) Any Indian in California who is listed on the plans for distribution of the assets of rancherias and reservations located within the State of California under the Act of August 18, 1958 (72 Stat. 619), and any descendant of such an Indian.

“(b) CLARIFICATION.—Nothing in this section may be construed as expanding the eligibility of California Indians for health services provided by the Service beyond the scope of eligibility for such health services that applied on May 1, 1986.

“SEC. 807. HEALTH SERVICES FOR INELIGIBLE PERSONS.

“(a) CHILDREN.—Any individual who—

“(1) has not attained 19 years of age;

“(2) is the natural or adopted child, stepchild, foster child, legal ward, or orphan of an eligible Indian; and

“(3) is not otherwise eligible for health services provided by the Service, shall be eligible for all health services provided by the Service on the same basis and subject to the same rules that apply to eligible Indians until such individual attains 19 years of age. The existing and potential health needs of all such individuals shall be taken into consideration by the Service in determining the need for, or the allocation of, the health resources of the Service. If such an individual has been determined to be legally incompetent prior to attaining 19 years of age, such individual shall remain eligible for such services until 1 year after the date of a determination of competency.

“(b) SPOUSES.—Any spouse of an eligible Indian who is not an Indian, or who is of Indian descent but is not otherwise eligible for the health services provided by the Service, shall be eligible for such health services if all such spouses or spouses who are married to members of each Indian Tribe being served are made eligible, as a class, by an appropriate resolution of the governing body of the Indian Tribe or Tribal Organization providing such services. The health needs of persons made eligible under this paragraph shall not be taken into consideration by the Service in determining the need for, or allocation of, its health resources.

“(c) PROVISION OF SERVICES TO OTHER INDIVIDUALS.—

“(1) IN GENERAL.—The Secretary is authorized to provide health services under this subsection through health programs operated directly by the Service to individuals who reside within the Service Unit and who are not otherwise eligible for such health services if—

“(A) the Indian Tribes served by such Service Unit request such provision of health services to such individuals; and

“(B) the Secretary and the served Indian Tribes have jointly determined that—

“(i) the provision of such health services will not result in a denial or diminution of health services to eligible Indians; and

“(ii) there is no reasonable alternative health facilities or services, within or without the Service Unit, available to meet the health needs of such individuals.

“(2) ISDEAA PROGRAMS.—In the case of health programs and facilities operated under a contract or compact entered into under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the governing body of the Indian Tribe or Tribal Organization providing health services under such contract or compact is authorized to determine whether health services should be provided under such contract to individuals who are not eligible for such health services under any other subsection of this section or under any other provision of law. In making such determinations, the governing body of the Indian Tribe or Tribal Organization shall take into account the considerations described in paragraph (1)(B).

“(3) PAYMENT FOR SERVICES.—

“(A) IN GENERAL.—Persons receiving health services provided by the Service under this subsection shall be liable for payment of such health services under a schedule of charges prescribed by the Secretary which, in the judgment of the Secretary, results in reimbursement in an amount not less than the actual cost of providing the health services. Notwithstanding section 404 of this Act or any other provision of law, amounts collected under this subsection, including Medicare, Medicaid, or SCHIP reimbursements under titles XVIII, XIX, and XXI of the Social Security Act, shall be credited to the account of the program providing the service and shall be used for the purposes listed in section 401(d)(2) and amounts collected under this subsection shall be available for expenditure within such program.

“(B) INDIGENT PEOPLE.—Health services may be provided by the Secretary through the Service under this subsection to an indigent individual who would not be otherwise eligible for such health services but for the provisions of paragraph (1) only if an agreement has been entered into with a State or local government under which the State or local government agrees to reimburse the Service for the expenses incurred by the Service in providing such health services to such indigent individual.

“(4) REVOCATION OF CONSENT FOR SERVICES.—

“(A) SINGLE TRIBE SERVICE AREA.—In the case of a Service Area which serves only 1 Indian Tribe, the authority of the Secretary to provide health services under paragraph (1) shall terminate at the end of the fiscal year succeeding the fiscal year in which the governing body of the Indian Tribe revokes its concurrence to the provision of such health services.

“(B) MULTITRIBAL SERVICE AREA.—In the case of a multitribal Service Area, the authority of the Secretary to provide health services under paragraph (1) shall terminate at the end of the fiscal year succeeding the fiscal year in which at least 51 percent of the number of Indian Tribes in the Service Area revoke their concurrence to the provisions of such health services.

“(d) OTHER SERVICES.—The Service may provide health services under this subsection to individuals who are not eligible for health services provided by the Service under any other provision of law in order to—

“(1) achieve stability in a medical emergency;

“(2) prevent the spread of a communicable disease or otherwise deal with a public health hazard;

“(3) provide care to non-Indian women pregnant with an eligible Indian's child for the duration of the pregnancy through postpartum; or

“(4) provide care to immediate family members of an eligible individual if such care is directly related to the treatment of the eligible individual.

“(e) HOSPITAL PRIVILEGES FOR PRACTITIONERS.—Hospital privileges in health facilities operated and maintained by the Service or operated under a contract or compact pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) may be extended to non-Service health care practitioners who provide services to individuals described in subsection (a), (b), (c), or (d). Such non-Service health care practitioners may, as part of the privileging process, be designated as employees of the Federal Government for purposes of section 1346(b) and chapter 171 of title 28, United States Code (relating to Federal tort claims) only with respect to acts or omissions which occur in the course of providing services to eligible individuals as a part of the conditions under which such hospital privileges are extended.

“(f) ELIGIBLE INDIAN.—For purposes of this section, the term ‘eligible Indian’ means any Indian who is eligible for health services provided by the Service without regard to the provisions of this section.

“SEC. 808. REALLOCATION OF BASE RESOURCES.

“(a) REPORT REQUIRED.—Notwithstanding any other provision of law, any allocation of Service funds for a fiscal year that reduces by 5 percent or more from the previous fiscal year the funding for any recurring program, project, or activity of a Service Unit may be implemented only after the Secretary has submitted to Congress, under section 801, a report on the proposed change in allocation of funding, including the reasons for the change and its likely effects.

"(b) EXCEPTION.—Subsection (a) shall not apply if the total amount appropriated to the Service for a fiscal year is at least 5 percent less than the amount appropriated to the Service for the previous fiscal year.

"SEC. 809. RESULTS OF DEMONSTRATION PROJECTS.

"The Secretary shall provide for the dissemination to Indian Tribes, Tribal Organizations, and Urban Indian Organizations of the findings and results of demonstration projects conducted under this Act.

"SEC. 810. PROVISION OF SERVICES IN MONTANA.

"(a) CONSISTENT WITH COURT DECISION.—The Secretary, acting through the Service, shall provide services and benefits for Indians in Montana in a manner consistent with the decision of the United States Court of Appeals for the Ninth Circuit in McNabb for McNabb v. Bowen, 829 F.2d 787 (9th Cir. 1987).

"(b) CLARIFICATION.—The provisions of subsection (a) shall not be construed to be an expression of the sense of Congress on the application of the decision described in subsection (a) with respect to the provision of services or benefits for Indians living in any State other than Montana.

"SEC. 811. TRIBAL EMPLOYMENT.

"For purposes of section 2(2) of the Act of July 5, 1935 (49 Stat. 450, chapter 372), an Indian Tribe or Tribal Organization carrying out a contract or compact pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall not be considered an 'employer'.

"SEC. 812. SEVERABILITY PROVISIONS.

"If any provision of this Act, any amendment made by the Act, or the application of such provision or amendment to any person or circumstances is held to be invalid, the remainder of this Act, the remaining amendments made by this Act, and the application of such provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

"SEC. 813. ESTABLISHMENT OF NATIONAL BIPARTISAN COMMISSION ON INDIAN HEALTH CARE.

"(a) ESTABLISHMENT.—There is established the National Bipartisan Indian Health Care Commission (the 'Commission').

"(b) DUTIES OF COMMISSION.—The duties of the Commission are the following:

"(1) To establish a study committee composed of those members of the Commission appointed by the Director and at least 4 members of Congress from among the members of the Commission, the duties of which shall be the following:

"(A) To the extent necessary to carry out its duties, collect and compile data necessary to understand the extent of Indian needs with regard to the provision of health services, regardless of the location of Indians, including holding hearings and soliciting the views of Indians, Indian Tribes, Tribal Organizations, and Urban Indian Organizations, which may include authorizing and making funds available for feasibility studies of various models for providing and funding health services for all Indian beneficiaries, including those who live outside of a reservation, temporarily or permanently.

"(B) To make legislative recommendations to the Commission regarding the delivery of Federal health care services to Indians. Such recommendations shall include those related to issues of eligibility, benefits, the range of service providers, the cost of such services, financing such services, and the optimal manner in which to provide such services.

"(C) To determine the effect of the enactment of such recommendations on (i) the existing system of delivery of health services for Indians, and (ii) the sovereign status of Indian Tribes.

"(D) Not later than 12 months after the appointment of all members of the Commission, to submit a written report of its findings and recommendations to the full Commission. The report shall include a statement of the minority and majority position of the Committee and shall be disseminated, at a minimum, to every Indian Tribe, Tribal Organization, and Urban Indian Organization for comment to the Commission.

"(E) To report regularly to the full Commission regarding the findings and recommendations developed by the study committee in the course of carrying out its duties under this section.

"(2) To review and analyze the recommendations of the report of the study committee.

"(3) To make legislative recommendations to Congress regarding the delivery of Federal health care services to Indians. Such recommendations shall include those related to issues of eligibility, benefits, the range of service providers, the cost of such services, financing such services, and the optimal manner in which to provide such services.

"(4) Not later than 18 months following the date of appointment of all members of the Commission, submit a written report to Congress regarding the delivery of Federal health care services to Indians. Such recommendations shall include those related to issues of eligibility, benefits, the range of service providers, the cost of such services, financing such services, and the optimal manner in which to provide such services.

"(c) MEMBERS.—

"(1) APPOINTMENT.—The Commission shall be composed of 25 members, appointed as follows:

"(A) Ten members of Congress, including 3 from the House of Representatives and 2 from the Senate, appointed by their respective majority leaders, and 3 from the House of Representatives and 2 from the Senate, appointed by their respective minority leaders, and who shall be members of the standing committees of Congress that consider legislation affecting health care to Indians.

"(B) Twelve persons chosen by the congressional members of the Commission, 1 from each Service Area as currently designated by the Director to be chosen from among 3 nominees from each Service Area put forward by the Indian Tribes within the area, with due regard being given to the experience and expertise of the nominees in the provision of health care to Indians and to a reasonable representation on the commission of members who are familiar with various health care delivery modes and who represent Indian Tribes of various size populations.

"(C) Three persons appointed by the Director who are knowledgeable about the provision of health care to Indians, at least 1 of whom shall be appointed from among 3 nominees put forward by those programs whose funds are provided in whole or in part by the Service primarily or exclusively for the benefit of Urban Indians.

"(D) All those persons chosen by the congressional members of the Commission and by the Director shall be members of federally recognized Indian Tribes.

"(2) CHAIR; VICE CHAIR.—The Chair and Vice Chair of the Commission shall be selected by the congressional members of the Commission.

"(3) TERMS.—The terms of members of the Commission shall be for the life of the Commission.

"(4) DEADLINE FOR APPOINTMENTS.—Congressional members of the Commission shall be appointed not later than 180 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, and the remaining members of the Commission shall be appointed not later than 60 days following the appointment of the congressional members.

"(5) VACANCY.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

"(d) COMPENSATION.—

"(1) CONGRESSIONAL MEMBERS.—Each congressional member of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission and shall receive travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

"(2) OTHER MEMBERS.—Remaining members of the Commission, while serving on the business of the Commission (including travel time), shall be entitled to receive compensation at the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code, and while so serving away from home and the member's regular place of business, a member may be allowed travel expenses, as authorized by the Chairman of the Commission. For purpose of pay (other than pay of members of the Commission) and employment benefits, rights, and privileges, all personnel of the Commission shall be treated as if they were employees of the United States Senate.

"(e) MEETINGS.—The Commission shall meet at the call of the Chair.

"(f) QUORUM.—A quorum of the Commission shall consist of not less than 15 members, provided that no less than 6 of the members of Congress who are Commission members are present and no less than 9 of the members who are Indians are present.

"(g) EXECUTIVE DIRECTOR; STAFF; FACILITIES.—

"(1) APPOINTMENT; PAY.—The Commission shall appoint an executive director of the Commission. The executive director shall be paid the rate of basic pay for level V of the Executive Schedule.

"(2) STAFF APPOINTMENT.—With the approval of the Commission, the executive director may appoint such personnel as the executive director deems appropriate.

"(3) STAFF PAY.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates).

"(4) TEMPORARY SERVICES.—With the approval of the Commission, the executive director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

"(5) FACILITIES.—The Administrator of General Services shall locate suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for the proper functioning of the Commission.

"(h) HEARINGS.—(1) For the purpose of carrying out its duties, the Commission may hold such hearings and undertake such other activities as the Commission determines to be necessary to carry out its duties, provided that at least 6 regional hearings are held in different areas of the United States in which large numbers of Indians are present. Such hearings are to be held to solicit the views of Indians regarding the delivery of health care services to them. To constitute a hearing under this subsection, at least 5 members of the Commission, including at least 1 member of Congress, must be present. Hearings held by the study committee established in this section may count toward the number of regional hearings required by this subsection.

"(2)(A) The Director of the Congressional Budget Office or the Chief Actuary of the Centers for Medicare & Medicaid Services, or both, shall provide to the Commission, upon the request of the Commission, such cost estimates as the Commission determines to be necessary to carry out its duties.

"(B) The Commission shall reimburse the Director of the Congressional Budget Office for expenses relating to the employment in the office of that Director of such additional staff as may be necessary for the Director to comply with requests by the Commission under subparagraph (A).

"(3) Upon the request of the Commission, the head of any Federal agency is authorized to detail, without reimbursement, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

"(4) Upon the request of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

"(5) The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

"(6) The Commission may secure directly from any Federal agency information necessary to enable it to carry out its duties, if the information may be disclosed under section 552 of title 4, United States Code. Upon request of the Chairman of the Commission, the head of such agency shall furnish such information to the Commission.

"(7) Upon the request of the Commission, the Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

"(8) For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of Congress.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $4,000,000 to carry out the provisions of this section, which sum shall not be deducted from or affect any other appropriation for health care for Indian persons.

"(j) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

"SEC. 814. CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS; QUALIFIED IMMUNITY FOR PARTICIPANTS.

"(a) CONFIDENTIALITY OF RECORDS.—Medical quality assurance records created by or for any Indian Health Program or a health program of an Urban Indian Organization as part of a medical quality assurance program are confidential and privileged. Such records may not be disclosed to any person or entity, except as provided in subsection (c).

"(b) PROHIBITION ON DISCLOSURE AND TESTIMONY.—

"(1) IN GENERAL.—No part of any medical quality assurance record described in subsection (a) may be subject to discovery or admitted into evidence in any judicial or administrative proceeding, except as provided in subsection (c).

"(2) TESTIMONY.—A person who reviews or creates medical quality assurance records for any Indian Health Program or Urban Indian Organization who participates in any proceeding that reviews or creates such records may not be permitted or required to testify in any judicial or administrative proceeding with respect to such records or with respect to any finding, recommendation, evaluation, opinion, or action taken by such person or body in connection with such records except as provided in this section.

"(c) AUTHORIZED DISCLOSURE AND TESTIMONY.—

"(1) IN GENERAL.—Subject to paragraph (2), a medical quality assurance record described in subsection (a) may be disclosed, and a person referred to in subsection (b) may give testimony in connection with such a record, only as follows:

"(A) To a Federal executive agency or private organization, if such medical quality assurance record or testimony is needed by such agency or organization to perform licensing or accreditation functions related to any Indian Health Program or to a health program of an Urban Indian Organization to perform monitoring, required by law, of such program or organization.

"(B) To an administrative or judicial proceeding commenced by a present or former Indian Health Program or Urban Indian Organization provider concerning the termination, suspension, or limitation of clinical privileges of such health care provider.

"(C) To a governmental board or agency or to a professional health care society or organization, if such medical quality assurance record or testimony is needed by such board, agency, society, or organization to perform licensing, credentialing, or the monitoring of professional standards with respect to any health care provider who is or was an employee of any Indian Health Program or Urban Indian Organization.

"(D) To a hospital, medical center, or other institution that provides health care services, if such medical quality assurance record or testimony is needed by such institution to assess the professional qualifications of any health care provider who is or was an employee of any Indian Health Program or Urban Indian Organization and who has applied for or been granted authority or employment to provide health care services in or on behalf of such program or organization.

"(E) To an officer, employee, or contractor of the Indian Health Program or Urban Indian Organization that created the records or for which the records were created. If that officer, employee, or contractor has a need for such record or testimony to perform official duties.

"(F) To a criminal or civil law enforcement agency or instrumentality charged under applicable law with the protection of the public health or safety, if a qualified representative of such agency or instrumentality makes a written request that such record or testimony be provided for a purpose authorized by law.

"(G) In an administrative or judicial proceeding commenced by a criminal or civil law enforcement agency or instrumentality referred to in subparagraph (F), but only with respect to the subject of such proceeding.

"(2) IDENTITY OF PARTICIPANTS.—With the exception of the subject of a quality assurance action, the identity of any person receiving health care services from any Indian Health Program or Urban Indian Organization or the identity of any other person associated with such program or organization for purposes of a medical quality assurance program that is disclosed in a medical quality assurance record described in subsection (a) shall be deleted from that record or document before any disclosure of such record is made outside such program or organization.

"(d) DISCLOSURE FOR CERTAIN PURPOSES.—

"(1) IN GENERAL.—Nothing in this section shall be construed as authorizing or requiring the withholding from any person or entity aggregate statistical information regarding the results of any Indian Health Program's or Urban Indian Organization's medical quality assurance programs.

"(2) WITHHOLDING FROM CONGRESS.—Nothing in this section shall be construed as authority to withhold any medical quality assurance record from a committee of either House of Congress, any joint committee of Congress, or the Government Accountability Office if such record pertains to any matter within their respective jurisdictions.

"(e) PROHIBITION ON DISCLOSURE OF RECORD OR TESTIMONY.—A person or entity having possession of or access to a record or testimony described by this section may not disclose the contents of such record or testimony in any manner or for any purpose except as provided in this section.

"(f) EXEMPTION FROM FREEDOM OF INFORMATION ACT.—Medical quality assurance records described in subsection (a) may not be made available to any person under section 552 of title 5.

"(g) LIMITATION ON CIVIL LIABILITY.—A person who participates in or provides information to a person or body that reviews or creates medical quality assurance records described in subsection (a) shall not be civilly liable for such participation or for providing such information if the participation or provision of information was in good faith based on prevailing professional standards at the time the medical quality assurance program activity took place.

"(h) APPLICATION TO INFORMATION IN CERTAIN OTHER RECORDS.—Nothing in this section shall be construed as limiting access to the information in a record created and maintained outside a medical quality assurance program, including a patient's medical records, on the grounds that the information was presented during meetings of a review body that are part of a medical quality assurance program.

"(i) REGULATIONS.—The Secretary, acting through the Service, is authorized to promulgate regulations pursuant to section 802.

"(j) DEFINITIONS.—In this section:

"(1) The term 'health care provider' means any health care professional, including community health aides and practitioners certified under section 121, who are granted clinical practice privileges or employed to provide health care services in an Indian Health Program or health program of an Urban Indian Organization, who is licensed or certified to perform health care services by a governmental board or agency or professional health care society or organization.

"(2) The term 'medical quality assurance program' means any activity carried out before, on, or after the date of enactment of this Act by or for any Indian Health Program or Urban Indian Organization to assess the quality of medical care, including activities conducted by or on behalf of individuals, Indian Health Program or Urban Indian Organization medical or dental treatment review committees, or other review bodies responsible for review of adverse incidents, claims, quality assurance, credentials, infection control, patient safety, patient care assessment (including treatment procedures, blood, drugs, and therapeutics), medical records, health resources management review and identification and prevention of medical or dental incidents and risks.

"(3) The term 'medical quality assurance record' means the proceedings, records, minutes, and reports that emanate from quality assurance program activities described in paragraph (2) and are produced or compiled by or for an Indian Health Program or Urban Indian Organization as part of a medical quality assurance program.

"(k) RELATIONSHIP TO OTHER LAW.—This section shall continue in force and effect, except as otherwise specifically provided in any Federal law enacted after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008.

"SEC. 815. APPROPRIATIONS; AVAILABILITY.

"Any new spending authority (described in subparagraph (A) or (B) of section 401(c)(2) of the Congressional Budget Act of 1974 (Public Law 93-344; 88 Stat. 317)) which is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

"SEC. 816. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2017 to carry out this title.".

SEC. 102. SOBOBA SANITATION FACILITIES.

The Act of December 17, 1970 (84 Stat. 1465), is amended by adding at the end the following:

"SEC. 9. Nothing in this Act shall preclude the Soboba Band of Mission Indians and the Soboba Indian Reservation from being provided with sanitation facilities and services under the authority of section 7 of the Act of August 5, 1954 (68 Stat. 674), as amended by the Act of July 31, 1959 (73 Stat. 267).".

SEC. 103. NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.

(a) IN GENERAL.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding at the end the following:

"TITLE VIII—NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION

"SEC. 801. DEFINITIONS.

"In this title:

"(1) BOARD.—The term 'Board' means the Board of Directors of the Foundation.

"(2) COMMITTEE.—The term 'Committee' means the Committee for the Establishment of Native American Health and Wellness Foundation established under section 802(f).

"(3) FOUNDATION.—The term 'Foundation' means the Native American Health and Wellness Foundation established under section 802.

"(4) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"(5) SERVICE.—The term 'Service' means the Indian Health Service of the Department of Health and Human Services.

"SEC. 802. NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—As soon as practicable after the date of enactment of this title, the Secretary shall establish, under the laws of the District of Columbia and in accordance with this title, the Native American Health and Wellness Foundation.

"(2) FUNDING DETERMINATIONS.—No funds, gift, property, or other item of value (including any interest accrued on such an item) acquired by the Foundation shall—

"(A) be taken into consideration for purposes of determining Federal appropriations relating to the provision of health care and services to Indians; or

"(B) otherwise limit, diminish, or affect the Federal responsibility for the provision of health care and services to Indians.

"(b) PERPETUAL EXISTENCE.—The Foundation shall have perpetual existence.

"(c) NATURE OF CORPORATION.—The Foundation—

"(1) shall be a charitable and nonprofit federally chartered corporation; and

"(2) shall not be an agency or instrumentality of the United States.

"(d) PLACE OF INCORPORATION AND DOMICILE.—The Foundation shall be incorporated and domiciled in the District of Columbia.

"(e) DUTIES.—The Foundation shall—

"(1) encourage, accept, and administer private gifts of real and personal property, and any income from or interest in such gifts, for the benefit of, or in support of, the mission of the Service;

"(2) undertake and conduct such other activities as will further the health and wellness activities and opportunities of Native Americans; and

"(3) participate with and assist Federal, State, and tribal governments, agencies, entities, and individuals in undertaking and conducting activities that will further the health and wellness activities and opportunities of Native Americans.

"(f) COMMITTEE FOR THE ESTABLISHMENT OF NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.—

"(1) IN GENERAL.—The Secretary shall establish the Committee for the Establishment of Native American Health and Wellness Foundation to assist the Secretary in establishing the Foundation.

"(2) DUTIES.—Not later than 180 days after the date of enactment of this section, the Committee shall—

"(A) carry out such activities as are necessary to incorporate the Foundation under the laws of the District of Columbia, including acting as incorporators of the Foundation;

"(B) ensure that the Foundation qualifies for and maintains the status required to carry out this section, until the Board is established;

"(C) establish the constitution and initial bylaws of the Foundation;

"(D) provide for the initial operation of the Foundation, including providing for temporary or interim quarters, equipment, and staff; and

"(E) appoint the initial members of the Board in accordance with the constitution and initial bylaws of the Foundation.

"(g) BOARD OF DIRECTORS.—

"(1) IN GENERAL.—The Board of Directors shall be the governing body of the Foundation.

"(2) POWERS.—The Board may exercise, or provide for the exercise of, the powers of the Foundation.

"(3) SELECTION.—

"(A) IN GENERAL.—Subject to subparagraph (B), the number of members of the Board, the manner of selection of the members (including the filling of vacancies), and the terms of office of the members shall be as provided in the constitution and bylaws of the Foundation.

"(B) REQUIREMENTS.—

"(i) NUMBER OF MEMBERS.—The Board shall have at least 11 members, who shall have staggered terms.

"(ii) INITIAL VOTING MEMBERS.—The initial voting members of the Board—

"(I) shall be appointed by the Committee not later than 180 days after the date on which the Foundation is established; and

"(II) shall have staggered terms.

"(iii) QUALIFICATION.—The members of the Board shall be United States citizens who are knowledgeable or experienced in Native American health care and related matters.

"(C) COMPENSATION.—A member of the Board shall not receive compensation for service as a member, but shall be reimbursed for actual and necessary travel and subsistence expenses incurred in the performance of the duties of the Foundation.

"(h) OFFICERS.—

"(1) IN GENERAL.—The officers of the Foundation shall be—

"(A) a secretary, elected from among the members of the Board; and

"(B) any other officers provided for in the constitution and bylaws of the Foundation.

"(2) CHIEF OPERATING OFFICER.—The secretary of the Foundation may serve, at the direction of the Board, as the chief operating officer of the Foundation, or the Board may appoint a chief operating officer, who shall serve at the direction of the Board.

"(3) ELECTION.—The manner of election, term of office, and duties of the officers of the Foundation shall be as provided in the constitution and bylaws of the Foundation.

"(i) POWERS.—The Foundation—

"(1) shall adopt a constitution and bylaws for the management of the property of the Foundation and the regulation of the affairs of the Foundation;

"(2) may adopt and alter a corporate seal;

"(3) may enter into contracts;

"(4) may acquire (through a gift or otherwise), own, lease, encumber, and transfer real or personal property as necessary or convenient to carry out the purposes of the Foundation;

"(5) may sue and be sued; and

"(6) may perform any other act necessary and proper to carry out the purposes of the Foundation.

"(j) PRINCIPAL OFFICE.—

"(1) IN GENERAL.—The principal office of the Foundation shall be in the District of Columbia.

"(2) ACTIVITIES; OFFICES.—The activities of the Foundation may be conducted, and offices may be maintained, throughout the United States in accordance with the constitution and bylaws of the Foundation.

"(k) SERVICE OF PROCESS.—The Foundation shall comply with the law on service of process of each State in which the Foundation is incorporated and of each State in which the Foundation carries on activities.

"(l) LIABILITY OF OFFICERS, EMPLOYEES, AND AGENTS.—

"(1) IN GENERAL.—The Foundation shall be liable for the acts of the officers, employees, and agents of the Foundation acting within the scope of their authority.

"(2) PERSONAL LIABILITY.—A member of the Board shall be personally liable only for gross negligence in the performance of the duties of the member.

"(m) RESTRICTIONS.—

"(1) LIMITATION ON SPENDING.—Beginning with the fiscal year following the first full fiscal year during which the Foundation is in operation, the administrative costs of the Foundation shall not exceed the percentage described in paragraph (2) of the sum of—

"(A) the amounts transferred to the Foundation under subsection (o) during the preceding fiscal year; and

"(B) donations received from private sources during the preceding fiscal year.

"(2) PERCENTAGES.—The percentages referred to in paragraph (1) are—

"(A) for the first fiscal year described in that paragraph, 20 percent;

"(B) for the following fiscal year, 15 percent; and

"(C) for each fiscal year thereafter, 10 percent.

"(3) APPOINTMENT AND HIRING.—The appointment of officers and employees of the Foundation shall be subject to the availability of funds.

"(4) STATUS.—A member of the Board or officer, employee, or agent of the Foundation shall not by reason of association with the Foundation be considered to be an officer, employee, or agent of the United States.

"(n) AUDITS.—The Foundation shall comply with section 10101 of title 36, United States Code, as if the Foundation were a corporation under part B of subtitle II of that title.

"(o) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (e)(1) $500,000 for each fiscal year, as adjusted to reflect changes in the Consumer Price Index for all-urban consumers published by the Department of Labor.

"(2) TRANSFER OF DONATED FUNDS.—The Secretary shall transfer to the Foundation funds held by the Department of Health and Human Services under the Act of August 5, 1954 (42 U.S.C. 2001 et seq.), if the transfer or use of the funds is not prohibited by any term under which the funds were donated.

"SEC. 803. ADMINISTRATIVE SERVICES AND SUPPORT.

"(a) PROVISION OF SUPPORT BY SECRETARY.—Subject to subsection (b), during the 5-year period beginning on the date on which the Foundation is established, the Secretary—

"(1) may provide personnel, facilities, and other administrative support services to the Foundation;

"(2) may provide funds for initial operating costs and to reimburse the travel expenses of the members of the Board; and

"(3) shall require and accept reimbursements from the Foundation for—

"(A) services provided under paragraph (1); and

"(B) funds provided under paragraph (2).

"(b) REIMBURSEMENT.—Reimbursements accepted under subsection (a)(3)—

"(1) shall be deposited in the Treasury of the United States to the credit of the applicable appropriations account; and

"(2) shall be chargeable for the cost of providing services described in subsection (a)(1) and travel expenses described in subsection (a)(2).

"(c) CONTINUATION OF CERTAIN SERVICES.—The Secretary may continue to provide facilities and necessary support services to the Foundation after the termination of the 5-year period specified in subsection (a) if the facilities and services—

"(1) are available; and

"(2) are provided on reimbursable cost basis.".

(b) TECHNICAL AMENDMENTS.—The Indian Self-Determination and Education Assistance Act is amended—

(1) by redesignating title V (25 U.S.C. 458bbb et seq.) as title VII;

(2) by redesignating sections 501, 502, and 503 (25 U.S.C. 458bbb, 458bbb–1, 458bbb–2) as sections 701, 702, and 703, respectively; and

(3) in subsection (a)(2) of section 702 and paragraph (2) of section 703 (as redesignated by paragraph (2)), by striking "section 501" and inserting "section 701".

TITLE II—IMPROVEMENT OF INDIAN HEALTH CARE PROVIDED UNDER THE SOCIAL SECURITY ACT

SEC. 201. EXPANSION OF PAYMENTS UNDER MEDICARE, MEDICAID, AND SCHIP FOR ALL COVERED SERVICES FURNISHED BY INDIAN HEALTH PROGRAMS.

(a) MEDICAID.—

(1) EXPANSION TO ALL COVERED SERVICES.—Section 1911 of the Social Security Act (42 U.S.C. 1396j) is amended—

(A) by amending the heading to read as follows:

"SEC. 1911. INDIAN HEALTH PROGRAMS.";

and

(B) by amending subsection (a) to read as follows:

"(a) ELIGIBILITY FOR PAYMENT FOR MEDICAL ASSISTANCE.—The Indian Health Service and an Indian Tribe, Tribal Organization, or an Urban Indian Organization shall be eligible for payment for medical assistance provided under a State plan or under waiver authority with respect to items and services furnished by the Indian Health Service, Indian Tribe, Tribal Organization, or Urban Indian Organization if the furnishing of such services meets all the conditions and requirements which are applicable generally to the furnishing of items and services under this title and under such plan or waiver authority.".

(2) COMPLIANCE WITH CONDITIONS AND REQUIREMENTS.—Subsection (b) of such section is amended to read as follows:

"(b) COMPLIANCE WITH CONDITIONS AND REQUIREMENTS.—A facility of the Indian Health Service or an Indian Tribe, Tribal Organization, or an Urban Indian Organization which is eligible for payment under subsection (a) with respect to the furnishing of items and services, but which does not meet all of the conditions and requirements of this title and under a State plan or waiver authority which are applicable generally to such facility, shall make such improvements as are necessary to achieve or maintain compliance with such conditions and requirements in accordance with a plan submitted to and accepted by the Secretary for achieving or maintaining compliance with such conditions and requirements, and shall be deemed to meet such conditions and requirements (and to be eligible for payment under this title), without regard to the extent of its actual compliance with such conditions and requirements, during the first 12 months after the month in which such plan is submitted.".

(3) REVISION OF AUTHORITY TO ENTER INTO AGREEMENTS.—Subsection (c) of such section is amended to read as follows:

"(c) AUTHORITY TO ENTER INTO AGREEMENTS.—The Secretary may enter into an agreement with a State for the purpose of reimbursing the State for medical assistance provided by the Indian Health Service, an Indian Tribe, Tribal Organization, or an Urban Indian Organization (as so defined), directly, through referral, or under contracts or other arrangements between the Indian Health Service, an Indian Tribe, Tribal Organization, or an Urban Indian Organization and another health care provider to Indians who are eligible for medical assistance under the State plan or under waiver authority.".

(4) CROSS-REFERENCES TO SPECIAL FUND FOR IMPROVEMENT OF IHS FACILITIES; DIRECT BILLING OPTION; DEFINITIONS.—Such section is further amended by striking subsection (d) and adding at the end the following new subsections:

"(d) SPECIAL FUND FOR IMPROVEMENT OF IHS FACILITIES.—For provisions relating to the authority of the Secretary to place payments to which a facility of the Indian Health Service is eligible for payment under this title into a special fund established under section 401(c)(1) of the Indian Health Care Improvement Act, and the requirement to use amounts paid from such fund for making improvements in accordance with subsection (b), see subparagraphs (A) and (B) of section 401(c)(1) of such Act.

"(e) DIRECT BILLING.—For provisions relating to the authority of a Tribal Health Program or an Urban Indian Organization to elect to directly bill for, and receive payment for, health care items and services provided by such Program or Organization for which payment is made under this title, see section 401(d) of the Indian Health Care Improvement Act.

"(f) DEFINITIONS.—In this section, the terms 'Indian Health Program', 'Indian Tribe','Tribal Health Program', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.".

(b) MEDICARE.—

(1) EXPANSION TO ALL COVERED SERVICES.—Section 1880 of such Act (42 U.S.C. 1395qq) is amended—

(A) by amending the heading to read as follows:

"SEC. 1880. INDIAN HEALTH PROGRAMS.";

and

(B) by amending subsection (a) to read as follows:

"(a) ELIGIBILITY FOR PAYMENTS.—Subject to subsection (e), the Indian Health Service and an Indian Tribe, Tribal Organization, or an Urban Indian Organization shall be eligible for payments under this title with respect to items and services furnished by the Indian Health Service, Indian Tribe, Tribal Organization, or Urban Indian Organization if the furnishing of such services meets all the conditions and requirements which are applicable generally to the furnishing of items and services under this title.".

(2) COMPLIANCE WITH CONDITIONS AND REQUIREMENTS.—Subsection (b) of such section is amended to read as follows:

"(b) COMPLIANCE WITH CONDITIONS AND REQUIREMENTS.—Subject to subsection (e), a facility of the Indian Health Service or an Indian Tribe, Tribal Organization, or an Urban Indian Organization which is eligible for payment under subsection (a) with respect to the furnishing of items and services, but which does not meet all of the conditions and requirements of this title which are applicable generally to such facility, shall make such improvements as are necessary to achieve or maintain compliance with such conditions and requirements in accordance with a plan submitted to and accepted by the Secretary for achieving or maintaining compliance with such conditions and requirements, and shall be deemed to meet such conditions and requirements (and to be eligible for payment under this title), without regard to the extent of its actual compliance with such conditions and requirements, during the first 12 months after the month in which such plan is submitted.".

(3) CROSS-REFERENCES TO SPECIAL FUND FOR IMPROVEMENT OF IHS FACILITIES; DIRECT BILLING OPTION; DEFINITIONS.—

(A) IN GENERAL.—Such section is further amended by striking subsections (c) and (d) and inserting the following new subsections:

"(c) SPECIAL FUND FOR IMPROVEMENT OF IHS FACILITIES.—For provisions relating to the authority of the Secretary to place payments to which a facility of the Indian Health Service is eligible for payment under this title into a special fund established under section 401(c)(1) of the Indian Health Care Improvement Act, and the requirement to use amounts paid from such fund for making improvements in accordance with subsection (b), see subparagraphs (A) and (B) of section 401(c)(1) of such Act.

"(d) DIRECT BILLING.—For provisions relating to the authority of a Tribal Health Program or an Urban Indian Organization to elect to directly bill for, and receive payment for, health care items and services provided by such Program or Organization for which payment is made under this title, see section 401(d) of the Indian Health Care Improvement Act.".

(B) CONFORMING AMENDMENT.—Paragraph (3) of section 1880(e) of such Act (42 U.S.C. 1395qq(e)) is amended by inserting "and section 401(c)(1) of the Indian Health Care Improvement Act" after "Subsection (c)".

(4) DEFINITIONS.—Such section is further amended by amending subsection (f) to read as follows:

"(f) DEFINITIONS.—In this section, the terms 'Indian Health Program', 'Indian Tribe', 'Service Unit', 'Tribal Health Program', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.".

(c) APPLICATION TO SCHIP.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C), the following new subparagraph:

"(D) Section 1911 (relating to Indian Health Programs, other than subsection (d) of such section).".

SEC. 202. INCREASED OUTREACH TO INDIANS UNDER MEDICAID AND SCHIP AND IMPROVED COOPERATION IN THE PROVISION OF ITEMS AND SERVICES TO INDIANS UNDER SOCIAL SECURITY ACT HEALTH BENEFIT PROGRAMS.

Section 1139 of the Social Security Act (42 U.S.C. 1320b–9) is amended to read as follows:

"SEC. 1139. IMPROVED ACCESS TO, AND DELIVERY OF, HEALTH CARE FOR INDIANS UNDER TITLES XVIII, XIX, AND XXI.

"(a) AGREEMENTS WITH STATES FOR MEDICAID AND SCHIP OUTREACH ON OR NEAR RESERVATIONS TO INCREASE THE ENROLLMENT OF INDIANS IN THOSE PROGRAMS.—

"(1) IN GENERAL.—In order to improve the access of Indians residing on or near a reservation to obtain benefits under the Medicaid and State children's health insurance programs established under titles XIX and XXI, the Secretary shall encourage the State to take steps to provide for enrollment on or near the reservation. Such steps may include outreach efforts such as the outstationing of eligibility workers, entering into agreements with the Indian Health Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations to provide outreach, education regarding eligibility and benefits, enrollment, and translation services when such services are appropriate.

"(2) CONSTRUCTION.—Nothing in subparagraph (A) shall be construed as affecting arrangements entered into between States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations for such Service, Tribes, or Organizations to conduct administrative activities under such titles.

"(b) REQUIREMENT TO FACILITATE COOPERATION.—The Secretary, acting through the Centers for Medicare & Medicaid Services, shall take such steps as are necessary to facilitate cooperation with, and agreements between, States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations with respect to the provision of health care items and services to Indians under the programs established under title XVIII, XIX, or XXI.

"(c) DEFINITION OF INDIAN; INDIAN TRIBE; INDIAN HEALTH PROGRAM; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—In this section, the terms 'Indian', 'Indian Tribe', 'Indian Health Program', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.".

SEC. 203. ADDITIONAL PROVISIONS TO INCREASE OUTREACH TO, AND ENROLLMENT OF, INDIANS IN SCHIP AND MEDICAID.

(a) NONAPPLICATION OF 10 PERCENT LIMIT ON OUTREACH AND CERTAIN OTHER EXPENDITURES.—Section 2105(c)(2) of the Social Security Act (42 U.S.C. 1397ee(c)(2)) is amended by adding at the end the following new subparagraph:

"(C) NONAPPLICATION TO EXPENDITURES FOR OUTREACH TO INCREASE THE ENROLLMENT OF INDIAN CHILDREN UNDER THIS TITLE AND TITLE XIX.—The limitation under subparagraph (A) on expenditures for items described in subsection (a)(1)(D) shall not apply in the case of expenditures for outreach activities to families of Indian children likely to be eligible for child health assistance under the plan or medical assistance under the State plan under title XIX (or under a waiver of such plan), to inform such families of the availability of, and to assist them in enrolling their children in, such plans, including such activities conducted under grants, contracts, or agreements entered into under section 1139(a).".

(b) ASSURANCE OF PAYMENTS TO INDIAN HEALTH CARE PROVIDERS FOR CHILD HEALTH ASSISTANCE.—Section 2102(b)(3)(D) of such Act (42 U.S.C. 1397bb(b)(3)(D)) is amended by striking "(as defined in section 4(c) of the Indian Health Care Improvement Act, 25 U.S.C. 1603(c))" and inserting ", including how the State will ensure that payments are made to Indian Health Programs and Urban Indian Organizations operating in the State for the provision of such assistance".

(c) INCLUSION OF OTHER INDIAN FINANCED HEALTH CARE PROGRAMS IN EXEMPTION FROM PROHIBITION ON CERTAIN PAYMENTS.—Section 2105(c)(6)(B) of such Act (42 U.S.C. 1397ee(c)(6)(B)) is amended by striking "insurance program, other than an insurance program operated or financed by the Indian Health Service" and inserting "program, other than a health care program operated or financed by the Indian Health Service or by an Indian Tribe, Tribal Organization, or Urban Indian Organization".

(d) SATISFACTION OF MEDICAID DOCUMENTATION REQUIREMENTS.—

(1) IN GENERAL.—Section 1903(x)(3)(B) of the Social Security Act (42 U.S.C. 1396b(x)(3)(B)) is amended—

(A) by redesignating clause (v) as clause (vi); and

(B) by inserting after clause (iv), the following new clause:

"(v)(I) Except as provided in subclause (II), a document issued by a federally-recognized Indian tribe evidencing membership or enrollment in, or affiliation with, such tribe (such as a tribal enrollment card or certificate of degree of Indian blood).

"(II) With respect to those federally-recognized Indian tribes located within States having an international border whose membership includes individuals who are not citizens of the United States, the Secretary shall, after consulting with such tribes, issue regulations authorizing the presentation of such other forms of documentation (including tribal documentation, if appropriate) that the Secretary determines to be satisfactory documentary evidence of citizenship or nationality for purposes of satisfying the requirement of this subsection.".

(2) TRANSITION RULE.—During the period that begins on July 1, 2006, and ends on the effective date of final regulations issued under subclause (II) of section 1903(x)(3)(B)(v) of the Social Security Act (42 U.S.C. 1396b(x)(3)(B)(v)) (as added by paragraph (1)), an individual who is a member of a federally-recognized Indian tribe described in subclause (II) of that section who presents a document described in subclause (I) of such section that is issued by such Indian tribe, shall be deemed to have presented satisfactory evidence of citizenship or nationality for purposes of satisfying the requirement of subsection (x) of section 1903 of such Act.

(e) DEFINITIONS.—Section 2110(c) of such Act (42 U.S.C. 1397jj(c)) is amended by adding at the end the following new paragraph:

"(9) INDIAN; INDIAN HEALTH PROGRAM; INDIAN TRIBE; ETC.—The terms 'Indian', 'Indian Health Program', 'Indian Tribe', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.".

(f) EFFECTIVE DATE.—This section and the amendments made by this section take effect on October 1, 2009.

SEC. 204. PREMIUMS AND COST SHARING PROTECTIONS UNDER MEDICAID, ELIGIBILITY DETERMINATIONS UNDER MEDICAID AND SCHIP, AND PROTECTION OF CERTAIN INDIAN PROPERTY FROM MEDICAID ESTATE RECOVERY.

(a) PREMIUMS AND COST SHARING PROTECTION UNDER MEDICAID.—

(1) IN GENERAL.—Section 1916 of the Social Security Act (42 U.S.C. 1396o) is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking "and (i)" and inserting ", (i), and (j)"; and

(B) by adding at the end the following new subsection:

"(j) NO PREMIUMS OR COST SHARING FOR INDIANS FURNISHED ITEMS OR SERVICES DIRECTLY BY INDIAN HEALTH PROGRAMS OR THROUGH REFERRAL UNDER THE CONTRACT HEALTH SERVICE.—

"(1) NO COST SHARING FOR ITEMS OR SERVICES FURNISHED TO INDIANS THROUGH INDIAN HEALTH PROGRAMS.—

"(A) IN GENERAL.—No enrollment fee, premium, or similar charge, and no deduction, copayment, cost sharing, or similar charge shall be imposed against an Indian who is furnished an item or service directly by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization or through referral under the contract health service for which payment may be made under this title.

"(B) NO REDUCTION IN AMOUNT OF PAYMENT TO INDIAN HEALTH PROVIDERS.—Payment due under this title to the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization, or a health care provider through referral under the contract health service for the furnishing of an item or service to an Indian who is eligible for assistance under such title, may not be reduced by the amount of any enrollment fee, premium, or similar charge, or any deduction, copayment, cost sharing, or similar charge that would be due from the Indian but for the operation of subparagraph (A).

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as restricting the application of any other limitations on the imposition of premiums or cost sharing that may apply to an individual receiving medical assistance under this title who is an Indian.

"(3) DEFINITIONS.—In this subsection, the terms 'contract health service', 'Indian', 'Indian Tribe', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.".

(2) CONFORMING AMENDMENT.—Section 1916A (a)(1) of such Act (42 U.S.C. 1396o–1(a)(1)) is amended by striking "section 1916(g)" and inserting "subsections (g), (i), or (j) of section 1916".

(3) EFFECTIVE DATE.—The amendments made by this subsection take effect on October 1, 2009.

(b) TREATMENT OF CERTAIN PROPERTY FOR MEDICAID AND SCHIP ELIGIBILITY.—

(1) MEDICAID.—Section 1902(e) of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following new paragraph:

"(13) Notwithstanding any other requirement of this title or any other provision of Federal or State law, a State shall disregard the following property for purposes of determining the eligibility of an individual who is an Indian (as defined in section 4 of the Indian Health Care Improvement Act) for medical assistance under this title:

"(A) Property, including real property and improvements, that is held in trust, subject to Federal restrictions, or otherwise under the supervision of the Secretary of the Interior, located on a reservation, including any federally recognized Indian Tribe's reservation, pueblo, or colony, including former reservations in Oklahoma, Alaska Native regions established by the Alaska Native Claims Settlement Act, and Indian allotments on or near a reservation as designated and approved by the Bureau of Indian Affairs of the Department of the Interior.

"(B) For any federally recognized Tribe not described in subparagraph (A), property located within the most recent boundaries of a prior Federal reservation.

"(C) Ownership interests in rents, leases, royalties, or usage rights related to natural resources (including extraction of natural resources or harvesting of timber, other plants and plant products, animals, fish, and shellfish) resulting from the exercise of federally protected rights.

"(D) Ownership interests in or usage rights to items not covered by subparagraphs (A) through (C) that have unique religious, spiritual, traditional, or cultural significance or rights that support subsistence or a traditional lifestyle according to applicable tribal law or custom.".

(2) APPLICATION TO SCHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)) is amended—

(A) by redesignating subparagraphs (B) through (E), as subparagraphs (C) through (F), respectively; and

(B) by inserting after subparagraph (A), the following new subparagraph:

"(B) Section 1902(e)(13) (relating to disregard of certain property for purposes of making eligibility determinations).".

(c) CONTINUATION OF CURRENT LAW PROTECTIONS OF CERTAIN INDIAN PROPERTY FROM MEDICAID ESTATE RECOVERY.—Section 1917(b)(3) of the Social Security Act (42 U.S.C. 1396p(b)(3)) is amended—

(1) by inserting "(A)" after "(3)"; and

(2) by adding at the end the following new subparagraph:

"(B) The standards specified by the Secretary under subparagraph (A) shall require that the procedures established by the State agency under subparagraph (A) exempt income, resources, and property that are exempt from the application of this subsection as of April 1, 2003, under manual instructions issued to carry out this subsection (as in effect on such date) because of the Federal responsibility for Indian Tribes and Alaska Native Villages. Nothing in this subparagraph shall be construed as preventing the Secretary from providing additional estate recovery exemptions under this title for Indians.".

SEC. 205. NONDISCRIMINATION IN QUALIFICATIONS FOR PAYMENT FOR SERVICES UNDER FEDERAL HEALTH CARE PROGRAMS.

Section 1139 of the Social Security Act (42 U.S.C. 1320b–9), as amended by section 202, is amended by redesignating subsection (c) as subsection (d), and inserting after subsection (b) the following new subsection:

"(c) NONDISCRIMINATION IN QUALIFICATIONS FOR PAYMENT FOR SERVICES UNDER FEDERAL HEALTH CARE PROGRAMS.—

"(1) REQUIREMENT TO SATISFY GENERALLY APPLICABLE PARTICIPATION REQUIREMENTS.—

"(A) IN GENERAL.—A Federal health care program must accept an entity that is operated by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization as a provider eligible to receive payment under the program for health care services furnished to an Indian on the same basis as any other provider qualified to participate as a provider of health care services under the program if the entity meets generally applicable State or other requirements for participation as a provider of health care services under the program.

"(B) SATISFACTION OF STATE OR LOCAL LICENSURE OR RECOGNITION REQUIREMENTS.—Any requirement for participation as a provider of health care services under a Federal health care program that an entity be licensed or recognized under the State or local law where the entity is located to furnish health care services shall be deemed to have been met in the case of an entity operated by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization if the entity meets all the applicable standards for such licensure or recognition, regardless of whether the entity obtains a license or other documentation under such State or local law. In accordance with section 221 of the Indian Health Care Improvement Act, the absence of the licensure of a health care professional employed by such an entity under the State or local law where the entity is located shall not be taken into account for purposes of determining whether the entity meets such standards, if the professional is licensed in another State.

"(2) PROHIBITION ON FEDERAL PAYMENTS TO ENTITIES OR INDIVIDUALS EXCLUDED FROM PARTICIPATION IN FEDERAL HEALTH CARE PROGRAMS OR WHOSE STATE LICENSES ARE UNDER SUSPENSION OR HAVE BEEN REVOKED.—

"(A) EXCLUDED ENTITIES.—No entity operated by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization that has been excluded from participation in any Federal health care program or for which a license is under suspension or has been revoked by the State where the entity is located shall be eligible to receive payment under any such program for health care services furnished to an Indian.

"(B) EXCLUDED INDIVIDUALS.—No individual who has been excluded from participation in any Federal health care program or whose State license is under suspension or has been revoked shall be eligible to receive payment under any such program for health care services furnished by that individual, directly or through an entity that is otherwise eligible to receive payment for health care services, to an Indian.

"(C) FEDERAL HEALTH CARE PROGRAM DEFINED.—In this subsection, the term, 'Federal health care program' has the meaning given that term in section 1128B(f), except that, for purposes of this subsection, such term shall include the health insurance program under chapter 89 of title 5, United States Code.".

SEC. 206. CONSULTATION ON MEDICAID, SCHIP, AND OTHER HEALTH CARE PROGRAMS FUNDED UNDER THE SOCIAL SECURITY ACT INVOLVING INDIAN HEALTH PROGRAMS AND URBAN INDIAN ORGANIZATIONS.

(a) IN GENERAL.—Section 1139 of the Social Security Act (42 U.S.C. 1320b–9), as amended by sections 202 and 205, is amended by redesignating subsection (d) as subsection (e), and inserting after subsection (c) the following new subsection:

"(d) CONSULTATION WITH TRIBAL TECHNICAL ADVISORY GROUP (TTAG).—The Secretary shall maintain within the Centers for Medicaid & Medicare Services (CMS) a Tribal Technical Advisory Group, established in accordance with requirements of the charter dated September 30, 2003, and in such group shall include a representative of the Urban Indian Organizations and the Service. The representative of the Urban Indian Organization shall be deemed to be an elected officer of a tribal government for purposes of applying section 204(b) of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1534(b)).".

(b) SOLICITATION OF ADVICE UNDER MEDICAID AND SCHIP.—

(1) MEDICAID STATE PLAN AMENDMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (69), by striking "and" at the end;

(B) in paragraph (70)(B)(iv), by striking the period at the end and inserting "; and"; and

(C) by inserting after paragraph (70)(B)(iv), the following new paragraph:

"(71) in the case of any State in which the Indian Health Service operates or funds health care programs, or in which 1 or more Indian Health Programs or Urban Indian Organizations (as such terms are defined in section 4 of the Indian Health Care Improvement Act) provide health care in the State for which medical assistance is available under such title, provide for a process under which the State seeks advice on a regular, ongoing basis from designees of such Indian Health Programs and Urban Indian Organizations on matters relating to the application of this title that are likely to have a direct effect on such Indian Health Programs and Urban Indian Organizations and that—

"(A) shall include solicitation of advice prior to submission of any plan amendments, waiver requests, and proposals for demonstration projects likely to have a direct effect on Indians, Indian Health Programs, or Urban Indian Organizations; and

"(B) may include appointment of an advisory committee and of a designee of such Indian Health Programs and Urban Indian Organizations to the medical care advisory committee advising the State on its State plan under this title.".

(2) APPLICATION TO SCHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)), as amended by section 204(b)(2), is amended—

(A) by redesignating subparagraphs (B) through (F) as subparagraphs (C) through (G), respectively; and

(B) by inserting after subparagraph (A), the following new subparagraph:

"(B) Section 1902(a)(71) (relating to the option of certain States to seek advice from designees of Indian Health Programs and Urban Indian Organizations).".

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed as superseding existing advisory committees, working groups, guidance, or other advisory procedures established by the Secretary of Health and Human Services or by any State with respect to the provision of health care to Indians.

(d) EFFECTIVE DATE.—This section and the amendments made by this section take effect on October 1, 2009.

SEC. 207. EXCLUSION WAIVER AUTHORITY FOR AFFECTED INDIAN HEALTH PROGRAMS AND SAFE HARBOR TRANSACTIONS UNDER THE SOCIAL SECURITY ACT.

(a) EXCLUSION WAIVER AUTHORITY.—Section 1128 of the Social Security Act (42 U.S.C. 1320a–7) is amended by adding at the end the following new subsection:

"(k) ADDITIONAL EXCLUSION WAIVER AUTHORITY FOR AFFECTED INDIAN HEALTH PROGRAMS.—In addition to the authority granted the Secretary under subsections (c)(3)(B) and (d)(3)(B) to waive an exclusion under subsection (a)(1), (a)(3), (a)(4), or (b), the Secretary may, in the case of an Indian Health Program, waive such an exclusion upon the request of the administrator of an affected Indian Health Program (as defined in section 4 of the Indian Health Care Improvement Act) who determines that the exclusion would impose a hardship on individuals entitled to benefits under or enrolled in a Federal health care program.".

(b) CERTAIN TRANSACTIONS INVOLVING INDIAN HEALTH CARE PROGRAMS DEEMED TO BE IN SAFE HARBORS.—Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a–7b(b)) is amended by adding at the end the following new paragraph:

"(4) Subject to such conditions as the Secretary may promulgate from time to time as necessary to prevent fraud and abuse, for purposes of paragraphs (1) and (2) and section 1128A(a), the following transfers shall not be treated as remuneration:

"(A) TRANSFERS BETWEEN INDIAN HEALTH PROGRAMS, INDIAN TRIBES, TRIBAL ORGANIZATIONS, AND URBAN INDIAN ORGANIZATIONS.—Transfers of anything of value between or among an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization, that are made for the purpose of providing necessary health care items and services to any patient served by such Program, Tribe, or Organization and that consist of—

"(i) services in connection with the collection, transport, analysis, or interpretation of diagnostic specimens or test data;

"(ii) inventory or supplies;

"(iii) staff; or

"(iv) a waiver of all or part of premiums or cost sharing.

"(B) TRANSFERS BETWEEN INDIAN HEALTH PROGRAMS, INDIAN TRIBES, TRIBAL ORGANIZATIONS, OR URBAN INDIAN ORGANIZATIONS AND PATIENTS.—Transfers of anything of value between an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization and any patient served or eligible for service from an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization, including any patient served or eligible for service pursuant to section 807 of the Indian Health Care Improvement Act, but only if such transfers—

"(i) consist of expenditures related to providing transportation for the patient for the provision of necessary health care items or services, provided that the provision of such transportation is not advertised, nor an incentive of which the value is disproportionately large in relationship to the value of the health care item or service (with respect to the value of the item or service itself or, for preventative items or services, the future health care costs reasonably expected to be avoided);

"(ii) consist of expenditures related to providing housing to the patient (including a pregnant patient) and immediate family members or an escort necessary to assuring the timely provision of health care items and services to the patient, provided that the provision of such housing is not advertised nor an incentive of which the value is disproportionately large in relationship to the value of the health care item or service (with respect to the value of the item or service itself or, for preventative items or services, the future health care costs reasonably expected to be avoided); or

"(iii) are for the purpose of paying premiums or cost sharing on behalf of such a patient, provided that the making of such payment is not subject to conditions other than conditions agreed to under a contract for the delivery of contract health services.

"(C) CONTRACT HEALTH SERVICES.—A transfer of anything of value negotiated as part of a contract entered into between an Indian Health Program, Indian Tribe, Tribal Organization, Urban Indian Organization, or the Indian Health Service and a contract care provider for the delivery of contract health services authorized by the Indian Health Service, provided that—

"(i) such a transfer is not tied to volume or value of referrals or other business generated by the parties; and

"(ii) any such transfer is limited to the fair market value of the health care items or services provided or, in the case of a transfer of items or services related to preventative care, the value of the future health care costs reasonably expected to be avoided.

"(D) OTHER TRANSFERS.—Any other transfer of anything of value involving an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization, or a patient served or eligible for service from an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization, that the Secretary, in consultation with the Attorney General, determines is appropriate, taking into account the special circumstances of such Indian Health Programs, Indian Tribes, Tribal Organizations, and Urban Indian Organizations, and of patients served by such Programs, Tribes, and Organizations.".

SEC. 208. RULES APPLICABLE UNDER MEDICAID AND SCHIP TO MANAGED CARE ENTITIES WITH RESPECT TO INDIAN ENROLLEES AND INDIAN HEALTH CARE PROVIDERS AND INDIAN MANAGED CARE ENTITIES.

(a) IN GENERAL.—Section 1932 of the Social Security Act (42 U.S.C. 1396u–2) is amended by adding at the end the following new subsection:

"(h) SPECIAL RULES WITH RESPECT TO INDIAN ENROLLEES, INDIAN HEALTH CARE PROVIDERS, AND INDIAN MANAGED CARE ENTITIES.—

"(1) ENROLLEE OPTION TO SELECT AN INDIAN HEALTH CARE PROVIDER AS PRIMARY CARE PROVIDER.—In the case of a non-Indian Medicaid managed care entity that—

"(A) has an Indian enrolled with the entity; and

"(B) has an Indian health care provider that is participating as a primary care provider within the network of the entity,

insofar as the Indian is otherwise eligible to receive services from such Indian health care provider and the Indian health care provider has the capacity to provide primary care services to such Indian, the contract with the entity under section 1903(m) or under section 1905(t)(3) shall require, as a condition of receiving payment under such contract, that the Indian shall be allowed to choose such Indian health care provider as the Indian's primary care provider under the entity.

"(2) ASSURANCE OF PAYMENT TO INDIAN HEALTH CARE PROVIDERS FOR PROVISION OF COVERED SERVICES.—Each contract with a managed care entity under section 1903(m) or under section 1905(t)(3) shall require any such entity that has a significant percentage of Indian enrollees (as determined by the Secretary), as a condition of receiving payment under such contract to satisfy the following requirements:

"(A) DEMONSTRATION OF PARTICIPATING INDIAN HEALTH CARE PROVIDERS OR APPLICATION OF ALTERNATIVE PAYMENT ARRANGEMENTS.—Subject to subparagraph (E), to—

"(i) demonstrate that the number of Indian health care providers that are participating providers with respect to such entity are sufficient to ensure timely access to covered Medicaid managed care services for those enrollees who are eligible to receive services from such providers; or

"(ii) agree to pay Indian health care providers who are not participating providers with the entity for covered Medicaid managed care services provided to those enrollees who are eligible to receive services from such providers at a rate equal to the rate negotiated between such entity and the provider involved or, if such a rate has not been negotiated, at a rate that is not less than the level and amount of payment which the entity would make for the services if the services were furnished by a participating provider which is not an Indian health care provider.

"(B) PROMPT PAYMENT.—To agree to make prompt payment (in accordance with rules applicable to managed care entities) to Indian health care providers that are participating providers with respect to such entity or, in the case of an entity to which subparagraph (A)(ii) or (E) applies, that the entity is required to pay in accordance with that subparagraph.

"(C) SATISFACTION OF CLAIM REQUIREMENT.—To deem any requirement for the submission of a claim or other documentation for services covered under subparagraph (A) by the enrollee to be satisfied through the submission of a claim or other documentation by an Indian health care provider that is consistent with section 403(h) of the Indian Health Care Improvement Act.

"(D) COMPLIANCE WITH GENERALLY APPLICABLE REQUIREMENTS.—

"(i) IN GENERAL.—Subject to clause (ii), as a condition of payment under subparagraph (A), an Indian health care provider shall comply with the generally applicable requirements of this title, the State plan, and such entity with respect to covered Medicaid managed care services provided by the Indian health care provider to the same extent that non-Indian providers participating with the entity must comply with such requirements.

“(ii) LIMITATIONS ON COMPLIANCE WITH MANAGED CARE ENTITY GENERALLY APPLICABLE REQUIREMENTS.—An Indian health care provider—

“(I) shall not be required to comply with a generally applicable requirement of a managed care entity described in clause (i) as a condition of payment under subparagraph (A) if such compliance would conflict with any other statutory or regulatory requirements applicable to the Indian health care provider; and

“(II) shall only need to comply with those generally applicable requirements of a managed care entity described in clause (i) as a condition of payment under subparagraph (A) that are necessary for the entity's compliance with the State plan, such as those related to care management, quality assurance, and utilization management.

“(E) APPLICATION OF SPECIAL PAYMENT REQUIREMENTS FOR FEDERALLY-QUALIFIED HEALTH CENTERS AND ENCOUNTER RATE FOR SERVICES PROVIDED BY CERTAIN INDIAN HEALTH CARE PROVIDERS.—

“(i) FEDERALLY-QUALIFIED HEALTH CENTERS.—

“(I) MANAGED CARE ENTITY PAYMENT REQUIREMENT.—To agree to pay any Indian health care provider that is a Federally-qualified health center but not a participating provider with respect to the entity, for the provision of covered Medicaid managed care services by such provider to an Indian enrollee of the entity at a rate equal to the amount of payment that the entity would pay a Federally-qualified health center that is a participating provider with respect to the entity but is not an Indian health care provider for such services.

“(II) CONTINUED APPLICATION OF STATE REQUIREMENT TO MAKE SUPPLEMENTAL PAYMENT.—Nothing in subclause (I) or subparagraph (A) or (B) shall be construed as waiving the application of section 1902(bb)(5) regarding the State plan requirement to make any supplemental payment due under such section to a Federally-qualified health center for services furnished by such center to an enrollee of a managed care entity (regardless of whether the Federally-qualified health center is or is not a participating provider with the entity).

“(ii) CONTINUED APPLICATION OF ENCOUNTER RATE FOR SERVICES PROVIDED BY CERTAIN INDIAN HEALTH CARE PROVIDERS.—If the amount paid by a managed care entity to an Indian health care provider that is not a Federally-qualified health center and that has elected to receive payment under this title as an Indian Health Service provider under the July 11, 1996, Memorandum of Agreement between the Health Care Financing Administration (now the Centers for Medicare & Medicaid Services) and the Indian Health Service for services provided by such provider to an Indian enrollee with the managed care entity is less than the encounter rate that applies to the provision of such services under such memorandum, the State plan shall provide for payment to the Indian health care provider of the difference between the applicable encounter rate under such memorandum and the amount paid by the managed care entity to the provider for such services.

“(F) CONSTRUCTION.—Nothing in this paragraph shall be construed as waiving the application of section 1902(a)(30)(A) (relating to application of standards to assure that payments are consistent with efficiency, economy, and quality of care).

“(3) OFFERING OF MANAGED CARE THROUGH INDIAN MEDICAID MANAGED CARE ENTITIES.—If—

“(A) a State elects to provide services through Medicaid managed care entities under its Medicaid managed care program; and

“(B) an Indian health care provider that is funded in whole or in part by the Indian Health Service, or a consortium composed of 1 or more Tribes, Tribal Organizations, or Urban Indian Organizations, and which also may include the Indian Health Service, has established an Indian Medicaid managed care entity in the State that meets generally applicable standards required of such an entity under such Medicaid managed care program,

the State shall offer to enter into an agreement with the entity to serve as a Medicaid managed care entity with respect to eligible Indians served by such entity under such program.

“(4) SPECIAL RULES FOR INDIAN MANAGED CARE ENTITIES.—The following are special rules regarding the application of a Medicaid managed care program to Indian Medicaid managed care entities:

“(A) ENROLLMENT.—

“(i) LIMITATION TO INDIANS.—An Indian Medicaid managed care entity may restrict enrollment under such program to Indians and to members of specific Tribes in the same manner as Indian Health Programs may restrict the delivery of services to such Indians and tribal members.

“(ii) NO LESS CHOICE OF PLANS.—Under such program the State may not limit the choice of an Indian among Medicaid managed care entities only to Indian Medicaid managed care entities or to be more restrictive than the choice of managed care entities offered to individuals who are not Indians.

“(iii) DEFAULT ENROLLMENT.—

“(I) IN GENERAL.—If such program of a State requires the enrollment of Indians in a Medicaid managed care entity in order to receive benefits, the State, taking into consideration the criteria specified in subsection (a)(4)(D)(ii)(I), shall provide for the enrollment of Indians described in subclause (II) who are not otherwise enrolled with such an entity in an Indian Medicaid managed care entity described in such clause.

“(II) INDIAN DESCRIBED.—An Indian described in this subclause, with respect to an Indian Medicaid managed care entity, is an Indian who, based upon the service area and capacity of the entity, is eligible to be enrolled with the entity consistent with subparagraph (A).

“(iv) EXCEPTION TO STATE LOCK-IN.—A request by an Indian who is enrolled under such program with a non-Indian Medicaid managed care entity to change enrollment with that entity to enrollment with an Indian Medicaid managed care entity shall be considered cause for granting such request under procedures specified by the Secretary.

“(B) FLEXIBILITY IN APPLICATION OF SOLVENCY.—In applying section 1903(m)(1) to an Indian Medicaid managed care entity—

“(i) any reference to a ‘State’ in subparagraph (A)(ii) of that section shall be deemed to be a reference to the ‘Secretary’; and

“(ii) the entity shall be deemed to be a public entity described in subparagraph (C)(ii) of that section.

“(C) EXCEPTIONS TO ADVANCE DIRECTIVES.—The Secretary may modify or waive the requirements of section 1902(w) (relating to provision of written materials on advance directives) insofar as the Secretary finds that the requirements otherwise imposed are not an appropriate or effective way of communicating the information to Indians.

“(D) FLEXIBILITY IN INFORMATION AND MARKETING.—

“(i) MATERIALS.—The Secretary may modify requirements under subsection (a)(5) to ensure that information described in that subsection is provided to enrollees and potential enrollees of Indian Medicaid managed care entities in a culturally appropriate and understandable manner that clearly communicates to such enrollees and potential enrollees their rights, protections, and benefits.

“(ii) DISTRIBUTION OF MARKETING MATERIALS.—The provisions of subsection (d)(2)(B) requiring the distribution of marketing materials to an entire service area shall be deemed satisfied in the case of an Indian Medicaid managed care entity that distributes appropriate materials only to those Indians who are potentially eligible to enroll with the entity in the service area.

“(5) MALPRACTICE INSURANCE.—Insofar as, under a Medicaid managed care program, a health care provider is required to have medical malpractice insurance coverage as a condition of contracting as a provider with a Medicaid managed care entity, an Indian health care provider that is—

“(A) a Federally-qualified health center that is covered under the Federal Tort Claims Act (28 U.S.C. 1346(b), 2671 et seq.);

“(B) providing health care services pursuant to a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) that are covered under the Federal Tort Claims Act (28 U.S.C. 1346(b), 2671 et seq.); or

“(C) the Indian Health Service providing health care services that are covered under the Federal Tort Claims Act (28 U.S.C. 1346(b), 2671 et seq.);

are deemed to satisfy such requirement.

“(6) DEFINITIONS.—For purposes of this subsection:

“(A) INDIAN HEALTH CARE PROVIDER.—The term ‘Indian health care provider’ means an Indian Health Program or an Urban Indian Organization.

“(B) INDIAN; INDIAN HEALTH PROGRAM; SERVICE; TRIBE; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—The terms ‘Indian’, ‘Indian Health Program’, ‘Service’, ‘Tribe’, ‘tribal organization’, ‘Urban Indian Organization’ have the meanings given such terms in section 4 of the Indian Health Care Improvement Act.

“(C) INDIAN MEDICAID MANAGED CARE ENTITY.—The term ‘Indian Medicaid managed care entity’ means a managed care entity that is controlled (within the meaning of the last sentence of section 1903(m)(1)(C)) by the Indian Health Service, a Tribe, Tribal Organization, or Urban Indian Organization, or a consortium, which may be composed of 1 or more Tribes, Tribal Organizations, or Urban Indian Organizations, and which also may include the Service.

“(D) NON-INDIAN MEDICAID MANAGED CARE ENTITY.—The term ‘non-Indian Medicaid managed care entity’ means a managed care entity that is not an Indian Medicaid managed care entity.

“(E) COVERED MEDICAID MANAGED CARE SERVICES.—The term ‘covered Medicaid managed care services’ means, with respect to an individual enrolled with a managed care entity, items and services that are within the scope of items and services for which benefits are available with respect to the individual under the contract between the entity and the State involved.

“(F) MEDICAID MANAGED CARE PROGRAM.—The term ‘Medicaid managed care program’ means a program under sections 1903(m) and 1932 and includes a managed care program operating under a waiver under section 1915(b) or 1115 or otherwise.''.

(b) APPLICATION TO SCHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(1)), as amended by section 206(b)(2), is amended by adding at the end the following new subparagraph:

"(H) Subsections (a)(2)(C) and (h) of section 1932.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section take effect on October 1, 2009.

SEC. 209. ANNUAL REPORT ON INDIANS SERVED BY SOCIAL SECURITY ACT HEALTH BENEFIT PROGRAMS.

Section 1139 of the Social Security Act (42 U.S.C. 1320b–9), as amended by the sections 202, 205, and 206, is amended by redesignating subsection (e) as subsection (f), and inserting after subsection (d) the following new subsection:

"(e) ANNUAL REPORT ON INDIANS SERVED BY HEALTH BENEFIT PROGRAMS FUNDED UNDER THIS ACT.—Beginning January 1, 2008, and annually thereafter, the Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services and the Director of the Indian Health Service, shall submit a report to Congress regarding the enrollment and health status of Indians receiving items or services under health benefit programs funded under this Act during the preceding year. Each such report shall include the following:

"(1) The total number of Indians enrolled in, or receiving items or services under, such programs, disaggregated with respect to each such program.

"(2) The number of Indians described in paragraph (1) that also received health benefits under programs funded by the Indian Health Service.

"(3) General information regarding the health status of the Indians described in paragraph (1), disaggregated with respect to specific diseases or conditions and presented in a manner that is consistent with protections for privacy of individually identifiable health information under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

"(4) A detailed statement of the status of facilities of the Indian Health Service or an Indian Tribe, Tribal Organization, or an Urban Indian Organization with respect to such facilities' compliance with the applicable conditions and requirements of titles XVIII, XIX, and XXI, and, in the case of title XIX or XXI, under a State plan under such title or under waiver authority; and of the progress being made by such facilities (under plans submitted under section 1880(b), 1911(b) or otherwise) toward the achievement and maintenance of such compliance.

"(5) Such other information as the Secretary determines is appropriate.''.

SEC. 210. DEVELOPMENT OF RECOMMENDATIONS TO IMPROVE INTERSTATE COORDINATION OF MEDICAID AND CHIP COVERAGE OF INDIAN CHILDREN AND OTHER CHILDREN WHO ARE OUTSIDE OF THEIR STATE OF RESIDENCY BECAUSE OF EDUCATIONAL OR OTHER NEEDS.

(a) STUDY.—The Secretary shall conduct a study to identify barriers to interstate coordination of enrollment and coverage under the Medicaid program under title XIX of the Social Security Act and the State Children's Health Insurance Program under title XXI of such Act of children who are eligible for medical assistance or child health assistance under such programs and who, because of educational needs, migration of families, emergency evacuations, or otherwise, frequently change their State of residency or otherwise are temporarily present outside of the State of their residency. Such study shall include an examination of the enrollment and coverage coordination issues faced by Indian children who are eligible for medical assistance or child health assistance under such programs in their State of residence and who temporarily reside in an out-of- State boarding school or peripheral dormitory funded by the Bureau of Indian Affairs.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with directors of State Medicaid programs under title XIX of the Social Security Act and directors of State Children's Health Insurance Programs under title XXI of such Act, shall submit a report to Congress that contains recommendations for such legislative and administrative actions as the Secretary determines appropriate to address the enrollment and coverage coordination barriers identified through the study required under subsection (a).

SEC. 211. ESTABLISHMENT OF NATIONAL CHILD WELFARE RESOURCE CENTER FOR TRIBES.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services shall establish a National Child Welfare Resource Center for Tribes that is—

(1) specifically and exclusively dedicated to meeting the needs of Indian tribes and tribal organizations through the provision of assistance described in subsection (b); and

(2) not part of any existing national child welfare resource center.

(b) ASSISTANCE PROVIDED.—

(1) IN GENERAL.—The National Child Welfare Resource Center for Tribes shall provide information, advice, educational materials, and technical assistance to Indian tribes and tribal organizations with respect to the types of services, administrative functions, data collection, program management, and reporting that are provided for under State plans under parts B and E of title IV of the Social Security Act.

(2) IMPLEMENTATION AUTHORITY.—The Secretary may provide the assistance described in paragraph (1) either directly or through grant or contract with public or private organizations knowledgeable and experienced in the field of Indian tribal affairs and child welfare.

(c) APPROPRIATIONS.—There is appropriated to the Secretary of Health and Human Services, out of any money in the Treasury of the United States not otherwise appropriated, $1,000,000 for each of fiscal years 2009 through 2013 to carry out the purposes of this section.

SEC. 212. ADJUSTMENT TO THE MEDICARE ADVANTAGE STABILIZATION FUND.

Section 1858(e)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395w–27a(e)(2)(A)(i)), as amended by section 110 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended by striking "$1,790,000,000'' and inserting "$1,657,000,000''.

SA 3900. Mr. SANDERS (for himself, Mr. OBAMA, Ms. CANTWELL, Mr. KERRY, Ms. SNOWE, Ms. COLLINS, Mr. SUNUNU, Mr. MENENDEZ, Mr. LEAHY, Mrs. CLINTON, Mr. KENNEDY, and Mr. DURBIN) proposed an amendment to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; as follows:

At the end of title II, insert the following:

SEC. 2___. LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

(a) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) $400,000,000 (to remain available until expended) for making payments under subsections (a) through (d) of section 2604 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623); and

(2) $400,000,000 (to remain available until expended) for making payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), notwithstanding the designation requirement of section 2602(e) of such Act (42 U.S.C. 8621(e)).

(b) DESIGNATION.—Any amount provided under subsection (a) is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

NOTICE OF HEARING

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing entitled, "United Nations Development Program in North Korea: A Case Study.'' In early 2007, reports surfaced of significant management failures in the operations of the United Nations Development Program (UNDP) in North Korea. Several months later, the UNDP took the unprecedented step of suspending its North Korean operations. The Subcommittee's hearing will examine UNDP operations in North Korea, reviewing such issues as inappropriate staffing, inadequate administrative and fiscal controls, inaccessible audits and insufficient whistleblower safeguards. Witnesses for the upcoming hearing will include representatives of the Department of State and the Government Accountability Office. The Subcommittee will also receive a public briefing from representatives of the United Nations. A final witness list will be available Tuesday, January 22, 2008.

The Subcommittee hearing is scheduled for Thursday, January 24, 2008, at 10 a.m., in Room 342 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations at 224–9505.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, January 22, 2008, 10 a.m., in room 215 of the Dirksen Senate Office Building, in order to conduct a hearing entitled "Strengthening America's Economy: Stimulus That Makes Sense."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, in order to conduct a hearing on Executive Nominations on Tuesday, January 22, 2008, at 2 p.m. in room SD–226 of the Dirksen Senate Office Building.

Witness list Kevin J. O'Connor, of Connecticut, to be Associate Attorney General, Department of Justice and Gregory G. Katsas, of Massachusetts, to be Assistant Attorney General, Civil Division, Department of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following people be allowed privileges of the floor: Susan Hinck, Elise Stein, Mollie Lane, Kayleigh Brown, Michael Bagel, and Emily Schwartz.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, on behalf of Senator INOUYE, I wish to request unanimous consent that Ms. Cheryl Peterson, a public health nurse fellow from the Indian Health Service, who is serving on his staff, be permitted floor privileges for the duration of S. 1200, the Indian health bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2007 fourth quarter Mass Mailings is Friday, January 25, 2008. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records office will be open from 9 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office on (202) 224–0322.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENTS NOS. 110–11, 110–12, AND 110–13

Mr. CASEY. Mr. President, I ask unanimous consent that the Injunction of Secrecy be removed from the following treaties transmitted to the Senate on January 22, 2008, by the President of the United States: Extradition Treaty with Romania and Protocol to the Treaty on Mutual Legal Assistance in Criminal Matters with Romania, Treaty Document No. 110–11; Extradition Treaty with Bulgaria and an Agreement on Certain Aspects of Mutual Legal Assistance in Criminal Matters with Bulgaria, Treaty Document No. 110–12; and International Convention on Control of Harmful Anti-Fouling Systems on Ships, Treaty Document No. 110–13; I further ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The messages of the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty between the United States of America and Romania (the "Extradition Treaty" or the "Treaty") and the Protocol to the Treaty between the United States of America and Romania on Mutual Legal Assistance in Criminal Matters (the "Protocol"), both signed at Bucharest on September 10, 2007. I also transmit, for the information of the Senate, the reports of the Department of State with respect to the Extradition Treaty and Protocol.

The Extradition Treaty would replace the outdated Extradition Treaty between the United States and Romania, signed in Bucharest on July 23, 1924, and the Supplementary Extradition Treaty, signed in Bucharest on November 10, 1936. The Protocol amends the Treaty Between the United States of America and Romania on Mutual Legal Assistance in Criminal Matters, signed in Washington on May 26, 1999 (the "1999 Mutual Legal Assistance Treaty"). Both the Extradition Treaty and the Protocol also fulfill the requirements for bilateral instruments (between the United States and each European Union (EU) Member State) that are contained in the Extradition and Mutual Legal Assistance Agreements between the United States and the EU currently before the Senate.

The Extradition Treaty follows generally the form and content of other extradition treaties recently concluded by the United States. It would replace an outmoded list of extraditable offenses with a modern "dual criminality" approach, which would enable extradition for such offenses as money laundering and other newer offenses not appearing on the list. The Treaty also contains a modernized "political offense" clause, and it provides that neither Party shall refuse extradition based on the citizenship of the person sought. Finally, the new Treaty incorporates a series of procedural improvements to streamline and speed the extradition process. The Protocol primarily serves to amend the 1999 Mutual Legal Assistance Treaty in areas required pursuant to the U.S.–EU Mutual Legal Assistance Agreement, specifically: mutual legal assistance to administrative authorities; expedited transmission of requests; use limitations; identification of bank information; joint investigative teams; and video conferencing.

I recommend that the Senate give early and favorable consideration to the Extradition Treaty and the Protocol, along with the U.S.–EU Extradition and Mutual Legal Assistance Agreements and the other related bilateral instruments between the United States and European Union Member States.

GEORGE W. BUSH.
THE WHITE HOUSE, *January 22, 2008.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Bulgaria (the "Extradition Treaty" or the "Treaty") and the Agreement on Certain Aspects of Mutual Legal Assistance in Criminal Matters between the Government of the United States of America and the Government of the Republic of Bulgaria (the "MLA Agreement"), both signed at Sofia on September 19, 2007. I also transmit, for the information of the Senate, the report of the Department of State with respect to the Extradition Treaty and the MLA Agreement.

The new Extradition Treaty would replace the outdated Extradition Treaty between the United States and Bulgaria, signed in Sofia on March 19, 1924, and the Supplementary Extradition Treaty, signed in Washington on June 8, 1934. The MLA Agreement is the first agreement between the two countries on mutual legal assistance in criminal matters. Both the Extradition Treaty and the MLA Agreement fulfill the requirements for bilateral instruments (between the United States and each European Union (EU) Member State) that are contained in the Extradition and Mutual Legal Assistance Agreements between the United States and the EU currently before the Senate.

The Extradition Treaty follows generally the form and content of other extradition treaties recently concluded by the United States. It would replace an outmoded list of extraditable offenses with a modern "dual criminality" approach, which would enable extradition for such offenses as money laundering, and other newer offenses not appearing on the list. The Treaty also contains a modernized "political offense" clause, and it provides that extradition shall not be refused based on the nationality of a person sought for any of a comprehensive list of serious offenses. Finally, the new Treaty incorporates a series of procedural improvements to streamline and speed the extradition process.

Because the United States and Bulgaria do not have a bilateral mutual legal assistance treaty in force between them, the MLA Agreement is a partial treaty governing only those issues regulated by the U.S.-EU Mutual Legal Assistance Agreement, specifically: identification of bank information, joint investigative teams, video-conferencing, expedited transmission of requests, assistance to administrative authorities, use limitations, confidentiality, and grounds for refusal. This approach is consistent with that taken with the other EU Member States (Denmark, Finland, Malta, Portugal, Slovak Republic, and Slovenia) with which the United States did not have an existing mutual legal assistance treaty.

I recommend that the Senate give early and favorable consideration to the Extradition Treaty and MLA Agreement, along with the U.S.-EU Extradition and Mutual Legal Assistance Agreements and the other related bilateral instruments between the United States and European Union Member States.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 22, 2008.*

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to its ratification, the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001 (the "Convention").

The Convention aims to control the harmful effects of anti-fouling systems, which are used on the hulls of ships to prevent the growth of marine organisms. These systems are necessary to increase fuel efficiency and minimize the transport of hull-borne species; however, anti-fouling systems can also have negative effects on the marine environment, including when a vessel remains in place for a period of time (such as in port).

To mitigate these effects, the Convention prohibits Parties from using organotin-based anti-fouling systems on their ships, and it prohibits ships that use such systems from entering Parties' ports, shipyards, or offshore terminals. The Convention authorizes controls on use of other anti-fouling systems that could be added in the future, after a comprehensive review process.

The Convention was adopted at a Diplomatic Conference of the International Maritime Organization in October 2001 and signed by the United States on December 12, 2002. The United States played a leadership role in the negotiation and development of the Convention. With Panama's ratification of the Convention on September 17, 2007, 25 States representing over 25 percent of the world's merchant shipping tonnage have now ratified the Convention. Therefore, the Convention will enter into force on September 17, 2008. Organotin-based anti-fouling systems are specifically regulated through the Organotin Anti-Fouling Paint Control Act of 1988 (OAPCA), 33 U.S.C. 2401-2410. New legislation is required to fully implement the Convention and will take the form of a complete revision and replacement of OAPCA. All interested executive branch agencies support ratification. I recommend that the Senate give early and favorable consideration to the Convention and give its advice and consent to its ratification, with the declaration set out in the analysis of Article 16 in the attached article-by-article analysis.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 22, 2008.*

COMMENDING MARTIN P. PAONE

Mr. CASEY. Mr. President, I have a resolution at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 420) commending Martin P. Paone.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 420) was agreed to.

The premble was agreed to.

The resolution, with its preamble, reads as follows:

SENATE RESOLUTION 420

Whereas Marty Paone has faithfully served the Congress in various capacities over the past 32 years, twenty-eight of which were spent in service to the Senate;

Whereas Marty Paone is the first person to rise through the ranks of various positions—including Vehicular Placement Specialist—to finally serve with distinction as Secretary for the Minority, and concluding his Senate service as Secretary for the Majority;

Whereas Marty Paone has at all times discharged the important duties and responsibilities of his office with great efficiency, dedication and diligence;

Whereas his dedication, good humor, and exceptional service have earned him the respect and admiration of Democratic and Republican Senators, as well as their staffs; Now therefore be it

Resolved, That the Senate expresses its appreciation to Marty Paone and commends him for his lengthy, faithful and outstanding service to the Senate.

The Secretary of the Senate shall transmit a copy of this resolution to Martin P. Paone.

REGARDING NEED FOR ADDITIONAL RESEARCH INTO HYDROCEPHALUS

Mr. CASEY. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Con. Res. 63 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 63) expressing the sense of the Congress regarding the need for additional research into the chronic neurological condition hydrocephalus, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. CASEY. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 63) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 63

Expressing the sense of the Congress regarding the need for additional research into the chronic neurological condition hydrocephalus, and for other purposes.

Whereas hydrocephalus is a serious neurological condition, characterized by the abnormal buildup of cerebrospinal fluids in the ventricles of the brain;

Whereas there is no known cure for hydrocephalus;

Whereas hydrocephalus affects an estimated 1,000,000 Americans;

Whereas 1 or 2 in every 1,000 babies are born with hydrocephalus;

Whereas over 375,000 older Americans have hydrocephalus, which often goes undetected or is misdiagnosed as dementia, Alzheimer's disease, or Parkinson's disease;

Whereas, with appropriate diagnosis and treatment, people with hydrocephalus are able to live full and productive lives;

Whereas the standard treatment for hydrocephalus was developed in 1952, and carries multiple risks including shunt failure, infection, and overdrainage;

Whereas there are fewer than 10 centers in the United States specializing in the treatment of adults with normal pressure hydrocephalus;

Whereas, each year, the people of the United States spend in excess of $1,000,000,000 to treat hydrocephalus;

Whereas a September 2005 conference sponsored by 7 institutes of the National Institutes of Health—"Hydrocephalus: Myths, New Facts, Clear Directions"—resulted in efforts to initiate new, collaborative research and treatment efforts; and

Whereas the Hydrocephalus Association is one of the Nation's oldest and largest patient and research advocacy and support networks for individuals suffering from hydrocephalus: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) Congress commends the Director of the National Institutes of Health for working with leading scientists and researchers to organize the first-ever National Institutes of Health conference on hydrocephalus; and

(2) it is the sense of Congress that—

(A) the Director of the National Institutes of Health should continue the current collaboration with respect to hydrocephalus among the National Eye Institute, the National Human Genome Research Institute, the National Institute of Biomedical Imaging and Bioengineering, the National Institute of Child Health and Human Development, the National Institute of Neurological Disorders and Stroke, the National Institute on Aging, and the Office of Rare Diseases;

(B) further research into the epidemiology, pathophysiology, disease burden, and improved treatment of hydrocephalus should be conducted or supported; and

(C) public awareness and professional education regarding hydrocephalus should increase through partnerships between the Federal Government and patient advocacy organizations.

MEASURES POSTPONED INDEFINITELY—H. CON. RES. 155 AND S. 2023

Mr. CASEY. Mr. President, I ask unanimous consent that the following calendar numbers be indefinitely postponed en bloc: Calendar No. 210 and Calendar No. 387.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, JANUARY 23, 2008

Mr. CASEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 12 noon, Wednesday, January 23; that on Wednesday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour deemed expired, and the time for the two leaders reserved for their use later in the day, and there then be a period of morning business until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each; that on Wednesday, the Senate stand in recess from 12:30 p.m. to 2:15 p.m. in order to accommodate the party conference meeting; that at 2:15 p.m., the Senate resume consideration of S. 1200, the Indian health legislation

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL WEDNESDAY, JANUARY 23, 2008

Mr. CASEY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:43 p.m., adjourned until Wednesday, January 23, 2008, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

NELSON M. FORD, OF VIRGINIA, TO BE UNDER SECRETARY OF THE ARMY, VICE PRESTON M. GEREN.

DEPARTMENT OF COMMERCE

WILLIAM J. BRENNAN, OF MAINE, TO BE ASSISTANT SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE, VICE JAMES R. MAHONEY.

DEPARTMENT OF ENERGY

J. GREGORY COPELAND, OF TEXAS, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF ENERGY, VICE DAVID R. HILL.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

JEFFREY J. GRIECO, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE J. EDWARD FOX.

DEPARTMENT OF STATE

KURT DOUGLAS VOLKER, OF PENNSYLVANIA, A CAREER FOREIGN SERVICE OFFICER OF CLASS ONE, TO BE UNITED STATES PERMANENT REPRESENTATIVE ON THE COUNCIL OF THE NORTH ATLANTIC TREATY ORGANIZATION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

JOXEL GARCIA, OF CONNECTICUT, TO BE REPRESENTATIVE OF THE UNITED STATES ON THE EXECUTIVE BOARD OF THE WORLD HEALTH ORGANIZATION, VICE JAMES O. MASON.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

JOXEL GARCIA, OF CONNECTICUT, TO BE MEDICAL DIRECTOR IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE, SUBJECT TO THE QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS, AND TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE JOHN O. AGWUNOBI, RESIGNED.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

JAN CELLUCCI, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2012, VICE EDWIN JOSEPH RIGUAD, TERM EXPIRED.

WILLIAM J. HAGENAH, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2012, VICE JUDITH ANN RAPANOS, TERM EXPIRED.

MARK Y. HERRING, OF SOUTH CAROLINA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2012, VICE RENEE SWARTZ, TERM EXPIRED.

JULIA W. BLAND, OF LOUISIANA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2012, VICE MARGARET SCARLETT, TERM EXPIRED.

NATIONAL BOARD FOR EDUCATION SCIENCES

JOANNE WEISS, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2010, VICE JAMES R. DAVIS, TERM EXPIRED.

SALLY EPSTEIN SHAYWITZ, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2011. (REAPPOINTMENT)

FRANK PHILIP HANDY, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2011. (REAPPOINTMENT)

JONATHAN BARON, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2011. (REAPPOINTMENT)

DEPARTMENT OF JUSTICE

DORLA M. SALLING, OF TEXAS, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS, VICE DEBORAH ANN SPAGNOLI, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO SERVE AS THE DIRECTOR OF THE COAST GUARD RESERVE PURSUANT TO TITLE 14, U.S.C., SECTION 53 IN THE GRADE INDICATED:

To be rear admiral (lower half)

RDML (SELECT) DANIEL R. MAY, 4862

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOSEPH F. FIL, JR., 0990

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. DAVID D. MCKIERNAN, 8864

EXTENSIONS OF REMARKS

HONORING CROSS COUNTRY NATIONAL CHAMPION MIKE FOUT OF LAPORTE, INDIANA

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 2008

Mr. DONNELLY. Madam Speaker, today I rise before you to offer a word of congratulations to Mike Fout of LaPorte, Indiana. Fout traveled to San Diego on December 13, 2007 as the number five seed for the Foot Locker Cross Country Championship. He returned home to LaPorte the national champion.

To win the race, Fout defeated the second place finisher by seven seconds, for a total time of only 14:50. It was a personal best for Fout, who was not deterred even by the cool, muddy conditions on the day of the race.

Fout was neither favored to win the race, nor even to come in the top five, but his coach, as well as his family and friends, knew that he would be able to accomplish whatever he set out to do. He has now ensured himself a place in the history of the National Cross Country Championships by achieving the ninth fastest time ever in an event that has been held for twenty-nine years.

On his way to becoming the first Indiana runner to win the national championship, Fout stayed with the lead pack for most of the 5K race, and then broke away after the two mile mark. He maintained this position for the rest of the race, with no challengers coming forward to disrupt his lead.

All of this took place after Fout was crowned state champion of Indiana in the 3200-meter race, led team Indiana to an all-star event, and won the Midwest Regional Championship.

Mike Fout's hard work was given him the well-deserved title of national champion. But in congratulating him, I would also offer my congratulations to his coach Tim Beres, LaPorte High School and the greater LaPorte community for their support of the cross country program.

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HONORING STEVE BENEFIELD'S SERVICE WITH THE RUTHERFORD COUNTY CHAMBER OF COMMERCE

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 2008

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor Steve Benefield for his service with the Rutherford County Chamber of Commerce. Steve resigned from the Chamber on January 4 after serving a decade as its president.

Rutherford County has experienced tremendous growth in recent years, and the Chamber has been growing right along with it. The Rutherford County Chamber of Commerce is now the third largest in Tennessee, and Steve has been instrumental in spurring the county's economic development efforts.

He was a leader in efforts to bring a conference center to Murfreesboro, worked to acquire a new Chamber building and county visitor center, and furthered development at Smyrna's airport. His efforts have helped to ensure that Rutherford County will continue to be a desirable place to live and raise a family.

Steve has been a leader not only in business efforts, but also in the community. He is active in his church and with his sons' baseball teams, where he draws from his experience pitching for the Blue Raiders at our shared alma mater, Middle Tennessee State University.

The Rutherford County Chamber of Commerce is losing a great asset, but I am happy Steve and his family are staying in Murfreesboro. I wish them all the best.

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TRIBUTE TO CATHY TRAVIS

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 2008

Mr. ORTIZ. Madam Speaker, this month Capitol Hill saw the departure of constitutional aficionado and political guru Cathy Travis—who recently retired after serving the House for 25 years, the last 18 as my communications director and senior advisor.

Cathy's dedication to and interest in public service has led her from Jonesboro, AR, to the corridors of the Capitol. Politics always fascinated her, and after graduation from Arkansas State University she went to work for former Congressman Bill Alexander (D–AR) as a press assistant. She then served in various capacities for the House Floor staff. After serving in the Chief Deputy Majority Whip's office for 6 months, she came to work for me.

Words cannot begin to describe what Cathy has meant to me, my staff, and the people of the 27th district of Texas. For 18 years, I have relied on Cathy for her professionalism, work ethic, and friendship. She has been a wonderful and effective spokeswoman for the issues of south Texas, and reporters always expressed their gratitude for her guidance and assistance.

Whether through her infectious laugh or her candid advice, Cathy always left a resounding impression on those she met and worked with. Members, staff, and reporters always took time out of their busy schedules to catch up with her and share some friendly chisme. During her last few weeks in my office, numerous people stopped to wish her best of luck and congratulate her on her retirement.

Cathy will now dedicate her energy to writing and marketing her books. Her first book, Constitution Translated for Kids, has received numerous accolades and will soon be published in Spanish. In the book, the original text of the Constitution is paired side-by-side with a kid-friendly interpretation to pique interest and stimulate further discussion of American liberties.

Though I bid Cathy a sad farewell from my office, it will certainly not be a goodbye. I look forward to seeing her around the Capitol when she comes up to catch up with old friends.

Cathy remains a trusted member of my family, and I will always seek her counsel on matters political and personal. I wish her the best of luck during the new phase of her life.

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HONORING THE LA VERGNE HIGH SCHOOL MARCHING BAND

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 2008

Mr. GORDON of Tennessee. Madam Speaker, today I rise to recognize one of the top marching bands in the nation: La Vergne High School's Wolverine Marching Band, which represented middle Tennessee on November 17 at the U.S. Scholastic Band Association Grand National Championships.

This was the Wolverine Marching Band's first time to compete in the USSBA championships. Only 68 marching bands throughout the Nation were invited to the competition held in Baltimore, Maryland. In addition to the LHS band placing eighth overall, the school's drum line placed fifth, and the color guard placed 11th.

The theme of La Vergne High School Music is "where perfection and hard work meet." It must be very gratifying to the students, staff, parents, and supporters to see the rewards of countless hours of practice. I congratulate the band on their accomplishments and wish them continued success in the future.

I commend the Wolverine Marching Band: Director of Bands Edward Freytag, Assistant Director of Band Chris Crumley, Visual Coordinator Tim White, Color Guard Instructor Megan Taylor and Kirby Cooper, Band Members: Sarah Baron, Melissa Barscz, Brad Beal, Allison Beck, Taylor Bentley, Casey Bidini, Katelyn Blair, Chelsea Boulanger, Joey Brewer, Leonard Brown, Tony Brown, William Bryant, Jacob Burton, Tyler Channell, Jordan Cooley, Porsha Cooper, Rachel Covert, Tyler Covert, James Day, Shanice Derrick, Catherine Drescher, Tara Dryden, Amber Dugger, William Duke Jr., Dylan Duke, Carl Dye, Shelby Erny, Aeron Falknor, Cheyanne Fletcher, Jessica Forbis, Loretta Fougeray, Courtney Frierson, Matthew Fusco, Endre Gereben, Andres Gonzalez, Matt Goodman, Katie Green, Alexandria Hahn, David Hardy, Ross Harvey, Elizabeth Henderson, Jessica Henderson,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Brianna Herron, Matt Hickman, Curt Hills, Chassity Hoback, Zach Hodges, Andre Holt, Mary Huckleberry, Brooks Hunter, Wesley Hurless, Greg Jackson, Ethan Jerrell, Felicia Johnson, Elise Jones, Emily Jones, Will Kelley, Jeremiah Lang, John Leaver, Brittany Lee, Ginger Levinson, Kwesi Manuel, Jennifer Maroney, Melvin Mason, Myesha Mason, Tara Mathews, Cici McCormick, Brittney McDuffie, Emily McDuffie, Aaron McGowen, William McGowen, Shelby McIntosh, Michael Meacham, Josh Merbitz, David Miller, Tyler Mingle, Josh Moore, John Morris, Zach Murray, Kayla Nickel, Michael Pagan, Stephanie Parker, Aaron Parris, Ashley Patten, Shelby Perkins, Shamikia Perry, Charlie Prazak, Darrin Pugh, Zach Pugh, Briana Rainey, Josh Raymond, Lacey Reade, Shinead Riddle, Lucas Rigo, Rivera Rico, Brett Runge, Nick Sargent, Shannon Schmitz, Tyler Shapard, Jordan Shurmer, Ashley Sledge, Corey Smathers, Devon Smith, Logan Smith, Sammy Stack, Lauren Stanley, Mary Taylor, Lindsey Tedford, Alison Thatcher, Jesse Thurgood, Curtis Vandever, Latoya Wade, Lanee Waddell, Marissa Waddell, Cory Waters, Lamar White, Tandrea Wilson, and Jacob Wood.

HONORING MSGT. JASON BILLIOT

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 2008

Mrs. CAPPS. Madam Speaker, today I rise to pay tribute to MSgt. Jason Billiot, as he retires from the United States Air Force. MSgt. Jason Billiot entered the Air Force in 1988. After completing Basic Training at Lackland AFB, TX, AB Billiot went to Chanute AFB, IL to be trained as a Special Vehicle Mechanic. After completion of tech school he was assigned to the 363rd Transportation Squadron, Shaw AFB, SC. While at Shaw AFB he not only honed his skills on Firefighting and Refueling Equipment, but also attended Airmen Leadership School.

In 1994, after five years at Shaw, SRA Billiot got his first assignment to the 345th Training Squadron at Lackland AFB. He completed ASE requirements for master medium/heavy truck technician and was also awarded his CCAF degree in vehicle maintenance. Two years later, as a result of BRAC realignment, the school house was moved to the Naval Construction Training Center in Port Hueneme, California.

While in California, Sgt Billiot performed duties as MTT instructor, world training instructor, special vehicle instructor, and aircraft refueling vehicle instructor supervisor. In 1999, Sgt Billiot and his wife, Jeanne, received the blessing of the birth of their daughter, Elizabeth. In 2000, Sgt Billiot received his orders for the 354th Transportation Squadron Eielson AFB, Alaska.

While in Alaska, Sgt Billiot was supervising and running shops such as NCOIC of customer service, NCOIC of special purpose vehicle element, and superintendent of the dispensing element. He also attended the NCO Academy at Elmendorf AFB. In 2003, MSgt. Billiot was again assigned to the school house in Port Hueneme, CA. As Master Sergeant, Billiot took leadership roles as diesel phase head, gas phase head, interservice mechanic curriculum developer and skills knowledge test author. MSgt. Billiot finishes out an outstanding and eventful career after 20 years of faithful service to his country as interservice mechanic school superintendent.

It is my pleasure to recognize the character and dedication of MSgt. Billiot upon his retirement.

KENYA ELECTION CRISIS

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 2008

Mr. AL GREEN of Texas. Madam Speaker, I wish to express my deep concern regarding the current crisis in the nation of Kenya. Approximately 600 people were killed in violent clashes across Kenya, following disputed presidential elections that took place on December 27, 2007. Violence erupted in Kenya after President Mwai Kibaki was declared the winner of the election and opposition leader Raila Odinga disputed the results. European Union observers have said the presidential poll was flawed and the Government of Kenya has acknowledged that voting irregularities took place.

Unfortunately, the effects of post-election violence in Kenya continue to echo throughout the country. An estimated 250,000 people have been forced from their homes and are in need of food, shelter, and medicine. Human rights activists and aid workers are concerned that families displaced by the conflict will be unable to return to their homes—many of which were burned down—in the near future. Though the fighting has subsided from its peak immediately after the elections in late December, tension remains high between political opponents divided along ethnic lines. There continues to be incidences of violence, demonstrations, and looting in several neighborhoods of Nairobi and Mombasa and in large parts of the westernmost provinces.

The time has come for both the government and the opposition to enter into a good faith dialog for the benefit and welfare of the Kenyan people, who deserve a political process that reflects their dedication to transparency, democracy and progress. Therefore, it is vital for President Kibaki and Raila Odinga to come together without preconditions to discuss how to end the post-electoral crisis in a way that reflects the will of the Kenyan people. Additionally, both leaders must take steps to end the violence and ensure respect for the rule of law and respect for human rights. The full restoration of freedom of the press and freedom of peaceful assembly is an integral part of this goal.

Madam Speaker, our hearts go out to the people of Kenya who have suffered throughout the post-election ordeal and I urge the Kenyan Government and the opposition to resolve this crisis for the benefit of their people.

BOY SCOUTS OF AMERICA DISTRICT AWARD OF MERIT

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 2008

Mr. ORTIZ. Madam Speaker, I rise today to honor three constituents from South Texas: Heather Blakemore, Rene Hernandez, and Sue Stachowiak.

The three have been awarded the District Award of Merit from the Boy Scouts of America, and it is the highest award bestowed upon volunteers in a district that symbolizes their exceptional and noteworthy service to youth in the Boy Scouts of America.

Heather's involvement with Scouting began as an assistant tiger cub den leader in Pack 59 for her son, Jess. Since then she has served as den leader, assistant den leader, pack committee member, and assistant scoutmaster. She has also served as the Mistress of ceremonies for the District Recognition Dinner for 2 years and Mistress of ceremonies for the Council Banquet for 1 year.

Rene's scouting career began as a den leader for his son, Rene, in Pack 25. Since then he has served as Webelos den leader and cubmaster. In 4 years, Rene has served on Cub Scout Day Camp staff, Cub Adventure weekend staff, Pinewood Derby staff, Scoutorama staff, and the district training team. He has also served as a unit commissioner and assistant district commissioner, the round-up staff, and participated in multiple Scoutreach recruitments initiatives the last 4 years.

Sue has been involved in Scouting for 7 years, beginning with serving as assistant tiger cub den leader in Pack 5 for her oldest son. Since then she has served as den leader, assistant den leader, Webelos den leader, assistant Webelos den leader, assistant cubmaster, assistant scoutmaster, and troop committee member.

The Boy Scouts of America continue their tradition of providing quality programs for boys and young men. I am proud of all three parents for taking an active role in lives of our youth. These parents serve as shining examples of love and duty in our communities.

HONORING THE FORREST HIGH SCHOOL MARCHING BAND

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 2008

Mr. GORDON of Tennessee. Madam Speaker, today I rise to recognize the Rocket Band of Blue of Forrest High School in Chapel Hill, TN, for winning the Division I State Championship. The Rocket Band of Blue's field commanders were also state champions, and the band took first place each for soloist baritone, high music, and high visual.

The Governor's Cup, the championship trophy they received, is one of many accolades the marching band has earned this year. The Rocket Band of Blue is the Grand Champion of the Montgomery Central Marching Contest, the Trousdale County Marching Band Yellow Jacket Invitational, and the Highland Rim Marching Contest. The band received a superior rating at the Middle Tennessee School Band and Orchestra Association Marching Festival and third place at the Mid-South Marching Invitational.

I am sure it must be very gratifying to the students, staff, parents, and supporters to see the rewards of countless hours of practice. I congratulate the Rocket Band of Blue on their accomplishments and wish them continued success in the future.

I commend the 2007 Rocket Band of Blue: Madeline Bell, Kimber Luna, Taylor Blanchett, Crystal Cannon, Rachael Harris, Kim Meachem, Brooke Russell, Caleb Boone, Lauren Fatherly, Tyler Hargrove, Tyler Mierecki, Tyler Williams, Jared Blanchett, Paul Caraglio, Matt Kline, Jana Bunkall, Jed Hall, Brittani Stewart, Bryan Hartley, Travis Ryder, Stacey Ryder, Stacey Byrd, Devin Barnes, Shawna Crafton, Brianna LaFleur, Sam Hartley, Sarah Stemple, Lindsay Gaskill, Jon Fleet, Josh Hall, Gunner Warlick, James Luna, Audra Mobley, Matt Cryer, Zach Brown, Megan Baker, Amber Scott, Katie Freeman, Chelsea Moore, Amber Barnes, Lauren French, Keisha Sherrill, Sara Lubieski, Reilly Rowland, Learyn Miller, Bethany Gamble, Taylor Herron and Jessie Baker.

HONORING ELEANOR WRIGHT

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 2008

Mrs. CAPPS. Madam Speaker, today I rise to honor the memory of Eleanor Wright; a distinguished member of the Santa Barbara community. Eleanor's life was marked by service to our society and love for her family.

Eleanor Wright, a native of Ohio and a longtime Santa Barbara resident, attended the Ethel Walker School and Bennington College where she earned a bachelor of arts degree in psychology. Over 50 years ago, she married Clifford Ramsey Wright Jr., who served honorably in our Nation's armed services.

The Wrights moved to the Santa Barbara area in 1959. Immediately upon arrival, Eleanor proved herself to be a key leader in the community by advocating for social justice in a variety of fields. The Santa Barbara Mental Health Association, the Citizens Planning Association, the Family Service Agency, the Community Counseling Association, and the Santa Barbara Civil Service Commission benefited from Eleanor's tireless work on many of her committees. She also co-founded the Phoenix House of Santa Barbara, a facility designed to help mental health patients transition back into the community. In addition to her devotion through service, Eleanor supported a large number of community based action groups which work to make Santa Barbara a healthy and vital community.

Eleanor's legacy will be remembered by her husband, 4 sons, daughter, 12 grandchildren, 2 great-grandchildren, and all of her extended family. As a woman who committed her life to serving others, Eleanor's passing has been deeply felt by the many that were touched by her life. The Santa Barbara community will miss an invaluable community leader and a friend. Please join me in honoring this exemplary American.

HONORING THE RETIREMENT OF RAY ALEXANDER

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 2008

Mr. ORTIZ. Madam Speaker, I rise today to honor Mr. Ray Alexander on his retirement from KRGV television station in Weslaco, TX. His dedication to providing and bringing the news to the Rio Grande Valley has been an invaluable service.

Mr. Alexander has served as general manager for KRGV for 26 years. During his time at the television station, KRGV has become a leader in both national and local news, covering the most important stories and issues of the Valley community. The station has been honored with several regional Edward R. Murrow awards, one National Edward R. Murrow award and an Emmy award. The station has also received the Texas Association of Broadcasters Bonner McClain Award.

The tremendous responsibility of managing a TV station has not stopped Mr. Alexander from serving in civic affairs. He has served in leadership positions for both the National Association of Broadcasters and Texas Association of Broadcasters. He won two of the Texas Association of Broadcasters' most prestigious awards—"Broadcaster of the Year" in 1988 and the "Pioneer of the Year" in 2002.

Mr. Alexander has also gained prominence for his community and charitable work. He has dedicated much of his time to the South Texas Chapter of the United Way; the McAllen, TX chapter of the Boys and Girls Club; and won the Easter Seals Society Rio Grande Valley Chapter "Humanitarian of the Year" in 2001.

As the area continues to grow and face new challenges, it is important to always have dedicated journalists to better inform our citizens. I have had a great working relationship with Mr. Alexander and KRGV throughout my congressional career. As Mr. Alexander moves on, I look forward to working with KRGV in the future in keeping our community abreast of the important issues.

There is no doubt that Mr. Alexander will continue to be an inspirational leader in south Texas. I wish him and his family the best as he moves on to another fulfilling chapter in his life.

INTRODUCTION OF LEGISLATION EXPANDING SECTION 179 SMALL BUSINESS EXPENSING

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 2008

Mr. HERGER. Madam Speaker, in Congress's rush to enact some manner of short-term economic stimulus, we should not lose sight of the bigger picture, that is, that the long-run prosperity of the American worker and his or her family depends on sustained and not one-time economic growth. In general, while economic growth is dependent on many factors, one of its chief determinants is certainty and predictability. It is for this reason that I believe we must act now to extend the critical tax relief of the last 6 years. Industry is already making operational decisions today based on the business environment of tomorrow, and it is troubling to think that, absent any signals from Washington to the contrary, they are expecting tax increases. It is also time to focus our attention on other elements of our long-term economic prosperity, and that includes America's competitive position relative to our largest global competitors. I am concerned that we have some of the highest business taxes among the top economies in the world. This is something that we must work to change if we hope to compete in the 21st century.

One of our country's most valuable assets is our workforce, and fostering the continued competitiveness of this asset is a growing challenge. This is one of the reasons I support small business expensing, both as a short-term and long-term tax policy. Workers grow and learn on the job, underscoring the critical importance of businesses keeping their doors open and expanding. Nearly two-thirds of all new job creation in the U.S. comes from small businesses. In the context of an economic stimulus, increasing small business expensing limits would help keep workers employed and even create new jobs as our country weathers an uncertain economic time.

How does small business expensing help? Second, when facing slower economic growth, and the potential for job loss, expensing frees up potentially affected businesses from spending so much of their cash flow on overhead, therefore enabling them to retain existing workers, hire new workers, and focus on expansion rather than just staying afloat. Expensing makes this possible by allowing companies to write-off 100 percent of new, otherwise depreciable assets immediately.

While my legislation would grant a short-term increase in the current law expensing limits, expensing makes for good long-term investment-focused tax policy as well. I look forward to working with others in the House and Senate to approve this measure, and continue the debate over long-term tax policies that really get at the bedrock of America's economic growth.

COMMEMORATING "MR. MENDOCINO" JOHN A. PARDUCCI FOR HIS OUTSTANDING CONTRIBUTION TO THE MENDOCINO COUNTY WINE INDUSTRY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 2008

Mr. THOMPSON of California. Madam Speaker, I rise today to honor a legendary grape grower, winemaker and friend on the occasion of his 90th birthday. John Angelo Parducci has been in the wine business in Mendocino County for more than seven decades.

His contributions to the wine industry in Mendocino County, as well as to all of northern California, have helped one of the region's most important agricultural products grow to international acclaim. His lifelong commitment began at an early age.

The grandson of an Italian immigrant, John Parducci is a third generation winemaker. He was born on January 22, 1918, to Adolph Parducci and Isabella Katherine Lucchetti Parducci in the same house where his mother had been born, just south of the Mendocino County line. Adolph moved his family to Ukiah, and at about the same time Prohibition began, built Parducci Winery, the oldest in Mendocino County.

In 1933, 14-year-old John accompanied 40 train carloads of grapes his family was shipping to the east coast. When he returned to Ukiah, he took part in the first of a lifetime of grape harvests. He filled jugs from magnificent 50-gallon redwood tanks, some of which still exist at the old winery. Parducci was the first to bottle and label varietal wines in Mendocino County, the first to use Anderson Valley on a label and the first to promote Mendocino winemaking around the country.

In 1937, John Parducci married the love of his life Margaret Louise Romer. They had two sons. In 1960 he took over the winery from his father and continued with his passionate and opinionated quest to make great wine at an affordable price. The original Parducci Winery was recently purchased by the Mendocino Wine Company, which continues the label.

Not one to retire, however, in 1999, John Parducci and his grandson Rich, started McNab Ridge Winery in the pristine McNab Valley, where John hunted deer, turkey, and wild pigs in his younger years. His winemaking legacy continues under the McNab Ridge and John A. Parducci Signature Heritage Series labels.

Accolades and honors have poured in over the years. In 2003 he was awarded the California State Fair Lifetime Achievement Award. He has been America's Ambassador of Wine, recognized by the Wine Institute, and named winemaker of the year by the Los Angeles County Fair, the North Coast Knights of the Vine, the City of Los Angeles, and the Texas Knights of the Vine.

Over the years John has found time to give service to the community through his membership in the Masons, Rotary and Shriners in Ukiah. In 1999 he received the prestigious Norman Lippman Award in Nashville for his community service as well as his winemaking.

Madam Speaker and colleagues, John Parducci has earned the admiration and respect of his peers and left a positive legacy for the future of winemaking not only in Mendocino County, but all across our country. For these reasons, it is appropriate that we honor Mr. Mendocino—John Parducci.

RECOGNIZING JOHN BRENNAN FROM NEW YORK

HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 2008

Mr. ARCURI. Madam Speaker, I rise today in recognition of John Brennan, a resident of my congressional district in upstate New York, and his extraordinary record of service for World War II veterans.

In the spring of 2004, John formed a committee with the goal of giving World War II veterans from Herkimer County, New York, a historic once-in-a-lifetime opportunity to see the World War II Memorial in Washington, DC. The first 3–day, 2-night trip was in September 2004, and two more followed in May and September 2005. In total, approximately 190 Herkimer veterans traveled to DC. These all-expense paid trips, financed entirely by private donations, are believed to be the first of their kind in the Nation. Because all of their expenses were covered, every veteran who wanted to, and was physically able, made the trip.

In 2007, he was approached about duplicating the Herkimer project for the World War II veterans from Oneida County, New York. In the course of four trips, more than 400 Oneida veterans made the journey to Washington. After the Hamilton County, New York, legislature contacted John, 17 World War II veterans from Hamilton joined the last Oneida trip.

The son of James and Grace Brennan, John was born and raised in Cohoes, New York. He graduated cum laude from Siena College and Albany Law School. Currently, he is employed as the principal law clerk for Michael E. Daley, the State Supreme Court Justice for Herkimer County.

In addition to his work for veterans, John's service to the community includes organizing the Oneida and Herkimer Counties Bar Associations' participation in the Herkimer County Marine Corps League's Holly Days Toy Drive and serving as an assistant coach in the Herkimer Youth Basketball Program. He is also active in many community associations, including serving as the vice-chair of the Valley Health Services board of directors and on the advisory boards of the Herkimer County Salvation Army and the Herkimer County Child Advocacy Center. In addition, he is on the district council of the Boy Scouts of America, Revolutionary Trails Council and the Herkimer County Law Library Board.

John has been the recipient of numerous awards for his commitment to the community. He has received the Oneida County Bar Association Director's Award, the Mohawk Valley Chapter of the American Red Cross's Volunteer Leadership and Faithful Service Awards and the New York State Unified Court System's Merit Performance Award for Community Service and Humanitarian Pursuits. Veterans' organizations, including the Herkimer Veterans of Foreign Wars Post #4915, the Herkimer County Veterans Council and the Ilion Marine Corps League, have also recognized his work with awards.

John's exceptional dedication to veterans is to be commended. Thank you, John, for all you have done.

35TH ANNIVERSARY OF ROE v. WADE

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 2008

Mrs. JONES of Ohio. Madam Speaker, I rise today to celebrate the 35th Anniversary of the Supreme Court decision Roe v. Wade. Since 1973, women in this country have exercised choice over their health and the future of their lives. Celebration of this landmark decision is a celebration of America's commitment to uphold freedom and liberty for all.

According to the National Abortion Federation, abortion was actually legal, common, and publicly advertised until the mid 1880s. When abortions became illegal, many women died or suffered serious medical problems after attempting to self-induce their abortions or by going to untrained practitioners who performed abortions with primitive methods or in unsanitary conditions. Prior to this 1973 decision, women with economic means were able to access medical assistance, (however illegal) while poor women in desperation were forced to subject themselves to back-alley abortions and the subsequent consequences to health, dignity, and privacy. According to the advocacy group Human Rights Watch, approximately 13 percent of maternal deaths worldwide today are attributable to unsafe abortion—between 68,000 and 78,000 deaths annually.

Equitable access to safe abortion services is first and foremost a human right. It has been accurately stated, "Where abortion is safe and legal, no one is forced to have one"—Human Rights Watch. Having a choice and access to a safe abortion is an enormous concern, estimated to affect one in three American women by the age of 45—National Abortion Federation.

In many countries, the denial of reproductive choices makes women succumb to second rate citizenship, further perpetuating the feminization of poverty. Where women are able to exercise choice, they are in control of their opportunities without intrusion by their government. Any restriction on such a choice offends fundamental liberties.

The social, economic and physical consequences of denying women choice are devastating. Because of our global position as a model of democracy and freedom, it is imperative that we stand to acknowledge this decision of the Supreme Court that affirms women's jurisdiction over their bodies and extends the message that the United States is a country which affirms reproductive choice. May we forever remain a Nation that does not corner its citizens, but rather respects their capacity to make decisions over their health and future pursuits.

TRIBUTE TO LIEUTENANT GENERAL JAMES L. CAMPBELL

HON. JOHN M. McHUGH

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 22, 2008

Mr. McHUGH. Madam Speaker, I take this opportunity today to honor LTG James L. Campbell for his long and distinguished service in the United States Army. I have had the privilege to know General Campbell since 1999 when he commanded the Army's famed 10th Mountain Division (Light Infantry) at Fort Drum in my 23d Congressional District.

LTG James L. Campbell will officially retire from the United States Army on March 1, 2008, after more than 36 years of dedicated service to our Nation, culminating in his assignment as the 13th Director of the Army Staff. Throughout his career, General Campbell has personified the Army values of duty, integrity, and selfless service across the many missions the Army provides in defense of our Nation. Many of us on Capitol Hill have enjoyed the opportunity to work with General Campbell on a wide variety of Army issues and programs, and it is my privilege to recognize his many accomplishments.

Upon graduating from the University of Missouri in 1971 and completing the Reserve Officer's Training Corps program, General Campbell was commissioned as a second lieutenant of infantry. Since that time, he received two advanced degrees and served in a variety of command and staff assignments, leading men and women in peace and war in places like Somalia, Haiti, and Bosnia-Herzegovina. As the leader of a joint task force in Vietnam, Laos, and Cambodia, General Campbell helped account for America's missing service personnel from the Vietnam war. For the past 3 years, General Campbell has served as Director of the Army Staff, responsible for synchronizing the day-to-day operations of America's 1.2 million-person Army. He has proven himself a tremendous wartime leader who has demonstrated unselfish devotion to our Nation and the soldiers he leads.

General Campbell has led the Army Staff during one of the most challenging periods in the Army's history. He directed the Army's efforts to transform and modernize the force and implement the largest Base Realignment and Closure in history all during a time of war. His efforts were instrumental in leading the staff through monumental change in the way the Army sustains, transforms, grows, and modernizes. This complex effort established standard organizational designs more relevant to current operational requirements and significantly increased the Army's capability to support Combatant Commanders.

Among his many awards and decorations are the Distinguished Service Medal, Defense Superior Service Medal with 1 Oak Leaf Cluster, Legion of Merit with 2 Oak Leaf Clusters, Bronze Star, and Meritorious Service Medal with 3 Oak Leaf Clusters.

Indeed, through these varying assignments, Lieutenant General Campbell has provided outstanding leadership, advice, and sound professional judgment on numerous critical issues of enduring importance to the Army and our Nation. His actions and counsel were invaluable to Army leaders as they considered the impact of critically important issues.

Madam Speaker, it is with sincere admiration and appreciation that I pay tribute to General Campbell, his wife, Carol, and their two children, Scott and Casey, for the commitment, sacrifices, and contributions that they have made throughout his honorable military career. I thank General Campbell for his more than 36 years of dedicated and exceptional service and wish him many years of continued success and happiness.

TRIBUTE TO JOANIE HELGESEN

HON. ROBERT WEXLER

OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 22, 2008

Mr. WEXLER. Madam Speaker, I rise today to honor Joanie Helgesen for winning the title of Ms. Florida Senior America 2007. A constituent of mine from Boynton Beach, Ms. Helgesen proudly represents the entire senior community of Florida, and I am honored that she resides within my congressional district.

The Ms. Senior America Pageant first began in 1971 and has since been expressing the many wonderful qualities of aging. As a prime representation of senior activism in America, the Ms. Senior America Pageant's philosophy is based upon the belief that seniors are the foundation of America, and that it is upon their knowledge, experience and resources that the younger generation has the opportunity to build a better society. As a representative of one of the largest senior communities in America, I share this philosophy and acknowledge the importance of seniors in the development of our youth and our communities as a whole.

Joanie Helgesen moved to Florida 4 years ago, and in that short time has been very active in the community. She is a tap dancer, showgirl and harpist with the Original Florida Follies, a non-profit organization of 50 performers, ages 60 to 90, who present spectacular stage extravaganzas each winter season with proceeds going to children in need and at risk in south Florida. She also does commercial modeling and is an animal lover who rescues homeless and neglected animals. A mother of two daughters and five grandchildren, Joanie believes life begins at 60, and she is making the most of her golden years.

I am proud to recognize Joanie Helgesen for being named Ms. Florida Senior America 2007; she is well deserving of this title and is a great representative of the senior community in south Florida.

TRIBUTE TO CHARLES E. HAAS

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 22, 2008

Mrs. CAPITO. Madam Speaker, I rise to honor a patriot and public servant, Charles E. Haas of Hurricane, WV for 39 outstanding years of service.

Charles retired this month from the Office of Personnel Management Federal Investigative Services Division. His span of 39 years includes working for the United States Air Force with the Office of Special Investigations, the Defense Investigative Services, and finally the Federal Investigative Services in Charleston, WV.

Charles is a true patriot who served with the West Virginia National Guard for 20 years, where he retired as Chief Master Sergeant in 2001. His commitment to serve our Nation and the personnel security mission as well as his high standards of character and professionalism are to be commended.

I wish Charles E. Haas congratulations on his retirement and thank him for his service to our country and all his contributions to our great State.

TRIBUTE TO KELVA NELSON

HON. GEOFF DAVIS

OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 22, 2008

Mr. DAVIS of Kentucky. Madam Speaker, I rise this evening to honor 27-year teaching veteran Kelva Nelson, who is a second grade teacher at Crabbe Elementary School in Ashland, KY.

Kelva was chosen by the U.S. Department of Education to receive the prestigious 2007 American Star of Teaching Award from Kentucky. Across the Nation, one teacher was chosen from each State to receive the American Star of Teaching Award, which recognizes dedication and innovation in the classroom.

As a teacher at Crabbe Elementary, Kelva believes that all of her students can achieve. Each day, she enters the classroom with enthusiasm to teach. Her innovative teaching style and imagination have brought learning to life for the many students that have entered her classroom. I applaud her commitment to educating the next generation of Kentuckians. I am extremely proud of Kelva and her tremendous professional accomplishments.

RECOGNIZING DAN BEARD, "GREENING OF THE CAPITOL"

HON. SAM FARR

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 22, 2008

Mr. FARR. Madam Speaker, Members of the House, I rise today to recognize the great efforts by House Chief Administrative Officer Dan Beard to make the Capitol a more environmentally sustainable workplace. Mr. Beard has spearheaded the "Greening of the Capitol" initiative, a mission to make the millions of square feet of Capitol infrastructure a model of sustainability.

From recyclable paper and energy-efficient light bulbs to cafeteria composting and sustainable seafood, Mr. Beard has re-imagined the Capitol complex as a new, greener place to work. I would like to convey my gratitude for his hard work and dedication and vow to continue as a partner toward this very worthwhile goal.

I would like to submit for the Record an article appearing in the Washington Post on January 16, 2008. The article, written by Jane Black, reviews many of the excellent improvements Mr. Beard has brought about in our cafeterias.

ON CAPITOL HILL, A VOTE FOR EDIBILITY AND THE ENVIRONMENT

Congress is back in session this week, soon to tackle such solemn matters as the destruction of CIA videotapes and the credit crunch. But in the halls of the Longworth House Office Building, much of the chatter is about another weighty matter: the new cafeteria food.

As staffers briskly walk the long corridors, they stop to poke into Goodies, the renamed and renovated Longworth Convenience Store, which now features organic chocolate along with the old Cup O' Noodles. Or they peep into the rehabbed Creamery, formerly Scoops ice cream parlor. The whole place has an aura of curious excitement, like a college during orientation week. (Then again, that may be because many of the staffers look as if they could still be in school themselves.)

Since members departed for the winter recess, the House cafeterias, which turn out 2.5 million meals a year, have undergone extreme makeovers. Longworth Cafe, the largest in the complex, was transformed first. Over the weekend of Dec. 15, the old salad bar was swapped for one made of sustainable materials, "green" signs were installed and entrees such as mystery meatloaf and mashed potatoes disappeared, replaced by crispy chicken with goat cheese and spinach and a "panzanella" station, where staffers can build a salad of marinated figs, prosciutto and feta cheese.

As of Monday, Restaurant Associates—the new contractor, which also supplies food to the Kennedy Center and the National Gallery—had also reopened the cafeterias in the Rayburn and Cannon buildings and the Members' Dining Room.

If only more congressional work were done as swiftly. The changes are part of the larger Green the Capitol project, an initiative of House Speaker Nancy Pelosi (D-Calif.) that aims to make the House carbon neutral by the end of the session. The dining service was a prime target, and not only because of the 1950s-era food. Cafeteria waste accounted for half of the estimated 250 metric tons of trash the House sends to landfills annually. Now the plates, cutlery, cups—everything except the soup and coffee lids—is compostable and turned to pulp on-site. In addition, the cafeteria offers fair-trade coffee, certified sustainable seafood and as much organic, locally grown food as it can deliver.

"I don't know much about the greening, but the food is a lot better," said Caitlin Lenihan, press secretary for Rep. Brian Higgins (D-N.Y.), standing in line at the panzanella station. "I'd stopped coming a while back, but I've already had the pizza and the barbecue. It's all improved."

Other staffers agreed, giving high marks to the quality and variety of food. (And this reporter can vouch for their good taste. The panzanella salad, while a far cry from the Italian bread salad for which it is named, was fresh, and the Asian shrimp wrap was nicely balanced by crunchy Napa cabbage and carrot slaw in ginger dressing.)

But the embrace of change, so touted on the campaign trail, clearly has not quite filtered down to the aides who keep the Capitol wheels in motion. Along with the praise came the inevitable griping—off the record, of course.

The No. 1 topic of complaint: that biodegradable cutlery. "Funky," "wacky" and "weird texture" were common descriptions. Put too much pressure on the fork, several staffers noted, and it snaps in half. "I even hear the spoons melt in hot drinks because they're made of cornstarch," said one staffer. (A test of that claim proved it was untrue: the first cafeteria urban legend.)

Complaint No. 2: the prices. Under particular scrutiny by caffeine-fueled aides were the bottles of Starbucks Frappuccino. One staffer was so incensed that he e-mailed his friends a chart illustrating how the new $3.30 price is 47 percent higher than the $2.25 the bottles sold for in the old cafeteria and 4.8 percent higher than the approximately $3.15 they sell for in Starbucks stores. "The wraps are more expensive," said a Republican aide. "The main entrees are a little more. I'm not sure about the pizza, because I never would have eaten the pizza before."

A reasonable complaint—if it were true. With the exception of those Frappuccinos, the price hike is in their heads, says Aidan Murphy, Restaurant Associates' vice president of operations. All like items cost the same, he said; only new dishes, such as those from the twice-weekly sushi station, are more expensive than items on the old menus.

And predictably, there was a resistance to change itself. "This is an improvement, but there are little quirks you have to get used to," said one senior Democratic staffer who visits the cafeteria every day. "I used to get this yogurt in the morning. They don't have it anymore. They have organic yogurt, which I don't want."

The green efforts are "generally a good thing, and we support it," the aide said. "But I'm still a little focused on what happened to my Dannon."

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 2008

Ms. SLAUGHTER. Madam Speaker, I was unavoidably detained and missed Rollcall vote 18. Had been present, I would have voted "aye" on rollcall No. 18.

"RETRO PAY" FOR DISABLED RETIREE VETERANS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 2008

Mr. KUCINICH. Madam Speaker, I wish to submit to the Congressional Record an article dated December 19, 2007 summarizing the plight of many of our Nation's veterans as they wait for their benefits.

[From the Plain Dealer, Dec. 19, 2007]

DFAS SAYS HIRING TO CLEAR BACKLOG OF DISABLED VETS' BENEFITS CLAIMS

(By Sabrina Eaton)

WASHINGTON.—The federal agency that processes pay for military retirees pledged Tuesday that its contractor will hire an extra 61 workers in Cleveland to clear a backlog of more than 48,000 benefit claims from veterans who are disabled by combat injuries.

The director of the Defense Finance and Accounting Service promised Cleveland Democratic Rep. Dennis Kucinich that the backlog of claims—some of which date to 2003—will be eliminated by April with the extra push from contractor Lockheed Martin.

"Federal benefits are meaningless if the intended beneficiaries do not receive them," said Kucinich, who called it a "tragedy" that so many veterans have waited for years to get money they're entitled to under a pair of programs for disabled veterans.

The payments stem from a law enacted in 2003 that ended a ban on veterans simultaneously receiving military retirement pay and disability compensation for health problems traceable to military service. Before 2003, veterans had to choose.

Disabled veterans have to apply for the simultaneous payments under the "Combat-Related Special Compensation" and "Concurrent Retirement and Disability Pay" programs. After they are approved, veterans can get back pay to the date their eligibility began.

DFAS and the Department of Veterans Affairs have already processed more than 130,000 of the cases and paid out more than $220 million, says DFAS spokesman Thomas LaRock. Average payments to veterans under the program have been $1,700, he said.

LaRock said the easiest claims were handled first. The more-complex cases were delayed because they require manual computations. He said many of them are affected by special circumstances, like changes in the veterans' disability level.

"These are complicated cases that are left, and we are processing them as soon as we can," agreed Lockheed Martin spokeswoman Emily Simone.

One of the many veterans who has been lobbying DFAS, retired Army pilot Wavie Sharp of San Antonio, Texas, says payments have been handled in a "painfully slow manner," and he noted that some older veterans have died waiting for their money. He blames the problems on DFAS for failing to demand progress from Lockheed Martin until Kucinich intervened.

"I'm angry," said Sharp, who figures he is personally owed between $10,000 and $31,000. "They've been dragging their feet for four years. This is a long time to ask for patience. Thank God for Mr. Kucinich. Everyone else gave us lip service."

NATIONAL SECURITY CHALLENGES

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 2008

Ms. ROS-LEHTINEN. Madam Speaker, the critical national security challenges the U.S. faces throughout the Western Hemisphere demand our support of strong allies, like Colombia, in the region. The historic ties between the U.S. and Colombia have only deepened in recent years as our cooperative efforts to surmount security, economic and social concerns have intensified.

With this in mind, I would like to offer my warmest congratulations to Captain Hernando

Wills on the occasion of his promotion to Rear Admiral of the Colombian National Navy.

The following excerpts from Colombian Ambassador Carolina Barco's remarks highlight the significance that Rear Admiral Wills' promotion holds for the U.S.-Colombia relationship.

> The relations between the United States and Colombia are not only their oldest in this continent, they also reflect a great understanding between our nations. Our relations encompass important historical events, such as the deployment in 1951 of the frigate *Almirante Padilla* and the Batallón Colombia to fight for democracy in Korea alongside U.S. Forces. Colombia was the only Latin American country to deploy troops in that multinational force, which cost the lives of 146 countrymen, with 69 missing and 448 wounded in combat. The participation of our soldiers in the peace keeping forces at the Suez Canal in 1956, the deployment of the Batallón Colombia since 1982 with the peace forces in the Sinai Peninsula, and innumerable episodes, give faith to the integration of our peoples under the flags of democracy and respect for human dignity.
>
> I want to highlight this year as particularly fruitful for the joint work of the Navies of Colombia and the United States: their participation in important exercises such as UNITAS and PANAMAX, the first focused on standardizing procedures among the navies of the hemisphere and to maintain a level of training that will permit a joint defense of this continent, and the second with the purpose of organizing a defense of the Panama Canal.
>
> Because of the nature of our peoples, military action goes beyond defense, successfully engaging in humanitarian endeavors, such as the deployment of the U.S. Navy's hospital ship *Comfort* to the Colombian coast providing medical attention to thousands of beneficiaries, and the joint participation of Colombia in the Joint Inter-Agency Task Force South in Key West, and the engagement of Colombian river operations' experts training U.S. Navy personnel for their future responsibilities in Afghanistan.
>
> For all the aforementioned, the decision of the Colombian Government to promote Captain Hernando Wills to the rank of Rear Admiral is not an isolated event: it compliments the experiences of an inured sailor with the doctrine of National Defense University to defeat narco-terrorism, strengthen democracy, and return to Colombians the possibilities of development in peace, under the mandate of profound respect for human dignity clearly stated in the National Constitution.

CONSUMER PRODUCT SAFETY MODERNIZATION ACT

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 2008

Mr. GONZALEZ. Madam Speaker, I rise today to commend the chairman and ranking member and my colleagues for their efforts on behalf of H.R. 4040. This hard work and dedicated service has produced a strong, bipartisan Consumer Product Safety Modernization Act. Congress and the American people can be proud of this significant and needed accomplishment.

While this legislation includes many important reforms of the Consumer Product Safety Commission, and I strongly support its passage, the bill does not address one important issue that I think deserves further attention in any House-Senate Conference Committee deliberations. That issue involved the labeling or packaging of a product which may reference a product safety standard. It is important we address this issue for the well-being and safety of our citizens.

In some cases a product may bear a label or packaging material referencing a safety standard, when the product was not tested or certified to meet the standard listed on the label or packaging. This deceptive labeling can be a grave threat to the safety of many consumer products on the market, and must be addressed as part of this comprehensive legislation.

I hope that as this important piece of legislation moves its way through the Conference Committee process we will further examine and address this labeling and packaging issue.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 2008

Mr. SMITH of Washington. Madam Speaker, on January 16, 2008, on Rollcall vote No. 8, during consideration of H.R. 2768, Supplemental Mine Improvement and New Emergency Response Act of 2007, I incorrectly voted "aye," when I intended to vote "no."

HONORING DR. NANCY J. NIELSEN

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 2008

Mrs. CAPITO. Madam Speaker, I rise today to extend congratulations to the newly elected President of the American Medical Association, Dr. Nancy J. Nielsen, who hails from the Mountain State.

Dr. Nancy J. Nielsen is the first West Virginia native and second female to hold the prestigious post. She is originally a native of Elkins, WV, located in Randolph County and completed her undergraduate education in pre-medicine at West Virginia University.

She has a doctorate in microbiology from Catholic University of America and received her medical degree from University of Buffalo where she currently serves as senior associate dean for medical education for the school of medicine.

Dr. Nielsen is always proud to mention her West Virginia roots to her friends and colleagues. She maintains her ties to the State by serving on the Board of Advisers to the WVU School of Medicine.

She always makes time for family despite her busy teaching and travel schedule. Her mother, Anne Harshbarger, lives in Elkins and her children, Kristen Bartnik, Robin, David, Kevin Nielsen lives in New York and her son, Mark Nielsen, lives in Washington, DC. She is the proud grandmother of 7 grandchildren.

It is an honor to recognize Dr. Nancy J. Nielsen as a trailblazer among women for her accomplished career and leadership roles in the medical profession. West Virginia is proud to call her one of our own.

A TRIBUTE TO THE NEWLY RETIRED ARTHUR BARNES, A PROUD SON OF HARLEM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 2008

Mr. RANGEL. Madam Speaker, I rise today, as we approach his retirement, to recognize the exemplary career of Arthur Barnes, who culminates a career marked by glowing accomplishment and triumph. He, this year, ends an illustrious 15-year stint as the Health Insurance Plan of New York's senior vice president for external affairs and corporate contributions—there, successfully pursuing with great energy and imagination the promoting of the health and well-being of the diverse New York community. Under his direction, the HIP generously doled out aid—in the form of grants, scholarships, contributions, sponsorships, and in-kind services—to those nonprofit organizations actively working to improve the quality of life for New York City residents. Through his efforts, Arthur Barnes empowered community organizations to make a substantive contribution to the education of people who were previously unaware of how they could positively affect their well-being through preventative behavior. This working partnership stands as Arthur's perhaps greatest legacy. It is that legacy of selfless service to the greater good that Arthur leaves behind for all to emulate.

He ably served in an array of influential posts before arriving at HIP: Presiding over the New York Urban Coalition as its leader and CEO for 20 years, becoming a vice president at the Institute for Mediation and Conflict Resolution, and rising from file clerk to vice president of administration over a 21-year period at Consolidated Mutual Insurance Companies. His commitment to philanthropy remains a pillar of his public work, serving on the volunteer boards of Black Agency Executives, Associated Black Charities, and New York City Partnership, which he helped found.

A native son of Harlem, he has remained loyal and true to his home. But the benefits of his efforts are far-reaching and innumerable.

HONORING THOR HESLA

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 2008

Mr. WU. Madam Speaker, America has lost a great public servant. Thor Hesla died in Kabul, Afghanistan last night, a victim of the Taliban.

That Thor should pass at the hands of religious extremists is perhaps one of the great ironies of life because he was such a strong proponent of the humane, human virtues in life. He worked in tough places, tough jobs in America, in Kosovo, in Afghanistan, always promoting peace, democracy, and the general public welfare. He worked so many hard, dangerous jobs, and he was such a colorful person that he was larger than life. And I guess there are some of us who came to believe that the bullets would always go around him, and in his own particularly human way, Thor had become a touch immortal.

I owe him a deep debt of friendship and gratitude. He was my 1998 campaign manager, and we won a hard-fought campaign under his leadership. But that was the least of it. It was what he did afterwards. His friendship, his support, and his wise advice, which I was sometimes wise enough to accept, that was what for me set him apart and built our deep relationship. And I believe that there are hundreds of people across this country and perhaps thousands of people around the world who similarly feel this bond of friendship and this debt of gratitude to Thor. America and the world are better for his life and his work.

Earlier, I used the word "victim" in connection with Thor: And I misspoke, because Thor was no one's victim. He chose his life, he chose his work, and he chose Kabul.

Because of events earlier during the recess, I had an opportunity to speak with my son about life and its end. And while there are many ways to live well, to live a good life, there are few, if any, good ways to pass on. But if there are any, it is to pass on in the company of friends and family or to pass on for a cause. Now, Thor wasn't with his family in Atlanta or here in Washington, his sister, his brother-in-law, his niece and nephew, or his father; but he was with a family and a circle of friends, the family of those who care, the friends of those who care for others and who care to risk for others. He died in the cause of ringing some small measure of peace, prosperity, and democracy to those who are in dire need of those things.

So tonight we mourn, we remember, we celebrate the lilt of Thor Hesla. America has lost a fine public servant, but he is now a public servant for all those in all the ages who care to remember those who care and sacrifice for others.

HONORING SANDY DUNN

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 2008

Mrs. CAPITO. Madam Speaker. I rise today to honor the accomplishments of Sandy Dunn, who was recently named the 2008 president of the National Association of Home Builders; making her the first West Virginian and the second female to serve as president of the association.

A native of Mason County, West Virginia, Sandy followed in her father's footsteps by pursuing an interest in public service and taking over their family business, B.J. Builders founded by her father in 1947. In 1974, she additionally opened her own small business, Homestead Realty that grew into the county's largest realty agency.

While remaining dedicated to her community, Sandy emerged in the homebuilding industry as an affective leader with a reputation as a consensus builder. She owes her success to open communication and listening to the concerns of the industry within her state and across the nation.

Her previous experience within the homebuilding industry led her to her current post as president of the National Association of Home Builders. She has been active with the organization for 30 years, where she began on the local level gaining leadership positions, later served as president of the West Virginia Association of Home Builders for 2 years, and also served twice as vice president of the national association. She has received numerous honors including the 1997 Henry E. King Award, the highest statewide honor and was named National Representative of the Year in 1998.

It is an honor to represent such an accomplished, female leader who serves the needs of the homebuilding industry on the national front, while always maintaining her dedication to her community of Mason County. I am proud to call Sandy Dunn, a friend and a fellow West Virginian.

INTRODUCTION OF H.R. 5087

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 2008

Mr. MITCHELL. Madam Speaker, earlier today my colleague Dr. RON PAUL and I introduced H.R. 5087, the Stop the Congressional Pay Raise Act of 2008, to block the automatic pay raise Members of Congress are scheduled to receive next year.

As you may recall, I introduced a similar bill last year seeking to prevent an automatic pay raise for Members of Congress from taking effect this year.

Unfortunately, despite the support of 29 cosponsors, last year's bill failed to reach the floor, As a result, every Member is now receiving $169,300 this year, a $4,100 increase from last year.

Madam Speaker, the American people didn't get a $4,100 pay raise this year. I do not know how in good conscience we, as their Representatives in Congress, can accept one.

Our Nation is at war, we have a national debt of more than $9 trillion, and fears of a recession have sent the stock market into a tailspin. Unemployment is up, home sales are down, and markets around the world are on shaky ground.

In December, the unemployment rate rose in 46 States as well as the District of Columbia.

In my home State of Arizona, unemployment rose 42 percent between September and December alone, leaving 143,800 unemployed.

Compounding the situation, nationwide inflation shot up 6 percent in 2007, the largest jump in 26 years. The same gallon of gas that cost $2.20 a year ago now costs more than $3—and new home construction dropped 25 percent, the largest decrease in 27 years.

When Members of Congress accept this pay raise, we send the wrong message.

Americans are suffering and instead of feeling that pain, Congress is approving pay raises to further insulate us from it. If you want to know why people hate Washington and feel that it is out of touch, it is precisely because of moves like this.

I will be donating my 2008 pay raise to charity and I encourage my colleagues to do the same.

I also encourage my colleagues to join me in supporting H.R. 5087 to stop next year's pay raise for Members of Congress.

IN RECOGNITION OF MR. DANIEL BRISON

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 2008

Mr. ROGERS of Alabama. Madam Speaker, I rise today to pay tribute to a distinguished young man from my district, Mr. Daniel Brinson.

Daniel, a Montgomery native, is currently a sophomore at Auburn University and a member of the Nu Chapter of the Kappa Alpha Order. In late September of 2007, Daniel was traveling with a friend, Terrell Webb, when the pair came upon an accident. Both cars involved were in flames off the side of the roadway. Daniel and his companion approached the vehicles and heard cries for help. In an act of selfless courage Brinson and Webb forced their way into one of the cars and pulled one of the occupants, a young woman, away from danger. The young woman has since overcome serious injuries to make a full recovery.

Mr. Brinson's unflinching willingness to risk his safety to help others is an example for all Alabamians. I salute Daniel for his service to his neighbors, and wish him the best in his future endeavors.

PERSONAL EXPLANATION

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 2008

Ms. SOLIS. Madam Speaker, during Rollcall vote No. 18 on Final Passage of Hope VI Reauthorization, I was unavoidably detained. Had I been present, I would have voted "aye".

HOPELESS IN AFRICA? DOING SOMETHING ABOUT IT

HON. PAUL C. BROUN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 2008

Mr. BROUN of Georgia. Madam Speaker, like millions of Americans, when reminded of the facts and photographs of the millions of souls in Africa that are malnourished and lack even the basic necessities of life, I wring my hands at the enormity of the problem.

I recently read an article by Wes Vernon regarding the sad plight of those in Kenya, but what lifted my spirits was what the author said was being accomplished to help these people. Rather than do nothing because of the enormity of the problem, or simply demand that the U.S. Government provide ever increasing amounts of foreign aid, American citizens with a vision and a burden to help those less fortunate have decided to take action.

People from as far as East Africa all the way to Marietta, Georgia have joined hands to create the United Orphanage and Academy. They are doing great work, and I commend them for their efforts, their initiative, and their selfless compassion.

I commend this article to your reading and submit it to the RECORD for posterity. Thank you.

[From RenewAmerica, Jan. 12, 2008]

HOPELESS IN AFRICA? DOING SOMETHING ABOUT IT

(By Wes Vernon)

Herewith, the classic example of a humanitarian and selfless effort linked in a very meaningful way to our strategic interests in a far-off part of the world, and incidentally the effectiveness of volunteer effort as opposed to taxpayer-funded giveaways.

KENYA'S FUTURE AND AMERICA'S SECURITY

In the War on Islamofascism, the United States has a very firm ally in Kenya—one of our best friends on the African continent. That assumes Kenya remains stable. President Mwai Kibaki was recently re-elected. His opponents don't like the outcome and their protests have at times become violent and bloody. Under Kibaki's government, Kenya has—since 9/11—provided us with military bases, and shared intelligence to head off at Qaeda's inroads in Africa. That has been backed up by communications networks.

Retired Lt. Gen. Michael DeLong recently told the Washington Times that Kenya is "strategically located," and that a failed state in Kenya would erase "one of the top friendly militaries to the United States in Africa."

FROM THE HEART, RATHER THAN THE TAXMAN'S SHAKEDOWN

During the holidays, Americans were served up a steady stream of TV ads urging them to prod the presidential candidates to promise to feed the world's starving.

There is a premise there that deserves a fair amount of dissection.

In the first place, the assumption the problem of the world's needy can most effectively be remedied by an entanglement in the morass of presidential politics. I have yet to hear a candidate for any office declare on the stump, "And furthermore, if elected, I promise that I will dish out more of your tax money for foreign aid."

Not that the American electorate is coldhearted or indifferent to the hunger problem in third-world countries. Every study that this column has seen on the subject confirms that Americans are the most generous people in the world. But over the years, they have heard some horror stories about how aid we have sent to the far corners of the earth has failed to reach the poor people for whom it was intended after corrupt politicians there got their hands on it. For U.N. aid—also funded by you and me—the results of aid projects have been even worse. That is why even the most compassionate among us are cynical about government-run "foreign aid."

I once approached a congressman just off the House floor to interview him on a foreign aid bill that only seconds before he had eloquently urged his colleagues to pass. I thought the man would have a stroke. "Foreign aid? That's not a popular issue! You know that!" he reproached me while emphatically declining the interview.

NOW SPECIFICALLY WITH REGARD TO KENYA

In a land overwhelmed by poverty, pestilence, corruption, and perpetual war, there is an instinct to throw up your hands and give up. For those not willing to walk away from digging out of that appearance (at first blush) of a relentless quicksand in Sub-Sahara Africa, there is—as a shining example of hope—the United Orphanage and Academy.

STARTING SOMEWHERE

In that part of the world, there are heartrending examples of despair wherever you look. No one capable of human feelings can ignore a hungry and/or sick child. Shelters have been known to run out of food in trying to alleviate starvation.

Also in that part of the world—a place not normally on everyone's radar—the difficulty in dealing with the "impossible" is all the more acute. Many life-threatening birth defects can be treated in the Western world. Not necessarily so in Africa.

Much the same applies to blindness. If there is an effective preventive measure, we will find it here in America. The odds are longer in much of Africa.

And then there are the kids who have been orphaned—often through the ravages of war. Twelve million kids in the region have been orphaned by parents who died of the HIV-Aids pandemic. Add famine and unsafe drinking water to the mix, and you can see that many of God's children are in desperate straits.

THE HISTORY

The United Orphanage and Academy is the brainchild of the Rev. Stephen N. Chege, Pastor of Westminster Presbyterian Church of East Africa (the orphanage's director) and Washington attorney Henri (pronounced Henry) Rush of the Westminster Presbyterian Church of Alexandria, VA. They founded the orphanage in 2001. The facility opened its doors in 2004 as a home for six orphaned children. It now houses the 48 kids (31 girls and 17 boys, ages 4 to 15 years old).

Since its founding, the orphanage has been supported by Westminster; Old Presbyterian Meeting House (Alexandria); Lewinsville Presbyterian Church (McLean, Virginia); Mary Queen of Peace (a Catholic church outside of New Orleans), and the First Presbyterian church of Marietta, GA. Members from Westminster, the meeting House, and St. Leo's Catholic Church in northern Virginia shared in the celebration of the second anniversary of its opening.

THE LOCATION AND FACILITIES

The orphanage is in a rural area in northwest Kenya near the border with Uganda. The area is known as Moi's Bridge. Boys' and girls' dormitories are included, as are a dining room and kitchen, along with office space and a classroom. Fresh water is provided by a rain water cistern and deep water well. There is a generator for electric power, and in 2007 the facility was connected to the national electric power network.

The current needs include $50,000 to purchase a bus as the academy grows serving more children, drawn from Moi's Bridge—population 5000.

STILL A WORK IN PROGRESS, BUT STEADILY GROWING

The academy part of the orphanage operation opened in 2006, and now hosts classes from pre-kindergarten through fifth grade, staffed with a teacher for each of the six classes. That is a significant advancement.

Most children in the area attend five different public schools which are distant and overcrowded. (Can you imagine 90 to 110 students per teacher? The norm for even the worst inner-city schools in the Western nations usually manages to avoid that impossible-to-teach ratio). The academy will maintain a ratio of no more than 35 students per teacher.

In addition to the younger children of the orphanage who are enrolled in the academy, students from the surrounding community are also included.

The academy is in the process of building a $70,000 permanent stone three-story building to house twelve classes. The plan is to add one additional class each year up through twelfth grade.

THE CHILDREN

The children at the United Orphanage and Academy come from five distinct ethnic backgrounds among the different tribes that inhabit the areas in the neighborhood. In fact, co-mingling and reconciliation of kids from various ethnic backgrounds stood out as a founding principle. The word "United" in the facility's name was picked as an expression of efforts toward the kind of understanding from which not only Africa, but the entire world, would benefit.

The point was made in our interviews (by phone and e-mail) with Henri Rush. Set children on that path, and the prospects for the future become more positive. And he added, "This has become important in the face of the recently electorally-spawned ethnic violence."

That unrest does not threaten the academy itself, however, as Rush adds, "Although there have been killings and house burnings as close as one kilometer from UO&A, the regional authorities have assured Director Chege that the children and the staff and the facility will be protected by them." Classes were scheduled to re-open for 2008 on January 14, offering curriculum up to the fifth grade, a significant advance. Furthermore, the infrastructure of the school is being upgraded—from multiple wood frame classroom blocks to single permanent stone buildings.

Ultimately, Rush says the academy intends also to provide vocational education for children not suited to pursuing post high school education.

"This will insure that all of our children will be able to lead useful productive lives and contribute to the well-being of the community," he adds, "For those that show academic promise, we plan to raise sufficient funds to enable them to attend college in Kenya with a view to their becoming leaders of the community, region, or even, God willing, the Nation." Make no mistake: These kids will be around to serve as payback to their community, the nation, and—we dare say—the world.

THE BIG PICTURE

We are at a point in history when the world appears poised for a clash of cultures with the possibility of the "mother of all showdowns." Governments and international organizations—by and large—have made a mess of things. We are going to have to pitch in and do the rebuilding. That starts with the basics, offering help to those in need.

There are many ways of doing that, and the United Orphanage and Academy bears a striking resemblance to one of what the first President Bush referred to as "a thousand points of light," a means by which we roll up our sleeves and do it ourselves.

OVERHEAD? NOT HERE

Every charity has to have at least a little bit of overhead, I said to Henri Rush in an interview.

"Absolutely not," he replied, "I am the overhead," with donations of time (and though he didn't specify it, no doubt a fair amount of money). He added a church bookkeeper is "overhead, but she also donates her time."

WHERE YOU COME IN

You can play a part in the success of this shining "point of light."

Tax deductible checks can be sent to Westminster Presbyterian Church, 2701 Cameron Mills Road, Alexandria, VA 22301, or Old Presbyterian Meeting House, Alexandria, VA 22314. Note United Orphanage on the memo line.

Again—no overhead, no U.N. or government bureaucracy. Your money goes straight to the kids. You can't beat that for the "up and up."

HOUSE OF REPRESENTATIVES—*Wednesday, January 23, 2008*

The House met at 10 a.m.

The Reverend Saul Santos, Jr., Fountain of Truth Church, Fontana, California, offered the following prayer:

Heavenly Father, thank You for being the God of all people, believers and non-believers. You are the God of all thrones, dominions and rulers. All authority in heaven and Earth are in Your hands. You are the founder of the Earth and established the heavens. You formed us from the dust of the ground and gave us the breath of life.

Today, I ask that You establish this House full of Your knowledge, Your wisdom, understanding and love.

As we pray, I ask that You extend Your hand of protection over each Representative and their families. Give them strength as they lead. Lord God, I know that You are never absent from them when they need You.

I thank You for freedom and America.

As we pray, this House is stronger; as we commit our work unto You, in Christ Jesus our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from New York (Mrs. MALONEY) come forward and lead the House in the Pledge of Allegiance.

Mrs. MALONEY of New York led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND SAUL SANTOS, JR.

The SPEAKER. Without objection, the gentleman from California (Mr. BACA) is recognized for 1 minute.

There was no objection.

Mr. BACA. Madam Speaker, I stand here today to recognize a charitable, compassionate young man from my Congressional district in California, Minister Saul Santos, Jr. Minister Santos blessed us with the wonderful prayer we just heard this morning. And while only 27 years of age, he is already a licensed minister at the Christian Life Center Apostolic Church in Ontario, California.

In a world where too many of us have turned a blind eye to the problems of our neighbors, Minister Santos has led a life filled with service to others. And I say service to others. He is the founder and president of Affirming Community Initiatives, a nonprofit organization that provides food, clothing, and youth programs to the underserved in our Inland communities.

Let us thank Minister Santos for serving as our guest House Chaplain today, and recognize him for the example he has set for many others to follow. He is truly a role model for us. We should all strive to live our lives in such a selfless and truly Christian manner, as he has done.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. TAUSCHER). The Chair will entertain up to 10 further requests for 1-minute speeches on each side of the aisle.

OVERRIDE PRESIDENT'S VETO OF CHILDREN'S HEALTH INSURANCE

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY of New York. Madam Speaker, a new report by the Joint Economic Committee shows 1 million more children a year may need public health insurance due to the worsening economic conditions, even apart from the growing trend in coverage in our Nation. But State budgets are already strained by the weak national economy and the growing housing crisis.

This is a perfect storm that can be avoided, if Congress votes today to override the President's veto of legislation that would bring health care to 10 million children in need.

Over the next 5 years, our bill would preserve coverage for more than 6 million children currently covered by the Children's Health Insurance Program and extend coverage to nearly 4 million children who are currently uninsured.

I urge my colleagues today to vote to override the President's veto of children's health insurance.

IN MEMORY OF PRIME MINISTER BENAZIR BHUTTO

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, last week the House of Representatives passed unanimously a resolution condemning the assassination of former Pakistani Prime Minister Benazir Bhutto. Included in the resolution was a reaffirmation of our commitment to assist Pakistan in the global war on terrorism and to help promote democratic principles there, a cause for which Ms. Bhutto ultimately gave her life.

I had the honor with Congressman DAVID DREIER and Congressman DARRELL ISSA to have breakfast with Ms. Bhutto at her home in Islamabad just 4 weeks prior to her murder. I was tremendously impressed with her passion for the principles of democracy and dedication to seeing democracy spread throughout Pakistan and the region. No doubt, these are principles which her assassins were determined to stop.

It is incumbent on us to continue to stand up for the principles Ms. Bhutto championed, to help our partner work toward a more open and democratic Pakistan, and, above all, not to tire in our stopping of the terrorists who wish to stand in the way of free and democratic societies. Stopping terrorists overseas is the best way to protect American families at home.

In conclusion, God bless our troops, and we will never forget September 11th.

GIVE CHILDREN A CHANCE AT A HEALTHY FUTURE: OVERRIDE THE PRESIDENT'S SCHIP VETO

(Ms. TSONGAS asked and was given permission to address the House for 1 minute.)

Ms. TSONGAS. Madam Speaker, today I will proudly vote to override the President's veto of a bill to expand the Children's Health Insurance Program, for the second time. This bill provides coverage to children whose families cannot afford private insurance and would expand access to health insurance to 10 million children nationally, 200,000 of whom live in Massachusetts.

I was thinking of our children when I first voted to override the President's veto of this bill on October 18th, the same day I was sworn into office. Tens of thousands of people from my district and millions more across the country, both Republicans and Democrats, have made their support for this program abundantly clear. However, the Bush administration refuses to hear their message.

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

This program is especially important to my State of Massachusetts, where the program was first developed, and remains critical to sustaining the universal Massachusetts Health Care Program.

I stand with a strong bipartisan majority ready to give our children a chance at a healthy future, and I urge my colleagues to again override the President's veto.

HELPING THE ECONOMY BY BRINGING DOWN THE COST OF ENERGY

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, while Congress and the President are talking about an economic stimulus package, remember that the high costs of energy are costing us our economy.

Oil and gas prices continue to climb. Our President asked Saudi leaders to produce more oil to bring prices down. Well, something is wrong here. OPEC controls the price, OPEC funds the process, and we end up funding both sides of the war on terror.

The trade imbalance grew in November to record levels, primarily from the high cost of imported oil. But Congress votes to block drilling for U.S. oil on the Atlantic Coast, the Gulf Coast, the Pacific Coast, the Western States and Alaska. Something is wrong here. We have hundreds of years of American coal to make electricity. We should fund research to clean up the coal, not ignore it.

In the meantime, energy costs go up, food costs go up, manufacturing jobs go down, the economy goes down. Something is wrong here. If we are serious about helping the economy, let's bring down the cost of energy. The best economic stimulus package is a job.

URGING SUPPORT IN OVERRIDING PRESIDENT'S SCHIP VETO

(Mr. SESTAK asked and was given permission to address the House for 1 minute.)

Mr. SESTAK. Madam Speaker, I rise in support of the Children's Health Insurance Program, and hope that we would override the President's veto today. This will cover 3.4 million uninsured children. The number is almost too large to comprehend.

I had the opportunity to live in an oncology ward several years ago with my young daughter. There was a young boy, 2½ years old, with acute leukemia, who had to listen, or, rather, his parents were listening, as social workers came and went to see if he could potentially be covered, because they did not have health insurance, covered to receive the care my daughter was receiving.

As we enter what is possibly a recession, I see that number growing. This is something not morally right for these children. It is also a necessity for our economic betterment, to have healthy, productive individuals. I urge my colleagues all to vote to override the President's veto, for this Nation and for our children.

A PANACEA TO THE ECONOMIC GROWTH CHALLENGE: THE FAIR AND SIMPLE TAX ACT

(Mr. DREIER asked and was given permission to address the House for 1 minute and revise and extend his remarks.)

Mr. DREIER. Madam Speaker, as virtually everyone is talking about the need for us to have an economic stimulus package, I am very proud today to be introducing what I think is the closest thing to a panacea to the economic growth challenge that we are facing.

This plan that I have introduced is the brainchild of my friends Bill Simon, Jennifer Pollom and Mike Boskin. It is a plan that is designed to allow people at the lower end of the spectrum on their first $40,000 in income to pay 10 percent, on income between $40,000 and $150,000, 15 percent, and on income above $150,000, 30 percent.

It also, Madam Speaker, goes to the notion of encouraging economic growth by cutting the capital gains rate from 15 percent to 10 percent and cutting the top corporate rate from 35 percent to 25 percent. Remember, we have the second highest rate in the entire world when it comes to corporate tax. We need to focus on the issue of economic growth. It will actually apply the death penalty to the death tax, and it will take the alternative minimum tax and index it and ultimately eliminate it.

Madam Speaker, this is what we need to do to stimulate our economy. This is what we need to do to empower the people who will move and propel our economy forward. I urge my colleagues, Democrats and Republicans alike, to join as cosponsors of this very important legislation.

□ 1015

SUPPORT CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT

(Mr. CUELLAR asked and was given permission to address the House for 1 minute.)

Mr. CUELLAR. Madam Speaker, I rise today in full support of H.R. 3963, the Children's Health Insurance Program Reauthorization Act. The SCHIP program in the State of Texas has been extremely successful in providing crucial access to health care for children. SCHIP coverage provides children with coverage for a full range of health services.

Uninsured children are five times more likely than insured children to use the emergency room in hospitals as their main source for medical care. The cost of an emergency room visit is more than $144 compared to only $36 for a primary doctor's visit. A number of these emergency visits should be made to primary doctors with SCHIP coverage.

The current SCHIP enrollment for the children in the State of Texas is about 353,000, and there are over 1.4 million uninsured children in the State of Texas, which is the highest rate of uninsured children in the Nation.

Madam Speaker, I am glad to support the SCHIP reauthorization act and ask my colleagues to support this bill.

IRAQ

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, over the break I had the opportunity to travel to Iraq to meet with our troops and military commanders on the ground there.

Two observations: The morale of our troops is high, and the surge is working. General Petraeus has crafted a highly sophisticated counterinsurgency strategy that has put the terrorists on the defensive and brought some level of security to many Iraqi communities where there had been none before.

Now I know it's hard to admit when you are wrong, but there are many in this Chamber who came to this floor and opposed the surge saying it would be a failure. Well, it hasn't been. It has been a success. In fact, even the United Nations is recognizing the success of the Petraeus strategy. The U.N.'s top envoy in Iraq acknowledged the improvements in security and even tentative steps towards national reconciliation this week.

Even for the war's opponents, it is now time to admit the success of the surge strategy in Iraq. But, instead of honoring the great work of our troops, all I hear is silence.

THE WAR IN IRAQ

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. The Center for Public Integrity, in a report released today, has found the Bush administration led the Nation to war on the basis of erroneous information that it methodically propagated and it culminated in military action against Iraq on March 19, 2003. . . .

The SPEAKER pro tempore. The gentleman will suspend.

Mr. STEARNS. Madam Speaker, I demand that the words of the gentleman from Ohio (Mr. KUCINICH) be taken down.

The SPEAKER pro tempore. The Clerk will report the words.

□ 1030

Mr. KUCINICH. Madam Speaker, I ask unanimous consent to withdraw the offending words, to the end that they be stricken from the RECORD, and that I be permitted to revise and extend my remarks for the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. STEARNS. Reserving the right to object, Madam Speaker, I will accept this time the gentleman's request to withdraw his words, but his clear and egregious violation of House rules needs to be fully understood by himself. Both sides wish to restore civility here with legitimate debate and not utter personal accusations.

With that, Madam Speaker, I withdraw my objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

INTELLIGENCE GATHERING CRIPPLED

(Mr. AKIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKIN. Madam Speaker, February 1 is an extremely important date for us in terms of American security. You might wonder why that is, and that is because a law that we passed last summer is expiring and our intelligence agencies are going to be greatly crippled in their ability to make intelligence intercepts because of the change in the law.

What has happened is the Democrats are trying to get us to go through a very complicated procedure with the FISA court to check on surveillance before we can actually make the wiretap. What the result is going to be is that it is going to make it very, very difficult to do these intercepts.

Now we debated this at the end of last year, and we found that with the law that was being proposed, we wouldn't be able to arrest bin Laden even if we knew where he was going to be and what time he was going to be there. Since World War II, we have done these intercepts. We have intercepted Japanese and German wire transmissions.

The bottom line is quite simply we are going to lose 60 percent of our intelligence gathering if this law is not fixed.

COMMENDING IOWA FIREFIGHTERS AND MAQUOKETA RESIDENTS

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRALEY of Iowa. Madam Speaker, I rise today to salute the people of Maquoketa, Iowa, for their extraordinary sense of civic duty during the course of a severe fire that destroyed a sizable part of the city's historic downtown early Saturday morning. I also want to recognize the efforts of firefighters from Maquoketa and 27 surrounding communities to extinguish the blaze and keep it from consuming other downtown buildings.

The fire was a blow to Maquoketa's historic downtown, completely destroying five buildings and causing severe damage to several businesses and homes.

While the fire left behind physical and emotional scars, it also demonstrated what makes Iowa such a great place. Firefighters battled tirelessly through subzero temperatures and wind chills of 20 below zero to get the blaze under control. Meanwhile, hundreds of Maquoketa residents open their homes and businesses to provide warm shelter, hot food, and emotional support for the firefighters and residents impacted by the fire.

Perhaps young Maquoketa resident Kalli Muhlhausen said it best: "They have our hearts, and we have their backs."

Iowans dismiss such an outpouring of generosity as simply "the right thing to do," but the people of Maquoketa deserve a special thank you.

DISPROPORTIONATE MEDIA COVERAGE

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, the national media continue to devote a disproportionate amount of news coverage to the Democratic Presidential campaign.

For example, on the day before the Republican primary in Michigan, NBC's Today Show gave almost 7 minutes to the race between Democrat Senator BARACK OBAMA and Senator HILLARY CLINTON, compared to about 30 seconds to the close Republican race.

NBC isn't the only network giving more coverage to the Democratic campaign. The January 7 edition of ABC's Good Morning America devoted almost 15 minutes of coverage to analyzing the race between BARACK OBAMA and HILLARY CLINTON. Just 30 seconds were given to the Republican side.

We must continue to encourage the media to report with fairness rather than partiality. Only then can the American people get the balanced coverage of this important Presidential campaign that they need and deserve.

ECONOMIC STIMULUS PACKAGE

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Madam Speaker, this week and in the coming weeks the American people need this House and Senate and the President to work in a bipartisan fashion to come up with a monetary policy and a fiscal policy here that will help our economy. It needs to be temporary, timely and targeted. And I would hope that we can work with our Republican colleagues in a bipartisan fashion to direct that to people in the middle income and lower income levels who need the help and will spend the money immediately.

To give rebates to people who are making a lot of money, people earning salaries such as we are in Congress, and others, is not the right thing to do. We need to give money to people who are suffering the most from the high gas prices, from the loss of employment, and from the other economic effects that are hurting the people at the bottom.

I ask my Republican colleagues and the President, and hopefully he will in the State of the Union, address those who need help the most and help this American and world economy.

RELIGIOUS INTOLERANCE IN MALAYSIA

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Madam Speaker, the Malaysian Government recently seized Christian children's books written in English because they contained illustrations of Bible prophets Moses and Abraham, an alleged violation of Islamic Shariah law.

The Malaysian Government's publications and "Religious Enforcement Police" found that the images of Bible characters in the Christian books offended the sensitivities of Muslims and must be banished.

Malaysian Prime Minister Badawi indicated other religions must understand that Islam is the true religion for Malaysia.

The government's "midnight raid" on these books infringes on the basic human right of religious freedom, a right which ironically is protected in the Malaysian constitution, but nonexistent under Islamic Shariah law. This is yet another example of the problems with a State religion.

Ghandi once said, "If we are to respect others' religions as we would have them respect ours, a study of the world's religions is a sacred duty." The Malaysian government expects all religions to be tolerant of the Islamic religion, but hypocritically is intolerant of the Christian faith.

And that's just the way it is.

OVERRIDE SCHIP VETO

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Today, I join my colleagues, Madam Speaker, to override the President's veto of H.R. 3963, which the President vetoed on December 12. Since then, we received more discouraging news regarding the growing domestic and global economic crisis. It is imperative that we look at the impact of the downturn on our Nation's children. A slowing economy will definitely lead to an increased demand nationwide for SCHIP services.

Overriding the President's veto of SCHIP is more critical than ever during this period of economic downturn. I urge my colleagues to join me to override the President's veto and to guarantee that sufficient funding levels to address the need of our Nation's uninsured children become a reality.

ECONOMIC STIMULUS PACKAGE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. As Congress contemplates an economic stimulus package to aid our slowing economy, we also must commit ourselves to reduce Federal spending.

As American families tighten their budgets to weather this impending economic storm, Congress should match their sacrifice. While reducing taxes is important, another aspect is to control the Federal deficits, the Federal spending. A decrease in wasteful spending would directly increase the value of the dollar and ultimately lower deficits.

The American people and businesses are better at deciding what to do with their money than the Federal Government. With more money in their hands, an increase in investment in our economy and in increase in personal savings would take hold and ultimately lead to a stronger and growing economy.

As we in Congress consider this one-time stimulus package over the next few weeks, I contend that a long-term solution to this problem is to lower spending, which will in turn lead to lower taxes and a permanent economic bounce and revitalization.

FIGHTING POVERTY

(Mr. JEFFERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JEFFERSON. Madam Speaker, I rise to thank Representative BARBARA LEE for passing her resolution yesterday committing our Nation to fight poverty.

Nowhere is this commitment and action needed more than in the City of New Orleans. Ironically, on the day that the levees broke in New Orleans, 2½ years ago, the Census Bureau was releasing its report on poverty, showing that Orleans Parish had a poverty rate of 23.2 percent, seventh highest in the 290 large counties in America. Thirty-five percent of the city's African American population is classified as poor. Seventy-seven percent of the students in New Orleans participate in free or reduced-cost lunch programs. Pre-Katrina African Americans made up 67 percent of New Orleans, but 84 percent of its population is below the poverty line. And it is mostly in its 47 neighborhoods of extreme poverty where our citizens are still out of town, unable to return and share in the rebuilding of New Orleans.

So the commitment of our Nation must not be just to recover the City of New Orleans, but also to focus on the peculiar needs of its impoverished citizens, needs existing before Katrina made much more desperate since.

ECONOMIC STIMULUS

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Madam Speaker, today's economic debate should focus on big picture tax policies that emphasize sustained prosperity for American workers and their families.

A one-time, consumption-driven stimulus may be popular, but what we really need is tax relief that will energize economic growth. We need certainty for our industry which is currently making tomorrow's business plans today based on the assumption that taxes are going to increase dramatically.

We should also reduce tax rates on our companies from the highest tax rates in the world to instead placing American employers on an even tax footing globally.

Madam Speaker, today's economy didn't happen overnight, and tomorrow's growth and prosperity will depend on our commitment to bold, forward-looking tax policies now.

ECONOMIC STIMULUS PACKAGE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, I have risen several times on the floor of the House to encourage my colleagues to consider the mortgage crisis when we talk about an economic stimulus package.

It is well known that an economic stimulus package should stimulate and it should be driven by existing law. But there is no reason why we cannot find a connector for a 90-day moratorium, a moratorium on those who are about to go over the brink and provide a freeze on those adjustable rates. An economic stimulus package is to stimulate. What more stimulation than for people to keep their homes and pay their mortgages.

Might I also say that as the mortgage collapse goes, then families are subject to not having their children covered by the SCHIP program. The debate today will be enormously important because it will cost less than $3.50 a day to provide for these children. And as well, it will help States all over the Nation, including the 1 million children in Texas that no longer have health insurance because of this horrific veto.

We need a stimulus package that provides people with housing and a stimulus package that takes care of our children.

□ 1045

THE BEST ECONOMIC STIMULUS IS A JOB

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, I think we all know that the best economic stimulus is a job. It is a job that you can sink your teeth into, that you can go to work every day and you can use this job to provide for your family. So, as the debate ensues, let's keep our focus on how policies affect the environment in which job growth takes place. Of course we all want to see lower marginal rates on our income tax rate. We want to lower cap gains. We want to lower the corporate tax rate. We want to see full and immediate section 179 expensing for our small businesses. And for those of us that live in States that do not have a State income tax, we want to see deductibility of State sales tax extended. All of these are good things and, Madam Speaker, we are working for all of these. I hope that we also will keep in mind that actions speak louder than words. So this body should use this conversation about economic stimulus as an opportunity to prioritize and reduce what the Federal Government spends. Reduce the budget. Let's spend less. And remember, the best economic stimulus is a job.

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore. The unfinished business is the further consideration of the veto message of the President on the bill (H.R. 3963) to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

(For veto message, see proceedings of the House of December 12, 2007, at page 34067)

The SPEAKER pro tempore. The gentleman from Michigan (Mr. DINGELL) is recognized for 1 hour.

Mr. DINGELL. Madam Speaker, for purposes of debate only, I yield 30 minutes to my good friend, the gentleman from Texas (Mr. BARTON).

Madam Speaker, I yield, also, 15 minutes of my time to the distinguished gentleman from New York, my good friend, Mr. RANGEL, and ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

GENERAL LEAVE

Mr. DINGELL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the matter under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Madam Speaker, at this time, I yield myself 3 minutes.

Madam Speaker, stock markets around the world are plummeting. Home foreclosures are ballooning. States, without exception, are facing budget crises. Employers are cutting jobs. Gas and heating oil prices are draining household budgets. The vote of my colleagues today can stop tomorrow's headline from saying American children are losing health care. This vote to override the President's veto of the Children's Health Insurance Program Reauthorization Act of 2007 will not only bring health care to 10 million children, it will protect children and families who may lose their jobs and no longer have health insurance. This is not lip service. This is health coverage.

The bill includes mental health services on a par with medical services. It requires dental services be afforded our children. It protects school-based health services and rehabilitation and case management services for those with disabilities. It provides outreach and enrollment grants and new funding for obesity program.

We know from a recent 2005 study that investing $1 million in State funds in Medicaid will generate 33 new jobs and $1.23 million in new wages in a year. This bill strengthens that safety net by allocating the funds that States need to protect and cover more low-income children.

It should be noted that every complaint that the administration has set forth about this legislation has been met. The bill passed with the support of 265 Members, including 43 of our good Republican colleagues. It passed the Senate with 64 Members, including 17 of our Republican colleagues.

I urge my colleagues to vote to override the President's veto. Vote to secure health care for our children. It is right, it is decent, and it is necessary.

Madam Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I would ask unanimous consent that the gentleman from Michigan (Mr. CAMP) have 15 minutes of the time I control to control as he sees fit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTON of Texas. Madam Speaker, I recognize myself for such time as I may consume.

Well, here we go again. Depending on how you count it, this is somewhere between the ninth and the 13th time that we have been on the floor of the House in this session of Congress debating the SCHIP program. That seems a little ironic since it's a program that both sides of the aisle support, and I would support enthusiastically.

I listened intently to what my good friend from Michigan, the dean of the House, Mr. DINGELL just said about the program, and I feel compelled to point out a few things that he failed to mention. Number 1, every American in this country, if they're below 100 percent of poverty, receives health care if they wish it through a program called Medicaid. If you are above 100 percent of poverty and are a child, right now a child is defined as an individual between the ages of birth and 19 years old, between 100 and 200 percent of poverty, you can receive health care through the SCHIP program, which is a State-Federal partnership.

The numbers are somewhat in dispute, but we believe that under the current program, in the neighborhood, I believe, of 6 million children and 600 to 700,000 adults are receiving health care through SCHIP. If you're above 200 percent of poverty, hopefully you have insurance through your own health insurance program or through a program provided by your employer.

There are some States that cover children up to 250 percent of poverty, and there are some States that cover them up to 300 percent of poverty. And there are a few States that have petitioned to cover them up to 350 percent of poverty.

So on the Republican side of the aisle, here are the principles that we adhere to in this debate. If you're a child between the ages, up to the age of 19 and your family income is over 100 percent of poverty or less than 200 percent of poverty, we believe you should have health care through SCHIP and we want to fund it, and we want to work with the States to get as many children in that category covered.

If you're an adult, we don't believe you should be covered under SCHIP, so we think that the 6 to 700,000 adults should be transitioned off of SCHIP and put back on Medicaid.

If you're above 200 percent of poverty, we want to work with the States. We want to work with the private sector to come up with innovative plans to cover those children that perhaps aren't covered and their family income is above 200 percent of poverty.

If you're not a citizen of the United States, we don't believe you should receive health care coverage under SCHIP.

So that's what the debate is about. The Democrats want to expand the coverage. There are some of them that want to use it as a surrogate for universal health care for every American in this country. I don't say that all of my friends on the Democratic side do, but some do.

So the Republicans' position is, continue the existing program, perhaps increase coverage somewhat above 200 percent of poverty; cover every child in America between 100 and 200 percent; don't cover illegal aliens; and transition adults off of SCHIP.

The law of the land, the Barton-Deal bill that we passed in December, extends the basic program that I just outlined, I believe, through March of 2009.

So, once again, we're going to have a vote on the President's veto. I predict we're going to sustain that veto. And then I'm still hopeful that Mr. DINGELL and Mr. RANGEL and Mr. STARK and Mr. PALLONE, who are the leaders on this issue in the House, will convene their various committees, and we'll do legislative hearings and then put together a bipartisan bill and mark it up in committee and then bring it to the floor, and we can have a permanent authorization of SCHIP sometime in this Congress.

Madam Speaker, I reserve the balance of my time.

Mr. RANGEL. Madam Speaker, I'd like to ask unanimous consent that I yield to myself 3 minutes and then be allowed to yield the balance of that time to Chairman STARK to control.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RANGEL. Madam Speaker, I stand in support of overriding the President's veto, not for the reasons given by Chairman DINGELL, because it's the right and moral position, because that has existed all of the time, and yet we've been unsuccessful.

But I would say to the gentleman from Texas (Mr. BARTON) that since the last time this has come up, the President has admitted that we are going toward a recession and that the economy may be jeopardized unless the Congress supported a stimulus package.

It would just seem to me that if it's recognized that our States are going to go into deficit, our Governors are going to have serious problems, and that it is very possible, if not likely, that services for our kids would be further cut under Medicaid. It would seem to me that a legitimate argument could be made that, by providing care for these 11 million children, it allows their parents to know that they'll be able to be more productive knowing that their kids are covered by health insurance.

It's sad that the poor now have to be used merely as a vehicle to stimulate our economy. But had we taken care of these people during the robust great economic times, perhaps we would not be going through this struggle.

So it appears to me that this is another opportunity that the minority would have, not just to do the moral thing, but to do the economic thing, and to be of some assistance to the Governors who are screaming out for the continuation of this program, indeed, the expansion of it.

And we're not talking about just adults being restricted, but we talk about adults being in a better chance to be productive knowing that their kids are being taken care of. So we do have this new opportunity for the minority to rethink their position and to do it, again, because it's the economic thing to do and to know that being able to detect serious illnesses, sight problems, hearing problems for our children at an early age, that we really are strengthening the economy so we don't have to pay for these health setbacks and sometimes detection of chronic diseases at a later stage.

□ 1100

So instead of talking compassion, which obviously is not a compelling argument on the other side, let's talk economically and ask the question of economists, whether or not expanding preventative care for our children in health care is really strengthening the economy and saving money in the future with all the restrictions, you know, kicking illegal aliens out and making certain that adults don't participate, all of those things that make you feel good, we would go along with as we have in the past.

But let's make certain that every child that can be treated would be treated, and so I support the override.

Mr. CAMP of Michigan. Madam Speaker, I yield myself such time as I may consume.

As Yogi Berra once said, this is like déjà vu all over again. I think it is important to highlight that this is simply a political exercise, that the Congress has already acted to extend the children's health program through 2009. So instead of debating real reform on this program, we have a political statement being made on the floor today.

I lost track at seven times we have debated this issue. As the gentleman from Texas said, it's somewhere between nine and 13. But it doesn't change the fact that expanding SCHIP beyond its original mission of covering low-income children is a nonstarter with the Congress. Yet the bill the President vetoed would do just that, and it would allow illegal immigrants to receive SCHIP, maintains coverage of adults in this children's health care program and continues to erode private coverage.

How is it that in my home State of Michigan 87,000 eligible children don't have health care while 39,000 adults are in the program. How is it that in Minnesota, 87 percent of the enrollees in this children's program are adults?

How is it that this low-income program is covering families in New York and families in New Jersey making more than $70,000 a year? No wonder New York wanted to go to over $80,000.

The answer to all of these questions is clear: The majority does not want a low-income children's plan. They want what HILLARY CLINTON called for in 1994, the first step toward nationalized, government-run, government-controlled health care.

We should not be diluting this children's program, and we should not be diverting money away from these low-income kids.

I am proud to have introduced the Kids First Act, a bill that would return this program to its root in insuring low-income children. It covers an additional 1.3 million American children, does not raise taxes and is fully funded. That is the kind of legislation we should be debating instead of continuing this stalemate time and time again that uses children's health as a political pawn.

I urge my colleagues to vote against this veto override. Now that we have extended the children's health program, I hope that we can truly reach a compromise on this important issue and ensure that low-income American children have health care coverage.

Madam Speaker, I reserve the balance of my time.

Mr. DINGELL. Madam Speaker, at this time I yield to the gentleman from Maryland (Mr. WYNN), who has been a great leader of health care on this, my distinguished friend, 2 minutes.

Mr. WYNN. Madam Speaker, I would like to take a moment to thank the chairman for his leadership on this issue.

I rise to urge in the strongest possible terms that this House of Representatives override the President's veto.

You know, it's really sad that in the greatest country in the world we don't provide health insurance for the children of working parents. We have 4 million additional children that this bill would cover, children whose parents work every day, who work very hard; the children of single moms who work every day; some, like my stepdaughter with a 3-year-old son, who go to work every day. But if there is an asthma attack or if there is a major accident, she has to either go to the emergency room and drive the cost up for all of the rest of us or decide not to pay the rent on time so she can pay for the care she needs or go without necessary care.

That shouldn't happen in America, and that is what we are trying to do with this very important bill.

There is another thing that shouldn't happen in America. In America, a young child shouldn't die because he can't get dental care. That happened in my district. A simple dental infection expanded, grew into the brain and resulted in the death of a young man.

We worked on language in this bill to make sure that children in America of working parents could have access to dental care. That is a very important improvement, one that seems lost on the President.

Every day we spend millions of dollars. We are up to $600 billion on this war, this black hole of a war. Meanwhile, we tell Americans who go to work every day we can't provide you with health insurance. That doesn't make any sense, not in the country that we regard as the greatest country in the world.

So today, Madam Speaker, I urge all of my colleagues to really think about what this means. Don't think about the politics. Think about the parents, but more importantly, think about the children who need health insurance now.

Mr. BARTON of Texas. Madam Speaker, I yield 2 minutes to the gentleman from Denton, Texas (Mr. BURGESS), a member of the committee.

Mr. BURGESS. Madam Speaker, I thank the gentleman from Texas for yielding.

You've got to wonder why we're here today. It almost seems like another episode of that Bill Murray movie "Groundhog Day" where people went through the same thing over and over again.

When this last session of Congress ended in the middle of the night the end of December, I think we all had seasonal affective disorders. We went home, but there was a new year and a new day was dawning and a genuine sense of bipartisanship that we were going to work together to have things done.

So what's the first thing we consider? A consideration of the veto override of the SCHIP bill which we voted on again and again and again. Is this the spirit of bipartisanship that we can expect out of the Democratic leadership, as we try to craft legislation to help stave off what seems to be a serious downturn in the economy?

Once again, here we are on the floor of the House being forced by the Democratic leadership to cast a vote that will serve the sole purpose of helping one side of the aisle score political points against the President. Do we need to reauthorize this program? No. We already did that. The CBO said we did it, and we funded it through March of 2009.

Then why are we here? The only reason I can think of is the fact that next week we are going to hear from the President on the State of the Union Address, and after that, the Democrats have decided that maybe a little more political theater is in order to influence the press coverage of the President's address.

So that's why we're here, not to do the people's work, to influence the press after the President's State of the Union Address.

This bill was a flawed bill when it came to our committee. My chairman referenced the 43 Republicans, but no Republican helped craft this legislation. We were not allowed to work on this bill in subcommittee. Our committee process was a sham. This bill was written in the dark of night in the Speaker's office, and no Republican participated. I dare say that no one on your side really understood what was in that bill, and we get it back again and again and again, and at the same time the American people are wondering when we are going to do the work that they sent us here to do.

Madam Speaker, one of my favorite movies is a delightful comedy called Groundhog Day. In this movie, Bill Murray plays a local television weatherman who gets trapped in a strange little town while covering a news story about a locally famous groundhog. But instead of being able to return to his home and get to the other business that he needs to attend to, Bill Murray's character is forced to repeat the same day over and over and over again. No matter what he says or what he does, every day he wakes up just to relive the same day over again.

And, Madam Speaker, after being involved in the SCHIP debate this Congress, I know that most of my colleagues on this side of the aisle are now able to relate to this movie in a very personal way. It doesn't matter what we seem to say or what seems to happen with this issue—for some reason the Democratic leadership will bring us down here to the floor of the House to have the same debate and to vote on the same bill time after time after time.

Once again, we are being forced by the Democratic leadership of the House to cast a vote that will serve the sole purpose of helping Democrats score political points against the President.

Do we need to reauthorize the SCHIP program? No, we already reauthorized through March of 2009.

Do we need to increase funding for the SCHIP program? No, the non-partisan Congressional Budget Office has already said that S. 2499 that was signed into law on December 29, 2007, has already fully funded the SCHIP program through March of 2009.

Then why are we here, Madam Speaker? Well, the only reason I can think of for this vote is the fact that the President is going to be delivering the State of the Union Address next Monday, and the Democrats have decided that they need a little more political theater in order to influence the press coverage of the President's address.

Well, Madam Speaker, we're going to sustain the President's veto today, and we're going to do it because the President did the right thing by vetoing this poorly written expansion of Washington-controlled, bureaucrat run healthcare that leaves the poorest kids behind. And anybody who cares about needy children can vote against this bad bill proudly.

I'm both proud and concerned that Republicans had no part in writing this legislation. Proud because this bill is an embarrassment. Concerned because we're all supposed to be legislating on behalf of children, and as everybody knows, no Republican member of this House was even asked for an opinion, much less invited to participate in writing the Democratic SCHIP bill.

I don't even think the Democrats who wrote it understand what they've done. I challenge the supporters of this bill to look people in the eye and say that they understand all of the provisions that are actually in this bill. Because I have some questions for you about some very troubling provisions in this bill.

Madam Speaker, it would be a compliment to say that the so-called process which produced this bill is an abuse of our democratic system of government. Yet, I'm sure that some will show up here with a handful of talking points from your Democratic staffers who actually constructed this legislation, and you will explain to us that it is not an abomination at all, but a wondrous triumph of bipartisanship.

Give me the name of one Republican in the entire House of Representatives who directly participated in these discussions. Name just one.

I know that the authors of this bill certainly did not consult with either Mr. BARTON or myself; I know that they have not included any members of the Republican leadership in the House; and I'm not aware of a single Republican member of the Energy and Commerce Committee or the Ways and Means Committee being invited to participate in this process.

And although we were excluded from the negotiations and the Democratic leadership has repeatedly refused to hold a legislative hearing on this bill, we have learned a few facts from the official projections produced by the Congressional Budget Office, and from what I've read, this bill isn't something that I could ever support.

For example, we know that the vast majority of the people added to the SCHIP program under the Democrats' bill will either already have private health insurance or they live in families with incomes too high to be eligible for SCHIP coverage today.

In fact, the Congressional Budget Office projects that H.R. 3963 will lead to over 1.2 million new enrollees being added to SCHIP as a result of an "expansion of SCHIP and Medicaid eligibility to new populations." This means that these 1.2 million children live in families whose incomes are too high to qualify for the current SCHIP program. On the other hand, CBO projects that only 800,000 currently SCHIP eligible kids will be enrolled as a result of H.R. 3963. This means that 50 percent more higher-income kids will be enrolled than currently SCHIP eligible kids.

And who will be paying for this expansion of SCHIP eligibility to higher-income families? Well, according to the Congressional Research Service, the vast majority of the $70 billion in additional tobacco tax revenues will come from low-income families. In fact, the Congressional Research Service said that tobacco taxes are "the most regressive of the federal taxes."

So, with H.R. 3963, the Democrats really are taxing the poor in order to give to the rich.

In their defense, I guess it is difficult for the Democratic leadership to know exactly what is in their own bill since it has neither been subject to a single legislative hearing nor conferenced by the House and the Senate.

Unfortunately, we don't know when the Democrats are going to stop playing politics with the health of low-income children and begin the process of working with Republicans in a bipartisan manner to produce a long-term reauthorization of the SCHIP program. I hope that time comes soon, and when it does, I stand ready to work with them. As it stands now, I urge all Members to reject this cynical ploy and vote no.

Mr. STARK. Madam Speaker, I yield myself 2 minutes.

I'd like to take this time just to urge my colleagues to vote to override President Bush's veto on what is, in my way of looking at it, bipartisan SCHIP legislation.

We had 43 Republicans in the House who voted with us, and 17 Republicans in the other body voting with us, many of whom participated in the crafting of this compromise. It is not exactly what the distinguished ranking member from Texas asked. It takes people below 300 percent of poverty, below 50-odd thousand bucks for a family of three. The adults will be out in a year, not tomorrow. It makes an effort to reduce crowding out, and only citizens and legal residents are eligible, and there are some means by which States can enforce that.

Children don't choose to be born into families, unlike those of us in Congress, who lack health insurance, and we should be able to give the children the health care they need to become healthy, productive members of society.

It becomes more urgent now that we're in a recession, perhaps in freefall, and we should provide this safety net for families. It probably is the most urgent concern of a parent.

We're going to soon address a bipartisan economic stimulus package, and it seems to me that if we could come together on that and deal with tax credits or tax relief and additional food stamps or additional unemployment insurance that somehow I don't follow the logic that would say that we shouldn't deal with young children.

Furthermore, I'm advised today by my 6-year-old son, who I must admit started out at about a hundred, so I kept him out of school, this was not planned otherwise, and he said, Dad, if we don't pass this health insurance they may fire all the Republicans, and I'd hate to see that.

With that, I reserve the balance of my time.

Mr. CAMP of Michigan. Madam Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Madam Speaker, I thank the gentleman from Michigan for yielding, and I appreciate the privilege to address this House.

This is a cynical attempt here to bring up a veto override attempt on an issue that's been decided, an issue that's been decided and a bill that's been signed by the President, is now enacted into law, to get us past the silly season of Presidential politics and on beyond November of 2008 so we can then have a legitimate discussion about what, if any, better options might be available to the American people. This is a big deal. This is already a victory for the taxpayers, and it's a victory for the kids that we're trying to take care of.

I say it this way. I said I would come back and report to the American people on how much money was saved because some of us held the line, and that dollar figure is $35.6 billion. That's billion with a B. How much money is that? The ranking member of Energy and Commerce might want to know. We could build 178 ethanol plants at 100 million gallons each and quadruple our ethanol production with that kind of capital investment money. You could put a new car in every driveway in my State for that kind of money, but no kid was even threatened to lose their health insurance premium, and we took care of the kids. We're taking care of the taxpayers.

$35.6 billion is what's on the line here. And who's paying the bill? Not us, not those of us in my generation, not those of us who are serving here in the United States Congress. Maybe our kids, more certainly our grandchildren will have to pay this price if we don't step up and draw a bright line. $35.6 billion, $6.5 billion going to illegals getting access to Medicaid because of the language that's in this legislation that erodes the standards that are required. This is a responsible thing to uphold the President's veto and turn down this veto override attempt.

Mr. DINGELL. Madam Speaker, at this time, I yield to the distinguished gentleman from New Jersey (Mr. PALLONE), the chairman of the Health Subcommittee, 2 minutes.

Mr. PALLONE. Madam Speaker, I thank the chairman.

I am just amazed at what's going on here on the Republican side of the aisle because I know how difficult it's going to be to get the votes to override the President's veto.

Last year at this time, we had all the State health officers coming here, many of them from Republican States, you know, where the Governor was Republican, demanding the fact that we needed to provide more money for SCHIP in order to expand coverage because they did haven't the funds. They were taking kids off the rolls, and so we responded.

We put together this bill to try to increase the number of kids to 10 million at a cost and paid for it with what I consider a very reasonable way to go about funding the program.

Now, a year later, we're still hearing Republicans on the other side saying, well, we don't need this; it's not necessary. And the situation is only getting worse. The economy's on a downturn. I'm hearing more and more every day from my Governors, my Governor and Governors on both sides of the aisle, about what the economic downturn is going to mean that more people are unemployed. They need Medicaid, they need SCHIP, because they're not going to have health insurance for their kids. So the demand is even greater.

Whatever problem existed last year that we were trying to address with this legislation, and it was dire, is going to be aggravated even more over the next few months and the next year.

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So, I do not understand those who object to this legislation.

In addition to that, the administration issued this directive in August, August 17, that makes it even more difficult to enroll kids and for States to have flexibility. In that directive, the President actually says you have to be off health insurance for a year before you can apply and get on the SCHIP program. So, here we have the Republican administration making it more difficult for States to cover children as at the same time that the need becomes greater every day.

It is an absolute disgrace, in my opinion, that this bill was vetoed. It should pass today because of the need. And I call upon the administration to stop this negative effort to continue to make it more difficult for kids to get coverage.

Mr. BARTON of Texas. Madam Speaker, may I inquire as to the amount of time that remains on all sides, please.

The SPEAKER pro tempore. The gentleman from Texas has 9 minutes remaining. The gentleman from Michigan has 9 minutes remaining. The gentleman from California has 10 minutes remaining. And the gentleman from Michigan has 10½ minutes remaining.

Mr. BARTON of Texas. Madam Speaker, I want to yield 2 minutes to the distinguished member of the Energy and Commerce Committee, Congresswoman BLACKBURN of Nashville, Tennessee.

Mrs. BLACKBURN. Madam Speaker, I am rising today to urge a "no" vote on the SCHIP veto override.

You know, it seems like we have done this over and over and over again. But to my colleagues across the aisle, the time to have started this discussion was this time last year. And if they were so concerned about children's access to health care, the timely manner would have been last year to start this debate, not the end of the year.

Now, as we have heard in the discussion here today, this issue is decided. This body passed S. 2499, that's Senate bill 2499, which very closely mirrors the Barton-Deal bill that the ranking member mentioned earlier today, and it came very close to extending the program with its original intent.

Now, how many times in this body do we hear programs have strayed from their original intent, they're not what they started out? And that is how we went about making certain that this program was put in place through March 2009, getting through the Presidential debate so we didn't have to come back to the floor and talk about this. But instead, the majority wants to keep their focus on H.R. 3963.

Now, in that bill what you would find is it will increase the number of adults on SCHIP, which is the State Children's Health Insurance Plan. Why do we need to be putting adults on SCHIP? It would also allow illegal immigrants to fraudulently enroll in SCHIP. Why should illegal immigrants be getting taxpayer-funded health care? And it would create a flawed tobacco tax scheme to the tune of $70 billion.

Madam Speaker, let's vote to sustain the veto. Let's vote "no" on this veto override. It is disheartening that the Democrats cannot put aside their partisan agenda for children.

Mr. STARK. Madam Speaker, at this time, I would like to yield 2 minutes to the distinguished gentleman from Maryland (Mr. VAN HOLLEN), who understands that this bill would allow 65,000 Maryland children to gain coverage under SCHIP.

Mr. VAN HOLLEN. I thank my colleague.

Madam Speaker, it wasn't that long ago, in fact, it was September 2004, that President Bush told the Nation, and I quote, "We will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for the government's health insurance programs. We will not allow a lack of attention or information to stand between these children and the health care they need." That's what the President said just a little over 3 years ago. He has, with his veto, changed his mind. He has turned his back on what he said to America just 3 years ago.

But what hasn't changed since he's changed his mind are the needs of a million American children; in fact, the needs have only grown greater over the last 3 years. We see rising gas prices; we see rising grocery prices; we see rising prices of going to college; and, yes, we see rising prices for health care. In fact, many more people are not going to be able to afford health care for their kids today than before as people fight a tightening economic squeeze in the months ahead.

We are trying to work together on an economic stimulus package. We worked together on a bipartisan basis when this legislation passed the House and the Senate. It is time for us to work together for the children of this country and make sure they get the health care they need at this very important time.

You know, the American people are hungry for a change in direction. They're hungry for politicians who follow through and do what they said they were going to do, and this is something the President told the Nation he wanted to do. Now that we need it more than ever and more families and more children are struggling than ever before, we need to come together and fulfill the commitment that was made.

Madam Speaker, it's time to say "no" to the President's veto. This bill is paid for by increase in tobacco taxes. Let's make sure we don't spend our time looking out for the tobacco companies. Let's look out for the children of America. Let's say "no" to the President's veto and "yes" to this bill.

Mr. CAMP of Michigan. Madam Speaker, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Madam Speaker, this is starting to feel like Ground Hog Day, the same debate over and over. By my count, this is the eighth time that we have debated SCHIP legislation on the House floor in the 110th Congress. Considering that the most recent debate was on the legislation to extend the program through March of 2009, it is hard for me to understand why the majority finds it necessary to hold this vote. This is time and, more importantly, goodwill that could be better spent discussing legislation that both Republicans and Democrats could support.

House Republicans have stated repeatedly the principles that we believe necessary to secure our votes on the legislation to reauthorize SCHIP. Those basic principles include covering low-income children first, SCHIP for kids only, SCHIP should not force children out of private health insurance, SCHIP for U.S. citizens only, and the funding should be stable and equitable.

As many of my colleagues know, I have been part of a group of Members from both sides of the aisle and from both Chambers who met for months late last year to find common ground on SCHIP legislation. For my colleagues who took part in these meetings, you know very well that the discussions were productive at times and less productive at other times. But despite our disagreements and the bumps in the road, we persisted and continued to meet because we believe that this is one of the most important issues that this Congress will address. While I believe we were making progress, we ran out of time. However, the extension provided by Congress in December gives us another opportunity to do the right thing.

It's the majority prerogative to determine when bills come to the floor, but if Democrats are serious about reauthorizing SCHIP, let's sit down and finish what we started last fall and write a bill that both sides can agree to. Partisan posturing is not going to provide relief to the working families and health coverage for kids.

Mr. DINGELL. Madam Speaker, at this time, I yield 1 minute to the distinguished gentlewoman from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. Madam Speaker, I listened to a colleague on the opposite side of the aisle say, "Why are we here?" and I realized they don't really know why we're here. We're here for the children.

And then they said, "You've been back eight or nine times." That's right. And we will be back always and forever until we provide health care for working families in America.

We want to protect 10 million children and provide health care insurance. They want to protect 6 million. It's as simple as that. What happens to the other 4 million? And in New Hampshire, we would have enrolled 8,000 more children. What happens to the children in New Hampshire and the children of America? Parents will not lie awake at night wondering do they now raid the rent budget or the food budget. Is the child sick enough now to go to the hospital because they don't have health care insurance?

Who wanted families in America to make this choice? Not the majority of the House, not the majority of the Senate, not the majority of the Governors, not even the health care industry. But the President vetoed this essential bill, and I'm asking my colleagues on both sides of the aisle to join us in an override so that the children of America get health care.

Mr. BARTON of Texas. Madam Speaker, I yield 3 minutes to the distinguished ranking member of the Health Subcommittee of the Energy and Commerce Committee, Congressman DEAL of Georgia.

Mr. DEAL of Georgia. I thank the gentleman for yielding.

I'm beginning to think the writers' strike in Hollywood has migrated to Washington, DC. It sounds like we're having reruns, and, in fact, we are; same speeches. But the truth of the matter is the facts themselves have not changed.

The bill that is being considered for an override of the President's veto, the fact remains that if we are talking about 10 million children being covered by SCHIP, 2 million of those will be in a crowd-out, currently having private insurance but being then forced or given the enticement, because it is a government program, to move to a government-run health care program rather than the private insurance that they currently have.

The fact does not change that the bill does not have stable funding. While it dramatically increases the funding for the first 5 years, it then falls off a cliff, and the funding is cut by two-thirds.

The fact remains that this bill fails to prioritize poor children. It would repeal the current requirement from CMS that 95 percent of children below 200 percent of poverty be covered before you move up the poverty scale. It repeals that and gives no priority to poor children.

It does not cap the income eligibility. While some proponents say that it caps it at 300 percent of poverty, States could still enroll children and families above that, using what is known as "income disregards." And instead of focusing on children, which it is a children's program, childless adults could continue to remain in the SCHIP program under this bill through September 30 of 2009. And parents who are adults could also stay on until September 30 of 2012 in what is supposed to be a children's insurance program.

It provides excess, unnecessary funding. It does not give States the incentive to do as they currently are required to do to continue to maintain their participation.

You know, Democrats contend that we should put more money into SCHIP because of leaner times. It would seem to me that in leaner times we should give the priority to the children in the poor families, and this bill does not do that.

Ronald Reagan is quoted as saying, in talking about welfare, "We should measure welfare success by how many people leave welfare, not by how many are added." I would suggest the same criteria could be used in SCHIP legislation.

With that, I would urge a "no" vote on the veto override.

Mr. STARK. Madam Speaker, I am happy to recognize the distinguished gentleman from Wisconsin, Dr. KAGEN, for 1 minute, who recognizes that 37,800 children in Wisconsin could gain health insurance and not have 161,000 prohibited, as they would in Georgia, if we don't override this veto.

Mr. KAGEN. Madam Speaker, this is not a political exercise nor is it a Hollywood movie, but we can give this a happy ending with a "yes" vote today to override the President's veto of an essential bill to guarantee health care to those children who need it most in America.

Forty-seven million citizens have no health care coverage at all, zero. And the costs for care are simply out of reach for everyone. People cannot afford to pay their doctor bills, their prescription drugs. They can't afford their hospital tests, and they can't even afford to pay for life-saving cancer therapies. And why? It's simple. They just don't have the money. And what kind of Nation are we when children who are most in need are not being seen in a doctor's office and instead have to go to the more expensive emergency room?

We need a uniquely American solution to this crisis, and we need it now because patients cannot hold their breath any longer. Everywhere in the country people are asking, "Whose side are you on, and why can't Congress work together?" Well, let's work together today, this day, and reverse President Bush's veto.

I urge my colleagues to vote "yes" on the override. Let's bring an end to this national disgrace. This is for our children on whose future we all depend.

Mr. CAMP of Michigan. I yield 2 minutes to the distinguished gentleman from Georgia, Dr. GINGREY.

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Mr. GINGREY. I thank the gentleman for yielding.

Madam Speaker, we hear from the other side that we are here eight, 10, 12 times for the children. And certainly we are. On both sides of the aisle, we are here for the children. But we are here for the needy children. And that's what we did a month ago when enacting in almost unanimous fashion Senate bill 2499, which expands this SCHIP program for 18 months and not only expands it but increases the spending almost 20 percent, some 800 million additional dollars to cover, yes, these children that President Bush said he was determined to cover.

But what the Democratic majority wants to do is increase this program by 140 percent, cover an additional 4 million children on top of the 6 million that are already covered. And as my colleague Representative DEAL of Georgia pointed out, of those 4 million, 2 million would be children who are already covered by private health insurance.

One of my other colleagues on the other side of the aisle stood up and said shouldn't we provide health insurance for the children of hardworking Americans? Well, no, not if they're making $75,000 a year.

We are going to come back to this floor in the next week or two with a $150 billion economic stimulus package to get us out of a recession. We need the money for that. So we don't want to be squandering money to provide health insurance for those who could afford to do it for themselves. I think the program that we have enacted in a bipartisan way said it all, and if we wanted to have this override of the President's veto of this bloated program that the Democrats proffered, increasing the spending by $35 billion just so you can cover 4 million additional children, half of whom do not need that government help, then we should have had that override vote a month ago.

The reason we are doing it today is for political reasons in anticipation of embarrassing the President prior to the State of the Union Address next week. It's pure and simple politics. Reject this vote.

Mr. DINGELL. Madam Speaker, at this time I have the privilege to yield 2 minutes to the distinguished majority whip, the gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. I thank the gentleman for yielding me this time.

Madam Speaker, I rise today in support of H.R. 3963, the State Children's Health Insurance Program.

Madam Speaker, hardworking American families are struggling and in dire need of assistance. I can think of no better way to help them than by providing health insurance coverage for their precious young ones. I find it shameful and downright neglectful for President Bush and congressional Republicans to turn their backs on hardworking American families by refusing to support this reauthorization bill.

As we speak, the Governor of South Carolina is proposing to cut the Children's Health Insurance Program in spite of the fact that last year the legislature overrode his veto of similar legislation. He wants to deny health care coverage to an additional 70,000 low- and middle-income children in order to cut the State's income tax on a few of South Carolina's wealthiest families.

We all know, Madam Speaker, that when children are uninsured minor health problems can become serious and chronic health problems. Those children often end up in emergency rooms, and that means that State residents with insurance ultimately will pay in higher medical costs, higher deductibles, and higher co-pays for their own care. This contributes to a less efficient, more expensive health care system for all.

I implore my colleagues to do as my State's legislators have done in a bipartisan way and override this veto. In doing so, you are taking a stand for our children and the preservation of our public health systems.

Mr. BARTON of Texas. Madam Speaker, I want to yield 1 minute to the gentlewoman from Florida, Congresswoman GINNY BROWN-WAITE.

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman for yielding.

Madam Speaker, I rise today to speak as one of the original members of the group of Republican House Members who tried very hard to come up with a bipartisan compromise to extend health care insurance to more low- and moderate-income children. Our group met many times with Democrat leaders in both the House and the Senate with the basic goal to give health insurance to more low- and moderate-income children, without breaking the bank and also without giving coverage to illegal immigrants or childless adults.

I agree with many of the speakers today here that SCHIP should be extended for more low-income children who don't have health insurance. But the measure before us today does not target taxpayer funds to those low-income children. Instead, it sends billions to illegal immigrants, childless adults, and spends too much on middle- and upper-income families, not the low-income children originally intended.

When we stand here and we try to override the President's veto of bill when we all know that the SCHIP program has been continued, it's no wonder that the American public has such disregard for Congress.

Mr. STARK. Madam Speaker, I am delighted to yield 1 minute to the distinguished Speaker of the House.

Ms. PELOSI. I thank the gentleman for yielding and thank him for his leadership on behalf of insuring America's children and also commend the distinguished chairman of the Energy and Commerce Committee, Mr. DINGELL, for his leadership on this important subject.

Madam Speaker, I want to acknowledge your exceptional presiding over this debate. You have presided over most of the debate for SCHIP, if not all. I think you are approaching, depending on what happens in the course of this debate, 100 hours of presiding in a very dignified fashion, and I want to acknowledge that because of the importance of this issue. Thank you, Madam Speaker.

All year we have been talking about the subject of how we make America healthier, how we bring many more children who are eligible to be enrolled in the State Children's Health Insurance Program. We've had the debates. We've had the outside advocacy of the March of Dimes, of Easter Seals, of the AMA, of the AARP, of Families USA, the YWCA, of the Catholic Hospital Association. Almost any organization that you can name that has anything to do with the health of the American people has endorsed the legislation that we have before us. That is important to the children, to their families, to their communities, to the economic stability of their States which have to provide health insurance for these children.

In the last few days, we have all been working together in a bipartisan way to come up with a stimulus package. The recognition that we need a stimulus package points to the need further for this SCHIP legislation to become law. Let's make our working in a bipartisan way on the stimulus package a model for how we approach other issues as well.

This SCHIP package has had strong bipartisan support from the start, in the House and in the Senate. In fact, the Senate has a veto-proof majority. Senator HATCH and Senator GRASSLEY have been major architects of this legislation, two very distinguished Republican leaders in the United States Senate.

The issue comes down to what is happening in America's households today. Unemployment is up; housing starts are down. The price of gasoline and food and health care is up; the stock market is down. So the indicators, some that are felt very closely and intimately by America's families and some that are felt by our economy, all point to the need for us to take a new direction. And that new direction says what can we do that is fiscally sound, that meets the needs of the children, that has bipartisan support, and, again, strengthens our country by improving the health of our people?

One of the things that we can do is, again, take the lead, and many children who have come here to advocate on behalf of all children in our country, whether it was through the March of Dimes or Easter Seals or any other organizations, and that is to vote to override the President's veto. Let's remove all doubt in anyone's mind that this Congress of the United States understands our responsibility to children, understands our responsibility to the future. We've had the debate. We know the facts. We know the figures. It's just a decision that people have to make about what is inside of them about what their priorities are. And I hope the message that would lead this Congress is the message that we care about children and we care enough about them that we will vote to override this veto.

I thank the gentlemen again for their leadership.

Mr. CAMP of Michigan. Madam Speaker, I yield myself such time as I may consume.

I think it's important to note that this bill allows States to document citizenship, and the Social Security Administrator has said that changing the law will make it easier for illegal immigrants to get SCHIP funds as well as other taxpayer-funded benefits.

And despite this being a program for low-income children, under this bill three-quarters of a million adults will still be on the program in 2012. Under this bill more than 1.6 million children will lose their private coverage.

And let's talk about the funding. The majority has created a funding cliff that dramatically increases Federal funding to enroll new children for the next 5 years; then cuts funding for the bill by 80 percent. This will force future Congresses to make a very difficult choice: to dramatically increase funding or let American children lose their health coverage.

The other problem with this bill is that it is estimated that the bill, because it relies on tobacco taxes for funding, would require more than 22 million new smokers. Now, if there is any consistent policy the government has had administration to administration it's the discouragement of smoking. Yet this bill relies on a false funding mechanism that would require 22 million new smokers.

Madam Speaker, at this time I yield 2 minutes to the gentleman from Georgia, Dr. PRICE.

Mr. PRICE of Georgia. I appreciate the gentleman's leadership and his yielding time.

Regrettably, Madam Speaker, the New Year didn't bring any new ideas or new strategy on the part of our majority here. Less than 1 week into this new session, it remains all politics all the time. And you don't have to believe me. Just listen to their chairman, who was quoted in the New York Times on September 17 of last year: "If the President vetoes this bill, it's a political victory for us." So all politics all the time.

As has been stated by others, we solved this issue for the time being, the next 18 months, in a bipartisan manner last year, 411-3. And don't believe me if you don't want to. Believe the Atlanta Journal-Constitution, no great friend of our side of the aisle, which says, "Thanks to the infusion of Federal dollars, Georgia's embattled health insurance program for working class children is safe for another year and even has room to grow if the economy declines. The program called PeachCare, which was disrupted and debated last year by State officials, Congress, and the President, will have enough funding to cover the 254,820 children now enrolled and to grow by up to 40,000 children. 'I'm just relieved,' said the State Health Department Commissioner Dr. Rhonda Medows. 'This will ensure these children are taken care of.'

"Relief echoed Monday through the Georgia health care advocacy community, which fought throughout the last year to save the program known as SCHIP. 'The advocacy community can do nothing but rejoice.'" And these comments have been voiced all around the Nation.

Last Thursday the Congressional Research Service issued a statement to Georgia officials that said that the State will receive $325 million for the 2008 Federal budget, which runs through October of this year, and that funding level is expected to continue through March of 2009.

So this isn't about policy. This isn't about policy. It's all about politics, self-admitted on the other side.

Vote "no."

Mr. DINGELL. Madam Speaker, at this time I yield for the purpose of making a unanimous consent request to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise vigorously to oppose the President's veto because of the 1 million children in Texas and the City of Houston that will be left out in the cold without health care.

Madam Speaker, as the chair of the Congressional Children's Caucus, I rise to announce that I will proudly cast my vote in support of overriding the Presidential veto of H.R. 3963, the "Children's Health Insurance Program (CHIP) Reauthorization Act of 2007." I rise in strong support of this legislation because I am listening, and responding to the will of the American people. Last November 2006, Americans went to polls by the millions united in their resolve to vote for change. They voted for a new direction and a change in the Bush administration's disastrous neglect of the real needs of the American people, particularly children who lack health insurance through no fault of their own. The new Democratic majority heard them and responded by passing H.R. 976, "State Children's Health Insurance Program (SCHIP) Reauthorization Act of 2007." The President vetoed the bill, basing his decision on the absurd and laughable claim that the program was thinly disguised "socialized medicine" and that it was too costly to provide health insurance for America's needy children.

The President's senseless veto of the SCHIP bill suggests that this administration is operating under the misimpression that it is entitled to a continuation of the ancien régime under which the Republican-led Congress look askance and gave the President a blank check to mismanage the affairs of our Nation. Following the President's first veto, the bill was revised to meet a number of concerns raised by the President including ensuring lower-income children are enrolled first and ensuring benefits are denied to illegal immigrants. While the bill again passed the House by a bipartisan vote of 265 to 142, moving to the Senate where it passed by a veto-proof 64 to 30, the President again vetoed the bill and, in so doing, denied health care to millions of deserving American children.

No matter how many veto threats the President issues, this Congress is not going to give him a blank check to escalate and continue the war in Iraq or to ignore the pressing domestic needs of the American people. It is long past time for change in Iraq and in the direction of the United States. Just as the people and Government of Iraq must accept responsibility for their own country, the people's representatives in Congress must take the lead in addressing the real problems of real Americans living in the real world.

H.R. 3963 is a necessary step in the right direction because it provides dependable and stable funding for children's health insurance under Titles XXI and XIX of the Social Security Act in order to enroll all 6 million uninsured children who are eligible for coverage today, but not enrolled. That is why I strongly support this legislation.

Madam Speaker, next to the Iraq war, there is no more important issue facing the Congress, the President, and the American people than the availability of affordable health care for all Americans, especially children. This bipartisan SCHIP bill is supported by an astounding 81 percent of the American people and the majority of Congress.

By vetoing the bipartisan SCHIP Authorization Act, the President vetoed the will of the American people. By vetoing that legislation, the President turned a deaf ear and a blind eye to the loud message sent by the American people last November.

I voted to override the President's veto because I can think of few goals more important than ensuring that our children have access to health coverage. I voted to override the President's veto because I put the needs of America's children first.

TEXAS CHILDREN

I am extremely pleased to know that the children in the State of Texas stand to benefit tremendously from the SCHIP Reauthorization Act. Texas has the highest rate of uninsured children in the Nation, and Harris County the highest in the State. The bill goes a long way to provide coverage for the 585,500 children enrolled in Texas's CHIP program; and to reach the 998,000 children in families with incomes under the 200 percent Federal Poverty Level, FPL, who remain uninsured.

Madam Speaker, this important legislation commits $50 billion to reauthorize and improve the Children's Health Insurance Program, CHIP, and cover the 6 million children who meet its eligibility criteria.

Madam Speaker, SCHIP was created in 1997, with broad bipartisan support, to address the critical issue of the large numbers of children in our country without access to healthcare. It serves the children of working families who earn too much money to qualify for Medicaid, but who either are not able to afford health insurance or whose parents hold jobs without healthcare benefits.

Children without health insurance often forgo crucial preventative treatment. They cannot go to the doctor for annual checkups or to receive treatment for relatively minor illnesses, allowing easily treatable ailments to become serious medical emergencies. They must instead rely on costly emergency care. This has serious health implications for these children, and it creates additional financial burdens on their families, communities, and the entire Nation.

This year alone, 6 million children are receiving healthcare as a result of CHIP. However, stopgap funding for this visionary program expires November 16. Congress must act now to ensure that these millions of children can continue to receive quality, affordable health insurance.

As chair of the Congressional Children's Caucus, I can think of few goals more important than ensuring that our children have access to health coverage. It costs us less than $3.50 a day to cover a child through CHIP. For this small sum, we can ensure that a child from a working family can receive crucial preventative care, allowing them to be more successful in school and in life. Without this program, millions of children will lose health coverage, further straining our already tenuous healthcare safety net.

Additionally, through this legislation, we have an opportunity to make health care even more available to America's children. The majority of uninsured children are currently eligible for coverage, either through CHIP or through Medicaid. We must demonstrate our commitment to identifying and enrolling these children, through both increased funding and a campaign of concerted outreach. This legislation provides States with the tools and incentives they need to reach these unenrolled children without expanding the program to make more children eligible.

In my home State of Texas, as of June 2006, SCHIP was benefiting 293,000 children. This is a decline of over 33,000 children from the previous year. We must continue to work to ensure that all eligible children can participate in this important program. To this end, Texas Governor Rick Perry signed legislation in June which, among other things, creates a community outreach campaign for SCHIP.

In addition to reauthorizing and improving the SCHIP program, this legislation also protects and improves Medicare. Due to a broken payment formula, access to medical services for senior citizens and people with disabilities is currently in jeopardy. Physicians who provide healthcare to Medicare beneficiaries face a 10 percent cut in their reimbursement rates next year, with the prospect of further reductions in years to come looming on the horizon. The budget proposed by the Bush administration does not help these doctors, or the patients that they serve.

This revised bipartisan legislation addresses the concerns raised by President Bush's first veto. These revisions include ensuring that only children in families with gross incomes below $51,500 for a family of three will receive SCHIP coverage, consequently addressing the President's concern that upper-income children do not receive coverage. Furthermore, this revised legislation will require that lowest income children are served first by requiring States to enroll the lowest income first in order to receive bonus payments. This bill will also phase out the coverage of childless adults in SCHIP over 1 year, as opposed to the 2-year coverage phase out in the original bill. And finally, this bill ensures that only citizens and legal immigrants receive coverage by providing that if the Social Security Administration is unable to confirm the citizenship of the applicant, the applicant will be required to provide the State with additional documentation to confirm eligibility. If passing the Senate with a veto-proof margin was not enough to stop President Bush from once again vetoing SCHIP, then the alleviation of all his problems and issues with the previous version should ensure that this bipartisan revision of the legislation stands.

This is extremely important legislation providing for the health coverage of 6 million low-income children, as well as protecting the health services available to senior citizens and persons with disabilities. President Bush was wrong to veto this legislation. I stand strong with the children of America in voting to reauthorize this program. I urge all members to join so that we pass the bill with a veto-proof majority.

Mr. DINGELL. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. GENE GREEN), a member of the committee.

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Mr. GENE GREEN of Texas. Madam Speaker, I thank our Chair of the committee for allowing me to speak. Sitting here, waiting in line and listening, I am amazed at the rhetoric I hear. We had Members from our minority side talk about we have to worry about saving for the stimulus next week, and we want to vote for that. But it is amazing they want to save money from the SCHIP program to pay for a stimulus, and at the same time they don't worry about paying for the billions of dollars a month that we are spending in Iraq. It is amazing how frugal they are when they want to be.

Madam Speaker, the President's veto of the children's health care bill once again shows it is playing politics rather than embracing an opportunity to fix a system that is in need of repair. The reason we are here is over 10 years ago this House and Senate and the President at that time signed the bill. The issue was we need to cover the children first. Instead of signing this piece of legislation into law, President Bush twice vetoed a bill to provide insurance coverage to 10 million low-income American children of working parents.

The administration's reason for this veto just doesn't stand up. No Federal funding will be spent on undocumented immigrants in this bill. If they are, they are on the State's, the State of Texas or whoever else, to pay for it if they allow illegal immigrants on the CHIP plan. In 1 year, childless adults are taken off the SCHIP program, even though this administration issued waivers to allow them to be on it. Only lowest income children are covered, with a prohibition on coverage for over 300 percent of poverty, and still the President vetoed it.

We continue to spend billions of dollars a month in Iraq, and we can't even cover the lowest income children. Energy costs are up. Everything is up.

Our economy is weakening, and the number of unemployed and uninsured in this country are rising. Let's at least cover the children with health care. Let's vote to override this misguided veto.

Mr. BARTON of Texas. Madam Speaker, I have no other speakers other than myself, so I am going to reserve the time until we are prepared to close.

The SPEAKER pro tempore. The Chair will recognize for closing speeches in reverse order of opening speeches, beginning with Mr. CAMP from Michigan, Mr. STARK from California, Mr. BARTON from Texas and Mr. DINGELL from Michigan.

Mr. STARK. Madam Speaker, at this time, I am delighted to yield 1 minute to the distinguished leader of the House, Mr. HOYER from Maryland.

Mr. HOYER. I thank the distinguished chairman of the subcommittee for yielding. I thank Mr. DINGELL for his indefatigable advocacy on behalf of children and on behalf of the health of all Americans. I thank my Republican colleagues, as well, for a large number of them supported this legislation when it passed the House.

In fact, over 60 percent of this House voted for this legislation. Over 66 percent of the Senate voted for this legislation. We are just a percentage point short of overriding the President's veto. We are not going to override that veto today. That is unfortunate. It is not unfortunate for me. It is not unfortunate for the 434 of us who have a health insurance program, and we have the most accessible health care perhaps of any American. But it is very unfortunate for those parents who woke up this morning and prayed that their children didn't get sick and prayed that they didn't get sick because they don't have health insurance, and they are not sure that without health insurance they will have access. They will have access perhaps if their child gets very sick, gets very badly injured, because then they will take them to the emergency room and the emergency room will see them.

There is not one of us, not a person in this Chamber, who would want their children, their grandchildren, or in my case, my great-granddaughter, in that predicament. Not one of us. The gentleman from Georgia who previously spoke talked about politics, and Mr. BARTON I think has mentioned, I haven't heard all of the debate, but mentioned this was about politics. Well, I would agree; it is about politics. Everything we do on this floor is about politics, not necessarily partisan politics, but about public policy and the politics to achieve public policy and the philosophy underlying the achievement of that policy.

You've heard me quote it before. You are probably tired of hearing me quote it. But I am going to quote it again. The President of the United States was seeking reelection in 2004. In the summer, late summer of 2004, he stood on the floor of the Republican Convention and said to all America, "If I am reelected in a new term, we will lead an aggressive effort to enroll millions of children who are eligible but not signed up for government health insurance programs. We will not allow a lack of attention or information to stand between these children and the health care they need."[1]

He was reelected. And in 2005, there was no aggressive effort to enroll millions of children who are eligible but not signed up for government health insurance. And the Republicans were in charge of this House and of this Senate. There was no aggressive effort here, either. And in 2006, when the same leadership maintained, there was no aggressive effort to add millions of children consistent with the President's promise of 2004.

But when we were elected and when we took over the leadership of this House and when Mr. DINGELL took over leadership of the Energy and Commerce Committee, Mr. RANGEL took over as chairman of the Ways and Means Committee, and Mr. STARK took over the chairmanship of the Health Subcommittee, lo and behold, we pursued the President's objective. Now, that may be political. But it was certainly the politics promoted by the President. It was the objective that the President said was an important one. It was a promise he made to America's children and America's families. And so we passed a bill through this House with 45 Republicans, 43 on this particular bill, and in the Senate, two-thirds of the Senate, 18 Republican United States Senators, almost half of the Senate delegation on the Republican side of the aisle voted for this bill.

And indeed, two of the senior Members, including the former chairman, Republican chairman of the Finance Committee, now the ranking member of the Finance Committee, and Senator HATCH, one of the senior Members of the United States Senate, both conservative Republicans, urged this President to sign this bill. Why? Because the facts that you are hearing on this side of the aisle are wrong, Mr. President. That's what Senator HATCH and Senator GRASSLEY said. Actually, they didn't say the facts on this side of the aisle that are being cited, but the facts that the President was saying was the reason for his veto, said they were wrong.

So, yes, we have another opportunity. And I want to tell my friends on the other side of the aisle, as the majority leader who schedules business for this floor, this won't be your last opportunity this year to address this issue. Is that politics? Maybe. And if it is bad politics, the people will not support it. But you and I both know that nigh onto 70 percent of the American public believes this bill ought to be passed, notwithstanding the veto of the President of the United States. Why did they think that? Because they know that their neighbors, maybe themselves, are challenged by their children not being covered. They are working. They are trying to make it. But as the economy tanks, hopefully we can stem that fall. They're worried.

Yes, this is about politics with a small "p," about making public policy that helps our Americans who are working hard to make America a great country and expect their government to hear their cries for help.

We spent some 24 meetings trying to address some of the questions that Ms. GINNY BROWN-WAITE raised. Mr. BARTON was in a couple of those meetings. We didn't get there. We regret that we didn't get there. Frankly, I want to tell you that I have talked to some of the people in that room who wanted to get there and were disappointed that we didn't get there. You've talked to them, too, Mr. BARTON, on your side of the aisle.

We have an opportunity to stand up for the 4 million additional children who will be helped by this legislation if we override the President's veto. Let's give those children the health care they need, they want, and a great Nation ought to ensure.

Mr. CAMP of Michigan. At this time, I reserve my time. I have no further speakers and will reserve my time for closing statements.

Mr. DINGELL. Madam Speaker, at this time, I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Madam Speaker, we are increasingly concerned about the downturn in our economy. The declining stock market, weak dollar, high gas prices and home heating costs, and stagnant wages have caused financial insecurity for families across America. Unemployment is now at a 2-year high, and personal debts are at an all-time high.

More and more families are being squeezed financially, making it harder for them to afford basic health coverage. The SCHIP bill we are considering today affects 10 million children living in families that work hard and play by the rules but can't afford health care for their kids.

We in Congress continue to work in a bipartisan manner to stimulate the economy and help American families threatened by this recession. I can think of no better way than to vote today to override the President's SCHIP veto. Failure to do this will lead to an increase in the number of children living in America without health care.

Mr. BARTON of Texas. Madam Speaker, I continue to reserve. I am the closing speaker.

Mr. STARK. Madam Speaker, I am delighted to yield 3 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Madam Speaker, I thank my colleague from California. Two weeks ago, President Bush came to my district to highlight Horace Greeley School. It is a Blue Ribbon School and is recognized for Leave No Child Behind for its accomplishment in teaching children and raising their standards.

I went to that event with the President, because as he said, making sure you had qualified teachers in that school was important. I would also like to say that you need qualified nurse technicians. While you want to test kids for math, we believe you also must test them for measles. While you must worry about the principal, we also want to worry about the pediatrician. And you must have a comprehensive approach to those children, from their pediatrician to the principal, from testing for measles to testing for math and from a teacher to a technician.

One-third of the children at Horace Greeley, slightly more, are children enrolled in SCHIP. Now, those children do well because we raised their standards. They also do well because they have good health care, and we did right by them. Their parents work. Predominately, 50 percent of the school are Hispanics. The rest is mixed. About a quarter are Caucasian.

The President of the United States picked a school in the inner city of Chicago, because of the about 200 schools across the country that are Blue Ribbon Schools, those kids met the standards. Their teachers met the standards. But we did it in a comprehensive fashion. We made sure that they had qualified teachers. We are making sure that they have qualified technicians. We made sure they have a qualified principal. They also must have a qualified pediatrician. And that is what made those kids and our future brighter.

I was proud that the President came to my district and recognized a school in a tough area doing right by kids. And the question is, will this floor do right by those children? And I am not sure. No, we won't have the votes to override the President's veto. And I told him then, "You want to reauthorize No Child Left Behind because it raised the standard. We want to also reauthorize the SCHIP program."

Last November, the American people said they want a change in Washington to set the right priorities, and one of those things was to work together across party lines. We did that here. Unfortunately, one thing didn't change, and that is enough Republicans that want to rubber-stamp policies that I believe are misdirected. Investing in 10 million children for the cost of 41 days in the war in Iraq will give those children more than just a blue ribbon; it will give them a chance at the future.

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Mr. CAMP of Michigan. Madam Speaker, I reserve the balance of my time.

Mr. DINGELL. Madam Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I continue to be the last speaker, and will reserve until we are prepared to close.

Mr. STARK. Madam Speaker, I am delighted to yield 2 minutes to the distinguished gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. Madam Speaker, today we will again attempt an override of the President's veto of the CHIP reauthorization bill.

Over the last 6 months, while President Bush and his Republican allies on the other side of the aisle have doggedly refused to take action to extend the Children's Health Insurance Program, a public-private venture that helps middle and low-income families be able to buy private health insurance, to an additional eligible 4 million children in this country, during that time the demand by America's working families for accessible health coverage has only increased.

Amid this economic downturn, with skyrocketing energy costs, a record number of mortgage foreclosures, fewer new jobs, the rate of unemployment has jumped dramatically in the last year, adding an additional 900,000 Americans who are jobless. Two-thirds of unemployed individuals lose their health care coverage for their families when they lose their jobs. So it is times like these when CHIP is needed most for their children. According to the Joint Economic Committee, as many as 1 million additional children will likely become eligible for subsidized health coverage like CHIP as a direct result of this economic downturn and increased unemployment.

Now is not the time to turn our back on America's children. It is time for my colleagues on the other side of the aisle to join us in supporting America's working families when times get tough, like they are now. So they should join us, and I hope they do, because together we could and should override this misguided veto by the President, and help America's working families and their children weather this economic downturn and get health care to the children of America.

Health care should not be optional. It should be something we are sure that every American child has access to. Now is the moment when Republicans on the other side of the aisle can stand up for working families, for children in this country, and make sure that 10 million, an additional 4 million children, get health care coverage under CHIP.

The SPEAKER pro tempore. The gentleman from Michigan has 3 minutes remaining.

Mr. CAMP of Michigan. I reserve my time and am prepared to close.

The SPEAKER pro tempore. The gentleman from Michigan has 3 minutes remaining.

Mr. DINGELL. Madam Speaker, at this time I have no further requests for time and I am prepared to close if my good friends and colleagues here on the other side have that wish.

The SPEAKER pro tempore. The gentleman from California has 30 seconds remaining.

Mr. STARK. Madam Speaker, I would be glad to yield the balance of my time to the gentleman from Michigan.

The SPEAKER pro tempore. Without objection, the gentleman from Michigan (Mr. DINGELL) will be recognized for an additional 30 seconds.

There was no objection.

Mr. CAMP of Michigan. Madam Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 3 minutes.

Mr. CAMP of Michigan. Thank you, Madam Speaker.

This Congress has already passed an 18-month extension of the Children's Health Insurance Program to March of 2009, and in that bipartisan extension an additional $800 million was provided to States to make sure that they could continue to provide health insurance to those already enrolled.

We have debated this many, many times on the floor, this flawed proposal. This so-called compromise bill did not have one hearing. I have great respect for this House as an institution, and part of that respect is the regular order of bringing bills to subcommittee, having hearings and giving people an opportunity to be heard on them so the public is aware of what is happening. This bill didn't have one hearing. It was given to the minority the night before the vote.

I think that kind of partisanship and politics, combined with the overreaching included in this compromise, it doesn't address the problem of illegals receiving SCHIP funds, it doesn't address the issue of adults in the program and focusing the program on children, it causes almost 2 million children to lose private coverage, and, not only that, has unstable funding by assuming that 22 million new smokers are going to be found over the next few years.

I would urge my colleagues to vote against this veto override, and let's get to work on going through the regular process of having a hearing, bringing forward witnesses and fashioning a compromise that not just has House and Senate support, but under our system of government, before a bill becomes law, it has House, Senate and presidential support. So let's work together in the coming year and start off this year differently than last year, which, unfortunately, this was supposed to be the easy issue we were all going to be able to come together on. But I think a lack of process and really a bill that is flawed in many ways, as the debate here has shown today, makes it impossible to support.

So I urge my colleagues to vote against the veto override.

Madam Speaker, I yield back the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 3 minutes.

Mr. BARTON of Texas. Madam Speaker, I want to thank you for the very dignified way in which you have overseen this debate, not just today but in all the previous SCHIP debates. You are truly a credit to the institution, and I appreciate your courtesy.

Madam Speaker, constitutionally, when the President vetoes a piece of legislation, to override that veto either the House or the Senate has to muster more than two-thirds of its Members that are present and voting.

Now, I am not sure that it is a requirement that you bring a veto vote up or whether it is just a courtesy, but in any event, the majority postponed the veto override vote from back before Christmas until today. If one wants to be cynical, you could say that veto postponement was done for political reasons, since the President is giving the State of the Union next week. In any event, here we are again, and I will predict, and the majority leader when he spoke acknowledged this, that the votes won't be there to override the President's veto.

So we will continue to operate under the extension, the Barton-Deal bill that two-thirds of the Republican Conference are cosponsors of, that this House and the Senate passed right back before Christmas, and that the President signed. That bill, as Mr. CAMP has pointed out, increases funding by almost $1 billion, or approximately 20 percent, and extends the program through March of next year. So there is no child currently on SCHIP that is going to lose coverage, regardless of the vote today.

Now, I do want to compliment my good friend Mr. PALLONE, if he is on the floor, I don't see him, but have just been told that, lo and behold, we are going to have a legislative hearing next week on SCHIP. In his subcommittee, the Health Subcommittee, there is going to be for the first time in this Congress a hearing on SCHIP. So that tells me that there is an outside chance, and maybe better than an outside chance, that sometime in the next 2 to 3 months, if Mr. DINGELL agrees and Mr. STARK agrees and Mr. RANGEL agrees, we may actually do what we should have done 13 months ago, which is begin to craft a bipartisan compromise on how to permanently reauthorize, or at least reauthorize SCHIP for more than 15 months, and perhaps modify the program, and then expand it to cover some children that are currently not covered. So there is always hope.

But while that is yet to materialize, the vote before us today is to sustain the President's veto. I hope we do that, and then we can begin to work next week, hopefully on a bipartisan basis, to craft a compromise that the President will sign, and then we will have a signing ceremony either in the Oval Office or the Rose Garden sometime this year. But, today, vote to sustain the President's veto.

Mr. DINGELL. Madam Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 3½ minutes.

Mr. DINGELL. Madam Speaker, I have great affection and respect for my good friend the ranking member of the committee, but some of the things he has just said would tend to indicate the lack of understanding that there is in this place about this legislation.

The committee has had three hearings on SCHIP. We have another hearing coming up next week. The subject will at that time be oversight, to find out how the matters are being conducted.

There have been a lot of misrepresentation, mostly by the administration. For example, the administration says in its veto message the bill covers illegal immigrants. Not so.

It says that children whose parents can afford private health insurance are included in the legislation. Not so. The ceiling on these kinds of children is $51,510 a year.

It also says that families with incomes of $75,000 a year are eligible. Not true.

It says that childless adults are covered. All of these will be removed by the end of this year under the legislation, and it should be noted that those who are now eligible under this provision are done so under waivers which have been granted by this administration.

Regrettably, we have here then either misunderstanding or just plain hard-heartedness and dishonesty on the part of the administration with regard to what this legislation does.

What we have taken care of in this legislation is children who are identical in terms of all of the conditions of eligibility of the 6 million who were covered under the original law and who have been covered up to this time. We have added to them 4 million children who are identical in every particular to those 6 million.

What is wrong with that? How is anyone here going to be able to justify to his or her conscience denying 4 million kids who are fully eligible but do not confront a situation where the Federal Government puts the money and the eligibility in place so that they can be covered? I ask my colleagues, how can you then accept this veto? How can you deny these kids, whose need is as great as the 6 million now covered, and deny that 4 million? It is impossible for me to understand that.

There are a plethora of other misrepresentations about this bill coming out of the administration, and they appear, unfortunately, in a veto message from the President of the United States. The bill prohibits States from receiving Federal funding if they exempt portions of income that go to families with incomes over $51,510. That is the ceiling, and those are families who have real need.

Let us meet that need. The number of kids who are going to be eligible and have need for health care is growing as this recession which threatens gets nearer and becomes a worse and more threatening reality.

I urge my colleagues, vote to override the veto. Vote for the kids. Vote to override the veto.

Mr. LEVIN. Madam Speaker, the question of whether the Federal Government is finally going to do more to provide health coverage to children who need it is not going to go away. This is not an issue of partisan politics. It's not a complicated issue either. It's simply a matter of doing what's right.

I believe that no American child should be without access to decent health care. This is especially true given the worsening economic conditions that are battering Michigan and every other State. Rising unemployment results in more American families losing their health insurance. Not only do workers find that health coverage is increasingly beyond their reach, the problem extends to children.

A new study by the Joint Economic Committee underscores the fact that between 700,000 and 1.1 million additional children will enroll in Medicaid and State Children's Health Insurance Programs each year due to slowing employment growth. The projections show that more than 35,000 additional children in Michigan alone will need help. But State budgets have been hard hit by the economic downturn. They don't have the resources to provide health care coverage to millions of kids that already need it, let alone all the new children who will need help due to the economic downturn.

That's why it's vital that Congress vote to override the President's veto of the Children's Health Insurance Program bill. By doing so, we can extend health care coverage to nearly 4 million children who are currently uninsured. Let's not let America's children become casualties of the economic downturn. Vote to override the President's veto.

Ms. ESHOO. Madam Speaker, today is the second time we are voting to override the President's veto of legislation which provides health care to more low-income, uninsured children under the State Children's Health Insurance Program (SCHIP).

Last year, 64 percent of the House voted for this legislation—just a handful of votes short of the two-thirds majority needed to override. In the Senate, there is a sufficient "super majority" to pass this bill.

With the economy either in recession or on the threshold of one, the arguments for this bill are even greater than they were when we voted for it last year.

Unemployment is edging up. With more Americans out of work there will be an increase in the number of uninsured. For every point that unemployment rises, 1.2 million to 1.5 million Americans lose their health insurance.

This legislation increases to 10 million the number of children covered under SCHIP and it addresses almost every major concern that has been raised about the bill.

The bill covers only American citizens (not undocumented individuals).

The bill will cover only children, not adults.

The bill focuses on covering low-income kids and it caps eligibility to families earning less than $51,500.

The bill makes certain that coverage under SCHIP will not substitute for coverage by employer-provided and private health insurance.

The bill is fully paid for with an increase in the tobacco tax. This step not only balances the books, it saves lives and improves the health of young people. Public health experts (including a panel of the Institute of Medicine) agree that raising tobacco taxes is an effective way to reduce smoking, especially among children, and it's unfortunate that this provision is strongly opposed by the tobacco industry and the President.

With economic uncertainty facing millions of Americans at this time, I hope we will finally provide families with more security by overriding the President's veto and enacting this bill.

Mr. BACA. Madam Speaker, I rise in support of overriding the President's veto of the SCHIP bill, H.R. 3963.

In the face of job loss and a foreclosure crisis I rise again to fight for SCHIP. There are more families going hungry in my district each day, and the number of uninsured children is skyrocketing out of control.

As a parent and grandparent, I understand the despair we all feel when a child falls asleep crying in your arms and all you can do is reassure them.

I ask President Bush, how will you answer the pleas of help from these parents?

Parents are struggling. Local newspapers in my District report a 6.2 percent unemployment rate, which is much higher than the national average of 5.0 percent.

This loss of jobs translates to fewer parents covered by employment-based health insurance, which means more uninsured children.

This week we celebrated the legacy of Martin Luther King, Jr. Let us remember him as we fight today to protect our nation's most vulnerable citizens, our children!

I urge my colleagues to join me in rescuing health care for our children, and support this veto override.

Mr. BARTON. Madam Speaker, here we are again. For the ninth time, we are here on the floor of the House to vote on some form of consideration of the latest version of the Democratic leadership's SCHIP and Medicaid expansion bill. And if you count the votes on the Rules Committee resolutions for consideration of these bills, we will be debating this issue for the 13th time this morning.

And while the Democratic leadership has tried a dozen times to stuff their ideology down our throats on the floor of the House, the same Democratic leadership still hasn't held one single legislative hearing or completed one single legislative markup in the Energy and Commerce Committee, the committee with jurisdiction over the SCHIP program.

In December, the Democrats held their second debate on a motion to postpone consideration of the President's veto. Since that vote, Congress and the President have passed legislation that fully funds the SCHIP program through March of 2009.

It was my hope that once we passed the SCHIP extension legislation that we could come together and begin a true legislative process that could yield results. We've heard all this talk lately from the Democratic leaders about bipartisanship, but all we actually get is empty words and authoritarian process.

Then why are we here again today, Madam Speaker? Well, the only reason I can think of for this vote is the fact that the President is going to be delivering the State of the Union Address next Monday, and the Democrats have decided that they need more political theater in order to influence the press coverage of the President's address.

I thought that the reason we passed the extension legislation was to give us another 15 months to have a thoughtful bipartisan discussion on how to best craft a long-term reauthorization of the SCHIP program. I thought we were going to have legislative hearings where we could bring in policy experts to help us craft the best possible bill for the needy, low-income children in this country.

I listened to the debate on the floor. If we could write a bill based on what Members think the bill does, we may not be far off from compromise. One member said during the previous debate that this bill does not provide benefits for those above 200 percent of poverty, which is $42,000 a year. If that is what Members support, then a compromise can be had. I have heard Members say that this bill takes adults off this Children's health insurance program. If that is what Member's believe the bill should do, then there is room for compromise.

I've heard Members say that they do not want people in the country illegally getting benefits. If there is agreement on that, there is room for compromise. I have also heard emphatic pleas that this bill is needed to ensure that poor children receive health care. I agree with that sentiment also, and we have proposals to ensure that States cover poor children first.

Unfortunately, the legislation does not match the rhetoric. It is my sincere hope that Democrats will eventually stop playing politics with the health of low-income children and begin to actually work in a bipartisan manner to help them. I hope that time comes soon, and when it does, I stand ready to work with the Democrats in a bipartisan manner. As it stands now, I urge all Members to reject this cynical ploy and vote to sustain a veto that is both wise and brave, and which will force Democrats to value the health of poor children instead of using them as props.

Mr. CONYERS. Madam Speaker, I rise to voice my strong support for overriding the President's veto of the revised bipartisan SCHIP, State Children's Health Insurance Program, bill—H.R. 3963.

Overriding this veto will provide healthcare coverage for 10 million children of working families. This bill will preserve coverage for all 6.6 million children currently covered by SCHIP and extend coverage to 3.8 million children who are currently uninsured, including 80,900 in my home State of Michigan, according to the nonpartisan Congressional Budget Office.

In this weakening economy, more and more American parents are having difficulty finding affordable health insurance for their children. It is estimated that in Michigan, 35,600 additional children will need SCHIP or Medicaid in each year of this economic downturn. Funding the enrollment of children eligible for the SCHIP program is more critical than ever.

The bipartisan SCHIP bill is supported by 81 percent of the American people; 64 Senators, including 17 Republicans; 43 Governors, including 16 Republicans; and more than 270 organizations, including the AARP, AMA, Catholic Health Association, and Families USA.

House Democrats continue to stand strong to ensure health coverage for all of America's children, while those on the other side of the aisle persist in standing between millions of children and the health care they need. House Republicans should put our children first and override the President's misguided veto.

Mr. WILSON of Ohio. Madam Speaker, I fully support the reauthorization of the State Children's Health Insurance Program, SCHIP. This legislation will ensure that 10 million children receive the vital healthcare coverage they need and deserve.

Currently, more than 218,000 children in Ohio receive care through SCHIP, and the bipartisan plan vetoed by the President would have extended care to an additional 122,000 uninsured children throughout the State.

The President's veto on December 12th denied health care to children of hardworking families across Ohio just as the state's unemployment rate reached 6 percent. With our economy experiencing a downturn, families are struggling to put food on the table, heat their homes and pay for ever increasing healthcare costs, making reauthorization of SCHIP more important than ever.

I am saddened by this failed veto override, but will continue to fight for children's health care. I look forward to working with my colleagues in Congress to strengthen SCHIP and improve health care for children in Ohio and across the Nation.

Mr. MARKEY. Madam Speaker, I rise today to urge a "yes" vote on overriding President Bush's veto of the urgently needed reauthorization of the Children's Health Insurance Program. Over the last several months, President Bush has had an opportunity to work with a bipartisan majority of Congress and provide health insurance to over 10 million low-income children. However, he decided instead to place himself on the wrong side of the history of health care and play politics with the health of American children.

The Children's Health Insurance Program is a highly successful program with a proven track record that is supported by an overwhelming majority of the American public. We need to reauthorize and build on the success of this program and override this ill-timed and unconscionable presidential veto.

A recent Joint Economic Committee report estimated that between 700,000 and 1.1 million additional children will enroll in Medicaid and CHIP programs each year due to slowing employment growth.

In fact, the JEC report notes, "The association between poor economic conditions and children's enrollment in Medicaid/CHIP is large, consistent, and statistically significant." So what does the president do as working families strain to make ends meet in the face of a looming economic crisis? He vetoes health care for poor children! This is unacceptable.

To my Republican colleagues, who are considering how to vote on this bill today—given the current economic landscape, I urge you to reject the President's radical stand against poor, sick children and join the overwhelming majority of the American public who support this important program.

It has been said that "Health is the first wealth." Well, what does it say about our country when many families that work hard to make ends meet are forced to choose between providing health care for their children and putting food on the table? If we are to give low-income families a chance to succeed in our society, we must give them access to the health care that they need and deserve.

We have known for some time that our nation has 9 million uninsured children, with the vast majority coming from families that cannot access affordable coverage. This number will only grow, as more and more families feel the squeeze of the increasing costs of living and unemployment rates.

Sadly, most of our Republican colleagues turned their backs on these families by voting to sustain President Bush's veto in October. Health coverage for all of our Nation's children should be a priority. Worsening economic conditions only reinforce the need to cover children from low-income families, in which parents are forced to choose between health care and necessities like food and shelter. No parent should have to choose between caring for a sick child and putting food on the table.

I urge an "aye" vote to override this veto.

Mr. AL GREEN of Texas. Madam Speaker, today the House took up a second vote to override the President's veto of bi-partisan, bicameral legislation to reauthorize and expand the State Children's Health Insurance Program (SCHIP).

This bill, H.R. 3963, would maintain coverage for the 6.6 million children currently enrolled and expand coverage to 3.8 million children who are currently eligible but unenrolled.

In the face of a weakening economy, with unemployment rates on the rise, it is becoming more and more difficult for parents to find affordable health insurance for their children. We know that when fewer Americans are employed, the number of uninsured in our nation will grow.

The vast majority of the American people believe in the value and necessity of the SCHIP program in providing access to health care for low-income children. This bipartisan SCHIP bill is supported by: 81 percent of the American people; 64 Senators (including 17 Republicans); 43 Governors (including 16 Republicans); and more than 270 organizations, including AARP, AMA, Catholic Health Association, and Families USA.

We live in a country where nearly 1 out of every 110 people is a millionaire. Unfortunately, this is the same country where more than 1 out of every 10 children lacks health insurance coverage. In these difficult and uncertain economic times, access to affordable health care for low-income children is more critical than ever.

The children who are enrolled in Texas SCHIP and CHIP programs around the country are from hard-working families. They deserve the opportunity to have access to affordable, accessible, and consistent health care. Healthy children become healthy, productive adults.

Children cannot work and children do not choose to be poor. Children do not choose where they live or the circumstances they are born into. But, as Members of Congress elected to serve all people young and old, we do have a choice. We can choose to improve access to health care for our children and make an investment in the future of our country.

Mr. DINGELL. Madam Speaker, I yield back the balance of my time, and I move the previous question.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BARTON of Texas. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 217, nays 195, not voting 18, as follows:

[Roll No. 21]

YEAS—217

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NAYS—195

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Murphy, Tim
Musgrave
Myrick
Neugebauer

Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Baird
Baker
Berman
Costello
Davis (IL)
Hinojosa
LaHood
Lantos
Lucas
Miller, Gary
Moran (KS)
Napolitano
Rahall
Rush
Sanchez, Loretta
Sherman
Solis
Wilson (OH)

☐ 1235

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mrs. NAPOLITANO. Madam Speaker, on Wednesday, January 23, 2008, I was absent during rollcall vote No. 21. Had I been present, I would have voted "yea" on ordering the previous question to H.R. 3963—to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program.

Ms. SOLIS. Madam Speaker, during rollcall vote No. 21 on ordering the previous question on the veto override of the Children's Health Insurance bill, I was unavoidably detained. Had I been present, I would have voted "yea".

The SPEAKER pro tempore. The question is, will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, the vote must be by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 260, nays 152, not voting 19, as follows:

[Roll No. 22]

YEAS—260

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fossella
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—152

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latta
Lewis (CA)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
Mica
Miller (FL)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)

NOT VOTING—19

Baird
Baker
Berman
Costello
Davis (IL)
Everett
Hinojosa
LaHood
Lantos
Lucas
Miller, Gary
Moran (KS)
Napolitano
Rahall
Rush
Sanchez, Loretta
Sherman
Solis
Wilson (OH)

☐ 1252

So (two thirds not being in the affirmative) the veto of the President was sustained and the bill was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. NAPOLITANO. Madam Speaker, on Wednesday, January 23, 2008, I was absent during rollcall vote No. 22. Had I been present, I would have voted "yea" on passage, the objections of the President to the contrary notwithstanding, of H.R. 3963—to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program.

Ms. SOLIS. Madam Speaker, during rollcall vote No. 22 on overriding the President's veto of H.R. 3963, Children's Health Insurance Program Reauthorization Act, I was unavoidably detained. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. The veto message and the bill will be referred to the Committees on Energy and Commerce and Ways and Means.

The Clerk will notify the Senate of the action of the House.

PERSONAL EXPLANATION

Mr. WILSON of Ohio. Madam Speaker, on Wednesday, January 23, 2008, I was unable to vote on rollcall 21 and 22 due to unavoidable circumstances. Had I been present, I would have voted "yea" for both votes.

APPOINTMENT OF HON. STENY H. HOYER AND HON. CHRIS VAN HOLLEN TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH FEBRUARY 6, 2008

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 23, 2008.

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore to sign enrolled bills and joint resolutions through February 6, 2008.

NANCY PELOSI,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Mr. Speaker, I yield to my friend from Maryland, the majority leader, for the purpose of inquiring about next week's schedule.

Mr. HOYER. I thank the distinguished Republican whip.

On Monday the House will meet at 2 p.m. for legislative business. Votes will be postponed until 5 p.m., and that evening we will receive the State of the Union address from the President.

On Tuesday the House will meet at 10:30 a.m. for morning-hour debate and 12 noon for legislative business. We will consider several bills under suspension of the rules. A list of those bills will be announced by the close of business this week.

In addition, we will consider H.R. 1528, a bill to designate the New England National Scenic Trail.

The House will not be in session for the balance of the week in order to accommodate the Democratic Caucus Issues Conference.

I yield back.

Mr. BLUNT. I thank the gentleman for that information. As he and I discussed last week, the FISA legislation that passed with, obviously, a bipartisan majority in early August expires on February 1. I think the Senate intends to bring that up on Thursday, and Senator REID has suggested a commitment from the Speaker to bring a bill up next week. I wonder if we have any information on that.

I yield.

Mr. HOYER. I thank the gentleman for yielding.

I have not talked to Senator REID nor the Speaker about any commitment about bringing that bill up on Thursday. First of all, of course, next Thursday we won't be here, if they bring it up Thursday.

Mr. BLUNT. I think he's going to bring it up this Thursday on the Senate side is what I meant.

Mr. HOYER. Well, as you know, he may do that. As you know, Leader REID asked for unanimous consent yesterday for a 30-day extension of the present act which expires on the 1st of the month. Mr. MCCONNELL, the minority leader, objected to that extension.

Furthermore, obviously, the Senate has not completed its work so that we are unable to go to conference at this point in time on the bill that we passed now some months ago, or over a month ago.

When the present Protect America Act, which we passed in August, time frame comes to an end the 1st of the month, of course the intelligence community will not go dark. The authorizations issued under the Protect America Act are in effect for up to, as you well know, a full year, so that those matters that have been approved for interception will not terminate. Those authorizations do not terminate on the 1st of February; so that hopefully the administration has requested authorization for any and all targets that it believes are important for us to be intercepting at this point in time. And certainly, if they know of any, they ought to be requesting such authorization in contemplation of the possibility. If the Senate doesn't act, we won't have a bill to pass.

I want to tell my friend that, according to a New York Times story today, Kenneth Wainstein, who's the Assistant Attorney General for National Security, he said that if PAA, the Protect America Act, were allowed to expire, intelligence officials would still be able to continue intercepting, he said eavesdropping, on already approved targets for another 12 months. That is what I was asserting, and that's the basis on which I make that assertion.

The Protect America Act only requires that the AG adopt guidelines for surveillance, as you know, rather than the individualized warrants to get 1-year authorization. These authorizations do not require the NSA to specify the name, number or location of the people they want to listen to, so that the situation we will find ourselves in, should the Senate not act or be able to act on Thursday either passing legislation or sending it to us, would be simply that the NSA and the administration would be relying on the authorizations they already have.

I would hope that if the Senate cannot act and that we could not go to conference, that we could agree on this side to a 30-day extension and send that over to the Senate. They failed to do that on unanimous consent, so it would give us time to go to conference, because, as my friend knows, there is obviously substantial controversy in the other body with reference to how the immunity issue is addressed. There is substantial controversy in this House about how that question should be addressed. And very frankly, I was hopeful that the Senate would act long before this, I know you've been in a similar situation, and that we would be in conference and try to resolve those differences. We haven't been able to do that.

Under no circumstances do we think, however, that the fact that February 1 comes and goes without the passing of either an extension or new legislation will undermine the ability of the NSA and the administration to continue to eavesdrop on those targets that it believes are important to focus on for the protection of our people and our country.

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Mr. BLUNT. I thank the gentleman for his views on that, and I would hope that the Protect America Act is not allowed to lapse. I'm not as comfortable as the article that my good friend referred to or this article may have created comfort for him and other information, particularly about any new targets that might fit some past definition that arose. We've debated this before; we will debate it again.

I would think that allowing this act to expire on the basis that somehow we have a 12-month window would not be something that either I would be comfortable with or the intelligence community would be comfortable with. And we would have another day to debate that.

I do hope we continue to work both to resolve this issue permanently. The issue of immunity is an issue that's been out there long enough now that we should be able to bring it to some resolution, and I hope we can find a way to do that; and I would hope we could find a way to do that before February 1, which would almost require action next week. I understand that if the Senate doesn't bring their debate that would be initiated this week to some conclusion, it's hard for us to get that permanent solution at that time frame.

But I do think a permanent solution is important here, and I don't have the confidence that my good friend does that we would have a lot of time beyond February 1 where there is no harm by not having the ability to look quickly in those areas involving foreign individuals in foreign countries who come to our attention that are not to our attention today, but I would yield.

Mr. HOYER. I thank the gentleman for yielding. I understand his concern.

Obviously what concerns me is the proposition, as the gentleman puts forward, that we make sure we have the authorization to intercept those communications which may pose a danger to the United States and to our people.

I would hope and urge this administration if they know of any such targets, that they immediately request authorization under that, and they have another week essentially to do so. We believe those could be approved within, as some previous Justice Department official said, hours of application.

So in the first instance, I would hope that they would make efforts to preclude the possibility that we would have targets that aren't authorized.

Secondly, my concern is that the other body likes to put us in a position where it's take it or leave it; in other words, without discussion in terms of the very substantive important discussion on how we protect ourselves against terrorists and protect the Constitution. We think those are very important questions on both sides, not that they're either side, but we believe they can be consistent with one another, but we think we need the time to do so.

That is why I pressed so hard, as the gentleman knows, to pass a FISA bill through this House. We passed a FISA bill through this House over a month ago. It was in November, so with clearly enough time to give the other body which had also considered a bill. And when we passed our bill, we already had bills out of the Intelligence Committee; and the Judiciary Committee bill, I'm not sure whether it was out of committee or not, but it had been considered in committee.

So I think it's unfortunate that we've been put in this time frame, but I frankly, without deciding the question today on the floor, am very interested in pursuing this in the regular order to discuss between the two Houses whether or not we can reach a resolution on this immunity issue which I think is an important one, as well as reaching a resolution on what I think is a much improved process that the House passed and, very frankly, which I think the Senate bill also has made some improvements on in the Judiciary Committee.

There are differences on that, whether the Senate Intelligence Committee is a preferable item, Senate Judiciary or some blend of those two, but they have not reached a resolution on that.

So I hope I have conveyed to the gentleman that while I understand the concern, which I share, of getting this done, I was not happy in August. I voted against the bill in August as the gentleman knows. An overwhelming majority of this caucus voted against that legislation. However, many people voted for it, justifiably in the sense that we needed to get something done for the interim and set a time limit on it so that we would not be vulnerable if, in fact, we were. But we think the FISA court needs to be involved in these issues.

So, again, what I'm trying to convey to you is these are very serious questions, and they need to be thoughtfully addressed, and I, for one, am very unenthusiastic about addressing these issues on the horn of hours to go before a bill expires.

I urge the Senate not to do that to us, and we are about to find ourselves in that position. I'm not happy about it.

Mr. BLUNT. Well, I hear my friend's displeasure. In August, I think 41 Members of the majority joined with almost everyone on my side of the aisle to put the Protect America Act in place for this period of time that's about to expire.

The very fact that the Senate majority leader and others are calling for an extension leads me to believe that there is a reason to have something beyond the normal bill, the regular bill, that may or may not allow some listening to information we need to hear in the future because of what's been decided today.

Clearly, in my view at least, the Senate believes that an extension of the current law would be necessary to provide the current level of protection or they wouldn't be worried about the deadline. They'd take the gentleman's suggestion that maybe we have a year to listen to the things that we now know we need to listen to, and we shouldn't be rushed. I would not like to see the current law expire without an adequate replacement.

The goal the gentleman mentioned for the legislation, hearing those things we need to hear, and I'd paraphrase here, in the quickest possible time frame, is an appropriate goal. We'll continue to debate how we get there. I would hope that neither body allows this law to lapse with nothing to provide the level of protection the American people now have and in the future, and I yield.

Mr. HOYER. Mr. Speaker, I thank my friend for yielding.

In that context, can I ask the distinguished Republican whip whether or not, if we find ourselves in that position, whether you believe your side of the aisle would be prepared to support a 30-day extension so that we would not get into that position that you're concerned about, that if something came to light that the administration and/or NSA and the intelligence community felt ought to warrant action, that they would then be able to request such action during that additional 30 days while we see if both bodies can act?

Mr. BLUNT. I appreciate the question. I would think that if we find ourselves in that situation, at least I personally would want to look for the shortest period of time when we could reasonably reach a permanent solution to this. I don't think the country benefits from a constant debate on how we move forward on this issue. I think we need to find a permanent solution or at least a longer term solution than we've found to date, and I wouldn't want to see the law lapse.

I think we want to look at the circumstances at the time, what we were dealing with with legislation, and hopefully a conference of some kind and look at it at the time.

Mr. HOYER. If the gentleman would yield?

Mr. BLUNT. I'd yield.

Mr. HOYER. I think you raise an important concern. I think we all agree on the concern. I think also there are concerns about what the Congress did in creating the FISA court, the purpose of the FISA court. The concern with respect to executive action on intercepting communications, certainly domestically, should be overseen by the court, and to the extent that there may be spillover from foreign interceptions to domestic interceptions, that ought to be of concern to us as well.

You are correct, these are very serious matters, and I would hope that they would be addressed as such from all perspectives.

What the 30-day extension does is, if the Senate, and I would suggest the Senate has not acted in a timely manner. You're going on your retreat. I'd like to get a better word than "retreat," but in any event, you're going on your retreat this week. We're doing the same next week. So essentially we have two legislative days left, and one of those, of course, is a 6:30 day, and the Senate says they're going to take this bill up Thursday. Let's assume they pass it on Thursday, which I don't assume. That gives us 1 day. The Senate knows our schedule. That is not fair to the Members of this House. It's not fair to the country. It's not fair to the Constitution.

And so I would hope that if we find ourselves in that position, as I think we do, that we could agree to preclude the fear that you have and give another 30 days for the process to work, for us to go to conference if the Senate has passed a bill, to go to conference, and hopefully the Senate will go to conference. The Senate hasn't been very inclined to go to conference. We're not pleased with that. I don't think you're pleased with that.

Mr. BLUNT. We're not pleased either.

Mr. HOYER. We share that in common, and I think we're in that position, that a 30-day extension is a reasonable time in which to give the Congress of the United States, Senate and the House, to try to come together, resolve some very serious issues on which there are differences of opinion, and I thank the gentleman for the time.

Mr. BLUNT. I thank the gentleman for that, and I don't intend to spend any time defending the time of the working schedule of the Senate.

PROVIDING FOR A JOINT SESSION OF CONGRESS TO RECEIVE A MESSAGE FROM THE PRESIDENT

Mr. HOYER. Mr. Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 282

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Monday, January 28, 2008, at 9 p.m., for the purpose of receiving such communication as the President of the

United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HILL). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

SECTION 515 RURAL HOUSING PROPERTY TRANSFER IMPROVEMENT ACT OF 2007

Mr. HODES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3873) to expedite the transfer of ownership of rural multifamily housing projects with loans made or insured under section 515 of the Housing Act of 1949 so that such projects are rehabilitated and preserved for use for affordable housing.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3873

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Section 515 Rural Housing Property Transfer Improvement Act of 2007".

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) providing rural housing for poor families in the United States has been an important goal, and the primary reason for enactment, of the Housing Act of 1949;

(2) rural multifamily housing financed under the section 515 of the Housing Act of 1949 has been an essential resource for providing affordable housing for some of the Nation's poorest families;

(3) the majority of the approximately 16,000 projects financed under section 515 that currently have loans outstanding were constructed more than 25 years ago and need new financing in order to continue to provide decent, affordable housing for families eligible to reside in such housing;

(4) many owners of such projects are working to transfer the properties, which often involves leveraging Federal resources with private and commercial resources; and

(5) the Secretary of Agriculture should protect the portfolio of section 515 projects by making administrative and procedural changes to process ownership transfers in a commercially reasonable time and manner when such transfers will further the preservation of such projects for use as affordable housing for families eligible to reside in such housing.

SEC. 3. TRANSFERS OF SECTION 515 RURAL MULTIFAMILY HOUSING PROJECTS.

Section 515(h) of the Housing Act of 1949 (42 U.S.C. 1485) is amended—

(1) by inserting "(1) CONDITION.—" after "(h)"; and

(2) by adding at the end the following new paragraphs:

"(2) TRANSFERS FOR PRESERVATION AND REHABILITATION OF PROJECTS.—

"(A) IN GENERAL.—The Secretary shall make such administrative and procedural changes as may be necessary to expedite the approval of applications to transfer ownership of projects for which a loan is made or insured under this section for the preservation, continued use restriction, and rehabilitation of such projects. Such changes may include changing approval procedures, increasing staff and resources, improving outreach to project sponsors regarding information that is required to be submitted for such approvals, changing approval authority between national offices and the State and local offices, simplifying approval requirements, establishing uniformity of transfer requirements among State offices, and any other actions which would expedite approvals.

"(B) CONSULTATION.—The Secretary of Agriculture shall consult with the Commissioner of the Internal Revenue Service and the Secretary of Housing and Urban Development, and take such actions as are appropriate in conjunction with such consultation, to simplify the coordination of rules, regulations, forms (including applications for transfers of project ownership), and approval requirements for housing projects for which assistance is provided by the Secretary of Agriculture and under any low-income housing tax credits under section 42 of the Internal Revenue Code of 1986 or tax-exempt housing bonds. The Secretary of Agriculture shall involve the State Rural Development offices of Department of Agriculture and the Administrator of the Rural Housing Service in the consultations under this subparagraph as the Secretary considers appropriate.

"(C) PRESERVATION AND REHABILITATION.—The Secretary shall actively facilitate transfers of the ownership of projects that will result in the preservation, continued use restriction, and rehabilitation of such projects.

"(D) FINAL AUTHORITY OVER TRANSFERS.—The Office of Rental Housing Preservation of the Rural Housing Service, established under section 537 (42 U.S.C. 1490p-1), shall have final regulatory authority over all transfers of properties for which a loan is made or insured under this section, and such Office may, with respect to such transfers, work with and seek recommendations from the State Rural Development offices of the Department of Agriculture.

"(E) DEADLINES FOR PROCESSING OF TRANSFER APPLICATIONS.—

"(i) PROCEDURE.—If a complete application, as determined by the Secretary, for a transfer of ownership of a project or projects is not processed, and approved or denied, by the State Rural Development office to which it is submitted before the applicable deadline under clause (ii)—

"(I) such State or local office shall not have any further authority to approve or deny the application;

"(II) such State or local office shall transfer the application in accordance with subclause (III); and

"(III) such application shall be processed, and approved or denied, in accordance with clause (iii) and only by the Office of Rental Housing Preservation, which may make the final determination with the assistance of other Rural Development employees.

"(ii) DEADLINE FOR STATE AND LOCAL OFFICES.—The applicable deadline under this clause for processing, and approval or denial, of a complete application for transfer of ownership of a project, or projects, shall be the period that begins upon receipt of the complete application by the State Rural Development office to which it is submitted and consists of—

"(I) in the case of an application for transfer of ownership of a single project, 45 days;

"(II) in the case of an application for transfer of ownership of multiple projects, but not exceeding 10 projects, 90 days; and

"(III) in the case of an application for transfer of ownership of 11 or more projects, 120 days.

"(iii) DEADLINE FOR OFFICE OF RENTAL HOUSING PRESERVATION.—In the case of any complete application for a transfer of ownership of a project, or projects, that is transferred pursuant to clause (i), shall be processed, and approved or denied, before the expiration of the period that begins upon receipt of the complete application and consists of—

"(I) in the case of an application for transfer of ownership of a single project, 30 days;

"(II) in the case of an application for transfer of ownership of multiple projects, but not exceeding 10 projects, 60 days; and

"(III) in the case of an application for transfer of ownership of 11 or more projects, 120 days.

"(iv) APPEALS.—Only decisions regarding complete applications shall be appealable to the National Appeals Division of the Department of Agriculture.".

SEC. 4. REPORT.

Not later than July 1, 2008, the Secretary of Agriculture shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate that—

(1) identifies the actions that the Secretary has taken to coordinate with other Federal agencies, including the Department of Housing and Urban Development and the Internal Revenue Service, and, in particular, with the program for rental assistance under section 8 of the United States Housing Act of 1937, the multifamily mortgage insurance programs under title II of the National Housing Act, the program under section 42 of the Internal Revenue Code of 1986 for low-income housing tax credits, and the program for tax-exempt bonds under section 142 of such Code;

(2) identifies and describes any resulting improvements within Rural Housing Service of the Department of Agriculture in expediting the transfer of ownership of projects with loans made or insured under section 515 of the Housing Act of 1949; and

(3) makes recommendations for any legislative changes that are needed for the prompt processing of applications for such ownership transfers and for the transfer of such projects.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Hampshire (Mr. HODES) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from New Hampshire.

GENERAL LEAVE

Mr. HODES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. HODES. Mr. Speaker, I yield myself so much time as I may consume. I rise today in support of H.R. 3873.

Mr. Speaker, rural poverty is a particularly harsh brand of indigence. It tends to be more extreme than urban poverty, and because it develops in areas far from television cameras and daily newspapers, to most Americans it is faceless. But its presence and its consequences are real, and they present formidable challenges to both our country and our conscience.

The poverty rate in rural areas is 14.6 percent, topping that of most urban centers. Rural families are farther from population centers and, thus, less likely or able to take advantage of basic housing services. There is desperate need in parts of our country. As Members of the people's House we have a moral imperative to help children and parents trapped in destitute circumstances.

The shortage of affordable housing is a problem nationwide and a crisis in rural communities. To reduce the barriers rural families face when trying to find affordable housing, together with my colleague from West Virginia (Mrs. CAPITO), we have introduced H.R. 3873, the Section 515 Rural Housing Property Transfer Improvement Act of 2007, which would take important steps to help alleviate this rural housing crisis.

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The section 515 rural housing program provides loans for the Rural Housing Service. These loans are made to nonprofit, for-profit, cooperative, and public entities for the construction of rental or cooperative housing in rural areas. The loans are made to make units affordable for low and very low-income areas in rural areas. This important program serves roughly 450,000 families.

Section 515 loans have financed approximately 16,000 projects. Of those, more than 50 percent of the projects were constructed more than 25 years ago. These aging properties are often in desperate need of renovation, which most often happens when a property is sold.

When a section 515 property is sold, the transfer of ownership must be approved by the State's rural development office. The process by which States approve the transfer of ownership of section 515 properties is too slow and steeped in bureaucracy. Families sometimes wait years for housing while loans are held back by red tape. Our bill will make several key changes to cut through the red tape so rural families can move into affordable houses.

Now, while some State rural development offices transfer section 515 applications in a timely way, others do not. Nonaction on these applications often results in deals going bad. Because of the reduced turnaround and red tape, the appraisals become outdated and invalid, so the deal cannot be underwritten.

Under our bill, if applications are not processed in a timely way by the State rural development office, the applications will be transferred for processing to the national Rural Housing Service. The State offices that process applications on time won't have to worry about provisions in the bill.

The bill will also improve the way rural housing program money is used with low-income housing tax credits. When the tax credits and rural housing programs are used together, there are often different rules and procedures required of the participants in the deals from each of the agencies involved. More red tape. Our bill requires the USDA to work with the IRS to resolve the differences. Better coordination will make tax credit deals move smoother through the USDA and leverage more money for much-needed rural housing.

H.R. 3873 will help both the owners of the property as well as residents in rural communities both in my home State of New Hampshire and across the country.

I'm pleased that 13 housing organizations support H.R. 3873, including the Council for Affordable and Rural Housing as well as the Housing Assistance Council.

The Financial Services Committee reported the bill by voice vote. I ask my colleagues on both sides of the aisle to support H.R. 3873.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, today I rise in support of H.R. 3873, the 515 Rural Housing Property Transfer Improvement Act of 2007, which would expedite the transfer of ownership of rural multifamily housing projects with loans made and ensured under section 515 of the Housing Act.

First, I would like to commend my colleague from New Hampshire (Mr. HODES) for his dedication to rural housing issues and for the bipartisan way that this bill has come to the floor. I would also like to thank the chairman of the full committee. Since he's sitting there, I want to thank him.

The result of these bipartisan efforts is a bill that represents a sound approach to improving the administration of the Department of Agriculture's section 515 program.

Section 515 is a direct loan program administered by the USDA that provides low-interest loans to construct and renovate affordable multifamily housing. While this program has provided numerous benefits, as my colleague has enumerated, to low-income rural families, the process by which the USDA's State rural development offices considers requests to transfer ownership must be improved.

Section 515 owners may wish to transfer the project to other entities during the terms of their loan for a variety of reasons, including changes in owner circumstances or changes in local market conditions. Transfers of ownership in section 515 can be beneficial for all parties, as it presents an opportunity to recapitalize a project for better maintenance, rehabilitation and improved management.

Unfortunately, the transfer application process is time-consuming, and many of the rural development offices do not process these applications in a timely fashion simply because they are probably overwhelmed with the process. Certain RD offices have been slow in approving transfer requests, leading to a number of problems, including inaccurate appraisals and expiration of outside financing rate guarantees and bond and tax credit deadlines. This nonaction has been a major source of irritation for owners of 515s and groups representing section 515 tenants.

H.R. 3873 would fix these impediments by directing the USDA Secretary to streamline the application process, require applications to be processed within a timely deadline, and to transfer any applications not processed within that deadline to the Office of Rental Housing Preservation that would then have sole review authority.

Mr. Speaker, this bill was approved, as my colleague mentioned, by a voice vote in the Financial Services Committee and makes commonsense changes to section 515 that would improve the ownership transfer process.

I urge my colleagues to support this worthwhile measure.

Mr. Speaker, I reserve the balance of my time.

Mr. HODES. Mr. Speaker, I yield to the distinguished gentleman from Massachusetts (Mr. FRANK), the chairman of the Financial Services Committee, so much time as he may consume.

Mr. FRANK of Massachusetts. Mr. Speaker, I appreciate the leadership that my colleague and neighbor from New Hampshire has shown on this bill, and I appreciate, also, the work on the other side.

Let me begin with a very important point: People in this country, I think, and our friends in the media misunderstand the true and legitimate meaning of partisanship. Partisanship has a very essential role to play in democracy. The Founding Fathers simultaneously launched this Nation, denounced parties, and formed them, because it does seem inevitable when large numbers of people are going to govern themselves that some forms of organization come forward.

Partisanship is not only not a bad thing, it's a necessary thing in a self-governing polity. Partisanship becomes a problem if the legitimate differences that define the parties spill over angrily and make it impossible to work on issues where those differences should not exist.

I think the Committee on Financial Services, under my predecessor as chairman, Mr. Oxley of Ohio, and I hope under my own chairmanship, have shown that that is not necessary to be the case, that it is possible from time to time to have legitimate strong differences on an ideological or partisan basis without that in any way interfering with our ability to come together on areas where we should agree. This bill, obviously, today is an example of the latter.

We have a bill that has been brought forward in a totally bipartisan manner to improve the efficiency with which assistance goes for rural housing. That's the second point I wanted to make. Much of what we do is, in fact, to improve the efficiency with which programs work, and the committee has had a chance to bring several bills to the floor that do that. We will be doing more.

The gentleman from New Hampshire mentioned one of the conflicts we are trying to resolve here is between the rules that apply when you were trying to use tax credits for low-income housing and those that apply when you were talking about the programmatic legislation. We do something about that here.

Under the leadership of the chairman of the Committee on Ways and Means, the gentleman from New York (Mr. RANGEL), and the Financial Services Committee, we are working out legislation that will do that kind of reconciliation for all housing programs. And we will shortly have on the floor of this House a bill that will greatly increase the efficiency with which all housing programs can be merged, tax-based ones and appropriations-based ones, increasing the amount of housing we can build at no further increase to the taxpayer.

And the third point I would note is that this is rural housing. Too often when people think about Federal housing programs they think only about the urban areas. Urban areas are important, but so are rural areas. And I am very proud that this committee has given equal attention, or let me say appropriate attention, to both. Obviously, the need is often greater in the more heavily populated areas, but we have given fully proportionate attention to the rural areas.

So, I am very proud we have a bill today that shows how you can be bipartisan, even while there are legitimate partisan differences, that aims at increasing the efficiency with which Federal funds are spent and which recognizes that people in the rural areas have a need for housing assistance, to some extent, just as do people in the urban areas.

I thank the gentleman from New Hampshire for the leadership he has shown. I appreciate the gentlewoman from West Virginia, who has become the ranking member of the Housing Subcommittee and with whom we have very good relationships. And I hope the bill is passed.

Mr. HODES. Mr. Speaker, I thank the gentleman for his comments and reserve the balance of my time.

Mrs. CAPITO. I have no further speakers. I urge passage of this bill. We have the best of intentions here. We've worked out any kind of differences we may have had, and the end product is going to be better and more affordable and more accessible rural housing across America.

Mr. Speaker, I yield back the balance of my time.

Mr. HODES. I thank the gentlewoman for her work in a bipartisan way on this bill. And I thank the chairman for his great leadership for rural housing over many years.

Mrs. MILLER of Michigan. Mr. Speaker, I rise in strong support of this legislation.

This measure corrects a problem which has been culminating since 1974 when the National Flood Insurance Program began subsidizing flood insurance rates. These rates were designed to encourage participation in the program and to generate sufficient income to pay anticipated claims on these properties. Originally, Congress had expected that over time the percentage of these structures would decline and that most of them would be subject to actuarial rates. However that has not occurred.

This bill corrects this problem by removing subsidies for properties that are purchased in excess of a half of a million dollars.

Sadly, this is just one of the many problems the National Flood Insurance Program faces. Currently, FEMA is engaged in efforts to modernize flood maps throughout the country, which in many places, are horribly outdated. Utilizing antiquated data impacts millions of property owners, property owners that live on, near or around the Upper Great Lakes, which is essentially everything in the Great Lakes Basin upstream from Niagara Falls. So Lake Superior, Lake Michigan, Lake Huron and Lake Erie, Lake St. Clair and the St. Mary's River, St. Clair River, the Detroit River and the Niagara River.

Unfortunately, FEMA's efforts in the upper Great Lakes are being conducted with flawed and outdated data. The data currently being used is from when Great Lakes water levels were at an all time high, and in the 20 years since this study was completed, lake levels have fallen for 11 years.

Let me use St. Clair County in my district as an example. In St. Clair County, FEMA is abusing the authority Congress granted them through management of the National Flood Insurance Program. As the agency continues to modernize the maps in the county, the effects will double the number of county residents who will be forced to purchase flood insurance even though they are at virtually no risk of flooding. More specifically, Lake St. Clair is currently more than 55 inches below the current flood level, and over 6 feet below FEMA's proposed flood level. This means that St. Clair County alone has subsidized the flood insurance program to the tune of $8.2 million. Using such flawed data is nothing more than a waste of FEMA's time and money not to mention the waste of taxpayer dollars.

How can the FEMA justify doing this? The agency claims these residents are at a higher risk of a flood and wants to raise the base flood elevation which determines the boundaries of the 100-year flood zone. As a result, states like Michigan become ATMs for FEMA to withdraw money and spend it in regions of the country that experience high levels of repeated flooding. In Michigan, we look down at the water, not up.

Certainly we can all agree that using sound science in this instance—when hundreds of millions of dollars are about to be assessed against American property owners—is the most prudent course of action. It is time that FEMA stop using antiquated data and forcing the American people into purchasing a product that some don't need.

Mr. HODES. Mr. Speaker, at this time, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Hampshire (Mr. HODES) that the House suspend the rules and pass the bill, H.R. 3873.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NATIONAL FLOOD INSURANCE ACT OF 1968 AMENDMENTS

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3959) to amend the National Flood Insurance Act of 1968 to provide for the phase-in of actuarial rates for certain pre-FIRM properties, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3959

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PHASE-IN OF ACTUARIAL RATES FOR CERTAIN PRE-FIRM PROPERTIES.

(a) IN GENERAL.—Section 1308(c) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(c)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) RECENTLY PURCHASED PRE-FIRM SINGLE FAMILY PROPERTIES USED AS PRINCIPAL RESIDENCES.—Any single family property that is used as a principal residence that—

"(A) has been constructed or substantially improved and for which such construction or improvement was started, as determined by the Director, before December 31, 1974, or before the effective date of the initial rate map published by the Director under paragraph (2) of section 1360 for the area in which such property is located, whichever is later; and

"(B) is purchased—

"(i) after the date of enactment of this paragraph; and

"(ii) for not less than $600,000.".

(b) TECHNICAL AMENDMENTS.—Section 1308(c) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(c)) is amended—

(1) in the matter preceding paragraph (1), by striking "the limitations provided under paragraphs (1) and (2)" and inserting "subsection (e)"; and

(2) in paragraph (1), by striking ", except" and all that follows through "subsection (e)".

(c) EFFECTIVE DATE AND TRANSITION.—

(1) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply beginning on January 1, 2011, except as provided in paragraph (2) of this subsection.

(2) TRANSITION FOR PROPERTIES COVERED BY FLOOD INSURANCE UPON EFFECTIVE DATE.—

(A) INCREASE OF RATES OVER TIME.—In the case of any property described in paragraph (2) of section 1308(c) of the National Flood Insurance Act of 1968, as amended by subsection (a) of this section, that, as of the effective date under paragraph (1) of this subsection, is covered under a policy for flood insurance made available under the national flood insurance program for which the chargeable premium rates are less than the applicable estimated risk premium rate under section 1307(a)(1) for the area in which the property is located, the Director of the Federal Emergency Management Agency shall increase the chargeable premium rates for such property over time to such applicable estimated risk premium rate under section 1307(a)(1).

(B) ANNUAL INCREASE.—Such increase shall be made by increasing the chargeable premium rates for the property (after application of any increase in the premium rates otherwise applicable to such property), once during the 12-month period that begins upon the effective date under paragraph (1) of this subsection, and once every 12 months thereafter until such increase is accomplished, by 15 percent (or such lesser amount as may be necessary so that the chargeable rate does not exceed such applicable estimated risk premium rate or to comply with subparagraph (C)). Any increase in chargeable premium rates for a property pursuant to this paragraph shall not be considered for purposes of the limitation under section 1308(e) of such Act.

(C) FULL ACTUARIAL RATES.—The provisions of paragraph (2) of such section 1308(c) shall apply to such a property upon the accomplishment of the increase under this paragraph and thereafter.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentleman from New Jersey (Mr. GARRETT) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, from time to time in this House we are asked to choose, to some extent, between the strong views of people concerned with excessive spending by the Federal Government and those interested in environmental protection. Let me say to the Members, today is a happier day because we bring forward a bill today out of the Financial Services Committee which is authored by the gentleman from New Jersey (Mr. GARRETT), who will soon be speaking, which advances the legitimate concerns of both those interested in saving taxpayer money and those interested in environmental protection.

We have a Federal flood insurance program that exists because of market failure. That is, we do not believe that if you abolish it altogether the private market could entirely handle this. In fact, there are some areas where this committee is moving, and this House has voted, to expand the role of Federal flood insurance, particularly in the area of disasters. But as we do that, it is important that we do it in a responsible way.

There has been legitimate criticism of the flood insurance program as it was existing before. Frankly, this committee, both, again, under Mr. Oxley's chairmanship and recently, addressed it, and it encouraged people to build where they should not have built from an environmental standpoint and incurred too much taxpayer money. Essentially, there was too much subsidy in the program, from both the environmental and fiscal standpoints, to builders.

In the bill that we adopted last year in the previous session, we began to address that. We began to charge people a more appropriate amount, but we did not do it fully. The gentleman from New Jersey had an amendment that he wanted to offer that we considered in committee, and we had talked about it being offered on the floor. I regret that he wasn't given the chance to offer it on the floor, and I gave him my word that we would, as soon as possible, bring it forward. And it is my intention, if this bill passes today, as I expect that it will, if and when we get to work with the United States Senate on comprehensive legislation, this will be a part of this. In effect, this is a delayed amendment to the flood insurance bill we've already passed, and it will be treated in any deliberations in which I am a part as if it had been included back then.

So, I think the gentleman from New Jersey has done us a service by giving us something that is both environmentally and fiscally responsible.

Mr. Speaker, I reserve the balance of my time.

Mr. GARRETT of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

First of all, I begin by saying thanks to the chairman of the committee for his help in working through this piece of legislation, and also for the ranking member for her working alongside the Chair as to facilitate the moving along of this legislation to the floor today. As the chairman indicates, we had the opportunity to discuss it in committee, which is, I think, and I think he will concur with me, is always the best way to deal with all legislation as opposed to bringing them up later on. It's best to get out there so we can have full and adequate disclosure and discussion on the issues. We were able to do that; we just weren't able to get it through the next hoop. But now we're able to jump through that hoop today, and, again, I appreciate the chairman's work on that.

What this is all about, very simply, is this. Back in 1968, that is when NFIP was created, the National Flood Insurance Program, and that was done, as the chairman indicated, way back then three or four decades ago, as I guess more and more people were building homes in places maybe they shouldn't be, along coastal lines and what have you, it was just next to impossible to buy flood insurance.

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So Congress stepped in and created NFIP, and that allowed folks the opportunity to buy flood insurance for the first time. When they did that, however, they realized that here again we're talking about two sets of houses, those that were already in existence at the time and those that would come afterwards, called pre-FIRM and post-FIRM homes. They thought Congress back then, probably in its wisdom, realized that it wouldn't be right to tell those folks who were already in the floodplains that this new program was going to come along, that they were going to impose upon them a mandate of buying flood insurance when they bought and sold their houses; so what they did was instead to provide a subsidy for those pre-FIRM homes, and that subsidy has existed up until today. Unfortunately, we know that the flood program has had some problems in the last couple of years, most notably because of Hurricane Katrina and Hurricane Rita. All the money that they have had to borrow to pay out for those huge flood losses, they are now $18 billion in debt. And that's the reason why the committee is now coming back to relook at the flood program, and that's why we have done that.

The legislation that the chairman talks about that we have already done I appreciate that we've moved through the House. I am a little bit disappointed, though, in that legislation in one regard, in that it increased the exposure to wind damage in the flood program. But despite that what I call an error in direction on that legislation, the underlying bill did make some substantial improvements to the overlying program. It updated the flood maps, increased the phase-in of actuarial rates on vacation homes and also second homes and on nonresidential properties that have been subsidized by the program since its inception.

The one area, though, that was not addressed was these pre-FIRM homes and the fact that the subsidies continue to exist. So to that effort, we have tried to get a compromise between those who said let's not do anything and those who said let's have those pre-FIRM homes immediately put in on the higher rates that would occur without the subsidization.

Through the committee efforts, through the work with the ranking member and the chairman, we were able to come through with a compromise. In essence it says this: If you're a pre-FIRM home, your rates will still be subsidized until that home is basically phased in, sold and phased in on the same rate schedule as the underlying bill, and only for those homes that are sold for over $600,000. A movement in the right direction with regard to the subsidization, the problems of the underlying program, and for that reason I think we are moving appropriately, and I look forward to those deliberations that we may have sometime with the Senate on this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. FRANK of Massachusetts. I thank the gentleman for his kind words.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HODES). The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the bill, H.R. 3959, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3959 and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

HONORING THE CONTRIBUTIONS OF CATHOLIC SCHOOLS

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 916) honoring the contributions of Catholic schools.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 916

Whereas America's Catholic schools are internationally acclaimed for their academic excellence, but provide students more than a superior scholastic education;

Whereas Catholic schools ensure a broad, values-added education emphasizing the lifelong development of moral, intellectual, physical, and social values in America's young people;

Whereas the total Catholic school student enrollment for the 2006–2007 academic year was more than 2,300,000 and the student-teacher ratio was 15 to 1;

Whereas Catholic schools teach a diverse group of students;

Whereas more than 25 percent of school children enrolled in Catholic schools are from minority backgrounds, and nearly 14 percent are non-Catholics;

Whereas Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual, character, and moral development;

Whereas the Catholic high school graduation rate is 99 percent, with 80 percent of graduates attending four-year colleges and 17 percent attending two-year colleges or technical schools;

Whereas in the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated: "Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives."; and

Whereas January 27 to February 2, 2008, has been designated as Catholic Schools Week by the National Catholic Educational Association and the United States Conference of Catholic Bishops: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals of Catholic Schools Week, an event co-sponsored by the National Catholic Educational Association and the United States Conference of Catholic Bishops and established to recognize the vital contributions of America's thousands of Catholic elementary and secondary schools; and

(2) congratulates Catholic schools, students, parents, and teachers across the Nation for their ongoing contributions to education, and for the key role they play in promoting and ensuring a brighter, stronger future for this Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) and the gentleman from Florida (Mr. KELLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I am pleased at this time to yield such time as he may consume to the gentleman from Illinois (Mr. LIPINSKI), the author of this bill.

Mr. LIPINSKI. I thank the gentlewoman for yielding.

Mr. Speaker, I rise today in support of H. Res. 916, honoring the tremendous contributions that Catholic schools have made to our Nation.

Since 1974, Catholic Schools Week has celebrated the important role that these institutions play in America and their excellent reputation for providing a strong academic and moral education, as well as teaching community responsibility and outreach.

I am proud to sponsor this resolution again. And I would like to thank the gentleman from New York (Mr. FOSSELLA) for once again working with me on this resolution.

This year's theme of Catholic Schools Week is "Catholic Schools Light the Way." This theme focuses on the leadership that Catholic schools provide to our Nation, producing graduates who light the way for a brighter future for all Americans and for humankind. The theme also highlights the spiritual foundation of Catholic schools by reminding students that they are called to "light the way" for others.

Nationally, about 2.3 million young people are enrolled in nearly 8,000 Catholic schools. These schools have more than 160,000 full-time professional staff, boasting a student/teacher ratio of 15:1. On average Catholic school students surpass other students in math, science, and reading in the three grade levels tested by the NAEP test. The graduation rate for Catholic high school students is 99 percent, and 97 percent of Catholic high school graduates go on to college or technical schools. These are amazing statistics in America today.

Catholic schools are also highly effective in educating minority students and disadvantaged youth. The percentage of minority students in Catholic schools has more than doubled in the past 30 years, today representing more than one-quarter of all those enrolled. And almost one in seven students in Catholic schools is not Catholic. The success of Catholic schools does not depend on selectivity. On average Catholic schools accept nine out of every 10 students who apply.

In addition to learning reading, writing, and arithmetic, students also learn responsibility and how to become persons of character and integrity. Community service is a priority in Catholic schools; 94 percent of schools have a service program, with the average student completing 79 hours of service.

I was born, raised, and I live in Chicago Archdiocese, which has one of the most successful school systems in the country. Today more than 106,000 students attend 276 schools. In my district alone, there are five Catholic high schools and 34 grammar schools, including one of the best in my home parish of St. John of the Cross in Western Springs.

My wife and I are each products of 12 years of Catholic education. My wife in

Johnstown, Pennsylvania, at St. Patrick's Grade School and Bishop McCourt High School; and myself at St. Symphorosa Grammar School and St. Ignatius College Prep. Like so many others, I understand how important Catholic schools are in providing a spiritual, moral, and intellectual foundation. My 12 years of Catholic education provided me with the knowledge, discipline, desire to serve, and a love of learning that enabled me to go on to earn my Ph.D. and become a teacher before I was elected to Congress.

As we recognize Catholic Schools Week, we must pay special tribute to the dedicated teachers and administrators who sacrifice so much, usually getting paid much less than they could to dedicate their lives to teaching at Catholic schools. I have fond memories of my teachers, who taught me not only the value of a good education but also the values of faith and service. Although I began in Catholic schools 35 years ago, I still can fondly remember my teachers at St. Sym's, from Sister Mildred in the first grade to Sister Xavier in the eighth grade. And I still fondly remember Sister Diane, my coach on the Student Congress Team in high school. Millions of Americans have similar memories of sisters, priests, and lay teachers who gave their hearts and souls and made such a big difference in the lives of their students.

Mr. Speaker, Catholic schools have made a big difference in my life and in the lives of countless others. As an important complement to public schools and other private institutions, Catholic schools contribute a great deal to America. And let us not forget that every student who is taught in a Catholic school saves taxpayers money because they are not part of the local public school system.

America's Catholic schools deserve our praise and our support. And to share our praise and support, I urge my colleagues to pass this resolution.

Mr. KELLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 916, offered by the gentleman from Illinois (Mr. LIPINSKI). This resolution increases the awareness of Catholic education while honoring the contributions of America's Catholic schools.

January 27 through February 2, 2008 has been designated Catholic Schools Week, an annual tradition in its 34th year and jointly sponsored by the National Catholic Education Association as well as the United States Conference of Catholic Bishops. With this resolution we recognize the vital role Catholic elementary and secondary schools play in providing an education with high standards of quality and excellence to the nearly 2.4 million students enrolled in Catholic schools across the country.

According to the U.S. Conference of Catholic Bishops, Catholic schools have a graduation rate of over 98 percent, and about 97 percent of Catholic high school graduates go on to post-secondary training at 4-year colleges, community colleges, or technical schools. This success can be attributed to the importance Catholic educators place on character and morals. By making the development of moral and social values an integral part of the curriculum, Catholic schools are ensuring that their students are not only good academicians but also good citizens.

The theme for Catholic Schools Week 2008 is "Catholic Schools Light the Way." This theme highlights the mission of Catholic schools to provide a faith-based education that supports the whole child academically and spiritually and prepares students for future success.

Catholic schools demonstrated an enormous amount of character and compassion in their response to the devastating hurricanes that hit the gulf coast 3 years ago. In the wake of this national disaster, more than 300,000 students were displaced from their homes, schools, and communities. Catholic schools opened their doors and hearts and welcomed these students into their classrooms. They provided these children with the opportunity to continue their studies without stopping to consider the cost of that education. Instead, the Catholic schools knew their first priority was to educate these children. In addition, the Catholic schools in New Orleans have proved to be most resilient by becoming some of the first schools in the hurricane-damaged area to reopen their doors to students.

I appreciate the great work done by Catholic schools, their administrators and teachers, as well as the parents and volunteers. Catholic schools carry out their servant mission by building the academic achievement, character, and values of their students.

I again commend the gentleman from Illinois for introducing this resolution and urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I reserve the balance of my time.

Mr. KELLER of Florida. Mr. Speaker, at this time I yield 4 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. I thank the gentleman from Florida for yielding and I thank Ms. SÁNCHEZ and Mr. LIPINSKI as well, and I rise today in strong support of H. Res. 916 honoring the contributions of Catholic schools across the country, for the upcoming commemoration of National Catholic Schools Week from January 27 to February 2.

Mr. Speaker, as a graduate of Catholic elementary and high schools, Sacred Heart Academy and Aquinas High School in Augusta, Georgia, I am keenly aware of the contributions that they provide to the 2.3 million students across this country they teach every year. These include 1,176 students at three Catholic schools in my district, the 11th of Georgia: St. Catherine of Siena in Kennesaw, Georgia; St. Joseph's in my hometown of Marietta, Georgia; and St. Mary's in Floyd County, Rome, Georgia.

Not only do Catholic schools, like Sacred Heart and Aquinas, provide a strong and competitive academic environment, they also teach moral and ethical standards, skills for living and self esteem, and a Christian integration of spirit, mind, and body in each of their students.

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Upon graduating from Aquinas, I thought that the Catholic school curriculum would be what best prepared me for my future. But, Mr. Speaker, I must admit that I was wrong. While the strenuous academics at Sacred Heart and Aquinas did lay the foundation for success at Georgia Tech and the Medical College of Georgia, it was the faith and ethical standards taught at these schools that truly prepared me for life's struggles.

Mr. Speaker, while opening and running my medical practice, the respect for life at Sacred Heart and Aquinas led me to value and care for life at all stages from conception on. And now that I have left my medical career to serve as Member of this great body, I find my lessons from these Catholic schools more valuable than ever on a daily basis.

We are all confronted with difficult questions that affect millions of lives. If it were not for the moral standards and the faith in God taught at Sacred Heart and Aquinas, I do not believe that I could properly represent the people of northwest Georgia.

So, Mr. Speaker, Catholic schools in northwest Georgia and all across our great country provide an incredible valuable service to our education system and truly prepare their students for a bright future.

I urge all of my colleagues, support H. Res. 916.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, if I could inquire from my colleague how many more speakers he has remaining.

Mr. KELLER of Florida. I have two more speakers.

Ms. LINDA T. SÁNCHEZ of California. We will continue to reserve the balance of our time.

Mr. KELLER of Florida. Mr. Speaker, at this time, I yield 1 minute to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, it is my pleasure to stand before you today in support of House Resolution 916 honoring the contribution of Catholic schools to the education system of this country.

In Ohio, approximately 12 percent of school children are educated by private institutions with the vast majority going to Catholic schools. These schools provide the structure and value system that are important to their families as their children receive not only a quality education but a strong moral and social foundation.

Most importantly, the choice of a Catholic education allows children to have a religious bearing in their education. Many parents make great sacrifices for their children's education by sending them to Catholic school, because at the same time they are not only paying for that Catholic education, but they also have to pay taxes to the public schools.

I applaud the hard work and dedication of the staff at the Catholic schools, as well as the parents who seek this education for their child's betterment. I am pleased to support House Resolution 916 today and to support our Catholic schools in Ohio and across this great country.

Mr. Speaker, I yield back the balance of my time.

Mr. KELLER of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I rise in strong support of H. Res. 916, a resolution recognizing Catholic Schools Week and honoring the contributions that Catholic schools make to our Nation's country and to the youth of this Nation in particular. Having been a product of the Catholic school system in Cincinnati, Ohio, myself, having attended Holy Family School and then St. Catherine School and then LaSalle High School, and having had both of our children attend Our Lady of Lourdes School, my wife attended Mother of Mercy, as did our daughter in high school, my son is a senior at St. Xavier High School, and coincidentally they happened to win the State football championship in Ohio this year for the second time in the last 3 years, I can say firsthand that Catholic school systems in our community and all over the country are providing significant leadership in the great education for our youth.

I also happened to be a school teacher at St. Joseph School in the west end in Cincinnati after I graduated from college. And Catholic schools provide a comprehensive and wide-ranging education to all of the students. Not only do Catholic schools promote the intellectual and physical cultivation of our most important asset, our country's youth, but they also lay the groundwork for a strong, moral upbringing resulting in well-rounded contributing members of our society.

The Cincinnati Archdiocese consists of 117 schools totaling over 47,000 students. I am proud to say that several of these schools are located in Ohio's First District, including two schools, Our Lady of the Visitation and St. James School in White Oak who recently received the 2007 Blue Ribbon School of Excellence Award from the Department of Education.

I want to urge my colleagues to support this legislation. I want to thank those here today for their leadership in bringing this forward.

And I might note, Mr. GINGREY of Georgia mentioned the issue of life and the moral issues that are instilled in many of us from our Catholic upbringing. I happen to be the principal sponsor of the ban on partial birth abortion, and we had many, tens of thousands of people who came here yesterday to advocate on behalf of innocent, unborn children. And we had many come by our office yesterday, older high school students, St. Xavier High School students, St. Ursula, Mother of Mercy, Our Lady of Lourdes, many schools came by. And I want to thank them for doing that and their showing that the morals, the values that they are being taught in those schools really are sinking in. And I just want to thank those in the leadership position here for bringing forth this issue. And I think it is appropriate that we honor the Catholic school systems all across the country for the invaluable work that they do for our country.

Mr. KELLER of Florida. Mr. Speaker, I have no further speakers. I would urge my colleagues to vote "yes" on H. Res. 916.

I yield back the balance of my time.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker. I too rise in support of H. Res. 916 to honor the contributions of Catholic schools throughout the country and to support the goals of Catholic Schools Week. I believe we should continue to support all schools that graduate our youth in high percentages and prepare them for a productive future.

I urge my colleagues to support this resolution.

Mr. Speaker, Catholic schools enrolled over two million of our Nation's children during the 2006–2007 school year. With minority enrollment at 25 percent and non-Catholic enrollment at 14 percent this past year, Catholic schools continue to teach students of all backgrounds.

The high-school graduation rate of Catholic schools is an impressive 99 percent, with 80 percent going on to a 4-year college and 17 percent going to a 2-year or technical college. These rates are extraordinary and are to be commended.

Next week, January 27th through February 2nd is designated as Catholic Schools Week by the National Catholic Educational Association and the United States Conference of Catholic Bishops.

The purpose of Catholic Schools Week is to show support for the Catholic schools, including St. Emydius in Lynwood and St. Helen's in South Gate, and to their students, parents, and teachers across the Nation for their ongoing contributions to education, and for the key role they play in promoting and ensuring a brighter, stronger future for this Nation.

I believe we should continue to support all schools that graduate our youth in high percentages and prepare them for a productive future.

I urge my colleagues to support H. Res. 916.

Mr. FOSSELLA. Mr. Speaker, I want to extend my sincere gratitude to the Catholic Schools not only in my home Congressional District of Staten Island and Brooklyn, but also the entire Nation as we honor Catholic Schools Week from January 27–February 2, 2008, which is sponsored by the National Catholic Education Association and the United States Conference of Catholic Bishops.

America's Catholic schools educate nearly 2.5 million students a year, providing the Nation's young men and women with a broad academic background emphasizing the lifelong development of moral, intellectual physical and social values.

Catholic school initiatives that reach out to disadvantaged young people have touched a diverse group of students who sometimes find themselves trapped in underachieving schools. It is not surprising to me that more than 25 percent of Catholic school students are from minority groups and nearly 14 percent are non-Catholics. Parents recognize the importance of a quality education and are willing to sacrifice to ensure their children have every opportunity to succeed in the world.

Catholic Schools Week pays tribute to the dedication, character, compassion, and values that embody Catholic education in this country. I believe it is important to recognize the outstanding contributions Catholic Schools make in our country today. Their commitment to the educational standards and values ensure our children will have the right moral framework to help lead our great Nation in the future.

As a product of Catholic education, I urge all my colleagues to support this resolution.

I would like to recognize all Catholic Schools in the 13th Congressional District of New York: Academy of St. Dorothy, Blessed Sacrament, Holy Rosary, Immaculate Conception, Notre Dame Academy, Monsignor Farrell High School, Moore Catholic School, Mother Francciska, Notre Dame Academy Elementary, Our Lady of Good Counsel, Our Lady Help of Christians, Our Lady of Mount Carmel, St. Benedicta, Our Lady Queen of Peace, Our Lady Star of the Sea, Sacred Heart, St. Adalbert, St. Ann, St. Charles, St. Christopher, St. Clare, St. John Villa Academy, St. Joseph, St. Joseph by the Sea High School, St. Joseph Hill Academy, St. Joseph-St. Thomas, St. Margaret Mary, St. Mary, St. Patrick, St. Paul, St. Peter's Boys, St. Peter's Girls, St. Peter's Elementary, St. Rita, St. Roch, St. Sylvester, Seton Foundation For Learning, St. Teresa, Most Precious Blood, Fontbonne Hall Academy, Our Lady of Angels, Our Lady of Grace, Our Lady of Guadalupe, St. Anselm, St. Bernadette, St. Ephrem, St. Finbar, St. Frances Cabrini, St. Patrick School, Sts. Simon & Jude, Visitation Academy, Xavarian High School, Xavarian Genesis Program.

Ms. BORDALLO. Mr. Speaker, I rise in support of House Resolution 916, recognizing the goals of Catholic Schools Week and the success of Catholic education to the personal advancement and academic achievements of students across the United States.

I thank our colleague from Illinois (Mr. LIPINSKI) and our colleague from New York (Mr. FOSSELLA) for their work in sponsoring this worthy resolution and for their leadership on behalf of Catholic education.

The Catholic Church, and its religious orders and congregations across the United States, serve an important and invaluable role in elementary and secondary education for our youth. Many Catholic schools are model schools in the communities they serve and in which they are located. Character education and a well-rounded, balanced and challenging curriculum complemented by a variety of extracurricular activities, a dedicated teaching staff and administration, and a caring community of parents and friends, are the hallmarks of Catholic schools.

Catholic education is centered on families and communities, and it is, like the church, universal in its approach and teachings. Today, Catholic schools are diverse learning communities where a growing number of students and faculty from various faiths, backgrounds, socioeconomic status, and cultures are enrolled. This diversity adds to the richness of the learning opportunities Catholics schools provide for our young people and our families.

Students enrolled today in Catholic schools excel in math and science as well as in grammar and the arts. Students learn with and from support provided by the greater Catholic community and they are taught in an environment where Christian values and strong moral guidance are present.

I join my colleagues on this occasion in acknowledging the value of Catholic education for our communities and for our young people. The work of the United States Conference of Catholic Bishops, the National Catholic Educational Association, and the Dioceses of the Catholic Church across the country, and the Religious Orders supporting instruction and development at Catholic Schools, is important to the continued success of Catholic education.

The theme of Catholic Schools Week this year appropriately emphasizes and reflects a strong attribute of Catholic education: leadership. "Catholic Schools Light the Way," focuses on the leaders that Catholic Schools educate for the benefit of our communities, our country, and our world. Today, graduates from Catholic schools enter college and embark upon careers as leaders prepared to contribute to their communities and to make a difference for all humankind.

On this occasion I recognize the Catholic community in my district, on my home island of Guam, for all of the collective efforts undertaken in support of Catholic schools. Today, the Roman Catholic Archdiocese of Agaña remains committed to serving the people of Guam and most especially our youth. Under the direction of the Most Reverend Anthony Sablan Apuron, OFM Cap, DD, Metropolitan Archbishop of Agaña, Catholic educational institutions on Guam continue to provide quality academic instruction to our students. The contributions of the Catholic school system to the people of Guam are reflected in the success of our local leaders in the clergy, government, and private sector who are alumni of our Catholic schools. The dedication shown by the Archdiocese of Agaña to academic excellence and to Catholic education on our island strongly reflects the theme of leadership for Catholic Schools Week, which we will join others across the country in celebrating next week.

Mr. DONNELLY. Mr. Speaker, I rise today to join my colleagues in honoring the contributions of Catholic schools as we celebrate Catholic Schools Week.

I want to recognize both the teachers and administrators of Catholic schools across America who devote their lives to providing students with a strong moral and academic foundation.

Catholic institutions prepare 2.3 million young men and women for college and many of these students participate in volunteerism and other programs that help to improve the community.

The benefits of a Catholic education go far beyond the classroom. The moral and intellectual growth fostered in America's Catholic schools prepare our young men and women with a sense of social responsibility that lasts a lifetime.

I know firsthand the positive value that a Catholic education can have in an individual's development. My wife and I are both products of Catholic schools and we chose to send our two children to Catholic schools based on the significant impact Catholic instruction has had in each of our lives.

It is with great pleasure that I stand before the House of Representatives and the American people today to commend the dedication of Catholic schools to the academic excellence of our young men and women.

Ms. LINDA T. SÁNCHEZ of California. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) that the House suspend the rules and agree to the resolution, H. Res. 916.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL MENTORING MONTH

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 908) supporting the goals and ideals of National Mentoring Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 908

Whereas youth mentoring establishes a structured and trusting relationship between young people and caring individuals who offer guidance, support, and encouragement;

Whereas a growing body of mentoring research provides strong evidence that mentoring programs are successful in reducing delinquency, substance use and abuse, and academic failure;

Whereas research also shows that formal mentoring that is focused on developing the competence and character of the young person promotes positive outcomes such as improved academic achievement, self-esteem, social skills, and career development;

Whereas mentoring provides a supportive environment in which young people can grow, expand their vision of the future, and achieve goals that they never thought possible;

Whereas more than 4,000 mentoring programs in communities of all sizes across the United States focus on building strong, effective relationships between mentors and mentees;

Whereas public-private mentoring partnerships bring State and local leaders together to support mentoring programs by preventing duplication of efforts, offering training in best practices, and helping mentoring programs make the most of the limited resources available to benefit the Nation's youth;

Whereas the Corporation for National and Community Service has convened—

(1) the Federal Mentoring Council, which brings together several Federal agencies to coordinate approaches to mentoring within the Federal Government; and

(2) the National Mentoring Working Group, consisting of experts in mentoring from nonprofit organizations and foundations, to share information and ideas about mentoring programs;

Whereas more than 15,000,000 young people in the United States fall into a mentoring gap and still need mentors;

Whereas coordinated national, State, regional, and local efforts need Federal support to connect more youth with the powerful benefits that result from mentoring;

Whereas designation of January 2008 as National Mentoring Month will help call attention to the critical role mentors play in helping young people realize their potential;

Whereas the month-long celebration of mentoring will encourage more organizations across the United States, including schools, businesses, nonprofit organizations, faith institutions, foundations, and individuals to become engaged in mentoring;

Whereas National Mentoring Month will—

(1) build awareness of mentoring;

(2) encourage more people to become mentors; and

(3) help close the Nation's mentoring gap; and

Whereas the President issued a proclamation declaring January 2008 to be National Mentoring Month and calling on the people of the United States to—

(1) recognize the importance of mentoring;

(2) look for opportunities to serve as mentors in their communities; and

(3) observe the month with appropriate activities and programs: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Mentoring Month;

(2) acknowledges the diligent efforts of individuals and groups who promote mentoring and who are observing the month with appropriate ceremonies and activities that promote awareness of and volunteer involvement with youth mentoring;

(3) recognizes with gratitude the contributions of the millions of caring adults and students who are already volunteering as mentors; and

(4) encourages more adults and students to volunteer as mentors.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) and the gentleman from Florida (Mr. KELLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, at this time, I would like to yield as much time as she may consume to the author of this bill, the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM of Minnesota. Mr. Speaker, as a cochair of the Congressional Mentoring Caucus, I rise today in strong support of H.R. 908, supporting the goals and ideals of National Mentoring Month.

Thank you, Chairman KILDEE and Chairman MILLER, for bringing this legislation so quickly to the floor. I would also like to thank the other Chairs of the mentoring caucus, Ms. Davis of California, Mr. KELLER of Florida and Mr. ROGERS of Michigan, who are the original cosponsors of this legislation.

The term "mentor" is from a Greek story in mythology. Odysseus asked his friend, Mentor, to teach and watch his young son, Telemachus, as he was off to fight in the Trojan War. This special relationship between Telemachus and his mentor was centered on education, friendship and advice, something we all need from time to time. Mentoring was then, and continues to be, a special caring and supportive relationship between two people based on mutual trust and respect.

Mentoring relationships are between a mentor, an adult, and a mentee, a young adult or child, that focuses on the need of that young person. Caring adults, parents, teachers, counselors, religious leaders, they are all mentors, and they are all able to influence a child's life, and they are able to do that because they provide a foundation of love, support and guidance.

Millions of individuals across this country serve as mentors to young men and women, encouraging them to develop strong characters and have healthy identities of themselves, so that as an adult they will be able to contribute back to our society.

In a review of 10 mentoring programs, there are indicators that one-on-one mentoring significantly enhances positive youth development in ways that we can measure: Better school performance, better social skills, but most importantly, the ability for them to want to continue on with higher education and college. And that is according to a recent national youth conference that was held at the University of Minnesota.

In Minnesota alone, there are 335 mentoring organizations. One of them, the Mentoring Partnership of Minnesota, was formed in 1994 as a community initiative to promote mentoring for Minnesota's youth, particularly for those who are at risk and may not have an opportunity to have many positive role models in their life. This program has made a significant positive improvement in the lives of those children.

Another wonderful mentoring program is Big Brothers and Big Sisters. In the St. Paul-Minneapolis region alone, there are more than 307,000 children that benefit from this mentoring program with the time, energy and commitment from more than 3,200 volunteers.

The new Youth Initiative Mentoring Academy is another successful program in Minnesota. This energetic program works with children at risk. These young children receive hands-on learning experiences about career opportunities, building confidence and self-esteem, and develop valuable leadership skills.

Mentoring is also an important part of our global competitiveness. For example, in my district, Century College offers a preengineering program that includes the Century College Robot Show. Engineering students enter their projects, the college invites practicing engineers to judge the show, and Century College also extends an invitation to high school students to come so that they are able to see the opportunities available to them if they choose to study engineering. But it also gives them a chance to hook up with students and professionals who can help them steer interests in the right direction towards a successful career.

I would also like to take time to thank all the congressional staff members, including many from my staff, who take time to mentor youth in programs such as Everyone Wins, Horton's Kids, and the Calvary Homeless Shelter.

We all have an important role to play in the lives of children around us. We all need to be part of the process in shaping young lives so that they can achieve their fullest potential. Our youth need caring adults to make the connection in order to provide guidance and emotional support, to make a positive impact on their lives so that young children can become responsible, productive citizens.

I encourage all of my colleagues to support this resolution, and I look forward for opportunities to be a mentor myself again in the future as I had been in the past. But I also encourage my colleagues to look for opportunities to be mentors as well.

Ms. LINDA T. SÁNCHEZ of California. I reserve the balance of my time.

Mr. KELLER of Florida. I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 908 which recognizes National Mentoring Month. National Mentoring Month celebrates mentors who are positively impacting the lives of young people and highlights the need for additional mentors to make themselves available to America's youth. I applaud Representative MCCOLLUM for sponsoring this resolution, and as a cosponsor I look forward to further bipartisan efforts to draw attention to support this very important issue.

Mentors give their time and energy to improve the lives of American young people who are increasingly spending less time with concerned adult role models. Young people with mentors are less likely to drop out of school, use illegal drugs, or engage in criminal behavior. The positive effects of mentoring include higher self-esteem, higher graduation rates, and higher academic achievement. I have personally seen the positive impacts of mentoring firsthand. As a young boy, I benefited from having a mentor from the Big Brother Big Sisters program. As I became an adult, I then became a mentor to two high school students at my alma mater, Boone High School, who were at risk of dropping out of high school, but fortunately stayed in school and graduated.

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I then became chairman of the board of the COMPACT mentoring program, which is the largest mentoring program in central Florida and it is targeted at at-risk students in high schools and middle schools who possibly may drop out of school. I am pleased to report that we were able to recruit 700 new mentors and the COMPACT program has a 95 percent success rate of kids staying in school and going on to graduate. In fact, one of the mentors for the COMPACT program itself is none other than Supreme Court Justice Clarence Thomas, who has spent a great deal of time with the leaders of the COMPACT program and the children themselves every year.

When I was elected to Congress in 2000, one of the first things I did was join together with then-Congressman Tom Osborne, the famous coach of the Nebraska Cornhuskers, to author the Mentoring for Success Act which Coach Osborne and I were able to successfully include in No Child Left Behind to provide substantial funding for mentoring programs. As we move forward with the No Child Left Behind reauthorization, we will work again to make sure that this language is included and stays in existing law.

One of the big benefits of a mentoring program is in the area of crime prevention. Roughly eight out of 10 inmates in Florida's jails and prisons are high school dropouts. We see mentoring programs like the COMPACT program in Orlando having a 95 percent success rate of keeping kids in school. That's making a difference in these children's lives and also helping us as taxpayers because we pay $20,000 a year for people in State prisons and $25,000 a year for folks in Federal prison.

President Bush himself has praised the importance of mentoring programs. On December 19, 2007, President Bush proclaimed January 2008 as National Mentoring Month, giving public recognition to mentors who serve as role models. Specifically the President stated, "By sharing their knowledge and experiences, mentors serve as examples for young people and help teach them the skills they need to succeed in life."

By honoring mentors and mentoring programs, we recognize the importance of mentoring programs implemented in our local schools and communities. We also draw attention to the components of a quality program, including appropriate screening of potential mentors and careful matching of youth with adults who have a genuine interest in providing guidance and being exemplary role models.

Mentoring programs are varied and unique. They can be school-based or faith-based. They may be established through community organizations or corporate initiatives. I encourage people across the country to take time to discover what mentoring programs exist in their communities and see what they can do to help. Many volunteers are needed to meet the growing demand for mentors.

Again, I am pleased to cosponsor House Resolution 908, recognizing the important work of mentors and quality mentoring programs, and I urge Members to support this resolution.

Madam Speaker, I reserve the balance of my time.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, at this time I am pleased to yield such time as she may consume to my distinguished colleague from California (Mrs. DAVIS).

Mrs. DAVIS of California. Madam Speaker, I rise today in strong support of House Resolution 908. I want to thank my colleague from Minnesota for sponsoring this important resolution.

I want to share with you an inspirational story about a young man from my district in San Diego. Eduardo Corona was only in the ninth grade when he got into trouble with the law. Because of this mistake, he faced up to 6 years in a juvenile correctional facility. Instead of going to that facility, the judge met with him and spoke with him and allowed Eduardo to participate in a mentoring program called Reality Changers. I have had an opportunity to meet with the young people in that program and I can tell you, they are inspirational and very engaged in their lives and hoping to change the community someday.

Reality Changers brings at-risk youth in San Diego together with their mentors, half of which are college students from the University of California at San Diego, and for about 3 hours a week over a 4-year time, these mentees study with their peer mentors, they take weekly practice SAT tests, do homework together, listen to guest speakers and take part in leadership development seminars.

In addition to that, Reality Changers also sends its participants, all of which come from low-income families, to a summer program at UCSD where they take college level courses and prepare for higher education. With the help of his mentors in Reality Changers, Eduardo was able to turn his life around. In just 30 days, and this is kind of remarkable to me as I had a chance to work with some of the issues that he had to deal with, Eduardo doubled his GPA to 3.8. He attended UCSD's summer program and won two awards in mechanical engineering. And although he is just a sophomore in high school, he has already earned college credit and is well on his way to becoming the first member of his family to attend college.

In fact, I need to tell you that all of Reality Changers' participants who have completed this 4-year program have gone on to a 4-year university. Not bad, considering all of these young people are the first in their families to attend college. I think Eduardo's story really tells us and proves that with the right role models and people who truly care about them, our society's most challenged youth, challenged in many different ways, can turn their lives around and become leaders in our community.

But we know that Eduardo fortunately and even programs like Reality Changers are not unique to San Diego. At this very moment, there are countless mentors across the Nation who, through their hard work and dedication, are making miracles happen every single day. And so that's why I rise today to encourage my colleagues to support this resolution that Congresswoman McCOLLUM has brought forward and join all my colleagues here, and I am pleased to see them, to support House Resolution 908.

In addition to this resolution, I ask all my colleagues to join me in support of increased funding for our Nation's mentoring programs, because we know that with that help, we can replicate Eduardo's success all around the country.

Mr. KELLER of Florida. Madam Speaker, we have no further speakers. If I can inquire if the other side has any further speakers.

Ms. LINDA T. SÁNCHEZ of California. Just one remaining and that would be me.

Mr. KELLER of Florida. Madam Speaker, I would urge all my colleagues, then, to vote "yes" on H. Res. 908 and will yield back the balance of my time.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I just want to mention in support of this bill that mentors are so important in helping today's children grow up to live productive and fulfilling lives. Unfortunately, there is still an acute need for more people to become involved in this rewarding venture and I hope that today's resolution convinces others to get involved as mentors.

Again, I want to express my support for the National Mentoring Month resolution and recognize all the hard work that mentors put in on a daily basis. I urge my colleagues to support this resolution.

Madam Speaker, I rise today to support the designation of January 2008 as "National Mentoring Month" and to applaud the efforts of mentors who work tirelessly to support America's children.

I am pleased today to honor mentoring organizations across the country, including those who serve the young people of my own community, such as: Catholic Big Brothers/Big Sisters; The Watts-Willowbrook Boys and Girls Club; Girlfriends, Inc. of Long Beach; Helpline Youth Counseling, Inc.; and ELLAS, which stands for Embracing Latina Leadership Alliances.

Mentors serve as advocates for children. They make sure that children know that they matter.

Mentors actively support children's academic achievement, personal and social growth, and career development.

Helping students achieve academically is a critical part of a mentor's role. Through tutoring and encouragement, mentors can help mentees appreciate the importance of staying in school and working hard to achieve success.

Not only are young people who have been mentored less likely to fail in school and get in trouble for delinquency, they are also more likely to graduate and attend college. So mentoring doesn't just defend against unwanted outcomes, it promotes good ones.

Mentoring isn't just for one kind of kid. It can benefit boys and girls, urban and rural, white and Latino. If a young person is coping with a divorce, being pressured to join a gang, or has just moved to a new school, mentors can help. They can offer guidance while building self-esteem and a sense of purpose.

Mentoring isn't just for one kind of mentor, either. Mentors can come in all shapes and sizes. A mentor can be a lawyer, a mechanic, a religious leader, or an older brother. Anyone with a little extra time and a desire to help the next generation can become a mentor.

By exposing youth to positive life experiences, mentors help children develop new skills and interests and get used to interacting with adults.

By setting ambitious goals with their mentees, mentors can help today's children become the leaders of the future. Truly, a mentor can help a young person make her dreams a reality. Knowing all this, who wouldn't want to be a mentor?

I hope I have succeeded in encouraging my colleagues to become mentors or to help promote mentoring in their communities. Our children can't raise themselves. I salute those who have served as mentors, and those who will do so in the future.

Madam Speaker, once again I express my support for "National Mentoring Month" and recognize all the hard work mentors put in on a daily basis.

I urge my colleagues to support H. Res. 908.

Mr. REICHERT. Madam Speaker, I am pleased to recognize January 2008 as Mentoring Month and I am proud to offer my support to H. Res. 908, Supporting the goals and ideals of National Mentoring Month.

The history of mentorship nationwide and in my district is a rich one. In Washington State alone, there are approximately 190 organizations specifically dedicated to placing young people into formal mentoring relationships. These organizations spent approximately $30 million in 2006 to forge and maintain those relationships—much of that money coming from private citizens. Most important, all that work has amounted to approximately 29,000 young people in Washington State taking part in a positive mentoring relationship.

One organization in particular that has had a tremendous and lasting impact on many disadvantaged youth in my district is Big Brothers Big Sisters. In 2007, Big Brothers Big Sisters of Puget Sound provided more than 2,500 children with mentoring matches and has a vision to provide successful mentoring relationships for all children who need and want them, contributing to better schools, brighter futures, and stronger communities for all.

Many of us know personally or have heard first-hand the heartbreaking accounts of young people who veered off the path of success or, because of a variety of circumstances, never even knew where to find that path. Mentoring can be a promising approach to enriching the lives of disadvantaged children and youth by discouraging juvenile delinquency, improving school attendance and performance, and by providing positive adult role models.

A young man from my district, Lorenzo, is a shining example of the unique way in which mentoring enriches the lives of our youth. Lorenzo moved to Washington State from West Samoa in 2006, and immediately received mentoring help from Ken—an individual who has consistently given of his time to mentor and nurture young people in my home community. Ken helped this young man through the discomfort of transitioning into a new environment, through the academic process, and into positive relationships with his new peers. Upon graduating from Kent-Meridian High School—my alma mater—Lorenzo gained admission to Central Washington University and is a wonderful example of the power of responsible and caring adult guidance.

Today, as Congress recognizes January 2008 as National Mentoring Month, I encourage all citizens, businesses, public and private agencies, religious and educational institutions to support mentoring and give young people in our community the gift of time and friendship through Big Brothers Big Sisters of Puget Sound or other mentoring programs throughout Washington State and our Nation.

Mr. LANGEVIN. Madam Speaker, I rise today in support of H. Res. 908, which supports the goals and ideals of National Mentoring Month. I am proud to be a cosponsor of this resolution that recognizes mentors across the country who dedicate their time to support and guide the next generation.

It is unfortunate that there are children in our country who do not know their worth, and because of this, many end up failing in school or falling into troubled lives. Mentors help these children get back on a path to success by imparting the most important message—that they too can succeed. Mentors have helped youth build up their self-esteem and work on their academics and social skills. Many mentors also help students reach their potential by helping them prepare for college and career development.

Madam Speaker, I hope that by recognizing January as National Mentoring Month, we can honor the positive effect that mentoring has had on the youngest members of our society. I also hope that highlighting the importance of these relationships encourages others to seek out mentoring opportunities in their communities. This not only helps our children, but our society as a whole.

Ms. MCCOLLUM of Minnesota. Madam Speaker, as co-chair of the Congressional Mentoring Caucus I rise today in strong support of H. Res. 908 supporting the goals and ideals of National Mentoring Month.

Thank you Chairman KILDEE and Chairman MILLER for bringing this legislation to the floor so quickly.

I would also like to thank the other chairs of the Congressional Mentoring Caucus, Ms. DAVIS of California, Mr. KELLER of Florida, and Mr. ROGERS of Michigan, who were original cosponsors of this legislation.

The term "mentor" derives from a Greek mythology where Odysseus asked his friend, Mentor, to teach and watch his son, Telemachus, as he took off to fight the Trojan War.

This relationship was centered on advice, education and friendship.

Mentoring was a special, caring, and supportive relationship between two people based on mutual trust and respect.

In modern context, mentoring relationships are between the mentor (an adult) and a mentee (youth) that focuses on the needs of youth.

Caring adults—parents, teachers, counselors, mentors and religious leaders are the most important influence in every child's life because they provide the foundation of love, support, and guidance.

Millions of individuals across the country serve as mentors to young men and women—encouraging and promoting the development of strong characters and identities for youth who may not have a strong adult presence in their lives.

A review of 10 mentoring programs indicates that one-on-one mentoring significantly enhances positive youth development like better school performance—youth develop better social skills, and more likely they will go on to college or higher education—that's according to data from a recent National Youth Conference held at the University of Minnesota.

Minnesota is home to the Mentoring Partnership of Minnesota, which formed in 1994 as a community initiative to promote mentoring for Minnesota youth, particularly those who are at risk and may lack positive role models in their lives.

There are over 350 mentoring programs in Minnesota that connect youth with positive role models.

One valuable mentoring program is Big Brothers Big Sisters. In the St. Paul/Minneapolis region alone, more than 3,700 children benefit from this mentoring program with the time and energy of more than 3,200 volunteers.

The Youth Initiative Mentoring Academies (YIMA) is another successful program in Minnesota. YIMA utilizes a mentoring model through aviation education. Through this program, at risk youth receive hands-on learning experiences about career opportunities, build confidence and self-esteem, and develop valuable leadership skills.

Mentoring is also important to our global competitiveness. In my district, Century College offers a pre-engineering program that includes the Century College Robot Show. The college invites practicing engineers to judge the show, providing the opportunity for mentorship of the pre-engineering students. Century College also invites high schools students to attend the show so they are able to see the opportunities available through the study of engineering but also to introduce them to student and professionals who can help steer interested students in the right direction.

I would like to take this time to thank Congressional staff members, including my staff, who take time to mentor youth in programs such as Everybody Wins, Horton's Kids, and Calvary homeless shelter.

We all need to be part of the process in shaping young people's lives so that they can achieve their fullest potential.

Young people need caring adults to make the connection, to provide guidance, caring and emotional support—all these are contributing to making positive impact on their lives—so that young can become responsible and productive citizens.

I encourage all of my colleagues to support this resolution and to look for opportunities to be a mentor themselves.

Mr. LARSON of Connecticut. Madam Speaker, throughout the month of January, we observe National Mentoring Month, which calls to attention the importance of fostering positive, helping relationships with our youth. I rise today to recognize the importance of mentoring to the vitality of our Nation.

According to the Corporation for National and Community Service, there are 3 million mentors in the United States. While impressive at first glance, the reality is, there are far more young people in need of the caring support of an adult mentor that go without one—over 14 million youths across the Nation are still in need of a mentoring relationship.

I would like to commend the many community-based organizations in the Greater Hartford region, in my own State of Connecticut that provide mentoring services and youth focused programs like the Community Renewal Team, Hartford Communities that Care, Mi Casa Family Services and Education Center and Our Piece of the Pie. These groups partner with local, State and non-profit organizations to ensure the positive development of the young people in my district.

Madam Speaker, on behalf of the many youths in need of encouragement and support, the many adults who are engaged in mentoring activities, and the organizations that work tirelessly to close the mentoring gap, I ask my colleagues to join me in thanking mentors across the country and recognizing National Mentoring Month.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. HIRONO). The question is on the motion offered by the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) that the House suspend the rules and agree to the resolution, H. Res. 908.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL SCHOOL COUNSELING WEEK

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 932) expressing support for designation of the week of February 4 through February 8, 2008 as "National School Counseling Week".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 932

Whereas the American School Counselor Association has declared the week of February 4 through February 8, 2008 as "National School Counseling Week";

Whereas the House of Representatives has recognized the importance of school counseling through the inclusion of elementary and secondary school counseling programs in the last reauthorization of the Elementary and Secondary Education Act of 1965;

Whereas school counselors have long advocated that the education system of the United States must leave no child behind and must provide opportunities for all students;

Whereas school counselors have long emphasized the importance of personal and social development in academic achievement;

Whereas school counselors help develop well-rounded students by guiding them through their academic, personal, social, and career development;

Whereas school counselors play a vital role in ensuring that students are aware of financial aid and college opportunities;

Whereas school counselors may encourage students to pursue challenging academic courses to prepare them for college majors and careers in the science, technology, engineering, and mathematics fields;

Whereas school counselors help students cope with the serious and common challenges of growing up, including peer pressure, mental health issues, school violence, disciplinary problems, the deployment of family members to conflicts overseas, and problems in the home;

Whereas school counselors are also instrumental in helping students, teachers, and parents deal with personal trauma and community and national tragedies;

Whereas school counselors are among the few professionals in a school building that are trained in both education and mental health;

Whereas, despite the important contributions of school counselors to student success, counseling positions are not always protected when budgets are cut;

Whereas the average student-to-counselor ratio in America's public schools, 476-to-1, is almost double the 250-to-1 ratio recommended by the American School Counselor Association, the American Counseling Association, the American Medical Association, the American Psychological Association, and other organizations;

Whereas the celebration of "National School Counseling Week" would increase awareness of the important and necessary role school counselors play in the lives of students in the United States; and

Whereas the week of February 4 through February 8, 2008 would be an appropriate week to designate as "National School Counseling Week": Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) honors and recognizes the contributions of school counselors to the success of students in our Nation's elementary and secondary schools; and

(2) encourages the people of the United States to observe "National School Counseling Week" with appropriate ceremonies and activities that promote awareness of the crucial role school counselors play in preparing students for fulfilling lives as contributing members of society.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) and the gentleman from Florida (Mr. KELLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of House Resolution 932, expressing support for designation of February 4 through February 8, 2008 as "National School Counseling Week."

I thank Chairman GEORGE MILLER and Ranking Member BUCK MCKEON, as well as VERN EHLERS, the lead cosponsor, for their support of this important resolution and the majority and minority committee staff for doing the hard work behind the scenes to get this resolution to the floor.

This resolution is about recognizing and honoring school counselors.

I want to begin, however, with full disclosure: I was not always the biggest fan of school counselors. Unfortunately, one of my own high school counselors suggested to me that I give up on my plans to go to college because I was likely to get pregnant and drop out anyway.

Well, I've learned a few things since then. First, I learned that that particular counselor's fortune telling skills weren't so great, and, second, I've learned a lot more about the counseling profession and come to understand that one bad apple doesn't represent what counseling is all about.

In fact, good counselors do exactly what this person didn't do. They inspire us to dream big, help us get on the road to accomplish those dreams, and, when necessary, they enlist the support of our parents, teachers, mentors, and others to keep moving us down the road.

Counselors can be vital to a student's success, especially in high school. High school is a transition period into adulthood and the world of work. As students make this transition, some need additional help to keep up in class, others get distracted by family issues or bad behavior, and still others might get involved with gangs and crime.

But a good school counselor can intervene, working with parents and teachers to get students back on track. Individual attention and follow-up from a counselor can help a student accomplish amazing things. I want to recognize just two of the counselors from my district who accomplish amazing things every day they go to work.

Cheryl Redgate of Santa Fe High School and Shanna Moore-Garcia of La Serna High School are just two of the many exceptional counselors in my district who have devoted their lives to serving young people. They treat each of their students as if they were their own children by holding them to high standards and providing encouragement, guidance, and support. I understand that local parents have expressed deep appreciation for the work of these two stellar counselors and are glad to know that Cheryl and Shanna are looking out for their children's academic achievement as well as their emotional well-being.

I regret that I don't have time to name every outstanding counselor in my district or across the country. There are just so many who every day go above and beyond the job description to help students achieve academic success and plan for a bright future.

One other thing prevents me from naming more counselors who have made a difference in the lives of their students, and that's the fact that there aren't nearly enough of them. Nationwide, the average student-to-counselor ratio is 476–1, almost double the 250–1 recommended ratio. In California, unfortunately this ratio is a dismal 920–1.

While today's resolution is a great start, to truly honor the work of counselors we must do more to put school counselors where they're needed so that students have access to these professionals who have so much to offer.

I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. KELLER of Florida. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise today in support of House Resolution 932 offered by the Representative from California (Ms. LINDA T. SÁNCHEZ). National School Counseling Week, which is celebrated annually the first full week of February, helps focus public attention on the unique contribution of professional school counselors. School counselors are employed in school districts and public and private schools of all levels across America to help students reach their full potential. They are actively committed to helping students explore their abilities, strengths, interests and talents as these traits relate to academic success and career awareness and development. School counselors serve as a vital resource for parents by helping them focus on ways to further the educational, personal and social growth of their children. They work with teachers and other educators to help students explore their potential and set realistic goals for themselves. They often seek to identify and utilize community resources that can enhance and complement comprehensive school counseling programs that help students become productive members of society.

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These comprehensive developmental school counseling programs are considered an integral part of the educational process which enables all students to achieve.

National school counseling week highlights the tremendous impact that counselors have in helping students achieve academic success and plan for their career. This year's theme, "School Counselors: Creating Pathways to Success," truly sums up the effort they put forth daily to ensure that no child is left behind.

I wish to express my sincere gratitude to all school counselors, not only from my home State of Florida but also all across this great Nation. I also wish to thank the Representative from California (Ms. LINDA T. SÁNCHEZ) and the Representative from Michigan (Mr. EHLERS) for bringing forth this resolution today.

I urge all my colleagues to support it.

Madam Speaker, I yield back the balance of my time.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I appreciate my colleague for his support of this resolution. I would urge all my colleagues to support House Resolution 932.

Mr. TOWNS. Madam Speaker, I rise today in support of H Res. 932, Honoring National School Counseling Week. First, I'd like to thank my colleague, Representative LINDA SÁNCHEZ, for introducing this important resolution.

As a social worker, I recognize the invaluable role that guidance counselors and other social services personnel play in our schools.

These dedicated men and women devote their lives to ensuring the bright futures of our Nation's children, supporting them both academically and socially, and assisting them on the great journey towards higher education and a successful career.

Guidance counselors also play a vital role in our efforts to increase high school graduation and college enrollment rates.

However, despite our reliance on these important individuals for doing the crucial work of preparing our Nation's youth for entry into college and the real world, we often fail to give school counselors the support they need to do their jobs effectively.

Many of our schools are under-staffed with guidance counselors, and these hardworking individuals are tasked with serving an overwhelming number of students with a limited amount of resources. The average counselor-to-student ratio in our Nation's public schools is 1 to 436. We must acknowledge this reality, and direct our efforts in Congress toward increasing both our support and recognition of these hardworking men and women in our schools.

For these reasons, I am a proud co-sponsor of House Resolution 932, to recognize the important work of school guidance counselors, inspiring the youth of America, and providing them with much-needed support in their journey toward high school graduation and a prosperous future.

My fellow colleagues in Congress, I urge you to support House Resolution 932, so that we may celebrate the accomplishments and diligent efforts of guidance counselors in our Nation's schools.

Mr. LANGEVIN. Madam Speaker, I rise in support of the resolution expressing support for designation of the week of February 4 through February 8, 2008, as "National School Counseling Week." I am proud to be a cosponsor of this resolution, and I would like to take this opportunity to thank our school counselors for their hard work.

I am committed to ensuring that all school districts, particularly those with the greatest economic needs, have access to the necessary resources to retain talented teachers and school counselors. I have enjoyed a wonderful working relationship with school counselors in my home State of Rhode Island. I have seen firsthand the difference that the quality school counselors in our State are making in our children's lives and understand the tremendous need for the training and placement of more of these professionals in our schools.

We must make sure that our school counselors have the resources necessary to help our children, and that is why I am a strong proponent of increasing funding for the Elementary and Secondary School Counseling Program—one of the programs that No Child Left Behind promised to expand. Funding from this program helps to ensure that all school districts have the ability to retain talented teachers and school counselors. However, despite this promise, school counselors and other advocates have had to fight hard to maintain this program at the elementary level, and this year marks the first time it has enough funding to reach high school students. It has been and will continue to be a priority of mine to ensure that the federal commitment to education matches what we ask of school districts.

While we designate one week to honor our school counselors, let us pledge to help them the rest of the year with the resources they need—and deserve.

Mr. HONDA. Madam Speaker, I rise today in support of H. Res. 932.

This resolution signifies Congress's appreciation for the critical work school counselors do to provide students and their families with guidance and support, both academic and emotional, toward obtaining a higher education and entrance into the workforce.

In his 2008 budget, President Bush proposed eliminating federal support for elementary and secondary school counselors. Under Democratic leadership, the President's proposal was wisely rejected and this Congress provided nearly $14 million of additional support to school counseling programs, for a total of over $48 million. I am proud of this accomplishment, but feel there is still more to be done to meet the needs of our children.

In California, eight in nine high school students attend a school with fewer counselors than the national average. This makes California the State with the highest counselor to student ratio in the Nation; over two times the School Counseling Association's suggested ratio. Students attending intensely segregated minority schools are most likely to attend schools with fewer counselors than the national average. Addressing the school counselor deficit is a critical component of closing the achievement gap that plagues our Nation.

As we reflect on the vital role counselors play in the lives of our children, we should remember that investing in our schools is an investment in our future; it is the best investment our country can make.

School counselors create pathways to success and H. Res. 932 will ensure our Nation comes together this February to recognize their vital contributions.

Mr. EHLERS. Madam Speaker, I rise in support of House Resolution 932 to express support for school counselors and the designation of the week of February 4 through 8, 2008, as "National School Counseling Week."

I thank Representative LINDA SÁNCHEZ for introducing this timely resolution and for allowing me to collaborate with her on it. I also thank the many Members of Congress that decided to cosponsor this resolution, especially Chairman MILLER and Ranking Republican MCKEON.

School counselors are instrumental in helping our students face daily challenges. They help develop well-rounded students by guiding them through their academic, personal, social, and career development.

School counselors also play a vital role in ensuring that students are prepared for their future. They may encourage students to pursue challenging academic courses to prepare them for college majors and careers in science, technology, engineering, and mathematics fields.

I certainly recognize that school counselors contribute to the success of students in our schools, and I encourage all Members to join me in supporting this resolution.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) that the House suspend the rules and agree to the resolution, H. Res. 932.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL STALKING AWARENESS MONTH

Mr. SCOTT of Virginia. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 852) raising awareness and encouraging prevention of stalking by establishing January 2008 as "National Stalking Awareness Month," as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 852

Whereas an estimated 1,006,970 women and 370,990 men are stalked annually in the United States and, in the majority of such cases, the person is stalked by someone who is not a stranger;

Whereas 81 percent of women, who are stalked by an intimate partner, are also physically assaulted by that partner, and 76 percent of women, who are killed by an intimate partner, were also stalked by that intimate partner;

Whereas 74.2 percent of stalking victims reported that the stalking partner interfered with their employment, 26 percent of stalking victims lose time from work as a result of their victimization, and 7 percent never return to work;

Whereas stalking victims are forced to take drastic measures to protect themselves, such as relocating, changing their addresses, changing their identities, changing jobs, and obtaining protection orders;

Whereas stalking is a crime that cuts across race, culture, gender, age, sexual orientation, physical and mental ability, and economic status;

Whereas stalking is a crime under Federal law and under the laws of all 50 States and the District of Columbia;

Whereas rapid advancements in technology have made cyber-surveillance the new frontier in stalking;

Whereas there are national organizations, local victim service organizations, prosecutors' offices, and police departments that stand ready to assist stalking victims and who are working diligently to craft competent, thorough, and innovative responses to stalking;

Whereas there is a need to enhance the criminal justice system's response to stalking and stalking victims, including aggressive investigation and prosecution; and

Whereas the House of Representatives urges the establishment of January 2008 as National Stalking Awareness Month: Now, therefore, be it

Resolved, That—

(1) it is the sense of the House of Representatives that—

(A) National Stalking Awareness Month provides an opportunity to educate the people of the United States about stalking;

(B) all Americans should applaud the efforts of the many victim service providers, police, prosecutors, national and community organizations, and private sector supporters for their efforts in promoting awareness about stalking; and

(C) policymakers, criminal justice officials, victim service and human service agencies, nonprofits, and others should recognize the need to increase awareness of stalking and the availability of services for stalking victims; and

(2) the House of Representatives urges national and community organizations, businesses in the private sector, and the media to promote awareness of the crime of stalking through National Stalking Awareness Month.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today I rise in support of H. Res. 852, joining the strong bipartisan effort to raise awareness in the toll that stalking takes on our society. Every year, stalking affects approximately 1.4 million Americans of both genders, all races, ages, sexual orientation, disabilities, and economic status.

The consequences of stalking are serious. Stalking can paralyze the victim with fear, which is well founded, because stalking often leads to physical attacks from the victim. Indeed, the overwhelming majority of States, the District of Columbia, and the Federal Government not only recognize stalking as a crime, but categorize it as a felony.

Stalkers cause their victims severe emotional distress, including anxiety, insomnia, social dysfunction, and depression, all of which can affect all aspects on a person's life, including family, social activities and work. In fact, the emotional distress is so disabling that 11 percent of stalking victims have been forced to relocate their homes, 30 percent report seeking psychological counseling, and 74 percent report being stalked in a way that interferes with their employment.

Of course, the ultimate threat of stalking is to the victim's very life.

Over 75 percent of women murdered by an intimate partner had been stalked by that partner, and 54 percent of female murder victims had reported being stalked to police before being killed by their stalkers. With the rapid advancements in technology, stalkers have ever-increasing access to personal information of their victims, raising their victims' vulnerability to an all-time high.

For these reasons, I urge my colleagues to join me in supporting H. Res. 852 and recognizing January 2008 as National Stalking Awareness Month.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I support House Resolution 852 and commend the sponsor of this legislation, my friend and Texas colleague, Representative TED POE, for his dedication and commitment to this issue.

The goal of this resolution is to raise awareness and encourage prevention of stalking by establishing January 2008 as National Stalking Awareness Month.

Stalking, conduct intended to instill fear in a victim, is a crime that occurs in every State in our Nation. Stalkers pursue and harass victims and, in some cases, use the Internet to cyberstalk victims. Cyberstalkers can systematically flood their target's e-mail inbox with obscene, hateful, or threatening messages.

Cyberstalkers may also assume the identity of their victim and post information, fictitious or not, to solicit unwanted responses from others. Although cyberstalking does not involve physical contact with the victim, it is still a serious crime. The widespread use of the Internet and the ease with which hackers can find personal information has made this form of stalking more accessible.

According to the National Center for Victims of Crime, over 1 million women and almost 400,000 men are stalked each year in the United States. In fact, most victims, 77 percent of women and 64 percent of men, know their 'stalkers. These statistics are a jarring reminder of the scope and seriousness of this crime.

By establishing January 2008 as National Stalking Awareness Month, Congress educates Americans about stalking, recognizes and applauds law enforcement officials and victim service providers for their efforts to combat stalking, and increases awareness of services available to stalking victims.

Madam Speaker, I urge colleagues to support this bill, and I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I recognize my colleague and friend from Texas, the author of this resolution, Mr. POE.

Mr. POE. I want to thank the gentleman from Texas for yielding.

Madam Speaker, as the sponsor of the 2008 National Stalking Awareness Month resolution, I hope this resolution serves as a unifying force for community leaders, policymakers, victim service providers, and able to educate Americans on the serious dangers of stalking. It is a crime that annually affects more than 1 million women and over 400,000 men in our country.

As the cochairman and founder of the Congressional Victims Rights Caucus, and my experience as a prosecutor and a judge, I had met with countless victims and victim service providers about the dangers of stalking.

Unfortunately, stalking is not an isolated occurrence. Two-thirds of the stalkers pursue their victims at least once a week, sometimes daily. Victims often feel that there is no safe place for them to go, no safe place to hide, not even in their homes. Stalking forces victims to relocate, lose their jobs, and cycle into severe depression and anxiety. Some victims live in quiet, desperate lives of fear.

With today's advanced technology, protecting Americans from stalking is even more challenging. Stalkers have a wide range of technologies to pursue on their victims. They use cell phones. They use fax machines, computer spyware, and GPS systems all to track the victim. The Internet now serves cyberstalkers looking for a place to threaten and harass. Even pedophiles on the prowl use cyberstalking for their next victim.

Stalking rates are on the rise because of the new technologies in the Internet. Stalking has only been criminalized in our country for 28 years. California was the first State to make stalking a crime. Like domestic violence, stalking is about power, intimidation, and control over the victim.

While stalking is now a crime in every State and the District of Columbia and the Federal Government, stalking often leads to other crimes, including physical assault, sexual assault, and murder. Stalking laws are basic to the individual right to be left alone and the right of privacy.

The best way to attack the threat of stalking is through law enforcement and education.

I encourage victim service providers, law enforcement, prosecutors, and community leaders to promote awareness of stalking, and I thank them for their efforts in making life better for victims.

Mr. SMITH of Texas. Madam Speaker, I yield 4 minutes to my friend from California (Mr. ROYCE) who is the original author of the Interstate Stalking Punishment and Prevention Act.

Mr. ROYCE. Madam Speaker, I rise in support of this resolution. I was the author of both the California law that first criminalized the act of stalking, first made it a felony, and then the Federal law some years later in 1996, which proceeded to do the same thing.

I thought I would share with the Members here some of the experiences of some of the victims that have gone through this particularly hellish nightmare of stalking. The case that I think carried the day in California in the State legislature was that of Kathleen Gallagher Baty, who was our witness, and she came back here and testified as well on behalf of this legislation.

Kathleen had been on the track team, I think it was UCLA at the time. She did not even know her stalker, but he became obsessed with this young woman. Throughout college, throughout her career, he managed to stalk and attempt to apprehend her. Time after time, there was nothing law enforcement could do except to really say, well, until he catches you, our hands are tied.

We had one period of time in 6 weeks when four different young women, all known to law enforcement, all believed to be in danger in Orange County, California, were all killed. In law enforcement, one of the officers told me, The worst thing for me personally that I have ever had to do with this job was to convey to her that our hands were tied until she was attacked.

He said, As a matter of fact, I was waiting to try to apprehend her stalker in the act of the attack, but, unfortunately, he killed her first, and then he killed himself when I tried to apprehend him.

Well, with Kathleen Gallagher's case, this finally ended. I had gotten a note from her father about what she had been through in her life. This finally ended on a porch in which he held her at knifepoint until she finally managed to get away. But because he hadn't drug her more than 800 feet, it was not an act of him trying to kidnap her under the law.

So looking at what had to be done, clearly, we had to take the action of stalking, define it as a crime in and of itself so that law enforcement could then intervene in these cases and tell a young man, Listen, these acts of threatening to kill your victim, telling her, if you can't have her, nobody can, threatening her in this way is now a felony.

That's what we did in California. Many other States picked this up. In 1996, I introduced the Interstate Stalking Punishment and Prevention Act here in Congress. We were able to get it through the House and the Senate, and it was signed by the President.

But what I wanted to share with the Members is that we have talked a little bit today about the 1.4 million victims every year. But this act is now law in countries, in Europe; it's now law in Japan. My office has been contacted over the years by many, many governments overseas, many legislators, parliamentarians who have said, We have this same phenomenon in our own country. If we gave law enforcement this ability to intercede in advance, we could protect the lives of many, many victims.

So I just wanted to share with the Members here a little bit of the history of the act. I would like to take this opportunity also to recognize Colleen Campbell, along with some of the other Orange County victims' rights groups that worked over the years to get victims the rights they deserve. They worked on this particular act and also on proposition 115 out in California, the Crime Victims/Speedy Trial Initiative, which I cochaired and which was passed overwhelmingly by the voters in our State.

One of my hopes is that we can follow this up with Federal law at some point in time that does more than just put it in statute but that puts into the Constitution some of these basic rights.

But, in the meantime, the fact that we are establishing January as National Stalking Awareness Month gives us the opportunity to get the word out to young people, to those who are victims of obsessed stalkers, that there is a place they can turn to for help, and to remind law enforcement, and I wish we did more to train law enforcement in this particular area because I think there is a lot they can do to intercede, but to remind them of the ability to step in and remind those young, obsessed people who are threatening the life of someone, threatening someone with bodily harm, this is now a felony in the United States of America and you can serve 5 years in a Federal penitentiary.

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Mr. SCOTT of Virginia. Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. CHABOT) who is a senior distinguished member of the Judiciary Committee.

Mr. CHABOT. Madam Speaker, I rise in support of H. Res. 852, a resolution which establishes January 2008 as National Stalking Awareness Month. And I thank the gentleman from Texas (Mr. POE) for his leadership on this issue. I also thank the ranking member, the gentleman from Texas (Mr. SMITH) for his leadership, as well as the gentleman from Virginia (Mr. SCOTT).

Last year, 2007 represented the first national effort to recognize January as National Stalking Awareness Month. I would encourage all of my colleagues to continue their support for this resolution since stalking is much more dangerous than many people believe it is.

Unlike the glamorized stalking scenes depicted in some Hollywood movies, in reality stalking is dangerous and considered a criminal act in all 50 States and in the District of Columbia and by the Federal Government. More than 1.4 million Americans are victims of stalkers in this country every year. Stalking victims are both men and women from all socioeconomic backgrounds, and they are often stalked by intimate partners.

Additional statistics released by the National Center for Victims of Crime are even more disturbing. These statistics reveal that 81 percent of female stalking victims are also physically assaulted. One out of every five stalking cases involves the use of a weapon, and one-third of stalkers are repeat offenders. They have done it before.

These statistics indicate that stalking is not as harmless as some would lead us to believe in the movies or on television shows. We must continue to bring attention to the dangers stalkers pose in our communities and the services and the resources available to respond and address this criminal activity. Passage of H. Res. 852 is an important step in accomplishing this goal.

I thank the gentleman from Texas (Mr. POE) and the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) for their leadership on this issue. I encourage my colleagues to support this resolution.

Mr. SMITH of Texas. Madam Speaker, I have no other speakers, and I yield back the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I thank my colleagues for their leadership on this issue and I urge the House to support this important legislation.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 852, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

MENTALLY ILL OFFENDER TREATMENT AND CRIME REDUCTION REAUTHORIZATION AND IMPROVEMENT ACT OF 2008

Mr. SCOTT of Virginia. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3992) to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3992

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Reauthorization of the Adult and Juvenile Collaboration Program Grants.
Sec. 4. Law enforcement response to mentally ill offenders improvement grants.
Sec. 5. Effective treatment of female offenders with mental illnesses.
Sec. 6. Grants to expand capabilities and effectiveness of correctional agency identification and treatment plans for mentally ill offenders.
Sec. 7. Statewide planning grants to improve treatment of mentally ill offenders.
Sec. 8. Improving the mental health courts grant program.
Sec. 9. Study and report on prevalence of mentally ill offenders.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Communities nationwide are struggling to respond to the high numbers of people with mental illnesses involved at all points in the criminal justice system.

(2) A 1999 study by the Department of Justice estimated that 16 percent of people incarcerated in prisons and jails in the United States, which is more than 300,000 people, suffer from mental illnesses.

(3) Rates of mental illness among women in jail are almost twice that of men.

(4) Los Angeles County Jail and New York's Rikers Island jail complex hold more people with mental illnesses than the largest psychiatric inpatient facilities in the United States.

(5) State prisoners with a mental health problem are twice as likely as those without a mental health problem to have been homeless in the year before their arrest.

(6) Reentry planning for inmates with mental illnesses is the least frequently endorsed mental health service by jail administrators.

SEC. 3. REAUTHORIZATION OF THE ADULT AND JUVENILE COLLABORATION PROGRAM GRANTS.

(a) AUTHORIZATION OF APPROPRIATIONS THROUGH 2014.—Section 2991(h) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in paragraph (1), by striking "and";

(2) in paragraph (2), by striking "for fiscal years 2006 through 2009." and inserting "for each of the fiscal years 2006 through 2007; and"; and

(3) by adding at the end the following new paragraph:

"(3) $75,000,000 for each of the fiscal years 2008 through 2014.".

(b) ALLOCATION OF FUNDING FOR ADMINISTRATIVE PURPOSES.—Section 2991(h) of such title is further amended—

(1) by redesignating paragraphs (1), (2), and (3) (as added by subsection (a)(3)) as subparagraphs (A), (B), and (C), respectively;

(2) by striking "There are authorized" and inserting "(1) IN GENERAL.—There are authorized"; and

(3) by adding at the end the following new paragraph:

"(2) ALLOCATION OF FUNDING FOR ADMINISTRATIVE PURPOSES.—For fiscal year 2008 and each subsequent fiscal year, of the amounts authorized under paragraph (1) for such fiscal year, the Attorney General may obligate not more than 3 percent for the administrative expenses of the Attorney General in carrying out this section for such fiscal year.".

(c) NO MINIMUM ALLOCATION.—Section 2991 of such title is further amended by striking subsection (g) and redesignating subsection (h) as subsection (g).

(d) ADDITIONAL APPLICATIONS RECEIVING PRIORITY.—Subsection (c) of such section is amended to read as follows:

"(c) PRIORITY.—The Attorney General, in awarding funds under this section, shall give priority to applications that—

"(1) promote effective strategies by law enforcement to identify and to reduce risk of harm to mentally ill offenders and public safety;

"(2) promote effective strategies for identification and treatment of female mentally ill offenders; or

"(3)(A) demonstrate the strongest commitment to ensuring that such funds are used to promote both public health and public safety;

"(B) demonstrate the active participation of each co-applicant in the administration of the collaboration program;

"(C) document, in the case of an application for a grant to be used in whole or in part to fund treatment services for adults or juveniles during periods of incarceration or detention, that treatment programs will be available to provide transition and re-entry services for such individuals; and

"(D) have the support of both the Attorney General and the Secretary.".

SEC. 4. LAW ENFORCEMENT RESPONSE TO MENTALLY ILL OFFENDERS IMPROVEMENT GRANTS.

(a) IN GENERAL.—Part HH of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is further amended by adding at the end the following new section:

"SEC. 2992. LAW ENFORCEMENT RESPONSE TO MENTALLY ILL OFFENDERS IMPROVEMENT GRANTS.

"(a) AUTHORIZATION.—The Attorney General is authorized to make grants to States, units of local government, Indian tribes, and tribal organizations for the following purposes:

"(1) TRAINING PROGRAMS.—To provide for programs that offer law enforcement personnel specialized and comprehensive training in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved.

"(2) RECEIVING CENTERS.—To provide for the development of specialized receiving centers to assess individuals in the custody of law enforcement personnel for mental health and substance abuse treatment needs.

"(3) IMPROVED TECHNOLOGY.—To provide for computerized information systems (or to improve existing systems) to provide timely information to law enforcement personnel and criminal justice system personnel to improve the response of such respective personnel to mentally ill offenders.

"(4) COOPERATIVE PROGRAMS.—To provide for the establishment and expansion of cooperative efforts by criminal and juvenile justice agencies and mental health agencies to promote public safety through the use of effective interventions with respect to mentally ill offenders.

"(5) CAMPUS SECURITY PERSONNEL TRAINING.—To provide for programs that offer campus security personnel training in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved.

"(b) BJA TRAINING MODELS.—For purposes of subsection (a)(1), the Director of the Bureau of Justice Assistance shall develop training models for training law enforcement personnel in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved.

"(c) MATCHING FUNDS.—The Federal share of funds for a program funded by a grant received under this section may not exceed 75 percent of the costs of the program unless the Attorney General waives, wholly or in part, such funding limitation. The non-Federal share of payments made for such a program may be made in cash or in-kind, fairly evaluated, including planned equipment or services.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice to carry out this section $10,000,000 for each of the fiscal years 2008 through 2014.".

(b) CONFORMING AMENDMENT.—Such part is further amended by amending the part heading to read as follows: "**PART HH—GRANTS TO IMPROVE TREATMENT OF OFFENDERS WITH MENTAL ILLNESSES**".

SEC. 5. EFFECTIVE TREATMENT OF FEMALE OFFENDERS WITH MENTAL ILLNESSES.

Part HH of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 4, is further amended by adding at the end the following new section:

"SEC. 2993. GRANTS FOR THE EFFECTIVE TREATMENT OF FEMALE OFFENDERS WITH MENTAL ILLNESSES.

"(a) AUTHORIZATION.—The Attorney General is authorized to make grants to States, units of local government, Indian tribes, and tribal organizations to provide any of the following services, with respect to a female offender with a mental illness:

"(1) Mental health treatment.

"(2) Intensive case management services that are coordinated and designed to provide the range of services needed to address treatment or assistance needs of the offender, with respect to any criminal behavior, substance abuse, psychological abuse, physical abuse, housing, employment, and medical needs.

"(3) In the case that the offender has a child, family support services needed to ensure the maintenance of a relationship between the offender and such child.

"(4) Related mental health services for any children of the offender, as needed.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice to carry out this section $5,000,000 for each of the fiscal years 2008 through 2014.".

SEC. 6. GRANTS TO EXPAND CAPABILITIES AND EFFECTIVENESS OF CORRECTIONAL AGENCY IDENTIFICATION AND TREATMENT PLANS FOR MENTALLY ILL OFFENDERS.

Part HH of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by sections 4 and 5, is further amended by adding at the end the following new section:

"SEC. 2994. GRANTS TO EXPAND CAPABILITIES AND EFFECTIVENESS OF CORRECTIONAL FACILITY IDENTIFICATION AND TREATMENT PLANS FOR MENTALLY ILL OFFENDERS.

"(a) AUTHORIZATION.—The Attorney General is authorized to make grants to States, units of local government, Indian tribes, and tribal organizations in accordance with this section for any of the following purposes:

"(1) To provide correctional facilities within the respective jurisdiction with the capacity (or improved capacity), with respect to inmates of such facilities who have mental illnesses, to—

"(A) assess the clinical and social needs of such inmates and the extent to which such inmates pose any public safety risks to the community;

"(B) plan for and provide treatment and services to address the unique needs of such inmates;

"(C) identify and coordinate with community and correctional programs responsible for post-release services; and

"(D) coordinate the transition plans for such inmates to ensure the implementation of such plans and to avoid gaps in care with community-based services.

"(2) To provide for the standardization of screening and assessment practices to identify inmates with mental illnesses.

"(3) To provide for local task forces to identify essential community services for inmates with mental illnesses upon the reentry of such inmates into the community.

"(4) To coordinate planning for the transition of inmates with mental illnesses who are released from correctional facilities and reenter the community.

"(5) To provide for housing options for individuals with mental illnesses who reenter the community that provide support for the unique needs of such individuals.

"(6) To continue and improve—

"(A) mental health programs provided at correctional facilities within the respective jurisdiction; or

"(B) alternative programs to incarceration for individuals with mental illnesses.

"(7) To support the development of community crisis services that are for individuals who are at risk of arrest or incarceration and which are designed to prevent or mitigate a crisis by assessing the individual and crisis involved, providing supportive counseling to the individual, and referring the individual to appropriate community services to stabilize the individual's condition and prevent arrest or incarceration, respectively.

"(8) To support forensic assertive community treatment teams for individuals with serious mental illnesses (as defined for purposes of title V of the Public Health Service Act) who reenter prison.

"(9) To provide for integrated mental health treatment and substance abuse treatment.

"(10)(A) To designate staff to assist inmates of correctional facilities within the respective jurisdiction, in—

"(i) identifying benefits for which they may be eligible; and

"(ii) collecting necessary supporting materials (including medical records) and making applications for income support, health care, food stamps, veterans' benefits, TANF, or other benefit programs.

"(B) To contract with local community mental health entities to perform the activities described in clauses (i) and (ii) of subparagraph (A).

"(11) To work with the necessary agencies and entities for transition planning for such inmates reentering the community, including any needed applications and paperwork.

"(12) To assist such inmates to obtain, or if necessary create and prepare, photo identification documents for use upon release.

"(13) To create links with local community mental health providers for case management services for inmates prior to their release from a correctional facility in order to link them with housing, employment, and other key services and benefits.

"(b) REQUIREMENTS FOR APPLICATION.—To be eligible to receive a grant under subsection (a) for a given fiscal year, an entity described in such subsection shall submit to the Attorney General an application in such form and manner and at such time as specified by the Attorney General. In addition to any other information specified by the Attorney General, such application shall contain the following information:

"(1) The number and percentage of offenders in prisons, jails, and juvenile facilities during the previous year—

"(A) who were in the custody of the jurisdiction involved;

"(B) who required mental health treatment; and

"(C) for whom the prison, jail, or juvenile facility involved provided such treatment.

"(2) A good faith estimate of the number and percentage of offenders in prisons, jails, and juvenile facilities who are predicted to meet the criteria described in each of subparagraphs (A), (B), and (C) of paragraph (1) during such year, if the entity receives such grant for such year.

"(c) ALLOCATION OF GRANT AMOUNTS BASED ON MENTAL HEALTH TREATMENT PERCENT DEMONSTRATED.—In allocating grant amounts under this section, the Attorney General shall base the amount allocated to an entity for a fiscal year on the percent of offenders described in subsection (b) to whom the entity provided mental health treatment in the previous fiscal year, as demonstrated by the entity in its application under such subsection.

"(d) TECHNICAL ASSISTANCE.—The Attorney General may provide technical assistance to any entity awarded a grant under this section to establish or expand mental health treatment services under this section if such entity does not have any (or has only a few) prisons, jails, or juvenile facilities that offer such services.

"(e) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of such grant.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice to carry out this section $10,000,000 for each of the fiscal years 2008 through 2014.".

SEC. 7. STATEWIDE PLANNING GRANTS TO IMPROVE TREATMENT OF MENTALLY ILL OFFENDERS.

Part HH of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by sections 4, 5, and 6, is further amended by adding at the end the following new section:

"SEC. 2995. PLANNING GRANTS TO IMPROVE TREATMENT OF MENTALLY ILL OFFENDERS.

"(a) AUTHORIZATION.—The Attorney General is authorized to carry out a grant program under which the Attorney General makes grants to States, units of local government, territories, and Indian tribes for the following purposes, with respect to the treatment of offenders with mental illnesses:

"(1) To facilitate the coordination of treatment and services provided for such offenders by the State and other units of government located within the State (including local, territorial, and tribal).

"(2) To provide for a State administrator (or other appropriate jurisdictional administrator) to coordinate such treatment and services provided within the State (or other jurisdiction).

"(3) To develop a comprehensive plan for the provision of such treatment and services to such offenders within such State.

"(4) To establish a coordinating center, with respect to a State, to—

"(A) facilitate the sharing of information related to such treatment and services for such offenders among the jurisdictions located in such State; and

"(B) promote evidence-based practices for purposes of providing such treatment and services.

"(b) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive a grant under this section, an entity described in subsection (a) shall submit to the Attorney General an application, in such form and manner and at such time as specified by the Attorney General, which shall include a proposal that describes how—

"(A) the grant will be used to fund mental health treatment and services for jail and prison populations that are identified as savings populations for such entity; and

"(B) any savings accruing to the State or other applicable jurisdiction from providing such population with such treatment and services would be used to increase the availability and accessibility of community-based mental health services.

"(2) SAVINGS POPULATION.—For purposes of paragraph (1), the term 'savings population' means a population that, if in receipt of mental health treatment and services for jail and prison populations, would potentially generate savings to the State or other applicable jurisdiction.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 to carry out this section for each of the fiscal years 2008 through 2013.".

SEC. 8. IMPROVING THE MENTAL HEALTH COURTS GRANT PROGRAM.

(a) REAUTHORIZATION OF THE MENTAL HEALTH COURTS GRANT PROGRAM.—Section 1001(a)(20) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(20)) is amended by striking "fiscal years 2001 through 2004" and inserting "fiscal years 2008 through 2014".

(b) ADDITIONAL GRANT USES AUTHORIZED.—Section 2201 of such title (42 U.S.C. 3796ii) is amended—

(1) in paragraph (1) at the end, by striking "and";

(2) in paragraph (2) at the end, by striking the period and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(3) pretrial services and related treatment programs for offenders with mental illnesses; and

"(4) developing, implementing, or expanding programs that are alternatives to incarceration for offenders with mental illnesses.".

SEC. 9. STUDY AND REPORT ON PREVALENCE OF MENTALLY ILL OFFENDERS.

(a) STUDY.—The Attorney General shall provide for a study of the following:

(1) The rate of occurrence of serious mental illnesses in each of the following populations:

(A) Individuals, including juveniles, on probation.

(B) Individuals, including juveniles, incarcerated in a jail.

(C) Individuals, including juveniles, incarcerated in a prison.

(D) Individuals, including juveniles, on parole.

(2) For each population described in paragraph (1), the percentage of individuals with serious mental illnesses who, at the time of the arrest, are eligible to receive supplemental security income benefits, social security disability insurance benefits, or medical assistance under a State plan for medical assistance under title XIX of the Social Security Act.

(3) For each such population, with respect to a year, the percentage of individuals with serious mental illnesses who—

(A) were homeless (as defined in section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302)) at the time of arrest; and

(B) were homeless (as so defined) during any period in the previous year.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Attorney General shall submit to Congress a report on the results of the study under subsection (a).

(c) DEFINITION OF SERIOUS MENTAL ILLNESS.—For purposes of this section, the term "serious mental illness" has the meaning given such term for purposes of title V of the Public Health Service Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for fiscal year 2009.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 3992, the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2007. Since the 1960s, State mental health hospitals have increasingly reduced their populations of mentally ill individuals in response to a nationwide call for deinstitutionalization.

The move toward deinstitutionalization was based on the fact that mentally ill individuals are constitutionally entitled to refuse treatment, or at least to have it provided in the least restrictive environment. Unfortunately, neither the local governments for the States nor the Federal Government have invested the necessary resources to meet the needs for community-based mental health treatment and services created and needed by deinstitutionalization.

A 2006 report by the United States Department of Justice Bureau of Justice Statistics entitled "Mental Health Problems of Prison and Jail Inmates" suggests that the criminal justice system has become, by default, the primary caregiver of the most seriously mentally ill individuals. The bureau reports that over one-half of the prison and jail population of this country is mentally ill. More specifically, 56 percent of State prisoners, 45 percent of Federal prisoners, and 64 percent of jail inmates have some degree of mental illness.

The National Alliance for the Mentally Ill reports that, on any given day, there are at least 284,000 seriously mentally ill people in hospitals and jails in this country, such as people suffering from schizophrenia, bipolar disorder, or serious depression. However, only 187,000 of them are in mental health facilities. This issue is of particular concern in Virginia, my home State.

In August of 2007, the Virginia General Assembly's Joint Legislative Audit and Review Commission released a 200-page report on the state of mental health services in Virginia. The report revealed a number of disturbing facts, among them that there are more people with mental illness behind bars in Virginia than there are in mental health facilities, with hospital care accounting for only a fraction of the needs of our State's estimated 400,000 mentally ill individuals in Virginia.

Since deinstitutionalization in Virginia, the daily number of mentally ill adults in State hospitals has dropped from 11,532 to 1,452, a drop of 87 percent. Of the 6,350 mentally ill individuals in hospitals and jails on a given day, 60 percent were actually in jails because regional mental health facilities are not providing inpatient mental health services.

Since 1991, the number of psychiatric beds available has dropped by 800, or 31 percent, and the beds that are available are concentrated in one area of the

State. In fact, there are no freestanding, profitable psychiatric hospitals west of Richmond.

These findings in Virginia are similar to those across the Nation that were discussed at a hearing that we held this spring in our subcommittee which revealed that our criminal justice system is serving as the primary caregiver for our mentally ill individuals.

One piece of good news in all of this focus on mental health in the criminal justice system is that mental health courts have proven to be a helpful tool for helping mentally ill individuals in several communities that have such programs. H.R. 3992 will assist further in this regard.

First, it will reauthorize the Mentally Ill Offender Treatment and Crime Reduction grant program, increasing the current authorization from $50 million to $75 million. It will also reauthorize the mental health courts program, and will expand the permissible use of funds to include pretrial services and funding for alternatives to incarceration.

Additionally, H.R. 3992 creates four new grant programs. One will provide grants to States and other law enforcement agencies to help officers learn how to access individuals with mental health illnesses and to work with the local agencies to provide the most effective placement for a person in custody.

Another program will provide grants to help correctional agencies learn how to identify and screen mentally ill prisoners so they can get help while incarcerated, or even be placed in alternatives to incarceration. These grants will also help correctional services plan for reentry into the community.

Another program provides grants to States to coordinate and improve the treatment of mentally ill offenders, including facilitating information sharing between agencies. The grant will also encourage States to promote evidence-based practices to improve treatment and services.

Lastly, a new program will provide States and units of local government to improve the treatment of female offenders with mental illnesses and create family support services and intensive case management.

The total cost for the new programs will be $35 million for fiscal years 2008 through 2013. That amount is much less than we are currently spending on incarcerating mentally ill offenders who often have to be placed not only in isolated cells, but also in isolated areas to avoid disturbance of other inmates.

Despite common misconceptions, the majority of mentally ill people who are arrested and incarcerated are low-level, nonviolent offenders. These programs will help jurisdictions to assist mentally ill persons and help keep them from unnecessarily going to jails and prisons.

I urge my colleagues to support the bill, and I include for the RECORD a letter from the Council of State Governments Justice Center in support of this legislation.

JUSTICE CENTER,
THE COUNCIL OF STATE GOVERNMENTS,
Bethesda, MD, October 24, 2007.

Hon. ROBERT C. SCOTT,
Longworth House Office Building, Washington, DC.

Hon. RANDY FORBES,
Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN SCOTT AND FORBES: On behalf of the Council of State Governments (CSG) Justice Center, we want to thank you for introducing the "Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2007". We are grateful to you for your leadership and continued support of the program.

The CSG Justice Center serves all states to promote effective data-driven practices—particularly in areas in which the criminal justice system intersects with other systems, such as mental health—to increase public safety and strengthen communities. Consistent with this mission, we have committed for some time to convening and supporting leaders in the criminal justice and mental health systems to improve the criminal justice system's response to people with mental illness.

Since the authorization of the Mentally Ill Offender Act, the program has helped states and counties design and implement collaborative efforts between the criminal justice and mental health systems. The grants can be used for a broad range of activities, including mental health courts, mental health and substance abuse treatment for incarcerated mentally ill offenders, community reentry services, and cross-training of criminal justice, law enforcement, and mental health personnel.

As you know, approximately 16 percent of the adult jail and prison population (350,000 individuals) has a serious mental illness, according to a study by the Justice Department's Bureau of Justice Statistics. The DOJ also estimates that the prevalence of emotional disturbances among youth in our juvenile justice facilities is even higher. Many of these individuals have not been charged with violent crimes, but rather low level misdemeanors. Treating offenders with mental illnesses in the community can save money by avoiding the high cost-per-day of jail and prison stays and expensive psychiatric services during incarceration. The Mentally Ill Offender program provides assistance to states and communities to develop new—or expand existing—programs that can both increase public safety and help these individuals return to productive lives.

We are very grateful for your continued leadership on this important issue. We look forward to working with you in support of the Mentally Ill Offender Treatment and Crime Reduction Reauthorization Act. Its enactment is one of our top federal priorities.

Sincerely,

MICHAEL FESTA,
Executive Secretary of Elder Affairs, Commonwealth of Massachusetts.
THOMAS STICKRATH,
Director. Ohio Department of Youth Service.
SHARON KELLER,
Presiding Judge, Court of Criminal Appeals, Texas.
PAT COLLOTON,
Kansas House of Representatives.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I support H.R. 3992, the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act.

This legislation addresses the unique challenges that mentally ill offenders create for our criminal justice system.

I commend Chairman CONYERS, subcommittee Chairman SCOTT, subcommittee ranking member GOHMERT, and the many advocacy groups for their dedication and hard work to address this problem.

Madam Speaker, 16 percent of the prison or jail population, or over 1 million prisoners, have a serious mental illness. The Los Angeles County Jail and New York City's Rikers Island Jail house more people with mental illnesses than the largest psychiatric inpatient facilities in the United States. The problem is more than one-fifth of jails have no access to any mental health services at all.

Many criminal justice agencies are unprepared to address the treatment and needs of individuals with mental illness. Jails and prisons require extra staff and treatment resources for inmates with mental illness. In addition, mentally ill offenders can be affected psychologically by incarceration.

H.R. 3992 represents an innovative and new approach to the challenge of mentally ill criminal offenders. This legislation is an important step toward treating mentally ill offenders in a humane and appropriate way.

H.R. 3992 reauthorizes the Mentally Ill Offender Treatment and Crime Reduction Act, which encourages early intervention for individuals with mental illness, reauthorizes the mental health courts program, and maximizes alternatives to incarceration for nonviolent offenders with mental illness.

The legislation also encourages training on mental health and substance abuse issues, establishes new State and local planning grants to address the needs of mentally ill offenders, and facilitates communication, collaboration, and the delivery of support services among justice professionals, related service providers, and governmental partners.

I urge my colleagues to support this legislation.

Mr. CONYERS. Madam Speaker, I rise to voice my strong support for the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2007. This legislation would provide grants for improved mental health treatment and services provided to offenders with mental illness.

Over the course of the past three decades, as our country's mental health infrastructure has deteriorated, many mentally ill individuals have been forced to fend for themselves on the street. Oftentimes, these individuals end up in jail or prison for offenses related to their illness.

Unfortunately, our jails and prisons have become the sanatoriums of the 21st century. As mental institutions have closed down, jails and prisons have filled up. In fact, prisons currently hold three times more mentally ill people than do psychiatric hospitals, and prisoners have rates of mental illness that can be as high as four times the rate of the general population.

Not surprisingly, the prison system is ill-equipped to deal with the growing number of prisoners requiring psychiatric care. Jails and prisons do not have adequate resources to properly evaluate incarcerated individuals for mental health and substance abuse problems. Police and other law enforcement officials are generally not trained to handle mentally ill offenders. Mental health services may be provided, but they are often underfunded and inadequate.

H.R. 3992, the "Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2007," addresses this problem by establishing grants for programs training law enforcement officials to better identify prisoners with mental illness and respond to their needs. In addition, H.R. 3992 would authorize funding for developing receiving centers to assess individuals in law enforcement custody for mental health and substance abuse treatment. Such funding would also be used to improve technology to facilitate information sharing among law enforcement and criminal justice personnel, as well as to promote evidence-based mental health care practices in correctional facilities.

Madam Speaker, it is our moral responsibility to provide timely, appropriate and adequate health care to those in the custody of our correctional system. The treatment of mental illness should be no exception.

Mr. SMITH of Texas. Madam Speaker, I yield back the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I urge my colleagues to support the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 3992, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DEATH IN CUSTODY REPORTING ACT OF 2008

Mr. SCOTT of Virginia. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3971) to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3971

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Death in Custody Reporting Act of 2008".

SEC. 2. INFORMATION REGARDING INDIVIDUALS WHO DIE IN THE CUSTODY OF LAW ENFORCEMENT.

(a) IN GENERAL.—For each fiscal year after the expiration of the period specified in subsection (b)(1) in which a State receives funds for a program referred to in subsection (b)(2), the State shall report to the Attorney General, on a quarterly basis and pursuant to guidelines established by the Attorney General, information regarding the death of any person who is detained, under arrest, or is in the process of being arrested, is en route to be incarcerated, or is incarcerated at a municipal or county jail, State prison, State-run boot camp prison, boot camp prison that is contracted out by the State, any State or local contract facility, or other local or State correctional facility (including any juvenile facility) that, at a minimum, includes—

(1) the name, gender, race, ethnicity, and age of the deceased;

(2) the date, time, and location of death;

(3) the law enforcement agency that detained, arrested, or was in the process of arresting the deceased; and

(4) a brief description of the circumstances surrounding the death.

(b) COMPLIANCE AND INELIGIBILITY.—

(1) COMPLIANCE DATE.—Each State shall have not more than 30 days from the date of enactment of this Act to comply with subsection (a), except that—

(A) the Attorney General may grant an additional 30 days to a State that is making good faith efforts to comply with such subsection; and

(B) the Attorney General shall waive the requirements of subsection (a) if compliance with such subsection by a State would be unconstitutional under the constitution of such State.

(2) INELIGIBILITY FOR FUNDS.—For any fiscal year after the expiration of the period specified in paragraph (1), a State that fails to comply with subsection (a) shall not receive 10 percent of the funds that would otherwise be allocated for that fiscal year to the State under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), whether characterized as the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, the Local Government Law Enforcement Block Grants Program, the Edward Byrne Memorial Justice Assistance Grant Program, or otherwise.

(c) REALLOCATION.—Amounts not allocated under a program referred to in subsection (b)(2) to a State for failure to fully comply with subsection (a) shall be reallocated under that program to States that have not failed to comply with such subsection.

(d) DEFINITIONS.—In this section the terms "boot camp prison" and "State" have the meaning given those terms, respectively, in section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)).

SEC. 3. STUDY OF INFORMATION RELATING TO DEATHS IN CUSTODY.

(a) STUDY REQUIRED.—The Attorney General shall, subject to the availability of appropriations under subsection (d), through grant or contract, provide for a study of the information reported under section 2 (regarding the death of any person who is detained, under arrest, or is in the process of being arrested, is en route to be incarcerated, or is incarcerated at a municipal or county jail, State prison, State-run boot camp prison, boot camp prison that is contracted out by the State, any State or local contract facility, or other local or State correctional facility (including any juvenile facility)) to—

(1) determine means by which such information can be used to reduce the number of such deaths; and

(2) examine the relationship, if any, between the number of such deaths and the actions of management of such jails, prisons, and other correctional facilities relating to such deaths.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Attorney General shall prepare and submit to Congress a report that contains the findings of the study required by subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000 for fiscal year 2009. Funds appropriated under this subsection shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 3971 is entitled the Death in Custody Reporting Act of 2008. It will reauthorize the Death in Custody Reporting Act of 2000 which actually expired on December 31, 2006.

□ 1445

This is a bipartisan effort which I introduced with my colleague from Virginia, Representative RANDY FORBES, and who was, at that time, the ranking member of the Subcommittee on Crime. Its purpose is to provide continued and improved oversight over the conduct of law enforcement officials during arrest and imprisonment of fellow citizens.

Before the enactment of the Death in Custody Act of 2000, States and localities had no uniform requirements for reporting the circumstances surrounding the deaths of persons in their custody, and some had no system for requiring such reports. The lack of uniform reporting requirements made it impossible to ascertain how many people were dying in custody and from what causes, although estimates by those concerned suggested that there were more than 1,000 deaths in custody each year, some under very suspicious circumstances.

Consequently, an environment of suspicion and concern arose surrounding many of those deaths. Some that were ruled suicides or deaths from natural causes were suspected of being homicides committed by officers, fellow prisoners or others. Indifference to prisoner rights and the safety of those in custody made scrutiny of suspected deaths a low priority, so such questionable causes were rarely investigated.

In the mid-1980s, researchers, reporters, prison and jail accreditation organizations, prison reformers, activists, and others began to give more scrutiny to the death rate in our Nation's jails and prisons and to the fact that such deaths were not being routinely reported to anybody.

In fact, by 1986, only 25 States and the District of Columbia even had jail inspection units. Moreover, even the States that did report deaths did it on the basis of different reporting standards. The insufficient data and the lack of uniformity of the data collected made oversight of prisoner safety woefully inadequate.

However, the interest in oversight that emerged shed light on the conditions in State and local jails, which began a rising tide of wrongful death litigation. The increasing litigation forced some measure of accountability, and conditions somewhat improved. Moreover, activism and news of the litigation spurned by media interests, and that shed further light on the conditions in our present jails and prisons.

The watershed moment for bringing the death in custody rate to national attention occurred in 1995. After a 1-year investigation by journalist Mike Masterson into prison conditions and the death rate of persons in custody, the Asbury Park Press of New Jersey ran a series of award-winning editorials that brought the seriousness of the lack of reporting to the Nation's attention. The editorials went on to detail abuses, including racially motivated violence, overzealous police investigations, cover-ups and general law enforcement incompetence, which prompted Congress to take action.

Following successive introduction of bills in several Congresses by my colleagues from Arkansas, first Representative Tim Hutchinson, then later Representative Asa Hutchinson, the Death in Custody Reporting Act of 2000 was passed. The law required States receiving certain Federal grants to comply with reporting requirements established by the Attorney General.

Since the enactment in 2000, the Bureau of Justice Statistics has compiled a number of statistics detailing the circumstances of prisoner deaths, the rate of deaths in prison and jails, and the rate of deaths based on the size of various facilities and so forth. But the most astounding statistic reported since the enactment of the bill before is the latest Bureau of Justice statistics report dated August 2005, which shows a 64 percent decline in suicides and a 93 percent decline in homicides in custody since 1980. Those statistics showing a significant decline in the death rate in our Nation's prisons and jails since stricter oversight has been in place suggest that the oversight measures, such as the Death in Custody Reporting Act, play an important role in ensuring the safety and security of prisoners who are in the custody of State facilities.

In considering the reauthorization of the bill, the Subcommittee on Crime, Terrorism and Homeland Security examined the statistics and heard testimony from witnesses whose testimony also supported the suggestion that oversight has actually improved conditions. Convinced of the effectiveness of the Death in Custody Act, we resolved to not only reauthorize it but also improve it.

To ascertain the most effective use of the statistical data, H.R. 3971 differs from the original bill in that it authorizes $500,000 for a study to determine which policies and procedures have, in fact, led to or at least assisted the decreasing death rate among prisoners.

Madam Speaker, I would like to thank my good friend, Mr. FORBES, for his support of the bill. I encourage my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I support H.R. 3971, the Death in Custody Reporting Act of 2007, and commend Chairman CONYERS, Crime Subcommittee Chairman SCOTT, and Crime Subcommittee Ranking Member GOHMERT for their commitment to this bipartisan legislation.

The Death in Custody Reporting Act of 2000 directed the Justice Department's Bureau of Justice Statistics to collect data on deaths that occur in the process of arrest or during transfer after arrest, as well as deaths that occur in jails and prisons.

H.R. 3971 reauthorizes this data collection program and directs the Attorney General to commission a study to determine how to reduce deaths in custody and to examine the relationship between deaths in custody and the management of jail and prison facilities.

The Bureau of Justice Statistics reports that between 2001 and 2005 there were 15,308 State prisoner deaths. The bureau also reports that there were 5,935 local prisoner deaths and 43 juvenile deaths between 2000 and 2005.

Half of all State prisoner deaths are the result of heart disease and cancer. Two-thirds involved inmates age 45 or older, and another two-thirds are the result of medical problems that were present at the time of admission.

Although illness-related deaths have slightly increased in recent years, the homicide and suicide rates in State prisons have dramatically decreased over the last 25 years. That is positive news, but we still need to collect data to monitor these trends.

I urge my colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield such time as she may consume to the gentlelady from Texas, a member of the Judiciary Committee, Ms. JACKSON-LEE.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman, the chairman of the subcommittee that I have the privilege of serving on, the Subcommittee on Crime and Terrorism on the House Judiciary Committee.

I thank the full committee chairman, Mr. CONYERS, the ranking member on the full committee and the ranking member on the subcommittee for having two important initiatives, and I speak to the underlying bill which addresses the question of death in custody, H.R. 3971.

I, too, want to applaud the fact that the existence of this legislation is a strong statement that, in spite of individuals being incarcerated in the criminal justice system, in the penal system, in the prison system, that there is a responsibility; one for the safety and security of those who are incarcerated, particularly, as well, that younger and younger individuals are going into our criminal justice system of which we hope to address as we look to these issues in the coming year, work that has already been done in this committee. We hope to see some of that legislation come to fruition.

I do want to speak specifically, Madam Speaker, to the concerns that I see in the State of Texas. And it may be symbolic of many States, particularly large States that have a very large penal system and a criminal justice system, if you will, or incarceration rate, and say that this legislation, in addition to reporting or requiring reporting of the deaths and suggesting the ineligibility for funds, which I think is an important statement, some instances of holding the particular jurisdictional head responsible for some of, in this instance, the deaths of individuals held in their particular facilities.

For example, about 3 weeks ago, in Houston, an individual was seen being neck-choked by a custodian in the Harris County jail in Harris County in Houston, Texas, and subsequently that inmate lost their life. This has been an increasing occurrence in the Harris County jail. And certainly there have been occurrences in the whole State system, but we have a county jail system which people are either held for trial or either they are actually serving their time there, and in the last decade we've had 106 deaths, plus, in the Harris County jail. Many of them have come about through the inability to secure medicine, to secure medical care. One instance is an individual in his own pool of blood, and the, if you will, caretaker, the guard, was asked to get relief and he said, What do you expect for me to do, get a Band-Aid?

So in some instances the deaths are caused because of such horrific occurrences, such egregious occurrences that there seems to be a necessity for additional penalties. So I would rise to support this initiative, H.R. 3971, for the good work that it has already done, look forward to working with the chairperson of the subcommittee and the full committee Chair as we move toward the Senate to ensure that this bill, in and of itself, becomes law, because I think it's an important statement, but also it's a statement that saves lives.

It is so tragic to hear from wives and mothers, fathers of those incarcerated. These individuals have families. And I know that the existence or the presence that they have in the jail system means that there have been charges. Some of them in the local jails are being held for trial, so, therefore, they have not been convicted. We owe, as a civilized Nation, the kind of incarcerated presence that allows people to live, to be tried by the judicial system, but to allow them to live unless rendered another judgment by that system. So I think it is key that we look at whether or not the actions are egregious as we proceed to report on or receive reports made by our State Attorney General and others.

Madam Speaker, I rise today in strong support of H.R. 3971, the Death in Custody Reporting Act of 2007, introduced by my distinguished colleague from Virginia, Representative BOBBY SCOTT. This important legislation will require that any State that receives certain criminal justice assistance grants will be accountable to report the treatment of inmates to both the Attorney General and to Congress.

How a government treats its detainees is a critical test for a nation's civility and maturity. How we treat detainees, especially the most vulnerable among them—detainees with medical conditions, be it pre-existing or one developed after they have been taken into custody—is an important measure of how humane our entire justice system is.

In the mid-1980s researcher and activist scrutiny of the death rate in the Nation's jails and prisons began to emerge. The research focused on criticism of jail and prison conditions from the 1960s to the 1980s. Studies such as the "National Study of Jail Suicides: Seven Years Later," by Lindsay M. Hayes and Joseph R. Rowan in 1988, that examined the death rate in jails and prisons found very little reporting of the circumstances surrounding the deaths of prisoners. In fact by 1986, only 25 States and the District of Columbia even had jail inspection units. Moreover, even the States that did report deaths differed on basic reporting standards. For example, jurisdictions differed on the definition of "custody," which made it difficult to determine whether a prisoner had died during arrest, in a jail before trial, or post conviction.

The insufficient data and the lack of uniformity of the data collected made oversight of prisoner safety woefully inadequate. However, the study brought to light the potential that oversight had for improving conditions. The authors found that in the 1970s when there was little or no focus on deaths in custody, it had been unusual for a jail to be sued for negligence when a prisoner died in custody. But by the 1980s it was unusual for a jail not to be sued. The interest in oversight that emerged in the 1980s had shed light on conditions in state and local jails and began a rising tide of wrongful death litigation. The increasing litigation forced some measure of accountability and conditions somewhat improved. Moreover, activism and news of the litigation spurred media interest, which shed further light on conditions.

In 1995, after conducting a 1-year investigation, the Asbury Park Press of New Jersey ran a series of award-winning editorials that brought the seriousness of the lack of reporting to the Nation's attention. Among the examples the Asbury Park Press highlighted was the story of Elmer Johnson of Charleston, MO. Mr. Johnson died in a jail cell after he was arrested for "failing to obey a police officer." The coroner ruled Mr. Johnson's death a suicide but evidence to the contrary raised doubts. The editorials went on to detail abuses including racism, overzealous police interrogations, coverups and general police incompetence, which prompted congressional action.

Congress has a responsibility to investigate this issue and call for reforms in order to ensure that dignity and respect for all human beings in our immigration detention system is preserved.

Following successive bills being introduced by Representative SCOTT of Virginia and Representative Hutchinson of Arkansas in several Congresses, the Death in Custody Reporting Act of 2000 was passed. The law required States receiving grants to comply with reporting requirements established by the Attorney General. Since the enactment of the act, the Bureau of Justice Statistics, BJS, has compiled a number of statistics detailing not only the circumstances of prisoner deaths but the rates of deaths in prisons vs. jails and the rates of deaths based on the sizes of the various facilities.

With the detailed statistical data, policy makers, both State and Federal, can make informed policy judgments about the treatment of prisoners, leading to great success in lowering the prisoner death rate. In fact, since the focus on deaths in custody emerged in the mid-1980s, the latest BJS report, dated August 2005, shows a 64 percent decline in suicides and a 93 percent decline in the homicide rate, which suggests that oversight measures such as the Deaths in Custody Reporting Act play an important role in ensuring the safety and security of prisoners who are in the custody of State facilities.

However, no actual study has been conducted to ascertain whether there is indeed a cause and effect between the oversight and decreasing death rate, and H.R. 2908 contained no provision to fund such a study. Therefore, to ascertain whether the cause and effect exists and how to make the most effective use of the statistical data, my good friend and colleague, Chairman SCOTT and Ranking Member FORBES have introduced H.R. 3971, the Death in Custody Act of 2007, of which I am a proud cosponsor.

This revised legislation is imperative to ensuring that there is justice within our justice system. H.R. 3971 includes all aspects of H.R. 2908 but also authorizes $500,000 for a study to determine whether the strengthened oversight has in fact led to or at least assisted the decreasing death rate among prisoners. H.R. 3971 is thus an improvement over H.R. 2908 in that with analysis accompanying the statistical data, we can make yet further informed decisions about policy and oversight.

Congress has a responsibility to investigate this issue and call for reforms in order to ensure that dignity and respect for all human beings in our immigration detention system is preserved. This legislation will hold States responsible to report to the Attorney General on a quarterly basis regarding the death of any person who is under arrest or is in the process of being arrested, en route to incarceration, or incarcerated in State or local facilities. It furthermore imposes penalties on States that fail to comply with such reporting requirements and consequently will ensure that both the Attorney General and the Congress stay informed on the deaths of any and all persons in custody.

I hope that all of my colleagues will join me in supporting the Death in Custody Act of 2007. Passage of H.R. 3971 would be the start of a long overdue process to eliminate unnecessary mistreatment of prisoners.

Might I just quickly acknowledge H.R. 3992, with the indulgence of the Speaker, to applaud the, hoping, passage of this legislation that deals with mental health. And let me just say one small point about the mental health circumstance, and that is that the crisis of mental health is seen across America. There are so many circumstances where individuals suffering from severe schizophrenia and others are caught in the criminal justice system, or unfortunately are called to the home and confront the law enforcement system as opposed to the mental health system, and that is before, of course, these individuals are incarcerated. This has to do with offenders who are suffering from mental illness, but I wanted to at least speak to the point that those who don't get to the system because they are confronted through the police system and unfortunately will lose their lives. What do elderly persons do when a son or daughter is suffering from mental illness and, unfortunately, has a breakdown in the house and reacts violently? It is to call the police.

And so in addition to this very fine bill that deals with improving mental health services for offenders so that when they come out they are ready to adjust to the society in which they return, we also want to look forward to the idea of providing resources for training of law enforcement that we've discussed extensively in our subcommittee on crime to help these people be advisedly trained to deal with this.

I cite as an example the desire by our local jurisdiction to, or the request being made by our local jurisdiction, to pay an extra incentive fee for those police officers that would take mental health training so that they could be on a team, a task force to be called out when that would occur. Unfortunately, the overall response by the city government was not enough money. I think we should have enough money to save lives and, hopefully, innovative legislation like H.R. 3992 sets the pace for those new and innovative ideas on addressing the question of mental illness among offenders who are incarcerated, but also that we address many of the other questions that hopefully we'll have the opportunity to address.

So it is my distinct pleasure to be able to rise to support the underlying bill, H.R. 3971, and as well the previous bill, H.R. 3992. And I thank the chairman for his leadership. And I think the criminal justice system will be better for the passage of these two initiatives.

Madam Speaker, I rise today in strong support of H.R. 3992, the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2007, introduced by my distinguished colleague from Virginia, Representative ROBERT SCOTT. This bipartisan legislation is designed to increase public safety by enabling coordination between the criminal justice and mental health care systems to increase treatment among this segment of the population.

The enormous growth in the national prison population has intensified the problems presented by the needs of mentally ill inmates. Frequently, mentally ill defendants are inappropriately placed into criminal or juvenile corrections facilities, and the harmful impact that this has on the individual and society is reflected in increased recidivism rates, wasted administrative costs, and superfluous overcrowding of corrections facilities, among other things. Among the utmost dilemmas involved in managing the mentally ill prisoners is that correctional staffing is seldom at an adequate level to supervise and care for these prisoners, and correctional officers in many state prisons have never received training in working with the mentally ill.

The Bureau of Justice reported that in 1998 over 280,000 individuals in jail or prison and approximately 550,000 of those on probation had a mental impairment. The mentally ill are disproportionately represented in jails and prisons. Five percent of all Americans have a serious mental illness, but 16 to 20 percent of incarcerated individuals have a mental impairment. Any individual who is enrolled in a juris doctorate program is familiar with two key terms in criminal law, Actus Reas and Mens Rea. Actus Reas is associated with the guilty act, while Mens Rea is associated with the guilty mind. Both elements are required to achieve a successful conviction in our criminal law system. Mental health offenders may have committed the physical, guilty act, but they are incapable of having the mind capacity to commit the crime. The act does not make a person guilty unless the mind is also guilty.

The prevalence of the mentally ill in the criminal justice system has been the subject of many recent studies. The U.S. Department of Justice, Bureau of Justice Statistics reported last July that at least 16 percent of the U.S. prison population is seriously mentally ill. The highest rate of reported serious mental illness is among white female inmates, at 29 percent. For white females age 24 or younger, this level rises to almost 40 percent. The American Jail Association estimates that 600,000 to 700,000 people suffering from serious mental illness are being booked into jail each year.

The National Alliance for the Mentally Ill reports that on any given day, at least 284,000 schizophrenic and manic depressive individuals and manic depressive individuals are incarcerated, while only 187,000 seriously mentally ill individuals are in mental health facilities. Additionally, there are approximately 547,800 seriously mentally ill people who are currently on probation. These statistics seem to indicate that the mentally ill are unjustifiably burdening the criminal justice system.

There is a dire need for resources that will provide vital resolutions to the crisis, expand diversion programs, community-based treatment, re-entry services, and improved treatment during incarceration. The reauthorization of the Mentally Ill Offender Treatment and Crime Reduction Act of 2004 recognizes that true partnerships between the mental health and criminal and juvenile corrections systems and between the Federal and State Governments are needed to meet these challenges. Indeed, this bill requires that Federal funds authorized under this program be supplemented with contributions from the States, local governments, and tribal organizations.

Madam Speaker, Congress has an obligation to legislate to protect the community from those who become aggressive or violent because of mental illness. We also have a responsibility to see that the offender receives the proper treatment for his or her illness. Far too often, mental illness goes undiagnosed, and many in our prison system would do better in alternative settings designed to handle their particular needs.

In Texas, past treatment of mentally ill offenders illustrates the need for legislation such as H.R. 3992. Senior U.S. District Judge William Wayne Justice, who is experienced in dealing with mentally ill prisoners in Texas, ruled in 1980 that the Texas prison system is unconstitutional and placed it under Federal control for 30 years. In Judge Justice's estimation, the Texas laws that apply to the mentally ill "lack compassion and emphasize vengeance." KPFT news reported him as having said,

> We have allowed the spirit of vengeance such unrivaled sway in our dealings with those who commit crime that we have ceased to consider properly whether we have taken adequate account of the role that mental impairment may play in the determination of moral responsibility. As a result, we punish those who we cannot justly blame. Such result is not, I believe worthy of a civil society.

This legislation in an important first step towards restructuring a system that has operated in a disjointed and unsympathetic manner for far too long. We must continue to make this legislation adequately effective to preserve the lives of defendants who are actually victims.

I am proud to support this legislation and I strongly urge my colleagues to join me in supporting this legislation and calling for the appropriate treatment and recognition of mentally ill offenders.

□ 1500

Mr. SMITH of Texas. Madam Speaker, I have no other speakers on this side, and I yield back the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I have no other speakers, and I urge my colleagues to support the legislation. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 3971, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, and for other purposes.".

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING THE SERVICE OF MARY LOUISE PLUNKETT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CROWLEY) is recognized for 5 minutes.

Mr. CROWLEY. Madam Speaker, it is indeed an honor for me to rise here today on the floor of the House of Representatives to pay tribute and to say thank you to a very close personal friend of mine, Ms. Mary Lu Plunkett, one of the most influential people in my life for the past 25 years and one of the most valued members of the community of Queens County in New York State and New York City for more than the last 50 years.

I was blessed to meet Mary Lu Plunkett in my early 20s, when I stepped into the Queens County Democratic headquarters while running errands at the time for my then-Uncle Walter Crowley. That day was the start of one of the most important friendships in my personal and political life, Madam Speaker. But long before Mary Lu became a valued part of my life, she was already a valued and well-established force in Queens County and in Queens County Democratic politics.

Mary Lu was born in Brooklyn, and she moved to Jackson Heights, Queens, in 1949 with her husband Jack. Mary Lu was quick to engage in her community and in her local church, and we were just as quick to forgive Mary Lu for her Brooklyn past.

Mary Lu's foray into politics started when she joined the Amerind Democratic Club. She went on to volunteer at Queens County Democratic Headquarters, where she became a full-time member of the staff in 1956. While working at county headquarters, Mary Lu served some of Queens County's finest political leaders, including Moses Weinstein, Jim Roe, and my predecessor Tom Manton, and her influence on them and our community was felt and has been felt by all of us since.

No political event or dinner has been held without Mary Lu and her charm. She helped to welcome such dignitaries and luminaries as John Kennedy, TED KENNEDY, Jimmy Carter, Governor Hugh Carey, Mario Cuomo, Mayor Ed Koch, David Dinkins and President Bill and Senator HILLARY CLINTON and welcomed them into our Queens County home.

Her intelligence, her warmth and kindness have made everyone who has come into contact with her feel welcome and comfortable.

However, Mary Lu's reach went well beyond local politics. You have to keep in mind, Madam Speaker, that Queens County has 2.3 million people who live in just that county alone. When she was not at county headquarters, she was working to create a better Queens, and in particular, a better Rockaway, her hometown in Queens County. For example, every year she hosted an annual fundraiser that was a must-attend event to help the children of St. Gertrude's Parish in Far Rockaway.

On top of all she has done for others, most important to her, I think, is her role as a mother and as a grandmother. There is nothing that Mary Lu won't do or hasn't done for her two children, Steve and Jamie; and her three grandchildren, Matthew, Christopher, and Caroline; and their mom, Nancy.

I have tremendous respect for Mary Lu and all she has accomplished throughout her years, but as her friend, I'm most proud of how she has led her family life, and I have always considered myself an extended member of that family, often enjoying many personal moments in the Rockaways, getting sand in my shoes with the Plunkett family.

In the coming weeks, my fellow friends and colleagues in Queens County will gather to honor Mary Lu for her lifetime of service to our great borough and to our great city and to our great country. We will applaud her for her charity, her wit and political skill, and I want to thank her for being a mentor and a friend.

Mary Lu, we love you and we congratulate you on your lifetime of achievement.

ECONOMIC STIMULUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 5 minutes.

Mr. ENGLISH of Pennsylvania. Madam Speaker, the current subprime housing crisis, coupled with volatile energy prices, rising costs in health care and looming tax increases, among others, have put our country on the dark path of economic slowdown. And although not yet a technical recession, it certainly feels like a recession in the communities that I represent in western Pennsylvania.

Clearly, America's hardworking families and employers are feeling the crunch from the slowing economy.

While there's a growing consensus in Washington that Congress needs to take action on a stimulus package to stave off further economic challenges, an agreement on how to proceed remains very elusive.

In addition to recently participating in a Joint Economic Committee hearing on the state of the economy, I've met with half a dozen respected economists, and I strongly believe that unless Congress acts swiftly on a stimulus package that will inject money into the American economy and incentivize job creation, middle class America will be forced to bear the brunt of our country's economic instability.

To be clear, now is not the time for politics as usual. We need to unite to enact sound stimulus legislation that, among other things, will benefit both wage earners and job creators, will encourage investment in good paying jobs, and will put more money back into the pockets of working families.

Now, how can Congress achieve these goals on a bipartisan basis? In my view, Madam Speaker, the single best way to help struggling employers in this climate, while providing a jumpstart to the economy, is to allow companies to quickly recapture the money they invest in capital.

Congress should step up to the plate today to create incentives for American employers to invest in new equipment, to revive bonus depreciation to boost employer's capital, and to work to enact common-sense policies that will curb the reach of the corporate alternative minimum tax at exactly the time when its reach is most devastating, during economic downturns.

At the same time, Congress must explore ways in which we can mitigate the impact of a sluggish economy on low and moderate income families that are now facing new and severe economic uncertainty.

By extending unemployment benefits, rolling the income tax on unemployment benefits back, and increasing the child tax credit and providing a significant tax rebate for middle-class families, Congress can ensure that every American has access to the financial resources they need to weather this pending economic storm.

While I've outlined a stimulus plan that will create an environment for job growth, reform how we tax American employers and improve UC benefits for the long-term unemployed, Congress must be vigilant in crafting a pro-growth plan that will not disturb the government's fiscal balance.

I believe frankly we need to avoid absurd PAYGO rhetoric which, coupled with a liberal budget requiring tax increases, now seems to be hobbling action on the other side of the aisle.

Over the past year, some of my friends on the other side of the aisle have insisted on a budget that would impose substantial tax increases on a struggling American economy.

These Herbert Hoover Democrats have used the labels of tax reform and revenue neutrality as a carnival mask to conceal a policy of higher taxes and higher spending, essentially placing a higher percentage of the American economy under government control, and this at a time when the economy is vulnerable, facing slower economic growth.

Instead of setting new priorities, the new majority has chosen to throw priority setting to the wind and have undermined the benefits of the very tax policies that have grown the economy and helped America's middle class.

At the time of economic hardship, when Americans are struggling to make ends meet, it would be inconceivable to place additional, unnecessary tax burdens on the backs of middle class America.

Madam Speaker, time is of the essence. Putting the economy back on a growth path must be a top priority for Washington. Congress must move on a bipartisan basis to enact a stimulus package that is swift, significant and effective.

We need to set aside sterile politics of class warfare and embrace strong pro-growth tax policies that will help benefit everyone by reinvigorating the American economy.

HONORING PRIVATE BOOKER TOWNSELL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Madam Speaker, Senator BILL NELSON and I introduced legislation today to amend the dark chapter of American history by providing a fair and just settlement for our African American soldiers who were wrongly convicted after an incident at Fort Lawton during World War II.

Last Saturday, I stood with the family of Booker Townsell at his gravesite in Milwaukee, Wisconsin. At long last, Private Booker Townsell received a burial with full honors, in a ceremony filled with emotion and symbolism. At long last, Booker Townsell received the military honors he deserved.

I want to read into the RECORD the remarks I read last Saturday because Booker and his family deserve to have his long overdue military honors permanently etched into the CONGRESSIONAL RECORD.

In the House, I represent Seattle in King County, Washington, home to Fort Lawton and home to author Jack Hamann. He exposed what Booker Townsell, his family and others have often lived and known for a long time, that the color of their skin determined their fate and denied them due process.

And on behalf of the people in my Seventh District, who live in a county proudly named in honor of Dr. Martin Luther King, let me sum up our feelings by quoting Dr. King: Injustice anywhere is a threat to justice everywhere.

That's why I got into this fight. America cannot and must not permit racial injustice to breathe the same air that we breathe, or to live among us as a plague upon our Nation, or to poison the sweet light of day with its grim darkness of evil.

We come here today in the name of justice, to fully and finally honor Private Booker Townsell, a soldier, a hero, an African American who served his country in a time of war, only to be deserted by his country in his time of need.

Racial injustice struck down this innocent man, and others, who were denied the opportunity to live their lives with a full measure of honor for their military service and who were denied all their rightful benefits for their military service, including the right of their family to receive an American flag when they passed.

The American flag is a powerful symbol of our Nation's strength, unity and commitment to core values like equal justice under the law and equal rights. Today our flag also represents the courage of an Army private and the dignity of his family to accept justice delayed after being denied so long, and it represents the ability of a great Nation to look inward and admit a grave injustice.

This is a proud day for Private Booker Townsell and his family. He has been promoted from Army private to American role model, and his life, service and this day teaches us a lot about ourselves and our Nation.

Dr. King said: The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy.

Booker Townsell, and his family and others like Sam Snow who lives in Florida, stood up to the challenge and, in so doing, stood up for us all. Today, on their behalf, America renews its vow to fight racial injustice, to acknowledge the deep and tragic mistakes of the past and to restore hope in the future.

Here in Washington the work is not finished. The legislation Senator NELSON and I introduced today will, along with others, including Congresswoman MOORE from Milwaukee, direct the Army to provide the Fort Lawton survivors like Sam Snow in Florida and families like Booker Townsell with the economic benefits to which they're entitled. It's the least we can do. I also hope that we can put a memorial on the Fort Lawton site to teach future generations about the sacrifices made by Booker Townsell, Sam Snow, and others, and to remind us that we must never forget that injustice anywhere is a threat to justice everywhere.

Today, we salute Private Booker Townsell and his loved ones on behalf of this grateful Nation. We are grateful for his military service, his courage, and his dignity, and grateful that America is strong enough to admit its mistakes and provide justice and honor at long last.

I would like to enter into the RECORD an article from the Milwaukee Sentinel dated 19 January 2008, entitled, "Injustice Undone."

[From the Milwaukee Sentinel, Jan. 19, 2008]

INJUSTICE UNDONE: SOLDIER HONORED MORE THAN 20 YEARS AFTER DEATH

(By Meg Kissinger)

Carol Blalock closed her eyes and smiled as the sound of gunshots rang through the bitter cold morning air on Saturday.

At long last, justice had been served.

Her father, Booker Townsell, who died in 1984, had finally been granted full military honors, a proper military burial at Graceland Cemetery on Milwaukee's northwest side. An Army contingent, including Ronald James, Assistant Secretary of the Army, traveled to Milwaukee to correct an injustice begun more than 63 years ago.

In August 1944, Townsell and 42 other African-American soldiers were blamed for the lynching death of an Italian prisoner of war at Fort Lawton, an Army base outside Seattle. Many of them, including Townsell, were convicted of rioting. Two others were convicted of manslaughter.

The story might have ended there, had it not been for curiosity of a television reporter named Jack Hamann, who, along with his wife, Leslie, spent 20 years uncovering the facts of the case. Their account, in the book "On American Soil: How Justice Became a Casualty of World War II," prompted a bipartisan call for the convictions to be overturned and full military honors to be restored. In October, the Army reversed the conviction of Townsell and the others.

Hamann stood at the front of the chapel at Graceland on Saturday, fighting back tears as the Army color guard played taps.

"Reporters are trained to check out emotionally," he said. "But this one is tough."

Also standing in the crowd was Ronald Hayes, a retired master sergeant and Townsell family friend, who likewise swallowed hard when Wisconsin Army National Guard Brig. Gen. Roger Lalich presented the U.S. flag to Townsell's oldest daughter, Marion Williamson.

"This is good," Hayes said.

Later in the day, nearly 200 people gathered at the Milwaukee County War Memorial Center to pay tribute to Townsell and to celebrate his ultimate exoneration.

"He wouldn't have wanted this attention," Williamson told the crowd. "But he deserves it. I hope my father's soul can finally rest in peace."

Speakers included Jim McDermott, Democratic congressman from the state of Washington who pushed to have the Army reverse the convictions.

"Too often the color of skin defined fate and denied due process," McDermott said.

Quoting the Rev. Martin Luther King Jr., McDermott talked of why this decision is so important and the need to celebrate it so urgent.

"Injustice anywhere is a threat to justice everywhere," he said. McDermott complimented the Army for admitting a grave mistake. He recalled the images of Townsell as a dedicated family man and factory worker, who danced with his children and cheered his granddaughter at her track meet.

It would have been easy for Townsell to wallow in the bitterness of this dark chapter of his life, McDermott said. Instead, he chose to persevere. Again invoking King's words, McDermott said, "The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy."

As far as Blalock and the other members of Townsell's family were concerned, Saturday's ceremony was no less precious because of the time it took to make things right.

"I loved my father's laugh," Blalock said. "When they had that 21-gun salute and played taps, it was like I could hear him laugh again."

☐ 1515

RIC WILLIAMSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Madam Speaker, I come to the floor of the House this afternoon to remember one of the most dedicated public servants from the State of Texas we lost on December 30 of this year.

Ric Williamson was a member of the Texas Transportation Commission and served as that body's Chair that oversees statewide activities for the Texas

Department of Transportation. He was appointed to that position in March of 2001 by Governor Rick Perry and in January of 2004 became the chairman of the Texas Transportation Commission.

Prior to his appointment, he served in the Texas State Legislature from 1985 to 1988. Numerous professional and legislative accomplishments are attributed to Ric Williamson, and many awards from the Texas media, including twice being recognized as one of the 10 best legislators in the Texas State Legislature in 1989 and 1991.

Ric was born in Abilene, Texas, and graduated with a B.A. degree from the University of Texas in 1974. He later founded his own natural gas production company. He made his home in Weatherford, Texas, with his wife, Mary Ann. He has three beautiful daughters, Melissa, Katherine and Sara, who spoke so eloquently on behalf of their father in the memorial service that we held this past January 3. Ric has two grandchildren. Most recently, his grandson was born at the beginning of December of this past year.

Chairman Williamson brought a sense of purpose, a sense of vision, and a sense of urgency that had not previously been present in the State of Texas when it came to issues regarding transportation. He established a strategic plan, he set real goals, and then he did everything within his power to meet those goals.

He wanted to reduce congestion. He wanted to improve safety. He wanted to expand economic opportunity, increase the value of the assets in the Texas highway system, and clean the air.

One of his greatest legacies was to empower local leaders to make local transportation decisions. The best example of this empowerment is the State Highway 121 Project in my district of the Dallas/Fort Worth area. This brought over $3 billion in highway construction funds to north Texas. At a time when the rest of Texas and, indeed, many other areas of the Nation have money only to put towards maintenance, we have money available for new construction because of Ric's vision.

He wasn't always easy to live with, he wasn't always easy to work with, but you always knew where you stood with Ric Williamson; you were never left guessing.

He was more than just a leader for Texas; he helped make Texas a leader for the Nation. The United States Department of Transportation now looks toward Texas as a model for other States to use to employ some of those innovative solutions to their challenging problems. And that was, in whole part, due to Ric's unique vision for the State of Texas.

Shortly after Ric Williamson's death, the Federal Highway Administrator Richard Capka said, "He helped pave the way for some of the Nation's most innovative transportation projects, and he is largely responsible for bringing highway financing for Texas and the rest of the Nation into the 21st century." He got Texans thinking. He got other Americans thinking on a broad and deep level about issues regarding transportation in a way that probably had never been done before.

During the memorial service for Ric Williamson, and many people got up and spoke on his behalf, it was frequently brought out how Ric Williamson regarded politics as a full contact sport. He would go at it with everything he had. And again, you always knew where you stood with Ric Williamson and he wasn't always easy to live with. But Ric Williamson believed that these discussions should take place within the light of day, not behind closed doors, not in some smoke-filled room. So, it's to his credit that he pushed these ideas in the State of Texas, but it was never done in secret; it was never done behind some veil. Everyone always knew where Ric Williamson was and what he was doing.

He will always be remembered by his friends and associates as a true champion for all things Texan. He was unafraid to challenge the status quo. He was highly regarded for bringing innovative ideas to provide safe, economic, and reliable transportation to improve the quality of daily lives of all Texans.

On a strictly personal level, Ric remained a patient mentor to me, a steadfast friend, and I will greatly miss him.

SCHIP VETO OVERRIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Arizona (Ms. GIFFORDS) is recognized for 5 minutes.

Ms. GIFFORDS. Madam Speaker, I am speaking out today in strong opposition of the President's veto of the KidsCare bill, also known as SCHIP here in Washington. I am profoundly disappointed that we were not able today to override the President's veto.

In the State of Arizona, there are over 264,000 children that currently do not have health insurance. That's about one out of every five kids. Across the country, it's estimated that over 1 million children do not have health insurance.

I am deeply concerned, in addition, because of the slowing of the economy, about the fact that we're going to see unemployment rates increase. And just last week, the Joint Economic Committee came out and stated that "worsening economic conditions will likely create substantial increases in demands in States' Medicaid and Children's Health Insurance Programs."

The JEC specifically linked employment woes to demands for programs like KidsCare. Nationwide, they projected that between 700,000 and 1.1 million children per year will be added to the enrollment numbers for Medicaid and SCHIP due to the slowdown in the economy. That makes acting to ensure a strong SCHIP or KidsCare program in Arizona and across the country absolutely critical, but it also reveals how out of touch the President is and how willing he is not just to disregard our children, but to disregard the future of our Nation.

As the universal health care debate continues, there should be no debate about health care for kids. Kids can't work; kids can't afford to pay health insurance premiums, and that's why I'd like to thank the 259 colleagues on both sides of the aisle for voting today to reauthorize KidsCare.

Democrats and Republicans alike must stay united for the children of our country. We are their representatives; we are their voices, and we must speak out for them. That is precisely why I am speaking here today. It is why I will continue to speak out here in Washington and back home in Arizona and why I am not alone. I am joined by thousands and thousands of voices across southern Arizona in calling for Congress and the President to fully reauthorize KidsCare.

In this economic climate, we must not fail to recognize health care as one of the most costly economic challenges confronting businesses, confronting families, and confronting the children of our country.

PAYING TRIBUTE TO PRIVATE FIRST CLASS JASON LEMKE AND PRIVATE FIRST CLASS KEITH LLOYD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Wisconsin (Ms. MOORE) is recognized for 5 minutes.

Ms. MOORE of Wisconsin. Madam Speaker, as of Monday, January 21, 2008, 3,929 members of the United States military have died since the beginning of the Iraq war in March 2003, according to an Associated Press account. Today, I want to take this opportunity to talk about just two of these soldiers, residents of the Fourth Congressional District of Wisconsin.

After these gentlemen have given so much for their country and their communities, our community, I just must pause, we must pause. We can't just allow business to go on as usual until we pay tribute here on the floor of the House to these young men and to offer my sincerest condolences to their families.

On January 5, Army Private First Class Jason Lemke, age 30, was killed in Iraq as a result of wounds suffered when his vehicle struck a roadside bomb. PFC Lemke was not just a soldier, Madam Speaker, but also a father of 3 young daughters, Amber, Liz and Casey.

When he was interred just a few weeks ago on January 16, a family lost a loving father, a beloved son, his mom and dad, Colleen and Greg, and brother to Jerrie and Jill Lemke.

A 1996 graduate of Wisconsin Lutheran High School in Milwaukee, Jason wanted to enlist in the Army right after graduation from high school, but his parents talked him out of it. Instead, he worked and raised his baby girls. In December of 2004, PFC Lemke answered the call of his heart and enlisted in the Army in Milwaukee and reported to Fort Benning, Georgia, in January of 2005 for initial entry training.

In May of 2005, he reported to Fort Lewis in Washington where he was assigned to A Company, 2nd Battalion, 23rd Infantry Regiment, 2nd Infantry Division, and his brigade was then deployed to Iraq in April of 2007.

One talent that sticks out in my mind was his exceptional linguistic skill. He possessed this extraordinary skill, and he spoke both Spanish and Arabic, and I'm sure that that was an incredible asset to his fellow soldiers in Iraq. His language training came about because the military saw something special in this young man and selected him for intensive training in Arabic. His proficiency in it speaks well of Private First Class Lemke's own capacity and ability to pick up a difficult language in such a short time. I wish I had had the opportunity to meet this outstanding young man. I can so relate to him, and I'm sure the rest of us can, in that he had his fair challenges in life.

Here are some of the words that have been used to describe this young man, just briefly, from his mom, Colleen.

"He's my son, my little boy, and my friend. He always made me proud and never disappointed me. His wit he shared with everyone. He always looked out for the underdog and did what he had to do. When he was with his kids and his sister's kids, the room was full of love. I'll miss his head in my lap when talking and watching TV. He was not afraid to show his love. But he's home in my heart and soul today."

From his father, Greg: "His grandpa was in the Marines. His uncle was a Marine. His father was in the Army, and my older brother was in the Army," Greg said. "So there's a family service thing here. He wanted to make a mark."

In a last but fitting honor, Private First Class Lemke was posthumously promoted to the rank of corporal. So today, Madam Speaker, as Corporal Lemke's family, friends, and his fellow soldiers come together at Fort Lewis to remember him in a memorial ceremony, I rise to honor this valiant soldier, loving son, and father, and to express my gratitude, condolences and that of the House to those who knew him and loved him best.

The SPEAKER pro tempore. The gentlewoman's time has expired.

□ 1530

THE 30-SOMETHING WORKING GROUP: THE ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MEEK of Florida. Madam Speaker, it is an honor to come before the House once again. As you know, the 30-Something Working Group comes to the floor to share issues that are before the Congress not only with many of our colleagues but also with the American people.

But at this time, Madam Speaker, I am going to yield to Congresswoman MOORE.

Ms. MOORE of Wisconsin. Thank you so much, Representative.

I rise, Madam Speaker, to memorialize another of my constituents, Private First Class Keith Lloyd, who died of wounds suffered when the vehicle he was in struck a roadside bomb in Iraq at the tender age of 26 on January 12.

He was born in Milwaukee. He went to elementary school in Milwaukee prior to his family moving to Oak Creek and then to South Milwaukee. Lloyd graduated from South Milwaukee High School in my district in 2000 and worked in a number of retail stores. He also took courses at Milwaukee Area Technical College in Oak Creek and ITT Technical Institute in Milwaukee.

According to media reports, as a teen, Private First Class Lloyd was not crazy about high school, but he never shirked the responsibility that came with it. After graduation he wasn't quite sure what career path to take, like many high school graduates, including myself.

Finally, as a young man, he decided to follow the path of his younger brother, who had just completed a tour of duty in Iraq with the United States Army. According to his sister Christine, he was looking for direction. He wanted to make something of himself and thought the Army was a good place to do that. He enlisted in March 2007, and, indeed, he made much of his life and paid the ultimate price for us, his fellow Americans.

This was a young man who did not want to sit on the bench and let life pass him by.

His sister also noted that he had a big heart and would do anything for anybody.

Private First Class Lloyd deployed to Iraq in November as a member of the 1st Squadron, 3rd Armored Cavalry Regiment based in Fort Hood, Texas.

Yesterday Private First Class Lloyd was laid to rest at Good Hope Cemetery in Milwaukee.

Madam Speaker, I wish to express my deepest sympathy and condolences to the family of Private First Class Lloyd today: his sister, Christine; brother Thomas; his mom, Cynthia Allam; his dad and stepmother, Gary and Joanne Lloyd; sister Cora Lloyd; and brothers Kraig, Gary, and Joshua Lloyd.

These men certainly made the lives of those around them better day by day and exemplified the character and qualities that enrich our communities and our Nation. This is indeed a sad day for the Nation. While as the Bible says, "each heart knows its own grief" and I cannot possibly understand the grief their families are going through today, I offer this timely tribute today to express the gratitude of a Nation and my condolences on their loss.

Mr. MEEK of Florida. Thank you so very much, Ms. MOORE. And I can tell you anytime we get a chance to come to the floor and honor our patriots is always a day that the Congress should yield and pay respect to not only that individual but also the family.

Madam Speaker, I think it's important we start to look at what the Congress is facing right now and the American people are facing right now as it relates to the economy. The news has been for the last 5 to 10 days the economy, stimulating the economy, and it is very important that we do so. And as you know, many news accounts have shown the President, also the Speaker of the House, and the Democratic leader in the Senate meeting. You have also seen meetings with the Republican leadership and Democratic leadership here in the Congress. The American people are counting on us working in a bipartisan way, and I just want to make sure that all Members know that this is nothing new for the Democratic House of Representatives, especially the majority of Democrats that are here, because we came in saying we wanted to work in a bipartisan way. As a matter of fact, Madam Speaker, I went back and pulled out a chart because so many times here in the 30-Something Working Group it's important that we share with the Members what we have already done and what we can do. And I will use this chart all the way up to today.

Many of these acts took place in the first session of the 110th Congress, and it was the first time, with your help, Madam Speaker, we were able to take the majority of the House:

Implementation of the 9/11 Commission recommendations, H.R. 1, passed with 299 Democratic votes with 68 Republican votes. Raising the minimum wage, H.R. 2, passed 315 with 82 Republican votes. The funding for enhanced stem cell research passed 253 with 37 Republican votes. Making prescription drugs more affordable, H.R. 4, passed 255 with 24 Republican votes. And cutting student loan interest rates in half, H.R. 5, passed this House of course with

Democratic votes, all the Democratic votes, 356 with 124 Republicans voting with Democrats on that bill in a bipartisan way. And also creating long-term energy initiatives, H.R. 6, which passed 264 votes with 36 of those votes being Republican votes.

That's bipartisanship. Those are major pieces of legislation, Madam Speaker. This is nothing new to the Democratic majority.

I think it's also important to point to just today here on this floor maybe about 2 hours ago, Democrats and Republicans voted to override the President's veto, and that vote was a bipartisan vote, not enough to stop the President from stopping us from doing what the American people wanted us to do. A bipartisan vote, 265, and that vote was a very important vote. We had 43 Republicans voting with us on that.

I think it's important, Madam Speaker, as we start to move forth on this whole economic stimulus discussion that we continue to work in a bipartisan way, but we're going to need more bipartisanship. Democrats are there at the line ready to do it. And I have a document here that's very easy for any Member to get a copy of that was prepared by the office of the majority leader on June 5 of 2007: "House Democrats' bipartisanship leads to progress." And I also would ask all of my Republican colleagues to grab a copy of it. But I think that it's important that we reflect back on this document to really pay attention to what we have already done and what we can do. But we don't want to end up getting ourselves in a situation where we start deal breaking. When I say "deal breaking," we know that the President and we know that the majority leader has met and we know that the Speaker has met at the White House just recently, just yesterday, and they have been meeting and talking on the telephone. As you know, we try to break this down as much as we can. We also know that in the House, we have had a Democratic economic forum, which was December 7, closing out last year. This whole economic stimulus discussion and effort did not start when it started hitting headlines. We were already out there on these issues. Ongoing discussion between House leaders and Secretary Paulson, who is the Secretary of the Department of Treasury, that has been going on. So many dates, too many to note here on this chart. A Democratic leadership letter to the President dated the 11th of this month. Also the Speaker has met with the Federal Reserve Chairman on January 14 and also the Democratic leadership meeting with Republican leaders on January 16. And those discussions continue to go on, some that are documented, some that are undocumented. A Democratic leadership meeting with Republican leaders again the following day. We also had a Democratic and Republican leadership meeting with the Treasury Secretary that took place on January 22, just a day ago. Also a Democratic and Republican leadership meeting with the President that I mentioned a little earlier.

We're going to continue to pay attention to this bipartisanship, and when I say "we," I mean those of us in the 30-something Working Group, because I think it should be encouraged. We have always talk about it. I, being a creature of two previous Congresses, always said that bipartisanship can only be achieved when the majority allows it to happen. We have a Democratic majority now that is allowing it to happen. If we start talking and going back and forth on retail politics, the only people that are going to lose are the American people, and I'm not in the business of seeing that happen.

I think it's important also to know that there will be statements made and we have to make sure that we clear those statements up so that we don't have misunderstandings and we start going off into another direction on this whole effort of bipartisanship. I'm saying that and I came to the floor with that theme here today because it's important. If folks want to prove the differences between the two parties, find another way to do it, not necessarily on this economic stimulus package because so many Americans, Democrat, Republican, independent, those that can't even vote yet, those individuals that are dealing with the muddiness of life, that don't have what they need to make ends meet, and our economy is not in the posture for us to play games for several months to come going back and forth. So as much as we can as Members of the House, we need to meet. We need to understand one another. When we misunderstand one another, we need to meet again to make sure that we can work together, something that everyone talks about during the election season that they want to go to Washington, DC and work in a bipartisan way. I don't care where you are, if your district is 89 percent Republican or 89 percent Democrat or what have you, independent, Green Party, you name it. You don't want to run on the platform that I'm going to Washington, DC to be a partisan. You don't run on that platform. You run on the platform that you're going to bring people together, that you're going to work across the aisle to get the job done for your constituents.

□ 1545

So I think it is very, very important, Madam Speaker, to put those words into action.

And what I am seeing here and what I have seen, Madam Speaker, of the last 4 to 5 days have been what one may see in a piece of campaign literature or what one may see when someone speaks on television about how they are going to do things better if they get an opportunity to do it. You have that opportunity. Don't let that opportunity slip through your fingers when others try to derail the process.

Today, I can say that what took place was an effort, and we tried to override the President on the children's health insurance bill, we may say the State Children's Health Insurance program. I think it is important with the 42 Republicans that voted along with Democrats, 218 Democrats voted in affirmative, it wasn't enough to override the President, but it was a part of trying to take some of the burden off American families, because those families that are hurting right now, we know that health care cost is a huge issue when you start looking at how we are going to move this ball forward and how we are going to help American families.

There are a number of organizations that are in support of the State insurance plan, what we call SCHIP, that are in support of this great piece of legislation. You have the AARP. You have the American Medical Association. You have Catholic Health Association, and Families U.S.A., along with a host of other organizations that I could spend 30 minutes on the floor reading every last one of them off. But that is not going to make a difference right now for this debate or the action that we were going to take, that hopefully we wanted to take place a couple of hours ago, to be able to allow children that are in need of health care insurance. We were denied that opportunity, and I can't say that the Republicans stopped us. I can say that 42 Republicans did what they had to do to be able to stimulate this, not only this economy, putting more dollars into the pockets, very few dollars into the pockets of Americans so that they don't have to spend those dollars in providing health care to kids that happen to be born into financially challenged families, and that would have been a way to assist them. But there were a number of Republicans that voted against the legislation that denied us from having that opportunity.

But I have hope, Madam Speaker, that before this 110th Congress is out we will be able to provide that level of health care. We talked about universal health care. Starting with our children first is very, very imperative for us to be able to head in that direction.

As we start dealing with the issues, when we move to the Senate, we have rule 22, that you have to have 60 Senators to be able to bring anything to the floor in an appropriate way or to be able to procedurally get it there. I think it is important because I am trying to look down the road because I have been down this road before. We get that warm and fuzzy feeling in our heart and start believing what we are reading and start saying, Wow, this is unbelievable. People are working together and we are actually going to move something through the process. Republicans are happy. Democrats are happy. And then we run into a handful of Senators, and the Senate may very well say, Well, we are not happy. And the reason why we are not happy is that I want to make sure that I can make some of the tax cuts that have been put out there now that are not right put into the moment, because that is what this is about.

This stimulus package is not about stimulating the economy 8 months from now. It is about stimulating the economy right now. And it's important that we get it to the target audience that is going to help us do that. And so I think that any other great ideas that may come out of, independently of the bipartisan discussion that has been going on for almost double-digit days now will be counterproductive to us moving this piece of legislation forward. We know that when we come to final rest on this legislation, we know a lot of things are on the table that are going to create right-now jobs, that are going to create right-now investment, and it is going to be able to get into the hands of Americans that are going to spend those dollars to be able to jump-start our economy, to be able to bring it out of the, quote, unquote, I don't want to use the "R" word, but the recession that folks are talking about and that economic indicators some feel we are in, some feel we are not. We have some individuals saying technically we may be in one.

The bottom line is the economy is not what it needs to be to be able to continue the United States of being in the position that we are in right now, well, in a better position, a position we have been in the past, of being not only the largest economy in the world as it relates to a nation but also being very strong and very vibrant.

We know that we can get in these very high altitude conversations of saying that it is important for us to be able to have trade, it is important for us to see small business start-ups, it is important for American people to be able to buy things at an affordable cost. But it is also important for us to pass this economic stimulus package within days, not weeks, not months. So I want to make sure, speaking to all of my colleagues here in the House, that we move with the spirit of saying that we are going to deal with the target audience that we are trying to reach right now, and that we are going to do it in a way that is bipartisan and that we won't have any last-minute legislative Hail Marys or amendments or procedural maneuvers that will stop us from achieving the goal of carrying out at least one major act at a time of urgency on behalf of the American people. We have done it before with other major pieces of legislation, but this economic stimulus legislation is very, very, very important.

Now, Madam Speaker, I think that as we start to look at this, because I want to make sure the Members are able to communicate not only with the 30-Something Working Group but also with me independently, or any staff or what have you that wish to do so, can be reached at 30somethingdems@mail.house.gov. The reason why I give that Web site out, Madam Speaker, we have to call it out when we see it. It is almost like we are in the football season right now, and there is a lot of replays, and some of the replays are called within the last 2 minutes from the officials' box in what you may call the sweet area in a football stadium. And I think it is important that if you see this kind of activity that will derail this bipartisan spirit that we have right now, we need to call it out. We need to be able to say that that is going to be counterproductive. We already know that the agenda in trying to continue the tax cuts that were brought about under President Bush, and I believe the President is in the position of saying we don't need that part of tax legislation to be a part of this stimulus package, that is for another date, that is for us to deal with, that is for us to hash through in the Ways and Means Committee, which I am proud to be a member of, that is another day's debate. It is not a debate on this economic stimulus package that we are going to hopefully bring to the floor within days. I want to be able to head that off so that we don't have to waste the American people's time to really get into this issue of another debate as it relates to the tax issue. So I think it is important as we continue to move through this process that Members communicate with Members because a lot of folks say, well, it is just a lack of communication of the reason why we are not able to be successful in pushing some of these issues forward.

I can also shed light on another issue, Madam Speaker, and that issue is the fact that we have a number of different tracks that are taking place here in the House and also in this Congress. The campaign spirit that is out there right now amongst the Presidential candidates, Democrat and Republican, and what we do here, that spirit, the spirit that we have here in the House may very well be broken based on what someone may say, and many of those individuals are Members of Congress, may say as it relates to their plans. Making those political statements here on the floor through legislation or trying to push into an economic stimulus package because someone said it on the campaign trail and for them to be able to say, well, that was just introduced, you know, in the, in this discussion, may be counterproductive if it is not within the spirit of what we are trying to do here.

I also would like to share a statement that was made a little earlier today as we start talking about that spirit, and the Republican leader said, I hope that Democrats are not looking to give nontaxpayers rebates or what have you or incentives. I want to just clear it up. I am assuming that he is not speaking of those individuals that are paying payroll taxes, because they are. So many individuals, they don't have to pay because they pay so much in payroll tax, and we do have that. And also when we talk about a targeted audience, that targeted audience is the audience that will put the money into the economy versus saying, Well, I have received this rebate check, or, I have received some sort of incentive that will change my economic attitude towards spending, so I am going to go put it over here and invest it to deal with it at another time and another day. That won't be the kind of investment that will help us move this economy forward. I think it is important for us to pay attention to that, and just because someone is what I define as financially challenged, means that they cannot participate in what we are trying to do in stimulating this economy because we need them and we need them to keep this economy moving.

I am glad to see that the spirit of the majority, of Chairman RANGEL, who put out a statement today, the economic stimulus package, must help lower and middle-income families, I don't think there is anything wrong with that statement, and I think that it is within the spirit of what we are talking about here. Mr. RANGEL goes on to say that the intent of the economic stimulus package has not yet been written, but everything remains on the table; however, I would like to respond to suggestions that various Republican leaders have made to prevent the stimulus package from reaching hardworking families. I think that it is also important that as we look at that, as we look at that statement there, again, we are looking at responding, and we are looking at working within the spirit of this legislation that we are communicating.

Many times things are said, like I mentioned here earlier, like the Republican leader mentioned that he was concerned about that it is important to put it in black and white so that everyone can understand. I know, I know my Republican colleagues want to make sure these tax cuts meet lower and middle-class families. I hope that I am not proven wrong as it relates to any vote that may happen in committee or any vote that may happen here on this floor. But it is important that we put these statements out there and for it to be able to reach these hardworking families who work from paycheck to paycheck and make contributions to

Social Security and Medicare, as Mr. RANGEL goes on to say, or who may have recently lost their jobs, any argument on this issue that will be equally met with vigorous discussion as it relates to tax incentives to businesses.

Now, here is another piece as we start to look at this very issue, dealing with businesses and dealing with individuals. The backbone of our economy are small businesses, and I guarantee you that small businesses will be a part of this economic stimulus package. But at the same time, let's not leave back in the dust those Americans that we know that will pump dollars into the economy and we know that have been paying payroll taxes and we know that have been paying into Social Security. So when we look at that, let's make sure that we work in a bipartisan way and that we understand each other.

Madam Speaker, I encourage rapid response. I encourage Members to say, Well, if this is the way I feel, I am going to say the way I feel, but at the same time, be able to receive that answer or, at the same time, continue to meet.

This chart I pulled out earlier, Madam Speaker, twice on this chart, and we will have it every time we come to the floor in the 30-Something Working Group, Democratic leadership meeting with Republican leaders, 1/16 of this month, Democratic leaders meeting with Republican leaders, 1/17. If they met in the a.m. and p.m., I would like to even put that down because I think it is important that we have that. Goodness gracious, if we were able to pull together this package in a way that American people will see that folks are actually talking daily in a meaningful talk, not just shooting shots over the bow of the ship, meaningful talk, hopefully we will be able to resolve issues like the impasse that we have had on the issue of health care, the impasse that we have had on the issue of Iraq and other various important issues that have come before this Congress.

□ 1600

This should be encouraged. I'm a Democrat. I enjoy being in the majority. And I hope that we are in the majority for as long as the sun rises in the East and sets in the West. I hope that happens.

But as long as we are in the majority, it doesn't mean that we can't also have that same spirit towards bipartisanship, and that's important. Because I have been in the minority before, and I know how it feels. I know how it feels when you can't get a bill agendaed in a certainty; you can't get a bill agendaed in the committee or you can't get your amendment heard on the floor. I know how that feels.

But I think it's very, very important that as we look at these very important issues that are facing our Nation, that we use that bipartisanship in a way that we haven't used it in the past. And we have passed bills in a bipartisan way, as I said a little earlier in the hour, but do it in a way that it will be a jaw drop for the American people. They'll say, wow, this is interesting how they came together and made this happen without trying to make a political stand.

I think that from what I'm reading and what I'm seeing, it seems like the President is on board. It seems like the Speaker is on board, seems like the majority leader is on board. It even seems like the minority leaders in both chambers are on board.

So as we look at rule XXII over in the Senate and we look at the 60 vote, the procedural piece that has to happen before you get to bring in any bill before the Senate, that that spirit lives within those Republican Members that will help us get to that 60.

When I say "us," it's only 51 Democrats in the Senate, but let's continue to pay very close attention to it.

Mr. RYAN, I'm so glad to see you all the way from Niles, Ohio. We know the Republicans will be going to a retreat this week. So we have an opportunity to work off line and do some work and get back to the district and do some great things. But this whole issue about economic stimulus, I tell my friends, when I come to the floor, even when you're not here, I make reference to what I have seen in your district, what is happening in your district and how important this bill is for Ohio just as important as it is for Florida.

I yield.

Mr. RYAN of Ohio. Madam Speaker, I think what is happening now highlights a lot of what has already been going on in a lot of areas around the country. I think when you start to look and see people are talking about the downturn in the economy and jobs and what is happening now: Unemployment rate going up, people not having the disposable income. When you look at a lot of areas, and it is not just Niles, Ohio. It is not just Youngstown, Ohio. It is not just Akron, Ohio. It is in Des Moines, Iowa. It is in Waterloo, Iowa. It is in Detroit, Michigan. It is in all of the industrial Midwest where, quite frankly, globalization has had a negative impact on a lot of the communities there.

So this stimulus package, I think, as you have been talking about over the past 30, 35 minutes or so, it needs to be targeted to those families that are going to spend the money to stimulate the economy, those small businesses, I think, that are going to reinvest back whether it's in a machine shop in Streetsborough, Ohio, or wherever the case may be. But make that money available.

But I think it's also important for us to talk about what we've been doing since we've been in the majority to affect the long-term growth of the economy. And I think, you know, one of the past Federal chairman's said that they're just too many bubbles, you know. That was the problem that we have had here.

We had the tech bubble in the 1990s and the low interest rates and the housing bubble, and now we are looking at that bubble bursting.

Just to give you an example on how this ripples throughout the economy, we have an aluminum extrusion manufacturer in Gerard, Ohio, 300 pretty high-paying jobs that's going to close down because they supply the aluminum for the housing market, not commercial but the housing side.

So this downturn, this bubble busting has this ripple effect throughout the economy, and that's why I think you see us in the position that we are in today.

But if you look at what we are doing long term, for long-term stimulus, what we've tried to do with stem cell research here in the Congress, that opens up whole new vistas of opportunity in the health care field. That opens up opportunity for research and development in a growing field.

If you look at what we are trying to do with alternative energy, you will see that these investments that we are making into the research and development of a lot of these alternative energy technologies, those are investments that are going to yield great benefits for us, because long term, you know, someone has got to make the windmill. Someone's got to make the hydraulics for the windmill. Someone's got to make the blades. These things need to be trucked around. These components need to be assembled.

That is a direct investment once this technology is purchased or at least improved and able to produce some sufficient amount of energy, that's going to be American manufacturing. If you look at solar panels, that could be a potential opportunity for American manufacturing.

So before I kick it back to you, it's important that we recognize some of these long-term investments that we are making here. And one of the ones that we saw, if you were looking at some of the economic indicators from the summertime when the wage was passed and implemented, there was actually an increase in consumer spending. It shouldn't be much of a surprise because if you put more money in the pockets of these folks, that's what happens.

Finally, before I give it back to you, it's important to recognize for the American people that this stimulus package, what we are seeing here is going to stimulate the economy, is what we have been arguing about here since President Bush came in with his lopsided tax cuts for the top 1 percent.

Now, if you give somebody who makes millions and millions of dollars a year—and God bless you if you do. We want you to make money. We are not against you. We understand the importance of people investing in business in our country. But that person is not going to take a couple hundred thousand dollars that they get in a tax cut and go out and spend it. What are they going to spend it on? When you have that money, you have everything that you need. You are not going to go out and say, "Well, I got a couple hundred thousand dollar tax cut. I'm going to go out and buy a new pair of shoes now."

You have everything that you need. So that cut does not have the economic stimulus, and if it is getting invested, let's be honest. That is getting invested in Asia. If you are looking to make money and put it in the market or you are looking to buy a particular stock, you are going into a certain area, and it would behoove you to put that money somewhere in Asia.

So, having said that, the tax philosophy that we have here that you should give middle class tax cuts to folks, if it stimulates the economy now, if it is good for the economy now, it should be a good fiscal policy.

Mr. MEEK of Florida. It's still good seeing an appropriator speak in tax language, talking about tax issues. So it's good to see it. I just wanted to let you know how much I appreciate it.

Mr. RYAN of Ohio. I appreciate you, just in general.

Mr. MEEK of Florida. I thank you, even though I talk about appropriations all the time.

Mr. RYAN of Ohio. I know you talk about appropriations all the time, especially when you are trying to get money from appropriations for very important projects and investments in your district. In Hollywood and Miami, there are a lot of needs there.

Mr. MEEK of Florida. And my constituents surely appreciate the help and assistance because they pay enough taxes, and we're up here making sure that if they pay their fair share, they get their fair share back.

Mr. RYAN of Ohio. They should get some back. You are exactly right.

Mr. MEEK of Florida. That's correct.

Mr. RYAN of Ohio. And I know you have water projects there and education projects there. You have energy projects there.

If we are going to have the kind of development that we have, the economic development that lifts up all congressional districts, we have to make all of those investments.

Mr. MEEK of Florida. You're right. You're right.

I was talking earlier before you walked in on cloture. I believe it's called cloture in the Senate, and it's an old French word for closure. You hear it all the time, but you don't necessarily know the meaning of it. It sounds like it was something as it relates to clothes, but that's what it means in English pretty much.

And I think that when we look at this issue and the fact that we always get to the point where even when we get our act together here in the House, it's either one or two Chambers. It's either the House or the Senate.

Let's look at the SCHIP override. The Senate has a veto-proof vote in the Senate: 68 Senators voting in the affirmative for SCHIP.

In the House, we fall short. I think here in the House that we may very well have the kind of bipartisanship we need to get this economic stimulus package passed. But in the Senate, I'm concerned. I'm very concerned because you have 51 Democrats and you are going to need 9 Republican Senators, and I'm hoping, just hoping, that we are able to get the nine for it to be true bipartisanship. So that means the Republican leader is just as important as the Democratic leader, and we are trying to move this process through.

And I think that we need to pay very close attention, and also pay attention to what is being said in the Senate, what's being said here in the House because this piece of legislation is too important. I don't think that Democrats can hang their hat and say, "We passed the legislation to stimulate the economy." I don't think the Republicans can say it without saying Democrats, vice versa. So I think that is important that we pay attention. And I keep saying that because I know that in this building, and we are talking about the 500-plus Members of Congress and all of our great ideas that we may have, coming to the table with an amendment or making a procedural move through any one of the said committees could very well derail this spirit that we have.

We have a war that's going on in Iraq. As of today, we have 3,929 individuals that have lost their lives in Iraq, and we have had a number of them wounded in action, 15,996. And we have those families that are living in this economy.

Mr. RYAN of Ohio. And the latest report is 650,000 Iraqis who have been killed as well.

Mr. MEEK of Florida. That is correct. So we have a number of loss of life.

The point I'm trying to make here is that we even have numbers for Afghanistan and what is happening there, and we just had an Armed Services meeting a little earlier today, and there is discussion. One of the witnesses, a lieutenant general, said, "Well, the Afghans are saying what, Americans, will you leave us?" Well, this is a big question when we talk about spending, we talk about the economy.

Let me draw this picture here. You go to dinner with your friends and there's six of you, and the bill comes out to like, I don't know, 4- or $500. You have been there for a couple of hours, of course ordering several appetizers and ice tea and an entree, and it comes up to $600. Do you spend the time of divvying up the bill and collecting the money, or do you always have to get up and say, "I have it. I'll take care of it?" You know what I'm talking about?

That's what America has been saying to every conflict we have ever had. Afghanistan, for what needs to happen there, do we always have to be the people there who say, "I got it?"

The euro is doing a lot better than the dollar right now, and there's a separation between NATO and EU, and they have their own account and they're making investments.

Afghanistan is the gateway to narcotics, illegal drugs into Europe. And so the fact that I know that they're playing a role already, but I'm saying that even a greater role, we are in it because of terrorism. We are in it. Madam Speaker knows exactly what I'm talking about. We are in it not only in the terrorist end, terrorism, trying to prevent terrorism not only in the world, but also domestically.

□ 1615

But I think it is important that the EU plays a greater role. There is going to be three reports released, from what we were told in committee today, and the next 10 days dealing with that variation.

I shared those two scenarios just to say that as we start looking at the bipartisanship spirit that we have, the bipartisanship spirit that we have and continue to build on, we have to do it in all economic issues, because we can talk about the war, and the two wars that are going on, it has a lot to do with economics that we are facing or the problems that we are having here in this country as it relates to our own economy because of the debt that we are spending, or that we are paying down on, and it is continuing to build.

It is continuing to build, even though we have spent several hours here on this floor talking about if you are going to spend it, you have got to pay for it. Then we find ourselves in a situation where we are pushed up in a corner of the wall where the American people have to pay for the fact that we are unable to work in a bipartisan way to get the job done in the time we should get it done before it becomes a crisis situation.

So this bipartisanship is just a lot bigger than just a word. You can just say I am bipartisan. It is bigger than that. It has a lot to do with how much we pay for something. It is almost like a plane ticket. I am breaking it down because I want to make sure, because here in Washington we have big, lofty terms and using acronyms. It is like a plane ticket. If you have to buy a plane ticket, and you buy it on the day of travel, you are going to pay more than you would have paid 30 days in advance or 2 weeks in advance or a 7-days-in-advance ticket.

Without bipartisanship, we find ourselves buying the ticket hours before the flight when it is imperative that we get on the flight, when we could have gotten on it cheaper and even probably better seating with a 30-day-in-advance or a 60-day-in-advance.

As we look at this, we have to not only clip, but we have to pay attention. I am asking all the Members to pay attention to it, because we pay more when we fight on these issues that must happen here in this country on behalf of the American people.

Mr. RYAN of Ohio. The point, too, is the decisions that you make, I think, and so articulately explained here, the decisions that you make have long-term ramifications. If you make bad decisions, as we have seen, now, regardless of where you were on the war, what your position was before it started, or when it started or how your vote was, we now have to calculate and figure out $1.3 trillion was spent on this war that we elected to go into that now has been proven time and time again that Saddam Hussein had nothing to do with 9/11. Hussein did not have weapons of mass destruction.

As policymakers, we need to look back and evaluate whether or not this was a good decision; $1.3 trillion at the end of next year, or at the end of this year will have been spent on this war. We look all across our country, and has it helped reduce gas prices? No. Has it helped create stability around the world? No. Did it decrease the number of terrorists around the world? No. It actually increased the number, and every intelligence report from all over the world will tell us that.

We need to understand that as we make these decisions, whether it is on the stimulus package, whether it is on our Tax Code, whether it is on the investments that we are going to make in this country, these are big decisions, because the ramifications are pretty big when you look 5 or 6 years down the line and could be as costly when you get into an elective war as $1.3 trillion.

These are the kinds of decisions that we are making here, and I think it is very important for us to recognize, as we make them, that these have long-term ramifications. The tax cuts, you combine the war and the tax cuts. When our friends were in charge of this body for 6 years, since President Bush was in, and President Bush was President, a Republican-controlled House and Senate, $3 trillion was borrowed from the Chinese, the Japanese, to increase our debt. So our debt went up by $3 trillion. They raised the debt limit five times. So when you combine the Bush tax cuts with the war, some very immature policy decisions were made.

Mr. MEEK of Florida. The bottom line is, you have your back up against the wall, you have to make a decision, you have to do it now.

Mr. RYAN of Ohio. Now.

Mr. MEEK of Florida. You can't wait. You can't throw it off to the side. You can't, say, sling-shot in the end for a win. You can't do any of that kind of stuff. You have to do it in a very responsible way.

Again, if we keep saying it, if I look at the CONGRESSIONAL RECORD tomorrow and see bipartisanship, bipartisanship, and even more bipartisanship, that is fine with me, because it is almost like McDonald's. I mean, I feel like going and getting a number 3 after a football game because I have seen it eight times. I really think I actually like certain things at McDonald's, which I do. You can just look at me and tell.

But I think it's important that we continue to talk about what's happening right now and what the President has to say when he comes and walks down this aisle next week, I believe, when he comes in here to come talk to us about what's going to happen in this economic stimulus package, what's going to happen as it relates to the two wars going on, what's going to happen as it relates to health care. This opportunity that we have now, 10 days of discussion, bipartisanship, he stepped off the plane from the Middle East and had bipartisanship stamped on his lapel saying we have got to get this going. We have to make it happen even though there was a letter that the Speaker and the majority leader wrote him on 1/11 of this month saying, What's the plan? This is what we want to do. We have to stimulate the economy. Let's do it.

We had our economic summit on 12/7 of last year, having deep discussions as Democrats on this very issue. I think it is important, the President comes down. He has to almost give the speech of his life, but guess what? Action has to follow it. This reminds me, Mr. RYAN, I think we were both State senators at this time, when the planes hit the Twin Towers, the plane hit the Pentagon and one went down in Pennsylvania, that spirit that we had then when people were willing and looking for leadership on the issue of how we are going to come back together as Americans and how we are going to pick this country back up. We have this opportunity.

The President has this opportunity to lead. This is his last year in office. We have Republicans and Democrats that have an opportunity to change the opinion of the American people on how we can work together.

So in this last half of this 110th Congress where we are talking about bipartisanship, and I am just saying talking about it, let's show them some real action. We came together on economic stimulus. We came together on this issue of Iraq. This discussion that I am hearing the President, I want to go and have this kind of bilateral discussion and sign a piece of paper and lock our hands on Iraq for years to come, is not bipartisanship. There has to be some discussion in Congress on that.

It is important that as we start looking at Afghanistan and what we are going to do there, I think it is very important that the President can use that in a bipartisan way. So if we are going to make a deal, let's make a deal on bipartisan agreements as we move from this point on. This is the talk of the year that a lot of folks have made New Year's resolutions. I don't know. Maybe the President said, I am willing to be bipartisan, and he talked about it during his original campaign. I am not a divider. I bring people together. I make sure that folks worked together, I mean, united. I mean, that was the word that he used.

I think that if we want to do that, then we are going to have to do it in a way that does an even better job than we did in the first half of the session. We can't paint a clearer picture on how important this is.

In closing, Mr. RYAN, I want to ask you if you would, we still have time, a few minutes, if you would, and our colleagues, you see these ideas, that is how they come, being drafted or being mentioned, or something outside of the bipartisan discussions that have been going on that is here on this chart, and you are not bubbling your great idea to your leadership, and your leadership is not putting it on the table, and I see your leadership, Democrat or Republican, then it is going to derail what the American people want. That is an opportunity to stimulate the economy and stimulate the family economy and to make sure that we can remain strong and prosperous.

Mr. RYAN of Ohio. You mentioned bipartisanship. I think, as we are closing out here and as we had the vote today on the SCHIP bill, that it's important for us to recognize how far away the President is from bipartisanship on some of these issues. Here we have the SCHIP, State Children's Health Insurance bill. This was a program that was started by Newt Gingrich and President Clinton to invest money into the health of poor and middle-class kids. The program was $35 billion over 5 years. It passed this House in a bipartisan way with many, many, many Republican votes, mostly Democratic, but many Republican.

The President vetoed this bill twice. So a bipartisan bill drafted by Newt Gingrich, signed into law by President Clinton is vetoed a couple of times by President Bush. His reason is it costs too much money. It's $35 billion over 5 years.

This is the same President that raised the debt limit five times and ran up $3 trillion in debt and turns around days later and asks for another $200 billion in Iraq, but he doesn't have and doesn't see the sense in the investment of $35 billion over 5 years for kids' health care. So when you hear "bipartisan," you have got to be skeptical.

Now I want to kick it to who we very affectionately refer to as our "mother" here in Congress, STEPHANIE TUBBS JONES, who, I know I saw her on TV at the Presidential debate the other night, Madam Speaker, and I think Mr. MEEK, and you were there too, that it seems like Mrs. JONES may have gotten more TV time than Hillary Clinton got during the Presidential debate.

Mrs. JONES of Ohio. I don't know whether I did or not. I wanted to come to the floor and say how proud I am of my "sons," KENDRICK and TIM. Actually, they are not my sons, but I call them that anyway.

But I come here and look, and I have Anna and Mary who are visiting the House floor today, and these two young women are examples of how important SCHIP could be to the children of America. I am so glad they had a chance to join me with one of my good friends, Robin. We serve on a couple of committees together, and this is what we talk about, bipartisan action on the floor of the House.

Ladies, thank you so much for coming to visit with me. I will take this pink sweater and this red ribbon and I will look gorgeous.

But I am glad to join my colleagues here on the floor of the House as we talk about the economic stimulus, because the people of Ohio need a stimulus. They need jobs, they need health care, and they need jobs that make real money. They need to be saved from these mortgage brokers who have hurt them deeply.

I recognize my "sons," of whom I am so very proud.

Mr. MEEK of Florida. Thank you so very much, Mrs. JONES. Being a member of the Ways and Means Committee, we talk about the economy. I know that we will have a lot to do and say about that, and we talked about a bipartisan spirit. But we have, I think, like 2 more minutes left. But if you want to share anything as it relates to the economy that you would like to share with us, you can.

Mrs. JONES of Ohio. I will recognize each of you. Thank you very much.

Mr. MEEK of Florida. Thank you, Mrs. JONES.

We want to encourage the Members and also anyone who is watching us here on the floor, the 30-Something Democrats at 30somethingdems@mail.house.gov and www.speaker.gov/30something. You said something that I think is very, very important in this debate.

We are not here drinking the tea. I mean, we are not here saying, Oh, let's just all link up together and flowers falling from the ceiling and all and that we are working in a bipartisan way. What we are doing is saying that we are working like the American people would like for us to work on this very important issue. We are hoping that the President continues to do what he is doing as it relates to talking to Democratic leaders and real-time, Democratic leaders speaking with the President, Republican and Democratic leaders in the Congress continuing to work together in real-time, meeting day after day, morning and evening, so that we can put together a work product so that we can all work for it and get it out to the American people.

Mr. RYAN of Ohio. I think you have done a great job today, Mr. MEEK, and I just want to say how proud I am to come down here with you and make these points and listen to you break down the issues of the day where you are putting the cookie on the bottom shelf.

□ 1630

Mr. MEEK of Florida. Mr. RYAN, days like this you just have to plow through it.

With that, Madam Speaker, it has been an honor to address the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. SHEA-PORTER). All Members are reminded that it is not order to refer to persons on the floor of the House as guests of the House.

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the ordering of a 5-minute Special Order in favor of the gentleman from Texas (Mr. POE) is vacated.

There was no objection.

BORDER WARS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. POE) is recognized for 60 minutes as the designee of the minority leader.

Mr. POE. Madam Speaker, I come to you today to discuss what is going on internationally with our country. You know, this country is at war in Iraq. We have been for a number of years. This country is at war in Afghanistan, and we have been for a number of years.

While the news from the front is encouraging, both of those wars are not over with yet. And it is interesting to me that even though we are sending our troops, our young men and women, the finest America has to offer, halfway around the globe to protect the dignity of other countries, it concerns me that we fail to protect the security of our own Nation on the southern border of the United States.

Because, Madam Speaker, there is a border war going on in the United States on our southern border. Unfortunately, too many people, especially here in Washington, DC are blissfully ignorant of what is taking place on the southern border. You see we have two international borders. We have one with Mexico and we have one with Canada. The number one duty of government is to protect the people, to protect America from all incursions, all invasions.

So we send our troops halfway around the world to protect the interest of the United States in Iraq, protect the interest of the United States in Afghanistan, and I agree with what we are doing in Afghanistan and Iraq. But we also need to be concerned about what is taking place closer to our homeland, and that is the border wars that are taking place.

Why I say that is I have been down, while I have been in Congress these 3½ years, I have been down to the Texas-Mexico border now 13 times. I have also been to the border between California and Mexico.

Madam Speaker, each time I go to the border I see more evidence that we are not winning the border war, that it is more difficult, it is harder on our troops down there, the sheriffs, the border agents. It is harder on the people who live on the border between the United States and Mexico. Many ranchers and people who live along the Rio Grande River on the American side have bars on their windows because they are afraid of people who come across from the southern part of the United States committing crimes.

Madam Speaker, I want to make it clear I am not talking about everyone that comes to the United States is here to commit a crime. I am not saying that. I am saying when we fail to enforce the rule of law, that being you don't come to America without permission, that we get everybody. We get the good, we get the bad, and we get the ugly. Right now, Madam Speaker, we are getting a lot of bad and we are getting a lot of ugly.

Let me give one example of those people who come in and flaunt the law of the United States that you don't come here without permission. I have here a night shot taken, and I am not sure that it can be seen, but I will hold it up anyway. This top photograph is a night scene of the bottom photograph. This is a photograph on the bottom of the Rio Grande River near Laredo, Texas. Across the river is Mexico. This is the nighttime version of that.

What we see here is a raft with several individuals coming to America without permission. They are all dressed in black uniforms. You notice the guy in the front has an AK-47. That is an automatic weapon made in China. You also see, Madam Speaker, that behind each of these individuals coming in the raft are duffle bags. In those duffle bags are presumably drugs, narcotics, cocaine or heroin or both.

These individuals are foreign nationals. What happened was these individuals were Guatemalan soldiers trained in the United States. Once they went back home, they started working for the drug cartels that paid them a whole lot more money than being Guatemalan soldiers. They switched sides, and now they smuggle drugs into the United States on behalf of the drug cartels. The individuals, you know, are the bad, and they are the ugly. The reason is the border is not secure. If the border was secure, these outlaws wouldn't be coming over here without permission.

That is just one example of what is taking place on the southern border of the United States.

Madam Speaker, there are three, some argue four major drug cartels in Mexico that bring that cancer into the United States and sell it. Right now those drug cartels work with the coyotes. We call those people "coyotes" because they, for money, smuggle people into the United States. And the drug cartels and the coyotes now work together smuggling drugs and people sometimes in the same load.

In other words, when our Border Patrol stops a vehicle sneaking into the United States, they will find not only illegals, but they will find drugs as well because it is a highly lucrative business to do both of those things, smuggle in the name of that filthy lucre; we call it money.

I would like to talk this evening about some basic things that are taking place on the border, that silent forgotten border war that is taking place in America.

There are several places in the United States that border Mexico and border Canada that we call legal ports of entry. Those legal ports of entry are where people come to the United States the right way, the legal way, the way they are supposed to come into the United States.

Now if you are from Mexico or Canada or the Caribbean islands, you get a break in coming to the United States that other foreign nationals don't have. If you are from Brazil or Chile or Guatemala or Germany, the only way you come to the United States legally is with a passport. We have all seen passports. That is the universal, worldwide document of legal entry into another country.

But if you are from Mexico, Canada or the Caribbean island, you can come in using almost any type of document. There are now about 8,000 different documents that those people from those countries can use to get into the United States, including everything from a baptismal certificate to some type of other document like a passport.

So when these people come to the border, let's say Laredo, and they are lined up to come into the United States, the border agent that is standing on the international border letting people in sometimes doesn't even check the documents. How do you know that? Because I saw it when I was down there. They look into the car, they make sure that the people or they ask a few questions, and they let those people come into the United States. Sometimes they look at paperwork. Sometimes they don't. But they come into the United States presumably lawfully.

But the problem is, Madam Speaker, we do not record who comes into America. Assume everybody in this vehicle is coming into the United States the right way. They have legal documents. They have a visa to come in. The United States Government doesn't record who those people are. We just let them pass on through. We have been doing that for years. So the port of entry is an area where we first need to beef up security because if the person in that vehicle or a pedestrian walking across the border can convince a border agent that they can lawfully come into the country, they are waved on by in many cases; not in every case, but in many cases.

When I was in Laredo, Texas, at the lawful port of entry, the border agents there, the agents at the border, were very concerned about talking to me in private because, you see, their supervisor followed me around while I was there and they didn't want to talk to me with that person observing.

But one of those persons at the legal port of entry told me something very interesting. He told me that we have been told that we are a port of entry, not a port of denial; and when in doubt, we let them in because that is the policy we have been given. It looked to me like that was the policy.

So, Madam Speaker, the first thing we do is the basics: We secure the legal ports of entry, and not by allowing one of 8,000 documents to come into the United States, but we need to follow the 9/11 Commission that recommended that anybody entering America should have a passport. But yet here we are in 2008, almost 6½ years since 9/11, and yet we still don't use that universal document of a passport to require entry into this country.

My question is: Why not? And the reason is because of political pressure, political agendas by people here in the United States and abroad to prevent that from happening.

So let's assume that people have to use a passport and that passport that we have now has all types of electronic coding barcodes in it. And when those people come across in that vehicle, rather than just look in the car or examine a few documents that may or may not be forgeries, everybody's passport could be taken, you scan it across the scanner, the border agent at the border automatically sees on the screen whether anybody has a criminal record, gets their real name, we record who comes into the United States, and therefore we have a permanent record of those individuals. And he then returns the passport. That is the simplest, the most secure way to ensure that people are not fraudulently walking through the ports of entry and trying to get into the United States.

Madam Speaker, if I send a package somewhere in the world, let's say I send it to Russia and I send it by Federal Express, like in the movie with Tom Hanks, and it goes to Russia, well, you can actually use on the Internet, I can since I am sending the package, whether it's UPS or Federal Express, I can track where my package is going. I can see where it is going because every time it makes a stop, it is recorded. It is tracked all the way to Russia, and I can find out when it gets there.

Now if we are smart enough to devise a system like that to track packages, why don't we track people who come into the United States when they have permission to come here? I don't know. We just don't do it.

So, Madam Speaker, I recommend that we follow the 9/11 Commission and require every person who enters the United States, or leaves the United States, to have a passport. When I say leave it, when those individuals come here lawfully, we now know that 50 percent, almost 60 percent of people legally coming to the United States, they never go home. They just stay. The reason they stay is because who would want to leave America? More importantly, they know that the odds of them being tracked down, so to speak, and told to go home are almost none. I will get to that in a minute.

So you have a passport. Let's say this person is a guest worker. We hear we need more guest workers and we don't have guest workers. Madam Speaker, we bring in 1.2 million guest workers a year to work in this country. So we have guest workers. Whether we need more or not is another issue, but we do have guest workers. But when a guest worker comes in, make them have the passport and then make them have a bona fide visa that we can also stand. Right now when an individual shows up for a job the way the employer checks the legality of an individual is calling on the telephone a 1–800 number to the Social Security Administration to make sure that this guy has a Social Security number. That is ridiculous.

Social Security numbers were never meant to be an identification system. Social Security was set up so some of us, hopefully some of us, will be able some day to get some type of retirement. It has nothing to do with security and identification of people coming into the country. So we shouldn't use that system.

The employer should have the bona fide visa hard copy and able to keep it until that 6 or 8 months is over for that guest worker, and then that person needs to go back home. They have it recorded who the legal immigrant is working for. That is the fairest way, the simplest way, but we don't do that.

Now the Federal Government is talking about using another type of identification for people coming into the United States from Canada and Mexico.

□ 1645

Why do we do that? Why don't we just require everybody to have a passport? It makes no sense to me.

Madam Speaker, the second problem we have is that the Immigration and Customs Enforcement Administration, good folks, but there's not enough of them. They're understaffed and they're underfunded. They enforce the law once the immigrant, legal immigrant has come into the United States past the 25-mile rule. What I'm saying is this: On the border of Canada and the United States, Mexico and the United States, Border Patrol patrols the first 25 miles trying to capture people who are coming here illegally. After that 25 miles, ICE, as it's called, Immigration and Customs Enforcement, patrols the rest of America trying to capture people that came through the net, broke through the net. And they are enforcing the immigration laws. And there's not enough of them because there's way too many immigrants that have been here for years and have never been confronted about being in the United States illegally, or legally, for that matter, if they're an overstay. So the interior enforcement needs to be restructured. We need to have more enforcement officers enforcing the rule of law, because that is important for this country.

Madam Speaker, of course the people on the other side of the border that make money off of importation of drugs and people, they know all the rules and they know what's going on over here. So what happens is when, let's say, a person contracts with a coyote to come into the United States, they pay several hundred, several thousand dollars to this coyote and the coyote brings them in 30 miles to the United States. The contract is to get them past the Border Patrol. Once you're by the Border Patrol, we'll let you out of the vehicle, you pay us money and you're home free; nobody'll ever catch you. So the other side understands the rules and understands what's happening. So ICE, good folks, I know a lot of them, they just need more help in interior enforcement of the United States.

Madam Speaker, I want to mention a little heresy now, because, you see, the reason people come to the United States, many of them, is to work. Some of them come legally, but a lot of them come illegally to work. And it is the law, and has been for years, that if a business knowingly hires a person illegally in the country, then that business can be prosecuted. Now, we don't read about, in the papers, too much about businesses being prosecuted for hiring illegals. Of the thousands and thousands and thousands of businesses in the United States, you know there are several that are hiring illegals, and they know it. But not very often does one of them make the newspaper. We read about everything else, but we don't hear about that. Why not? Because maybe they aren't being prosecuted. So, if the business owner knowingly hires an illegal, then that business owner needs to be prosecuted. And when illegals that are working here don't have the opportunity to work, they'll go back where they came from. They will, because many of them are working here on the cash economy, which means that they are being paid plantation wages, in some cases, not all cases. They're being paid in cash. The employer's dealing in cash because, you see, then nobody pays taxes. Nobody pays the Social Security. Nobody pays to health care, including the business owner. And they're able, that way, to drive the economy down.

You know, we hear this about, Oh, they help the economy. That is a farce, and I'll talk about that in a minute.

I'll give you an example of how that works, Madam Speaker. I represent southeast Texas. I border Louisiana and northern Houston, and I have a business owner in one of my towns that legally hires legal immigrants to work in his carpet business. And he verifies, he goes through all the procedure to make sure that the dozen or so folks working in his carpet business are legally in the country as guest workers. Good for him.

But there's a guy down the street that's also in the carpet business, carpet laying business, tough work, and that person hires illegals. And he pays his illegals less money. And because he pays them less money, he can do the same job cheaper. And so what he's doing is forcing the business owner who does the right thing, hiring foreigners on a legal basis who come to the United States, he's forced him out of business. And the same is true of businesses that hire Americans, because the cheap plantation labor that is being furnished by people who are unscrupulous businessmen is driving the economy down. But they're making money out of it, and so they need to be prosecuted. I know that's heresy, but we need to go after them and prosecute them because it's been the law for a long time.

Madam Speaker, we hear about, well, we need illegals in the country to help the economy. If our economy is based upon illegal workers, then there's something wrong with our economy. But be that as it may, we hear that, well, illegals help the economy. And then we hear on the other extreme, no, they don't. They're a tremendous drain on our economy.

What is the truth? Well, a study was done by the Heritage Foundation, and they discovered that a head of household that's illegally in the country and has a household contributes in taxes approximately, or to the system, about $10,000 a year. But they also found that that head of household with illegals takes from the system, the government, the Federal Government, State government, local government, about $30,000 a year in benefits, whether it's health care, education, welfare, it takes about 30,000. So yes, they do contribute some to the tax base, but they take far more than they contribute to our economy. And so we need to understand that truism.

Madam Speaker, we also have the problem of cities in the United States that flaunt the fact that they are sanctuary cities. What a sanctuary city is is a city, whether negligently or on purpose, allows illegals to live in the city and makes sure that they're never prosecuted. Cities that are sanctuary cities, that harbor illegals, regardless of who those illegals are, whether they're overstays or anybody else, are in violation of Federal law. Those sanctuary cities, in my opinion, should lose Federal aid because the Federal Government, the taxpayers of the United States should not be funding and sending money to cities that allow illegals to stay there without the fear of being prosecuted or deported or sent back home. And it's important that the rule of law be enforced. But we won't go after sanctuary cities as a body. We haven't done that yet. We need to have the will to be able to do that. If cities want to have those sanctuary policies in their homes or in their States, then they shouldn't receive taxpayer money.

Also, we should be able to use local law enforcement agents, not to do the job of ICE, but to help ICE. And there's a program Congress established. It's called the 287(g) program. What that means is this: That there is money available for training and for funding of local law enforcement agents, that when they encounter an illegal that has committed maybe a crime and that person is arrested for drunk driving, let's say, that they can do an immigration background check and see whether that person's legally in the United States or not and then hold them for ICE to be deported later. They can work in cooperation with ICE, not go out and arrest folks at work sites, but people that come into their possession because they've committed some other crime. Because, you see, sanctuary cities in many cases won't allow the police officers to even ask the person they arrested, Where are you from? Can't even get that basic identification.

So the 287(g) program is a good program. It would allow local law enforcement agencies to help in the cause of protecting the dignity of the United States, when necessary, after they're trained and trained by ICE to, when they arrest someone, if that person's illegally in the country, they can pass that information on to ICE as well.

Madam Speaker, I've talked a lot about those people who come here legally. I mentioned a little bit about people who've come here illegally, and I think we need to separate the two and make sure that we understand that there is a difference between those who come the right way and those who come the wrong way.

I've been to those immigration ceremonies where people wanted to not just come here to work but wanted to come here to be Americans, stood there, Federal judge, gave them the oath to be a citizen of the United States, how their families were there, how they're teary eyed and proud of the fact that they are now Americans. Wonderful, wonderful events for those people who come here the right way, especially those who want to be citizens.

And we've got troops in Iraq and Afghanistan who legally came to the United States but they're not American citizens. And they've gone to Iraq and Afghanistan and are fighting those wars over there in the hope that that will help them become citizens later, and it will help them become citizens if they fight for the United States, and they're not even citizens. Wonderful, wonderful people, those citizens who have become naturalized.

But we have a problem with those folks who are not coming here the right way. And everyone that comes here illegally has always got a reason why they won't do it the right way.

But I'd like to move on, Madam Speaker, and mention a problem that we have currently with the Border Patrol. The Border Patrol, Madam Speaker, are those wonderful men and women that patrol the border, northern border, the southern border, great people. And I have met so many of them, and they do the best that we will let them do in enforcing the border. But because Homeland Security, in my opinion, has drawn up the rules of engagement, they tie the hands of the Border Patrol on what they can do to enforce the rule of law.

Now, we've got to remember, that the bad guys that are coming into the United States, especially drug dealers, coyotes, they know what the Border Patrol policies are and they flaunt them to their benefit. And so what happens is, in many cases, our Federal Government, when the Border Patrol is down there fighting for the dignity of the United States trying to prevent, let's say, drug dealers from coming into the country, they get in a confrontation with a drug dealer, our government doesn't back them.

The best example, of course, is Ramos and Compean, two border agents who now have spent a year in Federal custody. They got 11- and 12-year sentences because they had a confrontation with a drug dealer down on the Texas-Mexico border at the town of Fabens, Texas, and had a confrontation with him. They shot him. They didn't know they'd shot him. He disappears into Mexico. They believe that he had a weapon. The United States Federal Government finds the drug dealer bringing in $750,000 worth of drugs into our country, finds him, says to him, Oh, we're going to give you immunity. We're not going to prosecute you for being a drug smuggler into the United States. All you've got to do is come back to America and testify against the two border agents on a civil rights violation because, you see, they shot at you. They actually hit you, and so we want to prosecute them, says our Federal Government. And our Federal Government spent thousands and thousands of dollars prosecuting those two border agents, and they were convicted. They were sent off to prison.

But what the jury in that trial didn't know was when this star witness, the backroom deal witness that the Federal Government made a deal with, you know, made a deal with the devil, to testify against these two border agents, while he's waiting to testify, he slips back into Mexico and brings another load of drugs into the United States, and the jury never heard about that second encounter.

Now, Madam Speaker, if you're a juror in a case, and I used to be a judge, and, you know, I never thought using these kind of witnesses helped to find the truth in a case. And this is a perfect example. If you were a juror in the case and the whole Federal Government's case is based upon the testimony of a drug dealer saying that he didn't have a weapon and that these two border agents shot at him anyway, wouldn't you want to know that while he's waiting around to testify he's bringing more drugs into the United States, flaunting the immunity agreement that our government gave him? Sure, you'd want to know and then judge his credibility.

Well, it turns out that was kept from the jury by the prosecutors. That case is on appeal. The fifth circuit heard it last year, and hopefully they'll reverse the case and order a new trial and let the next jury hear the whole truth. But you see, it's incidents like that which tells the Border Patrol agents don't get in a confrontation down there on the Texas-Mexico border, because if you do, our government won't back you; they're going to back the bad guy, the drug dealer.

Another example, David Sipe, another Border Patrol agent. Several years ago, I think it was the year 2000, almost the same situation. He gets in a fight with a coyote, human smuggler, bringing people into the United States in the Rio Grande riverbed. And he has a fight with this coyote and he wins the fight. You know, we'd think we'd want our border agents to win the fight, but yet he's prosecuted for violating the civil rights of the human smuggler, and he's tried and he's convicted. And what we learn in that case was the prosecution hid evidence in this case as well. The U.S. Attorney's Office hid evidence in that case as well about the fact of all the advantages and deals they gave to the coyote if he testified. See, the jury didn't know about all the things that he was given, about the $80,000 he was given.

Now, he bought a ranch down in Mexico with that $80,000 of U.S. money. About the cell phones, about the green cards coming back and forth. And so the Federal judge found out that the U.S. Attorney's Office hid that information from the jury, ordered a new trial. The second trial the jury heard all the truth. The jury found David Sipe not guilty. He's the second one.

☐ 1700

More recently, Gilmer Hernandez, now get this one. It's almost as bizarre as the other two. Gilmer Hernandez is a deputy sheriff down in Rock Springs, Texas, not a very big place, and a vehicle is coming through at night, lights off, runs the stop sign. Gilmer Hernandez is on patrol by himself. You see, we don't have the money to have two deputies in a car.

He stops the vehicle. As he's approaching the vehicle, the driver turns the vehicle around, tries to run over Deputy Hernandez. Deputy Hernandez pulls out his pistol, perfect great shot. He starts shooting at the vehicle, the tires, just like in the movies. He's shooting at the tires, and he knocks out two of the tires as the vehicle goes by.

But what happened was, one of those bullets ricocheted on one of the people in the vehicle. There were nine illegals, plus the driver which I assume was the coyote, and they take off running. Deputy Hernandez was prosecuted for a civil rights violation because the U.S. Attorney's office said he shouldn't have fired his gun at the vehicle as it went by. He protected himself in self-defense, in my opinion. Deputy Hernandez just now got out of Federal penitentiary, and he's back home in Rock Springs, Texas.

It's cases like that which tell the border agents, be careful, don't get in a confrontation because if you do your government's not going to back you.

Now, I give you those three examples, Madam Speaker, because of the most recent example, the tragic example of Luis Aguilar. Luis Aguilar was a border patrol agent from El Paso, Texas, on duty in Tucson, Arizona, last week. Two vehicles speed across the United States border with Mexico, presumably drug dealers, come into the United States, border patrol sees them, tries to apprehend them by blocking their path, they turn around, they start heading back to Mexico.

Luis Aguilar, after getting permission with his supervisors, throws out what are called spikes, tire spikes, in front of one of the vehicles. The vehicle runs over this, tires blow out, and you're able to capture the bad guys. So he throws the spikes out in front of a Humvee, apparently stolen in the United States. You see, drug dealers are using real fancy vehicles stolen in the United States in many cases, and so he throws the spikes out but the Humvee doesn't stop. He heads for Border Patrol Agent Aguilar and, at a speed of 55 miles an hour, hits Border Agent Aguilar and killed him and then disappeared back into Mexico, that being the Humvee. He was 32, married, had two kids.

But you see if he would have done what Deputy Hernandez did and pulled out his gun and tried to shoot out the tires, you know, where would our Federal Government be? We don't know, but we do know that Border Agent Aguilar was killed in the line of duty protecting the dignity of the border, and I say that to say this, Madam Speaker.

Here's a chart. It's pretty simple. Assaults on border agents in 2005, there were 384. That's about one a day. 2006, doubled, 750, two a day. And last year in 2007, 987 assaults on border agents, three a day. That's what's happening to our border agents.

And have you read about any of this in our American press, about the assaults that are taking place against our border agents who are protecting the war zone down there on the Texas-Mexico border? You don't hear much about it, but you sure hear about it when some drug dealer gets shot by a border patrol agent. That ought not to be.

So, Madam Speaker, that's part of the problem is that we don't give the border patrol the right rules of engagement. We need to support them. We need to make the rules of engaging, especially drug dealers and coyotes different, so that they know our government supports them and act within the law to make sure they're able to stop those people who illegally come into the United States.

Madam Speaker, one of the many places I've been is Hudspeth County. I'm sure most Americans never heard of that except folks down there in Hudspeth County. This is a drawing of it. El Paso County is to the West, and then there's Hudspeth County right here. It's a county about the size of Delaware. It has 12 deputy sheriffs patrolling this whole county the size of Delaware, and it's a great place for drug dealers to sneak into the United States and human coyotes because they're only 20 miles from Interstate 10.

There have been reports that the Mexican military has actually helped drug dealers smuggle drugs into the United States. You don't hear much about that in the national media.

But I want to tell you specifically about one incident I saw when the sheriff of Hudspeth County took me down to the Rio Grande River. We're driving down to the Rio Grande River on a dirt road. The river's to our south, and we come upon this. This is a bridge. It's a foot bridge. You don't drive back and forth across it, and it's out in the middle of no place, and there are three of these that connect Mexico to Hudspeth County, Texas, and of course, that bridge serves one purpose. It allows people to come into America without permission.

And I was just stunned to see this and the other bridges, and they've apparently been there for a long time. I don't know why we just don't tear it down, you know. Are we going to offend somebody if we tear this bridge down? At least go halfway. Half of it's ours, but it's things like this that make the work of our border patrol so difficult when we have these absurd bridges down in at least parts of Texas that border the United States and Mexico and allow people to come across.

Let me mention some other problems that we have. When Vicente Fox, and I call him Generalissimo Fox, was President of Mexico, he instigated a plan that would help illegals, not legals, come to the United States. What happened is the Mexican government produced comic book-types of pamphlets that were given to the migrants that were coming into the United States. Here are a few pages from the Guide for the Mexican Migrant. That's what it says on the outside of this pamphlet.

And here you see what to do, shows you where to cross, what to do when you're confronted by a border patrol, what to say and not to say. But anyway, it's all helping migrants come into the United States illegally, including giving them maps on where they can go and the best places to cross. So I doubt, in my opinion, if we're getting the right kind of cooperation from the Mexican government.

The Mexican economic policy seems to be go to America and send your money back to Mexico because that's what's happening. You know, people that are working in the United States from Mexico, send about $20 billion a year, that's billion with a B, back to Mexico. Other countries in Central America and South America, it's about $10 billion. It is about $30 billion a year of American economic stimulus is going to Mexico and to other countries in the Americas. So that is the apparently economic plan of Mexico.

I don't understand why Mexico, with all of its natural resources, doesn't develop those rather than expecting individuals to come to the United States and send their money back home.

You know, also speaking about Mexico, Mexico every once in a while kind of takes the position that we're being too hard on protecting our borders, but yet that's the same government that protects its southern border from other Central American countries where those illegals who want to come into Mexico, either to stay and work or come into the United States. Somewhat hypocritical to me, in my opinion.

We have gone so far that in this country if you are illegally in the country you can get what is called a Mexican matricula card. What is that? That is a document that is produced by Mexico as identification for Mexican nationals that are illegally in the United States. Now, somebody sent me one of these. Here is one. It's obviously not authentic even though it looks like it was from the consulate's office in Indianapolis. That's my photograph. Somebody took it off the Internet and just put my photograph on it and just made a Mexican matricula card.

Now that's what Mexican nationals, especially illegals, use to do banking, credit cards, to set up any type of financial transaction. They use these matricula cards. So we give illegals in this country identification cards from their home country. Doesn't make a whole lot of sense to me.

The next thing I'd like to mention is that in many cases when people are actually captured by the border patrol they're not immediately sent back where they came from, whether it's from Mexico or from China or wherever. Because of the overwhelming numbers, we don't have the facilities to detain individuals. So, if you are a Mexican national, you're usually sent back home. That doesn't prevent you from coming right back across the river the same way you got here. But they're sent back, and I'm talking about Mexican nationals that are illegally in the country. They have to come back and forth and be caught numerous times before our government finally says now we're going to prosecute you for criminally entering the United States. Most of the time they're just sent back home.

If you are not a Mexican national, what happens is because we don't have places to detain people that are captured by border patrol, sheriff's department, whoever, and then they are released on their word to come back to court for their deportation hearing. I probably need to repeat that again because I want to make sure that it is clear. So if you're not from Mexico but you're from some other place and you illegally come into the United States and you are captured, you're taken before an immigration judge, and on your oath and word you promise to appear in 6 months for your deportation hearing, and you are given a piece of paper, a get-out-of-jail-free card, which allows you to roam around for 6 months before you have to show back up because the courts are overwhelmed.

Did you know something, Madam Speaker? Most of those people never show back up for their deportation hearing. They just stay in the United States, and we hear from Homeland Security that that policy has ended. I'm not so sure that it is, because when I go down to the border, and I talk to the people, the boots on the ground, they say, no, we are still doing that in many places. We let them go because we don't have places to detain them.

When I was down on the Texas-Mexico border in one episode, we were driving down, middle of the night, 2 o'clock in the morning. Those Texas sheriffs are hard to keep up with. They stay up all the time, but anyway, we're driving down a road near the border and we see two people waiving at us. The sheriff stopped, found out these two people were from, I believe it was Costa Rica, and they wanted to be arrested so they could get their get-out-of-jail-free card so they could go on about their way. Interesting. They know the rules and what we don't do in this country to enforce our law in other countries. So it makes it very difficult to do what is necessary to enforce the rule of law.

Madam Speaker, we have this problem. We have individuals, legal and illegal, from foreign countries come into the United States and they commit felonies. I'm talking about serious crimes, in violation of the Federal law. They are caught. They are captured, they are tried, they are convicted, and they're sent to prison.

While they're in prison, our system works very well. ICE files deportation proceedings. They take place. An immigration judge orders the person deported as soon as they get out of the penitentiary. But what happens is when they finish their sentence, their home country won't take them back. They don't want them. They're criminals, and so because of our law, we can't indefinitely keep the person in custody. They've already served out their sentence for violating American law for a felony like robbery. So they're released within 6 months, as it should be. The Supreme Court has said that. I agree with that rule. We can't detain them, but their country won't take them back.

Now, there are nine main countries that do that, and it may not surprise us that the number one culprit is that country that makes, you know, toys with lead in it and sends it to the United States, China. China doesn't take them back. They use all kinds of diplomatic excuses why they don't take them, but the bottom line is they don't take them back. Vietnam is another one that doesn't take them back. India. There's a total of eight countries that won't take them back.

□ 1715

Now, it would seem to me if a country won't take back their lawfully deported felons, that country shouldn't get legal visas for other citizens to legally come here. It seems like that ought to be the law: You won't take back your deported ones, your citizens can't come here legally. That's what the law ought to be. Well, Madam Speaker, that is the law. However, the State Department chooses not to do that, especially with China, and I have the letter that they sent me. They choose not to do that with China because of the ongoing trade negotiations with the Chinese Government.

Madam Speaker, if a person commits a felony in this country and they're ordered deported to go back home, they ought to go back home. If that country doesn't take them, they ought to lose the right to have legal visas in this country, and they ought to lose foreign aid if we give foreign aid to those countries; otherwise, we will have a continuing number of these felons running loose in America. How many are we talking about? My understanding is that right now it's 165,000 people lawfully deported for committing felonies and haven't been taken back home by their home country. It's amazing what we don't do in this country.

We also have the problem, of course, in the area of how much it costs. And I'm going to try to go through these as fast as I can, Madam Speaker. Before I get to the costs, I want to talk about this issue of birthright citizenship. Most Americans, if you ask them the question, if you're born in the United States, are you a citizen, 100 percent of them are going to say, sure, you're a citizen if you're born here. But is that the law? And I'll read where this comes from. And when in doubt, we probably ought to just look at the Constitution. And I know most Members of the House on both sides carry a pocket Constitution like this, as I do, in their pockets. I want to read to you the 14th amendment, just portions of it.

Section 1, 14th amendment of the United States: "All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside." That phrase that we don't ever talk about is "all persons that are subject to the jurisdiction thereof." In other words, you've got to be subject to the jurisdiction of the United States if you're born here. And people who sneak into the country with the whole premise of having a child are not subject to the jurisdiction of the United States. That would be my argument as a former prosecutor and as a judge, looking at it from a constitutional point of view.

Just because you're born here doesn't make you a citizen under the Constitution. But it's our policy in this country to allow you to be a citizen. We just accept that. But that's not what the Constitution says. So, maybe in the interest of America we ought to revisit that, especially those people and those cases that fraudulently enter the country on the premise to have a child born here. Once that child is born here, then the child, because we say that child is an American citizen, then we don't deport the child, but we let the mother stay and then we allow the whole extended family to come over here and stay into the country. And this is happening at an epidemic proportion in the United States. It seems to me that we need a case before the Supreme Court and let them decide down the street whether or not, just because you're born here, does that make you a citizen? I would argue it doesn't because they're not subject to the jurisdiction of the country when they fraudulently came in here. They're subject to the jurisdiction of the country that they came from.

Also, we have a tremendous cost in the area of education, Madam Speaker. Last year, Texas spent $4 billion educating people illegally in the United States. We talk about education costs. We've talked about it. We're going to talk about it some more. We don't hear too much talk about the people that are in the system that are here illegally in the country. Nationwide, it's about $30 billion a year. And it's unfortunate that we won't deal with the reality of it. We educate everybody in the country. All you've got to do is just show up and you're educated at somebody else's expense.

Now, I don't think other countries do that. Let's say, Madam Speaker, that I went to France, and I snuck into France and I take my four kids with me. And I get into France and I tell the Education Minister of France, Educate me. Educate my kids. Educate them in English because none of us speak French. What do you think would happen to me? Well, my kids and myself and my family, we would be sent back to Texas, and rightfully so. And most countries in the world do that, but not the United States.

Let's deal with the issue of the cost of people in the system that are illegally in the country and figure out the most humane, ethical and financially beneficial way to deal with it. But one way not to deal with it is what we're doing now is allowing people that are illegally in the country to go to our universities and pay in-state tuition.

That makes no sense. And Texas, unfortunately, is one of these States. You see, if you are illegally in the country, you can go to the University of Texas and pay in-state tuition. But if you're from Oklahoma, God bless you, or you're from Germany and you want to go to the University of Texas, you pay out-of-state tuition because you ain't from around here. But if you're illegally in the country, we allow you to go to the University of Texas and pay in-state tuition.

So, we benefit people illegally in the country over American citizens and foreign nationals who are coming here the right way. It makes no sense to me. And with the high cost of education, and as a parent, and most parents who have to pay for this education, it doesn't seem fair to me that we penalize American citizens and legal foreign nationals who want to go to our universities. So, education is one of those.

Health care costs is another one. I've discussed that. I don't have time to talk about Parkland Hospital in Dallas where most of the babies that are born there every year are born to mothers that are illegally in the country. There is a whole network of individuals, pregnant mothers from south of the Texas border, and I don't just include Mexico, but there is a whole network, work your way up to Dallas, wait your turn, go to Parkland Hospital and have your baby, and your baby is now an American citizen. We have to deal with that. And of course the health care cost is being paid by somebody.

We've talked a lot about health care and expenses and how Americans can't afford it, and that's true. You know, middle-class America, people making up to $100,000, $80,000, they can't afford health care costs. They can't afford to pay for the insurance. But if you're illegally in the country, of course, all you've got to do is show up at the emergency room, the most expensive health care, and somebody else pays for it. And that's people that are paying taxes, legal immigrants and U.S. citizens. So, health care costs are being driven up by people who are here illegally.

The criminal justice system. I mentioned I was a judge down to Houston forever, 22 years. And on any given day they tell me over in the sheriff's department that about 20 percent of the people in jail waiting to be tried, waiting for their felony trials, that's what I tried was felonies, are people from other countries, most of them illegally in the United States.

The prison system, State, Federal, local, is all being driven up in cost by criminals that are over here. Not everybody is a criminal of course, but some of them do come over here and commit crime. And it's important that we have to deal with that issue and the cost as well.

Madam Speaker, the GAO did a study on our borders, and here is what they did. They got some of their people to drive back and forth across the American border with Canada and Mexico, and they wanted to see if they could get into the United States illegally. And they did. They used fake documents that they had manufactured, just like other people do. And what they were bringing in was radioactive material that went undetected when they kept crossing back and forth the border between the United States and Canada and the border with Mexico. And I give you that example because, in the big scheme of things, open borders is an invitation for terrorists who want to do us harm. The next terrorist attack that happens in this country is not going to be because somebody lands over here at Reagan National Airport, gets off the plane and says, I wonder what damage I can do to America. It's not going to happen that way. They're going to probably just come across the border because it's easier to do that. And we should be very concerned about that issue because, you see, open borders, you get the good, you get the bad, and you get the ugly. And those terrorists are certainly bad and ugly.

So, Madam Speaker, we need the moral will, as a country, to enforce the rule of law. All those different groups that have a political agenda, or some other agenda rather than national security, have an influence over our national security issue. And maybe we need to deal with what is best for America. And we start with the basics. We secure the border and you make sure that people who come here come here the right way. We streamline the Immigration Service so people don't have to wait so long before they come here, whether they want to be a citizen or whether they want to work or whether they want to be a student. That's a whole other issue, the Immigration Service. But streamline that. Make it efficient. Make sure that we use documents, such as a passport, to come into the United States.

We protect the borders of other nations, Madam Speaker. We protect the border of Korea. We're over there protecting the border in Iraq. We protect the borders of other nations better than we protect our own border. Third World countries protect their borders greater than the greatest power that has ever existed protects its borders. Why? It's because we don't have the will to do it. We do a lot of talking about it, but we don't do much about it.

As I mentioned, I've been down to the Texas-Mexico border 13 times. Every time I go down there, it gets worse. A sheriff in one of the counties told me, I said, What's it like down here? He said, After dark it gets western. I said, What do you mean by that? He said, It gets western. It's violent. And while we were down there, we heard gunshots coming from the other side of the border. It's a serious situation, and Americans need to realize it. And I invite every Member of Congress to go down to the border and see what it's like. Because if we're going to make rules about immigration reform and border security and national security, we need to see what the war zone is like to make those decisions. And I invite them all to go down there. Go with me, because I'm going back.

So, we need to prosecute businesses that knowingly hire illegals. They shouldn't get a pass because they own the business. We go after the worker that's over here and try to deport them. That's the wrong method. The method ought to be, go after the business, because if the business owner doesn't hire illegals, that person doesn't have a place to work and they'll go home. Oklahoma has already proven that with their State law.

We need to put America first. And Madam Speaker, we cannot continue to be blissfully ignorant of the truth on the border. This is a great country, a country, as we hear, that is made up of mostly immigrants, people who came here the right way at some point in time. And we want to continue to be a Nation of immigrants. But the rule of law needs to be followed. It has to be followed. And we need to enforce the security of our Nation rather than continue to talk about it.

It reminds me of what my grandfather used to say. He said, "When all is said and done, more is said than done." And that's true. We need to do whatever is necessary within the law. I, for one, believe that we ought to put the National Guard on the border; that would stop it. When the military is on the border, our military is on the Korean border, you don't cross that Korean border without the permission of the United States. Protecting somebody else's border, again.

Madam Speaker, it seems to me that open borders invites everyone to come in and invade the United States, and it's time that our country deal with this reality while we're dealing with the war in Iraq, while we're dealing with the war in Afghanistan, while we protect the borders of other nations. Let's deal with the issues of the border security of our own country, the border security on the southern border and the border security on our northern border. We will be a better country for it and a safer country for it.

And Madam Speaker, that's just the way it is.

PRESIDENT'S DEFENSE BILL VETO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. BRALEY) is recognized for 60 minutes.

Mr. BRALEY of Iowa. Madam Speaker, I was sitting at home over the holiday recess spending time with my family when I became aware of the fact that the President had vetoed the Defense Authorization bill that we passed in this body shortly before we adjourned. And like most of my colleagues, I was surprised by that veto and I wanted to learn more about the basis, the reasoning behind the decision of the President to withhold pay increases to our men and women in uniform who are serving us in very heavily conflicted areas around the world, and why the President would veto a bill that would increase funding for Veterans' Administration health care benefits to our Nation's aging veterans and our most recent veterans who are in serious need of those medical services. And so I got a copy of the President's veto statement and I read it, and, quite frankly, I was shocked. I was shocked, Madam Speaker, because, as I saw the President's basis for the veto, I was taken back to a time several years ago when I was watching a 60 Minutes story about tortured U.S. prisoners of war from our first Gulf War. And when I learned that the basis for the President's veto was to keep U.S. POWs who had been brutally beaten and tortured by Saddam Hussein's thugs in the first Gulf War from receiving compensation for those injuries, I was ashamed for my country.

To give you some idea of what we're talking about, these were the words that Mike Wallace uttered on 60 Minutes at the beginning of the program on November 20, 2003: During the first Gulf War against Iraq in 1991, a number of American soldiers who were captured and became prisoners of war were brutally, brutally tortured by the Iraqis. Eventually, though, the POWs came home, put the pieces of their lives back together, and largely remained out of the public eye. But today, a different battle is being fought by some of those American POWs all these years after they returned: It was back in 1991 that the POWs came home from Iraq to a hero's welcome and were greeted by the then Chairman of the Joint Chiefs Collin Powell and then Secretary of Defense Dick Cheney.

□ 1730

"Your country is opening its arms to greet you," said CHENEY. Many of the POWs had suffered wounds both physical and psychological. Some of them suffer to this day more than a decade after they were captured and appeared on Iraqi TV.

And, Madam Speaker, to put a human face on these tortured American POWs, I am going to put up a photograph of Commander Jeffrey Zaun, who was a tortured Gulf War POW, who had a very visible presence on TV because of the attempt by Saddam Hussein's government to use him as an example and try to convince the American people to give up the cause that was the purpose for defending the invasion of Kuwait from the aggression of the Iraqi army. Commander Jeffrey Zaun was one of those POWs who was brutally tortured by the Iraqis and was part of a group of POWs who took action to try to hold the Iraqi Government accountable and to serve as a deterrent to other nations like Iraq who would dare to use American hostages and American POWs as a way of exacting their political agenda through torture and abuse in violation of international law, in violation of international treaties.

So how did we get to this point? During the Gulf War against Iraq, these captured POWs that we've been talking about were subsequently tortured, beaten, starved, hooked up to electric shock devices, and subjected to other horrendous acts by Saddam Hussein's regime. At the time these acts occurred, the United States Department of State had classified Iraq as a state sponsor of terrorism. Madam Speaker, during the Gulf War, this very Congress that I stand in today had passed two resolutions by unanimous consent, stating the intention of the Congress to hold Iraq accountable for the torture of American POWs. Yet when these same brave American POWs returned home after the Gulf War ended, what did our current Vice President and then Secretary of Defense DICK CHENEY tell them? "Your country is opening its arms to greet you."

Well, where I come from in Iowa, opening your arms to take care of tortured and wounded people means doing a lot more than ignoring their needs. And yet that is exactly what happened to these unfortunate POWs. They have suffered long-term physical, emotional, and mental damages as a result of brutal state-sponsored torture. And in 1996 Congress, responding to their concerns, raised by these international law violations, passed an amendment to the Foreign Sovereign Immunities Act so that torture victims like the American POWs we are talking about could seek compensation for their injuries from terrorist countries including Iraq.

On April 4 of 2002, 17 POWs and their families filed claims in the United States District Court for the District of Columbia, seeking compensation for damages related to their torture and abuse by the government of Iraq. These POWs included many decorated officers in this Nation's military, people like Colonel Clifford Acree, Lieutenant Colonel Craig Berryman, Sergeant Troy Dunlap, Colonel David Eberly, Lieutenant Colonel Jeffrey D. Fox, Chief Warrant Officer Guy Hunter, Sergeant David Lockett, Lieutenant Colonel Michael Robert, Lieutenant Colonel Russell Sanborn, Major Joseph Small, Staff Sergeant Daniel Stamaris, Lieutenant Colonel Richard Dale Storr, Major Robert Sweet, Lieutenant Colonel Jeffrey Tice, Lieutenant Colonel Robert Wetzel, and, of course, Commander Jeffrey Zaun.

I am on the floor tonight with some of my colleagues in the freshmen class so that these names do not fade into history and the abuse that they were subjected to does not get lost in the politics of a Presidential veto.

In 2003, after the Government of Iraq repeatedly refused to participate in arbitration on these damage claims and after hearing evidence about how these POWs had been repeatedly tortured, a judge awarded them damages and indicated that the purpose of deterring torture of POWs should be one of the highest priorities of our government.

And, Madam Speaker, the reason why what we're talking about is so important is because the United States, like many countries, is a signatory to international treaties designed to protect the treatment of U.S. POWs and other prisoners of war and the most important treaty is the Third Geneva Convention that was entered into on August 12 of 1949.

One of the most important provisions that came out of the Third Geneva Convention is Article 131, and the reason that I am so outraged by the President's veto, Madam Speaker, is because Article 131 prohibits the very conduct that the President engaged in in vetoing this legislation because the Geneva Convention Article 131 provides no country shall be allowed to absolve itself or any other country of any liability related to prohibited treatment of prisoners of war. And there is no doubt, there is no question, that the abuse of American POWs by Saddam Hussein's regime constituted the type of torture prohibited by the Third Geneva Convention.

I am proud to welcome to this hour the president of our freshmen class, the majority makers, my good friend from the southern part of Minnesota who has been a terrific leader in our class, who has been a passionate spokesman on fighting for veterans, fighting for our men and women in uniform, and he brings a very personal perspective to that based on his longstanding service in the National Guard of this country. And without further ado, I am going to yield to my friend and colleague, Mr. WALZ from Minnesota.

Mr. WALZ of Minnesota. I thank the gentleman from Iowa for yielding.

And, Madam Speaker, I think it's critical to point out that the gentleman from Iowa has been a passionate voice for civil liberties, has been a passionate voice of making sure this country adheres to that great tradition that so embodies each and every one of us. And I think it's important to understand that Mr. BRALEY from Iowa comes from a family that has served this Nation proudly. He's got a grandfather that fought on the sands of Iwo

Jima. And in bringing this fight and understanding what needs to be done to protect our soldiers in this conflict and future conflicts, he's brought a very, very important point out about the President's disregard in vetoing the Department of Defense authorization bill. And I would have to say his voice has been somewhat lone in the wilderness on this. I don't hear the outrage that should be there. So I thank the gentleman for giving me the opportunity to stand with him tonight to bring this important issue forward.

I spent the last 9 days prior to this week traveling throughout Iraq and Afghanistan, talking to our soldiers, talking to our airmen, talking to our Marines, talking to our sailors, and getting a feel for how things were going as far as how their medical care was going and those types of things. And without fail every single one of these individuals with high morale and a pride in what they are doing for their Nation did bring up the question and asked me, Why is our raise being held up? Why can't Congress get the simplest thing done to move forward a raise? And I ask this and in talking to them and talking to other Americans, Madam Speaker, the question comes, and we hear it time and time again, why can't Congress get along? Why can't Congress get things done? And I think Mr. BRALEY from Iowa has highlighted exactly what it is and exactly what we are up against.

This President chose to hold our warriors hostage their pay raise. And the President may not think 3½ percent is much. I'm sure it's nothing to him. What I can tell you is that it's a lot to a family back home. It's a lot when the mother and father are deployed down range or in a war zone. It's a lot to have that 3½ percent given. But the President didn't concern himself with that, all the good things that Mr. BRALEY talked about that was in the Department of Defense Authorization Act, a very important one was the ability of our POWs, those that fought so bravely to make claims and make amends according to law, according to international law, to amend what had been done to them.

Now, the President tells us we'll get frivolous lawsuits out of this. We will hamper Iraq's fledgling government's ability to rebuild itself.

Now, there are several big fallacies in that statement. The first is the assumption that the fledgling government is doing anything to get itself back and rebuilding. And I offer the fact that Iraq said last year they would put in $10 billion of their own money to put into reconstruction. An audit at the end of last year indicated they spent 4.4 percent of that. Spent it. It doesn't necessarily mean that it went to reconstruction, which basically says 95.6 percent never made it out of the bureaucracy, never made it to the Iraqi people, never did any of that.

Mr. BRALEY of Minnesota. Reclaiming my time, I want to share a personal experience I had serving on the Government Oversight and Reform Committee when we investigated the very problem that you're identifying. And we saw the photograph showing fork trucks carrying $2.1 billion of cash bundled up on pallets as part of the largest 1-day transfer of cash in U.S. history that led to the missing funds you're talking about. Over $2.1 billion of cash sent in 1 day, and yet the Iraqi people who are in need of the assistance are unable to identify where that money went to. There's a similar problem with our inability to identify large amounts of weapons that are unaccounted for in Iraq. And I think it gets back to the much deeper question of whether the American taxpayers are getting their money's worth for the contributions that this country has made investing in the rebuilding of Iraq. And I just wanted to offer that and offer it up as an opportunity for you to comment.

Mr. WALZ of Minnesota. Absolutely. And the point that the gentleman from Iowa has brought up is exactly this: When you dig into this and you start peeling back the onion of what's happening here, you start to see a pattern. And the issue here is this administration, as much as they want to talk about the rule of law, as much as they want to talk about giving people recourse on this, they have slammed the door into 17 brave warriors, slammed the door in their face, of saying they should have the ability to recoup some of what they gave up for this Nation. And it wasn't our Nation paying for it. It was the Iraqis who were responsible for that torture, for that mistreatment.

And I think many of us ask the question, what message does this send to the people who are fighting around the world? What message does this send to them? You can torture the Americans and if you cut a good enough deal, there will be no recourse. There will be no recourse against the people who carried it out. There will be no recourse to allow for those people to receive compensation. I think it sets an incredibly poor precedent. It disrespects the service of these brave warriors, and it sets us up for failure in the future of these things starting to happen. So when we see this and when the American people ask us, why didn't anything get done? I'll have to tell you today's a pretty sad day. The President did sign the DOD authorization when this provision was taken out. And I think many of us who voted on this in the first place put together a good compromise bill. We find out that when any legislation goes up the street to Pennsylvania Avenue, the people's will in this House matters nothing, the people's will to make sure that this was righted. The 17 families that have asked for recourse on the damages that were done in the name of this Nation were wiped away with a single signature by the President, and this House is left at the horrible choice of do we continue to hold up the research funding for warriors' injuries? Do we continue to hold up the funding for weapons systems to protect them? Do we continue to hold up the pay raise to these soldiers and to their families who are fighting, or do we make the compromise to move that forward and fight another day?

And I quite honestly have to commend my colleague from Iowa. He will fight every day for what's right. This is a question of justice. This goes at the heart and soul of our rule of law and our justice system and a citizen's right to recourse, to petition, to be able to go to a court of law to hear their discussion in a public court of law, to have their peers make a decision. But as we know, this administration, given the opportunity, would shut those same doors to justice to many of us here.

We hear about clever arguments on tort reform, and I know my colleague from Iowa is very familiar with this, but it's pretty much the same thing; that if you are injured in a reckless manner, if you're injured or something is done to you, your ability to go and tell your story in front of a jury of your peers and to trust in your peers to make the right decision, they want to limit that, and they say it's all in the name of frivolous lawsuits, as if we could trust the corporate entities over our neighbors, over our fellow citizens. And in this case we told our fellow citizens, 17 of them that are warriors, well, Iraq needs to rebuild and needs to keep that money, which, by the way, as I think the gentleman noted, upwards of several billion dollars that have gone missing.

I will note that payment to Iraqi legislators has come on time every single month. The lifestyle of Iraqi legislators as they took off a month in the heat of August during some of the most fierce fighting that our soldiers were fighting and dying for as they left to their villas is something that I think Americans should take great notice of. So, once again, I think that this was a huge mistake. I think the President put a very narrow special interest ahead of the needs of our fighting soldiers and has set a precedent that I'm afraid we're going to have to deal with in a much bigger manner down the road.

□ 1745

Mr. BRALEY of Iowa. I think you have hit a very important point in talking about what this law was originally designed to accomplish. This law was not designed to open the floodgates for any potential claim arising from persons engaged in armed conflict around the world against the countries where that conflict occurred. In fact, this law that allowed these claims to be pursued in the first place set a very high bar before you could even begin to pursue them.

Number one, there had to be a declaration by the State Department that the nation involved in torture was a state sponsor of terrorism, which, as you know, that is an incredibly harsh accusation to make in the world community. So in order for the State Department to reach that conclusion, they would have to be presented with overwhelming evidence that a country was engaged in the state sponsor of terrorism. And when the Saddam Hussein regime in Iraq invaded Kuwait, that is when the State Department acted to declare, based upon what was happening and what was outraging people all over the world, that indeed that government was a state sponsor of terror at that time. So that was the first threshold that these hostages and POWs had to meet.

The second was that they were tortured under the definitions of international law, which is much more egregious than simply being involved in a firefight and being wounded or having something that is expected to happen in the normal course of conflict, which is always an impossible arena to control. But we are talking about a deliberate decision to torture individual citizens in violation of all accepted principles of international law.

And then after you pass those two hurdles, these victims of torture also had to prove that the acts that they were being tortured for would be the type of claims that they could pursue in the courts of law of this country.

And the gentleman from Minnesota, Madam Speaker, made another excellent point, and that is this is consistent with the pattern of behavior we have seen from this administration for the past 7 years to take away the rights of individuals who have been harmed due to no fault of their own and to substitute the judgment of this body and State legislatures for what juries have been doing in this country since before it was formed. And what I like to remind my colleagues is there is something that we all take an oath to defend when we serve in this body. It is called the United States Constitution. And part of that Constitution is something we hold and cherish, which is the Bill of Rights. And it includes the freedom of speech that we all cherish every day on this floor. It includes the freedom of religion, the freedom to associate, the freedom of the press. It includes the right to bear arms. But it also includes the seventh amendment to the Constitution that guarantees that juries get to determine facts like what the issues are we are talking about here today, what is fair compensation for someone who has been subjected to torture.

Madam Speaker, one of the things that I think is most disturbing about the issues we are talking about on the floor tonight is that the President and his spokesperson don't like to talk about what happened to these POWs. It is unpleasant, and it brings to mind in the hearts of all Americans, how could we let this happen to people serving this country who have put up with so much and been through so much and then get them to the point where they can hold their offenders accountable, and who comes in and pulls the rug out from under them? Not the Iraqi Government, but the President of the United States who directed his Attorney General to intervene in these claims and see that the assets were not available to satisfy them.

Let's just take a moment, Madam Speaker, to talk about one of those victims that I mentioned earlier, Colonel Cliff Acree. Here is what he said in that 60 Minutes interview that I referred to earlier: They had broken my nose many times and I was just getting used, you just kind of get used to it.

Colonel Acree was shot down the second day of the war. The interrogations always began the same way, and these are his words: They would have these six or eight people just beat you for 10, 15, 20 minutes. Just no questions asked. Bring you into the room and beat you with fists, feet, clubs, whatever.

One of the other victims, Dale Storr, that I mentioned, who was serving in the National Guard at this time said: Hearing Cliff talk about it, we never really talk like this before in such detail. But it brings back memories. It is almost like I am back in my cell again.

Another victim, Jeff Tice, who was captured after his F–16 was hit by a surface-to-air missile, and, Madam Speaker, he was tortured with a device called the "talkman." And what they would do is they would wrap a wire around the ear of one of these prisoners, another wire underneath their chin, then wrap it around the other ear and hook it up to an electrical device. Then they would start to question him. And this is what Jeff Tice said: They would turn on the juice. And what it does is it creates a ball of lightning in your mind or in your head, drives all the muscles simultaneously together, and it drives your jaw and everything together, and of course I am chained to a chair. I can't move freely. So everything is jerking into a little ball, and your teeth are being forced together with such force, I am breaking pieces and parts off.

Jeff Tice's jaw was dislocated so many times that he was lucky, as he said, that they were able to put it back into place.

And now, I am going to yield to my colleague from Minnesota. After hearing some of these descriptions and having had the experience of having young students of yours that you taught in Minnesota join the Minnesota National Guard, which along with the 133rd of the Iowa National Guard has served the longest single deployment of any combat unit in the war in Iraq, what type of message does that send to those young men and women who you helped to train, you helped to educate, and who are going off to serve their country, knowing that if they get captured and held as a POW their Government is not going to be there for them?

Mr. WALZ of Minnesota. Well, anyone who listens tonight, Madam Speaker, to the gentleman's accounts is horrified. And I think to put it into context, make no mistake about it, what happened today in the signing of the Department of Defense authorization bill with these provisions taken out to allow recourse on this is, it is pretty difficult for me to see any way that a decision was made to side with the monsters who carried out this torture and not with those brave Americans who went at this country's call, did our bidding, and then came home to the so-called open arms. And as the gentleman said, having spent 24 years in the National Guard, having trained countless soldiers, many, as you said, served in my unit. I taught them in school. I coached them on the football field. One of the things that was very clear in part of our training, because, of course, it held to those core values of being an American, was the respect for the Geneva Convention.

The Geneva Convention did several very important things. As I said, it upheld those principles of, even in a conflict situation, that the humanity and the humane treatment of other individuals was absolutely paramount to keeping with the ideals of this Nation. There was also something else very, very important with the Geneva Convention that many of us as soldiers always came to rely upon is knowing that if you adhere to these things, that if other combatants, the enemy you were fighting understood that, one of the things you could do was you could convince people that it might be better to give up the fight. It might be better because you know you will be treated humanely. And there was always great comfort, because it is not the fear of injury, it is not the fear of battle which is there amongst all these soldiers, it is the fear of capture and torture and saying something that may hurt your fellow soldiers that has everyone terrified.

So the idea is that the Geneva Convention was held in the highest esteem. The principles that it was set by were there to make sure that even at the base emotions of war amongst human beings that there was a respect for basic human life. There was a respect when someone was unarmed and unable to fight, that when someone was captured, they would be treated as humanely as possible. And with that being pulled back, I have to tell you, it terrifies me.

And these forgotten warriors are forgotten because they happen to be an inconvenience now. They happen to be an inconvenience to a political ideology. They happen to be an inconvenience because this administration doesn't want to follow the Geneva Convention. This administration, I believe, and members of this administration have called it a quaint, outdated notion that is no longer there. I would argue that soldiers don't see it that way. Soldiers see it as a necessity.

And for many of us, as my colleague has pointed out, it is hard to fathom that an administration that has talked so much about our soldiers would so callously brush aside 17, in this society, 17 warriors held in the highest esteem as a prisoner of war for their Nation and to cast them aside and cut their rights off to any type of recourse. And I can't help but see a pattern here of where the administration's loyalties lie. As Americans are struggling, and we hear about it every day, the economic crisis, they are struggling to make ends meet, and they see $102 a barrel oil. But I don't know where that is able to be rectified in their mind when they see the President walking hand in hand with the Saudi Prince and knowing that every bit of that $102 is going into the pockets of the Saudi Princes, going into nations and going into, in this case, a regime that committed the grievous atrocities against our soldiers and was totally absolved down on Pennsylvania Avenue against the wishes of the 100 elected Senators, against the wishes of the 435 elected Members of this body. And yet tonight, several of us stand here. And I think the outrage and the passion that my colleague from Iowa has shown should be reassuring to the American public that there is a voice there. There is a voice in the wilderness. There is a voice that says this is wrong. This is a wrong that should not be allowed to stand. This is a wrong that I think they want to see, my colleague from Iowa, myself and our colleagues here, stand and speak for what is right.

So again, I can only come to the conclusion, and I ask my colleague if he can find another way of seeing this, what was the benefit of the administration's decision to side with the Hussein regime over U.S. POWs who were tortured? I am still trying to find where there is justification. It doesn't go back to "we can't hamper the Iraqi from rebuilding," because they are not doing that as it is. It can't go back to any precedence. It is in violation of the Geneva Convention, and it flies in the face, as my colleague said, of our basic principles of our Constitution. So I am trying to figure how we would be able to sell this to the American public.

Mr. BRALEY of Iowa. Well, Madam Speaker, I think my friend from Minnesota has hit this one on the head, because one of the things you were talking about is the administration's interpretation of what our treaty obligations are under the Geneva Convention. And maybe it all boils down to this very simple question: When is torture torture? Because you brought up the fact that our own Government, our own Justice Department, seems to have a difficult time interpreting acts such as waterboarding, that I think every American who has seen the video illustrating what that is would conclude that it constitutes torture in violation of the third Geneva Convention. And yet it is hard for us as a people and as a government to try to say, we need to stand up to other countries who are torturing our POWs if we can't get it ourselves in terms of our obligations under the Geneva Convention. I think it gets to a much more fundamental question, which is, are we going to be the type of country that stands by our word when we enter in these international treaties? These treaties are designed not just to protect American prisoners of war but to make sure that the countries that we may be in conflict with have the same respect for human rights, human dignity and human decency for captured prisoners that we would expect our men and women in uniform to be subjected to.

To give you some idea of how this plays out in the real world, I would remind my friend from Minnesota of what happened to Lieutenant Colonel Berryman, one of the people I identified as the POWs that brought this claim.

□ 1800

This really gets to the heart of many of those constitutional protections I talked about earlier.

Lieutenant Colonel Berryman was inspected after he was captured to determine whether he was circumcised and was questioned about his religion. When he answered he was a Baptist, his captors called him a lying Jew. A guard then hit his left leg below the knee that felt like a heavy club. Lieutenant Colonel Berryman immediately collapsed in excruciating pain because the blow had broken the fibula, one of the bones in his lower left leg.

Another guard used a similar club to attack his right leg, and the two guards continued beating him as he rolled on the floor to protect his leg. As he continued to resist answering questions, which is exactly what my friend mentioned, Lieutenant Colonel Berryman was told that if he did not answer their questions, they would break his other legs. Two guards pinned him to the wall and one kicked him in the left leg causing him to collapse to the ground in pain. The others began kicking and beating him. And one guard used a steel-toed boot to kick a piece of flesh out of Lieutenant Colonel Berryman's leg exposing the bone.

Then a lit cigarette was pressed several times against his forehead and then pressed against his nose and each ear and then was crushed out in an open wound on his neck.

What American listening to that testimony would not be overwhelmed with rage and with a sense of passion and compassion for the person that was subjected to that?

That's why, in my humble opinion, Madam Speaker, when we set policy on this floor about how we are going to stand up for the people who serve this country who may become prisoners of war or who may become hostages, it's important that we keep in mind that the rule of law will only be respected if we in this country stand up for it and say that the rule of law is what we are all about in the way we are going to take care of our citizens.

And with that, I would like to yield to my colleague from the great State of New Hampshire (Ms. SHEA-PORTER) and ask what your reaction is to some of the things we've been talking about tonight. What do you think the good people of New Hampshire would think if they knew their President and their government had done what we have done to deny the opportunity to compensate these victims of torture?

Ms. SHEA-PORTER. Thank you for asking that.

I come from a family who has served. I had my father serving in World War II. My uncle was a career Air Force officer in several wars. I had a grandfather in war and my brothers who fought, and I also had my husband who was in the military, and I was proud to be a military spouse, and now a member of the armed services; and always I believed that the Commander in Chief was going to be there to protect our troops. Always I thought it would be the Commander in Chief who would be a tough advocate for us all and he would be watching out and speak to other nations in as tough a manner as necessary to protect our troops. That's what I believed. That's why I'm here on the floor tonight.

I'm here on the floor trying to understand how the President of the United States has failed these prisoners of war, these men who went to Iraq and were seized by a hostile nation, who were tortured and then had to come back and go to court to receive just compensation. And when they won, then the President of the United States stepped in, not to make sure that they received what they had won, but to make sure they didn't receive it; and that's the part I can't understand.

The President said that Iraq needed this money, the Iraqis needed it to rebuild. We give $10 to $12 billion a month to the Iraqi government. I think that the President should take a look at how the money is being spent in Iraq and see and hear the stories that I have heard as a member of the Armed Services Committee and recognize that our money's being wasted over there. And yet he's protecting their assets and protecting them when our troops were the ones who went there.

Our troops were the ones who fought for our freedom in that first gulf war, and we had troops who suffered at the end of this government.

I can't understand it. And the President was so determined to do this that he held up the authorization bill. Now what is so important about that is there are a lot of programs in there. But one thing in particular just infuriated me.

There was a pay raise for our troops, for our troops who were in Iraq right now, who were in Afghanistan and who are all around the world and America protecting us. And the story about the pay raise is relevant, also.

The President says he supports the troops, but he only wanted a 3 percent pay raise. And so when Congress voted for a 3½ percent pay raise, the President thought that was too much. He said a 3 percent was sufficient. Obviously, the President has never had to live on military pay, but I have and so many do today. And I know that 3½ percent might not seem like a lot. It certainly isn't. But they need it, and they deserved it, and they earned it.

So now we have a problem that today's troops are suffering at the hands of the President's stubbornness here, and then we have the POWs who are suffering because they're not allowed to collect what they justly earned for their suffering.

And I can't understand it, but I do know that the people of New Hampshire are furious also that those veterans who went there in complete trust and faith in this country and in the President have to be devastated now to know that if they were injured, if they were tortured abroad, that they could not be certain that the Geneva Conventions would be upheld. They could not be certain that the Commander in Chief would be there for them. They could not be certain that all of the guarantees that were made when they signed and stepped forward to service would be honored, and I think that's the real shame here today and the real disgrace here today that we are not standing up for our soldiers.

So I would say that the people in New Hampshire are insistent that those who suffered for our country need to be justly compensated.

Mr. BRALEY of Iowa. One of the things I would like to ask both of my friends to comment on is how the Bush administration has known about this problem dating clear back to 2003 when the CBS 60 Minutes story aired, and what has happened since that time and what the attitude of the administration is in trying to justify it, this veto.

One of the things that we know is that a number of Members of Congress and a number of influential Members of Congress in both parties were outraged because of the fact that some of these POWs were constituents of theirs, and when the White House moved to intervene and make sure that these judgements could not be collected, took very strong action and took and used very strong language to try to convince the administration not to do this.

One of those individuals is someone we all know who is the current majority leader of the Senate, Senator HARRY REID from Nevada. And when this story aired in November of 2003, Majority Leader REID said, I hope George Bush, the President of the United States, doesn't know about this because if he knows about it, if he knows about it, it is a pox on his house, his White House. This is wrong.

Well, that was in 2003. And now we are 5 years later. There can be no doubt that this President knew what he was doing when he issued this veto, and yet when his press secretary has been questioned as to why the administration felt the need to take away the rights of victims of torture to full and fair compensation, they say the same thing over and over again which is, no amount of money could compensate these victims for their terrible injuries.

Well, when the judge who heard this case issued his decision awarding damages, he noted that, and yet that's not what this case is about. This case is about putting some measure of value on what these torture victims went through, what their families went through who were watching these shots on TV of their loved ones, who were hearing these tales of torture and fearing for the lives and safety of their loved ones. Why would our government, why would our President say that the value of the Iraqi people was greater than the value of these tortured Americans? That's what the fundamental question is we are here to talk about tonight.

And I would yield to my friend from Minnesota.

Mr. WALZ of Minnesota. It's interesting on the day that reports are coming out about the 900-plus misstatements leading into the war that were made by this administration that the idea that this had been known for 5 years, that it had been very clear. And I would quote former Republican Senator Allen and current Republican Senator COLLINS when he said, Protection of American POWs is a vital national security interest, and the goal of rebuilding Iraq should not be viewed as inconsistent with that goal.

Now, what the gentleman from Iowa has so clearly pointed out and the gentlewoman from New Hampshire alluded to is in this idea of this global war on terror, the winning the hearts and minds of the rest of the world, one of the things is what those core beliefs and core values of the United States stand for.

And the gentleman mentioned and talked about on the floor of this sacred ground of democracy, Members of this body have clearly articulated in the exact words that waterboarding is a useful tool; turning someone upside down, stuffing a rag in their mouth and pouring water in their mouth under a circumstance where they believe they are going to drown is acceptable.

Now the idea of me being a history teacher coming to this body out of the classroom that I would ever stand here and speak of things seemed incredible.

But to think that I would stand here and have to define what torture is to other Members of this body is incomprehensible to me. And I tell a story about why this is so important and why we understood Geneva Convention, why we understood that by adhering to these things, it pushed our values forward.

I was teaching a ninth grade history class, and one of the assignments was to go back and interview a family member who had had some type of context in the Second World War, if they could find a grandparent or great uncle or someone. And the ninth graders came back and reported. And I remember a young man named Bill Wilbrand came forward, and he was telling an incredible story of battle, of heroism, of incredible terror and talking to his grandfather, telling him the story where he was captured by the enemy and he was taken away and he was shipped a long distance and put into a POW camp.

And the other ninth graders are like, Wow. That was your grampa? What happened? Well, it was kind of cold and the food was not great but not too bad and, you know, things were okay. And they said, Well, what happened afterwards? Well, he stayed here. He was a German and he was a prisoner of the Americans, and they brought him to Western Nebraska to a prisoner-of-war camp. And he was treated so well, he said, I will stay here and bring my family here, and his family, of course, is American.

The idea was he saw the values. He saw the dignity. He understood what those American soldiers were. They disagreed with the tyranny of the Nazi regime. They disagreed with what was happening, and they would fight and give their lives to stop that. But when an individual came under their care, they were treated with dignity.

And there was a sense of, that word swept through. That's why you had entire units say this is what is happening. The rest of the world saw America as righteous in fighting for the right causes.

Now we are in a situation where we have absolved a stated terrorist state, the regime of Saddam Hussein, and those people who took and tortured American soldiers and said, You know what? It's okay. We will just brush it under the carpet and hope it goes away.

And those 17 families, well, you know, we can't repay up. We will say thank you a lot. We'll stand in front of flags, and we'll pat them on the back. But we won't let them go through the recourse of the courts. We won't let them adhere to the basic values that the gentleman from Iowa said that predated this country, the idea of being heard by a jury of your peers, by getting recourse no matter where you stand in the hierarchy, no matter where you are economically.

But not these 17. They volunteered. They fought to defend this Nation. They served honorably. And they endured some of the most excruciating things that have been described here. And in one easy stroke today, they have been let down.

I don't know what to say when I hear the story of Colonel Berryman. And I think of his family, Madam Speaker. I don't know what words can come off this House floor to tell them the wrong that has been done to them. And it's all going to be done in the name of supporting the troops. It's all going to be done in the typical fashion that it is just us not able to get anything done.

When we made that horrible decision to fund veterans health care, to fund the vehicles that will protect them in combat and to give them a pay raise, to maybe hope that that mother sitting at home can take kids out to the movie on Saturday while Dad is in Iraq fighting for the Nation, we weren't going to hold that up so that was the choice we were given. So I can tell the Berrymans and others like him, Madam Speaker, that I'm sure not proud of that decision, but that's what we are dealing with coming down from Pennsylvania Avenue.

Mr. BRALEY of Iowa. I want to thank you for sharing that story. It is not in my district. It is in Congressman LATHAM's district. It's the largest geographic county in Iowa, and it borders on your district.

And one of the things that's unique about the county seat of Kossuth County is that it was also a prisoner-of-war camp for German soldiers who were captured and transported to the United States during World War II. And to this day, the townspeople of Algona cherished the crèche that was built by German POWs that they used every year during their Christmas celebration as a symbol of exactly what my friend is talking about which is this: It is nothing more simple than the Golden Rule that you treat other people the way you would like to be treated.

And one of the things that has been missing from our foreign policy is an appreciation for the role that this country plays as the sole remaining superpower to set the standard, the gold standard, for how we live up to the responsibilities we willingly entered into as part of the a Nation and a community of nations that come together and enter into treaties for our mutual benefit.

☐ 1815

I look forward to hearing from another friend of ours in the freshman class who will be talking to us in a few minutes who has a deep and abiding appreciation for the importance of these concepts in the real practical reality of dealing with this in a global world full of problems that need the might and the force of the U.S. military to be a pacifying presence.

I recognize my friend from New Hampshire, and I would like to ask her specifically, as someone who serves on the Armed Services Committee here on the House, and having heard through the past year the problems with our readiness standards for our men and women in uniform and the problems of torture that we have been talking about here tonight and what symbol we send to the rest of the world based upon our own conduct, what lessons have we learned as a country that you have become aware of during your service on the Armed Services Committee that have relevance to the topic we are talking about this evening.

Ms. SHEA-PORTER. Thank you.

First, I would like to say that I mentioned that my father's brother had served, and he was in the Air Force. He flew daylight bombing missions over Germany. He talked about the fear during the day flying those bombing missions over Germany, but he never talked about fearing the U.S. Government, that the U.S. Government would not be there for him.

Then my brother served in Germany, and my brother-in-law served in Germany. And Germany treated the United States troops very, very well in the 1960s and the 1970s and the 1980s. The reason for that was because we had shown that we were not the kind of country that tortured, that when we received prisoners of war from Germany that we treated them the way we would want to treat any human being.

So it was a long distance from my uncle flying over Germany during World War II bombing missions with that great fear about what would happen to him and then the experience that my brother and my brother-in-law had in Germany, welcomed as allies, welcomed with the reputation that we have had of treating our prisoners of war with compassion and with a sense of humanity.

My worry now on the Armed Services Committee is that countries that wish to do us harm but might be held back from torturing our individual troops because they have a Geneva Convention to uphold, they will have world opinion against them, because the world actually believes that we should not torture each other's soldiers. They only understand not only that we have to have some rules of engagement and war and conduct for our POWs, but we also understand that if you don't want anybody to torture your troops, that you have to respond the same way.

So we have to hold ourselves to a standard, a standard, by the way, that the United States has led and been proud to show the rest of the world and our own good behavior through history. The world understands that when you receive a U.S. soldier and you torture, you will pay a price; at least that's what they understood before.

Our soldiers understood that if they were harmed when they were being held by another nation they would pay that price. So the change now, Congressman, is what does this mean? If we don't have the President of the United States, the Commander in Chief, stand up for our troops, what does that mean and how will other nations view this? That's my great worry.

Mr. BRALEY of Iowa. I thank you for those insightful comments. As our class president has stated on many occasions, we are blessed in this freshman class with incredible people who have had incredible life experiences that they bring to this body. One of my friends and mentors on the issues that we are talking about here today is my friend from Pennsylvania who has more real-world knowledge about how these international treaties impact the role of our military around the world than anyone else that I personally know.

I would like to recognize my colleague from Pennsylvania, JOE SESTAK, and ask him this question: When we are trying to teach the brave men and women who serve this country about their role in combat and about their role as potential POWs, what type of message do we send them when we have a President who has taken the action that this President has that goes against everything we believe and about the role of the rule of law and its strong force in preventing other states or nations from terrorizing and torturing our citizens?

Mr. SESTAK. I appreciate the opportunity to speak. What occurred in this defense bill by the veto of this President I honestly think is almost unprecedented. Take Vice Admiral Stockdale, the senior prisoner of war in North Vietnam. When he was asked, Did you ever think that you would return to the United States, he said, I never lost faith in the end of the story, that I would prevail, that I will win at the end and return to my home, to my home, America.

If there is anything I learned in the military, and as I went about the world those 31 years in the Navy, we are respected for the power of our military, respected for the power of our economy. We are admired for the power of our ideas.

My wife, who worked on a project for the office of Missing in Action/Prisoners of War in the office of the Secretary of Defense, she speaks Russian, and so she went to Russia to dig a bit to see about how they were going about their archives in Russia, looking for records of those that we may have lost or we are still missing, potentially, even back to World War II, Korea, the Korean War, Vietnam. The Russian general said to her, Why do you care so much in America about those you may have lost long ago?

Here we have men and women who wear the cloth of this Nation. They went to war for this Nation in the first Gulf War. They were tortured, close to giving the ultimate sacrifice, and they came home. Under the rule of law, which this Nation stands for above everything else, the rule of law and its ideals, they correctly won judgment against the Iraqi Government that is, as you said before, obligated for the prior Iraqi Government's actions. And the President vetoed a bill, not because it would have any harm on the reconstruction efforts of this government, but because they threatened this Government of Iraq to pull $25 billion out of our trillions of dollars of markets in the economy, $25 billion.

We spend close to $12 billion a month for our war in Iraq. Two months. These men and women gave something that's priceless, the opportunity that their lives might be given in support of this Nation. I wish this Congress had voted to try to override that veto. I thank you, above all else, for submitting this bill that we will have another attempt to right this wrong.

We are very fortunate that there are those who recognize that great portrait that sits across from the Secretary of Defense's office. And there is a young servicemember in this picture, that is kneeling in church with his young family next to him. It's very obvious he is about to go away for another 6 months, 8-month deployment, leaving home again.

Under it is this wonderful saying from the Book of Isaiah, where God has turned to Isaiah and says, Whom will go for us, whom shall I send? Isaiah replies, Here am I, send me. Here am I, send me.

How we treat those who somehow grow up in America to go and say, Here am I, send me, how we treat them in their adversities when they return home I honestly think will either continue those to say, Here am I, send me, or it may damage it. In this case it was wrong of this President, and I thank you so much for trying to prevail in the end with this bill.

Mr. BRALEY of Iowa. I thank my friend so much for those eloquent words. It's amazing how much we can learn from our former enemies, the words you shared. Why do you care so much for those you lost long ago? I am just going to close with two examples from my district.

While I was home over the holiday recess, the remains were brought back from North Korea of an Iowan from Buchanan County who had been lost long before I was born, and to see the touching way that his family and his friends placed those remains in the frozen Iowa soil is a poignant reminder of exactly why this country cares and won't forget.

The other example, which is an actual positive benefit from this defense authorization bill is that when I was a college student during the Iranian hostage crisis, one of the best-known hostages was a woman who grew up in my district in Bremer County, Kathryn Koob. For people like Kathryn Koob and other Iranian hostages, there will be an opportunity to get the compensation they deserve for what they went through that no American should have to put up with.

But it's also a reflection of this administration's foreign policy that we allow those claims to be pursued against a state-sponsored terrorism act that occurred in Iran, but we have taken away the rights of U.S. prisoners of war to recover compensation from state-sponsored terror in Iraq. Maybe that makes sense to some people, but it just doesn't pass the smell test in Iowa.

With that, I would like to thank all of my colleagues, and I would also like to recognize my friend and roommate from Colorado, who I wasn't aware was with us. Mr. PERLMUTTER, we would like to have you close us out for the remaining time with your thoughts on this topic.

Mr. PERLMUTTER. I thank my friend from Iowa and my friends who have shared today because you have talked about just fundamental values of what makes America great, whether they are biblical or just precepts of our Constitution.

I am going to step back and just be a little more businesslike about this. These gentlemen, these servicemen and women were tortured, harmed, beaten, bashed, broken. They brought a claim against Saddam Hussein and his regime, and they had, that regime had assets. Those assets were here in the United States of America. They have a claim against those assets.

We are not making a claim against U.S. assets. We are not making a claim, they are not making a claim against the new regime's assets, but the old regime. Now, they have a claim. They can't just turn it back. They were hurt. They were tortured. They should be compensated. That's the bottom line here.

Now, if the President has chosen to say you cannot sue the old regime, you don't have a claim against the old regime, then there should be other compensation due to these gentlemen for the torture that they have suffered.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. HARMAN (at the request of Mr. HOYER) for January 22.

Mr. LUCAS of Oklahoma (at the request of Mr. BOEHNER) for today, on account of family illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CROWLEY) to revise and extend their remarks and include extraneous material:)

Mr. CROWLEY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Ms. MOORE of Wisconsin, for 5 minutes, today.

(The following Members (at the request of Mr. ENGLISH of Pennsylvania) to revise and extend their remarks and include extraneous material:)

Mr. WELDON of Florida, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BURGESS, for 5 minutes, today.

ADJOURNMENT

Mr. BRALEY of Iowa. Madam Speaker, pursuant to House Concurrent Resolution 279, 110th Congress, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 28 minutes p.m.), the House adjourned until Monday, January 28, 2008, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5100. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Exemption From Registration for Certain Foreign Persons (RIN: 3038-AC26) received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5101. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Rules Relating To Review of National Futures Association Decisions in Disciplinary, Membership Denial, Registration and Member Responsibility Actions (RIN: 3038-AC43) received January 15, 2008, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5102. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Termination of Associated Persons and Principals of Futures Commission Merchants, Introducing Brokers, Commodity Trading Advisors, Commodity Pool Operators and Leverage Transaction Merchants (RIN: 3038-AC45) received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5103. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Maintenance of Books, Records and Reports by Traders (RIN: 3038-AC22) received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5104. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Special Calls — received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5105. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5106. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations; Correction — received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5107. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-8005] received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5108. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5109. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Records Preservation Program and Appendices-Record Retention Guidelines; Catastrophic Act Preparedness Guidelines (RIN: 3133-AD24) received January 16, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5110. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Direct Grant Programs [Docket ID ED-2007-OCFO-0132] (RIN: 1890-AA15) received January 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5111. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule — Direct Investment Surveys; BE-11, Annual Survey of U.S. Direct Investment Abroad [Docket No. 07 0301041-7802-03] (RIN: 0691-AA63) received January 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5112. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions and Technical Corrections to the Export Administration Regulations and the Defense Priorities and Allocations System Regulation [Docket No. 071011588-7712-02] (RIN: 0694-AE15) received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5113. A letter from the Chief Acquisition Officer, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-22; Small Entity Compliance Guide [Docket FAR-2007-0002, Sequence 7] received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5114. A letter from the Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.201: Rulings and determination letters. (Rev. Proc. 2008-09) received January 16, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5115. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Life Insurance Reserves —— Proposed AG VACARVM and Life PBR [Notice 2008-18] received January 16, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5116. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 42.—Low-Income Housing Credit 26 CFR 1.42-16: Eligible basis reduced by federal grants. (Rev. Rul. 2008-6) received January 16, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5117. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Cell Captive Insurance Arrangements: Insurance Company Characterization and Certain Federal Tax Elections [Notice 2008-19] received January 16, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5118. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 162.—Trade or Business Expenses 26 CFR 1.162-1: Business Expenses. (Also 801, 831) (Rev. Rul. 2008-8) received January 16, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5119. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance Under Section 1502; Miscellaneous Operating Rules for Successor Persons; Succession to Items of the Liquidating Corporation [TD 9376] (RIN: 1545-BD54) received January 16, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2830. Referral to the Committee on Energy and Commerce extended for a period ending not later than January 29, 2008.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MANZULLO (for himself, Mr. LIPINSKI, Mr. CANTOR, Mr. HERGER, and Mr. FORTENBERRY):

H.R. 5101. A bill to amend the Internal Revenue Code of 1986 to accelerate the phasein of the deduction for domestic production activities; to the Committee on Ways and Means.

By Mr. CALVERT (for himself and Mr. JACKSON of Illinois):

H.R. 5102. A bill to direct the Secretary of Transportation to establish and collect a fee based on the fair market value of articles imported into the United States and articles exported from the United States in commerce and to use amounts collected from the fee to make grants to carry out certain transportation projects in the transportation trade corridors for which the fee is collected, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JOHNSON of Georgia (for himself, Mr. CUMMINGS, Ms. CLARKE, Mr. AL GREEN of Texas, Mr. LEWIS of Georgia, Mr. ELLISON, Mr. PERLMUTTER, Mr. CROWLEY, Ms. WATSON, Mr. KAGEN, and Ms. LINDA T. SÁNCHEZ of California):

H.R. 5103. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax to vehicle fleet operators for purchasing tires made from recycled rubber; to the Committee on Ways and Means.

By Mr. CONYERS (for himself and Mr. REYES):

H.R. 5104. A bill to extend the Protect America Act of 2007 for 30 days; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER (for himself, Mr. SESSIONS, Mr. KING of New York, Mrs. MILLER of Michigan, Mr. FOSSELLA, Mr. CANTOR, Mr. RADANOVICH, Mr. ROYCE, Mrs. BONO MACK, Mr. DENT, Mr. HERGER, and Mr. BLUNT):

H.R. 5105. A bill to amend the Internal Revenue Code of 1986 to reduce taxes by providing an alternative determination of income tax liability for individuals, repealing the estate and gift taxes, reducing corporate income tax rates, reducing the maximum tax for individuals on capital gains and dividends to 10 percent, indexing the basis of assets for purposes of determining capital gain or loss, creating tax-free accounts for retirement savings, lifetime savings, and life skills, repealing the adjusted gross income threshold in the medical care deduction for individuals under age 65 who have no employer health coverage, and for other purposes; to the Committee on Ways and Means.

By Mr. ABERCROMBIE:

H.R. 5106. A bill to authorize the Marine Mammal Commission to establish a national research program to fund basic and applied research on marine mammals, and for other purposes; to the Committee on Natural Resources.

By Ms. BEAN:

H.R. 5107. A bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback for certain net operating losses and to increase the dollar limitation on expensing certain depreciable assets; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 5108. A bill to amend section 8 of the United States Housing Act of 1937 to provide for rental assistance payments to assist certain owners of manufactured homes who rent the lots on which their homes are located; to the Committee on Financial Services.

By Mr. GARRETT of New Jersey (for himself, Mr. JORDAN, Mr. AKIN, Mrs. BLACKBURN, Mr. CAMPBELL of California, Mr. CANTOR, Mr. CULBERSON, Mr. DAVID DAVIS of Tennessee, Mr. FEENEY, Mr. FLAKE, Mr. FRANKS of Arizona, Mr. GINGREY, Mr. GOHMERT, Mr. HENSARLING, Mr. HERGER, Mr. MACK, Mr. McCAUL of Texas, Mr. McHENRY, Mr. PAUL, Mr. PENCE, Mr. RYAN of Wisconsin, Mrs. BACHMANN, Mr. BARTLETT of Maryland, Mr. BILBRAY, Mr. BURTON of Indiana, Mr. CANNON, Mr. CARTER, Mrs. CUBIN, Mr. DOOLITTLE, Ms. FALLIN, Ms. FOXX, Mr. GOODLATTE, Mr. HUNTER, Mr. ISSA, Mr. SAM JOHNSON of Texas, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. MANZULLO, Mr. MARCHANT, Mrs. MUSGRAVE, Mr. PITTS, Mr. PRICE of Georgia, Mrs. McMORRIS RODGERS, Mr. ROSKAM, Mr. SESSIONS, Mr. SHADEGG, Mr. SOUDER, Mr. THORNBERRY, Mr. WALBERG, and Mr. WILSON of South Carolina):

H.R. 5109. A bill to amend the Internal Revenue Code of 1986 to provide for permanent tax incentives for economic growth; to the Committee on Ways and Means.

By Mr. HIGGINS (for himself, Ms. DeLAURO, Mr. BACA, Mr. McINTYRE, Mr. COURTNEY, Mr. McNERNEY, Ms. SCHAKOWSKY, Mr. ARCURI, Mr. MOORE of Kansas, and Mr. ELLISON):

H.R. 5110. A bill to amend title VII of the Social Security Act to require the President to transmit the annual budget of the Social Security Administration without revisions to Congress, and for other purposes; to the Committee on Ways and Means.

By Mr. HOEKSTRA:

H.R. 5111. A bill to grant to a State with an unemployment rate that is equal to or greater than 125 percent of the national unemployment rate authority to use Federal funds made available to such State for job training programs; to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HULSHOF:

H.R. 5112. A bill to extend the temporary suspension of duty on certain master cylinder assemblies for braking systems designed for use in hybrid vehicles; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 5113. A bill to extend the temporary suspension of duty on certain transaxles designed for use in hybrid vehicles; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 5114. A bill to extend the temporary suspension of duty on certain static converters designed for use in hybrid vehicles; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 5115. A bill to extend the temporary suspension of duty on certain controllers for electric power assisted braking systems, designed for use in hybrid vehicles; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 5116. A bill to extend the temporary suspension of duty on certain nickel-metal hydride storage batteries designed for use in hybrid vehicles; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 5117. A bill to extend the temporary suspension of duty on 2,4-Dichloroaniline; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 5118. A bill to extend the temporary suspension of duty on Aluminum tris (O-ethylphosphonate); to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 5119. A bill to suspend temporarily the duty on 2,2-Dimethylbutanoic acid 3-(2,4-dichlorophenyl)-2-oxo-1-oxaspiro(4.5)dec-3-en-4-yl ester; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 5120. A bill to extend the temporary suspension of duty on Fenamidone; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 5121. A bill to extend the temporary reduction of duty on cyclopropane-1,1-dicarboxylic acid, dimethyl ester; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 5122. A bill to suspend temporarily the duty on Pyrasulfotole; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 5123. A bill to extend the temporary suspension of duty on Pyrimethanil; to the Committee on Ways and Means.

By Mr. HUNTER (for himself, Mr. DREIER, Mr. POE, Mr. ROYCE, Mr. GOODE, and Mr. ROHRABACHER):

H.R. 5124. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to provide for two-layered, 14-foot reinforced fencing along the southwest border, and for other purposes; to the Committee on Homeland Security.

By Mr. ISRAEL (for himself and Mr. BISHOP of New York):

H.R. 5125. A bill to amend title XVIII of the Social Security Act to provide for a Medicare Advantage benchmark adjustment for certain local areas with VA medical centers and for certain contiguous areas; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KNOLLENBERG:

H.R. 5126. A bill to amend the Internal Revenue Code of 1986 to reduce individual income taxes by creating a new 5 percent rate of tax and to increase section 179 expensing for small businesses; to the Committee on Ways and Means.

By Mr. LATHAM (for himself, Mr. KING of Iowa, Mr. LOEBSACK, Mr. BOSWELL, and Mr. BRALEY of Iowa):

H.R. 5127. A bill to authorize the Secretary of the Interior to designate the Dr. Norman E. Borlaug Birthplace and Childhood Home in Cresco, Iowa, as a National Historic Site and unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Ms. LEE (for herself, Ms. WOOLSEY, Ms. WATERS, and Mr. HINCHEY):

H.R. 5128. A bill disapproving of any formal agreement emerging from the "Declaration of Principles for a Long-Term Relationship of Cooperation and Friendship Between the Republic of Iraq and the United States of America" unless the agreement is approved through an Act of Congress; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia (for himself, Mr. GEORGE MILLER of California, Mr. CONYERS, Mr. ANDREWS, Ms. NORTON, Mr. McDERMOTT, Mr. SERRANO, Mr. McGOVERN, Mr. WEXLER, Mr. GRIJALVA, Ms. LEE, Mr. FATTAH, Mr. FARR, Mr. ELLISON, Mr. HASTINGS of Florida, Ms. WOOLSEY, Mr. BERMAN, Ms. SOLIS, Ms. CORRINE BROWN of Florida, Mr. WYNN, Ms. DeLAURO, Mr. COHEN, Mr. AL GREEN of Texas, Mrs. MALONEY of New York, Mr. KUCINICH, Ms. SUTTON, and Mr. CROWLEY):

H.R. 5129. A bill to restore, reaffirm, and reconcile legal rights and remedies under civil rights statutes; to the Committee on the Judiciary, and in addition to the Committees on Education and Labor, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McDERMOTT:

H.R. 5130. A bill to provide for the payment of interest on claims paid by the United States in connection with the correction of military records when a military corrections board sets aside a conviction by court-martial; to the Committee on Armed Services.

By Mr. POE:

H.R. 5131. A bill to amend title 18, United States Code, to provide criminal penalties for the destruction of memorials, headstones, markers, and graves commemorating persons serving in the Armed Forces on private property; to the Committee on the Judiciary.

By Ms. SOLIS:

H.R. 5132. A bill to require the Administrator of the Environmental Protection Agency to establish an Interagency Working Group on Environmental Justice to provide guidance to Federal agencies on the development of criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPACE:

H.R. 5133. A bill to increase funding for the program of block grants to States for social services; to the Committee on Ways and Means.

By Mr. TERRY (for himself, Mr. POMEROY, Mr. PETERSON of Minnesota, Mr. SALAZAR, Mr. PAUL, Mrs. McMORRIS RODGERS, Mr. GRAVES, Mr. McCAUL of Texas, Mr. REHBERG, Mr. BISHOP of Georgia, Mr. BURTON of Indiana, Mr. FORTENBERRY, Mr. SOUDER, Mr. BOSWELL, Mr. KAGEN, Mr. SIMPSON, Mr. BOOZMAN, Mr. PEARCE, and Mr. GILCHREST):

H.R. 5134. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from the sale of farmland to encourage the continued use of the property for farming, and for other purposes; to the Committee on Ways and Means.

By Mr. TIAHRT (for himself, Mrs. BOYDA of Kansas, Mr. MORAN of Kansas, and Mr. MOORE of Kansas):

H.R. 5135. A bill to designate the facility of the United States Postal Service located at 201 West Greenway Street in Derby, Kansas, as the "Sergeant Jamie O. Maugans Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. TIBERI:

H.R. 5136. A bill to amend the Harmonized Tariff Schedule of the United States to permit foreign jewelry manufacturers who purchase precious metals produced in the United States for use in the manufacture of jewelry abroad to pay import duties on the value of the imported jewelry articles less the value of all United States origin precious metals incorporated in the article; to the Committee on Ways and Means.

By Mr. MANZULLO (for himself, Mr. LAHOOD, Mr. JACKSON of Illinois, Mr. JOHNSON of Illinois, Mr. DAVIS of Illinois, Mr. COSTELLO, Mr. SHIMKUS, Ms. SCHAKOWSKY, Mr. KIRK, Mr. ROSKAM, Mr. EMANUEL, Mrs. BIGGERT, Mr. LIPINSKI, Mr. WELLER, Ms. BEAN, and Mr. HARE):

H. Con. Res. 281. Concurrent resolution celebrating the birth of Abraham Lincoln and recognizing the prominence the Declaration of Independence played in the development of Abraham Lincoln's beliefs; to the Committee on Oversight and Government Reform.

By Mr. HOYER:

H. Con. Res. 282. Concurrent resolution providing for a joint session of Congress to receive a message from the President; considered and agreed to.

By Mr. PAYNE:

H. Con. Res. 283. Concurrent resolution calling for a peaceful resolution to the current electoral crisis in Kenya; to the Committee on Foreign Affairs.

By Mr. BLUMENAUER (for himself, Mr. OBERSTAR, Mr. DEFAZIO, Mr. WALSH of New York, Mr. PETRI, and Mr. FARR):

H. Res. 935. A resolution honoring the 100th anniversary of President Theodore Roosevelt's Conference of Governors, supporting the goals and ideals of that Conference, and recognizing the need for a similar undertaking today; to the Committee on Natural Resources.

By Mr. BLUMENAUER (for himself, Mr. OBERSTAR, Mr. DEFAZIO, Mr. WALSH of New York, Mr. PETRI, and Mr. FARR):

H. Res. 936. A resolution honoring the 200th anniversary of the Gallatin Report on Roads and Canals, celebrating the national unity the Gallatin Report engendered, and recognizing the vast contributions that national planning efforts have provided to the United States; to the Committee on Transportation and Infrastructure.

By Mr. BURGESS:

H. Res. 937. A resolution expressing the sense of the House of Representatives that the emergency communications services provided by the American Red Cross are vital resources for military service members and their families; to the Committee on Foreign Affairs.

By Mr. MOLLOHAN (for himself, Mr. NEAL of Massachusetts, Ms. VELÁZQUEZ, Mr. WYNN, Ms. LEE, Mr. MURTHA, Mr. MCNULTY, Mr. CARNEY, Mr. DOYLE, Mr. KANJORSKI, Mr. ALTMIRE, Mr. STUPAK, Ms. LINDA T. SÁNCHEZ of California, Mr. FATTAH, Mrs. MCCARTHY of New York, Mr. BISHOP of Georgia, Mr. OLVER, Mr. CAPUANO, Mr. PASCRELL, Mr. DICKS, Mr. LAMPSON, Mr. ORTIZ, Mr. REYES, Mr. SCHIFF, Mr. FRANK of Massachusetts, Mr. SPRATT, Mr. HASTINGS of Florida, Mrs. JONES of Ohio, Mrs. DAVIS of California, Mr. SCOTT of Virginia, Mr. DELAHUNT, Mr. PETERSON of Minnesota, Mr. SERRANO, Mrs. CAPITO, and Mr. RAHALL):

H. Res. 938. A resolution commending the West Virginia University Mountaineer football team for exemplifying the pride, determination, and spirit of the Mountain State and overcoming adversity with skill, commitment, and teamwork to win the 2008 Tostitos Fiesta Bowl; to the Committee on Education and Labor.

By Ms. ROS-LEHTINEN (for herself, Mr. BURTON of Indiana, Mr. CANTOR, Mr. RAMSTAD, Mr. WILSON of South Carolina, Mr. PENCE, Mr. MARSHALL, Mr. FORTUÑO, Mr. SHIMKUS, Mr. GALLEGLY, Ms. BERKLEY, Mr. BACHUS, Mr. COHEN, Mr. ROYCE, Mr. CHABOT, and Mr. LAMBORN):

H. Res. 939. A resolution condemning the glorification of terrorism and the continuing anti-Israel and anti-Semitic rhetoric at the United Nations; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 154: Ms. WOOLSEY.

H.R. 241: Mr. HAYES.

H.R. 303: Ms. ZOE LOFGREN of California.

H.R. 322: Mr. MICA.

H.R. 380: Mr. HINOJOSA.

H.R. 464: Mr. SESTAK.

H.R. 502: Mr. BILBRAY.

H.R. 503: Ms. TSONGAS and Mr. ELLISON.

H.R. 538: Mr. HALL of Texas.

H.R. 550: Mr. SHAYS.

H.R. 882: Ms. DELAURO, Ms. LORETTA SANCHEZ of California, and Mr. PASTOR.

H.R. 1000: Ms. SLAUGHTER, Mr. PERLMUTTER, Mr. DANIEL E. LUNGREN of California, Ms. GINNY BROWN-WAITE of Florida, and Mr. BILIRAKIS.

H.R. 1223: Mr. MICHAUD and Mr. THOMPSON of Mississippi.

H.R. 1225: Ms. ESHOO.

H.R. 1232: Mr. TIM MURPHY of Pennsylvania and Mr. ROSS.

H.R. 1237: Mr. WALDEN of Oregon, Mr. BISHOP of Georgia, Mr. JOHNSON of Illinois, and Mr. COSTELLO.

H.R. 1246: Mr. DOGGETT.

H.R. 1304: Mr. HASTINGS of Washington.

H.R. 1343: Mr. THOMPSON of Mississippi.

H.R. 1363: Mr. BISHOP of New York and Mr. FRANK of Massachusetts.

H.R. 1386: Mr. UDALL of Colorado.

H.R. 1399: Mr. WITTMAN of Virginia and Mr. LATTA.

H.R. 1524: Mr. PETERSON of Minnesota.

H.R. 1540: Mr. GONZALEZ.

H.R. 1542: Ms. ESHOO, and Mr. TOWNS.

H.R. 1553: Mr. WESTMORELAND, and Mr. ADERHOLT.

H.R. 1589: Mrs. LOWEY.

H.R. 1621: Mr. GORDON and Mr. MILLER of North Carolina.

H.R. 1665: Mr. UDALL of New Mexico and Mr. YOUNG of Alaska.

H.R. 1742: Mr. WELLER, Mr. SAM JOHNSON of Texas, and Mr. HERGER.

H.R. 1755: Ms. SCHAKOWSKY.

H.R. 1884: Mr. OLVER, Mr. PLATTS, Mr. CLAY, and Mr. BAIRD.

H.R. 1927: Mrs. LOWEY and Mr. ETHERIDGE.

H.R. 1974: Mr. BISHOP of Utah.

H.R. 1975: Mr. SIRES, Mr. LEVIN, Mr. MARSHALL, and Mr. ELLISON.

H.R. 2032: Mr. JACKSON of Illinois.

H.R. 2054: Mr. POMEROY.

H.R. 2060: Mr. LUCAS.

H.R. 2158: Mr. MCHENRY.

H.R. 2160: Mr. WYNN.

H.R. 2303: Ms. SUTTON.

H.R. 2310: Mr. MICHAUD.

H.R. 2327: Ms. MATSUI.

H.R. 2469: Mr. FORTENBERRY.

H.R. 2510: Mr. FORTENBERRY.

H.R. 2511: Mr. STARK, Mr. PASTOR, and Mr. BISHOP of Georgia.

H.R. 2564: Mr. HAYES.

H.R. 2695: Mr. PASTOR and Ms. BORDALLO.

H.R. 2708: Mr. HINCHEY, Mr. KILDEE, Ms. SUTTON, Mrs. MALONEY of New York, Mrs. NAPOLITANO, Mr. SIRES, Mr. LEWIS of Georgia, Mr. FRANK of Massachusetts, Mrs. CHRISTENSEN, Ms. NORTON, and Ms. SLAUGHTER.

H.R. 2894: Mr. ISRAEL, Mr. GOODLATTE, Mr. MCCAUL of Texas, and Mr. BOOZMAN.

H.R. 2990: Mr. BOREN and Ms. ESHOO.

H.R. 3008: Mr. CARNEY.

H.R. 3010: Mr. WATT.

H.R. 3026: Mr. SAM JOHNSON of Texas and Mr. MORAN of Virginia.

H.R. 3029: Mr. ROTHMAN and Ms. ESHOO.

H.R. 3195: Ms. TSONGAS.

H.R. 3256: Mr. BISHOP of Georgia.

H.R. 3257: Ms. ESHOO.

H.R. 3286: Mr. MICHAUD.

H.R. 3298: Ms. SCHAKOWSKY.

H.R. 3329: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. SMITH of Washington.

H.R. 3359: Mr. MARCHANT.

H.R. 3406: Mr. SESTAK.

H.R. 3477: Mr. DAVID DAVIS of Tennessee.

H.R. 3480: Mr. ALEXANDER and Mr. BISHOP of Georgia.

H.R. 3543: Mr. MCCOTTER.

H.R. 3552: Mr. MANZULLO.

H.R. 3646: Mr. MCCAUL of Texas, Mr. ELLISON, and Mr. PETERSON of Minnesota.

H.R. 3652: Mr. MICHAUD.

H.R. 3660: Mr. SCHIFF.

H.R. 3714: Mr. PITTS and Mr. KING of Iowa.

H.R. 3729: Mr. CAMPBELL of California, Mr. ISSA, and Ms. ZOE LOFGREN of California.

H.R. 3819: Mr. ELLISON and Mr. RODRIGUEZ.

H.R. 3846: Ms. WATERS and Mr. STARK.

H.R. 3865: Mr. FRANK of Massachusetts.

H.R. 4001: Mr. RYAN of Ohio.

H.R. 4044: Mrs. CUBIN, Mr. BURTON of Indiana, Mr. FOSSELLA, and Mr. SOUDER.

H.R. 4102: Mr. HINCHEY.

H.R. 4126: Mr. SAM JOHNSON of Texas and Ms. VELÁZQUEZ.

H.R. 4133: Mr. MCCOTTER, Mrs. CUBIN, Mr. MCCAUL of Texas, Mr. HAYES, and Mr. TIAHRT.

H.R. 4176: Mr. ALTMIRE.

H.R. 4188: Mr. LAHOOD.

H.R. 4204: Mr. WELCH of Vermont, Mr. MCCAUL of Texas, and Mr. HILL.

H.R. 4206: Mr. PLATTS and Mr. ALLEN.

H.R. 4248: Mr. WELCH of Vermont.

H.R. 4264: Mr. SPRATT.

H.R. 4280: Mr. NUNES.

H.R. 4321: Mr. BOOZMAN.

H.R. 4454: Mr. CHANDLER.

H.R. 4464: Mr. WAMP, Mr. ALEXANDER, Mr. BARROW, Mr. BILBRAY, and Mr. LATOURETTE.

H.R. 4544: Ms. SCHAKOWSKY, Mr. GONZALEZ, Mr. BAIRD, and Ms. MOORE of Wisconsin.

H.R. 4577: Mr. BILBRAY and Mr. ALEXANDER.

H.R. 4611: Mr. PASTOR, Mr. WU, and Ms. SOLIS.

H.R. 4835: Ms. SCHAKOWSKY, Ms. LEE, and Mr. OLVER.

H.R. 4838: Ms. WOOLSEY, Mr. EMANUEL, Mr. DINGELL, Mr. CAPUANO, and Mr. STARK.

H.R. 4845: Mr. DAVID DAVIS of Tennessee.

H.R. 4926: Mrs. MALONEY of New York, Ms. NORTON, Mr. MCGOVERN, Mr. AL GREEN of Texas, Mr. CUMMINGS, Mrs. NAPOLITANO, and Mr. MCNULTY.

H.R. 4934: Mrs. JONES of Ohio, Ms. BERKLEY, Mr. KENNEDY, Mr. COHEN, and Ms. SCHAKOWSKY.

H.R. 4936: Mr. COHEN and Mrs. BOYDA of Kansas.

H.R. 4967: Mr. BILBRAY, Mr. MANZULLO, Mr. ALEXANDER, Mr. MILLER of Florida, Mr. MARCHANT, Mr. ISSA, Mr. MCINTYRE, and Mr. LAMBORN.

H.R. 4995: Mr. KLINE of Minnesota, Mr. NEUGEBAUER, Mr. PAUL, and Mr. ROYCE.

H.R. 5031: Mr. LINCOLN DIAZ-BALART of Florida, Mr. FORTENBERRY, and Mr. GARRETT of New Jersey.

H.R. 5036: Mr. THOMPSON of California and Mr. AL GREEN of Texas.

H.R. 5056: Mr. GUTIERREZ.

H.R. 5057: Mr. DANIEL E. LUNGREN of California.

H.R. 5058: Mr. DEFAZIO.

H.R. 5087: Mr. HOLT, Mr. HILL, Mr. COHEN, Mrs. BOYDA of Kansas, Mr. PATRICK MURPHY of Pennsylvania, and Mr. LAMPSON.

H. J. Res. 76: Mr. DEFAZIO.

H. Con. Res. 161: Mrs. CHRISTENSEN.

H. Con. Res. 163: Mrs. NAPOLITANO and Mr. FORTENBERRY.

H. Con. Res. 249: Ms. MATSUI and Mr. UDALL of New Mexico.

H. Con. Res. 253: Mr. SPRATT.

H. Con. Res. 255: Mr. FEENEY, Mr. WAXMAN, Mr. MCHUGH, Mr. BURTON of Indiana, and Mr. SOUDER.

H. Con. Res. 260: Mr. CONAWAY.

H. Con. Res. 266: Mr. BOUCHER.

H. Con. Res. 267: Mr. KINGSTON.

H. Con. Res. 278: Mr. MCCOTTER, Mr. UDALL of Colorado, Mr. CHABOT, Mr. TANCREDO, Mr. CULBERSON, Mr. ROYCE, Mr. ROHRABACHER, Mr. MACK, Mr. BURTON of Indiana, Mr. ENGEL, Mr. SIRES, Mr. LINDER, Mr. FORTUÑO, Ms. BORDALLO, Mr. LINCOLN DIAZ-BALART of Florida, Ms. BERKLEY, Mr. LIPINSKI, Mr. SESSIONS, Mr. MARIO DIAZ-BALART of Florida, Mr. KENNEDY, Mr. POE, Mrs. CHRISTENSEN, and Mr. ADERHOLT.

H. Con. Res. 280: Ms. SCHAKOWSKY, Mr. BERMAN, Ms. VELÁZQUEZ, Mr. WATT, and Ms. SOLIS.

H. Res. 49: Mr. ROGERS of Michigan, Mr. HOEKSTRA, Mrs. MILLER of Michigan, and Mr. EHLERS.

H. Res. 339: Mr. PASTOR.

H. Res. 373: Mr. DUNCAN and Mr. KENNEDY.

H. Res. 598: Mr. MCCOTTER.

H. Res. 753: Mr. COHEN.

H. Res. 815: Mr. KUCINICH.

H. Res. 820: Mr. SHAYS.

H. Res. 821: Mr. POE.

H. Res. 848: Mr. TOWNS.

H. Res. 886: Mr. TURNER, Mr. MANZULLO, Mr. KLINE of Minnesota, Mr. GOHMERT, Mr. SAM JOHNSON of Texas, Mr. BARTON of Texas, Mr. BURGESS, Mr. BOOZMAN, Mr. RYAN of Wisconsin, Mr. WILSON of South Carolina, Mr. BARTLETT of Maryland, Mr. HERGER, and Mr. JORDAN.

H. Res. 888: Mr. POE, Mr. FRANKS of Arizona, Mr. NEUGEBAUER, Mr. GOODE, Mr. SAM JOHNSON of Texas, Mr. BISHOP of Georgia, Mr. MCCAUL of Texas, Mrs. MYRICK, Mr. BLUNT, Mr. SALI, Mr. SOUDER, Mr. JORDAN, and Mr. BISHOP of Utah.

H. Res. 897: Mr. FORTUÑO.

H. Res. 911: Mr. ISRAEL, Ms. LORETTA SANCHEZ of California, Mrs. DAVIS of California, Mrs. GILLIBRAND, Mr. UDALL of Colorado, Mr. BRADY of Pennsylvania, Mr. ANDREWS, Ms. BORDALLO, Mrs. BOYDA of Kansas, Mr. PERLMUTTER, and Mr. CLEAVER.

H. Res. 925: Mr. BURTON of Indiana, Ms. ROS-LEHTINEN, Mr. MCCOTTER, and Mr. ROHRABACHER.

H. Res. 930: Mr. PETERSON of Pennsylvania, Mr. SMITH of Washington, Mr. DAVIS of Kentucky, Mr. ROSS, Mr. MCDERMOTT, Mrs. MCMORRIS RODGERS, Mrs. CUBIN, Mrs. BOYDA of Kansas, Mr. MARKEY, Mr. DICKS, and Mr. GENE GREEN of Texas.

SENATE—*Wednesday, January 23, 2008*

The Senate met at 12 noon and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, the author and finisher of our faith, You have done great things for us, filling our hearts with gladness. Today, make us aware of Your past providences that we shall have confidence and courage to face tomorrow and all the days and years to come.

Remind our lawmakers that they need not fear the challenges of the future but simply to trust You to order their steps. Direct their desires and talents that their labors will inspire people with faith, hope, love, and perseverance. May they invest their lives in those enduring values that time and circumstances can neither steal nor erode.

We ask this in the Name of Him who promised to supply all our needs. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr., led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 23, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CASEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, the Senate will be in a period of morning business until 12:30 today, at which time we will break for the Democratic caucus. As was indicated yesterday, the Republicans are having a retreat at the Library of Congress today. When we come back at 2:15, the Senate will resume consideration of the Indian health bill. There were some amendments offered yesterday, some debated yesterday. We could not arrange a vote yesterday. I do not expect any votes on this bill this afternoon. I have been in close touch with Senator DORGAN. He is trying to work this out so we can complete this legislation quickly. If there are any amendments that Democratic Senators have, I hope they would come and offer them today. That way we can prioritize how we are going to move through this bill.

Mr. President, as I indicated yesterday, we are going to, this evening, start on the FISA legislation to complete that. We are going to finish that legislation this week. That means we are going to have all day tomorrow and all day Friday and, hopefully, not all day Saturday. But we need to finish this legislation. It is critically important. It is not fair to jam the House. Since we have been refused an extension by the Republicans, we need to finish this legislation now, send it to the House, have a conference, and see what we can come back with as quickly as possible.

As I indicated, it is not fair to do as we did last August and send something to the House: Take it or leave it. We are not going to do that. That is why I am not going to wait until next week to go to this legislation. We have to complete it now. There are strong feelings on both sides of this issue. As I have indicated on a number of occasions, I do not support the immunity provisions that are in the Intelligence bill, but it appears that a majority of the Senate does. That being the case, those people who want to amend the Intelligence bill with that information and that legislation we have from the Judiciary Committee will offer that. I hope they will do it as quickly as possible.

There are a number of other issues other than immunity. I have spoken to Senator FEINSTEIN. She says she has something dealing with immunity she wants to offer. She wants to offer something with exclusivity.

There are a number of other things we need to do. As I have indicated, I would hope that if somebody does not like an amendment, they would move to table that amendment and not try to talk it to death because that being the case, we are going to have to let them talk during the evening. We are not going to have a gentlemen's agreement on: OK, so you don't want this to go forward; we are not going to let it go forward. We are going to complete this legislation as quickly as we can.

MEASURE PLACED ON THE CALENDAR—H.R. 4040

Mr. REID. Mr. President, I have a matter at the desk that is due for its second reading, H.R. 4040.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 4040) to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission.

Mr. REID. Mr. President, I object to any further proceedings on this legislation at this time but alert everyone we are going to try to get to this legislation before this work period ends. We do have a few things to do. It seems the best laid plans sometimes have to be delayed because now we have the stimulus package we have to worry about completing. But this is something I want to do. Senator PRYOR and others have worked very hard. So we are going to move forward as quickly as we can.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

of morning business until 12:30 p.m., with Senators permitted to speak for up to 10 minutes each.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARDIN).

INDIAN HEALTH CARE IMPROVEMENT ACT AMENDMENTS OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1200, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1200) to amend the Indian Health Care Improvement Act to revise and extend that Act.

Pending:

Bingaman/Thune amendment No. 3894 (to amendment No. 3899), to amend title XVIII of the Social Security Act to provide for a limitation on the charges for contract health services provided to Indians by Medicare providers.

Vitter amendment No. 3896 (to amendment No. 3899), to modify a section relating to limitation on use of funds appropriated to the Service.

Brownback amendment No. 3893 (to amendment No. 3899), to acknowledge a long history of official depredations and ill-conceived policies by the Federal Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

Dorgan amendment No. 3899, in the nature of a substitute.

Sanders amendment No. 3900 (to amendment No. 3899), to provide for payments under subsections (a) through (e) of section 2604 of the Low-Income Home Energy Assistance Act of 1981.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

LABELING CLONED FOOD

Ms. MIKULSKI. Mr. President, I know the Indian health bill is very important. Senator DORGAN will be coming to the floor to lead the advocacy of its passage, which I support.

Mr. President, I come to the floor because I want to share some very disturbing news with you and all of my colleagues. Last week, the FDA gave the green light for cloned foods to enter our food supply.

The FDA announced food from cloned animals, or their progeny, is safe for human consumption. Despite pleas from thousands of Americans, and this Senator, to wait until there was more science, the FDA went ahead anyway.

Mr. President, I want to be clear. I am not opposed to cloning that follows strict scientific and ethical protocols. This Senator has always been on the side of science for the advancement of mankind. This Senator has always been on the side of the consumer and the consumers' right to know, right to be heard, and their right to be represented.

So today I come to the floor for a vigorous call to action that my legislation to label cloned food be passed as quickly as possible. This is a consumer alert today and a call for action.

My bill requires the Government to label any food that comes from a cloned animal or its progeny. Mr. President, my bill requires that the FDA and the Department of Agriculture put a label on this cloned food. The FDA handles milk products. We say FDA should work on this issue. The Department of Agriculture regulates meat products. That, too, should be labeled.

My labeling bill would insist that cloned food be labeled at the wholesale level, the retail level, the restaurant level, the school lunch level, and the Meals on Wheels level.

My bill allows the American public to make an informed decision. People have a right to know what they are eating. This is necessary because the FDA and the Department of Agriculture have refused to put a label on cloned food. My legislation allows for consumer choice and also, at the same time, it would allow for monitoring of food as it comes into the food supply for postsurveillance to see if there are any negative consequences.

Americans find cloned food disturbing, and some even repulsive. Close to 80 percent of Americans have said they would not drink cloned milk. There is a "yuck" factor to this technology. Right now, under FDA and USDA provisions, there would be no way to tell if food comes from a cloned animal or its progeny. I want the public to be informed, so that is why my labeling bill is for their benefit.

The FDA has been most troubling to me. They made their decision despite two congressional directives—one in the omnibus bill and one in the farm bill. The omnibus bill, which the President signed on December 26, strongly encouraged FDA to hold off on a cloning decision before additional studies were done. On December 14, the Senate overwhelmingly passed the farm bill that would require the National Academy to peer-review FDA's decision.

Now, this was limited to 1 year. So I wasn't talking about a 20-year longitudinal study. I do want more science.

Second, I am concerned if we discover a problem with cloned food after it is in our food supply, and it is not labeled, we will not have any way of monitoring this. It is labeling that allows us to monitor.

The FDA has been very weak in postmarketing surveillance of drugs. Why would they be stronger on cloned food? Who will worry about the ethics? And where is the urgency? We are not facing a global shortage of beef and a global shortage of milk.

I know FDA's decision on the risk assessment is over 900 pages long. Mr. President, I have been skeptical of long reports. I have found that the longer the report, usually the more shallow the information.

My concerns are grave. I am for more science, and I have asked for it responsibly through the legislative process. I am going to continue to advocate for more studies on this issue. In the meantime, I want to protect the consumer and also allow scientists to monitor this new technology.

If America doesn't keep track of this from the beginning with labeling, our entire food supply could be contaminated. I am not opposed to cloning. I am on the side of science, but let's label and monitor it.

The National Academy of Sciences suggested that we monitor this new technology because it is very new. They urged the Federal Government to use diligent postmarket surveillance mechanisms. That requires labeling.

Mr. President, last week, the EU decided that cloned foods were safe, but they also put up a big yellow flashing light. They referred it to their science and ethics and new technologies committee. They said there is no ethical justification to use cloned food. The EU called for more scientific study on cloned food, and they also said it should be labeled.

Denmark and Norway have already banned cloned food from their food supply. I am worried that they will start banning our exports if they are not labeled. My State depends on the export of food, whether it is seafood, chicken, or other products. We want to be able to export our food.

Mr. President, we are going down a track that I want to be sure is not irrevocable or irretrievable. The way to ensure safety in our food supply and consumer choice and the ability for science to continue is monitoring and labeling.

I stand here on behalf of the consumer to say, please, let's pass this labeling bill. It is needed, it is responsible, and it will be effective. I think it will save us a lot of "yuck" in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S.S. "PUEBLO"—40TH ANNIVERSARY

Mr. ALLARD. Mr. President, I rise now, 40 years since the North Korean government unlawfully captured the lightly armed U.S.S. *Pueblo* while it was on a routine surveillance mission in international waters. The U.S.S *Pueblo* was the first ship of the U.S. Navy to be hijacked on the high seas by a foreign military force in more than 150 years, and is currently the only commissioned U.S. naval vessel that is in the possession of a foreign nation. Forty years ago today, 83 crew members were kidnapped and 1 sailor was killed in the assault. Following the capture, our men were held in deplorable, inhumane conditions for more than 11 months before being released. While we were grateful to see the return of our brave sailors, 40 years later we are still waiting for the return of the U.S.S. *Pueblo*.

The U.S.S. *Pueblo* remains a commissioned naval ship and property of the U.S. Navy. Currently, the North Korean government flaunts the Pueblo as a war trophy and a tourist attraction in Pyongyang, North Korea's capital. We must not continue to remain silent about North Korea's continued violation of international law by possessing our ship, the U.S. Navy's ship. Each day tourists visit and tour the U.S.S. *Pueblo*, similar to the way visitors see retired naval ships in New York and San Diego. Americans in particular are encouraged to be photographed by the U.S.S. *Pueblo*. As recently as April 2007, it was reported that President Kim Jong Il stated that the *Pueblo* should be used for "anti-American education." North Korea's capture of the U.S.S. *Pueblo* is in blatant violation of international law and the further exploitation of the *Pueblo* is tasteless and disingenuous. I believe 40 years of relative silence on this issue is far too long, and it is important that the Senate take action and denounce the current situation.

The U.S.S. *Pueblo* bears the name of the town of Pueblo, CO, a city with a proud military tradition and is the only city to be home of four living Medal of Honor recipients simultaneously. In fact, in 1993 Congress deemed Pueblo the "Home of Heroes" for this unique distinction. Many in our State and all over the country want to see the vessel returned to its proper home. To this end, I am reintroducing a resolution seeking the return of the U.S.S. *Pueblo* to the U.S. Navy. This bill is cosponsored by my good friend and proud veteran, Senator DANIEL INOUYE, and I encourage all of our colleagues on both sides of the aisle to support this legislation and see to it that the U.S.S. *Pueblo* is returned to the U.S. Navy.

Mr. President I ask unanimous consent to have printed in the RECORD an editorial that appeared in the Pueblo Chieftain today regarding the anniversary.

As that editorial says, "Mr. President, bring back the U.S.S. *Pueblo*."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Pueblo Chieftain, Jan. 23, 2008]

INFAMY

Today marks the 40th anniversary of what for Puebloans is a day that shall live in infamy. On Jan. 23, 1968, naval and air forces of North Korea attacked and took hostage the USS Pueblo and its crew.

The Pueblo was a Navy intelligence ship operating in international waters. Despite that, the Stalinist regime in Pyongyang decided on a bold course of action and sent patrol boats and MiG fighters to harass the lightly armed U.S. vessel.

This was during the height of the Vietnam War, and the North Koreans correctly figured that American military brass weren't focused on the American spy ship's mission. They were right.

Armed only with one .50-caliber machine gun, the Pueblo crew tried to fend off the advancing Communist forces, to no avail. One crewman was killed while comrades tried to destroy as much equipment and paperwork as possible.

But the die was cast. The North Koreans boarded the Pueblo and took the rest of the crew hostage.

For the next 11 months, the crew was subjected to cruel and inhumane treatment at the hands of their captors. But the American spirit was not to be tamed.

During propaganda photo sessions, the Yanks dutifully smiled for the Koreans' cameras—and flashed "the bird," that one-finger salute that Americans know too well but was above the heads of the Communists.

But that did not last. When the Reds figured out what that sign of defiance meant, the men of the Pueblo were subjected to more severe beatings.

The man who took the worst of the pummeling was Cmdr. Lloyd Bucher, the Pueblo's skipper. After each torture session, he'd crawl back to his cell—and surreptitiously give his comrades the high sign.

He, and his men, were not to be beaten.

It was exactly 11 months after the seizure when the North Koreans freed their American captives. They were allowed to walk one by one across the Demilitarized Zone separating North and South Korea.

While the Pueblo crew was free, their ship was and still is not. It is being held as a trophy of war in a river near Pyongyang—a tourist attraction and propaganda piece for the regime.

North Koreans have been forced at times to eat grass, so poorly is their economy run by central planners. But they have "bread and circuses" in the form of the American intelligence ship which bears this city's name.

Many attempts have been made to persuade the North Koreans to give the ship back to its rightful owners. When he was governor of California, Ronald Reagan urged Washington to bomb North Korea in order to force the ship's release.

Over the years since, numerous diplomatic moves have been tried. Recently, at the behest of Colorado's U.S. Sen. Wayne Allard, a Korean battle flag on display at the U.S. Naval Academy was returned to the Hermit Kingdom as a sign of this nation's goodwill.

That and all other overtures have thus far been fruitless. But this incident of four decades ago remains an ugly scar on the history of this nation, one which cannot be allowed to continue to fester.

We realize that with the War on Terrorism in Iraq, Afghanistan and elsewhere across the globe, there are other pressing international security issues. But if this nation were to show the world its resolve by getting the USS Pueblo back, by whatever means, we would show those who think they can bring us to our knees that we are not to be cowed.

Mr. President, bring back the USS Pueblo.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

THE ECONOMY

Mr. DORGAN. Mr. President, when I am completed talking about the economy, we will return to the Indian affairs business and debate the bill on the floor. If there are those who wish to offer amendments, I certainly hope we can bring them to the floor and debate them and vote on them.

As I mentioned, I would like to talk for a moment about the economy. There is the 24/7 news hour all across this country talking about what is happening: What on Earth is going on in this country's economy? What is happening in the stock market, which is moving up and down like a yo-yo—not so much up anymore but down substantially in recent weeks and months.

So what is happening? There are many pieces of evidence to suggest this economy is in very big trouble, including a substantial reduction in the stock market, an increase in unemployment, and a dramatic drop in housing starts. As a result of all of that, there has been frenzied activity, both at the White House and in the Congress, to talk about something called a stimulus package. We need to do a fiscal stimulus package.

In fact, the President announced a stimulus package of $145 billion to $150 billion. That is a stimulus package of about 1 percent of our gross domestic product in this country.

Yesterday, the Federal Reserve Board took action in monetary policy to cut a key interest rate by 75 basis points. That was a significant and aggressive move by the Federal Reserve Board. This Congress and this President will want to make some aggressive moves with a stimulus package that are complementary to what has been done in monetary policy.

I make this point that is very important: If that is what we do, and all that we do, we fundamentally misunderstand what is wrong. I think most of the American people understand what is wrong. Certainly, most of the people around the world who look at this country understand we have gone off the track. If we don't fix our trade policy and fiscal policy, and if we don't fix things that need regulating that have largely been outside of the view of regulators, we are going to continue to be in very big trouble. Let me go through just a couple of these items.

We have the largest trade deficit in human history. Every single day, 7 days a week, we import $2 billion more than we export. That means every single day we add another $2 billion to the indebtedness of this country. That is over $700 billion a year. We are hemorrhaging in red ink. We have to fix it. Warren Buffett, a remarkably successful investor in this country, said it quite clearly: This is unsustainable, this cannot continue.

The fact is, the President and the Congress act as if nothing is wrong. We have the most unbelievably inept trade policy in the history of humankind—$2 billion a day we import more than we export. That means we are putting dollars that we pay for those goods in the hands of foreigners, and they are coming back to buy part of America. We are literally selling part of this country. But the fact is, you cannot hemorrhage in red ink like that for any great length of time without having significant consequences. It is what undermines your currency. It undermines confidence in your economy.

You add to that $700 billion-plus a year trade deficit a fiscal policy that is reckless and ill-considered. It is as if we think people cannot see. It is like a drunk who thinks they are invisible. The fact is, we have an unbelievable fiscal policy deficit. They say: Well, it is $200 billion, $300 billion. Nonsense. Take a look at what we have to borrow for fiscal policy every year. The reason they show the lower deficit is because they are misusing the Social Security revenues. Take a look at the real deficit. It is likely to be over half a trillion dollars this year. You add that to the trade deficit and then ask yourself, if you were looking from the outside into this country, do you think this is off track, the fundamentals are out of line? Do you think they have to be fixed? The answer is yes. We have very serious abiding problems. You add to that an unbelievably inept fiscal policy hemorrhaging in red ink and is way off track.

By the way, it is not just the normal budgetary Presidential requests and congressional actions on spending and taxing. The President, in the last year, sent to the Congress, in addition to outside-the-budget system, he said: I want you to appropriate money for me, $196 billion—that, by the way, is $16 billion a month, $4 billion a week—and I don't want any of it paid for; I want it added to the debt because I want it for Iraq, Afghanistan, and other activities with respect to the war. That takes us to over two-thirds of a trillion dollars this President has asked for, none of it paid for. We will send our soldiers to war, but we will not do anything that requires any effort on our part to begin to pay for it. We will send soldiers to war and say: Come back and you pay for it later.

In addition to a fiscal policy that just does not work, we are now engaged in a war in which we borrow the money. Even as we borrow the money for the war, we have a President who says: I want more permanent tax cuts, mostly for the wealthy. It is not a secret. Everyone sees what is going on—everyone, apparently, except those in the White House and those in the Congress.

We have to fix the fundamentals, and if we do not, there isn't any amount of fiscal policy stimulus or any amount of activity by the Federal Reserve Board that is going to set this straight. It just is not.

You add to that inept trade policy and the hemorrhaging of red ink on fiscal policy that is reckless and out of control these issues: regulators who really do not care. They come to the body of regulatory responsibility bragging that they don't like government. What happens? We have what is called a subprime lending crisis. What does that mean? What it means is no one was watching and no one cared very much, and what we had was an orgy of greed with respect to an industry that is essential to this country—that is, providing loans so people can buy homes.

We had a bunch of highfliers decide: What we really want to do is to sell you a loan, and we want to put you in a new home. To do that, we will give you rates that you will not even believe. We will give you a home loan at a 2-percent interest rate—2 percent. We will quote the payment. That looks good, a 2-percent interest rate. What they don't tell you is the interest rate is going to reset in 3 years, it is going to reset way up, and then you will not be able to make the payments, or they do not tell you there also is an escrow you have to pay every month on top of that.

Here is what was going on. This was an advertisement on television:

> Do you have bad credit? Do you have trouble getting a loan? You've been missing payments on your home loan? Filed for bankruptcy? Doesn't matter. Come to us. We've got financing available for you.

We have all heard these ads and probably scratched our heads and wondered: How on Earth can this happen? The fact is, it can.

I will give an example. The biggest mortgage lender is Countrywide, which now is being purchased by Bank of America, apparently. The CEO of Countrywide, Mr. Mozilo, made off now with hundreds of millions of dollars. They had brokers cold-calling people saying: We want to put you in a subprime loan. Then they sold these subprime loans. They packaged these subprime loans with other good loans. They were enticing people into these loans at teaser interest rates that were going to reset in ways people could not afford to pay. Then they decided, just as in the old days when the discussion was about meat-packing plants and they put sausage and sawdust together—when you make sausage, you need a filler. So they put sawdust in sausage. These companies that were hawking these loans decided to put good loans with bad loans, subprime with other loans, and then mix them all up like a big-old sausage, and they would slice them up, securitize them, and sell them.

Who wanted to buy them? The rating agencies were sitting there dead from the neck up: This looks OK. We don't understand it, but it looks good to us. Hedge funds were saying: I like these new pieces of financial sausage because they are sliced up in a way that has a big yield. Why a big yield? Because they had prepayment penalties for the loans, loans that would reset to much higher interest rates that people couldn't make. This new piece of financial sausage shows a very high yield. So the hedge funds, liking high yields and liking big money, are buying all these securitized loans, and then all of a sudden, it goes belly up. And we wonder why. It is because people were advertising on television: You have bad credit? Have you filed for bankruptcy? Come to us; we want to give you a loan. Then they package this up in an irresponsible way.

One might ask the question: How could that all have happened? Weren't there some regulators around? No, no. The regulators were first ignoring them and then actually giving them a boost. Alan Greenspan now stands around scratching his head thinking: What on Earth happened? It happened on your watch, my friend. The Federal Reserve Board did nothing. In fact, part of this housing bubble that occurred was part of the air that comes from these unbelievable subprime loans that boosted that bubble. Again, Warren Buffett said: Every bubble will burst. And this one did. It shouldn't have surprised us. But regulators sat by and said: That doesn't matter.

Did anybody care about those brokers placing a $1 million jumbo subprime loan, making a $30,000 commission on that loan? Did anybody say: Wait a second, what you are doing is misleading the folks who are going to borrow the money; you can't do that. Did anybody say to the rating agencies: You can't be rating as top-grade securities this sausage with sawdust, these financial instruments that have stuck together bad loans with good loans; you can't do that. Did anybody say to the hedge funds: You are buying a pig in a poke here; you are buying something you think is high yield, but you know better than that. What happened was all of this went out over the transom, and nobody even knows where it is or how much it is. Now they can't untangle it to find out where all these subprime loans exist. Nobody knows.

The next time somebody talks about regulation, understand, sometimes regulation is very important. The danger to this economy, as a result of the subprime scandal, is very significant. It is having consequences all across this country. You add this subprime scandal and its consequences to a fiscal policy that is reckless, to a trade policy that is inept, and then add this final factor: We have a circumstance where a gambler goes into a casino in Las Vegas and, in most cases, the sum total of what they will lose is the money they have carried into the casino—that is the risk of loss.

Here is the other fact about what is happening in our economy that nobody wants to talk about. We have hedge funds—yes, they are called hedge funds, mostly unregulated—to the tune of about $1.2 trillion. Some would say that is not so much, $1.2 trillion. There is $9 trillion of mutual funds. There is something like $40 trillion of the total aggregate value of stocks and bonds. So $1.2 trillion in hedge funds, that is not so much, except one-half of all the trading on the New York Stock Exchange is done by those hedge funds. And those hedge funds have created, among other things, derivatives. There was something like a notional value of $26 trillion in credit default swaps at the end of 2006.

It sounds very much like a foreign language when I say it, but the product everyone is worried about at the moment is something called credit default swaps, trillions of dollars of credit default derivatives—fancy financial instruments, much fancier than sausage with sawdust but in many ways the same thing. The interesting thing about these hedge funds is the dramatic amounts of borrowing, so they are not going to lose just what they go into the casino with in their pocket money. They are so heavily leveraged and so deep in credit default swaps that this could have significant consequences for our economy.

I and others have spoken on this floor for several years about the need for regulation of hedge funds. I have spoken on this floor many times about the issue of derivatives and the total aggregate notional value of derivatives and its potential consequence to the economy in a downturn.

A friend told me there is a saying on Wall Street that you will never know who is swimming naked until the tide goes out, and then it might not be very attractive. When the tide goes out with respect to this economy's difficulties and we evaluate who in the hedge funds, in the investment banks, who in all of these enterprises is left who cannot pay the bills because they were so unbelievably leveraged in financial interests most Americans have never heard of, credit default swaps, what are the consequences to our country's economy?

If this does not sober up our Government on trade policy and fiscal policy and regulatory requirements with respect to hedge funds and derivatives, then nothing will. If this does not alert all of us that we are no longer operating behind a screen somehow—the world sees what is happening when there is a subprime loan scandal, the world understands it, and its consequences are felt all across this country and all across the globe.

I understand we are going to do something called a stimulus package. We have a roughly $13 trillion-plus economy. We are going to do a stimulus package probably of $140 billion, $150 billion—1 percent of our economy. I understand the Federal Reserve has taken substantial action, 75 basis points yesterday. That is a big deal for the Fed, and I understand why. It is to try to calm the nerves and say this country stands behind its economy, and we should. I believe in this country's economy. This engine of opportunity and engine of growth is unusual in the world. On this planet, we circle the Sun, and there are about 6.4 billion neighbors, half who live on less than $2 a day and half who have never made a telephone call, and we have the opportunity to live in this country. This is a wonderful place. We have built something unusual on this planet, but we have run into difficulty. No one seems to want to admit it, and we have to fix the fundamentals. Yes, we can do stimulative packages, but if we don't fix the fundamentals, we will not solve the problems for the future, we will not expand opportunity for the future.

There is so much to say and so much to be concerned about, but there is so much hope for the future if—if—we understand that a stimulus package is not our only responsibility. We have to fix trade and fiscal policy, and regulatory responsibility. We need to begin regulating hedge funds and be concerned about the notional value of derivatives. If we do not start doing that, we are not going to fix this issue, and we are not going to have a better future.

I feel very strongly, if we do what is right, that we can provide substantial opportunity for this country, but the right things will include much more than a stimulus package.

Mr. President, I would like, in concluding my portion of morning business, I would like to talk about the underlying bill on the floor of the Senate, that is the Indian Health Care Improvement Act.

I spoke yesterday at some length, but I wish to again talk a little bit about why we are here and what all this means because I think it is so important. Some might say: Well, why is there an Indian Health Care Improvement Act? Why not a Norwegian or a Lutheran Health Care Improvement Act?

The Indian Health Care Improvement Act is designed that way, with that name, for a very specific reason. This country, for a long period of time, told American Indians: Look, we are going to take your land, we are going to force you to a reservation someplace, and we will write a treaty for you. Our treaty is going to tell you we are going to take care of your health care. We are going to meet our obligation. We have a trust responsibility for you.

So we will take your land, we will move you off to reservations, but, trust us, we are going to provide for your health care because that is our trust responsibility. Chief Joseph from the Nez Perce Tribe said:

> Good words do not last unless they amount to something. Words do not pay for dead people. Good words cannot give me back my children. Good words will not give my people good health and stop them from dying.

He was concerned long ago about the inability of this country to keep its word on these trust responsibilities. We are here today because, finally, back in the early 1970s, President Nixon, President Ford, and every President succeeding them understood we have a trust responsibility for Indian health care. That is a fact.

In 1970, President Nixon noted we had 30 licensed Native American physicians in all our country. Thirty. And we created back then a self-determination policy. In 1976, President Ford signed into law the Indian Health Care Improvement Act. That is what we discuss today on the floor of the Senate.

I spoke yesterday, and I wish to again briefly about the challenge. I have held a lot of listening sessions on Indian reservations, and, frankly, the challenges we face are daunting.

Indian reservations see unbelievable health challenges. On a good many reservations, you will find one-half of the adult population who are suffering from diabetes. On the northern Great Plains, the rate of death from suicide among teenagers on Indian reservations is not double or triple, not 5 times the national average, but 10 times the national average of teen suicide.

I have held hearings about that. I have sat down with Indian teenagers on an Indian reservation, no other adults present, to say: What is going on in your lives? What is happening? What is causing those clusters of suicides? There are so many problems of diabetes and suicide and so many other issues on reservations, dealing with health care. Part of it is because this system is so dramatically underfunded.

I wish to mention Ardel Hale Baker. Ardel Hale Baker is a woman on an Indian reservation who allowed me to use her photograph. Ardel Hale Baker was having a heart attack, diagnosed as a heart attack at a clinic. She didn't want them to call an ambulance. The nearest hospital was an hour and a half, hour and three-quarters away. She was lucky she got to the clinic when it was opened because the clinic, I believe, is open from 9 o'clock until 5 o'clock or 4 o'clock, with an hour closed for lunch hour. It is not open on weekends, but that is the health care on that reservation.

But she went there when the clinic was open. She was diagnosed as having a heart attack. She did not want them to call an ambulance because she knew that if the ambulance was not paid for by the Indian Health Service, she did not have any money and it would ruin her credit, because they would come after her.

So they said: No matter what you want, you are getting an ambulance. They put her in an ambulance, drove her about an hour and three-quarters to the nearest hospital. As they unloaded this woman from the ambulance gurney to a hospital gurney to pull her into the emergency room, they discovered a piece of paper attached to her thigh with a piece of tape.

I want to show you the paper that was attached to the thigh of Ardel Hale Baker as she was being wheeled into a hospital with a diagnosis of a heart attack. This is from the U.S. Department of Health and Human Services. It is a letter attached to this woman's leg with masking tape. It says on the letter that: You should understand that you have received outpatient medical services from your doctor at so and so. And this letter is to inform you that your priority one care cannot be paid for at this time, due to funding issues.

What they were saying is, as they wheeled this Indian woman into the emergency room, they were saying to the hospital: Understand this. That whatever care you give her is not going to be paid for, because we are out of contract health care funds.

On that reservation, everyone knows the refrain: Do not get sick after June because they are out of contract health care funds. What does this do? Well, if they treat this woman, then they have a bill that they go after this woman on. She does not have the ability to pay it. So it ruins her credit rating quickly, just like that. I cannot tell you the number of adults I have run into on these reservations who have had their credit ratings ruined because contract health care would not pay for health care.

They did not have the money. They were treated anyway, but then it ruined their credit rating. This is an example of what is happening over and over. It is happening today, on Wednesday.

Yesterday, I spoke about a beautiful young woman named Ta'shon Rain Littlelight. I was on the Crow Reservation in Montana. And Ta'shon Rain Littlelight's grandmother stood up at a meeting on health care. And this little 5-year-old girl, with the bright eyes and the beautiful traditional dress, loved to dance at age 5. And she apparently was a good dancer.

Ta'shon Rain Littlelight is dead. She lived the last 3 months of her life in unmedicated pain. This little girl was taken again and again and again and again to the Indian health clinic. And she was treated for depression. Depression.

At one of the visits, her grandparents said: Well, she has a bulbous condition on her toes and her fingers which suggests maybe she is not getting oxygen or something else is wrong, can you check? Treated her for depression.

One day she was airlifted to Billings, MT, to the hospital. In arriving at the hospital in Billings, MT, she was very quickly then airlifted to the Children's Hospital in Denver, CO, and diagnosed with terminal cancer.

Now Ta'shon Rain Littlelight was a 5-year-old child. She would not have known the challenges of this issue of Indian health care. When diagnosed with a terminal illness, she told her mother what she wanted to do was to go see Cinderella's castle. And the Make-A-Wish Foundation folks made that happen.

A few weeks later, she was in Orlando, FL. The night before she was to see Cinderella's castle, in the hotel room, in her mother's arms, she died.

And Ta'shon Rain Littlelight told her mother that night before she died: Mommy, I will try to get better. Mommy, I am sorry I am sick.

This little girl lived in unmedicated pain with an undiagnosed illness for many months. Would that have happened in our families? Would it?

A woman goes to a doctor on an Indian reservation, with so much pain in her leg because her knee is bone-on-bone, unbelievable pain. And she is told: Wrap it in cabbage leaves for 4 days and it will be fine.

The doctor who subsequently treated her off the reservation said it was unbelievable. This is the woman who had a knee condition with such unbelievable pain that any of us or our families would immediately have wanted to have a new knee, a replacement. But she was told to wrap it in cabbage leaves for 4 days and it will be okay.

Now, if I sound angry about what is going on, I am. Because this country has a responsibility to do better. We have a responsibility for health care for two special groups of people. One, Federal prisoners whom we send, incarcerated, to Federal prisons because they have committed crimes. When they are in a Federal prison, it is our responsibility for their health care, and we provide it.

We also have a responsibility because we promised and made a solemn trust oath to provide health care for American Indians. We even signed that into treaty after treaty. Now, all these years later, I find we are spending twice as much per person to provide health care for incarcerated Federal prisoners as we are to provide health care for American Indians.

That is why Ta'shon Rain Littlelight loses her life or at least does not have the kind of care and diagnosis we would expect for ourselves or our families or other Americans. That is why we have to fix it.

So having said all that I—I am sorry to go through it again—but I feel so strongly that this Congress has to take responsibility. Having said all that, there is much we can do. We have put together a piece of legislation that is 10 years too late. Ten years this Congress has delayed in reauthorizing this bill.

Finally, we are on the floor of the Senate to reauthorize this bill. This legislation is not perfect. It is a step forward, a step in the right direction. One of my colleagues will come and say: I demand reform. Well, he cannot demand it more than I demand it. But if you cannot get the first step done, how are you going to talk about reform 10 years after this should have been done?

I am looking for amendments that can be brought to the floor that can strengthen this. I am for those amendments. As soon as this passes, our committee is going to immediately begin a much broader reform of Indian health care.

But first and foremost, we have to move forward. We expand cancer diagnosis and treatments, we expand the opportunities for dialysis, we expand the opportunity for diabetes programs, we expand the opportunities to recruit doctors and nurses on Indian reservations. We do a lot of things in this bill that advance the interests of Indian health care.

It is not all I would like to do, but it is a significant step forward, that will improve the lives of people who today are not getting what was expected and what was promised by this country. This country has a responsibility to meet this, and I am determined, somehow, someway, we are going to meet it.

It appears, toward the end of this afternoon, the majority leader has indicated we have to go to the Foreign Intelligence Surveillance Act, because we have a February 1 deadline on that. We likely will not get this bill done by the end of this afternoon. We will then turn to FISA and work on FISA, I believe, perhaps today, tomorrow, perhaps Friday and Saturday, according to the majority leader.

But when the Foreign Intelligence Surveillance Act is completed, the majority leader told our caucus a bit ago, then we will pull this back on the floor and finish this piece of legislation.

So I ask my colleagues to come to the floor with amendments. Let us debate amendments, talk through amendments, improve this bill, if we can. But most importantly, let us get to the end, get it passed and have a conference with the House and, finally, after 10 long years, send this to the President for signature.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, we are attempting, with the two cloakrooms, to notify offices of Senators that we would like very much to find a way to get a list of the amendments that are intended to be offered.

So if there are Senators who have amendments to this bill they intend to offer, we hope they would notify their cloakrooms so we can put a list together. We would like to make some progress. I do know the Republicans have an issues conference this afternoon, or perhaps all day. But I know they are now at an issues conference, I believe at a location on Capitol Hill. So I expect this bill will be carried over.

But if we can have some amendments offered this afternoon, still we can debate these amendments, I would like to ask Senate offices if they have amendments, notify the cloakrooms so we can put them on a list and have some notion of what we need to do in order to get this bill completed.

My understanding is the Senator from Vermont wishes to speak in morning business.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to continue for what will be a relatively short while as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN INTELLIGENCE SURVEILLANCE

Mr. LEAHY. Mr. President, the Senator from North Dakota is absolutely right. Having managed a number of bills, I know that sometimes it is hard to get people with amendments to come forth. I hope they do. Once this bill is finished, we will go to the Foreign Intelligence Surveillance Act or, as we know it here, FISA. It is intended to protect both our national security and also the privacy and civil liberties of all Americans. We are considering amendments to that important act that will provide new flexibility to our intelligence community. We all support surveillance authority. With terrorists plotting against us and talking about it, we want to be able to use all the various electronic and other means to find out what they are saying. Unlike some in the administration who say we are dealing with an antiquated law, we have updated this act many times, probably 30 or more times since its historic passage after intelligence abuses of earlier decades.

I came here 34 years ago. I well remember that this Nation was still reeling from the excesses of the COINTELPRO when people were being spied on by their Government simply because they disagreed with what the Government was doing; in this case, the war in Vietnam. We enacted FISA so we could do the legitimate thing of actually spying on people who wanted to do harm to the United States at the time of the Cold War, when we had adversaries all over the world. We also wanted to make sure that Americans who were minding their own business, not doing anything illegal, wouldn't be spied upon.

We rushed the so-called Protect America Act through the Senate just before the August recess and with it were a number of excesses. They came about because the administration broke agreements it had reached with congressional leaders. The bill was hurriedly passed under intense partisan pressure from the administration. In fact, the pressure was so strong, they made it very clear why they were willing to break agreements with those Republicans and Democrats who had been working together to try to craft a bill that would protect America's interests but also protect the privacy of individual Americans.

So we passed a bill that provides sweeping new powers to the Government to engage in surveillance, without a warrant, of international calls to and from the United States involving Americans, and it provided no meaningful protection for the privacy and civil liberties of the Americans who were on those calls. It could be an American calling a member of their family studying overseas. It could be a business person who, as they travel around to various companies they represent, ends up having their telephone calls intercepted.

But before that flawed bill passed—the one that came about because of the broken agreements by the administration—Senator ROCKEFELLER and I and several others in the House and Senate worked hard, in good faith with the administration, to craft legislation that solved an identified problem but, as I said, protected America's privacy and liberties.

Just before the August recess the administration decided instead to ram through its version of the Protect America Act with excessive grants of Government authority and without any accountability or checks and balances. They did this after 6 years of breaking the law through secret warrantless wiretapping programs. It was one of the most egregious things I have seen in my 34 years in the Senate. First they violate the law, and then instead of being held accountable, they ram through a law designed to allow them to continue those actions. Some of us saw it for what it was and voted against it. Both Senators from Vermont voted against it. We are from a State that borders a foreign country. We are concerned about our security, but we are also concerned about our liberties and our privacy.

We did manage to include 6-month sunset in the Protect America Act so we would have a chance to revisit this matter and do it right. The Senate Judiciary Committee and the Intelligence Committee, as well as our House counterparts, have spent the past month considering changes. In the Senate Judiciary Committee we held open hearings. We had more briefings than I can even count and meetings with the administration, with people in the intelligence service, with people at the CIA, NSA, and others. We considered legislative language in a number of open business meetings where Senators from across the political spectrum could be heard. Then we reported a good bill to the Senate before Thanksgiving.

The bill we are now considering will permit the Government, while targeting overseas, to review more Americans' communications with less court supervision than ever before. I support surveillance of those who might do us harm, but we also have to protect Americans' liberties. Attorney General Mukasey said at his nomination hearing that "protecting civil liberties, and people's confidence that those liberties are protected, is a part of protecting national security." Let me repeat what the new Attorney General said:

> Protecting civil liberties, and people's confidence that those liberties are protected, is a part of protecting national security.

I agree with him. That is what the Judiciary Committee bill does. I commend the House of Representatives for passing a bill, the RESTORE Act, that takes a balanced approach to these issues and allows the intelligence community great flexibility to conduct surveillance of overseas targets but also provides oversight and protection for Americans' civil liberties. The Senate Select Committee on Intelligence has also worked hard. I know Chairman ROCKEFELLER was as disappointed as I at the administration's partisan maneuvering just before the August recess. After being here through six administrations, it has always been my experience, with Republican or Democratic administrations at certain points, when you are negotiating a key piece of legislation with the administration, you have to rely on them to keep their word and be honest with you, as they have to rely on you to keep your word and be honest with them. Through six administrations, 34 years, I can never remember a time where an administration was less truthful or flatly broke their word in the way this one did.

I commended the efforts of Senator ROCKEFELLER and those working with him. I do so again now. I believe both he and I want surveillance but we want surveillance with oversight and accountability within the law. I also want to praise our joint members. In the Judiciary Committee we have, by practice, a certain number of members who serve on both Judiciary and Intelligence for obvious reasons. The ranking member of Judiciary and I, of course, have access to a great deal of intelligence whenever we have requested it, but that is on an ongoing basis.

Senators FEINSTEIN, FEINGOLD, and WHITEHOUSE contributed so much to the work of the Judiciary Committee. They worked with me to author many of the additional protections we adopted and reported. They had worked on the bill in the Intelligence Committee and then worked with us. These Senators and others on the Judiciary Committee worked hard to craft amendments that will preserve the basic structure and authority proposed in the bill reported by the Select Committee on Intelligence, but then they added those crucial protections for Americans, the part the Judiciary Committee, because of our oversight of courts, worries about.

I believe we need to do more than the bill initially reported by the Senate Select Committee on Intelligence does to protect the rights of Americans. I know the chairman of that committee joins with me to support many of the Judiciary Committee's improvements.

Let me cite briefly what they are. The Judiciary bill, for example, makes clear that the Government cannot claim authority to operate outside the law outside of FISA—by alluding to other legislative measures never intended to provide that authority.

I will give you an example of what happened. The House and the Senate passed an authorization for the use of military force. We did this right after September 11. It was authorization to go in and capture Osama bin Laden—the man who engineered 9/11, is still loose, and taunts us periodically. But what happened? The administration was so hellbent on getting into Iraq that when they had Osama bin Laden cornered, they withdrew their forces and let him get away so they could invade Iraq—a country that had absolutely nothing to do with 9/11. Now they say that authorization allowed them to wiretap Americans without a warrant. I have heard some strange, convoluted, cockamamie arguments before in my life. This one takes the cake.

I introduced a resolution on this in the last Congress when we first heard this canard. We authorized going after Osama bin Laden, but the Senate did not authorize—explicitly or implicitly—the warrantless wiretapping of Americans. By their logic, they could also say we authorized the warrantless search of the distinguished Presiding Officer's home or my home. This body did no such thing, but the administration still is clinging to their phony legal argument.

The Judiciary bill would prevent that dangerous contention with strong language that reaffirms that the Foreign Intelligence Surveillance Act is the exclusive means for conducting electronic surveillance for foreign intelligence purposes.

The Judiciary Committee's amendment would also provide a more meaningful role for the FISA court to oversee this new surveillance authority. The FISA court is a critical independent check on Government excess in the sensitive area of electronic surveillance. The administration claims that of course the Foreign Intelligence Surveillance court can look at what they are doing, they just don't want the court to be able to do anything about it. No. The Judiciary Committee says the court should be able to look at what they are doing and should be able to stop them if they are breaking the law. In this Nation we fought a revolution over 200 years ago to have that right.

With the authority of a majority of the Judiciary Committee members, I am going to offer a revised version of the Committee's amendment that makes some changes to address technical issues and also to address some of the claims the administration has made about our substitute.

For example, in response to concerns raised by the administration in its Statement of Administration Policy, we have revised the exclusivity provision to ensure that we are not overextending the scope of FISA. We have also revised the provision concerning stay of decisions of the FISA Court pending appeal, the provision clarifying that the bill does not permit bulk collection of communications into or out of the United States, and a few other provisions.

I believe these revisions make the Judiciary Committee's product even stronger, and I urge my colleagues to support it.

Now, in the bill we have a title I, a title II. Title II in the Intelligence bill talks about retroactive immunity. We do not address that in the Judiciary Committee's bill, but I do strongly oppose the bill reported by the Senate Select Committee on Intelligence in that area. Their bill would grant blanket retroactive immunity to telecommunications carriers for their warrantless surveillance activities from 2001 through earlier this year. This surveillance was contrary to FISA and violated the privacy rights of Americans.

The administration violated FISA for more than 5 years. They got caught. If they had not gotten caught, they probably would still be doing it. But when the public found out about the President's illegal surveillance of Americans, the administration and the telephone companies were sued by citizens who believe their privacy and their rights were violated.

Now the administration is trying to get this Congress to terminate those lawsuits. It is not that they are worried about the telephone companies. They are not as concerned about the telephone companies as they are about insulating themselves from accountability.

This is an administration that does not want us to ask them anything, and they do not want to tell us anything. Interesting policy. If you do ask them, they are not going to tell you. If they do tell you, it appears oftentimes they do not tell you the truth.

Now, the rule of law is fundamental to our system. It has helped us maintain the greatest democracy we have ever seen in our lifetimes. But in conducting warrantless surveillance, the administration showed flagrant disrespect for the rule of law. It is like the King of France, who once said: "L'Etat, c'est moi." "The state is me." They are saying: What we want to do is what we will do. And if we want to do it, the law is irrelevant.

I cannot accept that.

The administration relied on legal opinions that were prepared in secret and shown only to a tiny group of like-minded officials who made sure they got the advice they wanted—advice that, when it saw the light of day, people said: How could anybody possibly write a legal memorandum like that?

Jack Goldsmith, who came in briefly to head the Justice Department's Office of Legal Counsel, described the program as a "legal mess." He is a conservative Republican. He looked at this and said: It is a legal mess. Now, the administration does not want a court to get a chance to look at this legal mess. Retroactive immunity would assure that they get their wish and that nobody could ask how and why they broke the law.

Frankly, I do not believe anybody is above the law. I do not believe a President is, I do not believe a Senator is, I do not believe anybody is.

I do not believe that Congress can or should seek to take rights and legal claims from those already harmed. I support the efforts of Senators SPECTER and WHITEHOUSE to use the legal concept of substitution to place the Government in the shoes of the private defendants who acted at its behest and to let it assume full responsibility for the illegal conduct.

Although my preference, of course, is to allow the lawsuits to go forward as they are, I believe the substitution alternative is effective. It is far preferable to retroactive immunity, and it allows this country to find out what happened.

Keep in mind why we have FISA. Congress passed that law only after we discovered the abuses of J. Edgar Hoover's FBI. Through the COINTEL Program, Hoover spied on Americans who objected and spoke out against the war in Vietnam—which pretty well involved 100 percent of the Vermont delegation in Congress.

It is like the Department of Defense today that is going around videotaping Quakers protesting the war. Quakers always protest the war. But this administration seems to think, if you disagree with them, somehow you are an enemy of the country and they can justify spying on you. That is why we put these laws in place. Is memory so short around here? Is memory so short or are we so frightened by 9/11 that we are willing to throw away everything this country fought for and everything that has made this country survive as long as it has?

We were told this building was targeted by terrorists. I proudly come into this building every day to go to work. It is the highlight of my life, other than my wife and my family. But I come in here because I believe 100 Members of the Senate can be the conscience of the Nation. We can protect Americans' rights, we can protect those things that our forefathers fought a revolution for, that we fought a civil war to protect, that we fought two World Wars to protect. Now we are going to throw it away because of a group of terrorists? This is "Alice in Wonderland."

So as we debate these issues, let's keep in mind the reason we have FISA in the first place. As I said, back in the 1970s we learned the painful lesson that powerful surveillance tools, without adequate oversight or the checks and balances of judicial review, lead to abuses of the rights of the American people.

So I hope this debate will provide us with an opportunity to show the American people what we stand for. We can show them that we will do all we can to secure their future, but at the same time protect their cherished rights and freedoms. Those are the rights and freedoms that protected past generations and allowed us to have a future. If we do not protect them, what will our children and grandchildren have?

It is incumbent upon us to stand up for this country. When you stand up for this country, it does not mean jingoism, it does not mean sloganeering. It means protecting what is best for this country. If we do that, the terrorists will not win. The United States of America wins. The people who rely on us around the world will win. Our example will be one they will want to follow.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FISA BILL

Mrs. FEINSTEIN. Mr. President, I know that both chairmen, Senator LEAHY of Judiciary and Senator ROCKEFELLER of Intelligence, are coming to the floor to speak on the FISA bill. I wish to take this opportunity, as a member of both those committees, to speak about two amendments I will offer when the time is appropriate. This is in morning business and, therefore, I cannot offer them at this time.

The first amendment will deal with a new question, and that question is: court review of telecom immunity. Let me explain what that means. First, this amendment is submitted on behalf of Senators BILL NELSON, CARDIN, and myself. Senator NELSON is on the Intelligence Committee. Senator CARDIN is on the Judiciary Committee. I have also worked with Senator WHITEHOUSE on this, though I believe he is going in a slightly different direction.

As Members know, the bill before us provides full retroactive immunity for electronic service providers—that is the legal language—that are alleged to have provided assistance as part of the Terrorist Surveillance Program. The amendment I am offering creates a judicial review by putting forth the issue of whether immunity should be granted before the FISA Court. There would be no immunity for any individual, private or public official—that is in the underlying bill—or any other company other than electronic service providers.

So the immunity provision in the Intelligence bill only relates to those providers of electronic surveillance—no one else and no other company. I hear talk this would apply to Blackwater. It does not. This is strictly for electronic surveillance.

The FISA Court has the most experience with FISA practice and surveillance law. It has an unblemished record for protecting national security secrets. It has 11 judges. They sit 24/7. It has an appellate branch, and it is knowledgeable and skilled in intelligence matters.

Under the amendment, there would be a narrowly tailored three-part review. First, the FISA Court would determine whether a telecommunications company provided the assistance alleged in the cases against them. If not, those cases are dismissed.

Second, if assistance was provided, the court would determine whether the letter sent by the Government to the telecommunications company met the requirements of 18 USC 2511. That is part of the FISA law. If they did, the companies would be shielded from lawsuits.

Let me tell you quickly what that law says. That law, in 2511(2)(a)(ii)(A) and (ii)(B), allows for a certification in writing by a person specified in section 2518(7) of this title—which means the Attorney General, Deputy Attorney General, Associate Attorney General, or by the principal prosecuting attorney of any State or subdivision thereof acting pursuant to a statute of that State who reasonably determines that a series of conditions are met: that an emergency situation exists, immediate danger of death or physical injury to any person, conspiratorial activity threatening the national security interest or conspiratorial activities characteristic of organized crime.

All those provisions, in one way or another, did exist. So a certification in writing under section 2511 must be by one of the people I enumerated, or by the Attorney General of the United States, and say that no warrant or court order is required by law, that all statutory requirements have been met, and that the specified assistance is required. Then there are some provisions setting forth the period of time during which the provision of the information, facilities, technical assistance is authorized, et cetera. That is the law.

So the question is: Were the certifications provided adequate under this law that I have read? If they were, the companies would be shielded from lawsuits.

The third part is the hardest. In any case where the defendant company did provide assistance but did not have a certification that complied with the sections I have read in 2511, the FISA Court would assess whether the company acted in good faith, as is the standard under common law. The FISA Court would determine whether the company had an objectively reasonable belief that compliance with the Government's written request or directives for assistance were lawful.

In the underlying bill, all the cases against the phone companies will be dismissed as long as the Attorney General can tell the court that the Federal Government assured the companies that the assistance it was seeking was legally permitted. That is the way it works in the underlying bill. Under this formulation, there is no court review of whether the assistance was, in fact, legal and adequate under the law or whether the companies had an objectively reasonable belief they were legal. This is a major shortcoming of any legislative or executive grant of immunity.

I thought this when I voted for the immunity provision in Intelligence. I had hoped it would be revised in the Judiciary Committee. I hadn't come upon this solution until I discussed it at length with Senator WHITEHOUSE and also with several professors of law and also with a Member of the House of Representatives. Then I thought, I wonder if this is a way to handle the immunity question that is fair and objective and handled by a court that is trained and deals with these matters on a continuing basis. I believe it is.

There are many Senators who believe the immunity provision should be taken out wholesale and that the current court case should continue. That is why I have introduced this amendment with Senators NELSON and CARDIN, which puts before the Senate a court review option. This amendment would allow phone companies to receive the immunity they are seeking, but only if the independent review by the FISA Court determines whether the assistance that was provided is lawful on its face or the companies had a good-faith, objectively reasonable belief that it was in fact lawful.

The arguments run hot and heavy on both sides of the immunity question. They may well prevent the successful passage of a bill by both Houses. Here is some history, though.

Shortly after September 11, 2001, the Government reached out to telecommunications companies to request their assistance in what has become known as the terrorist surveillance program. Within 5 weeks of 9/11, letters were sent from senior Government officials to these companies that put a governmental directive by the executive branch, and these letters were sent every 30 to 45 days to the telecoms, from October of 2001 to January of 2007, when the program was, in fact, put under FISA Court orders.

Only a very small number of people in these companies had the security clearances to be allowed to read and evaluate these letters or directives. And then even they could only discuss the legal ramifications internally. They could not go out and get other opinions and vet it. That is a fact.

We also know that at the time the requests and directives were made, there was an ongoing acute national threat. The administration was warning that more attacks might be imminent, and we now know there was a plot to launch a second wave of attacks against the west coast. In such an environment, I believe, and I think most of us believe, the private sector should help the Government when it is legal to do so. In fact, we should want the private sector to do all it can to help protect our Nation.

In addition, there has been a longstanding principle in common law that if the Government asks a private party for help and makes such assurances the help is legal, the person or company should be allowed to provide assistance without fear of being held liable.

One would think this should especially be true in the case of protecting our Nation's security.

However, this is not a situation that had not been contemplated or prepared for. Congress passed FISA and included language in that statute to address such situations regarding how and when the Federal Government may seek assistance from private companies when conducting electronic surveillance, where there is no court warrant. Those are the sections I have read to you. In fact, the law is very clear on this and under what circumstances a telecommunications company may provide such information and services to the Government, again, as I have indicated.

Assistance can always be provided when there is a court warrant. In this case, unfortunately, the administration did not even attempt to get a FISA Court warrant. It essentially dismissed FISA out of hand as a remedy. That is most unfortunate. The question comes, should the telecoms be blamed for that? I think that is something we need to grapple with.

The administration could have gone to the FISA Court. It chose under its article II power or its misinterpretation of the AUMF that it would not do that. Is that the responsibility of the telecoms?

As I have said, under United States Code, title 18, section 2511, the sections I have read, assistance may be provided without warrant if the Government provides a certification in writing that "no warrant or court order is required by law, that all statutory requirements have been met, and that the specified assistance is required." That is the law.

With that said, I have read the letters that were sent to the telecom companies every 30 to 45 days for several years requesting assistance and providing legal assurances. No one can say now with legal certainty that the certification requirements of section 2511 were or were not met. I believe this is a question that should be addressed by a Federal court, and I further believe that the Foreign Intelligence Surveillance Court is the court to do it.

The administration has had its own view that article II of the Constitution provided the President with the authority to conduct international electronic surveillance outside the law, as long as it complied with the Fourth Amendment. To what extent the phone companies relied on this legal theory I do not know, nor does anyone else at this time, I believe.

But the companies have a reasonable argument. They relied on written assurances in which the Attorney General, the top law enforcement officer of the country, said their assistance was lawful. They were not able to do due diligence because of security limitations. We have no way of knowing the full content of their deliberations regarding article II authority of the President, despite testimony they have given to us on the Intelligence and Judiciary Committees.

In addition, these companies face serious, potentially extraordinarily costly, litigation and are unable at the present time to defend themselves in court or in public because of the Government's use of the state secrets defense. This places the companies in a fundamentally unfair place. Individuals and groups have made allegations to which the companies cannot answer, nor can they respond to what they believe are misstatements of fact and untruths.

I asked the companies, when somebody opposed to their position came to testify before a committee of the other body: Why don't you testify and respond? They said: Because our hands are tied; we cannot.

So today we are in a situation that creates a difficult and consequential problem for Congress to address. The way Senator NELSON of Florida and Senator CARDIN and I see this is that the question of whether telecommunications companies should receive immunity hinges on whether the letters the Government sent to these companies meet the requirements of 18 U.S.C. 2511. If not, did the companies have a good-faith reason to believe there was a lawful reason to comply? In other words, we should not grant immunity if companies were willingly and knowingly violating the law.

I believe the best solution is to allow an independent court, skilled in intelligence matters, to review the applicable law and determine whether the requirements of the law or the common law principle were, in fact, met. If they were, the companies would receive immunity. If not, they would not.

I wish to briefly speak on the second amendment which I will broach at the appropriate time, and that is the question of exclusivity. This amendment is cosponsored by both chairmen, Senators ROCKEFELLER and LEAHY, Senators NELSON, WHITEHOUSE, WYDEN, HAGEL, MENENDEZ, and SNOWE. I will describe it briefly.

We add language to reinforce the existing FISA exclusivity language in Title 18 by making that language part of the FISA bill which is codified in Title 50. The second provision answers the so-called AUMF, the authorization to use military force, resolution loophole. The administration has argued that the authorization of military force against al-Qaida and the Taliban implicitly authorized warrantless electronic surveillance. My amendment states that only an express statutory authorization for electronic surveillance in future legislation shall constitute an additional authority outside of FISA. This makes clear that only specific future law that provides an exception to FISA can supersede FISA.

Third, the amendment makes a similar change to the penalty section of FISA. Currently, FISA says it is a criminal penalty to conduct electronic surveillance except as authorized by statute. This amendment replaces the general language with a prohibition on any electronic surveillance except as authorized by FISA by the corresponding parts of title 18 that govern domestic criminal wiretapping or any future express statutory authorization for surveillance.

And finally, the amendment requires more clarity in a certification that the Government provides to a telecom company when it requests assistance for surveillance and there is no court order.

Remember, on the question of immunity, we have existing law. The law I read earlier is vague and it is subject to interpretation. The question is whether we do the interpretation or whether a proper authority does the interpretation which, of course, is a court of law, namely, in this case, the FISA Court.

Currently, certifications must say under 18 U.S.C. 2511 that all statutory requirements for assistance must be met. The telecom official receiving that certification is not given any specifics on what those statutory requirements are, so the company cannot conduct its own legal review.

This amendment would require that if the assistance is based on statutory authorization, the certification must specify what provision in law provides that authority and that the conditions of that provision have been met.

I believe our amendment will strengthen the exclusivity of FISA, and I believe it is absolutely critical. Without this, we leave the door open for future violations of FISA.

When FISA was first enacted in 1978, there was a big debate between the Congress and the executive branch over whether the President was bound by law. We have had a repeat of that debate over the past 2 years since learning of the existence of the terrorist surveillance program. But the end result of the debate in the 1970s was clear. FISA was established as the exclusive means by which the Government may conduct electronic surveillance for foreign intelligence purposes, period. FISA was meant to be exclusive, and section 2511(f) of title 18 of the United States Code states that it is, in fact, the exclusive authority for domestic criminal wiretapping and that "the Foreign Intelligence Surveillance Act of 1978 shall be the exclusive means by which electronic surveillance, as defined in section 101 of such act, and the interception of domestic wire, oral, and electronic communications may be conducted for foreign intelligence purposes."

The legislative history is clear—ignored, but clear. In stating that "FISA would prohibit the President, notwithstanding any inherent powers, from violating the terms of that legislation," the 1978 report language was a clear statement of the intent of the Congress at that time, just as this amendment is now.

Congress also wrote in 1978 that in terms of authority for conducting surveillance, "FISA does not simply leave Presidential powers where it finds them. To the contrary. The bill substitutes a clear legislative authorization pursuant to statutory, not constitutional, standards."

President Carter signed the 1978 bill. His signing statement said this:

> This bill requires for the first time a prior judicial warrant for all

In italics—

> all electronic surveillance for foreign intelligence or counterintelligence purposes in the United States in which communications of U.S. persons might be intercepted.

So it is crystal clear on its face that FISA was the only legal authority under which the President could proceed when he authorized the "Terrorist Surveillance Program" after September 11. He chose not to. And this is where the issue becomes joined, I believe, one day before the highest Court of the land: whether the President's Article II power essentially still supersedes these clear statements of legislative intent and clear drafting of law over many decades.

To make matters worse, the administration claimed and still does claim that the resolution to authorize the use of force against al-Qaida and the Taliban provided authority to institute the Terrorist Surveillance Program. It does not.

I do not know one Member of Congress who believes they voted for the TSP when they voted to authorize the use of force. It was never contemplated, and I was present at many of those discussions, in private and in public. It was never considered.

In fact, FISA allows for 15 days of warrantless surveillance following a declaration of war. So Congress in 1978 had spoken on the issue of wartime authorities, and it did not leave open the possibility of open-ended warrantless surveillance.

Then the Department of Justice came to the Congress in September of 2001 with the PATRIOT Act. The legislation included numerous changes needed to FISA to wage this new war, but the administration did not request changes that would allow the TSP, the Terrorist Surveillance Program, to function lawfully. Nor did the administration express the limitations on FISA surveillance that the TSP was created to overcome.

In effect, we have a claim from this administration, which has never been recanted, that the President has the authority to conduct surveillance outside of FISA. We are spending enormous time and effort to rewrite FISA, but there is no guarantee that the President will not again authorize some new surveillance program outside the law. That is why those of us who put this amendment together have taken so much time to write strong exclusivity language right into this law.

When I have asked the Director of National Intelligence about this, he has said that with the new FISA authorities in this bill, the intelligence community wouldn't need to go outside of FISA. I would like to find comfort in this response, but I don't, and that is why I am offering this exclusivity amendment.

The President does not have the right to collect the content of Americans' communications without obeying the governing law, and that law is FISA.

I recognize the administration disagrees with me on this point. The White House believes the President's Article II authority allows him to conduct intelligence surveillance regardless of what Congress legislates. I disagree.

However, we are not going to resolve that question. As I said, ultimately it is for the Supreme Court to decide. But here now we must make the strongest case that the only authority for electronic surveillance is FISA, and we must again be as clear as possible exactly when FISA authorizes such surveillance.

That is our function under article I of the Constitution.

Let me say, however, despite the fundamental differences of views over separation of powers, this amendment has been carefully negotiated with officials at the Department of Justice, the Office of the Director of National Intelligence, and the National Security Agency. The executive branch has not raised operational problems or concerns with this language.

This exclusivity amendment will not affect ongoing or planned surveillance operations. Of course, I should also say clearly that the executive branch does not support the language. They do not want FISA to be the exclusive authority. But, legislatively, that has been the intention of this Congress since 1978.

I have tried to perform my due diligence on this whole terrorist surveillance program and the FISA issue since the news of the warrantless surveillance broke in December of 2005. I have become convinced that without strong exclusivity language such as provided in this amendment, another Congress in the future will be faced with exactly the same thing we are now.

I will repeat what I said in December: I cannot support a bill that does not clearly reestablish the primacy of FISA. We took the first step with very modest language in the Intelligence Committee. The Judiciary Committee passed very strong language, but unfortunately it has not been added to the bill before us. Both committee chairmen have cosponsored this amendment, as well as the others I have listed. The Department of Justice and the intelligence community have thoroughly reviewed the amendment. There is no operational impact. I hope we end the question once and for all whether the President can go around the law.

At the appropriate time, I will move this amendment, and I hope it will be accepted by this body, as well as the court review of the immunity amendment.

Mrs. FEINSTEIN. Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. McCASKILL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, this afternoon the Republicans have held an issues conference; in fact, I believe for most of the day. As a result, they have not been here today to engage in discussion on the Indian Health Care Improvement Act. I just finished speaking with Senator MURKOWSKI, vice chairman of the committee. We talked about the bill. She has played a significant role as vice chairman in bringing this Indian health care improvement bill to the floor. We both would like those who have amendments to provide notice to us of their amendments.

Our cloakrooms have asked for a list of amendments so that we may process them. It appears, based on what the majority leader indicated, that we will at some point today, perhaps in the next hour or two, turn to the Foreign Intelligence Surveillance Act. The reason for that is, there is a deadline of February 1 by which that Act has to be renewed. It expires and we have to take action to renew it. It will be controversial and cause quite a debate. So what the majority leader has indicated is that he will turn to the Foreign Intelligence Surveillance Act, and we will be on that tonight, tomorrow, perhaps Friday and Saturday—who knows?—and that following completion of that, he will bring the Indian health care improvement bill back to the floor.

My appreciation to the majority leader, he is trying to balance some difficult things. He, for the first time in 10 years, decided we should do what we should have done in the last 10 years, and that is reauthorize Indian health care.

We have a scandal in Indian health care with full scale rationing. Only 40 percent of health care needs are being met. We have people dying today on reservations because health care that we take for granted for our families, many of us, is not being made available on Indian reservations. I thank Senator REID for allowing us to come to the floor and putting this in the schedule. When it is pulled from the floor to go to FISA, it will be brought back next week or when FISA is completed. I appreciate that.

I notice my colleague from South Dakota, Mr. JOHNSON, is here. Senator JOHNSON and I share the Standing Rock Sioux Indian reservation that straddles our boundary of North and South Dakota. It is a large reservation. Both of us have been there many times. South Dakota has a number of other Indian reservations. Senator JOHNSON, as a member of the committee, has done superb work with us to put this legislation together. I appreciate his help and his attention to what is an urgent priority for American Indians, to get the health care this country long ago promised. We wrote it in treaties. We have a trust responsibility. That responsibility is affirmed by the Supreme Court of the United States. Yet we have had broken promises and broken treaties. At long last we must affirm our responsibility to say to Native Americans: It is our responsibility. We assumed that responsibility to provide decent and good health care, health care we can be proud of for Native Americans. That is what this discussion is about.

Because I have seen my colleague from South Dakota come into the Chamber, I did want to say a special thanks to him. I know my colleague, Senator MURKOWSKI, and other Republicans and Democrats on the committee worked hard. We all worked together—it was bipartisan—in getting this bill to the floor. Senator JOHNSON, over a long period of time, has worked to make this day happen. Let me thank him for his great work.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Madam President, I am here to speak in favor of the Indian Health Care Improvement Act. To the nine treaty tribes in my State, and hundreds of others around the country, this bill is truly a matter of life and death. It is a sad fact that the six counties in America with the lowest life expectancy are tribal counties in South Dakota.

Poor health care affects not only life expectancy but also the quality of life for American Indians; it is also preventable. My office gets hundreds of calls from constituents needing help with even the most basic needs that ought to be met by the Indian Health Service.

For example, Butch Artichoker from the Rosebud Sioux Tribe told my office he did not want to have a cancer test because he would not be able to get contract health treatment from IHS if the test was positive. His situation is not unique.

Another man from Pine Ridge contacted my office after receiving the results of a cancer test that showed his PSA levels were ten times above normal. He could not get a referral for a treatment MRI because, according to IHS, his cancer was not a priority one—threat to life or limb.

I am a cancer survivor myself thanks to early screening and detection, which are paramount for effective treatment. This is also true for mental health problems and many other treatable disorders. Passing this bill will not fix every health problem facing Indian Country, but it is a major step that we need to take.

I returned from my own health challenges with a better appreciation of what individuals and families go through when they face the hardship of catastrophic health issues.

Providing better health care through IHS will serve not just American Indians but protect the overall public health network for my State and the rest of the country.

IHS is a vital part of the patchwork of providers that serve our State and when one of these providers improves, the entire system benefits. This is not just a tribal issue or an Indian bill, but a moral issue for individuals and families as well as the integrity of my State and our country.

I thank Senator DORGAN for his leadership and persistence. I ask that my colleagues quickly pass this bill, as these improvements to Indian health care are long overdue.

I yield the floor.

Mr. DORGAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Madam President, I rise in strong support of S. 1200, the Indian Health Care Improvement Act of 2007, which will reauthorize, improve, and expand necessary health care services and programs for the Native American population. I thank Chairman DORGAN and Ranking Member MURKOWSKI of the committee for their leadership on this legislation. I also thank my colleagues on the Finance Committee, Senator BAUCUS and Ranking Member GRASSLEY, for their leadership and contribution. The work we have done in the last year and the debate we will have this week is a debate that is long overdue.

It has been 16 years since Congress conducted a comprehensive review of the Indian Health Care Improvement Act, 16 years since we addressed the persistent health disparities in Native American communities across the Nation.

This bill is vital to millions of Native Americans across the country, including the 52,000 Native Americans who reside in my State of Colorado.

Colorado is home to two sovereign American Indian nations: the Ute Mountain Ute Tribe and the Southern Ute Tribe. They are located in the southwestern part of Colorado. But as we must remember—and my colleagues have alluded to this in this week's debate—the majority of Native Americans across this country, including in Colorado, do not live on the reservations. In Colorado, members of 35 different tribal nations live in the urban, suburban, and rural communities of my State, from Durango to Denver.

It is hard for us in this Chamber and in America to overstate the contributions of Native Americans to our economy, our society, our culture, and our history.

In my State, the Utes are the oldest known continuous residents of Colorado. The earliest Ute tribes traveled along the eastern slope of the Rocky Mountains before settling in Colorado, Utah, and New Mexico. In western Colorado, they hunted, gathered, and worked the lands, often moving with the seasons to better climates to better their possibilities of livelihood. The Spanish arrived in the Southwest—in Colorado and New Mexico—in the late 1500s—in the 1630s and 1640s—and in the beginning, they became the trading partners for the Utes, exchanging tools for meats and fur.

What followed that chapter is a set of very sad chapters in Colorado and the United States. It was a set of sad chapters characterized by violence, retaliation, and tragedy, much of it at the hands of the Federal Government.

Over the next few decades, under pressure from the Federal Government, the Utes would enter into agreements to establish reservations, but this included giving up very large sections of their land. While a small part of that land was ultimately returned to the Utes in the two reservations that were set up in Colorado and the one that was set up in Utah, the modern-day reservations are the result of various Government actions, encroachment by settlers, and mining interests that ultimately limited the two tribes in Colorado to a small percentage of the reservations that were originally contemplated for the Ute Indians before the existing reservations were established.

The issues confronting Native American communities today are inextricably tied to this history. The Federal Government's responsibility to Native American communities is likewise tied to this very difficult and painful history.

But this week, under the leadership of Chairman DORGAN, we hope to write another chapter into this history. We hope to take another step toward making good on the Federal Government's promise to improve health care for Native Americans.

The health care statistics for Native American communities do not lie, and they are troubling. They should be troubling to all of us here in America. The infant mortality rate is 150 percent greater for Native Americans than that of Caucasian infants. Native Americans are 2.6 times more likely to be diagnosed with diabetes. Life expectancy for Native Americans is 6 years less than the rest of the U.S. population. Suicide rates—suicide rates—for Native Americans are 250 percent higher than the national average.

The health care disparities we see throughout the country are also evident in my State of Colorado. In 2006—that was not too long ago—5.5 percent of Native Americans died from diabetes, more than twice the rate of the general population. In the same year, 3.9 percent of Native Americans died from chronic liver disease, compared with 1.6 percent for the general population.

For many Native Americans, access to health care is the biggest challenge they face as human beings. I have heard countless stories of individuals, Native Americans in my State, who are sick or are in pain and have to drive hundreds of miles to receive any kind of treatment. When they get there, after having driven sometimes 9 hours, they will find that the clinic cannot provide them the treatment they seek. Those services, they learn, are in hospitals located hundreds of miles away.

Access problems affect not only Native Americans on reservations that span hundreds of miles but Native Americans living in urban areas as well.

For the 25,000 Native Americans living in Denver, CO, today, there is only 1 health care facility that is available to meet their health care needs. That is the Denver Indian Health and Family Services facility. This facility is funded by the Indian Health Service program through funding allocated through title V of the Indian Health Care Improvement Act, which provides funding for urban health centers for Native Americans.

The Denver Indian Health and Family Services began providing health care onsite to Native Americans living in the Denver metro area in 1978. The majority of its patients are single parents, making an average of $621 per month—$621 per month. That is a total of approximately $7,400 a year. That is not a lot of money for any family. When a patient needs specialized treatment, however, they often have to travel 6, 7, 8, 9 hours to places such as Rapid City, SD, or Albuquerque, NM. This is a long trip for anyone, particularly if they are sick or injured.

The U.S. Government has a longstanding and solemn responsibility to the Native American population of our country. That responsibility is set forth and recognized in treaties, statutes, U.S. Supreme Court cases, agreements, and in our U.S. Constitution. It is a trust responsibility that flows from Native Americans' relinquishment of over 500 million acres of land to the United States of America. Native Americans see the reauthorization of this health care bill as part of the U.S. Government living up to its end of the bargain with tribal governments. And they are right.

The disparities in health care between Native Americans and the general population is a real problem, and it is one Congress has a responsibility to address. I am proud of the bill we are considering today because it takes major steps toward reducing the health care disparities that persist in Native American communities.

Although appropriations for IHS have traditionally fallen far short of the actual health care needed in Indian Country, the focus on preventive care in current reauthorization legislation will make more efficient use of the Indian Health Service's limited resources.

Difficulties in recruiting and retaining qualified health professionals have long been recognized as a significant factor impairing Native Americans' access to health care services. The programs authorized in this bill will help recruit Native Americans into the health care profession. Additionally, this bill provides for health education in schools, mammography and other screenings for cancer, and helps cover the cost of patient travel to receive health care services. Additionally, this legislation removes barriers and increases participation and access to Medicare and Medicaid Program benefits.

Title V of this legislation would also fund programs in urban centers to ensure that health services are accessible and available to Native Americans living in cities across the country, such as Denver, CO. Key programs include immunization, behavioral health, alcohol and substance abuse programs, and diabetes prevention, treatment, and control.

In addition to reauthorizing and expanding existing programs, this legislation will ensure that Native Americans are able to take full advantage of new technologies and new Federal programs that have emerged since the last reauthorization, including Medicare Part D and the State Children's Health Insurance Program. Indian health programs should work hand-in-glove with these new programs and new resources.

Native Americans in the United States of America deserve access to a 21st-century health care system.

I again thank my colleagues, Senator DORGAN, the chairman of the committee, and Senator MURKOWSKI, for their bipartisan leadership on this very important legislation and for their tireless leadership for Native American communities across the country.

I hope my colleagues will support this bill. We need to get this bill to the President's desk as soon as possible.

In conclusion, as we look at the United States of America, we see an

America that is an America that has a covenant about being an America in progress. We see it in a number of different ways—in the ways which we have treated women and other racial or ethnic minorities. But there is a sad and painful story to this America in progress that is particularly poignant when you look at how we, as the United States of America, have treated the Native American communities of our Nation. So this is an issue in my mind that is a fundamental issue of civil rights. It is a fundamental issue we must resolve in order to be able to uphold this covenant of America that makes us an America in progress.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I thank the Senator from Colorado, who is a strong voice for fairness and justice and for health care on Indian reservations. I appreciate very much his work and his relentless determination to help us get this done. I know he comes from a State that has a good number of Indian tribes and that he has toured those areas and is very concerned about this issue.

Madam President, I want to, in just a couple minutes, show once again a photograph of a man I showed yesterday during this discussion. His name is Lyle Frechette. Lyle Frechette, shown in this photograph, was a member of the Menominee Tribe of Indians in Wisconsin. He came of age during a time when there was what was called the "termination and relocation era of Indians."

This picture of Lyle Frechette is a picture of a high school graduate who was newly entering the Marine Corps to proudly serve his country. I showed that photograph yesterday to describe that there is no group of Americans that has served their country in the military in larger numbers per capita than Native Americans—than American Indians and Native Alaskans. There is just no group that has enlisted in higher numbers to support their country in our military. This is a photograph of one of them. His experience, following his service in the Marines, was the experience of so many Indians.

During the termination and relocation period, many of them were given one-way bus tickets and told: You need to mainstream; you need to go to a city someplace. They found they had limited opportunities in the cities. They lost their health care capability. It was a time that we are now not proud of in terms of public policy because it was the wrong thing to have done, particularly when we had promised a trust responsibility, providing health care for Native Americans.

SPENDING PRACTICES AT VETERANS CHARITIES

Madam President, I wanted to show that photograph again because I wanted to say something else that is not on the topic of this bill but something I read last Friday which has bothered me ever since I read it. It deals with those such as Lyle Frechette and others who joined the military and became soldiers for our country.

The Washington Post, last Friday, contained a story about a hearing that was held the day before in the U.S. House of Representatives. It was a hearing about spending practices at veterans charities.

There is an organization that has evaluated various charities that have been established to provide assistance for veterans. That organization, the American Institute of Philanthropy—which is the leading watchdog group—said there are about 19 military-oriented charities that manage their resources very poorly.

But let me describe what made my blood boil Friday morning when I read it. I was not aware of it. But Help Hospitalized Veterans—a tax-exempt organization—Help Hospitalized Veterans—an organization that is presumably going to collect funds from around the country to help hospitalized veterans—it spent, according to the report, hundreds of thousands of dollars in donations that were to help wounded soldiers on personal expenses instead for those who were running the organization. Instead of helping wounded soldiers as the title says—Help Hospitalized Veterans—those who were running the charity were bathing themselves in cash: A $135,000 loan to the fellow who runs the organization for a divorce settlement with his former wife; a $17,000 country club membership; a $1 million loan to Mr. Viguerie, the direct mail guru, for a startup initiative at his firm.

The second charity, the Coalition to Support America's Heroes—also a charity designed presumably to help America's veterans—was fundraising, getting tax-exempt donations or tax-deductible donations, and they used a four-star general, retired Four-Star GEN Tommy Franks, to sign letters of solicitation asking for funds, and paid him $100,000 for that. Now, I think Tommy Franks ought to explain to the Congress and ought to explain to veterans why a retired four-star general is being paid $100,000 to sign letters to solicit money to help veterans. I think GEN Tommy Franks has a lot of questions to answer, including a number of questions dating back about 4 years, from me and others. But I was very surprised that a charity is paying $100,000 to a retired four-star general for allowing his name to be used to solicit funds from individuals across the country to help veterans.

The Help Hospitalized Veterans raised more than $168 million from 2004 to 2006. They raised $168 million from 2004 to 2006, and they spent one-quarter of it on veterans. Let me say that again. They raised $168 million of tax-deductible contributions to an organization called the Coalition—excuse me, this is Help Hospitalized Veterans—raised $168 million, and one-quarter of it went to help veterans; the rest went elsewhere. That is unbelievable, just unbelievable. In this Congress—I hope the committee in the House that held these hearings will continue, and I am now evaluating whether we can begin a series of similar hearings. I think that is equivalent to theft, and I hope very much that we will continue to apply heat to those who would use veterans' names in this manner. An organization that solicits $168 million and uses only one-fourth of it in support of veterans when their title is Coalition to Support America's Heroes—or I guess Help Hospitalized Veterans, one of the two—one-fourth of the money is used to go to veterans, the rest of it is going for country club memberships and loans for divorce settlements. That is unbelievable to me. I hope very much that both the House and the Senate will continue to aggressively investigate these organizations, and I hope perhaps if we have some hearings, we might ask retired GEN Tommy Franks to come and explain to us why it is appropriate for him to accept $100,000 that comes from tax-deductible donations in order to sign a letter soliciting money that is presumed to be in support of veterans when, in fact, three-quarters of the money went elsewhere.

My colleague from Alaska has come to the floor, and I want to again say it has been a pleasure to work with her. She is vice chairman of the Indian Affairs Committee and has done a remarkable job. She, perhaps more than anyone in the 48 States and the mainland, has very unique issues in the State of Alaska, because the Native Alaskan villages are remote and the health care issues that relate to them are different, difficult, and unusual, and she has represented that situation aggressively and relentlessly as we have tried to put legislation together to address it. I thank her for the work she has done, and I look forward to working with her. We will not apparently finish this bill today, but we will get the bill back on the floor following the Foreign Intelligence Surveillance Act, and when we do—the two of us have talked—we very much are intent on finishing this in 1 day and getting to conference, getting the bill to the President, and getting it signed.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, I thank the chairman of the committee for his great cooperation on this very important issue. I know we had all hoped—certainly my constituents had hoped, and I think my colleagues as well, as so many around the country who have been waiting years—literally waiting a decade—for reauthorization of this Indian Health Care Improvement Act. We are pleased that we are on the floor. We would like to see this moved through the process as quickly as possible. We understand the issues we have in front of us and what we have to do in order to get this through, but I appreciate the great leadership of the chairman of the Indian Affairs Committee and of so many who have worked to advance this legislation.

I thank Chairman DORGAN for reminding all of us of the great contributions we have had from so many of our American Indians, Alaska Natives, when it comes to serving our country. I think if you look at the demographics and look at it on a per-capita basis, we see higher numbers, certainly in Alaska, of our Alaska Natives serving in the military than any other populations in the State, serving admirably over the years, whether they be the Eskimo Scouts or whether they be the group serving from the National Guard which recently returned from Kuwait.

I had an opportunity a couple of months ago to meet those Alaskans who were returning. I met up with them in Camp Shelby and had an opportunity to talk to the men who were returning from Kuwait after well over a year. They had been in the desert. Most of these soldiers came from villages from around the State. There were some 80 villages—communities—that were represented amongst this particular unit. Many of them, when they returned back home to Alaska after coming from the desert and going home to the snow, would be returning to very small towns and very small villages that are not connected by any form of a road system. During the winter months, you have connection because the rivers are now frozen and you can take a snow machine to get from one small village to another and hopefully out to a larger hub community. But the reality is so many of these fine men who have served our country are going back to areas where health care options are very limited.

Yesterday I had an opportunity to show my colleagues a couple of pictures. There is one of the health clinic in Atka. We also had a picture of the health clinic in Arctic Village. As you look at the pictures, you can see the health clinics are small and they are clearly broken down. They are older facilities. They are very limited in terms of what they can provide. But this is what we have out in these villages. These soldiers who are returning need to go to the VA for services. They don't have a VA out in Chevak. They don't have a VA facility out there in Atka. They have the Atka Village Health Clinic. This is a two-story clinic, so it is by all standards perhaps better than some of the others in some of our villages. But what we have seen in a State like Alaska where access to care is so very limited, is the IHS facility essentially ends up being the entity that will provide for that level of care for that serviceman, for that veteran, because to get from Atka to Anchorage, to the Anchorage Native Medical Center, is costly. Sometimes the VA picks up the travel, sometimes not. It depends on your income eligibility. If there isn't any—if the Government is not there to pick up your costs, not only do you have the cost of air travel, which can be upwards of $1,000 for your roundtrip fare, but you have your expenses while you are in the city—in town.

So we look at what is provided to so many in our small clinics around the State. Now, is it right that the clinic should have to pick up or basically carry the water or carry the bag for the VA? Not necessarily, no. But is this where we can provide for a level of care that is in the village for the individual, with their family, and ultimately reducing so many of the travel costs that are there? Absolutely. So I say this to my colleagues, so people can understand that oftentimes what we are dealing with in terms of access when you are in a State where it is so rural, where you don't have roads, or the cost to travel is prohibitive, we have to be more creative in how we provide for the level of care. In Alaska, we think we are being more creative with that. But with the reauthorization of the Indian Health Care Improvement Act, it allows and facilitates greater sharing, greater cooperation, ultimately greater collaboration, that leads to greater cost savings.

I want to take a couple moments this evening—it has been mentioned by our colleague from Colorado, and certainly the chairman mentioned the provision we have in the substitute amendment regarding violence against Indian and Alaska Native women. I mentioned in my comments yesterday that we have seen some successes in Indian health, even with the very stark health statistics that have been repeated by so many on this floor. There is one area, though, where I do not believe we have made any progress, and one I am very pleased we are addressing in this bill, and that matter is the terrible violence that faces native women and children.

Back in September of 2007, the Committee on Indian Affairs held an oversight hearing on the prevalence of violence against Indian women. We had several witnesses, very compelling witnesses, at that hearing, one of whom was from Alaska, a woman by the name of Tammy Young, and she represented the Alaska Native Women's Coalition Against Domestic Violence and Sexual Assault. She testified about the intensity of such prevalence and the need for remedies to properly address the problem.

In my State, we have one major city. Anchorage holds about almost half the population of this State. The Alaska Native people make up 8 percent of the total population of Anchorage. But the percentage of Alaska Native victims in Anchorage alone was 24 percent. You can see the disparity in these numbers. Alaska has one of the highest per-capita rates of physical and sexual abuse in the Nation.

In Alaska, an Alaska Native woman has a likelihood of rape that is four times higher than a nonnative woman in the State. Our statistics are horrendous. They are deeply troubling. But we know it is not only in Alaska that there is this danger of violence that faces our Native women. Statistics show that Native women around the country are two to three times more likely to be raped than women from other populations in the United States. As I say, in Alaska it is four times higher. But even if this fact were not as disturbing as it is, it gets even worse because so many of these women who have had this violence upon them also face the prospect that the rapist may not be brought to justice.

This is for a variety of reasons. At the hearing we had a witness indicate that the health services within the Native communities simply lacked the proper infrastructure, the proper resources, to even conduct the forensic exams and therefore assist in the prosecution of the perpetrators. It is as simple as not having rape kits available in the IHS facilities in that village or that community on that reservation, simply not having the forensic equipment, not having it there. Why don't you have it there? It is a funding issue apparently. But you have a situation where you have a woman who has been violated. She comes seeking help, and she can't even have a proper exam so they can collect the evidence so she may then go on and try to prosecute the perpetrator.

In addition, it is the training. We simply do not have enough who are trained in the proper collection of the evidence. Back in 2005, we in Congress passed aggressive programs and services for the reauthorization of the Violence Against Women Act, or VAWA. The witnesses who were there at the hearing back in September advocated that we build on the foundation of VAWA. That is what this legislation does. It provides for just that. It includes programs to address domestic and sexual violence that are critical to shoring up this health infrastructure, that are necessary to support a successful prosecution, whether it is providing for rape kits at the Indian clinics and hospitals or the training for the health professionals to become the sexual assault examiners. Pretty basic stuff. But if you don't have it there, if you cannot collect the evidence, if you don't have the trained medical professionals to help facilitate that, these victims will be victimized again by simply knowing that the system has let them down.

In addition, the legislation will also require the Secretary of HHS to establish protocols and procedures for health services to victims of violence, as well as to coordinate with the Attorney General in identifying areas for improvement within the health system to support these prosecutions. I believe this aspect of the legislation is extremely important for so many. Again, our statistics in this area are devastating, unacceptable. There is more we can do about it, and this is one small step.

Mr. President, I want to talk about one aspect of the Indian health care reauthorization. I don't believe many of my colleagues have spoken to the underlying policy of self-determination and self-governance, but that is such an integral part of this reauthorization. The Federal policy of self-determination was conceived by President Nixon in the early 1970s, and it has been nurtured or improved upon by almost every administration since then. The legislation, S. 1200, embraces these policies in a very profound manner.

Indian self-determination represents one of our Nation's first enlightened Federal Indian policies. It has been by far the most successful policy in improving the lives of American Indians and Alaska Native people. This policy has been embodied in Federal legislation for over 30 years in the Indian Self-Determination and Education Assistance Act.

S. 1200 facilitates the important interplay between the Indian health care delivery system within the Department of Health and Human Services and the policy of Indian self-determination and self-governance. Beginning in the 1990s, there were a growing number of Indian tribes and Alaska Natives who have taken over the IHS programs. They have made them more efficient and responsive and, I would say, more relevant to the local needs.

In Alaska, I think we can point to what has happened in the area of self-governance as a good example, a positive example of how the Native people have embraced this policy of self-determination and self-governance.

In April 2003, the Committee on Indian Affairs held a hearing on an earlier version of this bill. We had a gentleman there from Seldovia Village, President Don Kashevaroff. He testified about how Alaska Natives began compacting IHS programs in 1997 and how, within 6 years, they had compacted virtually all of the IHS programs within the State of Alaska.

Now, within my State, the Indian health care system is almost entirely a Native-driven system. Senator STEVENS, my colleague, spoke to this in his comments on the Senate floor yesterday. When you take into account that in Alaska there are about 230 separate Native villages, you manage the numbers there, and despite this large number of separate sovereign governments spread out across a State with enormous distances from each other, spread out from the State's metropolitan area, they were able to create a highly efficient and integrated health care delivery system.

I showed you the pictures earlier of the clinics in Arctic Village. Behind me in the photo is the Alaska Native Medical Center, located in Anchorage. Quite different. Yet what we have there in Anchorage at the ANMC is a model for others to view. In Alaska, we have 180 small community health centers, about 180 of what you saw with the Arctic Village clinic, and they provide primary care. We have 25 subregional midlevel care centers. There are four multiphysician health centers, six regional hospitals, and one tertiary care facility. The Alaska Native Medical Center in this picture is that one tertiary care facility. So in the entire State, the Alaska Native Medical Center is the one that provides that tertiary care.

This system was made possible through the Indian Self-Determination Act. This health care system is tailored to meet the very unique needs of the Native people. I don't believe it would have been possible within the administrative structure of the Indian Health Service itself.

Now, I don't want to spend all my time just talking about the situation in Alaska because the success story that you see there is by no means limited to my State. Self-governance is being embraced in several other areas of the country as well: In the Pacific Northwest, the Southwest, in Oklahoma, and in other parts of the country. I think it is important to note that many tribes and tribal organizations have supplemented their IHS programs with their own resources where possible. The Indian Health Service has documented the fact that Federal Indian health programs are only meeting approximately 60 percent of the need. You have heard that time and time again as we have discussed this. Only about 60 percent of that need is met.

The hearings on Indian health held by the committee and information from a 2005 GAO report demonstrated that this underfunding has led to rationing health care within the Indian community. Of course, the unfortunate result of this underfunding is exactly as you have heard many of my colleagues say. It results in many American Indians either foregoing any kind of treatment or delaying receiving medical care, which in turn, then, leads to disease progression. But ultimately it leads to higher costs, greater costs to the system.

I want to point out that several tribes have stepped up with their own resources to enter joint ventures with the Federal Government or to even supplement the Federal dollars in an effort to bridge that 60 percent gap we keep talking about between the Federal funding and the level of need. I want to show a few of the examples.

In the Cherokee Nation in Northeast Oklahoma, we have a self-governance tribe with one of the largest service populations in the country. The Cherokees have just constructed a new clinic in Muskogee, OK, using their own tribal dollars. This facility serves Indian people in northeastern Oklahoma, including members of the Osage, Muskogee Creek, Choctaw, and numerous other tribes.

We also have the Muckleshoot Tribe in Auburn, WA, which built this facility in 2005 at a cost of nearly $20 million using its own tribal dollars. The Muckleshoot facility is located near the I–5 corridor in Washington and also provides very tailored care for its patients. As you can see from the picture, they try to cater to some of the younger patients as well.

Another Oklahoma tribe in southeastern Oklahoma is the Choctaw Nation, which used their own tribal dollars to construct a 54,000-square-foot facility at a cost of $13.5 million. In this facility the average monthly patient encounter over the past 12 months has been over 3,800 patients.

Out in Oregon, located in Chiloquin, we have the Klamath Tribe Health Center built in 2004, paid for through a unique partnership between the Klamath Indian Tribe and the IHS, as a health center that primarily serves the Klamath Tribe. It serves a tribal population of 2,890 individuals and cost $3.6 million to construct.

The last one I want to share with you comes out of Bylas, AZ, and the San Carlos Apache Tribe has constructed this two-building complex on its reservation, which is about 130 miles east of Phoenix. As the main source of primary care for Indians there, this clinic provides dental, behavioral health, optometry, laboratory, pharmacy, health education, and preventive care, among other services.

I use these examples to demonstrate some of the many cases where tribal ingenuity and resourcefulness have changed the Indian health care system for the better. I think this is illustrative of what can happen when the tribes are given the flexibility to plan, to develop, and to determine the future for their own people. We promote that ingenuity in this bill through the amendment to the Indian Self-Determination Act, which will make it possible to bring private sector money into Indian communities to supplement—again, I repeat "supplement," not supplant—the Federal resources that are appropriated by Congress.

S. 1200 establishes the Native American Health and Wellness Foundation, the primary purpose of which will be to support the mission of the Indian Health Service by supplementing the Federal resources with private funds and, hopefully, bringing the level of funding for Indian health care closer to that level of need.

Mr. President, I will conclude my remarks this afternoon by repeating that within the Indian health system, you have great disparity. You have seen some of the pictures of beautiful facilities and some pictures of facilities that are in desperate need of help. We have heard stories that just break your heart of people who were denied services, of people whose illness was only compounded because of failures within the system.

But we have also heard some statistics that give us cause for hope that we are making headway within the system in terms of some of the chronic diseases and how we might approach them. Through the Indian health care reauthorization, we focus on those areas that will allow us to do better, whether it is in the area of behavioral health, additional screenings, those programs that focus on prevention, those programs that focus on wellness, so that we can, A, lower our cost of health care but, B, to really allow American Indians and Alaska Natives to have a quality of health care that is at least on par with what you would get if you went to a non-IHS facility.

We have not advanced legislation that would update the Indian Health Care Act since 1992. As I have said, all one needs to do is think back to what we were doing in 1992 in terms of health care. Think how far we have come with the technology. Think how far we have come with the techniques that are utilized. Let's not leave the Indian health care system 10, 20 years ago. Let's allow them to come into a level of service that we care to enjoy.

I mentioned one way we in Alaska are able to deal with the issue of access. In a large State with a small population who are not connected by roads, we have to rely on telehealth. Telemedicine has allowed us to provide for a level of care, whether it is checking out an infant's ear to make sure how bad that ear infection is or whether it is literally videoconferencing with a suicidal teenager and counseling to make sure he is not going to do something precipitous, that he knows he has somebody who is there for him. Our technology allows us to do that, but our legislation needs to be put in place to allow us to take full advantage of the changes in these intervening years.

Again, I stand with my colleague, the chairman of the Indian Affairs Committee, and urge our colleagues, if they have amendments, if there are still issues outstanding, let's work through those, let's get the amendments, but let's work through any remaining issues. We owe it to all our constituents around the country to provide for a better level of care.

With this legislation, it is one small step forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to the floor this afternoon to join with the Senator from Alaska and the Senator from North Dakota to urge our colleagues to support this legislation that is going to make a critical difference to thousands of American Indians in Washington State and across our country.

I join in the words of my colleague, the Senator from Alaska. She mentioned several of the tribes in Washington State. This has an important impact on them. I agree with her and thank her for the tremendous work on this issue, helping us bring it to the floor and hopefully to passage so we can make a difference.

I am proud to be an original cosponsor of this Indian Health Care Improvement Act. It does reauthorize and update the health care services our Government provides to American Indians and Alaska Natives. This bill will allow our Indian health clinics and our hospitals to modernize their services and enable them to provide better preventive care. These services are vitally important in Indian Country, where our tribal members suffer from high rates of diabetes and other chronic illnesses. Our Government has a legal responsibility to provide health care for American Indians, but we have a moral responsibility to ensure we provide the best care possible.

The Indian Health Care Improvement Act has not been reauthorized since 1992, and in the years since it expired in 2001, what Congress has done is simply appropriate money for health care programs without examining this act to see how we can improve it. This bill we are now considering takes important steps toward ensuring we are providing the best and the most cost-effective care. It is long time past to pass it.

The health disparity between American Indians and the general population is great. The numbers show why this bill deserves our attention now. The infant mortality rate among Indians is 150 percent greater than for Caucasians. Indians, in fact, are 2.6 times more likely to be diagnosed with diabetes. Indians suffer from greater rates of post-traumatic stress disorder, and the suicide rate among Indians is more than twice the national average. In fact, life expectancy for American Indians is nearly 6 years less than the rest of the U.S. population.

An example from my home State of Washington helps to illustrate the impact these numbers have on Indian communities.

Three years ago, in a 6-month period, the Skokomish Tribe, which has a reservation near Hood Canal, lost 9 of its 1,000 members. Among them were two children, two young adults, and five elders. One of those elders was Bruce Miller. He was a Vietnam veteran and a nationally known artist and spiritual leader. Bruce helped restore ceremonies that were once banned by the U.S. Government. His work to prevent drug abuse and rebuild tribal customs will be sorely missed. Bruce was only 60 years old when he passed away.

Many of the Skokomish Tribe members died of conditions that are all too common on our Indian reservations—drug overdose, heart disease, cancer, diabetes. These conditions we know are preventable, and many in Indian Country have been working very hard to reverse the numbers I mentioned. But their work has been hindered because Indian health services are badly in need of updating.

The most important thing the Indian Health Care Improvement Act does is help to modernize those services. In the last 16 years, as the Senator from Alaska said, we have revolutionized the way we approach chronic illnesses such as diabetes. Doctors' offices and health clinics around the country now emphasize the importance of eating right, staying healthy. We have changed where we provide services. Instead of treating elderly and chronically ill patients in the hospital, more and more people get care at home or in a community clinic. And now, of course, it is standard practice to coordinate mental health and substance abuse and domestic violence prevention services. But while we have done all that, health care for Indians has gone badly out of date. We are still providing services today as if it was 1992.

The bill we are considering today will help bring health care for Indians into the 21st century and enable their clinics to do more than treat symptoms and instead focus on prevention and mental health.

It is particularly important to ensure Indian health clinics can provide up-to-date care because for many of our tribal members, those clinics are the only source of health care available. For tribal members in rural Washington State and across the West, visiting a doctor off the reservation often means driving for hours to get to the nearest big city. In some of our remote areas, some tribal members never see a doctor off the reservation. They are born in Indian hospitals, they see that doctor for their entire life, and they die in the same hospital.

This bill also funds urban Indian health clinics. In recent years, President Bush and some of my colleagues have questioned the need to provide health services to Indians who live in and around major cities. In fact, disappointingly, the President's budget routinely eliminates funding for the 34 urban Indian health centers that exist in this country, and every year Congress restores the funding because those centers serve thousands of Indians, many of whom are uninsured and would not get care elsewhere. The doctors and the nurses who staff those urban clinics specialize in the conditions many Indians face. Even more importantly, they are sensitive to the cultural needs of their patients. That makes the difference all too often when a patient is deciding whether to seek care or to do preventive treatment and it increases the chance that an Indian will continue to get the treatment they need, as I said, for preventive or even mental health care.

I am disappointed Republican objections have limited how far the important improvements for urban Indians in this bill can go, but this bill, as now written, does ensure those important health centers stay open. My State has two of them. I have to tell you, I have heard firsthand from a number of our tribal members how important and critical they are.

Both our urban and our rural Indian health clinics also give tribes more decisionmaking power over health programs so they can determine how best to serve their people. In Washington State, we have the Nisqually Health Clinic that is located near Olympia. It offers a community health representative program that trains the tribal members about how to provide basic preventive care and education to help their elders and members who suffer from diabetes or substance abuse.

We need to give programs such as those a boost so they can grow and they can succeed so other tribes can try similar programs. Reauthorizing the Indian Health Care Improvement Act will help us to do that.

Finally, this bill also makes important improvements to the medical benefits provided to tribal veterans. Tribal veterans, as many of my colleagues know, have served throughout this Nation's history with great honor and valor. In fact, American Indians have served in higher numbers than any other ethnic minority in this Nation. But despite that extraordinary commitment to this Nation, veterans services for American Indians oftentimes falls short of what is available for non-Indians.

Fortunately, this bill we are considering changes current law to allow the Secretary to enter into or expand arrangements to share medical facilities and services with the Department of Veterans Affairs. That provision requires consultation with the affected Indian tribes before entering into those agreements, and it requires reimbursement to the IHS, tribes or tribal organizations.

I wish to repeat something I said earlier because it is important. Providing health care to Indians is part of our Government's trust responsibility. It dates back to the 18th and 19th centuries. Congress enacted the Indian Health Care Improvement Act in 1976 to better carry out that duty. In President Ford's signing statement, he said:

> Indian people still lag behind the American people as a whole in achieving and maintaining good health. I am signing this bill because of my own conviction that our first Americans should not be last in opportunity.

Thirty-two years later, we still have a long way to go toward achieving that goal, but we can take some important steps by reauthorizing this bill now.

HOUSING AND EMERGENCY PREPAREDNESS

While I have the floor this afternoon, I wish to change gears and talk about two other issues I heard a lot about at home—housing and emergency preparedness—because I am hearing now disturbing rumors that the President's upcoming budget proposal is going to recommend cuts in those two areas.

First, I wish to emphasize how important it is we continue to provide Federal support for police, fire, and emergency responders in all our communities. This past month, I held several roundtables with our first responders in Washington State to hear what they need to protect their communities, and at every stop, they told me they have already been squeezed by budget cuts and that they have spent the last several years trying to do more with a lot less. They said they are very worried about what it will do if their budgets are cut again.

Emergency responders in our small and rural communities are especially concerned because they depend on Federal grants to keep their communities safe. Let me give one example of the impact these grants have had in my State that I think illustrates why Federal support is so important.

A month ago, storms causing major flooding and wind damage slammed into western Washington. Thousands of our homes on the coast and in the inland counties were flooded and damaged severely. Grays Harbor County, which sits along the Pacific coast, was one of the hardest hit. But Grays Harbor emergency officials told me they were ready because they had recently done exercises to practice emergency response training.

When those horrendous storms hit, first responders in Grays Harbor County relied on vital equipment, basic radio and other safety gear. Without that training, without that equipment, more people in Grays Harbor would have been hurt in that storm. Grays Harbor had both of those thanks to Federal homeland security grants.

From the flooding in Washington State to Hurricane Katrina, to California wildfires, we have had too many opportunities now to witness the need for effective predisaster planning and response support. Real security in our communities does not come cheap.

Now, I have already written to President Bush to warn him against cutting money for port security, transit security, and emergency management grants. I am prepared to fight for these grants. Supporting and protecting Americans here at home has to be a priority for all of us.

HOUSING

When I was home, I also heard from citizens and lenders, housing counselors, people involved in the housing issues in Washington State who are very concerned about the potential cuts to housing grants they are hearing about.

Washington State is fortunate that the economy is still relatively strong compared to the rest of the Nation. But we are seeing signs of trouble. In fact, I heard from a housing official who worked in Kitsap County, one of our more rural counties. She has seen a dramatic increase in the number of people who are now seeking housing counseling. She told me that last fiscal year, their two full-time housing counselors helped homeowners with 50 defaults. They saw that many people in this first quarter alone. In fact, in the 2 days she was with me and others talking about housing, she said she went back home and there were seven more calls on her answering machine about foreclosures.

The Federal Government has to do everything possible to address this wave of foreclosures. One way we can do that is investing in housing counseling. It is vital for troubled mortgage holders to get help early so they can avoid foreclosure and keep their homes.

At a time when we are trying to work to help repair the economy and ensure people can pay their bills, we cannot afford any cuts in our budget for that safety net for our homeowners.

We also have to ensure that low-income Americans who are not homeowners also get help. That means we have to continue to support programs such as Section 8, homeless assistance, and CDBG, which will help keep our communities strong through this and help make sure our low-income residents have a home and can avoid homelessness.

Next month, when we get the President's budget sent to us, you can count on me, I will be scrutinizing every word of it, and I will be back on this floor, if necessary, to fight funding cuts to those programs that are so important to keeping our communities strong.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

HONORING PENNSYLVANIA'S TROOPS

Mr. CASEY. Mr. President, I rise today to talk about an issue which is on the minds of millions of Americans, but you would not know about it from listening to the news.

Most of the news has been focused, appropriately so I think, on the economy and the challenges we face. We are all going to be focusing on that issue and we are going to be talking a lot about it and taking action on it.

But at the same time, the war in Iraq remains an urgent issue for our country but especially for the families who are living through this, the small percentage of American families who have someone serving in Iraq, a loved one, a relative, and also, of course, the troops themselves who are serving.

So Iraq, the war in Iraq, remains an urgent issue, an issue that deserves our attention and our continued focus. Today I do not want to talk about the policy. We are going to have months and months to talk about it. I have strong feelings about it, but today I rise for a very simple but I think important reason and that is to salute the troops from the State of Pennsylvania who have recently died in the war.

In July, I came to the floor to talk about the then 169 Pennsylvania natives, in some cases residents, who had died in Iraq. Today, unfortunately, I have to add nine more since July. We all know a lot of the lyrics of the great singer and songwriter, Bruce Springsteen. I quoted them last summer when I talked about the lyrics from his song "Missing," where he talked about, in the context of 9/11, those who had perished and the effect on a family.

His lyrics say, in part, he talks about waiting for that person to come home, the person who would have lost their life at the tragedy of 9/11. He says: Your house is waiting. Then he repeats it. He says: Your house is waiting for you to walk in, but you are missing.

He says: You are missing when I turn out the lights, you are missing when I close my eyes, you are missing when I see the sunrise.

And he goes on from there. I think that song and those lyrics have an awful lot of meaning for those who have lost a loved one in Iraq. Even if they did not, the time spent away in Iraq for a loved one is difficult enough but especially for a family with a member of their family who died in Iraq. They are missing, and for a lot of those families, will be missing for the rest of that family's life.

It is important to remember and remind ourselves these troops volunteered for service. They were not drafted. They knew their task would be difficult. They knew they would be in danger but they made that commitment.

In the end, they made the ultimate sacrifice. To those families across Pennsylvania, in communities such as Altoona and Falls Creek and State College and Wexford and on and on and on, the war in Iraq is not some obscure abstract policy being debated in Washington. For them, the war is something very real.

As I said before, these fighting men and women in Iraq were born into families, not divisions and brigades. These families and these communities have lost sons and daughters, husbands and wives, brothers and sisters, classmates, friends, all those relationships and all those families and communities.

We know this war has gone on longer than World War II. We know the numbers, more than 3,900 dead. In Pennsylvania, it is at 178. Nationally, the wounded number is about 28,000. In many cases, those who have been wounded are grievously, irreparably, permanently wounded.

We will not forget their sacrifice. But let me read the names of the recently lost from Pennsylvania, the nine members we have to add to our list. I will read their names and their hometowns.

First, Michael A. Hook from Altoona, Pennsylvania; Zachary Clouser, from Dover; Michael J. Tully, Falls Creek; David A. Wieger, from North Huntingdon; Adam J. Chitjian, from the city of Philadelphia; also from the city of Philadelphia, Camy Florexil; from Pittsburgh, Ryan D. Maseth; David A. Cooper, Jr., from State College, PA; Eric M. Foster, Wexford, PA.

So after reading these nine names, we have now read, between July and this date, all those from the State of Pennsylvania who have died in Iraq since the beginning of the war.

I know we are short on time today, and we could read biographical sketches of all those 178 soldiers. But let me read a couple of notes about a few of them before I conclude.

By way of example, one of the names is Adam J. Chitjian from Philadelphia. There is a section called Somerton in the city of Philadelphia. He was on his second tour of duty in Iraq, 39 years old. He joined the Army and his brother was quoted as saying: He wanted to act rather than just talk. That is why he joined the Army.

He leaves behind a father and sister. When he visited Texas, after being in Pennsylvania and serving our country all those years, when Adam was in Texas, he met Shirley, who would later become his wife. So for that family, we are thinking of Adam and his family. He died on October 24, 2007.

Then we go backward in time to 2003 in November, Nicholas A. Tomko from Pittsburgh, and a couple highlights about his life. He was 24 years old, from just outside Pittsburgh. The town is called New Kensington. His father's name is Jack Tomko. He is quoted, in part, as saying about his son that: He was a great kid, brave as hell. And he goes on from there talking about his son.

Now this is a young man who left behind a fiance. And he was working as an armored car driver near Pittsburgh. He joined the Reserves 3 years ago hoping to get a head start in a career in law enforcement.

I wish we could say Nicholas A. Tomko would have that opportunity to serve in law enforcement, but this war took him from us.

His fiance said, and I am quoting in part here: I am going to make sure people know about his service—that he went over there to fight for his country and that he went over to serve. So we remember him.

Two more before I conclude. SSG Jeremy R. Horton from Erie, PA, died on May 21, 2004. His tour was extended. He was a 24-year-old Pennsylvanian. His tour was extended. He joined the Army right out of high school, hoping to get money for college. This is what his uncle said about him: He certainly loved his family, and he loved his country, and he loved the military. It was what he wanted to do. We need more like him.

No one could have said it better than that. We do need more people like him, like Jeremy. He is survived by his wife Christie, whom he married shortly after joining the Army.

I will do one more because I know we are short on time. SSG Ryan S. Ostrom, from Liberty, PA. He was at one point in his life a baseball coach. One of his players quoted the story about his life: He was a good leader and a good person to look up to. And he had that special smile we used to see in the locker room.

That is what they said about him as a coach. This man, Mr. Ostrom, was 25 years old when he died. Here is what another member of the military said, SSG Craig Stevens said about Ryan: He was a soldier you could give a task to and know it would get done. You could just look at him and know he was a leader.

Ryan would have started his senior year at Mansfield University this fall, meaning then the fall of 2005. He is survived by his father Scott and his mother Donna.

I will add one more. We have a minute. Our last biographical sketch is LCpl Nicholas B. Morrison, from Carlisle, PA. He died August 13, 2004. He was 23 years old.

He joined the Marine Corps 16 months ago and planned to become a state trooper in the State of Pennsylvania. He was a 2000 graduate of Big Spring High School, where he was a linebacker on the football team.

I hope we can all remember his family as well today.

Here is what one of his friends said: He was the glue. When he would come home, we would all make an effort to go out. He would make us laugh about stories from when we were growing up.

And on and on and on, stories such as that from so many families and so many communities across our Commonwealth and indeed our country.

I conclude with this thought: There are a lot of great lines in "America the Beautiful." We could spend a lot of time talking about each one of them. One of those lines, when we talk about "America the Beautiful," says: "Oh beautiful for patriot dream that sees beyond the years."

That is what a lot of these soldiers did. They not only volunteered for service knowing they could lose their lives, knowing they had to make a full commitment of their life and their time and their family's time, but they had dreams, dreams of serving their country and hopefully dreams to go beyond that.

But they were patriots and they had dreams and it is those dreams we remember and celebrate today. It is those dreams that go well beyond the years we see before us.

So we remember these troops today and as always we ask God's blessings on their lives, those who gave, as Abraham Lincoln said, the last full measure of devotion to their country.

We remember them today and their families. May God bless them.

Mr. President, I ask unanimous consent that newspaper accounts about these soldiers be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PFC. ADAM J. CHITJIAN, SOMERTON, PA—DIED OCTOBER 24, 2007

SOMERTON NATIVE KILLED IN NORTHERN IRAQ (PHILADELPHIA INQUIRER), OCTOBER 27, 2007

A Philadelphia native due to end his second tour of duty in Iraq next month died Thursday of injuries sustained from enemy small-arms fire in Balad, northern Iraq.

Pfc. Adam J. Chitjian, 39, raised in Somerton, had joined the Army 4 years ago in response to 9/11, his older brother, Martin, said last night.

When it came to his country's defense, "he wanted to act, rather than just talk," Martin, 41, of Buckingham, Bucks County, said.

A stocky 5-foot-11-inches, Adam Chitjian "appeared bigger than he was," Martin said. To his brother, Adam seemed invincible.

"I would have bet my life he would have come back without a scratch," said Martin, a lawyer, who was struggling last night to grasp his brother's death. "I don't really believe it happened."

Their father, Martin, who lives in Furlong, and sister, Kara Spatola of Warrington, were too distraught to talk, Martin said. Their mother, Edith, died 10 years ago of cancer.

Chitjian was assigned to Third Battalion, Eighth Cavalry Regiment, Third Brigade Combat Team, First Cavalry Division based in Fort Hood, Texas.

It was in Texas where he met Shirley, who would become his wife. They married in the summer of 2006, after he returned from his first tour of duty in Iraq. The couple have no children.

Martin said his brother had been a commercial painter since graduating from Northeast Philadelphia's George Washington High School. He had talked of possibly joining a private security firm at the end of his duty in Iraq.

SGT. NICHOLAS A. TOMKO, PITTSBURGH, PA—DIED NOVEMBER 9, 2003

PITTSBURGH-AREA SOLDIER KILLED IN ATTACK IN IRAQ (ASSOCIATED PRESS, NOVEMBER 11, 2003)

PITTSBURGH.—An Army reservist from Pennsylvania who was due home in a little more than a month was killed Nov. 9 when a convoy he was escorting in Baghdad was attacked, Defense Department officials and his father said.

Sgt. Nicholas A. Tomko, a 24-year-old in the 307th Military Police Company out of New Kensington, Pa., was fatally shot in the shoulder and chest when the Humvee he was riding in as a door gunner was attacked by mortar and small arms fire, according to his father, Jack Tomko, and his fiancee, Jessica Baillie.

"He was a great kid, brave as hell, he didn't take no chances, he knew his stuff," said Jack Tomko, 58, of Evans City. "I guess that day he didn't know what was going on or something."

Tomko and Baillie said Nicholas Tomko was scheduled to leave Iraq in 2 weeks and arrive home on Dec. 22.

Baillie, of Shaler, the mother of their 2-year-old son Ethan, said she had talked to Nicholas Tomko on Saturday and was stunned by his death.

"I didn't think it was going to happen, you know, he had too much to come home to," Baillie told Pittsburgh television station WTAE. "We had too much of a future."

Nicholas Tomko, who was working as an armored car driver near Pittsburgh, joined the Army Reserves 3 years ago hoping to get a head start on a career in law enforcement, his father said. He was stationed in Bosnia for 6 months and had 2 months off before his unit was reactivated in February.

Jack Tomko, who served in the Marine Corps from 1966 to 1970, said he and his son didn't talk about the war or conditions in Iraq.

"I told him you don't tell me what is going on, you tell me when you get home," Tomko said.

Tomko described his son as an average boy growing up and remembered how he would occasionally get into food fights with a friend, placing overripe apples and tomatoes on sticks and hitting each other. But he said his son never got into serious trouble.

Baillie said she thought their son was too young to tell about his father's death.

"I'm gonna make sure that Ethan knows that is dad is a hero and that he did, you know, what he wanted to do and that he went over there to fight for his country," Baillie said. "There is nothing negative you can say about that."

STAFF SGT. JEREMY R. HORTON, ERIE, PA—DIED MAY 21, 2004

PENNSYLVANIA SOLDIER KILLED IN IRAQ (ASSOCIATED PRESS, MAY 2004)

PITTSBURGH.—A soldier from Erie, Penn., whose tour was extended last year, was killed in Iraq by a roadside bomb, according to his family.

Staff Sgt. Jeremy R. Horton, 24, died Friday near Iskandariyah, Iraq. Defense officials did not release further details, but relatives said Horton apparently was killed when his convoy was stopped for another roadside bomb.

Horton reportedly stepped from his vehicle and a second bomb went off, killing him and wounding three other soldiers, said his uncle, Rich Wittenburg, 54, of Erie. Horton died from shrapnel in his head, Wittenburg said.

Horton joined the Army right out of high school, hoping to get money for college, but ended up finding his place in the military. He was a member of Company B, 2nd Battalion, 6th Infantry Regiment, 1st Armored Division, based in Baumholder, Germany.

"He certainly loved his family and loved his country and loved being in the military. It was what he wanted to do. We need more like him," Wittenburg said.

Horton played both the saxophone and drums in high school and played in bands where he was stationed, his uncle said.

Horton is survived by his wife, Christie, whom he married shortly after joining the Army.

A memorial service was planned for Thursday in Germany and he will be buried June 2 in Erie, his uncle said.

STAFF SGT. RYAN S. OSTROM LIBERTY, PA—DIED AUGUST 9, 2005

STUDENT REMEMBERS PA. NATIONAL GUARD SOLDIER AS A MENTOR (ASSOCIATED PRESS, AUGUST 2005)

When Broc Repard was playing junior high basketball, Ryan S. Ostrom was his coach. But he was so much more.

"He taught people skills as much as he taught basketball," said Repard.

"He was a good leader and a good person to look up to. And he had that special smile we used to see in the locker room."

Ostrom, 25, of Liberty, Pa., died Aug. 9 from small-arms fire in Habbaniya. He was assigned to Williamsport.

"He was a soldier you could give a task to and know it would get done. You could just look at him and know he was a leader," said SSG Craig Stevens.

Ostrom captained his high school's soccer and basketball teams and won a Pennsylvania Interscholastic Athletic Association sportsmanship award. He was a Youth Leader of Tomorrow candidate.

A 1999 high school graduate, Ostrom would have started his senior year at Mansfield University this fall, studying chemistry. Professor Scott Davis said Ostrom was one of the few science students who aspired to be a teacher.

"He would have been a good one," Davis said.

He is survived by his father, Scott Ostrom, mother, Donna Ostrom, and stepmother, Anice Ostrom.

LANCE CPL. NICHOLAS B. MORRISON, CARLISLE, PA—DIED AUGUST 13, 2004

PENNSYLVANIA MARINE KILLED IN IRAQ (ASSOCIATED PRESS, AUGUST 2004)

CARLISLE, PA.—A North Carolina-based Marine killed in Iraq complained about the food and the heat, but nothing else, his mother said.

LCpl Nicholas B. Morrison, 23, Carlisle, Pa., died Friday during hostile action in Iraq's Anbar province.

He joined the Marine Corps 16 months ago and planned to eventually become a state trooper, said his mother, Peggy Morrison, of West Pennsboro Township in Cumberland County.

"He cared about what he was doing," Peggy Morrison said. "He believed in the war. He was afraid, but not afraid to do what was right."

Morrison died when an explosive hit the Humvee in which he was riding, his mother said.

"They were on a scouting mission or something," said Morrison, adding that she expected more detailed information from military officials Monday.

Morrison was assigned to the 2nd Battalion, 2nd Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force at Camp Lejeune, N.C.

"We sent him a digital camera and he'd take pictures during a gunfight," Peggy Morrison said. "We'd holler and he'd say, 'It's not that bad.' I think he tried to downplay it."

Morrison was a 2000 graduate of Big Spring High School, where he was a linebacker on the football team and had many close friends, said schoolmate Matt Swanger, 22.

"He was the glue. When he would come home we would all make an effort to go out," Swanger said. "He would still make us laugh about stories from when we were growing up. I was really looking forward to when he came home."

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Florida.

Mr. NELSON of Florida. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Let me say to Senator CASEY before he leaves the floor, the kind of speech he has made is the kind of speech none of us wants to make. It happens with each of us in each of our States. As the Senator from Pennsylvania was speaking, it caused me to reflect back that one of the more painful duties as an active-duty U.S. Army captain in the late 1960s was that of going and informing the family members, next of kin, about the loss of their loved one. That was during Vietnam. That was usually the occasion for the notification of next of kin. How difficult a task it is personally to do it because you realize how difficult it is for the family to receive that news. I thank the Senator from Pennsylvania for his obviously heartfelt comments about the Pennsylvania citizens who have fallen in combat and for his words and expression of appreciation for the patriotism of these young men and women.

CORAL REEF ECOSYSTEMS

I rise today to speak about another subject, the fact that two of the committees on which I sit have recently reported out important legislation to protect delicate coral reefs off the coast of our country. It is called the Coral Reef Conservation Amendments Act and the Tropical Forest Conservation Act.

Mr. President, 84 percent of all of the coral reef ecosystems in the country happen to be off the coast of Florida. It is important that we protect them because—and a lot of people don't realize this—they protect us. Coral reefs are fragile, slow-going, slow-growing, and long-lived ecosystems. Corals themselves are easily damaged and they are vulnerable to severe weather, ship damage, pollution, nutrification, and changes in temperature. Even with all of those environmental and physical challenges, coral reef ecosystems provide invaluable services to us. They protect our shorelines. They enhance our economies because of all of the wonderful exploration in dive shops. They shelter fisheries, and they are a very valuable ecosystem for a variety of marine life.

Beyond the current ecosystem services and known capacities, coral reefs also hold the promise for new discoveries, new and beneficial drugs coming from the coral reefs, improved understanding of disease and, even now, understanding of new species. As we reauthorize in this legislation the Tropical Forest Conservation Act, we are going to take an important and significant new step to preserving and restoring global natural resources and marine systems. This reauthorization will continue our efforts to preserve the world's forests, the coral reefs, and now the coastal marine ecosystems. This act will create an invaluable debt for nature exchange that benefits both the global economy and the global environment.

We have an aquarium in Tampa, FL that is offering its expertise in coral conservation and coral health certification in these international efforts that are ongoing. Developing countries are now participating in this debt relief initiative, and it will greatly benefit from the research that is going on at the Florida aquarium.

The legislation that is coming forth is a reauthorization that strengthens the authority of the Secretary of Commerce. It gives the Secretary the ability to address threats to coral reef ecosystems in U.S. waters. It expands NOAA's authority to respond to stranded and grounded vessels that threaten the coral reefs. The bill also allows for NOAA to negotiate agreements with coral reef research institutes such as the Institute at Nova Southeastern University in my State in the city of Fort Lauderdale. This bill also provides mechanisms for the Government to recoup costs and damages from the responsible parties and then apply those funds to coral restoration efforts in damaged areas.

We have another potential devastation of coral reefs. Many of these reefs are right off the Florida Keys. It is an area of endangered, critical concern. There are these beautiful coral reefs that do all of these protections I talked about for the delicate keys: protection from storms, housing the fisheries, a place for research and development with regard to disease, and so forth. But let me tell you about a new destructive potential for the coral reefs. Remember, 84 percent of the Nation's coral reefs are in Florida. Since there is no treaty between Cuba and the United States with regard to the operation of the waters between the two, there have been exchanges between the Government of the United States and Cuba, through the facilities of the Swiss Embassy, an exchange of letters that has been going on for 20 years, designating a line halfway between Key West and Cuba, which is only 90 miles, or a line 45 miles off the coast of Cuba, which happens to be 45 miles off of Key West, as a line at which the jurisdiction of the waters in each respective part is the jurisdiction of that country.

Here is the problem. Cuba, combined with foreign oil companies, now including PDVSA, the oil company of Venezuela, is starting to explore for oil out in the waters off of Cuba. There has been some exploration already near the shore. But unless that agreement is modified, the Venezuelan oil company could be drilling for oil 45 miles off of Key West. Right off of Key West is the gulf stream. The gulf stream comes up through the west side of Cuba and the Yucatan peninsula, goes into the Gulf of Mexico, turns eastward and southward and comes down below Key West, between Key West and Cuba, and then follows the keys northward, hugs the coast of Florida only a couple of miles off the coast, all the way up to the middle of Florida at Fort Pierce, and then turns and leaves the coast of Florida going across the Atlantic and goes all the way over to northern Europe. If we don't call back this letter that most recently the Bush White House has sent to Cuba to ratify the agreement, which is done every 2 years, it gives perfect license for the Castro government to go in and drill. If there is an oil spill that is caught up in that gulf stream, you can see the potential for destruction of the delicate coral reefs all lining the Florida Keys and then right up the east coast of the State of Florida.

I have written to the President today asking him to recall the letter. The letter has been delivered by the State Department to the Swiss Embassy, but it has not been responded to by the Government of Cuba. It is not too late to withdraw that letter from the United States Government setting that boundary, and instead a new letter should be sent, perhaps with regard to what this initially started a couple of decades ago, on the fishing rights of each country, but one that would exempt out the rights of Cuba to drill in such a dangerous area. At least this ought to be an issue that is negotiated to keep the oil drilling away from the gulf stream which could damage these very coral reefs which I have been talking about in this act, this legislative act which has come out of the committee on which the Presiding Officer and I serve. It is not too late, if the Bush administration will do this. This happened 2 years ago and the Bush administration ignored the calls. But in the last 2 years, it has become much more apparent that oil companies sometimes that may not be safe in their drilling practices are in fact going to drill. The United States needs to have a say in those drilling operations not being out there close to the gulf stream which is only 30 or 40 miles off of the city of Key West which is at the lower end of the Florida Keys.

I come here happily to embrace this legislation protecting coral reefs, but I come here with an urgent message asking the White House to protect our coral reefs by withdrawing this letter sent to the Castro government of Cuba.

I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, there has been a lot of progress made on this Indian health bill that is now before the Senate. A number of amendments have been filed. The staff are negotiating further provisions and discussing a list of amendments for consideration when we return to the bill.

I extend my appreciation to Senator DORGAN and Senator MURKOWSKI, the chairman and ranking member, for their leadership on the floor.

Many compromises have been made to accommodate my Republican colleagues—on Federal Torts Claims Act coverage of traditional health care practitioners, on urban Indian programs, and on the need for an Assistant Secretary of Indian Health. We even accommodated our colleagues when we learned of their midweek retreat, which has interrupted debate time on this important bill.

The caucuses are discussing some final issues, and I will be developing a list of amendments that we should consider relating to this legislation. I hope these conversations continue so we find a way to complete the bill in a timely and efficient manner.

As an original cosponsor of the Indian health bill, I am committed to seeing an Indian health bill signed into law and will continue to work with Senator DORGAN, Senator MURKOWSKI, and my Republican counterpart to complete this legislation as soon as possible.

Mr. FEINGOLD. Madam President, I am pleased to support the Indian Health Care Improvement Act Amendments of 2007. This bill is long overdue, and I hope that we in the Senate can ensure this bill's quick passage.

There are significant unmet needs in Indian Country throughout this Nation, and addressing the unmet health care needs ranks as one of the most significant issues that we must address. The Federal Government has a well-established trust responsibility with regard to American Indian affairs, and this trust responsibility extends to providing good health care to communities throughout Indian Country.

I am impressed with the bipartisan work that Senator DORGAN and the Senate Indian Affairs Committee have put into moving this bill forward, and I commend the committee for its dedication to significant consultation with Indian Country in drafting and negotiating this bill. Because of the strong consultation with individual tribes and collective organizations like the National Tribal Steering Committee and the National Indian Health Board, the Senate Indian Affairs Committee has put together a comprehensive reform bill that will help improve the health care services available to American Indians around the country.

This bill has the support of tribal governments throughout the Nation, including the 11 federally recognized tribes in my State of Wisconsin. I have heard from a number of constituents in Wisconsin about the need to pass this important piece of legislation and the improvements that the legislation will make to various Indian Health Service programs including clinical programs, on the various reservations throughout the State and the urban Indian program in the city of Milwaukee.

Health care is consistently the No. 1 issue that I hear about all over my home State of Wisconsin. When I hold my annual townhall meetings across the State, many people come to tell me about problems with our overall health care system, and data shows us that these problems are often most acutely felt in Indian Country. Lack of access to good health care is a problem that disproportionately affects American Indians throughout the United States. According to the Indian Health Service, American Indians and Alaska Natives are 200 percent more likely to die from diabetes, more than 500 percent more likely to die from alcoholism, and approximately 500 percent more likely to die from tuberculosis.

I was disappointed to hear one of my colleagues say yesterday on the floor that American lives do not depend on whether we pass the Indian health care bill by the end of the month. The staggering health statistics I cited earlier show just how imperative it is that we pass this legislation, which is long overdue. These statistics also help illustrate the vast amount of work that needs to be done to improve the quality of health care in American Indian communities. This piece of legislation takes an important first step toward addressing these health care disparities through the many reforms it makes to Indian health care programs. Contrary to what my colleague asserted yesterday, American lives do depend on this legislation. Modernizing Indian Health Services programs through this legislation will help to address the diabetes and suicide crises that exist on reservations—just two examples of the many health care issues that impact the daily lives of American Indians across the country.

Reauthorization of this bill will help encourage health care providers to practice at facilities in Indian Country and encourage American Indians to enter the health care profession and serve their communities. Recruiting talented and dedicated professionals to serve in IHS facilities, whether urban or rural, is a key challenge facing many tribal communities in Wisconsin and around the country. I hope these provisions will help bring additional dedicated doctors, nurses, and other health care professionals to our tribal populations.

This bill also reauthorizes programs that assist urban Indian organizations with providing health care to American Indians living in urban centers around the country. The Urban Indian Health Program represents a tiny fraction of the Indian Health Services budget, but the small amount of resources given to the urban programs provide critical health services to those Indians living in urban areas. Contrary to what some people may think, the majority of American Indians now live in urban areas around the country, including two urban areas in my State—Milwaukee and Green Bay. Throughout our Nation's history, some American Indians came to urban centers voluntarily, but many were forcibly sent to urban areas as a result of wrongheaded Federal Indian policy in the 1950s and 1960s and have since stayed in urban areas and planted roots in these communities.

As a result of this movement to urban centers, Congress created the urban Indian program in the late 1970s to address the growing urban Indian population around the country. The Federal Government's responsibility to American Indians does not end simply because some American Indians left their ancestral lands and moved to urban locations—particularly when some of them had little choice in the matter.

While this legislation takes important steps toward improving urban Indian health care programs, we need to do much more to support these urban programs, including fighting for increased appropriations. I have been disappointed that the President has proposed zeroing out the urban Indian program in past budgets, and I fear that this year's upcoming budget will be no different. As in years past, I will join with my colleagues in efforts to restore funding for urban Indian programs to the Federal budget, and I hope this year we can also provide a much needed boost in funding for the urban Indian programs.

While this bill is a good first step towards reforming and improving access to health care in Indian Country, I also look forward to working with my colleagues to examine better ways to address the disparities that exist in the funding allocated to various IHS regions, including the Bemidji region, which covers Wisconsin, Minnesota, Michigan, Indiana, and Illinois. According to the latest available data compiled by the Great Lakes Inter-Tribal Epidemiology Center, the Bemidji Indian Health service area has lower funding rates than other Indian Health Service areas around the country. Even though the Bemidji region's funding rates are lower than other areas, the region has higher rates of heart disease and cancer than other regions and has the second worst diabetes rate in the IHS system. Not only do we need to provide more funding for all IHS regions, we also need to better address disparities that exist within the system, and I look forward to working with my colleagues in the coming months to address those disparities.

This bill is a solid first step toward improving access to health care in Indian Country. Unfortunately, the Senate was not able to finish work on this important bill before we had to move to debate another matter. I understand the majority leader has made a commitment to return to the Indian health care bill after we finish that other debate, and I look forward to working with my colleagues to pass the American Indian Health Care Improvement Act Amendments of 2007 in the near future. We need to move forward on this critical bill, and I urge all my colleagues, whether Republican or Democrat, to work together quickly to ensure its swift passage.

Indian Country has made many compromises in order to move this bill forward, and passage of this bill is long overdue. This bill takes important steps toward addressing some of the health care needs facing American Indian communities around the country, and I look forward to working with my colleagues to build on this legislation in the coming months and years. I also hope that we can continue to work together in a bipartisan way to pass the reauthorization of the Native American Housing and Self-Determination Act, work on legislation to address the education needs of American Indian youth, and address other legislative areas in order to help ensure stronger futures for American Indians throughout the country.

Mr. ENZI. Madam President, I rise in support of renewing and reinvigorating the Indian healthcare programs. For too long, we have neglected our duty to review this program and ensure that it continues to efficiently deliver high quality health care. As a part of that effort, last Congress Senator McCAIN, Senator DORGAN, Senator MURKOWSKI, and I introduced comprehensive legislation to do just that. I am pleased that a great portion of the bill we are discussing today includes provisions from that bill, S. 4122.

In crafting that legislation last Congress, we kept in mind the 80–20 rule. Eighty percent of the time we were going to agree on a topic. It is only 20 percent that we are going to disagree. Therefore, to gain broad support, we focused on the 80 percent to ensure that it was strong, bipartisan legislation.

However, there are a few ways in which the bill before us deviates from the language in S. 4122. Sometimes, those changes are improvements as we all review the language again. Unfortunately, some issues still remain.

Those issues include Federal liability coverage for traditional healthcare practices. If we don't correct this, the Federal Government could be telling Americans how to practice their own religious beliefs. In addition, we need to more fully understand the appropriate role for providing services to urban Indians. I do think there is middle ground, or a third way—as I like to call it—to be found. In addition, there must be an appropriate offset to the legislation. Given the pay-go rules in both Chambers, in addition to our own Senate procedural hurdles, it is necessary and fiscally appropriate to have a responsible offset.

I have also heard from my colleagues that there are at least two outstanding issues within the Finance Committee's title of this legislation. I hope those can also be discussed and resolved. Specifically, the concerns center around the elimination of Medicaid copays and removal of particular citizenship requirements.

As the optimist and the Senator advocating for the "third way," I am hopeful that we all can continue discussing these issues and come to an agreement as to how we move forward. Individuals depending on the Indian Health Services for their health care deserve no less.

Mr. WEBB. Madam President, the Senate is in the midst of an important debate to extend and improve health care to our Nation's federally recognized Indian tribes. I support the Indian Health Care Improvement Act and I commend all those, including the distinguished chairman, Senator DORGAN, for their work on it.

As we work to extend health care to more Native Americans, some of our oldest and most historically significant Indian tribes will be left outside the process, ineligible to participate in either the health care services or other programs authorized by the Federal Government.

I bring to your attention my strong support of a bill passed last year by the U.S. House of Representatives, which would grant Federal recognition to six Native American tribes from the Commonwealth of Virginia. That bill is the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act, H.R. 1294.

Once the Senate passes that bill and the President signs it into law, these six federally recognized tribes would become eligible for the benefits conferred under the Indian Health Care Improvement Act, which the Senate currently is debating. I hope that the Senate will pass the Indian Health Care Improvement Act this week. Just as importantly, I hope that during this session of Congress, the Senate will pass the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act, thereby bestowing Federal benefits to these six tribes that have waited over 15 years for recognition.

The six tribes affected by the Federal Recognition Act are (1) the Chickahominy Tribe; (2) the Chickahominy Indian Tribe—Eastern Division; (3) the Upper Mattaponi Tribe; (4) the Rappahannock Tribe, Inc.; (5) the Monacan Indian Nation; and (6) the Nansemond Indian Tribe.

All six tribes included in the Federal Recognition Act have attempted to gain formal recognition through the Bureau of Indian Affairs, BIA. A lack of resources, coupled with unclear agency guidelines, have contributed to a backlog that currently exists at the BIA. Some applications for recognition can take up to 20 years.

Virginia's history and policies create barriers for Virginia's Native American Tribes to meet the BIA criteria for Federal recognition. Many Western tribes experienced Government neglect during the 20th century, but Virginia's story is different. Virginia's tribes were specifically targeted by unique policies.

Virginia was the first State to pass antimiscegenation laws in 1691, which were not eliminated until 1967.

Virginia's Bureau of Vital Statistics went so far as changing race records on many birth, death and marriage certificates. The elimination of racial identity records had a harmful impact on Virginia's tribes in the late 1990s, when they began seeking Federal recognition.

Moreover, many Virginia counties suffered tremendous loss of their early records during the intense military activity that occurred during the Civil War.

After meeting with leaders of Virginia's Indian tribes and months of thorough investigation of the facts, I concluded that legislative action is needed for recognition of Virginia's tribes. Congressional hearings and reports over the last several Congresses demonstrate the ancestry and status of these tribes. I have come to the conclusion that this recognition is justified based on principles of dignity and fairness. I have spent several months examining this issue in great detail, including the rich history and culture of Virginia's tribes. My staff and I asked a number of tough questions, and great care and deliberation were put into arriving at this conclusion.

Last year, we celebrated the 400th anniversary of Jamestown America's first colony. After 400 years since the founding of Jamestown, these six tribes deserve to join our Nation's other 562 federally recognized tribes.

As I mentioned, the House overwhelming passed the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act, with bipartisan support. Virginia Governor Tim Kaine and the Virginia legislature support

Federal recognition for these tribes. I look forward to working with my colleagues in the Senate, especially those on the Indian Affairs Committee, to push for passage of the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act.

At a time when we are debating how to effectively promote Indian health care, it is important that we grant these six Virginia tribes the access to these essential Federal health programs.

FISA AMENDMENTS ACT OF 2007

Mr. REID. Madam President, I call for the regular order.

The PRESIDING OFFICER. The clerk will report the pending business by title.

The assistant legislative clerk read as follows:

A bill (S. 2248) to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Select Committee on Intelligence and the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2007" or the "FISA Amendments Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

Sec. 101. Targeting the communications of certain persons outside the United States.
Sec. 102. Statement of exclusive means by which electronic surveillance and interception of certain communications may be conducted.
Sec. 103. Submittal to Congress of certain court orders under the Foreign Intelligence Surveillance Act of 1978.
Sec. 104. Applications for court orders.
Sec. 105. Issuance of an order.
Sec. 106. Use of information.
Sec. 107. Amendments for physical searches.
Sec. 108. Amendments for emergency pen registers and trap and trace devices.
Sec. 109. Foreign Intelligence Surveillance Court.
Sec. 110. Review of previous actions.
Sec. 111. Technical and conforming amendments.

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

SEC. 101. TARGETING THE COMMUNICATIONS OF CERTAIN PERSONS OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by striking title VII; and

(2) by adding after title VI the following new title:

"TITLE VII—ADDITIONAL PROCEDURES FOR TARGETING COMMUNICATIONS OF CERTAIN PERSONS OUTSIDE THE UNITED STATES

"SEC. 701. DEFINITIONS.

"In this title:

"(1) IN GENERAL.—The terms 'agent of a foreign power', 'Attorney General', 'contents', 'electronic surveillance', 'foreign intelligence information', 'foreign power', 'minimization procedures', 'person', 'United States', and 'United States person' shall have the meanings given such terms in section 101.

"(2) ADDITIONAL DEFINITIONS.—

"(A) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term 'congressional intelligence committees' means—

"(i) the Select Committee on Intelligence of the Senate; and

"(ii) the Permanent Select Committee on Intelligence of the House of Representatives.

"(B) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The terms 'Foreign Intelligence Surveillance Court' and 'Court' mean the court established by section 103(a).

"(C) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The terms 'Foreign Intelligence Surveillance Court of Review' and 'Court of Review' mean the court established by section 103(b).

"(D) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—

"(i) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

"(ii) a provider of electronic communications service, as that term is defined in section 2510 of title 18, United States Code;

"(iii) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

"(iv) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored; or

"(v) an officer, employee, or agent of an entity described in clause (i), (ii), (iii), or (iv).

"(E) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term 'element of the intelligence community' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

"SEC. 702. PROCEDURES FOR ACQUIRING THE COMMUNICATIONS OF CERTAIN PERSONS OUTSIDE THE UNITED STATES.

"(a) AUTHORIZATION.—Notwithstanding any other provision of law, including title I, the Attorney General and the Director of National Intelligence may authorize jointly, for periods of up to 1 year, the targeting of persons reasonably believed to be located outside the United States to acquire foreign intelligence information.

"(b) LIMITATIONS.—An acquisition authorized under subsection (a)—

"(1) may not intentionally target any person known at the time of acquisition to be located in the United States;

"(2) may not intentionally target a person reasonably believed to be outside the United States if a significant purpose of such acquisition is to acquire the communications of a specific person reasonably believed to be located in the United States, except in accordance with title I; and

"(3) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States.

"(c) UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES.—

"(1) ACQUISITION INSIDE THE UNITED STATES OF UNITED STATES PERSONS OUTSIDE THE UNITED STATES.—An acquisition authorized under subsection (a) that constitutes electronic surveillance and occurs inside the United States may not intentionally target a United States person reasonably believed to be outside the United States, except in accordance with the procedures under title I.

"(2) ACQUISITION OUTSIDE THE UNITED STATES OF UNITED STATES PERSONS OUTSIDE THE UNITED STATES.—

"(A) IN GENERAL.—An acquisition by an electronic, mechanical, or other surveillance device outside the United States may not intentionally target a United States person reasonably believed to be outside the United States to acquire the contents of a wire or radio communication sent by or intended to be received by that United States person under circumstances in which a person has reasonable expectation of privacy and a warrant would be required for law enforcement purposes if the technique were used inside the United States unless—

"(i) the Foreign Intelligence Surveillance Court has entered an order approving electronic surveillance of that United States person under section 105, or in the case of an emergency situation, electronic surveillance against the target is being conducted in a manner consistent with title I; or

"(ii)(I) the Foreign Intelligence Surveillance Court has entered a order under subparagraph (B) that there is probable cause to believe that the United States person is a foreign power or an agent of a foreign power;

"(II) the Attorney General has established minimization procedures for that acquisition that meet the definition of minimization procedures under section 101(h); and

"(III) the dissemination provisions of the minimization procedures described in subclause (II) have been approved under subparagraph (C).

"(B) PROBABLE CAUSE DETERMINATION; REVIEW.—

"(i) IN GENERAL.—The Attorney General may submit to the Foreign Intelligence Surveillance Court the determination of the Attorney General, together with any supporting affidavits, that a United States person who is outside the United States is a foreign power or an agent of a foreign power.

"(ii) REVIEW.—The Court shall review, any probable cause determination submitted by the Attorney General under this subparagraph. The review under this clause shall be limited to whether, on the basis of the facts submitted by the Attorney General, there is probable cause to believe that the United States person who is outside the United States is a foreign power or an agent of a foreign power.

"(iii) ORDER.—If the Court, after conducting a review under clause (ii), determines that there is probable cause to believe that the United States person is a foreign power or an agent of a foreign power, the court shall issue an order approving the acquisition. An order under this clause shall be effective for 90 days, and may be renewed for additional 90-day periods.

"(iv) NO PROBABLE CAUSE.—If the Court, after conducting a review under clause (ii), determines that there is not probable cause to believe that a United States person is a foreign power or an agent of a foreign power, it shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause to the Foreign Intelligence Surveillance Court of Review.

"(C) REVIEW OF MINIMIZATION PROCEDURES.—

"(i) IN GENERAL.—The Foreign Intelligence Surveillance Court shall review the minimization procedures applicable to dissemination of information obtained through an acquisition authorized under subparagraph (A) to assess

whether such procedures meet the definition of minimization procedures under section 101(h) with respect to dissemination.

“(ii) REVIEW.—The Court shall issue an order approving the procedures applicable to dissemination as submitted or as modified to comply with section 101(h).

“(iii) PROCEDURES DO NOT MEET DEFINITION.—If the Court determines that the procedures applicable to dissemination of information obtained through an acquisition authorized under subparagraph (A) do not meet the definition of minimization procedures under section 101(h) with respect to dissemination, it shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause to the Foreign Intelligence Surveillance Court of Review.

“(D) EMERGENCY PROCEDURES.—

“(i) IN GENERAL.—Notwithstanding any other provision of this paragraph, the Attorney General may authorize the emergency employment of an acquisition under subparagraph (A) if the Attorney General—

“(I) reasonably determines that—

“(aa) an emergency situation exists with respect to the employment of an acquisition under subparagraph (A) before a determination of probable cause can with due diligence be obtained; and

“(bb) the factual basis for issuance of a determination under subparagraph (B) to approve such an acquisition exists;

“(II) informs a judge of the Foreign Intelligence Surveillance Court at the time of such authorization that the decision has been made to employ an emergency acquisition;

“(III) submits a request in accordance with subparagraph (B) to the judge notified under subclause (II) as soon as practicable, but later than 72 hours after the Attorney General authorizes such an acquisition; and

“(IV) requires that minimization procedures meeting the definition of minimization procedures under section 101(h) be followed.

“(ii) TERMINATION.—In the absence of a judicial determination finding probable cause to believe that the United States person that is the subject of an emergency employment of an acquisition under clause (i) is a foreign power or an agent of a foreign power, the emergency employment of an acquisition under clause (i) shall terminate when the information sought is obtained, when the request for a determination is denied, or after the expiration of 72 hours from the time of authorization by the Attorney General, whichever is earliest.

“(iii) USE OF INFORMATION.—If the Court determines that there is not probable cause to believe that a United States is a foreign power or an agent of a foreign power in response to a request for a determination under clause (i)(III), or in any other case where the emergency employment of an acquisition under this subparagraph is terminated and no determination finding probable cause is issued, no information obtained or evidence derived from such acquisition shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

“(3) PROCEDURES.—

“(A) SUBMITTAL TO FOREIGN INTELLIGENCE SURVEILLANCE COURT.—Not later than 30 days after the date of the enactment of the FISA Amendments Act of 2007, the Attorney General shall submit to the Foreign Intelligence Surveillance Court the procedures to be used in determining whether a target reasonably believed to be outside the United States is a United States person.

“(B) REVIEW BY FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Foreign Intelligence Surveillance Court shall review, the procedures submitted under subparagraph (A), and shall approve those procedures if they are reasonably designed to determine whether a target reasonably believed to be outside the United States is a United States person. If the Court concludes otherwise, the Court shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal such an order to the Foreign Intelligence Surveillance Court of Review.

“(C) USE IN TARGETING.—Any targeting of persons reasonably believed to be located outside the United States shall use the procedures approved by the Foreign Intelligence Surveillance Court under subparagraph (B). Any new or amended procedures may be used with respect to the targeting of persons reasonably believed to be located outside the United States upon approval of the new or amended procedures by the Court, which shall review such procedures under paragraph (B).

“(4) TRANSITION PROCEDURES CONCERNING THE TARGETING OF UNITED STATES PERSONS OVERSEAS.—Any authorization in effect on the date of enactment of the FISA Amendments Act of 2007 under section 2.5 of Executive Order 12333 to intentionally target a United States person reasonably believed to be located outside the United States, to acquire the contents of a wire or radio communication sent by or intended to be received by that United States person, shall remain in effect, and shall constitute a sufficient basis for conducting such an acquisition of a United States person located outside the United States, until that authorization expires or 90 days after the date of enactment of the FISA Amendments Act of 2007, whichever is earlier.

“(d) CONDUCT OF ACQUISITION.—An acquisition authorized under subsection (a) may be conducted only in accordance with—

“(1) a certification made by the Attorney General and the Director of National Intelligence pursuant to subsection (g); and

“(2) the targeting and minimization procedures required pursuant to subsections (e) and (f).

“(e) TARGETING PROCEDURES.—

“(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt targeting procedures that are reasonably designed to ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States, and that an application is filed under title I, if otherwise required, when a significant purpose of an acquisition authorized under subsection (a) is to acquire the communications of a specific person reasonably believed to be located in the United States.

“(2) JUDICIAL REVIEW.—The procedures referred to in paragraph (1) shall be subject to judicial review pursuant to subsection (i).

“(f) MINIMIZATION PROCEDURES.—

“(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt, consistent with the requirements of section 101(h), minimization procedures for acquisitions authorized under subsection (a).

“(2) JUDICIAL REVIEW.—The minimization procedures required by this subsection shall be subject to judicial review pursuant to subsection (i).

“(g) CERTIFICATION.—

“(1) IN GENERAL.—

“(A) REQUIREMENT.—Subject to subparagraph (B), prior to the initiation of an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence shall provide, under oath, a written certification, as described in this subsection.

“(B) EXCEPTION.—If the Attorney General and the Director of National Intelligence determine that immediate action by the Government is required and time does not permit the preparation of a certification under this subsection prior to the initiation of an acquisition, the Attorney General and the Director of National Intelligence shall prepare such certification, including such determination, as soon as possible but in no event more than 168 hours after such determination is made.

“(2) REQUIREMENTS.—A certification made under this subsection shall—

“(A) attest that—

“(i) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) is targeted at persons reasonably believed to be located outside the United States and that such procedures have been approved by, or will promptly be submitted for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (i);

“(ii) the procedures referred to in clause (i) are consistent with the requirements of the fourth amendment to the Constitution of the United States and do not permit the intentional targeting of any person who is known at the time of acquisition to be located in the United States;

“(iii) the procedures referred to in clause (i) require that an application is filed under title I, if otherwise required, when a significant purpose of an acquisition authorized under subsection (a) is to acquire the communications of a specific person reasonably believed to be located in the United States;

“(iv) a significant purpose of the acquisition is to obtain foreign intelligence information;

“(v) the minimization procedures to be used with respect to such acquisition—

“(I) meet the definition of minimization procedures under section 101(h); and

“(II) have been approved by, or will promptly be submitted for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (i);

“(vi) the acquisition involves obtaining the foreign intelligence information from or with the assistance of an electronic communication service provider; and

“(vii) the acquisition is limited to communications to which at least 1 party is a specific individual target who is reasonably believed to be located outside of the United States, and a significant purpose of the acquisition of the communications of any target is to obtain foreign intelligence information; and

“(B) be supported, as appropriate, by the affidavit of any appropriate official in the area of national security who is—

“(i) appointed by the President, by and with the consent of the Senate; or

“(ii) the head of any element of the intelligence community.

“(3) LIMITATION.—A certification made under this subsection is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under subsection (a) will be directed or conducted.

“(4) SUBMISSION TO THE COURT.—The Attorney General shall transmit a copy of a certification made under this subsection, and any supporting affidavit, under seal to the Foreign Intelligence Surveillance Court as soon as possible, but in no event more than 5 days after such certification is made. Such certification

shall be maintained under security measures adopted by the Chief Justice of the United States and the Attorney General, in consultation with the Director of National Intelligence.

"(5) REVIEW.—The certification required by this subsection shall be subject to judicial review pursuant to subsection (i).

"(h) DIRECTIVES.—

"(1) AUTHORITY.—With respect to an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence may direct, in writing, an electronic communication service provider to—

"(A) immediately provide the Government with all information, facilities, or assistance necessary to accomplish the acquisition in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target; and

"(B) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain.

"(2) COMPENSATION.—The Government shall compensate, at the prevailing rate, an electronic communication service provider for providing information, facilities, or assistance pursuant to paragraph (1).

"(3) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with a directive issued pursuant to paragraph (1).

"(4) CHALLENGING OF DIRECTIVES.—

"(A) AUTHORITY TO CHALLENGE.—An electronic communication service provider receiving a directive issued pursuant to paragraph (1) may challenge the directive by filing a petition with the Foreign Intelligence Surveillance Court.

"(B) ASSIGNMENT.—The presiding judge of the Court shall assign the petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

"(C) STANDARDS FOR REVIEW.—A judge considering a petition to modify or set aside a directive may grant such petition only if the judge finds that the directive does not meet the requirements of this section or is otherwise unlawful. If the judge does not modify or set aside the directive, the judge shall immediately affirm such directive, and order the recipient to comply with the directive. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

"(D) CONTINUED EFFECT.—Any directive not explicitly modified or set aside under this paragraph shall remain in full effect.

"(5) ENFORCEMENT OF DIRECTIVES.—

"(A) ORDER TO COMPEL.—In the case of a failure to comply with a directive issued pursuant to paragraph (1), the Attorney General may file a petition for an order to compel compliance with the directive with the Foreign Intelligence Surveillance Court.

"(B) ASSIGNMENT.—The presiding judge of the Court shall assign a petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

"(C) STANDARDS FOR REVIEW.—A judge considering a petition shall issue an order requiring the electronic communication service provider to comply with the directive if the judge finds that the directive was issued in accordance with paragraph (1), meets the requirements of this section, and is otherwise lawful. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

"(D) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

"(E) PROCESS.—Any process under this paragraph may be served in any judicial district in which the electronic communication service provider may be found.

"(6) APPEAL.—

"(A) APPEAL TO THE COURT OF REVIEW.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition with the Foreign Intelligence Surveillance Court of Review for review of the decision issued pursuant to paragraph (4) or (5) not later than 7 days after the issuance of such decision. The Court of Review shall have jurisdiction to consider such a petition and shall provide a written statement for the record of the reasons for a decision under this paragraph.

"(B) CERTIORARI TO THE SUPREME COURT.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"(i) JUDICIAL REVIEW.—

"(1) IN GENERAL.—

"(A) REVIEW BY THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Foreign Intelligence Surveillance Court shall have jurisdiction to review any certification required by subsection (d) or targeting and minimization procedures adopted pursuant to subsections (e) and (f).

"(B) SUBMISSION TO THE COURT.—The Attorney General shall submit to the Court any such certification or procedure, or amendment thereto, not later than 5 days after making or amending the certification or adopting or amending the procedures.

"(2) CERTIFICATIONS.—The Court shall review a certification provided under subsection (g) to determine whether the certification contains all the required elements.

"(3) TARGETING PROCEDURES.—The Court shall review the targeting procedures required by subsection (e) to assess whether the procedures are reasonably designed to ensure that the acquisition authorized under subsection (a) is limited to the targeting of persons reasonably believed to be located outside the United States, and are reasonably designed to ensure that an application is filed under title I, if otherwise required, when a significant purpose of an acquisition authorized under subsection (a) is to acquire the communications of a specific person reasonably believed to be located in the United States.

"(4) MINIMIZATION PROCEDURES.—The Court shall review the minimization procedures required by subsection (f) to assess whether such procedures meet the definition of minimization procedures under section 101(h).

"(5) ORDERS.—

"(A) APPROVAL.—If the Court finds that a certification required by subsection (g) contains all of the required elements and that the targeting and minimization procedures required by subsections (e) and (f) are consistent with the requirements of those subsections and with the fourth amendment to the Constitution of the United States, the Court shall enter an order approving the continued use of the procedures for the acquisition authorized under subsection (a).

"(B) CORRECTION OF DEFICIENCIES.—

"(i) IN GENERAL.—If the Court finds that a certification required by subsection (g) does not contain all of the required elements, or that the procedures required by subsections (e) and (f) are not consistent with the requirements of those subsections or the fourth amendment to the Constitution of the United States, the Court shall issue an order directing the Government to, at the Government's election and to the extent required by the Court's order—

"(I) correct any deficiency identified by the Court's order not later than 30 days after the date the Court issues the order; or

"(II) cease the acquisition authorized under subsection (a).

"(ii) LIMITATION ON USE OF INFORMATION.—

"(I) IN GENERAL.—Except as provided in subclause (II), no information obtained or evidence derived from an acquisition under clause (i)(I) shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(II) EXCEPTION.—If the Government corrects any deficiency identified by the Court's order under clause (i), the Court may permit the use or disclosure of information acquired before the date of the correction pursuant to such minimization procedures as the Court shall establish for purposes of this clause.

"(C) REQUIREMENT FOR WRITTEN STATEMENT.—In support of its orders under this subsection, the Court shall provide, simultaneously with the orders, for the record a written statement of its reasons.

"(6) APPEAL.—

"(A) APPEAL TO THE COURT OF REVIEW.—The Government may appeal any order under this section to the Foreign Intelligence Surveillance Court of Review, which shall have jurisdiction to review such order. For any decision affirming, reversing, or modifying an order of the Foreign Intelligence Surveillance Court, the Court of Review shall provide for the record a written statement of its reasons.

"(B) STAY PENDING APPEAL.—The Government may move for a stay of any order of the Foreign Intelligence Surveillance Court under paragraph (5)(B)(i) pending review by the Court en banc or pending appeal to the Foreign Intelligence Surveillance Court of Review.

"(C) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of a decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"(7) COMPLIANCE REVIEW.—The Court may review and assess compliance with the minimization procedures submitted to the Court pursuant to subsections (c) and (f) by reviewing the semiannual assessments submitted by the Attorney General and the Director of National Intelligence pursuant to subsection (l)(1) with respect to compliance with minimization procedures. In conducting a review under this paragraph, the Court may, to the extent necessary, require the Government to provide additional information regarding the acquisition, retention, or dissemination of information concerning United States persons during the course of an acquisition authorized under subsection (a).

"(8) REMEDIAL AUTHORITY.—The Foreign Intelligence Surveillance Court shall have authority to fashion remedies as necessary to enforce—

"(A) any order issued under this section; and

"(B) compliance with any such order.

"(j) JUDICIAL PROCEEDINGS.—Judicial proceedings under this section shall be conducted as expeditiously as possible.

"(k) MAINTENANCE OF RECORDS.—

"(1) STANDARDS.—A record of a proceeding under this section, including petitions filed, orders granted, and statements of reasons for decision, shall be maintained under security measures adopted by the Chief Justice of the United States, in consultation with the Attorney General and the Director of National Intelligence.

"(2) FILING AND REVIEW.—All petitions under this section shall be filed under seal. In any proceedings under this section, the court shall, upon request of the Government, review ex parte and in camera any Government submission, or portions of a submission, which may include classified information.

"(3) RETENTION OF RECORDS.—A directive made or an order granted under this section shall be retained for a period of not less than 10 years from the date on which such directive or such order is made.

"(l) OVERSIGHT.—

"(1) SEMIANNUAL ASSESSMENT.—Not less frequently than once every 6 months, the Attorney General and Director of National Intelligence shall assess compliance with the targeting and minimization procedures required by subsections (c), (e), and (f) and shall submit each such assessment to—

"(A) the Foreign Intelligence Surveillance Court; and

"(B) the congressional intelligence committees.

"(2) AGENCY ASSESSMENT.—The Inspectors General of the Department of Justice and of any element of the intelligence community authorized to acquire foreign intelligence information under subsection (a)—

"(A) are authorized to review the compliance of their agency or element with the targeting and minimization procedures required by subsections (c), (e), and (f);

"(B) with respect to acquisitions authorized under subsection (a), shall review the number of disseminated intelligence reports containing a reference to a United States person identity and the number of United States person identities subsequently disseminated by the element concerned in response to requests for identities that were not referred to by name or title in the original reporting;

"(C) with respect to acquisitions authorized under subsection (a), shall review the number of targets that were later determined to be located in the United States and the number of persons located in the United States whose communications were reviewed; and

"(D) shall provide each such review to—

"(i) the Attorney General;

"(ii) the Director of National Intelligence; and

"(iii) the congressional intelligence committees.

"(3) ANNUAL REVIEW.—

"(A) REQUIREMENT TO CONDUCT.—The head of an element of the intelligence community conducting an acquisition authorized under subsection (a) shall direct the element to conduct an annual review to determine whether there is reason to believe that foreign intelligence information has been or will be obtained from the acquisition. The annual review shall provide, with respect to such acquisitions authorized under subsection (a)—

"(i) an accounting of the number of disseminated intelligence reports containing a reference to a United States person identity;

"(ii) an accounting of the number of United States person identities subsequently disseminated by that element in response to requests for identities that were not referred to by name or title in the original reporting; and

"(iii) the number of targets that were later determined to be located in the United States and the number of persons located in the United States whose communications were reviewed.

"(B) USE OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall use each such review to evaluate the adequacy of the minimization procedures utilized by such element or the application of the minimization procedures to a particular acquisition authorized under subsection (a).

"(C) PROVISION OF REVIEW TO FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall provide such review to the Foreign Intelligence Surveillance Court.

"(4) REPORTS TO CONGRESS.—

"(A) SEMIANNUAL REPORT.—Not less frequently than once every 6 months, the Attorney General shall fully inform, in a manner consistent with national security, the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives, concerning the implementation of this Act.

"(B) CONTENT.—Each report made under subparagraph (A) shall include—

"(i) any certifications made under subsection (g) during the reporting period;

"(ii) any directives issued under subsection (h) during the reporting period;

"(iii) the judicial review during the reporting period of any such certifications and targeting and minimization procedures utilized with respect to such acquisition, including a copy of any order or pleading in connection with such review that contains a significant legal interpretation of the provisions of this Act;

"(iv) any actions taken to challenge or enforce a directive under paragraphs (4) or (5) of subsections (h);

"(v) any compliance reviews conducted by the Department of Justice or the Office of the Director of National Intelligence of acquisitions authorized under subsection (a);

"(vi) a description of any incidents of noncompliance with a directive issued by the Attorney General and the Director of National Intelligence under subsection (h), including—

"(I) incidents of noncompliance by an element of the intelligence community with procedures adopted pursuant to subsections (c), (e), and (f); and

"(II) incidents of noncompliance by a specified person to whom the Attorney General and Director of National Intelligence issued a directive under subsection (h);

"(vii) any procedures implementing this section; and

"(viii) any annual review conducted pursuant to paragraph (3).

"SEC. 703. USE OF INFORMATION ACQUIRED UNDER SECTION 702.

"Information acquired from an acquisition conducted under section 702 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106, except for the purposes of subsection (j) of such section.".

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by striking the item relating to title VII;

(2) by striking the item relating to section 701; and

(3) by adding at the end the following:

"TITLE VII—ADDITIONAL PROCEDURES FOR TARGETING COMMUNICATIONS OF CERTAIN PERSONS OUTSIDE THE UNITED STATES

"Sec. 701. Definitions.
"Sec. 702. Procedures for acquiring the communications of certain persons outside the United States.
"Sec. 703. Use of information acquired under section 702.".

(c) SUNSET.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a)(2) and (b) shall cease to have effect on December 31, 2011.

(2) CONTINUING APPLICABILITY.—Section 702(h)(3) of the Foreign Intelligence Surveillance Act of 1978 (as amended by subsection (a)) shall remain in effect with respect to any directive issued pursuant to section 702(h) of that Act (as so amended) during the period such directive was in effect. The use of information acquired by an acquisition conducted under section 702 of that Act (as so amended) shall continue to be governed by the provisions of section 703 of that Act (as so amended).

SEC. 102. STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF CERTAIN COMMUNICATIONS MAY BE CONDUCTED.

(a) STATEMENT OF EXCLUSIVE MEANS.—Title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following new section:

"STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF CERTAIN COMMUNICATIONS MAY BE CONDUCTED

"SEC. 112. (a) This Act shall be the exclusive means for targeting United States persons for the purpose of acquiring their communications or communications information for foreign intelligence purposes, whether such persons are inside the United States or outside the United States, except in cases where specific statutory authorization exists to obtain communications information without an order under this Act.

"(b) Chapters 119 and 121 of title 18, United States Code, and this Act shall be the exclusive means by which electronic surveillance and the interception of domestic wire, oral, or electronic communications may be conducted.

"(c) Subsections (a) and (b) shall apply unless specific statutory authorization for electronic surveillance, other than as an amendment to this Act, is enacted. Such specific statutory authorization shall be the only exception to subsection (a) and (b).".

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 2511(2)(a) of title 18, United States Code, is amended by adding at the end the following:

"(iii) A certification under subparagraph (ii)(B) for assistance to obtain foreign intelligence information shall identify the specific provision of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) that provides an exception from providing a court order, and shall certify that the statutory requirements of such provision have been met.".

(2) TABLE OF CONTENTS.—The iable of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding after the item relating to section 111, the following:

"Sec. 112. Statement of exclusive means by which electronic surveillance and interception of certain communications may be conducted.".

(c) OFFENSE.—Section 109(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809(a)) is amended by striking "authorized by statute" each place it appears in such section and inserting "authorized by this title or chapter 119, 121, or 206 of title 18, United States Code".

SEC. 103. SUBMITTAL TO CONGRESS OF CERTAIN COURT ORDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) INCLUSION OF CERTAIN ORDERS IN SEMI-ANNUAL REPORTS OF ATTORNEY GENERAL.—Subsection (a)(5) of section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by striking "(not including orders)" and inserting ", orders,".

(b) REPORTS BY ATTORNEY GENERAL ON CERTAIN OTHER ORDERS.—Such section 601 is further amended by adding at the end the following new subsection:

"(c) SUBMISSIONS TO CONGRESS.—The Attorney General shall submit to the committees of Congress referred to in subsection (a)—

"(1) a copy of any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of any provision of this Act, and any pleadings associated with such decision, order, or opinion, not later than 45 days after such decision, order, or opinion is issued; and

"(2) a copy of any such decision, order, or opinion, and the pleadings associated with such decision, order, or opinion, that was issued during the 5-year period ending on the date of the enactment of the FISA Amendments Act of 2007 and not previously submitted in a report under subsection (a).".

SEC. 104. APPLICATIONS FOR COURT ORDERS.

Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (2) and (11);

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively;

(C) in paragraph (5), as redesignated by subparagraph (B) of this paragraph, by striking "detailed";

(D) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking "Affairs or" and inserting "Affairs,"; and

(ii) by striking "Senate—" and inserting "Senate, or the Deputy Director of the Federal Bureau of Investigation, if the Director of the Federal Bureau of Investigation is unavailable—";

(E) in paragraph (7), as redesignated by subparagraph (B) of this paragraph, by striking "statement of" and inserting "summary statement of";

(F) in paragraph (8), as redesignated by subparagraph (B) of this paragraph, by adding "and" at the end; and

(G) in paragraph (9), as redesignated by subparagraph (B) of this paragraph, by striking "; and" and inserting a period;

(2) by striking subsection (b);

(3) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively; and

(4) in paragraph (1)(A) of subsection (d), as redesignated by paragraph (3) of this subsection, by striking "or the Director of National Intelligence" and inserting "the Director of National Intelligence, or the Director of the Central Intelligence Agency".

SEC. 105. ISSUANCE OF AN ORDER.

Section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(2) in subsection (b), by striking "(a)(3)" and inserting "(a)(2)";

(3) in subsection (c)(1)—

(A) in subparagraph (D), by adding "and" at the end;

(B) in subparagraph (E), by striking "; and" and inserting a period; and

(C) by striking subparagraph (F);

(4) by striking subsection (d);

(5) by redesignating subsections (e) through (i) as subsections (d) through (h), respectively;

(6) by amending subsection (e), as redesignated by paragraph (5) of this section, to read as follows:

"(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of electronic surveillance if the Attorney General—

"(A) determines that an emergency situation exists with respect to the employment of electronic surveillance to obtain foreign intelligence information before an order authorizing such surveillance can with due diligence be obtained;

"(B) determines that the factual basis for issuance of an order under this title to approve such electronic surveillance exists;

"(C) informs, either personally or through a designee, a judge having jurisdiction under section 103 at the time of such authorization that the decision has been made to employ emergency electronic surveillance; and

"(D) makes an application in accordance with this title to a judge having jurisdiction under section 103 as soon as practicable, but not later than 168 hours after the Attorney General authorizes such surveillance.

"(2) If the Attorney General authorizes the emergency employment of electronic surveillance under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

"(3) In the absence of a judicial order approving such electronic surveillance, the surveillance shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 168 hours from the time of authorization by the Attorney General, whichever is earliest.

"(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

"(5) In the event that such application for approval is denied, or in any other case where the electronic surveillance is terminated and no order is issued approving the surveillance, no information obtained or evidence derived from such surveillance shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such surveillance shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(6) The Attorney General shall assess compliance with the requirements of paragraph (5)."; and

(7) by adding at the end the following:

"(i) In any case in which the Government makes an application to a judge under this title to conduct electronic surveillance involving communications and the judge grants such application, upon the request of the applicant, the judge shall also authorize the installation and use of pen registers and trap and trace devices, and direct the disclosure of the information set forth in section 402(d)(2).".

SEC. 106. USE OF INFORMATION.

Subsection (i) of section 106 of the Foreign Intelligence Surveillance Act of 1978 (8 U.S.C. 1806) is amended by striking "radio communication" and inserting "communication".

SEC. 107. AMENDMENTS FOR PHYSICAL SEARCHES.

(a) APPLICATIONS.—Section 303 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1823) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively;

(C) in paragraph (2), as redesignated by subparagraph (B) of this paragraph, by striking "detailed";

(D) in paragraph (3)(C), as redesignated by subparagraph (B) of this paragraph, by inserting "or is about to be" before "owned"; and

(E) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking "Affairs or" and inserting "Affairs,"; and

(ii) by striking "Senate—" and inserting "Senate, or the Deputy Director of the Federal Bureau of Investigation, if the Director of the Federal Bureau of Investigation is unavailable—"; and

(2) in subsection (d)(1)(A), by striking "or the Director of National Intelligence" and inserting "the Director of National Intelligence, or the Director of the Central Intelligence Agency".

(b) ORDERS.—Section 304 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(2) by amending subsection (e) to read as follows:

"(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of a physical search if the Attorney General—

"(A) determines that an emergency situation exists with respect to the employment of a physical search to obtain foreign intelligence information before an order authorizing such physical search can with due diligence be obtained;

"(B) determines that the factual basis for issuance of an order under this title to approve such physical search exists;

"(C) informs, either personally or through a designee, a judge of the Foreign Intelligence Surveillance Court at the time of such authorization that the decision has been made to employ an emergency physical search; and

"(D) makes an application in accordance with this title to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 168 hours after the Attorney General authorizes such physical search.

"(2) If the Attorney General authorizes the emergency employment of a physical search under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

"(3) In the absence of a judicial order approving such physical search, the physical search shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 168 hours from the time of authorization by the Attorney General, whichever is earliest.

"(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

"(5)(A) In the event that such application for approval is denied, or in any other case where *the physical search is terminated and no order is issued approving the physical search, no information obtained or evidence derived from such physical search shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such physical search shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.*

"(B) The Attorney General shall assess compliance with the requirements of subparagraph (A).".

(c) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) in section 304(a)(4), as redesignated by subsection (b) of this section, by striking "303(a)(7)(E)" and inserting "303(a)(6)(E)"; and

(2) in section 305(k)(2), by striking "303(a)(7)" and inserting "303(a)(6)".

SEC. 108. AMENDMENTS FOR EMERGENCY PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(1) in subsection (a)(2), by striking "48 hours" and inserting "168 hours"; and

(2) in subsection (c)(1)(C), by striking "48 hours" and inserting "168 hours".

SEC. 109. FOREIGN INTELLIGENCE SURVEILLANCE COURT.

(a) DESIGNATION OF JUDGES.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by inserting "at least" before "seven of the United States judicial circuits".

(b) EN BANC AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978, as amended by subsection (a) of this section, is further amended—

(A) by inserting "(1)" after "(a)"; and

(B) by adding at the end the following new paragraph:

"(2)(A) The court established under this subsection may, on its own initiative, or upon the request of the Government in any proceeding or a party under section 501(f) or paragraph (4) or (5) of section 702(h), hold a hearing or rehearing, en banc, when ordered by a majority of the judges that constitute such court upon a determination that—

"(i) en banc consideration is necessary to secure or maintain uniformity of the court's decisions; or

"(ii) the proceeding involves a question of exceptional importance.

"(B) Any authority granted by this Act to a judge of the court established under this subsection may be exercised by the court en banc. When exercising such authority, the court en banc shall comply with any requirements of this Act on the exercise of such authority.

"(C) For purposes of this paragraph, the court en banc shall consist of all judges who constitute the court established under this subsection.".

(2) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 is further amended—

(A) in subsection (a) of section 103, as amended by this subsection, by inserting "(except when sitting en banc under paragraph (2))" after "no judge designated under this subsection"; and

(B) in section 302(c) (50 U.S.C. 1822(c)), by inserting "(except when sitting en banc)" after "except that no judge".

(c) STAY OR MODIFICATION DURING AN APPEAL.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

"(f)(1) A judge of the court established under subsection (a), the court established under subsection (b) or a judge of that court, or the Supreme Court of the United States or a justice of that court, may, in accordance with the rules of their respective courts, enter a stay of an order or an order modifying an order of the court established under subsection (a) or the court established under subsection (b) entered under any title of this Act, while the court established under subsection (a) conducts a rehearing, while an appeal is pending to the court established under subsection (b), or while a petition of certiorari is pending in the Supreme Court of the United States, or during the pendency of any review by that court.

"(2) The authority described in paragraph (1) shall apply to an order entered under any provision of this Act.".

SEC. 110. REVIEW OF PREVIOUS ACTIONS.

(a) DEFINITIONS.—In this section—

(1) the term "element of the intelligence community" means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)); and

(2) the term "Terrorist Surveillance Program" means the intelligence program publicly confirmed by the President in a radio address on December 17, 2005, and any previous, subsequent or related, versions or elements of that program.

(b) AUDIT.—Not later than 180 days after the date of the enactment of this Act, the Inspectors General of the Department of Justice and relevant elements of the intelligence community shall work in conjunction to complete a comprehensive audit of the Terrorist Surveillance Program and any closely related intelligence activities, which shall include acquiring all documents relevant to such programs, including memoranda concerning the legal authority of a program, authorizations of a program, certifications to telecommunications carriers, and court orders.

(c) REPORT.——

(1) IN GENERAL.—Not later than 30 days after the completion of the audit under subsection (b), the Inspectors General shall submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate a joint report containing the results of that audit, including all documents acquired pursuant to the conduct of that audit.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) EXPEDITED SECURITY CLEARANCE.—The Director of National Intelligence shall ensure that the process for the investigation and adjudication of an application by an Inspector General or any appropriate staff of an Inspector General for a security clearance necessary for the conduct of the audit under subsection (b) is conducted as expeditiously as possible.

(e) ADDITIONAL LEGAL AND OTHER PERSONNEL FOR THE INSPECTORS GENERAL.—The Inspectors General of the Department of Justice and of the relevant elements of the intelligence community are authorized such additional legal and other personnel as may be necessary to carry out the prompt and timely preparation of the audit and report required under this section. Personnel authorized by this subsection shall perform such duties relating to the audit as the relevant Inspector General shall direct. The personnel authorized by this subsection are in addition to any other personnel authorized by law.

SEC. 111. TECHNICAL AND CONFORMING AMENDMENTS.

Section 103(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(e)) is amended—

(1) in paragraph (1), by striking "105B(h) or 501(f)(1)" and inserting "501(f)(1) or 702"; and

(2) in paragraph (2), by striking "105B(h) or 501(f)(1)" and inserting "501(f)(1) or 702".

MODIFICATION OF COMMITTEE REPORTED SUBSTITUTE

Mr. REID. Madam President, I am authorized by the chairman of the Judiciary Committee and, certainly, a majority of the Judiciary Committee to modify the Judiciary substitute amendment, and I send that modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The modification is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008" or the "FISA Amendments Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

Sec. 101. Targeting the communications of certain persons outside the United States.
Sec. 102. Statement of exclusive means by which electronic surveillance and interception of certain communications may be conducted.
Sec. 103. Submittal to Congress of certain court orders under the Foreign Intelligence Surveillance Act of 1978.
Sec. 104. Applications for court orders.
Sec. 105. Issuance of an order.
Sec. 106. Use of information.
Sec. 107. Amendments for physical searches.
Sec. 108. Amendments for emergency pen registers and trap and trace devices.
Sec. 109. Foreign Intelligence Surveillance Court.
Sec. 110. Review of previous actions.
Sec. 111. Technical and conforming amendments.

TITLE II—OTHER PROVISIONS

Sec. 201. Severability.
Sec. 202. Effective date; repeal; transition procedures.

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

SEC. 101. TARGETING THE COMMUNICATIONS OF CERTAIN PERSONS OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by striking title VII; and

(2) by adding after title VI the following new title:

"TITLE VII—ADDITIONAL PROCEDURES FOR TARGETING COMMUNICATIONS OF CERTAIN PERSONS OUTSIDE THE UNITED STATES

"SEC. 701. DEFINITIONS.

"In this title:

"(1) IN GENERAL.—The terms 'agent of a foreign power', 'Attorney General', 'electronic surveillance', 'foreign intelligence information', 'foreign power', 'minimization procedures', 'person', 'United States', and 'United States person' shall have the meanings given such terms in section 101.

"(2) ADDITIONAL DEFINITIONS.—

"(A) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term 'congressional intelligence committees' means—

"(i) the Select Committee on Intelligence of the Senate; and

"(ii) the Permanent Select Committee on Intelligence of the House of Representatives.

"(B) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The terms 'Foreign Intelligence Surveillance Court' and 'Court' mean the court established by section 103(a).

"(C) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The terms 'Foreign Intelligence Surveillance Court of Review' and 'Court of Review' mean the court established by section 103(b).

"(D) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—

"(i) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

"(ii) a provider of electronic communications service, as that term is defined in section 2510 of title 18, United States Code;

"(iii) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

"(iv) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored; or

"(v) an officer, employee, or agent of an entity described in clause (i), (ii), (iii), or (iv).

"(E) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term 'element of the intelligence community' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

"SEC. 702. PROCEDURES FOR ACQUIRING THE COMMUNICATIONS OF CERTAIN PERSONS OUTSIDE THE UNITED STATES.

"(a) AUTHORIZATION.—Notwithstanding any other provision of law, including title I, the Attorney General and the Director of National Intelligence may authorize jointly, for periods of up to 1 year, the targeting of persons reasonably believed to be located outside the United States to acquire foreign intelligence information.

"(b) LIMITATIONS.—An acquisition authorized under subsection (a)—

"(1) may not intentionally target any person known at the time of acquisition to be located in the United States;

"(2) may not intentionally target a person reasonably believed to be outside the United States if a significant purpose of such acquisition is to acquire the communications of a particular, known person reasonably believed to be located in the United States, except in accordance with title I; and

"(3) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States.

"(c) UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES.—

"(1) ACQUISITION INSIDE THE UNITED STATES OF UNITED STATES PERSONS OUTSIDE THE UNITED STATES.—An acquisition authorized under subsection (a) that occurs inside the United States and—

"(A) constitutes electronic surveillance; or

"(B) is an acquisition of stored electronic communications or stored electronic data that otherwise requires a court order under this Act,

may not intentionally target a United States person reasonably believed to be outside the United States, except in accordance with title I or III. For the purposes of an acquisition under this subsection, the term 'agent of a foreign power' as used in those titles shall include a person who is an officer of a foreign power or an employee of a foreign power who is reasonably believed to have access to foreign intelligence information.

"(2) ACQUISITION OUTSIDE THE UNITED STATES OF UNITED STATES PERSONS OUTSIDE THE UNITED STATES.—

"(A) JURISDICTION AND SCOPE.—

"(i) JURISDICTION.—The Foreign Intelligence Surveillance Court shall have jurisdiction to enter an order pursuant to subparagraph (C).

"(ii) SCOPE.—No element of the intelligence community may intentionally target, for the purpose of acquiring foreign intelligence information, a United States person reasonably believed to be located outside the United States under circumstances in which the targeted United States person has a reasonable expectation of privacy and a warrant would be required if the acquisition were conducted inside the United States for law enforcement purposes, unless a judge of the Foreign Intelligence Surveillance Court has entered an order or the Attorney General has authorized an emergency acquisition pursuant to subparagraph (C) or (D) or any other provision of this Act.

"(iii) LIMITATIONS.—

"(I) MOVING OR MISIDENTIFIED TARGETS.—In the event that the targeted United States person is reasonably believed to be in the United States during the pendency of an order issued pursuant to subparagraph (C), such acquisition shall cease until authority is obtained pursuant to this Act or the targeted United States person is again reasonably believed to be located outside the United States during the pendency of an order issued pursuant to subparagraph (C).

"(II) APPLICABILITY.—If the acquisition could be authorized under paragraph (1), the procedures of paragraph (1) shall apply, unless an order or emergency acquisition authority has been obtained under a provision of this Act other than under this paragraph.

"(B) APPLICATION.—Each application for an order under this paragraph shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subparagraph (A)(i). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application as set forth in this paragraph and shall include—

"(i) the identity, if known, or a description of the specific United States person who is the target of the acquisition;

"(ii) a statement of the facts and circumstances relied upon to justify the applicant's belief that the target of the acquisition is—

"(I) a United States person reasonably believed to be located outside the United States; and

"(II) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

"(iii) a certification or certifications by the Assistant to the President for National Security Affairs or an executive branch official or officials designated by the President from among those executive officers employed in the area of national security or defense and appointed by the President by and with the advice and consent of the Senate—

"(I) that the certifying official deems the information sought to be foreign intelligence information;

"(II) that a significant purpose of the acquisition is to obtain foreign intelligence information;

"(III) that designates the type of foreign intelligence information being sought according to the categories described in section 101(e); and

"(IV) that includes a statement of the basis for the certification that the information sought is the type of foreign intelligence information designated;

"(iv) a statement of the proposed minimization procedures consistent with the requirements of section 101(h) or section 301(4);

"(v) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

"(vi) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

"(C) ORDER.—

"(i) FINDINGS.—If, upon an application made pursuant to subparagraph (B), a judge having jurisdiction under subparagraph (A)(i) finds that—

"(I) on the basis of the facts submitted by the applicant there is probable cause to believe that the specified target of the acquisition is—

"(aa) a person reasonably believed to be located outside the United States; and

"(bb) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

"(II) the proposed minimization procedures, with respect to their dissemination provisions, meet the definition of minimization procedures under section 101(h) or section 301(4); and

"(III) the certification or certifications required by subparagraph (B) are not clearly erroneous on the basis of the statement made under subparagraph (B)(iii)(IV),

the Court shall issue an ex parte order so stating.

"(ii) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of an order under clause (i)(I), a judge having jurisdiction under subparagraph (A)(i) may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target. However, no United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

"(iii) REVIEW.—

"(I) LIMITATIONS ON REVIEW.—Review by a judge having jurisdiction under subparagraph (A)(i) shall be limited to that required to make the findings described in clause (i). The judge shall not have jurisdiction to review the means by which an acquisition under this paragraph may be conducted.

"(II) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subparagraph (B) are insufficient to establish probable cause to issue an order under this subparagraph, the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this subclause pursuant to subparagraph (E).

"(III) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the minimization procedures applicable to dissemination of information obtained through an acquisition under this subparagraph do not meet the definition of minimization procedures under section 101(h) or section 301(4), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this subclause pursuant to subparagraph (E).

"(iv) DURATION.—An order under this subparagraph shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subparagraph (B).

"(D) EMERGENCY AUTHORIZATION.—

"(i) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision in this subsection, if the Attorney General reasonably determines that—

"(I) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subparagraph (C) before an order under that subsection may, with due diligence, be obtained; and

"(II) the factual basis for issuance of an order under this paragraph exists,

the Attorney General may authorize the emergency acquisition if a judge having jurisdiction under subparagraph (A)(i) is informed by the Attorney General or a designee of the Attorney General at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this paragraph is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 168 hours after the Attorney General authorizes such acquisition.

"(ii) MINIMIZATION PROCEDURES.—If the Attorney General authorizes such emergency acquisition, the Attorney General shall require that the minimization procedures required by this subparagraph be followed.

"(iii) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of an order under subparagraph (C), the acquisition shall terminate when the information sought is obtained, if the application for the order is denied, or after the expiration of 168 hours from the time of authorization by the Attorney General, whichever is earliest.

"(iv) USE OF INFORMATION.—In the event that such application is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person during the pendency of the 168-hour emergency acquisition period, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(E) APPEAL.—

"(i) APPEAL TO THE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subparagraph (C). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this subparagraph.

"(ii) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under clause (i). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"(F) JOINT APPLICATIONS AND ORDERS.—If an acquisition targeting a United States person under paragraph (1) or this paragraph is proposed to be conducted both inside and outside the United States, a judge having jurisdiction under subparagraph (A) and section 103(a) may issue simultaneously, upon the request of the Government in a joint application complying with the requirements of subparagraph (B) and section 104 or 303, orders authorizing the proposed acquisition under subparagraph (B) and section 105 or 304 as applicable.

"(G) CONCURRENT AUTHORIZATION.—If an order authorizing electronic surveillance or physical search has been obtained under section 105 or 304 and that order is in effect, the Attorney General may authorize, during the pendency of such order and without an order under this paragraph, an acquisition under this paragraph of foreign intelligence information targeting that United States person while such person is reasonably believed to be located outside the United States. Prior to issuing such an authorization, the Attorney General shall submit dissemination provisions of minimization procedures for such, an acquisition to a judge having jurisdiction under subparagraph (A) for approval.

"(d) CONDUCT OF ACQUISITION.—An acquisition authorized under subsection (a) may be conducted only in accordance with—

"(1) a certification made by the Attorney General and the Director of National Intelligence pursuant to subsection (g); and

"(2) the targeting and minimization procedures required pursuant to subsections (e) and (f).

"(e) TARGETING PROCEDURES.—

"(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt targeting procedures that are reasonably designed to ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States, and that an application is filed under title I, if otherwise required, when a significant purpose of an acquisition authorized under subsection (a) is to acquire the communications of a particular, known person reasonably believed to be located in the United States.

"(2) JUDICIAL REVIEW.—The procedures referred to in paragraph (1) shall be subject to judicial review pursuant to subsection (i).

"(f) MINIMIZATION PROCEDURES.—

"(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt, consistent with the requirements of section 101(h), minimization procedures for acquisitions authorized under subsection (a).

"(2) JUDICIAL REVIEW.—The minimization procedures required by this subsection shall be subject to judicial review pursuant to subsection (i).

"(g) CERTIFICATION.—

"(1) IN GENERAL.—

"(A) REQUIREMENT.—Subject to subparagraph (B), prior to the initiation of an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence shall provide, under oath, a written certification, as described in this subsection.

"(B) EXCEPTION.—If the Attorney General and the Director of National Intelligence determine that immediate action by the Government is required and time does not permit the preparation of a certification under this subsection prior to the initiation of an acquisition, the Attorney General and the Director of National Intelligence shall prepare such certification, including such determination, as soon as possible but in no event more than 168 hours after such determination is made.

"(2) REQUIREMENTS.—A certification made under this subsection shall—

"(A) attest that—

"(i) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) is targeted at persons reasonably believed to be located outside the United States and that such procedures have been approved by, or will promptly be submitted for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (i);

"(ii) the procedures referred to in clause (i) are consistent with the requirements of the fourth amendment to the Constitution of the United States and do not permit the intentional targeting of any person who is known at the time of acquisition to be located in the United States;

"(iii) the procedures referred to in clause (i) require that an application is filed under title I, if otherwise required, when a significant purpose of an acquisition authorized under subsection (a) is to acquire the communications of a particular, known person reasonably believed to be located in the United States;

"(iv) a significant purpose of the acquisition is to obtain foreign intelligence information;

"(v) the minimization procedures to be used with respect to such acquisition—

"(I) meet the definition of minimization procedures under section 101(h); and

"(II) have been approved by, or will promptly be submitted for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (i);

"(vi) the acquisition involves obtaining the foreign intelligence information from or with the assistance of an electronic communication service provider; and

"(vii) the acquisition of the contents (as that term is defined in section 2510(8) of title 18, United States Code)) of any communication is limited to communications to which any party is an individual target (which shall not be limited to known or named individuals) who is reasonably believed to be located outside of the United States, and a significant purpose of the acquisition of the communications of the target is to obtain foreign intelligence information; and

"(B) be supported, as appropriate, by the affidavit of any appropriate official in the area of national security who is—

"(i) appointed by the President, by and with the consent of the Senate; or

"(ii) the head of any element of the intelligence community.

"(3) LIMITATION.—A certification made under this subsection is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under subsection (a) will be directed or conducted.

"(4) SUBMISSION TO THE COURT.—The Attorney General shall transmit a copy of a certification made under this subsection, and any supporting affidavit, under seal to the Foreign Intelligence Surveillance Court as soon as possible, but in no event more than 5 days after such certification is made. Such certification shall be maintained under security measures adopted by the Chief Justice of the United States and the Attorney General, in consultation with the Director of National Intelligence.

"(5) REVIEW.—The certification required by this subsection shall be subject to judicial review pursuant to subsection (i).

"(h) DIRECTIVES.—

"(1) AUTHORITY.—With respect to an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence may direct, in writing, an electronic communication service provider to—

"(A) immediately provide the Government with all information, facilities, or assistance necessary to accomplish the acquisition in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target; and

"(B) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain.

"(2) COMPENSATION.—The Government shall compensate, at the prevailing rate, an electronic communication service provider for providing information, facilities, or assistance pursuant to paragraph (1).

"(3) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with a directive issued pursuant to paragraph (1).

"(4) CHALLENGING OF DIRECTIVES.—

"(A) AUTHORITY TO CHALLENGE.—An electronic communication service provider receiving a directive issued pursuant to paragraph (1) may challenge the directive by filing a petition with the Foreign Intelligence Surveillance Court.

"(B) ASSIGNMENT.—The presiding judge of the Court shall assign the petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

"(C) STANDARDS FOR REVIEW.—A judge considering a petition to modify or set aside a directive may grant such petition only if the judge finds that the directive does not meet the requirements of this section or is otherwise unlawful. If the judge does not modify or set aside the directive, the judge shall immediately affirm such directive, and order the recipient to comply with the directive. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

"(D) CONTINUED EFFECT.—Any directive not explicitly modified or set aside under this paragraph shall remain in full effect.

"(5) ENFORCEMENT OF DIRECTIVES.—

"(A) ORDER TO COMPEL.—In the case of a failure to comply with a directive issued pursuant to paragraph (1), the Attorney General may file a petition for an order to compel compliance with the directive with the Foreign Intelligence Surveillance Court.

"(B) ASSIGNMENT.—The presiding judge of the Court shall assign a petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

"(C) STANDARDS FOR REVIEW.—A judge considering a petition shall issue an order requiring the electronic communication service provider to comply with the directive if the judge finds that the directive was issued in accordance with paragraph (1), meets the requirements of this section, and is otherwise lawful. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

"(D) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

"(E) PROCESS.—Any process under this paragraph may be served in any judicial district in which the electronic communication service provider may be found.

"(6) APPEAL.—

"(A) APPEAL TO THE COURT OF REVIEW.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition with the Foreign Intelligence Surveillance Court of Review for review of the decision issued pursuant to paragraph (4) or (5) not later than 7 days after the issuance of such decision. The Court of Review shall have jurisdiction to consider such a petition and shall provide a written statement for the record of the reasons for a decision under this paragraph.

"(B) CERTIORARI TO THE SUPREME COURT.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"(i) JUDICIAL REVIEW.—

"(1) IN GENERAL.—

"(A) REVIEW BY THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Foreign Intelligence Surveillance Court shall have jurisdiction to review any certification required by subsection (d) or targeting and minimization procedures adopted pursuant to subsections (e) and (f).

"(B) SUBMISSION TO THE COURT.—The Attorney General shall submit to the Court any such certification or procedure, or amendment thereto, not later than 5 days after making or amending the certification or adopting or amending the procedures.

"(2) CERTIFICATIONS.—The Court shall review a certification provided under subsection (g) to determine whether the certification contains all the required elements.

"(3) TARGETING PROCEDURES.—The Court shall review the targeting procedures required by subsection (e) to assess whether the procedures are reasonably designed to ensure that the acquisition authorized under subsection (a) is limited to the targeting of persons reasonably believed to be located outside the United States, and are reasonably designed to ensure that an application is filed under title I, if otherwise required, when a significant purpose of an acquisition authorized under subsection (a) is to acquire the communications of a particular, known person reasonably believed to be located in the United States.

"(4) MINIMIZATION PROCEDURES.—The Court shall review the minimization procedures required by subsection (f) to assess whether such procedures meet the definition of minimization procedures under section 101(h).

"(5) ORDERS.—

"(A) APPROVAL.—If the Court finds that a certification required by subsection (g) contains all of the required elements and that the targeting and minimization procedures required by subsections (e) and (f) are consistent with the requirements of those subsections and with the fourth amendment to the Constitution of the United States, the Court shall enter an order approving the continued use of the procedures for the acquisition authorized under subsection (a).

"(B) CORRECTION OF DEFICIENCIES.—

"(i) IN GENERAL.—If the Court finds that a certification required by subsection (g) does not contain all of the required elements, or that the procedures required by subsections (e) and (f) are not consistent with the requirements of those subsections or the fourth amendment to the Constitution of the United States, the Court shall issue an order directing the Government to, at the Government's election and to the extent required by the Court's order—

"(I) correct any deficiency identified by the Court's order not later than 30 days after the date the Court issues the order; or

"(II) cease the acquisition authorized under subsection (a).

"(ii) LIMITATION ON USE OF INFORMATION.—

"(I) IN GENERAL.—Except as provided in subclause (II), no information obtained or evidence derived from an acquisition under clause (i)(I) concerning any United States person shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(II) EXCEPTION.—If the Government corrects any deficiency identified by the Court's order under clause (i), the Court may permit the use or disclosure of information acquired before the date of the correction pursuant to such minimization procedures as the Court shall establish for purposes of this clause.

"(C) REQUIREMENT FOR WRITTEN STATEMENT.—In support of its orders under this subsection, the Court shall provide, simultaneously with the orders, for the record a written statement of its reasons.

"(6) APPEAL.—

"(A) APPEAL TO THE COURT OF REVIEW.—The Government may appeal any order under this section to the Foreign Intelligence Surveillance Court of Review, which shall have jurisdiction to review such order. For any decision affirming, reversing, or modifying an order of the Foreign Intelligence Surveillance Court, the Court of Review shall provide for the record a written statement of its reasons.

"(B) CONTINUATION OF ACQUISITION PENDING REHEARING OR APPEAL.—Any acquisition affected by an order under paragraph (5)(B) may continue—

"(i) during the pendency of any rehearing of the order by the Court en banc; or "(ii) if the Government appeals an order under this section, until the Court of Review enters an order under subparagraph (C).

"(C) IMPLEMENTATION PENDING APPEAL.—Not later than 30 days after the date on which an appeal of an order under paragraph (5)(B) directing the correction of a deficiency is filed, the Court of Review shall determine, and enter a corresponding order regarding, whether all or any part of the correction order, as issued or modified, shall be implemented during the pendency of the appeal.

"(D) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of a decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"(7) COMPLIANCE REVIEWS.—During the period that minimization procedures approved under paragraph (5)(A) are in effect, the Court may review and assess compliance with such procedures by reviewing the semiannual assessments submitted by the Attorney General and the Director of National Intelligence pursuant to subsection (l)(1) with respect to compliance with such procedures. In conducting a review under this paragraph, the Court may, to the extent necessary, require the Government to provide additional information regarding the acquisition, retention, or dissemination of information concerning United States persons during the course of an acquisition authorized under subsection (a). The Court may fashion remedies it determines necessary to enforce compliance.

"(j) JUDICIAL PROCEEDINGS.—Judicial proceedings under this section shall be conducted as expeditiously as possible.

"(k) MAINTENANCE OF RECORDS.—

"(1) STANDARDS.—A record of a proceeding under this section, including petitions filed, orders granted, and statements of reasons for decision, shall be maintained under security measures adopted by the Chief Justice of the United States, in consultation with the Attorney General and the Director of National Intelligence.

"(2) FILING AND REVIEW.—All petitions under this section shall be filed under seal. In any proceedings under this section, the court shall, upon request of the Government, review ex parte and in camera any Government submission, or portions of a submission, which may include classified information.

"(3) RETENTION OF RECORDS.—A directive made or an order granted under this section shall be retained for a period of not less than 10 years from the date on which such directive or such order is made.

"(l) OVERSIGHT.—

"(1) SEMIANNUAL ASSESSMENT.—Not less frequently than once every 6 months, the Attorney General and Director of National Intelligence shall assess compliance with the targeting and minimization procedures required by subsections (c), (e), and (f) and shall submit each such assessment to—

"(A) the Foreign Intelligence Surveillance Court; and

"(B) the congressional intelligence committees.

"(2) AGENCY ASSESSMENT.—The Inspectors General of the Department of Justice and of any element of the intelligence community authorized to acquire foreign intelligence information under subsection (a)—

"(A) are authorized to review the compliance of their agency or element with the targeting and minimization procedures required by subsections (c), (e), and (f);

"(B) with respect to acquisitions authorized under subsection (a), shall review the number of disseminated intelligence reports containing a reference to a United States person identity and the number of United States person identities subsequently disseminated by the element concerned in response to requests for identities that were not referred to by name or title in the original reporting;

"(C) with respect to acquisitions authorized under subsection (a), shall review the number of targets that were later determined to be located in the United States and an estimate of the number of persons reasonably believed to be located in the United States whose communications were reviewed; and

"(D) shall provide each such review to—

"(i) the Attorney General;

"(ii) the Director of National Intelligence; and

"(iii) the congressional intelligence committees.

"(3) ANNUAL REVIEW.—

"(A) REQUIREMENT TO CONDUCT.—The head of an element of the intelligence community conducting an acquisition authorized under subsection (a) shall direct the element to conduct an annual review to determine whether there is reason to believe that foreign intelligence information has been or will be obtained from the acquisition. The annual review shall provide, with respect to such acquisitions authorized under subsection (a)—

"(i) an accounting of the number of disseminated intelligence reports containing a reference to a United States person identity;

"(ii) an accounting of the number of United States person identities subsequently disseminated by that element in response to requests for identities that were not referred to by name or title in the original reporting; and

"(iii) the number of targets that were later determined to be located in the United States and an estimate of the number of persons reasonably believed to be located in the United States whose communications were reviewed.

"(B) USE OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall use each such review to evaluate the adequacy of the minimization procedures utilized by such element or the application of the minimization procedures to a particular acquisition authorized under subsection (a).

"(C) PROVISION OF REVIEW TO FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall provide such review to the Foreign Intelligence Surveillance Court.

"(4) REPORTS TO CONGRESS.—

"(A) SEMIANNUAL REPORT.—Not less frequently than once every 6 months, the Attorney General shall fully inform, in a manner consistent with national security, the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives, concerning the implementation of this Act.

"(B) CONTENT.—Each report made under subparagraph (A) shall include—

"(i) any certifications made under subsection (g) during the reporting period;

"(ii) any directives issued under subsection (h) during the reporting period;

"(iii) the judicial review during the reporting period of any such certifications and targeting and minimization procedures utilized with respect to such acquisition, including a copy of any order or pleading in connection with such review that contains a significant legal interpretation of the provisions of this Act;

"(iv) any actions taken to challenge or enforce a directive under paragraphs (4) or (5) of subsections (h);

"(v) any compliance reviews conducted by the Department of Justice or the Office of the Director of National Intelligence of acquisitions authorized under subsection (a);

"(vi) a description of any incidents of noncompliance with a directive issued by the Attorney General and the Director of National Intelligence under subsection (h), including—

"(I) incidents of noncompliance by an element of the intelligence community with procedures adopted pursuant to subsections (c), (e), and (f); and

"(II) incidents of noncompliance by a specified person to whom the Attorney General and Director of National Intelligence issued a directive under subsection (h);

"(vii) any procedures implementing this section; and

"(viii) any annual review conducted pursuant to paragraph (3).

"SEC. 703. USE OF INFORMATION ACQUIRED UNDER SECTION 702.

"Information acquired from an acquisition conducted under section 702 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106, except for the purposes of subsection (j) of such section.".

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by striking the item relating to title VII;

(2) by striking the item relating to section 701; and

(3) by adding at the end the following:

"TITLE VII—ADDITIONAL PROCEDURES FOR TARGETING COMMUNICATIONS OF CERTAIN PERSONS OUTSIDE THE UNITED STATES

"Sec. 701. Definitions.
"Sec. 702. Procedures for acquiring the communications of certain persons outside the United States.
"Sec. 703. Use of information acquired under section 702.".

(c) SUNSET.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a)(2) and (b) shall cease to have effect on December 31, 2011.

(2) CONTINUING APPLICABILITY.—Section 702(h)(3) of the Foreign Intelligence Surveillance Act of 1978 (as amended by subsection (a)) shall remain in effect with respect to any directive issued pursuant to section 702(h) of that Act (as so amended) during the period such directive was in effect. The use of information acquired by an acquisition conducted under section 702 of that Act (as so amended) shall continue to be governed by the provisions of section 703 of that Act (as so amended).

SEC. 102. STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF CERTAIN COMMUNICATIONS MAY BE CONDUCTED.

(a) STATEMENT OF EXCLUSIVE MEANS.—Title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following new section:

"STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF CERTAIN COMMUNICATIONS MAY BE CONDUCTED

"SEC. 112. (a) Except as provided in subsection (b), the procedures of chapters 119, 121 and 206 of title 18, United States Code, and this Act shall be the exclusive means by which electronic surveillance and the interception of domestic wire, oral, or electronic communications may be conducted.

"(b) Only an express statutory authorization for electronic surveillance or the interception of domestic, wire, oral, or electronic communications, other than as an amendment to this Act or chapters 119, 121, or 206 of title 18, United States Code, shall constitute an additional exclusive means for the purpose of subsection (a).".

(b) OFFENSE.—Section 109 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809) is amended—

(1) in subsection (a), by striking "authorized by statute" each place it appears in such section and inserting "authorized by this Act, chapter 119, 121, or 206 of title 18, United States Code, or any express statutory authorization that is an additional exclusive means for conducting electronic surveillance under section 112."; and

(2) by adding at the end the following:

"(e) DEFINITION.—For the purpose of this section, the term 'electronic surveillance' means electronic surveillance as defined in section 101(f) of this Act.".

(c) CONFORMING AMENDMENTS.—

(1) TITLE 18, UNITED STATES CODE.—Section 2511(2)(a) of title 18, United States Code, is amended by adding at the end the following:

"(iii) If a certification under subparagraph (ii)(B) for assistance to obtain foreign intelligence information is based on statutory authority, the certification shall identify the specific statutory provision, and shall certify that the statutory requirements have been met.".

(2) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding after the item relating to section 111, the following:

"Sec. 112. Statement of exclusive means by which electronic surveillance and interception of certain communications may be conducted.".

SEC. 103. SUBMITTAL TO CONGRESS OF CERTAIN COURT ORDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) INCLUSION OF CERTAIN ORDERS IN SEMI-ANNUAL REPORTS OF ATTORNEY GENERAL.—Subsection (a)(5) of section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by striking "(not including orders)" and inserting ", orders,".

(b) REPORTS BY ATTORNEY GENERAL ON CERTAIN OTHER ORDERS.—Such section 601 is further amended by adding at the end the following new subsection:

"(c) SUBMISSIONS TO CONGRESS.—The Attorney General shall submit to the committees of Congress referred to in subsection (a)—

"(1) a copy of any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of any provision of this Act, and any pleadings associated with such decision, order, or opinion, not later than 45 days after such decision, order, or opinion is issued; and

"(2) a copy of any such decision, order, or opinion, and the pleadings associated with such decision, order, or opinion, that was issued during the 5-year period ending on the date of the enactment of the FISA Amendments Act of 2008 and not previously submitted in a report under subsection (a).".

SEC. 104. APPLICATIONS FOR COURT ORDERS.

Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (2) and (11);

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively;

(C) in paragraph (5), as redesignated by subparagraph (B) of this paragraph, by striking "detailed";

(D) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking "Affairs or" and inserting "Affairs,"; and

(ii) by striking "Senate—" and inserting "Senate, or the Deputy Director of the Federal Bureau of Investigation, if the Director of the Federal Bureau of Investigation is unavailable—";

(E) in paragraph (7), as redesignated by subparagraph (B) of this paragraph, by striking "statement of" and inserting "summary statement of";

(F) in paragraph (8), as redesignated by subparagraph (B) of this paragraph, by adding "and" at the end; and

(G) in paragraph (9), as redesignated by subparagraph (B) of this paragraph, by striking "; and" and inserting a period;

(2) by striking subsection (b);

(3) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively; and

(4) in paragraph (1)(A) of subsection (d), as redesignated by paragraph (3) of this subsection, by striking "or the Director of National Intelligence" and inserting "the Director of National Intelligence, or the Director of the Central Intelligence Agency".

SEC. 105. ISSUANCE OF AN ORDER.

Section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(2) in subsection (b), by striking "(a)(3)" and inserting "(a)(2)";

(3) in subsection (c)(1)—

(A) in subparagraph (D), by adding "and" at the end;

(B) in subparagraph (E), by striking "; and" and inserting a period; and

(C) by striking subparagraph (F);

(4) by striking subsection (d);

(5) by redesignating subsections (e) through (i) as subsections (d) through (h), respectively;

(6) by amending subsection (e), as redesignated by paragraph (5) of this section, to read as follows:

"(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of electronic surveillance if the Attorney General—

"(A) determines that an emergency situation exists with respect to the employment of electronic surveillance to obtain foreign intelligence information before an order authorizing such surveillance can with due diligence be obtained;

"(B) determines that the factual basis for issuance of an order under this title to approve such electronic surveillance exists;

"(C) informs, either personally or through a designee, a judge having jurisdiction under section 103 at the time of such authorization that the decision has been made to employ emergency electronic surveillance; and

"(D) makes an application in accordance with this title to a judge having jurisdiction under section 103 as soon as practicable, but not later than 168 hours after the Attorney General authorizes such surveillance.

"(2) If the Attorney General authorizes the emergency employment of electronic surveillance under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

"(3) In the absence of a judicial order approving such electronic surveillance, the surveillance shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 168 hours from the time of authorization by the Attorney General, whichever is earliest.

"(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

"(5) In the event that such application for approval is denied, or in any other case where the electronic surveillance is terminated and no order is issued approving the surveillance, no information obtained or evidence derived from such surveillance shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such surveillance shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(6) The Attorney General shall assess compliance with the requirements of paragraph (5)."; and

(7) by adding at the end the following:

"(i) In any case in which the Government makes an application to a judge under this title to conduct electronic surveillance involving communications and the judge grants such application, upon the request of the applicant, the judge shall also authorize the installation and use of pen registers and trap and trace devices, and direct the disclosure of the information set forth in section 402(d)(2).".

SEC. 106. USE OF INFORMATION.

Subsection (i) of section 106 of the Foreign Intelligence Surveillance Act of 1978 (8 U.S.C. 1806) is amended by striking "radio communication" and inserting "communication".

SEC. 107. AMENDMENTS FOR PHYSICAL SEARCHES.

(a) APPLICATIONS.—Section 303 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1823) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively;

(C) in paragraph (2), as redesignated by subparagraph (B) of this paragraph, by striking "detailed";

(D) in paragraph (3)(C), as redesignated by subparagraph (B) of this paragraph, by inserting "or is about to be" before "owned"; and

(E) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking "Affairs or" and inserting "Affairs,"; and

(ii) by striking "Senate—" and inserting "Senate, or the Deputy Director of the Federal Bureau of Investigation, if the Director of the Federal Bureau of Investigation is unavailable—"; and

(2) in subsection (d)(1)(A), by striking "or the Director of National Intelligence" and inserting "the Director of National Intelligence, or the Director of the Central Intelligence Agency".

(b) ORDERS.—Section 304 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(2) by amending subsection (e) to read as follows:

"(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of a physical search if the Attorney General—

"(A) determines that an emergency situation exists with respect to the employment of a physical search to obtain foreign intelligence information before an order authorizing such physical search can with due diligence be obtained;

"(B) determines that the factual basis for issuance of an order under this title to approve such physical search exists;

"(C) informs, either personally or through a designee, a judge of the Foreign Intelligence Surveillance Court at the time of such authorization that the decision has been made to employ an emergency physical search; and

"(D) makes an application in accordance with this title to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 168 hours after the Attorney General authorizes such physical search.

"(2) If the Attorney General authorizes the emergency employment of a physical search under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

"(3) In the absence of a judicial order approving such physical search, the physical search shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 168 hours from the time of authorization by the Attorney General, whichever is earliest.

"(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

"(5)(A) In the event that such application for approval is denied, or in any other case where the physical search is terminated and no order is issued approving the physical search, no information obtained or evidence derived from such physical search shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such physical search shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(B) The Attorney General shall assess compliance with the requirements of subparagraph (A).".

(c) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) in section 304(a)(4), as redesignated by subsection (b) of this section, by striking "303(a)(7)(E)" and inserting "303(a)(6)(E)"; and

(2) in section 305(k)(2), by striking "303(a)(7)" and inserting "303(a)(6)".

SEC. 108. AMENDMENTS FOR EMERGENCY PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(1) in subsection (a)(2), by striking "48 hours" and inserting "168 hours"; and

(2) in subsection (c)(1)(C), by striking "48 hours" and inserting "168 hours".

SEC. 109. FOREIGN INTELLIGENCE SURVEILLANCE COURT.

(a) DESIGNATION OF JUDGES.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by inserting "at least" before "seven of the United States judicial circuits".

(b) EN BANC AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978, as amended by subsection (a) of this section, is further amended—

(A) by inserting "(1)" after "(a)"; and

(B) by adding at the end the following new paragraph:

"(2)(A) The court established under this subsection may, on its own initiative, or upon the request of the Government in any proceeding or a party under section 501(f) or paragraph (4) or (5) of section 702(h), hold a hearing or rehearing, en banc, when ordered by a majority of the judges that constitute such court upon a determination that—

"(i) en banc consideration is necessary to secure or maintain uniformity of the court's decisions; or

"(ii) the proceeding involves a question of exceptional importance.

"(B) Any authority granted by this Act to a judge of the court established under this subsection may be exercised by the court en banc. When exercising such authority, the court en banc shall comply with any requirements of this Act on the exercise of such authority.

"(C) For purposes of this paragraph, the court en banc shall consist of all judges who constitute the court established under this subsection.".

(2) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 is further amended—

(A) in subsection (a) of section 103, as amended by this subsection, by inserting "(except when sitting en banc under paragraph (2))" after "no judge designated under this subsection"; and

(B) in section 302(c) (50 U.S.C. 1822(c)), by inserting "(except when sitting en banc)" after "except that no judge".

(c) STAY OR MODIFICATION DURING AN APPEAL.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

"(f)(1) A judge of the court established under subsection (a), the court established under subsection (b) or a judge of that court, or the Supreme Court of the United States or a justice of that court, may, in accordance with the rules of their respective courts, enter a stay of an order or an order modifying an order of the court established under subsection (a) or the court established under subsection (b) entered under any title of this Act, while the court established under subsection (a) conducts a rehearing, while an appeal is pending to the court established under subsection (b), or while a petition of certiorari is pending in the Supreme Court of the United States, or during the pendency of any review by that court.

"(2) The authority described in paragraph (1) shall apply to an order entered under any provision of this Act.".

SEC. 110. REVIEW OF PREVIOUS ACTIONS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Select Committee on Intelligence and the Committee on the Judiciary of the Senate; and

(B) the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

(2) TERRORIST SURVEILLANCE PROGRAM AND PROGRAM.—The terms "Terrorist Surveillance Program" and "Program" mean the intelligence activity involving communications that was authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007.

(b) REVIEWS.—

(1) REQUIREMENT TO CONDUCT.—The Inspectors General of the Office of the Director of National Intelligence, the Department of Justice, the National Security Agency, and any other element of the intelligence community that participated in the Terrorist Surveillance Program shall work in conjunction to complete a comprehensive review of, with respect to the oversight authority and responsibility of each such Inspector General—

(A) all of the facts necessary to describe the establishment, implementation, product, and use of the product of the Program;

(B) the procedures and substance of, and access to, the legal reviews of the Program;

(C) communications with, and participation of, individuals and entities in the private sector related to the Program;

(D) interaction with the Foreign Intelligence Surveillance Court and transition to court orders related to the Program; and

(E) any other matters identified by such an Inspector General that would enable that Inspector General to report a complete description of the Program, with respect to such element.

(2) COOPERATION.—Each Inspector General required to conduct a review under paragraph (1) shall—

(A) work in conjunction, to the extent possible, with any other Inspector General required to conduct such a review; and

(B) utilize to the extent practicable, and not unnecessarily duplicate or delay, such reviews or audits that have been completed or are being undertaken by such an Inspector General or by any other office of the Executive Branch related to the Program.

(c) REPORTS.—

(1) PRELIMINARY REPORTS.—Not later than 60 days after the date of the enactment of this Act, the Inspectors General of the Office of the Director of National Intelligence and the Department of Justice, in conjunction

with any other Inspector General required to conduct a review under subsection (b)(1), shall submit to the appropriate committees of Congress an interim report that describes the planned scope of such review.

(2) FINAL REPORT.—Not later than 1 year after the date of the enactment of this Act, the Inspectors General required to conduct such a review shall submit to the appropriate committees of Congress, to the extent practicable, a comprehensive report on such reviews that includes any recommendations of such Inspectors General within the oversight authority and responsibility of such Inspector General with respect to the reviews.

(3) FORM.—A report submitted under this subsection shall be submitted in unclassified form, but may include a classified annex. The unclassified report shall not disclose the name or identity of any individual or entity of the private sector that participated in the Program or with whom there was communication about the Program.

(d) RESOURCES.—

(1) EXPEDITED SECURITY CLEARANCE.—The Director of National Intelligence shall ensure that the process for the investigation and adjudication of an application by an Inspector General or any appropriate staff of an Inspector General for a security clearance necessary for the conduct of the review under subsection (b)(1) is carried out as expeditiously as possible.

(2) ADDITIONAL LEGAL AND OTHER PERSONNEL FOR THE INSPECTORS GENERAL.—An Inspector General required to conduct a review under subsection (b)(1) and submit a report under subsection (c) is authorized to hire such additional legal or other personnel as may be necessary to carry out such review and prepare such report in a prompt and timely manner. Personnel authorized to be hired under this paragraph—

(A) shall perform such duties relating to such a review as the relevant Inspector General shall direct; and

(B) are in addition to any other personnel authorized by law.

SEC. 111. TECHNICAL AND CONFORMING AMENDMENTS.

Section 103(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(e)) is amended—

(1) in paragraph (1), by striking "105B(h) or 501(f)(1)" and inserting "501(f)(1) or 702"; and

(2) in paragraph (2), by striking "105B(h) or 501(f)(1)" and inserting "501(f)(1) or 702".

TITLE II—OTHER PROVISIONS

SEC. 201. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act, any such amendments, and of the application of such provisions to other persons and circumstances shall not be affected thereby.

SEC. 202. EFFECTIVE DATE; REPEAL; TRANSITION PROCEDURES.

(a) IN GENERAL.—Except as provided in subsection (c), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) REPEAL.—

(1) IN GENERAL.—Except as provided in subsection (c), sections 105A, 105B, and 105C of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a, 1805b, and 1805c) are repealed.

(2) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking the items relating to sections 105A, 105B, and 105C.

(c) TRANSITIONS PROCEDURES.—

(1) PROTECTION FROM LIABILITY.—Notwithstanding subsection (b)(1), subsection (l) of section 105B of the Foreign Intelligence Surveillance Act of 1978 shall remain in effect with respect to any directives issued pursuant to such section 105B for information, facilities, or assistance provided during the period such directive was or is in effect.

(2) ORDERS IN EFFECT.—

(A) ORDERS IN EFFECT ON DATE OF ENACTMENT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978—

(i) any order in effect on the date of enactment of this Act issued pursuant to the Foreign Intelligence Surveillance Act of 1978 or section 6(b) of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 556) shall remain in effect until the date of expiration of such order; and

(ii) at the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) shall reauthorize such order if the facts and circumstances continue to justify issuance of such order under the provisions of such Act, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, and 109 of this Act.

(B) ORDERS IN EFFECT ON DECEMBER 31, 2011.—Any order issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101 of this Act, in effect on December 31, 2011, shall continue in effect until the date of the expiration of such order. Any such order shall be governed by the applicable provisions of the Foreign Intelligence Surveillance Act of 1978, as so amended.

(3) AUTHORIZATIONS AND DIRECTIVES IN EFFECT.—

(A) AUTHORIZATIONS AND DIRECTIVES IN EFFECT ON DATE OF ENACTMENT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978, any authorization or directive in effect on the date of the enactment of this Act issued pursuant to the Protect America Act of 2007, or any amendment made by that Act, shall remain in effect until the date of expiration of such authorization or directive. Any such authorization or directive shall be governed by the applicable provisions of the Protect America Act of 2007 (121 Stat. 552), and the amendment made by that Act, and, except as provided in paragraph (4) of this subsection, any acquisition pursuant to such authorization or directive shall be deemed not to constitute electronic surveillance (as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(f)), as construed in accordance with section 105A of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a)).

(B) AUTHORIZATIONS AND DIRECTIVES IN EFFECT ON DECEMBER 31, 2011.—Any authorization or directive issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101 of this Act, in effect on December 31, 2011, shall continue in effect until the date of the expiration of such authorization or directive. Any such authorization or directive shall be governed by the applicable provisions of the Foreign Intelligence Surveillance Act of 1978, as so amended.

(4) USE OF INFORMATION ACQUIRED UNDER PROTECT AMERICA ACT.—Information acquired from an acquisition conducted under the Protect America Act of 2007, and the amendments made by that Act, shall be deemed to be information acquired from an electronic surveillance pursuant to title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) for purposes of section 106 of that Act (50 U.S.C. 1806), except for purposes of subsection (j) of such section.

(5) NEW ORDERS.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978—

(A) the government may file an application for an order under the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, and 109 of this Act; and

(B) the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 shall enter an order granting such an application if the application meets the requirements of such Act, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, and 109 of this Act.

(6) EXTANT AUTHORIZATIONS.—At the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 shall extinguish any extant authorization to conduct electronic surveillance or physical search entered pursuant to such Act.

(7) APPLICABLE PROVISIONS.—Any surveillance conducted pursuant to an order entered pursuant to this subsection shall be subject to the provisions of the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, and 109 of this Act.

Mr. REID. Madam President, we have conferred with our colleagues on the other side of the aisle. Senator BOND is aware of this new amendment. He has not had time to study the amendment. He has been busy all day, as have all my Republican colleagues at their retreat. But he will have time to work on this tonight. His staff is working on it. We hope tomorrow to have a couple hours of debate, and then it is my understanding there could be and likely will be a motion to table this amendment.

I want to make sure Senators have adequate time to debate this amendment tomorrow. This is, if not the key amendment, one of the key amendments to this legislation, and we want to make sure everyone has adequate time. We are going to come in early in the morning and start this matter as quickly as we can. So I am not going to ask consent tonight as to how much time will be spent on it, but this will be the matter we take up tomorrow.

I have spoken to Senator WHITEHOUSE, who is a member not only of the Judiciary Committee but also the Intelligence Committee. He has a very important amendment he wishes to offer. It is a bipartisan amendment he has worked on for a significant period of time, and we look forward to this amendment.

Hopefully, we can work our way through some of these contentious amendments tomorrow. It is something we need to do, and we are going to work as hard as we can. There are strong feelings on each side. Everyone has worked in good faith. I especially appreciate the cooperation of Senator LEAHY and Senator ROCKEFELLER. They have not agreed on everything, but they have agreed on a lot, and they have worked in a very professional manner in working our way to the point where we now are.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, there will be no more votes tonight. We have a number of Senators who wish to speak. We understand Senator BOND will be here, Senator ROCKEFELLER will be here, Senator DODD will be here. That is good. They are going to be speaking about the legislation that is now before this body.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Madam President, I take this time to speak in favor of the Leahy substitute amendment to the FISA legislation. I start by thanking Senator ROCKEFELLER and Senator BOND, Senator LEAHY and Senator SPECTER for their extraordinary work on this most difficult subject. This is not an easy subject. We are dealing with a technology that has changed and the need of our country to get information through our intelligence community, which is important for our national security, and protecting the constitutional and civil rights of the people of our Nation.

The Leahy substitute is a bill that was carefully worked and drafted within the Judiciary Committee. The Intelligence Committee came up with their legislation. We passed it rather quickly before the recess. The Judiciary Committee spent a lot of time looking at the substance of how we could make sure we got the language right, to make sure the intelligence community has the information they need, and that we do protect the rights of the people of our own country. The Leahy substitute does that, with the right balance.

I start by saying that I have been to NSA on many occasions. It is located in the State of Maryland. The dedicated men and women who work there work very hard to protect the interests of our Nation. They do it with a great deal of dedication and sensitivity to the type of information they obtain and how important it is to our country, but it must be done in the right way. The need for the FISA legislation is so we can continue to get information from non-Americans that is important for our national security. Much of this information is obtained from what we call foreign to foreign, where we have communications between an American and a non-American in a country outside of the United States, but because of technology it falls within the definition of the FISA statute. We need to clarify that in a way that will allow the intelligence community to get that information foreign to foreign, information that is important for the security of our country. The Leahy substitute recognizes the change in technology and the need for this information but does it in a way that protects the constitutional rights of the citizens of our own country and the civil rights of Americans.

Where an American is a target, that person should have certain rights. The Leahy substitute protects Americans who are targets of intelligence gathering when they are outside of the United States. When they are inside the United States, there has never been a question that you need to get certain warrants and certain information. Well, this legislation also makes it clear that where an American is a target outside of the United States, that individual will have proper protection. But the legislation goes further and says that in the course of obtaining information, you may get incidental information about an American who was not the target of the investigation, but the American comes up in the communication that has been gathered. We have certain minimization rules to protect the rights of Americans who are incidental to the information being gathered by the intelligence community. The Leahy substitute protects Americans through strengthening the minimization rules.

The Leahy substitute protects the process by involving the courts. The FISA courts are involved in making sure that the right procedures are used in gathering information so that Americans are protected.

The Leahy substitute contains a provision offered by Senator FEINSTEIN to make it clear that the gathering of information under the FISA statute is the exclusive way in which the intelligence community can get information of foreign-to-foreign communications or communications that involve telecommunications centers located in the United States, but that the FISA statute is the exclusive way to proceed so there will not be confusion in the future as to whether there are extraordinary authorities you can use warrantless types of intercepts without having congressional approval. It is the right balance, as I have indicated before, and I urge my colleagues to support the Judiciary Committee's substitute offered by Senator LEAHY.

It even goes further than that. The Leahy substitute does not contain the retroactive immunity. The Intelligence Committee bill contains retroactive immunity for telecommunications companies. Now, my major problem with that is it will take away the appropriate jurisdiction of our courts to act as a check and balance on potential abuses of our rights of privacy. I must tell my colleagues—and I said this in the Judiciary Committee and I have said it on the floor—that telecommunications companies operating in good faith are entitled to help, entitled to relief. They have serious problems in defending their rights because of the confidential nature of the information they are dealing with, but there are ways to deal with that without compromising the independence of the judicial branch of Government, without compromising in the future the ability of our courts to make sure we protect the rights of our citizens.

If we adopt the Leahy substitute, there are going to be other amendments that will be offered that will deal in a responsible way with the concerns of the telecommunications companies. Senator SPECTER has an amendment that says: Look, if the telecommunications companies are operating in good faith, if they are innocent in all this where they can't defend themselves, then let's let the Government be substituted for the telecommunications company. That protects their interests, without compromising the ability of our courts to make sure that all of our rights have been protected. I think that is a better course than what the Intelligence Committee did. There will be an amendment offered by Senator FEINSTEIN which I am a cosponsor of that says, look, we should at least have the courts—the courts—make a judgment as to whether the telecommunications companies operated in good faith under law. That decision shouldn't be made by the executive branch that asked them for the information. That makes common sense to me and offers us at least some protection to make sure we are moving with court supervision. So the Leahy substitute offers us the advantage of eliminating the retroactive immunity which is extremely controversial, and allows us to consider that in its own right, which I am certain we will have a chance to do by the amendments that have been noted.

In addition, the Leahy substitute contains an amendment I offered in the Judiciary Committee that changes the sunset provisions, the termination of these provisions, from a 6-year sunset to a 4-year sunset. Why is that important? First, it is interesting to point out that the members of the Intelligence Committee and the members of the Judiciary Committee, in fact all of the Members of this body, have said we have gotten a lot of cooperation from the intelligence community, from the administration in carrying out our responsibility as the legislative branch of Government to oversee what the executive branch is doing in this area. There has been tremendous cooperation. Why? Because they know we have to pass a statute to continue this authority. We have gotten access to information that at least initially the administration indicated we would not have access to. Well, we got access to it—some of us did. I am sorry more were not offered the opportunity to take a look at the confidential communications—the classified communications. That type of cooperation is helpful when you have the requirement that Congress has to act.

Four years is preferable to six because it will mean the next administration that will take office in January of next year will have to deal with this issue. If we continue a 6-year sunset, there will be no need for the next two Congresses and the administration ever to have to deal with this authority and to take a look at it to see whether it is operating properly, to see whether technology changes have caused it to need to change the way the law is drafted. But a 4-year sunset will mean we will have plenty of time for the agency with predictability to establish its practices for gathering intelligence information about foreign subjects, but we will also have an opportunity to review during the next administration whether these provisions need to be modified, whether there is a different way, a more effective way that we can get this information protecting the rights of the people of this Nation.

For all of those reasons, I urge this body to approve the substitute that is being offered by Senator LEAHY. It is the product of the Judiciary Committee. I believe it is a better way for us to collect the information. It gives us the chance to take a look at the immunity issue fresh and to make sure we don't compromise in the future the proper roles of our courts in protecting the privacy of the citizens of our own country. It provides for a much stronger oversight by the legislative branch of Government, and I urge my colleagues to support that amendment.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

THE ECONOMY

Mr. BROWN. Madam President, I appreciate the comments of my colleague from Maryland and his insight. The economic house in our country is not in order. The United States may be entering its first recession since 2001—since the beginning of the Bush Presidency. It is pretty clear in my State of Ohio, from places I visited in January, from Kenton to Celina to Cincinnati to Lancaster, to places all over my State, that people are suffering. Food banks are at their most perilous time in at least 20 years.

In Logan, OH, a small community halfway between Columbus and the center of the State and the Ohio River and the town of Athens, halfway between Hocking County and Logan, OH, is the United Methodist Food Pantry. At 3:30 in the morning on a cold December day just about a month ago, people began to line up to go to this food bank, and by 8 o'clock, when the doors opened, cars were all the way up and down the road. This is a small county. By 1 o'clock in the afternoon, 2,000 people—7 percent of the people in this rural Appalachian county, Hocking County, Logan, OH—had come to this food bank; 2,000 people, 7 percent of the people who live in this county, many having driven 20 or 30 minutes to get there.

Middle-class families in Ohio and throughout our Nation face higher costs for energy and health care and education, amidst stagnant wages and falling home prices. In Lebanon, OH, in Warren County, the United Way director told me 90 percent of people going to food banks to pick up food are employed.

The mayor of Denver told a group of us today—Senator STABENOW and others—that 40 percent of homeless people in greater Denver are employed, they have jobs, but not making enough because of foreclosures or cost of food or transportation, simply not making—making low wages, not making enough to make a go of it.

Our Nation is bleeding jobs. The middle class is shrinking. People are hurting. When it comes to responding to these realities, we have several choices. We can try to buy time, as many of the Republican candidates for President are saying, and leave it at that. The economy is cyclical; it will get better; let's ride it out. No government involvement at all. That is one option.

The second option is we can enact a short-term economic stimulus package where we put money in the pockets of middle-class taxpayers, whether they are paying income tax or Social Security tax, put money in the pockets of middle-class taxpayers, extend unemployment compensation, offer aid for food stamps and food banks, and also offer aid to LIHEAP for seniors who are particularly victimized by this recession.

The third option is we can learn from our mistakes. We certainly need to do the short-term economic stimulus package. That is very important, but that is not enough. We can learn from our mistakes. We can confront the underlying causes of our Nation's economic stability. I want to focus on one of those causes. It is a refusal to acknowledge that U.S. trade policies must evolve as the global marketplace does.

When I first ran for Congress in 1992—the same year as the Presiding Officer was elected from her State of Washington—our trade deficit was $38 billion. Our trade deficit figures for 2007 are estimated at nearly $800 billion, and that is before we count the December numbers. So we know our trade deficit went from $38 billion to, a decade and a half later, nearly $800 billion.

President George Herbert Walker Bush has said that $1 billion in trade deficit or surplus translates into 13,000 jobs. So if you sell a billion dollars more out of the country than you import, that is a net increase of 13,000 jobs. If you export $1 billion less than you export, then that is costing 13,000 jobs. Do the math. We went from a $38 billion trade deficit to an $800 billion trade deficit.

The fact is, these job-killing trade agreements are hemorrhaging jobs out of our country and our manufacturing communities, from small towns such as Tippin, OH, to cities as large as Cleveland, OH, from places like Chillicothe, to places like Columbus. The U.S. trade deficit with China, which has continued to spiral upward, hit $238 billion through November of 2007. In 1992, the year I ran for Congress, our trade deficit with China was slightly over $10 billion. It hit over $238 billion, and that is just through November 2007. As President Bush the first said, $1 billion in trade deficit costs 13,000 jobs. Do the math.

Just with China alone, this is the highest annual imbalance ever recorded with a single country, with any bilateral relationship in world history. The trade deficit we have with China now accounts for 33 percent of the U.S. total trade deficit in goods.

Since 1982, our Nation has accumulated trade deficits of $4.3 trillion. That is money that must be eventually repaid. When you look at $4.3 trillion, think of the first President Bush's formula: a billion-dollar trade deficit costs 13,000 jobs.

Today, Americans are losing jobs for reasons, frankly, that have nothing to do with this recession. They have much to do with our country's narrow, myopic, tunnel-vision trade policies. When we craft trade deals that favor gains for multinational corporations over evenhanded competition for both trading partners, why should we be surprised when U.S. companies are crippled or they move out of the country? In Tippin, OH, where I visited a week and a half ago, workers are losing their pensions, health care, or the company has come in and raided these communities and put people out of work, so there are less dollars for schools, less dollars for police protection, for fire protection, and fewer dollars for the local hardware store, fewer dollars for the local restaurants, all of that.

That is why we need to enforce trade rules meant to prevent anticompetitive practices by countries such as China. We should not be surprised when our manufacturing sector—which is not only crucial to our economy but to national security—falters because of these anticompetitive practices. It is not in our Nation's best interest to rely on other nations for our defense infrastructure, our transportation infrastructure, our industrial infrastructure.

The tragedy is, we in this country do the best research and development in the world. We do the research and development and so often companies take that research and development and make the products in other countries. Then we continue to do research and development, and they continue to take the production of these items and goods and this research and these high-tech products out of our country. The research and development certainly creates jobs, good, high-paying jobs, many in the State of the Presiding Officer and many in mine.

The fact is, we cannot continue to run an economy when we do the research and development in this country and then we farm out the production of those goods that are developed to other countries, to exploit low-wage labor, to exploit weak environmental laws, to exploit worker safety laws, to exploit the consumer products safety net. Look at the toxic toys coming from China and the contaminated toothpaste and dog food, and the unsafe tires coming from countries that don't have a consumer products safety net and the food safety net we have.

We clearly need a stronger manufacturing sector such as we have had in our history. That sector cannot effectively compete against companies subsidized by the Chinese Government, companies that pay slave wages, that too often churn out dangerous toys that end up in our children's bedrooms, and toxic, contaminated food that ends up too often in our families breakfast rooms.

On a level, competitive playing field, U.S. companies thrive. When the cards are stacked against them, they struggle, of course.

In 2007, prior to the onset of the 2008 recession, 217,000 manufacturing jobs across the country were lost. That was last year before this recession seems to have deepened. Madam President, 217,000 jobs were lost in the manufacturing sector last year in places such as Youngstown, Warren, Ravenna, and Lima, all over my State.

The United States now has fewer manufacturing jobs—get this—the United States, now with 300 million people, has fewer manufacturing jobs today than it did in 1950 when we had about 150 million people in our country. Manufacturing jobs bring wealth to our communities. A job that pays $15 an hour in Marion, OH, and pays $14 an hour in Springfield, OH, brings wealth into the community that spends out into other jobs and prosperity for other people in the community.

We have lost more than 3 million manufacturing jobs since President Bush took office in 2001. Many of these jobs have been eliminated because of imports from China or direct offshoring to countries such as China.

Last week, NewPage, a paper manufacturing company based in Miamisburg, OH, near Dayton, announced it was shutting down plants in Wisconsin, Maine, and Chillicothe, OH. Heavily government-subsidized Chinese paper producers account for nearly 50 percent of the world market.

One country, because of subsidies and low wages, unenforced environmental rules, and pretty much nonexistent protection for workers, accounts for 50 percent of the world market. That is not free trade, that is a racket.

China has done little to address the fundamental misalignment of its currency, a practice that continues to take jobs and wealth from our country, and they don't share it with their workers. If they didn't have an oppressive, authoritarian government, it would be a different story. They are taking wealth out of our country, and it means higher profits for outsourcing companies, more money for the Chinese Communist Party, for the People's Liberation Army, but not much for Chinese workers.

When we allow China to manipulate currency, trade isn't free, it is fixed. When we allow China to import dangerous products into our country, we should not be surprised when Americans balk.

It took generations for our Nation to build a solid product safety system. If we don't demand safe imports from China and our other trading partner nations, our investment in U.S. product safety becomes an exercise in futility. Think how it happens. U.S. companies shut down an American toy manufacturer, for instance, and those U.S. companies, after shutting down the manufacturing in the United States, move to China. China is a country with low wages, unenforced environmental and worker safety standards. The U.S. company goes to China because of weak environmental and worker safety standards and low wages. Because they don't enforce those rules, you know what is going to happen. Products made in those countries will be made in bad conditions, and there is likely to be toxic or dangerous toys, and more likely to be contaminated food.

The U.S. companies in China then push their Chinese subcontractors to cut costs because they want more profit. So they are pushing the Chinese subcontractors to cut costs, and then those products that are imported into the United States are even more dangerous. Then the Consumer Products Safety Commission in this country—because of President Bush's decisions, we have weakened the regulatory system, so those products come in and there are not enough inspectors. The laws are weakened, so the dangerous toys and contaminated food too often ends up in our family rooms, bedrooms, and our kitchens.

Some free-trade proponents say workers and consumers should get over it, get used to it; it is globalization and there is nothing you can do about it. That is wrong.

Continuing this course will not only cost the middle class more jobs, it will cost our economy its global leadership. It will foist so much debt on our children and their children that basic economic security, basic retirement security may be reserved for the fortunate few. Certainly not the middle class. And as for the poor, just let them eat cake.

The people in Ohio, in all corners, are swimming upstream against deteriorating economic forces. One important reason for that is that Federal policymakers continue to cling to the fantasy that markets run themselves and police themselves, and as long as the rich are getting richer, wealth will trickle down, jobs will be created, and everybody is better off.

It is time to take the blinders off. To secure our economy for the future, we need to write trade rules that crack down on anticompetitive gaming. In our country, still the most powerful in the world, with the most vigorous economy, we need to write trade rules that crack down on anticompetitive gaming of the system. That is what they have done. We need trade rules that prevent dangerous products from entering our country. We need trade rules that acknowledge that destroying the environment in any country, whether it is China or the United States, is a threat to every country.

We need to take responsibility for the consequences of our inaction when it comes to trade policy. We need to take responsibility for the consequences of mistakes we have made in writing trade policy. We need to change course, and we need to do it now.

I yield the floor.

(Mr. CASEY assumed the Chair.)

RECOGNIZING ROBERT "SARGENT" SHRIVER

Mr. REID. Mr. President, I rise today to recognize Robert "Sargent" Shriver, a role model, hero, and icon. An activist, attorney, and politician, Sargent Shriver has always led by example, driven by the desire to serve those less fortunate.

Sargent Shriver's political career began in 1960, when he worked for his brother-in-law, Democratic Presidential candidate John F. Kennedy. Passionate about civil rights, Shriver was instrumental in connecting then-Senator Kennedy with Reverend Martin Luther King, Jr. And when the newly elected President established the Peace Corps in 1961, Shriver became the new agency's first director. This organization, which promotes peace and international friendship, embodies Shriver's belief in public service by young people to help the poor and the uneducated abroad and at home. In less than 6 years, Shriver developed volunteer activities in more than 55 countries with more than 14,500 volunteers.

In 1962, Sargent Shriver's wife Eunice Kennedy Shriver began "Camp Shriver," a day camp for young people with physical and intellectual disabilities. "Camp Shriver" grew into the Special Olympics, of which Sargent Shriver later became president and chairman of the board. Special Olympics was built on Eunice and Sargent Shriver's shared dedication to expanding opportunities for disabled persons, and today brings athletic competition to 2.5 people in 165 countries.

Shriver was presented with the Franklin D. Roosevelt Freedom from Want Award in 1993, a prestigious award that acknowledges a lifetime commitment to securing the basic needs of others. On August 8, 1994, President Bill Clinton recognized Sargent Shriver's lifetime in public service with the Presidential Medal of Freedom, the United States' highest civilian honor.

Additionally, Sargent Shriver served as U.S. Ambassador to France and has directed several organizations including, Head Start, Job Corps, Community Action, Upward Bound, Foster Grandparents, and the National Center on Poverty. Today, Shriver lives in Maryland with his wife.

To tell Shriver's life story to the next generation, Emmy award-winning writer, producer and director Bruce Orenstein created a film entitled "American Idealist: The Story of Sargent Shriver." The program, which aired on the Public Broadcasting Service this past Monday, January 21, 2008, focuses on Shriver's visionary devotion to activism. By highlighting his role in the civil rights movement and the war on poverty, this powerful film will help spread Sargent Shriver's message of patriotic service.

In closing, I extend my most sincere gratitude to Robert Sargent Shriver. As a result of this film, his legacy will continue to inspire future generations of Americans.

RECOGNIZING CONGRESSMAN TOM LANTOS

Mr. REID. Mr. President, I rise today to recognize one of America's most respected and distinguished lawmakers: chairman of the House Committee on Foreign Affairs, TOM LANTOS of California.

The story of Congressman LANTOS is unique in American history, and one that serves as an inspiration to each of us. Born in Budapest, Hungary, on February 1, 1928, this young man displayed the type of intellectual precociousness characteristic of our great statesmen of the past. It was during his youth in Central Europe that Congressman LANTOS experienced great joys but also endured a most terrible tragedy.

By the time he was 16 years old, the Nazis had occupied his native Hungary, and as a result of being born into a Jewish family, Congressman LANTOS was soon taken to a forced labor camp. Through unimaginable perseverance and resolve, he survived long enough to escape and then complete the 22-mile trek to a safe house run by Swedish humanitarian Raoul Wallenberg. Sadly, like so many other Jewish families torn apart by the Holocaust, Congressman LANTOS lost his family in the ordeal.

A bright moment during these darkest of times in human history was the reunification of two childhood sweethearts. TOM and his lovely wife Annette first met as children growing up in Budapest, and they have now entered their 58th year of devoted marriage to one another.

Two years after the last shots of World War II were fired, Congressman LANTOS won a scholarship to study in the United States. Arriving in America with nothing more than a piece Hungarian salami, he began his studies at the University of Washington in Seattle, where he received a B.A. and M.A. in economics. This young academic then moved to San Francisco in 1950, where he began graduate studies at the University of California, Berkeley, eventually receiving his Ph.D. in economics.

Following three decades as a college professor in economics, TOM was elected to Congress in 1980 from the State of California. Ever since, Congressman LANTOS has enjoyed as fine a career in public service as any lawmaker of his generation. Perhaps his greatest single contribution to our cherished branch of government was his founding, along with Congressman John Edward Porter of Illinois, of the Congressional Human Rights Caucus in 1983. In the intervening quarter-century, the caucus has brought much-needed attention to the most pressing human rights crises around the world. In 1987, the caucus became the first official U.S. entity to welcome recent Congressional Gold Medal recipient, his Holiness the Dalai Lama, to the United States.

Considering Congressman LANTOS' wealth of intellect and wisdom in the field of foreign policy, the United States has been privileged to have him serve as chairman of the House Committee on Foreign Affairs for the past 12 months, where he previously served as ranking member. From demanding tougher sanctions on the Iranian government to standing up for democracy and human rights in Burma, his chairmanship has been nothing short of masterful in these most difficult of times. I can stand up here today, with the full confidence of my colleagues in the Senate, and say that American foreign policy has been greatly enriched by the contributions of Congressman LANTOS throughout his tenure in the House of Representatives.

I met TOM before I came to Washington in 1982. He is terrific in so many ways and he is devoted to his wife, children, and grandchildren. His No. 1 priority is his two beautiful daughters, 17 fantastic grandchildren, and two wonderful great-grandchildren. He loves them and loves to talk about them.

I served with Chairman LANTOS during my years as a Member of the House of Representatives and consider him a friend, as well as a leader. I shared the sadness of my fellow Senators and House Members, when Chairman LANTOS announced that he will leave the House at the end of this year. On behalf of all my friends in the Senate, I wish you and your family all the best as you continue your public service in other ways following this congressional session.

RETIREMENT OF BILL GAINER

Mr. DURBIN. Mr. President, I rise today to congratulate Bill Gainer for his many professional contributions to my home State and to wish him well as he begins a new chapter in his life. I have known Bill and his wife Gerry for over 20 years. Bill is a proud son of the southside of Chicago. He was born in Roseland to Dorothy Quinn and William Gainer, a second generation Chicago police officer. He and his six brothers and sisters went to St. Wilabroad grammar school and Bill graduated from St. Ignatius in 1958—at 16 years of age. Bill found his calling and started with Illinois Bell in 1960. The next year he joined the Army where he ran phone lines through southern Texas in the 261st Signal Construction Corps.

Starting at the top—of a telephone pole as a lineman—Bill has worked his way through every operation of Illinois Bell—construction/operations, installation/repair, marketing, network coordination-planning, and business relations. He ended up at the crossroads in a job that combined his depth of knowledge and love for the phone company with his devotion to Chicago and the labor and civic organizations that make it the greatest city in the world.

Leveraging his place in the business community with his Irish heritage, Bill became an active member in the city of Chicago and Cook County Irish Trade

Missions. Mayor Richard M. Daley appointed Bill as the chairman of the Chicago Sister Cities International Program—Galway Committee in October of 2001. He has hosted mayors, Members of the Irish Parliament and business leaders to promote trade and business development between Chicago and Ireland. Bill is also the chairman of the Business Development Committee for the Cook County Irish Trade Mission to County Down and County Cork. The ever-expanding success of the South Side Irish Parade owes much to Bill. He is the Parade's emeritus chair.

Bill also has been active in many civic and nonprofit organizations. Closest to his heart are his involvement on the advisory board for Misericordia Heart of Mercy and the executive board of the Mercy Home for Boys and Girls. Bill was awarded the Misericordia Heart of Mercy Award in 2001 for his dedication and devotion to the Misericordia Home where his sister Rosemary lived many happy years. He is also the past president of the Illinois Veterans Leadership Program, an executive board member of the Irish Fellowship Club, the Chicagoland Chamber of Commerce, the Convention and Tourism Bureau, as well as the Irish American Alliance. As a result of his deep respect for law enforcement and the fact that there has been a Gainer serving continuously on the Chicago Police Department for over 100 years, Bill is an active member and strong supporter of the Hundred Club of Cook County.

Bill is the first to admit that behind all these wonderful accomplishments is his great wife Gerry, a registered nurse and his six children, Bill, Bridget, Nora, Maureen, Mary, and Shelia and four grandchildren. Since they met at Duffy's Tavern in 1964, Bill and Gerry have not only been a great team, but also a lot of fun and a wonderful example of marriage and family. I congratulate him and his family and wish them the very best.

REMEMBERING MARTIN LUTHER KING, JR.

Mr. KYL. Mr. President, on January 21, the Nation recognized the birthday of the Rev. Dr. Martin Luther King, Jr. It is important that we honor this day and that we do not let the significance of Dr. King fade from our memories, as individuals and as a nation.

I am pleased that citizens in my State of Arizona have found ways to honor Dr. King and ensure that the lessons of his legacy continue to resound among future generations. This past weekend the Senate Chaplain, Dr. Black, joined me in Phoenix for a number of events relating the King commemoration. Dr. Black preached two sermons and later delivered the keynote address at the Dr. Martin Luther King, Jr. Youth Scholarship service, a candlelight ceremony at Pilgrim Rest Baptist Church.

It is very fitting that these events took place in churches. Dr. King, after all, was a minister, and his speeches and writings invoked biblical themes and were delivered with the zeal of a fiery evangelist. Moreover, by recognizing Dr. King in a place of worship, we are reminded of the important role that religion plays in the public square.

Indeed, the events like those I attended in Phoenix highlight the importance that religious institutions play in civic life, and I believe they embody an important past of Dr. King's legacy.

Alexis de Tocqueville observed long ago that "Freedom sees religion as the companion of its struggles and triumphs, the cradle of its infancy, and the divine source of its rights. Religion is considered as the guardian of mores, and mores are regarded as the guarantee of the laws and pledge for the maintenance of freedom itself."

Religion is an essential underpinning to a well-ordered society and a functioning democratic republic. The Founders of our country understood that, and Dr. King did too.

In his famous "I have a dream" speech, Dr. King invoked the words of the Declaration of Independence. On August 28, 1963, he told the throngs who had gathered on The Mall, "I have a dream that one day this Nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident: that all men are created equal.'"

King believed, as the Founders wrote in the Declaration, that we are created equal and endowed with the right to life and liberty by our Creator. King's speech could have very well been delivered to a congregation at a church instead of before thousands at the Lincoln Memorial.

In his message at the King celebration in Phoenix, Dr. Black urged the congregation to remember some will seek to destroy the dream and dreamer, but God will frustrate their plans.

These words echo what King said at the Lincoln Memorial almost 40 years ago, "With this faith, we will be able to work together, to pray together, to struggle together, to go to jail together, to stand up for freedom together, knowing that we will be free one day."

Mr. President, it is imperative that we as Americans understand the bond between religion and freedom, and I was pleased to attend the King celebration services this past weekend that testified to this bond.

HONORING OUR ARMED FORCES

MAJOR ANDREW OLMSTED

Mr. KENNEDY. Mr. President, on January 3, 2008, MAJ Andrew Olmsted of Northborough, MA, was killed in Iraq. He was the first American servicemember to die in Iraq this year. During his service there, he wrote a number of essays about his service that he posted on the Internet. His final essay, written in anticipation of his possible death, is an eloquent farewell that I believe will be of interest to all of us in Congress, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FINAL POST

(January 4, 2008)

"I am leaving this message for you because it appears I must leave sooner than I intended. I would have preferred to say this in person, but since I cannot, let me say it here."

—*G'Kar, Babylon 5.*

"Only the dead have seen the end of war."

—*Plato.*

This is an entry I would have preferred not to have published, but there are limits to what we can control in life, and apparently I have passed one of those limits. And so, like G'Kar, I must say here what I would much prefer to say in person. I want to thank Hilzoy for putting it up for me. It's not easy asking anyone to do something for you in the event of your death, and it is a testament to her quality that she didn't hesitate to accept the charge. As with many bloggers, I have a disgustingly large ego, and so I just couldn't bear the thought of not being able to have the last word if the need arose. Perhaps I take that further than most, I don't know. I hope so. It's frightening to think there are many people as neurotic as I am in the world. In any case, since I won't get another chance to say what I think, I wanted to take advantage of this opportunity. Such as it is.

"When some people die, it's time to be sad. But when other people die, like really evil people, or the Irish, it's time to celebrate."

—*Jimmy Bender, "Greg the Bunny."*

"And maybe now it's your turn to die kicking some ass."

—*Freedom Isn't Free, Team America.*

What I don't want this to be is a chance for me, or anyone else, to be maudlin. I'm dead. That sucks, at least for me and my family and friends. But all the tears in the world aren't going to bring me back, so I would prefer that people remember the good things about me rather than mourning my loss. (If it turns out a specific number of tears will, in fact, bring me back to life, then by all means, break out the onions.) I had a pretty good life, as I noted above. Sure, all things being equal I would have preferred to have more time, but I have no business complaining with all the good fortune I've enjoyed in my life. So if you're up for that, put on a little 80s music (preferably vintage 1980-1984), grab a Coke and have a drink with me. If you have it, throw 'Freedom Isn't Free' from the Team America soundtrack in; if you can't laugh at that song, I think you need to lighten up a little. I'm dead, but if you're reading this, you're not, so take a moment to enjoy that happy fact.

"Our thoughts form the universe. They always matter."

—*Citizen G'Kar, Babylon 5.*

Believe it or not, one of the things I will miss most is not being able to blog any longer. The ability to put my thoughts on (virtual) paper and put them where people can read and respond to them has been marvelous, even if most people who have read my writings haven't agreed with them. If there is any hope for the long term success of democracy, it will be if people agree to listen to and try to understand their political opponents rather than simply seeking to crush them. While the blogosphere has its share of partisans, there are some awfully smart people making excellent arguments out there as well, and I know I have learned quite a bit since I began blogging. I flatter myself I may have made a good argument or two as well; if I didn't, please don't tell me. It has been a great five-plus years. I got to meet a lot of people who are way smarter than me, including such luminaries as Virginia Postrel and her husband Stephen (speaking strictly from an 'improving the species' perspective, it's tragic those two don't have kids, because they're both scary smart.), the estimable Hilzoy and Sebastian of Obsidian Wings, Jeff Goldstein and Stephen Green, the men who consistently frustrated me with their mix of wit and wisdom I could never match, and I've no doubt left out a number of people to whom I apologize. Bottom line: if I got the chance to meet you through blogging, I enjoyed it. I'm only sorry I couldn't meet more of you. In particular I'd like to thank Jim Henley, who while we've never met has been a true comrade, whose words have taught me and whose support has been of great personal value to me. I would very much have enjoyed meeting Jim.

Blogging put me in touch with an inordinate number of smart people, an exhilarating if humbling experience. When I was young, I was smart, but the older I got, the more I realized just how dumb I was in comparison to truly smart people. But, to my credit, I think, I was at least smart enough to pay attention to the people with real brains and even occasionally learn something from them. It has been joy and a pleasure having the opportunity to do this.

"It's not fair."

"No. It's not. Death never is."

—*Captain John Sheridan and Dr. Stephen Franklin, Babylon 5.*

"They didn't even dig him a decent grave."

"Well, it's not how you're buried. It's how you're remembered."

—*Cimarron and Wil Andersen, The Cowboys.*

I suppose I should speak to the circumstances of my death. It would be nice to believe that I died leading men in battle, preferably saving their lives at the cost of my own. More likely I was caught by a marksman or an IED. But if there is an afterlife, I'm telling anyone who asks that I went down surrounded by hundreds of insurgents defending a village composed solely of innocent women and children. It'll be our little secret, ok?

I do ask (not that I'm in a position to enforce this) that no one try to use my death to further their political purposes. I went to Iraq and did what I did for my reasons, not yours. My life isn't a chit to be used to bludgeon people to silence on either side. If you think the U.S. should stay in Iraq, don't drag me into it by claiming that somehow my death demands us staying in Iraq. If you think the U.S. ought to get out tomorrow, don't cite my name as an example of someone's life who was wasted by our mission in Iraq. I have my own opinions about what we should do about Iraq, but since I'm not around to expound on them I'd prefer others not try and use me as some kind of moral capital to support a position I probably didn't support. Further, this is tough enough on my family without their having to see my picture being used in some rally or my name being cited for some political purpose. You can fight political battles without hurting my family, and I'd prefer that you did so.

On a similar note, while you're free to think whatever you like about my life and death, if you think I wasted my life, I'll tell you you're wrong. We're all going to die of something. I died doing a job I loved. When your time comes, I hope you are as fortunate as I was.

"What an idiot! What a loser!"

—*Chaz Reingold, Wedding Crashers.*

"Oh and I don't want to die for you, but if dying's asked of me;

I'll bear that cross with honor, 'cause freedom don't come free."

—*American Soldier, Toby Keith.*

Those who know me through my writings on the Internet over the past five-plus years probably have wondered at times about my chosen profession. While I am not a Libertarian, I certainly hold strongly individualistic beliefs. Yet I have spent my life in a profession that is not generally known for rugged individualism. Worse, I volunteered to return to active duty knowing that the choice would almost certainly lead me to Iraq. The simple explanation might be that I was simply stupid, and certainly I make no bones about having done some dumb things in my life, but I don't think this can be chalked up to stupidity. Maybe I was inconsistent in my beliefs; there are few people who adhere religiously to the doctrines of their chosen philosophy, whatever that may be. But I don't think that was the case in this instance either.

As passionate as I am about personal freedom, I don't buy the claims of anarchists that humanity would be just fine without any government at all. There are too many people in the world who believe that they know best how people should live their lives, and many of them are more than willing to use force to impose those beliefs on others. A world without government simply wouldn't last very long; as soon as it was established, strongmen would immediately spring up to establish their fiefdoms. So there is a need for government to protect the people's rights. And one of the fundamental tools to do that is an army that can prevent outside agencies from imposing their rules on a society. A lot of people will protest that argument by noting that the people we are fighting in Iraq are unlikely to threaten the rights of the average American. That's certainly true; while our enemies would certainly like to wreak great levels of havoc on our society, the fact is they're not likely to succeed. But that doesn't mean there isn't still a need for an army (setting aside debates regarding whether ours is the right size at the moment). Americans are fortunate that we don't have to worry too much about people coming to try and overthrow us, but part of the reason we don't have to worry about that is because we have an army that is stopping anyone who would try.

Soldiers cannot have the option of opting out of missions because they don't agree with them: that violates the social contract. The duly-elected American government decided to go to war in Iraq. (Even if you maintain President Bush was not properly elected, Congress voted for war as well.) As a soldier, I have a duty to obey the orders of the President of the United States as long as they are Constitutional. I can no more opt out of missions I disagree with than I can ignore laws I think are improper. I do not consider it a violation of my individual rights to have gone to Iraq on orders because I raised my right hand and volunteered to join the army. Whether or not this mission was a good one, my participation in it was an affirmation of something I consider quite necessary to society. So if nothing else, I gave my life for a pretty important principle; I can (if you'll pardon the pun) live with that.

"It's all so brief, isn't it? A typical human lifespan is almost a hundred years. But it's barely a second compared to what's out there. It wouldn't be so bad if life didn't take so long to figure out. Seems you just start to get it right, and then . . . it's over."

—*Dr. Stephen Franklin, Babylon 5.*

I wish I could say I'd at least started to get it right. Although, in my defense, I think I batted a solid .250 or so. Not a superstar, but at least able to play in the big leagues. I'm afraid I can't really offer any deep secrets or wisdom. I lived my life better than some, worse than others, and I like to think that the world was a little better off for my having been here. Not very much, but then, few of us are destined to make more than a tiny dent in history's Green Monster. I would be lying if I didn't admit I would have liked to have done more, but it's a bit too late for that now, eh? The bottom line, for me, is that I think I can look back at my life and at least see a few areas where I may have made a tiny difference, and massive ego aside, that's probably not too bad.

"The flame also reminds us that life is precious. As each flame is unique; when it goes out, it's gone forever. There will never be another quite like it."

—*Ambassador Delenn, Babylon 5.*

I write this in part, admittedly, because I would like to think that there's at least a little something out there to remember me by. Granted, this site will eventually vanish, being ephemeral in a very real sense of the word, but at least for a time it can serve as a tiny record of my contributions to the world. But on a larger scale, for those who knew me well enough to be saddened by my death, especially for those who haven't known anyone else lost to this war, perhaps my death can serve as a small reminder of the costs of war. Regardless of the merits of this war, or of any war, I think that many of us in America have forgotten that war means death and suffering in wholesale lots. A decision that for most of us in America was academic, whether or not to go to war in Iraq, had very real consequences for hundreds of thousands of people. Yet I was as guilty as anyone of minimizing those very real consequences in lieu of a cold discussion of theoretical merits of war and peace. Now I'm facing some very real consequences of that decision; who says life doesn't have a sense of humor?

But for those who knew me and feel this pain, I think it's a good thing to realize that this pain has been felt by thousands and thousands (probably millions, actually) of other people all over the world. That is part of the cost of war, any war, no matter how justified. If everyone who feels this pain keeps that in mind the next time we have to decide whether or not war is a good idea, perhaps it will help us to make a more informed decision. Because it is pretty clear that the average American would not have supported the Iraq War had they known the costs going in. I am far too cynical to believe that any future debate over war will be any less vitriolic or emotional, but perhaps a few more people will realize just what those costs can be the next time.

This may be a contradiction of my above call to keep politics out of my death, but I hope not. Sometimes going to war is the right idea. I think we've drawn that line too far in the direction of war rather than peace, but I'm a soldier and I know that sometimes you have to fight if you're to hold onto what you hold dear. But in making that decision, I believe we understate the costs of war; when we make the decision to fight, we make the decision to kill, and that means lives and families destroyed. Mine now falls into that category; the next time the question of war or peace comes up, if you knew me at least you can understand a bit more just what it is you're deciding to do, and whether or not those costs are worth it.

"This is true love. You think this happens every day?"

—*Westley, The Princess Bride.*

"Good night, my love, the brightest star in my sky."

—*John Sheridan, Babylon 5.*

This is the hardest part. While I certainly have no desire to die, at this point I no longer have any worries. That is not true of the woman who made my life something to enjoy rather than something merely to survive. She put up with all of my faults, and they are myriad, she endured separations again and again . . . I cannot imagine being more fortunate in love than I have been with Amanda. Now she has to go on without me, and while a cynic might observe she's better off, I know that this is a terrible burden I have placed on her, and I would give almost anything if she would not have to bear it. It seems that is not an option. I cannot imagine anything more painful than that, and if there is an afterlife, this is a pain I'll bear forever.

I wasn't the greatest husband. I could have done so much more, a realization that, as it so often does, comes too late to matter. But I cherished every day I was married to Amanda. When everything else in my life seemed dark, she was always there to light the darkness. It is difficult to imagine my life being worth living without her having been in it. I hope and pray that she goes on without me and enjoys her life as much as she deserves. I can think of no one more deserving of happiness than her.

"I will see you again, in the place where no shadows fall."

—*Ambassador Delenn, Babylon 5.*

I don't know if there is an afterlife; I tend to doubt it, to be perfectly honest. But if there is any way possible, Amanda, then I will live up to Delenn's words, somehow, some way. I love you.

FURTHER CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, pursuant to section 301 of S. Con. Res. 21, I previously filed revisions to S. Con. Res. 21, the 2008 budget resolution. Those revisions were made for legislation reauthorizing the State Children's Health Insurance Program, SCHIP.

Congress cleared H.R. 3963, the Children's Health Insurance Program Reauthorization Act of 2007, on November 1, 2007. The President vetoed that legislation on December 12, 2007. Unfortunately, the House of Representatives was unsuccessful in its attempt today to override that veto. Consequently, I am further revising the 2008 budget resolution and reversing the adjustments previously made pursuant to section 301 to the aggregates and the allocation provided to the Senate Finance Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 21 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301 DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,019.643
FY 2009	2,114.585
FY 2010	2,169.124
FY 2011	2,350.432
FY 2012	2,493.503
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−31.153
FY 2009	7.659
FY 2010	5.403
FY 2011	−44.118
FY 2012	−103.593
(2) New Budget Authority:	
FY 2007	2,371.470
FY 2008	2,503.226
FY 2009	2,520.727
FY 2010	2,572.750
FY 2011	2,685.528
FY 2012	2,722.688
(3) Budget Outlays:	
FY 2007	2,294.862
FY 2008	2,474.039
FY 2009	2,569.248
FY 2010	2,601.736
FY 2011	2,692.419
FY 2012	2,704.415

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301 DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION

[In millions of dollars]

Current Allocation to Senate Finance Committee:	
FY 2007 Budget Authority	1,011,527
FY 2007 Outlays	1,017,808
FY 2008 Budget Authority	1,091,702
FY 2008 Outlays	1,086,944
FY 2008–2012 Budget Authority	6,067,019
FY 2008–2012 Outlays	6,057,014
Adjustments:	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	−9,332
FY 2008 Outlays	−2,386
FY 2008–2012 Budget Authority	−49,711
FY 2008–2012 Outlays	−35,384
Revised Allocation to Senate Finance Committee:	
FY 2007 Budget Authority	1,011,527
FY 2007 Outlays	1,017,808
FY 2008 Budget Authority	1,082,370
FY 2008 Outlays	1,084,558
FY 2008–2012 Budget Authority	6,017,308
FY 2008–2012 Outlays	6,021,630

STATE SECRETS PROTECTION ACT

Mr. KENNEDY. Mr. President, yesterday, Senator SPECTER and I introduced the State Secrets Protection Act. I have been working on this bill with Senator SPECTER for several months, and I thank him for his commitment and leadership on this very important issue. I hope that our collaboration on this legislation will demonstrate that even the most sensitive problems can be addressed through bipartisan cooperation if we keep the interests of the Nation front-and-center and roll up our sleeves to do the work of seeking a realistic and workable solution. The State Secrets Protection Act is an essential response to a pressing need.

For years, there has been growing concern about the state secrets privilege. It is a common law privilege that lets the Government protect sensitive national security information from being disclosed as evidence in litigation. The problem is that sometimes plaintiffs may need that information to show that their rights were violated. If the privilege is not applied carefully, the Government can use it as a tool for cover up by withholding evidence that is not actually sensitive. The state secrets privilege is important, but there is a risk it will be overused and abused.

The privilege was first recognized by the Supreme Court in 1953, and it has been asserted since then by every administration, Republican and Democratic. Under the Bush administration, however, use of the state secrets privilege has dramatically increased and the harmful consequences of its irregular application by courts have become painfully clear.

Injured plaintiffs have been denied justice, courts have failed to address fundamental questions of constitutional rights and separation of powers, and confusion pervades this area of law. The Senate debate on reforming the Foreign Intelligence Surveillance Act has become far more difficult than it ought to be because many believe that if courts hear lawsuits against telecommunications companies, the courts will be unable to deal fairly and effectively with the Government's invocation of the privilege.

Studies show that the Bush administration has raised the privilege in over 25 percent more cases per year than previous administrations and has sought dismissal in over 90 percent more cases. As one scholar recently noted, this administration has used the privilege to "seek blanket dismissal of every case challenging the constitutionality of specific, ongoing government programs" related to its war on terrorism, and as a result, the privilege is impairing the ability of Congress and the judiciary to perform their constitutional duty to check executive power.

Another leading scholar recently found that "in practical terms, the state secrets privilege never fails." Like other commentators, he concluded that "the state secrets privilege is the most powerful secrecy privilege available to the president," and "the people of the United States have suffered needlessly because the law is now a servant to executive claims of national security."

In 1980, Congress enacted the Classified Information Procedures Act—known as CIPA—to provide Federal courts with clear statutory guidance on handling secret evidence in criminal cases. For almost 30 years, courts have effectively applied that law to make criminal trials fairer and safer. During that period, Congress has also regulated judicial review of national security materials under the Foreign Intelligence Surveillance Act and the Freedom of Information Act. Because of these laws, Federal judges regularly review and handle highly classified evidence in many types of cases.

Yet, in civil cases, litigants have been left behind. Congress has failed to provide clear rules or standards for determining whether evidence is protected by the state secrets privilege. We have failed to develop procedures that will protect injured parties and also prevent the disclosure of sensitive information. Because use of the state secrets privilege has escalated in recent years, there is an increasing need for the judiciary and the executive to have clear, fair, and safe rules.

Many have recognized the need for congressional guidance on this issue. The American Bar Association recently issued a report "urg[ing] Congress to enact legislation governing Federal civil cases implicating the state secrets privilege." The bipartisan Constitution Project found that "legislative action [on the privilege] is essential to restore and strengthen the basic rights and liberties provided by our constitutional system of government." Leading constitutional scholars sent a letter to Congress emphasizing that there "is a need for new rules designed to protect the system of checks and balances, individual rights, national security, fairness in the courtroom, and the adversary process."

The State Secrets Protection Act we are introducing responds to this need by creating a civil version of CIPA. The act provides guidance to the Federal courts in handling assertions of the privilege in civil cases, and it restores checks and balances to this crucial area of law by placing constraints on the application of state secrets doctrine. The act will strengthen our national security by requiring judges to protect all state secrets from disclosure, and it will strengthen the rule of law by preventing misuse of the privilege and enabling more litigants to achieve justice in court.

Recognizing that state secrets must be protected, the Act enables the executive branch to avoid publicly revealing evidence if doing so might disclose a state secret. If a court finds that an item of evidence contains a state secret, or cannot be effectively separated from other evidence that contains a state secret, then the evidence is privileged and may not be released for any reason. Secure judicial proceedings and other safeguards that have proven effective under CIPA and the Freedom of Information Act will ensure that the litigation does not reveal sensitive information.

At the same time, the State Secrets Protection Act will prevent the executive branch from using the privilege to deny parties their day in court or shield illegal activity that is not actually sensitive. A recently declassified report shows that the executive branch abused the state secrets privilege in the very Supreme Court case, United States v. Reynolds (1953), that serves as the basis for the privilege today. In Reynolds, an accident report was kept out of court due to the government's claim that it would disclose state secrets. The court never even looked at the report. Now that the report has been made public, we've learned that in fact it contained no state secrets whatever but it did contain embarrassing information revealing government negligence.

In recent years, Federal courts have applied the Reynolds precedent to dismiss numerous cases—on issues ranging from torture, to extraordinary rendition, to warrantless wiretapping—without ever reviewing the evidence. Some courts have even upheld the executive's claims of state secrets when the purported secrets were publicly available, as in the case of El-Masri v. Tenet. In that case, there was extensive evidence in the public record that the plaintiff was kidnapped and tortured by the CIA on the basis of mistaken identity, but the court simply accepted at face value the Government's claim that litigation would require disclosure of state secrets. The court dismissed Mr. El-Masri's case without even evaluating the evidence or considering whether the case could be litigated on other evidence.

When Federal courts accept the executive branch's state secrets claims as absolute, our system of checks and balances breaks down. By refusing to consider key pieces of evidence, or by dismissing lawsuits outright without considering any evidence at all, courts give the executive branch the ability to violate American laws and constitutional rights without any accountability or oversight, and innocent victims are left unable to obtain justice. The kind of abuse that occurred in Reynolds will no longer be possible under the State Secrets Protection Act.

The act requires courts to examine the evidence for which the privilege is claimed, in order to determine whether the executive branch has validly invoked the privilege. The court must look at the actual evidence, not just Government affidavits about the evidence, and make its own assessment of whether information is covered by the privilege. Only after a court has considered the evidence and found that it provides a valid legal defense can it dismiss a claim on state secrets grounds.

The act also gives parties an opportunity to make a preliminary case with their own evidence, and it allows courts to develop solutions to let lawsuits proceed, such as by directing the Government to produce unclassified substitutes for secret evidence. Many of these powers are already available to courts, but they often go unused. In addition, the act draws on CIPA to include provisions for congressional reporting that will ensure an additional layer of oversight.

I am pleased that the senior Senator from Pennsylvania and I have been able to work together to produce this bill. We expect to have a hearing soon on the state secrets privilege in the Judiciary Committee under the leadership of Chairman LEAHY, who is a cosponsor of the bill and a strong supporter of state secrets reform. I look forward to a full airing of the issues and the important feedback that will come from the committee's thoughtful consideration of the legislation.

In particular, as the bill moves forward, we intend to continue to explore the possibilities for providing relief to plaintiffs who have a winning case but cannot get a trial because every piece of evidence they need is privileged. This is an extremely difficult subject, which Congress should address if we can find a fair way to do so that will also protect legitimate secrets. We will also explore other measures to make the bill stronger, such as providing expedited security clearance reviews for attorneys.

Under the State Secrets Protection Act, the Nation will be able to preserve its commitment to individual rights and the rule of law, without compromising its national defense or foreign policy. Congress has clear constitutional authority to regulate the rules of procedure and evidence for the Federal courts, and it is long past time for us to exercise this authority on such an important issue. I urge my colleagues in the Senate to pass this needed legislation as soon as possible.

Mr. SPECTER. Mr. President, I wish to discuss the State Secrets Protection Act of 2008. Senator KENNEDY and I are introducing this bipartisan bill in order to harmonize the law applicable in cases involving the executive branch's invocation of the privilege. This bill is timely for several reasons. First, the use of the privilege appears to be on the rise in the post-September 11, 2001, era, which has generated new public attention and concern about its legitimacy. Second, there is some disparity among the district and appellate court opinions analyzing the privilege, particularly as to the question of whether courts must independently review the allegedly privileged evidence. Finally, a codified test for evaluating state secrets that requires courts to review the evidence in camera—a Latin phrase meaning "in the judge's private chambers"—will help to reassure the public that the claims are neither spurious nor intended to cover up alleged Government misconduct. With greater checks and balances and greater accountability, there is a commensurate increase in public confidence in our institutions of Government.

In view of its increasing use, inconsistent application, and public criticism, we think the time is ripe to pass legislation codifying standards on the state secrets privilege. Our bill builds upon proposals by the American Bar Association and legal scholars who have called upon Congress to legislate in this area.

Mr. President, I begin my remarks by discussing some of the historical and more recent applications of the state secrets doctrine—which have run the gamut from cases involving military aviation technology to CIA sources and methods, to extraordinary rendition and the terrorist surveillance program, or TSP.

In the 1876 case *Totten* v. *United States*, 92 U.S. 105, 1876, the Supreme Court acknowledged a privilege that barred claims between the Government and its covert agents "in all secret employments of the government in time of war, or upon matters affecting our foreign relations, where a disclosure of the service might compromise or embarrass our government in its public duties, or endanger the person or injure the character of the agent." The Totten case involved a purported Civil War spy who sought to sue President Lincoln to enforce an alleged espionage agreement. In 2005, the Court reaffirmed the holding in Totten that "lawsuits premised on alleged espionage agreements are altogether forbidden." *Tenet* v. *Doe*, 544 U.S. 1, 2005.

Notwithstanding Totten, the modern state secrets privilege was first recognized by the Supreme Court in the 1953 case of *United States* v. *Reynolds*, 345 U.S. 1, 1953. Reynolds involved the Government's assertion of the military secrets privilege for an accident report discussing the crash of a B–29 bomber, which killed three civilian engineers along with six military personnel. In Reynolds, the Supreme Court set out several rules pertinent to the assertion and consideration of the state secrets privilege. For example, the Court said the privilege belongs to the Government. It can be neither claimed nor waived by a third party. The Court also held that the privilege must be asserted "in a formal claim of privilege lodged by the head of the department which has control over the matter, after actual consideration by that officer." Further, "the showing of necessity which is made will determine how far the court should probe in satisfying itself that the occasion for invoking the privilege is appropriate." Significantly, however, the Supreme Court held that the material in question need not necessarily be disclosed to the reviewing judge. On this point, the Reynolds Court said:

> Judicial control over the evidence in a case cannot be abdicated to the caprice of executive officers. Yet we will not go so far as to say that the court may automatically require a complete disclosure to the judge before the claim of privilege will be accepted in any case. It may be possible to satisfy the court, from all the circumstances of the case, that there is a reasonable danger that compulsion of the evidence will expose military matters which, in the interest of national security, should not be divulged. When this is the case, the occasion for the privilege is appropriate, and the court should not jeopardize the security which the privilege is meant to protect by insisting upon an examination of the evidence, even by the judge alone, in chambers.

Unfortunately, this limitation on judicial review ultimately led to further litigation and public skepticism when the accident report from the Reynolds case was later declassified—a result the State Secrets Protection Act seeks to avoid in future cases.

In 2003, after the documents at issue in Reynolds were declassified, one of the original plaintiffs and heirs of the others brought suit alleging that the Government had committed a "fraud upon the court." I cite *Herring* v. *United States*, 424 F.3d 384 (3d Cir. 2005), cert. denied by *Herring* v. *United States*, 547 U.S. 1123, May 1, 2006. They claimed the Government had asserted the military secrets privilege for documents that did not reveal anything sensitive simply to conceal the Government's own negligence. Nevertheless, both the district court and the Third Circuit declined to reopen the case after finding that the plaintiffs could not meet the high burden for proving a claim of fraud on the court. The Third Circuit wrote:

> We further conclude that a determination of fraud on the court may be justified only by "the most egregious misconduct directed to the court itself," and that it "must be supported by clear, unequivocal and convincing evidence." The claim of privilege by the United States Air Force in this case can reasonably be interpreted to include within its scope information about the workings of the B–29, and therefore does not meet the demanding standard for fraud upon the court.

I cite Herring, 386–387. This ruling, however, did not end public debate on the matter. As recently as last October, the New York Times editorialized: "[T]he Reynolds case itself is an object lesson in why courts need to apply a healthy degree of skepticism to state secrets claims. . . . When the documents finally became public just a few years ago, it became clear that the government had lied. The papers contained information embarrassing to the government but nothing to warrant top secret treatment or denying American citizens honest adjudication of their lawsuit."

Upon learning of the Herring case, which was filed in Philadelphia, it became clear to me that codifying provisions for a court to use in ruling on state secrets cases was desirable for a number of reasons—including the added legitimacy of having a judge evaluate the validity of the claim. I think that by requiring in camera court review, we will ultimately provide parties with greater trust in the integrity of the claim and, importantly, appropriate closure.

The benefits of court review are illustrated by recent events in the Ninth Circuit. On November 16, 2007, the Ninth Circuit decided *Al-Haramain Islamic Foundation, Inc.* v. *Bush*, 507 F.3d 1190 (9th Cir. (Ca.) 2007), a case in which the plaintiffs challenged alleged surveillance of their organization under the terrorist surveillance program, TSP. The case stands out in TSP jurisprudence because the plaintiff alleged the Government had unwittingly provided proof that it was surveilling the plaintiff by inadvertently disclosing a partial transcript of phone conversations. The district court denied the Government's motion to dismiss on grounds of the state secrets privilege, but the Ninth Circuit reversed. Citing Totten and Reynolds, the Al-Haramain court acknowledged that when the very subject matter of the lawsuit is a state secret, dismissal without evaluating the claim might be appropriate. However, given all of the public disclosures concerning the TSP, the Al-Haramain court held that the subject matter of the lawsuit was not itself a state secret. Instead, the court concluded that it "must make an independent determination whether the information is privileged." This is 507 F.3d at 1202. It did so by undertaking a full review of the privileged documents in camera. The Al-Haramain court described its review of the sealed document at issue and the balancing test it imposed:

> Having reviewed it in camera, we conclude that the Sealed Document is protected by the state secrets privilege, along with the information as to whether the government surveilled Al-Haramain. We take very seriously our obligation to review the documents with a very careful, indeed a skeptical, eye, and not to accept at face value the government's claim or justification of privilege. Simply saying "military secret," "national security" or "terrorist threat" or invoking an ethereal fear that disclosure will threaten our nation is insufficient to support the privilege. Sufficient detail must be—and has been—provided for us to make a meaningful examination. The process of in camera review ineluctably places the court in a role

> that runs contrary to our fundamental principle of a transparent judicial system. It also places on the court a special burden to assure itself that an appropriate balance is struck between protecting national security matters and preserving an open court system. That said, we acknowledge the need to defer to the Executive on matters of foreign policy and national security and surely cannot legitimately find ourselves second guessing the Executive in this arena.

I cite 507 F.3d at 1203

The State Secrets Protection Act essentially codifies the Al-Haramain test by requiring courts to evaluate the assertion of a state secrets privilege in light of an in camera review of the allegedly privileged documents. I think it is highly advisable to codify both the means of asserting the privilege and the method for reviewing courts to go about resolving claims of privilege because the state secrets privilege is being asserted more frequently and the resulting decisions will benefit from more consistent procedures. Indeed, one recent study indicates that, of the approximately 89 state secrets cases adjudicated since the Supreme Court's decision in Reynolds, courts have declined to review any evidence in at least 16 cases. It is unclear whether the courts reviewed any evidence in another 16 cases, so the number could be as high as 32, or more than a third of the total. The current bill would end this practice.

Reliable statistics on the use of the state secrets privilege are somewhat difficult to come by because not all cases are reported. The Reporters' Committee for Freedom of the Press claims that, "while the government asserted the privilege approximately 55 times in total between 1954 . . . and 2001, [the government] asserted it 23 times in the four years after Sept. 11." With the use of the privilege apparently on the rise, the risk of abuse also grows. As I have noted, critics argue that the Government has abused the privilege to cover up cases of malfeasance and illegal activity. They point to the aftermath of Reynolds and more recently to the case of Khaled El-Masri, whose claim that the was subject to extraordinary rendition was dismissed following the Government's successful assertion of the state secrets privilege at the district and appellate court levels. This is *El-Masri* v. *United States*, 479 F.3d 296 (4th Cir. (Va.) March 2, 2007), cert. denied, 128 S.Ct. 373 (October 9, 2007). Although the Supreme Court declined to revisit the state secrets doctrine in the El-Masri case, there is ample cause for congressional action—both to protect legitimate secrets and ensure public confidence in the process for adjudicating such privilege claims.

The State Secrets Protection Act establishes a clear standard for application of the state secrets privilege and creates procedures for reviewing courts to follow in evaluating privilege claims. Specifically, the Kennedy-Specter State Secrets Protection Act:

Defines state secrets and codifies the standard for evaluating privilege claims: The bill defines "state secret" as "any information that, if disclosed publicly, would be reasonably likely to cause significant harm to the national defense or foreign relations of the United States." It requires Federal courts to decide cases after "consideration of the interests of justice and national security."

Requires court examination of evidence subject to privilege claims: The legislation requires courts to evaluate the privilege by reviewing pertinent evidence in camera. By statutorily empowering courts to review the evidence, the bill will substantially mitigate the risk of future allegations that the Government committed "fraud upon the court," as asserted by the Reynolds plaintiffs 50 years after the landmark decision.

Closes hearings on the privilege—except those involving mere legal questions: Under the legislation, hearings are presumptively held in camera but only ex parte if the court so orders.

Requires attorney security clearances: Under the bill, courts must limit participation in hearings to evaluate state secrets to attorneys with appropriate clearances. Moreover, it allows for appointment of guardians ad litem with clearances to represent parties who are absent from proceedings.

Permits the Government to produce a nonprivileged substitute: Consistent with the Classified Information Procedures Act, the bill allows for the use of nonprivileged substitutes, where possible. If the court orders the Government to provide a nonprivileged substitute and the Government declines to provide it, the court resolves fact questions involving the evidence at issue against the Government.

Protects evidence: The proposed bill incorporates the security procedures established in the Classified Information Procedures Act and permits the Chief Justice to create additional rules to safeguard state secrets evidence.

I commend the bill to all of my Senate colleagues.

HONORING MARTIN P. PAONE

Mr. FEINGOLD. Mr. President, today I wish to honor our distinguished Secretary of the Majority, Martin Paone, who announced recently his plans to leave the Senate after almost 30 years of exemplary service. During his career in the Senate, Marty has helped to guide this body as it has addressed some of the most pressing issues, and faced some of the most difficult challenges, in our Nation's history.

Marty began his career in the Congress, working in the House Post Office and the Senate Parking Office. From there, he quickly rose through the ranks to become an assistant in the Democratic cloakroom in 1979. After demonstrating his keen understanding of floor procedures, he became a member of the floor staff for the Democratic Policy Committee and later assistant secretary of the majority. In 1995, he was elected as secretary of the minority, and continued to serve in that role, and later as the secretary of the majority, for the Democratic caucus.

As we all know, the procedures of the Senate are complicated, and at times perplexing. Indeed, Americans watching us from home may wonder how we are able get our important legislative work done. Well, one of the principal reasons is that Republican and Democratic Senators alike have been able to rely on Marty's counsel when it comes to questions about the rules of the Senate. Marty possesses a vast and detailed knowledge of the history and procedures of the Senate that is possibly second only to that of our distinguished President Pro Tempore, Senator ROBERT C. BYRD. And he has a well-deserved reputation as a straight shooter. Whenever I have approached Marty with a question during my time as a Senator, I have always been able to count on him for a straight answer—even when my position may have run counter to that of my leadership.

Throughout his tenure in the Senate, Marty has also served as a steady hand, helping this Chamber through changes in our country's leadership and critical events in our Nation's history. Marty's career has been marked by five different Presidents, five Republican Senate leaders and four Democratic Senate leaders. Marty has also served during several key historic moments, from the end of the Cold War to the tragic events of September 11, 2001. It was after September 11 that Marty's extensive experience and understanding became especially important as he helped guide this body during an extremely difficult and uncertain time. That service to the Senate, and to the country, was invaluable, and I will always remember it.

I wish Marty, his wife Ruby, and their three children, Alexander, Stephanie, and T.J., all the best as Marty begins this new chapter in his life. He will be greatly missed, but he leaves behind a lasting impact that will help guide this body for years to come.

OPEN GOVERNMENT ACT

Mr. LEAHY. Mr. President, as we start a new year—and the Senate starts a new session—the American people have a new law that honors and protects their right to know. I am pleased that during the waning hours of 2007, the President signed the Leahy-Cornyn Openness Promotes Effectiveness in our National Government Act, the "OPEN Government Act," S. 2488, into law—enacting the first major reforms to the Freedom of Information Act, "FOIA" in more than a decade.

Today, our Government is more open and accountable to the American people than it was just a year ago. With the enactment of FOIA reform legislation, the Congress has demanded and won more openness and accountability regarding the activities of the executive branch. I call on the President to vigorously and faithfully execute the OPEN Government Act, and I hope that he will fully enforce this legislation.

Sadly, the early signs from the administration are troubling. Just this week, the administration signaled that it will move the much-needed funding for the Office of Government Information Services created under the OPEN Government Act from the National Archives and Records Administration to the Department of Justice. Such a move is not only contrary to the express intent of the Congress, but it is also contrary to the very purpose of this legislation—to ensure the timely and fair resolution of American's FOIA requests. Given its abysmal record on FOIA compliance during the last 7 years, I hope that the administration will reconsider this unsound decision and enforce this law as the Congress intended.

In addition, for the first time ever under the new law implementing the recommendations of the 9/11 Commission, Federal agencies will be required to fully disclose to Congress their use of data mining technology to monitor the activities of ordinary American citizens. I am pleased that this law contains the reforms that I cosponsored last year to require data mining reporting and to strengthen the Privacy and Civil Liberties Oversight Board.

Surely all of these OPEN Government reforms are cause to celebrate. But there is much more work to be done.

During the second session of the 110th Congress, I intend to work hard to build upon these OPEN Government successes, so that we have a government that is more open and accountable to all Americans. As chairman of the Judiciary Committee, I have made oversight of the FOIA reforms contained in the OPEN Government Act one of my top priorities. I will also continue to work closely with Members on both sides of the aisle and in both Chambers to address the growing and troubling use of FOIA (b)(3) exemptions to withhold information from the American people.

As the son of a Vermont printer, I understand the great value of documenting and preserving our Nation's rich history for future generations, so that our democracy remains open and free. Next month, I will convene an important hearing of the Judiciary Committee on the Founding Fathers Project and the effort to make the historical writings of our Nation's Founders more accessible and open to the public.

I will also work to ensure Senate passage of the Presidential Records Act Amendments of 2007, S. 886 to reverse a troubling Bush administration policy to curtail the disclosure of Presidential records. And I will continue my fight to ensure the public's right to know by urging the prompt consideration and passage of meaningful press shield legislation in the Senate.

More that two centuries ago, Patrick Henry proclaimed that "[t]he liberties of a people never were, nor ever will be, secure, when the transactions of their rulers may be concealed from them." I could not agree more. Open government is not a Democratic value, nor a Republican value. It is an American value and an American virtue. In this new year, at this new and historic time for our Nation, I urge all Members to join me in supporting an agenda of an open and transparent Government on behalf of all Americans.

VOTE EXPLANATION

Mr. THUNE. Mr. President, last night, due to airline flight delays in South Dakota and Minneapolis, I missed the rollcall vote on H.R. 4986, the amended version of the Department of Defense authorization bill. Had I been present for this vote, I would have voted "yes"—similar to my vote in December when the Senate initially passed H.R. 1585, the conference report to the Department of Defense authorization bill.

EXTENDING UNEMPLOYMENT BENEFITS

Mr. HARKIN. Mr. President, I rise in support of legislation introduced this week to extend unemployment benefits temporarily as a means of stimulus. Like many of my colleagues I certainly have a list of ideas for best stimulating our struggling economy. But unemployment insurance certainly needs to be a part of the picture. I would like to thank Senator KENNEDY for so quickly introducing this bill to extend current unemployment benefits by at least 20 weeks, and by an additional 13 weeks in States experiencing especially high unemployment rates.

There are two key principles this legislation addresses. First, we need to make sure that we are prudently spending money in a way that encourages an increase in actual economic activity. Second, we need to help the people who are most hurt during difficult times. We need a combination of prudent fiscal policy and human compassion.

So first, it is just plain good sense to target people who are unemployed. They are going to spend this money immediately on food and clothing, and this money will very quickly churn in the local economy. But equally importantly, the goal of stimulating the economy should be one of improving the quality of life for Americans. The people who are in the greatest need of help, directly hurt by economic decline, are those who have lost their jobs. It only makes sense that we make their needs a priority.

I think that this period of economic difficulty also highlights the need to pass the broader unemployment reform efforts that Senator KENNEDY is spearheading. While this stimulus measure will help many people who are unemployed, we need to cover part-time workers who have lost their jobs, and make sure we are counting all recent periods of work toward unemployment eligibility and levels.

Extending unemployment benefits is regularly employed to stimulate a flagging economy, and these payments have been proven to quickly add demand to the economy. I hope that we are all in agreement that this is an essential component of any stimulus package.

ADDITIONAL STATEMENTS

RECOGNIZING GANNESTON CONSTRUCTION CORPORATION

• Ms. SNOWE. Mr. President, I wish to recognize a small business from Maine's capital city that will be honored this coming Friday for earning the Kennebec Valley Chamber of Commerce's President's Award for its outstanding contributions to the quality of life in the greater Augusta area. Ganneston Construction Corporation, a woman-owned construction business that works in both the public and private spheres, is known for its sparkling and dependable structures.

Founded early in the 1960s as a builder of solely residential units, Ganneston Construction subsequently moved into commercial construction and has continued to expand into other markets since. Presently a full-service general contractor, construction manager, and design builder, Ganneston has taken on projects of varying sizes throughout Maine, and each job is performed in a timely manner with painstaking sensitivity to that particular building's unique requirements. The firm has restored landmarks like the Lewiston Library, made renovations to the well-known Senator Inn in Augusta, and provided the Maine Veteran's Home and Down East Community Hospital in Machias with a new facility. Ganneston has completed roughly 100 projects so far this decade, with examples of its work on display in cities and towns across Maine. Because the company's 45 employees consistently produce buildings of remarkable quality, annual sales have grown from $6 million in 2001 to $15 million in 2007.

While Ganneston is to be commended for its dedication to building safe and secure structures, the community service its employees perform is what makes Ganneston so deserving of acknowledgment. Setting an inspirational example is Stacey Morrison, chief executive officer and owner of Ganneston Construction. In addition to managing the company's day-to-day operations, Mrs. Morrison makes time to serve the local area in multiple ways. She is a member of the board of Women Unlimited, a praiseworthy Maine organization that supplies women, minority, and displaced workers with the tools, training, and consistent support needed to be successful in the technical, trade, and transportation industries. Similarly, Mrs. Morrison volunteers for the Kennebec Valley United Way and was recently elected chairwoman of the chapter for 2008. Ganneston's employees have emulated Mrs. Morrison's compassion and leadership and have donated countless hours and dollars to service organizations throughout central Maine.

Ganneston Construction's record of success and service is stellar. On the one hand, Ganneston has never failed to complete a contract and continues to see its workload rise as a result of its first-rate performance. Whether constructing for the Air National Guard or the University of Maine, for shopping centers or apartment complexes, Ganneston maintains a commitment to solid craftsmanship that has helped the company earn its prestigious reputation. On the other hand, the company's officers and employees donate significant time and resources to help those in need, making good on Ganneston's value statement "to give back to the community in which we live." I thank Stacey Morrison and everyone at Ganneston Construction for their hard work and determined generosity, and congratulate them on their recognition.●

TRIBUTE TO ROBERT O. ANDERSON

● Mr. BINGAMAN. Mr. President, Robert O. Anderson was not a citizen just of New Mexico, but I think it can be fairly said that he was one of those people for whom the term "citizen of the world" was intended.

He died in December at age 90, and his memory was honored at this past weekend services in Roswell, NM. Our State has been his home for decades. Those of us who knew him were reminded each time we talked with him how wide-ranging his interests were, and how progressive and determined a man he was. It was his leadership and willingness to take a risk that led to the discovery of oil on the North Slope of Alaska, and the pipeline that followed 7 years later.

He was a giant in the oil industry, in ranching, in business, in publishing, in politics and in environmental circles. A thoughtful and perceptive man—he warned of global warming years ago—he was a patron of the arts and of institutions devoted to study and research, including the Aspen Institute, the Worldwatch Institute and the John Muir Institute of the Environment.

As far as I know, he never sought public office, but he certainly held positions of public trust. He was quoted as saying of his industry:

> Never look back in this business. If you do, you'll lose your nerve."

He certainly had that in common with many elected officials, including Members of this body, and Presidents of the United States, all of whom regarded him highly as did countless international leaders. He could "walk with kings, nor lose the common touch." It was that ability which was a hallmark of his leadership, and was one of his most endearing and enduring qualities.

Married to Barbara Phelps Anderson for 68 years, he is survived by her, and by 7 children, 20 grandchildren and 5 great-grandchildren. Their loss is a great and one we all share in some measure.●

30TH ANNIVERSARY OF WOMEN ESCAPING A VIOLENT ENVIRONMENT

● Mrs. BOXER. Mr. President, I am pleased to recognize the 30th anniversary of one of the Capital region's most vital nonprofit agencies, Women Escaping a Violent Environment Inc., WEAVE, in Sacramento, CA. In its three decades of service, WEAVE has provided invaluable public service to victims of domestic abuse, as well as their families, and has helped to save countless lives as a result of the education, counseling, and intervention they have provided to victims of domestic abuse and sexual assault.

WEAVE was established in 1978 in Sacramento as a grassroots organization to serve survivors of domestic violence and their families by providing crisis lines and counseling services. Within the first 10 years of its establishment, WEAVE broadened its role in the community to include legal advocacy, opened a safehouse that provides emergency services to female victims of domestic violence and their children, and became a dual agency that expanded its mission to include sexual assault services. Victims are accompanied to appointments and are given emotional support, information, counseling, food and clothing.

In the next decade WEAVE recognized that employers and schools could also be part of a solution in preventing domestic abuse and sexual assault. They provided prevention education to elementary and high schools, and began their Break the Silence Campaign that increases awareness of domestic violence by educating employers and their employees to recognize signs of abuse and how to best respond. During the 1990s, WEAVE also opened a Children's Center and WEAVE Works retail clothing store that provide revenues to support their mission in the community.

Today WEAVE has 80 staff members and over 200 active volunteers in two locations, who serve over 20,000 survivors of domestic violence and sexual assault annually with intervention and counseling services, along with educating an additional 10,000 members of the community on issues of domestic violence and sexual assault. WEAVE has achieved this success through partnerships with local law enforcement, government and business leaders.

As the community and staff gather to celebrate WEAVE's 30th anniversary, I congratulate and thank the staff, volunteers and community partners of this important organization and wish them many more years of success.●

REMEMBERING KENT HAWS

● Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the memory of a dedicated public servant, Detective Kent Haws of the Tulare County Sheriff's Department. On the afternoon of December 17, 2007, while on motor patrol in rural Tulare County, Detective Haws was killed in the line of duty while investigating a suspicious vehicle.

Detective Haws was born in Phoenix, AZ and raised in Visalia, CA. A graduate of Mt. Whitney High School and College of the Sequoias, Detective Haws served in the United States Army 10th Mountain Division before achieving his long-time goal of joining the Tulare County Sheriff's Department. For the past decade, Detective Haws dutifully served the citizens and communities of Tulare County with great commitment, integrity, and valor. Detective Haws' devotion to help others, coupled with his passion for law enforcement, enabled him to become a model member of the Tulare County Sheriff's Department.

Detective Haws is survived by his wife Frances and children Dominik, Nicholas, and Evan. Those who knew Detective Haws will always remember him as a caring, kind, and devoted family man, colleague, and friend. Detective Kent Haws served Tulare County with honor and bravery, and fulfilled his oath as an officer of the law. His contributions to public safety and dedication to law enforcement are greatly appreciated and will serve as an example of his commitment to protecting and serving the public.

We shall always be grateful for Detective Haws' heroic service and the sacrifices he made while serving the community and the people he loved.●

IN CELEBRATION OF LOUIS BURGELIN

● Mrs. BOXER. Mr. President, I am pleased and honored to pay tribute to Louis—Lou—Brosnahan Burgelin for his 65-plus years of dedicated service to the greater Vallejo community.

Born on January 20, 1916 in Vallejo, CA, to Otto and Frances Burgelin, Lou graduated from Vallejo High School in 1932 and went on to graduate from the Mare Island Naval Shipyard Apprentice School as a marine machinist.

Always eager to exceed expectations, Lou held numerous management positions throughout his career with the United States Navy, including production control manager at Norfolk Naval Shipyard, chief progressman at Mare Island, and head progressman at Hunter's Point. In addition, Lou worked his way up from charter member to national president of the Naval Civilian Manager's Association and also served as president of the Council of Naval Employee Groups, which represents all of the employees of West Coast naval shipyards.

After retiring from Federal service in 1972, Lou became the executive secretary of the Armed Services Committee of the Vallejo Chamber of Commerce, a position he held for 19 years. This was just one of many leadership positions he held in his beloved hometown, with other civic engagements including first chairman of the Vallejo Senior Citizens Center, Exalted Ruler of the Vallejo Elks Lodge, and president of the Vallejo-Napa United Way.

Lou was also actively involved with the city of Vallejo's naval landmark, Mare Island. His lobbying efforts for military construction projects on Mare Island and his efforts to maintain dredging operations necessary for shipyard operations culminated in his receipt of the Public Service Medal by the Navy's Chief of Operations.

Proving that age will not slow him down, Lou is still active in the greater Vallejo community, currently serving as president of the Vallejo Council of the Navy League of the United States, treasurer for the Salvation Army, and national legislative chair for the Vallejo NARFE Chapter 16. In addition to his ongoing civic involvement, Lou remains happily married to the former Betty Greenwell. Approaching 69 years of marriage, Lou and Betty have three children, three grandchildren, and five great-grandchildren.

When I first met Lou in the eighties, I knew he was a powerful voice for his community and he became one of my top advisors when I represented Vallejo in Congress.

After more than 65 years of continuing service to the city of Vallejo and U.S. Navy, I remain in admiration of Lou's strong sense of civic duty. Along with hundreds of his friends and admirers throughout the city of Vallejo, I wish him many more years of continued community involvement and leadership.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:29 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 409. An act to amend title 23, United States Code, to direct the Secretary of Transportation to establish national tunnel inspection standards for the proper safety inspection and evaluation of all highway tunnels, and for other purposes.

H.R. 3720. An act to designate the facility of the United States Postal Service located at 424 Clay Avenue in Waco, Texas, as the "Army PFC Juan Alonso Covarrubias Post Office Building".

H.R. 3988. An act to designate the facility of the United States Postal Service located at 3701 Altamesa Boulevard in Fort Worth, Texas, as the "Master Sergeant Kenneth N. Mack Post Office Building".

H.R. 4211. An act to designate the facility of the United States Postal Service located at 725 Roanoke Avenue in Roanoke Rapids, North Carolina, as the "Judge Richard B. Allsbrook Post Office".

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 198. Concurrent resolution expressing the sense of Congress that the United States has a moral responsibility to meet the need of those persons, groups and communities that are impoverished, disadvantaged or otherwise in poverty.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 3432) to establish the Commission on the Abolition of the Transatlantic Slave Trade.

The message also announced that the House of Representatives having proceeded to reconsider the bill (H.R. 3963) to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was resolved that the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 409. An act to amend title 23, United States Code, to direct the Secretary of Transportation to establish national tunnel inspection standards for the proper safety inspection and evaluation of all highway tunnels, and for other purposes; to the Committee on Environment and Public Works.

H.R. 3720. An act to designate the facility of the United States Postal Service located at 424 Clay Avenue in Waco, Texas, as the "Army PFC Juan Alonso Covarrubias Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3988. An act to designate the facility of the United States Postal Service located at 3701 Altamesa Boulevard in Fort Worth, Texas, as the "Master Sergeant Kenneth N. Mack Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4211. An act to designate the facility of the United States Postal Service located at 725 Roanoke Avenue in Roanoke Rapids, North Carolina, as the "Judge Richard B. Allsbrook Post Office"; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 198. Concurrent resolution expressing the sense of Congress that the United States has a moral responsibility to meet the needs of those persons, groups and communities that are impoverished, disadvantaged or otherwise in poverty; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 4040. An act to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on December 21, 2007, she had presented to the President of the United States the following enrolled bills:

S. 1396. An act to authorize a major medical facility project to modernize inpatient wards at the Department of Veterans Affairs Medical Center in Atlanta, Georgia.

S. 1896. An act to designate the facility of the United States Postal Service located at 11 Central Street in Hillsborough, New Hampshire, as the "Officer Jeremy Todd Charron Post Office".

S. 1916. An act to amend the Public Health Service Act to modify the program for the sanctuary system for surplus chimpanzees by terminating the authority for the removal of chimpanzees from the system for research purposes.

S. 2271. An act to authorize State and local governments to divest assets in companies that conduct business operations in Sudan, to prohibit United States Government contracts with such companies, and for other purposes.

S. 2488. An act to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4607. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, an annual report on civil works activities for fiscal year 2006; to the Committee on Environment and Public Works.

EC-4608. A communication from the Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Dimethenamid; Pesticide Tolerance" (FRL No. 8342-7) received on January 2, 2008; to the Committee on Environment and Public Works.

EC-4609. A communication from the Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fluroxypyr; Pesticide Tolerance" (FRL No. 8343-2) received on January 2, 2008; to the Committee on Environment and Public Works.

EC-4610. A communication from the Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Regulation of Oil-Bearing Hazardous Secondary Materials From the Petroleum Refining Industry Processed in a Gasification System to Produce Synthesis Gas" ((RIN2050-AE78)(FRL No. 8511-5)) received on January 2, 2008; to the Committee on Environment and Public Works.

EC-4611. A communication from the Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to Consolidated Federal Air Rule; Correction" ((RIN2060-A045)(FRL No. 8511-7)) received on January 2, 2008; to the Committee on Environment and Public Works.

EC-4612. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Clean Air Interstate Rule Budget Trading Program" (FRL No. 8510-3) received on December 20, 2007; to the Committee on Environment and Public Works.

EC-4613. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; North Carolina; Redesignation of the Raleigh-Durham-Chapel Hill 8-Hour Ozone Nonattainment Area to Attainment for Ozone" (FRL No. 8510-4) received on December 20, 2007; to the Committee on Environment and Public Works.

EC-4614. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Iowa; Clean Air Mercury Rule" (FRL No. 8510-6) received on December 20, 2007; to the Committee on Environment and Public Works.

EC-4615. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Aspergillus Flavus AF36 on Corn; Temporary Exemption From the Requirement of a Tolerance" (FRL No. 8342-1) received on December 20, 2007; to the Committee on Environment and Public Works.

EC-4616. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Etoxazole; Pesticide Tolerance" (FRL No. 8342-8) received on December 20, 2007; to the Committee on Environment and Public Works.

EC-4617. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Partial Removal of Direct Final Rule and Revision of the Nonroad Diesel Technical Amendments and Tier 3 Technical Relief Provision" ((RIN2060-A037)(FRL No. 8509-9)) received on December 20, 2007; to the Committee on Environment and Public Works.

EC-4618. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Extension of Global Laboratory and Analytical Use Exemption for Essential Class I Ozone-Depleting Substances" ((RIN2060-AO28)(FRL No. 8510-9)) received on December 20, 2007; to the Committee on Environment and Public Works.

EC-4619. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: The 2008 Critical Use Exemption From the Phaseout of Methyl Bromide" ((RIN2060-AO30)(FRL No. 8510-8)) received on December 20, 2007; to the Committee on Environment and Public Works.

EC-4620. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District and San Joaquin Valley Air Pollution Control District" (FRL No . 8509-8) received on December 20, 2007; to the Committee on Environment and Public Works.

EC-4621. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Continuous Emissions Monitoring Rule for the Acid Rain Program, NOx Budget Trading Program, Clean Air Interstate Rule, and the Clean Air Mercury Rule" ((RIN2060-AN16)(FRL No. 8511-1)) received on December 20, 2007; to the Committee on Environment and Public Works.

EC-4622. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of proposed licenses for the export of two commercial communications satellites to French Guiana; to the Committee on Foreign Relations.

EC-4623. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles relative to the application of brushless motors and cable systems to Sweden and Italy; to the Committee on Foreign Relations.

EC-4624. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles to Germany for the production and support of the Paveway weapons system; to the Committee on Foreign Relations.

EC-4625. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of Up-Armored High Mobility Multipurpose Wheeled Vehicles to Iraq; to the Committee on Foreign Relations.

EC-4626. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed technical assistance agreement for the export of technical data to South Korea to support the manufacture of HMPT500 Series Transmissions; to the Committee on Foreign Relations.

EC-4627. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the transfer of hardware to Greece and Israel for the manufacture of High Mobility Multipurpose Wheeled Vehicles; to the Committee on Foreign Relations.

EC-4628. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007-286—2007-288); to the Committee on Foreign Relations.

EC-4629. A communication from the Assistant Secretary for Administration and Management, Department of Health and Human Services, transmitting, pursuant to law, an annual report relative to the Department's competitive sourcing efforts during fiscal year 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-4630. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition that was filed on behalf of workers from the Y-12 Plant in Oak Ridge, Tennessee, to be added to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–4631. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled "Participants' Choices of TSP Funds" (5 CFR Part 1601) received on January 2, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–4632. A communication from the President, Federal Financing Bank, transmitting, pursuant to law, the Bank's performance plan for fiscal years 2007 and 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–4633. A communication from the Chairman, National Labor Relations Board, transmitting, pursuant to law, the Semiannual Report of the Board's Inspector General for the period of April 1, 2007 through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4634. A communication from the President, James Madison Memorial Foundation, transmitting, pursuant to law, the Foundation's annual report for the year ending September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4635. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to locality payments; to the Committee on Homeland Security and Governmental Affairs.

EC–4636. A communication from the Administrator, Small Business Administration, transmitting, pursuant to law, the Semiannual Report of the Administration's Inspector General for the period of April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4637. A communication from the Secretary of Education, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General for the period of April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4638. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4639. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report relative to the Administration's competitive sourcing efforts during fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4640. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a semiannual report relative to the Inspector General's auditing activity; to the Committee on Homeland Security and Governmental Affairs.

EC–4641. A communication from the Federal Co-Chairman, Delta Regional Authority, transmitting, pursuant to law, a report relative to the Authority's audited financial statements for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4642. A communication from the Industry Operations Specialist, Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "U.S. Munitions Import List and Import Restrictions Applicable to Certain Countries" (RIN1140–AA29) received on January 2, 2008; to the Committee on the Judiciary.

EC–4643. A communication from the Director of the Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Removal of Tobacco Products and Cigarette Papers and Tubes, Without Removal of Tax, for United States Use in Law Enforcement Activities" (RIN1513–AA99) received on December 19, 2007; to the Committee on the Judiciary.

EC–4644. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, a report relative to the Commission's competitive sourcing efforts during fiscal year 2007; to the Committee on Rules and Administration.

EC–4645. A communication from the Director of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "VA Acquisition Regulation: Plain Language Rewrite" (RIN2900–AK78) received on January 3, 2008; to the Committee on Veterans' Affairs.

EC–4646. A communication from the White House Liaison, Department of Veterans Affairs, transmitting, pursuant to law, the report of a nomination for the position of Secretary of Veterans Affairs, received on January 3, 2008; to the Committee on Veterans' Affairs.

EC–4647. A communication from the White House Liaison, Department of Veterans Affairs, transmitting, pursuant to law, the report of action on a nomination for the position of Assistant Secretary of Veterans Affairs, received on January 3, 2008; to the Committee on Veterans' Affairs.

EC–4648. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Regulatory Streamlining of the Farm Service Agency's Direct Farm Loan Programs; Conforming Changes" (RIN0560–AF60) received on January 7, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4649. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Regulatory Streamlining of the Farm Service Agency's Direct Farm Loan Programs; Final Rule" (RIN0560–AF60) received on January 7, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4650. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, a report relative to the Administration's Annual Performance Budget for fiscal year 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–4651. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (72 FR 68748) received on January 8, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–4652. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (72 FR 68750) received on January 8, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–4653. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (72 FR 67663) received on January 8, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–4654. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (72 FR 68752) received on January 8, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–4655. A communication from the Secretary, Bureau of Certification and Licensing, Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled "Filing of Proof of Financial Responsibility" (FMC Docket No. 07–06) received on January 8, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4656. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the use of Federal power allocations by Indian tribes; to the Committee on Energy and Natural Resources.

EC–4657. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Allocation of Prepaid Qualified Mortgage Insurance Premiums for 2007" (Notice 2008–15) received on January 14, 2008; to the Committee on Finance.

EC–4658. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2007 Section 832 Salvage Discount Factors" (Rev. Proc. 2008–11) received on January 23, 2008; to the Committee on Finance.

EC–4659. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to projects that will be conducted under the Medicare Hospital Gainsharing Demonstration; to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 2545. A bill to amend title XVIII of the Social Security Act to provide for Medicare Advantage benchmark adjustment for certain local areas with VA medical centers and for certain contiguous areas; to the Committee on Finance.

By Mr. SALAZAR (for himself and Mr. ALLARD):

S. 2546. A bill to reduce the risks to Colorado communities and water supplies from severe wildfires, especially in areas affected by insect infestations, to provide model legislation that may be applied to other States experiencing similar insect infestations or other forest-related problems, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BOND:

S. 2547. A bill to amend the Internal Revenue Code of 1986 to reduce taxes by providing an alternative determination of income tax liability for individuals, repealing the estate and gift taxes, reducing corporate income tax rates, reducing the maximum tax for individuals on capital gains and dividends to 10 percent, indexing the basis of assets for purposes of determining capital gain or loss, creating tax-free accounts for retirement savings, lifetime savings, and life skills, repealing the adjusted gross income threshold in the medical care deduction for individuals under age 65 who have no employer health coverage, and for other purposes; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 2548. A bill to provide for the payment of interest on claims paid by the United States in connection with the correction of military records when a military corrections board sets aside a conviction by court-martial; to the Committee on Armed Services.

By Mr. REID (for Mrs. CLINTON):

S. 2549. A bill to require the Administrator of the Environmental Protection Agency to establish an Interagency Working Group on Environmental Justice to provide guidance to Federal agencies on the development of criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. HUTCHISON (for herself, Mr. JOHNSON, and Mr. CORNYN):

S. 2550. A bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain debts owed to the United States by members of the Armed Forces and veterans who die as a result of an injury incurred or aggravated on active duty in a combat zone, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL (for himself and Mr. BUNNING):

S. Res. 421. A resolution honoring the 150th anniversary of the American Printing House for the Blind; considered and agreed to.

By Mr. VITTER (for himself and Ms. LANDRIEU):

S. Res. 422. A resolution commending the Louisiana State University Tigers football team for winning the 2007 Bowl Championship Series national championship game; considered and agreed to.

By Mr. ALLARD (for himself, Mr. INOUYE, Mr. BIDEN, and Mr. SALAZAR):

S. Res. 423. A resolution seeking the return of the USS Pueblo to the United States Navy; considered and agreed to.

By Mr. REID:

S. Res. 424. A resolution electing Lula Johnson Davis, of Maryland, as Secretary for the Majority of the Senate; considered and agreed to.

ADDITIONAL COSPONSORS

S. 55

At the request of Mr. BAUCUS, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 55, a bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax.

S. 617

At the request of Mr. SMITH, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 617, a bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans.

S. 1003

At the request of Ms. STABENOW, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1172

At the request of Mr. DURBIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1172, a bill to reduce hunger in the United States.

S. 1200

At the request of Mr. DORGAN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1200, a bill to amend the Indian Health Care Improvement Act to revise and extend the Act.

S. 1335

At the request of Mr. INHOFE, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1335, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes.

S. 1361

At the request of Mr. CONRAD, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1361, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for the depreciation of certain leasehold improvements and to modify the depreciation rules relating to such leasehold improvements for purposes of computing earnings and profits.

S. 1668

At the request of Mr. DODD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1668, a bill to assist in providing affordable housing to those affected by the 2005 hurricanes.

S. 1733

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1733, a bill to authorize funds to prevent housing discrimination through the use of nationwide testing, to increase funds for the Fair Housing Initiatives Program, and for other purposes.

S. 1921

At the request of Mr. WEBB, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1921, a bill to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes.

S. 2136

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2136, a bill to address the treatment of primary mortgages in bankruptcy, and for other purposes.

S. 2170

At the request of Mrs. HUTCHISON, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2170, a bill to amend the Internal Revenue Code of 1986 to modify the treatment of qualified restaurant property as 15-year property for purposes of the depreciation deduction.

S. 2181

At the request of Ms. COLLINS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2181, a bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program.

S. 2215

At the request of Ms. COLLINS, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2215, a bill to amend the Homeland Security Act of 2002 to establish the Protective Security Advisor Program Office.

S. 2252

At the request of Mr. COLEMAN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2252, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for host families of foreign exchange and other students from $50 per month to $200 per month, and for other purposes.

S. 2292

At the request of Ms. COLLINS, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 2292, a bill to amend the Homeland Security Act of 2002, to establish the Office for Bombing Prevention, to address terrorist explosive threats, and for other purposes.

S. 2337

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2337, a bill to amend the Internal Revenue Code of 1986 to allow long-term care insurance to be offered under cafeteria plans and flexible spending arrangements and to provide additional consumer protections for long-term care insurance.

S. 2367

At the request of Mr. JOHNSON, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2367, a bill to provide for the issuance of bonds to provide funding for the construction of schools of the Bureau of Indian Affairs, and for other purposes.

S. 2426

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S. 2426, a bill to provide for congressional oversight of United States agreements with the Government of Iraq.

At the request of Mrs. BOXER, her name was added as a cosponsor of S. 2426, supra.

S. 2433

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S. 2433, a bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

S. 2469

At the request of Mr. INOUYE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2469, a bill to amend the Communications Act of 1934 to prevent the granting of regulatory forbearance by default.

S. 2498

At the request of Mr. BINGAMAN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 2498, a bill to authorize the minting of a coin to commemorate the 400th anniversary of the founding of Santa Fe, New Mexico, to occur in 2010.

S. 2534

At the request of Mr. BAYH, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2534, a bill to designate the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, Indiana, as the "Julia M. Carson Post Office Building".

S. 2544

At the request of Mr. KENNEDY, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2544, a bill to provide for a program of temporary extended unemployment compensation.

S.J. RES. 27

At the request of Mrs. DOLE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S.J. Res. 27, a joint resolution proposing an amendment to the Constitution of the United States relative to the line item veto.

AMENDMENT NO. 3857

At the request of Mrs. FEINSTEIN, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Nebraska (Mr. HAGEL) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of amendment No. 3857 intended to be proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

AMENDMENT NO. 3858

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 3858 intended to be proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

AMENDMENT NO. 3862

At the request of Mr. LEAHY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 3862 intended to be proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

AMENDMENT NO. 3863

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 3863 intended to be proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for Mrs. CLINTON):

S. 2549. A bill to require the Administrator of the Environmental Protection Agency to establish an Interagency Working Group on Environmental Justice to provide guidance to Federal agencies on the development of criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations, and for other purposes; to the Committee on Environment and Public Works.

Mrs. CLINTON. Mr. President, today I rise to introduce the Environmental Justice Renewal Act, legislation to address the issue of environmental racism that is faced by far too many Americans today.

In our country, we have communities predominantly racial and ethnic minority and low-income communities in which the air is unsafe to breathe, the water unfit to drink, the schools unsafe places to learn.

A 2005 Associated Press analysis of Environmental Protection Agency, EPA, air data found that African Americans were 79 percent more likely than their white counterparts to live in an area where the levels of air pollution posed health risks. About half of lower-income homes in our Nation are located within a mile of factories that report toxic emissions to the EPA. Hispanic and African-American children have lead poisoning rates that are roughly double that of their white counterparts. The evidence clearly documents the disproportionate impact of pollution faced by minority and low-income populations.

For more than a quarter-century, activists have been working to address this disparity in exposure. The work of residents in Warren County, NC, in protesting the placement of a toxic waste site in a predominantly African-American community sparked the modern-day environmental justice movement. Since that time, individuals in all parts of the United States have spoken out about the conditions in their own neighborhoods, and have joined together with schools, with churches, and with local organizations to create positive change in their communities. But they cannot act alone. The Federal Government has a clear role in reducing and eliminating the disparate pollution burden placed upon racial and ethnic minorities and low-income populations.

This role has been acknowledged by the Federal Government by individuals on both sides of the aisle. Under the first Bush administration, the EPA released several reports on what was then known as environmental equity, now called environmental justice. President Clinton promulgated Executive Order 12898, titled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," which directed federal agencies to account for the ways in which their activities would impact low-income and minority communities. The Federal Government took action to ensure that environmental justice was part of the mission of its agencies.

But under the current Bush administration, the EPA has not lived up to its motto "to protect human health and the environment." Because of their inaction on environmental justice, too many minority and low-income Americans lack equal access to protections that safeguard health, well being, and potential of children and families.

A 2004 report from the EPA's Office of the Inspector General found the following: "EPA has not fully implemented Executive Order 12898 nor consistently integrated environmental justice into its day-to-day operations."

In 2005, the Government Accountability Office released a report concluding that the agency has failed to consider environmental justice in making rules that protect families from environmental degradation and pollution.

In 2006, the Office of the Inspector General released another report on the EPA's environmental justice record, concluding that EPA senior management had not "sufficiently directed program and regional offices to conduct environmental justice reviews."

Earlier this year, the United Church of Christ released a report, Toxic Wastes and Race at Twenty, which stated: "Environmental Justice faltered and became invisible at the EPA under the George W. Bush Administration."

The Environmental Justice Renewal Act will address the rollbacks that have taken place during this Administration, and once again focus federal attention and resources on environmental justice.

It will revitalize the Interagency Working Group, IWG, on Environmental Justice, codifying the IWG and requiring biennial assessments of their efforts by the Government Accountability Office, to ensure that all agencies are completing goals and following timelines identified in each agency's environmental justice strategy.

It will establish new and expand current grant programs. With this additional funding, community groups can address the complicated health, environmental, and economic components of the pollution problems in their neighborhoods. The legislation will help states, tribes and territories develop and implement environmental justice strategies and policies. It will strengthen the technical assistance available to communities, by developing web-based Environmental Justice Clearinghouse.

This bill will increase the number of federal employees who have received environmental justice training, and who are able to incorporate environmental justice into their daily activities, such as permit review. In addition, it would establish a training program for community members modeled after the existing Superfund training programs to help affected individuals gain the skills needed to identify and monitor environmental concerns in their local areas.

Finally, the bill will increase public awareness of and participation in environmental justice activities, requiring the EPA to routinely hold community-based outreach meetings and ensuring increased interaction with the National Environmental Justice Advisory Committee, which represents stakeholders and impacted communities. It will also establish the position of Environmental Justice Ombudsman at the EPA, in order to receive, review, and process comments about the environmental justice work of the agency.

Groups supporting the legislation include the Sierra Club, ReGenesis, the Center on Race, Poverty and the Environment, Earthjustice, the Indigenous Environmental Network, and the Lawyers' Committee for Civil Rights Under Law.

We have neglected this issue for far too long, and it is time to once again ensure that the federal government works to reduce and eliminate these disparities that exist in our minority and low-income communities. I look forward to joining my colleagues in the Senate to get this enacted into law.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 421—HONORING THE 150TH ANNIVERSARY OF THE AMERICAN PRINTING HOUSE FOR THE BLIND

Mr. MCCONNELL (for himself and Mr. BUNNING) submitted the following resolution; which was considered and agreed to:

S. RES. 421

Whereas the American Printing House for the Blind was chartered in 1858 in Louisville, Kentucky by the General Assembly of Kentucky through An Act to Establish the American Printing House for the Blind, in response to a growing national need for books and educational aids for blind students;

Whereas Louisville, Kentucky was chosen as the best city in which to establish a national publishing house to print books in raised letters due to its central location in the country in 1858 and its efficient distribution system;

Whereas the 45th Congress passed an Act to promote the education of the blind in 1879 designating the American Printing House for the Blind as the official national source of textbooks and educational aids for legally blind students below college level throughout the country, and Congress appropriates Federal funds to the American Printing House for the Blind annually for this purpose;

Whereas, for 150 years, the American Printing House for the Blind has identified the unique needs of people who are blind and visually impaired and has developed, produced, and distributed educational materials in Braille, large print, and enlarged print throughout the United States;

Whereas the American Printing House for the Blind serves more than 58,000 blind and visually impaired Americans each year; and

Whereas the American Printing House for the Blind each year attracts visitors from across the country and around the world to learn about the history of the education of the blind and to exchange information on the evolving needs of the population it serves: Now, therefore, be it

Resolved, That the Senate—

(1) honors the 150th anniversary of the establishment of the American Printing House for the Blind in Louisville, Kentucky, and

(2) recognizes the important role the American Printing House for the Blind has played in the education of blind and visually impaired students throughout the United States.

SENATE RESOLUTION 422—COMMENDING THE LOUISIANA STATE UNIVERSITY TIGERS FOOTBALL TEAM FOR WINNING THE 2007 BOWL CHAMPIONSHIP SERIES NATIONAL CHAMPIONSHIP GAME

Mr. VITTER (for himself and Ms. LANDRIEU) submitted the following resolution; which was considered and agreed to:

S. RES. 422

Whereas the Louisiana State University Tigers football team won the 2007 Bowl Championship Series national championship game, defeating The Ohio State University by a score of 38 to 24 at the Louisiana Superdome in New Orleans, Louisiana, on January 7, 2008;

Whereas the Louisiana State University football team won the Southeastern Conference Championship on December 1, 2007, defeating the University of Tennessee by a score of 21 to 14 in the championship game at the Georgia Dome in Atlanta, Georgia;

Whereas the Louisiana State University football team won 12 games during the 2007 season;

Whereas the Louisiana State University football team won 7 games against nationally ranked opponents during the 2007 season;

Whereas the Louisiana State University football team set a total of 12 school offensive records during the 2007 season including 541 points scored, averaging 38.6 points per game and 6,152 yards in total offense;

Whereas Craig Steltz was named first-team All-American and led the Southeastern Conference in interceptions;

Whereas defensive tackle Glenn Dorsey was awarded the Bronko Nagurski Trophy, the Rotary Lombardi Trophy, the Outland Trophy, and the Ronnie Lott Trophy, making him the most honored defensive player in Louisiana State University history;

Whereas quarterback Matt Flynn threw 21 touchdown passes during the 2007 season, including a career-high record of 4 touchdowns in the Bowl Championship Series national championship game;

Whereas running back Jacob Hester rushed for 1,103 yards during the 2007 season, scoring 12 touchdowns, and completed his collegiate football career of 364 carries without fumbling or turning over the football;

Whereas Louisiana State University head coach Les Miles has led the Tiger football program to 34 wins, 20 Southeastern Conference victories, 14 wins over nationally ranked opponents, and 3 double-digit win seasons as head coach; and

Whereas Louisiana State University is the first team to win 2 Bowl Championship Series national championship titles, having won 2 titles in 5 years: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Louisiana State University Tigers football team for winning the 2007 Bowl Championship Series national championship game;

(2) recognizes the achievements of all the players, coaches, and support staff who were instrumental in helping the Louisiana State University football team during the 2007 football season;

(3) congratulates the citizens of Louisiana, the Louisiana State University community, and fans of Tiger football; and

(4) requests the Secretary of the Senate to transmit an enrolled copy of this resolution to Louisiana State University for appropriate display.

SENATE RESOLUTION 423—SEEKING THE RETURN OF THE USS PUEBLO TO THE UNITED STATES NAVY

Mr. ALLARD (for himself, Mr. INOUYE, Mr. BIDEN, and Mr. SALAZAR) submitted the following resolution; which was considered and agreed to:

S. RES. 423

Whereas the USS Pueblo, which was attacked and captured by the Navy of North Korea on January 23, 1968, was the first ship of the United States Navy to be hijacked on the high seas by a foreign military force in more than 150 years;

Whereas 1 member of the USS Pueblo crew, Duane Hodges, was killed in the assault, while the other 82 crew members were held in captivity, often under inhumane conditions, for 11 months;

Whereas the USS Pueblo, an intelligence collection auxiliary vessel, was operating in international waters at the time of the capture, and therefore did not violate the territorial waters of North Korea;

Whereas the capture of the USS Pueblo resulted in no reprisals against the Government or people of North Korea and no military action at any time; and

Whereas the USS Pueblo, though still the property of the United States Navy, has been retained by the Government of North Korea for 40 years, was subjected to exhibition in the North Korean cities of Wonsan and Hungham, and is now on display in Pyongyang, the capital city of North Korea: Now, therefore, be it

Resolved, That the Senate—

(1) desires the return of the USS Pueblo to the United States Navy;

(2) would welcome the return of the USS Pueblo as a goodwill gesture from the North Korean people to the American people; and

(3) directs the Secretary of the Senate to transmit copies of this resolution to the President, the Secretary of Defense, and the Secretary of State.

SENATE RESOLUTION 424—ELECTING LULA JOHNSON DAVIS, OF MARYLAND, AS SECRETARY FOR THE MAJORITY OF THE SENATE

Mr. REID submitted the following resolution; which was considered and agreed to:

S. RES. 424

Resolved, that Lula Johnson Davis, of Maryland, be and she is hereby, elected Secretary for the Majority of the Senate.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3901. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table.

SA 3902. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3903. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3904. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table.

SA 3905. Mr. SPECTER (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table.

SA 3906. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3901. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, line 4, strike "2013." and insert the following: "2010. Notwithstanding any other provision of this Act, the transitional procedures under paragraphs (2)(B) and (3)(B) of section 302(c) shall apply to any order, authorization, or directive, as the case may be, issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by this Act, in effect on December 31, 2010.".

SA 3902. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PREVENTION AND DETERRENCE OF TERRORIST SUICIDE BOMBINGS.

(a) IN GENERAL.—

(1) OFFENSE OF REWARDING OR FACILITATING INTERNATIONAL TERRORIST ACTS.—

(A) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

"§ 2339E. Providing material support to international terrorism

"(a) DEFINITIONS.—In this section:

"(1) The term 'facility of interstate or foreign commerce' has the same meaning as in section 1958(b)(2).

"(2) The term 'international terrorism' has the same meaning as in section 2331.

"(3) The term 'material support or resources' has the same meaning as in section 2339A(b).

"(4) The term 'perpetrator of an act' includes any person who—

"(A) commits the act;

"(B) aids, abets, counsels, commands, induces, or procures its commission; or

"(C) attempts, plots, or conspires to commit the act.

"(5) The term 'serious bodily injury' has the same meaning as in section 1365.

"(b) PROHIBITION.—Whoever, in a circumstance described in subsection (c), provides, or attempts or conspires to provide, material support or resources to the perpetrator of an act of international terrorism, or to a family member or other person associated with such perpetrator, with the intent to facilitate, reward, or encourage that act or other acts of international terrorism, shall be fined under this title, imprisoned for any term of years or for life, or both, and, if death results, shall be imprisoned for any term of years not less than 10 or for life.

"(c) JURISDICTIONAL BASES.—A circumstance referred to in subsection (b) is that—

"(1) the offense occurs in or affects interstate or foreign commerce;

"(2) the offense involves the use of the mails or a facility of interstate or foreign commerce;

"(3) an offender intends to facilitate, reward, or encourage an act of international terrorism that affects interstate or foreign commerce or would have affected interstate or foreign commerce had it been consummated;

"(4) an offender intends to facilitate, reward, or encourage an act of international terrorism that violates the criminal laws of the United States;

"(5) an offender intends to facilitate, reward, or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of the United States Government;

"(6) an offender intends to facilitate, reward, or encourage an act of international terrorism that occurs in part within the United States and is designed to influence the policy or affect the conduct of a foreign government;

"(7) an offender intends to facilitate, reward, or encourage an act of international terrorism that causes or is designed to cause death or serious bodily injury to a national of the United States while that national is outside the United States, or substantial damage to the property of a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions) while that property is outside of the United States;

"(8) the offense occurs in whole or in part within the United States, and an offender intends to facilitate, reward or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of a foreign government; or

"(9) the offense occurs in whole or in part outside of the United States, and an offender is a national of the United States, a stateless person whose habitual residence is in the United States, or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions).".

(B) TECHNICAL AND CONFORMING AMENDMENTS.—

(i) TABLE OF SECTIONS.—The table of sections for chapter 113B of title 18, United States Code, is amended by adding at the end the following:

"2339D. Receiving military-type training from a foreign terrorist organization.

"2339E. Providing material support to international terrorism.".

(ii) OTHER AMENDMENT.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by inserting "2339E (relating to providing material support to international terrorism)," before "or 2340A (relating to torture)".

(2) INCREASED PENALTIES FOR PROVIDING MATERIAL SUPPORT TO TERRORISTS.—

(A) PROVIDING MATERIAL SUPPORT TO DESIGNATED FOREIGN TERRORIST ORGANIZATIONS.—Section 2339B(a) of title 18, United States Code, is amended by striking "15 years" and inserting "30 years".

(B) PROVIDING MATERIAL SUPPORT OR RESOURCES IN AID OF A TERRORIST CRIME.—Section 2339A(a) of title 18, United States Code, is amended by striking "imprisoned not more than 15 years" and all that follows through "life." and inserting "imprisoned for any term of years or for life, or both, and, if the death of any person results, shall be imprisoned for any term of years not less than 10 or for life.".

(C) RECEIVING MILITARY-TYPE TRAINING FROM A FOREIGN TERRORIST ORGANIZATION.—Section 2339D(a) of title 18, United States Code, is amended by striking "ten years" and inserting "25 years".

(D) ADDITION OF ATTEMPTS AND CONSPIRACIES TO AN OFFENSE RELATING TO MILITARY TRAINING.—Section 2339D(a) of title 18, United States Code, is amended by inserting ", or attempts or conspires to receive," after "receives".

(b) TERRORIST MURDERS, KIDNAPPINGS, AND ASSAULTS.—

(1) PENALTIES FOR TERRORIST MURDER AND MANSLAUGHTER.—Section 2332(a) of title 18, United States Code, is amended—

(A) in paragraph (1), by striking ", punished by death" and all that follows and inserting "and punished by death or imprisoned for life;"; and

(B) in paragraph (2), by striking "ten years" and inserting "30 years".

(2) ADDITION OF OFFENSE OF TERRORIST KIDNAPPING.—Section 2332 of title 18, United States Code, is amended—

(A) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(B) by inserting after subsection (b) the following:

"(c) KIDNAPPING.—Whoever outside the United States unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away, or attempts or conspires to seize, confine, inveigle, decoy, kidnap, abduct or carry away, a national of the United States shall be fined under this title and imprisoned for any term of years or for life.".

(3) ADDITION OF SEXUAL ASSAULT TO DEFINITION OF OFFENSE OF TERRORIST ASSAULT.—Section 2332(d) of title 18, United States Code, as redesignated by paragraph (2) of this subsection, is amended—

(A) in paragraph (1), by inserting "(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)" after "injury";

(B) in paragraph (2), by inserting "(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)" after "injury"; and

(C) in the matter following paragraph (2), by striking "or imprisoned" and all that follows and inserting "and imprisoned for any term of years not less than 30 or for life.".

(c) TERRORIST HOAXES AGAINST FAMILIES OF UNITED STATES SERVICEMEN.—

(1) HOAX STATUTE.—Section 1038 of title 18, United States Code, is amended—

(A) in subsections (a)(1) and (b), by inserting "or any other offense listed under section 2332b(g)(5)(B) of this title" after "title 49,"; and

(B) in subsection (a)(2)—

(i) in subparagraph (A), by striking ", imprisoned not more than 5 years, or both" and inserting "and imprisoned for not less than 2 years nor more than 10 years";

(ii) in subparagraph (B), by striking ", imprisoned not more than 20 years, or both" and inserting "and imprisoned for not less than 5 years nor more than 25 years"; and

(iii) in subparagraph (C), by striking ", imprisoned for any term of years or for life, or both" and inserting "and imprisoned for any term of years not less than 10 or for life".

(2) ATTACKS ON UNITED STATES SERVICEMEN.—

(A) IN GENERAL.—Chapter 67 of title 18, United States Code, is amended by adding at the end the following:

"§ 1389. Prohibition on attacks on United States servicemen on account of service

"(a) IN GENERAL.—Whoever assaults, batters, or knowingly destroys or injures the property of a United States serviceman or of a member of the immediate family of a United States serviceman, on account of the military service of that serviceman or status of that individual as a United States serviceman, or who attempts or conspires to do so, shall—

"(1) in the case of a simple assault, or destruction or injury to property in which the damage or attempted damage to such property is not more than $500, be fined under this title in an amount not less than $500 and imprisoned not more than 2 years;

"(2) in the case of destruction or injury to property in which the damage or attempted damage to such property is more than $500, be fined under this title in an amount not less than $1000 and imprisoned not less than 90 days nor more than 10 years; and

"(3) in the case of a battery, or an assault resulting in bodily injury, be fined under this title in an amount not less than $2500 and imprisoned not less than 2 years nor more than 30 years.

"(b) EXCEPTION.—This section shall not apply to a person who is subject to the Uniform Code of Military Justice.

"(c) DEFINITION.—In this section, the term 'United States serviceman'—

"(1) means a member of the Armed Forces, as that term is defined in section 1388; and

"(2) includes a former member of the Armed Forces during the 5-year period beginning on the date of the discharge from the Armed Forces of that member of the Armed Forces.".

(B) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 67 of title 18, United States Code, is amended by adding at the end the following:

"1389. Prohibition on attacks on United States servicemen on account of service.".

(3) THREATENING COMMUNICATIONS.—

(A) MAILED WITHIN THE UNITED STATES.—Section 876 of title 18, United States Code, is amended by adding at the end the following:

"(e) For purposes of this section, the term 'addressed to any other person' includes an individual (other than the sender), a corporation or other legal person, and a government or agency or component thereof.".

(B) MAILED TO A FOREIGN COUNTRY.—Section 877 of title 18, United States Code, is amended by adding at the end the following:

"For purposes of this section, the term 'addressed to any person' includes an individual, a corporation or other legal person, and a government or agency or component thereof.".

(d) DENIAL OF FEDERAL BENEFITS TO CONVICTED TERRORISTS.—

(1) IN GENERAL.—Chapter 113B of title 18, United States Code, as amended by this section, is amended by adding at the end the following:

"§ 2339F. Denial of Federal benefits to terrorists

"(a) IN GENERAL.—Any individual who is convicted of a Federal crime of terrorism (as defined in section 2332b(g)) shall, as provided by the court on motion of the Government, be ineligible for any or all Federal benefits for any term of years or for life.

"(b) FEDERAL BENEFIT DEFINED.—In this section, 'Federal benefit' has the meaning given that term in section 421(d) of the Controlled Substances Act (21 U.S.C. 862(d)).".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 113B of title 18, United States Code, as amended by this section, is amended by adding at the end the following:

"Sec. 2339F. Denial of Federal benefits to terrorists.".

(e) INVESTIGATION OF TERRORIST CRIMES.—

(1) NONDISCLOSURE OF FISA INVESTIGATIONS.—The following provisions of the Foreign Intelligence Surveillance Act of 1978 are each amended by inserting "(other than in proceedings or other civil matters under the immigration laws, as that term is defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)))" after "authority of the United States":

(A) Subsections (c), (e), and (f) of section 106 (50 U.S.C. 1806).

(B) Subsections (d), (f), and (g) of section 305 (50 U.S.C. 1825).

(C) Subsections (c), (e), and (f) of section 405 (50 U.S.C. 1845).

(2) MULTIDISTRICT SEARCH WARRANTS IN TERRORISM INVESTIGATIONS.—Rule 41(b)(3) of the Federal Rules of Criminal Procedure is amended to read as follows:

"(3) a magistrate judge—in an investigation of—

"(A) a Federal crime of terrorism (as defined in section 2332b(g)(g) of title 18, United States Code); or

"(B) an offense under section 1001 or 1505 of title 18, United States Code, relating to information or purported information concerning a Federal crime of terrorism (as defined in section 2332b(g)(5) of title 18, United States Code)—having authority in any district in which activities related to the Federal crime of terrorism or offense may have occurred, may issue a warrant for a person or property within or outside that district.".

(3) INCREASED PENALTIES FOR OBSTRUCTION OF JUSTICE IN TERRORISM CASES.—Sections 1001(a) and 1505 of title 18, United States Code, are amended by striking "8 years" and inserting "10 years".

(f) IMPROVEMENTS TO THE CLASSIFIED INFORMATION PROCEDURES ACT.—

(1) INTERLOCUTORY APPEALS UNDER THE CLASSIFIED INFORMATION PROCEDURES ACT.—Section 7(a) of the Classified Information Procedures Act (18 U.S.C. App.) is amended by adding at the end "The Government's right to appeal under this section applies without regard to whether the order appealed from was entered under this Act.".

(2) EX PARTE AUTHORIZATIONS UNDER THE CLASSIFIED INFORMATION PROCEDURES ACT.—Section 4 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(A) in the second sentence—

(i) by striking "may" and inserting "shall"; and

(ii) by striking "written statement to be inspected" and inserting "statement to be made ex parte and to be considered"; and

(B) in the third sentence—

(i) by striking "If the court enters an order granting relief following such an ex parte showing, the" and inserting "The"; and

(ii) by inserting ", as well as any summary of the classified information the defendant seeks to obtain," after "text of the statement of the United States".

(3) APPLICATION OF CLASSIFIED INFORMATION PROCEDURES ACT TO NONDOCUMENTARY INFORMATION.—Section 4 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(A) in the section heading, by inserting ", AND ACCESS TO," after "OF";

(B) by inserting "(a) DISCOVERY OF CLASSIFIED INFORMATION FROM DOCUMENTS.—" before the first sentence; and

(C) by adding at the end the following:

"(b) ACCESS TO OTHER CLASSIFIED INFORMATION.—

"(1) If the defendant seeks access through deposition under the Federal Rules of Criminal Procedure or otherwise to non-documentary information from a potential witness or other person which he knows or reasonably believes is classified, he shall notify the attorney for the United States and the district court in writing. Such notice shall specify with particularity the classified information sought by the defendant and the legal basis for such access. At a time set by the court, the United States may oppose access to the classified information.

"(2) If, after consideration of any objection raised by the United States, including any objection asserted on the basis of privilege, the court determines that the defendant is legally entitled to have access to the information specified in the notice required by paragraph (1), the United States may request the substitution of a summary of the classified information or the substitution of a statement admitting relevant facts that the classified information would tend to prove.

"(3) The court shall permit the United States to make its objection to access or its request for such substitution in the form of a statement to be made ex parte and to be considered by the court alone. The entire text of the statement of the United States, as well as any summary of the classified information the defendant seeks to obtain, shall be sealed and preserved in the records of the court and made available to the appellate court in the event of an appeal.

"(4) The court shall grant the request of the United States to substitute a summary of the classified information or to substitute a statement admitting relevant facts that the classified information would tend to prove if it finds that the summary or statement will provide the defendant with substantially the same ability to make his defense as would disclosure of the specific classified information.

"(5) A defendant may not obtain access to classified information subject to this subsection except as provided in this subsection. Any proceeding, whether by deposition under the Federal Rules of Criminal Procedure or otherwise, in which a defendant seeks to obtain access to such classified information not previously authorized by a court for disclosure under this subsection must be discontinued or may proceed only as to lines of inquiry not involving such classified information.".

SA 3903. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, between lines 12 and 13 insert the following:

"(3) EXCEPTION.—Paragraph (2) shall not apply to an acquisition by an electronic, mechanical, or other surveillance device outside the United States if a warrant would not be required if such acquisition were conducted outside the United States for law enforcement purposes.

"(4) PROCEDURES.—

SA 3904. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 196, line 15, insert ", including programs to provide services using video or electronic delivery methods," after "trust lands".

SA 3905. Mr. SPECTER (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, strike line 5 and all that follows through page 48, line 21, and insert the following:

(6) FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The term "Foreign Intelligence Surveillance Court" means the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)).

SEC. 202. SUBSTITUTION OF THE UNITED STATES IN CERTAIN ACTIONS.

(a) IN GENERAL.—

(1) CERTIFICATION.—Notwithstanding any other provision of law, a Federal or State court shall substitute the United States for an electronic communication service provider with respect to any claim in a covered civil action as provided in this subsection, if the Attorney General certifies to that court that—

(A) with respect to that claim, the assistance alleged to have been provided by the electronic communication service provider was—

(i) provided in connection with an intelligence activity involving communications that was—

(I) authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007; and

(II) designed to detect or prevent a terrorist attack, or activities in preparation for a terrorist attack, against the United States; and

(ii) described in a written request or directive from the Attorney General or the head of an element of the intelligence community (or the deputy of such person) to the electronic communication service provider indicating that the activity was—

(I) authorized by the President; and

(II) determined to be lawful; or

(B) the electronic communication service provider did not provide the alleged assistance.

(2) SUBSTITUTION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), and subject to subparagraph (C), upon receiving a certification under paragraph (1), a Federal or State court shall—

(i) substitute the United States for the electronic communication service provider as the defendant as to all claims designated by the Attorney General in that certification, consistent with the procedures under rule 25(c) of the Federal Rules of Civil Procedure, as if the United States were a party to whom the interest of the electronic communication service provider in the litigation had been transferred; and

(ii) as to that electronic communication service provider—

(I) dismiss all claims designated by the Attorney General in that certification; and

(II) enter a final judgment relating to those claims.

(B) CONTINUATION OF CERTAIN CLAIMS.—If a certification by the Attorney General under paragraph (1) states that not all of the alleged assistance was provided under a written request or directive described in paragraph (1)(A)(ii), the electronic communication service provider shall remain as a defendant.

(C) DETERMINATION.—

(i) IN GENERAL.—Substitution under subparagraph (A) shall proceed only after a determination by the Foreign Intelligence Surveillance Court that—

(I) the written request or directive from the Attorney General or the head of an element of the intelligence community (or the deputy of such person) to the electronic communication service provider under paragraph (1)(A)(ii) complied with section 2511(2)(a)(ii)(B) of title 18, United States Code;

(II) the assistance alleged to have been provided was undertaken by the electronic communication service provider acting in good faith and pursuant to an objectively reasonable belief that compliance with the written request or directive under paragraph (1)(A)(ii) was permitted by law; or

(III) the electronic communication service provider did not provide the alleged assistance.

(ii) CERTIFICATION.—If the Attorney General submits a certification under paragraph (1), the court to which that certification is submitted shall—

(I) immediately certify the questions described in clause (i) to the Foreign Intelligence Surveillance Court; and

(II) stay further proceedings in the relevant litigation, pending the determination of the Foreign Intelligence Surveillance Court.

(iii) PARTICIPATION OF PARTIES.—In reviewing a certification and making a determination under clause (i), the Foreign Intelligence Surveillance Court shall permit any plaintiff and any defendant in the applicable covered civil action to appear before the Foreign Intelligence Surveillance Court pursuant to section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803).

(iv) DECLARATIONS.—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a determination made pursuant to clause (i) would harm the national security of the United States, the Foreign Intelligence Surveillance Court shall limit any public disclosure concerning such determination, including any public order following such an ex parte review, to a statement that the conditions of clause (i) have or have not been met, without disclosing the basis for the determination.

(3) PROCEDURES.—

(A) TORT CLAIMS.—Upon a substitution under paragraph (2), for any tort claim—

(i) the claim shall be deemed to have been filed under section 1346(b) of title 28, United States Code, except that sections 2401(b), 2675, and 2680(a) of title 28, United States Code, shall not apply; and

(ii) the claim shall be deemed timely filed against the United States if it was timely filed against the electronic communication service provider.

(B) CONSTITUTIONAL AND STATUTORY CLAIMS.—Upon a substitution under paragraph (2), for any claim under the Constitution of the United States or any Federal statute—

(i) the claim shall be deemed to have been filed against the United States under section 1331 of title 28, United States Code;

(ii) with respect to any claim under a Federal statute that does not provide a cause of action against the United States, the plaintiff shall be permitted to amend such claim to substitute, as appropriate, a cause of action under—

(I) section 704 of title 5, United States Code (commonly known as the Administrative Procedure Act);

(II) section 2712 of title 18, United States Code; or

(III) section 110 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1810);

(iii) the statutes of limitation applicable to the causes of action identified in clause (ii) shall not apply to any amended claim under that clause, and any such cause of action shall be deemed timely filed if any Federal statutory cause of action against the electronic communication service provider was timely filed; and

(iv) for any amended claim under clause (ii) the United States shall be deemed a proper defendant under any statutes described in that clause, and any plaintiff that had standing to proceed against the original defendant shall be deemed an aggrieved party for purposes of proceeding under section 2712 of title 18, United States Code, or section 110 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1810).

(C) DISCOVERY.—

(i) IN GENERAL.—In a covered civil action in which the United States is substituted as party-defendant under paragraph (2), any plaintiff may serve third-party discovery requests to any electronic communications service provider as to which all claims are dismissed.

(ii) BINDING THE GOVERNMENT.—If a plaintiff in a covered civil action serves deposition notices under rule 30(b)(6) of the Federal Rules of Civil Procedure or requests under rule 36 of the Federal Rules of Civil Procedure for admission upon an electronic communications service provider as to which all claims were dismissed, the electronic communications service provider shall be deemed a party-defendant for purposes rule 30(b)(6) or rule 36 and its answers and admissions shall be deemed binding upon the Government.

(b) CERTIFICATIONS.—

(1) IN GENERAL.—For purposes of substitution proceedings under this section—

(A) a certification under subsection (a) may be provided and reviewed in camera, ex parte, and under seal; and

(B) for any certification provided and reviewed as described in subparagraph (A), the court shall not disclose or cause the disclosure of its contents.

(2) NONDELEGATION.—The authority and duties of the Attorney General under this section shall be performed by the Attorney General or a designee in a position not lower than the Deputy Attorney General.

(c) SOVEREIGN IMMUNITY.—This section, including any Federal statute cited in this section that operates as a waiver of sovereign immunity, constitute the sole waiver of sovereign immunity with respect to any covered civil action.

(d) CIVIL ACTIONS IN STATE COURT.—For purposes of section 1441 of title 28, United States Code, any covered civil action that is brought in a State court or administrative or regulatory bodies shall be deemed to arise under the Constitution or laws of the United States and shall be removable under that section.

(e) RULE OF CONSTRUCTION.—Except as expressly provided in this section, nothing in this section may be construed to limit any immunity, privilege, or defense under any other provision of law, including any privilege, immunity, or defense that would otherwise have been available to the United States absent its substitution as party-defendant or had the United States been the named defendant.

(f) EFFECTIVE DATE AND APPLICATION.—This section shall apply to any covered civil action pending on or filed after the date of enactment of this Act.

SA 3906. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. ____. INCREASED CIVIL MONEY PENALTIES AND CRIMINAL FINES FOR MEDICARE FRAUD AND ABUSE.

(a) INCREASED CIVIL MONEY PENALTIES.—Section 1128A of the Social Security Act (42 U.S.C. 1320a–7a) is amended—

(1) in subsection (a), in the flush matter following paragraph (7)—

(A) by striking "$10,000" each place it appears and inserting "$20,000";

(B) by striking "$15,000" and inserting "$30,000"; and

(C) by striking "$50,000" and inserting "$100,000"; and

(2) in subsection (b)—

(A) in paragraph (1), in the flush matter following subparagraph (B), by striking "$2,000" and inserting "$4,000";

(B) in paragraph (2), by striking "$2,000" and inserting "$4,000"; and

(C) in paragraph (3)(A)(i), by striking "$5,000" and inserting "$10,000".

(b) INCREASED CRIMINAL FINES.—Section 1128B of the Social Security Act (42 U.S.C. 1320a–7b) is amended—

(1) in subsection (a), in the flush matter following paragraph (6)—

(A) by striking "$25,000" and inserting "$100,000"; and

(B) by striking "$10,000" and inserting "$20,000";

(2) in subsection (b)—

(A) in paragraph (1), in the flush matter following subparagraph (B), by striking "$25,000" and inserting "$100,000"; and

(B) in paragraph (2), in the flush matter following subparagraph (B), by striking "$25,000" and inserting "$100,000";

(3) in subsection (c), by striking "$25,000" and inserting "$100,000";

(4) in subsection (d), in the second flush matter following subparagraph (B), by striking "$25,000" and inserting "$100,000"; and

(5) in subsection (e), by striking "$2,000" and inserting "$4,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to civil money penalties and fines imposed for actions taken on or after the date of enactment of this Act.

SEC. ____. INCREASED SENTENCES FOR FELONIES INVOLVING MEDICARE FRAUD AND ABUSE.

(a) FALSE STATEMENTS AND REPRESENTATIONS.—Section 1128B(a) of the Social Security Act (42 U.S.C. 1320a–7b(a)) is amended, in clause (i) of the flush matter following paragraph (6), by striking "not more than 5 years" and inserting "not more than 10 years".

(b) ANTI-KICKBACK.—Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a–7b(b)) is amended—

(1) in paragraph (1), in the flush matter following subparagraph (B), by striking "not more than 5 years" and inserting "not more than 10 years"; and

(2) in paragraph (2), in the flush matter following subparagraph (B), by striking "not more than 5 years" and inserting "not more than 10 years".

(c) FALSE STATEMENT OR REPRESENTATION WITH RESPECT TO CONDITIONS OR OPERATIONS OF FACILITIES.—Section 1128B(c) of the Social Security Act (42 U.S.C. 1320a–7b(c)) is amended by striking "not more than 5 years" and inserting "not more than 10 years".

(d) EXCESS CHARGES.—Section 1128B(d) of the Social Security Act (42 U.S.C. 1320a–7b(d)) is amended, in the second flush matter following subparagraph (B), by striking "not more than 5 years" and inserting "not more than 10 years".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to criminal penalties imposed for actions taken on or after the date of enactment of this Act.

SEC. ____. INCREASED SURETY BOND REQUIREMENT FOR SUPPLIERS OF DME.

(a) IN GENERAL.—Section 1834(a)(16)(B) of the Social Security Act (42 U.S.C. 1395m(a)(16)(B)) is amended by striking "$50,000" and inserting "$500,000".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to the issuance (or renewal) of a provider number for a supplier of durable medical equipment on or after the date of enactment of this Act.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, January 31, 2008, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the regulatory aspects of carbon capture, transportation, and sequestration and to receive testimony on two related bills: S. 2323, a bill to provide for the conduct of carbon capture and storage technology research, development and demonstration projects, and for other purposes;

and S. 2144, a bill to require the Secretary of Energy to conduct a study of the feasibility relating to the construction and operation of pipelines and carbon dioxide sequestration facilities, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to Rosemarie_Calabro@energy.senate.gov

For further information, please contact Allyson Anderson at (202) 224-7143 or Rosemarie Calabro at (202) 224-5039.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on February 13, 2008, at 9:45 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the President's fiscal year 2009 budget request for the Department of the Interior.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to rachel_pastermack@energy.senate.gov.

For further information, please contact David Brooks at (202) 224-9863 or Rachel Pasternack at (202) 224-0883.

AUTHORITY FOR COMMITTEES TO MEET

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, in order to conduct a hearing entitled "Oversight of the Justice for All Act: Has the Justice Department Effectively Administered the Bloodsworth and Coverdell DNA Grant Programs?" on Wednesday, January 23, 2008, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building.

Witness list

Panel I: Honorable Glenn A. Fine, Inspector General, Department of Justice, Washington, DC and John Morgan, Deputy Director for Science and Technology, National Institute of Justice, Department of Justice, Washington, DC.

Panel II: Larry A. Hammond, Partner, Osborn Maledon, Phoenix, AZ; Peter M. Marone, Director, Virginia Department of Forensic Science, Richmond, VA; and Peter J. Neufeld, Co-Director, The Innocence Project, Cardozo School of Law, New York, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mrs. FEINSTEIN. Madam President, on behalf of Senator LEAHY, I ask unanimous consent that Matthew Solomon, a detailee on Senator LEAHY's Judiciary Committee staff, be given floor privileges during the debate and the vote of S. 2448, the FISA Amendment Act of 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I ask unanimous consent that Lindsey Miller and Katie Suchman of Senator GRASSLEY's staff be granted the privileges of the floor for the duration of debate on Indian health care legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE 150TH ANNIVERSARY OF THE AMERICAN PRINTING HOUSE FOR THE BLIND

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 421, which was submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 421) honoring the 150th anniversary of the American Printing House for the Blind.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 421) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 421

Whereas the American Printing House for the Blind was chartered in 1858 in Louisville, Kentucky by the General Assembly of Kentucky through An Act to Establish the American Printing House for the Blind, in response to a growing national need for books and educational aids for blind students;

Whereas Louisville, Kentucky was chosen as the best city in which to establish a national publishing house to print books in raised letters due to its central location in the country in 1858 and its efficient distribution system;

Whereas the 45th Congress passed an Act to promote the education of the blind in 1879 designating the American Printing House for the Blind as the official national source of textbooks and educational aids for legally blind students below college level throughout the country, and Congress appropriates Federal funds to the American Printing House for the Blind annually for this purpose;

Whereas, for 150 years, the American Printing House for the Blind has identified the unique needs of people who are blind and visually impaired and has developed, produced, and distributed educational materials in Braille, large print, and enlarged print throughout the United States;

Whereas the American Printing House for the Blind serves more than 58,000 blind and visually impaired Americans each year; and

Whereas the American Printing House for the Blind each year attracts visitors from across the country and around the world to learn about the history of the education of the blind and to exchange information on the evolving needs of the population it serves: Now, therefore, be it

Resolved, That the Senate—

(1) honors the 150th anniversary of the establishment of the American Printing House for the Blind in Louisville, Kentucky, and

(2) recognizes the important role the American Printing House for the Blind has played in the education of blind and visually impaired students throughout the United States.

COMMENDING THE LSU TIGERS FOOTBALL TEAM

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 422, which was submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 422) commending the Louisiana State University Tigers football team for winning the 2007 Bowl Championship Series national championship game.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 422) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 422

Whereas the Louisiana State University Tigers football team won the 2007 Bowl Championship Series national championship game, defeating The Ohio State University by a score of 38 to 24 at the Louisiana Superdome in New Orleans, Louisiana, on January 7, 2008;

Whereas the Louisiana State University football team won the Southeastern Conference Championship on December 1, 2007, defeating the University of Tennessee by a score of 21 to 14 in the championship game at the Georgia Dome in Atlanta, Georgia;

Whereas the Louisiana State University football team won 12 games during the 2007 season;

Whereas the Louisiana State University football team won 7 games against nationally ranked opponents during the 2007 season;

Whereas the Louisiana State University football team set a total of 12 school offensive records during the 2007 season including 541 points scored, averaging 38.6 points per game and 6,152 yards in total offense;

Whereas Craig Steltz was named first-team All-American and led the Southeastern Conference in interceptions;

Whereas defensive tackle Glenn Dorsey was awarded the Bronko Nagurski Trophy, the Rotary Lombardi Trophy, the Outland Trophy, and the Ronnie Lott Trophy, making him the most honored defensive player in Louisiana State University history;

Whereas quarterback Matt Flynn threw 21 touchdown passes during the 2007 season, including a career-high record of 4 touchdowns in the Bowl Championship Series national championship game;

Whereas running back Jacob Hester rushed for 1,103 yards during the 2007 season, scoring 12 touchdowns, and completed his collegiate football career of 364 carries without fumbling or turning over the football;

Whereas Louisiana State University head coach Les Miles has led the Tiger football program to 34 wins, 20 Southeastern Conference victories, 14 wins over nationally ranked opponents, and 3 double-digit win seasons as head coach; and

Whereas Louisiana State University is the first team to win 2 Bowl Championship Series national championship titles, having won 2 titles in 5 years: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Louisiana State University Tigers football team for winning the 2007 Bowl Championship Series national championship game;

(2) recognizes the achievements of all the players, coaches, and support staff who were instrumental in helping the Louisiana State University football team during the 2007 football season;

(3) congratulates the citizens of Louisiana, the Louisiana State University community, and fans of Tiger football; and

(4) requests the Secretary of the Senate to transmit an enrolled copy of this resolution to Louisiana State University for appropriate display.

Mr. BROWN. Mr. President, I regret I wasn't standing here with the congratulations of the Red Sox beating the Cleveland Indians earlier last year.

SEEKING THE RETURN OF THE USS "PUEBLO"

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 423, which was submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 423) seeking the return of the USS Pueblo to the United States Navy.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 423) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 423

Whereas the USS Pueblo, which was attacked and captured by the Navy of North Korea on January 23, 1968, was the first ship of the United States Navy to be hijacked on the high seas by a foreign military force in more than 150 years;

Whereas 1 member of the USS Pueblo crew, Duane Hodges, was killed in the assault, while the other 82 crew members were held in captivity, often under inhumane conditions, for 11 months;

Whereas the USS Pueblo, an intelligence collection auxiliary vessel, was operating in international waters at the time of the capture, and therefore did not violate the territorial waters of North Korea;

Whereas the capture of the USS Pueblo resulted in no reprisals against the Government or people of North Korea and no military action at any time; and

Whereas the USS Pueblo, though still the property of the United States Navy, has been retained by the Government of North Korea for 40 years, was subjected to exhibition in the North Korean cities of Wonsan and Hungham, and is now on display in Pyongyang, the capital city of North Korea: Now, therefore, be it

Resolved, That the Senate—

(1) desires the return of the USS Pueblo to the United States Navy;

(2) would welcome the return of the USS Pueblo as a goodwill gesture from the North Korean people to the American people; and

(3) directs the Secretary of the Senate to transmit copies of this resolution to the President, the Secretary of Defense, and the Secretary of State.

ELECTING LULA JOHNSON DAVIS SECRETARY FOR THE MAJORITY OF THE SENATE

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 424, which is at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

Resolved, That Lula Johnson Davis, of Maryland, be and she is hereby, elected Secretary for the Majority of the Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I congratulate the new appointee.

I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 424) was agreed to.

ORDERS FOR THURSDAY, JANUARY 24, 2008

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Thursday, January 24; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the 2 leaders be reserved for their use later in the day, and the Senate then resume consideration of S. 2248, the FISA legislation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. BROWN. Mr. President, if there is no further business, I ask unanimous consent that following the remarks of Mr. DODD, the senior Senator from Connecticut, the Senate then stand adjourned under the previous order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Connecticut.

FISA

Mr. DODD. Mr. President, let me begin my remarks, I know tomorrow we are going to begin more formal debate on the FISA legislation. This is to be a continuation of the effort, for those who wonder what this is, this is the Foreign Intelligence Surveillance Act. This was the debate which was the last item of debate before the holiday break back in mid-December.

The legislation was withdrawn and was not completed. Senator ROCKEFELLER, Senator BOND, the chairman and the ranking Republican, and members of the Intelligence Committee, Senator LEAHY, Senator SPECTER, and members of the Judiciary Committee, Republicans and Democrats have worked on this legislation.

I wish to begin my comments by thanking them for their efforts on trying to develop a piece of legislation that would reflect the realities of today.

There has been some history of this bill. My intention this evening is to spend some time talking about a section of this bill dealing with retroactive immunity, which my colleagues and others who followed this debate know I spent some 10 hours on the floor of this body back in December expressing strong opposition to that provision of this bill; not over the general thrust of the bill.

The Foreign Intelligence Surveillance Act is critically important to our country. It provides a means by which you can have a proper warrant extended or given out by governmental authorities to collect data, information, critical to our security.

For those who know the history of this, it dates back to the 1970s as a result of the Church Committee's efforts revealing some of the egregious activities of the Nixon administration in listening in, eavesdropping, wiretapping, without any kind of court order, warrant or legal authorities.

So the Congress, working in a bipartisan fashion, I think almost unanimously adopted the Foreign Intelligence Surveillance Act in the late 1970s. Since that time, this bill has been amended I think some 30 or 40 times, maybe more, I know it has been a number of times over the years. In nearly every instance, almost unanimously amended to reflect the changes over the years and the sophistication of those who would do us harm or damage, as well as our ability to more carefully apprehend or listen in or gather information that could help us protect our Nation from those who would do us great harm.

That is a very brief history of this. We are once again at a situation to try and modernize and reflect the needs of our Nation. There is a tension that that exists between making sure we are secure and safe and simultaneously doing it in a manner in which we protect the basic rights of the American citizens.

There has been this tension throughout our history. But we are a nation grounded in rights and liberties. It is the history of our country. It is what made us unique as a people going back more than two centuries.

Over the years, we have faced very significant challenges, both at home and abroad. So we have had a need to provide for the means by which we collect data and information that would protect us, to make us aware of those who would do us harm, and yet simultaneously make sure that in the process of doing that, we do not abandon the rights and liberties we all share as Americans. The Constitution does not belong to any political party. I have said that over and over again. Certainly today, as we debate these issues involving the FISA legislation, I hope everyone understands very clearly my objections to the provisions of this bill have nothing to do whatsoever with the important efforts to make it possible for us to collect data that would keep us safe, but I feel passionately that we not allow this vehicle, this piece of legislation, to be used as a means by which we reward behavior that violated the basic liberties of American citizens by granting retroactive immunity to telecom companies that decided, for whatever reason, to agree, at the Bush administration's request, to provide literally millions of telephone conversations, e-mails, and faxes, not for a month or 6 months or a year but for 5 years, in a concerted effort contrary to the law of our land.

So that is what brings me to the floor this evening. It is what brought me to the floor of this body before the holiday recess, talking and expressing my strong opposition to those provisions of this legislation. There are other concerns I would point out about this bill that other Members will raise. Senator FEINGOLD has strong objections to certain provisions of this legislation, others have other ideas I am confident have merit.

But I commend Senator ROCKEFELLER and Senator BOND. They have done the best job, in many ways, of dealing with these sets of questions. But why in the world we decided we are going to grant retroactive immunity to these telephone companies is what mystifies me, concerns me deeply, because of the precedent-setting nature of it.

There are those who would argue that in order for us to be more secure, we must give up some rights, that you have to make that choice. You cannot be secure, as we would like to be, if we are unwilling to give up these rights and liberties.

I think this false dichotomy is dangerous. In fact, I think the opposite is true. In fact, if you protect these rights and liberties, that is what makes us more secure. Once you begin traveling down that slippery slope of deciding on this particular occasion we are going to walk away from these rights and these liberties, once you begin that process, it gets easier and easier to do.

In this case, we are talking about telecom companies. We are talking about communications between private citizens, e-mails, faxes, phone conversations. Why not medical information? Why not financial information? When is the next example going to come up where companies that knew better, not should have known better, knew better, in my view.

One of the companies that may have complied with the Bush administration's request, in fact, was deeply involved in the drafting of this legislation in the 1970s, in putting the FISA bill together. This was not some first year law school student who did not know the law of the land in terms of FISA, they knew the law, they understood it.

In fact, there are phone companies that refused to comply with the request of the Bush administration absent a court order. Those companies said: Give us a court order, we will comply. Absent a court order, we will not comply.

So there were companies that understood the differences when these requests were made more than 5 years ago.

So this was not a question of "everybody did it," the same argument that children bring to their parents from time to time, or "we were ordered on high," in what is known as the Nuremberg defense which asserts that there were those in higher positions who said we ought to do this. That was the defense given in 1945 at the Nuremberg trials by the 21 defendants who claimed they were only obeying orders given by Hitler. Though this situation before us is obviously enormously different, a similar argument, that the companies were ordered to do this, defies logic and the facts of this case.

With that background and the history of the FISA legislation—and there are others who will provide more detail—let me share some concerns about this particular area of the law. I will be utilizing whatever vehicles are available to me, including language I will offer to strike these provisions, to see to it that this bill does not go forward with retroactive immunity as drafted in the legislation included in the bill. I rise, in fact, in strong opposition to the retroactive immunity provisions of the Foreign Intelligence Surveillance Act as passed by the Intelligence Committee. I strongly support the Leahy substitute to the current legislation. It is my hope the Senate adopts this important measure. If it does, it will solve this particular problem. However, I am concerned that, once again, we will return to a Foreign Intelligence Surveillance Act that will grant retroactive immunity to telecom companies.

As my colleagues know, I have strongly opposed retroactive immunity for the telecommunications companies that may have violated the privacy of millions of our fellow citizens. Last month, I opposed retroactive immunity on the Senate floor for more than 10 hours. The bill was withdrawn that day, but I am concerned that tomorrow retroactive immunity will return, and I am prepared to fight it again.

Since last month, little has changed. Retroactive immunity is as dangerous to American civil liberties as it was last month, and my opposition to it is just as passionate. The last 6 years have seen the President—the Bush administration's pattern of continual abuses against civil liberties.

Again, if this were the first instance and it went on for a few months, a year, these companies acquiescing to an administration's request, an administration that had made it its business to protect the basic liberties of Americans throughout its terms in office, I would not be standing here. I am not so rigid, so doctrinaire that I am unwilling to accept that at times of emergency such as in the wake of 9/11, you might have such a request being made by an administration—not that I think it is right, but it could happen. I would say if it did and a handful of companies for a few months or a year, even, complied with it and went forward, I wouldn't be happy about it, but I would understand it. But that is not what happened here. That is not what this administration has been involved in. From Guantanamo, from Abu Ghraib, from rendition, secret prisons, habeas corpus, torture, a scandal involving the Attorney General's Office, the U.S. attorneys offices around the country—how many examples do you need to have? How many do we have to learn about to finally understand that we have an administration regrettably that just doesn't seem to understand the importance of the rule of law, the basic rights and liberties of the American public?

My concern is that we had a pattern of behavior, almost nonstop, going on some 6 years and still apparently ongoing today. Then add that to the fact that this collection of data, this collection of information went on not for 6 months or a year but for 5 long years and would have continued, had there not been a story in the media which uncovered, through a whistleblower, that this was going on. It would still be going on today, despite the absence of any court order, or a warrant being granted by the FISA courts. There is a pattern of behavior that is going unchecked, and behavior went on for more than 5 years. That is why I stand here, because I am not going to tolerate—at least this Member is not—accepting these abuses and granting retroactive immunity. It is, once again, a walking away from this problem, inviting even more of the same in the coming days.

It is alleged, of course, that the administration worked outside the law with giant telecom corporations to compile Americans' private domestic communications—in other words, a database of enormous scale and scope. Those corporations are alleged to have spied secretly and without warrant on their own American customers.

Here is only one of the most egregious examples. According to the Electronic Frontier Foundation:

> Clear, first-hand whistleblower documentary evidence [states] . . . that for year on end every e-mail, every text message, every phone call carried over the massive fiber-optic links of sixteen separate companies routed through AT&T's Internet hub in San Francisco—hundreds of millions of private, domestic communications—have been . . . copied in their entirety by AT&T and knowingly diverted wholesale by means of multiple "splitters" into a secret room controlled exclusively by the NSA.

Those are not my words; those are the words of the Electronic Frontier Foundation. To me, those facts speak clearly. If true, they represent an outrage against privacy, a massive betrayal of trust.

I know many see this differently. No doubt they do so in good faith. They find the telecoms' actions defensible and legally justified. To them, immunity is a fitting defense for companies that were only doing their patriotic duty. Perhaps they are right. I think otherwise, but I am willing to concede they may be right.

But the President and his supporters need to prove far more than that. I think they need to show that they are so right and that our case is so far beyond the pale that no court ever need settle the argument, that we can shut down the argument here and now. That is what this will do. It will shut down this argument, and we will never, ever know what data was collected, why, who ordered this, who was responsible, if we grant retroactive immunity.

Retroactive immunity shuts the courthouse door for good. It settles the issue with politicians, not with judges and jurist, and it puts Americans permanently in the dark on this issue. Did the telecoms break the law? I have my own strong views on this but, candidly, I don't know. That is what courts exist for. Pass immunity, and we will never know the answer to that question. The President's favorite corporations will be unchallenged. Their arguments will never be heard in a court of law. The truth behind this unprecedented domestic spying will never see the light of day. The book on our Government's actions will be closed for good and sealed and locked and handed over to safekeeping of those few whom George Bush trusts to keep a secret.

Over the next couple of days, I will do my best to explain why retroactive immunity is so dangerous and, conversely, why it is so important to President Bush. But first it would be useful to consider the history of the bill before us, as I did at the outset of my remarks, and how it fits into the history of the President's warrantless spying on Americans.

For years, President Bush allowed Americans to be spied on with no warrant, no court order, and no oversight. The origins of this bill, the FISA Amendments Act, lie in the exposure of that spying in 2005.

That year, the New York Times revealed President Bush's ongoing abuse of power. To quote from that investigation:

> Under a presidential order signed in 2002, the National Security Agency has monitored the international telephone calls and international e-mail messages of hundreds, perhaps thousands of people inside the United States without warrants over the past 3 years.

In fact, we later learned that the President's warrantless spying was authorized as early as 2001. Disgraced former Attorney General Alberto Gonzales, in a 2006 white paper, attempted to justify that spying. His argument rested on the specious claim that in authorizing the President to go to war in Afghanistan, Congress had also somehow authorized the President to listen in on the phone calls of Americans. But many of those who voted on the original authorization of force found this claim to new Executive powers to be laughable.

Here is what former majority leader Tom Daschle wrote at the time or shortly thereafter:

> As Senate majority leader . . . I helped negotiate that law with the White House counsel's office over two harried days. I can state categorically that the subject of warrantless wiretaps of American citizens never came up. . . . I am also confident that the 98 senators who voted in favor of authorization of force against al Qaeda did not believe that they were also voting for warrantless domestic surveillance.

Such claims to expand Executive power based on the authorization for military force have since been struck down by the courts.

Recently, the administration has changed its argument, now grounding its warrantless surveillance power in the extremely nebulous authority of the President to defend the country that they find in the Constitution. Of course, that begs the question, exactly what doesn't fit in under defending the country? If we take the President at his word, we would concede to him nearly unlimited power, power that belongs in this case in the hands of our courts. Congress has worked to bring the President's surveillance program back where it belongs—under the rule of law. At the same time, we have worked to modernize FISA and ease restrictions on terrorist surveillance.

The Protect America Act, a bill attempting to respond to the two-pronged challenge—poorly, in my view—passed in August. But it is set to expire this coming February. The bill now before us would create a legal regime for surveillance under reworked and more reasonable rules.

But crucially, President Bush has demanded that this bill include full retroactive immunity for corporations complicit in domestic spying. In a speech on September 19, he stated that "it's particularly important for Congress to provide meaningful liability protection to those companies." In October, he stiffened his demand, vowing to veto any bill that did not shield the telecom corporations. And last month, he resorted to shameful, misleading scare tactics, accusing Congress of failing "to keep the American people safe." That is absolutely outrageous. An American President, at a time when there are serious threats and reliable information that the threat still persists, an American President is saying: Despite your efforts to modernize FISA by providing the additional tools we need for proper surveillance on terrorist activities, I will veto this bill, I will deny you this legislation, if you don't provide protection for a handful of corporations that violated the law. That is an incredible admission, the fact that he is willing to lose all of the efforts we are making to modernize FISA in order to grant retroactive immunity so you are not in a court of law. Who is putting the country at greater risk? That is what the debate is about. That is what the President has said. He will veto the bill if we don't provide protection for a handful of corporations that, for 5 long years, when their legal departments knew exactly what the law was—AT&T was involved in the drafting of the FISA legislation in 1978. How can that company possibly claim they didn't know what the law of the land was when it came to FISA, going before the secret FISA courts, getting those warrants to allow for the Government to go in and do the proper surveillance and grant the immunity that these companies would receive under that kind of a situation. To avoid that court altogether was wrong. For 5 long years, they did that.

Now the President says: I don't care what Jay Rockefeller or what Kit Bond or what the Intelligence Committee has done to modernize FISA. If you don't give me those protections I want for those handful of corporations, then you are not going to get this bill that modernizes the surveillance on terrorist activity.

The very same month, the FISA Amendments Act came before the Senate Select Committee on Intelligence. Per the President's demand, it included full retroactive immunity for the telecom corporations. Don't give me it, I will veto the bill. And the committee went along. Senator NELSON of Florida offered an amendment to strip that immunity and instead allow the matter to be settled in the courts. It failed on a 3-to-12 vote in committee. As it passed out of the Intelligence Committee by a vote of 13 to 2, the bill still put corporations literally above the law and assured that the President's invasion of privacy would remain a secret.

At that time, I made public my strong objections on immunity, but the bill also had to pass through the Judiciary Committee. Through an open and transparent process, the Judiciary Committee amended several provisions relating to title I and reported out a bill lacking the egregious immunity provisions. However, I am still concerned that when Senator FEINGOLD proposed an amendment to strip immunity for good, it failed by a vote of 7 to 12 in the committee.

So here we are, facing a final decision on whether the telecommunications companies will get off the hook for good without us ever knowing anything more about it, because if you grant immunity, that is it. We will never learn anything else. The President is as intent as ever he was on making that happen. He wants immunity back in this bill at all costs, including a willingness to veto very important legislation, without the meaningful provisions of this bill that would provide this country with the kind of protection and security we ought to have. He is willing to lose all of that. He is willing to trade off all of that to give a handful of corporations immunity.

What he is truly offering is secrecy in place of openness. Fiat in place of law. And in place of the forthright argument of judicial deliberation that ought to be this country's pride, there are two simple words he offers: Trust me.

I would never take that offer, not even from a perfect President. Because in a republic, power was made to be shared; because power must be bound by firm laws, not the whims of whomever happens to sit in the Executive chair; because only two things make the difference between a President and a king—the oversight of the legislative body, and the rulings of the courts.

It is why our Founders formed this Government the way they did, with three branches of government coequally sharing the powers to govern. Each is a check on the other. That is what the Founders had been through: the absence of that.

"Trust me." Those two small words bridge the entire gap between the rule of law and the rule of men, and it is a dangerous irony that when we need the rule of law the most, the rule of men is at its most seductive.

> It is a universal truth that the loss of liberty at home is to be charged to the provisions against danger . . . from abroad.

Let me repeat that.

> It is a universal truth that the loss of liberty at home is to be charged to the provisions against danger . . . from abroad.

That is from James Madison, the father of our Constitution. He made that prediction more than two centuries ago. If we pass immunity, and put our President's word above the courts and witnesses and evidence and deliberations, we bring that prophecy a step closer to coming true.

I repeat it again:

> It is a universal truth that the loss of liberty at home is to be charged to the provisions against danger . . . from abroad.

James Madison.

So that is the deeper issue behind this bill. That is the source of my passion, if you will. I reject President Bush's "trust me" because I have seen what we get when we accept it.

I go back and mention just the maze, the list of egregious violations of the rule of law over the last 6 years. With that aside, were this a Democratic administration that would suggest this, I would be as passionate about it, not because I distrust them necessarily but because once we succumb to the passions or the desires of the rule of men over the rule of law, then we trade off the most important fundamental essence of who we are as a people.

We are a nation of laws and not men. How many times have we heard that? You learn that in your first week of constitutional law. You learn in your American history class as a high school student the importance of the rule of law. If we walk away from that, then, of course, we walk away from who we are as a people.

After all of that, President Bush, of course, comes to us in all innocence and begs, once again: Trust me. He means it literally. Here in the world's greatest deliberative body only a small handful of Senators know even the barest facts; only a tiny minority of us have even seen the classified documents that explain exactly what the telecoms have done, exactly what actions we are asked to make legally disappear.

I have been a Member of this body for over a quarter of a century. I am a senior member of the Foreign Relations Committee. I have no right to see this? As a Member of this body, as a senior member of the Foreign Relations Committee, I am prohibited. Only the administration can see this and one or two people here who are granted the right to actually see and understand what went on.

So we are being asked as a body to blindly grant this immunity, take this issue away entirely so no one can ever learn anything more about 5 long years of millions—millions—of Americans, with their private phone conversations, their faxes, and e-mails. Every word uttered is now being held and kept. And this administration knows it. The people in charge of it know it. And we want to find out why this happened, who ordered this, who provided this. If we grant this immunity, we will never know the answers to those questions.

So as far as the rest of us—we are flying blind. And in that state of blindness, we can only offer one kind of oversight. The President's favorite kind: the token kind. And here, in the dark, we are expected to grant President Bush's wish. Because, of course, he knows best. Does that sound familiar to any of my colleagues?

In 2002, we took the President's word and faulty intelligence on weapons of mass destruction, and we mistakenly approved what has become the disaster in Iraq.

Is history repeating itself in a small way today? Are we about to blindly legalize gravely serious crimes?

If we have learned anything—if we have learned anything at all—it must be this: Great decisions must be built on equally strong foundations of fact. Of course, we are not voting to go to war today. Today's issue is not nearly as immense, I would argue. But one thing is as huge as it was in 2002; and that is, the yawning gap between what we know and what we are asked to do.

So I stand again and oppose this immunity—wrong in itself, grievously wrong, I would add, in what it represents: contempt for debate, contempt for the courts, and contempt for the rule of law. As I did in December, I will speak against that contempt as strongly as I can.

So I will reserve further debate and discussion for tomorrow, as we go forward with this. I say this respectfully to my colleagues. I do not know if a cloture motion will be filed or not, but

I hope there will be enough people who will join me.

This bill can go forward without this immunity in it. And it ought to go forward. There are some amendments that will be offered, some of which I will support. There are ideas to improve on the FISA provisions of the bill to see to it that the Foreign Intelligence Surveillance Act will do exactly what we want it to do: to allow us to get that surveillance on those who would do us harm and simultaneously make sure that basic liberties are going to be protected.

But I will do everything in my power, to the extent that any one Member of this body can, to see to it we do not go forward in the provision of this bill that grants retroactive immunity for the egregious misbehavior, to put it mildly, that went on here.

The courts may prove otherwise. I do not know. Maybe someone will prove what they did turned out to be legally correct. But we are never going to know that if we, as a body—Democrats and Republicans—walk away from the rule of law and deny the courts of this land which have the ability to do this. The argument that you cannot rely on the courts to engage in a deliberation involving information that should be held secret is wrong. We have done it on thousands of cases over the years, and we can do it here.

So I hope there will be those who will join me in saying to the President: If you want to veto this bill, go ahead. You veto it because you did not get your corporations' immunity. You explain that to the American public, why we did not have the tools available that kept America safe from those who would do us harm—because a handful of corporations decided to violate the law, in my view, and did so because the Bush administration asked them to do that. You are going to veto this bill to deny us those tools that our intelligence communities ought to have to protect American citizens at a dangerous time. You make that decision.

So when this debate continues tomorrow, I will offer some additional thoughts in support of the Leahy amendment. I will be offering my own amendment, to strike retroactive immunity, and I will be considering other amendments along the way.

If all of that fails, then I will engage in the historic rights reserved in this body for individual Members to talk for a while, to talk about the rule of law, and to talk about the importance of it. I do not think I have ever done this before. I have been here a long time, and I rarely engage in such activities. I respect those who have.

The Founders of this wonderful institution granted the rights of individual Senators to be significant, including the power of one Senator to be able to hold the floor on an important matter about which they care deeply. I care deeply about this issue. I think all of my colleagues do. I just hope they will care enough about it to see to it this bill does not go forward with the precedent-setting nature of granting immunity in this case. It is not warranted. It is not deserved. It was not a minor mistake over a brief period of time.

There is a pattern of behavior, and it went on for too long, and it would still go on if it had not been for a report done by a newspaper and a whistleblower who stood up within the phone company, who had the courage to say this was wrong, or we would still be engaged in these practices today.

I think we as a body—Democrats and Republicans—need to say to this administration, and all future administrations, that you are not going to step all over the liberties and rights of American citizens in the name of security. That is a false choice, and we are not going to tolerate that and set the precedent tonight or tomorrow by agreeing to such a grant of immunity in this bill.

Mr. President, I appreciate the patience of the Chair and yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:39 p.m., adjourned until Thursday, January 24, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

ANITA K. BLAIR, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE WILLIAM A. NAVAS, JR., RESIGNED.

DEPARTMENT OF STATE

MARGARET SCOBEY, OF TENNESSEE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ARAB REPUBLIC OF EGYPT.

D. KATHLEEN STEPHENS, OF MONTANA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KOREA.

DEPARTMENT OF JUSTICE

STEVEN G. BRADBURY, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE JACK LANDMAN GOLDSMITH III, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. CECIL R. RICHARDSON, 3790

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ROBERT G. KENNY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DANIEL P. GILLEN, 6142
COL. MICHAEL J. YASZEMSKI, 7741

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL ROBERT BENJAMIN BARTLETT, 5681
BRIGADIER GENERAL THOMAS R. COON, 7963
BRIGADIER GENERAL JAMES F. JACKSON, 6539
BRIGADIER GENERAL BRIAN P. MEENAN, 1468
BRIGADIER GENERAL CHARLES E. REED, JR., 2522
BRIGADIER GENERAL JAMES T. RUBEOR, 3527

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COLONEL ROBERT S. ARTHUR, 9507
COLONEL GARY M. BATINICH, 7153
COLONEL RICHARD S. HADDAD, 5202
COLONEL KEITH D. KRIES, 2201
COLONEL MURIEL R. MCCARTHY, 9467
COLONEL DAVID S. POST, 9447
COLONEL PATRICIA A. QUISENBERRY, 8392
COLONEL ROBERT D. REGO, 6634
COLONEL PAUL L. SAMPSON, 3219

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL RANDOLPH D. ALLES, 0706
BRIGADIER GENERAL JOSEPH F. DUNFORD, JR., 3240
BRIGADIER GENERAL ANTHONY L. JACKSON, 9180
BRIGADIER GENERAL PAUL E. LEFEBVRE, 3546
BRIGADIER GENERAL RICHARD P. MILLS, 1153
BRIGADIER GENERAL ROBERT E. MILSTEAD, JR., 6669
BRIGADIER GENERAL MARTIN POST, 9807
BRIGADIER GENERAL MICHAEL R. REGNER, 2538
BRIGADIER GENERAL MELVIN G. SPIESE, 2800

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DIRECTOR OF ADMISSIONS AT THE UNITED STATES AIR FORCE ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 9333 (C) AND 9336 (B):

To be colonel

CHEVALIER P. CLEAVES, 6145

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JAWN M. SISCHO, 6607

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JOAQUIN SARIEGO, 0059

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JOHN A. CALCATERRA, JR., 4872
KATHLEEN M. CRONIN, 4939
DAVID K. GOLDBLUM, 7681
MARIA D. RODRIGUEZRODRIGUEZ, 5061

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JERRY ALAN ARENDS, 6072
CRAIG LYNN GORLEY, 3302
BILLY L. LITTLE, JR., 5553

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DONNIE W. BETHEL, 9627
JAMES C. CAINE, 1033
DEREK KAZUYOSHI HIROHATA, 2197
DONNA R. HOLCOMBE, 8596
MITCHEL NEUROCK, 6103

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

PAUL A. ABSON, 3565
WILLIAM H. BAILEY, 1908
GEORGE Z. FRIEDMAN, JR., 9105
KENNETH TAMOTSU FURUKAWA, 9613
MATTHEW R. GEE, 4743
ISMAIL HALABI, 7987
ERIC T. IFUNE, 1195
BRUCE K. NEELY, 0677

LAURENCE M. NELSON, JR., 6840
CRAIG D. SILVERTON, 3733
PHILIP A. SWEET, 4250

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MARI L. ARCHER, 3348
ELIZABETH J. BRIDGES, 9722
PATRICIA A. BRUNNER, 7643
ADELE CHRISTINE HILL, 1438
CYNTHIA D. LINKES, 1507
JACQUELINE A. PAYNE, 6429
CHERIE L. ROBERTS, 8204
TAMI R. ROUGEAU, 0597
PAULETTE R. SCHANK, 9413
DONALD G. SMITH, JR., 0220
MARTHA P. SOPER, 8892
LAUREL A. STOCKS, 3414
KAREN A. WINTER, 0413
GILBERT W. WOLFE, 0820

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

WILLIAM A. BEYERS III, 7183
SCOTT E. SAYRE, 2960
DEAN H. WHITMAN, 1313
ROSS A. ZIEGLER, 7882

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROBERT R. CANNON, 9323
WILLIAM THOMAS EVANS, 9207
DAVID C. FULTON, 2262
THOMAS MALEKJONES, 4301
DAVID GERARD REESON, 6993
LYLE E. VON SEGGERN, 1598

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

VITO EMIL ADDABBO, 5820
JOE TODD ALBRIGHT, 4470
JAMES M. ALLMAN, 0263
ROBERT D. AMENT, 0124
FRANK LOUIS AMODEO, 0728
YVETTE R. ANDERSON, 2135
MARYANN P. ANTE AMBURGEY, 2716
ELIZABETH E. ARLEDGE, 8664
PATRICK ASSAYAG, 0179
TIMOTHY W. BALDWIN, 9899
THOMAS P. BALL III, 2251
MAUREEN G. BANAVIGE, 2020
KATHLEEN T. BARRISH, 1722
JOSEPH H. BATTAGLIA II, 5774
AHMED ALSAYE BEERMANNAHMED, 3028
RENE L. BERGERON, 1926
PHILLIP E. BINGMAN, 4246
CRAIG A. BOGAN, 8433
ROBERT STUART BOSTON, 4463
ERIC W. BRANDES, 7626
DAWN M. BROTHERTON, 8512
TIMOTHY DAVID BROWN, 5807
VINCENT EMANUEL BUGEJA, 5293
CORDEL BULLOCK, 2932
KENNETH C. BUNTING, 4687
CHRISTOPHER KELLY CAUDILL, 5248
WALID TONY CHEBLI, 4666
MARK W. CLEMENTS, 6497
MARK G. CONNOLLY, 7099
JAMES N. COOMBES II, 1973
CHRISTINE VOSS COPP, 5982
AMY LYNN WIMMER COX, 7002
THOMAS DANIELSON, 0079
ANTHONY F. DESIMONE, 8134
KIM P. DICKIE, 5262
JAMES F. DIFRANCESCO, 9245
JOHN G. DORTONA, 0807
JEFFREY M. DRAKE, 8789
DOUGLAS K. DUNBAR, 8432
SCOTT W. ELDER, 0033
JEFFERY E. ELLIOTT, 5314
WILLIAM B. FEATHERSTON, 9986
JOHN R. FLODEN, 0099
JOSEPH J. FRAUNDORFER, 0393
GEORGE W. FRAZIER, JR., 0289
JAMES WALTER FRYER, 7848
JOHN S. FUJITA, 9332
FREDERICK H. FUNK, 3230
MICHAEL A. GERMAIN, 1098
QUINTON L. GLENN, 6065
CHRISTIE I. GRAVES, 5478
JOHN E. GREAUD III, 1236
WILLIAM B. HARRIS III, 0270
PAUL L. HASTERT, 4863
AMAND F. HECK, 9423
THOMAS K. HENDERSON, JR., 0490
FARRIS C. HILL, 5065
JOHN J. HOFF, JR., 4345
STEPHEN M. HOOGASIAN, 2447
ARTHUR R. HOPKINS III, 9386
RICHARD L. HUGHEY, 5445
JAMES B. HURLEY, 3477
CONNIE C. HUTCHINSON, 3125
ALAN R. ISROW, 3516
JOSEPH J. JACZINSKI, 6567
JAY D. JENSEN, 1683
ANDREW A. JILLIONS, 5781
GEORGE E. JOHNSON, JR., 1742
KATHRYN JANE JOHNSON, 8531
DAVID J. JURAS, 6456
KEVIN L. KALLSEN, 3820
KATHRYN ADELE KARR, 3322
TIMOTHY P. KELLY, 1484
RICHARD L. KEMBLE, 3624
THOMAS D. KING, 4530
WALTER G. KLEPONIS, 3340
REUBEN P. KNOX, 3917
THOMAS M. KNOX, 7917
MICHAEL P. KOZAK, 3816
CHRISTOPHER DAVID KREIG, 3573
TIMOTHY W. LAMB, 5211
WESLEY S. LASHBROOK, 9621
RUTH LATHAM, 9584
MARCIA MARIE LEDLOW, 0907
PAMELA J. LINCOLN, 2027
MARK LEWIS LOEBEN, 0192
BRETT A. LOYD, 6061
ALBERT V. LUPENSKI, 6512
JEFFREY L. MACRANDER, 6755
KEVIN W. MAHAFFEY, 9157
BLAKE C. MAHAN, 9532
JEAN M. MAHAN, 2110
MICHAEL F. MAHON, 2637
MICHAEL K. MAJOR, 0793
WILLIAM J. MARTIN, 1461
JOSEPH Q. MARTINELLI, 4448
CHRISTINE D. MATTHEWS, 1478
TODD J. MCCUBBIN, 5805
JAMES F. MCDONNELL, 0614
JEFFREY J. MCGALLIARD, 5100
WILLIAM C. MCGOWAN, 2898
DALE A. MILLER, 0320
JAMES N. MILLER, 2809
DEBRA M. MILLETT, 8465
MYRA S. MILLS, 2818
STEPHEN E. MITTUCH, 0156
BONNIE B. MORRILL, 7898
SUSAN E. MORRIS, 5711
ROBERT S. MORTENSEN, 7408
RUSSELL A. MUNCY, 1173
MERRILL M. MURPHY, 8380
JEFFREY S. NAVIAUX, 4631
ROBERT J. NORDBERG II, 4448
TISH ANN NORMAN, 3533
TIMOTHY E. OBRIEN, 6293
GENE M. ODOM, 4147
THEODORE E. OSOWSKI, 4223
JON E. OSTERTAG, 6756
DOUGLAS C. OTTO, JR., 3370
MARK H. PANTONE, 4596
STEVEN B. PARKER, 5864
SCOTT E. PATNODE, 6965
DAVID P. PAVEY, 6481
JEFFREY T. PENNINGTON, 5712
FREDDIE D. PERALTA, 8365
PERRY A. PETER, 8395
WAYNE R. PIERINGER, 3903
ALLEN B. PIERSON III, 3720
MICHAEL G. POPOVICH, 8738
DAVID C. POST, 6618
CLARICE G. PRESTON, 4061
MICHAEL L. RISCHAR, 0045
MICHAEL R. ROBERDS, 2758
JAMES M. ROBISON, 5786
SEBASTIAN ROMEO, 8250
MARK A. ROSS, 1482
VINCENT N. ROSS, 0915
ROBERT C. RUSNAK, 5350
PATRICK H. RYAN, 9065
MARLA A. SANDMAN, 6709
ANNETTE M. SANKS, 8505
JAMES F. SCULERATI, 5905
ANTHONY J. SEELY, 5324
ROBERT HARDING SHEPHERD, 3409
EDWARD J. SLOSKY, 3593
BRIAN D. SPINO, 3352
PAUL E. SPRENKLE, JR., 6684
ROBERT A. STRAW, 1765
MATTHEW D. SWANSON, 7356
MARK E. SWINEY, 9578
FREDERICK J. TANIS, 7495
NEVIN J. TAYLOR, 5553
CRAIG A. THOMAS, 4529
JOHN W. THOMPSON, 6256
RALPH THOMPSON, JR., 9010
ROBERT K. THOMPSON, 7264
JON W. THORELL, 3514
KENT A. TOPPERT, 3730
PETER B. TRAINER, 5962
KEVIN B. TRAYER, 5605
JOHN N. TREE, 5016
JENNIFER LYNN TRIPLETT, 2428
TAMI F. TURNER, 5634
MATT A. TYYKILA, 9361
ERIC D. VANDER LINDEN, 7230
AARON G. VANGELISTI, 6280
MARK D. VIJUMS, 5745
ARTHUR C. WEBER, JR., 7918
JUDY ANN WEHKING, 3205
STEVEN R. WHITE, 4982
JOE N. WILBURN, 5679
DELBERT R. WILLIAMSON, 8943
DEDRA K. WITHAM, 6507
CYNTHIA A. WONG, 9429
GLENN K. YOUNG, 3945
JAMES A. ZIETLOW, 7509

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

AZAD Y. KEVAL, 4976
TROY L. SULLIVAN III, 4197

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

LANCE A. AVERY, 7092

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be colonel

BILLY R. MORGAN, 8977

To be lieutenant colonel

MILTON M. ONG, 4157
FRANCISCO J. REY, 1691

To be major

JOSEPH R. LOWE, 2996

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

INAAM A. PEDALINO, 4601

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DEMEA A. ALDERMAN, 7293
ERICKA R. ALEXANDER, 2149
ELBERT R. ALFORD IV, 4910
DAVID R. ANDREWS, 4556
GREGORY T. BALDWIN, 6829
ANGELA M. BLACKWELL, 2749
DAVID W. BRIDGES, 1431
FELICIA L. BURKS, 1457
PEDRO BURTONTAYLOR, 3557
LYNNE M. BUSSIE, 3073
CHARLES F. CAMBRON, JR., 1958
ASHWIN A. CHAND, 0864
GREGORY W. CHAPMAN, 7988
MARK S. CHOJNACKI, 5649
TIMOTHY J. CHRISTISON, 9626
GREGORY A. COLEMAN, 4236
ROBERT A. CORBY, 5762
MARK E. CRUISE, 2046
MELISSA M. CURRERILEVESQUE, 4205
TANYA M. DEAR, 5307
NATHANIEL R. DECKER, 0778
JACQUELINE DENT, 5688
CHARLES V. DIBELLO, 7785
TROY M. DILLON, 3661
MICHAEL D. DINKINS, 5778
JEFFREY A. EYINK, 2917
THOMAS S. FARMER, 7862
DEAN K. FARREY, 0815
SAMUEL R. GONZALES, 4533
DOLPHIS Z. HALL, 0443
TERESA M. HEATH, 2386
RACHELLE A. HEBERT, 0142
ALISHA N. HENNING, 1298
TEOFILO A. HENRIQUEZ, 4387
LAURA J. HURST, 0004
TRAVIS J. INGRODI, 5100
DONALD E. KOTULAN, 0343
VICTORIA LIA, 4078
CHARLES E. MAREK, JR., 0331
CHESTER L. MARTIN, 3487
LEE M. NENORTAS, 5794
JOAN H. NEWBERNE, 0051
LAURIE V. PETERS, 0541
MARK D. REYNOLDS, 8433
STEPHANIE K. RYDER, 8682
KEVIN M. SCHULTZ, 9922
VIRGIL L. SCOTT, 0246
DENISE SEATON, 1615
ANTHONY L. SHAVER, JR., 6903
GERALD I. SMITH, JR., 2414
TIMOTHY W. SMITH, 7514
JAY B. SNODGRASS, 3368
DANIEL T. STERNEMANN, 2779
DOUGLAS E. STEVENS, 5761
MARY E. STEWART, 9883
TRACIE L. SWINGLE, 6959
MICHAEL D. TAPLIN, 0908
TRACIE G. TATE, 7606
JENNIFER M. THERIAULT, 9587
PAMELA D. TOWNSENDATKINS, 7489
KEITH L. WAID, 1047
PHILIP H. WANG, 8576

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

THERESA D. CLARK, 1549

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

LEE E. ACKLEY, 8328
DONNATA H. ANTOINE, 8380
ALVIN F. BARBER, JR., 6370
RICHARD T. BARKER, 8927
JAMIE A. BARNES, 0451
ERIC G. BARNEY, 3438
CHARLES J. BEATTY, JR., 7822
STACY C. BENEDICT, 3041
ANGELICA BLACK, 8098
MICHAEL S. BOGAARD, 9455
TIRSIT A. BROOKS, 8044
CHET K. BRYANT, 6712
CANG QUOC BUI, 5936
ERIC J. CAMERON, 7991
SCOTT L. CARBAUGH, 8989
FRANCISCO J. CATALA, 2580
DEBORAH A. CLARK, 2883
DOUGLAS A. CLARK, 7826
HEIDI L. CLARK, 4161
JASON E. COOPER, 1268
LEAH V. CROSS, 4638
MICHAEL J. CUOMO, 7830
LINDA L. CURRIER, 3665
JOHN A. DALOMBA, 9629
MINDY L. DAVISON, 9510
MICHAEL F. DETWEILER, 9232
WARREN C. DIAL, 8502
THOMAS J. DOKER, 0557
MICHAEL E. DUNLOP, 7102
KEVIN L. ECKERSLEY, 1147
DAVID A. EISENACH, 4412
JAMES E. ELWELL, 3682
TROY P. FAABORG, 0402
MICHAEL L. FINK, 1003
STEFFANIE S. FISCHER, 7636
LAURIE A. FLAGGINACIO, 7826
DAVID A. FOLMAR, 0623
LORENZO D. GABIOLA, 3057
KELLY J. GAMBINOSHIRLEY, 0433
JAMES M. GARMAN, 2114
GREG J. GARRISON, 6897
BRUCE A. GOPLIN, 2079
PHILIP A. GRIFFITH, 7904
JULIE K. HARRIS, 1279
GREGORY S. HENDRICKS, 8040
MELISSA HERGAN, 5463
ANGELA L. HESTER, 3848
GEORGE A. HESTILOW, 1643
KEITH D. HIGGINBOTHAM, 6021
BRIAN W. HOBBS, 0464
PATRICK J. HOUDE, 7925
VINA E. HOWARTH, 2655
WEILUN HSU, 3368
TERESA M. HUGHES, 8290
CHAD A. JOHNSON, 6530
BRIAN A. KATEN, 7056
NOREEN M. KERN, 6005
BRADLEY R. KIME, 4003
EDWARD D. KOSTERMAN III, 3131
CHRISTOPHER M. KURINEC, 0137
KEYE S. LATIMER, 5311
LISA S. LEE, 6737
TAMY K. LEUNG, 4566
THOMAS N. MAGEE, 7756
CARLOS J. MALDONADO, 1723
MICHAEL D. MCCARTHY, 2903
JENNY L. MCCORKLE, 3700
ANN D. MCMANIS, 4100
SEAN J. MCNAMARA, 6431
HANS J. MEISSNEST, 9954
MELISSA R. MEISTER, 3191
CORY J. MIDDEL, 3022
CHARLES E. MILLER, 2837
MITZI M. MITCHELL, 4979
WILLIAM R. MOORE, 9266
PRZEMYSLAW K. NIEMCZURA, 7131
JOHN V. NOTABARTOLO, 3445
ERIC J. OGLESBEE, 4278
SCOTT E. OLECH, 1093
SCOTT E. OLSON, 7939
ANTHONY G. PERRY, 8773
RAMESH PERSAUD, 8478
JOANNA L. RENTES, 5343
BRADLEY S. REYMAN, 1269
VAN G. ROBERTS, 4138
MOCHA L. ROBINSON, 9557
ETHIEL RODRIGUEZ, 9847
MATTHEW W. SAKAL, 3516
FERNANDO SANTANA, 0930
XIOMARA SANTANA, 7357
ERIC J. SAWVEL, 7587
LISA M. SELTHON, 7851
ROBERT J. SHAPIRO, 7583
DANIEL A. SHAW, 0670
KATHRYN B. SHAW, 0809
JENNIE S. SHEFFIELD, 4351
JOHN E. SIMONS, 5463
ANTHONY J. SPENCER, 8893
SCOTT W. STEIGERWALD, 5183
TIMOTHY W. STOUT, 9208
DENNIS P. TANSLEY, 9699
LEONARDO E. TATO, 5101
MARK A. TAYLOR, 2001
TROY P. TODD, 9095
TERRY R. VANWORMER, 9562
CAROL A. WEST, 3872
JANET I. WEST, 5441
ROBBIE L. WHEELER, 5956
IAN P. WIECHERT, 7023
KRISTI P. WIECHERT, 0389
CHRISTOPHER M. WILCOX, 9918
JOSEPH A. WILLIAMS, 1272
CLAYTON D. WILSON III, 8720

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

SAID R. ACOSTA, 2771
ROY G. ALLEN III, 7269
MICHELL A. ARCHEBELLE, 4472
JAMES R. ASSELIN, 7182
JONATHAN O. BAET, 9679
SUZETTE M. BARBER, 3704
MICHAEL A. BASLER, 8404
SHIRLEY L. BELLONI, 8301
ISABELLA M. BERGERON, 9310
KIMBERLY BOSWELLYARBROUGH, 3920
STEVEN J. BRADLEY, 1454
JENNIFER J. BRATZ, 4429
BETH A. BRENEK, 8398
PHIL A. BROBERG, 0553
STEVEN A. BROWN, 0910
MELANIE J. BURJA, 7246
JOVINA G. BUSCAGAN, 6276
HELDA J. CAREY, 7936
MIEV Y. CARHART, 4242
REGIS S. CARR, 0334
KERRY E. CASTILLO, 0213
MARY H. CERDA, 4684
PAULA M. CHAVIS, 5436
TARA R. CHAVIS, 2592
TAMI R. CHILDERS, 9518
KURT D. COLE, 2445
KEVIN M. COX, 7106
DAVID A. DELANG, 5725
GAIL L. DYER, 8987
SHANNON J. DZURY, 0252
CARLOS EDWARDS, 5612
REBECCA S. ELLIOTT, 7888
JEFFREY R. ENSINGER, 9670
KATHRYN P. ESCALERA, 5144
CHERYL R. ESTY, 7499
SUSAN J. EVITTS, 2703
DEBORAH E. FELTH, 2038
LISA L. FERGUSON, 6840
BARBARA B. FIELDS, 3433
LEONTYNE H. FIELDS, 6252
COURTNEY D. FINKBEINER, 5977
STEVEN R. FISHER, 2904
MILA B. FRENCH, 7179
DONNA M. FRIEDLINE, 3061
EARNEST FRY, 2279
MICHELLE GAUTHIER, 9121
BRIAN M. GLENN, 1228
SHELLY D. GOINS, 2328
ERIC A. GONZALES, 0971
CHRISTOPHER A. GOODENOUGH, 1624
WESLEY H. GREGG, 1413
ANDREW J. GUNTHER, 2299
KRISTINE M. HACKETT, 8166
JULIE L. HANSON, 8568
MELIZA HARRIS, 2302
ROBERT M. HEIL, 4747
SHANNON S. HILL, 7790
LORIE A. HIPPLE, 2556
CHARLES L. HORNBACK, 6314
CHRISTIE L. HUME, 5539
ZENOBIA A. JAMES, 7426
JOSE P. JARDIN III, 2674
JEFFREY S. JEDYNAK, 7992
DAVID L. JOHNSON, 6888
MISCHA A. JOHNSON, 7416
JANET S. JONES, 2162
SAADIA R. JONES, 4156
KARYN L. KELLY, 7174
CHRISTOPHER J. KIMBLE, 3303
BRIAN D. KITTELSON, 9037
ERIN J. KNIGHTNER, 4458
WINIFRED G. KOEHLER, 0942
CHARLOTTA M. LEADER, 3980
VICTOR A. LEDFORD, 2524
LAURA J. LEWIS, 8881
CHERYL C. LOCKHART, 7313
CAROL A. MARTA, 8446
KATHY E. MARTIN, 8757
MA ADELVER Q. MARTIN, 2319
KRISTEN R. MCCABE, 4906
MICHAEL J. MCCARTHY, 4920
JERRY L. MCCARTNEY, 6062
JULIE K. MILLER, 4234
NANCY L. MILLER, 2990
GEOFFREY J. MITTELSTEADT, 9462
RUTH A. MONSANTOWILLIAMS, 6998
SHARON F. MOSS, 3196
KATHLEEN A. MYERS, 8863
LISA G. ODOM, 8753
SUSAN M. PARDAWATTERS, 4317
TERRY L. PARTHEMORE II, 3941
LUIS E. PEREZ, 2341
MICHAEL A. POWELL, 8063
SCOTT D. POYNTER, 8944
TONYA M. PRESSLEY, 6434
MARK A. PRILIK, 4598
KRISTINE M. RATLIFF, 5951
KIMBERLY D. REED, 3187
JASON N. RICHARD, 5267
DONALD G. RUCH, 9181
MARIA R. SACCO, 0373
JOSE E. SANCHEZ, 7147
YVETTE M. SANCHEZ, 7359
GARY L. SCHOFIELD, JR., 5757
RICKY L. SCHOTT, 0704
SHELLEY A. SHELTON, 3598
KELLY S. SIMPSON, 7470
TANIA R. SIMS, 8211
WALTER SINGH, 5614
VONNITA SNELL, 8118
RANDAL A. SNOOTS, 1693
JENNY P. SPAHR, 4515
NEAL A. STINE, 1649
AMY L. SWARTHOUT, 4069
STEVE J. SZULBORSKI, 1232
DONNA C. TEW, 2029
WILLIAM E. THOMS, JR., 1687
MELONY A. VALENCIA, 5318
PHUONG K. VANECEK, 2298
RONALD G. VENESKEY, 6026
BETTY A. VENTH, 8862
CYNTHIA D. WARWICK, 9048
WENDY WHITELOW, 5661
LEWIS S. WILBER, 3270
JOHN M. WILLIAMSON, 4610
KRISTINE WILLINGHAM, 2809
BERNADETTE T. WISOR, 2850
MELINDA L. WOODS, 5263
CYNTHIA F. YAP, 8515

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JASON E. MACDONALD, 3187
DEREK P. MIMS, 4387

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

JEFFREY P. SHORT, 6976

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

SAQIB ISHTEEAQUE, 7038

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

WANDA L. HORTON, 6305
WILLIAM H. MUTH, 3949
RUTH SLAMEN, 9635

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

DAVID J. BARILLO, 9867

To be lieutenant colonel

BRUCE E. PORTER, 0826
DANIEL J. REDDY, 2188
JOHN J. VOGEL, 9444

To be major

IAN D. COLE, 9308

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JOSEPH B. DORE, 0588

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

WILLIAM J. HERSH, 6277

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JAMES C. CUMMINGS, 8883

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

EUGENE W. GAVIN, 0749

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

BRUCE H. BAHR, 6767
JEFFREY M. BREOR, 8730
ALLEN D. FERRY, 3086
GEORGE R. GWALTNEY, 4504

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DAVID A. BRANT, 3338
MICHAEL A. BROWN, 0586
LESLIE BURTON, 8225
CHERYL A. CARSON, 3111
JUDITH A. DAVENPORT, 5323
PATRICK W. EDWARDS, 1306
CORLISS GADSDEN, 7712

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

HAROLD A. FELTON, 0779
ARLAND O. HANEY, 2271

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ANNE M. BAUER, 9431
MICHAEL W. BIHR, 7368
JO A. MCELLIGOTT, 1767

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DEBORAH G. DAVIS, 2951
MARDONNA R. HULM, 6145
PATRICK J. MCKENZIE, 5799
DEBRA M. SIMPSON, 0285

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

RUBEN ALVERO, 8036
ANDRE K. ARTIS, 4482
CARLOS E. BERRY, 6362
RICHARD D. BRANTNER, 8553
PAUL S. BROWN, JR., 5049
ROBERT C. CAMPBELL, 1047
WENDY P. CARTER, 0146
JONG H. CHOI, 0213
DAVID K. COCHRAN, 9148
JOAQUIN CORTIELLA, 2122
HOWARD F. DETWILER, 9886
LEON H. ENSALADA, 6913
JOHN M. FITZSIMMONS, 5164
GILBERT R. GHEARING, 0460
SHAWN D. GLISSON, 1027
LORI E. HARRINGTON, 0491
CAREY S. HILL, 7628
PAUL C. KIDD, 5647
MAURICE L. KLIEWER, 5720
JOEL M. KUPFER, 5559
CAL S. MATSUMOTO, 9756
MAX B. MITCHELL, 7015
CLARK A. MORRES, 2625
MARK R. MOUNT, 9433
DAVID P. ODONNEL, 7740
LORRIE J. OLDHAM, 3957
FRANK A. PIGULA, 7631
DAVID M. PRESTON, 6621
RONALD M. RENE, 1472
EUGENE R. ROSS, 7357
MARK C. RUMMEL, 0532
DAVID A. SEIDL, 9507
STEPHEN L. STYRON, 7061
LONNIE L. VICKERS, 2287
SIMON T. VILLA, 2091
FRANC WALLACE, 5811
HAE S. YUO, 0949

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

RONALD L. BONHEUR, 1593
MATHEW J. BRADY, 2145
WALTER E. COLBERT, 2409
PRISCILLA J. CUTTS, 2451
MICHAEL E. DUNN, 5561
CATHLEEN A. HARMS, 3515
DARLENE A. MCCURDY, 9946
MICHAEL D. STOWELL, 5634
DAVID S. WERNER, 0350

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

GERARD P. CURRAN, 9216
CYNTHIA J. MORIARTY, 2801
MARK TRANOVICH, 0147

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JEFFREY A. WEISS, 3201
RICHARD E. WOLFERT, 2204

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

CHARLES S. OLEARY, 3503
SHEPARD B. STONE, 9686
GARY B. TOOLEY, 7419

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

PATRICK S. ALLISON, 6909
BRUCE J. BIKSON, 2798
THOMAS E. DUNDON, 8326
SUSAN M. FEELEY, 4361
WILLIAM S. HUNT, 8674
CATHY JOSEPH, 1411
LOUIS D. KAVETSKI, 2973
WALTER M. LEE, 8657
CHARLES E. MIDDLETON, 2425
SHAOFAN K. XU, 3338

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

EDWARD B. BROWNING, 3495
DARRYL M. BURTON, 5786
MIRIAM CRUZ, 0007
ZYGMUNT F. DEMBEK, 7554
REBECCA A. DYER, 7628
RUSSELL J. FLEMMING, 9446
MARK GIBSON, 5732
ROMAN G. GOLASH, 9733
ROGER M. GREEN, 3187
ANNE M. GUEVARA, 7198
JEFFERY S. HAYNES, 4856
JEAN M. HULET, 0246
JOHN L. JANSKY, 5741
KENNETH S. JETTER, 5922
MONICA B. JIMENEZ, 7585
MILFORD J. JONES, 7323
JAMES H. MASON, 2030
MARYANN MCNAMARA, 2208
KULTHOUM A. MEREISH, 7457
RANDY J. MIZE, 0535
MICHAEL T. NEWELL, 6654
JOHN L. ORENDORFF, 4811
JACKSON A. PATTERSON, JR., 5670
JAMES C. PIERCE, 0982
LESLIE R. RABINE, 3171
ROBIN A. RAMSEY, 7460
ROBERT F. RICHARDSON, 6142
CHARLES R. STASENKA, 9480
DANNY C. TYE, 4421
BILLIE J. WISDOM, JR., 6331

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

SANDRA G. APOSTOLOS, 4020
EUNICE J. BANKS, 3794
ELIZABETH A. BATTALORA, 8472
MARY T. BENNETT, 9557
MARCIA E. CALLENDER, 9800
GAYA CARLTON, 8670
MARCIA E. CATLETT, 6850
CHERYL CELOTTO, 0961
MICHELE CIANCI, 8495
LINDA K. CONNELLY, 5335
GEORGEANN L. CONSTANTINO, 5067
BRENDA A. DIXON, 1708
MICHAEL T. FRAZIER, 3061
WANDA E. FRIDAY, 2138
JAMES J. GARDON, 5599
HENRY W. GILES, JR., 4671
DEBRA A. GOMES, 5948
CHARLENE K. GONZALEZ, 2602
DEBORAH J. HALL, 5881
NANCY J. HEPLER, 3836
CHERYL A. HICKERT, 2185
DARLENE M. HINOJOSA, 0104
JERALDINE JACKSON, 8432
THOMAS M. KURLICK, 0914
GEORGE A. LUENA, 9549
HELEN D. MEELHEIM, 5656
ROBERT B. MONSON, 6825
BARBARA A. MOORE, 5419
KENNETH P. MURPHY, 4424
JEARLINE MURRAY, 2052
SARAH M. NORDQUIST, 9346
CHRISTOPHER A. OCONNELL, 9205
MICHELLE A. OLDEN, 7702
NAN W. PARK, 1128
ANTHONY M. PASQUALONE, 1051
DEANNA J. PATTERSON, 3999
MARTIN A. PHILLIPS, 4822
PHYLIS C. RAGLAND, 7573
CHRISTINE T. REM, 9259
MIRIAM B. ROSA, 5851
EMILY S. RUSSELL, 2288
CHRISTINE A. SAUTTER, 5268
MICHELE M. SCHNEEWEIS, 5378
SANTIAGO B. STAUNING, 9603
CAROL M. STICKEL, 3492
DOLORES TARIN, 1473
THERESA W. TAYLOR, 5719
VIRGINIA M. THOMAS, 7441
DAWN A. VUICICH, 0027
DEBRA H. WRIGHT, 0591
MARILYN YERGLER, 9510

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

RUSSELL L. BERGEMAN, 2772
JAMES K. WALKER, 6830

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JULIAN D. ALFORD, 4324
JAMES S. ALLEY, 5936
RICHARD E. ANDERS, 6604
FRANK S. ARNOLD, 8816
PHILIP J. BETZ, JR., 0817
ANDREW D. BIANCA, 8416
JAMES W. BIERMAN, JR., 9091
SEAN C. BLOCHBERGER, 1471
PHILLIP W. BOGGS, 4659
COREY K. BONNELL, 5855
CARMINE J. BORRELLI, 4952
EDMUND J. BOWEN, 9635
MICHAEL R. BOWERSOX, 6971
ROBERT M. BRASSAW, 0633
GREGORY T. BREAZILE, 5252
JAMES M. BRIGHT, 8702
RAPHAEL P. BROWN, 3350
KURT J. BRUBAKER, 1496
BRIAN K. BUCKLES, 2110
SCOTT D. CAMPBELL, 5125
JOHN W. CARL, 9327
IRA M. CHEATHAM, 3013
MARY J. CHOATE, 5088
ROBERT C. CLEMENTS, 5941
DAVID L. COGGINS, 9152
JEFFREY T. CONNER, 6032
ROBERT A. COUSER, 9057
DENNIS A. CRALL, 5579
DANIEL J. DAUGHERTY, 0097
JEFFREY P. DAVIS, 1781
MARSHALL DENNEY III, 0537
JEFFERSON L. DUBINOK, 6164
JEFFREY W. DUKES, 6641
CHRISTOPHER B. EDWARDS, 5378
NORMAN R. ELIASEN, 7613
SCOTT E. ERDELATZ, 5851
DANIEL P. ERMER, 2171
CHRISTOPHER L. FRENCH, 7320
RICHARD W. FULLERTON, 0830
JEFFREY W. FULTZ, 2381
DAVID J. FURNESS, 4147
STEPHEN J. GABRI, 1546
JOSEPH E. GEORGE, 3984
JAMES P. GFRERER, 1217
ANDREW J. GILLAN, 0953
PATRICK A. GRAMUGLIA, 8929
RONALD A. GRIDLEY, 3602
WILLIAM D. HARROP III, 5246
JAY L. HATTON, 8951
DREXEL D. HEARD, SR., 6200
JAMES H. HERRERA, 2796
HARRY J. HEWSON III, 4963
JEFFREY Q. HOOKS, 9391
STEPHEN M. HOYLE, 6270
PAUL E. HUXHOLD, 4486
CHARLES H. JOHNSON III, 8638
ANDREW R. KENNEDY, 6265
MICHAEL W. KETNER, 0866
KEVIN J. KILLEA, 3340
SEAN C. KILLEEN, 8164
JOSEPH H. KNAPP, 1644
ROBERT C. KUCKUK, 0686
JASON J. LAGASCA, 0921
MICHAEL J. LEE, 6561
MICHAEL A. LESAVAGE, 5719
MICHAEL P. MAHANEY, 1747
CHRISTOPHER J. MAHONEY, 5501
KATHY J. MALONEY, 6628
GREGORY L. MASIELLO, 2820
DOUGLAS E. MASON, 2723
WILLIAM H. MAXWELL, 5590
CHRISTOPHER T. MAYETTE, 4847
EDWARD J. MAYS, 9836
MITCHELL J. MCCARTHY, 4966
BRIAN K. MCCRARY, 6859
DAVID W. MCMORRIES, 6942
ERIC M. MELLINGER, 3265
DUNCAN S. MILNE, 3613

JAMES J. MINICK, 3095
GREGORY B. MONK, 4061
JACK P. MONROE IV, 4584
TIMOTHY S. MUNDY, 7500
ANDREW J. MURRAY, 8586
MARK G. MYKLEBY, 0887
SAMUEL C. NELSON III, 6844
JOHN M. NEUMANN, 2414
RANDALL P. NEWMAN, 8572
LAWRENCE J. OLIVER, 2945
DAVID A. OTTIGNON, 4443
JAMES R. PARRINGTON, 5547
WILLIAM G. PEREZ, 5339
PAUL A. POND, 9924
PETER D. PONTE, 9483
DAVID L. REEVES, 1554
MARY H. REINWALD, 6895
JOSEPH P. RICHARDS, 8836
PHILLIP J. RIDDERHOF, 6652
DAVID A. ROBINSON, 0405
JAMES L. RUBINO, JR., 4362
JOSEPH RUTLEDGE, 6741
JON E. SACHRISON, 8154
BRYAN F. SALAS, 4588
MICHAEL SALEH, 6034
ROBERT C. SCHUTZ IV, 2768
JOSEPH F. SHRADER, 9948
PHILIP C. SKUTA, 6640
ANDREW H. SMITH, 5993
ERIC M. SMITH, 9379
RUSSELL E. SMITH, 9304
STEPHANIE C. SMITH, 9559
DANIEL J. SNYDER, 4424
NANCY A. SPRINGER, 6658
ALAN L. THOMA, 1599
PAUL TIMONEY, 2743
THOMAS C. WALSH, JR., 7858
THOMAS D. WEIDLEY, 3900
STEPHEN A. WENRICH, 4906
BRENT S. WILLSON, 8488
CHRISTOPHER I. WOODBRIDGE, 1799
JEFFREY R. WOODS, 8861
PETER E. YEAGER, 1546
MICHAEL W. YOUNG, 6430
PHILIP J. ZIMMERMAN, 4930

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JOHN M. DOREY, 3429

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

THOMAS M. CASHMAN, 0560

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

THOMAS P. CARROLL, 9479
GARY V. PASCUA, 7708

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

DAVID J. ROBILLARD, 0648

To be lieutenant commander

GREGORY A. FRANCIOCH, 1205
TUAN NGUYEN, 2332
SHERRY W. WANGWHITE, 7462

WITHDRAWALS

Executive message transmitted by the President to the Senate on January 23, 2008 withdrawing from further Senate consideration the following nominations:

ANDREW G. BIGGS, OF NEW YORK, TO BE DEPUTY COMMISSIONER OF SOCIAL SECURITY FOR THE TERM EXPIRING JANUARY 19, 2013, VICE JAMES B. LOCKHART III, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

ANDREW G. BIGGS, OF NEW YORK, TO BE DEPUTY COMMISSIONER OF SOCIAL SECURITY FOR A TERM EXPIRING JANUARY 19, 2013, VICE JAMES B. LOCKHART III, WHICH WAS SENT TO THE SENATE ON MAY 16, 2007.

E. DUNCAN GETCHELL, JR., OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE H. EMORY WIDENER, JR., RETIRED, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 6, 2007.

EXTENSIONS OF REMARKS

HONORING VERNON RAY ROSE

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to recognize Master Sergeant Vernon Ray Rose, a remarkable man with a long history of service to his country and community.

Mr. Rose had a distinguished 18-year career in the United States Army leading men into combat during a tour of duty in Southeast Asia. He was a platoon sergeant of an infantry platoon with A Troop, 7th Squadron, 17th Cavalry, Air, during the Vietnam war. His platoon had the responsibility of rescuing downed U.S. helicopter pilots. In March 1968, Mr. Rose was severely wounded by an enemy hand grenade and was medically retired from the Army.

Vernon Ray Rose was the recipient of many honors during his exemplary military career including the Bronze Star Medal, a Purple Heart, the Army Commendation Medal, the Good Conduct Medal, the Army Occupation Medal, the National Defense Service Medal, the Vietnam Service Medal, the Combat Infantryman Badge, the Republic of Vietnam Campaign Ribbon, the Parachutist Badge, and the Ranger Arc Tab.

Mr. Rose's service did not end once he retired from the military. Mr. Rose chose to become a National Veteran Service Officer, dedicating his life to serving veterans over the course of three decades.

It is my privilege to honor Vernon Ray Rose today, before the entire United States House of Representatives, for his service to our country and to his fellow veterans. His contributions are worthy of our collective appreciation and respect.

INTRODUCTION OF RESOLUTION COMMEMORATING THE BICENTENNIAL OF THE GALLATIN PLAN

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. BLUMENAUER. Madam Speaker, today I am introducing, along with Mr. OBERSTAR, Mr. DEFAZIO, Mr. WALSH, Mr. PETRI, and Mr. FARR, a resolution to commemorate the bicentennial of the Gallatin plan for infrastructure investment. This plan built on George Washington's vision of connecting the interior settlements with the markets and ports of the East Coast through a network of roads and canals. As Congress looks at major infrastructure investments for this century, it is worthwhile to remember that the achievements of the past were based on sound planning, and important to note that the value of infrastructure investments is dependent on national planning efforts. As we embark on efforts to improve our Nation's civil infrastructure, we should acknowledge and honor the plans that laid the groundwork for our Nation's greatness.

HONORING AMANDA TAVARES

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. ORTIZ. Madam Speaker, I rise today to congratulate Amanda Tavares of Robstown, TX, for her hard work in successfully completing the Congressional page program. Amanda has been a shining example of the potential and leadership skills those selected for this selective honor entail.

Amanda, who hails from my hometown, has taken full advantage of this once-in-a-lifetime opportunity to learn firsthand how Congress works while gaining valuable experience about the legislative process. She excelled in the challenging environment of the Capitol, got to know new and interesting people, and attend the prestigious House Page School with some of the country's brightest young minds.

Prior to her time in Washington, DC, Amanda was involved in numerous activities at her school and church. She has served as a mentor, tutor, and missionary to an orphanage in Reynosa, Mexico. In addition, she has done home improvement work with the Nehemiah project of World Changers in Norfolk, VA.

Amanda's sparkling personality and engaging demeanor have been appreciated by my office and her fellow pages. The people whom a page meets here will be the movers and shakers in the country for the rest of their life. Washington, DC, is an exciting place and every page who leaves the program tells us the experience profoundly changed their life. Amanda has shared that sentiment and I have no doubt that her time as page will influence her goals.

As Amanda heads back to Texas, I am sure that she will take many of the lessons learned here and apply to her all life and activities. I am proud of hard work and accomplishments, despite being so far from her home and her family. I wish her the best of luck when she returns to school, and know she will use her experiences here to go on and do great things.

HONORING JIM CARROLL

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to recognize Mr. Jim Carroll, a proud veteran and dedicated public servant. Mr. Carroll is retiring this year after 38 years of Federal service, most of which has been spent with the National Park Service at Mammoth Cave National Park.

Jim Carroll grew up in Hart County, Kentucky, and graduated from Munfordville High School in 1966. He was drafted into the Army in 1968 and served in Vietnam. Upon his return, he enrolled at Western Kentucky University and graduated in 1975.

Mr. Carroll began his tenure with the Park Service in 1972 as a seasonal guide at Mammoth Cave National Park. After a brief assignment at Biscayne National Park in Florida, he returned to Mammoth Cave as a full time Park Ranger. Mr. Carroll then served as a Split Ranger, working with the law enforcement and resources management divisions of the park. Mr. Carroll has been supervised nearly all aspects of Mammoth Cave National Park.

In 1995, Mr. Carroll was named Chief of the Division of External Programs. His responsibilities have included media relations, publications, information technology, concessions management, and community relations.

It is my privilege to honor Jim Carroll today, before the entire United States House of Representatives, for his service to Mammoth Cave National Park. I wish Jim, and his wife Sina a safe and happy retirement.

INTRODUCTION OF RESOLUTION COMMEMORATING THE CENTENNIAL OF PRESIDENT THEODORE ROOSEVELT'S CONFERENCE OF GOVERNORS

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. BLUMENAUER. Madam Speaker, today I am introducing, along with Mr. OBERSTAR, Mr. DEFAZIO, Mr. WALSH, Mr. PETRI, and Mr. FARR, a resolution to commemorate the centennial of President Theodore Roosevelt's Conference of Governors. That conference, which included many State Governors, the members of President Roosevelt's Cabinet, Members of Congress, professional organizations, and Government bureaus—and which served as the first meeting of what today has become the National Governors Association—resulted in a report that incorporated the growing interest in conservation as well as articulated the need for future investments in civil

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

infrastructure. The conference laid the groundwork for many of the critical investments of the 20th century and serves as an important reminder that the value of infrastructure investments is dependent on national planning efforts. In the past few decades, our critical infrastructure has fallen into disrepair. As we embark on efforts to improve our Nation's civil infrastructure, we should acknowledge and honor the plans that laid the groundwork for our Nation's greatness.

HONORING NANDO GOMEZ

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. ORTIZ. Madam Speaker, I rise to pay tribute to one of my most trusted staff members, my Chief of Staff, Fernando P. "Nando" Gomez, Jr. After working in Congress for 7 years, the past 2 as my chief of staff, Nando will be joining the private sector.

Nando's dedication to and interest in public service has led him from the small town of Gregory, TX, to the corridors of two Capitols. During his senior year at the University of Texas in 1994, he began working for the Texas House Speaker James E. "Pete" Laney. Nando worked for Speaker Laney for nearly 5 years and was appointed the House reading clerk during the 74th and 75th Legislative Sessions.

He then moved to Washington, DC, in 2001 and worked for Congressman Martin Frost, serving as legislative assistant and then as legislative director. He joined my staff in 2005 and rose from legislative director to chief of staff.

Words cannot begin to describe what Nando has meant to me, my staff, and the people of the 27th District of Texas. I have relied on Nando for his professionalism, work ethic, and friendship. He takes pride in his work, which is especially personal to him because he was born and raised in the district I represent. For him, it has not just been about serving as my chief of staff—it is about advocating for the issues of his hometown, his family, and his roots.

Nando has also taken an active role with local youth. He serves in Brothers/Big Sisters Mentor program, where he has had the honor of serving as big brother to his little brother, Franklin, for nearly 5 years. Nando is an avid sports fan whose allegiances lie with the Texas Longhorns, Houston Astros, San Antonio Spurs, and the Dallas Cowboys.

Though I bid Nando a sad farewell from my office, it will certainly not be a good-bye. I look forward to seeing him around the Capitol when he comes up to catch up with old friends.

Nando remains a trusted member of my family, and I will always seek his counsel on matters political and personal. I wish him, his wife Kristy and son Dominic the best of luck during the new phase of his life.

FREEDOM FOR RAUDEL MARTINEZ GOMEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to speak about Raudel Martinez Gomez, a political prisoner in totalitarian Cuba.

Mr. Martinez Gomez is a member of the Plantados Movement for Cuban Freedom. He along with fellow dissidents Victor Yunier Ferenandez Martinez and Joenny Alonso Asiz, were arrested in February 2006 for a crime the Cuban dictatorship calls "dangerousness." In sham trials they were each convicted, with Mr. Martinez Gomez sentenced to 3 years in prison.

Unfortunately, his imprisonment for what is really political dissent is nothing new for his family. While Mr. Martinez Gomez was facing trial before the dictatorship's facade of a judicial system, his father was imprisoned in a Cuban gulag for nothing more than participating in a peaceful pro-democracy protest outside the French embassy in Havana. The Cuban regime released his father this past May without formally charging him with any crime.

Shortly after his father's arrest, the local chief of the so-called "Committee for the Defense of the Revolution" came to the home Mr. Martinez Gomez shared with his father. Mr. Martinez Gomez was forced out of his home along with his wife, who was 7 months pregnant at the time. But these local vigilance committee goons were not content with forcing Martinez Gomez and his pregnant wife from their home, they wanted to add insult to injury. So they sent a group of ruffians to shout insults and obscenities at Martinez Gomez and his wife as they left the home they had known for the last 11 years.

What exactly did Mr. Martinez Gomez do to cause his conviction for the so-called crime of "dangerouness?" This is impossible to fully know in the totalitarian circus of present day Cuba but perhaps the regime was afraid of the courage repeatedly demonstrated by Mr. Martinez Gomez.

Madam Speaker, this is just another condemnable occurrence in the constant pattern of brutality by the totalitarian tyranny just 90 miles from our shores. And yet, though the tyranny has attempted to stop Mr. Martinez Gomez, he will never cease in his commitment to freedom for Cuba. My colleagues, we must demand the immediate release of Raudel Martinez Gomez and all prisoners of conscience in totalitarian Cuba.

PERSONAL EXPLANATION

HON. PHIL HARE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. HARE. Madam Speaker, on Tuesday, January 22, 2008, I was unavoidably detained. I ask for unanimous consent that the RECORD reflect had I been present, I would have voted "aye" on rollcall No. 19, H.R. 4211—To designate the facility of the United States Postal Service located at 725 Roanoke Avenue in Roanoke Rapids, North Carolina, as the "Judge Richard B. Allsbrook Post Office"; and I would have vote "aye" on rollcall No. 20, H. Res. 866—Honoring the brave men and women of the United States Coast Guard whose tireless work, dedication, and commitment to protecting the United States have led to the Coast Guard seizing over 350,000 pounds of cocaine at sea during 2007, far surpassing all of our previous records.

HONORING DALLAS CHRISTIAN SCHOOL ON ITS 50TH ANNIVERSARY

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. HENSARLING. Madam Speaker, today I would like to rise to recognize Dallas Christian School and join with them in celebrating their 50th anniversary.

In 1957, Dallas Christian School was established with a mission to train students academically, physically, and spiritually. Five decades later, this nationally recognized Blue Ribbon School continues to accomplish its mission by supplementing its academic curriculum with daily Bible classes and chapel services, college courses, extracurricular activities, and an athletic department.

Located in Mesquite, Texas, 90 percent of Dallas Christian School graduates attend institutions of higher education, and since 1992, 20 seniors have qualified for the National Merit Scholarship.

Madam Speaker, on behalf of the Fifth District of Texas, I am honored to recognize Dallas Christian School's 50th anniversary, and I would like to commend the students, board of directors, faculty, and staff for helping to shape a brighter future for our community and our country.

RECOGNIZING REV. CHARLES L. MOSELEY ON THE OCCASION OF HIS RETIREMENT

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. FORBES. Madam Speaker, I rise today to recognize my pastor and dear friend, Rev. Charles L. Moseley on the occasion of his retirement from nearly 40 years of service as pastor of Great Bridge Baptist Church in Chesapeake, VA.

Charles Moseley was born in Camden, SC, the fifth child and only son of Fred and Julia Moseley. Growing up in a small town, Charles felt the influence of his godly mother and father. One evening in October 1949 after a revival service at First Baptist of Camden, while Charles and his friends were watching an eclipse of the moon, he felt the call of God to full-time Christian ministry.

Charles started his higher education achieving his associate of arts degree from Wingate Jr. College in January 1952. He went on to receive his bachelor of arts degree in English from Coker College in January 1954. Continuing to be led by the Lord, Charles then entered Southeastern Seminary at Wake Forest, NC, and graduated with a bachelor of divinity in January 1958. He later earned a master of divinity from Southeastern Seminary in the early 1970s. Throughout these years of college, Charles continued to see God's hand on his life in many ways through financial help, mentoring from professors, and preaching in churches in the area.

During his time at seminary, Charles preached in many churches but was led to pastor two churches in Dillon County, SC. He would travel between the two churches on Sunday preaching at one at 10 a.m. and the other at 11 a.m. It was during this time in December 1956 that he met his future wife, Louise Martin. At the time, Lou was serving as education director of the First Baptist Church of Dillon, SC. They were married in June 1957.

As a senior at seminary, many offers from churches came for him to serve as pastor but Charles was not led to any of them until he received an offer from a small church in Valdese, NC, in early 1958. Abee's Grove Baptist was a small country church located in the mountains of North Carolina with a Sunday morning attendance between 100 to 150 people.

Pastor Moseley and his family left this church in 1962 to begin a ministry at the First Baptist Church of Carthage, NC. Located near Pinehurst, NC, First Baptist was a dignified little church with a beautiful pipe organ, stained glass windows, and friendly congregation.

From the beginning of his studies, Charles had the desire to be a chaplain in the Air Force but that was not the Lord's path for him. He did however, serve in the National Guard and proudly retired from the U.S. Army Reserve with 23 years of service.

Even in the beginning of his ministry, Charles had always thought he would be the pastor of a small church, never imaging that the Lord would lead him to shepherd a large, vibrant, and growing church. However, in 1969 Charles and his family felt the call to Great Bridge Baptist Church, a church of 650 members in a rural area near Norfolk, VA. Throughout his ministry at Great Bridge Baptist, Pastor Moseley has always maintained that he is a pastor first, serving his people wherever their needs are. His greatest desire is to be a servant reaching out to his congregants during their most important times—marriage, birth, death, crisis, sickness, sorrow, fear, joy.

When asked what he would say is a highlight of his ministry at Great Bridge Baptist, Pastor Moseley recalled that one of the greatest of his delights is experiencing someone coming to know the Lord. The blessing of leading a person to know Christ as his/her Savior is the joy of his life.

Madam Speaker, in the nearly 40 years of service at Great Bridge Baptist Church, Pastor Moseley has steadfastly led his congregation in the footsteps of Christ, touching thousands of lives with the joy and peace of the Lord. Through the many years that my family and I have attended Great Bridge Baptist, I have come to know Rev. Moseley as a model of selfless service and great spiritual leadership. Today we thank him for his service to us and most importantly his service to the Lord and we ask God's special blessing on him and his family as they pursue the joys and challenges of this next phase of his life.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately yesterday, January 22, 2008, my flight to Washington, DC was delayed, and I was unable to cast my votes on H.R. 4211 and H. Res. 866 and wish the RECORD to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 19 on suspending the rules and passing H.R. 4211, naming the Judge Richard B. Allsbrook Post Office, I would have voted "aye."

Had I been present for rollcall No. 20 on suspending the rules and passing H. Res. 866, honoring the brave men and women of the United States Coast Guard whose tireless work, dedication, and commitment to protecting the United States have led to the Coast Guard seizing over 350,000 pounds of cocaine at sea during 2007, far surpassing all of our previous records, I would have voted "aye."

AMERICAN JOBS CREATION AND ECONOMIC STIMULUS ACT OF 2008

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. MANZULLO. Madam Speaker, last week, the Congressional Budget Office, CBO, released its report outlining options for responding to the Nation's short-term economic weakness. One key finding of the report contains a warning: Any stimulus that a short-term economic package "can provide to the economy depends on how much of the resultant spending goes to purchase domestically produced goods. The degree of stimulus that a policy can provide to the economy also depends on how much of the resultant spending goes to purchase domestically produced goods. If the additional consumption, or investment, demand is satisfied by imported goods, the income of foreign producers will rise, and the stimulus essentially will be exported."

Simply put, the benefits of the proposed $145 billion U.S. economic stimulus package should not go abroad. The benefits of this package should help Americans as much as possible. That's why I, along with Representatives BILL LIPINSKI, ERIC CANTOR, WALLY HERGER, and JEFF FORTENBERRY, am proud to introduce today the American Jobs Creation and Economic Stimulus Act of 2008. This bill will provide a quick power boost to the economy that does not cost too much and rewards companies for keeping and adding jobs in America. This proposal simply accelerates the phase-in of the domestic manufacturing tax benefit by 2 years. Any economic stimulus package that is crafted by Congress should include this provision.

The domestic manufacturing tax deduction, now section 199 of the U.S. Tax Code, started in 2005 at 3 percent as part of the 2004 law that replaced the Foreign Sales Corporation/Extraterritorial Income, FSC/ETI tax structure, which was ruled as an illegal export subsidy by the World Trade Organization, WTO. Last year, the domestic manufacturing tax deduction increased to 6 percent. The final phase—raising the domestic manufacturing deduction to 9 percent—is scheduled to start in 2010. The American Jobs Creations and Economic Stimulus Act of 2008 simply changes the start date of the 9 percent domestic manufacturing tax deduction from January 1, 2010, to January 1, 2008, thus providing an additional 3 percent tax incentive for all domestic manufacturers right now.

According to the Internal Revenue Service, IRS, 378,627 small and large manufacturers, as broadly defined by the U.S. Treasury, were helped by this benefit in 2005. One year later, that number grew to over 400,000. The domestic manufacturing benefit applies to firms of all types—C Corporations, S Corporations, Limited Liability Companies, LLCs, and sole proprietorships.

This tax deduction is ideal because it only applies to revenue generated by operations based in the United States and discourages the "off-shoring" of American production. No other economic stimulus idea ties tax relief to requiring companies to keep production and jobs in the United States. The American Jobs Creation and Economic Stimulus Act of 2008 is a simple bipartisan low-cost idea that will make a real difference right now. It also fits within the parameters, as outlined by the President on Friday, of what could be included in an economic stimulus package.

Madam Speaker, I respectfully urge the inclusion of accelerating the phase-in of the domestic manufacturing tax deduction in any economic stimulus legislation that will be voted on by the House this year.

PERSONAL EXPLANATION

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to explain my absence from votes cast on January 22, 2008. I was in Houston meeting with constituents at a townhall meeting our office scheduled prior to knowing votes would take place last night.

On rollcall vote No. 19, to approve H.R. 4211, had I been present, I would have voted "aye."

On rollcall vote No. 20, to approve H. Res. 866, had I been present, I would have voted "aye."

"ONE LESS ANGEL WILL CRY"

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. DUNCAN. Madam Speaker, I was recently visited in my office by one of my constituents from the second district of Tennessee, Julie Rich. Julie is one of six winners in a nationwide contest for the March for Life Education and Defense Fund of 2008. I would like to call to the attention of my colleagues and other readers of the RECORD her winning poem.

ONE LESS ANGEL WILL CRY

A guardian angel looks up from Earth
And prays each day to the Lord in the hope
That one particular baby will survive until birth
The mother does not want it; she is scared
She has by now reached the end of her rope
O Lord! Please let the child be spared!
She throws up her hands and yells, "I'm through!
I don't want to be in this position
I will abort. It's something I must do!"
The angel wept
What a horrid decision!
Up to heaven the angel and the baby's soul leapt
The gates were wide open and the soul was ushered in
And why not
For one whose lifespan was tremendously thin?
The devastating thought of abortion should be left far behind
It is like a blot
On all of mankind
"Build Unity on the Life Principles throughout America.
No Exception! No Compromise!"
We must be strong with these words, America
Because millions upon millions have died this way
Abortion has claimed too many lives
Babies perish like this every single day
What if it had been you? One of the ones killed?
You would not know
Your body would have been chilled
Mothers please do not tell your infants goodbye
Let the babies live, let them grow!
And one less angel will cry

PERSONAL EXPLANATION

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Ms. BERKLEY. Madam Speaker, because I was attending to important constituent matters in my congressional district involving the historic Nevada Presidential Caucus, I was unable to vote on rollcall Nos. 1 through 18. Had I been present, I would have voted "present" on rollcall No. 1; "yes" on rollcall Nos. 2–7, 11–12, and 17–18; and "no" on rollcall Nos. 8–10 and 13–16.

PERSONAL EXPLANATION

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. ELLISON. Madam Speaker, on January 22, 2008, I failed to vote on rollcall Nos. 19 and 20 because my flight was unexpectedly delayed. Had I voted, I would have voted "yea" on rollcall No. 19 and "yea" on rollcall No. 20.

RECOGNIZING TIBOTEC THERAPEUTICS FOR THEIR INNOVATION AND CORPORATE RESPONSIBILITY IN DEVELOPING NEW TREATMENTS FOR AMERICANS WITH HIV/AIDS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. ANDREWS. Madam Speaker, I rise today to commend and congratulate Tibotec Therapeutics for their innovation and corporate responsibility in developing new, effective treatments for people living with HIV/AIDS. On Friday, January 18, 2008, the Food and Drug Administration approved Tibotec's second HIV drug, INTELENCE™, for the treatment of HIV infection.

We are all aware of the success HIV therapies have had on prolonging and enhancing the quality of life for those infected with HIV/AIDS. As the infected population lives longer and becomes increasingly resistant to current treatment regimens, there is a growing need to focus on access to newer therapies for treatment experienced. HIV drug manufacturers are being challenged to meet the treatment needs of this changing population.

Tibotec Therapeutics, an operating company of Johnson & Johnson, has a strong history of advancing the science of HIV treatment, and INTELENCE™ is another shining example of this cutting-edge research and development.

INTELENCE™, also known as TMC125. is the first new drug in the NNRTI class to be approved in a decade. It brings new hope to HIV patients whose HIV virus has become resistant to other HIV therapies, including drugs in the same NNRTI class.

I would also like to recognize Tibotec Therapeutics for their outstanding work with the HIV patient and physician communities during the development and approval of both PREZITSA™ and INTELENCE™. Tibotec Therapeutics worked closely with leaders in the HIV community on the development of the pivotal clinical trials that led to FDA approval of this product. Notably, the FDA approved INTELENCE™ through an accelerated approval procedure—a process that is reserved for the early approval of drugs that show a meaningful therapeutic advantage over existing treatments for serious or life-threatening diseases.

In addition, Tibotec Therapeutics acted responsibly in pricing INTELENCE™, a fact recognized by many leaders in the HIV community. In fact, one leading HIV patient advocate stated, "With the introduction of INTELENCE, Tibotec Therapeutics has demonstrated exceptional leadership in working with the HIV community in an effort to address pricing and access issues. Tibotec has repeatedly recognized the necessity of responsibly pricing HIV products and should be commended for its leadership in this regard."

Once again, I commend Tibotec Therapeutics for its innovation and corporate responsibility. I applaud the fact that Americans living with HIV/AIDS will now have access to a new and important treatment option, affording them the possibility of living healthier and productive lives.

TRIBUTE TO SERGEANT JAMIE O'DELL MAUGANS

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. TIAHRT. Madam Speaker, today I have the honor to introduce a bill naming the post office in Derby, KS, after a fallen hero, SGT Jamie O'Dell Maugans. Sergeant Maugans was the first casualty of the Global War on Terror from the 4th District of Kansas. A Derby native, Sergeant Maugans graduated from Derby High School and attended the University of Kansas and Cowley County Community College before joining the Army.

Sergeant Maugans was an ordnance disposal specialist and stationed in San Diego when our Nation was attacked on September 11, 2001. He was deployed to Afghanistan in connection with Operation Enduring Freedom—Afghanistan.

On April 15th, 2002, while disposing of ordnances near Kandahar, Afghanistan, Sergeant Maugans was killed along with three others, including fellow Kansan SSG Justin Galewski, from Olathe. He was only 27 years old.

Sergeant Jamie Maugans' family, including his mother Kathy Wurdeman, his father Bryce Maugans and stepmother, Mary Maugans, his brother and four sisters, are very proud of him. His commitment to family, friends and country are well known. By naming this post office, I hope that everyone in South Central Kansas will come to know and remember this young man and his sacrifice. We all owe a debt of gratitude to Sergeant Maugans and his fellow servicemen and women.

Naming the post office in Derby after Sergeant Jamie Maugans is but a simple way we can honor his memory and the memory of all those who have fallen in battle for the defense of this nation. I ask my colleagues to support this important effort.

HONORING CAPTAIN WILLIAM HENRY MULLIGAN

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. BISHOP of New York. Madam Speaker, I rise to honor and recognize Captain William

Henry Mulligan for his extraordinary career and accomplishments as he plans to step down as president of the Suffolk County Police Superior Officers Association (SOA).

Bill Mulligan was raised in the great town of Hempstead, NY. He proudly served our country in the United States Navy, from 1961 to his honorable discharge in 1964.

Bill joined the Suffolk County Police Department (SCPD) in August of 1967 as a patrolman, and his commitment to law enforcement led to numerous promotions within the department and the Suffolk County Superior Officers Association (SOA). Among the police department, Bill was known for his dedicated work as an officer and as a lover of sports. Bill managed and played for the SCPD softball team which won medals in the New York State Police Olympics and gained national notoriety for its outstanding play.

In 2005, Captain Mulligan was named president of the Suffolk County SOA. The SOA is responsible for representing the labor interests of its members in the Suffolk County Police Department. The organization acts as the exclusive majority representative in negotiating for improved wages, hours, working conditions, welfare and job security, as well as for all other aspects of collective bargaining. As president, Captain Mulligan represented over 500 supervisors and administrators in the Suffolk County Police Department and he has held the position with distinction for the last 3 years.

Today Bill lives in the town of Riverhead, NY with his wife of 42 years, Janet, and their three beautiful daughters, Janine, Elizabeth and Michele.

I am proud to honor Captain William Henry Mulligan for his service to our country and our community. Madam Speaker, on behalf of all New Yorkers, it is with great pride that I recognize and thank Captain Mulligan for a truly distinguished career. We wish him and his family the best in the future.

IN MEMORY OF WILLIAM “SYKES” HARRIS

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. ROSS. Madam Speaker, I rise today to honor the memory of William “Sykes” Harris of Warren, AR, who passed away January 15, 2008, at the age of 89.

Sykes Harris was a true pioneer in the wood flooring business in south Arkansas. After nobly serving his country in World War II, he returned to his childhood home of Warren, where he began a lifetime in business making a positive impact on countless Arkansans through Wilson Oak Flooring, which he would successfully own and operate for nearly 25 years.

Although Sykes Harris had a career in business, his calling and real passion was in community development. The City of Warren and its residents were extremely fortunate to gain from his selfless gifts of time and energy to make his community a better place to live. He took a keen interest in seeing businesses flourish throughout Warren and Bradley County, and this was evident through his service in the Warren Rotary Club, the Warren Country Club and the Warren Bank and Trust Company.

In addition, Sykes Harris was deeply honored to be appointed by then-Governor Bill Clinton to serve on the board of trustees of the University of Arkansas in 1983. Upon completing his 10-year term, the City of Fayetteville recognized his invaluable contributions and efforts by naming him an honorary citizen and presenting him with a key to the city. When Sykes was not working in business or giving back to the community, he could be found relaxing and sitting on his floating duck blind in Arkansas City with any number of family and friends.

I send my deepest condolences to his daughter, Sally Harris Barnett, of Casscoe, AR; his sister, Frances Harris Hedrick of Warren, AR; and to his numerous grandchildren and great-grandchildren.

Sykes Harris will be missed by his family, his community and all those who knew him and called him a friend. His focus on the community and his spirit of selfless service to others will never be forgotten. I will continue to keep his family in my deepest thoughts and prayers.

BAYTOWN, TEXAS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. POE. Madam Speaker, the city of Baytown, Texas will celebrate its 60th anniversary on January 24, 2008. Baytown's rich history of rugged Texas pioneers, oil boom settlements and economic contributions to Texas span more than 150 years.

Some of the first settlers to the area included Nathaniel Lynch who set up a ferry crossing in 1822 at the junction of the San Jacinto River and Buffalo Bayou. The crossing, now known as the Lynchburg Ferry, continues in operation today by Harris County.

William Scott, one of Stephen F. Austin's Old Three Hundred families, received a land grant in 1824. A settlement grew near his home on San Jacinto Bay which included a small store and a sawmill. This settlement became known as Bay Town.

The story of the present Baytown also encompasses the cities of Goose Creek and Pelly. The discovery of oil was the common thread that wove the three cities' history together.

In 1916, the Goose Creek oilfield became famous as the first offshore drilling operation in Texas. Both of the towns of Pelly and Goose Creek developed around the oil field. Ross S. Sterling and his business associates built a refinery near Goose Creek in 1917 and founded the Humble Oil and Refining Company which later became Exxon Company U.S.A.

Humble Oil purchased 2,200 acres in the area and called it Baytown. The town grew up around the refinery as the company built streets, sold lots, provided utilities and offered financing for workers to purchase a home.

Each city operated independently for several years but talks began to arise among residents of consolidating the three cities after World War I. After several failed attempts at consolidation, the cities reached an agreement in 1947. On January 24, 1948, the city of Baytown was officially established.

Today, Baytown continues to live up to its rich legacy of industry and community spirit. Exxon is still a major part of the city's petroleum industry along with several other major oil companies. Baytown is now also home to Goose Creek Consolidated ISD and Lee College which provide outstanding educational opportunities for students. The future of Baytown shines bright as a great city in which to live, work and play.

There are two well-known landmarks in Baytown, a giant live oak tree and the Fred Hartman Bridge. One landmark illustrates the rich history of the city's past and the other symbolizes its promising future.

The live oak tree, estimated to be more than 1,000 years old, grows in the center of West Texas Avenue. It has lived since Native Americans roamed the coastal plains, the battles of the Texas Revolution were fought and the Texas oil field discoveries were made.

The 440-foot tall Fred Hartman Bridge, a steel cable bridge that spans across the Houston Ship Channel, is Baytown's symbol of modern engineering and Texas-sized strength.

It is an honor to represent a part of Baytown as a portion of the Second Congressional District. My fellow colleague and friend, GENE GREEN represents the other part of Baytown in the United States Congress. Congressman GREEN and I are proud to have worked with Baytown Mayor Stephen DonCarlos and the city council on numerous projects concerning the city. They are commended for their leadership in helping Baytown grow.

I look forward to seeing Baytown prosper in the future and wish the city Happy Birthday as it celebrates its 60th anniversary.

And that's just the way it is.

TRIBUTE TO TIBOTEC THERAPEUTICS

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. BUTTERFIELD. Madam Speaker, I rise today to commend and congratulate Tibotec Therapeutics for their innovation and corporate responsibility in developing new, effective treatments for people living with HIV/AIDS. On Friday, January 18, 2008, the Food and Drug Administration approved Tibotec's second HIV drug, INTELENCE™ (etravirine), for the treatment of HIV infection.

In my home state of North Carolina, there are an estimated 31,000 people living with HIV/AIDS, many of whom may not be aware that they are infected with this life-threatening illness. Unfortunately, the Black Community in North Carolina as well as others across the southern United States are disproportionately impacted by HIV/AIDS. A high percentage of people in these communities are diagnosed in the later stages of HIV disease—a fact that further complicates their chances for successful ongoing treatment. Furthermore, Black women are disproportionately impacted by HIV/AIDS in our state, with an HIV infection rate almost 17 times higher than among non-Hispanic white women.

We are all aware of the success HIV therapies have had on prolonging and enhancing the quality of life for those infected with HIV/AIDS. As the infected population lives longer and becomes increasingly resistant to current treatment regimens; there is a growing need to focus on access to newer therapies for treatment experienced. HIV drug manufacturers are being challenged to meet the treatment needs of this changing population. Federal and State governments, public health programs, medical and community-based providers in addition to drug manufacturers are all challenged to find ways to better serve disproportionately impacted and underserved communities.

Tibotec Therapeutics is also a leader in reaching out to underserved communities highly impacted by HIV. A primary example of this is Tibotec's GRACE study, a first-of-its-kind clinical trial that will compare gender differences in the efficacy, safety and tolerability of an FDA-approved HIV therapy in women, and will also explore racial differences in treatment outcomes.

Tibotec Therapeutics, an operating company of Johnson & Johnson, has a strong history of advancing the science of HIV treatment, and INTELENCE™ is another shining example of this cutting-edge research and development. INTELENCE™, also known as TMC 125, is the first new drug in the NNRTI class to be approved in a decade. It brings new hope to HIV patients, whose HIV virus has become resistant to other HIV therapies, including drugs in the same NNRTI class. Notably, the FDA approved INTELENCE™ through an accelerated approval procedure—a process that is reserved for the early approval of drugs that show a meaningful therapeutic advantage over existing treatments for serious or life-threatening diseases.

Finally, Tibotec Therapeutics acted responsibly in pricing INTELENCE™, a fact recognized by many leaders in the HIV community. In fact, one leading HIV patient advocate stated, "With the introduction of INTELENCE, Tibotec Therapeutics has demonstrated exceptional leadership in working with the HIV community in an effort to address pricing and access issues. Tibotec has repeatedly recognized the necessity of responsibly pricing HIV products and should be commended for its leadership in this regard." This type of responsible corporate behavior is especially welcomed in my state of North Carolina, which has struggled in the past to provide access to HIV therapies for eligible lower-income individuals.

In closing, I would like to once again, I commend Tibotec Therapeutics for its innovation and corporate responsibility. I applaud the fact that North Carolinians living with HIV/AIDS will now have access to a new and important treatment option, affording them the possibility of living healthier and productive lives.

TRIBUTE TO DONALD GILMER

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. UPTON. Madam Speaker, I rise today to honor the inspiring career of Donald Gilmer, of Augusta, MI. A dedicated and selfless individual, Don has enthusiastically served the public for the past 33 years.

Don's career has served as an example of the definition of "public servant" and could be added to any dictionary listing.

Don has served Michigan citizens in a wide variety of significant roles, including 11 terms as a member of the Michigan House of Representatives, 3 of which he served as the chairman of the Appropriations Committee. Don has also served on the Kalamazoo County Board of Commissioners, as Michigan's lottery commissioner, as Governor John Engler's budget director, and most recently, as Kalamazoo County's Administrator. His services to Kalamazoo County and to the State of Michigan are truly commendable.

As my good friend retires, he closes one chapter of his inspiring career and embarks on a new phase of his life. I am confident that this retirement is far from the end of Don's public service and that he will remain committed to the citizens of our great State and community. Don's humor and kind heart will be greatly missed by his colleagues. I wish Don all the best in retirement.

PERSONAL EXPLANATION

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. KIND. Madam Speaker, on January 16, 2008, I erroneously voted in favor of an amendment offered by Representative JOE WILSON (SC) to H.R. 2768 (roll No. 8), the Supplemental Mine Improvement and New Emergency Response (S–MINER) Act. Please let the record show that I intended to vote against this amendment.

HONORING JACQUELINE MONTEIRO DACOSTA

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. KENNEDY. Madam Speaker, I rise today to express my sympathies to a wonderful Rhode Island family who has lost a devoted loved one named Jacqueline Monteiro Dacosta and to briefly share with you the impact she had on so many lives just by being kind.

Jackie was a loving mother, sister and daughter who always exuded a sense of comfort to all. That's why she was perfect for her job as a constituent case worker in my district office in Rhode Island. For the past 11 years she reached out to countless people who sought her advice and help on a multitude of issues and she always put them at ease while they told her their life problems. She reassured them—people she had just met—that she would do what she could to help, and then she did. I have a file of letters in my office from people who wrote to me just to praise Jackie for her hard work and more than that, to recognize her kindness.

Her sudden passing took us all by surprise. We knew instantly our office would never be the same without her presence, her funny stories, her smile. When thousands showed up for her wake and funeral to celebrate her life, it was such a testament to how truly loved she was in the community. No one had seen anything like it. Her family has been overwhelmed with an outpouring of support and sympathy from all over the state.

On my next trip to Cape Verde, her family members and I will plant a tree in Jackie's memory. Her spirit on earth will be forever surrounded by the unspoiled beauty of her homeland and the sounds of the island music she loved so much. We will never forget Jackie and her special qualities that touched so many lives and made life that much better.

We join Jackie's parents, Jose and Adelisa Monteiro; her children Stephanie and Justin and her siblings, Filomena, Osvaldo and Jose Jr. in continuing to honor Jackie's memory and her joyous spirit.

HONORING ISAIAS R. GOMEZ

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. BACA. Madam Speaker, I stand here today to honor and remember a community activist, friend, loving husband, and father—Isaias R. Gomez.

Isaias passed away on January 18, 2008 at his home in Colton, California.

He was born in Gallup, New Mexico, and was a resident of Colton, which is in my Congressional District, for almost 55 years.

While born in New Mexico, Isaias was raised in Jalostotitlan, Jalisco, Mexico. There he met and married his wife, Jessie Gomez. He and Jessie returned to Gallup, where Isaias began to work in the coal mines. Then in 1953, he and Jessie moved to Colton, and Isaias went to work for the Santa Fe Railroad.

Isaias and Jessie's 6 children—Rosa, Eloise, Isaias Jr., Yolanda, Tommy, and Terri—where all raised in Colton. After initially working with the railroad, Isaias eventually became a successful real estate developer and builder.

I had the great privilege of knowing Isaias personally through his daughter Eloise and her husband Frank Reyes, who are both good friends of mine.

In fact, I gave Eloise Reyes a "Woman of the Year" award in 1993, when I was in the California State Legislature. She was recognized for all her great work in the community, and for being a true trailblazer as the first Hispanic, female attorney in the Inland Empire.

Isaias always let everyone know that his family was his greatest blessing. He cherished his time with them—especially the time he spent with his 9 grandchildren.

Isaias will always be remembered for his amazing work ethic and his unending dedication to friends and family. His great influence on those around him is evidenced in the outstanding character of his children and grandchildren.

In addition to his children and grandchildren, Isaias is survived by his wife Jessie; his sisters Angelita, Alfonsina, and Isabel; and his brothers Joel, Jesus, and Arturo.

Let us take the time to pay tribute to this wonderful man. Let us celebrate the life he lived and the example he led.

Although he is no longer with us, Isaias's legacy and spirit will continue to live on through the lives of everyone he has touched.

The thoughts and prayers of my wife Barbara, my family and I are with his family at this time.

HONORING MR. STU PIKEN

HON. MIKE FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. FERGUSON. Madam Speaker, I rise to honor Mr. Stu Piken upon his retirement from civil service in February.

For the past 10 years, Mr. Piken has served as Deputy District Engineer for Project Management in the New York District of the U.S. Army Corps of Engineers. He is the senior civilian responsible for more than $650 million in projects for civil works, military, hazardous and toxic waste remediation and interagency agreements.

After my first election to the House in 2000, I have worked closely with him on a project of great importance to the 7th District that I represent, the Green Brook Flood Control Project.

In September 1999, portions of my district were devastated by Hurricane Floyd. Among the areas hardest hit were the communities of Manville and Bound Brook, New Jersey. The flooding in these communities resulted in two deaths, the evacuation of thousands of citizens, damages exceeding $100 million, major disruption to municipal services, and disruption to the lives of thousands of my constituents.

The Green Brook Flood Control Project began in response to Floyd and other storms. The Army Corps of Engineers is implementing the project—which includes a system of levees, flood walls, flood gates, pumping stations, and retention basins—to protect low-lying communities along flood plains of the Raritan River and its tributaries. Green Brook has received more than $65 million in federal funding since 2001, and Mr. Piken has been instrumental in its progress.

Before his current assignment, Mr. Piken served in the North Atlantic Division, U.S. Army Corps of Engineers, on a special assignment as the Director of Programs. In that position, he was responsible for the development of the water resources program for the Northeast as well as the management of all military design and construction in the Northeast and Europe.

I join the U.S. Army Corps of Engineers in thanking Stu Piken for his dedicated service—especially to the constituents I represent—and I wish him the best in his future endeavors.

TRIBUTE TO SERGEANT PHILLIP A. BOCKS

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. KNOLLENBERG. Madam Speaker, I want to pay tribute to a hero from my congressional district, Sergeant Phillip A. Bocks of Troy, Michigan. Today, I ask that the House of Representatives honor and remember this incredible young man who died serving his country.

Phillip Bocks was not one to back down from a challenge. From the time he was five years old, Phillip insisted on skiing adult courses, and at age fourteen, joined a hockey league even though he had never worn a pair of ice skates. While in high school, Phillip was a member of the swim team, acted in plays, and developed a flair for cooking.

After graduating from high school, Phillip joined the Marines in 2000 and was assigned to the Marine Corps Mountain Warfare Training Center in Bridgeport, California. As an instructor, Phillip trained Marines how to survive and fight in rugged terrain. On November 9, 2007, while on a mission to a village near Aranus, Afghanistan to make sure the residents had medical supplies and food, Sgt. Bocks was killed in an ambush.

My thoughts, prayers, and deepest gratitude for their sacrifice go to Phillip's family. There are no words that can relieve their pain and I can only offer to convey my deep respect and highest appreciation.

Madam Speaker, Sgt. Bocks gave the ultimate sacrifice not only for the freedom and security of his family and our country, but for the people of Afghanistan. I wish to remember his bravery and selflessness as he is honored today.

COMMENDING DISTRICT 02 FIRE DEPARTMENTS FOR A JOB WELL DONE

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. ISRAEL. Madam, Speaker. I rise today to congratulate the brave men and women from the Deer Park, Lindenhurst, North Babylon, West Babylon and Wyandanch Fire Departments. There is no question as to why the firefighters belonging to the FDNY are considered New York's bravest. The exemplary behavior and actions of these fine individuals represent just that, bravery.

When a fire broke out at Our Lady of Miraculous Medal Church in Wyandanch fire fighters' from not only this town, but surrounding towns, joined together. They used their resources and managed to put out a fire that was large enough to severely damage the church rectory, food pantry, and community outreach center. They managed to achieve this with no fatalities or injuries.

Our Lady of Miraculous Medal Church has provided outreach services for over 30 years. While it saddens me that an individual would intentionally start a fire at a place that has provided such charity, I feel a sense of ease at knowing that the brave fire fighters worked so quickly to counter these acts.

In closing, Madam Speaker, I want to commend the emergency responders for their bravery and a job well done. I would also like to express my deep gratitude to these men and women for their services not only on December 30th but on every day that they go out and risk their lives for others.

HONORING CATHY AND LEN UNGER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. BERMAN. Madam Speaker, my colleague, Congressman HENRY WAXMAN and I rise to pay tribute to our good friends, Cathy and Len Unger, who are being honored by the American Jewish Committee, AJC, at the Ira E. Yellin Community Leadership Award Dinner on January 24, 2008.

The AJC has chosen to recognize Cathy and Len, two remarkable leaders for their deep commitment to ensuring equal opportunities for all people and protecting their essential rights and liberties. For over 100 years, the AJC has been a vital organization in the Jewish community. It has continued its efforts to combat anti-Semitism, promote pluralism and democratic values, support Israel's quest for peace and security, advocate for energy independence and strengthen Jewish life.

As with all of us, Cathy and Len are the products of their family experiences. Len was born in a displaced persons camp after his parents survived the Holocaust. Although Cathy's father is a native Angeleno, Cathy's mother fled Germany with her family in 1933.

Cathy and Len were introduced to the AJC by Cathy's father, but their active participation started after a trip to Israel, organized by Ira Yellin, where they witnessed firsthand the impact of this outstanding organization. Upon their return, they joined the board of the Los Angeles chapter and have worked diligently to help the AJC attain its important mission.

Len graduated from UCLA and received his JD degree from Boalt Hall at UC Berkeley. Cathy also graduated from Berkeley. Len began his legal career in New York, where his pro bono work in a death penalty case earned him a Thurgood Marshall Award from the New York City Bar Association. When he relocated to Los Angeles, he joined the law firm of Levine and Krom, now Levine and Unger, where he currently practices.

Cathy became involved in politics, first working as a staff member for former Congressman Mel Levine during his tenure as a State Assemblyman, and then as a political and non-profit fundraiser. Both Cathy and Len have been politically active at local, State and national levels.

Their community interests involve many organizations. Cathy was appointed to the board of governors of the California Community Colleges. She is active on the local and national boards of Planned Parenthood and currently serves as chair of its Advocacy Project. She co-chaired the Women's Political Committee. Len is a member of the board and former chair of the southern California chapter of the Arthritis Foundation and is a recipient of the organization's Jane Wyman Humanitarian Award. He served as vice-chair of the national board of trustees of the Arthritis Foundation, and he currently sits on the board of Reprise! Broadway's Best, as well as on the boards of several charitable foundations. He also serves as a trustee of the investment board of the Los Angeles County Retirement Association.

Cathy and Len are the proud grandparents of Jack, Emma and Nate, children of Laura and Randy Dudley; and of Dylan, daughter of Susan and Daniel Unger.

We ask our colleagues to join us in saluting Cathy and Len Unger for their long-time commitment to public service.

PERSONAL EXPLANATION

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. ROSS. Madam Speaker, on Tuesday, January 22, 2008, I was not present for votes as my flight from Arkansas to Washington, D.C. was delayed.

Had I been present for rollcall No. 19, H.R. 4211, a bill to designate the facility of the U.S. Postal Service located at 725 Roanoke Avenue in Roanoke Rapids, North Carolina, as the Judge Richard B. Allsbrook Post Office, I would have voted "yea."

Had I been present for rollcall No. 20, H. Res. 866, a bill honoring the brave men and women of the United States Coast Guard whose tireless work, dedication, and commitment to protecting the United States have led to the Coast Guard seizing over 350,000 pounds of cocaine at sea during 2007, far surpassing all of our previous records, I would have voted "yea."

TWELVE PENELLAS COUNTY CITIES HONORED BY THE ARBOR DAY FOUNDATION

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. YOUNG of Florida. Madam Speaker, twelve Pinellas County, Florida cities were honored by the Arbor Day Foundation this year for their commitment to improving the environment.

This Tree City USA designation recognizes the commitment of towns and cities throughout our nation to preserving open lands and to beautify their streets and public lands through the planting of trees and other natural vegetation. Pinellas County, which I have the privilege to represent, has taken significant steps to maintain and enhance our state's natural beauty, even though it is Florida's most densely populated county.

The U.S. Forest Service's Urban and Community Forestry program provides key federal support for these efforts through state and local grants as well as with advice to local community leaders. Together, this federal, state and local initiative is making our communities better places to live.

The 12 Pinellas County communities honored this year as Tree Cities USA are the Town of Belleair led by Mayor George Mariani; the City of Clearwater led by Mayor Frank Hibbard; the City of Dunedin led by Mayor Robert Hackworth; the City of Gulfport led by Mayor Michael Yakes; the City of Largo led by Mayor Patricia Gerard; the City of Oldsmar led by Mayor Jim Ronecker; the City of Safety Harbor led by Mayor Andy Steingold; the City of St. Petersburg led by Mayor Rick Baker; the City of Seminole led by Jimmy Johnson; the City of South Pasadena led by Mayor Dick Holmes; the City of St. Pete Beach led by Mayor Ward Friszolowski; and the City of Treasure Island led by Mayor Mary Maloof.

Madam Speaker, in closing, I would ask my colleagues in the House to join me in congratulating these 12 cities and the commitment of their residents to making them such special places to live, to work, and to play.

HONORING MARY LOIS McMILLAN

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mrs. BLACKBURN. Madam Speaker, I ask my colleagues to join me in congratulating Mary Lois McMillan upon her retirement as a Career Counselor at WorkForce Essentials.

Since joining the Franklin Career Center more than fifteen years ago, she has been a cornerstone in the center's efforts to prepare Williamson County citizens for new and challenging careers. During her tenure, the Williamson County office was recognized as Career Center of the Year and received the Business Services Award on multiple occasions. Employers in the county trusted that any candidate she sent to them would be a viable and well-prepared applicant. Mary Lois McMillan is known throughout WorkForce Essentials as a dedicated team player with a tremendous work ethic. She will clearly be missed.

In addition to her efforts at the Career Center, she has consistently given back to the community through her volunteer work with the Williamson County Chamber of Commerce, the Carnton Plantation, the Heritage Foundation of Franklin and Williamson County, and the Dress for Success program.

Please join me in thanking Mary Lois McMillan for her contributions to our community and to Tennessee. We should all be proud of the work she has done.

IN RECOGNITION OF THE RETIREMENT OF CAPTAIN DAVID MARTIN KARASEK FROM THE FLORIDA HIGHWAY PATROL

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today in recognition of Captain David Martin Karasek upon his retirement from the Florida Highway Patrol.

Captain Karasek's commitment to his country and community spans several decades. After serving in the United States Air Force for six years, Captain Karasek attended the Florida Highway Patrol Training Academy where he was appointed State Trooper on January 9, 1978. For over 10 years, Captain Karasek served various communities in the State of Florida and attained numerous promotions. In 1990, Lieutenant Karasek transferred to the Florida Highway Patrol Training Academy where his experience and dedication made him instrumental in the fashioning of future State Troopers. A year later, Lieutenant Karasek was promoted to Captain and District Commander, where he has served for almost 17 years.

Throughout his 30 year career with the Florida Highway Patrol, Captain Karasek has been awarded Trooper of the Month on six separate occasions, and in 1981 he was elected Exchange Club Trooper of the Year. From 1992 to 1994, Captain Karasek served as Vice President of the First Judicial Circuit Law Enforcement Association. Escambia County and Northwest Florida communities are deeply indebted to Captain Karasek, whose continual commitment provided safety and security for our roads in Florida.

Madam Speaker, on behalf of the United States Congress, I am proud to honor Captain David Martin Karasek for his enduring allegiance to the State of Florida and our great Nation.

HONORING CAPTAIN LOREN V. HECKELMAN

HON. THELMA D. DRAKE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mrs. DRAKE. Madam Speaker, I would like to take this moment and thank my constituent, Captain Loren V. Heckelman, for his 28 years of service in the U.S. Navy. Captain Heckelman retired on January 1, 2008.

Captain Loren V. Heckelman served as Fleet Comptroller in the U.S. Atlantic Fleet from July, 2004 to June, 2007, administering a budget of $8.4 billion.

Prior to July, 2004, he commanded the Fleet and Industrial Supply Center Norfolk, the Navy's largest supply center. In that position, Heckelman was also responsible for Program Manager, Supply and Logistics for the Commander, Navy Region Mid-Atlantic.

He has served in the United States Navy in several abroad tours. He served as supply officer for the nuclear powered aircraft carrier

USS *Abraham Lincoln* while on deployment to the Persian Gulf and North Arabian Ocean and he was recognized as having the best service and sales operations among Navy aircraft carriers. In June, 1995, he acted as the Executive Officer in Yokosuka, Japan.

Heckelman was selected by the Undersecretary of the Navy to serve in the Department of the Navy's 1995 Base Realignment and Closure team, acting as the Infrastructure Analyst and the senior Supply Corps officer.

He served as the Executive Assistant to the Commander, Naval Informative Systems Management Center in Washington, DC.

Before receiving his master's degree of business administration from the University of Michigan, he served on the USS *Carl Vinson* as Stock Control and Readiness Officer.

His first command was on the destroyer USS *Bigelow*, first as Distributing Officer and quickly advancing to Sales Officer.

Highlighting his career in the United States Navy, Captain Heckelman has earned many awards including the Legion of Merit, Meritorious Service Medal, Naval Commendation Medal, Navy Achievement Medal, Military Outstanding Volunteer Service Medal, and the Meritorious Unit Commendation award.

I would like to convey my gratitude and congratulations to Captain Loren V. Heckelman for his 28 year commitment to the United States Navy and wish him the best in his future endeavors.

HONORING THE ACADEMY REVIEW BOARD AND ACADEMY NOMINEES FOR 2008

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. FRELINGHUYSEN. Madam Speaker, every year, more high school seniors from the 11th Congressional District trade in varsity jackets for Navy pea coats, Air Force flight suits, and Army brass buckles than most other districts in the country. But this is nothing new—our area has repeatedly sent an above average portion of its sons and daughters to the Nation's military academies for decades.

This fact should not come as a surprise. The educational excellence of area schools is well known and has long been a magnet for families looking for the best environment in which to raise their children. Our graduates are skilled not only in mathematics, science, and social studies, but also have solid backgrounds in sports, debate teams, and other extracurricular activities. This diverse upbringing makes military academy recruiters sit up and take note—indeed, many recruiters know our towns and schools by name.

Since the 1830s, Members of Congress have enjoyed meeting, talking with, and nominating these superb young people to our military academies. But how did this process evolve? In 1843, when West Point was the sole academy, Congress ratified the nominating process and became directly involved in the makeup of our military's leadership. This was not an act of an imperial Congress bent on controlling every aspect of Government. Rather, the procedure still used today was, and is, a further check and balance in our democracy. It was originally designed to weaken and divide political coloration in the officer corps, provide geographical balance to our armed services, and to make the officer corps more resilient to unfettered nepotism and handicapped European armies.

In 1854, Representative Gerritt Smith of New York added a new component to the academy nomination process—the academy review board. This was the first time a Member of Congress appointed prominent citizens from his district to screen applicants and assist with the serious duty of nominating candidates for academy admission. Today, I am honored to continue this wise tradition in my service to the 11th Congressional District.

The Academy Review Board is composed of six local citizens (several of whom are distinguished veterans) who have shown exemplary service to New Jersey, to their communities, and to the continued excellence of education in our area. Though from diverse backgrounds and professions, they all share a common dedication that the best qualified and motivated graduates attend our academies. And, as true for most volunteer groups, their service goes largely unnoticed.

I would like to take a moment to recognize these men and women and thank them publicly for participating in this important panel. Being on the Board requires hard work and an objective mind. Members have the responsibility of interviewing upwards of 50 outstanding high school seniors every year in the academy review process.

The nomination process follows a general timetable. High school seniors mail personal information directly to the Military Academy, the Naval Academy, the Air Force Academy, and the Merchant Marine Academy once they become interested in attending. Information includes academic achievement, college entry test scores, and other activities. At this time, they also inform my office of their desire to be nominated.

The academies then assess the applicants, rank them based on the data supplied, and return the files to my office with their notations. In late November, our Academy Review Board interviews all of the applicants over the course of two days. They assess a student's qualifications and analyze character, desire to serve, and other talents that may be hidden on paper.

This year the board interviewed 38 applicants. Nominations included 10 to the Naval Academy, 8 to the Military Academy, 5 to the Merchant Marine Academy, and 5 to the Air Force Academy—the Coast Guard Academy does not use the congressional nomination process. The recommendations are then forwarded to the academies by January 31, where admissions staff reviewed files and notified applicants and my office of their final decision on admittance.

As these highly motivated and talented young men and women go through the academy nominating process, never let us forget the sacrifice they are preparing to make: to defend our country and protect our citizens. This holds especially true at a time when our Nation is fighting the war against terrorism. Whether it is in Afghanistan, the Iraq, or other hot spots around the world, no doubt we are constantly reminded that wars are fought by the young. And, while our military missions are both important and sometimes dangerous, it is reassuring to know that we continue to put America's best and brightest in command.

ACADEMY NOMINEES FOR 2008, 11TH CONGRESSIONAL DISTRICT NEW JERSEY

AIR FORCE ACADEMY

Chelsea A. Bailey, Chatham, Academy of Arts Science & Engineering.
Phillip XG Choy, Basking Ridge, Ridge H.S.
Kenneth A. Natelli, Andover, Lenape Valley H.S.
Ethan J. Proll, West Caldwell, Trinity Christian School.
William D. Thimmel, Pompton Plains, Don Bosco.

MERCHANT MARINE ACADEMY

Michael C. Jones, Basking Ridge, Ridge H.S.
Leslie M. Martin, Parsippany, DePaul H.S.
Jack A. Morado, West Caldwell, St. Benedicts Prep.
Evan Prill, Boonton, Boonton H.S.
Matthew J. White, Bloomingdale, Butler H.S.

MILITARY ACADEMY

Brian P. Greely, Lake Hopatcong, Pope John XXIII.
Travis Hughes, Randolph, Randolph H.S.
Vincent J. Lally, Sparta, Sparta H.S.
James J. Mariani, Fairfield, West Essex H.S.
Mark E. McConnell, Lake Hopatcong, Jefferson H.S.
Alexander G. Pagoulatos, Basking Ridge, Ridge H.S.
Jason S. Rothamel, Basking Ridge, Ridge H.S.
Brendan J. Ward, Chatham, Chatham H.S.

NAVAL ACADEMY

William B. Brundage, New Vernon, The Pingry School.
Aaron Z. Dewitt, Mendham, W. Morris Mendham H.S.
Katherine S. Drainsfield, Bridgewater, Bridgewater-Raritan H.S.
Zachery R. Hoyt, Morristown, Delbarton School.
Anthony J. Kline, Boonton, Seton Hall Prep.
Kenneth L. Miltenberger, Mendham, Mendham H.S.
Kevin A. Petty, Succasunna, Roxbury H.S.
Colin R. Price, North Caldwell, Home School.
Nicholas G. Tepfenhart, Long Valley, West Morris Central.
David C. Wenger, Montville, Montville H.S.

HONORING THE 100TH ANNIVERSARY OF THE CLARENCE CENTER VOLUNTEER FIRE COMPANY

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. REYNOLDS. Madam Speaker, it is with great pride that I rise today to commemorate the 100th Anniversary of the Clarence Center Volunteer Fire Company of Clarence, New York. For a century the members of the Clarence Hose Company have been volunteering to protect their neighbors.

The Clarence Center Volunteer Fire Company became the first fire company in the Town of Clarence in 1908. The company began as a stock company and was able to purchase a hand drawn hose cart and chemical fire extinguishers. Land for a fire hall was donated to the Fire Company by a local businessman, and fundraising for the construction began in July 1908 with the First Firemen's picnic in Clarence. With the help of a local farmer, Wesley Williams, the Company raised enough money to construct Williams Hall.

The year 1922 marked a milestone for the Clarence Center Volunteer Fire Company. In February of this year the Company was able to purchase its first fire truck. The acquisition of this truck was important to the protection that the fire company offered the people in Clarence. Additionally, the first annual Labor Day Picnic was held in 1922. This is a time-honored event in the town of Clarence; not only is it a way for the fire company to raise funds for improvements to the equipment used to serve the people of Clarence, but it is an event that families throughout the town look forward to every year.

Since its beginnings the Clarence Volunteer Fire Company has become an indispensable part of the town. The Company remains committed to providing fire, rescue, and EMS services to the citizens that reside within the district boundaries. They've continued to meet the needs of the rapidly growing population of Clarence Center. As we reach the 100th anniversary of this fire company the volunteers continue to dedicate themselves to serve and assist the members of their community.

Thus Madam Speaker, in recognition of its 100th Anniversary of tremendous service in the Town of Clarence, I ask this honorable body join me in honoring the Clarence Center Volunteer Fire Company.

HONORING HRANT DINK

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Ms. ZOE LOFGREN of California. Madam Speaker, I rise today to honor Hrant Dink. He was a Turkish-Armenian journalist and a defender of the freedom of the press. His belief in this freedom never wavered despite his prosecution and conviction under Article 301 of the Turkish Penal Code, which makes it a crime to discuss the Armenian Genocide. Sadly, Mr. Dink's life was taken one year ago on January 19, 2007.

I am proud to cosponsor H. Res. 102, which condemns the assassination of Hrant Dink. This bill urges the Turkish government to continue to investigate and prosecute those responsible for Mr. Dink's murder and to protect the freedom of speech in Turkey by repealing Article 301. The repeal of this Article will ensure that Hrant Dink's legacy will live on and that his death will not have been in vain.

HONORING MARY LOUISE PLUNKETT

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. CROWLEY. Madam Speaker, I rise to pay tribute and say thanks to Mary Louise Plunkett one of the most influential people in my life for more than 25 years, and one of the most valued members of the Queens community for more than 50.

I was blessed to meet Mary Lu in my early twenties, when I stopped into the Queens Democratic County Headquarters while running errands for my Uncle Walter. That day was the start of one of the important friendships in my personal and political life.

But, long before Mary Lu became a valued part of my life, she was already a valued and well-established force in Queens County.

Brooklyn-born Mary Lu moved to Jackson Heights in 1949 with her husband, Jack. Mary Lu was quick to engage in her community and church, and we were just as quick to forgive Mary Lu for her Brooklyn past.

Mary Lu's foray into politics started when she joined the Amerind Democratic Club. She went on to volunteer at Queens County Democratic Headquarters, where she became a full time member of the staff in 1956. While working at County headquarters, Mary Lu served some of Queens finest leaders, including Moses Weinstein, Jim Roe, and Tom Manton. And, her influence on them and our community was felt by all.

No political event or dinner was held without Mary Lu and her charm. She helped to welcome such dignitaries as Jack Kennedy, TED KENNEDY, Jimmy Carter, Hugh Carey, Ed Koch, Mario Cuomo, and Bill and HILLARY CLINTON in to our Queens family.

Her intelligence, warmth and kindness made all people feel welcome and comfortable.

However, Mary Lu's reach went far beyond local politics. When she was not at County headquarters, she was working to create a better Queens. For example, she hosted an annual fundraiser to help the children of St. Gertrude's Parish in Far Rockaway.

On top of all she does for others, most important to her is her role as mother and grandmother. There is nothing Mary Lu won't or hasn't done for her two children—Steven and Jamie and her three grandchildren—Matthew, Christopher and Caroline.

I have tremendous respect for Mary Lu and all she has accomplished, but as her friend I am most proud of how she has led her family.

In the coming weeks, my fellow friends and colleagues in Queens will gather to honor Mary Lu for her lifetime of service to Queens, New York.

We will applaud her for her charity, wit and political skill. And, I will thank her for being a mentor and friend.

Mary Lu, congratulations on a lifetime of achievements.

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. FRANKS of Arizona. Madam Speaker, because the end of the hour grows close, I would now come before this body with a sunset memorial. We intend to repeat this from time to time to chronicle the loss of life by abortion on demand in this country.

Madam Speaker, it is January 23, 2008, in the land of the free and the home of the brave, and before the sun sets today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand just today.

Exactly 35 years today, the tragic judicial fiat called Roe v. Wade was handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million children. Madam Speaker, that is more than 16,000 times the number of innocent lives lost on September 11.

Each of the 4,000 children that we lost today had at least four things in common. They were each just little babies who had done nothing wrong to anyone. And each one of them died a nameless and lonely death. And each of their mothers, whether she realizes it immediately or not, will never be the same. And all the gifts that these children might have brought to humanity are now lost forever.

Madam Speaker, those noble heroes lying in frozen silence out in Arlington National Cemetery did not die so America could shred her own Constitution, as well as her own children, by the millions. It seems that we are never quite so eloquent as when we decry the genocidal crimes of past generations, those who allowed their courts to strip the black man and the Jew of their constitutional personhood, and then proceeded to murderously desecrate millions of these, God's own children.

Yet even in the full glare of such tragedy, this generation clings to blindness and invincible ignorance while history repeats itself and our own genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Perhaps it is important for those of us in this Chamber to remind ourselves again of why we are really all here.

Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government."

Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath. The phrase in the 14th amendment capsulizes our entire Constitution. It says: "No state shall deprive any person of life, liberty or property without due process of law."

The bedrock foundation of this Republic is the Declaration, not the casual notion, but the Declaration of the self-evident truth that all human beings are created equal and endowed by their creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world. It is who we are.

And yet today, Madam Speaker, in this body we fail to honor that commitment. We fail our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 innocent American babies who died without the protection we should have been given them.

Madam Speaker, I believe that this discussion presents this Congress and the American people with two destiny questions.

The first that all of us must ask ourselves is very simple: Does abortion really kill a baby? If the answer to that question is "yes," there is a second destiny question that inevitably follows. And it is this, Madam Speaker: Will we allow ourselves to be dragged by those who have lost their way into a darkness where the light of human compassion has gone out and the predatory survival of the fittest prevails over humanity? Or will America embrace her destiny to lead the world to cherish and honor the God-given miracle of each human life?

Madam Speaker, it has been said that every baby comes with a message, that God has not yet despaired of mankind. And I mourn that those 4,000 messages sent to us today will never be heard. Madam Speaker, I also have not yet despaired. Because tonight maybe someone new, maybe even someone in this Congress, who heard this sunset memorial will finally realize that abortion really does kill a baby, that it hurts mothers more than anyone else, and that nearly 50 million dead children in America is enough. And that America is great enough to find a better way than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are numbered and that all too soon each of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on another day yet to come, may that be the day that we hear the cries of the unborn at last. May that be the day we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

This is a sunset memorial, Madam Speaker. It is January 23, 2008, in the land of free and the home of the brave.

NEW TREATMENT FOR HIV/AIDS

HON. MARY BONO MACK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mrs. BONO MACK. Madam Speaker, I rise today to celebrate the approval of a new treatment that will provide renewed health and hope for people living with HIV/AIDS. On Friday, January 18, 2008, the Food and Drug Administration approved INTELENCE™, for the treatment of HIV infection. Tibotec Therapeutics innovative efforts in developing new, effective treatments for people living with HIV/AIDS should be commended.

We are all aware of the success HIV therapies have had on prolonging and enhancing the quality of life for those infected with HIV/AIDS. As the infected population lives longer and becomes increasingly resistant to current treatment regimens, there is a growing need to focus on access to newer therapies for treatment experienced. HIV drug manufacturers are being challenged to meet the treatment needs of this changing population.

INTELENCE™, also known as TMC125, is the first new drug in the NNRTI class to be approved in a decade. It brings new hope to HIV patients, whose HIV virus has become resistant to other HIV therapies, including drugs in the same NNRTI class.

Tibotec Therapeutics has worked with the HIV patient and physician communities in the 45th Congressional district among many others during the development and approval of INTELENCE™. The results of these efforts and clinical trials have been positive; patients are achieving and maintaining suppressed viral loads with minimal side effects. Notably, the FDA approved INTELENCE™ through an accelerated approval procedure—a process that is reserved for the early approval of drugs that show a meaningful therapeutic advantage over existing treatments for serious or life-threatening diseases.

I applaud the fact that Americans living with HIV/AIDS will now have access to a new and important treatment option, affording them the possibility of living healthier and productive lives.

HONORING THE LIFE OF DIANE WOLF

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. MICA. Madam Speaker, I rise today to honor the life and special contributions of Diane Wolf who passed away unexpectedly at age 53 on January 12, 2008.

Our nation's capital city has lost one of its great cultural patrons. The Wolf family has lost a beloved daughter, sister and loved one and I have lost a wonderful friend. Diane Wolf was blessed to be part of one of America's most successful families. Through the years, I have had the privilege of knowing and working with her. She devoted her boundless energy, time and resources to advance history, art and culture not only for Washington, DC, but also for the people of our country. I had the honor of working with her to raise private funds for construction of the new visitor center for our U.S. Capitol building. Her service on numerous boards aided the National Archives, the Kennedy Center, the National Gallery of Art, and the Smithsonian Institution.

In New York City, Diane Wolf was renowned for her work and support of the Metropolitan Museum of Art, the Whitney Museum of American Art, and the Frick Collection.

Miss Wolf was appointed by President Reagan in 1985 to serve on the U.S. Commission of Fine Arts. She also served on the U.S. Senate Preservation Board of Trustees, and the Washington National Opera Board of Trustees.

A graduate of the University of Pennsylvania and with a master's degree from Columbia University, she went on to earn a law degree from Georgetown University.

Miss Wolf also served as president of the Capitol Hill Federal Bar Association.

Of all the individuals I have worked with in our nation's capitol during the past three decades, no one has been more personally dedicated to making a difference in promoting artistic and cultural endeavors than Diane Wolf.

Miss Wolf was born in Cheyenne, Wyoming and raised in Denver, maintained residences in New York City and Washington, DC.

To her parents, Erving and Joyce Wolf; and two brothers, Daniel Wolf and Matthew Wolf; and on behalf of the House of Representatives, we extend our deepest sympathy.

HONORING JUDGE PHILLIP FIGA

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. TANCREDO. Madam Speaker, I rise today to pay tribute to U.S. District Judge Phillip Figa, who passed away earlier this month at his home in Greenwood Village, Colorado after a struggle with cancer.

A native of Chicago, Illinois, Judge Figa received his legal credentials from Cornell Law School in 1976 before becoming a highly-successful litigation lawyer and co-founding the Burns, Figa & Will P.C. law group, where he built a reputation for fairness and impartiality. He became Chair of the Colorado Bar Association Ethics Committee in 1984 and eventually President of the Association in 1995.

In 2003 President Bush appointed Judge Figa to the U.S. District Court for Colorado where he served our nation as a fair and dedicated jurist. Colorado has lost a fine public servant with the passing of Judge Figa. Our best wishes and heartfelt condolences go out to all who knew and loved him.

TRIBUTE TO TOM TERRELL

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. WEINER. Madam Speaker, I rise today to honor Tom Terrell, a versatile music journalist, promoter and DJ, who was among the first industry insiders to focus attention on reggae and world music. Tom was a cornerstone of the New York music community for 16 years before returning to his native Washington, DC, where he passed away on November 29, 2007, after a brave battle with prostate cancer. He was 57 years old.

Mr. Terrell, who was ubiquitous in Washington music circles in the 1970s and 1980s, seemed to know everyone and to be ahead of every trend. After beginning his journalistic career at Howard University, he worked as a disc jockey at local stations and wrote about music for the Unicorn Times, the Washington City Paper, and other publications. As the house DJ at d.c. space and the 9:30 Club, he introduced audiences to an eclectic selection of records reflecting his interest in soul, jazz, New Wave, reggae, and African music.

Mr. Terrell's unique, humorous, insightful, and always honest voice was ubiquitious in places such as Vibe, Essence, JazzTimes, the Village Voice and National Public Radio. Mr. Terrell's journalism was often a spirited blend of autobiography and musicology, leavened with slang, profanity, and the knowledge of every trend in popular music for the past half-century. He wrote about virtually every form of music from Africa and the Americas.

Between his DJ work and writing, he promoted concerts for artists as diverse as Cab Calloway, the Art Ensemble of Chicago and Mali's Salif Keita. After moving to New York in 1990, he worked in marketing for Island Records, Gee Street Records, and Verve, wrote for magazines and served as the DJ for jazz giant Ornette Coleman's 70th birthday party. Mr. Terrell was also an accomplished photographer who photographed hundreds of musicians in performance.

Back in Washington, one of his final projects was to write liner notes and record video interviews for a six-CD box set of Miles Davis's "On the Corner" recordings of the early 1970s.

Mr. Terrell was much more than a talented writer and musicologist with a gift for discovering artists and musical developments. He was a radiant, joyful presence, whose enthusiasm and appreciation for life, music, and a good joke will continue to inspire those who were fortunate enough to know him. Above all, his life represented the ideal that music could be a beneficial force in the world, uniting people across racial, social and geographical boundaries. This was his magic.

As his sister Bevadine Z. Terrell says, "He loved bringing new music to people. He loved bringing people together, not just African Americans, but white people, Asian people, African people."

Mr. Terrell set a great example of community for artists to follow. "How can I help you?" was a question Tom was always asking. May his memory serve as a reminder to all of us to keep asking that question.

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Ms. ROYBAL-ALLARD. Madam Speaker, I was unavoidably detained and was not present for rollcall Nos. 19 and 20 on Tuesday, January 22. Had I been present, I would have voted "yea" on rollcall No. 19 to suspend the rules and pass H.R. 4211 to designate the facility of the United States Postal Service located at 725 Roanoke Avenue in Roanoke Rapids, NC, as the "Judge Richard B. Allsbrook Post Office" and "yea" on rollcall No. 20 to suspend the rules and pass H. Res. 866 honoring the brave men and women of the United States Coast Guard whose tireless work, dedication, and commitment to protecting the United States have led to the Coast Guard seizing over 350,000 pounds of cocaine at sea during 2007, far surpassing all of our previous records.

HONORING JEANNIE HASTINGS

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mrs. BLACKBURN. Madam Speaker, this weekend, the Family and Children's Services of Nashville, Davidson County, TN will honor the dedication and service of a trusted and treasured volunteer, the late Jeannie Hastings.

Jeannie loved the organization and served it well, providing both guidance and leadership as it worked to fulfill its mission to provide needed services to Nashville families. Jeannie Hastings loved people and loved doing good for her community. It was apparent in how she chose to spend her time and energy—working for a better quality of life for everyone.

Mrs. Hastings graduated from Milan High School and with honors from the University of Tennessee, Knoxville. With her husband Jim, she raised three sons and co-founded Hastings Architecture Associates, LLC. As a community leader, she served as president of the University of Tennessee National Alumni Association, chairman of the Nashville Symphony Board and was a member of the Volunteer Council Board of Directors for the American Symphony Orchestra League and the Nashville Chamber of Commerce Board.

She also chaired the Nashville Downtown Partnership Board, the Women's Fund of the Community Foundation Advisory Board, the TSU Foundation Board, the Nashville Symphony Guild, the Arthritis Foundation Nashville branch and the Heart Gala Board of Directors.

She also found time to serve on the Family and Children's Services Board, the Nashville Sports Council Board and the University of Tennessee Alumni Board of Governors. She was also a member of the Downtown Exchange Club and Leadership Nashville.

Madam Speaker, I ask my colleagues to join me in reflecting on the remarkable example of balancing family, business and community service that Jeannie set. I am so pleased to count myself among the many Tennesseans who are better for having known her.

INTRODUCTION OF THE CIVIL RIGHTS ACT OF 2008

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. LEWIS of Georgia. Madam Speaker, today I rise to introduce the Civil Rights Act of 2008. This legislation will keep the promise of equality that this Congress has made in passing our civil rights laws and ensure that discriminators are held accountable for their actions. Over the years, Congress has addressed some of our most pressing civil rights concerns by passing bipartisan legislation, legislation that protects American workers from discrimination on the basis of color, race, religion, age, disability, and sex. Our civil rights laws have strengthened our country, providing opportunity to those who had been denied opportunity and affording the Nation the benefit of abilities that would have otherwise been wasted. They have brought us closer to the beloved community where all people are able to succeed based on their abilities.

Unfortunately, over the years, the Supreme Court has weakened some of these basic protections in ways that Congress never intended. They have undermined the protections for workers, for older Americans, for the disabled, for racial and ethnic minorities, for women, and for those in the military. So today, I join Senator EDWARD KENNEDY in introducing the Civil Rights Act of 2008 to restore workers' rights and strengthens and reaffirms our commitment to the promise of equal opportunity. The bill corrects the misinterpretations of our civil rights laws that have left too many American workers without a remedy when they have suffered discrimination.

The relationship between workers and civil rights in America runs wide and deep. It was the laborers—the sharecroppers, the sanitation workers, the teachers, the students, the construction workers, and the street sweepers—who tore down the walls of racial segregation in the South. It is these ordinary men and women with extraordinary vision who have sacrificed their lives in confrontations throughout American history to help build this democracy. We cannot stand by and let their hard-earned victories be erased.

This bill better protects workers from discrimination in agencies that receive Federal money, defends students against harassment, fortifies civil rights for State employees, and prevents employers from forcing workers to give up their right to a day in court. It also ensures remedies for undocumented workers who are victims of unfair labor practices. It restores the individual right to challenge practices that have an unjustified discriminatory effect based on race, color, national origin, disability, age, or gender. It ensures that members of the Armed Forces who work for State governments are protected from discrimination.

If you work for a State government, you should have the same protections from discrimination as a person working in private industry—but the courts didn't see it that way. Students who are victims of sexual harassment shouldn't have to meet a higher standard of proof than their teachers—but the courts didn't see it that way. Members of the uniformed services should be able to get relief if they are discriminated against while they are on active military duty, whether they are employees of State governments or the private industry—but the courts didn't see it that way.

The struggle for civil rights is beyond one bill, one vote, or one judicial decision. It's beyond one Presidential term or act of Congress. Ours is the struggle of a lifetime, and each generation, each citizen, each president and each member of Congress must do his or her part. Together all of our efforts comprise the struggle of a nation to build the beloved community, a nation at peace with itself and its own ideals. This bill is just another step in that struggle to ensure the freedoms of all Americans to pursue their dreams.

FAMILY SECURITY AND SMALL BUSINESS STIMULUS ACT OF 2008

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. KNOLLENBERG. Madam Speaker, I rise today to introduce the Family Security and Small Business Stimulus Act of 2008. It is impossible to ignore the economic indicators that suggest our economy is slowing down. In my own home State of Michigan, citizens have been faced with a sluggish economy for some time now. We can and should take steps to give the economy a shot in the arm. This is a problem facing all Americans, and it will take a strong, bipartisan effort to solve it.

One important way to address this problem is to reduce the tax burden on families and small businesses. My bill utilizes three ideas to accomplish these goals: A new, permanent 5 percent tax bracket; an instant advance on this tax cut for 2008; and increasing the limit of small business expensing.

The Family Security and Small Business Stimulus Act of 2008 will create a new, permanent 5 percent tax bracket, reducing taxes by either $400 for an individual or $800 for a family per year. This is critical as we try to enable families to keep more of their hard-earned money in their pockets, allowing them to use it for their ever-increasing expenses. Families would receive this tax cut in the form of an instant advance payment, to be delivered upon 30 days after enactment.

Additionally, my bill will increase the Section 179 small business expensing limit from $125,000 to $375,000 per year for 2 years. Increasing the amount a small business could expense encourages capital purchases. When a small business knows it can expense a new purchase, it is more likely to make the investment. Enabling small businesses to invest in new equipment and expand their operations will promote significant economic growth at a time when job creation is crucial.

We shouldn't stop here. We need to make the 2001 and 2003 tax cuts permanent, and pass other important pro-growth legislation. But this is something we can come together and accomplish quickly.

It is time for us to lift ourselves out of our current economic slowdown and restore our strength in the global economy. That is why I have introduced this legislation. I hope you will help America succeed by joining me on this important legislation.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 24, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 29

10 a.m.

Budget

To hold hearings to examine the long-term budget outlook.

SD–608

Finance

To hold hearings to examine the nomination of Douglas H. Shulman, of the District of Columbia, to be Commissioner of Internal Revenue, Department of the Treasury.

SD–215

JANUARY 30

10 a.m.

Budget

To hold hearings to examine the economic stimulus, focusing on budget policy for a strong economy over the short-and long-term budget outlook.

SD–608

Environment and Public Works

To hold hearings to examine the threats and protections for the polar bear.

SD–406

Finance

To hold hearings to examine private fees for service in Medicare Advantage plans.

SD–215

Judiciary

To hold oversight hearings to examine the Department of Justice.

SH–216

Small Business and Entrepreneurship

To hold hearings to examine the Small Business Administration's accountability, focusing on the efficacy of women's contracting and lender oversight.

SR–428A

JANUARY 31

10:30 a.m.

Aging

To hold hearings to examine elderly voters, focusing on opportunities and challenges for the 2008 election.

SH–216

FEBRUARY 5

9:30 a.m.

Veterans' Affairs

To continue oversight hearings to examine veterans disability compensation.

SR–418

FEBRUARY 7

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the nominations of Robert A. Sturgell, of Maryland, to be Administrator of the Federal Aviation Administration, and Simon Charles Gros, of New Jersey, to be an Assistant Secretary, both of the Department of Transportation.

SR–253

FEBRUARY 12

10 a.m.

Judiciary

To hold hearings to examine pending judicial nominations.

SD–226

FEBRUARY 13

9:30 a.m.

Veterans' Affairs

To hold hearings to examine the President's proposed budget request for fiscal year 2009 for veterans programs.

SR–418

FEBRUARY 27

2:30 p.m.

Commerce, Science, and Transportation

Space, Aeronautics, and Related Agencies Subcommittee

To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the National Space and Aeronautics Administration (NASA).

SR–253

SENATE—*Thursday, January 24, 2008*

The Senate met at 9:30 a.m. and was called to order by the Honorable AMY KLOBUCHAR, a Senator from the State of Minnesota.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Merciful Father in Heaven, we pray today for the hurting people of our Nation and world. Use us to help the poor, the homeless, the hungry, and the jobless. Make us Your instruments to bring relief to those who live in daily fear of financial calamity.

We pray for the Members of the Senate who feel the hurt of the marginalized and are working for equitable and just legislation. Give them wisdom and courage as they bear the burdens of our society in domestic and international affairs.

We pray for those outwardly composed who suffer within and are not free to verbalize their pain. Comfort them with Your presence. Help us all to know You better that we may love You more. We pray in the Name of Him whose love is unconditional and whose care is unlimited. Amen.

PLEDGE OF ALLEGIANCE

The Honorable AMY KLOBUCHAR led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 24, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable AMY KLOBUCHAR, a Senator from the State of Minnesota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. KLOBUCHAR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, today, we are going to quickly resume consideration of S. 2248, the FISA legislation. Currently, the Judiciary Committee substitute amendment is pending. We hope to reach a time agreement with that amendment soon. I hope we can do it prior to the 12:30 event that we Democrats always have on Thursday. I hope we can do that. I hope there will be a number of rollcall votes today on FISA-related amendments, that we can complete action on this important legislation as quickly as possible.

FISA

Mr. REID. Madam President, as I indicated, we started this debate again last evening. Both the Senate Intelligence and Judiciary Committees have jurisdiction over this legislation. Senators ROCKEFELLER and BOND, Senators LEAHY and SPECTER worked very hard on their particular aspects of this legislation.

We, under the regular order, in a case of sequential referral—that is what we have in this matter—the Intelligence Committee text is the underlying bill, and the Judiciary Committee text is automatically pending as a complete substitute.

Last night, Chairman LEAHY, with the authorization of a majority of the committee, sent a slightly modified version of the Judiciary Committee amendment to the desk. We will have a vote on that amendment sometime today. The Judiciary Committee made what I believe to be some important improvements in this legislation, adding protections for the privacy of law-abiding Americans.

This is a strong bill. I will support it. I encourage my colleagues to do so as well.

In the event the full Judiciary Committee bill is not accepted by the Senate, I hope we can adopt some of the individual improvements from the Judiciary bill that is now in the form of an amendment.

Several of my colleagues, many of whom serve on the committees of jurisdiction; that is, both committees, plan to offer pieces of the Judiciary Committee bill as separate amendments.

In addition to considering the procedures included in title I of the bill, we will also debate the question of whether telephone companies that allegedly facilitated President Bush's warrantless wiretapping program should be granted retroactive immunity from civil lawsuits.

Senators DODD and FEINGOLD will seek to strike that immunity title. They will seek to strike it in its entirety. I personally oppose immunity and will support that amendment. But, of course, others disagree. If this amendment is not adopted, there will be other amendments to limit the immunity provisions in the Intelligence bill.

I hope there will not be extended time on these amendments. We can work through this. Friday is tomorrow. We have to finish this legislation, and we have to do it this week. It is an important piece of legislation. I have requested a 30-day extension. That is not going to be given. So everyone should understand, we have to go forward with this legislation.

Senators SPECTER and WHITEHOUSE have an amendment they plan to offer, as do Senators FEINSTEIN and NELSON of Florida.

As I have said before, if there are Senators who do not like these amendments and think they should be subjected to 60-vote thresholds, these Senators are going to have to engage in an old-fashioned filibuster. We are not going to automatically have these 60-vote margins. These amendments are by and large germane. They should be adopted if a majority of the Senate supports them.

Finally, yesterday, as I have indicated, I sent a letter to the President asking for a brief extension. I have heard from many sources that is not going to be granted.

The Senate will work as quickly as we can, but I think it is going to be very difficult for both Houses to negotiate and pass a final bill prior to the February 1 expiration date. But that is what we have to do, so we have no alternative.

Republicans have objected to my requests for a 30-day extension of the act, as I have mentioned. This matter is too important for us to be bogged down in procedural matters at this time.

I look forward to working with my colleagues on a bipartisan basis to provide our intelligence professionals with the tools they need to combat terrorism, while protecting the privacy of law-abiding American citizens.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

FISA

Mr. McCONNELL. Madam President, we may only be a few days into the session, but it is not too early to note a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

change in tone from last January. Talks are moving forward on an economic growth package between the Secretary of the Treasury, the House Republican leader, and the Speaker, and there is good reason to expect an important national security achievement on FISA at the latest by next week.

I had hoped we would move to FISA first, since nothing could be more urgent than protecting this vital national security tool before its expiration on February 1. Our first duty is to protect Americans from harm, and we know for a fact this law has helped us—helped us—detect and disrupt terrorist plots. It would be grossly irresponsible for Congress to weaken it or to let it lapse. And the notion that some in Congress would even consider filibustering this vital antiterror tool is difficult to comprehend.

Fortunately, common sense seems to have prevailed. I was encouraged to see that my good friend, the majority leader, believes we can pass a FISA bill with sufficient time to get it signed before it expires. I am very pleased to see that the chairman of the Intelligence Committee believes the bipartisan version reported out of his committee last fall will be the one that will ultimately pass, hopefully, by February 1. This is good news not only because the Intelligence Committee's version is the best, but, most importantly, with some modification it is also the only one the President will sign.

We have put this off long enough. Let's work to pass this bill. I know the majority leader believes we should move forward on it as well. I certainly concur in his judgment on that matter.

TRIBUTE TO THE AMERICAN PRINTING HOUSE FOR THE BLIND

Mr. McCONNELL. Madam President, I rise because yesterday marked the 150th anniversary of the American Printing House for the Blind. Located in my hometown of Louisville, KY, the American Printing House for the Blind is the national source of reading materials and learning aids for over 10 million blind and visually impaired Americans. Thanks to this Kentucky institution, they can now fully participate in the American dream.

Until the founding of APH, different schools for the blind across the country each prepared their own materials. But soon educators realized the need for a national printing house to fill this role. Louisville was chosen for its central location in the country and because it is situated on the Ohio River.

On January 23, 1858, the Kentucky General Assembly passed an act to charter the American Printing House. In 1879, the Federal Government designated APH the official source of learning materials for blind students across the Nation, and the facility has continued to receive Federal support since then. Thanks to that support, sales, and donations as well, APH has been able to create some remarkable products that have changed the lives of many blind and visually impaired Americans.

The facility published its first book, "Fables and Tales for Children," in 1866, using the raised letters that were then the standard. In 1893, they published their first books in Braille. Today, they have helped the blind engage the 21st century with talking books, magazines, and even a recorded talking encyclopedia.

They have developed computers to help the blind access the Internet or read recorded books. They have even created a sonar aid for the blind to use that can detect how far away objects are by emitting tones that sound like chirping birds.

Before the American Printing House for the Blind existed to create all of these wonderful products, it was widely assumed that the blind and visually impaired just were not capable of learning as much as everyone else. Today, of course, we know that is completely untrue.

I want to share with my colleagues a letter APH received that illustrates the point very well.

A young fourth-grade girl in Nebraska named Ruthie was so grateful for a computer software program called Math Flash, developed at APH, that she wrote the facility to thank them. This is what she had to say:

> I used to hate math because everyone else was smarter than me. Math Flash makes it easy and fun because it has adding and subtracting games that help me remember. I can practice whatever I want with no help from my teacher or my mom. I could even be a math teacher maybe.

When you realize that most teachers or parents would be ecstatic to hear of such a passion for learning in any student, whether sighted or visually impaired, you begin to see the miracle the American Printing House for the Blind has made possible. They have opened up a world of knowledge and information to millions of Americans.

The city of Louisville and the Commonwealth of Kentucky are proud to be the home of the American Printing House for the Blind, which adds much to our community. The APH Museum attracts many visitors from around the globe every year to see important historical artifacts, such as Helen Keller's Bible in Braille.

I want to thank the Senate for its unanimous approval yesterday of a resolution I sponsored expressing this Nation's gratitude—gratitude—to the American Printing House for the Blind for its 150 years of service to this Nation. Their efforts have been essential to allowing the blind and visually impaired to be fully included in education.

HONORING OUR ARMED FORCES

CHIEF PETTY OFFICER GREGORY J. BILLITER

Mr. McCONNELL. Madam President, I rise today to pay tribute to a 15-year veteran of the U.S. Navy who was lost in service to his country. That man is CPO Gregory J. Billiter of Villa Hills, KY. He was 36 years old.

Chief Billiter was serving near Kirkuk, Iraq, as part of a Navy Explosive Ordnance disposal unit charged with defusing the many improvised explosives and booby traps that terrorists have set in Iraq. He was the tactical commander of the third vehicle in a five-vehicle convoy patrolling the area. On April 6, 2007, his vehicle was struck by explosives, tragically taking Chief Billiter's life.

Assigned to Explosive Ordnance Disposal Unit 11, based out of Whidbey Island, WA, this was Chief Billiter's third tour of duty in Iraq. For bravery and valor while wearing the uniform, he received numerous medals and awards, including the Bronze Star Medal with Combat Distinguishing Device for Valor and the Purple Heart.

To recount Chief Billiter's life and career is to recount one achievement after another, because Greg was no stranger to success. "The driving force in all those things was competition," says Barry Billiter, his father. "He was very competitive."

> Growing up, Greg led his friends in whiffleball games, racing Big Wheels, or swinging over the creek on a vine, Tarzan-style. He played basketball and soccer in high school, and whatever they played, Greg often declared himself the winner or demanded a rematch. He was a "dyed-in-the-wool" Cincinnati Bengals fan.

He was a good kid—the police only had to visit Greg's parents once. That was the time Greg, his brother Jeff, and some neighborhood friends sat on a rock in the woods and refused to budge for the bulldozers that had come to clear the way for a new shopping center.

"Greg was all of 6 years old at the time," the Billiter family writes in a letter about Greg sent to family and friends that they have generously shared with me. "How was he ever able to get security clearance with that on his record?"

Greg attended St. Pius X and St. Joseph Elementary Schools. As a fourth-grader, one of his teachers told him he would never make it at Covington Latin School, a competitive private high school in northern Kentucky. If anything could motivate Greg, it was a challenge. He graduated from Covington Latin in 1987 at the age of 16.

Greg went to the University of Dayton and graduated with a bachelor's degree in marketing at age 19. After college, Greg worked for a while at the Levi Strauss Company but was unfulfilled. So one day he came home to his parents and announced he had joined the Navy, just like his father, Barry, a Navy veteran. Greg entered basic training in January 1992 in Orlando, FL, and graduated as the Honor Recruit.

He served aboard many ships, including the USS *Durham*, USS *Duluth*, USS *Carl Vinson*, USS *Ronald Reagan*, and USS *Nimitz*. In 1994, he qualified for and finished Navy Seal training. After a knee injury, he could no longer continue as a Seal but qualified as a surface warfare specialist. Chief Billiter kept busy. He also qualified as a Naval parachutist, a scuba and MK–16 mixed gas diving supervisor, a demolitions operations supervisor, and a helicopter rope suspension tactics specialist.

From 1997 to 2001, Greg served in Canton, OH, as a Naval recruiter. Then he transferred to specialize in explosive ordnance disposal and found that defusing explosives was the job he had been looking for.

"When he talked about it, his eyes would light up," says Greg's aunt, Paula Snow. "He loved the science of it." Explosive ordnance disposal specialists are trained to deal with explosive threats on land or underwater, including anything chemical, biological, and even nuclear. Greg conducted numerous EOD missions throughout the world and trained the foreign special operation units of France, Uruguay, Chile, Peru, and Qatar.

During his third tour in Iraq, Greg's team contributed to the collection and destruction of over 2,500 ordnance items, totaling over 5,800 pounds of net explosives weight. When he was off duty, he organized sports games, such as an Ultimate Frisbee competition of the older sailors versus the younger ones. He competed in the Navy's Ironman competition.

In 1994, while serving on board a ship home-ported in San Diego, Greg met April, a middle-school science teacher in that city. She understood a sailor's life well, having grown up the daughter of a Navy chief corpsman.

Greg and April married in November 1996 at St. Joseph Church in Crescent Springs, KY. Together they had a son, Cooper John Billiter. Greg hoped little Cooper would grow up to play sports.

Greg will be forever loved and remembered by his family and loved ones who are in my prayers now as I relate Greg's story to the Senate. Those family members include his wife, April; his son, Cooper; his mother, Pat; his father, Barry; his brothers Jeff, Kevin, and David Billiter; his sisters Beth Billiter and Jill New; his aunts Paula Snow and Barbara Horton; and his grandmothers Virginia Billiter and Clara Bosch.

When Greg was a senior in high school, he attended a Senior Christian Awakening Retreat. For the first time, he told his parents: Thank you for being such a good Mom and Dad and thank you for all the sacrifices you have made for me.

This young man who learned the meaning of sacrifice at an early age grew up to become a beloved husband and father himself who made the ultimate sacrifice for his country. I want the Billiter family to know that America and the U.S. Senate will always remember that sacrifice, and we salute CPO Gregory J. Billiter and his service to our country.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FISA AMENDMENTS ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2248, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2248) to amend the Foreign Intelligence Surveillance Act of 1978, to modify and streamline the provisions of that Act, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Madam President, the Senate now returns to the consideration of S. 2248, the FISA Amendments Act.

As I said in December when we debated the motion to proceed to this bill, I believe this legislation is critical to our Nation's security. That phrase is thrown around a lot—"our Nation's security." It does have meaning. To protect America from the panoply of threats we face around the world, we must know what our enemies are planning and what they are doing. We get that information through our intelligence agencies, and one of the most useful sources for them is communications intelligence.

The Foreign Intelligence Surveillance Act, or FISA, gives the Government the authority, with court approval, to collect communications intelligence inside the United States. Unfortunately, the law has not kept pace with the incredible advances in telecommunications technology of the last 30 years.

As this debate proceeds over these coming days, it is important for all Members to understand why FISA exists and why it is necessary for us to update it. The Congress passed FISA to protect Americans inside the United States from inappropriate eavesdropping by the Government. The FISA statute created a system that allowed the Government to go to a special court and show probable cause that someone inside the United States was an agent of a foreign power. If it agreed, if the court agreed, the court then issued an order allowing the Government to collect the intelligence.

Over time, the flow of global communications changed. The nature of these communications changed. The system of fiber optic cables carrying international communications grew, and wireless technology began to dominate our domestic system. This was a marked change from the communications architecture that existed in 1978, when FISA was started, when local calls were transmitted over a wire and international ones usually went via satellite.

As technology changed and America became the hub for international communication, our intelligence agencies were presented with collection opportunities that were never envisioned—never even thought about in 1978. But because of the way that FISA was drafted, they were unable to take advantage of the new opportunities to collect significant intelligence inside the United States against targets located overseas.

After September 11, 2001, the President chose to deal with the problem unilaterally and created a warrantless surveillance program that relied on, to my mind, questionable legal justification. I think that was a mistake. I believe the President should have sought, and would have received from Congress, the necessary changes to FISA to accommodate the international communications he wished and needed to target.

The public disclosure of the warrantless program ultimately led the President to seek approval from the FISA Court and then to seek additional authority from the Congress, which is where we are.

Our first attempt to address this issue was the Protect America Act passed last August. That legislation allowed our intelligence community to undertake the collection needed to monitor terrorist communications, but the PAA, as we shall call it, is flawed legislation that does not achieve the balance between protecting security and preserving our civil liberties, which is so essential. It provided an expanse of new authority to collect intelligence inside the United States, with little court involvement or oversight from the Congress.

But we had the foresight to include in the PAA—the Protect America Act—a 6-month sunset. That 6-month period allowed us the time we needed to craft a bill that does achieve this important balance: Security and civil liberties. It gives the intelligence community the authority it needs to keep us safe, and it puts in place the safeguards needed to protect America's liberties. That is the bill the Senate is now considering; i.e., S. 2248.

This bill was reported to the Senate last October on a strong bipartisan vote under Senator BOND and myself, Vice Chairman BOND and myself, by a vote of 13 to 2. Vice Chairman BOND and I worked hard to craft a bill that would garnish support from both sides of the aisle and that would have the support of the administration, leaders of the intelligence community and, most importantly, would achieve our twin goals of protecting the security and privacy of Americans. I should say at this point we went to great lengths to check all our bases in this process. We didn't do this in a cocoon and we didn't do it in a partisan way. We reached out to the experts, whether they were inside the administration or outside the administration. We wanted to do it so we could make this legislation as effective as possible.

But, as with any legislation, this bill is not perfect. I have welcomed the input from others as we have moved forward. On this point, I must particularly acknowledge the work of the Senate Judiciary Committee. The Judiciary and Intelligence Committees shared jurisdiction over FISA. The Judiciary Committee also happens to be led by two individuals with considerable knowledge and experience with these issues from the perspective of both committees. It may not be known to all, but Senator PAT LEAHY served as vice chairman of the Intelligence Committee in the mid-1980s, and Senator SPECTER served as chairman in the mid-1990s. I appreciate the time and thought they have put into this legislation.

The Judiciary Committee considered the Intelligence Committee bill on sequential referral and has reported a proposed amendment to our bill. That amendment is now the pending amendment. The Intelligence Committee bill and the Judiciary Committee amendment take a similar approach to addressing the underlying problems with FISA—not a huge difference. The Judiciary Committee included several provisions that I think further improve the already robust protections for privacy contained in S. 2248. We were enriched by working with them.

I intend to support amendments to incorporate many of these changes into the underlying bill, which is the Intelligence Committee bill, and even though I cannot support everything in the Judiciary Committee substitute amendment, nevertheless, there is very good material there.

Before I discuss possible amendments, let me take a few minutes to walk through the bill before us today. I apologize, but I think this is necessary as we begin this debate on what is a highly complicated and somewhat arcane subject.

In crafting this legislation, the Intelligence Committee set out to accomplish four main goals.

First, we wanted to ensure that activities authorized by this bill are only directed at persons outside the United States. The bill requires the FISA Court to approve targeting procedures designed to accurately make the determination of whether someone is outside the United States. For individuals inside the United States, the existing procedures under FISA continue to apply. Individual court orders, FISA orders, are still required.

Secondly, our bill improves the protection of information from or about a U.S. person. Unlike the Protect America Act, this bill provides for court review of the so-called minimization procedures. These are procedures used to shield information about Americans who may be overheard or mentioned in the conversation of foreign targets.

Court review of these procedures is central to the protection afforded under FISA. But the FISA Court's role was left out of the Protect America Act.

Third, the bill includes a new protection for U.S. citizens outside the United States. The Intelligence Committee rejects the proposition that Americans lose their privacy rights because they travel or work elsewhere in the world.

Under current law, the intelligence community can target U.S. citizens outside the U.S. solely on the authority of the Attorney General. Our bill requires an order of the FISA Court before an American can be targeted, regardless of the American's location. This is a concept that both committees endorsed, and it enjoys bipartisan support. Director of National Intelligence Mike McConnell also endorsed this in testimony before the Intelligence Committee. This is an area of law, however, that requires careful attention to avoid, as the Director described, "unintended consequences."

Both the Intelligence Committee and Judiciary Committee approaches need further refinement. Therefore, I believe we have reached an agreement on a bipartisan amendment that would reconcile the approaches of the two committees and resolve the concerns of the administration. Vice Chairman BOND and I will offer this modification as part of the managers' amendment.

Finally, the Intelligence Committee bill adds significant new oversight authority to collect inside the United States against foreign targets. The new oversight will be conducted by all three branches of Government.

The bill includes a series of annual reports to Congress on the authorized collection, including instances of noncompliance; inspector general reviews by the Justice Department and the Intelligence Committee; and FISA Court review and approval of acquisition and minimization procedures.

Beyond these steps to update FISA, the other major component of the bill passed by the Intelligence Committee—and, unfortunately, not included in the Judiciary Committee amendment—is liability relief for companies that may have helped the Government collect critical intelligence after the September 11 terrorist attacks.

I understand this is controversial. But everybody should know that this is an issue the Intelligence Committee has considered very carefully. We had a number of hearings on this subject. In reviewing the record of correspondence from the administration to these companies, I and most members of the committee became convinced that companies acted in good faith. They relied on the legal conclusion of the Nation's most senior law enforcement official, and they provided assistance because they wanted to help stop terrorist attacks.

The companies received letters, and I tried very hard to convince Steve Hadley—Director McConnell very much approved of this—to make it possible for every Member of the Senate to have those letters that the companies received from the National Security Agency, so Members could understand that this was not some kind of a game, that this wasn't "wordsmithing." What these letters stated was that the companies' assistance was "required," that the requested assistance was based on an order of the President, and that the Attorney General had certified the legality of the order. And then the NSA Director, as I say, required, compelled these companies—there were various uses of words, but they were all very firm, leaving no wiggle room—to comply. And they did. They did it because they were told to do so by the highest authorities in the land. They did so because—I believe it is possible to say this—there are a lot of big corporations that are very patriotic.

Private companies should be allowed to rely on this assertion from these high officials. They should be allowed to do that. Our longstanding legal structure is specifically designed not to force a private company to second guess the Government in these circumstances. I know many colleagues on the other side believe that the President acted with his constitutional authority when he established this program. I believe the legal foundation for this program was questionable at best and was part of an overarching legal framework that sought to dramatically alter the balance of power between the branches of power in favor of the executive. But that is a dispute that needs to be settled between the President, the Congress, and the courts. We should not allow private companies who simply wanted to come to the aid of their country, or were required or compelled to do so, to be caught in the crossfire of this disagreement.

A bipartisan consensus of the Intelligence Committee supported the narrowly drawn liability relief included in the bill. We did not include the open-ended immunity sought by the administration that would have prevented suits against the Government, or Government officials who knowingly broke the law.

The committee's liability relief provision applies only to companies who may have participated in the warrantless surveillance program after September 11, 2001, until January 2007, when the whole matter was placed under FISA Court authority. That is why there can be no question about prospective; it is retrospective.

The question of whether the President had the authority to launch the warrantless surveillance program leads me to the issue of exclusivity. This is whether FISA is the exclusive means by which the President may authorize the surveillance of Americans for foreign intelligence purposes.

The President's justification for creating the warrantless surveillance program relied in part on a claim that the legislation authorizing the use of military force after 9/11 somehow gave him the authority to ignore the FISA statute. I don't buy this argument.

The President also claims he has the authority, as Commander in Chief, to approve surveillance even when statutes of this coequal branch of Government would prohibit him specifically from so doing. No act of Congress by itself can finally resolve the debate between Presidential and congressional authority.

We can make it clear, however, which statutes authorize the use of electronic surveillance. This is not academic. It is important to clarify this point for the future. When the Nation next faces a military emergency, we don't want Congress to hesitate while it debates whether its authorization to use force will have unintended consequences, such as authorizing the President to spy on Americans.

To avoid this situation, both the Intelligence and Judiciary Committees included provisions intended to clarify which statutes constitute the exclusive means for conducting electronic surveillance. I have worked with Senator FEINSTEIN, who serves on both committees, and Senator LEAHY on an amendment that will bridge the differences between the two bills and will settle this issue in a way that I think clarifies the statute.

Another important provision is the sunset. This bill provides a significant new authority, and it is essential—because it is a significant new authority in what is still emerging in the collection of intelligence—that we carefully monitor the implementation of this authority and revisit it to ensure it is working as we now envision.

The Intelligence Committee bill includes a 6-year sunset. The Judiciary Committee has a 4-year sunset. I will join with Senator CARDIN and others in support of an amendment to incorporate the Judiciary Committee 4-year sunset into the underlying bill. Four years will ensure that the decision on permanency is made during the next Presidential term.

As we proceed with this debate, every Member should have the same two goals we had in the Intelligence Committee: providing our intelligence professionals with the tools they need to keep us safe, and establishing a system with sufficient safeguards to ensure that Americans' civil liberties are protected over the long term. I think the Intelligence Committee bill does that, and with a few changes it will be even stronger.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON from Nebraska). The Senator from Missouri is recognized.

Mr. BOND. Mr. President, again, we rise with a renewed consideration of the Foreign Intelligence Surveillance Amendments Act, or the FISA Amendments Act, of 2008.

I thank the chairman for his very powerful and thoughtful statement on behalf of the original bill presented by the Senate Intelligence Committee, with the managers' amendments that we will incorporate.

Simply put, this legislation gives the Intelligence Community the tools it needs right now, and over the next 6 years, to protect our country. The Protect America Act, passed by Congress in August of this past year, allowed the intelligence community to close critical intelligence gaps. I disagree that the Protect America Act was flawed. It was a temporary measure. It didn't deal with all of the subjects we needed to deal with, including protections for carriers alleged to participate. But it did not cut back on any of the basic protections in FISA, and it served to provide us the means in this 6-month period to collect vitally needed intelligence on foreign subjects who might be planning attacks either on our troops abroad or in the United States. But this vital legislation expires in 1 week, and we must not let those gaps reopen.

We initially began debate on the FISA Amendments Act in December of last year. As was their right, several Members of this body decided a filibuster was a better course for our national security. So we listened for hours to unfounded allegations about the terrorist surveillance program and to mischaracterizations about the Intelligence Committee's FISA bill. Ultimately, this bill was pulled from the floor and further debate was postponed until now.

Early this week, we returned to the Senate. Now, given that the Protect America Act expires in a few short days, one would have thought that FISA would be the first up on the agenda. I don't want to minimize the importance of Indian health legislation, or any other important legislation that the Senate should consider, but let's be clear: If the intelligence community cannot protect this country from terrorist attacks, then it doesn't matter much what else we debate or pass. We have to protect the country first and protect our troops and other personnel abroad in order to have a country, and we must improve upon other legislation. But here we are, only a few days shy of the PAA's expiration, and the drumbeat is there already by some stating we need more time to consider the Intelligence Committee bill; we should just do a short extension of the PAA. That is a bad idea. Some have called it flawed.

I believe it is important, but I believe the Intelligence Committee bill goes much further and does what we absolutely must do to make sure not only that we have the ability to collect on foreign terrorists who are planning attacks here or abroad but also to protect the constitutional rights, the privacy rights of Americans.

The Intelligence Committee spent over 9 months looking at FISA modernization. We have held hearings. We have gone out to NSA and watched its implementation. We have reviewed the terrorist surveillance program. We have looked at the implementation of the PAA. We have gone to review all the documents upon which the TSP—the terrorist surveillance program—was based, and we have come with a solid bipartisan bill. We are ready to act, and the intelligence community is waiting for us to act, and so are our allies abroad who have relied very heavily and continue to rely upon our collection ability to help keep their countries safe. Every day, we hear about attacks that have been disrupted by allies across the world. Without being specific in any areas, I think one can generally assume that our collections have helped our allies protect themselves against attacks in their countries.

There is no reason to extend the PAA, much as I liked it. We have a bill that is responsible, and it is more effective. It addresses concerns about the PAA. It gives our intelligence operators the tools they need, and it ensures that our private parties will continue to cooperate with the Government. I am pleased the majority leader and minority leader have come to agreement on this fact.

As the majority leader stated appropriately 2 days ago when he supported moving to this legislation immediately—and I thank the majority leader for that—we need to act now, and I hope we will be able to pass a solid FISA bill in short order. Some hope today. I join with that hope. I am not an incurable optimist, but we can always hope.

We have before us the Senate Intelligence Committee bill, S. 2248, which was passed out of the committee by a 13-to-2 vote. We need bipartisan legislation. This is bipartisan. Nothing is ever going to be unanimous in an area that is this technical and this important, but we passed it 13 to 2. This bipartisan bill will give the intelligence community the authority and flexibility it needs to track foreign terrorists quickly and efficiently.

In November, the Judiciary Committee reported a substitute on a straight party-line vote. The substitute added numerous provisions that were not fully vetted with the intelligence community. Regrettably, it ignores significant concerns expressed by working-level officials in the Department of Justice and the intelligence community—the very operators who know how this complex, technical, and overwhelmingly supervised and reviewed system works. The Judiciary Committee also ignored the concerns of its own minority members. As a result, this totally partisan substitute changed the Intelligence Committee bill in ways that will gut—gut—our intelligence surveillance capabilities. This substitute amendment is what we will be considering first this morning.

Last night, at the very last minute, the chairman of the Judiciary Committee filed a new substitute that modified the original Judiciary Committee substitute. Regrettably, the Judiciary Committee did not share this with my staff, and we only received the strikeout version, one that shows the changes between the substitute that has been at the desk for 2 months now and this last-minute switch. We received it from the ranking member's staff late last night.

After a quick review, my staff and I can tell my colleagues that the core problems remain, and although the DNI and the Department of Justice also have had little time to digest it, they have told us that their primary concerns remain. They cannot support this new substitute. It does not get the job done.

Conversely, the Intelligence Committee's bipartisan bill was drafted after months and months of studying the collection program. Members of our committee went out to the National Security Agency—we refer to it as NSA—to see how the program worked and to inspect the layers of protection built into their collection methodologies to make sure the agency stayed within the bounds of law.

Over several months, Chairman ROCKEFELLER and I put together an agreement with our committee on both sides which adds more protections to the constitutional rights and the privacy rights of American citizens. I can be very proud and I think the Members of this body can be very proud that we have extended and improved protections for American citizens.

We worked with the intelligence community representatives and the Department of Justice lawyers to make sure our legislation would work and would not impede vital collection—more protection but keep the system working. I think that is where we ought to be, and that is where we are in the underlying Intelligence Committee bill.

Most importantly, we fashioned a legislative solution that both Democrats and Republicans could accept. I thank our Intelligence Committee members and staffs for their efforts, long and hard work, to come up with this bipartisan bill. Our bill has been publicly available for scrutiny for over 3 months now, and it remains the most solid bipartisan way to move forward.

Two provisions of the bill, however, were added to the initial markup without the input of the intelligence community. As a result, both provisions in the bill could cause unintended operational consequences, and they needed to be fixed. Chairman ROCKEFELLER, Senator WHITEHOUSE, Senator WYDEN, and I worked together with the community to come up with solutions to these problems, and I hope we can have broad support for a managers' amendment to remedy that situation. One of these provisions provided important new protections, but it had to be reworked to protect Americans abroad in a manner which was consistent with our structure of laws and those of other countries.

The DNI has told us that with the managers' amendment fixing these two problems, the community will support our bill. That is important for Chairman ROCKEFELLER and me because we want to pass a bill that works and will become law. It would do no good to pass a bill that some may feel good about or may pass for good politics but does not work for those who protect us in all of our intelligence agencies. So the DNI's support of this bill, in particular, is critical. Consequently, with these fixes applied, we will also have a bill the President will sign into law.

My intention as a floor manager—and I believe Chairman ROCKEFELLER stands shoulder to shoulder with me in this—is to pass a bill that the DNI supports and that the President will sign. I believe we have that right now with the fixes to be applied.

If we attempt to change key painstakingly constructive provisions or to add bad provisions, however, we could hinder the intelligence community's ability to do its job and jeopardize the DNI's support for this bill and the chances of it becoming law. With the expiration of the PAA in a few days, I believe this is not the path we should take in the Senate. Anyone who has read FISA knows that it is very technical and each word matters. So it is imperative we do not add provisions without the input of the intelligence community, and we need to listen to their concerns. They are experts. They operate an incredibly technical and complicated system that is overlaid with legislation carefully drafted to recognize their capabilities, their limitations, and, most importantly, protections for U.S. persons and American citizens. We saw firsthand how difficult it is to deal with amendments that are not cleared with the intelligence community to make sure they work.

Let me just say that the Department of Justice and the Office of the Director of National Intelligence have been very helpful throughout the process, but we should not mistake their willingness to provide technical support to avoid operational problems with support for certain provisions. So while the DNI may have provided some technical support, there are several amendments that I believe, if added to our bill, could cause problems for the intelligence community, lose the support of the DNI and thus our ability to get this bill signed by the President.

First, I expect there to be some efforts to undo or modify the civil liberty provision in the Intelligence Committee's bill. Chairman ROCKEFELLER has already delivered a very strong and persuasive argument for this liability protection. It has been said once very well by the chairman, but this being the Senate, it needs to be said again, and I will be happy to do so.

This provision is essential to foreign targeting authorities. Without retroactive and prospective civil liability protection, it becomes much less likely that our private sector partners will be able or willing to assist us in the future. That means the intelligence community would have to spend great time compelling telecommunications providers in each instance who are reluctant for fears of civil lawsuits to assist, to work with us to track terrorists.

The committee studied this issue, and we reached a broad bipartisan consensus that civil liability protection is for providers and not immunity for Government officials. That was the appropriate action. I repeat, the civil liability provision in this bill is for private parties who may have assisted the Government. There is no immunity or protection for the Government itself.

Additionally, the concept of "substitution," where the Government is substituted for the private party as a defendant in court, is not an acceptable alternative. That would allow litigation to continue, including discovery against the providers, thereby risking the disclosure of our sensitive intelligence sources and methods.

At his confirmation hearing, I asked General Hayden, the nominee for the head of the CIA, who had previously been the head of NSA, how badly the disclosures of our intelligence collection methods had hurt us in the battle to get the intelligence we need. General Hayden told us ruefully that we are now applying the Darwinian theory to terrorists: We are only capturing the dumb ones.

With substitution, we would not only be risking disclosure of sources and methods, we would also, however, embitter private parties against us whose cooperation becomes public, thus endangering their personnel, their facilities, and their business reputation here and abroad, with grave consequences to those who had participated, as Chairman ROCKEFELLER said, in compliance with a Government directive from the highest officials in the land, and we would put taxpayers' dollars at risk for trial lawyers' coffers. We would also incur great expense in defending those lawsuits. The orders were issued—and I will discuss more about this later—under the President's article II constitutional power and responsibility to conduct foreign affairs.

Let me say a few words about an idea that came up shortly before the debate in the summer. Some are suggesting that before civil liability protection is granted, the FISA Court, the Foreign Intelligence Surveillance Court—and I will refer to it as the FISC—the FISC or other court must determine that those providers who allegedly assisted the Government with the terrorist surveillance program acted in good faith and pursuant to an objectively reasonable belief that the directives were lawful.

As reflected in the Intelligence Committee report accompanying S. 2248, the committee has already made this determination. We have studied this issue extensively, and we concluded that civil liability protection was the best and only solution. Why would Congress want to turn over its collective judgment to a single judge and pass a law stating that judge's ruling would be the final word on this issue? We don't even know what that ruling would be. This does not make much sense to me. We already went through this problem with the judicial variance on the FISC before, remember? The President's program was put under FISA, and then changes within the court, different judges, led to a problem with the intelligence gaps that spurred the need for short-term legislation last August. Congress should not roll the dice on this issue, close our eyes, cross our fingers and say: Whatever judge happens to be on call the day this issue comes up, well, that will be the final word on this question. Remember, the FISC's function is to approve applications for electronic surveillance. It is not set up for nor has established competence in this area. It makes no sense.

The providers need civil liability protection, and they deserve it now, not the prospect of further proving their good faith before yet another court. The longer this litigation drags on, the more likely it is that our intelligence sources and methods will be disclosed and the communications providers' businesses will suffer and they, their facilities, and their personnel will be at risk. It also becomes more likely and understandable that these companies, on which both the law enforcement and the Intelligence Committee rely for critical and timely information, could refuse to assist us in times of our need because of valid business reasons about the potential for further lawsuits. And I am not just talking about terrorist threats, I am talking about a provider refusing to give information voluntarily to help find a kidnapped child or help to find those who sexually entrap children on the Internet or proliferation or what have you. Should we be willing to take this risk? I don't think so.

Now, let me move to some of the issues the Judiciary Committee modified in our bill to the detriment of the overall product. Let me be clear, the new substitute that was filed last night is the same old wolf in different clothing. It does not alleviate any of these concerns. The Intelligence Committee bill included, as part of our compromise, a reiteration of the exclusive means provision in the current law, which states that FISA is the "exclusive means" in statute for conducting electronic surveillance. No statute that Congress ever passes can trump the President's article II powers. Numerous courts, and even the FISC itself, have reviewed this and stated the powers given to the President under the Constitution cannot be extinguished by a law passed by Congress. Even though we have passed a law on exclusive means, we have also passed a law called the Authorization for the Use of Military Force, which has to be read in conjunction with FISA.

Clearly, even those who believe a statute can somehow impinge on the article II constitutional powers of the President must recognize the powers of the President, if they were lessened by FISA, were reinvigorated by AUMF. Congress is making a statement in "exclusive means" that we want to see surveillance conducted under FISA. We have seen many attempts to broaden this language, but this is an area that calls for extreme caution. Exclusivity is more than a policy statement, it has a real operational component.

As we now know from our own experience in drafting this provision, the slightest word change can impede vital intelligence collection. I believe the Intelligence Committee's version addresses Members' views about exclusivity and further strengthens that statement, while at the same time preserving the ability to gather intelligence. Conversely, the majority's Judiciary Committee substitute now requires an act of Congress after the next attack, potentially before our intelligence professionals can do what they need to protect us. There is no exception if the attack comes from al-Qaida or another terrorist organization.

Now, it doesn't take a rocket scientist to figure out that as we stand here today, we have no idea where or when the next attack may come. Are we, each of us, willing to take the risk that Congress may not be able to act; that for whatever reason Members cannot make it back to Washington, DC, we cannot get a bill passed and signed by the President, which would leave our intelligence community without the authorities it needs to counter the threat or protect this country? I, for one, don't want to be explaining that back home to my constituents in Missouri. It is another nice sounding idea politically to some that makes no sense operationally and shuts down some potential intelligence collection.

Moreover, the Judiciary Committee's bill, and the latest substitute, would allow the FISC to assess compliance with the minimization procedures used for the acquisition of foreign intelligence information from individuals outside the United States. Minimization procedures are designed to protect U.S. identities if communications of U.S. persons are accidentally swept up in a surveillance operation or if a U.S. person is party to a conversation with a target—a lawful target—but that U.S. person is not of intelligence interest him or herself. We minimize, suppress, don't even record the name of that U.S. person. If there is no intelligence value, then that person is not at risk. To be at risk, that person would have to be receiving or instituting a call to a lawful target. That means that if somebody is calling a family member abroad, a business activity abroad, then there is no reason to fear that even those conversations would be picked up. But if others are picked up that are of no intelligence value, they would be minimized or suppressed.

Giving the court the ability, supposedly, or the responsibility to assess compliance may sound like a good idea in the abstract, but when we talk about foreign targeting, we are outside the FISC's expertise. The FISC was created solely to issue orders for domestic surveillance on a particular target. Congress, in 1978, recognized the court's expertise over domestic matters but specifically left foreign surveillance activities to the executive branch and the intelligence community and the oversight of the intelligence committees. By now requiring judicial review of minimization procedures for a foreign target, we would take a huge step back from a system that worked well for almost 30 years. So there is a red line, and I need to draw it.

But that line is already drawn. As a practical matter, when the FISC assesses compliance with minimization procedures, it would be second-guessing trained analysts' decisions about which foreign terrorist to track and how to do that. The FISC knows what to look for when it issues a warrant to tap someone's phone in Virginia, but when it comes to analyzing intelligence leads and deciding which foreign terrorists or spies should be surveilled, the court is simply not competent to make these judgments. This is what assessing compliance would have them do. The court knows this. Let me point to the court's own words from its published opinion on December 11, over a month ago, in the case In re: Motion for Release of Court Records. There the FISC judges say they are:

> Not expected or designed to become experts in foreign intelligence activities, and do not make substantive judgments on the propriety or need for a particular surveillance. Even if a typical FISA judge had more expertise in national security matters than a typical district court judge, that expertise would still not equal that of the Executive Branch, which is constitutionally entrusted with protecting the national security.

That is a quote from the court which some want to give this responsibility which they say they do not have. We need to heed the words of the FISC and not require them to make judgments they themselves believe are better left to the executive branch.

Let me repeat for my colleagues to hear clearly. The FISC, the FISA Court itself, is virtually saying: Congress, don't do this. We are not the right ones to make this determination. We should be wary to disregard their own assessment of their own competency in this vital intelligence collection area.

Additionally, throughout this debate, we must remember we are talking about foreign terrorists operating in foreign countries intent on harming us and our interests. Senator LEAHY's new substitute slightly modifies a requirement from the original substitute that the Department of Justice inspector general conduct a comprehensive review of the President's Terrorist Surveillance Program. That modification, however, does not address the underlying concerns with his provision. This review simply is not necessary and is beyond the expertise of the DOJ inspector general.

The Intelligence Committee has had numerous briefings and hearings on the TSP. We have spoken at length with lawyers from the Department of Justice and with the operators, and we have read document after document on which this program was based. We have spent more time on FISA than I ever dreamed possible or that I ever wanted to do. Yet I have not heard one convincing argument as to why this review must be conducted. Again, it may look good politically, it may make good sound bites, but we have reviewed this program to death over the past year. Yet another review is redundant, unnecessary, and because of that is wasteful.

Finally, as a part of my agreement with Chairman ROCKEFELLER, we included a 6-year sunset in the bill. Personally, I think sunsets are a bad idea when we are talking about national security. The Attorney General, General Mukasey, has stated repeatedly, "There are no sunsets in our enemies' fatwas." I understand what he is getting at. The terrorists' desire to get after us is not limited. We should give our intelligence operators something they can hang their hat on when they retool their systems and move forward with intelligence collection.

If there is a debate about sunsets, I am considering saying we ought to get rid of even the 6-year sunset. I agreed to 6 years to get this bill moving, but shorter than that I don't believe is acceptable. If we provide stricter, shorter term sunsets, that would tell the private entities and our intelligence communities that Congress's view on civil liability protection is only temporary and the power for our intelligence collection is only temporary. This new statute gives our operators confidence in the new statute. It gives our collaborating allies abroad confidence we will be there.

Let me make one thing clear. Our job in the Senate Intelligence Committee, and the same on the House side, is to review intelligence collection methods. We review it on a semiannual or even monthly basis. If we find there is a problem with this bill, we should not have to wait until the sunset comes to change it. We see a problem, we need to fix it. We don't need to wait for 6 years or 4 years to fix it. If there is a problem, let's start fixing it as soon as we find it.

A sunset does not prevent us from passing new legislation when we see fit. No sunset at all would put even greater pressure on us to make sure it is working properly. If in 1 year the bill was shown to be inadequate, we should act immediately to fix it, not wait until the sunset. So I don't like sunsets, but the 6 years was a compromise with the chairman and other members of the committee to produce this bill.

The Judiciary Committee, in this new substitute, seeks to further shorten the time frame to 4 years. Our intelligence collectors, our troops on the battlefield, the private parties who depend on this authorization need certainty, not authorities that change depending on what year it is. A 4-year sunset would not give them the certainty they need.

In conclusion, our intelligence collectors, our troops who are in harm's way, need this legislation, and our country needs this legislation. But let me talk about the troops. In May, when I visited Iraq, I talked directly with the commander of our Joint Special Operations Command, who told me the limitations under the old law, shutting down of the collection that occurred because of the new technology, so adequately described by the chairman, prevented him from collecting key information he needed to protect our troops in the theater, on the battlefield. My son happened to be one who was there at the time. That got my attention. It had the attention of the troops and the commanders. The commander told us he could kill or capture top al-Qaida leaders, but he was not able to collect signals intelligence on them. Does that make sense? No.

The bottom line in this story of FISA is terrorists were able to use technology and our own outdated laws to stay a step ahead of us. We can't afford to give them that step. The Intelligence Committee's bill gives our intelligence operators and law enforcement officials the tools they need to conduct surveillance on foreign terrorists and foreign countries planning to conduct attacks inside the United States against our troops and against our allies. It is the balance we need to protect our civil liberties without handcuffing our intelligence professionals.

I hope we can do the right thing—pass this bill, with the perfecting managers' amendment but without any additional changes that will compromise its functionality and prevent it from becoming law. We need a bill both Democrats and Republicans support, the DNI supports, that is good for the intelligence community, and that the President will sign into law.

That means we need to dispense with the Judiciary substitute that is immediately before us and proceed with consideration of amendments to the bipartisan Intelligence Committee bill. I look forward to making this happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that following my remarks, the Senator from Florida, Mr. NELSON, be recognized for his remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I strongly support Senator LEAHY in his effort to replace the Senate Intelligence Committee bill with the version passed by the Judiciary Committee. I am a member of both of these committees. As a member of both committees, I have been deeply involved in the process of having looked at those two products.

Having been involved in helping shape them, I urge my colleagues to support the Judiciary Committee version of this legislation. Indeed, I had hoped very much that the Senate would take up that bill to begin with rather than the flawed Intelligence Committee bill.

In December, I along with 13 other Senators, urged the majority leader to make the Judiciary Committee bill the base bill on the Senate floor. Unfortunately, our request was denied. So it is very disappointing that we are now forced to fight an uphill battle of offering the Judiciary bill as an amendment.

I would like to lay out the reasons the Senate should support the Judiciary Committee bill rather than the Intelligence Committee bill. One obvious reason is the Judiciary Committee bill, unlike the Intelligence Committee bill, does not contain unjustified retroactive immunity for companies alleged to have participated in an illegal wiretapping program.

I do not want to spend a lot of time on this today because there will be an opportunity to debate this issue as the Senate's consideration of this legislation moves forward. But I will say that having spent the last year and a half studying what happened at the NSA from 2001 to 2006, I strongly oppose immunity.

Under current law, telecom companies already get immunity as long as they follow certain requirements that are clearly spelled out in the law. I see no reason for Congress to change the rules this late in the game.

Today, I would like to focus on the other significant parts of these bills, the part contained in title I of each bill that contains sweeping new changes to the FISA law for years to come. Let me start off by pointing out that there are a number of similarities between title I of the Intelligence Committee bill and title I of the Judiciary Committee bill. Their basic structure is the same.

Title I of both bills authorize the Government to conduct surveillance of individuals reasonably believed to be overseas without court approval for individualized warrants. Both bills authorize the Government to develop and implement procedures to govern that type of surveillance and provide the procedures to the FISA Court for review after they have gone into effect.

Now, let's be clear. These are extraordinary powers that both bills give to the executive branch. And there is no difference between these two bills in terms of the intelligence they permit the Government to acquire. No difference between the bills as regards to the effort to go after those who may be trying to do us harm in this respect. Rather, the differences between these two bills comes in the form of critically important checks and balances on those powers.

The Judiciary bill contains a number of important changes to improve court oversight of these broad new executive branch authorities and to protect the privacy of law-abiding Americans—the privacy of law-abiding Americans. The Intelligence Committee bill, on the other hand, leaves it up to the executive branch to police itself, an approach that has all too often proven to be a bad idea throughout American history. I would say particularly under this administration.

Let me state as clearly as I can the differences between these two bills have nothing—nothing—to do with our ability to combat terrorism. They have everything to do with ensuring that the executive branch follows the rule of law and does not unnecessarily listen in on the private communications of Americans who are doing absolutely nothing wrong.

This debate is about whether the court should have an independent oversight role and what protections should apply to the communications of Americans that somehow get swept up in these broad new surveillance powers. If you believe the courts should have a meaningful oversight role with regard to Government surveillance, then you should support the Judiciary bill.

If you believe that Congress should safeguard the communications of Americans at home that could be swept up in a broad new surveillance program that is supposed to be focused on foreigners overseas, then you should support the Judiciary bill. It is as simple as that.

That said, the Judiciary Committee bill is not perfect. More still needs to be done to protect the privacy of Americans. That is why it should be an easy decision to support the Judiciary Committee bill as our starting point on the floor of the Senate as we work on this legislation.

Let me also remind my colleagues that the process by which the Judiciary Committee considered, drafted, and amended and reported out its bill was an open one, allowing outside experts and the public at large the opportunity to review and comment. With regard to legislation so directly connected to the constitutional rights of Americans, the result of this open process should be accorded great weight, especially in light of the Judiciary Committee's unique role and expertise in protecting those rights.

I also point out that several of the administration's criticisms of the Judiciary Committee bill have been based on technical drafting concerns. But in the version that Chairman LEAHY has brought to the Senate floor, he has made the changes necessary to address those technical concerns. So I hope we do not hear any arguments in this floor debate about these issues that have already been addressed.

Exactly what are the differences between these two bills? First, the Judiciary bill gives the secret FISA Court more authority to operate as an independent check to the executive branch. For example, one provision in the Judiciary bill fixes an enormous problem with the Intelligence Committee bill; that is, the complete lack of incentives for the Government to target people overseas rather than to target people in the United States.

The Judiciary bill solves this problem by giving the FISA Court the discretion to limit the use of information concerning Americans when that information is obtained through procedures that the FISA Court ultimately finds are not—are not—reasonably designed to target persons overseas.

Another provision of the Judiciary bill ensures that the FISA Court has the authority to oversee compliance with what are called minimization procedures. Minimization procedures have been held up as the primary protection in the Intelligence Committee bill for the privacy of Americans whose communications get swept up in this new surveillance authority.

Now, I do not think current minimization procedures are strong enough to do the job. But to the extent that minimization can help protect Americans' privacy, its implementation surely needs to be overseen by the court. So that means giving the court the authority to review whether the Government is complying with the minimization rules and to ask for the information it needs to make that assessment.

Now, without this provision from the Judiciary bill, the Government's dissemination and use of information on innocent law-abiding Americans will occur without any checks and balances whatsoever, no checks and balances at all.

Once again, "trust us" will have to do. Now, I believe in this case, as in so many others, "trust us" is not enough. The Judiciary bill offers other types of oversight, as well. For one thing, it requires relevant inspectors general to conduct a complete review of the President's illegal wiretapping program, which, frankly, is long overdue.

It improves congressional access to FISA Court orders. The Intelligence Committee bill required the Congress to be provided with orders, decisions, and opinions of the FISA Court—that includes significant interpretations of the law—within 45 days after they are issued.

Now, that is good as far as it goes. But the Judiciary Committee bill adds that Congress should be provided with the pleadings, the pleadings filed with the court associated with the opinions that contain significant interpretations of law.

At times, the court's opinions merely reference and approve arguments made in the Government's pleadings. In that case, the pleadings may be critical to understanding the reasoning behind any particular decision. It is not enough just to have the cursory court opinion.

It also requires that significant interpretations of law not previously provided to Congress over the past 5 years be provided. Congress needs to have the full story of how the law has been interpreted in the past in order to make the right decisions on what changes in the law should be made in the future.

The Judiciary bill also does a better job of protecting Americans from widespread warrantless wiretapping. First, it provides real protection against what is called reverse targeting. It ensures that if the Government is wiretapping a foreigner overseas in order to collect the communications of the American with whom that foreign target is communicating, it gets a court order on the American. Specifically, the Judiciary Committee bill says the Government needs an individualized court order when a significant purpose of its surveillance is, in fact, listening to an American at home.

The Director of National Intelligence himself said reverse targeting violates the fourth amendment. All this provision that I am raising does is simply codify that principle. The administration continues to oppose this provision.

I have a simple question: Why? Why is it opposed to a provision that prohibits a practice that its own Director of National Intelligence says is unconstitutional?

The Judiciary Committee bill also prohibits something called bulk collection. Now, that is this sweeping up of all communications between the United States and overseas. The DNI said in public testimony that this type of massive bulk collection would be—would be—permitted by the Protect America Act that is currently in effect. But he has also said that what the Government is seeking to do with these authorities is something very different.

It is, he said:

> Surgical. A telephone number is surgical. So, if you know that number, you can select it out.

So if the DNI has said he does not need broader authorities, there should be no objection to this modest provision which, again, simply holds the DNI to his word.

The prohibition against bulk collection ensures that the Government has some—some—foreign intelligence interest in the communications that it is collecting and not just vacuuming up every last communication between Americans and their friends and business colleagues overseas.

Targets do not need to be known or named individuals; they can be phone numbers, which is how the DNI has described how the Government collects. And the Government does not have to identify or explain its interest in the targets to the FISA Court. It merely has to make a general certification that individual targets exist.

As was already alluded to on the Senate floor, the Judiciary Committee bill also has a sunset of 4 years rather than 6 years, ensuring that Congress will reevaluate this law at least once before the end of the next Presidential term. And, critically, it contains a strong statement that Congress intends for FISA to be the exclusive means by which foreign intelligence surveillance is conducted. It also closes purported statutory loopholes that the Justice Department relied on to make its torture arguments that the congressional authorization for the use of force in Afghanistan authorized the President's illegal wiretapping program. The Judiciary bill makes clear, once and for all, that the President must follow the law.

For all of these reasons, the Senate should support the Judiciary Committee's product. Let me repeat what I said at the outset. The differences between these two bills have nothing to do with our ability to combat terrorism. Nothing. They have everything to do with ensuring that the executive branch adheres to the rule of law and does not necessarily listen in on the private communications of Americans. The fact that the administration is so strongly resisting these commonsense protections really says a lot. It ought to give pause to those who are considering opposing it.

It is time for Congress to stop being an enabler when it comes to this administration's indifference to the rule of law and, instead, start being a protector of the rights and freedoms of our citizens.

I urge my colleagues to support the Judiciary Committee bill.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Florida.

Mr. NELSON of Florida. Mr. President, I, as the Senator from Wisconsin, my colleague, have had difficulty as we sit side by side in the Intelligence Committee with the issue of immunity.

First of all, I want to say that I think the intelligence community, headed by Admiral McConnell, is doing an excellent job. They are correcting colossal mistakes. We had a colossal mistake on intelligence on September 11. We had another colossal mistake of intelligence leading up to the Iraq war. And in order for us to protect ourselves, we, in fact, have to have information in order to disrupt the plans to attack us, to harm the Nation.

So I give credit to Admiral McConnell, the Director of National Intelligence. I give credit to General Hayden, the head of the CIA, to Steve Kappes, the Deputy Director of the CIA. I think they are doing a terrific job.

I compliment the chairman and the vice chairman of our committee, and they are within earshot, and I want them to hear how much this Senator appreciates their cooperation between each other to work in a bipartisan fashion. They are talking right now, so I am not sure they are hearing me. I want them to know my personal appreciation for how they have taken a bipartisan approach. It is important that we thank people for the work they are doing.

This legislation is an attempt to be crafted so that these folks can better perform their job but at the same time protecting the precious civil liberties Americans have that make us unique from any other society on planet Earth. We want to protect those rights of privacy. I believe there are protections in this bill that will extend to Americans, regardless of their physical location. One of the things we amended in the Intelligence Committee was that it doesn't make any difference, if an American is here in the United States or if they are abroad, if you are going after an American as a target, they ought to have to go to the FISA Court to get a court order called a warrant, regardless of where that American is, if they are a target of surveillance. That is important. It is important to support our constitutional protections of privacy and that the Government can't come and intrude in our lives. I think we have started off in the right direction.

As the Senator from Wisconsin has said, I have a problem with the blanket immunity as well. I agree with Admiral McConnell. At the end of the day, we have to have the cooperation of the 10 communications companies, and they should not have the threat of a spurious lawsuit hanging over their heads, thinking they are going to be dragged out in public court over time as a means of trying to extract a pound of flesh from them. There should be every opportunity and encouragement for the telecommunications companies to cooperate with the U.S. Government intelligence community for the protection of the country. The bill before us does, in fact, give that immunity for any of the surveillance that did not have a warrant from the FISA Court from the period of September 11, 2001, to January 17, 2007.

The problem I have with that is, I am not sure the telecommunications companies were attending to their knitting, as to whether they were getting legal orders from the United States Government, not in the first year after September 11, not in the second year, perhaps not even in the third year after the attack on New York City and the Pentagon and the attempt on other facilities in Washington. I am talking about this went on for a fourth year and a fifth year. I am not sure that, in fact, they had the legal basis to say that the Government, in fact, was complying with the law. Of course, I make that judgment, and my judgment is based on something I can't say here on the Senate floor, because it is not only highly classified; it is highly compartmented. I have read the documents. I have a problem with that.

At the end of the day, if it means we have to pass the bill and it has immunity in it, I am going to vote for the bill, because it is much more important that we go ahead and have a procedure set out by which we can try to protect ourselves from the bad guys and at the same time protect the civil rights, the right of privacy of our citizens. That is contained within the committee bill, and that is the way I voted in committee. I voted against the immunity, but that amendment only got three votes. When it came to passage of the final bill, I voted for it, because that is in the interest of the country. If that is what I am confronted with here, that is the way I am going to vote and support the chairman and vice chairman of our committee.

Maybe it doesn't have to be as stark as Senator FEINGOLD has said, that it is either immunity or no immunity. Maybe what the issue ultimately ought to be is somewhere in between. That is the Feinstein-Nelson amendment that will be offered later in which it will put a review of the telecommunications carriers' actions squarely under the jurisdiction of the special Federal court set up to handle these top-secret matters called the FISA Court. The court would review all aspects of the telecommunications carriers' involvement and make a decision on immunity based on three criteria. No. 1, if the court decided that the telecommunications carrier did not provide the assistance as alleged, then, of course, the court would dismiss the lawsuit against the company. No. 2, if the assistance was provided, the court then would determine whether the documentation sent by the U.S. Government to the companies met the requirements of the law and was adequate. This law that would have to be met states that a telecommunications carrier needs a court order or a written certification from the Attorney General that no court order is required. It further has to state that all statutory requirements have been met. So then this FISA Court, in other words, would, in fact, judge that. If the conditions of the statute had been met, then the companies would be shielded from the lawsuit and the lawsuit would be dismissed.

Or the third criteria the court would look at: If the special Federal court, the FISA Court, found there was no certification given to the telecommunications company, then the court would examine whether the company acted in good faith and with an objectively reasonable belief that it was legal. If the court determined that, then the immunity would be provided.

That seems to be a way in which the companies would be protected, and at the same time we can get to this issue of this third year, fourth year, and fifth year that the United States Government is saying this is legal without a court order, when, in fact, it seems to me that the CEOs of those companies and the general counsels of those companies ought to have been jumping up and down saying: Wait a minute. We want additional information. The amendment to be offered by the Senator from California and me creates a series of three requirements that must be met in order for the telecommunications companies to receive immunity. It is going to preserve the rights of private citizens to make their case in front of a judge without jeopardizing these highly sensitive kinds of not only top-secret but compartmented material that need to be classified for the protection of the country.

Practically speaking, what is going to happen? We can't pass anything around here unless you get 60 votes. That is a huge threshold. As this comes before the Senate, I doubt the Feingold amendment is going to get 60 votes to cut off debate. I doubt the Feinstein amendment is going to get 60 votes. That brings us right back to the Intelligence Committee bill which is before us right now, in which case, on final passage, I am certainly going to vote for that. But there is another opportunity to address this specific issue. It is unlikely that the House of Representatives is going to pass this legislation with the immunity for the companies. Therefore, there will be a huge difference between the Senate bill and the House bill, as the clock continues to tick down toward the deadline in which agreement is going to have to be reached. It seems to me the Feinstein-Nelson approach is a reasonable compromise at that point.

I hope in time we are going to be able to pass this, that we will pass it before the deadline which, to my knowledge, is in a week or so, maybe a week and a half. The majority leader says he is going to keep us in all weekend in order to get this passed. If I were he, I would do the same. It is so critically important to our country that we pass this legislation.

So on we go. Let the legislative process work itself out. Hopefully we will get this thing passed.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The senior Senator from Texas is recognized.

Mr. BOND. Mr. President, may I ask the distinguished Senator from Texas to yield for a unanimous consent request and then she will be recognized after that.

Mrs. HUTCHISON. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Would the distinguished vice chairman be willing to yield for a parliamentary matter?

Mr. BOND. Please.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the time until 2 p.m. today be for debate prior to the vote in relation to the Judiciary Committee amendment, as modified, with no amendment in order to the amendment prior to the vote, with all time equally divided and controlled between Senators LEAHY and BOND or their designees, with the 30 minutes prior to the vote divided as provided above, with Senator LEAHY controlling the final 15 minutes and the vote will be at 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri.

Mr. BOND. Mr. President, since we have had two speakers on the majority side, I ask unanimous consent that Senator HUTCHISON and then Senator BROWNBACK be recognized on our side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BOND. I thank the Chair.

The PRESIDING OFFICER. The senior Senator from Texas is recognized.

Mrs. HUTCHISON. Thank you, Mr. President.

First, Mr. President, let me say, while the distinguished chairman and ranking member of the Intelligence Committee are both on the floor, that I believe the Intelligence Committee has done a fine job on this very important legislation, the Foreign Intelligence Surveillance Amendments Act, that will modernize and allow our law enforcement officials to have the tools they need to protect our country.

The Intelligence Committee voted the bill out on a bipartisan basis. It was certainly debated and balanced within the committee. I think this Senate should support the Intelligence Committee and all the work they have done to prepare this very important legislation. So to Senator ROCKEFELLER and Senator BOND, I say thank you for doing a great job.

I do rise today to support this bill. It is essential that we do so to protect our country. I was proud to join my colleagues last August in passing the Protect America Act. It will expire in 8 days—in 8 days. The majority leader has said we are going to pass this legislation this week out of the Senate. That is a good thing. The House needs a week to look at it and determine if they will pass it. I hope they will pass the same legislation that is before us from the Intelligence Committee and send it to the President without amendment.

Our enemies are not going to expire in 8 days. Al-Qaida, we know, uses cell phones and wireless Internet networks and countless other technologies that were not in place when the original FISA passed 30 years ago. Thirty years ago, we did not have cell phones. Thirty years ago, you would go to a court and say: We want to tap the phone line of this number. Today, a cell phone can be thrown away before you can go to get a court order.

So in the act we passed last year, we determined that you could get a court order to intercept the communications between suspected terrorists and you can go to the person rather than to a phone number, which would be unusable by the time you could get a court order. So that is one way we have begun to upgrade the technology to match the threat. Because our enemy is very technologically capable. We must be able to meet that with law enforcement. Delays could mean the difference between life and death.

Unless we take action, this protection of our ability to intercept potential plots against our country will go out of existence. We cannot, in good conscience, let that happen.

Let's talk about the litigation aspects because that is going to be the first amendment we vote on. The first amendment we vote on is going to be out of the Judiciary Committee. There will be other amendments, I know, that have already been discussed on the floor regarding litigation against telecom companies.

After 9/11, the Federal Government requested that America's telecom companies share proprietary information to help prevent future terrorist attacks. After the existence of the national security program was illegally leaked 2 years ago, America's telecom companies began to get hit with dozens of class action lawsuits that could expose them to catastrophic liabilities.

Originally, the telecom companies had nothing to fear from those lawsuits because they had evidence that what they did was at the request of our law enforcement officials. But due to the sensitive nature of the Government's request of these companies, the law enforcement officials barred the telecom companies from the release of certain documents that they needed for their trials. So we have created a situation in which companies have cooperated with law enforcement to keep our country safe, and then, when the lawsuits arose, they were not allowed to defend themselves. Now, some of my colleagues say: Well, that is tough. They should have known better.

We are talking about the security of our country. The people who are in the business of telecommunications were asked to be patriotic Americans. And they said yes. So if we do not give them protection for these actions, as well as those going forward, we are going to put our businesses in an untenable situation. Either they can help law enforcement, be sued and hampered in their legal defense because they are not able to introduce certain types of evidence because of security reasons, or they can say no to law enforcement and put our country in jeopardy.

Now, I will tell you that I have talked to the CEO of one of our major telecommunications companies. He has said: Senator, I am going to do what is right for America. That is my first responsibility as a citizen of this country. But, Senator, I don't think I should be put in jeopardy for my shareholders and my consumers while being a patriotic American.

The Senate must act responsibly. We must be able to go to a company and say: help our country. Because in the past a terrorist could communicate between two countries overseas, and we would have the right to intercept those messages. I wish I could say we have no enemies inside our country who would communicate with a terrorist outside our country, but we all know that is not the case. We all know there are people in our country today plotting to kill innocent Americans. We know because plots have been uncovered. And we know because that is what happened on 9/11. There were people inside our country who were aiding and abetting, living in our country, and planning to kill innocent Americans.

So we must have the capability to give protection to a telecommunications company that would cooperate with our Federal law enforcement officials to intercept messages between al-Qaida in Pakistan or Afghanistan or anywhere in the world communicating with a terrorist sympathizer in our own country. It is our responsibility to do this for the safety and security of Americans.

We must pass this bill. We must pass it in the form that the Intelligence Committee did on a bipartisan basis. We must respect the work that has been done by those who have heard hours and hours and hours of testimony and seen classified information about the threats to our country. We must do our part, along with the President, with the Members of the House of Representatives, and with our law enforcement officials to ensure that no stone is left unturned to uncover a plot against innocent Americans.

If that is not the duty of the U.S. Senate, Mr. President, I ask you, what is? That is our responsibility. That is why we were elected: to protect our country. I hope this body, of which I am so proud to be a Member, will do the right thing and extend this act and give our law enforcement the tools they need to do the job we are asking them to do to protect America.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Kansas is recognized.

Mr. BROWNBACK. Thank you very much, Mr. President.

I join my colleagues, particularly my colleague from Texas and my colleague from Missouri, in supporting this bill and in opposition to the Leahy amendment.

My colleague from Texas identified a number of the issues that are in the amendment. I serve on the Judiciary Committee. It is a great committee. Senator LEAHY does an excellent job leading the committee. But on this particular issue it is my belief, as a Judiciary Committee member, that we should recede to what the Intelligence Committee has put forward on a bipartisan basis and move forward with this bipartisan bill we have rather than going with, essentially, the substitute that the Judiciary Committee came up with, which was put forward on a partisan basis.

My colleague from Texas noted we have 9 days until this legislation expires. If we go with the Leahy substitute—as much as I respect Senator LEAHY—the President is going to veto this bill and we are going to be in a nonfunctional position for a period of time while we get things put back together. There is no reason to do that. We have a bipartisan bill.

The Intelligence Committee bill passed with only two dissenting votes. The Judiciary Committee substitute, in essence, that is being put forward—it has been modified and changed, but, in essence, it is what came forward from the Judiciary Committee—came out on a strictly partisan party-line basis.

Why wouldn't we go with the bipartisan bill that passed, I believe, 13 to 2 rather than go with the partisan bill that will be vetoed and then we will just be back here? We are not going to have the votes for a veto override. We would then go without this needed law provision so we can provide for the security of the country, as well as protect the civil liberties and rights of individuals within America.

I want to note in particular on this issue of telecommunications companies and the information they provide, I think we need to provide some level of immunity for companies to participate and work with the Federal Government on information that the Federal Government has legitimately requested.

In case people think, "Well, OK, you are just giving a pass to the telecommunications companies," I want to read what the requirements are within the Intelligence Committee bill toward the telecommunications companies. The telecommunications carriers face a series of threats and lawsuits presently over their complying with what the Federal Government required. But the Senate Intelligence Committee immunity provisions do not just simply dismiss the cases outright. Instead, the bill sets forth a process for the Attorney General to submit a certification to the court that the telecom carriers either, one, did not provide the Government the alleged assistance in the first place, or, two, provided assistance pursuant to a valid request, directive, or order indicating that the activity was authorized by the President and determined to be lawful. The court would then separately review the Attorney General's certification for an abuse of discretion. This multilevel certification and review process will ensure an underlying assessment by the Government and the courts of the genesis of the carriers' role, if any.

The immunity provisions would not apply to the Government or Government officials. Cases against the Government regarding the alleged programs would continue. And the provisions would apply only to civil and not criminal cases.

All in all, I think the Intelligence Committee bill strikes the right balance between intelligence gathering and protections for civil liberties.

My point in bringing this out is that this is not some blanket waiver toward telecommunications companies. It goes through a multilevel court and administrative review procedure that has to pass through both in order for the telecommunications company to be able to get this immunity from liability exposure. It is not just the Attorney General; it is also the court that is involved with this as well.

I would hope my colleagues who have concerns about civil liberties would look at that and say: Well, this is going to be reviewed in both places. This should be sufficient to require them—the telecommunications companies—to participate in this program, and to give them the immunity from liability, if they do this according to the law as determined by both the Attorney General and as determined by the court.

That seems to me to be a good level and a good balance of our intelligence needs, which are significant, and our civil liberties guarantees and requirements, which are required—that we guarantee civil liberties for the individual and that I want to see protected. But at the same time I want to see our citizens protected as well. And we have to be able to have some access to information of these communications—with intelligence, with terrorist organizations, individuals—that may be taking place.

All in all, I think the Intelligence Committee has done an excellent job of striking that balance between providing for our security needs and guaranteeing civil liberties of the individual. It has provided a multilayered process for this immunity to be able to be granted by different entities within the Government. It has done so in a balanced fashion. It has done so in a bipartisan fashion. I don't know why, for the life of me, we would want to go with something on a partisan basis that is not going to get through the process, when we need the bill now and we have a good bill put forward by the Intelligence Committee.

So as a member of the Judiciary Committee, I would urge us to support the Intelligence Committee and not support the Leahy substitute. As much respect as I have for the chairman, I do not think that is the way for us to go in bringing this bill forward to closure for the good of the country.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, I will support the Judiciary Committee substitute to the FISA Amendments Act.

As a member of the committee, I wish to commend Chairman LEAHY for his leadership. I think we have struck the right balance to give the Government the power they need to keep us safe but to protect our privacy, which we cherish so much as Americans.

I wish to commend the majority leader, HARRY REID, for bringing the FISA Amendments Act to the floor as one of our first items of business this year. I wish to thank my colleague and friend from the Senate Intelligence Committee, Senator ROCKEFELLER. Though we may disagree on some aspects of this bill, he has been a real leader on an issue of great complexity.

Last August, Congress responded to the administration's request to approve foreign surveillance legislation on an expedited basis. Remember, we didn't come to this issue because the administration felt they needed to deal us into the picture. We came to this issue because the New York Times finally published an article and told us about this warrantless surveillance that was going on all across America for years, surveillance that was not approved by Congress and was clearly not allowed by law but continued by this administration with impunity until they were caught with their hands in the cookie jar by the New York Times. Then they came to Congress and said: Well, why don't you write a law. Can we help you write a law?

After 9/11, I can remember Senator ROCKEFELLER, Senator LEAHY, Senator SPECTER, and so many others who rose to the occasion and said: We will come together on a bipartisan basis to keep our country safe. We lost 3,000 innocent people. We don't want that to ever happen again. We passed the PATRIOT Act. It wasn't perfect, but it was bipartisan. It had a sunset built into it. We tried to give this Government the tools to keep America safe. There wasn't a lot of grandstanding and speechifying. We did our job.

Then what happened? The Bush administration decided, in so many different aspects of this war on terrorism, to deal Congress and the American people out of the picture from that point forward. We heard rumors about secret programs, and a handful of Members were briefed, I guess; I wasn't one of them. Then, it wasn't until the New York Times told the whole story that we were kind of drawn into this situation, where we are trying to write a law to approve a course of conduct which the administration was undertaking, at least to some degree, without even consulting or conferring with Congress in its constitutional capacity.

The Senate Intelligence Committee and the Senate Judiciary Committee have held a lot of hearings. They have debated how to write this law and voted on a lot of amendments. We are now facing the reality that the Protect America Act, which was passed a short time ago, will expire next Friday, February 1.

Under any circumstances, it would be difficult for the Senate to pass a bill of this complexity, reconcile our differences with the House, and get it all wrapped up in a week. But the President has made it clear he is not going to sign this bill unless it includes an amnesty for telephone companies that cooperated with the administration's warrantless surveillance program. This is a difficult, controversial issue many Members feel very strongly about. I am one of them. The President insists that an amnesty provision for telephone companies be included, and I think that is going to make it impossible for us to meet the February 1 deadline.

Senator REID, the majority leader, has asked for a 30-day extension of the Protect America Act. Let's continue the current law for 30 days. Let's try to work out our differences. Let's do this in a responsible way. Senator MCCONNELL on the Republican side objected—objected to carrying on the current law for 30 days while we tried to work out our differences. That objection speaks volumes. Even though he opposed the Protect America Act, the majority leader I think was acting in good faith and taking the sensible course of action: Let's try to work these things out and not punish anybody in the process. The current law would stay in effect for another 30 days. The Republican Senate leadership, MITCH MCCONNELL, said no.

Well, that is unfortunate. The spokesperson for the White House said on Tuesday:

> The Protect America Act expires in just 10 days, yet after nearly 6 months of delay, Congress still has not taken the necessary action to keep our Nation safe. For the sake of our national security, Congress must act now.

So said the White House 2 days ago.

I can't follow this logic. On the one hand, the White House claims we face grave national security threats if this program expires, and on the other hand, when Senator REID tries to extend the program for 30 days, the Republican leadership objects. I am sorry, but that doesn't follow.

It is worth recalling what brought us to this point. It is difficult to believe it has been over 6 years since the terrorists struck our country on 9/11. I will never forget that terrible day, and most Americans will not either. And we will never forget what happened afterwards when Congress came together and tried to respond and make our country safe. Sadly, today Osama bin Laden is still on the loose, and al-Qaida is still around and may be growing in size.

I wish the administration had continued the spirit of bipartisanship of the

PATRIOT Act. They would have had the full support of Congress and the American people. We showed that with the passage of the PATRIOT Act. But even as we were debating that important law, the administration was secretly implementing torture and surveillance policies totally inconsistent with the values of our Nation. They didn't ask Congress to approve the warrantless wiretapping of innocent Americans or torture techniques such as waterboarding. Instead, they based their policies on the extreme view of some in the administration that the President, as Commander in Chief, was not bound by the law.

They discarded the Geneva Conventions after decades of America saying that was a significant underpinning of our relationship with the civilized world. They rejected it. They called it obsolete, the Geneva Conventions. They opened Guantanamo, which has become an international embarrassment. Former Secretary of State Colin Powell has joined so many others in saying: Close this embarrassment. Yet they continue.

The Justice Department's infamous torture memo narrowly redefined torture as limited only to pain equivalent to organ failure or death. Senator JOHN MCCAIN, a man who was a prisoner of war during Vietnam for years and years, spoke out and led a bipartisan fight to establish standards when it comes to the treatment of prisoners. I was happy to join him on a bill that had more than 90 votes, a strong bipartisan sentiment, a bill which sadly was watered down by a signing statement from this President, and I am afraid—though we may never know—I am afraid it has been ignored at many levels by this administration.

We still fight the Taliban and al-Qaida in Afghanistan, and while we are doing it, the administration has launched a misleading propaganda campaign leading perhaps to the greatest foreign policy blunder in American history: the war in Iraq.

It is worth noting that in a new report issued this week, the Center for Public Integrity concluded:

> President George W. Bush and seven of his administration's top officials, including Vice President CHENEY, National Security Adviser Condoleezza Rice, and Defense Secretary Rumsfeld, made at least 935 false statements in the two years following September 11, 2001, about the national security threat posed by Saddam Hussein's Iraq. An exhaustive examination of the record shows that the statements were part of an orchestrated campaign that effectively galvanized public opinion and in the process led the Nation to war under decidedly false pretenses.

Is there any more grievous sin in a democracy than for leaders at the highest level to mislead the people of a Democratic Nation into a war with such tragic consequences? Almost 4,000 of our best and bravest—innocent, hard-working, dedicated, and patriotic soldiers—have given their lives. Countless thousands have been injured because we were misled into a war by this administration.

The administration brooked no dissent from their misleading campaign for war or their misguided counterterrorism policies. If anyone raised an objection, they were branded as soft on terrorism. Who can forget John Ashcroft, our former Attorney General, blaming critics of the administration for spreading "phantoms of lost liberty" and warning "your tactics only aid terrorists"?

Time and again, the administration and their allies pressured Congress to consider controversial proposals immediately before elections. Oh, that is when all the warning bells went off and the threat level colors were changed. We were told there was a threat on the way, and how were we to come to any other conclusion if we didn't see the evidence? What a coincidence that most of those warnings came right before an election. It was Karl Rove's playbook and the administration ran that play over and over and over again.

In 2002, the administration insisted Congress must vote to authorize the war in Iraq before the election or our security would be at risk. Why? White House Chief of Staff Andrew Card explained that "from a marketing point of view" that was the right time to "introduce new products."

In 2004, the administration and its Republican allies in Congress claimed it was imperative to reauthorize the PATRIOT Act before the election or our security would be at risk. This despite the fact it didn't expire until December 31, 2005. Congress chose this date for the express purpose of depoliticizing this debate.

For years, the administration insisted the President had unilateral authority to detain enemy combatants and try them in military commissions. Again and again our Supreme Court rejected the administration's arguments. Suddenly, shortly before the 2006 election, the administration changed course, insisting that Congress must vote to authorize military commissions or our security would be at risk. In fact, the administration's bill included amnesty for administration officials who had authorized illegal torture techniques. How will history judge us, granting amnesty to those who engaged in torture?

It is more than a year since Congress passed the Military Commissions Act. Despite their claims of urgency, the administration has failed to bring a single terrorist to trial.

In the 2006 election, the American people took a stand and rejected the politics and policies of fear and they rejected this administration's scare tactics. One would hope the administration would have learned a lesson. But in 2008, another election year has arrived and, unfortunately, here we go again with an administration continuing to stake out divisive positions on terrorism.

The administration claimed Attorney General Mukasey would turn a new page at the Department of Justice, but he has refused to say even now whether torture techniques known as waterboarding are illegal. During his confirmation hearing, Judge Mukasey promised to review the administration's classified interrogation techniques and assess their legality. It has been 2 months since then and yesterday I wrote to the Attorney General to remind him about that commitment. He has had ample time to study this issue.

Yesterday, the administration announced they were going to renominate Steven Bradbury to be head of the Office of Legal Counsel. This is the office that issues binding legal opinions for the executive branch, including having issued the infamous torture memo. I have repeatedly urged President Bush to withdraw this nomination of Mr. Bradbury because of his involvement in authorizing the administration's controversial interrogation and surveillance policies.

Now, the administration claims our security is at risk in this election year because Congress is allowing the Protect America Act to expire, even though Senator REID 2 days ago tried to extend it for a month, and the Republican leadership objected. Well, no surprise.

Yesterday, Vice President CHENEY weighed in. He gave a speech praising the administration's counterterrorism efforts. He ignored the lessons of the last 6 years. He praised Guantanamo Bay, even though his President has called for closing it, and he praised what he called the CIA's "tougher interrogation program." Well, there is a phrase that is loaded. He claimed the CIA's interrogation techniques comply with our treaty obligations, although the military's top lawyers and others say they violate the Geneva Convention. He said Khalid Sheikh Mohammed, the alleged mastermind of 9/11, had been subjected to the CIA's "tougher" techniques. But the Vice President neglected to mention that 6 years after 9/11, Khalid Sheikh Mohammed and the other 9/11 planners still have not been put to trial. Some experts say it will be impossible to convict him because he was subjected to waterboarding and other torture techniques.

The Vice President urged Congress to pass FISA legislation. Quoting President Bush, he said:

> The lessons of September 11 have become dimmer and dimmer in some people's minds.

Mr. Vice President, the American people haven't forgotten 9/11, and we never will.

We also have not forgotten that Osama bin Laden is still free and the resources needed to track him down were diverted to a war in Iraq.

We have not forgotten that the war in Iraq has cost our Nation billions and, tragically, the lives of almost 4,000.

We have not forgotten that instead of working with Congress to prosecute the war on terrorism in a bipartisan fashion that respects American values, this administration chose to go it alone.

We will never, ever forget the blood, sweat, and tears shed by countless American heroes, who fight even as we speak to defend what makes America unique in the world. They fight not to defend any race, religion, or ethnic group; they fight to defend a value—the value upon which our country was founded. We are a nation of laws, not men—not this President, not any President.

In his speech yesterday, the Vice President noted:

> The terrorists waging war against this country don't fight according to the rules of warfare, or international law, or moral standards, or basic humanity.

That is true, but America is a lot better than the terrorists.

Ironically, the Vice President also noted:

> This cause is bigger than the quarrels of party and agendas of politicians.

Well, that is true as well. I only wish the Vice President and the administration would have heeded his own words and stopped politicizing so many national security issues.

I urge my colleagues to reject the politics of fear and reject the scare tactics of this administration. Support the Judiciary Committee substitute, support the majority leader's request for a 1-month extension in the Protect America Act. We can give the Government the power it needs to protect us, and we can still uphold the rule of law and protect the precious liberties of the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I have sought recognition to comment about the pending legislation on the Foreign Intelligence Surveillance Act and the so-called Leahy substitute. We are engaged here in the continuation of a historic debate. Confronted by terrorism on 9/11, the response has been made to legislate on the PATRIOT Act and the Protect America Act, in order to deal effectively with the terrorists. At the same time, there is great concern that there be an appropriate balance. While it is indisputable that our first duty is to protect America, it is also equally fundamental that the constitutional protections have to be kept in mind at all times, and it requires a balance.

The beauty of the Constitution is the doctrine of separation of powers, so that no one branch has too much. This has been a classic confrontation of the executive asserting its authority under article II, and disregarding statutes, such as the Foreign Intelligence Surveillance Act, disregarding the statutory requirement that the Members of the House and Senate Intelligence Committees be informed of activities like electronic surveillance, with the President asserting that authority under article II, saying that it supercedes a statute.

Congress has been ineffective on congressional oversight. The courts have filled the void, undertaking very significant action. A key part of what we are considering here today is whether there will be jurisdiction stricken on the pendency of many cases in the Federal courts challenging what the telephone companies have allegedly done or whether there will be continued access to the courts. It is my view, for reasons which I will amplify in the course of this floor statement, that there can be an accommodation to keep the courts open and to allow the electronic surveillance to continue. That can be accomplished by an amendment Senator WHITEHOUSE and I intend to offer later today or perhaps tomorrow—at the first opportunity we have—where the litigation against the telephone companies would proceed, but the U.S. Government would be substituted as the party defendant.

There is no doubt that the telephone companies have been good citizens in whatever it is they have done. Yet there is nothing on the record as to what really happened. Whatever it is they have done, the indicators are that they have been good citizens, although, in the course of having the Federal Government substituted for the telephone companies, there will have to be evidence of compliance with the governmental request, a compliance in good faith.

The likelihood of verdicts being rendered, I think, in my legal judgment, is very remote. But that doesn't eliminate the requirement and the practice of keeping the courts open to make that determination.

The Specter-Whitehouse substitution amendment will place the Government in the shoes of the telephone companies to have the same defenses—no more and no less. For example, the doctrine of governmental immunity would not be available to the Government. There have been those who have criticized the Specter-Whitehouse amendment, who have ignored the very basic proposition that the suits cannot be dismissed because of governmental immunity.

On the other hand, by the same token, the state secrets defense will be available. In the lawsuits that are being prosecuted now against the telephone companies, the government has intervened to assert the state secrets doctrine. In fact, the Government has precluded the telephone companies from saying very much under that doctrine. When the Government is substituted for the telephone companies, the Government will retain the defense of the state secrets doctrine.

Before going into the body of the argument in support of the Specter-Whitehouse substitute approach, I wish to comment briefly on the substitute offered by the Judiciary Committee and by our distinguished chairman, Senator LEAHY, as the pending business.

I begin by commending Senator LEAHY for his work on the committee. For many years, we have worked together. His work as chairman has been exemplary, and there have been improvements that have been made by the modified Leahy substitute. Improvements have been made in that it clarifies that when surveillance occurs overseas, the FISA Court's role is limited to assessing probable cause and not the means of collection. It has further been improved by extending the length of emergency surveillance to conform to the Intelligence Committee bill's 7 days instead of 3 days. It has been improved by eliminating certain language criticized by the administration—and I think justifiably—as being overly broad. But it does retain the basic concept that the Foreign Intelligence Surveillance Act is the exclusive statutory procedure. So you preempt the Government argument that the Authorization for the Use of Military Force preempts and supersedes FISA. That argument has been made by the administration. I think it is a vacuous argument. In any event, this legislation would restate the proposition that the AUMF, or legislation like that, would not supersede FISA.

The substitute offered by the distinguished chairman also has a change which allows the continuation of surveillance pending en banc review by the Foreign Intelligence Surveillance Court. It also improves a provision calling for an inspector general review of the terrorist surveillance program.

I think, in essence, the substitute provision Senator LEAHY has offered is an improvement over the prior bill. I regret that I cannot support it because it leaves out the provision with respect to immunity. While I do not like the provision with respect to immunity and think we can improve upon it, as I have said, by the approach of substituting the Federal Government for the telephone companies, I believe it is important to keep protecting the telephone companies in the picture and to benefit from the activities which they are undertaking. Therefore, I will not be able to support the substitute offered by Senator LEAHY.

It is my hope that the Specter-Whitehouse amendment will be adopted, substituting the Government. If that fails, then with reluctance I will support retroactive immunity. To repeat, I think that is not the preferable course.

In dealing with the fundamental proposition of keeping the courts open, we have had an extended history in the past 2 or 3 years of the ineffectiveness of dealing with the expanded executive authority with congressional oversight. The PATRIOT Act reauthorization came out of the Judiciary Committee in 2005. I chaired it and was managing the bill on the floor of the Senate back in mid-December of 2005. I was very surprised that morning to read in the New York Times that the Federal Government had been undertaking the terrorist surveillance program without notifying the Intelligence Committees, as required by the National Security Act of 1947, and without notifying the chairman or ranking member of the Judiciary Committee. That was more than a surprise; it was a shock.

We were nearing the end of the consideration of the PATRIOT Act reauthorization, and all of the indicators were that we would get it passed. Some appeared on the floor of the Senate that day to say that they had intended to support the PATRIOT Act reauthorization, but no longer, in light of the fact that there had been the terrorist surveillance program, unknown to Congress, in violation of the Foreign Intelligence Surveillance Act and in violation of the National Security Act of 1947.

Now, it may be that the President was correct in asserting that he had article II power under the Constitution. If the President did have power under article II as Commander in Chief, then such power could not be reduced by legislation. That is a basic constitutional principle. But the determination of that really doesn't reside with the President alone.

I then introduced legislation to bring the terrorist surveillance program under the Foreign Intelligence Surveillance Court. I will not take the time now to go through the lengthy efforts made in that regard. Suffice it to say that congressional oversight was not satisfactory. Where there has been a conflict between the Congress and the White House, the tools available to the White House have rendered the congressional oversight ineffective. When the Judiciary Committee has issued subpoenas, the subpoenas have been ignored by the White House, and the enforcement procedures are insufficient, really nugatory.

In the first place, if litigated, they take at least 2 years to have a judicial decision. The law requires the U.S. attorney for the District of Columbia to bring the action. The U.S. attorney for the District of Columbia is part of the executive branch, and some in the Department of Justice have said forget about having the action brought. It is theoretically possible to have a contempt citation on the floor of the Senate, but it is a practical impossibility. So the efforts at enforcement of congressional oversight through the subpoena process has been to no avail.

On the other hand, the courts have been effective. When the issue has arisen as to the detention at Guantanamo, the Supreme Court of the United States said in Hamdan that the Geneva Conventions applied, and in Rasul that habeas corpus was in effect, notwithstanding the fact Guantanamo was outside the territorial limit of the United States because the U.S. Government controlled Guantanamo.

Where the Congress has responded with legislation, the issue is now before the Supreme Court of the United States again in the Boumediene case. The courts have been effective in asserting a balance, in asserting constitutional governance. A whole series of court cases have shown the effectiveness of the courts. For instance, in the Hepting case that is pending on the terrorist surveillance program, the district court rejected a blanket application of the state secrets doctrine. In the Padilla case, the Supreme Court's decision to take up the case led the government to file criminal charges. A New York case involving the national security letters, Doe v. Gonzalez, found that certain NSL gag orders were unconstitutional in light of the First Amendment.

The Hamdan case involved a detainee by the U.S. Government. There the Supreme Court held that the President does not have a blank check to deal with detainees and that Congress had a role to play.

In the Al-Haramain case, the Terrorist Surveillance Program was litigated by an Islamic charity that allegedly had a TSP derived transcript. The case Ninth Circuit decision upheld the government's assertion of the state secrets doctrine in that case.

I do not go into great length on these judicial decisions but to note that when the court issues a order and insists on witnesses being presented on pain of having the case dismissed or on pain of having adverse action taken against the party who doesn't follow the court order, the courts have been effective. That is why, on a constitutional balance, I think it is very important not to foreclose action by the courts, not to, in effect, strip the Federal courts of jurisdiction of the many pending cases which have been brought against the telephone companies, and it can be done in a practical way, preserving the importance of law enforcement activities for whatever it is the telephone companies are doing by substituting the Federal Government as the party defendant.

I am especially concerned about this issue in the context of what occurred back in June of 2006, when the Judiciary Committee, while I was chairing it, was trying to exercise congressional oversight, assert a constitutional balance with the executive branch, and we were unsuccessful for a variety of reasons. Where the Federal Government had the defense of executive privilege, it was impossible to move effectively on congressional oversight. But when it became known about the alleged activities of the telephone companies, I sought, as chairman, to have subpoenas issued. The Vice President then contacted Republican members of the Judiciary Committee, in effect, behind my back—the protocol is to call the chairman first; if not to call the chairman first, to call the chairman sometime—leading me to write a letter, dated June 7, 2006.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks this letter, dated June 7, 2006.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Mr. President, I did not like sending the Vice President a lawyer's letter, three pages, single spaced. It starts off—and I will read a short paragraph:

> Dear Mr. Vice President, I am taking this unusual step in writing to you to establish a public record. It is neither pleasant nor easy to raise these issues with the administration of my own party, but I do so because of their importance.

And then I go into the issues of the expansion of executive authority in many directions, the refusal of the executive branch to accommodate legitimate congressional oversight, and complain about the Vice President's activities in contacting Republican members of the Judiciary Committee.

To have the record complete, Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the Vice President's response to me, dated June 8, 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SPECTER. Mr. President, with that background, there is a particular sensitivity on my part to having retroactive immunity which I think would be an open invitation in the future for the executive branch to continue to ignore the statutes as the executive branch apparently ignored the Foreign Intelligence Surveillance Act that sets the exclusive way of getting wiretapping, a statement of probable cause to a judge, to ignore the National Security Act of 1947 in failing to notify the Intelligence Committees of the House and Senate as mandated, positively required, under that statute, to ignore that under the assertion of article II power. But the judicial branch of Government is the ultimate arbiter. To move to close the courts is a very serious and unwise step, especially when the objective can be retained of the law enforcement tools and having the litigation continue, of having the U.S. Government as the party defendant. I don't believe there will be verdicts against the Government, but if there are, it is part of the cost of doing business, part of the cost of fighting terrorism, and it ought to be borne by the U.S. Government, as opposed to being borne by the telephone companies which presumably have been good citizens, something they have to establish under the Specter-Whitehouse amendment to have the Government step in as a substitute.

Where we stand at the present time is on the substitute offered by the distinguished chairman. Again, I compliment him for the work he is doing generally and specifically about our Judiciary Committee activities on the Foreign Intelligence Surveillance Act. I have noted a number of particulars where I think Senator LEAHY's revised substitute has made improvements. To repeat, I regret I cannot support it because it leaves out the immunity provision. Again, I do not like the immunity provision and think we can improve it with the Specter-Whitehouse amendment. But if I am unsuccessful on that, then I will have to, at least speaking for myself, swallow the retroactive immunity provision on a balance of my own judgment as to the importance of having that kind of electronic surveillance, whatever it is, go forward, even with the retroactive immunity.

It is my hope, when we consider the ramifications, that we can command the majority in this body, work through the legislation with the House of Representatives, and find a way to allow the Government to have the advantages of the electronic surveillance but not foreclose the courts by the remedy of having the Government substituted as the party defendant.

I yield the floor.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 7, 2006.

Hon. RICHARD B. CHENEY,
The Vice President,
Washington, DC.

DEAR MR. VICE PRESIDENT: I am taking this unusual step in writing to you to establish a public record. It is neither pleasant nor easy to raise these issues with the Administration of my own party, but I do so because of their importance.

No one has been more supportive of a strong national defense and tough action against terrorism than I. However, the Administration's continuing position on the NSA electronic surveillance program rejects the historical constitutional practice of judicial approval of warrants before wiretapping and denigrates the constitutional authority and responsibility of the Congress and specifically the Judiciary Committee to conduct oversight on constitutional issues.

On March 16, 2006, I introduced legislation to authorize the Foreign Intelligence Surveillance Court to rule on the constitutionality of the Administration's electronic surveillance program. Expert witnesses, including four former judges of the FISA Court, supported the legislation as an effective way to preserve the secrecy of the program and protect civil rights. The FISA Court has an unblemished record for keeping secrets and it has the obvious expertise to rule on the issue. The FISA Court judges and other experts concluded that the legislation satisfied the case-in-controversy requirement and was not a prohibited advisory opinion. Notwithstanding my repeated efforts to get the Administration's position on this legislation, I have been unable to get any response, including a "no".

The Administration's obligation to provide sufficient information to the Judiciary Committee to allow the Committee to perform its constitutional oversight is not satisfied by the briefings to the Congressional Intelligence Committees. On that subject, it should be noted that this Administration, as well as previous Administrations, has failed to comply with the requirements of the National Security Act of 1947 to keep the House and Senate Intelligence Committees fully informed. That statute has been ignored for decades when Presidents have only informed the so-called "Gang of Eight," the Leaders of both Houses and the Chairmen and Ranking Members on the Intelligence Committees. From my experience as a member of the "Gang of Eight" when I chaired the Intelligence Committee of the 104th Congress, even that group gets very little information. It was only in the face of pressure from the Senate Judiciary Committee that the Administration reluctantly informed subcommittees of the House and Senate Intelligence Committees and then agreed to inform the full Intelligence Committee members in order to get General Hayden confirmed.

When there were public disclosures about the telephone companies turning over millions of customer records involving allegedly billions of telephone calls, the Judiciary Committee scheduled a hearing of the chief executive officers of the four telephone companies involved. When some of the companies requested subpoenas so they would not be volunteers, we responded that we would honor that request. Later, the companies indicated that if the hearing were closed to the public, they would not need subpoenas.

I then sought Committee approval, which is necessary under our rules, to have a closed session to protect the confidentiality of any classified information and scheduled a Judiciary Committee Executive Session for 2:30 P.M. yesterday to get that approval.

I was advised yesterday that you had called Republican members of the Judiciary Committee lobbying them to oppose any Judiciary Committee hearing, even a closed one, with the telephone companies. I was further advised that you told those Republican members that the telephone companies had been instructed not to provide any information to the Committee as they were prohibited from disclosing classified information.

I was surprised, to say the least, that you sought to influence, really determine, the action of the Committee without calling me first, or at least calling me at some point. This was especially perplexing since we both attended the Republican Senators caucus lunch yesterday and I walked directly in front of you on at least two occasions enroute from the buffet to my table.

At the request of Republican Committee members, I scheduled a Republican members meeting at 2:00 P.M. yesterday in advance of the 2:30 P.M. full Committee meeting. At that time, I announced my plan to proceed with the hearing and to invite the chief executive officers of the telephone companies who would not be subject to the embarrassment of being subpoenaed because that was no longer needed. I emphasized my preference to have a closed hearing providing a majority of the Committee agreed.

Senator Hatch then urged me to defer action on the telephone companies hearing, saying that he would get Administration support for my bill which he had long supported. In the context of the doubt as to whether there were the votes necessary for a closed hearing or to proceed in any manner as to the telephone companies, I agreed to Senator Hatch's proposal for a brief delay on the telephone companies hearing to give him an opportunity to secure the Administration's approval of the bill which he thought could be done. When I announced this course of action at the full Committee Executive Session, there was a very contentious discussion which is available on the public record.

It has been my hope that there could be an accommodation between Congress's Article I authority on oversight and the President's constitutional authority under Article II. There is no doubt that the NSA program violates the Foreign Intelligence Surveillance Act which sets forth the exclusive procedure for domestic wiretaps which requires the approval of the FISA Court. It may be that the President has inherent authority under Article II to trump that statute but the President does not have a blank check and the determination on whether the President has such Article II power calls for a balancing test which requires knowing what the surveillance program constitutes.

If an accommodation cannot be reached with the Administration, the Judiciary Committee will consider confronting the issue with subpoenas and enforcement of that compulsory process if it appears that a majority vote will be forthcoming. The Committee would obviously have a much easier time making our case for enforcement of subpoenas against the telephone companies which do not have the plea of executive privilege. That may ultimately be the course of least resistance.

We press this issue in the context of repeated stances by the Administration on expansion of Article II power, frequently at the expense of Congress's Article I authority. There are the Presidential signing statements where the President seeks to cherry-pick which parts of the statute he will follow. There has been the refusal of the Department of Justice to provide the necessary clearances to permit its Office of Professional Responsibility to determine the propriety of the legal advice given by the Department of Justice on the electronic surveillance program. There is the recent Executive Branch search and seizure of Congressman Jefferson's office. There are recent and repeated assertions by the Department of Justice that it has the authority to criminally prosecute newspapers and reporters under highly questionable criminal statutes.

All of this is occurring in the context where the Administration is continuing warrantless wiretaps in violation of the Foreign Intelligence Surveillance Act and is preventing the Senate Judiciary Committee from carrying out its constitutional responsibility for Congressional oversight on constitutional issues. I am available to try to work this out with the Administration without the necessity of a constitutional confrontation between Congress and the President.

Sincerely,

ARLEN SPECTER.

EXHIBIT 2

THE VICE PRESIDENT,
Washington, DC, June 8, 2006.

Hon. ARLEN SPECTER,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your letter of June 7, 2006 concerning the Terrorist Surveillance Program (TSP) the Administration has described. The commitment in your letter to work with the Administration in a non-confrontational manner is most welcome and will, of course, be reciprocated.

As recently as Tuesday of this week, I reiterated that, as the Administration has said before, while there is no need for any legislation to carry out the Terrorist Surveillance Program, the Administration will listen to the ideas of legislators about terrorist surveillance legislation and work with them in good faith. Needless to say, that includes you, Senator DeWine and others who have ideas for such legislation. The President ultimately will have to make a decision whether any particular legislation would strengthen the ability of the Government to protect Americans against terrorists, while protecting the rights of Americans, but we believe the Congress and the Administration working together can produce legislation to achieve that objective, if that is the will of the Congress.

Having served in the executive branch as chief of staff for one President and as Secretary of Defense for another, having served in the legislative branch as a Representative from Wyoming for a decade, and serving now in a unique position under the Constitution with both executive functions and legislative functions, I fully understand and respect the separate constitutional roles of the Congress and the Presidency. Under our constitutional separation between the legislative powers granted to Congress and the executive power vested exclusively in the Presidency, differences of view may occur from time to time between the branches, but the Government generally functions best when the legislative branch and the executive branch work together. And I believe that both branches agree that they should work together as Congress decides whether and how to pursue further terrorist surveillance legislation.

Your letter addressed four basic subjects: (1) the legal basis for the TSP; (2) the Administration position on legislation prepared by you relating to the TSP; (3) provision of information to Congress about the TSP; and (4) communications with Senators on the Judiciary Committee about the TSP.

The executive branch has conducted the TSP, from its inception on October 4, 2001 to the present, with great care to operate within the law, with approval as to legality of Presidential authorizations every 45 days or so by senior Government attorneys. The Department of Justice has set forth in detail in writing the constitutional and statutory basis, and related judicial precedents, for warrantless electronic surveillance under the TSP to protect against terrorism, and that information has been made available to your Committe and to the public.

Your letter indicated that you have repeatedly requested an Administration position on legislation prepared by you relating to the TSP program. If you would like a formal Administration position on draft legislation, you may at any time submit it to the Attorney General, the Director of National Intelligence, or the Director of the Office of Management and Budget (OMB) for processing, which will produce a formal Administration position. Before you do so, however, it might be more productive for executive branch experts to meet with you, and perhaps Senator DeWine or other Senators as appropriate, to review the various bills that have been introduced and to share the Administration's thoughts on terrorist surveillance legislation. Attorney General Alberto R. Gonzales and Acting Assistant Attorney General for the Office of Legal Counsel Steven G. Bradbury are key experts upon whom the executive branch would rely for this purpose. I will ask them to contact you promptly so that the cooperative effort can proceed apace.

Since the earliest days of the TSP, the executive branch has ensured that, consistent with the protection of the sensitive intelligence sources, methods and activities involved, appropriate members of Congress were briefed periodically on the program. The executive branch kept principally the chairman and ranking members of the congressional intelligence committees informed and later included the congressional leadership. Today, the full membership of both the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence (including four Senators on that Committee who also serve on your Judiciary Committee) are fully briefed on the program. As a matter of inter-branch comity and good executive-legislative practice, and recognizing the vital importance of protecting U.S. intelligence sources, methods and activities, we believe that the country as a whole, and the Senate and the House respectively, are best served by concentrating the congressional handling of intelligence matters within the intelligence committees of the Congress. The internal organization of the two Houses is, of course, a matter for the respective Houses. Recognizing the wisdom of the concentration within the intelligence committees, the rules of the Senate (S. Res. 400 of the 94th Congress) and the House (Rule X, cl. 11) creating the intellgence committees mandated that the intelligence committees have cross-over members who also serve on the judiciary, foreign/international relations, armed services, and appropriations committees.

Both in performing the legislative functions of the Vice Presidency as President of the Senate and in performing executive functions in support of the President, I have frequent contact with Senators, both at their initiative and mine. We have found such contacts helpful in maintaining good relations between the executive and legislative branches and in advancing legislation that serves the interests of the American people. The respectful and candid exchange of views is something to be encouraged rather than avoided. Indeed, recognizing the importance of such communication, the first step the Administration took, when it learned that you might pursue use of compulsory process in an attempt to force testimony that may involve extremely sensitive classified information, was to have one of the Administration's most senior officials, the Chief of Staff to the President of the United States, contact you to discuss the matter. Thereafter, I spoke with a number of other Members of the Senate Leadership and the Judiciary Committee. These communications are not unusual—they are the Government at work.

While there may continue to be areas of disagreement from time to time, we should proceed in a practical way to build on the areas of agreement. I believe that other Senators and you, working with the executive branch, can find the way forward to enactment of legislation that would strengthen the ability of the Government to protect Americans against terrorists while continuing to protect the rights of Americans, if it is the judgment of Congress that such legislation should be enacted. We look forward to working with you, knowing of the good faith on all sides.

Sincerely,

DICK CHENEY.

Mr. LEAHY. Mr. President, I know the Senator from Connecticut has the floor at this point, but I wonder if he will yield to me for about another minute.

Mr. DODD. Absolutely.

Mr. LEAHY. Mr. President, I appreciate the comments of the distinguished senior Senator from Pennsylvania. I have enjoyed my work with him. Of course, we have been friends from the time we first met when we were both young prosecutors.

Mr. SPECTER. Younger prosecutors.

Mr. LEAHY. I note that my amendment on the Judiciary Committee bill does not preclude a debate on the question of immunity for the telecommunications carriers. It speaks to what the FISA Court can or should do with this new surveillance authority.

If my amendment is voted down, several parts of it will be debated again. Many parts of this amendment will be germane after cloture, and we will be debating those as separate amendments. On the immunity issue, there will be an amendment by the distinguished Senator from Pennsylvania and the distinguished Senator from Rhode Island on the issue of substitution. We will vote either up or down on that amendment. My amendment is about the oversight of the FISA Court and Congress.

I understand the position of the Senator from Pennsylvania, but I hope he will look carefully at a number of the provisions in this bill. If he is unable to vote for the overall amendment, I hope he will support many of its provisions in separate amendments.

I have taken the time of the Senator from Connecticut who has worked with me and has been one of the leading voices on the important issue of oversight for electronic surveillance. We all want to be able to collect as much intelligence as we can against those who would act against the United States of America, but we have also lived long enough to see the danger when there are not enough checks on the government. We remember COINTELPRO and other circumstances where the government has used the great resources of this country not against enemies but against Americans. No voice in this body has been stronger on that issue than the distinguished senior Senator from Connecticut.

I yield the floor.

Mr. DODD. Mr. President, I thank both my colleague from Vermont, the chairman of the committee, and the Senator from Pennsylvania as well. I arrived in this body in January of 1981 with a very engaged Senator from Pennsylvania as a new Member that day in January of 1981. The Senator from Vermont had already been here for a term. They do a tremendous job, and their voices are worth listening to on matters affecting civil liberties and the rule of law.

I spoke at some length last evening and back in December on the issue of the Foreign Intelligence Surveillance Act amendments and what I consider to be the most egregious provision in the Intelligence Committee bill: retroactive immunity for the telecommunications companies that may have helped this administration break the law. I have objected to that immunity on very specific grounds because it would cover an immense alleged violation of trust, privacy, and civil liberties.

But even more importantly, immunity is wrong because of what it represents: a fatal weakening of the rule of law that shuts out our independent judiciary and concentrates all the power in the hands of one branch—the executive branch.

We know there has been a pattern of behavior over the past 6 or 7 years. As I said last evening on this floor, had this been the first instance of an administration overreaching, candidly, I would have had some difficulty in objecting to the Intelligence Committee's proposal. If the alleged violation had been limited to a period of a few months, 6 months, a year even after 9/11, I might not have objected.

But all of us in this Chamber know there has been a 6 or 7 year pattern of this administration's abuses against the rule of law and civil liberties. And this alleged violation went on not for 6 months or a year but for 5 years—and it would still be ongoing today had it not been for a whistleblower in an article in a major publication, which revealed this program's ongoing activities to literally vacuum—and I am not exaggerating when I say "vacuum"—every telephone conversation, fax, and e-mail of millions of people in this country. I would object to retroactive immunity not just in this administration but in any administration, Democratic or Republican, that sought immunity to this extent, that sought to concentrate such power in the hands of the executive branch.

The Founders of this great Republic strenuously argued for a process that concentrates power not in one branch but provides a balance of that power, a tension, if you will, between the judicial, the legislative, and the executive branches. To grant such power to one branch, as this bill seeks to do, is a dangerous step. And it would be no matter which administration requested it.

The Foreign Intelligence Surveillance Act, as we have seen, was written precisely to resist that concentration. When we divide power responsibly, terrorist surveillance is not weakened; it is strengthened, Mr. President, made more judicious, more legitimate, and less subject to the abuse that saps public trust. I firmly believe any changes to this FISA bill must be in keeping with the original spirit of shared powers and the respect of the rule of law.

If we act wisely, as every previous Congress has for 30 years when amending the Foreign Intelligence Surveillance Act, then I think we can ensure terrorist surveillance remains inside the law—not an exception to it. The Senate should pass a bill doing just that.

But the FISA Amendments Act, as it comes to us from the Intelligence Committee, is not that bill, Mr. President. Its safeguards against abuse, against the needless targeting of ordinary American citizens, are far too weak. The power it concentrates in the hands of the executive branch is far too expansive. However, the Senate also has before it a version of a bill that embodies a far greater respect for the rule of law, and that is the proposal before us at this hour, offered by the chairman of the Judiciary Committee, Senator PATRICK LEAHY of Vermont. Both versions of the bill—both versions—authorize the American President to conduct overseas surveillance without individual warrants.

Both of these bills allow the President of the United States to submit his procedures for this new kind of surveillance for the review of the FISA Court after those procedures are already in place. But only one version of the bill balances these significant new powers with real oversight from the Congress and the courts, and that is the Leahy amendment.

That is the balance we need to strike. That is what every Congress has done for three decades—for three decades—with over 35 different changes to this bill, since its adoption in the late 1970s, passing every Congress almost unanimously, with the approval of Democrats and Republicans alike, balancing the tension between our determination to keep us safe from those who would do us harm with our need to protect the rule of law and the rights of the American people. That is the tension, that is the balance that we have struck over the last 30 years.

After three decades of maintaining that long-held balance, we are about to deviate from it. The intelligence version of this legislation, I am afraid, is a bill of token oversight and very weak protections for innocent Americans. Specifically, the intelligence version of the bill fails on five specific counts.

First, its safeguards against the targeting of Americans—its minimization procedures—are insufficient. The Intelligence Committee bill significantly expands the President's surveillance power while leaving the checks on that power unchanged. The intelligence version provides practically no deterrent against excessive domestic spying and no consequences if the court finds that the President's—any President's—minimization procedures are lacking. If his targeting procedures are found lacking, the President hardly has to worry. They administration can keep and share all the information it has obtained, and it can continue its actions all the way through the judicial review process, which can take months, if not years.

It should be clear to all of us that real oversight includes the power of enforcement. The Intelligence Committee's bill offers us the semblance of judicial oversight—but not the real thing. Imagine, if you will, a judge convicting a bank robber and then letting him keep the loot he stole, as long as he promises to never, ever, ever do it again. That might as well be the Intelligence version of the bill.

In fact, the Intelligence version would allow the President to immediately target anyone on a whim. Wiretapping could start even before the court has approved it. In the Intelligence Committee bill, oversight is exactly where the President likes it—after the fact. Don't get me wrong, Mr. President, when a President—any President—needs immediate emergency authority to begin wiretapping, that President should have it. All of us, I think, agree with that. We find that obvious.

The question is what to do in those cases that aren't emergencies—because not every case is an emergency. In those cases, I believe there is no reason that the court shouldn't give advice and approval beforehand. President Bush disagrees. He believes in a permanent state of emergency.

Second, the Intelligence Committee bill fails to protect American citizens from reverse targeting—the practice of targeting a foreign person on false pretenses without a warrant in order to collect the information on an American on the other end of the conversation. Reverse targeting, according to Admiral McConnell, the Director of National Intelligence, says:

> It is not legal. It would be a breach of the fourth amendment.

That is according to the Director of National Intelligence. He is absolutely correct, of course, which is why it is so vital the FISA bill before us contain strong enforceable protections against reverse targeting. Unfortunately, the Intelligence Committee version doesn't have one.

Third, the intelligence version, by purporting to end warrantless wiretapping of Americans, might actually allow it to continue unabated. That is because the bill lacks strong exclusivity language—language stating that FISA is the only controlling law for foreign intelligence surveillance. With that provision in place, surveillance has a place inside the rule of law. Without it, there is no such guarantee, Mr. President.

Who knows what specious rationale this or any administration might cook up for lawless spying? The last time, as we have seen, Alberto Gonzalez—laughably, I might add, if it weren't so tragic—tried to find grounds for warrantless wiretapping in the authorization of force against Afghanistan. Those are the legal lengths to which this administration has proved willing and able to go to in order to achieve its goals.

As I mentioned last evening, Senator Daschle, the former majority leader, who was deeply involved in the negotiations of the authorization language to use force in Afghanistan, wrote an op-ed piece absolutely debunking the argument that any part of that negotiation included granting the administration the power to conduct warrantless wiretaps. He was offended by the suggestion that somehow we in this Congress, on a vote of 98 to nothing, gave the administration the power to conduct warrantless wiretappings. He was directly involved in those negotiations. It never, ever, ever came up. It is offensive that Alberto Gonzalez argued that Afghanistan justified warrantless wiretapping is offensive—but it is a good example, Mr. President, of what can happen if you don't have exclusivity.

FISA is the vehicle, and has been for 30 years, by which we allow for warrants to be granted to conduct surveillance when America is threatened. What is next without strong exclusivity language? The Intelligence Committee version of the bill would leave that question hanging over our heads.

Fourth, Mr. President, unlike the Leahy amendment, the Intelligence Committee version of the bill lacks strong protections against what is called "bulk collection"—the warrantless collection of all overseas communications, a massive dragnet with the potential to sweep up thousands or even millions of Americans, without cause. Today, bulk collection is not feasible. But Admiral McConnell said:

> It would be authorized, if it were physically possible to do so.

Before any administration has that chance, I think it is important that we should clearly and expressly prohibit such an unprecedented violation of privacy. The intelligence version fails to do so.

In fact, I would suggest that the previous collection of data by the telecom industry, in fact, nearly approached such bulk collection: as we now know, millions and millions and millions of faxes, of e-mails, and of phone conversations were swept up over 5 years, without any warrants whatsoever.

Now, the legality of that is an unanswered question—but we are never going to know the answer if we grant retroactive immunity. We would shut the door forever on determining whether it was legal.

Even though global bulk collection is not yet feasible, we have already seen a vacuum operation sweep up millions of conversations, e-mails, and faxes. So we know the will for true bulk collection is there, and the Director of National Intelligence has admitted as much. So failure of the Intelligence version of the bill to prohibit bulk collection ought to cause us all some concern.

Fifth, and finally, Mr. President, the intelligence committee version of the bill stays in effect until 2013, through the next Presidential term and into the next one after that. Compare that to the 4-year sunset in the Leahy amendment. I believe that, when making such a dramatic change in the Nation's terrorist surveillance regime, we ought to err on the side of some caution. Once the new regime has been tested, once its effectiveness against terrorism and its compromises of privacy have been weighed, we deserve to have this debate again. Hopefully we will all be more informed when that happens; I trust that it will be a much less speculative debate.

And there is another advantage to coming back to this bill with greater frequency. We are learning painfully that the abilities those who would do us harm are growing more sophisticated year by year. We need to be flexible, as well. To not allow for a review of this legislation until 2013, except under extraordinary circumstances, locks us in place for far too long. We ought to come back and review whether we are facing additional problems that didn't exist even a year ago, given the warp speed with technology changes globally. We shouldn't wait 6 years. Given the ever-changing terrorist threats we face, taking another look at this bill sooner is in our security interest.

Mr. President, I said last evening that I admire the work of Senator ROCKEFELLER and Senator BOND, and the members of the Intelligence Committee. And I know people say, "Oh, you are just being collegial." But this is not easy work. I know they struggle with these issues, and I don't want my criticism to be interpreted to suggest that I don't respect the work they do. I clearly respect it.

But this is such a critical issue, and maybe I have more of a passion about it, because it is so important. Once you begin to accept expanded executive power, it is so easy to move to the next step and the next step—and we have to be so careful about that.

We are mere custodians, those of us who serve here, over our rights and the rule of law. We are relying on the work of those who have preceded us. And I think all of us admire immensely what various Congresses have done over three decades since the adoption of the original FISA bill, which was done in a bipartisan, almost unanimous fashion. But the issue we face today is historic. It is not something that began just after 9/11. The tension between keeping us safe and protecting our rights has been an ongoing debate for more than two centuries, and it will be a continuous debate.

It will be a contentious debate. But striking that balance is what is so important. And the temptation to err on one side of that balance is so strong. James Madison warned more than two centuries ago that our willingness to give up domestic rights is always contingent upon the fear of what happens abroad. So while all of us here want to make sure we are doing everything to keep our country secure, we do not want to be willing to give up the basic rule of law here, and denigrate the importance of those rights.

It is very dangerous to confront the people of this country with a choice between rights and security. It is a false choice. In truth, we become more secure when we protect our rights. We have learned that over the years. And if we forget that lesson now, I believe we will come to deeply, deeply regret it.

This bill, the Intelligence Committee bill, reduces court oversight merely to the point of symbolism. It allows the targeting of Americans on false pretenses. It opens us up to new, twisted rationales for warrantless wiretapping, the very thing it ought to prevent. It would allow bulk collection as soon as this administration—or any administration—has the wherewithal to do it.

Mr. President, we are letting this debate become one of Republicans versus Democrats, liberals versus conservatives. But the Constitution is not a partisan document. It is a document which all of us embrace. It deeply troubles me that we have allowed things to come to this point instead of insisting that we can find the wisdom and the ability to keep America safe without compromising the rule of law.

In sum, the Intelligence version is entirely too trusting a bill, and not just for this administration. People say: If there were a Democrat sitting in the White House, you would not be saying this. Yes, I would. If any Democrat tried to do this, I would speak just as passionately, maybe more so, offended that someone I thought I shared some values with was suggesting a similar course of action.

My concern with what we are doing is not just about the next year; it is for the years and years and years to come, for the precedent we are setting, not only for this administration, but for all those that will follow.

So my passion about this is not rooted in partisanship; it is rooted in my deep conviction that abandoning or undermining the rule of law—we don't have the right to do that. We are temporary custodians of the Constitution of the United States.

So the Intelligence version is too trusting, as I said. With its immunity provisions, with its wiretapping provisions, it simply responds to the executive branch's offer of "trust me" with an all-too-eager to say "yes."

I leave my colleagues with a simple question: Has that trust been earned, not just by this President, by any President? What would our Founders think? Why did they craft a system which insisted that there be a judicial, a legislative, and an executive branch? If we walk away from that balance, then we walk away from the very trust we were endowed with by those who elected us to this office and the oath we took here.

So I urge my colleagues to support the substitute being offered by Senator LEAHY.

Again, I commend Senator ROCKEFELLER and Senator BOND and members of that committee who worked hard at it. There are a lot of good ideas, outside of immunity, in the Intelligence Committee version of the bill. I think we can improve it; and the Leahy amendment does that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, while I have great admiration and respect for my friend from Connecticut, this is an issue upon which we simply disagree.

I rise today in opposition to the Judiciary substitute amendment to S. 2248, the FISA Amendments Act.

This legislation would strike, in its entirety, the bipartisan bill voted out of the Intelligence Committee by a 13-to-2 vote and replace it with a bill full of limitations on our foreign intelligence collection.

There are serious differences between the Judiciary Committee's substitute and the bill voted out of the Intelligence Committee. The Intelligence Committee bill is the result of a long drafting process where the committee reviewed the classified mechanisms under which FISA operates. As a result, the bill reflects the minimum tools our intelligence community needs to improve our foreign intelligence collection. Some of the provisions of the Judiciary bill seem to ignore the needs of our intelligence analysts and instead seek to hamper our ability to protect the Nation from hostile foreign intelligence collection and terrorists.

I believe the Judiciary Committee bill is seriously flawed, and I would like to highlight just two examples of how seriously flawed this amendment is.

First, it seeks to impose an unreasonable new restriction on the use of foreign intelligence information.

If the FISA Court finds the minimization procedure is deficient in some manner, information, including information not concerning U.S. persons obtained or derived from those acts, may not be kept. Our intelligence community analysts have used and complied with minimization standards for over 25 years. They know how to do it. They are familiar with when and how to minimize information in order to protect the identity of U.S. persons.

It is important to point out that minimization is used when disseminating important foreign intelligence. In other words, an intelligence analyst has determined that the information contains relevant foreign intelligence. Under the Judiciary Committee provision, if the FISA Court determines that the general proscriptions on how to minimize need improvement, the intelligence community may not use any previously gathered intelligence. This allows the FISA Court to second-guess trained analysts. The FISA Court's own opinion from December 11, 2007, recognizes that the executive branch has the expertise in national security matters, that the court should not make judgments as to which particular surveillances should be conducted.

Second, the Judiciary Committee amendment contains no provision for retroactive or prospective immunity for communications providers.

After careful review of the President's terrorist surveillance program, a bipartisan majority of the Intelligence Committee believed that providing our telecommunications service providers immunity for their assistance to the Government is absolutely necessary.

I think without question this is such a critical part of the bill that came out of the Intelligence Committee for all of the right reasons. The Intelligence Committee heard testimony and reviewed the President's specific intelligence program. The President granted the committee members and staff access to the legal memoranda and other documents related to this program. As stated in the committee report accompanying this legislation, the committee determined:

> That electronic communication service providers acted on a good faith belief that the President's program, and their assistance, was lawful.
>
> The committee reviewed correspondence sent to the electronic communication service providers stating that the activities requested were authorized by the President and determined by the Attorney General to be lawful, with the exception of one letter covering a period of less than 60 days, in which the Counsel to the President certified the program's lawfulness.

The statement continues:

> The committee concluded that granting liability relief to the telecommunications providers was not only warranted, but required to maintain the regular assistance our intelligence and law enforcement professionals seek from them. Although I believe that the President's program was lawful and necessary, this bill makes no such determination. This is not a review or commentary on the President's program.

I urge my colleagues to support the determinations of the Intelligence Committee, which is charged with regularly reviewing the intelligence activities of the United States and all of the agencies included within the intelligence community. Providing our telecommunications carriers with liability relief is the necessary and responsible action for Congress to take.

The Government often needs assistance from the private sector in order to protect our national security, and in return, they should be able to rely on the Government's assurances that the assistance they provide is lawful and necessary for our national security. As a result of this assistance, America's telecommunications carriers should not be subject to costly legal battles.

This is not the last time that the private sector is going to be asked to come to the aid of the American people in protecting us on a matter of national security. There will be other days when the private sector will be called upon by the Government to act in concert and in partnership to protect the American public. If we do not grant immunity in this particular instance, should we expect the private sector to be cooperative with us in the future? I think the answer to that is pretty clear.

That was the gist of the bipartisan discussion and agreement within the Intelligence Committee about the main reason why, if no other reason, we should seriously look and give the immunity to the telecommunications providers that may have been involved in this situation.

I urge my colleagues to reject the Judiciary Committee substitute amendment, which contains numerous problematic provisions which will hamper and try to micromanage our intelligence collection, and support the carefully crafted bipartisan bill passed out of the Intelligence Committee.

Mr. President, I suggest the absence of a quorum and ask unanimous consent the time be equally divided on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I will be speaking more at about 1:30 on the Judiciary Committee substitute, but I thought I would clarify a few concerns that have been raised that I have heard. I know there are a number of Members coming down, and I do not want to hold them up, but I do want to point out that my good friend, the senior Senator from Pennsylvania, was concerned that the President's terrorist surveillance program was not briefed to Members of Congress. It is my understanding it was briefed to the leadership of the Intelligence Committee and the leadership on both sides. Personally, I would have preferred that more Members be briefed, but it is my understanding that when these leaders were briefed, it was their view that in light of the urgency and the need and the difficulties of explaining what we were going to do prior to—which could delay the implementation of the terrorist surveillance program, that it was a consensus of these meetings that the President should not bring a measure before Congress modifying FISA to take account of the new means of electronic surveillance and electronic communication.

Secondly, my good friend, the senior Senator from Connecticut, in his comments urged that we ban reverse targeting. I would call his attention to section 703(b), subparagraph 2 and subparagraph 3, which do explicitly ban targeting of overseas terrorist activities in order to gain information on U.S. persons. That is explicitly banned.

The Senator from Connecticut also spoke warmly of the exclusive test that existed in FISA from the period from 1978 forward.

We have included in the bill the exclusive means test that worked for some 30 years. That is in section 102. Without getting into classified information, we can say that this bill does not allow our intelligence community to listen in on conversations or read mail unless those persons are afforded the protection of the Intelligence Committee bill. To clarify that, the collection is carefully limited and overseen. There have been comments that the collection efforts by the NSA are not subject to oversight. I can only suggest to the people who have raised those concerns to ask members of the Intelligence Committee how much time we have spent looking into electronic surveillance. I can assure them that we enjoy looking into all these issues. We do so on a continuing basis. We have done so extensively over the last 9 months. I am sure they can count on us continuing to exercise that oversight. The Intelligence Committee has been set up specifically to review all of the intelligence collection methods of our intelligence community. They do a great job. We look over their shoulders and suggest ways they can improve the collection and analysis and also take steps to ensure they stay carefully within the boundaries of the Constitution and the laws that apply to them. With respect to collection methods such as 12333, we also oversee that as well.

So the people of America can be assured that the laws, the Constitution, and the regulations are being complied with. That is our job in the Intelligence Committee. We intend to continue to do so. I didn't want to leave without clarification of the suggestion that some of these matters were not attended to.

I see my colleague from Utah. I thank him for his great work. He is not only a valuable member of the Intelligence Committee but his work on the Judiciary Committee reflects his keen understanding and devotion to ensuring that we do a proper job of oversight and legislation when it comes to these very important collection methods.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank my dear colleague from Missouri for the leadership he has provided, along with Senator ROCKEFELLER, on the Intelligence Committee and throughout this process. We ought to be listening to him. This is a very important bill, one of the most important in the history of the country, and we have to get it right. I congratulate him and thank him for the hard work he has done, and also Senator ROCKEFELLER who, as chairman of the committee, led us in this matter.

As the only Republican on both the Intelligence and Judiciary Committees, I have been very involved in the process of developing the FISA modernization bill with a unique understanding of the journey this bill has taken through the Senate. I continue to express my full support for the bill as passed out of the Intelligence Committee and encourage my colleagues to reject the risky and problematic Judiciary substitute amendment.

The seeds of discontent with the Judiciary substitute were sown from the very beginning of that committee's consideration. Late in the afternoon the day before the markup, a Judiciary substitute amendment was circulated that replaced the entire first title of the Intelligence Committee-reported bill. This substitute included 10 Democratic amendments and no Republican amendments. It was eventually adopted on a party-line vote. Unfortunately, the careful bipartisan balance crafted by the Intelligence Committee was irrevocably altered and effectively nullified by partisan maneuvering. The Judiciary Committee was not able to coalesce to advance a compromise bill, as evidenced by the consistent 10-to-9 party-line votes on amendments and final passage. These votes typified the approach the Judiciary Committee undertook.

We know that this bill, like all national security legislation, needs bipartisan support to pass. The Judiciary substitute simply doesn't have it. I remind my colleagues that on November 14, 2007, Attorney General Mukasey and Director of National Intelligence McConnell sent a letter to the chairman and ranking member of the Judiciary Committee stating:

> If the Judiciary substitute is part of a bill that is presented to the President, we and the President's other senior advisors will recommend that he veto the bill.

In addition, on December 17, 2007, a statement of administration policy was distributed for S. 2248 which stated:

> If the Judiciary Committee substitute amendment is part of a bill that is presented to the President, the Director of National Intelligence, the Attorney General, and the President's other senior advisors will recommend that he veto the bill.

Both of these letters illustrate extensive problems with provisions included in the Judiciary substitute and in very specific terms. These warnings from the very people in the Government who are asked to protect us from terrorist threats should be heeded. We disregard these warnings at our own peril.

I ask unanimous consent that both of these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADMINISTRATION POLICY

S. 2248—TO AMEND THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978, TO MODERNIZE AND STREAMLINE THE PROVISIONS OF THAT ACT, AND FOR OTHER PURPOSES

(Sen. Rockefeller (D–WV), Dec. 17, 2007)

Protection of the American people and American interests at home and abroad requires access to timely, accurate, and insightful intelligence on the capabilities, intentions, and activities of foreign powers, including terrorists. The Protect America Act of 2007 (PAA), which amended the Foreign Intelligence Surveillance Act of 1978 (FISA) this past August, has greatly improved the Intelligence Community's ability to protect the Nation from terrorist attacks and other national security threats. The PAA has allowed us to close intelligence gaps, and it has enabled our intelligence professionals to collect foreign intelligence information from targets overseas more efficiently and effectively. The Intelligence Community has implemented the PAA under a robust oversight regime that has protected the civil liberties and privacy rights of Americans. Unfortunately, the benefits conferred by the PAA are only temporary because the act sunsets on February 1, 2008.

The Director of National Intelligence has frequently discussed what the Intelligence Community needs in permanent FISA legislation, including two key principles. First, judicial authorization should not be required to gather foreign intelligence from targets located in foreign countries. Second, the law must provide liability protection for the private sector.

The Senate is considering two bills to extend the core authorities provided by the PAA and modernize FISA. In October, the Senate Select Committee on Intelligence (SSCI) passed a consensus, bipartisan bill (S.

2248) that would establish a sound foundation for our Intelligence Community's efforts to target terrorists and other foreign intelligence targets located overseas. Although the bill is not perfect and its flaws must be addressed, it nevertheless represents a bipartisan compromise that will ensure that the Intelligence Community retains the authorities it needs to protect the Nation. Indeed, the SSCI bill is an improvement over the PAA in one essential way—it would provide retroactive liability protection to electronic communication service providers that are alleged to have assisted the Government with intelligence activities in the aftermath of September 11th.

In sharp contrast to the SSCI's bipartisan approach to modernizing FISA, the Senate Judiciary Committee reported an amendment to the SSCI bill that would have devastating consequences to the Intelligence Community's ability to detect and prevent terrorist attacks and to protect the Nation from other national security threats. The Judiciary Committee proposal would degrade our foreign intelligence collection capabilities. The Judiciary Committee's amendment would impose unacceptable and potentially crippling burdens on the collection of foreign intelligence information by expanding FISA to restrict facets of foreign intelligence collection never intended to be covered under the statute. Furthermore, the Judiciary Committee amendment altogether fails to address the critical issue of liability protection. Accordingly, if the Judiciary Committee's substitute amendment is part of a bill that is presented to the President, the Director of National Intelligence, the Attorney General, and the President's other senior advisors will recommend that he veto the bill.

THE SENATE SELECT COMMITTEE ON INTELLIGENCE BILL

Building on the authorities and oversight protections included in the PAA, the SSCI drafted S. 2248 to provide a sound legal framework for essential foreign intelligence collection in a manner consistent with the Fourth Amendment. As in the PAA, S. 2248 permits the targeting of foreign terrorists and other foreign intelligence targets outside the United States based upon the approval of the Director of National Intelligence and the Attorney General.

The SSCI drafted its bill in extensive coordination with Intelligence Community and national security professionals—those who are most familiar with the needs of the Intelligence Community and the complexities of our intelligence laws. The SSCI also heard testimony from privacy experts in order to craft a balanced approach. As a result, the SSCI bill recognizes the importance of clarity in laws governing intelligence operations. Although the Administration would strongly prefer that the provisions of the PAA be made permanent without modification, the Administration engaged in extensive consultation in the interest of achieving permanent legislation in a bipartisan manner.

The SSCI bill is not perfect, however. Indeed, certain provisions represent a major modification of the PAA and will create additional burdens for the Intelligence Community, including by dramatically expanding the role of the FISA Court in reviewing foreign intelligence operations targeted at persons located outside the United States, a role never envisioned when Congress created the FISA court.

In particular, the SSCI bill contains two provisions that must be modified in order to avoid significant negative impacts on intelligence operations. Both of these provisions are also included in the Judiciary Committee substitute, detailed further below.

First, as part of the debate over FISA modernization, concerns have been raised regarding acquiring information from U.S. persons outside the United States. Accordingly, the SSCI bill provides for FISA Court approval of surveillance of U.S. persons abroad. The Administration opposes this provision. Under executive orders in place since before the enactment of FISA in 1978, Attorney General approval is required before foreign intelligence surveillance and searches may be conducted against a U.S. person abroad under circumstances in which a person has a reasonable expectation of privacy. More specifically, section 2.5 of Executive Order 12333 requires that the Attorney General find probable cause that the U.S. person target is a foreign power or an agent of a foreign power. S. 2248 dramatically increases the role of the FISA Court by requiring court approval of this probable cause determination before an intelligence operation may be conducted beyond the borders of the United States. This provision imposes burdens on foreign intelligence collection abroad that frequently do not exist even with respect to searches and surveillance abroad for law enforcement purposes. Were the Administration to consider accepting FISA Court approval for foreign intelligence searches and surveillance of U.S. persons overseas, technical corrections would be necessary. The Administration appreciates the efforts that have been made by Congress to address these issues, but notes that while it may be willing to accept that the FISA Court, rather than the Attorney General, must make the required findings, limitations on the scope of the collection currently allowed are unacceptable.

Second, the Senate Intelligence Committee bill contains a requirement that intelligence analysts count "the number of persons located in the United States whose communications were reviewed." This provision would likely be impossible to implement. It places potentially insurmountable burdens on intelligence professionals without meaningfully protecting the privacy of Americans, and takes scarce analytic resources away from protecting our country. The Intelligence Community has provided Congress with a detailed classified explanation of this problem.

Although the Administration believes that the PAA achieved foreign intelligence objectives with reasonable and robust oversight protections, S. 2248, as drafted by the Senate Intelligence Committee, provides a workable alternative and improves on the PAA in one critical respect by providing retroactive liability protection. The Senate Intelligence Committee bill would achieve an effective legislative result by returning FISA to its appropriate focus on the protection of privacy interests of persons inside the United States, while retaining our improved capability under PAA to collect timely foreign intelligence information needed to protect the Nation.

THE SENATE JUDICIARY COMMITTEE PROPOSAL

The Senate Judiciary Committee amendment contains a number of provisions that would have a devastating impact on our foreign intelligence operations.

Among the provisions of greatest concern are:

An Overbroad Exclusive Means Provision That Threatens Worldwide Foreign Intelligence Operations. Consistent with current law, the exclusive means provision in the SSCI's bill addresses only "electronic surveillance" and "the interception of domestic wire, oral, and electronic communications." But the exclusive means provision in the Judiciary Committee substitute goes much further and would dramatically expand the scope of activities covered by that provision. The Judiciary Committee substitute makes FISA the exclusive means for acquiring "communications information" for foreign intelligence purposes. The term "communications information" is not defined and potentially covers a vast array of information—and effectively bars the acquisition of much of this information that is currently authorized under other statues such as the National Security Act of 1947, as amended. It is unprecedented to require specific statutory authorization for every activity undertaken worldwide by the Intelligence Community. In addition, the exclusivity provision in the Judiciary Committee substitute ignores FISA's complexity and its interrelationship with other federal laws and, as a result, could operate to preclude the Intelligence Community from using current tools and authorities, or preclude Congress from acting quickly to give the Intelligence Community the tools it may need in the aftermath of a terrorist attack in the United States or in response to a grave threat to the national security. In short, the Judiciary Committee's exclusive means provision would radically reshape the intelligence collection framework and is unacceptable.

Limits on Foreign Intelligence Collection. The Judiciary Committee substitute would require the Attorney General and the Director of National Intelligence to certify for certain acquisitions that they are "limited to communications to which at least one party is a specific individual target who is reasonably believed to be located outside the United States." This provision is unacceptable because it could hamper U.S. intelligence operations that are currently authorized to be conducted overseas and that could be conducted more effectively from the United States without harming U.S. privacy rights.

Significant Purpose Requirement. The Judiciary Committee substitute would require a FISA court order if a "significant purpose" of an acquisition targeting a person abroad is to acquire the communications of a specific person reasonably believed to be in the United States. If the concern driving this proposal is so-called "reverse targeting"—circumstances in which the Government would conduct surveillance of a person overseas when the Government's actual target is a person in the United States with whom the person overseas is communicating—that situation is already addressed in FISA today: If the person in the United States is the target, a significant purpose of the acquisition must be to collect foreign intelligence information, and an order from the FISA court is required. Indeed, the SSCI bill codifies this longstanding Executive Branch interpretation of FISA. The Judiciary Committee substitute would place an unnecessary and debilitating burden on our Intelligence Community's ability to conduct surveillance without enhancing the protection of the privacy of Americans.

Part of the value of the PAA, and any subsequent legislation, is to enable the Intelligence Community to collect expeditiously the communications of terrorists in foreign countries who may contact an associate in the United States. The Intelligence Community was heavily criticized by numerous reviews after September 11, including by the

Congressional Joint Inquiry into September 11, regarding its insufficient attention to detecting communications indicating homeland attack plotting. To quote the Congressional Joint Inquiry:

"The Joint Inquiry has learned that one of the future hijackers communicated with a known terrorist facility in the Middle East while he was living in the United States. The Intelligence Community did not identify the domestic origin of those communications prior to September 11, 2001 so that additional FBI investigative efforts could be coordinated. Despite this country's substantial advantages, there was insufficient focus on what many would have thought was among the most critically important kinds of terrorist-related communications, at least in terms of protecting the Homeland."

(S. Rept. No. 107–351, H. Rept. No. 107–792 at 36.) To be clear, a "significant purpose" of Intelligence Community activities is to detect communications that may provide warning of homeland attacks and that may include communication between a terrorist overseas who places a call to associates in the United States. A provision that bars the Intelligence Community from collecting these communications is unacceptable, as Congress has stated previously.

Liability Protection. In contrast to the Senate Intelligence Committee bill, the Senate Judiciary Committee substitute would not protect electronic communication service providers who are alleged to have assisted the Government with communications intelligence activities in the aftermath of September 11th from potentially debilitating lawsuits. Providing liability protection to these companies is a just result. In its Conference Report, the Senate Intelligence Committee "concluded that the providers . . . had a good faith basis for responding to the requests for assistance they received." The Committee further recognized that "the Intelligence Community cannot obtain the intelligence it needs without assistance from these companies." Companies in the future may be less willing to assist the Government if they face the threat of private lawsuits each time they are alleged to have provided assistance. The Senate Intelligence Committee concluded that: "The possible reduction in intelligence that might result from this delay is simply unacceptable for the safety of our Nation." Allowing continued litigation also risks the disclosure of highly classified information regarding intelligence sources and methods. In addition to providing an advantage to our adversaries by revealing sources and methods during the course of litigation, the potential disclosure of classified information puts both the facilities and personnel of electronic communication service providers and our country's continued ability to protect our homeland at risk. It is imperative that Congress provide liability protection to those who cooperated with this country in its hour of need.

The ramifications of the Judiciary Committee's decision to afford no relief to private parties that cooperated in good faith with the U.S. Government in the immediate aftermath of the attacks of September 11 could extend well beyond the particular issues and activities that have been of primary interest and concern to the Committee. The Intelligence Community, as well as law enforcement and homeland security agencies, continue to rely on the voluntary cooperation and assistance of private parties. A decision by the Senate to abandon those who may have provided assistance after September 11 will invariably be noted by those who may someday be called upon again to help the Nation.

Mandates an Unnecessary Review of Historical Programs. The Judiciary Committee substitute would require that inspectors general of the Department of Justice and relevant Intelligence Community agencies audit the Terrorist Surveillance Program and "any closely related intelligence activities." If this "audit" is intended to look at operational activities, there has been an ongoing oversight activity by the Inspector General of the National Security Agency (NSA) of operational activities and the Senate Intelligence Committee has that material. Mandating a new and undefined "audit" will divert significant operational resources from current issues to redoing past audits. The Administration understands, however, the "audit" may in fact not be related to technical NSA operations. If it is the case that in fact the Judiciary Committee is interested in historical reviews of legal issues, the provision is unnecessary. The Department of Justice Inspector General and the Office of Professional Responsibility are already doing a comprehensive review. In addition, the phrase "closely related intelligence activities" would introduce substantial ambiguities in the scope of this review. Finally, this provision would require the inspectors general to acquire "all documents relevant to such programs" and submit those documents with its report to the congressional intelligence and judiciary committees. The requirement to collect and disseminate this wide range of highly classified documents—including all those "relevant" to activities "closely related" to the Terrorist Surveillance Program—unnecessarily risks the disclosure of extremely sensitive information about our intelligence activities, as does the audit requirement itself. Taking such national security risks for a backwards-looking purpose is unacceptable.

Allows for Dangerous Intelligence Gaps During the Pendency of an Appeal. The Judiciary Committee substitute would delete an important provision in the SSCI bill that enables the Intelligence Community to collect foreign intelligence from overseas terrorists and other foreign intelligence targets during an appeal. Without that provision, we could lose vital intelligence necessary to protect the Nation because of the views of one judge.

Limits Dissemination of Foreign Intelligence Information. The Judiciary Committee substitute would impose significant new restrictions on the use of foreign intelligence information, including information not concerning United States persons, obtained or derived from acquisitions using targeting procedures that the FISA Court later found to be unsatisfactory for any reason. By requiring analysts to go back to the databases and pull out certain information, as well as to determine what other information is derived from that information, this requirement would place a difficult, and perhaps insurmountable, burden on the Intelligence Community. Moreover, this provision would degrade privacy protections, as it would require analysts to locate and examine U.S. person information that would otherwise not be reviewed.

Requires FISA Court Approval of All "Targeting" for Foreign Intelligence Purposes. The Judiciary Committee substitute potentially requires the FISA Court to approve "[a]ny targeting of persons reasonably believed to be located outside the United States." Although we assume that the Committee did not intend to require these procedures to govern all "targeting" done of any person in the world for any purpose—whether it is to gather human intelligence, communications intelligence, or for other reasons—the text as passed by the Committee contains no limitation. Such a requirement would bring within the FISA Court a vast range of overseas intelligence activities with little or no connection to civil liberties and privacy rights of Americans.

Imposes Court Review of Compliance with Minimization Procedures. The Judiciary Committee substitute would require the FISA Court to review and assess compliance with minimization procedures. Together with provisions discussed above, this would constitute a massive expansion of the Court's role in overseeing the Intelligence Community's implementation of foreign intelligence collection abroad.

Amends FISA to Impose Burdensome Document Production Requirements. The Judiciary Committee substitute would amend FISA to require the Government to submit to oversight committees a copy of any decision, order, or opinion issued by the FISA Court or the FISA Court of Review that includes significant construction or interpretation of any provision of FISA, including any pleadings associated with those documents, no later than 45 days after the document is issued. The Judiciary Committee substitute also would require the Government to retrieve historical documents of this nature from the last five years. As drafted, this provision could impose significant burdens on Department of Justice staff assigned to support national security operational and oversight missions.

Includes an Even Shorter Sunset Provision Than That Contained in the SSCI Bill. The Judiciary Committee substitute and the SSCI bill share the same flaw of failing to achieve permanent FISA reform. The Judiciary Committee substitute worsens this flaw, however, by shortening the sunset provision in the SSCI bill from six years to four years. Any sunset provision, but particularly one as short as contemplated in the Judiciary Committee substitute, would adversely impact the Intelligence Community's ability to conduct its mission efficiently and effectively by introducing uncertainty and requiring retraining of all intelligence professionals on new policies and procedures implementing ever-changing authorities. Moreover, over the past year, in the interest of providing an extensive legislative record and allowing public discussion on this issue, the Intelligence Community has discussed in open settings extraordinary information dealing with intelligence operations. To repeat this process in several years will unnecessarily highlight our intelligence sources and methods to our adversaries. There is now a lengthy factual record on the need for this legislation, and it is time to provide the Intelligence Community the permanent stability it needs.

Fails to Provide Procedures for Implementing Existing Statutory Defenses. The Judiciary Committee substitute fails to include the important provisions in the SSCI bill that would establish procedures for implementing existing statutory defenses and that would preempt state investigations of assistance allegedly provided by an electronic communication service provider to an element of the Intelligence Community. These provisions are important to ensure that electronic communication service providers can take full advantage of existing liability protection and to protect highly classified information.

Fails to Address Transition Procedures. Unlike the SSCI bill, the Judiciary Committee bill contains no procedures designed to ensure a smooth transition from the PAA to new legislation, and for a potential transition resulting from an expiration of the new legislation. This omission could result in uncertainty regarding the continuing validity of authorizations and directives under the Protect America Act that are in effect on the date of enactment of this legislation.

Fails to Include a Severability Provision. The Judiciary Committee substitute, unlike the SSCI bill, lacks a severability provision. Such a provision should be included in the bill.

The Administration is prepared to continue to work with Congress towards the passage of a permanent FISA modernization bill that would strengthen the Nation's intelligence capabilities while protecting the constitutional rights of Americans, so that the President can sign such a bill into law. The Senate Intelligence Committee bill provides a solid foundation to meet the needs of our Intelligence Community, but the Senate Judiciary Committee bill represents a major step backwards from the PAA and would compromise our Intelligence Community's ability to protect the Nation. The Administration calls on Congress to forge ahead and pass legislation that will protect our national security, not weaken it in critical ways.

NOVEMBER 14, 2007.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This letter presents the views of the Administration on the proposed substitute amendment you circulated to Title I of the FISA Amendments Act of 2007 (S. 2248), a bill "to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that act, and for other purposes." We have appreciated the willingness of Congress to address the need to modernize FISA permanently and to work with the Administration to do so in a manner that allows the intelligence community to collect the foreign intelligence information necessary to protect the Nation while protecting the civil liberties of Americans. With all respect, however, we strongly oppose the proposed substitute amendment. If the substitute is part of a bill that is presented to the President, we and the President's other senior advisers will recommend that he veto the bill.

In August, Congress took an important step toward modernizing the Foreign Intelligence Surveillance Act of 1978 by enacting the Protect America Act of 2007 (PAA). The Protect America Act has allowed us temporarily to close intelligence gaps by enabling our intelligence professionals to collect, without a court order, foreign intelligence information from targets overseas. The intelligence community has implemented the Protect America Act in a responsible way, subject to extensive congressional oversight, to meet the country's foreign intelligence needs while protecting civil liberties. Unless reauthorized by Congress, however, the authority provided in the Protect America Act will expire in less than three months. In the face of the continued terrorist threats to our Nation, we think it is vital that Congress act to make the core authorities of the Protect America Act permanent. Congressional action to provide protection from private lawsuits against companies that are alleged to have assisted the Government in the aftermath of the September 11th terrorist attacks on America also is critical to ensuring the Government can continue to receive private sector help to protect the Nation.

In late October, the Senate Select Committee on Intelligence introduced a consensus, bipartisan bill (S. 2248) that would establish a firm, long-term foundation for our intelligence community's efforts to target terrorists and other foreign intelligence targets located overseas. While the bill is not perfect, it contains many important provisions, and was developed through a thoughtful process that ensured that the intelligence community retains the core authorities it needs to protect the Nation and that the bill would not adversely impact critical intelligence operations. Importantly, that bill would afford retroactive liability protection to communication service providers that are alleged to have assisted the Government with intelligence activities in the aftermath of September 11th. The Intelligence Committee recognized that "without retroactive immunity, the private sector might be unwilling to cooperate with lawful Government requests in the future without unnecessary court involvement and protracted litigation. The possible reduction in intelligence that might result from this delay is simply unacceptable for the safety of Our Nation." The committee's measured judgment reflects the principle that private citizens who respond in good faith to a request for assistance by public officials should not be held liable for their actions. The bill was reported favorably out of committee on a 13–2 vote.

We respectfully submit that your substitute amendment to Title I of the Senate Intelligence Committee's bill would upset some important provisions in the Intelligence Committee bill. The substitute also does not adequately address certain provisions in the Intelligence Committee's bill that remain in need of improvement. As a result, we have determined, with all respect to your efforts, that the substitute would not provide the intelligence community with the tools it needs effectively to collect foreign intelligence information vital for the security of the Nation.

I. LIMITATIONS ON INTELLIGENCE COLLECTION AND NATIONAL SECURITY INVESTIGATIONS

The substitute would make several amendments to S. 2248 that would have an adverse impact on our ability to collect effectively the foreign intelligence information necessary to protect the Nation. These amendments include the following:

Prohibits Intelligence and Law Enforcement Officials From Using Valuable Investigative Tools. The substitute contains an amendment to the "exclusive means" provision of FISA that could severely harm our ability to conduct national security investigations. As drafted, the provision would bar the use of national security letters, Title III criminal wiretaps, ad other well-established investigative tools to collect information in national security investigations.

Threatens Critical Intellilgence Collection Activities. The "exclusive means" provision also could harm the national security by disrupting highly classified intelligence activities. Among other things, ambiguities in critical terms and formulations in the provision—including the term "communications information" (a term that is not defined in FISA) and the introduction of the concept of targeting communications (as opposed to persons)—could lead the statute to bar altogether or to require court approval for overseas intelligence activities that involve merely the incidental collection of United States person information.

Limits Existing Provisions of Law that Protect Communications Service Providers. The portion of the substitute regarding protections to communication service providers under Government certifications contains ambiguities that could jeopardize our ability to secure the assistance of these providers in the future. This could hamper significantly the Government's efforts to obtain necessary foreign intelligence information. As the Senate Intelligence Committee noted in its report on S. 2248, "electronic communications service providers play an important role in assisting intelligence officials in national security activities. Indeed, the intelligence community cannot obtain the intelligence it needs without assistance from these companies."

Allows for Dangerous Intelligence Gaps During the Pendency of an Appeal. The substitute would delete an important provision in the bipartisan Intelligence Committee bill that would ensure that our intelligence professionals can continue to collect intelligence from overseas terrorists and other foreign intelligence targets during the pendency of an appeal of a decision of the FISA Court. Without that provision, whole categories of surveillances directed outside the United States could be halted before review by the FISA Court of Review.

Limits Dissemination of Foreign Intelligence Information. The substitute would impose significant new restrictions on the use of foreign intelligence information, including information not concerning United States persons, obtained or derived from acquisitions using targeting procedures that the FISA Court later found to be unsatisfactory. By requiring analysts to go back to the databases and pull out the information, as well as to determine what other information is derived from that information, this requirement would place a difficult, and perhaps insurmountable, operational burden on the intelligence community in implementing authorities that target terrorists and other foreign intelligence targets located overseas. This requirement also strikes us as at odds with the mandate of the September 11th Commission that the intelligence community should find and link disparate pieces of foreign intelligence information. The requirement also harms privacy interests by requiring analysts to examine information that would otherwise be discarded without being reviewed.

Imposes Court Review of Compliance with Minimization Procedures. The substitute would allow the FISA Court to review compliance with minimization procedures that are used on a programmatic basis for the acquisition of foreign intelligence information by targeting individuals reasonably believed to be outside the United States. This could place the FISA Court in a position where it would conduct individualized review of the intelligence community's foreign communications intelligence activities. While conferring such authority on the court is understandable in the context of traditional FISA collection, it is anomalous in this context, where the court's role is in approving generally applicable procedures rather than individual surveillances.

Strikes a Provision Designed to Make the FISA Process More Efficient. The substitute would strike a provision from the bipartisan Senate Intelligence Committee bill that would allow the second highest-ranking FBI official to certify applications for electronic surveillance. Today, the only FBI official who can certify FISA applications is the Director, a restriction that can delay the initiation of surveillance when the Director travels or is otherwise unavailable. It is unclear why this provision from the Intelligence

Committee bill, which will enhance the efficiency of the FISA process while ensuring high-level accountability, would be objectionable.

II. NECESSARY IMPROVEMENTS TO S. 2248

The substitute also does not make needed improvements to the Senate Intelligence Committee bill. These include:

Provision Pertaining to Surveillance of United States Persons Abroad. The substitute does not make needed improvements to the Committee bill, which would require for the first time that a court order be obtained to surveil United States persons abroad. In addition to being problematic for policy reasons and imposing burdens on foreign intelligence collection abroad that do not exist with respect to collection for law enforcement purposes, the provision continues to have serious technical problems. As drafted, the provision would not allow for the surveillance, even with a court finding, of certain critical foreign intelligence targets, and would allow emergency surveillance outside the United States for significantly less time than the bipartisan Senate Intelligence Committee bill had authorized for surveillance inside the United States.

Maintains a Sunset Provision. Rather than achieving permanent FISA reform, the substitute maintains a six year sunset provision. Indeed, several members on the Judiciary Committee have indicated that they may propose amendments to the bill that would shorten the sunset, leaving the intelligence community and our private partners subject to an uncertain legal framework for collecting intelligence from overseas targets. Any sunset provision withholds from our intelligence professionals the certainty and permanence they need to conduct foreign intelligence collection to protect Americans from terrorism and other threats to the national security. The intelligence community operates much more effectively when the rules governing our intelligence professionals' ability to track our adversaries are established and are not changing from year to year. Stability of law, we submit, also allows the intelligence community to invest resources appropriately. In our respectful view, a sunset provision is unnecessary and would have an adverse impact on the intelligence community's ability to conduct its mission efficiently and effectively.

Fails to Remedy an Unrealistic Reporting Requirement. The substitute fails to make needed amendments to a reporting requirement in the Senate Intelligence Committee bill that poses serious operational difficulties for the intelligence community. The Intelligence Committee bill contains a requirement that intelligence analysts count "the number of persons located in the United States whose communications were reviewed." This provision would be impossible to implement fully. The provision, in short, places potentially insurmountable burdens on intelligence professionals without meaningfully protecting the privacy of Americans. The intelligence community has provided Congress with a further classified discussion of this issue.

We also are concerned by other serious technical flaws in the substitute that create uncertainty.

The Administration remains prepared to work with Congress towards the passage of a permanent FISA modernization bill that would strengthen the Nation's intelligence capabilities while respecting and protecting the constitutional rights of Americans, so that the President can sign such a bill into law. We look forward to working with you and the Members of the Judiciary Committee on these important issues.

Thank you for the opportunity to present our views. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to the submission of this letter.

Sincerely,

MICHAEL B. MUKASEY,
Attorney General.
J.M. MCCONNELL,
Director of National Intelligence.

Mr. HATCH. On numerous occasions I have voiced very specific concerns with the Judiciary substitute. I again want to list some of the reasons that illustrate why I oppose this measure. One phrase that has been expressed on the floor of the Senate is that the Judiciary substitute supposedly "strengthens" oversight. That might sound like a good talking point, but what does it mean? Does it mean that the Intelligence Committee version is weak on oversight? Based on their previous statements, some of my colleagues seem to believe this. One of my colleagues described the Intelligence Committee bill as "a bill of token oversight and weak protections for innocent Americans." This same colleague also stated that "it really reduces court oversight nearly to the point of symbolism." Another colleague stated the bill will allow the Government to "review more Americans' communications with less court supervision than ever before."

The truth is actually much different. The Intelligence Committee bill contains extensive new oversight provisions for the Foreign Intelligence Surveillance Court and Congress. I think it should be perfectly clear that it is a fallacy to claim that the Intelligence Committee bill does not have adequate oversight. On the contrary, it has a level of oversight that is unprecedented and quite possibly provides the most comprehensive oversight of any historical bill relating to foreign intelligence gatherings.

We have also heard the contention that this bill would provide broad new surveillance authorities. Since I have discussed the expanded oversight, I wish I could put up some charts that illustrate this so-called massive expansion of surveillance authority. The problem is that expansion is not in the bill. It doesn't exist. Despite the phrase being repeated over and over, this bill simply contains no new broad and unprecedented surveillance authorities.

For the first time, the Federal Intelligence Court will review and approve targeting procedures used by the intelligence community. For the first time since 1978—it wasn't done before—FISC will determine whether the procedures are reasonably designed to ensure targeting is limited to persons outside the United States.

This bill simply accounts for the technological change in international communications from over the air to cable. It is the bare minimum, but it does give them what they need.

Given the amount of opposition to the Judiciary substitute, I wish to highlight one of the controversial provisions added in the Judiciary Committee relating to "reverse targeting."

One of the basic requirements of any FISA modernization proposal is that we should not have any provisions which could be interpreted as requiring warrants to target a foreign terrorist overseas. Quite simply, foreign terrorists living overseas should never receive protections provided by the fourth amendment to the Constitution. They never have and they never should. Reverse targeting refers to the possibility, as alleged by critics of lawful Government surveillance, that the Government could target a foreign person when the real intention is to target a U.S. person, thus circumventing the need to get a warrant for the U.S. person. Reverse targeting has always been unlawful in order to protect the communications of U.S. persons. Contrary to what most people believe, the legitimate definition of U.S. persons is not limited to U.S. citizens.

What is a United States person? "An alien lawfully admitted for permanent residence" and "a corporation which is incorporated in the United States."

So from an intelligence-gathering standpoint, reverse targeting makes no sense. From an efficiency standpoint, if the Government were interested in targeting an American, it would apply for a warrant to listen to all of the American's conversations, not just conversations with terrorists overseas. But let's not let logic get in the way of good conspiracy theory.

Even though reverse targeting is already considered unlawful, a provision is included in the Intelligence bill which makes it explicit. This provision is clearly written and universally supported. However, the Judiciary Committee passed an amendment by a 10-to-9 party-line vote which altered the clear language of this provision. Where before the provision said you cannot target a foreign person if the "purpose" is to target a U.S. person, the new language adds the ambiguous term "significant purpose." If this amendment became law, an analyst would now have to ask himself the following question when targeting a terrorist overseas: Is a "significant purpose" of why I am targeting this foreign terrorist overseas the fact that the terrorist may call, A, an airline in America to make flight reservations or, B, a terrorist with a green card living in the USA? If the answer is yes, then the language in this amendment would require a warrant to listen to that foreign terrorist overseas. Do foreign terrorists overseas deserve protections from the courts in the United States? Of course not. The ambiguous and unnecessary text of this amendment should not be left up to judicial interpretation. Enactment of this amendment could lead to our analysts seeking warrants when targeting any foreign terrorist, since the analyst may be afraid he or she is otherwise breaking our new law.

Now we should remember that the Intelligence Committee spent months working on a bipartisan compromise bill. This amendment I have been talking about was not in the Intelligence bill. So people should assume that the Judiciary Committee spent a great deal of time debating this amendment, right? Wrong. The Judiciary Committee spent 7 minutes debating this amendment before it was adopted on a 10-to-9 party-line vote. Let me repeat that number: 7 minutes.

Now, the inclusion of this amendment alone would cause me to vote against this Judiciary substitute. But there are many more provisions that were added via party-line vote which I strongly oppose.

The Judiciary Committee also adopted an amendment to shorten the length of the sunset in the Intelligence Committee's bill. There are a few quick things we should realize when talking about sunsets.

It takes a great deal of time to ensure that all of our intelligence agencies and personnel are fully trained in any new authorities and restrictions brought about by congressional action. This is not something that happens overnight. We cannot just wave a magic wand and have our Nation's intelligence personnel instantaneously cognizant of every administrative alteration imposed by Congress. Like so many things in life, adjusting for these new mechanisms takes time and practice.

While certain modifications are necessary, do we want to make it a habit of consistently changing the rules? I do not think so. Don't we want our analysts to spend their time actually tracking terrorists? Or is their time better spent navigating administrative procedures that may constantly be in flux? I can tell you clearly what I want, and that is for our analysts to use lawful tools to keep our families safe. I do not want to see them unnecessarily diverting their attention by burying their heads in administrative manuals whenever the political winds blow. After all of the efforts to finally write a bill that provides a legal regime that governs contemporary technological capabilities, I am certainly not alone in my opposition to this sunset provision. In fact, my views are completely in line with what this body has done in the past when amending FISA. Remembering that FISA itself had no sunset—the 1978 bill had no sunset—let's look at how Congress has previously legislated in this area: Sunsets are not common in previous laws amending FISA. Other than the PATRIOT Act and the PATRIOT Act reauthorization, seven of the eight public laws amending FISA had no sunsets on FISA provisions, and the remaining public law had a sunset on only one of the provisions.

Now this statistic speaks for itself. What is so different about this bill? I do realize that it contains massive new oversight which could possibly hinder our collection efforts, and that we may need to revisit it for this reason. However, if this is the case, we obviously do not need a sunset to do this. We can legislate in this area whenever we want to.

The fact that the Judiciary Committee shortened the length of an already unnecessary sunset is yet another example of why I will oppose the Judiciary substitute amendment.

We all realize that the Judiciary Committee's bill also removed the bipartisan immunity provision. I have come to the floor on numerous occasions to articulate why this provision is so vital and so necessary. I will do so again when we debate the misguided amendment to strike this bipartisan compromise provision.

We are enacting national security legislation, and it is our responsibility to ensure that this bill does not lead to unintended consequences which provide protections to terrorists. I have no doubt that provisions in the Judiciary Committee substitute could significantly harm—significantly harm—our national security. I am not willing to take that chance. I am not willing to support a bill which raises operational hurdles that impede collection of foreign intelligence. I am not willing to support initiatives that would allow our collections to go dark during the appeal of a ruling from one judge. I am not willing to support a bill which handcuffs our intelligence agencies. I am not willing to support a bill which provides excessive and obtrusive oversight that placates fringe political groups at the possible expense of national security. The stakes are too high. The damage that can be done if we get this wrong is too great.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATCH. Mr. President, I ask unanimous consent for an additional 30 seconds to finish.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I will never apologize for voting in favor of provisions which protect national security and civil liberties. During the remainder of this debate, I will continue to support initiatives that properly protect the lives and liberty of Americans. I am hopeful my colleagues will do the same. And I hope we will table this Judiciary Committee partisan amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I will speak later on the floor on the FISA amendment. I want to say that I think the Judiciary Committee amendment is careful and balanced and takes into account both security and liberty. I also note, my colleague from Utah talked about the fact that every citizen would need a warrant in terms of wiretapping. There always has been, and will be in this bill, an emergency exception. So if we have to quickly find someone, there will be an ability to wiretap, and then go get the warrant. We do insist, however—and this is one of the big differences on oversight—to make sure those emergency provisions and the other provisions are being used according to law, and it is not willy-nilly, whatever anybody wants at any time in any place.

Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. SCHUMER are printed in today's RECORD under "Morning Business.")

Mr. SCHUMER. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I strongly urge my colleagues to support the substitute amendment and pass the FISA bill reported by the Judiciary Committee. Since I introduced the original FISA legislation over 30 years ago, I have worked to amend the FISA law many times and I believe that only the bill reported by the Judiciary Committee is faithful to the traditional balance FISA has struck. FISA remains an essential tool in our battle against America's enemies, and the bills introduced by both the Judiciary Committee and the Intelligence Committee give the executive branch vast authority to conduct electronic surveillance that may involve Americans. But the Intelligence Committee bill lacks safeguards to provide oversight and prevent abuse, and Americans deserve better. The Foreign Intelligence Surveillance Act is one of our landmark statutes. For three decades it has regulated Government surveillance in a way that protects both our national security and our civil liberties and prevents the Government from abusing its powers. It is because FISA enhances both security and liberty that it has won such broad support over the years from Presidents, Members of Congress, and the public alike. It is important to remember that before this administration, no administration had ever resisted FISA, much less systematically violated it.

When the Bush administration finally came to Congress to amend FISA after its warrantless wiretapping program was exposed, it did so not in the spirit of partnership but to bully us into obeying its wishes. The Protect America Act was negotiated in secret at the last minute. The administration issued dire threats that failure to enact a bill before the August recess would lead to disaster. Few, if any, knew what the language would actually do. The result of this flawed process was flawed legislation which virtually everyone now acknowledges must be substantially revised.

I commend the members of the Intelligence Committee for their diligent efforts to put together a new bill. They have taken their duties seriously and they have made notable improvements to the Protect America Act. But their bill is deeply flawed and I am opposed to enacting it in its current form. This bill fails to protect America's constitutional rights and fundamental freedoms. It is not just that the Intelligence Committee bill gives retroactive immunity to telecoms, which I strongly oppose; there are also many problems with title I of the Intelligence Committee bill.

First: It redefines "electronic surveillance," a key term in FISA, in a way that is unnecessary and may have unintended consequences. We have still not heard a single good argument for why this change is needed.

Second: Court review occurs only after the fact with no consequences if the court rejects the Government's targeting of minimization procedures. This is a far cry from the traditional role played by the FISA Court.

Third: It is not as clear as it should be that FISA and the criminal wiretap law are the sole legal means by which the Government may conduct electronic surveillance. This leaves open the possibility that future administrations will claim that they are not bound by FISA.

Fourth: Its sunset provision is December 31, 2013. For legislation as complicated, important, and controversial as this, Congress should evaluate it much sooner. After all, the principal argument in support of reforming FISA is that technology has evolved rapidly and the law must change to take this into account. Because this legislation will make major untested changes to the FISA system and the pace of technology change will only increase, we should evaluate it sooner rather than later.

The bill purports to eliminate the "reverse targeting" of Americans, but does not actually contain language to do so. Reverse targeting can occur if the Government wiretaps someone abroad because it wants to listen to a correspondent in the United States, thereby evading the traditional warrant requirement for domestic surveillance. The Intelligence Committee bill has nothing similar to the House bill's provision on reverse targeting which prohibits use of the authorities if "a significant purpose" is targeting someone in the United States.

Mr. President, this legislation does not fully close the loophole left open by the Protect America Act, allowing warrantless interception of purely domestic communications. The administration has acknowledged that when it knows ahead of time that both the person making the call and the person receiving the call are located inside the United States, it should have to get a court order before it can listen in on that call. But the language of the bill doesn't clearly require it.

It does not require an independent review and report on the administration's domestic warrantless eavesdropping program. Only through such a process will we ever learn what happened and achieve accountability and closure on this episode. It is enormously important, Mr. President, that we find out exactly what happened during this period of our history.

Add it all up, and the sum is clear: This bill is inconsistent with the way FISA was meant to work and with the way FISA has always worked.

Fortunately, the Judiciary Committee's FISA bill shows that there is a better way, one that is faithful to the traditional FISA balance. The Judiciary Committee bill shares the same basic structure, but it addresses all of the problems I listed earlier. The Judiciary Committee bill was negotiated in public, which allowed outside groups and experts to give critical feedback. It was also negotiated later in time than the Intelligence bill, meaning we had the benefit of reviewing their work.

Like the Intelligence Committee's bill, the Judiciary Committee's version also gives the executive branch significantly greater authority to conduct electronic surveillance than it has ever had before. Make no mistake, it, too, grants substantial power to the intelligence community. But unlike the Intelligence Committee's bill, the Judiciary Committee's version sets reasonable limits to protect innocent Americans from being spied on by their Government without justification.

No one should underestimate the importance of title I of FISA. The rules governing electronic surveillance affect every American. They are the only thing that stands between the freedom of Americans to make a phone call, send an e-mail, and search the Internet, and the ability of the Government to listen in on that call, read that e-mail, and review that Internet search.

In our information age, title I of FISA provides Americans essential protections against Government tyranny and abuse. We have a choice. We can adopt the Judiciary Committee's bill and preserve those protections or we can adopt the Intelligence Committee's version of title I and abandon them.

As I have said before, I also strongly oppose title II of the Intelligence Committee bill, which grants retroactive immunity to the phone companies. At the appropriate time, I will come to the floor and explain why we must strike title II.

Mr. GRAHAM. Mr. President, I rise today in support of the bipartisan FISA legislation passed by the Senate Select Committee on Intelligence. This legislation, which was passed by the Intelligence Committee on a 13–2 vote, will give the intelligence community the tools it needs to effectively protect our Nation. It is not a perfect bill, but it is the balanced product of months of hard work by the Intelligence Committee members and their staff.

On the other hand, the substitute amendment proposed by the Judiciary Committee would have substantially weakened the Intelligence Committee legislation and our nation's ability to protect itself. Unlike the bipartisan Intelligence Committee bill, the Judiciary Committee legislation was passed on a series of party-line 10–9 votes. The substitute would have added onerous and unnecessary hurdles to the collection of vital national security intelligence. It would have hamstrung our intelligence community at a very dangerous time in our country's history. I am pleased that the Senate quickly rejected the Judiciary Committee substitute. It would have been foolhardy for the Senate to hinder America's ability to protect itself from terrorists and other threats by gutting the Intelligence Committee bill.

Perhaps the biggest failure of the Judiciary substitute is its lack of a retroactive immunity provision for electronic communication service providers who are alleged to have assisted the government with intelligence activities in the aftermath of September 11. The telecommunications companies that lawfully responded to written requests from their government to help protect the nation need and deserve immunity from frivolous lawsuits that seek hundreds of billions of dollars in damages.

The Intelligence Committee bill includes a responsible retroactive immunity provision to protect the telecommunications companies that aided the government in the wake of the September 11 attacks. However, it leaves legal actions against the government and government officials untouched. The Judiciary Committee substitute does not address the critical need for retroactive immunity for cooperating companies and would risk a future where companies refuse to cooperate with vital government intelligence operations, lest they risk massive legal liability. Without immunity, our Nation faces a substantial decrease in future intelligence. Such a decrease would endanger American lives and is simply unacceptable.

Again, while not a perfect bill, the Intelligence Committee legislation would appropriately balance national security and individual civil liberties. Our intelligence community must be able to gather the information necessary to effectively protect the country. The Intelligence Committee bill is a bipartisan compromise with effective safeguards. The Senate should quickly pass this legislation to give the intelligence community the tools it needs to protect America.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I ask unanimous consent that I be given the full 15 minutes that was allotted to us before the 2 o'clock vote. I have some remarks, and I believe Senator ROCKEFELLER, if we need that, would like the full 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, last night, as I was preparing to leave my office, I learned, with surprise, that Senator LEAHY had made significant modifications to the pending Judiciary Committee substitute.

Our study during the night of these modifications revealed that the partisan, Democratic-only Judiciary Committee substitute remains deeply flawed.

While some aspects of the modified substitute have been cleaned up—and, in fact, appear to borrow language that Senator ROCKEFELLER and I have been negotiating over the past several months as part of our perfecting managers' amendment—the substitute contains many problematic provisions that I cannot support.

In contrast to the underlying Intelligence Committee bill, I doubt that the problematic provisions in the modified substitute were vetted with the Republican Judiciary Committee members, the intelligence community, or the Department of Justice.

It should be no surprise, then, that the DNI and the Department of Justice continue to oppose the modified substitute.

Let me clarify some matters that were brought up by the distinguished senior Senator from Massachusetts. First, the Protect America Act, which expires on February 1, was not negotiated in secret. The DNI asked the Intelligence Committee in April to consider a bill he set up. He came before our committee and testified openly in May. He came before the Senate in a classified meeting in S-407 in June. When we had not been able to get a markup in the Senate Select Committee on Intelligence and time was running short, he offered a stripped-down version that would allow intelligence collection to continue. We were unable to get a markup, so we filed with Leader McCONNELL the bill on Wednesday. That bill sat on the floor Wednesday, Thursday, and Friday.

There were secret negotiations, but those were on the majority side. The chairmen of several committees worked without informing the members of the Intelligence Committee or, to my knowledge, any Republicans on any of the committees, and they finally presented that to us less than an hour before we went to the floor. So that was negotiated in secret. It was unacceptable, and it did not allow intelligence collection to continue. I am glad to say, on a bipartisan basis, we rejected the secretly negotiated bill and passed the Protect America Act.

The Protect America Act did not expand on the authorities of FISA, other than to clarify the means of collection, which previously were by radio. Most communications overseas are by radio. Many communications were going through America. This bill before us today, the Intelligence Committee bill, does not, as my friend said, expand on the powers of the intelligence community to collect. In fact, they impose more restrictions to guarantee the privacy rights and the constitutional rights of Americans. Those are in the bill. Those were negotiated. We pushed the DNI and the Department of Justice lawyers as far as we could to build in additional protections. Those are in the bill.

Now, if one reads the bill, you would see that reverse targeting is prohibited in section 703(b), subparagraphs 2 and 3. It does strengthen the privacy protections. That is why the Senate Intelligence Committee bill is the bill that we should pass.

Moving back to the Judiciary Committee substitute, there is no provision for retroactive or prospective immunity for communications providers or for preemption of State investigations into providers' alleged assistance to the Government in relation to the terrorist surveillance program.

The distinguished chairman of the committee, Senator ROCKEFELLER, laid out at length, and very forcefully, why this protection is needed. This protection is needed to assure that we can have the continued assistance of carriers who might be called on not only in terrorist matters but on many domestic crimes to provide assistance. Furthermore, if we don't have that protection, if these lawsuits continue, it is quite likely that the court proceedings will get into details further on how the collection of electronic information and communications is accomplished. Every time we talk about that and lay out more, we give more information and more guidance to the terrorists themselves on how to avoid our surveillance. We don't want to be in that position.

The next problem with the substitute from the Judiciary Committee is that, unlike the managers' amendment that Senator ROCKEFELLER and I intend to offer for the Senate's consideration, the new substitute doesn't fix the reporting problems of the Wyden amendment, which had a great objective—and I agreed with the objective—but it is unworkable. We are going to make it workable in our bill.

Furthermore, it requires the intelligence community to perform the impossible task of estimating and recording U.S. person communications in its possession. Anybody who wants to know why that is so, we would be happy to meet with them in a closed meeting and explain why that is not workable. It would be an impossible burden, one we cannot undertake on the committee.

Next, the substitute modifies the exclusive means provision from the original substitute, but it is still problematic and requires an express statutory authorization. That presumes that after the next attack Congress will be in a position to act quickly to pass necessary authorizations. I don't think we want to impose that provision.

The underlying Intelligence Committee bill provides the same exclusive means, directions, and limitations that were in the FISA bill initially.

Another problem with the Judiciary Committee bill is that it places a provision in the Intelligence Committee bill that would have allowed collection to continue until the FISA Court of review has—if they had gotten an unfavorable ruling from one judge, it allows collection to continue until the court of review rules on it. This is a real problem if there is one unfavorable opinion that might put us deaf to collections that are necessary.

The Intelligence Committee determined that anything except an automatic stay through the FISA Court of review could jeopardize our intelligence collection. This was already a compromise from the full automatic stay that was in the Protect America Act.

Next, the substitute would impose unreasonable new restrictions on the use of foreign intelligence information, including information not concerning U.S. persons, obtained or derived from acquisitions using targeting procedures that the FISA Court found to be deficient in some manner, throwing out vital terrorist information because we didn't protect the constitutional rights or there were some procedural flaws in targeting a foreign terrorist in a foreign land.

It creates a superexclusionary rule in the foreign intelligence arena that is at odds with the 9/11 Commission's mandate for the intelligence community to find and link disparate pieces of foreign intelligence information.

Read what they said. It was important. They said we are not sharing information, and we need to share information within the community if we are going tò have a chance to prevent the next 9/11.

On reverse targeting, the substitute changes the bright-line reverse targeting provision in S. 2248 to a new rule that changes "the purpose" to "a significant purpose." This change is a significant concern to the DNI and DOJ. They told us it creates so much uncertainty in the appropriate legal standard for collection, and it may confuse analysts trying to follow the standards. This could inadvertently lead to less robust intelligence collection.

Under the bulk collection, while the new substitute modifies the bulk collection prohibition in the original Judiciary Committee substitute, it doesn't solve the problem. This provision could have significant unintended operational consequences, and it is unnecessary given restrictions in S. 2248 about intentionally targeting persons in the United States.

As I said, for example, if a general is about to order troops into Fallujah, this prohibition could impede the ability of the intelligence community to listen to calls coming into and out of that city without a court order.

The FISA Court would be commanded, under the Judiciary Committee's substitute, to assess compliance with minimization procedures used for the acquisition of foreign intelligence information from individuals outside the United States. As I reported earlier in my floor speech, there is a FISA Court opinion, In Re: Motion For Release, December 11, stating:

> The Court recognizes the executive branch has the expertise in national security, and the Court should not be making judgments as to which particular surveillance unit should be conducted.

Finally, it replaces a 6-year sunset with a 4-year sunset. As the Senator from Massachusetts said, this bill ought to be reviewed continually. Exactly. That is what the intelligence community should do. We should not have a provision that would sunset the authority for our collection of vital information. But we should have continuing oversight which the Intelligence Committees have provided and will continue to provide to make sure that collection is proceeding in a manner consistent with the Constitution, with the laws, and the regulations overseeing it.

We provide a robust oversight of the NSA collection. That collection must be done in a manner consistent with the guidelines that Congress has laid down, the Constitution has laid down, and the administration has laid down. If there is any problem with that, then it is up to the Intelligence Committees of both Houses to bring before the Congress, if we cannot correct it by interceding with the people in the agency, a bill to change it.

I see my chairman, Senator ROCKEFELLER, is here. I will be glad to yield the remaining 3 minutes of my time to the distinguished chairman of the committee.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senator from Missouri controls 2½ minutes. The Senator from Vermont controls 14 minutes. .

The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I wish to take a few minutes to describe to the Senate my views on the amendment reported by the Judiciary Committee, and why I will be opposing the amendment when we vote at 2.

First, I wish to repeat a few comments I made in my opening remarks when we debated the motion to proceed to S. 2248 in December.

From the beginning of the Senate's consideration of foreign intelligence surveillance legislation in 1976, the resulting law—the Foreign Intelligence Surveillance Act of 1978—has been the joint responsibility of both the Intelligence and Judiciary Committees. FISA is, after all, a law that concerns both intelligence collection and judicial proceedings.

The bill now before the Senate, S. 2248, was reported to the Senate by the Intelligence Committee last October, and then sequentially reported to the Senate by the Judiciary Committee in November.

As a parliamentary matter, the measure as reported by the Judiciary Committee is the pending amendment to the bill reported by the Intelligence Committee.

I agree with a number of the recommendations of the Judiciary Committee. I have been pleased to work with members of the Judiciary Committee on modifications that address particular concerns that had been raised by the administration.

I will accordingly support individual amendments to add those recommendations, as modified when necessary, to S. 2248. These include a strengthened exclusivity provision, a 4-year sunset, court review of compliance with minimization procedures, and an inspectors general report on the President's warrantless surveillance program in order to ensure there is a comprehensive historical record of that experience.

While I support many aspects of the Judiciary amendment, I cannot agree with recommendations of the Judiciary Committee that may have an adverse impact on U.S. intelligence collection or collection analysis, and that are not warranted by a realistic concern about U.S. privacy interests.

If any of those provisions are offered as individual amendments, I will, of course, study them, but must reserve the right to oppose them.

I will illustrate my concern by describing two provisions of the Judiciary amendment.

The Judiciary Committee substitute contains a "significant purpose" requirement. This has been described as a way to prevent reverse targeting—that is, conducting surveillance of a person overseas when the real target of the surveillance is a person within the United States.

The Intelligence Committee bill already explicitly codifies the existing prohibition on reverse targeting. What the Judiciary Committee substitute actually does is turn the reverse targeting prohibition on its head. I fear it would impose a new affirmative requirement that the government must seek a FISA Court order when in the course of targeting a foreign person outside the United States the government incidentally collects the communications of U.S. persons.

This is unworkable and would create untenable gaps in our intelligence coverage without significantly enhancing the privacy of Americans. Incidental communications with or about Americans should be handled properly, through minimization—a process that is strengthened in our bill. But the fact that there may also be a foreign intelligence interest when a foreign target is in contact with the United States should not be the cause of making it more difficult to undertake the surveillance of the foreign target.

The Judiciary Amendment also includes a provision altering the consequences of a FISA Court determination that there is a deficiency in the Government's targeting or minimization procedures under the new foreign targeting authority that will be enacted in S. 2248. Upon such a court determination, the Intelligence Committee bill would require the Government to either correct the deficiency or cease new acquisition.

The Judiciary Committee provision goes beyond the requirement that deficiencies be corrected or new acquisitions ceased. It would take the further step of preventing all use of information already acquired under the new procedure that concerns U.S. persons, unless the Attorney General determines that the information indicates a threat of death or serious bodily harm.

The provision is impractical. And it creates risks that we will lose valuable intelligence.

The Judiciary Committee provision would require intelligence analysts to go through all of the intelligence that had been collected under the new process—presumably a very large collection of materials—to identify information that might be subject to the restriction and make sure that it had been not used in disseminated intelligence.

Even for minor deficiencies in procedures, this provision would therefore require the Intelligence Community to discard information that might constitute significant intelligence, and to focus its analytical resources on satisfying this provision rather than collecting and analyzing new intelligence. In my view, this allocation of resources makes no sense.

At the end of our debate this morning, the Senate will be asked to vote on the pending Judiciary Committee amendment as a whole, either by way of a tabling motion or directly on the amendment.

Although, as I have indicated, there are parts of the Judiciary amendment that I look forward to supporting, there are two reasons, with all respect to the members of the Judiciary Committee, why I cannot support the pending substitute amendment as a whole.

The first is that the form, and consequently the effect of the amendment, goes beyond what the members of the Judiciary Committee decided during their deliberations, and guts key parts of S. 2248 beyond any reasons agreed to by a majority of the Judiciary Committee.

S. 2248 has two substantive titles, in addition to a third title on transition procedures.

The first title addresses intelligence collection; it is the direct replacement of the Protect America Act.

The second title addresses the many lawsuits against telephone and internet companies for their alleged cooperation with the Government.

At its markup, the Judiciary Committee rejected, by a clear 7-to-12 vote, an amendment to strike title II on liability protection. Previously, the Intelligence Committee had voted against striking title II by a 3-to-12 vote. In short, while there may be good ideas, that certainly merit debate, about improving title II, there has not been majority support in the Senate for striking it.

Yet, notwithstanding the lack of support in either the Judiciary or Intelligence Committee for striking title II, the form in which the Judiciary Committee reported its amendment would do just that.

We will welcome a debate about improving title II, but on behalf of the Intelligence Committee—which voted overwhelmingly for title II—I must defend keeping title II in the base text before the Senate. For that reason alone, I must oppose the Judiciary amendment, even as I support individual elements of it.

Second, as I have previously mentioned, even with respect to title I, there are portions of the Judiciary amendment that I must oppose on the ground that they will have an adverse impact on intelligence collection or the use of intelligence that is not warranted by a realistic concern about U.S. privacy interests.

Accordingly, with great respect for my colleagues on the Judiciary Committee, I will vote against the Judiciary amendment. I also look forward to joining them in urging the adoption of specific amendments to improve the Intelligence Committee bill.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Vermont.

Mr. LEAHY. Mr. President, obviously I disagree with the description of the Senate Judiciary Committee's amendment. I spoke on this yesterday, but I am going to take a few minutes to describe what is in the Judiciary Committee's bill.

I support the Judiciary Committee amendment to the FISA Amendments Act of 2007. The Judiciary Committee amendment would make important improvements to the Intelligence Committee bill, at the same time maintaining its structure and its authority.

The so-called Protect America Act was rushed through the Senate last summer in an atmosphere of fear and intimidation. We even saw a key member of the administration make commitments to numerous Senators, Republicans and Democrats, on that bill and then break his word, first to us and then on national television.

It was a bad bill that has provided sweeping new powers to the Government. It imposes no checks on the Government and provides no oversight or protection for Americans' privacy.

The Intelligence Committee did important work last fall in crafting a bill that begins to walk back from the excesses of the Protect America Act. I commend both Senator ROCKEFELLER and Senator BOND for that. But two committees in the Senate have jurisdiction over FISA the Intelligence Committee and the Judiciary Committee.

The Intelligence Committee acted first to establish a good structure for conducting critical overseas surveillance. The Judiciary Committee's amendment maintains that structure and the authority for surveillance. But in my view and in the view of many Senators, the Intelligence Committee bill does not do enough to protect the rights of Americans. Indeed, many members of the Intelligence Committee voted for that bill knowing that the Judiciary Committee would have an opportunity to improve it, and they expected us to do that.

FISA is among the most important pieces of legislation this Congress has passed. It is there to provide a mechanism to conduct surveillance, it is critical to our security, but also protect the privacy and civil liberties of all Americans.

Let's be clear, this new authority expands FISA to allow more flexibility to conduct surveillance. If we are going to expand surveillance, we have to take great care to protect American civil liberties, and that is what the Judiciary Committee adds.

I praise the members who serve on both the Judiciary and Intelligence Committees—Senators FEINSTEIN, FEINGOLD, and WHITEHOUSE, who contributed so much to the Judiciary Committee's efforts to improve this legislation. These Senators and others on the Judiciary Committee worked hard to craft amendments that preserve the basic structure and authority in the bill reported by the Select Committee on Intelligence, while adding crucial protections for Americans.

The Judiciary Committee bill makes about 12 changes to the Intelligence Committee bill. Let me address a few of them.

First, the Judiciary Committee bill contains a very strong exclusivity provision. This provision makes clear that the Government cannot claim authority to operate outside the law—outside of FISA—from measures that were never intended to provide such exceptional authority.

This administration argues that the Authorization for the Use of Military Force, passed after September 11, provided the justification for conducting warrantless surveillance of Americans for more than five years. No, what it did was authorize going into Afghanistan to get Osama bin Laden—the man who masterminded the attacks on 9/11. Not only did the administration fail to do that, it took our troops out of Afghanistan—when they had bin Laden cornered—to invade Iraq.

When we authorized going after Osama bin Laden, we did not authorize explicitly or implicitly the warrantless wiretapping of Americans. Yet this administration still clings to this phony legal argument. The Judiciary Committee bill would prevent that dangerous contention with strong language reaffirming that FISA is the exclusive means for conducting electronic surveillance for foreign intelligence purposes. The Senate Intelligence Committee's bill would do nothing to preclude the AUMF argument in the future.

We also provide a more meaningful role for the FISA Court in this new surveillance. This court is a critical independent check on Government excess in the sensitive area of electronic surveillance.

The fundamental purpose of many of the Judiciary Committee changes is to ensure that this important independent check remains meaningful, while maintaining the flexibility of "blanket" orders, which we all agree are necessary. The Intelligence Committee bill would give the FISA Court only a very limited role in overseeing surveillance.

The Judiciary Committee bill would give the FISA Court the authority it needs to assess the Government's compliance with minimization procedures. It would allow the Court to request additional information from the Government, and allow the Court to enforce compliance with its orders. The amendment would also give the court discretion to impose restrictions on the use and dissemination of Americans' information if it is collected unlawfully.

The Judiciary bill would make other important changes. It reduces the sunset for this new law from 6 years to 4 years. This was Senator CARDIN's amendment. There is too much here that is new and untested to allow the authorities go longer than even the next President's term before requiring a thorough review. It clarifies that the bill does not allow bulk collection that would simply sweep up all calls into and out of the United States. It also clarifies that the Government may not use this new authority to target Americans indirectly if they are not allowed to do it directly. The administration says it would never do this. They have no credibility. The Judiciary Committee's bill would make sure they keep their word.

Finally, the Judiciary Committee bill includes a requirement that inspectors general, including the Department of Justice inspector general, conduct a thorough review of the so-called Terrorist Surveillance Program and report back to the Congress and, to the extent it can in an unclassified version, to the American people.

The Department of Justice inspector general will have the responsibility to look at, among other things, the process at the Department of Justice that limited knowledge and review of important legal decisions to a tiny group of like-minded individuals, at great cost to the rule of law and American values. This is a key measure that would finally require accountability for this administration. We have not yet had anything close to a comprehensive examination of what happened and how it happened. We cannot expect to learn from mistakes if we refuse to allow them to be examined.

I strongly oppose a provision in the Intelligence Committee bill that would grant blanket retroactive immunity to telecommunications carriers for their warrantless surveillance activities from 2001 through earlier this year. That provision goes even beyond the so-called Protect America Act. It would insulate this administration from accountability for its lawbreaking. The Judiciary Committee bill does not have that provision. I know that will be a separate debate on this floor.

With the authority of a majority of the Judiciary Committee members, I made a few changes to the amendment as we reported it in November. There are no major additions or deletions. The original 12 changes are still there. The revised version makes some changes to address technical issues and concerns the administration raised about our substitute. We have considered the Statement of Administration Policy from last December and we have talked with the administration. We have listened and made changes that we think address some legitimate concerns.

For example, we have revised the exclusivity provision. The provision in the earlier version of the Judiciary Committee amendment could have been read to extend the scope of FISA in a way that was not intended. We corrected that.

Another concern we addressed was about the issue of staying FISA Court decisions pending appeal. The Intelligence Committee bill would automatically stay FISA Court decisions, thereby requiring possibly illegal surveillance to continue throughout a lengthy appeal process. The original Judiciary Committee amendment left the decision about a stay to the discretion of the FISA Court judges—which is how it is typically done in courts. The administration was concerned that this left too much power to stop surveillance in the hands of a lone judge. We listened and made a change that would permit the stay decision to be made—promptly—by a panel of the FISA Court of Review.

Another change we made to address an administration concern was the important IG audit provision. That provision now makes it clear that no department inspector general has the authority to conduct a review of another department.

These revisions make the Judiciary Committee's product stronger. I think overall the Judiciary Committee's bill dramatically improves the Intelligence Committee bill. As the distinguished chairman of the Intelligence Committee said, we included a number of items he supports. If this gets voted down, these are changes that Senators will have to offer piece by piece, and will. Most of it will be germane after cloture. If we really want to conclude this FISA debate quickly, adopting this amendment will save the Senate countless hours of debate. I urge my colleagues to support this amendment. Now, Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senator from Vermont has 2 minutes 40 seconds.

Mr. LEAHY. Mr. President, let me just talk about this a little bit.

Incidentally, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. BOND. I am going to offer a motion to table, but yes.

The PRESIDING OFFICER. There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, we all want to be able to collect intelligence on terrorists. When I came here, during the Cold War, we wanted to be sure we could collect on our adversaries. We still want to be sure we can do that. That is why I have voted for dozens of changes to FISA over the years, requested by both Republican and Democratic administrations. I voted for them because the administrations made a clear and convincing case each time that we needed a change to keep up with the technology or to keep up with a changing threat.

But let's not be so frightened by terrorists that we go back to the situation we had during the Watergate era, when we found our Government was spying on people who disagreed with it. The government spied on people who had legitimate concerns about, for example, the war in Vietnam or the excesses of J. Edgar Hoover. The government could do that back then because there were no checks and there was no oversight. We do not want to go back to that time. We can do our intelligence gathering and protect Americans at the same time.

Now, Mr. President, has my time expired?

The PRESIDING OFFICER. The Senator from Vermont has 30 seconds.

Mr. LEAHY. Is that the only time anybody has?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. I yield back all time.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I move to table, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table the Judiciary Committee substitute, as modified. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. WEBB). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 36, as follows:

[Rollcall Vote No. 2 Leg.]

YEAS—60

Alexander
Allard
Barrasso
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Carper
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kyl
Landrieu
Lieberman
Lugar
Martinez
McCaskill
McConnell
Mikulski
Murkowski

Nelson (FL)
Nelson (NE)
Pryor
Roberts
Rockefeller
Salazar
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Wicker

NAYS—36

Akaka
Baucus
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Casey
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lincoln
Menendez
Murray
Reed
Reid
Sanders
Schumer
Stabenow
Tester
Webb
Whitehouse
Wyden

NOT VOTING—4

Clinton
Graham
McCain
Obama

The motion was agreed to.

Mr. BOND. I move to reconsider the vote and to lay that on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, there will be an amendment offered by Senators ROCKEFELLER and BOND. It is a substitute that will be pending for a while. What we are going to try to do over here, I have spoken to a number of Members who want to offer amendments relating to title I. We are working out an order in which they will be offered. What we would like to do is have a number of them offered, debated, and have a time this afternoon that we can vote on all of them in succession. We will try to finish all the title I amendments, and then we will move to title II. We hope there isn't a lot of time spent on each amendment, but Members have a right to take whatever time they want. In an effort to make this more understandable, rather than jumping back and forth, title I and title II, on this side we will try to offer amendments as they relate to title I.

We understand there is no requirement to do this. But if there are amendments the minority wants to offer, we will certainly be cooperative and make sure we have the ability to go back and forth.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the pending amendment be set aside and I call up amendment——

Mr. REID. Mr. President, the Senator from Wisconsin has been very patient. As soon as Senators ROCKEFELLER and BOND finish offering their substitute, I ask unanimous consent that Senator FEINGOLD have the floor.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. I will object momentarily. I wish to discuss the matter with the majority leader. Let's have Senator ROCKEFELLER and Senator BOND go ahead.

The PRESIDING OFFICER. Objection is heard.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia is recognized.

AMENDMENT NO. 3911

Mr. ROCKEFELLER. Mr. President, I send an amendment to the desk on behalf of myself and Senator BOND and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER], for himself and Mr. BOND, proposes an amendment numbered 3911.

Mr. ROCKEFELLER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. ROCKEFELLER. Mr. President, the distinguished vice chairman, Senator BOND, and I have joined in a bipartisan amendment to S. 2248, the FISA Amendments Act of 2008. The Rockefeller-Bond amendment perfects various details of the underlying bill but its main purpose is to provide explicit statutory protection, for the first time in the 30 years of FISA, for Americans who are outside the United States.

The amendment stands for the simple proposition that Americans, whether they are working, studying, traveling or serving in our Armed Forces outside the United States, do not lose their rights as Americans when it comes to the actions of their own Government. In 1791, when the Bill of Rights was ratified, including, of course, the fourth amendment, which protects our people from unreasonable search and seizure, there were 4 million Americans. That was it. Now that very number of Americans, 4 million, lives outside the United States and, of course, many millions more travel each year outside the United States.

Because this amendment is so important and because it has gone through so much development to reach the point at which we have now arrived, I would like to take, frankly, a few minutes to describe its origin and evolution, with the forbearance of my colleagues.

The protection of Americans outside the United States may have been the single most important piece of business left undone by the original FISA statute created in 1978. To fill that void, President Reagan issued an executive order, Executive Order 12333, that addresses the use of intelligence techniques such as electronic surveillance or unconsented searches against Americans abroad.

Executive Order 12333 requires that intelligence agencies have procedures and that those procedures protect the constitutional rights of Americans overseas. It also requires the Attorney General to determine that there is probable cause to conclude that the American overseas is an agent of a foreign power before the U.S. Government undertakes electronic surveillance or conducts searches abroad against that person. That was good but insufficient. In our country of laws, we do not usually leave it, outside of an emergency, to any Attorney General to decide alone whether there is probable cause for a search. That is a decision which we entrust to neutral judges.

Our bipartisan amendment—Senator BOND's and mine—makes sure Americans do not lose that important protection by setting foot outside the United States.

Vice Chairman BOND and I took the first step when we included, in our October Intelligence Committee mark, a provision concerning acquisition by the intelligence community of the communications of U.S. persons abroad.

We focused our proposal on the circumstance when the Government is seeking those communications from electronic communication providers within the United States. We did not address the targeting of U.S. persons overseas by intelligence community collection methods that are employed outside the United States.

The provision before the Intelligence Committee in its October markup would have allowed the Attorney General to determine that a U.S. person outside the United States was a foreign power, agent of a foreign power, or an officer or employee of a foreign power, and then target that person for collection. Under our proposal, the Attorney General would then have been required to submit that probable cause determination to the FISA Court for review.

But as the chairmen and ranking members of committees sometimes learn from their full membership of their committees, important ideas may require broad solutions.

During our committee markup, Senator WYDEN offered an amendment on targeting U.S. persons abroad that substituted two new sections in place of the language described above on targeting U.S. persons abroad.

First, the Wyden amendment required the Government to obtain a standard FISA order for electronic surveillance—known as a title I order—before the Government could target U.S. persons outside the United States by seeking their communications from providers in the United States.

Thus, rather than the new procedure described in our chairman and vice chairman mark, the amendment required a title I FISA application and order whenever the collection against an American abroad occurred with the assistance of a provider in the United States.

Second, the Wyden amendment required that the Government, when acting outside the United States, obtain a FISA Court order before targeting the communications of U.S. persons located outside the United States.

Specifically, it required a FISA Court order that there was probable cause to believe that the U.S. person who was the target of surveillance was, in fact, a foreign power or an agent of a foreign power before the Government employed surveillance techniques outside the United States. This second part of the Wyden amendment implemented an entirely new concept of law.

A court order has never before been required for foreign intelligence collection that is conducted entirely outside the United States, even if that collection involves U.S. persons. But while new, it quickly became evident it was an idea whose time had come. The Wyden amendment passed the committee with a vote of 9 to 6.

Yet, as often is the case for an initial amendment of such magnitude, it was also immediately clear that further work needed to be done before the proposal became law to make sure it worked well in practice.

During the markup, Senator WHITEHOUSE, who is a member of the Judiciary Committee—and in his first year in this body has already emerged as a leading legal voice among us—stated he would be willing to work on the language of the amendment in the Judiciary Committee, on which he also serves, during the sequential referral process to ensure that it achieved its desired goal and did not result in unintended decreases in collection.

Senator WHITEHOUSE, working with the Department of Justice, was largely responsible for the changes made to the provision on U.S. persons outside the United States that is included in the Judiciary Committee substitute amendment. It is a good amendment.

He focused his efforts to changes on the second part of the section, the portion relating to collection of electronic communications outside the United States. The provision requiring a traditional FISA electronic surveillance application for collection inside the United States remained mostly unchanged in the Judiciary Committee markup.

The Judiciary Committee amendment makes some necessary technical fixes to the section on collection outside the United States. It stressed that the FISA Court would only be permitted to assess the question of probable cause for collection outside the United States, not the methods of acquisition of the information, as any such inquiry might delve into very sensitive intelligence matters.

The Judiciary Committee section on collection outside the United States also made three other important changes:

First, the addition of emergency procedures, similar to those included in other parts of FISA, that would allow the Attorney General to acquire the information as long as a subsequent order is obtained; second, a more explicit, individualized review of minimization procedures; and, third, the addition of procedures to transition current acquisitions under Executive Order 12333 over to the new procedure.

The managers' amendment, offered by Senator BOND and myself, now seeks to complete this process by fully integrating the new procedure into the overall reforms contained in the FISA Amendments Act of 2008 and does so in a manner that maintains an effective system of intelligence collection.

In the course of doing that, we have sought to resolve, in conjunction with the Department of Justice and the intelligence community, several problems identified with the Judiciary Committee substitute.

The most significant changes in the managers' amendment have been made to the first part of the Wyden amendment: the requirement that the Government obtain standard electronic surveillance—title I—orders for the targeting of U.S. persons abroad that occurs within the United States.

That provision, as of this moment, remains a part of our base bill and will remain so until an amendment is adopted. As I will discuss in more detail, our proposed changes are required because the language of this provision, as reported out of both the Intelligence and Judiciary Committees, would prevent certain types of important foreign intelligence collection.

First, the definition "agent of a foreign power" in FISA, which requires a U.S. person to have engaged in certain types of wrongdoing, is different than the definition of "agent of a foreign power" that has traditionally been used in overseas collection against Americans.

The Director of National Intelligence has therefore proposed, and we agree, that collection against a U.S. person abroad should be expanded beyond "agent of a foreign power" to "an officer or employee of a foreign power," to cover the types of collection that have traditionally been allowed against U.S. persons overseas.

For example, the notorious Charles Taylor, the former President of Liberia, who is now charged with crimes against humanity, is an American who was an officer of a foreign power.

Second, the Judiciary Committee provision did not deal with the issue of stored electronic communications or stored electronic data, the collection of which is dealt with under title III rather than title I of FISA and which are an important part of the acquisition system that is established by the new title VII that S. 2248 will add to FISA.

To address this issue, the managers' amendment that Senator BOND and I are proposing, after extensive technical consultations with the intelligence community and the Department of Justice, adds two sections to the new title VII in our committee's bill, and, in so doing, addresses the intelligence collection concerns identified by the Director of National Intelligence.

By placing all the relevant detail for collection against U.S. persons overseas in the same new title of FISA—title VII—that includes all other procedures for persons outside the United States, the managers' amendment provides a comprehensive, consolidated roadmap for all those in the intelligence community, the Department of Justice, and the FISA Court who will have the responsibility to implement our amendment.

In conclusion, I would like to underscore some major points.

As is evident from everything I have described, it is important to thank two members of our committee for their work on this issue of targeting Americans overseas.

Senator WYDEN, obviously, is one of those. I wish to recognize his leadership at all times in this area. He recognized the importance of the issue and successfully offered an amendment at the Intelligence Committee mark-up that broadened the protections contained in our bill.

Senator WHITEHOUSE has been indispensable contributor to the effort on this provision as well, quietly working out problems and making things work better. His work goes a long way toward ensuring that the provision can be successfully implemented by the intelligence community, which is key.

By adopting this amendment on a bipartisan basis, the Intelligence Committee—and now the vice chairman and myself in our managers' amendment—seek to ensure that Americans are protected from unwarranted surveillance, whether they are inside or outside the United States.

This is a significant new protection for U.S. persons. When the United States conducts foreign intelligence collection overseas on a U.S. person located outside the United States, currently only the Attorney General, not a court, makes a probable cause determination. I have said that. U.S. citizens have never before been entitled by statute to court protection in this area. Now, hopefully, they will be.

Our bipartisan goal is clear: A court must be involved when U.S. persons are targeted for surveillance, no matter where those persons are located or how they are targeted.

We are also in agreement that our original committee provision and the work of the Judiciary Committee needed refinement to ensure it did not have unintended consequences that might limit the collection of foreign intelligence information. The purpose of our amendment is to make sure we do not reduce the scope of any current intelligence collection.

Our managers' amendment accomplishes this goal. Under the managers' amendment, if a U.S. person is targeted overseas by using a communications provider within the United States, FISA will now require that the Government submit an application to the FISA Court and obtain a FISA Court order. Although the process to obtain the order is tailored to address some of the operational concerns relevant to the issue of collection on U.S. persons located outside the United States, and consolidated in a new title of FISA, the procedures are as robust and protective of the privacy rights of U.S. persons as existing FISA procedures.

If the acquisition occurs outside the United States, FISA will now require that the FISA Court issue an order finding that there is probable cause to believe the U.S. person who is the target of the acquisition is an agent, officer or employee of a foreign power, without involving the FISA Court in the methods of overseas collection.

Those methods of overseas collection will continue to be governed by applicable executive branch directives, such as Executive Order 12333, which impose limits on intelligence agencies in order to protect the constitutional rights and other legal rights of Americans.

Mr. President, I urge the adoption of this amendment.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the chairman for his extensive discussion of this measure. This is one of the significant additions we are making to the preexisting FISA law. It is something that was brought up and discussed in the committee. There was general agreement that an American or a U.S. person who goes abroad ought to be provided some form of protection. We discussed it at length.

The objective was provided in a very brief statement in the amendment that appeared before the committee. I was very concerned about it because I knew just enough about the FISA law to be thoroughly confused about how it would work. I voted against it but expressed my desire and willingness to work with the sponsor of this amendment and the other members of the committee because it was a good idea.

Well, we found out how complicated it is to amend and to change the FISA law because of the many working parts, not only within the law but within the actual means of interception.

Well, we worked for better than a month on a bipartisan basis with the proponents of this measure—and I consider myself a proponent of this measure—with the intelligence community, lawyers for the Department of Justice, and we came up with a simple little 25-page statutory provision. It is now included in the managers' amendment.

Should anyone think it is simple to amend FISA, I suggest you begin reading at page 5 of the measure before us, and read through page 29, I believe it is, to show how it is accomplished. Nevertheless, this puts in a new layer of protection for U.S. persons. Obviously, we are concerned. Those are American citizens who are abroad.

There were questions raised: Well, if I go abroad, can the intelligence community tap my phone without a court order? Well, first of all, the intelligence community is not going to be tapping anybody's phone or trying to listen in on any—intercept any conversations unless they have good, solid information that that phone is in a terrorist's hands. They have to have intel before they even look at that conversation. That intel could come in many forms which I won't describe here, but that—first of all, if you are abroad, you would not have been targeted unless you had certain reasonable connections with a terrorist activity or a terrorist who would give the Attorney General and the intelligence community the basis for asserting that there was a terrorist content to the phone conversation.

Now, why do they do this? Because they have more communications than they can handle. They have more terrorist communications almost than it is possible to keep up with. The last thing they want to do is target a conversation of a U.S. person or an American abroad who doesn't have any connection to terrorist activities. So previously, only if there was one of the connections that would give reasonable grounds to lead the Attorney General to say that there was valuable foreign intelligence collection would you collect on it. But now, if that is an American citizen or, more broadly, a U.S. person, they have to go to the intelligence court, the FISC, to get an order—two different kinds of orders depending upon how the collection is going to occur—and get an order finding that there is probable cause to believe, as the chairman has said, that this person is an agent, officer, employee of a foreign power and has foreign intelligence information that may be communicated.

So this is a protection that I hope those concerned about the use of electronic surveillance will understand is a significant step we have taken toward protecting the rights of American citizens. But I point out the fact that it took us a month and about 24 or 25 pages to accomplish it. But with that being said, I urge my colleagues on both sides of the aisle to support it. This is a major new expansion of protection for American citizens, U.S. persons, and this is one of the privacy constitutional right protections added by this bill that was never there before. I urge my colleagues to support it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

AMENDMENT NO. 3909 TO NO. 3911

Mr. FEINGOLD. Mr. President, I call up amendment No. 3909.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 3909 to amendment No. 3911.

The amendment is as follows:

(Purpose: To require that certain records be submitted to Congress)

Strike subsection (b) of section 103, and insert the following:

(b) REPORTS BY ATTORNEY GENERAL ON CERTAIN OTHER ORDERS.—Such section 601 is further amended by adding at the end the following new subsection:

"(c) SUBMISSIONS TO CONGRESS.—The Attorney General shall submit to the committees of Congress referred to in subsection (a)—

"(1) a copy of any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of any provision of this Act, and any pleadings associated with such decision, order, or opinion, not later than 45 days after such decision, order, or opinion is issued; and

"(2) a copy of any such decision, order, or opinion, and the pleadings associated with such decision, order, or opinion, that was issued during the 5-year period ending on the date of the enactment of the FISA Amendments Act of 2008 and not previously submitted in a report under subsection (a):".

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Senator DODD be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, this amendment is a straightforward reporting requirement that is critical if Congress is to understand how the foreign intelligence surveillance laws it passes, including this one, are being interpreted and applied. The issue is very simple. If the FISA Court makes a significant interpretation of the law, I think Congress should know about it. Congress can't conduct oversight of intelligence unless it knows what the court is and is not permitting the administration to do. Congress can't pass new legislation without knowing how the court has interpreted current law.

This issue is absolutely fundamental to our constitutional system. Congress has a responsibility to understand the impact of the laws it is passing. The courts should have the assurance that when they interpret the law, those interpretations will be communicated to the legislature. This isn't some unusual idea; this is how our system of government has operated from its inception.

Specifically, this amendment does two things. First, it requires that when the court issues an opinion that includes a significant legal interpretation, the Government must provide the Government's pleadings associated with that decision to Congress. Now, these pleadings are often critical to understanding the legal interpretations of the court. This is in part because at times the court's opinions merely reference and approve the Government's arguments made in those pleadings. So it is really necessary to be able to review the pleadings themselves if you are going to understand the court's decision. They are also necessary to understand how the Government interprets and seeks to implement the law.

Neither Congress's oversight of the intelligence community nor any responsible legislating in the area of foreign intelligence surveillance can be effective without these documents. Yet, even today, as Congress considers this FISA legislation, the administration continues to refuse to provide Congress with important FISA Court pleadings.

The other reason is this: The amendment requires that the Government provide Congress with FISA Court orders that include significant interpretations of law over the last 5 years. Now, this is necessary because there was an enormous loophole in previous statutory reporting requirements that would be closed for the first time by this Intelligence Committee bill.

The Government didn't previously have to provide Congress with significant interpretations of law if they were included in court orders rather than court decisions or opinions. But we know from the administration's public announcement in January about the President's wiretapping program that such legal interpretations are, in fact, found in orders. For Congress to have any sense of how the court has interpreted the FISA statute, therefore, it is critical to understand recent jurisprudence. Congress needs to have access to FISA Court orders not just going forward but for the past 5 years as well.

This is not theoretical. The administration has refused to provide to Congress orders containing significant interpretations of law, and that is just what we know of. Without this amendment, we might never know what other important legal interpretations are out there.

To be clear, I first offered an amendment to require that FISA Court orders and other documents be provided to Congress through the intelligence authorization bill. It was approved on a bipartisan basis. It was later removed from the authorization bill, and only a watered-down version was included in the Intelligence Committee FISA bill. What my amendment today does is merely put the language back that has already been given the support of a bipartisan majority of the Intelligence Committee.

The most appropriate arrangement for Congress to obtain information related to the FISA Court would be for the court to provide it directly, without the involvement of the executive branch. So granting the executive branch any role in an exchange between the two other branches of Government, which is what my amendment actually allows, is, in fact, already a compromise.

But this amendment is a direct response to the administration's assertion that it can withhold FISA Court opinions and documents that include significant interpretations of law from Congress—not letting us read these things. Imagine if the administration tried to keep Supreme Court decisions from Congress. Even worse, imagine if the administration tried to keep from Congress a decision like Hamdan v. Rumsfeld, which rejected the administration's military commissions, just as Congress was considering the Military Commissions Act. Congress wouldn't stand for it. Yet that is exactly what is happening in the world of intelligence.

There are really no serious, substantive reasons to oppose this amendment. Orders and pleadings will be provided to the Intelligence Committee in a classified and, if necessary, redacted manner, just as FISA Court decisions are now. This is the furthest thing from an onerous reporting requirement. If there are FISA Court orders that include significant interpretations of law, Government lawyers certainly know what they are and where to find them.

It is sometimes said that intelligence in technical terms "belongs" to the executive branch. I disagree. But in any case, such an argument simply doesn't apply here. This amendment relates to the documents of an article III court. Just last month, that court confirmed in a rare public opinion that it has "inherent power" over its own records—in other words, they do not belong to the executive branch.

Finally, let me stress the scope of the information Congress needs before it can conduct effective oversight and legislative responsibility.

While the public is understandably focused on the FISA Court's involvement with regard to the President's warrantless wiretapping program, the FISA Court is actually responsible for interpreting all of the FISA statutes. Now, that includes the electronic surveillance issues we are considering here today but also physical searches of Americans' homes and the collection of sensitive business records, including library and medical records. Just as Congress should know how the Protect America Act and this FISA bill will be interpreted, it should have similar information with regard to the FISA provisions related to the PATRIOT Act and any other legislation that governs surveillance and affects the rights of Americans.

This simple reporting requirement is critical to congressional oversight, and I urge my colleagues to support it.

Mr. LEAHY. Mr. President, I support Senator FEINGOLD's amendment to provide Congress with additional materials from the FISA Court to enable Congress to conduct more effective oversight. This amendment is one of the many improvements to the Senate Intelligence bill adopted by the Judiciary Committee and included in the Judiciary Committee's substitute amendment. Regrettably, that substitute was tabled by the full Senate earlier today. But I urge Senators to reconsider their votes with respect to this simple but critically important reporting requirement.

Under current law, semi-annual reporting requirements allow the government to wait up to a year before informing the Congress about important interpretations of law made by the FISA Court. The Senate Intelligence bill took a step in the right direction by requiring that Congress be provided with the orders, decisions and opinions of the FISA Court that include significant interpretation of law within 45 days after they are issued.

Senator FEINGOLD's amendment would go a step further to ensure sound oversight by Congress of the activities of the FISA Court. It would require that, when the FISA Court issues an opinion containing a significant legal interpretation, the government must provide Congress with the government's pleadings related to the case. This is critically important because, where the FISA Court simply adopts the government's reasoning in one of its decision, Congress will have no way of knowing the true basis for the court's ruling without access to the government's pleadings.

The Feingold amendment would also require that Congress now be provided with any significant interpretations of law by the FISA Court that were not provided to Congress over the past 5 years. Access to past jurisprudence, as well as current decisions, is critical to Congress's understanding of how FISA is being interpreted and implemented.

Opponents of this amendment say that it may create additional "paperwork." But if Congress can be better informed about the workings of the FISA Court—a court Congress created—and can more effectively oversee the government's advocacy in that Court, then any incremental additional paperwork is clearly in the best interests of the American public. Opponents also say that the pleadings may reveal sources and methods, and therefore cannot be turned over to the Congress. This is a red herring. As Senator FEINGOLD has stated repeatedly, this amendment is not intended to compel disclosure of this kind of information, and nothing in the amendment could be construed to change the time-tested practice of redacting information that could reveal sources and methods.

I urge all Senators to support the Feingold amendment, and to reject any attempts to water down this important reporting requirement by way of second-degree amendments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, this measure has been considered in the Intelligence Committee. I believed it was not necessary to require additional paperwork, but also I think it is important to note that some of the charges made about the powers given to the intelligence community are way out of bounds.

This measure before us does, in fact, put further constraints on the intelligence community. There are powers that exist in both the intelligence community and in law enforcement agencies which may not be affected here. But to say this offers broad new means of getting into business records and other personal effects of individuals—this is a bill devoted to electronic surveillance. The reason we needed to do the bill on electronic surveillance was the fact that the means of electronic surveillance have changed, and the old FISA law did not permit the kind of collection that previously was permitted when communications outside the United States were by radio rather than by cable.

The whole purpose of this bill is to ensure that there are procedures in place to permit surveillance targeting people reasonably believed to be outside the United States who have connections with terrorist activities, so that they are an agent or an employee or an officer of a foreign power and have legitimate foreign intelligence information. That is the test. That is what this does. Arguments about the nature of foreign intelligence surveillance should be limited to this bill.

Mr. President, I yield the floor.

Mr. KYL. Mr. President, might I inquire of the Senator from Wisconsin a question. As I read the amendment, it is silent with respect to the ability of the administration to—or the appropriate authorities to redact material in the interests of protecting their sources and methods. Is it assumed in the amendment that the authority to redact would exist?

Mr. FEINGOLD. Not only is it assumed, but I just stated specifically on the floor a few minutes ago that it would exist.

Mr. KYL. I thought I had heard the Senator indicate that redaction would be permitted, and that is the intent of the amendment; is that correct?

Mr. FEINGOLD. Correct.

Mr. KYL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3916 TO AMENDMENT NO. 3909

Mr. BOND. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 3916 to amendment No. 3909.

Mr. BOND. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, line 8, strike all after "subsection (a)" through page 2, line 14, and insert the following: ", with due regard to the protection of the national security of the United States—

"(1) a copy of any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of review that includes significant construction or interpretation of any provision of this Act, not later than 45 days after such decision, order, or opinion is issued; and

"(2) a copy of any such decision, order, or opinion that was issued during the 5-year period ending on the date of the enactment of the FISA Amendments Act of 2008 and not previously submitted in a report under subsection (a).".

Mr. BOND. Mr. President, as the sponsor of the first-degree amendment has noted, this was debated and it was adopted on I believe a 10-to-5 or 9-to-6 vote in the committee, but we found out there were substantial problems with this amendment to which the intelligence community objected. We modified it to the provisions that are now in the current managers' amendment and the underlying bill.

The major problem with this amendment is the pleadings. Pleadings have historically been protected during any litigation involving FISA. Congress has only received limited access to certain pleadings, certain actions for audit purposes in controlled circumstances.

This amendment I have offered incorporates the national security protection, which the author of the underlying amendment suggested, and it does provide for the 5 years of back opinions from the FISC. This gives the 5 years. We have had semiannual reports from the FISC on all of the opinions handed down in the previous 6 months.

It is somewhat burdensome, but I have been negotiating with the Department of Justice lawyers. They say while it is burdensome, this is not objectionable. They prefer not to have it, but the one thing on which they are standing firm and believe they cannot accept is to require turning over the pleadings.

The pleadings are actually some of the most sensitive intelligence information we have because in those pleadings the Government has to describe the facilities to be used, the targets of the collection, the information, and how the information is going to be collected, who gave them the information, how they got it. This is the ultimate description of sources and methods. Any time the sources and methods or the assets are disclosed, it is possibly a death sentence to someone who is working with us undercover or as an agent. The Department of Justice believes this information is so sensitive that it has to be kept extremely closely held within the court and the people who must see it to issue the order. Without that protection, they believe that our most sensitive assets, our means of collection, where the facilities are, the whole framework of our intelligence system could be brought down. The opinions themselves go into legal reasoning; they give the justifications. They are the end product of the work of the FISC.

What the Department of Justice says the intelligence community is unwilling to give is to lay out and submit to Congress the whole list of information of sources, methods, facilities, targets, the names of assets, or the identification of assets that could result in death for the informant, the agents, or the assets.

We have accepted a portion of the amendment proposed by the Senator from Wisconsin. This accepts another portion, but that final portion is objectionable and is a red line. I urge my colleagues not to support the amendment which turns over the very most secret sources and methods which the intelligence community cannot afford to share.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I rise to oppose the second-degree amendment. This is a classic example of people hiding behind a tragedy in this country to make arguments that have no merit. This argument, that the provision of pleadings, legal arguments by the Government, will somehow compromise sources and methods and bring down the intelligence system, has no merit.

When the Senator from Arizona asked me specifically whether my amendment allows for certain sensitive information to be redacted, my answer was yes, and he didn't respond. In fact, I had already stated that in my opening statement. Everything the Senator from Missouri referred to—confidential information, sensitive information about individuals we are going after, critical intelligence—all of that can be redacted. What the Senator wants to help the administration do is prevent Members of Congress—and by the way, these are kept classified; it is only people who have certain clearances who can see them—from seeing the pleadings provided to an article III court. That is the basis for their arguments.

As I pointed out in my statement, a lot of times the court just refers to the pleadings in its orders. So if we don't have the pleadings, we have no idea what the order is about.

Listen very carefully because this kind of argument is going to be used with regard to every aspect of this bill. Everything is a red line. I want to tell you something, Mr. President, it is not a red line for the duly elected representatives of the people of this country in a classified setting to be able to review documents from a court proceeding. That is a ridiculous notion and disrespectful to the United States Congress that has an oversight role.

I was involved in the debate, as the Senator from Missouri knows, in the Intelligence Committee. We won fair and square on this vote by a majority bipartisan vote when it was first offered to the Intelligence Authorization bill. Because of various issues and pressures relating to other matters, we later had to compromise, and ultimately they said, why don't you do it on the FISA bill, which is exactly what I am doing. But the idea that somehow this endangers America to allow certain Members of Congress and a few staff members who have been cleared to look at the pleadings of the Government in a court proceeding takes this way too far.

There are no substantive arguments against doing this, and I urge Senators to reject the second-degree amendment and adopt the underlying amendment.

Mr. ROCKEFELLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak on the managers' amendment, as offered earlier by the distinguished chairman and vice chairman.

The PRESIDING OFFICER. The Senator has that right.

Mr. WYDEN. Mr. President, I wish to commend the distinguished chairman of the committee and the distinguished vice chairman because they have worked with me many hours on this issue. It is an extraordinarily important issue as it relates to the rights of Americans in the digital age, and I appreciate the involvement the chairman and vice chairman have had with me on this matter.

What this debate is all about, and I know it is very hard to follow the complicated legal language that is associated with this discussion, is the proposition that Americans ought to have the same rights overseas that they have inside the United States. Now, the chairman and the vice chairman have worked with me through the last few weeks to ensure that we can embed this basic proposition in this FISA legislation and do it in a way that is not going to have any unintended consequences or any impact on our national security.

I have long felt, literally for decades, that the FISA law has represented the ultimate balance between America's need to fight terrorism ferociously and to protect the constitutional rights of our people, and it is a balance that should not be eliminated because an American leaves U.S. soil. It ought to always mean something to be an American, and that ought to apply even outside the United States. Now, under current law, before conducting surveillance on an American citizen within the United States, the Government must establish probable cause before a criminal court for law enforcement cases or before the FISA Court for intelligence cases.

So what this means is the U.S. Government needs a court-approved warrant to deliberately tap the phone conversations of a person living in Medford, OR; or Kansas City, MO; or Arlington, VA; or anywhere else. This protection, however, is not extended to Americans who are outside the United States. So if the U.S. Government wants to deliberately tap the phone conversations of the same Americans on business in India or serving their country in Iraq, the Attorney General can personally approve the surveillance by making his own unilateral determination of probable cause.

During the Senate Intelligence Committee's consideration of legislation that would revise FISA, I offered the amendment that has been discussed by the distinguished chairman and the vice chairman to require the Government to secure a warrant from the FISA Court before targeting an American overseas.

This amendment was cosponsored by our colleagues, the Senator from Wisconsin, Mr. FEINGOLD, and the Senator from Rhode Island, Mr. WHITEHOUSE. It was, as the chairman of the committee has noted, approved on a bipartisan basis. It has largely been incorporated into the Senate Judiciary Committee approach as well.

Since then the administration has raised concerns about this issue. There have been concerns raised by several others. And we have sought to address those through many hours of negotiations so that we can make sure in the digital age, when Americans travel so frequently, we are not seeing their rights go in the trash can when they travel outside U.S. soil.

We have almost reached a final agreement on this important issue, but I wanted to take just a minute. I see the distinguished chairman on the Senate floor and the distinguished vice chairman. I would like to just outline very briefly for them what my remaining concern is because my hope is we can work this out.

I would also like to say that throughout this day the Justice Department, as we have been looking at it, has been talking to our staffs as well. I think they have been very cooperative also.

The issue that is outstanding, I would say to my colleagues, is the managers' amendment does not require the Government to specify what facilities it is targeting, even in situations where the Government has historically been required to do so. So one automatically thinks of a hypothetical kind of situation that goes something like this: Under current law, the Government has to specify, for example, that it is going to do surveillance on an apartment dweller on a military base overseas. That is something that has to be approved with specificity, and that is required under current law.

What I am troubled about is the hypothetical possibility. That is what we are dealing with now, hypothetical possibilities. And if the language is not written carefully with respect to facilities—and my concern is that it has not yet been dealt with adequately—the Government could, in effect, do surveillance on that military base for all of the apartment dwellers in the building or conceivably all of the people on the military base at large.

Now, my friend, the distinguished vice chairman of the committee, clearly does not want to see that happen, nor does the chairman of the full committee. So what I have been trying to do, and had some discussion with the Justice Department about, is to try to persuade the Justice Department to take the precise language they have found acceptable in title I and move it over to the title VII that we have all been working on in a cooperative kind of fashion. It deals with what is called the after acquisition issue, to again make sure we are able to stay on top of the serious threats our country faces but not at the same time overreach and sweep all kinds of individuals like, say, an apartment dweller on a military base oversees into a surveillance program.

So I am going to continue, and I want to make this clear to the vice chairman who is on the Senate floor, and the chairman who has had to leave the floor for a few minutes, that I want to continue to work with them. This is an important issue. In the digital age, it makes no sense for Americans' rights and freedoms to be limited by physical geography. That is what we got bipartisan support for in the Intelligence Committee. Suffice it to say, there is a history of support for this kind of approach. During the initial consideration of the first FISA Act back in 1978, many Members of Congress argued for the inclusion of protections for Americans overseas.

All of the committees that debated the bill noted the significance of the issue. But at that time there was a judgment made that it was best to deal with this matter by separate legislation.

For example, the Senate Intelligence Committee in the 1978 report on FISA stated:

> Further legislation may be necessary to protect the rights of Americans abroad from the improper electronic surveillance by their Government.

It seems to me, 30 years later, it is time to take action. So we are going to continue these discussions. I want to express my appreciation to the vice chairman of the Intelligence Committee and his staff. They have put many hours into this matter working with us and clearly have sought to make sure that we can modernize this particular part of the FISA statute, and do it without what all of us have said are the unintended consequences or potential impact on national security.

I think we are there once we deal with this remaining issue. I think it would be very hard for any of us to explain how it is that current law has to specify what facilities are being targeted and then, now, in the name of the so-called reform approach, adopt something that hypothetically—again, I talk only hypothetically about it—might sweep some, for example, soldiers on a military base overseas into a surveillance program. I do not want that. The distinguished vice chairman of our committee, Senator BOND, does not want that.

So we are going to keep working on this matter. I see my friend from Missouri has indicated his desire to speak. As always, I am anxious to hear his thoughts on it and to work with him.

I ask unanimous consent to have a few, perhaps up to 10 additional minutes after the vice chairman has had a chance to address us.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

The Senator from Missouri.

Mr. BOND. Madam President, I thank my colleague from Oregon. As usual, he states objectives that he and I agree with. We both have the same desire, to protect American citizens, U.S. persons, certainly military men and women and their families on military bases.

I would say to my friend, under the clear provisions of section 703 and 704, if they are an American military person overseas, the first test would be: Are you an officer or an employee of a foreign government?

Obviously, they are employees of our Government. But you would have to be acting as an agent of a foreign power, and, furthermore, there would have to be intelligence information provided showing that there was reasonable grounds to believe there was intelligence information.

Now, there could be the situation, as there has been in the past—it has happened within the CIA; it has happened within the military—that some person may turn into an agent of a foreign power even though they are wearing our uniform. That is a very rare situation. But in that instance, then, you would be able, if you had intelligence information, to suggest this person was acting as an agent and had the appropriate foreign intelligence.

Absent that, nobody is going to sweep them up, nobody is going to listen in, nobody is going to listen in to their phone calls back home to their families or their families' calls to them.

Now, my colleague mentioned some other questions about collection. And this is a very important discussion, a complicated discussion, but regrettably a classified discussion. So let me suggest to him that we understand. He has talked to the Department of Justice. I believe they have had some confidential discussions. We would be happy to have more with him. I regret we cannot have them on the floor of the Senate because they go into matters which are classified.

But he and I share the same objective. We have slightly different ways of getting there. There are certain items I think have to be discussed off the Senate floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, I will be very brief in terms of responding to the distinguished vice chair. I also note the person we look to for counsel on these matters, Senator WHITEHOUSE, is here. I want to express my appreciation to him for all of his assistance. If anyone is capable of, once again, stepping in and bringing together all of the parties—Senator BOND, the Bush administration, Senator ROCKEFELLER, myself—Senator WHITEHOUSE is that person. He has done it repeatedly, and we thank him for all of his help.

On the one remaining issue, just to be very brief in terms of responding to the vice chairman, the vice chairman is spot on with respect to the fact that in most respects, the language of our joint efforts does seek to zero in only on the legitimate targets. And that is all to the good.

What we are concerned about, and again, steering clear of anything classified, is some of the technical issues with respect to the definition of "facilities," which lead us to be concerned that others could be swept in. That is what we still need to resolve.

So let's do this. The distinguished Senator from Rhode Island wants to have a chance to speak on this issue. This is not going to be the last word on the subject. But I would say this is an opportunity, after months and months of discussion, to get it right in terms of modernizing the Foreign Intelligence Surveillance Act.

Thirty years ago, it was a big issue. It is an even bigger issue today. I think a business person, for example, in Kansas City, MO, or Portland, OR, or anywhere else, when they travel the globe and are doing business, speaking to loved ones, they have an expectation that their rights are not thrown into the trash can when they leave the soil of the United States.

We have taken steps to ensure, under the efforts of Senator ROCKEFELLER, Senator BOND, myself and others, we have gone a long way to extending the overseas protections for our people that they have here. We are not quite there yet. We have one issue left to deal with, and it is an important issue.

We are going to continue to have these discussions, and they will certainly be good-faith discussions. I hope we can persuade all parties, and particularly those in the administration, to support our efforts to deal with this one remaining matter, which literally is a question—we have staff on the floor—of importing language that the administration says works in other parts of this legislation, into this area which we think is substantially the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Madam President, first, let me thank the Senator from Oregon for his very kind words, probably too kind words, but that is one of the glorious conventions of this body.

I salute his leadership in this area because perhaps the most significant thing that has been accomplished so far in this FISA dispute, that has been accomplished in a bipartisan fashion, in a manner in which great credit reflects on Vice Chairman BOND who is here on the Senate floor, is consensus has been reached that when an American travels overseas, the rights they believe they enjoy here in these United States, the rights the Constitution guarantees them here in these United States, travel with them and cannot be overruled at the whim of the very same branch of Government that seeks the surveillance. And the reason that was able to take place is because the Senator from Oregon had the foresight to put together the amendment that he and Senator FEINGOLD and I argued for in the Intelligence Committee. I express my personal appreciation to him for his wisdom in that regard.

I ask unanimous consent that the pending amendment be set aside in order that I might call up amendment No. 3908.

Mr. BOND. Madam President, I must object to that. I do commend the Senator from Rhode Island and the Senator from Oregon for their leadership on the issues which they have addressed. They have made a strong push, and they worked with us through the 20-plus pages of construction to get a workable means of achieving the goal they so eloquently champion. We will continue to work with them on those efforts dealing with the items the Senator from Oregon addressed. However, I must object to setting aside the pending amendment.

The PRESIDING OFFICER. Objection is heard.

Mr. WHITEHOUSE. Madam President, I am disappointed to hear that. The Senator, of course, clearly has that right. As everyone in this body knows, we are facing a deadline of February 1 to conclude this legislation. There is considerable other business related to the stimulus package, given our economic concerns in this country, and I would hope now that the FISA bill has been called up, that we are on this bill here on the floor, that amendments to the title I provisions we are working on now could be called up and considered. It would certainly move things along in the process if they could be called up and debated so that when it came time for a vote, we could move more expeditiously through the process. I hope very much this is not a signal that it is anyone's intention to slow down this process.

We saw in August how unfortunate the result can be when this body's time to give a major issue such as this significant attention is compressed. Indeed, I refer to that unfortunate August situation as "the August stampede." I don't think we reflected great credit on this institution when we did what we did back then.

The effort we are undertaking now is an effort, in fact, to remedy some of those concerns. There has been significant bipartisan effort to get us to this point. While there are clearly remaining points of disagreement, I would think it would be in everyone's interest to work through those issues and to give these different amendments a chance to be voted on. For instance, the amendment I had hoped to call up is one that is supported not only by myself but Chairman ROCKEFELLER, the distinguished chairman of the Intelligence Committee. It is supported by Chairman LEAHY, the distinguished chairman of the Judiciary Committee. It is supported by Senator SCHUMER, the distinguished Senator from New York. It is supported by Senator FEINGOLD, the distinguished Senator from Wisconsin who serves, like myself, on both the Intelligence and Judiciary Committees. It addresses a very important issue to this body which is the terms on which we will allow this administration to spy on Americans.

It is an amendment that a lot of work has gone into. It reflects a convergence of ideas that was developed by Senator SCHUMER and Senator FEINGOLD in the Judiciary Committee, that we developed in the Intelligence Committee, again, through an often bipartisan process. Senator FEINGOLD played a critical role in both committees in advancing this issue. We have worked very carefully with the Department of Justice to incorporate changes that they have recommended as technical assistance. It is a meaningful, worthy, well-thought-out amendment that merits consideration and discussion on the floor. It relates to an issue that is a fairly simple one but in order to understand it, you have to have a basic understanding, at least, of wiretap surveillance.

As United States Attorney and as Rhode Island's Attorney General, I oversaw wiretap and surveillance investigations, and I am familiar with the procedures. With any electronic surveillance, whether it is in a domestic law enforcement context or intelligence gathering on international terrorism, what you find is that information about Americans is intercepted incidentally. You have, as all the prosecutors in this body well know, including the distinguished Presiding Officer, the target of your investigation. The target has certain rights; a warrant requirement under the Constitution, for instance. But what you find is that once you have surveillance up on your target, they obviously talk to other people. Those other people who are incidentally intercepted in the surveillance also have rights as well.

In domestic law enforcement, there are clear and established procedures for what is called minimizing the interception of the conversations to the extent that they touch on the incidentally intercepted person who is not the target of the surveillance. The minimization procedures govern the collection and the retention of this information to ensure that the privacy of innocent Americans is protected. These are sensible measures. I have been in the trailers with the FBI agents as they are switching on and off to honor the minimization procedures. But one of the key elements of these minimization procedures is the knowledge on the part of the surveilling agency that they are subject to court oversight. That is natural in the domestic law enforcement context. You are operating under a court order to begin with. In the domestic context, it happens as a simple consequence of there being a court order in the first place.

When you are dealing with Americans abroad and when they are swept up in international surveillance for national security purposes, the situation can be different. We have had to provide for these minimization procedures. Under the Senate Intelligence bill, the court, the Foreign Intelligence Surveillance Court, is now being given the authority to approve the minimization procedures when an American is listened to incidentally in surveillance that targets another individual. The court has the authority to approve the procedures. But what was missing is that the court did not have the authority to determine whether the procedures it has approved are actually being followed. You would think that would be obvious. If you are going to set it up so that the court can approve minimization procedures, should it not follow as a matter of simple logic that the court should have the authority to see whether the procedures the court approved are in fact being followed?

We have worked very carefully with Vice Chairman BOND, with Chairman ROCKEFELLER, with the technical folks at the Director of National Intelligence Office, and at the Department of Justice. At present, we have a situation in which it has been agreed that the court will have the power to determine whether its rules are being followed if the target of the surveillance is an American in the United States. We have also reached agreement that the Foreign Intelligence Surveillance Court will have the authority to determine whether its rules are being followed if the target is an American overseas. The issue that remains involves those cases in which the target is a foreign person but they are in touch with a U.S. person, an American, who is being incidentally intercepted because they are in touch with a foreign target—because the foreign target has called them, because the foreign target is discussing them, because they have called the foreign target, whatever.

I cannot for the life of me understand why this is a difference that we are obliged to come to the Senate floor to decide. It would seem to me that when the purpose of the exercise is enforcing minimization procedures that benefit the U.S. person who is incidentally intercepted, it should not matter whether the target is an American in the United States or an American overseas or a foreign person. The person we are trying to protect is the U.S. person incidentally swept into the surveillance. So the purpose of this amendment, if I were to be permitted to call it up, would be to see to it that the court, which has the authority to determine the minimization procedures when there is a foreign target who talks to a United States person, should have what would seem to me obviously consequent authority to determine whether those rules it has approved are being followed.

It may even be that it is so inherent in the nature of a court that subsequent litigation would determine that in fact the court does have that right. It comes, in its very nature as an article III court, to have the authority to determine whether its rules and whether its orders are being followed. But rather than force it to that point, it would be better if we simply cleared up the matter here.

Again, I regret that merely calling up the amendment at this point is being objected to. I hope this is not a signal that we are trying to recreate, to put it mildly, the hectic atmosphere of the August stampede. I would like as quickly as possible to work through the amendments that relate to title I. There are a number of them. I expect we will be staying rather late if we can't start working through them now. But when the time comes, I will come back to the floor and again seek permission to call up this amendment; I hope at that time with more success.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, we too want to move through this bill. This amendment, sponsored by the Senator from Rhode Island, was included in the Judiciary Committee substitute for the Intelligence Committee bill. We defeated that.

The chairman of the Judiciary Committee has said we are going to come back and vote on all of these amendments one by one. At this point I think it is appropriate that the leaders are discussing or will discuss how we are going to proceed. In the meantime, we are not going to set aside amendments until we have some direction from the leadership on how they wish to handle these amendments.

On the substance of the amendment, earlier today in discussing the Judiciary Committee substitute, I pointed out that the FISA Court, or the FISC as it is called, has said: We are not going to get into this area. We don't want to get into the business of trying to oversee how foreign intelligence is collected. That means whether it is collected or whether there is incidental collection, those challenges are significantly different from the challenges that the FBI would face in carrying out their court order.

But it should be noted, as I believe the Senator from Rhode Island has, that the FISA court order, the FISC, will set out the requirement that minimization procedures be followed. There will be significant review and oversight of those because the person conducting the surveillance has a supervisor who will look over their shoulder. That supervisor knows there will be a representative of the inspector general who is watching, who is looking for any problems. That inspector general knows there will be a lawyer from the Department of Justice overseeing it to assure there is compliance.

We have an Intelligence Committee with a very able staff, some of whom understand very well how the NSA programs work, whether it is under the FISC or under the previous time. It is our job, under our challenge, our charter, as an oversight committee of the intelligence community, to make sure these laws are followed. So I will say that when the FISC was challenged to take on a broader role in handling foreign intelligence, they stated in the December 17 released opinion, In re Motion for Release of Court Records, at the very bottom of page 19, footnote 31, the appellant claimed that the court could conduct a review because it is a "specialized body with considerable expertise in the area of national security." The FISC itself said that this overstates the FISC's expertise:

> Although the FISC handles a great deal of classified material, FISC judges do not make classification decisions and are not intended to become national security experts. . . . (FISC judges are not expected or desired to become experts in foreign policy matters or foreign intelligence activities, and do not make substantive judgments on the propriety or need for a particular surveillance). Furthermore, even if a typical FISC judge had more expertise in national security matters than a typical district court judge, that expertise would still not equal that of the Executive Branch, which is constitutionally entrusted with protecting the national security.

They cite a case, which says:

> . . . ("a reviewing court must recognize that the Executive departments responsible for national defense and foreign policy matters have unique insights" into national security harms that might follow from disclosure). . . .

At the end it says:

> For these reasons, the more searching review requested by the [appellant in that case] would be inappropriate.

So while there are court orders that the minimization procedures be followed, there is an existing framework for significant oversight, and there is the oversight not only by the executive branch but by the legislative branch, and the FISC says that is not the business they are to get into.

We will have an opportunity to revisit this when the matter is brought up. But I wanted to advise my good friend, a diligent worker on the Intelligence Committee, why we had argued against that provision in the amendment or the substitute that the Judiciary Committee proposed.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I thank the very distinguished vice chairman of the committee for his description of his views on this matter. I know they are honestly held and founded in his beliefs.

I do take some issue with his recollection of the travel of this in the Intelligence Committee. I thought I heard the distinguished vice chairman say this amendment had been voted down in the Intelligence Committee. It is my recollection that I withdrew it because there were technical concerns that were described by some of the officials from the Office of National Intelligence and from the Department of Justice who were present.

Indeed, it was that withdrawal and willingness to work to try to find a better amendment that resulted in the very commendable process by which the distinguished vice chairman agreed to allow the court to oversee compliance with its own rule in those two circumstances I mentioned earlier: Where the target is an American, either overseas or at home.

Other than that, the only other point I would add is that I think it is probably a situation unique in the annals of American law that an American court would be provided the authority to approve a rule or make an order but denied the authority to determine whether it was complied with. I can certainly think of no situation in our law or in our history where that has ever been the case.

I know the distinguished Senator from Maryland seeks the floor. I yield the floor, and I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Thank you, Mr. President.

Mr. President, I ask unanimous consent that the pending amendment be set aside so I can offer amendment No. 3859.

Mr. BOND. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mr. BOND. Mr. President, if I may respond to the Senator from Rhode Island—I apologize to the Senator from Maryland—I say to the Senator from Rhode Island, what I said was his provision was in the Judiciary substitute that we defeated. We did not deal with his amendment in the Intelligence Committee. We discussed it. He offered it, and it was accepted in the Judiciary substitute. That amendment was defeated.

What I raised was the concern that our leadership has about going back and revisiting all the elements of the Judiciary substitute.

I thank the Chair, and my apologies and thanks to my colleague from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, let me point out to the cochair of the Intelligence Committee and the distinguished Republican whip on the floor why I asked for this amendment to be called up. I hope there will be a time when we will have a chance to vote on this amendment. It is one I hope would gain some broad support in this body.

What this amendment would do is to change the automatic termination date that is in the statute, the bill now—which is at 6 years—to 4 years. I know there are some Members of this body who are opposed to any termination date. The administration is opposed to a termination date.

I applaud the Intelligence Committee for including a termination date, a sunset in the legislation, recognizing it is our responsibility to make sure we are included in the appropriate oversight with the executive branch. Knowing the history of this legislation, knowing how quickly technology changes, it is important that Congress be intimately involved in reviewing the operations of this statute, the changing technology, and that we have the full attention and cooperation not only of the intelligence community but also the White House and the executive branch of Government.

The reason why I believe the 4 years is much more preferable than 6—I urge my colleagues to please follow this debate—with a 4-year sunset, it will be a requirement of the next administration to be involved in this FISA statute. They are not going to be able to sit back for their entire term and say: Gee, we have this authority; there is no need to make the information readily available to Congress.

Let me remind my colleagues, it was not easy to get information from the executive branch on the use of their authority, of which for some we recently found out the full extent of the use of their authority. So if we keep a 6-year sunset, there will be no legal need for the next administration to work with Congress to make sure there is broad support for what the administration is doing, to make sure we do not have another situation where there was the use of power by the executive branch that, quite frankly, we did not know about, and that we will at least know whether the technology is the right technology. We will have much better attention.

So for the purposes of our oversight, our responsibility as the legislative branch of Government, we should make it clear to the next administration: Sure, you have plenty of time under this authority. You do not have to worry about this authority terminating. You have almost your entire term in office. But we want you to focus on it, and make sure we are not only protecting the rights of Americans, that we are not only making sure the intelligence community has the tools it needs, but we are making sure that as technology changes during the next years—and technology is changing very quickly—we are all engaged in the subject.

We are ready to take action as the legislative branch of Government to make sure we are working with the executive branch to give the intelligence community the tools it needs to gather the information on foreign targets, and that they are also doing it in ways, as the chairman and vice chairman of the committee and the committee have said, that respect the rights of Americans and the civil liberties of the people of our Nation.

It is for that reason that I urge we find a time to take this up. I took this few moments now in the hopes that when we come back to this amendment we will not quite need as much time. I do hope the Members will understand this is being offered so we in the Congress can carry out our responsibility.

It is interesting that there were several debates on the floor of this body when the original PATRIOT Act was passed and the Protect America Act was passed to make sure there were sunsets in it. We are now amending the bill today. The chairman and vice chairman of the Intelligence Committee just brought forward a set of amendments, and as I listened to the chairman and vice chairman talk, they said: We want to make sure we get it right.

There were a lot of technical changes made as of today. I do not think anyone here feels totally comfortable that we got it right. We are going to have to stay engaged on this subject. I think it is critically important we have the attention of the next administration to make sure we can do the right thing for the people of this Nation to keep them safe and to protect their civil liberties.

So that is the reason I intend to offer this amendment. It was in the Judiciary Committee substitute. We debated it in the committee. We had a good debate in the Judiciary Committee. Senator KENNEDY had offered a 2-year sunset. We talked about that also. There are others who have been interested in this. I am not alone in this request. I know I am joined by Senator MIKULSKI as a cosponsor of this amendment, who serves on the Intelligence Committee, and was part of getting that bill together. I know Senator ROCKEFELLER is sympathetic and supportive of this issue, as is Senator LEAHY.

I urge my colleagues on both sides of the aisle to take a careful look at this amendment when we come back to it. Hopefully, I will have your support.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized for up to 15 minutes as in morning business.

Mrs. FEINSTEIN. Mr. President, reserving the right to object, if I may, I ask unanimous consent that I be recognized following the remarks of Senator INHOFE.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. INHOFE. Thank you very much, Mr. President.

(The remarks of Mr. INHOFE pertaining to the introduction of S. 2551 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LEAHY. Mr. President, Senator KENNEDY and I have offered an important amendment to ensure that there will be some measure of accountability for the unlawful actions of this administration in the years following 9/11. Regrettably, those opposing this commonsense review have so far succeeded in stopping the full Senate from even considering its merits.

It is a sad day for the American public when its elected officials stonewall a measure designed to shed light on the Government's efforts to unlawfully spy on its own citizens. I urge Senators across the aisle to allow this amendment to be called up, debated, and given an up-or-down vote.

As we all now know from press accounts, in the years after 9/11, the Government secretly conducted surveillance on its own citizens on a massive scale through what has become known as the Terrorist Surveillance Program, TSP. It was done completely outside of FISA, the law specifically drafted to regulate such conduct. And it was done without the consent or even the knowledge of the Congress. It is crucial that Congress and the American people understand why and how these decisions were made, both in the months after 9/11, and in the several years following that difficult time. This inspector general review amendment will provide that accountability.

This review would be conducted jointly by the Offices of Inspectors General of each component of the intelligence community that may have played any role in the TSP, including the inspector general of the Department of Justice. It will examine the circumstances that led to the approval of the TSP, as well as any procedural irregularities that may have taken place within the Department of Justice Office of Legal Counsel—the part of the Justice Department that is supposed to give unvarnished legal advice to the President. It will result in a final report to be submitted to the Intelligence and Judiciary Committees in the House and Senate within 180 days, containing recommendations and a classified annex. There has been no such comprehensive review to date.

This amendment is particularly important because the administration and some of its allies in Congress are relentlessly arguing for retroactive immunity for the 40 or so lawsuits against those telecommunications companies that may have assisted in conducting this secret surveillance. They are trying to shut down avenues for investigating and determining whether their actions were lawful. This amendment will ensure that there will be an objective assessment of the lawfulness of the secret spying program and the manner in which the Government approved and carried out the program.

Critics of the amendment claim that Congress has already conducted sufficient oversight of the TSP, and that no further review is warranted. That is simply not true. Only a small number of Senators and Representatives have been granted access to classified documents related to the TSP. Those of us who have been granted access can provide a measure of oversight by reading through documents to try to piece together how the Government decided to spy on its own citizens, for years, and how the Justice Department came to bless this unlawful conduct. But the documents don't tell the full story. As we learned from Jack Goldsmith, the former head of the Office of Legal Counsel, the President's program was a "legal mess" when he took over. It is crucial to understand how this "legal mess" got approved in the first place. Who was responsible? Were the normal procedures followed at the Office of Legal Counsel? And, perhaps most importantly, how can we stop something like this from ever happening again?

This amendment is one of the many improvements to the Senate Intelligence bill that were adopted by the Judiciary Committee and included in the Judiciary Committee's substitute amendment. Regrettably, that substitute was tabled by the Senate earlier today. I urge Senators to reconsider their votes with respect to this simple but critically important accountability measure.

If the critics succeed in quashing not only the outstanding lawsuits seeking accountability, but also congressional efforts to arrive at the truth through a comprehensive review of the TSP, the American public will never forgive us. This administration is hoping it will end its time in office without any meaningful review of its more than 5 years of illegal surveillance. We must not let this happen. I urge all Senators to support this commonsense amendment to ensure accountability.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, is one of the managers on the floor? Yes. I have been in contact with the distinguished Republican leader. I ask unanimous consent that Senator KENNEDY be recognized for 5 minutes for purposes of offering an amendment, and following his 5 minutes, that Senator FEINSTEIN be recognized for 5 minutes, and following their statements and their attempt to offer amendments, that I then be recognized.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. I didn't hear the last half.

Mr. REID. Following their 5-minute statements, I be recognized.

Mr. KYL. Mr. President, as propounded, I object to the request, but I have no objection to Members each asking consent to which there would be no objection and certainly not to their speaking for whatever length of time or whatever order the leader would desire.

Mr. REID. So you have no objection to Senator KENNEDY being recognized for 5 minutes and Senator FEINSTEIN being recognized for 5 minutes?

Mr. KYL. Absolutely no objection to that.

Mr. REID. And then following their statement, that I be recognized?

Mr. KYL. I have no objection to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, at the appropriate time, I hope the Senate will permit us to take action on an amendment I will offer on behalf of myself and Senator LEAHY and others. This amendment we have prepared is very simple, but it is absolutely critical to this bill.

The amendment would require the inspectors general of the Department of Justice and the National Security Agency and other relevant offices to work together to review the Bush administration's warrantless wiretapping program. The inspectors general will analyze this program and then issue a report on what they find. Members of Congress will receive a classified version of the report. The public will receive an unclassified version of the report.

Simply put, there is no other way to put this episode behind us. Court cases looking into the administration's warrantless wiretapping have been stymied by concerns about standing, mootness, and the state secrets privilege. If Congress grants retroactive immunity, some of these cases will be eliminated altogether.

But either way, court cases are no substitute for an inspector general review when it comes to finding and reporting the facts. Traditional rulings will tell us whether any laws were broken and which ones. The inspector general review will tell us why and how this happened, and it will help us avoid a similar lapse in the future.

The administration has decided to share documents with the Senate Judiciary Committee but not with the House Intelligence Committee, or the Judiciary Committee whose FISA bill it doesn't like. It has refused to share any documents with other Members of the House and Senate who are now expected to vote on this legislation. So where are we now?

We know that for 5 years the Bush administration conducted a massive program of warrantless surveillance that may have violated the rights of literally millions of innocent Americans. What we do not know is how this program was started, why it was started, what it covered, how many Americans were spied on, or what happened to the information it collected. We are being kept in the dark about one of the most significant and outrageous constitutional violations by the executive branch in modern history.

An inspector general review is the only way to shed light on this abuse, the only way to document and assess the administration's warrantless surveillance activities over the past 6 years. The review will help bring clarity, closure, and accountability to this episode. It will help us draw lessons and move on from it.

Millions of Americans have been secretly spied on for years. They at least deserve to know the reason. The Senate also deserves to know. Senators who vote to pass this amendment will be not only honoring their constituents' right to learn what was done to them, they will also be enabling themselves to serve their constituents better in the future.

The inspector general report will produce information that will assist us in our legislative duties. When Congress takes up FISA in the future, the results of this report will be enormously valuable in helping us to enact legislation to meet the genuine national security and civil liberty needs of the Nation.

It is revealing in how quiet the White House has been in opposing the inspector general review. Make no mistake, they have been clear they don't want any kind of investigation into what they did. But their arguments against the inspector general review have been very quiet, indeed, perhaps because they know how transparently weak and self-serving their arguments are. They said we should not have an inspector general review because it might reveal classified information or help our enemies. This argument is nothing more than a scare tactic.

The inspectors general public report will contain only unclassified material.

Any classified material will go into a classified appendix. It has been said an inspector generals' review might fuel a partisan witch hunt. Senator LEAHY and I have drafted this amendment to be tightly limited to the warrantless wiretapping program. The inspectors general will have a very specific mandate, and they will do their work without any political influence whatever.

Understanding what happened to the rights of Americans over the past 6 years is not a partisan effort. All Members of Congress should want to learn about the activities in which the administration has engaged. The American people are concerned about what their Government has been up to. They need an independent review to restore trust in the Government and to feel confident that both their security and their liberty are being protected.

Finally, I have heard it said the inspectors general are not the appropriate entity to conduct this review. The question is, if not the inspectors general, then who? The inspectors general are experienced and independent; they are trusted by Congress and the American people. They frequently conduct confidential investigations and have procedures in place to protect classified information. It is precisely for situations such as this that we created the inspector general.

It has been reported that the Justice Department recently reopened the Office of Professional Responsibility's investigation into the warrantless surveillance program. That is a positive step, but it is not relevant to this amendment. The scope of the OPR investigation is severely limited. It deals with attorney misconduct, and it is confined to the Justice Department. By contrast, the inspector general review will cover all of the relevant agencies, including the National Security Agency, and it will examine the use of warrantless surveillance much more fully.

Moreover, the inspectors general are more independent than OPR, and for investigating a warrantless surveillance program authorized by the President, independence is of critical importance.

Inspectors general also have a proven track record that gives them unique credibility. For example, the inspector general report on national security letters showed widespread abuse by the FBI, and it helped Congress understand what needs to be done.

There is one reason, and only one reason, to oppose this amendment, and that is to cover up the administration's actions. A vote against the inspector general review is a vote for silence and secrecy, for stonewalling and denial. It is a vote to erase the past.

Many of the issues we have been debating on FISA are difficult and complicated, and there is room for reasonable people to disagree. But there is no such room on this amendment. It is simple and straightforward. Its potential benefits are great, and its costs are negligible.

No matter where one stands on the issues of retroactive immunity for the phone companies, this amendment should be a no-brainer. In fact, for my colleagues who want to eliminate the court cases against the phone companies, this should be even more critical because it will at least preserve some measure of accountability. It will give the Senate critical information to fulfill its constitutional duty to protect the rights of Americans, the separation of powers, and our national security.

Many Senators who have been defending retroactive immunity have done so by emphasizing that the phone companies were just following White House orders. If you believe that argument, you should be especially in favor of this amendment because it places the inquiry exclusively on the White House. Here is what the amendment says:

> The unclassified report shall not disclose the name or identity of any individual or entity of the private sector that participated in the program or with whom there was communication about the program.

Even though we oppose retroactive immunity, Senator LEAHY and I included that provision because we want to make this amendment as uncontroversial as possible. We want to make it crystal clear that all Senators who take their constitutional duties seriously, whether they are Democrats or Republicans, need to support this amendment.

I urge all of my colleagues to pass this amendment and take a vital step toward restoring honesty and the rule of law in America's surveillance policy.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I wish to speak for a short period of time on an amendment that I would like to offer, in the event I am given the opportunity to do so.

The Terrorist Surveillance Program began in mid-October of 2001, and it operated until January of 2007. It operated outside of the jurisdiction of the FISA Court during that period of time. That is 5 years and 2 months, when a program operated with no court review or no court approval.

Now, I must regretfully say the United States—long before this President and the prior President, but for decades—has had a rather sordid history of misusing foreign intelligence for domestic political purposes. This was well outlined in the Church Committee's report, which led to the development of the Foreign Intelligence Surveillance Act—which is the bill we are talking about—in 1978.

If you go back and read the record, you will see that President Carter signed the bill. In his signing statement, as well as the record of the deliberations of the Congress at that time, he tried to overcome this sordid history by making the Foreign Intelligence Surveillance Act—this bill—the exclusive authority for electronic surveillance of Americans for the purpose of foreign intelligence. That was the bottom line, so that never again could foreign intelligence be used politically against American citizens domestically.

FISA has continued over the decades, and I think it has served this Nation well.

What we have seen develop now is a Presidency and a President who believes very strongly in his executive authority and has tried, through many different ways, to enhance that executive authority. One of those ways has been signing statements—more signing statements by this President, saying what part of the law he would follow and what part he would not follow; the concept of the unitary Executive, which has been espoused, whereby all commissions, even the FCC, would be subject to the will of the Presidency and by his use of article II authority—asserting that authority under the Constitution as supreme to any statute.

The battle over FISA going back to 1978—was to give FISA statutory authority that would be supreme in this one particular area. The President strove to do it at the time, and the Congress strove to do it at the time. The Judiciary Committee bill has this strong statement of exclusivity in it, which I will propose in an amendment to this bill. The amendment is cosponsored by the chairmen of both committees, Intelligence and Judiciary, Senators ROCKEFELLER and LEAHY; Senator NELSON, who serves on the Intelligence Committee; Senator WHITEHOUSE, who serves on both committees along with myself; Senator WYDEN from the Intelligence Committee; Senator HAGEL from Intelligence; Senator MENENDEZ; Senator SNOWE from the Intelligence Committee; and Senator SPECTER, the ranking member of the Judiciary Committee.

All of us together believe there should be strong exclusivity language that reinforces the intent of the Congress, that the Foreign Intelligence Surveillance Act be the exclusive authority for the wiretapping of Americans for the purpose of foreign intelligence. It makes sense and should be the case.

Finally, the administration said in January of last year: OK, we will try to put the program under the FISA Court. In fact, the program today is under the FISA Court through the Protect America Act. So there is a court review and, where warranted, court warrants are granted for the collection of content. That is the way it should be. As we move to this bill, minimization strictures will be spelled out, approved by the court prior, and that is the way it should be.

We would like to add to this bill the exclusivity language contained in the Judiciary Committee bill. All of us are in agreement, whether we are Intelligence Committee members or Judiciary Committee members, that FISA should become the exclusive authority, and we should try to reinforce it so that in 2 years, 10 years, or 20 years we will not be right back to where we are today.

Let me quickly describe the amendment, and shortly I will try to send a modification of the amendment that is at the desk now, which has some technical corrections in it.

Let me describe this amendment briefly. We add language to reinforce the existing FISA exclusivity language in title 18 by making it part of the FISA language, which is codified in title 50.

The second provision addresses the so-called AUMF loophole. The administration has also argued that the authorization for the use of military force against al-Qaida implicitly authorized warrantless electronic surveillance.

The amendment we would offer states that only an express statutory authorization for electronic surveillance in future legislation shall constitute an additional authority outside of FISA. This makes clear that only a specific future law that provides an exception to FISA can supersede FISA. Only another statute specific can supersede FISA.

Third, the amendment makes a similar change to the penalty section of FISA. Currently, FISA says it is a criminal penalty to conduct electronic surveillance, except as authorized by statute. The amendment replaces that general language with a prohibition on any electronic surveillance except as authorized by FISA, by the corresponding parts of title 18 that govern domestic criminal wiretapping, or any future express statutory authorization for surveillance.

Finally, the amendment requires more clarity in any certification that the Government provides to a company—in this case, a telecom company—when it requests assistance for surveillance and there is no court order.

The FISA law provides only two ways to do electronic surveillance. One of the ways is a court order. That is clear, that is distinct, that is understandable.

The second way provides that if assistance is based on statutory authorization, a certification is sent to the company, in writing, requesting assistance and saying that all statutory requirements have been met.

Under this amendment, the certification must specify what provision in law provides that authority and that the conditions of that provision have been met. This adds specificity to the certification process which today is called for by the FISA law. I believe this is something that is necessary to have in law.

In good conscience, I could not vote for any law that did not make the test case that we need to make, which is our legislative intent that FISA is intended to be the exclusive authority for the collection of electronic surveillance, foreign intelligence involving a U.S. person.

It should be subject to FISA law. I don't think any one of us would want to vote to prevent that from happening.

I believe this amendment could be adopted given a chance. We have vetted it. It will not interfere with the collection of intelligence. We have vetted it with the Department of Justice and with the intelligence agencies. As I say, it is bipartisan.

What I would like to do at this time is call up the amendment. It is No. 3857, and I ask unanimous consent to send a modification to the desk to that amendment.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendments?

Mr. KYL. For the reasons Senator BOND explained earlier, I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. REID. Mr. President, yesterday our Vice President gave a speech at the Heritage Foundation talking about the need to pass the Foreign Intelligence Surveillance Act. Today, the President gave a statement; it was a brief statement. The President gave a statement following up on the Vice President's speech yesterday. The Vice President gave a speech; the President gave a statement today.

Among other things, he said:

> If Congress does not act quickly, our national security professionals will not be able to count on critical tools they need to protect our nation, and our ability to respond to new threats and circumstances will be weakened. That means it will be harder to figure out what our enemies are doing to recruit terrorists and infiltrate them into our country. . . .
>
> So I ask congressional leaders to follow the course set by their colleagues in the Senate Intelligence Committee, bring this legislation to a prompt vote in both houses. . . .
>
> Congress' action—or lack of action—on this important issue will directly affect our ability to keep Americans safe.

Let the record be spread with the fact that all 51 Democrats joined with 49 Republicans in that we want to do everything we can to make our homeland safe. We want, if necessary, within the confines of the law, to do wiretapping of these bad people. But having said that, we want to do it within the confines of the law and our Constitution. We want to make sure this wiretapping does not include innocent Americans who happen to be part of what they are collecting. That is what the American people expect us to do.

So I again say, no one can question our patriotism, our willingness to keep our homeland safe. We have tried to move forward on this legislation. We have tried in many different ways. What we have been doing today and yesterday is moving forward on this legislation. As the distinguished Senator from California said, there are amendments that will make this legislation better. That is in the eye of the beholder, and we all understand that. But shouldn't the Senate have the ability to vote on those amendments because no matter what we do as a Senate, it has to have a conference with the House. They have already passed their legislation. We have been stalled every step of the way—every step of the way.

The Feingold amendment, for example, was offered. It certainly is germane. But we are being told he cannot get a vote on this amendment because it concerns FISA's court orders. His amendment was discussed at length previously. Half of it was accepted on a bipartisan basis, the other half was not. But certainly he is entitled to a vote.

Senator FEINGOLD and I do not mean to embarrass him—is a legal scholar. He is a graduate of one of our finest law schools in the world. He is a Rhodes Scholar. Senator WHITEHOUSE has been attorney general of the State of Rhode Island and is certainly known all over the country as someone who understands the law. He has been a tremendously good person as a Member of the Senate. He serves on both committees, the Intelligence Committee and on the Judiciary Committee, and he is a thoughtful person.

He thought the legislation that came out of the Intelligence Committee should be improved, and as a member of the Judiciary Committee, he worked to have it improved. He sought to offer a germane amendment a short time ago concerning minimization. What does that mean? That means if you pick up by mistake an American, that you drop it. You push that out of the way, that isn't going to be made public in any manner. We want to vote on that amendment. It seems everyone would vote for it. I certainly hope so. But there is an objection to even having a vote on that amendment.

Senator CARDIN, a long-time Member of Congress, a relatively new Member of the Senate, but a long-time, experienced Member of the Congress of the United States sought to offer a germane amendment shortening the sunset provision. The bill that is before us that came out of the Intelligence Committee is for 6 years. Things are changing rapidly in our country and in the world as it relates to electronics. We don't know what is going to take place in regard to terrorism, violence or what is going to take place with our ability to do a better job electronically to uncover some of what we believe should be uncovered. He wants this legislation to be for not 6 years but 4 years. That is a pretty simple amendment. I support it. I think it is a good amendment. But he has been unable to offer that simple amendment.

Senator FEINSTEIN has given a very fine statement seeking consent to offer a germane amendment on exclusivity, meaning that FISA is the only basis for the President's eavesdropping. There have been editorials written virtually in every State of the Union in the newspapers saying that should be the law, but she has not been able to offer that amendment.

Senator KENNEDY wanted to offer an amendment that is so rational, so important. He says: Let's have the inspector general do an investigation about the whole wiretapping program to find out what has taken place, who has been involved in it, and report back to Congress, not tomorrow; he sets a reasonable time that be done. But guess what. We cannot even vote on that amendment. He cannot even offer the amendment.

I say to my friends it does not matter what we try to do, we cannot do it. It appears the President and the Republicans want failure. They don't want a bill. So that is why they are jamming this forward.

I am going to vote against cloture. It is not fair that we have a major piece of legislation such as this and we are not allowed to offer an amendment as to whether the bill should be 4 years or 6 years, and we are not allowed to offer an amendment as to minimization, that is whether Americans picked up by mistake are going to be brought out in the public eye, or Senator FEINGOLD's germane amendment dealing with how court orders are issued, a real good amendment, an important amendment.

If there were ever a Catch-22, this is it because what we are being asked to do is irrational, irresponsible, and wrong. From where does this "Catch-22" come? We all know it was a bestseller. Joseph Heller wrote this book. He was a pilot during World War II. Joseph Heller thought he was crazy. He was a bomber pilot. We all know how difficult it was to fly those big airplanes in World War II. The casualty rate was high. If you were crazy and you said so, you would be grounded from flying these big bombers. But the officials of the military would say: We are not going to let you not fly airplanes because you have to be crazy to fly one of these in the first place. That is what Joseph Heller was stuck with because it was crazy to fly bomber missions, and they would immediately make you fly more bomber missions.

That is what we have today. We are trying everything we can do, but no matter what we do, we step on each other in the process.

I suggest we were doing this the right way. We were looking at title I, which deals with procedures of this FISA legislation, and then we were going to come later and offer amendments to title II. For example, one of the difficult issues is whether there should be retroactive immunity for the phone companies. Senators DODD and FEINGOLD want to offer an amendment to strike from the provisions of the bill retroactive immunity. That is something on which we should be able to vote.

Senator LEVIN came up with the idea, and there are others—I believe Senator WHITEHOUSE also wanted to offer an amendment dealing with substitution, saying: OK, if there is going to be retroactive immunity, have the Government pay for it, not the phone companies, because if, in fact, they were entitled to immunity, that means they were forced into something they shouldn't have been forced into. That is something I think is reasonable and logical to vote on, but we will not be able to vote on it.

I asked unanimous consent that we extend this matter for 30 days because it is very apparent, unless cloture is invoked—and I say to my Democratic colleagues I think this is an example of something on which we should not invoke cloture—if cloture is not invoked, this bill is not going to be finished by February 1 and this program will expire.

So we say to the President, who gave this statement today saying he wants the program to continue, he needs to talk with his Republicans in the Senate and say: OK, let's get an extension; let's see if we can work something out. Two weeks, a month, we are willing, if the President wants, to continue this awful program for a year, 15 months, wait until the next President comes along. We are willing to do that, and he will still have his authority.

We know one of his counsel, Mr. Yu, says he doesn't need this anyway; he can do what he wants without this legislation. But we are willing to do whatever is within the realm of possibility.

I said we will take a 30-day extension. We will take a 2-week extension. We will take a 12-month extension. We will take an 18-month extension. I tell all my friends, I have been told—and I appreciate very much my distinguished counterpart, Senator MCCONNELL, who has told me he has a cloture motion, it is all signed, and he is going to file it as soon as I yield the floor to him—I say to all my friends, under the regular order, we will have this vote Monday. If, in fact, cloture is invoked, we will have to have the vote early Monday because the 30 hours begins running, and we will have to finish it because we have so much to do before the final week. I explained all this to the distinguished Republican leader.

If cloture is going to be filed, and I know it is going to be, and if cloture is invoked, we have to have a vote no later than 1 p.m. on Monday, so the 30 hours runs out at a reasonable time on Tuesday so we can do other things. If cloture is not invoked—and I am not going to vote for cloture—unless the President agrees to some extension of time, the program will fail. I don't know any way out of that. But I, in good conscience, cannot support this legislation, at least unless we have a vote on retroactivity of immunity. I can't vote for cloture unless some of the very basic amendments that people want to offer are allowed. They all have asked for very short time limits. No one is questioning spending a lot of time. We Democrats are not in any way trying to stall this bill. We have been trying to expedite it for a long time now.

For purposes of making the record clear, and for my distinguished counterpart, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 2541, which is a 30-day extension of FISA, and that the Senate then proceed to its consideration; that the bill be considered read a third time, passed, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Is there objection?

Mr. MCCONNELL. Reserving the right to object, I ask unanimous consent to modify the request so that instead of passing the House bill, we will now pass the bill we know the President will sign. So, therefore, I would ask the pending amendments to the substitute be withdrawn and the substitute offered by Senator ROCKEFELLER and Senator BOND be agreed to; that the bill be read a third time, and passed.

Mr. REID. Mr. President, we have, Republicans and Democrats—I acknowledge more Democrats than Republicans—who believe this Intelligence Committee bill can be improved upon, and I so appreciate the Judiciary Committee working in good faith with the Intelligence Committee. We think there are some tuneups that can be done to this bill to make it much better, and it is not fair, I say respectfully to my friend from Kentucky, it is really not fair that we be asked to just accept this without the ability to have a vote on a single amendment.

So I respectfully object to my colleague's request to modify the unanimous consent request.

The PRESIDING OFFICER. Objection is heard. Is there objection to the majority leader's request?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I am now going to ask unanimous consent to pass the House bill, which was passed by the House last November.

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 517, H.R. 3773, which is the House-passed FISA bill; that the bill be read three times, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The Republican leader.

Mr. McCONNELL. Mr. President, I am sure those watching C-SPAN 2 are probably thoroughly confused with all of the parliamentary discussion back and forth and the parliamentary nuances attached thereto. Obviously, there are two sides to every story.

In fact, in April of 2007, the DNI—the Director of National Intelligence—asked for this FISA bill to be passed. Our good friends on the other side of the aisle delayed it. In June and July of 2007, the DNI actually pleaded—pleaded—for help. Our friends on the other side delayed right up until the August recess, at which time we did pass the Protect America Act, which was a 6-month authorization.

Now, during September and October, the Permanent Select Committee on Intelligence, in a bipartisan way, produced the Bond-Rockefeller compromise, which is the pending proposal before the Senate. It was, I gather, a painful series of compromises that brought the two sides together 13 to 2 on this extraordinarily important piece of legislation to protect our homeland. And that is the pending issue before us.

Now, we all know on an issue as important as protecting the homeland we don't get the job done unless we get a Presidential signature, and we do know the President of the United States will sign the Rockefeller-Bond proposal that is before us. So my strong recommendation to our colleagues is that we avail ourselves of the opportunity to pass this measure, which is already the product of substantial bipartisan compromise between the chairman and vice chairman of the Permanent Select Committee on Intelligence and also the members, who approved it 13 to 2.

A way to do that, obviously, would be to invoke cloture on that proposal, indicating that 60 or more Members of the Senate believed this bipartisan compromise, which we know will get a signature by the President of the United States and go into effect, would be a good bipartisan accomplishment for the Senate, and ultimately for the House and for America.

CLOTURE MOTION

Bearing that in mind, Mr. President, I send a cloture motion on the substitute amendment; that is, the Rockefeller-Bond proposal, to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending substitute amendment to S. 2248, Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2007.

Mitch McConnell, Christopher S. Bond, Kay Bailey Hutchison, Wayne Allard, Jon Kyl, Robert F. Bennett, Sam Brownback, John Thune, Pat Roberts, John Barrasso, Chuck Grassley, Johnny Isakson, Lamar Alexander, Gordon H. Smith, Tom Coburn, Jim DeMint, Richard Burr.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I am, of course, disappointed we are where we are, but that is where we are. I have had a conference just now with the distinguished Republican leader, and what we are going to do is to vote on this cloture motion at 4:30 on Monday. I have gotten agreement, and we will formalize that in just a bit. I have agreement that the vote will be as if it occurred at noon that day, so if in fact cloture is invoked, we can start something at 6 o'clock on Tuesday because we have a lot to do.

So having said that, Mr. President, we have one call to make, which I think will be fine, and I will make the request at a later time when we do have agreement of what we want to do. I will formalize that as soon as we make a phone call.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE STIMULUS PACKAGE

Ms. CANTWELL. Mr. President, as my colleagues are trying to sort out issues related to scheduling votes, and I certainly do care about the pending issue and making sure that we come to a resolution that will protect a variety of interests, I rise now to speak specifically about the economic stimulus package which the Senate is going to take up next week.

We all know there has been a downturn in the economy caused by persistent high energy costs and an ongoing mortgage crisis, and we know we are seeing damages to both individual households and to businesses. We know that layoffs are accelerating, gas and home heating prices are skyrocketing, making us face some of the biggest economic challenges we have seen in years. So I think it is very important, Mr. President, that we continue on this rapid pace to get a stimulus package. And that is the good news; that in a bipartisan effort we have been working diligently along with the White House to immediately get some stimulus into the economy and help working people and businesses that are struggling.

I think our goal should be that we identify measures that are timely, targeted, and, when possible, address the underlying causes of our economic problems—that is getting money in people's pockets, I believe, must be a key component of this package. I have been following what the other side of the Capitol has been doing, the House of Representatives is working on a formidable package, and I know we are discussing a variety of issues here. But I believe any package should take the opportunity to invest in critical business stimulus measures that can alleviate some of the underlying problems that are causing Americans economic heartburn.

We are seeing oil prices in recent weeks hovering around $100 a barrel and natural gas prices remaining at exceedingly historic highs, which I think is adding great impact to what Americans are doing in trying to deal with this economy. In fact, a Los Angeles Times article in December cited economists' fear that high energy costs could ignite inflation. This would just aggravate our economic problems further.

High energy costs make it much more difficult for our manufacturing and agricultural sectors to make ends meet. Today the National Farmers Union came out in favor of a proposal that I think we should put into our stimulus package, and one that I am about to describe. It is an opportunity to include in the stimulus package incentives that both dramatically boost economic activity in 2008 and take an important step toward reducing energy costs.

I believe we should consider an extension of the clean energy tax incentives in the stimulus package. They meet the definition of short-term stimulus, targeted and timely. They have the benefit of getting immediate short-term results—that is, significant economic activity and new jobs in 2008. And they also result in long-term benefits which will help us deal with the underlying problem that is causing so much havoc with our economy, and that is high energy costs.

Mr. President, the American Wind Energy Association estimates that extending the production tax credit will result in as many as 75,000 new jobs in 2008 and $7 billion of capital spending over the next 12 months. All by Congress making the right decisions about tax incentives for the wind industry.

I think that would be a big boost to our economy. Wind generation alone has accounted for over 30 percent of our new generation placed in service last year. This industry is well beyond what some might consider a pilot phase and has significant sources of job diversity for the United States.

Likewise, the solar industry estimates that up to 40,000 new jobs could actually be lost in the next 12 months if we do not extend the investment tax credit. That is right; not only do those tax credits add stimulus to the economy, we should understand that by not doing them, by not passing them, we are actually taking away economic opportunity and investment plans that people would be making this year.

Included in this package are also four energy efficiency incentives for consumers. As a Deutsche Bank report released last November said:

> Gains in efficiency will have the effect of muting the effect of expensive oil.

If we want to get consumers to go shopping, why not encourage them to buy items that will reduce their energy costs? Everybody wins when this happens. Consumers get lower bills, retailers get more economic activity, and it reduces the upward pressure on prices by mitigating demand. All of which helps the overall economy rebound faster.

This is the kind of economic stimulus we need. It helps with jobs, it helps diversify the energy industry. The clean energy industry is one of the few bright spots in an otherwise slumping economy. Unless those incentives are extended in this quarter, we are taking a risk at an even steeper downturn in an industry that saw remarkable results in 2007.

Mr. President, that's why we need to make sure we extend these critical clean energy tax incentives. I will remind my colleagues that the three times Congress let the clean energy tax incentives lapse, the wind industry saw a 75- to 93-percent decline the following year, because we were not giving them the predictability in tax incentives. So while I am very happy to make sure the public is getting the incentives in the form of rebate checks, I also want to say to my constituents that we are also putting a variety of solutions on the table, that we are trying to deal with problems that will help them not just in the near term, but also to solve the underlying problem of high energy costs that is a drag on our economy.

I know some of my colleagues will probably talk about lots of different ways we can stimulate infrastructure development, but I will say that this is about a business tax investment strategy. These clean energy incentives will stimulate billions of dollars of capital outlay now in the next 12 months, and be a huge source of new job creation.

An immediate cash infusion into the economy is necessary, but we should not lose sight of the fact that this has the additional benefit of helping us with our long-term problem.

I look forward to working with my colleagues on an extension of these clean energy incentives as part of the stimulus package, and to demonstrate the leadership and foresight that we have here in the Senate to make the right decisions about a package that will simultaneously provide us near term economic boost, prevent job loss, and help solve high energy costs.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the vote on the cloture motion just filed occur on Monday, January 28, at 4:30 p.m.; that the requirements of rule XXII be waived; that if cloture is invoked, all postcloture time during a recess or adjournment would be counted.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Also, Mr. President, when we get the vote, the vote be deemed as having occurred at 12 noon on Monday, January 28.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, at the direction of the majority leader, I announce there will be no further votes today. The next vote is scheduled for 4:30 on Monday. It will be a cloture motion filed by Senator MCCONNELL relative to the bill on the Foreign Intelligence Surveillance Act.

The Senate will be in session tomorrow at 9:30 for morning business and debate. Members who care to may come to the floor to discuss issues of their choosing. I would say on behalf of the majority leader as well our frustration that we have reached this point. We have a deadline of February 1 to enact this new FISA act. The President has argued he needs this to keep America safe. We have offered to the Republican side an extension of the current law so that the President would be able to continue this policy and program uninterrupted for a month, several months, as long as a year and a half, and we have been rejected. The Republican leadership on the floor has argued they do not want to extend this program as we try to work out differences on the issue of the liability of telephone companies that provided information to the Federal Government. That is unfortunate.

It is also unfortunate that we had Members of the Senate come to the floor in good faith to offer amendments to this bill. I can tell you, having spoken to those on our side of the aisle, each of the amendments was prepared and offered to the Republican side for their review, no surprises. We understood that they would offer their own amendments in response. That is certainly proper. It would engage the Senate in debate on some very important issues relative to national security. But it was the decision of the Republican leadership they wanted no amendments, they wanted no debate. They wanted the President's version of this bill, take it or leave it. They would rather run the risk of closing down this program of surveillance of terrorists than perhaps give us a chance for a few amendments to be debated and voted on in the next 24 hours. That is an unfortunate start to the 2008 Senate session.

In the last year of the Senate, the Republicans were responsible for some 62 efforts to stop debate on the floor, 62 efforts at filibusters, which is a modern record; in fact, it is an all-time record for the Senate; 62 different occasions the Republicans engaged in filibusters to stop debate.

We were hopeful as we talked about the stimulus package and bipartisanship, working together, that things had changed. And then within a matter of hours, the Republican leadership came to the floor to stop us from having any amendments, any debate in a timely fashion on this important bill, and also to stop us from extending this bill, this law, so the President can use this program, and that America would never have its security at risk.

I think the Republicans have taken an untenable, indefensible position. They do not want the law extended so the President can use it. They do not want us to enact any revision to the law or even debate it on the off chance that there might be a change. They have taken the position it is their way or the highway.

Well, we will have a vote on Monday, an unfortunate vote that would have been avoided with a modicum of cooperation here in the Senate.

So there will be no further votes today; the first vote will be at 4:30 on Monday.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Florida). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

THE STIMULUS

Mr. HARKIN. Mr. President, I wish to take the floor for a few minutes before we adjourn today to talk about the economy and about this stimulus package we are hearing the House is developing and will send over here some time in the next few weeks.

I must say, first, it is clear that there is a downturn in the economy that is causing a lot of anxiety among all Americans. It is clear we need to do something. Over the last 6 years, I must admit, I have been disturbed by the lack of fiscal discipline by this White House and by this Congress, as the deficits have piled up.

Think about this: In 2001, when President Clinton left office, we had surpluses. We were going to have surpluses as far as the eye could see. We were talking about paying down the national debt, saving our Social Security system. That all changed. It all changed because the new President came in and said: What is more important than paying down the debt, paying our bills, putting us on a sound fiscal basis? What is more important than that is tax cuts for the wealthiest people in our country. Oh, sure, everybody got a little bit, but a lion's share of it went to the wealthiest in our country.

I guess I shouldn't have been too surprised. The President's philosophy has always been one of trickle down, trickle-down economics. How many times do we have to keep enduring trickle-down economics when time after time we know it does not work? It may give you a little bit of a good feeling for awhile, but it always leads to disastrous consequences.

So that is what we had in 2001. We had trickle down, give the most to the wealthiest in the country; it will trickle down to everybody. It didn't trickle down. What it did was widen the gap between the rich and the poor. The very highest income earners in our country have gotten wealthy beyond Midas' imagination and the rest are down here, and the poor have gotten poorer and they have gotten to be a bigger part of our population. Children in poverty have gone up since 2001.

I suppose it was a nice dinner party for those who were at the top of the ladder for the last 5, 6 years, a wonderful ride, but look what it has led to. Now we have these huge deficits. The debt has piled up. We are now stuck in a war in Iraq that is costing us $10 billion to $12 billion a month, with no end in sight. Still we have these big tax cuts for the very wealthy going on and on.

Again, here we are. And, now we have a downturn. What do we do? We have to do something. There are times when deficit spending in the short term is prudent and necessary. That is when there is an economic downturn. But during the times when the economy is sound, that is when you ought to be paying down your debts. When the economy was sound for the last few years, we gave it all away. We gave it away, again, mostly to the wealthiest in our country. Now we are in a situation in which we want to ward off a deep recession.

Recessions always hurt those at the bottom worst. And now we are going to have to, because we don't have any money, do it with deficit spending, which I don't like, but we are going to have to do it.

I think it behooves us if, in fact, we are going to have to ask our grandkids and great-grandkids to pay the bill—that is what the national debt is; they have to pay it—if we are going to borrow from them for right now to get us through a recession, then we ought to be prudent about what we do with that money and how we do it.

I guess from my standpoint, taking a bunch of money and throwing it out there is not the way to do it. Don't throw money at the problem. That is why I have very serious reservations about what I hear coming from the other body. We haven't seen anything. All I know is what I read in the paper and see on the news and what I hear about what the White House is doing.

I have no doubt the House is acting in good faith. I am all for a bipartisan solution. But I remind both the President and my colleagues that we in the Senate are going to have some say-so in shaping the final stimulus package. Any bill that comes from the House is going to be fully amendable here, and I intend to be here with a number of my colleagues to amend it if what I hear is coming from the House, and that is mainly a rebate. I don't know what the parameters are of the rebate. That is to be decided yet. But I hear the rebate can go to couples making $150,000 a year. I guess when you figure out what the average income of Americans is, that is pretty high.

Everybody likes free money. Hey, come on, everybody likes to have the Government send them a check. Why not? I repeat, if we are going to borrow money from our grandkids and great-grandkids, let's be prudent about it. Let's put the money where it is most effective and where it is most needed, and that is not some kind of a general rebate for people.

We have unemployment rising, house prices are falling, and the home construction industry is in a severe slump. That affects everything, not just the house that is going to be built or is not being built. That is the window manufacturers, the tubing, the piping, the plumbing, the heating and air conditioning, and everything else down the line.

That is a real factor, something about which we should be concerned. Furniture makers, appliance makers, so many are also affected. Millions of Americans face the prospect of foreclosure, losing their homes. Banks are tightening their lending requirements. New credit is drying up. Even as the Fed reduces their interest rates, banks are tightening up the requirements. And who always gets hit the hardest? You got it, low-income people.

Prices are rising. I need not tell everybody about the rising price of fuel. But I also have to tell you that in many cities in this country, the price of a gallon of milk is higher than a gallon of gasoline. I read where somebody said once a price of gasoline may not affect a lot of low-income people because they ride mass transit and they don't have a car. They eat. And when the price of a gallon of milk is higher than a price of a gallon of gasoline, you don't have much choice.

If a gallon of gasoline is high and you don't like it, I supposed you can ride mass transit, ride a bicycle, or walk. If you are hungry, you have to have food. I don't know any substitute yet for food.

We need a stimulus package, but we have to get it right, targeted to those who have been hit the hardest and invest in the growth in the U.S. economy. Don't think about this as a one-time thing, if we spend a lot of money now that will get us through it. If you have someone who makes $150,000 a couple or $75,000 for, let's say, a single person, you give them 600 or 700 bucks, what they are talking about, I think studies have shown a big portion of that will be saved. There is nothing wrong with that. That is fine. I am all for saving. People ought to save more. But another portion of that will be used to pay past bills, and another portion of that, guess what, is going to be used to buy things. One might say: That is the deal, we want people to buy things; that is the idea of a stimulus. Yes, but what are they going to buy? Are they going to buy a new flat-screen TV made in China? Are they going to buy a new electronic game made overseas? So many of those items are made in foreign countries, so a lot of money will flow from here right to China, Japan, Korea, or who knows where else.

You can buy clothes. Most of our clothes are made overseas. You can buy a pair of shoes. We don't make many shoes here anymore. I am saying you have to think about who is getting helped and where is the money going, and is it going to help build the structure of America and make for our economy to be sound.

On that score, the proposal I see from the House does not quite do it. There are three big items, as I understand, that they leave out. The first is food stamps. I was in my office today listening and I heard some speakers on the floor talk about all we need in a stimulus package. Some of them never even mentioned food stamps, and yet these are the people hit the hardest by a recession. We know the multiplier effect of food stamps is better than any other single program in which we can invest. Here is a chart that indicates that. This is prepared by Moody's Economy. It is not a Government source. Here are the proposals that deliver the demand generated by $1 of stimulus. For $1 of stimulus, what do you get back? For business investment writeoffs, if you invest $1, you get 27 cents; extend the Bush tax cuts, you get 29 cents. Who is going to invest a dollar to get back 29 cents, I ask you. Then income tax cuts, payroll tax rebates, aid to States, unemployment, food stamps, a $1.73 multiplier effect for every dollar you put in. These are the people hit the hardest. We know food prices are extremely high. A gallon of milk is more than a gallon of gasoline. There is no substitute for food.

It seems to me that if we are going to invest in a stimulus package, this is a key place where we ought to be investing our money. Not only does it help the poorest in our Nation, to give them the food they need, but think about it in another way. When you give someone food stamps, they can't spend it on a flat-screen TV made in China, they can't spend it on a new electronic game or an iPod; it has to be food. For the most part, most of that food is grown in the United States, it is processed in the United States, it is packaged in the United States, it is shipped in the United States, and it is sold in stores in the United States. And, they will spend it all. That is why the multiplier effect is so big.

Now, from what I hear, the House proposal has zero in it—zero—for food stamps. Well, that has to be taken care of. And when that bill comes, if it doesn't have it in here when it comes here, I, along with others—and I see my colleague from Ohio, who I know is going to be stalwart on that too—we are going to demand that any stimulus package have food stamps. Food stamps. And why shouldn't it? That is the biggest bang for the buck right there.

Now, again, everybody likes rebates and stuff. Maybe I am a little more conservative on this issue than others and I see it in those terms, that we have to be very careful about how we are spending deficit money. Put it here and it gets spent and it will go for everything made in the United States. You get a big multiplier effect on that. And it has to be a distinct change.

Here is what I would propose that we do on food stamps. First of all, raise the asset level for which you qualify for food stamps. Right now, it is $2,000. Let me make it very clear what I mean by that. Let's say that you are a single parent, you are working at a low-income job, and you temporarily get unemployed, which is what is happening now because unemployment goes up in a recession, and you find it necessary to get food stamps for your children. If you have $2,000 that you have salted away in a savings account, in a 401(k), no matter what, if you have $2,000 salted away, you don't get food stamps.

Now, that level was set in 1977—in 1977. What if that had just kept pace with inflation through all these years? What if we had the same asset level exclusion today in real dollar terms as we had in 1977? What would it be? I will tell you right now. It would be about $6,000. So what we are saying to food stamp recipients today is: You are worse off, you are worse off than a food stamp recipient was in 1977. So the first thing we have to do is raise the asset level for which you qualify for food stamps, and we ought to raise it up to what the level would be had it kept pace with inflation, and that is roughly in the neighborhood of about $6,000. Imagine that, $6,000.

We want poor people to save. One of the reasons people get stuck in poverty is they do not save any money. Yet we tell them: If you save and you hit a rough patch and you get unemployed, guess what, no food stamps. You have to spend your savings. What kind of message does that send? So that is No. 1.

Number 2, we ought to take off the childcare cap. Take it off. Now, I will admit that the Bush administration, in their farm bill proposal they sent down, also asked that we take off the cap. So there shouldn't be any argument there. So if you have to have childcare, whatever you spend for childcare is not taken into account. You get to deduct all that. You get to deduct whatever the cost of childcare is from your income. Right now, it is capped at $175 per month. That is not enough and it is very hard to work with young children with no one at home to take care of them without child care. So we shouldn't have the argument from the administration since they proposed that too.

The third thing is to exempt from your savings, from your income, anything that you put into an education account or into a 401(k). That ought to be exempt. The administration proposed that, also, so we shouldn't have any problem there.

The fourth thing we need to do is to raise the standard deduction. Now, the standard deduction is a deduction that applies to a family who depends basically on income and depends on how many kids you have. That standard deduction was set in 1996—welfare reform. Guess what. It hasn't changed since then. So the standard deduction needs to be raised to keep pace with inflation, and it needs to be indexed. We need to index both the asset level and the standard deduction so that in the future we don't have this problem anymore.

We should do those four things.

Now, the fifth thing we ought to do is to recognize that many people who get food stamps don't get enough food stamps. During an economic downturn, a lot of people rely upon our food banks to get food for the rest of the month. You can go to any food bank in your cities, anywhere, and they will tell you that the third and fourth weeks of the month is when they get hit the hardest because people run out of food and come in there to supplement their food. But our food banks are in dire need of more food. So I would suggest, modestly suggest, that we ought to put somewhere in the neighborhood of about $100 million in this stimulus package to go out—that is under the Emergency Food Assistance Program—to be able to get food to our food banks. Again, not only does this go to people who are on food stamps but also to homeless people, soup kitchens, and the things that really help the poorest people in our country. Yet this is nowhere in the stimulus package. Again, keep in mind this money would be spent for food produced in the United States, processed, packaged, and for people who work in a lot of our food banks and in our soup kitchens and places such as that.

So, again, those are five things which need to be done on food stamps.

The second thing we need to do is to extend unemployment benefits. Second only to food stamps, unemployment benefits give you the biggest return on every dollar—$1.64 for every dollar spent. After all, isn't that what we are talking about, people who have been on unemployment but their benefits have run out? They should be extended. I mean, common compassion would tell you they ought to be extended, but common sense should also tell you that too. In a stimulus package, we ought to extend our unemployment benefits for those who no longer have jobs. Yet, as I hear about and read about the House package, that is not there. That is not there.

Now, the third thing we have to do is invest in the future structure of America so that we have some investments that will lead to a better economic footing for this country. As I said, and I will repeat myself for emphasis' sake, if we just give someone money and they spend it on a flat-screen TV made overseas, some of that helps here, but a lot of it doesn't. What is there that we can invest in that will put people to work right away, spend money in this country, and most of the money stays right here in America? What that means is infrastructure money. That is money that goes out for repairing our roads and bridges and sewer and water systems, school construction and weatherization.

There was some talk that we need to put money in here for LIHEAP, the Low Income Home Energy Assistance Program. It is a vital program. It helps a lot of low-income elderly heat their homes during the winter and, in the South, cool their homes in the summer. We ought to be putting money into weatherization programs for insulation and things such as that for these homes as well to save for the long term and also to create jobs. It puts people to work.

I actually did a workday once with a weatherization group, and when you think about it, you get this done, and then their heating bills for the next 5 to 10 years will be lower. That is what we need, to invest in the infrastructure of our country.

Right now, I know that in the Department of Agriculture, we have over $1 billion backlogged right now for just sewer and water projects, just sewer and water programs. Many are ready to go with all of the plans that are there, designs all set, but they just don't have the money. Small towns and communities could benefit from this, and it would put a lot of people to work. School construction—so many of our schools have outdated heating systems that cost a lot of money every year. They may need to expand, or they may need new fire and safety materials. Sometimes they just need to build new schools. A lot of these are ready to go. Why not invest the money there? Roads and bridges, our interstate highways and bridge rehabilitation projects that are ready to go, courthouses that need to be built with the plans done but are waiting for funds. People could be at work on these by this summer. Some time government will be paying for these projects. Why not do the work this year when it will help a weak economy?

I hope people don't get deluded into thinking that all we have to do is pass $150 billion, throw it out there in the next couple of months, and it is all over with. That is not going to happen. Better we do it carefully. If we can get this money out by this summer and put people to work, it would be one of the best things we could do.

Again, keep in mind, when you give aid to the States for infrastructure—think about this—put a new roof or remodel the school or whatever—think about this—the work is all done here. You can't outsource that. So the work is done here, the people who work here are paid here, and they spend their money here.

Secondly, most of the materials that go into construction are made in America—your lights, your heating, your wiring, your drywall, windows, doors, and rerods. When you think about it, it is almost all made in America. There may be some things made elsewhere, but probably 90 percent of all the construction materials we use in this country are made in America. That is why this multiplier effect is so big. So not only do you employ people here, who spend their money here and help their families out, you are buying materials that are made somewhere else in America. That helps those jobs and helps those people go to work, whether it is making windows or doors or floors or faucets or piping or wiring or lightbulbs or whatever it might be.

So that is why I say that what I hear about coming from the House I think really misses the point. It misses the point. Don't just throw money at the problem. Don't just throw money at it. And don't throw money at it in a way that people who make a lot more money than poor people get a bigger piece of the pie. Let's put it where it really has an effect—food stamps, unemployment benefits, and investment in needed infrastructure. If we just did those three things, that would do more to stop a recession in this country than anything we could do, and it would do more to build for the future—to build for the future—than anything else we could do.

So I hope, Mr. President, we get a better package than what I am reading about. I hope when it comes over here that we will have it on the floor, it will be open, and we will be able to offer amendments, and I hope we can be heard on this and we can offer these amendments to try to focus this where it is really needed. To me, that is what a stimulus package ought to be about. No more trickle down. No more just throwing money out there.

Everybody loves free money. What the heck, everybody loves free money. That is not the point. The point is, we are borrowing from our kids and grandkids. We ought to treat it carefully, be conservative about it, and we ought to do what will get the most bang for the buck and lead to a more sound economy in this country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, first of all, I thank the Senator from Iowa for his terrific work on advocating for those who are most victimized by this recession, the elderly who need help on their heating and weatherization of their homes, the people who need food stamps, people who have lost their jobs, people who have lost their health insurance, people who are struggling the most. I wish to thank Senator HARKIN for his work.

I wish to tell a story that I think illustrates the hardship among middle-class Americans, middle-class Ohioans, people who have worked hard, played by the rules, have seen their unemployment run out, or seen their job lost or seen the prices of gasoline and home heating and food go so high that they cannot afford the middle-class lifestyle or even the subsistence living that has afflicted their lives.

I mentioned this story on the floor a couple times, but it so much illustrates Senator HARKIN's words and Senator HARKIN's solutions of extending unemployment, that gets money in people's pockets quickly; of helping with food banks and food stamps and LIHEAP and all that.

Congress's response needs to be twofold. We need to stimulate the economy, and the House version is a start, it is a good start, and we need to help those who are most victimized by the recession.

In Logan, OH, in Hocking County, a county halfway between Columbus in Central Ohio and Athens on the Ohio River, in Logan, OH, a southeast Appalachian county, on a cold December day about a month ago, at 3:30 in the morning people began to line up outside the United Methodist in Logan, the county seat of Hocking County, to get food. It was 3:30 in the morning on a cold winter day. By 8 o'clock, cars were snaked around the church and the neighborhood and up and down the streets when the food panty opened. By 1 o'clock in the afternoon, 2,000 people—2,000 people in a county of about 30,000—7 percent of the county, had come to this food pantry.

Many of those in this county had driven 20, 25 or 30 minutes to get there, a county that has had problems in the past but a county where that food bank served only a few dozen people 3 or 4 or 5 years ago.

Across the State, in Warren County, a relatively affluent community overall, a larger county northeast of Cincinnati down in southwest Ohio, the head of the United Way told me 90 percent of their people who come to their food pantries in their county, 90 percent of the people have jobs.

The mayor of Denver told a group of us, the Presiding Officer was there, that 40 percent of the homeless people in greater Denver are employed. Underemployed, perhaps, employed obviously in low-wage jobs.

Tim, a gentleman from Cleveland, used to donate time and money to the local food bank and soup kitchen. He is still employed, but the costs were consuming him and his family. He quit giving money to the food bank but continued to volunteer there. Now he is in a position where he relies on those resources himself. He said he used to be middle class, but he does not consider himself middle class any more because his wages have not kept pace with the cost of basic needs such as food, heat, and shelter.

He spoke of the great humility it took to go to the food bank for his own household. He said it is merely a drop in the bucket compared to what his family needs.

Today my office received an alarming e-mail from Ohio's Second Harvest. Second Harvest is a group of food banks that serve our State. The e-mail mail explained that Second Harvest Food Bank of Southeastern Ohio, which serves the area where Logan is, the community I mentioned earlier, is nearly out of food. For the fourth time in just over a year, the e-mail said, they have come very close to closing their doors; there is no relief in sight.

This problem is not unique to Ohio, it is affecting cities all over this country. It is affecting rural areas, large cities, small towns, and suburbs. No community seems to be immune from this.

That is why our efforts are so very important. Senator HARKIN had a chart that showed the importance of putting money directly into the pockets of those who are most afflicted by this recession. That means people who go to food banks; it means people on food stamps; it means people who have problems paying their heating bill; it means people whose unemployment has run out.

I appreciate the House action. As I said, the House has a good start, putting money into the pockets directly of middle-class taxpayers, of working families. But we need to do more. The best thing we can do while we want to stimulate the economy, the best thing we can do is extend unemployment compensation. Because that money will be spent by those people who are hurting because they lost their job, they cannot find work, and their unemployment has run out.

Our proposal of $40 million that I introduced back in December may need to be more than that, but that would be a good start, to get people over December, January, February as these food banks have run out of food. That $40 million spread around the country will matter, as these food banks say they are in the worst shape than any time in the last 20 years. They are in worse shape because grocery stores donate less because they are more efficient, they damage fewer cans, they have less oversupply or waste that they donated to food banks in the past.

Obviously, the demand on these food banks is so much greater than it has been. Again, I would also add that donations are down in January. They always are after Christmas. People, as generous as they are at Christmas, sometimes sort of forget in January, so they are not getting help from the individuals and the community. Of course, the demands on those food banks are higher.

So that stimulus package, while a good start in the House, putting money in the pockets of middle-class Americans and working Americans, needs to go further and needing to go further is helping the most afflicted, pained, the people who need it most and have been victims of this recession.

As Senator HARKIN said, that money will then be spent in our communities with American-made products and will have a very good multiplying effect for jump-starting our economy.

No one should go hungry in the richest country in the world. We are spending $3 billion a week on the war in Iraq. The tax cuts the President gave over the last 6 years resulted in huge numbers of dollars to the richest people, the richest 1 percent in this country. It is time we dealt with some of the problems that are hurting people in Steubenville and Lima and Zanesville and Dayton and Cleveland and Akron and Youngstown and Warren in my State.

So I ask, as this bill comes to the Senate after House passage, that we look seriously at the proposal Senator HARKIN had to take care of food stamps and food banks, to extend unemployment benefits, to take care of seniors who simply cannot meet their heating bills as the winter moves on.

THE ECONOMY

Mr. SCHUMER. Mr. President, I rise to speak on the stimulus package and the progress we are making, and the further progress we must make.

As is being reported, this morning the House is very close—probably already there—on a bipartisan stimulus package. This in itself is good news. Our economy is in poor shape. It is not simply the housing markets—where this started—but it is also now consumer spending. As housing prices go down, because of the subprime crisis, consumers spend less, and it also creates a credit freeze. Now we are finding credit problems not only in subprime loans and subprime securities but also with the insurers, the insurance, the mortgage and other insurers, which makes the markets wonder: Are there credit problems elsewhere, which is the most frightening issue we might have.

With all of this happening, Chairman Bernanke's swift action made a good deal of sense. But it must be matched by swift action by the executive branch of Government and the legislative branch of Government in putting together a stimulus package. I think the package—I have always said, and I think most Democrats and Republicans would agree—the centerpiece ought to be a tax cut, a tax refund check sent to the middle class.

It is the middle class that needs the help. It is the middle class that would spend it the most quickly. It makes a great deal of sense. It also makes sense to send it to those who are the working poor—not quite middle class—for the same reasons, even if they do not pay an income tax. It also makes sense to send those checks to people on Social Security who would file a tax return but might not pay even a payroll tax.

The bill the House has done in terms of the centerpiece is very good progress. It has taken the tax rebate checks and aimed them right at the middle class, where it should be, whereas the President's proposal aimed them significantly higher. In the President's initial proposal, someone making $300,000 or $400,000 a year would get the full rebate, and families earning between $30,000 or $40,000 would get less than the full amount, or nothing at all. So that is great progress.

I salute the House and Speaker PELOSI and Secretary Paulson and Minority Leader BOEHNER for their progress. But the package is not complete. While it is a very good first step, we need to move a little further. One of the things many of us on this side have always felt is that spending stimuli are necessary. Most importantly—for efficiency reasons, to get the economy moving—the rebate tax checks will not get into people's hands until May, at the earliest, maybe June, or maybe even July. Some say they will spend the money in anticipation of those checks but not very many. Rebate tax checks, while they do have a very significant effect on boosting the economy, do not come close to being as efficient as unemployment insurance and lengthening the time, and maybe changing and expanding the benefit temporarily.

CBO—nonpartisan—estimates for every $1 you spend on unemployment insurance, you get a $1.64 boost to the economy. That is great. That is phenomenal. For every $1 you spend on a tax refund—it is still very good, and still should be done—it is only $1.26.

We have always felt, again, that there ought to be two bookends, one on each side of the centerpiece on tax spending refunds. One should be business tax cuts. They should be aimed to be speedy and quick, but they should be balanced off by some spending stimuli.

The House bill does not have spending stimuli, and it is something I believe many of my colleagues—certainly myself—are going to try very hard to add to the package. Those spending stimuli should focus on employment insurance but could be for other things: money for summer jobs; money, if it can be spent quickly, for infrastructure; money for nutrition assistance, things such as that. I think that will add more balance to the package, but it will also make it more effective as a tool to stimulate the economy.

The second change I think we need is a focus on the housing prices. I salute my colleagues in the House—Speaker PELOSI, Congressman FRANK—because they worked hard to add some things we have been talking about for a long time to deal with the housing crisis, the conforming loan limit, and FHA reform. Those are very good and important because, after all, if the housing crisis is at the center of our problems, to ignore it, to work around it, is not doing everything we can to help eliminate or at least reduce the severity of a recession.

There are some other issues we should consider looking at as we move the bill in the Senate. Most importantly, dollars—some spending; it will not be very much, actually, but some spending for counseling, foreclosure avoidance counseling, which could prevent tens of thousands, hundreds of thousands of homes from being foreclosed on unnecessarily. There are many people in these homes who do have the ability to refinance given their income, given their FICO scores, but there is no one there to help them do it because the banks are no longer on the scene. These counselors would work. Secretary Paulson has told me the administration has no problem with this kind of proposal.

We did put $180 million in the last omnibus budget bill. Senator CASEY, Senator BROWN, myself, with Senator MURRAY's great help, spearheaded the charge on that. But we should do more. We should look at other housing additions as well. Again, they will have to be broadly supported, bipartisan, and not hold up the package.

Finally, the third aspect we should talk about is we do need a second stimulus package to look at the long-range problems. We have many different structural problems in the economy now. A long-range package that would focus more on infrastructure, on trade adjustment assistance, on reforming unemployment insurance, and many other things, is very much needed. On the business side, too, tax credits for energy, for instance, for clean energy and green energy, are something we should seriously consider.

The third point I would make—and this is not at all a criticism of the House because we always intended there be a first package that is quick, gets into the economy quickly, does not create controversy—we need a second package aimed at the longer term.

In conclusion, this is a very good start. Again, I particularly salute Speaker PELOSI and the House Democratic leadership for so improving the President's proposal on the tax refund. I also salute Minority Leader BOEHNER and his Republican colleagues for working so closely with the Democratic leadership on this issue.

But we do need more. We need some spending stimuli. We need more done to deal with the housing crisis, which is at the center of these economic troubled times. And we do need a long-range package that aims at the structural problems in the economy. If we can do that, and add on to the great start that has been made by the House, we will have done the right thing in a bipartisan way to move this country forward and avoid a recession—unlikely, but it may be possible; let's hope and pray—certainly a deep and long recession that would hurt so many people and families.

RECONCILIATION IN THE REPUBLIC OF GEORGIA

Mr. BIDEN. Mr. President, on Sunday, January 20, Mikhail Saakashvili was reinaugurated as President of the Republic of Georgia. He won an election that the Organization for Security and Cooperation in Europe, OSCE, referred to as "the first genuinely competitive presidential election in the country, enabling the Georgian people to express their political choice." I wish President Saakashvili and the people of Georgia well.

President Saakashvili's program of reform and integration into Euro-Atlantic institutions, such as NATO, depends on the strength of Georgia's democracy. At the same time, membership in those institutions will reinforce and protect Georgia's democracy.

When I spoke with President Saakashvili in November, I was confident that he understood the close connection between these two goals. In order to achieve them, reconciliation between the President and his political opponents is essential.

Despite the findings of OSCE international monitors, the Georgian opposition repudiated the election's results and took to the street. In 16 years of independence there has never been a peaceful transfer of power in Georgia. Perhaps the time has come to move the debate off the street and into Parliament.

In my 35 years in the Senate, I have seen just how powerful a vehicle for change a democratically elected body can be. I hope the opposition parties will focus their energies on April's parliamentary elections, reinvigorating the Parliament and promoting progress from within.

On the same day that they gathered to elect a President, 73 percent of the Georgian electorate affirmed their interest in Georgia joining NATO. I support their aspirations and I am confident that the people of Georgia, united by a sense of common purpose, can and will realize their full potential and achieve great things.

BUDGET SCOREKEEPING REPORT

Mr. CONRAD. Mr. President, I rise to submit to the Senate the fourth budget scorekeeping report for the 2008 budget resolution. The report, which covers fiscal year 2008, was prepared by the Congressional Budget Office pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended.

The report shows the effect of congressional action through January 23, 2008, and includes legislation that was enacted and or cleared for the President's signature since I filed my last report for fiscal year 2008. The new legislation includes:

P.L. 110-53, Implementing Recommendations of the 9/11 Commission Act of 2007;

P.L. 110-84, the College Cost Reduction and Access Act;

P.L. 110-85, the Food and Drug Administration Amendments Act of 2007;

P.L. 110-89, an act to extend the trade adjustment assistance program under the Trade Act of 1974 for 3 months;

P.L. 110-90, the TMA, Abstinence Education, and QI Programs Extension Act of 2007;

P.L. 110-114, the Water Resources Development Act of 2007;

P.L. 110-116; the Department of Defense Appropriations Act, 2008;

P.L. 110-135, the Fair Treatment for Experienced Pilots Act;

P.L. 110-138, the United States-Peru Trade Promotion Agreement Implementation Act;

P.L. 110-140, the Energy Independence and Security Act of 2007;

P.L. 110-142, the Mortgage Forgiveness Debt Relief Act of 2007;

P.L. 110-150, a bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research;

P.L. 110-160, the Terrorism Risk Insurance Program Reauthorization Act of 2007;

P.L. 110-161, the Consolidated Appropriations Act, 2008;

P.L. 110-166, the Tax Increase Prevention Act of 2007;

P.L. 110-173, the Medicare, Medicaid, and SCHIP Extension Act of 2007;

P.L. 110-175, the OPEN Government Act of 2007; and

H.R. 4986—pending Presidential action as of January 22, 2008—the National Defense Authorization Act for Fiscal Year 2008.

The estimates of budget authority, outlays, and revenues used in the report are consistent with the technical and economic assumptions of S. Con Res. 21, the 2008 budget resolution.

The estimates show that current level spending is below the budget resolution by $24.4 billion for budget authority and $13.5 billion for outlays while current level revenues are below the budget resolution level by $19 billion.

I ask unanimous consent that the letter and accompanying tables from CBO be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 24, 2008.

Hon. KENT CONRAD,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2008 budget and is current through January 23, 2008. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, as approved by the Senate and the House of Representatives.

Pursuant to section 204(a) of S. Con. Res. 21, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 1 of Table 2 of the report).

Since my last letter, dated July 26, 2007, the Congress has cleared and the President has signed the following acts that affect budget authority, outlays, or revenues for fiscal year 2008: Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53); College Cost Reduction and Access Act (Public Law 110–84); Food and Drug Administration Amendments Act of 2007 (Public Law 110–85); An act to extend the trade adjustment assistance program under the Trade Act of 1974 for three months (Public Law 110–89); TMA, Abstinence Education, and QI Programs Extension Act of 2007 (Public Law 110–90); Water Resources Development Act of 2007 (Public Law 110–114); Department of Defense Appropriations Act, 2008 (Public Law 110–116); Fair Treatment for Experienced Pilots Act (Public Law 110–135); United States-Peru Trade Promotion Agreement Implementation Act (Public Law 110–138); Energy Independence and Security Act of 2007 (Public Law 110–140); Mortgage Forgiveness Debt Relief Act of 2007 (Public Law 110–142); A bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research (Public Law 110–150); Terrorism Risk Insurance Program Reauthorization Act of 2007 (Public Law 110–160); Consolidated Appropriations Act, 2008 (Public Law 110–161); Tax Increase Prevention Act of 2007 (Public Law 110–166); Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173); and OPEN Government Act of 2007 (Public Law 110–175).

In addition, the Congress has cleared the National Defense Authorization Act for Fiscal Year 2008 (H.R. 4986) for the President's signature.

The effects of those actions are detailed on Table 2.

Sincerely,

ROBERT A. SUNSHINE
(for Peter R. Orszag, Director.)

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2008, AS OF JANUARY 23, 2008

(In billions of dollars)

	Budget resolution[1]	Current level[2]	Current level over/under (-) resolution
ON-BUDGET			
Budget Authority	2,357.5	2,333.0	−24.4
Outlays	2,359.6	2,346.2	−13.5
Revenues	2,019.6	2,000.7	−19.0
OFF-BUDGET			
Social Security Outlays[3]	460.2	460.2	0.0
Social Security Revenues	669.0	669.0	0.0

[1] S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, as adjusted pursuant to section 207(f), assumed approximately $0.6 billion in budget authority and $48.6 billion in outlays from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in P.L. 110–28 (see footnote 1 of table 2), budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

Additionally, section 207(c)(2)(E) of S. Con. Res. 21 assumed $145.2 billion in budget authority and $65.8 billion in outlays for overseas deployment and related activities. Pending action by the Senate Committee on Appropriations, the Senate Committee on the Budget has directed that these amounts be excluded from the budget resolution aggregates in the current level report.

[2] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2008, AS OF JANUARY 23, 2008

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	n.a.	n.a.	2,050,796
Permanents and other spending legislation	1,410,115	1,352,183	n.a.
Appropriation legislation	0	420,888	n.a.
Offsetting receipts	−575,635	−575,635	n.a.
Total, enacted in previous sessions	834,480	1,197,436	2,050,796
Enacted this Congress:			
Authorizing Legislation:			
An act to extend the authorities of the Andean Trade Preference Act until February 29, 2008 (P.L. 110–42)	0	0	−41
A bill to provide for the extension of Transitional Medical Assistance (TMA) and the Abstinence Education Program through the end of fiscal year 2007, and for other purposes (P.L. 110–48)	96	99	0
A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes (P.L. 110–52)	0	0	−2
Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110–53)	0	−425	0
College Cost Reduction and Access Act (P.L. 110–84)	−326	−992	0
Food and Drug Administration Amendments Act of 2007 (P.L. 110–85)	−3	−3	0
An act to extend the trade adjustment assistance program under the Trade Act of 1974 for 3 months (P.L. 110–89)	9	9	0
TMA, Abstinence Education, and QI Programs Extension Act of 2007 (P.L. 110–90)	815	804	0
Water Resources Development Act of 2007 (P.L. 110–114)	−1	−1	0
Fair Treatment for Experienced Pilots Act (P.L. 110–135)	0	−9	0
United States-Peru Trade Promotion Agreement Implementation Act (P.L. 110–138)	4	4	−20
Energy Independence and Security Act of 2007 (P.L. 110–140)	66	64	1,016
Mortgage Forgiveness Debt Relief Act of 2007 (P.L. 110–142)	0	0	−162
A bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research (P.L. 110–150)	0	−2	0
Terrorism Risk Insurance Program Reauthorization Act of 2007 (P.L. 110–160)	200	200	0
Tax Increase Prevention Act of 2007 (P.L. 110–166)	0	0	−50,593
Medicare, Medicaid, and SCHIP Extension Act of 2007 (P.L. 110–173)	3,465	4,644	0
OPEN Government Act of 2007 (P.L. 110–175)	−2	−2	0
Total, authorizing legislation enacted in this Congress	4,323	4,390	−49,802
Appropriations Acts:			
U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28)[1]	1	42	−335
Department of Defense Appropriations Act, 2008 (P.L. 110–116)[1]	459,550	311,596	0
Consolidated Appropriations Act, 2008 (P.L. 110–161)[1]	1,041,512	831,744	0
Total, appropriations acts enacted in this Congress	1,501,063	1,143,382	−335
Passed, pending signature:			
National Defense Authorization Act for Fiscal Year 2008 (H.R. 4986)	−6	−31	2
Entitlements and mandatories:			
Budget resolution estimates of appropriated entitlements and other mandatory programs	−6,825	1,013	0
Total Current Level[1,2]	2,333,035	2,346,190	2,000,661
Total Budget Resolution[3]	2,503,226	2,474,039	2,019,643
Adjustment to the budget resolution for emergency requirements[4]	−605	−48,639	n.a.
Adjustment to the budget resolution pursuant to section 207(c)(2)(E)[5]	−145,162	−65,754	n.a.
Adjusted Budget Resolution	2,357,459	2,359,646	2,019,643
Current Level Over Adjusted Budget Resolution	n.a.	n.a.	n.a.
Current Level Under Adjusted Budget Resolution	24,424	13,456	18,982

[1] Pursuant to section 204(a) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2008, which are not included in the current level total, are as follows:

U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28)	605	48,639	n.a.
An act making continuing appropriations for the fiscal year 2008, and for other purposes (P.L. 110–92)	5,200	1,024	n.a.
Department of Defense Appropriations Act, 2008 (P.L. 110–116)	11,630	1,047	n.a.
Further Continuing Appropriations, 2008 (P.L. 110–116, Division B)	6,400	1,369	n.a.
Consolidated Appropriations Act, 2008 (P.L. 110–161)	81,125	40,568	n.a.
Total, enacted emergency requirements	104,960	92,647	n.a.

[2] For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

[3] Periodically, the Senate Committee on the Budget revises the totals in S. Con. Res. 21, pursuant to various provisions of the resolution:

Original Budget Resolution	2,496,028	2,469,636	2,015,858
Revisions:			
To reflect the difference between the assumed and actual nonemergency supplemental appropriations for fiscal year 2007 (section 207(f))	−71	−1,421	−17
For extension of the Transitional Medical Assistance (TMA) program (section 320(c))	96	99	0
State Children's Health Insurance Program (SCHIP) (section 301)	7,237	2,055	6,243
For the College Cost Reduction and Access Act (section 306)	−176	−842	0
Revision to State Children's Health Insurance Program (SCHIP) (section 301)	−7,237	−2,055	−6,243
Further revision to State Children's Health Insurance Program (SCHIP) (section 301)	9,098	2,412	6,210
Further revision to State Children's Health Insurance Program (SCHIP) (section 301)	−9,098	−2,412	−6,210
Further revision to State Children's Health Insurance Program (SCHIP) (section 301)	9,332	2,386	6,210
For the Farm Bill (Section 307)	3,624	1,690	2,784
For the Energy Independence and Security Act of 2007 (section 308(a))	66	64	1,016
For the National Defense Authorization Act for Fiscal Year 2008 (section 302)	−15	−112	2
For the Terrorism Risk Insurance Program Reauthorization Act of 2007 (section 310)	200	200	0
For the Medicare, Medicaid, and SCHIP Extension Act of 2007 (sections 301(a), 304(b)(2), 320(a), and 320(c))	3,465	4,644	0
Further revision for the National Defense Authorization Act for Fiscal Year 2008 (section 302)	15	112	−2
Further revision for the National Defense Authorization Act for Fiscal Year 2008 (section 302)	−6	−31	2
Further revision to State Children's Health Insurance Program (SCHIP) (section 301)	−9,332	−2,386	−6,210
Revised Budget Resolution	2,503,226	2,474,039	2,019,643

[4] S. Con. Res. 21, as adjusted pursuant to section 207(f), assumed $605 million in budget authority and $48,639 million in outlays from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in P.L. 110–28 (see footnote 1), budget authority and outlay totals specified in the budget resolution also have been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

[5] Section 207(c)(2)(E) of S. Con. Res. 21 assumed $145,162 million in budget authority and $65,754 million in outlays for overseas deployment and related activities. Pending action by the Senate Committee on Appropriations, the Senate Committee on the Budget has directed that these amounts be excluded from the budget resolution aggregates in the current level report.

Source: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

THE MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I wish to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On September 22, 2007, Matthew Shetima was walking through an alley in Farmington, NM, when he encountered three men. Shetima, a gay man, claims that Scott Thompson, 21, Jerry Paul, 40, and Craig Yazzie, 37, all from New Mexico, called him over as he walked by the men. According to the police report, the three men began to hit Shetima, all of them calling him derogatory names as they struck him. According to the police report, when he fell to the ground, at least one of the men asked him if he wanted to die as they continued to kick him. Shetima was then pulled into the hotel room the three men were staying in, where the assault continued. Fortunately, Shetima was able to escape. The district attorney prosecuting the case is seeking sentencing enhancements for all three men under New Mexico's hate crime law.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

MICHIGAN TECH'S TUITION OFFER

Mr. LEVIN. Mr. President, Michigan Technological University's recent decision to offer in State tuition to the children or spouse of anyone on active military duty, regardless of their State of residence, deserves our recognition and praise.

We are all deeply indebted to our men and women in uniform for their bravery and sacrifice. Michigan Tech is expressing thanks and showing support for the families of those serving in our armed services in a way that will make a real difference.

While out-of-State students at Michigan Tech pay over $21,000 for tuition, in State tuition is less than $10,000 each year. This savings will be available to the families of the 1.3 million men and women who are on Active Duty in the Air Force, Army, Coast Guard, Marines, Navy, National Guard and Reserve, as well as the National Oceanic and Atmospheric Administration and United States Public Health Service Corps. We believe that Michigan Tech is the first college or university in the Nation to extend in State tuition to the families of all military personnel serving on Active Duty.

The idea developed after an applicant to a State university in Michigan received an admission offer but was denied in State tuition even though he graduated from a Michigan high school. His father was serving on Active Duty and had been stationed in Michigan but was moved out-of-State, prompting the tuition decision. Michigan Tech's new policy would allow this student, along with many others, to receive in State tuition if admitted. Hopefully this decision will be followed by other colleges and universities as well.

The university's fight song, "Fight Tech, Fight!" includes the line: "From Northern hills we'll sound our cry, we'll ring your praises to the sky!" This is an important decision by Michigan Tech that deserves praise and, from the hills of Michigan's upper peninsula, it is a decision that will undoubtedly be heard and appreciated by military families across the country and our brave men and women stationed around the world.

U.S. WITHDRAWAL OF LETTERS TO CUBA

Mr. NELSON of Florida. Mr. President, with Florida's marine environment and tourism economy threatened by potential drilling a mere 45 miles off its coast, and a communist regime ruling Cuba, we find ourselves in a difficult situation. We must do all that we can to protect our Nation's natural treasures while at the same time emphasizing that the undemocratic Castro government has no right to speak for the people of Cuba.

That is why I have asked President Bush to withdraw the letters that the United States exchanges with Cuba every 2 years. This exchange of letters is the only thing enforcing the 1977 Maritime Boundary Agreement between the United States and Cuba, and incidentally, one of the only rationales the Castro government has for drilling just 45 miles off of our pristine coast.

We have seen what oil spills have done in other parts of the country and around the world. I am not prepared to take chances with Florida's coral reefs and other marine life, nor with the livelihoods of millions of Floridians who depend on tourism for their economic well-being. The continued exchange of these letters leaves the door open to economic and environmental disaster and the enrichment of the Castro regime.

And so, I urge the administration to join me in closing this door on disaster and to protect Florida by withdrawing these letters now. Should Cuba gain a democratically elected government as envisioned by the Cuban Liberty and

Democratic Solidarity—or LIBERTAD—Act of 1996, we could consider renegotiating our boundary agreement so that it clearly protects the environment. Until that time, however, withdrawing these letters is the best and first step towards protecting the people and environment of Florida.

ADDITIONAL STATEMENTS

RECOGNIZING THE VILLAGE OF EASTLAKE

• Mr. CARPER. Mr. President, I wish to recognize and congratulate Leon N. Weiner & Associates for their success with the Village of Eastlake in Wilmington, DE. For almost 60 years, Leon N. Weiner & Associates has been doing outstanding work for the housing industry in Delaware and surrounding areas. Their work on the Village of Eastlake has made such a positive impact that the readers of Affordable Housing Finance Magazine recently named it the Nation's best affordable home ownership development.

The Eastlake neighborhood, which was built in 1943, was locally known as "the Bucket," meaning if people lived in Eastlake, they had hit the bottom of the bucket. The 267-unit public housing development, one of many in a crime-ridden neighborhood, became dilapidated despite the best efforts of the Wilmington Housing Authority. Violent crime and drug abuse grew to proportions exceeding some of the worst per capita crime rates in the Nation. In 1997 alone, Wilmington police were called to Eastlake over 5,000 times.

After a decade of work, Leon N. Weiner & Associates transformed the site, which is about the size of three city blocks, into the Village of Eastlake, an affordable housing project consisting of 70 rental and 90 home ownership units. Furthermore, their work here has helped jumpstart additional affordable housing projects in the city of Wilmington. A nonprofit and a for-profit firm have teamed up to build 72 town homes in the neighborhood, as well.

All 90 units—62 town homes and 28 duplexes—at Eastlake consist of three bedrooms. The homes are reserved for households with widely varying incomes—as low as 26 percent of the area median income up to a high of 115 percent. Fifty-nine homes are reserved for households earning between 26 percent and 80 percent of the area median income.

The success of Eastlake could not have been reached without the added help and efforts of many other entities, including the U.S. Department of Housing and Urban Development, PNC Bank, the Federal Home Loan Bank of Pittsburgh, and the State of Delaware, which provided much needed funds.

Once again, I wish to recognize Leon N. Weiner & Associates. Their work in the Eastlake community is commendable and most deserving of Affordable Housing Finance Magazine's Reader's Choice Award. They are an invaluable asset to our community, and I wish them all the best.

On a point of personal privilege, Leon Weiner, who passed away in 2002, was a personal friend of mine for over three decades. In fact, he was one of the first people I met after enrolling in the University of Delaware's MBA program in 1973. More importantly, throughout his life he was one of the strongest voices in this country calling for the creation of affordable housing for all Americans. He fervently believed that all families need and deserve a decent place to live, and he worked tirelessly to ensure that government, the private sector, and nonprofits work together in pursuit of this goal. Unfortunately, he did not live to see one of his last dreams Eastlake become a reality, but it serves as a fitting memorable to him and to the team of dedicated men and women he led at Leon N. Weiner & Associates. Together, they demonstrated and continue to demonstrate that it is possible to do good and do well at the same time.•

RETIREMENT OF COLONEL BARBARA BRUNO

• Mr. INOUYE. Mr. President, I would like to recognize a great American and a true military hero who has honorably served our country for 26 years in the Army and Army Nurse Corps: COL Barbara J. Bruno has a true passion for nursing and served in a variety of clinical nursing and leadership positions at various Army medical facilities.

Her tremendous leadership skills led to her selection for long-term schooling to obtain an advanced degree in nursing and subsequent selection for director of the operation room nurse course. Colonel Bruno served with distinction in a series of senior leadership positions as Army nurse corps staff officer, AMEDD personnel proponency directorate, chief nurse, 30th Medical Brigade deputy commander for nursing, chief nurse 67th Combat Support Hospital personnel management officer, and chief, perioperative nursing services. In every circumstance, Colonel Bruno was recognized for her clinical excellence and loyal, dedicated, and stellar leadership.

In 2004, Colonel Bruno was appointed the deputy chief of the Army Nurse Corps. As deputy chief, Colonel Bruno developed and implemented policies and procedures that affected nearly 35,000 nursing personnel throughout the Army. She spearheaded several recruitment and retention initiatives to include the Funded Nurse Education Program, the Professional Nurse Education Program, the Registered Nurse First Assist Program, and increased capacity for the Army Enlisted Commissioning Program. Her tenacity also led to additional recruitment options and incentive pays to retain our highly qualified nurse officers. As chair of the Federal Nursing Service Council, she sponsored the development of a Federal nursing research model that focused on improved soldier readiness and patient care outcomes.

Colonel Bruno's accomplishments are eloquent testimony to her talent, dedication, loyalty, and determination to see that the best possible nursing care is always available to our soldiers, their family members, and our deserving retirees. Colonel Bruno has established a legacy of superior performance to be emulated by all, and her performance reflects greatly on herself, the U.S. Army, the Department of Defense, and the United States of America. I extend my deepest appreciation on behalf of a grateful nation for her dedicated service.

Congratulations to COL Barbara J. Bruno. I wish her Godspeed.•

TRIBUTE TO THE VANDERVLIET FAMILY

• Mr. THUNE. Mr. President, today I honor the 2008 Agri-Business Farm Family of the year. This award goes to the VanDerVliet family: Rod and Lois VanDerVliet and their children, Ryan and Sarah VanDerVliet, Lisa and Jamie Johnson, and Lori and Ryan Fods; and their grandchildren Rhegan Oberg, Tyson VanDerVliet, Weston VanDerVliet, Parker Johnson, Devin Fods, and Clara VanDerVliet.

For over 30 years the VanDerVliets have raised livestock and grain on their farm west of Colton, SD. Today, Rod's son Ryan, daughters Lisa and Lori, and son-in-law Ryan are an important part of the farm operation. Over the past several years the family has navigated the quickly changing farm industry and successfully utilized technology to ensure that the farm stays competitive and productive.

Although Rod VanDerVliet sees farms becoming more business oriented than ever, he and his family love the farming lifestyle. Rod enjoys it because of its flexibility, connection to nature, and most importantly, because it is something that involves the whole family. Ryan shares his dad's love of farming and says he "like[s] being around the animals and the farming lifestyle." Both men would like to pass this way of life on to the next generation. And, with six grandchildren under the age of six, there shouldn't be any shortage of help.

The family's hard work has passed beyond the farmyard and into the community. The children grew up participating in 4-H and FFA. Rod has served on the Colton Farmers Elevator Board for more than 20 years and the MCWC Rural Water Board; Ryan serves on the township board, and the entire family is involved in numerous community organizations and activities.

The VanDerVliets are an example of families that embody South Dakota values and form the bedrock of our great State. I am very proud to see a family-run farm successfully evolving in the changing industry while maintaining a commitment to their community and family. I commend them for this award, and I wish them continued success in the years to come.●

TRIBUTE TO LARRY HEALY

● Mr. THUNE. Mr. President, today I honor Larry Healy, who has been named the 2008 Agri-Business Citizen of the Year. Larry has been employed by Campbell Supply Company for 20 years, and currently manages one of its Sioux Falls stores. He is also actively engaged in community activities and embodies the true spirit of the American farmer.

Larry grew up in Montrose, SD, where he first worked in his father's welding and repair shop before becoming employed in the farm department at Campbell Supply in Sioux Falls. In 1990, he was promoted to store manager at the Rock Rapids, IA, store, a position in which he proudly served for 11 years.

In 2001, Larry transferred back to Sioux Falls where he continued to serve as store manager. Since then, Larry has become involved with the Sioux Falls Area Chamber of Commerce Agri-Business Division, where he has served on the Agri-Business Division Council and volunteers with Agri-Business activities.

Larry chaired the Ag Appreciation Day for 2 years and has worked with the chamber and hundreds of volunteers on events such as an event during the Sioux Empire Fair that provided a complimentary meal to approximately 5,000 area farmers. He also chaired the Ag Division in 2006–07.

Larry is proud to work for Campbell Supply Company, which has been family owned since its founding. The Campbell family believes in giving back to the community and supporting local agriculture, something Larry sincerely appreciates because he understands the important role farmers play in American cities and towns.

Larry sets a fine example for all involved in advancing our Nation's great agricultural foundations. I commend him for this award, and I wish him continued success in the years to come.●

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 12:26 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 3432. An act to establish the Commission on the Abolition of the Transatlantic Slave Trade.

H.R. 4986. An act to provide for the enactment of the National Defense Authorization Act for Fiscal Year 2008, as previously enrolled, with certain modifications to address the foreign sovereign immunities provisions of title 28, United States Code, with respect to the attachment of property in certain judgements against Iraq, the lapse of statutory authorities for the payment of bonuses, special pays, and similar benefits for members of the uniformed services, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

At 1:33 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3873. An act to expedite the transfer of ownership of rural multifamily housing projects with loans made or insured under section 515 of the Housing Act of 1949 so that such projects are rehabilitated and preserved for use for affordable housing.

H.R. 3959. An act to amend the National Flood Insurance Act of 1968 to provide for the phase-in of actuarial rates for certain pre-FIRM properties.

H.R. 3971. An act to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, and for other purposes.

H.R. 3992. An act to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illness, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 282. Concurrent resolution providing for a joint session of Congress to receive a message from the President.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3873. An act to expedite the transfer of ownership of rural multifamily housing projects with loans made or insured under section 515 of the Housing Act of 1949 so that such projects are rehabilitated and preserved for use for affordable housing; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3959. An act to amend the National Flood Insurance Act of 1968 to provide for the phase-in of actuarial rates for certain pre-FIRM properties; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3971. An act to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, and for other purposes; to the Committee on the Judiciary.

H.R. 3992. An act to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, and for other purposes; to the Committee on the Judiciary.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2556. A bill to extend the provisions of the Protect America Act of 2007 for an additional 30 days.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4660. A communication from the Director, Supplemental Foods Program Division, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Special Supplemental Nutrition Program for Women, Infants and Children: Revisions in the WIC Food Packages" (RIN0584–AD77) received on January 8, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4661. A communication from the Administrator, Rural Housing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Thermal Standards" (RIN0575–AC65) received on January 8, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4662. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Special Calls" (17 CFR Parts 21) received on January 11, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4663. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Maintenance of Books, Records and Reports by Traders" (17 CFR Parts 18) received on January 11, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4664. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Termination of Associated Persons and Principals of Futures Commission Merchants, Introducing Brokers, Commodity Trading Advisors, Commodity Pool Operators and Leverage Transaction Merchants" (RIN3038–AC45) received on January 11, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4665. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Conflicts of Interest in Self-Regulation and Self-Regulatory Organizations" (RIN3038–AC28) received on January 11, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4666. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Rules Relating to Review of National Futures Association Decisions in Disciplinary, Membership Denial, Registration and Member Responsibility Actions" (RIN3038–AC43) received on January 11, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4667. A communication from the Executive Director, Commodity Futures Trading

Commission, transmitting, pursuant to law, the report of a rule entitled "Exemption From Registration for Certain Foreign Persons" (RIN3038–AC26) received on January 11, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4668. A communication from the Secretary of Energy, transmitting , pursuant to law, the report of a violation of the Antideficiency Act by the Loan Guarantee Program; to the Committee on Appropriations.

EC–4669. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Lieutenant General James L. Campbell, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–4670. A communication from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting, pursuant to law, a report relative to the initiation of a single function standard competition at Robins Air Force Base, Georgia; to the Committee on Armed Services.

EC–4671. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 12947 with respect to terrorists who threaten to disrupt the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC–4672. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13219 with respect to the Western Balkans; to the Committee on Banking, Housing, and Urban Affairs.

EC–4673. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13159 with respect to the risk of nuclear proliferation posed by activities undertaken by the Russian Federation; to the Committee on Banking, Housing, and Urban Affairs.

EC–4674. A communication from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Implementation of OMB Guidance on Nonprocurement Debarment and Suspension" (RIN2501–AD29) received on January 15, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–4675. A communication from the Secretary of Commerce, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 13222 with respect to effects of the lapse of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–4676. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Correct Northeast Multispecies Regulations" (RIN0648–AV79) received on January 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4677. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Revisions to the Gulf of Mexico Reef Fish Vessel Monitoring System Reporting Requirements, Power-Down Exemption, and Red Snapper Individual Fishing Quota Three-Hour Notification" (RIN0648–AV59) received on January 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4678. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Expanded Coverage of the Program to Monitor Time-Area Closures in the Pacific Coast Groundfish Fishery" (RIN0648–AU08) received on January 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4679. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Adopt Fishing Gear Standards for the NE Multispecies Regular B Day-At-Sea Program and the Eastern U.S./Canada Haddock Special Access Program" (RIN0648–AV83) received on January 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4680. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule; Effectiveness of Collection-of-Information Requirements for IFQ Program" (RIN0648–AS84) received on January 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4681. A communication from the Liaison, Southeast Regional Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Inseason Trip Limit Reduction for the Commercial Fishery for Gulf Group King Mackerel in the Northern Florida West Coast Subzone for the 2007–2008 Fishing Year" (RIN0648–XE53) received on January 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4682. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Framework 20 to the Scallop Fishery Management Plan" (RIN0648–AV91) received on January 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4683. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Inseason Bluefish Quota Transfer from MD and ME to RI" (RIN0648–XE18) received on January 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4684. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Coast Groundfish; Biennial Specifications and Management Measures; Inseason Adjustments" (RIN0648–AW34) received on January 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4685. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; 2008 Atlantic Bluefin Tuna Quota Specifications and Effort Controls" (RIN0648–AV58) received on January 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4686. A communication from the Under Secretary of Commerce (Oceans and Atmosphere), transmitting, pursuant to law, a report relative to the activities of the Northwest Atlantic Fisheries Organization during fiscal year 2006; to the Committee on Commerce, Science, and Transportation.

EC–4687. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Emergency Rule Extension" (RIN0648–AV57) received on January 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4688. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Inseason Bluefish Quota Transfer from DE to RI" (RIN0648–XE07) received on January 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4689. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, a report relative to the Commission's competitive sourcing activities during fiscal year 2007; to the Committee on Commerce, Science, and Transportation.

EC–4690. A communication from the Acting Assistant Secretary for Communications and Information, Department of Transportation, transmitting, pursuant to law, a report relative to the activities of the Implementation Coordination Office; to the Committee on Commerce, Science, and Transportation.

EC–4691. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure (Connecticut 2007 Summer Flounder Commercial Fishery)" (RIN0648–XE14) received on January 8, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4692. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure (New York 2007 Atlantic Bluefish Commercial Fishery)" (RIN0648–XD64) received on January 8, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4693. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Coast Groundfish; Biennial Specifications and Management Measures; Inseason Adjustments" (RIN0648–AW27) received on January 8, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4694. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Creation of a Low Power Radio Service" (FCC 07–204) received on January 9, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4695. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC–8–102, –103, –106, –201, –202, –301, –311, and –315 Airplanes" ((RIN2120–AA64)(Docket No. FAA–2007–28371)) received on January 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC-4696. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF6-80C2D1F Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2007-28319)) received on January 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC-4697. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-29235)) received on January 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC-4698. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab Model SAAB 2000 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-29171)) received on January 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC-4699. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-29066)) received on January 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC-4700. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-29064)) received on January 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC-4701. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes, and Model A340-200 and -300 Series Airplanes" ((RIN2120-AA64)(Docket No. 2007-NM-123)) received on January 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC-4702. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310 Series Airplanes" ((RIN2120-AA64)(Docket No. 2007-NM-132)) received on January 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC-4703. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 and 767 Airplanes" ((RIN2120-AA64)(Docket No. 2005-NM-086)) received on January 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC-4704. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 707 Airplanes and Model 720 and 720B Series Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-246)) received on January 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC-4705. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB-135BJ Airplanes" ((RIN2120-AA64)(Docket No. 2007-NM-135)) received on January 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC-4706. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310 Series Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-183)) received on January 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC-4707. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300-600 Series Airplanes; Model A310 Series Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-223)) received on January 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC-4708. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hawker Beechcraft Model Hawker 800XP Airplanes" ((RIN2120-AA64)(Docket No. 2007-NM-104)) received on January 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC-4709. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes" ((RIN2120-AA64)(Docket No. 2007-CE-059)) received on January 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC-4710. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Carrier Safety Regulations; Technical Corrections" (RIN2126-AB13) received on January 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC-4711. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Civil Penalties Adjustments" (RIN2126-AB12) received on January 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC-4712. A communication from the Director of Regulations, Office of Pipeline Safety, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pipeline Safety: Applicability of Public Awareness Regulations for Certain Gas Distribution Operators" (RIN2137-AE17) received on January 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC-4713. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the Nonmotorized Transportation Pilot Program; to the Committee on Commerce, Science, and Transportation.

EC-4714. A communication from the Paralegal, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "National Transit Database Rural Reporting Requirements" (RIN2132-AA94) received on January 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC-4715. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Temporary Traffic Control Devices" (RIN2125-AF10) received on January 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC-4716. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways; Maintaining Traffic Sign Retroreflectivity" (RIN2125-AE98) received on January 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC-4717. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Revisions to the List of Hazardous Substances and Reportable Quantities" (RIN2137-AE24) received on January 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC-4718. A communication from the Paralegal, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Charter Bus Operations" (RIN2132-AA85) received on January 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC-4719. A communication from the Attorney, Office of the Chief Financial Officer, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Loan Guarantees for Projects that Employ Innovative Technologies" (RIN1901-AB21) received on January 14, 2008; to the Committee on Energy and Natural Resources.

EC-4720. A communication from the Acting Assistant Director, Office of International Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule to List Six Foreign Birds as Endangered" (RIN1018-AT61) received on January 11, 2008; to the Committee on Environment and Public Works.

EC-4721. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision 5" (RIN3150-AI24) received on January 14, 2008; to the Committee on Environment and Public Works.

EC-4722. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Standard Review Plan on Transfer and Amendment of Antitrust License Conditions and Antitrust Enforcement" (NUREG-1574) received on January 11, 2008; to the Committee on Environment and Public Works.

EC-4723. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Incorporation by Reference of American Society of Mechanical Engineers Boiler and

Pressure Vessel Code Cases" (RIN3150–AH80) received on January 11, 2008; to the Committee on Environment and Public Works.

EC–4724. A communication from the Acting Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Monterey Spineflower" (RIN1018–AU83) received on January 10, 2008; to the Committee on Environment and Public Works.

EC–4725. A communication from the Deputy Director of Civil Works, Department of the Army, transmitting, pursuant to law, the report of a rule entitled "United States Army Restricted Area, Kuluk Bay, Adak, Alaska" (33 CFR Part 334) received on January 8, 2008; to the Committee on Environment and Public Works.

EC–4726. A communication from the Deputy Director of Civil Works, Department of the Army, transmitting, pursuant to law, the report of a rule entitled "Department of the Navy, Chesapeake Bay, in Vicinity of Bloodsworth Island, MD" (33 CFR Part 334) received on January 8, 2008; to the Committee on Environment and Public Works.

EC–4727. A communication from the Deputy Director of Civil Works, Department of the Army, transmitting, pursuant to law, the report of a rule entitled "Reissuance of Nationwide Permits" (ZRIN0710–ZA02) received on January 8, 2008; to the Committee on Environment and Public Works.

EC–4728. A communication from the Chair, National Surface Transportation Policy and Revenue Study Commission, Department of Transportation, transmitting, pursuant to law, a report entitled "Transportation for Tomorrow"; to the Committee on Environment and Public Works.

EC–4729. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acetamiprid; Pesticide Tolerance" (FRL No. 8348–1) received on January 16, 2008; to the Committee on Environment and Public Works.

EC–4730. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Designation of Areas for Air Quality Planning Purposes; Arizona; San Manuel Sulfur Dioxide State Implementation Plan and Request for Redesignation to Attainment" (FRL No. 8514–7) received on January 16, 2008; to the Committee on Environment and Public Works.

EC–4731. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Illinois; Revisions to Emission Reduction Market System" (FRL No. 8514–5) received on January 16, 2008; to the Committee on Environment and Public Works.

EC–4732. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Nevada; Washoe County 8-Hour Ozone Maintenance Plan" (FRL No. 8509–2) received on January 16, 2008; to the Committee on Environment and Public Works.

EC–4733. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New York: Clean Air Interstate Rule" (FRL No. 8514–9) received on January 16, 2008; to the Committee on Environment and Public Works.

EC–4734. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Missouri; Clean Air Mercury Rule" (FRL No. 8517–7) received on January 16, 2008; to the Committee on Environment and Public Works.

EC–4735. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Mandipropamid; Pesticide Tolerance" (FRL No. 8346–6) received on January 16, 2008; to the Committee on Environment and Public Works.

EC–4736. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana; VOC Emissions from Fuel Grade Ethanol Production Operations; Withdrawal of Direct Final Rule" (FRL No. 8490–2) received on January 7, 2008; to the Committee on Environment and Public Works.

EC–4737. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of 8-Hour Ozone Nonattainment Areas to Attainment and Approval of the Areas' Maintenance Plans and 2002 Base-Year Inventories; Correction" (FRL No. 8515–1) received on January 7, 2008; to the Committee on Environment and Public Works.

EC–4738. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the York 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base Year Inventory" (FRL No. 8515–2) received on January 7, 2008; to the Committee on Environment and Public Works.

EC–4739. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Fredericksburg and Shenandoah National Park 8-Hour Ozone Areas Movement from the Nonattainment Area List to the Maintenance Area List" (FRL No. 8515–4) received on January 7, 2008; to the Committee on Environment and Public Works.

EC–4740. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Revised Motor Vehicle Emission Budgets for the Charleston 8-Hour Ozone Maintenance Area" (FRL No. 8515–6) received on January 7, 2008; to the Committee on Environment and Public Works.

EC–4741. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Withdrawal of Direct Final Rule" (FRL No. 8493–2) received on January 7, 2008; to the Committee on Environment and Public Works.

EC–4742. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Air Pollution Control District and Sacramento Metropolitan Air Quality Management District" (FRL No. 8512–7) received on January 7, 2008; to the Committee on Environment and Public Works.

EC–4743. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Mesotrione; Pesticide Tolerance" (FRL No. 8344–3) received on January 7, 2008; to the Committee on Environment and Public Works.

EC–4744. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List" (FRL No. 8485–3) received on January 7, 2008; to the Committee on Environment and Public Works.

EC–4745. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "PHMB; Exemption from the Requirement of a Tolerance" (FRL No. 8345–8) received on January 7, 2008; to the Committee on Environment and Public Works.

EC–4746. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Kern County Air Pollution Control District" (FRL No. 8506–2) received on January 7, 2008; to the Committee on Environment and Public Works.

EC–4747. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thiabendazole; Threshold of Regulation Determination" (FRL No. 8347–7) received on January 7, 2008; to the Committee on Environment and Public Works.

EC–4748. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulation: Guidance of Use of Award Term Incentives; Administrative Amendments" ((RIN2030–AA89)(FRL No. 8575–8)) received on January 10, 2008; to the Committee on Environment and Public Works.

EC–4749. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana; Amendments to Lead Rules, Quemetco" (FRL No. 8508–8) received on January 10, 2008; to the Committee on Environment and Public Works.

EC–4750. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Revisions to Stage II Requirements" (FRL No. 8516–9) received on January 10, 2008; to the Committee on Environment and Public Works.

EC–4751. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revisions to Stage II Requirements to Allegheny County" (FRL No. 8517–2) received on January 10, 2008; to the Committee on Environment and Public Works.

EC–4752. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Transportation Conformity Rule Amendments to Implement Provisions Contained in the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users" ((RIN2060–AN82)(FRL No. 8516–6)) received on January 10, 2008; to the Committee on Environment and Public Works.

EC–4753. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities; and Gasoline Dispensing Facilities" ((RIN2060–AM74)(FRL No. 8512–3)) received on January 7, 2008; to the Committee on Environment and Public Works.

EC–4754. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hospital Ethylene Oxide Sterilizers" ((RIN2060–AM14)(FRL No. 8512–1)) received on January 7, 2008; to the Committee on Environment and Public Works.

EC–4755. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standards of Performance for Stationary Spark Ignition Internal Combustion Engines and National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines" ((RIN2060–AM81)(FRL No. 8512–4)) received on January 7, 2008; to the Committee on Environment and Public Works.

EC–4756. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Trifloxystrobin; Pesticide Tolerance" (FRL No. 8342–6) received on January 7, 2008; to the Committee on Environment and Public Works.

EC–4757. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Zeta-cypermethrin; Pesticide Tolerance" (FRL No. 8346–3) received on January 7, 2008; to the Committee on Environment and Public Works.

EC–4758. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "CFC Notice" (Notice 2008–16) received on January 11, 2008; to the Committee on Finance.

EC–4759. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Repub. Rev. Proc. 2007–8" (Rev. Proc. 2008–8) received on January 7, 2008; to the Committee on Finance.

EC–4760. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Repub. Rev. Proc. 2007–4" (Rev. Proc. 2008–4) received on January 7, 2008; to the Committee on Finance.

EC–4761. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Repub. Rev. Proc. 2007–5 (Rev. Proc. 2008–5) received on January 7, 2008; to the Committee on Finance.

EC–4762. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Repub. Rev. Proc. 2007–6" (Rev. Proc. 2008–6) received on January 7, 2008; to the Committee on Finance.

EC–4763. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure 2008–3, Annual Update of the No-Rule Revenue Procedure" (Notice 2008–3) received on January 7, 2008; to the Committee on Finance.

EC–4764. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Repub. Rev. Proc. 2007–52" (Rev. Proc. 2008–9) received on January 16, 2008; to the Committee on Finance.

EC–4765. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Proposed AG VACARVM and Life PBR" (Notice 2007–18) received on January 16, 2008; to the Committee on Finance.

EC–4766. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "IHBG Rental Assistance" (Revenue Ruling 2008–6) received on January 16 , 2008; to the Committee on Finance.

EC–4767. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Cell Captive Arrangements" (Rev. Rul. 2008–8) received on January 16, 2008; to the Committee on Finance.

EC–4768. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Under Section 1502; Miscellaneous Operating Rules for Successor Persons; Succession to Items of the Liquidating Corporation" (RIN1545–BD54) received on January 16, 2008; to the Committee on Finance.

EC–4769. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Cell Captive Arrangements" (Notice 2008–19) received on January 16, 2008; to the Committee on Finance.

EC–4770. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007–273–2007–285); to the Committee on Foreign Relations.

EC–4771. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2008–1–2008–6); to the Committee on Foreign Relations.

EC–4772. A communication from the Under Secretary of State for Political Affairs, transmitting, pursuant to law, a report relative to the efforts being undertaken to complete the mission in Iraq successfully; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1145. A bill to amend title .35, United States Code, to provide for patent reform (Rept. No. 110–259).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. INHOFE (for himself, Mr. CRAIG, Mr. DEMINT, Mr. BARRASSO, Mr. BOND, Mr. ALEXANDER, and Mr. CRAPO):

S. 2551. A bill to provide for the safe development of a repository at the Yucca Mountain site in the State of Nevada, and for other purposes; to the Committee on Environment and Public Works.

By Ms. SNOWE (for herself, Mr. KERRY, and Mr. COLEMAN):

S. 2552. A bill to amend the Internal Revenue Code of 1986 to provide a stimulus to small business by increasing expensing for small businesses in 2008, extending the length of the carryback period for net operating losses during 2007 and 2008, and extending the research and development credit; to the Committee on Finance.

By Mr. KERRY:

S. 2553. A bill to modify certain fees applicable under the Small Business Act for 2008, to make an emergency appropriation for certain small business programs, and to amend the Internal Revenue Code of 1986 to provide increased expensing for 2008, to provide a 5-year carryback for certain net operating losses, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. LEAHY, Mr. DODD, Mr. BINGAMAN, Mr. KERRY, Mr. HARKIN, Ms. MIKULSKI, Mr. AKAKA, Mrs. BOXER, Mr. FEINGOLD, Mrs. MURRAY, Mr. DURBIN, Mr. SCHUMER, Ms. CANTWELL, Mrs. CLINTON, Mr. LAUTENBERG, Mr. OBAMA, Mr. MENENDEZ, Mr. CARDIN, and Mr. BROWN):

S. 2554. A bill to restore, reaffirm, and reconcile legal rights and remedies under civil rights statutes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself, Mrs. FEINSTEIN, Mr. LIEBERMAN, Mr. LAUTENBERG, Mr. CARDIN, Mr. WHITEHOUSE, Mr. SANDERS, Mrs. CLINTON, Mr. LEAHY, Mr. KERRY, Mr. OBAMA, Mr. NELSON of Florida, Mr. DODD, Mr. KENNEDY, Ms. MIKULSKI, Ms. COLLINS, Ms. SNOWE, and Mr. MENENDEZ):

S. 2555. A bill to permit California and other States to effectively control greenhouse gas emissions from motor vehicles, and for other purposes; to the Committee on Environment and Public Works.

By Mr. REID:

S. 2556. A bill to extend the provisions of the Protect America Act of 2007 for an additional 30 days; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. McCONNELL:

S. Res. 425. A resolution making party appointments for the 110th Congress; considered and agreed to.

ADDITIONAL COSPONSORS

S. 60

At the request of Mr. INOUYE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 60, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 719

At the request of Mr. LAUTENBERG, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 719, a bill to amend section 10501 of title 49, United States Code, to exclude solid waste disposal from the jurisdiction of the Surface Transportation Board.

S. 773

At the request of Mr. WARNER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1128

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1128, a bill to amend the National and Community Service Act of 1990 to establish a Summer of Service State grant program, a Summer of Service national direct grant program, and related national activities, and for other purposes.

S. 1200

At the request of Mr. REID, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1200, a bill to amend the Indian Health Care Improvement Act to revise and extend the Act.

S. 1708

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1708, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1906

At the request of Mr. BAUCUS, the names of the Senator from New York, (Mr. SCHUMER), the Senator from Montana (Mr. TESTER) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1906, a bill to understand and comprehensively address the oral health problems associated with methamphetamine use.

S. 1907

At the request of Mr. BAUCUS, the names of the Senator from Montana (Mr. TESTER) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1907, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to understand and comprehensively address the inmate oral health problems associated with methamphetamine use, and for other purposes.

S. 2063

At the request of Mr. GREGG, the names of the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 2063, a bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the economic security of the United States, and to expand future prosperity and growth for all Americans.

S. 2141

At the request of Mr. JOHNSON, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2141, a bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syndrome prevention and services program, and for other purposes.

S. 2159

At the request of Mr. NELSON of Florida, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 2159, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration.

S. 2337

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2337, a bill to amend the Internal Revenue Code of 1986 to allow long-term care insurance to be offered under cafeteria plans and flexible spending arrangements and to provide additional consumer protections for long-term care insurance.

S. 2424

At the request of Mr. COLEMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2424, a bill to ensure that all Americans have basic health literacy skills to function effectively as patients and health care consumers.

S. 2426

At the request of Mr. CASEY, his name was added as a cosponsor of S. 2426, a bill to provide for congressional oversight of United States agreements with the Government of Iraq.

At the request of Mr. WEBB, his name was added as a cosponsor of S. 2426, supra.

S. 2494

At the request of Ms. CANTWELL, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2494, a bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes.

S. 2543

At the request of Mr. ENSIGN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2543, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 2544

At the request of Mr. KENNEDY, the names of the Senator from Washington (Mrs. MURRAY), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2544, a bill to provide for a program of temporary extended unemployment compensation.

S.J. RES. 27

At the request of Mrs. DOLE, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S.J. Res. 27, a joint resolution proposing an amendment to the Constitution of the United States relative to the line item veto.

S. RES. 178

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. Res. 178, a resolution expressing the sympathy of the Senate to the families of women and girls murdered in Guatemala, and encouraging the United States to work with Guatemala to bring an end to these crimes.

AMENDMENT NO. 3857

At the request of Mrs. FEINSTEIN, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of amendment No. 3857 intended to be proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

AMENDMENT NO. 3863

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of amendment No. 3863 intended to be proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE (for himself, Mr. CRAIG, Mr. DEMINT, Mr. BARRASSO, Mr. BOND, Mr. ALEXANDER, and Mr. CRAPO):

S. 2551. A bill to provide for the safe development of a repository at the Yucca Mountain site in the State of Nevada, and for other purposes; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, today I rise to introduce the Nuclear Waste Policy Amendments Act of 2008.

I have said many times on this Senate floor that we do have a crisis in energy and that we need all of the following: We need nuclear energy, but we also need clean coal technology, we need oil and gas, we need renewables. We need all of the above. I feel very strongly about this, and I know there is a disagreement on that issue, even within our committee. But I am concerned about the continued delays in opening our Nation's repository at Yucca Mountain, that it would hinder the resurgence of nuclear energy in the United States. It seems as though right now we are making a major breakthrough. People who were objecting to nuclear energy just a few years ago are now realizing that it is clean, it is safe, it is abundant. Not that I use France as our model very often, but in this case, they are between 80 and 90 percent nuclear, and they have done the right thing.

A bit of history on this. The Nuclear Waste Policy Act of 1982 established a program to locate and develop a repository for nuclear waste, including both Defense waste, a legacy from the Cold War, and civilian spent fuel. In 2002, after 20 years of research, the President recommended to the Congress that Yucca Mountain should be developed as the repository. The State of Nevada objected. I wasn't surprised to see that happen, and it did. It certainly is their right to do so under the Nuclear Waste Policy Act. However, Congress passed a joint resolution affirming or reaffirming the administration's recommendation of Yucca Mountain with strong bipartisan majorities in both Houses.

The location has been decided. The debate is no longer in existence of whether a repository should be built at Yucca Mountain. That decision was made in 2002. The task that remains is to develop a repository that protects public health and safety and the environment, a permanent solution for our Nation's nuclear waste. It is high time we accomplish these tasks now. This is very serious. We passed laws and resolutions to do it. We have collected over $27 billion—that is with a "b"—$27 billion for electricity from consumers to pay for it. The courts have affirmed and reaffirmed that we have the obligation—not the legal right to do it, the legal obligation.

Now, I am frustrated that the Department of Energy is 20 years behind schedule. However, I am pleased that DOE appears to have made significant progress in the past few years and will hopefully file a license application this year, despite the persistent assault on program funding.

I understand that opposition to Yucca Mountain remains, advocating that we abandon it in favor of interim storage. There have been many proposals on interim storage, and I expect there will be more in the future, but we have interim storage right now at 121 locations in 39 States. Make no mistake, interim storage is a temporary fix. It forces future generations to solve a problem that we ought to be resolving today. It is time to move forward with a permanent solution at Yucca Mountain.

I have visited the site. I have a question for those who would want to abandon Yucca Mountain: If you can't build a repository in the middle of a mountain in the middle of a desert, where should it be?

Let's think about this for a minute. The logical first step to finding a new repository site is to begin by reevaluating sites that have been considered before. I have a map—which is not here, but it will be here before I finish talking—showing the 37 States that DOE and its predecessor, the Energy Research Development Administration, have evaluated in the past based on the presence of favorable geologic formations. Those States are Arizona, Arkansas, Colorado, Connecticut, Georgia, Idaho, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, and it goes on and on, including my State of Oklahoma—37 of the 50 States. Now, 37 States have been considered as possible candidates for developing a repository. Does it really make sense to abandon a site where we have already invested 25 years and $8 billion before the Nuclear Regulatory Commission even considers it, only to turn around and start from scratch, reevaluating sites in 37 States? I don't think so.

As the generation that has benefited from the use of nuclear energy and the resulting spent fuel, I believe it is incumbent upon us to manage spent fuel in a manner that is fair to current generations and generations to come, and the bill I am introducing now will do just that.

DOE has indicated there are legislative provisions they need to complete the licensing process and begin construction of the repository our electricity consumers have paid some $27 billion for already. Senators DOMENICI and CRAIG introduced their NU-WAY bill, S. 37, which includes those provisions within the jurisdiction of Environment and Public Works. My bill includes the remaining DOE provisions that are within the jurisdiction of the Environment and Public Works Committee. My bill goes beyond that. My bill will incorporate a flexible framework for future generations to apply their knowledge and innovations to improve the repository.

The task at hand is to develop a safe repository using state-of-the-art technology and cutting-edge science. The trouble is technology that is state of the art now won't be 50 years from now, much less 100 years from now. When you are making decisions on how to develop a facility that will be safe for up to a million years, we should not limit ourselves to science and technology that is available today. We should establish a flexible framework that incorporates technological advances into the facility design over time, one that allows our grandchildren and great-grandchildren to improve on the project we have started. In other words, we know that even though we are using the million-year benchmark, things are going to happen next year and the year after and the year after where we can have dramatic improvements. But the one thing we have to do is make the decision today—

or keep the decision that has already been made.

Several international bodies, including the National Academy of Sciences and the International Organization for Economic Cooperation and Development's Nuclear Energy Agency, have advocated repository development in stages that will incorporate technological advances over time—just what we are talking about. The reformed licensing process in this bill integrates that concept into the current licensing process. My bill reforms the licensing process for authorizing construction, operation, and closure of the repository.

I have to say we have come a long way already on this. When I became chairman of the Subcommittee on Clean Air within this committee, we had not had an oversight committee hearing on the Nuclear Regulatory Commission for 12 years. I don't care what the bureaucracy is, you have to have oversight. Well, we have come a long way.

The threshold for approval of construction of a repository is based on a determination that the facility could be safely operated for 300 years. During this time, a long-term science and technology program will be established to monitor and analyze the repository's performance and to conduct research into technologies that would improve the facility. The repository license will be amended every 50 years at a minimum to incorporate these improvements. During this phase, waste would remain retrievable so that future generations may recover valuable material or upgrade disposal systems, for example.

When the DOE applies to permanently close the repository, it must then demonstrate compliance with EPA's radiation standard before ceasing operations at the site. Until then, the facility will be subject to the strict NRC regulation and oversight as an operating facility.

Today, this program has been litigated into a corner. After several lawsuits, the EPA has responded by drafting a radiation standard for 1 million years. That is right, based on what we know today, DOE must prove a reasonable expectation that Yucca Mountain will be safe for 1 million years before DOE can even begin building a repository. This is a ridiculous and arrogant requirement that assumes we know right now all that will ever be known about the management of spent nuclear fuel and its impact on public health and safety. That compliance decision only makes sense when DOE decides to close the repository and cease operations. Until that time, repository enhancements reflecting 300 years of scientific innovation will improve its protection of public health and safety and, I might add, the environment.

Now, my approach is not about kicking the can down the road and forcing future generations to solve the problem. That is what concerns me about a lot of the things we do around here. My wife and I have 20 kids and grandkids, and they are the ones who are going to be doing a lot of the things we should be doing today. My approach is about meeting a legal and moral obligation to build the best facility we can now, laying a solid foundation for future generations to improve it based on what they learn.

I am confident we can build a repository that will protect public health and safety and the environment, but I am equally confident that 50 years from now our grandchildren could build a better one. Fifty years from now, they will have learned a lot about the actual performance of repositories; something we can only predict right now, they will know by that time. Fifty years from now, the waste placed in the repository may require isolation for a few hundred years instead of a million.

Lastly, my bill includes provisions necessary to support new nuclear plant construction. Before receiving a license, nuclear plants must meet two requirements. The first is that companies must sign a contract with DOE to provide for the disposal of spent fuel. My bill modifies those provisions in the Nuclear Waste Policy Act to make them current. The second is known as waste confidence. Nuclear plants must demonstrate there is confidence that the spent fuel will be managed and disposed of in a manner that protects health and safety. My bill clarifies that the repository program meets this requirement for disposal.

So when a society takes on the task of building a complex, first-of-a-kind facility envisioned to remain robust for a million years, it immediately raises questions about generational equity. As Senators, we must balance fairness to the future generations that haven't been born yet with fairness to the generations we currently represent. Finding that balance must be based on several principles, including protecting the health and safety of current generations; protecting the health and safety of future generations; minimizing the impact on the environment; meeting the need for reliable, cost-effective energy; meeting legal obligations; minimizing taxpayer liability; and the costs are covered by those who benefit from the waste. My bill adheres to these principles and strikes that balance.

Rumors of Yucca Mountain's demise have been highly exaggerated. It is time we focus on developing the safest state-of-the-art repository we can, one step at a time. We owe it to our generation and to the generations that follow.

I have to say, regarding all of the emphasis recently on the concern we have for the environment, nothing is cleaner, nothing has been shown better for the environment than this type of energy, which we have to have in our mix.

By Mr. KENNEDY (for himself, Mr. LEAHY, Mr. DODD, Mr. BINGAMAN, Mr. KERRY, Mr. HARKIN, Ms. MIKULSKI, Mr. AKAKA, Mrs. BOXER, Mr. FEINGOLD, Mrs. MURRAY, Mr. DURBIN, Mr. SCHUMER, Ms. CANTWELL, Mrs. CLINTON, Mr. LAUTENBERG, Mr. OBAMA, Mr. MENENDEZ, Mr. CARDIN, and Mr. BROWN):

S. 2554. A bill to restore, reaffirm, and reconcile legal rights and remedies under civil rights statutes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, I am honored to join my colleagues Senators LEAHY, DODD, BINGAMAN, KERRY, HARKIN, MIKULSKI, AKAKA, BOXER, FEINGOLD, MURRAY, DURBIN, SCHUMER, CANTWELL, CLINTON, LAUTENBERG, OBAMA, MENENDEZ, CARDIN, and BROWN in introducing the Civil Rights Act of 2008. This legislation is vital to realizing the full promise of our civil rights laws and labor laws to protect all of America's people.

Civil rights is still the unfinished business of America. Prejudice, discrimination, and outright bigotry continue to limit the lives of large numbers of our people. Unfortunately, in recent years, the Supreme Court has rolled back some of the core statutory protections for civil rights and workers' rights. The Civil Rights Act of 2008 will strengthen existing civil rights protections and restore the bedrock principle that individuals may challenge all forms of discrimination in public services.

It has long been clear that effective enforcement of civil rights and fair labor practices is possible only if individuals themselves are able to seek relief in court. Our legislation will strengthen existing protections in cases where the courts have let us down by narrowing individuals' right to demand accountability for discrimination.

Key elements of our proposals will make it easier for working women to enforce their right to equal pay for equal work. Our bill enhances protections against discrimination in federally funded services, and enacts needed safeguards for students who are harassed because of their national origin, gender, race, or disability.

We make sure that victims of discrimination and unfair labor practices can receive meaningful damages where appropriate. Our legislation will also enable members of our Armed Forces to enforce their Federal right to be free from discrimination by States because of their military status.

In addition, our legislation will ensure that older workers who suffer age discrimination are not denied the chance to seek relief because they work for a State government. It will also prevent employers from requiring workers to sign away their right to bring discrimination claims and fair labor claims in court, in order to obtain a job or keep a job.

This bill is a needed step in restoring the effective remedies that our civil rights laws and fair labor laws must have in order to ensure accountability for discrimination. America will never be America until we do.

Mr. LEAHY. Mr. President, our great Nation was founded on the fundamental principle that all persons are created equal. We have long committed, and recommitted, ourselves to ensuring that all persons have the right to prosper through hard work and ingenuity. However, for many Americans, those rights still remain illusory. Today, we introduce a comprehensive bill to vindicate our founding principles and make the promise of equal opportunity in the workplace a reality for all Americans.

I am proud to cosponsor the Civil Rights Act of 2008, and I thank Senator TED KENNEDY for his leadership in the Senate on this issue, and Representative JOHN LEWIS for his leadership in the House. I have been a long-time supporter of efforts to rid the workplace of unlawful discrimination, and I believe the Civil Rights Act of 2008 is critical to achieving that important goal. We must continue to fight to end all workplace discrimination, including discrimination based on sexual orientation.

This legislation we are introducing today responds to several disappointing decisions by conservative courts. These court rulings have misconstrued congressional intent, and have had the effect of limiting important civil rights protections provided by Congress.

A 2000 decision from the Supreme Court of the United States greatly restricted the capacity of workers who suffer age discrimination to sue for full relief. In Kimel v. Florida Board of Regents, the Supreme Court ruled that, contrary to Congress's original intent, State employers do not have to provide back pay or other monetary damages when workers are discriminated against based on age. As a result, millions of State workers who are 40 or over lost the right to back pay. This bill would restore Congress's original intent that State employers give workers full relief for age discrimination, including back pay.

The bill would clarify the standard for challenging employment practices that have an unjustified discriminatory impact on older workers. It would make clear that the standard of proof in cases alleging a disparate impact based on age is the same as in cases alleging a disparate impact based on race, color, gender, national origin, or religion.

The bill would also restore the rights of victims of discrimination—in the workplace or otherwise—to challenge practices that have a disparate impact on certain communities based on race, national origin, sex, age, or disability. Since the Supreme Court's decision 7 years ago in Alexander v. Sandoval, individuals can no longer challenge discrimination by entities that receive Federal funding without facing the high burden of proving purposeful discrimination.

Currently, only the Federal Government has the right to challenge sophisticated forms of discrimination—by federally funded entities—that fall disproportionately on certain minority groups. So if a State decided to administer a driver's license exam only in English, rather than administering the exam in multiple languages, a non-English speaker would be denied his or her right to have their day in court. This measure returns the Federal law to our original intentions by allowing individuals a right to challenge such practices:

These added protections provide a significant step forward in the fulfillment of our goal to eliminate the footprint of unlawful discrimination from the workplace and broader society. Civil rights legislation over the last 44 years—including antidiscrimination in the workplace laws—represents some of Congress's greatest achievements. With the passage of the Civil Rights Acts of 1964 and 1991, the Age Discrimination Act of 1975, and the Rehabilitation Act of 1973, Congress gave victims of discrimination a way to address the wrongs that they have suffered and put teeth into the sanctions faced by those who unlawfully discriminate against their victims.

Despite these gains, efforts to eliminate bias from the workplace and larger society have been largely eroded by decisions from conservative jurists on the Supreme Court and other Federal courts. Year after year, conservative courts have rolled back rights by denying certain types of relief and taking certain tools—designed to fight intentional and sophisticated forms of workplace discrimination—from individual workers. This bill would reverse that rollback, and restore the rights of victims to have their day in court and to have meaningful remedies when those rights are violated.

Discrimination on the basis of certain personal characteristics has no place in any workplace or in any State in America. It is long overdue for Congress to reinforce Americans' protections against bias in the workplace and eradicate barriers to full and equal participation in our society.

The time for this bill is now. It is particularly important that, on the week our Nation observes and honors the legacy of Dr. Martin Luther King, Jr., Congress has introduced this bill. We must remain vigilant in ensuring our precious civil rights, which generations of Americans fought and bled to protect, remain available for our children and grandchildren.

By Mr. REID:

S. 2556. A bill to extend the provisions of the Protect America Act of 2007 for an additional 30 days; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2556

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF THE PROTECT AMERICA ACT OF 2007.

Subsection (c) of section 6 of the Protect America Act of 2007 (Public Law 110-55; 121 Stat. 557; 50 U.S.C. 1803 note) is amended by striking "180" and inserting "210".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 425—MAKING PARTY APPOINTMENTS FOR THE 110TH CONGRESS

Mr. McCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 425

Resolved, That the following be the minority membership on the following committees for the remainder of the 110th Congress, or until their successors are appointed:

Committee on Armed Services: Mr. McCain, Mr. Warner, Mr. Inhofe, Mr. Sessions, Ms. Collins, Mr. Chambliss, Mr. Graham, Mrs. Dole, Mr. Cornyn, Mr. Thune, Mr. Martinez, Mr. Wicker.

Committee on Banking, Housing, and Urban Affairs: Mr. Shelby, Mr. Bennett, Mr. Allard, Mr. Enzi, Mr. Hagel, Mr. Bunning, Mr. Crapo, Mrs. Dole, Mr. Martinez, Mr. Corker.

Committee on Commerce, Science, and Transportation: Mr. Stevens, Mr. McCain, Mrs. Hutchison, Ms. Snowe, Mr. Smith, Mr. Ensign, Mr. Sununu, Mr. DeMint, Mr. Vitter, Mr. Thune, Mr. Wicker.

Committee on Finance: Mr. Grassley, Mr. Hatch, Ms. Snowe, Mr. Kyl, Mr. Smith, Mr. Bunning, Mr. Crapo, Mr. Roberts, Mr. Ensign, Mr. Sununu.

Committee on Rules and Administration: Mr. Bennett, Mr. Stevens, Mr. McConnell, Mr. Cochran, Mr. Chambliss, Mrs. Hutchison, Mr. Hagel, Mr. Alexander, Mr. Ensign.

Committee on Veterans' Affairs: Mr. Burr, Mr. Specter, Mr. Craig, Mr. Isakson, Mr. Graham, Mrs. Hutchison, Mr. Wicker.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3907. Mr. DODD (for himself, Mr. FEINGOLD, Mr. LEAHY, Mr. KENNEDY, Mr. HARKIN, Mr. WYDEN, Mr. SANDERS, Mr. OBAMA, Mrs. CLINTON, Mr. BIDEN, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table.

SA 3908. Mr. WHITEHOUSE (for himself, Mr. ROCKEFELLER, Mr. LEAHY, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3909. Mr. FEINGOLD (for himself and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, supra.

SA 3910. Mrs. FEINSTEIN (for herself, Mr. ROCKEFELLER, Mr. LEAHY, Mr. NELSON of Florida, Mr. WHITEHOUSE, Mr. WYDEN, Mr. HAGEL, Mr. MENENDEZ, Ms. SNOWE, and Mr. SPECTER) submitted an amendment intended to be proposed by her to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3911. Mr. ROCKEFELLER (for himself and Mr. BOND) proposed an amendment to the bill S. 2248, supra.

SA 3912. Mr. FEINGOLD (for himself and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3913. Mr. FEINGOLD (for himself, Mr. MENENDEZ, and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3914. Mr. FEINGOLD (for himself, Mr. MENENDEZ, and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3915. Mr. FEINGOLD (for himself and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3916. Mr. BOND proposed an amendment to amendment SA 3909 submitted by Mr. FEINGOLD (for himself and Mr. DODD) to the amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, supra.

SA 3917. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3918. Mr. REID proposed an amendment to the bill S. 2248, supra .

TEXT OF AMENDMENTS

SA 3907. Mr. DODD (for himself, Mr. FEINGOLD, Mr. LEAHY, Mr. KENNEDY, Mr. HARKIN, Mr. WYDEN, Mr. SANDERS, Mr. OBAMA, Mrs. CLINTON, Mr. BIDEN, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike title II.

SA 3908. Mr. WHITEHOUSE (for himself, Mr. ROCKEFELLER, Mr. LEAHY, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

"(7) COMPLIANCE REVIEWS.—During the period that minimization procedures approved under paragraph (5)(A) are in effect, the Court may review and assess compliance with such procedures and shall have access to the assessments and reviews required by subsections (k)(1), (k)(2), and (k)(3) with respect to compliance with such procedures. In conducting a review under this paragraph, the Court may, to the extent necessary, require the Government to provide additional information regarding the acquisition, retention, or dissemination of information concerning United States persons during the course of an acquisition authorized under subsection (a). The Court may fashion remedies it determines necessary to enforce compliance.

SA 3909. Mr. FEINGOLD (for himself and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; as follows:

Strike subsection (b) of section 103, and insert the following:

(b) REPORTS BY ATTORNEY GENERAL ON CERTAIN OTHER ORDERS.—Such section 601 is further amended by adding at the end the following new subsection:

"(c) SUBMISSIONS TO CONGRESS.—The Attorney General shall submit to the committees of Congress referred to in subsection (a)—

"(1) a copy of any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of any provision of this Act, and any pleadings associated with such decision, order, or opinion, not later than 45 days after such decision, order, or opinion is issued; and

"(2) a copy of any such decision, order, or opinion, and the pleadings associated with such decision, order, or opinion, that was issued during the 5-year period ending on the date of the enactment of the FISA Amendments Act of 2008 and not previously submitted in a report under subsection (a).".

SA 3910. Mrs. FEINSTEIN (for herself, Mr. ROCKEFELLER, Mr. LEAHY, Mr. NELSON of Florida, Mr. WHITEHOUSE, Mr. WYDEN, Mr. HAGEL, Mr. MENENDEZ, Ms. SNOWE, and Mr. SPECTER) submitted an amendment intended to be proposed by her to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 102, and insert the following:

SEC. 102. STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF CERTAIN COMMUNICATIONS MAY BE CONDUCTED.

(a) STATEMENT OF EXCLUSIVE MEANS.—Title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following new section:

"STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF CERTAIN COMMUNICATIONS MAY BE CONDUCTED

"SEC. 112. (a) Except as provided in subsection (b), the procedures of chapters 119, 121 and 206 of title 18, United States Code, and this Act shall be the exclusive means by which electronic surveillance (as defined in section 101(f), regardless of the limitation of section 701) and the interception of domestic wire, oral, or electronic communications may be conducted.

"(b) Only an express statutory authorization for electronic surveillance or the interception of domestic wire, oral, or electronic communications, other than as an amendment to this Act or chapters 119, 121, or 206 of title 18, United States Code, shall constitute an additional exclusive means for the purpose of subsection (a).".

(b) OFFENSE.—Section 109 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809) is amended—

(1) in subsection (a), by striking "authorized by statute" each place it appears in such section and inserting "authorized by this Act, chapter 119, 121, or 206 of title 18, United States Code, or any express statutory authorization that is an additional exclusive means for conducting electronic surveillance under section 112."; and

(2) by adding at the end the following:

"(e) DEFINITION.—For the purpose of this section, the term 'electronic surveillance' means electronic surveillance as defined in section 101(f) of this Act regardless of the limitation of section 701 of this Act.".

(c) CONFORMING AMENDMENTS.—

(1) TITLE 18, UNITED STATES CODE.—Section 2511(2) of title 18, United States Code, is amended—

(A) in paragraph (a), by adding at the end the following:

"(iii) If a certification under subparagraph (ii)(B) for assistance to obtain foreign intelligence information is based on statutory authority, the certification shall identify the specific statutory provision, and shall certify that the statutory requirements have been met."; and

(B) in paragraph (f), by striking ", as defined in section 101 of such Act," and inserting "(as defined in section 101(f) of such Act regardless of the limitation of section 701 of such Act)".

(2) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding after the item relating to section 111, the following:

"Sec. 112. Statement of exclusive means by which electronic surveillance and interception of certain communications may be conducted.".

SA 3911. Mr. ROCKEFELLER (for himself and Mr. BOND) proposed an amendment to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008" or the "FISA Amendments Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

Sec. 101. Additional procedures regarding certain persons outside the United States.
Sec. 102. Statement of exclusive means by which electronic surveillance and interception of domestic communications may be conducted.
Sec. 103. Submittal to Congress of certain court orders under the Foreign Intelligence Surveillance Act of 1978.
Sec. 104. Applications for court orders.
Sec. 105. Issuance of an order.
Sec. 106. Use of information.
Sec. 107. Amendments for physical searches.
Sec. 108. Amendments for emergency pen registers and trap and trace devices.
Sec. 109. Foreign Intelligence Surveillance Court.
Sec. 110. Technical and conforming amendments.

TITLE II—PROTECTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS

Sec. 201. Definitions.
Sec. 202. Limitations on civil actions for electronic communication service providers.
Sec. 203. Procedures for implementing statutory defenses under the Foreign Intelligence Surveillance Act of 1978.
Sec. 204. Preemption of State investigations.
Sec. 205. Technical amendments.

TITLE III—OTHER PROVISIONS

Sec. 301. Severability.
Sec. 302. Effective date; repeal; transition procedures.

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

SEC. 101. ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by striking title VII; and

(2) by adding after title VI the following new title:

"TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES

"SEC. 701. LIMITATION ON DEFINITION OF ELECTRONIC SURVEILLANCE.

"Nothing in the definition of electronic surveillance under section 101(f) shall be construed to encompass surveillance that is targeted in accordance with this title at a person reasonably believed to be located outside the United States.

"SEC. 702. DEFINITIONS.

"(a) IN GENERAL.—The terms 'agent of a foreign power', 'Attorney General', 'contents', 'electronic surveillance', 'foreign intelligence information', 'foreign power', 'minimization procedures', 'person', 'United States', and 'United States person' shall have the meanings given such terms in section 101, except as specifically provided in this title.

"(b) ADDITIONAL DEFINITIONS.—

"(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term 'congressional intelligence committees' means—

"(A) the Select Committee on Intelligence of the Senate; and

"(B) the Permanent Select Committee on Intelligence of the House of Representatives.

"(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The terms 'Foreign Intelligence Surveillance Court' and 'Court' mean the court established by section 103(a).

"(3) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The terms 'Foreign Intelligence Surveillance Court of Review' and 'Court of Review' mean the court established by section 103(b).

"(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—

"(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

"(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

"(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

"(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored; or

"(E) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), or (D).

"(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term 'element of the intelligence community' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

"SEC. 703. PROCEDURES FOR TARGETING CERTAIN PERSONS OUTSIDE THE UNITED STATES OTHER THAN UNITED STATES PERSONS.

"(a) AUTHORIZATION.—Notwithstanding any other law, the Attorney General and the Director of National Intelligence may authorize jointly, for periods of up to 1 year, the targeting of persons reasonably believed to be located outside the United States to acquire foreign intelligence information.

"(b) LIMITATIONS.—An acquisition authorized under subsection (a)—

"(1) may not intentionally target any person known at the time of acquisition to be located in the United States;

"(2) may not intentionally target a person reasonably believed to be located outside the United States if the purpose of such acquisition is to target a particular, known person reasonably believed to be in the United States, except in accordance with title I or title III;

"(3) may not intentionally target a United States person reasonably believed to be located outside the United States, except in accordance with sections 704, 705, or 706; and

"(4) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States.

"(c) CONDUCT OF ACQUISITION.—An acquisition authorized under subsection (a) may be conducted only in accordance with—

"(1) a certification made by the Attorney General and the Director of National Intelligence pursuant to subsection (f); and

"(2) the targeting and minimization procedures required pursuant to subsections (d) and (e).

"(d) TARGETING PROCEDURES.—

"(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt targeting procedures that are reasonably designed to ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States.

"(2) JUDICIAL REVIEW.—The procedures referred to in paragraph (1) shall be subject to judicial review pursuant to subsection (h).

"(e) MINIMIZATION PROCEDURES.—

"(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt, consistent with the requirements of section 101(h) or section 301(4), minimization procedures for acquisitions authorized under subsection (a).

"(2) JUDICIAL REVIEW.—The minimization procedures required by this subsection shall be subject to judicial review pursuant to subsection (h).

"(f) CERTIFICATION.—

"(1) IN GENERAL.—

"(A) REQUIREMENT.—Subject to subparagraph (B), prior to the initiation of an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence shall provide, under oath, a written certification, as described in this subsection.

"(B) EXCEPTION.—If the Attorney General and the Director of National Intelligence determine that immediate action by the Government is required and time does not permit the preparation of a certification under this subsection prior to the initiation of an acquisition, the Attorney General and the Director of National Intelligence shall prepare such certification, including such determination, as soon as possible but in no event more than 168 hours after such determination is made.

"(2) REQUIREMENTS.—A certification made under this subsection shall—

"(A) attest that—

"(i) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) is targeted at persons reasonably believed to be located outside the United States and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

"(ii) the procedures referred to in clause (i) are consistent with the requirements of the fourth amendment to the Constitution of the United States and do not permit the intentional targeting of any person who is known at the time of acquisition to be located in the United States;

"(iii) a significant purpose of the acquisition is to obtain foreign intelligence information;

"(iv) the minimization procedures to be used with respect to such acquisition—

"(I) meet the definition of minimization procedures under section 101(h) or section 301(4); and

"(II) have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

"(v) the acquisition involves obtaining the foreign intelligence information from or with the assistance of an electronic communication service provider; and

"(vi) the acquisition does not constitute electronic surveillance, as limited by section 701; and

"(B) be supported, as appropriate, by the affidavit of any appropriate official in the area of national security who is—

"(i) appointed by the President, by and with the consent of the Senate; or

"(ii) the head of any element of the intelligence community.

"(3) LIMITATION.—A certification made under this subsection is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under subsection (a) will be directed or conducted.

"(4) SUBMISSION TO THE COURT.—The Attorney General shall transmit a copy of a certification made under this subsection, and any supporting affidavit, under seal to the Foreign Intelligence Surveillance Court as soon as possible, but in no event more than 5 days after such certification is made. Such certification shall be maintained under security measures adopted by the Chief Justice of the United States and the Attorney General, in consultation with the Director of National Intelligence.

"(5) REVIEW.—The certification required by this subsection shall be subject to judicial review pursuant to subsection (h).

"(g) DIRECTIVES AND JUDICIAL REVIEW OF DIRECTIVES.—

"(1) AUTHORITY.—With respect to an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence may direct, in writing, an electronic communication service provider to—

"(A) immediately provide the Government with all information, facilities, or assistance necessary to accomplish the acquisition in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target; and

"(B) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain.

"(2) COMPENSATION.—The Government shall compensate, at the prevailing rate, an electronic communication service provider for providing information, facilities, or assistance pursuant to paragraph (1).

"(3) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with a directive issued pursuant to paragraph (1).

"(4) CHALLENGING OF DIRECTIVES.—

"(A) AUTHORITY TO CHALLENGE.—An electronic communication service provider receiving a directive issued pursuant to paragraph (1) may challenge the directive by filing a petition with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such a petition.

"(B) ASSIGNMENT.—The presiding judge of the Court shall assign the petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

"(C) STANDARDS FOR REVIEW.—A judge considering a petition to modify or set aside a directive may grant such petition only if the judge finds that the directive does not meet the requirements of this section or is otherwise unlawful. If the judge does not modify or set aside the directive, the judge shall immediately affirm such directive, and order the recipient to comply with the directive. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

"(D) CONTINUED EFFECT.—Any directive not explicitly modified or set aside under this paragraph shall remain in full effect.

"(E) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

"(5) ENFORCEMENT OF DIRECTIVES.—

"(A) ORDER TO COMPEL.—In the case of a failure to comply with a directive issued pursuant to paragraph (1), the Attorney General may file a petition for an order to compel compliance with the directive with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such a petition.

"(B) ASSIGNMENT.—The presiding judge of the Court shall assign a petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

"(C) STANDARDS FOR REVIEW.—A judge considering a petition shall issue an order requiring the electronic communication service provider to comply with the directive if the judge finds that the directive was issued in accordance with paragraph (1), meets the requirements of this section, and is otherwise lawful. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

"(D) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

"(E) PROCESS.—Any process under this paragraph may be served in any judicial district in which the electronic communication service provider may be found.

"(6) APPEAL.—

"(A) APPEAL TO THE COURT OF REVIEW.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition with the Foreign Intelligence Surveillance Court of Review for review of the decision issued pursuant to paragraph (4) or (5) not later than 7 days after the issuance of such decision. The Court of Review shall have jurisdiction to consider such a petition and shall provide a written statement for the record of the reasons for a decision under this paragraph.

"(B) CERTIORARI TO THE SUPREME COURT.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"(h) JUDICIAL REVIEW OF CERTIFICATIONS AND PROCEDURES.—

"(1) IN GENERAL.—

"(A) REVIEW BY THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Foreign Intelligence Surveillance Court shall have jurisdiction to review any certification required by subsection (c) and the targeting and minimization procedures adopted pursuant to subsections (d) and (e).

"(B) SUBMISSION TO THE COURT.—The Attorney General shall submit to the Court any such certification or procedure, or amendment thereto, not later than 5 days after making or amending the certification or adopting or amending the procedures.

"(2) CERTIFICATIONS.—The Court shall review a certification provided under subsection (f) to determine whether the certification contains all the required elements.

"(3) TARGETING PROCEDURES.—The Court shall review the targeting procedures required by subsection (d) to assess whether the procedures are reasonably designed to ensure that the acquisition authorized under subsection (a) is limited to the targeting of persons reasonably believed to be located outside the United States.

"(4) MINIMIZATION PROCEDURES.—The Court shall review the minimization procedures required by subsection (e) to assess whether such procedures meet the definition of minimization procedures under section 101(h) or section 301(4).

"(5) ORDERS.—

"(A) APPROVAL.—If the Court finds that a certification required by subsection (f) contains all of the required elements and that the targeting and minimization procedures required by subsections (d) and (e) are consistent with the requirements of those subsections and with the fourth amendment to the Constitution of the United States, the Court shall enter an order approving the continued use of the procedures for the acquisition authorized under subsection (a).

"(B) CORRECTION OF DEFICIENCIES.—If the Court finds that a certification required by subsection (f) does not contain all of the required elements, or that the procedures required by subsections (d) and (e) are not consistent with the requirements of those subsections or the fourth amendment to the Constitution of the United States, the Court shall issue an order directing the Government to, at the Government's election and to the extent required by the Court's order—

"(i) correct any deficiency identified by the Court's order not later than 30 days after the date the Court issues the order; or

"(ii) cease the acquisition authorized under subsection (a).

"(C) REQUIREMENT FOR WRITTEN STATEMENT.—In support of its orders under this subsection, the Court shall provide, simultaneously with the orders, for the record a written statement of its reasons.

"(6) APPEAL.—

"(A) APPEAL TO THE COURT OF REVIEW.—The Government may appeal any order under this section to the Foreign Intelligence Surveillance Court of Review, which shall have jurisdiction to review such order. For any decision affirming, reversing, or modifying an order of the Foreign Intelligence Surveillance Court, the Court of Review shall provide for the record a written statement of its reasons.

"(B) CONTINUATION OF ACQUISITION PENDING REHEARING OR APPEAL.—Any acquisitions affected by an order under paragraph (5)(B) may continue—

"(i) during the pendency of any rehearing of the order by the Court en banc; and

"(ii) during the pendency of any appeal of the order to the Foreign Intelligence Surveillance Court of Review.

"(C) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of a decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"(i) EXPEDITED JUDICIAL PROCEEDINGS.—Judicial proceedings under this section shall be conducted as expeditiously as possible.

"(j) MAINTENANCE AND SECURITY OF RECORDS AND PROCEEDINGS.—

"(1) STANDARDS.—A record of a proceeding under this section, including petitions filed, orders granted, and statements of reasons for decision, shall be maintained under security measures adopted by the Chief Justice of the

United States, in consultation with the Attorney General and the Director of National Intelligence.

"(2) FILING AND REVIEW.—All petitions under this section shall be filed under seal. In any proceedings under this section, the court shall, upon request of the Government, review ex parte and in camera any Government submission, or portions of a submission, which may include classified information.

"(3) RETENTION OF RECORDS.—A directive made or an order granted under this section shall be retained for a period of not less than 10 years from the date on which such directive or such order is made.

"(k) ASSESSMENTS AND REVIEWS.—

"(1) SEMIANNUAL ASSESSMENT.—Not less frequently than once every 6 months, the Attorney General and Director of National Intelligence shall assess compliance with the targeting and minimization procedures required by subsections (e) and (f) and shall submit each such assessment to—

"(A) the Foreign Intelligence Surveillance Court; and

"(B) the congressional intelligence committees.

"(2) AGENCY ASSESSMENT.—The Inspectors General of the Department of Justice and of any element of the intelligence community authorized to acquire foreign intelligence information under subsection (a) with respect to their department, agency, or element—

"(A) are authorized to review the compliance with the targeting and minimization procedures required by subsections (d) and (e);

"(B) with respect to acquisitions authorized under subsection (a), shall review the number of disseminated intelligence reports containing a reference to a United States person identity and the number of United States person identities subsequently disseminated by the element concerned in response to requests for identities that were not referred to by name or title in the original reporting;

"(C) with respect to acquisitions authorized under subsection (a), shall review the number of targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed; and

"(D) shall provide each such review to—

"(i) the Attorney General;

"(ii) the Director of National Intelligence; and

"(iii) the congressional intelligence committees.

"(3) ANNUAL REVIEW.—

"(A) REQUIREMENT TO CONDUCT.—The head of an element of the intelligence community conducting an acquisition authorized under subsection (a) shall direct the element to conduct an annual review to determine whether there is reason to believe that foreign intelligence information has been or will be obtained from the acquisition. The annual review shall provide, with respect to such acquisitions authorized under subsection (a)—

"(i) an accounting of the number of disseminated intelligence reports containing a reference to a United States person identity;

"(ii) an accounting of the number of United States person identities subsequently disseminated by that element in response to requests for identities that were not referred to by name or title in the original reporting;

"(iii) the number of targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed; and

"(iv) a description of any procedures developed by the head of an element of the intelligence community and approved by the Director of National Intelligence to assess, in a manner consistent with national security, operational requirements and the privacy interests of United States persons, the extent to which the acquisitions authorized under subsection (a) acquire the communications of United States persons, as well as the results of any such assessment.

"(B) USE OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall use each such review to evaluate the adequacy of the minimization procedures utilized by such element or the application of the minimization procedures to a particular acquisition authorized under subsection (a).

"(C) PROVISION OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall provide such review to—

"(i) the Foreign Intelligence Surveillance Court;

"(ii) the Attorney General;

"(iii) the Director of National Intelligence; and

"(iv) the congressional intelligence committees.

"SEC. 704. CERTAIN ACQUISITIONS INSIDE THE UNITED STATES OF UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

"(a) JURISDICTION OF THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—

"(1) IN GENERAL.—The Foreign Intelligence Surveillance Court shall have jurisdiction to enter an order approving the targeting of a United States person reasonably believed to be located outside the United States to acquire foreign intelligence information, if such acquisition constitutes electronic surveillance (as defined in section 101(f), regardless of the limitation of section 701) or the acquisition of stored electronic communications or stored electronic data that requires an order under this Act, and such acquisition is conducted within the United States.

"(2) LIMITATION.—In the event that a United States person targeted under this subsection is reasonably believed to be located in the United States during the pendency of an order issued pursuant to subsection (c), such acquisition shall cease until authority, other than under this section, is obtained pursuant to this Act or the targeted United States person is again reasonably believed to be located outside the United States during the pendency of an order issued pursuant to subsection (c).

"(b) APPLICATION.—

"(1) IN GENERAL.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application, as set forth in this section, and shall include—

"(A) the identity of the Federal officer making the application;

"(B) the identity, if known, or a description of the United States person who is the target of the acquisition;

"(C) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—

"(i) a person reasonably believed to be located outside the United States; and

"(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

"(D) a statement of the proposed minimization procedures consistent with the requirements of section 101(h) or section 301(4);

"(E) a description of the nature of the information sought and the type of communications or activities to be subjected to acquisition;

"(F) a certification made by the Attorney General or an official specified in section 104(a)(6) that—

"(i) the certifying official deems the information sought to be foreign intelligence information;

"(ii) a significant purpose of the acquisition is to obtain foreign intelligence information;

"(iii) such information cannot reasonably be obtained by normal investigative techniques;

"(iv) designates the type of foreign intelligence information being sought according to the categories described in section 101(e); and

"(v) includes a statement of the basis for the certification that—

"(I) the information sought is the type of foreign intelligence information designated; and

"(II) such information cannot reasonably be obtained by normal investigative techniques;

"(G) a summary statement of the means by which the acquisition will be conducted and whether physical entry is required to effect the acquisition;

"(H) the identity of any electronic communication service provider necessary to effect the acquisition, provided, however, that the application is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under this section will be directed or conducted;

"(I) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

"(J) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

"(2) OTHER REQUIREMENTS OF THE ATTORNEY GENERAL.—The Attorney General may require any other affidavit or certification from any other officer in connection with the application.

"(3) OTHER REQUIREMENTS OF THE JUDGE.—The judge may require the applicant to furnish such other information as may be necessary to make the findings required by subsection (c)(1).

"(c) ORDER.—

"(1) FINDINGS.—Upon an application made pursuant to subsection (b), the Foreign Intelligence Surveillance Court shall enter an ex parte order as requested or as modified approving the acquisition if the Court finds that—

"(A) the application has been made by a Federal officer and approved by the Attorney General;

"(B) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—

"(i) a person reasonably believed to be located outside the United States; and "(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

"(C) the proposed minimization procedures meet the definition of minimization procedures under section 101(h) or section 301(4); and

"(D) the application which has been filed contains all statements and certifications required by subsection (b) and the certification or certifications are not clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3).

"(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of an order under paragraph (1), a judge having jurisdiction under subsection (a)(1) may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target. However, no United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

"(3) REVIEW.—

"(A) LIMITATION ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1).

"(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause to issue an order under paragraph (1), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

"(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the proposed minimization procedures required under paragraph (1)(C) do not meet the definition of minimization procedures under section 101(h) or section 301(4), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

"(D) REVIEW OF CERTIFICATION.—If the judge determines that an application required by subsection (2) does not contain all of the required elements, or that the certification or certifications are clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

"(4) SPECIFICATIONS.—An order approving an acquisition under this subsection shall specify—

"(A) the identity, if known, or a description of the United States person who is the target of the acquisition identified or described in the application pursuant to subsection (b)(1)(B);

"(B) if provided in the application pursuant to subsection (b)(1)(H), the nature and location of each of the facilities or places at which the acquisition will be directed;

"(C) the nature of the information sought to be acquired and the type of communications or activities to be subjected to acquisition;

"(D) the means by which the acquisition will be conducted and whether physical entry is required to effect the acquisition; and

"(E) the period of time during which the acquisition is approved.

"(5) DIRECTIONS.—An order approving acquisitions under this subsection shall direct—

"(A) that the minimization procedures be followed;

"(B) an electronic communication service provider to provide to the Government forthwith all information, facilities, or assistance necessary to accomplish the acquisition authorized under this subsection in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target;

"(C) an electronic communication service provider to maintain under security procedures approved by the Attorney General any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain; and

"(D) that the Government compensate, at the prevailing rate, such electronic communication service provider for providing such information, facilities, or assistance.

"(6) DURATION.—An order approved under this paragraph shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

"(7) COMPLIANCE.—At or prior to the end of the period of time for which an acquisition is approved by an order or extension under this section, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.

"(d) EMERGENCY AUTHORIZATION.—

"(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision of this Act, if the Attorney General reasonably determines that—

"(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order authorizing such acquisition can with due diligence be obtained; and

"(B) the factual basis for issuance of an order under this subsection to approve such acquisition exists,

the Attorney General may authorize the emergency acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General, or a designee of the Attorney General, at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this subsection is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 168 hours after the Attorney General authorizes such acquisition.

"(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes such emergency acquisition, the Attorney General shall require that the minimization procedures required by this subsection for the issuance of a judicial order be followed.

"(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of a judicial order approving such acquisition, the acquisition shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 168 hours from the time of authorization by the Attorney General, whichever is earliest.

"(4) USE OF INFORMATION.—In the event that such application for approval is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person during the pendency of the 168-hour emergency acquisition period, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(e) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with an order or request for emergency assistance issued pursuant to subsections (c) or (d).

"(f) APPEAL.—

"(1) APPEAL TO THE FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this paragraph.

"(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"SEC. 705. OTHER ACQUISITIONS TARGETING UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

"(a) JURISDICTION AND SCOPE.—

"(1) JURISDICTION.—The Foreign Intelligence Surveillance Court shall have jurisdiction to enter an order pursuant to subsection (c).

"(2) SCOPE.—No element of the intelligence community may intentionally target, for the purpose of acquiring foreign intelligence information, a United States person reasonably believed to be located outside the United States under circumstances in which the targeted United States person has a reasonable expectation of privacy and a warrant would be required if the acquisition were conducted inside the United States for law enforcement purposes, unless a judge of the Foreign Intelligence Surveillance Court has entered an order or the Attorney General has authorized an emergency acquisition pursuant to subsections (c) or (d) or any other provision of this Act.

"(3) LIMITATIONS.—

"(A) MOVING OR MISIDENTIFIED TARGETS.—In the event that the targeted United States person is reasonably believed to be in the United States during the pendency of an order issued pursuant to subsection (c), such acquisition shall cease until authority is obtained pursuant to this Act or the targeted

United States person is again reasonably believed to be located outside the United States during the pendency of an order issued pursuant to subsection (c).

"(B) APPLICABILITY.—If the acquisition is to be conducted inside the United States and could be authorized under section 704, the procedures of section 704 shall apply, unless an order or emergency acquisition authority has been obtained under a provision of this Act other than under this section.

"(b) APPLICATION.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application as set forth in this section and shall include—

"(1) the identity, if known, or a description of the specific United States person who is the target of the acquisition;

"(2) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—

"(A) a person reasonably believed to be located outside the United States; and

"(B) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

"(3) a statement of the proposed minimization procedures consistent with the requirements of section 101(h) or section 301(4);

"(4) a certification made by the Attorney General, an official specified in section 104(a)(6), or the head of an element of the intelligence community that—

"(A) the certifying official deems the information sought to be foreign intelligence information; and

"(B) a significant purpose of the acquisition is to obtain foreign intelligence information;

"(5) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

"(6) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

"(c) ORDER.—

"(1) FINDINGS.—If, upon an application made pursuant to subsection (b), a judge having jurisdiction under subsection (a) finds that—

"(A) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—

"(i) a person reasonably believed to be located outside the United States; and

"(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

"(B) the proposed minimization procedures, with respect to their dissemination provisions, meet the definition of minimization procedures under section 101(h) or section 301(4); and

"(C) the application which has been filed contains all statements and certifications required by subsection (b) and the certification provided under subsection (b)(4) is not clearly erroneous on the basis of the information furnished under subsection (b),

the Court shall issue an ex parte order so stating.

"(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of an order under paragraph (1)(A), a judge having jurisdiction under subsection (a)(1) may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target. However, no United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

"(3) REVIEW.—

"(A) LIMITATIONS ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1). The judge shall not have jurisdiction to review the means by which an acquisition under this section may be conducted.

"(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause to issue an order under this subsection, the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

"(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the minimization procedures applicable to dissemination of information obtained through an acquisition under this subsection do not meet the definition of minimization procedures under section 101(h) or section 301(4), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

"(D) SCOPE OF REVIEW OF CERTIFICATION.—If the judge determines that the certification provided under subsection (b)(4) is clearly erroneous on the basis of the information furnished under subsection (b), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

"(4) DURATION.—An order under this paragraph shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

"(5) COMPLIANCE.—At or prior to the end of the period of time for which an order or extension is granted under this section, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was disseminated, provided that the judge may not inquire into the circumstances relating to the conduct of the acquisition.

"(d) EMERGENCY AUTHORIZATION.—

"(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision in this subsection, if the Attorney General reasonably determines that—

"(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order under that subsection may, with due diligence, be obtained; and

"(B) the factual basis for issuance of an order under this section exists,

the Attorney General may authorize the emergency acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General or a designee of the Attorney General at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this subsection is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 168 hours after the Attorney General authorizes such acquisition.

"(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes such emergency acquisition, the Attorney General shall require that the minimization procedures required by this subsection be followed.

"(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of an order under subsection (c), the acquisition shall terminate when the information sought is obtained, if the application for the order is denied, or after the expiration of 168 hours from the time of authorization by the Attorney General, whichever is earliest.

"(4) USE OF INFORMATION.—In the event that such application is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person during the pendency of the 168-hour emergency acquisition period, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(e) APPEAL.—

"(1) APPEAL TO THE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this paragraph.

"(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"SEC. 706. JOINT APPLICATIONS AND CONCURRENT AUTHORIZATIONS.

"(a) JOINT APPLICATIONS AND ORDERS.—If an acquisition targeting a United States person under section 704 or section 705 is proposed to be conducted both inside and outside the United States, a judge having jurisdiction under section 704(a)(1) or section 705(a)(1) may issue simultaneously, upon the request of the Government in a joint application complying with the requirements of section 704(b) or section 705(b), orders under section 704(b) or section 705(b), as applicable.

"(b) CONCURRENT AUTHORIZATION.—If an order authorizing electronic surveillance or physical search has been obtained under section 105 or section 304 and that order is still in effect, the Attorney General may authorize, without an order under section 704 or section 705, an acquisition of foreign intelligence information targeting that United States person while such person is reasonably believed to be located outside the United States.

"SEC. 707. USE OF INFORMATION ACQUIRED UNDER TITLE VII.

"(a) INFORMATION ACQUIRED UNDER SECTION 703.—Information acquired from an acquisition conducted under section 703 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106, except for the purposes of subsection (j) of such section.

"(b) INFORMATION ACQUIRED UNDER SECTION 704.—Information acquired from an acquisition conducted under section 704 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106.

"SEC. 708. CONGRESSIONAL OVERSIGHT.

"(a) SEMIANNUAL REPORT.—Not less frequently than once every 6 months, the Attorney General shall fully inform, in a manner consistent with national security, the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives, concerning the implementation of this title.

"(b) CONTENT.—Each report made under subparagraph (a) shall include—

"(1) with respect to section 703—

"(A) any certifications made under subsection 703(f) during the reporting period;

"(B) any directives issued under subsection 703(g) during the reporting period;

"(C) a description of the judicial review during the reporting period of any such certifications and targeting and minimization procedures utilized with respect to such acquisition, including a copy of any order or pleading in connection with such review that contains a significant legal interpretation of the provisions of this section;

"(D) any actions taken to challenge or enforce a directive under paragraphs (4) or (5) of section 703(g);

"(E) any compliance reviews conducted by the Department of Justice or the Office of the Director of National Intelligence of acquisitions authorized under subsection 703(a);

"(F) a description of any incidents of noncompliance with a directive issued by the Attorney General and the Director of National Intelligence under subsection 703(g), including—

"(i) incidents of noncompliance by an element of the intelligence community with procedures adopted pursuant to subsections (d) and (e) of section 703; and

"(ii) incidents of noncompliance by a specified person to whom the Attorney General and Director of National Intelligence issued a directive under subsection 703(g); and

"(G) any procedures implementing this section;

"(2) with respect to section 704—

"(A) the total number of applications made for orders under section 704(b);

"(B) the total number of such orders either granted, modified, or denied; and

"(C) the total number of emergency acquisitions authorized by the Attorney General under section 704(d) and the total number of subsequent orders approving or denying such acquisitions; and

"(3) with respect to section 705—

"(A) the total number of applications made for orders under 705(b);

"(B) the total number of such orders either granted, modified, or denied; and

"(C) the total number of emergency acquisitions authorized by the Attorney General under subsection 705(d) and the total number of subsequent orders approving or denying such applications.".

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et. seq.) is amended—

(1) by striking the item relating to title VII;

(2) by striking the item relating to section 701; and

(3) by adding at the end the following:

"TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES

"Sec. 701. Limitation on definition of electronic surveillance.
"Sec. 702. Definitions.
"Sec. 703. Procedures for targeting certain persons outside the United States other than United States persons.
"Sec. 704. Certain acquisitions inside the United States of United States persons outside the United States.
"Sec. 705. Other acquisitions targeting United States persons outside the United States.
"Sec. 706. Joint applications and concurrent authorizations.
"Sec. 707. Use of information acquired under title VII.
"Sec. 708. Congressional oversight.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 18, UNITED STATES CODE.—

(A) SECTION 2232.—Section 2232(e) of title 18, United States Code, is amended by inserting "(as defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978, regardless of the limitation of section 701 of that Act)" after "electronic surveillance".

(B) SECTION 2511.—Section 2511(2)(a)(ii)(A) of title 18, United States Code, is amended by inserting "or a court order pursuant to section 705 of the Foreign Intelligence Surveillance Act of 1978" after "assistance".

(2) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—

(A) SECTION 109.—Section 109 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809) is amended by adding at the end the following:

"(e) DEFINITION.—For the purpose of this section, the term 'electronic surveillance' means electronic surveillance as defined in section 101(f) of this Act regardless of the limitation of section 701 of this Act.".

(B) SECTION 110.—Section 110 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1810) is amended by—

(i) adding an "(a)" before "CIVIL ACTION",

(ii) redesignating subsections (a) through (c) as paragraphs (1) through (3), respectively; and

(iii) adding at the end the following:

"(b) DEFINITION.—For the purpose of this section, the term 'electronic surveillance' means electronic surveillance as defined in section 101(f) of this Act regardless of the limitation of section 701 of this Act.".

(C) SECTION 601.—Section 601(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(a)(1)) is amended by striking subparagraphs (C) and (D) and inserting the following:

"(C) pen registers under section 402;

"(D) access to records under section 501;

"(E) acquisitions under section 704; and

"(F) acquisitions under section 705;".

(d) TERMINATION OF AUTHORITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a)(2), (b), and (c) shall cease to have effect on December 31, 2013.

(2) CONTINUING APPLICABILITY.—Section 703(g)(3) of the Foreign Intelligence Surveillance Act of 1978 (as amended by subsection (a)) shall remain in effect with respect to any directive issued pursuant to section 703(g) of that Act (as so amended) during the period such directive was in effect. Section 704(e) of the Foreign Intelligence Surveillance Act of 1978 (as amended by subsection (a)) shall remain in effect with respect to an order or request for emergency assistance under that section. The use of information acquired by an acquisition conducted under section 703 of that Act (as so amended) shall continue to be governed by the provisions of section 707 of that Act (as so amended).

SEC. 102. STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF DOMESTIC COMMUNICATIONS MAY BE CONDUCTED.

(a) STATEMENT OF EXCLUSIVE MEANS.—Title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following new section:

"STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF DOMESTIC COMMUNICATIONS MAY BE CONDUCTED

"SEC. 112. The procedures of chapters 119, 121, and 206 of title 18, United States Code, and this Act shall be the exclusive means by which electronic surveillance (as defined in section 101(f), regardless of the limitation of section 701) and the interception of domestic wire, oral, or electronic communications may be conducted.".

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding after the item relating to section 111, the following:

"Sec. 112. Statement of exclusive means by which electronic surveillance and interception of domestic communications may be conducted.".

(c) CONFORMING AMENDMENTS.—Section 2511(2) of title 18, United States Code, is amended in paragraph (f), by striking ", as defined in section 101 of such Act," and inserting "(as defined in section 101(f) of such Act regardless of the limitation of section 701 of such Act)".

SEC. 103. SUBMITTAL TO CONGRESS OF CERTAIN COURT ORDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) INCLUSION OF CERTAIN ORDERS IN SEMIANNUAL REPORTS OF ATTORNEY GENERAL.—Subsection (a)(5) of section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by striking "(not including orders)" and inserting ", orders,".

(b) REPORTS BY ATTORNEY GENERAL ON CERTAIN OTHER ORDERS.—Such section 601, as amended by subsection (a), is further amended by adding at the end the following:

"(c) The Attorney General shall submit to the committees of Congress referred to in subsection (a) a copy of any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of any provision of this Act not later than 45 days after such decision, order, or opinion is issued.".

(c) DEFINITIONS.—Such section 601, as amended by subsections (a) and (b), is further amended by adding at the end the following:

"(d) DEFINITIONS.—In this section:

"(1) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The term "'Foreign Intelligence Surveillance Court'" means the court established by section 103(a).

"(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The term 'Foreign Intelligence Surveillance Court of Review' means the court established by section 103(b).".

SEC. 104. APPLICATIONS FOR COURT ORDERS.

Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (2) and (11);

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively;

(C) in paragraph (5), as redesignated by subparagraph (B) of this paragraph, by striking "detailed";

(D) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking "Affairs or" and inserting "Affairs,"; and

(ii) by striking "Senate—" and inserting "Senate, or the Deputy Director of the Federal Bureau of Investigation, if designated by the President as a certifying official—";

(E) in paragraph (7), as redesignated by subparagraph (B) of this paragraph, by striking "statement of" and inserting "summary statement of";

(F) in paragraph (8), as redesignated by subparagraph (B) of this paragraph, by adding "and" at the end; and

(G) in paragraph (9), as redesignated by subparagraph (B) of this paragraph, by striking "; and" and inserting a period;

(2) by striking subsection (b);

(3) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively; and

(4) in paragraph (1)(A) of subsection (d), as redesignated by paragraph (3) of this subsection, by striking "or the Director of National Intelligence" and inserting "the Director of National Intelligence, or the Director of the Central Intelligence Agency".

SEC. 105. ISSUANCE OF AN ORDER.

Section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(2) in subsection (b), by striking "(a)(3)" and inserting "(a)(2)";

(3) in subsection (c)(1)—

(A) in subparagraph (D), by adding "and" at the end;

(B) in subparagraph (E), by striking "; and" and inserting a period; and

(C) by striking subparagraph (F);

(4) by striking subsection (d);

(5) by redesignating subsections (e) through (i) as subsections (d) through (h), respectively;

(6) by amending subsection (e), as redesignated by paragraph (5) of this section, to read as follows:

"(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of electronic surveillance if the Attorney General reasonably—

"(A) determines that an emergency situation exists with respect to the employment of electronic surveillance to obtain foreign intelligence information before an order authorizing such surveillance can with due diligence be obtained;

"(B) determines that the factual basis for issuance of an order under this title to approve such electronic surveillance exists;

"(C) informs, either personally or through a designee, a judge having jurisdiction under section 103 at the time of such authorization that the decision has been made to employ emergency electronic surveillance; and

"(D) makes an application in accordance with this title to a judge having jurisdiction under section 103 as soon as practicable, but not later than 168 hours after the Attorney General authorizes such surveillance.

"(2) If the Attorney General authorizes the emergency employment of electronic surveillance under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

"(3) In the absence of a judicial order approving such electronic surveillance, the surveillance shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 168 hours from the time of authorization by the Attorney General, whichever is earliest.

"(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

"(5) In the event that such application for approval is denied, or in any other case where the electronic surveillance is terminated and no order is issued approving the surveillance, no information obtained or evidence derived from such surveillance shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such surveillance shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(6) The Attorney General shall assess compliance with the requirements of paragraph (5)."; and

(7) by adding at the end the following:

"(i) In any case in which the Government makes an application to a judge under this title to conduct electronic surveillance involving communications and the judge grants such application, upon the request of the applicant, the judge shall also authorize the installation and use of pen registers and trap and trace devices, and direct the disclosure of the information set forth in section 402(d)(2).".

SEC. 106. USE OF INFORMATION.

Subsection (i) of section 106 of the Foreign Intelligence Surveillance Act of 1978 (8 U.S.C. 1806) is amended by striking "radio communication" and inserting "communication".

SEC. 107. AMENDMENTS FOR PHYSICAL SEARCHES.

(a) APPLICATIONS.—Section 303 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1823) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively;

(C) in paragraph (2), as redesignated by subparagraph (B) of this paragraph, by striking "detailed";

(D) in paragraph (3)(C), as redesignated by subparagraph (B) of this paragraph, by inserting "or is about to be" before "owned"; and

(E) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking "Affairs or" and inserting "Affairs,"; and

(ii) by striking "Senate—" and inserting "Senate, or the Deputy Director of the Federal Bureau of Investigation, if designated by the President as a certifying official—"; and

(2) in subsection (d)(1)(A), by striking "or the Director of National Intelligence" and inserting "the Director of National Intelligence, or the Director of the Central Intelligence Agency".

(b) ORDERS.—Section 304 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(2) by amending subsection (e) to read as follows:

"(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of a physical search if the Attorney General reasonably—

"(A) determines that an emergency situation exists with respect to the employment of a physical search to obtain foreign intelligence information before an order authorizing such physical search can with due diligence be obtained;

"(B) determines that the factual basis for issuance of an order under this title to approve such physical search exists;

"(C) informs, either personally or through a designee, a judge of the Foreign Intelligence Surveillance Court at the time of such authorization that the decision has been made to employ an emergency physical search; and

"(D) makes an application in accordance with this title to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 168 hours after the Attorney General authorizes such physical search.

"(2) If the Attorney General authorizes the emergency employment of a physical search under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

"(3) In the absence of a judicial order approving such physical search, the physical search shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 168 hours from the time of authorization by the Attorney General, whichever is earliest.

"(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

"(5)(A) In the event that such application for approval is denied, or in any other case where the physical search is terminated and no order is issued approving the physical search, no information obtained or evidence derived from such physical search shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such physical search shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(B) The Attorney General shall assess compliance with the requirements of subparagraph (A).".

(c) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) in section 304(a)(4), as redesignated by subsection (b) of this section, by striking "303(a)(7)(E)" and inserting "303(a)(6)(E)"; and

(2) in section 305(k)(2), by striking "303(a)(7)" and inserting "303(a)(6)".

SEC. 108. AMENDMENTS FOR EMERGENCY PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(1) in subsection (a)(2), by striking "48 hours" and inserting "168 hours"; and

(2) in subsection (c)(1)(C), by striking "48 hours" and inserting "168 hours".

SEC. 109. FOREIGN INTELLIGENCE SURVEILLANCE COURT.

(a) DESIGNATION OF JUDGES.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by inserting "at least" before "seven of the United States judicial circuits".

(b) EN BANC AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978, as amended by subsection (a) of this section, is further amended—

(A) by inserting "(1)" after "(a)"; and

(B) by adding at the end the following new paragraph:

"(2)(A) The court established under this subsection may, on its own initiative, or upon the request of the Government in any proceeding or a party under section 501(f) or paragraph (4) or (5) of section 703(h), hold a hearing or rehearing, en banc, when ordered by a majority of the judges that constitute such court upon a determination that—

"(i) en banc consideration is necessary to secure or maintain uniformity of the court's decisions; or

"(ii) the proceeding involves a question of exceptional importance.

"(B) Any authority granted by this Act to a judge of the court established under this subsection may be exercised by the court en banc. When exercising such authority, the court en banc shall comply with any requirements of this Act on the exercise of such authority.

"(C) For purposes of this paragraph, the court en banc shall consist of all judges who constitute the court established under this subsection.".

(2) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 is further amended—

(A) in subsection (a) of section 103, as amended by this subsection, by inserting "(except when sitting en banc under paragraph (2))" after "no judge designated under this subsection"; and

(B) in section 302(c) (50 U.S.C. 1822(c)), by inserting "(except when sitting en banc)" after "except that no judge".

(c) STAY OR MODIFICATION DURING AN APPEAL.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

"(f)(1) A judge of the court established under subsection (a), the court established under subsection (b) or a judge of that court, or the Supreme Court of the United States or a justice of that court, may, in accordance with the rules of their respective courts, enter a stay of an order or an order modifying an order of the court established under subsection (a) or the court established under subsection (b) entered under any title of this Act, while the court established under subsection (a) conducts a rehearing, while an appeal is pending to the court established under subsection (b), or while a petition of certiorari is pending in the Supreme Court of the United States, or during the pendency of any review by that court.

"(2) The authority described in paragraph (1) shall apply to an order entered under any provision of this Act.".

SEC. 110. TECHNICAL AND CONFORMING AMENDMENTS.

Section 103(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(e)) is amended—

(1) in paragraph (1), by striking "105B(h) or 501(f)(1)" and inserting "501(f)(1) or 703"; and

(2) in paragraph (2), by striking "105B(h) or 501(f)(1)" and inserting "501(f)(1) or 703".

TITLE II—PROTECTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS

SEC. 201. DEFINITIONS.

In this title:

(1) ASSISTANCE.—The term "assistance" means the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication), facilities, or another form of assistance.

(2) CONTENTS.—The term "contents" has the meaning given that term in section 101(n) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(n)).

(3) COVERED CIVIL ACTION.—The term "covered civil action" means a civil action filed in a Federal or State court that—

(A) alleges that an electronic communication service provider furnished assistance to an element of the intelligence community; and

(B) seeks monetary or other relief from the electronic communication service provider related to the provision of such assistance.

(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term "electronic communication service provider" means—

(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

(B) a provider of an electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;

(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or

(F) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), (D), or (E).

(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term "element of the intelligence community" means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 202. LIMITATIONS ON CIVIL ACTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS.

(a) LIMITATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a covered civil action shall not lie or be maintained in a Federal or State court, and shall be promptly dismissed, if the Attorney General certifies to the court that—

(A) the assistance alleged to have been provided by the electronic communication service provider was—

(i) in connection with an intelligence activity involving communications that was—

(I) authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007; and

(II) designed to detect or prevent a terrorist attack, or activities in preparation for a terrorist attack, against the United States; and

(ii) described in a written request or directive from the Attorney General or the head of an element of the intelligence community (or the deputy of such person) to the electronic communication service provider indicating that the activity was—

(I) authorized by the President; and

(II) determined to be lawful; or

(B) the electronic communication service provider did not provide the alleged assistance.

(2) REVIEW.—A certification made pursuant to paragraph (1) shall be subject to review by a court for abuse of discretion.

(b) REVIEW OF CERTIFICATIONS.—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a certification made pursuant to subsection (a) would harm the national security of the United States, the court shall—

(1) review such certification in camera and ex parte; and

(2) limit any public disclosure concerning such certification, including any public order following such an ex parte review, to a statement that the conditions of subsection (a) have been met, without disclosing the subparagraph of subsection (a)(1) that is the basis for the certification.

(c) NONDELEGATION.—The authority and duties of the Attorney General under this section shall be performed by the Attorney General (or Acting Attorney General) or a designee in a position not lower than the Deputy Attorney General.

(d) CIVIL ACTIONS IN STATE COURT.—A covered civil action that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable under section 1441 of title 28, United States Code.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit any otherwise available immunity, privilege, or defense under any other provision of law.

(f) EFFECTIVE DATE AND APPLICATION.—This section shall apply to any covered civil action that is pending on or filed after the date of enactment of this Act.

SEC. 203. PROCEDURES FOR IMPLEMENTING STATUTORY DEFENSES UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by section 101, is further amended by adding after title VII the following new title:

“TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

“SEC. 801. DEFINITIONS.

“In this title:

“(1) ASSISTANCE.—The term ‘assistance’ means the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication), facilities, or another form of assistance.

“(2) ATTORNEY GENERAL.—The term ‘Attorney General’ has the meaning give that term in section 101(g).

“(3) CONTENTS.—The term ‘contents’ has the meaning given that term in section 101(n).

“(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term ‘electronic communication service provider’ means—

“(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

“(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

“(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

“(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;

“(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or

“(F) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), (D), or (E).

“(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term ‘element of the intelligence community’ means an element of the intelligence community as specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

“(6) PERSON.—The term ‘person’ means—

“(A) an electronic communication service provider; or

“(B) a landlord, custodian, or other person who may be authorized or required to furnish assistance pursuant to—

“(i) an order of the court established under section 103(a) directing such assistance;

“(ii) a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code; or

“(iii) a directive under section 102(a)(4), 105B(e), as in effect on the day before the date of the enactment of the FISA Amendments Act of 2008 or 703(h).

“(7) STATE.—The term ‘State’ means any State, political subdivision of a State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States, and includes any officer, public utility commission, or other body authorized to regulate an electronic communication service provider.

“SEC. 802. PROCEDURES FOR IMPLEMENTING STATUTORY DEFENSES.

“(a) REQUIREMENT FOR CERTIFICATION.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, no civil action may lie or be maintained in a Federal or State court against any person for providing assistance to an element of the intelligence community, and shall be promptly dismissed, if the Attorney General certifies to the court that—

“(A) any assistance by that person was provided pursuant to an order of the court established under section 103(a) directing such assistance;

“(B) any assistance by that person was provided pursuant to a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code;

“(C) any assistance by that person was provided pursuant to a directive under sections 102(a)(4), 105B(e), as in effect on the day before the date of the enactment of the FISA Amendments Act of 2008, or 703(h) directing such assistance; or

“(D) the person did not provide the alleged assistance.

“(2) REVIEW.—A certification made pursuant to paragraph (1) shall be subject to review by a court for abuse of discretion.

“(b) LIMITATIONS ON DISCLOSURE.—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a certification made pursuant to subsection (a) would harm the national security of the United States, the court shall—

“(1) review such certification in camera and ex parte; and

“(2) limit any public disclosure concerning such certification, including any public order following such an ex parte review, to a statement that the conditions of subsection (a) have been met, without disclosing the subparagraph of subsection (a)(1) that is the basis for the certification.

“(c) REMOVAL.—A civil action against a person for providing assistance to an element of the intelligence community that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable under section 1441 of title 28, United States Code.

“(d) RELATIONSHIP TO OTHER LAWS.—Nothing in this section may be construed to limit any otherwise available immunity, privilege, or defense under any other provision of law.

“(e) APPLICABILITY.—This section shall apply to a civil action pending on or filed after the date of enactment of the FISA Amendments Act of 2008.”.

SEC. 204. PREEMPTION OF STATE INVESTIGATIONS.

Title VIII of the Foreign Intelligence Surveillance Act (50 U.S.C. 1801 et seq.), as added by section 203 of this Act, is amended by adding at the end the following new section:

“SEC. 803. PREEMPTION.

“(a) IN GENERAL.—No State shall have authority to—

“(1) conduct an investigation into an electronic communication service provider's alleged assistance to an element of the intelligence community;

“(2) require through regulation or any other means the disclosure of information about an electronic communication service provider's alleged assistance to an element of the intelligence community;

“(3) impose any administrative sanction on an electronic communication service provider for assistance to an element of the intelligence community; or

“(4) commence or maintain a civil action or other proceeding to enforce a requirement that an electronic communication service provider disclose information concerning alleged assistance to an element of the intelligence community.

“(b) SUITS BY THE UNITED STATES.—The United States may bring suit to enforce the provisions of this section.

“(c) JURISDICTION.—The district courts of the United States shall have jurisdiction over any civil action brought by the United States to enforce the provisions of this section.

“(d) APPLICATION.—This section shall apply to any investigation, action, or proceeding that is pending on or filed after the date of enactment of the FISA Amendments Act of 2008.”.

SEC. 205. TECHNICAL AMENDMENTS.

The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by section 101(b), is further amended by adding at the end the following:

“TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

“Sec. 801. Definitions.
“Sec. 802. Procedures for implementing statutory defenses.
“Sec. 803. Preemption.”.

TITLE III—OTHER PROVISIONS

SEC. 301. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act, any such amendments, and of the application of such provisions to other persons and circumstances shall not be affected thereby.

SEC. 302. EFFECTIVE DATE; REPEAL; TRANSITION PROCEDURES.

(a) IN GENERAL.—Except as provided in subsection (c), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) REPEAL.—

(1) IN GENERAL.—Except as provided in subsection (c), sections 105A, 105B, and 105C of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a, 1805b, and 1805c) are repealed.

(2) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking the items relating to sections 105A, 105B, and 105C.

(c) TRANSITIONS PROCEDURES.—

(1) PROTECTION FROM LIABILITY.—Notwithstanding subsection (b)(1), subsection (l) of section 105B of the Foreign Intelligence Surveillance Act of 1978 shall remain in effect with respect to any directives issued pursuant to such section 105B for information, facilities, or assistance provided during the period such directive was or is in effect.

(2) ORDERS IN EFFECT.—

(A) ORDERS IN EFFECT ON DATE OF ENACTMENT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978—

(i) any order in effect on the date of enactment of this Act issued pursuant to the Foreign Intelligence Surveillance Act of 1978 or section 6(b) of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 556) shall remain in effect until the date of expiration of such order; and

(ii) at the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) shall reauthorize such order if the facts and circumstances continue to justify issuance of such order under the provisions of such Act, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, and 109 of this Act.

(B) ORDERS IN EFFECT ON DECEMBER 31, 2013.—Any order issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101 of this Act, in effect on December 31, 2013, shall continue in effect until the date of the expiration of such order. Any such order shall be governed by the applicable provisions of the Foreign Intelligence Surveillance Act of 1978, as so amended.

(3) AUTHORIZATIONS AND DIRECTIVES IN EFFECT.—

(A) AUTHORIZATIONS AND DIRECTIVES IN EFFECT ON DATE OF ENACTMENT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978, any authorization or directive in effect on the date of the enactment of this Act issued pursuant to the Protect America Act of 2007, or any amendment made by that Act, shall remain in effect until the date of expiration of such authorization or directive. Any such authorization or directive shall be governed by the applicable provisions of the Protect America Act of 2007 (121 Stat. 552), and the amendment made by that Act, and, except as provided in paragraph (4) of this subsection, any acquisition pursuant to such authorization or directive shall be deemed not to constitute electronic surveillance (as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(f)), as construed in accordance with section 105A of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a)).

(B) AUTHORIZATIONS AND DIRECTIVES IN EFFECT ON DECEMBER 31, 2013.—Any authorization or directive issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101 of this Act, in effect on December 31, 2013, shall continue in effect until the date of the expiration of such authorization or directive. Any such authorization or directive shall be governed by the applicable provisions of the Foreign Intelligence Surveillance Act of 1978, as so amended, and, except as provided in section 707 of the Foreign Intelligence Surveillance Act of 1978, as so amended, any acquisition pursuant to such authorization or directive shall be deemed not to constitute electronic surveillance (as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978, to the extent that such section 101(f) is limited by section 701 of the Foreign Intelligence Surveillance Act of 1978, as so amended).

(4) USE OF INFORMATION ACQUIRED UNDER PROTECT AMERICA ACT.—Information acquired from an acquisition conducted under the Protect America Act of 2007, and the amendments made by that Act, shall be deemed to be information acquired from an electronic surveillance pursuant to title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) for purposes of section 106 of that Act (50 U.S.C. 1806), except for purposes of subsection (j) of such section.

(5) NEW ORDERS.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978—

(A) the government may file an application for an order under the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, and 109 of this Act; and

(B) the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 shall enter an order granting such an application if the application meets the requirements of such Act, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, and 109 of this Act.

(6) EXTANT AUTHORIZATIONS.—At the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 shall extinguish any extant authorization to conduct electronic surveillance or physical search entered pursuant to such Act.

(7) APPLICABLE PROVISIONS.—Any surveillance conducted pursuant to an order entered pursuant to this subsection shall be subject to the provisions of the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, and 109 of this Act.

(8) TRANSITION PROCEDURES CONCERNING THE TARGETING OF UNITED STATES PERSONS OVERSEAS.—Any authorization in effect on the date of enactment of this Act under section 2.5 of Executive Order 12333 to intentionally target a United States person reasonably believed to be located outside the United States shall remain in effect, and shall constitute a sufficient basis for conducting such an acquisition targeting a United States person located outside the United States until the earlier of—

(A) the date that authorization expires; or

(B) the date that is 90 days after the date of the enactment of this Act.

SA 3912. Mr. FEINGOLD (for himself and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 10 between lines 5 and 6, insert the following:

"(vii) the acquisition of the contents (as that term is defined in section 2510(8) of title 18, United States Code)) of any communication is limited to communications to which any party is an individual target (which shall not be limited to known or named individuals) who is reasonably believed to be located outside of the United States, and a significant purpose of the acquisition of the communications of the target is to obtain foreign intelligence information; and

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SA 3913. Mr. FEINGOLD (for himself, Mr. MENENDEZ, and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 6, strike "the purpose" and all that follows through line 9 and insert the following: "a significant purpose of such acquisition is to acquire the communications of a particular, known person reasonably believed to be located in the United States, except in accordance with title I;".

On page 7, line 7, strike "United States." and insert the following: "United States, and that an application is filed under title I, if otherwise required, when a significant purpose of an acquisition authorized under subsection (a) is to acquire the communications of a particular, known person reasonably believed to be located in the United States.".

On page 9, between lines 9 and 10, insert the following:

"(iii) the procedures referred to in clause (i) require that an application is filed under title I, if otherwise required, when a significant purpose of an acquisition authorized under subsection (a) is to acquire the communications of a particular, known person reasonably believed to be located in the United States;

On page 17, line 2, strike "United States." and insert the following: "United States, and are reasonably designed to ensure that an application is filed under title I, if otherwise required, when a significant purpose of an acquisition authorized under subsection (a) is to acquire the communications of a particular, known person reasonably believed to be located in the United States.".

SA 3914. Mr. FEINGOLD (for himself, Mr. MENENDEZ, and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, strike line 4 and all that follows through page 17, line 2, and insert the following:

"(2) may not intentionally target a person reasonably believed to be located outside the United States if a significant purpose of such acquisition is to acquire the communications of a particular, known person reasonably believed to be located in the United States, except in accordance with title I;

"(3) may not intentionally target a United States person reasonably believed to be located outside the United States, except in accordance with sections 704, 705, or 706; and

"(4) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States.

"(c) CONDUCT OF ACQUISITION.—An acquisition authorized under subsection (a) may be conducted only in accordance with—

"(1) a certification made by the Attorney General and the Director of National Intelligence pursuant to subsection (f); and

"(2) the targeting and minimization procedures required pursuant to subsections (d) and (e).

"(d) TARGETING PROCEDURES.—

"(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt targeting procedures that are reasonably designed to ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States, and that an application is filed under title I, if otherwise required, when a significant purpose of an acquisition authorized under subsection (a) is to acquire the communications of a particular, known person reasonably believed to be located in the United States.

"(2) JUDICIAL REVIEW.—The procedures referred to in paragraph (1) shall be subject to judicial review pursuant to subsection (h).

"(e) MINIMIZATION PROCEDURES.—

"(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt, consistent with the requirements of section 101(h) or section 301(4), minimization procedures for acquisitions authorized under subsection (a).

"(2) JUDICIAL REVIEW.—The minimization procedures required by this subsection shall be subject to judicial review pursuant to subsection (h).

"(f) CERTIFICATION.—

"(1) IN GENERAL.—

"(A) REQUIREMENT.—Subject to subparagraph (B), prior to the initiation of an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence shall provide, under oath, a written certification, as described in this subsection.

"(B) EXCEPTION.—If the Attorney General and the Director of National Intelligence determine that immediate action by the Government is required and time does not permit the preparation of a certification under this subsection prior to the initiation of an acquisition, the Attorney General and the Director of National Intelligence shall prepare such certification, including such determination, as soon as possible but in no event more than 168 hours after such determination is made.

"(2) REQUIREMENTS.—A certification made under this subsection shall—

"(A) attest that—

"(i) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) is targeted at persons reasonably believed to be located outside the United States and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

"(ii) the procedures referred to in clause (i) are consistent with the requirements of the fourth amendment to the Constitution of the United States and do not permit the intentional targeting of any person who is known at the time of acquisition to be located in the United States;

"(iii) the procedures referred to in clause (i) require that an application is filed under title I, if otherwise required, when a significant purpose of an acquisition authorized under subsection (a) is to acquire the communications of a particular, known person reasonably believed to be located in the United States;

"(iv) a significant purpose of the acquisition is to obtain foreign intelligence information;

"(v) the minimization procedures to be used with respect to such acquisition—

"(I) meet the definition of minimization procedures under section 101(h) or section 301(4); and

"(II) have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

"(vi) the acquisition involves obtaining the foreign intelligence information from or with the assistance of an electronic communication service provider; and

"(vii) the acquisition does not constitute electronic surveillance, as limited by section 701; and

"(B) be supported, as appropriate, by the affidavit of any appropriate official in the area of national security who is—

"(i) appointed by the President, by and with the consent of the Senate; or

"(ii) the head of any element of the intelligence community.

"(3) LIMITATION.—A certification made under this subsection is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under subsection (a) will be directed or conducted.

"(4) SUBMISSION TO THE COURT.—The Attorney General shall transmit a copy of a certification made under this subsection, and any supporting affidavit, under seal to the Foreign Intelligence Surveillance Court as soon as possible, but in no event more than 5 days after such certification is made. Such certification shall be maintained under security measures adopted by the Chief Justice of the United States and the Attorney General, in consultation with the Director of National Intelligence.

"(5) REVIEW.—The certification required by this subsection shall be subject to judicial review pursuant to subsection (h).

"(g) DIRECTIVES AND JUDICIAL REVIEW OF DIRECTIVES.—

"(1) AUTHORITY.—With respect to an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence may direct, in writing, an electronic communication service provider to—

"(A) immediately provide the Government with all information, facilities, or assistance necessary to accomplish the acquisition in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target; and

"(B) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain.

"(2) COMPENSATION.—The Government shall compensate, at the prevailing rate, an electronic communication service provider for providing information, facilities, or assistance pursuant to paragraph (1).

"(3) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with a directive issued pursuant to paragraph (1).

"(4) CHALLENGING OF DIRECTIVES.—

"(A) AUTHORITY TO CHALLENGE.—An electronic communication service provider receiving a directive issued pursuant to paragraph (1) may challenge the directive by filing a petition with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such a petition.

"(B) ASSIGNMENT.—The presiding judge of the Court shall assign the petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

"(C) STANDARDS FOR REVIEW.—A judge considering a petition to modify or set aside a directive may grant such petition only if the judge finds that the directive does not meet the requirements of this section or is otherwise unlawful. If the judge does not modify or set aside the directive, the judge shall immediately affirm such directive, and order the recipient to comply with the directive. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

"(D) CONTINUED EFFECT.—Any directive not explicitly modified or set aside under this paragraph shall remain in full effect.

"(E) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

"(5) ENFORCEMENT OF DIRECTIVES.—

"(A) ORDER TO COMPEL.—In the case of a failure to comply with a directive issued pursuant to paragraph (1), the Attorney General may file a petition for an order to compel compliance with the directive with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such a petition.

"(B) ASSIGNMENT.—The presiding judge of the Court shall assign a petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

"(C) STANDARDS FOR REVIEW.—A judge considering a petition shall issue an order requiring the electronic communication service provider to comply with the directive if the judge finds that the directive was issued in accordance with paragraph (1), meets the requirements of this section, and is otherwise lawful. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

"(D) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

"(E) PROCESS.—Any process under this paragraph may be served in any judicial district in which the electronic communication service provider may be found.

"(6) APPEAL.—

"(A) APPEAL TO THE COURT OF REVIEW.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition with the Foreign Intelligence Surveillance Court of Review for review of the decision issued pursuant to paragraph (4) or (5) not later than 7 days after the issuance of such decision. The Court of Review shall have jurisdiction to consider such a petition and shall provide a written statement for the record of the reasons for a decision under this paragraph.

"(B) CERTIORARI TO THE SUPREME COURT.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"(h) JUDICIAL REVIEW OF CERTIFICATIONS AND PROCEDURES.—

"(1) IN GENERAL.—

"(A) REVIEW BY THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Foreign Intelligence Surveillance Court shall have jurisdiction to review any certification required by subsection (c) and the targeting and minimization procedures adopted pursuant to subsections (d) and (e).

"(B) SUBMISSION TO THE COURT.—The Attorney General shall submit to the Court any such certification or procedure, or amendment thereto, not later than 5 days after making or amending the certification or adopting or amending the procedures.

"(2) CERTIFICATIONS.—The Court shall review a certification provided under subsection (f) to determine whether the certification contains all the required elements.

"(3) TARGETING PROCEDURES.—The Court shall review the targeting procedures required by subsection (d) to assess whether the procedures are reasonably designed to ensure that the acquisition authorized under subsection (a) is limited to the targeting of persons reasonably believed to be located outside the United States, and are reasonably designed to ensure that an application is filed under title I, if otherwise required, when a significant purpose of an acquisition authorized under subsection (a) is to acquire the communications of a particular, known person reasonably believed to be located in the United States.

SA 3915. Mr. FEINGOLD (for himself and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, strike line 20 and all that follows through page 18, line 11, and insert the following:

"(B) CORRECTION OF DEFICIENCIES.—

"(i) IN GENERAL.—If the Court finds that a certification required by subsection (f) does not contain all of the required elements, or that the procedures required by subsections (d) and (e) are not consistent with the requirements of those subsections or the fourth amendment to the Constitution of the United States, the Court shall issue an order directing the Government to, at the Government's election and to the extent required by the Court's order—

"(I) correct any deficiency identified by the Court's order not later than 30 days after the date the Court issues the order; or

"(II) cease the acquisition authorized under subsection (a).

"(ii) LIMITATION ON USE OF INFORMATION.—

"(I) IN GENERAL.—Except as provided in subclause (II), no information obtained or evidence derived from an acquisition under clause (i)(I) concerning any United States person shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(II) EXCEPTION.—If the Government corrects any deficiency identified by the Court's order under clause (i), the Court may permit the use or disclosure of information acquired before the date of the correction pursuant to such minimization procedures as the Court shall establish for purposes of this clause.

SA 3916. ((Mr. BOND proposed an amendment to amendment SA 3909 submitted by Mr. FEINGOLD (for himself and Mr. DODD) to the amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; as follows:

On page 1, line 8, strike all after "subsection (a)" through page 2, line 14, and insert the following: ", with due regard to the protection of the national security of the United States–

"(1) a copy of any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of any provision of this Act, not later than 45 days after such decision, order, or opinion is issued; and

"(2) a copy of any such decision, order, or opinion that was issued during the 5-year period ending on the date of the enactment of the FISA Amendments Act of 2008 and not previously submitted in a report under subsection (a).".

SA 3917. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, between lines 7 and 8, insert the following:

SEC. 111. STANDING AND CAUSE OF ACTION FOR PERSONS WHO REFRAIN FROM COMMUNICATIONS BY REASON OF FEAR OF ELECTRONIC SURVEILLANCE.

(a) STANDING AND CAUSE OF ACTION.—A United States citizen shall have standing to bring a cause of action for damages (as specified in subsection (d)) or declaratory or injunctive relief against the United States if that individual has refrained or is refraining from communications because of a reasonable fear that such communications would be the subject of electronic surveillance conducted without an order issued in accordance with title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) or a joint authorization by the Attorney General and the Director of National Intelligence issued in accordance with title VII of the Foreign Intelligence Surveillance Act of 1978, as added by this Act, under a claim of Presidential authority under either the Constitution of the United States or the Authorization for Use of Military Force (Public Law 107–40; 115 Stat. 224; 50 U.S.C. 1541 note).

(b) RULES APPLICABLE TO ACTIONS.—In any civil action filed under subsection (a), the following shall apply:

(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard by a 3-judge court convened under section 2284 of title 28, United States Code.

(2) A copy of the complaint shall be delivered promptly to the Attorney General, the Clerk of the House of Representatives, and the Secretary of the Senate.

(3) A reasonable fear that communications will be the subject of electronic surveillance may be established by evidence that the person bringing the action—

(A) has had and intends to continue to have regular communications from the United States to one or more persons in Afghanistan, Iraq, Pakistan, or any country designated as a state sponsor of terrorism in the course of that person's paid employment doing journalistic, academic, or other research pertaining to terrorism or terrorist groups; or

(B) has engaged and intends to continue to engage in one or more commercial transactions with a bank or other financial institution in a country described in subparagraph (A).

(4) The procedures and standards of the Classified Information Procedures Act (18 U.S.C. App.) shall apply to the action.

(5) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, after the entry of the final decision.

(6) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

(c) MOOTNESS.—In any civil action filed under subsection (a) for declaratory or injunctive relief, a defendant's claim that the surveillance activity has been terminated may not be grounds for dismissing the case, unless the Attorney General files a declaration under section 1746 of title 28, United States Code, affirming that—

(1) the surveillance described in subsection (a) has ceased; and

(2) the executive branch of the Federal Government does not have legal authority to renew the surveillance described in subsection (a).

(d) LIMITATION OF DAMAGES.—In any civil action filed under subsection (a), a prevailing plaintiff shall recover—

(1) damages for injuries arising from a reasonable fear caused by the electronic surveillance described in subsection (a) of not less than $50 and not more than $1000; and

(2) reasonable attorney's fees and other investigation and litigation costs reasonably incurred relating to that civil action.

(e) SEVERABILITY.—If any provision of this section, or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act, any such amendments, and of the application of such provisions to other persons and circumstances shall not be affected thereby.

(f) RULES OF CONSTRUCTION.—Nothing in this section may be construed to—

(1) affect a cause of action filed before the date of enactment of this Act;

(2) limit any cause of action available to a person under any other provision of law, including the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.); or

(3) limit the relief that may be awarded under any other provision of law, including the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

(g) DEFINITION.—In this section, the term "electronic surveillance" has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

SA 3918. Mr. REID proposed an amendment to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; as follows:

1. EXTENSION OF THE PROTECT AMERICA ACT OF 2007.

Subsection (c) of section 6 of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 557; 50 U.S.C. 1803 note) is amended by striking "180" and inserting "210".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, February 6, 2008, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the U.S. Department of Energy's budget for fiscal year 2009.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Rosemarie_Calabro@energy.senate.gov.

For further information, please contact Jonathan Epstein or Rosemarie Calabro.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, February 14, 2008, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the President's fiscal year 2009 budget request for the USDA Forest Service.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to rachel_pasternack@energy.senate.gov.

For further information, please contact Scott Miller or Rachel Pasternack.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, January 24, 2008, at 3:30 p.m. in room 328A of the Russell Senate Office Building in order to consider the nomination of Ed Schafer, of North Dakota, to be Secretary of Agriculture.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, January 24, 2008, at 9:30 a.m., in room SD366 of the Dirksen Senate Office Building in order to conduct a hearing. At this hearing, the Committee will hear testimony regarding Reform of the Mining Law of 1872.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, January 24, 2008, at 10 a.m. in room 406 of the Dirksen Senate Office Building in order to hold a hearing entitled, "Oversight of EPA's Decision to Deny the California Waiver."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITEE ON FINANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, January 24, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building, in order to conduct a hearing entitled "Strengthening America's Economy: Stimulus That Makes Sense."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, January 24, 2008, at 2:30 p.m. in order to conduct a hearing on climate change negotiations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate, in order to conduct a hearing entitled "The Fair Pay Restoration Act: Ensuring Reasonable Rules in Pay Discrimination" on Thursday, January 24, 2008. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Thursday, January 24, in order to conduct an oversight hearing on the Report of the Veterans' Disability Benefits Commission. The Committee will meet in room 562 of the Dirksen Senate Office Building, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, January 24, 2008, at 10 a.m., in order to conduct a hearing entitled, "United Nations Development Program in North Korea: A Case Study."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY AND THE SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security and the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Thursday, January 24, 2008, at 2:30 p.m. in order to conduct a hearing entitled, "Management and Oversight of Contingency Contracting in Hostile Zones."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BOND. Mr. President, I ask unanimous consent that Mr. Jesse Baker, a Federal Government detailee for Senator HATCH, be granted the privileges of the floor for the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent that Paul Tiao, a detailee on my staff from the Department of Justice, be granted floor privileges for the duration of the consideration of the FISA Amendments Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that David Pozen, a legal fellow on my staff, be granted floor privileges through August of this year.

The PRESIDING OFFICER. Without objection, it is so ordered.

MINORITY PARTY APPOINTMENTS FOR THE 110TH CONGRESS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 425 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 425) making minority party appointments for the 110th Congress.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 425) was agreed to, as follows:

S. RES. 425

Resolved, That the following be the minority membership on the following committees for the remainder of the 110th Congress, or until their successors are appointed:

Committee on Armed Services: Mr. McCain, Mr. Warner, Mr. Inhofe, Mr. Sessions, Ms. Collins, Mr. Chambliss, Mr. Graham, Mrs. Dole, Mr. Cornyn, Mr. Thune, Mr. Martinez, Mr. Wicker.

Committee on Banking, Housing, and Urban Affairs: Mr. Shelby, Mr. Bennett, Mr. Allard, Mr. Enzi, Mr. Hagel, Mr. Bunning, Mr. Crapo, Mrs. Dole, Mr. Martinez, Mr. Corker.

Committee on Commerce, Science, and Transportation: Mr. Stevens, Mr. McCain, Mrs. Hutchison, Ms. Snowe, Mr. Smith, Mr. Ensign, Mr. Sununu, Mr. DeMint, Mr. Vitter, Mr. Thune, Mr. Wicker.

Committee on Finance: Mr. Grassley, Mr. Hatch, Ms. Snowe, Mr. Kyl, Mr. Smith, Mr. Bunning, Mr. Crapo, Mr. Roberts, Mr. Ensign, Mr. Sununu.

Committee on Rules and Administration: Mr. Bennett, Mr. Stevens, Mr. McConnell, Mr. Cochran, Mr. Chambliss, Mrs. Hutchison, Mr. Hagel, Mr. Alexander, Mr. Ensign.

Committee on Veterans' Affairs: Mr. Burr, Mr. Specter, Mr. Craig, Mr. Isakson, Mr. Graham, Mrs. Hutchison, Mr. Wicker.

PROVIDING FOR A JOINT SESSION OF CONGRESS TO RECEIVE A MESSAGE FROM THE PRESIDENT

Mr. BROWN. I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 282 just received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 282) providing for a joint session of Congress to receive a message from the President.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BROWN. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, without intervening debate or action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 282) was agreed to.

ORDER FOR APPOINTMENT OF SENATE COMMITTEE TO ESCORT THE PRESIDENT OF THE UNITED STATES

Mr. BROWN. Mr. President, I ask unanimous consent that the Presiding Officer of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of the United States into the House Chamber for the joint session to be held at 9 p.m. on Monday, January 28, 2008.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 2556

Mr. BROWN. Mr. President, I understand that S. 2556, introduced earlier today by Senator REID, the majority leader, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill.

The legislative clerk read as follows:

A bill (S. 2556) to extend the provisions of the Protect America Act of 2007 for an additional 30 days.

Mr. BROWN. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

Mr. BROWN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FISA

Mr. REID. Mr. President, I was hoping that at this time today we would be talking about the work we had done on the Foreign Intelligence Surveillance Act. But we were unable to do that. What an unusual day. We were not allowed to vote on anything on this bill. I hope our friends in the press have been able to witness what took place today.

We talk about last year the Republicans having caused us to try to invoke cloture more in 1 year than had ever happened in a Congress before. In 1 year, they obstructed more things than ever in the history of the country.

Now we are starting this year, and they are objecting to their own bills. The President wants the bill passed. Every one of the Republicans—all 49 of them, I assume—will vote for this bill. So all they would need to pass it is two Democrats. I would have to suggest they probably could do that. They are so afraid they may take a vote that may not be something they want to take that they stop everything.

This is the President's program. It is not our program. We have stood by since 9/11 telling the President: Anything that you need, we are here at your disposal. Just tell us what you need and we will do it. We only have one request—let's do it legally, constitutionally. If the present law is not sufficient, tell us what you need changed.

We have been standing with our arms out since 9/11. But what we have learned now, since 9/11, is basically the President does not care what we do because he has been told—and he accepts the advice given to him by a man by the name of John Yoo, among others—that the President does not need to follow any law that Congress passes, that he is above the law. I am not making this up. This is the fact. Mr. Yoo has stated so before the world on television: The President does not need to follow any law that we pass. But in spite of that, we have said: Mr. President, we are willing to work with you. We don't think you have that authority. But here we are today, with the law about to expire, and the Vice President having made a speech yesterday, and the President making a statement today saying: They have to pass that bill.

As I explained in some detail earlier today, they put us in a Catch-22. No matter what we do, it does not meet their expectations. So I again repeat, I hope the press is watching this. I hope people who believe in good government are watching this. I hope the people are not going to accept Monday night, during the speech that he is going to give, or any statements made between now and the State of the Union Address, that we are holding up his legislation. We are not holding it up. The Republicans in the Senate are holding it up.

CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask that morning business be closed.

The PRESIDING OFFICER. Morning business is closed.

FISA AMENDMENTS ACT OF 2007—Continued

Mr. REID. What, then, Mr. President, is the pending business?

The PRESIDING OFFICER. S. 2248 is the pending business.

AMENDMENT NO. 3918

Mr. REID. Mr. President, I have an amendment at the desk to this legislation, and I ask that the clerk report that amendment if it is in keeping with what the Chair suggests.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3918 to the language proposed to be stricken by amendment No. 3911.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the first word in the bill and insert the following:

1. EXTENSION OF THE PROTECT AMERICA ACT OF 2007.

Subsection (c) of section 6 of the Protect America Act of 2007 (Public Law 110-55; 121 Stat. 557; 50 U.S.C. 1803 note) is amended by striking "180" in inserting "210".

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Reid amendment No. 3918 to S. 2248.

John D. Rockefeller, IV, Dianne Feinstein, Jeff Bingaman, Debbie Stabenow, Sheldon Whitehouse, Daniel K. Inouye, Charles E. Schumer, Thomas R. Carper, Bill Nelson, E. Benjamin Nelson, Frank R. Lautenberg, Richard Durbin, Ken Salazar, Tom Harkin, Sherrod Brown, Harry Reid.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent to go into a period for the transaction of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, JANUARY 25, 2008

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. Friday, January 25; that on Friday following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; and the Senate then resume consideration of S. 2248, the FISA legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. REID. Mr. President, today Senator MCCONNELL filed cloture on the Rockefeller/Bond substitute amendment. Under the rule, the filing deadline for the first-degree amendments to the substitute amendment is 1 p.m. tomorrow.

As I announced earlier, there will be no rollcall votes tomorrow due to the parliamentary situation created by the minority. We now find ourselves in that situation.

The next vote will occur at 4:30 p.m. on Monday. That vote will be on the motion to invoke cloture on the substitute amendment. If cloture is not invoked, the way I understand the rules, there will be a vote on our cloture motion that I just filed.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before this body, I now ask unanimous consent that the Senate stand adjourned under the previous order.

Thereupon, the Senate, at 8:09 p.m., adjourned until Friday, January 25, 2008, at 9:30 a.m.

SENATE—*Friday, January 25, 2008*

The Senate met at 9:30 a.m. and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

The PRESIDING OFFICER. Today, retired Navy Chaplain Dr. Alan Keiran, the chief of staff of the Senate Chaplain's Office, will lead the Senate in prayer.

PRAYER

The guest Chaplain offered the following prayer:

Let's pray together.

Lord God, on this anniversary of Saint Paul's conversion, we are reminded of the positive impact people of faith have made in human history. So we ask that You equip all of us with the wisdom, strength, and perseverance needed to overcome any obstacles we will face in serving this Nation and its citizens.

Bless our Senators with opportunities to advance democracy, justice, and economic parity. Bless their staff members as they labor to support the honorable men and women they serve.

For military men and women deployed in harm's way, and their families, we pray Your providential protection, comfort, and peace.

O Lord, our precious Saviour and eternal King, equip leaders across this great land with the wisdom and endurance to meet the challenges ahead.

In Your holy Name we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHELDON WHITEHOUSE led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 25, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WHITEHOUSE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, the Senate will resume consideration of S. 2248 as soon as I leave the floor. This is the FISA legislation. There will be no rollcall votes today. As a reminder, Senators have until 1 p.m. today to file germane first-degree amendments to the Rockefeller substitute.

FISA

Mr. REID. Mr. President, as I said twice yesterday—and I will just say it briefly this morning—Democrats believe there are a lot of bad people out there and that there should be some form of collecting information over the telephone. But we believe it should be done in an orderly way in keeping with our Constitution. It appears, based on Republican actions yesterday, they want no controls whatsoever on the President. They want exactly what he has been doing now, which is violating the law.

Mr. President, we have offered a 2-week extension of the bill, a 30-day extension, a 15-month extension. If this bill that we have now before us is not enacted, it is not because of Democrats, it is because the Republicans, in conjunction with Vice President CHENEY and the President, have made some determination that there should be no FISA legislation.

I, frankly, do not think that cloture will be invoked Monday afternoon. That being the case, it is virtually legislatively impossible to do anything by February 1. Remember, the House is out of session all but 1 day next week.

So the record should be very clear, we believe there are very bad people out there. We believe there should be some way of collecting information. But we believe, as does the vast majority of the American people, it should be collected in some way that is within the bounds of our Constitution.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

FISA

Mr. MCCONNELL. Mr. President, let me respond briefly.

I think it is a little early in the session to begin the finger-pointing. We have here—I had hoped—a good, sort of bipartisan start to the session. The facts are that we have a bill before us, the Rockefeller-Bond bill, that we know will get a Presidential signature and protect the homeland. That is before us. We have an opportunity, on Monday, by invoking cloture, to pass a bill that we know will become law.

So I hope we do not sort of get back into the pattern that sort of underscored the early part of the first session of the 110th of just sort of endless finger-pointing and game-playing. I filed a cloture motion because I knew this was a bill that would get a signature. This is something that could become law. And if the House acted rapidly, it would become law before the deadline—a great bipartisan accomplishment.

We have that opportunity Monday. I hear my good friend and counterpart saying cloture will not be invoked, so I assume it will not be invoked. But I think that is a great mistake. This would have been a wonderful way to begin the session with a high point of bipartisan cooperation.

HONORING OUR ARMED FORCES

CORPORAL JOSHUA M. MOORE

Mr. MCCONNELL. Mr. President, I rise to speak about a young Kentuckian who was taken from this world entirely too soon. CPL Joshua M. Moore of Lewisburg, KY, was lost in Baghdad while serving our country. He was 20 years old.

In the early morning hours of May 30, 2007, Corporal Moore was driving a humvee when an improvised explosive device set by terrorists went off. The force of a 55-gallon drum of homemade explosives overturned the humvee and tragically took Corporal Moore's life.

For his valor in uniform, Corporal Moore received numerous medals and awards, including the Bronze Star Medal and the Purple Heart. His family saw him laid to rest in Lewisburg, in Logan County, KY, with full military honors, including a 21-gun salute and a flyover of military aircraft.

Corporal Moore's funeral service was held at Lewisburg Elementary School, where Josh had attended years before and where he returned every time he came home on leave to speak to the young students about his life of service as a soldier.

This remarkable young man, who did not live to see 21, believed it was important to describe the honor of fighting to defend one's country with the young children in his hometown.

"He has set a good example for the young kids around here. A lot of kids looked up to Josh. He will be missed greatly," says his mother, Carolyn.

Josh worried what to say about the reality of war to kids as young as 7 years old. But his father, Seymore, encouraged him to talk about the dedication a soldier must have. He told him to describe the rigorous physical training, the strange new places he saw, and the new friends he made.

After Josh would return to Iraq, the students he had met would write him letters to read the next time he came home. "He sat and read these—every one of these before he went back," said Seymore.

Surely to Carolyn and Seymore, it seems like just yesterday when Josh was a child himself. When he was 3 years old, Josh found his dad's old Cub Scout uniform and wore it all the time. He even insisted on wearing it in his preschool picture—against his mother's better judgment.

After attending Lewisburg Elementary, Josh went on to Lewisburg Middle School and Logan County High School and was a consistently strong student. He played basketball at Lewisburg Middle, became a Babe Ruth baseball all-star, and made the Logan County High baseball team—all despite the fact that, at 5 foot 6, his friends teasingly called him "Little Moore."

As important as sports were to Josh, however, this young man learned early the importance of patience. When he was almost 16, Josh wanted to buy a new car. His parents offered to help pay up to $500. But Josh had his eye on a neighbor's car, a burgundy Pontiac Grand Am with a $1,500 pricetag.

Carolyn and Seymore told Josh he would have to come up with the rest of the money, so he quit high school sports and got a part-time job. Two weeks before his 16th birthday, Josh approached his parents and slapped $1,000 onto the coffee table. He said, "Here is my part. Where is yours?" That Grand Am was his by his 16th birthday.

Josh graduated from Logan County High in 2005 and hoped one day to join the Kentucky State Police. But after working for a short time at a factory, one day Josh came home to his family and announced, "I am the property of the U.S. Government."

"They are going to shave your head," Josh's mother said.

"They have to leave an inch of hair," replied Josh.

His parents were nervous for their son and suggested he try a different branch of the service. A relative in the Navy offered to help.

But Josh was not interested. "Josh wanted to be where the action was," says Seymore, and to him that meant serving as an infantryman in the U.S. Army. "No matter what he did," Carolyn adds, "he wanted to be the best."

Josh did his basic training at Fort Benning, GA, and graduated among the top 20 soldiers in his class. Of the many things he learned there, one was the ability to say when he had been wrong. And in a letter to his mom, Josh admitted, "I am bald."

Corporal Moore was assigned to C Company, 1st Battalion, 18th Infantry Regiment, 1st Infantry Division, based out of Schweinfurt, Germany. In addition to Germany and Iraq, Corporal Moore saw service in Kuwait.

While in the Middle East, a lieutenant asked Josh's commanding officer who his smartest and quickest soldier was, and the officer said Corporal Moore, thinking Josh would receive an award. Instead, the lieutenant made Josh a radio operator.

At first Josh thought he had been demoted. But his old drill sergeant told him this was an honor, as communications were critical to the unit. After this pep talk, Josh assumed his new role with relish.

The lieutenant who selected him later told Josh's family that when Josh was away on leave, it was hard on the unit because no one else could meet the high standard he set for the job.

This wonderful Kentucky family is in my thoughts and prayers today as I recount Josh's story. He is loved and remembered by his mother, Carolyn Moore; his father, Jeff "Seymore" Moore; his brother, Richard Pierce; his sisters, Carrie Cantarelli and Ashley Moore; his grandparents, Jeanette Rose and David and Barbara Knight; his girlfriend, Amber Miles; and many other beloved friends and family members.

Corporal Moore's funeral service was held at Lewisburg Elementary School, the only place in Logan County large enough to hold the hundreds—hundreds—who came to pay their final respects.

Ronnie Forrest, Josh's pastor for many years, from Lewisburg's Mount Pleasant Baptist Church, expressed best how this young man inspired so many in his short time on this Earth.

This is what he said: Josh "didn't want to die, he didn't intend to die, but he was willing to lay down his life." Pastor Forrest said at the service: "That's what a hero is."

No words that Mr. Forrest could say, I could say, or anyone could say will fill the void in the hearts of Josh's family and friends. But I hope the knowledge that those who knew Josh saw him for what he was—a hero—fills them with pride. And I am proud to recount his story for my fellow Senators.

Today, this Senate expresses its deepest gratitude for CPL Joshua M. Moore's service. He laid down his life for his country, his loved ones, and his young pen pals from Lewisburg Elementary. We will forever honor that sacrifice.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I certainly join with my friend from Kentucky in the respect we show for this young man.

IRAQ

Mr. REID. Mr. President, we have lost about 4,000 soldiers in Iraq. Thirty-five thousand have been wounded. About a third of them have been grievously wounded. As we know, about 40 percent of the men and women coming back from Iraq have what is now called—we used to call it, after the Second World War, shell shock. Now they call it post-traumatic stress syndrome.

I just wrote a letter to the Nevada parents of a young man who was killed. I have done that lots of times. I was unable to speak to them, and that is why I wrote the letter. Most of them I try to visit. But the family has been split up a little bit, and it was not possible for me to do that.

Mr. President, I hope we can figure out a way to get our troops home soon. General Petraeus said the war cannot be won military, and every day that goes by that is proven certainly so. The Iraqi Government has nothing to move toward a settlement of this situation. There are far too many stories like Josh.

I hope we can work on a bipartisan basis on many matters. We hope, for this package which is coming from the House maybe sometime next week dealing with the stimulus, that we can work on a bipartisan basis. From all accounts I got yesterday, that, in fact, will be the case. Senators BAUCUS and GRASSLEY, who have jurisdiction of 85 or 90 percent of the potential matters that go into the bill, have indicated they are going to have a bipartisan markup next week, and hopefully we can take a look at that piece of legislation in a bipartisan way and get it to the President as quickly as possible. There are many other things we have to work on, on a bipartisan basis, and I look forward to that.

I say with all due respect to my friend—and he is my friend—the Republican leader, that one thing the President has done and done very well these past years is frighten the American people, and it appears we are entering into another zone of frightening the American people. It started a couple of days ago with the Vice President, and the President followed him by a day, and we have the State of the Union coming. It is obvious that this FISA bill—which I hope something works out so it can be passed, but unless there is a way to amend it, it certainly doesn't appear that it is going to be. The President's State of the Union and certainly leading up to it will, again, frighten the American people. The best way to take that away is for the President to work with us. Are we asking for the impossible?

There have been efforts to amend this FISA legislation. In title I, there are probably five or six amendments we would want to vote on. Title II, which deals with immunity, Senators DODD and FEINGOLD for a long time have said they wish to have a vote on that. That is not unreasonable. Many of us support that. I can't imagine why we can't move forward on that, unless this is something the President wants to ratchet up so that he has something to frighten the American people about on Monday night when he gives his State of the Union, that we are not protecting the American people. We are protecting the American people, just as this young man, Josh, was, whom the Republican leader talked about. I wrote a letter, as I indicated, to the Gaul family a couple of days ago.

We need to enter into a new era of bipartisanship where we are not frightening the American people but we are trying to work with the American people, to move out of some of the areas in which we find ourselves bogged down. I hope this year will allow us to do that.

MEASURE PLACED ON THE CALENDAR—S. 2556

Mr. REID. Mr. President, I understand S. 2556 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 2556) to extend the provisions of the Protect America Act of 2007 for an additional 30 days.

Mr. REID. Mr. President, I object to any further proceedings with respect to this bill at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

FISA

Mr. MCCONNELL. Mr. President, just one further observation with regard to my friend's remarks.

The Bond-Rockefeller bill is exactly the way we ought to be doing our business. It came out of the Intelligence Committee 13 to 2. It is supported on a bipartisan basis. It is supported by the President of the United States. We have a product that was carefully negotiated by Senator BOND and Senator ROCKEFELLER, approved by the Intelligence Committee 13 to 2, and supported by the President of the United States. That is my definition of a bipartisan accomplishment. Now the question is, Can we finish the job and get a signature?

This is not about frightening the American people. The American people should be frightened, and remember full well what happened on 9/11. They also remember with gratitude that it has not happened again for 6 years. The reason for it, obviously, is we have been on offense, going after the terrorists where they are, and we have improved our defense.

An integral part of protecting the homeland is the measure before us, carefully crafted on a bipartisan basis, supported by the President of the United States. If we want to finish the job and have a bipartisan accomplishment that all of us can be proud of, the way to do that is to pass this bill, send it to the House, urge them to take it up and pass it, and send it to the President, who awaits it to affix his signature.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, there is no question that Senator ROCKEFELLER and Senator BOND have worked hard on this legislation. Also, we have had good work from Senator LEAHY and Senator SPECTER of the Judiciary Committee. Senator ROCKEFELLER wants a piece of legislation to pass very badly. He does not support cloture in this effort that is going to take place on Monday because he believes the bill needs to be changed. Just because there is a bill that comes out of committee doesn't mean we shouldn't deal with it here on the floor. Senator ROCKEFELLER is not going to support cloture on this bill on Monday. It is a decision he made, and he has made it because we have not had the opportunity to do things to this piece of legislation that he believes should happen. It is a rare piece of legislation that comes out of one of these major committees that comes to the floor that doesn't require some improvement.

So it is simply unfair to say that Senator ROCKEFELLER and Senator BOND's piece of legislation should go through as if it were written in script on top of some big mountain. It was written in a committee room with a lot of discussion and votes, and some of the amendments passed, some didn't. It came to the floor. We all are happy it came to the floor. But at this time, even Senator ROCKEFELLER believes there should be changes in it, and he will not support cloture, as he told me last night, because he feels it has been handled so poorly by the minority here on the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

FISA AMENDMENTS ACT OF 2007

Mr. BOND. Mr. President, we are on the FISA bill, I believe. Has the bill been reported? Is it before us?

The ACTING PRESIDENT pro tempore. It has not yet been reported.

The clerk will report the pending business by title.

The legislative clerk read as follows:

A bill (S. 2248) to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

Pending:

Rockefeller/Bond amendment No. 3911, in the nature of a substitute.

Feingold/Dodd amendment No. 3909 (to amendment No. 3911), to require that certain records be submitted to Congress.

Bond amendment No. 3916 (to amendment No. 3909), of a perfecting nature.

Reid amendment No. 3918 (to the language proposed to be stricken by Rockefeller/Bond amendment No. 3911), relative to the extension of the Protect America Act of 2007.

IRAQ

Mr. BOND. Mr. President, I wish to address the FISA bill. I also commend our majority and minority leaders on their statements about the lives that have been lost by our brave troops in Iraq and Afghanistan.

I believe there are a couple of comments that are appropriate.

Number 1, it was said that General Petraeus said the war is not going to be won militarily. That is the key point which General Petraeus has brought to the battle. There is a kinetic and nonkinetic impact of the counterinsurgency strategy that General Petraeus has laid out and that is showing such great progress in Iraq.

Today, the news is not dominated by Iraq. Those people who have been criticizing it don't talk about it because General Petraeus's strategy is working. It is not just the surge; it is the strategy, the counterinsurgency strategy, or COIN, as it is sometimes called. That involves clearing, holding, and building.

There is a real difference between the approach we took right after the fall of Saddam Hussein, which has been haphazardly called the "whack a mole" theory—we would go out, send our troops out, trying to keep a small footprint. We would also send our troops out where there was an al-Qaida stronghold and try to suppress them, and then we would leave. The problem is that al-Qaida would come back, and they would take vengeance on anybody thought to have cooperated. That strategy, apparently pushed by those who felt it would be—we wanted to maintain a small footprint and not appear to be taking an occupier's role—was not working.

General Petraeus expanded upon the usual doctrines of counterinsurgency, and he brought a new approach beginning over a year ago. He said: We will send in troops to clear areas, working with the Iraqi security forces. When they clear an area, they will stay there to maintain security—that is clear—and then hold. And holding involves the U.S. forces working with the Iraqi security forces to train them, to provide them intelligence, logistics, medical support, to ensure that they can sustain the peace and the security in the area. Once they do that, then the U.S. Government has come in either with aid in dollars or with the work of the troops in the field to help build the infrastructure to provide the services, whether it is health care, whether it is reparations for damages, and show the Iraqi people that we want to turn over that country to the Iraqi security forces to maintain the stability and security which is necessary for the long-term process of establishing a democracy.

I was there with a group of my colleagues from the Senate Intelligence Committee in early May, and we were seeing the beginnings of the effectiveness of that strategy. We went into Al Anbar Province. Six months before, it had been regarded as the headquarters of al-Qaida. They were in control. It was their area. It was a Sunni area. The only way the American troops could get into the capital of Ramadi was to fight their way in, and then they would usually have to withdraw. But on this occasion, four of us went in, in a Cougar, with the commanding general of the region and two marines. We drove into the center of Ramadi, got out, and walked around Firecracker Corner—so-called because of the continuing firefights going on there previously—and we went to visit the embedded American marines with the Iraqi Army, who had bunked there, and the Iraqi police who were serving that area. They live together, they work together, they train together. You know something. It was working.

We even went out to see the Blue Mosque, one of the holy places for the Sunni in Al Anbar Province, which had been badly hurt by gunfire, by artillery and rockets and bombs. The marines had gone in and helped repair and clean up the Blue Mosque, so it was open for worship again.

The Iraqis began to understand that we would work with their security forces to help them take control of the area, and that is what they were doing. It continued to get better. I know personally from reports I had from one marine there, the scout snipers found that by midsummer, their services were not necessarily needed in Al Anbar because if somebody planted an IED—an improvised explosive device—or a terrorist came to town or somebody set up a vehicle factory to build explosive vehicles, the Iraqi Sunni watch told the Iraqi security forces, and they went and took care of it. The Iraqi Sunni police took care of it. This continued to spread throughout Al Anbar.

Now, one of the helps—quite honestly, everybody will admit that one of the things that made it so easy for us to work with the Sunnis was that al-Qaida had shown their true colors. They are terrorists first, second, foremost, and last. They went in and they terrorized the people, even the people who at first were cooperating with them because they thought they were Sunni brethren. Well, they were not. They went in and had forced marriages, rape, pillage, murder, torture. They disrupted the activities, the business activities of the Iraqi Sunni leaders in the area, and they quickly learned that al-Qaida was not their friend and they needed us there temporarily to help them take control of their country. That is what we are doing. It is not done all over. There are still areas where we have not been able to provide Iraqi security forces sufficient training, sufficient personnel to take control of the area.

Now, the majority leader said: We want to bring our troops home as soon as possible. As one who supported the war, I agree with him wholeheartedly. I had a personal stake in it. I wanted to see our troops come home. But as the President said, we need to return on success. We need to bring those troops home when they have succeeded in their missions. because as several men on the ground who have seen their comrades killed said: We have made too many contributions and too many sacrifices to see a political defeat declared by Congress, forcing us to withdraw, so that those contributions and sacrifices will be for nothing.

When you ask the American people do they want to see the troops come home, sure, they do; we all do. But we want them to come home and not leave Iraq in chaos and to return on success. That is where the American people are. And they are returning on success. The 2/6 Marines cleared Al Anbar and came home several weeks early. General Petraeus says more will be coming home. But we have a vital stake in making sure Iraq does not fall back into chaos and confusion.

We have laid the groundwork. There is much more political work to do at the national level, but political reconciliation is occurring from the ground up. The Shia in Baghdad are beginning to recognize they must provide financial assistance and support to the Sunnis. Recently, the Iraqi Parliament passed a reform of the debaathification law, which put out of the Government anybody who had been associated with Saddam Hussein. It was probably a bad idea that our original U.S. coalition commanders had to fire all the Iraqi soldiers and send them home with no pay, no jobs but their weapons; to throw out of office all the former Government bureaucrats who worked for Saddam Hussein. They are going to have to move carefully but quickly to get those people back who know how to make government run.

General Petraeus has said that as we continue to build these forces—the forces of peace who can run the Government—we will bring our troops home. We have been in Germany and Korea for decades. We have been in Kosovo for years. We need to have a minimal presence there, probably for a long time. But the primary responsibility of maintaining peace and security in Iraq is being turned over and must be turned over to the Iraqi security forces. We can back them up and make sure al-Qaida doesn't make another run at them, doesn't bring in external fighters. These are the ones causing the most trouble, people coming in from Syria, or Saudi Arabia through Syria, and other areas—the terrorists. We have the ability to assist the Iraqi security forces to do that.

Why is it so important we leave Iraq secure and stable? Well, Saddam Hussein was a real threat to us. Even though he did not actually have any weapons of mass destruction that we could find, we know he used them. We know he had the ability to restart at any time and that he had attempted to begin a nuclear weapons program. Most of all, he had a country where terrorists were running wild. We heard a lot about Abu Mus'ab al-Zarqawi, of Ansar al-Islam, the infamous butcher who delighted in decapitating people for television. His group became al-Qaida in Iraq. Fortunately, we killed him. He and other terrorists were running loose in Iraq. They were waiting to get their hands on weapons of mass destruction.

With the decline and decapitation of the Saddam Hussein regime, we made it much less likely the Government was going to provide weapons of mass destruction. But that was what the Iraqi survey group said was the greatest danger, that made Iraq far more dangerous than we knew, because with Saddam Hussein in control, terrorist groups running wild in a chaotic country could have provided the weapons of mass destruction the terrorists seek, and continue to seek, to use against our allies, our troops abroad and us here at home.

If the place falls into chaos, there is likely to be broad-ranging genocide among the parties in Iraq, settling old grievances. That could bring other countries into the region, starting a regionwide civil war. But the most important thing is Osama bin Laden and Ayman al-Zawahiri, his No. 2 man, said the purpose of their struggle is to establish the headquarters of their caliphate at the land of the two rivers. That is Iraq, Baghdad and Ramadi. They want to get their hands on the oil resources. If they have unfettered access for establishing camps to recruit, train, develop weapons, issue command and control, then we in this Nation are much less safe. Return on success, yes. The 2/6 Marines have come back and others will come back on success. That is the strategy we have now and it is the right one.

Mr. President, I needed to say that.

FISA

It is now important to talk about FISA. I am glad we are on the floor. I think, as the majority leader has said, all first-degree amendments need to be filed by 1 o'clock this afternoon. We are available to do business and we look forward to working with our colleagues to see if we can make this happen in a timely fashion.

I believe it is important this morning, for the RECORD and for the benefit of my colleagues and the American people, to clear up several things mentioned in yesterday's consideration of the FISA bill. When I say "FISA," I mean the Foreign Intelligence Surveillance Act—the act that authorizes the President and the intelligence community to use electronic signals collection to get information on terrorist enemies and other threats to the United States.

First, I will state the obvious. Yesterday, we had a very positive result in the Senate. The Senate Judiciary Committee substitute to the Senate Intelligence Committee bill failed on a clear vote. I believe the Members of this body recognized it was a partisan, unworkable, inadequate bill. It was written without any consultation with the intelligence community or the lawyers who know how FISA works and how signals intelligence is carried out. It was done without the participation of any of the Republican members of the Judiciary Committee, and it failed.

Chairman ROCKEFELLER and I have, as has been said, a bipartisan bill worked out over a number of months, as the occupant of the chair knows so well. We worked long and hard. We didn't always agree, but we came to a bill that passed 13 to 2.

There were two problems with the bill—a good idea but unworkable as introduced. So we worked with the sponsors of that provision and had a very good idea that we need to protect American citizens, when they are abroad, from warrantless surveillance. It took 24, 25 pages to work out the details for it. But I believe that provision we now have in the managers' amendment, the pending amendment before us on this bill, accomplishes the purposes all of us on the committee support.

I voted against the original proposal in the committee because I didn't think it was workable, but we have fixed that, and I am proud to support it.

These are the fixes Chairman ROCKEFELLER and I put together, with the help of Senator WYDEN and the occupant of the chair, so we now have a functional, working amendment. The drafting has been fixed, and I believe we have a much better bill. We have an improvement over the original FISA bill and the Protect America Act, which was a necessary short-term extension that allowed the continuation of electronic intercepts against foreign targets overseas, without having a court order, which was absolutely necessary because the change in the technology in electronic communications had put too many of the overseas collections, which used to be outside the scope of FISA, within the scope of FISA.

The Protect America Act had a lot of nasty things said about it yesterday. They were all wrong. What the Protect America Act did not do, however, involves two very important things the Senate Intelligence Committee did. By a 13-to-2 vote, we added the protection for American citizens overseas. It is very important. It added other protections as well. It also said those companies, the carriers that may have worked with the intelligence community in adopting or effectuating the collection of signals intelligence against terrorists planning attacks in the United States, should not be sued in civil court. That provision—protecting any private sector entities that cooperated but not Government officials from lawsuits—was necessary to end a string of lawsuits brought by opponents of intelligence collection who want to destroy the system, who seek money damages but who really seek to harass and drive communication companies out of the business of cooperating with intelligence officials.

If they are successful, if they can drive and harass and bludgeon private sector entities from cooperating with intelligence officials, then our country will be significantly less safe. Those of us who have been on the Intelligence Committee heard the discussion that there are threats that continue to be raised and that this world is still a dangerous place. We need to be able to find out what our enemies are planning. We cannot have the entire Nation as fortified as the Capitol grounds and the White House grounds. We have a free and open country. Our only hope of being safe is to identify planned terrorist attacks before they occur.

So what we have before us today is a workable, bipartisan bill. It is supported by the Director of National Intelligence. I will refer to Admiral McConnell as the DNI, the head of that agency, and the President would sign it into law. We started with a solid bipartisan update to FISA that is needed to protect the country to increase civil liberty protections and protections for the privacy rights of Americans. We should now all heed the first law of responsible leadership, and that is, first and foremost, do no harm with any amendments to be considered in the bill.

I hope my colleagues will think long and hard before offering amendments, to make sure they have no unintended consequences and that they do no harm.

One good way to do that is to talk with the intelligence community. Talk with the office of the DNI, talk with the Department of Justice. If you have a good idea, talk with them. Maybe there is a way your objectives can be achieved without interfering with the ability to collect information. If you don't, if things are offered that would significantly impair our intelligence community's ability to collect the vitally important intelligence we need to have, then I will have to oppose it and I will urge my colleagues to oppose it.

We constructed a delicate, bipartisan compromise that is a good bill. I hope we will refrain from trying to deconstruct it or try to make the bill worse in any way before final passage. The American people want to have well-regulated intelligence collection that keeps the country safe, and they deserve no less.

That brings us to where we are today. Senator FEINGOLD yesterday offered an amendment over which the Department of Justice expressed real concerns. I understand those concerns, so I offered a second-degree amendment that gives the Senator from Wisconsin three-quarters of what he sought, yet refrains from mandating that the executive branch provide Congress with pleadings containing very sensitive sources and methods submitted to the FISA Court. I will refer to that court as the FISC, the Foreign Intelligence Surveillance Court.

Three months ago in a committee compromise, I agreed to include the provisions of the Senator from Wisconsin in our bill, which calls for the opinions, orders, and decisions of the FISC prospectively, and in my second-degree amendment, I propose to go further and agree with him to accept his mandate to require the community to go back 5 years to dig up all the past orders and opinions which are of significant consequence but go back and find all those and give them to us.

We have received in the Intelligence Committee, on a semiannual basis, the reports of FISC, orders and opinions of significance, and they have been available for review by our staff for each 6-month period. But we will order them to go back and provide them. I am not sure what he is digging for, but I think we are willing to work with him. It will be a burden on the community, but I think that is information that might arguably be useful to those of us with oversight responsibility.

I am not willing to agree to mandating that pleadings be turned over, and my second-degree amendment eliminates them from his mandate. It also stipulates that this mandate would be levied with due regard to sensitive sources and methods.

Even though I believe this mandate for tranches of documents, truckloads perhaps, puts a tremendous burden on officials in the Department who have already given us semiannual reviews, since now they will have to go back and find, produce, screen, redact, and submit them to Congress, I am willing to work with the Senator from Wisconsin and others to include them up to the point of pleadings. I hope this will be viewed as a reasonable compromise.

Regrettably, instead of working with me on this issue, the Senator from Wisconsin attacked my efforts to reach a compromise saying "a ridiculous notion and disrespectful of the United States Congress." I was accused of "hiding behind a tragedy in this country to make arguments that have no merit" and trying to help the intelligence community "prevent the Members of Congress from seeing the pleadings provided to an article III court."

These insinuations are not only inaccurate, but I believe they come close to violating debate rule XIX of the Senate, which says:

> No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

I do not believe the accusations against me were appropriate in the debate. They only underscore the divisive and partisan intentions behind some of the efforts we are seeing on the floor, and I hope we can avoid future such accusations.

I will restate for the record my reasons for eliminating pleadings from the required submission to the intelligence communities. These are not policy documents, policy of which the Intelligence Committee said: We don't like the policy of where you are going. These are not broad issues for legislative implementation. They are detailed analyses of sources and methods for collecting intelligence. They are submitted to the article III judge sitting at that time as the FISC judge to provide a basis for a warrant based on probable cause to allow electronic surveillance of persons within the United States, U.S. persons.

It is possible those pleadings would include, No. 1, the name or other identifying features of the sensitive sources who provided the intelligence information they set forth. That could risk getting somebody killed. They could provide the identification and location of the collection facility. They could provide information on the means of collection. They would obviously have to provide information on the target and other relevant information.

In the intelligence business, these are the ultimate sources and methods. They are highly classified because, if they were to leak out, there would be very serious harm done to individuals and perhaps even locations where collection occurs.

So I believe the intelligence community has a legitimate reason for saying we are not going to share the sources and methods that identify the names of the individuals, the sources. I do not see that is a necessary element of our oversight, to know Joe Doe was the one who gave us the information on Ralph Roe and they needed to get the information through facility X using means Y. That is kept at a closely compartmental level.

We have already in the bill that Senator ROCKEFELLER and I have been able to forge with great bipartisan support a solid compromise piece of legislation, and that is the model on which we should move ahead.

Today we have heard again some accusations that the minority side—my side—is stalling this important legislation. A quick review of the FISA legislation history over the past year is in order.

The President declared he was bringing the surveillance program under FISA in January of 2007, 1 year ago. In April of last year, because of some changes in court orders, the DNI asked us to modernize FISA so it would be compatible with new technology. On May 1 of last year, he testified in open session before our committee and again he asked us to modernize FISA. Shortly thereafter, we were informed in the Intelligence Committee about the ruling of the FISC that altered the collection ability of that program, to the point where our intelligence agencies were shut down with regard to vital intelligence collection that would protect us.

What was the response of our Intelligence Committee? Regrettably, nothing. We did absolutely nothing. I urged that we act, that we move forward on it, but our committee and Congress did nothing.

Through May, June, and July of last year, the DNI's pleadings to modernize FISA grew stronger. After he came before our committee in May, he came before Members of the Senate in closed session in our confidential, secure hearing room. Over 40 Members were there, and he told us in July it was absolutely essential we move, that everybody said it was essential we move. We did not move until the final week, and we still did not have a committee hearing.

I brought the DNI's bill, the Protect America Act, to the floor on Wednesday, before we had a vote on it on Friday. There were comments yesterday about how partisan and secret and one-sided the negotiations were, but it was not our efforts for the support of the DNI that were secret and one-sided. There were secret negotiations on the majority side prior to the passage of the Protect America Act.

Several committee chairmen got together, shutting out Republicans and shutting out members of the Intelligence Committee from any consideration of their proposals. They were not vetted with the Director of National Intelligence.

The DNI has been accused of going back on his word. I managed to get in finally at the end of some of those negotiations, and I can tell you that the DNI said he will go back and check with his lawyers on these issues. He did not agree to incorporate the changes that were suggested and, as suspected, when he viewed some of the proposals, he found they were unworkable.

We never saw the bill the committee leaders on the majority side proposed to offer until less than an hour before it appeared on the Senate floor—before we were voting, actually, when it appeared on the Senate floor.

During that time, the majority and minority members of the Intelligence Committee asked me for more information about the Protect America Act. I had a session in my office for members of the committee, bipartisan, going over with the DNI what the details of the Protect America Act were.

Fortunately, on a bipartisan basis, we approved the Protect America Act. It was a stopgap. It was meant to serve for 6 months, but it got us back in the business of collecting vital signals intelligence. That is where we needed to be. We were not there.

That was on August 3. Fortunately, on August 4, the House passed the bill, and on August 5, the President signed it, and we were back in business collecting information on new targets who were coming up on our screen.

Because of the need to add a 6-month sunset, which I agreed with all parties on both sides was a good idea, that 6-month sunset expires in 1 more week. It expires next Friday. Knowing that this law would soon expire, when the Senate returned from the August recess in September, the Intelligence Committee began working on a new FISA bill, and after 6 weeks of constant work, deliberations, compromise, extensive discussions among staff, with staff, the members, with the DNI—and the occupant of the chair knows how much time and effort went into that—we produced the carefully crafted compromised legislation before us today on a 13-to-2 vote out of the committee.

This is a model for the law we should pass in the Senate, a bipartisan product. The majority leader tried to bring up this bill in December before the recess, and I commend him for it. But majority Senators filibustered the bill.

Make no mistake about it, the majority stalled FISA last month and filibustered the bill. At that time, the majority leader made a commendable plea to his colleagues. He stated any amendment offered to this bill, in view of its delicate nature and the bipartisan compromise it represents, should be required to meet a 60-vote threshold to clear any procedural hurdles in the Senate. This would also ensure it remained a bipartisan product.

If we look at the history of the important legislation we passed, it passed this past year with 60 votes—60 votes—to ensure there will be a bipartisan bill. Neither party can pass something alone, without bipartisan compromise—getting 60 votes. The Protect America Act required 60 votes: That is how it was brought to the floor. The partisan majority committee leader's bill came to the floor with a 60-vote requirement and it failed. We got the Protect America Act by meeting the 60-vote threshold.

Sixty votes, for those who may be following this elsewhere, is what is needed to invoke cloture to shut off a filibuster, but it is a good principle when you have a very contentious, important, and technical bill.

I commended the majority leader for his leadership and agree wholeheartedly with him now. In fact, if he were able to follow through with that offer now, then we would have already passed FISA last night. The fact is there is a majority of Senators who will not give their consent for such an agreement. They would prefer to deconstruct the Senate Intelligence Committee compromise and, by simple majority vote, transform the bill before us into a partisan product, thus gutting the bipartisan support—and the DNI's support, I would add—in this important legislation. That is little bit shortsighted, I believe.

If a majority can be mustered to undo the important compromises worked out with the intelligence community, with the DNI, you can go through the act of passing the bill, but it is not going to be signed, and the monkey is going to be back on our back. We have an opportunity to pass a bill here that can be signed into law to keep our country safe. If we want to be in the situation where we were last summer, where our intelligence community was effectively deaf and blind to terrorist threats, then go ahead and tear up this bill, take it apart, leave it with no support from the intelligence community. And, by definition, if it is not supported by the intelligence community, it will not be signed into law by the President.

I am asking that we go back to the procedure we followed before in passing the Protect America Act, that we used in passing other important pieces of legislation, and make it a bipartisan effort. The people of this country are crying out for bipartisanship. We got the Protect America Act on a bipartisan basis. We passed a bill out of the Senate committee that far exceeded the 60-percent test. We need to deal with this bill under the same rules. Gutting the bill with a bare majority, and plurality, as could happen under the current situation, is a bad approach. I say to my colleagues that if they can agree to a 60-vote threshold for all amendments offered, then we can start voting on any and all of them right now, and we will go through them. There are some very important amendments, and there are very good arguments for those amendments. I hope my arguments on the other side are better. But we have to deal with this on a 60-vote basis. What I am not willing to do right now, and our minority leader is not and our side of the aisle is not, is to allow this bipartisan product to be dismantled on the Senate floor by partisan efforts that make FISA unworkable, loses the DNI's support because it won't work, and thus the President's signature. It makes for good politics but it fails to protect America.

If the majority will work with us, then we are happy to have any and all amendments. I know the leaders may still come up with an agreement of that sort, but barring that, I don't see a way around this because we are not going to accept, by majority vote, a jumbled-up structure that leaves the intelligence community without the ability effectively, efficiently, and within proper constitutional and statutory restrictions to collect the intelligence we need to keep this country safe. We have to have a good bill. We have incorporated far more protections in the Senate substitute than have ever been in FISA before, and I think those of us on the Intelligence Committee, the occupant of the chair, can take great credit for protections we have added.

National security is not red or white; it is red, white, and blue. The blues and the reds need to work together on this, passing a product the DNI supports so the President will sign it into law. Anything else and we are not helping the country. We are ready to consider amendments; we simply don't want to see the bill destroyed through partisan ploys.

Mr. President, seeing no other Senators present, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I would inquire as to what the pending business is before the Senate.

The ACTING PRESIDENT pro tempore. S. 2248, the Foreign Intelligence Surveillance Amendments Act.

Mr. CHAMBLISS. I thank the Chair, and I rise to support the managers' amendment on this piece of legislation as proposed by Chairman ROCKEFELLER and Vice Chairman BOND. This is the result of a bipartisan discussion which included the Office of Director of National Intelligence and the Department of Justice. I commend Senator ROCKEFELLER and Senator BOND on drafting this complicated yet critical piece of legislation.

The Senate has had a healthy debate while considering the Judiciary Committee's substitute amendment. I was pleased to see a majority of the Senate reject that bill, and I hope the Senate can now move past that flawed bill rather than offering a number of amendments which contain fragments of it. There is no benefit to rehashing the same points in the Senate bill that was just handily tabled versus the Rockefeller-Bond compromise piece of legislation that came out of the Senate Intelligence Committee.

The Director of National Intelligence, the National Security Agency, and the Department of Justice have stated their opposition to a number of proposed amendments which were part of the failed Judiciary Committee's substitute. The DNI has made it clear he would recommend to the President that he veto this legislation if it does not contain immunity for communication carriers, and rightly so. Some Members offered amendments to strike title II from the managers' amendment or to substitute the Government as the defendant in these lawsuits.

But substitution will not give the carriers protection, nor will it protect our national security. The plaintiffs can still seek documents and other evidence from them through the discovery process at trial. This risks exposing our intelligence sources and methods, and there is simply no doubt about that fact.

The Government can assert the states secrets privilege, but the ongoing litigation has shown that courts reject this theory. Even the FISA Court, which operates in secret and handles classified information, is not suited to handle these cases. The FISA Court primarily reviews ex parte requests and was not meant to hear regular trials. The members of the FISA Court are sitting district court judges and have their own full dockets.

The risk of unnecessarily exposing some of our most sensitive collection if litigation continues is too great. The best remedy is to provide immunity to the telecommunication providers as the managers' amendment does. Other amendments propose unnecessary additions to provisions already included in the managers' amendment. For example, the managers' amendment contains a 6-year sunset and an exclusivity provision. Yet amendments have been offered to make this legislation expire in 2 years or 4 years.

Additionally, an amendment has been offered to state that absent some other expressed order from Congress, FISA and title XVIII are the exclusive means to conduct electronic surveillance. This would require Congress to pass a law authorizing the President to conduct electronic surveillance after an attack on our country.

What if Congress were not able to meet, let alone agree on language authorizing electronic surveillance after an attack on our country? This amendment ignores longstanding debate regarding article I and article II powers, a debate the courts have dodged time and again. I support the bipartisan language in the managers' amendment which maintains the status quo of this important constitutional question.

Finally, an amendment has been offered requiring an audit of the terrorist surveillance program. As I stated earlier in comments yesterday, the Intelligence Committee has conducted a thorough review of this program over many months, which included testimony, extensive document reviews, and even trips out to our intelligence agencies to witness how this program is operated.

I understand that sometimes partisanship impedes action in Congress. But I do not recall when some of my colleagues have had such little faith in the bipartisan findings and conclusions of a committee in this body.

This amendment disregards the committee's finding and asks for yet another retrospective review of this program. This is not only duplicative, but it is unnecessary. The Protect America Act expires a week from today; the threat from al-Qaida will not expire a week from today.

It is now time for Congress to act and to fix FISA so our intelligence community has the tools it needs to do its job in a very professional manner and gather information necessary to protect our national security.

Protecting our national security is in the interest of all Americans, and Congress should seek to ensure that our Nation is protected fully. The members of the intelligence community say the managers' amendment contains many tools they need to protect our country. I urge my colleagues to support the managers' amendment.

I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ECONOMIC STIMULUS

Mr. DODD. Mr. President, I had earlier this morning intended to spend a few minutes talking about the stimulus package that was at least agreed to between the leadership of the other body and the administration, a matter that will be coming here and the Senate will have an opportunity to express its will on that matter.

But I wanted to speak on it for a moment, at least as Chairman of the Senate Banking Committee that will have at least a small part of that discussion, because of the inclusion of the FHA proposals as well as the loan limits within the GSEs, which I commend the administration for including. These are critical elements.

We must, of course, deal with people's problems. But is something else again to deal with the problems that have caused people's problems. In my view, the deeper problem is the foreclosure crisis. That is the underlying issue, in my view, and therefore to have dealt with a short-term stimulus package that did not include some measures and steps that would address the housing issue and the foreclosure issue would have been shortsighted. So I was pleased to see that in addition with some rebates and refundable tax assistance, even to those who have very limited incomes, as well as assistance to those with young children and families. All are wonderful ideas.

I know Senator BAUCUS, who will have the bulk of the responsibility in the Finance Committee for dealing with this, along with others who want to add elements of dealing with such things as unemployment insurance or food stamps or low-income energy assistance and the like, will have some additional thoughts on this short-term package. But I felt it was important to express some optimism about the direction it is going in and to note how important it is for consumers and investors to begin to have their confidence restored.

FISA

Mr. DODD. Mr. President, I rise this morning to continue the debate and discussion on the Foreign Intelligence Surveillance Act. Let me underscore the point that Majority Leader REID and others have made. I listened carefully to the comments of Senator McCONNELL, the distinguished Republican leader.

I have served in this body for more than a quarter of a century now, and it is unfortunate that we seem to have come to a point where not as much is happening as should be happening, in my view.

I brought committee products to the floor on many occasions, and I am sort of envious of the remarks of the Senator from Kentucky—because as a committee chairman, I love nothing more than to bring a product out of my committee. Many times I brought them out with unanimous votes, only to have to spend days here on the floor as amendment after amendment was being offered to change, in some cases dramatically, the substance of our bill, which we had worked on for weeks and months and years in some cases.

So it is a new idea here to just accept committee product and say the other 90 or 85 Members should respect the work of our colleagues, and acknowledge that and pass the legislation as if we had all had some input here. That is unique and, I suppose, an idea that most of us would like to embrace at one point or another. But this is the Senate. This is not an operation that runs by fiat.

This institution has an historic responsibility. In this institution, every single Member has the opportunity to express themselves, not only rhetorically for unlimited amounts of time, but also with the ability to contribute to the policy products we frame. To suggest that other Members, including members of a committee that had commensurate jurisdiction, the Judiciary Committee, ought to be excluded from adding their thoughts and ideas, is ridiculous. Even members of both Committees, Judiciary and Intelligence, are excluded, such as Senator FEINGOLD. It was his amendment, as a member of both of these committees, that the Republican leadership would not even consider debating or acknowledging with a vote. So that is unique in any regard. Anyone who has observed this institution for more than an hour—or less—understands how this works.

So the idea that we should accept this bill because the President will sign it, is nice to hear, but I have been around long enough to know that Presidents will sign things they did not think they would in time, and particularly if we can add some thoughts that Members have.

I do not want to dwell on the procedural aspects of all of this, but I wanted to underscore the point that Senator REID, our leader, the majority leader, made this morning, on the unique idea that Members who have substantive ideas and thoughts and amendments should somehow stick them back in their pockets, accept the product of the Intelligence Committee and go home, because the President will sign that bill. I will be anxious to raise the argument in future dates when I bring a bill to the floor and I find that the Republican leadership is going to offer some amendments to my ideas, reminding them of their eloquence in suggesting a different approach to the Foreign Intelligence Surveillance Act.

Last night, we saw into the heart of the minority's priorities. Since last month, day after day, opponents of retroactive immunity have been warning about its underlying motive: shutting up the President's critics. Pass immunity, we have said, and the debate will be shut down, the critics will be shut up, and the actions of the President's favored corporations will be shut in the dark for good.

Last night, we saw the mindset of the minority. Several of my Democratic colleagues have brought to the floor their carefully prepared amendments, many of which do their part to right the balance between security and civil liberties.

The Cardin amendment, which would allow us to revisit the bill in 4 years instead of 6, not exactly a frightening proposal. It would be a simple debate; we could decide if he's right or wrong—make your case either way. I happen to believe he is right. Amendments from Senator FEINGOLD prohibiting the dangerous and possibly unconstitutional practice of reverse targeting and bulk collection. The Leahy amendment, requiring the inspectors general of the Director of National Intelligence and the Department of Justice and the National Security Agency to investigate possible illegal domestic spying. The Feinstein-Nelson amendment allowing the FISA Court to determine whether immunity should apply to the telecommunications companies; and several more amendments as well.

These are all very serious amendments. The Presiding Officer himself has one of these amendments. Some of them I support, others I would probably end up opposing. Nonetheless, I acknowledge the seriousness of their proposals.

I am concerned, however, about amendments that expand the authority of the FISA Court beyond what Congress intended when it originally passed FISA. While I respect the motives behind such proposals, Congress needs time to fully consider their implications.

Further, I am concerned that such proposals put excessive power in the hands of a secret court whose members are all appointed by one individual. In other words, I am concerned this is yet another concentration of power, the implications of which we don't fully understand and ought to consider carefully. Yes, secrecy is necessary at times in the life of every nation. But it is a bedrock principle that democracy should always err on the side of less secrecy. For that reason I believe cases against the telecoms are best handled in our standard Federal courts—which, by the way, have shown time and time again that they know how to protect State secrets.

None of that is the real issue this morning. Whether you agree with any of these proposals or not, each amendment deserves consideration. Senators are not entitled to see their amendments agreed to, but they are entitled to this: a good-faith debate, honest criticism, and, ultimately, a vote on their ideas. Last evening, they didn't get that. Our Republican colleagues, assuming they would lose those votes, effectively shut down the work of the United States Senate. In the words of the cliche, they have taken their ball and run home.

I don't think that is far off base, in seeing in this egregious shutdown a parallel to retroactive immunity itself. Both attitudes privilege power over deliberation, over consensus, over honest argument. Like immunity, pulling these amendments down shows a contempt for honest debate and a willingness to settle issues in the dark, in the back rooms, rather than in the open, where the law lives, where the American people can see it.

President Bush wants to shut down the courts whose rulings he doesn't like. Last night, Senate Republicans showed when they don't like the outcome of a debate, they shut down that as well. It is one thing for a President to express that kind of contempt for the process of legislation. It is yet another for the coequal Members of this legislative branch to express it themselves.

I have spoken repeatedly about the rule of law. The rule of law is not some abstract idea. It is here with us. It is what makes this body run and has for more than two centuries. It means we hear each other out. We do it in the open. And while the minority gets its voice, its right to strenuously object, the majority ultimately rules. Standing for the rule of law anywhere means standing for it everywhere—in our courts and in the Senate.

The circumstances are different, of course, but the heart of the matter is the same. Last evening, I believe the Republican Party forfeited its claim to good faith on this issue. They are left to stake their case on fear. Whether that be enough, the next few days will tell.

But I want to talk about the issue of the underlying bill, the substance of it. As my colleagues here know, I care deeply and passionately about several aspects of this bill. Again, I have great respect for the work it takes to strike the balance between the need for have surveillance of those terrorists who would do us great harm, and the protection of civil liberties, rights, and the rule of law. It is not an easy balance. I will be the first to acknowledge that the tension between those two goals has been an ongoing tension since the founding of this Republic. It is not just new since 9/11. It goes back to the very first days of our Republic.

In fact, James Madison spoke eloquently about the tensions in civil liberties and rights and, with a great deal of prescience, recognized that it is usually threats from outside our country that have the most influence on endangering the rights and liberties we embrace at home. He acknowledged that more than two centuries ago.

So the debate we are engaged in today is a historic one, historic in the sense that it has been ongoing. No Member of this Chamber wants to sacrifice the security of our country, and my hope is that no Member of this body wants to sacrifice our liberties and rights either. I want to believe that very deeply. While we are debating how best to do that, my fear is that we are about to adopt legislation that will deviate from a 30-year history of actually achieving that sense of balance, by and large with the almost unanimous support of Members who have served here during that 30-year period.

I spoke yesterday about a crime that may have been committed against millions of innocent Americans: their phone calls, their faxes, their e-mails, every word listened to, copied down by Government bureaucrats into a massive database. I spoke about how our largest telecommunications companies leapt at the chance to betray the privacy and the trust of their own customers. That spying didn't happen in a panic or short-term emergency, not for a week, a month, or even a year. It went on relentlessly for more than 5 years. If the press had not exposed it, it would be going on at this very hour. This was not a question where a program started up and someone realized they had done something wrong, shut it down, and we discovered it later. This program has been ongoing and would have been ongoing arguably for years had the New York Times and a whistleblower not stepped forward to acknowledge its existence.

We saw how President Bush responded when this was exposed—not by apologizing, not even by making his best case before our courts, but by asking for a congressional coverup: retroactive immunity. He asked us to do it on trust. There are classified documents, he says, that prove his case beyond a shadow of a doubt, but, of course, we are not allowed to see them. I have served in this body for 27 years, and I am not allowed to see these documents. Neither are the majority of my colleagues.

And when we resist his urge to be a law unto himself, how does he respond? With fear. When we question him, he says we are failing to keep the American people safe.

Shame on the President and shame on these scare tactics.

I have promised to fight those tactics with all the power any one Senator can muster, and I am here today to keep that promise. For several months I have listened to the building frustration over this immunity and this administration's campaign of lawlessness. I have seen it in person, in mail, online—the passion, the eloquence of average citizens who are just fed up with day after day, week after week, month after month, year after year of this administration, in one case after another, trampling all over the basic rights of American citizens. They have inspired me more than they know, these citizens who have spoken up.

But almost every time telecom immunity comes up, there is the inevitable question: What is the big deal? Why are so many people spending so much energy to keep a few lawsuits from going forward?

Because this is about far more than the telecom industry. This is about a choice that will define America—the rule of law or the rule of men. It is about this Government's practice of waterboarding, a technique invented by the Spanish Inquisition, perfected by the Khmer Rouge, and in between banned—originally banned for excessive cruelty even by the Gestapo.

It is about the Military Commissions Act, a bill that gave President Bush the power to designate any individual he wants as an unlawful enemy combatant, hold him indefinitely, and take away that individual's right to habeas corpus, the centuries-old right to challenge your detention.

It is about the CIA destroying evidence of harsh interrogation—or, as some would call it, torture.

It is about the Vice President raising secrecy to an art form.

The members of his energy task force? None of your business, we are told.

His location? Undisclosed.

The names of his staff? Confidential.

The visitor log for his office? Shredded by the Secret Service.

The list of papers he has declassified? Classified.

It is about the Justice Department turning our Nation's highest law enforcement offices into a patronage plum and turning the impartial work of indictments and trials into the machinations of politics.

It is about Alberto Gonzales coming before Congress to give testimony that was at best wrong and at worst perjury.

It is about Michael Mukasey coming before the Senate and defending the President's power to break the law.

It is about extraordinary renditions and secret prisons.

It is about Maher Arar, the Canadian computer programmer who was arrested by American agents, flown to Syria, held for some 300 days in a cell 3 feet wide, and then cleared of all wrongdoing.

It is about all of that. We are deceiving ourselves when we talk about the torture issue or habeas issue or the U.S. attorneys issue or the extraordinary rendition issue or the secrecy issue. As if each one were an isolated case. As if each one were an accident. We have let outrage upon outrage upon outrage slide with nothing more than a promise to stop the next one.

There is only one issue here—only one—the law issue. Attack the President's contempt for the law at any point, and it will be wounded at all points. That is why I am here today. I am speaking for the American people's right to know what the President and the telecoms did to them. But more than that, I am speaking against the President's conviction that he is the law. Strike it at any point, with courage, and it will wither.

That is the big deal. That is why immunity matters—dangerous in itself but even worse in all it represents. No more. No more. This far, Mr. President, but no further.

More and more Americans are rejecting the false choice that has come to define this administration: security or liberty but never, ever both. It speaks volumes about the President's estimation of the American people that he expects them to accept that choice.

The truth, I would say, is that shielding corporations from lawsuits does absolutely nothing for our security. I challenge the President to prove otherwise. I challenge him to show us how putting these companies above the law makes us safer by one iota. That, I am convinced, he cannot do.

The truth is that a working balance between security and liberty has already been struck. It has been settled for decades. For three decades, the Foreign Intelligence Surveillance Act has prevented executive lawbreaking and protected Americans, and that balance stands today. In the wake of the Watergate scandal, the Senate convened the Church Committee, a panel of distinguished Members, Republicans and Democrats, determined to investigate executive abuses of power. Unsurprisingly, they found that when Congress and the courts substitute "trust me" for real and true oversight, massive law breaking can result. They found evidence of U.S. Army spying on the civilian population, Federal dossiers on citizens' political activities, a CIA and FBI program that opened hundreds of thousands of Americans' letters without warning or warrant.

In sum, Americans had sustained a severe blow to their fourth amendment right to be "secure in their persons, houses, papers, and effects against unreasonable searches and seizures." But at the same time, the Senators of the Church Committee understood that surveillance needed to go forward to protect the American people. Surveillance itself is not the problem: unchecked, unregulated, unwarranted surveillance was. What surveillance needed, in a word, was legitimacy. In America, as the Founders understood, power becomes legitimate when it is shared; when Congress and the courts check the attitude which so often crops up in the executive branch: If the President does it, it is not illegal.

The Church Committee's final report, "Intelligence Activities and the Rights of Americans," puts the case powerfully. Let me quote, if I can, from that report. The Church Committee—Republicans and Democrats—said:

> The critical question before the Committee was to determine how the fundamental liberties of the people can be maintained in the course of the Government's effort to protect their security. The delicate balance between these basic goals of our system of government is often difficult to strike, but it can, and must, be achieved.
>
> We reject the view that the traditional American principles of justice and fair play have no place in our struggle against the enemies of freedom. Moreover, our investigation has established that the targets of intelligence activity have ranged far beyond persons who could properly be characterized as enemies of freedom. . . .

The report further states:

> We have seen segments of our Government, in their attitudes and action, adopt tactics unworthy of a democracy, and occasionally reminiscent of the tactics of totalitarian regimes.
>
> We have seen a consistent pattern in which programs initiated with limited goals, such as preventing criminal violence or identifying foreign spies, were expanded to what witnesses characterized as "vacuum cleaners," sweeping in information about lawful activities of American citizens.

The Senators concluded:

> Unless new and tighter controls are established by legislation, domestic intelligence activities threaten to undermine our democratic society and fundamentally alter its nature.

That report is more than 30 years old. But couldn't those words have been written this morning? We share so much with the Senators—Republicans and Democrats—who wrote them. We share a nation under grave threat—in their case, from communism and nuclear annihilation; in ours, from international terrorism. We share, as well, the threat of a domestic spying regime that, however good its intentions, finally went too far.

Senators in my lifetime have already faced this problem, and I believe their solution stands: The power to invade privacy must be used sparingly, guarded jealously, and shared equally between all three branches—all three branches of Government.

Three decades ago, Congress embodied that solution in the Foreign Intelligence Surveillance Act, or FISA. FISA confirmed the President's power to conduct surveillance of international conversations involving anyone in the United States, provided that the Federal FISA Court issued a warrant, ensuring that wiretapping was aimed at safeguarding our security, and nothing else.

The President's own Director of National Intelligence, Mike McConnell, explained the rationale in an interview this summer: The United States, he said: "did not want to allow [the intelligence community] to conduct . . . electronic surveillance of Americans for foreign intelligence unless you had a warrant, so that was required."

As originally written in 1978, and as amended many times over the last three decades, FISA has accomplished its mission. It has been a valuable tool—a tremendously valuable tool—

for conducting surveillance of terrorists and those who would harm our country.

Every time Presidents have come to Congress openly to ask for more leeway under FISA, Congress has worked with them; Democrats and Republicans have negotiated; and together, Congress and the President have struck a balance that safeguards America while doing its utmost to protect privacy.

This summer, Congress made a technical correction to FISA, enabling the President to wiretap, without a warrant, conversations between two foreign agents, even if those conversations are routed through American computers. For other reasons, I felt this summer's legislation went a bit too far, and I opposed it. But the point is that Congress once again proved its willingness to work with the President on FISA.

Shouldn't that be enough?

Just this past October and November, as we have seen, the Senate Intelligence and Judiciary Committees worked with the President to further refine FISA and ensure that, in a true emergency, the FISA Court could do nothing to slow down intelligence gathering.

Shouldn't that be enough?

And as for the FISA Court? Between 1978 and 2004, according to the Washington Post, the FISA Court approved 18,748 warrants—18,748 warrants. It rejected five, between 1978 and 2004. Let me repeat the numbers. They granted 18,748 warrants, and rejected 5 of them over that almost 30-year period.

The FISA Court has sided with the executive 99.9 percent of the time.

Shouldn't that be enough? One would think so. Is anything lacking? Have we forgotten something? Isn't all of this enough to keep us safe?

It took three decades, three branches of government, four Presidents, and 12 Congresses to patiently, painstakingly build up that machinery. It only took one President to tear it down. Generations of leaders handed over to President Bush a system that brought security under the law, a system primed to bless nearly any eavesdropping he could possibly conceive or think of. And he responded: No, thank you; I'd rather break the law.

He ignored not just a Federal court but a secret Federal court; not just a secret Federal court but a secret Federal court prepared to sign off on his actions 99.9 percent of the time. And he still has not given us a good reason why. He still has not shown how his lawbreaking makes us safer.

So I am left to conclude that, to this President, this is not about security. It is about power: power in itself, power for itself.

I make that point not to change the subject, but because I believe it solves a mystery. That is: Why is retroactive immunity so vital to this President? The answer, I believe, is that immunity means secrecy; and secrecy, to this administration, means power.

It is no coincidence that the man who declared "if the president does it, it's not illegal"—Richard Nixon—was the same man who raised executive secrecy to an art form in an earlier generation. The Senators of the Church Committee expressed succinctly the deep flaw in the Nixonian executive. I quote from them: "Abuse thrives on secrecy." And in the exhaustive catalog of their report, they proved it.

This administration shares a similar level of secrecy, and a similar level of abuse, I would add. Its push for immunity is no different. Secrecy is at its center. We find proof in their original version of retroactive immunity. Remember, this was their idea: a proposal not just to protect the telecoms but everyone involved in the wiretapping program. That is what they sought of the Intelligence Committee. Everyone involved in that program was to be protected. In their original proposal, that is, they wanted to immunize themselves.

Think about that. It speaks to their fear and, perhaps, their guilt: their guilt that they had broken the law, and their fear that in the years to come they would be found liable or convicted. They knew better than anyone else what they had done. They must have had good reason to be afraid.

Thankfully, immunity for the Executive is not part of the bill before us. But the original proposal—the original proposal—to immunize everyone involved ought to be instructive to Members here. Why did they seek such broad authority to immunize every individual? Why? What was behind that proposal? This is, and always has been, a self-preservation bill.

Otherwise, why not have the trial to get it over with? If the President believes what he says, the corporations would win in a walk. After all, in the administration's telling, the telecoms were ordered to help the President spy without a warrant, and they patriotically complied.

Read Justice Robert Jackson's briefs after Nuremberg. The 21 defendants at Nuremberg made that case, that they were only complying with orders they were given. And the court in the Nuremberg trials, in 1945, rejected that argument. Robert Jackson reminded us, in subsequent decisions he handed down as a Supreme Court Justice, that that argument, "we were ordered to do it," is not a legitimate defense when you know what you are doing is wrong.

And when you hear the President's story, ignore for a moment that in America we obey the laws, not the President's orders. Ignore that the telecoms were not unanimous; one, Qwest, wanted to see the legal basis for the order. They never received it, of course, and so they refused to comply. Ignore that a judge presiding over the case ruled that—and I quote—"AT&T cannot seriously contend that a reasonable entity in its position could have believed that the alleged domestic dragnet was legal."

Ignore all of that. If the order the telecoms received was legally binding, they have an easy case to prove. The corporations only need to show a judge the authority and the assurances they were given, and they will be in and out of court in five minutes.

If the telecoms are as defensible as the President says, why doesn't the President let them defend themselves? If the case is so easy to make, why doesn't he let them make it?

It can't be that he is afraid of leaks. The Federal court system has dealt for decades with the most delicate national security matters, building up expertise in protecting classified information behind closed doors—ex parte, in camera. We can expect no less in these cases, as well.

No intelligence sources need to be compromised. No state secrets need to be exposed. And after litigation at both the district court and circuit court level, no state secrets have been exposed.

In fact, Federal District Court Judge Vaughan Walker, a Republican appointee, I might add, has already ruled that the issue can go to trial without putting state secrets in jeopardy. Judge Walker reasonably pointed out that the existence of the President's surveillance program is hardly a secret at all. I quote from him. He stated:

> The government has [already] disclosed the general contours of the "terrorist surveillance program," which requires the assistance of a telecommunications provider.

That is from Judge Walker. In his opinion, Judge Walker argued that even when it is reasonably grounded:

> the state secrets privilege [still] has its limits. While the court recognizes and respects the executive's constitutional duty to protect the nation from threats, the court also takes seriously its constitutional duty to adjudicate the disputes that come before it. To defer to a blanket assertion of secrecy here would be to abdicate that duty, particularly because the very subject matter of this litigation has been so publicly aired.

That is Republican appointee Vaughan Walker speaking to the administration. He further goes on to say:

> The compromise between liberty and security remains a difficult one. But dismissing this case at the outset would sacrifice liberty for no apparent enhancement of security.

That ought to be the epitaph of this administration: sacrificing liberty for no apparent enhancement of security. Worse than selling our soul, we are giving it away for free.

The President is equally wrong, I would suggest, to claim that failing to grant this retroactive immunity will make the telecoms less likely to cooperate with surveillance in the future.

The truth is that since the 1970s, FISA has compelled telecommunications companies to cooperate with surveillance when it is warranted. And what is more, it immunizes them. It has done that for more than 25 years.

So cooperation in warranted wiretapping is not at stake today. Collusion in warrantless wiretapping is. And the warrant makes all the difference, because it is precisely the court's blessing that brings Presidential power under the rule of law.

In sum, we know that giving the telecoms their day in court—giving the American people their day in court—would not jeopardize an ounce of our security. The conclusion, I again repeat, is clear: The only thing that stands to be exposed if these cases go to trial is the extent of the President's lawbreaking, of the administration's lawbreaking. That, he will keep from the light of a courtroom at all costs.

This is a self-preservation bill. And given the lack of compelling alternatives, I can only conclude that self-preservation—secrecy for secrecy's sake—explains the President's vehemence.

Well, you might say, he will be gone in a year. Why not let the secrets die with this administration and start afresh? Why take up all the time on this matter?

Because those secrets never rightfully belonged to him. They belong to history, to our successors in this Chamber, to every one of us. Thirty years after the Church Committee, history repeated itself. If those who come after us are to prevent it from repeating again, they need the full truth. We need to set an unmistakable precedent. Determining guilt or innocence belongs to the courts, not to 51 Senators who may carry the day by a vote here, or the President, for that matter—that is what the courts are for. Lawless spying will no longer be tolerated. And, most of all, the truth is no one's private property.

Which brings us, unfortunately, to economics. Because once the arguments from state secrets and patriotic duty are exhausted, immunity's defenders make their last stand as amateur economists.

Here is how Mike McConnell put it:

> If you play out the suits at the value they're claimed, it would bankrupt these companies. So . . . we have to provide liability protection to these private sector entities.

To begin with, that is a clear exaggeration. We are talking about some of the wealthiest, most successful companies in America. Let me quote an article from Dow Jones MarketWatch. The headline reads: "AT&T's third-quarter profit rises 41.5 percent." I will quote the article:

> AT&T, Inc. on Tuesday said third-quarter earnings rose 41.5 percent, boosted by the acquisition of BellSouth and the addition of 2 million net wireless customers. . . . Net income totaled $3.6 billion . . . compared with $2.17 . . . a year ago.

I should note that AT&T has posted these record profits at the same time of this very public litigation.

Now, granted, that is only one quarter, and I understand that AT&T's most recent earnings aren't as large as the ones I have just quoted; but I think the point still stands. A company of that size, capable of posting a $3 billion quarter, couldn't be completely wiped out by anything but the most exorbitant and unlikely judgment.

To assume that the telecoms would lose and that their judges would hand down such backbreaking penalties is already taking several leaps. The point, after all, has never been to financially cripple our telecommunications industry; the point is to bring checks and balances back to domestic spying. Setting that precedent would hardly require a crippling judgment.

It is much more troubling, though, that the Director of National Intelligence has begun talking like a stockbroker, pronouncing on "liability protection for private sector entities." How does that even begin to be relevant to letting the case go forward? Since when did we throw out entire lawsuits because the defendant stood to lose too much?

Translate the point into plain English, and here is what Admiral McConnell is arguing: Some corporations are too rich to be sued. Even bringing money into the equation puts wealth above justice, above due process. I have rarely in public life heard an argument as venal as this one.

But this administration would apparently rather protect the telecoms than the American people. In one breath, it can speak about national security and bottom lines. Approve immunity, and Congress will state clearly: The richer you are, the more successful you are, the more lawless you are entitled to be. A suit against you is a danger to the Republic. So at the rock bottom of its justifications, the administration is essentially arguing that immunity can be bought.

The truth is exactly the opposite, in my view. The larger the corporation, the greater potential for abuse. Not that success should make a company suspect at all. Companies grow large and essential to our economy because they are excellent at what they do. I simply mean that size and wealth open the realm of possibilities for abuse far beyond the scope of the individual. After all, if everything alleged is true, the President and the telecoms have engineered one of the most massive violations of privacy in American history. A violation such as that would be inconceivable without the size and resources of a corporate behemoth behind it.

If reasonable search and seizure means opening up a drug dealer's apartment, the telecoms' alleged actions would be the equivalent of strip-searching everyone in the building, ransacking their bedrooms, and prying up all the floorboards. That is the massive scale we are talking about, and that massive scale is precisely why no corporation must be above the law.

Ultimately, that is all I am asking—not a verdict of guilty or innocent. I have my own views, but I don't have a right to pronounce those views. That is why there is something called the third branch of Government. It is called the courts—the courts. A simple majority of this body doesn't get the right to decide the guilt or innocence in this particular case. But when the day in court comes, I have absolutely no investment in the verdict either way. Just as it would be absurd for me to declare the telecoms clearly guilty, it would be equally absurd to close the case today without a decision. But their day in court, as far as I am concerned, is everything.

Why? Because surveillance demands and deserves legitimacy, and the surest way to throw legitimacy away is to leave all of these questions hanging.

Few things are as vital to our national security as giving domestic surveillance the legitimacy it deserves and needs to sustain public support. Because "the threat to America is not going to expire." "Staying a step ahead of the terrorists who want to attack us" is "essential to keeping America safe." In the end, "Congress and the President have no higher responsibility than protecting the American people from enemies who attacked our country and who want to do it again."

Those aren't my words; they are George Bush's words. He says all of this, yet he says he will veto the entire bill—this vital bill, this bill which is essential to protecting our very lives—all to keep a few corporations safe from lawsuits.

There, at last, as honest as you will ever hear them, are this President's true priorities: secrecy over safety, favors over fairness. Marry those priorities to a contempt for the rule of law, and the results have been devastating. I don't have to repeat them. They aren't secret anymore.

No, Mr. President we can't go back. We can't un-pass the Military Commissions Act. We can't un-destroy the CIA's interrogation tapes. We can't unspeak Alberto Gonzales's disgraceful testimony. We can't un-torture those who have been apprehended and held wrongfully. We can't undo all this administration has done in the last 6 years for the cause of lawlessness and fear.

But we can do this: We can vote down this immunity. We can do this: We can grab hold of the one thread left to us here and pull until the whole garment unravels. We can start here.

And why not here? Why not today?

Why not provide for the protections we need, the surveillance we need, but without this grant of immunity? It is unwarranted, it is unneeded, it is unfair, it is wrong, and it is dangerous.

So, on Monday, I hope my colleagues will reject the motion on cloture, allow these amendments to go forward, allow us to have a debate and a discussion, and then send a clean bill to the President—one that enhances our security and protects our civil liberties.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. I ask unanimous consent that when I finish with my remarks, the Senator from Texas be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REPUBLICAN RETREAT

Mr. ALEXANDER. Mr. President, I would say to the Senator from Connecticut, welcome back. We are glad to have him here. He has traveled some roads that I know pretty well. We have missed some of his vigor and passion.

Sometimes the American people say they don't like to see us engage in partisan bickering, and I am going to say something about that in just a minute. But what I think they do like to see us do, if I may say so, is what the Senator from Connecticut was doing just then and what the Senator from Arizona did on Friday: They were debating the balance of each American individual's right to liberty versus each American individual's right to security—coming to different conclusions but having a serious discussion about an issue that affects every single American in this country. That is what the people expect of the Senate.

I come to a different conclusion than he does. We are moving to vote on cloture on a bill on Monday that has come out of the Intelligence Committee by a bipartisan majority of 13 to 2. But this is the kind of debate the Senate ought to have, and I am glad I got to hear his speech even though I disagree with much of it.

The Republican Senators gathered in a retreat at the Library of Congress on Wednesday. This is something we do each year, and the Democratic side does it each year as well. We think about our responsibilities, and we look forward to the future. Many of our Members have said to me that this was one of our best days of retreat. In the first place, it was very well attended: 44 out of 49 of us were there, and 3 of those absent were campaigning in Florida, and 1 was ill. So we had virtually perfect attendance. Most of those attending spoke and participated and made proposals. Every single Republican Senator with whom I have talked since that meeting on Wednesday has told me he or she felt rejuvenated and looks forward to this year. I believe the reason for that is because of the way we conducted the day.

It takes me back to what I just said a moment ago. Unless we are tone-deaf, I think we can hear what the American people are saying to us, especially through the Presidential campaign, which is that they are tired of the way we are doing business in Washington, DC, and they want us to change it. They want us to take the playpen politics and move it off the Senate floor and put it in the national committees or in the nursery where it belongs, and spend our time on big issues that affect our country—maybe in vigorous debates of the kind Senator DODD and Senator KYL would have on the intelligence bill, but spend our time on the serious issues facing our country. Then, after we have had our debate, work across the aisle to get a result.

There are only two reasons to work across the aisle to get a result. One is, it is the right thing to do for our country. This is our job, and that is why they pay us our salaries. That is why they sent us here. No. 2, if you can count, it takes 60 votes to get anything meaningful done in the Senate. So if you want to get a result, you have to work across party lines because neither side has more than 60 votes.

So what we Republicans did on Wednesday was say this: We have heard the talk that this is a Presidential year and we may get nothing done in Congress, and we reject that.

Our leader said—MITCH MCCONNELL—on Tuesday when he spoke:

> Republicans are eager to get to work on the unfinished business from last year. We are determined to address the other issues that have become more pressing or pronounced since we last stood here. We have had a presidential election in this country every 4 years since 1788 we won't use this one as an excuse to put off the people's business for another day.

So there is no excuse for Congress to take this year off, given the serious issues facing our country. We want to change the way Washington does business, and we know how to do it; that is, get down to work on serious issues facing our country, propose specific solutions that solve problems, and then work across the aisle to get a result. We are not here to do bad things to Democrats; we are here to try to do good things for our country.

That was the spirit of our retreat on Wednesday. I believe that is the way most Members on the other side feel. The more of that we do, the better. I would submit the approval rating of the Congress and of Washington, DC, will gradually go up if we were to do that.

Let me say a word about exactly what we talked about on Wednesday—the kind of approach that one can expect from Republican Senators this year.

First, of course, is that we are here and ready to go to work on these specific solutions based on Republican principles, and we are either looking for bipartisan support or already have bipartisan support on many issues. Of course, to begin with, we know Americans are hurting and anxious because of the housing slump, because of gasoline prices, because of rising health care costs, and we are ready to work with the House and the President, across the aisle, to find the appropriate action to take to try to avoid an economic slowdown.

I imagine the Senate will have some of its own views about its proposals when the House brings its proposal here. But we want a result. I, for one, would like to see—and I believe most of my colleagues on this side of the aisle would like to see—a proposal that grows the economy and not the Government. But we will have a debate about that. That is not partisan bickering; that is the Senate in its finest tradition addressing an issue that is central to every single family in this country.

We know we need to intercept the communications of terrorists so we can keep our country safe from attack. We know when we do that, we have to carefully balance each of our right to liberty versus each of our right to security.

Samuel Huntington, the Harvard professor, once wrote—he was President of the American Political Science Association—that most of our politics is about conflicts between principles or among principles with which almost all of us agree. That is important to Americans because what unifies us, other than our common language, is these few principles, security and liberty being two.

Republicans support the Rockefeller-Bond bipartisan proposal which passed 13 to 2 by the Intelligence Committee. We want to make sure those companies which help us defend ourselves aren't penalized for helping to make the country secure, while at the same time protecting individual liberties.

We know there are 47 million Americans who don't have health insurance, and Republican Senators said in our retreat on Wednesday that we are ready to go to work this year to make sure every American is insured. Some say put it off a year. Well, perhaps we can't get it all done in 2008, but we can surely start. Senator BYRD and Senator DEMINT and Senator BENNETT and Senator CORKER, among others, spoke at our retreat on this issue. We would like to get going now. We could begin with the Small Business Health Insurance Act, which would permit small companies to pool their resources and offer more health insurance at a lower cost to their employees. That would be a beginning.

Many of us on the Republican side have sponsored a bipartisan bill—one of two or three that have the same general approach to reforming the Tax Code, to put cash in the hands of American families and individuals so they can afford to buy their own private insurance, putting together four words that usually don't go together: "Universal access" and "private insurance." Those are based on principles we Republicans agree with: Free market and equal opportunity. We know on this side of the aisle—and I suspect many over on that side know as well; I know they do—if we don't do something about the runaway growth of Medicare and Medicaid—entitlement spending, in other words—we will bankrupt our country. Every year that we wait to deal with that is a year that makes the solution harder.

So Senator GREGG, at our retreat, talked about his proposal with Senator CONRAD, a Democratic Senator, to create a base-closing-task-force-type task force for the sole purpose of recommending to the Congress a way to control entitlement spending and force an up-or-down vote on that. That is the principle of limited government. That is a principle that most Republicans and a proposal that many Democrats can support.

We know there is a great force in Washington, DC, to spend more money, to issue more regulations and rules, and there are almost no countervailing forces to spend less money, repeal rules, and revise regulations. So Senators DOMENICI, ISAKSON, and SESSIONS, among others, have proposed an idea to change our budgeting and appropriations process from 1 year to 2 years. That may help us get appropriations bills done on time so we can save money in our contracting in the Defense Department and Department of Transportation, for example. But more important to me, and to many on this side of the aisle, it would create a countervailing force of oversight so that every other year we would spend most of our time on oversight, meaning we could review, repeal, and change and improve laws, regulations, and rules that have been in place for a long time.

We want to keep jobs from going overseas, and we believe we know how to do it. Last year, we worked with Senator BINGAMAN and others on the other side to pass the America COMPETES Act. This is an extraordinary response to our challenge to keep our brain power advantage so we can keep our jobs, in competition with China and India. Senator HUTCHISON has been a leader on this issue. She, with Senator BINGAMAN, began the effort to fully fund advanced placement courses so more children could take those courses. So we are ready—many on this side of the aisle—to implement the advanced placement provisions in the America COMPETES Act. That will help 1.5 million children to have those opportunities.

We are ready to implement the provision that would put 10,000 more math and science teachers in our classrooms. Many of us are ready to implement the recommendation that we pin a green card to every single foreign student legally here and who graduates from an American university in science, technology, engineering, or mathematics. Some proposals ought to be bipartisan, but they are not—or at least they weren't. I made one, and we talked about this for a while on Wednesday.

In order to encourage unity in this country, we need a common language. That seems to be common sense. Therefore, we ought to pass a law making it clear that the Federal Government should not be suing the Salvation Army, telling them they cannot require employees to speak English on the job. We got it through the Senate and to the House, where the Speaker stopped it. Now Senator CONRAD has joined in support, as have Senators MCCONNELL, BYRD, LANDRIEU, and NELSON of Nebraska. So now we have a bipartisan approach on another important issue.

We talked about the idea and the problem of the number of rural women in this country who are pregnant and cannot get the proper prenatal health care. OB/GYN doctors are leaving rural areas because runaway malpractice lawsuits are running malpractice insurance over $100,000 a year. So the pregnant women are having to drive 70 miles to Memphis or other big cities to see a doctor and get the prenatal health care they need and to have the baby. We have proposals to stop it in the way Texas and Mississippi did. We invite bipartisan proposals on that.

Mr. President, the Republican agenda will emerge over time. What I would like to say to our colleagues on the other side of the aisle and to the American people is, we want to change the way Washington does business, and we believe we know how. The way is to stand up every single day and week with new specific proposals on real issues and have a debate where one is needed. Let Senator DODD and Senator KYL have a principled argument about security versus liberty. That is in the finest tradition. Let's cut out the playpen politics. Let's don't have that, and let's earn back the confidence of the American people by dealing with specific solutions. That is what you are going to hear from Republican Senators.

No sooner had I heard some encouraging remarks from the majority leader, out comes this release from the Senate leadership and majority leader HARRY REID:

> For immediate release. Democratic policy experts discuss President Bush's legacy of broken promises.

That was announced. This is playpen politics. I am sure we do it here sometimes, but I will do my best as the Republican conference chairman to make the political reward for this playpen politics so low that this kind of release and activity is moved into the nursery school where it belongs, over to the national committee where it belongs, whether it is the Democratic playpen or the Republican playpen, and that we devote ourselves to the issues facing our country.

How can we help the economy? How can we help every American be insured? How can we stop the terrorists? How can we implement the America COMPETES Act? Those are the debates we ought to have. I hope that is clear to the American people and to our colleagues. We are looking forward to this year. Republicans are ready for change in the way we do business in Washington. The people of this country are ready for that, too. I look forward to it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I express my gratitude to Senator ALEXANDER, my colleague from Tennessee, for his comments and for his leadership. We decided it would be helpful to come to the floor and talk a little bit about the retreat that Senator ALEXANDER laid out and our reasons for believing that it is important that we not take the year off just because it is a Presidential election. I think Senator MCCONNELL most recently pointed out that we have had elections in this country every 2 years since 1788. So if we are going to use that as an excuse for not getting things done, we will never get anything done. We have a lot of important issues we need to address, and we will.

The month or so that we were in recess, from the Wednesday before Christmas until we came back the day after Martin Luther King's national holiday, I enjoyed being at home in Texas. As always, I traveled around the State and talked to a lot of people. But I also listened. What I heard from my constituents is the same thing I bet virtually every single Senator heard, and that is that people are sick and tired of the bickering and partisanship. They are sick and tired of seeing Congress not solving problems that only Congress can solve. Frankly, they are beginning to feel more and more like Congress is irrelevant to their daily lives. I think that is what accounts for the historically low approval rating we have seen of the Congress in the last year.

The problem is—and the occupant of the chair knows as well as I do—that I don't think the public differentiates between Republicans and Democrats when they give Congress a low approval rating, by and large. I think it is up to us, working together, to try to elevate that low approval rating by doing what our constituents expect us to do, and that is to work together when we can, without sacrificing our basic principles.

Let me say a word about that. Lest anybody confuse what Senator ALEXANDER and I are saying, that we are somehow taking leave of our principles, that is absolutely not true. In Washington, I usually tell folks that we have Democrats in Texas and we have Republicans in Texas. They are all pretty much conservative by national standards, Washington standards. But the fact is, my constituents expect for me to get something done. But that is not done by sacrificing principles. I do think we have important differences, and I think those should be debated, and then we should vote. We should be held accountable in the next election for our votes and for what we have done or not done.

I think there is an important difference between standing on your principles and then looking for common ground to try to come together and solve problems. I agree with what the Senator from Tennessee said. We all know it is a fact of life in the Senate that you cannot get anything done without bipartisan support. Our 60-vote rule for cloture to close off debate in order to have an up-or-down vote requires it. So why not recognize that, sure, we can say no, no, no, but occasionally I think we ought to look for an opportunity to say yes where it doesn't sacrifice our principles, but it does find common ground to try to get things done on behalf of the American people.

I have constituents who asked me, as recently as last night: Don't you find life in the Senate and in Washington and in the Congress frustrating? Many say I could never do what you do because I would be so frustrated by it. I think there is plenty of opportunity for frustration, if we dwell on that. But I prefer to look at the opportunities for making life better for the American people and for offering solutions on the difficult issues that confront us. To me, that is what I get up and come to work for. That is why I enjoy being in the Senate. I believe it gives me a chance, as one American, to do what I can to try to make life better and to make a difference. It is not about sacrificing principles. It is doing what we said in the preamble to the Constitution when we said:

> We the People of the United States, in Order to form a more perfect Union, establish Justice, ensure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity. . . .

We said that in 1787, in a document that was ratified by all of the States by 1790. That should be our goal still today—to be true to that statement of principle about what our goals are as a nation.

The Senator from Tennessee did go through a number of concrete proposals and talked about what our alternative will be to the proposals being made on the other side of the aisle. Again, I agree with him, that the American people don't expect us to come here and split the difference on everything in order to come up with an agreement if they believe that outcome is devoid of principle or sacrifices fundamental values. There are differences between the parties. Those differences ought to be reflected in a dignified and civilized and respectful debate that highlights those differences, and then we have a vote on those different points of view. We will either pass legislation or not based on that vote. But I think it will be acting in the greatest tradition of the Senate, and in a way that our constituents back home earnestly wish we would act and, unfortunately, in a way that we have not always acted.

I have to believe all Members of this body want to see our economy as strong as it can possibly be going forward. They want to see that our Nation is secure and our defense remains the best in the world; that all Americans have access to quality health care; that taxpayers not be compelled to foot the bill for wasteful Washington spending. I have to believe that all of our constituents, and indeed all Members of the Senate, believe that we need a sustainable energy policy that allows us to turn away from our over-reliance on imported oil and gas from dangerous parts of the world.

I think, as Senator ALEXANDER pointed out, principled differences on important legislation need to be debated in the Senate and voted on and resolved rather than be left without a solution and unaddressed.

We do have an opportunity, I believe, this new year as we have come back not just to say no, no, no, to every idea that is offered on the floor but to say: Here are our alternative solutions to the problems that confront America.

Mr. President, you will be hearing us on the floor of the Senate on a weekly basis not only addressing legislation offered by the majority—and, of course, it is the majority leader's prerogative to set the agenda to call up bills; we will not be able to do that as Members of the minority—but what you will hear from us is a principled proposal to solve the problems that confront America on each of the big issues this Nation wants us to address and wants us to expend our very best efforts to try to solve.

I am delighted we have seen a sort of renewed enthusiasm for finding solutions in a principled way. I agree with the Senator from Tennessee, the retreat we had I thought was one of the most hopeful retreats I have ever participated in as a Member of the Senate because I think what we saw is a recommitment to try to solve problems, to avoid the partisan bickering and the divisiveness that has resulted in the historically lower approval rating of Congress and which turns off so many of our constituents.

Of course, as we all know, as elected officials, if we do not respond to our employer and try to address the concerns our employer has—and our employers are our constituents—then our employers may look for somebody else to do the job in the next election.

It is up to us to be responsive to those concerns, and I think without sacrificing principles, by staying true to those values we brought with us but looking for common ground. That is the art in our job, and it is more art than science. I have said it before and I will say it again, I think compromise for compromise's sake is overrated because if all compromise means is sacrificing your principles in order to get a problem behind you, I don't think you have done your job. Doing your job means standing on your principles but looking for common ground, consistent with those principles, to solve problems. There is plenty of common ground to find if we will work a little bit harder and a little bit more in earnest to try to find it.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BOND. Mr. President, I ask unanimous consent that the Senate recess subject to the call of the Chair.

There being no objection, the Senate, at 12:04 p.m., recessed subject to the call of the Chair and reassembled at 12:07 p.m., when called to order by the Presiding Officer (Ms. KLOBUCHAR).

Mr. BOND. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FISA AMENDMENTS ACT OF 2007—Continued

Mr. WHITEHOUSE. Madam President, I ask that the pending amendment be set aside so I may call up amendment No. 3905.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WHITEHOUSE. Madam President, I guess I would like to start by saying I appreciate very much the sentiments that were recently expressed by the Senator from Tennessee and the Senator from Texas, who is my friend who served with me as attorney general at the same time in our respective States, Texas and Rhode Island. I ask them to let me know when that new approach will begin because I am, frankly, not seeing much of it in the Foreign Intelligence Surveillance Act procedures we are going through on the floor. I confess, I am a new Member of this body, and I do not understand why.

We heard Senator DODD, the very distinguished Senator from Connecticut, who has served in this body for 27 years, describe how important this Chamber is and that it is the right of Senators to debate matters, not for the sake of ventilating themselves but toward actually getting a vote on a real amendment on a matter of real significance.

We had one vote on a committee amendment. Not one Senator has achieved getting a vote, and we are on a very short timeframe. I may be new, but I will tell you that in the 1 year I have served, I have presided a great deal. The Presiding Officer, the Senator from Minnesota, and I have both spent a lot of time in that chair. It is a wonderful place to sit, and you get a great view and a great education as to what goes on in the Chamber.

I can recall over and over hearing my colleagues on the Republican side of the aisle, as mad as they could be, complaining bitterly because the majority had offered them only 10 amendments on a bill or only 20 amendments on a bill. I cannot get one called up.

Let me first say, this is an important issue. On the one hand, we have to deal with perhaps the greatest danger our country faces at this moment, which is the threat that comes from international terrorism, and we have at the same time to deal with one of the basic principles of our Government—freedom, freedom from, among other things, Government surveillance, unless it is done properly and by the law.

This is not some new idea. It goes back to the Bill of Rights, where the very Founders of this country mandated that before the Government could intrude into the persons, places, houses, and effects of Americans, they had to get permission from a court.

The balance between freedom and security is an important one, a historic one. So this is no minor issue on which to avoid real debate, and the amendments are important ones. The amendments involve the immunity issue about which Senator DODD spoke so passionately. This is a very important issue.

As I see it, we have some cleaning up to do in this body as a result of a real mess the Bush administration left us. They could have gotten a court order, and we know perfectly well that if a court order had been obtained, there would be no issue of immunity for us to address. A company following a court order is protected. End of story. They couldn't be troubled to get a court order to protect these companies they are so concerned about now. But you do not necessarily need a court order. You can actually get a certification from the appropriate Government official using language this Congress has provided, and it will also provide protection to companies that cooperate in Government surveillance, as long as they have been notified properly through the certification process.

One would think the litigation would be over, if that certification process had been complied with. It would be a slam dunk. Which raises the logical conclusion that for some reason, the Government did not comply with the certification process. I don't know why they did that. I don't know if anybody else knows why they did that. It could be being obtuse and stubborn and insisting it had to be done under the President's unitary article II authority that they purposefully, deliberately failed to follow the certification process to prove that point they wanted to prove.

If that is the case, they have walked these phone companies into all this concern we now have to address for no purpose whatsoever. But now we do have to address the problem. No matter how they got into it, we have this problem to address, and it is not an easy problem.

One side says: Well, blanket immunity. Well, that is fine, but you are taking away rights and due process of people who are in court right now. A judge has looked at this case and he didn't throw it out. There is nothing to suggest that the litigation going on right now is not entirely legitimate. So if we do that, we are taking away real rights of real Americans that are currently in play right now before a court.

I don't know of a time the Congress has ever done that. As a former prosecutor, like the Presiding Officer, the very notion that it is the legislature's job to go into ongoing legitimate litigation and make decisions about who should win and who should lose seems to me a spectacular trespass over the doctrine of separation of powers. I hope my colleagues in this body who are in the Federalist Society would be concerned about this separation of powers.

On the other hand, we could strip the legislation of its immunity entirely and leave the companies in the litigation. That is not a great solution either. There is a problem with that solution. The problem with that solution is that the Bush administration has bound and gagged the company defendants—instructed them they may not defend themselves. So here you have legitimate American corporations in legitimate litigation being told by the Government that they may not speak, they may not answer, they may not defend themselves. That doesn't seem like a great outcome either.

Well, an amendment I wish to offer, the one I just tried to call up, proposes a potential solution. If the Government is going to tell them they can't defend themselves, then in all decency shouldn't the Government step in for them and say: OK, we are going to bind you and we are going to gag you in this ring of litigation combat, but we are going to step in for you and not leave you unable to defend yourself? Isn't that the most decent, basic thing you could expect the Government to do? That is what this amendment would do. It would substitute the Government for the defendant corporations that the Government has bound and gagged in this litigation—muzzled.

It would do another thing: It would make sure that a court decided that these companies had in fact acted in good faith before they were given that relief. They have told us they have acted in good faith, but we are a legislature. Good faith is a finding the courts make. We are not judges. We haven't heard from all sides. We haven't had hearings, such as a court would have to get to the bottom of this.

There is an easy way to do it. You let the FISA Court, which has the secrecy necessary to get to the bottom of this, make the determination, the fundamental determination: Did these companies, in fact, act in good faith? That is a basic point of entry. We have all assumed it to be true, but it is not our job as Members of Congress to decide on the good faith of an individual litigant in a matter that is before a court.

I think this is a very legitimate amendment. It may not be germane postcloture. It may never come up as a result of this. Maybe it is just the new Senator. Poor kid, all this work on these bills. Doesn't he know the merits don't matter around here? Maybe it is a situation related to me not knowing my way around here yet. But I don't think so. Because Senator FEINSTEIN, who has been here for a very long time, who is very distinguished, who is one of the most bipartisan Senators in this Chamber, if not the most bipartisan Senator in this Chamber, has a very similar piece of legislation. She has taken the good faith test in the Foreign Intelligence Surveillance Court and picked it out as a separate, solitary piece of legislation, and she is pursuing that. That amendment can't be called up either.

You could say: Well, maybe it is because I am a Democrat; they are shutting down all the Democrats. But my amendment is cosponsored by ARLEN SPECTER, the very distinguished Senator from Pennsylvania, who has been the chairman of the Judiciary Committee. It is the Specter-Whitehouse amendment. I don't see how you could have a better credential, a better bipartisan credential than to have the Republican chairman of the Judiciary Committee as the cosponsor of the amendment. And yet we can't call it up, and because of the cloture motion that has been filed, it may never be called up.

I think we are doing serious work, and I think we should get votes on these amendments. I know some of my colleagues have said: Well, you should defer to the committee bill. The committee bill was so good, it was bipartisan, it passed 13 to 2. Well, I was in that committee. Yes, it passed 13 to 2, but an awful lot of us said in our remarks on that bill that we passed it out of that committee in order to work on it further in the Judiciary Committee and in order to move amendments on the floor. It did not pass with a 13-to-2 vote of Senators saying this is ready to go to the President; this is ready to clear the Senate. It passed on a 13-to-2 vote of Senators who knew that the bill was going to the Judiciary Committee and who knew that the bill was going to the floor and had reason to expect the ordinary courtesies of this body to be able to offer amendments would be honored.

In fact, the amendment I tried to offer yesterday that was objected to, that I can't call up, I raised in the Intelligence Committee. I was told by the executive branch officials there—and I should say that throughout this process I hope nobody would challenge how carefully my office has worked with the administration to get these things right, to get technical language worked through properly—I was told by the executive branch officials that the way I had written the amendment caused technical difficulties. So I didn't pursue it in the Intelligence Committee. I withdrew it, noting that we would work through the technical difficulties and then bring it up again later on.

Nobody said then, oh, Senator WHITEHOUSE, there is going to be no later on; the committee vote is all you will get. Nobody said that. Because that would violate the history and traditions of the Senate, because it would be wrong, and because it wasn't the program. It wasn't the plan at the time. I feel it has been represented to me that these amendments would be voted on, and I feel that representation has been dishonored by the procedure we are in right now.

I want to read something. I prepared remarks in the event that this amendment was going to go in. Of course, I thought it was going to go in. I had the Republican former chairman of the Judiciary Committee as a cosponsor and it addresses the biggest question in this legislation. It provides a potential resolution of the conflict between the two arguments. Why on Earth would it not be something that I would be able to exercise my traditional right to raise on the floor? So I planned ahead and I wrote remarks for that occasion. Here is what I wrote at the very end of the remarks.

> Madam President, whether this amendment passes or fails, I would like to say that it is the product of a truly commendable process. Everybody here knows the old saw that the making of law is like the making of sausage. You might like the results, but you don't want to see what goes into making it. Not so here. This amendment and Senator Feinstein's are the results of many hours of thoughtful, bipartisan consideration, hard work by Senators and their staffs, reasoned and respectful committee debate, and what I am sure will be thorough debate on the floor.

Those are the remarks I wrote. And I have to say right now, those words taste like ashes in my mouth. I hope the spirit that Senator ALEXANDER and Senator CORNYN brought to the floor a moment ago will begin to animate the FISA debate, and that legitimate—and I believe my Republican colleagues will concede these are legitimate—and sincere—and I believe my Republican colleagues will concede these are sincere—and important amendments have a chance to be raised and debated and voted on here on the floor of the Senate.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Madam President, first, I express my admiration for the Senator from Rhode Island. The hard work he has put in on the Senate Intelligence Committee and the experience he brings to that committee is very important. We have worked with him on many issues that we were able to accomplish in the committee. I agree with his assertion that we need to balance freedom and security. That is one of the heavy responsibilities we have in the Senate Intelligence Committee.

He talks about an amendment he has presented on a bipartisan basis, and he and his Republican cosponsor feel very strongly about it. I would be happy at the appropriate time to have debate and a vote on this very important measure. But I also happen to agree with the Senate majority leader, who said back in December that the issues before us on this FISA bill are so important that we must ensure they have a 60-vote margin for passage, the same vote that would have to occur if we were to overcome a filibuster. That will ensure that there will be no filibuster of the bill.

We filed cloture to make sure we could go forward with the bill. We are waiting to see how that works out. But the measures, as I have stated earlier—and the proponent of this amendment had the distinct misfortune to be in the chair when I addressed this earlier today—but for my colleagues, I would say that we have before us a very carefully crafted bipartisan compromise to improve the FISA, Foreign Intelligence Surveillance Act, significantly and to ensure that it can work to keep our country safe.

Passing these measures on a 60-vote margin is nothing new. When I brought the Protect America Act to the floor on August 3, I brought it on an agreement that we had to have 60 votes to pass it, because it is a very important bill. And I assume that this bill, which I hope will pass, will have to pass with 60 votes.

I think it is a reasonable proposition to say that a 60-vote threshold must be achieved to ensure there is bipartisan agreement on something that is this important to our security and our freedom.

Now, my colleague raised the question about why the immediate interception of foreign intelligence did not go forward right after 9/11, when the President determined there must be interception of telephone and other electronic transmissions coming from foreign terrorists abroad into the United States.

I am told the administration met with the Gang of 8, leaders of the House and Senate and the House and Senate Intelligence Committees. They were faced with the problems that arose when the court order occurred in the spring of last year, saying the existing FISA law did not permit interception of communications coming through the way—coming the way by which they now come, through cable and wire.

Previously, collections occurred routinely against foreign sources by radio wave. And there were minimization procedures. But the FISA Court was not involved. Because of the change in technology, as the order of the court indicated last spring, FISA applied to collection of most of the foreign terrorist communications, whether they were coming into the United States or into other areas.

We were advised by the commanding general, Special Operations Command General McCrystal, that the limitations of FISA in April and May and June and July prevented our intelligence authorities from collecting vital signals information on communications among terrorists in the battlefield, putting our troops at risk.

He begged and pleaded to get it done. Well, despite the begging and pleading to get it done, you have seen how long it takes us to get FISA changed. As I understand the conversations held in the aftermath of 9/11, when we knew there were other attacks being planned and we needed to get control of them, there was general agreement among the parties, legislative and executive, that we could not afford to try to take the time to try to change FISA, to make it work with the new electronic signals means of communication in time to stop further terrorist attacks.

How long has it taken to get FISA passed? Well, the Director of National Intelligence sent up a bill in April pointing out that the old FISA law did not permit collection of foreign signals intelligence from known terrorist targets abroad. He sent it up in April. He testified before our committee in May. He came to the Senate and had a hearing in our classified room telling leaders of both parties how important and how sensitive it was.

Another month passed. Nothing happened. He came back with a short-term extension that had to have a 6-month sunset on it. We passed that. We passed that with a 60-vote margin. That has become standard for any controversial and important legislation coming before this body, which is applied not only in FISA but many other circumstances.

So we got a 6-month extension. Now, we are still debating whether to have a slightly longer extension of the FISA bill. We reported the bill on a bipartisan 13-to-2 majority in October. It sat for 2 months. The majority leader tried to bring it up, but he was filibustered from bringing it up.

We are now at the end of January, when the Protect America Act expires on February 1. We need to move forward to get this bill passed. We need to move forward as promptly as we can. But we need to move forward on the same ground rules by which other major legislation and which the Protect America Act came to the floor; that is, a 60-vote margin to ensure there is bipartisan agreement on something as important as the freedom and security framed by the FISA debate.

Let me add a word or two about the FISA Court. I had thought the distinguished Senator from Rhode Island was going to offer an amendment on assessing compliance and toss that to the FISA Court. Well, the FISA Court, or FISC as we call it, was created in 1978 to issue orders for domestic surveillance on particular targets.

Congress specifically left foreign surveillance activities to the executive branch and to the intelligence community. The FISA Court, they are article III judges who are called in from time to time to make the judgments of probable cause for issuing warrants. They have expertise in issuing warrants for surveillance on a domestic basis.

The bill before us gives them that responsibility, as did the other FISA, the old FISA, for issuing those orders for people or facilities in the United States. The old one said "facilities in the United States."

Well, that court is not set up to deal with foreign intelligence surveillance. As I quoted yesterday, the court's own words said—and this is the December 11, In re: Motion for Court Records. The court stated that: The FISA Court judges are not expected to or desire to become experts in foreign intelligence activities and do not make substantive judgments on the propriety or need for a particular surveillance. Even if a typical FISA judge has more expertise in national security matters than a typical district court judge, that expertise would still not equal that of the executive branch which is constitutionally entrusted with protecting national security.

So I expect we will get to the point where we will be debating the distinguished Senator's assessing compliance amendment. But he has brought today the substitution amendment.

I have already explained why we could not get through signals collection immediately after 9/11 if we had gone to the old FISA. How many months would it have taken? Well, the leaders who apparently spoke with the intelligence community and the White House said they did not want to highlight the fact that we were going to be listening in and they did not think it would work quickly.

The intelligence committee has carefully assessed the orders which were given to the telecommunications carriers which may or may not have participated in the Terrorist Surveillance Program. And they were based, yes, they were based largely on article II.

The FISC has already indicated nothing Congress can do can extinguish the President's authority under article II, but Congress also passed the authorization for use of military force, which was a counterbalance in the weighing of the constitutional arguments of article II with the provisions of the FISA law.

I have reviewed the Attorney General's findings, the Department of Justice findings. I have read the authorizations and the directives. It is clear to me, and clear to others, most of the others who have reviewed it, they were clearly acting under the color of law.

I happen to think they were right. You can make an argument that maybe they were not right. But the carriers that may have participated were not in a position to challenge those. They got a lawful order from the head of the intelligence community, based on authorization from the President, in a manner cleared by the Department of Justice. Under those circumstances, I believe it would not only have been unpatriotic, but it would have been willful for the carriers to refuse to participate. Yet they are being sued.

I think the suits are designed to cripple our intelligence community. There are not going to be significant judgments awarded no matter what they say because anybody who was intercepted would have to come in to court and say they were intercepted and prove harm. I really question whether they can do that. But under the substitution argument, the disaster to our intelligence operations is clear, as is the damage to the reputation and the business of any carriers which may have participated.

Back in 2006, right after the disclosure of this and the terrorist finance tracking measure, when the newspapers carried it, television carried it, terrorist leaders—very bright people—abroad learned of it, communicated about it on their own communications, and those communications, I was told in the field, went down significantly.

So I asked General Hayden, at his confirmation hearing to be head of CIA, how badly these disclosures hurt us. And he said at the time that we are applying the Darwinian theory to terrorists; we are only capturing dummies. The more we disclose about the workings of our intelligence intercept capabilities, the more those whom we would target know how to avoid them. And they are taking steps; they know too much about it. Any further disclosures would further complicate and damage the collection capabilities of our intelligence community.

Moreover, the damage to the reputation of the carriers would be significant. The damage would occur likely in exposing the carriers—their employees and their facilities—to terrorist activities or vigilante activities. It would destroy their business reputation, cause untold harm in the United States, and probably effectively curtail their ability to operate overseas. If they are put out of operation or if they are limited in their operations, then the intelligence community loses a substantial means of acquiring the intelligence we need.

So when this bill comes up—I expect it will come up, but I believe it must come up under a 60-vote rule or we are going to go through the normal process of getting to 60 votes, and we will never get anywhere. I think both sides of the aisle should recognize that. I will be happy to make these arguments.

I know my colleague from Rhode Island is a very skilled lawyer, a very effective debater. He will present his arguments, I will present my arguments, and there will be others who will join with us. So while I would love to get on with the debate and votes, we are not going to go there until we resolve the question of whether there is a 60-vote margin.

So I thank the Chair, and I thank my colleague from Rhode Island.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Madam President, I appreciate very much the arguments made by the very distinguished Senator from Missouri, who is also the vice chairman of the Intelligence Committee and possesses great experience in this area. My point, though, is that all these arguments are for naught if the simple courtesy of a Senator being allowed to vote on his amendment is not honored.

This particular amendment being nongermane postcloture means it may very well be squeezed out by the procedural devices the Republican leader has applied. So my simple question is, if I may ask it through the Chair to the distinguished Senator from Missouri, the Republican manager of this bill, can we assure Senator SPECTER and myself that this amendment will, at the appropriate time in this legislation, receive a vote?

Mr. BOND. Madam President, I am happy to respond as soon as we go back to the normal means of proceeding on FISA matters, establishing a 60-vote threshold, which is the standard I had to meet to bring the Protect America Act to the floor. I would certainly expect that his amendment would be brought up, fully discussed, and debated. This is one of the major issues we have to decide. But we have to decide it on a 60-vote point of order.

MORNING BUSINESS

Mr. BOND. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

FISA

Mr. DORGAN. Madam President, we are talking about FISA we use a lot of acronyms in Washington, DC, unfortunately—the Foreign Intelligence Surveillance Act. It is a complicated subject, and one, if people have been watching the debate, that is also controversial. There is a lot of passion about this subject. We have people standing up and saying: None of this should be disclosed. We should not be talking about this. This is about the ability to protect our country against terrorists. Of course, we have to listen into communications and intercept communications. It is the only way to find out if there are terrorist acts being plotted by terrorist groups, and so on. There is that kind of thing.

There are concerns on the other side by people who say: Wait a second. There is something called a Constitution in this country. There is a right to privacy, a right to expect that the Government will not be spying on American citizens without cause.

This is a very controversial and difficult subject. Frankly, nearly everyone, with the possible exception of the chairman and ranking member or maybe one or two others on the Intelligence Committee, knows very little about that which we are discussing.

Let me put up a photograph of a door. This is a door in San Francisco, CA, a rather unremarkable photograph of a door. This is a door that is in AT&T's central offices in San Francisco. A courageous employee of AT&T named Mark Klein, who had been with the company for 22 years, blew the whistle on what was happening behind this door. According to Mark Klein, the National Security Agency had connected fiber optic cables to AT&T's circuits through which the National Security Agency could essentially monitor all of the data crossing the Internet. Here is what Mr. Klein had to say went on behind this door:

> It appears the [National Security Agency] is capable of conducting what amounts to vacuum-cleaner surveillance of all the data crossing the Internet—whether that be people's e-mail, web surfing, or any other data.

The description of what was happening at this one telephone company in this one location in San Francisco was this: the intercepting of communications at the AT&T Folsom Street facility, millions, perhaps billions of communications from ordinary Americans coming into and through the facility, which would normally have been the case for a telephone company, and a splitter being used, according to the discussion by Mark Klein, splitting off all of this conversation into an NSA-controlled room, to be eventually evaluated with sophisticated programming, and then going back out in order to complete the communication. So you have effectively a copy of everything that is happening going through with a splitter to a secret room.

When this became public, when a whistleblower working for the company said, here is what is happening, there was an unbelievable outcry on both sides. Some people said: What on Earth is happening? We have secret rooms in which the National Security Agency is running all this data and all this information through and spying on American citizens? Others said: What is going on? Who on Earth would have decided they should disclose this publicly? They are going to alert the terrorists to what we are doing. We had both sides aghast that this was disclosed. It is important to say that, initially, almost no one in an official capacity was willing to admit to this. Finally, it was admitted, yes, there was a program. The President said: Yes, there is a program—speaking, apparently, of just this program; we don't know of other programs that exist or may exist, but this program existed without our knowledge. The President indicated this program existed because we are going after the bad guys, and we have a right to do that. And we did this program because the process that had been set up because of abuses with respect to eavesdropping and spying on American citizens decades ago, that process was way too cumbersome, took far too much time, and we needed to streamline that. That is a paraphrase. But there was an admission that this program existed and no additional legal authority needed to empower the President to do it.

So that is where we are. Most of us don't know the full extent of this program at all. In fact, my understanding is that rooms like this exist in other parts of the country with other telephone companies where splitters are used to move data to separate rooms and data is evaluated.

This whole process comes from several decades ago when something called the FISA Court was set up, a court to evaluate the questions about when it is legal and appropriate and when the Government is able to intercept communications. The FISA Court was established for the very purpose of trying to make the judgment about when it is appropriate to go after the bad guys and how to protect our civil liberties at the same time.

The FISA Court was an outgrowth of concern by the Congress when we discovered that there was a time in this country when we had the National Security Agency running secret projects called Shamrock and Minaret to gather both international communications and also domestic communications. Project Shamrock actually started during the Second World War when major communications companies of the day gave the Federal Government access to all of their international traffic. One can imagine, in the fight against the Nazis and the Japanese Imperial Army, the desire for international communications to evaluate things that might threaten this country's security. But the Shamrock program then, as we know, changed over time.

At first the goal was to intercept international telegrams relating to foreign targets. Then, soon the Government began to intercept telegrams of U.S. citizens. By the time there were hearings held in the Congress, the National Security Agency was intercepting and analyzing about 150,000 messages per month.

Data from Project Shamrock was then used for another project code named Project Minaret, which we now know spied on perceived political opponents of the then-administration of Richard Nixon. Under this program the NSA added Vietnam war protesters to its watch list. After there was a march on the Pentagon, the Army requested that they add antiwar protesters. The list included people such as folk singer Joan Baez and civil rights leader Dr.

Martin Luther King, Jr. We just celebrated within the week the Federal holiday celebrating the birthday of Martin Luther King, Jr. Yet it was not too many decades ago that Dr. Martin Luther King, Jr., was under surveillance by his own Government.

The Congress passed its findings, when it did investigative hearings, and the Foreign Intelligence Surveillance Act created the FISA Court.

Here is the experience with the FISA Courts. Between 1975 and 2006, there were 2,990 warrants issued by the FISA Court. Only five were denied. What that suggests is that it is not too difficult to get approval by the FISA Court for surveillance. But the President and Mr. McConnell, the head of our intelligence agency, have indicated that there has been a problem.

For example, Mr. McConnell cited the capture of three American soldiers who were later killed in Iraq. Right after they were captured there was a period of time when it was critically important to be able to intercept communications in Iraq, and they were encumbered at a time when it was critical to find out who held these soldiers.

That is not accurate, and the head of intelligence would have known that. I don't know why he represented that. There is a period of time when in an emergency situation, you can begin surveillance without having to go to FISA. You have to go FISA after that period of time, but you are given an opportunity for emergency surveillance even before you get the approval or even before you go to the FISA Court.

What we have learned, however, through all of this process is from a December 2005 report in the newspapers. President Bush had authorized the National Security Agency to eavesdrop without warrants inside the United States which bypassed the entire FISA Court system. It turns out that most of the large telephone companies in this country had gone along with the administration's request for that activity.

We are told that the administration, Attorney General Gonzales, and others furnished the telephone companies with some sort of letter, a certification of sorts. We don't know what that letter was, however, because the administration, citing the State Secrets Act, refuses to allow that to be disclosed.

I think if they provide certification to a telephone company—and the telephone company relies on that—by officers of the Federal Government, in good faith, let's have that disclosed. Why should we wonder about the actions of a telephone company? If, in fact, you have an Attorney General of the United States who is certifying, let's find out what this administration did. Let's find out how they did it. Let's not have them tell us you cannot even see what was provided to a telephone company in terms of certification. That, in my judgment, does not pass the red face test.

I hope very much we will begin to learn at some point what this administration has done, when they did it, and what the consequences of it are. This issue of the Foreign Intelligence Surveillance Act has become a political football by this administration. The last time we debated this, some while ago, it was quite clear that the politics of it were viewed as wonderful politics by the other side and by the White House. But this ought not be about politics at all. This ought to be about two issues, both of which are critically important: One is protecting this country's interests, yes, giving us a chance to make sure we understand what the terrorists are doing, how to foil terrorist attempts to injure this country—it is about that; and that is very important—but it is also about civil liberties and protecting the rights of the American people at the same time.

We thought we had done that by putting together the FISA Court. We thought we had done that by establishing a procedure that needed to be followed. We now understand the President, with his lawyers, says those laws do not matter. There is in the Constitution, they say, something about the powers of the Commander in Chief, and he can do whatever he wants. That is a pretty dangerous interpretation of the U.S. Constitution.

We debate this in so much ignorance because almost no one knows what this administration has done, and they are preventing us from knowing as much as we should know, in most cases, by claiming protection under the State Secrets Act, and not even allowing the release of the letter that was provided to the telephone companies that cooperated that describes to them the legal authority for doing so.

I think there is much to be learned here, much we need to know. I think it is very important, as we reach an agreement on the Foreign Intelligence Surveillance Act—and we should because it is an important circumstance by which we need, in certain cases, when we believe there is information being passed from terrorist to terrorist, and so on—if those communications are being run through this country, we need to be able to intercept and interpret what is happening—but it is critically important we not allow a kind of an approach to this where there is no oversight, there is no check.

We have a government of checks and balances. What the President and his people seem to be saying to us is: We are not interested in checks and balances. We have the authority in the Constitution, as we interpret it, and that means it exceeds every law you can pass. We are going to do what we want to do. And if you don't like it, tough luck. And if you don't like it, by the way, what we will say to the American people is you are not willing to stand up for the security of this country.

It is outrageous. It is dragging this issue smack-dab in the middle of their little political balloon. But this is a much more important process than that. We need to do this, and we need to get it right in order to protect America. We need to do this, and we need to get it right in order to protect the interests of the American people as well—and that interest of privacy and that interest of making sure that "big brother government" is not running all of your telephone calls and all of your e-mails and all of your information through its drift net to find out what you are saying and what you are doing and who you are talking to.

That is not what I understand to be the best interests of this country or the guarantees that exist in the Constitution for the American people. That is why this is worth an important controversy and an important fight. It is why it is for us to take enough time to get it right. This is a big issue. We do a lot of things on the floor of the Senate that are not so big—not big issues. They are smaller issues in consequence. This issue is about freedom and liberty and the guarantees given the American people in the Constitution. It is about whether there is a check on Presidential power that assumes they have the power that exceeds all other laws. If we do not have that kind of check and balance in this Government, then we have bigger problems than I thought.

So I only wanted to say, with respect to this issue, we do not know much about it. We know at this point that behind this door, as shown on this chart—behind this door—exists information split off what is called a splitter from the main line. Massive amounts of information come into it—in this case, it was AT&T; it could have been other telephone companies—it is split off, and then all of it is evaluated to find out: Is there something there that is suspicious? It is not the way America has ever worked, and not the way it should work.

So the more we know, I think the more we will be able to better understand how to do two things at once: protect our country against terrorists, and protect the civil liberties of the American people. Both are important. At least there is one group of people in this political system of ours that believes the first is far more important than the second. They are wrong. They are both important, and both worth standing up for.

STIMULUS PACKAGE

Mr. DORGAN. Madam President, I want to talk for a few moments about the so-called stimulus package we are assembling to help our economy. What

I want to say, first of all, is we have an economy that is a remarkable engine. This little spot on the planet—the United States of America—is quite an unbelievable economic engine. It has provided bounties and benefits to a group of people that exceed that provided to almost anybody else on this planet.

But we have run into some real problems. We now find ourselves in the year 2008 where we have a stock market that is wildly gyrating up and down. We see these dramatic swings in the stock market. That is a reflection of a substantial amount of concern and nervousness about what is happening in the economy and where we are heading.

In the last several decades we have morphed into a global economy. I have never questioned that. I have always questioned why the rules have not kept up. But the global economy is a different kind of economy for us. We are now told by those who wanted to create their own set of rules that the American people should compete with folks who work in Shenzhen, China, for 20 and 30 cents an hour making bicycles and little red wagons. There is downward pressure on income in this country. There is great concern by the American people about the loss of jobs and the loss of benefits. So there is a lot happening that is of great concern.

In addition to these dramatic yo-yo swings in the stock market that reflect widespread concern about the economy—we have at the same time some real fundamental structural problems in the economy. Because it appears the economy is now weak, we have more people unemployed. We have fewer housing starts. We have a whole range of issues that demonstrate a serious economic problem: A slowdown certainly, a recession very likely. Because of that, we are told there needs to be some short-term stimulus to provide a spark to help crank up this economy again.

Well, we always talk about that in an economic slowdown. We have put economic stabilizers in place over a long period of time—two to three to four decades—that have been very helpful in moderating the recessions we have had. Normally speaking, the recessions we have had have been shallower recessions because of economic stabilizers that have been put in place. But that does not mean you will not ever have recessions.

We might be in a recession now. So the Federal Reserve Board decided, earlier this week, cuts interest rates by 75 basis points. That was a big, bold, dramatic move by the Fed. These people wear gray suits and do not do anything very boldly, but this week they decided: Man, we are going to do something bold—so three-quarters of a percent interest rate cut.

It is expected, then, in monetary policy—having been moved by the Fed earlier this week—in fiscal policy our responsibility in Congress is to do something as well. So we in the Congress are putting together a fiscal policy approach. That approach is a stimulus package.

Well, the stimulus package would typically be some sort of tax rebate to people, perhaps some investment tax incentives to stimulate capital acquisition by businesses.

The House and the White House have moved now to agree on something that is going to come to us from the House of Representatives. I think that is good news. It has been a long time since we have seen much cooperation from the White House. I think it is good news this week. The Fed moved. The White House is interested in an agreement. So we are going to have a stimulus package. I think the sooner the better. We need to tell the American people we are moving. I also want to say this about a stimulus package. I think there are two steps to it. One is shorter term—rebates for individuals, incentives for business investments, and so on—but, second, and I think very important, is to understand one of the quick ways to put people back to work and also to invest in America's future, to help build America, is in infrastructure: roads and bridges and dams and all the things that have been deteriorating.

We are so far behind in infrastructure. If we are going to be a world class economic power, we need to invest in infrastructure. We can do that and should do that as also part of a second step in a package to stimulate this economy.

Having said that, let me make a couple other points. If all we do is genuflect about a stimulus package, and then we step back and say, "Well, we are out of breath now. We have done that"—if that is all we do, this country is in deep trouble.

Let me describe what I think the significant causes of our trouble are. No. 1, we have a President who says, through his Vice President: Deficits don't matter. Well, of course he is wrong.

Paul O'Neill, the first Secretary of the Treasury under the Bush administration, and one of the real straight shooters in this town—he's a guy I liked; he said it the way he felt it and thought it, and you could believe him—Paul O'Neill, conservative Republican Secretary of the Treasury—well, he got fired. Do you know why he got fired? Because DICK CHENEY came into his office and, according to the things I have read, said: Deficits don't matter. Don't you understand? Deficits don't matter.

Well, Paul O'Neill did not believe that for a minute. Because he did not believe that, he was not part of the team, and he got fired.

Deficits do matter. This administration inherited a budget surplus of well over $200 billion a year and has turned it around into a huge budget deficit. This administration has added over $3 trillion to the debt. It ran into a recession, a terrorist attack, a war in Afghanistan, a war in Iraq, and now a subprime loan scandal.

Some of us stood on the floor of the Senate and said: Mr. President, don't push this issue of giving huge tax cuts on expected surpluses that are going to occur but have not yet occurred. What if something happens? The President said: Not on your life. We are going forward with my plan.

He pushed it through this Congress. I did not support it. But the result was big budget surpluses were turned into record budget deficits, because now we had all these unexpected circumstances happen.

Well, the President said: We are going to fight a war, but we are going to send soldiers to Iraq and Afghanistan and we are not going to pay for it. We are going to send soldiers abroad to fight, but we are not going to ask anybody to pay for it. We will add it to the debt. So a little over two-thirds of a trillion dollars has been added to the Federal debt.

Last year, the President sent us a request saying: I want $196 billion over and above that which I have asked for the Defense Department as an emergency. I want none of it paid for, and I want it now: $196 billion. That is $16 billion a month, $4 billion a week, and I don't want to pay for any of it, he said.

This is a reckless fiscal policy that has been running this country into a ditch. Now you add to that fiscal policy from this administration—which is supposed to be a conservative administration—you add to that the trade deficit. The trade deficit is $2 billion a day, every single day, 7 days a week. Every single day, we import $2 billion more than we export—over $700 billion a year in trade deficit.

We are not only shipping our money overseas, which then gives the Chinese and the Japanese the opportunity and responsibility to finance our debt, but they then begin to buy a fair amount of our country. We have just seen it in recent weeks. Citigroup went to Singapore for $12.5 billion. GE Plastics got $11.6 billion from the Saudis. Dow Chemical got $9.5 billion from Kuwait. Citigroup needed more money; they got $7.5 billion from United Arab Emirates. Where do you think they got this money? They got it from us, with these huge trade deficits. So we have a trade deficit that is well above $700 billion a year.

I know the administration says: Well, the budget deficit is $200 billion, $300 billion. That is not true at all. It is if you take away the Social Security surplus and misuse it, and continue with fiscal policies that are not paid for. We are going to add roughly $600 billion to the federal debt in this fiscal year. So $600 billion in budget deficit, $700 billion in trade deficit, and you are talking $1.3 trillion or roughly 10 percent of the economy this country will borrower in 1 year. That is unbelievable. There are people who are drunk who think they are invisible. Well, I am not suggesting we are drunk here in the Congress. However, I am saying that both the President and the Congress seem to think we are invisible in terms of our public policies. The rest of the world sees what is happening—that our trade deficit and budget policies are way out of control.

Now add to those two things one other element: The subprime housing loan scandal that comes because federal regulators were asleep and too cozy because they didn't want to regulate those they were supposed to regulate. So we had a bunch of high flyers and hot shots who took off—many of them have now been fired but went out the door with $100 million or $200 million, and what they were doing was providing and selling, through high pressure sales techniques, mortgage loans to people who could never possibly repay them. The refrain—if you saw it on your television set or heard it on your car radio, as many people did—you wondered: How could this be? The refrain on the television advertising was hey, you know something? If you have bad credit, come to us. If you have filed bankruptcy, come to us. If you can't make your house payments, come to us. We have a loan for you. Do you want to cut your loan payment every month? Do you have bad credit? Come to us. We want to give you a loan. All over this country you heard that sort of refrain. Well, guess what: This was mortgage brokers. It was mortgage banks. It was a bunch of high-flying folks who not only were putting out bad mortgages, but then they were doing as they did in the old meat-packing plants when they put sawdust in sausage. You took bad mortgages and good ones, mixed them up, put them in a case and sliced them and securitized it all and put them all in hedge funds. Soon nobody knew what they had, but they were grinning from ear to ear because they had high returns, high yields, and high fees on the origination of these securities. It turns out a lot of them were bad securities and nobody even knows who has them. Nobody knows which ones are bad. But 3 years after the loan is put out and the interest rate is reset, we discover that loans were given to people who couldn't possibly pay them. Then we discover that those who purchased them and those who sold them can no longer claim they are good assets. They file for bankruptcy. So we have all of this going on.

Now, there is another thing that is happening at exactly the same time and is also causing great danger to our economy. Even as this subprime loan mortgage scandal is happening, we have the growth of hedge funds and derivatives, and they too are outside of the purview of regulators. With respect to the subprime mortgage loans, we had regulators who were asleep or dead from the neck up. They wanted to serve here, but didn't like Government, and didn't want to do anything. That is what happened there. On hedge funds, Senator FEINSTEIN and I and others have been on the floor for years saying: We have to regulate hedge funds. We have to understand what is happening with derivatives.

Well, guess what. If you go into a casino in Las Vegas, you are going to lose what is in your back pocket in most cases. Well, sometimes you might be able to sign for a loan, but in most cases you only lose that which you have. Hedge funds are unregulated, No. 1, and, No. 2, have unbelievable amounts of leverage, unbelievable borrowing.

A reasonably new derivative called credit default swaps have a notional amount of $43 trillion. I said $26 trillion earlier this week. That was the end of 2006. In 2007, the notional amount of credit default swaps, which most people would believe to be a foreign language, was $43 trillion. It is not a foreign language at all. These are sophisticated financial instruments that represent an unbelievable amount of speculation that in my judgment put this country's economy at great risk.

So we have budget deficits that are way out of control, and a trade deficit that is an outrage. We also have regulators who have no interest in regulating, allowing the subprime mortgage loan scandal, and hedge funds that we have had an aggressive fight on the floor about. We have the administration and others who are not interested in having any regulation of hedge funds, are unconcerned about what kind of liability exists with derivatives, and ignore the problem of this unbelievable leverage. If we don't deal with those four areas, we can stimulate forever. We can come here in the morning and stimulate every day on the floor of the Senate, if you like. It is not going to solve what is wrong with this country. If you don't put the foundation in order, if you don't lay the bricks right in the foundation, there is no structure you can build above it that is going to withstand the kind of problems that exist internally in this economy.

This country is too good a country for us to decide not to care about fixing these problems. President Bush came to the Congress and said: I am a conservative. Well, there is nothing conservative about an administration that runs up this sort of red ink. We are drowning in red ink. There is nothing conservative about an administration that has regulators who have decided they don't have any interest in regulating. It doesn't matter what the subject is: unsafe toys from China, you name it. We have regulators who are apparently collecting a Government paycheck and don't have the foggiest interest in regulating. That is how the scandal of subprime mortgage loans has happened and that has caused great injury to our country. It is also what is happening as a result of those who are preventing us from knowing what is going on with hedge funds and derivatives, which can cause a much greater level of damage than even the subprime mortgage loan scandal.

As I said, most Americans wouldn't have heard or know very little about credit default swaps and would hardly know what it means. These numbers are in the trillions. Hedge funds are about $1.2 trillion of our economy. People say: Well, that is not so much. Gosh, there is $9 trillion in mutual funds, there is roughly $40 trillion of stocks and bonds out there. Mr. President, $1.2 trillion in hedge funds. Hedge funds conduct one-half of the daily trades on the New York Stock Exchange. Think of that. One-half of the trades by hedge funds. In addition to the $1.2 trillion, you have unbelievable amounts of leverage.

So I think we face a lot of big challenges. If I didn't have great hope for the future, I wouldn't want to get up and come to work in the morning. But I have a great reservoir of hope. I believe we can fix these things. But we need leadership from the White House. We need to work together here. We need to understand that it is not just about stimulating a short-term response; this is about fixing the foundation and setting things right. I think it was Thomas Wolf who talked about an indestructible belief, a quenchless hope, a boundless optimism. I have all of that. But we have to start now and understand what we need to do to put this country back on track toward a better and brighter future, one that grows and provides opportunities for all Americans.

Madam President, I yield the floor, and I make a point of order that a quorum is not present.

The PRESIDING OFFICER. Could the Senator withhold the quorum call?

Mr. DORGAN. I will be glad to withhold the quorum call.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

RECESSION

Mr. CASEY. Madam President, I commend our colleague from North Dakota for highlighting some of the challenges we face economically. He did it in a very compelling way, as he always does. We are grateful for his leadership on these issues.

I stood before the Senate a couple of days ago and talked about the fact that we have a war in Iraq that we cannot forget about. In fact, if you listen to some of the news, you would think there are only one or two issues we have 'to worry about, but the war continues to be a central issue for the American people. We also have to be very concerned, as Senator DORGAN and others have reminded us, about the economy.

I was asked recently by a reporter—a couple of different reporters, actually—who said to me very simply—or asked me, I should say, very simply the question: Are we in recession? I answered them without blinking, without even stopping to think, because I know it is the truth, and the answer is yes, we are in a recession. I don't care about, nor do I need to wait, for some academic dissertation or some economist to tell us what is the textbook definition of a recession. We are in a recession. We have to do something about it. I think it is as plain as could be.

So what do we do about this recession? How do we respond to it? Thank goodness, there is a lot of bipartisanship on this issue, both parties coming together to try to do something about it. But I think we have to describe for people in Washington what this means for real people. I will talk about it in the context of Pennsylvania and Pennsylvania families, by way of highlighting this issue. I ask unanimous consent to have printed in the RECORD two pages I am going to be referring to from the Joint Economic Committee, Pennsylvania Economic Snapshot, dated January 23, 2008.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Over the past seven years, the Bush economy has made it more difficult for most Americans to get ahead. Under the current Administration, the basic goals of the American dream—raising a family, owning a home, paying for college, saving for retirement—have become intimidating hurdles for hardworking people. Slow growth in families' wages has been compounded by double-digit cost increases for health care, energy, and college tuition. Democrats are fighting for a new direction in economic policy, aimed at restoring broad-based growth, reducing the high costs of health care and energy, improving retirement security, and increasing prosperity for all Americans.

REAL HOUSEHOLD INCOME HAS STAGNATED; JOB CREATION HAS BEEN ABYSMAL

Pennsylvania's Median Household Income Increased By Only 1.3 Percent Since 2000. In Pennsylvania, real median household income averaged $48,148 over the 2005–2006 period, compared with $47,524 over the 1999–2000 period. Despite strong gains in productivity, workers' wages are only marginally higher than they were 25 years ago, and nationally, the inflation-adjusted income of a typical American household fell by $962, or 2.0 percent, to $48,201 between 2000 and 2006.

Pennsylvania's Job Growth Under the Current Administration Lags Far Behind Previous Presidents. The current president is competing with his father for the worst job creation record of any president since Herbert Hoover. Since taking office in January 2001, only 6 million jobs have been created, as compared with 20.8 million new jobs created during the Clinton administration at the same point in time. In Pennsylvania, only 101,900 new jobs have been created since Bush took office—or 1,200 new jobs per month—as compared with a total of 528,900 new jobs under Clinton—or 6,400 per month. In particular, the manufacturing sector has been hit hard by the economy under the current Administration, with payrolls nationwide declining by 3.2 million jobs between January 2001 and December 2007, and by 202,000 in Pennsylvania over the same period.

FAMILIES ARE FEELING THE SQUEEZE OF RISING EXPENSES

Rising Energy Costs Lead to Higher Gas and Home Heating Prices for Pennsylvania Residents. Rising energy costs are making it more difficult for Pennsylvania families to stretch their household budgets. In January 2001, the average retail price per gallon of gasoline in Pennsylvania was $1.43. The average gas price per gallon is $3.15 as of January 18, 2008. When adjusted for inflation, this represents an increase of 86 percent. At the same time, this winter is expected to hit Pennsylvania families hard, as average home heating costs have risen by 18.9 percent per household from $1,216 to $1,447 in the past year.

Health Care Premiums Rose 45.8 Percent in Pennsylvania Since 2000. In 2005, the average inflation-adjusted health care premium for family coverage in Pennsylvania was $11,470, a 45.8 percent increase from 2000, while the average premium for individual coverage was $4,332, an increase of 50.0 percent since 2000. Nationwide, the inflation-adjusted average monthly premium for family health coverage in the United States rose by 39.7 percent from 2000 to 2005, even as real median household income declined by 2.7 percent over the same period.

Pennsylvania College Tuition Rose 32.5 Percent Since 1999. Pennsylvania parents of college age students have also been hard hit under the current Administration, as inflation-adjusted tuition for Pennsylvania's four-year public colleges increased 32.5 percent between the 1999–2000 and 2005–2006 school years to $8,994 per year. With that $2,208 increase over just six years, Pennsylvania families are finding it more and more difficult to afford to send their children to college, and they are not alone. Nationally, public college tuition has risen at more than double the rate of inflation in recent years. Between the 1999–2000 and 2005–2006 academic years, average inflation-adjusted tuition and fees at U.S. public colleges and universities increased by 36.3 percent.

Child Care Costs For Two-Child Families Averaged $1,273 Per Month in Pennsylvania. Child care continues to be a hefty burden on the budgets of Pennsylvania parents, with inflation-adjusted monthly care for an infant averaging $689, and monthly care for two children averaging $1,273.

THE HOUSING CRISIS IS ERODING HOME WEALTH, HURTING THE BROADER ECONOMY

The Subprime Mortgage Crisis Is Impacting All Pennsylvania Homeowners. Under the Bush administration's watch, unregulated mortgage originators were given financial incentives to sell risky, unaffordable subprime mortgages to vulnerable borrowers. As these adjustable rate mortgages reset to higher rates, the number of families unable to afford their payments and threatened with foreclosure is skyrocketing. In Pennsylvania, mortgages in delinquency have increased from 81,900 in the third quarter of 2005 to 121,100 in the third quarter of 2007. According to a recent report published by the Joint Economic Committee (JEC), the number of subprime foreclosures in Pennsylvania will total 45,500 between third quarter 2007 and the end of 2009.

High Foreclosure Rates Drag Down Neighboring Property Values and Household Wealth. The mortgage foreclosure crisis will have severe costs for Pennsylvania homeowners, not only in direct costs, but in its effect on home values and declining property taxes. According to the JEC, subprime mortgage-related foreclosures will cost Pennsylvania $2.46 billion over the second half of 2007 through the end of 2009. Nationally, the expected economic costs of forecast foreclosures total nearly $104 billion. Moreover, these numbers do not include the larger effects that the foreclosure crisis may have on the economy. Home prices, which drove up consumer spending when they rose earlier this decade, are in decline now, and consumers may begin to draw back on spending, negatively impacting GDP growth.

THE ECONOMIC COST OF THE IRAQ WAR IS STAGGERING

The Iraq War Will Cost $36,900 Per Pennsylvania Household. According to the JEC's recent report, the direct and indirect costs of the Iraq War will be massive, especially if the Bush administration continues to keep large numbers of troops there. Even assuming significant force reductions, the cost of the Iraq War will total $107 billion for Pennsylvania taxpayers by 2017; the total cost to the country will be an estimated $2.8 trillion.

POVERTY REMAINS PERSISTENTLY HIGH

In Pennsylvania, 1.4 million Residents Were Living in Poverty Over Last Two Years. In Pennsylvania, 1.4 million residents were living below the poverty line during the 2005–2006 period, an increase of 28.8 percent over the 1999–2000 period. Unfortunately, this problem is not confined to the adult population as 17 percent of Pennsylvania's children are living below the poverty line. Nationally, 12.3 percent of Americans were living in poverty as of 2006.

THE RANKS OF THE UNINSURED CONTINUE TO GROW

Over Last Two Years, 1.2 million Pennsylvania Residents Had No Health Insurance. A growing number of Pennsylvania residents are living without health insurance. During the 2005–2006 period, an average of 1.2 million Pennsylvania residents—9.9 percent of the state's population—had no health insurance; this was 274,000 more than during the 1999–2000 period. Furthermore, 7.4 percent of Pennsylvania's children had no health insurance. Across the country, the number of Americans without health insurance totals 47 million, up 8.6 million since the current Administration took office.

Mr. CASEY. Madam President, I want you to know I will not read these two pages, but I want to highlight a couple of data points in this summary—two pages, four or five highlights.

First, delinquencies, mortgage delinquencies, are up from the third quarter of 2005 to the third quarter of 2007, up by some 40,000 mortgages, just in Pennsylvania. Then, stretching back over a couple of years, we look at gas prices. From January of 2001 forward, up 86 percent, gas prices in Pennsylvania;

home heating costs, in 1 year—1 year—up 18.9 percent; health insurance for families. If you look at it over a 5-year period, 2000 to 2005, health care premiums for families are up 45.8 percent. And one more: Childcare costs per month for two children, which is the case for a lot of families, childcare costs per month for two children is averaging $1,273.

That is just in one State and a couple of highlights. We could go on and on, but I won't.

There are the economic realities for Pennsylvania families, and we could add more to that list. So when a reporter or anyone else asks me, Are we in a recession, my answer is, You bet we are. A lot of families in Pennsylvania and across the country think we have been in a recession, or their families have been in a kind of recession for years now—not just since the holidays, not just in the last year, but for many years. So I think the data is compelling and overwhelming and irrefutable.

But let's think about it even more broadly. In terms of health care, Families USA did a report this past November—again, just in Pennsylvania—and they have done it for a lot of States, but Pennsylvania was the first one they announced. I will read one sentence from a long report, one sentence from this report by Families USA on the issue of health care. I think one sentence tells the story. During this same period that they referred to earlier in the report, meaning 2000 to 2007, during that 7-year period:

> The average worker's share of annual family premiums rose from $1,656 to $3,281, an increase of more than 98 percent.

What they are saying in that one sentence is that in the State of Pennsylvania, over that 7-year period of time, the workers' share of annual family premiums went up 98 percent—98 percent in one State, the workers' share on health care. I don't even need to refer to the rest of the report. That tells the story.

So that is all the information. That is all the data. But what do we do with it? We saw in the news today and yesterday that there has been an agreement of sorts that has been brought about on the economy, and I think we should all be encouraged by the fact that the President and the Congress are working together on a stimulus package. But what does that mean, and what are the elements of it? I won't go into all of it, but I think one thing we have to be guided by—and we have heard over and over again this sound bite in Washington, but we should say it again. These are not my words. We have all quoted these, but they summarize it pretty well: Whatever stimulus package we have in place for the American people has to be timely, has to be temporary, and has to be targeted. Another way to say that is we have to put in place policies for the stimulus that we know will work.

I want to refer to a chart here that tells that story pretty well. We have seen this chart before, but it bears repeating. Other Members of the Senate have used it. The targeted stimulus proposals, the ones that deliver far more bang for the buck. It is very simple: What do you get for a buck in stimulus expenditure?

We know this from the data. This isn't some Democratic operative; this is what Mark Zandi from economy.com put forth: food stamps, spend a dollar and get $1.73 back; unemployment, spend a dollar in stimulus, get $1.64 back. States are in a fiscal mess. We won't go into that, but if you spend a dollar, you get $1.36 back in return. Then it goes down from pay, with payroll tax rebates and temporary income tax. We know that expending tax cuts for the wealthy, which is on the table right now, doesn't work. We know what works.

We have to make sure, in my judgment, that if we put together a bipartisan stimulus package—and we still have to work on this in the Senate—that we invest in strategies that will work, not what we would like to do or hope to do or not what one side or the other believes is a good idea. We have to invest in strategies that work: Food stamps, not just because it helps individual Americans and their families, but we know by investing in that strategy, they will spend the money quickly. We need people to spend money very rapidly to dig us out of the hole we are in. Food stamps, unemployment benefits, and aid to the States—we have to provide investments in strategies that will work.

Another thing we have to do is make sure that when we are dealing with the housing crisis, we spend dollars and have strategies that lead to help in the short run. I was one of three Senators who put in the budget $180 million for counseling. It is not some far-reaching plan to deal with the subprime crisis; it is dollars right now. In fact, the dollars for counseling would get dollars into the hands of nonprofit groups in the country to help families out of this next month, so to speak. Those dollars—$180 million—will begin being spent in March. That will work. Those counselors are experts. They are certified, and they know how to work with families. We have to invest in that.

I will conclude with this thought. If you walked through the streets of New Orleans after Hurricane Katrina, I don't think many people would be scratching their heads and wondering whether that was a category 5 hurricane or a category 4. It didn't matter; it was devastating. I don't think we ought to wonder whether an economist tells us we are in a recession. We are in a recession.

We know something about the aftermath of Hurricane Katrina. When all of the reporting was done, when that horrific nightmare engulfed so many families, who were washed out of their homes and their hopes and dreams were gone, I think we learned a lot from what didn't happen before the hurricane.

We know as Americans that devastation doesn't always come with the awful swiftness of a hurricane. Sometimes it happens much more gradually, over time, when you don't make the right decision and prioritize and when you don't make the right investments. We are not doing that right now. We are not making the investments we should make in children in the dawn of their lives. We are not making an investment in fiscal responsibility to the extent we should. We are not investing in our infrastructure. Maybe all of those decisions can lead to a kind of slower moving Katrina or slower moving hurricane, which is an economic hurricane, or a devastating hurricane that dashes the hopes and dreams of children and their families.

So when we make a decision about what will be in the stimulus package to help people in the short run, we also have to get to work on a long-term strategy for economic growth, investing in our children, and making sure families can grow. I am concerned about how we are doing that or not doing it in Washington. We should learn from the horrific nightmare that was Hurricane Katrina. We should learn from, frankly, information such as this that tells us what will work in the short run to get us out of this mess and stimulate the economy and get dollars in the hands of Americans who will spend the dollars, which will jumpstart or jolt our economy. I think we can come together and do that. I don't think what we have seen so far gets us to that point.

I am grateful for the opportunity to talk about these issues. I know they are central not just to Pennsylvania and our families but in States such as Minnesota and other States across this country. We have a lot more work to do to get the stimulus package right to help our economy.

HONORING OUR ARMED FORCES

LANCE CORPORAL CAMERON M. BABCOCK

Mr. BAYH. Madam President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave soldier from Plymouth, IN. LCpl Cameron Babcock, 19 years old, died January 20th at Twentynine Palms Marine Base in California. Lance Corporal Babcock was killed as the result of a firearms accident in his barracks. Cameron was a committed soldier and servant to his country.

Cameron was a 2006 graduate of Plymouth High School and was a gifted musician. He played the trumpet in the Big Red Marching Band and was a member of the Plymouth High School

Advanced Jazz Band. In 2005, he competed at the State Jazz Festival in LaPorte with the Advanced Jazz Band. He was also a member of the Wind Ensemble, comprised of some of the school's top music students. Cameron also played the guitar and enjoyed four-wheeling.

After graduation, Cameron fulfilled a lifelong goal by enlisting in the Marines, telling his family it was what he had always hoped to do. He was promoted to private first class after boot camp and was a rifleman in the infantry. With his assignment to Kilo Company, 3rd Battalion, 7th Marine Regiment, 1st Marine Division, Cameron served an exemplary tour in Iraq in support of Operation Iraqi Freedom. He was a decorated soldier and received numerous awards during his tour in Iraq including the National Defense Service Medal, the Iraqi Campaign Medal, the Global War on Terrorism Service Medal, the Combat Action Ribbon, the Sea Service Deployment Ribbon and the Certificate of Commendation.

Cameron was awaiting his second tour of duty in Iraq when he died. He is survived by his parents, Jeffery and Ann Smith Babcock; his sisters Kailey, Abigail, and Hope Babcock; and his brother, Samuel Babcock. The Babcock family resides in Plymouth.

Today, I join Cameron's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Cameron. Today and always, Cameron will be remembered by family members, friends and fellow Hoosiers as a true American hero, and we honor the example he set in serving his country.

It is my sad duty to enter the name of LCpl Cameron M. Babcock in the RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about the unfortunate pain that comes with the loss of our heroes, I hope that families like Cameron's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Cameron.

MAJOR ANDREW J. OLMSTED

Mr. SALAZAR. Madam President, I rise today in honor of MAJ Andrew Olmsted, who was killed on January 3 in an attack near Sadiyah, Iraq. Major Olmsted was assigned to the 1st Brigade of the 1st Infantry Division out of Fort Riley, KS, but he and his wife, Amanda Wilson, lived together in Colorado Springs, CO. Andrew was 37 years old. He was the first American casualty in Iraq of 2008.

Major Olmsted was a proud soldier whose sense of duty took him to Iraq—whose commitment to his fellow soldiers earned him their deepest respect—and whose compassion put him in the line of fire the day he died.

Andrew was also an exceptionally talented writer. He shared his experiences and perspectives in Iraq with the world on blogs, including one he wrote for the Rocky Mountain News entitled "From the Front Lines." The thousands of readers who followed Andrew's deployment had the privilege of his frank, thoughtful, stirring, and often humorous take on the war, the Army, and politics.

For a writer and reporter as gifted as Andrew, it is hard to find the words to properly honor his life and his sacrifice. I would rather let him speak for himself and reflect on his memory by sharing with my colleagues portions of Major Olmsted's final posting. He asked a friend to post this on his blog in the event of his death. In its eloquence, power, humor, and tragedy, it is one small way in which we may remember the mark that Andrew made on our world:

> This is an entry I would have preferred not to have published, but there are limits to what we can control in life, and apparently I have passed one of those limits. . . .
>
> What I don't want this to be is a chance for me, or anyone else, to be maudlin. I'm dead. That sucks, at least for me and my family and friends. But all the tears in the world aren't going to bring me back, so I would prefer that people remember the good things about me rather than mourning my loss. (If it turns out a specific number of tears will, in fact, bring me back to life, then by all means, break out the onions.)
>
> I had a pretty good life, as I noted above. Sure, all things being equal I would have preferred to have more time, but I have no business complaining with all the good fortune I've enjoyed in my life. So if you're up for that, put on a little 80s music (preferably vintage 1980–1984), grab a Coke and have a drink with me. If you have it, throw "Freedom Isn't Free" from the Team America soundtrack in; if you can't laugh at that song, I think you need to lighten up a little. I'm dead, but if you're reading this, you're not, so take a moment to enjoy that happy fact. . . .
>
> I suppose I should speak to the circumstances of my death. It would be nice to believe that I died leading men in battle, preferably saving their lives at the cost of my own. More likely I was caught by a marksman or an IED. But if there is an afterlife, I'm telling anyone who asks that I went down surrounded by hundreds of insurgents defending a village composed solely of innocent women and children. It'll be our little secret, ok?
>
> I do ask (not that I'm in a position to enforce this) that no one try to use my death to further their political purposes. I went to Iraq and did what I did for my reasons, not yours. My life isn't a chit to be used to bludgeon people to silence on either side. If you think the U.S. should stay in Iraq, don't drag me into it by claiming that somehow my death demands us staying in Iraq. If you think the U.S. ought to get out tomorrow, don't cite my name as an example of someone's life who was wasted by our mission in Iraq. I have my own opinions about what we should do about Iraq, but since I'm not around to expound on them I'd prefer others not try and use me as some kind of moral capital to support a position I probably didn't support. Further, this is tough enough on my family without their having to see my picture being used in some rally or my name being cited for some political purpose. You can fight political battles without hurting my family, and I'd prefer that you did so.
>
> On a similar note, while you're free to think whatever you like about my life and death, if you think I wasted my life, I'll tell you you're wrong. We're all going to die of something. I died doing a job I loved. When your time comes, I hope you are as fortunate as I was. . . .
>
> Those who know me through my writings on the Internet over the past five-plus years probably have wondered at times about my chosen profession. While I am not a Libertarian, I certainly hold strongly individualistic beliefs. Yet I have spent my life in a profession that is not generally known for rugged individualism. Worse, I volunteered to return to active duty knowing that the choice would almost certainly lead me to Iraq. The simple explanation might be that I was simply stupid, and certainly I make no bones about having done some dumb things in my life, but I don't think this can be chalked up to stupidity. Maybe I was inconsistent in my beliefs; there are few people who adhere religiously to the doctrines of their chosen philosophy, whatever that may be. But I don't think that was the case in this instance either.
>
> As passionate as I am about personal freedom, I don't buy the claims of anarchists that humanity would be just fine without any government at all. There are too many people in the world who believe that they know best how people should live their lives, and many of them are more than willing to use force to impose those beliefs on others. A world without government simply wouldn't last very long; as soon as it was established, strongmen would immediately spring up to establish their fiefdoms. So there is a need for government to protect the people's rights. And one of the fundamental tools to do that is an army that can prevent outside agencies from imposing their rules on a society. A lot of people will protest that argument by noting that the people we are fighting in Iraq are unlikely to threaten the rights of the average American. That's certainly true; while our enemies would certainly like to wreak great levels of havoc on our society, the fact is they're not likely to succeed. But that doesn't mean there isn't still a need for an army (setting aside debates regarding whether ours is the right size at the moment). Americans are fortunate that we don't have to worry too much about people coming to try and overthrow us, but part of the reason we don't have to worry about that is because we have an army that is stopping anyone who would try.
>
> Soldiers cannot have the option of opting out of missions because they don't agree with them: that violates the social contract. The duly-elected American government decided to go to war in Iraq. (Even if you maintain President Bush was not properly elected, Congress voted for war as well.) As a soldier, I have a duty to obey the orders of the President of the United States as long as they are constitutional. I can no more opt

out of missions I disagree with than I can ignore laws I think are improper. I do not consider it a violation of my individual rights to have gone to Iraq on orders because I raised my right hand and volunteered to join the army. Whether or not this mission was a good one, my participation in it was an affirmation of something I consider quite necessary to society. So if nothing else, I gave my life for a pretty important principle; I can (if you'll pardon the pun) live with that. . . .

I write this in part, admittedly, because I would like to think that there's at least a little something out there to remember me by. Granted, this site will eventually vanish, being ephemeral in a very real sense of the word, but at least for a time it can serve as a tiny record of my contributions to the world. But on a larger scale, for those who knew me well enough to be saddened by my death, especially for those who haven't known anyone else lost to this war, perhaps my death can serve as a small reminder of the costs of war. Regardless of the merits of this war, or of any war, I think that many of us in America have forgotten that war means death and suffering in wholesale lots. A decision that for most of us in America was academic, whether or not to go to war in Iraq, had very real consequences for hundreds of thousands of people. Yet I was as guilty as anyone of minimizing those very real consequences in lieu of a cold discussion of theoretical merits of war and peace. Now I'm facing some very real consequences of that decision; who says life doesn't have a sense of humor? . . .

But for those who knew me and feel this pain, I think it's a good thing to realize that this pain has been felt by thousands and thousands (probably millions, actually) of other people all over the world. That is part of the cost of war, any war, no matter how justified. If everyone who feels this pain keeps that in mind the next time we have to decide whether or not war is a good idea, perhaps it will help us to make a more informed decision. Because it is pretty clear that the average American would not have supported the Iraq War had they known the costs going in. I am far too cynical to believe that any future debate over war will be any less vitriolic or emotional, but perhaps a few more people will realize just what those costs can be the next time.

This may be a contradiction of my above call to keep politics out of my death, but I hope not. Sometimes going to war is the right idea. I think we've drawn that line too far in the direction of war rather than peace, but I'm a soldier and I know that sometimes you have to fight if you're to hold onto what you hold dear. But in making that decision, I believe we understate the costs of war; when we make the decision to fight, we make the decision to kill, and that means lives and families destroyed. Mine now falls into that category; the next time the question of war or peace comes up, if you knew me at least you can understand a bit more just what it is you're deciding to do, and whether or not those costs are worth it.

"This is true love. You think this happens every day?"—Westley, The Princess Bride

"Good night, my love, the brightest star in my sky."—John Sheridan, Babylon 5

This is the hardest part. While I certainly have no desire to die, at this point I no longer have any worries. That is not true of the woman who made my life something to enjoy rather than something merely to survive. She put up with all of my faults, and they are myriad, she endured separations again and again . . . I cannot imagine being more fortunate in love than I have been with Amanda. Now she has to go on without me, and while a cynic might observe she's better off, I know that this is a terrible burden I have placed on her, and I would give almost anything if she would not have to bear it. It seems that is not an option. I cannot imagine anything more painful than that, and if there is an afterlife, this is a pain I'll bear forever.

I wasn't the greatest husband. I could have done so much more, a realization that, as it so often does, comes too late to matter. But I cherished every day I was married to Amanda. When everything else in my life seemed dark, she was always there to light the darkness. It is difficult to imagine my life being worth living without her having been in it. I hope and pray that she goes on without me and enjoys her life as much as she deserves. I can think of no one more deserving of happiness than her.

"I will see you again, in the place where no shadows fall."—Ambassador Delenn, Babylon 5

I don't know if there is an afterlife; I tend to doubt it, to be perfectly honest. But if there is any way possible, Amanda, then I will live up to Delenn's words, somehow, some way. I love you.

Mr. President, our thoughts and prayers are with Amanda, Andrew's parents, and all of his family. May they soon find comfort and respite from their grief. May we always remember Andrew for his life, service, and sacrifice. And may countless others have the blessing of reading his words.

STAFF SERGEANT JUSTIN R. WHITING

Madam President, I rise today to honor the memory of SSG Justin R. Whiting, a Green Beret with the 3rd Battalion, 5th Special Forces Group, out of Fort Campbell, KY. On January 19, Sergeant Whiting was leading a convoy through the streets of Mosul, Iraq, when a bomb exploded near his vehicle. He was killed at 27 years old.

Sergeant Whiting was born in Belton, TX, but at a young age moved to Hancock, NY, where he developed a love for the great outdoors. Justin was an avid hunter who reveled in the rugged landscape near the Delaware River.

Those who knew him describe Sergeant Whiting as an adventurer. It was this virtue, coupled with his deep-seated love for his country, which led him to join the Army just 2 months after his high school graduation.

In the Army, he chose the most difficult path he could pursue, that of becoming a Green Beret. The Special Forces soldiers I know are the pride of our country. All at once, they are soldiers, intelligence officers, diplomats, tacticians, linguists, trainers, and advisors. They are at the tip of the spear of our national defense. The Green Beret that they wear, said President Kennedy, is "a symbol of excellence, a badge of courage, a mark of distinction in the fight for freedom."

Sergeant Whiting was on his third tour in Iraq, on a mission to help bring security and stability to a region torn by violence and tragedy. Every day, he and his unit put themselves in harm's way to give Iraqi citizens a chance at a society governed by the rule of law, free from the threats of sectarian strife, terrorism, or autocratic rule. He served bravely and was highly decorated. Among many other honors, he earned the Bronze Star, one of the highest awards given for combat service, for his bravery and selflessness.

For those of us who did not know Justin personally, it is difficult to know what inspired his extraordinary sense of duty or what fueled his courage on the battlefield. Alexander Hamilton, a Founding Father and an Army officer, explained that "There is a certain enthusiasm in liberty that makes human nature rise above itself in acts of bravery and heroism." I imagine that Justin found his strength in many sources—friends, family, and fellow soldiers—but I imagine that he, too, was motivated by an enthusiasm for liberty and a passion for justice. In his life, he consistently chose the path that was most challenging so that he could offer our country his highest service. He was a true patriot.

To Justin's mother, Estelline, to his father, Randall, to his sister, Amanda, and to his brother, Nathan, our thoughts and prayers are with you. I hope that in time, your grief will be assuaged by the pride you must feel in Justin's service and by the honor he bestowed upon his country. May we never forget his service and his sacrifice.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2556. A bill to extend the provisions of the Protect America Act of 2007 for an additional 30 days.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2557. A bill to extend the Protect America Act of 2007 until July 1, 2009.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4773. A communication from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Premium Rates; Payment of Premiums; Flat Premium Rates, Variable Rate Premium Cap, and Termination Premium; Deficit Reduction Act of 2005; Pension Protection Act of 2006" (RIN1212-AB10) received on January 15, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-4774. A communication from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (72 FR 71071) received on January 15, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-4775. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Amendment to the Current Good Manufacturing Practice Regulations for Finished Pharmaceuticals" (Docket No. 2007N-0280) received on January 15, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-4776. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Over-the-Counter Vaginal Contraceptive and Spermicide Drug Products Containing Nonoxynol 9; Required Labeling" (RIN0910-AF44) received on January 15, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-4777. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Hematology and Pathology Devices: Reclassification of Automated Blood Cell Separator Device Operating by Centrifugal Separation Principle" (Docket No. 2005N-0017) received on January 15, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-4778. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Secondary Direct Food Additives Permitted in Food for Human Consumption" (Docket No. 2006F-0409) received on January 15, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-4779. A communication from the Assistant General Counsel for Regulatory Services, Office of the Chief Financial Officer, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Direct Grant Programs" (RIN1890-AA15) received on January 15, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-4780. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report relative to the Health Care Fraud and Abuse Control Program for fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-4781. A communication from the Acting Secretary of Veterans Affairs, transmitting, pursuant to law, the Department's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4782. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Administration's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4783. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General for the period of April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4784. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period ending September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4785. A communication from the Inspector General, General Services Administration, transmitting, pursuant to law, the Semiannual Report for the period ending September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4786. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, a report relative to the competitive sourcing efforts of fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4787. A communication from the Chairman, National Capital Planning Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4788. A communication from the Executive Director, Morris K. Udall Foundation, transmitting, pursuant to law, the Foundation's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4789. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-227, "Department of Health Care Finance Establishment Act of 2007" received on January 14, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-4790. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-236, "Arbitration Act of 2007" received on January 14, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-4791. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-237, "Multi-Unit Real Estate Tax Rate Clarification Act of 2007" received on January 14, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-4792. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-238, "Georgia Commons Real Property Tax Exemption and Abatement Act of 2007" received on January 14, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-4793. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-228, "District of Columbia Emancipation Day Parade Clarification Amendment Act of 2007" received on January 14, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-4794. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Reexportation of Controlled Substances" (RIN1117-AB00) received on January 15, 2008; to the Committee on the Judiciary.

EC-4795. A communication from the Assistant Attorney General for Administration, Department of Justice, transmitting, pursuant to law, an annual report relative to the Department's competitive sourcing efforts during fiscal year 2007; to the Committee on the Judiciary.

EC-4796. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Definition of 'Positional Isomer' as it Pertains to the Control of Controlled Substances" (RIN1117-AA94) received on January 15, 2008; to the Committee on the Judiciary.

EC-4797. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the administration of the Foreign Agents Registration Act for the six months ending December 31, 2006; to the Committee on the Judiciary.

EC-4798. A communication from the Deputy Associate General Counsel for Regulatory Affairs, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Minimum Standards for Drivers' Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes" (RIN1601-AA37) received on January 11, 2008; to the Committee on the Judiciary.

EC-4799. A communication from the Acting Clerk of the Court, U.S. Court of Federal Claims, transmitting, pursuant to law, the Court's annual report for the year ended September 30, 2007; to the Committee on the Judiciary.

EC-4800. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the annual report of the Office of Privacy and Civil Liberties for calendar year 2007; to the Committee on the Judiciary.

EC-4801. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Education: Approval of Accredited Courses for VA Education Benefits" (RIN2900-AM80) received on January 15, 2008; to the Committee on Veterans' Affairs.

EC-4802. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Dependents' Educational Assistance" (RIN2900-AM72) received on January 15, 2008; to the Committee on Veterans' Affairs.

EC-4803. A communication from the National President, Women's Army Corps Veterans' Association, transmitting, pursuant to law, an inquiry into their need to submit an annual report; to the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID:

S. 2557. A bill to extend the Protect America Act of 2007 until July 1, 2009; read the first time.

By Mr. THUNE:

S. 2558. A bill to amend the Clean Air Act to modify a definition; to the Committee on Environment and Public Works.

By Mr. DODD (for himself and Mr. MCCAIN):

S. 2559. A bill to amend title II of the Social Security Act to increase the level of earnings under which no individual who is blind is determined to have demonstrated an ability to engage in substantial gainful activity for purposes of determining disability; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Res. 426. A resolution congratulating the Stanford University women's cross country team on winning the 2007 National Collegiate Athletic Association Division I Championship; considered and agreed to.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Res. 427. A resolution congratulating the University of California at Berkeley men's water polo team for winning the 2007 National Collegiate Athletic Association Division I Championship; considered and agreed to.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Res. 428. A resolution congratulating the University of Southern California women's soccer team on winning the 2007 National Collegiate Athletic Association Division I Championship; considered and agreed to.

By Mrs. DOLE (for herself, Mr. LIEBERMAN, Mr. BURR, Mr. KENNEDY, Ms. SNOWE, and Ms. CANTWELL):

S. Res. 429. A resolution honoring the brave men and women of the United States Coast Guard whose tireless work, dedication, and commitment to protecting the United States have led to the confiscation of over 350,000 pounds of cocaine at sea during 2007; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY (for himself, Mr. MCCAIN, Mr. AKAKA, Mr. BAYH, Mr. BURR, Ms. CANTWELL, Mr. CARPER, Mr. CASEY, Mrs. CLINTON, Mr. COLEMAN, Ms. COLLINS, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mr. GRASSLEY, Mr. ISAKSON, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. MENENDEZ, Ms. MURKOWSKI, Mr. OBAMA, and Mr. SPECTER):

S. Res. 430. A resolution designating January 2008 as "National Mentoring Month"; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself, Mr. SUNUNU, Mr. CARDIN, Mr. KERRY, Mr. BROWN, Mr. DODD, Mr. KENNEDY, Mr. MENENDEZ, Mr. DURBIN, Mrs. BOXER, Mr. BIDEN, Mrs. CLINTON, Mr. OBAMA, Mr. HARKIN, Mr. COLEMAN, Mr. HAGEL, Mr. BROWNBACK, and Ms. SNOWE):

S. Res. 431. A resolution calling for a peaceful resolution to the current electoral crisis in Kenya; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 206

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 269

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 269, a bill to amend the Internal Revenue Code of 1986 to increase and permanently extend the expensing of certain depreciable business assets for small businesses.

S. 937

At the request of Mrs. CLINTON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 1001

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1001, a bill to restore Second Amendment rights in the District of Columbia.

S. 1287

At the request of Mr. SMITH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1287, a bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for State judicial debts that are past-due.

S. 1437

At the request of Ms. STABENOW, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 1437, a bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964.

S. 1464

At the request of Mr. FEINGOLD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1464, a bill to establish a Global Service Fellowship Program, and for other purposes.

S. 2209

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 2209, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 2238

At the request of Mr. AKAKA, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2238, a bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams.

S. 2368

At the request of Mr. PRYOR, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2368, a bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical employer verification program.

S. 2498

At the request of Mr. BINGAMAN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2498, a bill to authorize the minting of a coin to commemorate the 400th anniversary of the founding of Santa Fe, New Mexico, to occur in 2010.

S. 2509

At the request of Mr. INHOFE, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2509, a bill to amend the Safe Drinking Water Act to prevent the enforcement of certain national primary drinking water regulations unless sufficient funding is available or variance technology has been identified.

S. 2544

At the request of Mr. KENNEDY, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2544, a bill to provide for a program of temporary extended unemployment compensation.

S. 2553

At the request of Mr. KERRY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2553, a bill to modify certain fees applicable under the Small Business Act for 2008, to make an emergency appropriation for certain small business programs, and to amend the Internal Revenue Code of 1986 to provide increased expensing for 2008, to provide a 5-year carryback for certain net operating losses, and for other purposes.

S. 2555

At the request of Mrs. BOXER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2555, a bill to permit California and other States to effectively control greenhouse gas emissions from motor vehicles, and for other purposes.

S. RES. 241

At the request of Mr. BROWN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Res. 241, a resolution expressing the sense of the Senate that the United States should reaffirm the commitments of the United States to the 2001 Doha Declaration on the TRIPS Agreement and Public Health and to pursuing trade policies that promote access to affordable medicines.

AMENDMENT NO. 3907

At the request of Mr. DODD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 3907 intended to be proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

S. 2557. A bill to extend the Protect America Act of 2007 until July 1, 2009; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2557

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF THE PROTECT AMERICA ACT OF 2007 UNTIL JULY 1, 2009.

Section 6(c) of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 557) is amended by striking "180 days after the date of the enactment of this Act" and inserting "on July 1, 2009".

By Mr. DODD (for himself and Mr. MCCAIN):

S. 2559. A bill to amend title II of the Social Security Act to increase the level of earnings under which no individual who is blind is determined to have demonstrated an ability to engage in substantial gainful activity for purposes of determining disability; to the Committee on Finance.

Mr. DODD. Mr. President, I rise today with my colleague from Arizona, Senator JOHN MCCAIN, to reintroduce legislation that we've sponsored in the past, the Blind Persons' Earnings Fairness Act of 2008. This legislation would restore the 20-year link between the earnings limits under Social Security for blind people and senior citizens. Restoring this connection would have a tremendous impact on the lives of many blind people, helping them become more self-sufficient and productive members of society and giving them the chance to live fuller lives.

Today there are nearly 1.3 million Americans who are blind, with 75,000 more becoming blind each year. With today's technology, blind and visually-impaired individuals can do just about anything. Blind people today are employed as farmers, lawyers, secretaries, nurses, managers, childcare workers, social workers, teachers, librarians, stockbrokers, accountants, and journalists, among many other things. Unfortunately the unemployment rate among the blind is still at an unconscionable 74 percent. The Federal Government should do all within its power to facilitate and encourage the blind and visually-impaired to enter the workforce. A variety of public and private initiatives have been launched over the years to provide the technologies and assistance necessary to educate and employ the blind at the same level as their sighted peers. For example, the National Federation of the Blind, NFB, has created an institute to utilize technological advancements for the blind in an effort to promote employment of the blind throughout the Nation. The NFB helps employers provide adaptive technology, consultation, and training so that they can better accommodate the needs of blind and visually-impaired employees. Now the challenge goes beyond giving the blind the tools to compete in the workforce, now we need to give hem the freedom to do so without fear of losing their essential Social Security benefits.

In 1996, Congress passed the Senior Citizens Freedom to Work Act, which broke the longstanding linkage between the treatment of blind people and seniors under Social Security. This allowed the earnings limit to be raised for seniors at a far faster rate than for the blind. As a result, the earnings limit for blind people has not kept up with modern day costs and earnings. So, blind people do not have the opportunity to increase their earnings without jeopardizing their Social Security benefits. In 2008, that limit was at $18,840. If a blind individual earns more than that, his or her Social Security benefits are not protected.

The purpose of the Senior Citizens Freedom to Work Act was to allow seniors to continue contributing to society as productive workers while still receiving needed social security benefits. Historically, the earnings test treatment of seniors and blind people was identical under Title II of the Social Security Act. With this legislation, we seek to restore that connection and do the same for the blind population of America as we have done for the seniors. We must provide blind people the same opportunity to be productive and contribute to their own stability. We must not discourage these individuals from working within an unreasonably low earnings limit.

The current earnings test provides a disincentive for the blind population, many of whom are working age and capable of productive work. Work provides one of the fundamental ways individuals express their talents and allows them to make a contribution to society and to their loved ones. Blind individuals face constant hurdles when it comes to employment. Parents, teachers, or counselors may tell them they can't do it. Employers sometimes don't even give them the opportunity to try. But blind people and others with severe visual impairments take great pride in being able to work, just like the rest of us. They are likely to respond favorably to an increase in the earnings test because they want to work. We don't want to leave in place yet another hurdle to employment for blind individuals with the Social Security earnings test. By allowing those with visual impairments to work more without penalty, we would increase both their tax contribution and their purchasing power. By doing so we would also bring additional funds into the Social Security trust fund and the Federal Treasury.

I urge my colleagues to join me in sponsoring this important legislation to restore the fair and equal treatment for the blind citizens of America. The Blind Persons' Earnings Act of 2008 will provide the blind population with the same freedom and opportunities as our Nation's seniors and the rest of the citizens of this Nation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2559

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Blind Persons Earnings Fairness Act of 2008".

SEC. 2. INCREASE IN AMOUNT DEMONSTRATING SUBSTANTIAL GAINFUL ACTIVITY IN THE CASE OF BLIND INDIVIDUALS.

(a) IN GENERAL.—Section 223(d)(4) of the Social Security Act (42 U.S.C. 423(d)(4)) is amended—

(1) by striking the second sentence of subparagraph (A); and

(2) by adding at the end the following new subparagraph:

"(C) No individual who is blind shall be regarded as having demonstrated an ability to engage in substantial gainful activity on the basis of monthly earnings in any taxable year that do not exceed an amount equal to—

"(i) in the case of earnings in the taxable year beginning after December 31, 2007, and before January 1, 2009, $1,800 per month;

"(ii) in the case of earnings in the taxable year beginning after December 31, 2008, and before January 1, 2010, $2,200 per month;

"(iii) in the case of earnings in the taxable year beginning after December 31, 2009, and before January 1, 2011, $2,500 per month;

"(iv) in the case of earnings in the taxable year beginning after December 31, 2010, and before January 1, 2012, $2,850 per month; and

"(v) in the case of earnings in a taxable year beginning after December 31, 2011, the exempt amount applicable under section 203(f)(8) to an individual who has attained retirement age (as defined in section 216(l)) before the close of the taxable year involved.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 426—CONGRATULATING THE STANFORD UNIVERSITY WOMEN'S CROSS COUNTRY TEAM ON WINNING THE 2007 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I CHAMPIONSHIP

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 426

Whereas the Stanford University Cardinal won the 2007 National Collegiate Athletic Association (NCAA) Women's Cross Country Championship on November 19, 2007, in Terre Haute, Indiana;

Whereas the Cardinal won every postseason race and maintained a top ranking throughout the 2007 season;

Whereas in 2007 the Cardinal won a Division I women's cross country title for the 3rd year in a row and the 5th time in school history;

Whereas Arianna Lambie, Lauren Centrowitz, and Katie Harrington were honored as All-Americans for their exceptional contributions during the 2007 season; and

Whereas the 2007 Stanford women's cross country team members are players Arianna Lambie, Lauren Centrowitz, Katie Harrington, Alexandra Gits, Teresa McWalters, Lindsay Allen, Kate Niehaus, Alicia Follmar, Maddie Omeara, and Lindsay Flacks, and coaches Peter Tegen and David Vidal: Now, therefore, be it

Resolved, That the Senate congratulates the Stanford University women's cross country team for winning the 2007 National Collegiate Athletic Association Division I Championship.

SENATE RESOLUTION 427—CONGRATULATING THE UNIVERSITY OF CALIFORNIA AT BERKELEY MEN'S WATER POLO TEAM FOR WINNING THE 2007 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I CHAMPIONSHIP

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 427

Whereas the University of California at Berkeley (California) Golden Bears won the 2007 National Collegiate Athletic Association (NCAA) Men's Water Polo Championship, 8-6, over the University of Southern California Trojans on December 2, 2007, at the Avery Aquatics Center at Stanford University;

Whereas the California Golden Bears had a 28-4 overall record during the 2007 season;

Whereas in 2007 the California Golden Bears won a Division I men's water polo title for the 2nd year in a row and the 13th time in school history;

Whereas Michael Sharf was named the 2007 NCAA Tournament Most Valuable Player, Zac Monsees, and Jeff Tyrrell were named to the NCAA Tournament 1st team, and Spencer Warden was named to the NCAA Tournament 2nd team; and

Whereas Michael Sharf, Zac Monsees, and Mark Sheredy were named as first-team All-Americans, Adam Haley was named a second-team All-American, and Jeff Tyrrell and Spencer Warden were selected as third-team All-Americans for their exceptional contributions during the 2007 season: Now, therefore, be it

Resolved, That the Senate congratulates the University of California at Berkeley men's water polo team for winning the 2007 National Collegiate Athletic Association Division I Championship.

SENATE RESOLUTION 428—CONGRATULATING THE UNIVERSITY OF SOUTHERN CALIFORNIA WOMEN'S SOCCER TEAM ON WINNING THE 2007 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I CHAMPIONSHIP

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 428

Whereas the University of Southern California (USC) Trojans won the 2007 National Collegiate Athletic Association (NCAA) Women's Soccer Championship by a 2-0 victory over the Florida State University Seminoles on December 9, 2007, at the Aggie Soccer Complex in College Station, Texas;

Whereas the USC Trojans, in the 2007 season, had a 20-3-2 overall record, with 13 goals allowed, 15 shutouts, and a perfect 6-0 mark in the NCAA Women's Soccer Tournament, including 5 shutouts;

Whereas the USC Trojans won a Division I women's soccer title for the first time in school history in 2007;

Whereas Marihelen Tomer and Janessa Currier each scored a goal in the championship game;

Whereas Amy Rodriguez was named the tournament's Most Outstanding Offensive Player, Kristin Olsen was named the tournament's Most Outstanding Defensive Player, and Marihelen Tomer, Kasey Johnson, and Janessa Currier were named to the All-Tournament Team;

Whereas Ashley Nick and Kristin Olsen earned All-American Honors for their exceptional contributions during the 2007 season; and

Whereas the 2007 USC women's soccer team members are players Kristin Olsen, Brittany Massro, Nini Loucks, Alyssa Dávila, Laura McKee, Kat Stolpa, Lauren Brown, Shannon Lacy, Ashli Sandoval, Jamie Petrossi, Stacey Strong, Karter Haug, Amy Rodriguez, Kasey Johnson, Jacquelyn Johnston, Janessa Currier, Ashley Nick, Marihelen Tomer, Meagan Holmes, Megan Ohai, Kelley Finch, Briana Ovbude, Amy Massey, Kate Gong, and Monique Gaxiola, and coaches Ali Khosroshahin, Harold Warren, Laura Janke, Alicia Lloyd, and Rosa Anna Tantillo: Now, therefore, be it

Resolved, That the Senate congratulates the University of Southern California women's soccer team for winning the 2007 National Collegiate Athletic Association Division I Championship.

SENATE RESOLUTION 429—HONORING THE BRAVE MEN AND WOMEN OF THE UNITED STATES COAST GUARD WHOSE TIRELESS WORK, DEDICATION, AND COMMITMENT TO PROTECTING THE UNITED STATES HAVE LED TO THE CONFISCATION OF OVER 350,000 POUNDS OF COCAINE AT SEA DURING 2007

Mrs. DOLE (for herself, Mr. LIEBERMAN, Mr. BURR, Mr. KENNEDY, Ms. SNOWE, and Ms. CANTWELL) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 429

Whereas the estimated import value of the 350,000 pounds of cocaine confiscated by the United States Coast Guard in 2007 is more than $4,700,000,000, or nearly ½ of the Coast Guard's annual budget;

Whereas the Coast Guard's at-sea drug interdictions are making a difference in the lives of United States citizens, as evidenced by the reduced supply of cocaine in more than 35 major cities throughout the United States;

Whereas keeping illegal drugs from reaching our shores, where they undermine American values and threaten families, schools, and communities, continues to be an important national priority;

Whereas, through robust interagency teamwork, collaboration with international partners, and ever more effective tools and tactics, the Coast Guard has removed more than 2,000,000 pounds of cocaine during the past 10 years and will continue to tighten the web of detection and interdiction at sea; and

Whereas the men and women of the Coast Guard who, while away from family and hundreds of miles from our shores, execute this dangerous mission, as well as other vital maritime safety, security, and environmental protection missions, with quiet dedication and without need of public recognition, continue to display selfless service in protecting the Nation and the American people: Now, therefore, be it

Resolved, That the Senate—

(1) honors the United States Coast Guard, with its proud 217-year legacy of maritime law enforcement and border protection, along with the brave men and women whose efforts clearly demonstrate the honor, respect, and devotion to duty that ensure the parents of the United States can sleep soundly knowing the Coast Guard is on patrol; and

(2) recognizes the tireless work, dedication, and commitment that have allowed the Coast Guard to confiscate over 350,000 pounds of cocaine at sea in 2007.

SENATE RESOLUTION 430—DESIGNATING JANUARY 2008 AS "NATIONAL MENTORING MONTH"

Mr. KENNEDY (for himself, Mr. MCCAIN, Mr. AKAKA, Mr. BAYH, Mr. BURR, Ms. CANTWELL, Mr. CARPER, Mr. CASEY, Mrs. CLINTON, Mr. COLEMAN, Ms. COLLINS, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mr. GRASSLEY, Mr. ISAKSON, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. MENENDEZ, Ms. MURKOWSKI, Mr. OBAMA, and Mr. SPECTER) submitted the following resolution;

which was referred to the Committee on the Judiciary:

S. RES. 430

Whereas youth mentoring establishes a structured and trusting relationship that brings young people together with caring individuals who offer guidance, support, and encouragement;

Whereas a growing body of mentoring research provides strong evidence of success in reducing delinquency, substance use and abuse, and academic failure;

Whereas research also shows that formal mentoring, aimed at developing the competence and character of the young person, promotes positive outcomes such as improved academic achievement, self-esteem, social skills, and career development;

Whereas mentoring offers a supportive environment in which young people can grow, expand their vision, and achieve a future that they never thought possible;

Whereas more than 15,000,000 young people in this Nation still need mentors, falling into a "mentoring gap";

Whereas more than 4,300 mentoring programs in communities of all sizes across the United States focus on building strong, effective relationships between mentors and mentees;

Whereas public-private mentoring partnerships bring State and local leaders together to support mentoring programs by preventing duplication of efforts, offering training in industry best practices, and helping them make the most of limited resources to benefit the Nation's youth;

Whereas coordinated national, State, regional, and local efforts continue to need Federal support to allow more youth to be connected with the power of mentoring;

Whereas several Federal agencies have come together to coordinate approaches to mentoring within the Federal Government through the Federal Mentoring Council and National Mentoring Working Group under the Corporation for National and Community Service;

Whereas the designation of January 2008 as National Mentoring Month will help call attention to the critical role mentors play in helping young people realize their potential;

Whereas the month-long celebration of mentoring will encourage more organizations across the United States, including schools, businesses, nonprofit organizations, faith institutions, foundations, and individuals to become engaged in mentoring;

Whereas National Mentoring Month will, most significantly, build awareness of mentoring and encourage more people to become mentors and help close the Nation's mentoring gap; and

Whereas the President has issued a proclamation declaring January 2008 to be National Mentoring Month and calling on the people of the United States to recognize the importance of mentoring, to look for opportunities to serve as mentors in their communities, and to observe the month with appropriate activities and programs: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of January 2008 as "National Mentoring Month";

(2) recognizes with gratitude the contributions of the millions of caring volunteers who already serve as mentors and encourages more individuals to volunteer as mentors; and

(3) encourages the people of the United States to observe the month with appropriate ceremonies and activities that promote the awareness of, and volunteer involvement with, youth mentoring.

Mr. KENNEDY. Mr. President, I am pleased to join many of my colleagues in submitting a resolution recognizing January 2008 as National Mentoring Month.

We all know the extraordinary help and support that a good mentor can give to a child. High-quality mentoring programs can make all the difference to students in need. They can reduce negative outcomes, and help keep children on track. They can reduce drug and substance abuse and delinquency. They can enable students to stay in school instead of dropping out.

By promoting such positive outcomes, mentors enable students to obtain the skills they need to succeed in school and in life. They improve academic achievement, and they also improve self-esteem and social and communications skills.

National Mentoring Month is an opportunity to recognize and commend the many mentors across the country who are doing their part. It is also an opportunity to raise awareness about the real value of mentoring, and encourage more adults to become mentors. Experts estimate that nearly 18 million young students could benefit from being matched with a mentor, but only about 3 million of these youth are in such a relationship today. Fifteen million youth need a mentor—but they do not have one.

Mentoring a young person doesn't just pay off for the youth; it can be beneficial for the mentor as well. For the past 12 years, I have participated in the Everybody Wins Program at Brent Elementary School near the Capitol. Once a week during the school year, I spend an hour with an elementary school student. We read together, share stories, and learn from each other. This year, my first reading partner is finishing high school, and next year she will be starting college. She has stayed in touch, and it has been amazing to see her grow.

Robert Kennedy often spoke of the ripples of hope that people send forth each time they act to help others. Mentors are a proven example of the power of each citizen to create such ripples, and we should do what we can to recognize and support them. I urge the Senate to approve this resolution.

SENATE RESOLUTION 431—CALLING FOR A PEACEFUL RESOLUTION TO THE CURRENT ELECTORAL CRISIS IN KENYA

Mr. FEINGOLD (for himself, Mr. SUNUNU, Mr. CARDIN, Mr. KERRY, Mr. BROWN, Mr. DODD, Mr. KENNEDY, Mr. MENENDEZ, Mr. DURBIN, Mrs. BOXER, Mr. BIDEN, Mrs. CLINTON, Mr. OBAMA, Mr. HARKIN, Mr. COLEMAN, Mr. HAGEL, Mr. BROWNBACK, and Ms. SNOWE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 431

Whereas on December 27, 2007, Kenyan citizens went peacefully to the polls to elect a new parliament and a new President and signaled their commitment to democracy by turning out in large numbers, and in some instances waiting in long lines to vote;

Whereas election observers reported serious irregularities and a lack of transparency that, combined with the implausibility of the margin of victory, and the swearing in of the Party of National Unity presidential candidate Mwai Kibaki with undue haste, all serve to undermine the credibility of the presidential election results;

Whereas the Government of Kenya imposed a ban on live media broadcasts that day, and shortly after the election results were announced, in contravention of Kenyan law, the Government also announced a blanket ban on public assembly and gave police the authority to use lethal force;

Whereas subsequent to declaring Mr. Kibaki the winner, the head of the Election Commission of Kenya (ECK) stated that he did not know who won the presidential election;

Whereas in the aftermath of the election announcement, significant violence began and continues to flare;

Whereas on January 1, 2008, 4 commissioners on the ECK issued a statement which called for a judicial review and tallying of the vote;

Whereas the head of the European Union Election Observation Mission stated that "[l]ack of transparency, as well as a number of verified irregularities... cast doubt on the accuracy of the results of the presidential election as announced by the ECK" and called for an international audit of the results;

Whereas the Attorney General of Kenya has called for an independent investigation of the tallying of votes and for the votes to be retallied;

Whereas observers from the East African Community have called for an investigation into irregularities during the tallying process and for those responsible for such irregularities to be held accountable;

Whereas some estimates indicate that at least 700 people have died and as many as 250,000 have been displaced as a result of this violence, which continues;

Whereas the economic cost to Kenya of the violence and civil unrest in the wake of the disputed polls is estimated at $1,000,000,000;

Whereas the Assistant Secretary of State for African Affairs traveled to Nairobi in an attempt to mediate between the 2 leading presidential candidates and has stated that "serious flaws in the vote tallying process damaged the credibility of the process" and that the United States should not "conduct business as usual" in Kenya; and

Whereas Kenya has been a valuable strategic, political, diplomatic, and economic partner to those in the subregion, region, and to the United States and has been 1 of the major recipients of United States foreign assistance in sub-Saharan Africa for decades: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Kenyan people for their commitment to democracy and respect for the democratic process, as evidenced by the high voter turnout and peaceful voting on election day;

(2) strongly condemns the violence in Kenya;

(3) urges all politicians and political parties to immediately desist from the reactivation, support, and use of militia organizations that are ethnic-based or otherwise constituted;

(4) calls on the 2 leading presidential candidates to—

(A) engage in an internationally brokered dialogue, which results in a new political dispensation that is supported by Kenyan civil society; and

(B) respect the will of the Kenyan people;

(5) simultaneously—

(A) supports a call for electoral justice in Kenya, including a thorough and credible independent audit of election results with the possibility, depending on what is discovered, of a recount or retallying of votes, or a rerun of the presidential elections within a specified time period; and

(B) encourages any political settlement to take into account these recommendations;

(6) calls on Kenyan security forces to refrain from use of excessive force and respect the human rights of Kenyan citizens;

(7) calls for those who are found guilty of committing human rights violations to be held accountable for their actions;

(8) calls for an immediate end to the restrictions on the media, and on the rights of peaceful assembly and association;

(9) condemns threats to civil society leaders and human rights activists who are working towards a peaceful, just, and equitable political solution to the current electoral crisis;

(10) holds all political actors in Kenya responsible for the safety and security of civil society leaders and human rights advocates;

(11) calls on the international community, United Nations aid organizations, and all neighboring countries to provide assistance to Kenyan refugees who have fled in search of greater security;

(12) encourages others in the international community to work together and use all diplomatic means at their disposal to persuade relevant political actors to commit to a peaceful resolution to the current crisis; and

(13) urges the President of the United States to—

(A) support diplomatic efforts to facilitate a dialogue between leaders of the Party of National Unity, the Orange Democratic Movement, and other relevant actors;

(B) consider the imposition of personal sanctions, including a travel ban and asset freeze on leaders in the Party of National Unity, the Orange Democratic Movement, and other relevant actors who refuse to engage in meaningful dialogue to end the current crisis; and

(C) conduct a review of current United States aid to Kenya for the purpose of restricting all nonessential assistance to Kenya, unless all parties are able to establish a peaceful, political resolution to the current crisis, which is credible with the Kenyan people.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3919. Mrs. FEINSTEIN (for herself, Mr. NELSON of Florida, and Mr. CARDIN) submitted an amendment intended to be proposed by her to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table.

SA 3920. Mr. WHITEHOUSE (for himself, Mr. ROCKEFELLER, Mr. LEAHY, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3921. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3922. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3923. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3924. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3925. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3926. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3927. Mr. SPECTER (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3928. Mr. KYL submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3929. Mr. LEAHY (for himself, Mr. KENNEDY, Mr. MENENDEZ, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3930. Mr. CARDIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3931. Mr. KENNEDY (for himself, Mr. KERRY, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3932. Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3933. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3934. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3935. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3936. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3937. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3938. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3939. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3940. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3941. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3942. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3943. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3944. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3945. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3946. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3947. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3948. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3949. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3950. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3919. **Mrs. FEINSTEIN (for herself, Mr. NELSON of Florida, and Mr. CARDIN) submitted an amendment intended to be proposed by her to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:**

On page 72, strike line 13 and all that follows through page 73, line 25, and insert the following:

(6) FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The term "Foreign Intelligence Surveillance Court" means the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)).

(7) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.—The term "Foreign Intelligence Surveillance Court of Review" means the court of review established under section 103(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(b)).

SEC. 202. LIMITATIONS ON CIVIL ACTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS.

(a) LIMITATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, and subject to paragraph (3), a covered civil action shall not lie or be maintained in a Federal or State court, and shall be promptly dismissed, if the Attorney General certifies to the court that—

(A) the assistance alleged to have been provided by the electronic communication service provider was—

(i) in connection with an intelligence activity involving communications that was—

(I) authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007; and

(II) designed to detect or prevent a terrorist attack, or activities in preparation for a terrorist attack, against the United States; and

(ii) described in a written request or directive from the Attorney General or the head of an element of the intelligence community (or the deputy of such person) to the electronic communication service provider indicating that the activity was—

(I) authorized by the President; and

(II) determined to be lawful; or

(B) the electronic communication service provider did not provide the alleged assistance.

(2) SUBMISSION OF CERTIFICATION.—If the Attorney General submits a certification under paragraph (1), the court to which that certification is submitted shall—

(A) immediately transfer the matter to the Foreign Intelligence Surveillance Court for a determination regarding the questions described in paragraph (3)(A); and

(B) stay further proceedings in the relevant litigation, pending the determination of the Foreign Intelligence Surveillance Court.

(3) DETERMINATION.—

(A) IN GENERAL.—The dismissal of a covered civil action under paragraph (1) shall proceed only if, after review, the Foreign Intelligence Surveillance Court determines that—

(i) the written request or directive from the Attorney General or the head of an element of the intelligence community (or the deputy of such person) to the electronic communication service provider under paragraph (1)(A)(ii) complied with section 2511(2)(a)(ii) of title 18, United States Code, and the assistance alleged to have been provided was provided in accordance with the terms of that written request or directive;

(ii) subject to subparagraph (C), the assistance alleged to have been provided was undertaken based on the good faith reliance of the electronic communication service provider on the written request or directive under paragraph (1)(A)(ii), such that the electronic communication service provider had an objectively reasonable belief under the circumstances that compliance with the written request or directive was lawful; or

(iii) the electronic communication service provider did not provide the alleged assistance.

(B) PROCEDURES.—

(i) IN GENERAL.—In reviewing certifications and making determinations under subparagraph (A), the Foreign Intelligence Surveillance Court shall—

(I) review and make any such determination en banc; and

(II) permit any plaintiff and any defendant in the applicable covered civil action to appear before the Foreign Intelligence Surveillance Court pursuant to section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803).

(ii) APPEAL TO FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.—A party to a proceeding described in clause (i) may appeal a determination under subparagraph (A) to the Foreign Intelligence Surveillance Court of Review, which shall have jurisdiction to review such determination.

(iii) CERTIORARI TO THE SUPREME COURT.—A party to an appeal under clause (ii) may file a petition for a writ of certiorari for review of a decision of the Foreign Intelligence Surveillance Court of Review issued under that clause. The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

(iv) STATE SECRETS.—The state secrets privilege shall not apply in any proceeding under this paragraph.

(C) SCOPE OF GOOD FAITH LIMITATION.—The limitation on covered civil actions based on good faith reliance under subparagraph (A)(ii) shall only apply in a civil action relating to alleged assistance provided on or before January 17, 2007.

SA 3920. Mr. WHITEHOUSE (for himself, Mr. ROCKEFELLER, Mr. LEAHY, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, between lines 20 and 21, insert the following:

"(7) COMPLIANCE REVIEWS.—During the period that minimization procedures approved under paragraph (5)(A) are in effect, the Court may review and assess compliance with such procedures and shall have access to the assessments and reviews required by subsections (k)(1), (k)(2), and (k)(3) with respect to compliance with such procedures. In conducting a review under this paragraph, the Court may, to the extent necessary, require the Government to provide additional information regarding the acquisition, retention, or dissemination of information concerning United States persons during the course of an acquisition authorized under subsection (a). The Court may fashion remedies it determines necessary to enforce compliance.

SA 3921. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. IMPROVEMENTS TO THE CLASSIFIED INFORMATION PROCEDURES ACT.

(a) INTERLOCUTORY APPEALS UNDER THE CLASSIFIED INFORMATION PROCEDURES ACT.—Section 7(a) of the Classified Information Procedures Act (18 U.S.C. App.) is amended by adding at the end "The Government's right to appeal under this section applies without regard to whether the order appealed from was entered under this Act.".

(b) EX PARTE AUTHORIZATIONS UNDER THE CLASSIFIED INFORMATION PROCEDURES ACT.—Section 4 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) in the second sentence—

(A) by striking "may" and inserting "shall"; and

(B) by striking "written statement to be inspected" and inserting "statement to be made ex parte and to be considered"; and

(2) in the third sentence—

(A) by striking "If the court enters an order granting relief following such an ex parte showing, the" and inserting "The"; and

(B) by inserting ", as well as any summary of the classified information the defendant seeks to obtain," after "text of the statement of the United States".

(c) APPLICATION OF CLASSIFIED INFORMATION PROCEDURES ACT TO NONDOCUMENTARY INFORMATION.—Section 4 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) in the section heading, by inserting ", AND ACCESS TO," after "OF";

(2) by inserting "(a) DISCOVERY OF CLASSIFIED INFORMATION FROM DOCUMENTS.—" before the first sentence; and

(3) by adding at the end the following:

"(b) ACCESS TO OTHER CLASSIFIED INFORMATION.—

"(1) If the defendant seeks access through deposition under the Federal Rules of Criminal Procedure or otherwise to non-documentary information from a potential witness or other person which he knows or reasonably believes is classified, he shall notify the attorney for the United States and the district court in writing. Such notice shall specify with particularity the classified information sought by the defendant and the legal basis for such access. At a time set by the court, the United States may oppose access to the classified information.

"(2) If, after consideration of any objection raised by the United States, including any objection asserted on the basis of privilege, the court determines that the defendant is legally entitled to have access to the information specified in the notice required by paragraph (1), the United States may request the substitution of a summary of the classified information or the substitution of a statement admitting relevant facts that the classified information would tend to prove.

"(3) The court shall permit the United States to make its objection to access or its request for such substitution in the form of a statement to be made ex parte and to be considered by the court alone. The entire text of the statement of the United States, as well as any summary of the classified information the defendant seeks to obtain, shall be sealed and preserved in the records of the court and made available to the appellate court in the event of an appeal.

"(4) The court shall grant the request of the United States to substitute a summary of the classified information or to substitute a statement admitting relevant facts that the classified information would tend to prove if it finds that the summary or statement will provide the defendant with substantially the same ability to make his defense as would disclosure of the specific classified information.

"(5) A defendant may not obtain access to classified information subject to this subsection except as provided in this subsection. Any proceeding, whether by deposition under the Federal Rules of Criminal Procedure or otherwise, in which a defendant seeks to obtain access to such classified information not previously authorized by a court for disclosure under this subsection must be discontinued or may proceed only as to lines of inquiry not involving such classified information.".

SA 3922. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INVESTIGATION OF TERRORIST CRIMES.

(a) NONDISCLOSURE OF FISA INVESTIGATIONS.—The following provisions of the Foreign Intelligence Surveillance Act of 1978 are each amended by inserting "(other than in proceedings or other civil matters under the immigration laws, as that term is defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)))" after "authority of the United States":

(1) Subsections (c), (e), and (f) of section 106 (50 U.S.C. 1806).

(2) Subsections (d), (f), and (g) of section 305 (50 U.S.C. 1825).

(3) Subsections (c), (e), and (f) of section 405 (50 U.S.C. 1845).

(b) MULTIDISTRICT SEARCH WARRANTS IN TERRORISM INVESTIGATIONS.—Rule 41(b)(3) of the Federal Rules of Criminal Procedure is amended to read as follows:

"(3) a magistrate judge—in an investigation of—

"(A) a Federal crime of terrorism (as defined in section 2332b(g)(g) of title 18, United States Code); or

"(B) an offense under section 1001 or 1505 of title 18, United States Code, relating to information or purported information concerning a Federal crime of terrorism (as defined in section 2332b(g)(5) of title 18, United States Code)—having authority in any district in which activities related to the Federal crime of terrorism or offense may have occurred, may issue a warrant for a person or property within or outside that district.".

(c) INCREASED PENALTIES FOR OBSTRUCTION OF JUSTICE IN TERRORISM CASES.—Sections 1001(a) and 1505 of title 18, United States Code, are amended by striking "8 years" and inserting "10 years".

SA 3923. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DENIAL OF FEDERAL BENEFITS TO CONVICTED TERRORISTS.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

"§ 2339E. Denial of Federal benefits to terrorists

"(a) IN GENERAL.—Any individual who is convicted of a Federal crime of terrorism (as defined in section 2332b(g)) shall, as provided by the court on motion of the Government, be ineligible for any or all Federal benefits for any term of years or for life.

"(b) FEDERAL BENEFIT DEFINED.—In this section, 'Federal benefit' has the meaning given that term in section 421(d) of the Controlled Substances Act (21 U.S.C. 862(d)).".

(b) TABLE OF SECTIONS.—The table of sections for chapter 113B of title 18, United States Code, is amended by adding at the end the following:

"2339D. Receiving military-type training from a foreign terrorist organization.
"2339E. Denial of Federal benefits to terrorists.".

SA 3924. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TERRORIST MURDERS, KIDNAPPINGS, AND ASSAULTS.

(a) PENALTIES FOR TERRORIST MURDER AND MANSLAUGHTER.—Section 2332(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ", punished by death" and all that follows and inserting "and punished by death or imprisoned for life;"; and

(2) in paragraph (2), by striking "ten years" and inserting "30 years".

(b) ADDITION OF OFFENSE OF TERRORIST KIDNAPPING.—Section 2332 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

"(c) KIDNAPPING.—Whoever outside the United States unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away, or attempts or conspires to seize, confine, inveigle, decoy, kidnap, abduct or carry away, a national of the United States shall be fined under this title and imprisoned for any term of years or for life.".

(c) ADDITION OF SEXUAL ASSAULT TO DEFINITION OF OFFENSE OF TERRORIST ASSAULT.—Section 2332(d) of title 18, United States Code, as redesignated by subsection (b) of this section, is amended—

(1) in paragraph (1), by inserting "(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)" after "injury";

(2) in paragraph (2), by inserting "(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)" after "injury"; and

(3) in the matter following paragraph (2), by striking "or imprisoned" and all that follows and inserting "and imprisoned for any term of years not less than 30 or for life.".

SA 3925. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PREVENTION AND DETERRENCE OF TERRORIST SUICIDE BOMBINGS.

(a) OFFENSE OF REWARDING OR FACILITATING INTERNATIONAL TERRORIST ACTS.—

(1) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

"§ 2339E. Providing material support to international terrorism

"(a) DEFINITIONS.—In this section:

"(1) The term 'facility of interstate or foreign commerce' has the same meaning as in section 1958(b)(2).

"(2) The term 'international terrorism' has the same meaning as in section 2331.

"(3) The term 'material support or resources' has the same meaning as in section 2339A(b).

"(4) The term 'perpetrator of an act' includes any person who—

"(A) commits the act;

"(B) aids, abets, counsels, commands, induces, or procures its commission; or

"(C) attempts, plots, or conspires to commit the act.

"(5) The term 'serious bodily injury' has the same meaning as in section 1365.

"(b) PROHIBITION.—Whoever, in a circumstance described in subsection (c), provides, or attempts or conspires to provide, material support or resources to the perpetrator of an act of international terrorism, or to a family member or other person associated with such perpetrator, with the intent to facilitate, reward, or encourage that act or other acts of international terrorism, shall be fined under this title, imprisoned for any term of years or for life, or both, and, if death results, shall be imprisoned for any term of years not less than 10 or for life.

"(c) JURISDICTIONAL BASES.—A circumstance referred to in subsection (b) is that—

"(1) the offense occurs in or affects interstate or foreign commerce;

"(2) the offense involves the use of the mails or a facility of interstate or foreign commerce;

"(3) an offender intends to facilitate, reward, or encourage an act of international terrorism that affects interstate or foreign commerce or would have affected interstate or foreign commerce had it been consummated;

"(4) an offender intends to facilitate, reward, or encourage an act of international terrorism that violates the criminal laws of the United States;

"(5) an offender intends to facilitate, reward, or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of the United States Government;

"(6) an offender intends to facilitate, reward, or encourage an act of international terrorism that occurs in part within the United States and is designed to influence the policy or affect the conduct of a foreign government;

"(7) an offender intends to facilitate, reward, or encourage an act of international terrorism that causes or is designed to cause death or serious bodily injury to a national of the United States while that national is outside the United States, or substantial damage to the property of a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions) while that property is outside of the United States;

"(8) the offense occurs in whole or in part within the United States, and an offender intends to facilitate, reward or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of a foreign government; or

"(9) the offense occurs in whole or in part outside of the United States, and an offender is a national of the United States, a stateless person whose habitual residence is in the United States, or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions).".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TABLE OF SECTIONS.—The table of sections for chapter 113B of title 18, United States Code, is amended by adding at the end the following:

"2339D. Receiving military-type training from a foreign terrorist organization.

"2339E. Providing material support to international terrorism.".

(B) OTHER AMENDMENT.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by inserting "2339E (relating to providing material support to international terrorism)," before "or 2340A (relating to torture)".

(b) INCREASED PENALTIES FOR PROVIDING MATERIAL SUPPORT TO TERRORISTS.—

(1) PROVIDING MATERIAL SUPPORT TO DESIGNATED FOREIGN TERRORIST ORGANIZATIONS.—Section 2339B(a) of title 18, United States Code, is amended by striking "15 years" and inserting "30 years".

(2) PROVIDING MATERIAL SUPPORT OR RESOURCES IN AID OF A TERRORIST CRIME.—Section 2339A(a) of title 18, United States Code, is amended by striking "imprisoned not more than 15 years" and all that follows through "life." and inserting "imprisoned for any term of years or for life, or both, and, if the death of any person results, shall be imprisoned for any term of years not less than 10 or for life.".

(3) RECEIVING MILITARY-TYPE TRAINING FROM A FOREIGN TERRORIST ORGANIZATION.—Section 2339D(a) of title 18, United States Code, is amended by striking "ten years" and inserting "25 years".

(4) ADDITION OF ATTEMPTS AND CONSPIRACIES TO AN OFFENSE RELATING TO MILITARY TRAINING.—Section 2339D(a) of title 18, United States Code, is amended by inserting ", or attempts or conspires to receive," after "receives".

SA 3926. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TERRORIST HOAXES AGAINST FAMILIES OF UNITED STATES SERVICEMEN.

(a) HOAX STATUTE.—Section 1038 of title 18, United States Code, is amended—

(1) in subsections (a)(1) and (b), by inserting "or any other offense listed under section 2332b(g)(5)(B) of this title" after "title 49,"; and

(2) in subsection (a)(2)—

(A) in subparagraph (A), by striking ", imprisoned not more than 5 years, or both" and inserting "and imprisoned for not less than 2 years nor more than 10 years";

(B) in subparagraph (B), by striking ", imprisoned not more than 20 years, or both" and inserting "and imprisoned for not less than 5 years nor more than 25 years"; and

(C) in subparagraph (C), by striking ", imprisoned for any term of years or for life, or both" and inserting "and imprisoned for any term of years not less than 10 or for life".

(b) ATTACKS ON UNITED STATES SERVICEMEN.—

(1) IN GENERAL.—Chapter 67 of title 18, United States Code, is amended by adding at the end the following:

"§ 1389. Prohibition on attacks on United States servicemen on account of service

"(a) IN GENERAL.—Whoever knowingly assaults or batters a United States serviceman or an immediate family member of a United States serviceman, or who knowingly destroys or injures the property of such serviceman or immediate family member, on account of the military service of that serviceman or status of that individual as a United States serviceman, or who attempts or conspires to do so, shall—

"(1) in the case of a simple assault, or destruction or injury to property in which the damage or attempted damage to such property is not more than $500, be fined under this title in an amount not less than $500 nor more than $10,000 and imprisoned not more than 2 years;

"(2) in the case of destruction or injury to property in which the damage or attempted damage to such property is more than $500, be fined under this title in an amount not less than $1000 nor more than $100,000 and imprisoned not less than 90 days nor more than 10 years; and

"(3) in the case of a battery, or an assault resulting in bodily injury, be fined under this title in an amount not less than $2500 and imprisoned not less than 2 years nor more than 30 years.

"(b) EXCEPTION.—This section shall not apply to conduct by a person who is subject to the Uniform Code of Military Justice.

"(c) DEFINITIONS.—In this section—

"(1) the term 'Armed Forces' has the meaning given that term in section 1388;

"(2) the term 'immediate family member' has the meaning given that term in section 115; and

"(3) the term 'United States serviceman'—

"(A) means a member of the Armed Forces; and

"(B) includes a former member of the Armed Forces during the 5-year period beginning on the date of the discharge from the Armed Forces of that member of the Armed Forces.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 67 of title 18, United States Code, is amended by adding at the end the following:

"1389. Prohibition on attacks on United States servicemen on account of service.".

(c) THREATENING COMMUNICATIONS.—

(1) MAILED WITHIN THE UNITED STATES.—Section 876 of title 18, United States Code, is amended by adding at the end the following:

"(e) For purposes of this section, the term 'addressed to any other person' includes an individual (other than the sender), a corporation or other legal person, and a government or agency or component thereof.".

(2) MAILED TO A FOREIGN COUNTRY.—Section 877 of title 18, United States Code, is amended by adding at the end the following:

"For purposes of this section, the term 'addressed to any person' includes an individual, a corporation or other legal person, and a government or agency or component thereof.".

SA 3927. Mr. SPECTER (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, strike line 13 and all that follows through page 75, line 5, and insert the following:

(6) FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The term "Foreign Intelligence Surveillance Court" means the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)).

SEC. 202. SUBSTITUTION OF THE UNITED STATES IN CERTAIN ACTIONS.

(a) IN GENERAL.—

(1) CERTIFICATION.—Notwithstanding any other provision of law, a Federal or State court shall substitute the United States for an electronic communication service provider with respect to any claim in a covered civil action as provided in this subsection, if the Attorney General certifies to that court that—

(A) with respect to that claim, the assistance alleged to have been provided by the electronic communication service provider was—

(i) provided in connection with an intelligence activity involving communications that was—

(I) authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007; and

(II) designed to detect or prevent a terrorist attack, or activities in preparation for a terrorist attack, against the United States; and

(ii) described in a written request or directive from the Attorney General or the head of an element of the intelligence community (or the deputy of such person) to the electronic communication service provider indicating that the activity was—

(I) authorized by the President; and

(II) determined to be lawful; or

(B) the electronic communication service provider did not provide the alleged assistance.

(2) SUBSTITUTION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), and subject to subparagraph (C), upon receiving a certification under paragraph (1), a Federal or State court shall—

(i) substitute the United States for the electronic communication service provider as the defendant as to all claims designated by the Attorney General in that certification, consistent with the procedures under rule 25(c) of the Federal Rules of Civil Procedure, as if the United States were a party to whom the interest of the electronic communication service provider in the litigation had been transferred; and

(ii) as to that electronic communication service provider—

(I) dismiss all claims designated by the Attorney General in that certification; and

(II) enter a final judgment relating to those claims.

(B) CONTINUATION OF CERTAIN CLAIMS.—If a certification by the Attorney General under paragraph (1) states that not all of the alleged assistance was provided under a written request or directive described in paragraph (1)(A)(ii), the electronic communication service provider shall remain as a defendant.

(C) DETERMINATION.—

(i) IN GENERAL.—Substitution under subparagraph (A) shall proceed only after a determination by the Foreign Intelligence Surveillance Court that—

(I) the written request or directive from the Attorney General or the head of an element of the intelligence community (or the deputy of such person) to the electronic communication service provider under paragraph (1)(A)(ii) complied with section 2511(2)(a)(ii)(B) of title 18, United States Code;

(II) the assistance alleged to have been provided was undertaken by the electronic communication service provider acting in good faith and pursuant to an objectively reasonable belief that compliance with the written request or directive under paragraph (1)(A)(ii) was permitted by law; or

(III) the electronic communication service provider did not provide the alleged assistance.

(ii) CERTIFICATION.—If the Attorney General submits a certification under paragraph (1), the court to which that certification is submitted shall—

(I) immediately certify the questions described in clause (i) to the Foreign Intelligence Surveillance Court; and

(II) stay further proceedings in the relevant litigation, pending the determination of the Foreign Intelligence Surveillance Court.

(iii) PARTICIPATION OF PARTIES.—In reviewing a certification and making a determination under clause (i), the Foreign Intelligence Surveillance Court shall permit any plaintiff and any defendant in the applicable covered civil action to appear before the Foreign Intelligence Surveillance Court pursuant to section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803).

(iv) DECLARATIONS.—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a determination made pursuant to clause (i) would harm the national security of the United States, the Foreign Intelligence Surveillance Court shall limit any public disclosure concerning such determination, including any public order following such an ex parte review, to a statement that the conditions of clause (i) have or have not been met, without disclosing the basis for the determination.

(3) PROCEDURES.—

(A) TORT CLAIMS.—Upon a substitution under paragraph (2), for any tort claim—

(i) the claim shall be deemed to have been filed under section 1346(b) of title 28, United States Code, except that sections 2401(b), 2675, and 2680(a) of title 28, United States Code, shall not apply; and

(ii) the claim shall be deemed timely filed against the United States if it was timely filed against the electronic communication service provider.

(B) CONSTITUTIONAL AND STATUTORY CLAIMS.—Upon a substitution under paragraph (2), for any claim under the Constitution of the United States or any Federal statute—

(i) the claim shall be deemed to have been filed against the United States under section 1331 of title 28, United States Code;

(ii) with respect to any claim under a Federal statute that does not provide a cause of action against the United States, the plaintiff shall be permitted to amend such claim to substitute, as appropriate, a cause of action under—

(I) section 704 of title 5, United States Code (commonly known as the Administrative Procedure Act);

(II) section 2712 of title 18, United States Code; or

(III) section 110 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1810);

(iii) the statutes of limitation applicable to the causes of action identified in clause (ii) shall not apply to any amended claim under that clause, and any such cause of action shall be deemed timely filed if any Federal statutory cause of action against the electronic communication service provider was timely filed; and

(iv) for any amended claim under clause (ii) the United States shall be deemed a proper defendant under any statutes described in that clause, and any plaintiff that had standing to proceed against the original defendant shall be deemed an aggrieved party for purposes of proceeding under section 2712 of title 18, United States Code, or section 110 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1810).

(C) DISCOVERY.—

(i) IN GENERAL.—In a covered civil action in which the United States is substituted as party-defendant under paragraph (2), any plaintiff may serve third-party discovery requests to any electronic communications service provider as to which all claims are dismissed.

(ii) BINDING THE GOVERNMENT.—If a plaintiff in a covered civil action serves deposition notices under rule 30(b)(6) of the Federal Rules of Civil Procedure or requests under rule 36 of the Federal Rules of Civil Procedure for admission upon an electronic communications service provider as to which all claims were dismissed, the electronic communications service provider shall be deemed a party-defendant for purposes rule 30(b)(6) or rule 36 and its answers and admissions shall be deemed binding upon the Government.

(b) CERTIFICATIONS.—

(1) IN GENERAL.—For purposes of substitution proceedings under this section—

(A) a certification under subsection (a) may be provided and reviewed in camera, ex parte, and under seal; and

(B) for any certification provided and reviewed as described in subparagraph (A), the court shall not disclose or cause the disclosure of its contents.

(2) NONDELEGATION.—The authority and duties of the Attorney General under this section shall be performed by the Attorney General or a designee in a position not lower than the Deputy Attorney General.

(c) SOVEREIGN IMMUNITY.—This section, including any Federal statute cited in this section that operates as a waiver of sovereign immunity, constitute the sole waiver of sovereign immunity with respect to any covered civil action.

(d) CIVIL ACTIONS IN STATE COURT.—For purposes of section 1441 of title 28, United States Code, any covered civil action that is brought in a State court or administrative or regulatory bodies shall be deemed to arise under the Constitution or laws of the United States and shall be removable under that section.

(e) RULE OF CONSTRUCTION.—Except as expressly provided in this section, nothing in this section may be construed to limit any immunity, privilege, or defense under any other provision of law, including any privilege, immunity, or defense that would otherwise have been available to the United States absent its substitution as party-defendant or had the United States been the named defendant.

(f) EFFECTIVE DATE AND APPLICATION.—This section shall apply to any covered civil action pending on or filed after the date of enactment of this Act.

SA 3928. Mr. KYL submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 88, after line 23, insert the following:

SEC. ___. PREVENTION AND DETERRENCE OF TERRORIST SUICIDE BOMBINGS.

(a) IN GENERAL.—

(1) OFFENSE OF REWARDING OR FACILITATING INTERNATIONAL TERRORIST ACTS.—

(A) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

"§ 2339E. Providing material support to international terrorism

"(a) DEFINITIONS.—In this section:

"(1) The term 'facility of interstate or foreign commerce' has the same meaning as in section 1958(b)(2).

"(2) The term 'international terrorism' has the same meaning as in section 2331.

"(3) The term 'material support or resources' has the same meaning as in section 2339A(b).

"(4) The term 'perpetrator of an act' includes any person who—

"(A) commits the act;

"(B) aids, abets, counsels, commands, induces, or procures its commission; or

"(C) attempts, plots, or conspires to commit the act.

"(5) The term 'serious bodily injury' has the same meaning as in section 1365.

"(b) PROHIBITION.—Whoever, in a circumstance described in subsection (c), provides, or attempts or conspires to provide, material support or resources to the perpetrator of an act of international terrorism, or to a family member or other person associated with such perpetrator, with the intent to facilitate, reward, or encourage that act or other acts of international terrorism, shall be fined under this title, imprisoned for any term of years or for life, or both, and, if death results, shall be imprisoned for any term of years not less than 10 or for life.

"(c) JURISDICTIONAL BASES.—A circumstance referred to in subsection (b) is that—

"(1) the offense occurs in or affects interstate or foreign commerce;

"(2) the offense involves the use of the mails or a facility of interstate or foreign commerce;

"(3) an offender intends to facilitate, reward, or encourage an act of international terrorism that affects interstate or foreign commerce or would have affected interstate or foreign commerce had it been consummated;

"(4) an offender intends to facilitate, reward, or encourage an act of international terrorism that violates the criminal laws of the United States;

"(5) an offender intends to facilitate, reward, or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of the United States Government;

"(6) an offender intends to facilitate, reward, or encourage an act of international terrorism that occurs in part within the United States and is designed to influence the policy or affect the conduct of a foreign government;

"(7) an offender intends to facilitate, reward, or encourage an act of international terrorism that causes or is designed to cause death or serious bodily injury to a national of the United States while that national is outside the United States, or substantial damage to the property of a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions) while that property is outside of the United States;

"(8) the offense occurs in whole or in part within the United States, and an offender intends to facilitate, reward or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of a foreign government; or

"(9) the offense occurs in whole or in part outside of the United States, and an offender is a national of the United States, a stateless person whose habitual residence is in the United States, or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions).".

(B) TECHNICAL AND CONFORMING AMENDMENTS.—

(i) TABLE OF SECTIONS.—The table of sections for chapter 113B of title 18, United States Code, is amended by adding at the end the following:

"2339D. Receiving military-type training from a foreign terrorist organization.

"2339E. Providing material support to international terrorism.".

(ii) OTHER AMENDMENT.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by inserting "2339E (relating to providing material support to international terrorism)," before "or 2340A (relating to torture)".

(2) INCREASED PENALTIES FOR PROVIDING MATERIAL SUPPORT TO TERRORISTS.—

(A) PROVIDING MATERIAL SUPPORT TO DESIGNATED FOREIGN TERRORIST ORGANIZATIONS.—Section 2339B(a) of title 18, United States Code, is amended by striking "15 years" and inserting "30 years".

(B) PROVIDING MATERIAL SUPPORT OR RESOURCES IN AID OF A TERRORIST CRIME.—Section 2339A(a) of title 18, United States Code, is amended by striking "imprisoned not more than 15 years" and all that follows through "life." and inserting "imprisoned for any term of years or for life, or both, and, if the death of any person results, shall be imprisoned for any term of years not less than 10 or for life.".

(C) RECEIVING MILITARY-TYPE TRAINING FROM A FOREIGN TERRORIST ORGANIZATION.—Section 2339D(a) of title 18, United States Code, is amended by striking "ten years" and inserting "25 years".

(D) ADDITION OF ATTEMPTS AND CONSPIRACIES TO AN OFFENSE RELATING TO MILITARY TRAINING.—Section 2339D(a) of title 18, United States Code, is amended by inserting ", or attempts or conspires to receive," after "receives".

(b) TERRORIST MURDERS, KIDNAPPINGS, AND ASSAULTS.—

(1) PENALTIES FOR TERRORIST MURDER AND MANSLAUGHTER.—Section 2332(a) of title 18, United States Code, is amended—

(A) in paragraph (1), by striking ", punished by death" and all that follows and inserting "and punished by death or imprisoned for life;"; and

(B) in paragraph (2), by striking "ten years" and inserting "30 years".

(2) ADDITION OF OFFENSE OF TERRORIST KIDNAPPING.—Section 2332 of title 18, United States Code, is amended—

(A) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(B) by inserting after subsection (b) the following:

"(c) KIDNAPPING.—Whoever outside the United States unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away, or attempts or conspires to seize, confine, inveigle, decoy, kidnap, abduct or carry away, a national of the United States shall be fined under this title and imprisoned for any term of years or for life.".

(3) ADDITION OF SEXUAL ASSAULT TO DEFINITION OF OFFENSE OF TERRORIST ASSAULT.—Section 2332(d) of title 18, United States Code, as redesignated by paragraph (2) of this subsection, is amended—

(A) in paragraph (1), by inserting "(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)" after "injury";

(B) in paragraph (2), by inserting "(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)" after "injury"; and

(C) in the matter following paragraph (2), by striking "or imprisoned" and all that follows and inserting "and imprisoned for any term of years not less than 30 or for life.".

(c) TERRORIST HOAXES AGAINST FAMILIES OF UNITED STATES SERVICEMEN.—

(1) HOAX STATUTE.—Section 1038 of title 18, United States Code, is amended—

(A) in subsections (a)(1) and (b), by inserting "or any other offense listed under section 2332b(g)(5)(B) of this title" after "title 49,"; and

(B) in subsection (a)(2)—

(i) in subparagraph (A), by striking ", imprisoned not more than 5 years, or both" and inserting "and imprisoned for not less than 2 years nor more than 10 years";

(ii) in subparagraph (B), by striking ", imprisoned not more than 20 years, or both" and inserting "and imprisoned for not less than 5 years nor more than 25 years"; and

(iii) in subparagraph (C), by striking ", imprisoned for any term of years or for life, or both" and inserting "and imprisoned for any term of years not less than 10 or for life".

(2) ATTACKS ON UNITED STATES SERVICEMEN.—

(A) IN GENERAL.—Chapter 67 of title 18, United States Code, is amended by adding at the end the following:

"§1389. Prohibition on attacks on United States servicemen on account of service

"(a) IN GENERAL.—Whoever knowingly assaults or batters a United States serviceman or an immediate family member of a United States serviceman, or who knowingly destroys or injures the property of such serviceman or immediate family member, on account of the military service of that serviceman or status of that individual as a United States serviceman, or who attempts or conspires to do so, shall—

"(1) in the case of a simple assault, or destruction or injury to property in which the damage or attempted damage to such property is not more than $500, be fined under this title in an amount not less than $500 nor more than $10,000 and imprisoned not more than 2 years;

"(2) in the case of destruction or injury to property in which the damage or attempted damage to such property is more than $500, be fined under this title in an amount not less than $1000 nor more than $100,000 and imprisoned not less than 90 days nor more than 10 years; and

"(3) in the case of a battery, or an assault resulting in bodily injury, be fined under this title in an amount not less than $2500 and imprisoned not less than 2 years nor more than 30 years.

"(b) EXCEPTION.—This section shall not apply to conduct by a person who is subject to the Uniform Code of Military Justice.

"(c) DEFINITIONS.—In this section—

"(1) the term 'Armed Forces' has the meaning given that term in section 1388;

"(2) the term 'immediate family member' has the meaning given that term in section 115; and

"(3) the term 'United States serviceman'—

"(A) means a member of the Armed Forces; and

"(B) includes a former member of the Armed Forces during the 5-year period beginning on the date of the discharge from the Armed Forces of that member of the Armed Forces.".

(B) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 67 of title 18, United States Code, is amended by adding at the end the following:

"1389. Prohibition on attacks on United States servicemen on account of service.".

(3) THREATENING COMMUNICATIONS.—

(A) MAILED WITHIN THE UNITED STATES.—Section 876 of title 18, United States Code, is amended by adding at the end the following:

"(e) For purposes of this section, the term 'addressed to any other person' includes an individual (other than the sender), a corporation or other legal person, and a government or agency or component thereof.".

(B) MAILED TO A FOREIGN COUNTRY.—Section 877 of title 18, United States Code, is amended by adding at the end the following:

"For purposes of this section, the term 'addressed to any person' includes an individual, a corporation or other legal person, and a government or agency or component thereof.".

(d) DENIAL OF FEDERAL BENEFITS TO CONVICTED TERRORISTS.—

(1) IN GENERAL.—Chapter 113B of title 18, United States Code, as amended by this section, is amended by adding at the end the following:

"§2339F. Denial of Federal benefits to terrorists

"(a) IN GENERAL.—Any individual who is convicted of a Federal crime of terrorism (as defined in section 2332b(g)) shall, as provided by the court on motion of the Government, be ineligible for any or all Federal benefits for any term of years or for life.

"(b) FEDERAL BENEFIT DEFINED.—In this section, 'Federal benefit' has the meaning given that term in section 421(d) of the Controlled Substances Act (21 U.S.C. 862(d)).".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 113B of title 18, United States Code, as amended by this section, is amended by adding at the end the following:

"Sec. 2339F. Denial of Federal benefits to terrorists.".

(e) INVESTIGATION OF TERRORIST CRIMES.—

(1) NONDISCLOSURE OF FISA INVESTIGATIONS.—The following provisions of the Foreign Intelligence Surveillance Act of 1978 are each amended by inserting "(other than in proceedings or other civil matters under the immigration laws, as that term is defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)))" after "authority of the United States":

(A) Subsections (c), (e), and (f) of section 106 (50 U.S.C. 1806).

(B) Subsections (d), (f), and (g) of section 305 (50 U.S.C. 1825).

(C) Subsections (c), (e), and (f) of section 405 (50 U.S.C. 1845).

(2) MULTIDISTRICT SEARCH WARRANTS IN TERRORISM INVESTIGATIONS.—Rule 41(b)(3) of the Federal Rules of Criminal Procedure is amended to read as follows:

"(3) a magistrate judge—in an investigation of—

"(A) a Federal crime of terrorism (as defined in section 2332b(g)(g) of title 18, United States Code); or

"(B) an offense under section 1001 or 1505 of title 18, United States Code, relating to information or purported information concerning a Federal crime of terrorism (as defined in section 2332b(g)(5) of title 18, United States Code)—having authority in any district in which activities related to the Federal crime of terrorism or offense may have occurred, may issue a warrant for a person or property within or outside that district.".

(3) INCREASED PENALTIES FOR OBSTRUCTION OF JUSTICE IN TERRORISM CASES.—Sections 1001(a) and 1505 of title 18, United States Code, are amended by striking "8 years" and inserting "10 years".

(f) IMPROVEMENTS TO THE CLASSIFIED INFORMATION PROCEDURES ACT.—

(1) INTERLOCUTORY APPEALS UNDER THE CLASSIFIED INFORMATION PROCEDURES ACT.—Section 7(a) of the Classified Information Procedures Act (18 U.S.C. App.) is amended by adding at the end "The Government's right to appeal under this section applies without regard to whether the order appealed from was entered under this Act.".

(2) EX PARTE AUTHORIZATIONS UNDER THE CLASSIFIED INFORMATION PROCEDURES ACT.—Section 4 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(A) in the second sentence—

(i) by striking "may" and inserting "shall"; and

(ii) by striking "written statement to be inspected" and inserting "statement to be made ex parte and to be considered"; and

(B) in the third sentence—

(i) by striking "If the court enters an order granting relief following such an ex parte showing, the" and inserting "The"; and

(ii) by inserting ", as well as any summary of the classified information the defendant seeks to obtain," after "text of the statement of the United States".

(3) APPLICATION OF CLASSIFIED INFORMATION PROCEDURES ACT TO NONDOCUMENTARY INFORMATION.—Section 4 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(A) in the section heading, by inserting ", AND ACCESS TO," after "OF";

(B) by inserting "(a) DISCOVERY OF CLASSIFIED INFORMATION FROM DOCUMENTS.—" before the first sentence; and

(C) by adding at the end the following:

"(b) ACCESS TO OTHER CLASSIFIED INFORMATION.—

"(1) If the defendant seeks access through deposition under the Federal Rules of Criminal Procedure or otherwise to non-documentary information from a potential witness or other person which he knows or reasonably believes is classified, he shall notify the attorney for the United States and the district court in writing. Such notice shall specify with particularity the classified information sought by the defendant and the legal basis for such access. At a time set by the court, the United States may oppose access to the classified information.

"(2) If, after consideration of any objection raised by the United States, including any objection asserted on the basis of privilege, the court determines that the defendant is legally entitled to have access to the information specified in the notice required by paragraph (1), the United States may request the substitution of a summary of the classified information or the substitution of a statement admitting relevant facts that the classified information would tend to prove.

"(3) The court shall permit the United States to make its objection to access or its request for such substitution in the form of a statement to be made ex parte and to be considered by the court alone. The entire text of the statement of the United States, as well as any summary of the classified information the defendant seeks to obtain, shall be sealed and preserved in the records of the court and made available to the appellate court in the event of an appeal.

"(4) The court shall grant the request of the United States to substitute a summary of the classified information or to substitute a statement admitting relevant facts that the classified information would tend to prove if it finds that the summary or statement will provide the defendant with substantially the same ability to make his defense as would disclosure of the specific classified information.

"(5) A defendant may not obtain access to classified information subject to this subsection except as provided in this subsection. Any proceeding, whether by deposition under the Federal Rules of Criminal Procedure or otherwise, in which a defendant seeks to obtain access to such classified information not previously authorized by a court for disclosure under this subsection must be discontinued or may proceed only as to lines of inquiry not involving such classified information.".

SA 3929. Mr. LEAHY (for himself, Mr. KENNEDY, Mr. MENENDEZ, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 82, after the matter following line 5, add the following:

SEC. 206. REVIEW OF PREVIOUS ACTIONS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Select Committee on Intelligence and the Committee on the Judiciary of the Senate; and

(B) the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

(2) TERRORIST SURVEILLANCE PROGRAM AND PROGRAM.—The terms "Terrorist Surveillance Program" and "Program" mean the intelligence activity involving communications that was authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007.

(b) REVIEWS.—

(1) REQUIREMENT TO CONDUCT.—The Inspectors General of the Office of the Director of National Intelligence, the Department of Justice, the National Security Agency, and any other element of the intelligence community that participated in the Terrorist Surveillance Program shall work in conjunction to complete a comprehensive review of, with respect to the oversight authority and responsibility of each such Inspector General—

(A) all of the facts necessary to describe the establishment, implementation, product, and use of the product of the Program;

(B) the procedures and substance of, and access to, the legal reviews of the Program;

(C) communications with, and participation of, individuals and entities in the private sector related to the Program;

(D) interaction with the Foreign Intelligence Surveillance Court and transition to court orders related to the Program; and

(E) any other matters identified by any such Inspector General that would enable that Inspector General to report a complete description of the Program, with respect to such element.

(2) COOPERATION.—Each Inspector General required to conduct a review under paragraph (1) shall—

(A) work in conjunction, to the extent possible, with any other Inspector General required to conduct such a review; and

(B) utilize to the extent practicable, and not unnecessarily duplicate or delay, such reviews or audits that have been completed or are being undertaken by any such Inspector General or by any other office of the Executive Branch related to the Program.

(c) REPORTS.—

(1) PRELIMINARY REPORTS.—Not later than 60 days after the date of the enactment of this Act, the Inspectors General of the Office of the Director of National Intelligence, the Department of Justice, and the National Security Agency, in conjunction with any other Inspector General required to conduct a review under subsection (b)(1), shall submit to the appropriate committees of Congress an interim report that describes the planned scope of such review.

(2) FINAL REPORT.—Not later than 1 year after the date of the enactment of this Act, the Inspectors General required to conduct such a review shall submit to the appropriate committees of Congress, to the extent practicable, a comprehensive report on such reviews that includes any recommendations of any such Inspectors General within the oversight authority and responsibility of any such Inspector General with respect to the reviews.

(3) FORM.—A report submitted under this subsection shall be submitted in unclassified form, but may include a classified annex. The unclassified report shall not disclose the name or identity of any individual or entity of the private sector that participated in the Program or with whom there was communication about the Program.

(d) RESOURCES.—

(1) EXPEDITED SECURITY CLEARANCE.—The Director of National Intelligence shall ensure that the process for the investigation

and adjudication of an application by an Inspector General or any appropriate staff of an Inspector General for a security clearance necessary for the conduct of the review under subsection (b)(1) is carried out as expeditiously as possible.

(2) ADDITIONAL LEGAL AND OTHER PERSONNEL FOR THE INSPECTORS GENERAL.—An Inspector General required to conduct a review under subsection (b)(1) and submit a report under subsection (c) is authorized to hire such additional legal or other personnel as may be necessary to carry out such review and prepare such report in a prompt and timely manner. Personnel authorized to be hired under this paragraph—

(A) shall perform such duties relating to such a review as the relevant Inspector General shall direct; and

(B) are in addition to any other personnel authorized by law.

SA 3930. Mr. CARDIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, line 16, strike "2013." and insert the following: "2011. Notwithstanding any other provision of this Act, the transitional procedures under paragraphs (2)(B) and (3)(B) of section 302(c) shall apply to any order, authorization, or directive, as the case may be, issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by this Act, in effect on December 31, 2011.".

SA 3931. Mr. KENNEDY (for himself, Mr. KERRY, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 13, strike "and" and all that follows through page 8, line 3, and insert the following:

"(4) shall not intentionally acquire any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States; and

"(5) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States.

"(c) CONDUCT OF ACQUISITION.—An acquisition authorized under subsection (a) may be conducted only in accordance with—

"(1) a certification made by the Attorney General and the Director of National Intelligence pursuant to subsection (f); and

"(2) the targeting and minimization procedures required pursuant to subsections (d) and (e).

"(d) TARGETING PROCEDURES.—

"(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt targeting procedures that are reasonably designed to ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

"(2) JUDICIAL REVIEW.—The procedures referred to in paragraph (1) shall be subject to judicial review pursuant to subsection (h).

"(e) MINIMIZATION PROCEDURES.—

"(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt, consistent with the requirements of section 101(h) or section 301(4), minimization procedures for acquisitions authorized under subsection (a).

"(2) PERSONS IN THE UNITED STATES.—The minimization procedures required by this subsection shall require the destruction, upon recognition, of any communication as to which the sender and all intended recipients are known to be located in the United States, a person has a reasonable expectation of privacy, and a warrant would be required for law enforcement purposes, unless the Attorney General determines that the communication indicates a threat of death or serious bodily harm to any person.

"(3) JUDICIAL REVIEW.—The minimization procedures required by this subsection shall be subject to judicial review pursuant to subsection (h).

"(f) CERTIFICATION.—

"(1) IN GENERAL.—

"(A) REQUIREMENT.—

"(i) IN GENERAL.—Subject to subparagraph (B), prior to the initiation of an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence shall provide, under oath, a written certification, as described in this subsection.

"(ii) PROCEDURES.—A certification made under this subsection shall attest that there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States, and that such procedures have been approved by, or will promptly be submitted for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h).

SA 3932. Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, strike line 10 through line 12, and insert the following:

"(ii) or, if the Government appeals an order under this section, until the Court of Review enters an order under subsection (C).

"(C) IMPLEMENTATION PENDING APPEAL.—No later than 30 days after an appeal to it of an order under paragraph (5)(B) directing the correction of a deficiency, the Court of Review shall determine, and enter a corresponding order, whether all or any part of the correction order, as issued or modified, shall be implemented during the pendency of the appeal.".

On page 21, line 14, strike "(C)" and insert "(D)".

SA 3933. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 24, strike line 20 and all that following through page 48, line 3, and insert the following:

SEC. 704. ACQUISITION INSIDE THE UNITED STATES OF UNITED STATES PERSONS OUTSIDE THE UNITED STATES.—An acquisition authorized under subsection (a) that occurs inside the United States and—

"(A) constitutes electronic surveillance (regardless of the limitation in section 701(a)), or

"(B) is an acquisition of stored electronic communications or stored electronic data that otherwise requires a court order under this Act,

may not intentionally target a United States person reasonably believed to be outside the United States, except in accordance with title I or III. For the purposes of an acquisition under this subsection, the term 'agent of a foreign power' as used in those titles shall include a person who is an officer or employee of a foreign power.

SEC. 705. OTHER ACQUISITION OF UNITED STATES PERSONS OUTSIDE THE UNITED STATES.—

"(A) JURISDICTION AND SCOPE.—

"(i) JURISDICTION.—The Foreign Intelligence Surveillance Court shall have jurisdiction to enter an order pursuant to subparagraph (C).

"(ii) SCOPE.—No element of the intelligence community may intentionally target, for the purpose of acquiring foreign intelligence information, a United States person reasonably believed to be located outside the United States under circumstances in which the targeted United States person has a reasonable expectation of privacy and a warrant would be required if the acquisition were conducted inside the United States for law enforcement purposes, unless a judge of the Foreign Intelligence Surveillance Court has entered an order or the Attorney General has authorized an emergency acquisition pursuant to subparagraphs (C) or (D) or any other provision of this Act.

"(iii) LIMITATIONS.—

"(I) MOVING OR MISIDENTIFIED TARGETS.—In the event that the targeted United States person is reasonably believed to be in the United States during the pendency of an order issued pursuant to subparagraph (C), such acquisition shall cease until authority is obtained pursuant to this Act or the targeted United States person is again reasonably believed to be located outside the United States during the pendency of an order issued pursuant to subparagraph (C).

"(II) APPLICABILITY.—If the acquisition could be authorized under paragraph (1), the procedures of paragraph (1) shall apply, unless an order or emergency acquisition authority has been obtained under a provision of this Act other than under this section.

"(B) APPLICATION.—Each application for an order under this paragraph shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subparagraph (A)(i). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application as set forth in this section and shall include—

"(i) the identity, if known, or a description of the specific United States person who is the target of the acquisition;

"(ii) a statement of the facts and circumstances relied upon to justify the applicant's belief that the target of the acquisition is—

"(I) a United States person reasonably believed to be located outside the United States; and

"(II) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power who is reasonably believed to have access to foreign intelligence information;

"(iii) a certification or certifications by the Assistant to the President for National Security Affairs or an executive branch official or officials designated by the President from among those executive officers employed in the area of national security or defense and appointed by the President with the advice and consent of the Senate—

"(I) that the certifying official deems the information sought to be foreign intelligence information; and

"(II) that a significant purpose of the acquisition is to obtain foreign intelligence information;

"(III) that designates the type of foreign intelligence information being sought according to the categories described in section 101(e); and

"(IV) including a statement of the basis for the certification that the information sought is the type of foreign intelligence information designated;

"(iv) a statement of the proposed minimization procedures consistent with the requirements of section 101(h) or section 301(4);

"(v) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

"(vi) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

"(C) ORDER.—

"(i) FINDINGS.—If, upon an application made pursuant to subparagraph (B), a judge having jurisdiction under subparagraph (A)(i) finds that—

"(I) on the basis of the facts submitted by the applicant there is probable cause to believe that the specified target of the acquisition is—

"(aa) a person reasonably believed to be located outside the United States; and

(bb) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power who is reasonably believed to have access to foreign intelligence information;

"(II) the proposed minimization procedures, with respect to their dissemination provisions, meet the definition of minimization procedures under section 101(h) or section 301(4);

"(III) the certification or certifications required by subparagraph (B) are not clearly erroneous on the basis of the statement made under subparagraph (B)(iii)(IV),

the Court shall issue an ex parte order so stating.

"(ii) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of an order under clause (i)(I), a judge having jurisdiction under subsection (A)(i) may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target. However, no United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

"(iii) REVIEW.—

"(I) LIMITATIONS ON REVIEW.—Review by a judge having jurisdiction under subparagraph (A)(i) shall be limited to that required to make the findings described in clause (i). The judge shall not have jurisdiction to review the means by which an acquisition under this section may be conducted.

"(II) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subparagraph (B) are insufficient to establish probable cause to issue an order under this subsection, the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subparagraph (E).

"(III) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the minimization procedures applicable to dissemination of information obtained through an acquisition under this subsection do not meet the definition of minimization procedures under section 101(h) or section 301(4), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subparagraph (E).

"(iv) DURATION.—An order under this paragraph shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subparagraph (B).

"(v) COMPLIANCE.—At, or prior to, the end of the period of time for which an order or extension is approved under this paragraph, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was disseminated, provided that the judge may not inquire into the circumstances relating to the conduct of the acquisition.

"(D) EMERGENCY AUTHORIZATION.—

"(i) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision in this subsection, if the Attorney General reasonably determines that—

"(I) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subparagraph (C) before an order under that subsection may, with due diligence, be obtained; and

"(II) the factual basis for issuance of an order under this section exists,

the Attorney General may authorize the emergency acquisition if a judge having jurisdiction under subparagraph (A)(i) is informed by the Attorney General or a designee of the Attorney General at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this subsection is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 168 hours after the Attorney General authorizes such acquisition.

"(ii) MINIMIZATION PROCEDURES.—If the Attorney General authorizes such emergency acquisition, the Attorney General shall require that the minimization procedures required by this subparagraph be followed.

"(iii) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of an order under subparagraph (C), the acquisition shall terminate when the information sought is obtained, if the application for the order is denied, or after the expiration of 168 hours from the time of authorization by the Attorney General, whichever is earliest.

"(iv) USE OF INFORMATION.—In the event that such application is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person during the pendency of the 168-hour emergency acquisition period, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(E) APPEAL.—

"(i) APPEAL TO THE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subparagraph (C). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this paragraph.

"(ii) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under clause (i). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"(F) JOINT APPLICATIONS AND ORDERS.—If an acquisition targeting a United States person under paragraph 1 or this paragraph is proposed to be conducted both inside and outside the United States, a judge having jurisdiction under subparagraph (A) and section 103(a) may issue simultaneously, upon the request of the Government in a joint application complying with the requirements of subparagraph (B) and section 104 or 303, orders authorizing the proposed acquisition under subparagraph (B) and section 105 or 304, as applicable.

"(G) CONCURRENT AUTHORIZATION.—If an order authorizing electronic surveillance or physical search has been obtained under section 105 or 304 and that order is in effect, the Attorney General may authorize, during the pendency of such order and without an order under this paragraph, an acquisition under this paragraph of foreign intelligence information targeting that United States person while such person is reasonably believed to be located outside the United States. Prior to issuing such an authorization, the Attorney General shall submit dissemination provisions of minimization procedures for such an acquisition to a judge having jurisdiction under subparagraph (A) for approval.

SA 3934. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to

amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike title I and insert the following:

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

SEC. 101. ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by striking title VII; and

(2) by adding after title VI the following new title:

"TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES

"SEC. 701. LIMITATION ON DEFINITION OF ELECTRONIC SURVEILLANCE.

"Nothing in the definition of electronic surveillance under section 101(f) shall be construed to encompass surveillance that is targeted in accordance with this title at a person reasonably believed to be located outside the United States.

"SEC. 702. DEFINITIONS.

"(a) IN GENERAL.—The terms 'agent of a foreign power', 'Attorney General', 'contents', 'electronic surveillance', 'foreign intelligence information', 'foreign power', 'minimization procedures', 'person', 'United States', and 'United States person' shall have the meanings given such terms in section 101, except as specifically provided in this title.

"(b) ADDITIONAL DEFINITIONS.—

"(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term 'congressional intelligence committees' means—

"(A) the Select Committee on Intelligence of the Senate; and

"(B) the Permanent Select Committee on Intelligence of the House of Representatives.

"(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The terms 'Foreign Intelligence Surveillance Court' and 'Court' mean the court established by section 103(a).

"(3) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The terms 'Foreign Intelligence Surveillance Court of Review' and 'Court of Review' mean the court established by section 103(b).

"(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—

"(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

"(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

"(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

"(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored; or

"(E) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), or (D).

"(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term 'element of the intelligence community' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

"SEC. 703. PROCEDURES FOR TARGETING CERTAIN PERSONS OUTSIDE THE UNITED STATES OTHER THAN UNITED STATES PERSONS.

"(a) AUTHORIZATION.—Notwithstanding any other law, the Attorney General and the Director of National Intelligence may authorize jointly, for periods of up to 1 year, the targeting of persons reasonably believed to be located outside the United States to acquire foreign intelligence information.

"(b) LIMITATIONS.—An acquisition authorized under subsection (a)—

"(1) may not intentionally target any person known at the time of acquisition to be located in the United States;

"(2) may not intentionally target a person reasonably believed to be located outside the United States if the purpose of such acquisition is to target a particular, known person reasonably believed to be in the United States, except in accordance with title I or title III;

"(3) may not intentionally target a United States person reasonably believed to be located outside the United States, except in accordance with sections 704, 705, or 706; and

"(4) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States.

"(c) CONDUCT OF ACQUISITION.—An acquisition authorized under subsection (a) may be conducted only in accordance with—

"(1) a certification made by the Attorney General and the Director of National Intelligence pursuant to subsection (f); and

"(2) the targeting and minimization procedures required pursuant to subsections (d) and (e).

"(d) TARGETING PROCEDURES.—

"(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt targeting procedures that are reasonably designed to ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States.

"(2) JUDICIAL REVIEW.—The procedures referred to in paragraph (1) shall be subject to judicial review pursuant to subsection (h).

"(e) MINIMIZATION PROCEDURES.—

"(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt, consistent with the requirements of section 101(h) or section 301(4), minimization procedures for acquisitions authorized under subsection (a).

"(2) JUDICIAL REVIEW.—The minimization procedures required by this subsection shall be subject to judicial review pursuant to subsection (h).

"(f) CERTIFICATION.—

"(1) IN GENERAL.—

"(A) REQUIREMENT.—Subject to subparagraph (B), prior to the initiation of an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence shall provide, under oath, a written certification, as described in this subsection.

"(B) EXCEPTION.—If the Attorney General and the Director of National Intelligence determine that immediate action by the Government is required and time does not permit the preparation of a certification under this subsection prior to the initiation of an acquisition, the Attorney General and the Director of National Intelligence shall prepare such certification, including such determination, as soon as possible but in no event more than 168 hours after such determination is made.

"(2) REQUIREMENTS.—A certification made under this subsection shall—

"(A) attest that—

"(i) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) is targeted at persons reasonably believed to be located outside the United States and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

"(ii) the procedures referred to in clause (i) are consistent with the requirements of the fourth amendment to the Constitution of the United States and do not permit the intentional targeting of any person who is known at the time of acquisition to be located in the United States;

"(iii) a significant purpose of the acquisition is to obtain foreign intelligence information;

"(iv) the minimization procedures to be used with respect to such acquisition—

"(I) meet the definition of minimization procedures under section 101(h) or section 301(4); and

"(II) have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

"(v) the acquisition involves obtaining the foreign intelligence information from or with the assistance of an electronic communication service provider; and

"(vi) the acquisition does not constitute electronic surveillance, as limited by section 701; and

"(B) be supported, as appropriate, by the affidavit of any appropriate official in the area of national security who is—

"(i) appointed by the President, by and with the consent of the Senate; or

"(ii) the head of any element of the intelligence community.

"(3) LIMITATION.—A certification made under this subsection is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under subsection (a) will be directed or conducted.

"(4) SUBMISSION TO THE COURT.—The Attorney General shall transmit a copy of a certification made under this subsection, and any supporting affidavit, under seal to the Foreign Intelligence Surveillance Court as soon as possible, but in no event more than 5 days after such certification is made. Such certification shall be maintained under security measures adopted by the Chief Justice of the United States and the Attorney General, in consultation with the Director of National Intelligence.

"(5) REVIEW.—The certification required by this subsection shall be subject to judicial review pursuant to subsection (h).

"(g) DIRECTIVES AND JUDICIAL REVIEW OF DIRECTIVES.—

"(1) AUTHORITY.—With respect to an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence may direct, in writing, an electronic communication service provider to—

"(A) immediately provide the Government with all information, facilities, or assistance necessary to accomplish the acquisition in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target; and

"(B) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain.

“(2) COMPENSATION.—The Government shall compensate, at the prevailing rate, an electronic communication service provider for providing information, facilities, or assistance pursuant to paragraph (1).

“(3) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with a directive issued pursuant to paragraph (1).

“(4) CHALLENGING OF DIRECTIVES.—

“(A) AUTHORITY TO CHALLENGE.—An electronic communication service provider receiving a directive issued pursuant to paragraph (1) may challenge the directive by filing a petition with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such a petition.

“(B) ASSIGNMENT.—The presiding judge of the Court shall assign the petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

“(C) STANDARDS FOR REVIEW.—A judge considering a petition to modify or set aside a directive may grant such petition only if the judge finds that the directive does not meet the requirements of this section or is otherwise unlawful. If the judge does not modify or set aside the directive, the judge shall immediately affirm such directive, and order the recipient to comply with the directive. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

“(D) CONTINUED EFFECT.—Any directive not explicitly modified or set aside under this paragraph shall remain in full effect.

“(E) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

“(5) ENFORCEMENT OF DIRECTIVES.—

“(A) ORDER TO COMPEL.—In the case of a failure to comply with a directive issued pursuant to paragraph (1), the Attorney General may file a petition for an order to compel compliance with the directive with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such a petition.

“(B) ASSIGNMENT.—The presiding judge of the Court shall assign a petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

“(C) STANDARDS FOR REVIEW.—A judge considering a petition shall issue an order requiring the electronic communication service provider to comply with the directive if the judge finds that the directive was issued in accordance with paragraph (1), meets the requirements of this section, and is otherwise lawful. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

“(D) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

“(E) PROCESS.—Any process under this paragraph may be served in any judicial district in which the electronic communication service provider may be found.

“(6) APPEAL.—

“(A) APPEAL TO THE COURT OF REVIEW.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition with the Foreign Intelligence Surveillance Court of Review for review of the decision issued pursuant to paragraph (4) or (5) not later than 7 days after the issuance of such decision. The Court of Review shall have jurisdiction to consider such a petition and shall provide a written statement for the record of the reasons for a decision under this paragraph.

“(B) CERTIORARI TO THE SUPREME COURT.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

“(h) JUDICIAL REVIEW OF CERTIFICATIONS AND PROCEDURES.—

“(1) IN GENERAL.—

“(A) REVIEW BY THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Foreign Intelligence Surveillance Court shall have jurisdiction to review any certification required by subsection (c) and the targeting and minimization procedures adopted pursuant to subsections (d) and (e).

“(B) SUBMISSION TO THE COURT.—The Attorney General shall submit to the Court any such certification or procedure, or amendment thereto, not later than 5 days after making or amending the certification or adopting or amending the procedures.

“(2) CERTIFICATIONS.—The Court shall review a certification provided under subsection (f) to determine whether the certification contains all the required elements.

“(3) TARGETING PROCEDURES.—The Court shall review the targeting procedures required by subsection (d) to assess whether the procedures are reasonably designed to ensure that the acquisition authorized under subsection (a) is limited to the targeting of persons reasonably believed to be located outside the United States.

“(4) MINIMIZATION PROCEDURES.—The Court shall review the minimization procedures required by subsection (e) to assess whether such procedures meet the definition of minimization procedures under section 101(h) or section 301(4).

“(5) ORDERS.—

“(A) APPROVAL.—If the Court finds that a certification required by subsection (f) contains all of the required elements and that the targeting and minimization procedures required by subsections (d) and (e) are consistent with the requirements of those subsections and with the fourth amendment to the Constitution of the United States, the Court shall enter an order approving the continued use of the procedures for the acquisition authorized under subsection (a).

“(B) CORRECTION OF DEFICIENCIES.—If the Court finds that a certification required by subsection (f) does not contain all of the required elements, or that the procedures required by subsections (d) and (e) are not consistent with the requirements of those subsections or the fourth amendment to the Constitution of the United States, the Court shall issue an order directing the Government to, at the Government's election and to the extent required by the Court's order—

“(i) correct any deficiency identified by the Court's order not later than 30 days after the date the Court issues the order; or

“(ii) cease the acquisition authorized under subsection (a).

“(C) REQUIREMENT FOR WRITTEN STATEMENT.—In support of its orders under this subsection, the Court shall provide, simultaneously with the orders, for the record a written statement of its reasons.

“(6) APPEAL.—

“(A) APPEAL TO THE COURT OF REVIEW.—The Government may appeal any order under this section to the Foreign Intelligence Surveillance Court of Review, which shall have jurisdiction to review such order. For any decision affirming, reversing, or modifying an order of the Foreign Intelligence Surveillance Court, the Court of Review shall provide for the record a written statement of its reasons.

“(B) CONTINUATION OF ACQUISITION PENDING REHEARING OR APPEAL.—Any acquisitions affected by an order under paragraph (5)(B) may continue—

“(i) during the pendency of any rehearing of the order by the Court en banc; and

“(ii) or, if the Government appeals an order under this section, until the Court of Review enters an order under subparagraph (C).

“(C) IMPLEMENTATION PENDING APPEAL.—No later than 30 days after an appeal to it of an order under paragraph (5)(B) directing the correction of a deficiency, the Court of Review shall determine, and enter a corresponding order, whether all or any part of the correction order, as issued or modified, shall be implemented during the pendency of the appeal.

“(D) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of a decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

“(i) EXPEDITED JUDICIAL PROCEEDINGS.—Judicial proceedings under this section shall be conducted as expeditiously as possible.

“(j) MAINTENANCE AND SECURITY OF RECORDS AND PROCEEDINGS.—

“(1) STANDARDS.—A record of a proceeding under this section, including petitions filed, orders granted, and statements of reasons for decision, shall be maintained under security measures adopted by the Chief Justice of the United States, in consultation with the Attorney General and the Director of National Intelligence.

“(2) FILING AND REVIEW.—All petitions under this section shall be filed under seal. In any proceedings under this section, the court shall, upon request of the Government, review ex parte and in camera any Government submission, or portions of a submission, which may include classified information.

“(3) RETENTION OF RECORDS.—A directive made or an order granted under this section shall be retained for a period of not less than 10 years from the date on which such directive or such order is made.

“(k) ASSESSMENTS AND REVIEWS.—

“(1) SEMIANNUAL ASSESSMENT.—Not less frequently than once every 6 months, the Attorney General and Director of National Intelligence shall assess compliance with the targeting and minimization procedures required by subsections (e) and (f) and shall submit each such assessment to—

“(A) the Foreign Intelligence Surveillance Court; and

“(B) the congressional intelligence committees.

“(2) AGENCY ASSESSMENT.—The Inspectors General of the Department of Justice and of any element of the intelligence community authorized to acquire foreign intelligence information under subsection (a) with respect to their department, agency, or element—

"(A) are authorized to review the compliance with the targeting and minimization procedures required by subsections (d) and (e);

"(B) with respect to acquisitions authorized under subsection (a), shall review the number of disseminated intelligence reports containing a reference to a United States person identity and the number of United States person identities subsequently disseminated by the element concerned in response to requests for identities that were not referred to by name or title in the original reporting;

"(C) with respect to acquisitions authorized under subsection (a), shall review the number of targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed; and

"(D) shall provide each such review to—

"(i) the Attorney General;

"(ii) the Director of National Intelligence; and

"(iii) the congressional intelligence committees.

"(3) ANNUAL REVIEW.—

"(A) REQUIREMENT TO CONDUCT.—The head of an element of the intelligence community conducting an acquisition authorized under subsection (a) shall direct the element to conduct an annual review to determine whether there is reason to believe that foreign intelligence information has been or will be obtained from the acquisition. The annual review shall provide, with respect to such acquisitions authorized under subsection (a)—

"(i) an accounting of the number of disseminated intelligence reports containing a reference to a United States person identity;

"(ii) an accounting of the number of United States person identities subsequently disseminated by that element in response to requests for identities that were not referred to by name or title in the original reporting;

"(iii) the number of targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed; and

"(iv) a description of any procedures developed by the head of an element of the intelligence community and approved by the Director of National Intelligence to assess, in a manner consistent with national security, operational requirements and the privacy interests of United States persons, the extent to which the acquisitions authorized under subsection (a) acquire the communications of United States persons, as well as the results of any such assessment.

"(B) USE OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall use each such review to evaluate the adequacy of the minimization procedures utilized by such element or the application of the minimization procedures to a particular acquisition authorized under subsection (a).

"(C) PROVISION OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall provide such review to—

"(i) the Foreign Intelligence Surveillance Court;

"(ii) the Attorney General;

"(iii) the Director of National Intelligence; and

"(iv) the congressional intelligence committees.

"SEC. 704. CERTAIN ACQUISITIONS INSIDE THE UNITED STATES OF UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

"(a) JURISDICTION OF THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—

"(1) IN GENERAL.—The Foreign Intelligence Surveillance Court shall have jurisdiction to enter an order approving the targeting of a United States person reasonably believed to be located outside the United States to acquire foreign intelligence information, if such acquisition constitutes electronic surveillance (as defined in section 101(f), regardless of the limitation of section 701) or the acquisition of stored electronic communications or stored electronic data that requires an order under this Act, and such acquisition is conducted within the United States.

"(2) LIMITATION.—In the event that a United States person targeted under this subsection is reasonably believed to be located in the United States during the pendency of an order issued pursuant to subsection (c), such acquisition shall cease until authority, other than under this section, is obtained pursuant to this Act or the targeted United States person is again reasonably believed to be located outside the United States during the pendency of an order issued pursuant to subsection (c).

"(b) APPLICATION.—

"(1) IN GENERAL.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application, as set forth in this section, and shall include—

"(A) the identity of the Federal officer making the application;

"(B) the identity, if known, or a description of the United States person who is the target of the acquisition;

"(C) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—

"(i) a person reasonably believed to be located outside the United States; and

"(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

"(D) a statement of the proposed minimization procedures consistent with the requirements of section 101(h) or section 301(4);

"(E) a description of the nature of the information sought and the type of communications or activities to be subjected to acquisition;

"(F) a certification made by the Attorney General or an official specified in section 104(a)(6) that—

"(i) the certifying official deems the information sought to be foreign intelligence information;

"(ii) a significant purpose of the acquisition is to obtain foreign intelligence information;

"(iii) such information cannot reasonably be obtained by normal investigative techniques;

"(iv) designates the type of foreign intelligence information being sought according to the categories described in section 101(e); and

"(v) includes a statement of the basis for the certification that—

"(I) the information sought is the type of foreign intelligence information designated; and

"(II) such information cannot reasonably be obtained by normal investigative techniques;

"(G) a summary statement of the means by which the acquisition will be conducted and whether physical entry is required to effect the acquisition;

"(H) the identity of any electronic communication service provider necessary to effect the acquisition, provided, however, that the application is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under this section will be directed or conducted;

"(I) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

"(J) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

"(2) OTHER REQUIREMENTS OF THE ATTORNEY GENERAL.—The Attorney General may require any other affidavit or certification from any other officer in connection with the application.

"(3) OTHER REQUIREMENTS OF THE JUDGE.—The judge may require the applicant to furnish such other information as may be necessary to make the findings required by subsection (c)(1).

"(c) ORDER.—

"(1) FINDINGS.—Upon an application made pursuant to subsection (b), the Foreign Intelligence Surveillance Court shall enter an ex parte order as requested or as modified approving the acquisition if the Court finds that—

"(A) the application has been made by a Federal officer and approved by the Attorney General;

"(B) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—

"(i) a person reasonably believed to be located outside the United States; and

"(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

"(C) the proposed minimization procedures meet the definition of minimization procedures under section 101(h) or section 301(4); and

"(D) the application which has been filed contains all statements and certifications required by subsection (b) and the certification or certifications are not clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3).

"(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of an order under paragraph (1), a judge having jurisdiction under subsection (a)(1) may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target. However, no United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

"(3) REVIEW.—

"(A) LIMITATION ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1).

"(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause to issue an order under paragraph (1), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

"(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the proposed minimization procedures required under paragraph (1)(C) do not meet the definition of minimization procedures under section 101(h) or section 301(4), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

"(D) REVIEW OF CERTIFICATION.—If the judge determines that an application required by subsection (2) does not contain all of the required elements, or that the certification or certifications are clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

"(4) SPECIFICATIONS.—An order approving an acquisition under this subsection shall specify—

"(A) the identity, if known, or a description of the United States person who is the target of the acquisition identified or described in the application pursuant to subsection (b)(1)(B);

"(B) if provided in the application pursuant to subsection (b)(1)(H), the nature and location of each of the facilities or places at which the acquisition will be directed;

"(C) the nature of the information sought to be acquired and the type of communications or activities to be subjected to acquisition;

"(D) the means by which the acquisition will be conducted and whether physical entry is required to effect the acquisition; and

"(E) the period of time during which the acquisition is approved.

"(5) DIRECTIONS.—An order approving acquisitions under this subsection shall direct—

"(A) that the minimization procedures be followed;

"(B) an electronic communication service provider to provide to the Government forthwith all information, facilities, or assistance necessary to accomplish the acquisition authorized under this subsection in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target;

"(C) an electronic communication service provider to maintain under security procedures approved by the Attorney General any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain; and

"(D) that the Government compensate, at the prevailing rate, such electronic communication service provider for providing such information, facilities, or assistance.

"(6) DURATION.—An order approved under this paragraph shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

"(7) COMPLIANCE.—At or prior to the end of the period of time for which an acquisition is approved by an order or extension under this section, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.

"(d) EMERGENCY AUTHORIZATION.—

"(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision of this Act, if the Attorney General reasonably determines that—

"(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order authorizing such acquisition can with due diligence be obtained; and

"(B) the factual basis for issuance of an order under this subsection to approve such acquisition exists,

the Attorney General may authorize the emergency acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General, or a designee of the Attorney General, at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this subsection is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 168 hours after the Attorney General authorizes such acquisition.

"(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes such emergency acquisition, the Attorney General shall require that the minimization procedures required by this subsection for the issuance of a judicial order be followed.

"(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of a judicial order approving such acquisition, the acquisition shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 168 hours from the time of authorization by the Attorney General, whichever is earliest.

"(4) USE OF INFORMATION.—In the event that such application for approval is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person during the pendency of the 168-hour emergency acquisition period, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(e) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with an order or request for emergency assistance issued pursuant to subsections (c) or (d).

"(f) APPEAL.—

"(1) APPEAL TO THE FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this paragraph.

"(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"SEC. 705. OTHER ACQUISITIONS TARGETING UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

"(a) JURISDICTION AND SCOPE.—

"(1) JURISDICTION.—The Foreign Intelligence Surveillance Court shall have jurisdiction to enter an order pursuant to subsection (c).

"(2) SCOPE.—No element of the intelligence community may intentionally target, for the purpose of acquiring foreign intelligence information, a United States person reasonably believed to be located outside the United States under circumstances in which the targeted United States person has a reasonable expectation of privacy and a warrant would be required if the acquisition were conducted inside the United States for law enforcement purposes, unless a judge of the Foreign Intelligence Surveillance Court has entered an order or the Attorney General has authorized an emergency acquisition pursuant to subsections (c) or (d) or any other provision of this Act.

"(3) LIMITATIONS.—

"(A) MOVING OR MISIDENTIFIED TARGETS.—In the event that the targeted United States person is reasonably believed to be in the United States during the pendency of an order issued pursuant to subsection (c), such acquisition shall cease until authority is obtained pursuant to this Act or the targeted United States person is again reasonably believed to be located outside the United States during the pendency of an order issued pursuant to subsection (c).

"(B) APPLICABILITY.—If the acquisition is to be conducted inside the United States and could be authorized under section 704, the procedures of section 704 shall apply, unless an order or emergency acquisition authority has been obtained under a provision of this Act other than under this section.

"(b) APPLICATION.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application as set forth in this section and shall include—

"(1) the identity, if known, or a description of the specific United States person who is the target of the acquisition;

"(2) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—

"(A) a person reasonably believed to be located outside the United States; and

"(B) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

"(3) a statement of the proposed minimization procedures consistent with the requirements of section 101(h) or section 301(4);

"(4) a certification made by the Attorney General, an official specified in section 104(a)(6), or the head of an element of the intelligence community that—

"(A) the certifying official deems the information sought to be foreign intelligence information; and

"(B) a significant purpose of the acquisition is to obtain foreign intelligence information;

"(5) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

"(6) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

"(c) ORDER.—

"(1) FINDINGS.—If, upon an application made pursuant to subsection (b), a judge having jurisdiction under subsection (a) finds that—

"(A) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—

"(i) a person reasonably believed to be located outside the United States; and

"(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

"(B) the proposed minimization procedures, with respect to their dissemination provisions, meet the definition of minimization procedures under section 101(h) or section 301(4); and

"(C) the application which has been filed contains all statements and certifications required by subsection (b) and the certification provided under subsection (b)(4) is not clearly erroneous on the basis of the information furnished under subsection (b),

the Court shall issue an ex parte order so stating.

"(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of an order under paragraph (1)(A), a judge having jurisdiction under subsection (a)(1) may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target. However, no United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

"(3) REVIEW.—

"(A) LIMITATIONS ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1). The judge shall not have jurisdiction to review the means by which an acquisition under this section may be conducted.

"(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause to issue an order under this subsection, the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

"(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the minimization procedures applicable to dissemination of information obtained through an acquisition under this subsection do not meet the definition of minimization procedures under section 101(h) or section 301(4), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

"(D) SCOPE OF REVIEW OF CERTIFICATION.—If the judge determines that the certification provided under subsection (b)(4) is clearly erroneous on the basis of the information furnished under subsection (b), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

"(4) DURATION.—An order under this paragraph shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

"(5) COMPLIANCE.—At or prior to the end of the period of time for which an order or extension is granted under this section, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was disseminated, provided that the judge may not inquire into the circumstances relating to the conduct of the acquisition.

"(d) EMERGENCY AUTHORIZATION.—

"(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision in this subsection, if the Attorney General reasonably determines that—

"(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order under that subsection may, with due diligence, be obtained; and

"(B) the factual basis for issuance of an order under this section exists,

the Attorney General may authorize the emergency acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General or a designee of the Attorney General at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this subsection is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 168 hours after the Attorney General authorizes such acquisition.

"(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes such emergency acquisition, the Attorney General shall require that the minimization procedures required by this subsection be followed.

"(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of an order under subsection (c), the acquisition shall terminate when the information sought is obtained, if the application for the order is denied, or after the expiration of 168 hours from the time of authorization by the Attorney General, whichever is earliest.

"(4) USE OF INFORMATION.—In the event that such application is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person during the pendency of the 168-hour emergency acquisition period, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(e) APPEAL.—

"(1) APPEAL TO THE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this paragraph.

"(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"SEC. 706. JOINT APPLICATIONS AND CONCURRENT AUTHORIZATIONS.

"(a) JOINT APPLICATIONS AND ORDERS.—If an acquisition targeting a United States person under section 704 or section 705 is proposed to be conducted both inside and outside the United States, a judge having jurisdiction under section 704(a)(1) or section 705(a)(1) may issue simultaneously, upon the request of the Government in a joint application complying with the requirements of section 704(b) or section 705(b), orders under section 704(b) or section 705(b), as applicable.

"(b) CONCURRENT AUTHORIZATION.—If an order authorizing electronic surveillance or physical search has been obtained under section 105 or section 304 and that order is still in effect, the Attorney General may authorize, without an order under section 704 or section 705, an acquisition of foreign intelligence information targeting that United States person while such person is reasonably believed to be located outside the United States.

"SEC. 707. USE OF INFORMATION ACQUIRED UNDER TITLE VII.

"(a) INFORMATION ACQUIRED UNDER SECTION 703.—Information acquired from an acquisition conducted under section 703 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106, except for the purposes of subsection (j) of such section.

"(b) INFORMATION ACQUIRED UNDER SECTION 704.—Information acquired from an acquisition conducted under section 704 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106.

"SEC. 708. CONGRESSIONAL OVERSIGHT.

"(a) SEMIANNUAL REPORT.—Not less frequently than once every 6 months, the Attorney General shall fully inform, in a manner consistent with national security, the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives, concerning the implementation of this title.

"(b) CONTENT.—Each report made under subparagraph (a) shall include—

"(1) with respect to section 703—

"(A) any certifications made under subsection 703(f) during the reporting period;

"(B) any directives issued under subsection 703(g) during the reporting period;

"(C) a description of the judicial review during the reporting period of any such certifications and targeting and minimization procedures utilized with respect to such acquisition, including a copy of any order or pleading in connection with such review that contains a significant legal interpretation of the provisions of this section;

"(D) any actions taken to challenge or enforce a directive under paragraphs (4) or (5) of section 703(g);

"(E) any compliance reviews conducted by the Department of Justice or the Office of the Director of National Intelligence of acquisitions authorized under subsection 703(a);

"(F) a description of any incidents of noncompliance with a directive issued by the Attorney General and the Director of National Intelligence under subsection 703(g), including—

"(i) incidents of noncompliance by an element of the intelligence community with procedures adopted pursuant to subsections (d) and (e) of section 703; and

"(ii) incidents of noncompliance by a specified person to whom the Attorney General and Director of National Intelligence issued a directive under subsection 703(g); and

"(G) any procedures implementing this section;

"(2) with respect to section 704—

"(A) the total number of applications made for orders under section 704(b);

"(B) the total number of such orders either granted, modified, or denied; and

"(C) the total number of emergency acquisitions authorized by the Attorney General under section 704(d) and the total number of subsequent orders approving or denying such acquisitions; and

"(3) with respect to section 705—

"(A) the total number of applications made for orders under 705(b);

"(B) the total number of such orders either granted, modified, or denied; and

"(C) the total number of emergency acquisitions authorized by the Attorney General under subsection 705(d) and the total number of subsequent orders approving or denying such applications.".

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et. seq.) is amended—

(1) by striking the item relating to title VII;

(2) by striking the item relating to section 701; and

(3) by adding at the end the following:

"TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES

"Sec. 701. Limitation on definition of electronic surveillance.
"Sec. 702. Definitions.
"Sec. 703. Procedures for targeting certain persons outside the United States other than United States persons.
"Sec. 704. Certain acquisitions inside the United States of United States persons outside the United States.
"Sec. 705. Other acquisitions targeting United States persons outside the United States.
"Sec. 706. Joint applications and concurrent authorizations.
"Sec. 707. Use of information acquired under title VII.
"Sec. 708. Congressional oversight.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 18, UNITED STATES CODE.—

(A) SECTION 2232.—Section 2232(e) of title 18, United States Code, is amended by inserting "(as defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978, regardless of the limitation of section 701 of that Act)" after "electronic surveillance".

(B) SECTION 2511.—Section 2511(2)(a)(ii)(A) of title 18, United States Code, is amended by inserting "or a court order pursuant to section 705 of the Foreign Intelligence Surveillance Act of 1978" after "assistance".

(2) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—

(A) SECTION 109.—Section 109 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809) is amended by adding at the end the following:

"(e) DEFINITION.—For the purpose of this section, the term 'electronic surveillance' means electronic surveillance as defined in section 101(f) of this Act regardless of the limitation of section 701 of this Act.".

(B) SECTION 110.—Section 110 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1810) is amended by—

(i) adding an "(a)" before "CIVIL ACTION",

(ii) redesignating subsections (a) through (c) as paragraphs (1) through (3), respectively; and

(iii) adding at the end the following:

"(b) DEFINITION.—For the purpose of this section, the term 'electronic surveillance' means electronic surveillance as defined in section 101(f) of this Act regardless of the limitation of section 701 of this Act.".

(C) SECTION 601.—Section 601(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(a)(1)) is amended by striking subparagraphs (C) and (D) and inserting the following:

"(C) pen registers under section 402;

"(D) access to records under section 501;

"(E) acquisitions under section 704; and

"(F) acquisitions under section 705;".

(d) TERMINATION OF AUTHORITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a)(2), (b), and (c) shall cease to have effect on December 31, 2011. Notwithstanding any other provision of this Act, the transitional procedures under paragraphs (2)(B) and (3)(B) of section 302(c) shall apply to any order, authorization, or directive, as the case may be, issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by this Act, in effect on December 31, 2011.

(2) CONTINUING APPLICABILITY.—Section 703(g)(3) of the Foreign Intelligence Surveillance Act of 1978 (as amended by subsection (a)) shall remain in effect with respect to any directive issued pursuant to section 703(g) of that Act (as so amended) during the period such directive was in effect. Section 704(e) of the Foreign Intelligence Surveillance Act of 1978 (as amended by subsection (a)) shall remain in effect with respect to an order or request for emergency assistance under that section. The use of information acquired by an acquisition conducted under section 703 of that Act (as so amended) shall continue to be governed by the provisions of section 707 of that Act (as so amended).

SEC. 102. STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF CERTAIN COMMUNICATIONS MAY BE CONDUCTED.

(a) STATEMENT OF EXCLUSIVE MEANS.—Title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following new section:

"STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF CERTAIN COMMUNICATIONS MAY BE CONDUCTED

"SEC. 112. (a) Except as provided in subsection (b), the procedures of chapters 119, 121 and 206 of title 18, United States Code, and this Act shall be the exclusive means by which electronic surveillance (as defined in section 101(f), regardless of the limitation of section 701) and the interception of domestic wire, oral, or electronic communications may be conducted.

"(b) Only an express statutory authorization for electronic surveillance or the interception of domestic, wire, oral, or electronic communications, other than as an amendment to this Act or chapters 119, 121, or 206 of title 18, United States Code, shall constitute an additional exclusive means for the purpose of subsection (a).".

(b) OFFENSE.—Section 109(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809(a)) is amended by striking "authorized by statute" each place it appears in such section and inserting "authorized by this Act, chapter 119, 121, or 206 of title 18, United States Code, or any express statutory authorization that is an additional exclusive means for conducting electronic surveillance under section 112".

(c) CONFORMING AMENDMENTS.—

(1) TITLE 18, UNITED STATES CODE.—Section 2511(2)(a) of title 18, United States Code, is amended by adding at the end the following:

"(iii) If a certification under subparagraph (ii)(B) for assistance to obtain foreign intelligence information is based on statutory authority, the certification shall identify the specific statutory provision, and shall certify that the statutory requirements have been met.".

(2) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding after the item relating to section 111, the following:

"Sec. 112. Statement of exclusive means by which electronic surveillance and interception of certain communications may be conducted.".

SEC. 103. SUBMITTAL TO CONGRESS OF CERTAIN COURT ORDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) INCLUSION OF CERTAIN ORDERS IN SEMIANNUAL REPORTS OF ATTORNEY GENERAL.—Subsection (a)(5) of section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by striking "(not including orders)" and inserting ", orders,".

(b) REPORTS BY ATTORNEY GENERAL ON CERTAIN OTHER ORDERS.—Such section 601, as amended by subsection (a), is further amended by adding at the end the following:

"(c) The Attorney General shall submit to the committees of Congress referred to in subsection (a) a copy of any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of any provision of this Act not later than 45 days after such decision, order, or opinion is issued.".

(c) DEFINITIONS.—Such section 601, as amended by subsections (a) and (b), is further amended by adding at the end the following:

"(d) DEFINITIONS.—In this section:

"(1) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The term 'Foreign Intelligence Surveillance Court' means the court established by section 103(a).

"(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The term 'Foreign Intelligence Surveillance Court of Review' means the court established by section 103(b).".

SEC. 104. APPLICATIONS FOR COURT ORDERS.

Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (2) and (11);

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively;

(C) in paragraph (5), as redesignated by subparagraph (B) of this paragraph, by striking "detailed";

(D) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking "Affairs or" and inserting "Affairs,"; and

(ii) by striking "Senate—" and inserting "Senate, or the Deputy Director of the Federal Bureau of Investigation, if designated by the President as a certifying official—";

(E) in paragraph (7), as redesignated by subparagraph (B) of this paragraph, by striking "statement of" and inserting "summary statement of";

(F) in paragraph (8), as redesignated by subparagraph (B) of this paragraph, by adding "and" at the end; and

(G) in paragraph (9), as redesignated by subparagraph (B) of this paragraph, by striking "; and" and inserting a period;

(2) by striking subsection (b);

(3) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively; and

(4) in paragraph (1)(A) of subsection (d), as redesignated by paragraph (3) of this subsection, by striking "or the Director of National Intelligence" and inserting "the Director of National Intelligence, or the Director of the Central Intelligence Agency".

SEC. 105. ISSUANCE OF AN ORDER.

Section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(2) in subsection (b), by striking "(a)(3)" and inserting "(a)(2)";

(3) in subsection (c)(1)—

(A) in subparagraph (D), by adding "and" at the end;

(B) in subparagraph (E), by striking "; and" and inserting a period; and

(C) by striking subparagraph (F);

(4) by striking subsection (d);

(5) by redesignating subsections (e) through (i) as subsections (d) through (h), respectively;

(6) by amending subsection (e), as redesignated by paragraph (5) of this section, to read as follows:

"(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of electronic surveillance if the Attorney General reasonably—

"(A) determines that an emergency situation exists with respect to the employment of electronic surveillance to obtain foreign intelligence information before an order authorizing such surveillance can with due diligence be obtained;

"(B) determines that the factual basis for issuance of an order under this title to approve such electronic surveillance exists;

"(C) informs, either personally or through a designee, a judge having jurisdiction under section 103 at the time of such authorization that the decision has been made to employ emergency electronic surveillance; and

"(D) makes an application in accordance with this title to a judge having jurisdiction under section 103 as soon as practicable, but not later than 168 hours after the Attorney General authorizes such surveillance.

"(2) If the Attorney General authorizes the emergency employment of electronic surveillance under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

"(3) In the absence of a judicial order approving such electronic surveillance, the surveillance shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 168 hours from the time of authorization by the Attorney General, whichever is earliest.

"(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

"(5) In the event that such application for approval is denied, or in any other case where the electronic surveillance is terminated and no order is issued approving the surveillance, no information obtained or evidence derived from such surveillance shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such surveillance shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(6) The Attorney General shall assess compliance with the requirements of paragraph (5)."; and

(7) by adding at the end the following:

"(i) In any case in which the Government makes an application to a judge under this title to conduct electronic surveillance involving communications and the judge grants such application, upon the request of the applicant, the judge shall also authorize the installation and use of pen registers and trap and trace devices, and direct the disclosure of the information set forth in section 402(d)(2).".

SEC. 106. USE OF INFORMATION.

Subsection (i) of section 106 of the Foreign Intelligence Surveillance Act of 1978 (8 U.S.C. 1806) is amended by striking "radio communication" and inserting "communication".

SEC. 107. AMENDMENTS FOR PHYSICAL SEARCHES.

(a) APPLICATIONS.—Section 303 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1823) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively;

(C) in paragraph (2), as redesignated by subparagraph (B) of this paragraph, by striking "detailed";

(D) in paragraph (3)(C), as redesignated by subparagraph (B) of this paragraph, by inserting "or is about to be" before "owned"; and

(E) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking "Affairs or" and inserting "Affairs,"; and

(ii) by striking "Senate—" and inserting "Senate, or the Deputy Director of the Federal Bureau of Investigation, if designated by the President as a certifying official—"; and

(2) in subsection (d)(1)(A), by striking "or the Director of National Intelligence" and inserting "the Director of National Intelligence, or the Director of the Central Intelligence Agency".

(b) ORDERS.—Section 304 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(2) by amending subsection (e) to read as follows:

"(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of a physical search if the Attorney General reasonably—

"(A) determines that an emergency situation exists with respect to the employment of a physical search to obtain foreign intelligence information before an order authorizing such physical search can with due diligence be obtained;

"(B) determines that the factual basis for issuance of an order under this title to approve such physical search exists;

"(C) informs, either personally or through a designee, a judge of the Foreign Intelligence Surveillance Court at the time of such authorization that the decision has been made to employ an emergency physical search; and

"(D) makes an application in accordance with this title to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 168 hours after the Attorney General authorizes such physical search.

"(2) If the Attorney General authorizes the emergency employment of a physical search under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

"(3) In the absence of a judicial order approving such physical search, the physical search shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 168 hours from the time of authorization by the Attorney General, whichever is earliest.

"(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

"(5)(A) In the event that such application for approval is denied, or in any other case where the physical search is terminated and no order is issued approving the physical search, no information obtained or evidence derived from such physical search shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such physical search shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(B) The Attorney General shall assess compliance with the requirements of subparagraph (A).".

(c) Conforming Amendments.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) in section 304(a)(4), as redesignated by subsection (b) of this section, by striking "303(a)(7)(E)" and inserting "303(a)(6)(E)"; and

(2) in section 305(k)(2), by striking "303(a)(7)" and inserting "303(a)(6)".

SEC. 108. AMENDMENTS FOR EMERGENCY PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(1) in subsection (a)(2), by striking "48 hours" and inserting "168 hours"; and

(2) in subsection (c)(1)(C), by striking "48 hours" and inserting "168 hours".

SEC. 109. FOREIGN INTELLIGENCE SURVEILLANCE COURT.

(a) Designation of Judges.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by inserting "at least" before "seven of the United States judicial circuits".

(b) En Banc Authority.—

(1) In general.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978, as amended by subsection (a) of this section, is further amended—

(A) by inserting "(1)" after "(a)"; and

(B) by adding at the end the following new paragraph:

"(2)(A) The court established under this subsection may, on its own initiative, or upon the request of the Government in any proceeding or a party under section 501(f) or paragraph (4) or (5) of section 703(h), hold a hearing or rehearing, en banc, when ordered by a majority of the judges that constitute such court upon a determination that—

"(i) en banc consideration is necessary to secure or maintain uniformity of the court's decisions; or

"(ii) the proceeding involves a question of exceptional importance.

"(B) Any authority granted by this Act to a judge of the court established under this subsection may be exercised by the court en banc. When exercising such authority, the court en banc shall comply with any requirements of this Act on the exercise of such authority.

"(C) For purposes of this paragraph, the court en banc shall consist of all judges who constitute the court established under this subsection.".

(2) Conforming amendments.—The Foreign Intelligence Surveillance Act of 1978 is further amended—

(A) in subsection (a) of section 103, as amended by this subsection, by inserting "(except when sitting en banc under paragraph (2))" after "no judge designated under this subsection"; and

(B) in section 302(c) (50 U.S.C. 1822(c)), by inserting "(except when sitting en banc)" after "except that no judge".

(c) Stay or Modification During an Appeal.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

"(f)(1) A judge of the court established under subsection (a), the court established under subsection (b) or a judge of that court, or the Supreme Court of the United States or a justice of that court, may, in accordance with the rules of their respective courts, enter a stay of an order or an order modifying an order of the court established under subsection (a) or the court established under subsection (b) entered under any title of this Act, while the court established under subsection (a) conducts a rehearing, while an appeal is pending to the court established under subsection (b), or while a petition of certiorari is pending in the Supreme Court of the United States, or during the pendency of any review by that court.

"(2) The authority described in paragraph (1) shall apply to an order entered under any provision of this Act.".

SEC. 110. TECHNICAL AND CONFORMING AMENDMENTS.

Section 103(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(e)) is amended—

(1) in paragraph (1), by striking "105B(h) or 501(f)(1)" and inserting "501(f)(1) or 703"; and

(2) in paragraph (2), by striking "105B(h) or 501(f)(1)" and inserting "501(f)(1) or 703".

SA 3935. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. Rockefeller (for himself and Mr. Bond) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike title I and insert the following:

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

SEC. 101. ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES.

(a) In General.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by striking title VII; and

(2) by adding after title VI the following new title:

"TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES

"SEC. 701. LIMITATION ON DEFINITION OF ELECTRONIC SURVEILLANCE.

"Nothing in the definition of electronic surveillance under section 101(f) shall be construed to encompass surveillance that is targeted in accordance with this title at a person reasonably believed to be located outside the United States.

"SEC. 702. DEFINITIONS.

"(a) In General.—The terms 'agent of a foreign power', 'Attorney General', 'contents', 'electronic surveillance', 'foreign intelligence information', 'foreign power', 'minimization procedures', 'person', 'United States', and 'United States person' shall have the meanings given such terms in section 101, except as specifically provided in this title.

"(b) Additional Definitions.—

"(1) Congressional intelligence committees.—The term 'congressional intelligence committees' means—

"(A) the Select Committee on Intelligence of the Senate; and

"(B) the Permanent Select Committee on Intelligence of the House of Representatives.

"(2) Foreign intelligence surveillance court; court.—The terms 'Foreign Intelligence Surveillance Court' and 'Court' mean the court established by section 103(a).

"(3) Foreign intelligence surveillance court of review; court of review.—The terms 'Foreign Intelligence Surveillance Court of Review' and 'Court of Review' mean the court established by section 103(b).

"(4) Electronic communication service provider.—The term 'electronic communication service provider' means—

"(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

"(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

"(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

"(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored; or

"(E) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), or (D).

"(5) Element of the intelligence community.—The term 'element of the intelligence community' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

"SEC. 703. PROCEDURES FOR TARGETING CERTAIN PERSONS OUTSIDE THE UNITED STATES OTHER THAN UNITED STATES PERSONS.

"(a) Authorization.—Notwithstanding any other law, the Attorney General and the Director of National Intelligence may authorize jointly, for periods of up to 1 year, the targeting of persons reasonably believed to be located outside the United States to acquire foreign intelligence information.

"(b) Limitations.—An acquisition authorized under subsection (a)—

"(1) may not intentionally target any person known at the time of acquisition to be located in the United States;

"(2) may not intentionally target a person reasonably believed to be located outside the United States if the purpose of such acquisition is to target a particular, known person reasonably believed to be in the United States, except in accordance with title I or title III;

"(3) may not intentionally target a United States person reasonably believed to be located outside the United States, except in accordance with sections 704, 705, or 706; and

"(4) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States.

"(c) Conduct of Acquisition.—An acquisition authorized under subsection (a) may be conducted only in accordance with—

"(1) a certification made by the Attorney General and the Director of National Intelligence pursuant to subsection (f); and

"(2) the targeting and minimization procedures required pursuant to subsections (d) and (e).

"(d) Targeting Procedures.—

"(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt targeting procedures that are reasonably designed to ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States.

"(2) JUDICIAL REVIEW.—The procedures referred to in paragraph (1) shall be subject to judicial review pursuant to subsection (h).

"(e) MINIMIZATION PROCEDURES.—

"(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt, consistent with the requirements of section 101(h) or section 301(4), minimization procedures for acquisitions authorized under subsection (a).

"(2) JUDICIAL REVIEW.—The minimization procedures required by this subsection shall be subject to judicial review pursuant to subsection (h).

"(f) CERTIFICATION.—

"(1) IN GENERAL.—

"(A) REQUIREMENT.—Subject to subparagraph (B), prior to the initiation of an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence shall provide, under oath, a written certification, as described in this subsection.

"(B) EXCEPTION.—If the Attorney General and the Director of National Intelligence determine that immediate action by the Government is required and time does not permit the preparation of a certification under this subsection prior to the initiation of an acquisition, the Attorney General and the Director of National Intelligence shall prepare such certification, including such determination, as soon as possible but in no event more than 168 hours after such determination is made.

"(2) REQUIREMENTS.—A certification made under this subsection shall—

"(A) attest that—

"(i) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) is targeted at persons reasonably believed to be located outside the United States and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

"(ii) the procedures referred to in clause (i) are consistent with the requirements of the fourth amendment to the Constitution of the United States and do not permit the intentional targeting of any person who is known at the time of acquisition to be located in the United States;

"(iii) a significant purpose of the acquisition is to obtain foreign intelligence information;

"(iv) the minimization procedures to be used with respect to such acquisition—

"(I) meet the definition of minimization procedures under section 101(h) or section 301(4); and

"(II) have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

"(v) the acquisition involves obtaining the foreign intelligence information from or with the assistance of an electronic communication service provider; and

"(vi) the acquisition does not constitute electronic surveillance, as limited by section 701; and

"(B) be supported, as appropriate, by the affidavit of any appropriate official in the area of national security who is—

"(i) appointed by the President, by and with the consent of the Senate; or

"(ii) the head of any element of the intelligence community.

"(3) LIMITATION.—A certification made under this subsection is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under subsection (a) will be directed or conducted.

"(4) SUBMISSION TO THE COURT.—The Attorney General shall transmit a copy of a certification made under this subsection, and any supporting affidavit, under seal to the Foreign Intelligence Surveillance Court as soon as possible, but in no event more than 5 days after such certification is made. Such certification shall be maintained under security measures adopted by the Chief Justice of the United States and the Attorney General, in consultation with the Director of National Intelligence.

"(5) REVIEW.—The certification required by this subsection shall be subject to judicial review pursuant to subsection (h).

"(g) DIRECTIVES AND JUDICIAL REVIEW OF DIRECTIVES.—

"(1) AUTHORITY.—With respect to an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence may direct, in writing, an electronic communication service provider to—

"(A) immediately provide the Government with all information, facilities, or assistance necessary to accomplish the acquisition in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target; and

"(B) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain.

"(2) COMPENSATION.—The Government shall compensate, at the prevailing rate, an electronic communication service provider for providing information, facilities, or assistance pursuant to paragraph (1).

"(3) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with a directive issued pursuant to paragraph (1).

"(4) CHALLENGING OF DIRECTIVES.—

"(A) AUTHORITY TO CHALLENGE.—An electronic communication service provider receiving a directive issued pursuant to paragraph (1) may challenge the directive by filing a petition with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such a petition.

"(B) ASSIGNMENT.—The presiding judge of the Court shall assign the petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

"(C) STANDARDS FOR REVIEW.—A judge considering a petition to modify or set aside a directive may grant such petition only if the judge finds that the directive does not meet the requirements of this section or is otherwise unlawful. If the judge does not modify or set aside the directive, the judge shall immediately affirm such directive, and order the recipient to comply with the directive. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

"(D) CONTINUED EFFECT.—Any directive not explicitly modified or set aside under this paragraph shall remain in full effect.

"(E) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

"(5) ENFORCEMENT OF DIRECTIVES.—

"(A) ORDER TO COMPEL.—In the case of a failure to comply with a directive issued pursuant to paragraph (1), the Attorney General may file a petition for an order to compel compliance with the directive with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such a petition.

"(B) ASSIGNMENT.—The presiding judge of the Court shall assign a petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

"(C) STANDARDS FOR REVIEW.—A judge considering a petition shall issue an order requiring the electronic communication service provider to comply with the directive if the judge finds that the directive was issued in accordance with paragraph (1), meets the requirements of this section, and is otherwise lawful. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

"(D) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

"(E) PROCESS.—Any process under this paragraph may be served in any judicial district in which the electronic communication service provider may be found.

"(6) APPEAL.—

"(A) APPEAL TO THE COURT OF REVIEW.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition with the Foreign Intelligence Surveillance Court of Review for review of the decision issued pursuant to paragraph (4) or (5) not later than 7 days after the issuance of such decision. The Court of Review shall have jurisdiction to consider such a petition and shall provide a written statement for the record of the reasons for a decision under this paragraph.

"(B) CERTIORARI TO THE SUPREME COURT.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"(h) JUDICIAL REVIEW OF CERTIFICATIONS AND PROCEDURES.—

"(1) IN GENERAL.—

"(A) REVIEW BY THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Foreign Intelligence Surveillance Court shall have jurisdiction to review any certification required by subsection (c) and the targeting and minimization procedures adopted pursuant to subsections (d) and (e).

"(B) SUBMISSION TO THE COURT.—The Attorney General shall submit to the Court any such certification or procedure, or amendment thereto, not later than 5 days after making or amending the certification or adopting or amending the procedures.

"(2) CERTIFICATIONS.—The Court shall review a certification provided under subsection (f) to determine whether the certification contains all the required elements.

"(3) TARGETING PROCEDURES.—The Court shall review the targeting procedures required by subsection (d) to assess whether the procedures are reasonably designed to ensure that the acquisition authorized under subsection (a) is limited to the targeting of persons reasonably believed to be located outside the United States.

"(4) MINIMIZATION PROCEDURES.—The Court shall review the minimization procedures required by subsection (e) to assess whether such procedures meet the definition of minimization procedures under section 101(h) or section 301(4).

"(5) ORDERS.—

"(A) APPROVAL.—If the Court finds that a certification required by subsection (f) contains all of the required elements and that the targeting and minimization procedures required by subsections (d) and (e) are consistent with the requirements of those subsections and with the fourth amendment to the Constitution of the United States, the Court shall enter an order approving the continued use of the procedures for the acquisition authorized under subsection (a).

"(B) CORRECTION OF DEFICIENCIES.—If the Court finds that a certification required by subsection (f) does not contain all of the required elements, or that the procedures required by subsections (d) and (e) are not consistent with the requirements of those subsections or the fourth amendment to the Constitution of the United States, the Court shall issue an order directing the Government to, at the Government's election and to the extent required by the Court's order—

"(i) correct any deficiency identified by the Court's order not later than 30 days after the date the Court issues the order; or

"(ii) cease the acquisition authorized under subsection (a).

"(C) REQUIREMENT FOR WRITTEN STATEMENT.—In support of its orders under this subsection, the Court shall provide, simultaneously with the orders, for the record a written statement of its reasons.

"(6) APPEAL.—

"(A) APPEAL TO THE COURT OF REVIEW.—The Government may appeal any order under this section to the Foreign Intelligence Surveillance Court of Review, which shall have jurisdiction to review such order. For any decision affirming, reversing, or modifying an order of the Foreign Intelligence Surveillance Court, the Court of Review shall provide for the record a written statement of its reasons.

"(B) CONTINUATION OF ACQUISITION PENDING REHEARING OR APPEAL.—Any acquisitions affected by an order under paragraph (5)(B) may continue—

"(i) during the pendency of any rehearing of the order by the Court en banc; and

"(ii) or, if the Government appeals an order under this section, until the Court of Review enters an order under subparagraph (C).

"(C) IMPLEMENTATION PENDING APPEAL.—No later than 30 days after an appeal to it of an order under paragraph (5)(B) directing the correction of a deficiency, the Court of Review shall determine, and enter a corresponding order, whether all or any part of the correction order, as issued or modified, shall be implemented during the pendency of the appeal.

"(D) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of a decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"(i) EXPEDITED JUDICIAL PROCEEDINGS.—Judicial proceedings under this section shall be conducted as expeditiously as possible.

"(j) MAINTENANCE AND SECURITY OF RECORDS AND PROCEEDINGS.—

"(1) STANDARDS.—A record of a proceeding under this section, including petitions filed, orders granted, and statements of reasons for decision, shall be maintained under security measures adopted by the Chief Justice of the United States, in consultation with the Attorney General and the Director of National Intelligence.

"(2) FILING AND REVIEW.—All petitions under this section shall be filed under seal. In any proceedings under this section, the court shall, upon request of the Government, review ex parte and in camera any Government submission, or portions of a submission, which may include classified information.

"(3) RETENTION OF RECORDS.—A directive made or an order granted under this section shall be retained for a period of not less than 10 years from the date on which such directive or such order is made.

"(k) ASSESSMENTS AND REVIEWS.—

"(1) SEMIANNUAL ASSESSMENT.—Not less frequently than once every 6 months, the Attorney General and Director of National Intelligence shall assess compliance with the targeting and minimization procedures required by subsections (e) and (f) and shall submit each such assessment to—

"(A) the Foreign Intelligence Surveillance Court; and

"(B) the congressional intelligence committees.

"(2) AGENCY ASSESSMENT.—The Inspectors General of the Department of Justice and of any element of the intelligence community authorized to acquire foreign intelligence information under subsection (a) with respect to their department, agency, or element—

"(A) are authorized to review the compliance with the targeting and minimization procedures required by subsections (d) and (e);

"(B) with respect to acquisitions authorized under subsection (a), shall review the number of disseminated intelligence reports containing a reference to a United States person identity and the number of United States person identities subsequently disseminated by the element concerned in response to requests for identities that were not referred to by name or title in the original reporting;

"(C) with respect to acquisitions authorized under subsection (a), shall review the number of targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed; and

"(D) shall provide each such review to—

"(i) the Attorney General;

"(ii) the Director of National Intelligence; and

"(iii) the congressional intelligence committees.

"(3) ANNUAL REVIEW.—

"(A) REQUIREMENT TO CONDUCT.—The head of an element of the intelligence community conducting an acquisition authorized under subsection (a) shall direct the element to conduct an annual review to determine whether there is reason to believe that foreign intelligence information has been or will be obtained from the acquisition. The annual review shall provide, with respect to such acquisitions authorized under subsection (a)—

"(i) an accounting of the number of disseminated intelligence reports containing a reference to a United States person identity;

"(ii) an accounting of the number of United States person identities subsequently disseminated by that element in response to requests for identities that were not referred to by name or title in the original reporting;

"(iii) the number of targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed; and

"(iv) a description of any procedures developed by the head of an element of the intelligence community and approved by the Director of National Intelligence to assess, in a manner consistent with national security, operational requirements and the privacy interests of United States persons, the extent to which the acquisitions authorized under subsection (a) acquire the communications of United States persons, as well as the results of any such assessment.

"(B) USE OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall use each such review to evaluate the adequacy of the minimization procedures utilized by such element or the application of the minimization procedures to a particular acquisition authorized under subsection (a).

"(C) PROVISION OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall provide such review to—

"(i) the Foreign Intelligence Surveillance Court;

"(ii) the Attorney General;

"(iii) the Director of National Intelligence; and

"(iv) the congressional intelligence committees.

"SEC. 704. CERTAIN ACQUISITIONS INSIDE THE UNITED STATES OF UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

"(a) JURISDICTION OF THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—

"(1) IN GENERAL.—The Foreign Intelligence Surveillance Court shall have jurisdiction to enter an order approving the targeting of a United States person reasonably believed to be located outside the United States to acquire foreign intelligence information, if such acquisition constitutes electronic surveillance (as defined in section 101(f), regardless of the limitation of section 701) or the acquisition of stored electronic communications or stored electronic data that requires an order under this Act, and such acquisition is conducted within the United States.

"(2) LIMITATION.—In the event that a United States person targeted under this subsection is reasonably believed to be located in the United States during the pendency of an order issued pursuant to subsection (c), such acquisition shall cease until authority, other than under this section, is obtained pursuant to this Act or the targeted United States person is again reasonably believed to be located outside the United States during the pendency of an order issued pursuant to subsection (c).

"(b) APPLICATION.—

"(1) IN GENERAL.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application, as set forth in this section, and shall include—

"(A) the identity of the Federal officer making the application;

"(B) the identity, if known, or a description of the United States person who is the target of the acquisition;

"(C) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—

"(i) a person reasonably believed to be located outside the United States; and

"(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

"(D) a statement of the proposed minimization procedures consistent with the requirements of section 101(h) or section 301(4);

"(E) a description of the nature of the information sought and the type of communications or activities to be subjected to acquisition;

"(F) a certification made by the Attorney General or an official specified in section 104(a)(6) that—

"(i) the certifying official deems the information sought to be foreign intelligence information;

"(ii) a significant purpose of the acquisition is to obtain foreign intelligence information;

"(iii) such information cannot reasonably be obtained by normal investigative techniques;

"(iv) designates the type of foreign intelligence information being sought according to the categories described in section 101(e); and

"(v) includes a statement of the basis for the certification that—

"(I) the information sought is the type of foreign intelligence information designated; and

"(II) such information cannot reasonably be obtained by normal investigative techniques;

"(G) a summary statement of the means by which the acquisition will be conducted and whether physical entry is required to effect the acquisition;

"(H) the identity of any electronic communication service provider necessary to effect the acquisition, provided, however, that the application is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under this section will be directed or conducted;

"(I) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

"(J) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

"(2) OTHER REQUIREMENTS OF THE ATTORNEY GENERAL.—The Attorney General may require any other affidavit or certification from any other officer in connection with the application.

"(3) OTHER REQUIREMENTS OF THE JUDGE.—The judge may require the applicant to furnish such other information as may be necessary to make the findings required by subsection (c)(1).

"(c) ORDER.—

"(1) FINDINGS.—Upon an application made pursuant to subsection (b), the Foreign Intelligence Surveillance Court shall enter an ex parte order as requested or as modified approving the acquisition if the Court finds that—

"(A) the application has been made by a Federal officer and approved by the Attorney General;

"(B) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—

"(i) a person reasonably believed to be located outside the United States; and

"(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

"(C) the proposed minimization procedures meet the definition of minimization procedures under section 101(h) or section 301(4); and

"(D) the application which has been filed contains all statements and certifications required by subsection (b) and the certification or certifications are not clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3).

"(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of an order under paragraph (1), a judge having jurisdiction under subsection (a)(1) may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target. However, no United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

"(3) REVIEW.—

"(A) LIMITATION ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1).

"(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause to issue an order under paragraph (1), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

"(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the proposed minimization procedures required under paragraph (1)(C) do not meet the definition of minimization procedures under section 101(h) or section 301(4), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

"(D) REVIEW OF CERTIFICATION.—If the judge determines that an application required by subsection (2) does not contain all of the required elements, or that the certification or certifications are clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

"(4) SPECIFICATIONS.—An order approving an acquisition under this subsection shall specify—

"(A) the identity, if known, or a description of the United States person who is the target of the acquisition identified or described in the application pursuant to subsection (b)(1)(B);

"(B) if provided in the application pursuant to subsection (b)(1)(H), the nature and location of each of the facilities or places at which the acquisition will be directed;

"(C) the nature of the information sought to be acquired and the type of communications or activities to be subjected to acquisition;

"(D) the means by which the acquisition will be conducted and whether physical entry is required to effect the acquisition; and

"(E) the period of time during which the acquisition is approved.

"(5) DIRECTIONS.—An order approving acquisitions under this subsection shall direct—

"(A) that the minimization procedures be followed;

"(B) an electronic communication service provider to provide to the Government forthwith all information, facilities, or assistance necessary to accomplish the acquisition authorized under this subsection in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target;

"(C) an electronic communication service provider to maintain under security procedures approved by the Attorney General any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain; and

"(D) that the Government compensate, at the prevailing rate, such electronic communication service provider for providing such information, facilities, or assistance.

"(6) DURATION.—An order approved under this paragraph shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

"(7) COMPLIANCE.—At or prior to the end of the period of time for which an acquisition is approved by an order or extension under this section, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.

"(d) EMERGENCY AUTHORIZATION.—

"(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision of this Act, if the Attorney General reasonably determines that—

"(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order authorizing such acquisition can with due diligence be obtained; and

"(B) the factual basis for issuance of an order under this subsection to approve such acquisition exists,

the Attorney General may authorize the emergency acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General, or a designee of the Attorney General, at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this subsection is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 168 hours after the Attorney General authorizes such acquisition.

"(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes such emergency acquisition, the Attorney General shall require that the minimization procedures required by this subsection for the issuance of a judicial order be followed.

“(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of a judicial order approving such acquisition, the acquisition shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 168 hours from the time of authorization by the Attorney General, whichever is earliest.

“(4) USE OF INFORMATION.—In the event that such application for approval is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person during the pendency of the 168-hour emergency acquisition period, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

“(e) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with an order or request for emergency assistance issued pursuant to subsections (c) or (d).

“(f) APPEAL.—

“(1) APPEAL TO THE FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this paragraph.

“(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

“SEC. 705. OTHER ACQUISITIONS TARGETING UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

“(a) JURISDICTION AND SCOPE.—

“(1) JURISDICTION.—The Foreign Intelligence Surveillance Court shall have jurisdiction to enter an order pursuant to subsection (c).

“(2) SCOPE.—No element of the intelligence community may intentionally target, for the purpose of acquiring foreign intelligence information, a United States person reasonably believed to be located outside the United States under circumstances in which the targeted United States person has a reasonable expectation of privacy and a warrant would be required if the acquisition were conducted inside the United States for law enforcement purposes, unless a judge of the Foreign Intelligence Surveillance Court has entered an order or the Attorney General has authorized an emergency acquisition pursuant to subsections (c) or (d) or any other provision of this Act.

“(3) LIMITATIONS.—

“(A) MOVING OR MISIDENTIFIED TARGETS.—In the event that the targeted United States person is reasonably believed to be in the United States during the pendency of an order issued pursuant to subsection (c), such acquisition shall cease until authority is obtained pursuant to this Act or the targeted United States person is again reasonably believed to be located outside the United States during the pendency of an order issued pursuant to subsection (c).

“(B) APPLICABILITY.—If the acquisition is to be conducted inside the United States and could be authorized under section 704, the procedures of section 704 shall apply, unless an order or emergency acquisition authority has been obtained under a provision of this Act other than under this section.

“(b) APPLICATION.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application as set forth in this section and shall include—

“(1) the identity, if known, or a description of the specific United States person who is the target of the acquisition;

“(2) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—

“(A) a person reasonably believed to be located outside the United States; and

“(B) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

“(3) a statement of the proposed minimization procedures consistent with the requirements of section 101(h) or section 301(4);

“(4) a certification made by the Attorney General, an official specified in section 104(a)(6), or the head of an element of the intelligence community that—

“(A) the certifying official deems the information sought to be foreign intelligence information; and

“(B) a significant purpose of the acquisition is to obtain foreign intelligence information;

“(5) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

“(6) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

“(c) ORDER.—

“(1) FINDINGS.—If, upon an application made pursuant to subsection (b), a judge having jurisdiction under subsection (a) finds that—

“(A) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—

“(i) a person reasonably believed to be located outside the United States; and

“(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

“(B) the proposed minimization procedures, with respect to their dissemination provisions, meet the definition of minimization procedures under section 101(h) or section 301(4); and

“(C) the application which has been filed contains all statements and certifications required by subsection (b) and the certification provided under subsection (b)(4) is not clearly erroneous on the basis of the information furnished under subsection (b),

the Court shall issue an ex parte order so stating.

“(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of an order under paragraph (1)(A), a judge having jurisdiction under subsection (a)(1) may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target. However, no United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

“(3) REVIEW.—

“(A) LIMITATIONS ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1). The judge shall not have jurisdiction to review the means by which an acquisition under this section may be conducted.

“(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause to issue an order under this subsection, the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

“(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the minimization procedures applicable to dissemination of information obtained through an acquisition under this subsection do not meet the definition of minimization procedures under section 101(h) or section 301(4), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

“(D) SCOPE OF REVIEW OF CERTIFICATION.—If the judge determines that the certification provided under subsection (b)(4) is clearly erroneous on the basis of the information furnished under subsection (b), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

“(4) DURATION.—An order under this paragraph shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

“(5) COMPLIANCE.—At or prior to the end of the period of time for which an order or extension is granted under this section, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was disseminated, provided that the judge may not inquire into the circumstances relating to the conduct of the acquisition.

“(d) EMERGENCY AUTHORIZATION.—

“(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision in this subsection, if the Attorney General reasonably determines that—

"(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order under that subsection may, with due diligence, be obtained; and

"(B) the factual basis for issuance of an order under this section exists,

the Attorney General may authorize the emergency acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General or a designee of the Attorney General at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this subsection is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 168 hours after the Attorney General authorizes such acquisition.

"(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes such emergency acquisition, the Attorney General shall require that the minimization procedures required by this subsection be followed.

"(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of an order under subsection (c), the acquisition shall terminate when the information sought is obtained, if the application for the order is denied, or after the expiration of 168 hours from the time of authorization by the Attorney General, whichever is earliest.

"(4) USE OF INFORMATION.—In the event that such application is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person during the pendency of the 168-hour emergency acquisition period, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(e) APPEAL.—

"(1) APPEAL TO THE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this paragraph.

"(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"SEC. 706. JOINT APPLICATIONS AND CONCURRENT AUTHORIZATIONS.

"(a) JOINT APPLICATIONS AND ORDERS.—If an acquisition targeting a United States person under section 704 or section 705 is proposed to be conducted both inside and outside the United States, a judge having jurisdiction under section 704(a)(1) or section 705(a)(1) may issue simultaneously, upon the request of the Government in a joint application complying with the requirements of section 704(b) or section 705(b), orders under section 704(b) or section 705(b), as applicable.

"(b) CONCURRENT AUTHORIZATION.—If an order authorizing electronic surveillance or physical search has been obtained under section 105 or section 304 and that order is still in effect, the Attorney General may authorize, without an order under section 704 or section 705, an acquisition of foreign intelligence information targeting that United States person while such person is reasonably believed to be located outside the United States.

"SEC. 707. USE OF INFORMATION ACQUIRED UNDER TITLE VII.

"(a) INFORMATION ACQUIRED UNDER SECTION 703.—Information acquired from an acquisition conducted under section 703 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106, except for the purposes of subsection (j) of such section.

"(b) INFORMATION ACQUIRED UNDER SECTION 704.—Information acquired from an acquisition conducted under section 704 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106.

"SEC. 708. CONGRESSIONAL OVERSIGHT.

"(a) SEMIANNUAL REPORT.—Not less frequently than once every 6 months, the Attorney General shall fully inform, in a manner consistent with national security, the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives, concerning the implementation of this title.

"(b) CONTENT.—Each report made under subparagraph (a) shall include—

"(1) with respect to section 703—

"(A) any certifications made under subsection 703(f) during the reporting period;

"(B) any directives issued under subsection 703(g) during the reporting period;

"(C) a description of the judicial review during the reporting period of any such certifications and targeting and minimization procedures utilized with respect to such acquisition, including a copy of any order or pleading in connection with such review that contains a significant legal interpretation of the provisions of this section;

"(D) any actions taken to challenge or enforce a directive under paragraphs (4) or (5) of section 703(g);

"(E) any compliance reviews conducted by the Department of Justice or the Office of the Director of National Intelligence of acquisitions authorized under subsection 703(a);

"(F) a description of any incidents of noncompliance with a directive issued by the Attorney General and the Director of National Intelligence under subsection 703(g), including—

"(i) incidents of noncompliance by an element of the intelligence community with procedures adopted pursuant to subsections (d) and (e) of section 703; and

"(ii) incidents of noncompliance by a specified person to whom the Attorney General and Director of National Intelligence issued a directive under subsection 703(g); and

"(G) any procedures implementing this section;

"(2) with respect to section 704—

"(A) the total number of applications made for orders under section 704(b);

"(B) the total number of such orders either granted, modified, or denied; and

"(C) the total number of emergency acquisitions authorized by the Attorney General under section 704(d) and the total number of subsequent orders approving or denying such acquisitions; and

"(3) with respect to section 705—

"(A) the total number of applications made for orders under 705(b);

"(B) the total number of such orders either granted, modified, or denied; and

"(C) the total number of emergency acquisitions authorized by the Attorney General under subsection 705(d) and the total number of subsequent orders approving or denying such applications.".

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et. seq.) is amended—

(1) by striking the item relating to title VII;

(2) by striking the item relating to section 701; and

(3) by adding at the end the following:

"TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES

"Sec. 701. Limitation on definition of electronic surveillance.
"Sec. 702. Definitions.
"Sec. 703. Procedures for targeting certain persons outside the United States other than United States persons.
"Sec. 704. Certain acquisitions inside the United States of United States persons outside the United States.
"Sec. 705. Other acquisitions targeting United States persons outside the United States.
"Sec. 706. Joint applications and concurrent authorizations.
"Sec. 707. Use of information acquired under title VII.
"Sec. 708. Congressional oversight.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 18, UNITED STATES CODE.—

(A) SECTION 2232.—Section 2232(e) of title 18, United States Code, is amended by inserting "(as defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978, regardless of the limitation of section 701 of that Act)" after "electronic surveillance".

(B) SECTION 2511.—Section 2511(2)(a)(ii)(A) of title 18, United States Code, is amended by inserting "or a court order pursuant to section 705 of the Foreign Intelligence Surveillance Act of 1978" after "assistance".

(2) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—

(A) SECTION 109.—Section 109 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809) is amended by adding at the end the following:

"(e) DEFINITION.—For the purpose of this section, the term 'electronic surveillance' means electronic surveillance as defined in section 101(f) of this Act regardless of the limitation of section 701 of this Act.".

(B) SECTION 110.—Section 110 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1810) is amended by—

(i) adding an "(a)" before "CIVIL ACTION",

(ii) redesignating subsections (a) through (c) as paragraphs (1) through (3), respectively; and

(iii) adding at the end the following:

"(b) DEFINITION.—For the purpose of this section, the term 'electronic surveillance' means electronic surveillance as defined in section 101(f) of this Act regardless of the limitation of section 701 of this Act.".

(C) SECTION 601.—Section 601(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(a)(1)) is amended by striking subparagraphs (C) and (D) and inserting the following:

"(C) pen registers under section 402;

"(D) access to records under section 501;

"(E) acquisitions under section 704; and

"(F) acquisitions under section 705;".

(d) TERMINATION OF AUTHORITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a)(2), (b), and (c) shall cease to have effect on December 31, 2011. Notwithstanding any other provision of this Act, the transitional procedures under paragraphs (2)(B) and (3)(B) of section 302(c) shall apply to any order, authorization, or directive, as the case may be, issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by this Act, in effect on December 31, 2011.

(2) CONTINUING APPLICABILITY.—Section 703(g)(3) of the Foreign Intelligence Surveillance Act of 1978 (as amended by subsection (a)) shall remain in effect with respect to any directive issued pursuant to section 703(g) of that Act (as so amended) during the period such directive was in effect. Section 704(e) of the Foreign Intelligence Surveillance Act of 1978 (as amended by subsection (a)) shall remain in effect with respect to an order or request for emergency assistance under that section. The use of information acquired by an acquisition conducted under section 703 of that Act (as so amended) shall continue to be governed by the provisions of section 707 of that Act (as so amended).

SEC. 102. STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF CERTAIN COMMUNICATIONS MAY BE CONDUCTED.

(a) STATEMENT OF EXCLUSIVE MEANS.—Title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following new section:

"STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF CERTAIN COMMUNICATIONS MAY BE CONDUCTED

"SEC. 112. (a) Except as provided in subsection (b), the procedures of chapters 119, 121 and 206 of title 18, United States Code, and this Act shall be the exclusive means by which electronic surveillance (as defined in section 101(f), regardless of the limitation of section 701) and the interception of domestic wire, oral, or electronic communications may be conducted.

"(b) Only an express statutory authorization for electronic surveillance or the interception of domestic, wire, oral, or electronic communications, other than as an amendment to this Act or chapters 119, 121, or 206 of title 18, United States Code, shall constitute an additional exclusive means for the purpose of subsection (a).".

(b) OFFENSE.—Section 109(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809(a)) is amended by striking "authorized by statute" each place it appears in such section and inserting "authorized by this Act, chapter 119, 121, or 206 of title 18, United States Code, or any express statutory authorization that is an additional exclusive means for conducting electronic surveillance under section 112".

(c) CONFORMING AMENDMENTS.—

(1) TITLE 18, UNITED STATES CODE.—Section 2511(2)(a) of title 18, United States Code, is amended by adding at the end the following:

"(iii) If a certification under subparagraph (ii)(B) for assistance to obtain foreign intelligence information is based on statutory authority, the certification shall identify the specific statutory provision, and shall certify that the statutory requirements have been met.".

(2) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding after the item relating to section 111, the following:

"Sec. 112. Statement of exclusive means by which electronic surveillance and interception of certain communications may be conducted.".

SEC. 103. SUBMITTAL TO CONGRESS OF CERTAIN COURT ORDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) INCLUSION OF CERTAIN ORDERS IN SEMIANNUAL REPORTS OF ATTORNEY GENERAL.—Subsection (a)(5) of section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by striking "(not including orders)" and inserting ", orders,".

(b) REPORTS BY ATTORNEY GENERAL ON CERTAIN OTHER ORDERS.—Such section 601 is further amended by adding at the end the following new subsection:

"(c) SUBMISSIONS TO CONGRESS.—The Attorney General shall submit to the committees of Congress referred to in subsection (a)—

"(1) a copy of any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of any provision of this Act, and any pleadings associated with such decision, order, or opinion, not later than 45 days after such decision, order, or opinion is issued; and

"(2) a copy of any such decision, order, or opinion, and the pleadings associated with such decision, order, or opinion, that was issued during the 5-year period ending on the date of the enactment of the FISA Amendments Act of 2008 and not previously submitted in a report under subsection (a).".

(c) DEFINITIONS.—Such section 601, as amended by subsections (a) and (b), is further amended by adding at the end the following:

"(d) DEFINITIONS.—In this section:

"(1) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The term "'Foreign Intelligence Surveillance Court'" means the court established by section 103(a).

"(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The term 'Foreign Intelligence Surveillance Court of Review' means the court established by section 103(b).".

SEC. 104. APPLICATIONS FOR COURT ORDERS.

Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (2) and (11);

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively;

(C) in paragraph (5), as redesignated by subparagraph (B) of this paragraph, by striking "detailed";

(D) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking "Affairs or" and inserting "Affairs,"; and

(ii) by striking "Senate—" and inserting "Senate, or the Deputy Director of the Federal Bureau of Investigation, if designated by the President as a certifying official—";

(E) in paragraph (7), as redesignated by subparagraph (B) of this paragraph, by striking "statement of" and inserting "summary statement of";

(F) in paragraph (8), as redesignated by subparagraph (B) of this paragraph, by adding "and" at the end; and

(G) in paragraph (9), as redesignated by subparagraph (B) of this paragraph, by striking "; and" and inserting a period;

(2) by striking subsection (b);

(3) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively; and

(4) in paragraph (1)(A) of subsection (d), as redesignated by paragraph (3) of this subsection, by striking "or the Director of National Intelligence" and inserting "the Director of National Intelligence, or the Director of the Central Intelligence Agency".

SEC. 105. ISSUANCE OF AN ORDER.

Section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(2) in subsection (b), by striking "(a)(3)" and inserting "(a)(2)";

(3) in subsection (c)(1)—

(A) in subparagraph (D), by adding "and" at the end;

(B) in subparagraph (E), by striking "; and" and inserting a period; and

(C) by striking subparagraph (F);

(4) by striking subsection (d);

(5) by redesignating subsections (e) through (i) as subsections (d) through (h), respectively;

(6) by amending subsection (e), as redesignated by paragraph (5) of this section, to read as follows:

"(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of electronic surveillance if the Attorney General reasonably—

"(A) determines that an emergency situation exists with respect to the employment of electronic surveillance to obtain foreign intelligence information before an order authorizing such surveillance can with due diligence be obtained;

"(B) determines that the factual basis for issuance of an order under this title to approve such electronic surveillance exists;

"(C) informs, either personally or through a designee, a judge having jurisdiction under section 103 at the time of such authorization that the decision has been made to employ emergency electronic surveillance; and

"(D) makes an application in accordance with this title to a judge having jurisdiction under section 103 as soon as practicable, but not later than 168 hours after the Attorney General authorizes such surveillance.

"(2) If the Attorney General authorizes the emergency employment of electronic surveillance under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

"(3) In the absence of a judicial order approving such electronic surveillance, the surveillance shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 168 hours from the time of authorization by the Attorney General, whichever is earliest.

"(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

"(5) In the event that such application for approval is denied, or in any other case where the electronic surveillance is terminated and no order is issued approving the surveillance, no information obtained or evidence derived from such surveillance shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such surveillance shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(6) The Attorney General shall assess compliance with the requirements of paragraph (5)."; and

(7) by adding at the end the following:

"(i) In any case in which the Government makes an application to a judge under this title to conduct electronic surveillance involving communications and the judge grants such application, upon the request of the applicant, the judge shall also authorize the installation and use of pen registers and trap and trace devices, and direct the disclosure of the information set forth in section 402(d)(2).".

SEC. 106. USE OF INFORMATION.

Subsection (i) of section 106 of the Foreign Intelligence Surveillance Act of 1978 (8 U.S.C. 1806) is amended by striking "radio communication" and inserting "communication".

SEC. 107. AMENDMENTS FOR PHYSICAL SEARCHES.

(a) APPLICATIONS.—Section 303 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1823) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively;

(C) in paragraph (2), as redesignated by subparagraph (B) of this paragraph, by striking "detailed";

(D) in paragraph (3)(C), as redesignated by subparagraph (B) of this paragraph, by inserting "or is about to be" before "owned"; and

(E) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking "Affairs or" and inserting "Affairs,"; and

(ii) by striking "Senate—" and inserting "Senate, or the Deputy Director of the Federal Bureau of Investigation, if designated by the President as a certifying official—"; and

(2) in subsection (d)(1)(A), by striking "or the Director of National Intelligence" and inserting "the Director of National Intelligence, or the Director of the Central Intelligence Agency".

(b) ORDERS.—Section 304 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(2) by amending subsection (e) to read as follows:

"(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of a physical search if the Attorney General reasonably—

"(A) determines that an emergency situation exists with respect to the employment of a physical search to obtain foreign intelligence information before an order authorizing such physical search can with due diligence be obtained;

"(B) determines that the factual basis for issuance of an order under this title to approve such physical search exists;

"(C) informs, either personally or through a designee, a judge of the Foreign Intelligence Surveillance Court at the time of such authorization that the decision has been made to employ an emergency physical search; and

"(D) makes an application in accordance with this title to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 168 hours after the Attorney General authorizes such physical search.

"(2) If the Attorney General authorizes the emergency employment of a physical search under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

"(3) In the absence of a judicial order approving such physical search, the physical search shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 168 hours from the time of authorization by the Attorney General, whichever is earliest.

"(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

"(5)(A) In the event that such application for approval is denied, or in any other case where the physical search is terminated and no order is issued approving the physical search, no information obtained or evidence derived from such physical search shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such physical search shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(B) The Attorney General shall assess compliance with the requirements of subparagraph (A).".

(c) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) in section 304(a)(4), as redesignated by subsection (b) of this section, by striking "303(a)(7)(E)" and inserting "303(a)(6)(E)"; and

(2) in section 305(k)(2), by striking "303(a)(7)" and inserting "303(a)(6)".

SEC. 108. AMENDMENTS FOR EMERGENCY PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(1) in subsection (a)(2), by striking "48 hours" and inserting "168 hours"; and

(2) in subsection (c)(1)(C), by striking "48 hours" and inserting "168 hours".

SEC. 109. FOREIGN INTELLIGENCE SURVEILLANCE COURT.

(a) DESIGNATION OF JUDGES.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by inserting "at least" before "seven of the United States judicial circuits".

(b) EN BANC AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978, as amended by subsection (a) of this section, is further amended—

(A) by inserting "(1)" after "(a)"; and

(B) by adding at the end the following new paragraph:

"(2)(A) The court established under this subsection may, on its own initiative, or upon the request of the Government in any proceeding or a party under section 501(f) or paragraph (4) or (5) of section 703(h), hold a hearing or rehearing, en banc, when ordered by a majority of the judges that constitute such court upon a determination that—

"(i) en banc consideration is necessary to secure or maintain uniformity of the court's decisions; or

"(ii) the proceeding involves a question of exceptional importance.

"(B) Any authority granted by this Act to a judge of the court established under this subsection may be exercised by the court en banc. When exercising such authority, the court en banc shall comply with any requirements of this Act on the exercise of such authority.

"(C) For purposes of this paragraph, the court en banc shall consist of all judges who constitute the court established under this subsection.".

(2) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 is further amended—

(A) in subsection (a) of section 103, as amended by this subsection, by inserting "(except when sitting en banc under paragraph (2))" after "no judge designated under this subsection"; and

(B) in section 302(c) (50 U.S.C. 1822(c)), by inserting "(except when sitting en banc)" after "except that no judge".

(c) STAY OR MODIFICATION DURING AN APPEAL.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

"(f)(1) A judge of the court established under subsection (a), the court established under subsection (b) or a judge of that court, or the Supreme Court of the United States or a justice of that court, may, in accordance with the rules of their respective courts, enter a stay of an order or an order modifying an order of the court established under subsection (a) or the court established under subsection (b) entered under any title of this Act, while the court established under subsection (a) conducts a rehearing, while an appeal is pending to the court established under subsection (b), or while a petition of certiorari is pending in the Supreme Court of the United States, or during the pendency of any review by that court.

"(2) The authority described in paragraph (1) shall apply to an order entered under any provision of this Act.".

SEC. 110. TECHNICAL AND CONFORMING AMENDMENTS.

Section 103(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(e)) is amended—

(1) in paragraph (1), by striking "105B(h) or 501(f)(1)" and inserting "501(f)(1) or 703"; and

(2) in paragraph (2), by striking "105B(h) or 501(f)(1)" and inserting "501(f)(1) or 703".

SA 3936. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike title I and insert the following:

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

SEC. 101. ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by striking title VII; and

(2) by adding after title VI the following new title:

"TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES

"SEC. 701. LIMITATION ON DEFINITION OF ELECTRONIC SURVEILLANCE.

"Nothing in the definition of electronic surveillance under section 101(f) shall be construed to encompass surveillance that is targeted in accordance with this title at a person reasonably believed to be located outside the United States.

"SEC. 702. DEFINITIONS.

"(a) IN GENERAL.—The terms 'agent of a foreign power', 'Attorney General', 'contents', 'electronic surveillance', 'foreign intelligence information', 'foreign power', 'minimization procedures', 'person', 'United States', and 'United States person' shall have the meanings given such terms in section 101, except as specifically provided in this title.

"(b) ADDITIONAL DEFINITIONS.—

"(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term 'congressional intelligence committees' means—

"(A) the Select Committee on Intelligence of the Senate; and

"(B) the Permanent Select Committee on Intelligence of the House of Representatives.

"(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The terms 'Foreign Intelligence Surveillance Court' and 'Court' mean the court established by section 103(a).

"(3) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The terms 'Foreign Intelligence Surveillance Court of Review' and 'Court of Review' mean the court established by section 103(b).

"(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—

"(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

"(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

"(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

"(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored; or

"(E) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), or (D).

"(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term 'element of the intelligence community' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

"SEC. 703. PROCEDURES FOR TARGETING CERTAIN PERSONS OUTSIDE THE UNITED STATES OTHER THAN UNITED STATES PERSONS.

"(a) AUTHORIZATION.—Notwithstanding any other law, the Attorney General and the Director of National Intelligence may authorize jointly, for periods of up to 1 year, the targeting of persons reasonably believed to be located outside the United States to acquire foreign intelligence information.

"(b) LIMITATIONS.—An acquisition authorized under subsection (a)—

"(1) may not intentionally target any person known at the time of acquisition to be located in the United States;

"(2) may not intentionally target a person reasonably believed to be located outside the United States if the purpose of such acquisition is to target a particular, known person reasonably believed to be in the United States, except in accordance with title I or title III;

"(3) may not intentionally target a United States person reasonably believed to be located outside the United States, except in accordance with sections 704, 705, or 706; and

"(4) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States.

"(c) CONDUCT OF ACQUISITION.—An acquisition authorized under subsection (a) may be conducted only in accordance with—

"(1) a certification made by the Attorney General and the Director of National Intelligence pursuant to subsection (f); and

"(2) the targeting and minimization procedures required pursuant to subsections (d) and (e).

"(d) TARGETING PROCEDURES.—

"(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt targeting procedures that are reasonably designed to ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States.

"(2) JUDICIAL REVIEW.—The procedures referred to in paragraph (1) shall be subject to judicial review pursuant to subsection (h).

"(e) MINIMIZATION PROCEDURES.—

"(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt, consistent with the requirements of section 101(h) or section 301(4), minimization procedures for acquisitions authorized under subsection (a).

"(2) JUDICIAL REVIEW.—The minimization procedures required by this subsection shall be subject to judicial review pursuant to subsection (h).

"(f) CERTIFICATION.—

"(1) IN GENERAL.—

"(A) REQUIREMENT.—Subject to subparagraph (B), prior to the initiation of an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence shall provide, under oath, a written certification, as described in this subsection.

"(B) EXCEPTION.—If the Attorney General and the Director of National Intelligence determine that immediate action by the Government is required and time does not permit the preparation of a certification under this subsection prior to the initiation of an acquisition, the Attorney General and the Director of National Intelligence shall prepare such certification, including such determination, as soon as possible but in no event more than 168 hours after such determination is made.

"(2) REQUIREMENTS.—A certification made under this subsection shall—

"(A) attest that—

"(i) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) is targeted at persons reasonably believed to be located outside the United States and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

"(ii) the procedures referred to in clause (i) are consistent with the requirements of the fourth amendment to the Constitution of the United States and do not permit the intentional targeting of any person who is known at the time of acquisition to be located in the United States;

"(iii) a significant purpose of the acquisition is to obtain foreign intelligence information;

"(iv) the minimization procedures to be used with respect to such acquisition—

"(I) meet the definition of minimization procedures under section 101(h) or section 301(4); and

"(II) have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

"(v) the acquisition involves obtaining the foreign intelligence information from or with the assistance of an electronic communication service provider; and

"(vi) the acquisition does not constitute electronic surveillance, as limited by section 701; and

"(B) be supported, as appropriate, by the affidavit of any appropriate official in the area of national security who is—

"(i) appointed by the President, by and with the consent of the Senate; or

"(ii) the head of any element of the intelligence community.

"(3) LIMITATION.—A certification made under this subsection is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under subsection (a) will be directed or conducted.

"(4) SUBMISSION TO THE COURT.—The Attorney General shall transmit a copy of a certification made under this subsection, and any supporting affidavit, under seal to the Foreign Intelligence Surveillance Court as soon as possible, but in no event more than 5 days after such certification is made. Such certification shall be maintained under security measures adopted by the Chief Justice of the United States and the Attorney General, in consultation with the Director of National Intelligence.

"(5) REVIEW.—The certification required by this subsection shall be subject to judicial review pursuant to subsection (h).

"(g) DIRECTIVES AND JUDICIAL REVIEW OF DIRECTIVES.—

"(1) AUTHORITY.—With respect to an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence may direct, in writing, an electronic communication service provider to—

"(A) immediately provide the Government with all information, facilities, or assistance necessary to accomplish the acquisition in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target; and

"(B) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain.

"(2) COMPENSATION.—The Government shall compensate, at the prevailing rate, an electronic communication service provider for providing information, facilities, or assistance pursuant to paragraph (1).

"(3) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with a directive issued pursuant to paragraph (1).

"(4) CHALLENGING OF DIRECTIVES.—

"(A) AUTHORITY TO CHALLENGE.—An electronic communication service provider receiving a directive issued pursuant to paragraph (1) may challenge the directive by filing a petition with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such a petition.

"(B) ASSIGNMENT.—The presiding judge of the Court shall assign the petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

"(C) STANDARDS FOR REVIEW.—A judge considering a petition to modify or set aside a directive may grant such petition only if the judge finds that the directive does not meet the requirements of this section or is otherwise unlawful. If the judge does not modify or set aside the directive, the judge shall immediately affirm such directive, and order the recipient to comply with the directive. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

"(D) CONTINUED EFFECT.—Any directive not explicitly modified or set aside under this paragraph shall remain in full effect.

"(E) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

"(5) ENFORCEMENT OF DIRECTIVES.—

"(A) ORDER TO COMPEL.—In the case of a failure to comply with a directive issued pursuant to paragraph (1), the Attorney General may file a petition for an order to compel compliance with the directive with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such a petition.

"(B) ASSIGNMENT.—The presiding judge of the Court shall assign a petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

"(C) STANDARDS FOR REVIEW.—A judge considering a petition shall issue an order requiring the electronic communication service provider to comply with the directive if the judge finds that the directive was issued in accordance with paragraph (1), meets the requirements of this section, and is otherwise lawful. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

"(D) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

"(E) PROCESS.—Any process under this paragraph may be served in any judicial district in which the electronic communication service provider may be found.

"(6) APPEAL.—

"(A) APPEAL TO THE COURT OF REVIEW.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition with the Foreign Intelligence Surveillance Court of Review for review of the decision issued pursuant to paragraph (4) or (5) not later than 7 days after the issuance of such decision. The Court of Review shall have jurisdiction to consider such a petition and shall provide a written statement for the record of the reasons for a decision under this paragraph.

"(B) CERTIORARI TO THE SUPREME COURT.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"(7) COMPLIANCE REVIEWS.—During the period that minimization procedures approved under paragraph (5)(A) are in effect, the Court may review and assess compliance with such procedures and shall have access to the assessments and reviews required by subsections (l)(1), (l)(2), and (l)(3) with respect to compliance with such procedures. In conducting a review under this paragraph, the Court may, to the extent necessary, require the Government to provide additional information regarding the acquisition, retention, or dissemination of information concerning United States persons during the course of an acquisition authorized under subsection (a). The Court may fashion remedies it determines necessary to enforce compliance.

"(h) JUDICIAL REVIEW OF CERTIFICATIONS AND PROCEDURES.—

"(1) IN GENERAL.—

"(A) REVIEW BY THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Foreign Intelligence Surveillance Court shall have jurisdiction to review any certification required by subsection (c) and the targeting and minimization procedures adopted pursuant to subsections (d) and (e).

"(B) SUBMISSION TO THE COURT.—The Attorney General shall submit to the Court any such certification or procedure, or amendment thereto, not later than 5 days after making or amending the certification or adopting or amending the procedures.

"(2) CERTIFICATIONS.—The Court shall review a certification provided under subsection (f) to determine whether the certification contains all the required elements.

"(3) TARGETING PROCEDURES.—The Court shall review the targeting procedures required by subsection (d) to assess whether the procedures are reasonably designed to ensure that the acquisition authorized under subsection (a) is limited to the targeting of persons reasonably believed to be located outside the United States.

"(4) MINIMIZATION PROCEDURES.—The Court shall review the minimization procedures required by subsection (e) to assess whether such procedures meet the definition of minimization procedures under section 101(h) or section 301(4).

"(5) ORDERS.—

"(A) APPROVAL.—If the Court finds that a certification required by subsection (f) contains all of the required elements and that the targeting and minimization procedures required by subsections (d) and (e) are consistent with the requirements of those subsections and with the fourth amendment to the Constitution of the United States, the Court shall enter an order approving the continued use of the procedures for the acquisition authorized under subsection (a).

"(B) CORRECTION OF DEFICIENCIES.—If the Court finds that a certification required by subsection (f) does not contain all of the required elements, or that the procedures required by subsections (d) and (e) are not consistent with the requirements of those subsections or the fourth amendment to the Constitution of the United States, the Court shall issue an order directing the Government to, at the Government's election and to the extent required by the Court's order—

"(i) correct any deficiency identified by the Court's order not later than 30 days after the date the Court issues the order; or

"(ii) cease the acquisition authorized under subsection (a).

"(C) REQUIREMENT FOR WRITTEN STATEMENT.—In support of its orders under this subsection, the Court shall provide, simultaneously with the orders, for the record a written statement of its reasons.

"(6) APPEAL.—

"(A) APPEAL TO THE COURT OF REVIEW.—The Government may appeal any order under this section to the Foreign Intelligence Surveillance Court of Review, which shall have jurisdiction to review such order. For any decision affirming, reversing, or modifying an order of the Foreign Intelligence Surveillance Court, the Court of Review shall provide for the record a written statement of its reasons.

"(B) CONTINUATION OF ACQUISITION PENDING REHEARING OR APPEAL.—Any acquisitions affected by an order under paragraph (5)(B) may continue—

"(i) during the pendency of any rehearing of the order by the Court en banc; and

"(ii) or, if the Government appeals an order under this section, until the Court of Review enters an order under subparagraph (C).

"(C) IMPLEMENTATION PENDING APPEAL.—No later than 30 days after an appeal to it of an order under paragraph (5)(B) directing the correction of a deficiency, the Court of Review shall determine, and enter a corresponding order, whether all or any part of the correction order, as issued or modified, shall be implemented during the pendency of the appeal.

"(D) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of a decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"(i) EXPEDITED JUDICIAL PROCEEDINGS.—Judicial proceedings under this section shall be conducted as expeditiously as possible.

"(j) MAINTENANCE AND SECURITY OF RECORDS AND PROCEEDINGS.—

"(1) STANDARDS.—A record of a proceeding under this section, including petitions filed, orders granted, and statements of reasons for decision, shall be maintained under security measures adopted by the Chief Justice of the United States, in consultation with the Attorney General and the Director of National Intelligence.

"(2) FILING AND REVIEW.—All petitions under this section shall be filed under seal.

In any proceedings under this section, the court shall, upon request of the Government, review ex parte and in camera any Government submission, or portions of a submission, which may include classified information.

"(3) RETENTION OF RECORDS.—A directive made or an order granted under this section shall be retained for a period of not less than 10 years from the date on which such directive or such order is made.

"(k) ASSESSMENTS AND REVIEWS.—

"(1) SEMIANNUAL ASSESSMENT.—Not less frequently than once every 6 months, the Attorney General and Director of National Intelligence shall assess compliance with the targeting and minimization procedures required by subsections (e) and (f) and shall submit each such assessment to—

"(A) the Foreign Intelligence Surveillance Court; and

"(B) the congressional intelligence committees.

"(2) AGENCY ASSESSMENT.—The Inspectors General of the Department of Justice and of any element of the intelligence community authorized to acquire foreign intelligence information under subsection (a) with respect to their department, agency, or element—

"(A) are authorized to review the compliance with the targeting and minimization procedures required by subsections (d) and (e);

"(B) with respect to acquisitions authorized under subsection (a), shall review the number of disseminated intelligence reports containing a reference to a United States person identity and the number of United States person identities subsequently disseminated by the element concerned in response to requests for identities that were not referred to by name or title in the original reporting;

"(C) with respect to acquisitions authorized under subsection (a), shall review the number of targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed; and

"(D) shall provide each such review to—

"(i) the Attorney General;

"(ii) the Director of National Intelligence; and

"(iii) the congressional intelligence committees.

"(3) ANNUAL REVIEW.—

"(A) REQUIREMENT TO CONDUCT.—The head of an element of the intelligence community conducting an acquisition authorized under subsection (a) shall direct the element to conduct an annual review to determine whether there is reason to believe that foreign intelligence information has been or will be obtained from the acquisition. The annual review shall provide, with respect to such acquisitions authorized under subsection (a)—

"(i) an accounting of the number of disseminated intelligence reports containing a reference to a United States person identity;

"(ii) an accounting of the number of United States person identities subsequently disseminated by that element in response to requests for identities that were not referred to by name or title in the original reporting;

"(iii) the number of targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed; and

"(iv) a description of any procedures developed by the head of an element of the intelligence community and approved by the Director of National Intelligence to assess, in a manner consistent with national security, operational requirements and the privacy interests of United States persons, the extent to which the acquisitions authorized under subsection (a) acquire the communications of United States persons, as well as the results of any such assessment.

"(B) USE OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall use each such review to evaluate the adequacy of the minimization procedures utilized by such element or the application of the minimization procedures to a particular acquisition authorized under subsection (a).

"(C) PROVISION OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall provide such review to—

"(i) the Foreign Intelligence Surveillance Court;

"(ii) the Attorney General;

"(iii) the Director of National Intelligence; and

"(iv) the congressional intelligence committees.

"SEC. 704. CERTAIN ACQUISITIONS INSIDE THE UNITED STATES OF UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

"(a) JURISDICTION OF THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—

"(1) IN GENERAL.—The Foreign Intelligence Surveillance Court shall have jurisdiction to enter an order approving the targeting of a United States person reasonably believed to be located outside the United States to acquire foreign intelligence information, if such acquisition constitutes electronic surveillance (as defined in section 101(f), regardless of the limitation of section 701) or the acquisition of stored electronic communications or stored electronic data that requires an order under this Act, and such acquisition is conducted within the United States.

"(2) LIMITATION.—In the event that a United States person targeted under this subsection is reasonably believed to be located in the United States during the pendency of an order issued pursuant to subsection (c), such acquisition shall cease until authority, other than under this section, is obtained pursuant to this Act or the targeted United States person is again reasonably believed to be located outside the United States during the pendency of an order issued pursuant to subsection (c).

"(b) APPLICATION.—

"(1) IN GENERAL.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application, as set forth in this section, and shall include—

"(A) the identity of the Federal officer making the application;

"(B) the identity, if known, or a description of the United States person who is the target of the acquisition;

"(C) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—

"(i) a person reasonably believed to be located outside the United States; and

"(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

"(D) a statement of the proposed minimization procedures consistent with the requirements of section 101(h) or section 301(4);

"(E) a description of the nature of the information sought and the type of communications or activities to be subjected to acquisition;

"(F) a certification made by the Attorney General or an official specified in section 104(a)(6) that—

"(i) the certifying official deems the information sought to be foreign intelligence information;

"(ii) a significant purpose of the acquisition is to obtain foreign intelligence information;

"(iii) such information cannot reasonably be obtained by normal investigative techniques;

"(iv) designates the type of foreign intelligence information being sought according to the categories described in section 101(e); and

"(v) includes a statement of the basis for the certification that—

"(I) the information sought is the type of foreign intelligence information designated; and

"(II) such information cannot reasonably be obtained by normal investigative techniques;

"(G) a summary statement of the means by which the acquisition will be conducted and whether physical entry is required to effect the acquisition;

"(H) the identity of any electronic communication service provider necessary to effect the acquisition, provided, however, that the application is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under this section will be directed or conducted;

"(I) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

"(J) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

"(2) OTHER REQUIREMENTS OF THE ATTORNEY GENERAL.—The Attorney General may require any other affidavit or certification from any other officer in connection with the application.

"(3) OTHER REQUIREMENTS OF THE JUDGE.—The judge may require the applicant to furnish such other information as may be necessary to make the findings required by subsection (c)(1).

"(c) ORDER.—

"(1) FINDINGS.—Upon an application made pursuant to subsection (b), the Foreign Intelligence Surveillance Court shall enter an ex parte order as requested or as modified approving the acquisition if the Court finds that—

"(A) the application has been made by a Federal officer and approved by the Attorney General;

"(B) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—

"(i) a person reasonably believed to be located outside the United States; and

"(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

"(C) the proposed minimization procedures meet the definition of minimization procedures under section 101(h) or section 301(4); and

“(D) the application which has been filed contains all statements and certifications required by subsection (b) and the certification or certifications are not clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3).

“(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of an order under paragraph (1), a judge having jurisdiction under subsection (a)(1) may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target. However, no United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

“(3) REVIEW.—

“(A) LIMITATION ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1).

“(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause to issue an order under paragraph (1), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

“(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the proposed minimization procedures required under paragraph (1)(C) do not meet the definition of minimization procedures under section 101(h) or section 301(4), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

“(D) REVIEW OF CERTIFICATION.—If the judge determines that an application required by subsection (2) does not contain all of the required elements, or that the certification or certifications are clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

“(4) SPECIFICATIONS.—An order approving an acquisition under this subsection shall specify—

“(A) the identity, if known, or a description of the United States person who is the target of the acquisition identified or described in the application pursuant to subsection (b)(1)(B);

“(B) if provided in the application pursuant to subsection (b)(1)(H), the nature and location of each of the facilities or places at which the acquisition will be directed;

“(C) the nature of the information sought to be acquired and the type of communications or activities to be subjected to acquisition;

“(D) the means by which the acquisition will be conducted and whether physical entry is required to effect the acquisition; and

“(E) the period of time during which the acquisition is approved.

“(5) DIRECTIONS.—An order approving acquisitions under this subsection shall direct—

“(A) that the minimization procedures be followed;

“(B) an electronic communication service provider to provide to the Government forthwith all information, facilities, or assistance necessary to accomplish the acquisition authorized under this subsection in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target;

“(C) an electronic communication service provider to maintain under security procedures approved by the Attorney General any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain; and

“(D) that the Government compensate, at the prevailing rate, such electronic communication service provider for providing such information, facilities, or assistance.

“(6) DURATION.—An order approved under this paragraph shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

“(7) COMPLIANCE.—At or prior to the end of the period of time for which an acquisition is approved by an order or extension under this section, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.

“(d) EMERGENCY AUTHORIZATION.—

“(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision of this Act, if the Attorney General reasonably determines that—

“(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order authorizing such acquisition can with due diligence be obtained; and

“(B) the factual basis for issuance of an order under this subsection to approve such acquisition exists,

the Attorney General may authorize the emergency acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General, or a designee of the Attorney General, at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this subsection is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 168 hours after the Attorney General authorizes such acquisition.

“(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes such emergency acquisition, the Attorney General shall require that the minimization procedures required by this subsection for the issuance of a judicial order be followed.

“(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of a judicial order approving such acquisition, the acquisition shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 168 hours from the time of authorization by the Attorney General, whichever is earliest.

“(4) USE OF INFORMATION.—In the event that such application for approval is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person during the pendency of the 168-hour emergency acquisition period, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

“(e) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with an order or request for emergency assistance issued pursuant to subsections (c) or (d).

“(f) APPEAL.—

“(1) APPEAL TO THE FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this paragraph.

“(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

“SEC. 705. OTHER ACQUISITIONS TARGETING UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

“(a) JURISDICTION AND SCOPE.—

“(1) JURISDICTION.—The Foreign Intelligence Surveillance Court shall have jurisdiction to enter an order pursuant to subsection (c).

“(2) SCOPE.—No element of the intelligence community may intentionally target, for the purpose of acquiring foreign intelligence information, a United States person reasonably believed to be located outside the United States under circumstances in which the targeted United States person has a reasonable expectation of privacy and a warrant would be required if the acquisition were conducted inside the United States for law enforcement purposes, unless a judge of the Foreign Intelligence Surveillance Court has entered an order or the Attorney General has authorized an emergency acquisition pursuant to subsections (c) or (d) or any other provision of this Act.

“(3) LIMITATIONS.—

“(A) MOVING OR MISIDENTIFIED TARGETS.—In the event that the targeted United States person is reasonably believed to be in the United States during the pendency of an order issued pursuant to subsection (c), such acquisition shall cease until authority is obtained pursuant to this Act or the targeted United States person is again reasonably believed to be located outside the United States during the pendency of an order issued pursuant to subsection (c).

“(B) APPLICABILITY.—If the acquisition is to be conducted inside the United States and could be authorized under section 704, the procedures of section 704 shall apply, unless an order or emergency acquisition authority has been obtained under a provision of this Act other than under this section.

"(b) APPLICATION.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application as set forth in this section and shall include—

"(1) the identity, if known, or a description of the specific United States person who is the target of the acquisition;

"(2) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—

"(A) a person reasonably believed to be located outside the United States; and

"(B) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

"(3) a statement of the proposed minimization procedures consistent with the requirements of section 101(h) or section 301(4);

"(4) a certification made by the Attorney General, an official specified in section 104(a)(6), or the head of an element of the intelligence community that—

"(A) the certifying official deems the information sought to be foreign intelligence information; and

"(B) a significant purpose of the acquisition is to obtain foreign intelligence information;

"(5) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

"(6) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

"(c) ORDER.—

"(1) FINDINGS.—If, upon an application made pursuant to subsection (b), a judge having jurisdiction under subsection (a) finds that—

"(A) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—

"(i) a person reasonably believed to be located outside the United States; and

"(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

"(B) the proposed minimization procedures, with respect to their dissemination provisions, meet the definition of minimization procedures under section 101(h) or section 301(4); and

"(C) the application which has been filed contains all statements and certifications required by subsection (b) and the certification provided under subsection (b)(4) is not clearly erroneous on the basis of the information furnished under subsection (b),

the Court shall issue an ex parte order so stating.

"(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of an order under paragraph (1)(A), a judge having jurisdiction under subsection (a)(1) may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target. However, no United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

"(3) REVIEW.—

"(A) LIMITATIONS ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1). The judge shall not have jurisdiction to review the means by which an acquisition under this section may be conducted.

"(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause to issue an order under this subsection, the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

"(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the minimization procedures applicable to dissemination of information obtained through an acquisition under this subsection do not meet the definition of minimization procedures under section 101(h) or section 301(4), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

"(D) SCOPE OF REVIEW OF CERTIFICATION.—If the judge determines that the certification provided under subsection (b)(4) is clearly erroneous on the basis of the information furnished under subsection (b), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

"(4) DURATION.—An order under this paragraph shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

"(5) COMPLIANCE.—At or prior to the end of the period of time for which an order or extension is granted under this section, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was disseminated, provided that the judge may not inquire into the circumstances relating to the conduct of the acquisition.

"(d) EMERGENCY AUTHORIZATION.—

"(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision in this subsection, if the Attorney General reasonably determines that—

"(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order under that subsection may, with due diligence, be obtained; and

"(B) the factual basis for issuance of an order under this section exists,

the Attorney General may authorize the emergency acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General or a designee of the Attorney General at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this subsection is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 168 hours after the Attorney General authorizes such acquisition.

"(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes such emergency acquisition, the Attorney General shall require that the minimization procedures required by this subsection be followed.

"(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of an order under subsection (c), the acquisition shall terminate when the information sought is obtained, if the application for the order is denied, or after the expiration of 168 hours from the time of authorization by the Attorney General, whichever is earliest.

"(4) USE OF INFORMATION.—In the event that such application is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person during the pendency of the 168-hour emergency acquisition period, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(e) APPEAL.—

"(1) APPEAL TO THE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this paragraph.

"(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"SEC. 706. JOINT APPLICATIONS AND CONCURRENT AUTHORIZATIONS.

"(a) JOINT APPLICATIONS AND ORDERS.—If an acquisition targeting a United States person under section 704 or section 705 is proposed to be conducted both inside and outside the United States, a judge having jurisdiction under section 704(a)(1) or section 705(a)(1) may issue simultaneously, upon the request of the Government in a joint application complying with the requirements of section 704(b) or section 705(b), orders under section 704(b) or section 705(b), as applicable.

"(b) CONCURRENT AUTHORIZATION.—If an order authorizing electronic surveillance or physical search has been obtained under section 105 or section 304 and that order is still in effect, the Attorney General may authorize, without an order under section 704 or section 705, an acquisition of foreign intelligence information targeting that United States person while such person is reasonably believed to be located outside the United States.

"SEC. 707. USE OF INFORMATION ACQUIRED UNDER TITLE VII.

"(a) INFORMATION ACQUIRED UNDER SECTION 703.—Information acquired from an acquisition conducted under section 703 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106, except for the purposes of subsection (j) of such section.

"(b) INFORMATION ACQUIRED UNDER SECTION 704.—Information acquired from an acquisition conducted under section 704 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106.

"SEC. 708. CONGRESSIONAL OVERSIGHT.

"(a) SEMIANNUAL REPORT.—Not less frequently than once every 6 months, the Attorney General shall fully inform, in a manner consistent with national security, the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives, concerning the implementation of this title.

"(b) CONTENT.—Each report made under subparagraph (a) shall include—

"(1) with respect to section 703—

"(A) any certifications made under subsection 703(f) during the reporting period;

"(B) any directives issued under subsection 703(g) during the reporting period;

"(C) a description of the judicial review during the reporting period of any such certifications and targeting and minimization procedures utilized with respect to such acquisition, including a copy of any order or pleading in connection with such review that contains a significant legal interpretation of the provisions of this section;

"(D) any actions taken to challenge or enforce a directive under paragraphs (4) or (5) of section 703(g);

"(E) any compliance reviews conducted by the Department of Justice or the Office of the Director of National Intelligence of acquisitions authorized under subsection 703(a);

"(F) a description of any incidents of noncompliance with a directive issued by the Attorney General and the Director of National Intelligence under subsection 703(g), including—

"(i) incidents of noncompliance by an element of the intelligence community with procedures adopted pursuant to subsections (d) and (e) of section 703; and

"(ii) incidents of noncompliance by a specified person to whom the Attorney General and Director of National Intelligence issued a directive under subsection 703(g); and

"(G) any procedures implementing this section;

"(2) with respect to section 704—

"(A) the total number of applications made for orders under section 704(b);

"(B) the total number of such orders either granted, modified, or denied; and

"(C) the total number of emergency acquisitions authorized by the Attorney General under section 704(d) and the total number of subsequent orders approving or denying such acquisitions; and

"(3) with respect to section 705—

"(A) the total number of applications made for orders under 705(b);

"(B) the total number of such orders either granted, modified, or denied; and

"(C) the total number of emergency acquisitions authorized by the Attorney General under subsection 705(d) and the total number of subsequent orders approving or denying such applications.".

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et. seq.) is amended—

(1) by striking the item relating to title VII;

(2) by striking the item relating to section 701; and

(3) by adding at the end the following:

"TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES

"Sec. 701. Limitation on definition of electronic surveillance.
"Sec. 702. Definitions.
"Sec. 703. Procedures for targeting certain persons outside the United States other than United States persons.
"Sec. 704. Certain acquisitions inside the United States of United States persons outside the United States.
"Sec. 705. Other acquisitions targeting United States persons outside the United States.
"Sec. 706. Joint applications and concurrent authorizations.
"Sec. 707. Use of information acquired under title VII.
"Sec. 708. Congressional oversight.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 18, UNITED STATES CODE.—

(A) SECTION 2232.—Section 2232(e) of title 18, United States Code, is amended by inserting "(as defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978, regardless of the limitation of section 701 of that Act)" after "electronic surveillance".

(B) SECTION 2511.—Section 2511(2)(a)(ii)(A) of title 18, United States Code, is amended by inserting "or a court order pursuant to section 705 of the Foreign Intelligence Surveillance Act of 1978" after "assistance".

(2) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—

(A) SECTION 109.—Section 109 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809) is amended by adding at the end the following:

"(e) DEFINITION.—For the purpose of this section, the term 'electronic surveillance' means electronic surveillance as defined in section 101(f) of this Act regardless of the limitation of section 701 of this Act.".

(B) SECTION 110.—Section 110 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1810) is amended by—

(i) adding an "(a)" before "CIVIL ACTION",

(ii) redesignating subsections (a) through (c) as paragraphs (1) through (3), respectively; and

(iii) adding at the end the following:

"(b) DEFINITION.—For the purpose of this section, the term 'electronic surveillance' means electronic surveillance as defined in section 101(f) of this Act regardless of the limitation of section 701 of this Act.".

(C) SECTION 601.—Section 601(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(a)(1)) is amended by striking subparagraphs (C) and (D) and inserting the following:

"(C) pen registers under section 402;

"(D) access to records under section 501;

"(E) acquisitions under section 704; and

"(F) acquisitions under section 705;".

(d) TERMINATION OF AUTHORITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a)(2), (b), and (c) shall cease to have effect on December 31, 2011. Notwithstanding any other provision of this Act, the transitional procedures under paragraphs (2)(B) and (3)(B) of section 302(c) shall apply to any order, authorization, or directive, as the case may be, issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by this Act, in effect on December 31, 2011.

(2) CONTINUING APPLICABILITY.—Section 703(g)(3) of the Foreign Intelligence Surveillance Act of 1978 (as amended by subsection (a)) shall remain in effect with respect to any directive issued pursuant to section 703(g) of that Act (as so amended) during the period such directive was in effect. Section 704(e) of the Foreign Intelligence Surveillance Act of 1978 (as amended by subsection (a)) shall remain in effect with respect to an order or request for emergency assistance under that section. The use of information acquired by an acquisition conducted under section 703 of that Act (as so amended) shall continue to be governed by the provisions of section 707 of that Act (as so amended).

SEC. 102. STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF CERTAIN COMMUNICATIONS MAY BE CONDUCTED.

(a) STATEMENT OF EXCLUSIVE MEANS.—Title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following new section:

"STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF CERTAIN COMMUNICATIONS MAY BE CONDUCTED

"SEC. 112. (a) Except as provided in subsection (b), the procedures of chapters 119, 121 and 206 of title 18, United States Code, and this Act shall be the exclusive means by which electronic surveillance (as defined in section 101(f), regardless of the limitation of section 701) and the interception of domestic wire, oral, or electronic communications may be conducted.

"(b) Only an express statutory authorization for electronic surveillance or the interception of domestic, wire, oral, or electronic communications, other than as an amendment to this Act or chapters 119, 121, or 206 of title 18, United States Code, shall constitute an additional exclusive means for the purpose of subsection (a).".

(b) OFFENSE.—Section 109(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809(a)) is amended by striking "authorized by statute" each place it appears in such section and inserting "authorized by this Act, chapter 119, 121, or 206 of title 18, United States Code, or any express statutory authorization that is an additional exclusive means for conducting electronic surveillance under section 112".

(c) CONFORMING AMENDMENTS.—

(1) TITLE 18, UNITED STATES CODE.—Section 2511(2)(a) of title 18, United States Code, is amended by adding at the end the following:

"(iii) If a certification under subparagraph (ii)(B) for assistance to obtain foreign intelligence information is based on statutory authority, the certification shall identify the specific statutory provision, and shall certify that the statutory requirements have been met.".

(2) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding after the item relating to section 111, the following:

"Sec. 112. Statement of exclusive means by which electronic surveillance and interception of certain communications may be conducted.".

SEC. 103. SUBMITTAL TO CONGRESS OF CERTAIN COURT ORDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) INCLUSION OF CERTAIN ORDERS IN SEMIANNUAL REPORTS OF ATTORNEY GENERAL.—Subsection (a)(5) of section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by striking "(not including orders)" and inserting ", orders,".

(b) REPORTS BY ATTORNEY GENERAL ON CERTAIN OTHER ORDERS.—Such section 601 is further amended by adding at the end the following new subsection:

"(c) SUBMISSIONS TO CONGRESS.—The Attorney General shall submit to the committees of Congress referred to in subsection (a)—

"(1) a copy of any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of any provision of this Act, and any pleadings associated with such decision, order, or opinion, not later than 45 days after such decision, order, or opinion is issued; and

"(2) a copy of any such decision, order, or opinion, and the pleadings associated with such decision, order, or opinion, that was issued during the 5-year period ending on the date of the enactment of the FISA Amendments Act of 2008 and not previously submitted in a report under subsection (a).".

(c) DEFINITIONS.—Such section 601, as amended by subsections (a) and (b), is further amended by adding at the end the following:

"(d) DEFINITIONS.—In this section:

"(1) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The term "'Foreign Intelligence Surveillance Court'" means the court established by section 103(a).

"(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The term 'Foreign Intelligence Surveillance Court of Review' means the court established by section 103(b).".

SEC. 104. APPLICATIONS FOR COURT ORDERS.

Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (2) and (11);

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively;

(C) in paragraph (5), as redesignated by subparagraph (B) of this paragraph, by striking "detailed";

(D) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking "Affairs or" and inserting "Affairs,"; and

(ii) by striking "Senate—" and inserting "Senate, or the Deputy Director of the Federal Bureau of Investigation, if designated by the President as a certifying official—";

(E) in paragraph (7), as redesignated by subparagraph (B) of this paragraph, by striking "statement of" and inserting "summary statement of";

(F) in paragraph (8), as redesignated by subparagraph (B) of this paragraph, by adding "and" at the end; and

(G) in paragraph (9), as redesignated by subparagraph (B) of this paragraph, by striking "; and" and inserting a period;

(2) by striking subsection (b);

(3) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively; and

(4) in paragraph (1)(A) of subsection (d), as redesignated by paragraph (3) of this subsection, by striking "or the Director of National Intelligence" and inserting "the Director of National Intelligence, or the Director of the Central Intelligence Agency".

SEC. 105. ISSUANCE OF AN ORDER.

Section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(2) in subsection (b), by striking "(a)(3)" and inserting "(a)(2)";

(3) in subsection (c)(1)—

(A) in subparagraph (D), by adding "and" at the end;

(B) in subparagraph (E), by striking "; and" and inserting a period; and

(C) by striking subparagraph (F);

(4) by striking subsection (d);

(5) by redesignating subsections (e) through (i) as subsections (d) through (h), respectively;

(6) by amending subsection (e), as redesignated by paragraph (5) of this section, to read as follows:

"(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of electronic surveillance if the Attorney General reasonably—

"(A) determines that an emergency situation exists with respect to the employment of electronic surveillance to obtain foreign intelligence information before an order authorizing such surveillance can with due diligence be obtained;

"(B) determines that the factual basis for issuance of an order under this title to approve such electronic surveillance exists;

"(C) informs, either personally or through a designee, a judge having jurisdiction under section 103 at the time of such authorization that the decision has been made to employ emergency electronic surveillance; and

"(D) makes an application in accordance with this title to a judge having jurisdiction under section 103 as soon as practicable, but not later than 168 hours after the Attorney General authorizes such surveillance.

"(2) If the Attorney General authorizes the emergency employment of electronic surveillance under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

"(3) In the absence of a judicial order approving such electronic surveillance, the surveillance shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 168 hours from the time of authorization by the Attorney General, whichever is earliest.

"(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

"(5) In the event that such application for approval is denied, or in any other case where the electronic surveillance is terminated and no order is issued approving the surveillance, no information obtained or evidence derived from such surveillance shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such surveillance shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(6) The Attorney General shall assess compliance with the requirements of paragraph (5)."; and

(7) by adding at the end the following:

"(i) In any case in which the Government makes an application to a judge under this title to conduct electronic surveillance involving communications and the judge grants such application, upon the request of the applicant, the judge shall also authorize the installation and use of pen registers and trap and trace devices, and direct the disclosure of the information set forth in section 402(d)(2).".

SEC. 106. USE OF INFORMATION.

Subsection (i) of section 106 of the Foreign Intelligence Surveillance Act of 1978 (8 U.S.C. 1806) is amended by striking "radio communication" and inserting "communication".

SEC. 107. AMENDMENTS FOR PHYSICAL SEARCHES.

(a) APPLICATIONS.—Section 303 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1823) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively;

(C) in paragraph (2), as redesignated by subparagraph (B) of this paragraph, by striking "detailed";

(D) in paragraph (3)(C), as redesignated by subparagraph (B) of this paragraph, by inserting "or is about to be" before "owned"; and

(E) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking "Affairs or" and inserting "Affairs,"; and

(ii) by striking "Senate—" and inserting "Senate, or the Deputy Director of the Federal Bureau of Investigation, if designated by the President as a certifying official—"; and

(2) in subsection (d)(1)(A), by striking "or the Director of National Intelligence" and inserting "the Director of National Intelligence, or the Director of the Central Intelligence Agency".

(b) ORDERS.—Section 304 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(2) by amending subsection (e) to read as follows:

"(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of a physical search if the Attorney General reasonably—

"(A) determines that an emergency situation exists with respect to the employment of a physical search to obtain foreign intelligence information before an order authorizing such physical search can with due diligence be obtained;

"(B) determines that the factual basis for issuance of an order under this title to approve such physical search exists;

"(C) informs, either personally or through a designee, a judge of the Foreign Intelligence Surveillance Court at the time of such authorization that the decision has been made to employ an emergency physical search; and

"(D) makes an application in accordance with this title to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 168 hours after the Attorney General authorizes such physical search.

"(2) If the Attorney General authorizes the emergency employment of a physical search under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

"(3) In the absence of a judicial order approving such physical search, the physical search shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 168 hours from the time of authorization by the Attorney General, whichever is earliest.

"(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

"(5)(A) In the event that such application for approval is denied, or in any other case where the physical search is terminated and no order is issued approving the physical search, no information obtained or evidence derived from such physical search shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such physical search shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(B) The Attorney General shall assess compliance with the requirements of subparagraph (A).".

(c) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) in section 304(a)(4), as redesignated by subsection (b) of this section, by striking "303(a)(7)(E)" and inserting "303(a)(6)(E)"; and

(2) in section 305(k)(2), by striking "303(a)(7)" and inserting "303(a)(6)".

SEC. 108. AMENDMENTS FOR EMERGENCY PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S,C. 1843) is amended—

(1) in subsection (a)(2), by striking "48 hours" and inserting "168 hours"; and

(2) in subsection (c)(1)(C), by striking "48 hours" and inserting "168 hours".

SEC. 109. FOREIGN INTELLIGENCE SURVEILLANCE COURT.

(a) DESIGNATION OF JUDGES.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by inserting "at least" before "seven of the United States judicial circuits".

(b) EN BANC AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978, as amended by subsection (a) of this section, is further amended—

(A) by inserting "(1)" after "(a)"; and

(B) by adding at the end the following new paragraph:

"(2)(A) The court established under this subsection may, on its own initiative, or upon the request of the Government in any proceeding or a party under section 501(f) or paragraph (4) or (5) of section 703(h), hold a hearing or rehearing, en banc, when ordered by a majority of the judges that constitute such court upon a determination that—

"(i) en banc consideration is necessary to secure or maintain uniformity of the court's decisions; or

"(ii) the proceeding involves a question of exceptional importance.

"(B) Any authority granted by this Act to a judge of the court established under this subsection may be exercised by the court en banc. When exercising such authority, the court en banc shall comply with any requirements of this Act on the exercise of such authority.

"(C) For purposes of this paragraph, the court en banc shall consist of all judges who constitute the court established under this subsection.".

(2) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 is further amended—

(A) in subsection (a) of section 103, as amended by this subsection, by inserting "(except when sitting en banc under paragraph (2))" after "no judge designated under this subsection"; and

(B) in section 302(c) (50 U.S.C. 1822(c)), by inserting "(except when sitting en banc)" after "except that no judge".

(c) STAY OR MODIFICATION DURING AN APPEAL.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

"(f)(1) A judge of the court established under subsection (a), the court established under subsection (b) or a judge of that court, or the Supreme Court of the United States or a justice of that court, may, in accordance with the rules of their respective courts, enter a stay of an order or an order modifying an order of the court established under subsection (a) or the court established under subsection (b) entered under any title of this Act, while the court established under subsection (a) conducts a rehearing, while an appeal is pending to the court established under subsection (b), or while a petition of certiorari is pending in the Supreme Court of the United States, or during the pendency of any review by that court.

"(2) The authority described in paragraph (1) shall apply to an order entered under any provision of this Act.".

SEC. 110. TECHNICAL AND CONFORMING AMENDMENTS.

Section 103(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(e)) is amended—

(1) in paragraph (1), by striking "105B(h) or 501(f)(1)" and inserting "501(f)(1) or 703"; and

(2) in paragraph (2), by striking "105B(h) or 501(f)(1)" and inserting "501(f)(1) or 703".

SA 3937. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 22, beginning with line 1 strike all through page 23 line 13, and insert the following:

"(C) with respect to acquisitions authorized under subsection (a), shall review the number of targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed, and an estimate of the total number of persons reasonably believed to be located in the United States whose communications were reviewed; and

"(D) shall provide each such review to—

"(i) the Attorney General;

"(ii) the Director of National Intelligence; and

"(iii) the congressional intelligence committees.

"(3) ANNUAL REVIEW.—

"(A) REQUIREMENT TO CONDUCT.—The head of an element of the intelligence community conducting an acquisition authorized under subsection (a) shall direct the element to conduct an annual review to determine whether there is reason to believe that foreign intelligence information has been or will be obtained from the acquisition. The annual review shall provide, with respect to such acquisitions authorized under subsection (a)—

"(i) an accounting of the number of disseminated intelligence reports containing a reference to a United States person identity;

"(ii) an accounting of the number of United States person identities subsequently disseminated by that element in response to requests for identities that were not referred to by name or title in the original reporting;

"(iii) the number of targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed, and an estimate of the total number of persons reasonably believed to be located in the United States whose communications were reviewed; and

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SA 3938. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 103 and insert the following:

SEC. 103. WEAPONS OF MASS DESTRUCTION.

(a) DEFINITIONS.—

(1) FOREIGN POWER.—Subsection (a)(4) of section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a)(4)) is amended by inserting ", the international proliferation of weapons of mass destruction," after "international terrorism".

(2) AGENT OF A FOREIGN POWER.—Subsection (b)(1) of such section 101 is amended—

(A) in subparagraph (B), by striking "or" at the end

(B) in subparagraph (C), by striking "or" at the end; and

(C) by adding at the end the following new subparagraphs:

"(D) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor; or

"(E) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor, for or on behalf of a foreign power; or".

(3) FOREIGN INTELLIGENCE INFORMATION.—Subsection (e)(1)(B) of such section 101 is amended by striking "sabotage or international terrorism" and inserting "sabotage,

international terrorism, or the international proliferation of weapons of mass destruction''.

(4) WEAPON OF MASS DESTRUCTION.—Such section 101 is amended by inserting after subsection (o) the following:

''(p) 'Weapon of mass destruction' means—

''(1) any destructive device (as such term is defined in section 921 of title 18, United States Code) that is intended or has the capability to cause death or serious bodily injury to a significant number of people;

''(2) any weapon that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors;

''(3) any weapon involving a biological agent, toxin, or vector (as such terms are defined in section 178 of title 18, United States Code); or

''(4) any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.''.

(b) USE OF INFORMATION.—

(1) IN GENERAL.—Section 106(k)(1)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806(k)(1)(B)) is amended by striking ''sabotage or international terrorism'' and inserting ''sabotage, international terrorism, or the international proliferation of weapons of mass destruction''.

(2) PHYSICAL SEARCHES.—Section 305(k)(1)(B) of such Act (50 U.S.C. 1825(k)(1)(B)) is amended by striking ''sabotage or international terrorism'' and inserting ''sabotage, international terrorism, or the international proliferation of weapons of mass destruction''.

SA 3939. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 63, strike lines 7 through 9, and insert the following:

(D) in paragraph (3), as redesignated by subparagraph (B) of this paragraph—

(i) by inserting ''and'' at the end;

(ii) by striking subparagraphs (B) and (C) and inserting the following:

''(B) the premises or property to be searched is or is about to be owned, used, possessed by, or is in transit to or from a foreign power or an agent of a foreign power;''.

SA 3940. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 103 and insert the following:

SEC. 103. MODERNIZING DEFINITIONS.

(a) ELECTRONIC SURVEILLANCE.—Subsection (f) of section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801) is amended to read as follows:

''(f) 'Electronic surveillance' means—

''(1) the installation or use of an electronic, mechanical, or other surveillance device for acquiring information by intentionally directing surveillance at a particular, known person who is reasonably believed to be located within the United States under circumstances in which that person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes; or

''(2) the intentional acquisition of the contents of any communication under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes, if both the sender and all intended recipients are reasonably believed to be located outside the United States.''.

(b) WIRE COMMUNICATION.—Section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801) is amended by striking subsection (l).

(c) CONTENTS.—Subsection (n) of section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801) is amended to read as follows:

''(n) 'Contents', when used with respect to a communication, includes any information concerning the substance, purport, or meaning of that communication.''.

SA 3941. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 13, between lines 2 and 3, insert the following:

''(C) EXPEDITED REVIEW.—Not later than 48 hours after the assignment of a petition filed under subparagraph (A), the assigned judge shall conduct an initial review of the directive. If the assigned judge determines that the petition is frivolous, the assigned judge shall immediately deny the petition and affirm the directive or any part of the directive that is the subject of the petition. If the assigned judge determines that the petition is not frivolous, the assigned judge shall, within 72 hours, consider the petition in accordance with the procedures established under section 103(e)(2) and provide a written statement for the record of the reasons for any determination under this subparagraph.''.

(b) CONFORMING AMENDMENTS.

(1) On page 13, line 3, strike ''(C)'' and insert ''(D)'';

(2) On page 13, line 14, strike ''(D)'' and insert ''(E)'';

(3) On page 13, line 21, strike ''(E)'' and insert ''(F)''.

SA 3942. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 12, strike lines 8 through 13, and insert the following:

''(3) RELEASE FROM LIABILITY.—Notwithstanding any other law, and in addition to the immunities, privileges, and defenses provided by any other source of law, no cause of action or claim may lie or proceeding be maintained in any court or any other body, and no penalty, sanction, or other form of remedy or relief shall be imposed by any court or any other body, against any electronic communication service provider for providing any information, facilities, or assistance in accordance with a directive issued pursuant to paragraph (1).''.

SA 3943. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 62, strike lines 15 through 18, and insert the following:

Section 106 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806) is amended—

(1) in subsection (i), by striking ''radio communication'' and inserting ''communication''; and

(2) by adding at the end the following new subsection:

''(l) Nothing in this section shall prevent the United States from seeking protective orders or asserting privileges ordinarily available to the United States to protect against the disclosure of classified information.''.

SA 3944. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 103 and insert the following:

SEC. 103. CLARIFICATION OF THE DEFINITION OF UNITED STATES PERSON.

Subsection (i) of section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801) is amended by striking '', as defined in subsection (a)(1), (2), or (3)''.

SA 3945. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, beginning on line 10, strike ''not later than 7 days after the issuance of such decision''.

SA 3946. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 102 and insert the following:

SEC. 102. CONSTITUTIONAL POWER OF THE PRESIDENT.

Subsection (2)(f) of section 2511 of title 18, United States Code, is amended to read as follows:

"(f) Nothing contained in this chapter, in section 705 of the Communications Act of 1934 (47 U.S.C. 605), or the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) shall limit the constitutional power of the President to take such measures as the President deems necessary to protect the United States against actual or potential attack or other hostile acts of a foreign power, to obtain foreign intelligence information deemed essential to the security of the United States, or to protect national security information against foreign intelligence activities. Nor shall anything contained in this chapter or the Foreign Intelligence Surveillance Act of 1978 be deemed to limit the constitutional power of the President to take such measures as the President deems necessary to protect the United States against the overthrow of the Government by force or other unlawful means, or against any other clear and present danger to the structure or existence of the Government. The contents of any wire or oral communication intercepted by authority of the President in the exercise of the foregoing powers may be received in evidence in any trial hearing, or other proceeding only where such interception was reasonable, and shall not be otherwise used or disclosed except as is necessary to implement that power.".

SA 3947. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, strike line 12 and all that follows through page 55, line 5.

SA 3948. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after page 1, line 7 and insert the following:

TITLE I—EXTENSION OF THE PROTECT AMERICA ACT OF 2007

SEC. 101. EXTENSION OF THE PROTECT AMERICA ACT OF 2007.

Section 6 of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 557; 50 U.S.C. 1803 note) is amended by striking subsection (c).

TITLE II—PROTECTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS

SEC. 201. DEFINITIONS.

In this title:

(1) ASSISTANCE.—The term "assistance" means the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication), facilities, or another form of assistance.

(2) CONTENTS.—The term "contents" has the meaning given that term in section 101(n) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(n)).

(3) COVERED CIVIL ACTION.—The term "covered civil action" means a civil action filed in a Federal or State court that—

(A) alleges that an electronic communication service provider furnished assistance to an element of the intelligence community; and

(B) seeks monetary or other relief from the electronic communication service provider related to the provision of such assistance.

(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term "electronic communication service provider" means—

(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

(B) a provider of an electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;

(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or

(F) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), (D), or (E).

(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term "element of the intelligence community" means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 202. LIMITATIONS ON CIVIL ACTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS.

(a) LIMITATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a covered civil action shall not lie or be maintained in a Federal or State court, and shall be promptly dismissed, if the Attorney General certifies to the court that—

(A) the assistance alleged to have been provided by the electronic communication service provider was—

(i) in connection with an intelligence activity involving communications that was—

(I) authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007; and

(II) designed to detect or prevent a terrorist attack, or activities in preparation for a terrorist attack, against the United States; and

(ii) described in a written request or directive from the Attorney General or the head of an element of the intelligence community (or the deputy of such person) to the electronic communication service provider indicating that the activity was—

(I) authorized by the President; and

(II) determined to be lawful; or

(B) the electronic communication service provider did not provide the alleged assistance.

(2) REVIEW.—A certification made pursuant to paragraph (1) shall be subject to review by a court for abuse of discretion.

(b) REVIEW OF CERTIFICATIONS.—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a certification made pursuant to subsection (a) would harm the national security of the United States, the court shall—

(1) review such certification in camera and ex parte; and

(2) limit any public disclosure concerning such certification, including any public order following such an ex parte review, to a statement that the conditions of subsection (a) have been met, without disclosing the subparagraph of subsection (a)(1) that is the basis for the certification.

(c) NONDELEGATION.—The authority and duties of the Attorney General under this section shall be performed by the Attorney General (or Acting Attorney General) or a designee in a position not lower than the Deputy Attorney General.

(d) CIVIL ACTIONS IN STATE COURT.—A covered civil action that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable under section 1441 of title 28, United States Code.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit any otherwise available immunity, privilege, or defense under any other provision of law.

(f) EFFECTIVE DATE AND APPLICATION.—This section shall apply to any covered civil action that is pending on or filed after the date of enactment of this Act.

SEC. 203. PROCEDURES FOR IMPLEMENTING STATUTORY DEFENSES UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding after title VII the following new title:

"TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

"SEC. 801. DEFINITIONS.

"In this title:

"(1) ASSISTANCE.—The term 'assistance' means the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication), facilities, or another form of assistance.

"(2) ATTORNEY GENERAL.—The term 'Attorney General' has the meaning give that term in section 101(g).

"(3) CONTENTS.—The term 'contents' has the meaning given that term in section 101(n).

"(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—

"(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

"(B) a provider of electronic communications service, as that term is defined in section 2510 of title 18, United States Code;

"(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

"(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;

"(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or

"(F) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), (D), or (E).

"(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term 'element of the intelligence community' means an element of the intelligence community as specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

"(6) PERSON.—The term 'person' means—

"(A) an electronic communication service provider; or

"(B) a landlord, custodian, or other person who may be authorized or required to furnish assistance pursuant to—

"(i) an order of the court established under section 103(a) directing such assistance;

"(ii) a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code; or

"(iii) a directive under section 102(a)(4), 105B(e), as in effect on the day before the date of the enactment of the FISA Amendments Act of 2007 or 703(h).

"(7) STATE.—The term 'State' means any State, political subdivision of a State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States, and includes any officer, public utility commission, or other body authorized to regulate an electronic communication service provider.

"SEC. 802. PROCEDURES FOR IMPLEMENTING STATUTORY DEFENSES.

"(a) REQUIREMENT FOR CERTIFICATION.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, no civil action may lie or be maintained in a Federal or State court against any person for providing assistance to an element of the intelligence community, and shall be promptly dismissed, if the Attorney General certifies to the court that—

"(A) any assistance by that person was provided pursuant to an order of the court established under section 103(a) directing such assistance;

"(B) any assistance by that person was provided pursuant to a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code;

"(C) any assistance by that person was provided pursuant to a directive under sections 102(a)(4), 105B(e), as in effect on the day before the date of the enactment of the FISA Amendments Act of 2007, or 703(h) directing such assistance; or

"(D) the person did not provide the alleged assistance.

"(2) REVIEW.—A certification made pursuant to paragraph (1) shall be subject to review by a court for abuse of discretion.

"(b) LIMITATIONS ON DISCLOSURE.—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a certification made pursuant to subsection (a) would harm the national security of the United States, the court shall—

"(1) review such certification in camera and ex parte; and

"(2) limit any public disclosure concerning such certification, including any public order following such an ex parte review, to a statement that the conditions of subsection (a) have been met, without disclosing the subparagraph of subsection (a)(1) that is the basis for the certification.

"(c) REMOVAL.—A civil action against a person for providing assistance to an element of the intelligence community that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable under section 1441 of title 28, United States Code.

"(d) RELATIONSHIP TO OTHER LAWS.—Nothing in this section may be construed to limit any otherwise available immunity, privilege, or defense under any other provision of law.

"(e) APPLICABILITY.—This section shall apply to a civil action pending on or filed after the date of enactment of the FISA Amendments Act of 2007.".

SEC. 204. PREEMPTION OF STATE INVESTIGATIONS.

Title VIII of the Foreign Intelligence Surveillance Act (50 U.S.C. 1801 et seq.), as added by section 203 of this Act, is amended by adding at the end the following new section:

"SEC. 803. PREEMPTION.

"(a) IN GENERAL.—No State shall have authority to—

"(1) conduct an investigation into an electronic communication service provider's alleged assistance to an element of the intelligence community;

"(2) require through regulation or any other means the disclosure of information about an electronic communication service provider's alleged assistance to an element of the intelligence community;

"(3) impose any administrative sanction on an electronic communication service provider for assistance to an element of the intelligence community; or

"(4) commence or maintain a civil action or other proceeding to enforce a requirement that an electronic communication service provider disclose information concerning alleged assistance to an element of the intelligence community.

"(b) SUITS BY THE UNITED STATES.—The United States may bring suit to enforce the provisions of this section.

"(c) JURISDICTION.—The district courts of the United States shall have jurisdiction over any civil action brought by the United States to enforce the provisions of this section.

"(d) APPLICATION.—This section shall apply to any investigation, action, or proceeding that is pending on or filed after the date of enactment of the FISA Amendments Act of 2007.".

SEC. 205. TECHNICAL AMENDMENTS.

The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following:

"TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

"Sec. 801. Definitions.
"Sec. 802. Procedures for implementing statutory defenses.
"Sec. 803. Preemption.".

SA 3949. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 63, strike lines 7 through 9 and insert the following:

(D) in paragraph (3), as redesignated by subparagraph (B) of this paragraph—

(i) by inserting "and" at the end;

(ii) by striking subparagraphs (B) and (C) and inserting the following:

"(B) the premises or property to be searched is or is about to be owned, used, possessed by, or is in transit to or from a foreign power or an agent of a foreign power;"; and

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SA 3950. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 13, between lines 2 and 3, insert the following:

"(C) EXPEDITED REVIEW.—Not later than 48 hours after the assignment of a petition filed under subparagraph (A), the assigned judge shall conduct an initial review of the directive. If the assigned judge determines that the petition is frivolous, the assigned judge shall immediately deny the petition and affirm the directive or any part of the directive that is the subject of the petition. If the assigned judge determines that the petition is not frivolous, the assigned judge shall, within 72 hours, consider the petition in accordance with the procedures established under section 103(e)(2) and provide a written statement for the record of the reasons for any determination under this subparagraph.".

CONGRATULATING THE STANFORD UNIVERSITY WOMEN'S CROSS COUNTRY TEAM

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 426, submitted earlier today.

The PRESIDING OFFICER (Mr. CASEY). The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 426) congratulating the Stanford University women's cross country team on winning the 2007 National Collegiate Athletic Association Division I Championship.

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to en bloc, the motion to reconsider be laid upon the table, with no intervening action, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 426) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 426

Whereas the Stanford University Cardinal won the 2007 National Collegiate Athletic Association (NCAA) Women's Cross Country Championship on November 19, 2007, in Terre Haute, Indiana;

Whereas the Cardinal won every postseason race and maintained a top ranking throughout the 2007 season;

Whereas in 2007 the Cardinal won a Division I women's cross country title for the 3rd year in a row and the 5th time in school history;

Whereas Arianna Lambie, Lauren Centrowitz, and Katie Harrington were honored as All-Americans for their exceptional contributions during the 2007 season; and

Whereas the 2007 Stanford women's cross country team members are players Arianna

Lambie, Lauren Centrowitz, Katie Harrington, Alexandra Gits, Teresa McWalters, Lindsay Allen, Kate Niehaus, Alicia Follmar, Maddie Omeara, and Lindsay Flacks, and coaches Peter Tegen and David Vidal: Now, therefore, be it

Resolved, That the Senate congratulates the Stanford University women's cross country team for winning the 2007 National Collegiate Athletic Association Division I Championship.

CONGRATULATING THE UNIVERSITY OF CALIFORNIA AT BERKELEY MEN'S WATER POLO TEAM

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 427, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 427) congratulating the University of California at Berkeley men's water polo team for winning the 2007 National Collegiate Athletic Association Division I Championship.

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, with no intervening action, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 427) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 427

Whereas the University of California at Berkeley (California) Golden Bears won the 2007 National Collegiate Athletic Association (NCAA) Men's Water Polo Championship, 8-6, over the University of Southern California Trojans on December 2, 2007, at the Avery Aquatics Center at Stanford University;

Whereas the California Golden Bears had a 28-4 overall record during the 2007 season;

Whereas in 2007 the California Golden Bears won a Division I men's water polo title for the 2nd year in a row and the 13th time in school history;

Whereas Michael Sharf was named the 2007 NCAA Tournament Most Valuable Player, Zac Monsees, and Jeff Tyrrell were named to the NCAA Tournament 1st team, and Spencer Warden was named to the NCAA Tournament 2nd team; and

Whereas Michael Sharf, Zac Monsees, and Mark Sheredy were named as first-team All-Americans, Adam Haley was named a second-team All-American, and Jeff Tyrrell and Spencer Warden were selected as third-team All-Americans for their exceptional contributions during the 2007 season: Now, therefore, be it

Resolved, That the Senate congratulates the University of California at Berkeley men's water polo team for winning the 2007 National Collegiate Athletic Association Division I Championship.

CONGRATULATING THE UNIVERSITY OF SOUTHERN CALIFORNIA WOMEN'S SOCCER TEAM

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 428, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 428) congratulating the University of Southern California women's soccer team on winning the 2007 National Collegiate Athletic Association Division I Championship.

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, with no intervention action, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 428) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 428

Whereas the University of Southern California (USC) Trojans won the 2007 National Collegiate Athletic Association (NCAA) Women's Soccer Championship by a 2-0 victory over the Florida State University Seminoles on December 9, 2007, at the Aggie Soccer Complex in College Station, Texas;

Whereas the USC Trojans, in the 2007 season, had a 20-3-2 overall record, with 13 goals allowed, 15 shutouts, and a perfect 6-0 mark in the NCAA Women's Soccer Tournament, including 5 shutouts;

Whereas the USC Trojans won a Division I women's soccer title for the first time in school history in 2007;

Whereas Marihelen Tomer and Janessa Currier each scored a goal in the championship game;

Whereas Amy Rodriguez was named the tournament's Most Outstanding Offensive Player, Kristin Olsen was named the tournament's Most Outstanding Defensive Player, and Marihelen Tomer, Kasey Johnson, and Janessa Currier were named to the All-Tournament Team;

Whereas Ashley Nick and Kristin Olsen earned All-American Honors for their exceptional contributions during the 2007 season; and

Whereas the 2007 USC women's soccer team members are players Kristin Olsen, Brittany Massro, Nini Loucks, Alyssa Dávila, Laura McKee, Kat Stolpa, Lauren Brown, Shannon Lacy, Ashli Sandoval, Jamie Petrossi, Stacey Strong, Karter Haug, Amy Rodriguez, Kasey Johnson, Jacquelyn Johnston, Janessa Currier, Ashley Nick, Marihelen Tomer, Meagan Holmes, Megan Ohai, Kelley Finch, Briana Ovbude, Amy Massey, Kate Gong, and Monique Gaxiola, and coaches Ali Khosroshahin, Harold Warren, Laura Janke, Alicia Lloyd, and Rosa Anna Tantillo: Now, therefore, be it

Resolved, That the Senate congratulates the University of Southern California women's soccer team for winning the 2007 National Collegiate Athletic Association Division I Championship.

MEASURE READ THE FIRST TIME—S. 2557

Ms. KLOBUCHAR. Mr. President, I understand that S. 2557, introduced earlier today by Senator REID, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 2557) to extend the Protect America Act of 2007 until July 1, 2009.

Ms. KLOBUCHAR. I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

AUTHORITY TO FILE SECOND-DEGREE AMENDMENTS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that notwithstanding the provisions of rule XXII, Senators have until 4 p.m. Monday, January 28, to file second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, JANUARY 28, 2007

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m. Monday, January 28; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each, and the time equally divided and controlled between the two leaders or their designees; that at 3 p.m. the Senate resume consideration of S. 2248, the FISA legislation, and that the time until 4:30 p.m. be equally divided and controlled by the two leaders or their designees, with the final 20 minutes equally divided between the two leaders, with the majority leader in control of the final 10 minutes, and that the cloture vote on the Reid amendment not occur prior to the 4:30 cloture vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Ms. KLOBUCHAR. Mr. President, at 4:30 p.m. the Senate will proceed to vote on the motion to invoke cloture on the Rockefeller-Bond substitute amendment. If cloture is not invoked on the substitute, a second vote would then occur on the motion to invoke cloture on the Reid amendment. As a reminder, the filing deadline for second-degree amendments is 4 p.m. on Monday.

As a reminder, at 9 p.m. Monday, the President will address a joint session of Congress to present his State of the Union Address.

ADJOURNMENT UNTIL MONDAY, JANUARY 28, 2008, AT 2 P.M.

Ms. KLOBUCHAR. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 1:54 p.m., adjourned until Monday, January 28, 2008, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL LABOR RELATIONS BOARD

ROBERT J. BATTISTA, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2009, VICE DENNIS P. WALSH.

GERARD MORALES, OF ARIZONA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2012, VICE ROBERT J. BATTISTA, TERM EXPIRED.

DENNIS P. WALSH, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2008, VICE PETER N. KIRSANOW.

DENNIS P. WALSH, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2013. (REAPPOINTMENT)

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DOUGLAS M. FRASER, 7505

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF NAVAL PERSONNEL, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5141:

To be vice admiral

REAR ADM. MARK E. FERGUSON III, 0136

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. JOHN C. HARVEY, JR., 4323

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ORLANDO SALINAS, 6967

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

DEBRA D. RICE, 3633

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ROBERT J. MOUW, 4121

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

RABI L. SINGH, 2515

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

MICHAEL V. MISIEWICZ, 7171

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JOHN A. BOWMAN, 5721

THE FOLLOWING NAMED OFFICER FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

JOHN A. BOWMAN, 5721

WITHDRAWALS

Executive Message transmitted by the President to the Senate on January 25, 2008 withdrawing from further Senate consideration the following nominations:

DENNIS P. WALSH, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2009. (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

PETER N. KIRSANOW, OF OHIO, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2008, VICE RONALD E. MEISBURG, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

SENATE—*Monday, January 28, 2008*

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the State of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God of divine love, help our Senators today to rise to the challenge of the needs of our world. Inspire them to do this by making new commitments to You, followed by faithful service. Make them strong in Your strength, that they will not become weary in doing Your will. Help them to understand that the riches of our lives and this great land have been given to us by Your loving providence.

Remind them also that to whom much is given, much is expected, and that they are accountable to You for their stewardship as they journey through life. Empower our lawmakers to use their considerable abilities to serve You and humanity.

We pray in the Name of Him who gave His life for all. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 28, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the State of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

RENDERING PUBLIC SERVICE

Mr. REID. Mr. President, a year ago today, the Presiding Officer gave one of the classic speeches in American history as a freshman Senator responding to the State of the Union Message. It was a message that was accepted on both sides of the aisle by the people of Virginia and everyone in this country. I wish to remind the Senator what a great public service he rendered last year in giving this speech.

SECRETARY OF AGRICULTURE

Mr. REID. We are going to try to get approved very quickly—we are cleared on this side; we are waiting to have the Republicans clear Governor Schafer to be the Secretary of Agriculture. We would like to get that done in the next little bit. After we do this, it takes the White House a number of hours to get all the paperwork in order so that he can be sworn in. It would be really nice if we could get him to attend the State of the Union Address tonight. This would be extremely good.

President Bush has nominated him. This will be the last State of the Union speech the President will give, and it would be good if he had a Secretary of Agriculture there during those proceedings. So as soon as it is cleared by the Republicans, we will clear Governor Schafer to be the Secretary of Agriculture.

UNANIMOUS-CONSENT AGREEMENT—S. 2248

Mr. REID. Mr. President, I ask unanimous consent that the previously scheduled cloture vote on the substitute amendment occur at 4:40 p.m. today and that all provisions under the previous order remain in effect. Our staffs have talked; I am confident the Republican leader is aware of this.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, this afternoon the Senate will be in a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders.

At 3 p.m., the Senate will resume consideration of the FISA legislation. The time until 4:40 p.m. will be equally divided and controlled between the two leaders or their designees, with the final 20 minutes equally divided and controlled between the two leaders, with the majority leader controlling the final 10 minutes.

At 4:40 p.m., the Senate will proceed to vote on the motion to invoke cloture on the Rockefeller-Bond substitute amendment. If cloture is not invoked on the substitute, the Senate will then proceed to a second vote on the motion to invoke cloture on the Reid amendment to the underlying bill.

As a reminder, there is a 4 p.m. filing deadline for second-degree amendments.

At 9 p.m. tonight, the President will deliver the State of the Union Address to a joint session of Congress. Senators will gather in the Senate Chamber at 8:20 p.m. and then proceed as a body to the Hall of the House of Representatives at 8:30.

Senators are encouraged to attend the Secretary of the Senate annual State of the Union supper tonight at 6:30 p.m. in S–211.

MEASURE PLACED ON THE CALENDAR—S. 2557

Mr. REID. Mr. President, S. 2557 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (S. 2557) to extend the Protect America Act of 2007 until July 1, 2009.

Mr. REID. I object to any further proceedings with respect to this bill at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

REMEMBERING GORDON B. HINCKLEY

Mr. REID. Mr. President, I would say very briefly that someone I have gotten to know over the last number of years died last night at 7 o'clock—the leader of the Mormon Church, a man who has been instrumental in the tremendous growth of the church. During his period of time, the church has grown by millions of new people coming into the church. He has been a phenomenal builder, building scores of new temples around the world. As we speak, there is one new church building being built every day, being dedicated every day. That is a lot of construction. I was told last week that the largest single builder of buildings in the United States next to the Federal Government is the LDS Church, the Church of Jesus

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Christ of Latter-day Saints, of which this good man was the leader.

He is someone who has done some very unique things. He started what is called the Perpetual Education Fund. About half the members of the church are located outside of the United States. Millions of members of the church are located in Mexico, Central and South America. He started what is, as I have indicated, called the Perpetual Education Fund, which is a voluntary contribution made from members of the church to help these people who are coming into the church be educated. As a result, tens of thousands of people are now educated and are now church and community leaders around the world.

There is so much more that could be said about this good man who was kind and gentle and epitomized everything that is good in mankind, and certainly on a personal basis I will miss him greatly.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

SECRETARY OF AGRICULTURE

Mr. McCONNELL. Mr. President, I am not aware of any problems with regard to the nominee for Secretary of Agriculture, and we are running a hotline on this side. I anticipate that it will be cleared shortly, and that will be a confirmation we hopefully can get out of the way at some point this afternoon.

WORKING OR BLAMING

Mr. McCONNELL. Mr. President, tonight, in keeping with an old custom, the President will speak to Congress and the Nation about the state of the Union. Every President since George Washington has given these periodic updates because the Constitution requires them to do so.

While the Constitution makes no similar demands on congressional leaders, there is no doubt that this year the American people are demanding something from us. They are looking for proof that Republicans and Democrats can come together to get a few things done on their behalf.

Just 1 week into the session, and we are faced with a crucial test, two issues of vital significance to every American citizen: Will we reauthorize a terror-fighting tool that we know has made us safer, and will we put money back into the taxpayers' hands quickly enough for it to have a positive effect on the Nation's economy? It is not an exaggeration to say that the choices we make on these issues will show the public whether we are serious about protecting them from harm and serious about protecting their wallets. So the question is this: Will we find a way to work together or will we find a way to get out of it and then blame the other side?

We got off to a good start. Last Thursday, millions of Americans were absolutely stunned to turn on their television sets and see the Democratic Speaker of the House and the House Republican leader standing together on a stage behind the Treasury Secretary from the Bush administration and nodding in agreement about an economic growth package they had all worked out among themselves. It was the kind of scene many people have wondered if they would ever see again.

For the first time in years, the parties have come together in good faith and responded swiftly to a pressing national concern. They sensed that the Nation was impatient for action, and so they gave up a lot of what they wanted in order to find common ground. House Republicans made major sacrifices. So did House Democrats. Now the Nation's attention turns to us, to the Senate, to see if we are capable of the same. Here is our moment to show that we are.

A number of Senators have expressed a desire to add to this package tens of billions of dollars in spending on contentious programs. But we don't have the time for ideological debates. In order for this plan to work, Congress needs to act and to act at once.

This is not the package, frankly, that I would have put together. In my view, the best way to stimulate the economy would be to lower marginal rates. But neither is it the package my good friend, the majority leader, would have put together. I gather from his public statements he would prefer there be more spending on Government programs. The Speaker and the House Republican leader would also have built a package differently if they had written it on their own, but they put their differences aside because they know we will all get nothing if we are not willing to make some serious sacrifices.

The editorial writers at the Washington Post urged us Friday not to let the perfect be the enemy of the good. Low- and middle-income taxpayers certainly agree. They are tapping their fingers wondering if we can do it.

Americans are also wondering if we can agree on something as fundamental as our national security, and for good reason. We saw some worrisome signs last week that some of our friends were looking for a way out of what would be and could be a good bipartisan achievement on reauthorizing a terrorist surveillance program.

They should remember that 3 years ago, following the lead of the 9/11 Commission, Congress came together to create the Office of the Director of National Intelligence, approving the bill that established it by a vote of 89 to 2. The Director of National Intelligence was supposed to be the person who would connect the dots, who would make sure intelligence gaps were closed, who could look across the entire intelligence landscape and tell us about our vulnerabilities before terrorists discovered them on their own.

Last year, he did just that. The Director of National Intelligence came to Capitol Hill and asked us to either fix the Foreign Intelligence Surveillance Act that allowed us to monitor foreign terrorists overseas or risk weakening this vital intelligence-gathering tool.

Our friends across the aisle put off action for months before finally passing a temporary revision right up against the August recess. Then they delayed again last fall, pushing us up against the expiration of the temporary extension. Now they are delaying again.

There is only one version of a long-term extension that agrees with the recommendations of the Director of National Intelligence, and that is the pending Rockefeller-Bond substitute bill. This bill was carefully crafted on a strong bipartisan basis and reported out of the Intelligence Committee on a vote of 13 to 2. It is the only version the Director of National Intelligence has approved. It is the only version the President would sign. Therefore, it is the only one that has any chance of becoming law before the current extension expires on Friday of this week.

The time to act has long since passed. We need to approve Rockefeller-Bond, and we need to do it this week.

Some of our friends on the other side say they will not vote for cloture on Rockefeller/Bond because they could not amend it. No one should be deceived by this complaint. The amendments they want would transform it into a replica of the partisan bill that was reported out of the Judiciary Committee last fall. In other words, allowing amendments would guarantee failure.

Some of our friends on the other side say they want a 1-month extension. Never mind that we have had 10 months to act already. No one should be deceived by this complaint either. The real reason for the 1-month extension, of course, is to give Members who vote in favor of it the political cover they need to vote against Rockefeller/Bond. This is another clever way to make the bill fail.

Some of our friends on the other side say we are wrong to insist that phone carriers who may have cooperated with the Government in tracking terrorists be immune from lawsuits. The implication is that this is some kind of a favor for big business. But this advice is coming from the intelligence community, not politicians, because they know that we could never expect these companies—or any others—to cooperate in the future as long as the threat of a lawsuit looms.

Finally, some of our friends accuse us of being scaremongers for urging passage now. But the terrorist threat has not diminished since 9/11. It hasn't expired. The Director of National Intelligence assures us it hasn't. The memory of 9/11 tells us it has not. Attacks in Madrid and London and Bali tell us it has not. And the terrorists themselves tell us it has not. The threat is real. And we cannot let success in preventing another one keep us from staying on offense with all the tools and resources we have. The bottom line is this: by voting for cloture on Rockefeller/Bond, Members will guarantee that this important antiterror tool does not expire. And those who vote against it are voting either to delay its reauthorization or to weaken, not strengthen, our terror-fighting tools.

Fixing FISA is within our grasp. Will we come together and embrace the compromise approach that protects us, and doesn't force companies to make a false choice between the good of the firm or the good of the country or will we go the partisan route? It would be a worrisome sign indeed if the first bill Democrats filibuster this year deals with national security. We must resist the mistakes of last year, and act.

Last week, we saw the kind of tough compromise that's necessary when lawmakers are more concerned about making a difference than making a political point. Now it is our turn. The second session is young. But the choices we make this week will define us. And in my view, it is a welcome opportunity.

Here in the second week of the session we have a chance to show Americans that we can work together on their behalf, to solve problems; to protect their security and protect their wallets. This is a defining moment for the 110th Congress. Let's put the mistakes of last year behind us. Let's show that the U.S. Senate can get the job done.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided between the two leaders or their designees.

The Senator from Utah is recognized.

DEATH OF GORDON B. HINCKLEY

Mr. BENNETT. Mr. President, as the majority leader noted, last night Gordon B. Hinckley, the oldest serving president of the Church of Jesus Christ of Latter-day Saints in the history, passed away. He was 97 years old. Many might think that in lasting until 97 he passed away as a wasted, worn-out man. That is not true. President Hinckley was energetic and enthusiastic and fully engaged within just a day or two of his passing. With my senior colleague Senator HATCH, I have had meetings with him and the other leaders of the church and was always amazed at how well connected he was. He read the papers. He watched the television. He knew what was going on in the world outside the church every bit as much as we did. His memory was phenomenal. There are many people who were 20 to 30 years his junior who could not remember current items of news as well as he could.

So it is appropriate we take a moment or two to comment on the stewardship and contribution of this great man at the time of his passing. We do not mourn for him. He has joined his wife, his parents, and those others who have gone before him who may have a little sense of "Gordon, what took you so long?" But he stayed at his job and he fulfilled his stewardship in an impressive manner. The mourning we have on this occasion is mourning for ourselves, for the loss we have sustained in seeing this great and good man go on.

I have made mention of his energy. I should also mention his enthusiasm. He had a great zest for life. He was always looking forward to the next activity and the next opportunity. Along with his energy and enthusiasm, he was a man of humility and humor. You were never quite sure when he stood at the pulpit to speak if he was going to say something that would put you at ease and make you laugh, because that happened much more often than it did with some others who were a little more serious in their message. His messages were always serious, but they always had that touch of humor.

The last message we heard from him, speaking to the entire world in general, and to the church specifically, was his sermon of last October. I am sure he did not know that would be his final sermon to the members of the church. But it started out again with a touch of Hinckley humor. He noted, as he stood to speak, that singers will sing the same song over and over again, as people ask them to perform; orchestras will play the same symphony over and over again; but speakers are always expected to say something new. He said that bothered him a little, as he was going to repeat a sermon he had given before. After we smiled at his early comments, we heard a lecture on anger. He talked about the toxic effects of anger and how we should do our very best, both in our personal lives and in our professional lives, and, if I may, here in the Senate in national dialog, to do away with the sense of anger.

I have just returned from the annual session in Davos, Switzerland, where I heard a lot of people who could benefit from that sermon, as there was a lot of anger people had toward other governments and other government officials.

I will not in any way attempt to capsulize what President Hinckley had to say about anger, except to demonstrate that this was his benediction prior to his death to the members of his church, telling them not to be angry with their families, not to be angry in their communities, and not to be angry with the world.

A former Apostle of the Lord Jesus Christ, Paul, spoke in his letter to the Corinthians about the three most important attributes of a Christian: Faith, hope, and charity. Gordon B. Hinckley spoke of these same attributes and lived them in his life. But he put them, if you will, in modern terms: Optimism, confidence, and love. A sermon telling us not to be angry with our fellow men is a fitting capstone to the stewardship of this man. It is a modern way of saying Paul's term "charity" or the pure love of Christ. We shall miss him.

The ACTING PRESIDENT pro tempore. The Senator from Utah, Mr. HATCH, is recognized.

Mr. HATCH. Mr. President, I ask unanimous consent that I may speak for about 5 minutes on Gordon B. Hinckley.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I associate myself with the remarks of my colleague from Utah, Senator BENNETT. He basically stated in very articulate terms how important President Gordon B. Hinckley was, not just to Senator BENNETT and myself, but to people all over the world.

I express my deepest empathy, sympathy, and love to the family of Gordon B. Hinckley. I agree with Senator BENNETT, that President Hinckley in dying was happy to go and again be with his beloved eternal companion, Marjorie, whom he missed, who died about 4 years before him, and to be with others he has known here on this Earth, and others he would like to know who helped to make this country the greatest in the world, and many others as well. I extend my deep sympathy to his family—a wonderful family; they are terrific people.

President Hinckley was as ecumenical as a person could be. He led a worldwide church, the fifth largest church in America, the Church of Jesus Christ of Latter-day Saints. He basically taught all of us to understand that all religions are good and that we should work together. I don't think there has been a humanitarian mission or a major disaster anywhere in the world where the Church of Jesus Christ of Latter-day Saints—nicknamed the Mormons—hasn't cooperated with Catholic charities and other Christian charities—especially Catholic charities—to immediately go into action and provide the needed food, clothing, pharmaceuticals, et cetera, all over the world. These two charities have done so much. He made sure our members—13 million strong around the world—participated in each humanitarian concern. In fact, we have thousands and thousands of humanitarian missionaries all over the world. Many are older people who are retired and are giving 18 months, or even more, of their time—and some less—to be able to bring humanitarian help to people all over the world. This man led that. He was also a great business leader. Imagine, we had a man like this run this very important worldwide church.

Senator BENNETT mentioned his sense of humor. You hardly heard a set of remarks by President Hinckley where he didn't very wittily make his points even better than he would have if they were just stern and tough. He was never stern and tough, unless it was essential. He was always kind and loving. He was kind to me. Elaine, my wife, and I personally love him and we are going to miss him very much. He traveled all over the world. I have traveled all over the world, and generally have done it on military planes with military liaisons helping us and carrying our bags, doing everything to make it a reasonable trip. I come back beat every time. In every case, I wanted to kiss the ground when I got back here. He traveled extensively all over the world, almost a million miles. In that regard, I pay tribute to Jon Huntsman, Sr., who made it possible in his later years for him to have a very good airplane that I think extended his life for a longer period of time for the benefit of mankind all over this world. It was a wonderful thing.

He had love for all human beings and he expressed that love not only through his words but also through his actions.

I might add that, as Senator REID mentioned, he established the perpetual education fund where members of our faith donate millions of dollars every year to help unfortunate young people in these foreign lands to be able to go to school and raise their educational level so they can become leaders in their own country, and so they can make great contributions. I think it is one of the most inspired things I have ever seen. We have thousands of young men and women who are now leaders in their countries—teachers, doctors, lawyers, and others—all because of the vision of this great man, whom we call a prophet.

I might mention that in his travels he dedicated dozens of temples, the most of any president of the church, all over the world. To LDS people those temples are extremely important. We believe marriage is so sacred and it is for all eternity, not just this life. Frankly, we try to live that way. Many do. These temples are extremely important to us. He went all over the world doing it.

I can truthfully say this is a man I loved. He was a profound influence on Senator BENNETT, me, and millions of others. He was a man who got along with leaders of other faiths. He taught us we must respect everybody.

Today I add my voice to those of 13 million other members of the Church of Jesus Christ of Latter-day Saints in bidding farewell to our beloved prophet, President Gordon Bitner Hinckley. His death late yesterday in his home in Salt Lake City has reminded us that all good things must come to an end. It is a sad day for all Utahns. We have lost our friend, our leader, and our fellow servant. President Hinckley lived great, and he died great in the eyes of God and his people, leaving behind him a fame and a name which will be known for generations to come.

In our effort to follow in President Hinckley's footsteps, Latter-day Saints found they had to lengthen their stride to keep up with him. Even into the sunset of his life, President Hinckley was indefatigable. He set a vigorous pace, traveling the world and sharing his message of service, love, and compassion with millions of all faiths. Everywhere our prophet traveled, he succored the weak, lifted the hands which hung down, and strengthened the feeble knees. When I think of the blessing President Hinckley was to those around him, I am reminded of the words from the great Mormon hymn, "Every day some burden lifted, every day some heart to cheer, every day some hope the brighter, blessed honored pioneer."

President Hinckley was born to humble surroundings on June 23, 1910, in Salt Lake City, UT. He attended public schools, and graduated with a bachelor's of arts from the University of Utah. His first job was as a newspaper carrier for Utah's Deseret News. This modest start with a newspaper was a prelude of things to come. President Hinckley became the most media savvy leader the LDS Church has ever known, sharing his warmth and spirit with countless reporters, cultivating great friendships with notables like Larry King and Mike Wallace. Wallace once described President Hinckley as "a man I admire and I love really, because he's just an extraordinary guy."

As many Latter-day Saints do, Gordon B. Hinckley served a mission for the church while he was young. President Hinckley served in Great Britain in the 1930s, sharing the gospel's message of peace and hope during a time of great political and economic turmoil. Discouraged by the lack of receptivity he found among the Britons, he confided his dismay to his father, who instructed the young Gordon to "forget himself and go to work."

Young Gordon did, both in Great Britain and in the 70 years of service that followed.

His love of God fueled his love of country. President Hinckley carried the torch of patriotism, and the spirit of America burned in his heart. He once said, "I love America for [its] great constitutional strength, for the dedication of its people to the peace and the prosperity of the entire earth. I love America for the tremendous genius of its scientists, its laboratories, its universities, its researchers, and the tens of thousands of facilities devoted to the improvement of human health and comfort, to the extension of life, to better communication and transportation. Its great throbbing and thriving industries have blessed the entire world. The standard of living of its people has been the envy of the entire Earth. Its farmlands have yielded an abundance undreamed of by most people of the Earth. The entrepreneurial environment in which has grown its industry has been the envy of and model for many other nations."

President Hinckley's patriotism inspired him to great acts of civic service, in addition to his church duties. He was a chairman or board member of many businesses and educational entities. He received honorary doctorates from five colleges and universities, the Distinguished Service Award from the National Association for the Advancement of Colored People, the Silver Buffalo Award from the Boy Scouts of America, and special recognition for his contributions to tolerance from the National Conference of Christians and Jews.

President Hinckley's ministry earned him national prominence. In 2004, President George W. Bush awarded our prophet with the Presidential Medal of Freedom, the Nation's highest civil award. President Hinckley was one of the spiritual leaders President Bush invited to the White House following the September 11 attacks. It was a great honor, both for him and our faith, that the President invited him to that gathering. A few months later, on the eve of the Winter Olympics in 2002, President Bush said, "President Hinckley represents a great religion, he is a strong part of the American scene."

But President Hinckley never let his love of the United States obscure his vision for the rest of the world. Prior to becoming the LDS president in 1995, Hinckley supervised the church's organization in Asia, Europe, and South America. During his tenure, the number of members living inside North America was surpassed by those living outside of it. The nations of the Earth heard his voice and he brought them a knowledge of the truth by the wonderful testimony which he bore.

As president, he administered to both the ecclesiastical and temporal needs of the church, whose 13 million members are spread over some 160 nations and territories. President Hinckley lifted his voice on every continent, in cities large and small, from north to south and east to west across this broad world. One global vision President Hinckley had for the LDS Church was a perpetual education fund, whereby members in wealthier nations could donate to the education of those in developing nations, thereby empowering them to help themselves and strengthening the infrastructure in struggling parts of the world, particularly Latin America.

When he became president of the church in 1995, the church had only 47 temples, our special meeting houses such as the magnificent one in nearby Kensington, MD. Thanks to President Hinckley's vision of expansion, today there are 124 in operation, and 12 more are under construction.

One of his first messages upon becoming our prophet in 1995 was a proclamation to the world, declaring the divine nature of the family unit and providing direction on how to nurture strong family relationships. There is no greater duty or privilege among the Latter-day Saints than to serve our families. President Hinckley admirably demonstrated that service as a grandfather, father, and husband to his eternal companion, Marjorie, who walked side by side with him for two-thirds of a century.

Now he and Marjorie are walking together in the fields of paradise, enjoying a richly deserved peace in the Lord. I am sure at this time he would remind us that death is the great equalizer. No matter what a man or woman may accomplish in this life, this final inevitability is waiting for them. Shortly before his own passing, perhaps seeing the end was nigh, President Hinckley told church members, "A man must get his satisfaction from his work each day, must recognize that his family may remember him, that he may count with the Lord, but beyond that, small will be his monument among the coming generations."

Our heads are bowed now, as we bid him farewell. Gordon Bitner Hinckley joins the ranks of departed prophets, on whose shoulders he stood and in whose mighty company he can now proudly mingle. God be with you, our friend, till we meet again.

I have to say, he stood for everything that was good, and I love him.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FISA

Mr. SPECTER. Mr. President, I have sought recognition to speak briefly in opposition to the motion to invoke cloture. The amendment which I have filed goes to the heart of the issue on removing liability from the telephone companies to impose retroactive immunity. The amendment which I have filed and has been discussed on the floor of the Senate would substitute the Government for the party defendant, where the Government would have the same defenses—no more, no less.

For example, the telephone companies do not have the defense of governmental immunity; and the Government, when substituted, would not have the defense of governmental immunity. The telephone companies can plead state secrets to foreclose the litigation; and when the Government would be substituted, for example, the Government could assert the doctrine of state secrets in order to foreclose the litigation.

If the motion to invoke cloture is granted, I am advised by the Parliamentarian my amendment would not be germane and, therefore, would be stricken. We went through a long session last year where the argument was made, repeatedly and persuasively, not to invoke cloture—the argument advanced on this side of the aisle—in order to give Members on this side of the aisle an opportunity to propose their amendments. Now we have the first situation sought to be applied, and it is my hope this body will reject the cloture motion.

There has been very little time spent on this very important subject in this body, and when you have a matter of the importance of retroactive immunity, where you are going to shut off the courts of the United States from hearing cases that are already pending, there ought to be time for consideration of an amendment such as the one Senator WHITEHOUSE and I have offered to substitute the U.S. Government.

The purpose of our amendment is to comport with the basic constitutional provision of separation of powers, which is the cornerstone of the Constitution, and we have found, regrettably, it has been inadequate to have congressional supervision, congressional oversight, because of its ineffectiveness. For example, when the Judiciary Committee seeks to obtain records on the destruction of CIA tapes, you find the administration resisting and the inevitable argument of politics. When the court issues an order, as the Federal Court did last week for a report on the destruction of documents, seeking to find out what happened on the destruction of the CIA documents, the court can't be charged with politics. We find in Rasul, and in other litigation matters, the judicial branch has been effective in maintaining the separation of power.

One further comment. It is a surprise to me that the amendment which I have offered with Senator WHITEHOUSE has been ruled nongermane. I took a look at Webster's International Dictionary and germane is defined as:

> closely or significantly related; relevant; pertinent; closely akin.

I consulted with a Parliamentarian and asked why our amendment was ruled as nongermane, and the answer given was because there was no specific statement of the underlying bill on governmental liability. In pursuing the issue with the Parliamentarian, I then said: I am going to seek to change the rules.

It seems to me peculiar, if not absurd, that my amendment, the Specter-Whitehouse amendment, would not be germane under the common meaning of the English language. I said: Suppose we change the rules to provide that it was relevant? And the answer I got, and I don't want to misquote anybody, was that: Yes, that would stand the test of relevancy. As he put it, a more permissive standard.

So then I checked the definition of relevant in Webster's International Dictionary, and it says:

> Bearing upon or connected with the matter in hand; to the purpose; pertinent, raise, lift up, syn applicable, germane, appropriate, suitable, fitting.

Well, the key part about the definition of relevant is that one of the synonyms is germane, just as one of the synonyms of germane is relevant. Now, it is a loss to me. I have been here a while, and I have had a hard time understanding the ruling of what is germane, and I have never seen one as close to the core point as putting the Government as a substitute for the telephone companies, but somehow it is not germane.

So I wish to put my colleagues on notice that I intend to try to change the rules. I can't see why one is necessary when Webster's has germane as a substitute for relevant and relevant as a substitute for germane. If the Parliamentarian thinks that relevant is OK, it is, again, hard for me to see why germane is not. A little surprising.

Mr. DORGAN. Mr. President, will the Senator yield for question? I don't want to interrupt his comments.

Mr. SPECTER. I will.

Mr. DORGAN. Mr. President, morning session is up at 3, and I am scheduled for 15 minutes. I might ask to extend the time. I don't know how much time the Senator is going to use, but I want to make certain I have the opportunity that was previously ordered, for 15 minutes on this side.

The ACTING PRESIDENT pro tempore. There is 10 minutes, 12 seconds remaining, and morning business is under the control of the majority.

Mr. DORGAN. Mr. President, how much additional time does the Senator from Pennsylvania need?

Mr. SPECTER. Less than a minute.

Mr. DORGAN. Let me ask unanimous consent that we extend by 5 minutes the time for morning business so it terminates at 3:05.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. I thank my colleague for his courtesy.

Mr. SPECTER. I thank the distinguished Senator from North Dakota.

Well, I have made my argument. I think it is important to have a ruling, a vote by this body on whether we are going to apply retroactive immunity to the telephone companies. I said on the floor last week that if my amendment is not adopted, I will support retroactive immunity. I think it is a bad practice, but I think, as bad as that practice is, it would be worse to cut off the information which our intelligence community thinks we need. I think it is not advisable. And when we have a method of having both objectives, that is to have the Government have access to the information and at the same time not impose the cutting off of the judicial system for checks and balances, I think that ought to be adopted.

And further, a final comment on the hard-to-understand definition of germane. The dictionary defines it as being relevant, and the dictionary defines relevant as being germane, with the Parliamentarian giving a supplemental opinion that if the standard was relevance, it would be appropriate to have the amendment.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

ECONOMIC STIMULUS

Mr. DORGAN. Mr. President, tonight we will hear from the President in his annual State of the Union Address. I know the President is expected to talk a great deal about the economy and the need for an economic stimulus package. I wanted to talk for a moment about this because I think it is important for us to understand what is happening to our economy.

I know there are some who think the field of economics is some field with precision and elegance and that we are dealing with the ship of state. If we can find our way to the engine room and find all the knobs and gauges and valves and levers and turn them the right way, such as providing an investment credit and bonus depreciation, that somehow we will get this ship of state moving again. Of course, that is not what is at stake at all. There isn't an engine room with knobs and valves and gauges. This is the field of economics, which I have said previously is a lot like psychology pumped up with helium.

So we talk a lot about knowing what is going on. The fact is we are going to now do a stimulus package because there is a notion that there is a problem with the economy. Well, there is more than a problem, there is a very serious problem with this economy. Take a look at the stock market, which is a barometer of confidence—up and down similar to a yo-yo—mostly down. The housing market has cratered, with construction of new homes and apartments in 2007 down 25 percent from the prior year. That is one of the giant job engines in our economy—the housing market. The unemployment rate has jumped, with some 1.4 million workers without a job for 27 months or longer. The trade deficit recently hit a 14-month high. Oil prices are still way up. Retail sales are their worst in years. So we have a very serious problem.

Now, the Federal Reserve Board took bold action last week and that is unusual for the Federal Reserve Board. They all wear gray suits and wire-rimmed glasses and seldom do anything that is very bold, but last week they did. They cut interest rates by three-quarters of 1 percent. So the expectation is that because the Fed is taking that action and seems to be very concerned about the economy, that we should take a look at our fiscal policy, so there is talk about a stimulus.

Frankly, I think a stimulus package is fine. I don't think it does all that much. But the absence of doing something on the Senate side of Congress would send the wrong signal. Psychologically, it is important we work on a stimulus. We are talking about a stimulus that is probably 1 percent of our economy, so it is not exactly going to jump start the American economy. In addition, if all we do is a stimulus package and we continue to ignore the fundamentals, the things that are structurally wrong in this economy, the things that have not just caused the economy to be in some trouble but caused the American people and people all around the world to look at us and say: You know something, you are off track. You are not addressing the things that matter, and this is unsustainable. If we don't do something to address those things, we will not be addressing the basic problem of our economy.

So let me talk about that. No. 1, a fiscal policy. A reckless fiscal policy. I mean, in recent years, think of it. This administration inherited a large budget surplus. Then we got hit with a recession, a war in Afghanistan, a war in Iraq, a war on terrorism—and a whole series of events—including Hurricane Katrina. Many of us said to the President: Don't propose we spend surpluses that don't yet exist. Let us be conservative. He said: Katy bar the door, let us have big tax cuts and most of it for the wealthy, and he pushed it through Congress.

Now, I didn't push for it, he did, and we ran up a huge deficit because of all these unexpected circumstances we were confronted with. So now, in recent years, we have sent soldiers off to war, and the President says to Congress: We are sending soldiers to go fight, but we don't intend to pay for it. I want the Congress to provide emergency spending in order to pay for that, and we will add it to the debt. Last year, he asked Congress for $196 billion for the current fiscal year. That is $16 billion a month, $4 billion a week, none of it paid for, and all of it added to the debt. As if to say to the soldiers: You go fight, and when you come home, we will have you and your kids pay the bills. That is a fiscal policy that is completely off balance.

We are going to borrow about $600 billion this year. That is how much will be added to the debt. I know that is not what they say the deficit is. They say the deficit is lower because, among other things, they are taking all the Social Security surplus from the trust funds and using it to show a lower deficit. We are going to borrow about $600 billion a year to sustain the budget policies of this administration. Add to that a $700 billion to $800 billion a year trade deficit, $2 billion a day every single day, and you are talking about a combined red ink in our budget and trade policies of some $1.3 trillion. That is almost 10 percent of the American economy. Think of that. That is unsustainable.

Now, add to a reckless fiscal policy and a trade policy in which we are hemorrhaging red ink and exporting American jobs, regulators who were asleep on the job—people who came to Government but didn't want to regulate—and the subprime loan scandal occurred right under their noses. We all heard the advertisements. When you turned on the television, you heard the ads. It couldn't have escaped the notice of the regulators, surely. The ads said: Have you been bankrupt? Do you have trouble getting credit? Have you been missing your house payments? Come to us. We have a loan for you. We will give you a new home mortgage. And so they did, with a teaser rate at 2 percent and unbelievable circumstances.

Everybody was making lots of money. The brokers were making millions, the mortgage banks were making a lot of money, and then they were packing these mortgage loans, the good ones, with the bad ones, just like they used to pack sausage with meat and sawdust. They would use the sawdust as filler back in the old days.

Well, during unregulated times, just like packing sawdust into sausages, what these folks did is, they took good loans and bad loans, packaged them up. They sliced them up, then they securitized them, and sent them out, sold them, and everybody was happy and everybody was fat and everybody was making a lot of money, until it all came home to roost. A whole lot of folks could not make housing payments.

So what we found with the subprime loan scandal is 2.2 million families with subprime loans will lose their homes to foreclosure; 7.2 million with subprime mortgages have an outstanding mortgage value of $1.3 trillion. And when those interest rates reset, a whole lot of them will not be able to pay the bills to keep their homes.

All of this happened under the nose of regulators who came to Government not wanting to regulate. And it caused severe damage to our country. Now, add to that a reckless fiscal policy, a trade deficit in which we are hemorrhaging in red ink and shipping jobs overseas and a scandal in the home mortgage industry that caused enormous damage to our country, made a lot of folks rich in the short term, and victimized a lot of others. Add to that the unbelievable speculation that is going on in hedge funds, most all of it outside of the view of regulators.

Hedge funds are about $1.2 to $1.5 trillion in value; but that does not describe their importance to the economy. They are heavily leveraged. That $1.2 to $1.5 trillion of hedge funds is engaged in one-half of all of the trades every day on the New York Stock Exchange. They are engaged in, among other things, credit default swaps.

There is something called credit default swaps, derivatives, with notional values of $43 trillion. There is so much unbelievable speculation with dramatic amounts of leverage in hedge funds and derivatives that it is scary. Nobody knows what is going on because it is outside the view of regulators. That is the way they want to keep it.

We will talk about stimulus; we will talk about short-term measures. But if we do not deal with this issue of a fiscal policy that is way off track, a trade policy that is an abject failure, regulators who have no interest in regulating, scandals will develop and mature right under their noses, this country is not going to recover. Our economy is not going to thrive and grow. It is fine to do a stimulus package of 1 percent of GDP, I do not object to that. We will borrow the money from China, likely, to do it; perhaps put some money in the hands of people who will go to Wal-Mart and buy goods from China, for all I know.

But, psychologically, I think it is fine to create a fiscal policy initiative that compliments what they are doing at the Fed with monetary policy. But that will not solve the underlying problems in our economy. We have deep abiding problems in fiscal policy, trade policy, and regulatory failures.

This Congress and this President have a responsibility to address them. Talking about stimulus, and just talking about stimulus, means we have not addressed that which moves this ship of state forward in the future, creating expansion opportunities and jobs and economic health. The only way we do that is to stare truth in the eye and understand what is causing the problems in the country and how to fix it.

There is an old saying on Wall Street I was told by a friend: You cannot tell who is swimming naked until the tide goes out. Well, the tide has gone out, and now we are going to see some sights that are not very pretty. It has to do with speculation and a whole series of things that we have to correct. And my hope is, starting this evening at the State of the Union Address and following that, at last long last, we might see a President and a Congress work together to face the truth about fiscal policy, trade policy, and inept regulation that has put this country in significant difficulty and trouble.

We need not have a future that manifests that trouble forever. If we take bold action and courageous action to understand what is wrong and what the menu of items are that we need to go to fix it, I think we can have a much better and brighter economic future in this country. I want to be a part of that work, and I know many of my colleagues do as well. So let's hope the first step to do that begins this evening at the joint session of the Congress at the State of the Union Address.

EXECUTIVE SESSION

NOMINATION DISCHARGED

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to executive session, that the Agriculture Committee be discharged of PN 1112, the nomination of Ed Schafer, to be Secretary of Agriculture; that the Senate proceed to the nomination, that the nomination be confirmed, and the motion to reconsider be laid upon the table; that any statements relating to the nomination be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

My understanding is this was cleared on both sides. I am particularly proud to make this request. Former Governor Schafer is a distinguished former Governor from our State. It is a great honor for our State to have him nominated.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BOND. Reserving the right to object, and I will not object, I wish to join with the Senator from North Dakota, who is doing a fine thing. We appreciate the support on both sides of the aisle. We obviously need a good and strong Secretary of Agriculture, and we are pleased to see this body move forward. I do not object. I thank the sponsors.

Mr. DORGAN. Mr. President, might I also say as we ask for the consent that my colleague, Senator CONRAD, worked very hard to accomplish this in the Agriculture Committee. He joins me as well.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF AGRICULTURE

Ed Schafer, of North Dakota, to be Secretary of Agriculture.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now return to legislative session.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

FISA AMENDMENTS ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2248, which the clerk will report by title.

The bill clerk read as follows:

A bill (S. 2248) to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

Pending:

Rockefeller/Bond amendment No. 3911, in the nature of a substitute.

Feingold/Dodd amendment No. 3909 (to amendment No. 3911), to require that certain records be submitted to Congress.

Bond amendment No. 3916 (to amendment No. 3909), of a perfecting nature.

Reid amendment No. 3918 (to the language proposed to be stricken by Rockefeller/Bond amendment No. 3911), relative to the extension of the Protect America Act of 2007.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 4:40 shall be equally divided and controlled between the two leaders or their designees with the final 20 minutes equally divided between the two leaders, with the majority leader controlling the final 10 minutes.

Mr. HATCH. Mr. President, I ask unanimous consent that I have at least 10 minutes to give my remarks on FISA.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I have been to this floor on numerous occasions to aggressively support the immunity provisions of the FISA modernization bill. I cannot understate my passion for this issue. I am of the firm belief that the lawsuits facing the telecom providers constitute a grave threat to national security. The potential risks from inadvertent disclosure of classified information cannot be understated. The potential damage to our intelligence sources and methods from allowing these lawsuits to go forward is substantial. Unfortunately, the more we delay this legislation, the more likely it is that our sensitive intelligence methods will be exposed, and not just exposed to the American people but to al-Qaida and thousands of other terrorists and enemies around the world. Remember, the very point of these lawsuits is to prove plaintiffs' claims by disclosing classified information through the discovery process.

Let's think about this. Do we really want any person to be able to make accusations that are utter hearsay and then be given the ability to jeopardize the intelligence community's sources and methods by demanding discovery during frivolous litigation?

We simply cannot do this. We should never reveal our intelligence agencies' technical capabilities, who they work with, who they target, or what their strengths and weaknesses are. We on the Intelligence Committees have that assignment because we are expected to honor the classified nature of those matters. The reasons should be obvious to all of us.

Here is an example that illustrates this point: If criminals are running drugs northbound along I–95, they may have an idea that they will encounter police checkpoints. But they need to transport the drugs, so they will balance this risk. But what if they know for sure there is a checkpoint in a specific State? What if they then find out the checkpoint is at a specific mile marker? Will they change their routes and methods? You better believe they will. They are not stupid and neither is al-Qaida. Does it really make sense for us to broadcast across the globe, over the Internet, how we work? Do we want to replace the uncertainty of how we track terrorists with established fact?

Confirmations or denials of the allegations in the lawsuits will certainly reveal certain intelligence agencies' sources and methods. Even when the proceedings are in camera or ex parte, this risk is still apparent. I cannot stress this point enough: The identity of any company that may or may not have cooperated with the Government with the terrorist surveillance program is highly classified. Accusations and hearsay do not confirm any relationship. The very activities these cases seek to disclose could reveal whether a company has or hasn't assisted the Government. In addition, any verdict in the case would likely provide the same type of information, and replacing the Government for these companies in the litigation does not solve the problem.

Our enemies have tough decisions to make regarding how they communicate. They cannot stay silent forever, and they have to weigh the need to communicate against the chances that their communications are intercepted. We know they are carefully watching us and following every proceeding to see how our Government collects information. If they think they see a weakness in our collection capabilities, they will certainly try to take advantage of it. Make no mistake, al-Qaida and the other terrorist organizations would benefit tremendously from learning the identity of any company that assisted the Government following the attacks of 9/11.

A few of my colleagues and many in the outside media have highlighted accusations from a former telecom employee. His name is Mark Klein. Mr. Klein claims he has proof that computers diverted domestic electronic communications from a phone company directly to the NSA, the National Security Agency. In fact, his accusations play a major role in one of the lawsuits currently facing a telecom provider.

It is important to note the Government chose not to classify Klein's declarations or exhibits in one of the lawsuits. The Government could have, but it didn't. So Klein's court documents are public. Due to the ongoing litigation, I do not want to speak directly to his claims, but I will highlight a statement that was made by an official representing the Government during a court proceeding in one of the lawsuits against a telecom provider. This statement was from the Assistant Attorney General on June 23, 2006, in front of Judge Vaughn Walker. Here is what was said about the decision not to classify Klein's declarations. This is the Government statement regarding Mark Klein:

> We have not asserted a privilege over the Klein declarations or exhibits. Mr. Klein and Marcus never had access to any of the relevant classified information here, and with all respect to them, through no fault or failure of their own, they don't know anything.

I cannot understate the importance of this quote as it has never been mentioned during this debate. No further commentary on it is needed, but I think its meaning is extremely important when Senators and the public weigh the relevancy and reliability of Klein's accusations. I am particularly hopeful that three of my distinguished colleagues who have highlighted Klein's claims on this floor are aware of these statements from the Government. I hope we all realize Klein's accusations highlight only one side of the story.

I also want to draw attention to another claim repeatedly made on this floor: the false declaration that the immunity provision in this bill will "close the courthouse door." These claims seek to convey the false impression that the immunity provision in this bill will halt all litigation relating to the terrorist surveillance program, or TSP.

This is absolutely false. There are no fewer than seven lawsuits currently pending against Government officials that are related to the TSP. The immunity provision in this bill will not—I repeat that, will not—affect any of those cases. These cases are completely unaffected by the immunity provision in this bill.

Here are the cases. Al-Haramain Islamic Foundation, Inc. v. George W. Bush; ACLU v. National Security Agency; Center for Constitutional Rights v. George W. Bush; Guzzi v. George W. Bush; Henderson v. Keith Alexander; Shubert v. George W. Bush; Tooley v. George W. Bush.

Finally, it is imperative for us to understand national security is greatly dependent on the cooperation of telecom providers. We cannot do it by ourselves. Yet many foreign governments are in quite the opposite situation, one which gives them an advantage in certain electronic interceptions. Many foreign telecoms are run by the respective host government. Many others have government officials with controlling authority. These countries do not have to worry about telecom cooperation. They can simply force the telecoms to comply.

We have chosen not to have that system in our great Nation. Rather, we rely on the voluntary assistance of telecommunication providers. When these companies are asked to assist the intelligence community based on a program authorized by the President and based on assurances from the highest levels of Government that the program has been determined to be lawful, they should be able to rely on these representations.

For those who argue we need a compromise, let me be clear: We already have a compromise. The Government wanted more than what is represented in this bill, and they did not get it. The chairman of the Senate Select Committee on Intelligence stated the following in the Intelligence Committee report:

> The [Intelligence] Committee did not endorse the immunity provision lightly. It was the informed judgment of the Committee after months in which we carefully reviewed the facts in the matter. The Committee reached the conclusion that the immunity remedy was appropriate in this case after holding numerous hearings and briefings on the subject and conducting thorough examination of the letters sent by the U.S. Government to the telecommunications companies.

The immunity provisions in this bill are limited in scope. Not everyone is going to be happy with them, and that is the whole point. I, for one, wanted to see more protection for companies and Government officials in this bill, but I am willing to accept the compromise, and my colleagues should be willing to do the same. We are not all getting what we want. We are getting what the public has to have—what the public needs.

We have been working on legislation to modernize FISA since at least April of 2007. I am extremely proud of the bipartisan efforts that led to this bill in the Intelligence Committee where all of the investigations were made, where the intelligence was protected. We found a balance. Let's show the confidence and resolve to vote on this compromise, not back away from it.

I will support cloture on the Rockefeller-Bond substitute amendment, and I urge my colleagues to do the same.

In that regard, I pray that my colleagues will listen to the distinguished ranking member of the Intelligence Committee, Senator BOND, who has played a significantly proper and important role in helping to get this bill through the committee and to the Senate floor. This is a major bill of protection for our country, and I attribute much of the success of it to Senator ROCKEFELLER, the chairman of the committee, and Senator BOND, the ranking member, both of whom have been sterling leaders on this issue. I hope it is not true that anybody in this body will support some of the amendments that may be brought to the Senate floor because we have looked at this issue frontwards, backwards, all over the place. We have examined it. We spent many months on this subject in the Intelligence Committee. That should not be ignored. It passed the Intelligence Committee 13 to 2 compared to the substitute we defeated with cloture that was 10 to 9 in the Judiciary Committee.

Mr. President, I ask that we support cloture on this bill.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I believe our time on this side has expired. I thank my colleague from Utah, who is a valued member of the Intelligence Committee and the Judiciary Committee, truly a real authority in this area. When he speaks, he speaks from not only a great deal of knowledge but study. We are grateful for his assistance. He is a tremendous asset to this body in many ways but none more so than on the Intelligence Committee.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I rise to oppose the vote to invoke cloture on the FISA bill. I have no choice but to vote against cloture in order to preserve the rights of my colleagues to have their amendments to this landmark legislation considered.

It has been a very weird process. The FISA legislation before the Senate has been taken, in effect, hostage. In a transparent attempt to score political points off of national security issues, the White House has decided, once again, that scaring the American people with unfounded and manipulative claims is in order.

The President's decision to use the FISA bill in a game of chicken represents a new low, even by Washington standards.

The administration's practice of placing politics above national security when it serves the poll-driven agenda of its advisers has become an addiction in this White House. Even when the Senate is on the verge of producing much needed national security legislation that the President supports and wants, the addictive political cravings that have coursed through the administration's body for the past 7 years kick in once again.

As is often the case, addictions produce behavior that is both irrational, and in this case more, unfortunately, self-destructive. In this case, the White House has misguidedly calculated that it is worth jeopardizing passage of a bill which they support, which strengthens the collection of foreign intelligence, in order to obtain a short-term political objective.

The White House is gambling with the safety of Americans and the continued cooperation of companies that we rely on to aid in our efforts to protect our country. It is time for the Senate to take a stand and reject these reprehensible tactics.

The Senate Intelligence Committee took enormous care to craft legislation that would give our intelligence community greater latitude to conduct surveillance of foreign targets while not compromising the constitutional and statutory protections afforded to Americans both here and overseas.

Senator KIT BOND and I worked extremely closely on that, as we did, as I will explain, with many others. This was a painstaking process. It went over many months, but it ultimately produced this balanced legislation that the vice chairman and the committee and I sought.

It is a solid bill. And I believe with some limited changes it can be a better bill; limited changes, I might add, that will in no way impede or in any way intrude into the collection of the intelligence we need.

Every step of the way during the process of producing this bill gave me great satisfaction. We worked in a consultive way with the administration. These discussions have always been in good faith. We have talked as professionals, trying to work out a hard problem to which most people do not pay a lot of attention but which has enormous consequences for our country, and we have done it in good faith, the very good faith that the actions of the White House now threaten to unravel.

From when the Intelligence Committee called on the administration to propose a FISA modernization bill last spring—the vice chairman and I did that—to the many committee hearings that followed, to section-by-section, line-by-line, word-by-word consultations too numerous to count that we had with the lawyers and intelligence experts in the Justice Department, from the National Security Agency, from the Office of the Director of National Intelligence to outside experts, we have worked in good faith with the administration to achieve, against, frankly, considerable odds, the unthinkable, to wit: a bipartisan bill dealing with the issues of profound complexity that has the endorsement of not only the President but also of the intelligence community professionals who will be the ones who carry out this surveillance. They want this bill.

The committee included in its FISA bill a narrowly crafted provision that would provide immunity for telecommunications companies that participated in the President's warrantless surveillance program after September 11 and until the program was placed under court authorization last January.

We rejected the administration's proposed open-ended language in defining very tailored immunity language. We rejected their open-ended language to extend immunity to Government officials. That was taken out. So if there was wrongdoing somewhere, do not make the assumption automatically, without thinking this thing through deeply, that it came from a private sector entity as opposed to public officials.

I realize this is a controversial matter with many of my colleagues, particularly on my side of the aisle, but I reject the games that are being played on both sides: by those Senators who are prepared to filibuster the bill due to their opposition to narrow immunity, and the administration's wishes to prevent the Senate from considering any alternative amendments to the immunity provision.

We should debate the liability issue fully, and the Senate should be allowed to consider alternative amendments. And I say this, and I think the vice chairman would agree with me, out of an abundance of confidence that the committee position will ultimately be sustained by the Senate in the end.

The majority leader has made prompt passage of the FISA bill the top priority for the Senate. He pushed off other subjects so that it could be conferenced with the House and eventually be placed on the President's desk for his signature. If allowed, the Senate can complete action on the

FISA bill in a matter of a few days. Unlike many bills the Senate considers where the number of amendments that can be disposed of can approach or exceed 100 or 150 or 175, passage of the FISA bill will probably involve relatively modest numbers of amendments and a very manageable number of amendments.

I estimate that number would be somewhere in the 12-to-15 amendment range, probably fewer. Some of these amendments I would support as needed as improvements to the bill of the committee, the Intelligence Committee. Many I would oppose because of my concern that it would undo the careful balance we achieved in the underlying Committee bill. This is a stitched piece of work between collection of intelligence for the national security and the rights and privacy of individuals. I will oppose anything that undoes that balance.

The amendments that are likely to pass with a majority vote, at least in my view, such as the Feinstein exclusivity and Cardin sunset amendments, are further refinements of provisions already in the Intelligence Committee bill, and they in no way bear on the collection of intelligence authorities sought and provided by our bill. Those that would undercut these authorities to be able to do collection, I am confident, would go down to defeat.

But the Republican leadership, under orders from the White House, objected to these amendments being considered and voted on, and the bill passed before the February 1 expiration of the temporary and flawed Protect America Act passed last August. So that is where we are going to be unless we can resolve this in the Senate, which we could do by the end of the week.

Why? Why has the White House used obstructionist tactics to prevent the Senate from passing a FISA bill that it wants, that it has declared acceptable?

The President says he wants the Intelligence Committee bill passed as soon as possible. He said as recently as last Friday that he understands there may be some limited number of changes that will be needed to make the bill stronger. Others, including Minority Leader McCONNELL and Vice Chairman BOND, also have acknowledged the reality that amendments will have to be brought up and voted on before the Senate can pass the bill. That is, after all, the way of the Senate.

Why, then, are they preventing the Senate from voting on the limited number of amendments before us and passing the bill, a bill that they want? Why? A bill that has everything to do with the future of our country, our national security, and a bill which we will not soon come to again if we don't achieve success in the coming days.

The majority leader has repeatedly offered the proposal to extend the February 1 expiration date in the current stopgap law 30 days to allow sufficient time to complete our work on the legislation. But each time this 30-day extension consent request was sought, it was killed by the Republican leadership under orders from the White House.

Why in the world would a temporary extension be objectionable to a President who is on record as saying he doesn't want the current law to expire without a more lasting FISA modernization bill in place? Yet, in one of the most astounding "Alice in Wonderland" moments I have ever witnessed in my time in the Senate, the White House announced last week that the President would veto a 30-day extension of the current foreign collection authorities passed by Congress.

So let's recap. The President wants the FISA bill passed by the Senate, but he has sent the decree down to the Republican leadership that they are to prevent its prompt passage. Well, prompt passage we have to have. The President does not want the current 6-month Protect America Act to expire this Friday. He does not want that to happen. But he has stated he will veto any extension and thereby ensure that it will expire. What more evidence is needed to demonstrate the irrational and self-destructive political addiction that drives this White House? Doesn't drive the vice chairman of the Intelligence Committee, I guarantee that.

Under the tortured logic of protecting America against terrorism, the White House has decided to exercise, frankly, its own form of political terrorism and has taken the FISA bill hostage.

From the beginning, the administration has demonstrated a deep-seated contempt for the role of Congress in authorizing and monitoring intelligence activities.

Whether it is the National Security Agency's warrantless surveillance program or the Central Intelligence Agency's secret detention and interrogation program, the White House for over 5 years walled off the Congress and the courts from conducting the sort of meaningful oversight and checks and balances that are essential to making sure our intelligence programs are on sound legal operational footing.

To make matters worse, the administration has successfully used objections and delaying tactics over the past 3 years to keep the intelligence authorization bill from being passed and signed into law. It is this flawed policy of Executive Branch unilateralism that has created the mess we are now dealing with.

There is no possible way I can overstate the importance of this bill. But it is hard to explain. Everybody can grasp on to the immunity issue, leap to one side or the other, often without sufficient thought. But the bill as a whole, meshed together as a whole like an Appalachian quilt, is a thing of beauty, can be improved, and should be passed.

Nevertheless, I urge my colleagues to oppose the Republican cloture motion on the FISA bill so that we can reassert something called the role of Congress that we must play on these and other important national security matters. Oversight is what we do. We don't write a lot of bills in the Intelligence Committee, but we do oversight. But it is not welcome in the current atmosphere.

I urge my colleagues to oppose the Republican cloture motion so that we can consider on their merits the limited, manageable number of amendments to the bill and, in the process, push bipartisan FISA reform across the finish line.

I know Vice Chairman BOND and others are ready to get back to business and start disposing of amendments. I feel confident that he and I, as managers of this bill, will work closely, as we have in the committee, to ensure that we do no unintended harm to this bill in the matters of collection of intelligence or any other unbalancing of this Appalachian craftwork.

There is still time for the Senate to work its way on the FISA bill and pass it before the week's end. I hope we do so.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, it is my understanding that this side has 40 minutes of debate; is that correct?

The ACTING PRESIDENT pro tempore. The Senator's side has 46 minutes.

Mr. BOND. Mr. President, I ask unanimous consent that that be divided; that I be allocated 15 minutes and that I be notified when my 15 minutes is up; that at the appropriate time, the Senator from Texas be recognized for 15 minutes; and then, after intervening discussion from the other side, the Senator from Georgia, Mr. CHAMBLISS, be recognized for 5 minutes. I would reserve the remainder of the time for closing argument.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOND. I thank the Chair.

Mr. President, we began consideration of this bill on December 17, the FISA Amendments Act of 2007. As my friend the chairman said, it was passed by the Senate Intelligence Committee with overwhelming bipartisan support. It has garnered the support of the Director of National Intelligence, and I believe it is the way forward.

I was a bit amused to hear my friend say that the FISA bill was being taken hostage; they were scoring political points. I haven't heard from the White House anything other than they want to have this bill passed.

We have sought to protect the rights of Republican Members on the minority side. We have suggested that this bill is so controversial, as all intelligence bills are, that amendments be subjected to a 60-vote majority. The simple fact is, we could pass perhaps a number of amendments that could destroy the structure of the bill we have presented and put us in the position where it would not get the 60 votes needed to pass.

My suggestion is that we move forward accepting some amendments. There are amendments on both sides, I agree with the chairman, that can be accepted. Maybe we could even accept them without a vote or accept votes on others at a simple majority, a 51-vote majority, and then on certain controversial ones, we may have to have 60 votes. But we are ready to move forward. We are not the ones who have held up this bill. Very briefly, in April, the Director of National Intelligence, Admiral McConnell—and I will refer to him as the DNI—sent a bill to the Senate Intelligence Committee and said FISA is out of date. It has to be updated. He came before us and testified in May. I asked him to do something. Nothing happened. He came before the full Senate, actually, in closed session, all Senators invited; that was in June. He explained how urgent it was and how we were being left deaf and blind to communications of terrorists. Nothing happened.

It was at the end of that session, going into the August recess, that he proposed a temporary shortened version of FISA which became the Protect America Act. I was pleased to support that in the Senate. It passed the House and was signed.

We came back in September, knowing we had to work together on a bipartisan basis, and the Senate Intelligence Committee and staff worked very hard on a bipartisan basis to produce a bill, a very good bill. It was the ultimate compromise. There were some on both sides who were sullen but not rebellious. But we got the job done. We provided the tools the intelligence community needed and significantly expanded the protection of American civil liberties and privacy rights.

The bill sat on the floor in October. It finally came to the floor December 17. A number on the majority side spoke out against the civil liability protection afforded providers who allegedly assisted the Government with the President's terrorist surveillance program, or TSP. They criticized various provisions in the Intelligence Committee bill. They spoke in favor of what regrettably was a partisan Judiciary Committee substitute.

Debate is good for democracy but only if it is based on facts. Unfortunately, during the December filibuster, we heard a number of allegations, accusations, and even misrepresentation about the committee's bill and the TSP. Some of those comments will be repeated today.

Our intelligence community professionals must have the tools they need to protect us. This is not the time to pass legislation that will make people feel good or will score political points. We must pass a bill the DNI will support and, thus, the President will sign. That should be our goal. Distorting the truth will not help us get there.

The record must be set straight, and these are some of the myths we have heard. What are the facts? We were told that a "new and aggressive" interpretation of article II authority was used to justify the TSP. There is nothing new or aggressive about relying on the President's article II authority in the context of foreign intelligence surveillance.

Courts, including the FISA Court of Review in the 2002 In re: Sealed Case decision and the Fourth Circuit in the Truong case, have long recognized distinctions between domestic and foreign surveillance and the President's constitutional authority to conduct foreign intelligence surveillance. Nor is it "an invitation to lawlessness" to argue that the President has inherent constitutional authority to wiretap without a court order. The Constitution is the highest law of the land and trumps any statute.

In 1978, when Congress recognized the tension between FISA and the President's inherent authority under article II, they noted that warrantless surveillance for foreign intelligence gathering has been an integral part of our Nation's foreign intelligence. During World War II, our warrantless surveillance of the German and Japanese militaries and the breaking of their codes preserved our democracy. More recently, the Clinton administration conducted a warrantless search of the residence of convicted spy Aldrich Ames.

The Intelligence Committee conducted a comprehensive, bipartisan review of the TSP. There is no evidence to substantiate the claims that the administration began its warrantless surveillance before September 11 or that the TSP covered domestic calls between neighbors, friends, and loved ones. As the President has stated, the TSP collected international calls involving members of al-Qaida.

For many months, critics have argued that TSP could have been conducted under FISA. That argument needs to be laid to rest. A decision by a FISA court last spring proved that the TSP could not have been done under FISA as it existed. The court decision resulted in significant intelligence gaps which led to the passage of the Protect America Act.

I was not there, but I understand this matter was discussed by the President with the top leaders of this body and the other body, as well as the Intelligence Committee, and was told at the time it would not be possible to redraft and change the old FISA law in time to collect the critical information they hoped to gather before attacks occurred immediately following September 11.

The liability protection for those carriers who allegedly assisted the Government with the TSP lies at the heart of this legislation. The President did what he had to do under article II, and our country was safer for it, and our country was safer because some of the carriers alleged to have participated acted in reliance and good faith on orders of the Attorney General, transmitting the President's order—and the intelligence community.

In his original FISA modernization request in April of 2007, the DNI asked for full liability protection for all those allegedly involved. Some Members have attacked DNI McConnell's integrity, calling him "an accidental truth teller" and accusing him of backing out of an agreement made under the PAA. These comments are not only unjustified, unwarranted, and unfair, they are counterproductive. Throughout this debate, the DNI and other intelligence professionals have given us unbiased advice and technical assistance. They have assisted Democrats and Republicans. We need to focus on the task at hand, not engage in personal attacks against a man who has served his country honorably in the military and the intelligence community, and continues to do so as head of the community.

Some of the Members have downplayed the need for liability protection. They argue that carriers already have statutory immunity and that continued litigation will not harm providers or our intelligence efforts. These statements reflect a startling lack of knowledge about our intelligence collection, which is dangerous to the continued operation of our gathering.

First, the companies cannot prove they are entitled to statutory immunity because the Government must assert state secrets to protect their intelligence collection methods. Second, while it is true that the existence of the TSP has been revealed, there are still, fortunately, a few details about the program that have not. Each day the lawsuits continue—with the prospect of civil discovery—there come new risks that sensitive details about our intelligence sources and methods will be revealed. As General Hayden stated a year and a half ago: The disclosure of the TSP has had a significant impact on intelligence gathering of terrorists. We are applying the Darwinian theory. We are only capturing the dumb ones. We should not give terrorists additional insight through continued TSP litigation.

Further, our intelligence and law enforcement agencies rely on the willingness of providers to cooperate—in emergencies, as with the kidnapping of a child, or when court orders are not required. Yet some carriers have already told us if they do not get liability protection, they will not be able to risk their business, their reputation, by continuing to help without court orders. That would be devastating to our intelligence collection.

Our committee weighed all these arguments for and against liability protection. We concluded by a 12-to-3 bipartisan vote that civil liability protection for providers—and only providers, not Government officials—was not only fair, it was the only way to safeguard our intelligence sources and methods, and to ensure the continued cooperation of the providers.

Substitution is not a solution since it would allow civil discovery to proceed against providers, still leaving them open to disclosure and exceedingly serious competitive and reputational harm, perhaps even physical retaliation by radicals who oppose our intelligence gathering. The intelligence community advised us through testimony and gave us documents that these companies acted in good faith, and we in the committee agreed with them. The providers who may have participated relied upon representations from the highest levels of Government.

There is no need to create a statutory mechanism for a court, whether it be the FISA Court or any other, to second-guess this determination. Allowing a court to do so would throw uncertainty into an area where the committee's intent is clear: The ongoing civil litigation against providers must end. On this last point, the term "amnesty" was tossed around in December. But that incorrectly assumes that alleged carriers did something illegal. These carriers do not need amnesty. They did nothing wrong. They deserve liability protection.

As I mentioned earlier, the DNI said he will support the Intelligence Committee's bill with two revisions. Yet some Members insist there are fatal flaws. We heard, No. 1, that there are no consequences if the FISC rejects the targeting/minimization procedures; No. 2, the bill does not contain a "reverse targeting" prohibition; and, No. 3, it allows warrantless interception of purely domestic communications. A plain reading of our bill shows that each one of these arguments is false.

The bill that came out of our committee goes farther than ever before in providing a meaningful role for the courts and Congress in overseeing acquisitions of foreign intelligence. The FISA Court will review the targeting and minimization procedures to ensure they comply with the law. If the court finds any deficiency, it can order the Government to correct the deficiency or cease the acquisition.

There is nothing—I repeat, nothing—in this bill that will allow warrantless wiretapping of Americans in violation of title III criminal wiretaps or FISA. There are explicit prohibitions against "reverse targeting" and the targeting of the person inside the United States without a court order. Americans abroad are given new FISA Court protections. The acquisitions must also comply with the fourth amendment. These are major new protections for Americans. Yet in spite of these measures—protections we have never seen before in the world of foreign targeting—we have been told the intelligence community will still target innocent Americans, listening to calls between parents and children overseas, between students and their friends studying abroad. That is absolute nonsense. The Intelligence Committee's bill only allows targeting of persons outside the United States to obtain foreign intelligence information. This is not a dragnet of surveillance. We are not listening to, quote, completely innocent people overseas, unquote, as some have claimed. The targets must be foreign targets—suspected terrorists or terrorist group members—and the Attorney General and the DNI must certify that a significant purpose of the acquisition is to obtain foreign intelligence information.

For example, if a foreign target is believed to be an agent or member of al-Qaida, then all communications will be intercepted. Only Americans who communicate with that target will have those specific conversations monitored. If those same conversations turn out to be purely innocent, they will be "minimized," or suppressed. Even if the communication contains foreign intelligence information, it is likely, in many instances, the identity of any U.S. person will be masked—or protected—in any intelligence reporting. Americans' privacy rights are protected up to the point where they are actually engaging in a terrorist operation.

Mr. President, I see my time is running out. I will reserve the remainder of my time. I will give the rest of my remarks at a later time.

Thank you.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. ROCKEFELLER. Mr. President, I yield 7 minutes to the Senator from Wisconsin.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the chairman of the Intelligence Committee.

The Senate should not be having a cloture vote on this legislation today. What we should be doing is considering and voting on the amendments that I and my colleagues tried to bring up last week, and other amendments that have been proposed to improve this badly flawed bill. But the minority does not think we should have the right to actually legislate here. They expect this body to rubberstamp that bill.

I am afraid I have to say the conduct of the minority has been very disturbing on this. They insisted for weeks that it is absolutely critical to finish the FISA legislation by February 1, even going so far as to object repeatedly to efforts by the majority leader to extend for only 1 month the Protect America Act—a law they rammed through this Chamber in August—and they still don't want to give us another month so the Senate can carefully consider changes to it.

So the majority leader brought to the floor the Intelligence Committee bill, the legislation that the minority wanted to consider and urged the Senate to stay in session through the weekend to complete work on it. I criticized the majority leader for bringing the Intelligence Committee bill to the floor because I thought the Senate should be working from the much better bill reported by the Judiciary Committee, on which I also serve, but I would have thought the minority would be pleased by the majority leader's decision.

So what have they done in response? They have obstructed all efforts to actually work on this bill. They will not allow me to get a vote on the one amendment I have offered—an amendment cosponsored by Senator HAGEL—and they will not allow me or anyone else to offer any other amendments. They filed for cloture the day this Senate began working on the bill, after allowing only a single amendment to be called up. They have effectively halted Senate consideration of this bill, despite the fact they are the ones—they are the ones—who are arguing that the February deadline is so critical. They seem to think that scare tactics peddled by administration officials, such as the Vice President, will be enough to pressure the Senate into letting them have their way. I certainly hope they are wrong.

Mr. President, as you well know, this legislation is in serious need of fixing. It authorizes widespread surveillance involving Americans at home and abroad. Yes, it does. Despite what the Senator from Missouri said, it certainly does do that. I have a number of amendments I want to offer, both to ensure that the FISA Court has more authority to oversee these authorities, and to guarantee Americans their fourth amendment rights. But I cannot even get a vote on the one, simple, straightforward, and extremely modest amendment I offered last week. This demonstrates how brazen these tactics are. This bipartisan amendment would merely require that the Government provide copies of important FISA Court orders and pleadings for review to the committees of jurisdiction in a classified setting, so that Members of

Congress can understand how FISA has been interpreted and is being applied. You would think this amendment would be, as they say, a no-brainer, and yet the minority will not even consent to a vote on that.

But at least that one amendment is pending, and we will get a vote eventually. If the Republicans succeed in cutting off debate on this legislation, the Senate will not be able to vote on any other amendments, including the amendment Senator DODD and I wish to offer to deny retroactive immunity to telecom companies that allegedly cooperated with the administration's illegal wiretapping program. It is unconscionable to think that the Senate should have to make a final decision on this legislation without even having an opportunity to debate and vote on whether to grant retroactive immunity to companies that allegedly cooperated with an illegal program.

And why are we in this situation? Because the minority and the administration think they are entitled to ram the deeply flawed Intelligence Committee bill through the Senate without any changes. It seems they are worried the Senate might actually pass some of the very reasonable amendments I and others would like to offer if they give us a chance to do so or perhaps they are trying to sabotage the bill and then figure out a way to blame that outcome on Democrats.

No Senator—no Senator—should go along with these cynical, strong-arm tactics. We have to stand up to the administration and stand up for our rights.

I strongly urge my colleagues to oppose cloture. Invoking cloture on this bill would be an abdication of our responsibility to consider legislation that will have a huge impact on the American people for years to come. I hope even those who support the Intelligence Committee bill will think twice before voting to make this body a rubberstamp.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I don't know why any Member of the Senate would object to procedures we would employ within the bounds of the law to listen to communications of terrorists in order to detect and deter further terrorist attacks on our own soil or against Americans or our allies. That is what this legislation does. Unfortunately, I think we are beginning to see a dangerous trend on the part of the Senate: Never failing to put off until tomorrow what we could and should do today.

This legislation has been considered for an awfully long time, as we all know, in a bipartisan vote of the Senate Intelligence Committee, 13 to 2. In October, this legislation was voted out of the Intelligence Committee in a carefully crafted attempt to consult with the Director of National Intelligence, the head of the Central Intelligence Agency, and all other intelligence community members who might be impacted by this legislation. There has been opportunity after opportunity for input into this legislation by Members of the Senate. Yet we hear today there are those on the floor of the Senate who are saying: Well, let's not vote on this legislation now. Let's kick the ball down the road another month so we can have the same debate, the same discussion we have been having for all those many months leading up to this point. The only reason we are where we are today is because we were unable to get a lengthy extension of the Foreign Intelligence Surveillance Act in August. Because of objections by those on the other side who are complaining about this legislation again today, we were only able to pass this legislation until December and then another extension was granted until February 1, when this Protect America Act expires of its own terms. I would hope this body would continue to act in a strong bipartisan manner in which the Intelligence Committee has voted this bill out of the Intelligence Committee by a vote of 13 to 2.

I appreciate the fact that this body tabled the Judiciary Committee's partisan substitute and sent a signal that bipartisanship and consensus may once again become ascendant in matters of national security in the Senate. I think we would see that as a welcome development. At a time when we are talking about an economic stimulus package and seeing cooperation from the Speaker and the minority leader in the House and the President of the United States on matters affecting the economy, why can't we get that same sort of bipartisan cooperation on matters affecting national security?

Today, the Senate is poised to move this critical national security legislation one step closer to the President's desk. Today's vote will tell us much more about whether this Senate is ready to set aside partisanship and willing to get the job done.

Members of this body will remember that in December we had to pass an Omnibus appropriations bill that affected all discretionary spending of the U.S. Federal Government because we had been unable to pass 11 out of the 12 appropriations bills that it was our responsibility to pass. Unfortunately, this Senate has an unfortunate recent tendency to put off things until tomorrow what we should and could be doing today, and we should not let that happen. We need to finish this legislation to give Members a chance to debate and then to vote.

I don't favor each and every provision included in the bipartisan compromise that is sponsored by Chairman ROCKEFELLER and Vice Chairman BOND, but I do appreciate the fact that it is a carefully crafted compromise. It is a bipartisan compromise. It is the product of extensive consultation and negotiation with the experts in our intelligence and defense communities.

In other words, this legislation reflects the valuable and necessary input of the very men and women who are currently intercepting phone calls, text messages, and e-mails between al-Qaida and their operatives—those who wish to do America and America's interests harm.

The Senate has two choices today as the deadline for action rapidly approaches on February 1. On the one hand, we can show the American people that at least when it comes to matters of national security, it is possible to put partisanship aside and to get the job done in a bipartisan way. The other choice, which the majority leader has proposed, is we ask the American people for an extension, that we kick the can down the road for another month, only to find ourselves back in precisely the same posture we are in today: With no issues resolved and with the same old debates to be rehashed when we ought to finish the job today and follow the path of maximum responsibility.

I ask my colleagues: What excuse could there possibly be to put the tough choices off for another month? What justifies asking the American people for more time to get the job done when we know what the choices are and we have simply to make those choices by our vote today. We have had 6 months since the Protect America Act was passed in August of last year to get the job done. In that time, this legislation has been subjected to scrutiny by two Senate committees, and there has been significant time debating this legislation on the floor.

The fact is there is no acceptable excuse for failing to do our duty and our job. The excuses offered for delay are as compelling as the old school house claim that my dog ate my homework, I couldn't get it done.

I say no more excuses, no more extensions. It is time for Congress to come together in a bipartisan fashion in the national security interests of the United States.

It is specious to say there is no consequence to another extension, and it is the height of irresponsibility to argue that delay is the only responsible choice. As America's elected leaders, we have a responsibility to keep America safe. We cannot simply close our eyes and wish away the terrorist threat. It is easy this many years after September 11 to be lulled into a false sense of security as time takes us further away from that terrible attack on American soil. But it is undeniable that the threat from al-Qaida and Islamic extremists remains.

In the face of the very real threat of radical Islamic terror, Congress must be resolute and we must eschew attempts to split along partisan lines, and we must embrace bipartisan solutions to our very real national security problem. That is what a vote on the Senate Intelligence Committee bill would reflect: A bipartisan solution to a national security challenge.

That is why it defies credibility to argue that the responsible thing to do is to put the job off for another month. The majority leader's plea for an extension implies that the only two choices we have are, on the one hand, an extension for 1 month and, on the other hand, no bill at all. Neither of those is a responsible choice.

In fact, there is a third option, and that option is for the Senate to pass a consensus bill that has the bipartisan support of the chairman and vice chairman of the Intelligence Committee and a bipartisan majority of the Senate, experts in the intelligence community, and the President of the United States.

Let's be clear about what an extension means. An extension means further delay. It means putting off tough choices. It means not only to do so in a time of war but in a time of economic fragility, when we have other work we need to be doing on the floor of the Senate that is being taken up unnecessarily by repeating the same arguments over and over without any conclusion. It also means Congress has lacked the courage to relieve some of America's leading companies from the burdens and costs of litigation arising from their cooperation in the war on terror.

Let us remember the telecommunications companies that may have cooperated with our Government at the request of our President, and upon the certification of the Attorney General, the chief law enforcement officer, that what they were being asked to do was within the law. To continue to subject them to litigation for doing their civic duty, to incur ongoing expense and inconvenience and to risk information that is sensitive to our security coming out during the process is simply not a responsible option.

Some in Congress apparently think these companies should have second-guessed the legal representations made by the President and the Attorney General in the days and weeks and months following the 9/11 attacks. Some in Congress have argued that the companies had a duty not to cooperate, a duty to refuse to assist this Nation's intelligence community with tracking terrorists during wartime. That is, unfortunately, how far we have come in this debate and how off the mark some have come.

These companies, as every good citizen who cooperates with their Government to try to keep America secure in good faith, deserve the protection we are being asked to give them in this legislation. These costly lawsuits have not only put in jeopardy the future cooperation of these firms but also the critical national security concerns potentially exposed to the discovery process in civil litigation. It may be popular in some quarters to bash corporate America, but that rhetoric is sorely misplaced in this debate. The men and women who manage these companies made a good-faith decision to do their patriotic duty—to help their Government to track terrorists and to save American lives, and they should not be punished for it. They should be thanked for their cooperation.

For Congress to allow these burdensome lawsuits to continue this long is unfortunate and unjust indeed, but for Congress to continue to put off the tough choices and leave these companies in legal limbo is not only unfortunate and unjust, it is also irresponsible. Now is the time for Congress to decide the question—no more excuses, no more delays, no more extensions. Today, the Senate can choose a path forward, a bipartisan path on critical national security measures, and I urge all my colleagues on both sides of the aisle to work together to move this bipartisan bill forward by voting for cloture at 4:30.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I rise today in support of cloture on S. 2248, the Foreign Intelligence Surveillance Amendments Act, or FISA Amendments Act. Time is running out on congressional action to fix FISA. The Protect America Act, which Congress passed in August to close gaps in our foreign intelligence collection, expires this Friday, February 1, 2008.

Prior to congressional action in August, our intelligence community was unable to collect vital foreign intelligence without the prior approval of a court. And I emphasize in that "foreign" intelligence. This will be the case again if we do not make permanent these changes. Before August, if our intelligence community wanted to direct surveillance at an al-Qaida member located in Pakistan who was communicating with an operative terrorist in Germany, they would have to first petition the FISA Court for approval. In August of this year, our intelligence community told us that without updating FISA, they were not just handicapped, but they were hamstrung.

The Protect America Act temporarily fixed the intelligence community legal gaps. The Director of National Intelligence highlighted some of the critical intelligence gained under the Protect America Act, including: insight and understanding leading to disruption of planned terrorist attacks; efforts of an individual to become a suicide operative; instructions to a foreign terrorist associate about entering the United States; efforts by terrorists to obtain guns and ammunition; terrorist facilitator plans to travel to Europe; identifying information regarding foreign terrorist operatives; plans for future terrorist attacks; and movements of key extremists to abate a risk. With the Protect America Act set to expire, Congress must act swiftly before our core collectors are faced with losing this kind of valuable intelligence as a result of inaction by Congress.

Although the Protect America Act enabled the intelligence community to continue its important work, Congress would be derelict in its duties to merely extend the expiration of this act.

The Senate Intelligence Committee has been reviewing and drafting FISA legislation since April of last year. Last fall, the committee considered and passed the bill that is now before us. In December, the bill came to the Senate floor for consideration, but some of my colleagues on the other side of the aisle delayed its consideration. We are now faced, after almost 10 months of thorough consideration, with the ability to pass legislation which will improve our intelligence collection and which contains safeguards for U.S. citizens' privacy rights that the Protect America Act does not contain.

The FISA Amendments Act contains a clear prohibition against intentionally targeting persons located inside the United States and a prohibition on reverse targeting of U.S. persons, which the Protect America Act does not. The FISA Amendments Act makes clear that the FISA Court approval is required for intentionally targeting U.S. persons abroad and requires that any collection be consistent with the fourth amendment. Most important, the FISA Amendments Act contains retrospective immunity for our telecommunications carriers that may have assisted the Government in protecting American lives.

Extending the Protect America Act does not ensure the continued and necessary cooperation of those who may have assisted the Government with the terrorist surveillance program after September 11.

The Government often needs assistance from the private sector in order to protect our national security. Telecommunications carriers may provide the Government access to communication contents and records pursuant to many Federal processes, including judicial warrants, subpoenas, title III orders, FISA orders, attorney general certifications, administrative subpoenas, national security letters, and other statutory authorizations. In return, they should be able to rely on the

Government's assurances that the assistance they provide is lawful and necessary for our national security.

In Smith v. Nixon, the U.S. Court of Appeals for the District of Columbia suggested that the Government's request to wiretap a home telephone was illegal. Yet they dismissed the telephone company from any liability because of the assurances they received from the Government, the reasonable expectation of legality, and their limited technical role in assisting the Government in surveillance initiated by the Government.

As precedence suggests, America's telecommunications carriers should not be subjected to costly legal battles and potentially frivolous cases, yet ones which could expose intelligence sources and methods, harming our national security, merely for their good-faith assistance to the Government. It is necessary and responsible for Congress to provide telecommunications carriers with liability relief.

I urge my colleagues to support cloture on the Rockefeller-Bond substitute amendment and oppose a simple extension of the Protect America Act. Senators ROCKEFELLER and BOND have worked hard and long hours to make sure we got it right in this bill that came out of the Intelligence Committee. After many hours of negotiating, debate, and hard work, it would a shame to see this bill not come to fruition and pass this body at this point in time. Our intelligence community needs the tools and additional safeguards provided in the FISA Amendments Act to keep our people safe, and Congress needs to act quickly before the Protect America Act expires and these tools are taken away.

Mr. BIDEN. Mr. President, I rise today in opposition to the Intelligence Committee's version of the Foreign Intelligence Surveillance Amendments Act of 2007. It is without question that I support giving the administration the surveillance tools it needs to keep us safe. But Congress has both a duty to keep the American people safe and uphold the Constitution.

It is therefore incumbent upon us in the Senate to craft clear legislation that protects both our national security and our civil liberties. We can do that by passing the Judiciary Committee substitute, which gives the administration the tools it needs to collect foreign intelligence and protects innocent Americans by ensuring that the FISA Court, and not the Attorney General, decides whether surveillance of a U.S. person is proper.

One of the defining challenges of our age is to combat international terrorism while maintaining our national values and our commitment to the rule of law and individual rights. These two obligations are not mutually exclusive. Indeed, they reinforce one another. Unfortunately, the President's national security policies have operated at the expense of our civil liberties. The examples are legion, but the issue that prompted the legislation before us today is one of the most notorious—his secret program of eavesdropping on Americans without congressional authorization or a judge's approval.

After insisting for a year that the President was not bound by the Foreign Intelligence Surveillance Act's clear prohibition on warrantless surveillance of Americans, the administration subjected its surveillance program to FISA Court review in January of last year.

Then, last August, citing operational difficulties and heightened threats that required changes to FISA, the administration passed the Protect America Act—over my objection and that of many of my colleagues. The Protect America Act, which sunsets at the end of this month, amended FISA to allow warrantless surveillance, even when that surveillance intercepts the communications of innocent American citizens inside the United States.

The administration identified two problems it faced in conducting electronic surveillance under FISA. First, the administration wanted clarification that it did not need to obtain a FISA warrant in order to conduct surveillance of calls between two parties when both of those parties are overseas. Because of the way global communications are now transmitted, many communications between people all of whom are overseas are nonetheless routed through switching stations inside the United States. In other words, when someone in Islamabad, Pakistan, calls someone in London, that call is likely to be routed through communications switching stations right here in the United States. Congress did not intend FISA to apply to such calls, and I support a legislative fix to clarify that point.

The second problem the administration identified is more difficult. Even assuming that the government does not need a FISA warrant to tap into switching stations here in the United States in order to intercept calls between two people who are abroad—between Pakistan and England, for example—if the target in Pakistan calls someone inside the United States, FISA requires the government to get a warrant, even though the government is "targeting" the caller in Pakistan.

The administration wants the flexibility to begin electronic surveillance of a "target" abroad without having to get a FISA warrant to account for the possibility that the "foreign target" might contact someone in the United States. I agree with the administration's assessment of the problem, but I don't support its solution.

The administration's proposal, which is reflected in the Intelligence Committee's version of the FISA Amendments Act, would significantly expand the scope of surveillance permitted under FISA by exempting entirely any calls to or from the United States, as long as the government is "targeting" someone reasonably believed to be located outside the United States.

The government could acquire these communications regardless of whether either party is suspected of any wrongdoing. The Attorney General and the Director of National Intelligence would make the determination about whom to target on their own, and they would merely certify, after-the-fact, to the FISA Court that they had reason to believe the target was outside the United States, regardless of how many calls to innocent American citizens inside the United States were intercepted in the process.

This Intelligence Committee bill authorizes surveillance that is broader than what is necessary to protect national security and that is why I oppose it.

The Intelligence Committee bill offers no protection for the innocent Americans who communicate with overseas relatives, business partners, or friends. Indeed, it allows the government unfettered access to these innocent Americans' communications. And once the government collects these communications, it can share them with other agencies throughout the government.

The Judiciary Committee substitute—which authorizes much broader surveillance powers than the government had under FISA before the Protect America Act became law—offers several significant protections. I will mention a few: First, the Judiciary Substitute protects against the "bulk collection" of communications by requiring the government to target a specific person or phone number abroad, rather than allowing the acquisition in bulk the millions of communications going into and out of the United States. Second, it requires the government to obtain an individualized warrant from the FISA Court if the government's acquisition of a person inside the United States becomes a significant purpose of its surveillance of the foreign target. Third, it provides for much more robust and meaningful congressional oversight. And fourth, it does not provide retroactive immunity for the telecommunications carriers.

I oppose granting retroactive immunity because if the carriers violated clearly stated Federal law, they should be held accountable. Cases against the carriers are already making their way through the courts. Retroactive immunity would undermine the judiciary's role as an independent branch of government. Furthermore, the provision that holds carrier liable for violations of the act is an important enforcement mechanism. It is fundamental to securing the privacy rights that FISA was meant to protect.

When the Senate passed FISA, after extensive hearings, 30 years ago by a strong bipartisan vote of 95 to 1, I stated that it "was a reaffirmation of the principle that it is possible to protect national security and at the same time the Bill of Rights." I still believe that's possible, but not if we enact the Intelligence Committee bill.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARDIN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the time for the quorum we will go into be equally divided between Senators BOND and ROCKEFELLER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, how much time is remaining on our side?

The PRESIDING OFFICER. Twelve and a half minutes.

Mr. BOND. Mr. President, while we are waiting for Members of the other side to come forward, I will make a few remarks, and we will see if we have some others join us.

I was talking about some of the proposed amendments and questions that have arisen about this bill. There are some who would demand that a court order be obtained any time a call involved a U.S. citizen. But anybody who understands FISA or intelligence collection knows that is operationally impossible.

For 30 years, the intelligence community has used minimization procedures when inadvertently intercepted calls come to or from nontargeted U.S. persons. So far, we are totally unaware of any abuses of this system. The minimization procedures have worked well. They worked well when information was being collected by radio, without a FISA Court order, and they continue to work well because the well-trained people who run the NSA operations are overseen by multiple layers of supervisors and inspectors general and attorneys from the Department of Justice.

There is no way to know, when a terror suspect places a call from a location in the Middle East, whether that person is going to call someone in his country or a neighboring country or the United States. So if you say you cannot intercept that call if it goes to a U.S. person, what, in effect, you are saying is you cannot intercept that call because you don't know where the call is going. So it means there will have to be an order for every foreign terrorist surveillance conducted by the NSA, and that is totally unworkable. We have seen that before. That shut the system down. It is unsound policy to require a FISA Court order if a terrorist target abroad calls a U.S. person. That may be the most important call to intercept in order to protect us from a terrorist attack at any time, and time matters. Do we really mean that the call cannot be intercepted until a court filing is prepared and reviewed by Government lawyers and that the FISA Court must review the application and supporting amendments? I hope not. Our enemies are not stupid. They would figure out very quickly that they can slow us down and bring our intelligence community to a halt simply by placing periodic calls to the United States.

Some believe that the FISA framework in place is enough to keep us safe and that we don't need the Intelligence Committee bill. I find that comment disturbing. It is the FISA framework that created significant intelligence gaps threatening the security of our Nation. It is only because we passed the Protect America Act that those gaps were closed.

I have already spoken about the problems with the Judiciary Committee bill. I wish to address some concerns and some ideas raised about the Foreign Intelligence Surveillance Court, the FISA Court.

I think our bill out of the Intelligence Committee strikes the appropriate balance between providing tools needed to collect intelligence and a meaningful oversight role for Congress and the FISA Court.

There are a lot of misperceptions about the FISA Court. As mentioned previously, for example, there are those who suggest the court should have decided whether providers acted in good faith before immunity is granted. We were told this makes sense because the court "sits 24/7 and this is all they do. They would act en banc." That is not accurate. The FISA Court does not sit 24 hours a day, 7 days a week. It is composed of U.S. judges from U.S. district courts throughout the country who have their own full caseloads and come to Washington, DC, on a rotating basis simply, as the enabling legislation says, to issue FISA Court orders. As a result, it would be difficult to get them to sit together.

Given the court's facilities, it is not set up to preside over litigation. We were told that this is why the FISA Court was set up, but the legislative history and the measures——

The PRESIDING OFFICER. The Chair advises the Senator that he is going into the time reserved for the Republican leader.

Mr. BOND. Mr. President, I will then close and urge that our colleagues adopt cloture so that we may move forward on this very important bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Nineteen and a half minutes, with 10 minutes reserved for the leader.

Mr. ROCKEFELLER. I yield 9½ minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I thank the manager of the legislation, Senator ROCKEFELLER. Once again, I will say that I have great admiration for the work done by the committee. It is not an easy matter. The Intelligence Committee has serious work to do. Much of what they have done, I agree with. My objections here this afternoon are focused on one aspect of the legislation rather than the cumulative effort the committee has made.

Let me address the issue we will be voting on, and that is cloture. That is a critical issue for all of us.

Aside from the question of whether I agree or disagree with various amendments, or even the bill, we find ourselves in the midst of a parliamentary nightmare. We have been in this position since late last year, going back to December.

So much hinges on this bill. It will set America's terrorist surveillance policy well into the next Presidential term and beyond if a period of 6 years is adopted or even the 4 years suggested by Senator CARDIN and others. Depending on the outcome of the debate, this legislation has the power to bring that surveillance under the rule of law or to confirm the President's urge to be a law of his own. It has the power to bring the facts of warrantless spying to light and to public scrutiny, or to lock down those facts as the property of only the powerful.

It has the power, obviously, to declare the same law applies to all of us regardless of economic circumstances, well connected or not, or to set the precedent that some corporations are far too rich, far too affluent to be sued, that immunity can effectively not be brought against them.

Wherever you come down on these choices—and I know there are those of us who have different opinions—you certainly cannot be neutral, in my view. None of us can be neutral on a matter such as this. This is one of the most important and contentious pieces of legislation we will debate in this session, and I argue any session of Congress, and yet the Senate is frozen today.

I objected passionately to retroactive immunity, but I did not shut out debate. Republicans have frozen this body since debate began, not only last week but going back further, and they unwittingly created a perfect microcosm of retroactive immunity right here in this body. Because both flow from the same impulse: shutting down the organs of Government—in this case, the legislation, the courts, and now, because of the procedural nightmare we find ourselves in, the Senate—when you are afraid, of course, you will not get your way. That is why President Bush wants his favored corporations saved from lawsuits, it appears. That is why the minority party wants this bill saved from any and all amendments, saved from serious and thoughtful discussion.

As a committee chairman myself, as I pointed out the other day, I wish I had the privilege being requested by the minority. I sometimes wished the bills we passed out of committee would have swept out of this body when I came to the Senate floor without a single amendment. That is not how this body works. It was never intended to work that way. It is certainly not the way the Founders intended it to work.

Amendments are not entitled to pass, but they are entitled to a fair hearing, a fair debate, and a fair vote. The minority can object as strenuously as it wants, but it must do so fairly. I accept that principle, even when it does not go my way; even on immunity itself, I understand a minority cannot stand forever. Is it too much for Republicans to extend the same courtesy?

On a bill as important as this one, it would be ridiculous to curtail debate, shut out new ideas, or rush to a conclusion without even extending the Protect America Act for a month to give us the time we need. Whether you agree with them or not—and some I disagree with myself—the amendments offered by my Democratic colleagues are serious proposals and deserving of serious consideration.

Shouldn't we debate whether this new surveillance regime ought to stay inflexible through the next Presidential term and into the one after that?

Shouldn't we debate whether we are going to categorically outlaw unconstitutional reverse targeting or indiscriminate vacuum cleaner bulk collection?

Shouldn't we debate whether Congress even gets to see the secret rulings of the FISA Court?

Those are some of a few of the well-intentioned proposals we need to consider before we vote on this bill. But across the board, the Republican answer to those questions is absolutely not, in every single instance: No debate, no votes. I disagree, and I will vote against cloture because we haven't done our job yet.

I will also vote against cloture because I cannot support the bill as it now stands, as my colleagues know. First, the legislation still contains some egregious provisions for corporate immunity. I already made my objection to immunity many times over the last number of days. It puts the President's chosen few above the law, in my view; it endorses possibly illegal spying on Americans; and it strikes a harsh blow against the rule of law. I will continue to fight retroactive immunity with all the strength any one Senator can muster.

But I also strongly object to many of the intelligence-gathering portions of the bill, as well as supporting many of them that have been included. This bill reduces court oversight of spying nearly to the point of symbolism. It would allow the targeting of Americans on false pretenses. It opens up new twisted rationales for warrantless wiretapping, which is exactly what it ought to prevent. It could allow bulk collection of communications of millions of Americans as soon as an administration, whether this one or future one, has the wherewithal to build such an enormous dragnet, and it sets all of these deeply flawed provisions in stone for 6 years, depriving us of the flexibility we need to fight terrorism.

For all of those reasons, as well, I will vote against cloture later this afternoon.

Tonight, the President will come to Congress to speak to us and to the American people about the state of our Union. I hope he will use that opportunity to realize the Senate needs more time to do its constitutional duty to debate and consider this important legislation. However, I am concerned that he will instead continue to threaten to veto this legislation unless it includes retroactive immunity for the telecommunications industry.

The President has said this bill is essential to "protecting the American people from enemies who attacked our country." That is a quotation. So why is he trying to stop it? Why is he promising to veto it? Why is he throwing it all away to protect a few corporations from lawsuits?

I fear that if we give this President what he wants, we risk weakening the rule of law and placing the rights of some of the President's favored corporations over the rights of ordinary American citizens.

I hope my colleagues will join with those of us who oppose cloture today on the substitute amendment to allow the Senate the time it needs to debate and improve the FISA Amendments Act. This issue is far too important for the security of our Nation and to our civil liberties to do otherwise.

As we all know, as I have stated over and over, this is historic tension that dates back to the founding of our Republic, of keeping us safe from those who would do us harm, and protecting the rights and liberties of American citizens. It has been a tension that has been debated and argued for more than 200 years, and the adoption of the FISA legislation three decades ago created the means by which that balance could be struck, allowing us to do what is necessary to protect us against those who would do us harm while simultaneously guaranteeing those rights and liberties we enjoy as Americans would be protected in these circumstances.

It is a critical point to maintain that balance. My fear is this legislation, particularly with retroactive immunity, upsets that balance significantly.

As I said before, and I will repeat in closing, had this been a few months, even a year in the wake of 9/11, had this administration had a record of by and large supporting the rule of law, I would not stand here and demand that we not include retroactive immunity under those circumstances. But there has been a pattern of behavior by this administration from the very outset. We now know these warrantless wiretaps began in January or February of 2001, not in the wake of 9/11. So even prior to the tragic events of September 11, 2001, this administration had begun a pattern of seeking warrantless wiretaps on average American citizens without the court orders provided for under the Foreign Intelligence Surveillance Act. Of course, it went on for 5 years and would still be ongoing were it not for a whistleblower in a report in a major American newspaper uncovering this program.

This went on for 5 long years amidst a pattern of behavior by this administration. I do not think I need to necessarily enumerate the examples of that pattern, beginning with Abu Ghraib, secret prisons and rendition, habeas corpus, the U.S. Attorney's Office, and the list goes on and on. I cannot undo those mistakes, but they are more than just mistakes. They are tragic examples of this administration's trampling all over the rule of law. What we can do this evening and what we can do in the coming days, collectively, Democrats and Republicans, is pass a FISA bill, much of which is included in the work of Senator ROCKEFELLER and Senator BOND. There will be some objections, obviously, to some amendments that will be offered, but to get our work done, pass this legislation, and move on to other business. The issues are far too important to leave them otherwise.

I thank, again, Senator ROCKEFELLER for giving me some time and urge our colleagues to vote against the cloture motion when that moment occurs.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from West Virginia.

Mr. ROCKEFELLER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, we are now only a few days away from the expiration of the Protect America Act, days away from a situation in which the intelligence community will be unable to freely monitor new terrorist targets overseas. We are flirting with disaster, and the American people deserve to know how we got in this predicament. So let me review it.

Ten months ago, the Director of National Intelligence asked us to reform the Foreign Intelligence Surveillance Act. Our friends on the other side waited until July to take up a bill that agreed with his recommendations. It was not until August that Congress finally answered his pleas by authorizing for 6 months the overseas surveillance of foreign terrorist targets with the Protect America Act.

When our friends on the other side got back from the August break, they vowed to quickly address what they decried as the shortcomings of the Protect America Act.

The Senate Intelligence Committee, under the leadership of Senator ROCKEFELLER and Senator BOND, took up the task. Reforming FISA was complicated and demanding work, but the committee members came together, as they were intended to, along with the executive branch, which, of course, was necessary.

Everyone involved acted with determination, deliberation, and considerable skill. The process lasted 4 months. It involved numerous hearings, briefings, and negotiation sessions. The final product was a model of bipartisanship and accommodation across the Senate aisle and with the White House. The committee vote was not 15 to 0, but around here 13 to 2 is almost as impressive.

But what was perhaps even more impressive is the fact that such a broad coalition of players had come together to meet the minimum standards required of any legislation that replaces the Protect America Act, something that allows the intelligence community to operate without unreasonable and counterproductive restrictions, which protect phone carriers from frivolous lawsuits for helping the Government hunt for terrorists, and which is guaranteed to be signed into law. All of those things are contained in the Bond-Rockefeller, Rockefeller-Bond proposal.

Unfortunately, it was not until just before the Christmas break that our friends decided to even turn back to this vital issue, and even then we had to listen to a filibuster against FISA reform. Then when we began this session, our Democratic colleagues delayed consideration of FISA reform again by moving to the Indian health care bill instead.

So here we are, once again, pushed up against a looming deadline. During last week's consideration of the FISA reauthorization, the majority said it would not consider a 60-vote threshold for votes. It did not offer time agreements, nor did it make any effort to limit the number of amendments.

In short, the Senate faces a legislative logjam that ensures that we will let the February 1 deadline come and go without making a reasonable effort to enact a law.

It should not have turned out this way. The administration negotiated in good faith with the Democratic majority on the committee that has the technical, operational expertise to handle the subject. And in the course of painstaking negotiations, the administration made tough concessions to our Democratic colleagues. It did this in order to arrive at a fair, bipartisan result that would allow it to continue to protect the homeland. Now that work is being brushed aside.

The menu of amendments to the Intelligence Committee bill is little more than an effort to renegotiate this hard-won deal, an effort to deconstruct the bipartisan Intelligence Committee bill, and reconstruct, amendment by amendment, the divisive Judiciary Committee bill that was tabled by a strong bipartisan majority. That bill will not—I repeat, will not—become law.

Reconstructing the Judiciary Committee bill is a pointless exercise. And with only 5 days until the Protect America Act expires, it is an exercise in which we do not have the luxury to engage.

We can get serious and pass the bipartisan Intelligence Committee product or we can waste time on voting for poison pill amendments that weaken the bill and that will prevent it from becoming law.

I urge our colleagues to make the right choice, to vote for cloture so that we can continue to protect the homeland and against cloture on the 30-day extension. We cannot delay this important legislation for another month. Of course, the President will not sign a 30-day extension.

That said, if we cannot complete this bill, Republicans will not allow this critical program to expire and will offer a short-term extension, if necessary.

To be perfectly clear, I urge that there be a "yes" vote on cloture on the bill, a "no" vote on cloture on the 30-day extension, an amendment to the bill which actually would not achieve a 30-day extension anyway but I think is a place that we do not want to go on record as having supported because the President will not sign that anyway. And in the next few days, we will consider what kind of short-term options might be appropriate to let us get back to this very important legislation so painstakingly put together by the expert leadership of Senator ROCKEFELLER and Senator BOND.

I yield the floor.

Mr. ROCKEFELLER. Mr. President, I suggest the absence of a quorum, and I ask that the time involved be divided between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I apologize to my friends for keeping everyone waiting. It hasn't been long—a matter of a minute or so.

In a few hours, President Bush will stand across the way in the House Chamber and deliver his final State of the Union Address. This will be his eighth State of the Union Address. From what I have heard earlier today in my meetings with the press who met with him, it is a fair bet in this speech that he will continue the drumbeat started by Vice President CHENEY last week by trying to scare the American people into believing that if he does not get his way on the FISA bill now before us, America's national security will be gravely jeopardized.

I have said on more than one occasion in recent days we face a faltering economy here at home and a failing foreign policy abroad. So I call upon all of us, Democrats and Republicans, to rise above partisanship. I have also said on more than one occasion that we extend our hand to the President and congressional Republicans and ask them to join with us in a genuine spirit of bipartisanship. In my nearly 26 years, I have never seen anything quite as cynical and counterproductive as the Republican approach to FISA.

I gave the example in my last statement that it was a Catch-22 the President has put us in. The American people deserve to know when President Bush talks about the foreign intelligence legislation tonight that he is doing little more than shooting for cheap political points, and we should reject any statements he makes about this. Members of Congress from both parties have legitimate policy disagreements on FISA—both parties. Some of us believe that history proves the need for more protections against Government abuse. Others support the law the way it stands. Now, that is appropriate; people have different views and opinions on an important part of our legislation and our laws in the country. But all of us, Members of Congress, Democrats and Republicans, want to wage an effective fight against terror. All of us, Democrats and Republicans, want to give our intelligence professionals the tools they need to win this fight against terror.

We will be taking two votes. The first is on whether to invoke cloture on the Bond-Rockefeller substitute to the FISA bill we have on the floor. The second is a substitute, on whether to extend the authorities of the Protect America Act for another 30 days while Congress works to pass a new FISA bill.

I will oppose cloture on the substitute and support cloture on the extension. The extension will give the Congress time to debate and pass a long-term bill that protects America without compromising the privacy of law-abiding Americans. Both the Intelligence Committee bill and the Judiciary Committee bill authorize the same surveillance tools our intelligence community needs. Democrats and Republicans stand together in all the terrorism fighting components of this bill. Some Democrats, including me, support the additional privacy protections in the Judiciary Committee bill. Others are satisfied with the protections in the Intelligence Committee bill.

Again, people are entitled to their opinions, but all of us believe the Senate should have an opportunity to vote on these important questions.

There was a nice piece written in one of the op-eds today talking about how the Republicans have talked a long time about all we want is an up-or-down vote. Well, if there were ever a time they should follow their own advice it is now—an up-or-down vote.

Many Democrats, including Chairman ROCKEFELLER, who has worked so hard, are going to oppose cloture on the substitute because they object—we object—to the heavy-handed tactics we saw with this legislation this past week. The Republican leader filed cloture on this bill after we had been on the floor for a few hours. Cloture was filed after Republicans blocked every amendment—every amendment—from being offered and blocked all amendments from getting votes. In simple terms, this means the Republicans were filibustering their own bill—their own legislation. Let me repeat that. The Republicans were filibustering their own legislation. In my time in the Senate, I can't remember this taking place.

Meanwhile, at the other end of Pennsylvania Avenue, President Bush has actually threatened to veto a temporary extension. Talk about trying to figure out what is in the mind of someone who is talking that way. Let us remember, a temporary extension would guarantee that all the terrorism fighting tools remain in effect. There is absolutely no policy or security problem with an extension. All it would do is give us more time to work this out on an uninterrupted basis. There is no reason to vote against an extension or for the President to veto one, except for political posturing.

None of us want the current law to expire. None of us want that to expire, except CHENEY and Bush. But if it does expire because of Republican tactics, surveillance will not end. Even if they stop us from extending the bill, it would not end. Surveillance would not end. All surveillance orders issued under the law we passed last August—the Protect America Act—are effective for a year, so they will continue until at least August of 2008—August of this year.

Even in a last resort—if the current law expires—our intelligence professionals can get surveillance orders under the FISA law as it has existed for decades, before we passed the Protect America Act last August. FISA includes provisions for emergency warrantless surveillance, and it always has. Again, no one is arguing the law should be allowed to expire. Doing so would send the wrong message. But it still is going to allow the collection of this information. The safeguards in place ensure that our war on terror will not be adversely affected, and anyone who says otherwise—from the President on down—is not being truthful.

Why do Democrats seek an extension? We believe bipartisanship is appropriate when possible. The economic stimulus package shows us that when circumstances are difficult, we can work together. The Republican leadership's actions in this FISA debate have not given us reason for confidence that they are interested in working with us, but we owe it to the American people to give them every opportunity to do so.

We have requested a 30-day extension repeatedly—I have done it repeatedly—and each time the Republicans have said no. Compromise is a two-way street. Bipartisanship is a two-way street. As I said last week, we are willing to pass an extension of current law for 2 weeks, 30 days, 18 months, 14 months, 15 months or whatever our colleagues want, but we need to pass an extension now if we are to ensure the law doesn't expire. I have explained if it expires what happens.

The House is going out of session shortly. They have a retreat this week—after tomorrow. Already Democrats have introduced several amendments to strengthen the bill. Senator FEINGOLD sought a vote on his amendment to provide FISA Court documents to the Senate Intelligence Committee. Republicans blocked that. Senator WHITEHOUSE sought to offer an amendment to give the FISA Court authority to review compliance with minimization rules to protect the privacy of Americans whose communications are inadvertently intercepted. We were blocked from having that vote. Senator CARDIN sought to offer an amendment to sunset the legislation in 4 years rather than 6 years. Even that was blocked from having a vote. Senator KENNEDY offered an amendment—or I should say tried to offer one—providing for a report by the inspectors general of the relevant agencies to review the conduct of these programs in the past. No vote on that either. Senator FEINSTEIN sought to offer an amendment making crystal clear that FISA is the exclusive means by which the executive branch may conduct surveillance. Blocked by the Republicans.

Whether these amendments pass or not, we should be allowed to have votes on them. Senator FEINGOLD wasn't saying he wanted to talk for 2 hours. Senator FEINSTEIN wasn't saying she wanted to talk a long time. No one was—a short debate and have a vote on them. We were prevented from doing that.

So what does the Senate do? We take up bills all the time reported to us by committees. This is a little more complicated because we had two committees. It is not often we have concurrent jurisdiction, but there was here. But an eighth grade student could figure out what it is all about. It is not that difficult. Senators offer amendments to these bills and we let the Senate work its will. I don't understand how the Republicans can expect to block us from voting on any amendments and expect us to follow along. Senators are entitled to vote on their amendments.

Now, if someone is stalling—and we all went through that—there comes a time when you shut off the debate. But there is none of that here. With the Republicans blocking the amendments I have talked about, we haven't gotten to the crucial issue of immunity.

Mr. President, I will use my leader time now.

Let us not forget: The question of retroactive immunity wouldn't be before us if President Bush hadn't ignored Congress and established his own process outside the law. But far from taking responsibility for his actions, the President bullies and threatens the Congress he is supposed to be working with. He is similar to the kid in the school yard, the bully who says: OK, you are not doing what I want to do, so I am taking my ball home and none of us will be able to play.

When the President talks tonight about how important this program is and how it must continue, I say to him now that he must consider and reconsider his political posturing and ask his colleagues in the Senate to support an extension, especially when he is going to come and say how much he wants to work on a bipartisan basis.

We are a deliberative body. It was set up that way by the Founding Fathers.

Let us deliberate. I urge my colleagues to oppose cloture on the substitute so the Senate can return to considering this bill. We must pass a bill that gives our intelligence authorities the tools they need while protecting the privacy of all Americans. I urge my colleagues to support the extension so we can ensure current authority doesn't expire while Congress works to pass a new and stronger FISA bill.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, and pursuant to rule XXII, the Chair lays before the Senate the following cloture motion which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending substitute amendment to S. 2248, Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2007.

Mitch McConnell, Christopher S. Bond, Kay Bailey Hutchison, Wayne Allard, Jon Kyl, Robert F. Bennett, Sam Brownback, John Thune, Pat Roberts, John Barrasso, Chuck Grassley, Johnny Isakson, Lamar Alexander, Gordon H. Smith, Tom Coburn, Jim DeMint, Richard Burr.

Mr. REID. Mr. President, I ask unanimous consent that the second vote be of 10 minutes duration.

The PRESIDING OFFICER. Without objection, it is so ordered.

By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 3911, offered by the Senator from West Virginia, Mr. ROCKEFELLER, and the Senator from Missouri, Mr. BOND, to S. 2248, a bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Iowa (Mr. HARKIN), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Florida (Mr. NELSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN) would vote "nay."

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from North Carolina (Mrs. DOLE), the Senator from Nevada (Mr. ENSIGN), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from North Carolina (Mrs. DOLE) would have voted "yea."

The PRESIDING OFFICER. Are there any other Sentors in the Chamber desiring to vote?

The yeas and nays resulted—yeas 48, nays 45, as follows:

[Rollcall Vote No. 3 Leg.]

YEAS—48

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Domenici
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Lincoln
Lugar
Martinez
McConnell
Murkowski
Nelson (NE)
Pryor
Roberts
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Wicker

NAYS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
McCaskill
Menendez
Mikulski
Murray
Obama
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Specter
Stabenow
Tester
Webb
Whitehouse
Wyden

NOT VOTING—7

Coburn
Dole
Ensign
Harkin
Lieberman
McCain
Nelson (FL)

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Republican leader.

Mr. MCCONNELL. Mr. President, I wanted to take a moment to explain the next vote. The President indicated over the weekend that he would veto a 30-day extension. We have been dealing with this issue for almost a year. We have in the Rockefeller-Bond proposal a bipartisan compromise that came out of Intelligence 13 to 2. There is no need for a 30-day extension. But even if there were, you wouldn't get a 30-day extension by adding it to this bill. It is extremely important to oppose the 30-day extension. We know it won't become law on this bill. It wouldn't become law if it were passed freestanding, because the President would veto it. We may be talking about a very short-term extension here in the next few days, but we are still on FISA after today. We will not get off FISA until we make some determination of how we are going to dispose of this important measure.

I urge all my colleagues to vote against cloture on the 30-day extension amendment.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, we all acknowledge the Intelligence Committee did a good job on this piece of legislation. But the Intelligence Committee knew, everyone knew, there was concurrent referral of this legislation. It was always anticipated and believed, rightfully so, that the Judiciary Committee would take up this matter. And they did. They made some suggestions in the way of changes. We are entitled to vote on those. That is all we are asking. That isn't too unreasonable. For the President to not agree to any extension is unreasonable. The House is going to pass a 30-day extension in the morning. They are going to pass that. We are going to have the opportunity to vote on a 30-day extension. This would send an appropriate message to everyone that a 30-day extension is fair and reasonable. As I said in my remarks before the last vote, people are crying wolf a little too often. This legislation we have before us, if it doesn't pass, the work done by the Intelligence Committee and the Judiciary Committee will go for naught. But still, under the legislation we passed previously, the legislation will still be in effect. FISA is not gone. We all want to work to improve this. That is what this is all about. But we need some votes to do that. That is what we are asking.

Everyone here should understand, if you are voting today not to extend this legislation for 30 days, you are going to have to vote on it in the near future because the House is sending us the exact same measure tomorrow.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Reid amendment No. 3918 to S. 2248.

John D. Rockefeller, IV, Dianne Feinstein, Jeff Bingaman, Debbie Stabenow, Sheldon Whitehouse, Daniel K. Inouye, Charles E. Schumer, Thomas R. Carper, Bill Nelson, E. Benjamin Nelson, Frank R. Lautenberg, Richard Durbin, Ken Salazar, Tom Harkin, Sherrod Brown, Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, is it the sense of the Senate that debate on amendment No. 3918, offered by the Senator from Nevada, Mr. REID, to S. 2248, a bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that act, and for other purposes, shall be brought to a close.

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Iowa (Mr. HARKIN), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Florida (Mr. NELSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN) would vote "yea."

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from North Carolina (Mrs. DOLE), the Senator from Nevada (Mr. ENSIGN), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from North Carolina (Mrs. DOLE) would have voted "nay."

The PRESIDING OFFICER (Mr. PRYOR). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 48, nays 45, as follows:

[Rollcall Vote No. 4 Leg.]

YEAS—48

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—45

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Domenici
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Wicker

NOT VOTING—7

Coburn
Dole
Ensign
Harkin
Lieberman
McCain
Nelson (FL)

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. ROCKEFELLER. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

HONORING OUR ARMED FORCES

SERGEANT JON MICHAEL SCHOOLCRAFT, III

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave soldier. SGT Jon Michael Schoolcraft, III, 26 years old, died January 19 in Taji, Iraq. Sergeant Schoolcraft died of injuries he sustained when an improvised explosive device detonated near his vehicle. With an optimistic future before him, Jon risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Jon Schoolcraft, called Mike by his friends, graduated from Wapakoneta High School in Ohio in 2001. Growing up in Ohio with his mother, Cindy Schoolcraft-Hooker, Mike also spent time in Madison, IN, visiting his father, Mike Schoolcraft, Jr. Mike excelled at sports and particularly enjoyed skateboarding. His sense of duty to his country and a desire to see the world drove him to enroll in the Army's Delayed Entry Program while in high school.

After serving a first tour in Iraq, Mike reenlisted, telling a friend that he could not imagine doing anything other than being a soldier. In November of last year, Mike married his wife Amber and decided that his next tour in Iraq would be his last so they could begin a family. Mike was assigned to C Company, 1st Battalion, 27th Infantry Regiment, 25th Infantry Division in Schofield Barracks, HI. For his extraordinary service, Mike was posthumously awarded the Purple Heart.

Today, I join Mike's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Mike. Today and always, Mike will be remembered by family members, friends and fellow soldiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Mike's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Mike's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of SGT Jon Michael Schoolcraft, III, in the RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Mike's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Mike.

SMALL BUSINESS STIMULUS ACT

Mr. KERRY. Mr. President, over the past few months, our country has experienced instability and volatility in its credit markets. This looming credit crisis is affecting virtually every sector of the economy, including small business financing.

Since its inception in 1953, the Small Business Administration's 7(a) loan guaranty program has become the largest single source of long-term capital for small businesses. However, in the wake of the credit crunch and a slowing U.S. economy, we are now noticing that this essential financing resource is not serving nearly as many small businesses as it should. For example, during the first quarter of the 2008 fiscal year, 7(a) lending was down by 12 percent compared with the same period last year. In addition, at his State of the Agency Address this past Tuesday, SBA Administrator Steven Preston acknowledged that SBA lending was down in its largest program.

The Small Business Stimulus Act of 2008 will help reverse this downward trend in small business lending. The bill will temporarily reduce the fees collected from borrowers and lenders. This will immediately reduce the cost of capital for small businesses. With lower monthly loan payments, more money will be placed into the hands of small business owners money that will be quickly injected into the economy through purchases of inventory, real estate, and equipment. The fee reduction for lenders, coupled with the government guarantee, will give them an incentive to make 7(a) loans, as banks are scrambling for ways to salvage declining revenues and take on less risky loans. A similar stimulus was adopted after 9/11, and lending increased to businesses nationwide, pumping almost $3 billion into local economies and creating or retaining more than 90,000 jobs.

The bill also provides additional funding for the SBA's microloan program. As its name implies, microloans are small-scale business loans, which provide an essential financing source to underserved members of the business population, including women and minorities. This bill provides $12 million to expand the SBA's microloan program, including $2 million that will help leverage nearly $20 million in microloans.

The Small Business Stimulus Act of 2008 also includes two business tax incentives that will help small businesses that are feeling the impact of the economic downturn. The first provision would increase the amount that businesses can expense from $125,000 to $200,000 for 2008. This will help businesses immediately write off business purchases. The second provision increases the net operating carry back period for losses arising in taxable years ending in 2007 and 2008 from 2 years to 5 years. This provision will help business with cash flow. Expanding the carry back allows business owners to balance out net losses over years when the business has had a net operating gain.

I am confident that each of these targeted measures will provide timely, effective incentives to spur spending and encourage new investment and job growth in the hundreds of thousands of small businesses that drive this Nation's economy.

REMEMBERING THE UKRAINIAN FAMINE

Mr. VOINOVICH. Mr. President, I wish to remember the trials faced by the Ukrainian people and to pay tribute to their fortitude and love of freedom. At times in its history, Ukraine has been exploited and suffered greatly under repressive occupations. The Stalinist regime of the former Soviet Union sought to maintain control of the people and resources of the Ukraine through vicious oppression. The Ukrainian people have weathered many trials, but they have always fought for their freedom. It is my belief that as we embrace Ukraine's future, we must always remember the hardships of its past.

The Ukrainian peasantry rebelled against the collectivization policies imposed on them by the Stalinist regime starting in 1925. It is documented that very few farmers voluntarily joined collectives until Soviet secret police and Bolshevik brigades were sent to crush the resistance. As agricultural production fell in 1932 due to drought and these Stalinist policies, the regime attempted to maintain its export level. To do this the regime brutally confiscated grain and foodstuffs from hunger-stricken villages. Trade and supplies of food and goods were banned from those villages which were considered to be "underperforming," while families who resisted were banished to central Asia. The totalitarian regime meted out harsh sentences, even the death penalty, against those who stole even small amounts of grain. We can never forget that over 2,000 innocent people, including children as young as 12 years old, were executed under this law.

In 1932, Stalin imposed barricades throughout the USSR to prevent peasants from fleeing those regions stricken by famine. It was a state-organized program of mass starvation against the nation of Ukraine as a whole and the revived Ukrainian nationalism. It had been inflicted on them deliberately to punish Ukraine and destroy the basis of its nationhood. The famine-genocide of the Holodomor resulted in the tragic and unforgettable loss of millions of Ukrainian lives. Nevertheless, the Stalinist regime denied reports of mass deaths and forbade travel to the area to deter foreign journalists from reporting on these terrible crimes. In fact, these horrible crimes remained largely unknown to the broader world for decades as a result of the denials and coverups of the Soviet authorities and their refusal of offers of international aid.

Through its determination to remember the victims of the famine and Soviet oppression, the Ukrainian American community has helped to bring these events to light. Their efforts have helped to give a voice to the millions of people who suffered, starved, and died as a result of a flawed policy and authoritarian regime.

On the 75th anniversary of the Ukrainian famine-genocide, we must continue the important work of the Ukrainian American community by remembering the cruel injustices suffered by the Ukrainian people during that part of history. By so doing, we are not only honoring the millions of victims of this oppression, but we are helping to prevent a tragedy like this from happening again in the future.

CURRENT ELECTORAL CRISIS IN KENYA

Mr. FEINGOLD. Mr. President, just over 1 month ago, in the days before the December 27 president election, I noted that it had become the closest political contest in that country's history and that the two leading candidates were running robust, active campaigns. Although I also acknowledged the persistence of a deeply entrenched culture of corruption, I was encouraged by the growing engagement of Kenyan citizens and civil society organizations during the relatively peaceful, well-run, and competitive campaign season. I joined many others in hoping that the presidential and parliamentary elections held on that day would confirm Kenya's place among the world's most promising emerging economies and young democracies. Instead, that hope turned to dismay as we watched a blatant disregard for democratic principles and processes by the ruling party and an extraordinary disrespect for rule of law and human rights by both leading candidates' parties. The serious allegations of vote rigging, the rushed declaration of a presidential winner, and the destructive violence that have ensued are not only hurting the Kenyan people—they are jeopardizing Kenya's previous democratic progress.

With Somalia, Ethiopia, Sudan, and Uganda as neighbors in the volatile Horn of Africa, Kenya has long been regarded as a stable country making slow but persistent progress towards democracy. Kenya's press and courts seemed to be asserting their independence from the president-dominated government, and the mere fact that all pre-election opinion polls put the incumbent president neck-and-neck with his challenger from the main opposition party seemed to be an encouraging sign of a vibrant democracy. But on December 27 and in the days that followed, this progress came to a grinding halt. The Kenyan election suffered a fate all too common in Africa, with the votes tallied behind closed doors and the results finally announced by Kenya's Electoral Commission suggesting significant rigging.

The resulting frustration and deadlock have sparked violence, looting, destruction of property, and disruption of normal activity, creating an economic and humanitarian emergency on top of the current political crisis. Hundreds have been killed—some of them because of disproportionate use of force by Kenyan police as they seek to quell protests—and tens of thousands have fled their homes. Trust in the government, law enforcement, and even in one's neighbor has been seriously undermined.

The rival political leaders—incumbent President Mwai Kibaki and leader of the Orange Democratic Movement opposition party, Raila Odinga—can work to end this violence and destruction by refraining from using, inciting or condoning violent tactics. In recent days, Mr. Odinga and his supporters have demonstrated noteworthy restraint and it is essential that both parties respect the importance of a peaceful resolution as they begin to participate in an internationally brokered dialogue, led by former U.N. Secretary General Kofi Annan.

It is early days yet, and it remains unclear how committed these leading candidates are to seeing the negotiation through to the finish line. Although he has agreed to participate in an internationally brokered meeting with Mr. Odinga, Mr. Kibaki has been less than cooperative by rushing to appoint his own cronies to top cabinet positions and declaring he will follow the recommendations only of the Kenyan courts, which are also packed with his supporters. A political settlement is a key element in working through this electoral crisis but it must be part of a greater initiative that includes institutional reform. The road ahead is long, and I remain concerned that while both leading candidates have come to the table for negotiations, they could still decide to abandon the effort.

The past few weeks have shown how superficial Kenya's democratic gains may really have been. Now the international community—and the United States in particular—must live up to its rhetoric in favor of free and fair elections and institutional building. Many of the other countries that have suffered botched elections had a long history of such fraud but if this relatively stable and prosperous country is allowed to abandon its democratic experiment, the appeal of democracy will inevitably dim around the world. The citizens of Kenya as well as those from around the world had higher expectations for Kenya.

Resolving Kenya's current political, humanitarian, and economic crisis will require a coordinated international effort to engage all players in identifying and addressing the deeper problems that allowed the election fraud to occur and to ignite such a wave of outrage. Although a power-sharing agreement will likely be part of the solution, serious underlying problems need to be addressed. The challenges facing Kenya include an over-concentration of power in the office of the president, insufficient independence of the judiciary and electoral institutions, the need for professionalization of police and armed forces, and a persistent lack of transparency and inclusiveness throughout the political system. Only by addressing these root causes of the recent conflict will Kenya be able to truly restore stability and emerge from this crisis a stronger and more prosperous nation. Such a task will not be quick, easy, or cheap, but the alternative—not seizing this chance to bring about essential political reform—would be enduring, complex, and costly.

Last week, along with my ranking member on the Senate Subcommittee on African Affairs, Senator SUNUNU, and Senators CARDIN and KERRY, I introduced a resolution to encourage the United States and the wider international community to resist the temptation for a quick fix in Kenya and to instead pursue a more intensive, encompassing plan for political transition and transformation. I hope the Senate will pass this resolution shortly. The administration has played an active role—sending Assistant Secretary Frazer to Nairobi shortly after the elections to meet with both leading candidates—and I know Ambassador Ranneberger has been actively engaged in-country. But we need to see greater collaboration from all donors—with one consistent message that helps move Kenya to the next stage. I hope that Members of Congress from both parties will come together to support this initiative and the diplomatic and humanitarian efforts in Kenya that must follow in the coming weeks and months.

The U.S.-Kenya partnership is a longstanding and important one, but I cannot condone a continued relationship with a government that has apparently stolen an election and uses tactics of fear and intimidation to address dissent. This is not the Kenya I have come to know, and I am sure, not the Kenya its citizens want to know. We must close this devastating chapter by addressing the reasons for the electoral crisis and ensuing violence. Without such vital work, our historic partnership will deteriorate. There is a window of opportunity to ensure this does not happen, and I encourage all key actors to seize upon this opening. Above all, I want to see violence end and hope restored in Kenya.

VOTE EXPLANATION

Mr. NELSON of Florida. Mr. President, I was necessarily absent for today's cloture votes on the Rockefeller-Bond Substitute amendment No. 3911 and the Reid amendment No. 3918 to S. 2246, the FISA legislation. Had I been present, I would have voted "no" on No. 3911 and "aye" on No. 3918.

I believe that now is the time for the full Senate to consider and debate the difficult questions raised in this legislation. The Senate should consider and vote on important amendments relating to the protection of Americans' civil liberties and the question of immunity for telecommunications providers.

REPORT ON THE STATE OF THE UNION DELIVERED TO A JOINT SESSION OF CONGRESS ON JANUARY 28, 2008—PM 35

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was ordered to lie on the table:

To the Congress of the United States:

Madam Speaker, Vice President CHENEY, Members of Congress, distinguished guests, and fellow citizens:

Seven years have passed since I first stood before you at this rostrum. In that time, our country has been tested in ways none of us could have imagined. We have faced hard decisions about peace and war, rising competition in the world economy, and the health and welfare of our citizens. These issues call for vigorous debate, and I think it's fair to say we've answered that call. Yet history will record that amid our differences, we acted with purpose. And together, we showed the world the power and resilience of American self-government.

All of us were sent to Washington to carry out the people's business. That is the purpose of this body. It is the meaning of our oath. And it remains our charge to keep.

The actions of the 110th Congress will affect the security and prosperity of our Nation long after this session has ended. In this election year, let us show our fellow Americans that we recognize our responsibilities and are determined to meet them. And let us show them that Republicans and Democrats can compete for votes and cooperate for results at the same time.

From expanding opportunity to protecting our country, we have made good progress. Yet we have unfinished business before us, and the American people expect us to get it done.

In the work ahead, we must be guided by the philosophy that made our Nation great. As Americans, we believe in the power of individuals to determine their destiny and shape the course of history. We believe that the most reliable guide for our country is the collective wisdom of ordinary citizens. So in all we do, we must trust in the ability of free people to make wise decisions, and empower them to improve their lives and their futures.

To build a prosperous future, we must trust people with their own money and empower them to grow our economy. As we meet tonight, our economy is undergoing a period of uncertainty. America has added jobs for a record 52 straight months, but jobs are now growing at a slower pace. Wages are up, but so are prices for food and gas. Exports are rising, but the housing market has declined. And at kitchen tables across our country, there is concern about our economic future.

In the long run, Americans can be confident about our economic growth. But in the short run, we can all see that growth is slowing. So last week, my Administration reached agreement with Speaker PELOSI and Republican Leader BOEHNER on a robust growth package that includes tax relief for individuals and families and incentives for business investment. The temptation will be to load up the bill. That would delay it or derail it, and neither option is acceptable. This is a good agreement that will keep our economy growing and our people working. And this Congress must pass it as soon as possible.

We have other work to do on taxes. Unless the Congress acts, most of the tax relief we have delivered over the past 7 years will be taken away. Some in Washington argue that letting tax relief expire is not a tax increase. Try explaining that to 116 million American taxpayers who would see their taxes rise by an average of $1,800. Others have said they would personally be happy to pay higher taxes. I welcome their enthusiasm, and I am pleased to report that the IRS accepts both checks and money orders.

Most Americans think their taxes are high enough. With all the other pressures on their finances, American families should not have to worry about the Federal Government taking a bigger bite out of their paychecks. There is only one way to eliminate this uncertainty: make the tax relief permanent.

And Members of Congress should know: If any bill raising taxes reaches my desk, I will veto it.

Just as we trust Americans with their own money, we need to earn their trust by spending their tax dollars wisely. Next week, I will send you a budget that terminates or substantially reduces 151 wasteful or bloated programs totaling more than $18 billion. And this budget will keep America on track for a surplus in 2012. American families have to balance their budgets, and so should their Government.

The people's trust in their Government is undermined by congressional earmarks—special interest projects that are often snuck in at the last minute, without discussion or debate. Last year, I asked you to voluntarily cut the number and cost of earmarks in half. I also asked you to stop slipping earmarks into committee reports that never even come to a vote. Unfortunately, neither goal was met. So this time, if you send me an appropriations bill that does not cut the number and cost of earmarks in half, I will send it back to you with my veto. And tomorrow, I will issue an Executive Order that directs Federal agencies to ignore any future earmark that is not voted on by the Congress. If these items are truly worth funding, the Congress should debate them in the open and hold a public vote.

Our shared responsibilities extend beyond matters of taxes and spending.

On housing, we must trust Americans with the responsibility of homeownership and empower them to weather turbulent times in the housing market. My administration brought together the HOPE NOW alliance, which is helping many struggling homeowners avoid foreclosure. The Congress can help even more. Tonight I ask you to pass legislation to reform Fannie Mae and Freddie Mac, modernize the Federal Housing Administration, and allow State housing agencies to issue tax-free bonds to help homeowners refinance their mortgages. These are difficult times for many American families, and by taking these steps, we can help more of them keep their homes.

To build a future of quality health care, we must trust patients and doctors to make medical decisions and empower them with better information and better options. We share a common goal: making health care more affordable and accessible for all Americans. The best way to achieve that goal is by expanding consumer choice, not government control. So I have proposed ending the bias in the tax code against those who do not get their health insurance through their employer. This one reform would put private coverage within reach for millions, and I call on the Congress to pass it this year. The Congress must also expand health savings accounts, create Association Health Plans for small businesses, promote health information technology, and confront the epidemic of junk medical lawsuits. With all these steps, we will help ensure that decisions about your medical care are made in the privacy of your doctor's office—not in the halls of Congress.

On education, we must trust students to learn if given the chance and empower parents to demand results from our schools. In neighborhoods across our country, there are boys and girls with dreams—and a decent education is their only hope of achieving them. Six years ago, we came together to pass the No Child Left Behind Act, and today no one can deny its results. Last year, fourth and eighth graders achieved the highest math scores on record. Reading scores are on the rise. And African-American and Hispanic students posted alltime highs. Now we must work together to increase accountability, add flexibility for States and districts, reduce the number of high school dropouts, and provide extra help for struggling schools. Members of Congress: The No Child Left Behind Act is a bipartisan achievement. It is succeeding. And we owe it to America's children, their parents, and their teachers to strengthen this good law.

We must also do more to help children when their schools do not measure up. Thanks to the D.C. Opportunity Scholarships you approved, more than 2,600 of the poorest children in our Nation's capital have found new hope at a faith-based or other non-public school. Sadly, these schools are disappearing at an alarming rate in many of America's inner cities. So I will convene a White House summit aimed at strengthening these lifelines of learning. And to open the doors of these schools to more children, I ask you to support a new $300 million program called Pell Grants for Kids. We have seen how Pell Grants help low-income college students realize their full potential. Together, we have expanded the size and reach of these grants. Now let's apply that same spirit to help liberate poor children trapped in failing public schools.

On trade, we must trust American workers to compete with anyone in the world and empower them by opening up new markets overseas. Today, our economic growth increasingly depends on our ability to sell American goods, crops, and services all over the world. So we are working to break down barriers to trade and investment wherever we can. We are working for a successful Doha round of trade talks, and we must complete a good agreement this year. At the same time, we are pursuing opportunities to open up new markets by passing free trade agreements.

I thank the Congress for approving a good agreement with Peru. Now I ask you to approve agreements with Colombia, Panama, and South Korea. Many products from these nations now enter America duty-free, yet many of our products face steep tariffs in their markets. These agreements will level the playing field. They will give us better access to nearly 100 million customers. And they will support good jobs for the finest workers in the world: those whose products say "Made in the USA."

These agreements also promote America's strategic interests. The first agreement that will come before you is with Colombia, a friend of America that is confronting violence and terror and fighting drug traffickers. If we fail to pass this agreement, we will embolden the purveyors of false populism in our hemisphere. So we must come together, pass this agreement, and show our neighbors in the region that democracy leads to a better life.

Trade brings better jobs, better choices, and better prices. Yet for some Americans, trade can mean losing a job, and the Federal Government has a responsibility to help. I ask the Congress to reauthorize and reform trade adjustment assistance, so we can help these displaced workers learn new skills and find new jobs.

To build a future of energy security, we must trust in the creative genius of American researchers and entrepreneurs and empower them to pioneer a new generation of clean energy technology. Our security, our prosperity, and our environment all require reducing our dependence on oil. Last year, I asked you to pass legislation to reduce oil consumption over the next decade, and you responded. Together we should take the next steps: Let us fund new technologies that can generate coal power while capturing carbon emissions. Let us increase the use of renewable power and emissions-free nuclear power. Let us continue investing in advanced battery technology and renewable fuels to power the cars and trucks of the future. Let us create a new international clean technology fund, which will help developing nations like India and China make greater use of clean energy sources. And let us complete an international agreement that has the potential to slow, stop, and eventually reverse the growth of greenhouse gases. This agreement will be effective only if it includes commitments by every major economy and gives none a free ride. The United States is committed to strengthening our energy security and confronting global climate change. And the best way to meet these goals is for America to continue leading the way toward the development of cleaner and more efficient technology.

To keep America competitive into the future, we must trust in the skill of our scientists and engineers and empower them to pursue the breakthroughs of tomorrow. Last year, the Congress passed legislation supporting the American Competitiveness Initiative, but never followed through with the funding. This funding is essential to keeping our scientific edge. So I ask the Congress to double Federal support for critical basic research in the physical sciences and ensure America remains the most dynamic nation on earth.

On matters of science and life, we must trust in the innovative spirit of medical researchers and empower them to discover new treatments while respecting moral boundaries. In November, we witnessed a landmark achievement when scientists discovered a way to reprogram adult skin cells to act like embryonic stem cells. This breakthrough has the potential to move us beyond the divisive debates of the past by extending the frontiers of medicine without the destruction of human life. So we are expanding funding for this type of ethical medical research. And as we explore promising avenues of research, we must also ensure that all life is treated with the dignity it deserves. So I call on the Congress to pass legislation that bans unethical practices such as the buying, selling, patenting, or cloning of human life.

On matters of justice, we must trust in the wisdom of our Founders and empower judges who understand that the Constitution means what it says. I have submitted judicial nominees who will rule by the letter of the law, not the whim of the gavel. Many of these nominees are being unfairly delayed. They are worthy of confirmation, and the Senate should give each of them a prompt up-or-down vote.

In communities across our land, we must trust in the good heart of the American people and empower them to serve their neighbors in need. Over the past 7 years, more of our fellow citizens have discovered that the pursuit of happiness leads to the path of service. Americans have volunteered in record numbers. Charitable donations are higher than ever. Faith-based groups are bringing hope to pockets of despair, with newfound support from the Federal Government. And to help guarantee equal treatment for faith-based organizations when they compete for Federal funds, I ask you to permanently extend Charitable Choice.

Tonight the armies of compassion continue the march to a new day in the Gulf Coast. America honors the strength and resilience of the people of this region. We reaffirm our pledge to help them build stronger and better than before. And tonight I am pleased to announce that in April we will host this year's North American Summit of Canada, Mexico, and the United States in the great city of New Orleans.

There are two other pressing challenges that I have raised repeatedly before this body, and that this body has failed to address: Entitlement spending and immigration.

Every Member in this Chamber knows that spending on entitlement programs like Social Security, Medicare, and Medicaid is growing faster than we can afford. And we all know the painful choices ahead if America stays on this path: Massive tax increases, sudden and drastic cuts in benefits, or crippling deficits. I have laid out proposals to reform these programs. Now I ask Members of Congress to offer your proposals and come up with a bipartisan solution to save these vital programs for our children and grandchildren.

The other pressing challenge is immigration. America needs to secure our borders—and with your help, my administration is taking steps to do so. We are increasing worksite enforcement, we are deploying fences and advanced technologies to stop illegal crossings, we have effectively ended the policy of "catch and release" at the border, and by the end of this year, we will have doubled the number of border patrol agents. Yet we also need to acknowledge that we will never fully secure our border until we create a lawful way for foreign workers to come here and support our economy. This will take pressure off the border and allow law enforcement to concentrate on those who mean us harm. We must also find a sensible and humane way to deal with people here illegally. Illegal immigration is complicated, but it can be resolved. And it must be resolved in a way that upholds both our laws and our highest ideals.

This is the business of our Nation here at home. Yet building a prosperous future for our citizens also depends on confronting enemies abroad and advancing liberty in troubled regions of the world.

Our foreign policy is based on a clear premise: We trust that people, when given the chance, will choose a future of freedom and peace. In the last 7 years, we have witnessed stirring moments in the history of liberty. We have seen citizens in Georgia and Ukraine stand up for their right to free and fair elections. We have seen people in Lebanon take to the streets to demand their independence. We have seen Afghans emerge from the tyranny of the Taliban to choose a new president and a new parliament. We have seen jubilant Iraqis holding up ink-stained fingers and celebrating their freedom. And these images of liberty have inspired us.

In the past 7 years, we have also seen images that have sobered us. We have watched throngs of mourners in Lebanon and Pakistan carrying the caskets of beloved leaders taken by the assassin's hand. We have seen wedding guests in blood-soaked finery staggering from a hotel in Jordan, Afghans and Iraqis blown up in mosques and markets, and trains in London and Madrid ripped apart by bombs. And on a clear September day, we saw thousands of our fellow citizens taken from us in an instant. These horrific images serve as a grim reminder: The advance of liberty is opposed by terrorists and extremists—evil men who despise freedom, despise America, and aim to subject millions to their violent rule.

Since September 11, we have taken the fight to these terrorists and extremists. We will stay on the offense, we will keep up the pressure, and we will deliver justice to the enemies of America.

We are engaged in the defining ideological struggle of the 21st century. The terrorists oppose every principle of humanity and decency that we hold dear. Yet in this war on terror, there is one thing we and our enemies agree on: In the long run, men and women who are free to determine their own destinies will reject terror and refuse to live in tyranny. That is why the terrorists are fighting to deny this choice to people in Lebanon, Iraq, Afghanistan, Pakistan, and the Palestinian Territories. And that is why, for the security of America and the peace of the world, we are spreading the hope of freedom.

In Afghanistan, America, our 25 NATO allies, and 15 partner nations are helping the Afghan people defend their freedom and rebuild their country. Thanks to the courage of these military and civilian personnel, a nation that was once a safe haven for al Qaida is now a young democracy where boys and girls are going to school, new roads and hospitals are being built, and people are looking to the future with new hope. These successes must continue, so we are adding 3,200 Marines to our forces in Afghanistan, where they will fight the terrorists and train the Afghan Army and police. Defeating the Taliban and al Qaida is critical to our security, and I thank the Congress for supporting America's vital mission in Afghanistan.

In Iraq, the terrorists and extremists are fighting to deny a proud people their liberty and to establish safe havens for attacks across the world. One year ago, our enemies were succeeding in their efforts to plunge Iraq into chaos. So we reviewed our strategy and changed course. We launched a surge of American forces into Iraq. And we gave our troops a new mission: Work with Iraqi forces to protect the Iraqi people, pursue the enemy in its strongholds, and deny the terrorists sanctuary anywhere in the country.

The Iraqi people quickly realized that something dramatic had happened. Those who had worried that America was preparing to abandon them instead saw tens of thousands of American forces flowing into their country. They saw our forces moving into neighborhoods, clearing out the terrorists, and staying behind to ensure the enemy did not return. And they saw our troops, along with Provincial Reconstruction Teams that include Foreign Service Officers and other skilled public servants, coming in to ensure that improved security was followed by improvements in daily life. Our military and civilians in Iraq are performing with courage and distinction, and they have the gratitude of our whole Nation.

The Iraqis launched a surge of their own. In the fall of 2006, Sunni tribal leaders grew tired of al Qaida's brutality and started a popular uprising called "The Anbar Awakening." Over the past year, similar movements have spread across the country. And today, this grassroots surge includes more than 80,000 Iraqi citizens who are fighting the terrorists. The government in Baghdad has stepped forward as well—adding more than 100,000 new Iraqi soldiers and police during the past year.

While the enemy is still dangerous and more work remains, the American and Iraqi surges have achieved results few of us could have imagined just 1 year ago:

When we met last year, many said containing the violence was impossible. A year later, high profile terrorist attacks are down, civilian deaths are down, and sectarian killings are down.

When we met last year, militia extremists—some armed and trained by Iran—were wreaking havoc in large areas of Iraq. A year later, Coalition and Iraqi forces have killed or captured hundreds of militia fighters. And Iraqis of all backgrounds increasingly realize that defeating these militia fighters is critical to the future of their country.

When we met last year, al Qaida had sanctuaries in many areas of Iraq, and their leaders had just offered American forces safe passage out of the country. Today, it is al Qaida that is searching for safe passage. They have been driven from many of the strongholds they once held, and over the past year, we have captured or killed thousands of extremists in Iraq, including hundreds of key al Qaida leaders and operatives. Last month, Osama bin Laden released a tape in which he railed against Iraqi tribal leaders who have turned on al Qaida and admitted that Coalition forces are growing stronger in Iraq. Ladies and gentlemen, some may deny the surge is working, but among the terrorists there is no doubt. Al Qaida is on the run in Iraq, and this enemy will be defeated.

When we met last year, our troop levels in Iraq were on the rise. Today, because of the progress just described, we are implementing a policy of "return on success," and the surge forces we sent to Iraq are beginning to come home.

This progress is a credit to the valor of our troops and the brilliance of their commanders. This evening, I want to speak directly to our men and women on the front lines. Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen: In the past year, you have done everything we have asked of you, and more. Our Nation is grateful for your courage. We are proud of your accomplishments. And tonight in this hallowed chamber, with the American people as our witness, we make you a solemn pledge: In the fight ahead, you will have all you need to protect our Nation. And I ask the Congress to meet its responsibilities to these brave men and women by fully funding our troops.

Our enemies in Iraq have been hit hard. They are not yet defeated, and we can still expect tough fighting ahead. Our objective in the coming year is to sustain and build on the gains we made in 2007, while transitioning to the next phase of our strategy. American troops are shifting from leading operations, to partnering with Iraqi forces, and, eventually, to a protective overwatch mission. As part of this transition, one Army brigade combat team and one Marine Expeditionary Unit have already come home and will not be replaced. In the coming months, four additional brigades and two Marine battalions will follow suit. Taken together, this means more than 20,000 of our troops are coming home.

Any further drawdown of U.S. troops will be based on conditions in Iraq and the recommendations of our commanders. General Petraeus has warned that too fast a drawdown could result in the "disintegration of the Iraqi Security Forces, al Qaida-Iraq regaining lost ground, [and] a marked increase in violence." Members of Congress: Having come so far and achieved so much, we must not allow this to happen.

In the coming year, we will work with Iraqi leaders as they build on the progress they are making toward political reconciliation. At the local level, Sunnis, Shia, and Kurds are beginning to come together to reclaim their communities and rebuild their lives. Progress in the provinces must be matched by progress in Baghdad. And we are seeing some encouraging signs. The national government is sharing oil revenues with the provinces. The parliament recently passed both a pension law and de-Ba'athification reform. Now they are debating a provincial powers law. The Iraqis still have a distance to travel. But after decades of dictatorship and the pain of sectarian violence, reconciliation is taking place—and the Iraqi people are taking control of their future.

The mission in Iraq has been difficult and trying for our Nation. But it is in the vital interest of the United States that we succeed. A free Iraq will deny al Qaida a safe haven. A free Iraq will show millions across the Middle East that a future of liberty is possible. And a free Iraq will be a friend of America, a partner in fighting terror, and a source of stability in a dangerous part of the world.

By contrast, a failed Iraq would embolden extremists, strengthen Iran, and give terrorists a base from which to launch new attacks on our friends, our allies, and our homeland. The enemy has made its intentions clear. At a time when the momentum seemed to favor them, al Qaida's top commander in Iraq declared that they will not rest until they have attacked us here in Washington. My fellow Americans: We will not rest either. We will not rest until this enemy has been defeated. We must do the difficult work today, so that years from now people will look back and say that this generation rose to the moment, prevailed in a tough fight, and left behind a more hopeful region and a safer America.

We are also standing against the forces of extremism in the Holy Land, where we have new cause for hope. Palestinians have elected a president who recognizes that confronting terror is essential to achieving a state where his people can live in dignity and at peace with Israel. Israelis have leaders who recognize that a peaceful, democratic Palestinian state will be a source of lasting security. This month in Ramallah and Jerusalem, I assured leaders from both sides that America will do, and I will do, everything we can to help them achieve a peace agreement that defines a Palestinian state by the end of this year. The time has come for a Holy Land where a democratic Israel and a democratic Palestine live side-by-side in peace.

We are also standing against the forces of extremism embodied by the regime in Tehran. Iran's rulers oppress a good and talented people. And wherever freedom advances in the Middle East, it seems the Iranian regime is there to oppose it. Iran is funding and training militia groups in Iraq, supporting Hezbollah terrorists in Lebanon, and backing Hamas' efforts to undermine peace in the Holy Land. Tehran is also developing ballistic missiles of increasing range and continues to develop its capability to enrich uranium, which could be used to create a nuclear weapon. Our message to the people of Iran is clear: We have no quarrel with you, we respect your traditions and your history, and we look forward to the day when you have your freedom. Our message to the leaders of Iran is also clear: Verifiably suspend your nuclear enrichment, so negotiations can begin. And to rejoin the community of nations, come clean about your nuclear intentions and past actions, stop your oppression at home, and cease your support for terror abroad. But above all, know this: America will confront those who threaten our troops, we will stand by our allies, and we will defend our vital interests in the Persian Gulf.

On the homefront, we will continue to take every lawful and effective measure to protect our country. This is our most solemn duty. We are grateful that there has not been another attack on our soil since September 11. This is not for a lack of desire or effort on the part of the enemy. In the past 6 years, we have stopped numerous attacks, including a plot to fly a plane into the tallest building in Los Angeles and another to blow up passenger jets bound for America over the Atlantic. Dedicated men and women in our Government toil day and night to stop the terrorists from carrying out their plans. These good citizens are saving American lives, and everyone in this chamber owes them our thanks. And we owe them something more: We owe them the tools they need to keep our people safe.

One of the most important tools we can give them is the ability to monitor terrorist communications. To protect America, we need to know who the terrorists are talking to, what they are saying, and what they are planning. Last year, the Congress passed legislation to help us do that. Unfortunately, the Congress set the legislation to expire on February 1. This means that if you do not act by Friday, our ability to track terrorist threats would be weakened and our citizens will be in greater danger. The Congress must ensure the flow of vital intelligence is not disrupted. The Congress must pass liability protection for companies believed to have assisted in the efforts to defend America. We have had ample time for debate. The time to act is now.

Protecting our Nation from the dangers of a new century requires more than good intelligence and a strong military. It also requires changing the conditions that breed resentment and allow extremists to prey on despair. So America is using its influence to build a freer, more hopeful, and more compassionate world. This is a reflection of our national interest and the calling of our conscience.

America is opposing genocide in Sudan and supporting freedom in countries from Cuba and Zimbabwe to Belarus and Burma.

America is leading the fight against global poverty, with strong education initiatives and humanitarian assistance. We have also changed the way we deliver aid by launching the Millennium Challenge Account. This program strengthens democracy, transparency, and the rule of law in developing nations, and I ask you to fully fund this important initiative.

America is leading the fight against global hunger. Today, more than half the world's food aid comes from the United States. And tonight, I ask the Congress to support an innovative proposal to provide food assistance by purchasing crops directly from farmers in the developing world, so we can build up local agriculture and help break the cycle of famine.

America is leading the fight against disease. With your help, we are working to cut by half the number of malaria-related deaths in 15 African nations. And our Emergency Plan for AIDS Relief is treating 1.4 million people. We can bring healing and hope to many more. So I ask you to maintain the principles that have changed behavior and made this program a success. And I call on you to double our initial commitment to fighting HIV/AIDS by approving an additional $30 billion over the next 5 years.

America is a force for hope in the world because we are a compassionate people, and some of the most compassionate Americans are those who have stepped forward to protect us. We must keep faith with all who have risked life and limb so that we might live in freedom and peace. Over the past 7 years, we have increased funding for veterans by more than 95 percent. As we increase funding, we must also reform our veterans system to meet the needs of a new war and a new generation. I call on the Congress to enact the reforms recommended by Senator Bob Dole and Secretary Donna Shalala, so we can improve the system of care for our wounded warriors and help them build lives of hope, promise, and dignity.

Our military families also sacrifice for America. They endure sleepless nights and the daily struggle of providing for children while a loved one is serving far from home. We have a responsibility to provide for them. So I ask you to join me in expanding their access to childcare, creating new hiring preferences for military spouses across the Federal Government, and allowing our troops to transfer their unused education benefits to their spouses or children. Our military families serve our Nation, they inspire our Nation, and tonight our Nation honors them.

The secret of our strength, the miracle of America, is that our greatness lies not in our Government, but in the spirit and determination of our people. When the Federal Convention met in Philadelphia in 1787, our Nation was bound by the Articles of Confederation, which began with the words, "We the undersigned delegates." When Gouverneur Morris was asked to draft the preamble to our new Constitution, he offered an important revision and opened with words that changed the course of our Nation and the history of the world: "We the people."

By trusting the people, our Founders wagered that a great and noble Nation could be built on the liberty that resides in the hearts of all men and women. By trusting the people, succeeding generations transformed our fragile young democracy into the most powerful Nation on earth and a beacon of hope for millions. And so long as we continue to trust the people, our Nation will prosper, our liberty will be secure, and the State of our Union will remain strong. So tonight, with confidence in freedom's power, and trust in the people, let us set forth to do their business.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 28, 2008.*

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2557. A bill to extend the Protect America Act of 2007 until July 1, 2009.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY (for himself and Mrs. MURRAY):

S. 2560. A bill to create the income security conditions and family supports needed to ensure permanency for the Nation's unaccompanied youth, and for other purposes; to the Committee on Finance.

By Mr. REID:

S. 2561. A bill to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the Cold War; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself, Mr. LUGAR, Mr. MENENDEZ, Mr. CARDIN, and Mr. DURBIN):

S. Res. 432. A resolution urging the international community to provide the United Nations-African Union Mission in Sudan with essential tactical and utility helicopters; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 414

At the request of Ms. MIKULSKI, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 414, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Federal Meat Inspection Act to require that food that contains product from a cloned animal be labeled accordingly, and for other purposes.

S. 661

At the request of Mrs. CLINTON, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 773

At the request of Mr. WARNER, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 773, a bill to amend the Internal

Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1430

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1780

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1780, a bill to require the FCC, in enforcing its regulations concerning the broadcast of indecent programming, to maintain a policy that a single word or image may be considered indecent.

S. 1794

At the request of Mr. BAYH, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1794, a bill to amend the Federal Direct Loan Program to provide that interest shall not accrue on Federal Direct Loans for active duty service members and their spouses.

S. 1800

At the request of Mrs. CLINTON, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1800, a bill to amend title 10, United States Code, to require emergency contraception to be available at all military health care treatment facilities.

S. 1848

At the request of Mr. BAUCUS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1848, a bill to amend the Trade Act of 1974 to address the impact of globalization, to reauthorize trade adjustment assistance, to extend trade adjustment assistance to service workers, communities, firms, and farmers, and for other purposes.

S. 1906

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1906, a bill to understand and comprehensively address the oral health problems associated with methamphetamine use.

S. 1907

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1907, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to understand and comprehensively address the inmate oral health problems associated with methamphetamine use, and for other purposes.

S. 1948

At the request of Mr. VOINOVICH, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1948, a bill to award grants to establish Advanced Multidisciplinary Computing Software Centers, which shall conduct outreach, technology transfer, development, and utilization programs in specific industries and geographic regions for the benefit of small- and medium-size manufacturers and businesses.

S. 2004

At the request of Mrs. MURRAY, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2004, a bill to amend title 38, United States Code, to establish epilepsy centers of excellence in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes.

S. 2063

At the request of Mr. CONRAD, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2063, a bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the economic security of the United States, and to expand future prosperity and growth for all Americans.

S. 2119

At the request of Mr. JOHNSON, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2400

At the request of Mrs. CLINTON, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2400, a bill to amend title 37, United States Code, to require the Secretary of Defense to continue to pay to a member of the Armed Forces who is retired or separated from the Armed Forces due to a combat-related injury certain bonuses that the member was entitled to before the retirement or separation and would continue to be entitled to if the member was not retired or separated, and for other purposes.

S. 2426

At the request of Mrs. CLINTON, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2426, a bill to provide for congressional oversight of United States agreements with the Government of Iraq.

S. 2449

At the request of Mr. KOHL, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2449, a bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes.

S. 2452

At the request of Mr. DODD, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 2452, a bill to amend the Truth in Lending Act to provide protection to consumers with respect to certain high-cost loans, and for other purposes.

S. 2500

At the request of Mr. LEAHY, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 2500, a bill to provide fair compensation to artists for use of their sound recordings.

S. 2544

At the request of Mr. KENNEDY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2544, a bill to provide for a program of temporary extended unemployment compensation.

S. 2552

At the request of Ms. SNOWE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2552, a bill to amend the Internal Revenue Code of 1986 to provide a stimulus to small business by increasing expensing for small businesses in 2008, extending the length of the carryback period for net operating losses during 2007 and 2008, and extending the research and development credit.

S. 2553

At the request of Mr. KERRY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2553, a bill to modify certain fees applicable under the Small Business Act for 2008, to make an emergency appropriation for certain small business programs, and to amend the Internal Revenue Code of 1986 to provide increased expensing for 2008, to provide a 5-year carryback for certain net operating losses, and for other purposes.

S. 2555

At the request of Mrs. BOXER, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 2555, a bill to permit California and other States to effectively control greenhouse gas emissions from motor vehicles, and for other purposes.

S.J. RES. 27

At the request of Mrs. DOLE, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S.J. Res. 27, a joint resolution proposing an amendment to the Constitution of the United States relative to the line item veto.

S. RES. 429

At the request of Mr. STEVENS, his name was added as a cosponsor of S. Res. 429, a resolution honoring the brave men and women of the United States Coast Guard whose tireless work, dedication, and commitment to protecting the United States have led to the confiscation of over 350,000 pounds of cocaine at sea during 2007.

S. RES. 431

At the request of Mr. FEINGOLD, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. Res. 431, a resolution calling for a peaceful resolution to the current electoral crisis in Kenya.

AMENDMENT NO. 3893

At the request of Mr. BROWNBACK, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of amendment No. 3893 proposed to S. 1200, a bill to amend the Indian Health Care Improvement Act to revise and extend the Act.

AMENDMENT NO. 3909

At the request of Mr. FEINGOLD, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of amendment No. 3909 proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

AMENDMENT NO. 3913

At the request of Mr. FEINGOLD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 3913 intended to be proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

AMENDMENT NO. 3914

At the request of Mr. FEINGOLD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 3914 intended to be proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

S. 2561. A bill to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the Cold War; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, 75 years ago yesterday, the U.S. conducted the first nuclear test on American soil—the detonation of a one-kiloton nuclear device in an area known as Frenchman Flat at the Nevada Test Site.

Conducted in extraordinary secrecy, this first nuclear testing program, known as Project Nutmeg, was representative of the efforts of countless Americans in the 50 year struggle we know as the Cold War.

Lasting half a century, the Cold War was the longest sustained conflict in U.S. history. The nuclear capabilities of our enemy posed literally an existential threat to our Nation. The threat of mass destruction left a permanent mark on American life.

The U.S. prevailed over this grave threat, through the technological achievement, patriotism, and sacrifice of the people of the great State of Nevada, and of others throughout the Nation.

It has been 18 years since the Malta Conference that marked the end of the Cold War, yet the contributions and sacrifices of generations of Americans have largely gone unrecognized.

The time has come to recognize and honor those Americans who toiled in relative obscurity to bring us victory during this most dangerous conflict in our Nation's history.

Today I introduce a bill that requires the Department of the Interior to conduct a study to identify sites and resources to commemorate heroes of the Cold War, and to interpret the Cold War for future generations.

My legislation directs the Secretary of the Interior to establish a "Cold War Advisory Committee" to oversee the inventory of Cold War sites and resources; for potential inclusion in the National Park System; as national historic landmarks; or other appropriate designations.

The Advisory Committee will work closely with State and local governments and local historical organizations. The Committee's starting point will be a Cold War study completed by the Secretary of Defense under the 1991 Defense Appropriations Act. Obvious Cold War sites of significance include: Intercontinental ballistic missile launch sites; flight training centers; communications and command centers, such as Cheyenne Mountain, Colorado; nuclear weapons test sites, such as the Nevada Test Site; and sites of other strategic and tactical significance.

Perhaps no state in the union played a more sigificant role than Nevada in winning the Cold War.

The Nevada Test Site is a high-technology engineering marvel where the U.S. developed, tested, and perfected a nuclear deterrent that formed the cornerstone of America's security and leadership among nations. Of the 1,149 nuclear detonations conducted by U.S. as part of its nuclear testing program, 1,021 were performed at the Nevada Test Site.

The Naval Air Station at Fallon, NV, home of the Navy's preeminent tactical air warfare training center, was also the site of Cold War-era nuclear testing.

Hawthorne Army Depot, formerly known as the Hawthorne Army Ammunition Plant, likewise played an important role throughout the Cold War, serving as a staging area for conventional bombs, rockets, and ammunition as it had done since World War II.

Nellis Air Force Base outside Las Vegas, home of the first dedicated air warfare and later air/ground training facility, provided to Cold War aviators and continues to provide advanced air combat training for U.S. and Allied forces.

Generations of Nevadans bore and continue to bear extraordinary costs as a result of these critical contributions to the Cold War effort.

The Advisory Committee established under this legislation will develop an interpretive handbook telling the story of the Cold War and its heroes.

I'd like to take a moment to relate a story of one group of Cold War heroes.

On a snowy evening, November 17, 1955, a U.S. Air Force C-54 cargo plane crashed near the summit of Mount Charleston in rural Nevada.

Kept secret for years, we now know that the four aircrew and 10 scientists aboard the doomed aircraft were bound for the secret Air Force Flight Test Center, where they were developing a top-secret spy plane that would become known as the U-2.

These men who gave their lives that day helped build the plane that many critics said could never be built. Owing to the efforts of men like these, the critics were proved wrong: The U-2 remains a vital component of our reconnaissance forces to this day.

As a result of the absolute secrecy surrounding their work, the families of the men who perished on Mount Charleston only recently learned the true circumstances of the crash that took the lives of their loved ones and the nature of their vital work.

This legislation will provide $500,000 to identify historic landmarks, like the Mount Charleston crash site, to recognize and pay tribute to the sacrifices of these men and others.

I would like to reiterate my thanks for Mr. Steve Ririe of Las Vegas, whose tireless efforts brought to light the events surrounding the death of these 14 men on Mount Charleston over 50 years ago, and for the efforts of State Senator Raymond Rawson, who shepherded through the Nevada legislature a resolution honoring these heroes.

A grateful Nation owes a debt of supreme gratitude to the silent heroes of the Cold War. I urge my colleagues to support this long-overdue tribute to the contribution and sacrifice of these Americans.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD as follows:

S. 2561

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

(1) ADVISORY COMMITTEE.—The term "Advisory Committee" means the Cold War Advisory Committee established under section 3.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) THEME STUDY.—The term "theme study" means the national historic landmark theme study conducted under section 2(a).

SEC. 2. COLD WAR THEME STUDY.

(a) IN GENERAL.—The Secretary shall conduct a national historic landmark theme study to identify sites and resources in the United States that are significant to the Cold War.

(b) RESOURCES.—In conducting the theme study, the Secretary shall consider—

(1) the inventory of sites and resources associated with the Cold War completed by the Secretary of Defense under section 8120(b)(9) of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1906); and

(2) historical studies and research of Cold War sites and resources, including—

(A) intercontinental ballistic missiles;

(B) flight training centers;

(C) manufacturing facilities;

(D) communications and command centers (such as Cheyenne Mountain, Colorado);

(E) defensive radar networks (such as the Distant Early Warning Line);

(F) nuclear weapons test sites (such as the Nevada test site); and

(G) strategic and tactical aircraft.

(c) CONTENTS.—The theme study shall include—

(1) recommendations for commemorating and interpreting sites and resources identified by the theme study, including—

(A) sites for which studies for potential inclusion in the National Park System should be authorized;

(B) sites for which new national historic landmarks should be nominated; and

(C) other appropriate designations;

(2) recommendations for cooperative agreements with—

(A) State and local governments;

(B) local historical organizations; and

(C) other appropriate entities; and

(3) an estimate of the amount required to carry out the recommendations under paragraphs (1) and (2).

(d) CONSULTATION.—In conducting the theme study, the Secretary shall consult with—

(1) the Secretary of the Air Force;

(2) State and local officials;

(3) State historic preservation offices; and

(4) other interested organizations and individuals.

(e) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes the findings, conclusions, and recommendations of the theme study.

SEC. 3. COLD WAR ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—As soon as practicable after funds are made available to carry out this Act, the Secretary shall establish an advisory committee, to be known as the "Cold War Advisory Committee", to assist the Secretary in carrying out this Act.

(b) COMPOSITION.—The Advisory Committee shall be composed of 9 members, to be appointed by the Secretary, of whom—

(1) 3 shall have expertise in Cold War history;

(2) 2 shall have expertise in historic preservation;

(3) 1 shall have expertise in the history of the United States; and

(4) 3 shall represent the general public.

(c) CHAIRPERSON.—The Advisory Committee shall select a chairperson from among the members of the Advisory Committee.

(d) COMPENSATION.—A member of the Advisory Committee shall serve without compensation but may be reimbursed by the Secretary for expenses reasonably incurred in the performance of the duties of the Advisory Committee.

(e) MEETINGS.—On at least 3 occasions, the Secretary (or a designee) shall meet and consult with the Advisory Committee on matters relating to the theme study.

SEC. 4. INTERPRETIVE HANDBOOK ON THE COLD WAR.

Not later than 4 years after the date on which funds are made available to carry out this Act, the Secretary shall—

(1) prepare and publish an interpretive handbook on the Cold War; and

(2) disseminate information in the theme study by other appropriate means.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $500,000.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 432—URGING THE INTERNATIONAL COMMUNITY TO PROVIDE THE UNITED NATIONS-AFRICAN UNION MISSION IN SUDAN WITH ESSENTIAL TACTICAL AND UTILITY HELICOPTERS

Mr. BIDEN (for himself, Mr. LUGAR, Mr. MENENDEZ, Mr. CARDIN, and Mr. DURBIN) submitted the following resolution, which was referred to the Committee on Foreign Relations:

S. RES. 432

Whereas, on August 30, 2006, the United Nations Security Council approved United Nations Security Council Resolution 1706, providing that the existing United Nations Mission in Sudan (UNMIS) "shall take over from [the African Mission in Sudan (AMIS)] responsibility for supporting the implementation of the Darfur Peace Agreement upon the expiration of AMIS' mandate but in any event no later than 31 December 2006";

Whereas, on July 31, 2007, the United Nations Security Council approved United Nations Security Council Resolution 1769 reaffirming Resolution 1706 and stating that the Security Council "[d]ecides . . . to authorise and mandate the establishment . . . of an AU/UN Hybrid operation in Darfur (UNAMID) . . . [and] [d]ecides that UNAMID, which shall incorporate AMIS personnel and the UN Heavy and Light Support Packages to AMIS, shall consist of up to 19,555 military personnel, including 360 military observers and liaison officers, and an appropriate civilian component including up to 3,772 police personnel and 19 formed police units comprising up to 140 personnel each";

Whereas, on December 31, 2007, the United Nations-African Union hybrid mission formally assumed control of peacekeeping operations in Darfur, but did so with only approximately 9,000 troops and police on the ground, far short of both the authorized and necessary levels;

Whereas the Government of Sudan continues to obstruct implementation of Security Council Resolutions 1706 and 1769 in several respects, including by refusing to conclude a Status of Forces Agreement or to cooperate on issues such as the force composition, the authorization of night flights, customs clearance, land access, and visas for staff;

Whereas, on January 7, 2008, uniformed elements of the army of Sudan attacked a clearly marked UNAMID supply convoy, severely wounding a Sudanese civilian driver;

Whereas rebels, militias, government forces, bandits, and others continue to prey upon the people of Darfur and upon humanitarian workers, increasing the urgency of both deploying the full complement of peacekeepers and police and of reaching a lasting political settlement;

Whereas the preliminary results of a United Nations assessment entitled the "Food Security and Nutrition Assessment of the Conflict-Affected Population of Darfur (August/September 2007)" reveal that global acute malnutrition in Darfur increased in 2007, exceeding emergency levels in some regions;

Whereas the United Nations-African Union Mission in Sudan has been hampered not only by obstruction by the Government of Sudan and other obstacles to peace in the region, but by the failure of the international community to commit the resources, equipment, and personnel needed to carry out the peacekeeping mission, most notably the failure to provide critically needed aviation and transportation assets;

Whereas the United Nations-African Union Mission in Sudan needs, among other critical mobility capabilities that have not been met, 18 utility helicopters and 6 tactical helicopters and crews;

Whereas, in a report to the Security Council dated December 24, 2007, the Secretary-General termed these helicopters indispensable and stated that "UNAMID must be capable of rapid mobility over large distances, especially over terrain where roads are the exception. Without the missing helicopters, this mobility—a fundamental requirement for the implementation of the UNAMID mandate—will not be possible.";

Whereas a large number of countries possess the military assets that could help to fulfill this requirement;

Whereas the United States continues to lead the world in its contributions to efforts to end the genocide in Darfur, including by providing more than $4,500,000,000 since 2004 in response to the Darfur crisis;

Whereas continued failure on the part of the international community to take all steps necessary to generate, deploy, and maintain an effective United Nations-African Union hybrid peacekeeping force will result in the continued loss of life and further degradation of humanitarian infrastructure in Darfur; and

Whereas it would be inexcusable for the international community to allow an authorized peacekeeping mission intended to help bring an end to genocide and its effects to founder or be compromised because of a failure to commit critical elements, such as the 24 helicopters needed to meet the critical mobility capabilities of the United Nations-African Union Mission in Sudan: Now, therefore, be it

Resolved, That the Senate—

(1) urges the members of the international community, including the United States, that possess the capability to provide the tactical and utility helicopters needed for

the United Nations-African Union peacekeeping mission in Darfur to do so as soon as possible; and

(2) urges the President to intervene personally by contacting other heads of state and asking them to contribute the aircraft and crews for the Darfur mission.

Mr. BIDEN. Mr. President, on December 31, the United Nations and the African Union jointly assumed control of the peacekeeping mission in Darfur. But, sadly, little has changed for the people of Darfur.

The United Nations Security Council has authorized over 26,000 peacekeepers, but just over 9,000 are on the ground in Darfur.

The government of Sudan had promised to abide by the United Nations resolution, but it continues to obstruct it at almost every turn.

Some of the rebel leaders have begun to join in coalitions with one another, an important step for the peace process, but others continue to prey on civilians and humanitarian aid workers and to threaten peacekeepers.

And the nations of the world had pledged to help end the genocide, but they are falling short where it counts.

U.N. Secretary General Ban Ki-moon reports that no one has stepped up to provide the 24 helicopters that are needed to transport and protect the peacekeepers and to give them the mobility that they need to do their jobs.

That is inexcusable. We cannot allow genocide and suffering to continue because the combined nations of the world cannot find 24 helicopters to help stop it.

That is why today, joined by Senator LUGAR and a number of other colleagues, I have introduced a resolution expressing the Sense of the Senate that the world must not allow this peacekeeping mission to founder because we cannot find 24 suitable aircraft within our vast arsenals.

I recognize that helicopters are expensive vehicles that are in short supply, with wars raging in Afghanistan and Iraq and with peacekeeping missions in the Congo and now being deployed to Chad as well.

But a considerable number of nations possess aerial vehicles with the capabilities that are needed for this mission. Together, we could fill this gap.

The United Nations is seeking 18 utility and 6 tactical helicopters. According to a piece in the Washington Post, the member nations of NATO alone possess over 18,000 helicopters.

Not all of these 18,000 aircraft would be suitable for this mission. NATO reserves are taxed in Afghanistan and elsewhere, but the potential vehicles certainly exist. NATO is not alone in this capability. Other countries could also step up to fill this need.

Secretary General Ban has stated that these vehicles are indispensable. He reports that the United Nations-African Union mission must "be capable of rapid mobility over large distances, especially over terrain where roads are the exception." Ban also said that "Without the missing helicopters, this mobility—a fundamental requirement for the implementation of the [Security Council's] mandate—will not be possible."

Helicopters alone will not save Darfur. The needs there are immense and growing. The United Nations revealed last month that acute malnutrition in the region is rising and surpassing emergency levels in some areas. To make matters worse, the Government of Khartoum is continuing to obstruct deployment of U.N. peacekeepers. They have objected to non-African peacekeepers, such as a team of Norwegian engineers, and they are slowing deployment by denying visas and land permits and denying night flights. Most seriously of all, earlier this month, Sudanese troops opened fire on a clearly marked U.N. convoy, badly injuring a driver.

The world must not allow the Khartoum government to dictate terms to the UN mission. The European Union and United Nations Security Council should, I believe, join the United States in imposing strong economic sanctions on the Sudanese government.

We should also continue to pressure the rebel groups to cease all attacks on civilians and humanitarian workers and engage in a peace process to bring a real solution for the people of Darfur.

We should do all these things and more, but, first and foremost, we should ensure that the United Nations and African Union have the tools that they need to carry out their mission.

The United States has already provided more than $4.5 billion since 2004 in response to the Darfur crisis. That is an enormous contribution and it should not fall on our shoulders to fill this particular gap in the peacekeeping mission.

That is why I have repeatedly written President Bush asking him to use the powers of persuasion of his office to personally contact other heads of state to ask them to commit the needed vehicles and crews. I have also written the Secretary General of NATO and President Hu of China, asking them to help fill this gap.

Our resolution urges the members of the international community with the necessary assets to contribute the needed vehicles and crews.

Preventing genocide is a global responsibility. Too often the world has failed to keep this commitment, and it has failed Darfur for too long.

We cannot allow the government of Khartoum to block deployment of the 26,000 peacekeepers, but it would perhaps be even more unforgivable if the international community refuses to provide the peacekeepers with the equipment and vehicles that they need. Then we will have done Khartoum's job for them by obstructing ourselves.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3951. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3930 submitted by Mr. CARDIN (for himself and Ms. MIKULSKI) and intended to be proposed to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table.

SA 3952. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3901 submitted by Mr. KENNEDY and intended to be proposed to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3953. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3859 submitted by Mr. CARDIN and intended to be proposed to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3954. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3955. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3915 submitted by Mr. FEINGOLD (for himself and Mr. DODD) and intended to be proposed to the amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3956. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3918 proposed by Mr. REID to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3957. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3932 submitted by Mr. WHITEHOUSE and intended to be proposed to the amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3958. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3929 submitted by Mr. LEAHY (for himself, Mr. KENNEDY, Mr. MENENDEZ, and Ms. MIKULSKI) and intended to be proposed to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3959. Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 3903 submitted by Mr. KYL and intended to be proposed to the bill S. 2248, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3951. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3930 submitted by Mr. CARDIN (for himself and Ms. MIKULSKI) and intended to be proposed to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike "the transitional procedures", and all that follows through "2011." on line 8 and insert the following: "the previous sentence shall have no force or effect.".

SA 3952. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3901 submitted by Mr.

KENNEDY and intended to be proposed to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike "the transitional procedures", and all that follows through "2010." on line 8 and insert the following: "the previous sentence shall have no force or effect.".

SA 3953. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3859 submitted by Mr. CARDIN and intended to be proposed to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike "the transitional procedures", and all that follows through "2011." on line 8 and insert the following: "the previous sentence shall have no force or effect.".

SA 3954. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, strike line 8 and all that follows through the end of the amendment and insert the following:

(c) AUTHORIZATION FOLLOWING ATTACK OR DECLARATION OF WAR.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by—

(1) striking section 111 and inserting the following:

"AUTHORIZATION FOLLOWING ATTACK OR DECLARATION OF WAR

"SEC. 111. Notwithstanding any other law, the President, through the Attorney General, may authorize electronic surveillance without a court order to acquire foreign intelligence information for a period of not longer than 180 days after the date of—

"(1) submission of a certification by the Attorney General to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives that there is a grave threat of an imminent attack on the United States;

"(2) an attack on the United States; or

"(3) a declaration of war by the Congress.";

(2) striking section 309 and inserting the following:

"AUTHORIZATION FOLLOWING ATTACK OR DECLARATION OF WAR

"SEC. 309. Notwithstanding any other law, the President, through the Attorney General, may authorize a physical search without a court order to acquire foreign intelligence information for a period of not longer than 180 days after the date of—

"(1) submission of a certification by the Attorney General to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives that there is a grave threat of an imminent attack on the United States;

"(2) an attack on the United States; or

"(3) a declaration of war by the Congress."; and

(3) striking section 404 and inserting the following:

"AUTHORIZATION FOLLOWING ATTACK OR DECLARATION OF WAR

"SEC. 404. Notwithstanding any other law, the President, through the Attorney General, may authorize the use of a pen register or trap and trace device without a court order to acquire foreign intelligence information for a period of not longer than 180 days after the date of—

"(1) submission of a certification by the Attorney General to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives that there is a grave threat of an imminent attack on the United States;

"(2) an attack on the United States; or

"(3) a declaration of war by the Congress.".

(d) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 2511(2) of title 18, United States Code, is amended—

(A) in paragraph (a), by adding at the end the following:

"(iii) If a certification under subparagraph (ii)(B) for assistance to obtain foreign intelligence information is based on statutory authority, the certification shall identify the specific statutory provision, and shall certify that the requirements have been met."; and

(B) in paragraph (f), by striking ", as defined in section 101 of such Act," and inserting "(as defined in section 101(f) of such Act regardless of the limitation of section 701 of such Act)".

(2) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by—

(A) striking the item relating to section 111 and inserting the following:

"Sec. 111. Authorization following attack or declaration of war.

"Sec. 112. Statement of exclusive means by which electronic surveillance and interception of certain communications may be conducted.";

(B) striking the item relating to section 309 and inserting the following:

"Sec. 309. Authorization following attack or declaration of war."; and

(C) striking the item relating to section 404 and inserting the following:

"Sec. 404. Authorization following attack or declaration of war.".

SA 3955. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3951 submitted by Mr. FEINGOLD (for himself and Mr. DODD) and intended to be proposed to the amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike line 12 and all that follows through the end of the amendment and insert the following:

"(ii) LIMITATION ON USE OF INFORMATION.—If part or all of an acquisition authorized under subsection (a) is terminated under clause (i)(II), no information obtained or evidence derived from such terminated acquisition concerning any United States person shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such terminated acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General, if the information indicates a threat of death or serious bodily harm to any person."

SA 3956. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3918 proposed by Mr. REID to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after "1." and insert the following:

SHORT TITLE.

This Act may be cited as the "Permanent Protect America Act of 2008".

TITLE I—REPEAL OF SUNSET OF THE PROTECT AMERICA ACT OF 2007

SEC. 101. REPEAL OF SUNSET OF THE PROTECT AMERICA ACT OF 2007.

Section 6 of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 557; 50 U.S.C. 1803 note) is amended by striking subsection (c).

TITLE II—PROTECTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS

SEC. 201. DEFINITIONS.

In this title:

(1) ASSISTANCE.—The term "assistance" means the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication), facilities, or another form of assistance.

(2) CONTENTS.—The term "contents" has the meaning given that term in section 101(n) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(n)).

(3) COVERED CIVIL ACTION.—The term "covered civil action" means a civil action filed in a Federal or State court that—

(A) alleges that an electronic communication service provider furnished assistance to an element of the intelligence community; and

(B) seeks monetary or other relief from the electronic communication service provider related to the provision of such assistance.

(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term "electronic communication service provider" means—

(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

(B) a provider of an electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;

(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or

(F) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), (D), or (E).

(5) Element of the Intelligence Community.—The term "element of the intelligence community" means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C, 401a(4)).

SEC. 202. LIMITATIONS ON CIVIL ACTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS.

(a) Limitations.—

(1) In general.—Notwithstanding any other provision of law, a covered civil action shall not lie or be maintained in a Federal or State court, and shall be promptly dismissed, if the Attorney General certifies to the court that—

(A) the assistance alleged to have been provided by the electronic communication service provider was—

(i) in connection with an intelligence activity involving communications that was—

(I) authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007; and

(II) designed to detect or prevent a terrorist attack, or activities in preparation for a terrorist attack, against the United States; and

(ii) described in a written request or directive from the Attorney General or the head of an element of the intelligence community (or the deputy of such person) to the electronic communication service provider indicating that the activity was—

(I) authorized by the President; and

(II) determined to be lawful; or

(B) the electronic communication service provider did not provide the alleged assistance.

(2) Review.—A certification made pursuant to paragraph (1) shall be subject to review by a court for abuse of discretion.

(b) Review of Certifications.—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a certification made pursuant to subsection (a) would harm the national security of the United States, the court shall—

(1) review such certification in camera and ex parte; and

(2) limit any public disclosure concerning such certification, including any public order following such an ex parte review, to a statement that the conditions of subsection (a) have been met, without disclosing the subparagraph of subsection (a)(1) that is the basis for the certification.

(c) Nondelegation.—The authority and duties of the Attorney General under this section shall be performed by the Attorney General (or Acting Attorney General) or a designee in a position not lower than the Deputy Attorney General.

(d) Civil Actions in State Court.—A covered civil action that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable under section 1441 of title 28, United States Code.

(e) Rule of Construction.—Nothing in this section may be construed to limit any otherwise available immunity, privilege, or defense under any other provision of law.

(f) Effective Date and Application.—This section shall apply to any covered civil action that is pending on or filed after the date of enactment of this Act.

SEC. 203. PROCEDURES FOR IMPLEMENTING STATUTORY DEFENSES UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding after title VII the following new title:

"TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

"SEC. 801. DEFINITIONS.

"In this title:

"(1) Assistance.—The term 'assistance' means the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication), facilities, or another form of assistance.

"(2) Attorney General.—The term 'Attorney General' has the meaning give that term in section 101(g).

"(3) Contents.—The term 'contents' has the meaning given that term in section 101(n).

"(4) Electronic Communication Service Provider.—The term 'electronic communication service provider' means—

"(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

"(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

"(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

"(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;

"(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or

"(F) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), (D), or (E).

"(5) Element of the Intelligence Community.—The term 'element of the intelligence community' means an element of the intelligence community as specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

"(6) Person.—The term 'person' means—

"(A) an electronic communication service provider; or

"(B) a landlord, custodian, or other person who may be authorized or required to furnish assistance pursuant to—

"(i) an order of the court established under section 103(a) directing such assistance;

"(ii) a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code; or

"(iii) a directive under section 102(a)(4), 105B(e), as in effect on the day before the date of the enactment of the FISA Amendments Act of 2008 or 703(h).

"(7) State.—The term 'State' means any State, political subdivision of a State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States, and includes any officer, public utility commission, or other body authorized to regulate an electronic communication service provider.

"SEC. 802. PROCEDURES FOR IMPLEMENTING STATUTORY DEFENSES.

"(a) Requirement for Certification.—

"(1) In general.—Notwithstanding any other provision of law, no civil action may lie or be maintained in a Federal or State court against any person for providing assistance to an element of the intelligence community, and shall be promptly dismissed, if the Attorney General certifies to the court that—

"(A) any assistance by that person was provided pursuant to an order of the court established under section 103(a) directing such assistance;

"(B) any assistance by that person was provided pursuant to a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code;

"(C) any assistance by that person was provided pursuant to a directive under sections 102(a)(4), 105B(e), as in effect on the day before the date of the enactment of the FISA Amendments Act of 2008, or 703(h) directing such assistance; or

"(D) the person did not provide the alleged assistance.

"(2) Review.—A certification made pursuant to paragraph (1) shall be subject to review by a court for abuse of discretion.

"(b) Limitations on Disclosure.—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a certification made pursuant to subsection (a) would harm the national security of the United States, the court shall—

"(1) review such certification in camera and ex parte; and

"(2) limit any public disclosure concerning such certification, including any public order following such an ex parte review, to a statement that the conditions of subsection (a) have been met, without disclosing the subparagraph of subsection (a)(1) that is the basis for the certification.

"(c) Removal.—A civil action against a person for providing assistance to an element of the intelligence community that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable under section 1441 of title 28, United States Code.

"(d) Relationship to Other Laws.—Nothing in this section may be construed to limit any otherwise available immunity, privilege, or defense under any other provision of law.

"(e) Applicability.—This section shall apply to a civil action pending on or filed after the date of enactment of the FISA Amendments Act of 2008.".

SEC. 204. PREEMPTION OF STATE INVESTIGATIONS.

Title VIII of the Foreign Intelligence Surveillance Act (50 U.S.C. 1801 et seq.), as added by section 203 of this Act, is amended by adding at the end the following new section:

"SEC. 803. PREEMPTION.

"(a) In General.—No State shall have authority to—

"(1) conduct an investigation into an electronic communication service provider's alleged assistance to an element of the intelligence community;

"(2) require through regulation or any other means the disclosure of information about an electronic communication service provider's alleged assistance to an element of the intelligence community;

"(3) impose any administrative sanction on an electronic communication service provider for assistance to an element of the intelligence community; or

"(4) commence or maintain a civil action or other proceeding to enforce a requirement that an electronic communication service provider disclose information concerning alleged assistance to an element of the intelligence community.

"(b) Suits by the United States.—The United States may bring suit to enforce the provisions of this section.

"(c) JURISDICTION.—The district courts of the United States shall have jurisdiction over any civil action brought by the United States to enforce the provisions of this section.

"(d) APPLICATION.—This section shall apply to any investigation, action, or proceeding that is pending on or filed after the date of enactment of the FISA Amendments Act of 2008.".

SEC. 205. TECHNICAL AMENDMENTS.

The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following:

"TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

"Sec. 801. Definitions.
"Sec. 802. Procedures for implementing statutory defenses.
"Sec. 803. Preemption.".

SA 3957. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3932 submitted by Mr. WHITEHOUSE and intended to be proposed to the amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 8, of the amendment, strike "30" and insert "90".

SA 3958. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3929 submitted by Mr. LEAHY (for himself, Mr. KENNEDY, Mr. MENENDEZ, and Ms. MIKULSKI) and intended to be proposed to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike line 4 of page 1 of the amendment and all that follows and insert the following:

(a) TERRORIST SURVEILLANCE PROGRAM AND PROGRAM DEFINED.—In this section, the terms "Terrorist Surveillance Program" and "Program" mean the intelligence activity involving communications that was authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007.

(b) REVIEWS.—

(1) REQUIREMENT TO CONDUCT.—The Inspectors General of the Office of the Director of National Intelligence, the Department of Justice, and the National Security Agency, with respect to the oversight authority and responsibility of each such Inspector General and only with respect to the participation of their respective agencies or departments in the Terrorist Surveillance Program, shall complete, to the extent applicable, a comprehensive review of—

(A) the facts necessary to describe the establishment, implementation, product, and use of the product of the Program;

(B) the procedures of, and access to, the legal reviews of the Program;

(C) communications with, and participation of, individuals and entities in the private sector related to the Program; and

(D) interaction with the Foreign Intelligence Surveillance Court and transition to court orders related to the Program.

(2) COOPERATION.—Each Inspector General required to conduct a review under paragraph (1) shall utilize, to the extent practicable and with due regard to the protection of the national security of the United States, and not unnecessarily duplicate or delay, such reviews or audits related to the Program that have been completed or are being undertaken by any such Inspector General or by any other office of the Executive Branch.

(c) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Inspectors General required to conduct a review under subsection (b) shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives, to the extent practicable and with due regard to the protection of intelligence sources and methods, a comprehensive report of such reviews that includes any recommendations of any such Inspector General within the oversight authority and responsibility of any such Inspector General.

(2) FORM.—The report submitted under paragraph (1) shall be submitted in classified form.

SA 3959. Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 3903 submitted by Mr. KYL and intended to be proposed to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 2, strike "EXCEPTION" and all that follows through line 7 and insert the following: "APPLICATION OF PARAGRAPH (2).—Paragraph (2) shall apply to an acquisition by an electronic, mechanical, or other surveillance device outside the United States only if the targeted United States person has a reasonable expectation of privacy and a warrant would be required if the acquisition were conducted inside the United States for law enforcement purposes.".

NOTICE OF HEARING

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. Mr. President, I would like to inform Members that the Committee on Small Business and Entrepreneurship will hold a hearing entitled "Holding the Small Business Administration Accountable: Women's Contracting and Lender Oversight," on Wednesday, January 30, 2008, at 10 a.m., in room 428A of the Russell Senate Office Building.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, on behalf of Senator INOUYE, I ask unanimous consent that floor privileges be granted for the remainder of the 110th Congress to Robin Squellati, a detailee from the U.S. Air Force Nurse Corps who works with his staff on issues pertaining to a number of different issues over which Senator INOUYE has some responsibility.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Augustine Ripa, a legal intern in my Judiciary Committee office, be granted floor privileges for the remainder of the Senate's consideration of the pending FISA legislation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS AND ORDERS FOR TUESDAY, JANUARY 29, 2008

Mr. ROCKEFELLER. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate stand in recess until 8:20 p.m., and that at 8:30 p.m., the Senate proceed as a body to the Hall of the House of Representatives to receive the President's State of the Union Address; that upon the dissolution of the joint session, the Senate adjourn until 10 a.m., Tuesday, January 29. I further ask that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved, and that there then be a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republican leader controlling the first half and the majority leader controlling the final half; that following morning business, the Senate resume consideration of Calendar No. 512, S. 2248, the FISA legislation, and that the Senate stand in recess from 12:30 until 2:15 to allow for the weekly caucus luncheons to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. ROCKEFELLER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 5:33 p.m., recessed until 8:21 p.m. and reassembled when called to order by the Presiding Officer (Ms. KLOBUCHAR).

Mrs. MURRAY. Madam President, I move to reconsider the vote on which cloture was not invoked on the Rockefeller-Bond substitute amendment and move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT SESSION OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC NO. 110–82.)

The PRESIDING OFFICER. The Senate will proceed to the Hall of the House of Representatives to hear the address by the President of the United States.

Thereupon, the Senate, preceded by the Deputy Sergeant at Arms, Drew Willison, the Secretary of the Senate, Nancy Erickson, and the Vice President of the United States, RICHARD B. CHENEY, proceeded to the Hall of the House of Representatives to hear the address by the President of the United States, George W. Bush.

(The address delivered by the President of the United States to the joint session of the two Houses of Congress is printed in the proceedings of the House of Representatives in today's RECORD.)

ADJOURNMENT UNTIL 10 A.M. TOMORROW

At the conclusion of the joint session of the two Houses and in accordance with the order previously entered, at 10:11 p.m., the Senate adjourned until Tuesday, January 29, 2008, at 10 a.m.

DISCHARGED NOMINATION

The Senate Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of the following nomination and the nomination was confirmed:

Ed Schafer, of North Dakota, to be Secretary of Agriculture.

CONFIRMATION

Executive nomination confirmed by the Senate Monday, January 28, 2008:

DEPARTMENT OF AGRICULTURE

Ed Schafer, of North Dakota, to be Secretary of Agriculture.

HOUSE OF REPRESENTATIVES—*Monday, January 28, 2008*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. BUTTERFIELD).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 28, 2008.

I hereby appoint the Honorable G.K. BUTTERFIELD to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, author of life and source of eternal love, You have revealed Yourself in human terms so that we may sense Your presence and in our minds hold onto Your commands.

Help us in Congress and as a nation to respect one another as You respect all and endow each human life with inalienable rights.

According to Your provident ways each age is blessed with unique personalities and particular persons who are given significant positions and great responsibilities.

Because the President of the United States of America has constitutional duties, overwhelming demands, powerful decisions to make, and enormous influence upon world history, he is always in need of our prayers.

As this Chamber and this body is readied to welcome President George W. Bush for his State of the Union Address, we ask Your blessing upon him, his Cabinet, all his advisers, and especially his family. Guide him, protect him. Grant him health and Your saving grace; that Your people may be united and strengthened in truth, goodness, and peace. This we ask calling upon Your holy name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MODERNIZING FOREIGN INTELLIGENCE SURVEILLANCE ACT

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, later this week Congress will return to the issue of how best to modernize the Foreign Intelligence Surveillance Act. In November in this House of Representatives, we passed a very good bill. We would do well to observe the principles established in that bill.

Any final review of domestic surveillance passed by Congress should include court review of executive branch actions. The reason for this requirement is quite simple. Having a legal standard of review provides us both better intelligence and better civil liberty protections for our people. It is simple. It has been demonstrated that when officials must establish before an independent court that they know what they are doing, that they have reason to intercept communications, we get better intelligence. And, of course, that's the point, to have the intelligence to protect the American people from indiscriminate collection and fishing expeditions. Those are not productive.

In November, we passed a bill that would do this, the RESTORE Act. That bill guarantees court review of executive branch actions related to surveillance activities. I would commend that bill to this House.

BONUS DEPRECIATION

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to thank the bipartisan leadership and the White House for including a bonus depreciation provision in the proposed economic stimulus package.

Currently, the package we plan to vote on tomorrow will include a 50 percent bonus depreciation for the first year for certain machinery and equipment purchases. This increase in bonus depreciation was included in the Jobs Tax Relief Act of 2003 and contributed to the productivity of small businesses, a boost in job creation, and a steady rise in the growth of the economy over the last 5 years. This incentive for small businesses enables them to compete with foreign competitors. The best way to weather this current economic storm is to build on the principles that have made our economy the envy of the world. That means lower taxes, less government regulation, and economic incentives for American businesses. We should promote the concept that the people should keep their own money which they know how to spend best as explained by editor Jerry Bellune of the Lexington County Chronicle.

In conclusion, God bless our troops, and we will never forget September the 11th.

JOBS TRAINING PROGRAM

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I know we are going to be looking at economic stimulus packages, and we are going to be trying to jump-start and help our economy. It is my belief that one way that we can do that is to make sure that we provide a jobs training program for the 1 million young people across the country who don't have any money, no job, no employment, many of them are out of school.

Let's consider a job training program for our young people as a part of the economic stimulus package.

UNCLE SAM'S BIG BAILOUT

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, the gloom, doom, and depressed say the economy is in trouble. The naysayer's solution is a big government bailout.

Since Uncle Sam has apparently spent the money brought in by income taxpayers, he will just borrow $150 billion and give it away to Americans, many of whom don't even pay income tax.

The idea is that Americans will rush out and spend the free money and that will allegedly help the economy. But the last time the Feds gave away money, 75 percent of the recipients

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

paid off personal debt rather than go shopping at the mall.

And where is Uncle Sam going to borrow $150 billion? Probably from Communist China, who already owns much of our debt. You know, the country that sells toys to America that contain lead.

How does borrowing billions with interest expecting our kids to pay off our debt make us better off? The big spending gimmick has all of the earmarks of vote pandering.

No individual or country can spend money it doesn't have and then blissfully claim economic victory.

And that's just the way it is.

WORKING TOGETHER

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, tonight we expect to hear President Bush's last State of the Union address to this Congress. I hope that the recent days working together with this Congress on a bipartisan economic stimulus package can be a good model for the rest of this year and the rest of this President's term.

We want to extend a hand to work with him when we can, and this is a good example of how we can do it. But if we see continued roadblocks to progress in this country, we must work to break those roadblocks down and continue to work restoring fiscal responsibility in our government, changing course in Iraq, preparing to address global climate change, addressing the military readiness crisis in this country, and restoring America's moral leadership in the world.

I believe we can and we must continue to work together for the great needs of this country. I hope we can continue to do that for the rest of this session.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 24, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 24, 2008, at 10:08 a.m.:

That the Senate agreed to S. Con. Res. 63.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 25, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 25, 2008, at 9:55 a.m.:

That the Senate agreed to H. Con. Res. 282.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bills were signed by the Speaker on Thursday, January 24, 2008:

H.R. 3432, to establish the Commission on the Abolition of the Transatlantic Slave Trade.

H.R. 4986, to provide for the enactment of the National Defense Authorization Act for Fiscal Year 2008, as previously enrolled, with certain modifications to address the foreign sovereign immunities provisions of title 28, United States Code, with respect to the attachment of property in certain judgments against Iraq, the lapse of statutory authorities for the payment of bonuses, special pays, and similar benefits for members of the uniformed services, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 5 p.m. today.

FELIX SPARKS POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4240) to designate the facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, as the "Felix Sparks Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4240

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FELIX SPARKS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, shall be known and designated as the "Felix Sparks Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Felix Sparks Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. Mr. Speaker, I thank the gentleman from Illinois.

I rise today to pay tribute and say thank you to a Colorado icon and an American hero, Felix Sparks, with H.R. 4240.

Sparks, who recently passed away at the age of 90, lived an extraordinary life that exemplified public service and devotion to one's country.

A Texas native raised in Arizona, Felix Sparks was a part of our "Greatest Generation" who answered our Nation's call to duty during the Second World War.

Described as a "soldier's soldier," he would endure over 500 days of combat and partake in three of the most important events that would define modern history.

The Battle of Reipertswiller, the Battle at the Caves of Anzio, and the liberation of the Dachau concentration camp.

One story in particular that I would like to call to your attention which attests to the character of Felix Sparks occurred during the Battle of Reipertswiller, a battle in which 158 enlisted soldiers were killed, 300 men were wounded, and another 426 were captured over a course of only 3 days.

After finding his unit under siege and trapped in enemy territory, Sparks, then a lieutenant colonel, refused to leave behind three of his men who lay incapacitated in the open battlefield.

Facing near-certain death, he courageously left his tank and raced, on foot, directly into the close-range crosshairs of the German gunners to rescue those soldiers.

□ 1415

With only a holstered pistol in tow, he would drag each of his wounded comrades, one by one, to safety.

A personal account of this series of events was uncovered in the memoirs of a German SS officer who had commanded his gunner not to fire on Sparks. The memoir read: "Those of us witnessing the scene, whether nearby or more distant, instinctively felt there was no honor to be won by firing on this death-defying act of comradeship."

Sparks also cheated death a year earlier at the Battle of the Caves of Anzio in Italy, where he would be only one of two men in his company to survive. Sparks was part of the first Allied force to witness the horrors and atrocities of the Dachau concentration camp on the discovery of 39 rail cars packed with some 2,000 Holocaust victims. In all, 30,000 prisoners were liberated from Dachau by the Allied Forces; and for the rest of his life, Sparks would continue to speak out at Holocaust remembrance ceremonies.

Based on his experiences at Dachau, Felix was tireless in his efforts to refute those shameless individuals who try to rewrite history and claim the Holocaust and Dachau never occurred. He'd say: "Tell that to my face" in a shout and in a voice that indicated he'd been there and saw it personally.

For his service during World War II, he was awarded a Silver Star and two Purple Hearts after being severely wounded on the battlefield. He would continue his military service with the National Guard until his retirement as a brigadier general in 1977.

And upon his return from the war, enamored with stories from his men about their hometowns in the Rocky Mountains, Felix and his wife settled in Colorado. There, the Sparks family would grow to include four children, six grandchildren, and seven great grandchildren.

He would earn his law degree from the University of Colorado and become a Colorado district attorney. Renowned for his commanding speaking ability, Felix would then go on to become the youngest supreme court justice in Colorado's history at just 38 years of age. He would preside over several of the most prolific and high profile cases in our State's history.

After his service on our State's highest court, Sparks, an expert in water law, would serve for over two decades as the director of the Colorado Water Conservation Board. He would write some of the most influential and important groundwater laws that have continued to serve our State for decades thereafter.

I came to know Felix during my days in the Colorado senate after he had testified in my committee with regard to an anti-gun violence measure following the tragic death of his grandchild from a drive-by shooting. His passion and his words live with me to this day. And he was so well respected for his honesty and straightforward testimony.

It is also important to note, after returning home from the war, Felix would continue to personally reach out to console the families of his men and promise them he would never forget.

Mr. Speaker, one of the main reasons I bring this bill to the floor today is so this promise that Felix Sparks made to the families of his men can live on for generations. This bill pays tribute to Felix's men in the 157th Infantry Regiment of the 45th Infantry Division of the United States Army, whose motto since the Spanish-American War has been "Eager for Duty."

Our Nation can never adequately repay and give thanks to these individuals for their sacrifices in the battles against tyranny, in the battles for our Nation's freedom. It is my hope the renaming of the Lakewood post office for Felix Sparks will inspire future generations to find a calling in public service.

This bill also pays tribute to Mary Sparks and the Sparks family, who meant so much to Felix and to our community.

In closing, I wish to thank each of my colleagues in the Colorado delegation for joining me in bidding a fond farewell to a man who meant so much to our State and to our Nation.

I urge my colleagues to vote in favor of H.R. 4240 to rename the Lakewood post office in Felix Sparks' honor.

Mr. WESTMORELAND. Mr. Speaker, I yield myself as much time as I may consume.

I rise today to honor the memory of a great American, Felix Sparks, who recently passed away at the age of 90. Mr. Sparks' commitment to our country began in 1940 when he joined the 157th Infantry Regiment of the 45th Division. He would go on to fight bravely in World War II, earning a Silver Star and two Purple Hearts. During the war, he even helped liberate 30,000 people from the infamous Dachau concentration camp.

Upon returning to the States, Felix and his wife, Mary, settled in Colorado. Still wanting to continue his service to our country, he then joined the National Guard. He would remain active in the Guard until 1970, when he retired as a brigadier general.

Besides his exemplary military service record, Mr. Sparks also excelled as a civilian. He had a brilliant legal mind. This was reflected in his appointment to the supreme court of Colorado at the age of 38, making him the youngest justice in the State's history.

His expertise was water law, which he applied as director of the Colorado Water Conservation Board for over two decades.

Considering his years of selfless public service to his State and to his country, I believe it is a fitting tribute to name a post office in Colorado in his honor. Hopefully, his life will serve as an example to others to follow.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I'm pleased to join my colleagues in the consideration of H.R. 4240, which names a postal facility in Lakewood, Colorado, after Felix Sparks.

H.R. 4240, which was introduced by Representative PERLMUTTER on November 15, 2007, was reported from the Oversight Committee on December 12, 2007, by voice vote. The measure has the support of the entire Colorado congressional delegation and provides us with yet another opportunity to pay tribute to an extraordinary American citizen.

Felix Sparks served his country proudly as a World War II Army brigadier and served his community diligently as a member of the Colorado supreme court. For his service in World War II, Mr. Sparks was awarded a Silver Star and two Purple Hearts after being wounded on the battlefield.

Additionally, for over 20 years, Mr. Sparks worked to protect and improve the environment in the great State of Colorado by serving as director of Colorado's Water Conservation Board.

Mr. Speaker, given Mr. Sparks' contribution to Colorado, and to America in general, he deserves to be commended. Therefore, I would urge swift passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. WESTMORELAND. Mr. Speaker, I don't have any other speakers, but I want to urge all Members to support the passage of H.R. 4240, the naming of this post office for this great American hero.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further speakers and would urge passage.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 4240.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

LARRY S. PIERCE POST OFFICE

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2110) to designate the facility of the United States Postal Service located at 427 North Street in Taft, California, as the "Larry S. Pierce Post Office".

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2110

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LARRY S. PIERCE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 427 North Street in Taft, California, shall be known and designated as the "Larry S. Pierce Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Larry S. Pierce Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I would ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I now yield myself such time as I might consume.

As a member of the House Committee on Government Reform and Oversight, I'm pleased to join my colleagues in the consideration of S. 2110, which names the postal facility in the town of Taft, California, after Larry S. Pierce.

S. 2110, which was introduced in the Senate by Senator DIANNE FEINSTEIN of California on September 27, 2007, and passed by the Chamber with unanimous consent on November 16, 2007, was considered and reported out of the Oversight Committee by voice vote on December 12, 2007.

Mr. Speaker, the bill before us seeks to pay tribute to a great American serviceman by requesting that the postal facility in Taft, California, be renamed in honor of Staff Sergeant Larry Pierce, who lost his life at the young age of 24 while fighting for our country in the Vietnam War. A recipient of the Medal of Honor, Staff Sergeant Pierce stands as a reminder to us all of the great sacrifice our men and women in uniform are making on a daily basis to protect America.

And so, Mr. Speaker, I join with my colleagues from California in recognizing the contributions of Staff Sergeant Larry S. Pierce and urge swift passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. WESTMORELAND. Mr. Speaker, I yield myself as much time as I may consume. I rise today to honor the memory of Army Staff Sergeant Larry Pierce, a true American hero.

Larry Pierce was raised in Taft, California. He would have graduated from Taft Union High School in 1959, but he chose to enlist in the Army in 1958. Seven years later, having achieved the rank of staff sergeant, Larry found himself in Vietnam as the squad leader of a reconnaissance platoon. On September 20, 1965, his squad was on patrol when it was ambushed by hostile forces. Thanks to Staff Sergeant Pierce's leadership and courage, the squad successfully repelled the attack, driving the enemy away. While in pursuit of the enemy, Pierce's squad came across a dirt road. It was on this road Sergeant Pierce discovered an anti-personnel mine. Knowing it would destroy the majority of his squad who was not aware of its presence, Sergeant Pierce threw himself completely on top of the mine. In this act of unbelievable bravery, Sergeant Pierce saved the lives of all his squad, while sacrificing his own. For his actions he was awarded the Congressional Medal of Honor. He left behind a wife and three children.

Sergeant Pierce represents the very best in the tradition of service and selflessness of our Armed Forces. It is fitting that we name this post office in his hometown of Taft, California, in his honor. Surely, his story can live as an example of what it truly means to be a hero.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I would continue to reserve.

Mr. WESTMORELAND. Mr. Speaker, at this time I would like to recognize the author of the companion bill that was dropped here in the House, the distinguished colleague of mine from California (Mr. MCCARTHY) for as much time as he may consume.

☐ 1430

Mr. MCCARTHY of California. Mr. Speaker, I rise today in strong support of the legislation, S. 2110, to designate the United States Post Office located at 427 North Street in Taft, California, as the Larry S. Pierce Post Office, the true hometown hero.

U.S. Army Staff Sergeant Pierce was born in Oklahoma in 1941. As a young child, his family moved to Taft, California, which I represent today. Sergeant Pierce attended Taft city schools and would have graduated from Taft Union High School with the class of 1959 but decided to serve his country by joining the U.S. Army in 1958.

Sergeant Pierce served in the 1st Battalion Airborne, 503rd Infantry and the 173rd Airborne Brigade in the Vietnam War.

On September 20, 1965, near Ben Cat in Vietnam, Sergeant Pierce was leading his reconnaissance platoon, was ambushed by hostile forces. Sergeant Pierce and his squad successfully routed the hostile forces from their location. During pursuit of this enemy, Sergeant Pierce heroically sacrificed his own life to save his men. He came upon a road where they found a mine. He threw himself upon it knowing that if this mine went off, it would destroy many and take many lives of his own men.

Upon hearing of this and upon his death, in February of 1966 President Lyndon B. Johnson awarded Sergeant Pierce the Medal of Honor. In this award, he went on to say for his "inspiring leadership and personal courage," and his "profound concern for his fellow soldiers," acting with "extraordinary heroism, at the cost of his life" and to "great credit upon himself and the Armed Forces of his country."

Sergeant Pierce would have been 66 years old this year. He is survived by his wife, Verlin, who currently lives in Bakersfield, California; his children, Teresa, Kelley and Gregory.

This legislation is a fitting honor for a Vietnam War veteran who sacrificed his life to save the lives of fellow soldiers by naming the post office in his hometown of Taft in his memory.

I do want to thank Senator FEINSTEIN for introducing this legislation and for working with me. Taft is a place where Senator FEINSTEIN's own father worked. She knows of the work of Sergeant Larry Pierce, the hometown hero, as many have gone on to say.

Mr. Speaker, I include for the RECORD a copy of Staff Sergeant Larry Pierce's Medal of Honor and a copy of the Taft City Council letter of support and resolution requesting the post office in his name.

U.S. ARMY—MEDAL OF HONOR CITATION

PIERCE, LARRY S.

Rank and organization: Sergeant, U.S. Army, Headquarters and Headquarters Company, 1st Battalion (Airborne), 503d Infantry, 173d Airborne Brigade. Place and date: Near Ben Cat, Republic of Vietnam, 20 September 1965. Entered service at: Fresno, Calif. Born: 6 July 1941, Wewoka, Okla. G.O. No.: 7, 24 February 1966. Citation: For conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty. Sgt. Pierce was serving as squad leader in a reconnaissance platoon when his patrol was ambushed by hostile forces. Through his inspiring leadership and personal courage, the squad succeeded in eliminating an enemy machinegun and routing the opposing force. While pursuing the fleeing enemy, the squad came upon a dirt road and, as the main body of his men entered the road, Sgt. Pierce discovered an antipersonnel mine emplaced in the road bed. Realizing that the mine could destroy the majority of his squad, Sgt. Pierce saved the lives of his men at the sacrifice of his life by throwing himself directly onto the mine as it exploded. Through his indomitable courage, complete disregard for his safety, and profound concern for his fellow soldiers, he averted loss of life and injury to the members of his squad. Sgt.

Pierce's extraordinary heroism, at the cost of his life, are in the highest traditions of the U.S. Army and reflect great credit upon himself and the Armed Forces of his country.

CITY OF TAFT,
Taft, CA, September 10, 2007.
Hon. KEVIN MCCARTHY
House of Representatives,
Washington, DC.

SIR: The City Council of the City of Taft, at their regular meeting on September 4, 2007, unanimously passed Resolution No. 2966-07, which requests that The Congress of the United States of America name the Taft Post Office "The Larry S. Pierce Post Office".

Enclosed is a certified copy of the Resolution and a brief biography of SSG Pierce, and the City Council of the City of Taft urges you to introduce legislation in the United States House of Representatives to implement this name change. SSG Pierce is an honored son of Taft and the citizens of Taft wish to remember him in this manner.

A similar request is being sent to California State Senator Dianne Feinstein for introduction of legislation in the Senate. If you need any additional information about SSG Pierce or the City of Taft, please feel free to contact me.

Very truly yours,
LOUISE HUDGENS,
City Clerk.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TAFT REQUESTING CONGRESS OF THE UNITED STATES OF AMERICA TO NAME THE TAFT POST OFFICE "THE LARRY S. PIERCE POST OFFICE"

Whereas, Larry S. Pierce was born July 6, 1941, in Wewoka, Oklahoma, and as a young child moved with his family to Taft, California and attended Taft City Schools and Taft Union High School; and

Whereas, Larry S. Pierce would have graduated with the Taft Union High School class of 1959; however, he chose instead to serve his country and joined the United States Army in 1958 and attained the rank of Staff Sergeant in the Headquarters and Headquarters Company of the 1st Battalion, 503rd Infantry Regiment, 173rd Airborne Brigade; and

Whereas, on September 20, 1965, near Ben Cat in the Republic of Vietnam, Larry S. Pierce, while serving as a squad leader, gave the ultimate sacrifice by smothering the blast of an anti-personnel mine with his body to protect his fellow soldiers; and

Whereas, on February 24, 1966, President Lyndon B. Johnson, 36th President of the United States, posthumously awarded Staff Sergeant Pierce the Medal of Honor, which was accepted by Pierce's wife, Verlin, daughter Teresa, and sons Kelley and Gregory; and

Whereas, a portion of the Medal of Honor citation reads, "Through his indomitable courage, complete disregard for his safety, and profound concern for his fellow soldiers, he averted loss of life and injury to the members of his squad. Sgt. Pierce's extraordinary heroism, at the cost of his life, are in the highest traditions of the U.S. Army and reflect great credit upon himself and the Armed Forces of his country"; and

Whereas, Taft has faithfully supported its sons and daughters who have served in the military, particularly those who have gone in harm's way; and it is fitting and appropriate that a community with such values should conspicuously honor its heroes; and

Whereas, specifically the citizens of Taft, California, wish to honor the memory of Larry S. Pierce by naming the Taft Post Office, 427 North Street, Taft, California 93268 after him. Now, therefore, be it

Resolved, The City Council of the City of Taft does hereby request The Congress of the United States of America to name the Taft Post Office, "The Larry S. Pierce Post Office".

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve.

Mr. WESTMORELAND. Mr. Speaker, at this time I have no further speakers, and I urge all Members to support the passage of S. 2110.

I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time and urge the passage of this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the Senate bill, S. 2110.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RICHARD B. ANDERSON FEDERAL BUILDING

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4140) to designate the Port Angeles Federal Building in Port Angeles, Washington, as the "Richard B. Anderson Federal Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4140

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RICHARD B. ANDERSON FEDERAL BUILDING.

(a) DESIGNATION.—The Federal building located at 138 West First Street, Port Angeles, Washington, shall be known and designated as the "Richard B. Anderson Federal Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (a) shall be deemed to be a reference to the "Richard B. Anderson Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on H.R. 4140.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4140 is a bill to designate the Federal building located at 138 West First Street, Port Angeles, Washington, as the Richard B. Anderson Federal Building.

Private First Class Richard Anderson was born in 1921 in Tacoma, Washington. He joined the Marine Corps on July 6, 1942, and received his Marine Corps training in San Diego, California.

He died at the young age of 22 during World War II and on Roi Island, part of the Marshall Islands in the Pacific. He was awarded the Purple Heart and the Medal of Honor. His heroism is marked by his actions on Roi Island when he hurled himself on a live grenade in a shell hole to save the lives of many people. He was severely injured and died of his injuries on February 1, 1944. He was buried at sea with full military honors.

In 1945, the U.S. Navy destroyer USS *Richard B. Anderson* was named in honor of Medal of Honor recipient Anderson.

It is both fitting and proper to honor the life and courageous actions of Richard B. Anderson in this designation. I support this bill.

Mr. Speaker, I reserve the balance of our time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

The bill before us designates what is a Federal building in Port Angeles, Washington, as the Richard B. Anderson Federal Building.

Richard Beatty Anderson served in the United States Marines during World War II in the Marshall Islands. He sacrificed his life to save three other marines by throwing his body on a live grenade and taking the full impact of the explosion. Private First Class Anderson was evacuated to a ship where he died of his wounds on February 1, 1944.

His heroism and loyalty in the face of certain death earned him the Medal of Honor. The United States Navy destroyer USS *Richard B. Anderson* was named in his honor in 1945 and went on to serve in both the Korean and Vietnam Wars, earning 15 battle stars.

This bill is a fitting tribute to Private First Class Anderson's sacrifice and service to his country. I support this measure and urge my colleagues to do the same.

Mr. DICKS. Mr. Speaker, I rise in support of H.R. 4140, a bill to designate the Port Angeles Federal Building in Port Angeles, Washington, as the "Richard B. Anderson Federal Building."

Private First Class Richard B. Anderson was born in Tacoma, Washington on June 26, 1921 and graduated from Sequim High School in Sequim, Washington. Private Anderson entered the Marine Corps in 1942 and eventually joined his last unit, Company E, 2nd Battalion, 23rd Marines in San Diego, California. He departed for Roi-Namur, an island in the northern part of the Kwajalein atoll in the Marshall Islands, with his unit in January 1944.

While hunting enemy snipers on Roi-Namur, PFC Anderson, a member of the invasion force, hurled himself on a live grenade in a shell hole to save the lives of three Marines. Anderson was evacuated to a ship, where he died of his wounds on February 1, 1944. For his heroic actions, PFC Anderson was posthumously awarded the Congressional Medal of Honor and the Purple Heart.

Mr. Speaker, the House is now considering legislation that will honor PFC Anderson for his heroic efforts on Roi Island. Specifically, this legislation would rename the Federal Building in Port Angeles, Washington after Richard B. Anderson. I urge the House to adopt this important legislation.

Mr. OBERSTAR. Mr. Speaker, H.R. 4140 designates the Port Angeles Federal Building located at 138 West First Street, Port Angeles, Washington, as the "Richard B. Anderson Federal Building."

Private First Class, PFC, Richard B. Anderson was born on June 26, 1921, in Tacoma, Washington. Anderson grew up in Port Angeles, Washington, and attended Sequim High School.

On July 6, 1942, Anderson joined the United States Marine Corps. He received his basic and infantry training at the Marine Corps Recruit Depot in San Diego, California, and was promoted to the rank of Private First Class on April 12, 1943.

Following his promotion, PFC Anderson was assigned to the East Company, 2nd Battalion, of the 23rd Marines. PFC Anderson's unit was deployed to the Marshall Islands in January 1944. On February 1, 1944, his company was part of an invasion force fighting to take control of Rio Island from the Japanese.

During the assault, Anderson and three other Marines jumped into a shell crater to escape enemy fire. As Anderson prepared to throw a grenade from inside the crater, the grenade slipped from his hands and began to roll toward the other three marines in the crater. In an act of selfless heroism, Anderson lunged on top of the live grenade and absorbed the full impact of the blast, saving the lives of his fellow soldiers. Anderson died from his wounds shortly thereafter.

After his death, PFC Anderson was awarded the Purple Heart and the Medal of Honor for his acts of bravery and service to his country.

On October 26, 1945, the United States Navy commissioned a DD–786 destroyer battleship as the USS *Richard B. Anderson* in honor of the fallen hero. The ship began active service in January 1947, and was used in combat for the Vietnam and Korean wars. The ship remained in active service until December 20, 1975.

I strongly urge my colleagues to join me in supporting H.R. 4140.

Mr. PETRI. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no requests for time, and I yield back my time and urge passage.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and pass the bill, H.R. 4140.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

AMENDMENT TO THE INTERNATIONAL CENTER ACT

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3913) to amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3913

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO THE INTERNATIONAL CENTER ACT.

The first section of the International Center Act (Public Law 90–553; 82 Stat. 958) is amended by adding at the end the following new sentence: "Notwithstanding the foregoing limitations, the property identified by the District of Columbia as tax lots 803, 804, 805, and 806 within the area described in this section may be leased or subleased to an entity other than a foreign government or international organization, so long as the Secretary maintains the right to approve the occupant and the intended use of the property.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3913.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

I'm pleased to support H.R. 3913, a bill to make a needed technical amendment to the International Center Act, P.L. 90–553.

H.R. 3913 authorizes the Department of State to lease land to Intelsat at the International Center, which is located on Connecticut Avenue at Van Ness Street in northwest Washington.

The amendment clarifies and ensures that Intelsat's long-term lease of the land, on which its headquarters is located, is consistent with the International Center Act.

Intelsat was originally established in the early 1900s as an international organization. In 2000, Congress passed legislation which essentially required Intelsat to become a private company.

Unfortunately, at that time, Congress overlooked a change in the ICA that would be necessary when Intelsat completed its transition to a private company, and this bill corrects that omission.

I support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

The bill before us amends the International Center Act to allow the State Department to lease a Federal property in northwest Washington to nongovernmental entities. Currently, the International Center Act only permits the State Department, as has been said, to lease the property to foreign governments or international organizations.

The site is occupied by the international satellite service provider Intelsat, which was privatized by an act of Congress in the year 2000. Prior to its privatization, Intelsat was created as an international organization in the 1960s to establish the world's first global satellite system.

As an international organization, Intelsat leased the property for 99 years from the State Department in accordance with the International Center Act. The bill before us corrects an apparent oversight when Intelsat was privatized by this Congress.

The underlying statute requires a foreign government or international organization to occupy the property, and that was no longer consistent with the lease between the government and Intelsat after Intelsat was privatized. This bill would make the International Center Act consistent with the lease.

Mr. OBERSTAR. Mr. Speaker, H.R. 3913 amends a provision of the International Center Act ("ICA"), which established the authority for the U.S. Department of State to lease property in the District of Columbia to foreign governments or international organizations.

The ICA (P.L. 90–553), passed by Congress in 1968, authorizes the Secretary of State "to sell or lease to foreign governments and international organizations" Federal property located in Northwest Washington, DC, off of Connecticut Avenue. The 47-acre parcel of land authorized by the bill offers space for new embassies, consulates, and international organizations and is commonly referred to as the International Center.

Intelsat was formed in the 1960s as an international commercial cooperative of 142 countries that provided global telecommunications including television, telephone, and data transmission. Intelsat's headquarters are located in the International Center.

In 2000, an act of Congress privatized Intelsat (P.L. 106–180). Since the ICA does not permit the U.S. State Department to lease space within the International Center to a private entity, Intelsat's lease no longer meets the requirements of the ICA. H.R. 3913 makes technical amendments to the ICA to permit Intelsat to continue its tenancy.

I urge my colleagues to join me in supporting H.R. 3913.

Mr. PETRI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no further requests for time, and I yield back my time and urge passage.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and pass the bill, H.R. 3913.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HONORING THE TEXAS WATER DEVELOPMENT BOARD

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 832) honoring the Texas Water Development Board on its selection as a recipient of the Environmental Protection Agency's 2007 Clean Water State Revolving Fund Performance and Innovation Award, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 832

Whereas the Texas Water Development Board (TWDB) was honored as a 2007 recipient of the Environmental Protection Agency's Performance and Innovation in the SRF Creating Environmental Success (PISCES) Award on November 5, 2007;

Whereas the Clean Water State Revolving Fund (CWSRF) program in Texas has been a front-runner and a precedent-setting program in wastewater management for many years, and its CWSRF leveraging practices as well as other established management practices are used by many other States as examples to enhance the management of their funds;

Whereas the CWSRF program in Texas has successfully awarded communities approximately $4,300,000,000 in low-interest loans to finance 472 water infrastructure projects across Texas;

Whereas these projects, which serve approximately one-half of the population of Texas and treat about 2,100,000,000 gallons per day of wastewater, provide direct environmental and public health benefits;

Whereas the TWDB is proposing to increase the marketability and demand for the CWSRF program by pursuing the use of extended loan terms beyond the authorized 20-year term to a 30-year term;

Whereas the TWDB developed a State Revolving Fund Information Management System to satisfy the need for more timely and accurate information on the status of water and wastewater loan projects as those projects move through the phases of the preapplication process and beyond;

Whereas the TWDB has actively encouraged asset management as evidenced by its creation of a Best Management Practices Guide for water conservation;

Whereas the TWDB established direct authority and responsibility for the coordination of the CWSRF program by creating State Revolving Fund Coordinator positions;

Whereas the TWDB's Intended Use Plan Post-Mortem Review was lauded for identifying various activities that will be used in improving future CWSRF Intended Use Plan development processes;

Whereas the TWDB holds interoffice planning meetings that serve as monthly forums to provide for interoffice discussion on State Revolving Fund policies, procedures and processes, and deadlines;

Whereas the TWDB assigned cross-functional, multidisciplinary teams to manage project performance review from application phase through construction, and these teams are responsible for identifying and developing solutions to project circumstances that may cause a project to fall behind its schedule; and

Whereas the TWDB was also noted for its outstanding regional water planning activities, best management practices in the areas of nonpoint source pollution funding, instream flow program, work with the United States Army Corps of Engineers to amend the Federal water resources development legislation to further enhance its watershed approach, funding of water reuse projects, agricultural and municipal water conservation projects, and water conservation education activities: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the Texas Water Development Board on its selection by the Environmental Protection Agency as a 2007 Performance and Innovation in the SRF Creating Environmental Success (PISCES) Award recipient; and

(2) recognizes the importance of adequate investment and management of water resources in sustainable development, including environmental integrity and human health and overall quality of life in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

□ 1445

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous materials on H. Res. 832.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

The Texas Water Development Board was created in 1957 with the mission "to provide leadership, planning, financial assistance, information and education for the conservation and responsible development of water for Texas." Additionally, the Texas Water Development Board provides water planning, data collection and dissemination, financial assistance, and technical assistance services to the citizens of the State.

The Texas Water Development Board was selected this past November as a recipient of the Environmental Protection Agency's 2007 Performance and Innovation in the Clean Water State Revolving Fund Creating Environmental Success Award at the Council of Infrastructure Financing Authorities annual conference in Denver, Colorado.

Mr. Speaker, this is extraordinary for Texas because normally we get on the other end of things of this sort. But the Texas Water Development Board provides loans and grants to local governments and entities for various projects.

The financial assistance programs are funded through State-backed bonds, a combination of State bond proceeds and Federal grant funds, or limited appropriated funds.

To date, the Texas Water Development Board has successfully awarded communities approximately $4.3 billion in low-interest loans to finance 472 water infrastructure projects across the State of Texas.

The State of Texas currently administers the second largest Clean Water State Revolving Fund in the Nation, second only to New York. In 2007 alone, the Texas Water Development Board made 32 loan commitments through the Clean Water State Revolving Fund, for a total of $692 million.

Of the 32 total commitments made out of the Clean Water State Revolving Fund in 2007, approximately 8 percent of the funds were committed to disadvantaged communities, and 10 percent were committed to small communities with populations consisting of less than 10,000 residents.

The Texas Water Development Board is working with the EPA to strengthen the program, including the ability to offer extended term financing up to 30 years to help communities that may need more time to repay the loan. Additionally, the Clean Water State Revolving Fund program is being proactively marketed to ensure that all Texas communities are aware of the benefits offered by this program. And, Mr. Speaker, I am delighted to be able to honor such a vital organization in the State of Texas. It's sometimes a rare occasion.

The Texas Water Development Board is recognized as a leader in the State water planning and water-related infrastructure financing. I would like to thank my colleagues from the Texas delegation for joining me in this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the resolution before us, House Resolution 832, recognizes the Texas Water Development Board on its selection as the 2007 recipient of the Environmental Protection Agency's Performance and Innovation in the State Revolving Fund Creating Environmental Success Award. This award is given to one State in each of the 10 different EPA regions and highlights successfully designed projects that further the goal of clean water.

The Texas Water Development Board was created in 1957 to provide leadership, planning, financial assistance, information and education for the conservation and responsible development of water for Texas. Its mission is a vital part of Texas' overall vision, mission, and goals related to maintaining the State's natural resources, health, and its economic development.

To accomplish its goals for the State's water resources and for providing the portable water and wastewater services, the Texas Water Development Board provides water planning, data collection and dissemination, financial assistance, and technical assistance services to the citizens of the State of Texas.

The tremendous population growth that the State has had and will continue to experience and the continual threat of severe drought only intensify the need for the Texas Water Development Board to accomplish its goals in an effective and efficient manner.

The Clean Water Act State Revolving Loan Fund in Texas has awarded communities more than $4 billion in low-interest loans to finance 472 water infrastructure projects across the State of Texas. These projects serve approximately one-half of the population of that State, treat about 2 billion gallons per day of wastewater, and provide direct environmental and public health benefits to Texans at large.

In Texas, the Northwest Water Reuse Initiative consists of a $10.7 million project in El Paso County to deliver treated wastewater for reuse to agricultural, commercial, industrial and residential users from El Paso's Northwest Water Treatment Plant.

Texas also financed a wastewater reclamation initiative to deliver reclaimed water from the city of Austin's Walnut Creek Wastewater Treatment Plant, the first step in the city's development of a transmission and distribution service, serving customers with reclaimed water.

This resolution recognizes the importance of Federal-State partnerships in addressing water resources needs in the United States, and specifically the effective and efficient manner in which the State of Texas is managing its State Revolving Loan Fund program.

I encourage all Members to support this project.

Mr. PETRI. Mr. Speaker, H. Res. 832 recognizes the Texas Water Development Board on its selection as a 2007 recipient of the Environmental Protection Agency's Performance and Innovation in the State Revolving Fund Creating Environmental Success Award. (PISCES)

This award is given to one State in each of the ten different EPA regions and highlights successfully designed projects that further the goal of clean water.

The Texas Water Development Board (TWDB) was created in 1957 to provide leadership, planning, financial assistance, information, and education for the conservation and responsible development of water for Texas. Its mission is a vital part of Texas' overall vision, mission, and goals related to maintaining the State's natural resources, health and economic development.

To accomplish its goals for the State's water resources and for providing affordable water and wastewater services, the Texas Water Development Board provides water planning, data collection and dissemination, financial assistance and technical assistance services to the citizens of Texas.

The tremendous population growth that the State of Texas has and will continue to experience, and the continual threat of severe drought, only intensify the need for the Texas Water Development Board to accomplish its goals in an effective and efficient manner.

The Clean Water Act State Revolving Loan Fund in Texas has awarded communities more than $4 billion in low-interest loans to finance 472 water infrastructure projects across the State of Texas.

These projects serve approximately one-half of the population of Texas, treat about 2 billion gallons per day of wastewater, and provide direct environmental and public health benefits to Texans at large.

In Texas, the Northwest Water Reuse Initiative consisted of a $10.7 million project in El Paso County to deliver treated wastewater for reuse to agricultural, commercial, industrial, and residential users from El Paso's Northwest Wastewater Treatment Plant.

Texas also financed a wastewater reclamation initiative to deliver reclaimed water from the City of Austin's Walnut Creek Wastewater Treatment Plant, the first step in the city's development of a transmission and distribution system serving customers with reclaimed water.

This resolution recognizes the importance of Federal-State partnerships in addressing water resources needs in the United States and specifically the effective and efficient manner in which the State of Texas is managing its State Revolving Loan Fund Program.

I encourage all Members to support the legislation.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H. Res. 832, honoring the Texas Water Development Board on its selection as a 2007 recipient of the Environmental Protection Agency's Performance and Innovation in the State Revolving Fund ("SRF") Creating Environmental Success Award. This resolution was introduced by my colleague from Texas (Ms. JOHNSON), who is Chairwoman of the Subcommittee on Water Resources and Environment of the Committee on Transportation and Infrastructure.

In 2005, to recognize outstanding successes of the States' Clean Water State Revolving Fund programs, the Performance and Innovation in the SRF Creating Environmental Success Awards, or the "PISCES" awards, were created. The Awards recognize successfully designed projects or organizations that utilize exceptional planning, management, and financing to further the goals of clean and safe water for our citizens.

The PISCES award, which is biennially bestowed on one State entity per region, is an attempt to reward innovation and stewardship in meeting the Clean Water and wastewater needs of the Nation.

In 2007, the Region 6 recipient of this award was the Texas Water Development Board.

However, I would be remiss if I failed to also recognize the Region 5 award winner—Minnesota's Agricultural Best Management Practices Loan Program, operated by the Minnesota Department of Agriculture through funds and assistance obtained through the Minnesota Public Finance Authority.

The Texas Water Development Board has managed its funds exceptionally, awarding communities more than $4 billion in loans to finance more than 450 water infrastructure projects across the state. These projects help Texas treat more than two billion gallons of wastewater per day, resulting in significant environmental and health benefits.

The Board has also been an active partner with the Committee and Subcommittee on Water Resources and Environment—twice testifying before the Committee on issues ranging from the enormous nationwide need for wastewater infrastructure investment to the long-term stewardship of water resource measures through thoughtful, statewide watershed planning.

I support this resolution honoring Texas' water and environmental management, and urge my colleagues to agree to the resolution.

Mr. PETRI. Mr. Speaker, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no further requests for time, and I simply want to ask everyone to support the resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON of Texas) that the House suspend the rules and agree to the resolution, H. Res. 832, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read:

"Honoring the Texas Water Development Board on its selection as a 2007 recipient of the Environmental Protection Agency's Performance and Innovation in the SRF Creating Environmental Success Award".

A motion to reconsider was laid on the table.

COMMENDING LOUISIANA STATE UNIVERSITY TIGERS FOOTBALL TEAM FOR WINNING 2007 BOWL CHAMPIONSHIP SERIES NATIONAL CHAMPIONSHIP GAME

Mr. ALTMIRE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 933) commending the Louisiana State University Tigers football team for winning the 2007 Bowl Championship Series national championship game, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 933

Whereas the Louisiana State University Tigers football team won the 2007 Bowl Championship Series national championship game, defeating the Ohio State University by a score of 38 to 24 at the Louisiana Superdome in New Orleans, Louisiana, on January 7, 2008;

Whereas the Louisiana State University football team won the Southeastern Conference Championship, on December 1, 2007, defeating the University of Tennessee by a score of 21 to 14 in the Southeastern Conference championship game at the Georgia Dome in Atlanta, Georgia;

Whereas the Louisiana State University football team won 12 games during the 2007 season;

Whereas the Louisiana State University football team won 7 games against nationally ranked opponents during the 2007 season;

Whereas the Louisiana State University football team set a total of 12 offensive school records during the 2007 season including 541 points scored, averaging 38.6 points per game and 6,152 yards in total offense;

Whereas Craig Steltz was named first-team All-American and led the Southeastern Conference in interceptions;

Whereas defensive tackle Glenn Dorsey was awarded the Bronko Nagurski Trophy, the Rotary Lombardi Trophy, the Outland Trophy, and the Ronnie Lott Trophy making him the most honored defensive player in Louisiana State University history;

Whereas quarterback Matt Flynn threw 21 touchdown passes during the 2007 season, including a career-high record of four touchdowns in the Bowl Championship Series national championship game;

Whereas running back Jacob Hester rushed for 1,103 yards during the 2007 season, scoring 12 touchdowns, and completed his collegiate football career of 363 carries without fumbling or turning over the football;

Whereas Louisiana State University head coach Les Miles has led the Tiger football program to 34 wins, 20 Southeastern Conference victories, 15 wins over nationally ranked opponents, and three double-digit win seasons as head coach; and

Whereas Louisiana State University is the first team to win two Bowl Championship Series national championship titles, having won two titles in 5 years: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Louisiana State University Tigers football team for winning the 2007 Bowl Championship Series national championship game;

(2) recognizes the achievements of all the players, coaches, and support staff who were instrumental in helping the Louisiana State University football team during the 2007 football season;

(3) congratulates the citizens of Louisiana, the Louisiana State University community and fans of Tiger football; and

(4) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to Louisiana State University for appropriate display and distribution to the coaches and members of the 2007 Louisiana State University football team.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. ALTMIRE) and the gentleman from Louisiana (Mr. BOUSTANY) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. ALTMIRE. Mr. Speaker, I request 5 legislative days during which Members may insert additional material relevant to H. Res. 933 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ALTMIRE. I yield myself such time as I may consume.

Mr. Speaker, I rise today to commend the Louisiana State University Tigers football team on winning the 2007 Bowl Championship Series national championship game, and to congratulate the players, coaches, and LSU fans on a tremendous 2007 football season.

On January 7, 2008, the LSU Tigers took on the Ohio State University Buckeyes in a newly reopened Louisiana Superdome in New Orleans. The 2007 BCS national championship game was a treat for fans all over the Nation, and a celebratory moment for New Orleans as the Superdome observed its return to hosting big events after the destruction caused by Hurricane Katrina. And it was quite a celebration as the Tigers defeated the Buckeyes 38–24.

Ohio State got off to a 10–0 start, but LSU never backed down and went on to score 31 unanswered points. Led by game captains quarterback Matt Flynn, safety Craig Stelz, fullback Jacob Hester, punter Patrick Fisher and defensive tackle Glen Dorsey, the Tigers proved that they deserved to play in the championship game.

This Tigers team played with extraordinary heart all season. In 2007, LSU beat seven nationally ranked teams, and their only two losses each came in triple overtime games. A very talented senior class created a sense of urgency throughout their leadership, and the rest of the team never stopped playing with heart throughout this record-setting season.

Defensive tackle Glen Dorsey won four prestigious awards, including the Lombardi Trophy, and has been a model player off the field as well by encouraging young people to "dream big" this year. Quarterback Matt Flynn threw 21 touchdown passes this season and had a career high of four touchdown passes during the championship game. Finally, Jacob Hester rushed for 1,103 yards and scored 12 touchdowns during the 2007 season. This was truly a multi-talented team.

I want to extend my congratulations to Coach Les Miles and the rest of the LSU coaching staff. The players and staff have come together to create a preeminent football program with a record two BCS titles in just the past 5 years.

In his tenure as head coach at LSU, Miles has led his team to three bowl victories and an impressive 34–6 record. Congratulations are also in order for the dedicated State and university community. The avid Tiger fans have supported their team all season and helped to set a Superdome record of 79,651 people in attendance for the BCS championship game.

In the words of former Governor Kathleen Blanco, the Tigers "embodied Louisiana's fighting spirit." The entire State deserves to celebrate this title and begin to look forward to the 2008 season.

Mr. Speaker, once again, I congratulate the Louisiana State University Tigers football team, and I urge my colleagues to pass this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BOUSTANY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 933, commending the Louisiana State University Fighting Tigers football team for winning the Bowl Champion Series national title game.

I would like to first thank my good friend, the dean of our Louisiana delegation, RICHARD BAKER, for sponsoring the resolution, as well as Chairman MILLER and Ranking Member MCKEON of the Education and Labor Committee for bringing it to the floor.

On January 7, the LSU Tigers overcame an early first-half deficit of 10–0 to defeat the Ohio State University

Buckeyes by a score of 38–24 in New Orleans. This was the second time the Tigers have won a BCS title in the Louisiana Superdome. The Tigers were led by the game's offensive MVP, senior quarterback Matt Flynn, who threw four touchdown passes, and defensive MVP, sophomore defensive end Ricky Jean-Francois, who blocked a field goal and had six total tackles and a half sack. This is the second year in a row that a Southeastern Conference team, arguably the most dominant conference in college football today, has beaten Ohio State to win the BCS national title.

Since the birth of the Bowl Championship Series in 1998, LSU is the first team to win two BCS national championship titles.

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Led by seniors Matt Flynn, Jacob Hester, Ali Highsmith, Chevis Jackson, Jonathan Zenon, Craig Steltz, and Glenn Dorsey, the Tigers won 12 games during the 2007 season. Seven games were won against nationally ranked opponents, as well as seven games against conference opponents, including the University of Tennessee Volunteers in the Southeastern Conference championship game by a score of 21–14.

Since his first season as LSU head coach in 2005, Les Miles has fearlessly led the Tiger football program to 34 overall wins, 20 SEC victories, and 14 wins over nationally ranked opponents. He has brought the Tigers to two SEC championship games, three consecutive bowl wins, two of which were BCS games, and one BCS national championship. Coach Miles has also had three consecutive double-digit win seasons, a school record. And he's clearly well known for the fourth and short conversions. He's fearless as a leader.

We must not also forget that, foremost, these student athletes perform just as hard in the classroom as they do on the football field. Coach Miles insists that his first goal for his team is a 100 percent graduation rate. And I'm proud to say that 14 members of this national championship football team were placed on the 2007 SEC Fall Academic Honor Roll.

The 2007 Tigers fought through great adversity, thanks to a grueling schedule, injuries, and conference losses, to secure their place in the national championship game against Ohio State. This championship is very special to the LSU system and to my great State of Louisiana. And it's my honor to recognize Coach Les Miles and the 2007 LSU Tiger football team for all its great accomplishments this season and for bringing home the BCS crystal ball.

Geaux Tigers.

I ask my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. ALTMIRE. Mr. Speaker, there is no greater fan of the LSU Tigers than Mr. MELANCON from Louisiana, and I yield him such time as he may consume to speak about this championship for the LSU football team.

Mr. MELANCON. I thank my colleague very much for yielding.

Mr. Speaker, I would like to associate myself with Mr. BOUSTANY's remarks. Of course most people from most States are very proud when their colleges become the national champion, and particularly in this past year I have had conversations over the last several days with friends about the Presidential election and the analogy is it's almost the same as the NCAA season of who's going to be first and second in any given week.

But at the end of the day, LSU rose to the occasion. They had a very successful year, a very successful and accomplished coach in Les Miles to take them where they did go, having beat No. 9 ranked Virginia Tech. Then, unfortunately, in overtime, losing to 17th ranked Kentucky and then the unranked Arkansas Razorbacks, which I caught a little grief from those guys that are from the Arkansas delegation. But in the end, it was worth all that occurred.

My wife went to a small university where when the coach makes the team a winning team and gets into the national rankings, somebody usually steals them, pays them more money and moves them on. Fortunately, for us at LSU, I think we have the stature and a nature that we can keep our coach and continue to bring the talent to the university to go forward over the next couple of years, or into the future, for that matter.

But I would like to commend LSU for the great win in the BCS bowl, for being number one. I would like to commend the SEC. I believe that the SEC is probably the number one conference in the country. Maybe some of our colleagues would disagree with us, but at the same time, until they prove that they can win two BCS games in the short history of the BCS bowl, then we will take that gauntlet and we will run forward.

And as Mr. BOUSTANY said, Geaux Tigers.

Mr. BOUSTANY. Mr. Speaker, I appreciate my colleague from Louisiana's remarks and associate myself with them as well.

As an alumni of the LSU Medical School, I want to thank two members of my staff, both of whom were LSU graduates, Ryan Evans and Michael Hare, who helped me prepare my remarks for today. And I want to thank them and congratulate them on their work.

Mr. Speaker, I yield such time as he may consume to my friend from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, it may seem a little unusual for a Member from Texas to stand in tribute to Louisiana State University, but I do. I take off my hat and hair in tribute to the Louisiana State University Tigers and also to the relationship that Texas and Louisiana have shared. Through the years, Louisiana has helped Texas. After Katrina, Texans were proud to assist Louisiana. When we heard that Louisiana State University needed a quarterback, then my hometown, Tyler, Texas, was proud to yield one of its best, Matt Flynn, to LSU to help them in their time of need.

I watched Matt Flynn play high school football 4 years there at Robert E. Lee High School in Tyler, and we are so proud of Matt. He comes from good lineage. His dad, Alvin Flynn, played quarterback for Baylor University. His mother was the director for many years of the Tyler Junior College Apache Belles and took them to national fame. And Alvin did take a lot of Flak because his son didn't follow his footsteps and play quarterback at Baylor University, but such is the nature of Texans and East Texans. When they see someone in need, as they saw LSU, it was their heart-rending desire to help them and to send them our best, Matt Flynn.

So congratulations to LSU. We're proud of Matt Flynn, and we're proud of what the Tigers did in making actually the whole Nation proud.

Mr. BOUSTANY. Mr. Speaker, I just want to thank my colleague from Texas for his remarks and thank him for sending Matt Flynn over to LSU. But I want to remind him that Jim Bowie shed blood at the Alamo for Texas. He's a very famous Louisianian from my district, my neck of the woods, and since he sacrificed so much, I would ask my colleague to keep sending plenty more quarterbacks over to Louisiana. We'll take them.

Mr. Speaker, I yield back the balance of my time.

Mr. ALTMIRE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. ALTMIRE) that the House suspend the rules and agree to the resolution, H. Res. 933, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ALTMIRE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMMENDING THE WEST VIRGINIA UNIVERSITY MOUNTAINEER FOOTBALL TEAM FOR WINNING THE 2008 TOSTITOS FIESTA BOWL

Mr. ALTMIRE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 938) commending the West Virginia University Mountaineer football team for exemplifying the pride, determination, and spirit of the Mountain State and overcoming adversity with skill, commitment, and teamwork to win the 2008 Tostitos Fiesta Bowl, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 938

Whereas the West Virginia University Mountaineer football team won the 2008 Tostitos Fiesta Bowl, defeating the University of Oklahoma Sooners by a score of 48 to 28 in Glendale, Arizona, on January 2, 2008;

Whereas the Mountaineer football team has been a source of great pride for West Virginians throughout the years;

Whereas the people of West Virginia take their team's triumphs and setbacks as their own, in times of hardship and prosperity;

Whereas the Mountaineers displayed uncommon intensity and determination in preparing for the challenge of meeting one of the best teams in the country in the Tostitos Fiesta Bowl;

Whereas the Mountaineers executed an almost flawless game;

Whereas then-assistant coach Bill Stewart demonstrated true leadership and coaching skill by filling an unexpected coaching void, instilling confidence in his team, and leading them to victory, earning the admiration and gratitude of his fellow West Virginians;

Whereas the Fiesta Bowl Most Valuable Player on offense, Mountaineer quarterback Pat White, gave a brilliant running and passing performance that inspired his teammates, delighted his fans, and frustrated his opponents;

Whereas the Fiesta Bowl Most Valuable Player on defense, Mountaineer linebacker and native West Virginian Reed Williams, led his teammates in an outstanding defensive performance;

Whereas Mountaineer senior fullback Owen Schmitt, through his steady play and gracious post-game words of victory, displayed the best qualities of team play and sportsmanship;

Whereas Mountaineer receiver Tito Gonzales demonstrated outstanding play with a 79-yard touchdown pass and showed a national television audience how important Mountaineer success was to his team and his State;

Whereas Mountaineer freshman tailback Noel Devine gave a spirited and skillful performance worthy of his injured teammate and mentor, record-breaking tailback Steve Slaton;

Whereas the Mountaineers' offensive line dominated the battle in the trenches, making possible the outstanding performances of White, Devine, Schmitt, receiver Darius Reynaud, kicker Pat McAfee, and the other offensive stars of the day;

Whereas the Mountaineers' attacking defense forced the Sooner offense to yield the field time and again;

Whereas the Mountaineers finished among the top 10 in college football rankings for 3 years in a row;

Whereas Mountaineer athletic director Ed Pastilong has instilled in the athletic department of West Virginia University the highest standards of ethics and performance throughout his many years of leadership; and

Whereas the Mountaineers and their new head coach Bill Stewart have brought great honor to themselves, their university, and the State of West Virginia: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the West Virginia University Mountaineer football team for winning the 2008 Tostitos Fiesta Bowl; and

(2) commends the team for demonstrating throughout the season the best qualities of teamwork, dedication, and sportsmanship.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. ALTMIRE) and the gentleman from Louisiana (Mr. BOUSTANY) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. ALTMIRE. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 938 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ALTMIRE. Mr. Speaker, I yield myself such time as I may consume.

Today I rise to congratulate the West Virginia University Mountaineers for their amazing win in the 2008 Fiesta Bowl.

Four short weeks ago, West Virginia University captured its third consecutive bowl victory and cemented their third consecutive top 10 finish. They defeated the University of Oklahoma Sooners 48–28. College football fans throughout the Nation were treated to an exceptional college football game.

I want to extend my congratulations to West Virginia head coach Bill Stewart, athletic director Ed Pastilong, West Virginia University president Mike Garrison, and West Virginia's student athletes for winning the Fiesta Bowl.

I also want to extend my congratulations to the Oklahoma Sooners and their student athletes for a great season. Oklahoma won the Big 12 championship game and had an 11–2 regular season record.

The WVU Mountaineers were pregame underdogs against No. 3 ranked Oklahoma, whose defense had previously allowed only 92 yards a game. The exceptional play of Mountaineer quarterback Pat White, the Fiesta Bowl offensive MVP, helped the Mountaineers produce 525 yards of total offense. Reed Williams, the Mountaineer linebacker and Fiesta Bowl defensive MVP, helped his teammates hold the Sooners to only six points in the first half and a total of 28 points for the game.

Mr. Speaker, once again I congratulate the West Virginia Mountaineers for their success.

Mr. Speaker, I reserve the balance of my time.

Mr. BOUSTANY. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 938, commending the West Virginia University Mountaineer football team for exemplifying the pride, determination, and spirit of the Mountain State and overcoming adversity with skill, commitment, and teamwork to win the 2008 Tostitos Fiesta Bowl.

Throughout the years, the Mountaineer football team has been a source of great pride for West Virginians, and this past year proved no different. On January 2, 2008, the West Virginia University Mountaineer football team won the Tostitos Fiesta Bowl, defeating the University of Oklahoma Sooners by a score of 48–28 in Glendale, Arizona.

After what could have been a team demoralizing loss of head coach Rich Rodriguez, then assistant coach Bill Stewart stepped up to demonstrate true leadership and coaching skill by instilling confidence in his team and leading them to victory, earning the admiration and gratitude of his fellow West Virginians.

Mountaineer quarterback Pat White gave a dazzling running and passing performance that inspired his teammates, delighted WVU fans, frustrated his opponents, and earned him offensive MVP honors. Defensive honors went to Mountaineer linebacker and native West Virginian Reed Williams, who led his team in an outstanding defensive performance.

With the conclusion of an impressive 11–2 season, the Mountaineers finished among the top 10 in college football rankings for a third consecutive year, and with their new head coach Bill Stewart, brought great honor to themselves, their university, and the State of West Virginia.

High marks should also be given to athletic director Ed Pastilong, who, over his 19-year career, has instilled the athletic department of West Virginia University with the highest standards of ethics and performance. We should also recognize WVU president Mike Garrison for his leadership. WVU is committed to changing lives and providing opportunities to all through education, building knowledge through research, and serving the people of West Virginia through economic development and health care.

I extend my congratulations to head coach Bill Stewart and all the hardworking players, the fans, and to West Virginia University. I'm happy to join my good friend and colleague Representative MOLLOHAN in honoring this exceptional team and all of its accomplishments and wish all involved continued success. And I ask my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. ALTMIRE. Mr. Speaker, we have a colleague who represents Morgantown, West Virginia, with us, Mr. MOLLOHAN, and I know there is no greater fan of the West Virginia Mountaineers than he. I am sure he is justifiably proud; so I will yield him such time as he may consume.

Mr. MOLLOHAN. I want to thank both my colleagues for their very kind, gracious remarks about West Virginia University and the game that we speak of today, particularly the Fiesta Bowl game.

Mr. Speaker, I rise today in support of H. Res. 938, congratulating the West Virginia University Mountaineer football team for its recent outstanding Fiesta Bowl victory.

The Mountaineers' regular season closed with an unexpected and a bit demoralizing loss that ended the team's bid for a national championship. As a further complication, as has been pointed out by my colleagues, the team began preparation for the Fiesta Bowl without its head coach, who left suddenly for another opportunity. WVU consequently was branded the underdog for the Fiesta Bowl appearance.

But these young men and the able interim head coach, who is now the permanent head coach, who stepped into the void were steady, they were confident, and they were prepared to pursue a game plan unaffected by the swirling controversies and the many media pundits who predicted defeat.

□ 1515

Mr. Speaker, seeing that team demonstrate grit, skill, and determination, as described by my colleagues, to silence its critics, while overcoming challenges, reminds us of the potential for accomplishment that resides in us all. I hope all of my colleagues will join me in supporting H. Res. 938, as it offers a "well done" to a team that set a high bar for accomplishment, focus, and determination.

Mr. BOUSTANY. Mr. Speaker, I am pleased to yield such time as she may consume to my colleague, the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I'd like to thank the gentleman for yielding me time. I would like to thank my colleague from West Virginia (Mr. MOLLOHAN) for offering this resolution and including me as one of the cosponsors.

We are very prideful Mountaineers. As we have heard, our West Virginia Mountaineers football team is something that everyone in the State takes great pride. The Tostitos Fiesta Bowl win was not only an athletic win, but it was a morale-lifting win for everybody in the State of West Virginia. The Oklahoma Sooners are a powerful team, and I congratulate them for their effort. But when mind and body of a Mountaineer gets together, there's hardly any stopping us. I think that is what we found at the game. The team always tries to embody the spirit of the Mountain State, and it is a shining light for the people of West Virginia. The fans, the coaches, the university, the president, the athletic director, and I have to mention the pride of West Virginia, our Mountaineers marching band, are something that I know took our teammates into a very difficult athletic and emotional situation at the Tostitos Fiesta Bowl.

I also want to congratulate the MVPs, Pat White and Reed Williams. Reed Williams is a native West Virginian. He's from Moorefield, West Virginia. He was valedictorian of his high school class. He is the true embodiment of a student athlete.

We have a saying in West Virginia that we like to say whenever we have a great victory, and that is, as we say in West Virginia, "It's a great day to be a Mountaineer." It certainly was on the day that West Virginia won the Tostitos Fiesta Bowl in Arizona.

Mr. BOUSTANY. Mr. Speaker, I yield back the balance of my time.

Mr. ALTMIRE. Mr. Speaker, just to tie this whole thing together, we have just celebrated the LSU Tigers' national championship and West Virginia's championship in the Tostitos Fiesta Bowl. As a Member from western Pennsylvania, I would like to take a brief moment and remind my colleagues of the role the University of Pittsburgh played in this whole scenario, because were it not for the improbable upset that the University of Pittsburgh was able to pull off on the last game of the regular season, we may have been doing these in a little bit different order than we were today. So I congratulate West Virginia and LSU. But I did want to put in that plug as well.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. ALTMIRE) that the House suspend the rules and agree to the resolution, H. Res. 938, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 18 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BUTTERFIELD) at 5 p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1528, NEW ENGLAND NATIONAL SCENIC TRAIL DESIGNATION ACT

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–519) on the resolution (H. Res. 940) providing for consideration of the bill (H.R. 1528) to amend the National Trails System Act to designate the New England National Scenic Trail, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–520) on the resolution (H. Res. 941) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

S. 2110, by the yeas and nays;

H.R. 4140, by the yeas and nays.

The vote on H. Res. 933 will be taken tomorrow.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

LARRY S. PIERCE POST OFFICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 2110, on which the yeas and nays were ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the Senate bill, S. 2110.

The vote was taken by electronic device, and there were—yeas 388, nays 0, not voting 42, as follows:

[Roll No. 23]

YEAS—388

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Fattah
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Royce
Ruppersberger
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—42

Baker
Berkley
Berman
Boucher
Cardoza
Costa
DeFazio
Diaz-Balart, L.
Doolittle
Edwards
Farr
Feeney
Filner
Frank (MA)
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hulshof
Jones (OH)
Kirk
Lantos
Meek (FL)
Meeks (NY)
Miller, Gary
Miller, George
Nadler
Neal (MA)
Pallone
Price (NC)
Renzi
Ros-Lehtinen
Roskam
Roybal-Allard
Rush
Ryan (OH)
Simpson
Stark
Towns
Turner
Waters
Young (AK)

☐ 1728

Ms. SHEA-PORTER changed her vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 23, I was away due to a family emergency. Had I been present, I would have voted "yea."

RICHARD B. ANDERSON FEDERAL BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4140, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and pass the bill, H.R. 4140.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 388, nays 0, not voting 42, as follows:

[Roll No. 24]

YEAS—388

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Fattah
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
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Kind
King (IA)
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Kingston
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Langevin
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LoBiondo
Loebsack
Lofgren, Zoe
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Lucas
Lungren, Daniel E.
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Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
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Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
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Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
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Neugebauer

Nunes
Oberstar
Olver
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Pomeroy
Porter
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Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
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Rogers (KY)
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Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
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Sali
Sánchez, Linda T.
Sanchez, Loretta
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Schakowsky
Schiff
Schmidt
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Sessions
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Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
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Slaughter
Smith (NE)
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Smith (TX)
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Snyder
Solis
Souder
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Stearns
Stupak
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Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
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Whitfield (KY)
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Wu
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Diaz-Balart, L.
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Feeney
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Frank (MA)
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Neal (MA)
Obey
Pallone
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Roskam
Roybal-Allard
Rush
Simpson
Stark
Towns
Turner
Waters
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain on this vote.

☐ 1737

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall No. 24, I was away due to a family emergency. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. After consultation among the Speaker and the majority and minority leaders, and with their consent, the Chair announces that, when the two Houses meet tonight in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those immediately to her left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House. Due to the large attendance that is anticipated, the rule regarding the privilege of the floor must be strictly enforced. Children of Members will not be permitted on the floor. The cooperation of all Members is requested.

The practice of reserving seats prior to the joint session by placard will not be allowed. Members may reserve their seats only by physical presence following the security sweep of the Chamber.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 8:35 p.m. for the purpose of receiving in joint session the President of the United States.

Accordingly (at 5 o'clock and 38 minutes p.m.), the House stood in recess until approximately 8:35 p.m.

☐ 2037

AFTER RECESS

The recess having expired, the House was called to order at 8 o'clock and 37 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 282 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The Speaker of the House presided.

The Majority Floor Services Chief, Mr. Barry Sullivan, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Maryland (Mr. HOYER);

The gentleman from South Carolina (Mr. CLYBURN);

The gentleman from Illinois (Mr. EMANUEL);

The gentleman from Connecticut (Mr. LARSON);

The gentleman from Maryland (Mr. VAN HOLLEN);

The gentleman from California (Mr. BECERRA);

The gentlewoman from Connecticut (Ms. DELAURO);

The gentlewoman from New York (Ms. SLAUGHTER);

The gentleman from Ohio (Mr. BOEHNER);

The gentleman from Missouri (Mr. BLUNT);

The gentleman from Florida (Mr. PUTNAM);

The gentleman from Michigan (Mr. MCCOTTER);

The gentlewoman from Texas (Ms. GRANGER);

The gentleman from Texas (Mr. CARTER);

The gentleman from Oklahoma (Mr. COLE); and

The gentleman from Virginia (Mr. CANTOR).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the President of the United States into the House Chamber:

The Senator from Nevada (Mr. REID);

The Senator from Illinois (Mr. DURBIN);

The Senator from New York (Mr. SCHUMER);

The Senator from Washington (Mrs. MURRAY);

The Senator from North Dakota (Mr. DORGAN);

The Senator from Michigan (Ms. STABENOW);

The Senator from Delaware (Mr. BIDEN);

The Senator from Connecticut (Mr. DODD);

The Senator from Kentucky (Mr. MCCONNELL);

The Senator from Arizona (Mr. KYL);

The Senator from Tennessee (Mr. ALEXANDER);

The Senator from Texas (Mrs. HUTCHISON);

The Senator from Texas (Mr. CORNYN);

The Senator from Nevada (Mr. ENSIGN); and

The Senator from Minnesota (Mr. COLEMAN).

The Majority Floor Services Chief announced the Dean of the Diplomatic Corps, His Excellency Roble Olhaye, Ambassador from the Republic of Djibouti.

The Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Majority Floor Services Chief announced the Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Chief Justice of the United States and the Associate Justices of the Supreme Court entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The Majority Floor Services Chief announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 5 minutes p.m., the Majority Floor Services Chief and the Sergeant at Arms, the Honorable Wilson Livingood, announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

(Applause, the Members rising.)

The SPEAKER. Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

(Applause, the Members rising.)

THE STATE OF THE UNION ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The PRESIDENT. Madam Speaker, Vice President CHENEY, Members of Congress, distinguished guests, and fellow citizens:

Seven years have passed since I first stood before you at this rostrum. In that time, our country has been tested in ways none of us could have imagined. We have faced hard decisions about peace and war, rising competition in the world economy, and the health and welfare of our citizens. These issues call for vigorous debate, and I think it's fair to say we've answered that call. Yet history will record that amid our differences, we acted with purpose. And together we showed the world the power and resilience of American self-government.

All of us were sent to Washington to carry out the people's business. That is the purpose of this body. It is the meaning of our oath. And it remains our charge to keep.

The actions of the 110th Congress will affect the security and prosperity of our Nation long after this session has ended. In this election year, let us show our fellow Americans that we recognize our responsibilities and are determined to meet them. And let us show them that Republicans and Democrats can compete for votes and cooperate for results at the same time.

From expanding opportunity to protecting our country, we have made good progress. Yet we have unfinished business before us, and the American people expect us to get it done.

In the work ahead, we must be guided by the philosophy that made our Nation great. As Americans, we believe in the power of individuals to determine their destiny and shape the course of history. We believe that the most reliable guide for our country is the collective wisdom of ordinary citizens. So in all we do, we must trust in the ability of free people to make wise decisions, and empower them to improve their lives and their futures.

To build a prosperous future, we must trust people with their own money and empower them to grow our economy. As we meet tonight, our economy is undergoing a period of uncertainty. America has added jobs for a record 52 straight months, but jobs are now growing at a slower pace. Wages are up, but so are prices for food and gas. Exports are rising, but the housing market has declined. And at kitchen tables across our country, there is concern about our economic future.

In the long run, Americans can be confident about our economic growth. But in the short run, we can all see that that growth is slowing. So last week, my administration reached agreement with Speaker PELOSI and Republican Leader BOEHNER on a robust growth package that includes tax relief for individuals and families and incentives for business investment. The temptation will be to load up the bill. That would delay it or derail it, and neither option is acceptable. This is a good agreement that will keep our economy growing and our people working. And this Congress must pass it as soon as possible.

We have other work to do on taxes. Unless the Congress acts, most of the tax relief we have delivered over the past 7 years will be taken away. Some in Washington argue that letting tax relief expire is not a tax increase. Try explaining that to 116 million American taxpayers who would see their taxes rise by an average of $1,800. Others have said they would personally be happy to pay higher taxes. I welcome their enthusiasm, and I am pleased to report that the IRS accepts both checks and money orders.

Most Americans think their taxes are high enough. With all the other pressures on their finances, American families should not have to worry about the Federal Government taking a bigger bite out of their paychecks. There is only one way to eliminate this uncertainty: make the tax relief permanent. And Members of Congress should know: If any bill raising taxes reaches my desk, I will veto it.

Just as we trust Americans with their own money, we need to earn their trust by spending their tax dollars wisely. Next week, I will send you a budget that terminates or substantially reduces 151 wasteful or bloated programs totaling more than $18 billion. The budget that I will submit will keep America on track for a surplus in 2012. American families have to balance their budgets, and so should their government.

The people's trust in their government is undermined by congressional earmarks, special interest projects that are often snuck in at the last minute, without discussion or debate. Last year, I asked you to voluntarily cut the number and cost of earmarks in half. I also asked you to stop slipping earmarks into committee reports that never even come to a vote. Unfortunately, neither goal was met. So this time, if you send me an appropriations bill that does not cut the number and cost of earmarks in half, I will send it back to you with my veto. And tomorrow, I will issue an executive order that directs Federal agencies to ignore any future earmark that is not voted on by the Congress. If these items are truly worth funding, the Congress should debate them in the open and hold a public vote.

Our shared responsibilities extend beyond matters of taxes and spending.

On housing, we must trust Americans with the responsibility of homeownership and empower them to weather turbulent times in the housing market. My administration brought together the HOPE NOW alliance, which is helping many struggling homeowners avoid foreclosure. The Congress can help even more. Tonight I ask you to pass legislation to reform Fannie Mae and Freddie Mac, modernize the Federal Housing Administration, and allow State housing agencies to issue tax-free bonds to help homeowners refinance their mortgages. These are difficult times for many American families, and by taking these steps, we can help more of them keep their homes.

To build a future of quality health care, we must trust patients and doctors to make medical decisions and empower them with better information and better options. We share a common goal: Making health care more affordable and accessible for all Americans. The best way to achieve that goal is by expanding consumer choice, not government control. So I have proposed ending the bias in the Tax Code against those who do not get their health insurance through their employer. This one reform would put private coverage within reach for millions, and I call on the Congress to pass it this year. The Congress must also expand health savings accounts, create association health plans for small businesses, promote health information technology, and confront the epidemic of junk medical lawsuits. With all these steps, we will help ensure that decisions about your medical care are made in the privacy of your doctor's office, not in the Halls of Congress.

On education, we must trust students to learn if given the chance and empower parents to demand results from our schools. In neighborhoods across our country, there are boys and girls with dreams, and a decent education is their only hope of achieving them. Six years ago, we came together to pass the No Child Left Behind Act, and today no one can deny its results. Last year, fourth and eighth graders achieved the highest math scores on record. Reading scores are on the rise.

And African American and Hispanic students posted all-time highs. Now we must work together to increase accountability, add flexibility for States and districts, reduce the number of high school dropouts, and provide extra help for struggling schools. Members of Congress, the No Child Left Behind Act is a bipartisan achievement. It is succeeding. And we owe it to America's children, their parents, and their teachers to strengthen this good law.

We must also do more to help children when their schools do not measure up. Thanks to the D.C. Opportunity Scholarships you approved, more than 2,600 of the poorest children in our Nation's capital have found new hope at a faith-based or other nonpublic school. Sadly, these schools are disappearing at an alarming rate in many of America's inner cities. So I will convene a White House summit aimed at strengthening these lifelines of learning. And to open the doors of these schools to more children, I ask you to support a new $300 million program called Pell Grants for Kids. We have seen how Pell Grants help low-income college students realize their full potential. Together, we have expanded the size and reach of these grants. Now let's apply that same spirit to help liberate poor children trapped in failing public schools.

On trade, we must trust American workers to compete with anyone in the world and empower them by opening up new markets overseas. Today, our economic growth increasingly depends on our ability to sell American goods, crops, and services all over the world. So we are working to break down barriers to trade and investment wherever we can. We are working for a successful Doha round of trade talks, and we must complete a good agreement this year. At the same time, we are pursuing opportunities to open up new markets by passing free trade agreements.

I thank the Congress for approving a good agreement with Peru. Now I ask you to approve agreements with Colombia, Panama, and South Korea. Many products from these nations now enter America duty-free, yet many of our products face steep tariffs in their markets. These agreements will level the playing field. They will give us better access to nearly 100 million customers. And they will support good jobs for the finest workers in the world, those whose products say "Made in the USA."

These agreements also promote America's strategic interests. The first agreement that will come before you is with Colombia, a friend of America that is confronting violence and terror and fighting drug traffickers. If we fail to pass this agreement, we will embolden the purveyors of false populism in our hemisphere. So we must come together, pass this agreement, and show our neighbors in the region that democracy leads to a better life.

Trade brings better jobs, better choices, and better prices. Yet for some Americans, trade can mean losing a job, and the Federal Government has a responsibility to help. I ask the Congress to reauthorize and reform trade adjustment assistance, so we can help these displaced workers learn new skills and find new jobs.

To build a future of energy security, we must trust in the creative genius of American researchers and entrepreneurs and empower them to pioneer a new generation of clean energy technology. Our security, our prosperity, and our environment all require reducing our dependence on oil. Last year, I asked you to pass legislation to reduce oil consumption over the next decade, and you responded. Together we should take the next steps: Let us fund new technologies that can generate coal power while capturing carbon emissions. Let us increase the use of renewable power and emissions-free nuclear power. Let us continue investing in advanced battery technology and renewable fuels to power the cars and trucks of the future. Let us create a new international clean technology fund, which will help developing nations like India and China make greater use of clean energy sources. And let us complete an international agreement that has the potential to slow, stop, and eventually reverse the growth of greenhouse gases. This agreement will be effective only if it includes commitments by every major economy and gives none a free ride. The United States is, committed to strengthening our energy security and confronting global climate change. And the best way to meet these goals is for America to continue leading the way toward the development of cleaner and more energy-efficient technology.

To keep America competitive into the future, we must trust in the skill of our scientists and engineers and empower them to pursue the breakthroughs of tomorrow. Last year, the Congress passed legislation supporting the American Competitiveness Initiative, but never followed through with the funding. This funding is essential to keeping our scientific edge. So I ask the Congress to double Federal support for critical basic research in the physical sciences and ensure America remains the most dynamic Nation on Earth.

On matters of science and life, we must trust in the innovative spirit of medical researchers and empower them to discover new treatments while respecting moral boundaries. In November, we witnessed a landmark achievement when scientists discovered a way to reprogram adult skin cells to act like embryonic stem cells. This breakthrough has the potential to move us beyond the divisive debates of the past by extending the frontiers of medicine without the destruction of human life. So we are expanding funding for this type of ethical medical research. And as we explore promising avenues of research, we must also ensure that all life is treated with the dignity it deserves. And so I call on the Congress to pass legislation that bans unethical practices, such as the buying, selling, patenting, or cloning of human life.

On matters of justice, we must trust in the wisdom of our Founders and empower judges who understand that the Constitution means what it says. I have submitted judicial nominees who will rule by the letter of the law, not the whim of the gavel. Many of these nominees are being unfairly delayed. They are worthy of confirmation, and the Senate should give each of them a prompt up-or-down vote.

In communities across our land, we must trust in the good heart of the American people and empower them to serve their neighbors in need. Over the past 7 years, more of our fellow citizens have discovered that the pursuit of happiness leads to the path of service. Americans have volunteered in record numbers. Charitable donations are higher than ever. Faith-based groups are bringing hope to pockets of despair, with newfound support from the Federal Government. And to help guarantee equal treatment for faith-based organizations when they compete for Federal funds, I ask you to permanently extend Charitable Choice.

Tonight the armies of compassion continue the march to a new day in the gulf coast. America honors the strength and resilience of the people of this region. We reaffirm our pledge to help them build stronger and better than before. And tonight I am pleased to announce that in April we will host this year's North American Summit of Canada, Mexico, and the United States in the great City of New Orleans.

There are two other pressing challenges that I have raised repeatedly before this body, and that this body has failed to address: entitlement spending and immigration.

Every Member in this Chamber knows that spending on entitlement programs like Social Security, Medicare, and Medicaid is growing faster than we can afford. And we all know the painful choices ahead if America stays on this path: massive tax increases, sudden and drastic cuts in benefits, or crippling deficits. I have laid out proposals to reform these programs. Now I ask Members of Congress to offer your proposals and come up with a bipartisan solution to save these vital programs for our children and our grandchildren.

The other pressing challenge is immigration. America needs to secure our borders, and with your help, my administration is taking steps to do so. We are increasing worksite enforcement, we are deploying fences and advanced technologies to stop illegal crossings, we have effectively ended the policy of "catch and release" at the border, and by the end of this year, we will have doubled the number of border patrol agents. Yet we also need to acknowledge that we will never fully secure our border until we create a lawful way for foreign workers to come here and support our economy. This will take pressure off the border and allow law enforcement to concentrate on those who mean us harm. We must also find a sensible and humane way to deal with people here illegally. Illegal immigration is complicated, but it can be resolved. And it must be resolved in a way that upholds both our laws and our highest ideals.

This is the business of our Nation here at home. Yet building a prosperous future for our citizens also depends on confronting enemies abroad, and advancing liberty in troubled regions of the world.

Our foreign policy is based on a clear premise: We trust that people, when given the chance, will choose a future of freedom and peace. In the last 7 years, we have witnessed stirring moments in the history of liberty. We have seen citizens in Georgia and Ukraine stand up for their right to free and fair elections. We have seen people in Lebanon take to the streets to demand their independence. We have seen Afghans emerge from the tyranny of the Taliban to choose a new president and a new parliament. We have seen jubilant Iraqis holding up ink-stained fingers and celebrating their freedom. And these images of liberty have inspired us.

In the past 7 years, we have also seen images that have sobered us. We have watched throngs of mourners in Lebanon and Pakistan carrying the caskets of beloved leaders taken by the assassin's hand. We have seen wedding guests in blood-soaked finery staggering from a hotel in Jordan, Afghans and Iraqis blown up in mosques and markets, and trains in London and Madrid ripped apart by bombs. And on a clear September day, we saw thousands of our fellow citizens taken from us in an instant. These horrific images serve as a grim reminder: The advance of liberty is opposed by terrorists and extremists, evil men who despise freedom, despise America, and aim to subject millions to their violent rule.

Since September 11, we have taken the fight to these terrorists and extremists. We will stay on the offense, we will keep up the pressure, and we will deliver justice to our enemies.

We are engaged in the defining ideological struggle of the 21st century. The terrorists oppose every principle of humanity and decency that we hold dear. Yet in this war on terror, there is one thing we and our enemies agree on: In the long run, men and women who are free to determine their own destinies will reject terror and refuse to live in tyranny. That is why the terrorists are fighting to deny this choice to the people in Lebanon, Iraq, Afghanistan, Pakistan, and the Palestinian territories. And that is why, for the security of America and the peace of the world, we are spreading the hope of freedom.

In Afghanistan, America, our 25 NATO allies, and 15 partner nations are helping the Afghan people defend their freedom and rebuild their country. Thanks to the courage of these military and civilian personnel, a nation that was once a safe haven for al Qaeda is now a young democracy where boys and girls are going to school, new roads and hospitals are being built, and people are looking to the future with new hope. These successes must continue, so we are adding 3,200 marines to our forces in Afghanistan, where they will fight the terrorists and train the Afghan army and police. Defeating the Taliban and al Qaeda is critical to our security, and I thank the Congress for supporting America's vital mission in Afghanistan.

In Iraq, the terrorists and extremists are fighting to deny a proud people their liberty and fighting to establish safe havens for attacks across the world. One year ago, our enemies were succeeding in their efforts to plunge Iraq into chaos. So we reviewed our strategy and changed course. We launched a surge of American forces into Iraq. And we gave our troops a new mission: Work with Iraqi forces to protect the Iraqi people, pursue the enemy in its strongholds, and deny the terrorists sanctuary anywhere in the country.

The Iraqi people quickly realized that something dramatic had happened. Those who had worried that America was preparing to abandon them instead saw tens of thousands of American forces flowing into their country. They saw our forces moving into neighborhoods, clearing out the terrorists and staying behind to ensure the enemy did not return. And they saw our troops, along with Provincial Reconstruction Teams that include Foreign Service officers, and other skilled public servants, coming in to ensure that improved security was followed by improvements in daily life. Our military and civilians in Iraq are performing with courage and distinction, and they have the gratitude of our whole Nation.

The Iraqis launched a surge of their own. In the fall of 2006, Sunni tribal leaders grew tired of al Qaeda's brutality and started a popular uprising called "The Anbar Awakening." Over the past year, similar movements have spread across the country. And today, this grassroots surge includes more than 80,000 Iraqi citizens who are fighting the terrorists. The government in Baghdad has stepped forward as well, adding more than 100,000 new Iraqi soldiers and police during the past year.

While the enemy is still dangerous and more work remains, the American and Iraqi surges have achieved results few of us could have imagined just 1 year ago:

When we met last year, many said that containing the violence was impossible. A year later, high-profile terrorist attacks are down, civilian deaths are down, and sectarian killings are down.

When we met last year, militia extremists, some armed and trained by Iran, were wreaking havoc in large areas of Iraq. A year later, coalition and Iraqi forces have killed or captured hundreds of militia fighters. And Iraqis of all backgrounds increasingly realize that defeating these militia fighters is critical to the future of their country.

When we met last year, al Qaeda had sanctuaries in many areas of Iraq, and their leaders had just offered American forces safe passage out of the country. Today, it is al Qaeda that is searching for safe passage. They have been driven from many of the strongholds they once held, and over the past year, we have captured or killed thousands of extremists in Iraq, including hundreds of key al Qaeda leaders and operatives. Last month, Osama bin Laden released a tape in which he railed against Iraqi tribal leaders who have turned on al Qaeda and admitted that coalition forces are growing stronger in Iraq. Ladies and gentlemen, some may deny the surge is working, but among the terrorists, there is no doubt. Al Qaeda is on the run in Iraq, and this enemy will be defeated.

When we met last year, our troop levels in Iraq were on the rise. Today, because of the progress just described, we are implementing a policy of "return on success," and the surge forces we sent to Iraq are beginning to come home.

This progress is a credit to the valor of our troops and the brilliance of their commanders. This evening, I want to speak directly to our men and women on the front lines. Soldiers, sailors, airmen, marines and coast guardsmen: In the past year, you have done everything we have asked of you, and more. Our Nation is grateful for your courage. We are proud of your accomplishments. And tonight in this hallowed Chamber, with the American people as our witness, we make you a solemn pledge: In the fight ahead, you will have all you need to protect our Nation. And I ask the Congress to meet its responsibilities to these brave men and women by fully funding our troops.

Our enemies in Iraq have been hit hard. They are not yet defeated, and we can still expect tough fighting ahead. Our objective in the coming year is to sustain and build on the gains we made in 2007, while transitioning to the next phase of our strategy. American troops are shifting from leading operations, to partnering with Iraqi forces, and, eventually, to a protective overwatch mission. As part of this transition, one Army brigade combat team and one Marine Expeditionary Unit have already come home and will not be replaced. In the coming months, four additional brigades and two Marine battalions will follow suit. Taken together, this means more than 20,000 of our troops are coming home.

Any further drawdown of U.S. troops will be based on conditions in Iraq and the recommendations of our commanders. General Petraeus has warned that too fast a drawdown could result in the "disintegration of the Iraqi security forces, al Qaeda-Iraq regaining lost ground, and a marked increase in violence." Members of Congress, having come so far and achieved so much, we must not allow this to happen.

In the coming year, we will work with Iraqi leaders as they build on the progress they are making toward political reconciliation. At the local level, Sunnis, Shia, and Kurds are beginning to come together to reclaim their communities and rebuild their lives. Progress in the provinces must be matched by progress in Baghdad. And we are seeing some encouraging signs. The national government is sharing oil revenues with the provinces. The parliament recently passed both a pension law and de-Ba'athification reform. Now they are debating a provincial powers law. The Iraqis still have a distance to travel. But after decades of dictatorship and the pain of sectarian violence, reconciliation is taking place, and the Iraqi people are taking control of their future.

The mission in Iraq has been difficult and trying for our Nation. But it is in the vital interest of the United States that we succeed. A free Iraq will deny al Qaeda a safe haven. A free Iraq will show millions across the Middle East that a future of liberty is possible. And a free Iraq will be a friend of America, a partner in fighting terror, and a source of stability in a dangerous part of the world.

By contrast, a failed Iraq would embolden extremists, strengthen Iran, and give terrorists a base from which to launch new attacks on our friends, our allies, and our homeland. The enemy has made its intentions clear. At a time when the momentum seemed to favor them, al Qaeda's top commander in Iraq declared that they will not rest until they have attacked us here in Washington. My fellow Americans, we will not rest, either. We will not rest until this enemy has been defeated. We must do the difficult work today, so that years from now people will look back and say that this generation rose to the moment, prevailed in a tough fight, and left behind a more hopeful region and a safer America.

We are also standing against the forces of extremism in the Holy Land, where we have new cause for hope. Palestinians have elected a president who recognizes that confronting terror is essential to achieving a state where his people can live in dignity and at peace with Israel. Israelis have leaders who recognize that a peaceful, democratic Palestinian state will be a source of lasting security. This month in Ramallah and Jerusalem, I assured leaders from both sides that America will do, and I will do, everything we can to help them achieve a peace agreement that defines a Palestinian state by the end of this year. The time has come for a Holy Land where a democratic Israel and a democratic Palestine live side by side in peace.

We are also standing against the forces of extremism embodied by the regime in Tehran. Iran's rulers oppress a good and talented people. And wherever freedom advances in the Middle East, it seems the Iranian regime is there to oppose it. Iran is funding and training militia groups in Iraq, supporting Hezbollah terrorists in Lebanon, and backing Hamas' efforts to undermine peace in the Holy Land. Tehran is also developing ballistic missiles of increasing range and continues to develop its capability to enrich uranium, which could be used to create a nuclear weapon. Our message to the people of Iran is clear: We have no quarrel with you, we respect your traditions and your history, and we look forward to the day when you have your freedom. Our message to the leaders of Iran is also clear: Verifiably suspend your nuclear enrichment, so negotiations can begin. And to rejoin the community of nations, come clean about your nuclear intention and past actions, stop your oppression at home, and cease your support for terror abroad. But above all, know this: America will confront those who threaten our troops, we will stand by our allies, and we will defend our vital interests in the Persian Gulf.

On the homefront, we will continue to take every lawful and effective measure to protect our country. This is our most solemn duty. We are grateful that there has not been another attack on our soil since 9/11. This is not for a lack of desire or effort on the part of the enemy. In the past 6 years, we have stopped numerous attacks, including a plot to fly a plane into the tallest building in Los Angeles, and another to blow up passenger jets bound for America over the Atlantic. Dedicated men and women in our government toil day and night to stop the terrorists from carrying out their plans. These good citizens are saving American lives, and everyone in this Chamber owes them our thanks. And we owe them something more: We owe them the tools they need to keep our people safe.

One of the most important tools we can give them is the ability to monitor terrorist communications. To protect America, we need to know who the terrorists are talking to, what they are saying, and what they are planning. Last year, the Congress passed legislation to help us do that. Unfortunately, the Congress set the legislation to expire on February 1. This means that if you don't act by Friday, our ability to track terrorists' threats would be weakened and our citizens will be in greater danger. The Congress must ensure the flow of vital intelligence is not disrupted. The Congress must pass liability protection for companies believed to have assisted in the efforts to defend America. We have had ample time for debate. The time to act is now.

Protecting our Nation from the dangers of a new century requires more than good intelligence and a strong military. It also requires changing the conditions that breed resentment and allow extremists to prey on despair. So America is using its influence to build a freer, more hopeful, and more compassionate world. This is a reflection of our national interest and the calling of our conscience.

America opposes genocide in Sudan. We support freedom in countries from Cuba and Zimbabwe to Belarus and Burma. America is leading the fight against global poverty, with strong education initiatives and humanitarian assistance. We have also changed the way we deliver aid by launching the Millennium Challenge Account. This program strengthens democracy, transparency, and the rule of law in developing nations, and I ask you to fully fund this important initiative.

America is leading the fight against global hunger. Today, more than half the world's food aid comes from the United States. And tonight, I ask the Congress to support an innovative proposal to provide food assistance by purchasing crops directly from farmers in the developing world, so we can build up local agriculture and help break the cycle of famine.

America is leading the fight against disease. With your help, we are working to cut by half the number of malaria-related deaths in 15 African nations. And our emergency plan for AIDS relief is treating 1.4 million people. We can bring healing and hope to many more. So I ask you to maintain the principles that have changed behavior and made this program a success. And I call on you to double our initial commitment to fighting HIV/AIDS by approving an additional $30 billion over the next 5 years.

America is a force for hope in the world because we are a compassionate people, and some of the most compassionate Americans are those who have stepped forward to protect us. We must keep faith with all who have risked life and limb so that we might live in freedom and peace. Over the past 7 years, we have increased funding for veterans by more than 95 percent. And as we increase funding, we must also reform our veterans' system to meet the needs of a new war and a new generation. I call on the Congress to enact the reforms recommended by Senator Bob Dole and Secretary Donna Shalala, so we can improve the system of care for our wounded warriors and help them build lives of hope, promise, and dignity.

Our military families also sacrifice for America. They endure sleepless nights and the daily struggle of providing for children while a loved one is serving far from home. We have a responsibility to provide for them. So I ask you to join me in expanding their access to child care, creating new hiring preferences for military spouses across the Federal Government, and allowing our troops to transfer their unused education benefits to their spouses or children. Our military families serve our Nation, they inspire our Nation, and tonight our Nation honors them.

The secret of our strength, the miracle of America, is that our greatness lies not in our government, but in the spirit and determination of our people. When the Federal Convention met in Philadelphia in 1787, our Nation was bound by the Articles of Confederation, which began with the words, "We the undersigned delegates." When Gouverneur Morris was asked to draft the preamble to our new Constitution, he offered an important revision and opened with words that changed the course of our Nation and the history of the world: "We the people."

By trusting the people, our Founders wagered that a great and noble Nation could be built on the liberty that resides in the hearts of all men and women. By trusting the people, succeeding generations transformed our fragile young democracy into the most powerful Nation on Earth and a beacon of hope for millions. And so long as we continue to trust the people, our Nation will prosper, our liberty will be secure, and the state of our Union will remain strong. So tonight, with confidence in freedom's power, and trust in the people, let us set forth to do their business.

God bless America.

(Applause, the Members rising.)

At 10 o'clock and 5 minutes p.m., the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Majority Floor Services Chief escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet; Chief Justice of the United States and Associate Justices of the Supreme Court; the Dean of the Diplomatic Corps.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two Houses now dissolved.

Accordingly, at 10 o'clock and 11 minutes p.m., the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Ms. WATSON. Madam Speaker, I move that the message of the President be referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

The motion was agreed to.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COSTA (at the request of Mr. HOYER) for today on account of a death in the family.

Ms. ROYBAL-ALLARD (at the request of Mr. HOYER) for today on account of illness.

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today and the balance of the week on account of personal reasons.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3432. An act to establish the Commission on the Abolition of the Transatlantic Slave Trade.

H.R. 4986. An act to provide for the enactment of the National Defense Authorization Act for Fiscal Year 2008, as previously enrolled, with certain modifications to address the foreign sovereign immunities provisions of title 28, United States Code, with respect to the attachment of property in certain judgments against Iraq, the lapse of statutory authorities for the payment of bonuses, special pays, and similar benefits for members of the uniformed services, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on January 24, 2008 she presented to the President of the United States, for his approval, the following bills.

H.R. 3432. To establish the Commission on the Abolition of the Transatlantic Slave Trade.

H.R. 4986. To provide for the enactment of the National Defense Authorization Act for Fiscal Year 2008, as previously enrolled, with certain modifications to address the foreign sovereign immunities provisions of title 28, United States Code, with respect to the attachment of property in certain judgments against Iraq, the lapse of statutory authorities for the payment of bonuses, special pays, and similar benefits for members of the uniformed services, and for other purposes.

ADJOURNMENT

Mr. COHEN. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 14 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, January 29, 2008, at 10:30 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5120. A letter from the Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule — Common Crop Insurance Regulations; Potato Provisions (RIN: 0563-AC05) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5121. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Aspergillus Flavus AF36 on Corn; Temporary Exemption From the Requirement of a Tolerance [EPA-HQ-OPP-2007-0545; FRL-8342-1] received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5122. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Etoxazole; Pesticide Tolerance [EPA-HQ-OPP-2007-0309; FRL-8342-8] received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5123. A letter from the Secretary, Department of Energy, transmitting the Department's response to the Government Accountability Office Review of the Loan Guarantee Program under Title XVII of the Energy Policy Act of 2005; to the Committee on Appropriations.

5124. A letter from the Administrator Rural Housing Service, Department of Agriculture, transmitting the Department's final rule — Thermal Standards (RIN: 0575-AC65) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5125. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Implementation of Mark-to-Market Program Revisions [Docket No. FR-4751-F-02] (RIN: 2502-AH86) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5126. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to China pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

5127. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Peru pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

5128. A letter from the Secretary, Department of Education, transmitting the annual report of the National Advisory Committee on Institutional Quality and Integrity for Fiscal Year 2007, pursuant to 20 U.S.C. 1145(e); to the Committee on Education and Labor.

5129. A letter from the Secretary, Department of Health and Human Services, transmitting the twenty-seventh annual report on the implementation of the Age Discrimination Act of 1975 by departments and agencies which administer programs of Federal financial assistance, pursuant to 42 U.S.C. 6106a(b); to the Committee on Education and Labor.

5130. A letter from the Under Secretary Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule — Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Revisions in the WIC Food Packages [FNS-2006-0037] (RIN: 0584-AD77) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5131. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Measuring Educational Gains in the National Reporting System for Adult Education (RIN:1830-ZA06) received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5132. A letter from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5133. A letter from the Deputy Assistant Administrator Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Issuance of Multiple Prescriptions for Schedule II Controlled Substances [Docket No. DEA-287F] (RIN: 1117-AB01) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5134. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Clean Air Interstate Rule Budget Trading Programs [EPA-R03-OAR-2007-0381; FRL-8510-3] received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5135. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; North Carolina; Redesignation of the Raleigh-Durham-Chapel Hill 8-Hour Ozone Nonattainment Area to Attainment for Ozone [EPA-R04-OAR-2007-0601-200747; FRL-8510-4] received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5136. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Iowa; Clean Air Mercury Rule [EPA-R07-OAR-2007-0655; FRL-8510-6] received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5137. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Partial Removal of Direct Final Rule and Revision of the Nonroad Diesel Technical Amendments and Tier 3 Technical Relief Provision [EPA-HQ-OAR-2007-0652; FRL-8509-9] (RIN: 2060-A037) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5138. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Extension of Global Laboratory and Analytical Use Exemption for Essential Class I Ozone-Depleting Substances [EPA-HQ-OAR-2007-0384; FRL-8510-9] (RIN: 2060-AO28) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5139. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: The 2008 Critical Use Exemption From the Phaseout of Methyl Bromide [EPA-HQ-OAR-2006-1016; FRL-8510-8] (RIN: 2060-A030) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5140. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District and San Joaquin Valley Air Pollution Control District [EPA-R09-OAR-2007-1074, FRL-8509-8] received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5141. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Continuous Emissions Monitoring Rule for the Acid Rain Program, NOx Budget Training Program, Clean Air Interstate Rule, and the Clean Air Mercury Rule. [EPA-HQ-OAR-2005-0132; FRL--8511-1] (RIN: 2060-AN16) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5142. A letter from the Chief Acquisition Officer, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2006-007, Contractor Code of Business Ethics and Conduct [FAC 2005-22; FAR Case 2006-007; Item II; Docket 2007-0001; Sequence 1] (RIN: 9000-AK67) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5143. A letter from the Chief Acquisition Officer, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2006-008, Implementation of Section 104 of the Energy Policy Act of 2005 [FAC 2005-22; FAR Case 2006-008; Item I; Docket 2006-020; Sequence 12] (RIN: 9000-AK63) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5144. A letter from the Chief Acquisition Officer, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-22; Introduction [Docket FAR-2007-0002, Sequence 7] received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5145. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5146. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5147. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5148. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5149. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5150. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5151. A letter from the Director, National Gallery of Art, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Gallery's report on competitive sourcing efforts for FY 2007 and 2008; to the Committee on Oversight and Government Reform.

5152. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's Performance and Accountability Report for fiscal year 2007; to the Committee on Oversight and Government Reform.

5153. A letter from the Commissioner, Social Security Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2007 through September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

5154. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Recreational Management Measures for the Summer Flounder Fishery; Fishing Year 2008 [Docket No. 070827484-7581-02] (RIN: 0648-AV99) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5155. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Commercial Period 2 Quota Harvested [Docket No. 060418103-6181-02] (RIN: 0648-XD92) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5156. A letter from the Assistant Administrator, Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Commercial Shark Management Measures [Docket No. 070803437-7666-02] (RIN: 0648-AV93) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5157. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Halibut in the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XE05) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5158. A letter from the Deputy Director, Department of Defense, transmitting the Department's final rule — United States Army Restricted Area, Kuluk Bay, Adak, AK — received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5159. A letter from the Deputy Director of Civil Works, Department of Defense, transmitting the Department's final rule — Department of the Navy, Chesapeake Bay, in Vicinity of Bloodsworth Island, MD — received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5160. A letter from the Secretary, Federal Maritime Commission, Federal Maritime Commission, transmitting the Commission's final rule—Optional Method of Filing Form FMC-18, Application for a License as an Ocean Transportation Intermediary (RIN: 3072-AC32) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5161. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting an extension of the Department's Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Mali Concerning the Imposition of Import Restrictions on Certain Categories of Archaeological Material from the Region of the Niger River Valley and the Bandiagara Escarpment and the Department's Memorandum of Understanding between the United States and the Government of the Republic of Guatemala concerning the imposition of import restrictions on archaeological objects and material from the pre-Columbian Cultures of Guatemala, pursuant to 19 U.S.C. 2602(g)(1); to the Committee on Ways and Means.

5162. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's update on the details of projects that will be conducted under the Medicare Hopsital Gainsharing Demonstration, pursuant to Section 5007 of the Deficit Reduction Act of 2005; to the Committee on Ways and Means.

5163. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Revisit User Fee Program for Medicare Survey and Certification Activities [CMS-2278-IFC2] (RIN: 0938-AP22) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 4140. A bill to designate the Port Angeles Federal Building in Port Angeles, Washington, as the "Richard B. Anderson Federal Building" (Rept. 110–515). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 845. Resolution recognizing the 60th anniversary of Everglades National Park; with an amendment (Rept. 110–516 Pt. 1). Ordered to be printed.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 832. Resolution honoring the Texas Water Development Board on its selection as a recipient of the Environmental Protection Agency's 2007 Clean Water State Revolving Fund Performance and Innovation Award (Rept. 110–517). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 3913. A bill to amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met (Rept. 110–518). Referred to the Committee of the Whole House on the State of the Union.

Mr. CARDOZA: Committee on Rules. House Resolution 940. Resolution providing for consideration of the bill (H.R. 1528) to amend the National Trails System Act to designate the New England National Scenic Trail, and for other purposes (Rept. 110–519). Referred to the House Calendar.

Ms. SLAUGHTER: Committee on Rules. House Resolution 941. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 110–520). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RAHALL:

H.R. 5137. A bill to ensure that hunting remains a purpose of the New River Gorge National River; to the Committee on Natural Resources.

By Ms. SHEA-PORTER:

H.R. 5138. A bill to amend title 11 of the United States Code to provide protection for medical debt homeowners, to restore bankruptcy protections for individuals experiencing economic distress as caregivers to ill or disabled family members, and to exempt from means testing debtors whose financial problems were caused by serious medical problems; to the Committee on the Judiciary.

By Ms. BERKLEY:

H.R. 5139. A bill to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the Cold War; to the Committee on Natural Resources.

By Ms. PELOSI (for herself, Mr. BOEHNER, Mr. HOYER, Mr. BLUNT, Mr. CLYBURN, Mr. RANGEL, Mr. MCCRERY, Mr. OBEY, Mr. FRANK of Massachusetts, Mr. BACHUS, Mr. EMANUEL, Mr. LARSON of Connecticut, Ms. GRANGER, Ms. DELAURO, Mr. GEORGE MILLER of California, and Mr. BECERRA):

H.R. 5140. A bill to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania:

H.R. 5141. A bill to amend the Internal Revenue Code of 1986 to encourage investment in high productivity property, and for other purposes; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 5142. A bill to amend the Internal Revenue Code of 1986 to provide an economic stimulus for individuals; to the Committee on Ways and Means.

By Mr. HINOJOSA (for himself and Mr. CASTLE):

H.R. 5143. A bill to encourage model programs to support veteran student success in postsecondary education by coordinating services to address the academic, financial, physical, and social needs of veteran students; to the Committee on Education and Labor.

By Mr. ISRAEL:

H.R. 5144. A bill to suspend temporarily the duty on lightweight digital camera lenses; to the Committee on Ways and Means.

By Mr. ISRAEL:

H.R. 5145. A bill to suspend temporarily the duty on digital zoom camera lenses; to the Committee on Ways and Means.

By Mr. LAMPSON (for himself and Mr. EDWARDS):

H.R. 5146. A bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to acquire petroleum in quantities sufficient to fill the available capacity of the Strategic Petroleum Reserve, subject to certain limitations, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT:

H.R. 5147. A bill to suspend temporarily the duty on gaiters of textile materials; to the Committee on Ways and Means.

By Mr. NEUGEBAUER:

H.R. 5148. A bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain debts owed to the United States by members of the Armed Forces and veterans who die as a result of an injury incurred or aggravated on active duty in a combat zone, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PETERSON of Pennsylvania:

H.R. 5149. A bill to suspend temporarily the duty on dry adhesive copolyamide pellets; to the Committee on Ways and Means.

By Mr. YARMUTH:

H.R. 5150. A bill to amend the Internal Revenue Code of 1986 to increase the child tax credit for taxable years beginning in 2008 and provide for the advance payment thereof; to the Committee on Ways and Means.

By Mr. AL GREEN of Texas (for himself, Mr. LEVIN, Ms. KAPTUR, Mr. HIGGINS, Mr. PERLMUTTER, Mr. SPRATT, Mr. DOGGETT, Mr. REYES, Mr. EDWARDS, Mr. RODRIGUEZ, Mr. ORTIZ, Mr. HONDA, Mr. BECERRA, Ms. SCHWARTZ, Ms. RICHARDSON, Mr. ELLISON, Ms. KILPATRICK, Mr. PAYNE, Ms. CLARKE, Mr. CLAY, Mr. JOHNSON of Georgia, Mr. BUTTERFIELD, Mr. MEEKS of New York, Mr. BISHOP of Georgia, Mr. VAN HOLLEN, Mr. LEWIS of Georgia, Mr. SCOTT of Georgia, Mr. MEEK of Florida, Mr. CUMMINGS, Ms. MOORE of Wisconsin, Mr. CLEAVER, Mr. GINGREY, Mr. WYNN, Ms. CORRINE BROWN of Florida, Ms. LEE, Mr. KENNEDY, Mr. DAVIS of Alabama, Mr. GENE GREEN of Texas, Mr. LAMPSON, Mr. SALAZAR, Ms. JACKSON-LEE of Texas, Mr. FATTAH, Mr. GRIJALVA, Mrs. MALONEY of New York, Mr. WU, Mr. TOWNS, Mr. JEFFERSON, Mr. SERRANO, Mr. BRADY of Pennsylvania, Ms. LORETTA SANCHEZ of California, Mr. RANGEL, Ms. BORDALLO, Ms. WATERS, Mr. BACHUS, Ms. WASSERMAN SCHULTZ, and Mr. WATT):

H. Res. 942. A resolution recognizing the significance of Black History Month; to the Committee on Oversight and Government Reform.

By Mr. HODES (for himself, Ms. MOORE of Wisconsin, Ms. HIRONO, Mr. MAHONEY of Florida, Ms. BEAN, Mr. CROWLEY, Mr. NADLER, Mr. PERLMUTTER, Mr. CARNAHAN, Mr. MICHAUD, Mr. BUTTERFIELD, Mr. KLEIN of Florida, Ms. BERKLEY, Mr. WALZ of Minnesota, Ms. LINDA T. SÁNCHEZ of California, Ms. SHEA-PORTER, Mr. SHULER, Mr. AL GREEN of Texas, Mr. MURTHA, Mr. RODRIGUEZ, Mr. CLAY, Mr. WELCH of Vermont, Mrs. MALONEY of New York, Mr. ARCURI, Ms. JACKSON-LEE of Texas, Mr. SIRES, Ms. SUTTON, Mr. ALTMIRE, Mr. LEWIS of Georgia, Mr. CARNEY, Mr. KAGEN, Mr. WU, Mr. LAMPSON, Mr. ALLEN, Ms. HOOLEY, Mr. SCOTT of Georgia, Mr. HALL of New York, Mr. HILL, Mr. CLEAVER, Mr. HIGGINS, Ms. WASSERMAN SCHULTZ, Mr. DELAHUNT, Mr. CONYERS, Ms. SCHAKOWSKY, Mr. COURTNEY, Mr. WYNN, Mr. MATHESON, Mr. WEXLER, Mr. UDALL of Colorado, Mr. LOEBSACK, Mr. BRALEY of Iowa, Mr. LINCOLN DAVIS of Tennessee, Mr. DONNELLY, Mrs. CHRISTENSEN, Mr. EMANUEL, Mr. GORDON, Mr. HASTINGS of Washington, Mr. PRICE of North Carolina, Ms. DELAURO, Mr. WILSON of Ohio, and Mr. KUCINICH):

H. Res. 943. A resolution remembering the space shuttle Challenger disaster and honoring its crew members, who lost their lives on January 28, 1986; to the Committee on Science and Technology.

By Mr. SCOTT of Georgia (for himself, Mr. THOMPSON of Mississippi, Mr. BARROW, Mr. LEWIS of Georgia, Mr. JEFFERSON, Mr. BOUSTANY, Mr. KING of New York, Mr. LINDER, Mr. TOWNS, Mr. BISHOP of Georgia, Mrs. CHRISTENSEN, Mr. HODES, Mr. BUTTERFIELD, Ms. KILPATRICK, Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. MELANCON, Mr. ALEXANDER, Mr. MCCRERY, Mr. RANGEL, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LEE, Mr. CLEAVER, Mr. CLAY, Mr. CLYBURN, Mrs. JONES of Ohio, Ms. WATSON, Ms. RICHARDSON, Ms. CLARKE, Mrs. DAVIS of California, Mr. DAVIS of Illinois, Mr. AL GREEN of Texas, Mr. ENGEL, Mrs. LOWEY, Mr. WELLER, Mr. PAYNE, Ms. HOOLEY, Mr. PASCRELL, and Mr. MCGOVERN):

H. Res. 944. A resolution honoring the service and accomplishments of Lieutenant General Russell L. Honore, United States Army, for his 37 years of service on behalf of the United States; to the Committee on Armed Services.

By Mr. POE (for himself, Mr. COSTA, Mr. HOLDEN, and Mr. MOORE of Kansas):

H. Res. 945. A resolution raising awareness and promoting education on the criminal justice system by establishing March 2008 as "National Criminal Justice Month"; to the Committee on the Judiciary.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Ms. SCHAKOWSKY.

H.R. 192: Mr. SMITH of Nebraska.

H.R. 380: Mr. ELLISON and Mr. WILSON of Ohio.

H.R. 549: Mr. ALEXANDER and Ms. ESHOO.

H.R. 690: Mr. ANDREWS.

H.R. 769: Mr. RAMSTAD.

H.R. 784: Mrs. LOWEY.

H.R. 827: Mr. PAUL.

H.R. 897: Mr. BLUMENAUER.

H.R. 962: Mr. KUCINICH.

H.R. 977: Ms. LINDA T. SÁNCHEZ of California.

H.R. 992: Ms. LEE.

H.R. 1043: Mr. JACKSON of Illinois.

H.R. 1070: Mrs. CHRISTENSEN.

H.R. 1076: Mr. WEXLER and Ms. ESHOO.

H.R. 1078: Mr. ARCURI.

H.R. 1110: Mr. COLE of Oklahoma.

H.R. 1188: Mr. SMITH of Washington.

H.R. 1198: Mr. TOM DAVIS of Virginia.

H.R. 1279: Ms. SOLIS, Ms. ESHOO, Mr. GERLACH, and Mr. ISRAEL.

H.R. 1293: Mr. HELLER.

H.R. 1295: Mr. WALBERG.

H.R. 1386: Ms. DELAURO.

H.R. 1554: Mr. MARSHALL.

H.R. 1621: Mr. PATRICK MURPHY of Pennsylvania, Mr. SCOTT of Virginia, and Mrs. DAVIS of California.

H.R. 1742: Mr. TIBERI.

H.R. 1783: Mr. GENE GREEN of Texas and Mr. VAN HOLLEN.

H.R. 1791: Mrs. BOYDA of Kansas and Mr. BISHOP of Georgia.

H.R. 1809: Mr. BISHOP of Georgia.

H.R. 1843: Mr. PRICE of North Carolina and Mr. HINCHEY.

H.R. 1889: Mr. MOORE of Kansas.

H.R. 1921: Ms. KILPATRICK.

H.R. 1926: Mr. GOODLATTE and Mr. VAN HOLLEN.

H.R. 1964: Mr. KENNEDY and Mr. AL GREEN of Texas.

H.R. 2159: Mr. WALZ of Minnesota.

H.R. 2167: Mr. BAIRD.

H.R. 2266: Mr. FRANK of Massachusetts.

H.R. 2303: Mr. LATTA.

H.R. 2329: Mr. DUNCAN and Mr. PORTER.

H.R. 2391: Mr. SESTAK.

H.R. 2469: Mr. CULBERSON.

H.R. 2488: Mr. REYNOLDS.

H.R. 2552: Mr. LEWIS of Georgia.

H.R. 2708: Mr. WYNN, Mr. GEORGE MILLER of California, and Mr. BISHOP of New York.

H.R. 2712: Mrs. DRAKE and Mr. HENSARLING.

H.R. 2796: Mr. MCCOTTER.

H.R. 2914: Mr. KUHL of New York.

H.R. 2915: Mr. FRANK of Massachusetts.

H.R. 2928: Mr. ROTHMAN and Mr. SESTAK.

H.R. 2933: Mr. PRICE of North Carolina.

H.R. 2994: Mr. WEXLER.

H.R. 3080: Mr. KLINE of Minnesota.

H.R. 3107: Mr. ALLEN.

H.R. 3109: Mr. LATTA.

H.R. 3229: Mr. SESTAK, Mr. TOWNS, and Mr. LAMPSON.

H.R. 3282: Mrs. MCCARTHY of New York and Mr. MCDERMOTT.

H.R. 3409: Mr. LOEBSACK, Mr. CLAY, Mr. MOORE of Kansas, and Mr. FILNER.

H.R. 3471: Mr. WALBERG and Mr. LOBIONDO.

H.R. 3548: Mr. HODES.

H.R. 3559: Mr. EVERETT and Mrs. BOYDA of Kansas.

H.R. 3652: Mr. WEXLER and Mr. DAVIS of Alabama.

H.R. 3694: Mr. SAM JOHNSON of Texas.

H.R. 3698: Mr. BERMAN.

H.R. 3723: Mr. HINOJOSA.

H.R. 3774: Mr. MORAN of Virginia.

H.R. 3810: Mr. HIGGINS.

H.R. 3819: Mr. RYAN of Ohio, Mr. PETERSON of Minnesota, Mrs. SCHMIDT, Ms. SUTTON, and Mr. CARNEY.

H.R. 3899: Ms. FALLIN.

H.R. 3934: Mrs. MCCARTHY of New York and Ms. SLAUGHTER.

H.R. 3979: Mr. BLUMENAUER.

H.R. 3995: Mr. MILLER of North Carolina and Mr. PLATTS.

H.R. 4008: Mr. MCCRERY and Mrs. BIGGERT.

H.R. 4061: Mr. AL GREEN of Texas and Mr. PAUL.

H.R. 4066: Mr. HINCHEY, Mr. HALL of New York, Mr. PASCRELL, and Mr. ROTHMAN.

H.R. 4102: Mr. OBERSTAR.

H.R. 4105: Mr. ROSS, Ms. SCHAKOWSKY, Mr. BISHOP of New York, and Mr. PRICE of North Carolina.

H.R. 4139: Mr. JOHNSON of Illinois.

H.R. 4247: Mr. HILL.

H.R. 4264: Mr. CRENSHAW and Mr. WEXLER.

H.R. 4296: Mr. WEXLER and Mr. LARSON of Connecticut.

H.R. 4297: Mrs. CAPITO.

H.R. 4328: Mr. HONDA.

H.R. 4332: Mr. WEXLER.

H.R. 4461: Mrs. BOYDA of Kansas.

H.R. 4540: Mr. GONZALEZ.

H.R. 4691: Mr. INGLIS of South Carolina.

H.R. 4838: Mr. PASTOR, Mr. SARBANES, and Mr. MOORE of Kansas.

H.R. 4841: Mr. KILDEE.

H.R. 4845: Mr. FEENEY.

H.R. 4900: Mr. SMITH of Texas and Mr. BOOZMAN.

H.R. 4915: Mr. LATTA and Mr. MILLER of North Carolina.

H.R. 4930: Mr. MARSHALL, Ms. BORDALLO, Mr. WAMP, Mr. BUCHANAN, and Mr. ROTHMAN.

H.R. 4934: Mr. DINGELL, Mr. WYNN, and Ms. SUTTON.

H.R. 4936: Mr. CASTLE, Mr. WOLF, Mr. VAN HOLLEN, Mr. MORAN of Virginia, Mr. WEXLER, and Mr. MOORE of Kansas.

H.R. 4959: Mr. DEFAZIO, Ms. LEE, Mr. CAPUANO, Ms. JACKSON-LEE of Texas, Mrs. CAPPS, Mr. SMITH of Washington, Ms. WASSERMAN SCHULTZ, and Mr. WEXLER.

H.R. 5035: Ms. WASSERMAN SCHULTZ and Mr. SCOTT of Georgia.

H.R. 5038: Mr. AL GREEN of Texas and Ms. WASSERMAN SCHULTZ.

H.R. 5058: Ms. ESHOO, Mrs. TAUSCHER, Mr. BERMAN, Mr. MCNULTY, Mr. SERRANO, Mr. MCDERMOTT, and Mr. VAN HOLLEN.

H.R. 5069: Mr. HARE.

H.R. 5087: Mr. EDWARDS, Mr. MILLER of Florida, Mrs. GILLIBRAND, and Ms. GIFFORDS.

H.R. 5109: Mr. BARRETT of South Carolina, Mr. BONNER, Mr. BROUN of Georgia, Mr. HELLER, Mr. KING of Iowa, Mrs. MYRICK, Mr. PEARCE, Mr. POE, Mr. SALI, and Mr. WELDON of Florida.

H.J. Res. 76: Mr. DOGGETT.

H. Con. Res. 32: Mr. REYES, Mr. BOYD of Florida, and Mr. CONAWAY.

H. Con. Res. 218: Mr. GARY G. MILLER of California.

H. Con. Res. 263: Mr. BACHUS, Mr. DAVID DAVIS of Tennessee, Mr. BURTON of Indiana, Mr. CANTOR, Mr. SESSIONS, Mr. BILBRAY, Mr. BOEHNER, Mr. WITTMAN of Virginia, Mr. BLUNT, Mr. PUTNAM, Mr. PLATTS, Mr. MCKEON, Mr. COBLE, Mr. CAMP of Michigan, Mr. BOUSTANY, Mrs. BIGGERT, Mr. COLE of Oklahoma, and Mr. KELLER.

H. Res. 76: Mr. MURTHA, Mr. KUCINICH, and Ms. MATSUI.

H. Res. 102: Mr. LYNCH, Mr. MARKEY, and Mr. COSTELLO.

H. Res. 111: Mrs. CAPITO.

H. Res. 185: Mr. BISHOP of New York, Mr. RAMSTAD, and Mr. VAN HOLLEN.

H. Res. 351: Mr. GARY G. MILLER of California.

H. Res. 543: Mr. KAGEN.

H. Res. 795: Mr. HINOJOSA, Mr. HIGGINS, and Ms. CLARKE.

H. Res. 820: Ms. BORDALLO and Mr. INSLEE.

H. Res. 858: Mr. DINGELL.

H. Res. 883: Mrs. MALONEY of New York and Mr. WEXLER.

H. Res. 886: Mr. CONAWAY and Mr. BARRETT of South Carolina.

H. Res. 897: Mr. BROWN of South Carolina and Mr. PORTER.

H. Res. 901: Mr. WEXLER.

H. Res. 919: Mr. DAVID DAVIS of Tennessee, Mr. MCINTYRE, Mr. RAHALL, Mr. PORTER, Mr. JONES of North Carolina, and Mr. GORDON.

H. Res. 929: Mr. HAYES.

H. Res. 930: Mr. INSLEE, Ms. LINDA T. SÁNCHEZ OF CALIFORNIA, Ms. MCCOLLUM of Minnesota, and Ms. SUTTON.

H. Res. 931: Mr. MACK, Mr. MCHENRY, Mr. DUNCAN, Mr. SIMPSON, Mr. SHUSTER, Mr. SESSIONS, Mr. CONAWAY, Ms. HARMAN, Mr. ROSKAM, Mr. HENSARLING, Mr. PUTNAM, Mr. DAVIS of Kentucky, Mr. ENGLISH of Pennsylvania, Mr. WILSON of South Carolina, Ms. WASSERMAN SCHULTZ, Mr. YOUNG of Alaska, Mrs. SCHMIDT, Mr. ADERHOLT, Mr. PICKERING, Mr. SULLIVAN, Mr. ALEXANDER, Mr. KINGSTON, Mr. CANNON, Mr. WESTMORELAND, Mr. GARRETT of New Jersey, Mr. HELLER, Mr. COBLE, Mr. CAMPBELL of California, Mr. CARTER, Mr. BOOZMAN, Mr. BURTON of Indiana, Mr. CASTLE, Ms. FALLIN, Mr. TERRY, Mr. MILLER of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. CRENSHAW, Mr. PRICE of Georgia, Ms. FOXX, Mrs. EMERSON, Mr. SHAYS, Mr. JONES of North Carolina, Mr. SHULER, Mr. ROGERS of Kentucky, Mrs. CAPITO, Mr. BROWN of South Carolina, and Mr. WALBERG.

H. Res. 939: Mrs. DRAKE, Mr. HENSARLING, and Mr. POE.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendments to be offered by Representative Bishop of Utah or a designee to H.R. 1528, the New England National Scenic Trail Designation Act, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

EXTENSIONS OF REMARKS

COMMEMORATING THE LIFE OF MARTIN LUTHER KING, JR.

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. AL GREEN of Texas. Madam Speaker, Martin Luther King was one of the fathers of the civil rights movement. We honor him for his courage, for his sacrifice, and for his lifelong commitment to justice and equality for all.

Dr. King taught us that silence in the face of injustice only serves to fuel the fires of prejudice and hatred. He said that "in the end, we will remember not the words of our enemies, but the silence of our friends." Dr. King's message has become the conscience of our country, reminding us that it is our responsibility to stand up and speak out in the face of racial, gender, and religious discrimination.

Forty years after his assassination, we are still working to ensure that Dr. King's dream of equality will one day be fully realized by all in our great Nation. On Martin Luther King Jr. Day, as we celebrate the life and legacy of a great American hero and international symbol of justice and equality, we must not forget that there is still tremendous work to be done.

Dr. King was a passionate fighter for social justice and equality. In my judgment he would be disappointed that on any given night there are 800,000 Americans living in the streets of life. He would be disappointed that there are 37 million Americans living in poverty, including 3.4 million in Texas. He would be disappointed that 47 million Americans are without health insurance, including 4.1 million in Texas. These are the offspring of the kinds of injustices that Dr. King had in mind when he proclaimed "injustice anywhere is a threat to justice everywhere."

Together, I believe we can fight the evils of social injustice and work to create a brighter future for all Americans. It has fallen on to us to make Dr. King's dream a reality by standing up, and by all means, speaking out.

PERSONAL EXPLANATION

HON. BRIAN BAIRD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. BAIRD. Madam Speaker, on January 22 and January 23, 2008, I was not present for votes. I take my voting responsibility very seriously. Had I been present, I would have voted the following: rollcall vote 19—H.R. 4211 (on motion to suspend the rules and pass): "yea"; rollcall vote 20—H. Res. 866 (on motion to suspend the rules and pass): "yea"; rollcall vote 21—H.R. 3963 (on ordering the previous question): "yea"; and rollcall vote 22—H.R. 3963 (passage, objections of the President not withstanding): "yea."

CONGRATULATING LAURA JOHNSON

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. TANCREDO. Madam Speaker, I rise today to pay tribute to one of my constituents, Ms. Laura Johnson of Larkspur, Colorado. Ms. Johnson teaches English as a foreign language while attending the University of Denver and is a recipient of the prestigious Fulbright Award. This grant is given to promising individuals to aid them in their academic and cultural pursuits abroad.

The Fulbright Program was established by Congress in 1946 and is sponsored by the U.S. State Department. This program was designed to help build mutual understanding between Americans and the global community. Individuals who are awarded this distinction have demonstrated outstanding academic or professional achievement and have proven themselves as leaders in their field.

Madam Speaker, please join me in paying tribute to Ms. Johnson and wishing her the best in her future endeavors.

RECOGNIZING JILL MUETH OF ST. LOUIS, MO

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. AKIN. Madam Speaker, I rise today in recognition of Jill Mueth from St. Louis, Missouri and to congratulate her on her nomination as 2008 School Counselor of the Year award.

Jill is a dedicated school counselor at LaSalle Springs Middle School in St. Louis, Missouri.

Out of the several hundred nominations the American School Counselor Association, ASCA, received, Jill is one of 10 finalists to be honored at the First Annual School Counselor of the Year Awards Dinner on Friday, February 1.

ASCA's School Counselor of the Year program honors school counselors who are running a superior, comprehensive school counseling program at the elementary, middle or high school level. Through a highly competitive selection process, finalists were chosen from a panel of judges representing principals, district offices, school boards and chief state school officers.

I thank Jill for her service to the community and congratulate her on her nomination.

TRIBUTE TO THE OAK RIDGE NATIONAL LABORATORY

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. WAMP. Madam Speaker, today I rise to honor the Oak Ridge National Laboratory (ORNL), which continues to be recognized for its critical work on environmental issues. The United Nations and the World Meteorological Organization's Intergovernmental Panel on Climate Change (IPCC) are co-winner of this year's Nobel Peace Prize, "for their efforts to build up and disseminate greater knowledge about man-made climate change, and to lay the foundations for the measures that are needed to counteract such change," according to the Nobel announcement. The IPCC has benefited from the contributions of ORNL in several areas, from scientific research and policy studies to state-of-the-art tools and facilities.

Several ORNL researchers are co-authors, and in some cases, lead authors on IPCC studies and documents as part of a global effort to assess the realities and risks of human-induced global climate change on the basis of peer reviewed and published scientific literature. The IPCC Fourth Assessment Report produced four reports in 2007 that featured the involvement of ORNL scientists such as Corporate Fellows Tom Wilbanks and David Greene, and the Environmental Sciences Division's Paul Hanson, Virginia Dale and Gregg Marland.

A very significant portion of the IPCC's study involved modeling of how climate change will affect a variety of important human and economic factors, from temperature to electrical costs. The scientific discovery for applications such as climate change modeling and simulation would not be possible without ORNL advanced computing capabilities, due to the enormous scale and complexity of climate data collected. ORNL's Center for Computational Sciences, home of the world's most powerful supercomputer for open science, ran the extremely complex models and provided infrastructure for more than one-third of the total U.S. contribution to the IPCC report.

The climate study is the culmination of a six-year international effort. Regardless of one's views on climate change, there is no question that ORNL's computing resources and its human resources provided significant contributions to the IPCC. I am proud to honor the research that ORNL generates on an ongoing basis, but especially pleased to honor the leadership and commitment of everyone at ORNL for the efforts that contributed to the Nobel Peace Prize for 2007.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN RECOGNITION OF SACRAMENTO'S BUSINESS LEADERS

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Ms. MATSUI. Madam Speaker, I rise today to recognize many of Sacramento's outstanding businesses and business leaders that were honored at the Sacramento Metropolitan Chamber of Commerce's 113th annual dinner and business awards ceremony. The men and women that were honored last Friday are dedicated to the success of Sacramento and have worked tirelessly to advance the region's economic vitality. I ask all my colleagues to join me in honoring these fine Sacramentans.

Dave Lucchetti, president and chief operating officer of Pacific Coast Building Products was named "Sacramentan of the Year." Besides running a highly successful, multi-faceted company, Dave is a true civic leader and this award could not go to a more deserving individual. He has donated his time to a number of worthy causes, including Big Brothers, Big Sisters, the Sacramento Region Community Foundation, and the Wind Youth Center, among many others.

Winnie Comstock-Carlson was named "Businesswoman of the Year" for her exemplary work as president and publisher of "Comstock's Magazine." The business magazine that she publishes was recently given the "Best of the West" award by the Western Publication Association. Tom Gagen, chief executive officer of Sutter Medical Center, was named "Businessman of the Year," as Sutter Medical Center is undergoing a major expansion that will improve medical care for local residents for decades to come. E-VentExe, a human resources firm, led by Craig Stevenson was honored as Small Business of the Year.

Other awards that were given out include "Volunteer of the Year" to David Hosely, president and general manager of KVIE, our local public television station. Allen Warren, chief executive officer of New Faze Development, received the "Al Geiger Award" for his work as a role model for others to follow in investing is disadvantaged neighborhoods. The "Peter McCuen Award of Civic Entrepreneurs" went to Jim Williams of Williams and Paddon Architects. Jim recently served as co-chair of the region-wide economic development initiative Partnership for Prosperity. Burnie Lenau, owner of Lawnman Inc., was named the Metro Chamber's "Ambassador of the Year."

At the annual dinner four local companies were also inducted into the Sacramento Business Hall of Fame. Being inducted were Harbison-Mahony-Higgins Builders, Inc., John F. Otto, Inc., Golden One Credit Union, and the Niello Company. These companies literally build, finance, and drive the Sacramento region.

Also being honored was outgoing Sacramento Metropolitan Chamber of Commerce board chairman John Lambeth. I have had the privilege of working closely with John on our region's flood protection needs and his leadership was greatly appreciated. An equally talented leader, Michael Jacobson of Intel Corporation, is the incoming board chairman. Michael has been a wonderful advocate on high-tech and workforce issues and I look forward to working closely with him.

Madam Speaker, I am honored to recognize these individuals and businesses for their economic and civic contributions to the Sacramento Region. On behalf of the people of Sacramento and the Fifth Congressional District of California, I ask all my colleagues to join me in honoring their unwavering commitment to our region.

CONGRATULATING AMANDA HILTON

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. TANCREDO. Madam Speaker, I rise today to pay tribute to one of my constituents, Ms. Amanda Hilton of Castle Rock, Colorado. Ms. Hilton teaches English as a foreign language while attending Colby College and is a recipient of the prestigious Fulbright Award. This grant is given to promising individuals to aid them in their academic and cultural pursuits abroad.

The Fulbright Program was established by Congress in 1946 and is sponsored by the U.S. State Department. This program was designed to help build mutual understanding between Americans and the global community. Individuals who are awarded this distinction have demonstrated outstanding academic or professional achievement and have proven themselves as leaders in their field.

Madam Speaker, please join me in paying tribute to Ms. Hilton and wishing her the best in her future endeavors.

IN HONOR OF ROBERT ORD

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. FARR. Madam Speaker, I rise to commend a distinguished career of public service. On February 1, LTG Robert Ord will be retiring as the Dean of the School of International Graduate Studies at the Naval Postgraduate School.

After 34 illustrious years in the U.S. Army, culminating as the commanding general of the U.S. Army Pacific, Bob Ord joined the faculty at the Naval Postgraduate School, bringing his wealth of military experience and relationships from the halls of the Pentagon to one of the most significant graduate military education programs in the Nation. The School of International Graduate Studies addresses current and emerging global security challenges by providing U.S. military and international students with a graduate education in foreign policy, international relations and security cooperation.

Having been a former Peace Corps volunteer in Colombia from 1964–66, I have a deep appreciation for the programs in the SIGS department that focus on the need for security building. Two programs of special interest to me are the Leader Development and Education for Sustained Peace and the Center for Stabilization and Reconstruction Studies. Both of these programs address a gap I identified while serving in the Peace Corps—the need to have greater cross-cultural awareness in our security building programs; and, the importance of bringing stabilization and reconstruction stakeholders together in the classroom before they work together in an operational environment. Along with the Center for Homeland Security and Defense, the only Department of Homeland Security-sponsored master's degree program, SIGS is at the cutting edge of 21st century security and homeland defense challenges.

The most recent jewel in this crown of programs at the School of International Graduate Studies is the Global Center for Security Cooperation. Continuing as director of the center, Bob Ord brings dynamic leadership and breadth of experience to ensure the successful coordination of DOD international education programs.

Madam Speaker, I am proud to call Bob Ord a friend and I wish him well in the next chapter of his storied life.

TRIBUTE TO CORPORAL JOSHUA C. BLANEY

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mrs. MYRICK. Madam Speaker, I would like to honor CPL Joshua C. Blaney. On December 12, 2007, CPL. Joshua C. Blaney of Matthews, North Carolina, passed away. He was a member of the 173rd Airborne in Vicenza, Italy, and was serving his country in Afghanistan when his convoy was hit by an IED.

Corporal Blaney paid the ultimate sacrifice for his country and his life should be remembered. He entered combat in northern Iraq on March 26, 2003, which opened the northern front and led to the ouster of Saddam Hussein from power. He was wounded in Iraq and received the Purple Heart. Corporal Blaney served two tours in Afghanistan and received the Bronze Star and Purple Heart. He was a true patriot and is an inspiration to all of us. He fought for our freedom and we owe it to him and his family to keep his memory alive.

HONORING TOM QUINN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Mr. Tom Quinn upon being named the 2008 Conservationist of the Year. Mr. Quinn will be recognized at TuCare's Annual Dinner and Auction in Sonora, CA on January 19, 2008.

Tom Quinn received his bachelor's degree from Rutgers University in 1977. He then went on to receive a master's degree in forest management from the University of Idaho, and a

Ph.D. in natural resources policy, management and administration from Michigan State University. Mr. Quinn taught forestry at the University of Idaho until 1981, when he joined the United States Forest Service.

Mr. Quinn has served 27 years with the Forest Service. He began his Forest Service career in Oregon at the Malheur National Forest. He has also worked at Boise National Forest in Idaho, Olympic National Forest in Washington, Coronado National Forest in Arizona, Santa Fe National Forest in New Mexico and Stanislaus National Forest in California. Mr. Quinn has served in many different capacities with the Forest Service, including planning, recreation, wilderness, fire and lands staff, acting district ranger, district ranger and primary staff officer.

Currently, Mr. Quinn is the Forest Supervisor for the Stanislaus National Forest headquartered in Sonora, CA. In this position, he has been able to work effectively with the public, various organizations, forest employees, and Government agencies in order to discuss alternatives to off-highway recreation vehicle use adjacent to urban areas. He has also worked to develop a 5-year vegetation management plan to help reduce the risk of fire. This plan will help to increase the volume of timber to local mills. He has been working with stake holders on the issue of grazing, recreation and other national forest programs. Mr. Quinn has a long history of helping the Forest Service improve customer service and program performance by working with all of those that play a role in, and around, the Forest Service. Recently, Mr. Quinn was named Forest Supervisor for the Tahoe National Forest headquartered in Nevada City, CA.

Madam Speaker, I rise today to commend and congratulate Mr. Tom Quinn upon being awarded with "The Conservationist of the Year." I invite my colleagues to join me in wishing Mr. Quinn many years of continued success.

IN MEMORY OF MABEL CLAIRE MADDREY

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. ETHERIDGE. Madam Speaker, today I rise to honor the life of Mabel Claire Maddrey, who passed away on Monday, January 14, 2008, at the tender age of 100. In her passing, North Carolina lost a heroine and a woman who was instrumental in her community, county, and State.

A native of Ahoskie, NC, Mabel was born on April 27, 1907, the daughter of Charlie C. Hoggard and Tulie E. Hoggard. She graduated from Meredith College in 1928 and from Columbia University with a masters degree in History in 1929. In 1931, she married Charles Gordon Maddrey. She remained active at Meredith College her entire life and was named a trustee emerita and was a recipient of Outstanding Alumna Award. She was the first chairperson of Meredith College Heritage Society—Planned Giving— and established the Mabel Claire Maddrey Scholarship Fund. She was very proud of being instrumental in the planning, design and fund-raising of Jones Chapel, dedicated in 1982. Meredith College honored her by dedicating the Mabel Claire Maddrey Parlor in the Alumnae House.

She was past president of the North Carolina Baptist Women's Missionary Union and in the 1950s was the first woman to be elected nationwide to the Southern Baptist Convention Board. She was a gifted speaker and spoke in numerous Baptist churches throughout North Carolina. She served as a deaconess in both First Baptist Church of Ahoskie and First Baptist Church of Raleigh. In July 1998, she was featured on the front page of the New York Times in front of First Baptist Church, Raleigh, in an article about Baptist churches withdrawing from the Southern Baptist Convention because of its positions on women and their role in the Baptist Church.

She was active in the N.C. Federation of Women's Clubs for over 60 years and served as State president and as a past president of the Raleigh Woman's Club. A parlor in the Raleigh Woman's Club building is named in her honor. Politically, she has been chairperson for North Carolina women for a major gubernatorial candidate, chairperson for North Carolina women for a major Presidential candidate and past president of the Democratic Women of Wake County. In the late 1960s, she initiated the highly popular annual Jefferson-Jackson Day breakfast, hosted by Democrats of Wake County, which is held annually. She was a past president and member of the Sir Walter Cabinet for over 50 years. She was a past member of the North Carolina Economic Development Board and a director of the North Carolina Museum of Natural History. Mrs. Maddrey was the recipient of the Governor's Award for Distinguished Service, inductee in Raleigh's YWCA Academy of Women and North Carolina Council for Women Distinguished Women Award. She has been featured as a News & Observer Tar Heel of the Week.

On the occasion of her 90th birthday, Governor James B. Hunt, Jr., proclaimed that day Mabel Claire Maddrey Appreciation Day and the proclamation stated in part, "Mabel Claire Maddrey embodies the spirit of public service and neighbor helping neighbor, inspiring the best in others, and Whereas Mabel Claire Maddrey personifies dignity, grace and perfection in all her endeavors and Whereas Mabel Claire Maddrey continues to serve the people of North Carolina and cares deeply about the community and the State." Mabel was preceded in death by her husband, Charles Gordon Maddrey. She is survived by her children, Charles H. Maddrey and wife, Rose Maddrey, Joseph G. Maddrey and wife, Elizabeth Maddrey; and 4 grandchildren, Charles Gordon Maddrey II, Gregory Hoggard Maddrey, Claire Webb Maddrey and Joseph Huntley Maddrey.

Madam Speaker, Mabel Claire Maddrey had a commitment to excellence in everything she did, and she had a way of bringing out excellence in everyone around her. Mabel was a respected and a successful dedicated public servant, and a great North Carolinian. It is fitting that we honor her and her family today.

CONGRATULATING JANE ERICKSON

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. TANCREDO. Madam Speaker, I rise today to pay tribute to one of my constituents, Ms. Jane Erickson of Castle Rock, Colorado. Ms. Erickson teaches English as a foreign language while attending Hobart and William Smith Colleges and is a recipient of the prestigious Fulbright Award. This grant is given to promising individuals to aid them in their academic and cultural pursuits abroad.

The Fulbright Program was established by Congress in 1946 and is sponsored by the U.S. State Department. This program was designed to help build mutual understanding between Americans and the global community. Individuals who are awarded this distinction have demonstrated outstanding academic or professional achievement and have proven themselves as leaders in their field.

Madam Speaker, please join me in paying tribute to Ms. Erickson and wishing her the best in her future endeavors.

IN HONOR OF REV. DR. ROSS OLIVIER

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. PICKERING. Madam Speaker, as we start this New Year, I would like to recognize the service of a special and gifted man who has touched the hearts of Mississippi. On July 4, 2004, the congregation of Galloway Methodist Church in Jackson, Mississippi was blessed with Reverend Ross Olivier as he delivered his first sermon. Sunday, January 13, 2008, his tenure ended and he preached his last message. Ross will travel back home to South Africa to be with his family.

Ross Olivier came to Mississippi in 2004 through a partnership with the Mississippi Conference and the Methodist Church of Southern Africa. He entered Methodist ministry in 1980 and at the end of training received the Flowerday Memorial Award as the outstanding ordinand in the Methodist Church of Southern Africa. He was appointed parish minister to the Heidelburg Circuit and was responsible for 24 racially and culturally diverse congregations. Throughout this time of ministry he touched and healed a broken community during some of the harshest years of the Apartheid era of Southern Africa. In 1994, he traveled throughout six countries, serving the MCSA with a Journey to a New Land, an initiative to refocus the mission of the church in the post-Apartheid years. Later in 1997, he became senior pastor of Northfield Church serving a congregation of 5,000 members. Two years later he was elected to serve the MCSA as General Secretary of 4,500 congregations and 25 million Methodists in Southern Africa.

This challenging, yet gratifying career path gave him a respect for the differences in culture and the tools along with the expertise he needed to reshape the Galloway Methodist Church community in Jackson. To Mississippi he brought an open and compassionate heart. He strived to form a more inclusive church, one where all are welcomed into the house of the Lord. Through partnerships, he taught that the church could transcend barriers and that the focus should be on economic and social interest, not the color of your skin. He brought transformation, healing, and reconciliation to the state of Mississippi by using the church as a bridge between diverse communities. Reverend Olivier was also very instrumental in bringing about a Faith and Politics Institute pilgrimage to Mississippi. This journey will be co hosted by Congressman BENNIE THOMPSON and myself in late March of this year. It is my hope that Ross will be able to join us then to experience firsthand the fruits of his labor.

Madam Speaker, Reverend Ross Olivier has been an inspiration to Mississippi and to me. He taught a love and responsibility for community; we each have a role that we must honor and uphold. His teachings will be remembered and he will be greatly missed by his congregation and all who knew him. As he journeys back to South Africa to lead a congregation in Pretoria, the lives he touched in Mississippi will remain forever changed and grateful.

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. FRANKS of Arizona. Madam Speaker, because the end of the hour grows close, I would now come before this body with a sunset memorial. We intend to repeat this from time to time to chronicle the loss of life by abortion on demand in this country.

Madam Speaker, it is January 28, 2008, in the land of the free and the home of the brave, and before the sun sets today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand just today.

Exactly 35 years today, the tragic judicial fiat called Roe v. Wade was handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million children. Madam Speaker, that is more than 16,000 times the number of innocent lives lost on September 11.

Each of the 4,000 children that we lost today had at least four things in common. They were each just little babies who had done nothing wrong to anyone. And each one of them died a nameless and lonely death. And each of their mothers, whether she realizes it immediately or not, will never be the same. And all the gifts that these children might have brought to humanity are now lost forever.

Madam Speaker, those noble heroes lying in frozen silence out in Arlington National Cemetery did not die so America could shred her own Constitution, as well as her own children, by the millions. It seems that we are never quite so eloquent as when we decry the genocidal crimes of past generations, those who allowed their courts to strip the Black man and the Jew of their constitutional personhood, and then proceeded to murderously desecrate millions of these, God's own children.

Yet even in the full glare of such tragedy, this generation clings to blindness and invincible ignorance while history repeats itself and our own genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Perhaps it is important for those of us in this Chamber to remind ourselves again of why we are really all here.

Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government."

Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath. The phrase in the 14th amendment encapsulates our entire Constitution. It says: "No state shall deprive any person of life, liberty or property without due process of law."

The bedrock foundation of this Republic is the declaration, not the casual notion, but the declaration of the self-evident truth that all human beings are created equal and endowed by their creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world. It is who we are.

And yet today, Madam Speaker, in this body we fail to honor that commitment. We fail our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 innocent American babies who died without the protection we should have given them.

Madam Speaker, I believe that this discussion presents this Congress and the American people with two destiny questions.

The first that all of us must ask ourselves is very simple: Does abortion really kill a baby? If the answer to that question is "yes," there is a second destiny question that inevitably follows. And it is this, Madam Speaker: Will we allow ourselves to be dragged by those who have lost their way into a darkness where the light of human compassion has gone out and the predatory survival of the fittest prevails over humanity? Or will America embrace her destiny to lead the world to cherish and honor the God-given miracle of each human life?

Madam Speaker, it has been said that every baby comes with a message, that God has not yet despaired of mankind. And I mourn that those 4,000 messages sent to us today will never be heard. Madam Speaker, I also have not yet despaired. Because tonight maybe someone new, maybe even someone in this Congress, who heard this sunset memorial will finally realize that abortion really does kill a baby, that it hurts mothers more than anyone else, and that nearly 50 million dead children in America is enough. And that America is great enough to find a better way than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are numbered and that all too soon each of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on another day yet to come, may that be the day that we hear the cries of the unborn at last. May that be the day we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

This is a sunset memorial, Madam Speaker. It is January 28, 2008, in the land of free and the home of the brave.

CONGRATULATING JAMES LONG

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. TANCREDO. Madam Speaker, I rise today to pay tribute to one of my constituents, Mr. James Long of Littleton, Colorado. Mr. Long is a student of political science at the University of California, San Diego and is a recipient of the prestigious Fulbright Award. This grant is given to promising individuals to aid them in their academic and cultural pursuits abroad.

The Fulbright Program was established by Congress in 1946 and is sponsored by the U.S. State Department. This program was designed to help build mutual understanding between Americans and the global community. Individuals who are awarded this distinction have demonstrated outstanding academic or professional achievement and have proven themselves as leaders in their field.

Madam Speaker, please join me in paying tribute to Mr. Long and wishing him the best in his future endeavors.

IN HONOR OF THE CENTER FOR HOMELAND DEFENSE AND SECURITY AT THE NAVAL POSTGRADUATE SCHOOL, MONTEREY, CALIFORNIA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. FARR. Madam Speaker, I am pleased to advise my colleagues of the 5th anniversary of the Center for Homeland Defense and Security, located at the Naval Postgraduate School in Monterey, CA. NPS has always been at the forefront of military graduate education for all the military Services and no more so than 5 years ago, when the School was selected by the Department of Homeland Security to fill a critical gap in graduate level education for our current and future leaders of homeland defense and security.

Since 2002, the Center has graduated nearly 200 students from the ranks of our Nation's first responders—public health, law enforcement, fire, emergency management and other disciplines that make up homeland security, and from almost every State in the country. The highly competitive application process and the rigorous academic excellence of the master's degree program ensures that Center graduates are having a significant impact on protecting the Nation. Moreover, the success of the Center in Monterey compelled the Department of Homeland Security in June 2007 to establish the DHS Homeland Security Academy in the National Capital Region. NPS was again called upon by DHS to replicate the Center's success by providing faculty and curriculum for DHS employees at the second site in West Virginia. At that time, FEMA Administrator Paulison said the following, "The NPS master's program has a proven track record of building a national network of leaders who work across agency and jurisdictional lines to solve problems and protect the American people. We are very pleased to be able to leverage this successful program and offer more opportunity for DHS employees to learn in a setting that mirrors homeland security across the Nation."

Success has many fathers and I would like to pay special tribute to two former NPS leaders who were instrumental in bringing the Center to NPS—Provost Dick Elster and Associate Provost Paul Stockton. Their recognition that NPS offers a highly qualified, multi-disciplinary academic faculty, together with Dr. Stockton's willingness to do the hard work necessary to develop a Homeland Security master's degree curriculum—literally from scratch—coupled with the school's inherent relationships with the COCOMS—in this instance NORTHCOM—reinforced former Secretary Ridge's decision to select the Naval Postgraduate School for one of our Nation's most important homeland security education missions.

There are many other partners, stakeholders, and sponsors who have influenced the success of the Center and who deserve recognition, including current Center Director Glen Woodbury and David O'Keeffe, who leads the DHS Homeland Security Academy in Shepardstown, WV, along with the current president of NPS, Admiral Oliver and Provost Dr. Ferrari. All of these folks will continue to lead the Center into the future with the same success that has been achieved in these last 5 years.

CONGRATULATING NATHANIEL CAMPBELL

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. TANCREDO. Madam Speaker, I rise today to pay tribute to one of my constituents, Mr. Nathaniel Campbell of Bailey, Colorado. Mr. Campbell is a literature student at Boston College and is a recipient of the prestigious Fulbright Award. This grant is given to promising individuals to aid them in their academic and cultural pursuits abroad.

The Fulbright Program was established by Congress in 1946 and is sponsored by the U.S. State Department. This program was designed to help build mutual understanding between Americans and the global community. Individuals who are awarded this distinction have demonstrated outstanding academic or professional achievement and have proven themselves as leaders in their field.

Madam Speaker, please join me in paying tribute to Mr. Campbell and wishing him the best in his future endeavors.

IN TRIBUTE TO ALBERT NÁJERA AND HIS 36 YEARS OF SERVICE WITH THE SACRAMENTO POLICE DEPARTMENT

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Ms. MATSUI. Madam Speaker, I rise in tribute to Albert Nájera, Sacramento's outstanding police chief as he retires from the department he has spent the last 36 years serving. Chief Nájera rose through the department's ranks to become the city's police chief in 2003. As his friends, family and coworkers all gather to celebrate his farewell, I ask all my colleagues to join me in honoring his leadership and many remarkable accomplishments.

Chief Nájera is a native son to Sacramento. He was born and raised in Sacramento, and attended Luther Burbank High School before moving on to California State University, Sacramento, and California State Polytechnic University, Pomona. Following his studies, Chief Nájera joined the Sacramento Police Department on April 1, 1971. Nájera started his career as a community oriented police officer and distinguished himself as a reliable and dedicated officer who would work tirelessly to protect the public.

On October 22, 2003, Chief Nájera was appointed as Sacramento's 42nd Chief of Police. He inherited a department under tough circumstances and worked hard to remedy the difficulties. At the time of his installation, violent crime was on the rise, relations with the local union were strained and the department was experiencing an alarming rate of turnover. Chief Nájera's leadership provided much needed stability and the city's police department has made tremendous progress under his tenure.

Chief Nájera has often been lauded by officers for his hands-on and personable style. He has successfully rebuilt relationships between the community and the police department, while also raising the morale of his officers. Chief Nájera has been a champion of attendance centers at local high schools to deal with chronic truants who otherwise might be caught up in gang-related crime. His leadership on this issue and efforts to curb gang activity are evident by the decline in homicides during 2007. Chief Nájera led a crackdown in the previous summer that involved moving officers from other units into gang enforcement. This reorganization is evidence of Chief Nájera's ability to reinvent the department under dire circumstances.

As chief, larger issues such as emergency preparedness also were on his mind. In June of 2007, Chief Nájera was appointed to the Federal Emergency Management Agency's, FEMA, newly created National Advisory Council. The National Advisory Council was initiated to advise FEMA on all aspects of preparedness and emergency management in an effort to increase coordination with its partners across the country. Chief Nájera's appointment to this critical position is evidence of his understanding of complexities of emergency management and homeland security.

Madam Speaker, I am honored to recognize the numerous contributions made by Sacramento Police Department Chief of Police Albert Nájera during his 36 years with the department, and the last 4 as Chief. Chief Nájera accession to the department's top post is a testament to his hard work and devotion to the city of Sacramento. I wish him, his wife, Barbara, and his daughter Alesandra continued success in his retirement. On behalf of the people of Sacramento and the Fifth Congressional District of California, I ask all my colleagues to join me in thanking my friend, Chief Nájera for his public service as we wish him success in his future endeavors.

HONORING FATHER VAHAN GOSDANIAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Father Vahan Gosdanian upon celebrating his 10th anniversary of service to the Holy Trinity Armenian Apostolic Church in Fresno, California. Father Gosdanian is being honored at the 107th Annual Banquet held on January 24, 2008.

Father Gosdanian was born in Beirut, Lebanon. He immigrated to the United States in 1986. After his primary and secondary education he pursued a career in graphic design. As a graphic designer he owned his own business in Beirut. Due to the civil war in Beirut, Lebanon, Father Gosdanian, and his wife, Sossie Simonian, immigrated to Los Angeles and he continued to work as a graphic designer. However, he always wanted to attend seminary school and become a Vertabed. Prior to becoming a Vertabed, his religious background included attending Sunday school, becoming a Sunday school teacher and principal and alter serving.

Father Gosdanian began taking classes through the Western Prelacy and was ordained into priesthood on March 14, 1993 in Los Angeles, California. He was appointed as the pastor of St. Sarkis Armenian Apostolic Church in Pasadena, California. While there, he published the monthly newsletter and attended to the needs of his parish. To further his education, Father Gosdanian attended classes at the Mennonite Brothers Bible College.

In the 10 years that Father Gosdanian has served at Holy Trinity Armenian Apostolic Church in Fresno he has implemented many new programs. The church now holds an annual graduate banquet to honor all Central Valley high school and university graduates that are of Armenian descent. The church serves a traditional dinner for Christmas Eve and Easter for those that attend the service. He also leads a Tuesday night Bible study group and regularly visits the California Armenian Retirement Home and other adult day care centers. For the Fresno community, Father Gosdanian performs prayers as needed or requested by civic leaders and attends prayer breakfasts. He is also among a group of pastors that recently joined the prison chaplain program.

Madam Speaker, I rise today to commend and congratulate Father Vahan Gosdanian on 10 years of service to the church and the community. I invite my colleagues to join me in wishing Father Gosdanian many years of continued success.

HONORING THE LIFE OF PRIVATE FIRST CLASS DAVID H. SHARRETT II

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. DAVIS of Virginia. Madam Speaker, I rise today to honor the life of PFC David H. Sharrett II and to recognize his service to our Nation.

Private First Class Sharrett was a true patriot who served his country with honor. Throughout his life he selflessly dedicated himself to his fellow soldiers, family and friends, and to our country.

David Sharrett grew up in Oakton, Virginia, where he attended Oakton Elementary, Cooper Intermediary, and Oakton High School. During his high school career he was a star defensive end for the Oakton football team, helping the Cougars set the school record for greatest number of wins that season.

Before joining the Army, Private First Class Sharrett worked several jobs and attended Northern Virginia Community College. Yearning to serve his country, he enlisted in the Army in August 2006, and began his first deployment shortly thereafter. PFC Sharrett was assigned to the 1st Squadron, 32nd Cavalry Regiment of the 101st Airborne Division's 1st Brigade Combat Team, in Fort Campbell, Kentucky. Tragically, he was killed on January 16, 2008, after sustaining injuries from grenade and small arms fire during combat operations in Balad, Iraq. Throughout his military career he was honored with the National Defense Service Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, and the Expert Weapons Qualification Badge.

Private First Class Sharrett is survived by his parents, David Sharrett and Kimberly Drummond, his two younger brothers, Chris and Brooks, and his wife, Heather Shell.

Madam Speaker, in closing, I would like to honor the memory of PFC David H. Sharrett II. I call upon my colleagues to remember him as a man who gave his life protecting the American people.

RECOGNIZING GARY BAUMANN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Gary Baumann, of Savannah, MO. On December 31, 2007, Gary retired from the United States Department of Agriculture—Rural Development with 21 years and 5 months of Federal service.

Gary started his career with USDA in 1975 as an Emergency Loan Assistant County Supervisor working for Farmers Home Administration in the Savannah, Missouri, office. Gary made many moves across northwest Missouri with USDA during his tenure, working in the Savannah, St. Joseph, Maryville, Bethany, and Maysville offices.

On October 15, 1995, Gary was reassigned to Community Development Manager of the USDA—Rural Development area office in St. Joseph, MO, where he worked Community Development in a 5-county region consisting of Andrew, Buchanan, Clinton, DeKalb and Platte Counties. Gary worked in the St. Joseph Office until he retired at the end of 2007.

Madam Speaker, I proudly ask you to join me in recognizing Gary Baumann, whose dedication to USDA and northwest Missouri has been truly exceptional. In my time in Congress, USDA Rural Development has been a great resource to work with, and it is people like Gary who have made that relationship between my office and USDA Rural Development what it is today. I am honored to serve him in the United States Congress.

IN MEMORIAL OF LORETTA S. WOODARD

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. ETHERIDGE. Madam Speaker, today I use to honor the life of Loretta S. Woodard of Princeton, North Carolina, who passed on Friday, January 4, 2008 at the age of 64. In her passing, I have lost a dear friend and North Carolina has lost one of its most outstanding citizens and a woman who was instrumental in her community, county, and State.

One of the area's most beloved women, my friend Loretta S. Woodard, was a native of Johnston County and the daughter of the late Muldrow and Hilda Barbour Sawyer. Loretta was a graduate of Elizabeth City Schools and received her business degree from Hardbarger's Business College in Raleigh. She worked in the dental project at the UNC School of Public Health in the Department of Epidemiology. She was married to Carlyle Woodard in 1966, and following his graduation from the UNC School of Pharmacy, they moved to Princeton to make their home.

Loretta was a long-time member of Princeton Baptist Church and served in many capacities through the years. She was involved in all areas of life in Johnston County—educational, civic and political. She was a member of the board of trustees of Johnston Community College, the Johnston Community College Foundation, and the Paul A Johnston Auditorium on stage series board. At the time of her death she served on the Johnston County Heritage Commission and was a founding member of the Heritage Center following the Johnston County's 250th anniversary celebration, where she was a member of the steering committee.

Loretta Woodard was brought into the political arena by her mentor, the late NC House Representative, Barney Paul Woodard. She became active in the Democratic Party, on the precinct and county levels. She served as chairperson of the Johnston County Democratic Party and later as president of the Johnston County Democratic Women. She served 13 years as chairman of the Second District Democratic Party. She also served on the State Democratic Executive Committee, was a former national convention delegate, and for a number of years was responsible for the decorations at the annual Jefferson-Jackson dinner. She successfully chaired political campaigns in the county for Representative Woodard and Jack Gardner and for numerous other candidates, including Jim Speed, Charlie Whitley, Martin Lancaster, Allen Wellons, and she also worked on my campaigns. Loretta served on the restoration committee for the Goodwin House, home to the North Carolina Demarcated party. Loretta is survived by her husband Carlyle Woodard, and her two sons Carlyle "Lyle" Woodard III and wife, Janet, and Bradford Stuart Woodard.

Madam Speaker, Loretta was an outstanding person who used every minute of her long and productive life to make the world a better place. She was a well respected and dedicated public servant, and a great North Carolinian. It is fitting that we honor her and her family today.

CONGRATULATING CECILIA DANIELS

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. TANCREDO. Madam Speaker, I rise today to pay tribute to one of my constituents, Ms. Cecilia Daniels of Castle Rock, Colorado. Ms. Daniels is a teacher of English as a foreign language at Highlands Ranch High School and is a recipient of the prestigious Fulbright Award. This grant is given to promising individuals to aid them in their academic and cultural pursuits abroad.

The Fulbright Program was established by Congress in 1946 and is sponsored by the U.S. State Department. This program was designed to help build mutual understanding between Americans and the global community. Individuals who are awarded this distinction have demonstrated outstanding academic or professional achievement and have proven themselves as leaders in their field.

Madam Speaker, please join me in paying tribute to Ms. Daniels and wishing her the best in her future endeavors.

HONORING IRVIN DYER

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. RAMSTAD. Madam Speaker, I rise to speak about an American who is making a real difference in the fight against alcohol and other drug addiction. At the same time, he is projecting a positive image of Americans among the international community.

On November 29 of last year, the National Anti-Drug Agency of Romania presented its National Excellence Awards. Honorees included the French Ambassador, the Russian Ambassador and the United Nations Representative. I'm proud to say, Madam Speaker, that an American was also recognized for his efforts, Mr. Irvin Dyer.

Born and raised in Arizona, Mr. Dyer moved to Romania for business 15 years ago. Having become a successful businessman and the father of three beautiful children, Mr. Dyer was moved to action by the debilitating effects that drug and alcohol addiction was having on the people of Romania. In 2003, he became an advisor to the president of the Romanian Anti-Drug Agency, President Pavel Abraham. Since then, he has worked tirelessly to assist the Anti-Drug Agency in its efforts to stem the tide of illegal drugs and to help and treat those who have fallen victim to addiction's awful grip.

Irvin Dyer's actions in Romania serve not only the people of Romania, but the whole world. The goodwill he spreads reflects well on Americans and our belief in caring for those less fortunate, protecting the future for our children and making the world a better place for all people.

We should all be grateful for the wonderful example of Mr. Dyer, and like him, reach out to help the millions of people suffering the ravages of addiction.

HONORING THE FLORIDA ASSOCIATION OF AGENCIES SERVING THE BLIND

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Ms. ROS-LEHTINEN. Madam Speaker, I would like to take this opportunity to recognize a wonderful organization in my State of Florida, the Florida Association of Agencies Serving the Blind (FAASB).

FAASB has an honorable mission to serve as a united voice and be the organizational support empowering private agencies serving Floridians with blindness and visual impairment to provide state of the art professional vision rehabilitation services which enhance the quality of individual and community life.

I would like to praise FAASB for its successful initiative to create the first-ever state license plate benefiting the blind. Additionally, I must commend them for creating a vision caucus in the Florida State Legislature, similar to the Congressional Vision Caucus, which I cochair. This State Vision Caucus will educate members of the State Legislature so they comprehend the scope of eye problems in our country and will ensure adequate resources are directed towards the research, prevention and treatment of eye disease.

FAASB has also created an annual Florida Vision Summit, where they look to create a statewide vision strategy to raise awareness about the increasing number of Americans with vision loss and provide better understanding of the importance of necessary steps to preserve and protect eyesight.

Once again, I would like to thank FAASB for their continued commitment to prevention, better eye care, and services to those who already live with low vision and blindness. I congratulate them on their achievement and service to the community.

HUNTING IN THE NEW RIVER GORGE NATIONAL RIVER

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. RAHALL. Madam Speaker, the New River Gorge National River in southern West Virginia was designated as a unit of the National Park System in 1978. At times referred to as the 'Grand Canyon of the East' we in West Virginia refer to the Grand Canyon as the 'New River Gorge of the West.' The national river is comprised of over 70,000 acres of mostly rugged terrain and is renowned as a destination for its world-class whitewater recreation, rock climbing and other outdoor activities. But it is also a place where generations of West Virginians have hunted and fished. Unfortunately, the ability to hunt in the gorge is now being drawn into question.

As the Congressman from New River Country, today I am introducing legislation to ensure that hunting remains a purpose of the New River Gorge National River.

I view it as a God given right for West Virginians to hunt in the New River Gorge. This area is not immune from activities such as housing developments that are placing a premium on lands where hunting by the general public may take place.

Unfortunately, the National Park Service, as part of the development of a new general management plan for the park unit, has included a no hunting alternative. It is doing so because the legislation which established the New River Gorge National River states that hunting "may" be permitted. The enabling statute for the nearby Gauley River National Recreation Area, on the other hand, states that hunting "shall" be allowed. In fact, this is the case for the vast majority of the 62 units of the National Park System in which hunting is permitted.

The bill I am introducing today simply changes the "may" to a "shall" in the law which established the New River Gorge National River. While there is no doubt in my mind that the current Superintendent of this park unit will do the right thing and allow hunting to continue in the final general management plan, this is too important of an issue to remain at the discretion of future managers of the park unit.

RECOGNIZING THE 150TH ANNIVERSARY OF METROPOLITAN FAMILY SERVICES

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. JACKSON of Illinois. Madam Speaker, I rise today to commend Metropolitan Family Services on its 150 years of service to individuals and families of the Chicago metropolitan area.

Metropolitan Family Services, MFS, was launched on February 15, 1857, as the Chicago Relief and Aid Society, renamed as United Charities in 1909, and then renamed again in 1995 as Metropolitan Family Services.

MFS was assigned by Chicago Mayor R. B. Mason to help citizens recover after the Chicago Fire. It assisted more than 18,000 families, constructing more than 7,000 temporary homes and administering more than $10 million, in 1871 dollars in aid donated around the world.

MFS was one of the Nation's first organizations to provide free legal services for the poor through the Legal Aid Society.

A leader in meeting the needs of thousands of people through the Great Depression, World War II, and postwar years, MFS provided a range of services including mental health counseling, elder care, and early childhood education.

MFS successfully advocated for State legislation enacted in 2005 that protected poor and lower-income families from predatory lending practices.

Presently, Metropolitan Family Services employs 559 professionals serving close to 55,000 families and individuals. It has seven community centers that provide a full range of services, including child and youth development, mental health services, child welfare, employee assistance programs, legal aid, services for older adults and their families, social policy and community development, and violence prevention and intervention.

I congratulate MFS on its success in providing and mobilizing the services needed to strengthen Chicago area families and communities.

CONGRATULATING KIRSTEN AMBORS

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. TANCREDO. Madam Speaker, I rise today to pay tribute to one of my constituents, Ms. Kirsten Ambors of Parker, Colorado. Ms. Ambors is a mathematics student at the U.S. Coast Guard Academy and is a recipient of the prestigious Fulbright Award. This grant is given to promising individuals to aid them in their academic and cultural pursuits abroad.

The Fulbright Program was established by Congress in 1946 and is sponsored by the U.S. State Department. This program was designed to help build mutual understanding between Americans and the global community. Individuals who are awarded this distinction have demonstrated outstanding academic or professional achievement and have proven themselves as leaders in their field.

Madam Speaker, please join me in paying tribute to Ms. Ambors and wishing her the best in her future endeavors.

HONORING THE UNITED STATES ARMY'S RESIDENTIAL COMMUNITIES INITIATIVE UPON ITS 10TH YEAR

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. EDWARDS. Madam Speaker, I rise today to recognize the tenth year of a unique program in the annals of our Nation's proud military heritage. On January 28, 1999, the Honorable Mahlon Apgar, IV, then Assistant Secretary of the Army for Installations, Logistics and Environment, first presented the Residential Communities Initiative, known as RCI, in a briefing to the Urban Land Institute. Few in that distinguished audience of real estate developers, financiers and public officials appreciated the far-reaching impact that RCI would have on the Army, on industry, and, most importantly, on improving the quality of life for thousands of military families.

At that time, the Army faced a monumental challenge in its Government-owned housing and infrastructure. Seventy-five percent of the family housing on Army posts was substandard, and the poor conditions were hurting recruiting and retention. Military communities lacked amenities that most other Americans enjoyed. The Army's construction and maintenance backlog exceeded $6 billion, with no predictable funding sources in sight. Complicated, cumbersome business processes caused significant delays in planning and executing housing programs.

Today, as we start RCI's tenth year, it is a major success. In fact, the Bush Administration calls RCI the "most important military housing improvement program in our Nation's history." I am honored to have played a leadership role in RCI from its start. Despite numerous challenges in policy, organization and execution, RCI has achieved high satisfaction rates among military families, lower development costs and faster construction, better housing, neighborhoods and community facilities, and more responsive maintenance and management. RCI encompasses over 88,000 new and renovated multi-family housing units—97 percent of the Army's U.S. housing stock—located on 45 installations in 20 states. RCI communities are purposefully and profitably built and managed by nine major real estate development groups and are financed with $10 billion of new private capital, achieving 10-to-1 leverage of public investment—an exceptional result for the taxpayer. RCI projects are pioneering the use of manufactured housing, solar-powered and "green building" techniques, and "new urbanism" design concepts for safe, walkable neighborhoods, with community centers and leisure facilities that are especially important to military spouses and children during long deployments. RCI has spawned other military privatization programs for Army lodging, unaccompanied housing, retail and "lifestyle" centers, office parks and warehouse developments. RCI has become one of the Federal Government's largest public-private partnership programs.

I was proud to help Secretary Apgar steer RCI through four Congressional committees and a skeptical Army leadership. With no prior Washington experience but a clear vision of the future, a gracious manner and a pragmatic approach, he bore the brunt of considerable criticism and built coalitions among numerous stakeholders across the political and commercial spectrum.

Many saw RCI as a dilution of control, a diversion of resources, and a haven for profiteering. But Secretary Apgar saw it as a means of expanding the Army's military construction budgets with private capital, enlisting the entrepreneurship and capabilities of American business, and reforming the Army's approach to meeting infrastructure needs.

Madam Speaker, RCI has progressed from the vision and persistence of a single official, through the minefields of committee oversight and staff reviews and the complexities of our vast military organization, to a mature, sustainable, bipartisan, public-private partnership effort. At a time of enormous sacrifice by our soldiers and their loved ones, we can be proud of a program that provides military families with the quality housing and communities they so deserve. And in an era of economic stress, we should look to RCI for lessons that may help to meet our national challenges in rebuilding infrastructure and managing resources.

ON THE ANNIVERSARY OF THE MURDER OF JOURNALIST HRANT DINK

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. SCHIFF. Madam Speaker, it is with a mixture of anger and sadness that I rise today to honor the 1-year anniversary of the murder of Hrant Dink, the courageous Armenian-Turkish journalist, who was murdered by a Turkish extremist.

Mr. Dink founded the bilingual newspaper Agos in 1996, giving a voice to Turkey's Armenians. He acted on his beliefs of building community and acknowledging the past, for which he was persecuted, prosecuted and eventually forced to pay the ultimate price. Clearly, however, his life's work was not in vain; at his funeral, approximately 100,000 people marched behind his coffin, chanting, "We are all Dink. We are all Armenians."

Before Mr. Dink's untimely death last January, the Turkish government constantly tried to limit his freedom of speech. It confiscated copies of Agos on many occasions and on the flimsiest of pretenses. In 2004, Mr. Dink wrote an article stating that Turkey's first woman pilot was an Armenian orphan adopted after 1915. The government convicted him of insulting "Turkishness" under Article 301 of the Penal Code, a law specifically designed to prevent discussion of the Armenian Genocide. He received a 6-month suspended sentence. This was just one of several such prosecutions against Mr. Dink.

Mr. Dink's courage to confront the historical facts of the Armenian Genocide cost him his life. He continually received threatening telephone calls, e-mails, and letters. He reported this terrorization to the police, but they failed to protect him. On January 19, 2007, an extreme nationalist teenager shot Mr. Dink three times outside the Agos offices in Istanbul, killing him. Court hearings continue, but Mr. Dink's family stated that the investigation of his murder was conducted in secrecy and is incomplete.

Turkish prosecutions under Article 301 increased in 2007 and continued to affect Mr. Dink's family. Arat Dink, his son, published an interview in which Mr. Dink said that the 1915 to 1917 Armenian massacres constituted genocide. Last October Arat Dink received a 1-year suspended sentence for publishing this interview. Punishing Mr. Dink's son for publishing his murdered father's words is a travesty and exposes the lengths to which Ankara will go to hide the truth about the Armenian Genocide.

Mr. Dink's death was devastating to the democratic principle of a free and unfettered press and to the efforts of a handful of Turkish intellectuals who have been fighting to expose the crimes of Turkey's Ottoman predecessor. Denying the Armenian Genocide harms Turkey and imperils the future of this important nation. As the world marks the anniversary of Dink's murder, I reiterate my call for Turkey to honor the memory of Hrant Dink by repealing Article 301, and to acknowledge the truth of the Armenian Genocide.

Together with his family and colleagues, the Armenian community in Turkey, and his admirers around the world, we remember Hrant Dink, heroic defender of speech and human rights, on the 1-year anniversary of his murder.

CONGRATULATING LESLIE ANDERSON

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. TANCREDO. Madam Speaker, I rise today to pay tribute to one of my constituents, Ms. Leslie Anderson of Longmont, Colorado. Ms. Anderson is a political science student at the University of Florida and is a recipient of the prestigious Fulbright Award. This grant is given to promising individuals to aid them in their academic and cultural pursuits abroad.

The Fulbright Program was established by Congress in 1946 and is sponsored by the U.S. State Department. This program was designed to help build mutual understanding between Americans and the global community.

Individuals who are awarded this distinction have demonstrated outstanding academic or professional achievement and have proven themselves as leaders in their field.

Madam Speaker, please join me in paying tribute to Ms. Anderson and wishing her the best in her future endeavors.

PERSONAL EXPLANATION

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. COHEN. Madam Speaker, I was in the Chamber when votes were cast on H.R. 3524, the HOPE VI Improvement and Reauthorization Act of 2007. I listened to the debate, voted on all the amendments and the Motion to Recommit. However, due to circumstances beyond my control, I was unable to cast a vote of "aye" on the final passage of H.R. 3524.

CONGRATULATING FRANCES TRUJILLO

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. TANCREDO. Madam Speaker, I rise today to pay tribute to one of my constituents, Mr. Frances Trujillo of Littleton, Colorado. Mr. Trujillo is a leadership and management administrator at Colorado Academy and is a recipient of the prestigious Fulbright Award. This grant is given to promising individuals to aid them in their academic and cultural pursuits abroad.

The Fulbright Program was established by Congress in 1946 and is sponsored by the U.S. State Department. This program was designed to help build mutual understanding between Americans and the global community. Individuals who are awarded this distinction have demonstrated outstanding academic or professional achievement and have proven themselves as leaders in their field.

Madam Speaker, please join me in paying tribute to Mr. Trujillo and wishing him the best in his future endeavors.

HONORING THE LIFE OF MARK TULCHINSKY OF SOUTH BEND, INDIANA

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. DONNELLY. Madam Speaker, today I rise to honor the life of Mark Tulchinsky, a leader in the South Bend Community School Corporation, a mentor, father, educator, and beloved member of the community. Mr. Tulchinsky passed away while working in his office at Tarkington Traditional School on January 22, 2008.

Tulchinsky's peers describe him as "a good friend and an excellent principal." He was the perfect example of an empathetic and kindhearted principal as well as a tremendous friend and mentor. Whether it was taking part in school sports or activities or dealing with serious situations and discipline issues within his school, Tulchinsky was able to handle his position as a leader with poise and compassion.

Former students and colleagues said he had an uncanny ability to remember the names and faces of students, even decades after he taught them. We should all return this favor, by remembering and thanking him for his service to the young people of his community. There is no doubt that he positively impacted the lives of countless individuals. Throughout his life, he dedicated himself to bettering the community through volunteering and mentoring.

After graduating from Adams High school in South Bend, Tulchinsky attended the University of Chicago where he earned a bachelor's degree in history. He then returned to his hometown and began his lifelong career in education. Through the South Bend Community School Corporation, Tulchinsky began teaching at Perley Elementary in 1968. He taught for a few years as a fourth grade teacher, and in the process furthered his education by earning a master's degree in 1974 from the University of Notre Dame. Later, Tulchinsky gave back to the Notre Dame community by operating the shot clock for Notre Dame men's and women's basketball teams as well as timekeeping at Notre Dame home football games.

In 1979, Tulchinsky began his lengthy career in administration, first serving as assistant principal for Jefferson School. He went on to serve as a principal for McKinley, Perley, Jefferson, Monroe, and Tarkington Schools. Throughout his 39-year career in education, students called him by the affectionate nickname of Mr. T. In addition to his service in education, Tulchinsky was a big supporter of local athletic teams. He officiated for both basketball and football games, including the IHSAA Class 2A football championship in 1983. His dedication to both athletics and education was evident in 1994 when he suffered a heart attack while officiating for basketball; he returned to teaching after his recovery.

Tulchinsky is survived by his wife of 38 years, Nan; three grown children, Peter, Daniel, and Sarah; four grandchildren, Abbey, Emma, Payton, and Jacob; as well as a myriad of students whose lives he touched. He will be greatly missed for his dedication to teaching, his devotion to the community, and his warm love for all those around him.

RECOGNIZING LIBBY WATSON FOR HER YEARS OF DEDICATION AND SERVICE TO THE CITY OF FORTH WORTH, TEXAS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. BURGESS. Madam Speaker, I rise today in recognition of Fort Worth Assistant City Manager Libby Watson and her years of dedication and service to the City of Fort Worth, Texas. Ms. Watson has been with the City of Fort Worth for almost 20 years, since 1989, and has recently decided to retire.

Ms. Watson began her career with the City of San Diego in their Financial Management Department in 1974, and was later appointed the Financial Management Director of the City in June of 1982. In 1986 she moved to Austin, Texas, where she became Assistant City Manager. Then, in 1989, she moved back to her hometown of Fort Worth to become the Assistant City Manager.

Outside of her job, Watson is very active in her community. She participates in various activities such assisting with Girl Scouts, and she is the Treasurer for the Circle T Council Board of Directors.

Under Ms. Watson's leadership, Fort Worth has become a model city for the surrounding area. I know that the decision for retirement was not an easy one for her to make. I join the City of Fort Worth and all those who are fortunate enough to know Ms. Watson in wishing her all the best as she looks forward to spending more time with her family. The City of Fort Worth will truly miss her experience and leadership.

It is with great honor that I recognize Libby Watson for her years of hard work and selfless dedication given to the citizens of Fort Worth, Texas. I am proud to represent her in Washington, and her service will set a standard of devotion and true leadership, one that will never be forgotten.

CONGRATULATIONS TO MR. AND MRS. JEFFREY HUNT ON JANUARY 20, 2008 WEDDING

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. POE. Madam Speaker, on Sunday, January 20, 2008, my legislative assistant, Nicole Schouten, married Jeffrey Hunt in San Diego, California. Nicole met Jeff at Westmont College in the bookstore on campus. She was a store clerk and he was looking for an excuse to get to know Nicole so he frequently stopped in for a soda. Although they were both intrigued with each other the timing for their relationship wasn't right and they parted ways. Six years later, Jeff and Nicole reconnected in Washington, DC, while working on Capitol Hill.

Nicole and Jeff perfectly compliment each other not only in their political views, but in their desire to make their community and world a better place. Jeff devotes his time and talents to serving the people of Vienna Presbyterian Church and the youth of Arlington, Virginia as a Young Life leader. In addition to her busy job and law school obligations, Nicole volunteers with the Make-A-Wish Foundation and the Big Sister/Little Sister program.

In August 2007 Jeff surprised Nicole with a week long trip to Holland. They spent 4 days exploring Amsterdam and the surrounding countryside, giving Nicole an opportunity to connect to her Dutch heritage. On August 11, 2007, in the Oude Kerk, Amsterdam's first parish, Jeff asked for Nicole's hand in marriage. Nicole, of course, accepted with enthusiasm.

I send Mr. and Mrs. Jeffrey Hunt best wishes for a lifetime of happiness and offer them the inspiring words of Wilfred Arlan Peterson's poem, The Art of a Good Marriage, as a guide in their new life together.

Happiness in marriage is not something that just happens.
A good marriage must be created.
In marriage the little things are the big things.
It is never being too old to hold hands.
It is remembering to say "I love you" at least once a day.
It is never going to sleep angry.
It is at no time taking the other for granted; the courtship should not end with the honeymoon, it should continue through the years.
It is having a mutual sense of values and common objectives.
It is standing together facing the world.
It is forming a circle of love that gathers the whole family.
It is doing things for each other, not in the attitude of duty or sacrifice, but in the spirit of joy.
It is speaking words of appreciation and demonstrating gratitude in thoughtful ways.
It is not looking for perfection in each other.
It is cultivating flexibility, patience, understanding and a sense of humor.
It is having the capacity to forgive and forget.
It is giving each other an atmosphere in which each can grow old.
It is a common search for the good and the beautiful.
It is establishing a relationship in which the independence is equal, dependence is mutual and the obligation is reciprocal.
It is not only marrying the right partner, it is being the right partner.

Congratulations Nicole and Jeff.
And that's just the way it is.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Ms. LORETTA SANCHEZ of California. Madam Speaker, on Tuesday, January 22, 2008, I was unavoidably detained due to a prior obligation.

I request that the CONGRESSIONAL RECORD reflect that had I been present and voting, I would have voted as follows:

(1) Rollcall No. 19: "yes," On Motion to Suspend the Rules and Pass H.R. 4211.

(2) Rollcall No. 20: "yes," On Motion to Suspend the Rules and Pass H. Res. 866.

HONORING THE UPPER MERION SENIOR CENTER

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. SESTAK. Madam Speaker, I rise today to honor the Upper Merion Senior Service Center. The Center has worked tirelessly and diligently to serve the senior citizens of Upper Merion over the past 10 years. The UMSSC has been successful in helping our seniors and our communities make choices for a healthier future.

The Upper Merion Senior Service Center offers critical healthcare services:

A nurse from Bryn Mawr Main Line Health visits the UMSSC twice a month in order to take blood pressure, weights, and respond to health inquiries from members.

The UMSSC offers free Stroke Risk Assessments.

Flu vaccine shots are offered each year to help ensure the health security of the members and surrounding community.

The UMSSC provides popular exercise programs, with trained instructors, three days a week.

Professional staffers offer free hearing screenings, free eyeglass maintenance, and informational presentations on hearing and vision.

They offer educational and informational packets concerning Medicare, Medicare Part D, and any other issue that is of importance to members and the surrounding community.

I applaud the Upper Merion Senior Service Center for providing all of these critical services to the community. I would also like to recognize the fact that the Upper Merion Senior Service Center works hand in hand with local community businesses by providing employment opportunities for members in office and clerical positions. All of these services are of the utmost importance for preserving and protecting the health security of the members, families, and communities living in Upper Merion, and I encourage the Center to continue to extend its profound, positive influence to those in need.

TRIBUTE TO MICHAEL MARCY

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. WEINER. Madam Speaker, I would like to thank a committed staffer of mine, Michael Marcy.

Michael has been with my office for 4 years now. These past years he administered my office and maintained my hyperactive schedule with a clear and precise head and a generous sense of humor. Michael's life-long commitment to public service started with a term in the Clinton White House and continued into Senator CHARLES SCHUMER's office. From there he moved into my office—a clear step up from his previous two positions.

Michael is returning to his home city of Buffalo, New York with his wife, Jenn, and his son, Sean. My office will not be the same without him—I thank him for his dedication and he will be missed.

TRIBUTE TO MR. JOE LAMANTIA, JR.

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. CUELLAR. Madam Speaker, I rise today to honor Mr. Joe LaMantia, Jr., on being the recipient of the Golden Eagle Award from the McAllen Hispanic Chamber of Commerce during the 9th Annual Noche de Gala.

Joe has shown exemplary leadership in his civic service to the south Texas community with his extensive involvement in the Lions' Club, American Heart Association, Rio Grande Cancer Treatment Research Foundation, South Texas Communities for Youth Service, and the Special Olympics. Joe is also the founder and chairman of the preeminent South Texas Academic Rising Stars, STARS, organization, which gives opportunities to the youth in south Texas in pursuing their dreams of higher education. He has made their dreams possible, and it is for this reason alone, that he truly deserves the Golden Eagle Award from the McAllen Hispanic Chamber of Commerce. Today, STARS partners with hundreds of local and national businesses, organizations, colleges, and universities to raise over $12 million in scholarship funds. This is truly a hallmark of Joe's success as a businessman, and as a committed husband to his wife, Derrelene, father to his seven children, and grandfather to his 26 grandchildren. Joe has come a long way from his initial start in farming in Carrizo Springs with produce operations in Chile and Mexico. The Rio Grande Valley became home for his family, and the base of his business, L&F Distributors, which has allowed him to deepen his ties to the south Texas community through his philanthropic work with STARS.

Madam Speaker, I am honored to have had this time to recognize the dedication and commitment of Mr. Joe LaMantia, Jr., and his organization, STARS, to the children in communities all across south Texas. I thank you for this time.

RECOGNIZING THE OPENING OF THE OHLONE COLLEGE NEWARK CENTER FOR HEALTH SCIENCES AND TECHNOLOGY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. STARK. Madam Speaker, I rise today to pay tribute to the opening of the Ohlone College Newark Center for Health Sciences and Technology in Newark, California. The Center will be officially dedicated on January 31, 2008.

Ohlone College is looking to the future with a new green campus that will prepare students for jobs in the burgeoning health, biotech and environmental technology industries.

Ohlone College President Douglas Treadway said the Newark Center, in addition to being the first green college campus in the Nation, will be the first community college campus in California to have a thematic emphasis. The Center will specifically support the growing fields of health care, biotech and environmental technology.

The Ohlone College Newark Center for Health Sciences and Technology was completed in December 2007 and could be certified at the LEED platinum level—the highest U.S. Green Building Council certification for sustainable construction and design.

The 135,000 square-foot campus is constructed on 80 acres on Newark's Cherry Street and will be an addition to the college's main campus in Fremont, California. The Newark Center will serve some 3,500 students attending day and evening courses.

The Newark campus houses 26 miles of underground piping which is part of a geothermal system that will result in a 25 percent improvement in energy performance. There are some 38,000 square feet of solar panels employed at the Newark campus, which provide energy savings the equivalent to taking 1,000 cars off Bay Area freeways every day. The effects of the alternative energy features could reduce the campus' utility bills by as much as $400,000 to $500,000 a year.

The building employs three different alternative energy systems, and a long list of other green features, from recycled blue jeans for insulation to sustainable produced furniture.

I join the community in applauding the opening of the Ohlone College Newark Center for Health Sciences and Technology, the first green community college campus in the United States. This leadership and commitment to quality education, energy and the environment, as demonstrated by Ohlone College, is exemplary.

CHARLES "CHUCK" ROBINSON

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. UDALL of New Mexico. Madam Speaker, sail boat racers, mining companies and Henry Kissinger don't have much in common. But they share this: all have relied on the passion and ingenuity of Chuck Robinson.

Chuck has been finding solutions to tough problems for most of his 88 years. He has received more than 30 patents for ideas ranging from better ways to transport iron ore to better ways to build a sailboat. His ideas have made him a leader in business and government. Even his home displays Chuck's brilliance and commitment to his community. His home features the world's largest heating system in a private home. And after all these accomplishments, Chuck has not slowed down.

I rise today to honor Chuck for receiving New Mexico's first Visionary Designer Lifetime Achievement Award. The award recognizes that Chuck has already put in a lifetime's worth of work tackling tough problems, but those who know him recognize that Chuck's work is far from over. I look forward to admiring Chuck's incredible abilities for years to come.

HONORING HRANT DINK

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Mr. CAPUANO. Madam Speaker, one year after the tragic killing of Hrant Dink, his loss remains acutely felt by many communities throughout the world. To observe this anniversary, I resubmit for the record my statement made at the time of his death, which calls for comity and peace in a time of such sadness.

I supported H. Res. 102 and I condemn in the strongest possible terms the cowardly murder of journalist Hrant Dink in Istanbul on January 19, 2007. I find particularly contemptible the actions of those who seemingly chose a 17-year-old youth—the alleged killer—to commit this appalling crime. This despicable act should not, however, obscure the inspiring solidarity of tens of thousands of secular, Muslim, and Armenian Christian Turks who filed past Mr. Dink's bier and marched in his funeral procession. Western news media have estimated the crowds between 50,000 and 100,000. Important Turkish officials, such as Deputy Prime Minister Mehmet Ali Sahin; Interior Minister Abdulkadir Aksu; the governor of Istanbul, Muammer Guler; the head of the security forces, Celalettin Cerrah; and two generals joined Arman Kirakossian, the deputy Foreign Minister of Armenia, and other Armenian officials at the funeral service.

Everyone in the world who cherishes freedom and brotherhood must take heart when signs proclaiming "We are all Armenians" are carried through the streets of Istanbul. I wish to express my condolences to the family and friends of Hrant Dink. I want also to express my profound respect for all his fellow citizens who protested his murder and mourned his death.

HONORING THE TEXAS WATER DEVELOPMENT BOARD ON ITS SELECTION AS A RECIPIENT OF THE ENVIRONMENTAL PROTECTION AGENCY'S 2007 CLEAN WATER STATE REVOLVING FUND PERFORMANCE AND INNOVATION AWARD

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of H. Res. 832, Honoring the Texas Water Development Board on its selection as a recipient of the Environmental Protection Agency's 2007 Clean Water State Revolving Fund Performance and Innovation Award, introduced by my distinguished colleague from Texas, Representative EDDIE BERNICE JOHNSON. This important legislation recognizes the exceptional work done by the Texas Water Development Board in its efforts to be an environmental innovator and for its vast contributions to the great State of Texas.

On November 5, 2007 the Texas Water Development Board was honored at the Council of Infrastructure Financing Authorities annual conference in Denver, Colorado. Subsequently, this mark of distinction produced a major environmental victory. The Texas Water Development Board agency is distinguished for its exceptional regional water planning activities, finest administration practices in nonpoint source pollution endowment, the instream flow program, and funding of water reuse projects amongst other notable achievements.

The Clean Water State Revolving Fund in Texas has lucratively granted communities nearly $4,300,000,000 in low-interest loans to finance 472 water infrastructure projects across the State of Texas. This initiative serves about one-half of the population of Texas and provides direct environmental and public health benefits.

Madam Speaker, it is with great honor that I urge that Congress recognize the magnitude of the Texas Water Development Board's satisfactory investment and management of water resources in sustainable development, including environmental integrity, human health, and overall quality of life in the United States.

I strongly urge my colleagues to join me in supporting this important legislation.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 2008

Ms. LORETTA SANCHEZ of California. Madam Speaker, on Wednesday, January 23, 2008, I was unavoidably detained due to a prior obligation. Had I been present and voting, I would have voted as follows: Rollcall No. 21: "yes." On motion to pass H.R. 3963, the objections of the President to the contrary notwithstanding.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, January 29, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 30

10 a.m.

Budget

To hold hearings to examine the economic stimulus, focusing on budget policy for a strong economy over the short- and long-term budget outlook.

SD–608

Environment and Public Works

To hold hearings to examine the threats and protections for the polar bear.

SD–406

Finance

To hold hearings to examine private fees for service in Medicare Advantage plans.

SD–215

Judiciary

To hold oversight hearings to examine the Department of Justice.

SH–216

Small Business and Entrepreneurship

To hold hearings to examine the Small Business Administration's accountability, focusing on the efficacy of women's contracting and lender oversight.

SR–428A

11 a.m.

Foreign Relations

To hold hearings to examine the nominations of James K. Glassman, of Connecticut, to be Under Secretary for Public Diplomacy with the rank of Ambassador, Goli Ameri, of Oregon, to be Assistant Secretary for Educational and Cultural Affairs, and David J. Kramer, of Massachusetts, to be Assistant Secretary for Democracy, Human Rights, and Labor, all of the Department of State.

SD–419

11:30 a.m.

Energy and Natural Resources

Business meeting to consider S. 86, to designate segments of Fossil Creek, a tributary to the Verde River in the State of Arizona, as wild and scenic rivers, S. 127, to amend the Great Sand Dunes National Park and Preserve Act of 2000 to explain the purpose and provide for the administration of the Baca National Wildlife Refuge, S. 128, to amend the Cache La Poudre River Corridor Act to designate a new management entity, make certain technical and conforming amendments, enhance private property protections, S. 189, to decrease the matching funds requirements and authorize additional appropriations for Keweenaw National Historical Park in the State of Michigan, S. 327, to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement, S. 783, to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, S. 868, to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers System, S. 1039, to extend the authorization for the Coastal Heritage Trail in the State of New Jersey, S. 1143, to designate the Jupiter Inlet Lighthouse and the surrounding Federal land in the State of Florida as an Outstanding Natural Area and as a unit of the National Landscape System, S. 1247, to amend the Weir Farm National Historic Site Establishment Act of 1990 to limit the development of any property acquired by the Secretary of the Interior for the development of visitor and administrative facilities for the Weir Farm National Historic Site, S. 1304, to amend the National Trails System Act to designate the Arizona National Scenic Trail, S. 1329, to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, S. 1341, to provide for the exchange of certain Bureau of Land Management land in Pima County, Arizona, S. 1365, to amend the Omnibus Parks and Public Lands Management Act of 1996 to authorize the Secretary of the Interior to enter into cooperative agreements with any of the management partners of the Boston Harbor Islands National Recreation Area, S. 1377, to direct the Secretary of the Interior to convey to the City of Henderson, Nevada, certain Federal land located in the City, S. 1433, to amend the Alaska National Interest Lands Conservation Act to provide competitive status to certain Federal employees in the State of Alaska, S. 1476, to authorize the Secretary of the Interior to conduct special resources study of the Tule Lake Segregation Center in Modoc County, California, to determine suitability and feasibility of establishing a unit of the National Park System, S. 1522, to amend the Bonneville Power Administration portions of the Fisheries Restoration and Irrigation Mitigation Act of 2000 to authorize appropriations for fiscal years 2008 through 2014, S. 1634, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, S. 1740, to amend the Act of February 22, 1889, and the Act of July 2, 1862, to provide for the management of public land trust funds in the State of North Dakota, S. 1802, to adjust the boundaries of the Frank Church River of No Return Wilderness in the State of Idaho, S. 1921, to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, S. 1939, to provide for the conveyance of certain land in the Santa Fe National Forest, New Mexico, S. 1940, to reauthorize the Rio Puerco Watershed Management Program, and S. 1941, to direct the Secretary of the Interior to study the suitability and feasibility of designating the Wolf House, located in Norfolk, Arkansas, as a unit of the National Park System, and any other pending legislation.

SD–366

2:30 p.m.

Finance

Business meeting to consider an original bill entitled, "The Economic Stimulus Act of 2008", and to consider changes to the rules of procedure of the Committee on Finance.

SD–215

3:30 p.m.

Foreign Relations

To receive a closed briefing from members of the intelligence community.

S–407, Capitol

JANUARY 31

9:30 a.m.

Foreign Relations

To hold hearings to examine Afghanistan, focusing on a plan to turn the tide.

SD–419

Armed Services

Personnel Subcommittee

To hold an oversight hearing to examine military recruiting.

SR–232A

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine strengthening our economy, focusing on foreclosure and neighborhood preservation.

SD–538

Budget

To hold hearings to examine the long-term outlook and sources of growth in health care spending.

SD–608

Energy and Natural Resources

To hold hearings to examine S. 2323, to provide for the conduct of carbon capture and storage technology research, development, and demonstration projects, and S. 2144, to require the Secretary of Energy to conduct a study of feasibility relating to the construction and operation of pipelines and carbon dioxide sequestration facilities.

SD–366

Environment and Public Works

To hold hearings to examine a report of the National Surface Transportation Policy and Revenue Study Commission.

SD–406

Judiciary

Business meeting to consider S. 1638, to adjust the salaries of Federal justices and judges, S. 352, to provide for media coverage of Federal court proceedings, S. 2450, to amend the Federal Rules of Evidence to address the waiver of the attorney-client privilege and the work product doctrine, S. 2304, to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, and the nominations of Mark R. Filip, of Illinois, to be Deputy Attorney General, Ondray T. Harris, of Virginia, to be Director, Community Relations Service, and David W. Hagy, of Texas, to be Director of the National Institute of Justice, Department of Justice.

SD–226

10:05 a.m.

Environment and Public Works

Business meeting to consider S. 2146, to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects.

SD–406

10:30 a.m.

Aging

To hold hearings to examine elderly voters, focusing on opportunities and challenges for the 2008 election.

SH–216

2:30 p.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee
To hold hearings to examine eliminating agency payment errors.
SD–106

FEBRUARY 1

9:30 a.m.
Joint Economic Committee
To hold hearings to examine the current economic outlook.
SD–106

FEBRUARY 5

9:30 a.m.
Veterans' Affairs
To continue oversight hearings to examine veterans disability compensation.
SR–418

10 a.m.
Intelligence
To hold hearings to examine the world threat.
SH–216

2:30 p.m.
Intelligence
To hold closed hearings to examine the world threat.
SH–219

FEBRUARY 6

9:30 a.m.
Armed Services
To hold hearings to examine the defense authorization request for fiscal year 2009, the future years defense program, and for operations in Iraq and Afghanistan.
SD–106

10 a.m.
Energy and Natural Resources
To hold hearings to examine the President's proposed budget estimates for fiscal year 2009 for the Department of Energy.
SD–366

2:30 p.m.
Intelligence
Closed business meeting to consider pending calendar business.
SH–219

FEBRUARY 7

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the nominations of Robert A. Sturgell, of Maryland, to be Administrator of the Federal Aviation Administration, and Simon Charles Gros, of New Jersey, to be an Assistant Secretary, both of the Department of Transportation.
SR–253

Health, Education, Labor, and Pensions
To hold hearings to examine weathering the economic storm, focusing on helping working families in troubling times.
SD–430

Judiciary
To hold hearings to examine the Founding Fathers papers, focusing on ensuring public access to our national treasures.
SD–226

2:30 p.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine business transformation and financial management at the Department of Defense.
SR–222

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

FEBRUARY 12

10 a.m.
Judiciary
To hold hearings to examine the nominations of James Randal Hall, to be United States District Judge for the Southern District of Georgia, Richard H. Honaker, to be United States District Judge for the District of Wyoming, Gustavus Adolphus Puryear IV, to be United States District Judge for the Middle District of Tennessee, and Brian Stacy Miller, to be United States District Judge for the Eastern District of Arkansas.
SD–226

FEBRUARY 13

9:30 a.m.
Veterans' Affairs
To hold hearings to examine the President's proposed budget request for fiscal year 2009 for veterans programs.
SR–418

9:45 a.m.
Energy and Natural Resources
To hold hearings to examine the President's budget request for fiscal year 2009 for the Department of the Interior.
SD–366

FEBRUARY 14

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the President's proposed budget estimates for fiscal year 2009 for the Department of Agriculture Forest Service.
SD–366

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine one year to digital television transition, focusing on consumers, broadcasters, and converter boxes.
SR–253

FEBRUARY 27

2:30 p.m.
Commerce, Science, and Transportation
Space, Aeronautics, and Related Agencies Subcommittee
To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the National Space and Aeronautics Administration (NASA).
SR–253

FEBRUARY 28

9:30 a.m.
Armed Services
To hold hearings to examine the defense authorization request for fiscal year 2009, for the Department of the Navy, and the future years defense program; with the possibility of a closed session in SR–222 immediately following the open session.
SH–216

SENATE—*Tuesday, January 29, 2008*

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, the giver of every good and perfect gift, we are sinful people seeking salvation. We are lost people seeking direction. We are doubting people seeking faith. Teach us, O God, the way of salvation. Show us the path to meaningful life. Reveal to us the steps of faith.

Today, use the Members of this body to fulfill Your purposes. Quicken their hearts and purify their minds. Broaden their concerns and strengthen their commitments. Show them duties left undone, remind them of vows unkept, and reveal to them tasks unattended. Lead them, Father, through this season of challenge to a deeper experience with You. Then send them from Your presence to be Your instruments of good in our world.

We pray in the Name of Him who is our hope for years to come. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, January 29, 2008.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, we will have morning business for 1 hour after the two leaders make any statements they might make. As to what we do after that will take a conversation with the Republican leader, and we will do that when we finish our statements. We have a number of things that are pending: the FISA legislation, Indian health, and we have another matter I want to complete, an energy bill. We have an agreement as to how to finish that, and we will move to one of those, more than likely, today.

STIMULUS PACKAGE

Mr. REID. Mr. President, the Finance Committee on a bipartisan basis has worked up what they feel is something they are going to bring before the full committee tomorrow, and that will take place—we will get their take on the stimulus package tomorrow. We have all seen the press today. Everyone knows the Senate is going to put their mark on the stimulus package. We feel what will be done will be very stimulative to the economy. It includes, as I understand it, some 20 million seniors who were left out of what has taken place in the House. There will be unemployment benefits. A number of States are in very difficult shape in that regard. They have some other things dealing with the business package, and I am told that advocacy groups like very much what is in the Senate package. But we will work through this and try to get something done very quickly so that, if there are changes made, we can do a very quick conference and get it to the President. That is an important issue.

FISA

Mr. REID. Mr. President, I want everyone—especially my Republican colleagues and especially the people in the White House—to listen to what I am going to say. FISA, if we don't do something on it today, will expire. It will be out of business. The House is going out of session tonight, so unless we get to them the 30-day extension we have tried to move forward five or six times, unless we have an extension of 18 months, a year, 2 weeks, whatever the Republicans think is appropriate—if they think nothing is appropriate—then the full brunt of this law expiring is on their shoulders because it is virtually legislatively impossible to get anything done today. Remember, the House has already done what they are going to do. If we took what the Intelligence Committee passed, which is likely not going to happen, we would have to have a conference with the House. They are going out of session tonight. They are out of town on Wednesday and Thursday and Friday. So unless we do something today, the bill is not going to be enacted and the legislation we passed last August will expire.

Now, the orders that have been sought and accomplished during the time since last August will still be in effect, and, of course, there will be an opportunity under the old FISA law to work on an emergency basis for new things they want to do.

We want to maintain the ability to go after the bad people. We believe there is a necessity for intercepting telephone conversations between people who are trying to do bad things. We think it should be within the constitutional framework, and we believe that is what the Intelligence Committee and the Judiciary Committee have done. But I again say, without getting into any details, unless we do something today, unless someone can explain to me how we can pass something here in a matter of a few hours, how we can have a conference with the House in a matter of a few hours and then bring those two conference reports to the House and the Senate in a few hours—I say that is legislatively impossible.

So I am saying again to my Republican colleagues: Agree to some extension of time or the burden of this legislation not passing is on your shoulders because we have had no attempt to legislate. We have not had the opportunity to offer amendments, let alone vote on them.

Our goal is to provide the intelligence community with all of the legal tools it needs, while protecting the privacy of law-abiding Americans. So I would hope that in the next hour or so, we can work something out before the House leaves town or nothing will have been accomplished.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

FISA

Mr. MCCONNELL. Mr. President, we have known we needed to get the FISA law extended for 6 months—6 months. I have also heard it suggested that somehow, little or no harm would be done if

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

the law were allowed to expire. Well, that is simply incorrect. The ability to go after new targets would be eliminated with the expiration of this bill in 3 days. So here we are with 3 days to go, and I gather from listening to my good friend on the other side, the very real possibility is that there is at least some willingness on the part of some on the other side to just let the law expire.

Now, contrary to what some are saying, the expiration of this important antiterrorist tool has serious consequences; that is, if we don't get this job done, the notion that somehow it doesn't make any difference is certainly not true. Let me say again: Once it expires, intelligence officials will no longer be able to gather intelligence on new—new—foreign terrorist targets. The terrorists are not going to stop planning new attacks just because we stop monitoring their activities. Our enemies are watching. They know our intelligence capabilities will be degraded once the Protect America Act expires. That is why we need to reauthorize FISA in such a way that we retain its full—its full—terror-fighting force. The Senate Intelligence Committee's version does just that. That is the Rockefeller-Bond bipartisan proposal that came out of committee 13 to 2. Senate Republicans stand ready to finish that good work the committee did and the administration began.

We have proposed a list of several amendments to our colleagues on the other side that could receive votes. I know those discussions are ongoing, and hopefully we can begin to have some votes. But we do not have the time to rebuild amendment by amendment a Judiciary Committee version that a bipartisan majority of the Senate has already defeated. It wouldn't become law even if we passed it.

Now, Republicans are ready to provide a short-term extension of the Protect America Act to keep the Senate focused on the importance of this critical terror-fighting tool. But after 10 months of waiting, we do not need—and the country cannot afford—another month of delay.

We await the response of our Democratic colleagues to our amendment proposal, and those discussions, as I indicated, are going forward, and we look forward to finishing the job in a way that allows our intelligence professionals to keep us safe from harm.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, we understand the implication of the legislation that is now in effect and will expire Thursday. We understand that. We understand there are new targets our intelligence officials may want to go after. We understand that. But I repeat: Using the words of my friend, the Republican leader, once it expires, if it expires, it is on the shoulders of the White House and the Republicans in the Senate. We have attempted to work through this, and we have been willing to extend this law for an extended period of time. We have been willing to extend the law for a limited period of time.

I think what this all boils down to is that we should extend the law for a long period of time because the only issue—there are other issues, of course, but the main issue is whether there will be retroactive immunity for the phone companies. That is what it all boils down to—whether there is going to be retroactive immunity to the phone companies. Some of us don't think that is appropriate; others think it is appropriate.

So why don't we extend this law for an extended period of time? That way, the new targets could be sought if, in fact, they are out there—and we all believe there are some, and that is necessary to be done—and then set up a time. We will agree to a time and have a debate on the immunity provisions and see if the Senate and the House are willing to give retroactive immunity. In the bill my distinguished colleague, the Republican leader, talked about that came from the Intelligence Committee, that is in that bill. That is in their bill that came from committee. What the House has done doesn't have it in there. So why don't we have a debate on that issue and just extend the law? We will extend it until there is a new President. We are fine—we are happy to do that—so that we get off this: We can't do the targets. Why don't we just extend it for a period of time, and then our side will agree to try to work out something legislatively so that we can have a real nice debate on retroactive immunity.

Mr. DURBIN. Mr. President, will the majority leader yield for a question?

Mr. REID. I am happy to yield.

Mr. DURBIN. Mr. President, I would like to ask the Senator if he could recap for me two votes that I think are significant. There was a vote taken as to whether the Judiciary Committee version would be accepted. A cloture vote was taken, if I am not mistaken, and it was defeated. If I am not mistaken, that was last week. And if I am not mistaken as well, yesterday, when Senator McCONNELL offered a cloture motion to promote his point of view, there were only 48 votes in support of it out of the 60 that were necessary—4 from our side of the aisle, 44 from the Republican side.

It seems to me we need to put our heads together to work this out. Extending this law so that there is no damage or hazard to our country is a reasonable way to do this. We now have reached a point where amendments may be considered and voted on, and then we will be in a spot where we can pass a version in the Senate, send it to conference, and work out our differences. But I can't understand how the President and the Republican leader can come to the floor and blame us for the expiration of the law if we are offering an extension of the law and they keep refusing.

Mr. REID. Mr. President, I say to my friend, the distinguished Senator from Illinois, I personally have been to the floor and offered on many occasions to extend the time. We could all see the train wreck coming, and we believed that it was necessary to extend this law.

I don't know—I say very positively to my friend from Illinois and everyone who can hear me—I don't know if we can work anything out on these amendments. I don't know. On the title I aspect of it, one Senator has six amendments. I am sure—he has always been a reasonable person—he wouldn't have to offer that many. He has always been very good about time agreements. But there are 10 or 12 amendments to title I. Then there are three we have with title II dealing with some form of immunity.

But I repeat to my friend, Democrats believe the program should continue. We are willing to say, OK, let it continue as it is now in effect. A lot of people don't like that. We are saying go ahead and let it continue. Certainly, there could be a significant majority of Senators—Democrats and Republicans—who will support that. And the issue is immunity.

I reverse the question and ask my friend from Illinois, should we not have a nice debate on immunity and find out how the Congress feels about what the President feels is important? That is how this country has worked for all these years. So extend this and do it until we have a new President—Democrat or Republican, man or woman, whoever it might be—and in the meantime have a decision made as to whether there should be retroactive immunity.

Mr. DORGAN. Will the Senator yield for a question?

Mr. REID. I will, but let my friend from Illinois answer that question first.

Mr. DURBIN. Mr. President, I say to the majority leader, it appears now that the Senate has to work its will. When the Judiciary Committee proposal was suggested, it didn't pass. When the Senator from Kentucky offered his cloture motion for his side, it didn't even have a majority vote. It had 48 votes in support, let alone the 60 that were required. I don't think we can expect to impose our will on this body. The Senate has to work its will. We could have considered a lot of amendments in the time we have lost so far in debate.

I say to the majority leader, how can we be held responsible for this law expiring if it is the Republicans who opposed extending the law? You have offered repeatedly to let them extend the law. They have said no.

Mr. REID. Mr. President, I say to my friend, let's extend it for any period of time, although I think that for each day it should be a longer period of time.

Mr. McCONNELL. Will the majority leader yield for a question?

Mr. REID. I will after I have yielded to the Senator from North Dakota. If anyone thinks we are going to come to an immediate agreement on all these amendments, we have overused the term "run the traps," but the Republicans are not going to agree to all of the amendments the Democrats want to offer. I will respond to my friend from North Dakota.

Mr. DORGAN. Mr. President, this is a complicated and certainly an important issue. It seems to me that it takes two sides to compromise. One of the things I am curious about, as I listened to this and to the Senator from Kentucky, the minority leader said we are ready to move forward. He said he is disappointed in the delays. Isn't it the case, however, that last week, when the cloture motion was filed by the Senator from Kentucky, they decided at that point to block everything else and stop everything from happening until this week? It seems to me this delay has occurred because the other side has blocked the ability to offer amendments. Had we offered amendments, we would have probably been done with that at this point.

I say that there is not anyone in the Senate I am aware of—no one—who doesn't believe we ought to extend this FISA law. Nobody is in that position. Isn't that the reason for the delay and the reason we have not moved forward—that we were blocked when the Senator from Kentucky filed his cloture motion?

Mr. REID. Mr. President, I say to my friend, you were at the meeting with me just from 9 to shortly before the hour of 10 o'clock. A person who is heavily involved in this legislation, the distinguished Senator from Wisconsin, RUSS FEINGOLD, said this legislation should be extended. He has, on many occasions, voiced his opinion on what is wrong with the way we passed this legislation in August, and he has been very strong in his comments about how this law could be improved. Every Democrat in our caucus believes this law should be extended. I don't like to speak for everybody, but Senator FEINGOLD believes the law should be extended because it is the right thing to do. I cannot imagine why we have had all the difficulty we have had in extending this law. On a number of occasions, we have said if the law expires, it is not our fault.

Now I am happy to yield to my friend from Kentucky.

Mr. McCONNELL. I thank my good friend.

Mr. President, he indicated that the principal issue we are sparring over is the question of immunity from litigation for communications companies that cooperated in protecting our country. I am sure the majority leader knows that yesterday my side offered to his side a vote on the Dodd-Feingold amendment related to that issue, and a vote on the Specter-Whitehouse amendment related to that issue, and that package was rejected.

Mr. REID. Yes. I say to my friends, there are also other amendments. We talked about title I, and there are a number of amendments. I think we can reduce those on that side to maybe eight. They would all be short time limits. They would also make sure the record reflects that we believe they should be majority votes, not 60-vote margins.

Mr. McCONNELL. Is the majority leader yielding the floor?

Mr. REID. Yes, I am happy to.

Mr. McCONNELL. Mr. President, this is the kind of discussion, of course, that the Senate is witnessing that typically occurs between the majority leader and myself and managers of the amendments. To sum it up, this is the kind of legislative finger-pointing that turns the public off. But it is the way in which we go forward.

We had discussions yesterday about voting on the very issues the majority leader just indicated are the key issues relating to this bill. Hopefully, during the course of the day, we will be able to come together and have the votes on the key amendments and move forward.

The President, of course, is not going to sign a lengthy extension or a 30-day extension. Any hope that we will extend existing law without dealing with the retroactive liability issue is a waste of energy and time. That isn't going to happen. So we are going to focus on this bill and, hopefully, find a way to go forward and let the Senate work its will.

If the House chooses to leave tonight, I find that a highly irresponsible act—right before the expiration of this very important law. There isn't anything more important that we are doing right now, with the possible exception of trying to figure out a way of going forward to stimulate our economy and prevent an extensive slowdown, than getting the homeland protected.

A key ingredient in securing that protection, we know, is getting this FISA law right and getting it passed—not some kind of short-term extension. The terrorists are not going to take a vacation for a few weeks or for 6 months or next year; they are going to be around for a while. We need to get this right and do it now, and today is a good day to get started.

I yield the floor.

Mr. REID. Mr. President, if this law is so good and we are able to, in the words of the Republican leader, "get new targets," why don't we extend the law? I don't understand why we are not doing that.

I tell everyone again that it is legislatively impossible to do anything as it relates to this legislation, as far as passing it today. It is impossible. We have a number of amendments that have to be handled. It is going to take a matter of quite a few hours. We can do it in 1 day, I think. Remember, we have to have everybody agree to that, all 100 Senators. Then the House has to agree to what we do or we have to agree to what they do or work out a compromise in conference. That cannot be done tonight. This is the last day we have to legislate. If we don't legislate today, we are going to move on to something else in a few minutes, because there is no agreement on FISA—to extend it. I think that is unfortunate. Having said it so many times already—and I am tired of hearing myself say it—if the law expires, Democrats have no blame whatsoever.

Mr. McCONNELL. Mr. President, let me wrap it up for myself by saying that we will be staying on this bill. We will not leave this bill.

Secondly, this is a bipartisan compromise that came out of the Intelligence Committee by a vote of 13 to 2, the Rockefeller-Bond bipartisan bill, which is supported by the President of the United States. That is the Senate at its best—a bipartisan bill. The President is willing to sign it. Our effort here is to get it to him for his signature. He awaits our action.

I yield the floor.

Mr. REID. Mr. President, this bill is not a bipartisan bill. The bill that came out of the Intelligence Committee is bipartisan, but understand it was concurrently referred to the Intelligence Committee and the Judiciary Committee. They both have jurisdiction over this legislation. We cannot pick and choose what the President likes. We have a situation here where the Judiciary Committee is entitled to be heard. That is what they are asking for—to be heard. They demand that and it is appropriate.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided, with the Republican leader controlling the first half and the majority leader controlling the final half.

The Senator from Florida is recognized.

FISA

Mr. MARTINEZ. Mr. President, I wish to talk about the very important issue relating to foreign intelligence surveillance. I want to talk about it not in the sense of who gets to be blamed if something happens. I believe that on something of this magnitude, the American people are pretty tired of the blame game: We would have done this, but if you didn't do that, we blame you; and if this happens, you get to blame us. I think the time of blame-casting has well passed. The fact is that the laws that grant the Government the authority to use the resources we have in order to stay informed of what our enemies are seeking to do to us are outdated and need to be modernized and put up to date with our current technology. We are fighting a modern war against a modern enemy. The tools we have to fight that war are out of date. One of the only ways we are able to expose and stop terrorist plots before they unfold is through the provisions accorded under FISA.

Some of my colleagues have expressed an understandable concern about the current FISA reauthorization, and whether it would improperly invade the civil liberties of our citizens. After 2 years of public debate on the broad issues of FISA, and after reviewing the current legislation, I believe those concerns are unwarranted.

This issue transcends the stance of either political party or any partisan interest. Those who oppose this are sincere in their concern; they just happen to be wrong. Needless hurdles will be created for our Government in the obtaining and utilizing of valuable intelligence to keep America safe. So I want to see us address this issue head on and come together and send the President a bill that he can and will sign.

The President spoke about this last night in his State of the Union Message. He wants to get this matter resolved, and he wants a bill on his desk. We owe it to the military and the intelligence community to equip them with the tools they need to protect our citizens and carry out their duties effectively.

Throughout our history, Americans have always been concerned about the proper balance between security and freedom. Those concerned about the power of Government and trampling on the rights of free citizens are right to insist on maintaining the individual liberties granted to us by the Constitution, especially during a time of crisis. The bill we are considering is precisely concerned with maintaining and keeping a proper balance of those protections.

This is a bipartisan bill. It was reported out of the Intelligence Committee by a vote of 13 to 2. It is a modern update that is designed to keep our technological edge and to effectively implement the goals of the original FISA law passed in 1978. This bill is the product of the careful consideration of Members of both sides of the aisle on the Intelligence Committee—those best informed about these matters, who have the most knowledge about the means and methods by which we gather intelligence. Those Members recognize a need to modernize the way our intelligence is collected and the need to share information that is vital to terrorist communications, whether these communications be on a cell phone, by e-mail, or in person. This bill is for the American intelligence services to be able to timely develop intelligence without having to wait for a court order. In other words, if a terrorist group such as al-Qaida calls a sleeper cell within our borders, this would ensure that our Government can protect our citizens, the specific procedure for surveillance, and it ensures that the independent FISA Court is fully informed of every step in the process.

The bill also has a provision to protect those who have assisted us and the intelligence community in gathering information that was absolutely vital to our national security. Fortunately, we have had full cooperation from a number of telecommunications companies in providing our intelligence officials with accessing and obtaining information from foreign terrorists.

As we look at this issue—and the majority leader says this issue is the big sticking point, so let me talk about that specifically, that this retroactive immunity for telecommunications companies allows bad actors to get off the hook—who is it we are giving immunity to and why should it be retroactive? This has already been noted a number of times, but I think it bears repeating.

Retroactive immunity is necessary not only to protect companies that cooperated in good faith at the request of our President during the time of the most serious domestic crisis our country has ever faced, but it was done to ensure our national secrets regarding intelligence methods remained classified and are not disclosed in public through the civil court process. In other words, it is not just about providing immunity to those who helped at the time it was needed, but it is also to ensure that as we go forward, we are not going to have an O.J. Simpson-type trial, with television cameras blaring with information being disclosed. We know things do not keep. We know our enemies are capable of getting the information because it will be in the New York Times. The fact is, we want to keep our methods and sources secret and confidential, and this is a very important part of this immunity idea.

If you want accountability for the executive branch, we have a constitutional system of checks and balances, and leaving aside the President's authority under article II, we are exercising congressional oversight in passing S. 2248, and we, along with the FISA Court, are certainly going to be able to pay close attention to how we select intelligence going forward.

As far as letting bad actors off the hook is concerned, S. 2248 provides retroactive immunity from civil litigation if a series of conditions are met. The assistance was provided in connection with intelligence activity authorized by the President between September 11, 2001, and January 17, 2007, and was designed to detect or prevent terrorist attacks against the United States.

What is wrong with that? The assistance was also to be provided in response to a written request, a directive from the Attorney General or other intelligence community head indicating the activity had been authorized by the President and determined to be legal.

To me, it is a good idea to give these folks the kind of immunity that will allow them to continue to cooperate, that will say to them: The next time there is a vital emergency where your cooperation is needed, we didn't stick you with the bill, we didn't allow the courts to go wild. We protected you because you protected America. To me, that seems only fair and only right.

I hope we can get through the partisan morass that always seems to entangle us. I hope we can find a way we can pull together something of this magnitude and importance, which is about the national security of our country—it is about the intelligence needs of our intelligence community—and that we can come together in a timely fashion, craft this bill, take the bill the Senate Intelligence Committee passed on a bipartisan 13-to-2 vote, put it up for a vote, let's take the amendments that are available, move it forward, get a vote, and get a bill to the President that he can sign.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Will the Chair kindly let me know when I have used 8 minutes?

The ACTING PRESIDENT pro tempore. The Senator will be notified.

STATE OF THE UNION ADDRESS

Mr. ALEXANDER. Mr. President, last night the President spoke to the Nation in his State of the Union Address. It is one of the great traditions of American Government. One of the most interesting parts of this spectator sport is to watch and see who stands up on which issue when the President talks or who is sitting by whom. It is well watched across our country, and it is a sign of respect to the Presidency as an institution.

The President was in a good mood. It was his eighth such address. He was reflective, but he was decisive. He looked ahead. He talked about the issues facing our country. He did his job, and he challenged us to do ours.

The President devoted a good deal of time to the progress of the war in Iraq, and we devoted a good deal of time today to making sure we have a strong system of intelligence to protect ourselves from terrorists. So I wish to comment on what the President talked about at home, because a great deal of what President Bush said last night was that as important as our role is in the world, as important as the long-term fight against terrorism is, we have work to do at home, and we need to roll up our sleeves and get busy.

This is a Presidential year. Many of the pundits are saying, some politicians even: The Congress will get nothing done. We Republicans believe there is no excuse for taking a year off, given the number of serious issues facing our country. Let me mention a few the President discussed last night.

To begin with, the American economy. The President acknowledged that as strong as our economy is, 52 months of growing jobs, it has taken a downward turn, and we need to take appropriate action to help it continue to produce more jobs. That means steps that are temporary, targeted, and that grow the economy and not the Government.

The President has agreed with the Speaker of the House and the Republican leader of the House on a simple package that is aimed to do that: Rebates for individuals, most of whom pay taxes, and incentives to small businesses to create new jobs. It is a simple idea.

Speaking as one Senator, I do not believe we can afford to let this economic growth package, which should pass the House today, become a Christmas tree in the Senate for everyone's favorite idea for spending taxpayers' dollars.

I have some ideas. I think every Member of the Senate has some ideas. But maybe we should recognize the American people would like to see us act and act promptly and act decisively.

Someone has said the Senate wishes to speak on the issue. I know very well none of us is guilty, usually, of having an unexpressed thought. We love to speak. But one way for us to speak is to say to the House of Representatives: Madam Speaker, and to the House itself, we agree with you. We think your package is simple, temporary, targeted, and a good idea. And to the President: Mr. President, each of us might have written the package a little differently, but we agree with you and we are ready to pass it before the end of next week.

I would like to write it differently, but I like the idea that it goes mostly to taxpayers, that it is family friendly, that it gives incentives to small business, and that it temporarily helps with housing.

I believe it is important for our Government, particularly at this moment, to send a strong message that we will take the action appropriate to keep the economy strong and that we are capable of functioning as a Government and working in bipartisan ways to deal with real issues.

The American people are tired of petty politics. They are tired of playpen politics on the Senate floor. They do not believe they elected us to stick our fingers in the eyes of the Democrats or the Democrats to stick their fingers in our eyes. We have a good example of our leadership working together with the President, and as one Senator, my recommendation is we support what the President and the House of Representatives is about to do.

The President said we should get to work this year to make sure every American can have access to health care insurance. At our Republican conference last week, that was the first item on our agenda, and I believe it is fair for me to say virtually every single Republican Senator believes every American should be insured and is ready to go to work this year to help make that possible.

The President talked about his plan, which he talked about last year, to redo our Tax Code so dollars would be available to American families to buy at least a basic health care policy that they wouldn't lose when they change jobs.

We have had a number of Senators on this side—Senator BURR, Senator CORKER, Senator COBURN, for example, Senator BENNETT who has authored a bill with Senator WYDEN, which has significant bipartisan support. We are all ready to go to work this year. We believe we should start this year to help make sure every American is insured.

Runaway Federal spending. The President talked about controlling entitlement spending. This is an issue that is beginning to get the country's attention, and it should have the country's attention. It certainly has mine.

What do we mean by entitlement spending? We mean 40 percent of the budget is Social Security, Medicare, and Medicaid, and it goes up automatically every year. Over the next 10 years, the annual growth of Social Security is predicted to be about 6 percent, according to the Congressional Budget Office, Medicare about 7.2 percent, Medicaid about 8 percent. Entitlement spending and interest on the debt is 60 percent of every dollar we spend. Another 20 percent is defense, the war and other necessary actions to defend ourselves, and 19 percent is everything else.

The "everything else" was flat last year. The Congressional Budget Office says the "everything else"—that is, parks and roads and many of the items Americans believe Government ought to be doing—that is going to go up about 2 percent annually over the next 10 years, according to the Congressional Budget Office. Our defense goes up 3 percent annually, and entitlement spending goes up 7 or 8 percent.

Senator GREGG and Senator CONRAD have pointed out to us—they are the heads of our Budget Committee—that we pretty soon are going to be faced with an absolutely impossible situation that will require massive cuts in benefits, massive tax increases that the net worth even of this great country will not be able to pay, and that every year we wait, we risk another problem. The President said do something about it. He challenged us to do it, and Senator GREGG and Senator CONRAD have a proposal to do that. We should act on it this year.

That is not all there is to holding down spending. The President mentioned earmarks. There are too many earmarks. They are not as transparent as they ought to be. That is a smaller part of the budget. It is our constitutional responsibility to deal with earmarks, but we should do that ourselves. We should begin that this year.

We could pass a 2-year budget plan, such as Senator DOMENICI and Senator LIEBERMAN and Senator FEINGOLD at various times have proposed, and Senator SESSIONS, Senator ISAKSON. That would give us oversight to repeal rules and regulations every other year. So there are three ways to get a handle on Federal spending.

Senator HUTCHISON and Senator BINGAMAN have been leaders, as well as others here, on keeping good jobs from going overseas. We passed the America COMPETES Act last year, and the President challenged us to fund it this year. He is right about that.

Finally, President Bush mentioned something that is close to my heart. He called it the Pell grants for kids. I remember being in a visit with him a couple years ago, and he said to me: We have to do something about inner-city children who cannot afford to go to good schools. Why don't we have Pell grants for kids? I said: Mr. President, I had a hearing on that idea last month. He looked at me and said: I thought it was my idea. I said: Mr. President, it is your idea. Any idea the President has is his idea, but he had it before anyone suggested it to him.

The idea is very simple. We take this brilliant idea that Congress has invented over the last 50 years of giving money directly to college students which they can spend at any institution of education of their choice—public, private, nonprofit, Catholic, Jewish, the University of Tennessee, Notre Dame, National Auto Diesel College.

As long as it is accredited, they can go there, and it especially helps those with less money. Let's try that with the poorest children.

Sixteen years ago, when I was Education Secretary, the first President Bush proposed a GI bill for kids. Much the same idea. It was the largest provision in his budget, half a billion dollars that year, to give poor kids access to some of the same educational opportunities others had.

I proposed, in a Pell grants for kids version, that we give every child, the middle- and low-income children—that is 60 percent of them all $500 for after-school programs or other programs. The President has advanced the idea.

President Bush has painted a strong agenda for America this year. He has said let's give a boost to the economy, let's begin to give every American health insurance, let's control entitlement spending, let's fund programs to keep good jobs here, and let's give poor children an opportunity to go to more of the better schools. He has challenged us to go to work. We are ready to go to work. We are ready to get results, which means working across the aisle in a bipartisan way.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, may I inquire how much time remains on our side?

The ACTING PRESIDENT pro tempore. There is 11 minutes remaining.

Mr. CORNYN. I appreciate that, Mr. President.

BIPARTISANSHIP

Mr. CORNYN. Mr. President, when I came to Washington about 5 years ago, a colleague of mine said: Welcome to Washington, DC. It is about 8 square miles of logic-free environment, where perception is reality.

I always chuckled when he would say that, and I have repeated it myself a few times to audiences back home in Texas because I think it, unfortunately, has a grain of truth to it. One reason I think people chuckle at that, and maybe groan a little bit inside when Washington is described that way, is because we send out such contradictory messages at the same time.

The Speaker of the House of Representatives and the Republican leader, Mr. BOEHNER, and the President of the United States have come together and said: We have come up with a bipartisan package to stimulate our economy; to make sure, if it is possible, that we avoid a recession that puts many Americans out of work and hurts them in an economic and personal way.

That was a very welcome message that I heard and the public heard, and I think it was a hopeful one. I, for one, hoped it would signal some kind of new period of cooperation in light of the fact that, frankly, what we had been doing was not working very well, as evidenced by one of the historic lows in congressional approval ratings as a result of the dysfunction in the Senate, and Congress as a whole, last year.

By that I mean you will recall we didn't pass but 1 of the 12 appropriations bills on a timely basis by the end of the fiscal year last year, so we had to roll everything into a big Omnibus appropriations bill. Some say "ominous" appropriations bill, and I think that is an apt description. It was chock full of earmarks and things that people hadn't had adequate time to scrutinize, much less to debate and shine the sunlight of public scrutiny on. So I would hope we would learn from the dysfunction of last year and we would look to the example of bipartisan cooperation as evidenced by the House of Representatives and the White House on the economic stimulus.

Of course, it wasn't limited just to appropriations last year. We saw basically a standstill, after 36 votes on Iraq, on nonbinding resolutions calling for unilateral withdrawal. Finally, we passed, at the very end of last year, a $70 billion emergency appropriations so that our troops in Afghanistan and Iraq would get the support we owe them as a moral obligation, as a sign of our commitment to support the troops, to protect our national security interests. But it took us a long time and a lot of hot air to finally get there.

Then, of course, there was the alternative minimum tax, which, true to form, people said: Well, let's tax the rich. Originally, it was designed to tax 155 taxpayers. Last year, it affected 6 million people. And if we hadn't acted, which we finally did at the end of last year, it would have affected 23 million middle American taxpayers. Thank goodness we were finally able to get the work done, that was our responsibility, but not, frankly, in good form last year.

So it is with some hope that we find ourselves learning from that experience last year and the low approval ratings that they brought. My hope was this early sign of bipartisan cooperation on the economic stimulus package would sort of start a new trend. Unfortunately, on a matter that really is fundamental to our responsibility—I think our first responsibility: To keep America and Americans safe—we find ourselves falling back into the old bad habits of dysfunction once again.

What I mean by that is, the Foreign Intelligence Surveillance Act is vital to our national security. It is vital that we continue to be able to listen to foreign terrorists who are communicating with each other, plotting and planning future terrorist attacks on our homeland and on our troops in Iraq and Afghanistan and around the world. Rather than pass legislation that would address that, we passed a patch in October for 6 months, which expired in December. So we passed another 1-month extension. And now we find ourselves with our backs up against the wall with this Protect America Act extension expiring February 1. And I was discouraged to hear the majority leader say this morning that it was impossible to pass a reauthorization of the Foreign Intelligence Surveillance Act.

What he suggested is that we need another patch for 1 month, or a short period of time, without addressing the primary issues that need to be voted on. The Senator from Florida, Mr. MARTINEZ, talked about the civil liability immunity for the telecoms that may have cooperated with the United States Government at the highest levels based on a request from the President of the United States, the Commander in Chief, during a time of war, and the certification by the Attorney General that what they were being asked to do was legal and, in fact, necessary for us to protect ourselves against another attack, such as the one we suffered in Washington and in New York on September 11, 2001.

We know if this law expires without our addressing all aspects of the Foreign Intelligence Surveillance Act, our intelligence officials will be literally blind and deaf to the important intelligence that will allow us to detect and deter future attacks against American citizens. In fact, last summer the Director of National Intelligence told us we were missing about two-thirds of the communications between foreign terrorists that were necessary to protect our country. That is why we passed the Protect America Act. So why in the world we would get bogged down in the same sort of bickering and partisan divide rather than come together to solve this in a bipartisan fashion, frankly, escapes me.

As was pointed out earlier, this very same legislation passed in the Intelligence Committee by a vote of 13 to 2. That is a bipartisan supermajority, sponsored by the chairman, the Democrat, Senator ROCKEFELLER, and the vice chairman, Senator BOND, a Republican. So with that kind of bipartisan support for a product that the Director of National Intelligence and the leadership of our defense community tell us they need in order to continue to protect America against attacks, why is it impossible for us to pass this legislation? I don't know of any other explanation than just downright stubbornness. And, frankly, it is the kind that represents a sort of reminder of the bad habits of the past that I had hoped we would have learned from and change.

Frankly, if the definition of insanity is doing the same thing over and over again and expecting a different outcome, what is happening on FISA is insane because we are resorting to the same old bad habits and not reaching out and solving this problem, which is very real and very urgent.

Let me say a word about the economy. I mentioned the economic stimulus package that was negotiated between the Democrat Speaker of the House and the Republican leader and the representative of the President, Secretary Paulson. I find myself in agreement with the remarks made earlier by Mr. ALEXANDER, the Senator from Tennessee. While there are parts of that agreement that I, frankly, don't like all that much, given the nature of the legislative process, I think it represents a compromise. And looking at some of the proposals coming out of the Senate, to add additional costly programs to grow the size of Government, which invariably will either raise taxes or will send the IOU down to our children and grandchildren to pay by way of expanding the deficit, I am beginning to think the bipartisan package out of the House of Representatives represents a better alternative than I have seen so far discussed here in the Senate.

The last thing we should be doing is using this national challenge to our economy—a great risk of seeing people put out of work and seeing them suffer economically—and taking chances on growing the size of Government or raising taxes or passing the debt down to our children by growing the size of Government and expanding the size of this package in order to satisfy an individual or group of Senators' desire to add pet projects on to that stimulus package. So I hope we will act in a bipartisan fashion to support the House-negotiated legislation, a bipartisan package, just like the Intelligence Committee product is a bipartisan package, and just like we acted at the end of last year, after a lot of dilly-dallying and a lot of delay, to finally pass, in a bipartisan way, legislation that appropriated emergency funding for our troops, that protected middle-class taxpayers from a tax they were never intended to pay in the first place—the alternative minimum tax—and the other business that we finally did after so many months of delay at the end of last year.

My hope, Mr. President, is that we will not punish those who cooperate with the United States Government in a time of war to help us listen to the conversations of foreign terrorists by refusing to pass this important piece of legislation because it sends the wrong message that if you don't cooperate, you can basically make America blind and deaf to our enemies. That is a danger to all of us.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

BIPARTISAN COOPERATION

Mr. DORGAN. Mr. President, I have listened with great interest this morning. It has been fascinating for me to see a party block access to making progress in the Congress and then several days later come and complain that progress hasn't been made. That is a Byzantine approach to legislating.

I do agree, however, that we don't want bad habits to exist here. And even though I am honored to serve in this place, I have often called this the place of 100 bad habits, which would include myself, of course. It is hard to get things done in this place, but I am not suggesting one side or the other side is all wrong.

I am reminded of Ogden Nash's poem:

> He drinks because she scolds, he thinks.
> She scolds because he drinks, she thinks.
> Neither will admit what is really true: He is a drunk; she is a shrew.

I understand both sides bear responsibility for difficulty from time to time, but let me say this: On this issue of FISA, it strains credibility for a party that says: You may not move; we will block you. We insist that we get 60 votes on every amendment. Every amendment has to have 60 votes, otherwise we filibuster. If that is the case, we don't make progress. And I don't think you can say: Well, we are going to object to progress, and then we will complain that progress isn't made. That makes no sense to me.

I don't know of anybody in this Chamber who doesn't want the FISA amendments to be extended and resolved. Let's do that and get it done. Let's have a little cooperation. But cooperation takes two parties, and it is long past the time to do that. As I have said, we have had a lot of bad habits in this legislation.

Mr. BOND. Mr. President, would the Senator entertain a question?

Mr. DORGAN. Let me ask unanimous consent that my time be extended, however, for the minute or so the Senator wishes to inquire.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOND. I would just ask my good friend if he doesn't agree the Intelligence Committee bills have to pass with 60 votes? I believe the Protect America Act passed with 60 votes. The leader said in December it made sense to have all votes at 60-vote margins, and would he not expect that the Senate Intelligence Committee bill, which I support, will have to get 60 votes? And if so, does it not make sense to have 60 votes to pass all amendments?

Mr. DORGAN. Mr. President, it certainly does not make sense. In fact, exactly the opposite. That is nonsense, to bring a bill to the floor and say: Look, regular order would be to bring up amendments. If a majority of the Senators agree with them, those amendments are approved. But we don't like regular order. Let's decide every amendment that shall be brought up shall have to have 60 votes. Why? Because if not, they will filibuster every amendment and then complain nothing is getting done. No, it does not make sense, I would say to my friend.

Now, I didn't come to talk about that, but let me talk a moment about this issue of the economy. This is a discussion about starting the engine, or getting the engine working on this ship of state so that we move the country forward. It is about jobs and expanding opportunities for the American people because when the economy contracts, people run into trouble.

They are the ones who get laid off, the folks who are working in plants and working at the bottom for minimum wage. They are the ones who lose ground during an economic contraction.

Well, it used to be on the old automobiles, when you started an engine, you had to crank it. And then we went from a crank to a starter, so you push a button or turn a key. Well, some people think our economy is simple as that. It is not, of course. A large component of our economy is people's confidence. If they are confident in the future, they do the things that represent that confidence—they make that purchase, they buy a washer and dryer if they need it, they buy a car, they take a trip. In doing so, because they are confident about the future, they expand the economy. If they lack confidence in the future, they do exactly the opposite—they defer the purchase of that piece of equipment for their home, they defer the purchase of the car, they defer the trip—and the economy contracts.

We have a problem with this economy for a lot of reasons. I have described some of them on the floor of the Senate recently. But the Federal Reserve Board recognized that problem and took a very bold action—three-quarters of a percent interest rate cut—and likely will do more in the next couple of days. The impression is that we also should do something called a stimulus package; that is, stimulus with respect to fiscal policy. I do not object to that. In fact, I think we probably have to do that because a whole lot of what is going on in the market these days is about psychology.

I have indicated this before. I have called the field of economics psychology pumped up by helium. I think that is a pretty adequate description of what it is. People think it is science. It is not. It is a circumstance in which we know very little about the way this economy works. We do have more stabilizers in the economy than we did decades ago, so we have been able to even out a bit some of the recessions and the downturns. All of that has been helpful. We may be in a recession now. No one knows. We probably will not know that until we see it in the rearview mirror. But if we do a stimulus package on fiscal policy—and I think that is a reasonable thing to do—I do not think it is going to have a significant impact on the economy. Suggesting 1 percent of our GDP as a stimulus—it is not going to have a dramatic impact. But psychologically, I think we must do a stimulus.

Let me say that I do think what the Finance Committee chairman is talking about makes a lot of sense. If you are going to do a stimulus package and you are going to provide some kind of rebate, make sure you include senior citizens, many of whom are living on lower incomes. They are the ones who are going to spend it. They are the ones who are going to contribute to additional purchasing power in the economy. So you should not leave out the millions of senior citizens if you are going to do a stimulus package. I support including senior citizens in that stimulus package.

You know, the President and a couple of my colleagues just said: Well, you cannot change it. The House did it. The President wants it. You cannot change it. They come here, and they always suggest that this is like a loose thread on a cheap sweater: You pull the head of the thread, and the arms fall off. That is not the case at all.

The House did its version of a stimulus package. We should do ours. We have some better ideas. But we ought to get it done quickly, and we ought to resolve it with the House and send it to the President. Extending unemployment benefits is something we always do in an economic downturn, and we should do it again, in my judgment.

But let me say that in a stimulus package that is brought to the floor of the Senate that does not have a cap on who is going to get the rebates makes no sense at all. And there is talk about that, that we will get a stimulus package and have no cap on the rebate. We are going to send Bill Gates a $500 check to see if we can stimulate the economy a little bit. That makes no sense. You have to have a cap. This ought to go to middle income and lower income families. They are ones who will spend it and the ones who will be able to give a jump-start to this economy, to the extent the stimulus package actually does that. But as I said, psychologically I think we have a responsibility to use fiscal policy to do something in this general direction.

Now, the Senator from Connecticut just came to the floor, and he has been working on something I am very interested in; that is, infrastructure investment. If we just do a short-term stimulus of 1 percent of the economy and that is all, we are not going to give this economy the kind of boost or give the investment to this country that it needs. We need a second step, and the second step ought to be the big step, and we ought to take a look at what is going on in the infrastructure of this country.

My colleague has a bill, the Dodd-Hagel bill, that I think makes a lot of sense. We had a meeting on that on Friday, a rather lengthy meeting with a lot of people. Here is the situation.

Infrastructure investment is job creating. When you invest in infrastructure, you create jobs and you create a better country. Fly into Bagram Air Base and then get in a vehicle, drive to Kabul, take a look at the road, and ask yourself about infrastructure in a country such as Afghanistan. Fly into Tegucigalpa and then drive in a car to Juticalpa in Honduras, take a look at the road, and ask yourself about infrastructure investment. Or go to Haiti and land at Port-au-Prince, travel across the island to Jacmel, and consider for a moment what infrastructure means to a country. The fact is, you fly over Nicaragua and look down, and you do not see many roads because they do not have much of an infrastructure.

Then fly from any of those countries back to our country, come into an airport, get in a vehicle and drive down the road, and then think about infrastructure and what we have built over a long period of time that makes us proud of this country and allows this country to expand and grow and create opportunity. Then take a look at what has happened recently. This country stopped investing in infrastructure in any significant way. Our infrastructure is crumbling, in desperate disrepair. Big bridges fall down, and highways are crumbling. The fact is, we have schools that are in shameful condition in this country, water programs that are desperately needed for water treatment that are waiting for money to do it.

Now, when the Federal Government buys this highlighter pen for me—at my office, we have a supply of highlighter pens—this is expensed. Now, anybody who takes accounting understands you expense something on day one. But the fact is, when we spend $200 million building a piece of highway or invest $500 million in an airport, we expense that as well. No other enterprise that I am aware of in this country—none—will do what the Federal Government does and say: When you spend on infrastructure something that will last 50 and 100 years for this country, you have to expense it on the first day. We need a capital budget. We need an infrastructure investment bank. We need a whole series of things that represents a second step so that we can in the longer term invest in and expand opportunities in this country through infrastructure investment.

It is about jobs; it is about having pride in your country; it is about investing in your country in the kinds of things that allow economic progress. I don't want people to come out here and say: Let's do this stimulus and, boy, that will fix things. This is putting a little patch on something here; it is not going to fix things. It is something we should do, but if we do not do something much bolder, do something with much greater consequence in the longer term, that invests in this country's future, we will have missed a very substantial opportunity.

In the New York Times this morning, there is an op-ed piece by Bob Herbert that talks about the catastrophe in New Orleans. He talks about the bridge collapse in Minneapolis, the underground steam pipe in midtown Manhattan that blows up, the manhole cover that is blown out of the streets here in Washington, DC. He talks about South Carolina, where there is a long stretch of grievously neglected rural schools that has been dubbed “the corridor of shame.” You know, I have been in those kinds of schools. I have been in schools where kids were going to school in parts of the building that were condemned that were 100 years old, where sewer gas was coming up back through some of the rooms and they could no longer use those rooms. We have all seen those things. This country has to do better. And we can do better if we put together the kinds of infrastructure investment banks and the capital budget, and advance this country's interests by building this country.

I want to make one final point. We were told this morning that the President is going to ask for another $70 billion for Iraq and Afghanistan. That is on top of the $196 billion he asked for last year in this fiscal year that we are in now. That is $16 billion a month, $4 billion a week. He wants another $70 billion. That will take us well over two-thirds of a trillion dollars. I ask the question: Is it not time we started investing some at home? It is not time we started taking care of things here at home? The sky is the limit for these kinds of investments.

This morning, my colleagues were talking about fiscal responsibility. Not one penny of the war costs has been paid for. The President has insisted that we send soldiers to war and we spend this money and charge it to future generations. They will fight the war and come back and inherit this debt. That is not fiscally responsible either. How about suggesting there is a priority here at home for investing in this country, expanding opportunity in this country, and taking care of things that have been too long neglected?

So I wanted to say that in the context of this discussion we will have about the stimulus program. It is important, but what is much more important is for ourselves to have a longer view of investing in this country and expanding opportunity in this country by making this the kind of place we are proud of.

The folks who came before us did that. They had some real vision. Dwight Eisenhower said: Let's build an interstate from coast to coast. That would not happen under some of the folks who exist in this Chamber these days. It just would not. But what a boon to this country, to connect America with interstate highways. So we can do a lot better, and must if we are interested in the long-term well-being of this country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, first of all, let me thank my colleague, Senator DORGAN, for his statement this morning. I wish to follow with very similar remarks. He and I have been good friends for a long time and have worked together on a lot of issues over the years. I just want to underscore what he said this morning about the importance of the stimulus package and the importance of additional ideas that will allow us to get moving again.

I am grateful to hear about the article this morning that was very gracious in talking about the bill that Senator CHUCK HAGEL and I have worked on, along with others, including former Senators Warren Rudman and Bob Kerrey, the Center for Strategic and International Studies, John Hamry, Felix Rohatyn, Bernard Schwartz and other leaders. I am delighted that the Chamber of Commerce as well as major labor unions have endorsed this bill which we spent 2½ years putting together, including spending a lot of time with people in the investment community about ways in which we can attract private capital to public infrastructure. So I appreciate immensely Senator DORGAN hosting the meeting last Friday that brought a lot of these people together.

Our plan here, I say to him, is to talk with our leaders, the Democratic leader as well as, I hope, Senator MCCONNELL, the Republican leader. This ought to be a major issue. If we can bring the Chamber of Commerce and organized labor together around a bill, this is a vehicle which ought to deserve the attention of this body.

I know there is a growing interest in the House as well about it for all of the reasons Senator DORGAN has mentioned. The economic implications are huge, and the necessity grows by the hour. But it even goes beyond economic terms because there is symbolism in a nation building and working.

In talking to Bob Herbert yesterday, I mentioned that even during the Civil War, President Lincoln insisted that the work on the Capitol, the very building which we are in here this morning, would continue; that it was important, despite that there were obvious demands to provide the resources to prevail in the great conflict between North and South, that the country see that this project, to build a national capitol representing the entire country, would go forward. Obviously, there were jobs that were important in that construction. But more important than the jobs, even, was the symbolism of a nation at work.

So I am looking forward to the opportunity to take this idea of a major infrastructure proposal and hopefully attract some broad-based attention to it.

My colleague RON WYDEN from Oregon has a proposal as well. We are hoping to bring them together. He has a little different perspective but one that I think can be added to our proposal.

I wish to focus my talk this morning about the stimulus package and economic issues. I know the FISA bill is going to come up again. I have some strong feelings, as my colleagues know, about the retroactive immunity in that bill. But I was stunned last evening as I sat and listened to the State of the Union. I have been to a lot of them over the years. Last night, when the Presiding Officer and I walked he asked me how many. When I said the number, it stunned me in a way, how many I have been involved in. I was elected to the House in 1974 and went to my first one in January of 1975, with Gerald Ford giving his State of the Union. I have been to every one since. I have not missed one over the last three decades.

There have been some great ones and others less than great. Last evening, put aside whether you like the rhetoric or not, what surprised me is that here we are in a nation where, by everyone's estimation, we are either in a recession or about to enter one, we have economic data that indicate this country is in deeper trouble economically than we have been in in years, and there was hardly any reference to our economic problems whatsoever other than a paragraph or so about a stimulus package.

So the elephant in the room, if you do not mind using that animal analogy, the elephant in the room in the State of the Union was, of course, the state of the union is in tough shape economically. We are in desperate shape in many ways.

What is beyond ironic is that we would have a President of the United States talking about the condition of our union, and here is a major problem that is the subject of headlines every day across the Nation, and there are hardly any references to it at all. So we were gathered last evening to talk about where we are and what we need to do in the coming days, and there is hardly a passing reference to the economic condition our country is in.

The President called this a period of "economic uncertainty." I think those were the words he used. While I agree we are certainly in an uncertain period, to put it mildly, what we know with some certainty is that the current economic situation is more than merely a slowdown or a downturn; it is even more than a mere recession or near recession. Instead, I think it is a crisis of confidence among consumers and investors. Consumers are fearful of borrowing and spending, investors are fearful of lending. Financial transactions which generate new businesses and new jobs are shrinking in number and size by the hour in this country.

The incoming economic data shows how serious this problem is. Yesterday the Commerce Department reported that the sale of new homes fell again in December, reaching a 12-year low. Retail sales were down and unemployment was up significantly in December. Credit card delinquencies are on the rise, as consumers find themselves increasingly unable to tap the equity in their homes to help pay down credit card and other bills. Lastly, inflation increased by 4.1 percent last year, the largest increase in 17 years. This is what the President called a period of "economic uncertainty."

You have record numbers and statistics pointing to the difficulty our Nation is in economically, and we hardly heard any mention of it at all last night. The inflation that we are experiencing, is driven mainly by the rising cost of energy—oil is at $100 a barrel—and there was hardly a reference to that last evening. It costs $100 for a barrel of oil, and I do not recall a word being spoken, except about energy independence and to try to get there.

Food and health care costs have gone up as well. Industrial production is falling. And we have been hemorrhaging jobs in the manufacturing sector. Our economy is clearly facing more than uncertainty; it is facing significant challenges to our Nation's future economic growth and prosperity.

The most important step we could take right now is, of course, to act to restore consumer and investor confidence. Unlike past recessions and slowdowns, the epicenter of this economic crisis is the housing crisis; and the epicenter of the housing crisis is the foreclosure crisis. Housing starts are at their lowest level in more than a quarter of a century. Home prices declined last year nationwide by 6 percent, and are expected to decline again this year. This would be the first time since the Great Depression that the country will have had two consecutive years where home prices have dropped and the President calls this a period of "economic uncertainty."

This crisis stems above all from the virtual collapse, as I said a moment ago, of the housing market. That collapse was triggered by what Secretary Paulson has rightly and properly called—and I commend him for it—"bad lending practices." Those are his words, not mine. These are lending practices that no sensible banker would ever engage in. Reckless, careless, and sometimes unscrupulous actors in the mortgage lending industry essentially allowed loans to be made that they knew hard-working, law-abiding borrowers would never, ever be able to repay when the fully indexed price kicked in. And they engaged in practices that the Federal Reserve and the Bush administration did absolutely nothing to effectively stop.

As a result, foreclosures are at record levels, the value of people's homes is declining, and the tax base for State and local governments is shrinking.

A year ago, I chaired the first Housing hearing in the Congress on the subject of predatory lending. I talked then about the possibility that more than 2 million Americans would lose their homes as a result of such lending practices. I know there were those who scoffed when I mentioned the number of 2 million almost a year ago, but no one is scoffing now. Today, foreclosure rates are at record levels. Estimates are that foreclosures will continue to climb for most of this year, dip briefly, and then begin to rise again when interest rate resets kick in.

The catalyst of the current economic crisis is, as I said a moment ago, the housing crisis. And the face of the housing crisis is the foreclosure crisis. Therefore, in my view, any short-term stimulus package should include measures that will address the causes and symptoms of the foreclosure crisis head on, as well as trying to provide some immediate relief for those who are dealing directly with this problem.

I want to indicate at the outset I am very supportive of the work done by Speaker PELOSI in the House along with JOHN BOEHNER, the Republican leader, and other Members over there who have worked on this. I thank them for what they have done to formulate outlines of a stimulus package that the administration could support. Senator BAUCUS, my good friend from Montana and the chairman of the Finance Committee, Senator HARKIN, Senator KENNEDY and others have expressed some important views regarding unemployment insurance, food stamps, low-income energy assistance, and other important programs.

We may not accommodate all of those priority programs, but they bring up a good point; and that is, historically you want to make sure resources get into the hands of the people who are feeling the pinch. For people who still have choices, there may be less than the desired impact by providing a tax break for people in that category, as opposed to those who are at the low-income levels, who are tremendously strapped, that they are provided some relief. So I am confident when the Senate works its will, there will be some additions to the stimulus package, I think, in the unemployment area, certainly, and possibly in low-income energy assistance, and in some food stamp areas as well.

In addition to the problems in our housing market, we also have tremendous challenges and opportunities with respect to our Nation's aging infrastructure.

In the short term we need to include funding for States and localities to start projects that are already ready to go, including existing highway and transit maintenance projects and other infrastructure projects that can be done quickly. There are a long list of highway and transit projects that are important to creating jobs today and to strengthening our Nation's economic future. These projects will boost employment in the construction and manufacturing sectors, which are those that have been hardest hit in the recent economic downturn. I intend to work for and support an immediate investment in transit, highway and other infrastructure projects.

In the long term we need to renew and reinvent our infrastructure. This is no small task, but it is critically important to putting people to work and modernizing the economy for future generations. As I said, I have worked with my colleague, Senator HAGEL, in introducing legislation to authorize a National Infrastructure Bank to address some of these challenges, and I look forward to working with him and others in this Chamber to do that.

I do not want to overload the stimulus and I realize it is important we act quickly or the value of the package gets lost. Even if it does not include all the things I wish to see in it, it is important we move expeditiously or the value of the timing of it, I think, could be lost on us altogether. It is important we consider some of those suggestions that are being made on a temporary basis. I look forward to working with our colleagues to try to add some additions to the stimulus package. But, hopefully, we can do it in a timely fashion.

Specifically, with respect to housing, because this is an area where, again, if we are just dealing with people's problems and not the problem that caused the problems, then I think we are missing a critical point. I want to pick up on some of the things BYRON DORGAN talked about a moment ago. Let me add that I am pleased to note there were elements in the proposed House package that address the housing market issues; namely, a temporary increase in the conforming loan limits for the GSEs, and also for the FHA program.

I think we ought to be talking about jumbo loans in this area. One of the concerns in the current crisis is that of market liquidity. If you want to get liquidity into this market, then you have to have loan limits that can reach amounts that truly make a difference, even if for only 12 months.

So my hope is the administration—however this will work—will set those loan limits to create the desired impact that we are trying to reach, and that is, injecting liquidity into the housing market. Increasing these loan limits will help restore confidence and liquidity into the housing market, where interest rates have skyrocketed for nonconforming loans due to the current problems. These steps will also allow millions of middle-class Americans who live in areas of the country where the value of an average house is far above the existing conforming loan limits to participate and reap the benefits from having a conforming loan. So I would urge these additional loan limits to deal with the problems in the jumbo loan market, at least for a year, be considered.

I have supported both of these measures and have also worked very closely with my ranking member on the Banking Committee, Senator SHELBY, to draft and pass a more broad FHA modernization bill. That legislation passed this body 93 to 1. We spent a lot of time drafting that bill, and getting strong bipartisan support for it back at the end of last year. I want to acknowledge the assistance of the majority leader, Senator REID, and Senator SCHUMER of New York who were very helpful in getting that legislation adopted on the floor with the kind of overwhelming numbers I mentioned a moment ago.

I remain dedicated to making this happen. I have spoken with Chairman BARNEY FRANK of the House as late as last evening. We had breakfast together a week ago to talk about how this bill can get done as part of this stimulus package. These are good and needed steps, but we must, I think, go farther. I think this is where Senator DORGAN's remarks come in. If we limit it to a short-term stimulus package, and assume that is going to achieve the desired results, I think you are missing the point and that explains why we have had some negative reaction to the short-term program.

It has to be followed on—whether you call it a second or third tranche or effort here—but we need to follow the short-term effort with some longer term decisions and proposals that can go a long way to restoring that sense of confidence and optimism beyond the short-term injection of confidence that is needed if we are going to see our economy improve and opportunities improve in this century.

The work of the President and the Congress to right our Nation's economic ship will not end with the enactment of a stimulus package. On the contrary, it will have barely begun.

There are other important measures we can and should take to address the problems in the housing market, and I want to briefly address two of them, if I can.

In the short term, we need to increase funding for the community development block grant, CDBG, program. The CDBG program has been a very successful program all across the country for many years, and in my view, it can do an awful lot to assist in foreclosure mitigation. It is a tried and true program. We should use it to direct, I would suggest, some $10 billion to local governments to renovate and resell the foreclosed and abandoned homes that are decimating many communities.

The mayor of Bridgeport, CT, was in my office last week. He was a newly elected mayor last fall. He told me in the city of Bridgeport—which is a city of a little less than 100,000—he is looking at 6,000 foreclosed homes in his city. That is 6,000 homes in a city of less than 100,000 residents. Needless to say, even for those homes that are current with their mortgage and in no danger of foreclosure, the value of those homes, and every home, in that city will be adversely affected. Even if there were only 1,000 foreclosed homes it would be a huge number. Imagine if it is six times that in one city in my State, which is the most affluent State in many ways in the country, what it must be like in many other cities throughout my State and the country as a whole.

I do not know the numbers in Hartford and Waterbury and other cities, and smaller cities, but 6,000 foreclosures in Bridgeport is a huge number. These are not speculator homes. This is not Las Vegas or Florida or Arizona. These are single-family homes that people are living in, and the idea that 6,000 people and families in that city would be adversely affected ought to cause all of us great pause to ask what can we do creatively and imaginatively to help out.

The CDBG program has been very useful over the years in providing mayors and county supervisors and others across the country some help in this area. I think it would be a smart short-term effort.

Foreclosed and abandoned homes are devastating—again, I am preaching to the choir as we all know this—to communities around the country. They lead to a cycle of disinvestment and crime in neighborhoods. All of the commensurate problems that emerge with abandoned properties hardly need to be articulated again this morning. We all understand it. The property values and property tax bases all suffer, thereby leading to service cuts and further disinvestment. So CDBG money could provide, I think, some very valuable resources for these communities. Again, we are talking about $10 billion. It is not insignificant, but if we think about the potential good it could do, I think it would be a worthwhile investment.

Let me mention another idea. I want to thank the American Enterprise Institute and the Center for American Progress that wrote an op-ed piece on this idea. It is an idea that comes out of both conservative and liberal to moderate think tanks about what to do about foreclosed properties, where you have people living in their homes. This is about a need for a temporary apparatus to mitigate foreclosures.

I am working with a proposal to create what is called the Homeownership Preservation Corporation, which was tried actually in the 1930s and worked rather well under similar circumstances. Very basically, this proposal would allow for the purchase of very distressed mortgages either in default or about to go in default. These are single-family homes with people living in them. Again, it is not housing speculators that we are talking about here.

What you have already going on is, there are people actually going out buying some of these loans in the hopes they will restore it and sell it at some point down the road. The Homeownership Preservation Corporation idea would allow us, in effect, to form a corporation to do this: Buy them at discounted rates, so the lender gets a haircut, but there is still someone paying the note. You get a fixed rate deal, so the homeowner stays in it under terms they can afford to stay in, so you do not have your neighborhoods deteriorating. If it works as well as it could work, I think you actually have a program that has little or no cost to it. What you have done is stabilized these neighborhoods and allowed people to stay in their homes. While everyone suffers to some degree, it also allows us to preserve people's ability to remain in these neighborhoods, remain in their homes.

As I said, this was done during the Great Depression very successfully back a number of years ago, at little or no cost to the Government. Under this concept, no one gets bailed out. Everyone shares in the pain of the housing bust. But at the same time, a market-based mechanism is established that can restore confidence to lenders and investors, and give innocent homeowners a chance to save their homes.

In the longer term and this is the last point I want to make, we need to end predatory lending practices. I introduced a bill in the fall that will crack down on these practices. Again, there will be ideas that our colleagues will bring to this debate. I do not claim we have captured all the wisdom in this area. But clearly we want to send a message that some of these practices cannot go on any longer. My hope is we will get some strong support again from across the political divides in the country. Fifteen of our colleagues have already cosponsored the bill, and others are welcome to do the same.

In addition to the problems in our housing market, we also have tremendous challenges and opportunities with respect to our Nation's aging infrastructure.

Again, I thank the Chamber of Commerce and I thank the labor unions who are supporting my bill. I thank BYRON DORGAN, people such as Felix Rohatyn, Bernard Schwartz, CSIS, and others for spending the last 2½ years with Warren Rudman, CHUCK HAGEL, myself, and Bob Kerrey in putting together this proposal of an infrastructure bank.

Again, the estimates are that we need $1.5 trillion just to bring our infrastructure up to current levels. Our infrastructure is declining and deteriorating literally as we speak. The definition of infrastructure has changed as well. It is not just the physical infrastructure but human infrastructure as well. The FAA system is in deep need of modernization, or we are going to face some tragedies if we don't understand how important that piece is. There are a wide variety of issues that need to be addressed with infrastructure. Throughout history I think we have all understood the value, economically, to our country that has come from investing in infrastructure. Bob Herbert's article this morning very generously talks about the bill CHUCK HAGEL and I have introduced. He talks historically about the great canal systems in the Midwest that opened up opportunities for New York, and obviously, the interstate highway system under the Eisenhower administration, and the incredible economic expansion that occurred as a result of those investments. The rural electrification programs that brought electrification to rural areas in the country made a huge difference to people and to our nation.

So we invite our colleagues to look at these ideas on how we can expand our efforts to meet our infrastructure needs. It really is an issue that demands the attention of this body. So I offer that idea as well.

In conclusion, I think the package the President and House leaders have laid out is a good one. I think it can be expanded on, and it addresses some of the critical areas. More needs to be done. If we don't follow up on the stimulus package with some of these other ideas, I think we will have missed a significant not only opportunity, but I think an important moment in our history to restore that confidence and optimism people are looking for.

I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. DODD. Mr. President, I ask unanimous consent that the period for morning business be extended for 30 minutes, with the time equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Georgia is recognized.

TRIP TO IRAQ

Mr. ISAKSON. Mr. President, I rise in morning business to discuss a recent trip I made about 2 weeks ago to Iraq. It was a trip I made, as I have every year since I have been in the Senate, to visit Iraq, to visit firsthand with Georgia troops on duty, Georgia troops who are there standing guard for America, as well as to interact with the Iraqi Government—the Kurds, the Sunnis, the Shias—and rank-and-file Iraqi people to measure the progress of our effort in Iraq but, more importantly, the progress of the Iraqis themselves.

I am delighted to be able to come and give a very unbiased and, hopefully, unvarnished and very plain recitation of the remarkable changes that have taken place in that country. We all know a year ago in this body we had serious debate over the fate of our effort in Iraq. There were calls for us to withdraw. There were declarations that we had lost. There were other challenges that were brought forward. But finally, though difficult, the decision by the President to commit to an increase of troops for the surge and follow the anti-insurgency plan of General Petraeus and put General Petraeus in charge finally became a reality.

About midyear on the ground in Iraq the deployment was complete and they began exercising the plan.

Let me try and give an idea of what Iraq today is like compared to Iraq 1 year ago. When I landed at the Baghdad Airport, for the first time I drove by car—by armored vehicle—into downtown Baghdad. Every year before we had to fly in on Apache helicopters because of the ground fire and the danger. We arrived in Baghdad in the Green Zone and spent the night. On every trip before to Iraq, they took us out to Kuwait City to a Sheraton Hotel when darkness fell in Baghdad because it was so dark. Twice during the course of the visit we got outside of the Green Zone and into a Chevy Suburban in one case, and into an MRAP in another case, and went out on two excursions. I would like to talk about them for a second.

The first was in an MRAP. I have to pause here and pay great tribute to Senator BIDEN. About 18 months ago, Senator BIDEN led the charge in this body for us to fund the MRAPs to try and do away with the tragic loss of life that was taking place through IEDs on the ground and on the roads in Iraq and in Baghdad.

There is no question in this body that the most strident voice in favor of that funding and that commitment was the Senator from Delaware. Today, the soldiers of the United States of America and of Iraq and of our coalition partners ride in the new MRAP vehicles, which are remarkable. General Petraeus told me at the dinner I had with him that in the first five hits where an IED exploded under an MRAP, there was not a single scratch of an American serviceman. I know a week ago we lost our first serviceman in an MRAP, but that serviceman was the gunner above the turret at the time he was hit. It has a 100-percent record in terms of those inside of the MRAP when moving the troops. It is a marvelous transformation and a great testament to this body, Republican and Democrat alike, to rise to the occasion to see to it that when our men and women are threatened, if there is a technique, if there is a technology, if there is engineering sufficient to bring about a new product, we will do it, and we will fund it. We did it on the MRAP, and today our soldiers are safer and our efforts stronger.

I rode in one of those MRAPs to a neighborhood known as Gazaria. Gazaria was the neighborhood that was completely destroyed 2½ years ago. I went to a market that had about 20 shops, of which about half were open, and traveled with a squad headed by a lieutenant colonel who was making microgrants and microloans and measuring the progress of previous loans that had been made to Iraqis who were reopening their stores. Senator CORNYN, Senator COBURN, and myself stood in a bakery and ate an Iraqi-type of flatbread and drank tea in a market that had been totally destroyed and unoccupied for 2½ years. We went to an auto repair shop where two brothers had reopened the shop and were beginning to do repairs and had bought a generator to provide them with reliable, continuous electricity. These are microloans made by the United States of America to the Iraqi people to reinvest in themselves, reinvigorate their enterprises, reinvigorate their employment.

Was it dangerous? Sure. We had on bulletproof vests, we had on helmets, and we traveled in MRAPs. But heretofore you could never have gone into downtown Baghdad as we did on this trip. Twice we ran into local Iraqis: once two Sunnis who joined the awakening movement and the CLCs who were taking up arms to guard the secured market to see to it that no terrorist or insurgent could come in and do damage, and then twice to refugee families who over 2 years ago had left Baghdad and Gazaria with no intention of ever returning, but now, because of its relative security, they returned.

The second trip was made by Chevy Suburban—not by armored tank or not by MRAP—and we left the Green Zone and went through Baghdad to the government building where we met with Sunni, Shia, and Kurdish leaders. For the first time in my annual trips back there, the talk was substantive and the inference on the part of the leadership was that things were getting ready to get better. As all of us know, on debaathification and reconciliation, things have started to happen.

As the President acknowledged in his speech last night, they will be happening in terms of sharing the oil revenues and eventually a hydrocarbon law for the entire country.

My point in bringing this story to the Senate and telling it firsthand is the progress the President described last night is real. It is tangible. Things are changing in Iraq, and they are changing for the better for the Iraqis and for us. We have brought back two groups, and as the President said, we will bring back five more without replacing them this year. Our troop level will be going down. We are going from a combat confrontation to an oversight role in terms of helping and providing logistics to the Iraqis.

Have the Iraqis responded? Think about this: Remember about 6 months ago when the Prime Minister of Great Britain said they were pulling the British troops out of Basra, and the American press wrote about another failure: One of our partners was leaving, so what were we going to do. Nobody has written about Basra since then because here is what happened: All the Brits who left were replaced by Iraqis—not by Americans, not by coalition forces. Have you read about damage or problems in Basra? No, you haven't because the army has performed magnificently—the Iraqi Army.

Today we read of reports in Mosul, and we mourn the tragedy of the loss of U.S. soldiers, but in that big attack going on against one of the last strongholds left of the insurgents of al-Qaida, the spear of that attack, the point of that attack was all Iraqi soldiers. I had the privilege to meet with Iraqi generals who, for the first time, see themselves energized, see themselves fully capable of assuming the role that we have taken for so long: for us to move to oversight and for them to move to the point of the spear.

The practical matter is, whatever mistakes may have been made in the past, whatever differences we may have had, the young men and women of the United States of America have performed magnificently. General Petraeus has lived up to every single promise of hope we had for him.

In the name and in the memory of the tragic loss of life in Iraq, Georgia soldiers such as Diego Rincon, LTG Noah Harris, SGT Mike Stokely, and the other 119, the sacrifice they have made has not been in vain, and we are on the doorstep, hopefully, of building and of helping to have created a democracy that will last and endure in the Middle East. Hopefully, it will be the first step of many to accomplish the hope of peace, freedom, and liberty that we in this country so often take for granted but the rest of the world cherishes.

So the President was right last night in his State of the Union speech. We have made great progress. There is work left to be done, but there is light at the end of the tunnel, and it is not a locomotive. It is the light of hope, liberty, and peace and freedom because of the sacrifice and the endurance of the fine young men and women in the U.S. military serving in harm's way today in Iraq.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. SANDERS. Mr. President, last night I listened intently to President Bush's State of the Union speech, and, frankly, I had a hard time understanding what country the President was talking about and what reality he was talking about. Certainly, if the State of the Union refers to what is happening to the shrinking middle class of this country and how we as a people are doing, the President had almost nothing to say that rang true. In fact, last night's speech just reminds many of us how far removed from the reality of ordinary life this President is and how little he and his administration know about what is going on in the lives of millions and millions of people in cities and towns across this country.

In my view, the President's speech was lacking not just for what he said but, perhaps more importantly, for what he didn't say. Somehow, President Bush forgot to mention some of the results of his failed economic policies and how they have impacted the lives of ordinary people. So let me take a moment, therefore, to review the record the President refused to talk about last night.

Since George W. Bush took office in 2001, nearly 5 million Americans have slipped out of the middle class and into poverty. These are mostly low-income working people whose wages have not kept up with inflation. These are people all across the country who are trying to make it on $6 or $7 an hour without any health insurance, desperately trying to keep their families above water. These are, by the way, parents and kids in Pennsylvania and in Vermont who are now flocking to emergency food banks because they simply don't have the income to buy the food they need in the United States of America in 2008. It might have been a sign of decency on the part of the President to at least recognize that reality which is impacting so many of our people, and the reality that hunger in America is actually going up.

Since George W. Bush has been in office, median household income for working-age Americans has declined by almost $2,500. That is a lot of money. Also, overall median household income has gone down by nearly $1,000. This is the shrinking middle class, and maybe as people are working longer hours for lower wages, maybe as people are working 50 or 60 hours a week trying to bring in enough money for their families to pay the bills, maybe the President might have said a few words to them that he understands the reality they are experiencing. Maybe he might have said to the young people of our country that he is concerned if we don't turn around our economy, for the first time in the modern history of this country their generation will have a lower standard of living than their parents; maybe just a few words to those young people so they know he knows what is going on in their lives.

But I didn't hear that. I didn't hear that at all.

Mr. President, since George W. Bush has been in office, 8.6 million Americans have lost their health insurance, and we are now up to 47 million Americans without any health insurance whatsoever. Meanwhile, health insurance premiums have increased during Bush's tenure by 78 percent—a huge increase in the cost of health care.

Last night, while the President gave us his usual rhetoric about all of the virtues of free market health care, he somehow forgot to tell us why we spend almost twice as much per capita on health care as any other nation, and why we are the only major country on Earth without a national health care program guaranteeing health care to all people. The President didn't even tell us why he vetoed legislation that would expand health insurance to millions more children; just the usual rhetoric about free market health care, which is failing us every single day.

During his remarks last night, somehow President Bush neglected to mention that 3 million workers, since he has been in office, have lost their pensions—the promises that were made to them for their retirement years—and about half of American workers in the private sector have no pension coverage whatsoever. I didn't hear much from the President about that.

What I did hear is the President's rhetoric about "Social Security reform," which are code words for the privatization of Social Security. At a time when seniors are facing more and more insecurity than they have seen for a very long time, privatizing Social Security is the last thing this country needs.

Last night, President Bush once again pushed for more unfettered free trade agreements, despite the fact that since he has been in office the annual trade deficit has more than doubled, and over 3 million manufacturing jobs—good-paying jobs—in this country have been lost. It astounds me that, despite the horrendous record of these unfettered trade agreements—NAFTA, CAFTA, and permanent normal trade relations—we have a President who says: Look, we have failed year after year, we have lost millions of good-paying jobs, our trade deficit is soaring, and do you know what the answer is? We need more of this failed trade policy. In my own small State of Vermont, never one of the great manufacturing States in this country, we have lost, since the President has been President, 10,000 manufacturing jobs—25 percent of the total or one out of four manufacturing jobs. And President Bush says we need more outsourcing; we need corporations to throw more American workers out on the street so they can run to China and pay people 50 cents an hour there, and then bring the products back into this country.

Last night, President Bush did say a word about gas prices going up. But he did forget to tell us that since he has been President the price of gas at the pump, and home heating oil, has more than doubled. For whatever reason, he also forgot to tell us that, year after year, while Americans are paying outrageous prices for oil and gas, the oil companies are enjoying record-breaking profits. I didn't hear him mention anything about that, not one word.

A couple of years ago, for example, ExxonMobil—which has enjoyed huge profits while Americans are paying $3.15 for a gallon of gas at the pump—gave a $398 million retirement package for its former CEO, Mr. Lee Raymond. And our people are paying $3.15 for a gallon of gas. The President forgot to talk about that.

Also, I found it interesting that President Bush neglected to discuss that for the first time since the Great Depression the personal savings rate in this country is below zero. This means that because of the dire economic conditions facing so many of our people, we as a people are actually spending more money than we are earning. In fact, today, millions of Americans are buying their groceries with credit cards. They don't have the cash to buy the food they need. They are going into debt to buy groceries. And our friends in the credit card industry are then charging them 25 or 30 percent interest rates for the groceries they are buying on credit.

For some reason, last night in his State of the Union Address, the President also neglected to mention that home foreclosures are the highest on record, turning the American dream of homeownership into an American nightmare for millions of our fellow citizens.

The reason I am raising these issues is because if we as a Senate, as a government, do not talk about and discuss the reality of life in this country for the vast majority of the people, if we do not understand what is going on in the cities and towns across our Nation, then it will be virtually impossible for us to formulate the public policies we need to transform our economy so that it begins to work well for all of the people and not just the wealthiest people on top.

Also, we do not do this enough. It is important to take a look at what is going on in our country compared to what is going on in many other industrialized nations. Very often, I hear people on the Senate floor say we are the wealthiest and the greatest Nation in the world. We are all of these things.

Let's look at some of the facts as they apply to the lives of ordinary people. What country in the industrialized world has, by far, the highest rate of childhood poverty, where one out of five children are living in poverty? Is it France, Germany, or the U.K.? No. It is the United States of America. One out of five children in this country live in poverty. And shock of all shocks, we end up having the highest rate of incarceration—putting people behind bars—of any other country on Earth. If you think there is not a correlation between those two factors, I would strongly disagree with you.

Unfortunately, the U.S. today has the highest infant mortality rate of any major country on Earth, the highest overall poverty rate, the largest gap between the rich and the poor, and we are the only major country in the world not to provide health care to all of their its people as a right of citizenship.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SANDERS. Mr. President, I ask unanimous consent that the period for morning business be extended until 12:30 p.m., with the time equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

NUCLEAR WASTE POLICY AMENDMENTS ACT

Mr. CRAIG. Mr. President, I come to the floor to speak about a piece of legislation that has been introduced by our colleague, Senator JIM INHOFE, of Oklahoma, S. 2551. It is entitled the Nuclear Waste Policy Amendments Act of 2008.

The reason I do this is multiple in the issue of nuclear energy today and the management of the waste stream that flows from not only current nuclear reactors operating in our energy portfolio, but, of course, the growth of generating capability through nuclear reaction as it relates to all that is going on out there from the creation of the Energy Policy Act of 2005, the 30-plus reactors that are on the drawing boards today, and the opportunity to see new reactors built in our country to supplement and build our energy base, and the issue of how we handle the waste.

As most Senators know, Yucca Mountain, a permanent deep geologic repository in Nevada, has become increasingly controversial over the years largely because of the delegation from Nevada and the antinuclear folks, but also the reality of reprocessing and still finding a permanent repository for nuclear waste. I strongly support Yucca Mountain. I believe we need a deep geologic repository, whether it is for the current waste that is in storage at most of our reactors or whether it is for the refined waste that would come from a reprocessing stream. So for a few moments today I thought I would share with fellow Senators a legacy that most don't realize but I find extremely important in this overall debate of a nuclear renaissance and Congress getting real and honest about how we handle a waste stream, instead of the political football that some would like it to be and, therefore, create the uncertainty that results from that.

In my State of Idaho, I have a national laboratory. The State of Idaho hosts one of our Nation's premier energy laboratories, known as the INL, Idaho National Laboratory. It started in 1949. It started for the sole purpose of a national reactor testing site, where reactors would be built and tested before they went into commercial use or, at this time and place, mostly military use and for national security purposes. So a site that was started in 1949 actually saw by 1951 the lighting of the first light bulb ever lit in America by nuclear reaction. That site today is now a museum, so dedicated by President Lyndon Johnson. Many people have come to see the first reactor ever built to light the first light bulb ever lit by nuclear reaction in this country.

Since that time, 52 test reactors have been built onsite at the Idaho National Laboratory. Idaho is also, therefore, the home of something else—the legacy of nuclear reactors. Three hundred metric tons of spent nuclear material and 4,000 metric tons of high-level waste are stored at this national laboratory. Most of this waste was generated from defense and from our Navy's nuclear program. In fact, one of the most successful programs ever in the history of the world has been our naval vessels powered by nuclear reaction. All of the waste from those reactors over the years has been stored at Idaho.

Idaho was the premier training location for our men and women in the nuclear Navy to come and learn how to manage and operate nuclear reactors in our nuclear Navy. We also have waste from West Valley in New York, and other locations, because Idaho has been the recipient of that waste. But I must say that as a result of that, the Federal Government signed an agreement with Idaho some years ago that all of that waste would go to Yucca Mountain by 2035, or to a deep geologic repository other than the State of Idaho, where it is now stored in dry storage and in wet storage.

There is no other disposable option for our Navy's high-level waste. Because of the configuration of the waste, of those reactor fuel rods, they cannot be reprocessed. So they, unlike the commercial reactor spent fuel rods, have to go into a permanent home and permanent waste. Idaho, South Carolina, and the State of Washington are all relying on Yucca Mountain for permanent disposal of this waste.

So it is critical that this Senate, this Government, doesn't put aside the issue of Yucca Mountain, but that we deal with it in a forthright way, that we recognize there is truly a need for some geologic storage of our types of waste, especially our military waste that, in many instances, is stored in South Carolina, Washington, and my State of Idaho.

As I said in my opening comments, since we passed the Energy Policy Act of 2005, and we began to streamline the process to bring a new design construction concept on line and grant guarantees for the construction of nuclear reactors for commercial electrical production, there has been what many call a renaissance as it relates to the possibility of pouring concrete to actually build new reactors.

Certainly, the debate of climate change, the emission of greenhouse gases has caused us to recognize the need for what we call baseloading of our electrical system with large units of production that are nonemitting. And, of course, at this time, technology says the only one that is out there in that high-capacity way would be a nuclear reactor. That is also clearly what has fed the growth, the desire to develop, the licensing process that is underway, the design concepts, the attempt to locate new reactors at current sites and facilities.

Something happened in my State of Idaho this past week that tells me and should tell the world there is still a great deal of uncertainty out there as it relates to siting a nuclear reactor. Part of that uncertainty is the unwillingness of this Congress to get on with the issue of siting a deep geologic repository, getting the licensing process over, dealing with reprocessing, and truly bringing our arms around the issue of the waste stream.

Mid-America, a large utility in the Midwest that has recently acquired utilities in Idaho and adjoining States or at least utilities that feed part of Idaho's electricity, made the decision that they would attempt to build a nuclear reactor in my State of Idaho.

They looked all over the country and decided Idaho was the preferable location based on their needs and their need to load their service area and because they thought the climate was appropriate in Idaho. They studied it. They spent millions of dollars looking at that possibility. They determined this past week they would not move forward. Why? Because even under the most favorable conditions and in possibly the most favorable State, they found the uncertainty and the expense was still too great.

Who is Mid-America? It is an asset of Berkshire Hathaway. It is an asset of Warren Buffett, probably one of the deepest pockets in the world. Yet they and their studies, with due diligence, determined they would not move forward after millions of dollars were spent.

It was all based on cost and uncertainty, and part of that uncertainty rests right here in the Senate and with a Congress that will not in a clear, clean, decisive way say: We are going to deal with the issue of the waste stream as the rest of the component pieces that we put together to build a true nuclear renaissance in this country. It is critical we move forward. This legislation, S. 2551, speaks to that point. It speaks to that long-term importance.

I cosponsored legislation this past year that Senator DOMENICI and I introduced that dealt with the kinds of issues that are dealt with in S. 2551. These two bills, the Domenici-Craig bill, now the Inhofe-Craig-and-others bill, would allow Yucca Mountain to open on a predictable timeline, replacing, as I have said, the uncertainty. And it protects the citizens of Idaho, South Carolina, and 30 other States that are currently storing nuclear materials.

Nuclear energy, nuclear power clearly remains our best and brightest option in the near term as it relates to a sustainable, nonemitting source of energy for our country. Clearly, this Congress should not, and to date has not, stood in the way of building that renaissance from the policies passed in 2005, to the guarantees we are offering, to the new licensing process the Nuclear Regulatory Commission is now in the final stages of developing. The only piece left undone is the issue of waste stream, and it is critically important we deal with it. If we do not, if we were to put a blight on the potential growth of nuclear energy, here is what could happen. From 1995 to 2006, nuclear power helped us avoid emitting more than 8 million metric tons of carbon dioxide into the atmosphere. Many States have started to say no to coal and yes to nuclear power or other forms of clean energy. But other than nuclear power, they are limited, and clearly we should not be saying no.

Our economy, our growth, future jobs for this country, the vitality of our economic leadership in the world is tied to available energy, abundant energy, and reasonable cost energy. We know today the one source of energy that answers all those charges is nuclear.

Yucca Mountain remains a key piece of all of that picture. That is why Senator INHOFE has introduced the legislation, why I am a cosponsor of it. I certainly encourage all my colleagues to look through clear glasses at this issue because we have to deal with the waste stream in a responsible fashion. We need to do so in a way that is acceptable to the industry and acceptable to the American people.

The efforts that have been put forth from day one in the examination of the geology, the development of the core tunnel at Yucca Mountain—all those stages are there for the public to see. The licensing process is now underway, which is the next step. Let's don't arbitrarily and politically step into the middle of it and mess it up.

I must tell you the frustration I have had listening to Presidential candidates out on the road. If you want the endorsement of a single State, you are against Yucca Mountain and that single State was Nevada. This is a national issue; it is not a local issue. This is Federal land properly handled, properly researched, and it can be properly developed in a safe way for all Americans and for our future. That is what this legislation speaks to.

I am pleased to be a cosponsor with Senator INHOFE. He introduced it in a timely fashion. Clearly, in the course of this year, it is something that needs to be debated; it is something with which we need to deal. This administration has moved forward as quickly and responsibly as they could, and the licensing process is certainly something that needs to be completed in the overall effort of the renaissance of nuclear power in our country and that form of generation as an important option in our mix of energy sources for this Nation for now and into the future.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ECONOMIC STIMULUS

Mr. GREGG. Mr. President, I wished to rise to talk a little bit about the proposed stimulus package which is working its way through the Congress and has been agreed to between the President and the Speaker of the House.

First, I congratulate the Speaker, the Republican leader of the House, and the President, especially Secretary Paulson, for sitting down and trying to reach a bipartisan understanding as to how we move forward in what is obviously a very tentative economic time. We know in this Nation we are confronting some very serious issues, most of them brought on by a bubble in the credit markets relative to lending for housing construction. As happens with a classic bubble—and this is a classic bubble—when it bursts, when, in other words, the underlying security and the people responsible for paying back the debt cannot do that because money has been lent to people who are not in a position to repay their loans and the security under that debt has not been able to be maintained to reinstate the value of that debt, when that happens, that not only affects the loans, the immediate loans that are impacted, but it leads to a further contraction in the marketplace.

I have been through this a number of times in my experience, and it always seems to happen the same way with loans which turned out to be not well made being called, and they are then followed by the people who lent the money and the capital markets having to contract in order to basically build back up their capital positions. So people who actually have good loans find that they cannot get credit extended further and it feeds on itself and you start to see a slowdown. That appears to be the type of issue which we may be confronting as a Nation, where we know we have a huge subprime problem. It is very big. We know that may lead to a further contraction. In fact, we are already seeing that.

We know also, ironically, in this market, what happened was a lot of those loans were syndicated out and then they were put in synthetic instruments and actually multiplied their impact and we ended up with an inverted pyramid. We have one little loan with inadequate capital which can't be paid back, and then you have a pyramid with the way that loan is chopped up and can't be sold. So it is exaggerated in size. So this is a big issue for us as a nation. The question is how to address it.

Well, first off, I congratulate the Fed because the Fed has stepped up. I wish they had stepped up earlier, but they have stepped up and reduced rates and, as a result, that should create more liquidity in the market. The second is fiscal policy, and that is where the President's proposal, working with the Speaker of the House and the Republican leader, has come forward. It is called a stimulus package, the purpose of which, in an economic slowdown, is to pursue classic economic policy, which is to stimulate demand during a time of economic slowdown in order to stimulate the economy, generally.

That is a "black letter" rule of how you try to abate the economic slowdown. The question is: Will it work? Will what has been put on the table make sense and will it work?

Remember the last time we did this—with what is known as the tax rebate, which are not tax rebates because most of the people getting these don't pay taxes, it is an income transfer—we were coming off a period of surplus, the only time of surplus in the last 30 years we have had as a Federal government. We had 3 years of surplus, and we felt we had cash in the till to rebate or to pay out. Now we don't have the surplus. In fact, we have a deficit. It is not a huge deficit but still a deficit. It has been coming down over the last few years, which is the good news. But it does mean any stimulus package we pursue is going to have a debt effect.

In other words, we are going to have to borrow the money in order to pay it out to people through this tax rebate or basic payment process. So who ends up paying it? Well, our children are going to pay the cost of this stimulus package, and it is going to be because it is a debt-compounding event. In other words, if the package represented today is to be $150 billion in cost over its lifetime, which is supposedly confined to this year, that debt that you have to borrow to pay the $150 billion will have interest earned on it. So after 10 years, that becomes $200 billion in debt because it won't be paid back over 10 years and our children and our children's children will have to pay the burden of that.

So basically we are saying to our children, some of whom haven't even started earning money yet, we are going to give you a $200 billion bill for this stimulus package we are going to put in place over the next 6 months. So if we are going to do something such as that, which is fairly significant, we better make sure the stimulus package works; that it actually stimulates the economy; that it actually does retard the slowing of forces slowing down the economy and, hopefully, reenergize it.

The proposals which we have on the table and came from the House break into two basic approaches: First is a pure consumption approach, where you basically give people of middle and low incomes in this country—I think it is $80,000 of individual or $175,000 of joint income—a tax rebate of $600 to $1,200. That is a payment. It is structured in a way that some people who don't pay taxes will actually get the payment. The theory is they will take that money and they will go and spend the money and, as a result, the economy will see a boost.

There are two problems with this theory we need to address, however. First, under the present structure of our Internal Revenue Service, the CBO, which is a fair arbiter—they do not have prejudice in this debate—the CBO has testified—the Congressional Budget Office—that the IRS—and they have consulted with the IRS on this—the Internal Revenue Service cannot get these checks out before midsummer, probably, or late June at the earliest.

CBO has further testified that the actual economic impact of people spending this money, these rebates, these payments, will probably not occur until the late third quarter, early fourth quarter of this year. Interestingly enough, Dr. Orsak, the head of CBO, has also testified—and again this is a fair arbiter—that the slow period, the period when you need stimulus, is the next two quarters or the next two-and-a-half quarters. And he has said, quite simply, that because of the limitations within the IRS, this rebate probably would not help those quarters.

So that should be a concern to us. The money may not end up coming into people's hands—taxpayers or nontaxpayers—to be able to be used in the timeframe when it is going to be most needed.

In fact, toward the third quarter of this year and into the fourth quarter of this year, it is again the testimony of the CBO Director that the cuts the Fed has put in place, the ¾-percent prime cut, is going to cause the economy to react to that cut in a positive way, hopefully, and that will occur in the third and fourth quarter mostly. So you could actually end up with two events on top of each other acting as a stimulus at the same time when we no longer need a stimulus. So we need to be concerned about that. That is of concern.

The second problem which this proposal has—of taking a large amount of cash and putting it on the table for people—is that, again, it may not stimulate our economy. In other words, if somebody goes out with their $600 rebate and they buy a television made in China or they buy an iPod made in Vietnam—I don't know if that is where iPods are made—or if they buy a washing machine made somewhere else—if the product isn't actually physically produced here—then, basically, you are not stimulating our economy, you are stimulating the economy where the product is produced. Since the assumption is most of these dollars will be spent on consumable items or will be used to pay down credit cards, which has no stimulus effect at all—theoretically, if it is spent on consumable items and, for example, is apparel or consumable goods which are manufactured overseas, then the stimulative effect for the United States is extremely limited, only at the margin. Again, this was testified to by the Director of CBO.

So these are two concerns with this idea of infusing money into the package. The second part of the package says: Well, we are going to do an inventory of basically a business incentive event. We are going to allow people to expense capital purchases, versus depreciate, over a number of years. We are going to allow people bonus depreciation. Both of those are probably good tax policies from the standpoint of strengthening our economy over the long run because they make the economy more efficient. It means some small businessperson will be able to go out and buy a machine which makes their business more efficient, and as a result of being more efficient, it makes the American economy stronger. So yes, that is good policy, but it will have very little stimulus effect on the underlying economy.

So the concern is the House package may not have the stimulus it claims to have and may end up being a debt event which our children will have to repay. What concerns me even more, though, is what is being talked about in the Senate. We are talking about taking the House package and significantly bidding it up. The House package bothers me to begin with, but to bid it up in the Senate is a mistake.

We are talking about expanding the rebate to everybody. Now, that will have absolutely no stimulus effect, in my opinion. To say that high-income individuals or people with joint incomes over $100,000 should get a stimulus, should get a $500 payment—first off, they probably don't need it; and, secondly, they do not need it if we are going to borrow from their children; and, thirdly, they are probably going to save it, which is great in the long run but has no immediate stimulus effect.

Secondly, there is a proposal to include an extension of unemployment compensation benefits—unemployment insurance. Well, that would make sense if we were in a recessionary event, but right now the national unemployment rate is about 5.1, 5.2 percent, which is deemed full employment. Anything between 5 and 5.5 percent is historically a full-employment situation.

There are pockets of communities around this country which have higher unemployment, no question about it. But to put out a nationwide extension of unemployment insurance for an additional year, which is what is being talked about, or for an additional 6 months, which is also being talked about, that creates an incentive, in a full-employment economy, to not cooperate, to not go out and find jobs. It has the opposite effect. It is intuitively obvious that has a perverse impact on what you want in the area of human reaction, which is to go and find a job, if the jobs are available. Jobs in a 5-percent economy are available.

So any unemployment extension should be tied to a trigger, and that trigger should be set at what has been the historical levels of what is deemed to be recessionary, or a significant slowdown, which is around 6 or 7 percent, so you don't extend unemployment insurance unless you hit that level of unemployment. You can also make it regional. If one region has 6 percent unemployment, then you give them the extended unemployment insurance. If one region doesn't have 6 percent unemployment, you don't give them the extended insurance.

We are also talking about, on our side of the aisle, adding food stamps, adding FMAP, adding LIHEAP, adding infrastructure, and adding State and local tax deductibility. All this has been thrown out by other Members on our side of the aisle. State and local aid. It is making it a grab bag of everybody's ideas of whom they want to take care of and whom they want to attract in terms of political support or what is important to say to supporters or a group of people they think are important as their constituencies.

And that makes no sense at all. First, it is going to slow this package dramatically if you do that. Second, you are not going to improve stimulus activities around here by doing that. So I would hope we would not proceed that way.

I have a lot of problems with the initial package. I do congratulate the White House. I do congratulate Speaker PELOSI and Congressman BOEHNER for putting together a package and for recognizing the need.

I have big reservations as to whether it is the most useful package from the standpoint of stimulus, but it appears, in light of what the Senate is now talking about, to be the high watermark. Maybe we should take the House package and pass it and acknowledge the fact that we have done something.

The biggest impact of this event is very obvious; it is psychological. It is a big price to pay for a psychological event, $150 billion, which adds up to $200 billion over 10 years to our children. That is the big impact, that the American people and the world can see the Congress and the President can work together to address what we see as an economic slowdown, even though what we are proposing probably will not have the effects we hope it will have in the short term.

But we should not aggravate this problem by significantly increasing the lack of focus of the package by throwing in all these other ideas, by expanding the rebate to high-income individuals, by extending unemployment insurance in areas where there is basically full employment. Literally, the House package becomes the high watermark. I thought I would never say that, but that is the way it looks right now from the Senate activity.

So I wished to make those points because I think we may have to have an open discussion of what goes on around here, but we also have to have expedited activity. I do not want to slow it down.

I do want to make the points that if we start throwing all this baggage under the bill, we will probably set the train in the wrong direction.

I appreciate the courtesy of the Chair and I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:32 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

The PRESIDING OFFICER. The Senator from New Jersey.

EXTENSION OF MORNING BUSINESS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the period for morning business be extended for 2 hours, with the time equally divided.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that any quorum time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I understand we are in a period of morning business.

The PRESIDING OFFICER. Yes, we are, for roughly 2 hours.

STIMULUS PACKAGE

Mr. HARKIN. Mr. President, I thought I would take a few moments to talk about this stimulus package that is sort of maybe making its way through the Congress.

I was in my home State of Iowa this weekend, and a lot of people came up to me, from various walks of life, questioning whether we had lost all our sanity around here in terms of this stimulus bill.

Well, as I probed and asked questions, it seemed everyone thought this idea of just sending a check out to everybody—when we are borrowing the money from our kids and grandkids—to do it did not seem to make much sense, especially if some of that so-called stimulus money is used to buy a flat-screen TV made in China.

So we borrow money from China, we go into more debt to them—which our kids and grandkids and great-grandkids and on and on will have to pay for—so that people here can buy a consumer good made in China, and send the money to China. So whose stimulus is this? Is it for our country or is it for China? So people really rightfully question it.

Now, they have heard that maybe we are going to send a check to everybody regardless of income, that Bill Gates—and God bless him; he is always the foil, I guess, for the wealthiest in our country—and people of that magnitude of income would actually get a check.

I have to believe people are beyond laughing about this now. I have to believe the citizens of this country are scratching their heads and wondering just what are we doing.

What I heard from my constituents in Iowa is that if you really want to do something in terms of the economy, first of all, you take care of those who are hurt the most, those at the bottom, and then you take and you invest money in the economic well-being of this country.

So the more I talked to people about this issue, it became very clear to me that what we should be focusing on in the stimulus package—not what the White House has said and not even what the House said. I was not part of that agreement. I was not invited to those talks or anything else. It was only done by the Speaker of the House, I guess, and the minority leader of the House and the President. Well, there are 100 Senators here, too, and we represent people. It would seem to me we should have some input into what this "stimulus package" is.

So it is clear to me that just taking a bunch of money we borrowed from China—which our kids and grandkids have to pay back—and giving it in a check to everyone, just throwing it out there, is just throwing money at the problem. How many times have we heard around here: Don't just throw money at the problem. So if we have an economic slowdown, let's target—let's target—what it is we are going to put our money into.

Now, first, you want to ask the legitimate question of, if you are going to spend a dollar, what gives you the most economic activity? What rolls around the most in the economy? What has the largest multiplier effect? Well, the Economic Research Service, the Moody's have all said that the biggest bang for the buck we could get is in food stamps—either a 1.73 or a 1.84 multiplier effect. It means for every $1 you put in, you are getting $1.84 more in economic activity. That is the highest. It dwarfs everything else. Here is a way we can actually do something about the economy, target money and help those who need help the most.

We have had a constant erosion in food stamps, a 30-year erosion in the asset level. The asset level right now for a person who qualifies for food stamps in this country is $2,000. In other words, if you are a single parent with a couple of kids and you are working—maybe you are in a temporary layoff now with the economic turndown, but let's say while you were working you saved a little bit of money for that rainy day. We are always telling people to save money. It is good for you. It is good for your future. So maybe they saved a little bit of money. Well, if they saved over $2,000, they do not get food stamps. That is the same level it was in 1977. If it had kept pace with inflation, the asset level today would be about $6,000. So we have had that erosion now for 30 years. We have had 11 years of an erosion of the standard deduction, which is, without getting into the nitty-gritty of how it works, just a standard deduction for a family on food stamps, taking into account certain factors that comes out to be a deduction of about $130 a month. That is at the level it was 11 years ago. It hasn't changed. It was frozen at that level in 1996.

The childcare deduction is now capped at $175, and it has been that way for 11 years. There has been no increase in the childcare deduction, even though we know childcare costs more money today than it did 11 years ago. So we have had great erosions. Couple that with the fact that since 2000, the number of people on food stamps in this country has gone from 16 million to 26 million.

So while the economy may have been good for some people over the last 5 or 6 years, it was good for people at the top. But if the economy was so darn good over the last several years, why did we go from 16 million on food stamps to 26 million on food stamps? Because for those at the bottom, the economy was not very good; thus, the widening gap between the rich and the poor in this country.

So it would seem to make sense, if we are going to have some kind of "stimulus package," the first rule would be do no harm, and then target it so that it is effective. Ask the economists. They all say the best bang for the buck is when you put it in food stamps. So here is our opportunity, both to have some multiplier effects and to help stimulate the economy and do what really is morally right, what we should have done a long time ago, and that is to make sure the people at the bottom don't keep falling through the safety nets.

So I say, I don't know what the Finance Committee is going to do. This is not in their jurisdiction. I understand. They can't do anything about food stamps; that is not in their jurisdiction. But when that bill comes up, and when we get it to the floor, I want everyone to be aware that we are going to have an amendment—and I will have an amendment on food stamps—to put a significant amount of money into food stamps, about a 20-percent increase in food stamps for the next year. That gives us 12 months.

Now, why 12 months rather than 6 months or 7 months or 8 months? Well, first of all, we have a farm bill in which both the House and the Senate addressed some of these longstanding problems in the food stamp structure. I don't know when that farm bill is going to get passed. The President has threatened to veto it. We will get it done sometime. Sooner or later we will get this farm bill done—hopefully, in the next month or so. But then the changes that have to take place to change the system so we can begin to increase the asset level, take the cap off of the childcare deduction, and then take a standard deduction and factor in inflation for that, that takes time. We will not get it done right away. I think it would be the height of cruelty to say to people who need this food and who need food stamps that we are going to increase it for 6 months and then we are going to take it away. Now, at least if you get a rebate—as I said, I am not in favor of all of these checks going out, but if you are going to get a check, you can save it for a rainy day or you can do something like that. But with food stamps, you can't do that. So if you get food stamps, and we say, OK, we will increase your food stamps, you can buy a little better protein, you can eat a little bit better for 6 months, and then we are going to cut it off.

Keep in mind that right now, under our Food Stamp Program, the amount of money a person gets per meal on food stamps is $1—$1—$1. Have you ever tried eating a meal for a dollar? Try it sometime.

So what we are talking about is not lavish living. We are talking about giving people just the basic necessities. So, again, this is our chance to do something that is morally right and at the same time target our help in stimulating the economy.

Second only to that would be increasing unemployment benefits. People who have been unemployed for a long time need to have it extended, to have their unemployment benefits extended. That also has a big multiplier effect. Also, close on the heels of that in terms of benefiting the economy is the money that we use to build our infrastructure; that is, the roads and the bridges, the school buildings, the sewer and water systems, government buildings. It would be things like community development block grants that we put out to our cities and communities to do construction projects.

So it seems to me, again, if we are going to put money out there, this is what we ought to be doing. We have billions of dollars of construction that is needed to be done in this country on school buildings, classrooms, bridges—need I mention Minnesota—highways. Our highway system is falling apart, that great interstate highway system that we built, and I worked on when I was in high school, well over a half a century old. Keep in mind when it was built, we didn't have the truck traffic then that we have today. So we need to put money into the infrastructure. Those jobs are ready to go by May. By the time these checks would get out they are talking about, you would have people starting to go to work.

The benefits of putting money into an infrastructure project are multiple. There are multiple benefits. First of all, the work is done locally. You can't outsource it to India or China. Obviously, if you are going to build a schoolhouse, you have to hire people locally to do it. So the work is done locally.

Secondly, almost all of the materials used in any kind of infrastructure project, whether it is cement or reinforcing rods or whether it is carpeting or doors or windows or lights, heating and air-conditioning systems, drywall—you name it—almost all of that is made in America. Maybe not all of it, but the vast majority of it is made in this country. So the ripple effect throughout our economy is great when you do an infrastructure project. You put people to work. Most of the materials and stuff you buy are American made.

Third, once you do this, you have something of lasting good to our economy, something that helps the free enterprise system function better.

When our roads and highways are plugged up with traffic and it can't move, that hurts business. When we don't have adequate clean water and sewer systems for communities, businesses can't locate and, therefore, operate efficiently. When we don't have the best schools in America with the best facilities, the high-speed hookups to the Internet, when we don't have schools which are the jewel of a neighborhood—the best thing that kids would ever see in their activities during the week would be the school—not the mall, not the theater, not the sports arena but their school. What if that was the nicest thing in every neighborhood? I tend to think that would help our teachers to teach better, our recruitment of teachers, and give kids more incentive to study. But it provides a lasting benefit for this country. So mark me down as one who is—I am just more than a little cautious and maybe a little bit more conservative on this idea of sending everybody a check. I think people would be better off and our economy would be better off if we did those three things: Do something on the food side for the people who are hardest hit in our economy, extend unemployment benefits, and put a slug of money into infrastructure.

That is what we ought to tell President Bush. That is what we ought to tell the White House. That is our program. That is the Democrats' program for this country: To put people back to work, not just to send everybody a check, but let's give everybody a job. Let's give them jobs out there that will build our country. The multiplier effect on that is enormous. But if you are just going to send somebody a check, that is it. They might just tend to buy something made in China or Japan or who knows where else. That is just not the best thing for our long-term economy and not for what we want to do in this country.

So, once again, it seems as though we look for short-term solutions to long-term problems. Our long-term problems are the infrastructure of this country and the fact that we don't have a good job base for people in this country—long-term problems. We are importing more and more and more from overseas. I listened to the President last night in his State of the Union message when he talked about how exports are up. He didn't mention how much more imports were up over exports. He just didn't even mention that. We are in hock to China up to our eyeballs, and it is getting worse not better. So we are going to send everybody $500 and tell them to go spend some money on things probably made in China.

So, again, I don't think we ought to roll over. I don't think we ought to block anything. But I think we ought to come up with a package that does something for our economy. The things I just outlined I think will do more for our economy than sending everybody a $300, $500, or maybe a $1,200 check.

Lastly, I see there is some talk about sending everybody a check—no income limit. Well, I thought the income limits in the House were too high: $75,000, $150,000 for a couple, so you could get up to 1,200 bucks. I just don't think that is logical, and I don't think it is healthy. I don't think it is good for our country. I don't think it is good for the long-term health of our economy.

So I hope we can work together in a bipartisan atmosphere to come up with a package that is not just throwing money at the problem but targets it, and targets it to those areas that will be effective in putting people back to work, helping people at the bottom of the ladder, and providing for the long-term economic underpinning of our country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

FISA

Ms. SNOWE. Mr. President, I rise today as a member of the Select Committee on Intelligence to discuss the pending legislation to modernize the Foreign Intelligence Surveillance Act that was originally passed in 1978. At the outset of my remarks I would like to first express my sincerest appreciation to the chairman of the committee, Senator ROCKEFELLER, and the vice chair, Senator BOND, for their exceptional leadership in working in a concerted, cooperative manner to shepherd the Intelligence Committee bill through the legislative process in a strong, bipartisan manner.

As my colleagues know, the act is set to expire on February 1—less than a week from now. It is imperative that Congress pass legislation reflecting the will of this body and send it to the President's desk for enactment. At a time when al-Qaida lurks in the shadows, making no distinctions between combatants and noncombatants, between our battlefields and our backyards, we as lawmakers must work with firm resolve to ensure that the intelligence community possesses the tools and the legal authority that is required to prevent future terrorist attacks on our soil. Yet in the wake of years of controversy surrounding the Terrorist Surveillance Program, we all must be mindful of our duties to uphold the constitutional protections as old as this Republic. I do not believe these goals are mutually exclusive.

The Foreign Intelligence Surveillance Act, commonly known as FISA, establishes a distinct system of laws and regulations for the Government's ability to legally conduct national security-related surveillance of communications. The Intelligence Committee proposal, which was reported out on a strong 13-to-2 bipartisan vote, does not present the ideal solution to the urgent matter before us, underscoring the difficulties and complexities that are presented by the question of intelligence surveillance. However, it is a marked improvement over the Protect America Act and represents the collective agreement of 13 of the 15 members of the Intelligence Committee, both Republicans and Democrats. I appreciate the disparate views that many of my colleagues on both sides of this aisle espouse, but in the end, the Senate must work to achieve its will and to find the common ground that is so essential on this issue for our Nation's security. For Congress to be relevant, it must ultimately come to a legislative resolution and conclusion.

The underlying premise of FISA recognizes that obtaining a standard search warrant through a typical Federal or State court is not appropriate when dealing with sensitive security operations and highly classified information. In creating separate legal mechanisms for such matters, FISA has, for nearly 30 years, relied upon the rulings of the special Foreign Intelligence Surveillance Court and continuous congressional oversight in ensuring that fourth amendment protections against unreasonable searches and seizures are respected. Although FISA is and remains an indispensable tool in the war on terror, it was written almost 30 years ago—long before the name "al-Qaida" rang with any significance—and it has begun to show its age.

FISA was enacted before cell phones, before e-mail, and before the Internet, all of which are used today by hundreds of millions of people across the globe. Unfortunately, those numbers include terrorists who are using these tools for planning, training, and coordination of their operations. Put simply, FISA's technology-centered provisions do not correspond to the systems and apparati that are used in communications today. As Admiral McConnell, Director of National Intelligence, said most bluntly and straightforwardly:

> FISA's definition of electronic surveillance [has] simply not [kept] pace with technology.

But we all know this is not the only backdrop to FISA reauthorization. Prior to December 2005, only the party leaders in both the House and the Senate, and the chairmen and ranking members of those Houses' respective Intelligence Committees—the so-called gang of eight—had any knowledge that warrantless surveillance was occurring on U.S. soil with neither court approval nor congressional authorization. Once the program came to light, the administration asserted it had the legal authority to conduct such surveillance anyway, citing considerably tenuous interpretations of both article II of the Constitution and the 2001 authorization for the use of military force.

This was not the power-sharing construct between the three branches of Government under which FISA had operated for nearly three decades. Rather, this was a unilateral exercise of executive branch authority to the exclusion of the other two. The use of unchecked executive power was neither how the Framers of the Constitution nor the framers of FISA intended this matter to be addressed.

Accordingly, less than 2 months later, I, along with Senators DeWine, HAGEL, and GRAHAM, introduced the Terrorist Surveillance Act of 2006, which called for strict legislative oversight and judicial review of the program. A number of colleagues joined the effort with a variety of additional proposals to both exert congressional oversight, as well as to modernize

FISA; and the administration, bowing to this collective congressional pressure, finally permitted full access to the NSA program by members and staff of both Intelligence Committees. Congressional leverage also led the Attorney General last January to submit the terrorist surveillance program to the requirements of FISA, including appropriate review of Stateside surveillance requests by the Foreign Intelligence Surveillance Court. At the time this was viewed as a step toward some restoration of the rule of law and constitutional principles, and FISA reform efforts focused on modernizing the statute for technological purposes.

Yet, as noted in the Intelligence Committee's report on the FISA Amendments Act of 2007,

> At the end of May 2007 . . . attention was drawn to a ruling of the FISA court . . . that the DNI later described as significantly diverting NSA analysts from their counterterrorism mission to provide information to the Court. In late July, the DNI informed Congress that the decision . . . had led to degraded capabilities in the face of a heightened terrorist threat environment.

FISA reform efforts quickly shifted to addressing this gap. Congress responded this past August by passing the bipartisan Protect America Act, a law which cleared the Senate 60 to 28. Although an imperfect statute, it granted the DNI the tools necessary to protect our homeland at a time when there were well-documented gaps in our intelligence gathering. Congress wisely employed a 6-month sunset to ensure that the shortcomings of this temporary law could be explored at length and properly corrected. The bill before the Senate today is a product of that deliberation, and given all that I have just outlined, clearly the time has now come to take precise and concrete action.

The Intelligence Committee has been guided by its vast expertise in overseeing American intelligence operations, and this proposal sorts out the confusion of the past several years and replaces legal gray areas with clear bright line rules. Central to this revision is the role of the FISA Court—a critical step in this process, as the courts must play a prominent role whenever fourth amendment concerns are at stake.

The bill rightly maintains the rule that no court order is required when targeting communications abroad, and clarifies that this remains the case even if, for example, a foreign-to-foreign e-mail transits a server located on U.S. soil. However, the bill would, going forward, allow for so-called "umbrella surveillance" only under the following conditions: First, it may be conducted for 1 year. Secondly, the DNI and the Attorney General must certify that such operations would target only those individuals reasonably believed to be outside of the United States. Third, the FISA Court must receive and approve the minimization procedures to ensure that any "inadvertent collection" is promptly destroyed.

More importantly, where the target is located within the United States, or where the target is a U.S. citizen or a permanent resident anywhere in the world, the bill now requires that a warrant first be obtained from the FISA Court. The FISA Court—only the FISA Court—will have the authority to determine that there is probable cause to believe that the U.S. person in question is an agent of a foreign power. Only then may a warrant be issued, and only then may targeted surveillance commence. This is a strong and substantial improvement over the provisions of the Protect America Act.

It is noteworthy that this bill, if passed, would recognize for the first time ever the right of a U.S. citizen or permanent resident to be free from warrantless surveillance by the U.S. Government even when such person is abroad. As our colleague Senator WYDEN said in the Washington Post on December 10, "this is a change that was contemplated back in 1978 but which never received the attention necessary from Congress to become law."

Finally, the bill authorizes the inspectors general of the Department of Justice and elements of the intelligence community to conduct independent reviews of agency compliance with the court-approved acquisition and minimization procedures—adding another independent check to ensure that the agencies charged with implementing the program are in fact complying with the court order and minimizing any information that was inadvertently collected.

This is not to say that the Judiciary Committee substitute was not superior in some regards. For example, it contained far stronger language asserting that the FISA Court and the Federal Criminal Code are the exclusive means by which the U.S. Government may conduct surveillance, counteracting allegations by the administration that the 2001 authorization of the use of military force provided an alternate statutory authority.

To be clear, the Intelligence Committee bill does state that such a restriction applies to "electronic surveillance." In fact, I felt strongly about this provision, and that is why I joined other colleagues on the Intelligence Committee in submitting additional comments regarding this provision—specifically that FISA is the exclusive means by which the U.S. Government may conduct surveillance. Yet the Judiciary Committee bill took this one step further, expanding exclusivity to cover any "communications or communications information," a broader term meant to reach even those communications not covered under the more narrowly defined category of "electronic surveillance."

Yet, on balance, the Intelligence Committee legislation reflects the committee's expertise in this field, and it presents a bipartisan approach for restoring order to the state of the law surrounding Government surveillance.

As the Intelligence Committee report noted, the committee held seven hearings in 2007 on these issues, received numerous classified briefings, propounded and received answers to numerous written questions, and conducted extensive interviews with several attorneys in the executive branch who were involved in the review of the President's program. In addition, the committee received formal testimony from the companies alleged to have participated in the program and reviewed correspondence that was provided to private sector entities concerning the President's program.

The committee secured IG reports and the orders and opinions issued by the FISA Court following the shift of activity to the judicial supervision of the FISA Court and invited comments from experts on national security law and civil liberties. The committee also examined extensive testimony given before other committees in the last several years and visited the NSA, carefully scrutinizing the program's implementation.

The underlying committee bill vests significant authority—and rightfully so—in the FISA Court to authorize targeting of U.S. persons and to sign off on minimization procedures of any nontargeting surveillance. It further modernizes FISA so that its terms apply rationally to today's technology, and streamlines procedures to ensure that the men and women in our intelligence community can maximize their focus on detecting threats to our homeland. It does all of this while employing the Intelligence Committee's technical expertise to avoid any unintended consequences.

I wish to focus the remainder of my remarks on what has become the flashpoint of controversy—whether to grant retroactive immunity to the numerous telecommunications companies who have been sued for allegedly providing private customer information to the Government in violation of the law. I believe that this narrow, limited grant of immunity is a proper course of action for these reasons:

First, it is critical to note and understand that a grant of immunity to telecom providers for assisting the Government is not a novel concept, but rather a longstanding component of existing law. Specifically, the Federal Criminal Code already states that "no cause of action shall lie in any court against any provider . . . for providing information, facilities, or assistance" to the Federal Government in conducting electronic surveillance if the company is presented with either a court order or a certification signed by the Attorney General stating that "no warrant or court order is required by law, that all statutory requirements have been met, and that the specific assistance is required."

Why, then, must the bill before us contain an immunity provision for communications firms? The answer is that they are unable to invoke it because the very existence of whether a particular company—or any company—did or did not participate in any alleged surveillance has been designated as a state secret by the U.S. Government. This places the telecom companies in a Catch-22 scenario: if, hypothetically, a company did assist the Government, it cannot reveal that fact under the State Secrets Doctrine, and thus cannot claim the benefit of immunity; conversely, if a company did not provide any alleged assistance, it still cannot demonstrate that fact to conclusively dismiss the lawsuit, again because of the mandates of the State Secrets Doctrine. In the 40-plus active lawsuits, defendant telecom companies are in a "no-win situation."

To those who may ask why Congress should concern itself with addressing these pending lawsuits, I would answer that the credibility and effectiveness of America's intelligence community depends upon it. Particularly in the wake of the devastating attacks of September 11, 2001, any American company that, when reportedly presented with proper certification, assisted the Government in a matter of national security was doing so, in all likelihood, in the best interests of our Nation. And punishing such cooperation through subsequent lawsuits could have drastic future consequences.

This position has been asserted by former Attorney General John Ashcroft and former Deputy Attorney General James Comey, both of whom had well-documented misgivings about the administration's approach to surveillance. This view is also held by the distinguished chairman of the Intelligence Committee, who on October 31 of last year wrote in the Washington Post that the telecom lawsuits are "unfair and unwise. As the operational details of the program remain highly classified, the companies are prevented from defending themselves in court. And if we require them to face a mountain of lawsuits, we risk losing their support in the future"—a development that Chairman ROCKEFELLER assessed would be "devastating to the intelligence community, the Justice Department and military officials who are hunting down our enemies."

The immunity provision in this bill is narrow and limited. First, it is only retroactive. It clearly delineates what types of surveillance require a search warrant from the FISA Court and what types do not. The very fact that the FISA Court will be involved contrasts starkly with the "gray area" under which the Terrorist Surveillance Program had operated prior to January of last year. This clarity will thus also make it clear as to whether a telecom company is complying with a lawful request and thus whether it will be entitled to statutory immunity.

As the Intelligence Committee report underscored, the action the committee proposes should be understood by the executive branch and provided as a one-time response to an unparalleled national experience in the midst of which representations were made that assistance to the Government was authorized and lawful.

In doing so, the underlying legislation acts prospectively to guard against any future infringements of constitutional liberties that might occur. By contrast, striking title II will accomplish nothing constructive in the future. To the contrary, as I indicated, it may be counterproductive by discouraging future cooperation by private entities.

Second, the bill only grants immunity for civil lawsuits. It would not provide amnesty to anyone—the telecommunications companies, Government officials or any other party—who engaged in any potential criminal wrongdoing. Should any criminal allegations arise against telecommunications officers, Government officials or others, such investigations would not be prevented by this provision. Nothing in this bill is intended to affect any of the pending suits against the Government or individual Government officials.

Third, this provision does not make any determination as to whether the program in question was legal. It only grants the telecommunications carriers immunity if the Attorney General certifies those carriers cooperated with intelligence activities designed to detect or prevent a terrorist attack and that such a request was made in writing and with the assertion that the program was authorized by the President and determined to be lawful.

Finally, this bill provides the fairest course of action for addressing corporations that, when presented with an urgent official request at a critical period for our Nation's security, acted in a patriotic manner and provided assistance in defending this Nation. These companies were assured that their cooperation was not only legal but necessary and essential because of their unique technical capabilities. Also note that the President initially authorized the NSA program in the early days and weeks after the September 11 attacks, attacks that shocked our Nation and forced us to quickly react and adjust to the new reality of the 21st century, where terrorism was occurring in our own backyard. If a telecommunications company was approached by Government officials asking for assistance in warding off another terrorist attack and those Government officials produced a document stating the President had authorized that specific activity and that activity was regarded as legal, could we say the company acted unreasonably in complying with this request?

In the interest of protecting our Nation in this new environment of the 21st century and bringing stability and certainty to the men and women who are in our intelligence community as they carry out their very vital and critical missions in defending and preserving our freedoms at home, I urge passage of FISA reform that is bipartisan, that respects an active balance among all branches of Government, that will establish a key role for the courts going forward in evaluating surveillance measures in the United States and against U.S. persons abroad and that we will allow the intelligence community to devote its full efforts to fighting and winning the war on terror.

I yield the floor.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Oklahoma.

ORDER OF PROCEDURE

Mr. INHOFE. Mr. President, there is confusion as to the order of the speakers. I ask unanimous consent that the junior Senator from Pennsylvania, Mr. CASEY, be recognized for up to 15 minutes, in morning business, to be followed by me, to be recognized for up to 35 minutes in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. CASEY. Reserving the right to object.

The PRESIDING OFFICER. The Senator is recognized.

Mr. CASEY. Will the Senator modify his request to add Senator WEBB to that lineup to be the next Democratic speaker?

Mr. INHOFE. May I ask how long Mr. WEBB, the junior Senator from Virginia, wishes to speak?

Mr. CASEY. Ten minutes.

Mr. INHOFE. I amend my request that it be, first, Senator CASEY for 15 minutes, Senator WEBB for 10 minutes, and myself for 35 minutes in morning business.

This is the new request: I ask unanimous consent that the junior Senator from Pennsylvania, Mr. CASEY, be recognized for up to 15 minutes, after which I will be recognized for up to 35 minutes, and then the Senator from Virginia, Mr. WEBB, will be recognized for up to 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized for up to 15 minutes.

Mr. CASEY. Mr. President, I thank the Senator from Oklahoma for working through that unanimous consent agreement.

IRAQ

Mr. CASEY. I rise today to speak about the war in Iraq. There is a lot of talk in this Chamber and across this town and across the country about our economy, and that is justifiable. But we have to remember that in the midst of a difficult economy in America, there is a lot to talk about and to work on to respond to that. We still have a war in Iraq to worry about, to debate, and to take action on. I don't think we can lose sight of a war that grinds on without end in Iraq.

This war does burden our troops, obviously, with repeated and prolonged deployments and, in fact, drains our national resources. The war hampers our efforts in places such as Afghanistan and Pakistan, the real frontlines in the global struggle against Islamic terrorism and extremism.

So we must ask ourselves at least a couple of questions when it comes to the war in Iraq. There are many, but there are at least a few I can think of.

What are we in the Congress doing about this war today, this week, this month, and in the months ahead, even as we struggle to deal with a difficult economy?

The second question might be: When will the Iraqi Government start serious discussions on national reconciliation?

Third, how will we know when we have achieved our objectives in Iraq? How will we know that?

Finally, and I think the most compelling question is: When will our troops come home?

Last night, the President spoke about a number of topics, and one was the economy. One of the first words the President said with regard to the economy, he talked about a time of uncertainty. Mr. President—President Bush I mean—I disagree. With regard to the economy, this is not about something that is uncertain. It is very certain. The lives of Americans, the perilous and traumatic economy they are living through is not uncertain or vague or foggy. It is very certain. The cost of everything in the life of a family is going through the roof, and we have to make sure we respond to that situation.

I argue that word "uncertainty" does apply when it comes to the war in Iraq in terms of our policy. I would argue to the President what is uncertain, if there is uncertainty out there in our land, it is about the war in Iraq. Uncertainty, frankly, about what our plan is in Iraq and what is this administration and this Congress doing to deal with this war in Iraq. That is where the uncertainty is. I think the reality of the economy is very certain for American families.

While the headlines about Iraq have all but vanished from the front pages and television screens and the administration continues to divert attention elsewhere, we have a fundamental obligation as elected representatives of the American people to continue to focus on the war until we change the policy and bring our troops home.

We marked the first year anniversary of the President's decision to initiate a troop escalation in Iraq, and we are coming upon the fifth anniversary of the invasion of Iraq.

Last night, in his State of the Union Address, the President described the surge in very positive terms. Make no mistake about it—we all know this—our soldiers have succeeded in their mission with bravery and heroism and violence in many parts of Iraq is, in fact, down. Yet despite all that, despite all that effort, despite all that work, Iraq today is still not a secure nation, and it will not be secure until its leaders can leave the Green Zone without fear of assassination. It will not be secure until they can leave the Green Zone without fear of suicide bombings. It will not be secure until its own national Army and police forces can stand up and protect all of Iraq's people without regard to ethnicity or creed.

In assessing whether the surge has worked, we should pay attention to the President's words from a year ago. President Bush declared in January 2007, when he first announced the surge:

> Iraqis will gain confidence in their leaders and the government will have the breathing space it needs to make progress in other critical areas.

Those are the President's words. So let's judge this issue by his words. Judged by those standards enunciated by the President, we can only conclude the surge has not worked, if that is what the objective was. I add to that, when I was in Iraq in August and I talked with Ambassador Crocker about the terminology used by this administration with regard to the war, because I said sometimes the terminology is way off and misleading, he said: The way I judge what is happening here is whether we can achieve sustainable stability. That is what he said, sustainable stability.

Based upon what Ambassador Crocker said and based upon what the President said, if we measure what is happening now against those standards, the surge has not worked, based upon those assertions by the Ambassador and by the President.

The troop escalation did not prompt the Iraqi Government to make the hard choices or to meet the benchmarks laid out by the administration. As General Petraeus told me in that same meeting this past summer in Baghdad, the war in Iraq can only be won politically, not militarily, and he said that on the public record as well. But on national reconciliation, oil sharing, and other key issues where Iraqis must forge agreement in order to allow U.S. forces to eventually withdraw, we do not see nearly enough progress. In fact, the evidence of substantial progress is very bleak.

We heard recently about things that have been happening in Iraq. Although the Iraqi Parliament passed a debaathification measure this past month, it is unclear how far the legislation will go toward addressing Sunni concerns, since serious disagreements exist on the law's implementation. Some contend that former Baathists will still be barred from important ministries such as Justice, Interior, and Defense.

As has often occurred in the past, once again the Iraqi political leadership has chosen to avoid the hard choices and instead kick the can down the road, ensuring further bloodshed and national fragmentation in the interim.

We all know how long this war has endured. It has endured longer than the war we know as World War II. It is longer than that war, with over 3,900 dead, 178 Pennsylvanians, the number of wounded in Pennsylvania is about 1,200 or more; across the country, 28,000. Our military forces have done everything we have asked of them. They have matched the bravery and success in every way possible of those great American warriors who preceded them in past conflicts. But our troops, the best fighting men and women in the world, cannot force a foreign government to be stable, they cannot force the Iraqi national police to put aside their deep-seated sectarianism and corruption, and they cannot force Iraqi political leaders to want progress as much as our troops do and as much as the Iraqi people deserve.

We have much to do to make progress. But here is what is happening lately. This is a very important point, and I conclude with it. The President is showing every sign that he intends, in the waning days of his administration, to lock the United States and, in particular, to lock our fighting men and women into a long-term strategic commitment in Iraq without consultation with the elected representatives of the American people in Congress. He has signaled to the Iraqi Government that the United States can maintain significant U.S. troop levels in Iraq for at least 10 years—10 years—if not longer. He seeks to negotiate a long-term strategic agreement with the Iraqi Government that would commit the United States to providing security assurances to the Iraqi Government against external aggression—an unprecedented commitment that could embroil the United States in a future regional conflict or even a full-scale Iraqi civil war. The President's senior aides have proposed that such an agreement would need to be ratified by the Iraqi Parliament—the Iraqi Parliament—and bypass the U.S. Congress. That is unacceptable to me and I think to anyone in this body and to the American people, and it is why five other Members of this body joined me in December in sending a letter to the President stating that the Congress must be a full and coequal partner in extending such long-term commitments.

Mr. President, I ask unanimous consent to have printed in the RECORD my letter of December 6, 2007, to the President.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, December 6, 2007.
President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We write you today regarding the "*Declaration of Principles*" agreed upon last week between the United States and Iraq outlining the broad scope of discussions to be held over the next six months to institutionalize long term U.S.-Iraqi cooperation in the political, economic, and security realms. It is our understanding that these discussions seek to produce a strategic framework agreement, no later than July 31, 2008, to help define "*a long-term relationship* of cooperation and friendship as two fully sovereign and independent states with common interests".

The future of American policy towards Iraq, especially in regard to the issues of U.S. troop levels, permanent U.S. military bases, and future security commitments, has generated strong debate among the American people and their elected representatives. Agreements between our two countries relating to these issues must involve the full participation and consent of the Congress as a co-equal branch of the U.S. government. Furthermore, the future U.S. presence in Iraq is a central issue in the current Presidential campaign. We believe a security commitment that obligates the United States to go to war on behalf of the Government of Iraq at this time is not in America's long-term national security interest and does not reflect the will of the American people. Commitments made during the final year of your Presidency should not unduly or artificially constrain your successor when it comes to Iraq.

In particular, we want to convey our strong concern regarding any commitments made by the United States with respect to American security assurances to Iraq to help deter and defend against foreign aggression or other violations of Iraq's territorial integrity. Security assurances, once made, cannot be easily rolled back without incurring a great cost to America's strategic credibility and imperiling the stability of our nation's other alliances around the world. Accordingly, security assurances must be extended with great care and only in the context of broad bipartisan agreement that such assurances serve our abiding national interest. Such assurances, if legally binding, are generally made in the context of a formal treaty subject to the advice and consent of the U.S. Senate but in any case cannot be made without Congressional authorization.

Our unease is heightened by remarks made on November 26th by General Douglas Lute, the Assistant to the President for Iraq and Afghanistan, that Congressional input is not foreseen. General Lute was quoted as asserting at a White House press briefing, "We don't anticipate now that these negotiations will lead to the status of a formal treaty which would then bring us to formal negotiations or formal inputs from the Congress." It is unacceptable for your Administration to unilaterally fashion a long-term relationship with Iraq without the full and comprehensive participation of Congress from the very start of such negotiations.

We look forward to learning more details as the Administration commences negotiations with the Iraqi government on the contours of long-term political, economic, and security ties between our two nations. We trust you agree that the proposed extension of longterm U.S. security commitments to a nation in a critical region of the world requires the full participation and consent of the Congress as a co-equal branch of our government.

Sincerely,

ROBERT P. CASEY, JR.,
ROBERT C. BYRD,
EDWARD M. KENNEDY,
JIM WEBB,
HILLARY RODHAM CLINTON,
CARL LEVIN,
United States Senators.

Mr. CASEY. We now learn that the President, in signing the Department of Defense authorization bill into law yesterday, has once again taken the opportunity to issue another infamous signing statement, imposing his own interpretation of a law over the clear intent of the Congress.

Let's not forget that this important legislation has been needlessly delayed for weeks because the President wanted to defer to concerns of the Iraqi Government over compensation for U.S. victims of Saddam Hussein's acts of terrorism. Let me repeat that. A critical pay raise for our troops was delayed because a foreign government raised concerns with this White House.

In signing the Department of Defense authorization bill into law, the President declared his right to ignore—ignore—several important provisions, including the establishment of an important special commission to review wartime contracting. This provision was an initiative of the Senate Democratic freshmen class, led by Senators WEBB and MCCASKILL. The President also declared his right to ignore a provision prohibiting funding for U.S. military bases or installations in Iraq that facilitate "permanent station" of U.S. troops in Iraq.

Let me say that again in plain language. This provision sought to prevent the United States from establishing permanent bases in Iraq, and the President has indicated he may ignore—ignore—this provision. Every time senior administration officials are asked about permanent military bases in Iraq, they contend it is not their intention to construct such facilities. Yet this signing statement issued by the President yesterday is the clearest signal yet that the administration wants to hold this option in reserve. This is exactly the wrong signal to send both to the Iraqi Government and its neighbors in the region and to others as well.

Permanent U.S. military bases gives a blank check to an Iraqi government that has shown no evidence that it is ready to step up and take full responsibility for what happens in Iraq. Permanent U.S. military bases feeds the propaganda of our enemies, who argue that the U.S. invasion in 2003 was carried out to secure access to Iraq's oil and establish a strategic beachhead for the U.S. military in the region. Permanent U.S. military bases means U.S. troops will be in Iraq for years to come, ensuring that the great strain on the American military will continue indefinitely.

Finally, and I will conclude with this, we have a lot on our plate this year to deal with. We have the economy to deal with and so many other difficult issues, but the war in Iraq continues to be a central foreign policy challenge faced by the President, by the Congress, and by the Nation. When this President departs office after 8 years, he should not—should not—commit our soldiers and our Nation to 10 more years—10 more years—if not longer, and hundreds of billions of dollars, if not more, spent on the war in Iraq.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, it is my understanding, under a previous unanimous consent request, that I would be recognized for up to 35 minutes.

The PRESIDING OFFICER. That is correct.

THE THIRD REASON

Mr. INHOFE. Mr. President, I don't very often do this, but I am going to make a presentation today, and I would like to give it a title, and the title is "The Third Reason." The subtitle very likely could be "The third reason we are winning in Iraq, and we should be in Iraq."

I have to say that I have had occasion to be there many times, and there is no doubt in my mind and, I don't doubt, in many people's minds that we are actually winning in Iraq. But before I address this, I would like to point out something very few people are aware of; that is, the mess that was inherited by George W. Bush right after 9/11.

First of all, if we look back during the 1990s, there was this euphoric attitude that the Cold War was over and we no longer needed a national defense system. So during the 1990s, during the Clinton administration, we started decimating the system. And I have the documentation here because a lot of people don't understand this.

If you would take what happened in the first year, or the last year of the previous administration over the first year the Clintons had control of the budget, and if we had taken a flat amount to determine how much we were going to be spending on defending America, then draw a straight line and only add into that the inflation—in other words, that is what it would be if we didn't do anything else—well, the budget that came from the White House is this red line down here. If you take the difference between the red line and what would have been a flat budget, it is $412 billion. In other words, $412 billion came out of our defense system. However, the good news was that Congress looked at that and said that is too big of a cut, so they intervened and raised President Clinton's budget up to this brown line in the middle. So what was inherited by this President was an amount $313 billion less than it would have been if it had just been a static amount.

Now, that would have been bad enough—and I have always contended we have to make that the No. 1 priority in America: To defend America—but to make it worse, on 9/11 we went to war, and then we were pushed into a situation of going into and liberating Iraq, and all of a sudden, people started standing on the floor of the Senate and saying things like: Well, how in the world could this President be getting into deficits, how could he be spending so much, and all of this. This is the reason: because we started off $313 billion less than during the time period of the previous administration. That is the seriousness of it.

Now, I say that just because I recall so well the confirmation hearings for the Secretary of Defense, Secretary Rumsfeld. During his confirmation hearings, they were making statements at that time about what were they going to do with the problems that were there and that we are underfunded in the military, that our modernization program has gone sideways, our force strength is not what it should be, and what should we do about that. This was all live on TV.

During the confirmation hearing—and I was on the Senate Armed Services Committee—I said: Mr. Rumsfeld, we have a problem I see as very serious, and that is you are going to get all of your generals around you, we are going to get all these smart people, and they are going to be asked what are we going to be confronted with 10 years from today, and the generals, as smart as they are, are going to be wrong.

I can remember what I said at that meeting 7 years ago. I said: The last year I was in the House of Representatives, I was attending a House Armed Services Committee hearing, and in that committee hearing an expert witness said: Ten years from now, we will no longer need ground troops in America.

Of course, we saw what happened in Kosovo and Bosnia, and we knew that was wrong. So I said: Since we can't tell where we are going to be 10 years from now, and there is a lead time in preparing for war or a contingency, what is the answer to this thing? We don't know if we are going to have the best strike vehicles or lift vehicles or the best artillery pieces.

He said: I have made a study of that, and you are asking the right person, because in the average year, for the 100 years of the 20th century, we spent 5.7 percent of our GDP on defense. At the end of the 1990s, it went down to 2.7 percent.

I said: Down to 2.7 percent. Where should it be?

He said: We don't know for sure but somewhere in excess of 4 percent, probably 4½ percent, which is still less than it was for the previous several hundred years.

That was kind of interesting to me because when you look right now, how many people in America realize there are some things we have that are not as good as some of our potential adversaries?

I would say that one of my heroes prior to the time he was Chief of the Air Force was GEN John Jumper. General Jumper stood up and said publicly—in 1998, I believe it was—he said: Now the Russians are making a strike vehicle that is better than our best, and he talked about the SU–27s and the SU–30s. Our best were the F–15s and the F–16s. That was a shocking statement. So we started working on the F–22 and the F–35, the Joint Strike Fighter.

Right now, the best piece of artillery we have in our arsenal is World War II technology. It is a Paladin. It is something where you have to get out after every shot and swab the breech the way you did back in World War II. So now we are stepping ahead. But this has all happened during this administration, where we now have the new FCS—Future Combat System—that is going to revolutionize, for the first time in probably 40 years, how we fight battles.

I only say that because this is something we are going to have to contend with in the future, and it also paints a pretty good picture as to where we were when this thing happened on 9/11.

I would like to suggest there are three reasons we went into Iraq. The liberation of Iraq is the first one, and that is called to my mind now because I had an experience—you will enjoy this, I say to my good friend from Arkansas, who is occupying the chair—two weekends ago when I happened to be in a place referred to now as JFK's winter White House. It was the Kennedy compound in West Palm Beach, FL. Ironically, it was sold to a very strong, wealthy, partisan Republican, and we were having an event down there. I looked out to the audience when giving a talk, and there were a lot of my heroes, among them Alexander Haig, who was previously Secretary of State under Ronald Reagan. He told the story of Saddam Hussein, that in 1991—and this is right after the first Persian Gulf war—we had what we called the first freedom flight into Kuwait. Now, it was so early in the end of the war that the Iraqis did not know the war was over, and they were still burning the fields down there, the oilfields, and all of a sudden, day would turn into night as the wind shifted and smoke went back and forth.

It wasn't all Republicans, I might add. Tony Cuello, who at that time was the majority whip in the House of Representatives, was there also.

Anyway, we had an occasion to go to Kuwait, and one of the persons on that trip was then the Ambassador from Kuwait to the United States, a man of nobility, and he had his daughter, who was around 8 years old, with him. They wanted to go see what their home looked like in the Persian Gulf. So we went there, only to find out that Saddam Hussein had been using that home as a headquarters. We went up to, I think it was the little girl's bedroom, or one of the bedrooms, and found that it had been used as a torture chamber. There were body parts strewn around the room, stuffed into walls, and horrible things had been going on. A little boy had his ear cut off because he was caught with a little tiny American flag within sight.

We talked about the horrible atrocities going on and personally witnessed some stories of individuals, people who were sentenced to a torturous death by Saddam Hussein. Many of them would beg that their body be eased into a vat of acid head first so that they would be able to die quicker than feet first.

We saw the fact that the weddings, any weddings that were taking place out in the streets at the time of Saddam Hussein, they would raid the weddings, they would kill the people, rape the girls, and bury them alive. We saw mass graves, hundreds of people had been buried alive or tortured to death.

I guess what I would say is, the first reason we went to Iraq, as I think we would go anywhere, our country would go anywhere, is to aid a country that had this type of Holocaust-type of atrocities taking place. So that was the first reason was to end Saddam Hussein's regime of torture. It was successful. We did it.

The second reason was because Iraq was a major terrorist-training area. There are four areas where they trained. You know about Samara and Ramadi because people now realize—they are pretty familiar with that. But you may have forgotten or may never even have known about some of the other areas. Sargat, for example, was an international terrorist training camp in northeastern Iraq near the Iranian border. It was run by Ansar al-

Islam, a known terrorist organization. Based on information from the U.S. Army Special Forces, operators who led the attack said: It is indeed more than plausible that al-Qaida members trained in that particular training camp.

That is in Sargat. The Green Berets discovered, among the dead in Sargat, foreign ID cards, airline ticket receipts, visas, passports from Yemen, Sudan, Saudi Arabia, Qatar, Oman, Tunisia, Morocco, Iran, and many other places.

At Salman Pak, it was a facility south of Baghdad, and we have a number of videos and computer disks, documents, and other materials, including explicit jihadist propaganda, which revealed terrorist training footage, and the targets were clearly Americans. The foreign Arabs were being trained as hijackers of airplanes. That is interesting. They had a fuselage of an old Boeing 707 on the ground in Salman Pak, where they were training terrorists to hijack airplanes.

Now, we have no way of knowing whether those were the perpetrators of the crime that took place on 9/11, but very likely that could have been the case. Now, the bottom line, though, is the second reason for the liberation of Iraq was to do away with all of the training camps, the four specific training camps that I am talking about, and we did that.

So I would like, before getting into reason No. 3, to kind of compare what is going on from a perspective that most of you guys probably have not heard; that is, I have had occasion to be in what we call CENTCOM and Africa—that is where the major problems are—some 19 times. And let's go back and kind of compare the last three visits there—not the last three but three of the last visits.

One was before the surge. It was June of 2006. And that was in the wake of Zarqawi's death. We remember that so well. The Iraqis were operating under a 6-month-old parliament. Al-Qaida continued to challenge coalition forces throughout Iraq. Things were not going all that well, but the coalition forces did launch 200 raids against al-Qaida and cleared out some of the strongholds.

But I had occasion to talk to Defense Minister Jasim. And in visiting with him, we talked about the current situation in Iraq. And he felt it could be done. It could be done—our people would be able to be trained over a period of time with proper training to take care of this. And we talked about some of these things that our press talked about back in the United States.

He said the big conflict between Sunnis and the Shias was mostly a Western concept, and he used as evidence of that individuals in his own family. He happened to be married—I could get this backwards—either he was a Sunni married to a Shia or vice-versa.

We had a good discussion. But we could see very clearly that we believed things might be getting a little better, but they were not as better as we hoped. Let's fast-forward to May of 2007.

I returned to Iraq and visited Ramadi, Fallujah, Baghdad, and some of the other areas. And this is after the surge. The surge took place in January. So this was in May; this was 3 months later. So Ramadi went from being controlled by al-Qaida and hailed as their capital. We might remember this. About 15 months ago they had a news conference over there where they said that Ramadi was going to become the capital of terrorism in the world, the world capital.

Well, by May of 2007 it was under total control, totally secure not by U.S. troops but by the Iraqi security forces. The neighborhood security watch programs were working. It was kind of like the programs we have in this country. We have a neighborhood watch program, and they go out and they look and see what they can do to make things more peaceful.

And you have heard the stories of how they would go out and they would take an orange spray can, and they would draw circles around the undetonated IEDs. This was going on, and it seemed to be going very well. That is the first time that I realized—I am kind of a slow learner—I realized that the leaders in Iraq were not the political leaders but the religious leaders, the clerics and the Imams.

Prior to the surge, the average—we had intelligence people there—the average of the messages that were in the mosques on a weekly basis were 80 to 85 percent anti-American. Since April there had not been any anti-American messages.

The joint security stations seemed to be going very well there. That was where, instead of going back, our troops going back into the Green Zone in Baghdad after they were out on a raid or doing their work on a mission, they would instead go to some of the homes of the Iraqi security forces and actually bed down with them, they developed personal, intimate relationships with them.

The burden sharing was increasing. Fallujah came under the control of the Iraqi brigade. And that was an area that we might recall where our Marines went World-War-II style door to door.

In Anbar, it changed from the center of violence to a success story. In Baghdad, the sectarian murders decreased by 30 percent, and joint security stations stood up forming deep relationships between the coalition forces and the Iraqis. It was referred to by General Petraeus as "brotherhood of the close fight."

And there is some other good news, too. The media became about halfway honest. This was kind of interesting because I can remember on earlier trips, the first thing the troops would ask me when I would go in is, they would say: Why is it the American people do not understand what we are doing? Why do they not like us? Why is it the media do not like us?

I can remember LTC Tim Ryan. He said, as I have here:

> The inaccurate picture they paint has distorted the world view of the daily realities in Iraq. The result is a further erosion of international support for the United States' efforts there, and a strengthening of the insurgents' resolve and recruiting efforts while weakening our own. Through their incomplete, uninformed and unbalanced reporting, many members of the media covering the war in Iraq are aiding and abetting the enemy.

Well, that is what I heard from many of them, but this is one that we can actually quote.

Well, that is something that is changing. I think we saw a few months after I returned from that trip, two of the journalists—one was Michael O'Hanlon, the other Kenneth Pollack—wrote an op-ed piece in the New York Times, and this was actually above the fold on the front page, to let you know. If you want to look it up on your Web site, it was July 30, 2007.

They said things such as: Troop morale is high, and they had confidence in General Petraeus and his strategy. Civilian fatality rates were down roughly a third since the surge began. Streets in Baghdad were slowly coming back to life with stores and shoppers and so forth. American troop levels in Mosul now numbered only in the hundreds from where they were before. More Iraqi units are well integrated in terms of ethnicity and religion. And, keep in mind, these were statements that were made and were in the New York Times, which has not really been a bastion of support for the President or the war.

But here is another one. I happened to see this one September 2, 2007. Bob Schieffer had an interview televised with Katie Couric. Katie Couric is another one who has never been a supporter of the President. And they said this. This is a quote now. She was responding to questions.

> Well, I was surprised, you know, after I went to eastern Baghdad. I was taken to the Allawi market which is near Haifa street—

Which several of us have been to—

> which was the scene of a very bloody gun battle back in January, and, you know, the market seemed to be thriving, and there were a lot of people out and about, a lot of family-owned businesses and vegetable stalls, and so you do see signs of life that seem to be normal. . . . The situation is improving.

That was not me. That was not Senator JIM INHOFE who has always been supporting this effort. That was Katie Couric.

Before giving the press too much credit, though, let me suggest to you that if you look at this chart—this is something I stumbled onto yesterday—and since the success has been there, you notice they are not saying it is not successful, but they are not covering it. This is the coverage in September of 2007. It dropped down by about half in October, then it dropped down again in November. So I guess what we are saying is, if they cannot print something bad because nothing bad is happening there, they do not print anything at all.

Well, I returned to Iraq on August 30, and the surge continued its success. I traveled to the Contingency Operating Base Speicher in Tikrit and to the Patrol Base Murray south of Baghdad and visited Ambassador Crocker and General Petraeus. And so, again, the same changes that took place 3 months later were taking place and were much better. Less than half of the al-Qaida leaders who were in Baghdad when the surge began were still there. There was a 75-percent reduction in religious and ethnic killings in the capital, double the seizure of insurgents' weapons, and a rise in the number of al-Qaida killed and captured.

So, you know, the surge knocked out some six media cells which make it harder for al-Qaida to spread their propaganda. Anbar's incidents and attacks were down from 40 a day to less than 10 a day. Economic growth, you heard what Katie Couric said about the markets. I was in the same crowded markets. They were selling fresh food like normal times.

The large hospital project in the Sunni Triangle is back on track. The Iraqi Army is performing very well. The Iraqi citizens formed a grassroots movement called the Concerned Citizens League.

Baghdad returned to normalcy. Little kiddie pools, the lawns that were cared for, amusement parks and markets, and the surge provided security. Security allowed the local population and governments to stand up. Basic economics has taken root. Iraqis are spending money on Iraqi projects.

Now that is the good news. Here is the bad news. General Petraeus, after all of his success, the far left had crossed the line—I think we all remember this—when a full-page ad, paid for by moveon.org, besmirched the motives and the honor of our No. 1 commander on the ground in Iraq, General Petraeus.

Remember, they called him General "Betrayus." I supported Senator LIEBERMAN's condemnation of moveon.org's attempt at character assassination, as well as Senator CORNYN's resolution. Senator CORNYN's resolution stood behind General Petraeus. And there were 28 Senators in this Chamber who supported moveon.org, an act, I am sure, will be remembered.

While no American is above scrutiny, this was clearly a calculated move on the part of this organization to undermine the noble efforts of this patriot to execute the duties that we in the Congress unanimously sent him to accomplish.

You simply have to wonder whose side some of these people were on. This goes to show how far some will go to root for American failure in Iraq. These organizations are clearly placing their political agenda ahead of the best interests of the United States and particularly the men and the women who are in uniform.

So let's just for a minute set Iraq aside and look at Iran. Beyond the obvious consequences that would befall an Iraq without U.S. support, lack of a secure and stable Iraq means instability in the Middle East; namely, an unimpeded rogue Iran. A crippled Iraq will create a power vacuum. Remember what Ahmadinejad said on August 28, 2007.

> Soon, we will see a huge power vacuum in the region. Of course, we are prepared to fill the gap, with the help of neighbors and regional friends like Saudi Arabia, and with the help of the Iraqi nation.

Maybe it was good that was said because people know what kind of person he is, and they know he was prepared and wanting to fill the gap, a gap, a vacuum that is not there now.

Arab nations in the region have expressed their concern about Iran and are eager to contain the growing Iranian power. The world knows what Iran is capable of. The world has seen their aggression.

BG Jimmy Cash, U.S. Air Force retired, former command director inside the Cheyenne Mountain Complex, that was 1987 to 1989. He was the only person who could initiate a nuclear attack after advising the sitting President of a missile launch by our enemies and our need to respond.

No political or civilian had more knowledge about day-to-day military actions around the world. He said—and this is a quote. This is BG Jimmy Cash:

> I watched Iran and Iraq shoot missiles at each other every day, and all day long, for months, they killed hundreds of thousands of their own people. . . . They were fighting for control of the Middle East.

Iran's nuclear work continues, including the enrichment of uranium, which could easily be used as part of a nuclear weapons program. I think we all understand that.

In the last 2 years, Iran has continued developing ballistic missile technology, launching missiles over 2,000 kilometers. Coalition forces have intercepted Iranian arms shipments in Iraq, including materials that are used to make explosively formed penetrators—that is EFPs—which are the most deadly of IEDs, which are being used against our American troops.

Coalition forces have also detained Iranian agents in Iraq. On January 7, Iranian gunboats—we remember that, how they were harassing some of our U.S. warships at the time.

Iran has now turned their attention to the only other threat to their dominance—freedom-loving nations throughout the globe. The world cannot afford to have Iran in control of the Middle East.

So Iraq remains as the critical link. Iraq is at a decisive turning point in their journey toward democracy. The surge has created opportunities that the Iraqi people have not taken for granted. The "awakening" is spreading from Al Anbar Province to Diyala Province. I saw it coming years ago. Years ago, I can remember going, as many of my colleagues had, from place to place in Iraq—long before the surge—seeing that our troops, when they would receive goods from home, such as cookies and candies, and they would take their packages and repackage them in small packages and throw them out to these kids way out in the countryside, and the kids would wave American flags. That was out there. We knew that success was taking place.

The once turbulent and violent Al Anbar Province is returning to Iraqi control—Iraqi control, not our control. The Government of Iraq enacted The Justice and Accountability Act—that law—on January 12, showing real progress toward former baathist reconciliation.

Al-Qaida is a spent force in Iraq. It is retreating to the Horn of Africa.

Speaking of Africa, I have had occasion to be in Djibouti in the Horn of Africa. I have to say this with some degree of pride—this picture you are seeing in the Chamber now is of a little girl who was actually found as a little orphan girl who was 3 days old, south of Djibouti. My wife Kay and I are blessed with 20 kids and grandkids. Our daughter had nothing but boys, so she has now adopted this little girl, and that little girl is my granddaughter.

Some good things are happening over there. But I have to say that looking at the squeeze that is taking place in the Middle East, a lot of the terrorist activity is going down into the Horn of Africa. The occupier of the chair is fully aware that we—both sitting on the Senate Armed Services Committee, we are very proud of the fact that we are setting up and helping the Africans set up African brigades.

Syria has ceased supporting foreign fighters in Iraq. The Saudis are cracking down on supporters of Islamic terrorists in their own country. Iran is isolated. The world must remain focused and steady.

Iraq is an example to the world of how to reject terror and confront those who practice it. It is not going unnoticed. Political leaders see this. The world sees now that little kids are not being tortured to death in Iraq. Girls are now going to school instead of being raped and murdered. No more mass graves, no more vats of acid. And the butcher, Saddam Hussein, is dead.

Yes, we are doing a difficult thing, but we are doing the right thing. Just as Americans always try to do the right thing, we are doing the right thing there. But think of it for a minute. Isn't Iraq trying to do what we were trying to do 230 years ago? We were seeking a parliament at that time 230 years ago, and that is what Iraq is doing today. We were seeking a constitution. That is what Iraq is trying to do. We were seeking democracy. We were seeking freedom. Iraq is seeking the same things we were seeking some 230 years ago.

The Iraqis are watching us. They are risking their lives, the same as we were risking our lives some 230 years ago. I think of that first election that took place up in Fallujah, when the Iraqi security forces were going—knowing they were going to be shot at, but they were willing to do that—to go vote. Remember the purple fingers. That is what was taking place.

I would have to say this: We went through the same thing in this country. I have always said one of the best speeches made was Ronald Reagan's "Rendezvous With Destiny," when he talked about the Cuban who trying to escape Castro's Cuba. As his ship washed up on the shore of Florida, a lady was there and said—and he was talking about the atrocities of Castro's Cuba—and she said: I guess we in this country don't know how lucky we are. He said: How lucky you are? We are the ones who are lucky because we had a place to escape to.

I would have to say that the first reason was to end the murderous regime of Saddam Hussein. The second reason was to shut down the terrorist training camps. The third is they are doing exactly what we did 230 years ago.

When you stop and think about the message and the inspiration we had from our forefathers, and when you stop and think about the message that was given when a tall redhead stood before the House of Burgesses and made a speech for them at that time—and it is certainly for us today, and certainly for Iraq today—he said:

> They tell us, sir, that we are weak—

This is exactly what they have been saying to the Iraqis.

> They tell us, sir, that we are weak—unable to cope with so formidable an adversary. But when shall we be stronger? Will it be the next week or the next year? Will it be when we are totally disarmed . . . ? Shall we gather strength by irresolution and inaction? Shall we acquire the means of effectual resistance by lying supinely on our backs, and hugging the delusive phantom of hope . . . ? [W]e are not weak, if we make a proper use of those means which the God of nature has placed in our power. . . . armed in the holy cause of liberty, and in such a country as that which we possess, are invincible by any force which our enemy can send against us. Besides, sir, we shall not fight our battles alone.

This is important.

> . . . we shall not fight our battles alone. There is a just God who presides over the destinies of nations; and who will raise up friends to fight our battles for us. The battle, sir, is not to the strong alone; it is to the vigilant, the active, the brave. Besides. . . .if we were base enough to desire it, it is now too late to retire from the contest. There is no retreat but in submission and slavery! Our chains are forged.

Some would say that we should retreat, we should leave. But that man stood before the House of Burgesses and said:

> Why stand we here idle? What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God!—I know not what course others may take; but as for me—

Said Patrick Henry—

> give me liberty or give me death!

I guess what I am saying is, the Iraqi freedom fighters are not unlike what we were some 200 years ago. Wouldn't it be great if we were to provide the inspiration for them that our forefathers provided for us?

That is what is happening right now. We are winning. We are doing the right thing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

GI BILL

Mr. WEBB. Mr. President, I wish to raise two issues briefly to the Members of our body today.

The first is, if we look back at the State of the Union speech last night, the President, toward the end of his speech, talked about those who have been serving since 9/11—the same individuals my colleague from Oklahoma has been talking about for the last 35 minutes. The President said, at one point:

> We must keep faith with all who have risked life and limb so that we might live in freedom and peace. Over the past 7 years, we have increased funding for veterans by more than 95 percent. As we increase funding, we must also reform our veterans system to meet the needs of a new war and a new generation.

Unfortunately, what the President did not speak about in his remarks last night was probably the most important benefit we can be offering to people who have served our country since 9/11; and that is, a GI bill that would give them the same sort of educational benefits as those who served during World War II.

We have heard so many people on this floor and in the administration, in their speeches, talk about how this is the next greatest generation. We hear people lionizing the service they have given since 9/11, and I am one of those who is a great admirer of those young men and women who have stepped forward and served since then. But when they leave the military, they have an educational package that was designed in peacetime as a recruitment incentive in the 1980s and does not allow them to move forward toward truly a first-class future.

Here are a couple of examples for you:

When people came back from World War II—those veterans—8 million of them were able to take advantage of a GI bill that paid all their tuition, bought their books, and gave them a monthly stipend to the school of their choice.

For instance, Senator LAUTENBERG, who is a cosponsor of my GI bill legislation, S. 22, was able to go to Columbia on a full boat. Today, that would cost $46,874 a year. Our average veteran coming out of Iraq and Afghanistan is able to receive about $6,000 a year under this Montgomery GI bill that is in place. That is about 12.8 percent of what it would take for our veterans today to be able to go to Columbia.

Senator WARNER, my senior colleague from Virginia, was able to take advantage of two GI bills. He was able to go to Washington and Lee University for his undergraduate degree, and then he was able to go to the University of Virginia Law School—full boat. Today, the Montgomery GI bill would pay about 14 percent of what it would take to go to the Washington and Lee University, and about 13 percent of what it would take to go to the UVA Law School.

I emphasize that I am standing here as a full beneficiary of Uncle Sam. After I was wounded in Vietnam and left the Marine Corps, I was able to go to Georgetown Law School, with my tuition paid for, my books bought, and a monthly stipend. Today's Montgomery GI bill would pay about 11.6 percent of that.

I think it is time for all of us in the political process, who like to use the words of praise—rightfully earned by the people on these battlefields—to talk the talk and then walk the walk. Let's get them a GI bill that truly allows them a first-class future. We have a majority—an overwhelming majority—of my Senate colleagues on the Democratic side who are cosponsors of this legislation. I am truly hopeful people on the other side of the aisle will understand this is not a political measure; it is a measure of respect, and it is an earned benefit.

We are giving this year $18.2 billion worth of educational grants to people in this country purely based on their economic status. Certainly we can afford to pay for a meaningful GI bill for these young men and women who have been serving since 9/11.

The senior Senator from Alaska mentioned, during the Christmas break, that we are spending approximately $15 billion a month in Iraq and Afghanistan. We could fund this GI bill for 1 week of what it would cost for us to run the wars in Iraq and Afghanistan. Unlike a lot of other comparisons that are made on this floor, this is a direct comparison because a GI bill is a cost of war.

I urge my colleagues to get behind it. Let's get this done early in this session before we go into the political season, and get these young men and women the benefits they not only deserve but they have earned.

COMMISSION ON WARTIME CONTRACTING

Mr. WEBB. Mr. President, the second issue I wish to mention today regards the National Defense Authorization Act, which the President signed into law yesterday. In that act was a commission on wartime contracting, which Senator McCASKILL and I jointly introduced last year and were able to get embodied in the National Defense Authorization Act.

This is a very important piece of legislation. It will put into place an independent, bipartisan commission that has a 2-year sunset date on it—jointly picked, jointly selected by Democrats and Republicans in the Senate and in the House and from the administration—a commission filled with experts, not Senators sitting around or political people sitting around, to examine the wartime contracting that has taken place since our invasion of Iraq, particularly, also looking at Afghanistan, and trying to bring accountability to the broad range of fraud, waste, and abuse that we all know has occurred during that period.

Now, to my surprise, when the President signed this legislation yesterday, he issued a signing statement along with it saying this, with respect to this wartime contracting commission, that:

> This wartime contracting commission purports to impose requirements that could inhibit the President's ability to carry out his constitutional obligations to take care that the laws be faithfully executed to protect national security, to supervise the executive branch, and to execute his authority as Commander in Chief.

He goes on to say that:

> The executive branch shall construe such provisions in a manner consistent with the constitutional authority of the President.

In other words, the President of the United States, who has been in charge of the conduct of this war, and whose administration has been in charge of executing these contracts—supervising them, making sure that they meet the requirements of fairness in the law, is now saying that he believes a legislative body can enact a law that he can choose to ignore basically because he says it would interfere with his responsibility as Commander in Chief to supervise a war. I am totally at a loss. I am totally amazed to see this kind of language as it respects this legislation.

The Commission was put into place with broad bipartisan support and bicameral support by both the House and the Senate, the idea being to study systemic problems—the same sorts of things this President, I would think, would want to root out. Its historic precedent comes from the Truman Committee that took place during World War II, when then-Senator Harry Truman wanted to look at wartime fraud, waste, and abuse so we could get a proper handle on the Federal spending that was going into mobilization and into the projects that were being put on line during World War II. We certainly didn't see President Franklin Roosevelt trying to say the Truman Committee's work was going to interfere with his ability to conduct World War II. To the contrary, the President, during that war, saw this was the type of thing he needed in order to bring the right sort of supervision and the right sort of accountability that might eliminate waste, fraud, and abuse.

So we don't quite know what the administration intends with this sort of language, but I want all my colleagues to be aware of it and to be aware that it potentially is an impingement on the rights of the legislative body, in effect saying the President has the authority to ignore a law that has now passed, a law he has now signed.

So we are going to go forward with this Commission. We are going to work with the administration, we hope, to set it up. We are going to move as rapidly as we can because the clock is ticking in terms of statute of limitations on some of the charges that might be filed. I hope the people of this country understand we want to do this for the good of the American people; that we have a responsibility to make sure the Nation's purse strings have been properly taken care of and that we are acting as the stewards of America's taxpayers.

Again, if someone in the administration would like to explain to us what their constitutional issue is with a piece of legislation the President has signed, we would be happy to hear that. In the meantime, we are moving forward with this Commission. It is vitally important to accountability in the Government. I am very proud to have been a sponsor of it, and we are marching forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I ask unanimous consent to proceed for 5 minutes as in morning business.

The PRESIDING OFFICER. The Senator has that right.

DEFENSE AUTHORIZATION ACT

Mr. LEVIN. Mr. President, first, let me commend Senator WEBB for the leadership on the issue he talked about. I am going to speak very briefly on that same issue—the signing of the statement by the President yesterday—but before I do that, I wish to commend him and the other sponsors of this legislation. It is critically needed. It is long overdue. But for the leadership of Senator WEBB and a few other Senators, we would not have had that provision in the bill which was finally signed yesterday.

Yesterday, the President did sign into law the National Defense Authorization Act, which is essentially the same bill the President vetoed last month. In his signing statement, the President identified a few provisions of the act and stated that they:

> Purport to impose requirements that could inhibit the President's ability to carry out his constitutional obligations.

The President's statement went on to say that:

> The executive branch shall construe such provisions in a manner consistent with the constitutional authority of the President.

The specific provisions the President cited relate to a commission to study and submit reports to Congress on wartime contracting in Iraq and Afghanistan. He cited a provision that enhances the protections from reprisal for contractor employees who disclose evidence of waste, fraud or abuse on Department of Defense contracts. He objected—or at least raised a question—about a requirement for offices within the intelligence community to respond to written requests from the chairman or ranking member of the Armed Services Committees for intelligence assessments, reports, estimates or legal opinions within 45 days, unless the President asserts a privilege pursuant to the Constitution of the United States; and he also made reference to at least a limitation on the use of funds appropriated pursuant to the act to establish a military base or installation for the permanent stationing of U.S. Armed Forces in Iraq or to exercise U.S. control of the oil resources of Iraq.

Now, I understand the President's statement did not say these specific provisions or any other provisions of the act are unlawful, nor that the executive branch would not implement these provisions. I also understand similar statements have been included in signing statements on a number of laws by this President and that those statements did not result in the refusal to enforce the law as written.

Nevertheless, I believe it is important to come to the floor as the chairman of the Armed Services Committee to express the view that Congress has a right to expect the administration will faithfully implement all the provisions of the National Defense Authorization Act of 2008—not just the ones the President happens to agree with.

As I noted at the outset, the President vetoed an earlier version of this act which contained the same specific provisions he singled out in his signing statement yesterday. The President did not choose to exercise his veto over those provisions and, as a result, they have not changed in any way whatsoever in the version of the bill the President chose to sign. With his signature, these provisions become the law of the land. Congress and the American people have a right to expect the administration will now faithfully carry them out.

I note the absence of a quorum.

The PRESIDING OFFICER (Mr. WEBB). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that morning business be extended for 90 minutes, with the time equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, is it in order for me to make a comment as in morning business at this time?

The PRESIDING OFFICER. The Senate is in a period of morning business.

(The remarks of Mr. STEVENS pertaining to the submission of S. Res. 433 are printed in today's RECORD under "Submitted Resolutions.")

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FISA

Mr. CHAMBLISS. Mr. President, I come to the floor this afternoon to talk for a minute about the pending FISA legislation.

As a member of the Senate Intelligence Committee, I have been very pleased to be a part of the bipartisan process in which Chairman ROCKEFELLER and Vice Chairman BOND have crafted a very delicate, a very sensitive, yet important piece of legislation. Probably the most important piece of legislation that the Intelligence Committee has dealt with over the last several months or even years. Certainly, it is one of the most important pieces of legislation to come to the floor of this body this year.

This FISA legislation gives tools to our intelligence community which allow our brave men and women—who stand at the forefront today of the war on terrorism in every part of the world—to gather information from those who are plotting, planning, and scheming to kill and harm Americans. The tools with which the intelligence community seeks to get in this particular instance deal with their ability to gather information, primarily through what we refer to as electronic surveillance, from terrorists, or bad guys, who are overseas communicating to other individuals who are also overseas. There is no question that in order for our intelligence or law enforcement officials to be able to gather information from communications of persons located within the United States, it is necessary that they first obtain a court order. Let's make that very clear. We must first obtain a court order to conduct surveillance against individuals located within the United States. What we are seeking to do in this legislation is to give our intelligence community the ability to collect information without a court order from people who are planning attacks against the United States and located outside the United States. It is those individuals whom we seek to gather information from and prohibit from having the capability to kill and harm Americans. This legislation is a crucial piece in the puzzle to enable the intelligence community to gather information from these individuals.

This particular piece of legislation has been debated in the Intelligence Committee for 10 months and was voted out of the Intelligence Committee on a very bipartisan vote of 13 to 2. I actually voted against several of the amendments offered in the Intelligence Committee. But at the end of the day, even though some of the amendments I voted against were accepted and were included in the bill, I believed it was such an important piece of legislation and put such necessary power and authority into the hands of the intelligence community that I voted to support it.

I commend my vice chairman, Senator BOND, who is on the floor with me now, for his leadership. I would simply ask the vice chairman: We started debate on this bill on the Senate floor in December, have been debating this bill this week, as well as last week. Where are we? What is the holdup in passing this critical legislation? What is the problem? Why can't the Senate give our intelligence community the tools they need to protect Americans?

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, if I may respond to my colleague from Georgia, who is a very valuable member of the Intelligence Committee and who brings expertise from the other body and who has been a valuable contributor, when we passed the FISA bill in what is called the Protect America Act in August, everybody agreed that it should be 60 votes because this is a very important but very controversial bill that has to be adopted by 60 votes. Thus, we have asked that amendments to this bill be considered under a 60-vote rule.

It is very common in this Senate to demand 60 votes to be sure it is a nonpartisan bill. So far, we have not been able—although we have provided several alternatives to our friends on the other side—to get a clear way of going forward. So that is why we are stuck, waiting to find a reasonable manner of proceeding.

I would ask my colleague if, in fact, he feels we had adequate contact with, interaction, and advice from the intelligence community and whether it is important to have the advice and assistance of those who are experts in and know the operations of electronic surveillance, to have a role in our drafting of the legislation.

Mr. CHAMBLISS. Mr. President, I would respond to the vice chairman, the Senator from Missouri, that without question, under his leadership and the leadership of Senator ROCKEFELLER, the chairman, we have received important input and had dialogue with the intelligence community throughout the drafting stages of this legislation. We not only had the top leadership, including the DNI, the Director of the NSA, the head of the CIA, and folks from the FBI in to testify before the Intelligence Committee, but also every member of the Senate Intelligence Committee has had the opportunity to visit these agencies and see firsthand where and how this information is gathered. We have had the opportunity to see firsthand the methods our intelligence community uses and the professionalism they exhibit. All of this is very highly classified. Our committee deals with all of this information in a very sensitive and classified manner. But the fact is, we have had testimony and firsthand accounts from top to bottom—from the individuals who physically gather the information all the way to the top leadership. Members of the committee on both sides of the aisle have asked tough questions to the individuals who have presented testimony before the committee. Everybody had the opportunity to have a free and open dialog and debate with those individuals.

Again, based upon what our intelligence experts had to say, this legislation was crafted and debated within the committee. Without question, there was ample opportunity for every member to inquire of all of those in the intelligence community of why we need this legislation, why it is so critically important, where we would be without it, and why we need it to make sure we are able to stop those individuals who seek to do harm to Americans around the world.

Mr. BOND. Mr. President, I would ask the Senator from Georgia further why it is so important to have the intelligence community operatives and lawyers involved in drafting the measure. We had several good ideas offered in the committee that turned out not to be workable. I would ask my colleague why he thinks it is important to have the direct involvement by the intelligence community experts as to how to craft not only the legislation but amendments to it.

Mr. CHAMBLISS. Mr. President, I would respond to the distinguished Senator from Missouri that without question, it is necessary, from a legal standpoint and from a practical standpoint, to get testimony and advice from the legal experts and our operators in the intelligence community to make sure there are no unintended consequences that come out of the final product from the Intelligence Committee.

As the Senator will recall, we had some very heated debates on a couple of amendments within the committee. Very good debate on both sides of the issues. Sometimes, there were Democrats arguing with Democrats, other times Republicans were arguing with Republicans, but that is the nature of the Intelligence Committee. It operates in a bipartisan fashion to make sure we look at every aspect—legal, technical, as well as practical—to make sure we get it right. As the vice chairman knows and has been working to correct, some of the amendments adopted in committee were well intentioned but harmful to our collectors. With the input of the intelligence community the manager's amendment has been able to correct those unintended consequences while preserving the intent of the amendments. In this instance, I think we did get it right through engaging with our intelligence experts.

Mr. BOND. Mr. President, would the Senator from Georgia say that this bill not only enables the intelligence community to move forward, but it provides additional protections for Americans, for their privacy and constitutional rights? I would ask him if he thinks those amendments have been incorporated in the legislation before us and what he thinks the final product of the Intelligence Committee is as a result.

Mr. CHAMBLISS. Mr. President, I thank the Senator for his question. I would simply say that, again, there is just no doubt this legislation goes beyond the Protect America Act and the current FISA statute to protect American's privacy and constitutional rights. After all the discussion, after all the testimony that was presented, after all the debate that took place within the confines of the Senate Intelligence Committee, we found that for 25 years, the members of the intelligence community have been able to conduct surveillance against Americans overseas without a court order. I would point out that they did this in a professional manner and reduced the risk of compromising American's privacy through established minimization procedures. Since FISA's original enactment, the intelligence community has used minimization procedures to ensure that the information being gathered from Americans was necessary foreign intelligence information and from individuals who are foreign agents. This legislation subjects this type of surveillance to a court order, providing new protections for Americans.

One purpose of FISA reform was to ensure that the ultimate and final language we came up with would provide additional privacy protections to American citizens, both inside the United States as well as outside the United States.

Mr. BOND. Mr. President, I would ask, isn't this the first time any of the FISA bills—even the predecessor FISA bill or the Protect America Act—have included privacy protections for Americans overseas?

Mr. CHAMBLISS. Mr. President, I would respond to the distinguished Senator from Missouri that this is the first time these protections have been enacted. This bill also prohibits reverse targeting.

This is the first time in the history of our intelligence community that a FISA court order for U.S. persons is required regardless of where that individual is located. So if a U.S. citizen who goes abroad is an agent of a foreign power or a terrorist seeking to communicate, our intelligence community must first get a court order before they can conduct any electronic surveillance, irrespective of whether that person is inside the United States or outside. For the first time in the history of our intelligence operations, this will be the case. So the added protections of the fourth amendment, which normally are not needed for a person located outside the United States, are applied in this particular piece of legislation.

Mr. BOND. Mr. President, my colleague mentioned reverse targeting. I would ask him, after debate on both sides and suggestions from both sides, did we not also include an express prohibition of reverse targeting, as well as providing court review, as he has stated, of minimization, acquisition, and certification procedures? I would ask him if reverse targeting is prohibited and what reverse targeting really means.

Mr. CHAMBLISS. Again, I thank the vice chairman for his question. The issue of reverse targeting is directly addressed in the bill—it is prohibited explicitly. Reverse targeting refers to the hypothetical situation where our intelligence community targets a foreigner overseas solely to get a U.S. persons' communications between that foreign person and a U.S. person. The targeting of the foreign person is allowed without a court order. The targeting of a person located in the U.S. is not allowed unless a court order is first obtained. So if someone in the intelligence community targeted a foreigner with the intent to listen in on the U.S. citizen, that is reverse targeting. This is prohibited in this legislation. Again, this is the first time we have seen that protection put in the statute.

So as a lawyer still recovering from practicing law sometimes, I think, it is the first time that I can remember in all of my years since my days of constitutional law at law school where the United States applies fourth amendment rights to individuals who are outside of the United States.

Mr. BOND. Mr. President, I would ask my colleague—he just talked about the new protections for U.S. persons overseas: Prohibition of reverse targeting, court review of acquisition, minimization, and certification procedures.

Now, some have said we just ought to extend the Protect America Act. As a sponsor of the Protect America Act, I thought it was pretty good. But if we were simply to extend the Protect America Act, would that not eliminate or at least delay any of the additional protections against reverse targeting, providing court review, and preventing reverse targeting of U.S. persons?

Mr. CHAMBLISS. Again, Mr. President, I respond to the vice chairman that reverse targeting is not prohibited under the Protect America Act. It is a procedure that some allege could occur under the Protect America Act, but which is clearly prohibited under this act.

Anybody who is concerned about extending and protecting the rights of individuals ought to be a lot more concerned about getting this bill enacted into law than they should be about extending the Protect America Act. So this is one of those situations where it is totally unexplainable to me for someone to say: I don't think we ought to pass this law because it doesn't go far enough, when it goes further than current law and the Protect America Act which we already have voted for. Now there is an attempt being made to extend the Protect America Act for an additional period of time.

Mr. BOND. Mr. President, I ask my colleague why it has taken so long to get us to this point when the Protect America Act expires on February 1?

Mr. CHAMBLISS. As the Senator has said on the floor over the last several days, we are ready to pass this bill tonight if our friends on the other side of the aisle will simply get together with us and let us vote it up or down.

When it comes to the issue of 60 votes, I have only been in this body for 5 years, but I cannot think of one single major piece of legislation that I have seen on the floor of the Senate during those 5 years that didn't require 60 votes for all major amendments. I was the manager of the farm bill recently. That is a long way away from this sophisticated piece of legislation, but every major amendment we had required 60 votes. That was the most recent, large piece of legislation we have had on the floor. So every time we have a major bill, a 60-vote requirement is reasonable and is going to be called for. I think for us not to have it in this particular situation would be extremely unusual.

Mr. BOND. Mr. President, I might ask, isn't there a danger that if there is an amendment not subject to the 60-vote point of order, it is possible, with various Senators absent, that we could adopt, perhaps, on a 47-to-46 vote, an amendment that would make it impossible for the intelligence collection required by the intelligence community to go forward, and if such were adopted, what would happen to the legislation?

Mr. CHAMBLISS. Mr. President, if I may respond, the Senator is exactly right. If we did not have a 60-vote requirement on amendments, or dealing with any issue in this bill, then it is possible that we could adopt amendments, by less than a majority of the Members of the Senate, which could hamper our intelligence community. And on this critical, sensitive, most important piece of legislation, for us to pass an amendment without a 60-vote requirement really makes no sense at all.

I think all of us would certainly be remiss and derelict in our duties if we didn't insist on a 60-vote requirement.

Mr. DURBIN. Will the Senator yield for a question?

Mr. BOND. Of course.

Mr. DURBIN. Mr. President, is the Senator proposing to change the Senate rules that all amendments will now take 60 votes? Is that the proposal before the Senate?

Mr. BOND. Mr. President, if I may respond, as my friend from Georgia pointed out, in order to pass very important legislation such as this, it has been the practice in this body to require 60 votes, and as my colleague from Georgia just said, the farm bill passed with 60 votes on the amendments. When we passed the Protect America Act, we had to get 60 votes.

This bill could be enacted into law and will undoubtedly have to have 60 votes to be signed by the President. I say to my distinguished colleague from Illinois, if there are changes made with less than a 60-vote margin, if they destroy the ability of the intelligence community to operate the collection system as we have prescribed, then that bill will never be signed into law. We would have to start all over again, and we would thus be leaving our intelligence community without the tools to protect us.

We are not saying we are changing the rules of procedure. We are following the practice that has been adopted in this Senate.

Mr. DURBIN. If the Senator will further yield, I am new here; I have only been here 11 years. So I am trying to learn a little about how this works. I recall that somehow the Republic survived and the Nation did well, we kept our armies in the field and built our highways and passed our bills, and we did that for a long period of time without requiring 60 votes on every amendment. Then there came this age of the filibuster, where the Republican minority last year had 62 filibusters, breaking a record in the Senate. Well, to stop the filibuster, you need 60 votes.

So now I assume what the Senator is suggesting is that we are in a new age in the Senate, and it is going to take 60 votes for everything. If that is the proposal, I suggest a rules change. Let's get on with it and find out if there are enough votes here to make that the rule. If it is going to be the age of filibusters again this year, the public won't like it much. We were in the minority not that long ago.

But if that is your goal, if you want to make this a 60-vote requirement, it is a different Senate, and it will be, unfortunately, adding to the frustration many people have when they look at Washington and say: Why don't you pass something, or why don't you do something about health care or about other issues? We will have to tell them we don't have 60 votes.

Mr. BOND. Mr. President, if that was a question—and I assume it was a question—let me say that requiring 60 votes is something which has occurred frequently in previous years, when this side had the majority and the other side was in the minority. We found that it was very difficult to pass legislation without 60 votes. Thus, we have seen that practice before.

But this is not an ordinary piece of legislation. Had we dealt with this in a timely fashion, this could have been handled on a different basis. But the Director of National Intelligence, whom I will refer to as the DNI, submitted to the Intelligence Committee, in April, a measure that he felt was necessary to modernize FISA. That bill was not brought up. The DNI testified in person before the committee in open hearing in May. Despite my request, no legislation was developed in the committee. The DNI came before the Senate in closed session, in a confidential room, in July of this year, to say how important it was. No bill came out of the Intelligence Committee. So the DNI proposed a short-term fix, which I brought to the floor on his behalf at the end of July, the first of August, and we were able to pass the bill, but we had to pass on a 60-vote basis.

When there are very important pieces of legislation, with strong feelings on both sides—as my colleague from Georgia has pointed out, he handled a very important and difficult farm bill—those measures had to have 60 votes.

Now, the fact is, we could have a bunch of simple majority votes, and there are many we can take on a simple majority. But if there are amendments which, if adopted, would prevent the bill from being passed and signed into law, as a practical matter, it makes sense to have a 60-vote margin.

We are waiting for a response to the offers we have made to the other side because, frankly, February 1 is coming. I hope we will agree on it. I understand the House is sending us a 15-day extension. I say to my friend from Illinois that I hope we can adopt the 15-day extension and a collaborative agreement between the two sides on how we are going to proceed to finish this bill.

I see the distinguished assistant majority leader has some information. I am happy to yield to him for that.

EXTENSION OF MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the period for morning business be extended until 6:30 p.m., with the time equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. DURBIN. Mr. President, I announce to the membership that there will be no further rollcall votes during today's session.

Mr. BOND. Mr. President, I thank the assistant majority leader for advising us that we won't have to continue the frenetic pace of voting this evening. I look forward to working with him. He is a pleasure to work with. Maybe tomorrow we will be able to go forward.

I was going to offer some thoughts on the intent of FISA, but I will defer to my colleague from Georgia if he has further points he wishes to raise.

Mr. CHAMBLISS. Mr. President, I am happy to yield to the vice chairman if he has prepared comments he intends to make. If I have something to supplement that, I will do so.

FISA

Mr. BOND. Mr. President, I thank my colleague from Georgia. I thought maybe, if anybody is still listening, we would talk a little bit about the intent of the Foreign Intelligence Surveillance Act. I hope maybe we can clarify some of the misunderstandings.

First, I believe that when the distinguished Senator from California, a valued member of the committee, Mrs. FEINSTEIN, spoke on the origins of FISA, she correctly noted that it was created, at least in part, in response to the disclosed abuses of domestic national security surveillance. However, as the legislative history makes clear, FISA was never intended to regulate the acquisition of the contents of international or foreign communications where the contents are acquired by intentionally targeting a particular known U.S. person who is in the United States.

The legislative history states:

> This bill does not afford protections to U.S. persons who are abroad, nor does it regulate the acquisition of the contents of international communications of U.S. persons who are in the United States, where the contents are acquired unintentionally. The Committee does not believe this bill is the appropriate vehicle for addressing this area. The standards and procedures for overseas surveillance may have to be different than those provided in this bill for electronic surveillance within the United States, or targeted against U.S. persons who are in the United States.

In essence, then, FISA, as originally drafted, was a domestic foreign intelligence surveillance act. Congress was concerned about targeting persons inside the United States with interceptions conducted inside the United States.

The FISA Act amendments legislation we are considering today is a very different animal, and it could be better characterized as an international foreign intelligence surveillance act. The bill is concerned mainly with targeting persons outside the United States when interception might occur inside the United States. What do I mean by that? The legislation will regulate how the President may conduct electronic surveillance of foreign terrorists operating in foreign countries when their communications just happen to pass through the United States on wire communications networks.

This strange interference with the intelligence community's and, indeed, the President's authority to conduct foreign intelligence activities appears to arise from an overabundant concern about the "rights" of persons in the United States whose communications are incidentally collected when they talk to terrorists overseas.

It is odd that we are creating a new law in this area that departs from the original construct of FISA because in the international surveillance realm, there have been no significant abuses of the intelligence community's ability to collect overseas foreign intelligence.

Unfortunately, two factors have compelled us to make these changes to FISA. First, we need to ensure that the critical intelligence gaps identified by the DNI last year do not reappear.

The Protect America Act effectively closed those gaps last summer, but there was bipartisan agreement that we could improve on its provisions, especially in the area of carrier liability protection, and that is what our committee did.

Second, this legislation is also required because we must address the practical reality that electronic communications service providers are now insisting on a formal process to compel cooperation in the foreign arena in order to obtain prospective liability protection similar to that enjoyed for domestic intelligence and criminal wiretaps. That is why the carrier liability protection and prospective liability protection provisions of this bill are so important.

Another area where we are departing from the original intent of FISA is the targeting of U.S. persons abroad. FISA, as passed in 1978, left the targeting of American citizens abroad to the President's Executive order applicable to the intelligence community and the procedures approved by the Attorney General. In this legislation for the first time in history, we build into the FISA new laws that govern the targeting of U.S. persons overseas who are agents, officers or employees of foreign powers when a significant purpose of the acquisition is to obtain foreign intelligence information.

These new procedures are sometimes referred to as 2.5 procedures because they are based in part upon section 2.5 of Executive Order 12333, which has long governed the electronic surveillance of U.S. persons overseas by requiring the approval of the Attorney General based upon a finding of probable cause that the target is a foreign power or agent of a foreign power.

These 2.5 changes were part of the overall bipartisan compromise and now require prior court review by the Foreign Intelligence Surveillance Court of all surveillance conducted by the U.S. Government targeting U.S. persons overseas. Americans will still be on their own with respect to being surveilled by foreign governments overseas, but at least they can remain confident that if they are not working for a foreign power as a spy or terrorist, their own Government will not be listening to their conversations.

The last area that merits discussion on the issue of FISA's original intent is the Foreign Intelligence Surveillance Court. We refer to it as the FISC. According to section 103 of FISA, the FISC was established as a special court with nationwide jurisdiction to "hear applications for and grant orders approving electronic surveillance anywhere within the United States." That is it.

As evidenced by the application and order requirements in FISA, each application is for a "specific target" for the significant purpose of obtaining foreign intelligence information.

The court was originally structured so its seven judges would provide geographical diversity. The post-9/11 expansion of the FISC from 7 to 11 judges enhanced that diversity. Judges are nominated by the chief judge of their circuit to promote ideological balance on the FISC.

It was clearly recognized that only one or two judges would be in Washington, DC, on a rotating basis at any given time. This was intended to discourage judge shopping and make it unlikely that an application for the extension of an order would be heard by the same judge who granted the original order.

The FISC was never envisioned as a court that would or should handle protracted litigation. It possesses neither the staff nor the facilities to preside over such litigation. Moreover, it is very likely that such prolonged litigation would interfere with the main business of the FISC, which is to ensure the timely review and approval of individual operational FISA applications for court orders.

We need to remember that the FISC was set up to review domestic electronic surveillance and later physical searches, an area that has numerous parallels to the similar reviews conducted by district court judges when they are asked to authorize criminal wiretaps. As I mentioned previously, even the FISC has acknowledged its lack of expertise in the foreign-targeting context, which is, they say, better left to the executive branch.

The Court's recent opinion in the case of In re: Motion for Release of Court Records stated:

> . . . even if a typical FISA judge had more expertise in national security matters than a typical district court judge, that expertise would still not equal that of the Executive Branch, which is constitutionally entrusted with protecting the national security.

We should be very hesitant to disregard the Court's own assessment of its competency in the overseas intelligence realm, especially given the original intent of FISA. I urge all my colleagues to be mindful of the Court's own words as we consider some of the proposed amendments, particularly those that would allow the court to assess compliance with minimization procedures used to target foreign terrorists. For example, amendment Nos. 3920 and 3908, and would require the court to determine the good faith of those providers who allegedly assisted the Government with the Terrorist Surveillance Program. As examples, amendment Nos. 3919 and 3858.

In conclusion, I offer these observations mainly to ensure the record reflect the legislation departs from FISA's original intent in a deliberate and carefully tailored manner. While there are some practical considerations, including a desire for a strong bipartisan bill, that have driven the need for this legislation, we should be extremely careful about adding new or changing existing provisions in the bill that could negatively impact the operational effectiveness of our intelligence community or provide unwarranted protection to overseas terrorists and spies.

Mr. President, I will not propound a unanimous consent request now, but I advise my colleagues that if we cannot reach agreement, I will ask unanimous consent that all amendments to the FISA bill be brought up and decided at a 60-vote threshold so we can move forward on this important legislation. I am not making that request now. I alert my colleagues on the other side of the aisle, I hope that will not be necessary, but we have not had a response to our proposal on how we move forward. We have been at this a week now, and we only have, at best, two full working weeks before we go on recess. We must get this bill done, sent to the House, conferenced, and passed before we leave for the President's Day recess. Failure to do so could leave our intelligence community without the tools they need and, thus, America without the protection it needs.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Colorado.

ADDRESSING THE ISSUES

Mr. SALAZAR. Mr. President, when we looked back at the work of this Chamber at the end of 2007, we saw this Chamber coming together in a bipartisan way to garner what was 82 votes for the passage of the 2007 farm bill. It is an example of Republicans and Democrats working together to address a fundamental need of America, and that is the issue of food security.

Last night, we heard the President of the United States address the Nation on the state of the Union, in which one of the things he talked about was the importance of moving forward with an economic stimulus package. That economic stimulus package, which has been negotiated at least with the House of Representatives on a bipartisan basis, is another example of when people are willing to work together, we can actually get some business done.

That is what we should be doing in this Chamber today. We should be working through amendments with respect to improving the Foreign Intelligence Surveillance Act in order for us to get that legislation finally approved. What we are up against, frankly, is an unwillingness on the part of the Republican minority to allow us to move forward to get to final passage of this bill in a way that would consider relevant and germane amendments that would make it better, in a way that would address the absolute need to protect the cherished civil liberties of Americans.

Those are the kinds of amendments with which we ought to be dealing. But instead, we are faced with a filibuster.

I hope we can act on this legislation and then move on to the urgent needs the people of America have brought us here to work on, on their behalf. We heard the President last night talk about the economic issues that face America.

In my view, when I look at my State of Colorado, I believe the economy is skating on very thin ice. We see it in a lot of different ways. We see it in rising gas prices. We see it in the extraordinary health care costs people have to pay. We see it with respect to the housing crisis we are facing in my State and across America.

When I think about my State, maybe it is a small State in comparison to the great States of New Jersey, New York, and others, but there are 5 million people in my State who I believe are very concerned with what is happening with housing in Colorado. That is because 1 out of every 376 homes today in the State of Colorado is in foreclosure. If 1 out of 376 homes is in foreclosure today, I would venture that probably 90 percent of the homes in Colorado have seen a very significant decline in their value over the last 2 years.

So, yes, the people of America are very nervous about what is happening with the economy, and it is our responsibility, therefore, to move forward with an economic stimulus package that will address that economic uncertainty. I am hopeful that with the leadership of Senator BAUCUS and Senator GRASSLEY and my colleagues on the Finance Committee, we will be able to get to a markup of legislation that can reach the floor of the Senate tomorrow evening, perhaps the next day, that will be that jump-start to the economy we need.

There is broad agreement on what that legislation will do. It will put money into the pockets of the consumers of America so it can help stimulate the economy. It will create initiatives for small businesses, which are so much of the economic engine of America, to go out and invest in equipment and growth so we can create jobs for people of this country.

We will move forward with a package that will also include extending unemployment benefits and also include in that making sure 20 million seniors who were left out of the House stimulus package are also included.

There will be other provisions that will come forward. So it is important we get beyond the legislation we are dealing with now with respect to FISA so we can work on those short-term economic issues. And having worked on those economic issues, which I hope we are able to do in a bipartisan fashion, then we will have the opportunity, hopefully, to work on the other legislation that addresses the longer term security needs of America.

In that long-term economic set of issues I believe we have to address, we have to, first of all, get the farm bill which garnered, I believe, 82 votes in the Senate, across the finish line so we can guarantee the food security of America for generations to come. It is the best farm bill, in my view, that has come out of this Senate Chamber, out of Congress for a long time. I think my Republican and Democratic colleagues would agree with that characterization of the farm bill.

We need to move beyond the farm bill to also address other long-term economic issues that face us. We must address the issue of the clean energy future for America. Yes, we can celebrate the fact that we came together in a bipartisan way to pass the Energy bill which the President signed in December, that we did a lot to move forward with efficiency and transportation and how we use electricity and other energy in our homes and buildings, a very significant step forward in embracing the new future with biofuels for America with the quintupling of the renewable fuel standards, and we took some steps to start dealing with the issue of global warming by putting carbon sequestration in that bill. But there is a lot more to be done on energy because what is missing in that bill, and still missing today, is a jet engine that will power us into the 21st century clean energy economy, because the legislation we passed out of the Finance Committee was one vote short to get to the 60 votes to stop the filibuster that was underway.

We need to turn back to the energy legislation so we can build that long-term economic security for America.

We also have to deal with the housing crisis. We will deal perhaps with it in some minor ways when we deal with the stimulus package, but there are other pieces of legislation which a number of committees have been working on to try to deal with the housing crisis. So we need to deal with both the short-term and the long-term economic challenges we face here in America, and yet we are wrapped around the axle in terms of moving forward on this FISA bill because the Republican minority has taken the view that we can simply stall, stall, stall until the time runs out.

I think we ought to be working in good faith, consider the amendments that many of my colleagues have brought to this floor and which are being prevented from being considered so we can then get a FISA bill passed and we can move forward with the economic issues that we need to so urgently address.

I will continue to speak more specifically about FISA and some of the very important work that both Chairman ROCKEFELLER and Vice Chairman BOND have put together in this legislation, as well as the work of Chairman LEAHY and Senator SPECTER on the Judiciary Committee, and I probably have another 10 minutes or so to go on the general legislation in support of the bill and moving forward with it, but because we are at this impasse, because we are wrapped around the axle, it seems to me a timeout is what would make sense for us then to be able to turn our attention, to pivot over to the economic issues which we have to address and which the President asked us to address last night.

In that regard, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 564, S. 2556; the bill be read a third time and passed; and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Reserving the right to object, I thank my colleague for his courtesy and for his attention and his interest in this subject.

As I had previously stated, we have to get this bill done to replace the Protect America Act. I believe the House has passed or is considering passing a 15-day extension, which I think is long enough, and on behalf of our side, I must object to this unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

The Senator from Colorado.

Mr. SALAZAR. I thank my friend from Missouri, and I look forward to the leadership that was shown by the Intelligence Committee in terms of Senators ROCKEFELLER and BOND bringing Republicans and Democrats together to fashion the legislation that is before us.

In addition to that, I think we have an opportunity to work with Senator LEAHY and the members of the Judiciary Committee to figure out the best way of moving forward to achieve the ultimate goal, which is to make sure we are protecting America. So I very much look forward to working with my good friend from Missouri and getting that done.

I don't think any Member in this Chamber would argue the fact that we need to update and extend FISA. The technologies available, surveillance methods that are now being used, and the threats that we face have changed dramatically since Congress first enacted FISA a long time ago—in 1978. Think of the attacks of the last years. September 11 illustrated in the most tragic and bloody and horrible way the great threat that extremist groups can pose to the United States. The attacks in New York, Washington, and Pennsylvania brought the spectre of terrorism to our front door. In many ways, the innocence of America was lost on that day.

But September 11 is not the only terrorist attack that we or our allies have endured in recent years. In 2002, a bombing in Bali killed 202 people and wounded 209. In 2004—this is after 9/11—the bombs on the trains in Madrid killed 191 people and wounded over 2,000 people. And in 2005, we saw the attacks on London's underground commuter train, killing 52 and injuring 700.

I could go on with a list of violent incidents that have been caused because of terrorism around the world. The State Department reports that the number of incidents of terrorism worldwide has grown dramatically in recent years. Between 2005 and 2006, the number of incidents rose from 11,153 to 14,338. Three-fourths of those incidents—that is three-fourths of 14,338 incidents—resulted in death, injury, or kidnapping. All told, terrorism has claimed the lives of more than 74,000 people around the world in only the year 2006. That is 74,000 people, most of them innocent members of our human race, who have been killed by the scourge of terrorism around the world.

Americans understand that our intelligence and surveillance capabilities are absolutely essential to preventing these types of attacks. Our Government needs to have the power and the tools to listen in on those who are plotting an attack on the United States and our interests. They need to be able to monitor the e-mails of a terrorist suspect. They need to be able to track people, and they need to be able to track those vital networks. They need to be able to respond quickly and decisively on information that is collected to make sure that we protect the innocent from harm.

Americans want a government that can and will fulfill its primary responsibility—the responsibility of keeping its citizens safe from attack. But we also want to make sure we have a government that will not abuse the power entrusted in it. We want a government that honors the rule of law and upholds the cherished values of our Constitution. We want a government that protects the privacy of law-abiding citizens, and we want a government that is worthy of respect, not fear.

Without a doubt, the events of September 11 demanded an expansion of our intelligence-gathering capabilities. We needed to take emergency action to ensure the security of Americans over the short term. But rather than work within the authorities provided by Congress, the President and then-Attorney General John Ashcroft built their own program—the terrorist surveillance program—out of the view of Congress, out of the view of the public, in the darkness, and without oversight of the courts. They built it on their own based on some assumed authority.

The administration hid the fact that it was implementing its program in a manner that overstepped the authorities that Congress had provided under law. It hid the fact that it could target Americans for surveillance without a warrant. There was no mention to the American people that their communications could be spied upon without a warrant or without any other kind of protection from the courts. It hid the fact that it was grabbing more power for the executive branch than our Founding Fathers would have ever thought wise in their quest to protect the civil liberties and freedoms of America.

We need to move, in my view, beyond the thinking that characterized the formation of this unlawful terrorist surveillance program within the executive branch, and we have indeed made some progress together in moving forward in a new direction. We have consolidated the information that our intelligence agencies collect, we have implemented the recommendations of the 9/11 Commission in this Congress, we have created the Department of Homeland Security, and we are now ready to bring FISA up to date with our technology in the threats we face.

Over the last few days, the administration has presented the American people with a false dichotomy. They claim we have to choose between protecting our national security on the one hand and protecting our civil liberties. That is a false dichotomy. As a former attorney general, I can tell you that we can do both. We can have a surveillance program that gives our law enforcement the tools it needs to protect America and at the same time we can make sure that we are protecting the civil liberties of the citizens of our country.

The bill before us places some simple but highly effective safeguards on the Government's surveillance program, and we should be thankful for this legislation in that regard. These safeguards will in no way impede our efforts to defeat the terrorist networks and prevent attacks on Americans. If an intelligence agency gets actionable information, it can establish surveillance immediately; no waiting for a warrant, no redtape, no delay. The agency will simply have to seek a retroactive warrant once surveillance has begun.

Mr. President, I ask unanimous consent to continue as in morning business for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. I thank the Chair.

The bill before us places some simple but highly effective safeguards on the

Government's surveillance program. These safeguards will in no way impede our efforts to defeat the terrorist networks and prevent attacks on Americans. I want to highlight a few provisions of the bill that the Intelligence Committee reported, and which are at the center of our debate this week. These provisions require the FISA Court and Congress to play a greater role in overseeing the Nation's surveillance program. I should say a greater role and an appropriate role in overseeing the Nation's surveillance program.

First, the FISA reauthorization will require the FISA Court to review the administration's procedures for determining that the targeted surveillance is reasonably believed to be outside the United States. Second, the FISA Court must review the procedures for minimizing the identities of and information about Americans incidentally detected during the surveillance of foreign targets. Third, the court must approve or disapprove the targeting of Americans overseas under this new authority on an individual basis, based on its review of whether there is probable cause to believe the person is an agent of a foreign power. Fourth, the bill includes a 6-year sunset to allow Congress to evaluate how the new authorities are carried out, and to ensure abuses do not occur before authorities are extended further. The threats and technologies are changing so fast that Congress will need to update the legislation during that time.

Finally, the bill requires the intelligence community to conduct an annual review and requires detailed semiannual reports to be submitted to the House and Senate Intelligence and Judiciary Committees concerning collections authorized under the bill, including instances of noncompliance.

These provisions represent a dramatic improvement to our Nation's international surveillance program, and I am pleased they are the foundation of the bill. But we can do more to strengthen the bill and do better to enforce the rule of law.

I support Senator CARDIN's amendment, which I cosponsored, to have a 4-year sunset for the bill rather than 6 years. If we learn of problems in the program, if the technologies continue to change or if the threat changes, we should have the opportunity to change the law.

Over the coming days, we will also debate how to handle the question of immunity for companies that participated in the warrantless surveillance program from 2001 until 2007.

In my view, if a company was knowingly acting in violation of existing law, the courts should review their actions to determine if there was wrongdoing. If, however, the Attorney General or an intelligence agency approached that company, and the company clearly tried to follow the law and act in good faith, it should not be held liable.

That is why I am cosponsoring Senator FEINSTEIN's amendment which establishes an independent process for reviewing whether a company should receive immunity. Under this amendment, the FISA Court would follow a three-step process for determining whether a lawsuit has merit.

Senator FEINSTEIN has proposed a smart and fair solution to this very difficult problem. The FISA reauthorization has become unnecessarily politicized, in my view. We are fully able to strengthen our Nation's international surveillance capabilities while protecting the privacy of Americans. I hope the Members of this Chamber can put the rhetoric and threats aside and move forward to assure that America is, in fact, protected, both in terms of threats against them in violence from terrorists and at the same time that we protect their civil liberties.

I hope we can pass the FISA bill soon. I hope the President will do what is right and sign it.

The Senator from Alaska.

(The remarks of Senator MURKOWSKI pertaining to the introduction of S. 2570 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. MURKOWSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. I ask unanimous consent to address the Senate as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. I thank Senator MURKOWSKI for her work. There is absolutely a need for that legislation. I appreciate what she has done.

ECONOMIC STIMULUS

Mr. BROWN. Last night we heard a vision that the President of the United States was standing in the Chamber of the House of Representatives speaking to all of us. He talked about how best to proceed during times of clear economic crisis, job loss, health care, energy costs soaring, threats to our domestic safety nets, and a war in Iraq with no end in sight.

When news media people asked me what I thought about the speech, one of the things I said was I wished the President could have sat in on some of the meetings that I had as I traveled Ohio in the last year, my State. I had about 80 roundtable meetings of 15, 20, 25 people in a community where for an hour and a half I would ask them questions about their communities, about their problems. In every corner of the State, I heard from veterans and first responders, from farmers, from people running small businesses, from teachers, from students, from community leaders, from mothers and fathers. I wish the President had been able to hear some of this because people clearly want to hear their Government is finally committed to change and to fighting for the middle class.

They want to hear that the economic policies of the last 7 years, policies that have failed them, are a thing of the past and we have a new direction. They want to hear about a plan to finally bring back good-paying jobs, lower our health care and energy coasts, secure our safety nets, and end the war in Iraq.

For Ohioans, the future is about change. Let's say you are driving down the road. You notice that the signs, mile markers, exit signs, billboards as huge as houses are telling you that you are going in the wrong direction: Signs saying wages stagnating, signs saying U.S. jobs being shipped overseas, a housing crisis deepening, health care costs soaring, increased dependance on foreign oil, product safety unsure, no end to the war in Iraq. The longer you stay on the road, the worse things get.

So you hit the gas pedal and head further down that road. If you drive down the road, the wrong road, long enough, does it become the right one? Of course not. You do not proudly log more miles on the wrong road. You change direction.

If there is one thing you can say about the administration and its supporters in Congress it is that they are consistent. They consistently answer to the wealthiest Americans and to the largest corporations and pay lipservice to the rest of the population.

Think about last night. The President said 116 million people—if we extend the tax cuts, 116 million people will get tax cuts averaging $1,800 a person.

Does the President really say—does that really say what the tax cuts mean? It is a very small number of people getting huge tax cuts, and tens and tens and tens of millions of Americans are getting almost nothing.

Does he say it that way? Does he tell the American people that is what it is? Of course not. He says the average American will average $1,800 from the tax cuts. Simply, that is very misleading. We have seen that on tax policy over and over and over in this administration.

Mr. DORGAN. Mr. President, I wonder if the Senator would yield for a question.

Mr. BROWN. I will yield to the Senator.

Mr. DORGAN. Mr. President, I was going to inquire of the Senator from

Ohio if he found, as I did last night, it very unusual to have the entire State of the Union Address talking about the economic difficulties in our country and the need for a stimulus plan and so on without ever mentioning the real root causes at all of what has put us in this position: For example, a $700 billion, going to an $800 billion-a-year trade deficit; a fiscal policy budget deficit that is going to require us to borrow $600 billion in this fiscal year, just that combination is $1.3 trillion in red ink, 10 percent of our GDP in 1 year.

You know, the fact is, everyone in the world, including American citizens, look at that and understand that is so far off the track there is no way that works.

I support a stimulus package. I think it is fine to do for psychological purposes. But I am wondering if the Senator from Ohio wonders, as I do, why the President does not even seem to recognize the underlying causes of the economic difficulty in our country.

Mr. BROWN. I appreciate the comments from the Senator from North Dakota, who understands probably better than anybody in this body what this trade deficit means, what this trade policy means. And what is amazing is the President does not look at the $800 billion trade deficit.

When I came to the Congress in 1992, it was $38 billion. Now it is over $800 billion.

The President's father once said $1 billion in trade deficits translates into the loss of 13,000 jobs. Now it is $800 billion, and the President did not address that. But what he did say is: Let's do more of this. He said: We need a trade agreement with Columbia, we need a trade agreement with Panama, we need a trade agreement with South Korea. And it just makes me incredulous that the President cannot look at what has happened and say: Wait a second, let's do a timeout. Let's do no further trade agreements. Let's go back, as the Senator from North Dakota, Mr. DORGAN, has suggested, and let's have benchmarks. Let's look at what NAFTA did to our country, look at what CAFTA has done to our country, look at what trade with China has done to the middle class.

The President totally missed that. At the same time, the President said: Let's do more tax cuts for the wealthiest 1 percent at the expense of the middle class and drive up these budget deficits. So we have trade deficits of $800 billion, plus we have budget deficits of about $1 billion a day. And that is fundamentally the biggest problem with our economy, as you suggest.

Mr. DORGAN. I agree with that analysis. I sat in that Chamber last evening. A joint session is always a wonderful privilege, to hear the President give the State of the Union Address. I was thinking, everyone is sitting here in dark suits and pretty well dressed up for a big occasion. Not one person in that Chamber is going to have their job lost because it was shipped overseas someplace in search of cheap labor. Nobody in this Chamber, nobody in the Senate has ever lost their job because somebody decided to outsource it to China for 30 cents an hour labor.

A lot of working people have to come home at the end of the day and say: Honey, I was given notice today. I lost my job because they found somebody halfway around the world who will do it for 20 cents an hour. They told me I can't compete with that. Our family can't live on that.

Just talking about the trade piece of this, the President completely ignores that. There ought to be a summit meeting at this point, if you have $1.3 trillion of red ink in 1 year. They say the budget deficit is only $300 billion, $275 billion. It is not. Take a look at the budget policy and find out how much we are going to increase the debt in this year. The debt is going to increase by $600 billion on the budget side and $700 to $800 billion on the trade side. That is $1.3 trillion off the track in one single year, 10 percent of our economic output. The fact is, that is unsustainable and is going to run this country's economy into a ditch. If we are going fix it, we have to diagnose it. This President hasn't come close to even acknowledging the difficulty on those two issues, fiscal policy and trade policy, let alone the issue of the scandal of the subprime loan which is regulators falling asleep or unbelievable hedge fund speculation outside of the view of regulators because they don't want to be regulated.

Would the Senator from Ohio agree that these are the underlying causes of concern about this economy?

Mr. BROWN. Absolutely. I remember back in the early 1990s, we were concerned about the twin deficits, the trade deficit and the budget deficit. We had a budget deficit then of about $300 billion a year and a trade deficit, as the Presiding Officer knows—who joined me in voting against NAFTA a decade ago—of under $100 billion. We considered that a serious problem. Today, President Bush doesn't recognize that this trade deficit means anything. To the contrary, he says, it seems to be working. Let's do more of it.

Again, I go back to what his father said, that a billion dollars in trade deficit translates into 13,000 lost jobs. You can see how it does. Because a billion dollars in trade deficit means we are buying a billion dollars, we are importing a billion dollars more than we are selling, and that means we are manufacturing less because we are not making it ourselves. If we manufacture less, it means thousands of Ohioans or North Dakotans or New Jerseyans are finding they are not working at $12 or $15 or $20 an hour. If those plants lay off workers, communities get less tax dollars, police, firemen and teachers are laid off. It undercuts the economic vitality of the community and the public safety. It undercuts the ability of our schools to educate our children. It is clearly a downward spiral that is only accelerated when we pass a trade agreement with Colombia and with Peru and Panama and another trade agreement with South Korea.

Mr. DORGAN. The fact is, it is not something I enjoy doing, to talk about the difficulties. I would like to talk about the opportunities for this country. We will not get to the opportunities until we decide we are going to start taking care of some things here at home.

This President, in this past fiscal year, the one we are in right now, sent us a request for $196 billion of emergency money and said: I want it put on top of the debt. Don't pay for it. Add it to the debt. That is $16 billion a month, $4 billion a week for Iraq and Afghanistan, to replenish the military accounts for that purpose. Now we are told he is going to send another $70 billion on top of that. That takes us to close to three-quarters of a trillion that will have been spent, none of it paid for, all of it requested by this President as an emergency so it didn't have to be paid for. You look at that and you say to yourself: We have so much that needs doing, including not just on the budget side getting our act together but on the trade side, standing up for our country's interests, demanding fair trade, and, on the investment side, investing in infrastructure, all these things.

Last night it was almost as if the President was oblivious to the fundamental causes of the economic difficulty. This is a great economic engine we have, but the fact is, it needs some work. It doesn't need somebody to polish it with a rag and hum a nice tune. It needs real work to get this engine going again. The American people are innovative, great workers. It is an inspired country in which we live. That is why we have progressed the way we have over 200 years. But the American people need something to work with. We need to invest in working people. We need to have faith in working people. Instead what we have done is pulled the rug out from under working families.

I have used so many examples in the Senate, and my friend from Ohio knows all of them because a good number of them come from the State of Ohio, Huffy bicycles and Etch A Sketch and so many examples, all those jobs now in China that used to be in Ohio.

One of my favorites is to talk about Fig Newton cookies. The National Biscuit Company, NABISCO, took Fig Newton cookies from New Jersey to Mexico. Why? They could find somebody who would shovel fig paste apparently at a much lower cost than it cost to pay somebody to shovel fig paste in New Jersey. If you want to buy some Mexican food, buy Fig Newton cookies, made in Mexico, still called the National Biscuit Company, except it isn't so national anymore. Now they are made in Mexico.

That is one example of a hundred, a thousand, a million we could give and have. It is the question of whether this country is going to stand up for its workers and whether we are going to have the courage not just to stand up for workers in fair trade agreements but whether we are also going to put on track fiscal policy, trade policy, regulatory authority in a way that gives people confidence about the future of this economy and jobs and opportunity.

Mr. BROWN. When I hear Senator DORGAN talk about this, I think about 20 years from now, 15 years from now. We are going to look back on this time, and we will think: What were they thinking when they changed the laws to allow so many cheap imports from China, made by workers in unsafe conditions, sending products back, toxic toys to our children's bedrooms and contaminated food into our kitchens and pantries? We are going to look back 20 years from now and think: Why did we dismantle our industrial base, jeopardizing our national security, the security of our family farms in North Dakota and Ohio and small businesses and manufacturers in New Jersey and all over the country? We are going to look back and think: Why did we let corporations lobby this Congress so that they changed the rules so that it made sense for these companies, in terms of their bottom line, in terms of their profits, to go to China instead of manufacturing in Galion or Toledo or Youngstown, OH?

Imagine instead if we as a nation decided we were going to have a Marshall plan or go to the Moon kind of plan on alternative energy, that we changed our trade law and our tax law and we began through biomass, through production of wind turbines and solar panels. Imagine if we set out to remake our energy policy and our country's industrial base by changing trade law, by changing tax law. We clearly still do the best R&D in the world on all kinds of scientific research and medical research. But so often we do the R&D here, which is good for the economy and good for creating jobs, but then most of the production is shipped offshore. So what good is that for our country, when we develop the research, we do the research and development and then send it offshore?

The Senator mentioned the Ohio Art Company. That sort of tells the story. It is a company in northwest Ohio right in the corner where Indiana and Ohio intersect with Michigan. They make something that most of us knew as children called Etch A Sketch. About 7 or 8 years ago—I was in Bryan a couple months ago talking to an executive of Ohio Art Company. Seven or eight years ago a major U.S. retailer went to them and said: We want to sell your product in our stores for less money, for under $10. The only option that Ohio Art Company had was to stop most of its production in Ohio and move its production overseas. Every job that was moved to China meant less money for the Bryan Police Department, less money for the Williams County government, less money for public schools, less money paid into Medicare, less money paid into Social Security. It made us poor as a nation. At the same time, those products moved to China. But it lifted the living standards there because wages are so low. The Chinese wink and nod at best at any kind of environmental rules or worker safety rules. We have done little to lift up.

Senator DORGAN and I want more trade but a different set of rules. Instead of lifting workers up so Mexican workers would be buying American products and we would be buying Mexican products back and forth the way we should trade, and their living standards would go up, they would have good environmental and worker safety standards, their wages would rise. That is what happened with the 50 States in the United States. As companies moved around the United States to the South, eventually their wages went up and we began to enrich all sections of the country.

We are not doing that with China. We are not doing that with our trade policy. That is why I was so disappointed that last night the President said: We want a new trade agreement with Colombia. We want one with South Korea. We want one with Panama. Instead of going in the right direction, we are changing our trade policy and moving in a different direction.

Mr. DORGAN. Mr. President, the Senator and I are working on a piece of legislation we intend to introduce that would establish benchmarks for trade agreements. We had a $1.5 billion trade surplus with Mexico. We did a trade agreement. Guess what. We turned that surplus into a huge deficit, a giant deficit, $60 billion to $70 billion a year. So we turned a surplus into a deficit, shipped a lot of U.S. jobs to Mexico. What we need is a trade agreement with benchmarks and accountability. Is this trade agreement meeting the objectives we developed for our country? After all, we are stewards of our country. We want our country to do well. Yes, we want to lift others. We want to it be a more prosperous world. But first we want this country to do well.

Wouldn't it be the height of irony, an unbelievable perversion, if we passed a "stimulus package," and we borrow the money from China to put money in the hands of American families who can take it to Wal-Mart and buy a Radio Flyer little red wagon made in China. We borrow the money from China, give to it an American consumer who goes to Wal-Mart to buy a Chinese wagon. I say Radio Flyer because that is one of those great American brands. Almost every child in this country has hooked a ride on a Radio Flyer, either theirs or their neighbor's. Do you know how Radio Flyer got its name? It was an immigrant who came to Chicago, IL, and decided to start trying to make some wagons. He made a few of them. Everybody liked them. He was a guy who came to our country and was so pleased with being able to come to our country. He liked two things. He loved airplanes and somehow he liked Marconi and the radio. So he decided he was going to put Radio Flyer on the side of the little red wagon, and it began. For 110 years, they built Radio Flyer little red wagons in America, the dream of this immigrant innovator. They don't make them here anymore. They are all made in China. They closed their doors, went in search of cheap labor.

It is interesting that when we talk about this, some will listen and say: The guy from Ohio, the fellow from North Dakota, they don't get it. They are a bunch of xenophobic isolationist stooges who can't see over the horizon. It is a global economy. Get over it.

It is a global economy. But the rules have not kept pace with galloping globalization. The result is pushing down standards in the United States, moving jobs from the United States overseas, a hemorrhaging trade deficit that is dangerous for our country's interests, $2 billion a day every day that we import more than we export. The largest export from the United States by volume is wastepaper to Asia. Think of that.

My point is simple. I appreciate the work the Senator from Ohio and others have done on this issue. We have to put this country on track. I am for trade and plenty of it. But I demand and insist that we stand up for this country's interests and demand fair trade. We have to bring this trade deficit down. That is putting dramatic amounts of money in the hands of the Chinese and Japanese and others. Don't be surprised when you open the paper to find out what they have purchased next, one of our major investment banking companies, you name it.

We to have fix this. I know the Senator from Ohio came here with a statement and I interrupted him, but what I wanted to do was to say, I was very surprised last night to sit in the State of the Union Address and hear talk about a stimulus and hear talk about the economy and not even hear one whisper about the real vulnerabilities of this economy—a trade deficit out of control, reckless fiscal policy, combined with adding $1.3 trillion in debt, 10 percent of the GDP in 1 year, and then regulators asleep and apparently applauded for being asleep, while we have unregulated hedge funds, leveraged transactions, $43 trillion of notional value, something most people can't understand, notional value, credit default swaps. Sounds like a foreign language. There is $43 trillion of notional value out there in credit default swaps. There is a totally unregulated hedge fund industry with derivatives.

There are a lot of things we need to care about and we need to fix. The Senator from Ohio is absolutely right in talking about it on the floor of the Senate tonight. I deeply appreciate his willingness to let me interrupt him for a couple minutes because these are very important issues for our country.

Mr. BROWN. Mr. President, I thank the Senator from North Dakota. He told the story about the immigrant who settled in Chicago. That may have been a story from a different era, but we still in so many ways are a nation of tinkerers and inventors, entrepreneurs and scientists—a nation that still leads the world in brain power in terms of figuring out new products, new ways of doing things, new services. The problem is, there has been a disconnect between that and production and job growth and job creation.

That is why the President's speech last night, to me, was so disappointing, that he has asked for more tax cuts for the wealthiest Americans, tax cuts that, frankly—usually, these tax cuts to the wealthiest Americans are at the expense of the middle class. He has asked for more trade agreements while our trade deficit explodes year after year after year.

As Senator DORGAN suggested, we know what we need to do as a nation. We know what we need to do with tax policy to serve the middle class. We know what we need to do with trade policy to serve the middle class.

Even though the President wants to stay the course, wants to continue the same direction, I think there is change afoot in this country. People want change. People want to strengthen again the middle class and strengthen our communities in New Jersey and Rhode Island—Senator WHITEHOUSE is in the Chamber, too—and in my State of Ohio, from Lima to Zanesville and from Dayton to Warren.

I thank you, Mr. President, for your time and again exhort Americans to look down the road for a new trade policy, a new tax policy that helps to build the middle class.

FISA

Mr. COBURN. Mr. President, at the end of this week, Americans may find themselves at greater risk of a terrorist attack when the Protect America Act expires on February 1. On that date, we will be forced to revert to the antiquated 1978 Foreign Intelligence Surveillance Act, or FISA, to monitor the communications of suspected terrorists, unless this Congress moves quickly to make permanent changes to that law. It is therefore critical for Congress to enact permanent modernizations to FISA so that our intelligence officials will have every tool they need to monitor the communications of terrorists who seek to destroy the United States.

The consequences of allowing the Protect America Act to lapse could be deadly. The PAA was passed last August to modernize FISA so that the statute could do in practice what it was always intended to do—govern certain foreign intelligence surveillance activities directed at persons in the United States, without inadvertently burdening those activities directed at persons overseas. FISA, however, has not kept up with technological advances that have been made since 1978. As a result, prior to the PAA, intelligence officers were often forced to obtain a court order before beginning surveillance against a terrorist or other foreign target located in another country. This unnecessary and burdensome requirement caused U.S. intelligence agencies to lose about two-thirds of their ability to collect communications intelligence against al-Qaida.

Thankfully, the Protect America Act helped to close the inexcusable gap that left this country blind to the plans our enemies were making against us. As Director of National Intelligence Michael McConnell said, the PAA has "allowed us to obtain significant insight into terrorist planning." To allow such a vital antiterror tool to lapse at this time would be the ultimate dereliction of duty.

The United States must remain vigilant against a terror threat that is real and constant. The National Intelligence Estimate on "The Terrorist Threat to the US Homeland," released just 6 months ago, concluded that this country will face a "persistent and evolving" terrorist threat over the next 3 years, particularly from Islamic terrorist groups and cells like al-Qaida. No person in America is unfamiliar with the capabilities and determination of such terrorist groups, and Americans trust us to make the right decisions to protect them and their children. Without making permanent changes to FISA to ensure the fast and effective intercept of foreign intelligence information, little else we do will matter.

Retroactive immunity is in the best interest of this Nation's security and must be included in FISA modernization, as it was in the Intelligence Committee bill. Following the attacks of September 11, 2001, President Bush authorized the National Security Agency to intercept international communications into and out of the United States of persons linked to al-Qaida or related terrorist organizations. The administration's obvious and stated purpose of this authorization was to "establish an early warning system to detect and prevent another catastrophic terrorist attack on the United States." Therefore, the administration made requests for telecom companies to cooperate with its intelligence activities. The companies complied with the government's request for help, relying on written assurance from the executive branch that their actions were both necessary and legal.

Now these companies face multibillion dollar lawsuits challenging their actions. Such lawsuits not only create potentially staggering liability for the companies, they also create the risk that sensitive details about our intelligence sources and methods will be revealed through discovery. Moreover, failing to protect those who cooperate with the Government to thwart terrorist activity will undermine the willingness of others to cooperate in the future. A powerful op-ed authored last October by former Attorneys General Benjamin Civiletti, Dick Thornburgh, and William Webster, said it best:

> The government alone cannot protect us from the threats we face today. We must have the help of all our citizens. There will be times when the lives of thousands of Americans will depend on whether corporations such as airlines or banks are willing to lend assistance. If we do not treat companies fairly when they respond to assurances from the highest levels of the government that their help is legal and essential for saving lives, then we will be radically reducing our society's capacity to defend itself.

Recognizing the gravity of the situation, the bipartisan Senate Intelligence Committee voted 13 to 2 to include retroactive immunity in its bill. This overwhelming vote came after the committee reviewed the classified documents on which these companies relied. The committee ultimately concluded that the Government "cannot obtain the intelligence it needs without assistance from [telecommunications] companies."

Protecting the corporate good citizens who answered the call to assist our intelligence community during a time of great danger to this country is the right thing to do. Anything short of full immunity for those companies that, at the Government's request, on the written assurance that such action had been authorized by the President and deemed lawful, would undermine the security of the United States is simply unacceptable.

The carefully crafted, bipartisan Senate Intelligence Committee bill protects privacy interests without undermining our intelligence community's ability to do its vitally important job. The bill was approved by a vote of 13 to 2 after careful consideration of complicated issues and classified documents. It will allow our intelligence professionals to continue collecting foreign intelligence against foreign targets located outside the United States without requiring prior court approval. This is consistent with the intent of the legislators who enacted FISA in 1978 and represents no change in the way that the NSA has always conducted foreign surveillance.

In so doing, the bill will also continue to protect the civil liberties of Americans in this country, surveillance of whom has always required prior court approval. Nothing we are considering in the Senate today would alter that. In the event that communication from a U.S. person is inadvertently intercepted, the intelligence community uses "minimization procedures" to suppress the data. The result is that the communication is never used or shared. These procedures have been used effectively for 30 years and will remain in place after permanent FISA changes are enacted.

Enacting permanent modernizations to FISA is one of the most important duties the Senate will undertake this year. We have known for 6 months that the Protect America Act would expire on February 1 and have no excuse for not getting this done correctly before that date. The stakes in this debate could not be higher. Although the details can be complicated, the basic issue is pretty simple. As Andy McCarthy said in a recent piece for the National Review Online, "Osama bin Laden doesn't need to apply to a sharia court before blowing up an American embassy; the president shouldn't need to apply to a federal court to try to stop him."

Unfortunately, I was unable to make it back to town in time for the two cloture votes that were held yesterday. Had I been here, I would have voted for cloture on Rockefeller amendment No. 3911, the Intelligence Committee's FISA bill, and against cloture on Reid amendment No. 3918, to temporarily extend the Protect America Act.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE.) Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ECONOMY AND FORECLOSURES

Mr. REID. Mr. President, last night, President Bush spoke of the bipartisan effort we've seen to put together an economic stimulus package.

I have joined this chorus of praise. It is important for us to remember that despite our differences, we can find common ground in pursuit of common good.

The stimulus package is in markup today in the Finance Committee. I am confident that Chairman BAUCUS and Senator GRASSLEY will send a bill to the floor that all 100 Senators can proudly support.

We all agree that with our economy ailing, homeowners struggling and energy prices rising, this short-term stimulus plan will help working Americans make ends meet.

But I think we also all agree that this is only the first step. A short-term solution will help, but we must create long-term solutions that will treat the cause rather than the symptoms.

President Bush suggested last night that this could be accomplished with more tax cuts for the wealthy.

We strongly disagree. No one wondering if they can make their next mortgage payment or whether they can afford to retire believes that more tax cuts for the rich will solve this problem.

This morning, the Reno Gazette Journal reported that home foreclosures in Washoe County—the Reno area of Nevada—skyrocketed 614 percent in 2007 from the year before.

This pain isn't just felt in one area or neighborhood. Foreclosures have risen in all parts of the Truckee Meadows.

One realtor said:

> It's ridiculous. I'm up to 22 right now. A year ago, I had zero. I have potentially another 50 homes not foreclosed on yet but are on the brink. And that's just me.

Experts say this crisis in Reno, throughout Nevada, and all over America is going growing worse.

Nationally, foreclosures jumped 79 percent in 2007.

One of America's largest lenders, Countrywide, just reported that one out of every three subprime loans is now delinquent.

And this is affecting not just the families who may lose their homes—but their neighbors who are seeing property values drop, and all of us who are faced with the collateral damage of a badly damaged housing market.

We call on President Bush to work with us to solve this and other economic problems.

We need to provide tax incentives for companies to invest in renewable energy. This will create jobs, save consumers money, and protect our air.

America's infrastructure is crumbling. We saw it in the bridge collapse. Investing in our infrastructure will not only strengthen our communities, it will strengthen our economy by creating good-paying jobs.

For every $10 billion we spend on infrastructure, we create 47,500 new jobs. And for every $10 million capital investment in public transportation, we create $30 million in sales for businesses.

Instead of cutting funding for community block grants and the Consumer Credit Council in his budget, the President should sit down with us to come up with real long-term solutions.

With less than a year to go in his term, we can still come together to solve these problems and get America's economy working again.

CITY OF HARTFORD, KENTUCKY, CELEBRATES 200 YEARS

Mr. McCONNELL. Mr. President, I wish today to honor a long respected community in the great Commonwealth of Kentucky, the city of Hartford, which on February 3, 2008, will celebrate 200 years of establishment in the Commonwealth.

Since February 3, 1808, the great city of Hartford has been a part of my great State. After an act of the legislature of the Commonwealth of Kentucky, Hartford was formally established on 400 acres of land around Rough River, in the county of Ohio, occupying the land of the late Gabriel Madison. The city humbly began governing with a group of seven trustees overseeing the town and has since grown to a population of over 2,000 outstanding citizens and has developed into the administrative center for Ohio County, becoming the county seat. Now, great leadership comes from Mayor Earl Russell, who proudly carries on the tradition of his family of governing in Hartford.

As proclaimed in Hartford's town slogan, this honored town is home to "2,000 happy people and a few soreheads." These "soreheads and happy people" strenuously work to promote civic pride and generate the enthusiasm needed to accomplish future goals throughout their city.

Due to the enthusiasm from citizens like these and great leadership from Mayor Earl Russell, Kentucky has grown to the honorable State it is today. Inhabiting the western coal field region of the State, Hartford has been contributing to the Commonwealth for 200 years and has planned a celebration in honor of this. Because of the continued contribution of the citizens of Hartford to the betterment of their town, county and the Commonwealth, I ask my colleagues to join me in celebrating with them today for 200 years of dedication.

THE MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would strengthen and add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On January 14, 2008, 63-year-old Baljeet Singh was parking his car outside a Sikh temple in Queens, NY, when David Wood, 36, approached him. Wood reportedly shouted: "Arab, go back to your country" before physically attacking Singh. Wood continued to hurl epithets as he beat Singh, allegedly without provocation. Singh, whose family has attended the temple—known as a gurdwara—for over 12 years, sustained a broken nose and jaw, both of which may require surgery. Wood, who lives near the temple and allegedly has a history of harassing its members, has been charged with second-degree assault as a hate crime, second and third degree assault, and second-degree aggravated harassment.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. Federal laws intended to protect individuals from heinous and violent crimes motivated by hate are woefully inadequate. This legislation would better equip the Government to fulfill its most important obligation by protecting new groups of people as well as better protecting citizens already covered under deficient laws. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

JUSTICE

Mr. SMITH. Mr. President, I rise to speak about justice.

Today, the Simon Wiesenthal Center, in coordination with the Targum Shlishi Foundation, is conducting Operation: Last Chance, a final effort to bring the most guilty Nazis to justice before they die. The perpetrators of the Holocaust must not be allowed to cheat their deserved fate.

The uniqueness of the Holocaust crime lies not wholly in its number of victims, though that number was horrifyingly large. Its singularity is also the reality of a modern government's methodically executed plan to annihilate an entire race, an effort that is now one of the greatest crimes against humanity the world has ever seen. Even in a century where so much blood was shed—in China, Russia, Africa, and the Middle East—the Holocaust stands alone. For the victims of the Holocaust were chosen not based on any threat to the state, real or imaginary. Indeed, some victims had served with distinction in the German Army during the First World War, and many had then given their lives for their country. They were chosen instead simply for who they were, one of the most ancient peoples to grace this Earth, and one which has never before come so perilously close to utter oblivion.

Historians have argued for years about why and how the Holocaust occurred. But for the survivors, and even more for victims, that question is entirely secondary. There is only the reality of the crime and the ongoing quest for justice.

We can argue about which Nazi organizations are the most culpable and which were relatively ignorant. As the Nuremburg war crimes trials showed, all Germans are not guilty, and not all are innocent. In some cases, the line blurs slightly. But that does not mean the line does not exist because some—many, perhaps all—are certainly guilty. The Einsatzgruppen. The concentration camp guards. The SS. The bureaucrats who signed off on orders with little thought of the immense crime which they were committing. For these people, there can be no amnesty. There can be no looking away. There must be justice.

Unfortunately, after the war, many of the guilty scattered to the four corners of the earth. Some, like Klaus Barbie, fled to South America. Others remained in Germany, Austria, and the Balkans, where successor governments to the Axis gradually lost interest in prosecution. Many fled to the United States, which had only finished fighting the Nazi threat when it faced a resurgent Soviet threat. The Cold War diverted, partially, the Western governments from bringing Nazi killers to justice. Living in homes across the United States and Europe, working at normal jobs and raising families, the most culpable killers may have thought they escaped a reckoning. And, for a time, they did. The Government was certainly not looking for them. But one man was. One man had himself been a prisoner in those terrible camps and had seen firsthand the horrors perpetrated there.

Simon Wiesenthal began searching for Nazis and documenting the crimes of them after World War II, and continued for many years. The Simon Wiesenthal Center was founded in 1977 and has an impressive track record of combating modern bigotry and antisemitism, promoting human rights, and ensuring the safety of Jews worldwide. These efforts complement Simon Wiesenthal's life's work in hunting Nazi fugitives and trying to repair, in part, the damage of the Holocaust.

Today, however, the hour grows late. It is now almost 63 years since the end of World War II. Every week, Nazi criminals are passing away, 80 and 90-year-old men escaping the long arm of justice. Many of the host countries in which they reside are grateful for this quiet end, avoiding uncomfortable legal proceedings and revisiting old specters from the past.

But the easy way is almost never the right way. In these later days, it is incumbent on all of us to help finish the task Simon Wiesenthal began decades ago. In view of the dwindling time available, the center launched Operation Last Chance in 2002, which is aimed at finding Nazi fugitives in the Baltic states, Poland, Romania, Germany, Austria, Croatia, and Hungary. There is much work to do: the opening of the Soviet archives since 1991 offers a magnificent opportunity to identify some of the most guilty Nazis, previously hidden behind the Iron Curtain.

Operation Last Chance is fittingly named, after a final opportunity to bring those remaining Nazis to earthly justice before they meet eternal justice. To date Wiesenthal Center has identified nearly 500 war crimes suspects, 99 of whom have been turned over to prosecutors. Operation Last Chance primarily focuses on offering rewards for the location and arrest of such criminals as Dr. Sandor Kepiro, a Hungarian police official; Milivoj Asner, a police chief in fascist Croatia; Charles—Karoly—Zentai, a fascist Croatian city governor; Erna Wallisch, a German concentration camp guard; and many others; and Dr. Aribeit Heim was nicknamed "Dr. Death" for the medical murders and torture he inflicted on hundreds of concentration camp inmates. He is at large, and his whereabouts unknown. Finding him, and prosecuting all of the wanted Nazi criminals, is a task of the utmost moral importance.

The roadblocks are many, and the shortcuts few. This late hour demands that the U.S. Government make every effort to help with Operation Last Chance. I call upon the President and Secretary Rice to make it clear to our European and South American allies that we will not tolerate footdragging on extradition orders, deportation, and criminal indictments. We will not tolerate the easy way. We demand that they commit the resources of the U.S. Government to this cause that our descendents will not look back on us and say: In the end, they did too little. In the end, they turned away.

HONORING WILLIE HENSLEY

Ms. MURKOWSKI. Mr. President, I rise today to join in a colloquy with fellow Alaska Senator TED STEVENS to honor a giant of the Alaska Native rights and Native corporation movement, and an individual who has served his State and Nation for decades with great distinction, Mr. Willie "Iggiagruk" Hensley.

Mr. STEVENS. Mr. President, I too rise to join Senator MURKOWSKI in honoring a personal friend and long-time political colleague, Willie Hensley. He soon will be retiring after spending the last 10 years representing the Alyeska Pipeline Service Co. in Washington, DC, the pipeline that brings Alaska's North Slope oil to the rest of the Nation. Immediately prior to that job, he was Alaska's Commissioner of Commerce and Economic Development, under the administration of former Alaska Governor Tony Knowles. He also has served on important State commissions under both Democratic and Republican governors.

Besides leading Alaska's State department responsible for tourism and seafood marketing, international trade, insurance, banking and securities, and occupational licensing, he also was a director of the Alaska Permanent Fund Corporation, the Alaska Railroad Corporation, and the Alaska Industrial Development Authority under Democratic Governors, and chairman of the Capitol Site Selection Committee and the chairman of the Land Claims Task Force under Republican Governors Jay Hammond and Walter Hickel.

Ms. MURKOWSKI. And before then, as Senator STEVENS well knows, since he too served in the Alaska State Legislature at that time, Mr. Hensley served as both a State Representative in Alaska for 4 years, as House majority leader, and as a State senator, for 4 years from 1971–75 and again for a term starting in 1987, representing his home region of northwest Alaska. Mr. Hensley was born, in Kotzebue, AK, a small village about 40 miles north of the Arctic Circle. He and his family lived in the Noatak River delta where they lived by subsistence hunting, fishing and trapping. While home schooled through the Harrison Chilbowee Academy, he studied for 2 years at the University of Alaska in Fairbanks before receiving his B.A. degree in political science with a minor in economics in 1966 from George Washington University. He then conducted postgraduate studies in law at the University of New Mexico.

It was in 1966 that he wrote a paper in a constitutional law course entitled, "What Rights to Land Have the Alaska Natives: The Primary Issue." The paper covered the background of public land issues in Alaska and forcefully made the case for Alaska Native claims to aboriginal lands, that coming 7 years after Alaska had won statehood. The paper, which laid out steps Alaska Natives should take to win their land claims, became an important underpinning of the Alaska Native rights movement that culminated in passage of the Alaska Native Claims Settlement Act in 1971. The Act provided Alaska Natives with 44 million acres of Alaska and nearly $1 billion in funds and cemented Mr. Hensley's reputation as one of the most capable young Native leaders of Alaska.

Mr. STEVENS. As Senator MURKOWSKI knows, while Mr. Hensley entered the Alaska Legislature in 1967, he also was a founder of the NANA Regional Corporation, one of the 13 Alaska Native regional corporations formed by the 1971 Native Claims Act. He served as a director of the corporation for the first 20 years during its formative period, and ended his career at NANA as president. While at NANA, he directed its involvement in the oilfield service industry, most notably in environmental services and drilling ventures. He also was a guiding force in NANA's development of the Red Dog lead and zinc mine—the world's largest lead and zinc mine. While at NANA he also was a founder of the nonprofit Manillaq Corp., the regional nonprofit corporation that represented the tribes in northwest Alaska and that has been the leader in improving health care and social services for 11 villages in an area nearly the size of the State of West Virginia.

While at NANA, Mr. Hensley also served in the formation of the Alaska Federation of Natives, the umbrella organization that represents the hopes and aspirations of all Native Alaskans, and served as the AFN's executive director, president and cochairman. In 1979, partially for his pioneering work in Native rights, he was named as one of the young leaders of America by Time Magazine in a cover story "50 Faces for America's Future," He was honored along with then Arkansas Governor and later President Bill Clinton, the Rev. Jesse Jackson, Congressman and later Federal Budget Director David Stockman and Ted Turner.

Ms. MURKOWSKI. I understand that Mr. Hensley has recently completed his first book, a memoir entitled, "50 Miles from tomorrow: A Memoir of Alaska and the Real People," which will be published later this year.

Mr. Hensley, who joined Alyeska Pipeline Corp. years after Alaska's Prince William Sound oil spill, has worked tirelessly for the past decade to guarantee that Alaska's oil has flowed south without serious incident and without environmental damage or harm to the wildlife that is so important to Alaskans' way of life. He has worked tirelessly for the benefit of Alaska and all Alaskans. While he clearly has earned his retirement, Alaskans know that Willie will stay involved in issues that are vital for the economic betterment of his native State. I and I am sure Senator STEVENS can't thank him enough for all of his efforts, his wisdom and wise counsel and his dedication to making Alaska a better place.

Mr. STEVENS. I too wish him well and know that all Members of the Senate join us and all Alaskans in wishing him the very best in all his future endeavors.

TRIBUTE TO FAYE MANGER

Mr. LIEBERMAN, Mr. President, I come to the floor today to celebrate the 85th birthday of a truly extraordinary woman, my Aunt Faye.

Throughout her life, Faye Manger has been committed to philanthropy and community service. She established deep roots in Stamford, CT, where she and her late husband; my Uncle Ben, a successful business entrepreneur, established the B.L. Manger Foundation. The foundation, which Faye has continued since Ben's untimely death in 1995, has supported numerous Jewish charitable, educational, and cultural causes. It has also donated money to advance medical research.

In addition to her work with the foundation, Faye is involved in synagogue and community activities in Stamford. She has received numerous awards and honors for her commitment to charities throughout the United States and Israel. During World War II, Faye served her country in the Women's Army Corps at Fort Monmouth, NJ.

Aside from all of her great works, Faye is a loving mother, grandmother and aunt. Faye's and Ben's humanitarian spirit can be seen in their four children—Joyce, Marc, Renee, and Steven. All four have taken an active role in charitable activities. In fact, on November 28, Faye and her children were honored by the American Committee for Shaare Zedek Medical Center in Jerusalem for funding the hospital's pediatric ophthalmology Clinic.

Looking back at all she has already done, it would be understandable why one might expect her to take it easy and relax. But, if I know my Aunt Faye, she has a lot of good works she will still do, and, with God's help, a lot of great times our family will share together.

Thank you, Aunt Faye, for all you have done to make Stamford, and the rest of the world, a better place, and for all you have meant to all of us who are blessed to be your family and friends.

ADDITIONAL STATEMENTS

CELEBRATING THE 75TH ANNIVERSARY OF THE PORT OF STOCKTON

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in celebrating the 75th anniversary of the Port of Stockton, the second busiest inland port on the west coast.

During the Gold Rush, the city of Stockton was an important seaport because it was the farthest point upriver ships could travel. In the early 20th century, Stockton became a vital hub for farm equipment that transformed the San Joaquin Valley from a primarily wheat-growing region to the Nation's most diverse and productive agricultural region.

When it became apparent that the San Joaquin River was too shallow to accommodate the increasingly large ships that supplied the region's growing demand for farm equipment, the first dredging contracts for the Stockton Deep Water Channel were awarded in 1930. The port of Stockton officially opened in 1933.

Today, the Port of Stockton processes more than 6 million tons of cargo annually. The port trades with more than 55 countries, from Canada to New Zealand, and from Thailand to Trinidad. It supports over 4,500 jobs in the region, accounting for more than $170 million in annual income.

In recent years, the Port of Stockton has made a commitment to implement a program for environmentally friendly port operations. Through its Delta Environmental Enhancement Program, the port has planted the seeds for sustained, long-term changes that will help protect the air, water, soil, and wildlife that are part of the precious Delta waterways.

The success of the Port of Stockton is made possible by the dedication of scores of hard-working people who work together to make sure that its operations go smoothly. Every person who has lent a helping hand over the years can take great pride in knowing that their support and hard work has resulted in the continued growth and success of the Port of Stockton.

I congratulate the Port of Stockton on its 75th anniversary and wish its staff and supporters a bright future and continued success.●

TRIBUTE TO ARTHUR PRATT

● Mr. LUGAR. Mr. President, today I honor the memory of Arthur Pratt, a friend and distinguished Hoosier who dedicated his life to helping the less fortunate among us. While I am saddened by Arthur passing, I continue to be inspired by his legacy of selfless service.

Among his many remarkable endeavors, Arthur will be remembered by many in the Indianapolis community for the work that he did counseling inmates as they worked to address addiction to alcohol and drugs. The program that Arthur created to facilitate these efforts, Life Effectiveness Training, has worked in the Marion County Jail for more than 35 years and has since expanded to other counties across Indiana.

On July 14, 2001, I joined Arthur at Christ Church Cathedral to celebrate his important leadership of the Life Effectiveness Training program. Joining Arthur were community leaders who had witnessed the success of Arthur's leadership, including members of the religious community and law enforcement and government officials.

It was my great honor to work closely with Arthur to pass the Jail Based Substance Abuse Treatment Act as part of the 21st Century Department of Justice Appropriations Authorization Act in 2002. This legislation makes available additional resources to programs like Life Effectiveness Training as they work with inmates to address their substance abuse issues. Not only has this approach reduced recidivism by up to 64 percent, but it has given countless Hoosiers a new opportunity to turn away from crime and commit themselves to becoming productive, law-abiding members of the community.

While I know that this is a difficult time for Arthur's family and many friends, my thoughts are with his wife Amal and their children and grandchildren as they remember and celebrate his life of service and leadership.●

IN RECOGNITION OF BO PELINI

● Mr. NELSON of Nebraska. Mr. President, with the Senate having reconvened after the recess, I start the new year by rising to recognize Bo Pelini, the new head coach of the University of Nebraska Cornhuskers' football team.

The University of Nebraska at Lincoln, my alma mater, has a proud and distinguished record in National Collegiate Athletic Association, NCAA, football, including 5 National Championships, 3 Heisman Trophies, 8 Outland Trophies, 93 Academic All-Americans, and other impressive records and awards.

Nebraskans statewide are united behind their Cornhuskers and will undoubtedly welcome Coach Pelini at Memorial Stadium with an NCAA-record 290th consecutive sellout for his first home game on August 30, 2008. Husker fans' optimism has been renewed with the hiring of Coach Pelini, who we hope will build our program back to its glory days, which were marked not only by athletic success on the field, but also academic success in the classroom.

I joined many of my fellow Cornhusker fans on January 7, 2008, in celebrating the 38–24 victory of Louisiana State University, LSU, over Ohio State University in the Bowl Championship Series National Championship Game. Our partisanship was directed more at LSU's then-defensive coordinator, Bo Pelini, than it was for the team itself. Although Coach Pelini had already been hired as Nebraska's new head coach, he honorably chose to finish his commitment at LSU.

Coach Pelini and the Tigers came through as champions, further encouraging Nebraska fans everywhere that the Big Red can return to national prominence under our new leader. We look forward enthusiastically to the annual Red/White Spring Game and the start of the fall collegiate football season. On behalf of my fellow Huskers, I welcome Coach Bo Pelini with a resounding, "Go Big Red!" or perhaps, even more appropriately, "Bo Big Red!"●

MESSAGES FROM THE HOUSE

At 2:18 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3913. An act to amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met.

H.R. 4140. An act to designate the Port Angeles Federal Building in Port Angeles, Washington, as the "Richard B. Anderson Federal Building".

H.R. 4240. An act to designate the facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, as the "Felix Sparks Post Office Building".

The message also announced that the House has passed the following bill, without amendment:

S. 2110. An act to designate the facility of the United States Postal Service located at 427 North Street in Taft, California, as the "Larry S. Pierce Post Office".

At 3:53 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5140. An act to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

At 4:31 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5104. An act to extend the Protect America Act of 2007 for 15 days.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3913. An act to amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met; to the Committee on Foreign Relations.

H.R. 4240. An act to designate the facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, as the "Felix Sparks Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 5140. An act to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4804. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the Department's Annual Category Rating Report for calendar year 2006; to the Committee on Armed Services.

EC-4805. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Research and Development Contract Type Determination" (DFARS Case 2006–D053) received on January 24, 2008; to the Committee on Armed Services.

EC-4806. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to the results of a public-private competition at the Fleet Readiness Center; to the Committee on Armed Services.

EC-4807. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the purchases made by the Department from foreign entities; to the Committee on Armed Services.

EC-4808. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to space-available transportation; to the Committee on Armed Services.

EC-4809. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions and Technical Corrections to the Export Administration Regulations and the Defense Priorities and Allocations System Regulation" (RIN0694–AE15) received on January 24, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-4810. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations; Correction" (44 CFR Part 67) received on January 24, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-4811. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13348 with respect to the former Liberian regime of Charles Taylor; to the Committee on Banking, Housing, and Urban Affairs.

EC-4812. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (72 FR 73656) received on January 24, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-4813. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (72 FR 73653) received on January 24, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-4814. A communication from the Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Electronic Shareholder Forums" (RIN3235–AJ92) received on January 24, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-4815. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 13396 with respect to Cote d'Ivoire; to the Committee on Banking, Housing, and Urban Affairs.

EC-4816. A communication from the Assistant Secretary of the Treasury, transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts during fiscal year 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-4817. A communication from the Deputy Assistant General Counsel, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of action on a nomination for the position of Administrator, received on January 24, 2008; to the Committee on Commerce, Science, and Transportation.

EC-4818. A communication from the Liaison, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Mandatory Reliability Standards for Critical Infrastructure Protection" (Docket No. RM06–22–000) received on January 24, 2008; to the Committee on Energy and Natural Resources.

EC-4819. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries" ((RIN2060–AM85)(FRL No. 8522–4)) received on January 24, 2008; to the Committee on Environment and Public Works.

EC-4820. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Massachusetts: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL No. 8521–8) received on January 24, 2008; to the Committee on Environment and Public Works.

EC-4821. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "State Operating Permit Programs; Ohio; Revisions to the Acid Rain Regulations" (FRL No. 8521–3) received on January 24, 2008; to the Committee on Environment and Public Works.

EC-4822. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Connecticut; State Implementation Plan Revision to Implement the Clean Air Interstate Rule" (FRL No. 8517–4) received on January 24, 2008; to the Committee on Environment and Public Works.

EC-4823. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maine; Ozone Maintenance Plan" (FRL No. 8522–1) received on January 24, 2008; to the Committee on Environment and Public Works.

EC-4824. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Michigan; Oxides of Nitrogen Regulations, Phase II" (FRL No. 8519–4) received on January 24, 2008; to the Committee on Environment and Public Works.

EC-4825. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—February 2008" (Rev. Rul. 2008–9) received on January 24, 2008; to the Committee on Finance.

EC-4826. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Intermediary Transaction Tax Shelter" (Notice 2008–20) received on January 24, 2008; to the Committee on Finance.

EC-4827. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Application of Section 338 to Insurance Companies" ((RIN1545–BF02) (TD9377)) received on January 24, 2008; to the Committee on Finance.

EC-4828. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Suspension of New Claims to the Federal Reviewing Official Level" (RIN0960-AG53) received on January 24, 2008; to the Committee on Finance.

EC-4829. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act" (22 CFR Par 41) received on January 24, 2008; to the Committee on Foreign Relations.

EC-4830. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the export of defense articles to Colombia to support the manufacture of the SP2022 SigPro semi-automatic pistol; to the Committee on Foreign Relations.

EC-4831. A communication from the Program Manager, Centers for Disease Control and Prevention, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Interstate Shipment of Etiologic Agents" (RIN0920–AA19) received on January 24, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-4832. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a nomination and discontinuation of service in an acting role for the position of Director of the Indian Health Service, received on January 24, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-4833. A communication from the Director, National Science Foundation, transmitting, pursuant to law, a report relative to the Foundation's competitive sourcing efforts during fiscal year 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-4834. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Workplace Substance Abuse Program at DOE Sites" (RIN1992-AA38) received on January 24, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-4835. A communication from the Director of Regulations, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Veterans Education: Incorporation of Miscellaneous Statutory Provisions" (RIN2900-AL28) received on January 24, 2008; to the Committee on Veterans' Affairs.

EC-4836. A communication from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of action on a nomination for the position of Deputy Director of National Drug Control Policy, received on January 24, 2008; to the Committee on the Judiciary.

EC-4837. A communication from the Acting Director, Trade and Development Agency, transmitting, pursuant to law, the Agency's Annual Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4838. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the Semiannual Report of the Administration's Inspector General for the period of April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4839. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the annual report of the Chief Human Capital Officers Council for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4840. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to unvouchered expenditures; to the Committee on Homeland Security and Governmental Affairs.

EC-4841. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General for the period of April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4842. A communication from the Secretary, American Battle Monuments Commission, transmitting, pursuant to law, the Commission's annual report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4843. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, a Semiannual Report relative to the Board's activities and accomplishments during the period of April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4844. A communication from the President, James Madison Memorial Fellowship Foundation, transmitting, pursuant to law, the Foundation's annual report; to the Committee on Homeland Security and Governmental Affairs.

EC-4845. A communication from the Executive Director, Consumer Product Safety Commission, transmitting, pursuant to law, a report relative to the Commission's competitive sourcing efforts during fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4846. A communication from the Director, National Gallery of Art, transmitting, pursuant to law, an annual report relative to the Gallery's competitive sourcing efforts during fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4847. A communication from the Acting Secretary, Smithsonian Institution, transmitting, pursuant to law, an annual report relative to the Institution's competitive sourcing efforts during fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LUGAR:

S. 2562. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Kazakhstan; to the Committee on Finance.

By Mr. LUGAR:

S. 2563. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Azerbaijan; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Ms. COLLINS):

S. 2564. A bill to make certain reforms with respect to the Government Accountability Office, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BIDEN (for himself, Mr. SUNUNU, and Mr. SPECTER):

S. 2565. A bill to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal law enforcement officers; to the Committee on the Judiciary.

By Mr. ISAKSON (for himself, Mr. GREGG, Mr. ALLARD, Mr. CHAMBLISS, and Mr. CRAIG):

S. 2566. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases; to the Committee on Finance.

By Mr. BURR:

S. 2567. A bill to provide Federal reimbursement to State and local governments for a limited sales, use, and retailers' occupation tax holiday; to the Committee on Finance.

By Mr. KERRY:

S. 2568. A bill to amend the Outer Continental Shelf Lands Act to prohibit preleasing, leasing, and related activities in the Chukchi and Beaufort Sea Planning Areas unless certain conditions are met; to the Committee on Energy and Natural Resources.

By Mrs. BOXER (for herself, Mrs. DOLE, Mr. TESTER, Mrs. MURRAY, Mr. WYDEN, Ms. CANTWELL, Ms. STABENOW, and Mr. OBAMA):

S. 2569. A bill to amend the Public Health Service Act to authorize the Director of the National Cancer Institute to make grants for the discovery and validation of biomarkers for use in risk stratification for, and the early detection and screening of, ovarian cancer; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 2570. A bill to amend title II of the Social Security Act to authorize waivers by the Commissioner of Social Security of the 5-month waiting period for entitlement to benefits based on disability in cases in which the Commissioner determines that such waiting period would cause undue hardship to terminally ill beneficiaries; to the Committee on Finance.

By Mr. HARKIN (for himself and Mr. CHAMBLISS):

S. 2571. A bill to make technical corrections to the Federal Insecticide, Fungicide, and Rodenticide Act; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. Res. 433. A resolution honoring the brave men and women of the United States Coast Guard whose tireless work, dedication, and selfless service to the United States have led to more than 1 million lives saved over the course of its long and storied 217-year history; considered and agreed to.

By Mr. BIDEN (for himself, Mr. BAUCUS, Mr. KERRY, Mr. MENENDEZ, Mr. GRASSLEY, Mr. SPECTER, Mr. CORNYN, Mr. DOMENICI, Mr. ROBERTS, Mr. SALAZAR, Mr. CASEY, and Mr. LAUTENBERG):

S. Res. 434. A resolution designating the week of February 10-16, 2008, as "National Drug Prevention and Education Week"; to the Committee on the Judiciary.

By Mr. VITTER (for himself and Ms. LANDRIEU):

S. Res. 435. A resolution recognizing the goals of Catholic Schools Week and honoring the valuable contributions of Catholic schools in the United States; considered and agreed to.

By Mrs. MURRAY (for herself and Mr. SMITH):

S. Res. 436. A resolution designating the week of February 4 through February 8, 2008, as "National School Counseling Week"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 507

At the request of Mr. CONRAD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 507, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 582

At the request of Mr. SMITH, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 582, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 911

At the request of Mr. REED, the names of the Senator from Nebraska (Mr. NELSON), the Senator from North Carolina (Mrs. DOLE) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 958

At the request of Mr. SESSIONS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 958, a bill to establish an adolescent literacy program.

S. 1018

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1018, a bill to address security risks posed by global climate change and for other purposes.

S. 1177

At the request of Mr. CARPER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1177, a bill to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector.

S. 1794

At the request of Mr. BAYH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1794, a bill to amend the Federal Direct Loan Program to provide that interest shall not accrue on Federal Direct Loans for active duty service members and their spouses.

S. 1991

At the request of Mr. BUNNING, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1991, a bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of extending the Lewis and Clark National Historic Trail to include additional sites associated with the preparation and return phases of the expedition, and for other purposes.

S. 2063

At the request of Mr. GREGG, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2063, a bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the economic security of the United States, and to expand future prosperity and growth for all Americans.

S. 2115

At the request of Mr. CARDIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2115, a bill to amend title XVIII of the Social Security Act to extend for 6 months the eligibility period for the "Welcome to Medicare" physical examination and to provide for the coverage and waiver of cost-sharing for preventive services under the Medicare program.

S. 2146

At the request of Mr. CARPER, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2146, a bill to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes.

S. 2366

At the request of Mr. VITTER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2366, a bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical verification program.

S. 2396

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2396, a bill to amend title XI of the Social Security Act to modernize the quality improvement organization (QIO) program.

S. 2405

At the request of Mr. SANDERS, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2405, a bill to provide additional appropriations for payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981.

S. 2439

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2439, a bill to require the National Incident Based Reporting System, the Uniform Crime Reporting Program, and the Law Enforcement National Data Exchange Program to list cruelty to animals as a separate offense category.

S. 2543

At the request of Mr. ENSIGN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2543, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 2555

At the request of Mrs. BOXER, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2555, a bill to permit California and other States to effectively control greenhouse gas emissions from motor vehicles, and for other purposes.

S. RES. 252

At the request of Mr. BOND, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Res. 252, a resolution recognizing the increasingly mutually beneficial relationship between the United States of America and the Republic of Indonesia.

S. RES. 429

At the request of Mrs. DOLE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 429, a resolution honoring the brave men and women of the United States Coast Guard whose tireless work, dedication, and commitment to protecting the United States have led to the confiscation of over 350,000 pounds of cocaine at sea during 2007.

S. RES. 431

At the request of Mr. FEINGOLD, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. Res. 431, a resolution calling for a peaceful resolution to the current electoral crisis in Kenya.

S. RES. 432

At the request of Mr. BIDEN, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Michigan (Mr. LEVIN), and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. Res. 432, a resolution urging the international community to provide the United Nations-African Union Mission in Sudan with essential tactical and utility helicopters.

AMENDMENT NO. 3900

At the request of Mr. SANDERS, the names of the Senator from Michigan (Ms. STABENOW), the Senator from New York (Mr. SCHUMER), the Senator from Oregon (Mr. SMITH), the Senator from Minnesota (Mr. COLEMAN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of amendment No. 3900 proposed to S. 1200, a bill to amend the Indian Health Care Improvement Act to revise and extend the Act.

AMENDMENT NO. 3919

At the request of Mrs. FEINSTEIN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of amendment No. 3919 intended to be proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR:

S. 2562. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Kazakhstan; to the Committee on Finance.

Mr. LUGAR. Mr. President, I rise today to introduce legislation designed to extend permanent normal trade relations to Kazakhstan. Kazakhstan is still subject to the provisions of the Jackson-Vanik amendment to the Trade Act of 1974, which sanctions nations for failure to comply with freedom of emigration requirements. This bill would repeal permanently the application of Jackson-Vanik to Kazakhstan.

In the post-Cold-War era, Kazakhstan has demonstrated a commitment to meet these requirements, and in addition, has expressed a strong desire to abide by free market principles and good governance. Since 1992, Kazakhstan has been certified annually as meeting the Jackson-Vanik requirements. This legislation would make this trade relationship permanent and, in so doing, stimulate further market reforms and encourage a commitment to safeguarding individual liberties.

The U.S. has a long record of cooperation with Kazakhstan through the Nunn-Lugar Cooperative Threat Reduction. Kazakhstan inherited the fourth largest nuclear arsenal in the world with the fall of the Soviet Union. Through the Nunn-Lugar Program the United States has assisted Kazakhstan in eliminating this deadly arsenal and joining the Nonproliferation Treaty as a nonnuclear state.

Earlier this month, a team of American scientists working under the Nunn-Lugar Program quietly entered Kazakhstan in sub-zero temperatures to begin the careful packaging of bubonic and pneumonic plague samples in accordance with international safety standards for the transport of dangerous biological materials. I am pleased to inform my Senate colleagues that the samples have been safely transported on a U.S. Air Force C–17 cargo plane to the U.S. Centers for Disease Control and Prevention in Fort Collins, Colorado. It marked the successful completion of a 5-year negotiation to secure, transport and develop a research program for the pathogens.

Cooperative research by American and Kazakhstani scientists will develop prevention and cure possibilities for this deadly plague. It provides new hope for places where the disease is naturally occurring and helps deter the plague's use as a bio-terror weapon. As many may know, Plague is a highly lethal disease spread from rodents to humans by fleas. It caused the Black Death which swept across Europe in the 14th century. It is estimated that 20–30 million Europeans died—perhaps as much as half of the continent's population at the time. An estimated 75 million people worldwide died from the Black Plague.

Kazakhstani and American plague experts will conduct joint research on the samples at Federal labs in Fort Collins, CO. They will develop advanced diagnostics and treatments for plague. This cooperative public health research funded through the U.S. Department Health and Human Services Biotechnology Engagement Program will yield valuable scientific insights into a potentially devastating disease, which is endemic throughout Central Asia. The aim of such cooperation is to improve the protection of Kazakhstani and global populations against a naturally occurring disease that could also be exploited by terrorists.

U.S. strategic and economic interests intersect in Central Asia. With Russia to the north and Iran and Afghanistan to the south, energy-rich Central Asia is at the frontline of American national security priorities. We have tremendous opportunities in the region, but it will take time and consistent high-level effort to build constructive relationships. This region needs to have a much higher priority on America's foreign policy agenda. In Kazakhstan, we have a record of 15 years of collaboration on weapons destruction through the Nunn-Lugar program. This is a solid foundation on which to continue building our relationship.

I recently traveled to Kazakhstan and met with senior government officials and discussed opportunities for expanding cooperation with the United States, including energy security. In my conversations with Kazakh leaders I encouraged the government to pursue trans-Caspian transportation options for oil and gas. At the current time, Kazakhstan relies almost exclusively upon Russia to transport oil and gas to world markets. In turn, Russia has occasionally demonstrated willingness to use its control over these supplies for political gain at the expense of our European allies. Opening trans-Caspian export routes will dilute Russia's control over energy supplies. Likewise, having multiple export options will reinforce the political independence of Kazakhstan. I was pleased that Kazakh officials indicated a willingness to work with the U.S. and their neighbors on these issues.

There are areas in which Kazakhstan needs to continue to improve. These include market access, democratic and human rights reforms. The U.S. must remain committed to assisting Kazakhstan in pursuing these reforms. The government in Astana still has important work to do in these critical areas. The permanent waiver of Jackson-Vanik and establishment of permanent normal trade relations will be the foundation on which further progress in a burgeoning partnership can be made.

I am hopeful that my colleagues will join me in supporting this important legislation. It is essential that we act promptly to bolster this burgeoning democracy and promote stability and in this region.

By Mr. LUGAR:

S. 2563. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Azerbaijan; to the Committee on Finance.

Mr. LUGAR. Mr. President, I rise today to introduce legislation designed to extend permanent normal trade relations to Azerbaijan. Azerbaijan is still subject to the provisions of the Jackson-Vanik amendment to the Trade Act of 1974, which sanctions nations for failure to comply with freedom of emigration requirements. This bill would repeal permanently the application of Jackson-Vanik to Azerbaijan.

In the post-Cold-War era, Azerbaijan allows its citizens the right and opportunity to emigrate and has demonstrated a commitment to meet these requirements. In addition, Azerbaijan has expressed a strong desire to abide by free market principles and good governance. Since 1992, Azerbaijan has been certified annually as meeting the Jackson-Vanik requirements. This legislation would make this trade relationship permanent and, in doing so, stimulate further market reforms and encourage its continued commitment to safeguarding individual liberties.

The U.S. has a long record of cooperation with Azerbaijan through the Nunn-Lugar Cooperative Threat Reduction. Through the Nunn-Lugar Program the U.S. has assisted Azerbaijan in safely securing dangerous stockpiles of deadly pathogens and infectious diseases and improving its ability to interdict weapons and materials of mass destruction. In 2005 the Nunn-Lugar Program in close coordination with Government of Azerbaijan transported 124 samples of 62 unique strains of plague, anthrax, cholera, and other dangerous diseases from Baku to the U.S. Armed Forces Institute of Pathology in Washington, DC. These strains were collected over many years from environmental, human, and animal sources in Azerbaijan. The strains will be studied in joint research programs with the U.S. Department of Defense and Azerbaijan medical researchers.

Earlier this month I traveled to Azerbaijan and met with President Aliyev and the First Lady of Azerbaijan. We had an interesting discussion on the important role Azerbaijan is playing in energy recovery and transportation. It is a tribute to Azerbaijan that they are using their energy resources to the benefit of global security. Building pipelines and opening energy production to foreign markets requires difficult foreign policy decisionmaking. Azerbaijan is located in a tough neighborhood, and countries there are under tremendous pressure to keep their distance from the U.S. I thanked President Aliyev for taking concrete steps to affirm his country's strategic partnership with the U.S.

I discussed at length with the President and members of his Government the possibility of connecting Azerbaijan's energy infrastructure with Kazakhstan and Turkmenistan. I encouraged continued progress on rapprochement between Governments in Baku and Ashgabat. I heard encouraging statements toward improved relations and cooperation on energy in both Ashgabat and Baku. It is clear that there is willingness for progress.

Integrating some oil and gas production in Kazakhstan and Turkmenistan would diversify export routes for those countries and import sources for European nations. Successful integration of such trans-Caspian transport routes is a vital contribution to international peace and security. In some countries oil and gas revenues are a curse, leading to corruption and conflict. Two years ago President Aliyev pledged to me that Azerbaijan would follow the Norway model in managing its oil and gas revenues. As reflected by the State Oil Fund of Azerbaijan's receipt in 2007 of the United Nations Public Service Award, it is now on a path of transparency and is investing for development today and for future generations. I am hopeful that progress in Azerbaijan will continue and other emerging countries learn from Azerbaijan's example.

One of the areas where we can deepen U.S.-Azerbaijan relations is bilateral trade. In light of its adherence to freedom of emigration requirements, compliance with threat reduction and unwavering cooperation in the production and delivery of energy supplies, the products of Azerbaijan should not be subject to the sanctions of Jackson-Vanik. The U.S. must remain committed and engaged in assisting Azerbaijan in pursuing democratic and human rights reforms. The Government in Baku still has important work to do in these critical areas, including in the area of media freedom and freedom of assembly. I discussed the ongoing democratic reforms with President Aliyev during my visit and was assured that they are proceeding. Azerbaijan faces an important Presidential election this October. The support and encouragement of the U.S. and the international community will be key to encouraging the Government of Azerbaijan to hold free and fair elections. The permanent waiver of Jackson-Vanik and establishment of permanent normal trade relations will be the foundation on which further progress in a burgeoning economic and energy partnership can be made.

I am hopeful that my colleagues will join me in supporting this important legislation. It is essential that we act promptly to bolster this important relationship and promote stability in this region.

By Mr. BIDEN (for himself, Mr. SUNUNU, and Mr. SPECTER):

S. 2565. A bill to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal law enforcement officers; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, the Federal Law Enforcement Congressional Badge of Bravery Act of 2007 establishes an award to honor exceptional acts of bravery in the line of duty by Federal law enforcement officers. This bipartisan bill is cosponsored by Senators ARLEN SPECTER and JOHN SUNUNU and it is supported by the Federal Law Enforcement Officers Association along with other law enforcement groups.

An "ABC Nightly News" series last November reported that 2007 may turn out to be one of the deadliest years in history for law enforcement officers. That sour prediction has come to pass. The National Law Enforcement Officers Memorial Fund—which commemorates the service and sacrifice of law enforcement officers and helps promote law enforcement safety—found that officer deaths were up sharply nationwide last year. There were 194 fatalities—34 percent more than the year before.

Unfortunately, with crime on the rise around the country the increase in fallen officers should be no surprise. The FBI's Uniform Crime Report for 2006—the gold standard of crime reports in our country—must be taken seriously. Murders were up 1.9 percent on top of the previous year's increases—these were the largest increases in 15 years. What's more, violent crime rose 1.9 percent.

Clearly, our Federal law enforcement officers are doing their jobs in an environment more fraught with danger than ever. Police departments around the country are scrambling in an arms race to match the firepower of the bad guys. In my view, we should give special recognition to those Federal law enforcement officers who are going above and beyond to protect us in this kind of environment.

With this bill Congress can continue its support of the brave men and women law enforcement officers who risk their lives every day making sure our communities are safe. I hope this bill will be accepted by the full Senate.

By Mrs. BOXER (for herself, Mrs. DOLE, Mr. TESTER, Mrs. MURRAY, Mr. WYDEN, Ms. CANTWELL Ms. STABENOW, and Mr. OBAMA):

S. 2569. A bill to amend the Public Health Service Act to authorize the Director of the National Cancer Institute to make grants for the discovery and validation of biomarkers for use in risk stratification for, and the early detection and screening of, ovarian cancer; to the Committee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, today I am joined by my colleagues Senators DOLE, TESTER, MURRAY, WYDEN, CANTWELL, STABENOW, and OBAMA to introduce the Ovarian Cancer Biomarker Research Act of 2008—legislation that supports the research of early detection and screening of ovarian cancer

For many years, ovarian cancer has been called the "silent killer" because the list of symptoms women are warned to look out for are merely whispers about the dangers of this deadly disease.

There is currently no effective screening test available for ovarian cancer and the disease is difficult to identify because symptoms are easily misdiagnosed. Without an effective screening test most women who have ovarian cancer are diagnosed too late to be saved.

A woman's chance of surviving ovarian cancer is considerably greater if she is diagnosed early. When ovarian cander is diagnosed early, more than 93 percent of women survive longer than 5 years. Unfortunately, 4 out of 5 ovarian cancer cases in the U.S. are diagnosed in the later stages, when a woman's chance of surviving that long drops to about 30 percent.

Though only one in 69 women will face ovarian cancer, this disease ranks fifth in cancer deaths among women and causes more deaths than any other cancer of the female reproductive system. In the last year alone, the National Cancer Institute, (NCI), estimated there were 15,280 deaths from ovarian cancer in the U.S.

Developing the tools to detect ovarian cancer early is critical to improving the rate of survival for women struck by this disease—that is why this legislation is so necessary.

Specifically, the Ovarian Cancer Biomarker Research Act would authorize NCI to make grants for public or nonprofit entities to establish research centers focused on ovarian cancer biomarkers. Biomarkers are biochemical features within the body that can be used to measure the progress of a disease and predict the effects of treatment. This legislation also authorizes funding for a national clinical trial that will enroll at-risk women in a study to determine the clinical utility of using these validated ovarian cancer biomarkers.

I urge my colleagues to join me as well as the Society of Gynecologic Oncologists, the American College of Obstetricians and Gynecologists, the Ovarian Cancer National Alliance, and the American College of Surgeons in supporting the Ovarian Cancer Biomarker Research Act of 2008.

This legislation is of vital importance to the health of thousands of women across our Nation. I look forward to working with my colleagues to pass this critical investment in the fight against ovarian cancer.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 2570. A bill to amend title II of the Social Security Act to authorize waivers by the Commissioner of Social Security of the 5-month waiting period for entitlement to benefits based on disability in cases in which the Commissioner determines that such waiting period would cause undue hardship to terminally ill beneficiaries; to the Committee on Finance.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, I rise this afternoon to discuss legislation that I have introduced that will fix an inequity in the Social Security disability insurance system. This inequity rises from Federal law that places an arbitrary 5-month waiting period on when an individual who has been diagnosed with a terminal illness is eligible for disability compensation provided through Social Security benefits.

Currently, under title II of the Social Security Act, Federal law requires a 5-month waiting period from when the patient is diagnosed until the disability benefits begin. Monthly cash benefits, about $980 on average, will be provided to the disabled individual to help offset medical or any other expenses and will also help diminish the financial hardships that are faced by those workers.

The monthly cash benefits that are available to the individuals can help not only offset the medical or other expenses, but they can really help to diminish financial hardships that are faced by the workers, by the families, who really may have very little or oftentimes no resources to fall back upon during the early months of a disability.

This legislation came about as a result of a telephone call received in my Anchorage office to the head of my constituent services. She received a call from a constituent in Alaska by the name of Robert James. He indicated he had been diagnosed in November with stage 4 lung cancer, and he was given, at that time, 3 to 6 months to live. He called my office asking for help.

He wanted to know how, as someone who had just been diagnosed with a terminal illness, he might be eligible for disability compensation provided through Social Security benefits.

And so my constituent service director, after listening to his story, went through everything to try to figure out a way to help this individual, only to learn that the process, the law as it sets out now, provides for a 5-month waiting period.

Although Mr. James has insurance coverage through his employer, he is unable to work because of his disability. He is going to incur thousands of dollars, probably hundreds of thousands of dollars in medical bills because of this arbitrary 5-month waiting period.

If he had only been given the opportunity to demonstrate his case for financial hardship to the Social Security Commissioner, he and his family may have qualified for this cash benefit offset. What my legislation would do is give the Social Security Commissioner the ability to waive the 5-month waiting period on a case-by-case basis for terminally ill individuals who would have to demonstrate the financial hardship.

In Mr. James's case, as I indicated, he is employed, works for the cargo department of a major airline in Alaska, but he would have to demonstrate there is financial hardship as a consequence of this terminal diagnosis.

It makes you wonder why this 5-month period. The capriciousness of a 5-month waiting period is evidenced by looking at the legislative history. In 1972, the House Ways and Means Committee report sought to reduce the waiting period from at that time 6 months to 5 months. At the time the Senate Finance Committee was pushing for a shorter period. They were pushing for a 4-month period.

So back in 1972, you had a 6-month period. Some wanted it to go to 4 months. Eventually they agreed upon a 5-month waiting period. But it begs the question: Should it be 4 months, 5 months? Should it only be 1 month?

My legislation would give the Social Security Commissioner the discretion to waive the waiting period if the terminally ill individual can demonstrate a financial hardship. This will alleviate the financial burden or help to offset the financial burden of a terminal illness on the disabled individuals and their families and will also provide for a financial offset for paying medical bills after he or she is deceased.

I would ask that in honor of my constituent, Mr. JONES, my colleagues support this bill because there are people who become disabled. We know they are unable to work. They need that monthly support to help offset the costs of their terminal illness.

For this reason, it is imperative that the Social Security Commissioner have that ability on a case-by-case basis to make a determination for disability benefits. Mr. James's chemotherapy costs, we understand, are about between $10,000 and $15,000 per monthly session, and this does not include the other medical bills he is facing.

I ask my colleagues to join me in supporting this legislation so that Robert James and Americans like Mr. James have the ability to qualify for disability benefits to offset these costly expenses without having to complete an arbitrary 5-month waiting period.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 433—HONORING THE BRAVE MEN AND WOMEN OF THE UNITED STATES COAST GUARD WHOSE TIRELESS WORK, DEDICATION, AND SELFLESS SERVICE TO THE UNITED STATES HAVE LED TO MORE THAN 1 MILLION LIVES SAVED OVER THE COURSE OF ITS LONG AND STORIED 217-YEAR HISTORY

Mr. STEVENS (for himself and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 433

Whereas, since 1867 the United States Coast Guard has been a vital piece of Alaskan history, providing lifesaving medical treatment to native villages along its coasts, protecting its fisheries resources, and courageously rescuing those who face peril on the seas;

Whereas, in 2007 the men and women of the United States Coast Guard stationed in Alaska valiantly responded to 696 calls for assistance and saved the lives of 463 mariners in distress;

Whereas, the actions of Petty Officer Willard L. Milam personify the proud history of courage and public service of the United States Coast Guard on the 10th of February, 2007, when, on a pitch-black winter morning, Petty Officer Milam launched aboard a Coast Guard HH–65 helicopter in near-zero visibility to locate the source of a distress signal approximately 50 miles southwest in Makushin Bay, Alaska;

Whereas, Petty Officer Milam bravely deployed into storm tossed, 40-degree seas and swam to a life raft to find four survivors hypothermic and soaked in unprotected clothing;

Whereas, Petty Officer Milam heroically overcame exhaustion and hypothermia to pull each survivor from a life raft and assist them through the raging seas, placing them into a rescue basket to be hoisted into the rescue helicopter;

Whereas, Petty Officer Milam's courageous rescue off the coast of Alaska has earned him the 2007 Coast Guard Foundation Award for Heroism and the 2007 Captain Frank Erickson Aviation Rescue Award;

Whereas, through extraordinary teamwork, airmanship, and courage, the crew of the Coast Guard rescue helicopter saved four lives from the treacherous Bearing Sea: Now, therefore, be it

Resolved, That the Senate—

(1) honors the heroic accomplishments of Petty Officer Willard Milam, who represented the finest traditions of the United States Coast Guard during the dramatic rescue of four survivors from the treacherous Bering Sea; and

(2) honors the United States Coast Guard, America's lifesavers and guardians of the sea, for its unflinching determination and proud 217-year history of maritime search and rescue resulting in over 1 million lives saved; and

(3) recognizes the tireless work, dedication, and commitment of Coast Guard men and women, many of them stationed in Alaska,

far away from family and friends, who commit themselves every day to executing this noble mission hundreds of miles from our shores with honor, respect, and devotion to duty.

SENATE RESOLUTION 434—DESIGNATING THE WEEK OF FEBRUARY 10–16, 2008, AS "NATIONAL DRUG PREVENTION AND EDUCATION WEEK"

Mr. BIDEN (for himself, Mr. BAUCUS, Mr. KERRY, Mr. MENENDEZ, Mr. GRASSLEY, Mr. SPECTER, Mr. CORNYN, Mr. DOMENICI, Mr. ROBERTS, Mr. SALAZAR, Mr. CASEY, and Mr. LAUTENBERG) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 434

Whereas recent survey data suggests that illegal drug use among youth has declined by 24 percent since 2001;

Whereas, despite the reduction in drug use among youth, the number of 8th, 10th, and 12th graders who use drugs remains too high and the rates of prescription and over-the-counter drug abuse are alarming;

Whereas the overall rate of current illegal drug use among persons aged 12 or older is 8.3 percent, which has remained stable since 2002;

Whereas ecstasy (methylenedioxymethamphetamine, or MDMA) use among high school age youth has been rising since 2004;

Whereas, while methamphetamine use is down among 8th, 10th, and 12th graders, many counties across the country still report that methamphetamine is a serious drug problem;

Whereas 25 percent of youth in the 10th grade reported the use of marijuana during the past year;

Whereas youth who first smoke marijuana under the age of 14 are more than 5 times as likely to abuse drugs in adulthood;

Whereas nearly 6 percent of 12th graders have used over-the-counter cough and cold medications in the past year for the purpose of getting high;

Whereas Vicodin remains one of the most commonly abused drugs among 12th graders, with 1 in 10 reporting nonmedical use within the past year;

Whereas teenagers' and parents' lack of understanding of the potential harms of these powerful medicines makes it even more critical to raise public awareness about the dangers associated with their non-medical use;

Whereas the rates of use for any illegal drug are directly related to the perception of harm and social disapproval;

Whereas more than 20 years of research has demonstrated that prevention interventions, designed and tested to reduce risk and enhance protective factors, can help children at every step along their developmental path, from early childhood into young adulthood;

Whereas prevention efforts should be flexible enough to address and prevent local problems before they become national trends;

Whereas research has demonstrated that there are 4 major targets of prevention: youth, parents, schools (including colleges and universities), and communities and social environments that must be reinforced by each other to have the greatest effect in deterring the consequences of drug use;

Whereas a comprehensive blend of individually and environmentally focused efforts must be adopted and a variety of strategies must be implemented across multiple sectors of a community to reduce drug use;

Whereas community anti-drug coalitions are an essential component of any drug prevention and education campaign because they are data driven, know their community epidemiology, and are capable of understanding and implementing the multi-sector interventions required to reduce the availability and use of drugs;

Whereas community anti-drug coalitions help to change community norms, laws, policies, regulations, and procedures to create an environment that discourages the use of drugs;

Whereas school-based prevention programs should be part of a comprehensive community wide approach to deal with drug use;

Whereas the more successful we are at general prevention of drug use in younger adolescents, the less we will have to deal with the concomitant economic and societal consequences of their use;

Whereas the total economic cost of drug, alcohol, and tobacco abuse in the United States is more than $500,000,000,000;

Whereas the savings per dollar spent on substance abuse prevention rather than on substance abuse treatment are substantial, and can range from $2.00 to $20.00;

Whereas there will always be new and emerging drug trends that require additional prevention and education efforts;

Whereas preventing drug use before it begins and educating the public about the dangers of drug use is a critical component of what must be a consistent and comprehensive effort to stunt and decrease drug use rates throughout the country; and

Whereas thousands of community anti-drug coalition leaders and community based substance abuse prevention, treatment, and education specialists come to Washington, D.C. to receive state-of-the-art technical assistance, training, and education on drug prevention at the Community Anti-Drug Coalition of America's Annual National Leadership Forum in February: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of February 10–16, 2008, as "National Drug Prevention and Education Week"; and

(2) urges communities, schools, parents, and youth to engage in, and carry out, appropriate prevention and education activities and programs to reduce and stop drug use before it starts.

Mr. BIDEN. Mr. President. Today I rise to introduce an important resolution designating the week of February 10–16, 2008 as National Drug Prevention and Education Week. While we have made progress in curbing the rate of illegal drug use among teens in this country, there remains a great deal of work to be done. Key components of staying on top of emerging drug threats and lowering the overall rate of drug use in this country are prevention and education. These efforts start at the local level and this resolution encourages communities, schools, parents, and youth to engage in and carry out community-based prevention and education activities and programs to reduce and stop drug use before it starts.

We have come a long way in combating drug use in this country, in large part because of the good work of so many talented professionals in the prevention and treatment fields. However, the rates of illegal drug use among teens and adults remains too high. The overall rate of current illegal drug use among persons aged 12 or older is 8.3 percent, which has remained stable since 2002. Moreover, the well-known Monitoring the Future survey found "a clear pattern of gradually rising use [of ecstasy] in the upper grades" over the past couple of years. Thus, as the data shows, clearly we have got a lot of work left to do.

The threat of illegal drugs is not our only concern. Newly released data shows that abuse of prescription and over-the-counter medicines is a huge problem that has not declined in recent years. One in ten 12th graders has reported non-medical use of the powerful painkiller Vicodin within the past year and abuse rates of other powerful narcotics are similarly troubling.

Abuse of over-the-counter drugs has also become concerning, with nearly 6 percent of 12th graders having used over-the-counter cough and cold medications in the past year for the purpose of getting high. These problems don't simply pose serious health risks, but they are also closely linked to low educational achievement and increased risk of illegal activity and crime.

One critical component of stemming drug use is prevention. Over 20 years of research has demonstrated that prevention intervention, designed and tested to reduce risk and enhance protective factors, can help children at every step along their developmental path, from early childhood into young adulthood. The more successful we are at general prevention of drug use in younger adolescents, the less we will have to deal with the concomitant economic and societal consequences of their use-including the more than $500 billion in societal costs associated with drug and alcohol use. Community anti-drug coalitions provide the flexibility needed to effectively address the local needs of their communities.

Coalitions of local leaders, including parents, teachers, religious leaders, local law enforcement officials, youth, and business leaders have the power to reduce the demand for drugs, and we must support their efforts and applaud them for their outstanding work on these issues.

During the week of February 10–16, thousands of community anti-drug coalition leaders and community based substance abuse prevention, treatment, and education specialists will come to Washington, DC to receive state-of-the-art technical assistance, training, and education on drug prevention at the Community Anti-Drug Coalition of America's Annual National Leadership Forum. I applaud these community leaders—and prevention and treatment professionals around the Nation—for their tireless efforts to curb drug use in our country and, in recognition of these efforts I have introduced this resolution to designate the week of February 10-16, 2008 as National Drug Prevention and Education Week.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague, Senator BIDEN, in cosponsoring a resolution to designate the week of February 10-16, 2008, as National Drug Prevention and Education Month. Although recent survey data compiled by the Substance Abuse and Mental Health Services Administration shows illegal drug use among youth has declined by 24 percent since 2001, the number of teens abusing prescription and over-the-counter medicines has rapidly increased. Kids are turning to these dangerous drugs because they are easily accessible and widely used. Many of us do not realize that our left-over prescriptions and cold medicines are just as addictive and dangerous as meth or heroin when not properly used. This is why we must continue our efforts to inform the public about the dangers of these and other drugs. We must continue to do all we can to prevent our kids from falling into a vicious cycle of drug abuse and dependence.

Research has shown that if you can keep a child drug free until they turn 20, chances are very slim that they will ever try or become addicted to drugs. This is why it is essential to maintain a coherent antidrug message that begins early in adolescence and continues throughout the growing years. Such an effort must engage professionals, parents, communities, and young people. While the Federal Government has a role to play in supporting these activities, local, community-based initiatives are better able to target specific concerns and respond to them flexibly.

Local community antidrug coalitions are our first line of defense against the scourge of drug abuse. Each community is different from the other, and each community antidrug coalition is tailored to meet the specific antidrug needs of its community. For example, I formed the Face It Together, FIT, Coalition in an effort to combat drug use in Iowa. My goal with FIT is to bring to the same table parents, educators, businesses, religious leaders, law enforcement officials, health care providers, youth groups, and members of the media to promote new ways of thinking about how to reach and educate Iowans about the dangers of drug abuse. With everyone working together, we will make a difference in our communities. Moreover, together we can build healthy children, healthy families, healthy communities, and a healthy future for society at large.

Community antidrug coalitions would not be able to succeed in fighting drug abuse without the support of the Community Anti-Drug Coalitions of America, CADCA. CADCA works to strengthen the ability of new and existing community coalitions to build safe, healthy, and drug-free communities and helps provide vital funding to local coalitions through the Drug Free Communities grant program.

Since the inception of the Drug Free Communities grant program over 1,300 community coalitions have received grants nationwide. There have been 43 coalitions in my State of Iowa that have received grants to provide crucial assistance to combat the abuse of alcohol, tobacco, and illegal drugs. These coalitions have been successful in tracking the use of illegal drugs in their communities, starting afterschool and summer programs for kids, holding community events and townhall meetings, and uniting all sectors of the community to fight drug abuse.

I believe that we have a moral obligation to ensure that our young people have a chance to grow up without being accosted by drug dealers at every turn, whether on TV, in the movies, or on the way to school. We need, as a country, to create a strong moral context to help our kids know how to make the right choices. They need to know how to say "no." They need to know that saying "no" is OK. They need to know that saying "no" to drugs is the right thing to do, not just the safe thing or the healthier thing but the right thing. I urge my colleagues to join us in passing this resolution to show our ongoing support for community antidrug coalitions that work to eliminate drug abuse throughout the Nation.

SENATE RESOLUTION 435—RECOGNIZING THE GOALS OF CATHOLIC SCHOOLS WEEK AND HONORING THE VALUABLE CONTRIBUTIONS OF CATHOLIC SCHOOLS IN THE UNITED STATES

Mr. VITTER (for himself and Ms. LANDRIEU) submitted the following resolution; which was considered and agreed to:

S. RES. 435

Whereas Catholic schools in the United States have received international acclaim for academic excellence while providing students with lessons that extend far beyond the classroom;

Whereas Catholic schools present a broad curriculum that emphasizes the lifelong development of moral, intellectual, physical, and social values in the young people of the United States;

Whereas Catholic schools in the United States today educate 2,363,220 students and maintain a student-to-teacher ratio of 15 to 1;

(2) commends Catholic schools, students, parents, and teachers across the United States for their ongoing contributions to education, and for the vital role they play in promoting and ensuring a brighter, stronger future for the United States.

SENATE RESOLUTION 436—DESIGNATING THE WEEK OF FEBRUARY 4 THROUGH FEBRUARY 8, 2008, AS "NATIONAL SCHOOL COUNSELING WEEK"

Mrs. MURRAY (for herself and Mr. SMITH) submitted the following resolution; which was considered and agreed to:

S. RES. 436

Whereas the American School Counselor Association has declared the week of February 4 through February 8, 2008, as "National School Counseling Week";

Whereas the Senate has recognized the importance of school counseling through the inclusion of elementary and secondary school counseling programs in the reauthorization of the Elementary and Secondary Education Act of 1965;

Whereas school counselors have long advocated that the education system of the United States must leave no child behind and must provide opportunities for every student;

Whereas personal and social growth results in increased academic achievement;

Whereas school counselors help develop well-rounded students by guiding them through their academic, personal, social, and career development;

Whereas school counselors have been instrumental in helping students, teachers, and parents deal with the trauma that was inflicted upon them by hurricanes Katrina, Rita, and Wilma, and other recent natural disasters;

Whereas students face myriad challenges every day, including peer pressure, depression, the deployment of family members to serve in conflicts overseas, and school violence;

Whereas school counselors are usually the only professionals in a school building who are trained in both education and mental health matters;

Whereas the roles and responsibilities of school counselors are often misunderstood, and the school counselor position is often among the first to be eliminated in order to meet budgetary constraints;

Whereas the national average ratio of students to school counselors of 476-to-1 is almost twice the 250-to-1 ratio recommended by the American School Counselor Association, the American Counseling Association, the American Medical Association, the American Psychological Association, and other organizations; and

Whereas the celebration of National School Counseling Week would increase awareness of the important and necessary role school counselors play in the lives of students in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of February 4 through February 8, 2008, as "National School Counseling Week"; and

(2) encourages the people of the United States to observe the week with appropriate ceremonies and activities that promote awareness of the role school counselors perform in the school and the community at large in preparing students for fulfilling lives as contributing members of society.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3960. Mr. KENNEDY (for himself, Mr. KERRY, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table.

SA 3961. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2483, to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes; which was ordered to lie on the table.

SA 3962. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2483, supra; which was ordered to lie on the table.

SA 3963. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2483, supra; which was ordered to lie on the table.

SA 3964. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2483, supra; which was ordered to lie on the table.

SA 3965. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2483, supra; which was ordered to lie on the table.

SA 3966. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2483, supra; which was ordered to lie on the table.

SA 3967. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2483, supra; which was ordered to lie on the table.

SA 3968. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2483, supra; which was ordered to lie on the table.

SA 3969. Mr. SANDERS (for himself, Ms. SNOWE, Mr. LEAHY, Mr. SMITH, Mr. SCHUMER, Ms. COLLINS, Mr. KENNEDY, Mr. KERRY, Ms. CANTWELL, Mrs. MURRAY, Mrs. LINCOLN, Mr. OBAMA, Mrs. CLINTON, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table.

SA 3970. Mr. SANDERS (for himself, Ms. SNOWE, Mr. LEAHY, Mr. SMITH, Mr. SCHUMER, Ms. COLLINS, Mr. KENNEDY, Mr. KERRY, Ms. CANTWELL, Mrs. MURRAY, Mrs. LINCOLN, Mr. OBAMA, Mrs. CLINTON, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 3918 proposed by Mr. REID to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3971. Mr. SANDERS (for himself, Ms. SNOWE, Mr. LEAHY, Mr. SMITH, Mr. SCHUMER, Ms. COLLINS, Mr. KENNEDY, Mr. KERRY, Ms. CANTWELL, Mrs. MURRAY, Mrs. LINCOLN, Mr. OBAMA, Mrs. CLINTON, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2556, to extend the provisions of the Protect America Act of 2007 for an additional 30 days; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3960. Mr. KENNEDY (for himself, Mr. KERRY, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 13, strike "and" and all that follows through page 10, line 5, and insert the following:

"(4) shall not intentionally acquire any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States; and

"(5) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States.

"(c) CONDUCT OF ACQUISITION.—An acquisition authorized under subsection (a) may be conducted only in accordance with—

"(1) a certification made by the Attorney General and the Director of National Intelligence pursuant to subsection (f); and

"(2) the targeting and minimization procedures required pursuant to subsections (d) and (e).

"(d) TARGETING PROCEDURES.—

"(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt targeting procedures that are reasonably designed to ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

"(2) JUDICIAL REVIEW.—The procedures referred to in paragraph (1) shall be subject to judicial review pursuant to subsection (h).

"(e) MINIMIZATION PROCEDURES.—

"(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt, consistent with the requirements of section 101(h) or section 301(4), minimization procedures for acquisitions authorized under subsection (a).

"(2) PERSONS IN THE UNITED STATES.—The minimization procedures required by this subsection shall require the destruction, upon recognition, of any communication as to which the sender and all intended recipients are known to be located in the United States, a person has a reasonable expectation of privacy, and a warrant would be required for law enforcement purposes, unless the Attorney General determines that the communication indicates a threat of death or serious bodily harm to any person.

"(3) JUDICIAL REVIEW.—The minimization procedures required by this subsection shall be subject to judicial review pursuant to subsection (h).

"(f) CERTIFICATION.—

"(1) IN GENERAL.—

"(A) REQUIREMENT.—Subject to subparagraph (B), prior to the initiation of an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence shall provide, under oath, a written certification, as described in this subsection.

"(B) EXCEPTION.—If the Attorney General and the Director of National Intelligence determine that immediate action by the Government is required and time does not permit the preparation of a certification under this subsection prior to the initiation of an acquisition, the Attorney General and the Director of National Intelligence shall prepare such certification, including such determination, as soon as possible but in no event more than 168 hours after such determination is made.

"(2) REQUIREMENTS.—A certification made under this subsection shall—

"(A) attest that—

"(i) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) is targeted at persons reasonably believed to be located outside the United States and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

"(ii) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States, and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

"(iii) the procedures referred to in clauses (i) and (ii) are consistent with the requirements of the fourth amendment to the Constitution of the United States and do not permit the intentional targeting of any person who is known at the time of acquisition to be located in the United States or the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of acquisition to be located in the United States;

"(iv) a significant purpose of the acquisition is to obtain foreign intelligence information;

"(v) the minimization procedures to be used with respect to such acquisition—

"(I) meet the definition of minimization procedures under section 101(h) or section 301(4); and

"(II) have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

"(vi) the acquisition involves obtaining the foreign intelligence information from or with the assistance of an electronic communication service provider; and

"(vii) the acquisition does not constitute electronic surveillance, as limited by section 701; and

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SA 3961. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2483, to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IX—MISCELLANEOUS

SEC. 901 ANNUAL REPORT RELATING TO LAND OWNED BY FEDERAL GOVERNMENT.

(a) ANNUAL REPORT.—

(1) IN GENERAL.—Subject to paragraph (2), not later than May 15, 2009, and annually thereafter, the Director of the Office of Management and Budget (referred to in this section as the "Director") shall ensure that a report that contains the information described in subsection (b) is posted on a publicly available website.

(2) EXTENSION RELATING TO CERTAIN SEGMENT OF REPORT.—With respect to the date

on which the first annual report is required to be posted under paragraph (1), if the Director determines that an additional period of time is required to gather the information required under subsection (b)(3)(B), the Director may—

(A) as of the date described in paragraph (1), post each segment of information required under paragraphs (1), (2), and (3)(A) of subsection (b); and

(B) as of May 15, 2010, post the segment of information required under subsection (b)(3)(B).

(b) REQUIRED INFORMATION.—An annual report described in subsection (a) shall contain, for the period covered by the report—

(1) a description of the total quantity of—

(A) land located within the jurisdiction of the United States, to be expressed in acres;

(B) the land described in subparagraph (A) that is owned by the Federal Government, to be expressed—

(i) in acres; and

(ii) as a percentage of the quantity described in subparagraph (A); and

(C) the land described in subparagraph (B) that is located in each State, to be expressed, with respect to each State—

(i) in acres; and

(ii) as a percentage of the quantity described in subparagraph (B);

(2) a description of the total annual cost to the Federal Government for maintaining all parcels of administrative land and all administrative buildings or structures under the jurisdiction of each Federal agency; and

(3) a list and detailed summary of—

(A) with respect to each Federal agency—

(i) the number of unused or vacant assets;

(ii) the replacement value for each unused or vacant asset;

(iii) the total operating costs for each unused or vacant asset; and

(iv) the length of time that each type of asset described in clause (i) has been unused or vacant, organized in categories comprised of periods of—

(I) not more than 1 year;

(II) not less than 1, but not more than 2, years; and

(III) not less than 2 years; and

(B) the estimated costs to the Federal Government of the maintenance backlog of each Federal agency, to be—

(i) organized in categories comprised of buildings and structures; and

(ii) expressed as an aggregate cost.

(c) USE OF EXISTING ANNUAL REPORTS.—An annual report required under subsection (a) may be comprised of any annual report relating to the management of Federal real property that is published by a Federal agency.

SA 3962. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2483, to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IX—MISCELLANEOUS

SEC. 901. WRITTEN CONSENT REQUIREMENT.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Department of the Interior, the Department of Energy, and the Forest Service, acting individually or in coordination, shall not assume control of any parcel of land located in a State unless the owner of the parcel of land voluntarily provides to the appropriate Federal agency written consent to sell, exchange, or otherwise convey to the Federal agency the parcel of land.

(b) NATIONAL EMERGENCIES.—The requirement described in subsection (a) shall not apply in the case of a national emergency, as determined by the President.

(c) PRIVATE LANDOWNERS.—The requirement described in subsection (a) shall not apply in the case of an exchange between a private landowner and the Federal Government of a parcel of land.

SA 3963. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2483, to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IX—MISCELLANEOUS

SEC. 901. REQUIREMENT OF APPROVAL OF CERTAIN CITIZENS.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Department of the Interior, the Department of Energy, and the Forest Service, acting individually or in coordination, shall not assume control of any parcel of land located in a State unless the citizens of each political subdivision of the State in which a portion of the parcel of land is located approve the assumption of control by a referendum.

(b) NATIONAL EMERGENCIES.—The requirement described in subsection (a) shall not apply in the case of a national emergency, as determined by the President.

(c) PRIVATE LANDOWNERS.—The requirement described in subsection (a) shall not apply in the case of an exchange between a private landowner and the Federal Government of a parcel of land.

(d) DURATION OF APPROVAL.—

(1) IN GENERAL.—With respect to a parcel of land described in subsection (a), the approval of the citizens of each political subdivision in which a portion of the parcel of land is located terminates on the date that is 10 years after the date on which the citizens of each political subdivision approve the control of the parcel of land by the Department of the Interior, the Department of Energy, or the Forest Service under that subsection.

(2) RENEWAL OF APPROVAL.—With respect to a parcel of land described in subsection (a), the Department of the Interior, the Department of Energy, or the Forest Service, as applicable, may renew, by referendum, the approval of the citizens of each political subdivision in which a portion of the parcel of land is located.

SA 3964. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2483, to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 172, between lines 16 and 17, insert the following:

Subtitle G—Notification and Consent Requirements Relating to National Heritage Areas

SEC. 491. NOTIFICATION REQUIREMENT.

The Secretary of the Interior shall not approve a management plan for a National Heritage Area designated by this title unless the local coordinating entity of the proposed National Heritage Area provides written notification through the United States mail of the designation to each individual who resides, or owns property that is located, in the proposed National Heritage Area.

SEC. 492. WRITTEN CONSENT REQUIREMENT.

With respect to each National Heritage Area designated by this title, no employee of the National Park Service or member of the local coordinating entity of the National Heritage Area (including any designee of the National Park Service or the local coordinating entity) may enter a parcel of private property located in the proposed National Heritage Area without the written consent of the owner of the parcel of property.

SA 3965. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2483, to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 172, between lines 16 and 17, insert the following:

Subtitle G—Condition for Effective Date of Certain Sections Relating to Designation of Certain National Heritage Areas

SEC. 491 CERTIFICATION BY PRESIDENT.

Each designation made by sections 403, 423, and 443 shall not take effect until the date on which the President certifies that—

(1) the designation of each proposed National Heritage Area by this title will not cause an adverse impact on—

(A) agricultural or livestock production within the proposed National Heritage Area;

(B) energy exploration and production within the proposed National Heritage Area;

(C) critical infrastructure located within the proposed National Heritage Area, including the placement and maintenance of—

(i) electric transmission and distribution lines (including related infrastructure); and

(ii) natural gas pipelines (including related infrastructure); and

(D) the affordability of housing; and

(2) with respect to each State in which there is located a proposed National Heritage Area that is designated by this title, the total deferred maintenance backlog of the State is an amount not greater than $50,000,000, as reported by the Director of the National Park Service to the Federal Accounting Standards Advisory Board.

SA 3966. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2483, to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IX—DISPOSITION OF CERTAIN FUNDS

SEC. 901 CANDIDATE ASSET DISPOSITION LIST.

For fiscal year 2008, and each fiscal year thereafter, amounts made available to be used by the Director of the National Park Service to dispose of assets described in the candidate asset disposition list of the National Park Service shall be equal to 1 percent of, and derived by transfer from, all amounts made available to carry out Titles I, II, III and IV of this Act for each such fiscal year.

SA 3967. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2483, to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IX—MISCELLANEOUS

SEC. 901. USE OF FIREARMS IN UNITS OF THE NATIONAL PARK SYSTEM AND THE NATIONAL WILDLIFE REFUGE SYSTEM.

(a) FINDINGS.—Congress finds that—

(1) the second amendment to the Constitution provides that "the right of the people to keep and bear Arms, shall not be infringed";

(2) section 2.4(a)(1) of title 36, Code of Federal Regulations, provides that "except as otherwise provided in this section and parts 7 (special regulations) and 13 (Alaska regulations), the following are prohibited: (i) Possessing a weapon, trap or net (ii) Carrying a weapon, trap or net (iii) Using a weapon, trap or net";

(3) section 27.42 of title 50, Code of Federal Regulations, provides that, except in special circumstances, citizens of the United States may not "possess, use, or transport firearms on national wildlife refuges" of the United States Fish and Wildlife Service;

(4) the regulations described in paragraphs (2) and (3) prevent individuals complying with Federal and State laws from exercising the second amendment rights of the individuals while at units of—

(A) the National Park System; and

(B) the National Wildlife Refuge System;

(5) the existence of different laws relating to the transportation and possession of firearms at different units of the National Park System and the National Wildlife Refuge System entraps law-abiding gun owners while at units of the National Park System and the National Wildlife Refuge System; and

(6) the Federal laws should make it clear that the second amendment rights of an individual at a unit of the National Park System or the National Wildlife Refuge System should not be infringed.

(b) PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS IN UNITS OF THE NATIONAL PARK SYSTEM AND THE NATIONAL WILDLIFE REFUGE SYSTEM.—The Secretary of the Interior shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm in any unit of the National Park System or the National Wildlife Refuge System if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located.

SA 3968. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2483, to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 98, between lines 18 and 19, insert the following:

Subtitle I—Miscellaneous

SEC. 381. REQUIREMENTS RELATING TO STUDIES AND COMMISSIONS.

(a) RECOMMENDATIONS.—

(1) DEFINITION OF COST-NEUTRAL.—In this subsection, the term "cost-neutral" means an outcome that does not require an increase or decrease in spending by the Federal Government.

(2) COST-NEUTRAL REQUIREMENT.—Each recommendation contained in a study carried out in accordance with subtitle C, or made by a commission established under, or amended by, subtitle D, shall result in an outcome that will—

(A) be cost-neutral; or

(B) result in a net reduction of costs to the Federal Government.

(b) CONFLICTS OF INTEREST.—An individual who is selected to contribute to a study carried out in accordance with subtitle C, or to serve as a member of a commission established under, or amended by, subtitle D, shall not have a financial conflict of interest with respect to the subject matter of the commission or the study.

(c) PUBLIC ACCESS.—

(1) IN GENERAL.—The proceedings relating to each study carried out in accordance with subtitle C, and of each commission established under. or amended by, subtitle D, shall be open to the public.

(2) MINUTES OF PROCEEDINGS.—The minutes of each proceeding described in paragraph (1) shall be made available on the public website of an appropriate Federal agency in a searchable, electronic format.

(d) TERMINATION.—Each study carried out in accordance with subtitle C, and each commission established under, or amended by, subtitle D, shall terminate not later than 5 years after the date of enactment of this Act.

SA 3969. Mr. SANDERS (for himself, Ms. SNOWE, Mr. LEAHY, Mr. SMITH, Mr. SCHUMER, Ms. COLLINS, Mr. KENNEDY, Mr. KERRY, Ms. CANTWELL, Mrs. MURRAY, Mrs. LINCOLN, Mr. OBAMA, Mrs. CLINTON, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. 3___. LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

(a) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) $400,000,000 (to remain available until expended) for making payments under subsections (a) through (d) of section 2604 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623); and

(2) $400,000,000 (to remain available until expended) for making payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), notwithstanding the designation requirement of section 2602(e) of such Act (42 U.S.C. 8621(e)).

(b) DESIGNATION.—Any amount provided under subsection (a) is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SA 3970. Mr. SANDERS (for himself, Ms. SNOWE, Mr. LEAHY, Mr. SMITH, Mr. SCHUMER, Ms. COLLINS, Mr. KENNEDY, Mr. KERRY, Ms. CANTWELL, Mrs. MURRAY, Mrs. LINCOLN, Mr. OBAMA, Mrs. CLINTON, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 3918 proposed by Mr. REID to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the matter proposed to be inserted, insert the following:

SEC. ___. LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

(a) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) $400,000,000 (to remain available until expended) for making payments under subsections (a) through (d) of section 2604 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623); and

(2) $400,000,000 (to remain available until expended) for making payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), notwithstanding the designation requirement of section 2602(e) of such Act (42 U.S.C. 8621(e)).

(b) DESIGNATION.—Any amount provided under subsection (a) is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SA 3971. Mr. SANDERS (for himself, Ms. SNOWE, Mr. LEAHY, Mr. SMITH, Mr. SCHUMER, Ms. COLLINS, Mr. KENNEDY, Mr. KERRY, Ms. CANTWELL, Mrs. MURRAY, Mrs. LINCOLN, Mr. OBAMA, Mrs. CLINTON, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2556, to extend the provisions of the Protect America Act of 2007 for an additional 30 days; which was ordered to lie on the table; as follows:

At the end, insert the following:

SEC. _____. LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

(a) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) $400,000,000 (to remain available until expended) for making payments under subsections (a) through (d) of section 2604 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623); and

(2) $400,000,000 (to remain available until expended) for making payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), notwithstanding the designation requirement of section 2602(e) of such Act (42 U.S.C. 8621(e)).

(b) DESIGNATION.—Any amount provided under subsection (a) is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, January 29, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building, in order to hear testimony regarding the nomination of Douglas H. Shulman to be Commissioner of Internal Revenue.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, January 29, 2008, at 4 p.m. in order to hold a working coffee with Stephen Smith, Foreign Minister of Australia.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CRAIG. Mr. President, I ask unanimous consent that the privilege of the floor be extended to Colin Jones, a fellow with my office, for the duration of my speech today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that David Walker, a fellow, be given the privilege of the floor for this legislative day.

The PRESIDING OFFICER. Without objection, it is so ordered.

VITIATION OF ORDER—H.R. 5140

Mr. REID. I ask unanimous consent that the adoption of the motion to proceed to H.R. 5140, the economic stimulus package, not displace any pending measures.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the unanimous consent I just asked for, I would ask that that be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING TECHNICAL CORRECTIONS

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of S. 2571.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2571) to make technical corrections to the Federal Insecticide, Fungicide, and Rodenticide Act.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read three times and passed; the motion to reconsider be laid upon the table; that there be no intervening action or debate; that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2571) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2571

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL CORRECTIONS TO THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT.

(a) PESTICIDE REGISTRATION SERVICE FEES.—Section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w-8) is amended—

(1) in subsection (b)(7)—

(A) in subparagraph (D)—

(i) by striking clause (i) and inserting the following:

"(i) IN GENERAL.—The Administrator may exempt from, or waive a portion of, the registration service fee for an application for minor uses for a pesticide."; and

(ii) in clause (ii), by inserting "or exemption" after "waiver"; and

(B) in subparagraph (E)—

(i) in the paragraph heading, by striking "WAIVER" and inserting "EXEMPTION";

(ii) by striking "waive the registration service fee for an application" and inserting "exempt an application from the registration service fee"; and

(iii) in clause (ii), by striking "waiver" and inserting "exemption"; and

(2) in subsection (m)(2), by striking "2008" each place it appears and inserting "2012".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 2007.

HONORING THE MEN AND WOMEN OF THE U.S. COAST GUARD

Mr. REID. I ask unanimous consent we now proceed to S. Res. 433.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A resolution (S. Res. 433) honoring the brave men and women of the U.S. Coast Guard whose tireless work, dedication, and selfless service to the United States have led to more than 1 million lives saved over the course of its long and storied 217-year history.

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I have come to the floor to speak to the Senate about the heroic actions of PO Willard Milam, a U.S. Coast Guard rescue swimmer who serves our Nation in Kodiak, AK.

I hope many Senators have seen the film "The Guardian." Really, I do believe it was Willard Milam who inspired the preparation of that movie, and I want to tell the Senate about his actions.

Shortly after midnight on February 10, 2007, the U.S. Coast Guard Rescue Coordination Center in Juneau, AK, received an emergency beacon from a fishing vessel. The vessel was the *Illusion*.

Like so many of our brave Coast Guard men and women, Petty Officer Milam and his crew of four launched in a Coast Guard rescue helicopter to investigate the source of the distress signal they had received, undaunted by a howling 50-mile-an-hour wind and heavy rain and near zero visibility.

When the aircrew arrived on the scene, they realized that the crew of the fishing vessel had abandoned their ship and climbed into a life raft, which was being tossed, at that time, in the treacherous Bering Sea. Petty Officer Milam readied himself to be hoisted down into the 40-degree temperature seas below.

As soon as Petty Officer Milam entered the water, he swam to the life raft and found four survivors. They were hypothermic and in shock and unprotected from the elements. They did not have any survival equipment on. One by one, Petty Officer Milam pulled the survivors out of the life raft and took them and swam with them over to a rescue basket that had been lowered through the darkness from the helicopter that was hovering above them.

After loading the first two survivors into the rescue basket, Petty Officer Milam could begin to feel the frigid water flowing into his own suit. He told me it had, unfortunately, hung up on the edge of the life raft and partially unzipped and that water was filling into his survival suit. But he had to fight the debilitating effects of the cold and struggle against exhaustion in order to continue to swim the third survivor from the life raft to the rescue basket.

While the third survivor was being lifted toward the spotlights of the rescue helicopter, Petty Officer Milam—his legs now numb with cold—realized that the life raft, with one survivor still onboard, had drifted too far for him to reach under its current condition. So he signaled for an emergency pickup, and he was hoisted back into the helicopter.

Once inside the helicopter, he became aware of the fact that the crew had only enough fuel to remain on the scene for 15 minutes more. But Petty Officer Milam courageously asked to be lowered back into the sea, now over the top of this survivor, to try and save that last remaining survivor.

Upon entering the water, Petty Officer Milam pulled the last survivor, who was now very combative because of the fear of the circumstances—he was nearly drowning—he was forced to drag this person from the life raft through the storm back into this rescue basket.

With the last survivor in the rescue helicopter, Petty Officer Milam drifted into a stage of unconsciousness as the aircrew lowered the rescue basket directly back to him. He was still in the water. Miraculously, Petty Officer Milam was able to climb inside that basket and was hoisted to safety.

He told me personally that the next time he awoke he was in the clinic at Dutch Harbor, AK, wrapped in blankets and surrounded by heat lamps. As a matter of fact, he told me he was in bed for a period of hours, and they told him his boat was leaving, so he just got himself up and went back to the dock and went onboard the boat. This man is one of the most courageous men I have ever met in my life.

When we consider the Coast Guard as the guardian of our last frontier, I am proud to tell the Senate that fellow Alaskans recognize him as a man who has dedicated his life to public service. Petty Officer Milam's heroic actions personify the selfless public service representative of U.S. Coast Guard men and women who are stationed around the globe and represent us so well.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 433) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 433

Whereas, since 1867 the United States Coast Guard has been a vital piece of Alaskan history, providing lifesaving medical treatment to native villages along its coasts, protecting its fisheries resources, and courageously rescuing those who face peril on the seas;

Whereas, in 2007 the men and women of the United States Coast Guard stationed in Alaska valiantly responded to 696 calls for assistance and saved the lives of 463 mariners in distress;

Whereas, the actions of Petty Officer Willard L. Milam personify the proud history of courage and public service of the United States Coast Guard on the 10th of February, 2007, when, on a pitch-black winter morning, Petty Officer Milam launched aboard a Coast Guard HH-65 helicopter in near-zero visibility to locate the source of a distress signal approximately 50 miles southwest in Makushin Bay, Alaska;

Whereas, Petty Officer Milam bravely deployed into storm tossed, 40-degree seas and swam to a life raft to find four survivors hypothermic and soaked in unprotected clothing;

Whereas, Petty Officer Milam heroically overcame exhaustion and hypothermia to pull each survivor from a life raft and assist them through the raging seas, placing them into a rescue basket to be hoisted into the rescue helicopter;

Whereas, Petty Officer Milam's courageous rescue off the coast of Alaska has earned him the 2007 Coast Guard Foundation Award for Heroism and the 2007 Captain Frank Erickson Aviation Rescue Award;

Whereas, through extraordinary teamwork, airmanship, and courage, the crew of the Coast Guard rescue helicopter saved four lives from the treacherous Bearing Sea: Now, therefore, be it

Resolved, That the Senate—

(1) honors the heroic accomplishments of Petty Officer Willard Milam, who represented the finest traditions of the United States Coast Guard during the dramatic rescue of four survivors from the treacherous Bering Sea; and

(2) honors the United States Coast Guard, America's lifesavers and guardians of the sea, for its unflinching determination and proud 217-year history of maritime search and rescue resulting in over 1 million lives saved; and

(3) recognizes the tireless work, dedication, and commitment of Coast Guard men and women, many of them stationed in Alaska, far away from family and friends, who commit themselves every day to executing this noble mission hundreds of miles from our shores with honor, respect, and devotion to duty.

CATHOLIC SCHOOLS WEEK

Mr. REID. Mr. President, I ask unanimous consent we proceed to the consideration of S. Res. 435.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

S29JA8-502]{S455}

A resolution (S. Res. 435) recognizing the goals of Catholic Schools Week and honoring the valuable contributions of Catholic Schools in the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 435) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 435

Whereas Catholic schools in the United States have received international acclaim for academic excellence while providing, students with lessons that extend far beyond the classroom;

Whereas Catholic schools present a broad curriculum that emphasizes the lifelong development of moral, intellectual, physical, and social values in the young people of the United States;

Whereas Catholic schools in the United States today educate 2,363,220 students and maintain a student-to-teacher ratio of 15 to 1;

Whereas the faculty members of Catholic schools teach a highly diverse body of students;

Whereas the graduation rate for all Catholic school students is 95 percent;

Whereas 83 percent of Catholic high school graduates go on to college;

Whereas Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual character and moral development; and

Whereas in the 1972 pastoral message concerning Catholic education, the National. Conference of Catholic Bishops stated, "Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important. not only to his solitary destiny, but also the destinies of the many communities in which he lives.": Now, therefore, be it

Resolved. That the Senate—

(1) recognizes the goals of Catholic Schools Week, an event cosponsored by the National Catholic Educational Association and the United States Conference of Catholic Bishops that recognizes the vital contributions of thousands of Catholic elementary and secondary schools in the United States; and

(2) commemds Catholic schools, students, parents, and teachers across the United States for their ongoing contributions to education, and for the vital role they play in promoting and ensuring a brighter, stronger future for the United States.

NATIONAL SCHOOL COUNSELING WEEK

Mr. REID. I ask unanimous consent that the Senate proceed to S. Res. 436.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 436) designating the week of February 4 through February 8, 2008 as "National School Counseling Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid on the table, and any statements relating to this matter be printed in the RECORD with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 436) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 436

Whereas the American School Counselor Association has declared the week of February 4 through February 8, 2008, as "National School Counseling Week";

Whereas the Senate has recognized the importance of school counseling through the inclusion of elementary and secondary school counseling programs in the reauthorization of the Elementary and Secondary Education Act of 1965;

Whereas school counselors have long advocated that the education system of the United States must leave no child behind and must provide opportunities for every student;

Whereas personal and social growth results in increased academic achievement;

Whereas school counselors help develop well-rounded students by guiding them through their academic, personal, social, and career development;

Whereas school counselors have been instrumental in helping students, teachers, and parents deal with the trauma that was inflicted upon them by hurricanes Katrina, Rita, and Wilma, and other recent natural disasters;

Whereas students face myriad challenges every day, including peer pressure, depression, the deployment of family members to serve in conflicts overseas, and school violence;

Whereas school counselors are usually the only professionals in a school building who are trained in both education and mental health matters;

Whereas the roles and responsibilities of school counselors are often misunderstood, and the school counselor position is often among the first to be eliminated in order to meet budgetary constraints;

Whereas the national average ratio of students to school counselors of 476-to-1 is almost twice the 250-to-1 ratio recommended by the American School Counselor Association, the American Counseling Association, the American Medical Association, the American Psychological Association, and other organizations; and

Whereas the celebration of National School Counseling Week would increase awareness of the important and necessary role school counselors play in the lives of students in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of February 4 through February 8, 2008, as "National School Counseling Week"; and

(2) encourages the people of the United States to observe the week with appropriate ceremonies and activities that promote awareness of the role school counselors perform in the school and the community at large in preparing students for fulfilling lives as contributing members of society.

HONORING THE UNITED STATES COAST GUARD

Mr. REID. I ask unanimous consent that the Senate proceed to S. Res. 429.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 429) honoring the brave men and women of the United States Coast Guard whose tireless work, dedication, and commitment to protecting the United States have led to the confiscation of over 350,000 pounds of cocaine at sea during 2007.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I watch The Weather Channel sometimes, and they have these pieces on what the Coast Guard does in violent seas. The Chair, being from Rhode Island, probably doesn't appreciate it as much as I do, being from the desert, but the Coast Guard rides some rough seas. So they are entitled to this resolution tonight.

I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 429) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 429

Whereas the estimated import value of the 350,000 pounds of cocaine confiscated by the United States Coast Guard in 2007 is more than $4,700,000,000, or nearly ½ of the Coast Guard's annual budget;

Whereas the Coast Guard's at-sea drug interdictions are making a difference in the lives of United States citizens, as evidenced by the reduced supply of cocaine in more than 35 major cities throughout the United States;

Whereas keeping illegal drugs from reaching our shores, where they undermine American values and threaten families, schools, and communities, continues to be an important national priority;

Whereas, through robust interagency teamwork, collaboration with international partners, and ever more effective tools and tactics, the Coast Guard has removed more than 2,000,000 pounds of cocaine during the past 10 years and will continue to tighten the web of detection and interdiction at sea; and

Whereas the men and women of the Coast Guard who, while away from family and hundreds of miles from our shores, execute this dangerous mission, as well as other vital maritime safety, security, and environmental protection missions, with quiet dedication and without need of public recognition, continue to display selfless service in protecting the Nation and the American people: Now, therefore, be it

Resolved, That the Senate—

(1) honors the United States Coast Guard, with its proud 217-year legacy of maritime law enforcement and border protection, along with the brave men and women whose efforts clearly demonstrate the honor, respect, and devotion to duty that ensure the parents of the United States can sleep soundly knowing the Coast Guard is on patrol; and

(2) recognizes the tireless work, dedication, and commitment that have allowed the Coast Guard to confiscate over 350,000 pounds of cocaine at sea in 2007.

PEACEFUL RESOLUTION TO THE CURRENT ELECTORAL CRISIS IN KENYA

Mr. REID. I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. Res. 431 and the Senate proceed to that matter.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 431) calling for a peaceful resolution to the current electoral crisis in Kenya.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, there be no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 431) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 431

Whereas on December 27, 2007, Kenyan citizens went peacefully to the polls to elect a new parliament and a new President and signaled their commitment to democracy by turning out in large numbers, and in some instances waiting in long lines to vote;

Whereas election observers reported serious irregularities and a lack of transparency that, combined with the implausibility of the margin of victory, and the swearing in of the Party of National Unity presidential candidate Mwai Kibaki with undue haste, all serve to undermine the credibility of the presidential election results;

Whereas the Government of Kenya imposed a ban on live media broadcasts that day, and shortly after the election results were announced, in contravention of Kenyan law, the Government also announced a blanket ban on public assembly and gave police the authority to use lethal force;

Whereas subsequent to declaring Mr. Kibaki the winner, the head of the Election Commission of Kenya (ECK) stated that he did not know who won the presidential election;

Whereas in the aftermath of the election announcement, significant violence began and continues to flare;

Whereas on January 1, 2008, 4 commissioners on the ECK issued a statement which called for a judicial review and tallying of the vote;

Whereas the head of the European Union Election Observation Mission stated that "[l]ack of transparency, as well as a number of verified irregularities ... cast doubt on the accuracy of the results of the presidential election as announced by the ECK" and called for an international audit of the results;

Whereas the Attorney General of Kenya has called for an independent investigation of the tallying of votes and for the votes to be retallied;

Whereas observers from the East African Community have called for an investigation into irregularities during the tallying process and for those responsible for such irregularities to be held accountable;

Whereas some estimates indicate that at least 700 people have died and as many as 250,000 have been displaced as a result of this violence, which continues;

Whereas the economic cost to Kenya of the violence and civil unrest in the wake of the disputed polls is estimated at $1,000,000,000;

Whereas the Assistant Secretary of State for African Affairs traveled to Nairobi in an attempt to mediate between the 2 leading presidential candidates and has stated that "serious flaws in the vote tallying process damaged the credibility of the process" and that the United States should not "conduct business as usual" in Kenya; and

Whereas Kenya has been a valuable strategic, political, diplomatic, and economic partner to those in the subregion, region, and to the United States and has been 1 of the major recipients of United States foreign assistance in sub-Saharan Africa for decades: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Kenyan people for their commitment to democracy and respect for the democratic process, as evidenced by the high voter turnout and peaceful voting on election day;

(2) strongly condemns the violence in Kenya;

(3) urges all politicians and political parties to immediately desist from the reactivation, support, and use of militia organizations that are ethnic-based or otherwise constituted;

(4) calls on the 2 leading presidential candidates to—

(A) engage in an internationally brokered dialogue, which results in a new political dispensation that is supported by Kenyan civil society; and

(B) respect the will of the Kenyan people;

(5) simultaneously—

(A) supports a call for electoral justice in Kenya, including a thorough and credible independent audit of election results with the possibility, depending on what is discovered, of a recount or retallying of votes, or a rerun of the presidential elections within a specified time period; and

(B) encourages any political settlement to take into account these recommendations;

(6) calls on Kenyan security forces to refrain from use of excessive force and respect the human rights of Kenyan citizens;

(7) calls for those who are found guilty of committing human rights violations to be held accountable for their actions;

(8) calls for an immediate end to the restrictions on the media, and on the rights of peaceful assembly and association;

(9) condemns threats to civil society leaders and human rights activists who are working towards a peaceful, just, and equitable political solution to the current electoral crisis;

(10) holds all political actors in Kenya responsible for the safety and security of civil society leaders and human rights advocates;

(11) calls on the international community, United Nations aid organizations, and all neighboring countries to provide assistance to Kenyan refugees who have fled in search of greater security;

(12) encourages others in the international community to work together and use all diplomatic means at their disposal to persuade relevant political actors to commit to a peaceful resolution to the current crisis; and

(13) urges the President of the United States to—

(A) support diplomatic efforts to facilitate a dialogue between leaders of the Party of National Unity, the Orange Democratic Movement, and other relevant actors;

(B) consider the imposition of personal sanctions, including a travel ban and asset freeze on leaders in the Party of National Unity, the Orange Democratic Movement, and other relevant actors who refuse to engage in meaningful dialogue to end the current crisis; and

(C) conduct a review of current United States aid to Kenya for the purpose of restricting all nonessential assistance to Kenya, unless all parties are able to establish a peaceful, political resolution to the current crisis, which is credible with the Kenyan people.

EXTENSION OF THE PROTECT AMERICA ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5104, a 15-day FISA extension, received from the House earlier today; that the bill be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5104) was ordered to be read a third time, was read the third time, and passed.

Mr. REID. Mr. President, I appreciate the cooperation of my colleagues, especially Senator MCCONNELL. We are going to do our very best to have an agreement shortly so we can move to finish Senate action on this. There has been a lot of time spent on this by a lot of people—people in the Intelligence Committee, Democrats and Republicans; members of the Judiciary Committee, Democrats and Republicans.

There is an effort to try to resolve this. We have had a number of good meetings today. This will allow us to do that. Our goal is to get it done quickly so we can get it to the House and complete a conference prior to the 15 days being extended.

UNANIMOUS CONSENT AGREEMENT—H.R. 5140

Mr. REID. Mr. President, I now ask unanimous consent that the adoption of a motion to proceed to H.R. 5140, the economic stimulus package, not displace any pending measures.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. REID. Mr. President, let me say that we are going to work real hard tomorrow and the next day to get a lot of work done. We have so much to do. This is a relatively short work period. We have the stimulus package. We have foreign intelligence that we have to do. We have a lands bill from the Energy Committee. We have an agreement to move forward on that. We would like to finish the Indian health bill, if we can. We have a lot to do.

That being the case, we are going to have to have a vote this coming Monday. We are going to do it later rather than earlier, but we are going to have to work on Tuesday. Tuesday is Super Tuesday. I had talked to the Republican leader earlier hoping we could work something out, that we would not have to be in. Certainly, it is no one's fault, even though there is a lot of finger pointing going on. But we were not able to get much work done yesterday and today. So losing those 2 days, I do not see any alternative.

I know a number of people would like to go home on Super Tuesday, but they can vote absentee, and I think the country will survive without Senators being there on election day. I hope everyone here understands we have a limited amount of time to do a lot of work.

MEASURE READ THE FIRST TIME—H.R. 5140

Mr. REID. Mr. President, I understand that H.R. 5140 is now here and at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5140) to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

Mr. REID. I ask, Mr. President, that further work on this matter be terminated now, so I object to its second reading.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR WEDNESDAY, JANUARY 30, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. tomorrow, Wednesday, January 30; that after the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that there then be a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, the Finance Committee is meeting tomorrow at 2:30. Senator BAUCUS and his respective Democratic and Republican members are going to attempt to come up with a bipartisan stimulus package. I hope that can be done. That being the case, what we would do is go to the House bill. We would attempt to amend that with the matter that would come from the Finance Committee.

I will work very hard with my Republican colleague and all the Democrats and Republicans to try to come up with a procedure whereby we would have an extremely limited number of amendments on both sides so we can complete this legislation as rapidly as we can.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:30 p.m., adjourned until Wednesday, January 30, 2008, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, January 29, 2008*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. ISRAEL).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 29, 2008.

I hereby appoint the Honorable STEVE ISRAEL to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Maryland (Mr. HOYER).

HONORING THE LIFE OF GWEN BRITT

Mr. HOYER. Mr. Speaker, today, along with my colleagues from the Maryland delegation, I want to take this opportunity to honor the life and legacy of a beloved figure from our State who passed into God's hands on January 12, State Senator Gwen Britt.

Gwen lived a full, wonderful life. She was a wife, a mother, a grandmother, legislator, a civil rights leader and a friend. But she also was an inspiration, a woman of deep faith and conviction, with an unshakable commitment to achieving justice, equality and fairness in our Nation.

The former Gwendolyn Greene grew up in northeast Washington at a time when our Nation was failing to live up to its promise of equal opportunity. She knew the racial divisions that existed in this segregated city, in our schools, in our stores, even in our parks.

And so in 1960, as an 18-year-old student activist of Howard University, Gwen and members of the District of Columbia's non-violent action group decided to take a stand. She walked into the Montgomery County park, then segregated, and tried to climb aboard a horse on a merry-go-round; something that all of us today would think is normal for any American, particularly any young American.

Yet as the Washington Post reported, the students' actions, as innocent and as unprovocative as they seem today, sparked 5 days of protests, and Gwen and other activists were arrested for trespassing, spat upon and harassed by counter-demonstrators.

This experience left Gwen undeterred. In fact, it fortified her already strong character, as well as her determination to do what she knew in her mind and in her heart was right.

Gwen took to heart Dr. King's words, "Make a career of humanity, and you will make a greater person of yourself, a greater Nation of your country and a finer world to live in." So said Martin Luther King, Jr.

Gwen Britt took that to heart. So she did make our Nation a finer place in which to live. That experience in Glen Echo Park was only the beginning of Gwen's civil rights work.

She left Howard University to join the Freedom Riders who challenged Jim Crow laws in the South and in our transportation system. And in 1961, she spent 40 days in a Mississippi jail for sitting in a whites-only train station.

JOHN LEWIS was one of Gwen Britt's friends. JOHN LEWIS, a hero, a Member of this body. More people know about JOHN LEWIS because of his extraordinary leadership, but Gwen Britt was there by his side on Freedom Rides.

It is a testament to Gwen Britt's humility and quiet confidence that she never advertised her proud and very important civil rights work.

As Maryland State Delegate Victor Ramirez of Prince George's County recently said, "She talked about the civil rights movement if you brought it up, but she was one of those people who spoke softly but carried a big stick."

Since her passing, words of tribute have poured forth. Governor Martin O'Malley noted, "She was a leader long before her years in the Senate." How true that is. Lieutenant Governor Anthony Brown called her a "principled, active and fair-minded voice for equality."

And Prince George's County executive Jack Johnson said she was "one of the most honest people you ever met." And on The Washington Post's Web site, people who knew Gwen posted words of sympathy and tribute.

For example, Katey Boerner, the executive director of the Glen Echo Park Partnership for Arts and Culture, has said some, almost 50 years after the demonstration that occurred to open up Glen Echo's amusements to people of all colors, "We plan to include her story of bravery and shepherding change in our upcoming civil rights exhibition here at the park. We can now treasure her memory for the amazing story that was her life and the impact that she had on so many through her leadership."

Not surprisingly, Gwen Britt also made an important impact in the State Senate after she was elected in 2002. She rose to the position of deputy majority leader in 2007 and became an unwavering voice for those who have felt the cold chill of exclusion.

Carl Snowden, the director of civil rights in the State Attorney General's Office in Maryland, said this, "She saw other groups that have historically been locked out of the system: women, Latinos, gays. And she felt all of those left out had to have a place at the table."

Gwen Britt was a woman of extraordinary character and courage, and all those she touched during her 66 years on this earth, her beloved family; her sons, who spoke so eloquently at her funeral; her husband, who himself was a Freedom Rider, who himself was a great warrior and advocate for justice in the civil rights movement.

The State of Maryland and our Nation have been enriched by her actions and her leadership, as a young person, as a State Senator, as a neighbor, as a friend.

Mr. Speaker, today I want to extend my condolences to Gwen's husband of 46 years, Travis; her two sons, Travis, Jr., and John; and all of her family and many friends.

We will miss her dearly, although we are comforted that her life and legacy will endure and that she now is at rest in God's hands.

Gwen will live as so many before, in the hearts and minds of those she impressed, of those she motivated, of those she enriched. We will miss Senator Gwen Britt, but our State, our community and our Nation have been made better by her life.

HONORING THE LIFE OF PATRICIA A. CORBETT

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentlewoman from Ohio (Mrs. SCHMIDT) is recognized during morning-hour debate for 5 minutes.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mrs. SCHMIDT. Mr. Speaker, this morning when I woke up and read the clips from Cincinnati's The Enquirer, the headline said, "Cincinnati Philanthropist Dies." It should have read, "Cincinnati's Best Friend Dies." We have lost a great friend of the arts, Patricia Corbett.

When we say the name Patricia Corbett in Cincinnati, we don't have to explain who she is. Her name appears on buildings: the University of Cincinnati Performing Arts building, the Northern Kentucky Arts Performing Center, Music Hall, Riverbend. And in a few short months, the Cincinnati public schools new Performing Arts Center will again bear her name.

But it is not just the buildings that she so actively got involved in and helped build. It's also what she did for the arts itself.

The opera, the symphony, the Pops, the ballet, the May Festival all owe a deep gratitude to the financial support that this woman gave. Her generosity to the arts went beyond the boundaries of Cincinnati.

In my own local town that I grew up in, Loveland, Ohio, we received a Patricia Corbett award, and now we have a stage company that has a small portion of the arts for our local residents to benefit from.

There are so many people in the newspaper today that talked about what a figure she was. But the one that brought to my mind the most was a woman by the name of Martha Winfrey of Westwood who worked as an usher at Music Hall, and she conveyed the kind of kindness that Patricia Corbett had that we don't know about. At Christmas, she would hand envelopes to the ushers and say, "Just be quiet with these." She had the most prestigious box at Music Hall, Box 5, and when it got crowded, she'd say to Martha, "I don't need to sit here. Let somebody else sit here instead of me," and she'd stand out in the hall and listen to the performance.

She didn't like people to know how old she was. I'm going to be kind and not tell you, since my own mother never wanted anyone to know how old she was. But we were blessed for many years to have Patricia Corbett be our gracious benefactor.

It is said over $65 million from the Corbetts were given to enrich the lives of the citizens of greater Cincinnati. I was one of those citizens that benefited not from just her generosity, but her kindness. I had the pleasure to meet her on several occasions. Her warm smile, her gentle hand will be a lasting memory.

A few weeks ago, we lost Joni Herschede, another friend of the arts. And now we've lost the Grande Dame. I only hope that they are in heaven enjoying the harps of the angels and that they will continue to smile down on us in Cincinnati.

THE TIME FOR EARMARK REFORM HAS ARRIVED

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Indiana (Mr. PENCE) is recognized during morning-hour debate for 5 minutes.

Mr. PENCE. Mr. Speaker, I rise today because the American people are tired of spending-as-usual here in Washington, DC, especially when it comes to earmarking. Now, earmarking, for the uninitiated, is a process in Congress which has expanded greatly over the last 15 years under Republican control of Congress and, as we saw last year, under Democrat control of Congress. It is where Members of Congress oftentimes, for perfectly meritorious and honorable reasons, request specific projects for their districts. But the American people know that something has gone wrong with the Federal budget process system, and the time for earmark reform has arrived.

This past weekend I'm pleased to report, Mr. Speaker, that House Republicans gathered in West Virginia and came together around a bipartisan challenge. We called on Speaker PELOSI and House Democrats to join us in a timeout on earmarking in Washington, DC.

House Republicans united behind a challenge for an earmark moratorium and the establishment of a new select committee that would engage in the kind of thoughtful analysis and hearings where we could truly change the way we spend the people's money.

When you are flying an airplane and the gauges start to tell you something is wrong with the engines, the first thing you do, Mr. Speaker, is put the airplane on the ground. Then you get under the hood and you figure out what is wrong.

Well, I have to tell you that the explosion of earmarks under Republican control in the past years and the inclusion of hundreds of unexamined earmarks in last year's omnibus bill, dropped in at the last minute under the color of darkness, are evidence that the gauge lights are going off.

We need to call a timeout, have a moratorium on earmark spending here in the Congress while we can come together, men and women, Republicans and Democrats, and figure out how we restore public confidence in the way we spend the people's money.

By challenging Speaker PELOSI and the House majority to join us in ending earmarks as usual in Washington, DC, House Republicans have thrown down the gauntlet of reform.

And I believe that while I still think our side should embrace an immediate moratorium on earmarks and lead by example, I applaud my colleagues for finding that common ground among Republicans wherein we can challenge, in a spirit of bipartisanship, our colleagues to join us.

Now, I still maintain nothing short of a full moratorium followed by public hearings and reform will be sufficient to restore public confidence in congressional appropriations.

But as those debates have gone on, it is amazing to me, Mr. Speaker, to look at the morning headlines here in Washington, DC. It shows you the difference between the Muncie Star Press and newspapers out here. Earmarks are page 1, the focus on the "President's sudden severity is drawing bipartisan criticism." Roll Call says, "Earmarks Still Roil GOP," and the Politico, not to be outdone, repeats the exact same headline: "Earmark Debate Roils GOP Ranks."

It is only in Washington, DC, where one party engages in a vigorous debate about how we restore public confidence in the Federal budget process that the focus then is on the debate of the party that wants to bring about change because the sound of silence from the Democrat majority is deafening.

Now, while Republicans are having a vigorous debate, and I'm still one of the people that believes that our party should even go farther, that we should embrace a 1-year moratorium, I have advocated that among my colleagues and will continue to. But nevertheless, it is remarkable to me that the Washington press corps is more interested in discussions among Republicans who have arrived at a consensus challenging the governing majority to join us in an earmark moratorium than they are interested in the response of the majority who hold the reins of power.

I mean, headlines attest to a vigorous debate among the minority and dead silence among the majority.

And I must tell you, it has to be frustrating, Mr. Speaker, to millions of Americans who long for a Congress that will put integrity and the restoration of public confidence in the Federal budget above partisan differences.

So I say to my colleagues on the other side, what is your response to our challenge for an immediate moratorium on all earmark spending? What will Speaker PELOSI and House Democrats decide at their conference retreat this week?

My hope is as our challenge sits now on the table and is met with stark silence from the Democrats, that as your party meets, Mr. Speaker, as you consider how we can restore public confidence, that Democrats will join Republicans in an immediate earmark moratorium so we can put our fiscal house in order and restore public confidence.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 48 minutes a.m.), the House stood in recess until noon.

☐ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PASTOR) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

All-powerful and ever-living God, direct Your love and highest inspirations within us.

Congress stands today between days of retreat for both Republican and Democrat Members of the House. May these days of reflection and planning be blessed with clarity of vision and unified resolve.

Filled with gratitude for the people and the many gifts bestowed upon this Nation, help them to be attuned not only to the problems and questions of Your people, but empower them to build upon their strengths and their hopes for the future.

You alone can lift Your servants above self-interest and fractured alliances to create a renewed solidarity that will bring this Nation to unity and peace.

Only by discerning such gifts within ourselves, Lord, can we bring the seed of promise to others. For we place our trust not in money nor in munitions, but in the meaning You bring to Your people, now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. CUELLAR) come forward and lead the House in the Pledge of Allegiance.

Mr. CUELLAR led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SUPPORT ECONOMIC STIMULUS PACKAGE

(Mr. CUELLAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUELLAR. Mr. Speaker, I rise today to support the bipartisan economic stimulus plan that will help strengthen our Nation's economy and help millions of American taxpayers and their families.

In my congressional district, the median household income is $36,000, and those families face rising prices in utilities, food, and health insurance, which stretch their monthly budgets to nearly the breaking point.

Also, nearly 39 percent of these households are headed by single mothers living below the poverty level, who struggle to feed and clothe their children with limited budgets, as they are the sole earners.

The stimulus package will provide at least $900 to single mothers and their families, which helps alleviate their burden.

Mr. Speaker, I am glad to support the bipartisan economic stimulus plan, and I ask my colleagues on both sides of the aisle to join us today in supporting this legislation.

THE CHINESE CROCODILE

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, the Chinese attack on the Christian faith continues. For 60 days, the Chinese Government has held Shi Weiham, a Christian bookstore owner, in secret detention for praying.

As China readies for the 2008 Summer Olympics, it is trying to convince critics that it embraces religious freedom. But China is secretly moving religious believers to the dark, damp, hidden hideaway of jail.

China restricts all religious practice to state-sanctioned churches and certain places of worship. So Chinese don't dare pray or worship anywhere else, or off to jail they go. That is what happened to Shi Weiham.

China's religious tolerance is a public relations campaign draped in hypocrisy. China arrests thousands of Christians, Muslims, and Buddhists each year.

As religion is being attacked across atheistic Communist China, we should recall Winston Churchill's words about communism: "A communist is like a crocodile, when it opens its mouth, you cannot tell whether it is trying to smile or preparing to eat you up." The Chinese crocodile is devouring religious freedom among its people.

And that's just the way it is.

PERMANENT FIX FOR FISA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to call on the Democrat majority to pass a permanent fix to our Nation's foreign surveillance law and give our intelligence community the tools they need to protect American families.

It has been 6 months since this body passed a temporary patch to the Foreign Intelligence Surveillance Act. If Congress fails to pass a permanent fix, our Nation's intelligence community will once again be limited in their ability to track terrorists and defeat their efforts to murder Americans.

In his State of the Union address last night, President Bush reiterated to Members of both parties that the time to act is now. On this most important of issues, we owe it to the American people not to put American families at risk.

We can all agree that the safety and well-being of our Nation's families is our utmost priority, so let's work together on an agreement that will ensure that we meet the challenge of defending our Nation for the long term. Our enemies will not hesitate to exploit our intelligence loopholes. It is imperative that we not give them that opportunity.

In conclusion, God bless our troops, and we will never forget September 11th.

DEMOCRATS REFORM EARMARK PROCESS

(Mr. ARCURI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCURI. Mr. Speaker, 7 years into his Presidency, President Bush is finally urging reform of the earmark process. He is a little late.

Congressional Democrats have already begun reforming the earmark process. We realized reform was necessary after the number of earmarks in appropriations bills skyrocketed under the Republicans. You didn't hear the President complaining then. In fact, he signed every appropriations bill that came to his desk.

Democrats, in stark contrast, have led the way in bringing transparency and accountability to the earmark process. We instituted a 1-year moratorium on earmarks in 2007 until a reformed process could be put into place. We also adopted rules that provided for unprecedented transparency in earmarks and then significantly reduced the number of earmarks last year.

Mr. Speaker, House Democrats are pleased to hear that the President is interested in reforming the earmark process. The Bush White House requests and receives funding for hundreds of earmarks each year, and we look forward to working with the President to both limit and bring increased transparency to the Presidential and congressional earmarks.

HONORING ARMY SERGEANT JON M. SCHOOLCRAFT III

(Mr. JORDAN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JORDAN of Ohio. Mr. Speaker, I rise today to honor the life and recognize the ultimate sacrifice of a brave Ohio soldier, Army Sergeant Jon Michael "Mike" Schoolcraft III.

Mike attended high school in Wapakoneta and went on to study auto body repair at the Apollo Career Center in Lima. Teachers, coaches, family members, and friends all described Mike as a remarkable, reliable, hardworking young man who excelled at every activity in which he was engaged.

In his time on this Earth, Mike had a positive impact on people in his life. When he decided to join the military shortly after the September 11 attacks, he touched the life of every American family that lived under the blanket of safety he helped provide.

Mike Schoolcraft died on Saturday, January 19, while serving America in support of Operation Iraqi Freedom. In recognition of his valorous service, he was posthumously promoted to sergeant.

Mike is survived by his new wife, Amber, who lives in Hawaii. Mike's mother, Cynthia, along with many friends and loving family members, lives near his boyhood home. His father, Jon, lives in Indiana.

Mike stood up and volunteered to serve this great country. He fought to promote freedom. He gave his life in defense of his family, his community, his State and his Nation.

For this, each and every American owes him and his family a great debt of gratitude.

EXTENDING PROTECT AMERICA ACT UNNECESSARY

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, the House made a serious mistake last August when it passed the Protect America Act. I opposed the legislation at the time because it authorized a massive, unregulated electronic fishing expedition, an approach guaranteed to ensnare innocent Americans and a sloppy, inefficient way to collect intelligence. It lacks the basic standard of court review of the government's actions.

If we have learned anything, it is when officials must establish before an independent court that they know what they are doing when they collect communications, we get better intelligence than we do through indiscriminate collection and fishing expeditions.

Extending the PAA is unnecessary because existing orders issued under it will continue for a year and are broad enough in scope to deal with any contingencies that may arise.

In November we passed in this body a good bill to replace the PAA. Congress should never pass legislation under duress brought on by propaganda, misinformation, and fear-mongering. I urge my colleagues to remember this when we debate the topic today.

PASS ECONOMIC STIMULUS PACKAGE

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALTMIRE. Mr. Speaker, economists say the most important thing Congress can do to stimulate our struggling economy is to act quickly, and that is exactly what this House is going to do today.

House leaders from both parties worked with the President to craft the bipartisan agreement that is before us. We came together, and by acting quickly, we are hoping that our actions spark our economy.

The package is going to provide some relief to middle-income families who have been left behind in many ways over the last 7 years. This bill gives 117 million Americans a tax rebate so they can begin to breathe a little easier when paying their bills in the coming months.

Equally important, this economic package also gives tax breaks to small businesses to help spur investment and job creation.

Mr. Speaker, economists said we need to act fast, and that is what we did. Let's get to work and pass this economic stimulus package today.

PASS ECONOMIC STIMULUS PACKAGE

(Mr. HALL of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL of New York. Mr. Speaker, times are rough right now. Signs of economic turmoil are multiplying, and we seem to be headed for, or already are in, a recession. Last week stock markets around the world dropped precipitously, and only an emergency rate change by the Federal Reserve prevented them from falling even farther.

The people I represent in the Hudson Valley have been particularly hard hit. Oil has passed the $100-a-barrel mark, making it more expensive than ever for people to heat their homes and drive their cars. In suburban communities in the Northeast, like the area I represent, home heating bills are up by more than 30 percent over last year.

Expenses are rising; wages are stagnating. As a result, families struggle to pay their everyday costs. Our debts increase and investment in our future plummets.

Congress must act quickly. I am proud that this Congress will pass legislation today to stimulate the economy to help people and businesses, but especially the working families who need it most.

□ 1215

HEALTH CARE TAX DEDUCTION

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, my colleagues, last night while attending our President's final State of the Union, I was encouraged to hear him say: Ending the bias in the Tax Code against those who do not get their health insurance through their employer is one reform that would put private coverage within reach for millions, and I call on the Congress to pass this piece of legislation this year.

My colleagues, I'd like to draw your attention to the Health Care Tax Deduction Act of 2007, a bill which I have offered, and one that accomplishes this goal of insuring every American man, woman and child. This bill will allow individuals a tax deduction from gross income for health insurance premiums and unreimbursed prescription drug expenses for themselves and their family.

I urge you to cosponsor this bill and attack this problem with meaningful and responsible legislation. With this legislation, we can end the debate over inefficient government-run health care.

FISA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, in August of last year, Congress passed the Protect America Act to close a dangerous loophole in our ability to collect intelligence information on foreign targets in foreign countries.

When this legislation expires on Thursday of this week, our intelligence community, responsible to collect intelligence on terrorist enemies, will lose their eyes and ears. Congress has stalled for 6 months to review the policy and come up with a solution to bring FISA up to date with our 21st century technologies and give our intelligence community the tools they need to fight terrorism.

Now the House wants to pass a 30-day extension. The Senate can't even agree to that. Democrats in Congress want to empower judges and lawyers in their discovery proceedings and frivolous lawsuits over intelligence needs.

The laws governing our intelligence collection should not be dealt with in the same way one pays rent for an apartment, month to month. We need to pass legislation to permanently create a solution that gives our intelligence community the tools they need to fight terrorism that threatens the security of every American.

VOTER ID MEDIA BIAS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, two-thirds of Americans say voters should be required to show photo identification before voting, according to a new Fox 5-Washington Times-Rasmussen survey. But not one major newspaper, aside from the Washington Times, featured those poll results.

Instead, the national media have portrayed the voter ID issue as unpopular with voters. To the contrary, the new survey found strong bipartisan support for voter ID, including 63 percent of Democrats and Independents, as well as over three-fourths of Republicans.

Clearly, voter ID has broad support among Americans. It's unfortunate you'll never hear about it from the major media.

COMMUNICATION FROM STAFF MEMBER, COMMITTEE ON ARMED SERVICES

The SPEAKER pro tempore laid before the House the following communication from Paul Arcangeli, Professional Staff Member, House Committee on Armed Services:

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 28, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have received a subpoena for testimony issued by the U.S. District Court for the Eastern District of Virginia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

PAUL ARCANGELI,
Professional Staff Member.

COMMUNICATION FROM ACTING CHIEF OF STAFF, HON. WILLIAM J. JEFFERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Roberta Y. Hopkins, Acting Chief of Staff, the Honorable WILLIAM J. JEFFERSON, Member of Congress:

JANUARY 28, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have received a subpoena for testimony issued by the U.S. District Court for the Eastern District of Virginia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

ROBERTA Y. HOPKINS,
Acting Chief of Staff.

COMMUNICATION FROM DISTRICT MANAGER, HON. WILLIAM J. JEFFERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Stephanie R. Butler, District Manager, the Honorable WILLIAM J. JEFFERSON, Member of Congress:

JANUARY 28, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have received a subpoena for testimony issued by the U.S. District Court for the Eastern District of Virginia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

STEPHANIE R. BUTLER,
District Manager.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

RECOVERY REBATES AND ECONOMIC STIMULUS FOR THE AMERICAN PEOPLE ACT OF 2008

Mr. RANGEL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5140) to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5140

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Recovery Rebates and Economic Stimulus for the American People Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—RECOVERY REBATES AND INCENTIVES FOR BUSINESS INVESTMENT

Sec. 101. 2008 recovery rebates for individuals.
Sec. 102. Temporary increase in limitations on expensing of certain depreciable business assets.
Sec. 103. Special allowance for certain property acquired during 2008.

TITLE II—HOUSING GSE AND FHA LOAN LIMITS

Sec. 201. Temporary conforming loan limit increase for Fannie Mae and Freddie Mac.
Sec. 202. Temporary loan limit increase for FHA.

TITLE I—RECOVERY REBATES AND INCENTIVES FOR BUSINESS INVESTMENT

SEC. 101. 2008 RECOVERY REBATES FOR INDIVIDUALS.

(a) IN GENERAL.—Section 6428 of the Internal Revenue Code of 1986 is amended to read as follows:

"SEC. 6428. 2008 RECOVERY REBATES FOR INDIVIDUALS.

"(a) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by subtitle A for the first taxable year beginning in 2008 an amount equal to the lesser of—

"(1) net income tax liability, or

"(2) $600 ($1,200 in the case of a joint return).

"(b) SPECIAL RULES.—

"(1) IN GENERAL.—In the case of a taxpayer described in paragraph (2)—

"(A) the amount determined under subsection (a) shall not be less than $300 ($600 in the case of a joint return), and

"(B) the amount determined under subsection (a) (after the application of subparagraph (A)) shall be increased by the product of $300 multiplied by the number of qualifying children (within the meaning of section 24(c)) of the taxpayer.

"(2) TAXPAYER DESCRIBED.—A taxpayer is described in this paragraph if the taxpayer—

"(A) has earned income of at least $3,000, or

"(B) has—

"(i) net income tax liability which is greater than zero, and

"(ii) gross income which is greater than the sum of the basic standard deduction plus the exemption amount (twice the exemption amount in the case of a joint return).

"(c) TREATMENT OF CREDIT.—The credit allowed by subsection (a) shall be treated as allowed by subpart C of part IV of subchapter A of chapter 1.

"(d) LIMITATION BASED ON ADJUSTED GROSS INCOME.—The amount of the credit allowed by subsection (a) (determined without regard to this subsection and subsection (f)) shall be reduced (but not below zero) by 5 percent of so much of the taxpayer's adjusted gross income as exceeds $75,000 ($150,000 in the case of a joint return).

"(e) DEFINITIONS.—For purposes of this section—

"(1) NET INCOME TAX LIABILITY.—The term 'net income tax liability' means the excess of—

"(A) the sum of the taxpayer's regular tax liability (within the meaning of section 26(b)) and the tax imposed by section 55 for the taxable year, over

"(B) the credits allowed by part IV (other than section 24 and subpart C thereof) of subchapter A of chapter 1.

"(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means any individual other than—

"(A) any nonresident alien individual,

"(B) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins, and

"(C) an estate or trust.

"(3) EARNED INCOME.—The term 'earned income' has the meaning set forth in section 32(c)(2) except that—

"(A) subclause (II) of subparagraph (B)(vi) thereof shall be applied by substituting 'January 1, 2009' for 'January 1, 2008', and

"(B) such term shall not include net earnings from self-employment which are not taken into account in computing taxable income.

"(4) BASIC STANDARD DEDUCTION; EXEMPTION AMOUNT.—The terms 'basic standard deduction' and 'exemption amount' shall have the same respective meanings as when used in section 6012(a).

"(f) COORDINATION WITH ADVANCE REFUNDS OF CREDIT.—

"(1) IN GENERAL.—The amount of credit which would (but for this paragraph) be allowable under this section shall be reduced (but not below zero) by the aggregate refunds and credits made or allowed to the taxpayer under subsection (g). Any failure to so reduce the credit shall be treated as arising out of a mathematical or clerical error and assessed according to section 6213(b)(1).

"(2) JOINT RETURNS.—In the case of a refund or credit made or allowed under subsection (g) with respect to a joint return, half of such refund or credit shall be treated as having been made or allowed to each individual filing such return.

"(g) ADVANCE REFUNDS AND CREDITS.—

"(1) IN GENERAL.—Each individual who was an eligible individual for such individual's first taxable year beginning in 2007 shall be treated as having made a payment against the tax imposed by chapter 1 for such first taxable year in an amount equal to the advance refund amount for such taxable year.

"(2) ADVANCE REFUND AMOUNT.—For purposes of paragraph (1), the advance refund amount is the amount that would have been allowed as a credit under this section for such first taxable year if this section (other than subsection (f) and this subsection) had applied to such taxable year.

"(3) TIMING OF PAYMENTS.—The Secretary shall, subject to the provisions of this title, refund or credit any overpayment attributable to this section as rapidly as possible. No refund or credit shall be made or allowed under this subsection after December 31, 2008.

"(4) NO INTEREST.—No interest shall be allowed on any overpayment attributable to this section.".

(b) TREATMENT OF POSSESSIONS.—

(1) MIRROR CODE POSSESSION.—The Secretary of the Treasury shall make a payment to each possession of the United States with a mirror code tax system in an amount equal to the loss to that possession by reason of the amendments made by this section. Such amount shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession.

(2) OTHER POSSESSIONS.—The Secretary of the Treasury shall make a payment to each possession of the United States which does not have a mirror code tax system in an amount estimated by the Secretary of the Treasury as being equal to the aggregate benefits that would have been provided to residents of such possession by reason of the amendments made by this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payment to the residents of such possession.

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection, the term "possession of the United States" includes the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term "mirror code tax system" means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from the credit allowed under section 6428 of the Internal Revenue Code of 1986 (as added by this section).

(c) APPROPRIATIONS TO CARRY OUT RECOVERY REBATES.—

(1) IN GENERAL.—The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, to implement the provisions of this section (including the amendments made by this section):

(A) For an additional amount for "Department of the Treasury—Financial Management Service—Salaries and Expenses", $52,510,000, to remain available until September 30, 2009.

(B) For an additional amount for "Department of the Treasury—Internal Revenue Service—Taxpayer Services", $48,920,000, to remain available until September 30, 2009.

(C) For an additional amount for "Department of the Treasury—Internal Revenue Service—Operations Support", $149,700,000, to remain available until September 30, 2009.

(2) REPORTS.—No later than 15 days after enactment of this Act, the Secretary of the Treasury shall submit a plan to the Committees on Appropriations of the House of Representatives and the Senate detailing the expected use of the funds provided by this subsection. Beginning 90 days after enactment of this Act, the Secretary of the Treasury shall submit a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the actual expenditure of funds provided by this subsection and the expected expenditure of such funds in the subsequent quarter.

(d) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting "or 6428" after "section 35".

(2) Paragraph (1) of section 1(i) of the Internal Revenue Code of 1986 is amended by striking subparagraph (D).

(3) The item relating to section 6428 in the table of sections for subchapter B of chapter 65 of such Code is amended to read as follows:

"Sec. 6428. 2008 recovery rebates for individuals.".

SEC. 102. TEMPORARY INCREASE IN LIMITATIONS ON EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.

(a) IN GENERAL.—Subsection (b) of section 179 of the Internal Revenue Code of 1986 (relating to limitations) is amended by adding at the end the following new paragraph:

"(7) INCREASE IN LIMITATIONS FOR 2008.—In the case of any taxable year beginning in 2008—

"(A) the dollar limitation under paragraph (1) shall be $250,000,

"(B) the dollar limitation under paragraph (2) shall be $800,000, and

"(C) the amounts described in subparagraphs (A) and (B) shall not be adjusted under paragraph (5).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 103. SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED DURING 2008.

(a) IN GENERAL.—Subsection (k) of section 168 of the Internal Revenue Code of 1986 (relating to special allowance for certain property acquired after September 10, 2001, and before January 1, 2005) is amended—

(1) by striking "September 10, 2001" each place it appears and inserting "December 31, 2007",

(2) by striking "September 11, 2001" each place it appears and inserting "January 1, 2008",

(3) by striking "January 1, 2005" each place it appears and inserting "January 1, 2009", and

(4) by striking "January 1, 2006" each place it appears and inserting "January 1, 2010".

(b) 50 PERCENT ALLOWANCE.—Subparagraph (A) of section 168(k)(1) of such Code is amended by striking "30 percent" and inserting "50 percent".

(c) CONFORMING AMENDMENTS.—

(1) Subclause (I) of section 168(k)(2)(B)(i) of such Code is amended by striking "and (iii)" and inserting "(iii), and (iv)".

(2) Subclause (IV) of section 168(k)(2)(B)(i) of such Code is amended by striking "clauses (ii) and (iii)" and inserting "clause (iii)".

(3) Clause (i) of section 168(k)(2)(C) of such Code is amended by striking "and (iii)" and inserting ", (iii), and (iv)".

(4) Clause (i) of section 168(k)(2)(F) of such Code is amended by striking "$4,600" and inserting "$8,000".

(5)(A) Subsection (k) of section 168 of such Code is amended by striking paragraph (4).

(B) Clause (iii) of section 168(k)(2)(D) of such Code is amended by striking the last sentence.

(6) Paragraph (4) of section 168(l) of such Code is amended by redesignating subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (D) and inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

"(A) BONUS DEPRECIATION PROPERTY UNDER SUBSECTION (K).—Such term shall not include any property to which section 168(k) applies.".

(7) Paragraph (5) of section 168(l) of such Code is amended—

(A) by striking "September 10, 2001" in subparagraph (A) and inserting "December 31, 2007", and

(B) by striking "January 1, 2005" in subparagraph (B) and inserting "January 1, 2009".

(8) Subparagraph (D) of section 1400L(b)(2) of such Code is amended by striking "January 1, 2005" and inserting "January 1, 2010".

(9) Paragraph (3) of section 1400N(d) of such Code is amended—

(A) by striking “September 10, 2001” in subparagraph (A) and inserting “December 31, 2007”, and

(B) by striking “January 1, 2005” in subparagraph (B) and inserting “January 1, 2009”.

(10) Paragraph (6) of section 1400N(d) of such Code is amended by adding at the end the following new subparagraph:

“(E) EXCEPTION FOR BONUS DEPRECIATION PROPERTY UNDER SECTION 168(K).—The term ‘specified Gulf Opportunity Zone extension property’ shall not include any property to which section 168(k) applies.”.

(11) The heading for subsection (k) of section 168 of such Code is amended—

(A) by striking “SEPTEMBER 10, 2001” and inserting “DECEMBER 31, 2007”, and

(B) by striking “JANUARY 1, 2005” and inserting “JANUARY 1, 2009”.

(12) The heading for clause (ii) of section 168(k)(2)(B) of such Code is amended by striking “PRE-JANUARY 1, 2005” and inserting “PRE-JANUARY 1, 2009”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007, in taxable years ending after such date.

TITLE II—HOUSING GSE AND FHA LOAN LIMITS

SEC. 201. TEMPORARY CONFORMING LOAN LIMIT INCREASE FOR FANNIE MAE AND FREDDIE MAC.

(a) INCREASE OF HIGH COST AREAS LIMITS FOR HOUSING GSES.—For mortgages originated during the period beginning on July 1, 2007, and ending at the end of December 31, 2008:

(1) FANNIE MAE.—With respect to the Federal National Mortgage Association, notwithstanding section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)), the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Association shall be the higher of—

(A) the limitation for 2008 determined under such section 302(b)(2) for a residence of the applicable size; or

(B) 125 percent of the area median price for a residence of the applicable size, but in no case to exceed 175 percent of the limitation for 2008 determined under such section 302(b)(2) for a residence of the applicable size.

(2) FREDDIE MAC.—With respect to the Federal Home Loan Mortgage Corporation, notwithstanding section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)), the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Corporation shall be the higher of—

(A) the limitation determined for 2008 under such section 305(a)(2) for a residence of the applicable size; or

(B) 125 percent of the area median price for a residence of the applicable size, but in no case to exceed 175 percent of the limitation determined for 2008 under such section 305(a)(2) for a residence of the applicable size.

(b) DETERMINATION OF LIMITS.—The areas and area median prices used for purposes of the determinations under subsection (a) shall be the areas and area median prices used by the Secretary of Housing and Urban Development in determining the applicable limits under section 202 of this title.

(c) RULE OF CONSTRUCTION.—A mortgage originated during the period referred to in subsection (a) that is eligible for purchase by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation pursuant to this section shall be eligible for such purchase for the duration of the term of the mortgage, notwithstanding that such purchase occurs after the expiration of such period.

(d) EFFECT ON HOUSING GOALS.—Notwithstanding any other provision of law, mortgages purchased in accordance with the increased maximum original principal obligation limitations determined pursuant to this section shall not be considered in determining performance with respect to any of the housing goals established under section 1332, 1333, or 1334 of the Housing and Community Development Act of 1992 (12 U.S.C. 4562–4), and shall not be considered in determining compliance with such goals pursuant to section 1336 of such Act (12 U.S.C. 4566) and regulations, orders, or guidelines issued thereunder.

(e) SENSE OF CONGRESS.—It is the sense of the Congress that the securitization of mortgages by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation plays an important role in providing liquidity to the United States housing markets. Therefore, the Congress encourages the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation to securitize mortgages acquired under the increased conforming loan limits established in this section, to the extent that such securitizations can be effected in a timely and efficient manner that does not impose additional costs for mortgages originated, purchased, or securitized under the existing limits or interfere with the goal of adding liquidity to the market.

SEC. 202. TEMPORARY LOAN LIMIT INCREASE FOR FHA.

(a) INCREASE OF HIGH-COST AREA LIMIT.—For mortgages for which the mortgagee has issued credit approval for the borrower on or before December 31, 2008, subparagraph (A) of section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)(A)) shall be considered (except for purposes of section 255(g) of such Act (12 U.S.C. 1715z–20(g))) to require that a mortgage shall involve a principal obligation in an amount that does not exceed the lesser of—

(1) in the case of a 1-family residence, 125 percent of the median 1-family house price in the area, as determined by the Secretary; and in the case of a 2-, 3-, or 4-family residence, the percentage of such median price that bears the same ratio to such median price as the dollar amount limitation determined for 2008 under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a 2-, 3-, or 4-family residence, respectively, bears to the dollar amount limitation determined for 2008 under such section for a 1-family residence; or

(2) 175 percent of the dollar amount limitation determined for 2008 under such section 305(a)(2) for a residence of the applicable size (without regard to any authority to increase such limitation with respect to properties located in Alaska, Guam, Hawaii, or the Virgin Islands);

except that the dollar amount limitation in effect under this subsection for any size residence for any area shall not be less than the greater of (A) the dollar amount limitation in effect under such section 203(b)(2) for the area on October 21, 1998; or (B) 65 percent of the dollar amount limitation determined for 2008 under such section 305(a)(2) for a residence of the applicable size. Any reference in this subsection to dollar amount limitations in effect under section 305 (a)(2) of the Federal Home Loan Mortgage Corporation Act means such limitations as in effect without regard to any increase in such limitation pursuant to section 201 of this title.

(b) DISCRETIONARY AUTHORITY.—If the Secretary of Housing and Urban Development determines that market conditions warrant such an increase, the Secretary may, for the period that begins upon the date of the enactment of this Act and ends at the end of the date specified in subsection (a), increase the maximum dollar amount limitation determined pursuant to subsection (a) with respect to any particular size or sizes of residences, or with respect to residences located in any particular area or areas, to an amount that does not exceed the maximum dollar amount then otherwise in effect pursuant to subsection (a) for such size residence, or for such area (if applicable), by not more than $100,000.

(c) PUBLICATION OF AREA MEDIAN PRICES AND LOAN LIMITS.—The Secretary of Housing and Urban Development shall publish the median house prices and mortgage principal obligation limits, as revised pursuant to this section, for all areas as soon as practicable, but in no case more than 30 days after the date of the enactment of this Act. With respect to existing areas for which the Secretary has not established area median prices before such date of enactment, the Secretary may rely on existing commercial data in determining area median prices and calculating such revised principal obligation limits.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. RANGEL) and the gentleman from Louisiana (Mr. MCCRERY) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I ask unanimous consent that we extend the debate by 80 minutes, resulting in 2 hours equally divided between both sides.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RANGEL. Mr. Speaker, I ask unanimous consent to yield 20 minutes of my time to be controlled by the chairman of the Financial Services Committee, Congressman BARNEY FRANK of Massachusetts.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RANGEL. Mr. Speaker, I have asked the nonpartisan Joint Committee on Taxation to make available to the public a technical explanation of the provisions of H.R. 5140. The technical explanation expresses the committee's understanding and legislative intent behind this important legislation. This explanation, document JCX–5–08, is currently available on the Joint Committee's Web site.

Mr. Speaker, I'll reserve the balance of my time.

Mr. MCCRERY. Mr. Speaker, I ask unanimous consent to allow the ranking member of the Financial Services Committee the ability to control 20 minutes of the time on our side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. MCCRERY. Mr. Speaker, we're here this afternoon to discuss a matter that the President, the Treasury Department, former officials of the Clinton administration, all agree is extremely important for the economic health of the country.

When we speak of the economic health, Mr. Speaker, we are talking about not only the rate of GDP growth, not only the health of the financial markets, we're talking about the impact on real people of a decline in the country's economic health; that means job losses, that means financial hardship for individuals and families. So the leadership, Mr. Speaker, of the House, Democratic and Republican, have worked hand in hand with the White House, the Treasury Department, to craft a package that we can call an economic growth package, an economic stimulus package. It doesn't matter to me what we call it.

But it seems to me, Mr. Speaker, that the weight of the evidence, if we listen to the opinions of respected economists, respected former officials of the Treasury Department, current members of the Treasury Department, the weight of the evidence indicates to me, at least, that the downside of this Congress doing nothing right now is much greater than any downside of our doing something around the level that is being proposed by the leadership in this House and the White House in this package that we're considering this afternoon.

So, Mr. Speaker, I am eagerly awaiting passage of this. I hope that the other body follows suit in an expeditious manner, and that we can get this package to the White House for the President's signature. And we hope that this will have the intended effect, which is to avert a recession, and to reduce the downturn that everybody agrees is underway right now.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

First, I want to thank Mr. MCCRERY for getting his views and his willingness to listen to mine, with both of us understanding that, at the end of the day, that people are not concerned with our differences, but they are concerned about the United States Government responding to their needs. And to that extent, of course, I want to thank our Speaker in recognizing the legislative and political pressures as she negotiated with using the skills of Secretary of the Treasury Hank Paulson and working with the distinguished minority leader in recognizing that we were a part of trying to make certain that the American people knew that we weren't able to do everything that we wanted to do, but we did not ignore our obligations to come together with some type of a compromise. And I think it was historic as we expanded to reach people who would have been ignored had it not been for changes that were made in how we get the money to people.

So I want to thank the leadership of the House, but make it abundantly clear that all of us thought, at the time that we agreed to this agreement, that the Senate was prepared to accept our agreement without change. It's my understanding now, as we talk, that the Senate Finance Committee is marking up their own stimulus package, and I assume that it will not deviate substantially from what the leadership of this House has done. But I do hope that it's made abundantly clear that the House has done its responsibility, and that if there's anything that impedes the Senate from complying to the mandate that the President has set on our Congress, that they too have an obligation to make the type of compromises that's necessary so that we can move forward.

I also would like to add that sometimes it's very difficult in being chairman of a committee that not only do we have partisan differences, but we have differences among my own party.

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And while we are reaching out to provide assistance to people who are suffering economically, I cannot help but remind myself that these people were not selected out of any compassion of wanting to help the poor and those in need.

Indeed, the main reason that these people are targeted is because economists, conservative or liberal, agree that the assistance that we are giving has to be timely, fast. It has to be targeted to people that are going to have to spend the money, and it has to be temporary so that we don't do severe additional damage to the deficit.

I submit to you, Mr. Speaker, that we are talking about the heart of America, hardworking American middle-class people that are now being targeted because they can't afford to take care of their families.

Yes, they have to spend the money to put food on the table, put shoes on their kids' feet, put clothing on their backs, to pay for shelter. And I submit that we shouldn't walk away from this House, because we give economic assistance, proud of the fact that millions of people in this country find themselves in that predicament and for that the Congress cannot be charged.

And I do hope after we finish going through this bipartisan effort, which we have to do, that we might find some way to tell these people that we are going to provide relief without considering a stimulus, but we are going to provide relief because it's the right thing to do.

And no man and woman in this country that works hard every day should have to be stigmatized that they can't afford to provide a different type of lifestyle for their family because they can't meet their obligations.

And so I hope in the way we, in a bipartisan way, have cooperated with this administration, that they recognize that the Tax Code, which is tilted toward the wealthy and therefore supposed to create the jobs of the wealth for the middle class, didn't work this time. And maybe we can think in terms of how we can bring more equity to the moneys that are available to disposable income to those people who work hard every day and not have to target them because of their inability to meet their needs, but to know that we did what we should have done, and that's to provide them with the dignity and the means to continue to contribute toward the economy of this great Nation of ours.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCRERY. Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I would like at this time to recognize the majority whip from the sovereign State of South Carolina (Mr. CLYBURN) for 2 minutes.

Mr. CLYBURN. Thank you very much, Mr. RANGEL, for yielding me the time.

Mr. Speaker, I rise today in strong support of this economic stimulus package, and I commend the House leadership on both sides of the aisle for their efforts in quickly getting this important legislation to the floor. And while the deal may not be perfect—very few, if any, are—it will go a long way towards stimulating our economy while helping many Americans struggling to make ends meet.

Mr. Speaker, these are turbulent times for many working families: unemployment numbers are up, and the housing market is down; energy costs are rising, and stock values are falling.

In short, Mr. Speaker, our economy is underperforming, and the American people are looking to us for leadership.

This measure seeks to stimulate growth by helping businesses and workers. It extends tax rebates to 117 million families and offers write-offs to small businesses to assist them in the creation of much-needed jobs. This legislation serves as an important first step towards moving our economy in a new direction.

I encourage my colleagues to support this legislation. The American people are looking for a new direction, and this legislation provides just that.

Mr. MCCRERY. Mr. Speaker, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Parliamentary inquiry. Is my understanding correct that, as the Chair of the Financial Services Committee, I will control 20 minutes?

The SPEAKER pro tempore. The gentleman is correct, under the order of the House by unanimous consent.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, what's in this stimulus package is, A, good; B, not enough. But I believe it is important to move it. I say "not enough" because the Committee on Financial Services has been dealing particularly with the subprime crisis and the troubles that's generated.

We have in this stimulus package, by agreement between both sides here and the administration, some things that would be very helpful. There are further things that are important that are not in this package. No one should think that because they're not in this package we are not going to go and deal with them.

As soon as this is done today, the staff of the Committee on Financial Services will be working closely, we've been in consultation with the Senate and others, on a broader set of measures that will both diminish the economic problems that the subprime crisis causes and also try to deal with the distress that results.

But let me talk today about what we do. We increase in this bill loan limits for the FHA and for Fannie Mae and Freddie Mac. We made a mistake at some point in public policy by setting as a limit for those three agencies, which deal with housing finance and facilitate housing finance, one flat nationwide dollar limit. In fact, nothing in our economy varies in the pricing area as much as house prices, because houses are immobile. Automobile prices, clothing prices, food prices, there are some regional variations; but they tend to be closer.

House prices have a very great variation, for obvious reasons; and, in fact, the limits that have been set which were intended to prevent luxury housing from benefiting from these public or public/private programs in much of the country excludes not just luxury housing but housing for people of moderate and middle incomes.

Now, that's always been a problem to many of us, but recently it's become part of an economic problem. The mortgage market, we understand, has been suffering at the lower end, at the subprime end, because people with weaker credit were charged too much with, we should always note, a racial and ethnic discriminatory factor; but, in general, there was a problem there.

What we now face, and have for some time, is a problem at the higher end. Because of the uncertainty in the mortgage market, people are unwilling to invest. People are unwilling to buy the mortgages. We have come to be dependent, unhealthily so it seems to me, on the secondary market in which the originators have to sell their loans.

People will not now invest in buying loans that are above the levels at which the FHA, Fannie Mae, and Freddie Mac can provide assurance. Those levels are too low.

So what we do in this stimulus bill is to raise the levels of Fannie Mae, Freddie Mac and the FHA, not uniformly but sensibly, as a percentage of median income with a cap. And that's a very important piece in trying to unlock the mortgage market and getting money flowing again.

Mr. Speaker, I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of the bipartisan economic stimulus package, and let me share with the Members a conversation I had yesterday.

I traveled to New York City, and there I met with 20 to 25 of the financial leaders of our country. The executives were from some of the largest banks and other lending institutions, insurance companies, in America. And almost to the person they told me that they had been talking to businesses all over the United States, and the message they continue to get from the majority of those business leaders is our business is good, we're making the money, we are receiving new orders, we want to expand, we want to hire people, we want to invest in new equipment, we want to invest in new technology. But we're holding back because we hear that things are getting worse, we hear that things may get worse, we're reading that in the newspaper, and we're not sure.

So I believe that what we have here in America today, and let's not minimize the problems. I'm going to speak about the housing market in a minute, and as Chairman FRANK said, I'll not minimize the difficulties that we have in the housing market or subprime, but let me say to the Members, let's not talk ourselves and the American people into a recession. And I'm not saying that any of us are. This is not directed at any Member. I say it this way: I want to encourage the Members and all Americans to have confidence in this country, have confidence in our market, because I will tell you that people in New York that are looking out there in America are saying that a lot of businesses are good, they want to invest, they want to hire people.

So part of what I think is so good about this stimulus package is that I believe it will encourage people to have confidence. It will encourage people to invest or spend.

The Financial Services Committee, as Chairman FRANK said, was responsible for the housing portion of the stimulus package, and I will direct some statements to those portions in a minute.

Before I do, I want to add a few words in strong support of the tax cuts contained in this stimulus package, and they are tax cuts. The stimulus package that we're considering today recognizes the basic economic reality that getting money back in the hands of people who earned it is the best way to help our economy.

The tax element of this package has been called a rebate, but in essence, it's a tax cut, a tax cut for millions of low- and middle-income Americans, those who need it the most, those with a moderate income.

I believe this will be immediate tax relief for hardworking taxpayers, and the improvement into our economy that always results from allowing taxpayers to decide how their hard-earned money will be spent will be beneficial.

Some have said not all Americans will spend this money. Some will save it. I think our answer to that ought to be, yes, some will spend it, most economists tell us that the vast majority. Some will save it, but that's their choice, not our choice. That's America. I am confident that whether they save it, whether they spend it, whether they pay down their bills, whether they invest as businesses will in new equipment, that it will all be good for America.

Hopefully, it will stimulate not only the economy but it will also prompt my colleagues to enact additional tax cuts in the future and make the Bush tax cuts that have worked so well permanent.

It is widely recognized that the troubled housing market is a significant contributor to the current downturn in our economy. It is not contributing to our economy as it has in the past. We all know housing prices are down. This stimulus package includes several provisions designed to address that lack of liquidity, that weak market in certain segments of the mortgage market. The bill increases, but only on a temporary basis, the loan limits that apply to mortgages that can be purchased by the housing GSEs, Fannie and Freddie, and by ensuring that the Federal Housing Administration and those that are insured by the Federal Housing Administration, most people refer to as FHA, it will increase the size of those mortgages and mortgages that they can insure and offer.

Greater availability of higher-cost mortgages and FHA-insured loans will help get prospective homebuyers off the sidelines and into the housing market. We're hearing that today from the national Realtors. In those markets, there have been price declines. In some they have been particularly severe.

This legislation will assist existing homeowners to refinance loans that they're struggling with. It will also allow those who want to buy and are on the sidelines now to begin making offers and to restore our housing market.

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The combined changes, I believe, will help restore confidence to our economy, and we need that confidence. The higher GSE and FHA loan limits, like the other provisions of the package, are both targeted and temporary, they expire at the end of this year, thereby addressing the concerns of those who fear that expanding the eligibility for the GSEs and FHA loan products will unduly increase Federal housing subsidies. I share those concerns.

While I would have preferred that the increases be implemented as part of a comprehensive GSE and FHA reform, I'm encouraged, very encouraged, by the commitments that Chairman FRANK and the chairman of the Senate Banking Committee have made to us that achievement of those broader reforms in the GSEs and FHA are a priority for them, also, and that achievement of those broader reforms will be among the highest priorities of this congressional session. I look forward to that important work.

As the GSEs purchase larger mortgages and take on more risk, it is incumbent that this Congress produce legislation that creates a world-class regulator for these enterprises and fully protects U.S. taxpayers. We have heard from both the Treasury Secretary and the President about the need for this reform. This House has passed legislation making that reform law. I urge my colleagues in the Senate to follow our example.

Let me close by saying the bottom line, I believe, is we must not only take the measures we do today, which are going to offer real solutions, but also do whatever we can to increase and encourage optimism among Americans. That's what we need. Hope has been mentioned very often in this Presidential campaign. Our message needs to be to the American people that our economy is strong. There are businesses that are ready to hire, ready to invest, ready to buy new technology. There is a legitimate reason for optimism today, and we should promote that optimism.

Mr. Speaker, let me conclude by commending President Bush, Chairman FRANK, Chairman RANGEL, Ranking Member MCCRERY, and all the Republican and Democratic leadership of the House for coming together so quickly for this stimulus package. There is hope for America. There is reason for optimism. This package, I believe, will contribute to that optimism and that hope.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, as we move forward to pass this historic piece of legislation that has been requested of us, I am, indeed, honored to yield 1 minute to our Speaker, who, on December 9, called us together to decide what we should be doing if, indeed, the economy was moving the way it has. Not only did she bring us together, but she brought Republicans and Democrats together in dealing with the administration in a way that some of us never thought was possible. It's a great honor for me to support and yield 1 minute to our distinguished Speaker.

Ms. PELOSI. I thank the gentleman for his kind and generous remarks. I especially thank him for his tremendous leadership, because under his leadership we are able today to vote on something that is relevant to the lives of the American people.

I commend Leader BOEHNER for his leadership as well. It has been a privilege to work in a bipartisan way to help relieve the pain of the American people.

For a long time now, homemakers, homeowners, and hard workers across America have known that there is a problem in our economy. They've had a hard time making ends meet, living paycheck to paycheck, with rising costs for gasoline, for groceries, for health care, you name it. American families felt this pain early on, and they knew that our economy was facing perhaps a serious downturn, but a downturn nonetheless.

On December 7, actually, I remember because my seventh grandbaby was born that day, Thomas Vincent, on December 7 we had a meeting, a bipartisan meeting with leaders from the business community, economists, leaders of industry, of labor, the academic community, people representing workers in the diversity of our country, and we talked about what we could do to head off a serious downturn in our economy. We knew from that meeting that it would have to be timely, that we would need to act quickly; that it would have to be targeted, that it would put money in the pockets of hardworking Americans who would immediately spend the money to meet their needs, inject demand into the economy to help create jobs; and it had to be temporary. The tax incentives in the package would have to be such that they would have to be acted upon in this calendar year so that the full impact could be felt for job creation and stimulus to the economy. Previous stimulus packages have not had that. They had a 2-year period of time in which the incentives would work, and therefore they lost impact. Previous stimulus packages did not have a cap on who received the rebate, or the tax cut as Mr. BACHUS calls it. And so, therefore, a lot of money went into the hands of people who never really spent it and injected it back into the economy.

But this is timely. We're acting very quickly, not hastily, but quickly and firmly in a disciplined way on a package that has as its one criterion for anything that's in the package, is it stimulus, is it stimulus, and does it meet the test of enabling us to move in a timely fashion, targeted and temporary.

I was pleased that, working with my colleague, Mr. BOEHNER, and with the administration under the leadership of Secretary Paulson, that we were able to come to terms on how we would proceed. We could only do that because of the extraordinary respect in which Mr. RANGEL is held, and Mr. MCCRERY, and them working cooperatively as they have for a while. We could only include in the package those features that related to the subprime crisis because of the extraordinary reputation of the distinguished chairman of the Financial Services Committee, Mr. FRANK, understanding the terms under which we wanted to proceed, and respecting his expertise in those areas and those of Mr. BACHUS as well. So, this has been bipartisan in terms of committee, in terms of working together over time, and bipartisan in terms of the leadership working together a short time frame, benefiting from the work that had gone before us.

It's important in this package to have a level of discipline, because one of the features that the economists, business leaders, labor leaders, et cetera, had told us in the course of all these discussions is you don't want to do anything in a stimulus package that will hinder your ability to act in a recovery.

So, it's important that this bill not get overloaded. I have a full agenda of things I would like to have in the package, but we have to contain the price, and in doing so, you have to establish your priorities. And the priority we had was to put $28 billion in the hands of 35 million families who had never received a rebate or a child tax credit before, and to do it quickly. That was our priority. Because if you do, to do that, again, is true stimulus. All the other things, while worthy and important, again, we made a decision, because that's where we could find our common ground. But if we heap too much on top of that package, it will then take us deeply into debt.

And PAYGO is important to us. And while in recession the PAYGO law allows for us to take certain initiatives, you don't want to abuse that by again adding to the deficit for items in the package that are not strictly timely, temporary, targeted or stimulus.

So, I think we have a good product here. It's all a compromise. It's all about decisions and priorities that have to be established. But it also speaks to the fact that we really do, hopefully, we need to work in a bipartisan way, to have a very aggressive initiative for job creation in our country. And we've already laid the framework for that in a bipartisan way. We've had overwhelming votes in this Congress, for example, on SCHIP, expanding health care to many more children in America. Health care needs health-trained professionals at every aspect of the delivery of health care. So, it creates good-paying jobs in America when you expand health care accessibility to Americans.

Education, innovation, all of those are about keeping us competitive, keeping us number one; again, creating good-paying jobs in America so that we prevail in the global marketplace.

And we talk about infrastructure, that we must have a package for rebuilding our roads, our highways, mass transit, taking initiatives for new projects as well, creating good-paying jobs in America. And global warming. We, as a generation and as a Congress, will be judged by posterity as to how we deal with the issue of a global climate crisis. This affords for us a whole new world of job opportunity where we're all on the ground floor, largely, where we go into urban America and our inner cities or we go into rural America and create good-paying green jobs that are new.

It's about being entrepreneurial about this, to thinking in new and different ways about how our decisions have to be seen in the light of "do they create good-paying jobs in America."

So, again, while we stand ready to present a stimulus, if need be, we want to, in the long term, not that long term but longer term than a stimulus, create jobs to avoid such a downturn and, in any event, raise the living standard of the American people. And so, whether it's about this rebate and what it means to these hardworking Americans who are facing rising costs and need help to live paycheck to paycheck, and I'm telling you, that's not just the working poor, that is the middle class in America. This is a middle-class tax rebate bill. We call it the Recovery, Rebate and Economic Stimulus for the American People Act. It targets the middle class and those who aspire to it. And for that same middle class, we must have an ongoing aggressive initiative for job creation so that across the board America's families have the confidence that they need. Because in a downturn, what you need is confidence. You need consumer confidence. You need confidence in the markets. And as Mr. RANGEL always tells me, a message of confidence is given to the American people when Members of Congress can work with the administration in a bipartisan way to put the American people first.

So, I thank you, Mr. Chairman, and I thank Mr. FRANK, Mr. RANGEL, Mr. MCCRERY, and Mr. BACHUS, and to my colleagues, Mr. SERRANO, Ms. VELÁZQUEZ, and CHARLIE RANGEL, again, for all their leadership in terms of the territories, which is a very important part of this legislation.

I think it's a good day for us here. And let's hope that the Senate will take its lead from us and be disciplined, focused, fiscally responsible, and act in a timely, temporary, and targeted way on behalf of meeting the needs of the American people.

Mr. McCRERY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I rise today in opposition to H.R. 5140.

There is no question that our economy is in trouble, and the best way Congress can help fix it is to cut taxes. But this bill is too little and too late.

Rather than sending checks that won't arrive until June, 5 months from now, Congress can give the economy the immediate shot in the arm it needs by eliminating Federal income tax withholding for a month or two. That would give wage earners a boost in their take-home pay next month, which they can spend or save or reduce their debt. Individual income tax rates could be adjusted so that taxpayers won't be hit when they file their 2008 tax returns a year from now.

Rather than telling the country that the check's in the mail in June, let's do the right thing that will put money into taxpayers' pockets in the quickest and least bureaucratic way possible by canceling Federal income tax withholding for a limited period of time.

Mr. FRANK of Massachusetts. Mr. Speaker, I now yield 2 minutes to the chairman of the Subcommittee on Capital Markets, a man who had a major role in our dealing with the structural issues going forward, the gentleman from Pennsylvania (Mr. KANJORSKI).

☐ 1300

Mr. KANJORSKI. Mr. Speaker, I rise to applaud the President and the bipartisan House leadership for quickly coming to an agreement to stimulate the economy through legislation that is timely, targeted, and temporary.

The bill before us today contains an important provision that I helped to craft as the chairman of the subcommittee of jurisdiction. This reform will temporarily increase the conforming loan limits of Fannie Mae and Freddie Mac to enhance the liquidity of several local mortgage markets. I support this short-term change.

I would, however, also like to take the opportunity to encourage the Congress to expand the economic stimulus plan to include cash benefits for those citizens whose only source of income is Social Security. Our Nation's seniors and disabled individuals are facing difficult economic times. For years these men and women have been forced to survive on less and less, and their costs continue to increase and their incomes remain the same.

In my home State of Pennsylvania, home heating prices are up 19 percent in the last year. Gas prices are up 86 percent in 5 years. Food prices continue to rise. And seniors continue to struggle with high prescription drug costs. Low-income senior citizens and disabled individuals are forced to make terrible choices to try to cope with these realities. These Americans need cash rebates just as much as the individuals currently included in this stimulus bill.

Mr. Speaker, once again, I applaud the bipartisan effort that brought this economic stimulus package to the floor. We should also work to ensure that our Nation's seniors and disabled individuals are included in this worthwhile legislation.

Mr. BACHUS. Mr. Speaker, at this time I yield 3 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Speaker, I rise in unenthusiastic support of this legislation. Perhaps it is a true sign of bipartisanship. I think if we were all honest with ourselves, we would say there was much about this legislation that disappoints us; yet most of us will support it.

Mr. Speaker, my own personal disappointment is I see very little economic stimulus in this so-called economic stimulus package. I see tax relief, income tax relief, for those who do not pay income taxes. I see tax relief for middle-income families, which is very important, very important, Mr. Speaker, at a time when their paychecks are squeezed with high energy costs, with high food costs, and high health care costs. But I don't confuse temporary tax rebates with economic growth.

Now, I did look closely, and there is some economic growth component of this legislation of which I approve. But ultimately, true growth doesn't come from temporary tax rebates. It comes from allowing entrepreneurs and families and capitalists to actually have their own capital to expand and grow the economy.

The last time our Nation was facing a recession, I went to a small factory in my district called Jacksonville Industries. They employed 21 people. They were an aluminum die cast business. Because of competitive pressures, they were on the verge of laying off two people. But because of the tax relief passed by this Congress, particularly expensing capital gains tax relief, they bought a new piece of equipment. And that new piece of equipment made them more competitive, and instead of laying off two people, they hired two new people.

So, Mr. Speaker, I ask the question, surely middle-income families, I know they need help, but this package, I fear, is more akin to helping them pay one month's worth of credit card bills at a time when people are getting laid off at the local factory when, instead, what they really need to know is that their paycheck is preserved and that they have opportunities to even grow that paycheck and that their employer can become more competitive and give them more opportunities to advance and grow that paycheck. And, Mr. Speaker, unfortunately those components are sadly lacking.

If we wanted those components in the bill, the first thing we would do, Mr. Speaker, is try to prevent all of these scheduled tax increases on families and the economy that our friends on this side of the aisle have put in place. The second thing we would do, Mr. Speaker, is try to make our business tax rate more competitive with our international competitors. We have the second highest corporate tax rate in the industrialized world. That's what we need to do.

Now, Mr. Speaker, many people here come with their theories. I come with evidence. If you look early on in 2003, if you look to the Reagan administration, the Kennedy administration, when you're faced with a recession, lower marginal tax rates, lower capital gains rates, and you will grow people's paychecks. That's the economic growth that we need.

Mr. RANGEL. Mr. Speaker, the committee has reported out a bill that reduces corporate taxes from 35 percent to 30.5. I'm not saying that we have all of the answers, but it does challenge the administration to come forward either with support, opposition, or compromise. But I agree with the last speaker.

Mr. Speaker, it's my great honor to yield 2 minutes to the gentleman from Connecticut (Mr. LARSON), the vice chairman of our caucus, a leader in the Democratic Party, a leader in the Congress and in our country.

Mr. LARSON of Connecticut. I thank the chairman for those generous remarks.

Mr. Speaker, I rise to commend Speaker PELOSI and commend Leader BOEHNER for working together to bring this package before us and working in conjunction with the President. Speaker PELOSI, I think, was correct in reaching out to the President first through letter and then, of course, by making sure that we could bring to fruition this important package. It wouldn't happen, though, without the leadership of CHARLIE RANGEL and JIM MCCRERY, who have epitomized in this Chamber what working together is all about and the productive results that can come from that.

I am so pleased and honored to see that this package reaches out to 35 million people, 35 million Americans who would otherwise never know the benefits of a stimulus package and debunks once and for all the myth that they do not pay taxes. They pay the most regressive of taxes. And, therefore, this is money that will help stimulate this economy immediately. And, again, I commend the leadership for coming up with this progressive approach.

We also recognize that there is much more that needs to be done as well. Again, I want to commend our chairman, CHARLIE RANGEL, for recognizing the kind of long-term stimulus that we're going to need.

President Roosevelt said of another generation they had a "rendezvous with destiny." For America today what Mr. RANGEL understands and recognizes is that we have a rendezvous with reality. It's a reality that people face every day when they stare across the kitchen table and look at their spouses and understand what's happening to our economy. When you look at the national debt, when you look at the trade imbalance, when you look at personal credit card debt, when you look at the college tuition debt that people are experiencing, that's what's happening with this middle-class crunch. That's why long-term investment in infrastructure is so important. And, again, I commend Mr. RANGEL and the entire body for pursuing it.

Mr. MCCRERY. Mr. Speaker, at this time I yield 2 minutes to a distinguished member of the Ways and Means Committee, the ranking member on the Health Subcommittee, the gentleman from Michigan (Mr. CAMP).

Mr. CAMP of Michigan. I thank the gentleman for yielding.

Mr. Speaker, Americans are increasingly concerned about the U.S. economy, and in Michigan economy is the number one issue families worry about. It's critical for Congress to address this issue and enact legislation that will encourage job growth, renew consumer confidence, and spur new business investment today. We can't afford to wait and waste time loading up a bill with extra spending measures.

The bill before us is a positive step and one we should take. I want to thank Chairman RANGEL and Ranking Member MCCRERY and the leadership on both sides for bringing this bill forward today. However, I don't know a single American who prefers a tax rebate, even a rebate as generous as this one, to a good-paying job. So by no means is this the only step we should take if we are to become truly competitive and create long-term job growth in this country. The Tax Code continues to be a drag on families and businesses. If we're serious about putting America on a growth track, we must tackle substantive tax reform sooner rather than later.

In 1960 America was home to 18 of the world's 20 largest corporations and their employees. By 1996, however, only eight of the world's largest companies and their employees were based in America. This shouldn't surprise us. The United States has the second highest corporate tax rate in the industrialized world. While the average rate is 31 percent, the U.S. rate is a whopping 39 percent, exceeded only by Japan at 40 percent.

So before we congratulate ourselves on this economic stimulus package, we ought to address this jarring trend that is far more dangerous to American prosperity than next quarter's economic forecast.

I urge my colleagues to send this bill to the President as quickly as possible and to begin to address long-term strategies such as regulatory relief, tax reform, and expiring tax relief measures for sustained job creation and economic growth.

Mr. FRANK of Massachusetts. Mr. Speaker, I now yield 2½ minutes to the Chair of the Housing Subcommittee of our committee, who has played a very significant role and will be in a major role as we go forward in the necessary next steps after this, the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker and Members, I first would like to thank all of our leaders who were involved in the negotiations on this most important stimulus package. Despite the fact there are some differences and some things we would have liked to have seen differently, this was a good effort, and I think we all have to get behind this effort and move forward with it. I'm thankful for the work that the Speaker did in particular.

And I rise in support of the economic stimulus package before us today. It is urgently needed in light of home foreclosure rates that are 70 percent above the same time last year. Labor Department figures show that a sharp slowdown in job creation actually took place in December and the worst holiday season in over 5 years.

Americans need help, and I applaud Speaker PELOSI for working with the administration and Minority Leader BOEHNER to provide it to them and quickly. This package will provide rebates to 117 million households, the kind of broad-based relief required to help jump-start consumer spending and the economy. Individuals can look forward to up to $600 in tax relief, while married couples may get as much as $1,200 to meet their expenses, including skyrocketing costs of fueling their cars and heating their homes.

Equally critical, this package is not tilted toward the high income to the extent that the President's original proposal was. Indeed, thanks to Speaker PELOSI's efforts, the package includes tax relief of up to $300 for 35 million working individuals who earn too little to pay income taxes, a group that had been left out of the initial plan. Further, the bill will temporarily raise loan limits for the GSEs and the FHA, which will allow these entities to play an increased role in helping distressed homeowners across the country, especially in high-cost housing markets like my home State of California. As the lead sponsor of H.R. 1852, the Expanding American Homeownership Act of 2007, I am pleased that the bill incorporates loan limit increases for loans written by the Federal Housing Administration. The reforms in H.R. 1852 are critical in addressing the current foreclosure crisis, and I look forward to ensuring enactment of other elements of this much-needed legislation.

There are a few critical measures to assist our Nation's lowest income households, those who are most likely to inject any assistance they receive directly into the economy, that I am disappointed were left out of the final stimulus package.

In particular, extension of Unemployment Insurance benefits and a 10 percent increase in Food Stamp benefits would provide critical assistance to the Nation's poor families. Moreover, both could start injecting more consumer purchasing power into the economy within 1 to 2 months, even faster than the planned rebate checks are likely to go out. A recent analysis by Economy.com found that for each dollar spent on extended Unemployment Insurance benefits, $1.64 in increased economic activity would be generated and for each dollar in increased food stamp benefits, $1.73 in new economic activity would be generated. This is substantial "bang-for-the buck" in fiscal stimulus.

Nonetheless, I recognize that Speaker PELOSI had to make some hard choices in negotiations with the Administration and our colleagues from across the aisle, who view appropriate economic stimulus very differently; therefore, I urge my colleagues to support this negotiated proposal.

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Mr. BACHUS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Mr. Speaker, I have some reservations about the effectiveness of this economic stimulus package and its impact on our Federal deficit; however, I am going to support it. One of the reasons I am going to support this package is it takes an important step toward providing more options for homeowners and homebuyers in America. By temporarily increasing the size of mortgages for our GSEs and FHAs, they will be able to purchase mortgages in high-cost areas across the country where some of those people have been locked out of those particular markets.

By bringing additional buyers into this marketplace and rather than leaving them on the sidelines, we are going to help reduce housing inventories that, as you know, have been increasing all across the country. Increasing these conforming loan limits for these particular entities adds additional liquidity to a marketplace that is in dire need of additional liquidity and will help provide additional mortgages around the country.

However, their taking this action is not nearly enough. Congress has completed important legislation that reforms FHA, and we must complete this legislation. We have passed legislation that brings reform to our GSEs. It's time for Congress to sign that legislation as well. We need to do this without siphoning important resources from these entities at a time where we are going to be relying on them to help provide additional mortgages and liquidity in the marketplace.

In order to increase the loan limits to have its full desired effects, we need to also make sure that we increase the portfolio caps of Freddie Mac and Fannie Mae. Congresswoman BEAN and I have introduced legislation to increase these caps, and I urge the administration and Congress to act on these immediately. This marketplace is in need of liquidity, and by raising the loan portfolio limits and the caps, it will allow Freddie Mac, Fannie Mae, and FHA to come into the market and help bring back additional robustness in those markets.

In hindsight, we see that borrowers, lenders and investors made poor decisions. In Congress' attempt to help stabilize this downturn we must avoid more poor decisions.

Congress must ensure that we cause no further harm as we facilitate bringing more liquidity to the marketplace.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL), the Chair of our Democratic Caucus. No one has received more creative ideas of how to improve this legislation than him. But I want to thank him publicly for his leadership and directness toward this bipartisan historic legislation.

Mr. EMANUEL. Mr. Speaker, I'd like to thank my chairman.

While other speakers have noted some of the shortcomings and their reluctant support, I enthusiastically support this legislation. Unlike the 2001–2003 tax cuts, in 2001, 36 percent of the tax benefit went to folks earning more than $200,000 a year. In the 2003 tax cut, 67 percent of the tax rebates and tax refunds and tax cuts went to those earning over $200,000 a year. In this stimulus package, zero. The lion's share of the tax rebate goes to people earning between $40,000 and $80,000 a year.

I enthusiastically support the middle class of this country, and we are doing it in this bill. Thirty-seven million Americans who were left out of the 2001 and 2003 tax cut will get close to $28 billion of this tax cut. I enthusiastically support that type of economic prosperity.

Like my colleague on the other side from Michigan, once we right this economy hopefully with this stimulus package and interest rate cuts, we need to deal with long-term issues. On those issues, how did we get here? In the last 7 years, our debt went from $5.7 trillion to $9.2 trillion. President Bush inherited 3 years in a row of surplus, to 6 years in a row of deficit spending. Health care costs went from $6,000 for a family of four to doubling to $12,000 for a family of four. College costs increased by over $2,000 a year for a middle-class family. Energy costs went from $1.39 a gallon to $3.07 a gallon.

So I look enthusiastically to debating long-term future economic challenges the middle class have been feeling. The reason this is so important is because we are reversing and beginning to reverse the economic policies leading, and have been the leading causes, to middle-class squeeze: Rising energy costs; rising health care costs; rising home values that shut out the middle class; depleting savings rates in this country; and a median household income that has shrunk by $1,000 in the last 6 years, while in 2000, over the last 6 years leading into 2000, median income rose by $6,000.

So in the long-term debate about this country, we have got to come to the rescue of middle-class families, and this stimulus package begins to do that.

Mr. McCRERY. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Pennsylvania (Mr. ENGLISH), a ranking member on the Ways and Means Committee.

Mr. ENGLISH of Pennsylvania. I thank the gentleman.

Over the last couple of months I have watched with growing trepidation as the economic news turned worse and increasingly in the market there were uncertainties about the large tax increases being threatened from the other side of the aisle, and generally a sense of pessimism about the economy. I came to the conclusion we needed to consider moving forward with a stimulus package.

Today, Mr. Speaker, I am proud to say our Chamber has an opportunity to find common ground and rally, despite our ideological differences, behind a short-term stimulus package that will have limited utility but will provide the ailing American economy with the right incentives at exactly the right time.

Through bipartisan dialogue and agreement, we have been able to settle on a plan that will benefit both wage earners and job creators, encourage investment, and put more money back in the pockets of America's hardworking middle-class families. As a result of this plan, working Americans will have access to extra cash to cushion increased costs in food and energy; families, in fear of losing their homes, will have new opportunity to refinance their mortgages and retain homeownership; and businesses will be rewarded for making capital investments here in the domestic economy, which, in turn, will jump-start spending and create more good-paying jobs.

This compromise was negotiated as a simple, clean, and targeted bill. It is the best that we can do that we can pass quickly and accomplish our goal of stimulating the economy in the near term. I urge my colleagues to join me to vote for jobs, to vote for American workers, and to vote for economic growth.

Mr. FRANK of Massachusetts. Mr. Speaker, I now yield 1 minute to the gentlewoman from Illinois (Ms. BEAN), a member of the Financial Services Committee, who has been particularly creative in trying to make sure that there are tax incentives in here that will help the business community play its most productive role.

Ms. BEAN. Mr. Speaker, I rise today in support of H.R. 5140, the stimulus package that will strengthen the economic health of our businesses, our Nation, and the families we represent. Recently, I introduced legislation to double the section 179 expense tax deduction, which allows small business owners to write off expenses immediately. I am pleased that this meaningful tax incentive was included in the House stimulus package, which encourages small businesses to increase investment and hiring.

In my district, Chris Dahm, owner of Dahm Trucking in Woodstock, Illinois, is an example of how this will make a difference. In 1980, Chris started his company with one truck; 28 years later, he has a fleet of 33. His success, like small businesses across the country, is a cornerstone of our economy. However, over the last 3 months, his business has declined and he has reduced the workweek for many of his drivers. When I talked to Chris about this incentive, he said, "If something like this came out, I'd go full speed." Instead of stalling expansion plans, he would invest now.

I commend our leadership and administration in crafting this bipartisan legislation and urge its swift passage.

Mr. BACHUS. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. I thank the gentleman for yielding.

One year into the liberal Democrat majority in Congress, the economy is struggling. In the wake of more government spending, threats of tax increases, and energy legislation that did nothing to expand our access to domestic reserves, this massive American economy is slowing down. The time has come for Congress to act to stimulate the economy and stave off the possibility of a Democrat recession. This stimulus bill that will come to the floor today, while welcome, will not do enough to stimulate this economy. Congress must do more. The Recovery, Rebate and Economic Stimulus Act is a shot in the arm for a patient in need of major surgery.

I will support this bill because I believe the American people are overtaxed. Putting money in the pockets of American families is a good thing. I never met a tax cut I didn't like. But this one comes close. Showering the landscape with government rebates is no way to truly strengthen the foundations of a free market economy. If we are serious about bolstering this economy and helping America's working families, we must make the President's tax cuts permanent and implement other tax reform focused on capital formation.

Congress should do more. But this is a small move in the right direction. For families struggling to make a mortgage payment or meet a college loan, for families ready to invest in a new car or a home, or for families simply fighting to keep food on the table, this relief is needed and welcomed. With this rebate, the American consumer will do their part to revive this economy, but I challenge Congress and all of our colleagues in both parties to do our part and demand that this legislation ultimately include tax relief for the wage payer as well as for the wage earner.

Mr. RANGEL. Mr. Speaker, I would like to share with the gentleman from Indiana the fact that we should blame the Congress for this because clearly we have had no leadership from the executive branch. So I guess the blame has to fall on us. For those who are concerned about tax reform, we waited 7 years, and we have got nothing. So either accept what we have got, or ask the President to at least bring something to the Congress.

Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT), who is a subcommittee chairman of this committee, that has fought hard for the creation of jobs but has just as much compassion for those who, through no fault of their own, have lost their jobs. I publicly thank you for your service.

Mr. MCDERMOTT. Mr. Speaker, the stimulus package before us today is a call to arms for Congress to act on behalf of the American people. The President waited too long and offered too little. While he spent months pretending the economy was just fine, Americans were losing their jobs, their homes, and their confidence.

Last week, he apparently woke up, noticed the problem, and, to her credit, Speaker PELOSI negotiated a stimulus package that, for the first time in 7 years, recognized our first responsibility to the middle class and America's vulnerable families. People earning $200,000 a year don't need a rebate to weather the economic storm, but people earning $20,000 do need one.

But, for all the stimulus package does, we must recognize it is a work in progress, because there is unfinished business we must address in the coming months. This package falls silent on the plight of Americans who have already lost their jobs in the economy, and this package does not address the reforms needed to our unemployment insurance programs to deal with the reality of the modern-day workforce competing in a global economy.

Two-thirds of the people who pay unemployment insurance can't draw benefits. People with part-time jobs can't draw benefits. Spouses whose husbands are transferred elsewhere and lose the second job the family has been depending on can't draw benefits. Those are the kinds of things that need to be done. But there's nothing new today.

The gentleman from Indiana was a wonderful counterpoint. In 1935, when we passed the Social Security Act in Congress, during the middle of the Depression, and unemployment insurance was right in the middle of it, the last issue the Republicans fought in the United States Senate at the very end of the bill was whether or not they should have unemployment insurance. The gentleman from Indiana would have fit beautifully in the Republican caucus in the U.S. Senate in 1935. And that is why we got rid of them.

This is not a day for a victory lap. It's a day when we begin to restore the faith of the American people in the ability of their government to act as an agent for positive change. This is the first day, but it must not be the last day, or we will fail the American people when they need us most. But I don't want to see unemployment brought out here, married to the war funding, like we had to accept when we had the raise in the minimum wage. This ought to stand on its own. We should stand behind the American workers in their time of need. It shouldn't be mixed with a lot of other things.

Mr. MCCRERY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. BRADY), a member of the Ways and Means Committee.

Mr. BRADY of Texas. Mr. Speaker, I don't need much of an excuse to give people back their own tax money, especially the way we spend it up here in Washington. So I support this measure and appreciate the leadership of President Bush and the bipartisan way this came together.

But let's not hold a parade for ourselves just yet. While economic estimates vary, I am somewhat skeptical about how much impact this tiny package will have on America's large and complex economy. I hope it does. But I worry this yet may become more a political stimulus package than a true economic stimulus.

The truth is our economy is so strong and resilient that it bounces back and recovers quickly from major challenges, whether it's the attacks of 9/11 or the dot-com crash. There's no question the housing downturn and future credit crunch are real and serious, and we ought to look at every way to limit their impact, but not in any way that prolongs those problems or creates an excuse for a spending spree that we cannot afford.

Our goal as a government should be to do no harm. At this point, this package accomplishes that.

□ 1330

In fact, incentives for small businesses I think will help create new business investment in the economy, which keeps and creates jobs. And we should never miss an opportunity to help families at all income levels to stretch their budgets, especially with prices so high.

In the end, we should remember that it is not Washington that creates jobs, but rather a business climate that rewards rather than punishes Americans for working smarter, for succeeding, and developing the innovations that our changing world demands.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO), the member of the leadership who has had a major role in recognizing the need for this package.

Ms. DELAURO. Mr. Speaker, from negative economic data on wages and consumer prices, to a falling stock market, there is almost no margin for error in today's tight economy. We face an urgency and a moral obligation to get it right and ensure no American is forced to live in those margins.

This legislation represents a strong bipartisan agreement on an economic stimulus package that will begin to provide financial relief and income security to middle-class Americans most at risk in a prospective recession.

Building on our work to extend the child tax credit, and my belief that all hardworking low- and middle-income families should receive at least a partial credit, this package will ensure that any family that pays taxes and earned at least $3,000 last year will get a $300 rebate per child. It is long past time that we finally recognize that the child tax credit should be available to all families, including those who serve in our military.

With the economy in so much difficulty, this is the right approach: immediate, focused on those who need resources, and who will spend it. Unlike previous efforts to stimulate the economy, this package is focused on the middle class, and provides real, not token, relief. That includes $28 billion in tax relief for 35 million families who work but make too little to pay income taxes, but they pay sales tax, FICA tax, property taxes, families who otherwise would not have been included in this recovery effort, more than 19 million of them with children.

To meet our obligation, boost our struggling economy, and provide real assistance for middle-class Americans, I urge a "yes" vote.

Mr. MCCRERY. Mr. Speaker, I yield 2½ minutes to a member of the Ways and Means Committee, the distinguished gentleman from Illinois (Mr. WELLER).

Mr. WELLER of Illinois. I thank the gentleman from Louisiana for the opportunity to speak. Of course, I come before this body today to stand in support of our bipartisan agreement put together by the President and our leadership in an effort to boost our economy. I do want to express to my chairman and my ranking member my disappointment, however, that this product didn't come through the committee, since I know we have good leaders, beginning with our chairman and ranking member, who have good ideas; and I believe this product should have come through the committee with committee action and committee input. But I do stand in support of what I feel is a good compromise.

Under this plan, a family of four making $70,000 a year in the district I represent in Illinois will see an extra $1,800 that they can use for family expenses, and that is a good thing, money that can be spent locally and creating local jobs.

I would like to focus on the component that I feel is the centerpiece of this stimulus package, which is the 50 percent bonus depreciation, a mechanism that works. It should be called, rather than bonus depreciation, it should be called the "invest in American jobs component" of the stimulus package. Because this extra 50 percent bonus depreciation goes to invest in new computers and company equipment and assembly lines, manufacturing lines, they are going to get an extra 50 percent for depreciation purposes.

That is an incentive to invest in American jobs here in America, and that is why bonus depreciation is so important. Because when we did it in 2003, it worked. You look at this chart here; and when bonus depreciation was passed into law, we saw an immediate jump in demand for U.S. manufactured goods. The law had an impact, and it had a big impact.

Now, I have heard reports today that our friends in the Senate, the Senate Finance Committee, according to reports, may be considering cutting in half the bonus depreciation. Well, in 2001, in the first Bush tax cut, we tried 30 percent bonus depreciation back in this period of time; and as you can see on the chart, it had a little bit of an impact, not very much.

As the House and Senate work out our differences if we pass different legislation, I urge that we keep the 50 percent bonus depreciation, again, the "invest in American jobs" provision that is in the stimulus act.

Mr. Speaker, I urge bipartisan support of this important legislation.

Mr. RANGEL. Mr. Speaker, I would like to yield 2 minutes to Mr. LEVIN of Michigan and congratulate him for the outstanding contribution that he makes to the committee and the Congress.

Mr. LEVIN. Thank you, Mr. RANGEL, for your kind words, and congratulations to the bipartisan leadership that has worked this out.

Yesterday in this very place, the President said: "Our economy is undergoing a period of uncertainty." For millions of people in this country, our economic difficulties are very, very certain indeed, and that is true of the over 7 million who are unemployed.

Economists agree that unemployment insurance is one of the most stimulative approaches that can be undertaken. Unemployment is rising significantly. In December, the total number of unemployed was 900,000 higher than the same month in the prior year, and long-term unemployment is now twice as high as it was in the last recession. Almost a fifth of those who are unemployed have been unemployed over 26 weeks, and in Michigan, 72,000 people will exhaust their jobless benefits in the first half of this year.

In the past, the extensions of unemployment compensation have come too late. The time for action on extension is here and now.

Mr. BACHUS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. I thank the gentleman for yielding.

I guess this afternoon I am going to be a fairly lonely voice in opposition to this bipartisan agreement, and I hope that my colleagues on both sides of the aisle will listen as in the next 3 minutes I present to you five reasons why I think we should not be passing this bill.

First of all, it is not really going to be stimulative. Look at what caused the problem that we are in right now. This is a credit problem and a capital problem. We got into this arguably because people borrowed and spent too much money. So what are we going to do? We are going to send people a check and say, spend it. Go buy a flat screen TV and save America. I just don't think that is the proper stimulus or the right way to go about this.

Second, it is really wealth redistribution. People who pay well over 50 percent of the taxes in this country get nothing, zero, nada. But yet a substantial portion of this package will go to people who pay nothing in taxes. So we call it a tax rebate, but people are going to get a rebate who paid nothing, and people who paid most of the taxes will get nothing.

Third, it increases the deficit. We have had three years of decline in this deficit. We are finally seeing perhaps the end of these deficits. And now with this and everything going on, we are looking at increasing it for the first time in 4 years, maybe going back to a deficit as much as $400 billion, which gets us back almost to where we were before 9/11.

Fourth, I know that it says in there that nonresident aliens, meaning illegal aliens, are not supposed to get a check. However, this is a 2007 1040 form, and if you look at it, you can look around all over the place and see there is no box to check where it says I am a nonresident or illegal alien and therefore am not eligible to receive this check. This thing is ripe for fraud, because you send in a tax return paying no money and get a check. So there will be opportunities for fraud.

Finally, fifth, it goes against all of our long-term goals. We all sit in here on a bipartisan basis, particularly my friends on the Democratic side have talked about reducing the deficit and getting to a balanced budget. We have talked in this country that we don't save enough. We talked in this country that many times we need to invest more, as some of our friends in some of the emerging markets are doing.

We are sending completely the wrong message here, a message which is don't save, spend; a message for the government which is don't save, don't balance, but spend. We do need stimulus.

We should be providing stimulus that attacks the problem. If your leg hurts, don't do something to try and help your arm. Help your leg. Our leg hurts. The leg that hurts is credit and capital, and there is stimulus we could do that would enhance the availability of credit and encourage the movement and investment of capital. Unfortunately, this doesn't do that.

Mr. FRANK of Massachusetts. Mr. Speaker, as I listened to my friend from California, I was struck as he excoriated the President's program, that in his metaphor he seemed to think the President can't tell one body part from another, which is a troubling thing.

Mr. RANGEL. Mr. Speaker, I ask unanimous consent to have the remainder of my time be controlled by the gentleman from Connecticut (Mr. LARSON).

The SPEAKER pro tempore. Without objection, the gentleman from Connecticut will control the time.

There was no objection.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 1 minute to our very distinguished majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding.

Before the gentleman who spoke before me leaves, I just wanted to make sure that we correct the record. He said we might go back to the deficits that we had prior to 9/11. I will remind the gentleman that this President inherited a surplus and we had three surplus years preceding the fiscal year 2001, and in fact the Clinton administration ended up with a net surplus, the only President in our lifetimes to have done so. I know he misspoke and I knew what he meant, and I share his view on the deficits.

However, I am very supportive of this package because uniquely deficits I think are justified in the time when you have a crisis economically confronting you and you want to stimulate the economy. That is in fact I think classic economics in many ways, and it is what we hear almost every economist telling us, from conservative economists to liberal economists and in between.

Mr. Speaker, for several years the American people have been confronting an economy that most working people are not being advantaged by. We were told that if we adopted an economic policy in the early part of this administration that that would turn our economy around, grow jobs, stimulate growth. In point of fact, of course, less than one-third of the number of jobs that were created from 1993 to 2001 have been created from 2001 to today, less than a third in the private sector, 6 million versus 20 million under Bill Clinton.

This prediction of economic well-being was not in fact true, and it is now abundantly clear that millions of hardworking American families are struggling and that the American economy needs a strong shot in the arm.

I want to congratulate my friend Hank Paulson, the Secretary of the Treasury. I want to congratulate the Joint Economic Committee that provided good statistics, our Budget Committee and Ways and Means Committee for the work they have done. I want to congratulate Mr. BOEHNER and Mr. BLUNT for the leadership they have shown, and I certainly want to congratulate our Speaker, Speaker PELOSI, all of whom worked together tirelessly to try to come to agreement. And I want to congratulate Mr. RANGEL and Mr. MCCRERY, who in a bipartisan way worked together to try to get us to where we are today.

I think this is good news for the American public, because we are going to vote in an overwhelmingly and bipartisan fashion to reach out to try to get this economy moving and help a lot of Americans.

The number of Americans living in poverty and the number of uninsured is up by 5 million and 7 million respectively. Job growth has been unimpressive. Foreclosures have hit record levels, and Americans all across this country are struggling with exploding gasoline prices, higher grocery bills, and increasing college and health care costs.

□ 1345

Thus, I am very pleased that Members on both sides of the aisle and the White House have come together in the spirit of bipartisanship and good faith to produce the economic stimulus package that we will have the opportunity to vote on today.

In particular, the Speaker, the minority leader, Mr. BOEHNER, as I said, and Treasury Secretary Paulson deserve great credit for their efforts. The Speaker clearly, as someone who has watched her work on this for the last 2 weeks, I can tell you, she was indefatigable and focused, as was Mr. BOEHNER.

In short, this stimulus will put money in the hands of hardworking Americans to give them the help they need and at the same time stimulate the economy. That is what economists tell us we ought to be doing.

Former Treasury Secretary Larry Summers told the New York Times last Friday about this stimulus package: "It is a much-needed and very constructive step. It will provide some confidence, but policy-making will need to be on standby, because more may be needed." That is obviously a fact. We hope this will do the job, but we will be on alert to make sure that we do not recede further.

I am pleased that this stimulus package adhered to the principles that Democrats have stressed for weeks, that an economic stimulus package be timely, targeted, and temporary. That is not just an alliterative phrase that rolls from your mouth relatively easily. It is a premise on which we have based this package so it would be stimulus, so it would be temporary and not exacerbate long-term deficits, and would be targeted to those people who need it and will help stimulate the economy.

Democrats are particularly pleased that under this package 35 million working families who would not otherwise have been helped will receive tax relief. My friend who spoke before me spoke about transfer of wealth from one to the other. We treat, unfortunately, 50 percent of America who pays more FICA taxes than they do income taxes, 50 percent of working Americans pay more FICA tax than they do income tax, we treat them as if somehow they are not paying taxes. They pay property taxes, franchise taxes, excise taxes, sales taxes. They pay a lot of taxes, and they are hurting. This is a tight economy for them, and this bill added 35 million additional Americans, middle-income and lower-income working Americans, with help. They will help stimulate the economy.

This economic package also will expand financing opportunities for Americans in danger of losing their homes. I congratulate Mr. FRANK for the extraordinary leadership he has shown on this issue. The mortgage crisis obviously is squeezing many, many Americans and putting them in danger. Too many have already lost their homes, and many are in danger of losing their homes.

It also gives that business stimulus that is a concurrent partner of this stimulus package, not only giving people the opportunity to purchase but giving people the opportunity to expand jobs, expand their businesses, and grow our economy.

I commend it to both sides. I thank both sides for working on this. My friend CHARLIE RANGEL said during the course of these negotiations, he said that not only will the stimulus package through its economic impact give confidence to our country, but the fact that we have in a bipartisan way come together and concluded that we can work together in time of challenge will also give our citizens confidence. I think they will be pleased with the work we do this day.

Mr. McCRERY. Mr. Speaker, I yield 2½ minutes to a distinguished member of the Ways and Means Committee, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Speaker, I, too, would like to congratulate the Speaker and the leader for bringing this bill to the floor with such expediency. I do hope this is the beginning of a year in which we can count on cooperation for strong pro-growth fiscal policy.

Now, there is not a person in here who likes everything in this bill, and I certainly would be one who is counted that there are provisions in here I would rather not see. But I want to focus on the provisions that I think work, and they work because they will point towards job creation. At the end of the day, if we are talking about stimulus, the best stimulus is a job.

There are two provisions in here, one which is the bonus depreciation and the other, 179 small business expensing, which mean incentives for our entrepreneurs and our small businesses and large businesses to have cash come to the bottom line to be able to create more jobs.

If we can imagine the entrepreneurs in our communities at home who are dealing with the question of whether they can deal with an economic downturn or not, whether they have to let off jobs or not, this is real relief to those entrepreneurs and those small businesses. That is why I am excited about these provisions that will create jobs.

In response to some of the discussion which has ensued on the floor here, I want to say that unemployment insurance and other things that may or may not be what one is for, if we are talking stimulus, let's call those what they are. Unemployment insurance extension of benefits are enhancing a safety net. I don't think any of us would say that is stimulative because, frankly, it allows individuals a safety net while they are looking for a job. That is not stimulus for our economy.

Long term I would like to see this House continue to focus on the uncertainty in the investment environment. My colleague from California was here saying it is about capital, it is about the lack of investment going on. We need to focus long term on lifting the cloud of uncertainty for the investors and families in this economy so they can count on the fact that their allocation of capital from a risk-based standpoint is going to be rewarded, and that means keeping cap gain dividend rates low, lowering corporate rates so that we can reward those who take risks in our economy to create jobs.

Mr. LARSON of Connecticut. Mr. Speaker, I am proud to yield to a distinguished member of the Ways and Means Committee, the gentleman from Texas (Mr. DOGGETT) for 2 minutes.

Mr. DOGGETT. Mr. Speaker, while the Bush Administration's reaction to the economic downturn was to continue whistling "Don't Worry, Be Happy," we were at work on a prompt response. But today's stimulus is far less effective than it could have been and should have been because those who doubted that we needed to do anything insisted on supporting only action that would give one of every $3 to corporate America and would delay until this summer giving any assistance to ordinary working families.

And now there is even an effort to add tax cut rebates to this bill for multi-millionaires. That is hardly "stimulus" unless they decide to increase their tips to the butler or the limousine driver.

Although the risk of recession is very real and it requires a bipartisan response, let's be very clear: this danger did not result from any bipartisan cause.

Like the Republican mythology that tax cuts pay for themselves, this downturn had its genesis in the wrongheaded notion that markets can do no evil, whether the subject is environmental protection or economic stability. They think the only desirable action is for the government to get out of the way. Well, the Bush Administration got way out of the way, and as a result we had overzealous lending and sometimes fraud in the subprime market while the Bush Administration stood by.

We wouldn't need a $150 billion stimulus today if they had done their job. Whatever we do here, it can still be a stimulus without letting go of the pay-as-you-go rule and adding to our soaring national debt.

Borrowing too much is what helped create this Bush economic mess. Borrowing even more can make it even worse. Political expedience should not trump sound fiscal policy.

The SPEAKER pro tempore. The gentleman from Alabama has 1½ minutes. The gentleman from Louisiana has 27 minutes. The gentleman from Connecticut has 20 minutes. The gentleman from Massachusetts has 8½ minutes.

Mr. BACHUS. Mr. Speaker, at this time I yield to the gentlewoman from West Virginia (Mrs. CAPITO) the balance of my time.

Mrs. CAPITO. Mr. Speaker, I rise today in support of the financial economic stimulus package we have before us. As we know, our economy has begun to slow after a robust growth period of 52 months. It is imperative that we act swiftly in a bipartisan manner. I congratulate the Speaker, the minority leader, and the President for their ability to work together and come forth with this package.

We have learned about tax rebates for filers. I think this is good for family budgets. Furthermore, they are targeted to the low- and moderate-income Americans who are most in need. I am also pleased that this package includes important tax incentives for small business growth. In a State like West Virginia, business is small business, and they are the job creators. It is critical that we provide them with the assistance that they need to keep their businesses viable and growing.

This agreement includes much-needed incentives to encourage the investment that creates jobs and seeks to maintain our Nation's competitiveness.

Lastly, I would like to talk about the long-overdue step toward modernizing the Federal Housing Administration to provide support for Americans who are struggling in this current housing crunch. This bill will make it easier for many Americans to refinance their mortgages and receive the support to do so. Yet while I am encouraged by this step, we must continue to work towards more comprehensive FHA modernization to make sure that this program continues to be the resource for creditworthy borrowers that may not qualify for conventional market loans.

I look forward to continuing to work with the chairman and Ranking Member BACHUS on this important issue, and our colleagues in the other body, to proceed with negotiations and produce a final product we can all support.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 1 minute to a member of the committee who has been a hard worker on this, the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, we have had a great debate in here this afternoon. What is on the American people's mind right now are two words: "quickly" and "now." They want this economy turned around quickly and now.

The best way to do that is in our plans, getting money to the people who will spend it quickly and now, extending the limits on our lending capacity in FHA quickly and now, and in Fannie Mae and Freddie Mac.

Mr. Speaker, about 143 years ago, Abraham Lincoln, as well as Robert E. Lee, came before this Congress at the end of the Civil War, and they said to this Congress: we need to move. It is not incumbent upon us to complete this task, but neither are we free to desist from doing all we possibly can quickly and now.

Those are the words that are tripping off the tongues of the American people. We need to stop them from being put out of their homes with foreclosures. That is why we have the limits for Fannie Mae and Freddie Mac, as well as for the FHA loans.

Americans want to be able to have their jobs. You do that by stimulating the economy and putting the money in the hands of the people who will spend it quickly and now.

Mr. McCRERY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. HERGER), a member of the Ways and Means Committee and ranking member on the Subcommittee on Trade.

Mr. HERGER. I thank the gentleman.

I commend the House leaders for coming together in a bipartisan way on today's tax relief bill. But I believe we must do much more to truly foster business certainty, economic expansion, and a prosperous America for workers and their families.

The doubled small business expensing and bonus depreciation tax relief in this bill will help employers invest in their businesses, retain the workers they already have, and hire new employees in 2008.

It would be even more beneficial if we were focused on permanent relief. Even today, U.S. industry is looking 2 and 3 years down the road and making investment plans based on the expectations of the massive Democrat tax increases. Absent predictable, low rates on capital formation, tax increases will take a toll on economic activity and growth, meaning fewer jobs, lower wages and tougher times for families in the future.

Such a hit to our economy would far outweigh any static revenue loss we would see from enacting big-picture tax relief.

Mr. Speaker, we should also focus on putting our employers on an even tax footing with countries around the globe. Currently, the United States has the second highest business tax rates among world market economies.

Mr. Speaker, if we are to encourage a sound and prosperous American economy tomorrow, we have to begin by planting the seeds of prosperity and growth today.

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Mr. LARSON of Connecticut. Madam Speaker, at this time, I am honored to recognize the preeminent authority on smart growth in the Congress, and I dare say this Nation, the gentleman from Oregon, a distinguished member of the Ways and Means Committee, Mr. BLUMENAUER, for 2 minutes.

Mr. BLUMENAUER. I thank the gentleman for his kind words and for his leadership on this issue.

I rise in support of this legislation, but, frankly, we've waited too long to get to this point. We have watched as this administration has exploded the national debt. We have watched the growth in the gross domestic product slow 35 percent in this administration over the previous one. Median incomes declined. The savings rates have gone negative, and the trade deficit has doubled.

Most important, they ignored the symptoms of the subprime mortgage markets, a failure to exercise reasonable oversight. This legislation is an important first step towards rebalancing the equity.

I commend the Speaker for targeting aid for those who need it most. I appreciate what my friend from Massachusetts Mr. FRANK has focused on, to make it easier for hard-pressed families to refinance their loans. I hope before we get through this process that we'll be able to add to it unemployment and food stamp benefits, which will have even more stimulative effect.

After this bill, we need to deal with issues of infrastructure, making sure that we don't shut down our wind energy production tax credit, and deal with bankruptcy equity so that homeowners get the same protections as people who speculated in property.

Last but not least, I hope that this is the beginning of real progress in Congress that becomes a critical issue of accountability on the campaign trail so that next year we won't have to make compromises that compromise what we need to do for the American family.

Mr. McCRERY. Madam Speaker, I yield 1½ minutes to the distinguished gentleman from North Carolina (Mr. McHENRY).

Mr. McHENRY. Madam Speaker, the basic principle of this economic stimulus package I agree with, and that is allowing taxpayers to keep more of what they contribute to the government in order to keep more of what they earn so they can spend it for their families and the communities.

Yesterday, the Speaker said that she estimates that each dollar of broad tax cuts leads to $1.26 in economic growth. Now, that's a wonderful thing, 26 percent return on your investment for allowing people to keep what they earn. That's wonderful and that's a very good thing. Tax relief spurs economic growth. That is true.

But we have to also go a step further in this economic stimulus package. At a time when people are concerned about high gas prices, rising costs of health care, as well as keeping their homes, we have to be acutely aware of helping them. And I think what we can do as a Congress is go a step further in this stimulus package, one step further, and that is to take the rising taxes, the tax increases that are on the table and take them off the table.

Look, we need to do a whole lot more to keep this economy strong, to keep it consistently strong. We need to make permanent the tax relief from 2001 and 2003. I think it would be immoral for Washington politicians to take more out of people's hard-earned incomes for wasteful spending programs. And I think we have to go further.

By taking that tax increase off the table, we will help every kitchen table in America, for every middle-class family in America.

Mr. FRANK of Massachusetts. Madam Speaker, I yield now 1 minute to a member of the Financial Services Committee whose expertise in the world of business and finance has been very helpful to us, the gentleman from Florida (Mr. MAHONEY).

Mr. MAHONEY of Florida. Madam Speaker, the good news is the debate is over. The President, Congress, and the American people all agree that the economy is in trouble and that the old cures that the Bush administration has used to grow our economy have failed to provide working and middle-class Americans a better life and a secure future.

I support this economic stimulus package because American families are hurting and small business needs help and they need it now.

Unlike the President, both Wall Street and Main Street know that we need a bold new vision to ensure America's economic leadership is a global economy.

Americans understand that we need to reward companies that create jobs here at home, and we must stop giving American businesses incentives to move our jobs overseas. We need to once again be the place where entrepreneurs from around the world come to live their dream.

Madam Speaker, I urge my colleagues to take the first step today by giving families and small businesses a helping hand. I also ask my colleagues to come together with the courage and resolve to give America an economic plan that ensures our children's American Dreams.

Mr. McCRERY. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Madam Speaker, I rise in support of the bipartisan economic stimulus package. I believe we have talked ourselves into a recession, and confidence in our economy is waning. By passing this legislation, we are taking an important step to lessen the impact of an economic slowdown, but there is more work to be done.

I am pleased the legislation includes the bonus depreciation and section 179 expensing provisions, which will encourage companies and especially small businesses to immediately purchase new equipment and expand their businesses.

Allowing Fannie Mae and Freddie Mac and the FHA to purchase larger loans gives needed flexibility to support sound lending in the 21st century. The recent slump in the housing market has been a major factor in our current economic uncertainty, so it is appropriate we address home loans in the stimulus package. In doing this, we increase the need for a new regulator of Fannie Mae and Freddie Mac, which I am hopeful we will enact into law soon.

While this is a start, the bipartisanship displayed in crafting this legislation, which will have an impact in the short term, must continue to develop long-term solutions to address the increased cost of energy, uncertainty about future tax increases, and unsustainable growth in health insurance costs. Only by tackling the issues that impact the American people will we restore confidence in our economy.

In closing, I am disappointed the stimulus package being considered today does not have a cost-of-living differential for regions. There are many residents of the Fourth Congressional District who make over $75,000 but are struggling to keep up with education, energy, and health expenses in our region.

It would have been better if the legislation before us today recognized it costs more to live in a State like Connecticut than it does other parts of the country.

With that being said, this is a good bill and worthy of all Members' support.

Mr. LARSON of Connecticut. Madam Speaker, it is my honor and privilege to introduce the person in Congress who knows more about article I in the Constitution than anyone else, the distinguished gentleman from Kentucky (Mr. YARMUTH) for 1 minute.

Mr. YARMUTH. Madam Speaker, today we will pass a bipartisan economic stimulus package that will help American families and jump-start our growing economy.

Throughout our great country, hardworking citizens are making major sacrifices to make ends meet, cutting back on winter clothes to pay for heat, scaling back groceries to pay for kids' medical bills, or sacrificing college in attempt to prevent mortgage foreclosure.

For 117 million families, 1.6 million in Kentucky alone, rebate checks of $600 per individual, $1,200 per couple and an additional $300 per child will be in their mailboxes by as early as May. This is dramatic departure from the old strategy in which leaders hoped tax breaks for billionaires would trickle down to the people who really needed help.

Hope is a wonderful thing. But as the last 7 years have taught us, it is not effective fiscal policy for most Americans. By targeting those who need help, who we know without doubt will spend and invest and put money back in the economy, we aren't depending on hope; we're providing it.

I urge my colleagues to join me in providing that hope and jump-starting the economy today.

Mr. McCRERY. Madam Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Madam Speaker, I'm now going to yield to the Chair of the Financial Institution Subcommittee, who has been a very important part of our effort to try and deal with this crisis, the gentlewoman from New York (Mrs. MALONEY) for 1 minute.

Mr. LARSON of Connecticut. Madam Speaker, I would also like to yield 1 minute as well to the distinguished lady from New York.

The SPEAKER pro tempore (Ms. DEGETTE). The gentlewoman from New York is recognized for 2 minutes.

Mrs. MALONEY of New York. I thank the gentlemen for yielding the time, and I appreciate their leadership.

Madam Speaker, today we will vote on an important bipartisan achievement, an economic stimulus package that is truly timely, temporary and targeted. Under the plan, more than 100 million families squeezed by the high cost of basic living expenses will get a meaningful tax rebate, and it is targeted to those families most in need. Millions of families can get help to avoid losing their homes, and small businesses can take advantage of tax cuts that will help spur investment and job creation.

This package will provide a boost to the economy by putting hundreds of dollars into the hands of middle and lower income families who will generate demand without the fear of igniting inflation.

Our plan also temporarily raises the mortgage lending limits for FHA, Fannie Mae, and Freddie Mac to increase affordable refinancing options for those facing foreclosure and to inject much needed liquidity into the housing markets.

I regret that many of the aspects of the FHA reform were cut out of the bill, and we hope to have them passed in the Senate. These efforts build on the hard work of Democrats in Congress to help families stay in their homes and to prevent other crises like this from happening in the future.

This package is an important first step, but there is much more to do. We will keep fighting to restore the American Dream and to help America's hardworking families.

Mr. LARSON of Connecticut. Madam Speaker, at this time I yield the distinguished lady from Texas, SHEILA JACKSON-LEE, 1 minute.

Ms. JACKSON-LEE of Texas. I thank the distinguished manager of this legislation and vice chairman of our caucus.

Madam Speaker, the United States, the American people asked us to act, and I'm proud today to rise and to support the kind of stimulus that provides opportunity not only for those who you would expect or those who are argued for, but the working men and women, middle-income Americans in my congressional district in Houston making less than $50,000, allowing them to get either $600 as a single person, $1,200 as a family, and $300 as a married couple.

The most important aspect is that economists estimate that each dollar of broad tax cuts leads to $1.26 in economic growth. But I hope that we will look to the addition of food stamps, summer job programs, and extension of the unemployment. And we must have the language, I hope, in the final bill, a sense of Congress that there should be a moratorium on foreclosures that are happening in America today; 2.4 million foreclosures expected in this coming year. It is imperative that we give a sense that these individuals can reconstruct their loans and survive.

This is a package that is needed for America. I ask my colleagues to support it.

Madam Speaker. I rise today in support of the Recovery Rebate and Economic Stimulus for the American People Act. I would like to thank Speaker PELOSI for her leadership on this issue, as well as my colleagues on both sides of the aisle who have worked together to overcome partisan divisions to work together to stimulate our national economy. This legislation will inject $145.9 billion into the economy in 2008, over two-thirds of which will come in the form of tax rebate checks, given directly to individuals and families.

However, while I support this legislation, I would like to express my concern about some of this bill's omissions. I requested and had hoped that this legislation would include language declaring that it is the sense of Congress that a moratorium of up to 90 days should be declared on all home foreclosures, and that it is the sense of Congress that the financial industry should allow for the reconstruction and reconfiguration of the mortgage loan market.

Madam Speaker, I would like to see the following language included in the final legislation, agreed on by both Houses and signed into law by the President:

(i) It is the sense of Congress that a moratorium of up to 90 days should be declared on all home foreclosures.

(ii) It is the sense of Congress that the financial industry should allow for the reconstruction and reconfiguration of the mortgage loan market.

It was my sincere hope, shared by many economists, that a temporary economic adjustment period would provide relief for millions of Americans, and that this added time would give them time to look for other resources. By delaying foreclosure, Congress would have declared that millions of Americans deserve to make their payments, or to get their loans restructured before they lose their homes. Those who can keep paying would continue putting money back into our economy. Madam Speaker, we must act now to prevent what could be a disaster for millions of Americans.

There are a number of additional proposals that I would like to see included in the final economic stimulus package. I believe it should include a summer job program, aimed at helping our Nation's youth gain the crucial work experience and job skills that will allow them to be competitive in today's increasingly difficult employment market. By working to provide Americans with the skills they need to successfully secure and keep employment, we cannot only help both adults and youth to develop their careers and to support themselves and their families, but we can bolster the whole economy by combating poverty and unemployment.

I would also like to see the extension and expansion of several existent programs which are already doing important work toward helping Americans. Under the strain of current financial circumstances, I believe that we must bolster these important programs. Madam Speaker, I call for the expansion of food stamps and Medicaid programs, and for the extension of unemployment benefits. Given the current economic climate, I believe that is our responsibility, as the leaders of our Nation, to do all in our power to ensure that the most vulnerable populations are protected.

Madam Speaker, now is the time for innovative leadership and concerted action. Recent data shows economic growth is slowing, and many economic analysts predict a 50 percent chance of recession. According to the Bureau of Labor Statistics, unemployment rose from 4.7 to 5.0 percent in November 2007 alone. This data, coupled with a struggling housing market and overall slowing economic growth, has caused a "credit crunch" that has reduced available funding and has caused rising prices for housing and food.

Over the past year, we have seen a crisis in subprime mortgage lending, which has threatened the stability of the housing market and the livelihoods of large numbers of Americans. During the third quarter of 2007, the Nation's home foreclosures doubled from the previous year. This Democratic Congress is committed to strengthening the housing market and stabilizing the economy, and we have passed important legislation to address this crisis.

Because of the lack of regulation by the Federal Government, many housing loans were accompanied by fraud, predatory lending, inadequate information and other failures of responsible marketing. With exceptionally high—and rising—foreclosure rates across the country, homeowners all over America are losing their homes. Homeowners are surprised to find out that their monthly payments are spiking and they are struggling to make these increasingly high payments.

The subprime mortgage crisis has impacted families and communities across the country. Home foreclosure filings rose to 1.2 million in 2006, a 42 percent jump, due to rising mortgage bills and a slowing housing market. Nationally, as many as 2.4 million subprime borrowers have either lost their homes or could lose them in the next few years.

In my home State of Texas, citizens are feeling the impact of the looming financial crisis. In November 2007 alone, there were 11,599 foreclosure filings in Texas. According to the Center for Responsible Lending, in Harris County alone 11,944 homes were lost from 2005 to 2006 through foreclosure on subprime loans. During the same time period, the average home decreased $1,355 in total value.

Madam Speaker, I firmly believe that this agreement should include a moratorium on foreclosures of at least 90 days on owner-occupied homes with subprime mortgages. Any agreement should also include a rate freeze on adjustable mortgages of at least 5 years or until the loan is converted into a fixed-rate mortgage. The freeze on foreclosures would give the housing market time to stabilize and homeowners time to build equity. It is critical that we address this crisis. The Bush administration and the mortgage industry must reach an agreement that matches the scale of the problem. The U.S. Treasury Department has been pushing the mortgage industry to agree to temporarily freeze interest rates for some borrowers who took out loans with low teaser rates that will soon be resetting much higher.

Madam Speaker, it is imperative that we address the serious underlying housing issues faced by our Nation. Seventeen million households, or one in seven, spend more than 50 percent of their income on housing. On any given night, approximately 750,000 men, women, and children are homeless. Constructing more affordable housing is necessary to help families who have lost their homes in the subprime mortgage crisis or due to a family financial crisis, such as illness or job loss. In my home district in Houston, homelessness remains a significant problem. Houston's homeless population increased to approximately 14,000 in 2005, before Hurricanes Katrina and Rita, and hurricane evacuees remaining in the Houston area could result in the homeless population increasing by some 23,000. Approximately 28 percent of homeless Americans are veterans.

In August, I, in coordination with the Texas Department of Housing and Community Affairs, hosted a workshop on the introductory concepts and considerations in applying for Housing Tax Credits in Texas. This workshop was designed to create new incentives for developers to expand business opportunities in housing development, as well as to generate a significant increase in the availability of low-income and affordable housing for the residents of Houston and Harris County. I believe that an increase in affordable housing and job opportunities will help reduce the high rates of homelessness among Houston residents.

Madam Speaker, today's economic stimulus legislation will make important strides towards helping hardworking Americans who are struggling with the high costs of gas, health care, and groceries. By putting several hundred dollars directly into the hands of 117 million American families, this legislation will make important strides toward invigorating our economy, giving money to those who will quickly spend it, reinvesting this money in the American economy.

This bill provides broad-based relief for individuals and families, valued at approximately $109 billion over 10 years. The packages includes tax cuts for 117 million families, providing up to $600 per individual, $1,200 per married couple, and an additional $300 per child. On top of these recovery rebate checks, which could be sent as early as mid-May, this legislation will provide unprecedented tax relief for working families, with $28 billion in tax relief for 35 million families who work but make too little to pay income taxes, who would therefore otherwise not be included in this recovery effort. It is targeted to reach those who need the relief the most: Of these 35 million working families, over 19 million are families with children. I support provisions in this legislation providing tax relief to middle-income Americans, as well as those aspiring to the middle class, leaving out the wealthiest taxpayers. Nearly $50 billion of the rebate will go to those making less than $50,000.

Madam Speaker, family incomes and home prices are down, even as the costs of health care, energy, food, and education are on the rise. Combined with the jump in mortgage foreclosures, the American economy is struggling, with American families falling behind on their bills and consumer confidence hitting a 5-year low.

This bill also contains some provisions to help families avoid foreclosure. It increases affordable refinancing opportunities and liquidity in the housing market, increasing the Federal Housing Administration loan limits to $729,750 for 2008. This will expand affordable mortgage loan opportunities for families at risk of foreclosure. Further, it includes a 1-year increase in loan limits for single family homes from Fannie Mae and Freddie Mac, enhancing credit availability in the mortgage market.

While this legislation includes provisions intended to provide a short-term "fix" to many of the economic difficulties our economy is currently facing, I do not believe that it addresses the long-term needs of our Nation. While short-term response is critical, we must not neglect infrastructure, energy independence, and innovation needs, without which we will not be able to establish a vibrant U.S. economy. I look forward to working with House leadership, and with my fellow Members on both sides of the aisle, to look to the future, and to build innovative and long-term solutions to the underlying problems our economy faces.

Madam Speaker, this legislation is not perfect, but I believe it is an important step. I continue to advocate for a 90-day moratorium on home foreclosures to give financially troubled borrowers time to work with lenders and avoid losing their homes. I also believe we, together, must address the underlying infrastructure problems plaguing our economy. However, I do believe today's legislation will provide important benefits to millions of Americans, to the entire economy, and to our Nation as a whole. I urge my colleagues to join me in support of this legislation.

[Discussion Draft]

AMENDMENT TO H.R. ___

OFFERED BY MS. JACKSON-LEE OF TEXAS

At the appropriate place in the bill, insert the following new section:

SEC. ___. SENSE OF CONGRESS REGARDING HOME MORTGAGE FORECLOSURE MORATORIUM AND MARKET.

It is the sense of the Congress that—

(1) a moratorium of up to 90 days should be declared on all foreclosures on home mortgage loans; and

(2) the financial industry should allow for the reconstruction and reconfiguration of the home mortgage loan market.

Mr. LARSON of Connecticut. Madam Speaker, it is now my high honor to call upon the chairman of the Select Revenue Committee for the Ways and Means Committee, the distinguished gentleman from Springfield, Massachusetts (Mr. NEAL) for 2 minutes.

Mr. NEAL of Massachusetts. Madam Speaker, I want to first congratulate the Speaker and Chairman RANGEL and Chairman FRANK for negotiating this economic stimulus bill which will provide relief to working families and businesses in these difficult times.

The bill provides $100 billion in tax relief to working families, targeting this relief to families that really need it. A family earning between 10 and $20,000 will see their taxes cut by 50 percent. For New England families facing rising energy bills, this is well-timed relief and cash in the hands of those most likely to use it to spur on economic growth.

Like others, I believe we can and will do more. But I'm a strong supporter of the legislation that's in front of us and urge its adoption.

Some have quibbled with the impact of this stimulus, but I believe this is how the Congress should respond in a troubled economy. Abe Lincoln noted that "The legitimate object of government is to do for a community of people whatever they need to have done, but cannot do at all in their separate and individual capacities."

Working families, businesses, homeowners, and investors are hurting. This quick infusion of cash to low- and middle-income families, to small businesses and large businesses where necessary, making capital purchases, will jump-start our economy in a quick and efficient way.

Is it perfect? No.

Is it possible? Yes.

Is there more work to be done? Certainly. We will come to that as well in late winter and early spring.

□ 1415

This is good work and the leadership should be commended. Mr. RANGEL, Mr. FRANK, and Speaker PELOSI all should be acknowledged for the work.

I thank our friend from Hartford, Connecticut (Mr. LARSON) for giving me time.

Mr. LARSON of Connecticut. Madam Speaker, at this time, I would like to recognize the gentlewoman from New Hampshire (Ms. SHEA-PORTER) for 1 minute.

Ms. SHEA-PORTER. Madam Speaker, the administration's policies of the past 7 years have led us to this point. The American people know that prices have gone up for everything, from groceries to heating oil to gasoline, while at the same time jobs are moving overseas, the housing market is in a crisis and the economy is struggling. This is what happens when there is no oversight for 7 long years and mismanagement is allowed to run rampant.

I'm pleased that we did come together in a bipartisan manner to produce this bill. Over 117 million American families will receive rebates under this plan, including 600,000 in my own State of New Hampshire.

This bill also helps small businesses, which are at the heart of our Nation. It is a very good start, but we need to do more for senior citizens and for those who receive Social Security. We need to do more for families who need to stay warm this winter. They are the most vulnerable members of our society. They need help the most, and we know they will put the money directly into the economy.

We must continue to turn this Nation's attention towards restoring a vibrant, robust middle class.

Mr. LARSON of Connecticut. Madam Speaker, at this time it is an honor to call upon the distinguished gentleman from Virginia (Mr. MORAN) for 1½ minutes.

Mr. MORAN of Virginia. Madam Speaker, I thank my friend and vice-Chair of our caucus for yielding me the time.

If his chairman, Mr. RANGEL, and Mr. FRANK had had their druthers, not to mention the Speaker, this would have been a far better bill than it is today. It would have included the extension of unemployment insurance and food stamp benefits; it would have helped out States with their Medicaid funding crisis.

It would also have included home mortgage foreclosure mitigation which has had a tremendous impact upon thousands of families throughout the country. We know that a one-time payment of $600 will do nothing to help a family facing foreclosure, as some 250,000 American families are expected to do every month this year.

The Bush White House insisted that this mortgage foreclosure counseling be taken out over the objections of Mr. FRANK, and it is a darn shame when this could have had such a positive impact.

The impact of home foreclosures isn't limited to the lender and borrower, as we so well know. They have a negative impact on the entire community.

The reality is that across this country over the ensuing year there will be nearly 45 million homes that will be foreclosed on. This will shrink the local property tax base by $223 billion this year as a result of the foreclosure of home mortgages. And, yet, when we look around at what has worked, we find that one hotline, for example, is currently taking more than 1,000 calls a day preventing an estimated 200 foreclosures by empowering borrowers with the skills and education they need to work out terms with their lenders and to stay in their homes.

That's one of the things that this this bill needs to be about. It needs to be about extending unemployment insurance and the kind of helping hand to America's working class that this party stands for. We are going to pass the bill, but we could and should have done better.

Mr. McCRERY. Madam Speaker, it is a pleasure to yield 3 minutes to the gentlelady from Illinois (Mrs. BIGGERT), the ranking member on the Financial Institutions Subcommittee of the Financial Services Committee.

Mrs. BIGGERT. Madam Speaker, I rise in support of this important bill and urge its swift passage.

I'm pleased that House leaders, both Republican and Democrat, and the administration have been able to come together quickly on a clean, targeted economic stimulus package. The bill promises to relieve the financial strain on hardworking Americans while providing a much-needed boost to the economy and the housing market.

Today, I want to highlight a few provisions in the bill produced by the Financial Services Committee. These provisions increase the conforming loan limits for both the Federal Housing Administration and the GSEs, Fannie Mae and Freddie Mac. And what will this do? It will keep property values from falling further by temporarily permitting Fannie, Freddie and the FHA to help homeowners and buyers finance and refinance mortgages in high-cost areas like the City of Chicago.

In short, it will help save the neighborhood.

These are important first steps; but as the President indicated last night, there are additional steps that require our full attention in the days to come if we are to reinvigorate the economy. We need to prevent a return of the marriage penalty, the death tax and the alternative minimum tax, along with higher taxes on income dividends and capital gains. We also need to send comprehensive FHA and GSE reform to the President.

During the last two Congresses, our committee in the full House has passed bills to modernize the FHA and reform Fannie and Freddie, but these efforts have yet to become law. The latest FHA proposal was even rumored to be part of the stimulus package, but it is not.

And that is why I urge my colleagues in the House and Senate to conference these two bills and get a final product to the President immediately.

A modernized FHA program will provide insurance so that more struggling American homeowners can refinance their existing mortgages and keep their homes. It will give first-time homebuyers a viable alternative to bad subprime loans. By providing Fannie and Freddie with a world-class regulator, we can infuse the housing market with liquidity so that more financing is available for perspective homeowners.

In addition, we need to supply more funding for housing counseling. Counselors can help guide homeowners into a loan that best meets their budgets and needs, steering them away from a situation that could lead to foreclosure down the road.

Madam Speaker, it is critical to the housing market and our economy that we finalize GSE and FHA reform and increase housing counseling. Adding liquidity and consumer confidence to the flagging housing market can restore vigorous growth to our economy, and we must do it without delay.

And in the near term, I urge my colleagues to support this economic stimulus package as a critical first step.

Mr. FRANK of Massachusetts. Madam Speaker, I now yield 1 minute to a member of our committee who has been very active in trying to deal with housing and especially with the area of manufactured housing, which is such an important part of our efforts to meet the housing needs, the gentleman from Indiana (Mr. DONNELLY).

Mr. DONNELLY. Thank you, Mr. Chairman, for your leadership.

I rise today in strong support of this bipartisan economic stimulus package. These are difficult times for working families. From rising energy prices and health care costs, to mortgage concerns and a volatile job market, families in my district are feeling the squeeze in almost every facet of their lives.

This stimulus package before us is carefully crafted to provide immediate tax relief to working families, while maximizing the benefit to the economy.

It is estimated that 2.6 million middle-class Hoosier families will receive $2.4 billion in tax relief.

In addition, this stimulus package also recognizes the important role that small businesses play in creating jobs and strengthening our economy. The package doubles the amount small businesses can write off their taxes for new investments made in 2008, and it increases the number of small businesses that are eligible for this basic tax relief.

Madam Speaker, I'm proud to support this stimulus package.

Mr. McCRERY. Madam Speaker, we only have one remaining speaker to close. So assuming that the gentleman from Connecticut has additional speakers, I would ask that he be allowed to yield time.

Mr. LARSON of Connecticut. Madam Speaker, I thank the gentleman from Louisiana.

At this time, I yield 1 minute to the distinguished gentleman from New York City, Mr. SERRANO, who is loved dearly by her citizens. Only Roberto Clemente is respected more in his great City of New York.

Mr. SERRANO. I thank the gentleman. I have no voice, but I have a lot of joy. This is a great day.

This is the first time that a package of this kind has included so many poor people and so many folks in the middle class, but I especially want to thank the leadership on both sides for including the Territories. This is the first time in the history of this country that the people who live in the Territories are treated as equal, as Americans as they are, living under the American flag.

And where will they spend the money? At the same retail stores that we will be spending our money here in this country. It's the same economy; but for the first time, this Congress in a bipartisan way has accepted the fact that it is one economy and the Territories are as much a part of this Nation as any other part, and I thank you for that.

Mr. LARSON of Connecticut. Madam Speaker, it is my honor to now prevail upon the distinguished gentlelady from Nevada (Ms. BERKLEY) for 2 minutes.

Ms. BERKLEY. I thank the gentleman from Connecticut.

Madam Speaker, I rise in strong support of this bipartisan stimulus package. This bill will provide tax relief for over 1 million Nevada families who will receive an average rebate of over $800.

With the unemployment rate in my State climbing above the national average to a 5-year high of 5.8 percent, this timely support will help these families weather the financial storm while they search for and find new employment.

I'm also especially supportive of the provisions of the bill that address the housing crisis. Unfortunately, my State of Nevada has the highest rate of foreclosures in the country. The increased funding for mortgage counseling, along with new higher loan limits for loans from Fannie Mae and Freddie Mac and the FHA, will help thousands of Nevadans avoid foreclosure and keep their families in their homes.

I urge my colleagues to support this bill. I thank the gentleman for giving me so much time.

Mr. LARSON of Connecticut. Madam Speaker, at this time, I would like to prevail upon the gentleman from Colorado (Mr. PERLMUTTER) for 1 minute.

Mr. PERLMUTTER. Madam Speaker, I thank Mr. LARSON, and I want to thank the leadership on both sides of the aisle for working together, for the give and take that's gone into this bill.

I rise in support, but I do recognize the complaints that Mr. CAMPBELL raised in connection with this bill and this package. This is a short-term fix to some long-term fundamental economic problems that we have in the country, but it gives us a chance now to focus mid term and long term on strategies and investments that will strengthen our families and our Nation. These are strategies and investments that will call for sacrifice on the part of the Nation, as well as each one of us as individuals.

We will get a chance now, I hope, in future packages to look at the infrastructure of this Nation in energy and transportation, but this today will give the shot in the arm this country needs and give us a chance to really plan for the future.

Mr. McCRERY. Madam Speaker, can I inquire from the gentleman from Connecticut how many speakers he has remaining.

Mr. LARSON of Connecticut. Yes, we would be prepared to close at this time. I don't know whether the gentleman from Massachusetts is going to close as well. So, with that, we would reserve the balance of our time and be prepared to close.

Mr. McCRERY. Madam Speaker, so am I to understand that the majority has two remaining speakers, one from Financial Services, one from Ways and Means?

Mr. LARSON of Connecticut. That is correct.

Mr. McCRERY. Very well. In that case, Madam Speaker, I would yield 2 minutes to the gentleman from Alabama (Mr. BACHUS), the ranking member of the Financial Services Committee, and then we will have one remaining speaker to close.

Mr. BACHUS. Madam Speaker, let me say this to the membership on both sides. I believe that we've come together in a bipartisan way to pass this legislation today because we have confidence in America. We have confidence in the American people. We believe the American people have a right to have confidence.

And I would say whether we're Members or Americans, I would say to all of us, you have every reason to have confidence in this country. You have every reason to have confidence in the workers of this country, their innovative ability and their ability to produce and compete in the world economy. You have every reason to be confident in the American economic system.

□ 1430

That's the message that I heard in New York City from many institutions that said they had money to loan. There are companies out there who are making money, that want to hire people, that want to build new plants, that want to expand, that want to buy equipment, that want to invest in new technology, but because of what they read in the paper, not because of their balance sheet, but because of what they're hearing is that things may get worse, there is a lack of confidence out there. I don't believe that it is entirely justified.

This country has challenges. This economy has weaknesses, and we've talked about those. But our underlying fundamental economic system and our financial system is sound. And I hope by us today joining together in a bipartisan way to pass this legislation we'll be saying to the American people, your Congress has confidence in you and the economy.

The SPEAKER pro tempore. The Chair wishes to announce that the gentleman from Louisiana has 16½ minutes, the gentleman from Massachusetts has 4½ minutes, and the gentleman from Connecticut has 8 minutes.

Mr. FRANK of Massachusetts. Madam Speaker, the argument has been made that this is just a short-term fix, and that is what we hope it will be. We have both a short-term and a long-term problem.

A recession is, by definition, a specific incident in the cycle, and what we are trying to do now is to respond to what we believe and hope to be a specific, more short-term weakness. That's why we are able to come together in a bipartisan way.

And partisanship is, I believe, a much unfairly maligned concept. Partisanship is essential to a healthy democracy. There has never been a self-governing polity in the history of the world, I believe, of any size where political parties did not emerge, because large numbers of people trying to govern themselves need an organizing principle other than the authority of the leadership.

In America today, a division between the two parties reflects serious, thoughtful differences on how the public and private sectors should interact. We're a capitalist Nation and we're all capitalists, but we differ. On the Republican side there is, I think, an unjustified belief in the essential self-sufficiency of the capitalist system.

We believe, following many who have done work on the technical "doctrine of market failure," market failure in the economic sense, that the free market is a great generator of wealth, but that to achieve the quality of life we want, there must also be a vigorous public sector that interacts with it. That's partly in expenditures, because there are public goods that all of us want that the private sector does not have the capacity to produce, public safety and transportation, and including some compassion for those among us who will not live minimally decent lives unless the rest of us show some of that compassion.

There is also the need for regulation. And the biggest single problem we face today, I believe, is the consequence of too little regulation. It is possible to overregulate, but it is possible to regulate inadequately.

Innovation is very important, and innovation does not survive and grow if it doesn't meet a real need in the economy. One of the innovations of recent times was securitization made possible by large pools of money, by great liquidity that came from various places, not from depository funds, because funds that are in depository institutions are regulated. But a lot of money was generated now, not by bank deposits, but in other ways. And we've also got the ability, technically and in other ways, to sell off those loans.

The lender-borrower relationship that was at the core 30 years ago of many transactions has been essentially diluted. And it turns out that those who thought they had a way to substitute for that missing lender-borrower relationship were deluded. The relationship was diluted, but they were deluded in thinking that they had these techniques that would allow them to deal with it.

We are in a difficult situation today because the innovation and securitization, which has many advantages, was allowed to go forward without adequate regulation, without people knowing, literally, what they were doing and what they were buying and what they were selling, and keeping things off their balance sheets, and not being reserve requirements and not being careful about what loans they bought. We have differences between the parties as to how to deal with those, and we will continue to work on those.

We, however, have a short-term, we hope, shortfall that needs to be addressed. And let me talk for a minute for those who say, Well, what makes you think people are going to go out and spend more because of this? The purpose of a short-term stimulus like this is not to get people to spend more; it is to help them not to spend less. We're not talking about the need for a surge over the norm in consumer spending. We are talking about a fiscal crunch that faces many Americans, in response to which they will have to cut back spending. And people are saying, Oh, they're going to buy flat screen TVs, they're going to do this and that. We have, thanks to the leadership of Speaker PELOSI, a bill before us that will send most of the individual money to people who don't have the option of saying, Well, I think I'll buy another flat screen TV, but who need the money. Helping them avoid pain in their lives and damage to the economy is the justification for this very narrow, short-term stimulus.

Mr. McCRERY. Madam Speaker, our closing speaker on the minority side is a gentleman who deserves much of the credit for the swiftness with which this stimulus package was brought to the floor. He deserves much of the credit for the balancing of the interests of the majority and the minority that is contained in this legislation. And he deserves much of the credit for the majority and the minority leadership being able to bring this bill forward to the floor today under suspension. So, it's with a great deal of pleasure that I introduce our closing speaker, the respected minority leader, Mr. BOEHNER, and yield him as much time as he may consume.

Mr. BOEHNER. Let me thank my colleague from Louisiana for his generous words and thank all of my colleagues for the generous spirit that we find in the Chamber today.

I think that the bill that we have before us that embodies an agreement that Speaker PELOSI and I came to last week, along with the administration, is going to help middle-class families that are in a pinch. Their cost of living is rising, whether it be the cost of health insurance, the cost of gasoline, energy, and at a time when their salaries and their incomes aren't rising.

And I think that what the American people want is they want solutions, solutions to the problems that we face in our country. And I believe that the bipartisan measure that we have will, in fact, help give a short-term boost to our economy. It will put money in the pockets of American families. It will give businesses reasons to invest in new equipment, to maintain and hopefully to expand their employment.

Is the bill perfect? No, it's not perfect. Republicans gave a little, the Speaker gave a little, and at the end of the day, we came to an agreement that I think represents what the American people expect of us. They expect us to find ways to work together, not reasons to continue to fight with each other. And the bill that we have before us is the way good legislation occurs.

I've said this many times before, if I look back over my career in Congress: The bills that I remember most, the most significant legislation that I've worked on, has always been done in a bipartisan way, whether I was in the minority or in the majority. And I want to thank Speaker PELOSI for her willingness to sit down and work together in a bipartisan way, in a constructive way. I want to thank Secretary of the Treasury Paulson for their work in helping to facilitate this agreement. And I look forward to this bill passing today and hopefully quick action in the Senate.

The sooner this happens and the sooner we get this relief in the hands of the American people, the sooner they can begin to do their job of being good consumers and investing this money in our economy.

Some people say it won't work, that it's too little, it's too late, and we shouldn't be doing this. You know, I've thought about that. I've got concerns about whether this package will, in fact, work. But I've got bigger concerns that if we do nothing, if we do nothing, we're just asking for our economy to slow even further. And what that will do to Federal revenues, what that will do to inflict pain on middle-class American families, frankly, is unacceptable. So, I think it's worth the chance and worth the opportunity for us to do this economic growth package and to do it now.

Now, having said that, we've got a longer term issue in terms of economic growth in America. Our economy, frankly, has been very good over, really, if you go back, over the last 15 years we've had a very strong economy. We've had a couple of slowdowns along the way, but when you look down the road, there are some clouds on the horizon that we ought to be concerned about. The idea that the tax relief that we put in place earlier this decade to help those who invest in our economy, those who pay taxes on our economy, the fact that that tax relief was temporary, it might come back, I think causes a lot of investors to wonder whether they should invest more in America's economy. And so, making that tax relief permanent is a very important part of our long-term economic growth.

Secondly, corporations in America pay taxes. And a lot of Members think corporations pay taxes. The entity pays taxes to the Federal Government, but corporations don't pay taxes, their customers and their employees pay taxes. And having a tax structure on corporate America that gives them reason to wonder should they locate here or should they locate somewhere else, I think, is, again, sending the wrong signal. If we want people to invest in our economy, our corporate tax structure has to be competitive with those around the world. And today, it is not. And it needs to be done.

The tax extenders that we've talked about in the past, especially the research and development tax credit that gives companies a reason to invest in research and development here in the United States, is critical to our long-term success. And why that hasn't been reauthorized as of yet is beyond me, but I hope it will be reauthorized soon.

Madam Speaker, many Americans, in my view, correctly believe that Washington is broken. I hope that this agreement in this bipartisan bill that we will move today gives Americans some hope that we really can begin to fix the problems, that we can begin to make sure that Washington works for the American people.

And so, I'm glad to be here today. I'm glad to join with Speaker PELOSI and my colleagues on both sides of the aisle in hailing this agreement and moving it in a bipartisan way. And I am hopeful that the Senate can move very quickly.

Mr. LARSON of Connecticut. Madam Speaker, I rise to associate myself with the remarks of our distinguished Republican leader, Mr. BOEHNER, and thank him for the large role that he played in putting this package together.

As he said in his remarks, the comity that exists in this Chamber today is warming. President Roosevelt used to say that what we need in this Nation is the warm courage of national unity. And it's great to see, on a day like today, that we can all pull together.

I think, again, Mr. BACHUS and Mr. FRANK deserve an awful lot of credit as well. And to my distinguished colleague from Massachusetts, whose eloquence is only superceded by his wit and understanding of the parliamentary process, he continues to amaze.

But in getting philosophical, my grandfather, Nolan, would say, in explaining the difference in the free market system, one thing has to apply, and that's Peter Finley Dunn's reminder to "trust everyone, but cut the cards." And I think in coming together today, that's what we've seen is a cutting of the cards.

But as we all know, this wouldn't have happened without the great work of the distinguished chairman of the Ways and Means Committee, CHARLIE RANGEL, and again, the distinguished gentleman from Louisiana (Mr. MCCRERY). So, we're sad to see him leave, but the partnership that the two of them have had, as I've said earlier, exemplifies how the Chamber and how committees should conduct themselves.

Madam Speaker, Speaker PELOSI deserves so much credit for this, for first reaching out to the President, and then working hand in glove with Mr. BOEHNER to make sure that we were able to bring this important legislation to the floor today. As Mr. RANGEL has outlined and Mr. HOYER as well, we made sure that this was simplistic in its approach to get money out in a timely, targeted, and temporary manner. And I believe that we have been able to achieve those goals.

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We further recognize, however, that we have a rendezvous with reality, and the Ways and Means Committee and Mr. RANGEL are prepared, as we move forward in this session and into the next, to make sure that we're addressing the long-term concerns that we know this economy faces.

With that, again, I would like to thank the staffs of the respective committees who have worked tirelessly to make sure that this legislation was able to come to the floor in as speedy a manner as it possibly can and can only pray to God that the other body acts in as timely and targeted and temporary fashion as we have demonstrated here.

Mr. ETHERIDGE. Madam Speaker, I rise today in strong support for this needed economic stimulus legislation. This bipartisan bill will provide timely, targeted and temporary relief to American families suffering from the national economic downturn and provide a shot in the arm to boost growth and avert a recession.

I commend Speaker NANCY PELOSI, Minority Leader JOHN BOEHNER, Treasury Secretary Harry Paulson for working together across party lines to find common ground. As North Carolina's only member of the Democratic Majority on the House Budget Committee, I have been working on a bipartisan basis to pass responsible legislation to respond to worsening economic conditions. High energy prices, mounting national debt, the crisis in the Nation's housing market and rising unemployment levels have prompted calls for emergency legislation to arrest the decline in the economy and put us back on a path of sustainable growth.

First, this economic trouble serves as a reminder of the importance of putting our Nation's fiscal house in order to free America's future generations from the crushing debt burden they now face. Unfortunately, the record of this current Administration is the transformation of record budget surplus projections into record national debt and massive annual deficits without end. Although short-term deficits can be useful to correct hurtful economic downswings, the current structural budget problems featuring perpetual debt and deficits hamstring our ability to invest in the future and build broad-based prosperity for hard-working Americans.

This economic stimulus package will be effective because it is targeted, timely and temporary. It will be targeted to families that need the money and can be expected to spend it quickly on necessities like food and clothing. It will be timely to yield the economic benefits within the timeframe of the anticipated problem. And it will be temporary to prevent exacerbation of the fiscal imbalance and make our economic problems worse.

Specifically, H.R. 5140 will provide tax rebate checks to working people of up to $600 for individuals and up to $1,200 for families, as well as a $300 tax credit per dependent child. This immediate infusion of cash will provide real relief to North Carolinians struggling to pay their bills. Economic experts tell us this action will help stimulate consumer spending and spur economic growth across the board to mitigate the slowdown we are otherwise experiencing in the economy. Tax incentives to encourage business investment and help small business weather this economic storm should also be included in a responsible package. I understand Governor Easley and others have raised concerns about the impact of some of the business tax provisions in this bill. At today's Budget Committee hearing, former Treasury Secretary Lawrence Summers suggested slight revisions to these provisions to minimize any negative impact, and I support modifications that will achieve that goal as the process moves forward. I am hopeful the House will pass this bill today and Congress can get a final version to the President to sign into law within the next few weeks.

Over the longer term, Congress must invest in neglected priorities like school construction to put workers back on the job and improve our communities with better schools and healthier learning environments. We must take better care of our military families and veterans returning from the wars in Iraq and Afghanistan. We must expand quality health care so working families no longer face economic ruin when a loved one gets sick. And we must continue to support our first responders to keep our communities safe and secure.

Madam Speaker, I rise in strong support for this bipartisan legislation, and I urge my colleagues to join me in voting to pass it.

Ms. LEE. Madam Speaker, I rise in strong support of the effort to prevent our economy from sliding into recession. but I have strong reservations about any strategy that does not take meaningful steps to help those in need.

Just last week, the House passed my resolution (H. Con. Res. 198) to cut poverty in half. While this stimulus bill is a step in the right direction, it's also important to act on our words by ensuring "the least among us" don't bear the brunt of an economic downturn. For example, I'm concerned that the minimum earnings requirement of $3,000 leaves out the neediest.

And we have a lot of reasons to be concerned about the plight of those in need. Since the Bush administration took office in 2001, the median income is nearly 2 percent below its high in 2000, more than 5 million have fallen into poverty for a total 37 million Americans living in poverty, and the unemployment rate has risen to 5 percent and is almost double for African American males.

Congress must ensure that any relief it provides to stem the downward slide reaches all Americans.

We must assist those who are going to lose their homes in the mortgage foreclosure crisis. We must provide increased funding for food stamps and FMAP Medicaid payments to States. Finally we must make sure that unemployment benefits are extended.

Madam Speaker, any economic relief we provide will be a hollow victory if those most in need are excluded. We must make certain that the gap between the haves and have nots isn't widened by our action here today. This is our solemn moral obligation.

Mr. PAUL. Madame Speaker, I find it odd that H.R. 5140, a bill allegedly designed to provide a stimulus for the anemic American economy, contains provisions that could damage the economy and hurt American taxpayers. Specifically, the provisions increasing the loan limitations of the Federal Housing Administration and the Government Sponsored Enterprises (e.g. Fannie Mae and Freddie Mac), will exacerbate the long-term problems in the housing market, and may even lead to a future taxpayer bailout of the housing industry. The recent bursting of the housing bubble should have taught my colleagues the dangers of government polices that distort the market by diverting resources to housing, when those resources would be more efficiently used in other sectors of the economy.

Ironically, many of the same members who insisted that upper income taxpayers be denied the tax rebates are enthusiastic champions of the provisions in H.R. 5140 increasing the FHA loan limit to $633,500 and the GSE loan limit to $729,750. This increase in the loan limits represents a generous taxpayer subsidy to high-income homeowners.

A one-time "rebate" check, while it may provide a temporary boost to many working American families struggling with the current downturn, is not going to provide the type of sustained income growth necessary to restore consumer confidence. In fact, history shows that when the Government forgoes serious tax cuts in favor of one-time "rebates" most people either save the money for a "rainy day" or use it to pay down some of their debt.

In addition, I am concerned that the 50 percent bonus depreciation and the increase in the amount of qualifying purchases that small businesses can expense in the year they bought their equipment will be of limited effectiveness because they are limited to 1 year. A more effective way to stimulate the economy would be to make the 2001 and 2003 tax cuts permanent. I also hope Congress considers the long-term tax cuts contained in H.R. 5109, the Economic Growth Act.

Congress should also pass my Tax Free Tips Act (H.R. 3664), which makes tips exempt from Federal income and payroll taxes. Making tips tax-free will strengthen American families and the American economy by allowing millions of hard-working Americans to devote more resources to their children's, or their own, education, or to save for a home, retirement, or to start their own businesses.

Another disturbing feature of H.R. 5140 is that, instead of taking the fiscally responsible course and pairing the tax cuts with spending cuts, this bill simply adds to the national deficit. Madam Speaker, unless Congress acts soon to reign in its excessive spending the American people will face confiscatory tax rates or skyrocketing inflation.

Tax cuts by themselves will not restore long-term economic health unless and until this body finally addresses the fundamental cause of our economic instability, which is monetary policy. The inflationary policies of the Federal Reserve are the root of the boom-and-bust cycle that has plagued the American economy for almost 75 years. The Federal Reserve's inflationary policies are also at the root of the steady decline in the American people's standard of living. A good step toward monetary reform would be for Congress to pass my H.R. 2576, which repeals the Federal legal tender laws. This would allow people to use alternatives to Government-issued fiat money and thus protect themselves from Federal Reserve-created inflation.

One of the best things Congress could do for the American economy is to repeal, or at least reform, the misguided Sarbanes-Oxley law, particularly Section 404. Rushed through Congress in the wake of the Enron and WorldCom scandals in order to show that Congress was "getting tough" on corporate crime, Sarbanes-Oxley imposes unreasonable costs on small businesses and entrepreneurs.

A survey by Financial Executives International, an organization of chief financial officers, put the average cost of compliance with Sarbanes-Oxley at $4.4 million, while the American Economics Association estimates Sarbanes-Oxley could cost American companies as much as $35 billion. Because of these costs, many small businesses are delisting from United States stock exchanges. According to a study by the prestigious Wharton Business School, the number of American companies delisting from public stock exchanges nearly tripled the year after Sarbanes-Oxley became law, thus these companies are finding it more costly to attract the necessary capital to grow their business and create jobs.

In conclusion, Madam Speaker, H.R. 5140 does not provide the kind of permanent, deep tax relief that will protect long-term economic growth, and will actually compound the damage Congress has already done to the housing market. Instead of pretending that we are addressing America's economic problems via temporary tax cuts, Congress should address the fundamental problems of the American economy by pursuing serious monetary reform, spending cuts, and regulatory reform. Congress should also provide real long-term tax relief to the American people by passing legislation such as H.R. 5109 and H.R. 3664.

Mr. LANGEVIN. Madam Speaker, I rise today to voice my strong support for the Recovery Rebates and Economic Stimulus for the American People Act, H.R. 5140. This important measure represents a bipartisan commitment to help hard-working Americans weather these turbulent economic times.

Millions of Americans have been faced with the rising costs of energy, housing and health care, which have taken a toll on the state of our economy. In my home state of Rhode Island, the typical monthly housing payment is over $2,200, making homeownership a dream out of reach for too many. The situation for renters is not much better, as the average two-bedroom apartment in Rhode Island rents for nearly $1,200 a month. Compounding the cost of housing are the skyrocketing costs of energy, which rose 18.4 percent in 2007. Our employment outlook is also discouraging. Earlier this month, the Bureau of Labor Statistics announced that the national unemployment rate has risen to a 2-year high of 5 percent.

These harsh realities, combined with the snowballing effects of the recent subprime lending crisis, have made it increasingly clear that our economy will face an even sharper downturn if we do not act soon. With that in mind, today we are taking swift and bipartisan action to jump-start our Nation's economy with a measure that is timely, targeted and temporary.

This measure will quickly inject $150 billion into our economy to revitalize our markets, increase consumer confidence, and protect against recession. Our package is targeted at low-income and middle-class Americans who need assistance the most, providing rebates that will put money directly into their pockets, which will, in turn, stimulate our economy. I am particularly pleased that this package will provide relief to 35 million Americans who work and contribute to payroll taxes, but make too little to pay income tax.

Our measure will also temporarily increase the size of individual mortgages that Fannie Mae and Freddie Mac can purchase, offering help to those in need of affordable housing, particularly in high-cost areas like Rhode Island. Also included is a provision to allow the Federal Housing Administration to insure a greater number of subprime loans so thousands of Americans facing foreclosure may refinance their mortgages with fairer terms.

Finally, I am pleased this package will help to stimulate our Nation's small businesses by allowing them to write off 50 percent of the cost of equipment the year it is purchased. This important incentive—which expires at the end of the year—will encourage growth and help keep our small businesses strong.

This measure solidifies our commitment to revitalize our economy in a way that is timely, targeted, and temporary. I commend Speaker PELOSI for her leadership in negotiating this significant bipartisan agreement, and I urge my colleagues to support this measure.

Mr. STARK. Madam Speaker, this stimulus package is a small dose of medicinal venom for an economy that has been bitten by the short-sighted, regressive policies pursued by the Bush Administration. While the administration pushed tax cuts for the rich and war without end through a rubber-stamp Congress, the President gutted and stifled the executive agencies that should have been reining in predatory lenders and regulating what became a financial house of cards.

I support this package because we must do something to help American families. I am disappointed, however, at the failure to adopt the common sense initiatives that all agree would have the most effect.

At this time of economic uncertainty, in which those at the bottom feel pinched the hardest, economists tell us that we must implement relief in the form of stimulus that is timely, targeted, and temporary. For a moment, it appeared that Republicans and Democrats, progressives and conservatives, economists and activists, could actually join in agreement that the best way to help all of us is to help the least of us. We were told that the most "bang for the buck" could be accomplished by increasing food stamps, expanding unemployment insurance, and providing additional Medicaid funding for States squeezed by the economic downturn. Somehow though, here we are a week or so later, and none of that is in this package.

Never let it be said that the President, or his Republican allies, was derailed from what he wanted to do by common sense, economic sense, or a sense of compassion. The Republicans have a way of seeing every bill that comes before them as a vehicle for gifts to their industry friends, and this stimulus is no different. So instead of more unemployment assistance for those who lost their jobs as a result of this mismanaged economy, we get bonus depreciation for industrial equipment. Instead of more food stamps for families facing record high energy and food costs, we raise the Section 179 Expensing cap. If you don't know what that is, believe me, it's not going to help you.

The refundable tax rebate will help average families, and that is why I support this bill. I commend the Speaker for making sure that this rebate includes some of those who did not make enough to pay taxes last year. After all, these people will do what we are asking them to do with these rebates—spend the money to stimulate the economy.

Unfortunately, one important group was left out of this rebate. Millions of seniors receive their only income from Social Security. They do not have enough "earned income" to receive the refund check, yet they are among our most vulnerable. At a time when we are reaching out to accomplish the dual goals of stimulating the economy and providing relief for those most adversely affected, this omission is glaring.

I join my colleagues who call for a second package going forward that would address unemployment, food stamps, Medicaid relief to States, and would help our most vulnerable senior citizens.

Mrs. CHRISTENSEN. Madam Speaker, I rise in strong support of H.R. 5140, the Economic Stimulus for the American People Act of 2008. I especially want to congratulate you for your strong leadership, in first reaching across the isle here in the House, then working with the President to secure what I believe is a historic agreement that will bring much needed help to the American people as well as provide a badly needed shot in the arm to our slowing economy.

I also want to express my sincerest thanks to you on behalf of the five U.S. insular areas for insisting that our residents and economies also receive a stimulus. Because of your strong support, Americans in the territories will be treated no differently than Americans in the 50 States, under the bill. If you qualify for a rebate in Rhode Island then you qualify for one in the Virgin Islands.

Madam Speaker, H.R. 5140 is both timely and badly needed. As you know, the American economy is in serious peril and our constituents are feeling the impact. Whether it is the skyrocketing energy prices with gasoline costing more than $3 a gallon or the continuing impact of the subprime mortgage debacle, our national economy continues to face the very real possibility of imminent recession.

It is imperative that we act and act now and H.R. 5140 represents a bipartisan approach towards getting our economy moving. It would provide more than 100 million Americans with a recovery rebate; allow 300 million families to benefit from a $300 increase in the child tax credit; help millions of Americans get the tools to avoid losing their homes and; provide small businesses with much needed tax cuts to spur investment and job creation.

Madam Speaker, you and the entire House leadership are to be congratulated for the work you have done in crafting this important bill. I urge my colleagues to support its adoption.

Mr. GEORGE MILLER of California. Madam Speaker, the economy needs our help right now. And it will need our help in the long-term as well.

The American people don't need expert economic forecasts to tell them that our country and our economy are seriously off track. They experience it every day—when their paychecks shrink, when foreclosure signs go up in their neighborhoods or even on their own home, and when friends and family members receive pink slips.

It's clear that the economy needs help. The bill before us today, the Recovery Rebates and Economic Stimulus for the American People Act, offers an urgently-needed first step to boost the economy and help save jobs.

The economy may be complicated, but the reasoning behind this bi-partisan bill is not. By putting money into the hands of low- and middle-income families who will spend it quickly, we will inject demand back into the economy. While we can't know for sure what the future holds for our economy, we know that we can make a difference if we pass this stimulus package quickly.

I am very pleased that this package includes unprecedented tax relief for 35 million American families who work hard every day but earn too little to pay income taxes. Past economic relief packages, including the one developed to respond to the 2001 recession, did not benefit these families. But these families must be included to really help boost the economy. This represents a very significant change in policy thanks to pressure from Speaker PELOSI and Democrats in Congress and I applaud the Speaker for working so hard to ensure that these families and workers were included in our package.

Under this bill, a married couple with two children and an annual income of $33,000 will see a rebate of $1,450. A single parent with an annual income of $20,000 and two children will see a rebate of $1,035. This financial assistance will provide substantial relief to families struggling with the rising costs of energy, food, transportation, and other basics.

Another important feature of our stimulus plan is the help it provides to homeowners seeking to avoid foreclosure. The bill increases loan limits for single-family houses from Fannie Mae and Freddie Mac from $417,000 to $729,750 for 2008.

This increased loan limit will enable qualified homeowners with larger mortgages to refinance their mortgages, lower their monthly payments, and avoid foreclosure.

In Contra Costa County, CA, where I live and which I am proud to represent in Congress, the median home price in 2006 was more than $640,000. In Solano County, which I also am proud to represent in Congress, the price was nearly $490,000. Both prices are well above the current $417,000 limit. So, the change our bill makes will provide critical help to untold numbers of families in my district and around the country who are struggling to hold onto their homes.

Indeed, foreclosures in California skyrocketed in the fourth quarter of 2007, up 421 percent compared with the fourth quarter of 2006. This is an economic crisis that we must address, and our bill takes a strong first step in that direction.

We have a responsibility to do everything we can to limit the economic trouble that our country is now facing. We have this responsibility to American workers who could lose their jobs and to families that could lose their financial security.

We also know that passing this legislation is only a first step. That's because our economy faced fundamental problems well before the housing bubble began to burst and the turmoil started in the credit markets.

Indeed, ever since the end of the last recession in November 2001, the economy has been growing. But the benefits of that growth went mostly to corporate profits—not to workers' paychecks.

Indeed, despite that economic growth, median family income last year was actually lower than it was before the 2001 recession. Since 2001, the number of Americans living in poverty has increased. So has the number of Americans without health insurance.

These are long-term challenges that we must continue to address after we pass this short-term stimulus package. We have an obligation not just to get the economy on the right track again, but also to create a stronger economy that truly benefits all Americans for years and years to come.

Mr. HARE. Madam Speaker, I rise today in support of H.R. 5140, the Recovery Rebates and Economic Stimulus for the American People Act.

For the last 7 years, powerful interests—whether its oil and gas companies, PHARMA, or the wealthiest Americans—have had their day in Congress.

Today, as the economy is on the brink of recession, we are finally providing relief to those who need it most—working families.

These tax rebates will put money back into the pockets of Americans who are struggling to make ends meet. I recently asked a young mother in my district how she would spend her rebate check. "Buy new clothes for my kids," she said.

While today's package is a good start, checks in the mail are not enough. Just last week, Methode Electronics announced that it would close its Carthage plant—costing my district an additional 850 jobs. This is the latest example of how the Bush economy has failed average Americans and a stark reminder that we need to do more for working families.

I am extremely supportive of the Senate proposal to extend unemployment benefits to millions of Americans and strongly believe we must reauthorize the Trade Adjustment Assistance program to provide a safety net for workers who lose their jobs due to unfair trade. If we are sincerely dedicated to stimulating the economy, we need to invest in our greatest economic asset—our workers.

Today's legislation is just a start, but it shows that this Democratic Congress is committed to putting working families first—in good times and in bad.

I strongly urge the President to accept these common-sense measures expected in the Senate's proposal as we move forward on the stimulus package.

Mr. UDALL of Colorado. Madam Speaker, I will vote for this bill because we must act to reduce the risk of a potentially deep recession, provide a measure of assistance to people most at risk from the economy's troubles, and encourage job-creating investments by the private sector. But we must recognize that the bill's scope is limited and it isn't a full response to the economy's problems.

Ironically, the bill's limited scope reflects its best feature—the fact that it was developed through a bipartisan process producing a broadly-supported compromise among the leadership on both sides of the aisle and the Administration.

Like most compromises, it has shortcomings. For example, I think Congress should recognize growing unemployment by providing extended unemployment-insurance coverage—and doing so now would reduce the chance that action later will be too late to be fully effective.

Still, as it comes before the House, this is a good bill that is undeniably timely, appropriately targeted, and—because it is temporary—will not add excessively to the budget deficit.

It provides for payments—technically treated as refundable tax credits—of up to $600 for an individual and up to $1,200 for a married couple, plus $300 per child. It is estimated that some 117 million families will receive these payments, including 35 million working families—including more than 19 million with children—that would not have qualified under the original Administration proposal. Nearly $40 billion in payments, which will phase out for people with incomes of $75,000 for a single person and $150,000 for a married couple, will go to families making less than $50,000. The Treasury Department estimates a total of about $1.7 billion will go to 1,900,000 Colorado households that will receive an average of $895 each.

In addition, the bill will temporarily double the amount of new investments in plants and equipment that small businesses can write off their taxes and increase the number of businesses eligible for this tax treatment. This will provide an incentive with the potential to reduce job losses and spur additional employment.

As we all know,. the housing market is one of the most troubled parts of the economy. The bill addresses that issue by providing a 1-year increase in Fannie Mae's and Freddie Mac's conforming loan limits—from $417,000 to $729,750—as well as a permanent increase in the Federal Housing Administration's loan limit, from $367,000 up to a maximum of $729,750. It also includes provisions intended to help people facing foreclosure to refinance their loans and get housing counseling that may help them avoid that outcome.

If the House was operating under a procedure that allowed amendments to be proposed, the bill might be improved. For example, I would have liked to address the problem of consumer credit card debt by changing some of the predatory practices of credit card companies—even if only on a temporary basis—because as other interest rates are being cut, I wonder if credit card companies will extend a reduced interest rate to consumers who are feeling the effects of high interest rates those companies are imposing.

But the choice before us today is a simple one—whether the bill should be approved or rejected. On that, I think the choice is clear and the bill should be passed.

Mr. DINGELL. Madam Speaker, I rise today in cautious support of the stimulus measure before us. This is an important first step.

However, it is the first step; it cannot be the last. I am particularly concerned that increases in Medicaid funding, food stamps and an extension in unemployment benefits are not a part of the package to be considered by Congress today.

It is important to note that an extension of unemployment insurance is a tried and true mechanism for not only helping out families in need, but also for infusing much needed cash into the economy. The Department of Labor, which administers the program, has the administrative framework and the know-how to get benefits to people quickly and efficiently. The IRS, on the other hand, does not have the same know-how. Moreover, the IRS will be otherwise occupied; after all, it is tax season.

All of this said, I am hopeful that negotiations continue on next steps to strengthen our economy and to provide relief to working families and would like to see the following items considered and ultimately included in any further measures brought before the House.

Given the decrease in nationwide job creation and the growth of state unemployment rates an emergency extension of unemployment compensation is critically important.

We also need a uniform increase in the Federal Medical Assistance Percentage, similar to that approved by Congress in 2003. An increase of this nature is one of the simplest, fastest, and best ways to provide stimulus to states.

Making legislation similar to the National Affordable Housing Trust Fund part of the stimulus package would provide much needed assistance to communities, of which there are many in Michigan, that have been hardest hit by the housing crisis.

In addition, swift action is needed to assist the over 2 million homeowners who, as a result of the housing crisis, are predicted to face foreclosure over the next year.

We need increased investment in schools, roads, water and sewer projects, and other public infrastructure projects that are ready to go, which will put people to work and build or repair needed capital assets while pumping up the economy.

In addition to stimulating the economy, we must have a strategy to create good paying jobs and prepare a workforce in transition. As such, some of the top priorities for Congress should be:

To promote both health information technology and increased availability of generic pharmaceuticals, both of which have the potential to streamline the U.S. healthcare system, reducing overall healthcare costs.

In addition, the tax code should be amended to allow the Federal government to pay for a portion of catastrophic healthcare costs.

Congress should support the development and production of advanced technologies. Such technologies also would aid in weaning our country from its dependence on foreign oil and are key to the American manufacturing industry's ability to compete globally.

The House approved a complete overhaul of the Trade Adjustment Assistance program last fall. We must expand the program to cover more workers.

We must create a more level playing field for U.S. businesses and workers by enforcing trade agreements, ending the unfair trading practices of other nations, including currency manipulation, and knocking down unfair trade barriers that discriminate against U.S. goods in foreign markets.

Again, I commend leadership for acting quickly and decisively in a bipartisan manner to bring this package to the floor. It is my hope we can continue to work together in an effort to stimulate the economy in a manner which will benefit middle-class families and create a 21st century workforce.

Mr. CASTLE. Madam Speaker, I rise today in support of the bill before us and consider it a good mix of fiscal policy solutions. Others before me today have already described this legislation in some detail, so I'll refrain from repeating what's already been said. However, I think the approach agreed to by the administration and House leaders from both parties is prudent and responsible. It is no simple matter to find an artful mix of fiscal policy solutions that will stimulate the economy yet mitigate inflationary risks.

As this legislation moves on to the Senate for further consideration, the House and administration should be open to other ideas. There is much at stake and the other body knows that we can always return to this issue if the results of this package need adjusting. We have to recognize that we alone cannot solve an economic slow down. The Federal Reserve will play a major role by setting interest rates and the costs of borrowing at levels commensurate with economic conditions. So some restraint and caution is needed at times like these.

This stimulus package uses a variety of fiscal policy tools—some that will have long term benefits like accelerated depreciation, and others that will have a more immediate impact like recovery rebates. While we can debate the particulars and merits of exactly who is eligible and for what amount of rebate, history shows us that programs like this do positively impact the economy as Americans pay down debt or make modest purchases.

Homebuilding is a major part of our economy, and that industry sector employs many, many Americans. Housing starts this year are forecast to be half of what they were in 2007, and the current stock of new and existing homes on the market is increasing markedly. Therefore, I am particularly pleased that the size of loans the Federal Housing Administration can insure is increasing, and the size of loans that Fannie Mae and Freddie Mac can purchase will be temporarily increased. This will benefit homeowners who are in a subprime mortgage and struggling to make payments now or when their loan resets.

Finally, the accelerated depreciation schedules included in this package are very important components. As businesses find it advantageous to replace existing equipment or purchase new goods for expansion purposes, the effects of these decisions will be vast and have a positive impact for those that manufacture the equipment or goods, on those that install and in turn use these new or upgraded resources.

All in all, Madam Speaker, I think we have taken some very sound steps here with this bill. Much is at stake here, and we need to move with care and consideration.

Mr. VAN HOLLEN. Madam Speaker, I rise in support of this stimulus package for the relief it provides over 117 million American families and the timely boost it delivers our slowing economy.

Let's be clear: As a product of genuine bipartisan compromise, this legislation does not contain everything one might have included in a stimulus package. For example, I support—and I hope the President will accept—the Senate's proposal to extend the relief in this package to low-income seniors and people with disabilities. That being said, this legislation proposes to put $145 billion into the hands of those who will use it to strengthen our economy, and it deserves our support today.

The centerpiece of this package is tax relief in the form of rebates of up to $600 for individuals and $1200 for married couples—with an additional $300 available for every dependent child. Importantly, it extends relief to 35 million hard-working families who make too little to pay federal income taxes but do pay payroll, sales, property and other taxes. These rebates will generate $1.26 in economic activity for every dollar we put back into the economy.

The package before us also encourages business investment by doubling the amount small businesses can expense for capital investments made in 2008 and by allowing all businesses to immediately write off 50 percent of depreciable plants and equipment purchased in 2008. Finally, it assists those facing foreclosure by increasing Federal Housing Administration, FHA, loan limits to $729,750 in 2008, and it provides greater liquidity to the mortgage market by temporarily increasing loan limits for single family homes at Fannie Mae and Freddie Mac from $417,000 to a maximum of $729,750.

For this initiative to be meaningful, it must be timely. Therefore, while I agree with many of the additional elements being discussed by the Senate—such as an appropriate extension of unemployment insurance for those who need it—we must not let prolonged arguments over these items delay swift enactment of the stimulus our economy so clearly needs.

If additional steps prove necessary, we will of course stand ready to act. But for today, I urge my colleagues on both sides of the aisle to support this bipartisan agreement.

Ms. MATSUI. Madam Speaker, I rise today in strong support of the economic stimulus package. I want to congratulate our Leadership for working in a bipartisan manner to bring much-needed economic relief to all sectors of our economy.

Madam Speaker, our economy is on a downturn. We are seeing gas prices, grocery prices, heating bills, and the price of consumer goods steadily increase.

The dollar has fallen to new alltime lows, prompting inflation fears and the standing of our currency in the world market.

Our housing foreclosure rates continue to threaten the quality of life for our constituents. In my hometown of Sacramento, the foreclosure rate is now the fourth highest in the Nation, with 1 out of every 48 homeowners burdened by this crisis last year.

Madam Speaker, as more and more Americans are feeling insecure about their future, I believe it is the right time for economic intervention by this Congress.

This economic stimulus package put forth today is targeted, temporary, and timely.

It will put hundreds of dollars into consumer pockets and bring financial relief to millions of working families. It will significantly expand the child tax credit.

Madam Speaker, this package also seeks to help those in danger of losing their homes. Americans across our Nation are being challenged daily by the mortgage crisis.

By raising the FHA and GSE loan limits, this bill will inject much-needed liquidity into the California housing market, and more importantly into the Sacramento region.

It will allow struggling homeowners to get out of bad loans and refinance into more affordable loans.

This bill is an important first step. I am proud that we were able to work quickly in a bipartisan fashion to start the process of relieving the economic strain being felt by families across this great country.

Madam Speaker, I again want to thank our Leadership for their hard work on this bill. It is critical that we get our economy back on track. This stimulus package is a step in the right direction.

Mr. SPRATT. Madam Speaker, I rise in support of the fiscal stimulus package.

We face mounting evidence that the economy is faltering and in sectors like housing, clearly losing ground, and many Americans are hurting as a result. Unemployment has spiked from 4.7 to 5.0 percent in one month; retail sales actually fell in December by 0.4 percent from the prior month, and last week the Federal Reserve made an emergency cut of 75 basis points in the Fed funds rate, the largest such reduction in 25 years. Across the country, Americans are feeling the effects of a slump in our economy, and if we want to avert or mitigate the effects of a recession, we need to act, and act now.

In hearings and discussions over the last 2 months, the consensus has emerged that fiscal stimulus is needed to complement monetary policy, and it needs to meet three criteria: it needs to be timely, targeted, and temporary. Timely means taking effect quickly to boost the economy; targeted means getting dollars into the hands of households more likely to spend it quickly; temporary means that it has only a short-term impact on the Federal budget so that it does not add to our long-term fiscal deficits. The package before us meets all these criteria.

There is general agreement that the fiscal stimulus needs to be roughly 1 percent of GDP. Two-thirds of this package goes to individuals and amounts to approximately $100 billion; one-third goes to business and amounts to about $50 billion to begin with, but since this stimulus comes in the form of accelerated depreciation, most of it will be recaptured over the life of the depreciable asset. If the two-thirds allocated to individual taxpayers is spent and helps avert or mitigate a recession, then it too may be recaptured to some extent, because a full-fledged recession could add $150 to $300 billion to the budget's bottom line, according to the Congressional Budget Office.

This package is a practical step to boost the economy, to bolster confidence, and to give a hand-up to millions of hard-working Americans. As with any compromise, no one got everything that he or she wanted in this package—but it is critical to get a bill enacted quickly in order to help the economy and our people without undue delay. I could name several features I would like to add or modify, and there may be other aspects that we may need to address in later legislation, such as an extension of unemployment insurance. If the Senate adds that, and the administration concedes, I will gladly vote for it. But moving quickly to boost our economy and fend off a recession matters most.

I think the bill coming to the floor today is likely to be the best agreement we can strike with the Bush administration if we want stimulus to come quickly and be effective. The package clearly meets our criteria of being timely, targeted, and having only a temporary cost to the budget.

I urge its adoption.

Mr. FORTUÑO. Madam Speaker, I want to commend President Bush, Speaker PELOSI, and Ranking Member BOEHNER for their bipartisan leadership in compromising on this economic stimulus package, and in their generosity and sense of fairness in making these economic relief measures extensive to the U.S. citizens of Puerto Rico. I also want to take this opportunity to thank my colleague and friend, Congressman JOSÉ SERRANO. His leadership and sense of fairness was key in our inclusion in the economic stimulus package.

Puerto Rico is in dire need of this economic stimulus package. Although this measure is intended to avert a potential recession in the U.S. economy after several years of strong growth,' Puerto Rico's economy has been in a recession for the last 2 years. Our economy is in a "perfect storm" scenario with recurring fiscal imbalances caused by uncontrolled government expense, dramatic tax increases, and misguided economic development strategies of the local state administration, resulting in higher unemployment and reduced consumer confidence.

Residents of Puerto Rico pay the same Social Security and Medicare payroll taxes as our fellow citizens in the States. Payroll taxes are especially regressive in the case of Puerto Rico since the per capita income on the island is only one-third the national average.

My constituents are hurting badly, so it is imperative that the assistance that this economic stimulus package provides be channeled directly to those in need, the individual taxpayers, and not to the state government that has repeatedly mismanaged our resources. If at the end, this legislation provides for the Secretary of the Treasury to make a block payment to the territorial governments, including Puerto Rico, the Secretary must retain the capacity to guarantee our citizens that they will receive their payments in a timely fashion and for the correct amount. We are not asking for special treatment, I am only asking that our workers be treated on the same terms as their fellow citizens in the States.

Mr. GARY G. MILLER of California. Madam Speaker, I strongly support H.R. 5140, the much needed Economic Growth Package to address troubles in the mortgage marketplace.

In the past year, we have witnessed significant upheaval in the U.S. housing markets. Increased delinquencies and defaults among borrowers have contributed to turmoil in the mortgage finance sector, which has affected our entire economy. Many areas of the country have been heavily impacted by the mortgage crisis, with many families facing increased payments and foreclosures.

Over the years, many hard-working families have been faced with a situation where they are either unable to own homes, or they are forced to resort to risky loans that might impair their ability to keep their home. This is especially true in high cost areas of the country, like California, New York, Massachusetts, and Connecticut, where statutory loan limits have eliminated federal housing programs as an option to purchase entry-level homes.

Under the current loan limits, FHA products have become unavailable for homebuyers in high cost areas of the country because the maximum mortgage limit is lower than housing prices. Families who need and qualify for FHA have been unable to participate in the program due to these geographic barriers.

The median home prices in high cost areas, like my district in southern California, is well above the GSE conforming loan limit of $417,000. A starter home for a family in Los Angeles, for example, usually puts a buyer into the so-called "jumbo" loan market. Jumbo loan premiums add hundreds of dollars onto a monthly payment for a fixed rate loan. Thus, many moderate income families have been priced out of a home loan by virtue of where they live and work.

Housing experts predict that the number of foreclosures that have occurred over the last year may double in the next 2 years as more adjustable rate mortgages with low introductory rates reset at significantly higher levels. By increasing the conforming loan limits, Fannie Mae, Freddie Mac, and the FHA program will have the ability to put affordable home purchases and refinancing options within reach of more moderate-income families.

Chairman FRANK and I have been working for many years to create affordable housing opportunities for families across the country by increasing the conforming loan limits. Many communities in America are being underserved by the GSEs and FHA, because home prices in these areas surpass the national loan limit. I am pleased we are addressing this disparity in the legislation before us today and hope that the Senate also supports this critical change.

In addition to providing much needed liquidity to the struggling mortgage market, increasing the conforming loan limit will make safe, conforming mortgage loans available for homebuyers across the country and reduce aggressive lending practices that have contributed to the current credit and housing crisis.

Foreclosure rates are rising with harmful effects for borrowers, lenders, the neighborhood, and our overall economy. As we continue to experience instability in the housing market, this important change will be essential for successful homeownership. There is no more important priority for Congress than helping to keep families in their homes.

Mr. AL GREEN of Texas. Madam Speaker, today, Congress passed a $146 billion, bipartisan economic stimulus bill that will quickly send hundreds of dollars to poor and middle-class working families while offering businesses one-time incentives to invest in new equipment. Although there is much more to do if we are to meet the needs of American families, including extending unemployment benefits and food stamps, I believe that this stimulus is an important first step in our effort to help hardworking Americans.

This broad-based stimulus package will provide tax relief of up to $600 per individual and $1,200 per married couple, plus an additional $300 per child. Recovery rebate checks could be sent as early as mid-May, getting money to Americans who will spend it immediately to reinvigorate the economy. In Texas alone, approximately 8.6 million families will receive rebates averaging over $900. Nationwide, over 111 million families would receive these rebate checks, including 35 million with earnings too low to pay income taxes. More than 19 million of these are families with children and 13 million are struggling seniors. Nearly $50 billion of the rebate will go to middle-income Americans and those aspiring to it. Economists estimate that each dollar of broad tax cuts leads to $1.26 in economic growth.

The economic stimulus bill also helps address the crisis we are facing in our home mortgage market by permitting more borrowers facing defaults to refinance through the Federal Housing Administration (FHA). For 2008, the bill increases the FHA loan limits up to $729,750 from $362,790 to expand affordable mortgage loan opportunities for families at risk of foreclosure. In addition, the bill also enhances credit availability in the mortgage market by including a 1-year increase in the conforming loan limits for single family homes from Fannie Mae and Freddie Mac from $417,000 up to $729,750 for 2008. These increases in loan limits will benefit areas where housing costs are higher than the national average.

Mortgage rates on loans that currently exceed these loan limits are much more expensive than for smaller loans. These higher rates have hurt demand for housing in high-cost areas. The provisions in the stimulus will lower borrowing costs for many Americans, including middle-class families in high-cost cities to those who may be facing foreclosure. More importantly, this will allow more homeowners to refinance their existing mortgages, thereby increasing the effectiveness of the interest freeze for some subprime borrowers brokered by the Treasury in December. This is because more borrowers will be able to take advantage of the freeze to refinance into new FHA loans.

Finally, this bill will promote small business investment in equipment, which will spur job creation here at home. The bipartisan plan doubles the amount small businesses can immediately write off their taxes for capital investments made in 2008 from $125,000 to $250,000, for purchases of new equipment of up to $800,000 (from $500,000). It also provides immediate tax relief for all businesses to invest in new plants and equipment by speeding up depreciation provisions, so that firms can write off an additional 50 percent for investments purchased in 2008.

While more needs to be done, I am confident that this bipartisan economic stimulus package will help many American families in the weeks and months ahead.

Mr. UDALL of New Mexico. Madam Speaker, a lot of brilliant economists have spent a lot of time over the last few weeks telling the American people what we already know: our economy needs help. The debate goes on over whether today's economic conditions will become an official recession, but most people aren't interested in official definitions. We want help now.

Fortunately, members of the New Direction Congress, meeting on a bipartisan basis, have developed an economic stimulus package that will get America moving again.

There's a lot to like about the proposed stimulus package.

The package provides support immediately. American families will receive help by June, in time to stop America's economic slide before we find ourselves mired in recession. This timely action is the result of a feeling in Congress that getting things done for the American people is more important than scoring political points.

The package will put money in the hands of working families who need it most. By helping families too poor to pay income tax, this proposal shows both compassion and common sense. We know that poor families are more likely to spend their rebate checks immediately, and that means more money flowing into our economy more rapidly.

And, finally, the package will not purchase short term growth at the expense of long term prosperity. This legislation does what must be done, but, more importantly, it does no more than is necessary. It contains no giveaways to any interest group, no pork barrel spending and no rushed changes in our tax code. The bill provides targeted, temporary stimulus. As a result, it will secure our present without burdening our future with debt.

But the package that we pass today is not perfect.

We have helped millions of families, but too many seniors still need our support. We have provided relief to millions of workers, but those who have seen their jobs disappear still face an uncertain future they did nothing to earn and can do little to change. We have provided temporary relief to millions of taxpayers, but we must renew the clean energy tax credits that give us hope for a stronger national economy and a more sustainable world.

Our work is not over.

We should celebrate today's accomplishment, but we must recognize that it is a first step, not a final one. Let's take the bipartisan spirit that has been kindled in the House and use it to do the work that remains to be done.

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise in support of the Recovery Rebates and Economic Stimulus for the American People Act, and to commend Speaker PELOSI and Minority Leader BOEHNER for their bipartisan, timely action to get our economy moving.

In Minnesota, median household income has decreased 6.8 percent since 2000, job growth is lagging, and families are being squeezed by increasing gas, health care and education costs. While the cost of the Iraq war has grown to $36,900 per Minnesota household, over 400,000 Minnesotans live in poverty, families are losing their homes, and a growing number are uninsured.

This bill provides a recovery rebate check for 117 million families to help with rising costs and reinvigorate the economy. These rebates are targeted to middle-income Americans and additional assistance is provided for families with children. In Minnesota, the average rebate will be $952 and over 2 million families will benefit from this tax relief. H.R. 5140 also provides tax incentives to small businesses to help create jobs, and it increases access to affordable refinancing opportunities to help families keep their homes.

H.R. 5140 is timely, targeted and temporary. While enactment of this package will give the economy a needed boost, it is not the end of our efforts. Congress needs to have a serious discussion about unemployment benefits, food stamps and aid to states facing deficits. And in order to truly grow our economy we need to invest in our infrastructure, reduce our dependence on foreign oil, educate our children, address the health care crisis and end the war in Iraq.

There are significant challenges facing this country, and I am pleased that all parties were able to work together to put together this positive first step. I urge my colleagues to take real action today and to support H.R. 5140.

Ms. DeLAURO. Madam Speaker, from negative economic data on wages and consumer prices to a falling stock market, there is almost no margin for error in today's tight economy. We face an urgency and a mutual obligation to get it right and ensure no American is forced to live in those margins.

Today's economy weighs very heavily on America's families—and lately, things have gone from bad to worse. In December, the unemployment rate shot up to a 2-year high of 5 percent. December's sales and consumer confidence were at a 5-year low. Oil prices topped $100 a barrel, and home foreclosures are at an alltime high. And growth last quarter slowed to a glacial .6 percent.

This legislation represents a strong bipartisan agreement on an economic stimulus package that will begin to provide financial relief and income security to the middle class working Americans most at risk in a prospective recession. The Senate voted 18–16 in favor of the package to jumpstart our slowing economy and create jobs here at home, and I am proud of our quick action in both houses to get this done.

Last week, the House approved strong stimulus legislation, and this version continues in that spirit with two additions expanding recovery rebates to an additional 20 million seniors and 250,000 disabled veterans. Our men and women in uniform fought for our Nation, and they deserve all the respect, care and support we can provide.

Building on our work to extend the Child Tax Credit—and my belief that all hard-working low- and middle-income families should receive at least a partial credit—this package will ensure that any family that pays taxes and earned at least $3000 last year, will get a $300 rebate per child.

The bill provides refundable child tax credit rebates to approximately 34.2 million children. Families with children will receive a total of $21.8 billion in refundable rebates, including $9.8 billion specifically in refundable child tax credits.

It is long past time we finally recognize that the child tax credit should be available to all families, including those who serve in the military.

With the economy in so much difficulty, this is the right approach—immediate, focused on those who need resources and who will spend it. Unlike previous efforts to stimulate the economy, this package is focused on the middle class and provides real, not token relief. That includes $28 billion in tax relief for 35 million families who work but make too little to pay income taxes—families who otherwise would not have been included in this recovery effort, more than 19 million of them with children.

To meet our obligation, to boost our struggling economy, and provide real assistance for working and middle-class Americans, I urge a "yes" vote.

Mr. LARSON of Connecticut. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. RANGEL) that the House suspend the rules and pass the bill, H.R. 5140.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LARSON of Connecticut. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on suspending the rules and passing H.R. 5140 will be followed by a 5-minute vote on suspending the rules and adopting House Resolution 933.

The vote was taken by electronic device, and there were—yeas 385, nays 35, answered "present" 1, not voting 10, as follows:

[Roll No. 25]

YEAS—385

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry

McHugh
McIntyre
McKeon
McMorris
Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda
T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—35

Baird
Berry
Boyd (FL)
Broun (GA)
Burgess
Campbell (CA)
Coble
Cooper
Cubin
Davis, Tom
Deal (GA)
Flake
Forbes
Gingrey
Gohmert
Goode
Hunter
Johnson (IL)
Kaptur
Kingston
Linder
Paul
Peterson (MN)
Poe
Price (GA)
Rohrabacher
Royce
Sanchez, Loretta
Sensenbrenner
Shadegg
Smith (WA)
Tancredo
Taylor
Westmoreland
Wexler

ANSWERED "PRESENT"—1

Brown, Corrine

NOT VOTING—10

Baker
Feeney
Filner
Hastings (FL)
Jones (OH)
Lantos
Lewis (KY)
Miller, Gary
Simpson
Wasserman
Schultz

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining.

☐ 1511

Mrs. CUBIN and Messrs. GINGREY and FORBES changed their vote from "yea" to "nay."

Messrs. PITTS, CARNAHAN, PEARCE and DELAHUNT changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall No. 25, I was away due to a family emergency. Had I been present, I would have voted "yea."

Mr. GARY G. MILLER of California. Madam Speaker, on rollcall No. 25, had I been present I would have voted "yea."

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The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 933, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. ALTMIRE) that the House suspend the rules and agree to the resolution, H. Res. 933, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 1, answered "present" 4, not voting 16, as follows:

[Roll No. 26]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
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Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Berry

ANSWERED "PRESENT"—4

Broun (GA)
Gingrey
Space
Walsh (NY)

NOT VOTING—16

Carnahan
Doyle
Feeney
Filner
Hastings (FL)
Hastings (WA)
Jones (OH)
Lantos
LaTourette
Lewis (KY)
McDermott
Miller, Gary
Rangel
Simpson
Sires
Wasserman Schultz

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1520

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall No. 26, I was away due to a family emergency. Had I been present, I would have voted "yea."

PROTECT AMERICA ACT OF 2007 EXTENSION

Mr. CONYERS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5104) to extend the Protect America Act of 2007 for 30 days, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5104

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 15-DAY EXTENSION OF THE PROTECT AMERICA ACT OF 2007.

Section 6(c) of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 557; 50 U.S.C. 1803 note) is amended by striking "180 days" and inserting "195 days".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the temporary Foreign Intelligence Surveillance Act law that we enacted in August as a stopgap measure expires on Friday. We passed the RESTORE Act in November to provide some FISA reform. The Senate is at this moment completing the action. This extension will give us time to consider responsible FISA reform in both Houses of the Congress while fully preserving current intelligence capabilities while we do so. I hope that everyone would agree that this is the most responsible approach for protecting our freedom, as well as our security.

I further hope that we would all agree that we need to consider FISA reform responsibly, with the care it deserves, and to preserve the prerogatives of the House to have our own voice heard.

This extension is not a vote on the temporary law that we have been living under since August of last year, nor is it a vote against the temporary bill or against what the Senate is working on. It is a vote for avoiding a headlong rush into possibly ill-conceived legislation. We should all be able to come together on that, and I am confident that we can.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I reluctantly support H.R. 5104, which extends the Protect America Act for 2 weeks.

Last year, the Director of National Intelligence, Admiral McConnell, notified Congress about a dangerous loophole in our ability to collect intelligence information overseas. Director McConnell estimated that the intelligence community was missing two-thirds of all overseas terrorist communications. Congress passed the Protect America Act last August to close this loophole. Unfortunately, the legislation contained an arbitrary 6-month sunset and is currently set to expire this Friday.

After 6 months of waiting, the Democratic majority is now coming perilously close to threatening the safety of every American. But rather than pass a long-term fix to the terrorist loophole, the Democratic majority wants another extension. The White House promised to veto the 30-day extension that the majority was going to bring to the floor yesterday. Today's bill represents a compromise for only a 2-week extension.

The truth is we do not need any temporary extension. In fact, there is a bipartisan bill that we can and should pass today. The Senate Intelligence Committee already has approved a bill to close the terrorist loophole and provide liability protection to the telecommunication companies. That is being blocked by the Democratic majority.

As the deadline draws near, the urgent needs of the intelligence community must be addressed. This is no time for partisanship. This is a time for responsible action.

Any bill must include two critical provisions. First, Congress has the responsibility to enact long-term legislation that allows intelligence officials to conduct surveillance on foreign targets without a court order. A U.S. Army intelligence officer in Iraq should not have to contact a Federal judge in Washington to conduct surveillance on Iraqi insurgents.

Second, Congress must provide liability protection to U.S. telecommunication companies that responded to government requests for information following the terrorist attacks of September 11. Close to 40 frivolous lawsuits against the telephone companies already have been filed. These companies deserve our thanks, not a flurry of meritless lawsuits.

Terrorists have not placed an expiration date on their plots to destroy the American way of life. Congress should not put an expiration date on our intelligence community's ability to protect our Nation.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I am pleased to yield 2½ minutes to the gentlewoman from California (Ms. HARMAN), the chairperson of the Subcommittee of Intelligence on Homeland Security and a veteran Member of the House on intelligence matters.

☐ 1530

Ms. HARMAN. Madam Speaker, I thank the gentleman for yielding and commend him for his leadership. I also commend many on the other side, including Mr. HOEKSTRA, for their devotion to getting intelligence right.

I hope we have bipartisan agreement on the subject before us. But, Madam Speaker, I feel compelled to correct the record. Last night in his State of the Union address, the President said: "If Congress does not act by Friday, our ability to track terrorist threats would be weakened and our citizens could be in greater danger."

As a Member who worries 24/7 about terrorist threats against our country, I strongly object to that statement. It is inaccurate and yet again a bald-faced attempt to play the fear card and to jam Congress into gutting a carefully crafted, three-decades old bipartisan law called FISA, the Foreign Intelligence Surveillance Act.

FISA, Madam Speaker, does not expire on Friday. Only the hastily cobbled together Protect America Act amendments to FISA expire on Friday.

This country will not go dark on Friday. Our government has aggressively used surveillance tools, and in the past year or so secured warrants in compliance with FISA. Those warrants do not expire on Friday.

As for the claim that citizens will be in greater danger, in my view actions that fail to follow the laws Congress passes and ignore the requirements of the fourth amendment put our democracy in grave danger.

Madam Speaker, security and liberty are not a zero-sum game.

In October, the House passed thoughtful legislation, the RESTORE Act, to replace the flawed Protect America Act. Once the Senate acts later this week and the House has had adequate time to review documents concerning activities of telecommunications firms, we should conference our bill. Fifteen days is a good estimate of how long it will take to send a responsible bill to the President. Let's act responsibly. Vote "aye."

Mr. SMITH of Texas. Madam Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. HOEKSTRA), who is the ranking member of the Select Committee on Intelligence.

Mr. HOEKSTRA. Madam Speaker, while I will not oppose this bill, even though it has not gone through regular order in the committee process, I continue to have serious reservations about further putting off the critical issue of FISA modernization. I also have significant concern with the failure of the majority to ensure a long-term and effective solution to the critical problem of ensuring that our intelligence community has the tools that it needs to detect and protect potential terrorists.

Last August, Congress acted on an overwhelming bipartisan basis after months of prodding to pass the Protect America Act and close significant intelligence gaps against foreign terrorists in foreign countries. The failure to clarify the authorities of our intelligence professionals on a long-term basis had clearly jeopardized America's ability to detect and prevent potential terrorist attacks and to effectively collect intelligence on foreign adversaries.

The Protect America Act expires on Friday, February 1. This temporary extension will now push that date to February 15. While elements of surveillance under the Protect America Act could have temporarily continued without an extension, the failure to act permanently on the lapsing authorities still ultimately threatens the capabilities of the intelligence community to react with speed and agility to new threats and changing circumstances.

We cannot continue to make excuses. We cannot continue to avoid our responsibility to deal with this vital issue. National security should not be on a week-to-week lease. I think both the President and Members on our side of the aisle have made clear that our patience with further delays to this vital legislation will be extremely limited.

Democrats have failed to do their job on this critical national security issue, even after Speaker PELOSI boasted last August that they would act as soon as possible. Their partisanship on this issue clearly has failed. A bipartisan Senate solution, acceptable to the President, has been available for weeks, but has been held up by liberal activists over the issue of retroactive liability for third parties who may have helped the government to detect potential terrorists.

Madam Speaker, columnist Stuart Taylor recently pointed out that holding the private sector hostage to ideological extremism is a "risky game." It is a risky game for our national security and may chill cooperation in future emergencies. He wrote: "Most Americans would want the telecoms to say yes without hesitation. But the telecoms would have reason to say no, or delay for a few dangerous days to consult their lawyers, if liberals get their way in a battle currently raging in Congress."

[From the National Journal, Jan, 19, 2008]

Holding Telecoms Hostage: A Risky Game

(By Stuart Taylor, Jr.)

Suppose that the next big terrorist attack on our country comes two weeks after a new Democratic president has taken office. Simultaneous suicide bombings devastate 20 schools and shopping malls around the country, killing 1,500 people. The intelligence agencies believe that at least 20 more trained jihadists, including American citizens, are in the United States planning follow-up attacks.

The president is told that the best hope of stopping a second wave of attacks is to immediately wiretap as many calls and e-mails as possible from and to every private citizen who has been to Pakistan or Afghanistan since 1999. These hundreds of domestic wiretaps, with neither warrants nor probable cause to suspect any individual of terrorist ties might well violate the Foreign Intelligence Surveillance Act.

The president nonetheless asks the major telephone companies to place the taps for 30 days while the administration seeks congressional approval. He or she also assures the telecoms in writing that the new attorney general has advised that the Constitution empowers the president to temporarily override FISA during such an emergency—a controversial theory never tested in court.

Most Americans would want the telecoms to say yes without hesitation. But the telecoms would have reason to say no—or delay for a few dangerous days to consult their lawyers—if liberals and libertarians get their way in a battle currently raging in Congress.

The issue is whether to immunize these same telecoms retroactively, as President Bush and a bipartisan majority of the Senate Select Committee on Intelligence (including Chairman Jay Rockefeller IV) urge, from liability for having said yes to Bush's warrantless surveillance program during the unprecedented national crisis precipitated by the 9/11 attacks.

The telecoms face more than 40 class actions seeking hundreds of billions of dollars in damages for their roles in the Bush program, which they agreed to after being assured that the attorney general had deemed the program lawful.

Allowing this litigation to continue would, as a group of highly respected former Justice Department officials wrote in a joint letter to the Senate Judiciary Committee, "produce perverse incentives that risk damage to our national security," because "both telecommunications carriers and other corporations in the future will think twice before assisting any agency of the intelligence community seeking information."

This particular group includes Jack Goldsmith, James Comey, Patrick Philbin, and John Ashcroft. They (especially the first three) won bipartisan applause for leading a rebellion in 2004 against overreaching claims of power by Bush, who chose to secretly override FISA not just for a few weeks but for years.

"Given our experiences," the former officials wrote, "we can certainly understand that reasonable people may question and wish to probe the legal bases for such intelligence activities." But the proper forum is the congressional oversight process, they asserted, not "a public lawsuit against private companies that were asked to assist their nation."

Such leading Democrats as former Sen. Bob Kerrey, former Rep. (and 9/11 commission Co-Chair) Lee Hamilton, and former Attorney General Benjamin Civiletti have also called for immunizing the telecoms.

On the other hand, People for the American Way, like other liberal groups, argues that immunity would "protect telecoms that knowingly violated law." But the telecoms did not violate the law—even if Bush did—according to an October 26, 2007, Senate Intelligence Committee report urging adoption of the immunity proposal as part of an important bill updating FISA.

The committee, after forcing the administration to show investigators the relevant presidential and Justice Department documents, found that the record showed that the telecoms "acted on a good-faith belief that the president's program, and their assistance, was lawful." Courts have for centuries seen such a good-faith belief as grounds for immunizing from lawsuits private parties that heed government officials' requests for help in protecting public safety, especially in emergencies.

And, in fact, hardly anyone in Congress thinks that the telecoms should (or will) be forced to pay huge damages to the plaintiffs, who after all have suffered no real harm. So why are some senators, including Patrick Leahy, the Senate Judiciary Committee's senior Democrat, fighting the immunity proposal?

The real reasons are election-year pressure from liberal groups and the hope that the lawsuits will force public disclosure of information embarrassing to the Bush Administration. Leahy said in a press release that he opposed giving retroactive immunity to the telecoms because that would reduce their incentives to protect privacy and "would eliminate the courts as a check on the illegality of the warrantless wiretapping of Americans that the administration secretly engaged in for almost six years."

Leahy may well be right that some aspects of the highly classified wiretapping program were illegal. Indeed, Goldsmith, who took over the Justice Department's Office of Legal Counsel in late 2003 and later touched off the above-mentioned rebellion, has publicly called the still-secret OLC surveillance memos that he inherited a "legal mess."

In my own view, Bush's decision to secretly override FISA for a time immediately after 9/11 was probably a lawful exercise of his war powers. But his legal rationale became weaker and weaker when he continued to override the law for months and years without seeking congressional approval.

It is one thing to say that the president has inherent power to disregard an outdated law during an emergency in which immediate action might save many lives. It is something else to say that the president can secretly continue to disregard that law for several years without ever seeking to amend it. (See my 1/28/06 column.)

But doubts about the legality of Bush's actions are no justification for holding hostage telecoms that relied on the administration's assurances of legality and were in no position to second-guess its assertions that the surveillance program was essential to national security.

Not, that is, unless we want to risk that the telecoms, credit card companies, banks, airlines, hospitals, and other private companies—whose cooperation is essential to finding terrorists before they strike—will balk or delay when the next president seeks their help in an emergency.

And to keep things in perspective, let's remember that even if Bush did violate the law, the terrorist groups targeted by his surveillance program have taken thousands of American lives; that the program itself has apparently caused no serious harm to anyone (except terrorists); and that no evidence exists that Bush or anyone else has ever made any improper use of any intercepted communications.

Opponents of immunity say that the telecoms have nothing to fear in court if they can show that they acted lawfully. And it does seem most unlikely that the telecoms would ultimately lose; the lawsuits face huge obstacles, including the state secrets privilege and doubts about the plaintiffs' standing to sue, as well as the strong evidence that the telecoms acted lawfully.

But even a remote risk of massive liability for doing the right thing in the past might deter some from doing the right thing in the future. And in the vast, interminable, unpredictable, often perverse meat grinder that high-stakes litigation has become in this country, victory in court would come only after many years of expensive legal battles, uncertainty, downward pressure on stock prices, and publicity damaging to the telecoms' international business interests. This prospect might drive them to accept a nuisance settlement that would yield millions of dollars for the plaintiffs' lawyers and very little for anyone else. Indeed, that's what many plaintiffs' lawyers are hoping for.

Some senators and others have proposed ways to relieve the telecoms of monetary liability while keeping the litigation alive to force a healthy public airing of information about what Bush and his aides did. One such proposal would have the government cover any damage awards; another would place a very low cap on any damages; a third would ask the FISA court to decide whether the telecoms broke the law. Such expedients would be better than no protection at all. But they would not give the telecoms the finality and the relief from litigation costs that they want and deserve.

In any event, it seems unlikely that any kind of litigation against the telecoms will yield much new information about what Bush and his aides did. The main reason is that any such evidence is probably inextricably intertwined with operational details of the surveillance, which are highly (and properly) classified. And lawsuits against the government, which would be unaffected by immunizing the telecoms, would be a more logical vehicle for exposing whatever can properly be exposed.

But the bottom line is that a remote chance of exposing any Bush misconduct is simply not a good enough reason to run even a small risk of losing potentially lifesaving intelligence. And it's simply unfair to hold hostage private companies that thought they were helping to save lives and did nothing wrong.

Partisan political points and the nonexistent rights of radical jihadists shouldn't be more important than giving the most effective tools to the intelligence community to detect and prevent attacks. As soon as the Senate passes this comprehensive bipartisan bill, the House should consider it immediately in order to send a responsible bill to the President as quickly as possible.

There is bipartisan agreement that Congress must act immediately to ensure a long-term effective solution that empowers intelligence community professionals to act with speed and agility against foreign targets, provides retroactive liability protection for third parties who may have assisted the government after 9/11, and ensures that court orders will continue to be required for any surveillance targeting Americans.

We should stop the bipartisan obstructionism and move forward with permanent legislation to fully ensure the protection of the American people and their civil rights.

Mr. CONYERS. Madam Speaker, I am pleased now to yield 3 minutes to the distinguished gentleman from Ohio, Mr. DENNIS KUCINICH.

Mr. KUCINICH. Madam Speaker, I rise today in opposition to H.R. 5104, a 30-day extension of the Protect America Act.

When the Protect America Act was passed by this body on August 4, 2007, I voted against the legislation because it gave legitimacy to the administration's surveillance of Americans without warrants. It is in the best interest of our Nation to allow this temporary law to expire and return to the permanent FISA law until this body can agree on legislation that protects our Constitution and upholds the civil liberties of U.S. citizens.

The FISA Court has ruled to prohibit warrantless spying on Americans when communications between foreign targets overseas are routed through the U.S. The permanent FISA law leaves in place mechanisms to monitor potential terrorist activity with the approval of the FISA Court.

We cannot allow baseless claims of being soft on terror to drive this debate. Those who use fear to gain power for themselves are in effect subverting our Constitution.

We are at a moment in the history of this country where it is absolutely important that Congress must not accept a false choice. We must defend Americans and our Constitution from the politics of fear. We must demand that the President cease his attacks on our civil liberties.

I oppose this legislation, and I will oppose all future attempts by this body to pass fear-provoking legislation that sanctions oppression against the American people.

When our Constitution was written and amended, the fourth amendment said: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

This fourth amendment has been the bedrock of the freedoms that Americans enjoy from a government that would use its power to go deeply into people's private affairs.

We must stand for our Constitution. We must stand for the Bill of Rights. That is the purpose of my presence at this very moment before this House.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

Last August, a number of Members with whom I agree lamented the fact that we got jammed by the other body and the clock and ended up with a bad law. Here I am again today trying to stop that same thing from happening again. And yet, in what I can call only in kindness misguided perfectionism, there are those here who would come to the floor to criticize this bill, a 15-day extension. Now it is easy to do that; it is harder to get a good law from both of these bodies at the same time, and that's only what this committee is trying to do this afternoon.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. ISSA), who is a member of both the Judiciary and Intelligence Committees.

Mr. ISSA. Madam Speaker, 1 minute is just the right amount of time to deal with an issue that is as simple as this: we cannot allow our enemies abroad to have secrets, and we must maintain the secret of how we discover, uncover, reveal, and react to their attempts to hide their activities, including the attempt to kill Americans. That's what this is all about. That's what we are looking for within the next 15 days. I am supportive of this bill because I want to make sure that we cover these two points.

It is not enough to simply attack your enemy when he attacks you. We clearly have to know what he intends to do, including when he communicates with his operatives in America from overseas; and we very clearly need to not let our enemies, through discovery in more than 40 lawsuits leveled against all of our communications companies, uncover what they may or may not have done.

I want to make sure that we understand: it is not just what communications companies may have done. We do not want our enemies to know what they may not have done.

Mr. CONYERS. Madam Speaker, I am pleased to yield to the distinguished majority leader of the House of Representatives, STENY HOYER, 1 minute.

Mr. HOYER. I thank the distinguished chairman for yielding.

I rise in support of this particular extension. I do not rise and did not rise in support of the underlying bill that we are extending. And I think the gentleman from Ohio raised some valid points, as the chairman thinks he raised valid points as well.

But the issue here is really one of allowing this body an opportunity to pass a bill that speaks to the constitutional issues that have been raised, as well as the substantive issues raised by Mr. ISSA in what we all want to do: protect America and Americans.

Today the House is voting on a 15-day extension, nothing more, nothing less. Before we do that, I want to remind my colleagues that this body has already passed legislation to reauthorize FISA.

On November 15, 2½ months ago, this body passed the RESTORE Act, a bill that modernizes the technologically outdated Foreign Intelligence Surveillance Act of 1978, gives the intelligence community the authority to intercept critical foreign communications, and protects our fundamental constitutional rights.

The bill was skillfully assembled by two of our best chairmen, JOHN CONYERS and SILVESTRE REYES. Those chairmen join me today in support of this short-term extension for several reasons. First, despite the body's efforts over 2½ months ago, the Senate has yet to complete its work on its own FISA legislation. This week they failed to get cloture on either alternative. We are going to await its bill and look forward to an undoubtedly challenging, but productive, conference. This will take some time.

Second, on the question of immunity, which the President has so highly touted, our committees have been asking for 8 months to see the legal documents pertaining to the President's terrorist surveillance program. And we have received 8 straight months of denials. The White House only offered this access last Friday. It is reasonable to conclude that for the committees to carry out its own responsibilities and constitutional duties, it needs some time to do that.

This afternoon, our Judiciary members will be read-in to the program, and only next week will they begin to digest the hefty stack of documents that, in turn, will help them make a judgment on what, if any, immunity is merited. My position has been that in order to give immunity, we need to know what we are giving immunity for and what the justification for the actions were. Again, we need time for this important review. This extension gives us that time.

Finally, let me say to my colleagues that even if we were unable to do this extension, and this is very important, even if we were unable to do this extension, February 1 were to come and go without any new legislation, no one should fall victim to those fear-mongers who suggest that our intelligence community could "go dark." It would not. That is simply not the case.

The authorizations issued under the Protect America Act are in effect for up to one full year. So any requests that have been made and authorized up to this point in time from August on would be in effect at least through next July even if they had been authorized in August. The authorization issued under the Protect America Act will help protect us to that extent.

This means that all of the surveillance in effect today will remain in effect for least 6 more months. Even the administration's own Assistant Attorney General for National Security, Kenneth Wainstein, acknowledged this, saying that if the PAA were allowed to expire, intelligence officials would still be able to continue eavesdropping on already approved targets for another year.

□ 1545

In fact, out of an abundance of caution, last Thursday, when I announced the schedule for this week, I urged the administration, if it had any authorizations, it needed to proceed on that for fear that we might not extend this act. I think we'll do that today, so that fear will not be realized.

For those new threats that develop after February 1, let us not forget that the underlying statute still gives the administration 3 days' worth of emergency authority to immediately begin surveillance without going to the Court, no lesser court. The Court, by the way, now has no backlog.

I encourage my colleagues to support this legislation. It is simply much like a CR, which is not a judgment on the merits of a particular appropriation bill one way or the other. It is simply a judgment that the congressional will ought to be done, that we ought to make our judgment based upon a conference report, with the Senate having passed a bill, which it has been unable yet to do.

So I urge my colleagues to support this bill, not because you support the underlying bill, but because you share with me and with Mr. CONYERS and Mr. KUCINICH and Mr. ISSA and all the others who have dealt with this bill a concern about protecting our country and protecting our Constitution.

Mr. SMITH of Texas. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. LUNGREN), who is a member of the Judiciary Committee and the Homeland Security Committee.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, first of all, let me say I rise in support of this bill. Unfortunately, we are at this occasion where we have to have this short-term extension.

But let me just say a couple of things in response to what the majority leader said. In the first instance he said that if we don't have the Protect America Act, but we have the underlying bill, it will work well enough to deal with the problems in an emergency situation. Unfortunately, that's contradicted by the head of our intelligence services. The reason we are here is because it doesn't work.

Secondly, the majority leader said the RESTORE Act, the so-called RESTORE Act that we passed in November is a bill that we passed that should take care of these problems. It is a bill that does not work, and I will give you just one example of its difficulty.

In section 2(a)(2), treatment of inadvertent interceptions, it grants greater protections to Osama bin Laden than it would to an American citizen heard inadvertently in the United States. That happens to be a fact. We've debated it on this floor. Not a single person on that side of the aisle has been able to contradict that. And even the chairman of the Constitutional Law Subcommittee has come to me and said we are right; a huge mistake was made. And yet that was the bill that was passed here and that we are told and the American people are being told needs to go forward.

Frankly, the bill we passed in August, the Protect America Act, is nothing short of a legislative LASIK surgery. We had the head of the intelligence services of the United States come to us and say we were blinded so that we could not see over 60 percent of the legitimate terrorist targets in the world because of an interpretation of the law impacted by the new technology; that is, the way communications are transmitted. It was at his request that we looked at this. We did that in August. We've opened our eyes. We've been able to look at those targets, those legitimate targets around the world. And if we do not act today we will close our eyes once again.

The fact of the matter is, the strangeness of this institution, of only allowing the Protect America Act for 6 months, then coming and saying, Well, the new bill ought to be limited to 30 days, or 15 days, is really something we ought to examine.

Does anyone suggest that the threat out there is a 6-month threat, a 15-day threat, a 30-day threat? It is an almost permanent threat that we see out there. We need legislation that will give us certainty, that will allow us to keep our eyes open, to gather the intelligence necessary to protect our homeland.

You can argue about the Iraq war all you want. This goes to the essence of protecting us against the terrorists who would bring the war to our shores, who have already brought the war to our shores. This goes to the effectiveness of the techniques that are used in today's new technology.

We were asked by Admiral McConnell to do the job. We did the job in August, with the exception of not giving the protection to those communications companies who actually responded to a patriotic request to help in this fight.

For some reason, my friends on the other side believe in the reverse Good Samaritan act: Don't help us; be worried. But bring your attorneys when asked.

Mr. CONYERS. Madam Speaker, it is with great pleasure I recognize a distinguished member of the Judiciary Committee, ADAM SCHIFF of California, for 2 minutes.

Mr. SCHIFF. Madam Speaker, last year the President and the Director of National Intelligence pushed for legislation that would make it easier for the NSA to collect intelligence on Americans and groups abroad. Among other things, the administration's legislation would allow warrantless eavesdropping of virtually all communications of Americans with anyone outside the U.S., so long as the government declared that the surveillance was directed at people reasonably believed to be located outside the U.S.

I opposed the bill when it was considered by the House and instead joined with Chairman CONYERS and Chairman REYES in support of a responsible alternative that would have met the needs of the Director of National Intelligence without compromising the privacy of law-abiding Americans in ways that don't improve our security. The proposal included robust oversight and audit provisions designed to determine the impact of these changes on Americans. Unfortunately, Congress was forced hastily to pass the administration's version before adjourning in August. Nonetheless, Congress provided the law would sunset in 6 months to ensure that modifications were quickly made.

Over 2 months ago the House returned to this debate by passing the RESTORE Act, legislation that updated FISA, provided these effective surveillance tools while ensuring robust oversight. Importantly, the RESTORE Act also provided protections to ensure that communications of U.S. persons were not acquired without some court involvement or supervision, provisions that were left out of the proposal passed in August.

The other body has also drafted legislation aimed at modifying the bill that passed out of the House in August to provide oversight and additional protections. Unfortunately, they haven't completed their work. Some very thoughtful proposals like that by Senator DIANNE FEINSTEIN offer fresh ways to break the impasse over some very difficult issues. The proposals that they are debating and attempting to finalize have a number of notable departures from the House-passed version. With the August bill set to expire in 3 days, it's necessary for us to seek a temporary extension in order to ensure this House has a role in crafting its revision. The impending deadlines necessitate an extension, and I'm proud to support that very modest extension.

Mr. SMITH of Texas. Madam Speaker, I yield 1 minute to the gentleman from Iowa (Mr. KING), who is a distinguished member of the Judiciary Committee.

Mr. KING of Iowa. Madam Speaker, I rise in support of this 15-day extension to the FISA law, but I ask the question, why are we here? And the reason we are here is because of a court decision that I think appropriately defined the letter of the language in the 1978 FISA law. But because the technology changes, that court decision was made. And that opened up this can of worms, this Pandora's box of who's concerned about whose civil liberties versus how we provide this balance in our intelligence. And I would point out that this is a two-front war that we're fighting: One is in the Middle East, successfully I will add, and the other one is the surveillance that protects us domestically here at home and provides for our military to have the tools to work with overseas. That is the highest constitutional responsibility that we have. We have congressional oversight. We can look into this and see what's going on with the FISA law anyway, but the effort to protect our retroactive liability of those companies that cooperate with our intelligence community is essential. We will lose our ability to do surveillance if we lose the ability of the companies to cooperate with us. And this is not a trial lawyer's issue; it's a national security issue.

Mr. CONYERS. Madam Speaker, we reserve our time at this point.

Mr. SMITH of Texas. Madam Speaker, may I ask how much time remains on each side.

The SPEAKER pro tempore. The gentleman from Texas has 8 minutes remaining. The gentleman from Michigan has 9½ minutes remaining.

Mr. SMITH of Texas. Madam Speaker, I yield 2 minutes to my colleague from Texas (Mr. GOHMERT) who is the ranking member of the Crime, Terrorism, and Homeland Security Subcommittee of the Judiciary Committee.

Mr. GOHMERT. Madam Speaker, it seems what we're experiencing here and have been for the last 6 months is just the eternal optimism. I love that in the Democratic majority. But it's like the fellow that fell off the tall building and at each floor was heard to say, "I'm doing okay so far." The trouble is, you're going to have the day of reckoning. And here we had the 6-month extension back August 4. Now, we've heard the majority leader come in and say, Well, it was basically, in so many words, it was the White House's fault because they could have given us this information about the immunity of the companies, and that's what's held this up. But if you go back to August 4 and the vote that did not have the immunity in it, there were 41 Democrats that voted for it and 181 Democrats that voted against it and 9 didn't vote. It was the Republicans that passed this. It didn't have anything to do with immunity. It had to do with one group wanted to make sure our intelligence protected us and had the tools they need, and the other was more concerned about the rights of terrorists.

Now, I would submit to you that this isn't about 6 months. It's not about 15 days. We could put it off 30 days, another 6 months, but the day of reckoning is coming. And our enemies that want to destroy our way of life, they don't think in terms of 15 days, 30 days. They think in terms of generations, and they've got to be defeated.

So I understand and I appreciate my dear friend, Mr. KUCINICH, and the concerns about civil liberties. I'm concerned about them, too. But when it involves, as this act does, a foreign terrorist on foreign soil, and I know the concern is, Well, what if they call an American citizen? And I'll leave you with this: I would submit to you, if your friends are getting calls from foreign terrorists on foreign soil, again, tell them to tell the terrorists not to call them at home and they'll be okay.

We need to pass this. We need to give our intelligence the tools they need.

Mr. SMITH of Texas. Madam Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. SHAYS). He is a former chairman, now ranking member of the National Security Subcommittee of the Government Oversight and Reform Committee. He is also a senior Republican member of the Homeland Security Committee as well.

Mr. SHAYS. Madam Speaker, the Cold War is over and the world is a more dangerous place. Our strategy is no longer containment reaction and mutually assured destruction. That went out the window on September 11. It is detection, prevention, preemption, and, when necessary, even unilateral action.

As the 9/11 Commission points out, we are not combating terrorism as if it's some ethereal being. We are confronting Islamists terrorists, real people who would do us harm. If you want to deal with the consequence of a terrorist attack, write a weak FISA law. But if you want to detect and prevent a terrorist act, write a law that works and help insure the communication industry works with us.

The SPEAKER pro tempore. The gentleman from Michigan advises that he is ready to close.

Mr. SMITH of Texas. Madam Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FRANKS). He is the ranking member of the Constitution, Civil Rights, and Civil Liberties Subcommittee of the Judiciary Committee.

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Mr. FRANKS of Arizona. Madam Speaker, jihadist terrorism is an existential threat to human peace. Our Terrorist Surveillance Program is the most powerful tactical weapon we have against terrorists. If we knew where every terrorist in the world was tonight, we could end the war on terror within weeks. Director of National Intelligence, Mike McConnell, has repeatedly asked this body to update this critical tool, and he has been met only with stalling from Democrats.

This tool only allows us to target America's enemies on foreign soil with electronic surveillance, and it continues to protect those that are on foreign soil including, Madam Speaker, if Osama bin Laden was in a hotel on Capitol Hill, we could not target his phone or e-mail with electronic surveillance without a FISA warrant.

This continues to protect Americans. And if we cannot pass this critical legislation in the day in which we live, we not only fail our primary purpose as a Congress; we fail the American people in future generations.

Madam Speaker, we need to pass this.

Mr. SMITH of Texas. Madam Speaker, I yield myself the balance of the time.

The Senate Intelligence Committee has already approved a bipartisan bill to replace the Protect America Act. It contains important provisions to help the intelligence committee gather foreign surveillance and provides liability protection to telecommunications companies that assisted the government after the terrorist attacks on 9/11.

The Democratic majority has a duty to end political gamesmanship with America's national security and immediately pass legislation that gives our intelligence community the tools they need to protect us.

Madam Speaker, given the rapidly approaching Friday deadline, today I ask that my colleagues support a temporary extension; but, of course, that's with the understanding that we come back immediately and pass a good bill that is long term, that gives liability protection to the telephone companies, and that doesn't force us to get a court order to listen to Osama bin Laden when he makes a cell phone call from a cave in Pakistan to initiate attacks on the United States.

I hope that any bill that we consider in the coming days will have those provisions in them.

Madam Speaker, I yield back the balance of my time.

Mr. CONYERS. Madam Speaker, I yield myself the balance of my time.

I rise, first, to thank the Members of the House for this very reasonable debate, and I want to thank particularly my colleagues on the other side. Ranking Member SMITH has been excellent in helping us work out, as closely as we can with reservations, nothing is perfect, but I appreciate the spirit with which he has come to the floor today.

The extension is not a vote for the temporary law that we have been living under since August. It is not a vote against the temporary bill or against what the Senate is working on. It is a vote only to avoid a head-long rush into possibly ill-conceived legislation. And I think we have all been able to come together on that.

I'm grateful to our leadership and to the Members on the other side of the aisle for the discussion that brings us here this afternoon.

Mr. PAUL. Madam Speaker, I rise in opposition to the extension of the Protect America Act of 2007 because the underlying legislation violates the U.S. Constitution.

The mis-named Protect America Act allows the U.S. government to monitor telephone calls and other electronic communications of American citizens without a warrant. This clearly violates the Fourth Amendment, which states:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

The Protect America Act sidelines the FISA Court system and places authority over foreign surveillance in the director of national intelligence and the attorney general with little if any oversight. While proponents of this legislation have argued that the monitoring of American citizens would still require a court-issued warrant, the bill only requires that subjects be "reasonably believed to be outside the United States." Further, it does not provide for the Fourth Amendment protection of American citizens if they happen to be on the other end of the electronic communication where the subject of surveillance is a non-citizen overseas.

We must remember that the original Foreign Intelligence Surveillance Act was passed in 1978 as a result of the U.S. Senate investigations into the Federal government's illegal spying on American citizens. Its purpose was to prevent the abuse of power from occurring in the future by establishing guidelines and prescribing oversight to the process. It was designed to protect citizens, not the government. The effect seems to have been opposite of what was intended. These recent attempts to "upgrade" FISA do not appear to be designed to enhance protection of our civil liberties, but to make it easier for the government to spy on us!

The only legitimate "upgrade" to the original FISA legislation would be to allow surveillance of conversations that begin and end outside the United States between non-U.S. citizens where the telephone call is routed through the United States. Technology and the global communications market have led to more foreign to foreign calls being routed through the United States. This adjustment would solve the problems outlined by the administration without violating the rights of U.S. citizens.

While I would not oppose technical changes in FISA that the intelligence community has indicated are necessary, Congress should not use this opportunity to chip away at even more of our constitutional protections and civil liberties. I urge my colleagues to oppose this and any legislation that violates the Fourth Amendment of the Constitution.

Ms. SCHAKOWSKY. Madam Speaker, I rise today in strong opposition to H.R. 5104. I do so because there is no reason to extend the Protect America Act. Should the Protect America Act expire, our intelligence community will not be left in the "dark," as some suggest. Rather the FISA courts will simply return to operating under the original FISA law, a law which protected the civil liberties of all Americans while also granting the President the tools he needs to conduct an aggressive campaign against terror.

As many of my colleagues have argued today, the original FISA law, which passed in 1978 needs to be updated. It was passed to address surveillance concerns at a different time in our Nation's history, when some of the technological strides we have made since, were simply unimaginable. As a member of the Intelligence Committee, I strongly support efforts by the Speaker and leaders of both parties to work together to update FISA. However, I cannot in good conscience vote in favor of a one-month extension of the Protect America Act. I cannot do so because the reality is that the Protect America Act does not make Americans any safer—rather it allows the Government to pursue an enormous and untargeted collection of international communications without court order or meaningful oversight by either Congress or the courts. Furthermore, it is one of the most damaging pieces of legislation against civil liberties I have seen in my eight years in the U.S. Congress.

I feel so strongly that the Protect America Act is an affront to our values, that in my opinion it is in the best interest of all Americans that this misguided bill be allowed to expire rather than extended for even one more day.

In order to understand why I feel so strongly, let me take a moment to outline some of the most abhorrent provisions in the bill we are considering extending:

First, it allows the Attorney General to issue program warrants for international calls without court review. This provision removes the FISA court, which has overseen the process for 30 years and instead places the Attorney General in charge of determining the legitimacy of surveillance. Needless to say, this is an enormous responsibility and we must all question the wisdom of placing so much authority on the shoulders of one Administration official.

Secondly, it includes no provisions to prevent "reverse targeting," the practice whereby surveillance is conducted on a foreign person in order to hear their conversations with a person in the United States who is the actual target. Under the Protect America Act, these conversations can be heard, recorded and stored without a warrant.

Lastly, the Protect America Act reduces the oversight capabilities of Congress by requiring the Attorney General to provide to Congress only the information the Justice Department sees fit to report. This provision removes an important check upon America's secret surveillance program.

Taken together, the Protect America Act represents a significant infringement on each American's civil liberties and allows for a potentially dangerous abuse of power by our government. I urge each of my colleagues to vote against its extension and allow the original FISA law to be reinstated. Doing so will allow the Congress time to work on a bipartisan update of the FISA and in the meantime give the intelligence community the tools they require while also protecting the rights and liberties of all Americans.

Mr. UDALL of Colorado. Madam Speaker, I will reluctantly support this short extension of current law dealing with electronic surveillance related to efforts to counter the threat of terrorism.

My support is reluctant because I did not vote for the current law, which I think does not properly balance the need to counteract that threat with protection of Americans' rights and liberties. But today I will support a brief extension of that law—scheduled to expire in two days' time—for several reasons.

First, I do think the basic law in this area—the Foreign Intelligence Surveillance Act, or FISA—needs to be updated to respond to changes in technology, which was the purpose of the current, temporary law.

Last August, I voted for a bill (H.R. 3356) to provide such an update. Unfortunately, while that bill was supported by a majority of the House, it did not receive the two-thirds vote required by the procedure under which it was considered, and so was not adopted. Its defeat resulted from the opposition of the Bush Administration—supported by all but 3 of our Republican colleagues—which was demanding instead that the House approve a different version. Regrettably, that tactic succeeded and the result was passage of the current law, which I did not support.

Then, last November, I again voted for a bill to update FISA, H.R. 3773, the "Responsible Electronic Surveillance That is Overseen, Reviewed, and Effective" (or RESTORE) Act.

That bill is not perfect, but as I said then I did not insist on perfection because I thought the House should act to correct the shortcomings of the temporary law enacted last year and because in my opinion the RESTORE Act would give the Administration the authority it says it needs to conduct surveillance on terrorist targets while restoring many of the protections that the temporary law has reduced.

The House passed the RESTORE Act on November 15th, and we have been waiting for the Senate to act. President Bush has criticized the House-passed bill because it does not grant retroactive immunity from lawsuits for telecommunications companies that assisted in the Administration's secret surveillance program without being compelled to do so by a warrant. As I said in November, I think it might be appropriate to consider that, but not until the Bush Administration has responded to bipartisan requests for information about the past activities of these companies under the program. I have not been ready to grant immunity for the companies' past activities while we don't know what those activities were.

Recently, the Administration has finally relented and is allowing appropriate review of documents on this subject. But that review is not yet complete—and so the second reason I support this legislation is to allow the review to continue before Congress is required again to act on this subject. This would not be necessary if the Administration had not been so resistant to the idea of properly informing Congress and providing the relevant information, but now it is needed.

Finally, because the Senate has been slow to act, I think the current law should be extended briefly to provide a reasonable opportunity for any differences between the House-passed bill and whatever the Senate may approve to be resolved through careful and thorough discussion rather than in the kind of exaggerated haste that too often leads to unsatisfactory results.

Therefore, despite what I think are the very real flaws of the current, temporary law, I will support this measure to extend it for an additional 30 days.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today with great concern to H.R. 5104, to extend the Protect American Act of 2007 for 30 days. I thank the distinguished chairman of the Judiciary Committee and I applaud him for his consistent and impeccable commitment to civil liberties and civil rights.

Madam Speaker, this administration has the legal responsibility to protect the American people. Let no one come to this floor and suggest that what we are doing today is going to save lives, because last year we passed legislation that indicated that foreign-to-foreign communication had no barriers, no barriers for those who are seeking intelligence.

Yet when an American was involved, the Bill of Rights, the fourth amendment, civil liberties with the underpinnings, and therefore a court intervened. Extending the Protect America Act for 30 days in the hopes that the Senate will produce a version that we are satisfied with is not a sufficient reason for violating the civil rights and liberties of the American people.

Homeland security is not a Republican or a Democratic issue. It is an issue for all Americans—all of us. Not one of us who sang "God Bless America" on the steps of this House will allow anyone to undermine the security of America.

The original legislation offered by the House Majority gave the Administration everything that they needed. However, the legislation that ultimately triumphed, and which this bill today would extend, is a disgrace to the United States constitution. By passing this bill today, we are compromising the Bill of Rights. We are telling Americans that no matter what your business is, you are subject to the unscrupulous, undisciplined, irresponsible scrutiny of the Attorney General and others without court intervention.

This is not the day to play politics. It is too important to balance civil liberties along with the homeland security and the protection needs of America. I feel confident that the House FISA Bill does do that. I am disheartened by the other body for their failure to recognize that we can secure America by securing the American people with fair security laws and by giving them their civil liberties. I find the Senate language extremely troublesome, and I am extremely disappointed that we could not reach common ground based on the original language passed by this House.

I would ask my colleagues to defeat this so that we can go back to the bill that protects the civil liberties of Americans and provides homeland security. I ask my colleagues to support the Bill of Rights and National Security.

Had the Bush Administration and the Republican-dominated 109th Congress acted more responsibly in the 2 preceding years, we would not be in the position of debating legislation that has such a profound impact on the national security and on American values and civil liberties in the crush of exigent circumstances. More often that not, it is true as the saying goes that haste makes waste.

Madam Speaker, the legislation before us is intended to fill a gap in the Nation's intelligence gathering capabilities identified by Director of National Intelligence Mike McConnell, by amending the Foreign Intelligence Surveillance Act, FISA. But in reality it eviscerates the Fourth Amendment to the Constitution and represents an unwarranted transfer of power from the courts to the Executive Branch and a Justice Department led by an Attorney General whose reputation for candor and integrity is, to put it charitably, subject to considerable doubt.

Madam Speaker, FISA has served the Nation well for nearly 30 years, placing electronic surveillance inside the United States for foreign intelligence and counter-intelligence purposes on a sound legal footing and I am far from persuaded that it needs to be jettisoned or substantially amended. But given the claimed exigent circumstances by the Administration, let me briefly discuss some of the changes to FISA I am prepared to support on a temporary basis, not to exceed 120 days.

To give a detailed illustration of just how superior the RESTORE Act, which the House passed October, is to the ill-considered and hastily enacted Protect America Act, I wish to take a few moments to discuss an important improvement in the bill that was adopted in the full Judiciary Committee markup.

The Jackson-Lee Amendment added during the markup made a constructive contribution to the RESTORE Act by laying down a clear, objective criterion for the Administration to follow and the FISA court to enforce in preventing reverse targeting.

"Reverse targeting," a concept well known to members of this Committee but not so well understood by those less steeped in the arcana of electronic surveillance, is the practice where the government targets foreigners without a warrant while its actual purpose is to collect information on certain U.S. persons.

One of the major concerns that libertarians and classical conservatives, as well as progressives and civil liberties organizations, have with the PAA is that the understandable temptation of national security agencies to engage in reverse targeting may be difficult to resist in the absence of strong safeguards in the PAA to prevent it.

My amendment reduces even further any such temptation to resort to reverse targeting by requiring the Administration to obtain a regular, individualized FISA warrant whenever the "real" target of the surveillance is a person in the United States.

The amendment achieves this objective by requiring the Administration to obtain a regular FISA warrant whenever a "significant purpose of an acquisition is to acquire the communications of a specific person reasonably believed to be located in the United States." The current language in the bill provides that a warrant be obtained only when the Government "seeks to conduct electronic surveillance" of a person reasonably believed to be located in the United States.

It was far from clear how the operative language "seeks to" is to be interpreted. In contrast, the language used in my amendment, "significant purpose," is a term of art that has long been a staple of FISA jurisprudence and thus is well known and readily applied by the agencies, legal practitioners, and the FISA Court. Thus, the Jackson-Lee Amendment provides a clearer, more objective, criterion for the Administration to follow and the FISA court to enforce to prevent the practice of reverse targeting without a warrant, which all of us can agree should not be permitted.

First, I am prepared to accept temporarily obviating the need to obtain a court order for foreign-to-foreign communications that pass through the United States. But I do insist upon individual warrants, based on probable cause, when surveillance is directed at people in the United States.

The Attorney General must still be required to submit procedures for international surveillance to the Foreign Intelligence Surveillance Court for approval, but the FISA Court should not be allowed to issue a "basket warrant" without making individual determinations about foreign surveillance.

There should be an initial 15-day emergency authority so that international surveillance can begin while the warrants are being considered by the Court. And there must also be congressional oversight, requiring the Department of Justice Inspector General to conduct an audit every 60 days of U.S. person communications intercepted under these warrants, to be submitted to the Intelligence and Judiciary Committees. Finally, as I have stated, this authority must be of short duration and must expire by its terms in 120 days.

In all candor, Madam Speaker, I must restate my firm conviction that when it comes to the track record of this President's warrantless surveillance programs, there is still nothing on the public record about the nature and effectiveness of those programs, or the trustworthiness of this Administration, to indicate that they require any legislative response, other than to reaffirm the exclusivity of FISA and insist that it be followed. This could have been accomplished in the 109th Congress by passing H.R. 5371, the "Lawful Intelligence and Surveillance of Terrorists in an Emergency by NSA Act," "LISTEN Act," which I have co-sponsored with the then Ranking Members of the Judiciary and Intelligence Committees, Mr. CONYERS and Ms. HARMAN.

The Bush administration has not complied with its legal obligation under the National Security Act of 1947 to keep the Intelligence Committees "fully and currently informed" of U.S. intelligence activities. Congress cannot continue to rely on incomplete information from the Bush administration or revelations in the media. It must conduct a full and complete inquiry into electronic surveillance in the United States and related domestic activities of the NSA, both those that occur within FISA and those that occur outside FISA.

The inquiry must not be limited to the legal questions. It must include the operational details of each program of intelligence surveillance within the United States, including: (1) Who the NSA is targeting; (2) how it identifies its targets; (3) the information the program collects and disseminates; and most important; (4) whether the program advances national security interests without unduly compromising the privacy rights of the American people.

Given the unprecedented amount of information Americans now transmit electronically and the post-9/11 loosening of regulations governing information sharing, the risk of intercepting and disseminating the communications of ordinary Americans is vastly increased, requiring more precise—not looser—standards, closer oversight, new mechanisms for minimization, and limits on retention of inadvertently intercepted communications.

Madam Speaker, the legislation before us is not necessary. The bill which a majority of the House voted to pass last year is more than sufficient to address the intelligence gathering deficiency identified by Director McConnell. That bill, H.R. 3356, provided ample amount of congressional authorization needed to ensure that our intelligence professionals have the tools that they need to protect our Nation, while also safeguarding the rights of law-abiding Americans. That is why I supported H.R. 3356, but cannot support H.R. 5104.

I encourage my colleagues to join me in voting against the unwise and ill-considered reauthorization of the Protect America Act of 2007.

Mr. POMEROY. Madam Speaker, I rise today to say that I will be voting for H.R. 5104. However, I believe that passing a long-term extension of the Protect America Act is not the answer. Instead, we must update the Foreign Intelligence Surveillance Act in a way that will enhance our national security while at the same time protecting the privacy of United States citizens. As such, it is my hope that this extension will give us time to responsibly modernize the FISA law, and I look forward to working with my colleagues in ensuring that these dual aims are accomplished.

Ms. WOOLSEY. Madam Speaker, I rise today in opposition to H.R. 5104, the Protect America Act Extension, which will extend the authorization for the administration's warrantless wiretapping program for another 15 days. I voted against the Protect America Act when it passed in August 2007 because I believe it violates the Constitution and undermines Americans' fundamental civil liberties. Today, I cannot support extending this unconstitutional program for another 15 days.

The Protect America Act (PAA) abandoned the protections of Americans' rights and freedoms that were the hallmark of the Foreign Intelligence Surveillance Act (FISA), which became law in 1978. FISA was established in response to past abuses of electronic surveillance by Administrations who justified wiretaps under national security concerns. Surveillance was to be subjected to court oversight, where warrants would be required if an Administration sought surveillance of Americans.

We live in a dangerous world and we must protect our country from terrorist attacks. However, commitment to the rule of law, consumer privacy, freedom from unwarranted government intrusion, and our system of checks and balances should never be sacrificed to accommodate an Administration determined to expand its own powers. Instead of extending the PAA for another 15 days, we should be modernizing FISA to accommodate new technologies while requiring that surveillance of American citizens is always subject to court oversight and in compliance with the 4th Amendment. This is the only way to protect America and American freedoms.

Mr. CONYERS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 5104, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A Bill to extend the Protect America Act of 2007 for 15 days.".

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1528, NEW ENGLAND NATIONAL SCENIC TRAIL DESIGNATION ACT

Mr. CARDOZA. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 940 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 940

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1528) to amend the National Trails System Act to designate the New England National Scenic Trail, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 1528 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from California (Mr. CARDOZA) is recognized for 1 hour.

Mr. CARDOZA. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. CARDOZA. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 940.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CARDOZA. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, House Resolution 940 provides for consideration of H.R. 1528, the New England National Scenic Trail Designation Act, under a structured rule. The rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking member of the Committee on Natural Resources. The rule makes in order two Republican amendments submitted to the Rules Committee by the ranking member of the Subcommittee on National Parks, Forests and Public Lands, Mr. BISHOP of Utah. The rule waives all points of order against consideration of the bill except for clauses 9 and 10 of rule XXI. Finally, the rule provides one motion to recommit, with or without instructions.

Madam Speaker, the bill before us today, H.R. 1528, amends the National Trails System Act to designate most of the MMM Trail System as the New England National Scenic Trail.

The MMM Trail System extends from the Massachusetts border with New Hampshire through western Massachusetts and Connecticut toward the Long Island Sound. The highly popular trail system has existed for over 50 years and is predominantly managed and maintained by volunteers.

The trail system travels through important historical landmarks and harbors a range of diverse ecosystems and natural resources, including mountain summits, waterfalls, and critical habitats for endangered species.

In a recent feasibility study, the National Park Service recommended that the trail system be designated as a national scenic trail, with some adjustments and rerouting for a total of 220 miles. However, this study has been out since the spring of 2006; and while no changes are expected, it has been trapped in a giant morass of bureaucratic red tape that has not been finalized.

H.R. 1528 is simply about cutting through this red tape and getting Federal recognition and administrative support for a trail that is already extremely popular and well managed.

H.R. 1528 includes specific language protecting private property rights, and landowner cooperation in the national scenic trail designation is entirely voluntary. All landowners affected by the trail have the opportunity to have the trail rerouted around their property.

Furthermore, since no Federal land is involved, Federal designation of the land has no impact on State or local laws currently in place, including those governing hunting, fishing, or trapping or local zoning or other land use issues.

Madam Speaker, this designation is widely supported. It is supported by the administration and the local communities across New England, and it has bipartisan congressional support, including the Representatives of all affected districts in Connecticut and Massachusetts.

In closing, I'd like to thank Chairman RAHALL, Chairman GRIJALVA, and Mr. OLVER for their hard work in bringing this legislation to the floor today so we can ensure that America's most treasured resources are protected for future generations.

Madam Speaker, I reserve the balance of my time.

Mr. DREIER. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I'd like to express my great appreciation to my very good friend and Rules Committee colleague, the gentleman from Atwater, California, who so ably represents his constituents here, is beginning his second session as a member of the Rules Committee, and I will say that it is great to welcome a fellow Californian to the Rules Committee.

But, Madam Speaker, at first blush one looks at this bill and it is, as I think was really reflected in the gentleman's remarks, sort of innocuous and noncontroversial. I mean, it's a pretty simple measure. New England National Scenic Trail Designation Act, who can be opposed to that? I mean, who could be concerned about that?

It certainly wouldn't be the first time in the 110th Congress that we have had a measure brought up with a rule that could have very easily been considered under suspension of the rules. After all, today so far we have under suspension of the rules passed a bill that provided a $150 billion economic stimulus to our Nation's economy, an issue which I'm very proud to say, as we all are, that saw the two parties come together, working with the White House in a bipartisan way to make sure that we could have this economic stimulus package. And I hope and pray that it mitigates the economic challenges that our constituents are facing in the future.

And then, Madam Speaker, we move from there to consider the Foreign Intelligence Surveillance Act, an extension of that, as we worked on the issue of reform. And so here we've dealt with the economic stimulus and the Foreign Intelligence Surveillance Act, both measures considered under suspension of the rules, and now we have a rule for consideration of the New England National Scenic Trail Designation Act.

I think my point is that this is a measure that very easily could have been considered under suspension of the rules, and we understand that there is an attempt to fill the schedule and there were people who quipped about that last night up in the Rules Committee. It is unfortunate. I know a number of other Members have already left. We didn't work today until noon; and we are in a position now, having begun working so late, that we're going into the night on this measure, which is a bill that initially, as I said, could have been completely noncontroversial and considered under suspension of the rules.

But I will say, having looked now at the measure, there are concerns that have been raised. They are concerns about private property rights and the threat of eminent domain. In fact, Madam Speaker, the State of New Hampshire opted out of the national designation because of these concerns. The people of New Hampshire believe that the trail running through their State is well managed and is in no need whatsoever of Federal intervention.

□ 1615

But the other States involved would like to move forward on the Federal designation, so we are here late this afternoon to consider this.

Now, as we proceed, we've simply asked that the concerns that have been raised see the light of day on the House floor; as I said, these concerns as they relate, first and foremost, with the issue of private property rights and eminent domain.

Unfortunately, while seven amendments were submitted to us in the Rules Committee, only two were made in order, two out of seven amendments submitted. And unfortunately, contrary to the promise that was made at the beginning of the 110th Congress by Speaker PELOSI that we would have a substitute made in order for legislation that's considered, a substitute that was proposed by Mr. BISHOP was, in fact, denied by the Rules Committee. And why? I mean, I ask about the time constraints again. As I said, we didn't begin work today until noon. The House convened at noon. Our most critical business of the day, as I said, the stimulus bill and the FISA law, were considered under suspension of the rules. So, why the rush for us to proceed with this New England Scenic Trails bill?

There is really no practical reason why, Madam Speaker, now that we've decided to not take this up under suspension of the rules and have a debate, that we can't engage in a little extra debate to allow for the concerns to be vetted. And if we can't have an open debate on the issue of scenic trails, then one's got to ask, what issue will we have an open debate on? I mean, what hope is there for an open process for the most significant and the most controversial issues if we can't have it on the New England National Scenic Trail Designation Act?

Now, six amendments were submitted by our friend, former Rules Committee colleague, Mr. BISHOP, addressing the private property rights issue. Four were rejected by the Rules Committee. A seventh amendment was offered by Mr. FLAKE that would explicitly prevent the use of earmarks in this bill. Now, Mr. FLAKE's amendment would have provided an opportunity to examine this bill's provision to direct unspecified Federal dollars to two private entities. Now, did any Members have a personal stake in these private groups, in these private entities? Did any Member make a specific request on behalf of these private entities? Mr. FLAKE's amendment would have helped to shed a little sunlight on this provision before we direct Federal taxpayer dollars towards two private groups. But this amendment was also rejected, Madam Speaker, unfortunately, by the Rules Committee.

Shutting out this amendment is, to me, probably the most troubling of all. Obviously, the issue of private property rights and eminent domain that Mr. BISHOP has wanted to address and his four amendments that were denied is very, very troubling. But this issue of completely preventing Members from the opportunity for sunshine and disclosure on what could have been a request by a Member for support for two private organizations is very troubling.

Now, Madam Speaker, I've got to say that this issue itself gets right to the heart of one of the biggest challenges that we faced under the Democratic leadership in this place, and it is the inability or unwillingness to rein in wasteful earmarks.

Now, last week, we Republicans were meeting in West Virginia, and we spent a great deal of time talking about the issue of earmarks when our Republican conference came together. And I'm happy to say that, with a united front, Republicans came together on this issue and we decided that we would call for a moratorium on earmarks, a moratorium until a bipartisan committee can formulate a proposal that eradicates waste, fraud, and abuse in the earmark process. It's the so-called Kingston-Wolf-Wamp legislation that has been put forward.

Now, we offered to have a complete ban on earmarks, and we challenged our Democratic colleagues to join in with a bipartisan agreement to have a moratorium on earmarks until such time as this bipartisan committee can come forward. Now, Madam Speaker, as I see you in the chair, as I see my friend from Atwater, I suspect that either or both of you, and certainly a lot of your Members, are going to be going on to your retreat. The Democratic Caucus is, I know, going for a meeting that will be taking place over the next few days. And it's fun, but challenging, and great to have an opportunity for the two parties to work within their caucuses, your caucus, our conference, to deal with these issues.

Well, I would just like to say that, just as we did at our meeting last week, while far be it for me to be so presumptuous as to say I should set the agenda for the Democratic Caucus retreat, I would like to say that in light of the offer that we made coming forward as Republicans on this issue of earmarks, I would recommend that in light of the discussion that came here on the floor today on this issue, the speech that was delivered last night from the President of the United States in which he called for cutting in half the number of earmarks saying that he would veto legislation if he didn't see it cut in half, the request that we have made on behalf of our constituents to say we should have this moratorium done in a bipartisan way, and we as Republicans are challenging our Democratic colleagues to do that, I would like to say that I hope very much that Members at your retreat would, rather than spending a lot of time on a number of other issues, I would hope that you would put partisanship aside and try to work, just as we did on this economic stimulus issue, in a bipartisan way to recognize the very, very pressing need for earmark reform and our proposal, which should, in fact, provide strong bipartisan support.

I will say, Madam Speaker, that the integrity and the effectiveness of this body depends on our agreement to proceed with very, very important bipartisan reform on this issue. It's my hope that my Democratic colleagues will use their upcoming retreat over the next few days as an opportunity to urge their leadership to accept our proposal to make a bipartisan effort to tackle this very, very critical issue.

Today's bill was perhaps a small but yet a significant opportunity to signal a newfound commitment to open process and meaningful earmark reform. Unfortunately, today's bill is a missed opportunity. I suspect that this measure will proceed. I don't think that we'll have the votes to defeat the previous question, which I should say I'm going to attempt to do, to defeat the previous question so that we can make in order what I would describe as the Marshall proposal, the proposal that has been put forward by one of our Democratic colleagues, Mr. MARSHALL, which is basically identical to the Boehner proposal that we have on earmark reform, which will provide a greater degree of transparency, accountability, disclosure, and enforcement on this issue, which unfortunately is not there.

So, when it comes to our attempt to defeat the previous question on this, what I will be offering is tantamount to a bipartisan proposal for our colleagues as we seek to address this issue.

So, again, I would say, Madam Speaker, if my colleagues had proceeded with this bill under a suspension of the rules, you would not have had to listen to the speech I just delivered because we would have done the exact same things as we did on the $150 billion economic stimulus bill, and we would have done the exact same thing as we did on the very important Foreign Intelligence Surveillance Act reform measure, and albeit simply an extension, the steps towards bringing about reform.

But in light of the fact that we are here, denying the opportunity for us to address the issue of private property rights and eminent domain, and the opportunity for the kind of transparency and disclosure that everyone around here talks about on the issue of earmarks that would have come forward in the amendment offered by our colleague, Mr. FLAKE, I'm going to encourage my colleagues to vote "no" on the previous question so that we can make that earmark reform proposal in order. And if that is defeated, I will urge a "no" vote on the rule as we proceed with this.

With that, Madam Speaker, I reserve the balance of my time.

Mr. CARDOZA. Madam Speaker, I thank the gentleman from California for his kind words that he opened his statement with.

He mentioned throughout the statement that we might not be here if we were under suspension. I feel that under suspension of the rules, we would not be able to hear any of the debate that Mr. BISHOP is going to offer on his two amendments. So, we are actually, in fact, allowing Mr. BISHOP to make his amendments before the House of Representatives.

Mr. DREIER. Will the gentleman yield?

Mr. CARDOZA. I will yield to the gentleman.

Mr. DREIER. I thank the gentleman for yielding, Madam Speaker.

I would simply say that I very much appreciate his willingness to have greater openness on this debate. And unfortunately, when the Rules Committee met late yesterday afternoon, I offered an amendment to have this considered under an open amendment process, and that was defeated. And I then made an attempt to offer this under a modified open amendment process.

Mr. CARDOZA. Reclaiming my time, Madam Speaker, the gentleman did make that offer in Rules. However, it should be noted that Mr. BISHOP is the ranking member of his subcommittee. He had an opportunity to amend this bill in committee. He did not choose to offer but one amendment in committee, is my understanding, and then he came to the Rules Committee at the last minute with seven amendments.

The Rules Committee is allowing two amendments to be offered on the floor today. I think that's a fair hearing for the gentleman.

Mr. DREIER. Would the gentleman further yield?

Mr. CARDOZA. The gentleman has his own time.

Mr. DREIER. Well, I look forward to yielding to you if you would ever like to ask.

Mr. CARDOZA. I would like to just get through a few of my points, if I may.

The gentleman also brought up the issue of whether or not this bill has any effect on eminent domain. And I can tell you that there is absolutely no authority in H.R. 1528 for the National Park Service to take land by eminent domain, nor does the Service have any authority in local zoning issues that might affect national scenic trails.

Further, H.R. 1528 explicitly states that "the United States does not acquire for trail any land or interest in land without the consent of the owner." In fact, this bill is an opt-in bill; you have to agree to have your land put into this act and used in this way.

The second part of the gentleman's statement with regard to earmarks, I'd like to just refer the gentleman to the committee report, page 7, the earmark statement. And in the committee report it states that "H.R. 1528 does not contain any congressional earmarks." This is an authorization bill, not an appropriation bill. Further, the report states that it does not contain any limited tax benefits or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI." It states that very clearly in the committee report.

Finally, the bill does allow two private groups that manage the trail currently, and this is the entire point of the bill, to receive Federal technical assistance. And that is in the way of educational experience or technical assistance to manage the trail, not resources to manage the trail.

So, I would say that there is no earmark whatsoever in this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume.

I would like to respond to my very dear friend from Atwater by saying a few things.

First, on this notion of Mr. BISHOP's very able leadership position on the committee, my friend, who served with great distinction in the California State Legislature, knows very well that the legislative process is an ongoing process, and people work on amendments, people work on legislation in committee. And the fact that Mr. BISHOP may have been working on some of the amendments that he is dealing with right now and did not offer them in the committee should in no way deny him the right to represent his constituents and the American people with one of his brilliant, new, and creative ideas that quite possibly developed from the markup to the Rules Committee and now to the floor.

So, I would argue that it is very important for us to do everything that we can to ensure the most open amendment process, which is what we were promised at the beginning of this Congress.

Second, Madam Speaker, I would say to my friend on this notion of the designation of earmarks, I will say that I am particularly proud of the fact that in the 109th Congress we dealt with stronger enforcement, we dealt with the issue of earmark authorization, tax bills, and appropriations bills. Now, I will recognize that the definition that exists for earmarks in the 110th Congress is not nearly as strong as the definition that was put into place in the 109th Congress. Why? Because the gentleman is trying to argue right now that there are no earmarks in this bill. Well, I would argue that in the 109th Congress, based on the definition that we passed in this House and was implemented, that this would have been considered an earmark.

□ 1630

Now, I know that there is a lot of vagueness on this, but we do know the following: This is an authorization bill, and there are two private entities that are the beneficiaries of this. The gentleman may be absolutely right. It may be critically important to the New England National Scenic Trail Designation Act to have these items in there. It may be. Far be it from me to say that they shouldn't be there because I don't know at this point. All we're arguing is that we should, in fact, have the opportunity for our colleague, Mr. FLAKE, who spent a great deal of time dealing with the earmark issue, to come forward with his amendment so that we could debate it. That's what we are hoping for.

So I will say, Madam Speaker, that I believe that if we, as an institution, are serious about the issue of earmark reform, reining in wasteful Federal spending, we should, in fact, in a bipartisan way, in a bipartisan way, proceed with this moratorium until such time as the bipartisan committee can come back with a group of recommendations as to how we can again, in a bipartisan way, deal with this issue of earmark reform.

With that, Madam Speaker, I would like to yield such time as he may consume to my very good friend from Utah, my former Rules Committee colleague (Mr. BISHOP).

Mr. BISHOP of Utah. Madam Speaker, I appreciate the opportunity in being here and talking on this particular bill. This is a day when we have dealt with some emergency measures in a very bipartisan way. I don't know if this is classified as an emergency measure, but it can be a bipartisan approach, too, depending on how we go from here on out.

I am grateful to the Rules Committee for taking my six amendments and approving two for the floor. This is a .333 batting average. It's enough to get me in the Hall of Fame. I'm at least above the Mendoza line, and I appreciate your doing that for me.

However, there are some amendments that really are bad amendments aimed at trying to scuttle a bill, aimed at putting shackles on the runner to prohibit him or her from getting to the finish line. The amendments that were proposed by Representative FLAKE and myself are not aimed to do that. They are aimed to take a bill and to improve a bill so they can be approved in a bipartisan way and take a bill and make it even better.

Let me assume that I can just talk for a moment on a couple of amendments that were not made in order.

This trail covers the States of Massachusetts and Connecticut, but in reality the trail goes to New Hampshire, Massachusetts, Connecticut. Only two of those States are proposed in this particular bill and then a process allowed for New Hampshire to join later on. One of the amendments simply said, why don't you make the same process for all three States? It's not an effort to slow anything down. It's an effort to try to be rational in the approach to take place. I thought it was a significant and simple and straightforward amendment.

One of the things we always talk about is how important it is to have informed citizens and an informed citizenry. We had, for this particular bill, one specific property owner who did not wish her property to be included in the bill. At great expense to her, with a great deal of study and effort coming to Washington to lobby us, she was allowed by the committee to be exempt from this trail boundary line. I appreciate the committee's doing it. It was appropriate to do so. It's very positive on the part of the Natural Resources Committee to do so.

But the question that should be brought to mind is, was she an isolated situation, or was she indicative of a greater problem? Indeed, if you look at the record of the testimony, there are at least 40 other people that have the same question, the same concerns, the same approach. And so what we wanted to do is to make sure in one of our amendments that citizens were allowed to be notified that they would be now included in what before had been a voluntary trail system now into a federally mandated and regulated trail system.

And this is not an onerous task. We were told in committee that both the organizations that are currently managing this, as well as States, had a database of all the property owners in both Massachusetts and Connecticut, and they are already being mailed yearly. What would be the problem in including another paragraph in the yearly mailing saying, this is about to happen to you and if you don't like it, this is the process you can use to exempt yourself, or, even better, if you do want to be part of it, this is the process you could use to include yourself and your property?

Once again, that's not to stop the bill. It's simply a matter of making sure that everyone is clearly informed of what is about to take place, because in the history of trails, in the history of land issues in these United States, that has not always been the case, that every individual is informed of what is happening to him before it takes place.

I don't think, once again, that was an onerous request. It was unfortunate. I think it simply indicates that we should value the individual in our legislation, that we should say if even one person is going to be adversely affected and does not wish to be adversely affected, his home, his farm, his property should be held inviolate, and we should respect that. And that was the purpose of one amendment that was ruled out of order by the Rules Committee. Once again, I don't think it would have negatively harmed the bill. In fact, I think it would have moved the bill forward in a bipartisan manner.

We will talk a great deal about the concept of takings. No one who has talked about this bill wants takings to take place, wants property taken from an individual. We have heard that before. And yet in the attempt on the committee staff's part to protect individuals, there is a loophole. There is a huge loophole that will result in contradictions coming into the future. Those are some of the things we tried to put in order. And simply if you had taken that loophole out of the system and done what everyone says they want to do, we would have had a bill that all of us on this side of the aisle could have stood up and said, yes, this is a bill that we all had our input on and we are all prepared to move forward on the bill.

It could have moved forward in the same bipartisan manner, hopefully even a bigger bipartisan manner, than the other two emergency pieces of legislation we handled today, as well as the LSU resolution, which we also did in a bipartisan way, except for the people from Ohio.

Let me, at last, very briefly, re-echo what Mr. DREIER said about the Flake amendment, the so-called earmark amendment. By definition this bill does not have earmarks. That's because the committee said it didn't. By definition this bill doesn't have a PAYGO question, because the committee said it didn't. But, indeed, right after we had the State of the Union and the President talked about earmarks and the Speaker talked about earmarks, the minority talked about earmarks, we have the first authorization bill coming before us with two organizations, the Appalachian Mountain Club, the Connecticut Forest and Park Association, specifically mentioned as being eligible for grants given to them by the Federal Government, and then the language goes on and says "or other groups," I think "groups" or "associations." Had you simply taken out the specific names of the two organizations and simply allowed it to be the other groups, any group could apply for these grants and the leadership in this particular one, it would have solved all of the problem. And that's what Mr. FLAKE was trying to say. It wouldn't have prohibited them from being in the management position on this trail, but it would have simply made it a clear and open process without giving an earmark to these two organizations. That's all that needs to be taken.

Once again, these amendments that we presented were not in an effort to kill the bill, to slow it down, to make sure it does not pass. They were in an effort to try to make sure that we took some of the areas which we think are a little rough, smoothed them over, and gave us some protections for the future that we could feel comfortable, as the Republican side, in joining with our Democratic colleagues to move this bill forward and understand that many of the things we are concerned about, protecting the individual, protecting the process that we go through, to ensure that those things are included in the bill before it leaves this body. It would have been a chance to show real bipartisan support for this concept going forward.

Hopefully, we will still have some debate on the amendments that were made in order, maybe some other issues that we can once again show the ability of this body to come together and make sure that a bill that everyone can support goes forward as opposed to one that seems to be skewed in one direction or the other.

With that, I appreciate the time being yielded to me.

Mr. CARDOZA. Madam Speaker, I yield myself such time as I may consume.

I agree totally with one statement that Mr. DREIER, my colleague and friend from California, said, and that is that Mr. BISHOP often comes up with brilliant ideas. Today we are allowing two of those brilliant ideas to be debated on the floor.

With regard to some of the other issues that were raised, I already read into the RECORD the fact that the committee has certified that there are no earmarks in this bill. Mr. BISHOP says, well, there's a potential to have grants later on down the road. My understanding of grants is that they come from the administration, not from Congress. And if we start talking about every grant that is given by the Federal Government or the U.S. Government to the myriad of people who receive them throughout this country, that is a process that Congress has set up for a number of years. That has never before been the definition of an earmark, to my knowledge. So if that's the new definition of earmarks, that's news to me.

But I don't believe, based on the committee's certification, what I have heard, the testimony I have heard, there are any earmarks in this bill. That is what has been reported in the report, and I believe that to be the case.

Secondly, as I have previously stated as well, this bill is a voluntary measure where landowners have the absolute right to opt in or out. And so I can't see where there is coercion. There is agreement among the delegations in the affected regions, our House colleagues.

I believe that this is a good measure and it should go forward, and I would encourage my colleagues to support the rule.

Madam Speaker, I reserve the balance of my time.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume as we proceed with this debate on this authorization and earmark process.

I will acknowledge that based on this new and, I believe, rather unfortunate definition that is provided for earmarks, you have, in fact, seized a little loophole in trying to determine that these are not earmarks.

And I will tell you, Madam Speaker, what that loophole consists of. Not a specific dollar amount. Now, Madam Speaker, potentially this is even more egregious. Why? Because without a specific dollar amount, we don't know exactly how much is going to be expended. And Mr. BISHOP has just given me a copy of the proposed blueprint budget; and, Madam Speaker, what that consists of is specific designation to these private entities. And in many ways, this is, as I said, more egregious than had a specific amount been put into place, which would have required this to have been considered as an earmark.

Madam Speaker, our quest is simply for more transparency, accountability, and disclosure of our constituents' hard-earned taxpayer dollars; and we believe very strongly that that should, in fact, be the case. Now, everyone says what I just said. Everyone says we want more transparency, accountability, and disclosure. Everyone says that we want to be great stewards of the taxpayer dollars, those dollars of our hardworking constituents. The fact is what we have got here is something that is potentially even worse than under the definition that you all have as an earmark.

So I will say that looking at this proposed blueprint budget makes it even more imperative that we do everything within our power to proceed with making sure that we defeat the previous question and make in order the earmark amendment that we are going to be offering, and I hope very much that my colleagues will join in doing that.

Madam Speaker, I will be asking Members to oppose the previous question, as I have said, so that I can amend the rule to allow for consideration of H. Res. 479, the Boehner earmark enforcement rule changes. And don't fear, the amendment would not prevent the House from considering the New England National Scenic Trail Designation Act. It would merely allow the House to also consider the Boehner earmark reform proposal.

Over the first year of Democratic control, we have learned that the earmark rule does not apply when considering amendments between the Houses as well as a myriad of other legislative scenarios which were not contemplated when the new Democratic majority put through the so-called earmark reform rules. These loopholes, as I was saying earlier, have prevented numerous earmarks from being challenged in the energy bill, the State Children's Health Insurance Program expansion legislation, and the omnibus bill, which, as we all know, contained nearly 9,000 earmarks, including at least 150 earmarks that were air-dropped in the bill at the last minute.

Now, Madam Speaker, it's not just Republicans as I was saying in my opening remarks who have taken note of these earmark loopholes. Our colleague from Georgia (Mr. MARSHALL) recently introduced a virtually identical rules change geared at closing the air-drop loophole as well as the amendments between the Houses loophole.

□ 1645

Obviously, I believe it's about time for the Democratic majority to start listening not only to concerns that are emerging from those of us who serve in the minority, but from members of their own caucus on this issue as well.

Madam Speaker, I ask unanimous consent that the text of the amendment and extraneous material be inserted into the RECORD just prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. Madam Speaker, I urge my colleagues to vote "no" on the previous question so that I can amend the rule in order to restore accountability and enforceability to House earmark rules.

With that, I yield back the balance of my time.

Mr. CARDOZA. Madam Speaker, I thank the gentleman for his debate today. I disagree vehemently that his rendition of the earmark process is an accurate one. I don't believe that last Congress's rules on earmarks were stricter and more transparent than this Congress's. In fact, I believe that the country knows that the earmark process has gotten more transparent under the Democrats and that we have far fewer earmarks in the current process than we had previously. I think voters spoke about that in the last election.

I would just go on to say, Madam Speaker, that 40 years ago, the National Trails System Act was established to provide a system of trails for outdoor recreation and the enjoyment of scenic, historic, and naturally significant areas. H.R. 1528 adheres to these very long-established values. It ensures that the sweeping, natural landscapes across New England remain protected and untouched so they may be enjoyed by our children and grandchildren for years to come. It deserves strong support by all Members on the floor today, and I urge a "yes" vote on the rule and a "yes" vote on the previous question.

The material previously referred to by Mr. DREIER of California is as follows:

AMENDMENT TO H. RES. 940

OFFERED BY MR. DREIER OF CALIFORNIA

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and any amendment thereto to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; (2) the amendment printed in section 4, if offered by Representative Boehner of Ohio or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read and shall be separately debatable for forty minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 4. The amendment referred to in section 3 is as follows:

Strike all after "That" and insert the following:

(1) Clause 9(a) of rule XXI is amended by striking "or" at the end of subparagraph (3), striking the period at the end of subparagraph (4) and inserting "; or", and adding the following at the end:

"(5) a Senate bill held at the desk, an amendment between the Houses, or an amendment considered as adopted pursuant to an order of the House, unless the Majority Leader or his designee has caused a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill and amendments (and the name of any Member, Delegate, or Resident Commissioner who submitted the request for each respective item in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits to be printed in the Congressional Record prior to its consideration.".

(2) Clause 9(c) of rule XXI is amended to read as follows:

"(c) As disposition of a point of order under paragraph (a), the Chair shall put the question of consideration with respect to the proposition. The question of consideration shall be debatable for 10 minutes by the Member initiation the point of order and for 10 minutes by an opponent, but shall otherwise be decided without intervening motion except one that the House adjourn.".

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. CARDOZA. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GRIJALVA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on H.R. 1528.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

NEW ENGLAND NATIONAL SCENIC TRAIL DESIGNATION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 940 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1528.

☐ 1649

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1528) to amend the National Trails System Act to designate the New England National Scenic Trail, and for other purposes, with Mr. LYNCH in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GRIJALVA. Mr. Chairman, I yield myself such time as I may consume.

H.R. 1528 amends the National Trails System Act to designate most of an existing trail system in Massachusetts and Connecticut as the New England National Scenic Trail. In 2002, Congress directed the National Park Service to study this trail for potential addition to the National Trails System. The draft study, completed in 2006, supports designation of the trail, with some changes to the route to address landowner concerns. The administration has testified that no major changes in the study are expected, and expressed support for the measure in testimony before the Natural Resources Committee.

The trail runs 220 miles through the heart of Connecticut and Massachusetts, past some of the most spectacular vistas and landscapes in New England. The trail offers some of the world's best opportunities to view volcanic and glacial geology, including fossil and dinosaur footprints. The proposed trail also fulfills another requirement of the National Trails System Act by being close to population centers. This trail has over 2 million people that live within 10 miles of the route, and this accessibility makes the trail a wonderful recreational opportunity.

The route of the trail crosses land owned by State and local governments and by private landowners. No Federal land is involved. Local trails associations have obtained permission from landowners allowing existing trails to cross their lands. If a landowner requests that the association close the trail on his or her property, the association honors that request. The NPS study identified no need for direct Federal trail ownership or direct Federal trail management.

If H.R. 1528 is enacted, the role of the National Park Service in implementing the designation would be to provide technical and financial assistance to the existing trail partners, including State, tribal, regional and local agencies, the Appalachian Mountain Club, and the Connecticut Forest and Park Association. H.R. 1528 is cosponsored by Members representing all the affected districts in Connecticut and Massachusetts, and enjoys energetic support from the affected local communities.

Mr. Chairman, this is a good bill, and I want to commend my colleague from Massachusetts (Mr. OLVER) for his commitment and leadership on this matter. We support the passage of H.R. 1528, and urge its adoption by the House today.

Mr. Chairman, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the opportunity to be here. I appreciate Mr. GRIJALVA as well for joining me here on this particular bill.

There are three types of trail bills that the National Park Service has: historic, recreational, and scenic. This happens to be the last of those; a scenic trail. We have not done one of those since 1983. It would seem that after 25 years, one of the things we ought to be able to do is at least do it the right way.

In the 107th Congress, a study was mandated on this particular trail and was not to go forward until the study was completed, the environmental review was completed. The study has not yet been completed. It is close to it, but not, which is, once again, one of the reasons we will be talking in a few minutes about an amendment to say this should go into place once regular order has taken place, the study has been completed, and then, appropriate to our rules to move forward at that particular time.

This particular trail has been, since 1931, done on a volunteer, local operation. People there have automatically authorized the use of their land, private property, for trails. It has been that way for over 70 years, has functioned well, and it should be one of those things of which we are extremely proud in this country, that people can actually come together and work together on a local area to do something that is good, without the heavy hand of the Federal Government helping them along the way. We have had 70 years of experience with that.

Now, one of the things I'd like to talk about, because I am an old history teacher, is simply one of the things we need to do as a Congress and as a people is to learn the lessons of history. We obviously know the hackneyed cliche that if we don't learn those lessons, we will repeat them. Or, as P.J. O'Rourke did a much better corollary, he who did not learn the lessons of history probably didn't do well in English or remedial math as well.

This Congress ought to do well in all of those, and one of those is the potential of those lessons of history. It is from those of us in the West who have had a sad experience dealing with Federal issues on Federal land issues. So our good friends in the East have not had that experience yet.

The State of Massachusetts has a grand total of 1.8 percent of its State owned by the Federal Government. The State of Connecticut has a whopping .4 percent of its State owned by the Federal Government. Very little interface with the Federal Government, which may be one of the reasons why Mr. YOUNG of Alaska or Mr. HELLER of Nevada, who stand up with concerns, should be taken into consideration, because 90 percent of their State is owned by the Federal Government, or Mr. FLAKE of Arizona, with half of his State, over half controlled by the Federal Government, or 70 percent of my State is controlled by the Federal Government. And we have had, by sad experience, seen where well-meaning and well-intentioned efforts on behalf of the Federal Government have led to some negative and unfortunate situations.

I want to tell you one story in an issue that is different than a trail setting. I want to talk about Gene, an old farmer, third-generation farmer, growing sugar beets, which, by definition, is a root crop and cannot grow in wetlands. Gene decided he would rent part of his sugar beet land for alfalfa, and to make sure that the water, which was going from an irrigation pipe from the creek to his land, would get to the high point, he allowed it to pool in the lower point.

One day, one of the Federal regulators, given authority under a very vague Federal law, came there and said that land is obviously a wetland. Actually, what he simply said is that the Great Salt Lake is part of our interstate commerce system, Logan Creek is part of it going into the Great Salt Lake. Therefore, the irrigation pipe is part of the navigable waterways of the United States, and the water is a wetland.

It didn't matter that Gene was able to get the Soil and Conservation Corps in there to prove the land was not conducive to wetlands; didn't matter that once he stopped the irrigation pipe, the water went away. In fact, that same regulator from the Federal Government threatened to throw him in jail if he actually stopped that water from going into the navigable rivers, i.e., irrigation pipes of the United States.

The end result is that this old gentleman, who in his entire experience in working with the Federal Government I never heard him utter one swear word, although I did on many occasions, had his entire heritage regulated and controlled by, not taken, because that means the Federal Government would have had to pay him for it, instead, they regulated and controlled it. They told him what he could or could not do. They took away not only his heritage, but took away his pension. They also took away his pension and legacy for his children, and, yes, I am mad about that.

When this Congress passed the Clean Water Act, which has to be a wonderful act; no one would be opposed to the Clean Water Act, we did not intend to take Gene and ruin his life. But because the language was vague, we allowed government entities to interpret it their own way, and, in fact, we harmed that old gentleman. It's not what we intended to do. No one wanted to do it, but, nonetheless, that citizen was harmed.

We have already talked in the rule debate over one citizen who wanted out of this trail system, and by the fact she had enough money and time and determination, she was allowed to be exempt from that. Whether that is isolated or indicative of a greater situation is what we must be very careful of; otherwise, our good intentions will actually harm and hurt individuals, which is not what we should be doing.

We did have testimony coming in of other people who were in this same situation in this same area. The government should not be in the business of harming people. We should be in the business of protecting the little guy so that his home, his farm, his legacy is neither harmed by anything that we will do. Too many irregularities with government land have happened in the past to say that we can do anything less than making sure that our language in these types of bills is specific and direct as to what we intend to be the net product. If we say we want to save somebody's property, we don't want to take it, it must be specific and direct and say that; otherwise, like we had with the Clean Water Act, people can interpret it in a different way, and American citizens get harmed.

Mr. Chairman, under the pronouncement, the point that was made by Mr. GRIJALVA at the very beginning of his motion, I would like to submit letters into the RECORD indicative of individuals who have those same problems dealing with the Federal Government. It wasn't intended for them to be harmed, but they have been harmed and they have been harassed in like situations.

□ 1700

We have proposed several amendments which in all sincerity if adopted would make us happy with this bill, and we could support it in every sense of the word.

One of the issues deals with the concept of hunting and gun rights. Long in the 75-year-plus history of this trail, there has been a cooperative effort to make sure that those rights were not infringed and that local ordinance and local concerns would be the dominant factor. We want to make sure that that is very clear in this bill. It is the intent of the sponsor, but we insist that the verbiage has to be specific to make sure that that is never put into any question or doubt by some future Congress, some future regulator, some future judge.

We will have an amendment also to be presented to do exactly that, to make sure that it is very clear that is our intent, that local law will take precedence.

We have said before that we are concerned about a potential eminent domain loophole within this bill. We are concerned about that, and at some time we will want to address that as we go through with this particular debate.

APRIL 14, 2007.

Re H.R. 1528.
Chairman NICK RAHALL,
Ranking Member DON YOUNG,
House Committee on Natural Resources.

CHAIRMEN RAHALL AND RANKING MEMBER YOUNG: My name is Katherine (Kitty) Breen and I am writing to testify in opposition to H.R. 1528, the New England Trail Bill.

My family owned Saddleback Mountain and Ski Area in Rangeley Maine. The Appalachian Trail traversed over Saddleback Mountain and bisected the mountain's ski terrain. The negotiation between my family and the NPS over what could have been a simple land donation exceeded 20 years and had a serious, long-term detrimental affect on my family, the ski area and the surrounding community. Eventually, after millions of dollars lost, countless hours of time from our highest ranking state and federal public officials, strained professional careers of an entire "at risk" community, and negative health and financial repercussions for my family members, the Saddleback Issue was resolved. For now.

I speak to you as someone who has been NPS classified as a "willing" seller. In reality, we were bullied, pressured, intimidated, threatened, ignored, played with and forced. In the end, we escaped, we are still alive, financially solvent, and able to be grateful to those who helped us. Most land owners who deal with the NPS administrators are not as fortunate. For this reason, I feel a moral responsibility to speak out.

I have previously submitted testimony on July 26, 2005 describing many of the legal details and strategies devised by the NPS to take more land than was legally allowed or intended by Congress. Let me just say here, that during the entire 23-year conflict, which began in 1978 and ended in 2001, my family was acting honorably and in good faith, trying to donate the required land to secure a permanent passageway for the Appalachian Trail. Many offers were put in writing, countless face to face negotiations were held (many which were observed or even facilitated by Senators Snowe and Collins and their staff), thousands of citizens wrote letters and a unanimous resolution passed by the state Senate urged acceptance of our donation offers. And yet, inexplicably, the NPS not only refused to accept or seriously consider our offers but in an increasingly intimidating manner, proceeded to bully and emotionally threaten us for more.

I am opposed to this Bill because in our experience, the authority you think you are granting the NPS, will not be what they will implement. They will find ways to interpret that authority in ways unforseen by Congress, to achieve goals Congress may even be explicitly forbidding. In our specific case, even when we were able to point out inconsistent and incorrect intrepretations of power, even when a sitting U.S. Senator commanded them to behave, it became clear that no one had the oversight or authority to stop them. Based on our experience and those of others with whom we have spoken along the Trail, they can and will interpret this bill and its authority inappropriately to bully landowners.

I am writing this letter because we are not typical landowners. On reflection, we were fortunate to have a constellation of resources, political capital, expertise, moral determination and luck that others would not be likely to have. My family had another business which financed us. Our long-standing relationship with a community which supported us and wanted us to succeed enabled us to undertake a grass roots campaign involving thousands of supporters. We were lucky that all of the Maine Congressional Delegation were honest, hardworking, reputable public servants who would listen to us, provide neutral environments conducive to resolution, observe injustices, and ultimately take action that achieved resolution. Ultimately, our problem was resolved by Secretary Babbitt himself, who worked with ex-Senator Mitchell and Senators Snowe and Collins and Congressmen Baldacci and Allen. Our case was resolved on the day Clinton left office.

In sum, we had not only luck, but tremendous resources and political pressure on our side. We cannot imagine any other single land owner having the financial resources, determination, intellectual capacity, political capital or emotional/physical health to fight the NPS administrators who use unjust tactics to achieve unintended program goals.

Following are a few examples of what we consider unjust tactics: we experienced repeated attacks on our integrity, often by radio in our home town. My family has a deep and broad commitment to public service, so these attacks hurt. While our long-standing reputation protected us from these attacks, it was nonetheless hurtful and continues to be so. Nothing has been unaffected: my career, my husband's career, my family's reputation.

They also conducted biased "scientific" studies and publicly vilified us regarding financial viability in order to justify our existence. With limited resources, we were placed in a position where we had to defend ourselves and refute their studies instead of being able to spend what time and resources we did have growing the business. We were shut out from public opportunities to set the record straight despite requests from a sitting U.S. Senator to allow us to do so.

The negative campaign conducted trashing Saddleback's business viability continued to have repercussions long after the settlement. When my father retired, it was very hard for us to convince future owners of the mountain's viability. There were stacks of inaccurate NPS studies showing otherwise and we had to disprove everything. Additionally, despite verbal agreements that the NPS would not come back for more land once we had left, the NPS refused to put such a statement in writing.

In our experience, the NPS uses the Appalachian Trail Conference (ATC) to do the work they are legally prevented from doing. The two work in inappropriate partnership in this regard. In all negotiation sessions, the ATC presented scenarios on behalf of the NPS, and were presented to us as representing the NPS. But agreements forged with the ATC were then retracted by the NPS. In this way they were able to squeeze more concessions out of us.

Showing up to negotiation sessions with no decision making authority was another common tactic and any level playing field requirements we requested were turned against us. For example, they refused to negotiate at all if we required transcripts of the negotiations and agreed upon outcomes. And after refusing multiple invitations for negotiation during the nine months of my pregnancy, they sent a letter to my office a week after my son was born threatening eminent domain if I didn't meet to negotiate immediately. Only a few weeks later a Maine newspaper headline screamed that negotiations were off due to my baby's "colic". You can imagine how a first time mother who had left her chosen career and worked tirelessly in good faith throughout her pregnancy would feel.

Today, six years after resolution, we are still recovering from the personal toll the conflict took on us. I am just now starting to feel like the anger I developed as a result of the Saddleback/NPS experience is starting to leave me, and that I can begin to talk about it without negative repercussions. Even so, I try not to talk about it or think about it and I work to shield my 76 year old father from it. My husband and I are grateful the sense of betrayal and anger has finally left our house.

The general public does not want to believe that NPS administrators are the bullies they have shown themselves to be. But they are and as our elected officials you need to know that. Based on conversations with other land owners, I believe that a majority of land owners who have had to negotiate with the NPS have similarly devastating experiences to share.

It is hard to come forward. We still have land at Saddleback, and fear that they will retaliate. Other people will feel the same way. It is not in my family's best interest to write this letter, I did not want to write this letter, but I feel a moral responsibility to my country to do so.

My family and the Western Region of Maine had the benefit of an amazing constellation of resources and good luck. I can not imagine such luck striking twice or that most land owners would be able to withstand the indecent tactics employed by the current NPS administration. Nor can I envision a way that you can regulate against them once you have empowered them. While I can support the creation of a multistate trail system, I cannot in any way support NPS or ATC involvement in such a cause. Please create the Trails under the State regulators and under the guidance of state citizens with access to State Government. Please join me in opposing NE trail Bill H.R. 1528.

Thank you,

KITTY BREEN,
Former Executive Vice President and Chief Negotiator for Saddleback Mountain.

CHRIST THE REDEEMER CATHOLIC CHURCH,
Sterling, VA, May 18, 2007.

Hon. DON YOUNG,
Hon. RON BISHOP,
Subcommittee on National Parks, Forests, and Public Lands, House of Representatives, Washington, DC.

DEAR SIRS: Thank you for the opportunity to express my concerns regarding H.R. 1528, which permits the Secretary of the Interior to administer the New England National Scenic Trail consistent with the plan developed by the National Park Service.

My concerns grow from my experience with the National Park Service's administration of the Appalachian Trail while I was Minister General of the Franciscan Friars of the Atonement when the National Park Service attempted to seize 118 acres of the Friar's property through eminent domain.

BACKGROUND

Graymoor, Garrison, New York has been the headquarters of the Franciscan Friars of the Atonement since 1899. The 420 acres provides housing for friars, a homeless shelter—St. Christopher's Inn (operating since 1909), worship, a retreat ministry and a variety of other ministries and programs including providing hospitality to Appalachian Trail hikers. In the course of a year several thousand persons come to Graymoor for shelter, spiritual renewal, to enjoy the natural beauty, to worship or for pastoral counseling. On a typical weekend there may be 300 to 400 visitors or several thousand. From the beginning the Friars have always welcomed visitors and those seeking assistance.

FIRST THREAT OF EMINENT DOMAIN

The Friars permitted the Trail to cross the eastern portion of the property at Graymoor in 1923 on a handshake agreement. Beginning in 1980 the National Park Service requested the trail be moved to the western portion of Graymoor, which directly borders the area in which most of the previously mentioned ministries and activities take place. For that reason, the friars resisted and preferred the Trail remain in its original location, The National Park Service threatened eminent domain. In 1984 the Friars reluctantly agreed to grant an easement for 58 acres and the trail was moved from the open and natural eastern side of Graymoor to the more built-up and busy western side.

SECOND THREAT OF EMINENT DOMAIN

During 1980's the Friars began to undertake needed and necessary upgrading and repairs of infrastructure. This was needed to continue St. Christopher's Inn, to accommodate pilgrims and retreatants, and for St. Paul's Friary in which the friars lived. The first project was the installation of a sewage treatment plant and sewer system, Due to the fact that Graymoor is located on a mountain, it was necessary to install a sewage treatment pump. To house that pump, a shed was built, about the size of a shed you would purchase for your lawnmower and garden tools. One corner of that shed (maybe 15 square feet at most) infringed upon the easement.

It was in this time period that the National Park Service informed the friars that it wanted to expand the easement from 58 acres to 118 acres in order to protect the environment on both sides of the Appalachian Trail. The reasoning was its mission had expanded from maintaining the Trail to protecting its immediate environment and to protect any further infringement by the friars as happened with the pump shed.

As Minister General of the Friars I was opposed to this expanded easement because our land on the western portion of Graymoor is the area in which friars live, employees' work, and ministries and programs take place. We considered the land to be holy and to be used for the service of God, the Roman Catholic Church, and the thousands who came for whatever reason. It was my responsibility to make every effort to ensure that we would have the needed resources for future growth and use. To expand the easement could all too easily hamper our ministries or future development. One example is that the proposed new easement would have bordered our sewage treatment plant, thus making any future upgrades almost impossible. As an aside, since that time the new St. Christopher's Inn and the new infirmary for the Franciscan Sisters of the Atonement have been hooked up to the sewage treatment plant—my concerns weren't just theoretical. Part of the area, if confiscated by the National Park Service, was also used for parking. We offered the National Park Service the opportunity to switch back the Trail to the original setting, still undeveloped, so that not only the Trail could be maintained but that there would a natural environment for it. The National Park Service refused this option and threatened to proceed with eminent domain.

It was only with the active intervention of Sen. Charles Schumer and the assistance of Representative Sue Kelly was this issue resolved to the satisfaction of the Friars and the National Park Service.

One of the surprising things I learned during our negotiations with the National Park Service was the fact the agreement for an easement could not contain any provision in which the U.S, government would agree not to further use eminent domain. This certainly leaves open the possibility of more disagreement in the future if the National Park Service expands its mission regarding the Trail or switches its location once again.

Even though H.R. 1528 states, "The United States shall not acquire for the trail any land or interest in land without the consent of the owner", the plan mandated by this bill does permit that. Also, efforts are being made to the states to claim the land by eminent domain before it would come under management of the Secretary of the Interior.

I urge the Subcommittee on National Parks, Forests, and Public Land not to endorse this bill.

Thank you.

Sincerely,

Rev. ARTHUR M. JOHNSON, S.A.

Mr. Chairman, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I appreciate the comments that the gentleman from Utah, the ranking member of the subcommittee, made. There is a point of consistency, too. As we talked about the effects, I thought we were talking about a trail bill, not a farm bill, but the effects of the Federal Government on private land.

I would suggest that part of the consistency would be to quit incentivizing extraction of mining claims and mining rights on private property, that that would be consistent. It would be consistent also to not have eminent domain and condemnation with regard to road construction of Federal roads and energy corridors. I think that kind of points out the fact that we are talking two different things here. We are talking about a trail that has already been through the process and the study and that merits our support today.

Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. MURPHY).

Mr. MURPHY of Connecticut. Mr. Chairman, I thank Chairman GRIJALVA, and thank you also to Chairman RAHALL and my good friend Mr. OLVER from Massachusetts for their hard work and diligence in bringing this bill to the House floor. The process by which it comes to us started long before I arrived here.

Mr. Chairman, in this digital age, our computers, our cell phones, our BlackBerrys, our PDAs, they have all collapsed vast distances that for so long have defined our lives. Continents can now be bridged in seconds with just the touch of a button, and the miles of fiber optic cable running beneath our feet and the satellites orbiting miles above our heads have helped make our modern world seem much smaller and much more compact. The idea of sending a physical letter through the mail now seems charmingly outdated in an age where communication is measured at the speed of light.

But in our wholesale embrace of this breathtaking new age of technology, we sometimes have lost sight of the enduring power of the natural world. Back in the outdoors, one is once again reminded of the sheer immensity and the beauty of the world around us. Getting away from our cars, getting away from our desks and laptops, thousands of New England residents every day take to the parks, to the trails, and to our reserves to reconnect with the natural world that thrives quietly all around us.

I rise today in strong support of H.R. 1528, the New England Scenic Trail Designation Act, because it will give thousands of more Americans, many of whom reside in the Fifth District of Connecticut, access to one of the most beautiful natural resources throughout the Northeast.

The Metacomet-Monadnock-Mattabesett Trail, or the MMM Trail, runs some 220 miles from the southern border of New Hampshire all the way down to the Long Island Sound, from Royalston, Massachusetts, to Guilford, Connecticut, cutting across the Farmington Valley towns and the towns of New Britain and Meriden in the Fifth Congressional District of Connecticut.

Now, this isn't some secluded, inaccessible trail. This gem runs right through the heart of some of this district's most populous areas. More than 2 million people live within 10 miles of the MMM Trail, making it uniquely accessible as a recreational opportunity for hikers, for joggers, for picnickers, and for everyone who loves the outdoors.

With this bill's passage, the MMM Trail will become only the ninth scenic trail designated in the 40-year history of the national trail system, joining the likes of the Appalachian Trail and the Continental Divide Trail throughout the country as these national scenic recognized trails.

Until now, the MMM Trail has been maintained through the generosity of private donors, through natural preservation groups and landowners who have allowed people to pass through the trail of their own accord. With Federal recognition, the trail will have access to grants and to resources that will help with its maintenance, with its preservation, and with public awareness.

The hundreds of thousands of Connecticut and Massachusetts residents who have enjoyed the MMM Trail over the past half century will be joined by scores of new visitors coming to enjoy its breathtaking vistas, its distinctive flora and fauna, and its rich history. And those who have enjoyed the MMM Trail in the past will now be assured that the trail will be protected for future generations, while ensuring that the trail is actively maintained and cared for for all.

Perhaps the most important backers of this trail are the thousands of nature lovers who have hiked and enjoyed the MMM Trail for decades. Just today, Adam Moore, the director of the Connecticut Forest and Park Association, wrote me. He said: "It's thrilling to me to think that this beautiful trail that I once hiked with my father could now become a scenic trail. I recall dangling my legs off the rocks of Mt. Pisgah in Durham while my father pointed out the gold building in Hartford some miles away gleaming in the distance. It is so inspiring to think that this trail in my home community could merit national status and recognition and that people will be able to enjoy it for years to come."

Mr. Chairman, I would like to submit at the conclusion of my remarks several such testimonials for the RECORD.

Mr. Chairman, as chairman of the Congressional Land Conservation Caucus and a representative of the thousands of Connecticut residents who lie along the MMM Trail, who have enjoyed it for years and will enjoy it for years to come, I hope that the House will join me in recognizing and protecting this beloved trail for future generations. I urge my colleagues to vote in favor of H.R. 1528 and join me in the near future for a hike through the beautiful hills of New England.

SIMSBURY LAND TRUST,
Simsbury, CT, January 21, 2008.

Representative CHRISTOPHER MURPHY,
Cannon House Office Building,
Washington, DC

DEAR REPRESENTATIVE MURPHY: We want to thank you for your time and comments January 12 at the Avon Community Center. It is easy to start thinking of our local challenges in a vacuum and it is useful to have an opportunity like your visit provided to sit down with others and to look at the bigger picture. We also appreciate your offer to help should we think your office could be of assistance in working with federal programs. I actually plan to send some ideas and a request this winter.

In the meantime, we wanted to get this thanks to you and also to respond to your comments regarding the New England Scenic Trail Designation Act and recognition of the MMM Trail. We could not agree more with you that this is vitally important. As you know, the MMM Trail runs through Simsbury as well as other Farmington Valley towns. It is the most heavily used trail in this town as well as in neighboring towns. It is easily accessible to the Greater Hartford area, it has spectacular views of both the Farmington River Valley to the west and the Connecticut Valley to the east and it is rugged enough to be both physically and intellectually challenging.

Over many years the State of Connecticut, towns and land trusts along the trail have acquired large sections of the ridge over which the trail runs. However, there are still important sections that all of us continue to work on. We know well from experience along this trail as well as others that trails are under continual pressure as development along the hillsides crowds out this historical use. This trail is a regional and national treasure that gets heavy public use by local residents and visitors alike. National scenic designation will be a valuable tool and will be a great help in assisting regional efforts to maintain this resource for years to come.

Thanks again for your recent visit.

Sincerely,

RICHARD A. DAVIS,
President.

January 28, 2008.

Congressman CHRISTOPHER S. MURPHY,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN MURPHY: On behalf of the Connecticut Forest & Park Association, I am writing to express our strong support for H.R. 1528, the New England National Scenic Trail Designation Act. This bill would designate the Metacomet and Mattabesett Trails in Connecticut, and the Metacomet-Monadnock Trail in Massachusetts, as the New England National Scenic Trail. We strongly support this legislation as it would greatly enhance the opportunities for the stewardship of these trails while leaving the fundamental, voluntary nature of this trail system intact.

The Connecticut Forest & Park Association established the Metacomet and Mattabesett Trails in Connecticut in 1931, and our volunteers have maintained them as open-to-the-public hiking trails ever since. The Association would still maintain these trails in Connecticut if designation occurs. With funding and assistance that could come from National Scenic Trail designation, we would be better able to work closely with landowners and towns, post signs, construct trailhead kiosks and parking areas and improve the condition of the trail for owners and for the walking public. Furthermore, we believe that National Scenic Trail designation would enhance the prospects for willing seller land conservation along the trails.

I further note that the primary goal of the National Trails System Act states that "trails be established primarily . . . near the urban areas of the nation." With two million people living within ten miles of this trail, the proposed New England National Scenic Trail certainly meets this goal, perhaps better than any other National Scenic Trail.

Thank you very much for your support of the New England National Scenic Trail Designation Act.

Sincerely,

ADAM R. MOORE,
Executive Director.

STATE OF CONNECTICUT,
EXECUTIVE CHAMBERS,
Hartford, CT, January 29, 2008.

Congressman CHRISTOPHER MURPHY,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN MURPHY: I am writing to express my support for the New England National Scenic Trail Designation Act. Amending the National Trail System Act to designate the Monadnock, Metacomet and Mattabesett (MMM) Trail System as the New England National Scenic Trail, will generate the necessary increased levels of attention and resources to ensure the long-term viability of the MMM Trail System. I believe that this designation is an important step in preserving the unique character and quality of life that we enjoy in our states.

The 825 mile MMM trail system forms a backbone supporting our state's ecological, historic, scenic and economic resources. More than two million people live within ten miles of the trail system. As development continues to change our landscape, unprotected portions of the MMM Trail System continually experience increasing pressures. The Connecticut Forest & Park Association established the Metacomet and Mattabesett Trails in Connecticut in 1931, and through the hard work of volunteers and the good will of private landowners, these trails have remained open to the public but are greatly at risk. The legislation will help to protect this regional treasure for generations to come.

I am confident that the MMM Feasibility Study's goals we identified in collaboration with the Massachusetts Department of Conservation and Recreation can be brought to fruition. Thank you for your continued leadership on this issue.

Sincerely,

M. JODI RELL,
Governor.

DEAR SIRS: The Avon Land Trust strongly supports H.R. 1528, the New England Scenic Trail Designation Act, because open space preservation is an increasingly important issue in Connecticut and scenic trail designation conserves open space and promotes the use of that space. Hiking is a low cost, low key recreation that gets the public, especially families, outside to see nature firsthand.

As more land is developed in Connecticut, habitat is reduced but trail systems protect wildlife corridors crucial to many species. This particular trail system is located on ridge line, which helps preserve the appearance of these highly visible geological features in the Farmington Valley.

Regards,

ROBERT BRECKINRIDGE,
President, Avon Land Trust.

Mr. BISHOP of Utah. Mr. Chairman, I yield such time as he may consume to the ranking member of the Natural Resources Committee, the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, first let me thank the ranking member of the subcommittee for his excellent presentation on this legislation, and, yes, the chairman, too. There is just a matter of a difference of opinion.

Again, the majority on that side is more interested in creating recreation and amusement opportunities than creating jobs and affordable energy. It is ironic to me that one of the States, in fact both of the States, named in this bill, none of their Representatives or their Senators have ever voted for any energy development, not one time. And consequently, they are paying, their constituents, a tremendous price for energy they are consuming.

Just last week, the Boston Globe published a story that said: "Massachusetts manufacturers pay the highest electricity prices in the Continental United States," thus discouraging industry coming into the State. In fact, it is leaving.

A 200-year-old paper mill in Lee, Massachusetts, was shut down because of high energy costs, a loss of 160 jobs. Now, some of these workers may get an opportunity to be retrained to cut brush on the trail we are trying to set aside today. Of course, that pays the minimum wage.

It is ironic to me that this was all caused by a lack of action in this Congress. New England needs energy; and if I can remind this body, and good morning, Mr. and Mrs. America, that is our number one problem in this country today, is energy. That side of the aisle, not only the side of the aisle in the House but also in that other body, now because of you, we are importing—

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The gentleman will please direct his remarks to the Chair.

Mr. YOUNG of Alaska. In what line? What did I say wrong?

The CHAIRMAN. While speaking in the second person. The gentleman pointed to the other side.

Mr. YOUNG of Alaska. I will point to you next time.

We are importing 12 million barrels a day from our enemies, thanks to you; 12 million barrels a day, at $100 a barrel. Mr. and Mrs. America, remember, $1.2 billion a day we are sending overseas because of the majority not supporting energy development. That is $438 billion a year that we are sending overseas, to not our friends, but to our enemies, the Chavezes, and to the Iraqis, the Kuwaitis, Saudi Arabia, and, yes, a little bit to Russia, because we don't have the courage to develop our oil and our fossil fuels in this country, thanks to the majority.

And we just voted on a stimulus bill today. Big deal. If you are taking that up, $438 billion a year, we are imposing a $1,460 tax on every man, woman, and child in America every year because the majority will not support energy legislation. Oh, you are going to support a trail today, taking taxpayer dollars again for recreation, but you will not support energy in this country. And this Congress, especially the majority side, has never, ever supported energy production in this country of any type, nuclear, even wind power, and certainly not fossil fuels.

That is what is wrong with this Nation today. We are bleeding the economy from our bodies to support overseas countries for fossil fuels which we have on our shores, on our shores and off our shores. We are disallowed from developing the Rocky Mountains. We are disallowed from drilling off the coast of California. We are disallowed from even drilling off the coast of Alaska. And, of course, the majority will never support opening ANWR, which has 39 billion barrels available for America.

And for those out there, my colleagues, every time you fill your gas tanks, it doesn't hurt you too bad. But Mr. and Mrs. America as they go to work are being taxed by you. The stimulus package, everybody might get $1,000. But remember, everybody is going to be taxed this year $1,460, every man, woman, and child in America, because this Congress on the majority side doesn't have the courage, the courage nor the wisdom, to develop necessary energy in this country which we have.

I ask you, when are you going to wake up? When is this body, and even the Presidential election that is going forth today, I don't hear anybody talking about developing energy sources. I hear about conservation and light bulbs made in China and filled with mercury. Wait until you try to dispose of those, Mr. and Mrs. America, and see what happens. I say shame on us.

This bill today is a trail that people say they need and they want. But I suggest, respectfully, if you don't address the energy bill, you will never be able to have anybody walk on it. You might as well make your highways into trails, because you won't be able to run your trains, your planes, your automobiles, or your ships.

And that is the economy of this country. That is the economy of this country. If you can't move product to and from, if you don't have the energy within your factories to produce those products and hire the people, you don't have an economy. You don't have an economy. You don't have an America. You don't have freedom. You don't have the Nation of the United States of America.

We were made great because we had a source of energy. We were made great because we had hydro and we had fossil fuels, the coal that drove our steel mills and produced the greatest war machine to stop World War II in history. We used our coal because we needed it. We had it and we did it. Not today. You can't do it.

So, as I say, Mr. Chairman, this Congress has a tremendous responsibility and you are not living up to it. You passed an energy bill that produced nothing but hot air. Nothing. Conservation, yes, we are all for that. But it had no production in that bill of any source of energy. And yet we say we passed an energy bill.

It will come back. It will haunt you. And some day down the line your grandchildren and all those around you and their grandchildren will say, what was Congress thinking about? The greatest Nation in the world, the greatest Nation in the world became a third-class country. The greatest Nation in the world, because we didn't produce our energy. We didn't provide for the future generations.

And for those that don't agree with me, thank God these words are going down. And some day along those lines they will say, you know, the gentleman from Alaska had a point that they should have listened to, but they did not. It is too bad they didn't, because we are where we are today, not the democracy that they were then and not the greatest Nation in the world, in fact a third-class country.

Mr. GRIJALVA. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut (Mr. COURTNEY), a cosponsor of this legislation.

☐ 1715

Mr. COURTNEY. Mr. Chairman, I want to start by first of all thanking Chairman GRIJALVA who during this 110th Congress has shown that he is a true friend of the State of Connecticut with his advocacy on the 8-Mile River bill and now for the MMM Scenic Trail bill.

I also want to recognize Congressman OLVER for his hard work on this issue, and Congressman MURPHY and the other cosponsors of this legislation.

People are extremely excited who live in the area that will be affected by this trail. Again, I think it will be a wonderful step forward for New England. And as CHRIS said, reconnecting with its terrific natural beauty and natural heritage.

Four of the towns which this trail goes through touch Connecticut's Second District. Suffield, Durham, Haddam and Madison, at various points on the map that Congressman MURPHY presented, are part of the national scenic trail.

This is a system, to sort of get back to the bill before us today and maybe away from some of the global issues which were just discussed, it was a system created in 1968. Twenty-three trails have been given designation by Congress during the last 40 years in a very nonintrusive way with no damage done to people's property rights, but in a way that is a partnership relationship between the Federal Government and local landowners and communities.

It is my understanding that the Governor of the State of Connecticut, Governor Rell, a Republican, is supporting a letter in support of the legislation. I think that is indicative of the feeling of the communities that are touched by it, certainly in the State of Connecticut, and particularly by the private, nonprofit Connecticut Forest and Park Association, which Mr. BISHOP gave great praise to, and they deserve it for the work that they have done over the many years.

But I think it is important that when we talk about the work that they did, they are vigorous advocates and supporters of this legislation because they see it as consistent with the mission that they have carried out for 75 years, to keep the trail accessible to families, to individuals from all over the world. They deserve, I think, the biggest credit for their support for this legislation over the last few years.

Finally, I want to say in response to the prior speaker, the Members of the U.S. Senate from the State of Connecticut did support production of new sources of energy in the energy bill which was sent to the Senate. Production tax credits for geothermal wind and solar were paid for by taking away tax breaks for oil companies. Unfortunately, the opposition party in the Senate stripped those critical, important, necessary changes that our country is yearning for. We in the Northeast are as committed as any part of the country in terms of the need to transform our energy system so we will have a thriving economy that will be there for our children and our grandchildren.

Mr. BISHOP of Utah. Mr. Chairman, I would like to talk about one other potential problem with this particular bill. It is not really a problem, but it is a concern that needs to be addressed in some particular way.

We have talked a great deal over the past year about the concept of PAYGO. This bill does not have a PAYGO concern; the committee said it did not because it does not specifically appropriate money. However, it does authorize the use of money, and in the bottom line from what people would be saying at the kitchen table, it costs money.

This bill will actually cost $2 million. Not a huge sum, kind of a rounding error in our government, but it is still $2 million. The money is not having to be offset under PAYGO earmarking accounting rules. However, it is still money that has to be spent, and it has to come from somewhere else.

Where it will come from is the Parks Department budget which will then take it from other projects. It is one of the spinoff effects every time we add a new measure that the Parks Department has to administer, has to pay for and has to run. That is one of the concepts that we have.

I mention that simply because we have crying needs in the Parks Department today. I would like to mention specifically this building. It is not in my district; it is Mr. MATHESON's district in my State. But it is a brilliant building at Dinosaur National Monument. I went there with my kids. I have been there before several times with other kids. It is a wonderful opportunity for people to see bones exposed in the mountainside itself. It is a great learning experience with one problem: It is condemned. And we don't have the money in the parks system to fund it, to fix it.

This is one of those issues here. It is only $2 million for this trail. It is only a little more administrative responsibility and a little bit more land. But the problem we have is it comes from somewhere. It comes from these types of problems, these types of issues and determinations that need to be made.

Even though it doesn't have to be offset by PAYGO rules, it has to be funded somewhere and that is going to come out from other needs that are in the Park Service that will continue to be minimized as we expand the assets that this government has and we expand the programs that the Parks Department actually has to run.

Mr. Chairman, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I am delighted to rise in support of H.R. 1528, the New England Scenic Trail Designation Act, which would designate portions of the Metacomet-Monadnock-Mattabesett, or the MMM Trail System, as a national scenic trail.

I commend Representative OLVER for his leadership on this issue, and I thank him for bringing the entire region together to make this happen.

This is a simple commitment to act as responsible stewards of our natural resources. We have an obligation to our communities and to generations that follow to preserve our Nation's scenic beauty, wildlife, and outdoor recreation.

Now we have the opportunity to make good on that great promise, every step of the way along the 190-mile MMM trail system as it winds through 39 communities in central Connecticut and Massachusetts.

The trail route, which has been in existence for over half a century, hosts numerous scenic features and historic sites. But more than that, this unique trail passes through some of the most densely populated parts of the country, 2 million people live within 10 miles of the trail, and offers users exceptional recreational opportunity near urban areas.

That is why this legislation is so critical. By protecting against increasing pressures from residential subdivision growth, national scenic trail designation will provide an opportunity for long-term viability.

It will offer residents safe, healthy recreation options free of smog, congestion, and stress. In an age when we are constantly trying to combat sprawl in our communities, we need to recognize that these kinds of projects are a real investment in our communities and in community spirit alike. I urge a "yes" vote.

Mr. BISHOP of Utah. Mr. Chairman, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, at this time I would like to yield to the sponsor of this legislation, the gentleman from Massachusetts (Mr. OLVER) such time as he may consume.

Mr. OLVER. Mr. Chairman, I am not quite sure how long my voice will hold out, so I will probably be fairly short.

I just want to commend the chairman of the full committee, Chairman RAHALL, and the chairman of the subcommittee, Chairman GRIJALVA, and thank them for all of their great work in bringing this bill to the floor.

The New England Scenic Trail Designation Act is a product of almost a decade of cooperation between the Massachusetts delegation and the Connecticut delegation, and both delegations have changed over that period of time, the National Park Service, the Appalachian Mountain Club, the Connecticut Forest and Park Association and a lot of local communities and individuals.

The bill designates major portions of an older, voluntary Metacomet-Monadnock-Mattabesett trail system as a national scenic trail. Now, I have hiked every mile of the old voluntary system through Massachusetts; and while some segments are very well protected, other sections have suffered serious encroachment. National scenic trail designation will provide an opportunity for long-term preservation for future generations.

Currently, the MMM trail system is administered by local nonprofit organizations: the Connecticut Forest and Park Association in Connecticut and the Appalachian Mountain Club through its Berkshire Chapter in Massachusetts. The Connecticut Forest and Park Association in fact is a private nonprofit organization which contracts with the State of Connecticut to run the trail systems in all of their public parks, so it is a very reputable organization which has been there for a long time and has a huge number of volunteers who work on it, and it works closely with the State of Connecticut. I want to recognize and thank the many volunteers and staff of these organizations who have worked diligently to help develop this initiative. Because of their effort, every Member through whose district this trail system passes supports this legislation.

In the case of Massachusetts, the Appalachian Mountain Club has over time been sort of a sponsor for the trail within Massachusetts, the old voluntary trail, not only this trail but other trails within Massachusetts. In Massachusetts, the land passes through at least four substantial State parks or State forests so that much of the land is already publicly owned by the State of Massachusetts, but there are connections between those publicly owned pieces of land and there are visitor centers and park facilities and so on at a rather convenient distance for hiking purposes, for day hikes or overnight camp-type hikes along the way.

Now, I understand that some Members have expressed concerns that this bill will infringe upon landowner rights and allow the National Park Service to seize lands through eminent domain. Well, the Federal Government does not own any land anywhere in the area that the trail is intended to go, following the old voluntary trail, and then some additional territory that has to be worked out by the Connecticut Forest and Parks Association in order to reach the Long Island Sound. There is no expectation of there being any Federal land there. It was never intended there would be federally owned land. Whatever protection of the land would be held by the Park Association or on behalf of the State of Connecticut. And in Massachusetts, the same thing is basically true.

No one wants to establish Federal ownership of a corridor. In recognition of that, in the legislation we added the language: "The United States shall not acquire for the trail any land or interest in land without the consent of the owner."

Yet the argument keeps coming back that that doesn't protect people. Well, maybe the language of the motion to recommit will satisfy that. I think it is completely redundant with what is already there and certainly in total keeping with the intent not to have any Federal ownership of land in that area.

The blueprint for the management of the trail specifically states that all existing landowner uses and rights, including hunting, fishing, timber management, and other recreational activities, will continue to be at the discretion of the landowners.

Throughout the process, protection of private property has been of the utmost concern, and I believe we can accommodate the concerns of all landowners and continue to provide a scenic, protected path for public use as the New England National Scenic Trail. There is wide support for this designation. I would submit for the RECORD a March 25, 2007, Boston Globe editorial and a letter of support from the Massachusetts Secretary of the Executive Office of Energy and Environmental Affairs, Ian Bowles.

[From the Boston Globe, March 25, 2007]

FROM MONADNOCK TO THE SOUND

Home to some of the most spectacular sections of the Appalachian Trail, New England could gain a new interstate hiking trail that is closer to the region's population centers. U.S. Representative John Olver of Amherst filed a bill this month to create a New England National Scenic Trail that could one day stretch from Mount Monadnock in New Hampshire to the Long Island Sound at Guilford, CT.

For 190 miles of the 220-mile distance, the trail would roughly follow the route through the Connecticut River Valley of the existing Monadnock, Metacomet, and Mattabesett trail system in Massachusetts and Connecticut. The principal addition would be a 14-mile spur from the southern end of the Mattabesett in Connecticut to the shoreline in Guilford.

The state of New Hampshire chose not to join Connecticut, Massachusetts, and the U.S. Department of the Interior in the feasibility study for the new trail, but Olver's bill would encourage Interior to work with New Hampshire and private and public organizations in that state to include the stretch from Royalton, Mass., to Monadnock's 3,165-foot summit in the national scenic trail. Nationwide, there are already eight such trails, including the Appalachian and the Pacific Crest.

Within 10 miles of the new trail live 2 million people. Many already use—and do maintenance work on—the existing stretches. At a time when young people, in particular, need more recreational opportunities to ward off the health problems of obesity, the national scenic trail designation should increase the path's popularity. It should also help protect it from development pressures. Much of the trail is on state forest or park lands near the river valley's farms, forests, tobacco barns, and towns.

Monadnock itself has 40 miles of maintained foot trails and is considered to be the second-most-frequently hiked summit in the world, after Japan's Mount Fuji. Three of the Massachusetts peaks on the new trail include Mount Grace, Mount Holyoke, and Mount Tom. The new trail includes a wide range of natural habitats and is close to more than 50 registered village historic districts. Hikers could pass over volcanic, sedimentary, and glacial rock and observe fossils and dinosaur footprints.

The goal of planners is that the scenic trail will have a single trail blazing system, but with few through hikers, since overnight camping would be permitted in only a limited number of locations. Of course, decades ago planners of the Appalachian Trail did not envision through hikers for its 2,175-mile length, either. Congress should designate the path as a new national scenic trail and let the walking public decide how best to use it.

THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS,
Boston, MA, January 28, 2008.

Hon. RAUL GRIJALVA,
Chairman, Subcommittee on Natural Parks, Forests, and Public Lands, Committee on Natural Resources, Washington, DC.
Hon. ROB BISHOP
Ranking Member, Subcommittee on Natural Parks, Forests, and Public Lands, Committee on Natural Resources, Washington, DC.

DEAR CHAIRMAN GRIJALVA AND RANKING MEMBER BISHOP: On behalf of the Commonwealth of Massachusetts, I write to ask for your support of H.R. 1528, the New England Scenic Trail Designation Act, which would designate the Metacomet Monadnock Mattabesett (MMM) Trail System as a National Scenic Trail.

Under H.R. 1528, the newly established New England National Scenic Trail would extend approximately 220 miles, from northern Massachusetts through Connecticut, incorporating most of the MMM Trail System and hosting an array of classic New England scenic landscapes and historic sites. In Massachusetts, the MMM Trail is one of our most significant and threatened long-distance trails and greenways, linking and connecting vital state parks and other public lands and landscapes."

By designating the MMM Trail System a National Scenic Trail, the National Park Service would provide important leadership and support to the public and private landowners who host the trail and the dedicated volunteers who sustain it. Importantly, the bill represents the culmination of years of outreach and discussion with local landowners and other interested parties, with all owners afforded the opportunity to have the trail rerouted at their request.

In designating the MMM Trail a National Scenic Trail, Congress would be providing a significant boost to local efforts to further the trail's long-term viability, and a great service to the hundreds taking advantage of this wonderful resource. I urge your support for this important effort.

Sincerely,

IAN BOWLES.

□ 1730

It's my hope that H.R. 1528 will establish permanent protection for this unique and majestic land and ensure that future generations will be able to enjoy a great national treasure.

Mr. BISHOP of Utah. Mr. Chairman, I yield 2½ minutes to the gentleman from Connecticut (Mr. SHAYS), one of the cosponsors of the bill. Hopefully by the end of this day we can accept some amendments that would make all of us happy with this particular bill.

Mr. SHAYS. Mr. Chairman, I rise candidly as the only Republican in all of New England to support H.R. 1528, the New England Scenic Trail Designation Act, and thank Congressman OLVER for bringing this legislation to the floor.

H.R. 1528 would designate portions of the existing Metacomet-Monadnock-Mattabesett Trail System for a national and scenic trail. For over 50 years the States of Massachusetts and my home State of Connecticut have partnered with the Appalachian Mountain Club and the Connecticut Forest and Park Association to manage these beautiful trails and footpaths. Volunteers and private landowners have enjoyed these lands and maintained them. This legislation would not change that relationship.

This bill also protects private landowners by prohibiting the National Park Service from taking any land by eminent domain. The park service has no authority on local zoning issues that might affect national scenic trails.

H.R. 1528 provides the resources and knowledge of the National Park Service and the National Scenic Trail System for the long-term upkeep of this important trail and extends Federal recognition to trails that have existed for over half a century.

My colleagues in the West often criticize those of us from the East for wanting to increase public lands at the expense of private ownership. This does not do that.

In Connecticut, more than 2 million people live within 10 miles of the trail system. Among the pressures of industrialization that we see in the East, H.R. 1528 is an opportunity to protect this precious resource for future generations and protect it for all of those in this country, not just those nearby.

I ask my colleagues to support protection of this regional treasure, and I urge a "yes" vote on H.R. 1528.

Mr. GRIJALVA. Mr. Chairman, at this time I yield 2 minutes to the distinguished gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Chairman, I thank the gentleman from Arizona for his leadership, and I rise in strong support of this legislation.

But I especially want to commend Congressman OLVER for his dedication and hard work. I think most people in this Chamber recognize JOHN OLVER as somewhat of an academician and someone who certainly knows the workings of the Appropriations Committee, but few probably know that he's an avid hiker. And next to Henry David Thoreau, from Massachusetts, probably is as close and akin to nature as anyone in the United States Congress. And so this is something that he has worked on a long period of time, at least since I've been in the United States Congress, and I want to commend him for his hard work, and especially commend CHRIS MURPHY from Connecticut as well for his work in this district.

I'm proud to say that this trail runs all the way through from Massachusetts to the Sound, and the Governor of the State of Connecticut has fully endorsed this matter, and it impacts the communities in my district of East Granby, Bloomfield, West Hartford, Southington, Berlin, Middleton. More than 2 million people, as you've heard other members come to the floor and enumerate, are going to be fortunate enough to share the values that we derive from going out and hiking and being able to be part of this unbelievable MMM Trail that will be provided for our constituents and citizens. So I stand in strong support of this bill and thank Mr. OLVER again, and again, kudos to CHRIS MURPHY for his hard work making sure that this came to the floor.

Mr. BISHOP of Utah. Mr. Chairman, I wish to address one last element of this particular bill. As I've said, it is my hope that with some of the amendments that can be passed or added, some modification, this can be a very, very good bipartisan bill.

There is one concern I have that I want to specifically address, and it's been talked around the edges by everyone, but it is the concept of eminent domain. I have said before, in the original remarks, that oftentimes as a government we do things not intending to actually harm people, but that's the net result. And unless we are crystal clear on the language that what we intend to do is what will happen, that sometimes, down the road, tends to be the net result, and I want to try to avoid this in this particular trail situation.

The National Park Service is unique in that it does have condemnation power. This is an amendment to the National Trails System Act. The condemnation power within that act is not modified in any way. The language is there. It stays. It's not terminated. It's not finished in some particular way.

It is the intent, I assume, and I believe of the sponsor of this legislation, that condemnation would not be used on any of the private lands within this trails system. I think he's very sincere and legitimate in that. That is our effort as well. But the text of the bill, the amendment to the total act, is not crystal clear as to that point.

What they have tried to do in the text of this bill is say that land, if it's going to be taken over by the park service, would have to come from willing sellers. That is an effort to try and stop the Federal Government from using the condemnation power to take over land.

The problem is, though, is the definition of "willing seller" sometimes gets murky as time goes on, and what is specifically not allowed in the bill, or not solved, not clearly stated in the bill is what I call the loophole. It's that even though the Federal Government would have to buy from only willing sellers, State and local governments would not. State and local governments could condemn the property, and then they could become the willing seller. And as the act encourages the National Park Service to accept or acquire property, that is a way around the concept of what we're talking about. And I don't think that's what the sponsor intended. I'm not trying to put words in his mouth. Clearly, by the testimony in front of the committee, I don't think that's what he intended. I don't think that's what the committee intended to see happen. I know that is what we fear, and I know we do not want that to be the concept taking place. What we need is very succinct and crystal clear language that said that no land will be accepted by the Federal Government if any of it was taken by the concept of eminent domain. So whether the Federal Government tries to use eminent domain or whether the State and local government uses eminent domain and then the State becomes the willing seller to give it to the Federal Government, that will not be a way our citizens will be treated in this trails system. That language is important to me. I think it's important to our side. That is what I talked about in the protection of the little guy who may not even know this is going to be imposed upon him. In this post-Kelo decision world, those kinds of concepts become important. If this issue was to be solved, it would be one of the things that I think would solve any other kind of acrimonious debate that would go forward. A couple of issues. This is one of the key ones. It's one of the important ones. And I bring that up because I know the language was put in there to prohibit the Federal Government from using eminent domain, but there is still a loophole, so the Federal Government could end up with land that had been condemned by the second party, which would be the State and the local governments. We should be very crystal clear that we do not wish to do that.

One of the amendments proposed to the Rules Committee said specifically that no land would be taken that had been acquired through eminent domain. That's one of our concepts. That's one of the principles. That's one, I think, of the elements that I think is significant.

Mr. Chairman, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Chairman, it's a good piece of legislation, well crafted, well worked. Many of the doomsday scenarios we've heard about condemnation have no relationship to this legislation. I would urge its adoption.

Mr. RAHALL. Mr. Chairman, I rise today in strong support of H.R. 1528, introduced by our friend and colleague, Representative JOHN OLVER.

This is a straightforward bill which would enhance the protection and interpretation of a network of trails that have been in existence for more than 50 years. This trail system is extremely popular and is managed and maintained by an enthusiastic army of volunteers.

The route that would be added to the National Trails System carries hikers through the heart of Massachusetts and Connecticut, past scenic vistas, unique geological formations, dinosaur footprints, and rare plants and animals. The trail provides recreation and relaxation for visitors from near and far, and valued open space for the many communities along the way.

H.R. 1528 has strong, bipartisan support and is important not only to the people of Massachusetts and Connecticut but also to visitors from around the world wishing to experience the beauty of New England on foot.

Given the popularity of the existing trail and the support for a federal designation, it is surprising that anyone would oppose H.R. 1528. In our view, such opposition is based on a misunderstanding of this legislation.

In the first place, the bill is based on a National Park Service study that found no need—let me repeat—no need, for direct Federal trail ownership or direct Federal trail management. The trail will be managed by state and local groups under cooperative agreements with the National Park Service.

Further, the bill itself expressly states, and I quote: "The United States shall not acquire for the trail any land or interest in land without the consent of the owner."

It is perfectly clear that this bill does not threaten property rights. In fact, the trails groups who have managed this trail network for half a century or more have gone out of their way to avoid those conflicts. There is no Federal land involved, and no Federal acquisition anticipated.

I strongly support this bill, and I want to take this opportunity to thank the bill's sponsor, Representative OLVER, for his hard work on the legislation, as well as his nine cosponsors from Connecticut and Massachusetts.

In the end, this is about providing Federal recognition and support to local, non-profit, volunteer organizations who want nothing more than to help people take an enjoyable walk through the woods. I urge my colleagues to support H.R. 1528.

Mr. MARKEY. Mr. Chairman, I rise today in strong support of H.R. 1528, the New England National Scenic Trail Designation Act. This important legislation would amend the National Trails System Act of 1968 to designate a 220-mile long National Scenic Trail through Massachusetts and Connecticut. Designation as a National Scenic Trail will allow this important regional trail system to be supported, maintained, and protected at the highest possible level.

The bulk of this new trail would be comprised of the existing Metacomet-Monadnock-Mattabesett trail system—a 190-mile trail route through 39 communities in Massachusetts and Connecticut. This important regional recreation system has been in existence for more than fifty years and winds its way from the border of Massachusetts and New Hampshire through western Massachusetts and into Connecticut.

Designating this trail system as a National Scenic Trail will ensure that future generations of New Englanders will be able to fully enjoy the tremendous beauty of these trails and take advantage of their many recreational opportunities. Right now, more than 2 million people live within 10 miles of the Metacomet-Monadnock-Mattabesett trail system. As a result, this designation will not only allow millions of people to have access to the trail system but also ensure that it will be properly preserved from the threats and pressures of development and encroachment.

H.R. 1528 requires that the Secretary of the Interior administer the trail consistent with the recommendations of the National Scenic Trail Feasibility Study and Environmental Assessment that was conducted by the Department of the Interior. The legislation also ensures that no land can be incorporated into the trail system without the consent of the landowner, and I am pleased that the Administration has testified in support of this important legislation.

This National Scenic Trail designation would provide for increased cooperation between communities, citizens and the Department of Interior to conserve these special routes and expand the recreational opportunities of this New England treasure. I urge passage of the bill.

Mr. LARSON of Connecticut. Mr. Chairman, as a cosponsor of the New England Scenic Trail Designation Act, I rise in strong support of this very important bill.

Connecticut is proud to be home to part of the Metacomet-Monadnock-Mattabesett Trail System, a beautiful nature trail that runs 190 miles from Massachusetts through Connecticut to the Long Island Sound. First established in 1931, the 700-mile long Blue-Blazed trail network in Connecticut join the Metacomet-Monadnock trail system in Massachusetts, a trail laid in the late 1950s. The trail is a vital part of the natural beauty and recreational activity of the First Congressional District of Connecticut, as well as the other parts of the state and neighboring Massachusetts. This distinctive trail passes through one of the most densely populated parts of the country—2 million people live within 10 miles of the trail.

In 2001, the Connecticut Department of Environmental Protection designated the Metacomet Ridge System—part of the trail system—as an official state greenway. The ridge system contains a "spine" of traprock ridges, providing a habitat for various types of plants and animals. These living things that call the ridge home and add to its beauty are not protected from residential development pressures, and while seventeen towns in Connecticut have signed a compact to work towards protecting the ridge system the trail merits Federal protection.

In December of 2002, the President signed the Metacomet-Monadnock-Mattabesett Trail Study Act into law, which directed the National Park Service to study the trail to determine if the Metacomet-Monadnock-Mattabesett Trail should be included in the National Trail System. In April of 2006, the study recommended its inclusion. This legislation before us today urges the implementation of the study's recommendations, while protecting land owners. The bill protects the trail system against encroachment by residential growth, but prohibits the government from seizing private land through eminent domain.

Mr. Chairman, designation of the New England Scenic Trail would be an important step towards preserving the 190-mile long trail and its natural and recreational value for years to come. I urge my colleagues to join me in ensuring the environmental preservation of the Metacomet-Monadnock-Mattabesett Trail by supporting the underlying bill.

Mr. GRIJALVA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of the amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 1528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "New England National Scenic Trail Designation Act".

SEC. 2. AUTHORIZATION AND ADMINISTRATION.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

"(____) NEW ENGLAND NATIONAL SCENIC TRAIL.—The New England National Scenic Trail, a continuous trail extending approximately 220 miles from the border of New Hampshire in the town of Royalston, Massachusetts to Long Island Sound in the town of Guilford, Connecticut, as generally depicted on the map titled 'New England National Scenic Trail Proposed Route', numbered T06–80,000, and dated October 2007. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. The Secretary of the Interior, in cooperation with Federal, State, tribal, regional, and local agencies, the Appalachian Mountain Club, the Connecticut Forest and Park Association, and other organizations, shall administer the trail consistent with the recommendations of the draft report titled the 'Metacomet Monadnock Mattabesset Trail System National Scenic Trail Feasibility Study and Environmental Assessment', prepared by the National Park Service, and dated Spring 2006. The United States shall not acquire for the trail any land or interest in land without the consent of the owner.".

SEC. 3. MANAGEMENT.

The Secretary of the Interior (hereafter in this Act referred to as the "Secretary") shall use the Trail Management Blueprint described in the draft report titled the "Metacomet Monadnock Mattabesett Trail System National Scenic Trail Feasibility Study and Environmental Assessment", prepared by the National Park Service, and dated Spring 2006, as the framework for management and administration of the New England National Scenic Trail. Additional or more detailed plans for administration, management, protection, access, maintenance, or development of the trail may be developed consistent with the Trail Management Blueprint, and as approved by the Secretary.

SEC. 4. COOPERATIVE AGREEMENTS.

The Secretary is authorized to enter into cooperative agreements with the Commonwealth of Massachusetts (and its political subdivisions), the State of Connecticut (and its political subdivisions), the Appalachian Mountain Club, the Connecticut Forest and Park Association, and other regional, local, and private organizations deemed necessary and desirable to accomplish cooperative trail administrative, management, and protection objectives consistent with the Trail Management Blueprint. An agreement under this section may include provisions for limited financial assistance to encourage participation in the planning, acquisition, protection, operation, development, or maintenance of the trail.

SEC. 5. ADDITIONAL TRAIL SEGMENTS.

Pursuant to section 6 of the National Trails System Act, the Secretary is encouraged to work with the State of New Hampshire and appropriate local and private organizations to include that portion of the Metacomet-Monadnock Trail in New Hampshire (which lies between Royalston, Massachusetts and Jaffrey, New Hampshire) as a component of the New England National Scenic Trail. Inclusion of this segment, as well as other potential side or connecting trails, is contingent upon written application to the Secretary by appropriate State and local jurisdictions and a finding by the Secretary that trail management and administration is consistent with the Trail Management Blueprint.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–519. Each amendment may be offered only in the order printed in the report; by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment; shall not be subject to an amendment; and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. BISHOP OF UTAH

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–519.

Mr. BISHOP of Utah. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BISHOP of Utah:

At the end of the bill, add the following new section:

SEC. 6. EFFECTIVE DATE.

This Act shall be effective on the date that the Secretary issues a final National Scenic Trail Feasibility Study and Environmental Assessment for the New England National Scenic Trail.

The CHAIRMAN. Pursuant to House Resolution 940, the gentleman from Utah (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. BISHOP of Utah. Mr. Chairman, I have every intention of saving the committee some time on this particular amendment. It is, I think, very straightforward.

In the 107th Congress a bill was passed that said there would be a study, a feasibility study based on this project. The gentleman from Massachusetts was the author of that piece of legislation.

Bottom line is the feasibility study has yet to be completed, period. This is simply a concept of regular order. What this says is that this trail will not be slowed down, but it will be enacted once we have gone through the process outlined before, regular order, and the feasibility study is finalized and presented. Then the trail would actually be enacted. It's an effort to try and maintain the standards and the process that we have established before.

With that, actually, Mr. Chairman, I will yield back the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I rise in opposition to the amendment.

The' CHAIRMAN. The gentleman from Arizona is recognized for 5 minutes.

Mr. GRIJALVA. Mr. Chairman, this draft report that I'm holding is entitled The National Scenic Trail Feasibility Study and Environmental Assessment.

Like many products of the Federal Government, it's lengthy and complicated. But let's be perfectly clear. We're not waiting for a separate environmental assessment. It's all done and it's all in here.

Even though it's labeled a draft report, the National Park Service doesn't do drafts like a high school assignment does drafts. This is a 75-page bound document, eight full color fold-out maps. It draws on more than 90 sources, from books on dinosaur footprints to books on the pioneers who first set foot on those trails, from scholarly histories of the ancient Earth to histories of the small communities along the trail. This study is done.

In reality, the process of changing the study from a draft into a final report is a bureaucratic one; it is not a substantive one, which makes this amendment dilatory, at best, and not a substantive one.

The draft study was completed in August of 2006. It has been under review at the Department of the Interior for 17 months. The National Park Service tells us that it needs approximately one dozen signatures from various Interior officials in order to be considered final. That's all we're waiting for.

In effect, therefore, the amendment could have us abdicate our authority and responsibility to designate trails and pass that authority over to the Secretary, so that whenever he and the various Deputy Assistant Secretaries at Interior get around to signing off on the study, then the trail would be designated. Such an abdication would not lead to a better study; it would just lead to delay.

It might be different, Mr. Chairman, if my good friend from Utah could point out something that is lacking in this study, if he wanted to wait because he felt the analysis of the affected environment on pages 61 and 62 were not entirely complete, or if he was contending that the book The Indian Tribes of North America by John R. Swanton and the Smithsonian Institution Press should not have been relied on in this study.

That is not the case, Mr. Chairman. The work of the study is done. The administration came before the National Parks, Forest and Public Lands Subcommittee in May and testified they do not anticipate any substantive changes to this document and that they support the designation.

Congress has, in this study, more than sufficient documentation to establish this trail. There is no reason to delay this designation. Only if you simply oppose the trail, then that would be the reason for delay.

Mr. Chairman, it's not the role of the Secretary of the Interior to designate trail. It's the role of this Congress, and we should get on with it. I urge a "no" vote on this amendment.

□ 1745

Mr. Chairman, I yield back my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. BISHOP).

The amendment was rejected.

AMENDMENT NO. 2 OFFERED BY MR. BISHOP OF UTAH

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–519.

Mr. BISHOP of Utah. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. BISHOP of Utah:

Page 3, line 6, insert "(a) IN GENERAL.—" before "The Secretary".

Page 3, after line 17, insert the following:

(b) APPLICATION OF CERTAIN STATE AND LOCAL LAWS.—Notwithstanding subsection (a), all designated and future designated lands within the New England National Scenic Trail, including all Federal lands, shall be exclusively governed by relevant State and local laws regarding hunting, fishing, and the possession or use of a weapon (including concealed weapons), trap, or net.

The CHAIRMAN. Pursuant to House Resolution 940, the gentleman from Utah (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. BISHOP of Utah. Mr. Chairman, this particular amendment is one of the key concerns that we do have with this bill, that if it were solved would go a long way to satisfying our concerns with this particular bill.

It is one of the unique concepts that a power has been given to the National Park Service that is not given to the Bureau of Land Management or to the National Forest Service to regulate gun laws and hunting laws within their jurisdiction, even if it violates something that the local government in that jurisdiction would like to imply, something that happens to be different.

This trail, as we said, has been around for over 70 years, very efficiently and very effectively on private and state lands. And the argument that we made is that there is no reason that you should deny Park Service authority to curtail these activities because they're not going to get these activities or they're not going to get control of the land.

The problem is that there is a unique history on this trail of voluntary cooperation. That is not necessarily the same thing that takes place once the Federal Government takes ownership or the Federal Government takes administrative control of this particular trail.

The Park Service does have the authority to change the rules of local government. This is the language that's given in the bill. It is not modified by this particular act. Even though the intent may not be as we have heard to have the Federal Government take over property in this land, it is the intent of the management plan that is there.

If you look at the management plan, it talks about a blueprint for recommendations to utilize restrictive zoning, height restrictions, land acquisition easements, et cetera, et cetera, going through all sorts of other concepts.

This simply means this: this legislation authorizes and encourages the Federal Government, the Park Service, to gain land in the future in this trail system. Once the Park Service has gained control of that land, then Park Service rules and regulations which limit and restrict hunting rights and gun rights would take precedence over it.

There is also a unique concern that none of us really know the answer to. If the National Park Service is the administrator of these lands, do they actually have the ability of imposing the rules and regulations on these lands, whether they own it or not, which is something that today we may know the answer, but you cannot predict what will happen in the future with some legislator, some judge, some administrator somewhere along the line; and as I said very early in a concept of this particular bill, often times the Federal Government does things, and we don't intend to hurt people but we end up hurting people.

What this amendment clearly says is that along this trail we will protect what has historically been done for the last 70 years. But whether the Federal Government, the Park Service, in particular, has administrative control or whether they access and acquire land in the future, that local ordinances will take precedence, that local ordinance on hunting rights, on gun rights, on fishing rights, will be what will take precedence in this particular situation.

This to us is important. We want it to be crystal clear. But what I think everyone intends in this trail is in reality what happens both now and in the future.

Mr. Chairman, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Arizona is recognized for 5 minutes.

Mr. GRIJALVA. Mr. Chairman, let me just say that this amendment is completely unnecessary. The trail crosses State land that is State-owned, local, and the property of willing private landowners. That's all. State and local hunting and fishing laws clearly govern all of these lands.

What's more, this amendment refers to "all designated and future designated land within the New England National Scenic Trail, including all Federal lands."

Mr. Chairman, once again, there are no Federal lands involved here.

So in addition to being unnecessary, the amendment is drafted and applies to land that does not exist.

Secondly, we are perplexed as to why we would single out State and local laws on hunting and fishing and the possession or use of a weapon, trap, or net. Why would we state that these laws, which, as I have already said, obviously apply to the lands along the trail, why would we state that these laws apply but not mention other equally applicable State and local laws.

The amendment could legitimately cause someone to wonder, because we mention only these activities, are other State and local laws somehow rendered inactive by this bill?

A Federal trail designation does not preempt State and local laws. But this amendment might make some believe that it does.

This amendment is not intended to solve what I believe is a real problem. It's, rather, an attempt to inject a made-up issue into a simple, straightforward trail designation. In the end, this amendment really only confuses the issue.

Having said that, however, if the language makes Mr. BISHOP comfortable enough to support this legislation, we are willing to consider it. We do not believe that it is needed or really even helpful. It will burden the bill, despite its redundancy, only slightly; and in the spirit of bipartisanship, we accept Mr. BISHOP's language.

Mr. Chairman, I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. BISHOP).

The amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. LORETTA SANCHEZ) having assumed the chair, Mr. LYNCH, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1528) to amend the National Trails System Act to designate the New England National Scenic Trail, and for other purposes, pursuant to House Resolution 940, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BISHOP OF UTAH

Mr. BISHOP of Utah. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BISHOP of Utah. Unfortunately, without this, yes.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Bishop of Utah moves to recommit the bill H.R. 1528 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:
>
> Page 3, line 4, strike "owner." and insert "owner. The Secretary may not use eminent domain to acquire land for the trail and may not accept any land that was acquired through the use of eminent domain for inclusion in the trail.".

The SPEAKER pro tempore. The gentleman from Utah is recognized for 5 minutes.

Mr. BISHOP of Utah. Madam Speaker, as we said at the very beginning of the discussion of this entire bill, there are some amendments that are made in an effort to slow down a bill or stop it from coming to passage. This is not one of those. That is why you will notice very carefully the verbiage here is "forthwith." We want to try and fix the bill so it can go on with its process, not send it back to committee.

What I have in front of me here is the poster of the language that you find in the Trail Act itself. What we are debating is not the Trail Act. It's simply an amendment to the Trail Act, and in the act itself it says the appropriate Secretary may utilize condemnation to acquire private property without the consent of the owner.

That is the language about which we object. It would be nice if at some time we could actually go in and attack this language and perhaps solve the problem once and for all forever. But as the time is right now, this condemnation power is still in the act. It's still in the bill. It's still in the act. It is still out there as a potential and a possibility. We do not believe that the sponsor ever intended this to be the way of things.

But the bottom line is the National Park Service still has the ability of condemning. The Federal Government still has the ability of condemning. As we said before, the committee, the sponsor, tried to solve that problem by saying land will only be taken from a willing seller. That may deal, hopefully, with the Federal Government aspect, but the Federal Government has to take the land from a willing dealer, but it also leaves a loophole for some other entity to do condemnation powers. The State or local government could still condemn property, and then they would become the willing seller who could offer this land to the Federal Government.

Please remember, the Federal Government is empowered in this act and bill to acquire property. They are encouraged to acquire property coming from a willing seller. I don't have a problem with that, if the willing seller is truly a willing seller.

And so the motion to recommit tries to cover every potential in the future, with once again the concept being that you want to make sure that individuals will always be protected in every circumstance in the future, many of which we cannot predict. It would be nice if everyone was simply wonderful and courteous, but that's not the way the real world is. We have to make predictions and plans for the future to protect individuals.

This bill says the Federal Government may not acquire land from anything other than a willing seller, but it also says they cannot accept land that has been condemned, regardless of whether it comes from a willing seller. It prohibits State and local governments from doing an end-run from the purpose of this act and protects private property.

We told you before that one person was able to come here and say I don't want my property part of this bill because she had the financial resources and the time to come down here to Washington to lobby. She's exempt. That's right, it's fair. It's the right thing to do. The committee should be commended for that.

The question is, are there others in like circumstances? And in the committee testimony there are. What we just put in by unanimous consent, there are, and that is the concern. Our concern has to be for the little guy whose home, whose property, whose heritage, whose farm may be put in danger by an overzealous local government that uses condemnation power to try and expand the scope of this particular trail.

□ 1800

It is possible. And the language should be crystal clear that that may not be what we do. That may not be our concept.

If only one individual is harmed by this act because we do not close every potential loophole, that is one individual too many. Our goal should be, and must be, to ensure that wherever a possibility of a loophole exists, we will close that loophole, and that we will make sure that every potential to save somebody's property will be there, and that no opportunity to do a laundering of land and make an end run around the purposes and goals of this bill will be there.

The language in the motion to commit is crystal clear, that no land may be taken by any level of government for any reason to be used in this trail. In our post-Kelo world, it is important that we make sure that every word in this bill make sense; it is clear, it is precise, it is our goal, it is our purpose. That's what this does. It solves this problem. And it solves it in a way that makes this a very, very good bill. Without it, it's a huge loophole that could be used to harm people in the future. We can never do that.

Madam Speaker, whatever time I don't have, I yield back.

Mr. GRIJALVA. Madam Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Arizona is recognized for 5 minutes.

Mr. GRIJALVA. Madam Speaker, we accepted a motion on hunting and fishing that was consistent with State laws because that seemed to be the most pressing issue in the discussion and debate over this legislation. Now we have a motion to recommit that tries to solve a problem already dealt with which is easily and simply dealt with with the underlying legislation.

The bill specifically prohibits condemnation, so there is no legitimate concern regarding private property rights. There is no legitimate reason to say the same thing over and over again. But now we're in a whole other realm. We're in a conspiracy theory, Federal bogeyman kind of discussion where proponents of the bill say, Well, sure, you have stopped Federal condemnation, but what about our doomsday scenario where the Feds and a State or a locality team up in some secret plan to have the State condemn the land and then give it to the Feds. We better stop that scenario as well.

The point of the matter is that this motion is about usurping local control and, indeed, giving it to the Federal Government. I want to say enough is enough. At what point have we gone far enough to deal with any legitimate problem?

Supporters of this amendment and the motion see condemnation under every rock and around every corner, and there could never be enough language in this bill or any other bill to satisfy them.

Even worse, proponents of this language know full well that neither this motion nor anything else we do here in Congress can stop States from exercising their condemnation authority. Here we have a motion that is both completely unnecessary and completely ineffective. There is no condemnation under this bill. Proponents of this motion need to move on.

I urge defeat of the motion to recommit.

Madam Speaker, I yield to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. I thank the gentleman for yielding.

I guess I thought that the problem was that the devil was the Federal Government here and that we wanted to make certain that there was no way for them to issue eminent domain, and the language of this bill, in relation to this trail, is quite clear on that point. In fact, it would appear that now we're trying to solve a problem which isn't there, which just is an order of magnitude somewhere farther away in concept, that somehow the local communities or the State is going to issue eminent domain and then pass the land to the Federal Government in some sort of manner. That really surprises me as there is nothing in the intent of this anywhere along the way to do such a thing.

I think we have solved the problem as much as it needs to be solved with the language which is in the bill, that there can be no Federal acquisition of land here. Nobody wants Federal acquisition of land. There might well be community acquisition of a corridor somewhere along the way over time, but there is to be no Federal ownership of any of that land.

I hope the matter will be opposed and we will not adopt this amendment. This is finding a solution where there is no problem.

Mr. GRIJALVA. Madam Speaker, I urge a "no" vote on the motion to recommit.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BISHOP of Utah. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 183, nays 205, not voting 42, as follows:

[Roll No. 27]

YEAS—183

Aderholt
Akin
Alexander
Altmire
Arcuri
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Berkley
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Gene
Hall (NY)
Hall (TX)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NAYS—205

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Bean
Becerra
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al

Grijalva
Gutierrez
Hare
Harman
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—42

Andrews
Baker
Berry
Boucher
Calvert
Carter
Davis, Tom
Deal (GA)
DeFazio
Diaz-Balart, L.
Diaz-Balart, M.
Doyle
Everett
Fallin
Feeney
Filner
Fortenberry
Gilchrest
Hastings (FL)
Hastings (WA)
Jones (OH)
Keller
Lantos
LaTourette
Lewis (KY)
Lipinski
Marchant
McCollum (MN)
McCrery
Miller, Gary
Pryce (OH)
Putnam
Radanovich
Saxton
Simpson
Slaughter
Tiberi
Udall (CO)
Wasserman Schultz
Westmoreland
Wilson (NM)
Wynn

☐ 1829

Ms. HOOLEY, Ms. MOORE of Wisconsin, and Messrs. JACKSON of Illinois, MICHAUD, MAHONEY of Florida, BRALEY of Iowa, KENNEDY, MEEK of Florida, CARDOZA and OBERSTAR changed their vote from "yea" to "nay."

Messrs. MILLER of Florida, MORAN of Kansas, ALTMIRE and WALSH of New York changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Madam Speaker, on rollcall No. 27, I was away due to a family emergency. Had I been present, I would have voted "nay."

Ms. SLAUGHTER. Madam Speaker, on rollcall No. 27, had I been present, I would have voted "nay."

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GRIJALVA. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 261, noes 122, not voting 47, as follows:

[Roll No. 28]

AYES—261

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capps
Capuano
Carnahan
Carney
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reichert
Reyes
Richardson
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth

NOES—122

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Doolittle
Drake
Dreier
Duncan
Emerson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Issa
Johnson, Sam
Jones (NC)
Jordan
King (IA)
Kingston
Kline (MN)
Kuhl (NY)
Lamborn
Latta
Lewis (CA)
Linder
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Poe
Porter
Price (GA)
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Sensenbrenner
Shadegg
Shimkus
Shuster
Smith (NE)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Walberg
Walden (OR)
Wamp
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—47

Andrews
Baker
Berry
Boyda (KS)
Calvert
Cardoza
Carter
Davis, Tom
Deal (GA)
DeFazio
Diaz-Balart, L.
Diaz-Balart, M.
Doyle
Everett
Fallin
Feeney
Filner
Fortenberry
Gilchrest
Gillibrand
Hastings (FL)
Hastings (WA)
Jones (OH)
Keller
Lantos
LaTourette
Lewis (KY)
Lipinski
Marchant
McCollum (MN)
McCrery
Miller, Gary
Pryce (OH)
Putnam
Radanovich
Rodriguez
Ros-Lehtinen
Saxton
Sestak
Simpson
Tiberi
Udall (CO)
Wasserman Schultz
Weldon (FL)
Westmoreland
Wilson (NM)
Wynn

☐ 1837

Mr. RAMSTAD changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall No. 28, I was away due to a family emergency. Had I been present, I would have voted "aye."

Mr. RODRIGUEZ. Madam Speaker, because I was unavoidably detained, I was unable to cast a vote on rollcall 28. Had I been present, I would have voted "aye" on Final Passage of H.R. 1528.

PERSONAL EXPLANATION

Mrs. JONES of Ohio. Madam Speaker, due to events scheduled in my district, I will miss votes on January 29, 2008. Please let the RECORD reflect that had I been present, my vote would have reflected the following:

H.R. 5140 Recovery Rebates and Economic Stimulus for the American People Act of 2008—"yea."

H.R. 1528 New England National Scenic Trail Designation Act—"aye."

H.R. 933 Commending the Louisiana State University Tigers Football Team—"yea."

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Mr. Speaker, I would yield to my friend from Maryland, the majority leader, for information about the schedule.

Mr. HOYER. I thank the gentleman for yielding.

The schedule for the week of February 4 is attenuated, to some degree obviously, by the 22 States that have a primary on February 5. Both Democrats and Republicans obviously will be involved in those to one degree or another. Monday and Tuesday the House is not, therefore, in session.

On Wednesday, the House will meet at 2 p.m. for legislative business. Votes will be postponed until 6:30 p.m. On Thursday and Friday, the House will meet at 10 a.m. We will consider several bills under suspension of the rules. A list of those bills will be announced by the close of business this week. In addition, we will consider H.R. 4137, the College Opportunity and Affordability Act.

That is the schedule. Of course, I will tell my friend that we obviously have a couple of bills that we passed today that we want to see move as quickly as possible, and if we could move those next week, we would certainly try to do so.

Thank you for yielding.

Mr. BLUNT. I thank the gentleman for that information. I am wondering, if those bills don't materialize, is it still an option for Friday, if those bills don't materialize, since we don't have any scheduled work for Thursday and Friday, are we committed for Friday to be a definite day here? Is that still going to be an option as the week develops?

I will yield.

Mr. HOYER. We only have, as you know, essentially 2 days and the evening of Wednesday, because we come in Wednesday at 6:30. So I am reluctant to give away Friday, given on this side we have worked so hard to get done in a relatively quick fashion, I think quick fashion, not relatively, on our stimulus package. So I do not want to speculate on giving that day away at this point in time, nor do I want to speculate that we will give the day away. If we do not have work to do, obviously we will not require Members to be here.

Mr. BLUNT. I appreciate that, and I also appreciate the work we all did this week on the stimulus package, to see that it is sent over on the timeframe that we have all discussed. As you mentioned in your remarks on the floor today, a timely, a targeted, and a temporary bill has to meet all of those things. Timely and temporary both have to mean that we get this done in a quick way. I am hoping that we can work with our friends on the other side of the building and get that done.

The other thing that we worked together on this week was to get an extension until the middle of February on the Foreign Intelligence Surveillance Act as it is currently in place, and has been since the first of August. I am hopeful that we don't run up to the deadline again in this 15-day opportunity that we have. I am wondering if the gentleman has any thoughts as to what we might be able to do even next week on that bill.

I would yield.

Mr. HOYER. I thank the gentleman for yielding.

He and I share that concern, of course. As I indicated, and he well knows, we passed a bill on November 16 of last year, which means that was 2½ months ago that we passed a bill. We have been waiting for the Senate to pass a bill. They have two bills, as you know: one out of their Intelligence Committee, one out of the Judiciary Committee. They have been unable to reach compromise. Two days ago, they had votes on cloture and did not receive that, either for the extension or for essentially the Intelligence bill.

As a result, we are very frankly in, as you well know as well as anybody, we are waiting on the Senate to pass a bill so that either our bill, we can send that to the President; their bill, send it to conference, or whatever option. But we need them to take some action. We are hopeful they will take some action soon.

I met, along with other members of the leadership on our side of the aisle, just a short time ago, informed them that we had passed by vote an extension of 15 days, urged them to move as quickly as they could. The leader indicated to me that he was hopeful that they would be able to address that this week. I think he is going to be talking to the Republican leader to see what possibly could get 60 votes to move something to the floor and through consideration. But I am unable to tell you what we are going to do until such time as the Senate acts. As you and I have discussed, you have been there.

Mr. BLUNT. I appreciate that. I do hope we can find a permanent solution here. I think that the 2 weeks is important. I also think it's important that that law not be allowed to expire, which made this 2 weeks a significant development. At the same time, the question of immunity hasn't been addressed, and I don't think we can continue to put that question off.

□ 1845

I did notice last week when we discussed this, an article that I hadn't seen yet, and my good friend the majority leader read from that article to me a section that indicated that the work was in progress could keep on in progress for a long time. That was in the New York Times on January 23.

There was another paragraph that I surmised at the time might be there, but was there, that said "There is risk," according to this assistant Attorney General Mr. Weinstein, Weinstein said, "the officials would not be able to use their broadened authority to identify and focus on new suspects and would have to revert to the more restrictive pre-August standards if they wanted to eavesdrop on someone."

Those pre-August standards were, in my view, troublesome. I hope we don't revert to them, but we can't put the immunity issue off forever, and I am going to do everything I can, as I believe the majority leader is inclined to do as well, to encourage the Senate to move this process along so we can bring it to some conclusion.

I yield.

Mr. HOYER. I thank my friend for yielding, and I do want to comment, because our perspectives are somewhat different on the risks that would be created by failure to act or not have an extension, so we would be operating, as you pointed out, under the old FISA statute.

Very frankly, the good news is that the backlog that confronted the court now no longer exists.

Secondly, as you know, under the old law, the 72-hour period in which the Government could take action and then get sanction of the court after the fact is in the law.

So I believe that second paragraph, while I don't disagree with his speculation, I disagree with his conclusion in the sense that I think that the Government, the NSA or another agency, could in fact act within that 72 hours and get approval from the FISA Court for its actions. And, as the gentleman knows, the FISA Court rarely, if ever, and I don't know of an incident off the top of my head where they have disapproved an action that was taken and stopped it at that point in time.

So, I think the risk is minimal, because I think the old law, while, yes, they have to go to the court, and very frankly, this is why it was created, to be a check and balance on what might be, and I don't allege that this is happening, but certainly it was a check on arbitrary and capricious action by those in the Government. I happen to think that check and balance is an appropriate one; although, under the statute we passed, we gave broader authority, blanket authority, as you know.

But we are hopeful, as you are, that the Senate will act, that we be able to go to conference. We need to deal with the immunity issue, which is the difference between the two Houses, although they haven't passed a bill, but the bill that passed out of the Intelligence Committee did give retroactive immunity. That is controversial.

And we have just got, as I told you, the documentation last Friday that we have been asking for an opportunity to review to determine, A, the justification for the action of the telecom companies and the actions for which immunity is being sought. We think that is appropriate for us to know before we act.

But in any event, I did inform, as I told you, the leader that we had acted, and indicated to him I hope that they would act as soon as possible so that we could resolve this in conference.

Mr. BLUNT. I thank the gentleman for those views. I know that the majority is going to have their planning retreat for the rest of this week. Hopefully our staff is already and will continue to go through these documents that we were concerned we hadn't had, or the majority was concerned we hadn't had earlier, and look at those.

I would suggest that the penetrating analysis in one paragraph probably doesn't totally go away from the individual who was given so much credit in the next paragraph.

The only thing I would say about the FISA Court, I would really say two things. I missed some of this debate today, as you might be able to tell, because of another commitment I had to be off the floor as we were debating this.

The FISA Court, I believe, in 1978 was created for domestic cases. That is maybe an underlying difference here in the way we view this. And the backlog I would submit would develop again pretty quickly. It might not be a problem for 2 days; it might not even be a problem for a week. But that backlog of every case from all over the world that suddenly wound up going to the FISA Court because of changes in technology quickly gets the FISA Court to where a 72-hour problem is a big problem because they just can't deal with it.

I would yield.

Mr. HOYER. I would agree with that. I think we solved the technological problem in the bill we passed. Very frankly, the only problem that I think the administration would have with our bill which we passed through the House would be the immunity issue.

The technological issue I think is addressed by the blanket approval by the court. Although the court has to approve certain objects and processes, it does not, as you know, need to approve specific instances of intercepts or specific targets of intercept.

So, from that standpoint, I think our bill solved that problem. But our bill has not been enacted so the technological issue of where the communication now goes through a U.S. switch, that is the technological difference now, and then goes back out, that needs to be addressed. It was addressed in our legislation, but the legislation needs to pass.

Mr. BLUNT. Well, I agree, and I intend to work to see that it passes so this works in the best possible way. I hope we take maximum advantage of this 15 or 16 days that we have now given ourselves to look at the information to try to do what we can to see that we come up with a permanent solution that deals with both the technological questions and the question of immunity for people who may have helped the government in a way that they now somehow could be held in legal limbo for until we have addressed this. I hope we do, and I pledge myself to work with you and others to see that we get that done.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. JOHNSON of Georgia). Is there objection to the request of the gentleman from Maryland?

There was no objection.

ANNOUNCING THE PASSING OF MARGARET TRUMAN DANIEL

(Mr. SKELTON asked and was given permission to address the House for 1 minute.)

Mr. SKELTON. Mr. Speaker, it is with great sadness that I announce to the House that Margaret Truman Daniel, the daughter of our 33rd President, Harry S. Truman, passed away today.

As the daughter of a Jackson County judge, a United States Senator from Missouri, a Vice President and President, Margaret Truman grew up in politics. She was a good friend, and I know others in this House who knew her considered her a friend as well.

Margaret was an accomplished woman in her own right, but she also revered her father's memory. In this very Chamber in 1984 a Joint Session of Congress was convened to honor the 100th anniversary of President Truman's birth. As chairman of that event, I worked with Margaret closely and was grateful for her participation as a speaker.

I also had the honor of being with Margaret on the first day that the Truman Home in Independence, Missouri, was opened to the public as a museum in the National Park Service system. I will never forget watching her sign the guest book in her own home that day.

Margaret Truman Daniel was a great American and, as an independent-minded woman, was truly her father's daughter.

I know my colleagues join me in expressing this body's deepest condolences to the family of Margaret Truman Daniel, including her three surviving sons, Clifton, Harrison, and Thomas.

PROVIDING RELIEF FOR AMERICANS THROUGH THE ECONOMIC STIMULUS PACKAGE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, today on the floor of the House the Members had to address a number of crises that this Nation is facing. It is interesting that we face delay and, if you will, obstruction on many of the issues that the American people want us to be engaged in.

I am hoping that the economic stimulus package will move as quickly as possible, and when it comes back in its final form from the Senate and conference, that we will be assured that the individuals who are disabled and on Social Security also get a rebate, and that we have the sense of the Congress language that a moratorium should be in place for all of those individuals subject to subprime loans or on the brink of foreclosure and losing their homes. We must forge a pathway for the financial industry to begin to allow people to reconstruct their loans.

Lastly, we voted today to extend FISA. The bill that we passed out of the Judiciary Committee under JOHN CONYERS' leadership is a good bill. I voted reluctantly for the extension, but we must pass a bill that protects civil rights and protects the national security of America.

TRIBUTE TO THE LATE MARGARET TRUMAN DANIEL

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Mr. Speaker, I want to rise to follow up on the announcement that my good friend Mr. SKELTON from Missouri just made.

Of course, all Missourians are proud of President Truman and his family. He was a man of great humility. In fact, one day recently in Washington I happened to be driving by, on Connecticut Avenue, the small apartment that he and Margaret and Mrs. Truman lived in when he was Vice President and for I think the first 3 days of his Presidency. Not the grandeur that anybody would expect, but something that the Trumans, a family who actually never lived in a house that they owned for most of Margaret Truman's life, appreciated.

I was just sharing with Mr. SKELTON the memory of Margaret Truman when we recommissioned the Battleship *Missouri* when it went back into active duty in 1985 or 1986, and I had the honor at the recommissioning dinner in San Francisco to introduce Margaret Truman, who had been the principal sponsor of the ship the first time when her father was in the Senate.

By that point in the evening, about every speaker had pronounced the name of our State differently. Some said "Missouri," some said "Missoura," and I made a couple of comments about that. And Margaret Truman got up and she said, "It is 'Missoura.' My father always said 'Missoura.' My family always said 'Missoura.' I was there when this ship was commissioned. We commissioned it the 'Battleship Missoura,' and that should settle it."

But she was a lady that led an interesting life, the truly adored daughter of her father, and she saw politics the way that very few people do. I appreciate her life and her family.

HONORING SENATOR GWENDOLYN BRITT

(Mr. VAN HOLLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VAN HOLLEN. Mr. Speaker, the civil rights movement was full of heroes whose names we know and many whose names we will never know despite the depth of their sacrifice.

Just recently, this Nation remembered Dr. Martin Luther King, Jr., whose good works are known to our Nation and to the world.

Today I am honored to remember and celebrate the life of another extraordinary civil rights leader who helped stand up against injustice in our Nation.

State Senator Gwendolyn Britt passed away recently, but she left behind an extraordinary legacy. She first stood up against racial segregation not in Montgomery, Alabama, but in Montgomery County, Maryland, at Glen Echo Park, just a 20-minute drive from this Capitol.

It was a hot summer evening in June 1960. Glen Echo Park was segregated at the time, and Gwendolyn Britt, an African American, purchased a ticket to ride on the carousel. She was arrested that day, and her case went to the Supreme Court of this country. It was the first of many brave acts in standing up against injustice by Gwendolyn Britt, a person who changed our community and changed our country.

The civil rights movement was full of heroes, some whose names we all know, and many whose names we never learned despite the depth of their sacrifice.

Just recently we remembered Dr. Martin Luther King, whose name and accomplishments have become well-known as part of our country's history. And we know the story of Mrs. Rosa Parks, who showed courage when others were silent.

Today, I am honored to remember and celebrate the life of another extraordinary civil rights leader, a woman who, like Dr. King and Mrs. Parks, never sought credit for her actions, but only sought to do what was right.

She was only 18 years old when the world first met Gwendolyn Greene. It was a hot summer evening in June 1960 when Gwendolyn Greene, a student at Howard University entered Glen Echo Park. At that time, blacks were not allowed to enter that amusement park. This park, incidentally, is within 20 minutes of the floor on which I am speaking, just outside the District of Columbia in Montgomery County, Maryland.

Ms. Greene joined a small group of young people at the gates of this popular local park, determined to introduce freedom and equality through desegregation to Montgomery County, Maryland.

Gwen Greene chose to stand up. Despite the fear these young people felt, despite all of the turmoil they knew would arise from their illegal action, they entered Glen Echo Park: Gwen bought a ticket for the merry-go-round, and bravely and boldly sat upon a spotted horse, refusing to move until arrested.

At that very moment, this young woman chose to effect change. She didn't take the easy way out; she didn't stick with what was comfortable and safe. Not even after a trip to jail and the United States Supreme Court—not even after again being arrested, this time in Jackson, Mississippi, and spending 40 days in jail for refusing to leave a "whites-only" waiting room at a train station—would she be dissuaded from taking her fight for equal rights around the Nation as a Freedom Rider.

Gwen Greene later married, became Gwen Britt, and the mother of two sons. She worked for the telephone company for many years. But the effect of her action at Glen Echo and as a Freedom Rider was not lost on her. As she said many years later, "I became determined to do what I could to make a person's life better."

And, throughout her life, that's what she tried to do, eventually culminating in her election to the Maryland State Senate in 2002. There, she quickly became a leader on issues that matter, such as education, health care, and civil rights. As one of the State senators in my congressional district, I was pleased to work in partnership with her on issues and projects that benefited our constituents and our State. At every meeting, I was inspired by the courtesy with which she treated everyone and the collaborative spirit she brought to every issue.

Gwen Britt never shied away from standing up for those who could not stand up for themselves. She went about her life's work with quiet dignity and humility, accomplishing so much for so many. Many who have benefited from Senator Britt's work never knew of her courageous stands on behalf of justice and equality. Many never knew that this brave woman, this woman who rarely sought the limelight, made such a profound difference in so many lives.

Senator Gwen Britt was dedicated to doing what was right. She serves as an inspiration to us all to fight for what is right regardless of the consequences.

Webster's defines "courage" as mental or moral strength to venture, persevere, and withstand danger, fear, or difficulty. In Gwen Britt, this word is personified.

My heartfelt condolences go to Travis Britt, Gwen Britt's devoted husband and partner, and to their two sons, Travis, Jr. and John. Our country thanks you for sharing your wife and mother with us so that she could make a difference in our lives.

□ 1900

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ECONOMIC STIMULUS PACKAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. McGOVERN) is recognized for 5 minutes.

Mr. McGOVERN. Mr. Speaker, our economy is at a crossroads. Low- and middle-income families are struggling to make ends meet. Rising food, energy, and housing prices combined with slow job creation and lower wages are straining our economy. The Federal Reserve continues to act, but it is clear that Congress must enact a temporary, targeted, and timely economic stimulus package. The American economy needs a quick stimulus, and low- and middle-income Americans need swift action as our economy works through these difficult times.

I rise to commend the bipartisan leadership of Speaker PELOSI and Leader BOEHNER who, along with President Bush, crafted an economic stimulus package that will not only provide the assistance our economy needs, but also will provide a helping hand to the American families currently struggling with the slowing economy.

It is refreshing to see Republicans and Democrats come together and put partisanship aside and develop this critical legislation together. The American people should be proud of this effort, and I am pleased to have supported this important first step earlier today.

Mr. Speaker, while important, the stimulus package this House voted on today is simply a first step in the road toward stimulating our economy. Speaker PELOSI deserves incredible credit for negotiating the inclusion of a refundable tax rebate that will be delivered to anyone earning $3,000 or more and the inclusion of a $300 per-child rebate. Again, this is a good start.

Yet there are millions of Americans who will not benefit from this current stimulus package because they do not file income taxes. Any American who has exhausted or will exhaust their unemployment will not receive the help they need. States struggling with higher health care costs will be forced to balance their budgets on the backs of low-income individuals because there is no Medicaid assistance included in this package. And most importantly, a temporary extension of the food stamp program is sorely missing from this economic stimulus package.

Experts across the political and ideological spectrum agree that we must develop a plan that helps the most vulnerable people and households and that allows currency to flow. Former Reagan economic adviser, Martin Feldstein; former Clinton Treasury Secretary, Lawrence Summers; the Congressional Budget Office; economists at Goldman Sachs; and the chief economist at Moodys.com all agree that food stamps give the biggest bang for the buck and should be part of an economic stimulus.

According to the Congressional Budget Office: "The vast majority of food stamp benefits are spent extremely rapidly. And because food stamp recipients have low income and few assets, most of any additional benefits would probably be spent quickly."

Administrative costs of such an increase are negligible, meaning that the majority of this stimulus will go directly into the economy. A 10 percent temporary increase in food stamps would result in an increase of almost 50 cents per day per person or $14 per month in the food stamp benefit. That may not seem like much, but an extra 50 cents a day can make the world of difference for someone struggling to feed themselves.

More importantly, a temporary increase in food stamp benefits would generate $1.73 in economic activity for every dollar in cost, and we know that a temporary increase in food stamps can be delivered quickly and will be spent right away.

Mr. Speaker, this bipartisan economic stimulus package is not perfect. But as I said earlier, it is a good first step. The Senate has a chance to make some improvements in this bill, most notably targeted and temporary increases in food stamps and unemployment insurance. I, for one, hope the United States Senate acts responsibly by including these important programs in their version of the stimulus package.

It is critical that this stimulus package move quickly, but it is just as critical that it include stimulus that jumpstarts the economy and gives assistance to those who truly need it.

And if the Senate includes funding for these critical programs, I strongly urge all my colleagues to support it, and I urge President Bush to then sign it into law. It is the right thing to do for our economy, and it is the right thing to do for the millions of low-income Americans who will not benefit from this stimulus package as it is currently written.

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, because the end of the hour grows close, I would now come before this body with a sunset memorial. We intend to repeat this from time to time to chronicle the loss of life by abortion on demand in this country.

Mr. Speaker, it is January 29, 2008, in the land of the free and the home of the brave, and before the sun sets today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand just today.

Exactly 35 years today, the tragic judicial fiat called Roe v. Wade was handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million children. Mr. Speaker, that is more than 16,000 times the number of innocent lives lost on September 11.

Each of the 4,000 children that we lost today had at least four things in common. They were each just little babies who had done nothing wrong to anyone. And each one of them died a nameless and lonely death. And each of their mothers, whether she realizes it immediately or not, will never be the same. And all the gifts that these children might have brought to humanity are now lost forever.

Mr. Speaker, those noble heroes lying in frozen silence out in Arlington National Cemetery did not die so America could shred her own Constitution, as well as her own children, by the millions. It seems that we are never quite so eloquent as when we decry the genocidal crimes of past generations, those who allowed their courts to strip the black man and the Jew of their constitutional personhood, and then proceeded to murderously desecrate millions of these, God's own children.

Yet even in the full glare of such tragedy, this generation clings to blindness and invincible ignorance while history repeats itself and our own genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Perhaps it is important for those of us in this Chamber to remind ourselves again of why we are really all here.

Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government."

Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath. The phrase in the 14th amendment capsulizes our entire Constitution. It says: "No state shall deprive any person of life, liberty, or property without due process of law."

The bedrock foundation of this Republic is the Declaration, not the casual notion, but the Declaration of the self-evident truth that all human beings are created equal and endowed by their creator with the unalienable rights of life, liberty, and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world. It is who we are.

And yet today, Mr. Speaker, in this body we fail to honor that commitment. We fail our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 innocent American babies who died without the protection we should have been given them.

And so for them in this moment, Mr. Speaker, without yielding my time, I would invite anyone inclined to join me for a moment of silence on their behalf.

Mr. Speaker, I believe that this discussion tonight presents this Congress and the American people with two destiny questions.

The first that all of us must ask ourselves is very simple: Does abortion really kill a baby? If the answer to that question is "yes," there is a second destiny question that inevitably follows. And it is this, Mr. Speaker: Will we allow ourselves to be dragged by those who have lost their way into a darkness where the light of human compassion has gone out and the predatory survival of the fittest prevails over humanity? Or will America embrace her destiny to lead the world to cherish and honor the God-given miracle of each human life?

Mr. Speaker, it has been said that every baby comes with a message, that God has not yet despaired of mankind. And I mourn that those 4,000 messages sent to us today will never be heard. Mr. Speaker, I also have not yet despaired. Because tonight maybe someone new, maybe even someone in this Congress, who heard this sunset memorial will finally realize that abortion really does kill a baby, that it hurts mothers more than anyone else, and that nearly 50 million dead children in America is enough. And that America is great enough to find a better way than abortion on demand.

So tonight, Mr. Speaker, may we each remind ourselves that our own days in this sunshine of life are numbered and that all too soon each of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on another day yet to come, may that be the day that we hear the cries of the unborn at last. May that be the day we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

This is a sunset memorial, Mr. Speaker. It is January 29, 2008, in the land of free and the home of the brave.

ALL IS NOT QUIET ON THE SOUTHERN FRONT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, Iran, Somalia, Syria, Colombia, Afghanistan, and Iraq have something in common. These are six nations, among several others, where the State Department recommends that Americans don't travel.

But today there was another advisory issued, but this one was not by the State Department but by the State of Texas through the Texas Department of Public Safety.

Mr. Speaker, I would like to read just a portion of this into the RECORD. Here is what it says. Texas Department of Public Safety dated today: "Due to the increased rising level of violence in Mexico—which is attributed to drug cartels, violent criminal organizations, and increased presence of military personnel in some Mexican border communities—it is recommended that persons be discouraged from traveling to Mexican border towns, particularly those that have recently been scenes of gang-related violent activity. These communities include Nuevo Laredo, Matamoros, Reynosa, Rio Bravo, Miguel Aleman, and Ciudad Juarez."

Mr. Speaker, you see, the Texas Department of Public Safety has issued an advisory for Americans: Don't go to these border towns because of the violence. And the reason the violence has increased specifically has to do with what happened in Rio Bravo which is across the Rio Grande River from Texas. The Rio Bravo mayor last month was gunned down while leaving a restaurant, along with two other politicians. The Mexican Government sent in troops to help quell the violence. But 5 days ago, local police in several Mexican border towns, specifically Nuevo Laredo, Matamoros, and Reynosa, were relieved of their duties by the federal Government because of their alleged links to drug cartels, specifically the gulf drug cartel.

What that means, Mr. Speaker, now on the Mexican border, bordering Texas, there are 6,000 Mexican troops stationed there. They are stationed from Matamoros to Miguel Aleman. Now, Matamoros is the border town across from Brownsville, Texas. Brownsville is on the furthest eastern tip of Texas. Brownsville is a big community, and across the river is Matamoros. And Miguel Aleman is 100 miles upriver across the river from Roma, Texas. There is violence in these border towns.

Many people don't understand what a border town is. A border town is a town on the American border and has another town very similar to it on the Mexican border. And both of these towns, being border towns, border each other separated only by the border between Mexico and the United States.

The State Department has already issued a travel alert for Mexico because of the violence that occurs there. But now the State of Texas finds a need to warn all citizens, especially law enforcement officials, of the problems.

Mr. Speaker, the open-border crowd denies this violence occurs on our southern front. I have been down to the Texas-Mexico border now 13 times, and I have talked to the local people who live there, and I have also talked to the chamber of commerce types who say, Oh, there is no problem here in our border towns. There is no violence or drugs. We don't have a problem with infiltration from drug cartels and criminals coming into our cities. Of course they say those things, in my opinion, because they want that open border for that travel back and forth between Mexico and the United States because of money, because of commerce, because of that greed that so many people have; and they deny the fact that the border needs to be secure.

We live in denial sometimes that there is a border war that is existing. It is a violent border war. It is a border war between drug cartels and criminals, and many of those people don't just stay on the Mexican side.

When Sheriff Rick Flores was here in Congress and testified before Congress, he is the sheriff in Webb County, Texas, he said we are naive to believe that the border problem only will be on the Mexican side. He is the sheriff in Laredo. Across the river is Nuevo Laredo. That is basically a ghost town now controlled by the drug cartels; and those criminals, they will come to the American side as well.

Sigi Gonzales, the sheriff in Zapata County, he told me that the drug cartels and the criminals, they have better equipment, they have more equipment, they have better money, and they have more people involved in doing what they want to do than we have in protecting the dignity of the United States.

And to illustrate how violent it is on the border, Mr. Speaker, I want to read you one more portion of this report: There currently exists a U.S. Department of State travel alert for Mexico. Fort Bliss officials announced Saturday that travel to Juarez has been declared off limits for U.S. military.

In other words, Fort Bliss, the United States Army, they can go to Iraq, they can go to Afghanistan, but they can't go to Juarez right across the river because it is too dangerous.

Mr. Speaker, there is a border war taking place on the southern border. All is not quiet on the southern border, and we need to understand that this is a tremendous problem and our government needs to get into action and protect Americans from this invasion.

And that's just the way it is.

BORDER TRAVEL ADVISORY

SUMMARY

Due to the rising level of violence in Mexico—which is attributed to drug cartels, violent criminal organizations, and increased presence of military personnel in some Mexican border communities—it is recommended that persons be discouraged from traveling to Mexican border towns, particularly those that have recently been scenes of gang-related violent activity. These communities include Nuevo Laredo, Matamoros, Reynosa, Rio Bravo, Miguel Aleman, and Ciudad Juárez. The increased levels of violence in recent weeks and potential for additional violence suggest that an advisory against traveling to these communities is warranted.

DETAILS

On November 30, 2007, gunmen opened fire on the former mayor of Rio Bravo—who was a two-term representative and one-time senator—and his entourage as they left a restaurant in Rio Bravo. The former mayor was killed along with two other politicians and two federal agents. The Los Zetas, an organized cell of the Gulf Cartel, had previously threatened the former mayor's life and attempted a prior assassination, prompting the government to assign bodyguards. In response to the assassination, the Mexican government immediately mobilized approximately 500 soldiers, federal police, and support personnel in order to conduct counterdrug operations in the state of Tamaulipas. The focus of the operation was on the cities of Matamoros, Rio Bravo, and Miguel Aleman, just south of Roma, Texas, and Reynosa, Mexico.

On Monday, January 7, 2008, members of the Mexico Federal Preventive Police (PFP) were patrolling Colonia Cuauhtémoc in Rio Bravo when they observed a 2005 Chevrolet Suburban occupied by heavily armed men. The officers attempted a traffic stop that resulted in shots being fired at the officers from the Suburban. A gun battle ensued, and additional officers and a contingent of the Mexican army responded. Three gunmen were killed and ten others were arrested, including three U.S. citizens, one of whom was from Texas.

On January 23, 2008, local police in the border cities of Nuevo Laredo, Matamoros, and Reynosa, Mexico, were relieved of their duties as army troops disarmed the officers and searched for evidence that might show links to drug traffickers. Eleven men were arrested by federal police in Nuevo Laredo, including four police officers, who were said to be operatives for the Gulf Cartel.

President Calderon has sent approximately 6,000 military troops and federal police to areas that extend from Matamoros—which is across the border from Brownsville, Texas—westward to Miguel Aleman, which is across the border from Roma, Texas. Mexican military and federal police personnel have also been sent to the city of Juárez. A similar operation was conducted last year in Tijuana when violence erupted there, with more than 3,500 soldiers and federal officers sent to the city.

Over the past weekend, a total of five people were either shot or beaten to death in separate incidents in Juárez. This comes on the heels of approximately 30 persons in Juárez being murdered since the beginning of the year, including 17 law enforcement personnel, as well as the recent attempted assassination of a Chihuahua State Police Commander Fernando Lozano Sandoval. Commander Sandoval is currently hospitalized in El Paso's Thomason Hospital under tight security. An alleged "hit list" of Mexican law enforcement was also discovered near Chihuahua state offices over the weekend.

There currently exists a U.S. Department of State travel alert for Mexico with a date to expire of April 15, 2008. Fort Bliss officials also announced Saturday that travel to Juárez has been declared off-limits for U.S. military personnel.

In addition to the travel advisory, law enforcement officials should be aware of the possibility that violent criminals and cartel members may seek to enter Texas in an attempt to escape Mexican military and law enforcement operations. As some persons seek refuge in Texas, their enemies may plan to conduct raids or hits on them here. The most significant violent criminals in the region are members of the Gulf Cartel or their violent enforcers, Los Zetas.

ANALYST'S COMMENTS

With the increased military and police presence in Mexican border towns, and the recent violence associated with shootouts between Mexican military and drug cartels, it is advised that Texas residents avoid traveling to Mexican border communities, particularly those that have recently been scenes of violent gang-related activity. In addition, there exists a possibility that Los Zetas and Cartel members may cross the border into Texas. Tactical operations, such as increased police patrols, should be initiated in high-profile and high-visibility areas—such as points of entry and between points of entry—to discourage cross-border incursions. If any contact is made with suspected Los Zetas or cartel members, an INT-7 form should be completed and forwarded to the Texas Intelligence Center.

Law enforcement officials are encouraged to remain vigilant and report any suspicious incidents to the Texas Intelligence Center.

WHERE'S W?

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, last night this House was host to the President for his final State of the Union address. Like all past Presidential speeches in this Chamber, it was historic. But this time it may have been historic because of what it did not achieve and what it left unfinished.

Forget all of the unfulfilled commitments on education, health care, environmental conservation, employment, energy efficiency, worker protections and immigration. Let's just look at the record on foreign policy. The state of that union? Dismal.

Upon taking office in 2001, this administration promised a new kind of international engagement, one based on partnerships and regional alliances.

We didn't exactly get what we bargained for, unfortunately. And the recent administration tour through the Middle East just about summed it up.

Remember those children's books, "Where's Waldo?" We had a case of "Where's W?" Let's start our tour in Israel and the Palestinian-controlled lands.

After nearly two terms of ignoring the real crisis in the region, the administration tried to make a last-ditch effort at a peace agreement: First by hosting a summit, one that wasn't expected to achieve anything, and then by a visit to the region. No ideals were outlined, no real road map was sketched out. To be generous, it was a half-hearted effort. It greatly saddens me, Mr. Speaker, that such an important opportunity was squandered. The Israeli and Palestinian people deserve more. They deserve a chance to at least hope for peace.

Next stop on the Where's W? trip, Kuwait and Bahrain. In Bahrain, the political opposition faces arrest, torturers are granted immunity, and a woman must go before family, not civil courts, family to fight back against violence and abuse.

In Kuwait, the world saw how Kuwaiti justice is carried out when al-Azmi was hanged inside the Interior Ministry complex in Kuwait City on December 21.

Next stop, the United Arab Emirates. This is the land where noncitizens are a subclass of people. They have very few rights. They face huge obstacles and discrimination.

Oh, and another thing, women can't pass on citizenship to their children unless their husband is a citizen. What does that mean? It often means insurmountable barriers to education and employment.

Now we are on the home stretch. Where in the world is W?

□ 1915

Saudi Arabia. The country with the choke hold on international energy markets, the homeland of the majority of the 9/11 terrorists, the land where women cannot legally drive a car yet. Sure, there is a proposal on the table to give women this right, but I wouldn't hold my breath.

How did the United States President clearly demand the rights of all Saudi people? By walking hand in hand with members of the Saudi royal family. That sounds like a strange negotiating tactic to me.

And the final stop on this regional tour, Egypt. Let's just look at what Amnesty International has to say about Egypt. We have longstanding concerns on systematic torture, deaths of prisoners in custody, unfair trials, arrests of prisoners of conscience for their political and religious beliefs or for their sexual orientation, wide use of administrative detention and long-term detention without trial, and use of the death penalty.

This, Mr. Speaker, was a tour of wasted opportunity and flagrant disregard for the most basic human rights.

So what will the President's legacy be in the Middle East? What is the state of that union? Not good. Not good at all.

We have a seemingly endless occupation of Iraq destabilizing the region. Osama bin Laden is still missing. We have the rise of the Taliban in Afghanistan.

Opportunity after opportunity for regional stability has been squandered and our standing in the region is embarrassingly low. But know this: This Congress will continue to demand an end to the occupation of Iraq and a return to sensible and sustainable policies in the Middle East. We will not stand by while the clock runs out on this administration.

CONGRATULATING THE RICHLAND SPRINGS COYOTES SIX-MAN FOOTBALL TEAM ON THEIR STATE AND NATIONAL CHAMPIONSHIPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CONAWAY) is recognized for 5 minutes.

Mr. CONAWAY. Mr. Speaker, I rise today to congratulate the students and families of the Richland Springs Coyote football team for winning the 2007 Texas Division I Six-Man Football Championship and the Six-Man Illustrated National Championship poll.

Six-man football has been a part of Texas history for almost 70 years, and today there are over 160 public and private schools fielding teams. For many small towns in Texas' 11th Congressional District, six-man football is simply a way of life. It is no different in Richland Springs, where the Coyotes carry on the best traditions of Texas football every fall weekend.

Before a crowd of 5,000 cheering fans in San Angelo's Bobcat Stadium, the Coyotes played the Rule Bobcats in a rematch of last year's championship. It was an exciting game that was close through the first three quarters, but in the end the Coyotes simply outran the Bobcats and won the game 98–54. Throughout their 2007 campaign, the Coyotes went a perfect 14–0 and outscored their opponents 1,015–225.

This victory secured the Coyotes their third State championship in 4 years and cemented their reputation as the Nation's best six-man football team. With this national championship, they become only one of two teams to have earned three national championships. During this run, the Coyotes have gone an unbelievable 56–1.

As I look ahead to next summer, the Coyotes will lose five seniors. I wish the 29 returning students the best of luck in continuing the outstanding success that the Richland Springs six-man football team has achieved.

I'd like to commend Coach Burkhart, Coach Ethridge, Coach Dodson and Coach Rogers for their hard work in preparing, training, and coaching their teams to the championship.

Finally, I'd like to extend my personal congratulations to Mark Williams, Haustin Burkhart, Stephen Fowler, Neil McMillan, Shelby Smith, Joe Tomlinson, Nigel Bates, Mitchell Jacobson, Andrew Fowler, Tyler Etheridge, Riche Daniels, Brennen McGinty, Elbert Thomas, Khalid Khatib, Patrick Couch, Randy Couch, Daniel Barrett, Tommy Hollon, Abraham Ahumada, Branch Vancourt, Stephen Thornhill, Franky Soto, C.J. Finke, Dean King, David Greenwood, and Ryan Soto for winning both of their 2007 championships. These young men have proven themselves to be good sportsmen, able competitors and fine athletes.

SOVEREIGN WEALTH FUNDS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, the recent shocks to the global economy and U.S. financial institutions have revealed a major new source of investment in the U.S. economy called Sovereign Wealth Funds. These funds are the surplus savings of our trading competitors from foreign countries and have been key in bailing out major U.S. corporations like CitiGroup, Merrill Lynch, Blackstone, and so many others that have made terrible decisions and played with the people's money to abandon. Three billion dollars was invested by the Chinese, for example, just in the Blackstone Group.

Put into perspective, the Chinese Government, and I underline "government," is projected to have more than $3 trillion by 2010 that can be used to buy our stocks, bonds, real estate, and entire corporations. They're just getting started. Put into context, the Government of China will soon have enough investment monies to buy 51 percent; that is absolute control of more than 40 percent of all the U.S.-based corporations whose stock is listed on the New York Stock Exchange. Think about that. The Government of China literally could buy half of all the stock listed on the New York Stock Exchange. And that's only China.

Many people in this Nation and in this Congress would strongly oppose having the United States Government buy control of two out of every five companies listed there. It would be called socialism. But how will we react if the Chinese Government buys those same companies, which is, my friends, underway?

Already we see China, Kuwait, Norway, and other nations buying major stakes in our banks and in investment houses, institutions that exert enormous political and economic influence in our Nation and world. Can we trust that those investments are purely for economic returns?

Secretary of the Treasury Paulson has repeatedly stated that this administration has no interest in knowing the details of such investments by sovereign wealth funds. The present panic in our banks and financial institutions to secure capital to offset their mortgage and credit card debacles may induce the heads of those corporations to take bailouts on virtually any terms. But we must be wiser. A head-in-the-sand ostrich policy by the United States Government is simply not acceptable. Indeed, it is reckless, and it threatens national security.

At a minimum, Congress and the American people need to know the details of those transactions. Thus, foreign governments investing in U.S. companies through these funds should be required to make public their activities here, just as we require of public companies in the United States. Sunshine, as always, is good public policy. And if disclosure turns away investment, then the obvious question is what was the real goal of those funds.

Simultaneously, Congress needs to seriously consider whether limits should be placed on foreign investments in critical U.S. industries. Germany, Japan, Korea, and China all do. They understand that foreign economic control brings with it foreign political involvement in internal affairs.

In sum, sovereign wealth funds are a large and growing influence in the global economy and inside the United States. They have the potential to buy absolute control of a significant portion of the United States' economy, and that is under way. For the present, we need full disclosure about their U.S. holdings and intentions.

Simultaneously, we need to quickly and seriously think about what limits and controls the American people, through their government, should place on such investments.

Strangely, last week, President Bush signed an executive order transferring his power to the Treasury Department to authorize or reject such foreign takeovers of American companies. But officials from the Department of Defense, Department of Justice, and Department of Homeland Security objected to the order over the past few months saying it served business interests over national security interests. It allows Wall Street to gain an edge at the expense of national security. This Congress should not allow that. Economic and national security should go hand in hand. We cannot allow lax regulation of foreign involvement in our economy, and we cannot allow our indebtedness to foreign interests to continue to mount.

I would like to place two articles in the RECORD tonight, one from the Washington Times on January 24, entitled, "Treasury Gets New CFIUS Authority."

This is the entity at Treasury that reviews these deals. And it talks about how CFIUS is reviewing a proposed merger between the telecommunications equipment manufacturer 3Com and China's Huawei Technology Corporation, a company linked in the past to illegal international activities including violations of U.N. sanctions on Iraq and industrial espionage against the United States and Japanese firms. The Boston-based Bain Capital Partners would undermine U.S. national security, and this is one of the groups that's handling this.

Interestingly, Treasury Secretary Henry Paulson recused himself from this particular review because his former company, Goldman Sachs, is a paid advisor to 3Com.

And also I wish to place in the RECORD and will end, Mr. Speaker, with a January 25 Wall Street Journal article, "Lobbyists Smoothed the Way for a Spate of Foreign Deals," which goes into heavy analysis of the $37 billion of stakes in Wall Street financial institutions, the bedrock of our financial system, by selling these growing sovereign wealth funds.

[From the Washington Times, Jan. 24, 2008]

TREASURY GETS NEW CFIUS AUTHORITY

(By Bill Gertz)

President Bush yesterday signed a new executive order on foreign investment that gives the Treasury secretary, instead of the president, key power to authorize or reject purchases of U.S. companies by foreign buyers.

The president said the order bolsters recently passed legislation by ensuring the Treasury-led Committee on Foreign Investment in the United States (CFIUS) "will review carefully the national security concerns, if any, raised by certain foreign investments into the United States."

At the same time, Mr. Bush said, the order recognizes "that our openness is vital to our prosperity and security."

Homeland Security Secretary Michael Chertoff said his agency is "happy with the final order."

"I think it creates a process that will achieve the dual objectives of promoting investment but making sure we don't compromise our national security," Mr. Chertoff said from Switzerland.

The legislation and order are a result of a bid in 2006 by United Arabs Emirates-based Dubai Ports World to take over operation of six U.S. ports.

CFIUS approved the purchase but it later was canceled under pressure from Congress over concerns that terrorists might infiltrate U.S. ports through the company. Critics questioned the deal because two of the September 11, 2001, hijackers were UAE nationals, and the Persian Gulf state was used as a financial base for al Qaeda.

Rep. Carolyn B. Maloney, New York Democrat and a key sponsor of the CFIUS-reform law, called the new order a positive step.

"I remain confident that the Treasury Department intends to follow the law as I wrote it, and have received assurances that the department is already adhering to the new reforms," she said.

The order outlines more clearly the role of the director of national intelligence (DNI) in providing CFIUS with threat assessments posed by a foreign purchase and adds a requirement for the DNI to assess "potential consequences" of a foreign deal involving a U.S. company.

However, a comparison of the new order with a draft order from October—which was opposed by U.S. national security officials—shows that CFIUS will continue to be dominated by pro-business elements of the government.

As late as last month, national security officials from the Homeland Security, Justice and Defense departments expressed concern the order was being co-opted by pro-business officials at Treasury, Commerce and other trade agencies.

A memorandum from the three national security agencies obtained by The Washington Times called for tightening the draft order's national security provisions to "accurately reflect pro-security interests."

The final order released by the White House yesterday removed a provision that would have required the committee to "monitor the effects of foreign investment in the United States."

One new authority in the order is a provision strengthening so-called "mitigation agreements" between companies. The agreements are designed to reduce the national security risks as a condition for committee or presidential approval.

The order states that companies involved in a U.S.-foreign transaction "in extraordinary circumstances" can be required to state they will comply with a mitigation agreement.

CFIUS currently is reviewing a proposed merger between the telecommunications equipment manufacturer 3Com and China's Huawei Technology, a company linked in the past to illegal international activities, including violations of U.N. sanctions on Iraq and industrial espionage against U.S. and Japanese firms.

U.S. officials said a review by the DNI's office determined the Huawei purchase, through the Boston-based Bain Capital Partners, would undermine U.S. national security.

3Com manufacturers computer intrusion-detection equipment used by the Pentagon, whose networks are a frequent target of Chinese military computer attacks.

Treasury Secretary Henry M. Paulson Jr. recused himself from CFIUS' 3Com-Huawei review because his former company, Goldman Sachs, is a paid adviser to 3Com.

[From the Wall Street Journal, Jan. 25, 2008]

LOBBYISTS SMOOTHED THE WAY FOR A SPATE OF FOREIGN DEALS

(By Bob Davis and Dennis K. Berman)

WASHINGTON.—Two years ago, the U.S. Congress pressured the Arab emirate of Dubai to back out of a deal to manage U.S. ports. Today, governments in the Persian Gulf, China and Singapore have snapped up $37 billion of stakes in Wall Street, the bedrock of the U.S. financial system. Lawmakers and the White House are welcoming the cash, and there is hardly a peep from the public.

This is no accident. The warm reception reflects millions of dollars in shrewd lobbying by both overseas governments and their Wall Street targets—aided by Washington veterans from both parties, including big-time Republican fund-raiser and lobbyist Wayne Berman. Also easing the way: The investments have been carefully designed to avoid triggering close U.S. government oversight.

Clearly, U.S. financial firms that have been deeply weakened by the credit crisis, including Citigroup Inc. and Merrill Lynch & Co., need the cash. Meanwhile, investment pools funded by foreign governments, called sovereign-wealth funds, have trillions to invest. Some American politicians, though suspicious of foreign governments, deem it suicidal to oppose aid to battered financial companies.

"What would the average American say if Citigroup is faced with the choice of 10,000 layoffs or more foreign investments?" asks New York Democratic Sen. Charles Schumer, who played a central role in killing the Dubai port deal but has applauded recent foreign investment.

But by making investment by foreign governments seem routine, Washington may be ushering in a fundamental change to the U.S. economy without assessing the longer-term implications. Some economists warn that the stakes could provide autocratic governments an important say in how U.S. companies do business, or give them access to sensitive information or technology. Those familiar with the deals' governmental review processes say military officials worry that a foreign government, especially China, may be able to coax an executive into turning over secrets.

Former U.S. Treasury Secretary Lawrence Summers counsels caution. "There should be a very strong presumption in favor of allowing willing buyers to take noncontrolling stakes in companies," Mr. Summers says. "However, it's imaginable that government-related entities [investing in the U.S.] will be motivated to strengthen their national economies, make political points, reward or punish competitors or suppliers, or extract know-how."

Sovereign-wealth funds, meanwhile, continue to seek opportunities. Thursday at the World Economic Forum in Davos, Switzerland, Qatar's prime minister said the oil-rich sheikdom's investment arm wants to invest $15 billion in European and U.S. banks. "We're looking at buying stakes in 10 or 12 blue-chip banks," Sheikh Hamad bin Jassem Al Thani told Zawya Dow Jones. "But we will start small."

In nearly every case, American financial companies are escaping detailed U.S. government review by limiting the size of stakes they sell to government investment funds. The multiagency Committee on Foreign Investment in the U.S., led by the U.S. Treasury, can recommend that the president block foreign acquisitions on national-security grounds. Congress also can block deals by pressuring companies or by passing legislation.

Under CFIUS rules, a passive stake—one in which investors don't seek to influence a company's behavior—is presumed not to pose national-security problems. Neither is a small voting stake, usually of less than 10%. During the recent string of deals, financial companies whose investments have met those requirements have notified CFIUS and haven't had to go through 30-day initial reviews.

A backlash could still develop if the funds throw their weight around in U.S. companies. The government reserves the right to examine an investment even after the deal closes.

When the U.S. economy was riding high in 2004, sovereign money was sometimes shunned. Dubai's Istithmar investment fund was viewed warily in New York when it went hunting for real estate. In part, that is because sellers worried that Istithmar's government ownership would lend the company sovereign immunity, insulating it from lawsuits if it reneged on a contract. (As a commercial arm of the government, it wouldn't have been immune.)

Now Wall Street is thirsting for new capital, preferably in huge amounts and deliverable at a moment's notice. Sovereign-wealth funds look like an oasis. These government-funded pools have about $2.8 trillion in assets, which Morgan Stanley estimates could grow to $12 trillion by 2015 as Middle Eastern funds bulk up on oil receipts and Asian ones expand from trade surpluses.

"You can't have a $9 trillion debt and huge trade deficit and not expect at some point you'll have to square accounts," says David Rubenstein, CEO of Washington-based private-equity firm Carlyle Group. Foreign savings have to go somewhere, he says: "Better that it come to the U.S. than anywhere else." (An Abu Dhabi fund, Mubadala Development Corp., has a 7.5% stake in Carlyle.)

As the U.S. financial crisis deepened over the summer, sovereign-wealth funds became a favorite of capital-short Wall Street firms. That is because state funds presumably have an incentive to be passive investors, to avoid raising objections to their stakes. Domestic investors, on the other hand, might demand a bigger say or board seats for a similar-size stake. As it sought its most recent cash infusion of $6.6 billion, Merrill Lynch turned away possible investments from U.S. hedge funds in favor of investments from government funds from South Korea and Kuwait, say people involved with negotiations.

A senior official at China Investment Corp., which has about $200 billion in assets including a $3 billion stake in private-equity firm Blackstone Group LP, says it doesn't want to play an active role in corporate governance. "We don't even want to take the kind of stand of someone like Calpers," which is the California state pension fund, the official said. "We don't have enough people, and we can't send directors out to watch companies.

Behind Washington's acceptance of large-scale foreign investments lies a well-funded lobbying campaign, spurred when Congress objected to government-owned Dubai Ports World's investment in a U.S. port operator. The United Arab Emirates—a federation of seven ministates including Dubai and Abu Dhabi—was seared by the accusation that an Arab government-owned company couldn't be trusted to protect U.S. ports against terrorists. Last year, the U.A.E. launched a three-year, $15 million Washington lobbying campaign, the U.S.-Emirates Alliance, to burnish its reputation.

The alliance, headed by former Hillary Clinton campaign aide Richard Mintz, recruited about two dozen businesses to form a support group. It contributed $140,000 to a prominent Washington think tank, the Center for Strategic and International Studies, to start a "Gulf Roundtable" discussion series. It also forged alliances with prominent Jewish groups by persuading the U.A.E. to clear the way for U.S. travelers whose passports had Israeli visas; such travelers sometimes had been turned away by U.A.E. customs agents, Jewish groups said.

Such openness has it limits, though. In June 2007, the Abu Dhabi Investment Authority, the world's largest sovereign-wealth fund, with an estimated $875 billion in assets, hired public-relations firm Burson-Marsteller for $800,000 for an initial eight-month contract to improve communications. But it still has no press department or press kits. It forbids its Washington representative, James Lake, to talk to the media.

Even as the Dubai port controversy spurred sovereign investors to engage in a charm offensive, it led lawmakers to re-examine laws governing the Committee on Foreign Investment in the U.S. Some proposed to vastly expand the definition of investments that could pose a threat to national security. Both foreign firms and U.S. banks lobbied fiercely in response, pressing to keep the reviews narrow enough to encourage foreign investment.

Their lobbying largely succeeded. The Financial Services Forum, which represents the 20 largest U.S. financial firms, focused on Sen. Schumer, a frequent Wall Street ally. In one April 2006 session, a dozen CEOs, including then-Goldman Sachs CEO Henry Paulson, who is now U.S. Treasury Secretary, told the senator about the importance of open investment. A participant says Sen. Schumer described the Dubai port controversy as an "anomaly." Since then, executives from top financial firms have consulted with Sen. Schumer when foreign firms seek to buy stakes and regularly win his endorsement.

Sen. Schumer says the executives assure him that foreign investors will have "not just virtually no control, but virtually no influence."

Compared with the ports industry, the financial sector speaks with an outsize megaphone in Congress. In the 2006 election cycle, commercial banks and securities firms, and their employees, contributed $96.3 million to congressional campaigns—32 times as much as the sea-transport industry, which includes ports, according to the nonpartisan Center for Responsive Politics. Banks and securities firms are also the largest industry contributors to members of the Senate Banking Committee and House Financial Services Committee, which can review investments in Wall Street firms. Sen. Schumer is a member of the Senate Banking Committee.

Wall Street and the U.A.E. thought they had turned the corner by spring 2007 when another Dubai-owned company, Dubai Aerospace Enterprise Ltd., bought two firms that owned small U.S. airports and maintenance facilities that serviced some navy transport-plane engines. The Dubai firm pledged to submit to government security reviews and submit its employees for security screening. It also thoroughly briefed lawmakers on the deal. It ran into no obstacles on Capital Hill.

"I call the strategy, 'wearing your underwear on the outside,'" says one of Dubai Aerospace's Washington lobbyists, Joel Johnson, a former Clinton White House communications adviser. "We have to show everybody everything—no secrets, no surprises."

The deal that provided a blueprint for the current wave of foreign investments was China's $3 billion stake in Blackstone Group's initial public offering, announced last May. In helping to gain congressional approval for the deal, lobbyist Mr. Berman emerged as a key strategist.

Mr. Berman, a Commerce Department official in the administration of George H.W. Bush, has been one of the Republican Party's most adept fund-raisers, bringing in more than $100,000 for President George W. Bush in 2000 and more than $300,000 in 2004. Mr. Berman cultivates a range of contacts with salon-style dinners at his home with his wife, Lea, who was Laura Bush's social secretary. He is now a fund-raiser for Sen. John McCain's presidential bid.

Blackstone asked Mr. Berman, a longtime lobbyist for companies in the financial industry, to help smooth the way in Congress for China to buy a piece of the private-equity firm. A minority stake made sense to both sides: Blackstone wanted to boost its presence in China. China, which was in the process of setting up China Investment Corp., wanted to show it could become a trusted investor in top U.S. firms.

Mr. Berman pointed out that offering a board seat, or a stake of more than 10%, would invite government review. Ultimately, the two sides agreed on a stake of as much as 9.9% and passive investment. "Our intention was not to arouse too much sensation in any way," says the senior China Investment Corp. executive.

Mr. Berman says the goal wasn't to get around the rules but to work within them. "Policy considerations didn't drive the specifics of the deal," says Mr. Berman. "Policy considerations informed the deal."

Blackstone executives briefed several dozen lawmakers, with the firm's chief executive, Stephen Schwarzman, sitting in on some sessions. Stiff opposition came from Sen. James Webb, a first-term Virginia Democrat. Sen. Webb wrote a novel published in 1991, "Something to Die For," in which Japan uses its financial muscle to gain influence in Washington. The senator worries Beijing could do the same.

Mr. Webb wanted the China investment deal delayed so regulators could examine whether Blackstone's stake in a semiconductor company posed national-security problems. One of Mr. Berman's partners pointed out that the firm produced off-the-shelf chips. Sen. Webb withdrew his objections to the deal, though he remains skeptical of sovereign investors.

Mr. Berman's firm, Ogilvy Government Relations, a unit of WPP Group PLC, billed Blackstone $3.9 million in 2007 for the work on the investment, tax and other issues.

Other deals followed, similarly structured to avoid raising congressional uproar. Two other Berman clients, Carlyle Group and Citigroup, negotiated investments with sovereign-wealth funds—both marked by passive stakes and no board seats—and faced no resistance. Mr. Berman says he didn't lead strategizing in either deal.

Citigroup and Merrill Lynch, in their most recent round of capital-raising, included U.S. investors, including New Jersey's Division of Investment, giving politicians even more reason to support the deals. "The principality of New Jersey" is now buying stakes in Citigroup and Merrill Lynch, jokes Democratic Rep. Barney Frank of Massachusetts, who heads the House Financial Services Committee.

Other sovereign-wealth funds have turned to Washington experts for advice. Former New York Fed Chairman William McDonough, a vice chairman of Merrill Lynch, is also a member of the international board of advisers of Temasek Holdings Pte. Ltd. of Singapore. Temasek has stakes in Merrill Lynch as well as British banks Barclays PLC and Standard Chartered PLC. Former Senate Banking Committee Chairman Phil Gramm, now an adviser to Sen. McCain, is vice chairman of investment banking at UBS AG of Switzerland, which sold a stake to another Singapore government investment fund. He says he talks regularly with sovereign-wealth funds who seek his advice on dealing with Washington.

U.S. financial firms say the welcoming attitude of the U.S. Treasury has also helped. Essentially, the Treasury and other industrialized nations have subcontracted some of the most difficult questions concerning sovereign-wealth funds to the International Monetary Fund. In particular, the IMF is trying to persuade the funds to adopt voluntary codes to act for commercial, rather than political, reasons.

Presidential candidates have widely ignored sovereign-wealth funds' investments. Democrat Hillary Clinton, alone among top contenders for the White House, has addressed their downsides. "Globalization was supposed to mean declining state ownership," she said in an interview. "But these sovereign-wealth funds point in the opposite direction." She wants to go beyond the IMF efforts and look into a "regulatory framework" for the investments.

Banking Committee Chairman Christopher Dodd said on Wednesday that his committee would be "examining" sovereign-wealth-fund investments. So far, the only congressional hearing on the funds was held by Indiana Democratic Sen. Evan Bayh. "No one wants to rock the boat," Sen. Bayh says, because flagship financial institutions need the cash.

Still, he is skeptical of the sovereign money. "If you had unfettered U.S. government investments in markets, you'd have people throwing around words like socialism," says Sen. Bayh. "With foreign government investments, the silence is deafening on all sides."

□ 1930

HONORING HELEN GANNON GINGREY ON HER 90TH BIRTHDAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, I would like to take time this evening to address the House of Representatives regarding a very important person, someone who has meant so much to me throughout my life. My mother, Ms. Helen Gingrey, turns 90 years old February 8, 2008.

Mr. Speaker, I know that you and Members of the House of Representatives will want to join me tonight in saying "Happy 90th birthday, Mom."

It's important in this day and age for children to grow up in a strong family environment like the one that my parents provided for me. And I would hope that throughout my tenure here representing the 11th Congressional District of Georgia that I'll always be aware of how my actions will affect the American families who are, after all, the backbone of this Nation.

My mother has had a great life, and she's been a blessing to both her community and to her family. She is the daughter of Irish and Scotch immigrants, John Gannon and Ellen Heron. She was born in New York City in 1918, where she grew up with her three sisters, Peggy, Mary and Catherine, and brother, Dan. Raised in Manhattan, she met and, after a 10-month courtship, she married my dad when she was 20 years old.

James Franklin Gingrey was a native of Aiken County, South Carolina. He and his two brothers and a sister, struggled in childhood after their mother died in childbirth at age 25. Dad came to New York at age 16 and near poverty with little means of support. God did not bless him with material things, but allowed him, by pure chance, to meet the love of his life, Helen Cecelia Gannon, my mom. Jimmy and Helen became husband and wife in 1938, and they remained together for 44 years until his death.

After Dad finished high school in the New York City Night program, my parents, with a 1-year-old son, William, Bill, my brother, moved back to South Carolina and settled in Edgefield. Soon the family unit grew to five, as my brother James and I were born in nearby Augusta, Georgia.

My dad left this world 28 years ago having worked side by side with my mom in a number of labor-intensive small businesses. These included, Mr. Speaker, a used car lot, a curb service drive-in restaurant, a package shop, and finally a "Mom and Pop" motel. They never had a chance to attend college, but by the sweat of their brow, they gave that opportunity to their three sons. To my knowledge, there were no welfare checks, food stamps, or Medicaid program to lighten their load.

Mr. Speaker, as I honor my mother today, I want to thank her for a loving parenthood and for instilling in my brothers and me the principles of hard work, good education, personal responsibility, respect for the diversity of others, love of family, love of country but, most important, love of God. These are not only excellent principles for rearing children, Mr. Speaker, but also a good recipe for the initiatives we continue to work on here in the 110th Congress.

Therefore, Mr. Speaker, I urge the House to use the examples of Helen Cecelia Gannon Gingrey and all wonderful mothers like her to set an agenda that emphasizes and supports our Nation's greatest treasure, the American family.

STATUS REPORT ON CURRENT LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEARS 2007 AND 2008 AND THE 5-YEAR PERIOD FY 2008 THROUGH FY 2012

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal years 2007 and 2008 and for the 5-year period of fiscal years 2008 through 2012. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and sections 204, 206, and 207 of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set by S. Con. Res. 21. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels.

The second table compares the current levels of discretionary appropriations for fiscal year 2008 with the "section 302(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is needed to enforce section 302(f) of the Budget Act because the point of order under that section applies to measures that would breach the applicable section 302(b) suballocation.

The third table compares the current levels of budget authority and outlays for each authorizing committee with the "section 302(a)" allocations made under S. Con. Res. 21 for fiscal years 2007 and 2008 and fiscal years 2008 through 2012. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) allocation of new budget authority for the committee that reported the measure.

The fourth table gives the current level for fiscal years 2009 and 2010 for accounts identified for advance appropriations under section 206 of S. Con. Res. 21. This list is needed to enforce section 206 of the budget resolution, which creates a point of order against appropriation bills that contain advance appropriations that: (i) are not identified in the statement of managers; or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2008 CONGRESSIONAL BUDGET ADOPTED IN SENATE CONCURRENT RESOLUTION 21

[Reflecting action completed as of January 23, 2008—On-budget amounts, in millions of dollars]

	Fiscal year—		
	2007	2008[2]	2008–2012
Appropriate Level:			
Budget authority	2,250,680	2,354,721	[1]
Outlays	2,263,759	2,358,831	[1]
Revenues	1,900,340	2,016,859	11,141,734
Curent Level:			
Budget authority	2,250,680	2,333,106	[1]
Outlays	2,263,759	2,346,261	[1]
Revenues	1,904,516	2,000,661	11,267,618
Current Level over (+)/under (-) Appropriate Level:			
Budget authority	0	-21,615	[1]
Outlays	0	-12,570	[1]
Revenues	4,176	-16,198	125,884

[1] Not applicable because annual appropriations Acts for fiscal years 2009 through 2012 will not be considered until, future sessions of Congress.

[2] Current aggregates do no include spending covered by section 207(d)(1)(E) (overseas deployments and related activities). The section has not been triggered to date in Appropriations action.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2008 in excess of $21,615 million (if not already included in the current level estimate) would cause FY 2008 budget authority to exceed the appropriate level set by S. Con. Res. 21.

OUTLAYS

Enactment of measures providing new outlays for FY 2008 in excess of $12,570 million (if not already included in the current level estimate) would cause FY 2008 outlays to exceed the appropriate level set by S. Con. Res. 21.

REVENUES

Enactment of measures resulting in any revenue reduction for FY 2008 (if not already included in the current level estimate) would cause FY 2008 revenue to fall further below the appropriate level set by S. Con. Res. 21.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2008 through 2012 in excess of $125,884 million (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by S. Con. Res. 21.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2008 COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations Subcommittee	302(b) suballocations as of Jan. 23, 2008 (H. Rpt. 110–236)		Current level reflecting action completed as of Jan. 23, 2008		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA	18,817	20,027	18,093	19,528	−724	−499
Commerce, Justice, Science	53,551	55,318	51,803	53,441	−1,748	−1,877
Defense	459,332	475,980	459,332	475,164	0	−816
Energy and Water Development	31,603	32,774	30,888	32,340	−715	−434
Financial Services and General Government	21,434	21,665	20,599	20,903	−835	−762
Homeland Security	36,262	38,247	34,852	38,028	−1,410	−219
Interior, Environment	27,598	28,513	26,555	28,052	−1,043	−461
Labor, Health and Human Services, Education	151,748	148,174	144,841	146,292	−6,907	−1,882
Legislative Branch	4,024	4,042	3,970	4,008	−54	−34
Military Construction, Veterans Affairs	64,745	54,832	60,213	52,232	−4,532	−2,600
State, Foreign Operations	34,243	33,351	32,800	32,841	−1,443	−510
Transportation, HUD	50,738	114,528	48,821	114,270	−1,917	−258
Unassigned (full committee allowance)	0	1,646	0	0	0	−1,646
Subtotal (Appropriations allocations)	954,095	1,029,097	932,767	1,017,099	−21,328	−11,998
Reduction for non-inclusion of program integrity initiatives (sec 207(d) of S. Con. Res. 21)	−1,042	−699	0	0	1,042	699

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2008 COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS—Continued

[In millions of dollars]

Appropriations Subcommittee	302(b) suballocations as of Jan. 23, 2008 (H. Rpt. 110–236)		Current level reflecting action completed as of Jan. 23, 2008		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Total (Section 302(a) Allocation)	953,053	1,028,398	932,767	1,017,099	−20,286	−11,299

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES REFLECTING ACTION COMPLETED AS OF JANUARY 23, 2008

[Fiscal years, in millions of dollars]

House Committee	2007		2008		2008–2012 total	
	BA	Outlays	BA	Outlays	BA	Outlays
Agriculture:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Armed Services:[1]						
Allocation	0	0	−56	−81	−139	−427
Current Level	0	0	−6	−31	271	−17
Difference	0	0	50	50	410	410
Education and Labor:						
Allocation	−4,877	−4,886	−288	−977	5,042	4,175
Current Level	−4,877	−4,886	−288	−977	5,042	4,175
Difference	0	0	0	0	0	0
Energy and Commerce:						
Allocation	−1	−1	1,571	1,567	2,285	2,272
Current Level	−1	−1	1,568	1,562	2,205	2,187
Difference	0	0	−3	−5	−80	−85
Financial Services:						
Allocation	0	0	200	200	3,100	3,100
Current Level	0	0	200	200	3,100	3,100
Difference	0	0	0	0	0	0
Foreign Affairs:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Homeland Security:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	−425	0	−500
Difference	0	0	0	−425	0	−500
House Administration:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Judiciary:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Natural Resources:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Oversight and Government Reform:						
Allocation	0	0	0	0	0	0
Current Level	0	0	−2	−2	−14	−14
Difference	0	0	−2	−2	−14	−14
Science and Technology:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Small Business:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Transportation and Infrastructure:						
Allocation	0	0	128	0	1,567	0
Current Level	0	0	2	−10	36	−63
Difference	0	0	−126	−10	−1,531	−63
Veterans' Affairs:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	−10	−10
Difference	0	0	0	0	−10	−10
Ways and Means:						
Allocation	0	0	2,830	4,029	−1,814	−1,814
Current Level	0	0	2,843	4,042	−1,778	−1,778
Difference	0	0	13	13	36	36

[1] Both current level and allocation reflect pending National Defense Authorization Bill.

FY2009 AND 2010 ADVANCE APPROPRIATIONS UNDER SECTION 206 OF S. CON. RES. 21

[Budget authority in millions of dollars]

	2009	2010
Appropriate Level	25,558	25,558
Enacted advances:		
Accounts Identified for Advances:		
Corporation for Public Broadcasting	400	420
Employment and Training Administration	2463	0
Education for the Disadvantaged	7935	0
School Improvement	1435	0
Children and Family Services (Head Start)	1389	0
Special Education	6856	0
Vocational and Adult Education	791	0
Payment to Postal Service	89	0
Section 8 Renewals	4158	0
Other Advances:		
Title 17 Innovative Technology Loan Guarantee	42	0

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 29, 2008.

Hon. JOHN M. SPRATT, Jr.,
Chairman, Committee on the Budget, House of Representatives Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2008 budget and is current through January 23, 2008. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S.

Con Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, as approved by the Senate and the House of Representatives.

Pursuant to section 204(b) of S. Con. Res. 21, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 1 of the report),

Since my last letter to you, dated October 24, 2007, the Congress has cleared and the President has signed the following acts that affect budget authority, outlays, or revenues for fiscal year 2008: Water Resources Development Act of 2007 (Public Law 110-114); Department of Defense Appropriations Act, 2008 (Public Law 110-116); Fair Treatment for Experienced Pilots Act (Public Law 110-135); United States-Peru Trade Promotion Agreement Implementation Act (Public Law 110-138); Energy Independence and Security Act of 2007 (Public Law 110-140); Mortgage Forgiveness Debt Relief Act of 2007 (Public Law 110-142); A bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research (Public Law 110-150); Terrorism Risk Insurance Program Reauthorization Act of 2007 (Public Law 110-160); Consolidated Appropriations Act, 2008 (Public Law 110-161); Tax Increase Prevention Act of 2007 (Public Law 110-166); Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173); and OPEN Government Act of 2007 (Public Law 110-175).

In addition, the Congress has cleared the National Defense Authorization Act—for Fiscal Year 2008 (H.R. 4986) for the President's signature,

Sincerely,

ROBERT A. SUNSHINE
(For Peter R. Orszag, Director).

Enclosure.

FISCAL YEAR 2008 HOUSE CURRENT LEVEL REPORT AS OF JANUARY 23, 2008

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	n.a.	n.a.	2,050,796
Permanents and other spending legislation	1,450,532	1,390,611	n.a.
Appropriation legislation	0	419,269	n.a.
Offsetting receipts	−575,635	−575,635	n.a.
Total, enacted in previous sessions	874,897	1,234,245	2,050,796
Enacted this Congress:			
Authorizing Legislation:			
An act to extend the authorities of the Andean Trade Preference Act until February 29, 2008 (P.L. 110–42)	0	0	−41
A bill to provide for the extension of Transitional Medical Assistance (TMA) and the Abstinence Education Program through the end of fiscal year 2007, and for other purposes (P.L. 110–48)	96	99	0
A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes (P.L. 110–52)	0	0	−2
Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110–53)	0	−425	0
College Cost Reduction and Access Act (P.L. 110–84)	−326	−992	0
Food and Drug Administration Amendments Act of 2007 (P.L. 110–85)	−3	−3	0
An act to extend the trade adjustment assistance program under the Trade Act of 1974 for 3 months (P.L. 110–89)	9	9	0
TMA, Abstinence Education, and QI Programs Extension Act of 2007 (P.L. 110–90)	815	804	0
Water Resources Development Act of 2007 (P.L. 110–114)	−1	−1	0
Fair Treatment for Experienced Pilots Act (P.L. 110–135)	0	−9	0
United States-Peru Trade Promotion Agreement Implementation Act (P.L. 110–138)	4	4	−20
Energy Independence and Security Act of 2007 (P.L. 110–140)	66	64	1,016
Mortgage Forgiveness Debt Relief Act of 2007 (P.L. 110–142)	0	0	−162
A bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research (P.L. 110–150)	0	−2	0
Terrorism Risk Insurance Program Reauthorization Act of 2007 (P.L. 110–160)	200	200	0
Tax Increase Prevention Act of 2007 (P.L. 110–166)	0	0	−50,593
Medicare, Medicaid, and SCHIP Extension Act of 2007 (P.L. 110–173)	3,465	4,644	0
OPEN Government Act of 2007 (P.L. 110–175)	−2	−2	0
Total, authorization legislation enacted in this Congress	4,323	4,390	−49,802
Appropriation Acts:			
U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28)[1]	1	42	−335
Department of Defense Appropriations Act, 2008 (P.L. 110–116)[1]	459,550	311,596	0
Consolidated Appropriations Act, 2008 (P.L. 110–116)[1]	1,041,512	831,744	0
Total, appropriation acts enacted in this Congress:	1,501,063	1,143,382	−335
Pased, pending signature:			
National Defense Authorization Act for Fiscal Year 2008 (H.R. 4986)	−6	−31	2
Entitlements and mandatories:			
Budget resolution estimates of appropriated entitlements and other mandatory programs	−47,171	−35,725	0
Total Current Level[1,2]	2,333,106	2,346,261	2,000,661
Total Budget Resolution[3]	2,500,489	2,474,575	2,016,859
Adjustment to the budget resolution for emergency requirements[4]	−606	−49,900	n.a.
Adjustment to the budget resolution pursuant to section 207(d)(1)(E)[5]	−145,162	−65,754	n.a.
Adjusted Budget Resolution	2,354,721	2,358,831	2,016,859
Current Level Over Adjusted Budget Resolution	n.a.	n.a.	n.a.
Current Level Under Adjusted Budget Resolution	21,615	12,570	16,198
Memorandum:			
Revenues, 2008–2012:			
House Current Level	n.a.	n.a.	11,267,618
House Budget Resolution	n.a.	n.a.	11,141,734
Adjusted Budget Resolution	n.a.	n.a.	11,141,734
Current Level Over Adjusted Budget Resolution	n.a.	n.a.	125,884
Current Level Under Adjusted Budget Resolution	n.a.	n.a.	n.a.

Note: n.a. = not applicable; P.L. = Public Law.

SOURCE: Congressional Budget Office.

[1] Pursuant to section 204(b) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2008, which are not included in the current level totals, are as follows:

	Budget authority	Outlays	Revenues
U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28)	605	48,639	n.a.
An act making continuing appropriations for the fiscal year 2008, and for other purposes (P.L. 110–92)	5,200	1,024	n.a.
Department of Defense Appropriations Act, 2008 (P.L. 110–116)	11,630	1,047	
Further Continuing Appropriations Act, 2008 (P.L. 110–116B)	6,400	1,369	n.a.
Consolidated Appropriations Act, 2008 (P.L. 110–161)	81,125	40,568	n.a.
Total, enacted emergency requirements	104,960	92,647	n.a.

[2] For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

[3] Periodically, the House Committee on the Budget revises the totals in S. Con. Res. 21, pursuant to various provisions of the resolution:

	Budget authority	Outlays	Revenues
Original Budget Resolution	2,496,028	2,469,636	2,015,858
Revisions:			
To reflect the difference between the assumed and actual nonemergency supplemental appropriations for fiscal year 2007 (section 207(f))	1	1	−17
For extension of the Transitional Medical Assistance (TMA) program (section 320(c))	96	99	0

	Budget authority	Outlays	Revenues
For the College Cost Reduction and Access Act (section 306(b))	−176	−842	0
Extension of the Transitional Medical Assistance (TMA) program (section 320(c)) (updated to reflect final scoring)	815	804	0
For the National Defense Authorization Act for Fiscal Year 2008 (section 302)	−6	−31	2
For the Energy Independence & Security Act of 2007 (section 308(b)(1))	66	64	1,016
For the Terrorism Risk Insurance Revision & Extension Act of 2007 (section 310)	200	200	0
For changes in the Medicare, Medicaid and SCHIP Extension Act of 2007 (sections 301, 304(a), 320(a)(c))	3,465	4,644	0
Revised Budget Resolution	2,500,489	2,474,575	2,016,859

[4] S. Con. Res. 21 assumed $606 million in budget authority and $49,990 million in outlays from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in P.L. 110–28 (see footnote 1 above), budget authority and outlay totals specified in the budget resolution also have been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

[5] Section 207(d)(1)(E) of S. Con. Res. 21 assumed $145,162 million in budget authority and $65,754 million in outlays for overseas deployment and related activities. Because action to date has not triggered this provision, the House Committee on the Budget has directed that these amounts be excluded from the budget resolution aggregates in the current level report.

HONORING THE AUGUSTA METRO CHAMBER OF COMMERCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BROUN) is recognized for 5 minutes.

Mr. BROUN of Georgia. Mr. Speaker, today I rise to honor and pay tribute to a non-profit community organization in my 10th Congressional District of Georgia.

The Augusta Metro Chamber of Commerce is celebrating more than 100 years of dedicated service to Augusta, Georgia's economic development. Founded in 1905, the chamber has grown to include more than 1,100 members. The chamber and its members provide citizens with a strong business environment that increases employment, retail trade and commerce, and industrial growth in Augusta.

The Augusta Metro Chamber of Commerce has worked to promote a prosperous future for all Augustans through legislative efforts and through networking programs, such as Women in Business, Leadership Augusta, and the Chamber Business Academy. The chamber promotes healthy and productive workforces through its nationally-recognized Drugs Don't Work program.

The Augusta Metro Chamber of Commerce is also committed to being a good neighbor, with committees designated to serve as liaisons between businesses and local educators and military communities. Furthermore, the chamber promotes business while working carefully to protect Augusta's natural environment. The chamber works with State and Federal agencies to minimize the impact economic development has on the environment.

Such a diligent organization is to be commended for its efforts. The Augusta Metro Chamber of Commerce is an investment in the present and future well-being of the Augusta community. As it celebrates a centennial milestone, may this chamber of commerce continue steadfast in its work to ensure Augusta's continued competitiveness in our domestic and global economies.

IRAQ ASSESSMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 60 minutes as the designee of the minority leader.

Mrs. BLACKBURN. Mr. Speaker, as we begin to talk about our national security and our troops and the surge and the success of that and why our troops choose to defend this great Nation, I want to stop and just join Mr. GINGREY in congratulating his mother on her 90th birthday. Certainly, Helen Cecelia Gingrey sounds like the type of woman that truly takes a leadership role, first of all, in her family and role models that leadership and how to carry that out in how to encourage children to dream big dreams and have great adventures in their life and to desire that.

That is something you learn at a mother's knee. That is something you see role modeled by parents, and Mr. Speaker, that is something that we need to keep in mind as we are here on the floor of the House in this body, as we make decisions about how our Nation moves forward in this 21st century.

We need to remember that there are future generations that are relying on us to be certain that this Nation stays secure. There are future generations that are looking to us that go every single day and say, what will my tomorrow be like? Is my community going to be secure? What is America going to look like when I am 20, when I'm 30, when I get ready to retire?

We would do well to be mindful of that every single day as we make decisions that affect America's families and realize, yes, indeed, those families are our greatest treasure. Those precious minds of those precious children are indeed what we are to be protecting and be certain that they have the ability to dream those big dreams.

So to Dr. GINGREY's mom, Helen Gingrey, happy birthday. We all congratulate you, and we are so pleased that we live in a free Nation and we can stand on the floor of this House and celebrate those birthdays and join your son in wishing you happy birthday and many, many more.

Mr. Speaker, I recently did return from a trip to Afghanistan and Iraq to visit with our troops. And tonight I want to spend some time talking about what has been going on in Iraq and the success that we have seen there, the success that our troops have brought to bear on Iraq and on the environment that is there.

Just about 3 weeks ago, we had the 1-year anniversary of the surge, and everyone had a lot to say about that surge and a lot to say about how successful they thought it would or would not be. I think, Mr. Speaker, it's very easy for us to be Monday morning quarterbacks or armchair quarterbacks and to always have our opinion of how we think these things are going to work out.

The 101st is in my district in Tennessee. We also have the National Guardsmen from our State that have been deployed, Reservists who have been deployed, and we would always say we need to be listening to the troops that are in the field and the commanders that are there on the ground.

We saw a change about a year ago. The change was in the form of the surge. The implementation of that surge was carried out by General David Petraeus. He was joined by Ambassador Crocker as they moved forward with the preparations and the implementation of that surge, and we have seen results.

Over the December and January period of time, we had the opportunity to visit, and I am pleased to be joined tonight by my colleague from Texas (Mr. BURGESS) who has been on the ground in Iraq several times, I think six times he has been to visit our troops in Iraq. And he wanted to join me tonight for a few minutes and talk about what he saw and give a firsthand account of what he saw.

I'm so pleased that he has chosen to join us because one of the things our troops mentioned to us on our trip was, We are fighting every day. We are in a war. And we are winning significant battles every single day. And we want the American people to know we are fighting. We are giving it our all, and yes, indeed, we are winning every day.

Now, Mr. Speaker, I think it's important for us to realize that a lot of times, success comes in odd ways. Progress comes in unexpected ways. And it is not just on a trajectory where every day is better and better and better. We take a few steps forward, we take a few steps back. We take a few more steps forward, we take a little step back. But when you add it up, you are trending the right direction.

That is certainly what we have seen in the success of the surge. We have seen every major news outlet declare it a success. The American people know that it is a success. And our troops are to be commended for that success. Certainly, the President was right in making that commendation last night.

As I said a moment ago, Dr. BURGESS from Texas who's been to Iraq six times wants to join us and share his impressions of what he saw on the ground in Iraq, and I yield to the gentleman from Texas.

Mr. BURGESS. Mr. Speaker, I thank the gentlelady from Tennessee for yielding to me.

It is kind of ironic. We were here on the floor of this House last night. The House was full, Members on both sides. We heard the President deliver his final State of the Union address, and of course, as is typical for a State of the Union address, he touched on subjects near and far, went through the domestic agenda, went through the foreign agenda.

When he got to talking about the conditions on the ground in Iraq, I don't know about the gentlelady from Tennessee, but I was just absolutely struck by the scene in this House when he commended the troops for the activities and the success that they had achieved on the ground. One-half of the House stood up and applauded; the other half sat on their hands.

And Mr. Speaker, I don't know if there's been another time in American history when America goes to war, sends their sons and daughters to war, America is winning the war, and it's become something we don't want to talk about. There's other things that command our attention now, and we'll go on to other things.

The gentlelady was right, it was a year ago that we stood on the floor of this House and debated for hour after hour after hour on the efficacy of sending additional troops to Iraq. We were told by the majority leader over in the Senate, the Democratic majority leader, that the war was lost; there was no need to send additional men because we had already made the decision in the Senate, or the other body in the Capitol of the United States, that the war was over and the war was indeed lost.

The gentlelady's right, you can pick data points to prove whatever you want to prove in Iraq. They're all over the map, but if you look at trend lines over time, you begin to see a story taking shape, and that is the story that began to take shape in April of last year, perhaps a little reinforced in June of last year, July of last year.

My most recent trip to Iraq, my sixth trip, I wasn't sure what I was going to find because when you picked up the papers, the data points were scattered all over the place, but little by little, the story came out. And about a week after I was there in July, the New York Times finally broke the story, hey, there's a war we just might win going on in the country of Iraq, written by two individuals who, quite frankly, aren't always on the side of the President of the United States, so it seems, in their writings in the New York Times. The New York Times itself is not always on the same page as the President in a lot of foreign policy issues, but there it was in black and white for all to see.

Now, I went to Iraq in July of 2007. I very much wanted to go because I knew that the surge had started. I knew that General Petraeus had committed to come back and present data to Congress in September of 2007 to talk about the success, or lack thereof, of the additional reinforcements that were sent into the country of Iraq. And I knew that this House, I knew myself as a Member of this House, was going to have to come to some decisions or some conclusions, if it's working it or it's not working; if it's not working, we will have to rethink the strategy.

So it was an important trip for me to take because I knew on every other trip that I had taken to Iraq what I saw on the ground bore no resemblance to what I was seeing on my television screens on CNN and CBS and the evening news and the morning shows. You have to go and look at it for yourselves to be able to understand what is happening.

You know it's not an easy job. It was a brief war, but it's been a long hard slog to get to where we are today, and history will have to decide whether the investment in time, the investment in lives, the investment in families who are deprived of their loved ones during these long deployments, history will decide the accuracy of the words that we speak tonight.

But I will tell you from the strength of that last trip in July and what I have seen reported since that time, I have to believe that this country going forward is going to be in far better shape in 10 years', 20 years', 30 years' time because we have an Iraq that has an opportunity now to be a stable partner in a quest for peace in the Middle East, as opposed to a haven and an outpost for continued terrorism in that part of the world.

In July of 2006, I took a trip to Iraq. Peter Chiarelli on that trip said, you know, it's funny, I don't know want to make of it, but in a part of the country of Iraq that is very, very dangerous, al Anbar province, a city called Ramadi, we don't know what to make of it but some insurgents that were in the hospital yesterday turned over all of their arms to our soldiers, and we'll just have to wait and see what develops. In fact, he asked me not to talk about it when I got back in July of 2006 because, again, he was not sure what that meant.

July of 2007, fast forward to that time. We got off the C–130 in Baghdad International Airport, get on the helicopters and are immediately taken to Ramadi. Ramadi, that was too dangerous a place to travel to a year before, was our first stop. We met General Gaston of the 2nd Marine Expeditionary Force there on the ground in Ramadi. Ramadi is a city about the size of Ft. Worth. Ft. Worth, Texas, is the largest city in my district back home. It was the provincial capital of the resurgent caliphate as established by al Qaeda in western Iraq.

The reality, though, was that things had changed enormously over that past year and in ways that, quite honestly, had not been reported in the press back here at home. Again, I didn't know what I was going to find when I went there, but I have to tell you the job that was done by the Marines in the 2nd Marine Expeditionary Force, the job that was done by the troops on the ground on these long deployments that they were undertaking, the job was truly phenomenal.

A year before I would not have been able to travel to the city of Ramadi. Now, not only could I travel to the city of Ramadi, after the briefing, after the endless Power Point that the military always gives you when you go over there, we got in vehicles and drove to downtown Ramadi.

□ 1945

I've got to tell you, I was a little concerned; General Gaston, are you sure that it's okay for us to go to downtown Ramadi? Last year, General Chiarelli said it's kind of dangerous out there. He said, "Let's go."

We drove downtown. It was a Saturday morning, early on a Saturday morning. We drove to the market. It looked like a market any other place in the Middle East. There was a lot of activity. In fact, there were the typical sights and sounds of a city that has, perhaps, seen better days. They were working on some sewer pipes. There was, in fact, a little bit of construction going on.

But this photograph was taken last July 17th in the city of Ramadi. This shows the shops. I don't know where all this stuff came from. If this was an American market, I would assume all this stuff came from China. I'm not sure where it was made. But all of these wares were for sale, and there was shop after shop after shop lined up and down either side of the street.

You can see the faces of the young men there; a little bit of curiosity, all of these Americans showing up and walking through their streets. I'm sure for them it was a sight that they had not seen too often. But again, you see on the faces of these young men, these are not faces that are suspicious, these are not faces that are fearful, these are faces that are smiling. They were, in fact, glad to see us. And I found out a few minutes later why they were glad to see us; they were hoping that we had a pen or a quarter. They had apparently been well coached by our marines. Their school was going to start in a few weeks, and because they would be attending their classes, they were anxious to know if we had a writing instrument that we might part with that they could have.

Mrs. BLACKBURN. If the gentleman will yield.

Mr. BURGESS. I'll be happy to yield.

Mrs. BLACKBURN. I would like to put that photo back up, if you do not mind.

Now, I think it is significant that you're talking about Ramadi, which is in al Anbar Province. And you're talking about a photo that was made during the summer, July 14, 2007, which is the photo stamp date that is there on the photo. And if I am picking all of this up, it looks like tools and implements that are hanging in the ceiling of the shop, and plastic buckets, rubber buckets, and probably some plastic hampers that are there. And when I was in Iraq, I noticed that there was lots of produce that was also being sold in some of the shops.

But one of the things that is of interest to me is the photo that you're showing indicates to us that we do have import and export that is taking place, and we do have commerce that is taking place. And so, as you were on that street in Ramadi, how many shops did you see; do you remember a number? How many were lining the street? And how far did you drive from the base into town to begin to see this type of commerce and the happy kids that are obviously learning how to do a little bit of retail merchant work there?

I yield back to the gentleman.

Mr. BURGESS. Well, I'll be honest, I don't remember the number of shops. There were many. Perhaps on the side street that we were on, at least a dozen on one side, and then a similar number on the other side.

Mrs. BLACKBURN. If the gentleman will yield, a dozen shops in any of our towns in our districts is a pretty good number of shops. So, we've got a lot of commerce that is beginning to take place there. And I yield back.

Mr. BURGESS. And of course I do need to make the point that this was an area that just a few months before had seen some of the most intense fighting. And many of the buildings at the front of the street, well, let's just put it this way, a JDAM doesn't do anything for your drive-up appeal. And there were several buildings that obviously had suffered the scars of war. But as you went a little further down the street, you began to come upon scenes such as this.

And I would simply point out that at the very edge of the photograph here, and I had forgotten this, we see a brightly colored garment set that looks like it would be appropriate for a woman to wear. I saw more women on this trip to Iraq than I can recall seeing at any other trip where I had been through the country. And it was, to me, reassuring that the female members of Iraqi society felt comfortable enough to travel out to the shops on a Saturday morning and be with their husbands and their children, as you so eloquently point out, as commerce was breaking out all over on the streets of Ramadi.

Again, I just want to show another picture of some children. These guys were pretty curious as to what was going on with all of these strange folks that had shown up and were walking through town. Again, you can see in the background some additional brightly colored wares for sale. This fellow turned out to be fairly inquisitive. And he had a keen interest, again, in writing instruments that I want to assume that's because his school was starting up in a few weeks' time.

What has been described as "The Anbar Awakening," we heard the President reference it last night, began in the city of Ramadi where the Sunnis began to recognize, you know, these guys from al Qaeda; they're actually not our friends. They refer to the Americans as occupiers, but maybe it's the al Qaeda guys that are actually the occupiers. And we do believe that at some point the Americans want to go home, but we can't say the same for our friends in al Qaeda. And the Sunni sheiks, the tribal leaders in the towns, rapidly turned it. And to hear it be described by our marines and our soldiers there, it literally turned on a few weeks' time, some rather intense fighting as the surge began to mount its full reinforcement, and then suddenly things changed dramatically for the better.

And for me, on this trip, the one thing that I saw that was different from any other trip that I had taken over there on the ground, now, we can criticize the Baghdad government, and both sides of the aisle I know will do that with regularity, I may do so before this night is over, but the local political shift that's taking place on the ground in Iraq, the county commissioners, the city councilmen, the mayors that are doing the kinds of work that you want your local government to do, you know, quite honestly, I go home every weekend and the people are happy to see me. But if there's a problem at home, most of the time they're not going to call their Congressman; they'll call their mayor, they'll call their county commissioner, or they'll call their county administrator or their county judge because those are the folks that are closest to the people, and it's up to them to deliver for their constituents, the same conditions we have here in our districts back home.

The local political shift really is what, to me, is the fundamental building block of the return of civil society, a civil society that had been so badly damaged under the years of Saddam, a civil society that has been so badly damaged by the war and then the insurgency that followed is now beginning to take hold. And it is very effective.

Now, the question remains, will the central government in Baghdad respond to the needs of those local officials with enough dispatch that they are, in fact, bolstered and supported by the central government in Baghdad? It is sometimes startling to me to think that a government so young can already have such an entrenched bureaucracy that is slow to act. But nevertheless, we hear some stories coming out that there is more and more of this type of activity occurring. But again, the stability at the local level was something that I don't think I can tell you that I had witnessed on any of the five previous trips through that country. All of those trips more dealt with the security that our forces were establishing. Now we see the security that is actually being established by the Iraqis themselves.

They had a job fair, I understand, in this part of town about a week before and hired everything that showed up. And there were a lot of people that came. The jobs were fairly labor intensive. Again, there had been a lot of bombing in the city. There was a lot of concrete littering the street that had to be picked up. The reinforcing steel that was embedded in the concrete had to be broken out or dissected out. There were several groups of men that were straightening out this rebar to use as reconstruction projects. But again, the work was going on. And the mood, this was July in western Iraq, it's 10 o'clock in the morning and probably already 125 degrees, but the mood of the people was truly something that I will always remember because they were doing for themselves the types of things that free people want to do for themselves. And it was a wonderful feeling. And you know the soldiers could feel it, too, when they walk through these towns.

The ability to give to these young men a life ahead of them that they wouldn't have had, they would have been conscripted into Saddam's army and fought a war at someplace or other; they now have a life ahead of them that really, quite honestly, their parents dared not hope for them and now it is brought to them courtesy of the United States Marines, United States Army.

I yield back to the gentlelady from Tennessee, and I want to thank her for allowing me to participate in the discussion this evening.

Mrs. BLACKBURN. I thank the gentleman for yielding back the time. And I am so pleased to see these pictures. And I appreciate so much his participation in this, and the conversation about the establishment of commerce and how he witnessed this firsthand with shops that were open. As he said, one little side street where they went there were about 12 shops that were on that. And indeed, these are more like stalls that we would have at one of our swap meets or flea markets. But as you can see, they're full of kids that are happy, that are playing, that are enjoying being around the normalcy of a life. They are full of commerce and goods, items that are coming in for sale. We even saw soft drinks, Coca-Cola. In Afghanistan, we saw cell phones that were being sold. So, in this region of the world, the commerce that is there on the ground.

And in talking about Iraq, the gentleman mentioned the local stability. And indeed, that was something we had the opportunity to witness, also, and we're pleased to see that. We had a visit to Urbil in Kurdistan, had the opportunity to go to the home of the Prime Minister of Kurdistan. We drove to that home. Mr. Speaker, I want to be certain that everyone realizes what I just said. We drove to the home of the Prime Minister of Kurdistan for lunch and joined him where he thanked us profusely for all that the U.S. Armed Forces have done for that region, not only in the past few years, but for the decade prior.

While we were in Iraq, we had the opportunity to go to the home of Deputy Prime Minister Barzani, to his home in the Green Zone to meet with him. And I will tell you, we visited with him about how hopeful we had experienced the mood of the people. There is a sense of hope that things are getting better, that there is a return to normalcy in their everyday life, and how encouraging to us it was to witness this hopefulness.

His comment to us was, we know that sometimes people get frustrated with us, but do not give up this mission. Do not give up on this mission because things are trending the right direction. Indeed, Mr. Speaker, it's all important components in winning, in having Iraq be a nation that can function with some predictability, stability and self-governance.

It is also important because, as we look at defeating terrorists who want to defeat us, it is important that we win the war of ideas. And the photos that Dr. BURGESS shared with us, the young men in those photos, we have to win the war of ideas with them to reach them, to make certain that over the next decade, as they begin an adult life, that they make a choice to live in freedom rather than choosing a life under a dictator.

Indeed, our job is also to make certain that our troops have what they need to do their job. And that is a responsibility of this House, as the President said last night. And certainly, as we are in the midst of a swing, a dramatic swing, if you will, in the momentum in Iraq, especially on the security situation, it is imperative that we pay close attention to meeting the needs of those troops.

Now, quite frankly, Mr. Speaker, I will tell you, I do not think it is helpful to this situation that we debated over 30 different resolutions about Iraq and timelines and withdrawals and trying to micromanage what is taking place on the ground because there has been a swing and a shift. We have transitioned from 2.5 years of increases in violence with more than 24 weeks of a steady decline.

Now, Dr. BURGESS mentioned, when we go to Iraq, and I want to clarify one thing here before I move on, this week I had the opportunity to visit with the Tennessee Marine Family Association, and what a wonderful, wonderful group of moms and dads and brothers and sisters and marines who have retired from active duty. And I enjoyed my time with them tremendously. And one of them said, you know, tell me, when you go to Iraq, why do you go? And are you taking the troops' time away from work in the field? And I said no, we go because we are asked to go, especially those of us that have posts. As I've said, Fort Campbell, the 101st is in my district, and they invite us and ask us to come and see how they are carrying out their mission and experience that firsthand with them.

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But as Dr. BURGESS said, when we make those trips, we have the power points and we have the briefings from the commanders on the ground and we have the opportunity while we are there to hold a town hall meeting, if you will, with our troops that are deployed and are carrying out this mission. So I have put some of that endless power point onto some charts that I would like to share with those who are watching us this evening.

The first chart that I'm going to show you is one that comes from our commanders there in Iraq, and it shows their assessment of al Qaeda Iraq. And many times people will see AQI, that is, the abbreviation for al Qaeda Iraq, and where they were when the surge began last year. And you can see the dark red areas. It shows where they were operating, and the pink areas show what were their transit routes. And you can see how in the city of Baghdad where they were operating, and then as you look at the country you can see where they were transiting in and out of the country and then where they were holding their primary areas of operation. Again, the pink shading is their transit areas, and the red is where they were operational and where they were working. And the inset is Baghdad and what we saw in Baghdad and how that looked before the surge began.

Now I want to move to the second chart and show you what this looks like today. This is what Iraq looks like today. And, again, this is not my chart. This is a chart from our commanders on the ground in Iraq. This is their assessment.

So, Mr. Speaker, to the American people that are watching this tonight, I will simply say this is the chart that is your commanders' assessment of where al Qaeda is as of December 2007. And, of course, al Qaeda is still a threat. Of course, they are still there. But as you can see, by looking at the pink areas and the red areas, this has been diminished. They have been pushed out of the urban centers, look at the inset, with Baghdad. You can see where they have been squeezed down and where they have been moved to and how much smaller their area of operation is and how much smaller their transit area is. They know that the Iraqi people, the Iraqi forces, and the U.S. Armed Forces and our coalition forces mean business on this.

Look at the map of the entire country. When you can see their egress, ingress with the surrounding countries, and then see the pockets where al Qaeda Iraq is still operational. So they have been pushed out of many of the urban areas, and they have been moved over into some of the isolated rural areas.

I want to touch base too on our troops' contribution to this because it has been significant. Our U.S. Armed Forces and the 30,000 that went in for the surge made a marked difference. And I think there is, of course, the physical strength that our troops brought to this, the firepower, if you will, and the training and the strength and the determination. There are no better forces on the face of the Earth than the U.S. military. And we also have to recognize the Iraqis and the force that they brought to bear on this.

When we talk about the surge, sometimes many of us think only in terms of the 30,000 of our troops that have led the way in this fight. What we have to realize also is that we have 110,000 Iraqi troops that have lent their power to this effort, 110,000. They were joined in this effort by 70,000 local citizens.

Dr. BURGESS mentioned earlier the local stability, and there is a reason for that. You had 70,000 Iraqi citizens that basically banded together in what we would call a "neighborhood watch," and they decided to take things into their own hands and to take responsibility. And in many of these areas in the surge the Iraqi troops would lead. They were coached. They were trained. They were supported in so many ways by our U.S. military and by our coalition forces. And the local Iraqi citizen groups would work with those military forces, those combined forces. So together you had 180,000 Iraqis working with our 30,000 U.S. troops that have made this surge successful and have changed that map so that it looks today like it does, with al Qaeda being moved into some isolated areas and with more of the country being able to function with a sense of normalcy.

Now, we've already talked a little bit about al Anbar province and the success that was there because that is where al Qaeda Iraq had planted its flag. It was the capital of the caliphate, and that is where they were going to put down roots, if you will. What we saw happen in al Anbar province during the surge, I think, is just nothing short of remarkable, and the photos that you've just seen from the streets of Ramadi and the commerce that was taking place and the difference that the surge has made there. Basically, the citizens of Ramadi and al Anbar province said we are sick and tired of this. We do not want al Qaeda Iraq to be running the show in our town. So they joined with the Iraqi troops and the U.S. troops, and they literally threw al Qaeda out.

So many of the experts tell us that this is the first place that the Arab people have stood up to their own and have rejected, openly rejected, al Qaeda and have defeated al Qaeda. And I think that that is significant. And, Mr. Speaker, I believe and I certainly am hopeful in believing that we are going to see other areas follow the lead that al Anbar has set.

Now, we have seen some other effects of that team effort over the past year, and I want to move on to a couple of other charts. Now, this is the overall attack trends, Iraq attack trends; and it shows you what has happened, if you look from December 2006, and where your attacks were in December 2006, with over 5,000, and then you go up into April and May where they reach their height, and then you can see where they have dropped down, less than half, and the reduction that is there. It is actually down about 60 percent by the time you get to December 2007. That is the difference that the surge has made. From December 2006, where you're up above 5,000 attacks and then coming down where you have seen that number drop by about 60 percent. That's the difference that the surge has made in the overall attacks.

Well, let's look at the IED explosions. This is something that our constituents always ask us about because they hear so much about the explosive devices and the way these IEDs and these IED systems are developed and set up and the way those explosions are carried out.

You can see, if you go in here and you look at December 2006, where they are. They move up in June to a high of about 1,700, and then take a look over here, about 700 in December. And there you go from beginning to the end of surge, the year of the surge, and what you have seen. It is almost as if you have al Qaeda jumping in here and saying we're not going to let them get the best of us. They give it a shot, and then in June look how every single month you're dropping. And that's the difference that a year of the surge has made.

Let's move on to another figure on this chart, the killed-in-action figure. And as we look at this chart and we see the dramatic drop that is here, Mr. Speaker, we feel so deeply for the families that have experienced a loss, and at Fort Campbell we have seen some losses recently, and we just continue to hold those families close. And we are grateful, so grateful, to them for their service, for their sacrifice, and we grieve with them in those losses. And we know that over the course of the year we have seen a dramatic decrease in those losses.

Now, chart number six, the Iraqi civilian deaths attributed to violence, these have dropped significantly. And you can see in December 2006, where we were at about 3,000 and then where we are way down, well under 1,000 by the time we get to December 2007. So this shows us how security is improving. Ethnosectarian violence has dropped by about 85 percent. All of these are the right type trend. And it shows how things are moving a little bit at a time, moving in the right direction.

We know there are no guarantees. This is tough. Our military men and women know that they are fighting and winning every day. But, Mr. Speaker, I will tell you they do know that they are seeing some successes, that security is improving, and that they are seeing some success with economic issues. And I want to give you just a couple of examples of these.

I had made a comment as we were leaving Baghdad the other night, and it was in the evening; so you could see the lights in Baghdad. I had been going in and out to visit our troops since 2003, and for the first time it really looked like a city. You could see the lights on all over the city and cars driving on the streets. You could see outdoor restaurants. You could see colorful awnings. You could see fruit stands and market areas. And it really was beginning to look like a city. And I did a little checking to see what kind of success stories we could find with the work that USAID and some of our organizations are providing to the area to see that commerce stand up and that sense of normalcy return. So let me tell you a quick little story, Mr. Speaker, and I think this is great.

We love success stories. We love it when we have someone who by their bootstraps pulls themselves up and realizes a wonderful dream of having a business or building a company. We as Americans love that entrepreneurial spirit. And I loved this story of Amhed who is in the Mansour neighborhood in Baghdad, and he was able to get a $2,500 microgrant. Now, I know many of our constituents may have been reading in the paper about some of the microgrants and the microbusinesses that are going into Iraq and other countries also to help entrepreneurs start these businesses.

Well, Amhed used his grant to buy chest freezer shelves and an awning to open a store. And the store is now self-sufficient. It is supporting him and his family. He now is a merchant with his store, his produce store, on a corner there in the Mansour neighborhood in Baghdad. And it came about because there was a grant that helped him to get that store in place.

Now, this is important, Mr. Speaker, because you wouldn't go take out a loan and you wouldn't be approved for that loan if there was not the ability to put things in place and begin to see some success in that neighborhood.

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Well, we also have another one, a juice merchant, that used a USAID microfinance grant and opened a juice factory in Baghdad. There's lots of pomegranate juice and orange juice and the different juices they are beginning to manufacture and bottle and sell. This juice factory in Baghdad, with a microfinance grant from our USAID, has created 24 full-time jobs in Baghdad. That one little grant. And that gentleman is now making that juice. Of course, I said, well, I hope that Ahmed is one of the customers of the juice factory and selling that juice in his store on the corner, his produce store on the corner.

Now, I know that there are some who want to say that the security improvements aren't meaningful because we are not seeing enough political progress in Iraq. I will tell you that, and I think we all agree, that that political progress has not moved forward as quickly as we would like to. But we were reminded last week as we visited with Ambassador Crocker and General Petraeus that the Washington clock and the Baghdad clock move at different speeds. You know, I guess that as impatient as many times as we are, we do have to realize this is a country that was under a dictator, a very brutal dictator for over three decades.

We are beginning to see some very encouraging signs of political progress, and I think this year is going to be a year when we see some more of that. Just over a week ago, the Iraqi Parliament did pass what was for them a very difficult law. They have taken a long time to look at de-Ba'athification reform, and that was passed. It has been difficult for them to address that central question of how the Iraqi people are going to deal with their past and with the legacy of Saddam Hussein.

The law has gone through their parliament, and it has passed. It was passed with Shiite sponsorship, which is significant. We have also seen some key Sunni political blocks return to parliament, to return to their work to be a part of the process.

Those are very encouraging steps. They are steps in the right direction. Certainly, the success of the surge has allowed the ability for this to take place. We have also seen the Iraqi Government has developed and is working on an ambitious budget. We are certainly hoping that they are going to do the same thing as they work through this current year. We have seen some encouraging signs of critical power sharing arrangements within the Iraqi Government. Their Prime Minister, Nouri Maliki, is apparently more willing to share power with the three-person presidency council, which represents each of the major sects in Iraq. So that is another sign that is very encouraging to us.

Anybody who is a serious and objective observer can say that the surge has worked. They admit that. We know that we are going to face more debate in the coming year over the length and nature and the size of our mission in Iraq. I would encourage all of my colleagues to take the success of the surge to heart and to be certain that they are not trying to snatch a defeat from the jaws of victory, but that they are being fair to our troops, that they are recognizing the success that these troops have given us in the surge, and that they are taking time to commend and thank the troops and the commanders that are on the ground.

I think it's fair to say, Mr. Speaker, that we all, I know I certainly appreciate those troops and their families, and I appreciate having the opportunity to support them and to let them know how much I appreciate having that opportunity to support them and also to honor them and to honor their families. My hope is that as we go through 2008 and as we look at our legislative agenda, Mr. Speaker, I hope that the work of this body will honor those men and women who honor us every single day, who honor the legacy of freedom every single day by the way that they choose to carry out their job and by the way they choose to represent this great Nation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WYNN (at the request of Mr. HOYER) for today after 6 p.m.

Mr. BARTON of Texas (at the request of Mr. BOEHNER) for today after 7 p.m. on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. MCGOVERN, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. GINGREY) to revise and extend their remarks and include extraneous material:)

Mr. ROHRABACHER, for 5 minutes, today.

Mr. CONAWAY, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today.

Mr. GINGREY, for 5 minutes, today.

Mr. BROUN of Georgia, for 5 minutes, today.

ADJOURNMENT

Mrs. BLACKBURN. Mr. Speaker, pursuant to House Concurrent Resolution 279, 110th Congress, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 20 minutes p.m.), the House adjourned until Wednesday, February 6, 2008, at 2 p.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the fourth quarters of 2007 and the first quarter of 2008, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. FRANK R. WOLF, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND JAN. 9, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Frank R. Wolf		1/1	United States				[3] 9,544.00				9,544.00
	1/2	1/2	Kuwait								
	1/2	1/3	Iraq								
	1/3	1/4	Kuwait		[4] 164.00						164.00
	1/5	1/6	Jordan		291.00						291.00
	1/6	1/9	Israel		2,095.00						2,095.00
	1/9		United States								
Committee total					[5] 2,550.00		9,544.00				12,094.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Total cost of all commercial flights.
[4] Hotel bill paid directly from fund site.
[5] Returned $500.00 to U.S. Treasury via cashiers check.

FRANK R. WOLF, Chairman, Jan. 22, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DANIEL F. SCANDLING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND JAN. 9, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Daniel Scandling		1/1	United States				[3] 9,544.00				9,544.00
	1/2	1/2	Kuwait								
	1/2	1/3	Iraq								
	1/3	1/4	Kuwait		[4] 164.00						164.00
	1/5	1/6	Jordan		291.00						291.00
	1/6	1/9	Israel		2,095.00						2,095.00
	1/9		United States								

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DANIEL F. SCANDLING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND JAN. 9, 2008—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Committee total					[5] 2,550.00		9,544.00				12,094.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Total cost of all commercial flights.
[4] Hotel bill paid directly from fund site.
[5] Returned $500.00 to U.S. Treasury via cashiers check.

DANIEL SCANDLING, Jan. 22, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2007

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Betty Sutton	10/05	10/07	Qatar		220.00				238.00		458.00
	10/07	10/08	Jordan		137.00				142.00		279.00
	10/08	10/09	Germany		174.00				49.00		223.00
Hon. David Dreier	11/26	11/27	Czech Republic		153.00						153.00
	11/27	11/28	India		536.00						536.00
	11/28	11/28	Afghanistan		75.00						75.00
	11/29	11/30	Pakistan		339.00						339.00
	11/30	12/03	India		1,608.00						1,608.00
	12/03	12/04	Hungary		131.00						131.00
Brad Smith	11/26	11/27	Czech Republic		153.00						153.00
	11/27	11/28	India		536.00						536.00
	11/28	11/28	Afghanistan		75.00						75.00
	11/29	11/30	Pakistan		339.00						339.00
	11/30	12/03	India		1,608.00						1,608.00
	12/03	12/04	Hungary		131.00						131.00
Rachel Lehman	11/26	11/27	Czech Republic		153.00						153.00
	11/27	11/28	India		536.00						536.00
	11/28	11/28	Afghanistan		75.00						75.00
	11/29	11/30	Pakistan		339.00						339.00
	11/30	12/03	India		1,608.00						1,608.00
	12/03	12/04	Hungary		131.00						131.00
David Goldenberg	12/14	12/21	Israel		1,602.00		7,594.28		[3] 660.00		9,856.28
Committee total					10,659.00		7,594.28		1,089.00		19,342.28

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Lodging.

LOUISE McINTOSH SLAUGHTER, Chairman, Jan. 23, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2007

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Ken Kellner	11/01	11/05	Bahrain		10,343.00						10,991.00
Committee total					10,343.00						10,991.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

STEPHANIE TUBBS JONES, Chairman, Jan. 16, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2007

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB FILNER, Chairman, Jan. 15, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC, 31, 2007

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MAX BAUCUS, Chairman, Jan. 14, 2008.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5164. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Difenoconazole; Pesticide Tolerance [EPA-HQ-OPP-2007-0541; FRL-8343-5] received January 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5165. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fluroxypyr; Pesticide Tolerance [EPA-HQ-OPP-2007-0114; FRL-8343-2] received December 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5166. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Dimethenamid; Pesticide Tolerance [EPA-HQ-OPP-2007-0116; FRL-8342-7] received December 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5167. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Lead System Integrators [DFARS Case 2006-D051] (RIN: 0750-AF80) received December 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5168. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Project-Based Voucher Rents for Units Receiving Low-Income Housing Tax Credits [Docket No. FR-5034-F-02] (RIN: 2577-AC62) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5169. A letter from the Director, Office of Legislative Affairs, Department of the Treasury, transmitting the Department's final rule — Identity Theft Red Flags and Address Discrepancies Under the Fair and Accurate Credit Transactions Act of 2003 [Docket ID OCC-2007-0017] (RIN: 1557-AC87) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5170. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Purchase, Sale, and Pledge of Eligible Obligations (RIN: 3133-AD37) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5171. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and Amendments to the 1-Hour Ozone Maintenance Plan [EPA-R03-OAR-2007-0215; FRL-8513-8] received January 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5172. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Michigan: Final Authorization of State Hazardous Waste Management Program Revision [Docket No. EPA-R05-RCRA-2007-0722; FRL-8514-1] received January 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5173. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to Consolidated Federal Air Rule; Correction [EPA-HQ-OAR-2007-0429; FRL-8511-7] (RIN: 2060-A045) received December 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5174. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Oil-Bearing Hazardous Secondary Materials From the Petroleum Refining Industry Processed in a Gasification System to Produce Synthesis Gas [RCRA-2002: FRL-8511-5] (RIN: 2050-AE78) received December 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5175. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for New York [Docket No. 061020273-7001-03] (RIN: 0648-XD45) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5176. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer [Docket No. 061109296-7009-02] (RIN: 0648-XD65) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5177. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fraser River Sockeye and Pink Salmon Fisheries; Inseason Orders (RIN: 0648-XD05) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5178. A letter from the Secretary, Federal Maritime Commission, Federal Maritime Commission, transmitting the Commission's final rule — Amendment to Regulations Governing the Filing of Proof of Financial Responsibility [Docket No. 07-06] (RIN: 3072-AC33) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5179. A letter from the Director of Regulations Management, Office of Regulation Policy & Management, VA, Department of Veterans Affairs, transmitting the Department's final rule — Dependents' Educational Assistance (RIN: 2900-AM72) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5180. A letter from the Director of Regulations Management (00REG), Department of Veterans Affairs, transmitting the Department's final rule — Education: Approval of Accredited Courses for VA Education Benefits (RIN: 2900-AM80) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5181. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — VA Acquisition Regulation: Plain Language Rewrite (RIN: 2900-AK78) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5182. A letter from the Acting SSA Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Privacy and Disclosure of Official Records and Information [Docket No. SSA-2007-0067] (RIN: 0960-AG14) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 3521. A bill to improve the Operating Fund for public housing of the Department of Housing and Urban Development; with an amendment (Rept. 110-521). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Energy and Commerce discharged from further consideration. H.R. 2830 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RAHALL (for himself, Mrs. CAPITO, and Mr. MOLLOHAN):

H.R. 5151. A bill to designate as wilderness additional National Forest System lands in the Monongahela National Forest in the State of West Virginia, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK (for himself, Mr. KLEIN of Florida, Mr. CROWLEY, and Ms. BERKLEY):

H.R. 5152. A bill to authorize assistance for ethnic and religious minorities in Russia, Ukraine, and Belarus; to the Committee on Foreign Affairs.

By Mr. KANJORSKI:

H.R. 5153. A bill to increase temporarily the conforming loan limits of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation in certain areas, enhance mortgage market liquidity, and for other purposes; to the Committee on Financial Services.

By Mr. FALEOMAVAEGA:

H.R. 5154. A bill to condition further increases in the minimum wage applicable to American Samoa and the Commonwealth of the Northern Mariana Islands on a determination by the Secretary of Labor that such increases will not have an adverse impact on the economies of American Samoa and the Commonwealth of the Northern Mariana Islands; to the Committee on Education and Labor.

By Ms. SHEA-PORTER:

H.R. 5155. A bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain debts to the United States in the case of veterans who die as a result of a service-connected disability incurred or aggravated on active duty in a combat zone, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CLAY (for himself and Mr. WAMP):

H.R. 5156. A bill to require a study of the feasibility of establishing the John Lewis Civil Rights Trail System, and for other purposes; to the Committee on Natural Resources.

By Mr. FRANK of Massachusetts (for himself, Mr. MARKEY, Mr. FILNER, Ms. CLARKE, Mr. CONYERS, Mr. BOUCHER, Mr. JEFFERSON, Mr. GUTIERREZ, Mr. TIERNEY, Ms. NORTON, Mr. DEFAZIO, Ms. BALDWIN, Mr. CUMMINGS, Mr. FARR, Mr. ABERCROMBIE, Ms. MOORE of Wisconsin, Mr. THOMPSON of Mississippi, Ms. WASSERMAN SCHULTZ, Mr. BUTTERFIELD, Ms. ROYBAL-ALLARD, Ms. JACKSON-LEE of Texas, Mr. HINCHEY, Mr. MCGOVERN, Mr. KUCINICH, Ms. LEE, Mr. ALLEN, Mr. RANGEL, Mr. COHEN, Mr. RYAN of Ohio, Mr. OLVER, Mr. ACKERMAN, Mr. HARE, Mr. ELLISON, Mr. GEORGE MILLER of California, Mr. TOWNS, Mr. CLYBURN, Mr. VAN HOLLEN, Mr. MCDERMOTT, Mr. HONDA, Mr. CAPUANO, Mr. WAXMAN, Mr. WYNN, Mr. GONZALEZ, Mr. LANTOS, Ms. ZOE LOFGREN of California, Mr. BERMAN, Mr. STARK, Mr. AL GREEN of Texas, Mr. PAUL, Ms. WOOLSEY, Mr. WATT, Mr. CLAY, Ms. LINDA T. SÁNCHEZ of California, Mr. PAYNE, Mr. DAVIS of Illinois, Mr. JOHNSON of Georgia, Ms. HIRONO, Ms. SLAUGHTER, Ms. SCHAKOWSKY, Mr. MATHESON, Mr. SNYDER, Mr. SCOTT of Virginia, Mr. NADLER, Mr. BRADY of Pennsylvania, Mrs. CHRISTENSEN, Mrs. CAPPS, Mr. JACKSON of Illinois, Mr. RUSH, and Mr. LEWIS of Georgia):

H.R. 5157. A bill to amend the Higher Education Act of 1965 to repeal the provisions prohibiting persons convicted of drug offenses from receiving student financial assistance; to the Committee on Education and Labor.

By Mr. BOSWELL:

H.R. 5158. A bill to direct the United States Postal Service to designate a single, unique ZIP Code for Windsor Heights, Iowa; to the Committee on Oversight and Government Reform.

By Mr. BRADY of Pennsylvania (for himself and Mr. EHLERS):

H.R. 5159. A bill to establish the Office of the Capitol Visitor Center within the Office of the Architect of the Capitol, headed by the Chief Executive Officer for Visitor Services, to provide for the effective management and administration of the Capitol Visitor Center, and for other purposes; to the Committee on House Administration.

By Mr. KIND (for himself and Mr. HULSHOF):

H.R. 5160. A bill to amend the Internal Revenue Code of 1986 to encourage retirement savings by modifying requirements with respect to employer-established IRAs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WU:

H.R. 5161. A bill to provide for the establishment of Green Transportation Infrastructure Research and Technology Transfer Centers, and for other purpose; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Texas:

H.R. 5162. A bill to suspend temporarily the duty on a certain chemical used in the production of textiles; to the Committee on Ways and Means.

By Mr. BRADY of Texas:

H.R. 5163. A bill to suspend temporarily the duty on a certain chemical that is used for dyeing apparel home textiles; to the Committee on Ways and Means.

By Mr. BRADY of Texas:

H.R. 5164. A bill to suspend temporarily the duty on a certain chemical that is used for dyeing apparel home textiles; to the Committee on Ways and Means.

By Mr. BRADY of Texas:

H.R. 5165. A bill to extend the temporary suspension of duty on 4-Anilino-3-nitro-N-phenylbenzenesulphonamide; to the Committee on Ways and Means.

By Mr. BRADY of Texas:

H.R. 5166. A bill to suspend temporarily the duty on Naphthalenedisulfonic acid; to the Committee on Ways and Means.

By Mr. BRALEY of Iowa (for himself, Mr. CONYERS, Mr. FRANK of Massachusetts, Mr. SESTAK, Mr. HARE, Ms. SUTTON, Mr. SARBANES, Mr. KAGEN, Ms. HIRONO, Ms. KILPATRICK, Mr. HALL of New York, Mr. WELCH of Vermont, Ms. SHEA-PORTER, Mr. WALZ of Minnesota, Mr. PERLMUTTER, Mr. GONZALEZ, Mr. CARNAHAN, Mr. COURTNEY, Mr. GEORGE MILLER of California, Mr. CUMMINGS, Mr. MURPHY of Connecticut, Ms. LEE, Ms. CASTOR, Ms. JACKSON-LEE of Texas, Mr. ELLISON, Mr. KENNEDY, Mr. JOHNSON of Georgia, Mr. MORAN of Virginia, and Ms. HOOLEY):

H.R. 5167. A bill to amend the National Defense Authorization Act for Fiscal Year 2008 to remove the authority of the President to waive certain provisions; to the Committee on the Judiciary.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. YOUNG of Florida, Mr. HASTINGS of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. BOYD of Florida, Mr. CRENSHAW, Mr. KELLER, Mr. PUTNAM, Mr. WELDON of Florida, Mr. MAHONEY of Florida, Mr. MILLER of Florida, Mr. MEEK of Florida, Mr. BILIRAKIS, Mr. FEENEY, Ms. ROS-LEHTINEN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MACK, Mr. BUCHANAN, Ms. CORRINE BROWN of Florida, Mr. STEARNS, Mr. MICA, Ms. WASSERMAN SCHULTZ, Ms. CASTOR, Mr. KLEIN of Florida, and Mr. WEXLER):

H.R. 5168. A bill to designate the facility of the United States Postal Service located at 19101 Cortez Boulevard in Brooksville, Florida, as the "Cody Grater Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. CANTOR:

H.R. 5169. A bill to amend the Internal Revenue Code of 1986 to reduce marginal income tax rates on corporations; to the Committee on Ways and Means.

By Mr. CARNEY (for himself and Mr. THOMPSON of Mississippi):

H.R. 5170. A bill to amend the Homeland Security Act of 2002 to provide for a privacy official within each component of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security.

By Mr. COSTA (for himself and Mr. RAHALL):

H.R. 5171. A bill to reauthorize and amend the National Geologic Mapping Act of 1992; to the Committee on Natural Resources.

By Mr. DONNELLY (for himself, Mr. SMITH of New Jersey, Mr. ELLSWORTH, and Mr. BUCHANAN):

H.R. 5172. A bill to amend the Internal Revenue Code of 1986 to provide recovery rebates to certain individuals receiving Social Security benefits; to the Committee on Ways and Means.

By Mr. ELLISON (for himself, Mr. COOPER, Mr. DUNCAN, Ms. MCCOLLUM of Minnesota, Mr. RAMSTAD, Mr. WALZ of Minnesota, Mr. PETERSON of Minnesota, Mr. CUMMINGS, and Mr. OBERSTAR):

H.R. 5173. A bill to temporarily delay application of proposed changes to Medicaid payment rules for case management and targeted case management services; to the Committee on Energy and Commerce.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. POMEROY, Mr. SMITH of New Jersey, and Ms. ROS-LEHTINEN):

H.R. 5174. A bill to amend title XVIII of the Social Security Act to continue the ability of hospitals to supply a needed workforce of nurses and allied health professionals by preserving funding for hospital operated nursing and allied health education programs; to the Committee on Ways and Means.

By Ms. FOXX (for herself, Mr. LINDER, Mr. WILSON of South Carolina, Mr. BURTON of Indiana, Mr. TANCREDO, Mr. WELDON of Florida, Mr. KINGSTON, Mrs. BLACKBURN, Mr. DOOLITTLE, Mr. GARRETT of New Jersey, Mr. PENCE, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. PAUL, Mr. FLAKE, Mrs. MYRICK, Mr. BARTLETT of Maryland, and Mrs. CUBIN):

H.R. 5175. A bill to amend the Internal Revenue Code of 1986 to repeal the withholding of income and Social Security taxes; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas (for himself and Mr. TIM MURPHY of Pennsylvania):

H.R. 5176. A bill to amend the Public Health Service Act with respect to mental health services; to the Committee on Energy and Commerce.

By Mr. GRIJALVA:

H.R. 5177. A bill to provide for a land exchange involving certain Bureau of Land Management lands in Pima County, Arizona, for the purpose of consolidating Federal land ownership within the Las Cienegas National Conservation Area, and for other purposes; to the Committee on Natural Resources.

By Mr. GRIJALVA (for himself, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Illinois, Mr. PAYNE, Mr. SCOTT of Virginia, and Ms. CLARKE):

H.R. 5178. A bill to enhance public safety by improving the reintegration of youth offenders into the families and communities to which they are returning; to the Committee on the Judiciary, and in addition to the Committees on Education and Labor, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT (for himself, Mr. HINOJOSA, Mr. EHLERS, and Mr. MARKEY):

H.R. 5179. A bill to establish in the Department of Education an Assistant Secretary for International and Foreign Language Education and an Office of International and Foreign Language Education; to the Committee on Education and Labor.

By Mr. LOEBSACK (for himself, Mr. BOSWELL, and Mr. BRALEY of Iowa):

H.R. 5180. A bill making supplemental appropriations for fiscal year 2008 for the Department of Justice's Edward Byrne Memorial Justice Assistance Grant program; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York (for herself, Ms. SUTTON, Mr. MCNULTY, Ms. JACKSON-LEE of Texas, Ms. WOOLSEY, and Mr. ABERCROMBIE):

H.R. 5181. A bill to amend the Public Health Service Act to establish a program of research regarding the risks posed by the presence of dioxin, synthetic fibers, and other additives in feminine hygiene products, and to establish a program for the collection and analysis of data on toxic shock syndrome; to the Committee on Energy and Commerce.

By Mrs. MALONEY of New York:

H.R. 5182. A bill to suspend temporarily the duty on cyclopentadecanolide; to the Committee on Ways and Means.

By Mrs. MALONEY of New York:

H.R. 5183. A bill to extend the temporary suspension of duty on cis-3-Hexen-1-ol; to the Committee on Ways and Means.

By Mrs. MALONEY of New York:

H.R. 5184. A bill to suspend temporarily the duty on 2-methyl-3-(3,4 methylenedioxyphenyl) propanal; to the Committee on Ways and Means.

By Mrs. MALONEY of New York:

H.R. 5185. A bill to extend the temporary suspension of duty on polytetramethylene ether glycol; to the Committee on Ways and Means.

By Mrs. MALONEY of New York:

H.R. 5186. A bill to extend the temporary suspension of duty on magnesium zinc aluminum hydroxide carbonate hydrate; to the Committee on Ways and Means.

By Mrs. MALONEY of New York:

H.R. 5187. A bill to extend the temporary suspension of duty on Magnesium aluminum hydroxide carbonate hydrate; to the Committee on Ways and Means.

By Mrs. MALONEY of New York:

H.R. 5188. A bill to extend the temporary suspension of duty on C12-18 alkenes; to the Committee on Ways and Means.

By Mr. MEEK of Florida:

H.R. 5189. A bill to establish the Orange Juice Promotion and Production Improvements Trust Fund; to the Committee on Agriculture.

By Mr. MILLER of Florida:

H.R. 5190. A bill to suspend temporarily the duty on certain acrylic fiber tow; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 5191. A bill to prohibit the use of Federal funds to carry out the highway project known as the "Trans-Texas Corridor"; to the Committee on Transportation and Infrastructure.

By Ms. PRYCE of Ohio (for herself and Mr. MURTHA):

H.R. 5192. A bill to improve the palliative and end-of-life care provided to children with life-threatening conditions, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUSH (for himself, Mrs. MALONEY of New York, Mr. BLUMENAUER, Mr. GUTIERREZ, and Ms. JACKSON-LEE of Texas):

H.R. 5193. A bill to award a Congressional Gold Medal to Barry C. Scheck and to Peter Neufeld in recognition of their outstanding service to the Nation and to justice as co-founders and co-directors of the Innocence Project; to the Committee on Financial Services.

By Mrs. TAUSCHER:

H.R. 5194. A bill to extend the temporary suspension of duty on Clethodim; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5195. A bill to suspend temporarily the duty on Red 30-kilovolt high-frequency cable, 30 square millimeters; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5196. A bill to suspend temporarily the duty on UNITRONIC LIYCY-type 350-volt Multi-conductor copper cable, PVC (Polyvinylcarbonate) insulation, 8.9 millimeter diamer; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5197. A bill to suspend temporarily the duty on White plastic mounting flange, 286 millimeter diameter, 45 millimeter thickness; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5198. A bill to suspend temporarily the duty on Cathode high voltage connector; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5199. A bill to suspend temporarily the duty on Stainless steel Vaccuum Feed-Through for optical sensor, 41 millimeter diameter, MANSKE part number 43935/2; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5200. A bill to suspend temporarily the duty on fiber optic amplifier type ILVS 19/4 with metal housing; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5201. A bill to suspend temporarily the duty on single light optical sensor, stainless steel casing, 0.5 meter-long, 2.2 millimeter diameter cable; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5202. A bill to suspend temporarily the duty on optical fiber sensor, consisting of a 10 millimeter diameter lens built in an M14 screw feedthrough with 10-meter long fiber optic cable of 2.2 millimeter diameter; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5203. A bill to suspend temporarily the duty on 2.5-Kilowatt drive motor, Flange diameter 160 millimeter, shaft diameter 30 millimeter; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5204. A bill to suspend temporarily the duty on fork-style optical sensor with special vacuum application, 2.5 meter-long cable, stainless steel casing and sheath material; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5205. A bill to suspend temporarily the duty on cathode drive unit includes 89-Kilowatt Gearmotor, synchronous belt, stainless steel bearing housing, bearings, stainless steel drive shaft, cooling water lead-through, stainless steel driveflange connection, rubber seals, PEEK high performance plastic, insulators, water fittings and metric stainless steel hardware; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5206. A bill to suspend temporarily the duty on Steel Ball Bearing, 62 millimeters outside diameter x 30 millimeters inside diameter x 16 millimeters width; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5207. A bill to suspend temporarily the duty on Gas Flow Control Valve, 500 milliliters minimum; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5208. A bill to suspend temporarily the duty on 1.25 inch Stainless Steel Tee Pipe Fitting; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5209. A bill to suspend temporarily the duty on Pressure Hose with red jacket, 42 millimeters outside diameter x 32 millimeters inside diameter; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5210. A bill to suspend temporarily the duty on Black NBR rubber O-ring, 3150 millimeters diameter, 9896 millimeters circumference; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5211. A bill to suspend temporarily the duty on stainless steel Hose Barb, 88.5 millimeters length x 34 millimeters diameter; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5212. A bill to suspend temporarily the duty on Gas Flow Control Valve 100 milliliters minimum; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5213. A bill to suspend temporarily the duty on Mounting Fixture, 230 millimeters length x 150 millimeters width x 12 millimeters thick; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5214. A bill to suspend temporarily the duty on feedthrough with housing 125 millimeters long, Housing mounting flange 180 millimeters outside diameter x 20 millimeters thick; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5215. A bill to suspend temporarily the duty on coupling assembly with 2 steel hubs with 32 millimeter outside diameter, 18 millimeter inside diameter, and a white plastic sleeve with 46 millimeter outside diameter and 28 millimeter width; to the Committee on Ways and Means.

By Mr. UDALL of Colorado:

H.R. 5216. A bill to promote as a renewable energy source the use of biomass removed from forest lands in connection with hazardous fuel reduction projects on certain Federal land, and for other purposes; to the Committee on Energy and Commerce.

By Mr. UDALL of Colorado:

H.R. 5217. A bill to direct the Administrator of the Small Business Administration to conduct a demonstration program to raise awareness about telework among small business employers, and to encourage such employers to offer telework options to employees, and for other purposes; to the Committee on Small Business.

By Mr. UDALL of Colorado (for himself and Mr. FILNER):

H.R. 5218. A bill to promote fire-safe communities, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Agriculture, Natural Resources, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 5219. A bill to authorize appropriations for the seafood inspection regime of the Food and Drug Administration; to the Committee on Agriculture.

By Mr. WU (for himself, Mr. BLUMENAUER, Mr. DEFAZIO, Ms. HOOLEY, and Mr. WALDEN of Oregon):

H.R. 5220. A bill to designate the facility of the United States Postal Service located at 3800 SW. 185th Avenue in Beaverton, Oregon, as the "Major Arthur Chin Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. AKIN (for himself and Mr. CLEAVER):

H. Con. Res. 284. Concurrent resolution encouraging the President to proclaim 2008 as "The National Year of the Bible"; to the Committee on Oversight and Government Reform.

By Mr. KANJORSKI (for himself, Mrs. CAPITO, Mr. WILSON of Ohio, Mr. ALTMIRE, Mr. MURTHA, Mr. CARNEY, Mr. TIM MURPHY of Pennsylvania, Mr. CHANDLER, Mr. PETERSON of Pennsylvania, Mr. GEORGE MILLER of California, Mr. HOLDEN, Mr. GERLACH, Mr. SHIMKUS, Mr. SHUSTER, Mr. WOLF, and Mr. SPACE):

H. Con. Res. 285. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued honoring the Nation's coal miners; to the Committee on Oversight and Government Reform.

By Mr. MORAN of Virginia (for himself, Mr. SCOTT of Virginia, Mr. TOM DAVIS of Virginia, Mr. PAYNE, Mr. MEEKS of New York, Mr. WOLF, Mr. CONYERS, Mr. CLAY, Mr. TOWNS, Ms. KILPATRICK, Ms. MOORE of Wisconsin, Mr. RUSH, Mr. HASTINGS of Florida, Mr. DAVIS of Illinois, Mr. JEFFERSON, Mr. CLEAVER, Mr. OBERSTAR, Mr. MARKEY, Mr. HALL of Texas, Mr. SHAYS, Mr. BUTTERFIELD, Mr. AL GREEN of Texas, Mr. HINOJOSA, Mr. DELAHUNT, Mr. WATT, Mr. ELLISON, Mr. PALLONE, Mr. JOHNSON of Georgia, Mr. BRALEY of Iowa, Mr. SCOTT of Georgia, Ms. WATSON, Ms. SLAUGHTER, Mr. LARSON of Connecticut, Mr. KUCINICH, Mr. ROSS, Mr. VAN HOLLEN, Mr. CARDOZA, Mr. SERRANO, and Mr. MCGOVERN):

H. Con. Res. 286. Concurrent resolution expressing the sense of Congress that Earl Lloyd should be recognized and honored for breaking the color barrier and becoming the first African American to play in the National Basketball Association League 58 years ago; to the Committee on Oversight and Government Reform.

By Mr. UDALL of Colorado (for himself, Mr. GORDON, Mr. HALL of Texas, Mr. FEENEY, and Mr. LAMPSON):

H. Con. Res. 287. Concurrent resolution celebrating the 50th anniversary of the United States Explorer I satellite, the world's first scientific spacecraft, and the birth of the United States space exploration program; to the Committee on Science and Technology.

By Mr. KUHL of New York (for himself and Mr. ARCURI):

H. Res. 946. A resolution recognizing the Canandaigua Veterans Affairs Medical Center on its 75th anniversary; to the Committee on Veterans' Affairs.

By Mr. ROYCE (for himself, Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. FALEOMAVAEGA, Ms. WATSON, Mr. WILSON of South Carolina, Mr. BURTON of Indiana, Mr. CAPUANO, Mr. PAYNE, Mr. FOSSELLA, Mr. ACKERMAN, Ms. JACKSON-LEE of Texas, Mr. GARRETT of New Jersey, Mr. MEEKS of New York, Mr. ENGEL, Mr. HONDA, Mr. MCCOTTER, and Mr. MORAN of Virginia):

H. Res. 947. A resolution congratulating Lee Myung-Bak on his election to the Presidency of the Republic of Korea and wishing him well during his time of transition and his inauguration on February 25, 2008; to the Committee on Foreign Affairs.

By Mrs. BOYDA of Kansas (for herself, Mr. MOORE of Kansas, Mr. TIAHRT, and Mr. MORAN of Kansas):

H. Res. 948. A resolution congratulating the University of Kansas ("KU") football team for winning the 2008 FedEx Orange Bowl and having the most successful year in program history; to the Committee on Education and Labor.

By Mr. BROUN of Georgia (for himself, Mr. BARRETT of South Carolina, and Mr. BARROW):

H. Res. 949. A resolution recognizing and commending the 100th Anniversary of the Augusta Metro Chamber of Commerce; to the Committee on Energy and Commerce.

By Ms. CORRINE BROWN of Florida:

H. Res. 950. A resolution recognizing the 19th annual "Zora Neale Hurston Festival of the Arts and Humanities" which will be held from January 26, 2008, to February 3, 2008; to the Committee on Oversight and Government Reform.

By Mr. GARRETT of New Jersey (for himself, Mr. ENGEL, Mr. HENSARLING, and Ms. BERKLEY):

H. Res. 951. A resolution condemning the ongoing Palestinian rocket attacks on Israeli civilians, and for other purposes; to the Committee on Foreign Affairs.

By Mr. KLEIN of Florida (for himself, Mr. ROSKAM, Mr. MARKEY, Mr. TOWNS, Mr. HOLDEN, Mrs. GILLIBRAND, Mr. ROSS, Mr. MCINTYRE, Mr. LEWIS of Georgia, Mr. KELLER, Mr. SHULER, Mr. COHEN, Mr. MCGOVERN, Ms. SUTTON, Mr. ALTMIRE, Mr. EHLERS, Mr. THOMPSON of California, Mr. BACA, Ms. LINDA T. SÁNCHEZ of California, Mr. HINCHEY, Mr. SESTAK, Mr. BRALEY of Iowa, Mr. LAMPSON, Ms. BORDALLO, Mrs. TAUSCHER, Mr. INSLEE, Mr. MEEK of Florida, Mrs. BOYDA of Kansas, Mr. SKELTON, Mr. DAVIS of Illinois, Ms. LORETTA SANCHEZ of California, Mr. FILNER, Mr. ROTHMAN, Mr. BISHOP of Georgia, Mr. BRADY of Pennsylvania, Mr. SARBANES, Mr. WALZ of Minnesota, Mr. ETHERIDGE, Mr. MAHONEY of Florida, Mr. CLEAVER, Ms. WASSERMAN SCHULTZ, Mr. LYNCH, Ms. MATSUI, Mr. ALLEN, Mr. ELLISON, Mr. WYNN, Ms. MCCOLLUM of Minnesota, Mr. HONDA, Mr. GRIJALVA, Mr. HILL, Mr. AL GREEN of Texas, Mr. FARR, Mr. VAN HOLLEN, Mr. MATHESON, Mr. MOORE of Kansas, Mr. GENE GREEN of Texas, Mr. SMITH of Washington, Mr. MITCHELL, Mr. KAGEN, Mr. WU, Mr. MCNERNEY, Mr. CARNEY, Mr. GORDON, Mr. WELCH of Vermont, Mrs. CAPPS, Mr. BERRY, Ms. TSONGAS, Mr. HIGGINS, Mr. ORTIZ, Mr. YOUNG of Alaska, Mr. REYNOLDS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DONNELLY, Mr. ARCURI, Mr. KUHL of New York, Mr. SOUDER, Ms. HIRONO, Mr. LANTOS, Mr. LOEBSACK, Mr. RAMSTAD, Mr. SIRES, Mrs. BLACKBURN, Mr. SHIMKUS, Mr. WALDEN of Oregon, Mr. GARRETT of New Jersey, Mr. DAVIS of Kentucky, Mr. KIRK, Ms. MOORE of Wisconsin, Mr. BOSWELL, Mr. RODRIGUEZ, Mr. REYES, Mr. COURTNEY, Mr. GUTIERREZ, Mr. KENNEDY, Mr. SERRANO, Mr. RUSH, Mr. HOLT, Ms. CASTOR, Ms. SCHAKOWSKY, Mr. ISRAEL, Mr. SCOTT of Georgia, Mr. LINCOLN DAVIS of Tennessee, Ms. WOOLSEY, Mr. LANGEVIN, Ms. NORTON, Mr. GONZALEZ, Mr. SHAYS, Mr. REICHERT, Mr. REHBERG, Mr. DANIEL E. LUNGREN of California, Mr. ENGLISH of Pennsylvania, Mr. HARE, Mr. CHANDLER, Mr. WILSON of Ohio, Ms. WATSON, Mr. KIND, Mr. MEEKS of New York, Mr. WEXLER, Mr. HALL of New York, Mr. THOMPSON of Mississippi, Mr. FATTAH, Ms. KILPATRICK, Mr. BISHOP of New York, Ms. BERKLEY, Mr. HASTINGS of Florida, Mr. ACKERMAN, Mr. KILDEE, Mrs. DAVIS of California, Mr. ENGEL, Mr. CAPUANO, Mr. FOSSELLA, Mr. SMITH of New Jersey, Mr. PUTNAM, and Ms. GRANGER):

H. Res. 952. A resolution expressing the sense of the House of Representatives that there should be established a National Teacher Day to honor and celebrate teachers in the United States; to the Committee on Oversight and Government Reform.

By Mr. KNOLLENBERG:

H. Res. 953. A resolution expressing the sense of the House of Representatives that all Americans should participate in a moment of silence to reflect upon the service and sacrifice of members of the United States Armed Forces both at home and abroad; to the Committee on Armed Services.

By Ms. ZOE LOFGREN of California (for herself, Mr. CONYERS, Mr. GRIJALVA, Mr. SMITH of Texas, Mr. KING of Iowa, Mr. THOMPSON of Mississippi, Ms. LORETTA SANCHEZ of California, Mr. KING of New York, Mr. REYES, Ms. GIFFORDS, Mr. CARNEY, Ms. JACKSON-LEE of Texas, Mr. AL GREEN of Texas, Mr. DAVIS of Alabama, Mr. DANIEL E. LUNGREN of California, Mr. RODRIGUEZ, Mr. GALLEGLY, Mr. CUELLAR, Mr. PENCE, Mr. BERMAN, Mr. HILL, Mr. SHULER, Mr. WALZ of Minnesota, Mr. SPACE, Mr. ELLSWORTH, Mr. JOHNSON of Georgia, Mr. HALL of New York, Mr. MAHONEY of Florida, Mr. BRALEY of Iowa, Mr. DONNELLY, and Mrs. BOYDA of Kansas):

H. Res. 954. A resolution honoring the life of senior Border Patrol agent Luis A. Aguilar, who lost his life in the line of duty near Yuma, Arizona, on January 19, 2008; to the Committee on Homeland Security.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

225. The SPEAKER presented a memorial of the Legislature of the State of Alaska, relative to House Joint Resolution No. 11 urging the Congress of the United States to take action to honor the sovereignty of the individual states to regulate and command the National Guard of the states; to the Committee on Armed Services.

226. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 447 expressing support for the Children's

Health Insurance Program Reauthorization Act of 2007 and urging the Congress of the United States to override the veto; to the Committee on Energy and Commerce.

227. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 131 requesting the Congressional Joint Committee on the Library to approve the replacement of Michigan's statue of Zachariah Chandler with an image of President Gerald R. Ford as part of the National Statuary Hall collection; to the Committee on House Administration.

228. Also, a memorial of the Legislature of the State of Alaska, relative to Senate Joint Resolution No. 6 urging the Congress of the United States to defeat H.R. 39, titled "To preserve the Arctic coastal plain of the Arctic National Wildlife Refuge, Alaska, as wilderness in recognition of its extraordinary natural ecosystems and for the permanent good of present and future generations of Americans"; to the Committee on Natural Resources.

229. Also, a memorial of the Legislature of the State of Alaska, relative to House Joint Resolution No. 21 urging the Congress of the United States to enact legislation to require congressional approval before an area in the United States may be considered for an international designation; to the Committee on Natural Resources.

230. Also, a memorial of the Legislature of the State of Alaska, relative to House Joint Resolution No. 17 encouraging Coeur Alaska, Inc., to pursue all legal options to resolve the issues presented in Southeast Alaska Conservation Council v. United States Army Corps of Engineers on behalf of itself and consistent with the state's efforts to enforce its rights as a state over its resources; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. REYES introduced a bill (H.R. 5221) for the relief of Kumi Iizuka-Barcena; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 181: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 197: Mr. ELLSWORTH.

H.R. 241: Mr. GOODLATTE, Mr. GOHMERT, Mr. FRANKS of Arizona, Mr. FEENEY, Mr. PENCE, Mr. MANZULLO, Mr. HERGER, Mr. THORNBERRY, Mr. BRADY of Texas, Mr. DAVID DAVIS of Tennessee, Mr. BARTLETT of Maryland, Mr. WILSON of South Carolina, Mr. PITTS, and Mr. BURGESS.

H.R. 281: Mr. THOMPSON of California.

H.R. 550: Mr. PORTER.

H.R. 551: Mr. WALDEN of Oregon.

H.R. 583: Mr. SESTAK.

H.R. 585: Mrs. LOWEY.

H.R. 621: Mr. LOBIONDO.

H.R. 648: Mrs. CUBIN and Mr. HOLDEN.

H.R. 685: Mr. ROSS, Mr. BURGESS, and Mr. MARCHANT.

H.R. 706: Mr. CONYERS.

H.R. 821: Mr. GONZALEZ.

H.R. 871: Mr. GEORGE MILLER of California.

H.R. 891: Ms. CLARKE, Ms. LORETTA SANCHEZ of California, and Mr. CALVERT.

H.R. 913: Mr. BACHUS.

H.R. 946: Mr. COHEN.

H.R. 1000: Mr. DICKS.

H.R. 1017: Ms. WATERS and Ms. LINDA T. SÁNCHEZ of California.

H.R. 1102: Mr. SMITH of Washington.

H.R. 1223: Mrs. BOYDA of Kansas.

H.R. 1232: Mr. REHBERG.

H.R. 1390: Mr. WU.

H.R. 1419: Mr. WEXLER.

H.R. 1428: Mrs. CAPITO.

H.R. 1444: Mrs. LOWEY.

H.R. 1456: Mr. SIRES.

H.R. 1497: Mr. FRANK of Massachusetts.

H.R. 1540: Mrs. BLACKBURN.

H.R. 1553: Mr. JACKSON of Illinois and Mr. GINGREY.

H.R. 1584: Ms. MATSUI and Mr. RADANOVICH.

H.R. 1589: Mrs. CAPITO.

H.R. 1609: Mr. GEORGE MILLER of California, Mr. REYES, and Mr. WHITFIELD of Kentucky.

H.R. 1610: Mr. HASTINGS of Washington, Mr. REYNOLDS, and Mr. ALTMIRE.

H.R. 1621: Mr. JACKSON of Illinois.

H.R. 1653: Ms. RICHARDSON, Mr. SESTAK, and Mr. MICHAUD.

H.R. 1691; Mr. WEXLER.

H.R. 1738: Mr. FRANK of Massachusetts.

H.R. 1742: Mr. BLUMENAUER, Mr. ROSKAM, and Mr. MORAN of Virginia.

H.R. 1748: Mr. MANZULLO.

H.R. 1772: Mr. ELLSWORTH.

H.R. 1789: Mr. GOODLATTE.

H.R. 1801: Mr. DOGGETT.

H.R. 1818: Mrs. CAPITO.

H.R. 1829: Ms. GINNY BROWN-WAITE of Florida.

H.R. 1843: Mr. LOBIONDO.

H.R. 1881: Mr. KING of New York.

H.R. 1953: Mr. ELLISON and Mr. JACKSON of Illinois.

H.R. 1956: Ms. RICHARDSON.

H.R. 1964: Mr. RUPPERSBERGER.

H.R. 1965: Mr. BRALEY of Iowa.

H.R. 1975: Ms. MATSUI.

H.R. 2032: Mr. ELLISON.

H.R. 2045: Mr. WEXLER and Ms. LINDA T. SÁNCHEZ of California.

H.R. 2049: Mr. ISRAEL.

H.R. 2054: Mr. SIMPSON.

H.R. 2091: Mr. MOORE of Kansas.

H.R. 2188: Mrs. BOYDA of Kansas.

H.R. 2267: Mr. SESTAK and Mr. HOLDEN.

H.R. 2353: Ms. CLARKE.

H.R. 2464: Mr. WAMP.

H.R. 2495: Mr. MICHAUD and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 2510: Mr. HALL of Texas.

H.R. 2580: Mr. LEWIS of Kentucky.

H.R. 2596: Mr. AL GREEN of Texas.

H.R. 2604: Ms. BALDWIN.

H.R. 2611: Mr. BRALEY of Iowa.

H.R. 2676: Mr. KING of New York.

H.R. 2685: Mr. MAHONEY of Florida.

H.R. 2686: Mr. MAHONEY of Florida.

H.R. 2702: Mr. COURTNEY.

H.R. 2708: Mr. ACKERMAN.

H.R. 2711: Mr. PORTER.

H.R. 2712: Mr. ENGLISH of Pennsylvania.

H.R. 2734: Mrs. BONO Mack and Mr. MCKEON.

H.R. 2802: Mr. DELAHUNT.

H.R. 2840: Mr. AL GREEN of Texas.

H.R. 3014: Mr. NADLER.

H.R. 3016: Mr. UDALL of Colorado.

H.R. 3051: Mrs. MUSGRAVE.

H.R. 3057: Mr. HINOJOSA.

H.R. 3182: Mr. MORAN of Virginia.

H.R. 3185: Mr. MICHAUD.

H.R. 3232: Mr. BILBRAY, Mr. MORAN of Virginia, and Mrs. CAPITO.

H.R. 3298: Mr. FORTUÑO and Mr. KUCINICH.

H.R. 3314: Mr. RANGEL.

H.R. 3363: Mr. SMITH of Nebraska and Mr. KIND.

H.R. 3378: Mr. HONDA, Mr. MORAN of Virginia, and Mrs. BOYDA of Kansas.

H.R. 3439: Mr. SESTAK and Mr. DAVIS of Illinois.

H.R. 3547: Ms. CORRINE BROWN of Florida.

H.R. 3609: Mr. SARBANES and Mr. DAVIS of Illinois.

H.R. 3616: Mr. GENE GREEN of Texas.

H.R. 3622: Mr. THOMPSON of Mississippi, Mr. MORAN of Virginia, Mr. CLEAVER, and Mr. WEXLER.

H.R. 3689: Mr. GONZALEZ and Ms. BALDWIN.

H.R. 3697: Mr. WEXLER.

H.R. 3717: Mr. KAGEN.

H.R. 3735: Mr. RAMSTAD.

H.R. 3750: Mr. MARSHALL.

H.R. 3797: Mr. SESTAK, Ms. ZOE LOFGREN of California, Ms. GIFFORDS, and Mr. ALTMIRE.

H.R. 3815: Ms. RICHARDSON.

H.R. 3819: Mr. DONNELLY, Mr. ENGLISH of Pennsylvania, and Ms. MATSUI.

H.R. 3825: Mr. BURGESS, Mr. FOSSELLA, Ms. PRYCE of Ohio, Mrs. CAPITO, and Mr. MCHUGH.

H.R. 3846: Mr. WEXLER, Mr. GONZALEZ, and Mr. MEEKS of New York.

H.R. 3852: Mr. LATTA.

H.R. 3899: Mr. GOODE.

H.R. 3934: Mr. ALTMIRE and Mrs. NAPOLITANO.

H.R. 3980: Mr. MCGOVERN.

H.R. 4044: Mr. WOLF.

H.R. 4061: Mr. EHLERS.

H.R. 4063: Mr. VAN HOLLEN.

H.R. 4088: Mr. KINGSTON.

H.R. 4105: Mr. JACKSON of Illinois.

H.R. 4125: Mr. POE.

H.R. 4126: Mr. DAVIS of Alabama, Mr. BRADY of Pennsylvania, Mr. ALLEN, and Mr. HERGER.

H.R. 4236: Mr. CROWLEY, Mr. ELLISON, Mr. SCOTT of Georgia, Ms. HIRONO, Mr. UDALL of New Mexico, and Mr. HILL.

H.R. 4244: Mr. NUNES.

H.R. 4318: Mr. BOYD of Florida.

H.R. 4355: Mr. ALEXANDER, Ms. WATERS, and Mr. SHIMKUS.

H.R. 4461: Mr. PERLMUTTER.

H.R. 4464: Mr. ADERHOLT, Mrs. CAPITO, Mr. GARRETT of New Jersey, Ms. FALLIN, Mr. SMITH of Nebraska, Mr. BACHUS, Mrs. EMERSON, Mr. SESSIONS, and Mr. FORBES.

H.R. 4544: Mr. HINOJOSA.

H.R. 4651: Mr. GRIJALVA.

H.R. 4833: Mr. SERRANO and Mr. PASTOR.

H.R. 4838: Mr. GEORGE MILLER of California, Mr. SMITH of Washington, and Ms. ESHOO.

H.R. 4841: Mr. CALVERT.

H.R. 4915: Mr. BARRETT of South Carolina and Mr. ENGLISH of Pennsylvania.

H.R. 4930: Mr. YOUNG of Florida, Mr. BARRETT of South Carolina, Mr. LOBIONDO, and Mr. SHUSTER.

H.R. 5032: Mr. MCCOTTER, Mr. FORTENBERRY, Mr. JONES of North Carolina, Mr. LINDER, Mr. GARRETT of New Jersey, Mr. SOUDER, Mr. BOOZMAN, Mr. PITTS, Mr. LAMBORN, Mr. CHABOT, Mr. BROUN of Georgia, Mr. FORBES, Mr. GOODE, and Mr. RENZI.

H.R. 5035: Mr. JACKSON of Illinois.

H.R. 5036: Mr. GORDON, Mr. LEVIN, Mr. ALTMIRE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MORAN of Virginia, Ms. WASSERMAN SCHULTZ, Mr. WYNN, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, Mr. PALLONE, Mr. GENE GREEN of Texas, Ms. KILPATRICK, Mr. COOPER, and Mr. JACKSON of Illinois.

H.R. 5056: Mr. WELCH of Vermont.

H.R. 5057: Mr. KILDEE, Mr. SMITH of Washington, and Mr. BERMAN.

H.R. 5058: Mr. HARE, Mrs. CAPPS, Mr. MCNERNEY, Mrs. DAVIS of California, Ms.

LEE, Ms. DELAURO, Mr. SESTAK, Ms. WOOLSEY, and Mr. FARR.

H.R. 5060: Mr. MILLER of North Carolina and Mr. CHANDLER.

H.R. 5087: Mr. SHULER, Mr. WALBERG, Mr. KAGEN, and Mr. DEFAZIO.

H.R. 5105: Mr. HELLER.

H.R. 5109: Mr. BARTON of Texas, Mr. BISHOP of Utah, Mr. GOODE, Mr. JONES of North Carolina, Mr. MILLER of Florida, Mr. NEUGEBAUER, Mr. RADANOVICH, Mr. SENSENBRENNER, Mr. SULLIVAN, Mr. TANCREDO, Mr. MCCOTTER, Mr. STEARNS, Mr. DEAL of Georgia, and Mr. FOSSELLA.

H.R. 5124: Mr. SAXTON, Mr. GRAVES, Mr. BILBRAY, Mr. GINGREY, Mr. COBLE, Mrs. MYRICK, and Mr. MARCHANT.

H.R. 5132: Mr. HASTINGS of Florida.

H.R. 5143: Mr. GEORGE MILLER of California, Mr. ORTIZ, Mr. SIRES, Mr. PASTOR, Ms. VELÁZQUEZ, Mr. REYES, and Mr. BACA.

H.J. Res. 6: Mr. DENT.

H.J. Res. 67: Mr. MARSHALL.

H. Con. Res. 32: Mr. YOUNG of Florida, Mrs. MCMORRIS RODGERS, and Mr. MITCHELL.

H. Con. Res. 40: Mr. STUPAK.

H. Con. Res. 70: Mrs. DAVIS of California and Ms. BALDWIN.

H. Con. Res. 244: Mr. REYES, Mr. GARY G. MILLER of California, and Mr. HOLDEN.

H. Con. Res. 263: Mr. NUNES, Mr. SMITH of Nebraska, Mr. SULLIVAN, Mr. LUCAS, Mr. TIBERI, Mr. LATTA, Mr. BARTLETT of Maryland, Mr. HASTINGS of Washington, Mr. FOSSELLA, Mr. REICHERT, Mr. ROYCE, and Mr. PETRI.

H. Con. Res. 267: Mr. BISHOP of Utah, Mr. COLE of Oklahoma, and Mr. LATOURETTE.

H. Con. Res. 278: Mr. CALVERT, Mr. FOSSELLA, Ms. ZOE LOFGREN of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WU, Ms. WASSERMAN SCHULTZ, Mr. BOSWELL, and Ms. WATSON.

H. Con. Res. 280: Mr. SCOTT of Virginia, Mr. GUTIERREZ, Mr. MORAN of Virginia, Mr. FATTAH, Mr. RANGEL, Ms. WATSON, Ms. SUTTON, Ms. CLARKE, Mr. MEEK of Florida, Mr. DAVIS of Alabama, and Ms. ZOE LOFGREN of California.

H. Res. 102: Mr. RYAN of Wisconsin.

H. Res. 373: Mr. CROWLEY and Mr. ROYCE.

H. Res. 530: Mr. MARKEY.

H. Res. 556: Mr. LEWIS of Kentucky and Mr. COLE of Oklahoma.

H. Res. 758: Mr. LAMBORN.

H. Res. 783: Mr. ADERHOLT.

H. Res. 792: Mrs. LOWEY.

H. Res. 796: Mr. KUHL of New York.

H. Res. 821: Mr. GARRETT of New Jersey.

H. Res. 834: Ms. GIFFORDS.

H. Res. 848: Mr. PRICE of North Carolina and Mr. COLE of Oklahoma.

H. Res. 868: Mr. WEXLER.

H. Res. 881: Mr. HOEKSTRA.

H. Res. 892: Mr. FRANK of Massachusetts, Mr. GORDON, and Mr. RAHALL.

H. Res. 896: Mr. FARR.

H. Res. 917: Ms. HOOLEY, Ms. ESHOO, Mrs. MYRICK, Mr. HINOJOSA, Mr. WEXLER, Mr. BILBRAY, Mr. BROUN of Georgia, Mr. GINGREY, Mr. MARIO DIAZ-BALART of Florida, Mr. ROSS, and Mr. MATHESON.

H. Res. 929: Mrs. MYRICK.

H. Res. 930: Mr. HOLDEN, Mr. LARSEN of Washington, Mr. MCNERNEY, Mr. SPACE, Mrs. DRAKE, Mr. REICHERT, and Mr. PETERSON of Minnesota.

H. Res. 931: Mr. RAMSTAD, Mr. REICHERT, Mr. GOODLATTE, Mr. GOODE, Mr. KUHL of New York, Mr. TIAHRT, Mr. SAM JOHNSON of Texas, Mrs. DRAKE, Mr. ISSA, Mr. STUPAK, and Mr. HALL of Texas.

H. Res. 939: Mr. KIRK, Mrs. MYRICK, and Mr. ROHRABACHER.

H. Res. 943: Mr. CHANDLER, Ms. WOOLSEY, and Mr. HONDA.

H. Res. 944: Mr. JOHNSON of Georgia.

H. Res. 945: Ms. HERSETH SANDLIN and Mr. ROSS.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

203. The SPEAKER presented a petition of the City Council of New Orleans, Louisiana, relative to Resolution No. R-07-530 urging the Congress of the United States to appropriate funds for 3,000 Permenent Supportive Housing subsidies for the hurricane — devastated areas of Louisiana; to the Committee on Financial Services.

204. Also, a petition of the San Francisco Board of Supervisors, California, relative to Resolution No. 641-07 urging the Federal Government to impose stricter relations on International Ship Traffic and supporting the Marine Vessel Emissions Reducation Act of 2007; to the Committee on Energy and Commerce.

205. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 574 requesting the Congress of the United States support ratification of the United Nations Convention on the Rights of the Child; to the Committee on Foreign Affairs.

206. Also, a petition of the San Francisco Board of Supervisors, California, relative to Resolution No. 594-07 urging Speaker Nancy Pelosi to continue support and immediately schedule a vote on H.R. 106, which reaffirms the proper recognition of the Armenian Genocide; to the Committee on Foreign Affairs.

207. Also, a petition of the San Francisco Board of Supervisors, California, relative to Resolution No. 569-07 urging neighboring nations and major investors to defense peaceful pro-democracy demonstrators in Burma; to the Committee on Foreign Affairs.

208. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 584 requesting that the United States Postal Service issue a postal stamp honoring Helen Hayes, October 10, 1900 — March 17, 1993; to the Committee on Oversight and Government Reform.

209. Also, a petition of the City Council of Santa Rosa, California, relative to Resolution No. 26998 recommending impeachment of President George W. Bush and Vice President Richard Cheney; to the Committee on the Judiciary.

210. Also, a petition of the Legislature of Ulster County, New York, relative to Resolution No. 392 urging the Congress of the United States to create a Select Committee to investigate the Presidential Administration and to make recommendations regarding grounds for possible impeachment; to the Committee on the Judiciary.

211. Also, a petition of the Miami-Dade County Board of County Commissioners, Florida, relative to Resolution No. R-1246-07 urging the Congress of the United States to reinstate the federal assault weapons ban; to the Committee on the Judiciary.

212. Also, a petition of the Miami-Dade County Board of County Commissioners, Florida, relative to Resolution No. R-1264-07 urging the Florida Legislature to designate NW 7th Avenue from NW 35th Street to 79th Street as Dr. Barbara Carey-Shuler Avenue; to the Committee on Transportation and Infrastructure.

213. Also, a petition of the Miami-Dade County Board of County Commissioners, Florida, relative to Resolution No. R-1245-07 urging the Florida Legislature to increase the penalties and fines for dog and other animal fighting; jointly to the Committees on Agriculture and the Judiciary.

214. Also, a petition of the Senate of the Associated Students of the Univeristy of Nevada, relative to a resolution petitioning the Congress of the United States to pass the DREAM Act; jointly to the Committees on Education and Labor and the Judiciary.

EXTENSIONS OF REMARKS

ANNOUNCEMENT OF THE 2007 CONGRESS-BUNDESTAG/BUNDESRAT EXCHANGE

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Ms. PELOSI. Madam Speaker, since 1983, the U.S. Congress and the German Bundestag and Bundesrat have conducted an annual exchange program for staff members from both countries. The program gives professional staff the opportunity to observe and learn about each other's political institutions and interact on issues of mutual interest.

A staff delegation from the U.S. Congress will be selected to visit Germany from May 23 to June 1 of this year. During this 10 day exchange, the delegation will attend meetings with Bundestag/Bundesrat members, Bundestag and Bundesrat party staff members, and representatives of numerous political, business, academic, and media agencies. Participants also will be hosted by a Bundestag member during a district visit.

A comparable delegation of German staff members will visit the United States for 10 days July 12–20. They will attend similar meetings here in Washington and visit the districts of Members of Congress. The U.S. delegation is expected to facilitate these meetings.

The Congress-Bundestag/Bundesrat Exchange is highly regarded in Germany and the United States, and is one of several exchange programs sponsored by public and private institutions in the United States and Germany to foster better understanding of the politics and policies of both countries. This exchange is funded by the U.S. Department of State's Bureau of Educational and Cultural Affairs.

The U.S. delegation should consist of experienced and accomplished Hill staff who can contribute to the success of the exchange on both sides of the Atlantic. The Bundestag reciprocates by sending senior staff professionals to the United States.

Applicants should have a demonstrable interest in events in Europe. Applicants need not be working in the field of foreign affairs, although such a background can be helpful. The composite U.S. delegation should exhibit a range of expertise in issues of mutual concern to the United States and Germany such as, but not limited to, trade, security, the environment, economic development, health care, and other social policy issues. This year's delegation should be familiar with transatlantic relations within the context of recent world events.

In addition, U.S. participants are expected to help plan and implement the program for the Bundestag/Bundesrat staff members when they visit the United States. Participants are expected to assist in planning topical meetings in Washington, and are encouraged to host one or two staffers in their Member's district in July, or to arrange for such a visit to another Member's district.

Participants are selected by a committee composed of personnel from the Bureau of Educational and Cultural Affairs of the Department of State and past participants of the exchange.

Members of the House and Senate who would like a member of their staff to apply for participation in this year's program should direct them to submit a résumé and cover letter in which they state their qualifications, the contributions they can make to a successful program and some assurances of their ability to participate during the time stated.

Applications may be sent to the Office of Interparliamentary Affairs, HB–28, the Capitol, by 5 p.m. on Friday, March 14, 2008.

A TRIBUTE TO JOSEPH H. (JIM) ZARZYCKI

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Joseph H. "Jim" Zarzycki, director of the Edgewood Chemical Biological Center at Aberdeen Proving Grounds. Graduating with honors in chemical engineering in 1969 from the New Jersey Institute of Technology, Joseph Zarzycki went on to earn a master's degree in industrial engineering from Texas A&M University in 1970. He is also a graduate of the Defense Systems Management College's Program Management Course and holds a master's degree in public administration from Harvard's John F. Kennedy School of Government. He is a licensed professional engineer in Maryland and New Jersey.

Jim has over 25 years of leadership in public and private organizations dealing with toxic and hazardous materials. He has worked in the Army's Chemical Demilitarization and Installation Program, as well as the Army Chemical Systems Laboratory, now the Edgewood Chemical Biological Center. Throughout most of the 1990s, Jim worked in the environmental consulting industry, directing the functions of waste management locations across the nation.

In 1998, Jim returned to government service as the director of the Edgewood Chemical Biological Center at Aberdeen Proving Grounds. There he has directed the efforts of over 1,600 scientists, engineers, and technicians working in the areas of chemical and biological defense, smoke obscurants, and non-lethal weapons technologies. He also manages technology development efforts in support of several important national security programs including chemical demilitarization, the chemical and biological warfare treaties, and chemical and biological counterterrorism.

Jim is a recipient of the 2002 Presidential Rank meritorious Executive Award. In both 2002 and 2007 he was named Federal Laboratory Consortium Technology Transfer Department of Defense Director of the Year. Most recently, his organization, the Edgewood Chemical Biological Center, was selected as the Army Laboratory of the Year in 2007.

Madam Speaker, I ask that you join with me today to honor Joseph H. "Jim" Zarzycki. His legacy as a brilliant engineer will be forever remembered in his service to our domestic agencies as well as our armed forces. It is with great pride that I congratulate Jim Zarzycki on his exemplary career in chemical and biological defense.

EXAMINATION OF VOTE ON H. RES. 847

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. HOLT. Madam Speaker, one of the reasons the United States of America has remained for more than two centuries a model to the world is the constitutional promise of the first amendment: "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof."

I did not vote against H. Res. 847, but I strongly believe it should never have been brought to the floor of the House of Representatives. It is appropriate for Congress to address moral and ethical issues of societal import, but not issues of religious import. Congress should not legislate on whether Jesus is peoples' "savior" or whether Christmas symbolizes "God's redemption and mercy." Despite some good phrases, H. Res. 847 was inappropriate legislation that deserved neither a "yes" nor a "no." I voted present, as I have occasionally done for legislation that I believe should never have been brought forward.

Those of us who practice our deeply held religious beliefs are able to worship more freely than anywhere else in the world because of this important protection that our founders installed so wisely. My Christian religious faith not only supports my entire life and dedication to service; it also leads me often to speak out on religious tolerance in the world.

Some people have noted that earlier this year I had voted to honor the Muslim observance of Ramadan and then recently refused to vote to honor Christmas. That is not really true. In October I voted in favor of a resolution that at the time of the Muslim Ramadan expressed "friendship" and "respect" for Muslims and commended Muslims who reject "hatred" and "bigotry" and who present Islam as supporting "tolerance and full civil and political

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

rights." That was a message of societal and political import, not religious, and different in tone and content from the recent resolution celebrating Christmas.

That is the way I see it, and when it comes to votes on the floor of the House, I call them as I see them. I trust my constituents will see it as a thoughtful and conscientious vote, even if they disagree with it.

CELEBRATING THE 50TH ANNIVERSARY OF THE U.S. EXPLORER I SATELLITE AND THE BIRTH OF THE UNITED STATES' SPACE EXPLORATION PROGRAM

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. UDALL of Colorado. Madam Speaker, today I am introducing a resolution to celebrate the 50th anniversary of the launch of the U.S. Explorer I satellite, and the birth of the United States' space exploration program. I am pleased that Chairman BART GORDON, Ranking Member RALPH HALL, Rep. TOM FEENEY, and Rep. NICK LAMPSON have joined me as original cosponsors and I thank them for their support.

On January 31, 1958, the United States successfully launched its first satellite into space and began a 50-year journey of exploration and achievement in space that continues to this day.

Yet the launch of Explorer I was not just a "photo-op". Explorer I carried a scientific package that included a cosmic ray detector and marked the first ever use of a satellite to carry out scientific research in outer space. Because of that detector, developed by Dr. James Van Allen of the University of Iowa, the United States made a significant discovery about the Earth's environment—namely, the discovery of regions of energetic charged particles trapped in the Earth's magnetic field—later referred to as the Van Allen radiation belts.

In addition, Explorer I was the first in a succession of small scientific spacecraft that continue to be an integral component of the U.S. space science program and an invaluable training ground for young scientists and engineers.

In light of all that, I ask my colleagues in Congress to join me in extending our profound thanks and appreciation for the contributions of the late Dr. James Van Allen and his team as well as those of the individuals at the Jet Propulsion Laboratory and the Army Ballistic Missile Agency who made possible the success of Explorer I and the birth of our space program.

Since the launch of Explorer I, the U.S. space program has maintained a record of high aspirations and remarkable accomplishments. America sent the first astronauts to the Moon and has launched robotic probes to study each of the planets in the solar system as well as the Earth's Moon. Moreover, American spacecraft have helped investigate the origin and structure of the universe and the formation of galaxies and stars—including our own Sun. Finally, our space program has delivered significant benefits to our citizens through communications and weather satellites, navigational and positioning systems, and remote sensing satellites that have helped increase our understanding of the Earth and its environment and our ability to manage our resources.

All in all, it has been an exciting half-century of U.S. human and robotic space exploration.

As we honor Explorer I and the birth of the U.S. space program, it is appropriate to remember that our efforts in space exploration have inspired generations of our young people to pursue careers in science and engineering. In addition, it is clear that the scientific and engineering advances of the U.S. space program have yielded dividends that have helped promote America's technological preeminence in the world as well as foster economic growth here at home.

As we look forward to the next 50 years in space exploration and utilization, it is important that Congress continue to support science and engineering educators and programs that will help prepare the men and women who will lead the United States in pushing back the frontiers of space exploration in coming years.

In closing, I think that America's space program has been a vital contributor to the nation's well being and standing in the world, as well as to significant scientific and technological advances over the last five decades. It is fitting and proper that we pause to celebrate and honor the anniversary of Explorer I and the birth of the U.S. space program—and to rededicate ourselves to the pursuit of a robust and vital space program over the next 50 years.

I hope that all Members will join me and my cosponsors in supporting this resolution.

RECOGNIZING JAMES JOHNSON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize James Johnson of Chillicothe, Missouri. On February 3, 2008, James will retire as Chief Executive Officer of the Hendrick Medical Center in Chillicothe, Missouri.

Jim joined Hendrick Medical Center in 1998 as Chief Executive Officer and brings more than 35 years of health care experience to his position. While in Chillicothe Jim has been active in many community organizations as a leader, a volunteer and a board member. He was president of Rotary, Habitat for Humanity and the YMCA and is the current president of the Livingston County Community Foundation.

Madam Speaker, I proudly ask you to join me in recognizing James Johnson, whose dedication to Hendrick Medical Center and the city of Chillicothe has been truly inspirational. I wish James and his family the best of luck in the future and I am honored to serve him in the United States Congress.

WHY AMERICA NEEDS A LITTLE LESS LAISSEZ-FAIRE

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. MCDERMOTT. Madam Speaker, a recent Op-Ed written by the Honorable BARNEY FRANK, Chairman of the House Committee on Financial Services, appeared in the Financial Times. Mr. FRANK, I believe, succinctly describes the challenges that face Federal policy makers and a new American president. Too often these days, the market fails to protect the interests of the common good. I look forward to working with a president and a Congress that understands the vital role of a little government regulation and intervention. I am entering Mr. FRANK's Op-Ed into the RECORD so that our colleagues, and interested Americans, can consider what lies ahead for our country if we do not carefully examine how we arrived in the current situation.

[From the Financial Times, Jan. 14, 2008]

WHY AMERICA NEEDS A LITTLE LESS LAISSEZ-FAIRE

(By Barney Frank)

As we prepare for this autumn's election, the results are in on America's 30-year experiment with radical economic deregulation. Income inequality has risen to levels not seen since the 1920s and the collapse of the unregulated portion of the mortgage and secondary markets threatens the health of the overall economy.

These two economic failures will be major issues in the forthcoming presidential election and, importantly, there is an emerging Democratic consensus standing in sharp contrast to the laisser faire Republican approach.

There are two central elements of this consensus. Democrats believe that government's role as regulator is essential in maintaining confidence in the integrity and fairness of markets, and we believe that economic growth alone is not enough to reverse unacceptable levels of income inequality. In the wake of the subprime mortgage crisis, credit markets round the world contracted sharply in response to concerns among market participants about the value of exotic and opaque securities being offered in largely unregulated secondary markets. This staggering implosion and its damaging and widespread reverberations make it clear that a mature capitalist economy is as likely to suffer from too little regulation as from too much.

With respect to income inequality, since the end of the last recession—a period of steady economic growth—average earnings for the vast majority of workers have fallen in real terms. During this period, after-tax incomes of the top 1 per cent nearly doubled.

Whether because of globalisation, technology or other factors, it is clear that market forces have produced too much inequality and government has not adequately used its capacity to mitigate the impact of these forces.

Conservatives have long argued that government efforts to address these issues would damage the economy. They are, of course, the same people who predicted that there would be an economic disaster after Bill Clinton and the Democratic Congress raised marginal tax rates in 1993, and who opposed other tax increases on upper-income people. Economic growth in the ensuing years was among the strongest in the postwar era. It is now clear that growth in the private sector is consistent with a far greater variation in many aspects of public policy—including taxation and regulation—than conservatives claim. In fact, appropriate intervention with respect to prudential market regulation is necessary to promote growth, and its absence—as we have learned—can retard it.

As recently as a year ago, one often heard the argument that U.S. financial activity would migrate offshore unless we moved to further deregulate markets. There is little evidence to support this claim. In fact, it is now clear that what has been migrating to the rest of the world are the problems associated with securities based on bad loans—often originated by unregulated institutions in the U.S. Banks in the UK and Germany were forced to close, either as a result of holding large portfolios of these securities or because they could not roll over debt backed by them.

Widespread securitisation, and use of the "originate to distribute" model, has turned out to be far less than the unmitigated boon it had once appeared.

The market did its job with great efficiency in exploiting the benefits of securitisation but government failed to make good on its responsibilities. The failure of regulation to keep pace with innovation left us with no replacement for the discipline provided by the lender-borrower relationship that securitisation dissolves. Increasing and largely unregulated leverage multiplies the corrosive effect of this change.

In response to the current crisis, it appears that the regulatory tide may, at long last, be turning.

In 1994 a Democratic Congress—the last before the Republican takeover marked the arrival of the deregulators—passed the homeowners equity protection act, giving the Federal Reserve the power to regulate all home mortgage loans. The avatar of deregulation, Alan Greenspan, then Fed chairman, flatly refused to use any of that authority.

In contrast, today's Fed will soon issue rules using that authority. That represents a significant repudiation of the previous view. While the proposals made by the Democratic presidential candidates differ in detail, they are to a substantial extent consistent with the argument I have made here. Their Republican counterparts continue to advocate the hands-off approach pursued by the Bush administration. As a result, we are likely to have a healthy debate about the role of government in supporting a robust capitalist economy in the 21st century. It is important to note that this debate is not about policy details but represents fundamentally different views about the nature of our modern economy.

I believe the American people will decide that we should enact policies that seek to curb growing inequality and provide some check on market excesses.

HONORING THE 40TH ANNIVERSARY OF THE ELECTRIC FACTORY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. ANDREWS. Madam Speaker, I rise today to celebrate the 40th anniversary of Philadelphia music landmark, The Electric Factory. For 40 years, The Electric Factory concert venue and its founders Larry Magid and Allen Spivak have hosted such legendary acts as Jimi Hendrix, The Who, and Pink Floyd.

The original Electric Factory began in 1968 as one of rock music's first ever live venues. First located in a converted tire warehouse, the venue moved in 1994 to its current site in an actual converted electric factory. This two story building has standing-room-only space for up to 3,000 audience members and gives spectators the unique ability to view a portion of the backstage.

Not only is The Electric Factory known for its major performers but it is also celebrated and respected for its philanthropic efforts throughout the years. Electric Factory Concerts has raised millions for local and international charities as well as local schools and children's programs in the area. In 1985, Electric Factory Concerts raised over 75 millions dollars for famine relief by hosting a large charity concert at JFK stadium.

Today, the venue still remains in its same location and is still led by one of its founders Larry Magid. The Electric Factory now features a variety of musical genres including heavy metal, rap, and rock and continues to hold philanthropic events ever year.

The Electric Factory is highly thought of as one of the nation's leading indoor concert venues. I want to congratulate and thank founders, Larry Magid and Allen Spivak, for their continued service to Philadelphia and South Jersey.

IN RECOGNITION OF MARY LU PLUNKETT

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. ACKERMAN. Madam Speaker, I rise today to pay tribute to Mary Lu Plunkett who this week is being honored by the Queens County Democratic party for her 50 years of outstanding and tireless work for the party and its candidates.

Mary Lu Plunkett was born in Brooklyn, New York, on March 26, 1928, but she moved to the great borough of Queens in 1949 after she married Queens-born John Plunkett. The two settled in Jackson Heights, the neighborhood where they met when they attended a dance. The couple raised two children, Steven and Jamie, and are the proud grandparents of Matthew, Christopher and Caroline.

Mary Lu's foray into Queens politics began with the friendship she shared with her mother-in-law Harriet Plunkett. The two joined the Amerind Democratic Club where they made great strides to improve the community in which they resided. Mary Lu later put to work the political savvy she acquired by volunteering countless hours for the Queens Democratic Organization. Then in 1956, she began working as a full time secretary at Democratic Headquarters.

Mary Lu's exceptional office and organizational skills have kept Queens Democratic Headquarters running smoothly for half a century. She has earned the respect and admiration from everybody with whom she has worked. These include almost all the Queens Democratic elected officials, candidates running for office, and party officials in recent memory.

Mary Lu has served under numerous county chairmen including Moses Weinstein, Jim Roe, Tom Manton, and the present leader, our colleague JOSEPH CROWLEY. She also, over the many years of her outstanding service, ran numerous fundraisers attended by such political legends as President John Kennedy, President Jimmy Carter, Senator TED KENNEDY, Governor Hugh Carey, Governor Mario Cuomo, Mayor Ed Koch, President Bill Clinton and Senator HILLARY RODHAM CLINTON.

While serving as one of the pillars of the Queens Democratic office, Mary Lu has witnessed the many changes that have taken place along the political landscape in Queens. These include everything from changes in elective office to shifts in the borough's population and demographics. However, throughout these turnovers and transformations, Mary Lu has always urged local citizens to be informed about their government and encouraged countless Queens residents to become involved in the political process.

About 25 years ago Mary Lu also began an annual fundraiser for the children of St. Gertrude's Parish in Far Rockaway, the community where the Plunketts presently reside. From its inception, the fundraiser was embraced by the borough and remains a worthy and wildly popular event.

In addition, Mary Lu continues to organize the affairs for the Women's Democratic Organization of Queens County, a group that still attracts a large audience.

In 1976, Mary Lu's daughter Jamie joined the staff of the Queens County Democratic Headquarters. Together, this mother and daughter team continue to administer and manage the office.

I know that all those involved in Democratic politics in Queens will be forever grateful for all of Mary Lu Plunkett's extraordinary contributions to the Queens Democratic Organization. She has made the Queens Democratic Headquarters a stronger workplace, which in turn has made Queens a better place to live and work.

Madam Speaker, I ask all my colleagues in the House of Representatives to join me now in congratulating Mary Lu Plunkett for 50 years of outstanding service to the Queens Democratic Organization. I am confident that she will continue to achieve success for many more years to come.

FREEDOM FOR DR. JOSE LUIS GARCÍA PANEQUE

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to again remind my colleagues about Dr. Jose Luis García Paneque, a political prisoner in totalitarian

Cuba. The reason I rise once again to bring attention to Dr. García Paneque's imprisonment is because I have been told that his medical condition in Castro's gulag has seriously deteriorated.

Dr. García Paneque is a surgeon by training, an independent journalist and a member of the Cuban Independent Medical Association. As a director of the independent news agency Libertad, and administrator of the Carlos J. Finlay independent library in Las Tunas, Cuba, Dr. García Paneque has devoted his life to exposing the truth about the horrors inflicted upon the Cuban people by the dictatorship in Havana.

On March 18, 2003, the totalitarian Cuban regime began an island-wide crackdown on peaceful pro-democracy activists in order to stifle nonviolent political dissent. As part of the crackdown the regime arrested Dr. García Paneque and charged him with "acts against the independence or territorial integrity of the state" because of his work with the unofficial Cuban Medical Association. Just weeks after his arrest, in what was nothing more than a farce of a judicial proceeding, Dr. García Paneque was sentenced to 24 years in the totalitarian gulag. The real reason he was arrested is that he is a supporter of freedom and democracy who has worked to expose the depraved horror that is the Cuban tyranny.

Since his initial incarceration in the subhuman conditions of the tyranny's totalitarian dungeons, Dr. García Paneque's weight has dropped from a healthy 190 pounds to an emaciated 100 pounds. Since last year prison authorities at the Las Mangas Prison have not allowed Dr. García Paneque access to fresh air or sunlight.

According to his mother, Dr. García Paneque suffers from dizziness due to a serious episode of diarrhea and profuse rectal bleeding and may be suffering from a duodenal ulcer. It is reported that the bleeding is a complication related to an eating disorder known as Malabsorption Syndrome, which he developed in prison. The condition does not allow food he ingests to nourish his body.

Dr. García Paneque's health while languishing in a hellish dungeon has been a point of constant concern for some time now. In June Dr. García Paneque was diagnosed with a kidney tumor and pneumonia. As a result of the pneumonia, he suffers from pleural effusion of the right lung and constant chest colds. Yet as Dr. García Paneque's condition continues to deteriorate, his jailers have refused to allow him consultation with doctors not affiliated with the prison or even provide him adequate medical care.

Madam Speaker, this is a textbook case of how the Cuban totalitarian regime treats prisoners of conscience who dare speak the truth and call for democracy and human rights.

But this cruel and inhumane treatment is not confined to those inside the regime's gulags. Since Dr. García Paneque's arrest, his wife and four young children faced intense harassments and attacks by angry mobs on their home. They have since fled Cuba and were granted asylum in the United States. His wife says that Dr. García Paneque "takes great comfort from his Bible . . . which he reads every day." While his wife says his physical health continues to suffer, his "spiritual health is strong."

On October 24, 2007, Dr. García Paneque's wife and his daughter Shirlen were received and honored by President George W. Bush at the White House, where the President publicly called upon the regime to release Dr. García Paneque forthwith.

Even though Dr. García Paneque has endured constant physical and psychological torture at the hands of regime thugs, he continues to demand human rights and dignity for the people of Cuba. He is languishing in the squalor of the infernal gulag at the whim of a merciless tyrant, simply because he believes in freedom, truth, democracy, and human rights for the people of Cuba.

Madam Speaker, it is unconscionable that journalists and physicians like Dr. García Paneque are locked in dungeons for writing the truth. My colleagues, we must demand the immediate and unconditional release of Jose Luis García Paneque before his prison sentence turns into a death sentence.

A TRIBUTE TO DAVID M. RUBENSTEIN

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor David M. Rubenstein, Co-Founder and Managing Director of The Carlyle Group, an American private equity firm. Born and raised in Baltimore, David Rubenstein graduated from Baltimore City College and went on to graduate magna cum laude from Duke University and earn his law degree from the University of Chicago Law School, where he was an editor of the Chicago Law Review. Prior to founding The Carlyle Group, David served as the Deputy Assistant to the President for Domestic Policy during the Carter Administration.

Most recently, David has become more well-known thanks to a Sotheby's auction item he purchased in December. On December 17, 2008, with a winning bid of over $21 million, David acquired the last copy of the Magna Carta remaining in the United States. The original Magna Carta, first signed in Britain in 1215, established the rights of the English citizens and placed checks on the power of the ruling monarch. Our own U.S. Constitution incorporates ideas and phrases almost directly from this historic document. The copy David purchased in December is a copy from 1297 when it was signed into law by the British Parliament.

Since 1985, it has been displayed at the National Archives as part of the Charters of Freedom exhibit, alongside the original Declaration of Independence, U.S. Constitution, and Bill of Rights. David has announced that the copy will continue to be housed at the National Archives in Washington, DC.

David is an active member of several Boards of Directors or Trustees, including Duke University, Johns Hopkins University, University of Chicago, Lincoln and Kennedy Centers for the Performing Arts, and the Council on Foreign Relations. David is also a member of The Business Council, the Madison Council of the Library of Congress, the Trilateral Commission and the National Advisory Committee of J.P. Morgan Chase and the Washington Economic Club, of which he is President-elect.

In addition to his extensive involvement in numerous organizations, David is also active in philanthropy. He has made significant contributions and donations to the John F. Kennedy School of Government at Harvard University, Duke's Terry Stanford Institute of Public Policy, the Lincoln Center and the Johns Hopkins Medical System here in Maryland.

Madam Speaker, I ask that you join with me today to honor David M. Rubenstein. His legacy as a leader in policy and finance will be matched only by his devotion to philanthropic projects. It is with great pride that I congratulate David Rubenstein on his exemplary career in business, law and government.

SMALL BUSINESS TELEWORK PROMOTION ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. UDALL of Colorado. Madam Speaker, today I am introducing the "Small Business Telework Promotion Act" to assist our Nation's small businesses in establishing successful telework programs for their employees.

Across America, numerous employers are responding to the needs of their employees and establishing telework programs. In 2000, there were an estimated 16.5 million teleworkers. By the end of 2004, there were an estimated 30 million teleworkers, representing an increase of almost 100 percent in 4 short years. Unfortunately, the majority of growth in new teleworkers comes from organizations employing over 1,500 people, while just a few years ago, most teleworkers worked for small to medium-sized organizations.

By not taking advantage of evolving technology to establish successful telework programs, some small businesses are losing out on a host of benefits that will save them money, and make them more competitive. Successful telework programs can help small business owners to retain valuable employees by allowing them to work from a remote location, such as their home or a telework center.

In addition to the cost savings realized by businesses that employ teleworkers, there are a number of related benefits to society and the employee. For example, telecommuters help reduce traffic and cut down on air pollution by staying off the roads during rush hour. Fully 80 percent of home-only teleworkers commute to work on days they are not teleworking. Telework can also give employees more time to spend with their families, and reduce stress levels by eliminating the pressure of a long commute.

The bill establishes a program in the Small Business Administration, SBA, to raise awareness about telework among small business employers and to encourage those small businesses to establish telework programs for their employees.

Additionally, an important provision in the bill directs the SBA Administrator to undertake special efforts for businesses owned by, or employing, persons with disabilities and disabled America veterans. At the end of the day, telework can provide more than just environmental benefits and improved quality of life. It can open the door to people who have been precluded from working in a traditional office setting due to physical disabilities.

Several hurdles to establishing successful telework programs could be cleared by enacting our legislation. The bill will go a long way towards educating small business owners on how they can draft guidelines to make a telework program an affordable, manageable reality and expand their own telework policies.

Here is a brief outline of the bill's provisions—

Section One—provides a short title, namely "The Small Business Telework Promotion Act".

Section Two—sets forth findings regarding the potential benefits of increasing the extent to which employees have the option of teleworking.

Section Three—directs the Small Business Administration (SBA) to carry out a program to raise awareness of telework among small businesses and to encourage them to offer telework options to their employees. This program is to include special outreach to businesses owned by or employing people with disabilities, including disabled veterans.

RECOGNIZING JOSHUA AARON DICK FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Joshua Aaron Dick, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 374, and in earning the most prestigious award of Eagle Scout.

Joshua has been very active with his troop, participating in many scout activities. Over the many years Joshua has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Joshua Aaron Dick for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

EXPLANATION OF DUTY SUSPENSION PROCESS

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. HOLT. Madam Speaker, the government often negotiates agreements or promulgates regulations that may produce unintended consequences for certain individuals. In such instances, Congress will review the implementation of the law and try to rectify those unintended problems even if the general requirements should remain. For example, exemptions are made in transportation regulations, Government land use, and trade legislation. Such is the case with the Harmonized Tariff Schedule, which was enacted in 1989. Since then Congress has acted occasionally to reduce, suspend, or repeal duties on certain imports as a matter of economic fairness and competitiveness.

Tariffs serve not only to raise revenue for the Government, but also to benefit American business and industry and holdings. Tariffs are notoriously complicated in their effects, and the policies are very difficult to get right.

Each of the nine bills I prepared recently would either suspend or reduce the import duty on a specific chemical compound. Each bill and the chemical compound in question is publicly available and open for all to see and comment on. I believe such openness is an important part of effective Government.

By suspending the import duty on products not made domestically in the United States, Congress can remove an economic barrier that might send production abroad—taking with it good-paying jobs—and also can help lower costs to consumers for the final products. These bills were all submitted to comply with procedures and criteria set by the House Ways and Means Subcommittee on Trade. None of the chemical compounds is manufactured in the U.S., the value of each of the requested duty suspensions is no more than $500,000, and their suspensions can be enforced by U.S. Customs officials. The products produced using the imported feedstocks are deemed to be desirable to produce and use in the U.S.

Introduction of the bills is just the beginning of a long process of scrutiny by the U.S. Trade Representative, U.S. International Trade Commission, and the Department of Commerce. Each one will seek information about potential domestic production, present and future imports, and will research the revenue loss associated with the suspension. Additionally, the Subcommittee on Trade will solicit public comment from all interested parties. An objection at any point throughout this process can disqualify the product for further consideration. At the end of this process, the Committee on Ways and Means will put together a miscellaneous tariff bill that includes hundreds of items that have met these rigorous criteria. I expect that temporarily suspending the duty on the nine products I have requested will help our local economy by making American manufacturers more competitive in the global marketplace.

HONORING DR. VERNON SINGLETON OF DAVIS, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize Dr. Vernon Singleton on the occasion of a symposium of Wine Phenolic Research being held in his honor by the American Society of Enology and Viticulture.

Dr. Singleton was born in Mill City, Oregon on June 28, 1923. In 1951 he earned a PhD in Protein Biochemistry from Purdue University, where he had also received his bachelor and masters of sciences degrees. He moved to the University of California, Davis in 1958 where he would begin a long and distinguished career as one of the foremost enologists in the world.

He is perhaps best known for his groundbreaking work on wine phenolics and antioxidants. This research has opened the door for an ever expanding scope of knowledge concerning wine and its potential health benefits. He is also the author of more than 220 academic papers and many books that have become classics in the field of enology. For these contributions he has received numerous honors including twice winning the Outstanding Paper of the Year Award from the American Society for Enology and Viticulture in 1986 and 1992, the Office Internationale de la Vigne et du Vin Prize in Enology in 1998 for the best contribution to wine literature in any language for 1997–98, as well as being a life fellow of the American Institute of Chemists and a Charter member of the Phytochemical Society of North America. He retired in 1991, but remained a professor emeritus and continued publishing for another ten very productive years.

Madam Speaker, it is fitting at this time that we honor the long career and great achievements of Dr. Vernon Singleton. His dedication as a teacher and mentor has allowed him to touch the lives of his students and peers alike, and his research continues to guide and inspire the next generation of chemists and enologists around the world to explore the truly limitless possibilities in their fields.

THE BIPARTISAN FORMER SOVIET UNION MINORITY RELIEF ACT OF 2008

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. KIRK. Madam Speaker, today, along with my colleague RON KLEIN (D–FL), I am introducing bipartisan legislation to curb the rise of hate crime violence in Russia, Ukraine and Belarus.

Acts of violence against Jews and other minorities are on the rise in the former Soviet Union. In Russia, xenophobic candidates are sweeping to power as state-sponsored hate speech incites anti-Semitism and violence. Widespread discrimination persists against religious and ethnic minorities, including Central Asians, Armenians, Roman Catholics and Evangelical Christians.

In Ukraine, neo-Nazi crimes against Jews are on the rise. Just last night, a rabbi was severely beaten on a main street in the eastern Ukrainian city of Dnepropetrovsk. The assailants have not been identified and no arrests have been reported. The key test of a democracy is tolerance for minorities—and this fledgling democracy is struggling.

In Belarus, human rights conditions continue to deteriorate. The dictator himself spouts anti-Semitic slurs through government media. The need for emergency resettlement of vulnerable communities may soon emerge.

The Former Soviet Union Minority Relief Act of 2008 would strengthen rule of law and democracy initiatives in Ukraine, undermine hate speech in Russia and Belarus through international broadcasting, and allow for emergency evacuations from Belarus or Russia if the need emerges.

When the Soviet Union fell, we thought the fight for persecuted minorities ended. Unfortunately, widespread discrimination persists against religious and ethnic minorities. The international community needs a wake up call that Jews and other minorities are under attack in the Former Soviet Union.

HONORING HRANT DINK

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. GARRETT of New Jersey. Madam Speaker, a little over a year ago, on January 19, 2007, Turkish-Armenian journalist Hrant Dink was murdered for reporting on the Armenian Genocide. The first anniversary of his death should serve as a reminder of the ongoing need for improvement in Turkish-Armenian relations.

Hrant Dink worked as the editor of "Agos", a bilingual paper designed to reach both Turks and Armenians. He was an outspoken advocate of democratic change and freedom of speech.

While Turkish officials rightly condemned the political killing, Turkey has not yet repealed Article 301 of the Turkish Penal code, which makes it illegal to discuss the Armenian Genocide. This law, which criminalizes free speech, hampers Turkey's efforts to restore their relationship with Armenia, a goal the Turkish government claims to desire.

Hrant Dink's death was more than an assassination; it was an attack on the principle of free speech. Turkish officials should use the anniversary of his death as an opportunity to restore open communication between the citizens of both countries. Lasting .reconciliation must be built on uninhibited dialogue and Turkey can begin building the road to restoration by recognizing the Armenian Genocide.

We remember the legacy of Hrant Dink by encouraging Turkey to tolerate democratic freedoms and rebuild their relationship with Armenia.

HONORING PASTER LLOYD MADDOUX AND HIS WIFE PAT

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. BRADY of Texas. Madam Speaker, I rise today in honor of great community and spiritual leaders, Paster Lloyd Maddoux and his wife Pat for their 25 years of service to the ministry at the First Assembly of God in Conroe, Texas. Pastor Maddoux is a true servant to society and has left a lasting impression on numerous lives.

Pastor Maddoux has touched countless lives—when people are in every season of life. Pastor Maddoux has celebrated with families when he's officiated at their weddings and offered blessing over the birth of a new baby. He's helped new Christian believers grow closer in their walks with their Savior through Bible teachings and baptism. He has helped honor the lives of men and women who have passed away with funerals that celebrated their lives and offered hope of eternity through Jesus Christ.

A Pastor is a servant to his congregation and community. Pastor Maddoux has opened up his home church as a shelter for Hurricane Rita victims, where over 300 people and pets took shelter. He and Pat have opened their home many times to help strangers, neighbors and friends.

Not only has he touched lives in our community, but he has reached out to do missions all over this country, as well as abroad in Mexico, the Philippines, Seoul, Korea, West Africa and Turkey. Pastor Maddoux has also touched lives through participating in prison ministries.

He has served in numerous positions such as the board of Greater Houston Teen Challenge and mission boards for the South Texas District-North Houston Section. Pastor Maddoux was a National Finals Chairman for the Oral Roberts University Educational Fellowship. He is the current Presbyter of the North Houston Section of the Assemblies of God Ministers and also served as a committee member. He has helped with Lifestyle Ministries Radio and Lifestyle Christian School, which began in 1985. He is the originator of many traditions in our community, such as the National Day of Prayer in Conroe and the Men's Day of Prayer. He was also a manager at the Kids Camp Victory.

Madam Speaker, Pastor Maddoux and his wife Pat are rare individuals whom I respect greatly. Our nation joins me in honoring both of them today for their 25 years of service to our community and First Assembly of God in Conroe, Texas.

IN HONOR OF ROBERT HUBER

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. GALLEGLY. Madam Speaker, I rise in tribute to my longtime friend and one-time colleague Robert Huber in recognition of being awarded the Strathearn Lifetime Achievement Award by the Simi Valley Community Foundation.

Bob Huber has been involved in my hometown of Simi Valley, California, for more than 40 years, and I have known him for more than 30 of those years. We worked together on many community projects over the years and served together some decades ago on the Simi Valley City Council.

In addition to his service on the City Council, Bob is past chairman of the Simi Valley Chamber of Commerce, an active member of Rotary Noon Time, and an elected member of the Ventura County Community College District Board of Trustees.

He is also a charter Board Member of the Simi Valley Community Foundation.

It's his passion for the community, and the Community Foundation in particular, for which he is being honored with the Strathearn Lifetime Achievement Award.

Several years ago the Community Foundation nearly closed due to a lack of community identity. Bob is credited with turning that around. His ideas, passion, and drive helped refocus the foundation. Today, it is again growing and thriving. One of Bob's inspirations was the foundation's successful Mayor's Dinner, which he has chaired for the past 3 years. This and other successful events have enabled the foundation to raise and grant monies to other charities annually.

Bob is also a trial lawyer, but nobody's perfect.

Madam Speaker, I know my colleagues will join me in thanking my friend Bob Huber for his decades of service to the community and join the Simi Valley Community Foundation in tribute to a job well done.

HONORING THE LIFE OF U.S. ARMY SPC JON MICHAEL "MIKE" SCHOOLCRAFT III

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. HILL. Madam Speaker, on January 19, 2008, the great states of Indiana and Ohio lost a brave son. Army SPC Jon Michael "Mike" Schoolcraft III was killed in Iraq from injuries sustained when his vehicle was struck by an improvised explosive device. A native of Wapakoneta, OH, several members of Specialist Schoolcraft's family currently live in Madison, IN, in Jefferson County.

Mike, as he was known, enlisted in the Army with a friend after graduating from Wapakoneta High School in northwest Ohio in 2001. At Wapakoneta High he excelled at wrestling and baseball, and enjoyed spending time outdoors.

Before embarking on his second 15-month deployment, Schoolcraft promised his mother that this would be his last deployment. He looked forward to finding a stateside military contracting job and living with his new wife.

Specialist Schoolcraft's father, Mike, Jr., described him as a "typical All-American boy." He was a hero to his father. He further described his son as "very respectful" and that the Army took this wonderful young man and made him better.

Before deploying, Schoolcraft told his mother that he was going to Iraq for a reason: to keep his loved ones safe.

SPC Jon Michael Schoolcraft III is a true American hero. His sacrifice for our Nation deserves our most heartfelt thanks. I, along with Specialist Schoolcraft's family, and the towns of Madison, IN, and Wapakoneta, OH, will mourn Mike's premature death. His friends and family are in my prayers.

INTRODUCTION OF BILLS TO REDUCE RISKS OF WILDFIRES TO FOREST-AREA COMMUNITIES

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. UDALL of Colorado. Madam Speaker, Colorado and other Rocky Mountain States face a very real risk of severe wildfires in our forest lands, which directly threaten many communities and critical resources, including water supplies.

There are several reasons. One is drought. Another is past management that over-emphasized fire suppression, even though fire is an inescapable part of the ecology of our western forests, with the result that in many parts of the forests there is an accumulation of underbrush and small-diameter trees greater than would be present if there had been more, smaller fires over the years. They provide the extra fuel that can turn a small fire into an intense inferno.

The problem has been made worse by our growing population and increasing development in the places where communities meet the forests—the "wildland-urban interface." And when you add the effects of widespread infestations of insects, you have a recipe for even worse to come.

Many species of bark beetles, such as the mountain pine beetle, are native to our forests. They place stress on trees by burrowing through the bark. If a tree is healthy, it can defend itself by producing sap to repel and expel the invaders. But if the defense fails, the insects lay their eggs in the woody material below the bark. Once the eggs hatch, they feed on the tree's fiber and disrupt the flow of water and nutrients from the tree's roots to its needles and branches. In addition, the invading insects bring in fungi and other invaders that further damage the tree. If enough insects are able to penetrate the tree and lay eggs, the tree dies. The offspring then mature and fly to another tree and the cycle begins anew.

These insects help to balance tree densities and set the stage for fires and thereby the generation of new tree growth. And when forests are healthy and there are adequate supplies of water, the insects' effects are relatively low-scale and isolated. But under the right conditions—such as drought, unusually warm winters, or when there are dense stands of even-aged trees—the insects can cause large-scale tree mortality, turning whole mountainsides and valleys rust red.

That is what is happening in many mountainous areas in Colorado. And more and more our mountain communities find themselves in uncomfortable proximity to acres of dead trees, turned rust red by the insects and adding to their concerns about the danger of very severe wildfires.

All Coloradans were reminded of this earlier this month, when the Federal and State foresters reported that the beetle infestation first detected in 1996 grew by a half-million acres last year, bringing the total number of acres attacked by bark beetles to 1.5 million, and has spread further into Front Range counties east of the Continental Divide.

Last year, I introduced legislation to respond to this problem by, first, facilitating more rapid responses to the insect epidemic where that is needed to reduce the wildfire threats to our communities; and second, promoting research on ways to improve the health of our forest lands. That bill—H.R. 3072—was developed through broad consultation with many people in Colorado and discussions among our state's entire Colorado delegation. It is cosponsored by all my Colorado colleagues in the House, and Senators KEN SALAZAR and WAYNE ALLARD introduced identical legislation in the Senate. I intend to continue to work for enactment of its provisions, as a single measure or otherwise.

And that delegation measure would be supplemented in two different ways by the bills I am introducing today.

One bill focuses on steps to help our communities act to reduce the potential damages their residents could suffer as a result of wildfires. It is cosponsored by our colleague from California, Representative FILNER; I appreciate his support.

A House companion to legislation, S. 2390, introduced by Senator DIANE FEINSTEIN, this "Fire Safe Communities Act" would provide incentives for at-risk communities to adopt a new model Fire Safe ordinance that will set national standards in building codes, creation of "defensible space" around homes, and reduction of hazardous fuels. It also would authorize new Federal grants to help communities integrate fire-resisting aspects into local ordinances, and would authorize increased Federal reimbursement of firefighting costs to participating communities.

The other bill would amend the recently-enacted Energy Independence and Security Act of 2007, P.L. 110–140, to allow material removed from additional forest lands to reduce hazardous fuels to be eligible for some incentives for use of renewable biomass to generate energy.

Title II of the new energy law puts new emphasis on developing biofuels that rely on additional sources of biomass, including agricultural wastes, municipal solid waste, and dedicated energy crops such as perennial grasses, fast-growing trees, and algae.

Accordingly, the new law requires an expansion of the 2005 law's renewable fuel standard so as to require 36 billion gallons of renewable fuel in motor fuels annually by 2022, of which 21 billion gallons must be "advanced biofuel," defined as biofuel produced from feedstocks other than corn starch and having 50 percent lower lifecycle emissions than petroleum fuels.

For purposes of title II, the new energy law defines the term "renewable fuel" as "fuel that is produced from renewable biomass and that is used to replace or reduce the quantity of fossil fuel present in a transportation fuel."

But its definition of "renewable biomass" does not include material removed from Federal or State forest lands in order to reduce wildfire risks, except to the extent that the removal occurs in the "immediate vicinity of buildings and other areas regularly occupied by people, or of public infrastructure, at risk from wildfire."

I think this definition is too narrow and would unnecessarily limit the potential incentive for private industry to assist in reducing the buildup of hazardous fuels that threaten forest-area communities in Colorado and other States.

So, the second bill I am introducing today would revise the definition of "renewable biomass" in that part of the new energy law to include biomass removed in connection with a hazardous-fuel reduction project from lands within the wildland-urban interface, as defined in the Healthy Forests Restoration Act of 2003.

Madam Speaker, since coming to Congress I have put a priority on reducing the wildfire risks to our communities. In 2000, with our then colleague, Representative Hefley, I introduced legislation to facilitate reducing the buildup of fuel in the parts of Colorado that the Forest Service, working with State and local partners, identified at greatest risk of fire—the so-called "red zones." Concepts from that legislation were included in the National Fire Plan developed by the Clinton Administration and were also incorporated into the Healthy Forests Restoration Act of 2003. As a Member of the Resources Committee, I had worked to develop the version of that legislation that the committee approved in 2002, and while I could not support the different version initially passed by the House in 2003, I voted for the revised version developed in conference with the Senate later that year—the version that President Bush signed into law.

Since then, in Colorado there has been very welcome progress in developing community wildfire protection plans and focusing fuel-reduction projects in the priority wildland-urban interface—which we sometimes call the "red zone" areas—two important aspects of the new law. But the problem remains very serious, and both H.R. 3072 and the two additional bills I am introducing today would take important further steps to address it.

We cannot eradicate insects from our forests—nor should we, because insects are a natural part of forest ecosystems. Instead, we can and should act to reduce the wildfire threats to our communities—and their residents' lives and property—as well as to promote research on ways to improve the health of our forest lands.

That is the purpose of H.R. 3072, and it is also the purpose of the two bills I am introducing today. For the information of our colleagues, here are outlines of both bills:

FIRE SAFE COMMUNITY ACT

This bill, a House companion to S. 2390, would establish new incentives for communities at risk of wildfire to improve fire-prevention efforts. Key components include:

Creating a model ordinance for communities at risk of fire located within the Wildland Urban Interface (WUI). Bill will direct the National Institute of Standards and Technology (NIST) to create a model ordinance, in partnership with the U.S. Fire Administration, the U.S. Forest Service, and the Bureau of Land Management. The purpose of this model ordinance is to provide a baseline for communities to become "fire safe," including suggested water supply, construction materials and techniques, defensible space, vegetation management, and infrastructure standards;

Developing a new $25 million grant program to assist local communities in implementing the activities and policies of the NIST model ordinance. To qualify for this grant program, communities must be located in a fire hazard area and take steps toward the implementation of the model ordinance. These grants, administered by FEMA, can be used to enforce local ordinances and codes, develop incentive programs to improve code compliance, educate local planners on fire resistant planning, zoning and home construction, as well as train local fire departments on emerging technologies such as GIS fire mapping;

Providing grants to States on a 50/50 cost share basis to create or update fire hazard maps. Authorizes $15 million annually for States to develop or update statewide fire hazard maps which identify communities at risk of wildfire;

Establishing incentives for communities that decide to become more fire safe by changing the federal share of firefighting and emergency expenses reimbursed under FEMA's Fire Management Assistance Grants. Currently states and local communities can have 75 percent of their firefighting and emergency service expenses reimbursed by the federal government, if FEMA determines that a fire threatened a significant number of homes and structures. Under this bill, communities in fire hazard areas that adopt the new model ordinance would be eligible to have 90 percent of their firefighting and emergency service expenses reimbursed under the Fire Management Assistance Grants program;

Authorizing the U.S. Forest Service and the Department of the Interior to offer grants to local communities for fire safe practices. The bill makes revisions to the authorization of the U.S. Forest Service and the Department of the Interior to allow them to administer grants to local communities for model ordinance compliance and for responsible zoning and fire protection strategies. The U.S. Forest Service would administer $35 million in fire-safe grants. The Department of the Interior would administer $15 million in these grants.

WILDFIRE RISK REDUCTION AND RENEWABLE BIOMASS UTILIZATION ACT

This bill would revise the definition of "renewable biomass" in section 201 of the Energy Independence and Security Act of 2007 so as to facilitate and encourage the use of biomass removed from certain additional forest lands as an energy source, in order to reduce the risk of severe wildfires to communities, infrastructure, and water supplies.

Specifically, the bill would expand the current definition of "renewable biomass" to include biomass removed from lands within the wildland-urban interface in connection with an authorized hazardous fuel reduction projects.

The bill uses the definitions of "hazardous fuel reduction project" and "wildland-urban interface" that are used in the Healthy Forests Restoration Act of 2003.

That Act defines the term "wildland-urban interface" as including "an area within or adjacent to an at-risk community that is identified ... in a community wildfire protection plan" or, with regard to a community that has not developed a community wildfire protection plan, lands within a specified distance from the community's boundary (a distance that can vary depending on the presence of steep slopes or other geographic features) as well as areas adjacent to an evacuation route for an at-risk community that require hazardous fuel reduction to provide safer evacuation from an at-risk community.

These definitions provide greater specificity than the term "immediate vicinity" now used in this part of the new energy law, and will broaden the scope of its applicability. I supported enactment of the Healthy Forests Restoration Act, and I think it is appropriate to follow its example in this respect.

RECOGNIZING COREY DYLAN JEPSON FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Corey Dylan Jepson, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 374, and in earning the most prestigious award of Eagle Scout.

Corey has been very active with his troop, participating in many Scout activities. He has held several leadership positions in the troop including Patrol Leader and Assistant Patrol Leader. Not only has Corey had many accomplishments within his troop, but he has also earned the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Corey Dylan Jepson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING VERIDIAN HOMES' BUILDER OF THE YEAR 2008 AWARD

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Ms. BALDWIN. Madam Speaker, I rise today to honor Veridian Homes for receiving Professional Builder magazine's Builder of the Year for 2008, one of the homebuilding industry's most prestigious and coveted awards. This honor not only demonstrates a unique level of innovation but also a vigorous dedication to quality and customer service.

As the largest residential builder in the State of Wisconsin, Veridian builds nearly 500 homes and condominiums each year. This level of productivity has earned it a market share of over 30 percent while offering a variety in price, style, and size. In only 4 short years, Veridian Homes has claimed the spotlight as an industry leader despite the uncertainties presented by the current market.

Co-founders David Simon and Jeff Rosenberg have successfully combined the conventional wisdom of community development with a creative blend of environmentally conscious business practices and quality improvement strategies. All of Veridian's homes and condominiums meet Green Built Home and Energy Star program standards. The company has also built six LEED-certified homes and initiated its own recycling program, in addition to actively experimenting with more resource and material-efficient processes.

Even more impressive, though, is their attention to partnership and accountability. Simon and Rosenberg have consistently demanded feedback from their employees, trade partners, and customers alike to ensure a level of continuous development. This customer and product-first approach leaves no aspect of quality improvement unattended.

To the truest extent, Veridian Homes has made Wisconsin a great place to live. I am proud to have such an extraordinary innovator and trendsetter right here in Dane County. I wish Veridian Homes many more years of success as a model for excellence and customer satisfaction.

CONGRATULATING DR. HAN SEUNG-SOO ON HIS NOMINATION AS PRIME MINISTER OF THE REPUBLIC OF KOREA

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. FALEOMAVAEGA. Madam Speaker, I rise today to offer congratulations to my friend, Dr. Han Seung-soo, on his nomination as the next Prime Minister of the Republic of Korea by President-Elect Lee Myung-Bak.

Dr. Han, currently serving as Special Envoy of the UN Secretary-General on Climate Change, has had a long and distinguished career in public service. He has previously served as South Korea's Deputy Prime Minister and Minister of Finance and Economy, Minister of Foreign Affairs and Trade, Minister of Trade and Industry, Ambassador to the United States, and Chief of Staff to the President of the Republic of Korea. He served three terms in the South Korean National Assembly and thus has been, like us, a member of his country's legislature.

Moreover, in recognition of his exemplary record as a diplomat, Dr. Han was also elected President of the 56th session of the UN General Assembly in 2001. He was to be officially elected to the presidency on the fateful morning of September 11, 2001 but was, instead, sworn in on the next day. His leadership was instrumental in the passage of a resolution by the UN General Assembly session denouncing the terrorist attacks. He wrote about these experiences in his new book entitled "Beyond the Shadow of 9–11: A Year at the United Nations General Assembly." He recently sent me a signed copy of his memoirs, which I greatly appreciate.

Over the years, Dr. Han and I have crossed paths on more than one occasion due to our mutual interest in international environmental policy and, in particular, the issues surrounding global climate change. As chairman of the House Committee on Foreign Affairs Subcommittee on Asia, the Pacific, and Global Environment, I have always been personally impressed by Dr. Han's depth and breadth of knowledge, his ability to listen to people with different—and sometimes technically complex—ideas, and his capacity for synthesizing the best of available knowledge for eventual decisionmaking.

Last November, speaking in Bangkok at the Committee on Managing Globalization of the

United Nations Economic and Social Commission for Asia and the Pacific, ESCAP, Dr. Han noted the need for rapid economic growth in Asia and the Pacific—home to two-thirds of the world's poor. However, he pointed out, actions on climate change could be compatible with economic growth, saying: "We can turn the crisis of climate change into a new economic opportunity."

The choice of Dr. Han Seung-soo to be Prime Minister by President-Elect Lee Myung-Bak provides excellent evidence that the U.S.-Korea alliance partnership will continue to further consolidate and deepen under their leadership. During Dr. Han's tenures as both the Republic of Korea's Foreign Minister and Ambassador to the United States, he cultivated many friends and admirers in Washington.

Let me also take this opportunity to say that I am pleased to be an original cosponsor of the resolution congratulating Lee Myung-Bak on his election to the presidency of the Republic of Korea. I look forward to working with his incoming administration on the important challenges facing the region, especially peace and reconciliation on the Korean peninsula.

Madam Speaker, I hope that my colleagues will join me in offering their own congratulations to Dr. Han Seung-soo and wish him well in his new responsibilities.

HONORING COACH JIM ALGEO

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate Coach Jim Algeo on celebrating his 40th anniversary as Coach of the Lansdale Catholic High School football team. I am proud that such a dedicated and honorable man has served the constituents of my district for the past four decades.

For the past 40 years, Coach Jim Algeo has been a teacher and head football coach at Lansdale Catholic High School. Through far more than football plays and academics, Coach Alego has also taken great pride in preparing the young men on his team for life by teaching them to live by the admirable motto: "Faith, Family, and Football."

Coach Algeo's well-rounded approach mentoring players has enabled Lansdale Catholic to achieve a winning record with five PAC–10 titles and six District 1 crowns during his tenure as head coach. Coach Alego has been recognized with numerous distinctions and awards, including the Pennsylvania State Football Coaches Association Hall of Fame, Associated Press PA Class AA Coach of the Year and the Maxwell Football Club Lifetime Achievement Award. Together, these inspired young men and their determined coach were able to bring home the PIAA AA State Championship in 2004.

Coach Alego lives his personal life with the same commitment as his life on the field, sharing the past 48 years with the Crusaders' biggest cheerleader, Mickey Algeo. Together Jim and Mickey have raised nine children, and are the proud grandparents of 16 loving grandkids.

Madam Speaker, I ask that my colleagues join me in celebrating Coach Jim Algeo's 40th anniversary milestone and in wishing him many more years of enriching the lives of those around him. In the many roles Coach Alego has been blessed to fulfill in his life, he has set an example for all of us to follow

WILD MONONGAHELA: A NATIONAL LEGACY FOR WEST VIRGINIA'S SPECIAL PLACES

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. RAHALL. Madam Speaker, today I am pleased to introduce legislation to designate additional areas as wilderness within the Monongahela National Forest in our State of West Virginia. Joining me in this initiative are my West Virginia colleagues Representatives SHELLEY MOORE CAPITO and ALAN MOLLOHAN.

Our senior Senator, ROBERT C. BYRD, is fond of noting that: "West Virginia is one of the most beautiful and unique places. It is the most southern of the northern and the most northern of the southern; the most eastern of the western and the most western of the eastern. It is where the East says good morning to the West, and where Yankee Doodle and Dixie kiss each other good night."

Indeed, West Virginia is a most beautiful and unique place. And with the introduction of our legislation, "Wild Monongahela: A National Legacy for West Virginia's Special Places," we are striving to keep it that way.

This is about the heart and soul of West Virginia. Our southern mountains have been yielding their coal for generations and our northern ridge lines are being targeted by the merchants of wind power. More development is coming, and, in most cases, it is welcomed.

But as West Virginians we are intimately connected to our land. Our roots are planted deep in our misty hollers and our majestic mountains. We know that we will be judged by future generations on our stewardship of this land that is West Virginia. And so I believe that it is of paramount importance that we, once again, set aside some of God's handiwork in our forests by preserving these Federal lands in their pristine state.

We hunt these woods; we fish these streams. These few areas that we are proposing to conserve in their natural state represent a significant national resource. But more importantly to us, they constitute a fundamental right of West Virginians to retain a vital link to our heritage, and to know that, forever more, these lands will remain in their natural state as our Creator forged them. We cherish this as nothing less and nothing more than our birthright as West Virginians.

By way of background, the Monongahela National Forest is comprised of over 919,000 acres of Federal land in 10 counties of the eastern portion of West Virginia. The forest is a major recreational resource for West Virginians as well as people from neighboring States, hosting approximately 3 million visitors annually. Currently, the forest has five federally designated wilderness areas comprising 78,041 acres: Otter Creek, Dolly Sods, Laurel Fork North and South, and the Cranberry Wilderness.

As part of the revision of the Forest Plan completed in 2006, 18 roadless areas were inventoried and evaluated for their wilderness potential. As a result of this process, the West Virginia Delegation to the U.S. House of Representatives is proposing to designate seven of the evaluated areas as wilderness. Totaling 47,128 acres, three of the areas are additions to existing wilderness: the Cranberry Expansion in Webster and Pocahontas Counties, the Dolly Sods Expansion in Tucker County and the Dry Fork Expansion in Tucker County to the Otter Creek Wilderness. The other four are proposed new wilderness areas: Big Draft in Greenbrier County, Cheat Mountain in Randolph County, Roaring Plains West in Pendleton and Randolph Counties and Spice Run in Greenbrier and Pocahontas Counties.

Under the new Land and Resource Management Plan for the Monongahela National Forest, all seven areas are now being managed essentially as wilderness. Cheat Mountain, the Cranberry Expansion, the Dry Fork addition to Otter Creek Wilderness and Roaring Plains West are under Management Prescription 5.1, Recommended Wilderness. Meanwhile, the Big Draft area, the Dolly Sods Expansion and the Spice Run area are under Management Prescription 6.2, Backcountry Recreation. This management prescription emphasizes a non-motorized setting with a largely natural environment and a lack of management-related disturbance.

Before I describe the special attributes of the seven areas contained in our legislation, I would like to note the support this initiative has among working men and women in West Virginia. I am proud that the West Virginia AFL–CIO passed a resolution last October in support of additional wilderness in the Monongahela National Forest. Their resolution states that "wilderness forest areas and the outdoor recreation, hunting and fishing they provide improve the quality of life for all West Virginians." The resolution further notes that "protected wilderness helps diversify and stabilize economies by attracting and retaining business, residents, and a local workforce, in addition to generating travel and tourism, one of the fastest growing sectors of West Virginia."

I am also proud that people of faith in West Virginia support additional wilderness. The Reverend Dennis Sparks, executive director of the West Virginia Council of Churches, wrote to me as follows: "An area of federal land belonging to all Americans, the Monongahela National Forest can uniquely provide opportunities for reflection and inspiration that are becoming ever scarcer in our rapidly modernizing and developing world. We believe that carefully protecting this wonderful national forest and its wilderness-quality lands not only has a sound Biblical basis, but is also the best and most practical course of action for safeguarding the world which we will pass along to our children."

Similarly, Bob Marshall, D.V.M., wrote: "Like me, you were probably raised by parents who took you to church, where you learned many of the morals and ethics that guide your decisions today. I was taught to 'Love God with all your heart, soul, and mind, and to love your neighbor as yourself.' These words still speak to me today, and have led me to believe that West Virginia needs to preserve as much of our wild lands as possible, through the Wilderness proposal."

This proposal also enjoys the support of various West Virginia chapters of Trout Unlimited. The vice president of the Mountaineer Chapter, Randy Kesling, wrote to me as follows: "National Forest Wilderness Areas are the tap-roots into the landscape of our beginnings—the original forest. The U.S. Forest Service itself calls them 'ecological anchors in a fragile landscape.' Today we are at another crossroad in the natural history of this great forest. This is in every sense a watershed moment—to set this fragile forest on the path to recovery." He concluded: "The Mountaineer Chapter of Trout Unlimited believes that Wilderness Designation provides the best path to that recovery."

Mr. Don Gasper, who worked for the West Virginia Division of Natural Resources for many years, and who is a highly respected fish biologist, wrote: "You lawmakers in Congress have an important opportunity right now to permanently protect some of the most special remaining wild places in the Monongahela National Forest."

Many communities across West Virginia have registered their support for wilderness. The Honorable John Manchester, the mayor of the City of Lewisburg in Greenbrier County, and that city's Council, passed a resolution which in part states: "wilderness forest areas encompass the development of rural communities as people are attracted to, or stay in, places that are clean, beautiful and where they have ample opportunities to connect with nature. . . ."

The Honorable Martin Saffer, a Pocahontas County Commissioner, wrote: "I encourage you to take quick action to introduce legislation to protect some of our most special landscapes. This is truly a watershed moment. The time is now."

In addition, the Fayette County Commission wrote in support, stating: "Wildlands in the National Forest enhance our area's natural resource based tourism economy, increase the quality of life for Fayette County residents, protect our hunting and fishing lands, clean air, clean water, and protect the headwaters of some of Fayette County's rivers from disturbance, thus reducing the threats from flooding."

The Greenbrier County Convention and Visitors Bureau wrote to me and specifically requested the inclusion of the Big Draft and Spice Run areas as wilderness. They noted: "From the luxury of The Greenbrier Resort to the primitive Monongahela National Forest, visitors can choose their own unique experience while visiting Greenbrier County."

The Pocahontas County Convention and Visitors Bureau has also weighed in, stating: "We feel that designating additional wilderness areas will increase the strong economic base that outdoor recreation in Pocahontas County relies on. Benefits associated with designated wilderness are far reaching for the people of West Virginia, our wildlife populations and the land itself. Protecting our last few remaining wilderness areas will ensure that present and future generations can use and enjoy parts of the forest in their natural state."

Following is a brief description of the seven areas the West Virginia Delegation propose to be designated as wilderness—

Big Draft: This 5,242-acre area in the southern tip of the forest is located about 5 miles from White Sulphur Springs, the home of the famed Greenbrier Resort. According to the Forest Service evaluation of the area, the primary vegetative type is oak and hickory with pockets of hemlock and white pine as well as black hickory and sassafras. The evaluation makes note of the area's "natural untrammeled appearance, and natural ecological processes that are the primary factors affecting the area." Trout and small-mouth bass fishing is considered excellent. The area has also been popular for wilderness quality whitewater trips down Anthony Creek, and the trout and rock bass fishing is excellent.

Cheat Mountain: Comprised of 7,955 acres, the area ranges in elevation from 3,000 to 3,800 feet and is a relatively flat forested plateau. The area is dissected by six streams flowing through rugged terrain dropping steeply to the river. According to the Forest Service evaluation, the vegetation consists of northern hardwood stands with some red spruce. It has a "natural untrammeled appearance" and "the opportunity to experience remoteness is good." Special features of the area include the High Falls of the Cheat, which is a major waterfall, and a favorite destination for hikers and excursion train visitors. Cheat Mountain is a favorite of hunters and anglers.

Cranberry Expansion: A proposed 12,032-acre addition to the highly popular Cranberry Wilderness, the expansion is located between the Williams River on the north and the Cranberry River on the south and west. According to the Forest Service evaluation, "both natural integrity and appearance are considered high over much of the area . . ." It contains an excellent trail system and is held in high esteem by hunters, anglers and hikers. The combination of the Cranberry Wilderness, Cranberry Backcountry and Cranberry Expansion would create the largest area of non-motorized recreational opportunities in West Virginia—a vast silent forest primeval.

Dolly Sods Expansion: Another well-known and popular wilderness area, Dolly Sods, is proposed to be expanded by 7,215 acres to the north. Most of the area is a rolling plateau of over 3,800 feet in elevation. The Allegheny Front drops 2,200 feet on the east, just outside the proposed wilderness boundary. According to the Forest Service evaluation, "the bog and heath eco-types are more typical of what one would expect to find in Maine or southern Canada rather than West Virginia." Views west from Cabin Mountain across the Canaan Valley National Wildlife Refuge are outstanding.

Dry Fork Expansion: This small 740-acre proposed expansion of the Otter Creek Wilderness area has a high natural integrity and appearance and is dominated by spruce at its higher elevations with a mixture of northern hardwoods. This area occupies the northern and eastern flanks of McGowan Mountain leading down to the Dry Fork of the Cheat River. It provides much of the scenic view for this popular river, which contains excellent whitewater recreation opportunities and trout fishing.

Roaring Plains West: This 6,820-acre area located southwest of Dolly Sods ranges in elevation from 3,700 feet to over 4,700 feet and is, according to the Forest Service evaluation, minimally affected by outside forces. The Roaring Plains and Flatrock Plains areas encompassed by the proposed wilderness comprise the highest plateaus in the eastern United States. They are part of the geologic backbone of West Virginia called the Allegheny Front. The evaluation also notes it is remote backcountry, providing a good opportunity for solitude. Special features include an area known as Mt. Porte Crayon, with exceptional views.

Spice Run: A proposed 7,124-acre new wilderness, this area rises from the Greenbrier River on its western boundary and is an extremely remote place primarily accessible from the river. There are no system trails within the area. The elevation ranges from 2,000 feet along the Greenbrier River to 3,284 feet on the top of Slab Camp Mountain. Spice Run, along with Davy Run and Kincaid Run, cut steep hollows which delineate the terrain. Spice Run is one of the most remote places in the State and provides excellent opportunities for solitude and backcountry recreation.

In conclusion, I thank my colleagues in the West Virginia Delegation to the U.S. House of Representatives in joining with me to introduce this bill, "Wild Monongahela: A National Legacy for West Virginia's Special Places."

MR. THIERRY PORTÉ, NEW CHAIRMAN OF THE JAPAN-U.S. FRIENDSHIP COMMISSION

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. PETRI. Madam Speaker, I want to join my colleague, Representative JIM MCDERMOTT, in congratulating Mr. Thierry Porté on his appointment as the new chairman of the Japan-U.S. Friendship Commission. He will also serve as chairman of the U.S.-Japan Conference on Cultural and Educational Interchange, known as CULCON.

The Japan-U.S. Friendship Commission is an independent Federal agency that provides support, primarily through grants, to Americans to better understand and meet the challenges of the U.S.-Japan relationship. The commission consists of both private and certain designated public officials, and I am pleased to serve as one of two commissioners appointed from the House.

Mr. Porté was nominated to join the commission and serve as chairman last year with overwhelming support from commission members, and his appointment was recently approved by the White House.

His long and very direct experience in Japan and U.S.-Japan issues will serve the commission and CULCON well as we work to build greater understanding and strengthen ties between our two countries through the funding of educational, cultural, and academic programs. Mr. Porté has vast experience in the financial services industry and currently is the president and CEO of Shinsei Bank Limited.

He also is a member of the board of directors and chairman of the Finance Committee of the American School in Japan. Previously, he served as vice president and governor of the American Chamber of Commerce in Japan, and in 2002–2003, Mr. Porté was a member of the Invest Japan Forum, which provided recommendations on the promotion of foreign direct investment in Japan to Prime Minister Koizumi.

But his interest in Japan extends beyond the financial markets—he is knowledgeable in Japanese culture and the arts as well, and he will bring a unique perspective to our efforts.

It is a privilege to have Mr. Porté serve as our chairman. I know he has the right background, skills and energy to continue to build on the important work of the commission.

CONGRATULATING MR. THIERRY PORTÉ FOR HIS APPOINTMENT AS CHAIRMAN OF THE JAPAN-U.S. FRIENDSHIP COMMISSION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. McDERMOTT. Madam Speaker, I would like to take this time to congratulate Mr. Thierry Porté for his recent appointment as the new Chairman of the Japan-U.S. Friendship Commission (JUSFC) and the U.S.-Japan Conference on Cultural and Educational Interchange (CULCON).

Mr. Porté, who is the President and CEO of Shinsei Bank, Ltd. has a long and established history as an advocate for exchanges of ideas and culture between the U.S. and Japan. His distinguished experience in the business community as the first American to head a major Japanese bank combined with his work as Chairman of the U.S.-Japan Bridging Foundation's Tokyo Advisory Board in promoting better educational and cultural relations between the two countries make him uniquely qualified for this position.

As a member of the JUSFC, which was established as an independent Federal agency by Congress in 1975 to administer a trust fund and makes grant to promote scholarly, cultural and public affairs activities between Japan and the U.S., I look forward to working with Mr. Porté over the next few years on coordinating the goals of the Commission and moving the bilateral relationship forward.

HONORING ALEXANDRA McGREGOR

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. KNOLLENBERG. Madam Speaker, two years ago I met a young high school student who had a brilliant and patriotic idea. Alexandra McGregor, from Waterford, Michigan, set out to establish a "Support the Troops Day" and, for the third year in a row, I am introducing a resolution inspired by Alexandra.

Alexandra's extraordinary effort started as a grassroots campaign to encourage people to take a moment and reflect on the service and sacrifice of those currently in our military. What began as a small effort by a local high school student has turned into a nation-wide event honoring our active duty military men and women.

Every year, Americans participate in numerous patriotic celebrations; from past Presidents to our veterans. But never do we honor our active-duty military men and women who are protecting our freedom today. With inspiration from Alexandra, my resolution encourages Americans to participate in a moment of silence on March 26th to reflect on the sacrifice of those who are serving this country both at home and abroad.

Madam Speaker, "Support the Troops Day" is a yearly celebration in Oakland County, Michigan and I come to the floor today to reintroduce the resolution marking March 26th as "Support the Troops Day." Both the House of Representatives and the Senate passed similar resolutions two years ago and I hope this Congress will actively show its support for our service members by passing this resolution.

PERSONAL EXPLANATION

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Ms. BERKLEY. Madam Speaker, due to flight delays in traveling from my congressional district to Washington DC, I was unable to vote on rollcall Nos. 23 and 24. Had I been present, I would have voted "aye."

RECOGNIZING THE 80TH ANNIVERSARY OF CATHOLIC CHARITIES OF NORTHWEST FLORIDA

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is with great honor that I rise today to recognize the immeasurable community contributions of Catholic Charities of Northwest Florida after 80 years of devoted service.

In 1928, the Missionary Servants of the Most Blessed Trinity recognized the growing need for the Lord's work with the poor and disadvantaged and traveled to Pensacola, Florida to form the Bureau of Catholic Charities. The group aided in a variety of ministries such as social services, nursing, and education. Catholic Charities has operated out of a responsibility "to answer Christ's call to help those in need," regardless of race, ethnicity, or religion. Over 90 percent of those they have served are not Catholic.

Ten years earlier, this same congregation of Roman Catholic sisters founded in Holy Trinity, Alabama, traveled to Pensacola to begin their ministries at St. Joseph's Catholic Church. However, these women were faced with unfortunate conditions that jeopardized their health, and it proved impossible to carry out their mission at that time. While their mission was delayed, they soon returned and were able to administer their "dynamic and effective system for bringing about a better society."

Catholic Charities has been a devoted caretaker of the region since its inception, with continuous growth as they have expanded their services to include all charity work within the Pensacola area and have opened several offices to better serve members of the community. They have been instrumental in creating a kindhearted and compassionate environment in Northwest Florida.

This remarkable organization has also implemented programs to assist with disaster recovery, refugee resettlement, immigration processes, and child placement to help build strong, loving families. Catholic Charities' dedication and vision has touched the lives of countless people and will forever be appreciated by generations to come.

Madam Speaker, on behalf of the United States Congress, I would like to offer my sincere gratitude to a generous group that has served as an inspiration to us all. I am proud to honor Catholic Charities of Northwest Florida for their deep sense of personal service to the Lord's work for so many years.

TRIBUTE TO MR GLENN "OMODIENDE" REITZ

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. BRADY of Philadelphia. Madam Speaker, I rise today to honor the life, legacy, and accomplishments of Mr. Glenn "Omodiende" Reitz. Glenn Reitz was a scholar, teacher, and socio-political activist, whose life and life's work is a testament of one's ability to triumph over adversity, and transcend race, class, and gender in order to actualize a more humanist conception of community. His African name "Omodiende" means "the child returns"; Glenn's zealous approach to life befits his given name.

Glenn was born in Fond du Lac, Wisconsin on April 7, 1964. He served in the U.S. Navy from 1982 to 1994 when he was medically retired. He then enrolled at Temple University in Philadelphia, PA, where he earned a bachelor of arts degree and a master of arts degree in African American Studies. Given his ultimate search for truth, his love of knowledge, and his innovative and ingenious nature, it is no surprise that at the time of his death, Mr. Reitz was in the process of pursuing a PhD in African American Studies.

Glenn lived with HIV/AIDS for over 18 years, and in that time created a legacy that can never be replicated. Rejecting his physical condition as a debilitating force, Glenn developed his mind in ways that placed him in a rare class of human beings who do not seek knowledge just for knowledge's sake, but to transcend normal social constructs of race and gender, to transform status quo, and to positively alter our communities. It goes without saying that Glenn was not a genius for genius' sake.

Combining his ontology with social activism made Glenn a pillar in his Philadelphia Community. I know that he would find my submission of remarks to the CONGRESSIONAL RECORD in his honor quite ironic and entertaining given the fact that he was very critical of government and many government policies. Even though I know he would debate (and possibly contest) this assertion, I believe that Glenn was the ultimate example of a true American precisely because he challenged and critiqued our system and policy of governance; he truly believed that status quo was never acceptable; that things could always be improved. Glenn's social philanthropy is evidence of his convictions. He worked with the City to develop a safe playground for his North Philadelphia neighborhood, worked with prison programs to directly address the needs of those who are incarcerated, mentored countless young people, taught and participated in many community educational programs on HIV/AIDS, and taught a class on Death and Dying. In 43 brief years, he accomplished what many never achieve in a lifetime.

Glenn departed this life on December 14, 2007 and will be sorely missed by his family, friends, loved ones, and community. His phenomenal human spirit should be an inspiration to us all.

RECOGNIZING JAMES CLIFFORD SEWARD FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize James Clifford Seward, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 374, and in earning the most prestigious award of Eagle Scout.

James has been very active with his troop, participating in many scout activities. He has earned many awards and has held many leadership positions including librarian, historian, and assistant patrol leader. Not only has James had many accomplishments within his troop but he has also earned the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending James Clifford Seward for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO DR. THOMAS GORRIE ON HIS RETIREMENT FROM JOHNSON & JOHNSON

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. HOLT. Madam Speaker, I rise today to pay tribute to Dr. Thomas Gorrie, Johnson & Johnson's Corporate Vice President for Government Affairs & Policy on his retirement from the company.

Johnson & Johnson has a long history as a New Jersey-based company, starting as it did making bandages and emerging over the years to become the world's largest healthcare company. I am proud to represent many thousands of Johnson & Johnson's employees, including Dr. Gorrie, who is also a friend and neighbor. He has informed me of his plan to retire from Johnson & Johnson on March 1, 2008 after a productive 35 years of service, and I want to take a moment today to pay tribute to his lifetime of service and accomplishments.

My colleagues here in the House may be familiar with Dr. Gorrie's work, even if they have not personally met him. Under his leadership he brought Johnson & Johnson to Congress by establishing the Johnson & Johnson Day on the Hill, where new pharmaceuticals, breakthrough technology and medical devices are on display for Members and staff to learn about and in the case of the iBOT, a power wheelchair, take it out for a spin.

Born and raised in New Jersey, Dr. Gorrie received his bachelor of arts degree from Rutgers University and his masters and doctorate degrees in chemistry from Princeton University.

After completion of post-doctoral studies at the Swiss Federal Institute of Technology in Zurich, Dr. Gorrie began his career with Johnson & Johnson in 1972 as a senior research scientist in the medical device area. He subsequently held positions of increasing responsibility in marketing, sales, and general management, including Company Group Chairman and Worldwide Franchise Chairman of Johnson & Johnson Medical, Inc., and member of the Consumer Pharmaceuticals and Professional Operating Group. He then worked with the Johnson & Johnson Development Corporation before assuming his current position as world-wide head of government affairs and policy in 1999.

Tom is an active member of his community and currently serves on numerous non-profit boards. He is Chair of the Duke University Health System, a member of the Board of Directors of Duke University, and a Trustee Emeritus of the Board for the Hun School of Princeton. He is a member of the Board of the National Committee for U.S.-China Relations and Vice Chair of the China Association of Enterprises with Foreign Investment (CAEFI). Finally, he is an adjunct professor at one of our state's finest educational facilities, the Rutgers Business School.

The way that Dr. Gorrie imbues all of his work with admirable ethics is reflected in this book he edited a few years ago, "Ethics and the Pharmaceutical Industry." For the book Dr. Gorrie brought together representatives of industry, government, NGOs, and leading thinkers in medicine, health ethics and economics to propose solutions and safeguards to the many ethical challenges facing the pharmaceutical industry. The book touched on such topics as the ethical demands and economic constraints of drug research, the right of patients to participate in clinical trials, the regulation of prescription drugs and intellectual property rights. I was pleased to write a chapter on how government should regulate stem-cell research. As Congress continues to debate many of the issues the book explores, I recommend its scholarship to my colleagues.

Madam Speaker, Johnson & Johnson is one of America's leading and most innovative pharmaceutical, biotech, medical device and consumer healthcare companies. I commend Dr. Gorrie's service at Johnson & Johnson. I know we have all benefited from Dr. Gorrie's leadership during the past 35 years, and as he continues to increase his civic participation, many will continue to benefit from Tom's vision and talents.

A TRIBUTE TO MR. RONEY CHEERS

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. MCINTYRE. Madam Speaker, I rise today to pay tribute to Mr. Roney Cheers of Shallotte, North Carolina, who recently passed away. The life of Mr. Cheers was diverse in experience and rich in success. The interests and endeavors of Mr. Cheers varied extensively. However, the common thread that wove all of his passions together was his devotion to and pride for his hometown of Shallotte.

Mr. Cheers was elected mayor of Shallotte at the age of 26, the youngest in the State of North Carolina at the time, and would return to the office again years later for nearly a decade. He also served as alderman for the town of Shallotte, first in 1947 and again from 1991 to 1999. Mr. Cheers would go on to serve his State as a justice of the peace as well as magistrate. A man with an expansive vision for the future, he was instrumental in helping establish the weekly publication that currently serves many of the coastal communities in North Carolina, The Brunswick Beacon.

Throughout his life, Mr. Cheers was also active in the non-political aspects of his community, for example, serving as chairman of the Shallotte Centennial Committee in 1998 and spearheading efforts to mark the town's 100th anniversary and celebrate its rich history. As Co-Chairman and Co-Founder of the Congressional Caucus on Youth Sports, I appreciate his dedication to the young athletes of his community. Through his work as a volunteer referee and umpire, Mr. Cheers clearly recognized the importance of serving as a positive role model and mentor for the next generation.

Individuals like Mr. Cheers serve as powerful inspirations for what can be accomplished with limitless energy and persistent drive. As a lifelong servant to the town of Shallotte as well as one of its most devoted visionaries, Mr. Cheers never forgot the traditions of the small town he grew up in while working simultaneously towards its growth and progress. May we never forget and always be grateful for the contributions and service of Mr. Cheers.

HONORING THE 100TH ANNIVERSARY OF ROSELAND, NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to congratulate the people of the Borough of Roseland, County of Essex, New Jersey, as they commemorate the 100th anniversary of the incorporation of their community.

In 1908, the residents of the Roseland Community, displeased with the services they were receiving, took action to separate themselves and their town from the Township of Livingston. During this time, many communities throughout the State of New Jersey decided to separate from larger townships and the time was right for the residents of Roseland to make a change.

The completion of the Morristown and Erie Railroads in 1904–1905 had made it possible for residents of Roseland to work in neighboring cities, while enjoying life in the country. During this time, the Borough purchased water supply lines and installed electric home and street lighting which further enhanced life in Roseland. And by the 1920s, Henry Ford's methods of mass production of the automobile changed the development of Roseland forever.

After World War I, new houses went up, many residents now owned cars and Roseland flourished. At this time, the Borough outgrew its country-style living and joined the more urban society we know today. The Great Depression and World War II brought with them some hard times for the people of Roseland, but the residents proved that as a community they could survive. When called to serve their country, all residents accepted their responsibilities, in both military and civilian service, and did their part. After victory, the pride felt all over the Nation was especially strong in Roseland.

In the following decades, Roseland's development continued. During this time, great improvements in community services and facilities were made. Roseland is now thriving with a prosperous business and corporate center, excellent schools, recreational facilities and a strong sense of community.

Madam Speaker, for the past 100 years, the Borough of Roseland has prospered as a community and continues to flourish today. By all accounts, it will continue to thrive in the future, and I ask you, Madam Speaker, and my colleagues to congratulate all residents of Roseland on this special 100th anniversary year.

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HONORING CHIEF GARY WESTPHAL FOR 35 YEARS OF SERVICE

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. HENSARLING. Madam Speaker, today I rise to recognize an outstanding citizen and public servant, Chief Gary Westphal, in honor of his retirement from 35 years of service at the Mesquite Police Department.

In 1972, Chief Westphal started his service as a jailer and was promoted through the ranks until 2002, when he became Chief of Police for the Mesquite Police Department.

Chief Westphal pioneered several student, anti-drug campaigns such as "Slama Bama Jama," "What If," and the "Cheese Anti-drug Initiative." Esteemed by his community and peers, Chief Westphal was named "Hometown Hero" by Town East Mall and "Top Cop" 2006 by the Texas Police Chiefs Association.

In addition to faithfully serving his community, Chief Westphal is a husband to Susan, a father of three children, and a grandfather.

Madam Speaker, on behalf of the Fifth District of Texas, I am honored to recognize Chief Gary Westphal for his courage in protecting and serving the citizens of Mesquite.

* * *

HONORING DR. IRA SARISON

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. WEXLER. Madam Speaker, I rise today to honor the life of Dr. Ira Sarison, a constituent and friend of mine from Boynton Beach, who passed away unexpectedly on January 11, 2008 while traveling in Argentina.

Dr. Sarison was a native of the Bronx, New York, and had a distinguished career as an educator, last serving as Assistant Superintendent of Schools in Oceanside, New York. Following his retirement in 1988, he relocated to Florida where he established a successful elder care management practice in my congressional district. He also served as the founding past president of the Democratic Club of Greater Boynton Beach. Dr. Sarison will best be remembered for his life-long passion for and commitment to education and for his tireless work helping those who needed it most in his community.

Ira Sarison is survived by his wife, Rivalee, his children Lynn and Robert, his sister and grandchildren, his extended family, and a large circle of friends, of which I am honored to be a part.

Everyone who knew Ira Sarison loved him dearly, and he will be deeply missed.

* * *

HONORING THE STATE OF MICHIGAN SCHOOL BOARD MEMBERS

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge the State of Michigan school board members in observance of School Board Recognition Month for their service and unwavering commitment to our children and our schools.

The Michigan Association of School Boards was founded in 1949 to provide a united voice for the thousands of men and women who champion the cause of public education as board members. Michigan's 4,100 school board members contribute hundreds of hours each year leading their districts by adopting policies, hiring superior personnel and administrators, and listening to staff, parent and student concerns. Through their tireless motivation and many contributions, school board members have distinguished themselves as compassionate individuals who are deeply committed to educating our children. These members have sought to ensure every child is given the opportunity to learn and succeed. Also, their many contributions serve as a fine example to inspire others.

The Michigan Association of School Boards launched the National School Board Recognition program in Michigan in 1989, in which only five states chose to celebrate this special month. Subsequently, the National School Board Association's Delegate Assembly resolved to initiate National School Board Recognition Month in 1995. Other States followed suit by annually recognizing their local school board members' service and commitment to their children and schools. January 2008 marks the annual observance of this year's School Board Recognition Month. This year's theme is "School Boards Lead Strong." This theme reflects school board members' combined commitment to leadership and accountability in ensuring all children succeed.

Madam Speaker, for 59 years, Michigan state school board members have exemplified civic duty by making decisions which fundamentally enrich the quality of education for over 1.7 million Michigan students. Today, I ask my colleagues to join me in congratulating these school board members upon observance of School Board Recognition Month; and recognizing their years of loyal commitment to education which has, undoubtedly, helped to create exceptional scholars and citizens.

* * *

HONORING DR. DAVID DENNIS DUNN

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. ENGLISH of Pennsylvania. Madam Speaker, I rise today to recognize and honor Dr. David Dennis Dunn for his dedication to his country, exemplary service during World War II and contributions to the medical field and the Erie, Pennsylvania community. This honorable citizen will soon celebrate his 95th birthday on February 6, 2008.

WW II is filled with stories of heroism, selflessness, patriotism and a relentless desire to secure a future for the United States of America and the international community. Brave men left their ordinary lives in order to serve a cause greater than themselves. Dr. Dunn was among those great men to make that sacrifice.

Contributing his medical skills to that noble cause, Dr. Dunn served more than four years in the U.S. Army Medical Corps, including overseas duty in Iceland, England, Ireland, France, Germany, Luxembourg and Austria. He attained the rank of Captain serving in the

5th Medical Battalion, 5th Infantry Division and later served in the 30th Field Hospital. Dr. Dunn was awarded five Battlestars and the Bronze Star among a variety of other medals of commendations for his service.

Dr. Dunn pursued a 50 year career in General Surgery, starting as an instructor at the University of Pennsylvania Medical School, completing a residency in surgery at the Lankenau Hospital in Philadelphia and practicing general surgery at Hamot Hospital in Erie. He reached the pinnacle of his remarkable medical career when he was ultimately appointed Chief of Surgery at Hamot and later became a traveling guest lecturer at the highly esteemed Harvard University.

Not only has Dr. Dunn contributed to society professionally, but he also has had a great impact through his volunteer efforts in the Erie community of Pennsylvania's 3rd district. He is a member of the Sons of the American Revolution and has served on the boards of multiple community organizations, notably as Founder and Board member of Hospice of Metropolitan Erie. He also was actively involved in Meals for Wheels, the Erie Community Foundation and the Erie Cemetery Association.

I am often reminded that America has been blessed with great people and leaders; Americans who rose to the challenge when their country was in need. I take great pride in representing a district with such honorable men in history.

I hope my colleagues will join me in honoring Dr. Dunn for his admirable service to our country. His lifetime of achievements in the medical field and the community is certainly deserving of recognition, celebration and a great deal of gratitude.

INTRODUCTION OF THE DEPARTMENT OF HOMELAND SECURITY COMPONENT PRIVACY OFFICER ACT OF 2008

HON. CHRISTOPHER P. CARNEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. CARNEY. Madam Speaker, I rise today to introduce the Department of Homeland Security Component Privacy Officer Act of 2008.

In the Homeland Security Act of 2002 Congress created within the Department of Homeland Security a Chief Privacy Officer.

The Privacy Officer is responsible for ensuring that an individual's privacy rights are not infringed upon by the creation of Department of Homeland Security policies and programs.

The DHS Chief Privacy Officer is unique within the structure of the Federal government insofar as it is a statutory position that is intended to be involved at all levels of the Department's activities—from policy formation to its implementation.

However, time has shown that the Chief Privacy Officer needs help in achieving this goal.

This bill will create Privacy Officers that will report directly to the Chief Privacy Officer in the following DHS Components: TSA, the Bureau of Citizenship and Immigration Services, CBP, ICE, FEMA, the Coast Guard, the Science and Technology Directorate, the Intelligence and Analysis Directorate, and the National Protections and Programs Directorate.

The level of public confidence and trust in the Department's handling of privacy matters remains abysmally low.

Moreover, there is also a major concern regarding the Privacy Office's involvement at the outset of the policymaking process, as intended by Congress.

This was made clear in testimony before the Committee on Homeland Security when it was revealed that the Privacy Officer was not brought into the development of a new National Applications Office, NAO, that would monitor the use of spy satellites for homeland security purposes, until almost 2 years after the development stage began.

Bringing in the Privacy Office at the 11th hour is not the proper way to blend in privacy protections and appropriate safeguards before policies and programs are underway.

Placing Privacy Officers in the component agencies that make up the Department of Homeland Security is the first step to ensuring that privacy protections are in place at the beginning of the process.

The Component agencies are the pulse of the Homeland Security Department. Most homeland security efforts stem from Component Agency actions.

Privacy Officers need to be where the action is happening, not waiting for a phone call after decisions have already been made.

Under the current structure, the Privacy Office has to rely on Component Agencies for information concerning programs and policies that impact privacy rights. Sometimes this happens; sometimes it does not.

When it does not happen, the risk is clear:

Recently, the Department's Inspector General determined that the Science & Technology Directorate's ADVISE program should be cancelled due to privacy concerns.

This determination was made after the Department spent $42 million on the program.

It was also determined that the Chief Privacy Office was not brought into the process until almost 2 years after the system had been deployed.

This bill would put a Privacy Officer in the Science & Technology Directorate.

Moreover, the Automated Targeting System, which is a Customs & Border Protection program, has been heavily criticized by privacy advocates, and after two separate requests for public comments, the future of this program remains unclear. Again, this was a program that had operated for some time in the dark without proper safeguards and departmental oversight.

Pursuant to this bill, CBP would get a Privacy Officer as well.

Quite frankly, there has been a litany of DHS programs that have been cancelled, delayed, or discontinued due to privacy concerns. Almost all of these were the products of Department Component Agencies that do not have a Privacy Officer within their ranks.

Additionally, the DHS Privacy Officer is responsible for conducting Privacy Impact Assessments on DHS programs and policies affecting privacy.

There are currently over 150 Privacy Impact Assessments that need to be completed. To put this number in perspective, in all of 2006, the Privacy Office only published 25.

This bill will help in decreasing that overload.

I urge my colleagues to join me in supporting this legislation that is critical to not only the privacy rights but the security of our country as well.

INTRODUCTION OF THE ROBIN DANIELSON ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mrs. MALONEY of New York. Madam Speaker, Robin Danielson's two daughters will never forget the tragic day in 1998 when their mother died at the age of 44. Nor will they forget the preventable illness that killed her.

Like thousands of others, Robin Danielson was the victim of Toxic Shock Syndrome, TSS, a rare but potentially life-threatening illness that is often linked to high-absorbency tampon use. Robin's death could have been prevented if only she had recognized the symptoms. Yet, even today, many women are not fully aware of the risks of tampon use or TSS.

According to the Centers for Disease Control and Prevention, one to two of every 100,000 women between the ages of 15–44 years old will be diagnosed with TSS each year. Yet, the last national surveillance was conducted in 1987 and in only four States. Moreover, although TSS is a nationally notifiable disease that States report to CDC, reporting by the States is voluntary. Dismissed as "sporadic," the CDC has not even released this information to the public since 2003. Clearly, we do not have enough transparent or timely information to evaluate the reality of TSS today.

The presence of dioxin—a probable cancer-causing agent—in tampons is also a major concern to women's health. Tampons currently sold in the United States are composed of rayon, cotton, or a combination of both. Alarmingly, rayon is produced from bleached wood pulp, and dioxin is a byproduct of chlorine bleaching of pulp. Although chlorine-free bleaching processes are available, most wood pulp manufacturers use elemental chlorine-free bleaching processes. These processes use chlorine dioxide as a bleaching agent and thus still produce dioxin. According to the Environmental Protection Agency, even 100 percent cotton tampons and completely chlorine-free tampons have trace amounts of dioxin due to decades of pollution that have led to the infiltration of dioxin in the air, water, and ground and thus can be found in both cotton and wood pulp.

The effects of dioxin are cumulative. Women may be exposed to dioxin in tampons and other menstrual products for as long as 60 years over the course of their reproductive lives. Although the FDA requires tampon manufacturers to monitor dioxin levels in their finished products, this information is not readily available to the public.

I am proud to reintroduce the Robin Danielson Act, which would amend the Public Health

Service Act to establish a uniform program for the collection and analysis of data on Toxic Shock Syndrome. The bill also directs the National Institutes of Health, NIH, to conduct research to determine the extent to which the presence of dioxin, synthetic fibers, and other additives in tampons and related products pose any health risks to women and asks the Centers for Disease Control, CDC to collect and report information on TSS.

IN HONOR OF FIREFIGHTERS PHILIP C. ADDISON, PROSPER W. BUCHHART, AND CHARLES W. STEWART OF THE KNICKERBOCKER HOOK & LADDER

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to pay tribute to three men who have together given nearly 160 years of service as firefighters in North Jersey. This weekend the Knickerbocker Hook & Ladder Company in Closter, New Jersey will honor these men at their golden anniversary of service. Knickerbocker Hook & Ladder has served the people of Closter since 1893. And, these men have been a part of nearly half of that century of service.

Philip Addison first joined the Closter Fire Department in March 1957. He served as Chief in 1970 and as President in 1972.

Prosper Buchhart joined the Closter Fire Department shortly after Philip, in December 1957, and has also served as Chief and President.

Charles Stewart started with Dumont Fire Company #2 in April 1949 and transferred to the Closter Fire Department 12 years later.

Knickerbocker Hook & Ladder was honored in 2001 by the Volunteer Center of Bergen County for the work of its volunteers to keep the people and businesses of Closter safe and secure. These 45 volunteers spend countless hours on call at work, in their homes, or at the firehouse, responding to about 275 calls a year. They also participate in constant training to ensure their skills are always sharp. In addition to giving selflessly of themselves to respond to fires, accidents, and other emergencies, these firefighters also provide fire prevention education to school children and have sponsored an Explorer Boy Scout Troop.

Philip Addison, Prosper Buchhart, and Charles Stewart exemplify the service and spirit that has long sustained this volunteer fire department and will sustain in for years to come. Their dedication to the public good is commendable and I join the people of Closter in honoring them as they reach this milestone in service.

CONDOLENCES TO INTERSTATE 4 ACCIDENT VICTIMS

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. PUTNAM. Madam Speaker, I rise today to express my condolences to the victims of the deadly 70-car pile up on Interstate 4 in Polk County, Florida earlier this month. I would also like to express appreciation for the work of many local and state agencies that responded to the accident and provided assistance.

I specifically would like to commend Polk County Sheriff Deputy Carlton Turner III who was the first deputy on the scene in the early morning hours of January 9th, and who used his vehicle as a barrier and later a place of refuge for victims. I would also like to commend Deputy Paul Buoniconti, who was also on the scene very early and provided critical assistance to the victims.

In emergency situations it is rightly expected that government agencies respond and help citizens in need. The Polk County Sheriff's Office, under the leadership of Sheriff Grady Judd, provided critical incident command services and logistical support for many responding agencies—and they did an outstanding job.

During the course of this accident, agencies that came together to provide critical support included the Polk County Sheriff's Office, the Florida Highway Patrol, the Lake County Sheriff's Office, the Lake County Fire Department, the Auburndale Police Department, the Haines City Police Department, the Lake Alfred Police Department, the Florida Fish and Wildlife Conservation Commission, the Florida Department of Transportation, the State Fire Marshal's Office, the State of Florida State Emergency Response Team, the Polk County Emergency Medical Services, Polk County Fire Rescue and Osceola County Fire Rescue.

The State of Florida is often credited with having one of the best—if not the best—emergency response models in the nation, and the combined efforts of all responding agencies earlier this month exemplified this well. Their service likely prevented an even greater number of deaths or injuries, and I thank them for their work and service.

RECOGNIZING BILL AND BRADLEY GARR

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. MITCHELL. Madam Speaker, I rise today to recognize the father and son team of Bill and Bradley Garr. I use the word, "team" because on the afternoon of June 29, 2007, their actions helped save the life of an automobile accident victim.

On that day, as they were traveling along a Phoenix freeway, they witnessed a car go out of control and flip over. They were the first ones to stop to render aid to the seriously injured young woman who was driving. Due to the smoking engine and leaking gasoline, they needed to remove the woman from her car. They then used a fire extinguisher to make sure that a fire did not ensue. By the time fire and paramedics responded, the fire danger was over and the young woman was in a safe place.

While many others kept driving, Bill made the decision to stop and help, and in so doing demonstrated to Bradley important values that will last a lifetime.

I commend Bill and Bradley for their actions, and congratulate them on their selfless actions.

HONORING REKHA CHANDRASEKARAN'S SERVICE TO TENNESSEE'S SIXTH CONGRESSIONAL DISTRICT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor Rekha Chandrasekaran for her service to Tennessee's Sixth Congressional District while working in my Washington, DC, office.

Rekha hails from Monterey, California—just 2,339 miles away from Monterey, Tennessee, which I have the honor of representing in this esteemed body. Despite the difference in geography, Rekha has been a great help to me and my staff and has helped me to better represent Middle Tennesseans.

During her four years in the office, she has proven herself to be a strong writer and a talented systems administrator as she worked to launch a new Web site for the office. She has also taken on the task of coordinating a crew of interns each year and shepherding them throughout the Halls of Congress and around the nation's capital.

February 1 is Rekha's last day in the office, as she is leaving to pursue other opportunities on Capitol Hill. My staff and I thank Rekha for her help, and we wish her all the best in her future endeavors.

HOUSTON MAYOR LOUIE WELCH

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. POE. Madam Speaker, the city of Houston recently lost a Texas Gentleman and great civic leader. Former Houston Mayor Louie Welch died on Sunday, Jan. 27, 2008 after a long battle with cancer. He was 89 years old. Mayor Welch's contributions to Houston government will impact generations of city residents that now enjoy a better quality of life and greater economic opportunity.

Louie Welch was born on Dec. 9, 1918 in the west Texas town of Lockney. Welch was an industrious boy who performed many tasks to earn money such as sell magazines, deliver milk, and sell popcorn for a nickel a bag. In high school, he participated in debate and was elected president of his senior class. These activities were an early sign of his life-long interest in politics.

Welch attended Abilene Christian University and graduated in 1940 with a history degree. While in college, he met his future wife, Iola Faye Cure and they were married on Dec. 17, 1940. They later had five children. After Iola Faye died, Louie married Helen.

After graduating from college, his political career began in 1949 as a Houston city councilman. He served four terms as council member. With a tough political resolve, he ran for Houston mayor four times before finally becoming successful. Welch served as mayor of Houston from 1964 to 1973.

His mother's religious influence left a permanent impression with Welch who, in addition to graduating from a Christian university, was a member of Garden Oaks Church of Christ for more than 35 years and frequently quoted from the Bible throughout his life. I had the opportunity to serve on the Board of Trustees at Abilene Christian University with the Mayor.

Mayor Welch will be remembered for a rich legacy of vital construction projects that he helped oversee to completion which improved city services and prepared for future growth in Houston. These projects included construction of Bush Intercontinental Airport, Lake Conroe and Lake Livingston reservoirs which provided much needed water supplies for Houston's rapidly growing residential and commercial areas. Welch's other projects involved closing down inefficient sewer treatment plants, starting the cleanup of the Houston Ship Channel and bayou beautification.

His leadership abilities also extended into national positions with Welch serving as vice president of the National League of Cities from 1970 to 1973 and president of the U.S. Conference of Mayors from 1972 to 1973.

Mayor Welch was a man who loved Houston tremendously. He joked that he didn't tell his sons that they were born in that "northern" city of Dallas until they were much older to protect them from the horrible truth for as long as possible.

He was known for his witty observations on Texas politics and himself. He once said, "When I was elected mayor I spent the better part of my first term weeding out the political appointees I had inherited from my predecessor. Virtually all of my second term, I spent weeding out my own political appointees."

Welch even served a brief stint as guest weatherman for the local TV channel ABC 13. When weatherman Ed Brandon gave the forecast for the chance of rain one day, Mayor Welch was hiding above him in the studio on a ladder and dumped a bucket of water on Brandon's head. He told the very surprised weatherman, "You never get that right. Let's face it: it's always 50 percent. Either it's going to rain or it's not going to rain."

Following his years as mayor, Welch went to work for the Houston Chamber of Commerce, which later became the Greater Houston Partnership, and served as president of the organization for 12 years.

I met the Mayor when I was a teenager. I showed up at the Garden Oaks Church of Christ one Wednesday night seeking out a local girl. The Mayor cornered me and wanted to know who I was and my intentions. I was quite intimidated by the 5′6″ Mayor, but after the interrogation, I was approved to speak to the girl—(but she still turned me down for a date).

Years later, I went to see the Mayor, then President of the Houston Chamber, because I had decided to run as a Republican for State District Judge in Houston. Being a political nobody and novice I needed sound political advice from an expert. The Mayor told me no Republican had been elected to a state judgeship in Houston since Reconstruction. So, he recommended instead that I run for the nonpartisan position of City Council, because Houstonians preferred "nobodies" over Republicans. I did overcome the handicap of being a Republican and for years appreciated his wise political counsel when I served as a judge.

When I taught an Adult Sunday School Class at Bammel Church of Christ, Louie and his wife Helen would always sit on the front row of the class. The Mayor would interrupt my lesson at some critical point and make a humorous comment about the lesson that would sidetrack our discussion. Louie Welch knew the Good Book as well as the Apostle Paul, but he was much funnier. We shall miss Louie Welch.

His son Gary Welch recently told the Houston Chronicle, "I would like for him to be remembered as a mayor who cared deeply about the city of Houston and each and every person who lived in the city of Houston."

And that's just the way it is.

HONORING THE LIFE OF LANCE CORPORAL CAMERON BABCOCK OF PLYMOUTH, INDIANA

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. DONNELLY. Madam Speaker, I rise today to remember and honor Lance Corporal Cameron Babcock a native son of Plymouth, Indiana, and a proud member of the United States Marine Corps. Cameron lost his life in a tragic accident at Twentynine Palms Marine Base in California. On Sunday, January 20, another Marine unintentionally discharged his privately-owned firearm at the Air Ground Combat Center. The bullet struck Cameron in the chest and ultimately killed this fine young Marine. His death was tragic and leaves us all mourning a life cut short. But as we mourn his life, we also remember and honor the richness of Cameron's life with us.

Cameron was a handsome young man who loved his family and loved his country. He was fun-loving and known for his bear hug. He knew the value of the small things that make life a joy: Hanging out with friends, playing music, four-wheeling, and spending time with family. And he was successful in enjoying the many riches of life. His talent with the trumpet led to him to compete at the State Jazz Festival in 2005 and his musical talent also led to his participation in the Wind Ensemble comprised with some of the top musicians at Plymouth High School. His warm personality attracted to him a wide circle of friends. Just days after his death, more than three hundred people belonged to an online group dedicated to his memory, with many reminiscing about the joy of having just been able to spend time with Cameron at Christmas.

But Cameron also knew the value of matters larger than himself: His lifelong dream was to join the proud ranks of the United States Marine Corps. Shortly after graduating from Plymouth High School in 2006, Cameron dove right into his lifelong dream and enlisted. His energy, enthusiasm, and many gifts made the Marine Corps, and this nation, better.

He became an infantry rifleman, excelling all through basic training. Before long, he proved his bravery by serving a tour of duty in Iraq. As a member of Kilo Company, 3rd Battalion, 7th Marine Regiment, 1st Marine Division, he spent several months in Ramadi, Iraq, in the infamous Sunni Triangle. In this dangerous setting, he continually did his job, and did it well. He earned the National Defense Service Medal, Iraqi Campaign Medal, Global War on Terrorism Service Medal, Combat Action Ribbon, Sea Service Deployment Ribbon, and a Certificate of Commendation. Cameron was slated to return to Iraq in the winter of 2008 and was ready to answer the call of duty once again.

Matt Keller, a lifelong friend, said of Cameron, "He would always be there as someone you needed," and noted his service in Iraq as an example. Cameron was there when we needed him and as a nation, we counted on him. His absence is a sad loss to his parents Jeffery and Ann, his siblings, Kailey, Abigail, Hope and Samuel, and his many other friends and relatives.

Semper Fi. Always Faithful. Today we remember the faithful life of Lance Corporal Lance Babcock, and his dedicated service to his country. From Cameron's example, let us remember to be always faithful as well: Always faithful to our family and friends; always faithful to this great nation; and always faithful to the God whose rich and all-encompassing love now and for all eternity surrounds Cameron Babcock.

CITY OF TEMPE TOP 100 BEST COMMUNITIES FOR YOUNG PEOPLE

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. MITCHELL. Madam Speaker, I rise today to recognize the City of Tempe, my hometown, which was recently honored by America's Promise Alliance, with the designation as one of the 100 Best Communities for Young People for 2008. This organization, founded by General Colin Powell, is the largest alliance dedicated to children and youth. Recognition just once is a proud achievement, but this is the third year in a row that the city has been so recognized, and so is deserving of special praise.

One of the entities cited in the award, is the Mayor's Youth Advisory Commission, which is believed to be the oldest such commission in the country. When I instituted this commission during my tenure as Mayor of Tempe, I was confident that it had great potential. I am especially pleased that subsequent Mayors have realized the value of this commission which was so deservedly recognized by America's Promise Alliance. The award noted that Tempe was a "pioneer" in this area. Tempe's three multigenerational facilities were also recognized for the city's commitment to facilitate nonprofit organizations' youth services.

America's Promise Alliance evaluates applicants based on Five Promises which have been shown to ensure that children receive the fundamental resources they need to successfully lead healthy and productive lives. These are: Caring adults, a safe place, a healthy start, an effective education, and opportunities to help others.

Tempe has made a commitment to keeping these promises, and has been justifiably recognized for the effort. I extend my congratulations and thanks for a job well done.

HONORING LOYD AND SUE EUBANKS ON THEIR 50TH WEDDING ANNIVERSARY

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. MARCHANT. Madam Speaker, I rise today to honor Loyd and Sue Eubanks on their 50th wedding anniversary.

The Eubanks met in February 1956 at the Methodist Church in Havelock, N.C. Loyd proposed to Sue in December of that year and then left for fourteen months to Japan as a 2nd Lt. and pilot with VMF–334. Upon his return, the Eubanks were married on March 8, 1958 at Wesley United Methodist Church in Modesto, California. Their honeymoon was spent traveling back across the country in a brown Volkswagen to Havelock, North Carolina.

After 7–8 months, Loyd finished his staff duty and went to Pensacola and Jacksonville, N.C. where he trained and eventually flew helicopters for the remaining 14 months of service. During that time, they celebrated the birth of their first son, Kenneth Allen, at the Naval Hospital at Camp Lejeune. After Loyd's time in the service, he earned a degree in Accounting and for the next 13 years, they lived in Dallas and Kansas City where Loyd worked for the International Accounting Firm of Ernst and Ernst. Their second son, Clifford Daniel, was born in Dallas in November 1964.

In 1975, Loyd went to work for the LTV Corporation in Oklahoma City and then Dallas. While living in Southlake, Texas, Sue worked as a substitute teacher at Carroll ISD and taught in the Mothers Day Out Program at the Bedford UMC. She also earned an Associate Degree from Tarrant County Community College. Loyd served on the City Council.

In the early 1990's, and after 18 years as residents of Texas, the Eubanks moved to California. The LTV Corporation dismantled and was acquired by Northrop Grumman Corporation whose headquarters was Los Angeles. After 4 years in California and missing their grandchildren, the Eubanks moved back to the Dallas/Ft. Worth metroplex and currently live in Euless, Texas.

Loyd and Sue have been active members of their community and do most things together. Sue is a Republican Precinct Chairman and Election Judge. Loyd builds signs and serves as a low ranking Election Clerk. They are active members of the Metroplex Republican Women's Club, the Northeast Couples Club and the Bedford United Methodist Church. Throughout the years, they have been active in the PTA, the Cub Scouts, the JCs, the Kiwanis, the United Methodist Women and the Republican Party.

The Eubanks enjoy camping and spending time with their children and grandchildren: Kristi, Mason, Allie, Caleb and Alyssa.

It is my honor to recognize Loyd and Sue Eubanks and congratulate them on this wonderful and momentous event. Together they exemplify the ideals of strong family and community involvement. I would like to extend my best wishes to the Eubanks as they celebrate their 50th wedding anniversary.

RECOGNIZING CHARLES BOSWELL FOR HIS YEARS OF DEDICATION AND SERVICE TO THE CITY OF FORT WORTH, TEXAS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. BURGESS. Madam Speaker, I rise today in recognition of Fort Worth City Manager Charles Boswell. After 30 years with the City of Fort Worth, and just over three years as the City Manager, Mr. Boswell has announced that he will retire in January of 2008.

Mr. Boswell began his career with the City of Fort Worth in 1977 as a Budget Analyst and over the years climbed the ladder to become the city's 21st City Manager in 2004. Under his leadership, Fort Worth citizens approved six bond packages which resulted in more than $766 million in new streets, parks, libraries, fire stations, and other major improvements. These feats repeatedly helped Fort Worth earn honors as one of the best places in the nation to live and work.

Mr. Boswell is credited with introducing innovative financial management strategies that have resulted in a financially solid municipal organization and have been key in reducing the amount of city tax dollars needed for debt service. At the same time, Mr. Boswell built the city's reserve funds to their highest levels to cover emergency needs as they arise.

I have been privileged to have had a city manager in my district who understands what it means for a city to be healthy as a whole. Mr. Boswell's focus and efforts to include "The Other Fort Worth", an area east of I-35 that had been forgotten for decades by some, has planted a seed for revitalization that will benefit Fort Worth and Tarrant County residents for years to come.

Although his tenure as City Manager is officially ending, I know Mr. Boswell will continue to serve Fort Worth as a dedicated citizen and advocate. I join his colleagues, friends and family members in wishing him all the best as he looks forward to spending more time with his family.

Again, Madam Speaker, I am proud to recognize Charles Boswell for his tireless duties as a dedicated serviceman to the City of Fort Worth, Texas. It is an honor to recognize such a hard-working and devoted citizen. It is the servant leadership of Mr. Boswell, and those like him, which truly makes our nation great.

IN RECOGNITION OF SERGEANT MAJOR BILLY DEAN ONEYEAR

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. LAMBORN. Madam Speaker, I rise today to recognize SGM Billy Dean Oneyear, who passed away on January 7, 2008. A long-time resident of Fountain, Colorado, Sergeant Major Oneyear was a true servant to his nation and community. I rise today to honor his contribution to our country.

Sergeant Major Oneyear served in the United States Army in both the Korean War and Vietnam conflict. He received numerous decorations including the Bronze Star. As a veteran, Sergeant Major Oneyear served as national first vice president of the Retired Enlisted Association.

Sergeant Major Oneyear, a ping-pong champion and college football referee, had a vibrant spirit and pursued a variety of interests. He and his family also graciously hosted several Air Force Academy cadets.

Throughout his life, Sergeant Major Oneyear was committed to serving to this great country, whether in the Army or as a veteran helping retirees and veterans. I deeply mourn his passing, and today ask that we honor the life of a true American hero.

HONORING PETTY OFFICER ALEXANDER LEMARR

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. TANCREDO. Madam Speaker, I rise today to honor the sacrifice of a fallen hero and Sailor from my district, Petty Officer Alexander "Kip" LeMarr of Parker, Colorado. Petty Officer LeMarr was tragically killed on January 16 when his helicopter crashed on a mission near the Naval Air Station in Corpus Christi, Texas. He was only 25 years old.

Petty Officer LeMarr joined the Navy in 2004, becoming a qualified aviation warfare system operator. He was assigned to Helicopter Mine Countermeasures Squadron 15. He served admirably overseas in Bahrain before returning to the United States to continue his training and service.

Hundreds of sailors and members of the Naval Air Station in Corpus Christi gathered on base on January 25th to honor Petty Officer LeMarr and his colleagues. Petty Officer

Hector Reyes described LeMarr as a good friend, "Kip was the kind of person that loved to fly," Reyes said.

Americans should never forget his service or sacrifice, and the nation will forever owe a great debt of gratitude to Alexander and his family. His life was a tribute to the best America has to offer.

Madam Speaker, my most heartfelt condolences go out to Alexander's family and friends. He will be missed by all those who knew and loved him.

CITY OF SCOTTSDALE TOP 100 BEST COMMUNITIES FOR YOUNG PEOPLE

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. MITCHELL. Madam Speaker, I rise today to recognize the City of Scottsdale, which was recently honored by America's Promise Alliance, with the designation as one of the 100 Best Communities for Young People for 2008. This organization, founded by General Colin Powell, is the largest alliance dedicated to children and youth. Recognition just once is a proud achievement, but this is the third year in a row that the city has been so recognized, and so is deserving of special praise.

This award was not earned by a single entity, but rather from the combined efforts of organizations throughout the city. This recognition would not have been possible without the collaboration of all city departments, the Scottsdale Unified School District, the excellent health care network and outstanding nonprofit organizations which serve the youth of the community and contribute to the quality of life in Scottsdale.

America's Promise Alliance evaluates applicants based on Five Promises which have been shown to ensure that children receive the fundamental resources they need to successfully lead healthy and productive lives. These are: Caring adults, a safe place, a healthy start, an effective education, and opportunities to help others.

The City of Scottsdale has made a commitment to keeping these promises, and has been justifiably recognized for the effort. I extend my congratulations and thanks for a job well done.

IN RECOGNITION OF RICHARD MICHAEL "GOOSE" GOSSAGE

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. LAMBORN. Madam Speaker, I rise today to congratulate Richard Michael "Goose" Gossage, on his acceptance into the Baseball Hall of Fame, and to recognize the contributions he has made to my hometown of Colorado Springs and the State of Colorado. In his 22 years in Major League Baseball, this skilled and powerful closer helped to change the way the game was played.

While playing with the Yankees, Gossage, one of the first closers in baseball, pioneered the set-up/closer configuration. He had the most saves in the American League 1975, 1978, and 1980—a record which is still impressive today. In addition, Gossage made 9 All-Star appearances, pitched in 3 World Series, and finished out 681 games.

Not only are his pitching statistics significant, but Gossage has also made a sizable contribution to his community in Colorado. In recognition of Gossage's extensive work in support of youth sports in Colorado, the Gossage Youth Sports Complex located in Colorado Springs was named after him.

Today I honor Richard Michael "Goose" Gossage's achievements, and express my gratitude, as a resident of Colorado Springs, for all he has done for our community. It is with great joy that I hear of his acceptance to the Hall of Fame. I wish him the best as he continues his work on behalf of American youth, Colorado Springs, and the sport of baseball.

HONORING BORDER AGENT LUIS AGUILAR

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. TANCREDO. Madam Speaker, I rise today to honor the sacrifice of Senior Patrol Agent Luis Aguilar of the Border Patrol from Yuma, Arizona. Agent Aguilar was killed in the line of duty on January 19th while trying to apprehend a suspected drug smuggler in the Imperial Sand Dunes Recreation Area. He was 32 years old.

The core values of the Border Patrol emphasize vigilance, service, and integrity in the defense of America and its laws. Those individuals who commit themselves to these principles recognize the prominence of the American way of life as well as its fragility; something that must be defended against those elements which seek to undermine democracy and freedom. Agent Aguilar spent much of his life as a guardian of these values and this Nation.

Agent Aguilar began his career with the Border Patrol in 2002 when he enrolled in the 519th session of the Border Patrol Academy. Following graduation, he was stationed at the Yuma Border Patrol Station where he quickly earned the respect and loyalty of his fellow agents and the surrounding community.

This tragic incident highlights not only the dangers border agents encounter, but also emphasizes the extreme heroism and valor exhibited by those whose job it is to keep Americans safe.

Madam Speaker, my most heartfelt condolences go out to Luis' family and friends. He will undoubtedly be missed by all those who knew and loved him.

CITY OF CHANDLER TOP 100 BEST COMMUNITIES FOR YOUNG PEOPLE

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. MITCHELL. Madam Speaker, I rise today to recognize the City of Chandler, which was recently honored by America's Promise Alliance, with the designation as one of the 100 Best Communities for Young People for 2008. This organization, founded by General Colin Powell, is the largest alliance dedicated to children and youth. Recognition just once is a proud achievement, but this is the third year in a row that the city has been recognized, and so is deserving of special praise.

Chandler was recognized for this honor because of its intense commitment to youth. One of the key items noted by the Alliance was the Coalition for Chandler Youth, which was organized in September 2006 to address youth issues on a communitywide basis.

This award was not earned due to the efforts of a single entity, but rather from the combined efforts of members of government, local businesses, youth representatives, and numerous other organizations throughout the city.

America's Promise Alliance evaluates applicants based on Five Promises which have been shown to ensure that children receive the fundamental resources they need to successfully lead healthy and productive lives. These are: caring adults, a safe place, a healthy start, an effective education, and opportunities to help others.

The City of Chandler has made a commitment to keeping these promises, and has been justifiably recognized for the effort. I extend my congratulations and thanks for a job well done.

HONORING THE MEMORY OF JOHN WATKINS JR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. BONNER. Madam Speaker, the city of Atmore and the state of Alabama recently lost a dedicated community leader, and I rise today to honor Mr. John Watkins Jr. and pay tribute to his memory.

After graduating from the Escambia County Training School, Mr. Watkins continued his studies at Faulkner State College in Bay Minette, Alabama, and received an associate's degree in applied science.

A World War II veteran, John served in the United States Army on the Marianas Islands in Guam. Following his service in the Army, he spent 31 years at Monsanto/Solutia Textile and Chemical Plant in Pensacola where he served as a cook, cafeteria foreman and a main plant foreman.

In 1992, John was elected to the Atmore City Council. As the councilman for District 3, he was influential in securing various grants for housing rehabilitation, paving streets and demolishing condemned houses throughout the community. He served as chairman of both the Atmore Planning Board and the Escambia County Quality Assurance Committee for 12 years. In 1996, he was named the mayor pro-tempore of Atmore.

In addition to his work as an elected member of the Atmore City Council, John was a member of the Atmore Lions Club and served as its president from 2000–2001. He was also a member of Gaines Chapel AME Church in Atmore and served as a chairman of the trustee board for over eight years.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader, a friend to many throughout Alabama, as well as a wonderful husband and devoted father. John Watkins will be dearly missed by his family—his wife of 55 years, Veola Watkins; their children, Brenda Jackson, John Watkins III, and Roderick Lynn Watkins; his sisters, Bessie Brock, Carrie Millender, Ella Quaker, Ethel Spaulding; his 10 grandchildren; and his one great-grandchild—as well as the many countless friends he leaves behind. Our thoughts and prayers are with them all during this difficult time.

CELEBRATING 61 YEARS OF BROADCASTING AT WKRM IN COLUMBIA, TN

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, on November 25th, 1946, at 7:00 p.m., Robert McKay, Jr. put WKRM on the air from the Bethell Hotel in Columbia, Tennessee for the very first time. Over 60 years later, Robert continues to provide quality broadcasting to the people of Columbia.

Robert's service to Columbia, to Tennessee and to our country goes beyond his work at WKRM. A veteran of World War II, Robert served our military in the Philippines from 1942 until the War's end. When he returned, Robert took it upon himself to found the area's first local radio station with its own News Director.

Since its founding, WKRM has continually provided Maury County with outstanding news coverage, bringing the news to Columbia and its surrounding areas and, beginning in 1947, covering the annual Mule Day celebration live from the front porch of WKRM's station.

From their inaugural broadcast at the Bethell Hotel, Robert's tenacity has made WKRM the success that it is today. Even a devastating fire in 1950 that destroyed all but the station's antenna only kept WKRM off the air for 13 days before Robert was again bringing news to Columbia. Robert's firm resolve has grown WKRM into two stations that he continues to operate today. At 87 year's old, Robert is still working hard for Tennessee, and I join my colleagues today in commending him for his work, his life and his service.

INTRODUCING THE INNOCENCE PROJECT GOLD MEDAL BILL

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. RUSH. Madam Speaker, today I rise to introduce a bill to award the Congressional Gold Medal to Barry C. Scheck and Peter J. Neufeld in recognition of their outstanding service to the Nation as co-founders and co-directors of the Innocence Project.

Madam Speaker, the Innocence Project is responsible for exonerating 210 innocent individuals who were on Death Row. In my home State of Illinois, through their work in the Innocence Project, Mr. Scheck and Mr. Neufeld have helped free 27 innocent individuals. Twenty-seven, Madam Speaker, twenty-seven individuals that if not for the work of these two men and their colleagues may be dead right now.

Dead for crimes they did not commit.

Madam Speaker, in addition to helping with wrongful convictions Mr. Scheck and Mr. Neufeld have worked to create clinics across the country that help prove the innocence of the wrongfully convicted. Furthermore, their work through the Innocence Project has been instrumental in encouraging States across the country to reform their death penalty systems. These reforms range from preservation of evidence, to providing access to DNA evidence for convicted individuals.

Madam Speaker, even today the inconsistencies and injustice of the death penalty system continues to come to light.

A recent study by the American Bar Association illustrates the very problems that the work of these two men hopes to counter. For example, the ABA study found that:

"States are not requiring that crime laboratories and medical examiner offices be accredited";

States "are failing to provide for the appointment of counsel in post-conviction proceedings";

"Most states fail to require that the jury be instructed that it may impose a life sentence if a juror does not believe that the defendant should receive the death penalty";

"Every state studied appears to have significant racial disparities in its capital system, particularly those associated with the race of the victim"; and

"States do not formally commute a death sentence upon a finding that the inmate is incompetent to proceed on factual matters requiring the inmate's input".

As illustrated by this small sampling, these injustices are so grave, Madam Speaker, that the ABA—an organization normally silent in regards to the death penalty—has called for a nationwide moratorium.

Madam Speaker, in light of such regular occurrences of injustice in our system, it is important now more than ever to celebrate the work of individuals who are correcting the ills in our judicial system.

I encourage my colleagues to join me in bestowing upon Barry C. Scheck and Peter J. Neufeld the Congressional Gold Medal. Their work to ensure that we, as a country, remain a nation devoted still to "truth, justice, and the American way" is admirable and must be recognized.

CELEBRATING THE BIRTH AND LIFE OF FATHER D'AGOSTINO

HON. GEORGE MILLER

OF CALIFORONIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. GEORGE MILLER of California. Madam Speaker, I rise today to commemorate the anniversary of the birth of Father Angelo D'Agostino, SJ, MD. Father D'Ag, as he was called by all who knew and loved him, was born on January 26, 1926 in Providence, Rhode Island. Unfortunately, Father D'Ag was taken from us in 2006. However, his birth is a cause for continued celebration as he was a living testament to the principle that one person can indeed make a difference.

I have met many wonderful and inspiring people in my years of service in Congress, but there was clearly something very special about Father D'Ag, and I feel honored and, frankly, lucky to have had the opportunity to meet him in Kenya and in Washington. He made a lasting impression on me, just as he did on so many others throughout the world.

In 1992, at a time in Africa when so many lives were lost to the scourge of AIDS, Father D'Ag set up the first facility in Kenya to care for HIV infected children known as Nyumbani, Swahili for "home". These children were orphaned by the loss of a parent from the same affliction or who were abandoned by parents who could not or would not care for an HIV-positive child. His first three children soon blossomed into a community of children, but they were dying at an alarming rate. Through strong perseverance and advocacy on behalf of the children, Father D'Ag battled the drug companies for affordable anti-retroviral medicines. He also battled the Kenyan government to allow the children into the public primary schools.

Ultimate success on both fronts enabled him to manage the virus and start to chip away at the societal HIV stigma against these precious children. As a result, Nyumbani was transformed from a hospice into a program that nurtured the children's growth and development, thanks to the painstaking care and love that he and his staff gave to these kids. Nyumbani today has 107 bright children with loving hearts, beautiful smiles, and boundless energy on the soccer field.

Despite this monumental accomplishment at Nyumbani, Father D'Ag did not rest after providing a home for HIV-positive children without parents. He went on to develop another program: Lea Toto, Swahili for "to raise the child", to provide medical care and nutrition to HIV-positive children who have parents but live in poverty in the many slums in and around Nairobi. Today there are approximately 2,500 people who benefit from this community outreach program and stand a chance to survive under extreme hardship because of Father D'Ag.

However, Father D'Ag was not done. After reading the stories about abandoned street children that had been slain by police, Father D'Ag felt a need to expand his reach and protect the ever burgeoning number of street children in Kenya. He designed an additional program, one that pairs children and the elderly, the two groups most vulnerable to the ravages of the HIV/AIDS pandemic. Father D'Ag designed this program in his mind, and through his perseverance and guile acquired a tract of land in Kitui that became his beloved Nyumbani Village. In this eco-friendly, self-sustaining village the grandparents care for their own grandchildren as well as other needy children in a house with a garden, access to the village school, and training in one of the many income-generating projects. While this village is still a work in progress, it already has 258 residents, 29 grandparents, and 229 children, with a capacity of 1,000 residents.

These achievements by Father D'Ag should serve as an inspiration to us all. He changed the world one child at a time, and he expanded his reach to do so much for so many people who are in desperate need of food, medical care and love. Even though he has departed from this world, he has left behind an enduring legacy through his programs for children. His passion and commitment are carried on through his incredible disciple and partner, Sister Mary Owens, who continues his work. She is joined by many other dedicated staff members and volunteers who will continue to nurture and protect Father D'Ag's children. No one can visit Nyumbani without being changed forever.

Today, Kenya, the home of Father D'Ag's work, is facing unusually difficult civil discord. This recent civil unrest reminds us how fragile life can be in a nation where so many people live in such quiet desperation. Hopefully, these tribal divisions will soon be healed. In the meantime, we must stop and take a moment to reflect upon one man—a Jesuit priest and medical doctor—who put his heart, soul and life into caring for those who could not care for themselves. It is an honor to rise today and call on all of my colleagues and people around the world to join in celebrating the great fortune that the birth and life of Father D'Agostino was for the children of Kenya and each of us who had the opportunity to know him.

Happy Birthday, Father D'Ag, and thank you for your enduring contributions.

HONORING HURON HUMANE SOCIETY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. STUPAK. Madam Speaker, I rise to recognize the Huron Humane Society (HHS) in Alpena, Michigan, on its 25th anniversary this year. HHS is a nonprofit organization dedicated to caring for the homeless dogs and cats of Alpena County. On any given day, the shelter is charged with caring for more than 20 dogs and more than 80 cats. With a maximum capacity of 120 animals, the shelter often houses closer to 150. With so many urgent needs in our local communities, our pets are often overlooked. The Huron Humane Society is making sure the welfare of four-legged friends, considered family to many, is not overlooked.

The Huron Humane Society has been providing a valuable service to Alpena and the surrounding communities for more than a quarter century. HHS is a no-kill shelter and works to heal and rehabilitate the pets that come through its doors. While HHS cooperates with local governments to provide services to the surrounding city, township and county, it relies mostly on private donations to keep the doors open. Fundraisers, grants and donations account for more than 85 percent of its budget. And even with limited resources, the shelter continues to put the animals it cares for first.

The Huron Humane Society provides a full range of services to help keep animals in homes and rehabilitate those animals that come to the shelter. The shelter serves as safe haven for stray animals, and provides a service for the residents of the community by making sure all animals that come through its doors are properly vaccinated. HHS provides shelter for stray and lost pets, rehabilitates those that are ill or injured, and ultimately locates suitable homes for those pets. The Huron Humane Society promotes a public education program, urging individuals to spay and neuter their pets, helping to reduce the number of unwanted animals in the community. HHS also offer valuable training to pet owners on properly caring for their pets, and offers a microchipping service to the community to aid in locating pets should they become lost.

The shelter manages to accomplish this great work with a full-time staff of three and three additional part-time employees. While the shelter also receives assistance from those required to perform community service and local inmates, it is the community volunteers that provide the additional labor to keep the Huron Humane Society running.

This coming weekend, the Huron Humane Society will hold its 25th Anniversary Gala. One year ago, this annual event raised more than $15,000. More than 200 people opened up their checkbooks to help the shelter continue to provide its valuable service to the community. Especially as we see story after story in the news of helpless animals being abused and mistreated, it is important every community have its own Huron Humane Society to look out for the animals that can't look out for themselves.

Madam Speaker, as the Huron Humane Society celebrates its 25th anniversary, I ask that you and the entire U.S. House of Representatives join with me in recognizing the valuable contribution the shelter, its staff and volunteers make to Alpena County. Please join with and the people of Alpena County, Michigan in congratulating the Huron Humane Society on a job well done and best wishes for the future.

INTRODUCTION OF THE NATIONAL GEOLOGIC MAPPING REAUTHORIZATION ACT OF 2008

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. COSTA. Madam Speaker, today I am proud to be joined by the Chairman of the Natural Resources Committee, Mr. RAHALL of West Virginia, in introducing the National Geologic Mapping Reauthorization Act of 2008, which would reauthorize the National Cooperative Geologic Mapping Program, a critically important initiative that was created by the Geologic Mapping Act of 1992, originally sponsored by Chairman RAHALL.

The importance of geologic maps to our society is not very well known by the general public, but it is hard to overstate. Geologic maps help us build highways, safeguard drinking water, prepare for disasters, protect wildlife, discover precious minerals, locate the fuels that power our society, and much more.

Geologic maps are particularly essential for my own home State. Californians face more geologic hazards than almost anyone else in the country. Over 25 million people live in the State's tectonically active regions near the coast, where earthquakes are only one of a multitude of geologic threats. Landslides, floods, hazardous minerals, and tsunamis are some of the other dangers that come with living in one of the most seismically active and geologically diverse states in the nation.

The STATEMAP component of the National Cooperative Geologic Mapping Program has provided over $2.5 million to California, matched by over $2.6 million from the State, to create highly precise geologic maps that are being used by the California Geological Survey's Seismic Hazard Mapping Program to identify areas that are most prone to liquefaction or landslides during earthquakes. This information allows communities to require stronger building codes in areas that are more susceptible to these hazards, or to avoid them altogether.

In addition, the maps created through STATEMAP provide information about the location of California's abundant supply of oil, natural gas, and valuable minerals, and have also been used to support water management decision-making around Lake Tahoe.

California is, of course, not the only State that benefits from the National Cooperative Geologic Mapping Program. Since the program's inception, 49 States, plus Puerto Rico, have matched nearly $70 million in STATEMAP funds to help produce over 7,500 new geologic maps. Despite this effort, only about 25 percent of the Nation has been mapped at a precision that provides the maximum benefits. And only 2 percent of California has been mapped under the STATEMAP program.

There are two additional components to the National Cooperative Geologic Mapping Program: the FEDMAP component, which is run by the United States Geological Survey and carries out geologic mapping according to priorities developed by a Federal advisory committee, and the EDMAP component, which has provided millions of dollars to help train over 600 students at 131 universities across the Nation. According to the Department of the Interior, the vast majority of those students receiving EDMAP grants continued in the geosciences, indicating that this program is truly helping to train the next generation of geologists.

A reauthorization of the National Cooperative Geologic Mapping Program is necessary in order to continue to move the goals of the program forward, to build on the momentum of the previous 16 years, and to provide comprehensive geologic mapping of the entire country. The program has been reauthorized with broad bipartisan support in 1997 and 1999, and a similar bill introduced in the 109th Congress received the endorsement of the administration and passed the House on a voice vote. I urge my colleagues to join me in supporting this legislation, and moving forward quickly toward reauthorizing this essential program.

HONORING HRANT DINK

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. BACA. Madam Speaker, this month we remember the one-year anniversary of the tragic death of Hrant Dink, a prominent Turkish-Armenian intellectual and human rights advocate. Dink fought tirelessly to engage the Turkish community in open discussions of the many injustices suffered by Armenians, beginning with the Genocide of 1915. As a mentor and a hero, his tragic death shook the lives of many around the world.

Dink's tireless efforts and strong conviction to educate the citizens of Turkey, and his writings of the Armenian Genocide led to a 6-month jail sentence in October 2005. He advocated for justice, and wrote with a conscience, all despite daily threats to his life. Hrant Dink was killed because he was a courageous journalist and continued to write his columns in hopes of getting rid of the ignorance that exists in Turkey. On the one-year anniversary of his death we remember Dink's message of liberty, civility, truth and bridge-building. In Dink's memory, I have joined my House colleagues in recognizing the Armenian Genocide of 1915.

It is my hope that Turkey will repeal the arbitrary statute, which makes it a crime to "insult Turkishness." Turkey claims to be a secular state with free elections, yet it clearly lacks the chief principle of a democratic nation: freedom of the press. The death of Hrant Dink is a tragedy that was fueled by injustice, and I strongly urge Turkey to abolish this capricious and dated statute.

I express my condolences to the family and colleagues of Hrant Dink. As we recall him in life, and mourn his tragic death, we renew our commitment to work towards advancing the ideals and values, for which he so passionately stood.

IN TRIBUTE TO GUAM POLICE OFFICER FRANKIE E. SMITH

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Ms. BORDALLO. Madam Speaker, I rise today to join the people of Guam in mourning the loss of one of Guam's finest in a senseless hit and run. On the night of December 30, 2007, Guam Police Officer Frankie E. Smith was on his police motorcycle responding to a 911 call for police assistance when he was fatally struck by a drunken driver. I rise to honor and pay tribute to Officer Frankie E. Smith, and all law enforcement personnel on Guam and throughout our country, who have paid the ultimate sacrifice while serving and protecting our communities.

Officer Frankie E. Smith, a young man of 35 years, was born on August 30, 1972, attended the public schools of Guam and graduated from the 1st Guam Community College Basic Law Enforcement Academy in 1997. He immediately began his career in service to his community in the aftermath of the devastation of Supertyphoon Paka. But even before the completion of his police training, his service to his people and his country began as a citizen soldier of the United States Army and Air Force Reserves. "Smitty" wanted to become the best police officer he could be, and this motivated him to seek out and complete extensive training in various areas of law enforcement, including crime scene investigation, responding to terrorist threats, and detection of illegal substances. His desire for greater knowledge and skills was answered through intensive training with various local and Federal law enforcement agencies, including the U.S. Drug Enforcement Administration, the U.S. Department of Justice, and the U.S. Environmental Protection Agency.

Officer Smith's tenacity as a police officer was instrumental in solving numerous crimes against property and violent crimes against individuals, in the apprehension and arrest of their perpetrators, and in the recovery of evidence leading to convictions. His skills and motivation as an officer of the law were recognized and commended on numerous occasions by the leadership of the Guam Police Department and the Governor of Guam. His resolve and determination to serve the public and protect our community will be sorely missed by his fellow officers and the citizens of Guam, but his memory will always serve as motivation to those who served with him and to those who will follow.

On behalf of the people of Guam I extend our sincere condolences and heartfelt sympathy to his wife Tishawnna Hernandez Smith, daughters, Tamara Perez and Kae'Ana Justine Smith, to his parents, Frank Borja and Teresita Fejeran Smith, and to his fellow brothers and sisters in uniform, the officers in the Guam Police Department.

IN RECOGNITION OF THE TEXAS WATER DEVELOPMENT BOARD RECEIVING THE ENVIRONMENTAL PROTECTION AGENCY'S 2007 CLEAN WATER STATE REVOLVING FUND PERFORMANCE AND INNOVATION AWARD

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. RODRIGUEZ. Madam Speaker, today I stand supporting the passage of H. Res 832. This legislation recognizes the Texas Water Development Board for receiving the Environmental Protection Agency's 2007 Clean Water State Revolving Fund Performance and Innovation Award. The award recognizes states that have been the most innovative and effective in advancing EPA's goals of performance and protection through the Clean Water State Revolving Fund (CWSRF) program. The award is given to one State in each of the ten EPA regions.

The ten State programs were nominated by the regional offices based upon the following criteria: pace level greater than 80 percent, audit with no serious programmatic or financial problems, outstanding performance in at least two of the following areas: better management practices, full-cost pricing, efficient water use, watershed approach, creative use of technologies, leveraging practices, innovative partnerships, innovative lending practices, and effective outreach.

The Texas Water Development Board (TWDB) was region six award winner because of its support of water efficiency through water reuse and conservation. One of its major accomplishment in 2007 was a $10.7 million Northwest Water Reuse Initiative consisting of a five-phase project in El Paso County to deliver treated wastewater for reuse to irrigators, industries, and homeowners from El Paso's Northwest Wastewater Treatment Plant.

I would like to thank TWDB for their work with the Uvalde County Underground Water Conservation District to institute well metering on wells of a number of irrigators using groundwater from formations other than the Edwards Aquifer. The District will use the TWDB grant and local funds to purchase and install 80–90 meters.

The TWDB continues is goals of assisting with regional planning, and preparing the state Water Plan for the development of the state's water resources, and administering cost-effective financial programs for the construction of water supply, wastewater treatment, flood control and agricultural water conservation projects. For being the recipient of the Clean Water State Revolving Fund Performance and Innovation Award, I recognize Texas Water Development Board on this day.

PERSONAL EXPLANATION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. DAVIS of Illinois. Madam Speaker, I was unable to cast votes on the following legislative measures on January 22 and 23, 2008. If I were present for rollcall votes, I would have voted "yea" on each of the following bills:

Roll 19, January 22, 2008: On Motion to Suspend the Rules and Pass: H.R. 4211, Naming the Judge Richard B. Allsbrook Post Office.

Roll 20, January 22, 2008: On Motion to Suspend the Rules and Agree: H. Res. 866, Honoring the brave men and women of the United States Coast Guard whose tireless work, dedication, and commitment to protecting the United States have led to the Coast Guard seizing over 350,000 pounds of cocaine at sea during 2007, far surpassing all of our previous records.

Roll 21, January 23, 2008: On Ordering the Previous Question: H.R. 3963, Children's Health Insurance Program Extension and Improvement.

Roll 22, January 23, 2008: Passage, Objections of the President Not Withstanding: H.R. 3963, Children's Health Insurance Program Extension and Improvement.

TRIBUTE TO CHARLES LUCE

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. DICKS. Madam Speaker, as we look forward to considering legislation in Congress this year to address our Nation's energy shortage, it is my sad duty to announce that one of the real giants of the energy business in the United States has passed away. Charles F. Luce, the former chairman and Chief Executive Officer of Consolidated Edison, died this past weekend at age 90 after a brief illness.

Starting as a meter reader for a power company when he was a teenager, Chuck Luce rose to become a legend in the electric power industry through an interesting career progression. Following his clerkship for Supreme Court Justice Hugo Black, Chuck Luce practiced law in Walla Walla, Washington, for 15 years. In 1961, President John F. Kennedy summoned him into public service as the Administrator of the Bonneville Power Administration, which markets the power from the Columbia River hydroelectric system in the Pacific Northwest. At BPA, he was an enlightened leader who keenly understood federal energy issues, pioneering many jurisdictional arrangements that established the distribution of federal power resources in the Northwest, including the Pacific Northwest-Pacific Southwest Intertie.

During the Johnson Administration, Interior Secretary Stewart Udall brought him back to Washington to serve as Undersecretary of the Interior Department, but his talents were quickly recognized and summoned when Con-Ed, New York's largest utility, needed a steady hand to confront looming problems of growth and supply. He led Con-Ed during the toughest times that any American utility has faced in our Nation's history, including the oil supply crisis of the 1970s and the infamous New York City blackout in 1977. His leadership through those times of crisis set an example of calm and focused action, and he is remembered as one of the most effective and thoughtful leaders in an industry that affects every American every day.

I want to take this opportunity, Madam Speaker, to insert into the RECORD Mr. Luce's obituary, printed today in the New York Times, so that Members can read the story of a truly legendary figure in the history of electric power generation and transmission in the United States.

[From the New York Times, Jan. 29, 2008]

CHARLES F. LUCE, EX-CHIEF OF CON ED, IS DEAD AT 90

(By Dennis Hevesi)

Charles F. Luce, the chairman and chief executive of Consolidated Edison, the giant New York electric and gas utility during some of its most difficult times, died Saturday in Torrance, Calif. He was 90 and lived in Bronxville, N.Y.

The cause was prostate cancer, said Joyce Hergenhan, a former company spokeswoman.

Mr. Luce headed Con Ed from 1967 to 1982 and dealt with the oil crisis of the 1970s, customer rage over rising rates, the 1977 blackout that paralyzed New York City and the settlement of a decades-long struggle with environmental groups over construction of a power plant at Storm King Mountain on the Hudson River.

A liberal Democrat and an environmentalist, Mr. Luce did not fit the standard profile of the big-business executive when he agreed to leave his post as under secretary of the interior in the Johnson administration to take over Consolidated Edison.

"The metropolitan area's need for electric energy doubles about every 15 years," Mr. Luce said then. "To supply these vast new quantities of energy at reasonable cost, but protect the city's environment from pollution and unsightly structures, is a king-size job."

It became particularly difficult in 1973, when fuel prices skyrocketed because of the Arab oil embargo, and Con Ed's rates followed.

Facing customer protests, Mr. Luce chose to soften the monthly billing blow by eliminating the company's April 1974 dividend. That prompted shareholder protests, and on May 24, 1974, Mr. Luce presided over a meeting at the old Commodore Hotel on 42nd Street at which customers and shareholders boisterously expressed their views.

A New York Times headline the next day said, "Days of Anxiety for the Man Who Saved a Watt."

That was a reference to the "Save-a-Watt" program, which Mr. Luce had instituted soon after taking over as Con Ed chairman. It was a shift from the electricity industry's traditional marketing strategy, succinctly expressed as "Live better electrically."

For 25 hours, starting on the evening of July 13, 1977, New York City could not live electrically at all. Two lightning strikes on major tie-lines in Westchester County led to the collapse of the entire system.

Some Con Ed officials attributed the blackout to "an act of God." Although Mr. Luce did not utter the phrase himself, he became associated with it.

He kept cool in the face of Mayor Abraham D. Beame's accusations of "gross negligence" on the part of the company, saying, "Respectfully, I think he's wrong," and calling for a fair review.

In the end, Con Ed had to concede that the systemwide expansion of the power failure after the local lightning strikes was largely its fault.

Four years before Mr. Luce became chairman, Con Ed had started seeking approval from regulators to build a hydroelectric plant on Storm King Mountain in Orange County, 55 miles north of New York City. Opposition to that plan and to proposals for other power plants along the Hudson River was fierce and unrelenting for nearly 20 years.

Then, in December 1980, 11 environmental groups, Con Ed and other utility companies reached what became known as the Hudson River Peace Treaty. Mr. Luce had asked Russell E. Train, a former head of the Environmental Protection Agency, to mediate the dispute.

Under the agreement, Con Ed abandoned efforts to build the Storm King plant. In return, the environmental groups and the federal Environmental Protection Agency dropped their demands that Con Ed build six costly cooling towers to protect fish from being sucked into power plants at Indian Point and several other sites along the river. The agreement was widely cited as a model for balancing economic and environmental needs.

Charles Franklin Luce was born on Aug. 12, 1917, in Platteville, WI, a son of James and Wilma Luce. His father owned a furniture store and a mortuary.

As a teenager, Mr. Luce got some early exposure to the utility business as a meter reader for the local power company.

Mr. Luce earned a bachelor's degree and a law degree through a five-year program at the University of Wisconsin in 1941, then received a master's degree in law at Yale in 1942.

Unable to enlist for military service in World War II because of an attack of polio, Mr. Luce became a staff lawyer for the Board of Economic Warfare in Washington.

A year later, on the recommendation of a professor at Yale, he was chosen as a law clerk to Justice Hugo L. Black of the Supreme Court.

For 15 years after World War II, Mr. Luce practiced law in Walla Walla, Washington.

Then, in 1961, President Kennedy chose him to head the Bonneville Power Administration, which markets power from the Grand Coulee Dam and more than 20 other federal hydroelectric plants in the Columbia River Basin.

Mr. Luce also worked with Interior Secretary Stewart L. Udall in creating the Pacific Northwest-Pacific Southwest Intertie, a vast power transmission complex. He negotiated a 1964 treaty with Canada for joint hydroelectric development of the Columbia River.

At Mr. Udall's request, President Johnson appointed Mr. Luce as under secretary of the Interior in September 1966. But within six months, Con Ed officials—spurred by a Fortune magazine headline, "The Company You Love to Hate"—asked Mr. Luce to take control of the company.

Mr. Luce's first wife, Helen Oden, died in 2001. He is survived by his second wife, the former Margaret Richmond; two sons, James, of Vancouver, Washington, and

Charles Jr., of Boulder, Colorado; two daughters, Christina Gordon of Mansfield Center, Connecticut, and Barbara Luce of Portland, Connecticut; and eight grandchildren.

Mr. Luce was an avid biker. As Con Ed chairman, he would regularly pedal around Manhattan on a three-speed bike, wearing a meter-reader's cap, inspecting company work crews and peeking into open manholes.

RECOGNIZING THE OHIO NEWSPAPER ASSOCIATION'S 75 YEARS OF SERVICE

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. TIBERI. Madam Speaker, congratulations are in order for the Ohio Newspaper Association, which is celebrating 75 years of service to its members and those who read and use newspapers every day. The ONA represents 83 daily newspapers, more than 170 weeklies, and over 150 newspaper Web sites.

As you might expect, the ONA provides effective representation for its members before all levels of government, but it does far more than that. The association has long been a strong advocate for open government, benefiting all our citizens. It also provides seminars, workshops, and other tools for professional development.

Just as important are the activities of the affiliated Ohio Newspapers Foundation. This charitable organization provides scholarships and internships for journalism students, assistance to high school newspapers, and sponsors projects promoting literacy across Ohio.

For 75 years, the Ohio Newspaper Association and its members have provided leadership in promoting freedom of the press and a well-informed society, ideals that are important to all of us. I join others throughout our State in wishing them decades of more success.

CONGRATULATING THE SIGNATURE LEARNING CENTER

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Mr. ELLSWORTH. Madam Speaker, I rise today to congratulate Signature Learning Center in Evansville for being recognized as one of the top high schools in the Nation by US News & World Report.

Of course, they aren't telling us anything we didn't already know. In the Evansville community, the Signature Learning Center has developed a well-deserved reputation of academic excellence with 100 percent enrollment in advanced college prep courses and 100 percent graduation rate.

And people are taking notice. In addition to this recognition, the school was listed by Newsweek as one of the top 100 high schools in the Nation last year, and just this year was named a National Charter School of the Year by the Center for Education Reform.

These students are the next generation of leaders in our community. The quality of education they receive has a direct impact on the strength of our country.

The Signature Learning Center is providing students in southern Indiana with the tools they need to meet their full potential and make a difference in our world. I am proud of their accomplishments and grateful for their continued contributions to the Evansville community.

SENATE—*Wednesday, January 30, 2008*

The Senate met at 10 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God of light, in whom there is no darkness, thank You for Your light. You are a guide who gently leads us. You are a mystery but not a puzzle; profound but not incomprehensible. You are loving, patient, and long-suffering. O God, You are all things that we are not but need to be. You don't make promises to forget them. You, O God, with steadiness and perseverance move in the lives of people and in the life of our Nation and world.

Awaken our lawmakers to Your inescapable presence. Keep them from thinking that You are absent from our world or disinterested in it. Enable them to feel You in their midst as they grapple with the problems of our time.

We pray in the Name of Him who promised never to forsake us. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, January 30, 2008.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that when the Senate proceeds to morning business, there will be 1 hour equally divided and controlled between the two leaders or their designees, with the first 30 minutes under the control of the Republicans and the next 30 minutes under the control of the majority.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, we were able late last night to work out something on FISA, a 15-day extension. There is a path forward. We are going to try very quickly to get an agreement so that we can move forward. I had a meeting in my office at 6 o'clock last night. Following that meeting, I called the Republican leader, and I think we have a way of moving forward on this legislation, one that would be agreed upon by Senators BOND, ROCKEFELLER, LEAHY, and SPECTER, so that we can complete that legislation. I think it will probably take a good long day to do that, but I think that would be all it would take.

I hope we can get that done very soon. I do not want to wait. Whatever we do, whether we do something or nothing, I do not want to wait until the last minute. This is something we need to do. I think it would be in everyone's interests to get it to the House as quickly as we can so that we can move forward on a conference to send something to the President that he can review.

Again, we have the stimulus package that we have to deal with, and we are going to do that. That is why I made the announcement last night that we are going to have to do some work on Monday. We are going to have votes on Monday. They won't be early in the day, but we will have votes on Monday. Whatever we are working on, we will try to work Monday so that we can have some votes Monday night, so there will likely be more than one vote Monday night.

Tuesday, we are going to have to work. We really do need to complete this work on the foreign intelligence legislation quickly. Whatever we do on the stimulus, we also need to do that quickly. Again, whether we come up with our own package here in the Senate, whether we accept what the House has done, or do nothing, it is not fair to the American people, the other body, and the President not to take action that would be fairly quick, and we are going to attempt to do that, both dealing with the FISA legislation and the stimulus package.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

MOVING FORWARD

Mr. MCCONNELL. Mr. President, based on the majority leader's representations that we are going to move forward and make our best effort to finish FISA, I agreed to the 15-day extension last night. He is a man of his word, and I know we will do everything we can to wrap up that important legislation.

It is a rare opportunity for a bipartisan accomplishment. It came out of the Intelligence Committee 13 to 2. It is the Rockefeller-Bond proposal. It is very important to our country, and I know the majority leader shares my view that we need to act in order to protect the homeland. I commend him for his decision to try to move it forward as rapidly as possible.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Tennessee is recognized.

ECONOMIC STIMULUS

Mr. CORKER. Mr. President, I rise in morning business today to talk about the so-called economic stimulus package we will be dealing with in this body over the next few weeks. I think the Presiding Officer knows that it is very seldom that I come to this floor to speak. I try to only speak when I have something to say. I realize that today, I am probably a voice in the wilderness and probably will be over the next few weeks.

As are many Americans, all Americans who are familiar with being around railroads, I know a freight train when I see it coming. I realize the action taken yesterday in the House, by overwhelming majority sending over to our body a stimulus package to deal with—I realize the winds are blowing, and the fact is that the winds are blowing in the direction of a stimulus package.

I am honored to serve in this body. I know that, contrary to much of what the American public thinks, there are many things that happen on this floor that actually show greatness of this body and greatness of individuals.

I have seen on this floor both the majority leader and the minority leader do things to cause something good to happen for our country. When I have seen that happen—and most of the time it happens under the radar screen—I have tried to go to them and thank them for taking the positions they did, even if it was a private position to make something good happen. I have seen other Senators take politically courageous votes that were maybe not in their own best political interests but were in the country's interests, and I have tried, too, on those occasions when I have recognized that, to go up and thank them for what they have done. Then, on the other hand, I have also seen occasions when we in this body just bow to the political winds and do things that are expedient because they are expedient, even though in our hearts we know they are really not best for our country.

Today, all across America, there are young people, young children gathered in classrooms, and they are learning in those classrooms that which will equip them to be productive in life. They are learning not just about facts and figures, but they are also learning about character. They have teachers whom they look up to. They have parents, hopefully, whom they go home to and look up to, coaches and others, Sunday school teachers, and hopefully some of the people whom they look up to from time to time are us in this body.

I know that right now in our country we are going through tremendous economic turmoil as it relates to the markets in general. I think most of us know that it is due to excesses that have taken place in the marketplace, that in our country and in this world we have business cycles that exist. That is what happens in a free market society such as we have. Those excesses work themselves out, and over time, we begin building again.

I know in the process of these excesses that in some ways they are beyond the control of the average citizen, and there are people in this country who are hurting. I know they are. My heart goes out to people across this country who find themselves in economic situations that in many cases are beyond their control. They have to do with markets. They have to do with the way we ourselves have conducted ourselves as it relates to fiscal policy. They have to do with things that are happening in other parts of the world. I truly feel for people who go home at night with tremendous economic distress. I am also always happy—just honestly always happy—when I see Americans receive refunds from the Federal Government. That is a good thing, and I am happy for people when that occurs. I really mean that.

But in this backdrop, I must say that I find it so odd that today in America we would consider a stimulus package, a package that in essence is built on sprinkling money around America and then encouraging people to quickly spend that money to ignite an economic stimulus in this country. I doubt there are many people in this body—there may be some, and I don't want to in any way criticize anybody because I know there are some who may believe the stimulus package that came from the House yesterday really is going to do some good. There are some, and I understand that, but I bet there are not many in this body who believe sprinkling money around America and asking people to spend it is going to do much, is going to do much to affect the long-term status of this economy.

But what I see happening is, all of a sudden, in the name of bipartisanship—and I want to say I have been excited to see bipartisanship taken up, and I want to put on the record that I have exercised, as the Presiding Officer has, bipartisanship in many cases to try to make something good happen. But in the name of bipartisanship, what has happened is we have come—what has come out of the House is a bipartisan bill in the name of economic stimulus that to me is—and I hate to be this crass—nothing more than political stimulus.

I hope this body will have the responsibility and the character to deal with our economic situations over the long haul. It may be that this body takes up this stimulus package, and it may be that this body makes changes, and it may be that this body actually passes a stimulus package that is similar to what came out of the House. But what I see in this package is nothing but a political stimulus. It is a stimulus to make the American people think that we as a body are doing something to actually cause the economy to be stronger.

So at this moment, I fear we are going through one of those moments where I am less encouraged about what might happen, but I am hoping that somehow or another, we will deal with this in an appropriate way.

I think all of us know in our country that we together have been fiscally reckless over the last several years. I think we know that generations who come after us will be dealing with the brunt of our actions. Not to be misunderstood, I am a strong believer in low taxes and creating a structure in this country that people can count on to move ahead and to make investments, but with that has to be the reality that spending has to be under control. Yet there is always a reason in this body and in the other body to spend money we do not have. I can go back and cite example after example, and for some reason I sense that today we are in another one of those situations.

I know this package is going to change, and I know some of the components of this package cannot be calculated exactly this way, but what I would like to say is, if you take $150 billion and spent the money today—I look at these pages on the floor who have come here so excited about their work. I want them to know that actually we in this body will never deal, in my generation, with paying for the $150 billion. The next generation might, but I doubt it. It will actually be $329 billion in 20 years at present rates, and in the generation after that, $722 billion.

I know my time is drawing to a close. I know I am probably a voice in the wilderness. I am very discouraged about the wind I see blowing at this time. I am very discouraged about a package I think many people, if not most in this body, doubt is going to have any long-term effect on our economy. So I ask that my colleagues consider this, my colleagues with whom I enjoy serving: No. 1, that we call this package for what it is, a political stimulus package; that we begin today dealing in a bipartisan way with the tough decisions we have to make, and if there are anomalies out there we need to deal with where people are truly being hurt, let's deal with them; that we adopt the Conrad-Gregg bill to truly deal with long-term entitlements; and that we ask the administration, when they bring their budget forth on February 4, to bring forth a real budget that lays out to the American people the deficits we will have to deal with in the future.

This country has been built on sacrifice. It has been built on us and generations before us making tough decisions and making sacrifice. I hope this body, in a bipartisan way, will do the same.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. SUNUNU. Mr. President, I begin my remarks this morning by addressing the points made at the close of Senator CORKER's remarks. The Senator talked about the need to look at some of our long-term budget problems—Social Security, Medicare, and even our tax structure. There are areas where we can see that the Tax Code is not as simple or straightforward as we want it to be, where we know there are imbalances in the Medicare program, and where we need to address how we are going to pay for future generations who will be retiring.

These are tough and long-term important problems with which we need to deal. Senator CORKER mentioned bipartisan legislation that I have cosponsored by Senators GREGG of New Hampshire and Senator KENT CONRAD of North Dakota to create a bipartisan commission to look hard at these issues. The result will not just be another report. Instead, it will actually prepare legislative recommendations that will be brought to Congress to get an up-or-down vote.

Sometimes that kind of an approach is the best way of dealing with what appear to be intractable problems because such a structure can generate consensus and in some ways force Congress to take action, even if the short-term political issues might discourage action.

I hope that this approach will be adopted. I hope it is an approach that will make an impact because, as I have spoken on the Senate floor and at home in New Hampshire, these are long-term issues that have to be addressed. It takes leadership, but it also takes consensus.

The one point we also have consensus on in the country right now, and certainly in New Hampshire, is that we have witnessed a weaker economy over the last 6 to 12 months. In New Hampshire, just as in any other part of the country, that is felt first by families, by working families who see the slower growth, families who feel the pinch of higher energy prices, families who see credit tightening and are struggling to deal with that slowdown.

We are the strongest country in the world, the strongest economy in the world, but that does not make us immune from the economic cycle. When we see an economic slowdown, we understand we cannot necessarily turn the economy around instantly, but we need to take action. We need to lay the groundwork for near-term economic growth and the groundwork for long-term economic growth. That is what we need to focus on as we debate an economic growth package in the Senate.

We have begun to act with a housing modernization bill, commonly referred to as FHA modernization, that will help States and homeowners modify their mortgages, stay in their homes, deal with the slowdown in real estate prices and reduce the impact of the credit crisis on home ownership. We passed that bill in the Senate last month. The House has also passed its version. This is an area where we need to act quickly to resolve the differences between the two versions and send it to the President for signature.

The issue of timeliness is going to come back on us again and again as we debate this economic package because the one thing we understand and know about any economic package is that if it is going to have an impact, it needs to be done in a timely way. It should focus on the near term. It should include provisions we believe will have an immediate impact on investment and growth, and it should be temporary.

We know that we have to deal with long-term problems about which the Senator from Tennessee spoke, but we also understand the impact that the slowdown is having. We can put together a package that meets the following criteria: focuses on the next 12 months, encourages investment and economic growth, and is done in a timely way.

What should the main provisions of an economic growth package be? It should put money into the pockets of families and do it through a tax rebate. People pay taxes. At the end of the day, every dollar of revenue that is collected by the Federal Government ultimately started with an individual, a family, a worker, whether it is excise taxes on gasoline or income taxes. Even the taxes we levy on businesses ultimately are passed through to consumers in the products and services those corporations sell. As I said, people pay taxes. It is not a mistake to allow a family to keep a little bit more of what they earn, to give them a rebate over the next 12 months to help deal with those energy prices, help deal with their mortgage payments or help invest in items that will make for a better quality of life for them and their children. This needs to be part of this growth package.

Business investment also needs to be a part of this growth package. In New Hampshire, that means small businesses. They are the ones that provide jobs, cover their employees with health care, and are responsible for most of the investment in New Hampshire and across the country. I think one of the most important provisions that is being discussed in this growth package is a way to encourage those small businesses across the country to make new investments in their plant, improve productivity, make investments in their employees, and create new jobs. Jobs are not created in Washington; they are created across the country. Businesses large and small put up capital, take a risk, hire that new worker, train that new worker. That is where the difference is made. This package needs to include very real and meaningful incentives for those businesses to spend, build, create new jobs, and improve productivity.

If we are going to have any impact, though, we cannot stand in Washington and debate. We need to act in a timely way. This cannot be done over a 4-month, 5-month or 6-month protracted debate. If it takes that long, it will be too late to have any impact.

Congress does not often act in a timely way. We know that; we understand that. The key to getting something done soon is to work in a bipartisan way. That means compromise. That means everyone will not have everything in the package they might like to have. We cannot have 535 Members of Congress all writing their own economic growth package. We do have the basis for a bipartisan agreement in legislation that has passed the other body by a very strong bipartisan vote, with Democrats and Republicans supporting the two core principles I talked about: tax relief for families and individuals and encouraging business investment for small businesses and larger firms that are creating jobs every day.

A bipartisan approach has to be the way this issue is addressed in the Senate. We all understand the rules of the Senate allow unlimited debate and unlimited amendments. This is one case where we need to exercise a little bit of discipline, where we need to exercise a little bit of common sense. We cannot have every Senator offering three, four or five different provisions to this legislation. The bill would collapse under the weight. By delaying passage and implementation, we make it much more difficult for anything we do to have a positive impact.

I hope, as the debate moves forward, we work to keep this growth package in line with the bipartisan agreement that has been established, the framework that has been put together. Such a process does not mean we will not have an opportunity to debate the package or even make some modifications. If we go astray, if we let our own egos and personal needs drive this debate, we will not get this legislation done, and the American people will look at the institution of Congress yet again and be frustrated at its inability to act in a bipartisan way, at our inability to act in a timely way, and our inability to take the steps necessary to make a difference in our economy.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, may I inquire how much time remains on our side?

The ACTING PRESIDENT pro tempore. There is 9 minutes 37 seconds remaining.

Mr. CORNYN. Mr. President, I wish to express my agreement with the wise words of the distinguished Senator from New Hampshire and expand on the theme he spoke to, along with the Senator from Tennessee earlier.

When I was younger and was going to college, I thought I wanted to become a doctor, but that was until I encountered organic chemistry and physics, and that persuaded me that maybe there was something else out there for me to do. But I did learn about the Hippocratic oath which is what the medical profession takes, this oath basically to first do no harm. I think that ought to be something that guides us as we look at how do we deal with this impending challenge with regard to our economic situation.

I do think we have started off in a very strong way, and I express my congratulations to Speaker PELOSI, Republican Leader BOEHNER, and Secretary of Treasury Hank Paulson for the work they have done which met with as close to universal approval on a bipartisan basis as you can get in the House of Representatives for what the Speaker has called a targeted, temporary, and timely economic stimulus. That will hopefully allow us to avoid a recession and, of course, all the fallout that would result from that recession, including people out of work and obviously negatively affecting the quality of life for a lot of Americans, including my constituents in Texas.

We have to look at this as both a short-term issue and a long-term issue. I hope the kind of bipartisan cooperation and the movement we have seen will start a trend. I am encouraged, as my colleagues have already heard, by some of the work that is being done on a long-term basis by Senator KENT CONRAD and Senator JUDD GREGG, both the chairman and the ranking member of the Budget Committee on which I serve, to deal with the impending long-term crisis of entitlement spending. If we do not do anything in the next 30 years, the only programs that we will have money to spend on as part of the Federal Government is Medicaid, Medicare, and other entitlement spending, plus the interest on the national debt. That is it. We will not have any money to spend on national defense, research, innovation, education, and other programs that are very important to the continued prosperity and future of our country.

That is a looming disaster out on the horizon I hope we will respond to. We cannot afford to take the year off in Congress because we know we are in an election cycle. We have a Presidential election coming up in November, and a third of this body will stand for election as well. But as the Republican leader, Senator MCCONNELL, has pointed out, we have had an election every 2 years since 1788 in this country—we are going to have another one in November—and we can't use that as an excuse for simply sitting back and becoming spectators rather than active participants in trying to solve the challenges on the economic, security, and all other fronts on both a near-term basis and a long-term basis.

Of course, there are other things we need to do to be able to restore public confidence in the U.S. Congress and Government, and one of the things you will be hearing more about is the proposal that we will be making for a 2-year budget, the idea being that, as we saw last year, on an annual budget we basically spend all year in the appropriations process with very little opportunity for oversight of this huge bureaucracy—the executive branch of the Federal Government. And without oversight, we know bad things can happen. Perhaps with oversight bad things can happen, but we cannot be asleep at the switch when it comes to the oversight responsibilities we have for the Federal Government and Federal spending.

One example I wish to point out is something my colleagues have heard me comment on before, and it is a Web site called expectmore.gov. I hope people who are hearing what I am saying here today will take the opportunity to look at this expectmore.gov Web site created to demonstrate the review by the Office of Management and Budget of over 1,000 Federal Government programs. What they found out is that 22 percent of those programs either are ineffective or else—what may be even worse—they weren't able to tell one way or the other whether they were effective, as Congress intended. That is 22 percent of 1,000 different programs. Yet Congress has done virtually nothing to eliminate those ineffective programs or to make sure those that could be improved and could be effective are in fact improved and the problems corrected. I hope we would use this as an opportunity to deal with our budgetary problems both in the near term and the long term.

I have proposed another initiative, based on the sunset commission that exists in my State, and exists in a number of other States, where periodically we would go back and look at the very reason for the existence of Federal programs. In my State, the sunset commission has been very effective in allowing the State legislature to look at programs—government programs—to determine whether they are still needed and to start at a zero-based budget and force these agencies to justify their budget, rather than what happens here in Washington, which is that things tend to grow and grow and grow and develop their own constituency, and then a bureaucracy that has a vested interest in their growth and proliferation, and there is very little impetus, very little pressure on Congress to eliminate ineffective and unnecessary programs.

I hope we will continue this early spirit of bipartisan cooperation on the emergency stimulus package that came out of the House, and we will do more to carry on this trend when it comes to dealing with our mid- and long-term economic problems, not for ourselves but for our children and for our grandchildren.

There are things in the economic stimulus package that came out of the House that I have some questions about. But I do agree it is important for confidence building in the markets and to demonstrate we are actually capable of acting when action is required that we act on a timely basis to pass this House-passed measure. I believe there were only 35 votes against the House stimulus package yesterday, and as I said earlier, that represents overwhelming bipartisan support for this negotiated product.

I know there are Members of the Senate, myself included, who have some other ideas about what we might be able to offer to improve that. The problem is, as we all know, under the rules of the Senate it is basically a free-for-all once that bill comes to the Senate floor, and there can be numerous amendments, there can be filibusters and other delays, which I think are dangerous indeed when a timely response is called for in terms of this targeted, temporary stimulus package. My conclusion is I think we are better off and the country is better off in the long run showing that we can act on a prompt basis by passing the House version.

Now, that does not mean we can take the rest of the year off or we don't have to be responsive to other concerns that arise, as I have indicated earlier. If there are other things we need to do, then I think there are other opportunities for us to do them. But I do think it is important early on in the year to demonstrate our commitment to working together to solve America's problems.

I saw a poll the other day that said 98 percent of the respondents were sick and tired of the bickering and the partisanship they see in Congress. I am shocked anybody would have to take a poll to conclude that, and why it wasn't 100 percent rather than 98 percent. But here is a chance for us to act, and I hope we will act in the short term to deal with this economic challenge we face in the markets, but then in the long term to make sure that the prosperity we have enjoyed, thanks to our parents and grandparents, will be handed down to our children and grandchildren.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I ask unanimous consent to be recognized for up to 7 minutes as in morning business and to maintain the existing 30 minutes for the majority side.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

Mr. ISAKSON. Mr. President, I commend Senator CORNYN on his remarks, and I want to add that I too think it is important to address the stimulus package that has come from the House quickly and decisively. I fall in the category of one of those who has some other ideas as well, but I think while the iron is hot and while we do have a surgical and strategic proposal before us, we should act.

Immediate action can make a large difference in when the infusion comes back into the economy, when the tax breaks can be taken advantage of by business in terms of depreciation and expensing, and in particular for the housing market, the increased loan limits for Fannie Mae, Freddie Mac, and FHA loans will be essential in saving some houses in foreclosure and those ultimately facing foreclosure, because they will be purchased by people who will qualify under the new loan limits and who will be able to take that loan and make it a performing asset.

It is to that subject I want to talk for a second. Experience is a great teacher. There is an old saying if a cat sits on a hot stove, it will never sit on a hot stove again. Of course, they never sit on a cold stove; they just get out of the business of sitting on stoves. In my experience in the private sector as a businessman, for years I was in the real estate business in the 1970s, in particular, in the period of time between 1968, as a matter of fact, and 1999. In the mid 1970s, the United States faced a housing crisis almost identical to what is about to happen in this country today. In 1973 and 1974, we had a huge housing boom, with increasing values, where credit got easier, loan limits got higher, and underwriting got lower. What ended up happening was that a lot of bad loans were made. In that particular period of time, many were to homebuilders rather than homeowners. But suffice it to say it was the same underwriting problem and the same deficiency in terms of loans. A plethora of foreclosures took place, new homes went back, and the United States found itself in 1975 in a recession with a 3-year supply of single-family houses on the market, unsold and with no housing market.

The President and the Congress took action. They passed a $6,000 tax credit, where a family could collect $2,000 a year for 3 years if they purchased any standing new home in inventory and occupied it during those 3 years. Within the course of a year, we had reduced as a country a 3-year supply of housing to a 1-year supply of housing. We had reinvigorated the construction trade, the subcontractors, the building suppliers, those who manufactured carpet, washing machines, dryers, and all the components so important in the overall economy that are spurred by a home purchase.

Yesterday, I introduced, along with Senator GREGG, Senator CRAIG, Senator ALLARD, and Senator CHAMBLISS, S. 2566, calling for us to repeat history in this country, to reenergize the housing market that is so sluggish, at a strategic time. We can save houses in pending foreclosure from actually being foreclosed upon and turn them into occupied single-family dwellings. Very simply, S. 2566 would do the following:

It would provide a $15,000 tax credit—$5,000 for 3 years—to any individual, couple, or two people living together filing separately, if they purchased and occupied as their home any single-family dwelling on the market that was: A, a new home permitted for construction before September 1 of 2007 and now vacant; B, a home that has been foreclosed on that was owner occupied and is now in an REO—real estate-owned—category of any lender, bank, or financial institution; and, C, any property pending foreclosure that is owner occupied.

We all know from reading the paper that foreclosures are going up in geometric proportions. What is about to happen in the first quarter of this year is the largest realm of foreclosures that has taken place in this country in years. What is going to go into the second quarter of this year is those banks being told by regulators they have to get rid of that inventory, that they can't keep it on their books, and banks and lenders are going to do what they have always done. They are going to get rid of them by deeply discounting the prices to try to get people to come and buy those houses.

Now, what that does to Mr. and Mrs. America who live in a house making their payments is it depresses the value of their house, it lowers their home equity line of credit available because the value has gone down, and it stagnates the very consumer the economy has depended on over the last decade for the longest protracted period of growth in our history.

I come to the floor today to ask all the Members of the Senate to take a look at S. 2566, to take a hard look at it, and to make sure they look back at the history of 1975, when we faced almost an identical problem, took the strategic action this bill recommends, and had a result that was absolutely right for the economy and right for the American homeowner.

I understand all kind of incentives, I understand giving money back, I understand trying to send people to do things, but there is nothing better than helping to make the No. 1 investment every American family wants to make. An incentive to do that, at a time that very market is in trouble, is one of the keys to seeing to it that whatever lies ahead for us in our economy is a much lower trough, and maybe even a peak, where we at the right time strategically invest in the American family, in homeownership, and take those houses in ownership by lenders and put them in the ownership of families.

Mr. President, I yield back the remainder of my time, and I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—H.R. 5140

Mr. BROWN. Mr. President, I understand H.R. 5140 is at the desk and due for a second reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 5140) to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

Mr. BROWN. Mr. President, I object to any further proceedings at this time.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

Mr. BROWN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURR. Mr. President, it is my understanding the Senate is in morning business?

The PRESIDING OFFICER. We are.

Mr. BURR. Mr. President, I ask unanimous consent to speak for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina is recognized.

Mr. BURR. I thank the Chair.

(The remarks of Senator BURR pertaining to the introduction of S. 2573 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BURR. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SALAZAR). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER.) Without objection, it is so ordered.

ECONOMIC STIMULUS

Mr. CARPER. Mr. President, it is almost 2 o'clock. This afternoon, as I understand it, the Senate Finance Committee is beginning to convene and to gather to debate the economic stimulus package which has come over to us from the House and to see what changes, if any, we might want to make in the Senate. I wish them good luck and Godspeed.

If you look at the history of stimulus packages in this country—I came to the House in 1982, was here for a while, went off to be Governor of my State, and came back at the beginning of this decade. But the history of stimulus packages is, sometimes we seem to pass them, and we have passed them after some delay. We have passed them actually after we have not only gotten into a recession, but we were actually coming out of a recession. And rather than being helpful as you go into a recession, turning things around, the stimulus package can be inflationary, an after-the-fact thought, and not all that timely, not all that helpful.

When we hear advice from economists and others on putting together a stimulus package, we hear the three Ts. The first of those is "timely." And the House has acted in a very timely way, working with the administration, to put together a package, not a bad package. I commend Speaker PELOSI and Secretary Paulson for the work they have done. It is not a perfect package, but I do not know that any of us could draw up a package that would be.

It is timely. It has come to us expeditiously. It has come to us on a day on which I believe the Federal Reserve is meeting to discuss whether they might want to lower the Federal funds rate by another quarter or half a percent on top of the three-quarters of a point reduction they adopted actually a week and a half ago.

A second piece of advice we have always gotten from economists and policy wonks on recession stimulus packages is, not only should it be timely, but it should be targeted; that is, the money should go to those places where the money will not simply be taken by whoever receives the benefit of a stimulus package and save more money, but would actually take the money and put it back into the economy to help get the economy moving.

I heard earlier today some discussions going on in the Budget Committee. One of the witnesses was saying he was rather skeptical and dubious of a stimulus package and said it is like the Federal Government borrowing money and taking that money out of one pocket and putting it in the other.

If we simply take the money from a stimulus package that the Federal Government might try to infuse into the economy, we give it to people who put it into their pockets who are just going to save the money, I do not know that we do a whole lot of good in stimulating the economy. That is not to say we do not need to save more money in this country of ours; we do. But I am not sure in the near term that is going to help move the economy. So the idea behind this stimulus package is, it ought to go to folks who need the money, who will spend the money. In some cases people are desperate for the money, people who might be desperate to feed their families, desperate to pay their heating bills in the winter. But they are going to take that money, whatever it might be, and infuse it, put it back into the economy quickly.

The third T that we have heard a whole lot about is the T for "temporary," the notion here being that we face a significant budget deficit. We do not want to prolong that or make it worse long term. We do not want to dig an even deeper hole than we are in as a result. We want the stimulus package to be of a temporary nature, to help us avoid a dip, avoid a recession if we can. And if we are going to have one, to make it shorter than would otherwise be the case.

The package that has come to us from the House has a good deal recommended. I have never been wild about tax rebates, but I think I supported one back in the earlier part of this decade about 3, 4, 5 years ago. But the package that we have on tax rebates from the House actually is pretty well targeted.

As I recall, there is maybe a $1,200 rebate that would go to folks, to a family, if you have two bread winners in the family. For an individual, it would be $600. There is a cap if your income is above a certain level, maybe $150,000 for a family, about half that or so for an individual. If your income is above those levels, you don't receive the rebate. We can quarrel whether $150,000 is too high or too low. It is what it is. It is better than having no cap at all. There are some who believe we should simply send out a rebate to everybody, $1,200 for a family and $600 for an individual. The problem with doing that is, it is little bit akin to taking money from the Federal Government out of one pocket and putting it into the pocket of another family who is not going to spend the money. They are not going to put the money back into the economy. They may save it. That is all well and good, but it is not going to do much to stimulate the economy.

My hope is the Finance Committee will decide we will have a rebate and make sure it is targeted to those folks who are the most in need of some financial help and that any tax rebate we do reflects that. We had economists in recent weeks who have said to us, in testimony and other public forums, we can actually gauge what bang for the buck we get out of Federal stimulus dollars. We are told that if we actually put money into extending unemployment benefits, we get about a buck 75 for every dollar of stimulus we provide. If we put that money toward folks to increase slightly their food stamps, it is about the same. For every dollar we put into that, we get about a buck 75. We don't get quite that kind of return on a tax rebate, particularly if there is no cap. If there is a cap and the money is directed toward lower income folks, it is a better bang for the buck than would otherwise be the case.

My hope is that as the Finance Committee considers what kind of package to put together, they will make sure there is some kind of reasonable cap on any tax rebate we send out.

With respect to unemployment benefits, it makes a lot of sense to extend unemployment benefits, but I would target them. I would especially target them to States where levels of unemployment are high. I think about Ohio. My heart is still with the Buckeyes. They are going through a tough time. As to the folks up in Michigan, I am a huge Detroit Tigers fan, but I also care about the people there and other places where unemployment rates are 8, 10 percent and where people are in some desperate straits. I hope we would target the unemployment benefits that we will extend, whether it is 13 weeks or 26 weeks, to particular places such as those States. For States that are enjoying economic good times, where the rate of unemployment might be 2 or 3 or 4 percent, we ought to be careful about extending unemployment benefits. Certainly, 26 weeks doesn't make a lot of sense to me in those cases. Under current law, people are already eligible for 26 weeks of benefits, and in places of low unemployment, I don't think it makes sense to add another 26 weeks on top of that. If we had unlimited dollars, that would be well and good. But we have a deficit. It is getting bigger. The idea would be to target it accordingly.

The same thing with food stamps. In a perfect world, I would actually not argue for having food stamps as part of a stimulus package, even though we know it is actually a pretty good stimulus, and there is a need out there. Last fall, we debated in the Senate, as they did in the House, a farm bill. A big part of the farm bill is not just aid to farmers or conservation funding for farmers to conserve open spaces. It is not just helping commodity crops or specialty crops. A big part is nutrition funding, which includes food stamps. I would not say we are close to reaching a compromise between the House and Senate on the farm bill, but my hope is we will get there within a couple months. If we are going to end up including in the stimulus package some provisions dealing with food stamps, I hope we would not make it a long time. I think you could argue for maybe a 3 months' provision. We could come back and extend that if we wanted to, maybe at most 6 months. But I would urge us not to go much beyond that. What we should do is finish our work on the farm bill, work out a compromise between the House and Senate, something the President will sign, and address nutritional needs as part of the stimulus package we are talking about. With respect to food stamps, do that in the farm bill, not in the stimulus package. If we are going to do it in the stimulus, do it for several months, not a year or more.

The Federal Reserve has already done us a big favor in cutting the Fed funds rate, the rate of interest banks charge when they lend money to one another overnight. They dropped it down by three-quarters of a percentage point. That has an immediate effect, a significant effect. It sends a very hopeful signal not just to markets but to households and all kinds of folks who are in businesses needing credit. I commend the Federal Reserve. My hope is they take it a little further today and lop off another quarter percent. I don't know that they will do more than that, but that would be welcome.

In a way, we overestimate the importance of a stimulus package that we adopt. We spend a lot of time wringing our hands and trying to get it right, working out a compromise between all the different sides. In the end, the impact of our package from the Congress and the White House is actually modest compared to the impact you get from a cut in the Fed funds rate by the Federal Reserve of a full percentage point.

I close with maybe two or three points to keep in mind. One, in putting together a stimulus package, make it targeted, timely, temporary. Two, to do no harm, for us not to do something that is foolish. I would suggest that a tax rebate that goes to Warren Buffett and Bill Gates and the wealthiest people doesn't make a whole lot of sense in an age when the budget deficit is approaching $250 billion. Let's not do anything foolish, do no harm. And three, maybe one of the best things that can come out of a stimulus is to convey to the folks who are struggling or having a tough time making ends meet, maybe aren't very hopeful, that we can work together. Even in an election year, a lot of politics in the air, we can set differences aside and come together on a package which makes sense, which will be helpful to a lot of folks and to either help us avoid a recession or maybe make it more shallow and of shorter duration.

Among the pieces of the House package that I thought were most meritorious was some stuff people don't think about very much. One of them deals with something called GSEs, government-sponsored enterprises. There are about three that I think a fair amount about. One is Fannie Mae. The other is Freddie Mac. The other is the Federal Home Loan Bank system which raises money for lending for home ownership. There is a proposal that would allow the government-sponsored enterprises, the big financial behemoths of Fannie Mae and Freddie Mac, to have larger mortgages in their portfolio than they are currently allowed. I think they are currently allowed roughly $400,000, and there is a suggestion that they be able to take on loans to $700,000 or so. That is fine to do for a short period. I don't think we should make it permanent. I don't think we should do it even for a year. The reason is, we need to come back and provide a strong independent regulator for Fannie Mae and Freddie Mac. If we simply make this change to allow them to put larger mortgages in their portfolio, it is a little bit like saying you, eat your dessert, but you don't have to eat your vegetables.

That is all well and good. They would like to be able to buy larger home mortgages and put them in their portfolios, high-cost places such as California and some places in the Northeast, but at the same time they need to eat their vegetables, and they need to have a strong, independent regulator who will be there to set the right kind of capital standards and to ride herd on these entities to make sure they don't get into trouble and, by doing so, get the rest of us in trouble.

The other thing we need to do—and I don't think it is part of the bill the House has sent us, but it might be—deals with FHA, the Federal Housing Administration. FHA is 75 years old this year. Sometimes people wonder, where did we ever get this 30-year fixed rate mortgage that people could prepay. Where did it come from? It came from the FHA. It has been around a long time. FHA was the birthplace of what we think of as the traditional mortgage. The FHA, as recently as a dozen or so years ago, was involved in mortgages that went to maybe 20 percent of the homes being bought and sold. Twenty percent used FHA. Today it is about 5 percent. The difference between that 20 percent and that 5 percent for the most part is people have gone into the subprime market, and they have gotten these adjustable ARM mortgages.

People have been lured by teaser rates. Now these adjustable ARMs are resetting. It might have been a teaser rate of 2, 3, 4 percent. They are now going at 7, 8, 9 percent. The folks who got into these exotic mortgages are finding they can't refinance, and they are stuck with some kind of significant penalty or maybe being stuck altogether. What we need to do is bring the FHA of the 20th century into the 21st century and make it relevant for folks looking to buy a house today. We passed legislation in the Senate. They are actually not that far apart. We reduced the amount of downpayment from 3 percent to 1.5 percent for an FHA loan on a home mortgage. And we do some things. We require folks to get the kind of counseling they need. We do a better job on reverse mortgages. When people are old and their houses are basically paid for, they can actually live on the equity of their home for the rest of their lives. The idea would be to make those more readily available to people who could use that kind of help later in their lives.

There are a variety of other changes in the FHA that need to be made to make it relevant for today. Those are examples of some.

As much as anything that we would do in the stimulus package that is being debated right now in the Finance Committee, we need to come to closure on reauthorizing the FHA and bringing it into the 21st century. While we are doing that, we need to go ahead and raise the cap on the amount of loans, the size of the loans and mortgages that can be bought and put into the portfolios of Fannie Mae and Freddie Mac, but only for 6 months, with the idea that between now and 6 months from now, the House and Senate will hammer out a compromise, signed by the President, that will provide for a strong, independent regulator for Fannie Mae and Freddie Mac, for Federal Home Loan Banks. If we do all that, we will convey not just a sense of hope, but we will do something that goes beyond a mere stimulus for a couple months. We will address the underlying problem that got us into this mess, the subprime lending mess in the first place because what we will do is say to the folks who have marginal credit, who otherwise would maybe have to rely on these exotic mortgages, these adjustable ARMs, instead of having to rely on something such as that, they can rely on the FHA, as people have done for a generation, because we have made it relevant for your lives and for your needs.

That is the view from Delaware today. My hope is some of that will be prevailing later today in the Senate Finance Committee, and we will have an opportunity to take it up and debate it tonight and tomorrow.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SANDERS. Mr. President, I ask to speak as in morning business.

The ACTING PRESIDENT pro tempore. We are in morning business. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I think it is clear to the vast majority of the American people, if not to the President of the United States, that the middle class in our country is shrinking; tens of millions of people are working longer hours for low wages; workers today are getting into their cars and are paying outrageously high prices for a gallon of gas; that senior citizens in the State of Vermont can't afford the skyrocketing costs of home heating fuel; and that at this particular moment in our history, with poverty increasing and the middle class shrinking and our economy in serious trouble, it is absolutely imperative that we pass an economic stimulus package. The bottom line is not just passing a package but passing a good package.

I think there are some positive aspects of the bill that came from the House. I think from what we are hearing, the Senate Finance Committee is going to make that bill even stronger. But the main point I want to make this afternoon is that when we pass an economic stimulus bill, we have to get it right. It has to be fair. It has to have the impact of rejuvenating our economy and helping those people in need.

Later this afternoon, as the Presiding Officer knows, the Senate Finance Committee will be voting on what I believe is, for the most part, an improved version of the economic stimulus bill that came from the House. I think it is right that the Finance Committee bill includes an extension in unemployment insurance for 13 weeks in all States and an additional 26 weeks in States with high unemployment. That is obviously the right thing to do, because people who lose their jobs, people whose unemployment compensation expires, are people in desperate need. Those are the people we need to help. From an economic stimulus point of view, those people will take that money, spend it, and help stimulate our economy.

I am also pleased that the Finance Committee extended the rebates to 20 million senior citizens who don't earn income, and that was certainly a major lack in the bill that passed the House. There are millions and millions and millions of senior citizens in this country hanging on, on low fixed incomes, getting their Social Security check every month, but having a very difficult time making ends meet, especially with health care costs rising, heating fuel costs rising, prescription drug costs rising. Those people need help. It is absolutely imperative that if we pass an economic stimulus package, it must include our senior citizens as well. I applaud the chairman of the Finance Committee for including that provision in the bill.

Furthermore, I am strongly in agreement with the proposed package coming out of the Senate Finance Committee that low-income Americans who pay Social Security and Medicare taxes should also receive the same rebate as somebody who is earning $50,000, $60,000, or $80,000 a year. In point of fact, those people are most in need, and I disagree with the House provision that would provide them with a $300 rebate as opposed to middle-income or upper middle income people who get a $600 rebate. We should not provide a two-tier rebate approach. Everybody should get the same amount. Certainly lower income people have more need of the money than upper income people. So I think that provision in the Finance Committee proposal makes a lot of sense.

Having said those positive things about the Finance Committee package, there is one area where I strongly disagree. Under the House package, the rebates were capped at incomes of $75,000 per year for individuals and $150,000 a year for couples. As I understand it, the Finance Committee would eliminate those caps and they would say to the wealthiest people in our society, to the millionaires and to the billionaires, to Bill Gates, to Warren Buffett, that you will be eligible for a tax rebate. At a time when this country has a record-breaking national debt, at a time when the people on top have never done so well, and the richest 1 percent are doing very well based on anyone's analysis; at a time when the richest 1 percent have already received collectively hundreds of billions of dollars in tax breaks from President Bush, the idea that under a so-called economic stimulus package we would be providing $500 to Bill Gates is not only absurd, it is laughable. I hesitate to think what the American people will conclude if we go forward in that approach, and if we do away with the cap at $150,000, which the House appropriately placed in there.

It has been estimated that eliminating the income caps for the rebate checks, giving that money to Bill Gates and other billionaires would cost about $5 billion. Five billion dollars would, in fact, be enough money to significantly increase food stamps for tens of millions of the neediest Americans in our country. I don't think it is rocket science to suggest that it is more important to make sure that kids in this country get adequate nutrition, that older people be able to get some help in food stamps, than giving a $500 check to millionaires and billionaires, not to mention that all of the economists agree that if you are talking about an economic stimulus, the fastest way you get that money out into our society is by giving it to people who are most in need who will then spend it, not to the wealthiest people in this country. I hope very much that every Member of the Senate will conclude that giving a tax rebate of $500 a person in a so-called economic stimulus package to the wealthiest people in this society makes zero sense.

In my view, despite the improvements or most of the improvements we are seeing in the Senate Finance Committee, I think that, frankly, there is a lot more that must be done in the economic stimulus package, and it should be done for two reasons. No. 1, for 7 years, we have had a President who has turned a blind eye to the middle class and working families and lower income people in this country; at a time, in fact, when poverty is increasing, his contribution to the process was to propose major cutbacks in one program after another. I think it is time now that Congress pay attention to the needs of the middle class, lower income people, and start addressing their needs rather than just upper income people who have received so much over the last 7 years. Specifically, we must provide help to those most in need, particularly senior citizens on fixed incomes, low-income families with children, and persons with disabilities.

We must strengthen the middle class in this economic stimulus package, and we must put Americans back to work at good-paying jobs by paying attention to our infrastructure, which has so long been neglected with the results being that we have bridges and roads and culverts and school buildings that are in desperate need of repair.

If we fail to pass an economic stimulus package that does not accomplish all three of these goals, we will have missed out on an important opportunity to strengthen our economy and to help those people most in need.

Here are just a few steps that I believe we should be taking. First, I believe we should increase the stimulus package by at least $25 billion. I also believe we should reduce the business tax breaks by at least $25 billion. Mark Zandi from Moody's has estimated that the business tax breaks contemplated by Congress would yield very little stimulus to the economy, much less than increasing food stamps or unemployment benefits. In other words, if the goal is to stimulate the economy, the tax breaks being proposed for the business community in many ways would have much less of an impact than many other proposals, such as increasing food stamps or unemployment benefits.

If we did those two things—increase the stimulus package by $25 billion and reduce the business tax breaks by $25 billion—that would leave us with an additional $50 billion. What can we do, what should we do with this $50 billion? We could complete the picture. We can put Americans back to work at decent-paying jobs, we can help those who are most in need, and we could strengthen the middle class.

How do we do that? Specifically, I believe we should provide $5 billion for an expansion of the Food Stamp Program. In America today, poverty is increasing. We are seeing levels of desperation in the State of Vermont and all over this country that we have not seen in many years. Food shelves in the State of Vermont and throughout this country are running out of food. I understand that in the agriculture bill, there are proposals to increase food stamps, but we do not know when that farm bill is going to be passed. We have to act now. Let's support our neighbors who are having a hard time feeding their families. Let's substantially increase food stamps and do it in this economic stimulus package.

What else should we be doing? I can tell my colleagues, coming from one of the coldest States in America, at a time when home heating fuel prices are soaring, it is absolutely imperative that we significantly increase funding for the LIHEAP program. Many of the people on LIHEAP are senior citizens, and the rest are low-income people. With fuel prices soaring, with poverty increasing, more and more people are having a difficult time keeping their homes warm. We must significantly increase LIHEAP funding. The economists tell us that is also an important mechanism if we are going to stimulate the economy.

Including food stamps, LIHEAP, and unemployment benefits in the economic stimulus package is not only the right thing to do in terms of stimulating the economy, it is the moral thing to do. We cannot, we must not turn a blind eye to those people who are most in need. That is what has gone on year after year under Republican rule. It is time we turned that around and told those Americans most in need that we hear them, we know what is going on, and this Congress, this Government will respond to those needs, and now is the time to do that.

In my State and all over America, our infrastructure is crumbling. There are estimates that we need over $1 trillion to rebuild our bridges, our schools, our culverts, and in the process of doing that—this is work which has to be done, and the longer we wait, the more it costs. I speak as a former mayor. When you delay your infrastructure repairs, all it means is it is going to cost you more next year. We can put many workers back to work doing this very important task of rebuilding our infrastructure, making sure the schools our kids are going to are updated, and making sure they are energy efficient. If we make our schools and public buildings energy efficient, in the long run we are going to save money. But as an immediate economic stimulus, putting money into the infrastructure can create many jobs, and these are good-paying jobs. I am talking about schools, bridges, roads, sewers, wastewater plants, rails, ports, airports, health delivery systems, and other infrastructural needs. Last year, about 200,000 construction workers lost their jobs, and this is a good way of bringing at least some of them back into the workforce.

I will also give two more examples of investments we should be making that can have a very significant impact upon the lives of the American people.

When a worker loses his or her job, in all likelihood that worker is also losing his or her health care. We have seen, since Bush has been President, over 7 million Americans lose their health insurance, and as unemployment goes up, surely that number will only increase.

If we just provided, for example, $148 million for the expansion of community health centers, that would be enough money to create 227 new CHCs all over this country. It would provide jobs for health care workers, but even more importantly, when somebody loses their health insurance, they would have the opportunity to access primary health care, dental care, low-cost prescription drugs, and mental health counseling. This is a good investment at any time. It is an especially good investment now. It puts people to work and will provide health care access for millions of Americans.

For those who question the appropriateness of including community health centers in an economic stimulus package, I simply remind them that this is precisely what we did under President Ronald Reagan's stimulus package in the 1980s. It worked then, and I believe it will work now.

Another important investment we should be making is to provide at least $500 million for the low-income Weatherization Assistance Program. Weatherization is a program that is going on all over the country. We do not need a new bureaucracy to funnel that money into the projects; it is there already. In Vermont and in many other parts of America, the needs for weatherization far outstrip the funds that are available. Many of the community action agencies have long waiting lists.

Funding weatherization makes eminent sense for a number of reasons. No. 1, the programs are in place. We can put people to work right away. That is an economic stimulus. No. 2, it is absolutely absurd that millions of low-income people continue to live in homes which are very poorly weatherized, where insulation is lacking and they have inadequate roofs, windows, and doors. They are putting money into their heating system, and that money is simply leaking out of their homes, causing, by the way, an increased problem with greenhouse gas emissions. So weatherization makes sense in terms of creating jobs, it makes sense in saving people money on their fuel bills, and it makes a lot of sense for those of us who want to cut back on greenhouse gas emissions.

Back in 2001, when both you and I, Mr. President, were Members of the House, I was an early backer of tax rebates. I strongly support tax rebates for middle-class and for low-income families with children and for persons with disabilities. I also believe senior citizens who do not pay income taxes should be receiving this assistance as well through a bonus in their Social Security checks. But giving someone $500 or $1,000 alone will not fix the economic problems the middle-class and working families of our country are facing. Putting Americans to work at decent-paying jobs and helping those most in need is also extremely important.

We must pass an economic stimulus package. We must do it as quickly as we can. But we must do it in a way that really has an impact on our economy and an impact on the lives of those people who are most in need. In the coming hours and days, I intend to be actively involved in that process.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

Mr. GREGG. Mr. President, what is the regular order?

The PRESIDING OFFICER. The Senate is in morning business. Senators are authorized to speak for up to 10 minutes.

Mr. GREGG. Mr. President, I rise to speak about the discussion of how we will handle this economic slowdown. First, it is important to put this economic slowdown in some context.

It is very difficult to know how significant it is. In fact, we had some economists testifying today before the Budget Committee, where I am ranking member, who said they weren't sure we were going into recession, are people who are highly respected, but they needed further numbers. We have economists who believe we are in a recession who are highly respected. Martin Feldstein from Harvard expressed that view today before the Budget Committee. Professor Blinder of Princeton, who was a Federal Reserve Board member at one time, expressed the view that he didn't know.

Some things are fairly clear. The first is, there is tremendous stress on the economy because of the subprime meltdown in the housing market. In fact, the numbers are fairly staggering. The housing situation is probably as severe as it has been in recent history. That has led to a contraction of credit generally, which is what happens, regrettably, in such a situation where you have a very significant sector of the economy which has been subject to a bubble situation where there was an expansion which was not supported by the underlying value and which cannot, in this case, be supported by the repayment structure that is in place or the value of the collateral. The bubble bursts, and people find themselves unable to repay their loans, and the value of their collateral isn't high enough to offset the value of the underlying loan. As a result, that credit is contracted.

That leads to other credit being contracted because, as those loans, unfortunately, dry up and go bad or can't be repaid, you find that the banking community generally has to continue to maintain its capital and its liquidity position. So it starts to contract its lending to people who can repay and who are good risks because the banking community doesn't have the resources to continue to expand because it is being contracted by the reduction in the value of the loan portfolio tied to housing. This feeds on itself.

Regrettably, I have been through this three times in my professional career. The worst was when I was Governor of New Hampshire. At that point, in the late 1980s, early 1990s, we had a national crisis relating to housing which translated into a crisis in banking. In fact, of the seven major banks in New Hampshire, all were statistically insolvent. Five of them failed. Two of them survived because they were owned by outside banks that had the resources and capital to prop them up. But it was a regional event, and it was due to a lot of factors, primarily explosive lending in the 1980s which was not supported by, again, underlying collateral. It fed on itself so that people who had outstanding loans, who could actually repay, found they couldn't roll the loans over because the banks were not able to give them additional funds because they didn't have it.

This time it appears to be a little different in that so much of this housing paper has been sold and resold and is spread liberally across the world. You could have gotten a mortgage in New Hampshire and have somebody in Germany own it now, or some part of it, as a result of this resale. So the risk has been spread outside the American banking system. That has two effects: One, it does spread the risk; second, the problem is that as these subprime loans come up, people who actually have good jobs and can pay a reasonable rate, as these ARMs are coming up at such high rates that they aren't reasonable, those folks are finding it difficult to renegotiate because there is nobody at the teller window, so to speak. They are dealing with servicing agencies which have no relationship either to the people who hold the debt. It is very hard to renegotiate these loans effectively.

This is all compounding on itself and looks as if it is going to lead to a fairly significant slowdown or, as has been said by a number of people, potentially a recession. In response, the Federal Reserve has cut rates, once by 75 basis points and again today by 50 basis points. Those are significant cuts and should have a positive impact on the formation of liquidity in the market and also, obviously, on taking the pressure off the refinancing effort in the area of lending. But it takes 6 to 9 months before that works its way through the system.

The question is, what do we do to stimulate the economy now, today, in the next 6 to 9 months when we have this window of slowdown which is very difficult to deal with because of the housing market crisis compounding into the general lending area crisis and the fact that some of our major banking institutions are under very significant stress.

My view is—and I guess it is a minority view—that you focus the effort on that which is going to give you not only immediate stimulus but, hopefully, in the long term a stronger economy; in the long term an economy that is more efficient and more effective in creating jobs and making the American economy stronger. So you value every one of the options that are on the table by the basis of does it give you stimulus in the short run but, also, does it give you something in the long run which is going to produce a stronger economy.

The proposals on the table are mostly divided into two categories: one to give people money to spend and, two, to give businesses incentives to go out and buy equipment and invest.

The money-to-spend issue becomes fairly problematic in a world economy. You give somebody $500 or $600 to spend and if they actually spend it and they don't spend it on goods produced in the United States, it has virtually no impact on stimulating our economy. If you purchase a television from China or an iPod—I don't know where they are made, but let's say they are made in Vietnam—with the $500 that you receive as a tax stimulus through a stimulus package as a tax rebate, that has nothing to do with creating jobs in the United States. It may create jobs in China. It may create jobs in Vietnam. But it does not create jobs here, except at the margin, for the retail effort in the United States.

Also, if you give money to high-income individuals as a tax rebate—and basically, historically, those dollars do not get spent at all; they do not stimulate the economy in that sense at all—they get saved because high-income individuals have the discretionary income to spend anyway. So if they are going to get a windfall of $500, $600, $1,000, it is likely they are not going to spend that in addition to the other money they already have available to them, and they are probably going to save it. That does nothing to stimulate the economy.

So as we look at this tax rebate effort, which I understand is being done for the purposes of stimulating the economy—the classic Keynesian effort of creating demand in the economy to grow the economy in a slowdown period—I think you have to look at what are the practical implications, what are the real implications of putting this money on the table for people.

To begin with, it makes no sense at all to give it to high-income individuals. Even though I am a Republican—people may think that is counterintuitive—the simple fact is, it does not make any sense. So there should be a cap. I do not understand why the Finance Committee draft—what they are proposing—has no cap.

But, secondly, unless this money can get out fairly quickly, and unless you can be fairly confident that it is going to go to purchases which are going to assist the American economy, then probably all you are doing by sending this money out the door in the form of a tax rebate is creating an income transfer which will obviously benefit lower-income people from a social standpoint but probably will not have much of an impact on the economic policies of stimulus.

It does not look like we can get this money out the door very fast. The fastest track I have heard, which was testified to by the CBO Director, is the IRS could get these checks out maybe by the middle of June. But he also said the practical implications are that those dollars will not have an impact on the economy until the end of the third quarter or beginning of the fourth quarter, or, as he said, the Christmas season of this year.

By that time, the Fed rate cuts will probably also have kicked in and started having an impact, so you may not be getting what you want, which is action in these first 6 months of this year as versus action at the end of this year to stimulate the economy. In fact, you may have two stimulative events coming in on top of each other, which might actually even be inflationary.

It would seem to me that rather than taking this approach, it would make a lot more sense to put money where the problem is. Now, this has been resisted by the administration, and it is not being talked about a lot around here by the folks who are putting together the package. But it would seem to me that middle-income people who have these loans that are rolling over—these subprime loans—are the people who need the ability to refinance those loans so they do not get foreclosed on over the next 6 months. There are a number of ways we could do that. There are a number of ways we could actually put money into that area as a Federal Government which would benefit that group of people who appear to be at the essence of the problem—more than just sending the money out to everybody and hoping their demand will raise the economy in general.

A tax credit to those folks, which is refundable, based off their interest payment on the refunded loan, is one option to get them through this period. A restructuring mechanism, which allows them to restructure and get assistance through restructuring, by significantly expanding FHA, by raising and putting that into the package, which is not in the package—it is being talked about in a separate vehicle, but it is not in the package—would help. Giving the State housing authorities more capacity to put money into the market would help. It would help. That is being talked about, which is good.

Allowing Freddie Mac and Fannie Mae to raise their cap—but to do it in the context of also underlying reforms so we do not end up, a year or two from now, where Freddie Mac and Fannie Mae are going under—would help. The first part is being talked about, raising the cap, but not the second part, the reform mechanism. So there are some things we can do that I think would get to the problem more appropriately—and the issue of the economic slowdown would mute that, hopefully—and would also in the long run create a much stronger economy.

I have introduced today—I did not introduce it—but Senator ISAKSON introduced it today; and I am his primary cosponsor—a bill to do this in the area of tax credits. But it is not going to be included in the package, which is unfortunate.

The second part of the package which is being talked about is investment incentives for businesses, small businesses. They should be directed at small businesses, by the way, because small businesses create the jobs in this country. These involve expensing and bonus depreciation, as it is referred to, and net loss operating carryback. So if you have a net loss this year because we have a slowdown, you can pick it up in years you have had a profit—apply it to years you have had a profit—reducing your tax burden.

These are all good ideas, in my opinion, very good ideas, and will strengthen the economy. In the long run, it will make us more efficient and create more jobs. And jobs are the bottom line. So I have no problem with that part of the package.

But a third part of the package being talked about is extending unemployment insurance. If you talk to most of your economists around here who present before the Congress—and many of them do, obviously. In the Budget Committee we have an almost unending stream of economists before us, and they are always very informative. If they come out of what I call the Galbraith school of economics, which is sort of the Harvard school of economics, which is a stepchild of the Keynesian school of economics of the 1930s, they will basically say if you want to get dollars into the economy quickly, you put it into unemployment insurance and food stamps, because that gives you an immediate boost in the economy to people who will spend it because they need it. That is probably a legitimate argument, especially on food stamps.

But on unemployment insurance, it is not a legitimate argument if you have full employment. In fact, it is the absolute opposite of what happens when you have full employment. To extend the unemployment insurance benefits by a year, which is what is being proposed, in the areas that have essentially full employment means you give a disincentive to people to go out and find a job in an atmosphere where jobs exist.

By definition, if you have a full-employment economy, you have jobs going unfilled. So, for example, in my State of New Hampshire, where we have an unemployment rate which is essentially 3.7, 3.8 percent for the State—and the highest level of unemployment we have for any county in the State is 4.4 percent—we have what is known as full employment. Now, there are pockets of problems. We have one specific town in the State which was a single-factory town and the factory, regretably, has recently closed, so that specific group of individuals has a very serious issue, and there is a way to address that in a targeted way.

But to extend unemployment insurance for our entire State, when we are at actually less than full employment—we are actually below full employment—in other words, we have a lot of jobs going unfilled when you are at 3.7 percent employment—full employment being 5 percent in our economy, in the 5-percent range—you essentially create an incentive for people to stay on unemployment much longer than is necessary for them to find a job.

We know statistically if you have an economy where jobs are available, an economy where unemployment is under 5.5 percent, that means you have jobs available and that most people find a job in the last 2 weeks of their unemployment. That is human nature: They stay on unemployment until almost the end and then find a job. If you extend it another year, those folks who could be productive, procuring a job, creating economic activity by having a job, will stay on unemployment, even though there may be a job out there they could take because you have jobs available. So it makes no logic to extend unemployment insurance in areas where you have full employment. And full employment in our economy is defined as basically under 5.5 percent. The Nation is at 5 percent right now.

We have never extended unemployment insurance in this country when we have had an employment rate under 5.7 percent—never. So to do this at this time is counterintuitive to how you make the economy more efficient and, as a result, stimulate the economy.

One of the economists who testified before the Budget Committee today said if this would work, you should always extend unemployment insurance and keep everybody on unemployment forever because, basically, if you have a full-employment economy, and you are going to get your economy more stimulated by having more people stay on unemployment, then leave everybody on unemployment. Obviously, that does not make any sense. He was saying that tongue in cheek.

It is fairly clear, if you have an economy where you have jobs that are not being filled, you do not arbitrarily extend unemployment insurance for a uniquely long period because those jobs will never be filled because nobody will ever leave unemployment insurance. So you undermine the efficiency of the economy. It is sort of the old French approach to do it that way—not the new French approach but the old French approach.

Yes, there may be regions of our country that have an unemployment rate where clearly there are no jobs available, and those regions need relief. I would be more than happy to see an unemployment insurance extension which was tied to a trigger which said: All right, historically, we have viewed under 5.5 percent as full employment; over 5.5 percent we are getting into a serious issue; so let's take the 5.7 percent rate—which is where we have historically never gone below to extend unemployment insurance—but let's take the 5.7 percent rate and put a trigger into the system, so if a State or even a region within a State—that is a definable region that is significant—has an unemployment rate of over 5.7 percent, they get the extended unemployment benefits.

That makes sense. But a general national extension of unemployment insurance for the sake of stimulating the economy is going to be counterproductive if you have a full-employment economy in the regions. States such as Michigan may need the extension. States such as New Hampshire, I am sure, on an individual, anecdotal relations basis, may need it, but as a practical matter it would be counterproductive to our economy to do it because we are at 3.7 percent unemployment. So that proposal, which, by the way, the House looked at and said it did not make sense in the context of this economic situation, should not be inserted by the Senate.

I think the best approach we can take—because I, obviously, have reservations about the stimulus package that came out of the House on the demand side. And I have reservations about some of the initiatives within that package. I would like to see that package, obviously, include more of a target on the problem which is to address the issue of home ownership and the housing stocks, which are so overpriced now, and, unfortunately, empty—making sure we figure out some way to move people toward absorbing that housing side. I would like to see more of that, but that is not going to happen. It is not going to happen in the context of the period we have to act.

There is an agreement that exists between the President of the United States and the Speaker of the House of Representatives and the Republican leader of the House of Representatives. It is agreement that involves tradeoffs. But the basic underlying purpose of the agreement was and is to stimulate the economy. It may or may not do that, but the one positive effect I will stipulate it will have is it creates at least a sense that the Congress and the Government and the President and the Speaker of the House and the Democrats and the Republicans can cooperate to try to address what is clearly a slowing of our economy through some fiscal policy action.

Even though it is $150 billion, which is a lot of money—and all that money is going to have to be borrowed from our children, unfortunately, and over 10 years it totals up to being about a $200 billion event because of interest compounding on it—even though that is a high price tag to pay for what you might call a confidence builder, it is still something you can argue should be done if you have that type of an agreement.

For the Senate to sort of step in and say: Well, we want to tinker with it, and we want to change it there, well, it is nothing more than an execution of Senate prerogative, but it is not going to help the policy because none of the proposals coming out of the Senate committee are all that good on the side of policy—especially the unemployment insurance proposal and the lifting of the caps on the benefits proposal—what it is going to do is undermine the confidence of the American people that we as a government can act.

So the high water mark appears to me to have been reached on this issue when the President and the Speaker of the House reached agreement, working with the Republican leader in the House. I think we as a Senate ought to take sort of a mature attitude and say: Well, progress was made. We are confronting a fairly serious situation. Let's not throw out our proposal simply for the sake of putting a proposal on the table. Let's recognize that something needs to be done quickly, and that this is the best we are going to get. Hopefully, that will be the resolution of this process as we move toward concluding, and one hopes this can be done within the next week.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

ORDER OF PROCEDURE

Mr. BOND. Mr. President, I have three colleagues who want to join me in discussions of the FISA bill. I realize in morning business it is supposed to be 10 minutes. Since there are three different Members with whom I wish to have those discussions, I ask unanimous consent to be allotted 30 minutes to—this will be on the FISA bill, but since we are speaking in morning business, I ask unanimous consent to be recognized, with my colleagues, for 30 minutes.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

FISA

Mr. BOND. Mr. President, our first Member is a distinguished member of our Intelligence Committee, the distinguished junior Senator from North Carolina. I yield to him.

Mr. BURR. Mr. President, I thank the ranking member, Senator BOND.

We have heard some people claim that the Intelligence Committee's bill will allow dragnet surveillance that will sweep up communications of innocent Americans. Is this accurate?

Mr. BOND. Mr. President, that question has been raised. We have heard that on the floor a number of times. I think it is very important that we dispel that myth right now. The answer is no—a flat no. Our committee bill only allows the targeting of persons outside the United States to obtain foreign intelligence information. It is not dragnet surveillance. The targets of acquisition must be foreign targets and they must be suspected terrorists or spies. The Attorney General and the Director of National Intelligence, whom I will refer to as the DNI, must certify that a significant purpose of the acquisition is to obtain foreign intelligence information.

For example, if a foreign target is believed to be an agent or a member of al-Qaida, then all communications of that target could be intercepted.

Only Americans who communicate with suspected terrorists abroad will have those specific communications monitored. If those same communications turn out to be innocent, they will be minimized, which is intel community speak for suppressed, so that Americans' privacy interests are protected.

It is very misleading and nonfactual to suggest that the intelligence community is spying on parents who are calling their children overseas or students who are talking with their friends, or on our own soldiers in the battlefield. Our intelligence professionals are far too busy tracking real terrorists, members of al-Qaida, than to listen to family discussions or conversations between classmates. Not only do they not have time that is not permitted under this bill.

Mr. BURR. What happens when the intelligence community does become interested in the communications of a person inside the United States?

Mr. BOND. Mr. President, I thank my colleague from North Carolina, because that is precisely what our bill, the FISA Act Amendments bill, does. That information will be turned over to the FBI, which would seek a title III criminal warrant, or a FISA order, to intercept all of the communications of that person, not just communications with targets overseas.

Mr. BURR. We have heard a number of people claim that the foreign targeting authorized under the Intelligence Committee's bill contains inadequate protections for U.S. persons. What specific protections are included for innocent Americans?

Mr. BOND. This is where the Intelligence Committee bill goes much farther than any other law we have had in our history in protecting U.S. persons; that is, U.S. citizens and others here in the United States.

The bill includes express prohibitions against "reverse targeting," and reverse targeting is a knowledge that you can target a person overseas when the real purpose is to target someone in the United States. This is illegal. The intelligence community does not do it. Frankly, it is terribly impractical. They cannot under the law that we have presented to this body target a person inside the United States without a court order.

The bill also requires that all acquisitions comply with the protections of the fourth amendment. In addition, the Intelligence Committee bill requires, for the first time in history, that the Foreign Intelligence Surveillance Court—and I will refer to that as the FISC—for the first time in history approve any surveillance of a U.S. person, or an American citizen abroad. This goes beyond the requirement even in existing American criminal law.

Mr. BURR. As my good friend noted, the Intelligence Committee bill gives the FISA Court an important role in foreign targeting. The bill requires that any acquisition be conducted pursuant to the specific targeting and minimization processes and procedures. What is the court's role with respect to these procedures?

Mr. BOND. This provision came about as a result of discussions by members on both sides of the committee who wanted to provide protections for Americans overseas. To do that required a significant expansion and clarification, which is included in the managers' amendment that Senator ROCKEFELLER and I have produced and have pending before the body.

Under this bill, the FISC must review and approve the targeting and minimization procedures used by the Government in conducting its foreign targeting operations. The court must find that the targeting procedures are reasonably designed to ensure that the authorized acquisition is limited to the targeted persons reasonably believed to be located outside the United States. The court must then find that minimization procedures comply with the FISA law.

The court will also review the joint certification issued by the Attorney General and the DNI to make sure that it contains all of the required elements. If the court finds there is a deficiency in those procedures or the certification—that even for a minor drafting or technical reason they do not comply with the law—the court can order the Government to correct the deficiency or cease the acquisition.

Mr. BURR. There is an amendment already filed, and the amendment is filed to the Intelligence Committee bill, that allows the FISA Court to assess the Government's compliance with the minimization procedures. Why shouldn't we have the court do this?

Mr. BOND. Well, it sounds like a reasonable proposal on the surface, but when you look at the law and the structure that is set up, it does not work. The FISC was created in 1978 simply to issue orders for domestic surveillance on particular targets, but the Congress specifically left foreign surveillance activities to the executive branch and to the intelligence community.

FISA minimization procedures—the procedure to suppress information on an innocent communication with a person in the United States—are all about protecting the identities of a U.S. person or American citizen. This comes up all of the time in domestic collections. But almost all of the collection under these foreign targeting acquisitions will be on non-U.S. persons who require no protection under FISA minimization procedures.

It doesn't make sense to direct the FISC to get involved in assessing compliance with the foreign targeting realm. They have said in their opinion regarding sealed matters that they are not set up to do that, and they do not have the expertise to do that.

As a practical matter, when the court assesses compliance with minimization procedures, it would be second-guessing trained analysts' decisions about which foreign terrorist to track and how to do it. They simply are not competent, they are not set up, they don't have the expertise to do that, and they have so stated in their published opinion. They can't make these types of operational decisions.

Mr. BURR. It is my understanding that the FISA Court recently issued an opinion where it commented on the expertise of the executive branch over the court in national security and foreign intelligence matters. Shouldn't we heed the court's own words?

Mr. BOND. I am certainly glad the Senator brought that up. The court did issue a published opinion this past December where it noted that the FISA Court judges are:

> Not expected or desired to become experts in . . . foreign intelligence activities, and do not make substantive judgments on the propriety or need for a particular surveillance . . . Even if a typical FISA judge had more expertise in national security matters than a typical district court judge, that expertise would still not equal that of the Executive Branch, which is constitutionally entrusted with protecting national security.

Those are the words of the judges on the FISA Court, the FISC.

The court knows what to look for when it issues a warrant to tap someone's phone in North Carolina or Virginia. But when it comes to analyzing intelligence leads and deciding which foreign terrorists or spies should be surveilled, the court is simply not competent to make these judgments. That is exactly what the amendment would seek to have them do.

This bill already contains numerous oversight reporting and numerous judicial provisions. Those of us who have gone out to look at the operations know how extensive and how carefully supervised they are. There is no reason to ask the FISC to take on the additional authority in the context of foreign targeting, especially where it could result in operational problems or the loss of intelligence and, as the judges have said, is beyond their competence.

Mr. BURR. The Intelligence Committee bill allows the Attorney General and the DNI to direct a communications provider to assist the Government with a foreign targeting acquisition. What protections does this bill give to any provider who believes there is a problem with the directive?

Mr. BOND. That is a very good question, because we cannot expect carriers, telephone companies, telecom companies to work with us if they don't have protection. That is why we are seeking retroactive clarification of the civil liability for those who have, in the exercise of their patriotic duty and pursuant to valid directives, participated in the President's terrorist surveillance program. Under this bill, the providers may challenge the directive by filing a petition to modify or set aside the directive of the court. If the court finds the directive does not meet specific requirements or is unlawful, it can grant a petition. If the court does not modify or set aside the directive, it will order the provider to comply with it. Both the Government and the provider may appeal any decision to the FISC Court of review and ultimately the Supreme Court.

Mr. BURR. Mr. President, I see that the senior Senator from Virginia is here and I know he has some questions he wishes to ask, so I will limit myself to one more.

What happens if a provider refuses to comply with the directive you just talked about?

Mr. BOND. I would tell my good friend from North Carolina that the bill we reported out of our committee provides a mechanism for the Government to compel a provider to comply with a directive. If the court finds that the directive was issued properly and is lawful, it must order the provider to comply with the directive and that provider is provided immunity for doing so. But a failure to comply by a company could result in a contempt of court. Both the Government and the provider may appeal any decision to the FISC Court of review and ultimately the Supreme Court.

I thank my colleague for his service on the committee and for his very helpful questions.

Mr. BURR. I thank the Senator.

Mr. BOND. Mr. President, I see the distinguished Senator from Virginia is here, and I would turn to him if he has some questions.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my colleague, the ranking member of the committee. I am privileged to serve on that committee with the senior Senator from the great State of Missouri.

I would like to first make a few opening comments, if I might.

Mr. BOND. I appreciate that.

Mr. WARNER. Mr. President, first, I commend how well the distinguished Senator from Missouri has represented to this Chamber and its Members and, indeed, to all those in our Nation who are following this debate, how well he has represented a proper and balanced perspective and how a solution to the important questions that have been raised by all of us can be resolved.

In my own case, I have thought long and hard about this situation, and I would like to reflect on a bit of history. I was privileged to serve in the Department of Defense from the years 1969 to 1974 during the war in Vietnam. At the latter part of my service there, we originated the concept of the all-volunteer force. There was great skepticism as to whether this concept would work, and it was a high risk to abolish the draft and to enter into this concept of all volunteer, to be the only persons to be given the privilege of wearing the uniform of the United States of America in the branches of the Army, the Navy, the Air Force, and the Marines.

Fortunately, it was adopted by the President, eventually written into law by the Congress. That concept has worked. It is working at this very moment with brave young men and women all over the world. They are there because each of them raised their right hand and took the oath of office voluntarily.

I see a direct analogy to this question that is before this Chamber and, indeed, the Nation, the question of whether corporations, which although they did not raise their hand and volunteer, they have nonetheless volunteered comparably to the men and women in the Armed Forces.

The work product of their volunteering is every day saving and protecting the lives of our service personnel and, indeed, many others worldwide from the actions of terrorists and others who are trying to rip freedom away from our Nation and other nations.

So as we reach our decision on this issue, let's stop to think about the United States of America, while not written into the Constitution, the Bill of Rights, or otherwise, has throughout its history adopted a concept of voluntarism by its citizens, by its companies to step forward and take on serious problems that confront our Nation.

I see a direct analogy, I say to my distinguished colleague, and I stand steadfast with our committee which voted 13 to 2 to provide this framework which we hope will eventually become the law of the land, to give reasonable protections to these companies that are part of the overall volunteer force, be they in uniform or corporations, working to protect our Nation.

Having said that, I say to my distinguished colleague, I think it is very important that we proceed to prepare a complete record for the scrutiny of all on these issues. I wish to suggest a question to my distinguished colleague.

All of us have heard a number of comments that more time is needed to study this issue, the issue of carrier liability, carriers being those companies that stepped up to work on behalf of the cause of freedom and preservation of our safety here at home. Hasn't the Intelligence Committee conducted a thorough and bipartisan review of the President's surveillance program? And hasn't the committee determined the providers acted in good faith?

Mr. BOND. Mr. President, I thank my distinguished colleague from Virginia. The answer to that question is yes. I wish to say what a pleasure it is to serve with the distinguished representative of Virginia, who served his country in the Department of Defense, who pushed through the landmark decision to have a volunteer military, which I might say my son was proud to participate in, and to say that his previous experience on the Intelligence Committee and his long and devoted service on the Senate Armed Services Committee has made him an invaluable member of the committee.

Mr. WARNER. For purposes of the record, I do not claim the credit. I was but one of many who worked on the concept of that great program. I found in this town, and as I know the Senator does likewise, the less credit you try and take, the more effective one can be in other tasks.

Mr. BOND. I say through the Chair, the distinguished Senator from Virginia deserves far more credit than he is ever given. I was trying to sneak in a little bit to say how much we appreciate his service. When he needs to correct me, I always stand corrected.

To return to the question, I do have an answer, and that is, the committee conducted a comprehensive and bipartisan review. We interviewed witnesses, we went out to NSA to see how the Terrorist Surveillance Program was implemented, examined documents, including the Department of Justice legal opinions and letters from the Government to providers.

The letters were provided to the carriers in regular intervals and stated the activities had been authorized by the President. All the letters also state the Attorney General had determined the activities to be lawful, except for one which stated the determination had been made by the counsel to the President.

After conducting this extensive review, the committee concluded the providers that allegedly assisted the TSP acted in good faith and, based on representations of the highest level of the Government, that the program was lawful. Therefore, the committee concluded the civil liability protection for these providers was appropriate, and I draw upon my experience at the law school at the University of Virginia, where my distinguished colleague also studied law, to say that reviewing those documents and letters led me to the conclusion that it was clear on its face that the carriers were receiving a valid, legal directive from the highest authorities in the Federal Government.

Mr. WARNER. Mr. President, I thank my colleague. He said the committee "concluded." It concluded by the manifestation of a vote of 13 to 2, so that an overwhelming majority of the committee, bipartisan, made this decision.

Mr. BOND. That is correct.

Mr. WARNER. I think that is an important reference point.

Further, I say to my colleague, the committee's liability provision in the matters pending before this Senate today extends only to civil—I underline civil—liability protection for those providers that allegedly assisted with the TSP program. Isn't this already a compromise from what the Director of the National Intelligence had initially requested of the Congress?

Mr. BOND. Mr. President, I say to my friend from Virginia, in April of 2007, the DNI submitted his request to modernize FISA to Congress, to our committee, and it included a request for full liability for all persons, including Government officials who had allegedly participated in the President's Terrorist Surveillance Program.

As my colleague has stated, the committee passed this bill by a 13-to-2 bipartisan vote. It included civil liability protection for those providers that allegedly assisted with the TSP. The protection was not extended to Government officials or to criminal prosecution. We did not seal off all potential liability of anyone who may have acted criminally—that would be up to the Department of Justice to determine—or Government officials who are named, I believe, in seven pending lawsuits.

Mr. WARNER. Mr. President, I thank my colleague for that because the DNI, Director McConnell, a former admiral—I knew him in the Navy going way back when I was there. As a matter of fact, as a point of reference, when I was Secretary, he was one of the junior officers who briefed me every morning at 7:30 on intelligence. But he has done an extraordinary job in presenting in a very fair and objective way the need for the revisions to this legislation which are reflected in the pending bill before the Senate as submitted by the committee.

I think the Senator has carefully delineated those portions which we resolved, as a committee, were essential and did not accept in full measure all his recommendations; am I not correct in that?

Mr. BOND. That is correct. Now I understand why Admiral McConnell is doing such a good job because he obviously had very good early training. I did not know he had been through the Warner course in intelligence, but that ties up the loose ends, and now I understand more fully.

Mr. WARNER. Again, Mr. President, I have to tell you, I was learning at a very young age and taking on responsibility in that critical period of history. I learned as much from him, if not more, than he did from me.

I have another question for my colleague. What consequences or risks are there if our private volunteer—I underline volunteer—participants by way of corporations are not given civil liability protection from the pending and ongoing lawsuits and perhaps others?

Mr. BOND. Mr. President, that is a very serious question because if those lawsuits should continue, either directly against carriers alleged to have participated or substitution or indemnification, No. 1, the identities of the providers could be revealed which would compromise our intelligence sources and methods. No. 2, the providers would be far less willing to cooperate with legitimate requests for assistance in the future, thus crippling our intelligence collection. Why is this? Quite frankly, because this would have a huge damage to their business reputations. They have already been accused falsely of all sorts of things that have raised questions that are reflected in damage to the value of the shareholders of the company and potentially bring great risk to the employees of those corporations and their facilities. These lawsuits would occur not only in the United States but even more likely they would occur overseas, and there could be real personal danger if the companies are confirmed as assisting the Government's fight against terrorism. Their facilities, their personnel could be at risk of terrorist targeting or other vigilante actions.

Mr. WARNER. Mr. President, I thank my colleague. I think it is very important that we portray the risks that are associated with these endeavors taking place in the court system now. Again, I draw the attention of all colleagues to the thorough work done by this committee on which I am privileged to serve and the bipartisan manner in which we resolved these issues.

A question to my colleague: We heard some Members advocate substitution—in other words, a substituted solution—rather than a civil liability protection. Perhaps the Senator can address exactly what that substitution is and how, in his judgment, this would not be a means by which to resolve this very serious problem.

Mr. BOND. Mr. President, as I indicated, the dangers to the providers would be as great under substitution as if they were sued directly. While the providers might not be parties to the litigation, under the amendment offered by Senators SPECTER and WHITEHOUSE, discovery would be allowed to proceed against the providers, and this puts them at the same risk of disclosure as allowing the litigation to proceed directly against them. That is one of the most sensitive intelligence programs in our history. The intelligence community has done a thorough bipartisan review of the providers' conduct, and we in the committee feel we cannot risk our intelligence sources and methods by allowing litigation to continue and by allowing the potential of significant damage to those companies and their shareholders who may be widows and orphans and certainly members whose pensions may be invested in shares of those companies.

Mr. WARNER. Mr. President, I thank my colleague. I would also add that there will be further chapters in the history of this country, and I cannot try to look that far into the future as to what those chapters may be when we, as a successor government to the one we now have in terms of our President, will be faced with another challenge and look to volunteers—volunteers—to solve this problem. This is going to be a landmark precedent for future Presidents as we address problems which could be assisted by the participation of the corporate world here in our United States.

A further question of my colleague. We have also heard some Members say the Foreign Intelligence Surveillance Court should decide whether the providers acted in good faith. Wouldn't this duplicate the bipartisan work of the Intelligence Committee?

Mr. BOND. Mr. President, that is why we have an Intelligence Committee. The Intelligence Committee concluded on a bipartisan basis that they acted in good faith. There is no need for the FISC to duplicate the work. The FISC was set up to issue orders on individual targets for domestic collection. We expanded their responsibilities. The court is not set up and was not set up for protected en banc litigation. The amendment offered by Senator FEINSTEIN would allow parties to litigate the good-faith providers.

I see my time has expired. I believe the Senator from Virginia has sought time, and I see one of my colleagues on the other side has sought time, so I will yield to them for their comments, and I ask unanimous consent that I be recognized at the end of the remarks of these two colleagues.

The PRESIDING OFFICER (Mrs. MCCASKILL). Is there objection?

Mr. WARNER. Madam President, no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I would just ask if it would be possible—and I see my distinguished colleague on the floor seeking recognition—may I have but a few minutes to conclude my remarks here with my good friend and the ranking member of the committee?

Madam President, last year, when the important legislation passed by the Senate Intelligence Committee came to the floor, I spoke about several elements in this bill. Specifically, I spoke about how the Intelligence Committee bill ensures that the intelligence gap that was closed by the Protect America Act in August remains sealed. I spoke about the important balance the Intelligence Committee bill strikes between protecting civil liberties and ensuring that our hard-working and dedicated intelligence professionals have the tools they need to protect this Nation—a point I cannot too strongly emphasize. I also highlighted one of the most important provisions of the bill: retroactive liability protection for carriers alleged to have assisted the Government with the terrorist surveillance program. I said in December that, based on the documents and testimony provided to our committee, I strongly believed the carriers that have participated in the program relied—I repeat, relied—upon our Government—that is, the executive branch of the Government of the United States—that their actions were legal and in the best interests of the security of America. Further, I stated that, in my opinion, these companies deserve and must be protected from costly and damaging litigation in our court system.

During the Senate's Christmas recess, I had additional time to further study this issue, as I have day after day, and gather additional information. That time to reflect and study and to deepen my knowledge on this issue has only reinforced my view that the carrier liability protections in the Intelligence Committee's bill are not only necessary but vital for the protection of our future national security.

One item in particular has played a key role in my thinking about this issue. It was a thoughtful opinion piece written by three gentlemen I know very well, former public servants, and I wish to say a few words about that, and then I will conclude my remarks.

Three individuals stepped forward to give their perspectives on this critical issue. The first was Benjamin Civiletti, U.S. Attorney General under President Jimmy Carter; the second was Dick Thornburgh, U.S. Attorney General under President George Herbert Walker Bush; and thirdly, Judge William Webster, known very well by almost all of us here in the Chamber, former Director of the CIA and former Director of the Federal Bureau of Investigation. The article these fine public servants authored, titled "Surveillance Sanity," appeared in the October 31, 2007, edition of the Wall Street Journal.

Madam President, I ask unanimous consent to have printed in the RECORD a copy of that article following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WARNER. I wish to share some of the thoughts in that article with my colleagues.

First, regarding the Intelligence Committee's carefully crafted and limited liability protections, the three public servants said:

> We agree with the committee. Dragging phone companies through protracted litigation would not only be unfair, but it would deter other companies and private citizens from responding in terrorist emergencies whenever there may be uncertainty or legal risk.

Our committee has heard testimony that without such protections, some companies believe they can no longer cooperate and assist our Government because they would risk hundreds of millions of dollars of their shareholders' money in protracted lawsuits. They have a fiduciary responsibility, those companies, to their shareholders. That is intrinsic in all of our corporate structures.

Second, the boards of directors of these companies have a fundamental obligation to those shareholders. On this issue, the three public servants wrote:

> The government alone cannot protect us from the threats we face today. We must have the help of all of our citizens. There will be times when the lives of thousands of Americans will depend on whether corporations such as airlines and banks are willing to lend assistance. If we do not treat them fairly when they respond to assurances from the highest levels of the government that their help is legal and essential for saving lives, then we will be radically reducing our society's capacity to defend itself.

Moreover, I believe that companies which assisted the Government will not be treated fairly by the provision being offered by my Judiciary Committee colleagues to substitute the Government in currently pending lawsuits.

I strongly believe the substitution proposal is not an acceptable alternative to the Intelligence Committee's bill.

Additionally, if lawsuits are allowed to proceed, companies will still be forced to participate and provide evidence. The continuing damage in terms of business reputation and stock valuation even if the Government ultimately prevails, will surely be extremely harmful to the companies.

Further, the Government being substituted as the defendant in a trial opens up evidentiary problems regarding sources and methods which, if exposed, would hinder the ability of the intelligence community to intercept terrorist communications and those of our other enemies.

Finally, the last point I would like to raise relates to the right of individuals to file suit. Let me be clear—individuals who believe that the Government violated their civil liberties can pursue legal action against the Government—the Intelligence Committee's bill does nothing to limit that legal recourse.

This issue is underscored by the final quote I would like to share with you by Messrs. Civiletti, Thornburg, and Webster:

> Whether the government has acted properly is a different question from whether a private person has acted properly in responding to the government's call for help. From its earliest days, the common law recognized that when a public official calls on a citizen to help protect the community in an emergency, the person has a duty to help and should be immune from being hauled into court unless it was clear beyond doubt that the public official was acting illegally. Because a private person cannot have all the information necessary to assess the propriety of the government's actions, he must be able to rely on officials assurances about need and legality. Immunity is designed to avoid the burden of protracted litigation, because the prospect of such litigation itself is enough to deter citizens from providing critically needed assistance.

Madam President—I agree with these distinguished gentlemen.

Bottom line, companies who participate in this program do so voluntarily to help America preserve its freedom and security. And that security will ensure for the very safety—both individually and collectively—of its citizens.

In closing, I would like to state that I have long supported the idea of "an all-volunteer force" for our military and I believe "an all-volunteer force" of citizens and businesses who do their part to protect our great Nation from harm is equally important.

Without this retroactive liability provision, I believe companies will no longer voluntarily participate. This will result in a degradation of America's ability to protect its citizens.

It is for these reasons that I urge my colleagues to support the Rockefeller-Bond substitute amendment to grant the men and women of the intelligence community the tools they need to protect our country.

EXHIBIT 1

[From the Wall Street Journal, Oct. 31, 2007]

SURVEILLANCE SANITY

(By Benjamin Civiletti, Dick Thornburgh and William Webster)

Following the terrorist attacks of Sept. 11, 2001, President Bush authorized the National Security Agency to target al Qaeda communications into and out of the country. Mr. Bush concluded that this was essential for protecting the country, that using the Foreign Intelligence Surveillance Act would not permit the necessary speed and agility, and that he had the constitutional power to authorize such surveillance without court orders to defend the country.

Since the program became public in 2006, Congress has been asserting appropriate oversight. Few of those who learned the details of the program have criticized its necessity. Instead, critics argued that if the president found FISA inadequate, he should have gone to Congress and gotten the changes necessary to allow the program to proceed under court orders. That process is now underway. The administration has brought the program under FISA, and the Senate Intelligence Committee recently reported out a bill with a strong bipartisan majority of 13-2, that would make the changes to FISA needed for the program to continue. This bill is now being considered by the Senate Judiciary Committee.

Public disclosure of the NSA program also brought a flood of class-action lawsuits seeking to impose massive liability on phone companies for allegedly answering the government's call for help. The Intelligence Committee has reviewed the program and has concluded that the companies deserve targeted protection from these suits. The protection would extend only to activities undertaken after 9/11 until the beginning of 2007, authorized by the president to defend the country from further terrorist attack, and pursuant to written assurances from the government that the activities were both authorized by the president and legal.

We agree with the committee. Dragging phone companies through protracted litigation would not only be unfair, but it would deter other companies and private citizens from responding in terrorist emergencies whenever there may be uncertainty or legal risk.

The government alone cannot protect us from the threats we face today. We must have the help of all our citizens. There will be times when the lives of thousands of Americans will depend on whether corporations such as airlines or banks are willing to lend assistance. If we do not treat companies fairly when they respond to assurances from the highest levels of the government that their help is legal and essential for saving lives, then we will be radically reducing our society's capacity to defend itself.

This concern is particularly acute for our nation's telecommunications companies. America's front line of defense against terrorist attack is communications intelligence. When Americans put their loved ones on planes, send their children to school, or ride through tunnels and over bridges, they are counting on the "early warning" system of communications intelligence for their safety. Communications technology has become so complex that our country needs the voluntary cooperation of the companies. Without it, our intelligence efforts will be gravely damaged.

Whether the government has acted properly is a different question from whether a private person has acted properly in responding to the government's call for help. From its earliest days, the common law recognized that when a public official calls on a citizen to help protect the community in an emergency, the person has a duty to help and should be immune from being hauled into court unless it was clear beyond doubt that the public official was acting illegally. Because a private person cannot have all the information necessary to assess the propriety of the government's actions, he must be able to rely on official assurances about need and legality. Immunity is designed to avoid the burden of protracted litigation, because the prospect of such litigation itself is enough to deter citizens from providing critically needed assistance.

As the Intelligence Committee found, the companies clearly acted in "good faith." The situation is one in which immunity has traditionally been applied, and thus protection from this litigation is justified.

First, the circumstances clearly showed that there was a bona fide threat to "national security." We had suffered the most devastating attacks in our history, and Congress had declared the attacks "continue to pose an unusual and extraordinary threat" to the country. It would have been entirely reasonable for the companies to credit government representations that the nation faced grave and immediate threat and that their help was needed to protect American lives.

Second, the bill's protections only apply if assistance was given in response to the president's personal authorization, communicated in writing along with assurances of legality. That is more than is required by FISA, which contains a safe-harbor authorizing assistance based solely on a certification by the attorney general, his designee, or a host of more junior law enforcement officials that no warrant is required.

Third, the ultimate legal issue—whether the president was acting within his constitutional powers—is not the kind of question a private party can definitively determine. The companies were not in a position to say that the government was definitely wrong.

Prior to FISA's 1978 enactment, numerous federal courts took it for granted that the president has constitutional power to conduct warrantless surveillance to protect the nation's security. In 2002, the FISA Court of Review, while not dealing directly with the NSA program, stated that FISA could not limit the president's constitutional powers. Given this, it cannot be said that the companies acted in bad faith in relying on the government's assurances of legality.

For hundreds of years our legal system has operated under the premise that, in a public emergency, we want private citizens to respond to the government's call for help unless the citizen knows for sure that the government is acting illegally. If Congress does not act now, it would be basically saying that private citizens should only help when they are absolutely certain that all the government's actions are legal. Given the threats we face in today's world, this would be a perilous policy.

Mr. WARNER. Madam President, I yield the floor at this time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, are we in morning business?

The PRESIDING OFFICER. We are.

Mr. DORGAN. Madam President, I ask unanimous consent that I be allowed to speak for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

STIMULUS PACKAGE

Mr. DORGAN. Madam President, we will have a piece of legislation come to the floor, we believe tonight—and perhaps tomorrow morning—that deals with the economic stimulus package, as it is called, to try to stimulate the economy. We are either in a recession or near a recession.

The Federal Reserve Board today took additional action to cut interest rates by another half of 1 percent. That follows the three-quarters of 1 percent cut recently by the Fed, within the last week and a half. So the Federal Reserve Board is using monetary policy tools to jump-start the economy, and the thought was that the fiscal policy side coming from the Congress and the President would require—or recommend, at least—some kind of stimulus package. So there is a stimulus package being developed that would provide payments—rebates of sorts—to American taxpayers. The discussion in the U.S. House is $600 per taxpayer. The Senate bill that has been proposed is $500 or $1,000 per couple.

One can make a number of observations about this, wondering about the advantage and the importance of a fiscal policy that has a stimulus package. I think it is probably necessary for psychological reasons, if not for economic reasons. It is about 1 percent of the GDP that is being proposed. We have a $13-plus trillion economy, and I don't know how about 1 percent of that—$130 billion, $150 billion—for a stimulus package is going to stimulate the economy so much, but I think it is probably psychologically important that we do something here, so I expect to support it.

There are a couple of things I intend to recommend. And I don't know how many amendments we will be moving on this bill, and I don't know what the circumstances might be. I know the bill will be brought to the floor with an unending appetite for amendments, so I understand and expect that we will have to limit some amendments. I want to suggest, however, two amendments that I think have some merit and that ought to be considered.

The first one ought to be really easy, in my judgment. The first one is a message we should put on every check that goes out. If we are sending checks to American taxpayers, we ought to have on this check this statement, in my judgment: "Support our economy—buy American."

Now, why is that the case? Well, because of the trade deficit we have in this country. You will see the hemorrhaging of red ink as a result of our trade deficits year after year. They have grown unbelievably. We now have roughly an $800 billion trade deficit in a year. We have so much in consumer goods that are being purchased from overseas, with cheap labor overseas, and being brought to the big box retailers in our country and purchased by American consumers. So the proposition of sending a rebate to American taxpayers, $500 or $600 per taxpayer, the purpose of which is to have them spend that and to boost consumer spending and, therefore, boost the economy—it does not do much to boost our economy if, in fact, we are providing a rebate, a check to taxpayers, and they spend it on imported goods. In my judgment, that is supporting foreign labor, not American labor.

This is American money spent in a way that is designed to boost the economy, and so it seems to me it ought to be sent with a check that reminds Americans: Support our economy—buy American. We are going to send, what, probably 150 million checks out in the coming months with the stimulus package? Why not have 150 million messages just to remind people, to the extent they can, that it is very important to buy American, because we are trying to stimulate the American economy, not the Chinese economy, not the Japanese economy, and not the European economy. We are trying to stimulate the American economy. So it would be very helpful if they pay a bit of attention to the notion of what this money is about: Support our economy—buy American.

I hope there isn't one person in this Chamber who would object to that. It won't cost anything. This would add no cost to the check that is to be printed, and it seems to me an important and timely message to American consumers. To the extent they can and to the extent they will, they should be reminded that spending these funds in support of the product of American workers is what invests in and expands opportunity in the American economy. That is an amendment which I think should be added. I hope it will be added by unanimous consent, absent a managers' package. It is something that should be easy to do, and I would suspect no one would object to the message: Support our economy—buy American.

Second, I wanted to make a point about another amendment that I think should be included. I think this is more problematic at this point, but it is a piece of legislation I will introduce as well.

Part of the economic difficulty in our country is the substantial runup in the price of oil and gasoline. It is interesting to me that even as we have seen the price of oil go up, up, up, we see that the Energy Department continues to put oil underground; that is, we receive royalties from certain oil wells, and they take those royalties in kind—that is, they take the royalties in the form of barrels of oil and they stick it underground in the Strategic Petroleum Reserve.

Well, the Strategic Petroleum Reserve is now about 97 percent full. Even though it is 97 percent full and the price of oil has gone to $80, $90, and then $100, we are still taking oil and putting it underground. What that does is it takes oil out of supply and puts upward pressure on prices. It seems to me we ought to at least take a holiday during this calendar year, as long as oil is above $100 barrel. Why would you go into the market to purchase very high-cost oil and take it off the market and stick it underground? That puts upward pressure on gas prices, and it makes no sense for the Government to be doing that given the fact the Strategic Petroleum Reserve is now 97 percent filled.

So I hope—and I have encouraged the Energy Secretary to do this, but he has resisted. So my hope will be that either now or at some point in the future on some appropriate occasion, the Congress will decide to tell him: Do not be buying oil at these prices, taking it off the market and putting it underground. By "buying it," I mean taking it as royalty in kind. That makes no sense to do that. You talk about stimulating the economy, the way to stimulate the economy is to help bring some of these energy costs down.

Now about 8.5 million barrels have gone underground in the last 6 months. Some will say: Well, that is a pretty small part of the amount of oil we have and the amount of oil we use. Well, we held a joint hearing between the Energy Committee and the Homeland Government Affairs Subcommittee on the issue of energy markets, and particularly oil markets. At that hearing we heard from Dr. Phillip Verleger, who is an investigative researcher and energy expert. He pointed out that even a seemingly small decision with this issue of putting oil back into the SPRO at a time when we are short can have significant consequences. He says the DOE is taking what is highly sought after, light sweet crude that is needed right now, and putting that underground in the petroleum reserve. He pointed out the volume of light sweet crude that they want to put into the Strategic Petroleum Reserve underground has only been three-tenths of a percent of the total global supply available, but it was adding as much as 10 percent to the price of light sweet crude.

Yet the Department of Energy insists and maintains that putting this royalty-in-kind oil underground has no consequence at all on the price of oil.

Clearly it does. That is at odds with testimony we received before our committees. Clearly it has an impact on the price of gasoline. Filling the Strategic Petroleum Reserve when we have market record-high oil prices, as I said, puts upward pressure on the price of oil because even small volumes of oil off the market can have a dramatic price impact. That is especially true with what is called light sweet crude.

In recent days we saw President Bush visiting Saudi Arabia to ask the OPEC countries, particularly the Saudis, to increase production to help ease oil prices in our country. Well, the fact is, the OPEC cartel is going to meet this Friday to discuss whether any change to production is warranted. Their decision will impact the price of gasoline in this country this spring.

But there is another decision that will impact it. That is the decision by the Department of Energy to continue taking royalty-in-kind oil off the market and sticking it underground. This is exactly the wrong thing to do at the wrong time.

I have always been in favor of a Strategic Petroleum Reserve. But with prices where they are, and an economy that is sluggish, it makes no sense to continue to do this. I believe what we ought to do is pass some legislation. If I were writing the stimulus bill, I would include this provision in the stimulus bill.

Those are two ideas that I think should be considered. The first I would hope would be considered by unanimous consent. I can't believe anybody would object to putting on a check that goes out to 150 million people: Support Our Economy. Buy American. I do not think anybody believes that we want to provide a bunch of money and hope they will spend it on goods made in China. That hardly expands opportunities and the economy in this country. I am not saying they have to spend it on American-made goods, but what I am saying is, we ought to remind them, to the extent we can, what we are trying to do here, and what this stimulus rebate check is all about.

(The remarks of Mr. DORGAN pertaining to the submission of S. Res. 437 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I believe my distinguished colleague from Alabama has some comments and questions he wishes to raise, so I ask that he be recognized.

The PRESIDING OFFICER. The Senator from Alabama.

FISA

Mr. SESSIONS. Madam President, I thank my colleague, Senator BOND, the vice chairman of the Intelligence Committee. He has been working for a full year virtually on trying to accomplish what we need to accomplish now.

I may not be able to follow the debate, but it seems to me that now we are beginning to hear that somehow despite your determined efforts and those of Senator McCONNELL and our side of the aisle the Republicans are being accused of holding up this legislation.

Can you give us your perspective on that? I am sure it is different from what I have heard on the floor earlier on.

Mr. BOND. Madam President, to respond to my colleague, it would be a pleasure. Let's go through the record.

In April of 2007, the Director of National Intelligence, or the DNI, submitted a request to update FISA, the Foreign Intelligence Surveillance, law to Congress. The draft legislation that he sent to Congress was not a political or partisan piece of legislation, it was absolutely essential because technology has changed and the old FISA law was prohibiting our agencies from having the ability to go up on a foreign target without getting an order of the FISA Court, which totally gridlocked that court.

But what he sent up was the result of a year of negotiations and coordination among civil servants in the Department of Justice and our intelligence agencies that will actually have to implement the system the legislation will cover. So the people who are running it set up the recommendation.

Soon after that, there was a court order issued that resulted in these significant gaps. That ruling brought important parts of the system we use to monitor terrorists overseas to a halt. It created dangerous gaps in our ability to collect. The need to pass a permanent legislative fix for FISA suddenly became much more urgent, and the DNI came before the Intelligence Committee in May of 2007 to explain why it was needed and to say how urgent it was.

Mr. SESSIONS. Indeed, didn't he say it couldn't have come at a worse time to have us be denied this kind of intelligence capability?

Mr. BOND. That is correct. As the DNI explained to Congress in a closed-door briefing for all Senators in July of 2007, the FISC ruling came at a time of heightened concern in our intelligence agencies that terrorist attacks against the homelands of our allies might be in the works.

The DNI explained in that briefing in no uncertain terms the urgent need to update FISA and close the intelligence gaps caused by the ruling so that our intelligence agencies would have the tools they need to detect terrorist plots against our homeland or our troops and allies overseas.

Mr. SESSIONS. To follow up on that, you are familiar with the NSA and have seen it. Would you dispute his decision based on what you know? Didn't you also conclude, as I did, that he was exactly right; this was absolutely critical to our national defense and security?

Mr. BOND. Mr. President, yes. I learned at the time why it was so essential, and I would say there is a letter from the DNI, a classified letter, which is available in our Intelligence Committee offices or in S–407 for Senators to read that says what the intelligence community was able to accomplish after the Protect America Act was passed on August 3, 4, and 5 of last year, which would not have been possible had we not changed the FISA law. So there are clear examples set forth in a classified letter that I invite all my colleagues to review. I would be happy to have them review it.

Mr. SESSIONS. When we heard what he said, we got busy. You were one of the leaders. We worked through and passed the legislation in August, just this past August, that basically affirmed this program and kept it going. But can you tell us now why we didn't make it permanent at the time?

Mr. BOND. First, I am not a big fan of sunsets. If the Intelligence Committee does its job—and with Chairman ROCKEFELLER leading and my role in it, I can assure you that we are looking at all of these laws, all of these practices, and authorizing legislation of the intelligence community to see if it is working, to see if it is working within proper bonds. But I believe that. And I believe the Attorney General was correct when he said we should not sunset these laws because there are no sunsets on our enemies' fatwas.

That came from our Attorney General. But we did agree to a 6-month sunset because Senate Democrats assured me that 6 months was long enough to take a systematic look at the law and come up with a strong, permanent solution. They believed we needed additional protections that had not existed in the original FISA law. It did not include one of the key elements that the DNI requested in his original April 2007 request. We had to pass a shortened version because of the timeline. But given that we had that sunset, our Intelligence Committee worked very hard, after the passage of the PAA, until we were able to pass on a bipartisan basis, by 13 to 2, a strong bill that adds significant new protections for Americans and which permits the DNI to conduct the program as he thinks it needs to be conducted to assure that our country is safe.

Mr. SESSIONS. How did we get here and why do we need another 15-day extension? Why can't we get this thing done?

Mr. BOND. That is kind of an obvious question that my colleague has asked. The following month, the Judiciary Committee of the Senate put out a bill on a straight party-line vote, a partisan substitute which was drafted without getting the effective input of the intelligence community, the Department of Justice. And the DNI said it absolutely would not work, so he couldn't support it. So a month after that, on December 17, the distinguished majority leader brought the bill to the Senate floor, thought it very timely to get it done in December, since we have a February 1 expiration date. But several members of the majority party filibustered the bill or actually they phoned in their objections, their filibusters, from campaign stops. And it could not go forward. Then the Senate didn't get around to taking up FISA again until over a month later, on January 23.

We only returned to FISA after taking up the Indian health legislation. I don't diminish the importance of that measure, but it might have waited until after we finished FISA.

Mr. SESSIONS. It seems to me that our Democratic leadership has had legislation from the Director of National Intelligence since April. We have refined it, particularly your committee, the Intelligence Committee, has moved it forward on the floor. And we have just wasted a lot of time when we need to be making this permanent.

Mr. BOND. Unfortunately, my colleague from Alabama is right. I know we both don't want to engage in fingerpointing, but some of my colleagues have been making statements about our efforts on the bill, which leave me no choice but to correct the record. I invite any of my colleagues who have a different view to come discuss it with me. It is critical that we move forward.

We have a 15-day extension. At the end of 15 days, this body goes on a week's recess. There is no reason we cannot pass this bill, conference with the House, and pass it by February 15 so American citizens will have the additional protections this bill includes, and our carriers will have the liability they must have to continue to participate in the program.

I thank my colleague from Alabama.

Mr. SESSIONS. I thank Senator BOND and Senator ROCKEFELLER and the Intelligence Committee. I serve as a member of the Judiciary Committee. I strongly opposed the bill that came out of our committee. I believed your bill, the Intelligence Committee bill, which passed 13 to 2 in a bipartisan fashion out of the Intelligence Committee, was superior to the one that passed Judiciary on a narrow partyline vote. I also grasped during that debate that one of the real differences was the Intelligence Committee members knew what was at stake. That had been your responsibility, to ensure that our intelligence community was able to function effectively. You knew how the system worked and we didn't. We allowed theoretical ideas and maybe partisan politics to interfere with a simple project which was to identify what we needed to do to fix the broken intelligence system and to do so consistent with the Constitution and liberty.

You all worked on that and reached an agreement on it. We continued to have nitpicking, complaints, ideas. Everybody has a different idea how they would like to see it done. I guess that is lawyers. Maybe that is the Judiciary Committee lawyers as opposed to Intelligence Committee members.

The way I would boil this issue down for the American people is this: We are not asking in this legislation that anything be done to diminish the great liberties we as Americans have come to cherish. Actually, all it is doing is facilitating historic concepts of intelligence surveillance that we have always done. Fundamentally, there is no dispute that American intelligence officers abroad can intercept such communications as they are able to intercept without any Federal court warrant or anything else of that nature because the Federal court does not have jurisdiction, one reason, in Europe or the Middle East or Pakistan or any other country. They just don't have jurisdiction there. So we have always known that our intelligence agencies are capable, authorized, and legally able to do this.

In the United States, however, if somebody taps your phone—and we have had so much confusion about this—if a Government agency were to tap someone's phone, they are entitled to listen not only to the calls that are placed away from that phone to someone else, they are also entitled to listen to phone calls that come into that phone number. That is part of the legal authorization to surveil inside the United States.

So the first thing you have to do is have legal authorization to surveil. Once you do, on that phone, then you can listen to the calls that come in. What we do as a matter of practicality is we mitigate if a phone call comes in on a matter unrelated to the criminal activity that is being surveilled in the United States. That is the way it is.

So what I want to say is, don't think this is somehow a retrenchment of historic American protections. What we are saying is, if you have a legal authorization to intercept a telephone system in Afghanistan—and we do, our people have a right to intercept a phone conversation—it seems to me you also have a right, just as you do if you have a warrant involving a U.S. citizen, to listen to the phone calls they place into the United States. And if it is not relevant to any kind of terrorist activity, then you would mitigate against it. But if you follow what I am saying, once you have the authority, as we do, to intercept a cell phone number somewhere, something like that, if you have this activity and you intercept that and you can surveil that number, then you are able to surveil who they call.

If they are calling into the United States to set up a terrorist organization to carry out a plot, then that is the kind of call you want to intercept, for heaven's sake. I just don't think we have a big issue. I am proud of the committee. They have added protections, eliminated ideas that could lead to some abuse somewhere, but you have written a bill that is worthwhile.

Let me say about the people at the National Security Agency and our FBI and our other agencies that are out doing this kind of work, they follow the laws we give them. Don't think, like you see on television, on "24" and some of these things that people just go around and violate the law on a regular basis. I was a Federal prosecutor for 15 years. People don't put their careers on the line, throw away their careers, violating the law.

So we have to have a law that allows them to lawfully do their work and not deny them the right or a legitimate power to protect America because we are putting ourselves at risk, and we should not do it. So I am frustrated, forgive me, that we are so timid about allowing the full historical surveillance capabilities our Nation is used to having at this time when we have unique threats from terrorists who have proven they have the ability to inflict thousands of deaths on Americans.

Our good people are working their hearts out. Let's don't make it more difficult for them. Let's affirm what they are doing. We will continue to monitor it so it is never abused.

I thank the chairman and the Intelligence Committee for their bipartisan work to serve our country by producing a bill we all can be proud of.

I yield the floor.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Missouri.

Mr. BOND. Mr. President, I extend my most sincere thanks to my colleague from Alabama, who is a very valuable member of the Judiciary Committee. He does not let the fact that he was a lawyer and a prosecutor interfere with the exercise of good judgment. I congratulate him on his very perceptive comments. I thank him for participating with me.

I also would agree with him. He made the strong point that sensitive intelligence matters should be handled in the Intelligence Committee. Our intelligence community leaders have said it is very difficult to present matters to a committee when they have to deal in closed session on so many things. Even the things that may in themselves not be classified are often related to classified materials. So I hope maybe we can take a look at committee jurisdiction in the future.

I will take a few minutes to discuss why it is so important the Senate pass the bipartisan Rockefeller-Bond substitute amendment without adding unnecessary or harmful amendments that have not been vetted by the intelligence community.

There are some colleagues who may believe we can just keep adding amendments without causing any problem for our intelligence collectors. But the fact is, the legislation is intended, first and foremost, to keep the intelligence gaps that existed prior to the passage of the Protect America Act, or PAA, closed. If we do not check with the experts in the intelligence community about whether their proposals will enable the intelligence community to keep the gaps closed, and if we do not heed their advice, the legislation can have—and often has—unintended consequences that impede vital intelligence collection.

An example of why this is so important: There was a substitute amendment included in the Rockefeller-Bond bill that provides additional protections for Americans traveling overseas. Originally, this amendment was offered by the Senator from Oregon—a valued member of our committee. His intent—which I share, and the intelligence community shares—is to provide overseas Americans with the same level of court review and approval as Americans in the United States receive. We believe that is very important.

The amendment passed in the committee despite my vote in opposition because of the drafting that the amendment had not been vetted by the intelligence community. It turned out it would have been unworkable, causing unintended consequences, including impeding important intelligence collection on legitimate targets, if it was passed as it was.

But the chairman and I worked with Senators WYDEN and WHITEHOUSE over the past few months so we could make this functional—a well-intentioned amendment, a very valuable addition to this bill. We fixed that provision, and it is in the managers' amendment that Chairman ROCKEFELLER and I have. So we will have a workable bill, one that the DNI supports, and one we can be very proud of, because it does extend additional protections to American citizens and U.S. persons abroad.

But when we had to fix this issue, what we thought was a simple amendment took 24 pages of language to make sure we did not have unintended consequences—in an amendment that was originally only 3 pages long. I raise this not to criticize the authors of the amendment but to thank them for their cooperation.

But the basic principle is a principle of medicine, and we can apply it to the intelligence legislation: First, do no harm. I am concerned about the unwillingness of some colleagues who have proposed legislation to call the office of the DNI or NSA to make sure their amendments would do no harm. If amendments cause the intelligence gaps to reopen, the legislation will be worthless, probably will not pass, and will not be signed into law.

An example of how well a bipartisan FISA reform bill can function is the Protect America Act. I have said before that the PAA did exactly what it was intended to do: it closed the intelligence gaps that threatened the security of our Nation and our troops. It did so in a truncated fashion, but it worked for 6 months.

Now, there are some Members who criticize the PAA and call it flawed. But let there be no doubt, the PAA has been a great success. It did not open any new powers that had not existed before the technology changed and brought applications of new limitations on our collectors.

Next, I want to call attention to a letter received by the Senate Select Committee on Intelligence on January 25 from the DNI. Director McConnell wrote that the authorities provided by Congress, through the Protect America Act, passed in August of last year, have "allowed the Intelligence Community to collect vital foreign intelligence information, and made the Nation safer by enabling the IC to close gaps in our foreign intelligence collection."

Let me repeat that: It has enabled the intelligence community to close gaps in our foreign intelligence collection.

More specifically, Director McConnell said the PAA has enabled the intelligence community to obtain information related to disruption of planned terrorist attacks against Americans, efforts by an individual to become a suicide operative, instructions to a foreign terrorist associate about entering the United States, efforts by terrorists to obtain guns and ammunition, terrorist facilitator plans to travel to Europe, information on money transfers; plans for future terrorist attacks, and movements of key extremist groups to evade arrest—among others.

While I cannot say anything more publicly about these examples, I can say these are examples of how the PAA disrupted ongoing and planned attacks against our interests, our allies, and our citizens. The Director did send the committee a classified letter laying out the details of these disruptions. He also gave examples of how collection—that had faltered because of a FISA Court decision in the spring—was renewed under the PAA. As a result, key intelligence against terrorists was collected.

I have reviewed the letter. I think any of our colleagues interested in this subject should go to the Senate Intelligence Committee offices or to S–407 to read the classified letter for themselves to see how the PAA has helped save American lives.

Director McConnell has told us some targets might not have been pursued without the PAA because of the administrative, analytic, and legal burden of seeking FISA orders. Keep in mind, these orders would have been FISA orders to collect information on foreigners, not Americans.

It is clear from my reading of Director McConnell's letter that most of the successes he identified would not have occurred had it not been for the PAA.

While the PAA has been key to gathering unique and vital intelligence information, Director McConnell does not support its extension. The reason he does not support the renewal—one that has been critical to enabling the intelligence community he leads to do its job—is because it does not include retroactive civil liability protection. In his letter, and on numerous occasions—and in every substantive discussion I have had with him—the Director has said that we cannot gather this kind of information in sensitive intelligence areas without the cooperation of private parties.

Despite the success of the intelligence community's ability to collect intelligence under the PAA, Director McConnell does not support its extension without this retroactive civil liability provision because he believes the voluntary cooperation of private parties is necessary to the success of the program. I have stated previously in answers to questions of my colleagues precisely why it would work. By implication, it seems he is concerned, wisely, I believe, that carriers will no longer cooperate with the Government if they fear being dragged into expensive lawsuits.

Again, for all these reasons, we must pass and get the bill out of here—I hope at least by early next week—and pass a conference report before February 15. The Rockefeller-Bond substitute is that bill.

A lot of questions have been asked about when we are going to move forward. We have exchanged papers back and forth. Chairman ROCKEFELLER's staff and my staff have negotiated extensively. We need to get the concurrence of the leaders on both sides. I hope we are close to getting a workable framework. This is such a critical piece of legislation. I do not want to hold it up any longer.

I know my colleagues have been waiting for votes. Nobody has been more anxious than Chairman ROCKEFELLER and I. We understand how important this issue is. We hope to give this body some real action on moving the bill forward sooner rather than later. We will need the leaders, who will make the decisions. We will need the cooperation of all colleagues on both sides. Let's hope we can come to a successful resolution.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. REID. Mr. President, there will be no rollcall votes tonight. We will see what we can do tomorrow to come to some conclusion on the stimulus package, at least get on the road to how we are going to have some votes. And we will have some votes; it is just a question of when we will have them.

On FISA, we thought we had it worked out a few minutes ago, but it came "unworked." So we are going to continue to see what we can do. I have told Senator MCCONNELL we are doing our very best to wrap that up so we can have agreement. But an agreement is two sided. It is not just us. We think we have a way to complete that so we can finish our work on it, but it is a work in progress. I thought we had it done a few minutes ago, but it didn't work out that way. So we will see what we can do tomorrow on these issues, but there will be no votes tonight.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. CANTWELL.) Without objection, it is so ordered.

ECONOMIC STIMULUS

Mr. BAUCUS. Madam President, the psalmist prayed:

> Do not cast me off when I am old. Do not forsake me when my strength fails.

That is really the question before us as we get to the economic stimulus bill, which is the bill that is going to send out rebate checks to Americans: Will the Senate cast off 20 million seniors? Will the Senate forsake 20 million of the neediest Americans?

A vote for the Finance Committee substitute is a vote for 20 million American senior citizens who have worked hard all their lives, who have paid taxes for a lifetime. They contribute to the economy today. But the underlying House-passed bill would not give them a rebate check.

The House-passed bill says no to 20 million American seniors. The House bill gives checks only to the more affluent seniors whose incomes are high enough that they pay taxes now. The House-passed bill would not give a stimulus check to seniors who are scraping by on Social Security income alone and have no tax liability. To state it differently, the House-passed bill says no to the most neediest seniors, not only 20 million American seniors, but the House bill says no to the 20 million American seniors who happen to be the most needy. These 20 million seniors have given a lifetime of labor. They have given a lifetime of service, and they have paid a lifetime of taxes. The House-passed bill would not give them a stimulus check.

Think of a grandmother who needs money for food, medicine. America's economy is slowing down. Times are getting tough for her. Prices for food, gasoline, and home heating oil have skyrocketed right before our eyes. She has a harder time making ends meet. For many of our Nation's senior citizens, their only source of funds for these necessities is a once-a-month envelope from Social Security. Any Social Security beneficiary will tell that you she has not seen the amount of her check increased enough to cover today's rising costs. I am sure the benefits may be going up a little bit, but they clearly do not cover the increase in rising costs. Again, the Finance Committee package says yes to those 20 million American seniors who we believe should be included. They should also get a rebate check. The House-passed bill says no to those 20 million American seniors. It says to seniors who happen to be the most needy, no, we are not going to give you a rebate check. That is the basic reason why I believe the Senate Finance Committee package passed today is by far the better alternative.

Just think, when Congress acts on an economic stimulus package this week, tomorrow, whenever it is, we should insist on that tax rebate for the 20 million low-income seniors who can use that money right now. A rebate for seniors is no feel-good measure. Obviously, it is the right thing to do. Rebates for 20 million more seniors will help the economic stimulus package work better. Why is that? Because seniors are among America's most likely to spend a refund right away and pump cash back into the economy.

This chart basically demonstrates that. According to the Bureau of Labor Statistics, Americans over age 65 are responsible for over 14 percent of all consumer spending. People over 65 spend 92 percent of the their yearly incomes. That is represented by the horizontal bar in blue, a little bit of purple over on the right. So people over 65 spend 92 percent of their yearly income. People over age 75 spend 98 percent of their incomes. That is higher than any other demographic group over the age of 25.

Seniors spend the money they receive. They have to, in most cases, spend the money they receive. It is the right thing to do, to give senior citizens access to that rebate check. Why exclude them? Why cut seniors out as the House does? That is not right. In addition, seniors spend the money they receive. Seniors over age 65 spend 92 percent of the money they receive, and seniors over 75 years of age spend 98 percent of the income they receive. So seniors will spend that rebate check right away. That will make the rebate check all the more effective in helping the economy.

The Senate needs to do the right thing by America's seniors and by the American economy. We should extend the tax rebate to 20 million American senior citizens living on Social Security. The Finance Committee substitute will help 20 million seniors who were left out of the House bill. The Finance Committee amendment will provide seniors with a rebate check of $500 and $1,000, if they are married.

What is more, the Finance Committee amendment helps a quarter of a million disabled veterans with rebate checks. So far I have talked only about senior citizens. The House-passed bill does not give rebate checks to disabled American veterans. The House bill does not provide low-income disabled veterans rebate checks. That is, the House bill does not give rebate checks to a quarter of a million, and that is because they do not provide low-income disabled vets with rebate checks.

The House discriminates against lower income seniors, 20 million American seniors. It discriminates against lower income disabled vets. It says no to a quarter of a million disabled veterans. We in the Finance Committee say, no, we should say yes to seniors. We should say yes also to disabled veterans who will get the same rebate check as an upper income disabled vet.

What is more, the Finance Committee amendment helps people who have lost their jobs. Don't you think that is the right thing to do, help people who have lost their jobs, particularly as we are either in a recession or close to a recession? The Finance Committee amendment provides an additional 13 weeks of unemployment insurance, and high unemployment States will qualify for an extra 13 weeks. The House bill does not provide an extension for unemployment insurance. It says no. It says, no, I am sorry, too bad. If you have lost your job and your 26 weeks is already up, which is the case for a higher proportion of America's unemployed today than at any other time in recent history, the House says, no, sorry. Even though you need the money, even though you would have clearly spent the rebate check, they say, no. The House bill doesn't provide that extension.

There are almost a million more unemployed Americans than there were unemployed a year ago. The Congressional Budget Office found that unemployment insurance has a great bang for the buck. That is, people who are unemployed who receive their unemployment insurance spend it. In fact, economy.com, a company which analyzes these things—their person testified today or yesterday before the Budget Committee—found that each dollar spent on extended unemployment insurance benefits would generate $1.64 in increased economic activity. That is a good one. In straight economic terms, for every $1 spent, $1.64 is the result in increased economic activity.

The bipartisan stimulus bill enacted after 9/11 included an unemployment insurance extension. President Bush signed that extension. Why don't we do it now? We all know what dire straits the economy is in. The Federal Reserve system cut the Fed funds rate another half percent. When you add it up in the last 4 or 5 months, 1 percent plus three-quarters plus another half, what does that amount to? That is a 2¼-percentage points reduction in the last several months. They are worried. But those rate cuts take time to work their way through the economy. An economic stimulus package has an effect right away. That is why we believe we should have components in the economic stimulus package which improve upon the House bill and give 20 million seniors rebate checks and a quarter of a million disabled vets rebate checks and also extended unemployment benefits.

The Finance Committee amendment helps American businesses that need help. The Finance Committee amendment would extend what is called the carryback period for net operating losses from 2 years to 5 years. Why is that important? Generally, a cyclical business has some profitable years followed by loss years. During loss periods, the company will carry back the net operating losses for the lost years to the prior profitable years. They will file a quick refund claim. The quick refund claim acts as a cash infusion and allows the company to survive the loss period. The House bill doesn't take care of that. The housing industry would greatly benefit from an increased carryback period.

This whole economic downturn was sparked by a so-called subprime problem, the housing problem, a glut of houses. And the expanded period would allow builders to avoid selling land and houses at distressed prices.

Additionally, it would enable less costly financing, improving business conditions for an eventual return of the housing market. The expanded period would give the housing industry cash to meet payroll. That is not a bad thing to do when we are in an economic downturn. That would stop additional job losses. The National Association of Manufacturers has written us in the committee in support of the Finance Committee's net operating loss proposal because they know it is the right thing to do to help maintain jobs.

These are all good reasons to vote for the Finance Committee substitute. It would help disabled veterans. It would help unemployed Americans. It would help businesses struggling with the business cycle. It would help 20, I think the figure is 20 million American senior citizens. I start where I began. I repeat this point because it is so important. The biggest difference between the Finance Committee substitute and the underlying House bill is 20 million seniors. A vote for the Finance Committee substitute is a vote for those seniors. Keep this in mind: 20 million, right here. That is the number of seniors to whom we would give rebate checks because it is the right thing to do, to add 20 million to the House-passed bill, which does not give rebate checks, which is clearly the wrong thing to do.

Senators should not cast off seniors. Senators should not forsake them. Rather, let us recognize their lifetimes of labor, recognize their key role in stimulating the economy. Look at our senior citizens. They are the real salt, the rock of America. Our mothers and fathers and grandfathers, most of them passed through the Depression era. Some are a little old for the Depression era, but they have values that are so important for our country. They are the people who paid taxes all their lives. They worked all their lives. They provided service to so many of us and our families and to other neighbors in the community. Let us recognize their key role in stimulating the economy, and let us pass the Finance Committee substitute for those 20 million American seniors.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN MEMORY OF SISTER DOROTHY MARIE HENNESSEY

Mr. HARKIN. Madam President, on January 25, all who work and struggle for social and economic justice, who dedicate themselves to peace and ending war, lost a wonderful friend in Sister Dorothy Marie Hennessey. The world lost a true Christian soul who, in her own quiet, humble way, fought relentlessly for peace and social justice.

Sister Dorothy lived 94 years, 67 of them as a member of the Sisters of St. Frances. She was the eldest of 15 brothers and sisters who grew up on a farm near Oneida, IA, taught by their parents that the Golden Rule was not an abstraction but a way of life. She fondly always remembered that her family "always fed and housed the tramps who came to [their] farm."

Sister Dorothy kept her theology simple and straightforward. She said:

> I've learned in 75 years in the convent that God is a compassionate God who loves all of us, but who also loves the poor and the people who are oppressed.

But Sister Dorothy also believed, in the words of President Kennedy, that "God's work on Earth must truly be our own." She was the opposite of a cloistered nun. She was an activist. She stepped forward boldly, if humbly, to make the world a better and fairer and more just place.

She taught in Catholic schools in the Dubuque area for 28 years and another 4 years in Portland, OR. But in the 1960s, her social consciousness came alive. She was deeply disturbed by the tragedy unfolding in Vietnam. And she was shocked to learn from her brother, also a priest—Father Ron Hennessey, a longtime missionary in Latin America—about the atrocities committed by dictators and their death squads in Central America.

Father Ron was, as we know—and he was a friend of mine, and I knew him well—also a friend of Archbishop Oscar Romero of El Salvador, and he witnessed the Salvadoran military firing on mourners after the archbishop's assassination.

Sister Dorothy became a leader in a newly formed human rights group in Dubuque and spent the rest of her life engaging in principled acts of dissent and protest, at times putting her own life at risk.

For example, in 1984, she went to Nicaragua with the group Witness for Peace, acting as human shields to protect northern border villages from attacks by the CIA-backed Contras.

In 1986, at the age of 73, she joined more than 1,000 activists in the Great Peace March for Global Nuclear Disarmament, traveling 3,500 miles from Los Angeles to Washington, DC—at the age of 73.

Beginning in 1997, she participated in annual protests at the School of the Americas at Fort Benning, GA, where graduates had been implicated in human rights abuses all over Latin America, Central America, including the murder of six Jesuit priests in El Salvador.

Sister Dorothy was arrested three times for crossing the line onto the Army base. On the third occasion, at the age of 88, she was one of 3,600 protesters who were arrested. Twenty-six of them were selected by lottery to be prosecuted in Federal court, including Sister Dorothy and her sibling, Sister Gwen, also a Franciscan Nun.

Sister Dorothy was sentenced by a Federal judge to 6 months of detention in her convent, but she refused this leniency. She insisted on receiving the same treatment as her other 25 codefendants. So her sentence was changed to 6 months at the Federal Prison Camp in Illinois. As a Des

Moines Register columnist noted, "She was allowed to take her hearing aids, but not her Bible."

After a month and a half, she was transferred to a correctional facility in Dubuque, supposedly for health reasons. But Sister Dorothy knew better. The real reason was the Federal Government's sheer embarrassment at incarcerating an 88-year-old nun because she dared to stand-up for justice.

During her time in prison, Sister Dorothy was interviewed by a reporter with the Public Broadcasting System. She said:

> I feel that it's our duty. We can't protest everything, but we can pick out some of the worst things to protest, and that's what I've tried to do.

So into her eighties, nineties, Sister Dorothy continued to find new ways to serve people and to help change the world for the good. From 1996 to 2000, she worked as a daily volunteer at Clare House, a residence in Cedar Rapids for people with AIDS. She cooked and cleaned for the patients. She spoke out loudly and clearly, also, for the rights of gays and lesbians.

On a personal note, I will always be grateful to Sister Dorothy for her many years of friendship and counsel. It has been one of the privileges of my life to know so many members of that wonderful, wonderful Hennessey family—Father Ron, all the years he risked his life in Central America, and both Sister Dorothy and Sister Gwen, and another sister. There is Sister Miriam, who was tragically killed in a car incident some years ago. What a wonderful family.

Sister Dorothy worked for a while as a senior intern in my Dubuque office. I say "for a while"—actually, for 8 years. She was a great mentor and inspiration to all of my staff.

So I will always cherish my friendship not only with Sister Dorothy but also with Sister Gwen, Sister Miriam, Father Ron, and so many other members whom I have known of the entire Hennessey family.

Madam President, as you can clearly see, Sister Dorothy was a remarkable person. I am reminded of the old saying: We make a living by what we make; but we make a life by what we give. Throughout her amazing life, Sister Dorothy was the ultimate giver. She gave her adult life to the church and to the Sisters of St. Frances. She gave more than three decades of dedicated service to her students. She gave her service on boards and in countless volunteer organizations. And, as I have pointed out, she gave of herself in dissent and protest many times against oppression and to end war.

She gave us her moral passion. She gave us her fine Christian example. She gave us her courage and decency, her love and friendship. She gave it all she had to make sure the world was a better place, that we all—all—had that prickling conscience that things were not right when poor people suffered, when war became the norm, when there were so many abuses of human rights and oppression against the disenfranchised and the poor in this country and in other places around the globe.

So after a rich lifetime of service, Sister Dorothy has been called home. She left the world a better place. I am deeply grateful to have had her as a friend. To all of the Franciscan nuns, to her family, of course, my deepest condolences from me and all of my family on her passing, but also our deepest thanks for sharing such a wonderful, magnificent person with us during her lifetime.

We will remember her and hopefully honor Sister Dorothy by continuing to do what we can to make sure that our Government works more for social justice and economic justice, that we turn away from the instruments of war and the funding for war and making war sort of the norm, and that we reach out in understanding and peace to the rest of the world. She would have not only asked nothing less, she would have demanded nothing less of us.

So we say goodbye to Sister Dorothy and, again, honor her memory by continuing to do what we can in our lifetimes to continue in her great work.

Madam President, I ask unanimous consent that an article that appeared today in the Des Moines Register by Rekha Basu regarding Sister Dorothy be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Des Moines Register, Jan. 30, 2008]

BASU: DUBUQUE NUN TAUGHT US TO STAND UP FOR BELIEFS

(By Rekha Basu)

At 88, Sister Dorothy Marie Hennessey of Dubuque was arrested for trespassing on a U.S. military base. She'd been protesting a school reputed to train Latin American military members to repress democracy advocates. Noting her advanced age, the judge offered her the option of staying under house arrest in her convent.

"I appreciate your thoughtfulness," replied the diminutive nun. "But I am not an invalid. I'd like to have the same sentence the others have."

So Sister Hennessey began her six-month prison term (the maximum sentence), along with 25 others, at the Federal Correctional Institution in Pekin, Ill. She was allowed to take her hearing aids, but not her Bible.

The woman dubbed "the radical nun," the activist who in her 70s walked across the country to protest the Cold War, died last week at age 94—and the planet is poorer for it. We lost a passionate champion of peace and justice who, even while protesting war and injustice, maintained an unflagging sense of optimism.

"I consider it a spiritual commitment because I've learned in my almost 70 years in the convent that God is a compassionate God who loves all of us," she once said, "but who also loves the poor and the people who are oppressed."

Though she was a giant in every way but physically, Sister Hennessey's name wasn't a household one in Iowa. It should be. She earned a place in both the Iowa Women's Archives and Wikipedia, was written about in the New York Times and was interviewed on PBS. And with her biological sister Gwen, also a Franciscan nun, she was awarded the Pacem in Terris Award from the Davenport Catholic Diocese in 2002, earning a place among such luminaries as Daniel Berrigan, Cesar Chavez, Desmond Tutu, Martin Luther King Jr. and Mother Teresa. The award is named after a Papal encyclical by Pope John XXIII that calls upon people of goodwill to bring peace among nations. It recognized the sisters for "living out the Gospel through their work on behalf of the poor and for peace."

The oldest of 15 children, Sister Hennessey was born in 1913 in Manchester and raised on a farm. She spent 75 years at St. Francis in Dubuque and taught in various Iowa communities and in Portland, Ore.

It was her brother, the late Ron Hennessey, a longtime missionary in Latin America, who first inspired her social activism. His letters from Guatemala and El Salvador in the 1980s told of terrorism and killings of Mayan Indians in his parish by Guatemalan death squads. Brutal wars in Central America were being waged using American guns and money.

A friend of Archbishop Oscar Romero of El Salvador, Father Hennessey wrote of witnessing the Salvadoran military firing on mourners in the cathedral after Romero's assassination.

Sister Hennessey centered her protests on the Army's School of the Americas in Fort Benning, Ga., because it trained Latin American soldiers and police. The school said it gave them a professional education. Protesters said it taught torture. Graduates from the school were later implicated in the 1989 murders of six Jesuit priests and two women in El Salvador. The protest that sent Sister Hennessey to prison involved a mock funeral procession. The school was closed a month later, but it reopened under a different name.

In an interview from prison in 2001 on PBS "Religion and Ethics," Sister Hennessey told host Bob Abernethy, "I feel that it's our duty. We can't protest everything, but we can pick out some of the worst things to protest, and that's what I've tried to do."

Fortunately, her sister remains to carry on the family legacy.

Sister Hennessey taught many things, including courage, compassion and the importance of independent thought and creative action.

She taught that aging gracefully can be compatible with living meaningfully, and even dangerously. But most important, she taught that we don't have to stand by in frustration when wrongs are perpetrated, even by our government; that the world is best served when we stand up for what's right. And that you do whatever you can from wherever you are.

In her case, it was the Lord's work.

Mr. HARKIN. Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

Mr. THUNE. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The Senate is in morning business.

FARM BILL

Mr. THUNE. Mr. President, I rise today to urge my colleagues in the Democratic leadership to move forward with the 2007 farm bill. Last July, the House of Representatives passed the 2007 farm bill by a vote of 231 to 191. Last December, the Senate followed suit by passing its version of the 2007 farm bill by a vote of 79 to 14. Certainly there are controversial provisions in each bill that must be addressed as we move forward. However, the bipartisan support for these bills is overwhelming. In fact, with 79 votes, this Senate-passed farm bill received more votes than any farm bill in the past 30 years.

Unfortunately, little progress has been made since that time. The respective chairs of the House and Senate Agriculture Committees need to focus on naming conferees and working together to reconcile their differences. Right now, my understanding is both chairs have been meeting with the administration, both saying they are making no headway. It seems to me that ultimately we need to work in a bipartisan manner to resolve the differences between the House and the Senate versions of the farm bill, and that begins by naming conferees to a farm bill conference committee. We only have 6 weeks left to name conferees, reconcile the Senate and House-passed farm bills, and deliver a farm bill that meets the needs of America's producers and can be signed into law by the President.

Additionally, in March, the Congressional Budget Office will issue a new baseline for agricultural programs. On account of high prices and a successful agricultural industry, the CBO will likely predict that few farm payments will be made in the coming years. The result is that Congress will have even fewer dollars to write the new farm bill, which will further magnify our current budgetary issues associated with this farm bill.

Our farmers and ranchers are already making their planting decisions for this spring. Many are wondering what regulatory regime will impact their operations. Will it be the 2007 farm bill—now the 2008 farm bill—which Congress and the Agriculture Committees have been debating for the past 12 months? Will it be the 2002 farm bill which has served our producers well but expires in 45 days or will it be the 1949 and 1938 farm bills, which are the last farm bills with permanent authorizations?

In recent days, some have threatened to let the 2002 farm bill expire and revert to a permanent farm bill policy which was drafted almost 60 years ago. The two laws that would govern most farm programs passed in either 1938 or 1949 are what we refer to as permanent law. If Congress fails to approve new legislation that would set aside those permanent laws, and if Congress also fails to extend the current farm bill, then these two old laws once again become operational.

Now, among other things, permanent legislation would require USDA to establish acreage allotments and marketing quotas for price-supported crops and for producers to vote whether to approve quotas. Some agricultural producers actually might benefit from the permanent farm bill, while other producers in our conservation programs would dramatically suffer. If you are a wheat grower, the loan rate for wheat would be $8.32. That is something a lot of wheat growers would probably like to see. Corn loan rates would be $4.12, and, of course, there would be no countercyclical or direct payments that we have in the farm bill that we are operating under today, and no support program for soybeans under the permanent farm law we would revert to—the 1938–1949 laws I referred to—if, in fact, we don't take action to either extend the current farm bill or get the new one passed.

Milk purchases by the Commodity Credit Corporation would be established at $28.20 per hundredweight, far more expensive than provisions in the 2002 and 2007 farm bills. Most conservation programs would also expire on March 15 of this year, 2008, including the CRP. If conservation programs expire, no new acres could be signed up by producers.

I call on the leadership—the Democrat leaders are the ones who get this process rolling by naming conferees and allowing the process to move forward, but I think that both sides, frankly, need to put aside any bickering and fingerpointing that is going on and move forward with a farm bill process that will enable us to get a bill, a signable bill on the President's desk before March 15 when the current farm bill expires.

Moving forward on the farm bill debate requires a few critical steps. First, as I said before, there has to be an announcement and naming of farm bill conferees, and that should happen immediately. Conferees need to begin meeting to iron out policy differences between both bills and to come to an agreement on funding. As the conferees do that, and the committee works, then they can negotiate in good faith with USDA in an attempt to reach an agreement on a bill the President could sign. Congress then could pass the bill, get a conference report, move it through the House, move it through the Senate, and get it on to the President for his consideration.

Our agricultural producers, our conservation organizations, our school nutrition groups, our renewable energy sector are all waiting patiently for Congress to work its will with this farm bill. The time for action is now. We simply cannot afford further delay.

Probably the most frequently asked question when I am back in my home State of South Dakota as I travel around the State is: When are we going to get a farm bill? Are we making any headway on the farm bill? When is the conference going to meet on the farm bill? Agricultural organizations that come here to Washington to visit pose that same question, because they have every reason to believe that based on the action that was taken by the House and the Senate last year, this conference committee process would be underway and we would be well on the way to getting a new farm bill enacted. We can't afford to wait any longer. We have farmers and ranchers who are depending upon us, who are relying on us to make good decisions and good judgments and to get a bill passed that will serve the purposes of promoting agriculture, making us globally competitive, and in the years ahead.

I simply urge my colleagues in the leadership—and again, my assumption at this point is, of course, that the reason we haven't gotten conferees named is for some reason the leadership—the Democrat leader, perhaps—doesn't want to name conferees. I think the same thing is happening on the House side. My understanding is House conferees have not been named either. This process cannot move forward until that happens.

Now, I am told too that there is a belief that we have to get this worked out with the White House or the administration before conferees can begin to meet. That is simply, to me, the reverse of how this ought to work. Chronologically, Congress has to act before we can put a bill on the President's desk for his consideration and ultimately his signature or veto. So Congress has to do its work first before the administration can do its.

I have some concerns, based upon comments that have been made by the administration, about their intentions with regard to the farm bill. There have been veto threats hanging over this bill. I think that would be a big mistake. I will convey that in no uncertain terms, and have, to members of the administration. The administration is raising a couple of issues about how the bill is paid for. They don't like the way the bill was paid for in the House, which included a tax increase. I accept that. I think that would create big problems here in the Senate as well. But the financing mechanisms that were used by the Senate, many of them are financing mechanisms that had been proposed by the administration in previous budgets submitted to Congress. So it seems to me at least we can work through that issue. They would like to see additional reforms in the area of payment limits. Until we get the conferees together and start meeting and working out these differences, none of this is going to happen.

To get this process jump started, we need to have conferees announced and named and get the process moving forward again with an eye toward a March 15 deadline that if we don't meet, we are going to put our producers in a very precarious position relative to their decisions they have to make about this new planting year and, furthermore, jeopardize a lot of programs that are in this farm program that are so good, not just for agriculture but for the rural economy and arguably for our national economy.

The conservation title in this farm bill includes programs such as the Conservation Reserve Program, the Wetland Reserves Program, the Grasslands Reserve Program, the EQIP program. Some of the best environmental policy that we do as a Congress is found in the farm bill. If we don't take action by March 15, that conservation title would expire and no producers could be enrolling in those programs.

The energy title in the farm bill is a tremendous policy with regard to promoting advanced biofuels, the next generation of biofuels. We have had great success in agriculture with corn-based ethanol.

It has been a wonderful story, a remarkable story, frankly, of what our producers can do. We are already at about 7 billion gallons of ethanol. In my State of South Dakota alone by the end of this year, we will be producing 1 billion gallons. The two largest ethanol producers in the country are headquartered in South Dakota.

We have taken the policies that were put in place in the 2005 farm bill—the renewable fuel standard and other incentives—and used them to grow an industry that not only is expanding the economic base in rural areas, but it is accomplishing a major policy objective that I think we all share, and that is reducing our dependence on foreign sources of energy.

All those energy provisions in this new farm bill which provide financial, economic incentives for the development, commercialization, and research into cellulosic ethanol will all be lost if we cannot get a new farm bill enacted, and that would be a tremendous loss not only, again, for agricultural areas of this country that can benefit economically from the production of renewable energy, but it would be a tremendous loss as well to our Nation as we strive to get less dependent on foreign energy and become energy independent.

For all those reasons, this bill needs to move forward and needs to move forward now, but it starts simply with the naming of conferees. As I look at the calendar, we are already almost to the end of January. We will have a break over President's Day in February. Pretty soon March will be here. March 15 is the deadline. Typically, when you have a bill that is 1,000 pages long, such as the Senate-passed farm bill, it has to be reconciled with the House bill. Even though there are many similarities, there are differences between the two bills that will have to be worked out. As a consequence, it is going to take a certain amount of time for the conferees to sit down and reconcile and iron out those differences. Then, of course, the conference report has to go back to the House and Senate for final approval and adopted by the House and Senate, and then we have to get it down to the other end of Pennsylvania Avenue for consideration by the President, hopefully a signature on that bill.

We are talking about 6 weeks for all that to happen. That would be a record in terms of congressional time when it comes to processing, deliberating, and acting on legislation, but it cannot get started until conferees are named and both House and Senate conferees agree to sit down and schedule some meetings so we can move forward with this process.

I am very concerned about this situation. As I said, I don't think there is a day that goes by when I am back in my State of South Dakota—and it doesn't matter where I am in my State—that I am not running into somebody who is impacted by the farm bill. In many cases, it is producers, farmers, and ranchers, and they are very anxious because they are probably most directly dependent on the policies we put in place in the farm bill. The conservation community, those interested in wildlife habitats—Pheasants Forever, Ducks Unlimited, groups such as that. We have an extraordinary program in South Dakota that has benefited the economy enormously by creating recreational opportunities, hunting opportunities, and it all comes back to having the right kind of habitat and that comes back to conservation policy that is in place in this farm bill.

As I said, anybody who is connected to the renewable energy industry, the nutrition programs, this farm bill has a very broad reach in terms of who it impacts. It is not just about farmers and ranchers, it is about renewable energy, it is about conservation programs, it is about nutrition programs.

As a consequence, the ramifications of our lack of action are very far reaching. I am very hopeful this will happen and happen soon. But I wanted to come down here this evening and convey to my colleagues in the Senate and to the leaders the importance of this happening and happening in a very short order.

I again suggest the leadership appoint conferees and the conferees begin to meet and let's get this train moving forward.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOOD INSECURITY

Mr. BROWN. Mr. President, we are the wealthiest nation in the world. Yet American children go to bed hungry, and American seniors choose between food and medicine, between food and heating their home. American families stand in line at food banks stretched too thin to serve them.

There is a term for what millions of Americans face every day. It is called food insecurity. It means children are not getting the food they need to grow up healthy in too many cases. It means mothers and fathers foregoing food for themselves so they can feed their kids in too many cases. It means seniors who are rationing their food to one meal a day in too many cases.

I stood on this floor as long as a year ago telling the story of Rhonda Stewart who testified in front of the Agriculture Committee about food stamps. Ms. Stewart has a 9-year-old son. She has a full-time job, she is president of her local PTA, she is involved in the Cub Scouts for her son, and she teaches Sunday school. Yet she is squeezed at the end of every month because her food stamps simply do not go far enough. She gets about $6 a day from food stamps. The average food stamp in this country is $1 per person per meal. She told me that early in the month, she makes pork chops for her son because that is her son's favorite meal. They might do that once or twice early in the month. By the middle of the month, maybe the second or third week, she said she takes her son to a fast food restaurant, once, maybe twice. But at the end of the month, she often sits at the kitchen table with her son as he eats. She sits there not eating, and her son asks: Mom, is there something wrong? Are you sick? She says: I just don't feel like eating tonight. She runs out of food month after month.

Food insecurity, not having enough food, to put it bluntly, affects one in six seniors in this country. Our Nation letting children and seniors go to bed hungry is as shortsighted as it is heartless.

An hour and a half ago, from 6 o'clock until about 7 o'clock, I was in a call with more than two dozen people in Ohio who run food banks and food pantries from all over the State. Let me tell you some of the things they told me.

They told me they have pretty much about the same amount of dollars to run their food pantries as they had a year ago or 2 years ago or 3 years ago. A woman by the name of Tina Ossa in southwest Ohio, generally a pretty affluent part of the State—Butler County, Claremont County, that area—said she is running out of food in part because the cost of frozen chickens—she used to be able to buy a tractor trailer load of frozen chickens—has gone up almost 50 percent. She said a tractor trailer load of egg noodles has doubled in cost in the last year or so whether they are buying it wholesale or buying it directly from the food manufacturer.

Others told me on this call that the food banks are always sort of the last stop, an emergency safety net. The food stamp benefit is limited to $1 per meal per person. The cost of energy to heat their home has gone up. The cost of going to work has gone up with the cost of gas at $3 a gallon. And the last emergency stop for so many people is to go to a food bank because it is a safety net. Yet these food pantries are running out of food.

One food pantry told me typically this time of year they have 1 million pounds of food on hand. Now they have 400,000 pounds of food on hand. The lady, Ms. Ossa from Fairfield, OH, in Butler County, told me she started that food bank in 1983. It has never been close to as difficult a situation as today. They are getting fewer donations partly because the Government has not stepped up and partly because the people who have given to them—charity—in the past, who have given dollars for food, are hurting themselves and not as likely to contribute or contribute as much.

She said the companies, the supermarkets and food manufacturers, are more efficient and squeeze any waste out of their system. Any slightly damaged cans, any kind of items they might have given to a food bank before they are not doing so. They are more in tune to Wall Street and the bottom line, so they are less likely to give these charitable contributions.

One person on this call from Cleveland said there is a large bank in Cleveland where a woman at the bank organized other employees for a dress-down Friday. You can wear jeans on Friday if you give $5 to a local food bank. It has raised significant dollars for the food pantry as a result.

The husband of this woman who organized this drive at this major bank in Cleveland lost his job. She is now barely making it. They together are barely making it. The father-in-law has moved in because he has had problems, and she now is going to this food bank. She is a full-time worker with a good job in Cleveland, and she is going to this food bank because she cannot make it.

There is story after story. The most amazing story took place in Logan, OH, in the southeast, probably the most hard-hit Appalachian part of the State. It looks a lot like the area of the Presiding Officer in western Pennsylvania. This is southeastern Ohio.

In Logan, OH, on a cold day in December 6 weeks ago, people began to line up at 3:30 in the morning to get food from this food bank which opened at 8 o'clock. By 8 o'clock, cars were snaked all over the city streets in the town of Logan, a county of about 30,000 people. At 8 o'clock, they opened the door. By 1 o'clock in the afternoon, 2,000 people had been to this food bank, in a county of 30,000; 7 percent of the residents in this country had gone to this food bank, and many had driven 20 and 30 minutes to get there because it is a rural, pretty spread-out county.

I might add, Mr. Dick Stevens who runs this food bank told me that probably half of those beneficiaries who visited that food bank at the United Methodist Church in Logan, OH, were employed. Imagine that: You work hard every day, you play by the rules, you work as hard as any of us who dress this way in this institution do, many harder in some cases, you are working hard for your family, involved in your community, and you have to go to a food pantry to get enough food to make it through the week. Something is wrong that we in this body allow that to happen.

Another person involved in food pantries told me 90 percent of the people who come into food banks in Warren County, an affluent county straight northeast out of Cincinnati, the first county out of Cincinnati, 90 percent of food bank recipients are employed. In some places, it might be 30 percent employed or 90 percent. The fact is, nobody who has a full-time job ought to have to go to food banks, especially since those food banks, in most cases, are giving enough for 1 week, not 2 or 3, and they don't let them come back as often because they are running out of food. They have the same amount of food or less trying to serve more people.

It is pretty clear this is as bad a situation as we have seen in recent memory. One of my constituents told me that he and his wife for years have donated time and money to Cleveland area food banks and soup kitchens. Over time, as his wages did not go up and with the higher cost of transportation, the cost of heating their home and the cost of food, Tim and his wife quit donating money but donate their time to the food banks.

Today, Tim is going to the food bank for food. Tim said: It took great humility in that food bank to ask for food. He said: I used to consider myself middle class, but the salary and cost of living don't make it anymore. The Emergency Food Assistance Program that helps fund our Nation's food banks is the quickest, most efficient way to get food into the hands of people as their last stop emergency measure. But since 2002, because the President has had other priorities—tax cuts for the wealthiest Americans, a $3-billion-a-week war—the President has flat funded these food banks. Its current level of $140 million does not come close to taking care of these problems. Think about that. We talk a good game about personal responsibility, we talk about family values, yet for the basic level of nutrition, one in six seniors does not have enough food, and even a higher percentage of children in this society do not have enough food, and people who work full time in this society—forget about health care; we know many of them don't have health care—do not have enough food. Yet the President, because of the $3-billion-a-week war in Iraq, because he insists, even in his State of the Union Message, on more tax cuts, as Senator CASEY, the Presiding Officer, was talking about earlier today, more tax cuts for the richest people in the country, we continue to spend exactly the same shrinking dollars for the last 5 years because you cannot buy nearly as much food on $140 million today as you could 5 years ago. We worked with other concerned colleagues to increase funding for food banks to $250 million in the farm bill. There has been bipartisan agreement there. Unfortunately, the President has threatened to veto this bill, in part because of increased spending on nutrition.

We have also seen the President flatline funding of the Women, Infants and Children program, which is about as pound-foolish and penny-wise as you can imagine. We are going to spend less to keep women who are pregnant, low-income women, healthy, spend less on nutrition for them, so we will have more low birth weight babies, more children not getting what is most important after they are born—at the most important time in their lives, in utero and after they are born—having the kind of nutrition they need—we are not going to fund that? What kind of priority is that?

It is all a question of priorities. Do we give tax cuts to the wealthiest people in this country or do we take care of low-income women who are pregnant and children after they are born? And are we going to fund this $3 billion-a-week war in Iraq or are we going to look at some other priorities to take care of the 1-in-6 elderly people who have to choose between food and heat or food and the medicine they take? Are we going to continue to do these tax cuts for the wealthy at the expense of the middle class, at the expense of people who can't always help themselves?

Again, most of these people who go to food banks are people who are employed. They are working hard and playing by the rules, and they simply can't quite make it because their incomes haven't kept up with the cost of gasoline in getting to and from work; the cost of heating, to stay warm in the winter; and the increasing cost of food.

The President hasn't called for emergency measures to aid hungry Americans. He has consistently, as I have said before, tried to cut nutrition programs that target populations in desperate need. Indifference to human suffering is a moral failure, a moral failure that obscures our Nation's values and dampens our Nation's potential. Think about that: children in this country who don't have adequate food growing up, pregnant women who don't have the right nutrition. Considering what our other priorities are and how much we are spending on those other priorities, it is clearly something we should be doing in this body and in the House of Representatives.

In the stimulus package that is about to pass the Senate, we have an amendment to provide an increase of $100 million for emergency food assistance. I know the Presiding Officer supports that, and I know most of my colleagues do. We also fear the Republicans will filibuster that because they do not think we should spend money directly on food programs. Some don't, some do. We know the President has threatened to veto anything in the stimulus package that wasn't his idea.

There are few things in our country more important than making sure seniors, people who have worked all their lives, and children whose parents are working hard and playing by the rules and doing their best should be adequately fed and adequately housed. So I urge that this Congress, in the next couple days, amend the stimulus package to include this food assistance.

REVISED RULES OF THE COMMITTEE ON FINANCE

Mr. BAUCUS. Mr. President, pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, I submit for publication in the CONGRESSIONAL RECORD the revised rules of the Committee on Finance for the 110th Congress, adopted by the committee on January 30, 2008. I ask unanimous consent to have the rules printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON FINANCE

I. RULES OF PROCEDURE

(Adopted January 30, 2008)

Rule 1. *Regular Meeting Days.*—The regular meeting day of the committee shall be the second and fourth Tuesday of each month, except that if there be no business before the committee the regular meeting shall be omitted.

Rule 2. *Committee Meetings.*—(a) Except as provided by paragraph 3 of Rule XXVI of the Standing Rules of the Senate (relating to special meetings called by a majority of the committee) and subsection (b) of this rule, committee meetings, for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman after consultation with the ranking minority member. Members will be notified of committee meetings at least 48 hours in advance, unless the chairman determines that an emergency situation requires a meeting on shorter notice. The notification will include a written agenda together with materials prepared by the staff relating to that agenda. After the agenda for a committee meeting is published and distributed, no nongermane items may be brought up during that meeting unless at least two-thirds of the members present agree to consider those items.

(b) In the absence of the chairman, meetings of the committee may be called by the ranking majority member of the committee who is present, provided authority to call meetings has been delegated to such member by the chairman.

Rule 3. *Presiding Officer.*—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member who is present at the meeting shall preside.

(b) Notwithstanding the rule prescribed by subsection (a) any member of the committee may preside over the conduct of a hearing.

Rule 4. *Quorums.*—(a) Except as provided in subsection (b) one-third of the membership of the committee, including not less than one member of the majority party and one member of the minority party, shall constitute a quorum for the conduct of business.

(b) Notwithstanding the rule prescribed by subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

Rule 5. *Reporting of Measures or Recommendations.*—No measure or recommendation shall be reported from the committee unless a majority of the committee is actually present and a majority of those present concur.

Rule 6. *Proxy Voting; Polling.*—(a) Except as provided by paragraph 7(a)(3) of Rule XXVI of the Standing Rules of the Senate (relating to limitation on use of proxy voting to report a measure or matter), members who are unable to be present may have their vote recorded by proxy.

(b) At the discretion of the committee, members who are unable to be present and whose vote has not been cast by proxy may be polled for the purpose of recording their vote on any rollcall taken by the committee.

Rule 7. *Order of Motions.*—When several motions are before the committee dealing with related or overlapping matters, the chairman may specify the order in which the motions shall be voted upon.

Rule 8. *Bringing a Matter to a Vote.*—If the chairman determines that a motion or amendment has been adequately debated, he may call for a vote on such motion or amendment, and the vote shall then be taken, unless the committee votes to continue debate on such motion or amendment, as the case may be. The vote on a motion to continue debate on any motion or amendment shall be taken without debate.

Rule 9. *Public Announcement of Committee Votes.*—Pursuant to paragraph 7(b) of Rule XXVI of the Standing Rules of the Senate (relating to public announcement of votes), the results of rollcall votes taken by the committee on any measure (or amendment thereto) or matter shall be announced publicly not later than the day on which such measure or matter is ordered reported from the committee.

Rule 10. *Subpoenas.*—Witnesses and memoranda, documents, and records may be subpoenaed by the chairman of the committee with the agreement of the ranking minority member or by a majority vote of the committee. Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the chairman, or by any other member of the committee designated by him.

Rule 11. *Nominations.*—In considering a nomination, the Committee may conduct an investigation or review of the nominee's experience, qualifications, and suitability, to serve in the position to which he or she has been nominated. To aid in such investigation or review, each nominee may be required to submit a sworn detailed statement including biographical, financial, policy, and other information which the Committee may request. The Committee may specify which items in such statement are to be received on a confidential basis. Witnesses called to testify on the nomination may be required to testify under oath.

Rule 12. *Open Committee Hearings.*—To the extent required by paragraph 5 of Rule XXVI of the Standing Rules of the Senate (relating to limitations on open hearings), each hearing conducted by the committee shall be open to the public.

Rule 13. *Announcement of Hearings.*—The committee shall undertake consistent with the provisions of paragraph 4(a) of Rule XXVI of the Standing Rules of the Senate (relating to public notice of committee hearings) to issue public announcements of hearings it intends to hold at least one week prior to the commencement of such hearings.

Rule 14. *Witnesses at Hearings.*—(a) Each witness who is scheduled to testify at any hearing must submit his written testimony to the staff director not later than noon of the business day immediately before the last business day preceding the day on which he is scheduled to appear. Such written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony. Having submitted his written testimony, the witness shall be allowed not more than ten minutes for oral presentation of his statement.

(b) Witnesses may not read their entire written testimony, but must confine their oral presentation to a summarization of their arguments.

(c) Witnesses shall observe proper standards of dignity, decorum and propriety while presenting their views to the committee. Any witness who violates this rule shall be dismissed, and his testimony (both oral and written) shall not appear in the record of the hearing.

(d) In scheduling witnesses for hearings, the staff shall attempt to schedule witnesses so as to attain a balance of views early in the hearings. Every member of the committee may designate witnesses who will appear before the committee to testify. To the extent that a witness designated by a member cannot be scheduled to testify during the time set aside for the hearing, a special time will be set aside for the witness to testify if the member designating that witness is available at that time to chair the hearing.

Rule 15. *Audiences.*—Persons admitted into the audience for open hearings of the committee shall conduct themselves with the dignity, decorum, courtesy and propriety traditionally observed by the Senate. Demonstrations of approval or disapproval of any statement or act by any member or witness are not allowed. Persons creating confusion or distractions or otherwise disrupting the orderly proceeding of the hearing shall be expelled from the hearing.

Rule 16. *Broadcasting of Hearings.*—(a) Broadcasting of open hearings by television or radio coverage shall be allowed upon approval by the chairman of a request filed with the staff director not later than noon of the day before the day on which such coverage is desired.

(b) If such approval is granted, broadcasting coverage of the hearing shall be conducted unobtrusively and in accordance with the standards of dignity, propriety, courtesy and decorum traditionally observed by the Senate.

(c) Equipment necessary for coverage by television and radio media shall not be installed in, or removed from, the hearing room while the committee is in session.

(d) Additional lighting may be installed in the hearing room by the media in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(e) The additional lighting authorized by subsection (d) of this rule shall not be directed into the eyes of any members of the committee or of any witness, and at the request of any such member or witness, offending lighting shall be extinguished.

Rule 17. *Subcommittees.*—(a) The chairman, subject to the approval of the committee, shall appoint legislative subcommittees. The ranking minority member shall recommend to the chairman appointment of minority members to the subcommittees. All legislation shall be kept on the full committee calendar unless a majority of the members present and voting agree to refer specific legislation to an appropriate subcommittee.

(b) The chairman may limit the period during which House-passed legislation referred to a subcommittee under paragraph (a) will remain in that subcommittee. At the end of that period, the legislation will be restored to the full committee calendar. The period referred to in the preceding sentences should be 6 weeks, but may be extended in the event that adjournment or a long recess is imminent.

(c) All decisions of the chairman are subject to approval or modification by a majority vote of the committee.

(d) The full committee may at any time by majority vote of those members present discharge a subcommittee from further consideration of a specific piece of legislation.

(e) Because the Senate is constitutionally prohibited from passing revenue legislation originating in the Senate, subcommittees may mark up legislation originating in the Senate and referred to them under Rule 16(a) to develop specific proposals for full committee consideration but may not report such legislation to the full committee. The preceding sentence does not apply to nonrevenue legislation originating in the Senate.

(f) The chairman and ranking minority members shall serve as nonvoting *ex officio* members of the subcommittees on which they do not serve as voting members.

(g) Any member of the committee may attend hearings held by any subcommittee and question witnesses testifying before that subcommittee.

(h) Subcommittee meeting times shall be coordinated by the staff director to insure that—

(1) no subcommittee meeting will be held when the committee is in executive session, except by unanimous consent;

(2) no more than one subcommittee will meet when the full committee is holding hearings; and

(3) not more than two subcommittees will meet at the same time.

Notwithstanding paragraphs (2) and (3), a subcommittee may meet when the full committee is holding hearings and two subcommittees may meet at the same time only upon the approval of the chairman and the ranking minority member of the committee and subcommittees involved.

(i) All nominations shall be considered by the full committee.

(j) The chairman will attempt to schedule reasonably frequent meetings of the full committee to permit consideration of legislation reported favorably to the committee by the subcommittees.

Rule 18. *Transcripts of Committee Meetings.*—An accurate record shall be kept of all markups of the committee, whether they be open or closed to the public. A transcript, marked as "uncorrected," shall be available for inspection by Members of the Senate, or members of the committee together with their staffs, at any time. Not later than 21 business days after the meeting occurs, the committee shall make publicly available through the Internet—

(a) a video recording;

(b) an audio recording; or

(c) after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements, a corrected transcript; and such record shall remain available until the end of the Congress following the date of the meeting.

Notwithstanding the above, in the case of the record of an executive session of the committee that is closed to the public pursuant to Rule XXVI of the Standing Rules of the Senate, the record shall not be published or made public in any way except by majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

Rule 19. *Amendment of Rules.*—The foregoing rules may be added to, modified, amended or suspended at any time.

II. EXCERPTS FROM THE STANDING RULES OF THE SENATE RELATING TO STANDING COMMITTEES

RULE XXV

STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * *

(i) Committee on Finance, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Bonded debt of the United States, except as provided in the Congressional Budget Act of 1974.

2. Customs, collection districts, and ports of entry and delivery.

3. Deposit of public moneys.

4. General revenue sharing.

5. Health programs under the Social Security Act and health programs financed by a specific tax or trust fund.

6. National social security.

7. Reciprocal trade agreements.

8. Revenue measures generally, except as provided in the Congressional Budget Act of 1974.

9. Revenue measures relating to the insular possessions.

10. Tariffs and import quotas, and matters related thereto.

11. Transportation of dutiable goods.

* * *

RULE XXVI

COMMITTEE PROCEDURE

* * *

2. Each committee shall adopt rules (not inconsistent with the Rules of the Senate) governing the procedure of such committee. The rules of each committee shall be published in the Congressional Record not later than March 1 of the first year of each Congress, except that if any such committee is established on or after February 1 of a year, the rules of that committee during the year of establishment shall be published in the Congressional Record not later than sixty days after such establishment. Any amendment to the rules of a committee shall not take effect until the amendment is published in the Congressional Record.

* * *

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock post meridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense

that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.

* * *

DRUG SAFETY

Mr. GRASSLEY. Mr. President, last May, Senator BAUCUS and I began investigating GlaxoSmithKline regarding their diabetes drug, Avandia.

We began this investigation when Dr. Steve Nissen at the Cleveland Clinic published a study in the New England Journal of Medicine. That study found a link between Avandia and heart attacks.

Shortly after we began our investigation, Dr. Scott Gottlieb, a former Deputy Commissioner at the Food and Drug Administration, wrote an op-ed in the Wall Street Journal. In that article, he insinuated that congressional investigators had obtained a copy of the Nissen study before it was published. Dr. Gottlieb suggested that this action called into question the integrity of both congressional investigators and Dr. Nissen.

Well, congressional investigators did not get a copy of the Nissen study until it became public. But you can imagine my surprise when I learned that one of GlaxoSmithKline's own consultants leaked a copy of the study to GlaxoSmithKline weeks before it was published. The man who did this is Dr. Steven Haffner. He confirmed to my investigators that he faxed a draft of the study to GlaxoSmithKline weeks before it was published.

The New England Journal of Medicine picked Dr. Haffner to peer review the study submitted by Dr. Nissen. That means that Dr. Haffner was supposed to check the study for quality. He was not supposed to pass it back to GlaxoSmithKline.

Not only did Dr. Haffner breach his agreement with the New England Journal of Medicine to properly peer review the Nissen study, but he violated practically every tenet of independence and integrity held sacred by the major medical journals.

Dr. Haffner told my investigators that GlaxoSmithKline did not ask for an early copy of the Avandia study. But the question still remains about what the company did once they had the study. Maybe GlaxoSmithKline's executives returned the study to Dr. Haffner or maybe they contacted the New England Journal of Medicine to report this violation of publishing ethics. I don't know, but I have sent GlaxoSmithKline a letter asking how they behaved after Dr. Haffner leaked the study to them.

But the most troubling aspect of this situation is that the integrity of another aspect of the scientific process is called into question—scientific peer review.

This process ensures that other scientists will judge a study's quality before it is made public and becomes used as a marketing tool.

It is only good quality science that separates modern pharmaceuticals from old-fashioned snake oil.

Over the last few years, my investigations have found that the Food and Drug Administration has a very cozy relationship with drug companies. I have also discovered that drug companies spend big bucks to influence which drugs doctors prescribe.

Finally, I have shown that some drug companies intimidate scientists who speak up about bad drugs. Now it appears that even peer-reviewed science is not completely without its own problems.

Before I close, I would like to ask unanimous consent to have printed in the RECORD my letter to GlaxoSmithKline.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, January 30, 2008.

Mr. CHRISTOPHER VIEHBACHER,
President, U.S. Pharmaceuticals, GlaxoSmithKline, Research Triangle Park, NC.

DEAR MR. VIEHBACHER: As the Ranking Member of the United States Senate Committee on Finance (Committee), I have an obligation to the more than 80 million Americans who receive health care coverage under Medicare and Medicaid to ensure that taxpayer and beneficiary dollars are appropriately spent on safe and effective drugs and devices. This includes the responsibility to conduct oversight of the medical and pharmaceutical industries that provide products and services to Medicare and Medicaid beneficiaries.

The purpose of this letter is to determine what action, if any, GlaxoSmithKline (GSK) took after receiving a leaked manuscript of a study prior to its publication on May 21, 2007 in The New England Journal of Medicine (NEJM). This study reported a link between heart attacks and Avandia, a drug GSK sells to control glucose levels in diabetics.

GSK representatives informed the Committee last summer that a peer reviewer leaked the study to them weeks before it was published. GSK later acknowledged to the Committee that the peer reviewer was Dr. Haffner. Dr. Haffner confirmed this fact noting also that he was peer reviewing the study for NEJM when he faxed the study to GSK. According to documents filed at the FDA, GSK has paid Dr. Haffner around $75,000 in consulting fees and speaking honoraria since 1999.

Dr. Haffner told Committee investigators that no one at GSK asked him to send them this study about Avandia. Nonetheless, I am interested in what GSK did after receiving the study. Did GSK return the study to Dr. Haffner? Did GSK contact the NEJM to report this violation of publishing ethics? I would appreciate a detailed description of what GSK did after receiving the unpublished study regarding one of their leading drugs. Accordingly, please respond to the following questions and request for documents:

1. Please provide a list of all GSK employees who received and/or learned of the results contained in the leaked copy of the manuscript prior to publication by NEJM.

2. Please provide copies of all documents, records, and recordings of telephone messages regarding the NEJM manuscript that was leaked to GSK before publication.

3. Please provide the following dates:

a. When did GSK first contact the data safety monitoring board of the RECORD trial to begin publication of interim results?

b. When did GSK begin pulling together the interim data of the RECORD trial?

c. When did GSK submit the interim results of the RECORD trial to NEJM for possible publication?

4. Please provide copies of all documents, records, communications, and recordings of telephone messages regarding the publication of the interim results of the RECORD trial.

5. Please provide copies of any other prepublication study drafts that GSK received about one of its products. Please do not include these drafts if a GSK employee was an author on the study. This request covers the period of January 1, 2000 to the present.

Thank you again for your continued assistance in this matter. I would appreciate receiving the documents and information requested by no later than February 15, 2008. If you have any questions, please feel free to contact Paul Thacker or Emilia DiSanto of my Committee.

Sincerely,

CHARLES E. GRASSLEY,
Ranking Member.

FOREST CONSERVATION IN INDONESIA

Mr. LEAHY. Mr. President, I want to take this opportunity to commend Indonesian President Susilo Bambang

Yudhoyono for his statements on December 10, 2007, at the Bali Climate Conference, concerning the Ministry of Forestry's "Strategy and Action Plan for National Conservation of Orangutans."

The President said "the survival of the orangutan is inextricably linked to the survival of its natural habitat: the rainforests. . . . [T]o save orangutans, we must save the forests. And by saving, regenerating, and sustainably managing forests, we are also doing our part in reducing global greenhouse gas emissions, while contributing to sustainable economic development of Indonesia. Successful orangutan conservation is the symbol of responsible management of the earth's resources."

President Yudhoyono's eloquent words represent an important recognition by the Indonesian Government that preserving orangutan habitat is an environmental imperative, not only to protect this magnificent species from extinction but to help reduce carbon emissions resulting from the destruction of Indonesia's forests.

A decade ago I included funds in the Foreign Operations Act to support programs administered by the U.S. Agency for International Development to protect the orangutan. Those initial funds have evolved into an ongoing program implemented through grants to nongovernmental organizations and for training of Indonesian police, and has begun to show encouraging results. Not only are the entities involved in this effort working more cooperatively together, the Indonesian Government is taking steps to curb illegal logging which poses the greatest threat to the orangutan's survival.

The orangutan's fate is far from certain. Far more needs to be done to protect the forests of Borneo and Sumatra where these great apes live. But by recognizing the opportunities this challenge presents for Indonesia and the world, President Yudhoyono has done a great service to this effort and gives us hope that the orangutan can be saved.

I ask unanimous to have an article in the Telegraph about President Yudhoyono's announcement of Indonesia's new Strategy and Action Plan printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Daily Telegraph, Dec. 28, 2007]

Indonesia Plants Trees To Save Orangutans

(By Ian Wood)

At the Bali climate summit, Indonesia announced a new scheme aimed at protecting its orangutan population.

The plight of the orangutan, driven out because of deforestation and degradation of its rainforest home, has become a potent symbol of the battle to save the forests.

The most recent survey of wild orangutans estimates that there are about 7000 remaining in Sumatra, and about 55,000 in Borneo. However the combined pressures of palm oil, logging and forest fires are having a catastrophic effect on many areas.

Indonesian president Susilo Bambang Yudhoyono said at the launch of the project: "In the last 35 years about 50,000 orangutans are estimated to have been lost as their habitats shrank. If this continues, this majestic creature will likely face extinction by 2050. The fate of the orangutan is a subject that goes to the heart of sustainable forests . . . to save the orangutan we have to save the forest."

For anyone with an interest in protecting Indonesian rainforests these have to be welcome words.

The action plan has taken nearly three years to develop and has included various NGO's and the Indonesian forestry ministry. The American group The Nature Conservancy has represented the coalition of NGO's and has also pledged $1 million to support the plan. The bold target of the project is to save huge areas of forest scheduled for conversion to palm oil.

"One million hectares of planned forest conversion projects are in orangutan habitat," said Rill Djohani, director of The Nature Conservancy's Indonesia program.

"Setting aside these forests is an important step for Indonesia to sustainably manage and protect its natural resources. It benefits both local people and wildlife while making a major contribution towards reducing global carbon emissions."

Indonesia has made some progress in enforcing forest laws over the last few years and if this plan can be implemented it would be a landmark in Indonesian forest protection.

Dr. Erik Meijaard, a senior scientist with The Nature Conservancy, said: "It could lead to 9,800 orangutans being saved and prevent 700 million tons of carbon from being released."

Although Indonesia has already destroyed huge swathes of rainforest, it still has over 100 million acres left. Both scientists and Indonesian officials hope that the emerging carbon market could provide funds to protect important areas.

"Forest conservation can provide economic benefits for a very long time," said Dr. Meijaard. "If payments for avoided deforestation become an official mechanism in global climate agreements, then carbon buyers will likely compensate Indonesia for its forest protection. Protecting the orangutan will then lead to increased economic development in the country. Such a triple-win situation is not a dream. With some political will, it can soon be reality."

The other target of the project is to return orangutans housed in rehabilitation centres to the forest by 2015. There are currently over 1000 orangutan housed in care centres with more arriving on a regular basis. The majority are ready to be returned to the wild now but there are simply not enough suitable release sites. If carbon trading could achieve the aims of this plan, then these great apes could return to the forests where they belong.

HELSINKI COMMISSION

Mr. SMITH. Mr. President, I rise today to speak on the work of the Helsinki Commission.

The Helsinki Commission yesterday held an important hearing on combating anti-Semitism in the OSCE region. I would like to commend the two panelists who testified, Professor Gert Weisskirchen, MP and Dr. Kathrin Meyer. Professor Weisskirchen serves as the OSCE's chair-in-office personal representative on anti-Semitism, and Dr. Meyer serves as the advisor on anti-Semitism issues in the OSCE's Office for Democratic Institutions and human rights. Both of these scholars have been fighting against anti-Semitism for years, and their good work should be recognized. Modern anti-Semitism is an appalling relic of a past horror; and though it is not yet as acceptable as in ages past, its resurgence today is no less troubling.

We forget, sometimes, just how much the world is indebted to the Jewish community. The world's culture has been immeasurably enriched by Jewish writers, scientists, artists, philosophers, and medical pioneers. All those contributions, however, mattered little when the shadow of fascism fell across Europe, and European nations began to destroy some of their most valuable sons and daughters.

We may have thought that the horrors of World War Two and the Holocaust had finally cauterized the old festering sore of anti-Semitism. And indeed, for some years, that seemed to be the case. Europe committed itself to ensuring that never again would its states do violence against their Jewish minority, to which it owed so much. But time is a powerful sedative. Today, much of the same toxic nationalism is again on the rise. One of the most troubling aspects to me of the past two decades has been the reemergence of virulently nationalist and xenophobic political parties. These groups have often drawn on the iconography and ideology of Axis powers during the Nazi period, with some going so far as to hold public rallies and marches. Others resort to violence, both openly and in the shadows. These gangs are not acceptable within European political society—not yet—but their emergence is a sign that once again, all is not well on the continent. Economic turmoil has combined with age-old anti-Semitism to offer a tiny sliver of legitimacy to burgeoning neo-fascist parties. In some of the newly free states of Eastern Europe, social turmoil has often provided opportunistic politicians the chance of blaming national problems on an ancient scapegoat—the Jews.

But this problem is not limited to the East. In much of Europe, in the highest centers of learning and culture, a new phenomenon serves to buttress these old prejudices. The Middle East, where the world's only Jewish state faces a sea of hostile terrorists, is particularly ripe for anti-Semitic propagandists. The world today sees much anti-Semitism masquerading as criticism of Israel. August world bodies, dedicated to forging peace, have seen some of their instruments twisted almost beyond recognition. When great institutions cannot rouse themselves to end appalling human rights abuses in virtually every corner of the world, but instead focus again and again and again on a tiny nation, liberal and democratic, alone in a hostile region—then the instruments of those institutions may well be broken. Anti-Semitism is a scourge from which we are still not free, not so long as radical agitators and tacit bigotry alike have a vested interest in blaming the ills of many on the perceived sins of a few. Because too often, in Europe, the few are the Jews.

The active steps to combat anti-Semitism proposed yesterday by Professor Weisskirchen and Dr. Meyer could prove exceptionally useful in rolling back today's creeping advance of radicalism and anti-Semitism. Only through vigorous and proactive measures can we identify the seedlings of hate and discrimination, and uproot them, and ensure that never again would Europe or the world fall prey to the ancient base ugliness of the mob.

RICHARD REID CONVICTION ANNIVERSARY

Mr. KERRY. Mr. President, most of the victories in the fight against terrorism have been won on foreign shores with little to no acclaim here at home. As our Nation continues the long and often silent campaign against extremism, we should not miss the opportunity to publicly praise the lifesaving achievements of our Nation's intelligence and law enforcement authorities.

On this day 5 years ago, al-Qaida operative Richard Colvin Reid, also called Abdul Raheem—but known to the world simply as the "shoe bomber"—was sentenced to life in prison. Reid sought to explode an airplane carrying 185 passengers and 12 crewmembers on their voyage across the Atlantic. Thanks to the vigilance and bravery of two flight attendants, Cristina Jones and Hermis Moutardier, Reid was discovered and detained, saving flight 63 and all on board.

The U.S. Attorney's Office in Massachusetts subsequently prosecuted Reid. His confession led to the first conviction of an al-Qaida terrorist on American soil. To commemorate the occasion, I met yesterday with the case's chief prosecutor, Middlesex County district attorney Gerry Leone. I took that opportunity to congratulate him on a successful conviction, one of the highlights of Gerry's long record of public service.

Like the terrorists of September 11, Reid pledged blind fealty to the hate-filled ideology of Osama bin Laden. In furtherance of his determined plot, Reid traveled to more than seven countries spanning three continents. Law enforcement authorities were able to use e-mails sent by Reid to obtain a vital glimpse into the complex global network of al-Qaida. These correspondences led authorities to discover al-Qaida-affiliated terrorist cells in London, France, and Turkey.

As we commemorate Reid's conviction and express our gratitude to those like Gerry Leone who made it happen, we must remember that future victories depend on private citizens, public servants, and law enforcement officers here and abroad working in unison to keep Americans safe against terrorism.

TRIBUTE TO SENATOR TRENT LOTT

Mr. SUNUNU. Mr. President, across America, those citizens who have on occasion chosen—or been required—to listen to congressional debate have often heard the Senate described as an "Institution." It is a term which has been overused and perhaps misused more than once, but I believe it is quite appropriately applied in observing that with Senator Trent Lott's departure, we have lost a reservoir of institutional knowledge, knowledge which has been of enormous value to Members of every political stripe for many years.

The breadth of Trent Lott's experience—on both sides of the aisle, in both Chambers of Congress, as back bencher, and as a member of leadership—has given him an insight into and understanding of the legislative process unique among his peers. We have heard many colleagues describe the effect of that experience when combined with, the persuasive personality of the Mississippi gulf coast: No one counted votes better, and perhaps more important, no one enjoyed it more.

Within our caucus, in committee rooms, and on the floor, Trent could rely time and again on the great friendships and professional respect developed through years of hard work. Even more valuable perhaps, he understood the unusual psychology, decisionmaking, and ego unique to Members of Congress. We all perceive the important role these factors play in our work; few have been able to master them to their use.

For Trent, however, counting votes was only the means to a more important end—being an effective Senator. He has long been a strong voice for the State of Mississippi, but he has also developed the habit of finding his way to the center of the legislative storm at the crucial moment when a final deal is struck.

On matters of policy, I have worked both alongside and against Trent—even coming out ahead once or twice. Those rare events have revealed him to accept loss gracefully, negotiate in good faith, and accept compromise without conceding principle. These are traits essential to integrity and stability in governance, but also traits that strengthened his hand for the next battle.

Thus, the experience, the ability, the "institutional knowledge" we lose is very real. I count Senator Lott as more than a valued colleague; he is also a valued friend. As a Senator, in my first term, I have always been able to count on Trent for sound and thoughtful advice, which always reflected his sincere concern for the personal well-being, career, and family of all with whom he served. I always took confidence from the fact that he unabashedly placed family at the top of his priorities, and understood that our public service should not take place at our families' expense.

Mr. President, although I am the youngest Member of the U.S. Senate, and still serving in my first term, I am grateful to Senator Lott for his commitment to keeping the Senate strong. The Framers of our Constitution saw the Senate as the legislative body that would maintain an even keel, engage in meaningful debate, and forge legislation through the art of compromise that addresses the challenges of our day. Through successes and failings, Trent has always been true to this purpose. Most important to him, he has also been true to his constituents, and to his family. I trust that these priorities will continue to guide him, and know they will bring him success for many years to come.

SAFETY OF SLAUGHTER FACILITIES

Mr. AKAKA. Mr. President, today I wish to highlight a recent undercover video produced by the Humane Society of the United States. This video displays the appalling methods used by employees at the California-based Hallmark Meat Packing Company during the processing of cattle, as well as the unacceptable state of USDA's oversight of meat packing operations.

The video documents horrifying scenes of employees using electrical prods to shock animals, pulling them with chains, and carelessly driving over them with a forklift in an effort to bring sick or injured cows to their feet. These cruel actions amount to nothing less than torture. There was even a case of using a hose to forcibly spray water into a cow's nose to get it to rise to its feet to avoid the sensation of drowning.

Currently, the State of California has laws in place that specifically prohibit the kinds of activities taking place at Hallmark. In addition, because of the health hazards associated with so-called "downer" cattle, which are those unable to stand and walk due to either injury or illness, USDA in 2003 passed a regulation prohibiting the processing of such animals. According to USDA's own reports, there is a much higher incidence of mad cow disease in these animals, and they are also much more susceptible to pathogens like E. coli and salmonella.

The actions of this slaughterhouse, and possibly countless others, in violation of established laws, have put our most vulnerable and important assets in danger our—children. The animals processed by this facility are supplied to the Westland Meat Company, which is the second-largest provider of beef to USDA's Commodity Procurement Branch. This arm of USDA distributes the meat to needy families and also to more than 100,000 schools across America through the National School Lunch Program. I shudder when I think of how many other of the Nation's 6,200 slaughterhouses could be evading oversight and endangering the lives of countless Americans.

The two daily scheduled USDA inspections at the Hallmark facility are obviously no deterrent to the abhorrent practices being performed there. In fact, the very short and superficial nature of the inspections serve to encourage workers to do anything they can to bring a sick animal to its feet just long enough to pass inspection before being slaughtered.

In order to ensure the safety of our Nation's food supply, ensure animals are treated humanely and with respect, and protect our families and children from possible life-threatening illnesses, we must act. Atrocities such as those exposed by the Humane Society must be swiftly abolished, and effective oversight measures put in place immediately.

USDA needs to shore up inspections, hold slaughterhouses accountable and uphold food safety standards, and ensure that cattle and dairy farmers are aware that nonambulatory cattle will not be accepted for processing. It is also imperative that we, Congress, ensure that downer livestock is unable to enter our food chain, and the best way to accomplish this task is to codify the prohibition of downer livestock from entering our food supply.

I introduced S. 394, the Downed Animal and Food Safety Protection Act, to fill a gap in the current USDA and the Food and Drug Administration regulations. It calls for the humane euthanization of nonambulatory livestock. The euthanization of nonambulatory livestock would remove this high-risk population from the portion of livestock reserved for our consumption. Due to the presence of other prion diseases found throughout other species of livestock, all animals that fit under the definition of livestock are included in this bill.

The benefits of my bill are numerous, for both the public and the industry. On the face of it, the bill will prevent needless suffering by humanely euthanizing nonambulatory animals. The removal of downed animals from our food chain will insure that it is safer and of better quality. The reduction in the likelihood of disease would result in safer working conditions for persons handling livestock. This added protection against disease would help the flow of livestock and livestock products in interstate and foreign commerce, making commerce in livestock more easily attainable.

We must act now and call upon USDA to make the necessary changes to ensure that the atrocities demonstrated at this slaughterhouse are not repeated elsewhere. In addition, I urge my colleagues to support passage of the Downed Animal and Food Safety Protection Act.

RETIREMENT OF MARTIN PAONE

Mr. DORGAN. Mr. President, Marty began in the House Post Office to help pay his way through graduate school at Georgetown. He then worked to the Senate parking office. Then, in 1979, 29 years ago, Marty began working in the Senate Democratic Cloakroom. Marty worked his way up the ranks until being appointed Secretary for the Minority in 1995.

It is impossible to overstate Marty's importance to everything that we have done on the floor of the U.S. Senate: What comes to the floor, what gets off the floor, what gets amended or not.

But Marty has not just been indispensable on procedure and tactics. Marty has also been an invaluable strategic adviser to me, to the Democratic leadership and, I say with confidence, to every Democratic Senator and to more than a few Republican Senators

There just aren't many people I could say that about.

We have relied on him and will miss him because of his tireless work ethic, his excellent judgment and his ability to be the calm in the middle of the storm. And for anyone who has been in the middle of a storm around here, staying calm is no easy task.

Marty has also put in the hours. Early days and late nights were the norm. But, he is always been here. For that, we will always be grateful.

And I would be remiss if I didn't mention his family and our gratitude to them for all the time he was here helping us rather than at home with them.

His wife Ruby is part of our Senate family and has endured Marty's very tough job, as have his children: Alexander, Stephanie, and Tommy.

To each of them, I want to say thank you for putting up with him and our demands on him.

I also want to mention Marty's mother, Evelyn, who is 95 years young. His mother is very proud of him and all that he has accomplished. And I want her to know that we are all very proud of him as well.

Lastly, I want to acknowledge Marty's successors. We are all so pleased that Lula Davis is our new secretary. Having more than 25 years of Senate service and many years of working with Marty, we all know she will fill these very big shoes and serve us all well.

Tim Mitchell is replacing Lula as Assistant Democratic Secretary. He has 16 years of Senate service and a wealth of experience and we look forward to working with him as well in his new capacity.

And Jacques Purvis will move from the cloakroom and join Trish Engle as one of our floor assistants and I congratulate him on that move as well.

ADDITIONAL STATEMENTS

TRIBUTE TO CAROLE ANNE HEART

• Mr. JOHNSON. Mr. President, I wish to honor one of the most dedicated advocates for health care treaty rights for American Indian tribes in my State and throughout the United States, Carole Anne Heart. Carole Anne was the executive director for the Aberdeen Area Tribal Chairmen's Health Board. The Aberdeen Area Tribal Chairmen's Health Board operates several programs for native people in a 4-State region that represents 18 tribes including the 9 treaty tribes in my home State of South Dakota. During her tenure with the Chairmen's Health Board, programs such as Healthy Start, Tobacco Prevention, and Asthma Prevention expanded to serve hundreds of Native men, women, and children. With her assistance, the Northern Plains Tribal Epidemiology Center opened and serves the tribal nations through its many projects and partnerships with the Indian Health Service and other Federal agencies.

A Sicangu Lakota and Ihanktonwan Dakota, Carole Anne grew up with the Lakota culture all around her; as a young child, she spent much time with her grandmother and great-grandmother, learning the Lakota values. She went to boarding school in Marty, SD, and then on to high school at Saint Francis Indian School on the Rosebud Sioux Indian Reservation. Her life's work included water rights and women's rights, and, most recently, health care advocacy. As the executive director to the Aberdeen Area Tribal Chairmen's Health Board, she worked to incorporate traditional customs into the contemporary programming so the language and the culture would continue. She led many conferences and workshops around the United States on tribal health care issues. Carole Anne was well known for her humor—she would light up a room with her jokes and laughter. Oftentimes her sense of humor interjected itself as she led some of the most serious discussions on health care disparities. Her use of the phrase "Don't get sick after June" was in reference to the lack of funding the Indian Health Service has at that time of the fiscal year which meant that services were unavailable to many tribal members. While this is a very serious issue, Carole Anne was able to make light of the situation and remained focused on bettering health care for native peoples throughout Indian Country.

Her Lakota name was Waste Wayankapi Win, meaning "When People See You, They See Something Good." How fitting a name for someone who would spread "good" throughout Indian Country. On Friday, January 25, 2008, after a courageous battle with cancer, Carole Anne Heart made her journey to the spirit world. I extend my sympathy to her family and those close to her. She will be missed greatly by everyone she touched on her journey through this world.●

HONORING ESTHER G. KEE

● Mr. ROCKEFELLER. Mr. President, I would like to bring to the attention of the Senate the work of Mrs. Esther G. Kee as she retires from the presidency of the US-Asia Institute. Mrs. Kee came to Washington, DC, in 1977 to raise awareness of the unique role Asian Pacific Americans could play in facilitating communication and interaction between the United States and the countries and people of East Asia.

Following the first national gathering at the White House in 1978 of Asian American leaders throughout the United States, Mrs. Kee and her colleague, the late Joji Konoshima, were encouraged by then-President Jimmy Carter to work closely with the Honorable Richard C. Holbrooke, Assistant Secretary of State for East Asian and Pacific Affairs. An advisory council on East Asia was formed to provide insight to the State Department on issues impacting the region. From this, the U.S.-Asia Institute was established as a nongovernmental organization in 1979 to serve as an independent voice for the U.S.-Asia relationship. Mrs. Kee and Mr. Konoshima played a key role in the historic visit of Chinese Vice Premier Deng Xiaoping to the United States, traveling with him to New York, Houston, and San Francisco, and represented the U.S. overseas on numerous delegations.

Mrs. Kee has worked steadily and effectively through the years to build awareness and foster mutual understanding between the United States and countries of East Asia. This quiet diplomacy has earned her the respect of many on Capitol Hill, in various administrations and in East Asia diplomatic, business, and academic circles. She has asked for no public recognition, but as she retires from the organization she cofounded, we feel it is time to say thank you for her commitment to the U.S.-Asia relationship.

From small interpersonal exchanges to facilitating contacts through international conferences at the U.S. Department of State and on Capitol Hill, the Institute has strived to strengthen ties by promoting two-way dialogue between the United States and countries of East Asia. One cornerstone of the institute's engagement was the establishment of congressional staff delegations to Asia. Since 1985, these official visits have greatly increased the awareness, knowledge and understanding of Asian and U.S. views, providing invaluable opportunities for U.S. congressional advisers to gain a firsthand view of the region, its culture, its governments, and its people. More than 800 staff members have traveled to China alone since 1985 on 70 delegations.

Mrs. Kee leaves an important legacy of mutual communication and understanding, and even in her retirement, she remains determined the work she began almost 30 years ago will continue. The U.S.-Asia Institute will carry on Mrs. Kee's work, promoting dialog on international issues of common interest to the United States and participating Asian nations, whenever and however possible.

As she retires, we say thank you to Mrs. Kee for her sage counsel, her vision, her quiet behind-the-scenes diplomacy, and her unwavering commitment to the U.S.-Asia relationship.●

RECOGNIZING THE INSTITUTE OF FINANCIAL LITERACY

● Ms. SNOWE. Mr. President, today I honor a small business whose admirable goal is to educate citizens about personal finance. The Institute for Financial Literacy, headquartered in Maine's largest city of Portland, provides a valuable and unique resource for taxpayers and business owners alike—specifically those who have gone through bankruptcy—to better understand their economic situation.

Founded in 2002 by Leslie Linfield, the Institute for Financial Literacy has grown exponentially in the past 6 years, and now has a team of 50 employees. The institute employs a multitude of programs and formats to train clients on various issues related to the betterment of financial aptitude. Its Personal Finance Series is a combination of three books that aim to demonstrate the principles of budgeting, credit and debit management, and investment and retirement planning. The company's Web site contains several instrumental tools, including a budget worksheet and a financial goal action plan, free for anyone wishing to monitor their finances closely. The Web site includes several papers on legal matters and money management strategies by the company's employees. Additionally, it offers users the ability to sign up for the institute's electronic newsletter.

Above and beyond the invaluable information provided on its Web page, the institute provides critical counseling services to assist those in need of financial advice. In 2007 alone, the institute's employees served over 50,000 individuals throughout the country, helping them make better and more informed decisions about their personal financial decisions. Services for people who have filed for bankruptcy include both pre- and post-filing FreshStart counseling and education programs, all delivered over the Internet, phone, or in person, to give clients the financial management skills and principles necessary to succeed in their future endeavors. To make its employees' expertise available to the largest number of people, the institute is open for 13 hours each weekday with additional hours on Saturdays.

Furthermore, the institute partners with nonprofit, educational and governmental organizations to integrate its programs into their existing services. These partners include groups with a notable influence in the realm of financial responsibility, including the "Save For Your Future" campaign that urges Americans to develop private individual pensions to supplement their Social Security earnings, and the American Bankruptcy Institute, an organization dedicated to research and education on matters related to insolvency. Similarly, the Institute for Financial Literacy has partnered with local organizations to create programs that help Mainers improve their financial and employment opportunities.

In its short history, the Institute for Financial Literacy has already benefited tens of thousands of people struggling to recover from bankruptcy. By developing high-quality, user-friendly financial literacy programs, its educational and counseling assistance renders an enormous boon for those looking to advance in life. I thank Leslie Linfield and all of the institute's employees for their generous help to those in need and applaud them for their dedicated service to producing a more financially sound populace.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Wanda Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the presiding officer laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 11:28 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 2110. An act to designate the facility of the United States Postal Service located at 427 North Street in Taft, California, as the "Larry S. Pierce Post Office".

H.R. 5104. An act to extend the Protect America Act of 2007 for 15 days.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 5140. An act to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, January 30, 2008, she had presented to the President of the United States the following enrolled bill:

S. 2110. An act to designate the facility of the United States Postal Service located at 427 North Street in Taft, California, as the "Larry S. Pierce Post Office".

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4848. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Bovine Spongiform Encephalopathy; Minimal-Risk Regions; Identification of Ruminants and Processing and Importation of Commodities" (Docket No. APHIS-2006-0026) received on January 23, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4849. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Viruses, Serums, Toxins, and Analogous Products; Standard Requirements for Live Vaccines" (Docket No. APHIS-2006-0079) received on January 7, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4850. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Addition of Armenia to the List of Regions Where African Swine Fever Exists" (Docket No. APHIS-2007-0142) received on January 7, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4851. A communication from the President of the United States, transmitting, pursuant to law, the report of the continuation of the national emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC-4852. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving the export of two Boeing 777-200ER passenger aircraft to the Kumho Asiana Group; to the Committee on Banking, Housing, and Urban Affairs.

EC-4853. A communication from the Senior Vice President, Export-Import Bank of the United States, transmitting, pursuant to law, the 2007 Sub-Saharan Africa Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-4854. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to License Exceptions TMP and BAG: Expansion of Eligible Items" (RIN0694-AD72) received on January 7, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-4855. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Seabird Avoidance Measures for the Alaska Fisheries" (RIN0648-AV38) received on January 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-4856. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "2008 Final Harvest Specifications for the Bering Sea and Aleutian Islands" (RIN0648-XD68) received on January 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-4857. A communication from the Assistant Administrator for Legislative and Intergovernmental Affairs, National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to the Administration's competitive sourcing efforts during fiscal year 2007; to the Committee on Commerce, Science, and Transportation.

EC-4858. A communication from the Secretary of Energy, transmitting , pursuant to law, a report relative to the Department's competitive sourcing activities during fiscal year 2007; to the Committee on Energy and Natural Resources.

EC-4859. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the flood damage reduction project at the Santa Barbara Streams in California; to the Committee on Environment and Public Works.

EC-4860. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a feasibility study that was undertaken to evaluate flood damage reduction opportunities for Swope Park Industrial Area, Blue River Basin, Kansas City, Missouri; to the Committee on Environment and Public Works.

EC-4861. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the project at Tanque Verde Creek, Arizona; to the Committee on Environment and Public Works.

EC-4862. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Revisit User Fee Program for Medicare Survey and Certification Activities" (RIN0938-AP22) received on January 23, 2008; to the Committee on Finance.

EC-4863. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Necessary to Facilitate Electronic Tax Administration" ((RIN1545-BA96)(TD 9375)) received on January 7, 2008; to the Committee on Finance.

EC-4864. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "ANPRM: Guidance Regarding Marketing of Refund Anticipation Loans and Other Products" ((RIN1545-BH12)(REG-136596-07)) received on January 7, 2008; to the Committee on Finance.

EC-4865. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure 2008-12" (Rev. Proc. 2008-12) received on January 7, 2008; to the Committee on Finance.

EC-4866. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2008-7-2008-9); to the Committee on Foreign Relations.

EC-4867. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, an annual report relative to assistance given to Eurasia during fiscal year 2007; to the Committee on Foreign Relations.

EC-4868. A communication from the Secretary, Railroad Retirement Board, transmitting, pursuant to law, a report relative to the Board's competitive sourcing activities during fiscal year 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-4869. A communication from the Regulations Coordinator, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Head Start Program" (RIN0970-AB90) received on January 7, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-4870. A communication from the Secretary of Education, transmitting, pursuant to law, the National Advisory Committee's Annual Report on Institutional Quality and Integrity for fiscal year 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-4871. A communication from the Director, Financial Management, Government Accountability Office, transmitting, pursuant to law, the annual report of the Comptrollers' General Retirement System for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4872. A communication from the Acting Chief of Staff, Federal Mediation and Conciliation Service, transmitting, pursuant to law, a report relative to financial integrity for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4873. A communication from the Acting Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the Agency's financial report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4874. A communication from the Deputy Director for Administration and Information Management, Office of Government Ethics, transmitting, pursuant to law, a report relative to the competitions initiated during fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4875. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "A Call for Stewardship: Enhancing the Federal Government's Ability to Address Key Fiscal and Other 21st Century Challenges"; to the Committee on Homeland Security and Governmental Affairs.

EC-4876. A communication from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Deputy Director for State, Local and Tribal Affairs, received on January 7, 2008; to the Committee on the Judiciary.

EC-4877. A communication from the Co-Chief Privacy Officers, Federal Election Commission, transmitting, pursuant to law, an annual report relative to activities that affect privacy; to the Committee on Rules and Administration.

EC-4878. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts of fiscal year 2007; to the Committee on Veterans' Affairs.

EC-4879. A communication from the Liaison, Department of Veterans Affairs, transmitting, pursuant to law, the report of action on a nomination for the position of Secretary of Veterans Affairs, received on January 7, 2008; to the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. VOINOVICH:

S. 2572. A bill to amend the Internal Revenue Code of 1986 to provide for bonus depreciation or an additional minimum tax credit in lieu of such bonus depreciation; to the Committee on Finance.

By Mr. BURR (for himself and Mr. CRAIG):

S. 2573. A bill to amend title 38, United States Code, to require a program of mental health care and rehabilitation for veterans for service-related post-traumatic stress disorder, depression, anxiety disorder, or a related substance use disorder, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. REID (for Mrs. CLINTON):

S. 2574. A bill to amend the Internal Revenue Code of 1986 to allow the use of qualified mortgage revenue bonds for refinancing mortgages and to provide a temporary increase in the volume cap for such bonds; to the Committee on Finance.

By Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. JOHNSON, Ms. MIKULSKI, Mr. DOMENICI, Mr. SUNUNU, Mr. COLEMAN, Mr. BAYH, Mr. INHOFE, Mr. ROBERTS, Mrs. LINCOLN, Mr. GRAHAM, Mr. STEVENS, Ms. MURKOWSKI, Mr. CARDIN, and Mr. BINGAMAN):

S. 2575. A bill to amend title 38, United States Code, to remove certain limitations on the transfer of entitlement to basic educational assistance under Montgomery GI Bill, and for other purposes; to the Committee on Armed Services.

By Mr. CRAPO (for himself, Ms. COLLINS, Mr. ALLARD, and Mr. TESTER):

S. 2576. A bill to amend the Internal Revenue Code of 1986 to allow a credit for qualified expenditures paid or incurred to replace certain wood stoves; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. REED, Mr. MENENDEZ, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. KERRY, Mr. SCHUMER, Mr. WHITEHOUSE, Mr. INOUYE, Mr. LEVIN, and Mrs. BOXER):

S. 2577. A bill to establish background check procedures for gun shows; to the Committee on the Judiciary.

By Mr. COLEMAN (for himself, Ms. KLOBUCHAR, Mr. CORKER, Mr. CARDIN, Mr. DOMENICI, Mr. BINGAMAN, Mr. ALEXANDER, Mr. SALAZAR, Mr. LEAHY, Mr. CASEY, Ms. MIKULSKI, and Mrs. CLINTON):

S. 2578. A bill to temporarily delay application of proposed changes to Medicaid payment rules for case management and targeted case management services; to the Committee on Finance.

By Mr. INOUYE (for himself and Mr. INHOFE):

S. 2579. A bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN (for himself and Mr. SMITH):

S. 2580. A bill to amend the Higher Education Act of 1965 to improve the participation in higher education of, and to increase opportunities in employment for, residents of rural areas; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BYRD (for himself and Mr. ROCKEFELLER):

S. 2581. A bill to designate as wilderness additional National Forest System lands in the Monongahela National Forest in the State of West Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DORGAN:

S. Res. 437. A resolution establishing a special committee of the Senate to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism; to the Committee on Rules and Administration.

By Mr. BYRD (for himself and Mr. COCHRAN):

S. Res. 438. A resolution authorizing the printing with illustrations of a document entitled "Committee on Appropriations, United States Senate, 1867–2008"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 358

At the request of Ms. SNOWE, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 358, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 400

At the request of Mr. SUNUNU, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 414

At the request of Ms. MIKULSKI, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 414, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Federal Meat Inspection Act to require that food that contains product from a cloned animal be labeled accordingly, and for other purposes.

S. 439

At the request of Mr. REID, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 714

At the request of Mr. AKAKA, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 714, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 960

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 960, a bill to establish the United States Public Service Academy.

S. 1070

At the request of Mr. HATCH, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 1070, a bill to amend the

Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1328

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1328, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 1390

At the request of Mrs. CLINTON, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1390, a bill to provide for the issuance of a "forever stamp" to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart.

S. 1747

At the request of Mr. SPECTER, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1747, a bill to regulate the judicial use of presidential signing statements in the interpretation of Act of Congress.

S. 1750

At the request of Mr. SPECTER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1750, a bill to amend title XVIII of the Social Security Act to preserve access to community cancer care by Medicare beneficiaries.

S. 1780

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1780, a bill to require the FCC, in enforcing its regulations concerning the broadcast of indecent programming, to maintain a policy that a single word or image may be considered indecent.

S. 1991

At the request of Mr. BUNNING, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1991, a bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of extending the Lewis and Clark National Historic Trail to include additional sites associated with the preparation and return phases of the expedition, and for other purposes.

S. 2119

At the request of Mr. JOHNSON, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2146

At the request of Mr. CARPER, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 2146, a bill to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes.

S. 2219

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2219, a bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare Program.

S. 2335

At the request of Ms. LANDRIEU, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2335, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide adequate case management services.

S. 2439

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2439, a bill to require the National Incident Based Reporting System, the Uniform Crime Reporting Program, and the Law Enforcement National Data Exchange Program to list cruelty to animals as a separate offense category.

S. 2521

At the request of Mr. LIEBERMAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2521, a bill to provide benefits to domestic partners of Federal employees.

S. 2550

At the request of Mr. MCCONNELL, his name was added as a cosponsor of S. 2550, a bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain debts owed to the United States by members of the Armed Forces and veterans who die as a result of an injury incurred or aggravated on active duty in a combat zone, and for other purposes.

S. 2566

At the request of Mr. ISAKSON, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Kentucky (Mr. BUNNING), the Senator from Oklahoma (Mr. COBURN), the Senator from Texas (Mr. CORNYN), the Senator from South Carolina (Mr. DEMINT), the Senator from Florida (Mr. MARTINEZ) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 2566, a bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases.

S. 2569

At the request of Mrs. BOXER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2569, a bill to amend the Public Health Service Act to authorize the Director of the National Cancer Institute to make grants for the discovery and validation of biomarkers for use in risk stratification for, and the early detection and screening of, ovarian cancer.

AMENDMENT NO. 3930

At the request of Mr. CARDIN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 3930 intended to be proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

AMENDMENT NO. 3967

At the request of Mr. COBURN, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Idaho (Mr. CRAIG), the Senator from Louisiana (Mr. VITTER), the Senator from New Mexico (Mr. DOMENICI), the Senator from Minnesota (Mr. COLEMAN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Alabama (Mr. SHELBY) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 3967 intended to be proposed to S. 2483, a bill to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURR (for himself and Mr. CRAIG):

S. 2573. A bill to amend title 38, United States Code, to require a program of mental health care and rehabilitation for veterans for service-related post-traumatic stress disorder, depression, anxiety disorder, or a related substance use disorder, and for other purposes; to the Committee on Veterans' Affairs.

Mr. BURR. Mr. President, I have sought recognition to comment on legislation I am introducing today that will hopefully chart a new course for veterans with mental illness—the Veterans Mental Health Treatment First Act.

As the title suggests, the bill proposes to advance a commonsense concept: Providing medical treatment for mental illness as a first priority will lead to a better quality of life for tens of thousands of veterans. It is a simple concept with which few would disagree. The problem is that the Government agency tasked with advancing that concept—the Department of Veterans Affairs—lacks the proper focus to actually deliver. Notice I didn't say VA lacked the tools to deliver. It has the tools—a world-class health care system, evidence-based therapies emphasizing recovery and rehabilitation, first-line medications, and the support of a dedicated group of clinical professionals. The problem is that, as an agency, VA doesn't coordinate the use of all of its resources—medical treatment, vocational rehabilitation, and disability compensation—to ensure what is universally agreed as the desired outcome of those with disabilities: wellness and a return to a productive life.

Let me take a few minutes to lay out some of the facts for my colleagues. These facts have helped me get a better grasp of what the problem is, and they have truly informed my belief that a new approach to solving the problem is, in fact, necessary.

Fact No. 1: There has been a steep increase in the number of veterans receiving disability compensation for post-traumatic stress disorder.

In a 2005 report, the VA inspector general issued the following findings:

> During fiscal years 1999 through 2004, the number and percentage of PTSD cases increased significantly. While the total number of all veterans receiving disability compensation grew by only 12.2 percent, the number of PTSD cases grew by 79.5 percent, from 120,265 cases in fiscal year 1999 to 215,871 cases in fiscal year 2004.

Sadly, the trend has not decelerated. Through September of 2007, 299,672—almost 300,000—veterans with PTSD were on the compensation rolls, a 39-percent increase since the VA inspector general's findings.

Now, many might argue that it is only natural that we would see an increase in PTSD compensation given that we have been in a war on terror since the year 2001. However, today there are just under 30,000 veterans of the global war on terror on the disability compensation rolls for PTSD. Thus, the increase in PTSD rate represents a broad cross-section of the veterans community.

No matter how far removed they are from military service, veterans are filing claims and being granted service-connected compensation for PTSD, and these staggering increases are occurring despite a decline—a decline—in the overall veteran population.

Fact No. 2: Veterans with PTSD-related compensation appear never to get better, only to get worse.

I just provided the sobering statistics about a 120-percent increase in PTSD disability rolls since 1999. Here is what the VA inspector general found in its 2005 review of veterans who have been added to the disability rolls:

> Based on our review of PTSD claim files, we observed that the rating evaluation level typically increased over time, indicating the veteran's PTSD condition had worsened. Generally, once a PTSD rating was assigned, it was increased over time until the veteran was paid at the 100 percent rate.

This fact is even more disturbing than the first. It suggests a trend toward not only increasing sickness over time but also permanent sickness. It also suggests a certain sense of inevitability among those with lower disability ratings that the natural progression is for them to slip into total 100 percent. Then, as time wears on, total and permanent disability is, in fact, established.

Mr. President, words have meanings. My greatest worry is that the message carried by an undesirable rating may lessen a veteran's resolve to seek treatment and to actually get better. They may feel themselves as beyond recovery, caught in the quicksand of permanent disability. If our current system encourages this kind of mindset, then we must change it.

Fact 3: There is evidence that PTSD is treatable and that VA has the tools to do it.

This may seem paradoxical, but it is true. The same agency that possesses disability claims showing veterans sliding toward increasing and permanent sickness is, in fact, the same agency that is recognized as having the tools necessary to successfully treat PTSD.

On the question of whether PTSD is treatable, here is what the Institute of Medicine found in their 2007 report:

> The committee finds that the evidence is sufficient to conclude the efficacy of exposure therapies in the treatment of PTSD.

The Institute of Medicine also recommended additional research regarding the efficacy of other forms of PTSD treatment, but at a minimum, it concluded that the evidence suggests that at least one form of treatment worked.

What specific assets does the VA have to help veterans with PTSD? Well, let me list those assets, and let me also remind my colleagues that the VA health care system has been widely lauded by independent experts as one of the top health care providers in the United States.

The VA has 215 readjustment counseling centers, or Vet Centers, which offer readjustment counseling for PTSD for afflicted veterans. The VA has PTSD clinic teams or specialists at each of its 153 medical centers across the country. The VA has 8 specialized PTSD inpatient units, 10 PTSD residential rehabilitation programs, 9 PTSD domiciliary programs, 7 women's trauma recovery programs, 10 day hospital outpatient programs, 10 substance use PTSD outpatient programs, and 22 women's stress treatment outpatient programs. These programs offer a full spectrum of therapies, including exposure therapies and medications to treat our veterans for PTSD. In total, VA is planning to spend more than $3 billion on health care services this year—roughly one-tenth of its total medical care budget.

So how do we explain this paradox? Why does a look at the compensation rolls show us that veterans with mental illness are getting progressively worse even though the VA health system is recognized as having the tools to make them better?

That question leads me to my fourth and final fact: There is a poor linkage between the arm of VA that treats PTSD—the Veterans Health Administration—and the arm of the VA that awards disability compensation—the Veterans Benefits Administration.

One of VA's strategic objectives is to restore the capabilities of disabled veterans to the greatest extent possible. Most would agree with that objective, and most would conclude that restoring capability involves a focus on treatment and rehabilitation and not a rush to, in fact, award disability compensation.

The problem is that the VA is inconsistent in how it measures whether it is achieving its objective. On the health care side, VA measures whether it is obtaining this objective by measuring meaningful outcome data regarding wellness and disease prevention. On the disability benefits side, it measures it by how fast and accurate a disability claim can in fact be decided.

There is a serious disconnect here. One side emphasizes health and wellness, the other emphasizes a rush to award compensation confirming the existence of illness. There is no requirement that these two sides work together. Thus, disability compensation can be awarded and increased over the years without a veteran ever receiving medical treatment.

To me, there is something backward about how this works. The Veterans Disability Benefits Commission honed in on this point in its 2007 report. There is little interaction between the Veterans Health Administration, which examines veterans for evaluation of severity of symptoms, and treats veterans with PTSD, and the Veterans Benefits Administration, which assesses disability ratings and may or may not require periodic reexamination.

A further disconnect seen by the Veterans Disability Benefits Commission, the Senate Committee on Veterans' Affairs held a hearing last week at which the chairman of the Disability Commission, GEN James Terry Scott, testified. I asked General Scott specifically to expand on the Commission's findings and, more importantly, their recommendations. General Scott told me it was not his intent to offend anyone, but that we have been paying people with PTSD to go away; not to treat them, to go away. He went on to say that disability compensation has precluded, in the judgment of the Commission, any effort to make veterans with PTSD better, the No. 1 objective, I believe, of our system.

General Scott then made the following statement that represents the heart of the Commission's findings on the link between PTSD compensation and treatment:

> It is our judgment that one of the principal goals of the VA and of the Commission, was that we want to make people better so they can return to the fullest extent possible, into ordinary lives without treatment. I do not see how we are fulfilling our obligation.

These facts lead me, and I hope they will lead my colleagues as well, to the inescapable conclusion that the current approach to helping our veterans diagnosed with PTSD simply is not working. It is abundantly clear that we need to try something new. Again to quote the Veterans Disability Benefits Commission report:

> The Commission believes that PTSD is treatable, that it frequently reoccurs and remits, and that veterans with PTSD would be better served by a new approach to their care.

The Veterans Disability Benefits Commission says:

> Veterans with PTSD would be better served by a new approach to their care.

I believe the legislation I am introducing today is, in fact, that new approach. Before I describe the legislation and how it works, let me describe how the present system is working or, as the evidence suggests, not working.

Let's say a young marine who is 2 years removed from his service in Iraq comes to the VA because he is suffering from PTSD-related flashbacks and cannot hold down a steady job. As a consequence, he is having trouble paying his bills. We all would.

That veteran needs help immediately. First and foremost, he needs mental health treatment before his condition worsens, but he also needs short-term financial help during his treatment period. If we cannot address that, we cannot be assured that the correct amount of rehabilitation takes place.

Under the current system, the veteran might first be counseled to file a disability claim with the Veterans Benefits Administration. And who could blame him. It is the source of money. He sees that as the quickest route to solving his immediate financial crisis.

Although medical care would be made available at that time, the veteran cannot simply afford to put his life on hold to get well. We can all associate with this. After a 6-month wait, the average time it now takes to process a disability claim—average; some are sooner, more are later, but the average is 6 months—the veteran might be rated service connected due to disability. But by that time, a critical window of opportunity for wellness would have come and gone. The veteran's experience with the VA will have been one that emphasizes his sickness and the level of his disability rather than wellness through an aggressive treatment program.

What would my legislation do? It would establish a program to refocus the existing system to one that emphasizes and incentivizes wellness. It would say to a veteran eligible for VA health care who suffers from service-related PTSD, depression, anxiety disorder, or related substance use disorder, that our focus is to make certain you are given the best efforts to get healthy and to feel better.

It would do this by providing—get this—a wellness stipend, a wellness stipend for up to 1 year to any veteran diagnosed with these conditions so long as the VA diagnosing physician judges the conditions to be plausibly related to military service.

All the veteran would have to do is to agree faithfully to attend the prescribed treatment regime, in other words, go get the services that are already provided, and hold off on filing disability for those illnesses until you have completed your rehab schedule. So if the rehab schedule the doctor prescribes is 6 months, we want you to hold off filing the disability claim for 6 months so we can give you the financial help you need to get through it, we can focus you into treatment, and at the end of the time you and the system can assess where you are.

That is it. And we will do that for up to a year. Here is how it works for the marine whom I spoke about earlier. Upon diagnosis and treatment with the conditions of the program, an immediate $2,000 wellness stipend is made to him. All of a sudden the immediate financial crisis could be over; no lengthy claims process, no 6-month delay in getting needed financial help.

With this immediate financial infusion, our marine can focus on getting well and not worrying about how he pays the next month's rent. More importantly, every 90 days that he participates, every 90 days that they can say "he came to rehab," it translates into an additional $1,500 of a wellness stipend, a reward for continued participation. Finally, at the end of the treatment program, in this case the end of a year, a final $3,000 wellness stipend would go to the marine. Thus, in the total of a 1-year treatment program, we would pay the maximum wellness stipend of $11,000.

Think about this. We are actually taking the most difficult piece, which is the financial obligation, and we are setting that aside so we can focus on what I believe is our obligation: to make sure that we provide the best course of rehab, of prevention, of wellness.

I recognize treatment programs will vary depending on the medical needs of the veteran. My legislation gives the VA complete discretion to develop a recovery plan of an appropriate type and duration. Hence, if our marine only needs a 4-month program, he would receive $2,000 of wellness stipend up front, $1,500 after 90 days, and $3,000 at the end of the program, for a total of $6,500.

Hopefully, at the conclusion of the treatment of our marine, he will then be healthy, or at least healthy enough to reenter society and move on to a productive life. If the opposite is true and the marine did not get well, his option to file a disability claim is still available in total. We have not deprived any veteran of their right to file disability claims.

What we have asked is: Set it aside, let's focus on treatment, let's make sure you are not financially strapped, and at the end of intense treatment, focus on that treatment, let's get back together, and if you are still in a situation where you are disabled, then we file the disability claim.

I know some might think this is a nonconcept, paying people to come in for what is basically free health care. But I think it is time for all of us to recognize what the Veterans Disability Benefits Commission and the Dole-Shalala commission have already recognized: treatment, rehabilitation, and recovery need to be the primary focus of our VA health and benefits system. And, more importantly, they need to be the focus of our mental health services.

Let me quote the Disability Commission on this very point.

> The Commission believes that a new, holistic approach to PTSD should be considered. This approach should couple PTSD treatment, compensation, and vocational assessment.

The Disability Benefits Commission felt so strongly about focusing on treatment for those with mental illness, particularly PTSD, that it recommended that we condition the receipt of compensation on the receipt of treatment.

I am not proposing that we condition it as the Commission has proposed to Congress, but I want my colleagues to understand, you cannot have multiple commissions look at this issue and say: It is broken. It does not focus on the wellness our veterans need. It needs to be changed.

Senator Dole and Secretary Shalala's commission recommended providing transition payments for injured service personnel while they receive treatment and rehabilitation services, and they recommended an incentive bonus payment designed to reward participants in a rehab program for achieving certain milestones, that if they actually accomplished a milestone that was set, we give them a financial incentive.

Why? Because today's veteran, in many cases, has expectations that are unlike any generation before. Because of their age, because of the types of injuries they are exposed to, what their expectations are with an artificial limb—I lose no mobility, I am just as productive, I can play golf, I can run, I can play basketball, I can even pass a physical to stay in the Army. That is the reality. If we lose them up here, we have done them an injustice relative to their expectations for life. I think both commissions focused on an innovative approach to wellness, and the Disability Commission approach goes farther than mine in that it is a negative incentive as opposed to a positive one, but the underlying concepts are the same. The current system is not working. Let's try something new.

I want to make a few points clear. First, under my legislation, no veteran would have to give up his or her right to receive disability compensation. Veterans can file a claim whenever they want. If they decide when they are presented this option right at the beginning that they want to file a disability claim and roll the dice on rehab, they can do that. If they get a month into rehab and they decide: I do not think this is working, they can file a disability claim. They will not get a financial stipend at the end of 90 days. They can drop out. They can continue to access VA benefits. They can continue to stay in rehab. But they may feel compelled to go ahead and file a disability claim. They can do that. The financial stipend ends, but we still continue the treatment, we just do not have an incentive for them to attend.

The wellness stipend, as I said, will be paid only if the veteran agrees to stay faithful to the program and holds off on filing the claims during that treatment period of up to 1 year.

Second, none of the nearly 300,000 veterans already in receipt of PTSD-related compensation and the thousands of others in receipt of compensation for depression and anxiety disorder would have to give up their compensation in order to participate in the treatment first program. For them, my legislation would pay a wellness stipend that is one-third the amount I mentioned earlier, so long as they agreed not to file a claim to increase their disability rating during this treatment period.

Let me draw a distinction. For somebody who has already filed a disability claim, regardless of how old they are, and annually goes to be rerated, if they delay that rerating, if they go into an intense rehabilitation program, if, in fact, one has been identified by a medical professional within the Veterans' Administration for them to enter into, if they agree not to be rerated until the completion of that program, we will actually include them in the cash stipend, but it will be one-third the amount of somebody who enters the system for the first time. So whether you are a veteran who has never filed a claim before, a veteran with a claim pending, a veteran already in receipt of compensation, the treatment first program would be available to all.

Finally, my legislation contains no requirement that disability compensation be reevaluated at the end of the treatment period. If treatment works—and the Institute of Medicine says it does—then veterans will have better lives because of it. That is the only goal of this legislation. I think we can all look at it, with what we know about the health care system, we can probably find a rationale to say, if we invest now in these veterans, we might save money on the back end for taxpayers in actual health care services that might be provided to somebody who drops out of the workforce who doesn't regard their health as important because they have now become locked into a monthly disability check for their livelihood.

But for the ones who could end up there that we have now gotten into rehab successfully and increased or changed the quality of their life, the likelihood is the back end health care cost is minimal, if any.

In conclusion, the status quo is not working. We need a new and bold approach. My legislation represents a direct challenge to all of us to think outside the box, to think about things that work elsewhere, but we haven't tried. Doing so sometimes requires taking steps that are a little unknown and a little bit unique. I am sure not only Members of the Senate but the veterans service organizations and, I am sure, the veterans themselves will look at this and say: Where is the cash?

There is no cash. For once, we have a piece of legislation that is focused on how to make people better. We are willing to put our money where our mouth is because it is that important to a 19-year-old who comes back from Iraq who can truly be made well with the right type of rehab and who may, because of financial decisions in his own life, not choose to fully exhaust the rehabilitation needed to overcome that mental health challenge. This at least would give the American people the assurance that we have done everything possible for that 19-year-old to get the services he or she would need to lead a productive and fruitful life.

I ask my colleagues for their support. It is time to put the treatment of our veterans with mental health illnesses first.

By Mr. LAUTENBERG (for himself, Mr. REED, Mr. MENENDEZ, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. KERRY, Mr. SCHUMER, Mr. WHITEHOUSE, Mr. INOUYE, Mr. LEVIN, and Mrs. BOXER):

S. 2577. A bill to establish background check procedures for gun shows; to the Committee on the Judiciary.

Mr. LAUTENBERG. Mr. President, I rise to introduce the Gun Show Background Check Act of 2008. I am proud to be joined by lead cosponsor Senator JACK REED from Rhode Island, as well as Senators FEINSTEIN, KENNEDY, MENENDEZ, KERRY, SCHUMER, WHITEHOUSE, INOUYE, LEVIN, and BOXER.

It was almost 9 years ago, on May 20, 1999, that I stood in this chamber and urged my colleagues to close the gun show loophole once and for all.

Barely 1 month earlier, two teenagers had shot and killed 12 students and one teacher at Columbine High School in Littleton, Colorado. None of us will ever forget the horror we felt as we watched students run in fear from a shooting rampage that took the lives of 13 innocent people.

Those 13 people never should have died because those teenagers never should have had those guns. Some of the guns were purchased from unlicensed dealers at gun shows.

Although the Federal Brady Law requires licensed firearms dealers to conduct background checks before selling guns, a loophole in Federal law allows unlicensed dealers—who make up 20 to 50 percent of all dealers at gun shows—to sell guns without conducting background checks.

Because the Columbine killers' guns were bought from unlicensed dealers, they were sold without a single background check being done. A friend who bought them guns said she never would have done it if she had to go through a background check.

In the wake of that terrible tragedy, the Senate responded. We passed my legislation to close the gun show loophole, with Vice President Al Gore casting the tiebreaking vote.

Unfortunately, the gun lobby stripped my legislation in conference, and 9 years later, the gun show loophole is still open. Nine years after the horror of Columbine, easy access to guns is still the law of the land, and gun violence still plagues our schools, our streets, and our communities.

Last April, we witnessed the worst school shooting tragedy in our Nation's history. Thirty-two students and professors were killed, and 15 more were wounded at Virginia Tech.

We know now that the Virginia Tech shooter never should have been permitted to buy the two weapons he used that day. He should have been on a prohibited list because of his history of treatment for serious mental illness. In response, we are working to make sure that States include these mental health records in the FBI's background check database.

However, even if the Virginia Tech shooter had been stopped from buying a gun at a gun shop, he still could have walked down the street to a gun show to buy a gun from an unlicensed dealer. All the mental health records in the world will not stop mentally ill people or other prohibited purchasers from buying guns unless all gun dealers—including unlicensed dealers at gun shows—have to consult those records before selling a gun.

That is why the Virginia Tech Review Panel recommended closing the gun show loophole to prevent prohibited purchasers from buying guns. That is why the survivors of the Virginia Tech massacre and families of the victims are fighting to close the gun show loophole.

Today, I ask my colleagues to finish the job we started almost 9 years ago. We must close the loophole that allows convicted felons, fugitives, and domestic abusers to buy guns without going through a background check.

The Lautenberg-Reed bill would close the gun show loophole by requiring background checks for all gun sales at gun shows. Specifically, our bill would require background checks by licensed firearms dealers for all gun transactions at gun shows; define a gun show as an event where 50 or more guns are offered or exhibited for sale; require gun show promoters to register with the Bureau of Alcohol, Tobacco, Firearms and Explosives, ATF, and ensure that sellers understand their legal obligations; require licensed gun dealers to keep records of guns sold at gun shows to make it easier to trace guns that are later used in crime.

This bill is a common-sense public safety measure. It has been endorsed by the International Association of Chiefs of Police.

Now, let me be very clear: Our bill would not hurt law-abiding gun owners. It would simply require a background check to stop unlicensed sellers from selling guns to people who are not allowed to own one. Approximately 92 percent of background checks are completed within minutes, and 95 percent are completed within 2 hours.

Those few minutes are worth it. From the enactment of the Brady Act in 1993 through 2005, nearly 70 million background checks have been performed, denying guns to 1.36 million prohibited purchasers.

I am proud to say that more than 150,000 of those guns have been denied to convicted domestic abusers as a result of a law I wrote in 1996.

We can only imagine how many lives have been saved by preventing felons, fugitives, and domestic abusers from getting those guns. Now we have the opportunity to save even more lives by requiring that every gun sold at the thousands of gun shows held across the U.S. each year goes through a background check.

It has been almost 9 years since the Columbine tragedy. We should not wait another day to close the gun show loophole.

Mr. KENNEDY. Mr. President, it is a privilege to join my colleagues in support of the Gun Show Background Check Act to reduce gun violence. Closing this dangerous loophole in current Federal gun laws will make gun show transactions safer for all our people.

Americans overwhelmingly favor responsible gun control laws. They want effective background checks for firearm purchases at gun shows or anywhere else. Yet, year after year, the "gun show loophole" allows firearms to be purchased with no questions asked, and legislation is urgently needed to close this flagrant loophole in our current gun laws.

Under today's laws, licensed gun dealers must be approved, must register with the Federal Government, and must conduct background checks on gun buyers who come to their stores. But in most States, almost anyone can be an unlicensed private seller of guns. Timothy McVeigh, the Oklahoma City bomber, was one such private seller at gun shows. These private sellers have no obligation to conduct criminal background checks on buyers or keep any records at all about the sale. It is no surprise that felons and other prohibited gun buyers go to gun shows to buy guns in order to evade background checks. That is unacceptable. Closing the gun show loophole and requiring background checks for purchasers at gun shows is vital for public safety.

The Gun Show Background Check Act defines gun shows as any event at which 50 or more firearms are offered or exhibited for sale and requires gun show promoters to register with the Bureau of Alcohol, Tobacco, Firearms, and Explosives. It requires the promoters to maintain a list of vendors at all gun shows, and these vendors must acknowledge receipt of information about their legal obligations. It also requires that all firearm sales at gun shows go through a Federal Firearms Licensee. Private vendors and nonlicensed persons will be required to complete the sale of weapons using such a licensee, who will be responsible for conducting a background check on the purchaser and maintaining a record of the transaction. Finally, the bill improves the tracing of firearms by requiring these licensees to submit information about firearms sold at gun shows to the ATF's National Tracing Center.

Approximately 50 percent of all gun sales in the U.S. today are "private" sales made by individuals at thousands of gun shows. No proof of identification and no criminal background check are required. Even after the horrific events of September 11, suspected terrorists and felons can easily purchase any quantity of firearms, including military style assault weapons, without an ID or background check at gun shows in 32 States. Federal law permits gun owners to sell rifles, shotguns, and even assault weapons to children, without their parent's knowledge or permission.

It is not enough to leave this issue any longer to State action. As John Rosenthal, founder of the nonprofit organization, Stop Handgun Violence, has pointed out, Massachusetts has enacted some of the most effective laws to prevent gun violence in the country, but Massachusetts is surrounded by States, which have no such laws and allow individuals to buy and sell guns easily. According to ATF data for 2006, many of the gun crime weapons recovered in Massachusetts had been obtained in other States with little or no regulation of firearms sales.

Critics claim that mandating background checks at gun shows will not reduce crime significantly and will be a step towards banning private firearms sales between individuals. Some even make the preposterous claim that there is no gun show loophole, and that gun control advocates are trying to address a non-existing problem. Evidence clearly proves, however, that gun shows are an important source of the guns used in crime in the U.S. During the late 1990s, cases involving gun shows and flea markets accounted for 30 percent of all trafficked guns in the U.S. That is no surprise, since there are over 4,000 gun shows in the U.S. every year, and no Federal laws to regulate them. Statistics also show that States such as Massachusetts, where strict gun control legislation has been enacted, have significantly lower firearm fatality rates than States with lax gun laws.

In another appalling move, the Bush administration successfully pushed legislation requiring the FBI to destroy records of approved gun purchases within 24 hours of a completed background check. That action prevents law enforcement from identifying whether a person under investigation for another crime, including terrorism, has purchased a firearm. In addition, if federally licensed gun dealers fail to report stolen or missing guns, they face only misdemeanor charges, despite the fact that thousands of guns are stolen from gun stores every year. The rifle used by the DC sniper was "lost" by a gun store—the same store that "lost" 238 guns in 3 years.

We can't ensure public safety unless we stop kowtowing to the gun lobby. We can't accept a system that allows criminals and terrorists to buy guns at gun shows without detection. The gun show loophole should have been closed long ago. I urge my colleagues to enact this vital legislation to do that. I commend Senator LAUTENBERG and Senator REED for introducing this bill, and I look forward to its enactment into law as soon as possible. Too many lives are on the line for us to delay any longer.

By Mr. INOUYE (for himself and Mr. INHOFE):

S. 2579. A bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today; to the Committee on Banking, Housing, and Urban Affairs.

Mr. INOUYE. Mr. President, since its founding in 1775, the U.S. Army has served this country well for over 230 years and has played a decisive role in protecting and defending freedom throughout the history of the U.S., from the Colonial period to today, in wartime and in peace; and has consistently answered the call to serve the American people at home and abroad since the Revolutionary War. The sacrifice of the American soldier, of all ranks, since the earliest days of the Republic, has been immense and is deserving of the unique recognition bestowed by commemorative coinage.

Today I rise to introduce the U.S. Army Commemorative Coin Act, and am joined by Senator JAMES INHOFE of Oklahoma in support of the bill, as well as the U.S. Army, the National Museum of the U.S. Army, and the Army Historical Foundation.

The U.S. Army Commemorative Coin Act authorizes the Secretary of the Treasury to mint 100,000 five dollar gold coins, 500,000 one dollar silver coins, and 750,000 half-dollar copper-nickel clad coins.

These coins will be the first U.S. coins to honor the Army as an institution in its entirety. Coin designs will be emblematic of the traditions, history and heritage of the U.S. Army, and its role in American society, from the Colonial period to today. Design motifs will specifically honor the American soldier, both today and yesterday, in wartime and in peace; and commemorate the traditions and heritage of the U.S. Army.

A surcharge will be applied to each coin, in the amount of $35 for each $5 gold coin, $10 for each silver dollar coin, and $5 for each half-dollar clad coin. Proceeds from the sales of these coins will be directed to the Army Historical Foundation specifically to be used to help finance construction of the National Museum of the U.S. Army at Fort Belvoir, VA.

The Army, the Nation's oldest and largest military service, is the only service that currently lacks a comprehensive, national museum celebrating, preserving and displaying its heritage and honoring its veterans. The Army also lacks a national memorial to serve as its national landmark here in America's capital city. The museum will eventually fill both roles.

One of the ways that the museum already honors Army veterans is through its "Registry of the American Soldier." The Registry potentially could contain millions of names and service histories, and can already be viewed online. It is open to all who have worn the Army's uniform, and I myself recently became the first Member of the U.S. Senate to be listed. This registry will eventually be permanently displayed at the museum after its public opening, due in 2014.

In 2000, the Secretary of the Army designated the Army Historical Foundation as its primary partner in building the National Museum of the U.S. Army, and today the Foundation is actively engaged in executing a major, $200 million, capital campaign to support the Museum.

These commemorative coins will do more than just honor the Army and our Army veterans. They will also help ensure that the extraordinary accomplishment and sacrifice of our soldiers will live on as a legacy for future generations. This bill authorizes surcharges that may generate over $12.2 million for the Army museum. I want to assure my colleagues that this bill will not place any burden on the American taxpayer. The profits generated by the sales of these coins will cover all costs incurred by the Department of the Treasury.

Personally, I will never forget the pride I felt in wearing my uniform during the Second World War, and I know that I share this pride of service with millions of fellow veterans from all walks of life across this great country.

I urge my colleagues to support this important legislation, which will honor the U.S. Army while helping to open an outstanding, world-class National Museum of the U.S. Army just across the river from this building.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2579

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Army Commemorative Coin Act of 2008".

SEC. 2. FINDINGS.

Congress finds that—

(1) the United States Army, founded in 1775, has served this country well for over 230 years;

(2) the United States Army has played a decisive role in protecting and defending freedom throughout the history of the United States, from the Colonial period to today, in wartime and in peace, and has consistently answered the call to serve the American people at home and abroad since the Revolutionary War;

(3) the sacrifice of the American soldier, of all ranks, since the earliest days of the Republic has been immense and is deserving of the unique recognition bestowed by commemorative coinage;

(4) the Army, the Nation's oldest and largest military service, is the only service branch that currently does not have a comprehensive national museum celebrating, preserving, and displaying its heritage and honoring its veterans;

(5) the National Museum of the United States Army will be—

(A) the Army's only service-wide, national museum honoring all soldiers, of all ranks, in all branches since 1775; and

(B) located at Fort Belvoir, Virginia, across the Potomac River from the Nation's Capitol, a 10-minute drive from Mount Vernon, the home of the Army's first Commander-in-Chief, and astride the Civil War's decisive Washington-Richmond corridor;

(6) the Army Historical Foundation (in this Act referred to as the "Foundation"), founded in 1983—

(A) is dedicated to preserving the history and heritage of the American soldier; and

(B) seeks to educate future Americans to fully appreciate the sacrifices that generations of American soldiers have made to safeguard the freedoms of this Nation;

(7) the completion and opening to the public of the National Museum of the United States Army will immeasurably help in fulfilling that mission;

(8) the Foundation is a nongovernmental, member-based, and publicly supported nonprofit organization that is dependent on funds from members, donations, and grants for support;

(9) the Foundation uses such support to help create the National Museum of the United States Army, refurbish historical Army buildings, acquire and conserve Army historical art and artifacts, support Army history educational programs, for research, and publication of historical materials on the American soldier, and to provide support and counsel to private and governmental organizations committed to the same goals as the Foundation;

(10) in 2000, the Secretary of the Army designated the Foundation as its primary partner in the building of the National Museum of the United States Army; and

(11) the Foundation is actively engaged in executing a major capital campaign to support the National Museum of the United States Army.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—In recognition and celebration of the founding of the United States Army in 1775, and notwithstanding any other provision of law, the Secretary of the Treasury (in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) $5 GOLD COINS.—Not more than 100,000 $5 coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) $1 SILVER COINS.—Not more than 500,000 $1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(3) HALF DOLLAR CLAD COINS.—Not more than 750,000 half dollar coins, which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half dollar coins, contained in section 5112(b) of title 31, United States Code.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the traditions, history, and heritage of the United States Army, and its role in American society from the Colonial period to today.

(2) DESIGNATIONS AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2011"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall—

(1) contain motifs that specifically honor the American soldier of both today and yesterday, in wartime and in peace, such designs to be consistent with the traditions and heritage of the United States Army, the mission and goals of the National Museum of the United States Army, and the missions and goals of the Foundation;

(2) be selected by the Secretary, after consultation with the Secretary of the Army, the Foundation, and the Commission of Fine Arts; and

(3) be reviewed by the Citizens Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITIES.—For each of the 3 coins minted under this Act, at least 1 facility of the United States Mint shall be used to strike proof quality coins, while at least 1 other such facility shall be used to strike the uncirculated quality coins.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2011.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins minted under this Act shall include a surcharge as follows:

(1) A surcharge of $35 per coin for the $5 coin.

(2) A surcharge of $10 per coin for the $1 coin.

(3) A surcharge of $5 per coin for the half dollar coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Foundation to help finance the National Museum of the United States Army.

(c) AUDITS.—The Foundation shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received by the Foundation under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2-commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

Mr. INHOFE. Mr. President, today I rise to express my support for an effort that I believe is long overdue. I am honored today to join Senator INOUYE as a co-sponsor of the U.S. Army Commemorative Coin Act of 2008. As co-chair of the Senate Army Caucus and a former soldier, I am proud to pay tribute to the U.S. Army, which has dutifully served our Nation for over 230 years.

The Army is the only service branch that currently does not have a comprehensive museum honoring its members and veterans. The Commemorative Coin Act will help raise the revenue needed to build a museum dedicated to the men and women who have for so long protected the sovereignty and freedom of our country. The museum will serve to commemorate the enormous sacrifice of our soldiers, and will be a symbol of the Army's dedication to the fight for freedom.

Since the days of the Continental Army of the Revolution, to the highly mobile and technological force of today, the U.S. Army has been the bulwark against which tyranny and oppression have consistently failed. It is time we permanently memorialize the sacrifice that the U.S. Army has given to the cause of liberty around the world.

I urge the Congress to quickly grant its approval to the U.S. Army Commemorative Coin Act of 2008.

By Mr. BYRD (for himself and Mr. ROCKEFELLER)

S. 2581. A bill to designate as wilderness additional National Forest System lands in the Monongahela National Forest in the State of West Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BYRD. Mr. President, today I am pleased to join with my friend and colleague from West Virginia, Senator JOHN D. ROCKEFELLER, to introduce legislation entitled the Wild Monongahela: A National Legacy for West Virginia's Special Places. Our legislation would designate additional wilderness areas in the Monongahela National Forest, located in eastern West Virginia. A bipartisan companion measure was introduced yesterday in the U.S. House of Representatives.

I have long supported efforts to provide permanent protections for our most treasured lands. Along with Senator KENNEDY and Senator INOUYE, I voted for the original Wilderness Act in 1964. We can proudly say that the nine million acres of lands protected by the Wilderness Act has now grown to over 106 million acres in 44 States.

One of the most important sectors for economic development in West Virginia is environmental tourism. Our "Wild and Wonderful" slogan aptly describes the beautiful vistas, flower covered valleys, free flowing streams and rivers, and impressive sandstone formations, that can be found in the Monongahela National Forest. Inclusion of these sites in and nearby federally protected wilderness areas puts them "on the map" for those seeking an adventure in nature. Attracting these visitors is one of the keys to future economic growth in West Virginia.

Since the Forest Service released its new Forest Management plan for the Monongahela National Forest in September 2006, I have heard from many West Virginians wishing to express their strong opinions on proposals that call for new wilderness areas. I was particularly touched by a Christian youth group that visited my office. These young people spoke in personal terms of how a hike in these wild areas brought them closer to God.

Currently, the Monongahela National Forest has five protected wilderness areas, including Otter Creek, Dolly Sods, Laurel Fork North and South, and Cranberry. These areas comprise about 78,000 acres of land, approximately eight percent of the Monongahela's 919,000 acres.

Our legislation would designate seven additional areas for wilderness protection out of the 18 roadless areas evaluated by the Forest Service. Three of these are expansions of existing wilderness areas. These are the Cranberry expansion, Dolly Sods expansion, and the Otter Creek expansion. We propose four new areas for wilderness protection—Big Draft, Cheat Mountain, Roaring Plains West, and Spice Run. In all, our legislation would protect an additional 47,000 acres of wilderness. This would bring the total acreage of wilderness in the Monongahela National Forest to approximately 125,000 acres, or just under 14 percent of the total forest.

Our legislation would add a significant amount of land to those areas protected as wilderness. However, the vast majority of the Monongahela National

Forest will continue to be available for the multiple uses envisioned when the National Forest System was first created. These include timber harvesting operations, wildlife and fish management, and recreation.

It is my hope that after much thought and reflection all West Virginians will see this proposal as a straightforward effort to reach a bipartisan compromise that has a true chance to become reality. The result will be that future generations of West Virginians and all Americans will be able to enjoy the benefits of God's creation.

I wish to thank my fellow members of the West Virginia delegation, especially Chairman RAHALL, for their hard work on this measure. Senator ROCKEFELLER and I look forward to working with Chairman BINGAMAN and Ranking Member DOMENICI of the Senate Energy and Natural Resources Committee to ensure that this measure is passed and signed into law this year.

Mr. ROCKEFELLER. Mr. President, I rise today in support of the Wild Monongahela: A National Legacy for West Virginia's Special Places Act. This important piece of legislation sets aside over 47,000 acres of wilderness in the Monongahela National Forest so that our children and grandchildren will have the opportunity to enjoy the forest in its pristine state.

West Virginians have a proud tradition of mining and logging that provides needed resources for our entire country. I have no doubt that this tradition will continue for many decades to come. However, at the same time, new development is coming to West Virginia. This is needed development that provides jobs for West Virginians and helps support our economy. But with this increased development comes a responsibility to set some part of our natural environment aside for those who come after us.

The Monongahela Forest encompasses nearly 920,000 acres of land in the heart of the Appalachian Mountain Range and contains some of the most ecological and geological unique reaches of our State. There are currently five wilderness areas in the Monongahela including the Cranberry Wilderness and Dolly Sods Wilderness. This bill will create four new wilderness areas and expand three of the existing areas. All of the land being designated as wilderness was already being treated as either recommended wilderness by the Forest Service or as backcountry recreation.

I want to extend my thanks to Congressman RAHALL for his leadership on this bill and congratulate him on drafting legislation that has received the support of West Virginia's entire bipartisan congressional delegation. Like all members of the congressional delegation, I have heard from hundreds of West Virginians how wilderness is important to them. I have heard how wilderness is a major draw for the outdoor tourism industry and will provide jobs. I have heard from West Virginians who want to make sure that they will be able to continue to fish pristine streams and hunt in the forests. They want to experience the excellent hiking and backpacking the hills of West Virginia have to offer, and make sure their grandchildren have that same opportunity. But the reason I heard more than any others from West Virginians was the need to protect some small part of God's creation as His stewards on this Earth.

This legislation has received support from diverse groups and people across West Virginia including the West Virginia AFL–CIO, the Fayette County Commission, West Virginia Council of Churches, and both the Pocahontas and Greenbrier County Conventions and Visitor Bureaus, just to name a few. I know that there will be people who feel that this legislation is too big and goes too far. At the same time I recognize those West Virginians who are disappointed that areas of the Monongahela Forest special to them were not included. But I believe this legislation strikes a careful balance that will protect West Virginia's forests and serve our State's interests for generations to come.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 437—ESTABLISHING A SPECIAL COMMITTEE OF THE SENATE TO INVESTIGATE THE AWARDING AND CARRYING OUT OF CONTRACTS TO CONDUCT ACTIVITIES IN AFGHANISTAN AND IRAQ AND TO FIGHT THE WAR ON TERRORISM

Mr. DORGAN submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 437

Whereas the wars in Iraq and Afghanistan have exerted very large demands on the Treasury of the United States and required tremendous sacrifice by the members of the Armed Forces of the United States;

Whereas Congress has a constitutional responsibility to ensure comprehensive oversight of the expenditure of United States Government funds;

Whereas waste and corporate abuse of United States Government resources are particularly unacceptable and reprehensible during times of war;

Whereas the magnitude of the funds involved in the reconstruction of Afghanistan and Iraq and the war on terrorism, together with the speed with which these funds have been committed, presents a challenge to the effective performance of the traditional oversight function of Congress and the auditing functions of the executive branch;

Whereas the Senate Special Committee to Investigate the National Defense Program, popularly know as the Truman Committee, which was established during World War II, offers a constructive precedent for bipartisan oversight of wartime contracting that can also be extended to wartime and postwar reconstruction activities;

Whereas the Truman Committee is credited with an extremely successful investigative effort, performance of a significant public education role, and achievement of fiscal savings measured in the billions of dollars; and

Whereas the public has a right to expect that taxpayer resources will be carefully disbursed and honestly spent: Now, therefore, be it

Resolved,

SECTION 1. SPECIAL COMMITTEE ON WAR AND RECONSTRUCTION CONTRACTING.

There is established a special committee of the Senate to be known as the Special Committee on War and Reconstruction Contracting (hereafter in this resolution referred to as the "Special Committee").

SEC. 2. PURPOSE AND DUTIES.

(a) PURPOSE.—The purpose of the Special Committee is to investigate the awarding and performance of contracts to conduct military, security, and reconstruction activities in Afghanistan and Iraq and to support the prosecution of the war on terrorism.

(b) DUTIES.—The Special Committee shall examine the contracting actions described in subsection (a) and report on such actions, in accordance with this section, regarding—

(1) bidding, contracting, accounting, and auditing standards for Federal Government contracts;

(2) methods of contracting, including sole-source contracts and limited competition or noncompetitive contracts;

(3) subcontracting under large, comprehensive contracts;

(4) oversight procedures;

(5) consequences of cost-plus and fixed price contracting;

(6) allegations of wasteful and fraudulent practices;

(7) accountability of contractors and Government officials involved in procurement and contracting;

(8) penalties for violations of law and abuses in the awarding and performance of Government contracts; and

(9) lessons learned from the contracting process used in Iraq and Afghanistan and in connection with the war on terrorism with respect to the structure, coordination, management policies, and procedures of the Federal Government.

(c) INVESTIGATION OF WASTEFUL AND FRAUDULENT PRACTICES.—The investigation by the Special Committee of allegations of wasteful and fraudulent practices under subsection (b)(6) shall include investigation of allegations regarding any contract or spending entered into, supervised by, or otherwise involving the Coalition Provisional Authority, regardless of whether or not such contract or spending involved appropriated funds of the United States.

(d) EVIDENCE CONSIDERED.—In carrying out its duties, the Special Committee shall ascertain and evaluate the evidence developed by all relevant governmental agencies regarding the facts and circumstances relevant to contracts described in subsection (a) and any contract or spending covered by subsection (c).

SEC. 3. COMPOSITION OF SPECIAL COMMITTEE.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The Special Committee shall consist of 7 members of the Senate of whom—

(A) 4 members shall be appointed by the President pro tempore of the Senate, in consultation with the majority leader of the Senate; and

(B) 3 members shall be appointed by the minority leader of the Senate.

(2) DATE.—The appointments of the members of the Special Committee shall be made not later than 90 days after the date of the enactment of this Act.

(b) VACANCIES.—Any vacancy in the Special Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) SERVICE.—Service of a Senator as a member, chairman, or ranking member of the Special Committee shall not be taken into account for the purposes of paragraph (4) of rule XXV of the Standing Rules of the Senate.

(d) CHAIRMAN AND RANKING MEMBER.—The chairman of the Special Committee shall be designated by the majority leader of the Senate, and the ranking member of the Special Committee shall be designated by the minority leader of the Senate.

(e) QUORUM.—

(1) REPORTS AND RECOMMENDATIONS.—A majority of the members of the Special Committee shall constitute a quorum for the purpose of reporting a matter or recommendation to the Senate.

(2) TESTIMONY.—One member of the Special Committee shall constitute a quorum for the purpose of taking testimony.

(3) OTHER BUSINESS.—A majority of the members of the Special Committee, or ⅓ of the members of the Special Committee if at least one member of the minority party is present, shall constitute a quorum for the purpose of conducting any other business of the Special Committee.

SEC. 4. RULES AND PROCEDURES.

(a) GOVERNANCE UNDER STANDING RULES OF SENATE.—Except as otherwise specifically provided in this resolution, the investigation, study, and hearings conducted by the Special Committee shall be governed by the Standing Rules of the Senate.

(b) ADDITIONAL RULES AND PROCEDURES.—The Special Committee may adopt additional rules or procedures if the chairman and ranking member agree that such additional rules or procedures are necessary to enable the Special Committee to conduct the investigation, study, and hearings authorized by this resolution. Any such additional rules and procedures—

(1) shall not be inconsistent with this resolution or the Standing Rules of the Senate; and

(2) shall become effective upon publication in the Congressional Record.

SEC. 5. AUTHORITY OF SPECIAL COMMITTEE.

(a) IN GENERAL.—The Special Committee may exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate.

(b) HEARINGS.—The Special Committee or, at its direction, any subcommittee or member of the Special Committee, may, for the purpose of carrying out this resolution—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Special Committee or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Special Committee considers advisable.

(c) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Subpoenas issued under subsection (b) shall bear the signature of the Chairman of the Special Committee and shall be served by any person or class of persons designated by the Chairman for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(d) MEETINGS.—The Special Committee may sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate.

SEC. 6. REPORTS.

(a) INITIAL REPORT.—The Special Committee shall submit to the Senate a report on the investigation conducted pursuant to section 2 not later than 270 days after the appointment of the Special Committee members.

(b) UPDATED REPORT.—The Special Committee shall submit an updated report on such investigation not later than 180 days after the submittal of the report under subsection (a).

(c) ADDITIONAL REPORTS.—The Special Committee may submit any additional report or reports that the Special Committee considers appropriate.

(d) FINDINGS AND RECOMMENDATIONS.—The reports under this section shall include findings and recommendations of the Special Committee regarding the matters considered under section 2.

(e) DISPOSITION OF REPORTS.—Any report made by the Special Committee when the Senate is not in session shall be submitted to the Clerk of the Senate. Any report made by the Special Committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

SEC. 7. ADMINISTRATIVE PROVISIONS.

(a) STAFF.—

(1) IN GENERAL.—The Special Committee may employ in accordance with paragraph (2) a staff composed of such clerical, investigatory, legal, technical, and other personnel as the Special Committee, or the chairman or the ranking member, considers necessary or appropriate.

(2) APPOINTMENT OF STAFF.—

(A) IN GENERAL.—The Special Committee shall appoint a staff for the majority, a staff for the minority, and a nondesignated staff.

(B) MAJORITY STAFF.—The majority staff shall be appointed, and may be removed, by the chairman and shall work under the general supervision and direction of the chairman.

(C) MINORITY STAFF.—The minority staff shall be appointed, and may be removed, by the ranking member of the Special Committee, and shall work under the general supervision and direction of such member.

(D) NONDESIGNATED STAFF.—Nondesignated staff shall be appointed, and may be removed, jointly by the chairman and the ranking member, and shall work under the joint general supervision and direction of the chairman and ranking member.

(b) COMPENSATION.—

(1) MAJORITY STAFF.—The chairman shall fix the compensation of all personnel of the majority staff of the Special Committee.

(2) MINORITY STAFF.—The ranking member shall fix the compensation of all personnel of the minority staff of the Special Committee.

(3) NONDESIGNATED STAFF.—The chairman and ranking member shall jointly fix the compensation of all nondesignated staff of the Special Committee, within the budget approved for such purposes for the Special Committee.

(c) REIMBURSEMENT OF EXPENSES.—The Special Committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by such staff members in the performance of their functions for the Special Committee.

(d) PAYMENT OF EXPENSES.—There shall be paid out of the applicable accounts of the Senate such sums as may be necessary for the expenses of the Special Committee. Such payments shall be made on vouchers signed by the chairman of the Special Committee and approved in the manner directed by the Committee on Rules and Administration of the Senate. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate.

SEC. 8. EFFECTIVE DATE; TERMINATION.

(a) EFFECTIVE DATE.—This resolution shall take effect on November 5, 2008.

(b) TERMINATION.—The Special Committee shall terminate two years after the date of the adoption of this resolution.

SEC. 9. SENSE OF SENATE ON CERTAIN CLAIMS REGARDING THE COALITION PROVISIONAL AUTHORITY.

It is the sense of the Senate that any claim of fraud, waste, or abuse under the False Claims Act that involves any contract or spending by the Coalition Provisional Authority should be considered a claim against the United States Government.

Mr. DORGAN. Mr. President, I am going to be introducing legislation—I have previously introduced this—that deals with the construction in the Congress of what is called a Truman Committee.

In fact, President Truman was from the home State of the Presiding Officer and the ranking member of the Intelligence Committee on the floor. So the two Senators from Missouri, of course, I know harbor great pride in Harry Truman.

One of the interesting things about Truman's tenure here in Washington, DC was not just his service in the Senate and not just him being President, but one of the sources of pride was his stewardship of something called the Truman Committee.

At a time when a President of his own party was in power in the White House, he and the Congress created a committee here in the Senate to take a look at waste, fraud, and abuse in contracting, particularly in the military. It cost him $15,000 to start it. Estimates are they saved $15 billion—in dollars from that time. Think of that: $15,000 to start the committee and saved $15 billion.

Now I know there are some who will disagree, but I happen to think it is long past time for us to be far more aggressive to find out what is happening to all this money. I will give you a couple of examples. One I have used a lot—

I shall not today—by bringing a towel to the floor of the Senate, but I have held up a towel that Henry Bunting brought. He was a buyer for Kellogg, Brown; and Root, a subsidiary of Halliburton. He was a buyer stationed in Kuwait. One of the things he was to do was buy hand towels for American soldiers. So he filed out the order for hand towels. His supervisor saw it and said: No, we are not going to buy those hand towels; we are going to buy hand towels with the initials of our company embroidered on the hand towels, KBR.

He said: Well, that will almost triple the cost. He was told: That does not matter; this is a cost-plus contract. The American taxpayer is going to pick up that tab.

So they ordered the towels that cost four or five times more. It did not matter; the taxpayers pick up the tab. That little towel is a very small reminder of what has been going on and how much the taxpayer has been fleeced. There is so much more.

Why do we need to track these things? Well, Paul Mullinax is a good reason. I called Paul Mullinax one Sunday. He was a truck driver in Florida. Here is what Paul Mullinax did. This is a good example of contracting in FEMA.

Paul Mullinax drives a refrigerated 18-wheeler. He was in Florida. He got a call from FEMA when Hurricane Katrina hit. They needed ice down in the Gulf of Mexico. So Paul Mullinax, God bless him, drove up, and he picked up some ice in New York for a FEMA contract; picked up a load of ice in his refrigerated truck. They said: Take it to Carthage, MO. This is ice that is destined for the Gulf of Mexico for the relief of the Katrina victims.

He drove his truck from New York to Carthage, MO; got there, they said: No, you are not supposed to be in Carthage, MO; you are supposed to be in Montgomery, AL. So he turned his truck south and east and went to Montgomery, AL. When he got there, he said there were over 100 18-wheel trucks. They had him park. He sat there for about 12 days with his refrigerated unit running on his truck. After about 12 or so days they sent him to Gloucester, MA, to offload his ice. This is ice destined for victims of Katrina. He picked it up in New York, went to Carthage, went to Alabama, and then they said: Offload it in a warehouse in Massachusetts, 15,000 bucks for that truckload of ice.

There were another 100 18-wheelers sitting where he was sitting. Should somebody ask questions and say: Who on Earth is responsible for this? The answer is yes. Waste, fraud, and abuse in contracting is epidemic. It is unbelievable.

Connected to the Katrina issue, this is a photograph, of course, of 8,420 brandnew, never-used FEMA trailers clogging an unused airport. The question is: Who made that decision and why? Were there any consequences as a result of this decision? I do not know.

This is money wrapped in Saran Wrap. Hundred dollar bills. This guy, by the way, told me—this is in a basement in Baghdad. This guy told me that they wrapped this money in Saran Wrap and occasionally threw it around like a football because it is about the size of a football—I have never wrapped hundred dollar bills. I have never seen that many hundred dollar bills. But if you wrap hundred dollar bills in Saran Wrap, I guess that is what it looks like. He said they actually threw them around like footballs in that room in Baghdad. The reason these were wrapped in Saran Wrap, with some rubber bands around them, is because this guy was in charge of distributing the money. He said we were paying contractors and subcontractors in Iraq, and our motto was: We pay in cash; you bring a bag.

This payment happened to be a $2 million payment. We pay in cash, so bring a bag. He said it was just like the Wild West.

Question: Who is watching over all of this? Who is tracing it all? There is, I think, substantial evidence, with the release just 2 days ago of the Special Inspector General for Iraq, and another report, if you go through all of those reports, not just with Iraq, go through the reports on Katrina, and so many other similar examples, there is, I think, substantial evidence to lead one to conclude this is the greatest waste, fraud, and abuse in the history of this country.

Harry Truman, at a time when there was substantial concern about that, was able to get a select or special committee created here in the Congress, bipartisan; cost $15,000 to create, they saved $15 billion. Pretty successful. It ought to happen again. I am going to introduce legislation today, once again. We have voted on it several times previously. I propose that we once again create a Truman Committee, a bipartisan committee to investigate waste, fraud, and abuse, and on behalf of the American taxpayer say: This cannot continue. This has to stop.

I am going to make a longer presentation at some point, but I wanted to simply indicate that there is so much that needs to be done on this issue, and my hope is that at last, at long, long last, this Senate will adopt a select committee or a special committee similar to the Truman Committee.

If ever the American taxpayer deserved good Government, it is now, with something like this in which we can begin to unravel who got what and how we stop this from happening again.

SENATE RESOLUTION 438—AUTHORIZING THE PRINTING WITH ILLUSTRATIONS OF A DOCUMENT ENTITLED "COMMITTEE ON APPROPRIATIONS, UNITED STATES SENATE, 1867–2008"

Mr. BYRD (for himself and Mr. COCHRAN) submitted the following resolution; which was considered and agreed to:

S. RES. 438

Resolved, That there be printed with illustrations as a Senate document a compilation of materials entitled "Committee on Appropriations, United States Senate, 1867-2008", and that there be printed one thousand five hundred additional copies of such document for the use of the Committee on Appropriations.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3972. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2483, to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3972. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2483, to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IX—MISCELLANEOUS

SEC. 901. REQUIREMENT OF APPROVAL OF CERTAIN CITIZENS.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Department of the Interior, the Department of Energy, and the Forest Service, acting individually or in coordination, shall not assume control of any parcel of land located in a State unless the citizens of each political subdivision of the State in which a portion of the parcel of land is located approve the assumption of control by a referendum.

(b) NATIONAL EMERGENCIES.—The requirement described in subsection (a) shall not apply in the case of a national emergency, as determined by the President.

(c) PRIVATE LANDOWNERS.—The requirement described in subsection (a) shall not apply in the case of a voluntary transaction between a private landowner and the Federal Government of a parcel of land.

(d) DURATION OF APPROVAL.—

(1) IN GENERAL.—With respect to a parcel of land described in subsection (a), the approval of the citizens of each political subdivision in which a portion of the parcel of land is located terminates on the date that is 10 years after the date on which the citizens of each political subdivision approve the control of the parcel of land by the Department of the Interior, the Department of Energy, or the Forest Service under that subsection.

(2) RENEWAL OF APPROVAL.—With respect to a parcel of land described in subsection (a), the Department of the Interior, the Department of Energy, or the Forest Service,

as applicable, may renew, by referendum, the approval of the citizens of each political subdivision in which a portion of the parcel of land is located.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate in order to conduct a business meeting on Wednesday, January 30, 2008, at 11:30 a.m., in room SD366 of the Dirksen Senate Office Building. At this mark-up, the Committee will consider pending bills on its shortlist of agenda items.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, January 30, 2008 at 10 a.m., in Room 406 of the Dirksen Senate Office Building in order to hold a hearing entitled, "Examining Threats and Protections for the Polar Bear."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, January 30, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building, in order to conduct a hearing entitled "Private Fee for Service Plans in Medicare Advantage: A Closer Look."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, January 30, 2008, at 2:30 p.m., in room 215 of the Dirksen Senate Office Building, in order to consider an original bill entitled, "The Economic Stimulus Act of 2008"; and to consider changes to the Rules of Procedure of the Committee on Finance.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, January 30, 2008, at 11 a.m. in order to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, January 30, 2008, at 3:30 p.m. in order to hold an intelligence briefing on Afghanistan.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, in order to conduct a hearing entitled "Oversight of the U.S. Department of Justice" on Wednesday, January 30, 2008 at 10 a.m. in room SH–216 of the Hart Senate Office Building.

Witness list

The Honorable Michael B. Mukasey, Attorney General of the United States, Department of Justice, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate in order to conduct a hearing entitled "Holding the Small Business Administration Accountable: Women's Contracting and Lender Oversight," on Wednesday, January 30, 2008, beginning at 10 a.m., in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

I suggest the absence of a quorum.

AUTHORIZING PRINTING WITH ILLUSTRATIONS OF "COMMITTEE ON APPROPRIATIONS, UNITED STATES SENATE, 1867–2008"

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 438, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 438) authorizing the printing with illustrations of a document entitled "Committee on Appropriations, United States Senate, 1867–2008."

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table; that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 438) was agreed to, as follows:

S. RES. 438

Resolved, That there be printed with illustrations as a Senate document a compilation of materials entitled "Committee on Appropriations, United States Senate, 1867–2008", and that there be printed one thousand five hundred additional copies of such document for the use of the Committee on Appropriations.

ORDERS FOR THURSDAY, JANUARY 31, 2008

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business, it adjourn until 11 a.m. tomorrow, Thursday, January 31, and that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the leaders be reserved for their use later in the day, and that the majority leader be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. BROWN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:34 p.m., adjourned until Thursday, January 31, 2008, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

ROBERT J. CALLAHAN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NICARAGUA.

HEATHER M. HODGES, OF OHIO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ECUADOR.

BARBARA J. STEPHENSON, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PANAMA.

WILLIAM EDWARD TODD, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BRUNEI DARUSSALAM.

DEPARTMENT OF JUSTICE

ELISEBETH C. COOK, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE RACHEL BRAND.

WITHDRAWALS

Executive message transmitted by the President to the Senate on January 30, 2008 withdrawing from further Senate consideration the following nominations:

ANDREW J. MCKENNA, JR., OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE ROBERT N. SHAMANSKY, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

DENNIS W. CARLTON, OF ILLINOIS, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE KATHERINE BAICKER, RESIGNED, WHICH WAS SENT TO THE SENATE ON AUGUST 2, 2007.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 31, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 1

9:30 a.m.

Joint Economic Committee

To hold hearings to examine the current economic outlook.

SD–106

FEBRUARY 5

9:30 a.m.

Veterans' Affairs

To continue oversight hearings to examine veterans disability compensation.

SR–418

10 a.m.

Budget

To hold hearings to examine the President's proposed budget for fiscal year 2009.

SD–608

Finance

To hold hearings to examine the President's proposed budget for fiscal year 2009.

SD–215

Intelligence

To hold hearings to examine the world threat.

SH–216

2:30 p.m.

Intelligence

To hold closed hearings to examine the world threat.

SH–219

FEBRUARY 6

9:30 a.m.

Armed Services

To hold hearings to examine the defense authorization request for fiscal year 2009, the future years defense program, and for operations in Iraq and Afghanistan.

SD–106

10 a.m.

Budget

To hold hearings to examine the President's Fiscal Year 2009 budget and revenue proposals.

SD–608

Energy and Natural Resources

To hold hearings to examine the President's proposed budget estimates for fiscal year 2009 for the Department of Energy.

SD–366

Environment and Public Works

To hold hearings to examine perspectives on the Surface Transportation Commission report.

SD–406

Finance

To hold hearings to examine the President's proposed budget for fiscal year 2009.

SD–215

2:30 p.m.

Intelligence

Closed business meeting to consider pending calendar business.

SH–219

FEBRUARY 7

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the nominations of Robert A. Sturgell, of Maryland, to be Administrator of the Federal Aviation Administration, and Simon Charles Gros, of New Jersey, to be an Assistant Secretary, both of the Department of Transportation.

SR–253

Health, Education, Labor, and Pensions

To hold hearings to examine weathering the economic storm, focusing on helping working families in troubling times.

SD–430

Judiciary

To hold hearings to examine the Founding Fathers papers, focusing on ensuring public access to our national treasures.

SD–226

2:30 p.m.

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine business transformation and financial management at the Department of Defense.

SR–222

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

Commission on Security and Cooperation in Europe

To continue hearings to examine anti-Semitism in the Organization for Security and Co-operation in Europe (OSCE) region.

SD–406

FEBRUARY 12

10 a.m.

Judiciary

To hold hearings to examine the nominations of James Randal Hall, to be United States District Judge for the Southern District of Georgia, Richard H. Honaker, to be United States District Judge for the District of Wyoming, Gustavus Adolphus Puryear IV, to be United States District Judge for the Middle District of Tennessee, and Brian Stacy Miller, to be United States District Judge for the Eastern District of Arkansas.

SD–226

2 p.m.

Judiciary

Crime and Drugs Subcommittee

To hold hearings to examine federal cocaine sentencing laws, focusing on reforming the 100-to-1 crack/powder disparity.

SD–226

FEBRUARY 13

9:30 a.m.

Veterans' Affairs

To hold hearings to examine the President's proposed budget request for fiscal year 2009 for veterans programs.

SR–418

9:45 a.m.

Energy and Natural Resources

To hold hearings to examine the President's budget request for fiscal year 2009 for the Department of the Interior.

SD–366

10 a.m.

Judiciary

To hold hearings to examine the state secrets privilege, focusing on protecting national security while preserving accountability.

SD–226

FEBRUARY 14

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the President's proposed budget estimates for fiscal year 2009 for the Department of Agriculture Forest Service.

SD–366

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine one year to digital television transition, focusing on consumers, broadcasters, and converter boxes.

SR–253

FEBRUARY 27

2:30 p.m.

Commerce, Science, and Transportation

Space, Aeronautics, and Related Agencies Subcommittee

To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the National Space and Aeronautics Administration (NASA).

SR–253

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

FEBRUARY 28

9:30 a.m.
Armed Services
To hold hearings to examine the defense authorization request for fiscal year 2009, for the Department of the Navy, and the future years defense program; with the possibility of a closed session in SR–222 immediately following the open session.
SH–216

SENATE—*Thursday, January 31, 2008*

The Senate met at 11 a.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord, as our lips are open in prayer, so may our hearts be open to receive Your holy spirit. Help us to bow to Your will and live lives devoted to Your providential leading.

Bless our Senators in their work. Let faith, hope, and love abound in their lives. Help them to seek to heal the hurt in our world and to be forces for harmony and goodness. Lord, remind them that they will be judged by their fruits and that You require them to be faithful. May they seek to serve rather than be served, following Your example of humility and sacrifice. Open their minds and give them a vision of the unlimited possibilities available to those who trust You as their guide.

We pray in the Name of Him who is our refuge from life's storms. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, January 31, 2008.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. BROWN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

Mr. REID. Mr. President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the Senate go into a period of morning business, with Senators permitted to speak therein for up to 10 minutes each, and that morning business is to occur following the statements of the majority leader and the Republican leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, for the education of all Senators, we just completed a caucus, and the two issues before us are FISA, the Foreign Intelligence Act, of course—and I am disappointed that we don't have something we can sign off on for that, but we are very close. I have told the minority leader that for more than 24 hours, that we are very close, and I do think we are. If things go as I think they will—Senator BOND and Senator ROCKEFELLER have worked very hard—I think we can complete it in 1 day—a long day, maybe a 10- or 12-hour day, but I think we can do that.

Regarding the stimulus package, I have briefly explained to the Republican leader where I think we need to go. He needs to consult with his leadership and staff to determine how we get to where we both think this will wind up, but that decision will be made fairly quickly.

I do say that I think it is going to take me—as my colleagues know, all last year I had four Democratic Senators running for President. I wish they could all have been elected President, but only one can be, so two of them are out of that race now. I still have two Democratic Senators involved. As my colleagues know, next Tuesday is Super Tuesday, and they are both very busy, as is Senator MCCAIN. So I probably can't get them back here until Monday, but I do need them back. So the Republican leader understands that, and we will try to work something out today to give us a pathway to complete this stimulus package and FISA.

NFL PLAYERS CARE

Mr. REID. Mr. President, when my children were growing up, we had a rule that they accepted—they don't seem to complain now—where we didn't watch television on Sunday. It was just kind of a rule we put down. The television was on all the other times, but on Sunday we didn't watch TV, except on Super Bowl Sunday.

This coming Sunday is the 42nd Super Bowl. It is going to be in Phoenix, AZ. Now, whether this game is a nail-biter or a blowout, we will long remember the heroics of this game, whatever they might be. It might be a goal line stand. It won't be in subzero weather; it is in Phoenix. It may be a fourth-down Hail Mary pass that saves the day or it may be the player who suffers an injury in the first quarter but is able to limp back on the field and play through the pain and who will then be known as the man who led his team to victory even though he was injured. These heroes will, all of them, soak up the cheers of an adoring nation on Sunday.

But there are hundreds and hundreds of former National Football League players who no longer hear those cheers. Instead, they suffer great pain as a result of lifelong injuries from their days on the field. These are the stars of yore, the stars of the past.

Two people from Nevada whom I know are people who were injured playing professional football. These men draw pensions as a result of their injuries because they were modern-day football players. Henry Rolling—an outstanding athlete—went to my high school, basic high school, came out of high school 175 pounds, wound up being a 4-year All-American, University of Nevada, Reno, played in the pros for 9 or 10 years, and was injured. He has the benefit of all of the good things that come about from being a National Football League player.

Some of the players are legends. To me, Henry Rolling is a legend. Some are wealthy. Henry Rolling is a rich man now. He lives comfortably. But many others never hoisted a trophy or earned a spot in our memories. Many were faceless figures behind helmets, lost to history but for these yellowed photographs they show to their families, and maybe even some dusty highlight reels. They helped build a league but never earned much from their on-the-field heroics. Often, they worked second jobs in the off season. So, far from basking in the kind of wealth we associate with the athletes of today, many are now struggling just to pay their bills and make ends meet for their families. But when they came to the National Football League's retirement plan to claim their disability benefits, they were told go someplace else: Go to our State and see what they have for you. The National Football League can't help. As wealthy as they are, they have turned these players away. The league to which they gave their hearts, souls, and bodies has not stood by their side.

In September, one of these former players who lives in Reno, NV, Brent Boyd, stopped in my office to visit with me to tell me about his struggles, which are the struggles of many former football players. He is a huge man, and he is not fat. When he played, he was 6 foot 3 and weighed 270 pounds. You couldn't see Brent without thinking: That guy must be a football player. He played football at UCLA and was drafted by the Minnesota Vikings.

Now, what do we know about the Minnesota Vikings? During his tenure there, they played football on AstroTurf. Brent explained to me it would be like playing a football game on cement covered with a rug. Every time he hit the pavement, he was hurt. That is the way it was with many of those players. He was an offensive lineman. During a preseason game in 1980, Brent remembers only waking up after being hit very hard. He had a terrible headache. He couldn't see out of one eye. His coach asked his rookie lineman whether he could see out of the other eye. He said yes.

He said go back into the game, so he went back in and he was blind in one eye. Brent did what was expected of him; played through his injury, as he played through many injuries. That was the culture of the sport and the NFL. That was one of countless hard hits Brent took during his playing days.

He told me:

> How would you like playing football on cement? That's what we did.

That was what the old artificial playing surface was like. Every hit, when he went down and hit his head, even though he had a helmet on, he could feel it.

It wasn't until years later his doctors began to connect the dots and discovered his chronic dizziness, fatigue, depression, and headaches were a result of head injuries as a result of hit after hit that he took during his 6-year career.

I have talked about Henry Rolling, one of my Nevada heroes. I went to high school with a man by the name of Rupert Sendlein. He was a big man. He had a son who went to the University of Texas. He was an All-American, and he played professional football for 8 years. At the beginning of his ninth year, he went to his doctors and they examined him. They said: Robin, you can't play football anymore. You have had so many concussions that you have to stop.

Well, Brent didn't have the ability to go to a doctor when he wanted. Robin Sendlein now is retired in Phoenix Arizona making a lot of money. His son now is the starting center at the University of Texas. Robin Sendlein had the benefit Brent Boyd didn't have.

Brent is unable to hold down a steady job. He doesn't think right. He went to the NFL retirement plan for help, but he was granted $1,550 a month in disability payments—far below the $8,200 promised to ex-players whose injuries resulted from football.

Brent told me of the struggle that ensued, many doctor visits, delays, denies, and financial troubles.

We all know football is a terribly dangerous sport. For those who earn millions, perhaps it is fair to say the reward is worth the risk. But Brent played in a different time. He never signed a big contract, never earned a shoe endorsement deal, never appeared in commercials.

Now he struggles to pay his bills. He struggles to pay his rent. Is Brent's story an exception? No.

Two football greats—Mike Ditka and Jerry Kramer—people whom those of us my age, and probably all ages, are familiar with. Mike Ditka and Jerry Kramer were gridiron greats. They helped create the fund to help retired players. They discovered heartbreaking stories from retired stars, including Willie Wood, a Hall of Fame safety. Willie Wood—I know about him because I was in high school with Bobby Peck. He was an athlete but not very tall. He was All-State in football, baseball, and basketball. He went to a junior college called Coalinga Junior College in California, which prepared people to go to USC and other great schools. I was stunned. Bobby Peck was not the starting quarterback. He was beaten out by a man by the name of Willie Wood. Athletically, Bobby had never been beaten out by anybody in anything. So he, the next year, went to Dixie Junior College in St. George, UT, where he became all-conference, and then he went to the University of Nevada. He was in a different league than Willie Wood, who went on to play quarterback at the University of Southern California.

As good as he was, Willie Wood figured he was good enough to play in the NFL. He tried out for the Green Bay Packers. Vince Lombardi said: OK, you can try out. Willie Wood became probably the greatest safety in the history of the National Football League. He has had many injuries. He weighed 175 pounds.

Others are Wilber Marshall, a three-time Pro Bowl linebacker; Conrad Dobler, a three-time Pro Bowl lineman; and Herb Adderley, an All-Big Ten star at Michigan State and star cornerback for the Green Bay Packers and Dallas Cowboys.

These are gridiron greats who also came upon many lesser known players with stories like Brent's. Mike Moseley, of the Buffalo Bills, suffered knee, neck, and back injuries that forced him to retire early and left him permanently disabled.

Initially, the NFL disability committee granted him benefits. In September 2004, a doctor hired by the NFL ruled that he could do sedentary work, and they cut off his benefits. This reminds me of when I started out practicing law. For a few years, I did insurance defense work. We had doctors that insurance companies would bring in and it didn't matter how bad somebody was hurt, they determined they weren't hurt very badly. That is what this reminds me of. Mike Moseley lost his home, his car, and his savings. His life has been torn apart.

Another example is Brian DeMarco, a lineman for the Jacksonville Jaguars. Similar to Mike, Brian was forced into an early retirement by injury. He was unable to navigate the disability system's redtape—even though his back was broken in 17 different places. Brian and his family were left homeless. He told the Denver Post that the NFL:

> Is a multibillion dollar business, and guys are giving their quality of life up for this sport. Just a little respect and dignity is all we want.

These stories illustrate a point the statistics confirm. According to one press report, almost two-thirds of former professional football players suffer injuries serious enough to require surgery, and almost half of all players retire due to injury.

But among the more than the 1,000 disability claims filed by former NFL players, about 30 percent have received approval. The rest are thrown in the trash bin, such as my friend from Reno, NV.

Brent Boyd was among the former players who testified before the Commerce Committee this past September. They told us how they feel abandoned and forgotten lost in endless doctor visits and redtape.

Daryl Johnson, who played 11 years as running back for the Cowboys, testified that he retired with 5 years remaining on his contract after suffering a herniated disc.

The Players' Association sent him for an evaluation with one of their doctors—not his own. He was not permitted to even bring his X rays or MRI results. Similar to so many others, his claim was denied.

After the hearing last September, and countless news stories, the NFL and the Players' Association have taken some steps to right the wrong.

Where before their approval process seemed a little more than ad hoc, they now apply standards used by the Social Security Administration to determine disability. We hope it is more effective.

They have also implemented the 88 Plan, which provides funds for a residential care facility or in-home care. The question is, Who are they going to give it to?

Brent Boyd, and so many like him, still suffer the pain of their injuries, still struggle to pay their bills on far less disability assistance than they deserve. Some suffer the inability to think properly because of the head trauma they suffered.

In the coming weeks, I will work with the NFL and the Players' Association and other retirees to ensure progress is being made.

As the bright lights shine on Super Bowl XLII this Sunday—and they are a multibillion dollar business, and they should help these people—I want Brent and his injured brothers to know they are not fighting in the shadows. They deserve a spotlight also.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

STIMULUS MARK-UP

Mr. MCCONNELL. Mr. President, last week, Americans saw something many of them thought they might never see: Speaker PELOSI, Minority Leader BOEHNER, and the President working as a team. Republicans and Democrats rose above politics and put the people and the economy first. And on Tuesday, the House passed their compromise stimulus plan by a vote of 385–35. Then all eyes turned to the Senate: Would we put our individual interests aside, or would we throw the whole plan into jeopardy by loading it down with gifts for anybody who came calling?

Apparently the temptation for giveaways was too great for some to resist. As soon as the bill hit the Senate, it started to look a lot like Christmas over here. Chairman BAUCUS added 10 new provisions before the bill was even considered in committee. Three more amendments were added in committee. You could almost hear Bing Crosby's voice coming out of the Finance Committee. And so the stimulus train is slowing grinding to a halt here in the U.S. Senate.

All of this only reinforces my view that the only way we'll get relief to the people soon enough for it to work will be to insist on speed over spending. And the only way to do that is to pass the bipartisan, House-passed bill. That way we can send it to the President for a signature—and get much needed relief into the hands of millions of Americans as quickly as they are now expecting it. This is the only way to pass an economic growth package that doesn't grow the government or raise taxes and that can be signed into law in a timely manner. The other option is to bring it to the floor, where we know it will only grow and slow under the weight of endless additional spending proposals. We need to act quickly. The majority leader called for a bill that is "timely." The House acted quickly. Now it is our turn.

We have a choice: We can accept Washington politics as usual and spend weeks and weeks arguing over how much more can be added to an already unwieldy bill or we can act right now and deliver a timely economic growth package with bipartisan support that can be signed into law now. We could get a bill down to the President in thirty seconds if we want to. The White House and the House have done their part. Now let's do our part. Let's vote on the House-passed bill, without any further delay.

HONORING OUR ARMED FORCES

Mr. MCCONNELL. Mr. President, I ask my colleagues to pause for a moment so I may share with them the story of a soldier lost in battle. On January 5, 2007, MAJ Michael L. Mundell of Brandenburg, KY, and his unit were sent to secure a combat area in Fallujah, Iraq, after an American tank reported being struck by an improvised explosive device.

En route to the scene, a second explosive device went off near Major Mundell's vehicle, tragically taking his life. He was 47 years old.

Major Mundell served in the U.S. Army for over a decade before leaving active service to work as a civilian contractor to the armed forces. In November of 2005 he again volunteered for active duty. His wife Audrey tells us that Mike once told a friend "he was going over there to fight them so they couldn't come over here and hurt his children."

For his bravery in service, Major Mundell received numerous medals and awards, including two Meritorious Service Medals, the Bronze Star Medal and the Purple Heart.

Mr. President, Major Mundell was one of those who may have been born in one of the other 49 States but became Kentuckian by choice. Born in Pittsburgh, he grew up in Canonsburg, PA.

As a child, Mike developed a passion for military service. He wanted to grow up and drive tanks. When he was three, he handed his father an encyclopedia and asked him to read it to him.

His family says this began his lifelong love of reading. As an adult, he enjoyed Civil War history, and would often read more than a book a day. He also enjoyed mysteries and thrillers, and read through the Bible three times.

In 1977, Mike graduated from Canon-McMillan High School, home of the Big Macs. His wife Audrey liked to tease him that his high-school mascot was named after a hamburger, but Mike made his school proud on the football field.

Mike went on to graduate from Washington-Jefferson College in 1981 where he majored in history, participated in ROTC and played soccer.

After graduation, Mike realized his lifelong goal of becoming an Army officer when he received his commission as a second lieutenant. Assigned to Fort Knox, KY, for officers' basic training, Mike became a Kentuckian—that is, when he was not spending 3 years in Germany working as a tank officer.

In 1984, while stationed at Fort Knox, Mike met Audrey, a student at Elizabethtown Community College, through a mutual friend. He was attracted to her red hair; she liked that he was handsome and intelligent. They were married in 1985 and had four children: Daughter Erica and sons Ryan, Zach, and Dale. Mike had a special relationship with all of his children and made each one feel as if he or she was his favorite.

Mike raised his family in Brandenburg and was a devoted fan of the Pittsburgh Steelers. He liked to watch historical documentaries, and his favorite movies were the war films "Glory" and "Patton." As a soldier, "strategy and tactics—that was his thing, and he was extremely good at it," says Audrey. "He was so intelligent."

After over 11 years of service, Mike left active duty in 1992 and went on to become a private contractor to the Armed Forces working at Fort Knox. Then in November 2005, he volunteered to again don the uniform.

"Mike was offered the chance to go to Iraq and do administrative work, but he said he would refuse to go if they were going to simply stick him behind a desk," said Audrey.

Assigned to the 1st Brigade, 108th Division, based out of Spartanburg, SC, Major Mundell was tasked with training the Iraqi Army. His tour of duty started on Father's Day of 2006.

Mike wrote e-mails often to his friends and family, sometimes exhibiting his robust sense of humor. In an e-mail dated June 23, 2006, he tried to describe the Kuwaiti heat.

This is what he said: "Turn on a blow dryer, point it at yourself and stand there," he wrote. "And stand there. And stand there. Throw some dust from the vacuum in the air every once in a while. Voila! You are experiencing Kuwait."

Other e-mails described tenser times. Take the one he wrote on July 24, 2006, about one of the first times he found himself under fire. "All of the sudden . . . BOOM! . . . our radios were filled with shouts of 'incoming!'" he wrote. "We took three mortars in close."

Later in that same e-mail, however, Major Mundell made clear that despite the danger, he was committed to his duty. He wrote:

> This is the most intense, most REAL thing I have ever done in my life.

My thoughts and prayers are with Major Mundell's loved ones today, including his wife, Audrey; his daughter, Erica; his sons Ryan, Zach and Dale; his sister and brother-in-law, Deanna and Ken Sofranko; his nephew, Kenny Sofranko; his niece, Taylor Sofranko; his grandmother-in-law, Jesse Edge; his mother-in-law, Carolyn Cundiff; his brother-in-law, Steve Cundiff; his sisters-in-law Angie Allen and Sandi Stout; and many other beloved family members and friends.

Major Mundell's funeral service was held January 14, 2007, at the chapel in Fort Knox. The funeral procession was a mile and a half long, and the Mundell family was overwhelmed at the outpouring of support from the community for their lost husband, father, brother, and friend.

Recalling a conversation with her youngest child, Audrey tells us what his son Dale said upon seeing the crowds. "Dale asked me, 'All of this for my dad?'" Audrey says. "And I told him, 'Yes, all of this for your dad.'"

Mr. President, like the hundreds in Fort Knox that day, this Senate wishes to express its deepest gratitude to MAJ Michael L. Mundell for his service. This man, who his wife Audrey describes as "a soldier through and through," gave everything he had to protect his family and his country. Our Nation will forever honor that sacrifice.

STAFF SERGEANT JOHN E. COOPER

Mr. President, I wish today to pause in memory of a fallen soldier, SSG John E. Cooper of Flemingsburg, KY. Staff Sergeant Cooper was lost on January 15, 2007, in Mosul, Iraq, when an improvised explosive device set by terrorists went off near his humvee. He was 29 years old.

This was Staff Sergeant Cooper's second tour of duty in Iraq. For his bravery in uniform, he received numerous medals and awards, including the Noncommissioned Officer Professional Development Ribbon, the Combat Infantryman Badge, the Bronze Star Medal, and the Purple Heart.

Staff Sergeant Cooper, an Army veteran of over a decade, knew from an early age that he wanted to dedicate himself to serving his country. "He wanted to be a soldier from the third grade on," says his mother, Janice Botkin. "And he was strong enough to pursue his dream of being in the military."

As a child, John had many interests. In middle school, he became fascinated with Native American culture and found it to be a part of his own family. "He learned about the Trail of Tears and this sparked his interest in Native Americans," says his mother Janice, who is herself of Native American heritage. John later went to several family reunions at Serpent Mound, a Native American site in Adams County, OH.

In high school, John was active in Future Farmers of America and the drama club. He enjoyed being outdoors. The youngest of four children, he loved to spend time with his brother Terrance and his sisters Sherri and Susie.

Because he was the youngest, John got teased a lot, but as the baby of the family, his siblings also spoiled him quite a bit. For instance, every year the Cooper family would travel to Kings Island, an amusement park in nearby Cincinnati.

John graduated from Fleming County High School in 1995, and that September at age 18, fulfilled his childhood aspirations by enlisting in the Army.

"I remember that he would go running along the country roads to build himself and be ready to pass his physical training when he went into basic," says his sister Sherri Springate. "We're all so proud of him."

As a soldier, he could "go places and do things he wouldn't be able to do if he stayed around here," says his mother Janice.

A skilled marksman, John served in the Army for 11 years and dedicated himself to making it a career. "He really liked being a military person," says Janice.

Over those 11 years, Staff Sergeant Cooper was deployed to Afghanistan, Korea and the Sinai Peninsula. He had his first tour of duty in Iraq and went to London.

By the time of his second deployment to Iraq, he was assigned to the 2nd Squadron, 7th Cavalry Regiment, 4th Brigade Combat Team, 1st Cavalry Division based out of Fort Bliss, TX. John enhanced his leadership skills by attending the Primary Leadership Development Course and Air Assault School.

Staff Sergeant Cooper's family is in my thoughts and prayers now as I share his story with the Senate. He will be forever loved and remembered by his mother, Janice Botkin; his father, Michael Cooper; his stepfather, Roger Botkin; his sisters, Sherri Springate and Susie West; his stepbrothers Roger Botkin, Jr., and Robert McMillan; his stepsisters Bonita Botkin and Sherry Hilterbrandt; his aunt, Teresa Gates; his grandparents James and Lillian Burke; and many other friends and family members.

On January 28 of last year, Staff Sergeant Cooper's family held a memorial service for John at his alma mater, Fleming County High School. People came from as far away as Indiana, Ohio, and West Virginia to pay their respects to this fallen infantryman, and they lined the entrance to the school with American flags in hand.

The example John set for the other soldiers was so remarkable that when the "History Channel" joined his unit to capture documentary footage, they selected John's story to follow out of 4,000 men and women. "They were impressed with his leadership qualities and caring for the men that served under him," says his mother Janice.

The "History Channel" is still working on the documentary, but they screened some of its footage at a memorial service for Staff Sergeant Cooper in Texas. I am glad they recognized and were able to capture on film the character and abilities of the soldier called "Coop" by his Army buddies.

I am sure John's family feels the same way. They and everyone who was lucky enough to know John already realize he was a true hero who was dedicated to his country. Now his heroism has been documented and preserved for all to see.

"We're very proud of John, what he did, and who he was," says John's mother.

I want her to know that this Senate expresses its deepest gratitude for SSG John E. Cooper's life of service. And we express our deepest gratitude for the Cooper family, for raising a soldier and patriot who answered the call in his country's time of need.

Mr. President, I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now conduct a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The senior Senator from Montana is recognized.

THE GREATEST GENERATION

Mr. BAUCUS. Mr. President, a few minutes ago, the minority leader urged the Senate to simply pass the House stimulus bill with no amendments, saying it will be a Christmas tree, so pass it with no amendments.

I don't think the Senate wants to deprive 20 million American seniors of a rebate check. I don't think the Senate wants to deprive a quarter of a million disabled veterans of a rebate check. That is what would happen if we were to follow the advice of the minority leader. He would deprive 20 million American senior citizens from getting a rebate check under the stimulus plan. He would deprive a quarter of a million disabled vets from receiving a rebate check under the plan. I don't think the Senate wants to do that.

I think the Senate wants to make some very modest changes to the House-passed bill, if 20 million seniors is modest. We can argue if it is modest. I think it is very important. I think the American public would very much prefer that the Senate make some modest changes to the House-passed bill so those stimulus checks can be sent out very quickly.

We on this side do want speedy passage of the stimulus package. The majority leader has indicated we will take this up on Monday, a few days from today. My hope and expectation is that it will be passed on Monday. Remember, not too long ago, the President and the leadership in Washington, DC, were saying: Gee, let's get those stimulus checks out by February 15. This is January 31. We can get this done very quickly, in a matter of several days, maybe sometime near the end of next week, well before February 15.

We want to move quickly. We want to not load up the stimulus package. Loading it up too much will cause delays, but we on this side of the aisle strongly believe that 20 million seniors should get rebate checks and a quarter of a million veterans get rebate checks. They will not get those checks under the House-passed bill. That is why I do not think we should willy-nilly accept the House bill which will deprive 20 million seniors and a quarter million disabled veterans of those rebate checks.

They came of age in the Great Depression and during World War II. Of them, Tom Brokaw wrote:

> At the end of the twentieth century, the contributions of this generation would be in bold print . . . it is a generation that, by and large, made no demands of homage from those who followed and prospered . . . because of its sacrifices. It is a generation of towering achievement and modest demeanor, a legacy of their formative years, when they were participants and witness to sacrifices of the highest order.

That is what Tom Brokaw wrote in his book "The Greatest Generation." The men and women of that generation and the one that followed are now America's seniors. These are the seniors the Finance Committee is fighting for and trying to help with the economic stimulus bill reported yesterday.

America's seniors are acquainted with sacrifice. As Brokaw wrote:

> They know how many of the best of their generation didn't make it to their early twenties, how many brilliant scientists, teachers, spiritual and business leaders, politicians and artists were lost in the ravages of the greatest war the world has seen.

They fought for their country, our American seniors. They gave a lifetime of labor, they gave a lifetime of service, they paid a lifetime of taxes, and they contribute to the economy today. But 20 million of these seniors would not get a check in the House-passed stimulus bill. Twenty million American seniors would get a check in the Finance Committee substitute.

These 20 million seniors would be left out of the House-passed tax rebate. Why? Because they do not have at least $3,000 in earned income, as in wages, or enough taxable income to meet the test set up by the House bill. In contrast, the Finance Committee plan would allow almost all seniors to receive at least $500. They would have to show they received at least $3,000 in Social Security income on their 2007 tax return.

Many American seniors live on fixed incomes. Some earn some wages, some make some money, but many American seniors live only on fixed incomes—their Social Security benefits. Many struggle to pay their medical bills. Many struggle to pay their heating bills, especially as energy costs are going up so high. Drug prices are going up too. Seniors deserve to be included in any rebate program.

When we are contemplating distributing stimulus checks broadly across most American families, it would be wrong not to include 20 million seniors of the greatest generation. A rebate to seniors works for America's economy too. It is not just the right thing to do, but it works for our economy and here is why. Economists agree consumer spending fueled by tax rebates can boost America's economy, and Americans over age 65 are responsible for 14 percent of all consumer spending. Let me repeat that. Americans over age 65 are responsible for 14 percent of all consumer spending.

Look at this chart to my right. It indicates something very simple, very basic, and very important—and not simply from an economic standpoint but also doing what is morally right for our seniors as well as from an economic perspective. Americans over age 65 spend 92 percent of their income in any given year. That is represented by this horizontal bar on the top in the blue. I will say it again. Americans over age 65—that is what this line represents—spend almost all their income in any given year. They spend 92 percent of their income in any given year.

Now, contrast that with a household headed by a person a little older, over age 75. They spend an even higher percentage of their income—98 percent. That is higher than any other demographic group over the age of 25. Seniors spend the money they receive; much more than any other demographic group over the age of 25.

Other Social Security recipients can benefit too. In 2006, 18 million Americans received Social Security disability benefits, or survivor benefits. Widows, widowers, and disabled veterans—disabled Americans—can qualify for an equal tax rebate, too, under the Finance Committee plan. Millions of them would get nothing under the House plan.

The Finance Committee bill also provides benefits to another group of Americans who have sacrificed for their country: disabled veterans. Once again, the House left them out. The House said no to a quarter of a million disabled veterans. They said no rebate checks if you are a disabled vet and if you don't have significant earned income. Under the House bill, more than a quarter million disabled vets would receive no rebate. Why? Because they have no obligation to file a tax return.

The Finance Committee bill would provide rebate checks for these quarter of a million disabled veterans. The Finance Committee bill would get rebates to disabled veterans receiving at least $3,000 in nontaxable disability compensation. That is it. The House forgot about that. They forgot about a quarter of a million disabled vets. The Senate plan makes them eligible to earn the same $500 rebate as wage earners and Social Security recipients—the same. The Department of Veterans Affairs would distribute the rebate.

My colleagues know America is once again at war. Many of my colleagues have visited with wounded soldiers who have come home from wars in Iraq and Afghanistan. In fact, my colleague from Kentucky a few minutes ago made a very moving tribute to several fallen soldiers from his State of Kentucky. Many of my colleagues have, as I have, gone to Walter Reed and visited with their wounded warriors. More than 21,000 service men and service women have now been wounded in Iraq and Afghanistan—21,000.

Now, thank God, not all of them will become disabled veterans, but many will. No one can question their sacrifice, no one can question their contribution, and no one can question that they have earned the right to participate in this rebate program every bit as much as any other American. So let us honor the Americans who came of age in the Great Depression and during World War II. Let us honor the Americans who have fought for our country in its wars only to come home disabled. And let us ensure that these greatest Americans receive their fair share of any economic stimulus.

That is what is at stake. That is why the Senate should not rubberstamp the House-passed bill. That is why the Senate should pass the Finance Committee's stimulus bill. To do anything less would be to shortchange millions of seniors and veterans who have earned the right to be called the greatest Americans.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER.) Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business.

The PRESIDING OFFICER. The Senator is authorized to speak for up to 10 minutes if he wishes.

HONORING MARTIN PAONE

Mr. SCHUMER. Mr. President, today is January 31. It is signifying the end to many things: the end of the month, maybe we will begin to see a little bit of spring down the road, but it is also the end of an amazing career of someone we all know and love, and that is Marty Paone.

Marty Paone has worked for 32 years on the Hill, 28 years on the Senate floor. He started in the House Post Office before working in Senate parking. He joined the cloakroom in 1979 and was appointed Democratic Secretary in 1995 by Senator Daschle. He worked under four Democratic leaders: Senator BYRD, Senator Mitchell, Senator Daschle, and Senator REID. I think every one of them would agree with the word that I would use to describe Marty Paone—"indispensable."

We do not know what we are going to do without Marty here. He has been such an amazing presence, so knowledgeable; not only about the rules of the floor but just about how this body works. I know Senator REID relied on him for just about every kind of advice. Again, his advice was indispensable.

I am particularly appreciative of his kindness to me when I was a new Senator, teaching me the way the place worked, helping me realize when there would be votes so I could time my schedule. As most of you know, I like to be busy, but I hate to miss votes, as everybody else. And he was just the most knowledgeable, decent, kind, indispensable person around here.

Now Marty is leaving. We really are going to miss him. We are going to miss his dedication to this institution. I think if you made a list of the people most dedicated to the Senate, Marty Paone would be in the top 10 or 20 in all our history.

We are going to miss his ever-present—he hovered in the background quietly—omniscience, always knowing what was going on, and always being there to help. We are going to miss Marty just as a person who, in his quiet, droll way, is actually a very funny guy.

I want to wish Marty the best. I think I speak on behalf of 100 Senators and everyone who served previously. I thank his wife Ruby for putting up with the long hours. I know because I would call Marty at home on weekends much of the time asking him for advice or when there might be a vote or this or that. His three kids, Alex, Stephanie, and Tommy—Stephanie is at William & Mary, Alex goes to VCU, and Tommy is still in high school. And a particular hello, because I have heard she is watching, to Marty's mother Evelyn Paone.

Mrs. Paone, God gave you 95 years, and let's hope he gives you many more. I know you are so proud of Marty, maybe even a little prouder than we all are.

Marty, we will miss you, we thank you, we love you. Good luck, Godspeed.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENSIGN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COLONEL D'ARCY GRISIER

Mr. ENSIGN. Mr. President, I rise today with a truly heavy heart. At Arlington Cemetery, on January 17, 2008, I attended the funeral services of my friend, COL D'Arcy Grisier. Our thoughts and prayers are with his wife beloved Roberta, or, as we call her, Bert, and their three children Sean, Kelly, and Darcy.

D, as he was called by his friends, was a caring father, loving husband, and a member of my extended family. A patriot in every sense of the word, D spent 26 years serving this Nation in the U.S. Marine Corps. Upon retiring from the Corps in 2003, D decided to continue serving this country in a different capacity.

From 2003 until September of this past year, Colonel D was my military legislative assistant. In this capacity D advised me on all national security matters, all the while reminding me that once a Marine always a Marine and that the "M" in Marine is always capitalized.

Those of us who were friends with D will remember him more for who he was than the lifetime of service he gave to this country. My staff and I will miss D always knowing exactly what the Redskins were doing wrong.

We will miss him always saying "keep your seats" whenever he entered a room. We will miss him constantly singing Jimmy Buffet songs out loud, and losing at least two sleeves of golf balls every time he played. We will miss his laughter and his camaraderie. Most of all, we will miss his friendship.

Mr. President, if D Grisier knew that I was making this statement about him, he would probably be upset. That was the type of individual he was.

While he would not have wanted this attention, Americans deserve to know D's story and the caliber of person who spent a lifetime serving them.

This past summer at our annual staff retreat Colonel D announced that he would be leaving the office to go and work in the Pentagon as the Deputy Under Secretary of Defense for Budget and Appropriations. This was bittersweet for many of us.

We were thrilled for D, of course, but sad to see him go. Unfortunately, he was never able to report to work for his new job, a challenging position that he looked forward to starting.

During his tenure on Capitol Hill he had many accomplishments, which D referred to as "doing the people's business."

These accomplishments included advising me in my role as chairman of the Senate Armed Services Subcommittee on Readiness and Management Support.

In this capacity, he drafted legislation and amendments, wrote numerous floor statements, staffed me in high level meetings, advised me on billion-dollar spending bills, and, on occasion, voted my proxy, or what D would refer to his role as, the "extremely junior Senator from Nevada."

He spent a great deal of time in Nevada at our military bases and meeting with veterans. D also took great care in helping the families of our State's fallen heroes. He moved mountains in order to relieve some of the stress and anxiety they face at such difficult times.

After D announced to the office that he would be leaving for the Pentagon he told a short story. I believe this story reflects the type of individual that he truly was.

D told us that the professional accomplishment he was most proud of was bringing a Junior ROTC program to Douglas High School.

The fact that D took pride in accomplishing those less glamorous tasks that directly impacted the lives of Nevadans is what made him the man he was, and made him the man all of us admired.

President Ronald Reagan once said that "Some individuals go through life wondering whether or not they've made a difference. Marines don't have that problem."

Mr. President, I am here to tell my colleagues that this could not be any truer than in the case of COL D'Arcy Grisier.

America is a stronger Nation because of the lifetime of public service that Colonel D gave.

I will truly miss my friend.

His last saying that all of us used to kind of get a chuckle out of, when he was tired of talking, he used to say: "My, my, look at the time."

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

STIMULUS PACKAGE

Mrs. LINCOLN. Mr. President, yesterday the Finance Committee went to work. We marked up a stimulus package after the House had done their package on Tuesday, I believe. They sent a package to us because, quite frankly, as we look out across this great Nation, we understand that our economy needs a jolt. It needs a quick jolt. It needs something for hard-working Americans to participate in bringing this country back on line and getting our economy going and moving forward. That is exactly what we did in the Finance Committee. We took the bill the House had quickly done. They moved quickly with the administration to put something out there. That was a good thing to do, get us started and get us moving in the Congress. But, unfortunately, as we looked at that package they sent us, there were some very hard-working Americans, some justifiable Americans who needed to be a part of stimulating this economy who had been left out.

So what we did in the Finance Committee was to try to make some improvements in a timely way to the package the House had already produced and to get it over here so we could get to work on it here on the floor of the Senate and move it forward so that the people of this country could again reinvigorate themselves and their economies and get back to work. Our plan included two very key groups the House had left out. Those two groups are our seniors and disabled veterans.

I know the Presiding Officer, like myself and many others, has a tremendous respect for the seniors of this Nation. These are the individuals who have built this country. They have labored hard. They have given their all. The fact that their Social Security income does not count as income on their tax returns is no reason to leave them out of this equation. The other group is our disabled veterans. I know my colleagues can realize the importance of this group. These are courageous Americans who have fought, given to this country in order that we can live in this great land and enjoy the freedoms we do. There is no reason we should leave these two groups out in stimulating the economy.

At least 20 million seniors depend primarily on Social Security income for their retirement. These are individuals who are out there in their communities. They are working hard still to be an active part of the community. But more importantly, they are also those who need it the most. They are the ones who are deciding between whether they are going to purchase their prescription drugs, whether they are going to buy food, whether they are going to pay the utility bill, and whether they will be able to do that small something special for a grandchild or a neighbor. Those are the kinds of people they are.

I did a call-in show yesterday. There was the most delightful man, an elderly gentleman—I believe he was from South Carolina—who called in to the program.

He said: I am one of those seniors. I don't want to be forgotten. I want to be a part of stimulating this economy. I really need it. I am appreciative that you didn't forget our wounded warriors, our disabled veterans, those who have given of themselves that this country could be free and respected. But I have to tell you, if you leave us out, it will be OK because I still believe in this country, and I still believe in those who do need it, those folks who are working hard to take care of their families.

That is just the kind of person we need to help, somebody who has that kind of compassion, somebody who respects the fact that they need it, but they are going to continue to give back in whatever possible way they can.

There is no excuse for us not bringing up this Senate Finance Committee package and passing it, leaving those two groups of individuals out in this great opportunity to revitalize our economy, put faith back in the American people that we are going to act quickly, that we are going to target these resources to places where we know they will get back into the economy.

If you look at the facts from the AARP, older Americans spend about 92 percent of their income—a greater proportionate share than all other adults. They are going to spend those resources on putting it back into the economy. Food, for instance—more than 85 percent of the food we consume in this country is produced or processed in this country. Those are American jobs they are going to be supporting. It is an economy that supports us all which they will be supporting. It is critical that we make sure these two groups are not left out, and we did that in the Finance Committee. Those were two of our priorities.

I was so proud to join with my colleague, Senator OLYMPIA SNOWE of Maine, to offer the amendment for our wounded warriors. I was so proud of Senator BAUCUS and Senator GRASSLEY for working with us to make that happen, realizing a group had been left out that was essential and that should not lose the opportunity nor the belief we have in them that they are an integral part of this American fabric. They are the very reason we enjoy and maintain the freedoms we have.

Our disabled veterans are such an incredibly important group. We know there are approximately 3.2 million veterans who receive disability income from the Veterans' Administration who will be eligible for rebates under the Finance Committee plan; 3.2 million of them receive disability income they cannot count as income on their tax returns. We don't know that all 3.2 million will qualify, but we do know that, at the least, a quarter of a million of them will. We know for a fact that a quarter of a million of them will qualify for that rebate. It is certainly more than that that is possible. But the point is not how many of them qualify. The point is that we would attempt to leave out any of them in terms of being able to participate in this economic stimulus.

These Americans—our wounded warriors, our disabled veterans, just like our seniors and just like hard-working American families—are going to spend their rebate checks on a variety of needs. They are either going to be spending it on food or a new pair of shoes. They are going to be taking care of their needs, maybe pumping money back into the economy in a multitude of ways.

The Senate plan is a good plan. It is good for Americans. It is good for seniors. It is good for disabled veterans. It is good for our economy. We have worked in the committee in a timely way. We have targeted these dollars. We have kept a rein on the amount of money we are spending, having been advised by all kinds of economists, the Secretary of the Treasury, former Secretaries of the Treasury, who said to us: Do not make the plan too big. Keep it limited.

That is exactly what we did. But we did take the opportunity to not forget two very valuable parts of the American fabric and the American family; that is, our seniors and our disabled veterans.

If we take up this Finance Committee package and pass it quickly and get it to the President, then we will have achieved the goal of stimulating our economy and not leaving out any Americans who could be such a vital part in helping us do that.

So I encourage all of my colleagues, let's don't sit here and squabble over a whole lot of things. Let's move quickly, taking what the House has done, making the improvements we have made, and move forward, get this done. Then we have an even greater opportunity to start in on the work that is the business of the U.S. Congress; that is, to make sure the investment we have made in these people and in this great stimulus package is not lost or squandered because we are going to follow it up with a multitude of other things that are on our plate that can continue to stimulate the economy.

The one that comes to mind, to me, is the farm bill. The farm bill, which we passed out of here with 78, 79 votes—it would have been more if all the Members had been here; we had never gotten that many votes for a farm bill, I don't think, in our history—is a great opportunity to infuse rural America with development dollars, conservation programs that need to be funded, and looking at nutrition programs, which are essential. I just mentioned that 85 percent-plus of the food we consume in this country is grown or processed here. Think of the good American jobs we stimulate when we make sure those nutrition programs are in place.

We have a host of opportunities before us. I hope—I hope—we will not drag our feet on this stimulus package; that we can come together in a bipartisan way, just as we did in the Finance Committee, and vote for this stimulus package that has come out of committee with the improvements that do not leave any of our American families behind.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I ask to speak as in morning business.

The PRESIDING OFFICER. We are in a period of morning business.

Mr. SANDERS. Mr. President, let me congratulate the Senator from Arkansas on her fine and important work on the Finance Committee. Let me also congratulate Majority Leader REID for his leadership, and Senator BAUCUS, Senator GRASSLEY, and the other members for taking the ball a significantly strong step forward as we deal with the economic problems facing our country.

I think it is clear to the vast majority of the American people, if not to the President of the United States, that our country has some very serious economic problems. The middle class is shrinking. Tens of millions of Americans are working longer hours for low wages. Poverty is increasing. And there is a level of economic desperation among the lowest income people in our country that many of us have not seen for a very long time.

As we speak, senior citizens in the State of Vermont are finding it extremely difficult to pay for their home heating fuel bills, which are soaring, as they are seeing record-breaking levels of the cost for home heating oil.

Emergency food banks in the State of Vermont and throughout this country are literally running out of food because many low-income working people are simply, today, not being able to earn enough money to purchase the food they need for their families.

Homeless shelters are running out of beds. We have some major economic problems, and the time is long overdue for this Congress to begin to address them.

As we discuss an economic stimulus package, there are Members of the Senate—and there are many Americans—who have appropriately raised questions about the amount of money we intend to spend in an economic stimulus package. There are people who point out, quite correctly, that in this country today we continue to have record-breaking deficits, and we have a huge national debt.

All of that is a very legitimate concern I share. That is why we should not heed the advice of the President who, in his State of the Union Address, urged us to extend hundreds of billions of dollars in tax breaks to the wealthiest 1 percent of our population. No, I do not think the wealthiest people in this country need more tax breaks. I think we have to start focusing our attention on the needs of the middle class, on working families, on those Americans most in need.

At this point, let me give thanks to our friends in the House who passed an economic stimulus package which has started the ball rolling. Now, with the legislation we are debating in the Senate, it is our job to improve upon what the House did, and I hope we will be doing exactly that.

While the House bill has a number of important attributes, the stimulus package passed yesterday in the Senate Finance Committee is, in fact, a much better and a far more significant piece of legislation. The Senate bill, among other things, understands low-income senior citizens across this country are facing very serious economic problems. Like low- and middle-income working people, they need help.

Senior citizens, every week I go back to Vermont, tell me they cannot survive on their Social Security checks, and that the cost-of-living COLAs are too small. They cannot find the money they need to heat their homes. They are having a hard time purchasing the food they need. That is why I very strongly support the provision in that legislation passed by the Senate Finance Committee which will enable over 20 million senior citizens to get a one-time $500 tax rebate. This is money that will be part of an economic stimulus because these are some of the people most in need who will certainly spend that money quite quickly, helping to create jobs in the process.

So I urge all of my colleagues, in a nonpartisan way, to stand with the hard-pressed, low-income senior citizens of our country and support the provision in the Senate Finance Committee bill which says we are going to provide a tax rebate to senior citizens. They cannot and must not be excluded from the economic stimulus package.

Further, the Senate bill does another very important thing in reaching out to our disabled American veterans, many of whom are also struggling economically. By definition, these are people who have been disabled defending the United States of America. They must not be forgotten as we discuss an economic stimulus package. At the very least, what the Senate Finance Committee did will provide a rebate for some 250,000 of those veterans, and perhaps even more. That is the right thing to do from a moral perspective. Those people deserve that help. In fact, helping them will also provide an economic stimulus.

The Senate Finance bill also extends unemployment benefits by 13 weeks in all States and 26 weeks in States experiencing high rates of unemployment. That is a good and proper thing to do as well. As unemployment rises—and especially in those areas where there are consistently high levels of unemployment—many people are going to run out of unemployment benefits. Their unemployment benefits will expire. Those benefits need to be extended, and that is what the Senate bill does, and the House bill does not.

So in my view, the legislation coming out of the Senate Finance Committee is a more significant piece of legislation than that passed in the House in helping those people who are most in need. It is also more important in terms of providing the economic stimulus our economy needs.

But to be very frank with you, what came out of the Senate Finance Committee is an important step forward, an important improvement over what existed in the House, but we need on the floor of the Senate to do much more than what was done in the Senate Finance Committee.

For example, the Senate Finance Committee bill does not provide any funding for food stamps. According to the U.S. Department of Agriculture, over 35 million Americans struggled to put food on the table last year, and the number of the hungriest Americans—those people who literally do not have enough food every day—that number goes up and up and up.

Economists from different political persuasions, both the left and the right, have told us food stamp benefits would be one of the best ways to stimulate the economy. So, once again, you are dealing with the moral issue: As the United States of America, in the year 2008, we should not tolerate a situation where any American goes hungry, where food banks are running out of food. That is not what America should be about.

Second of all, as we expand the Food Stamp Program, we create a very important economic stimulus by definition. If people do not have enough food to eat, they are going to spend that money. They are going to spend it on food, food which is, by and large, grown in the United States of America, and we are going to create jobs in that process. So my hope is, again, in a bipartisan or tripartisan manner, the Senate will add food stamps to the economic stimulus package.

The Baucus substitute—the Senate Finance Committee bill—just like the House bill, does not provide any money for the Low Income Home Energy Assistance Program, usually known as LIHEAP. This is a program which is extraordinarily important to cold-weather States such as Vermont, New England, all across the northern tier. But, in fact, it is important to every State in this country because in Arizona, in the summer, when it gets to

120 degrees, people there need help as well.

Right now, in the State of Vermont, and all over this country, we have senior citizens and low-income people struggling—tearing out their hair—trying to figure out how they are going to pay to heat their homes when the cost of home heating oil is now well over $3 a gallon. The reality is that because we have not increased funding for LIHEAP to the degree that we should, either the amount of money each individual person is getting is going down or States are making the decision to provide LIHEAP funding to fewer of our people. Neither alternative is acceptable.

This is a cold winter in various parts of this country. It has been below zero in the State of Vermont recently. No American should go cold. No American should be forced to make a choice between food and heating his or her home. We have to expand LIHEAP funding. People who receive that will be spending that money, and that is also an economic stimulus. So in my view, including food stamps, LIHEAP, and unemployment benefits in the economic stimulus package is not only the right thing to do in terms of stimulating the economy, it is the moral thing to do. It is what we as a nation should be doing.

For too long I think the White House and the Congress have been identified with programs that help the wealthiest people in this country—the people, in fact, who do not need any help at all. The richest 1 percent is doing fine without any tax breaks from Congress. Now is the time to start paying attention to the middle class, the working families, the vast majority of our people who are struggling economically. Now is their time, and we have to listen to their needs and respond to them.

In addition to addressing issues such as LIHEAP, food stamps, and unemployment compensation, there are other areas we should be moving forward on: rebuilding and repairing our schools, bridges, roads, culverts, sewer systems, rail, ports, and airports. Not only would we be addressing the tremendous problems we have in our crumbling infrastructure, but that is also a quick route to put people in the construction industry back to work. In the State of Vermont, it is estimated that we have over $1 billion in work that has to be done in our infrastructure. The estimate, according to the engineers, is that we have over $1 trillion of unmet infrastructure needs in America. We should be rebuilding our schools, making them more energy efficient, and in the process we put our working people in the construction industry back to work. We should address that issue as well.

Coming from a cold weather State, I am very conscious of the issue of weatherization. It makes zero sense that in Vermont and all across this country we have millions of lower income people who are living in homes which are poorly insulated, which do not have storm windows, their roofs leak energy, so these people are spending money for heating fuel that is literally going out the window and through the roof. Weatherization projects are already in existence in all of the States. Putting money into weatherization puts people to work. It saves on the fuel costs for many seniors, lower income people, and it also, not unimportantly, helps us reduce greenhouse gas emissions. So funding weatherization is a win-win-win. We should do that as well.

I also believe we should be increasing renewable energy investments in wind and solar. That is, as I understand it, in the Finance Committee bill, which is very important. We are losing out to the rest of the world in creating the kinds of industries we need through solar, energy, and wind. In the process, we would create many good-paying jobs. The idea that we have not yet passed an extended tax credit for wind and solar makes zero sense. We have to move in that area as well.

I personally also wish to see included in a stimulus package increased funding for community health centers, because when people lose their jobs, they are losing their health care. Federally qualified health centers have been a wonderful tool to bring people into primary health care access, regardless of their incomes.

Back in 2001, I was an early backer of tax rebates—one of those who actually came up with that concept. I support tax rebates for the middle class, for low-income families with children, and for persons with disabilities. I also believe that senior citizens should be receiving help in this bill as well through a bonus in their Social Security checks.

So I think we are making some progress. I think the Senate bill is far better than the House bill. I think we have the responsibility on the floor of the Senate to improve upon what was done in the Finance Committee. I hope that in a nonpartisan way, this Senate will reach out to the American people and let them know we are aware of the pain they are experiencing; we know what is happening in the low-income community; we know what is happening to our veterans; we know what is happening to our senior citizens; and we finally are going to start focusing on their needs, rather than the needs of the wealthiest 1 percent who have occupied so much of the attention of the Senate for so many years.

We have an opportunity to do something very important for the American people. I hope we do it, and I hope we do it as quickly as we possibly can.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I say to the Senator from Vermont, who comes from a cold weather State, this Senator comes from a warm weather State, and a lot of the ideas proffered by the Senator from Vermont apply to my State as well as his. He has very eloquently laid out how; that if you want to do stimulus, the quickest way to get the money into the economy and flowing so those dollars can turn over is increased compensation, unemployment compensation, and increased food stamps. This $300-per-person rebate approved over in the House, improved over here—not just because it is $500, but because it is going to senior citizens as well in the Senate Finance Committee package, whichever one of those you look at, it is going to be May, June, July, or August before those checks get out into the economy. If you want to do stimulus immediately, you are talking about 2 weeks away with increased unemployment compensation and food stamps.

What the Senator says about taking care of our veterans, our disabled veterans, and what he says about the infrastructure, is true. We desperately need infrastructure improvements. As far as a stimulus right now, that is not going to put the money out there, but a lot of this stimulus package is psychological. It is the fact that the Federal Reserve, through monetary policy, by cutting the interest rates that banks share with each other—that helps, but there is a delay, a lag, before that does anything. The immediate jolt is psychological. So too with this stimulus package. At the end of the day, this Senator is going to support it because we do need that psychological jolt, that the Government is standing behind us, not slipping further into recession. But if this Senator had his druthers, he shares a lot of the ideas that the Senator from Vermont has proffered on the quick ways to get the money out into the economy.

Mr. President, I ask unanimous consent that the Senator from Colorado be recognized following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I can tell my colleagues that our people are hurting. We don't normally think of the State of Florida, which is in the megatrend, which is the fourth largest State, which is going to become the third largest State within 4 years, the State that is the microcosm of the entire country in almost every demographic group—we reflect the country, in large part because a lot of the country has moved to Florida—you don't normally think of a go-go State such as that as being hurting economically. But, indeed, our State is hurting. A lot of it has to do with the real estate market going flat. You take tremendously robust areas such as Fort Myers, Lee

County on the southwest coast of Florida; it has been in a building boom for years. Of course, that real estate market is flat now, and from all the ripple effects throughout the economy as a result of that, we are hurting. Our people are hurting because they are paying more for gas, for milk, for bread. Meanwhile, because of the flat real estate market, they are seeing their housing values plummet, and many of them are trying to correct the situation by selling their houses, which they can't sell, or unwinding the bad loans they have. But then they can't get buyers to look at their homes.

We see the statistics bear this out nationally. December's rate on unemployment was 5 percent, and that is the highest it has been in 2 years. The GDP growth for the last quarter of last year, 2007, increased only .6 of a percent compared to an almost 5-percent increase in the third quarter of 2007. Yesterday, the Fed, in response, cut the interest rates again by a half point, and this is the second rate cut in 8 days. Today, the Department of Labor released the initial unemployment claims for the week that ended last week, January 26, and guess who had the largest unemployment increase in the country? My State of Florida. The layoffs are concentrated in construction, in trade, in service, and manufacturing.

We are in the middle of a crisis with foreclosures, mortgage defaults, and we are hearing the experts say that the worst is still to come. Two million Americans could lose their homes. We had in Florida last year, in 2007, the second highest mortgage foreclosure rate with more than 2 percent of all our households entering some state of foreclosure during the year. That is a 100-percent increase over the previous year, and Florida home sales last year were down 31 percent compared to the previous year. Oh, by the way, the median home price dropped 13 percent.

So we are now seeing that ripple effect through the economy, particularly in a State such as mine that was such a hot growth market. We are seeing it in the deterioration of the home values, and we are seeing it in the State's economy. The fall-off of revenues to the State of Florida has been significant.

Since the housing crisis is at the heart of this slowdown, it is crucial that in this rescue passage we target these specific concerns. There is going to be a temporary increase in the conforming loan limits of Fannie Mae and Freddie Mac as well as the FHA program. I think these measures will help restore confidence and liquidity in the housing market. The Senate bill adds more aid, including a provision that would allow State and local governments to issue bonds to help with the financing of those subprime loans.

Then, of course, we mentioned earlier disabled veterans. This package is going to provide quick help to disabled veterans, as well as seniors, and I am certainly hoping that we are going to get a clear up-or-down vote on providing an additional 13 weeks of unemployment compensation that is going to help ease the pain of those who are being laid off because of this recession we have now slipped into.

Time is of the essence. In a perfect world, we shouldn't have to do this, because whatever we come up with in this package we have to go out and borrow, and that means we are going to borrow it from China. That is not good. That is piling on more debt to the national debt. But the fact is we have to do something. I am going to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I rise today to discuss the state of our economy and the need for Congress to pass the economic stimulus legislation that we reported out of the Senate Finance Committee yesterday, with my strong support. I urge my colleagues to embrace the urgency we should be bringing to this legislation.

This is an issue that has understandably received significant attention over the past several weeks and continues to cause people in my State of Colorado and across the Nation a great deal of concern.

I want to start by listing a few pertinent facts.

After one of the worst holiday retail seasons in years, consumer spending, which accounts for two-thirds of the national economy, is experiencing a sharp pullback.

Economists are now predicting that GDP growth for 2008 will barely exceed 2 percent for the year.

Home values are plummeting in many areas, and foreclosures are on the rise. In 2007, Colorado ranked fifth in the Nation in foreclosures. Foreclosures were up 30 percent over 2006 and 140 percent over 2005.

The December unemployment rate in Colorado was up nearly half a percentage point from November.

A barrel of oil costs over $90. On average, a gallon of gas costs almost $3.

The economy is on thin ice.

But economic indicators are one thing, and the financial pressures that middle-class families are feeling is another. Families across Colorado and the Nation are feeling squeezed by the growing costs of energy, education, and health care. Savings are melting away, and disposable income is a thing of the past for many Americans.

I know what it feels like to not know whether you will have enough money to provide your family with the things they need or the future they deserve.

With that in mind, there is no better way we can start the important work of the second session of the 110th Congress than by providing some measure of relief to Americans who are struggling financially, and by doing whatever we can to reinvigorate the slumping economy.

I believe that the central components of the Finance Committee package do an excellent job of meeting those objectives.

I strongly support providing a one-time tax rebate to low- and middle-income families to help them pay their bills and make it through these tough times. This will help jumpstart consumer spending, because most of these rebates will get spent almost immediately.

The Senate package will provide $500 per individual, $1000 per couple, and $300 for every child under the age of 17 for qualifying tax filers. I am pleased that the Senate rebate proposal includes upper income limits to ensure that the rebates are targeted, in addition to being timely and temporary.

I also support tax incentives that provide relief for small businesses and encourage them to invest and create jobs. These businesses are the engine of the economy in my State of Colorado and across the Nation—helping them is an excellent way to get our economy moving again.

I support extending unemployment benefits for an extra 13 weeks, and even longer in high-unemployment States. We have seen a lot of evidence about how effective these benefits are at targeting assistance to people who need it and will spend it, and I am glad we were able to get that done in the Finance Committee.

Our bill also provides rebates to nearly 20 million seniors living on Social Security income and nearly 250,000 disabled veterans that were left out of the House bill.

Our bill temporarily extends important renewable energy and energy efficiency tax incentives. These tax credits will spur investment and job creation in an industry that is critical to our economic future.

Our bill temporarily raises the national cap on tax-exempt mortgage revenue bonds, which State and local governments may use to provide low-interest financing to low-income home buyers and homeowners. This proposal will help address another central contributor to our economic troubles—the fall-out from the subprime mortgage crisis, which has been especially severe in my State of Colorado.

Lastly, our bill strengthens safeguards designed to prevent people from obtaining tax rebates they are not entitled to by requiring tax filers to have a valid Social Security number in order to receive a rebate.

As a result of these important proposals, I believe the stimulus legislation currently before the Senate will go a long way toward meeting our primary objective: putting money as quickly as possibly into the hands of people and businesses who will put it right back into the economy.

Having said that, I believe that once we pass this stimulus package we will need to take a second set of steps to bolster the Nation's longer term fiscal health.

I believe we need to move quickly to pass a farm bill that will help revitalize rural economies in Colorado and across the country. I believe we need to boost investment in our Nation's infrastructure and do more to help address the crisis in housing and real estate. Also I believe we need to strengthen our programs that provide assistance to American workers, businesses, and farmers who are adversely impacted by our trade policies.

Accordingly, I encourage my colleagues to do what we can now to put money right back into the economy by working quickly to pass the legislation before us, but also pledge to continue to work to enact policies that could make a real difference to our economy's long-term health.

The American economy is hurting, but it is fundamentally resilient. I firmly believe that by working quickly to provide short-term stimulus, and by taking modest steps to provide stability in the longer term, we can get back on track.

Just this week, we heard from the President of the United States on the need for us to move forward with an economic stimulus package because he recognizes, as do American families, that the economy is in trouble. It is remarkable that we have bipartisan movement moving forward, with the President working with Speaker PELOSI and others to try to get a stimulus package put together that makes sense for the United States of America.

Yesterday, in the Finance Committee, there was another demonstration of what you can do when you work together. With the leadership of Senators BAUCUS and GRASSLEY, we put together a robust package that should be considered on the floor here—hopefully, later today.

I wish to say a few things about that package. It is important for us to recognize that what came out of the House has now been put into a Finance Committee package that is much improved that will help us stimulate the economy in a number of different ways.

There are improvements that need to be made with the House legislation. Like any other legislation, as you get into the details, you find ways of making it better. That is what Senators BAUCUS and GRASSLEY and the members of the Finance Committee did yesterday.

I wish to simply address five key points that I believe make this package an improved one.

The first point is simplicity. The House version has a rebate package, attempting to get money back into the pockets of consumers to stimulate demand in the economy. That package is a relatively complex formulation of how you provide those rebates. Our package coming out of the Finance Committee is not. It says that if you are a tax filer, you are going to get $500. If you are filing jointly, you and your spouse get $1,000. If you are filing jointly and you have two children, it will be $1,600. It is a relatively simple package to understand, and that is about two-thirds of what is included in the package. So the American public will be able to understand what it is they are going to get without having to go through an accounting exercise in order to determine what kind of tax rebates they are going to get. So the package out of the Finance Committee should be applauded for its simplicity. It improves significantly upon the House package in that regard.

Secondly, there were groups of important Americans whom we have a moral obligation to stand up for who were left out of the package that came out of the House. Twenty million seniors in America, who are the ones who paved the way for all of us to have the America we have today, would be left out of the tax rebate in the House package. The reason they would be left out in the House package is because the way that formulation of the tax rebate was put together is based on earned income. If you are a retired senior on Social Security or on a pension, you don't have earned income. That means you don't qualify for the tax rebate.

Therefore, what we did in this much-improved package out of the Finance Committee is said we are going to provide the tax rebate to these 20 million Americans. I hope that across the United States of America, those who care about seniors, and seniors themselves, are watching what the Senate does this afternoon and tomorrow and beyond with respect to this much-improved package that would add these 20 million seniors to the tax rebate.

In addition, the House package that came over here also left out another very important group of people: disabled veterans. Mr. President, 250,000 disabled veterans are left out of the tax rebate because the benefits they receive are not characterized as earned income. I would bet, if you ask our colleagues in the Senate today—Democrats and Republicans—they would say they want to stand for our veterans and honor our Nation's commitments to help them. They would say we ought not to leave 250,000 veterans behind. The Senate Finance Committee, in a bipartisan way, said: We are not going to leave 250,000 disabled veterans behind. We are going to get them the tax rebate they deserve. So our Finance Committee package, in my view, closes these gaps that were left in the House package that was passed last week.

In addition, what we do in our Finance Committee package is move forward with the extension of unemployment insurance. Yes, we are seeing the signs of significant unemployment in many States. In my State alone, unemployment has gone up about half a percentage point in the last several months. If you focus on Michigan, Ohio, and Nevada, where you are seeing unemployment rates as high as 8 percent, when you see that, it is important for us to recognize that our unemployment insurance program should reach those people who don't have a job. At the end of the day, if you think about the quality of life for people in this country, if you don't have a job, you cannot have a quality of life. Extending those benefits is very important.

In addition, our package takes some of what the House did with respect to incentives for job creation for small and big businesses alike—about $50 billion, more or less, is what would be used to incentivize job creation through both small and large businesses. It would do it by creating bonus depreciation and other mechanisms to incentivize businesses to invest in themselves.

When you think about small businesses in particular, we know they are the economic generators of most of the jobs we have in America today. By providing a mechanism that gives the bonus depreciation, we will be able to make sure these businesses are able to invest in themselves. I know of one small business owner in Colorado who said that because of this package, he will be able to move forward and open a restaurant, where he will be able to hire somewhere between 20 and 35 people. So this stimulus package will do a lot for small business. It is something we very much appreciate.

But we decided not just to leave it there because there are some other important aspects of the economy that need to be addressed in the short term. We did that through some improvements in that aspect of the stimulus package.

First, we looked at the energy issue we are facing in America today. We know that in many States the new frontier of the energy revolution is coming our way. In Colorado, you see it in how we are capturing the power of the Sun and wind and the power of the biomass. But many of the production tax credits and investment tax credits are going to expire. This positive economic wave needs a short-term extension. We have done that in this package, thanks to the leadership of Senator CANTWELL and others on the Finance Committee who pushed that amendment so hard.

Mr. President, I urge my colleagues to support the Finance Committee package and get our economy up and running again.

In conclusion, this is a stimulus package. That means it needs to be targeted, timely, and temporary. But this package isn't going to solve the economic problems that are facing our country today. There are longer term issues that are crying out for a solution, much of which we ought to be able to do in the Congress this year alone. I am throwing out just a few of those examples.

First, the 2007 farm bill. As the Presiding Officer knows, food security is important in Montana. It is important for the Nation, and it is important for the world. As attorney general for Colorado and now as a Senator, I have had a sign on my desk that says "no farms, no food." I wonder what would happen to America if we didn't have our grocery shelves stocked with food and have the most inexpensive and high-quality foods of any nation in the world.

The 2007 farm bill, which we crafted out of the Agriculture Committee, which garnered the support of 82 Senators in this Chamber, needs to be brought across the finish line. So the administration—the President—should be asking us to move that farm bill through and get it done quickly. We need to be able to do it. We were able to get it through the Senate. We need to pivot off of the stimulus package and get the farm bill done. The food security of America requires us to do that.

We cannot just stop, in my view, moving forward with the farm bill. There is also other work we need to do.

We are in a housing crisis in America today. We are in a housing crisis in my State of Colorado. In Colorado, we have 1 out of 375 homes currently in foreclosure. These are families who lived in those homes who have lost those homes. One out of 375 homes is in foreclosure. But that doesn't tell the story of pain. Yes, those families are certainly suffering, but think about all of the other homeowners in Colorado—probably 90 percent of them—who have seen a decline in home values. For most Americans, their home is essentially the majority of the equity they own. So when you see a decline in home values, you also see a taking away from the value most American families have built into their homes.

When you look at the housing industry, the home construction industry, it is, as my friend Senator CONRAD said yesterday in the Finance Committee, not in a recession; homebuilders are, in effect, in a depression because of what is happening in the housing market in the Nation. We try to do something in this bill, but there is other work we have to do to try to stand up the housing component of our economy because that is such a key indicator of the strength of our economy.

So we need to do the farm bill, and we need to do additional significant work to try to right the housing crisis. But we cannot stop with the farm bill and we cannot stop with the housing issues. We also need to address other issues that are long term, which we have a historic opportunity to address, including the issue of energy and renewables, which we tried to get through the Senate last year.

We must stop for a moment and say thank you that a part of the energy package we debated on the Senate floor is now law. We have CAFE standards that are going to bring about significant savings in oil that we currently import from other countries. That is a very good thing. We have a renewable fuels standard that has quintupled our goal where we want to go in growing energy independence. We created an energy package that says we as America have a vision that, by 2025, 25 percent of our energy will come from the power of the Sun, the power of the wind, and from the crops we grow in America. What was missing in that package was a part of the legislation the Finance Committee passed in a bipartisan way which would have given us the jet engine to power this clean energy economy for the 21st century.

We must return to that energy legislation to complete a package that will help us move forward to address the fundamental values at issue. Those fundamental values are very simple. They are about national security, so we are not compromising foreign policy by our overdependence on foreign oil. Those values are about making sure we are taking care of our planet and addressing the issue of global warming, and those values are the economic opportunities for America from shore to shore to create economic opportunity from the new energy economy.

While this stimulus bill is important and we must move forward with this bill in an urgent manner, let's all remember that this is but phase 1 of what we have to do to restore the foundations of a good long-term economy for the United States. This will be good work if we can get this work done in the Senate. But there is still much work in the days ahead.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR.) Without objection, it is so ordered.

Ms. STABENOW. Mr. President, I rise today as a member of the Finance Committee, along with the distinguished Chair, to speak about what we did in terms of the Senate Finance stimulus package which I think is something that makes a tremendous amount of sense for people, for investment, for the economy.

Before speaking about unemployment compensation insurance, which is a critical part of the package, let me say that I commend most sincerely our chairman, Senator BAUCUS, our ranking member, Senator GRASSLEY, for again not only working together but producing something that is a balanced approach, that addresses both stimulus from the standpoint of helping people, puts money directly back into people's pockets, but also helping to stimulate and support businesses, small businesses, large businesses, those not only earning a profit and make investments but those that are not earning a profit and making investments.

They had the vision to work with us in the area of alternative energy production, to extend production tax credits which directly relate to jobs. That is a part of this bill as well. I thank them for taking a look at the House package, and while we commend what was done—it was bipartisan, they did it quickly, it was a step in the right direction working with the White House—we found there were parts of what they did in structuring the rebate that needed to be fixed because we found that over 20 million seniors would be left out of getting a rebate because they do not have earned income; they are living on Social Security. They would have been left out, as well as about a quarter of a million disabled veterans, again, living on disability, not having earned income. Not only is it the right thing to do, the moral thing to do to make sure our seniors can get help, that we are helping disabled veterans, but economically it is the smart thing to do because we know those who are living on fixed incomes are spending the dollars because they have to be able to live, to pay the rent and the mortgage and the heating bill and the food and prescription drug costs, all of those. So immediately giving help to those who are struggling to make ends meet is not only right, it is smart in terms of the economy.

The Senate package expands on what the House did to make sure we don't leave out people, that we don't leave out senior citizens and disabled veterans. We also make sure we don't leave out millions of Americans who have worked all their lives, middle-income wage earners who have built the American dream for their family, have a home, have had in the past the ability to send the kids to college, maybe they had, in Michigan, a cottage up north or a snowmobile; they had the ability to live the good life that we have all wanted for ourselves and our children and have found themselves caught in an economic downturn and, in fact, a recession.

For the State of Michigan it looked like for too long a recession. A lot of middle-income families now find themselves in a situation where they are out of work. They want to work. Nobody wants to live on 40 percent of their income, which is what unemployment compensation provides, and try to make the mortgage payment, care for the kids, pay the heating bill and the food bill and do all those things that we need to do—pay the gas prices, and so on. Nobody wants to be unemployed, and nobody wants to find themselves in a situation where they have to live on unemployment benefits. But we have millions of people who find themselves in that situation.

Our Finance package makes sure we can extend benefits, 13 weeks for unemployed individuals in every State and then an additional 13 weeks for those who are in States of high unemployment. This is the right thing to do. It is not only the moral thing to do, it is the smart thing to do when it comes to the economy.

We had economists from President Reagan's time, economists from President Clinton's time. We had everything in between. We had the Congressional Budget Office tell us that extending unemployment compensation is one of the top two ways, along with food stamps, to stimulate the economy quickly. We don't have to wait until the IRS gets done with tax season, doing all the rebates and getting around to doing the additional rebates in May, June, and July; this can happen immediately. We go directly to those who, unfortunately, are not in a position to save but need to spend every single dollar that comes into their household in order to try to hold things together and not lose the house and to keep their family going.

All the signs show this will be a terrible recession for American workers. We are moving in a direction that is extremely difficult. The national unemployment rate has shot up to 5 percent, and experts predict it is going to rise above 6 percent in 2009. We have never had such a dramatic jump in unemployment without having a recession.

In many States the jobs picture is far gloomier. As I mentioned, in Michigan, we have an unemployment rate of 7.6 percent. That is one area where we don't want to be first. In fact, we are working very hard to turn that around in a number of ways. Other parts of this bill deal with alternative energy, and that is great for us because we are making those wind turbines and solar panels and the alternative fuel vehicles. We are working very hard to move ourselves out of that situation. But we have a lot of people who are working very hard who, through no fault of their own, have lost their job and have not been able to find another one in this economy.

In addition to Michigan's 7.6 percent, Mississippi is at 6.8 percent unemployment. Ohio, Alaska, and South Carolina are all over 6 percent and expected within the month to meet the trigger that is in this bill of 6.5 percent. That is a possibility. The unemployment problem is, unfortunately, getting worse rapidly. We had more than half a million workers join the ranks of the unemployed in the last month; 500,000 people who have become unemployed in the last month alone. Workers who have lost their jobs are having more trouble finding work today than in past recessions. Today 17 percent of workers have been looking for a job for more than 26 weeks, compared to only 11 percent in 2001.

Let me also stress that in the last package we had, the last stimulus package, we were looking at long-term unemployment of 11.3 percent, back in January 2001 when we were first talking about a stimulus and decided to include unemployment insurance. Now, as of December, this last December, long-term unemployment is 17.5 percent. It is 55 percent higher than it was when we started first talking about the last stimulus package in which we included unemployment compensation extension. I am very grateful to the chairman, the leadership of the Finance Committee, and our leader, Senator REID, for speaking out about this and supporting our efforts to make sure this is in the package.

This problem is affecting workers all across the economic spectrum, even those with a college education and years of experience. We have engineers in Michigan. We have talented, well-qualified, well-educated people who find themselves in this situation of losing their jobs. There are nearly two unemployed workers for every job opening across the country, which is also critical to talk about. We have right now 7.7 million Americans who are competing for 4 million jobs.

Some people say: Well, if somebody is on unemployment compensation, they just don't want to work. If we extend that compensation for another 13 weeks or 26 weeks, people just don't work. That will be an incentive not to work.

I welcome anyone to talk to a family in Michigan and say that. The reality is, we have 7.7 million Americans competing for 4 million jobs. That raises a whole other host of issues I will not get into today about how we need to start exporting products and stop exporting jobs and all the other things we need to do to tackle this issue of a strong economy. The reality is for too many folks, that debate is not going to help. They are looking at, right now: Am I going to be able to keep the lights on? Am I going to be able to keep the phone on? Am I going to be able to make sure I can make a mortgage payment so my family is not out on the street? Those are the questions that are being asked. No one is finding themselves in unemployment insurance living it up. It is just about trying to help them keep the family together, keep things together until they can find that next job. This is what they are competing against.

Because it is becoming harder to find a job, more families are finding that our unemployment insurance system is not providing enough support because of the numbers. Mr. President, 37 percent of recipients, 37 percent of the people who are unemployed exhaust their benefits before finding a job, and more will follow as the recession deepens. And 2.6 million people ran out of benefits in 2007. Again, they were competing for jobs where there are not enough jobs.

These aren't just numbers. There is a lot of numbers that can make this case. But it is about millions of people, millions of Americans, millions of middle-class Americans, millions of people who are working hard to be in the middle class or fighting like crazy to stay in the middle class. That is what this is about. They are willing to work hard. They are looking for a job. They want a job. They are desperately concerned about losing their chance at the American dream for themselves and their families.

In good economic times, our current employment benefits are enough to tide families over for the few weeks that it takes to find another job. I remember those times. Somebody needs some temporary help, they lose a job, turn around, go out on a few interviews and, a few weeks later, they have another job. But these are not those times. These are not good times.

Yesterday's alarming GDP figures show that economic growth has trickled to a near halt. Savings have plummeted. Debt is rising. Mr. President, 200,000 families each month risk losing their home. It is staggering, in the greatest country in the world. The Fed has cut short-term interest rates more rapidly than at any other time in history. It is clear that we are facing an economic crisis that will make it even harder to find a job in the coming months. Faced with these clear warning signs, we must act quickly.

Anything that we pass—and I sure hope it is the Senate Finance proposal because I think it is balanced, it is effective, it is targeted, and it is the right thing to do—has to include extending unemployment compensation for these families who have found themselves in such a traumatic situation. It is wrong to abandon them when they need it the most. It is the smart thing to do according to all economists. If we want to say we have done something that is targeted, that is quick, extending unemployment is much quicker than a rebate check. I certainly support the rebate check, but it is going to take a while to get those to people. Unemployment extension is much quicker. It is one of the quickest things we can do.

So from every angle, this is the right thing to do. Most importantly, though, I look at the families who are looking to us to do the right thing.

In the past we have waited too long, and working families have suffered. In the wake of September 11, the unemployment rate rose to 5.3 percent in October of 2001. There was a bipartisan consensus we should do something, but political gridlock prevented us from enacting anything until the following March of 2002. By that time, unemployment was up to 5.7 percent and went to 5.9 percent in April. The 2001 recession proved devastating for our economy and, unfortunately, too many families have not recovered from that time. The bill passed by the Finance Committee yesterday is a crucial step forward for our economy and for our workers and their families.

By extending unemployment benefits for 13 weeks and providing an additional 13 weeks of benefits in high-unemployment States, as I said before, we provide an immediate boost to the economy and at the same time help hard-working middle-class families weather this storm.

All of the economists agree: Each $1 invested in benefits to out-of-work Americans leads to a $1.64 increase in growth—$1 equals $1.64 in growth. That is clearly one of the top two things we can do to be able to stimulate the economy. This compares to only pennies of stimulus in other areas.

No stimulus package will be effective unless it provides real security for families struggling the most. We have to address this issue. We have to address this unemployment situation.

Let me say, in closing, when we look at the coming year—in January of last year, average unemployment was 4.6 percent. At this time, it is 5 percent, although many areas are much higher than that. But it is projected that by next year the unemployment rate will go up to 6.5 percent. Now, granted, Michigan right now is at 7.6 percent. There are other States that are above 6 percent, above or close to 6.5 percent. But this is the direction in which we are going.

One of the things about acting now with an unemployment compensation extension is we can help those families at this moment who need help now. We can actually be ahead of the curve rather than way behind in helping a family be able to keep their house or to be able to put their family at ease, knowing that at least there will be something available.

The Senate Finance package makes sense. It is the right thing to do. On the business side, we not only focus on investments for those that are making a profit but for those that are not but are still making investments in important areas of the economy, such as manufacturing in Michigan. We extend critical tax credits for alternative energy production, which is critical. We make sure over 20 million seniors are not left out, that over 250,000 disabled veterans are not left out. We add a piece for State and local bonding authority for housing, which will help and support what the House did.

Then we do what I have talked about today: We remember the faces of the people who have worked hard to make this country great, middle-class families across this country who through no fault of their own and, I would argue, too much of the time through action of the current administration or inaction on what we need to be doing on enforcing trade policy or changing the way we fund health care in this country or doing other aggressive actions in order to keep jobs and expand jobs, find themselves caught in this economic downturn.

They are looking to us. If there ever was a time that they would expect their Government to act on behalf of middle-class America, it would be now. It is critically important. I am very pleased the Senate Finance package includes extended unemployment compensation. I hope when it is time to vote, we will see a very strong bipartisan vote on this issue.

Mr. President, before stepping down, I see my good friend, the ranking member, the Republican ranking member of the Finance Committee, on the floor. I personally thank him for working with us on an approach that is good for people. It is good for families, individuals, for seniors, disabled veterans, good for business, looks to the future on energy. I appreciate his leadership, as always.

I am hopeful we will see a bipartisan vote that says we get it and we are committed and we are willing to move in a way that supports the economy and the families of America.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Maryland.

ORDER OF PROCEDURE

Mr. CARDIN. Mr. President, I see two of my colleagues in the Chamber. I would like to take about 5 to 10 minutes in morning business. I want to make sure we have an agreement as to how we are going to be proceeding with my other two colleagues.

Mr. GRASSLEY. Mr. President, I think if it is just the two of you ahead of me, I will be glad to wait.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order be that I be followed by the Senator from Washington and then the Senator from Iowa.

The PRESIDING OFFICER. Without objection, it is so ordered.

STIMULUS PACKAGE

Mr. CARDIN. Mr. President, let me share with my colleagues my experiences of traveling through the State of Maryland during these last few weeks. I had the chance to be on the Eastern Shore of Maryland this week. I have been to western Maryland. I have been to the urban centers.

I can tell you, there are families in my State that are hurting. They are uncertain about their future. They are not only worried about whether they should buy an automobile or go out to eat dinner, they are concerned about their economic security. They are not sure what tomorrow will bring. They see a shrinking of the middle class. They do not know how bright their economic future will be.

I have seen seniors who are concerned about their financial stability. They hear all this talk about trying to cut back on Social Security and Medicare, and they are worried about where they will be as far as being able to pay their bills. They need to know we are confident about America's future.

I must tell you, I think what the Federal Reserve did in reducing the prime rate was the right thing to do. It will have an immediate impact as far as reducing the prime interest rate, but it also instills confidence in our economy and in our future.

I believe the Congress has a similar responsibility. It is important we pass a short-term economic stimulus package as quickly as possible. But that package needs to be targeted. By "targeted," I mean it needs to put money in the hands of people who will spend that money, who will be able to help our economy, and it must be fair. It must be fair to those who are really at risk because of the economic conditions our Nation is confronting.

I think the bill that passed in the other body was a good start. It was a bill that would provide money to basically middle-income families. I think that money is likely to get back into our economy. Just as importantly, it was a signal of confidence in our economy and confidence in America's future.

I believe it is our responsibility to try to improve that package. I thank the leadership of the Senate Finance Committee and my colleagues on the Senate Finance Committee for bringing out a package that I believe improves the bill that came over from the other body. It improves it in several ways. Let me just talk about three of the provisions because I think they are very important to a short-term economic stimulus package.

First, the Senate Finance Committee's recommendations would include low-income seniors. Now, low-income seniors are really concerned about their future. But just as importantly, it is not only the fair thing to do, the right thing to do, it is going to help our economy because low-income seniors, if you give them that check, are going to go out and buy something.

That is going to help us. It is going to help the grocery stores. It is going to help the retail establishments. It is going to help the restaurants. It is going to generate economic activity. So it is in our interest to accomplish the objectives of an economic stimulus package to include low-income seniors. I am very proud the Finance Committee included that in their package they are recommending to us.

The second thing they put in their package, which I think is very important, is the extension of unemployment insurance benefits. All States would get an extra 13 weeks and, for those high-unemployment States, 26 weeks. Now, again, this is a matter of fairness. The people who are directly impacted by the downturn in our economy are those who are on unemployment, who do not have jobs, who have lost their jobs. We are finding that the unemployment rates are getting higher.

I come from a State that does not have a high unemployment rate. We have a rather diverse economic structure in Maryland, so we are not quite hit as hard as the rest of the country as far as employment numbers are concerned. But I am proud to support the provision and encourage my colleagues to support that provision which provides the extra benefits for those States that have been hit the hardest because they have people who are going to have a much more difficult time finding new employment. So it is a fair thing to do. It is the right thing to do during an economic downturn.

But it also is going to help our economy. If you give money to people who are unemployed, those individuals are going to spend that money. They are going to spend it on basic necessities. That is going to help economic growth. It is going to help everyone in this country. So it is targeted, and it is fair.

The third provision that I really appreciate being in the Senate Finance bill is one to help the housing market. We have a housing crisis. In all parts of Maryland, we have homeowners, some of whom are in foreclosure and many others who are at risk of losing their homes. But we have young families that are trying to buy a home, we have people trying to sell a home, and they can't. There is a credit crunch out there.

The Senate Finance bill will at least start us on the way of trying to help the trigger for our current economic problems. I say "the trigger" because there were signs we were going to have a slowdown in our economy, but it was triggered by the mortgage crisis. In that regard, the Senate Finance bill does something about that. It is targeted to the problem we have in our economy.

So I thank the members of the Senate Finance Committee, the leadership, the bipartisan leadership of that committee for improving that package. It is a modest change from the House package in dollars, but it is huge as far as the impact it will have on the people in our communities in trying to deal with the current economic problems.

I thank Leader REID for being prepared to bring up this issue now. We cannot delay it. It is timely. It is important. We have to get this bill done. I appreciate our leader bringing this bill to the floor as quickly as we possibly can.

I have urged my friends on the other side of the aisle to please work with us. We might have some differences. Let's work out those differences. But do not use the delaying tactics of this body so we cannot vote on a stimulus package as soon as possible. We would like to do it today. If we cannot do it today, let's do it Monday. But let's get it done because the effectiveness of an economic stimulus package depends upon it getting out as quickly as possible. Part of it is a message to the people of this country. I think if we put aside our partisan differences and get it done, it will be an incredible message to the American people.

Let me also point out that once we have gotten that done, once we are able to work out this short-term stimulus package, I hope we can use the same spirit of cooperation for the long-term economic challenges we have in this Nation. We have long-term economic challenges to deal with if we are going to be as competitive as we need to be and if we are going to see the kind of economic growth we should have and see the growth of the middle class and middle-class families being able to enjoy the fruits of our society.

We need to deal with the frustrations of typical families in Maryland and around the Nation that are worried about energy costs. They are worried about the cost of gasoline and filling up the tanks of their cars. They are worried about health care costs and the rising health care costs in our communities. They are concerned about the housing market.

We can use the same degree of bipartisan cooperation and focus, as we, hopefully, will have on the short-term economic package, on our long-term economic problems. Let's get energy independence in America. Let's bring down the cost of energy. Let's make it predictable. Let's not be dependent upon the whim of other countries. Let's develop alternative fuels. Let's do the conservation we need. Let's make energy more reliable and affordable and, by the way, more environmentally friendly. Let's bring down health care costs. Let's deal with the number of people who are uninsured—which is terribly expensive to all of us—who use our health care system in a more costly way, many times through the emergency room. Let's work together to bring down the cost of health care so it is more affordable and accessible to every family in our communities. Let's deal with the credit crunch in a responsible manner so homeowners who need to sell their homes have a market in which they can sell their homes and so families who want to buy homes have the resources in order to do that. That should be our challenge for 2008. If we get this package done and can address these underlying issues, then I think we have carried out the responsibility each of us has.

Mr. President, I am pleased we are on the verge of passing the short-term economic stimulus package. I urge my colleagues to make sure this is brought up quickly. I hope we are able to take up the provisions that are included in the Finance Committee package, and perhaps some additional improvements.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

HONORING MARTIN PAONE

Mrs. MURRAY. Mr. President, I come to the floor this afternoon to speak about the economic stimulus, but before I go to that, I wished to take a moment of personal privilege to recognize a special member of the Senate family whose last day in the Senate is today, and that is someone we all know well: Marty Paone. He has been a tremendous asset to all of us. His good will, his steadfastness, the way he works with all of us, because he loves the Senate and understands the dignity of it and yet had a great passion for the work he was doing, will be missed.

Marty came to the Senate nearly 30 years ago and joined the Democratic cloakroom back in 1979 and worked his way up to become secretary of the minority back in 1995 and currently as secretary of the majority. He has been a tremendous asset to every one of us. I speak on behalf of myself as well as all Members of the Senate in saying he will be greatly missed, but we wish him absolutely the best in his new career.

ECONOMIC STIMULUS

Mrs. MURRAY. Mr. President, I come to the floor this afternoon to talk about the economic stimulus package.

In the last several years, millions of Americans have seen their primary source of wealth—their homes—plummet in value. As many as 2 million mortgage holders may lose their homes in this subprime crisis we are seeing. Investors around the world are now very concerned about the state of our economy. In my home State of Washington and across the country, people are very worried. We see Americans losing their jobs, we see them struggling to make ends meet, to buy groceries, to pay their power bills, even to afford health insurance. With our markets in decline, we have the opportunity now to give this economy a jump-start and help prevent a full-fledged recession.

Experts are telling us that taking action now to stimulate the economy by giving millions of taxpayers a rebate could help increase production and lift employment. Businesses—especially American manufacturers—need people to buy their products, and Americans need money to spend on those. I believe a quick stimulus bill that gives Americans some of their tax money back could make a real difference. But we also have to ensure that whatever action we take, it is temporary and targeted to where it can do the most good, and I am optimistic we can do that.

I wish to thank our House colleagues for coming to a quick agreement with the President on an economic stimulus package. Their proposal was a very good start, and I wish to thank Chairman BAUCUS and Ranking Member GRASSLEY for getting to work immediately on a Senate plan. I hope we can all agree to get a bill to the President by February 15 and get this economy moving again.

In the last few days, I have talked with several economists who have appeared before our Budget Committee. They have shared their analysis of what Congress can do to prevent our economy from a full recession, and I think the legislation that was passed by the Senate Finance Committee largely meets their recommendations.

The Finance Committee bill would give middle and lower income Americans a $500 rebate check. It ensures that seniors who receive Social Security will get that rebate and, importantly, it extends the rebate to ensure that our disabled veterans who would not have qualified under the legislation at this point would get that rebate as well. I think this is particularly important. It restores the income cap so the rebates will go to the people who need it the most.

Any bill we pass has to ensure the rebates are targeted at seniors and working families. They are the backbone of our economy. They are the ones who need the money most, and they are the most likely to spend it. So you can be sure I will continue to fight any proposal that changes those provisions.

But I wish to add a few words to underscore the importance of including seniors in this bill. More than 20 million seniors depend on Social Security for their income, and they spend 92 percent of it—a greater proportionate share than all other adults—and seniors are among those who are hurt the worst during an economic downturn because of increasing health care costs. As our Finance Committee Chairman pointed out, seniors have worked hard all their lives, they pay taxes all their lives, and many of them still pay sales, property, and, of course, other taxes. So leaving seniors out of any stimulus bill would overlook their importance to our economy. It would make our stimulus bill much less effective and, most importantly, it would be enormously unfair.

I am encouraged by the progress we have made so far. I think a temporary, targeted stimulus is the shot in the arm our country needs. I have been pleased to see the President has been willing to work with us in Congress. I also believe there is a great deal more we can and should do that will help millions of struggling families and turn our economy around over the longer term. I know many of my colleagues agree. So I hope the President continues to see the value of working with us on longer term investments that will pay off for years to come.

One of those investments that I have high hopes will get us back to restoring our economy is a summer jobs program for teenagers. The unemployment rate for teenagers has jumped in the last year. For all teens, it is 17 percent, up from 13 percent in December of 2006. Among African Americans who are ages 16 to 19, it is almost 35 percent as of last month. Thirty-five percent unemployment for African-American youth between the ages of 16 and 19.

A summer jobs program would have a number of immediate and long-term benefits. We all know teenagers are likely to quickly spend any money they earn, so of course it would provide an immediate economic stimulus. But it also would work to begin to create a new generation of workers. Research shows teens who get work experience earn more over their lifetime.

Last November, I held a field hearing of my HELP Subcommittee on Employment and Workplace Safety at South Seattle Community College. We focused on the need to create a number of pathways, multiple pathways to career success for our young workers. We had representatives from the private sector, organized labor, and they all talked about the need for a new generation of skilled workers, while students said they were not getting enough information about career opportunities and options. I heard about the real need for green-collar workers and the dire need for skilled trade workers who drive our country's economic engines. Quite frankly, attracting these young people to our labor force is something I believe is vital to our economic future in this Nation.

But the summer jobs program I have been talking about has another benefit for our communities. Teens with jobs are less likely to commit crimes or join gangs. A columnist for the Seattle Post-Intelligencer wrote a story that caught my eye a few weeks back. It was about a 17-year-old boy who had been killed in what police believe was a gang-related shooting. The columnist, Robert Jamieson, interviewed some of the boy's friends for the piece he wrote. One friend said the boy had applied for nearly a dozen jobs, but couldn't get anyone to call him back, so he turned to other means. Tragically, we lost him in a gang-related shooting.

Tragically, too many of our young people face the same choice between joining a gang or sticking with a discouraging job search. That story, I believe, illustrates why a jobs program for young people is one of the most important investments we can make in all our futures.

I wish to work with my colleagues on a bipartisan basis to provide the opportunities and the resources to ensure that this generation of workers and the next have the skills employers need so we can compete in the global economy.

I also believe we can create jobs and stimulate the economy by making desperately needed investments in our infrastructure, including our roads, bridges, levees, and mass transit systems across this country. Investing in our infrastructure would create jobs and increase spending on construction materials that would immediately infuse millions of dollars into our economy. Do you know that for every billion dollars of Federal spending on highways and transit, we create a whopping 47,500 jobs. That is putting people to work. Those investments would pay off in the long term as well by helping ensure that our roads and bridges and mass transit systems are safe and they are strong.

Finally, we have to do more to address the housing crisis itself that has spread across this country. While the economy may be headed toward recession, the housing market is in a depression. According to the New York Times, the number of homes set for foreclosure is higher than at any time since the Great Depression. We are seeing communities in this country where people are literally abandoning their homes because they cannot afford their mortgages, and they cannot find a willing buyer. In this country, home ownership has always been a sign of prosperity, but now, for millions of Americans, it has become a trap. With each and every foreclosure, the foundation of every one of our communities weakens as well.

There were warning signs more than a year ago that this crisis could affect the entire Nation, but President Bush took a hands-off approach and ignored the problem. Regulators failed to take aggressive action. Now economists tell us the worst is yet to come.

Our economic strength depends on Americans having a safe and stable place to live and raise their families. Our economy will not be stable again until this housing crisis is corrected. We have to take action to help prevent more drastic problems, and we have to ensure that this situation can't happen again. Families facing foreclosure must be able to get mortgage counseling or help in refinancing their mortgages.

The Finance Committee bill includes as well critical tax relief which I support for businesses that were directly impacted by the home building industry, which has, as we all know, now come to a standstill. We must reform the lending system to prevent more families from losing their homes. I think we should have two main goals.

First of all, we need to modernize the FHA to enable the Federal Government to offer an alternative to nontraditional loans we have seen explode in the past several years. Secondly, we need to ensure that Government lenders can replace some of the worst subprime loans with sound, traditional mortgages. I believe those investments will have a positive ripple effect on the economy for years to come. I guarantee I will be back on this floor many times over the next several months pushing this Congress to take action.

The current economic trouble we face is a direct result of this administration's failure to plan for the future and lead us in the right direction. Similar to any family who prepares to balance its checkbook, we have to take stock of our finances and get our books back in order. American families understand how to live within their means. When they sit down and work out their yearly budget, they consider all their costs, decide how to invest in savings, and balance their checkbooks. The Bush administration inherited a budget surplus, but they squandered it with policies paid for by borrowing funds from future generations of Americans.

By waging a war in Iraq and failing to be honest about the true costs of that war, President Bush has racked up a mountain of debt with no strategy whatsoever to pay it back. Instead of looking out for the needs of everyday Americans, he allowed his friends on Wall Street to take massive paychecks, while allowing predatory lenders to work unregulated. At the same time, the Bush administration has failed to invest in our roads, bridges, in health care, in education, in energy independence, and in our safety here at home. These are things that help our citizens get to work, stay healthy and safe, and these are things that keep our economy stable over the long term. The longer we go without addressing our crumbling highways, our skyrocketing health care costs or our dependence on foreign oil, the higher the costs will be when we have no choice and limited options to fix those problems. We saw that with Katrina. We saw it with the Minnesota bridge collapse.

Every family knows ignoring the need to spend wisely on things you depend on and failing to live within your means is a recipe for serious trouble down the road. So while the economic stimulus we are working on will do a lot of good in the short term, we have to insist that we deal with the real causes of our economic problems. It is time to take a lesson from American families: balance the budget, be honest about the true costs of this war, and think seriously about how we move forward. It is time to insist the Federal regulators who are supposed to watch out for economic trouble actually do their jobs.

It is time to stop ignoring our needs right here at home. President Bush has shown a willingness to work with Congress on this economic stimulus package. I hope he continues to see the value in working with us on the longer term policies that our economy and American families badly need.

I yield the floor.

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, I will speak on the stimulus package. Before I give a general overview of it, I want to say something about one of the several mistakes, or oversights, that is in the House bill. I don't mean to imply that these were known as oversights at the time. But one stands out so strongly you wonder whether the House is consistent in its approach to the issue of illegal aliens. I will speak from the standpoint of my experience with the children's health insurance bill.

You may be familiar with this phrase: "Where you stand depends upon where you sit." Nothing better illustrates that point than this debate and the issue of rebates for illegal immigrants. We are told we must pass the House bill and that changes are unnecessary. In other words, somehow you assume the House of Representatives passed the perfect bill and we ought to rubberstamp it. I disagree. I think the House bill makes it too easy in several areas, but especially in the area of illegal immigrants, to get rebate checks. According to Numbers USA, the House bill could allow as many as 3 million illegal immigrants to receive rebate checks. The House minority leader's spokesman was quoted in the press as saying:

> There is no language in the measure that would enable illegal immigrants to receive a tax rebate.

There is no language whatsoever in the House bill that would prevent an illegal immigrant from receiving one of these tax rebate checks. My colleagues on the other side of the Rotunda should be quite familiar with this line of reasoning, because they devoted countless times on the House floor last fall trying to convince people that because the SCHIP bill didn't explicitly prevent States from covering children up to 400 percent of poverty, it must mean States can cover kids up to 400 percent of poverty.

The same folks who want us to believe the House bill is fine said we hadn't done enough to prevent illegal immigrants from receiving benefits in SCHIP, even though the SCHIP bill had this very language:

> Nothing in this Act allows Federal payment for individuals who are not legal residents. Titles 11, 19, and 21 of the Social Security Act provide for the disallowance of Federal financial participation for erroneous expenditures under Medicaid and under SCHIP respectively.

That was in our bill that passed last year. It is amazing how the standard has changed. The same people who said the language I just read wasn't good enough when we took up the children's health insurance program are now saying no language whatsoever is fine.

The simple fact is the House bill allows illegal immigrants to get rebate checks, plain and simple. It is important for us to fix that, and I believe we will before the bill leaves the Senate. We should not give rebate checks to people who have come to this country illegally, and we should give the House of Representatives an opportunity to fix this huge mistake that is in the bill they sent to us. I cannot imagine why anyone on the House side would complain about our doing that after all the uprising we had last fall about the Senate even considering the language I read—didn't do enough to prevent people here illegally—meaning illegal immigrants—from getting children's health insurance program. My recent experience in negotiating with the House on the issue of illegal immigrants and public benefits taught me that certain folks seem to care quite a lot about that issue, except somehow it was an oversight in this tax rebate bill.

I will quote from the debate on the SCHIP bill in the House of Representatives of October 25 of last year. I will not actually quote the Members by name. You can find it in the CONGRESSIONAL RECORD if you want to know who said it, but it doesn't matter who said it. It was an overwhelming opinion of people in that body—particularly Republicans. One Member alleged that the SCHIP bill tried "to give benefits to illegal immigrants while we still have Americans unserved." He went on to say, "that is not right. This is not fair. This is not democratic."

Suppose I put "tax rebates" in there in place of "benefits," and paraphrase it this way, with the same quote: "To give [tax rebates] to illegal immigrants while we still have Americans unserved. That is not right. This is not fair. This is not democratic."

Well, let's go on. If it weren't right there in the SCHIP bill, it is surely not right here in this tax bill. It is also not fair. We should not leave some Americans unserved when it comes to rebates, such as seniors and disabled veterans, as they did in the House of Representatives, while we are going to let illegal immigrants get rebate checks.

I want to give you another quote. This is also from the same day, October 25:

> I don't think our constituents want us to vote for a bill that makes it easier for illegal immigrants to get tax-paid health care.

That is the SCHIP bill.

> I think this bill does that.

So if that were the case, then I would think that Member of the House would not want to make it easier for illegal immigrants to get tax-paid rebate checks.

Finally, here is a quote from September 25, 1 month before that, in debate on the SCHIP program in the other body, from a Member who used to chair one of the committees of jurisdiction over there:

> What that means is that they want illegal residents of the United States of America to get these benefits. This is what the objection means. So for that reason alone, I would ask that we vote against this bill.

"For that reason alone," he said—regardless of what else is good about the bill, including the language the Senate put in, which was meant not to give the SCHIP program money to illegal aliens. It still wasn't enough. Yet now that tax rebate bill comes over from that very same body and would let illegal immigrants get rebate checks.

So I say, for that reason alone, it is a reason for this body to defy people in that body who said we should not have changed the Senate bill one iota. To my colleagues on the House side, the shoe is now on the other foot. The same principle that applied then should apply now. If you felt strongly enough to stop the SCHIP bill over your concerns about illegal immigrants receiving public benefits, then you certainly should not object to the Senate repairing a bill you sent us that would allow illegal immigrants to get a rebate check. You cared about it then; you should care about it now. You said it wasn't right then. Well, it is not right now. You said it wasn't fair then. Well, it is not fair now. The Senate will fix it. It was a mistake that the Senate will fix.

Let's get back to some history about the purpose of the Senate. For anybody to think a bill would come over here from the other body without fair consideration by this body, I have used this example before, and I don't know whether George Washington actually said this, but it has been in the history books so long that it is fact as far as I am concerned. He was trying to demonstrate to people then about the new Constitution and the purpose of the House and the Senate. He had a cup of coffee on a saucer. The cup with the coffee in it was the House and the saucer was the Senate. The hot coffee in the cup was a piece of legislation, I assume. So what he did to explain the difference between the House and Senate is say this is the House of Representatives writing a bill. Then he poured out the hot coffee into the saucer. I don't know whether we do it anymore or not—I don't do it, but I have seen it demonstrated that you can pour it out to cool so you don't burn your tongue. He explained that the Senate's role was to give deep consideration, to let the pressure that comes upon a body that is elected for a 2-year period of time—a body that might be more responsible to the transient will of the majority, that that transient will of the majority needed to have a body to kind of rethink things, maybe verify that what the House did was absolutely right, or maybe verify that everything they did was absolutely wrong, or that a few changes might be made. And then, after that, the Senate passes the bill and it goes on its merry way to the President of the United States.

But I believe that people I have heard from lately, including, I guess, even our own President of the United States, have said that somehow the Senate ought to automatically take what the House did and forget all about the historical purpose of the Senate, and be on our way, with these mistakes in it—that a person who is illegally in this country could get a rebate check, when I doubt, if we are taking the needs of all of the people, that can help us revitalize this economy, through rebate checks and through enhanced investment.

Madam President, I also came to the floor to discuss this bill generally. I will start by thanking Chairman BAUCUS for his courtesy, hard work, and patience in this legislative effort. As we have in the past, we wanted to process the economic stimulus issue through the committee. That process started shortly after this session of Congress opened. We talked substance and process. We had discussions with the administration, especially Secretary Paulson. We had discussions with our leaders. We had two private meetings and took input from our committee members. We had two hearings on an economic stimulus.

Our goal in the Finance Committee was a bipartisan economic stimulus package. We both wanted a bipartisan economic stimulus package that responded to the needs of Americans and business and would provide a much needed boost for the economy. During this same period, the President sent a strong message that Congress must act, and Congress ought to act quickly to design a fiscal stimulus package aimed at boosting the economy. The President said such a plan would provide a "shot in the arm" to keep the economy healthy.

Last week, the bipartisan, bicameral congressional leadership met with the President. At that meeting, the Senate leaders more or less yielded the legislative process and the substance of this important question to the House and the Senate. In other words, Senate leaders agreed that whatever package the House leadership and White House agreed on would be treated as a fait accompli in the Senate. The Senate leadership's sudden shift in direction caught Chairman BAUCUS and me by surprise and, as I noted above, we had already engaged in the committee process for several weeks.

We were fully engaged on a member and staff level. Many of our members and staff brought to the table the experience from three stimulus bills earlier this decade.

I respect the role of leaders here. My guess is Chairman BAUCUS and two-thirds of the committee members who supported the bill yesterday also respect the role of our leaders. Many in the leadership on my side of the aisle worried about the problem that might arise if the Senate had no role other than to rubberstamp the House bill. They are rightly concerned about the Senate processing a bill, dragging it out, and loading up the bill. Certainly, that is a reasonable concern. Certainly, that is something we find happening often in the Senate. But is that concern in itself so great that the Senate should abdicate all of its legislative responsibility? Is that concern so great that the Finance Committee members should have no say over legislation falling within its jurisdiction?

In my almost quarter century of service on the Finance Committee, I am not aware of any precedent such as this. I am also not aware of any precedent on the House side. At the end of last session, some in the House side might have complained about the outcome of legislation favoring the Senate position. I am not, however, aware of a situation where House leaders on either side virtually ceded their role in legislating on a tax bill this important. As I said, I respect the concerns of leaders about timing.

It comes down to this: The leaders' concerns with timing might weigh against the question of the quality of the House bill. In other words, is a "take it or leave it" House bill which passes quickly better than a Senate bill which allows the Senate to work its will?

I have laid out the leaders' concern about timing. Now we question the adequacy of the House bill. That is the other side of the balance we need to strike. I know other members on both sides have asked themselves the same questions, including Chairman BAUCUS. Chairman BAUCUS makes the ultimate call. Even if I had decided the importance of quick action outweighed the benefits of going through the committee process, the chairman would have made the ultimate call to go ahead. That was the call the chairman made back in 2002, and it was the call he made this time.

In 2002, I disagreed on the substance, and we had a party line markup, but the committee did process the stimulus bill. So to anyone on my side who says my opposition would have stopped the chairman from going forward, check the history books. It did not stop the committee in 2002, and it will not stop it now.

The same outcome occurred in 2003, when I was chairman of the committee and Senator BAUCUS was the ranking member. We went forward in 2003. This time we were able to proceed in a bipartisan manner, and what did the committee process yield? Let's examine this side of the question. Asked another way: Did the committee process improve the House bill with Senate amendments?

One thing I heard loudly and clearly from Republicans was concerns about suffocating income limits. The chairman heard me out and agreed to eliminate them. Unfortunately, the support from the Republican side of the aisle did not line up with the principle I heard from them that they wanted included in the bill as a correction to the House bill.

On the chairman's side of the aisle, meaning the Democratic side of the aisle, there was great controversy over taking those limits off. We heard the uncapped proposal over and over defined as something specifically benefiting Bill and Melinda Gates.

To those on the left, let me tell you there must be a lot of Bill and Melinda Gateses out there. The reason I say that is $12 billion of rebate checks is involved in going back to the House income caps. With the amount of checks capped, it means there are millions of families, not a few millionaires, who are being affected.

As I said, those facts did not move many on my side away from the House bill that contains those caps, so I revisited the issue with the chairman. The caps are back, but at a much higher level. They begin to phase out at $150,000 for single taxpayers and $300,000 for married taxpayers.

So we include a few more middle-income people. That is double the House income limits, helping more middle-income people.

It is safe to say the higher income limits will aid a lot of alternative minimum tax-paying families we hear about. From my perspective, this is a big improvement over the House bill. So if you support the Finance Committee bill, you are recognizing the burden these taxpayers' families bear through the AMT. I don't want to hear any more demagoguery about Bill and Melinda Gates getting checks because there is not going to be any more billionaires getting checks, no millionaires getting checks, no "half millionaires" getting checks. But a lot of upper middle-income families who will not get a check under the House bill will get a check under the Finance Committee amendments.

Most on my side would consider these higher income caps an improvement of the House bill. I particularly credit Senators CRAPO and KYL for bringing up this point in our Finance Committee meetings.

Some on the other side, especially those from high-income, high-tax blue States, will quietly support this change as well but not echo it because they don't want to face the chagrin of Members who think that nobody on the Democratic side ought to be concerned about anybody who has a little higher income.

At the other end of the income scale are 20 million low-income seniors. I underscore that point, 20 million low-income seniors. The House bill leaves them out entirely. The chairman's mark in the Senate corrects that situation.

In the House bill, you will not find seniors with Social Security income covered in this bill. You will find them covered in the Senate bill.

Since we do not have the bill text yet—I am holding up the chairman's mark—we made this happen by including Social Security benefits as a qualifying income in the chairman's mark, and here is what that mark says on page 3:

> All eligible individuals are entitled . . . if they satisfy at least two of the following criteria: The sum of an individual's: earned income . . . and (2) Social Security benefits must be at least $3,000.

That language is not in the House bill. Because that language is not in the House bill, 20 million seniors would not have gotten checks—if that House bill had been rubberstamped by the Senate.

During our committee process, many members discussed this defect in the House bill. As a result of careful Finance Committee member deliberations, we were able to improve the House bill.

Many disabled veterans do not get checks under the House bill. Here again, the House bill does not cover disabled veterans. Under the Senate bill, disabled veterans will be covered.

On page 2, the Finance Committee document says these words:

> The provision modifies the chairman's mark to expand the rebate benefit to disabled veterans.

During careful Finance Committee deliberations, Senators LINCOLN and SNOWE filed an amendment to ensure that disabled veterans would be covered. The chairman incorporated that amendment into his modified mark. Does anyone think this is an inappropriate improvement in the House bill? I ask that of those who insist we rubberstamp this House bill, if they do not have guts enough to tell CHUCK GRASSLEY that be included, at least in their own mind, I hope they know they are wrong by not including the disabled veterans by saying we ought to rubberstamp the House bill. So the House bill, which some are insisting cannot be improved by the Finance Committee, excludes 20 million seniors and disabled veterans.

The House bill could also send checks to illegal aliens. That is right. As I said before, I spent a great deal of time on this point, for those who maybe missed the beginning. The House bill, which some are saying is the best bill we can get and ought to be rubberstamped in the Senate, is going to allow illegal aliens to get checks before we take care of all the people.

Do my colleagues understand the House of Representatives passed a bill to give rebate checks to stimulate the economy, making it possible for illegal aliens to get checks but not 20 million seniors and disabled people in this country who are here legally?

I wish to be specific on the modifications in the chairman's mark, and here is again the document to which I am referring. On page 2, this is what the document says:

> The provision denies the basic credit and the qualifying child credit to individuals if they do not include on their tax return a valid taxpayer identification number for: (1) themselves (and if they are married, their spouse) and (2) any children for whom the qualifying child tax credit is claimed. For these purposes, a valid taxpayer identification number is defined as a Social Security number.

Continuing the quote:

> If an individual fails to provide a correct taxpayer identification number, such omission will be treated as a mathematical or clerical error. As under present law, the Internal Revenue Service may summarily assess additional tax dues as a result of a mathematical or clerical error without sending the taxpayer a notice of deficiency and giving the taxpayer an opportunity to petition the Tax Court. Where the IRS uses the summary assessment procedure for mathematical and clerical errors, the taxpayer must be given an explanation of the asserted error and given 60 days to request that the IRS abate the assessment.

This provision uses current IRS verification techniques. It ensures that the taxpayer getting the check is identified by the tax system.

During Finance Committee deliberations, Senator ENSIGN and his staff raised this important issue. Senator ENSIGN filed an amendment that was addressed in the modified chairman's mark.

The House bill has no such provision. Again—I am not going to keep holding up these bills—we have the House bill without this provision; the Senate bill with that provision. There is no language in the House bill to address a problem Senator ENSIGN properly raised in the committee. The committee bill improves the House bill by making sure illegal aliens do not get a check.

The Finance Committee amendment also beefs up the business stimulus package by adding additional years to the current law net operating loss carryback rules. The Finance Committee bill adds extension of unemployment insurance benefits. I know this was a big sticking point in the negotiations between the House and the White House. In this respect, I favor the House bill. My personal preference would be to eliminate this provision. It, however, was a key issue for all the Democrats. So in compromise—and we do not get anything done in the Senate if we do not have some compromise; nothing is strictly Democratic or strictly Republican, nothing can pass here except under a process of reconciliation. So in compromise, the chairman has it worked out, and it was essential that it be worked out.

I pushed hard for investment energy incentives, and the chairman agreed with me in that respect. So the last piece of this compromise is an expansion of investment incentives to seamlessly extend investment incentives for wind, biomass, and other renewable energy projects. In committee, these provisions caught some criticism, and I expect we will hear more of the same during this debate. I will respond in detail when those criticisms are given.

I compliment committee members on finding a bipartisan middle ground. The committee stimulus package raises the caps on rebate checks, expanding the benefits to more middle-class Americans, Social Security recipients, and disabled veterans. It makes sure illegal immigrants do not get checks. It also expands some of the business relief, and it addresses unemployment. The energy investment incentives round out the package.

I ask Members to go back to the basic question of balancing quick action on a House bill—and that House bill being imperfect as I pointed out in this debate—versus improvements that were made by the Finance Committee. The House bill could be passed quickly without improvement or we could finish the process in the Senate and add improvements made by the Finance Committee. I would challenge anyone to argue that none of the improvements made by the committee process are important enough to finish the job in the Senate. I hope nobody comes over and tells us that, for instance, it is OK to give rebate checks to people who are here illegally.

Having made that point, Madam President, we could prove our leaders right if we load up the bill in the Senate. So we ought to keep our eye on the ball and not load it up because we want to get a stimulus package passed. We don't want that to sink. Christmas is over, so let's not make this the traditional Christmas tree that sometimes legislation becomes.

Madam President, I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Wisconsin is recognized.

Mr. KOHL. Madam President, today our country is facing difficult economic times. Economic growth is slowing, consumers have maxed out their credit cards and are cutting back on spending, and the value of the dollar continues falling while prices for gas and food rise. Daily we hear news about growing problems in the mortgage industry, forcing our neighbors into foreclosure. In my State of Wisconsin, foreclosures are up 27 percent from this time last year, and it will get worse as more subprime mortgages adjust to unaffordable higher interest rates. Working families around the country are facing stagnant wages while prices rise, and their most important investment—their home—is losing value.

In response to this bleak picture, the House and Senate have been able to move quickly in a bipartisan way to try to head off a growing economic storm. It is a rare moment these days when Senators set aside their individual priorities and agree on legislation for the greater good. But that is what has happened with the economic stimulus package that we are currently considering. This package strikes a balance between rebates, business needs, and immediate relief, and I am proud to support the bill before us today.

The centerpiece of this legislation is a rebate of $500 per individual and $1,000 per couple, with an additional $300 rebate per child. This will provide effective and efficient relief for families while jump-starting our economy.

We need to get this money into the hands of people who will spend it, so I applaud the Finance Committee decision to include income caps. Income caps ensure that recipients of the rebate—low- and middle-income working families—will put the money back into the economy.

Finally, as the chairman of the Special Committee on Aging, I want to voice my strong support for the extension of rebates to low- and moderate-income seniors. The House-passed legislation would leave out nearly 20 million elderly people from receiving the rebate, even though they are facing the same rising prices as everyone else. Seniors living on fixed incomes deserve to share in this rebate after paying taxes for all their working lives.

However, this package is not perfect. I was disappointed to see additional funding for food stamps was not included. As chairman of the appropriations subcommittee with jurisdiction over food stamps, the hunger and nutrition programs are something I take very seriously. The strain this economy imposes on lower income Americans is abundantly clear to me. Before we even understood we were headed toward economic crisis, we increased WIC funding by some $600 million over the President's request simply to feed the people already in the program. And now that the crisis has become clear, how can we stand by and not do more?

I hope the Senate will soon act to add an additional $5 billion in food stamp funding. With the downturn in the economy, we all know even more people will need a helping hand to put food on their family's table. We should increase funding for food stamps this year because we know there are families in dire need. And we should boost food stamps because we know spending will stimulate our economy. Every dollar spent on food stamps generates $1.73 in economic activity, and it happens quickly. Eighty percent of all benefits are used within 2 weeks of being sent out, and 97 percent are redeemed by the end of the month. And we don't have to create a new mechanism to deliver this stimulus. Adding food provisions to this package just makes sense.

I am pleased the Senate has come together quickly to move this important package. We cannot delay, and we should not let this bill get bogged down. We need to pass it soon so hardworking Americans get the helping hand they deserve when they need it most.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. SNOWE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. I ask unanimous consent to speak for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. Madam President, first of all, I thank the chairman of the Finance Committee, Senator BAUCUS, and our ranking member, Senator GRASSLEY, for their combined tireless leadership in advancing a very critical piece of legislation, the stimulus bill that has been passed by the Finance Committee and will be considered by the Senate shortly. I thank them for spearheading such an important initiative in a very timely fashion. It is an issue of critical consequence to the Nation.

We know there is a decline in our economy. We are seeing the economic indicators, which I will speak to shortly. There is no doubt that across the board it is absolutely vital that we enact as quickly as possible a stimulus package to begin to address the erosion we have identified and that we have seen in our economy.

Again, I thank the chairman of the Finance Committee and the ranking member for working so quickly to address many of the issues raised on this very comprehensive piece of legislation, understanding that some of the issues that have been raised—even since the time in which the House of Representatives had voted upon their package, they also incorporated many provisions that I think are more targeted and will strengthen the bill that passed in the House of Representatives and the bill that had been negotiated between the House and the President.

I do think it is important for the Senate to have the opportunity to have its input on this bill that is going to be so vital to America and to our constituents and to make sure it is as precise and calibrated as possible in order to rejuvenate the economy and, hopefully, to galvanize some of the economic dimensions of our economy that have taken a turn for the worse.

It is imperative that we act in a timely fashion. I think changing the package and incorporating those issues that are also essential to build upon the strengths of the legislation that passed in the House of Representatives are not mutually exclusive. We cannot afford to stand idly by as the economy continues to erode. That is why I think there is a collective conclusion that we have to develop a package that can be supported in both the House and Senate and will be signed by the President.

The Finance Committee held a number of hearings recently on the question as to whether to even have a stimulus package. I know there is debate on both sides of the political aisle and among economists as to whether it is essential. But the fact is, more than half of the economists surveyed in this country believe there is a recession that is imminent. So, obviously, we have a responsibility to take every possible step and every possible measure that can avert or at least mitigate the impact and the brunt of any recession.

Dr. Martin Feldstein, former chair of the Council of Economic Advisors for President Reagan, expressed his support for a stimulus plan. Last week, before the Senate Finance Committee, he said:

> Because of current credit market conditions, there is a risk that interest rate cuts will not be as effective in stimulating the economy as they were in the past. That is why a stimulus measure deserves our attention.

It certainly deserves our attention and our informed decisions, in terms of what exactly should be considered in a stimulus package. No doubt, time is of the essence—we all agree on that—in passing a viable and effective piece of legislation. But our obligation, as well, is to be deliberative on one of the issues that is of great consequence to this country.

We have to develop the best possible package, building upon the strength of the House measure, and it must be targeted to those who need the support; and we need to rebuild the economy and, hopefully, avert any potential recession. We have to strike the right balance because, obviously, that will be central to averting a recession, avoiding it, as we face a confluence of historic and unprecedented economic indicators that are profoundly troubling.

We can anticipate more than $600 billion in resets in the adjustable rate market in the spring, which is, of course, on top of all the resets that have occurred recently. We are experiencing a housing crisis. Recently, the Commerce Department indicated that the drop in home prices is at the lowest since they began keeping records in 1963. Likewise, the price of oil per barrel has now skyrocketed and spiked recently to $100 per barrel. Gasoline is approximately $3 at the pump, and we can anticipate, according to a report even of today, that it may go as high as $3.50 per gallon. The number of long-term unemployed today is nearly twice the rate of the unemployed immediately prior to the recession of 2001 and 2002, when we extended unemployment benefits. So we have seen the long-term unemployment rate jump significantly.

We have had an unemployment rate that surged most recently, in the short term, from 4.7 percent to 5 percent in 1 month alone. Obviously, we don't know what to anticipate in future months. That is why it is so critical to have the stimulus package in place.

Most troubling is what the Commerce Department indicated yesterday: that a growth in the gross domestic product has slowed to .6 percent in the fourth quarter of last year, for an annualized rate of more than 2.2 percent for 2007. That happens to be the slowest annual rate of growth in 5 years. So there is no question that we must use the fiscal tools at our disposal to mitigate the impact of a slowing economy and, hopefully, avoid any potential recession.

One of the economists who appeared before the committee—Dr. Jason Furman of the Brookings Institution—echoed as much when he said that "a well-designed fiscal stimulus in the form of increased government spending or tax reductions, has the potential to help cushion the economic blow."

So the package agreed to yesterday in the Finance Committee, in my view, meets this challenge and achieves those goals. It is well-balanced, effective, and it will stimulate the economy through some key provisions that I think are essential, in terms of addressing the problems we are facing. One is the refundable tax rebate, of course; that is, to spur the buying power of all Americans across the board, but most especially low-income and senior consumers, which is important.

The House-passed package doesn't include a benefit for senior citizens. It doesn't include the more than 20 million seniors on fixed incomes. They would not benefit from the stimulus package enacted in the House of Representatives. It doesn't include an extension of unemployment benefits which, again, I might add, economists have identified as one of the surest ways to impact the economy. You will have the most affect on spending almost immediately—in fact, some economists have said within 2 months, as opposed to the rebate, by the time it passes the Congress and is signed by the President, but also because of the length of time it takes to distribute it. Even under the most efficient means possible, we will not feel the effect of it until the spring or later midyear. So then it would take a while to really be absorbed into the economy so that an extension of unemployment benefits would become essential and pivotal. In fact, the Congressional Budget Office said it has the greatest amount of cost-effectiveness and the least amount of lag time before it is felt in the economy, it has the maximum amount of impact on the overall economy in terms of its effectiveness, and it has the most certainty about the impact it will have on the economy to spur economic spending.

Finally, we have an extension of the energy tax incentives. People say we should not have the energy tax incentives in this legislation. Yet it is interesting to note that it would create more than 100,000 jobs, by industry estimates, by the end of the year—100,000 jobs. The whole goal and focus of this legislation is to create more jobs, and if we know definitively there are provisions that will create more jobs immediately because of pending projects, then doesn't it make sense to include them in this legislation? It will spur economic activity or spur consumption, and it will reduce our dependency on imported oil.

Investment incentives for small businesses will also be included in this legislation to work in conjunction with other initiatives through job creation by providing for expensing for small businesses so they can write off more of their capital investments or be able to use the extended carryback of operating losses and extending that period from 2 to 5 years so they can reach back further. They have their choice of incentives, whatever works for a company. They may be in a struggling situation, and they can write off their losses of current years against their profits of past years. It makes sense to put these provisions and incentives in one single package that will help to spur the economy.

In addition, of course, is the bonus depreciation as well—another dimension of economic investment that can make a difference in serving as a catalyst in our economy.

Finally, in this legislation, we include a provision that was omitted in the House of Representatives package, and that is one that would make sure our disabled veterans benefit from the stimulus package, benefit from the rebates.

I thank my colleague, Senator LINCOLN, for initiating this amendment. I joined her in that effort in the Finance Committee because we thought that was a major omission, to exclude more than 250,000 of our Nation's service disabled veterans because their compensation is not taxable. We wanted to make sure they should be able to participate in the stimulus plan. Our disabled veterans deserve to be part of the rebate plan, and this package makes sure that happens. I appreciate my colleagues on the committee who supported this pivotal provision.

This legislation casts a wide economic net, and that makes it more equitable, especially to the most vulnerable among us in America. It doesn't merely represent sound economics to propel this stimulus, but it is also in greater alignment with Federal Reserve Chairman Bernanke, who said that a fiscal stimulus package should be implemented quickly and structured so that its effects on aggregate spending are felt as much as possible in the next 12 months or so. The measure we will be considering and debating does affect the aggregate. It does ensure that its impact is felt as much as possible, and it does so on a more accelerated timetable.

The tax rebate incorporated in this legislation is obviously central, and the refundability makes it all the more effective. That is why I was a strong advocate in ensuring that refundability was part of the stimulus package, that it certainly had to be included to make sure the low-income and middle-income Americans and households would have the ability to have the benefits of any rebate because it would also make a difference in stimulating our economy because two-thirds of consumer spending is really what drives our economy. It is the economic engine. We depend on consumer spending to drive our economy. So the refundability portion is very important because it will make sure those people who benefit from this rebate are ones who also need this rebate. They need it to pay for the necessities of daily life, given spiraling costs in terms of oil, food, and gasoline. We want to make sure we can mitigate the impact of this declining economy and the rising costs in their households.

When we had various witnesses before the committee, we talked about the effectiveness of the refundable tax rebate. In fact, the Hamilton Project, which was conducted by economists at Brookings Institution, noted that a one-time tax rebate equal to 1 percent of the GDP, which is about $140 billion in today's economy, and directed at households likely to spend money would boost the level of GDP by 1 percent or more for two consecutive quarters, increasing the annualized GDP growth rate by about 4 percent in the first quarter of the effect.

So if the aim of this bill is to arm American consumers with additional money to stimulate consumer spending, it is integral that this benefit is extended to the 20 million working families and the 20 million seniors who were omitted from the House bill who are more likely to spend the money that will be included in the stimulus package.

The package which is before the Senate which was enacted by the Finance Committee will be absolutely vital to low-income Americans and to seniors who otherwise would not have benefited from the package which was enacted in the House. So, again, the Senate Finance Committee package builds upon the provisions that were incorporated in the House legislation and are strengthened in the package that was marked up in the Senate yesterday.

I think it is absolutely critical that we make sure no one is left behind when it comes to benefiting from this rebate that is directed at low-income and middle-income households because they are the ones who are most likely to spend this rebate because of the driving costs of, as I said, oil and food and the daily necessities of life.

I also think it is important to extend the unemployment benefits, as I said earlier. The fact remains that the unemployment rate for the long term is twice as high as it was in the recession in 2002. We included extension of unemployment benefits. After all, if the purpose of this package is to put in place the fiscal tools to make sure we can do everything within our power to avert a potential recession, then we have to make sure these tools are absolutely in place to make sure we can avoid a potential decline in our economy that leads to a recession.

In my home State alone, the case for an extension is undeniable. As the State department of labor reported, the announced layoffs for February and March are up an unconscionable 75 percent over the layoffs that occurred in December and January. Unemployment is increasing, certainly in my State. We have seen it reflected in the recent numbers. We have no way of knowing the extent to which it will get worse, but we do know by all accounts and certainly by the economic indicators, by the general consensus of economists, that a recession is a potential, that it could potentially be imminent in the short term. So all the more important to put in place a provision to extend unemployment benefits because it will have the maximum effect in our economy to impact direct spending. Also, I think it is important that it will stimulate the economy. In fact, Mark Zandi of Moody's Economy said that every dollar spent now on unemployment will result in an infusion in the economy of more than $1.64 cents.

So the beneficiaries of this extension certainly will be those who have been unemployed for the long term, who have seen their benefits expire. If they have already exhausted their 26 weeks of benefits, they will have an additional 13 weeks. For those high-unemployment States, which is triggered at 6 percent or more, they will then get an additional 13 weeks of benefits. It would provide an immediate infusion of cash through a very reliable mechanism that is already in place to the people who very likely will spend that money on consumer goods.

The fact is that long-term unemployment is twice as high today as it was in 2001 and the 2002 recession at a time when oil was only $25 a barrel, and today we have seen it is almost $100 a barrel. We cannot afford to ignore this potentially dire situation which this long-term unemployment rate poses. That is why I think it is absolutely important that we do everything we can to ensure that a stimulus package includes the extension of unemployment benefits.

I also am pleased that we have energy tax incentives, as I said earlier, as well. Energy production tax credits will be extended in the first quarter of this year. By all industry estimates, it is indicated that we could create more than 100,000 jobs. I know in my own State of Maine, with some of the investments that have already been made in wind power, for example, there is more than $1.5 billion worth of projects that are pending, that are waiting for this energy tax credit.

We know that in the final analysis, we are going to enact an energy tax credit that will cultivate the renewable sources of energy we need to generate in this country so we can reduce our dependency on foreign oil. What better way to do it than through tax credits. We know they have worked, and we know that later this year we will be considering these energy tax credits to extend them. So why not extend them now if we are certain it is going to create jobs? As I said, by industry accounts, the experts have estimated that more than 100,000 jobs will be created as a result of these tax credits.

So it is unquestionable in terms of the benefits economically, it is unquestionable in terms of the benefits to our energy security and our independence, which is inextricably linked to economic security and progress. I do not think anybody in this Chamber can believe that lessening our dependence on oil and lowering its price per barrel, which these approaches will facilitate, will not prove to be an immediate boon to our economy. So these incentives are necessary, in my opinion, because they also address the root causes of our current downturn.

I hope, in the final analysis, when we get to the question of a stimulus package, we will also include financing for low-income fuel assistance.

Two years ago, I advanced a billion-dollar initiative in increasing financing for low-income fuel assistance. At that time, heating oil was $2.44 a gallon. Today, our families, households are paying an inconceivable, incomprehensible increase of $3.45 a gallon—nearly $3,000 just to get through a winter. The average resident in the State of Maine uses about 850 gallons to 1,000 gallons, so that cost is near $3,000. The eligibility income for low-income fuel assistance is approximately $13,000. It takes more than a quarter of their income to pay for heating their home—more than a quarter of their income, of the $13,000. It is absolutely inconceivable that any family could live on $13,000 and pay more than a quarter of their income toward home heating oil that continues to rise as we speak when we are talking $3.45 a gallon.

It is only right we fund this indispensable program. We have provided some increases. It is clear we need to do more, and what better way to stimulate the economy and to ensure households have the benefit of an increase in low-income fuel assistance than providing it as part of the stimulus package, particularly at the time of crisis for households in the cold weather regions of this country. I know there will be an amendment offered at the time we are considering the stimulus package.

Finally, I wish to mention as ranking member of the Small Business Committee that there are two vital provisions, as I said earlier, regarding small business expensing and the extending of the carryback period of operating losses from 2 to 5 years. They are critically important initiatives because they certainly will be a great catalyst for the generation of jobs in America. Small businesses are the key to job creation in this country, key to our economy. They are responsible for creating two-thirds of all new jobs in America. They represent 99 percent of all of our employers. They represent half of the employees in this country, so they are pivotal to the success or failure of our economy. The more we can invest in small business, the more we will see the benefits in terms of job creation. That is indisputable by any measurement, by any account; that they are able to create the kind of jobs directly that benefit our economy, benefit the people we represent, and they can make that investment quickly.

That is certainly true when it comes to expensing, where they will be able to write off up to $250,000 in this initiative, where they will be able to use bonus depreciation, for example, and other important investments for capital incentives, and also as well for the carryback period, in extending and reaching back to 5 years. Any one of these initiatives or in combination is going to be absolutely vital to helping generate new jobs in our economy and helping to mitigate the downturn in our economy.

The gravity and the urgency of our economic situation cannot be overstated, and it unquestionably requires swift and decisive action. So I hope at the time we consider this stimulus package, there will be strong support for the initiative that passed the Senate Finance Committee.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Madam President, I understand the leaders may well be coming to the floor here in the next few minutes, and certainly when they arrive I will defer to them for the business about which I know they will want to inform the Senate.

DEVELOPMENTS IN IRAQ AND AFGHANISTAN

Mr. CORNYN. Madam President, I wish to talk about the global war on terror here for the next few minutes, and to recount some very good progress we happen to be making in Iraq and that the Iraqis appear to be making. I realize that because the news is not as bad as it once was, it has now fallen off the front page of the newspaper. Yet I think it is very important not only to our national security but because we are being asked to support our men and women in uniform in a variety of ways that we keep close track of the developments occurring both in Afghanistan and in Iraq. That is the subject of my comments.

First, I acknowledge a report from the Associated Press indicating that one of al-Qaida's top commanders in Afghanistan, and a key liaison of the Taliban, Abu Laith al-Libi, was apparently killed in military action at the Pakistan-Afghanistan border. Reports indicate he is actually the fourth person in command of the al-Qaida and the Taliban, right after Osama bin Laden, al-Zawahiri, and Mullah Omar, demonstrating that we continue to take the fight on the offensive against the very people who are responsible for perpetrating the murder of 3,000 Americans on September 11, 2001.

I believe one of the reasons why we have not had a repetition of that horrific day on our own soil is because of the skill of our men and women in uniform, the weapons we have equipped them with, and the intelligence they have been able to gather that allows us to detect and deter terrorist activities not only on our soil but in Afghanistan against ours and allied troops, as well as Iraq. I think that is a bit of good news that we ought to acknowledge.

Secondly, let me say the reason I wanted to come to the floor was precipitated by my visit in January to both Afghanistan and Iraq, where I had a chance to not only meet with Texas troops who are fighting in both of those countries but also military commanders from my State and across the United States, and to learn more as a Senator and member of the Armed Services Committee about the progress in both Afghanistan and Iraq.

I was pleased to meet with GEN Raymond Odierno, from Fort Hood, TX, who is basically the second in command for General Petraeus, head of Multinational Forces, and who I know will be returning, along with many Texans, to Fort Hood in February, much to his family's pleasure. I know after all the time General Odierno has spent in Iraq, his family will be glad he is coming home, and particularly after the good news that was reported to me there and that I want to summarize here.

The good news is that, as General Odierno said in a story in the Washington Post, reported today, we are going to be bringing back about 40,000 troops from the height of the surge until next summer, and then have what General Odierno called a strategic pause to sort of assess the stability of the military and security environment in Iraq. Of course, the hope is always that we can continue to bring more and more troops home, but as I heard in Iraq over and over, as the Iraqis stand up, we will stand down. That was the plan all along. But again, good news.

General Odierno, in this article, was asked: Do you consider Iraq fragile? We have heard that phrase used over and over. While we have been successful, and the Iraqis have been successful, the conditions are still somewhat fragile. General Odierno was quoted in this article as saying: I think if we move forward with operational patience, it isn't that fragile. But he continued. I think if we leave tomorrow, it would be very fragile—which underscores, to my way of thinking, the importance of us drawing down our troops based on conditions on the ground and not based on some arbitrary or political timetable. If we did that, if we drew the troops down in a precipitous fashion based on some deadline we impose, without regard to circumstances on the ground, in General Odierno's terms, that would create a fragile security situation and perhaps even reverse the significant gains that have been made.

We see another bit of good news, and this is in the Mideast Stars and Stripes today, that an operation led by Iraqi forces and supported by American troops has reopened the main highway linking Baghdad and Dyala Province after 16 months of being in insurgents' hands. That is good news, and another reversal for al-Qaida and the insurgency in Iraq.

This chart indicates the locations of al-Qaida in Iraq in December 2006 and the battle of Baghdad that led to the actual surge. You will see, Madam President, on my left here—to your right—the improvements demonstrated by the shrinking of the red areas, which indicates the presence of al-Qaida in Iraq in December of 2007. This is presurge; this is postsurge. Not only is this a surge of American troops, but during the same period of time in which we surged additional American troops, there were an additional 100,000 Iraqi policemen and military recruited and trained, as well as some 70,000 citizens in these concerned local citizen councils.

We have heard about the Anbar awakening, where people who had thrown their cause in with al-Qaida had finally gotten tired of their barbaric practices and their treachery and had begun to cooperate with Americans and Iraqi forces. That has led to what I would call—some have called—a concerned local citizens council. I have told people it reminds me of a neighborhood watch on steroids. What it does is provide intelligence as to the locations of improvised explosive devices, and perhaps insurgent or terrorist activity, which has allowed our troops and the Iraqi troops to work with the local citizens to help shrink the influence of al-Qaida in Iraq, as indicated by the comparison between this chart on my right in December of 2006, presurge, and postsurge 2007, in December. So that is obviously good news.

We also have four snapshots of sectarian violence in the city of Baghdad. You will recall that at one point we heard from some Members on the floor that the Iraqis were on the verge of a civil war because of the ethnosectarian violence. You will see here that from December 2006, as indicated by the yellow and red, how much of Baghdad was consumed by sectarian violence. This, of course, had all along been the aim of al-Qaida, to incite the sectarian hatred and violence in a way that would consume Iraq. And we saw, in December 2006, that was unfortunately enormously successful. But you can see from December 2006 to December 2007, presurge to postsurge, how these areas of yellow activity are shrunk, and virtually none of the red, the highly intensive sectarian violence, is occurring.

So here we see, in a very remarkable contrast from presurge and postsurge, a reduction in ethnosectarian violence, a dramatic improvement, and perhaps best evidenced by the fact that many refugees are moving back from other places to their homes in these areas.

Finally, perhaps most demonstrative of our success is these charts which indicate an overall drop in attack trends. This chart starts in December of 2006 and ends in December 2007, indicating a tremendous reduction—by about two-thirds—in the number of overall attacks in Iraq. Again, a significant improvement.

I think those are all the charts I have, but let me say that I also acknowledge the tremendous success the Iraqis have made when it comes to political reconciliation. That is another thing that, of course, we all had hoped for. In our meetings with Iraqi leaders—Shiites, Sunnis, and Kurds—we said: Congratulations on the success of this surge of Iraqis and multinational forces, leading to an improved security situation. But Senator COLEMAN and Senator ISAKSON and I, in our visit there, told Iraqi leaders: Now you need to continue your political surge, now that the security situation has improved considerably.

We know as a result of the improved security situation that the Iraqis have now begun a sort of political reconciliation, both at the local, or tribal, level and at the provincial level, which has led to greater security, but also at the national level. They have passed, finally, one of the benchmark pieces of legislation that many Members of Congress had urged them to pass from time to time, known as the debaathification reforms. The Iraqi Council representatives passed what they called the accountability and justice law, which represents a significant step forward in the political reconciliation between the various sects and bringing back into the Government, back into society, some of the baathists who are at the local level—after they have been vetted to make sure they are no longer a threat. Because of Saddam Hussein's influence, people could not teach in schools, could not engage in civil life unless they were a member of the Baath party. Well, thanks to the Iraqi Council of Representatives, they now have an opportunity to reengage in civic life in Iraq in a way that is very important.

We also know the Iraqi leaders have passed a budget and an important pension law. Recently, Iraqi health care providers gathered in Baghdad for a 2-day medical conference, the first of its kind in more than 15 years.

Madam President, I know we have other colleagues wishing to speak here on the floor, and I am about through with my comments, but I think it is worth reminding ourselves and reminding the American people what the impact has been of this surge of American and Iraqi forces thanks to the counterinsurgency strategy devised and deployed by GEN David Petraeus. I had an opportunity to see General Petraeus and Ambassador Crocker in Baghdad. They are pleased with the success they have seen, both militarily and from a diplomatic perspective. But they obviously recognize that things still need to continue on the trend toward improved relations, and the Iraqis need to continue their political reconciliation.

I think it is very important, as the story of Iraq tends to go from the front page to perhaps the middle of the newspaper, or from the top of the evening news into perhaps not even being the subject of a news story, that we recall for ourselves and for all Americans the contributions our brave men and women in uniform have made.

This will not only protect our vital national security interests but make sure other people across the world, in places such as Afghanistan and Iraq, can enjoy the blessings of liberty. To me that has been one of the most noble things America has continued to contribute, even to people whom our young troops have not met, to be able to deliver to them the opportunity to live in peace and to achieve their potential.

To me, that is one of the greatest things about this country of ours, that people will put themselves in harm's way, they will risk death itself or serious injury to help other people enjoy those blessings of liberty.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS.) The Senator from Washington.

ARMY SUICIDES

Mrs. MURRAY. Mr. President, I rise this afternoon to talk about a subject that is very important to all of us. I listened to the Senator from Texas lamenting the fact that the war in Iraq has not been on the front pages of the paper recently.

Well, I am here today to say: Actually, it has been. In fact, on the front page of the Washington Post today, an article, "Soldier Suicides at Record Levels. Increase Linked to Long Wars, Lack of Army Resources."

We are hearing several news outlets today reporting on the front pages of papers and in headlines that suicides among our Active-Duty soldiers are at the highest rates since the Army began keeping records back in 1980.

According to those reports, 121 soldiers took their own lives last year. That is nearly 20 percent more than in 2006. The number of attempted suicides and self-inflicted injuries has dramatically increased since the start of this Iraq war. Those findings are tragic.

I know all our hearts go out to those families, their friends, and to the fellow soldiers of each one of those service men and women. Our great servicemembers who face deployment after deployment without the rest, recovery, and treatment they need are at the breaking point.

Many of them have seen their best friends killed, they have seen other untold horrors. Yet we still are expecting them to head back to the battlefield to perform unaffected by what they have seen or gone through.

While military suicide is back in the press today, those of us who travel across our States, who go home and talk to servicemembers and veterans who are struggling with mental health care, we know this is an issue, we know it all too well. We know that for family members who live through this tragedy, the pain stays long after those headlines fade.

We owe it to our servicemembers and their families to be outraged when these numbers are going up and up and up and not down. We owe it to them to demand action. On Monday, in his State of the Union Address, the President called on us, Congress, to improve the system of care for our wounded warriors and help them build lives of hope and promise and dignity.

Well, Congress has given the military hundreds of millions of dollars to improve its mental health care system. We have worked hard and pushed through legislation to require the military and the VA to destigmatize mental health treatment, to help increase the awareness of the symptoms of post-traumatic stress disorder and do further reach on traumatic brain injury.

But it takes more than money being thrown at the problem, it takes leadership and it takes a change in the culture of war. The President can make all the platitudes he wants, but as Commander in Chief, he needs to lead by example and show he understands what these never-ending deployments are doing to our troops and to our veterans.

While the Department of Defense has taken some action, today's report makes me deeply concerned that progress has not been made and that these programs have not been implemented throughout the system. Some of our soldiers are telling us all they get is a 1–800 number to call if they need help.

Well, many soldiers need a real person to talk to. They need psychiatrists and they need psychologists who understand the horrors of war and the stresses these troops feel after serving their third or their fourth or even their fifth tour of duty in an urban theater.

Too many of our troops today say they cannot even get the military to understand when they are crying out for help. As I said, the Washington Post reported this morning on the military suicides, with an update on Lieutenant Whiteside. The Post wrote about this case the first time in December. She is the 25-year-old medic, an Army medic who attempted suicide in theater. Then she was charged by her superiors with endangering another soldier.

Now, I met with her father before the Senate Veterans' Affairs Committee when we were hearing the nomination of General Peake. Lieutenant Whiteside had experienced a mental breakdown from stress serving in Iraq and she suffered from "demonstrably severe depression," according to her doctors.

But the story revealed that medical opinion was brushed aside in her case and her superiors in the field said: "Mental illness is an excuse."

Well, this past Monday, she was awaiting the Army's decision whether she was going to be court-martialed or not, and she swallowed dozens of pills in another suicide attempt. The Post reported today she left a note that explained: "I am very disappointed in the Army."

According to this article, Lieutenant Whiteside is now in stable physical condition and the charges have finally been dismissed.

But, unfortunately, she is not the only soldier who has struggled to get the Defense Department to understand the real trauma of military service. Her story and the statistics that are being reported today are a reflection of something many of my colleagues and I have said over and over: A prolonged war has stretched our military thin and is taking a tragic toll on the brave men and women who serve in our all-volunteer Army and military. They deserve more.

Some members of the Joint Chiefs of Staff have raised concerns that prolonged and repeated deployments are placing the overall health of our servicemembers at risk. David Rudd, who is the chairman of the Department of Psychology at Texas Tech University and a former Army psychologist, was quoted in this article this morning as saying the Army suicide rates pose:

> Real questions about whether you can have an Army this size with multiple deployments.

Over the past weeks, both the President and White House officials have hinted that a reduction of troops in Iraq is likely only temporary. As a result, I continue to be very concerned about the readiness of our military and our ability to sustain these wars in Iraq and Afghanistan.

I think we need to ask the question: With the reality of today's reports and the knowledge that extended troop deployments are stretching our military readiness, I want to know, what is the Pentagon's plan to address and decrease the number of Army suicides and suicide attempts?

This afternoon, I wrote a letter to Secretary Gates, and I asked him that question. I want to hear his response. We need to know that the change in culture is more than a talking point; we need to know and be assured our senior leaders in the military are ensuring that their words and programs are being executed out in the field.

Our troops are heroes who are sacrificing for this Nation. It is time for this Government to wake up and provide them with the care they need.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I wish to express my appreciation to one of the best soldiers we have ever had in the Senate, the Senator from Washington, Mrs. MURRAY. No one looks out for the troops more than she does. Her statement today is certainly reflective of a problem we have with suicide, which I know something about.

LYLE SENDLEIN

Mr. REID. I want to make one brief correction in the statement I gave this morning—not a correction, an addition. I talked about National Football League players and how they are not treated right, the old-timers who have been hurt playing professional football.

I talked about someone I went to high school with by the name of Rupert Sendlein, who was a fine high school football player. But his son was an All American at the University of Texas, played many years of professional football.

What I said this morning is that his grandson, Rupert's grandson, Lyle, was also a star All-American football player at the University of Texas. What I failed to mention is he started a number of games this year for the Phoenix Cardinals. He is much bigger than his father and his grandfather. He is 6 feet 6 inches, weighs 310 pounds, and is also a professional football player. I want the RECORD to reflect that I forgot to mention he was playing professional football.

ORDER OF BUSINESS

Mr. REID. There will be no rollcall votes today. I am disappointed we have had one rollcall vote all week. There is no reason to point fingers. It sometimes happens. We have two extremely difficult areas of legislation, one dealing with the Foreign Intelligence Surveillance Act and the other dealing with the stimulus package. These two things have been very difficult to work out.

I have been told, with the last conversation I had with the Speaker, as a matter of fact, to try to work out one of the chinks we had on our side with the FISA legislation. I think that is worked out on our side. You never know what is going to come up.

But that is the way it is. It is my understanding the Republicans are going to now, once the agreement has been written, they are going to hotline that and see if we can get that done. But regardless of that, the Republican leader and I spoke a while ago, and we hope we can get this done so it will give us a way to end this early next week.

But there will be no votes today. It would not be fair to everyone to start on this bill, as we would not be able to do it for another 45 minutes or an hour the way things go.

I wish to say a couple things. The package we got from the Senate Finance Committee yesterday deserves the attention of the American people and deserves the attention of this body, Democrats and Republicans. Why? Because it is a stimulus package. Is there anything wrong with the House package? Of course not. It is a good package. But ours is so much better. If we are talking about stimulating the economy, I think we need to understand that 21.5 million seniors will stimulate that economy. And they would get one of these rebates, all 21.5 million of them.

If we are concerned about stimulating the economy, who would spend it more than disabled veterans? We have 250,000 disabled veterans who are part of our package. That is important and that is good.

Unemployment benefits. I am not here to boast about it, but my State, the State of Nevada, for the first time in a long time, has a problem with unemployment. We had, for 20 years, the most booming housing market in the country.

People thought they were economic geniuses. They were buying homes and selling them. But when the downturn came, almost half the people who are in foreclosure did not live in the home. They are buying them for speculation purposes. They made a lot of money in the previous years, but the man came to the door and said: You cannot do that anymore.

So unemployment is a difficult problem we have. I visited this afternoon with the labor leaders of southern Nevada and northern Nevada. We have a real problem. Unemployment benefits are part of the Senate Finance Committee package. It is important and deserves a vote. We are going to have one on this at the right time.

Also, housing. The President in his State of the Union message talked about a number of items. One of the things he talked about was to set up a tax-free bond provision. In the past, most of these bonds have been used to build new homes. Well, we are not building new homes.

So what the President wants and Senator JOHN KERRY wants is to use these bonds to refinance homes. A great idea. The President likes it. We like it. That is part of the Senate Finance Committee package.

We also have in this package something, again, being very provincial, talking about something important to the State of Nevada, renewables. We have to ween ourselves from this oil that we get from despots around the world. Venezuela, and some of the most tyrannical governments in the world in the Middle East. They are shipping us oil every day and around the rest of the world. Venezuela, interestingly enough, the leader of Venezuela comes to the United Nations and calls our President names.

Now, the fact is, before the United Nations, on American soil, no one should have the right to call my President names like this man did. What we should have told him is: Keep your oil.

We couldn't do that. We depend on his oil. We depend on Venezuelan oil.

This legislation that is coming from the Senate Finance Committee sets up some tax incentives for people to develop renewable fuels. People say: Is that going to stimulate the economy? You bet. If we provide tax incentives for these companies, they will start investing tomorrow—tomorrow—which means jobs; not scores of jobs, not hundreds of jobs, not thousands of jobs, tens of thousands of jobs. In the little town of Searchlight, NV, where I am from, I got a call when I was home from Senator Richard Bryan. He owns some property a few miles out of Searchlight. He said: They want to put up some windmills on your property. Do you want them to do that?

I said: Look, I don't want anyone to think I am getting any money from windmills, so have them put up all the windmills they want. I don't want anything from it. So put up the windmills.

Now I understand they are going to put as many as 200 of these huge windmills near my town of Searchlight. These windmills would be maybe 2½ miles from my home. Good, 200 megawatts of electricity. And they are waiting for tax incentives. Right now we have tax incentives for a very short period of time. What we have done with the Senate-passed provision, it will extend some of them up to 2 years because there is already a year to go on some of them.

Also extremely important, the business package is something for which the business community is clamoring. The House package has some good tax incentives in it for small business and businesses, but ours is better. This is in no way to criticize what the House did, but it is also underlining how good our package is. So we are going to work to pass the Finance Committee bill.

I have been told—I got a couple Blackberries today—by Members of the minority, the Republicans, surprisingly, but I don't want to mention names on the floor because things can always change—but I was surprised that people are supporting this, Republicans are supporting our package. So I think we can get 60 votes. If not, we are sure going to try. I think as time goes on and people look at what we have done, it is going to become even more appetizing. It is going to be better each day that goes by. So we will get to this legislation long before the cutoff date that I said we would complete it; that is, February 15. We have 15 days to go. We are going to finish this bill, I would hope, early next week or sometime next week. We are certainly going to try.

One of the calls I got today was from AARP. This organization, I don't know how many members they have, but millions. The one thing they have identified this past year is this. This is going to bring the AARP out to tell every Senator, all 100 of us, that this is the most important thing they have had in a long time before the Senate. It will give 21½ million seniors a few dollars to spend to make this economy better. We are going to do it as expeditiously as we can. We believe it is the right thing to do, and we are going to move along in that manner.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOVERY REBATES AND ECONOMIC STIMULUS FOR THE AMERICAN PEOPLE ACT OF 2008—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to Calendar No. 566, H.R. 5140, and I send a motion to the desk, a cloture motion.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of Calendar No. 566, H.R. 5140, the economic stimulus bill.

Max Baucus, John D. Rockefeller, IV, Kent Conrad, Jeff Bingaman, Blanche L. Lincoln, Debbie Stabenow, Maria Cantwell, Ken Salazar, Herb Kohl, Daniel K. Inouye, Byron L. Dorgan, Mark L. Pryor, Robert Menendez, Jon Tester, Christopher J. Dodd, Barbara A. Mikulski, Joseph I. Lieberman.

Mr. REID. I ask unanimous consent that the mandatory quorum be waived and the cloture vote occur at 5:30 on Monday, February 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I now withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. REID. Finally, let me say, I appreciate the patience of my counterpart, Senator MCCONNELL. On Tuesday, I can't really say this; we weren't that close. But all day Wednesday, all day today, we have been this close. We have had the FISA thing worked out so many different times, and each time—not each time but a number of those times I either sent a message to the distinguished Republican leader or actually called him, sent him a letter. I have really tried very hard to finish this. I want to do it because we have a February 15 cutoff date. I don't want to jam the minority, and I don't want to jam the House. I think we have an obligation as a body to get something over there as quickly as possible, "over there" meaning to the House. Because once that happens, I would like to think that then it is up to the House and the Senate to work this out. But we know how conferences work. The White House is going to be heavily involved in what the final product is because there is no need, at least in my estimation, to pass something that has "veto" written all over it. If it comes to that, then I can accept a veto. But at least we need to give the White House an opportunity, after we pass whatever we do here, and the House has already done their work, that when we do this conference, we know and have input from the White House. If the decision is made after that, we are going to just go forward anyway. That is what we do. But I want to make sure everyone understands, I am trying to do this as fairly as I can, recognizing there are heavy emotions on both sides of the Foreign Intelligence Surveillance Act extension we are trying to do. There are divisions within the Democratic caucus. Not all Democrats agree how it should be handled. That is why we have worked so hard coming up with this agreement to move forward on it.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, I certainly don't fault the majority leader, but this has indeed been an exasperating week. We had our one and only vote last Monday and have had none since. At that time I was optimistic that we were on the cusp of two important bipartisan accomplishments at the beginning of the second session of the 110th on two extraordinarily important issues. We had seen on the stimulus side an example of the administration and the Speaker of the House and the Republican leader of the House coming together behind a package and passing it in record time, by a stunning, overwhelming majority, and sending it over to us. We have appeared to be on the verge of getting a Foreign Intelligence Surveillance Act out of the Senate basically in the same form it came out of the Intelligence Committee, 13 to 2, a Rockefeller-Bond proposal which the President has indicated he would sign.

My optimism waned somewhat during the course of the week, but I heard my dear friend, the majority leader, reiterate once again that he thinks we can finish both of these jobs, and finish them soon, and hopefully get back about that on Monday. I am hoping for a better week next week. We are ever so close to achieving something important for the country in two areas that are of great concern to the American people, the state of our economy on the one hand and protecting us from terrorists on the other. Hopefully, next week will be a better week.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENZI. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH INSURANCE CARDS

Mr. ENZI. Mr. President, I rise to express some disappointment with some items that we were not able to accomplish last year. I hope we will quickly turn to these priorities the first thing this year.

My wife Diana and I travel to different parts of Wyoming most weekends. The No. 1 issue on people's minds is health care. Well, maybe it is the economy. But when they talk about the economy, they are talking about health care. They may be talking about some housing crunches. They may be talking about some other things. But I can tell you that to a person they think health care is a big part of the economy, and health care is someplace that we ought to be doing something. They all ask me what I am doing to make sure they have health care. I tell them about the things I am doing to increase access, to decrease costs, to promote informed choices, and to ensure that health care is more affordable, and everyone gets it.

I also want to say, everyone understands it. Our constituents deserve our help. I hope we are able to really do something on health care early this year. This doesn't need to be the subject of every debate by the Presidential candidates. There is a lot of overlap in what the Presidential candidates are saying. The people don't want to wait until November in order to be able to wait until the next year in order to wait for us to do something. There is plenty of things out there that can be done. So I hope we are able to do something about health care, and do it now.

It is time for real action. All eyes are on this Congress to get something done. After this last week of having one vote, I think they are hoping we can either get FISA done or maybe we can get a stimulus package done. Get something done. Maybe it would be easier to be doing something in the area of health care. That is a big concern of theirs.

It is shameful we haven't been able to make sure that all Americans have access to affordable health insurance. I am saying: Do something. The people of Wyoming are saying to me: Do something. Even if it is wrong, it will at least be something. And it might help.

Now, as the senior Republican on the Committee on Health, Education, Labor, and Pensions, I spend a lot of time working on solutions to our health care crisis. I have even talked to many of the people in this body who have an idea on health care. I have been collecting those ideas. I took those ideas, and I put them in a package—a package of steps that could achieve what I am talking about, which is access to affordable health insurance for every American. Any one of those steps would improve the situation.

Why did I put it in steps? Well, I have noticed when we are trying to do something comprehensive around here that one piece of the package will have 5 people who are opposed, another piece of the package will have 8 people who are opposed, another one will have 11 people who are opposed, and another one 7. Pretty quickly you are at 51. You cannot pass something unless you have 51 who are for it.

So if we do the steps a step at a time—granted, it is not as grand and as promising for publicity, but if we do them a step at a time, if there are 5 people who do not like it, it is 95 to 5. That is pretty passable around here, and it makes progress. And chances are pretty good those people will express what their concerns are, and it might be possible to work out some of those.

You would be surprised how many times on this Committee on Health, Education, Labor, and Pensions we are able to go with a third way and figure out something that solves a problem for somebody without upsetting everybody else. I would be willing to bet over the last 3 years we have had more pieces of legislation passed from that committee unanimously than any other committee, and it has always been one of the most contentious committees in the Senate. But it is also a committee where people work together to come up with solutions. That is why I collected these ideas from people.

We have had a number of hearings over the last 3 years that dealt with this issue. There are solutions that are available. So if you look at my Web site, you will find "Ten Steps to Transform Health Care in America," which would fix many of the common complaints I hear from my constituents. Now, I am not going to go into all the details of that bill today. But I would encourage everyone to look at my Web site, which is www.enzi.senate.gov, to learn more about the bill. This is a possibility.

Now, there are a lot of transformations that can be done on it, but this has 10 possibilities for ways we can improve health care in America. I have to say, there are ideas from both sides of the aisle. I try not to get into a polarized situation where we are saying this is the Republican way, and then have somebody else say this is the Democrat way, and the two never meet. We have to meet. We have to solve the problems. So take a look at that www.enzi.senate.gov Web site and send your letters and comments and talk to me personally, those of you in the Senate.

If this bill were to become law, the end result would be an insurance card for everyone. Now, lots of people have insurance cards. Members of Congress have them. People who work in big companies have them. The kids in Wyoming who participate in the State Children's Health Insurance Program, SCHIP, have them. Lots of people have them. Most of those people who have insurance cards are pretty happy with the care they are getting.

This part of the bill would not change that. If you have an insurance card now, you can keep that card, and you can keep getting the exact same care you are getting now. The problem is, 47 million or so Americans do not have an insurance card. This bill gives all of those people insurance cards. If they cannot afford the cards because they are low income, one step helps them out by giving them the money they need to purchase the insurance card. The bottom line is, everyone has a card and everyone will be able to get the care they need.

Now, some of my colleagues on the other side of the aisle have said the only way to give everyone an insurance card is to give all Americans a Medicare card. I have to disagree with that. The Federal Government should be the payer of last resort, not the primary purchaser.

When my wife and I are traveling in my home State of Wyoming, we visit a lot of senior centers. During these visits, I always hear about problems with Medicare. Some seniors get upset that the cost keeps going up. Some seniors tell me they cannot find a doctor who takes Medicare anymore. Some seniors tell me the way the Government runs the program is confusing. Some seniors tell me it takes them months to hear back from Medicare when they have problems.

Now, I also have a lot of doctors and pharmacists—not nearly as many as we would like to have. We have a huge health care provider shortage in Wyoming, including veterinarians. I mention that a lot. We keep trying to encourage them to come, and we are having some success at it, but we have a huge problem. I tour the hospitals, the hospice organizations, the nursing facilities, and the rehabilitation centers.

The one consistent message all these folks relay to me is that Medicare does not pay them enough. Sometimes I even hear stories about how they do not get paid enough to cover their own costs. You cannot stay in business on volume if you cannot cover your costs. And this is not a volume business. This is one where it is one person at a time. Some folks are even closing their doors and going out of business because they cannot afford to keep their doors open under Medicare.

They do not like the Government telling them what they can and cannot do. They do not like the Government prescribing how they practice medicine. With all the problems in this program, why would Congress multiply the problems giving every American a Medicare card?

I have to tell you about a guy who lives just outside of Pinedale, WY—Big Piney, WY. All these big cities kind of get me confused. But his name is Dr. Close. He is actually well known internationally because he spent most of his life in Africa studying Ebola. And he is also known because he has a daughter named Glenn Close whom people may have seen in a movie or two. But he now lives by Big Piney, WY—a little bit out of town—and he is now an old-fashioned country doctor. He makes house calls. He even does hospice work. If somebody is dying, he will stay with them during those difficult times—hours and days on end.

When I visited him last time, he showed me some documents that he gives to people who are going to be his patients. It says: I am not going to do Medicare. He will not take Medicare. He says it takes too much time. It costs too much money. So he does not volunteer if they cannot afford to pay, but he has a pretty good thing of people donating—some of them who have been helped before, some who have money who have kind of donated to a foundation for him. He adds some money that is in a foundation. So he is able to get by that way. But he is a great source on some of the problems with Medicare and why we are having less providers who are willing to provide to anybody who needs Medicare. We have a lot of people out there who need help, and they have Medicare. So, Medicare, as it stands right now, is not the best answer for people.

So there is a much better way to get everyone an insurance card that does not take us down the path of Government-run health care. I want to repeat that and make sure folks at home know what I mean when I say "Government-run health care."

Government-run health care means that a committee in Washington is deciding the care you are going to get. A committee is deciding what is best for you. The decisions would no longer be made by you and your doctor. Oh, yes, within limits they would be but not really. A committee in Washington is deciding what doctors you can go to and deciding how much the doctor gets paid.

A committee in Washington is deciding which prescription drugs are the most effective for you. It would not matter that you know your body, that your doctor knows your body. You do know how your body works, and you will have worked closely with your doctor to know what drugs you should be taking. If that committee in Washington decides you should not have the drugs you have taken your whole life, and instead decides you should take another similar drug, then you have to take another similar drug.

I went around Wyoming talking about Medicare Part D, and helping people to know, if they needed to make a choice, how to make a choice. I got the volunteer people working all over the State. We had a tremendous signup in Wyoming. At every one of the hearings I did, I had somebody come and say: I cannot get the drugs I need.

I would say: You are a veteran, aren't you?

They would say: Yes. How did you know?

Well, I knew because the Medicare Part D part was not in operation yet, and the Government was negotiating prices on veterans health. The only way you can do that is to say what ones are going to be acceptable or get the similar ones to bid against each other, which means some of them are not going to be available. That is exactly what happened. So sometimes when the Government gets involved, they limit what you can do. That is the problem with Government-run health care.

I promise to work hard to make sure everyone is not forced into a Government plan. My plan gives every American the choice to pick the insurance card they want. Now, there are some things we have to do with insurance companies, too. But that plan that they pick can be the one that best fits their needs. Every American will have the choice to discuss their care with their doctor and decide which plan is best for them. This plan puts the patient first. This plan gives patients control over their own health care.

Another important part, this plan is affordable. It is not free. It is not free—people do not appreciate things that are free—but it is affordable. It needs to be affordable, and it is affordable. Sometimes if things are free, people do not think it does anything. Now, there are a lot of details on my Web site about how this plan redistributes the tax breaks that are currently only going to the people whose employers are giving them health insurance cards. And it makes sure all Americans get the tax breaks.

This plan also reduces the cost of health care. Right now, a lot of rules are in place that prohibit groups of businesses from getting together and pooling their purchasing power so they can negotiate better deals on insurance cards. They can get a bigger pool by going across State lines, and you have to have a bigger one if you are going to negotiate with the insurance companies. Where they have been able to do it in high-population States, within their State, it has worked. Those same groups have said: Let's expand out a little further.

First of all, we get a whole lot more people covered, and we will get lower rates. So it does not make sense if they cannot go across State lines and get these bigger groups—meaning if a group of shoe store owners in Wyoming want to get together with shoe store owners in Montana and Colorado and band together so they can negotiate greater discounts on health insurance, we ought to allow them to do so. That is what one of the steps does.

Now, the plan also recognizes our changing workforce. It provides real options for people to take their insurance card with them when they change jobs. No one would be trapped in a job just because their loved one or they need particular health insurance. Right now, under the system, if they move to another business, they are probably going to have a preexisting condition that will not be covered. It definitely will not be covered for a period of time, but it may not be covered at all. If you want to provide real choices, then you should also have the choice to keep the coverage you have, even if you do not keep your current job.

Now, to reiterate, this plan gives every American a health insurance card. This plan puts patients first. This plan puts the people in control of their own health care. This plan lets doctors and patients make decisions about what care they need and receive. And this plan lets you choose the health care you need.

It is in steps, and it is evolutionary, not revolutionary. There are some ideas around here that are not included in the 10 steps that are great ideas. They are just such a quantum leap that they take people out of insurance who currently have insurance who like the insurance they have. Those people are going to be very skeptical about having us change to such a revolutionary system that they lose what they have now. So we have to do it in steps. We can get to where every plan here—I am talking about those as the 11th and 12th steps—can work together.

So I am encouraging everybody to take a look at them. They are sensible proposals we could have enacted long ago, and I am disappointed this body has not made progress on any of these issues to impact every American. I hope we turn to these issues the first thing this year and enact real reform.

The Americans deserve more than politics. They deserve results. I think a surprising thing, sometimes when you look at the debate that we do not finish up around here, they even expect results. We need to meet those expectations.

Before I leave the floor, I would also like to address another aspect of health care. It is one that often does not get enough attention; that is, mental health.

I am concerned we were unable to move forward on the bipartisan legislation to revamp the Substance Abuse and Mental Health Services, or SAMHSA. While I am hopeful we can complete our work on this key legislation early this year, it is unfortunate we were unable to address it last year.

As part of that debate, I hope we will leave the discussion on charitable choice for the Senate floor—as we have done in the past—so all Members can engage, if they want to, and so we can get it out of committee. I know Senators have strong opinions about this provision, and I do believe that the best debate on it will be on the Senate floor. It is critical that Congress turn immediately to these issues. They will help every American have a healthier and happier new year, not only this year, but for many years to come.

Our work is cut out for us. We can do it. We can do it in a way that people will appreciate. We can do it in a way where there is common ground across the aisle. I am committed to work on that. I hope others will join me on it and help us do something. As my constituent said, do something, even if it is wrong.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

ECONOMIC STIMULUS

Ms. CANTWELL. Mr. President, I rise to speak about our need to move swiftly on the stimulus package. We are responding obviously to a bipartisan package that has come out of the Finance Committee. I believe we should work on a bipartisan basis, because we are in tough economic times, to hurry and get this package done. Doing the right thing means doing the right thing for seniors, for disabled veterans, for consumers, for business. It means getting real dollars pumped back into the economy now and not continuing to play a time-consuming game, going back and forth.

I know the House and the administration rapidly put together a package and it garnered wide bipartisan support, and I applaud their efforts for doing that. Likewise, Chairman BAUCUS and Ranking Member GRASSLEY also initiated quick, bipartisan action in the Senate Finance Committee, and the bill was reported out, and Senator REID has brought that bill before the full Senate. I urge my colleagues to keep pace with the President's request for timely action and to support sending the Finance Committee bill to the House so we can quickly move to conference and resolve whatever differences there are, so we can move a package to the President's desk we can be proud of.

Our goal is to act on policies that will stimulate the economy now and over the next 12 months. We should not lose sight of that goal. I know many of my colleagues like to talk about other proposals that may be stimulative in the long run, but for me the focus should be—and I think for my colleagues—on that which is truly going to be stimulative over the next 12 months.

The Finance Committee package makes significant improvements to the House bill. I think they are important aspects that strengthen our efforts on stimulus. The Finance Committee bill makes sure that 20 million low-income seniors and 250,000 disabled veterans are eligible for a stimulus rebate—a critical aspect to correct. Now I don't think the House of Representatives intended to leave these folks behind, and I think we can simply send a message to the House and the President that we know they support including these individuals as well.

By making sure that seniors qualify for these payments, in my State, over 800,000 Washingtonians will be helped, and over 93,000 disabled veterans and their families. So we are talking about a large percentage of the population. These people live on fixed incomes, and it is essential we provide them the economic assistance they deserve. I do want to congratulate Senators LINCOLN and SNOWE for highlighting the fact that the House bill failed to help these individuals—disabled veterans—and worked to correct this in the Finance Committee package.

The Finance Committee package also improves upon the House bill by including a modest temporary extension of the stimulative energy tax credit and investment provisions. Some may ask: Are these energy provisions stimulative? Let me respond clearly: Extending these provisions is critical to the prevention of billions of dollars of investment loss and thousands of jobs lost in 2008. We need to act quickly or we are going to not only lose out on a positive economic stimulus that can be upwards of $20 billion, but people will start cancelling projects that are in critical areas of investment simply because we have not given them the predictability of the Tax Code.

This bill includes a 1-year extension of expiring clean energy and efficiency tax credits that will help consumers and businesses make stimulative investment decisions in 2008, and it happens to address one of the most pressing needs—energy costs—that are causing impact to our economy today. Extending this package of incentives now will enable companies to go forward with more renewable investments in wind and solar which are currently on hold now because they are waiting for the certainty of the Tax Code.

I wish to show my colleagues an example of what uncertainty does for our investment. Historically, the production tax credits have been renewed at various points in time. When Congress has failed to give predictability—and this chart shows the megawatt production, the years we failed to provide certainty—we actually saw a 93-percent drop in 2000. In 2001 when we failed to get certainty again, we saw a 73-percent drop in production, and in 2004 we saw a 77-percent drop in production again. What this chart shows us is that in 2007, we are off to a great year as it relates to production, and the production tax credit and the alternative energy that we are producing.

As I said, 2000 shows almost $20 billion in stimulation to our economy by our investment in energy. That helps us lower energy costs and certainly puts more production into the mix. But if we fail to give the businesses the predictability we are going to extend these tax credits, those investments aren't going to be made.

The American Wind Energy Association estimates that the extension of the production tax credit will enable $7 billion in capital spending to go forward over the next 12 months, thanks to projects and contracts that will be executed as planned rather than delayed because of uncertainty of the place-in-service date. That is, by saying the projects have to be in place by the end of this year does not give them the predictability of continuing to make the investment. We have been told by just one appliance manufacturer that they will not give the go-ahead on $30 million in investment in 2008 to put new energy efficiency appliances into production unless the tax credit is extended. That production line won't be cost-effective without it. That is what they tell us.

Also, the extension of the investment tax credit for solar, for example, means that one large grocery store chain in the United States would—if they got the credit—inject an additional $30 million into the economy by following through on their plan to retrofit more stores with solar panels in 2008. Each solar conversion of those stores puts $2 million into the economy, into manufacturing and installation of those solar panels. The Federal investment credit is key to whether they move forward with their investment, or whether they stop or slow down. Overall, the solar industry estimates that up to 40,000 new jobs will be lost in the next 12 months if we don't extend the investment credit. At this time in our economy, why should we be sacrificing high-quality jobs because we aren't giving certainty predictability?

Let me give an example. In my own State, someone called our office today who is the president of Wellons, Inc., in Vancouver, WA. For more than 40 years Wellons has been a leader in providing wood-fired energy systems, lumber-dried kilns, and related products to the forest industry. Wellons has four to six projects and maybe many more that are ready to go, and yet a key to all these projects moving forward is certainty about the production tax credit. If the production tax credits aren't extended, these projects can't go forward, and as the president of that organization told my office:

> Every project I have hinges on the production tax credit. If they aren't extended, we will start having to lay off some of the 500 employees in the company.

So we have to act quickly. There are many other States that will be impacted besides mine. A report that was released today by Navigant Consulting found that over 100,000 jobs are at risk. In fact, their report shows State by State that due to a lack of production tax credit—Texas, for example, 23,000 jobs could be at stake; Colorado, 10,000 jobs; Illinois, 8,000—and I am not giving the exact number here; I am rounding them up or down—Oregon, 7,000 jobs; Minnesota, 6,000; my home State of Washington, 4,744; and the list goes on. Iowa, North Dakota, Oklahoma; Pennsylvania will lose 1,500 plus jobs; California, nearly 1,000 jobs; Missouri, nearly 1,000 jobs, and on and down the list.

So the question is whether we are going to act to pass what is a bipartisan Senate bill that improves on the House package—it improves on the House package including seniors, including disabled veterans, in making sure we are clear about who—in fact, that legal citizens get access to these rebate checks, and to make sure we are truly making the best decision about stimulative investment.

Now, I wish that last year we could have had some of these things pass and having some clarity. But it is clear that the House of Representatives and the White House see this differently. So it is very important that we take the opportunity now to get this investment strategy right. Doing these tax credits at the end of this year is not sufficient to keeping investment. If we don't, 2008 is going to look more like 2004. That is that in 2008, people will cancel projects, stop production, we won't have the energy produced in the marketplace.

This is a large opportunity for us. It is a large opportunity to give businesses—and I should say it also gives consumers—an opportunity to get about $500 from a tax rebate for their consumer energy investments into products that will help them keep their energy costs down, and the estimates are that individual consumers, besides the $500 rebate they will get, will probably save between $600 and $800 on energy savings. Those are the kinds of things we want to do. We want to see 2008 look even more aggressive from a stimulative perspective than 2007. We want people to be aggressive in this area because not only will it create jobs, not only will it create economic stimulus now, but it will help consumers on the key impact they are feeling in this economic hardship of high energy costs. The more production you get into place, that production helps us in lowering energy costs. Getting more alternative energy production helps us in impacting the cost of natural gas, because you have an alternative product in the marketplace. It helps us in getting other supply. It certainly is supply that is there for the long run. I don't think anybody thinks we are ever going to change the direction we are currently seeing on high energy costs, so getting the long-term production in place is also a good idea.

But I urge my colleagues to think clearly about this choice we are going to have; that is, to improve upon the, I am sure, unintended consequences the House had in their package by clarifying that seniors and veterans deserve to have these benefits, and that these production tax credits and investments are smart investments to give business predictability and will be stimulative to our economy. Certainly by ignoring that, we are at peril of making our problems worse. So I encourage my colleagues to support this Finance Committee package that has come out in a bipartisan way and move quickly with the House to resolve these issues. It is the quickest path forward to getting a bill to the President and getting checks into consumers' hands.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON OF FLORIDA). The Senator from Louisiana is recognized.

TRIBUTE TO RUPERT FLORENCE RICHARDSON

Ms. LANDRIEU. Mr. President, I rise to pay tribute to a very important Louisianan, and really a great leader of our Nation, who passed away recently. I come to the floor in her memory, to pause for just a moment and to remember this great lady.

Thursday, January 24, Louisiana and the Nation lost a powerful advocate for justice, equality, and opportunity. Rupert Florence Richardson was truly a heroine of the civil rights movement, who battled throughout her life not only to realize the dream of equal opportunity and a colorblind society, but she fought every day that I knew her for decent jobs, adequate health care, quality health care, and equal opportunities in education for all children.

During more than half a century of work and devotion to the civil rights movement, and to public service generally, Rupert Richardson rose into national prominence as one of the longest serving board members of the NAACP, serving from 1992 to 1995 as national head. Prior to that, she served that prestigious organization for 7 years as vice president and also 16 years as the president of the Louisiana chapter.

Rupert Richardson was a mother, a teacher, a nurse, a sought-after speaker, and a leader always. She had an extraordinary voice and presence, a really big and wonderful heart, she was a great intellect, and she had a passion for people. She was fondly known as the grand dame of the NAACP and was beloved by many in the NAACP civil rights family.

To us at home, you could always see Rupert coming because of her hats of various shapes, sizes and colors—quite decorative—which was her signature trademark. She was a vibrant spirit, always busy, working, and always generous to those around her.

Rupert served many years in Baton Rouge and was no stranger to our Nation's Capital. She was born in Texas and moved to Lake Charles, LA, as an infant. That is where she will be buried tomorrow. For more than 30 years, Rupert served Louisiana in many spheres of influence, and she will be fondly remembered and respectfully remembered. It was truly a life of service. Her family, her friends, her sorority sisters, and particularly the civil rights family in America owe a great deal to this great heroine of civil rights.

I am happy to come to the floor of the Senate to remember Rupert Richardson, to speak of her, and to remind all of us of her great contribution. She will be missed very much.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I rise today to speak about the economic stimulus package that is now under consideration by the full Senate and specifically to address the crucial issue of how this package affects our senior citizens. I am particularly glad to be delivering these remarks on an occasion when my distinguished colleague from Florida is occupying the chair because I know of the extraordinary efforts he dedicates in this Chamber on behalf of the citizens of his home State of Florida. Like Florida, Rhode Island is a State that has a significant senior population, and so the welfare of those seniors and the effect on them of this economic stimulus is a matter of great concern to both of us.

I want to tell a quick story. Not long ago, at one of the community dinners I give around the State of Rhode Island to get input from people, to have a chance to meet folks in our local communities, to have them have a chance to talk with me, and for me to have a chance to hear their stories, a young man named Travis attended, and he told me a story about his grandmother.

His grandmother is a lovely woman. She lives in Woonsocket, RI. Woonsocket is a historic and beautiful city in Rhode Island but a city that has faced, for a long time, economic challenges. His grandmother is in her nineties, and she still lived in the three-story tenement, on her own, that she had lived in all her life in Woonsocket.

In Rhode Island, there are a lot of buildings where there are three apartments, one on top of the other—three-deckers—and she lived on the top floor of one of those. God bless her, at age 90, she was able to walk up and down those stairs every day, and she did, to go out and do her errands, to visit with her grandson, and to go about her life. She was fit, and she was proud of her independence. It is not easy to go up and down those stairs every day, but she did it. She liked to live alone. She was proud of being independent her whole life and wanted to remain independent.

One day, she went down the stairs from that third-story tenement, and she walked out, as she often did, to visit her pharmacist, to pick up the prescriptions she requires to maintain her health. Everything was just as usual, until she got to the pharmacy. She discovered that this was not a usual day. She was told by the pharmacist that she had fallen into the doughnut hole—the terrible coverage gap in the Part D Medicare prescription drug program. She hadn't seen it coming. She was blindsided, caught completely by surprise. You can imagine what was going through her mind when she was told she couldn't pick up her drugs, that she couldn't afford them.

She went home to that third-floor tenement emptyhanded, without her prescriptions, and she walked back up those stairs. Frightened and alone, not sure what to do, she called Travis. Fortunately, he was able to help. But without any help from her Part D insurance, she couldn't afford to pay both her rent and that medicine.

She was frightened. After years of living on her own, after holding on, really with a lot of courage and a lot of heart and a lot of determination, to that independence that meant so much to her, even if it meant walking up three flights of stairs every day, now she was going to lose that—not because of anything she had done wrong, not because of anything that had changed in her life, but because she had fallen into this trap that was set for her by this Congress when it built that hole into the prescription drug program.

That call from his grandmother shook Travis pretty hard, and that is what brought him into my life. It was one of numerous stories I heard on the campaign trail from families who had to cope suddenly with watching a senior fall into that coverage gap.

On another occasion, I was coming out of a speech I was giving, and a fellow stopped me on the way out and we talked for a while. He said: You know, I really want you to fix this prescription drug thing, and I want to tell you why. He said: I have a brother—this was a gentleman about my age. He said: I have a younger brother, now in his forties. He is severely disabled. He has serious mental challenges. He lives in a group home, and every week I go by and I take him out. I take him on an outing. I take him to the movies, to a ball game, or to walk around the mall, and I do it with $50.

My mother gives me $50 every month to help take care of my brother. He said: She is elderly now. She had taken care of him all his life, but then he had to move into the group home, and now she is elderly herself, and there is not much she can do for her son. She still loves him deeply. She still cares for him very much.

The one last thing she could do for this boy was to give her other son $50 a month out of her very sparse resources to take his brother on these outings.

Now, he said, I have the $50. I am going to take my brother on these outings anyway. That is not the issue. The issue is that my mom just fell in this doughnut hole and, he said, she can't give me that $50 anymore, and it is breaking her heart to know that after all these years of caring for this boy and having this one last thing she could still do for him, she couldn't do it any longer. He said: She feels like a failure. Her heart is broken. Please, you have to do something about this.

That is an indication of how close so many Americans are to the edge, that this mother, whose most important expenditure in her life is to be able to help that son and know she was still doing something for him, and she couldn't make that payment any longer because everything had to go to prescriptions and the basic necessities of just keeping alive.

We have heard a lot of these stories. I know the distinguished Presiding Officer has heard these stories as he goes around Florida.

As an aside, I think it is worth observing while we are here, what a shameful mistake—what a shameful mistake—this Congress made when it had the chance and it had the choice to close this terrible gap in this coverage for seniors and it chose not to. It chose not to so that it could give the wealthy pharmaceutical industry—one of the richest and most successful industries in the country—one of the fattest perks, one of the biggest benefits, one of the biggest insider deals that has ever come through this building—something almost unique in the annals of corporate special favors. What a racket. It gave them the ability to avoid having Medicare and Medicaid negotiate with them over the price of their pharmaceuticals. What a racket. And we did that. The extra cost that puts into that system means you have to maintain that hole and that seniors are going to fall into that trap over and over again.

Well, that is a fight we are going to continue. I know the Senator from Florida feels strongly about it, I feel strongly about it, and many others feel strongly about that. It is wrong to have seniors such as Travis's grandmother or the lady who can't make her $50 contribution to help her son be the ones to lose and an industry making billions, which has everything it needs, win out over them.

So now we have this stimulus package. Our Nation is confronting uncertain economic times, and Congress is working diligently to try to put together a package to prevent us from sliding further into the Bush recession. However, when the initial agreement was announced between the administration and the House of Representatives, I was concerned—as the Senator from Florida was; we spoke about it—that many seniors, one of the groups who most need our help, were excluded from that deal.

Most seniors, who rely on Social Security benefits and savings, do not pay income taxes, and they would not be eligible for an income tax rebate based on taxable income and delivered through the Internal Revenue Service. It just wouldn't reach them. Indeed, 61 percent of seniors who received Social Security benefits did not pay income taxes in 2006, the last year for which there is data. Sixty-one percent would have gotten nothing under that package.

Well, today, more than 138,000 Rhode Islanders—to the Senator from a great big State such as Florida, that may not seem like a big number, but 138,000 in a State with a population of just 1 million is a lot of people—138,000 Rhode Islanders over the age of 65 receive Social Security benefits.

It is not a big benefit, it is not a generous benefit. It averages $12,374 a year. Based on the national percentage of recipients who pay income tax, it means more than 84,000 Rhode Islanders would receive nothing under the House proposal, 84,000 Rhode Island seniors, zippo, nothing for them.

Nationwide that number climbs to 21.1 million seniors. More than 20 million seniors would not receive a dime in tax rebates under the House bill. That is not fair. That is not fair.

As long as we are putting funds out in the economy in order to stimulate the economy, we should make sure the program reaches fairly to different segments of the population and certainly not leave out seniors. Extending the rebate plan to seniors will give much-needed breathing room to so many seniors who struggle every day to get by.

But in addition to being more fair, it also makes economic sense. According to the Department of Labor, Americans over 65 are responsible for 14 percent of all consumer spending, and they spend an average of 92 percent of their income every year.

In 2006 alone, they purchased more than $800 billion in consumer goods. So if you are looking to push consumer spending, seniors are a good place. That data suggests any rebate we are able to provide seniors will provide the kind of stimulus our country needs.

Furthermore, older Americans are more likely to spend the money they receive and to spend it on goods and services that will help our economy grow, and they will spend it sooner. They will spend it faster. As we all know, one of the key purposes of this stimulus is to put the stimulus into the economy quickly.

In a Budget Committee hearing a few days ago, I asked Peter Orszag, Director of the Congressional Budget Office, which would be a faster stimulus to the economy, Social Security or tax rebates. He testified: Social Security. So if we can help seniors get this through Social Security, better still.

Last week, I wrote the Democratic and Republican leaders in the Senate about my concerns. I urged them to make seniors a priority in any stimulus package we consider. I am very encouraged and very pleased, standing on the floor right now, that the Senate Finance Committee, chaired by our distinguished colleague from Montana, Senator MAX BAUCUS, has reported out of his committee, in bipartisanship fashion, a bill that would allow most seniors to receive a $500 rebate under the Finance Committee proposal.

Social Security benefits would be considered as income for this limited purpose. Seniors with at least $3,000 in Social Security income, Social Security benefits, but we are treating it this one time as income for 2007, this past year, could claim the $500-per-person rebate simply by filing a tax return.

Now, of course as we know, many seniors do not have enough taxable income to require them to file tax returns. They may not have filed in years and they may not be familiar with the process. So as we go forward, should this proposal become law, I hope it does, we must do all we can to inform seniors about the rebates to which they are entitled and to help them claim these much-needed rebates.

We need to call on our friends who are accountants, social service workers, lawyers in the tax area, who can volunteer their time to work at senior centers in high-rises, work with our seniors to make sure seniors know they can do this and help them fill out this form so they can get this benefit.

So many seniors desperately could use an extra $500. That is nearly a whole year of this gentleman I mentioned, of his mom being able to help her son. Her whole thing every year was $600. It meant the world to her and it was only $600. And she could not do this. But this $500 will make a big difference in these seniors' lives.

So we have to make sure no senior loses out on this money because of misinformation or difficulty in navigating the tax forms. The solution is a strong step forward. I applaud the work of Chairman BAUCUS and the Republican ranking member of the Finance Committee, CHUCK GRASSLEY.

I look forward to continuing our efforts to pass an economic stimulus proposal that meets the pressing needs of America's seniors while accelerating the stimulus the economy needs.

I will close by saying once again how fortunate I feel to be on the floor delivering these remarks at a time when the distinguished Senator, BILL NELSON, for those who cannot see him, of Florida, is in the Presiding Officer's chair. Because again, his strength and determination on issues that affect seniors in Florida is renowned in this Chamber, and I could not hope for a better audience as someone with such care and dedication to American seniors to be here.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, it has been a long week, and our list of accomplishments—on paper—are not very much. But, hopefully, we are headed toward a real good week next week.

FISA AMENDMENTS ACT OF 2007

The PRESIDING OFFICER. The Senator will resume consideration of the bill S. 2248.

Pending:

Rockefeller-Bond amendment No. 3911, in the nature of a substitute.

Feingold-Dodd amendment No. 3909 (to amendment No. 3911), to require that certain records be submitted to Congress.

Bond amendment No. 3916 (to amendment No. 3909), of a perfecting nature.

Reid amendment No. 3918 (to the language proposed to be stricken by Rockefeller-Bond amendment No. 3911), relative to the extension of the Protect America Act of 2007.

Mr. REID. Mr. President, I ask unanimous consent that all pending amendments be withdrawn, except the substitute and the Feingold amendment No. 3909; that it be modified with the changes at the desk and then agreed to; and the motion to reconsider be laid upon the table; further, that the following be the only first-degree amendments remaining in order to the bill, with no second-degree amendments prior to a vote, except as specified in this agreement; that any time for debate with respect to amendments be equally divided and controlled in the usual form; that the following two amendments be modified with the changes that are at the desk, and then agreed to, as modified, and the motion to reconsider be laid upon the table, en bloc:

Whitehouse amendment No. 3932; Kennedy amendment No. 3960; and that the Bond amendment No. 3945 be agreed to, without modification; further, that the following eight amendments be subject to a majority vote threshold, with a motion to table any of these eight amendments in order:

Bond amendment No. 3941, with a modification, 20 minutes; Bond amendment No. 3938, with a modification, 20 minutes; Feingold amendment No. 3907, 2 hours; Specter-Whitehouse amendment No. 3927, 2 hours; Feingold amendment No. 3913, 40 minutes; Feingold amendment No. 3912, 40 minutes; Feingold amendment No. 3915, 40 minutes; Feingold-Webb amendment regarding sequestration, 90 minutes; provided further, that the next 3 amendments listed be subject to a 60-affirmative vote threshold, and that if it does not achieve that threshold, then the amendment be withdrawn: Feinstein amendment No. 3919, 2 hours; Cardin amendment No. 3930, 60 minutes; Whitehouse amendment No. 3920, 60 minutes; finally, that the Feinstein amendment No. 3910 also be in order, without any debate limitation; provided further, that a managers' amendment be in order if cleared by the managers and the leaders; that upon disposition of all amendments, the substitute amendment, as amended, be agreed to, and the bill be read the third time; that the Senate then vote on the motion to invoke cloture on the bill; that upon passage of the bill, the Senate proceed to Calendar No. 517, H.R. 3773, and all after the enacting clause be stricken and the text of S. 2248, as amended, be inserted in lieu thereof, the bill be advanced to third reading, passed, and the motion to reconsider be laid upon the table; that passage of S. 2248 be vitiated and then returned to the calendar.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments (No. 3909, as modified, No. 3932, as modified, No. 3960, as modified, and No. 3945) were agreed to, as follows:

AMENDMENT NO. 3909, AS MODIFIED

On page 56, strike line 14 and all that follows through page 57, line 14, and insert the following:

(b) REPORTS BY ATTORNEY GENERAL ON CERTAIN OTHER ORDERS.—Such section 601 is further amended by adding at the end the following:

"(c) SUBMISSIONS TO CONGRESS.—The Attorney General shall submit to the committees of Congress referred to in subsection (a)—

"(1) a copy of any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of any provision of this Act, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, not later than 45 days after such decision, order, or opinion is issued; and

"(2) a copy of any such decision, order, or opinion, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, that was issued during the 5-year period ending on the date of the enactment of the FISA Amendments Act of 2008 and not previously submitted in a report under subsection (a).

"(d) PROTECTION OF NATIONAL SECURITY.—The Attorney General, in consultation with the Director of National Intelligence, may authorize redactions of materials described in subsection (c) that are provided to the committees of Congress referred to in subsection (a), if such redactions are necessary to protect the national security of the United States and are limited to sensitive sources and methods information or the identities of targets.".

(c) DEFINITIONS.—Such section 601, as amended by subsections (a) and (b), is further amended by adding at the end the following:

"(e) DEFINITIONS.—In this section:

"(1) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The term 'Foreign Intelligence Surveillance Court' means the court established by section 103(a).

"(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The term 'Foreign Intelligence Surveillance Court of Review' means the court established by section 103(b).".

AMENDMENT NO. 3932, AS MODIFIED

On page 19, strike lines 10 through 12 and insert the following:

"(ii) if the Government appeals an order under this section, until the Court of Review enters an order under subparagraph (C).

"(C) IMPLEMENTATION PENDING APPEAL.—Not later than 60 days after the filing of an appeal of an order under paragraph (5)(B) directing the correction of a deficiency, the Court of Review shall determine, and enter a corresponding order regarding, whether all or any part of the correction order, as issued or modified, shall be implemented during the pendency of the appeal.

On page 19, line 13, strike "(C)" and insert "(D)".

AMENDMENT NO. 3960, AS MODIFIED

On page 6, line 13, strike "and" and all that follows through page 10, line 5, and insert the following:

"(4) shall not intentionally acquire any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States; and

"(5) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States.

"(c) CONDUCT OF ACQUISITION.—An acquisition authorized under subsection (a) may be conducted only in accordance with—

"(1) a certification made by the Attorney General and the Director of National Intelligence pursuant to subsection (f); and

"(2) the targeting and minimization procedures required pursuant to subsections (d) and (e).

"(d) TARGETING PROCEDURES.—

"(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt targeting procedures that are reasonably designed to ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

"(2) JUDICIAL REVIEW.—The procedures referred to in paragraph (1) shall be subject to judicial review pursuant to subsection (h).

"(e) MINIMIZATION PROCEDURES.—

"(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt, consistent with the requirements of section 101(h) or section 301(4), minimization procedures for acquisitions authorized under subsection (a).

"(2) JUDICIAL REVIEW.—The minimization procedures required by this subsection shall be subject to judicial review pursuant to subsection (h).

"(f) CERTIFICATION.—

"(1) IN GENERAL.—

"(A) REQUIREMENT.—Subject to subparagraph (B), prior to the initiation of an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence shall provide, under oath, a written certification, as described in this subsection.

"(B) EXCEPTION.—If the Attorney General and the Director of National Intelligence determine that immediate action by the Government is required and time does not permit the preparation of a certification under this subsection prior to the initiation of an acquisition, the Attorney General and the Director of National Intelligence shall prepare such certification, including such determination, as soon as possible but in no event more than 168 hours after such determination is made.

"(2) REQUIREMENTS.—A certification made under this subsection shall—

"(A) attest that—

"(i) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) is targeted at persons reasonably believed to be located outside the United States and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

"(ii) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States, and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

"(iii) the procedures referred to in clauses (i) and (ii) are consistent with the requirements of the fourth amendment to the Constitution of the United States and do not permit the intentional targeting of any person who is known at the time of acquisition to be located in the United States or the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of acquisition to be located in the United States;

"(iv) a significant purpose of the acquisition is to obtain foreign intelligence information;

"(v) the minimization procedures to be used with respect to such acquisition—

"(I) meet the definition of minimization procedures under section 101(h) or section 301(4); and

"(II) have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

"(vi) the acquisition involves obtaining the foreign intelligence information from or with the assistance of an electronic communication service provider; and

"(vii) the acquisition does not constitute electronic surveillance, as limited by section 701; and

On page 17, line 2, strike "States." and insert "States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.".

AMENDMENT NO. 3945

(Purpose: To strike the time limitation for certain appeals)

On page 15, beginning on line 10, strike "not later than 7 days after the issuance of such decision".

Mr. REID. Mr. President, let me express on the record my appreciation for so many people.

Specifically, I wish to mention Senator ROCKEFELLER and Senator BOND. They and their staffs have spent days on this agreement. It is really good they have a relationship that allows them to be able to reach this agreement. But for that, it could not have been done.

I am not going to talk about Republican Senators, but I am sure there are a lot of unsung heroes. I cannot talk about them. But the Presiding Officer, Senator WHITEHOUSE, has done a remarkably good job as a member of the Intelligence and Judiciary Committees in helping us resolve this matter so we can proceed to finish it. As I add up all this time, it is about 11 hours of debate, plus the votes.

Senator KENNEDY is also always very easy to deal with. He believes fervently in what he believes, but he is always very understanding of my problems. I extend my appreciation to him.

Senator FEINGOLD is a brilliant man, and he is someone who is always looking at every bit of verbiage in any piece of legislation. He has been very good to work with, as he always is. I express my appreciation to him.

Senator CARDIN has been very patient in everything we have done.

Finally, I wish to talk about two people.

I spent a lot of time today with Senator FEINSTEIN. She is a real believer as a member of that Intelligence Committee. She is the second ranking member on that committee. She spends days of her life in committee hearings, listening to what goes on and trying to figure out what is going on, which is not always easy. It is all done with all the Intelligence members away from the press. There is little recognition that members of the Intelligence Committees get, other than self- satisfaction that they are doing good things for the country and the world. I appreciate Senator FEINSTEIN working with us so we could get to this final agreement.

Even though his name does not appear in any of the consent agreements I read, Senator LEAHY is a person who is going to accomplish what he believes should be accomplished in this bill, but he has done it in a typical way. I had one Senator tell me—in fact, it was Senator KENT CONRAD. He said that in his entire public service, he has never known a better negotiator than Senator LEAHY. I think he probably is one of the best. He got a lot out of this even though his name does not appear anyplace.

We know the sincerity and the depth of feelings that Senator DODD has on this legislation. He is somebody who has been heavily involved in everything we have done in this bill. I appreciate his willingness to work with us to a point here. He and I agree on what should happen in this legislation. Time will only tell whether we get what our druthers are, but at least we are joined to try to accomplish the same thing.

I appreciate everyone working as they have with this legislation. It hasn't been easy to get where we are, but this is where we are, and I appreciate everyone's attention and help.

MORNING BUSINESS

40TH ANNIVERSARY OF THE TET OFFENSIVE

Mr. REID. Mr. President, I rise today, the 40th anniversary of the beginning of the Tet Offensive, to commemorate the valor and courageousness with which our Armed Forces fought to repel this massive attack.

Over the holiday recess, I was fortunate enough to spend a great deal of time in my home State of Nevada. While at home, I met with several veterans at the Veterans of Foreign Wars, VFW, Post 1753 in Las Vegas. After talking with them for quite a while, it was brought to my attention that we were only a few weeks away from the 40th anniversary of the onset of the Tet Offensive. In order to ensure that the heroism of our troops who fought in these arduous battles was not overlooked on this milestone anniversary, I told my friends at VFW Post 1753 that I would honor their sacrifices and the sacrifices of their fellow Nevadans and call attention to this important occasion on the floor of the Senate.

From a tactical standpoint, the Tet Offensive would result in one of America's most convincing victories over the combined forces of the Viet Cong and the North Vietnamese Army, NVA. Yet few Americans recall the decisiveness with which our troops routed the surprise onslaught. Many mistakenly believe that Tet was a military defeat, significant for the enemy's ability to launch a large-scale attack on the United States and South Vietnamese forces. It is time to correct this mistaken impression and recognize the bravery and sacrifice of our soldiers, sailors, airmen, and marines in achieving victory during the Tet Offensive.

As many Hollywood films have since immortalized, the surprise attacks began in full during the early morning hours of January 31, 1968, the Vietnamese lunar New Year holiday known as Tet. A few months earlier, the Governments of North and South Vietnam had agreed to observe a 7-day truce from January 27 to February 3, 1968, in honor of the national holiday. With the Tet Truce abruptly violated, America's servicemembers regrouped to defend what would be the largest military operation conducted by either side up to that point in the conflict.

Withstanding major assaults at Hué, Khe Sanh, and Saigon, our Armed Forces quickly turned the tide on the surprise offensive and delivered major tactical blows to both the Viet Cong and NVA. Most of the attack had been successfully repelled by mid-February with few notable exceptions, such as fighting at the coastal port of Hué, which continued into early March. When the dust settled, tens of thousands of Communist troops had died during the massive ambush, while 1,536 U.S. and non-Vietnamese allies perished in the violence and over 7,700 others were wounded or declared missing.

Despite America's impressive tactical victories in the aftermath of the original attacks, the Tet Offensive forever altered the course of the Vietnam war. Although the Tet Offensive would serve as a major blow in the court of American public opinion, we must never forget the resolve and bravery of our soldiers, sailors, airmen, and marines, who fought a determined enemy and defended the freedoms of those who could not defend themselves.

During the difficult times of today, when America remains at war abroad against another committed enemy, I believe we must all remember to take the necessary time and pay our deepest respects to those servicemembers who have fallen in years past. I certainly will never forget the 151 Nevadans who died during the course of the entire Vietnam war, many of whom would meet their eventual fate defending the south during the Tet Offensive. To all of those valiant Americans who fought during this mightiest of struggles, our Nation is eternally grateful for your sacrifice in turning what could have been one of our darkest hours into yet another great victory in the annals of our Nation's rich military history.

THE RETIREMENT OF GREG HARNESS

Mr. REID. Mr. President, I rise today to recognize the distinguished and respected career of Senate Librarian Greg Harness, who retires today.

Librarians serve as bridges, connecting information and resources with those who need it. They are charged not only as the keepers of knowledge but also as the distributors of it, and it is a duty that Greg has upheld in the most respectful, prompt, and accurate manner. Members of the Senate and their staff have come to rely on the vast resources that Greg oversees and know that each request for information, no matter how small it may seem, will be treated with the same courtesy and professionalism.

Greg came to the Senate Library as a reference librarian in 1975, intending to stay only 2 years. Instead, Greg found his niche in the Senate Library, where he has worked for 32 years. He served in a variety of capacities over his tenure, transitioning to an assistant librarian position in 1995 and finally to Senate Librarian in 1997. One of his most important contributions was moving the Senate Library from the Capitol Building to the Russell Senate Office Building in 1999. Greg not only helped facilitate the move, but he also oversaw the design of the new library.

It is also worth noting that over the course of Greg's career, the field of librarianship has been transformed by new technology. In 1975, the Senate Library was the first Secretary of the Senate office to receive computers, allowing researchers to access information more quickly. For the Senate Library, this necessitated the need for research librarians who are not only knowledgeable of traditional paper-based resources but are also masters of electronic resources. Greg understands this balance and has assembled a qualified staff to fulfill this need.

From personal experience I can attest that Greg's tenure has been a welcome addition to the Senate Library's distinguished tradition of providing legislative, historic, and general knowledge to all that it serves. The Senate has been privileged to have Greg's expansive wealth of intellect and wisdom. I thank him for all the services he has provided to me, to other Members of the Senate, and to Senate staff. His service will be truly missed, and I wish him the best in his new endeavors.

TRIBUTE TO SENATOR TRENT LOTT

Mr. GRAHAM. Mr. President, I want to take this opportunity to say a few words about my friend and colleague, Senator Lott.

Senator Lott has compiled a long and distinguished career in public service on behalf of the people of Mississippi and our Nation. He has been a tireless advocate on behalf of the needs of his State and its people, particularly in light of the devastation wrought by Hurricane Katrina. Senator Lott also fought for our men and women in military uniform to ensure they have the best training, equipment, and technology available. Throughout his career, he believed that the American people should be able to keep more of their own money instead of sending it to Washington. Finally, Senator Lott understood and appreciated the fact we need judges on the Federal bench who will uphold the law, not make the law.

During his time in the Congress, he has been an active participant in many important legislative battles. The votes he has cast and the policies he supported have made the State of Mississippi and our Nation a better place.

Senator Lott is in a select group of individuals who have held leadership positions in both the House of Representatives and Senate. He has served as House minority whip, Senate majority leader, Senate minority leader and Senate minority whip. His election to these important leadership positions in both bodies show a high level of trust and respect from his colleagues.

With his departure the Senate will lose one of its most effective Senators and the people of Mississippi will lose a powerful advocate. I truly appreciate his leadership, service in the Senate, and service in the House of Representatives, wit, wisdom, and friendship.

I wish him the best of luck in all future endeavors.

TRIBUTE TO MARTY PAONE

Mr. BIDEN. Mr. President, I rise today to offer a few words of appreciation and to say "Farewell" to one of the Senate's finest public servants, Marty Paone.

For our visitors in the gallery, and for our viewers on C–SPAN, it may look like Senators are running this place. Mr. President, we know better. We trust dedicated, professional staff like Marty Paone to make sure things get done.

As all of my colleagues know, Marty is the secretary for the majority, and when we were fewer Democrats around here, he was our secretary for the minority. He has held this position for the past 13 years. Before that, he served as the assistant secretary, worked as floor staff and in the cloakroom, going back nearly three decades. In short, Marty has spent close to his entire adult life here on the Senate floor, getting Senators where they need to be, when they are supposed to be there.

To do his job, Marty has to be a combination of traffic cop, diplomat, and parliamentarian—and he has to have the trust of the Senators who follow his direction. Marty has that trust, because he has earned that trust, and because he has all those other skills, too.

I have been here 35 years; it is hard for me to remember a time when Marty wasn't here. And I don't just mean year in and year out. I mean any hour of the day and night. Whenever this place is open for business, Marty has been here, helping to maintain order and to get things done. We are indebted to his many personal sacrifices, when he was here instead of home with his family.

Indeed, it has been hard to get much done around here without relying on Marty's expertise on Senate process. I don't know how he has managed to juggle all the demands on him. He is the "go to guy" for help on moving amendments, overcoming objections, getting a place in line for debate, complying with Senate rules, strategizing passing or defeating a measure. If you want to know what is happening "behind the scenes," Marty is the person to look to. There isn't a vote that happens, there isn't a negotiation that takes place, there isn't a unanimous consent agreement—which is what makes this place function—that Marty hasn't helped to piece together or made sure it's done correctly.

And Marty works for each of us. While, technically, he works for the Democrats, I know that many of my Republican colleagues have turned to Marty for guidance. He is known for always being candid and straightforward. He has served us all with his honest counsel—you could always count on him for a straight answer. And, remarkably, he has never lost patience with any of us—no matter what we ask or how often we call.

It is hard to describe to those who haven't spent much time in the Senate how very important Marty Paone has been to the Senate, day-to-day life and historic moments. Mr. President, this is the end of an era. We all hope it will be the beginning of a new one for Marty, away from the heavy responsibilities he has met so well for so long. We wish him well. He will be missed very much.

ANNUAL REPORT FOR 2007—SELECT COMMITTEE ON ETHICS

Mrs. BOXER. Mr. President, I ask unanimous consent, for myself as chairman of the Select Committee on Ethics and for Senator CORNYN as vice chairman of the committee, that the following "Annual Report for 2007—Select Committee on Ethics" be printing in the RECORD. The committee issues this report today as required by the Honest Leadership and Open Government Act of 2007.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANNUAL REPORT FOR 2007—SELECT COMMITTEE ON ETHICS

The Honest Leadership and Open Government Act of 2007 (the "Act") calls for the Select Committee on Ethics of the United States Senate to issue an annual report no later than January 31 of each year providing information in certain categories describing its activities for the preceding year. Reported below is the information describing the Committee's activities in 2007 in the categories set forth in the Act:

(1) The number of alleged violations of Senate rules received from any source [in

2007], including the number raised by a Senator or staff of the Committee: 95. (This figure does not include 16 alleged violations from the previous year carried into 2007.)

(2) The number of alleged violations that were dismissed—

(A) For lack of subject matter jurisdiction or in which, even if the allegations in the complaint are true, no violation of Senate rules would exist: 71. (This figure includes 5 matters originating in the previous year.)

(B) Because they failed to provide sufficient facts as to any material violation of the Senate rules beyond mere allegation or assertion": 15. (This figure includes 2 matters originating in the previous year.)

(3) The number of alleged violations in which the Committee staff conducted a preliminary inquiry: 16. (This figure includes 9 matters from the previous year carried into 2007 and includes 5 inquiries continuing into 2008.)

(4) The number of alleged violations that resulted in an adjudicatory review: 0.

(5) The number of alleged violations that the Committee dismissed for lack of substantial merit: 11. (This figure includes 7 matters from the previous year carried into 2007.)

(6) The number of private letters of admonition or public letters of admonition issued: 0.

(7) The number of matters resulting in a disciplinary sanction: 0.

(8) Any other information deemed by the Committee to be appropriate to describe its activities in the previous year:

In 2007, the Committee, through its staff, conducted 121 ethics educational briefings and seminars, including 72 sessions for individual Member or Committee offices and 37 sessions for a general Senate audience.

In 2007, Committee staff handled over 16,000 telephone inquiries for ethics advice and guidance.

In 2007, the Committee wrote over 1,000 ethics advisory letters and responses, including over 700 advisories concerning gifts or travel.

The Committee issued over 3,500 letters concerning financial disclosure filings by Senators, Senate staff and Senate candidates, including over 1,200 letters concerning required amendments to these disclosure filings.

REMEMBERING MONE LITTLE

Mr. LEVIN. Mr. President, Monday marked the 1-year anniversary of the tragic death of Mone Little. On January 28, 2007, 19-year-old Mone, granddaughter of late Motown legend and lead singer of The Temptations, David Ruffin, was gunned down in a drive-by shooting while walking with three friends in Detroit. While Mone was not the target, she was the only one in the group who was shot. Those responsible for this heinous crime have not been caught.

Mone, a student at Oakland Community College, was in the process of exploring her dreams. The community continues to grieve the senseless loss of this young woman. Unfortunately, we experience too many of these tragedies. Each year approximately 30,000 Americans are killed by a firearm, an average of 10 children and 74 adults each day.

Many of us continue to urge the Senate to pass sensible gun legislation. Law enforcement officers have requested help in their difficult task of keeping our streets safe. Those that have been personally impacted by gun tragedies have called for change in the hope of protecting others from the pain they have endured.

The American people have a right to expect better protection against gun violence. Until Congress acts, many more lives will be lost. I once again urge my colleagues to take up and pass sensible gun legislation so that we can help prevent such tragedies.

TRIBUTE TO ROBERT M. BALL

Mr. KOHL. Mr. President, I rise today to recognize and honor the life of Robert Ball. Bob Ball has been a champion of America's elderly since 1939, helping to guide and strengthen our Social Security system for nearly 70 years. He was America's longest serving Social Security Commissioner, overseeing improvements to benefits such as the introduction of automatic cost-of-living adjustments. Today, about a third of our Nation's elderly rely on Social Security for 90 percent or more of their income, and two-thirds count on it to supply at least half of their income. It has been America's most successful anti-poverty program ever, due in no small part to Bob's influence.

While he is little known outside Washington, Bob played a critical role in the origins of our most recognizable Government programs. His work led to the introduction of Social Security disability insurance, and now because of him more than 7 million Americans who can't work due to a disability can still live in dignity. He helped create our Medicare system, which now provides health care to more than 40 million elderly Americans. Even as he became a Social Security recipient himself, he continued to defend the program against benefit cuts and privatization proposals. There is no question that Robert Ball's work has improved the lives of millions of Americans. His character, wisdom, and leadership will be greatly missed.

Mr. BAUCUS. Mr. President, very sadly, Robert M. Ball, Bob Ball, passed away on January 29, 2008, at the age of 93. Bob Ball had a truly exceptional record of public service and his passing is a loss to this nation. Bob Ball served as the longest serving Commissioner of the Social Security Administration from 1962 to 1973 and played a critical role in all changes to the Social Security programs for the last half century. He was a champion of social insurance programs, and through his leadership, the Social Security Administration tackled many challenges and served millions of Americans in need. Few individuals have had as direct and profound an effect on the lives of our fellow citizens. And I would like to express my personal gratitude for Bob Ball's dedicated service.

Bob Ball began his career with Social Security in a New Jersey field office in 1939. At SSA's headquarters, he served in various positions with the Bureau of Old Age and Survivors Insurance. He left the agency briefly in 1945 to serve as staff director for the Advisory Council on Social Security to the Senate Committee on Finance, and returned 4 years later serving as assistant director of the Bureau of Old Age and Survivors Insurance, and eventually, deputy director and acting director.

In 1962, President John F. Kennedy appointed Bob Ball Commissioner of Social Security, a position he held under both Democratic and Republican Presidents—retiring in 1973. During his time at SSA, he helped establish the Disability Insurance Program, the Medicare Program, and the Supplemental Security Income Program. These programs now protect millions of Americans from what President Franklin D. Roosevelt called the hazards and vicissitudes of life—disability that prevents work, and extended old age, both of which can cause severe poverty.

Following his retirement, Bob Ball went on to be one of the most active and prolific advocates for Social Security and social insurance programs. He was an influential member of the Greenspan Commission, which in 1983 reestablished Social Security on a sound financial footing, and has written and spoken on every proposal to improve Social Security's current financing difficulties, including the grossly flawed proposals to privatize Social Security. Bob Ball founded the National Academy of Social Insurance in 1986 to promote understanding and informed policymaking on Social Security and other social insurance programs through research, training, and public events for the exchange of unbiased information.

Bob Ball was a great American who dedicated his life to serving others. His passing is a great loss to this body and to all policymakers. I am sure my colleagues will join me in offering our deepest condolences to his family and to his friends and colleagues. I hope that we can keep his dedication in mind as we continue his life's work and secure our retirement and disability programs for the millions of Americans who benefit and will benefit from his service.

ADDITIONAL STATEMENTS

REMEMBERING JACK B. WEIL

• Mr. ALLARD. Mr. President, today I wish to make note of the recent passing of Jack B. Weil of Denver, CO. I knew Jack personally. That puts me in the company of thousands. The passing of Jack B. Weil is not only a loss for his family, but it is a loss for the city of Denver and the State of Colorado, so I wanted to share a bit about Jack.

Jack was born on Nov 13, 1928, at Denver's Mercy Hospital. He graduated from Tulane University in 1952 and entered the U.S. Army as a second lieutenant, thus beginning a life of service to causes greater than himself.

In 1954, Jack joined the firm founded by his father, Rockmount Ranch Wear Manufacturing Company, where he worked until illness forced him to retire last year. While at Rockmount, Jack used his artistic flair to create many signature designs which have become icons of western shirt design. In fact his "Sawtooth" pocket and "diamond" snap design is the longest running shirt design in America, and it sits in a collection at the Smithsonian. Rockmount shirts have been worn by working cowboys, rodeo cowboys and the likes of Ronald Reagan, Elvis, Eric Clapton, Robert Redford, and more.

Jack was active in his community throughout his life. He supported higher education for all and served as the longtime chairman of the Foundation for the Community College of Denver. He supported the cause of historic preservation, even buying one of Denver's historic homes and fighting to preserve the historic character of the Humboldt Island neighborhood. He opened that same home for fundraisers for a wide spectrum of causes, including charitable and political ones. An accomplished artist, his abstract paintings provided pleasure to many people and were displayed in local galleries.

On the political front, Jack was proof that one could have strong convictions yet treat those with divergent views with respect and dignity. He never hesitated to state his views and he actively supported them by his involvement and leadership with various political organizations. When discussions would get too heated, Jack was quick with a wry comment or offcolor joke to break the tension and remind everyone of their commonalities, not their differences.

To the very end, Jack served others. He spent the past 2-plus years as the cochair of the USS *Mesa Verde* commissioning team. In that role, Jack supported the crew of this brand new Navy ship with both his time and his money. Despite his flagging health, he even attended the commissioning ceremony in Florida this past December to demonstrate his support of our brave sailors.

But you can not capture the essence of Jack B. Weil in his accomplishments. No, the true essence of Jack is captured in the lives he touched. You see, Jack Weil loved people. Be it buying someone who was having a bad day an ice cream cone or inviting people he had just met over to his house, Jack demonstrated a heart for people that we all would do well to follow. He made friends wherever he went and always offered words of encouragement to those who needed them. This is best demonstrated by the volume of e-mails, phone calls, and letters that his family has received from all over the world offering their condolences and stories of how Jack touched them.

Though Jack moved in circles with the rich and powerful, he was completely unaffected by it. His son tells a story of Jack mentioning one day how he had sold some shirts to "some British musician . . . David something . . . Bowie," which his son thought was another one of Jack's jokes until he received a call from David Bowie's assistant the next day to order more shirts. Or the time Jack shared some laughs at a club with Robin Williams while having no idea who he was. That was how Jack was. It didn't matter if you were famous or powerful or a cleaning lady or a bartender, to Jack you were just his friend.

There is a line from a poem that all cadets at West Point learn that I think says it best: And when our course on earth is run, may it be said, "Well Done, be thou at peace." Well Done, Jack.●

100TH ANNIVERSARY OF THE LANSDOWNE IMPROVEMENT ASSOCIATION

● Mr. CARDIN. Mr. President, today I congratulate the Lansdowne Improvement Association on its 100th anniversary. Since April 1908, the association has served the Lansdowne community, a neighborhood that has a rich and interesting history.

In the 1800s, the Whitaker Iron Company began mining ore in the area and farms soon followed. Once the mining pits were abandoned, underground springs filled the pits creating small ponds and lakes. The area continued to grow and develop, particularly with the influence of the Baltimore and Ohio Railroad. The B&O Railroad opened the Coursey Station in what is now Lansdowne. The Coursey Station Senior Housing Center, a thriving mainstay of the community, is named for this station.

Throughout the 20th century, the community continued its growth around Coursey Station. Lansdowne quickly became known as a B&O town because many of its residents worked for the railroad. Many of its workers commuted to Baltimore City by train. This connection lasted until the 1960s when the B&O railroad closed the station. To this day, Lansdowne remains a very close-knit community.

The Lansdowne Improvement Association is an active and visible part of the community. It hosts monthly meetings that are well attended by the community. Working together to benefit the neighborhood, the Association sponsors the Citizens on Patrol program and a canned food drive, and it keeps residents informed about activities and concerns in the community. The Lansdowne Police and Fire Departments have developed a strong relationship with the association to ensure that residents are kept informed about crime and other safety issues.

This year, as part of the 100th anniversary celebration, the Lansdowne Improvement Association is bringing back the once-traditional Lansdowne Parade, featuring music and entertainment.

I wish to express my congratulations to the Lansdowne Improvement Association, and I ask my colleagues to join me in recognizing this important milestone for the Lansdowne community.●

TRIBUTE TO TAMMI MACKEBEN

● Mr. CORNYN. Mr. President, today I wish to recognize one of my constituents, Tammi Mackeben, who has been named the 2008 School Counselor of the Year by the American School Counselor Association. Mrs. Mackeben was also named the Texas Multi-Level School Counselor of the year by the Texas School Counselor Association in 2007.

The School Counselor of the Year contest is open to all 100,000 members of the school counseling profession. Mrs. Mackeben was nominated for this award by Principal Ricardo Damian and was evaluated by a select panel of industry experts on several criteria including: creative school counseling innovations, effective counseling programs, leadership skills and their contribution to student advancement. Mrs. Mackeben is 1 of 10 finalists from across the Nation, and the only representative from Texas.

Mrs. Mackeben has worked as a counselor at the Ernesto Serna Two Way Dual Language School in El Paso, TX, for 7 years. She and her colleague Norma Guerra are responsible for counseling close to 700 students in grades kindergarten through eighth grade. Mrs. Mackeben works with students in the sixth through eighth grades, helping them to navigate personal and academic challenges, and preparing them to continue their education in high school. Both Mrs. Mackeben and Ms. Guerra have implemented Comprehensive Developmental Guidance and Counseling on their campus. The Guidance and Counseling Program received the CREST Award—Counselors Reinforcing Excellence for Students in Texas—from the Texas School Counselor Association and the RAMP Award—Recognized ASCA Model Program—from the American School Counselor Association during the 2006-2007 school year.

The guidance, support and compassion that Mrs. Mackeben shares in her daily work is perhaps one of the best gifts a teacher can offer to her students. For all this and for being such a great Texan, I can only say: Thank You, Mrs. Mackeben!●

MESSAGE FROM THE HOUSE

At 1:16 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1528. An act to amend the National Trails System Act to designate the New England National Scenic Trail, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1528. An act to amend the National Trails System Act to designate the New England National Scenic Trail, and for other purposes; to the Committee on Energy and Natural Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–277. A resolution adopted by the Columbus City Council in the State of Ohio relative to the foreclosure crisis; to the Committee on Banking, Housing, and Urban Affairs.

POM–278. A resolution adopted by the Board of County Commissioners of Miami-Dade County of the State of Florida urging the Florida Legislature to pass legislation allowing for local licensing of tour guides; to the Committee on Commerce, Science, and Transportation.

POM–279. A joint resolution adopted by the Alaska State Legislature urging Congress to take action to honor the sovereignty of individual states to regulate and command the National Guard of the states; to the Committee on Armed Services.

LEGISLATIVE RESOLVE NO. 6

Whereas the National Guard is the oldest component of the armed forces of the United States and one of the nation's longest-enduring institutions; and

Whereas the National Guard traces its history back to the earliest English colonies in North America, who were responsible for their own defense and, as such, organized their able-bodied male citizens into militias; and

Whereas the authors of the United States Constitution empowered the United States Congress to provide for organizing, arming, and disciplining the militia, and, to recognize the militia's state role, the founding fathers reserved the appointment of officers and training of the militia to the states; and

Whereas the federal government's preemption of the authority of the state or governor in natural and manmade disasters is opposed by all of the nation's governors; and

Whereas the role of the National Guard in the states and in the nation as a whole is too important to have major policy decisions made without full debate and input from governors through the policy process; be it

Resolved, That the Alaska State Legislature exhorts the United States Congress and the federal administration to understand the significant effect on Alaska and all the states by the expansion of presidential authority over the National Guard during natural and manmade disasters; and be it further

Resolved, That the Alaska State Legislature urges federal action to honor the sovereignty of the individual states to regulate and command National Guard troops during emergencies and disasters, and to take whatever actions are necessary to correct the encroachment of constitutional authority to protect the citizens of each state.

POM–280. A joint resolution adopted by the Alaska State Legislature opposing any international designation of land in the state without the consent of the affected local governments; to the Committee on Energy and Natural Resources.

LEGISLATIVE RESOLVE NO. 18

Whereas the United Nations has designated over 60 sites in the United States as "world heritage sites" or "biosphere reserves," which altogether are equal in size to the State of Colorado, the eighth largest state; and

Whereas art. IV, sec. 3, United States Constitution, provides that the United States Congress shall make all needed rules and regulations respecting the territory or other property belonging to the United States and nothing in the constitution shall be construed to prejudice any claims of the United States or of any state; and

Whereas many of the United Nations' designations include private property inholdings and contemplate buffer zones of adjacent land; and

Whereas some international land designations, such as those under the United States Biosphere Reserve Program and the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization, operate under independent national committees such as the United States Man and Biosphere National Committee that have no legislative directives or authorization from the United States Congress; and

Whereas local citizens and public officials concerned about job creation and resource-based economies usually have no say in the designation of land near their homes for inclusion in an international land use program; and

Whereas these international designations are an open invitation to the international community to interfere in domestic economies and land use decisions; and

Whereas environmental groups and the United States Department of the Interior, National Park Service, have been working to establish an international park, a world heritage site, and a marine biosphere reserve called Beringia covering parts of western Alaska, eastern Russia, and the Bering Sea, and in Glacier Bay National Park; and

Whereas foreign companies and countries could use these international designations in western Alaska to block or inhibit economic development that they perceive as competition; and

Whereas animal rights activists could use these international designations to generate pressure to harass or block harvesting of marine mammals by Alaska Natives; and

Whereas international designations may be used to harass or block industrial development in the state, including projects related to fishing, mining, timber harvesting, railroads, power transmission lines, pipelines, and other oil and gas development; and

Whereas the subsistence and recreational use of fish and game resources in the state could be severely and negatively affected by international land use designations; and

Whereas the United Nations Educational, Scientific, and Cultural Organization, with the collaboration of the United States Department of the Interior, has recognized the Kluane/Wrangell-St. Elias/Glacier Bay/Tatshenshini-Alsek World Heritage Site in Alaska, and has listed the Aleutian Islands Unit of the Alaska Maritime National Wildlife Refuge, Arctic National Wildlife Refuge, Cape Krusenstern Archaeological District, Denali National Park, Gates of the Arctic National Park, and Katmai National Park on the Tentative List of areas nominated for full status; and

Whereas the United Nations Educational, Scientific, and Cultural Organization's Man and the Biosphere Programme has identified the Glacier Bay—Admiralty Island, Noatak, Denali, and Aleutian Islands Biosphere Reserves in Alaska; and

Whereas, under current law, the United States Secretary of the Interior can nominate world heritage sites, and the United States Secretary of State can nominate biosphere reserves, both without approval by the Congress; be it

Resolved, That the Alaska State Legislature recognizes and reaffirms the constitutional authority of the United States Congress as the elected representatives of the people over the federally owned land of the United States; and be it further

Resolved, That the Alaska State Legislature objects to the nomination or designation of any site in Alaska as a world heritage site, biosphere reserve, or any other type of international designation without the prior consent of the Alaska State Legislature and affected local governments; and be it further

Resolved, That the Alaska State Legislature urges the United States Congress to pass and the President to sign legislation that will require approval by an Act of Congress before any area in the United States or its territories can be studied as a potential, or nominated to be a, world heritage site, biosphere reserve, or any other type of international designation.

Copies of this resolution shall be sent to the Honorable George W. Bush, President of the United States; the Honorable Richard B. Cheney, Vice-President of the United States and President of the U.S. Senate; the Honorable Dirk Kempthorne, United States Secretary of the Interior; the Honorable Condoleezza Rice, United States Secretary of State; the Honorable Nancy Pelosi, Speaker of the U.S. House of Representatives; the Honorable Harry Reid, Majority Leader of the U.S. Senate; the Honorable Mitch McConnell, Minority Leader of the U.S. Senate; the Honorable Steny Hoyer, Majority Leader of the U.S. House of Representatives; the Honorable John Boehner, Minority Leader of the U.S. House of Representatives; the Honorable Ted Stevens and the Honorable Lisa Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and all members of the 110th United States Congress by electronic transmission.

POM–281. A joint resolution adopted by the Alaska State Legislature urging Coeur Alaska, Inc., to pursue all legal options to resolve the issues present in a court case it is involved with; to the Committee on Environment and Public Works.

LEGISLATIVE RESOLVE NO. 19

Whereas the state is rich in natural resources and is dependent on the development of those resources for its well-being; and

Whereas the policy of the federal government expressed in 30 U.S.C. 21a is to foster and encourage private enterprise in the development of economically sound and stable domestic mining, minerals, metal, and mineral reclamation industries; and

Whereas the United States District Court for the District of Alaska found that the decision of the United States Army Corps of Engineers to allow the disposal of tailings from the proposed Kensington Mine into Lower Slate Lake is consistent with the requirements of the Clean Water Act; and

Whereas the United States Court of Appeals for the Ninth Circuit stated in an order issued in Southeast Alaska Conservation Council v. United States Army Corps of Engineers, Case No. 06-35679, that the court intends to reverse and vacate the Record of Decision authorizing the use of Lower Slate Lake as a disposal facility, and remand the case to the district court with instructions to enter summary judgment in favor of Southeast Alaska Conservation Council; be it

Resolved, That the Alaska State Legislature encourages Coeur Alaska, Inc., to pursue all legal options, including an appeal to the United States Supreme Court, to resolve the issues presented in Southeast Alaska Conservation Council v. United States Army Corps of Engineers, Case No. 06-35679, on behalf of itself and consistent with the state's efforts to enforce its rights as a state over its resources.

POM-282. A joint resolution adopted by the Alaska State Legislature urging Congress to defeat H.R. 39; to the Committee on Environment and Public Works.

LEGISLATIVE RESOLVE NO. 21

Whereas H.R. 39, titled "To preserve the Arctic coastal plain of the Arctic National Wildlife Refuge, Alaska, as wilderness in recognition of its extraordinary natural ecosystems and for the permanent good of present and future generations of Americans," has been introduced in the United States House of Representatives; and

Whereas the oil industry, the state, and the United States Department of the Interior consider the Arctic coastal plain to have the highest potential for discovery of very large oil and gas accumulations on the continent of North America, estimated to be as much as 10,000,000,000 barrels of recoverable oil; and

Whereas oil and gas exploration and development of the Arctic coastal plain of the refuge and adjacent land could result in major discoveries that would reduce our nation's future need for imported oil, help balance the nation's trade deficit, and significantly increase the nation's security; and

Whereas, in 16 U.S.C. 3142 (sec. 1002 of the Alaska National Interest Lands Conservation Act (ANILCA)), the United States Congress reserved the right to permit further oil and gas exploration, development, and production within the coastal plain; and

Whereas enhancements in technology can be used in a manner that minimizes the area within the refuge that is used for exploration and development, while providing the nation with a needed supply of oil and gas; and

Whereas the oil industry is using innovative technology and environmental practices that are directly applicable to operating on the Arctic coastal plain and that enhance environmental protection beyond traditionally high standards; and

Whereas the state will strive to ensure the protection of the land, water, and wildlife resources during the exploration and development of the Arctic coastal plain; and

Whereas 8,900,000 of the 19,000,000 acres of the refuge have already been set aside as wilderness; be it

Resolved, That the Twenty-Fifth Alaska State Legislature urges the United States Congress to defeat H.R. 39.

POM-283. A resolution adopted by the California State Lands Commission expressing its support for the United Nations Convention on the Law of the Sea; to the Committee on Foreign Relations.

RESOLUTION

Whereas, California's 1,100 mile coastline, with its beautiful beaches, wild cliffs, abundant fish stocks and fragile environment is a national treasure and a valuable state resource, which is at the heart of a tourist industry that generates nearly five billion dollars in state and local taxes each year; and is central to the state's $46 billion ocean economy; and

Whereas, the California State Lands Commission has jurisdiction over the state-owned tide and submerged lands below the mean high tide line out to three miles from the coast as well as the lands underlying California's bays and rivers; and

Whereas, the Commission is charged with managing these lands pursuant to the Public Trust Doctrine, a common law that requires these lands to be used for commerce, fishing, navigation, recreation and environmental protection; and

Whereas, protecting and improving the environmental integrity of the Pacific Ocean affects the public trust values of the lands under the Commission's jurisdiction and the utility of these lands to the public and the environment; and

Whereas, the United Nations Convention on the Law of the Sea (UNCLOS) is an international treaty ratified by more than 150 countries; and

Whereas, UNCLOS secures a member country's sovereign rights over the waters and natural resources off its shores, while also obligating the member country to protect the marine environment within its territorial seas, along its continental shelf, and on the high seas; and

Whereas, specifically, UNCLOS's marine environmental protections address marine pollution, dumping, fisheries, living resources, mining, oil and gas exploration, and scientific research; and

Whereas, UNCLOS provides a general governance framework that establishes a means to address future marine environmental problems not specifically addressed in the convention; and

Whereas, the United States has not ratified UNCLOS despite the fact that there is strong bipartisan support for ratification; the treaty is supported by all major environmental groups, shipping and oil interests, and current and former political figures across the ideological spectrum; and

Whereas, if the United States ratifies UNCLOS, it could, among other things, enforce its environmental laws in its exclusive economic zone. Moreover, the United States will be in a position to lead in the future application and development of UNCLOS, and develop regional and international cooperation to protect and preserve the marine environment; and Therefore be it

Resolved by the California State Lands Commission, That it supports the United Nations Convention on the Law of the Sea, which would promote the United States' interest in the environmental health of the oceans, secure sovereign rights over extensive marine areas, and protect national security interests; and, be it further

Resolved, that the Commission's Executive Officer transmit copies of this resolution to the President and Vice President of the United States, to the Governor of California, to the Majority and Minority Leaders of the United States Senate, to the Speaker and Minority Leader of the United States House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Mark R. Filip, of Illinois, to be Deputy Attorney General.

Ondray T. Harris, of Virginia, to be Director, Community Relations Service, for a term of four years.

David W. Hagy, of Texas, to be Director of the National Institute of Justice.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CRAIG:

S. 2582. A bill for the relief of Sali Bregaj, Mjaftime Bregaj, and Nertila Bregaj-Swyer; to the Committee on the Judiciary.

By Mr. CARPER (for himself and Mrs. MCCASKILL):

S. 2583. A bill to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars; to the Committee on Homeland Security and Governmental Affairs.

By Mr. REID (for Mrs. CLINTON):

S. 2584. A bill to establish a program to evaluate HIV/AIDS programs in order to improve accountability, increase transparency, and ensure the delivery of evidence-based services; to the Committee on Foreign Relations .

By Mr. HARKIN (for himself, Mr. HAGEL, Mr. OBAMA, Mr. BAUCUS, Mr. DODD, Ms. KLOBUCHAR, Mr. CASEY, and Mr. WEBB):

S. 2585. A bill to provide for the enhancement of the suicide prevention programs of the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. ROCKEFELLER:

S. 2586. A bill to provide States with fiscal relief through a temporary increase in the Federal medical assistance percentage and direct payments to States; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Mrs. BOXER, Mr. KYL, Mr. SCHUMER, Mr. CORNYN, Mr. DURBIN, Mr. McCAIN, Mr. BINGAMAN, Mr. CRAIG, Ms. CANTWELL, Mr. DOMENICI, and Mr. CRAPO):

S. 2587. A bill to amend the Immigration and Nationality Act to provide for compensation to States incarcerating undocumented aliens charged with a felony or 2 or more misdemeanors; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Mrs. BOXER, Mr. KYL, Mr. SCHUMER, Mr. CORNYN, Mr. DURBIN, Mr. McCAIN, Mr. BINGAMAN, Mr. CRAIG, Ms. CANTWELL, Mr. DOMENICI, and Mr. CRAPO):

S. 2588. A bill to require that funds awarded to States and political subdivisions for the State Criminal Alien Assistance Program be distributed not later than 120 days after the last day of the annual application period; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR (for himself and Mr. BIDEN):

S. Res. 439. A resolution expressing the strong support of the Senate for the North Atlantic Treaty Organization to enter into a Membership Action Plan with Georgia and Ukraine; to the Committee on Foreign Relations.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. Res. 440. A resolution recognizing soil as an essential natural resource, and soils professionals as playing a critical role in managing our Nation's soil resources; to the Committee on Agriculture, Nutrition, and Forestry.

ADDITIONAL COSPONSORS

S. 413

At the request of Mrs. CLINTON, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 413, a bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 994

At the request of Mr. TESTER, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 994, a bill to amend title 38, United States Code, to eliminate the deductible and change the method of determining the mileage reimbursement rate under the beneficiary travel program administered by the Secretary of Veteran Affairs, and for other purposes.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1199

At the request of Mr. WYDEN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1199, a bill to strengthen the capacity of eligible institutions to provide instruction in nanotechnology.

S. 1328

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1328, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 1335

At the request of Mr. INHOFE, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1335, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes.

S. 1792

At the request of Mr. BROWN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1792, a bill to amend the Worker Adjustment and Retraining Notification Act to improve such Act.

S. 1848

At the request of Mr. BAUCUS, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1848, a bill to amend the Trade Act of 1974 to address the impact of globalization, to reauthorize trade adjustment assistance, to extend trade adjustment assistance to service workers, communities, firms, and farmers, and for other purposes.

S. 1881

At the request of Mr. HARKIN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1881, a bill to amend the Americans with Disabilities Act of 1990 to restore the intent and protections of that Act, and for other purposes.

S. 1954

At the request of Mr. BAUCUS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 1970

At the request of Mr. DODD, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1970, a bill to establish a National Commission on Children and Disasters, a National Resource Center on Children and Disasters, and for other purposes.

S. 2136

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2136, a bill to address the treatment of primary mortgages in bankruptcy, and for other purposes.

S. 2143

At the request of Mr. KOHL, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2143, a bill to amend the Elementary and Secondary Education Act to establish a program to improve the health and education of children through grants to expand school breakfast programs, and for other purposes.

S. 2303

At the request of Mr. BURR, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2303, a bill to amend section 435(o) of the Higher Education Act of 1965 regarding the definition of economic hardship.

S. 2438

At the request of Mr. BAUCUS, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2438, a bill to repeal certain provisions of the Federal Lands Recreation Enhancement Act.

S. 2471

At the request of Mr. KENNEDY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2471, a bill to amend title 38, United States Code, to improve the enforcement of the Uniformed Services Employment and Reemployment Rights Act of 1994, and for other purposes.

S. 2477

At the request of Mr. DEMINT, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2477, a bill to amend the Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce.

S. 2543

At the request of Mr. ENSIGN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2543, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 2550

At the request of Mrs. HUTCHISON, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 2550, a bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain debts owed to the United States by members of the Armed Forces and veterans who die as a result of an injury incurred or aggravated on active duty in a combat zone, and for other purposes.

S. 2559

At the request of Mr. DODD, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2559, a bill to amend title II of the Social Security Act to increase the level of earnings under which no individual who is blind is determined to have demonstrated an ability to engage in substantial gainful activity for purposes of determining disability.

S. 2566

At the request of Mr. ISAKSON, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from New Mexico (Mr. DOMENICI), the Senator from Utah (Mr. HATCH) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2566, a bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases.

S. 2569

At the request of Mrs. BOXER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2569, a bill to amend the Public Health Service Act to authorize the Director of the National Cancer Institute to make grants for the discovery and validation of biomarkers for use in risk stratification for, and the early detection and screening of, ovarian cancer.

S. 2575

At the request of Mrs. HUTCHISON, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 2575, a bill to amend title 38, United States Code, to remove certain limitations on the transfer of entitlement to basic educational assistance under Montgomery GI Bill, and for other purposes.

S. 2578

At the request of Mr. COLEMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2578, a bill to temporarily delay application of proposed changes to Medicaid payment rules for case management and targeted case management services.

S. RES. 390

At the request of Mr. KOHL, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. Res. 390, a resolution designating March 11, 2008, as National Funeral Director and Mortician Recognition Day.

S. RES. 434

At the request of Mr. BIDEN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. Res. 434, a resolution designating the week of February 10–16, 2008, as "National Drug Prevention and Education Week".

AMENDMENT NO. 3909

At the request of Mr. ROCKEFELLER, his name was added as a cosponsor of amendment No. 3909 proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

At the request of Mr. BOND, his name was added as a cosponsor of amendment No. 3909 proposed to S. 2248, supra.

AMENDMENT NO. 3932

At the request of Mr. WHITEHOUSE, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Missouri (Mr. BOND) were added as cosponsors of amendment No. 3932 proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

AMENDMENT NO. 3960

At the request of Mr. KENNEDY, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Missouri (Mr. BOND) were added as cosponsors of amendment No. 3960 proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

AMENDMENT NO. 3967

At the request of Mr. COBURN, the names of the Senator from Nevada (Mr. ENSIGN), the Senator from Kentucky (Mr. BUNNING), the Senator from South Carolina (Mr. DEMINT), the Senator from Iowa (Mr. GRASSLEY) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of amendment No. 3967 intended to be proposed to S. 2483, a bill to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARPER (for himself and Mrs. MCCASKILL):

S. 2583. A bill to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars; to the Committee on Homeland Security and Governmental Affairs.

Mr. CARPER. Mr. President, I rise today to introduce the Improper Payments Elimination and Recovery Act of 2008.

At first glance, a bill with a name like that might not seem too exciting. But I can assure my colleagues that it addresses a serious, largely unknown problem that is a real threat to our fiscal well being.

Each year, agencies are required to look at all of their programs and activities and determine which are susceptible to significant improper payments. For those that are deemed at risk, agencies must produce estimated error rates that are included in their year-end financial statements. They must also come up with action plans for reducing their errors.

In fiscal year 2007, agencies are estimated to have made nearly $55 billion in improper payments. That is an astounding number, Mr. President.

We spend so much time around here throwing around numbers like $55 billion that they begin to lose their meaning. So I want to take a minute or so to put that number in perspective.

I was surprised to learn that $55 billion is more than the total budget for the Department of Homeland Security. It is also twice as much as we're projected to spend to protect the vehicles our soldiers are using in Iraq against roadside bombs.

To illustrate further the amount of money we are talking about, $55 billion is just a little bit less than the total GDP of Vietnam. It is a little bit more than the GDPs of Croatia and Slovakia. Most astoundingly, $55 billion equals the combined GDPs of 44 of the smaller countries in the world.

So our Federal Government is likely wasting more money than the total populations of many countries produce in a given year.

But $55 billion is not even a real number. It is likely just the tip of the iceberg. It includes no error estimates for massive programs like TANF, SCHIP, and the Medicare Prescription Drug Program. So I expect that we will see more than $55 billion in improper payments next year and the year after.

My colleagues and I on the Homeland Security and Governmental Affairs Committee's Subcommittee on Federal Financial Management have held six hearings focused on this issue now, including one this afternoon. What we have learned is that, in some cases, agencies are just not taking their responsibility to deal with and address their problems with improper payments and the management weaknesses that can cause them. The bill I am bringing forward today addresses just about all of the failures and deficiencies we've learned about through our oversight.

My bill starts by improving transparency. OMB right now has set the reporting threshold for improper payments too low, meaning millions of errors go unreported—and potentially unaddressed—each year. I want to lower the reporting threshold so that Congress and the general public have a better picture of the problem we face.

My bill would also help to prevent improper payments from happening in the first place by requiring that agencies come up with stronger corrective action plans and aggressive error reduction targets. It would also implement a recent recommendation from GAO that called on OMB to develop a process whereby agencies would receive regular audited opinions on the financial controls used to prevent improper payments before they happen.

My bill would also force agencies to be more aggressive in recovering improper payments they make. Some agencies—and most private sector firms—regularly go over their books to identify payment errors and get back overpayments made to contractors and others they do business with. We haven't done that enough in the Federal Government. Even as the agencies are reporting more and more improper payments, the amount recovered remains miniscule. I want to change this by requiring that all agencies with outlays of $1 million or more perform recovery audits on all of their programs and activities if doing so is cost effective.

Finally—and perhaps most importantly—my bill would hold agencies accountable. Today, as I mentioned, some agencies do not appear to be taking improper payments very seriously. I want to force agencies to hold top managers accountable for their progress—or lack of progress—in doing something to take better care of the tax dollars we entrust them with.

I look forward to working with my colleagues to get these important reforms enacted. I am sure we can all agree that allowing this level of waste to continue unchecked is reckless and unacceptable.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Improper Payments Elimination and Recovery Act of 2008".

SEC. 2. IMPROPER PAYMENTS ELIMINATION AND RECOVERY.

(a) SUSCEPTIBLE PROGRAMS AND ACTIVITIES.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsection (a) and inserting the following:

"(a) IDENTIFICATION OF SUSCEPTIBLE PROGRAMS AND ACTIVITIES.—

"(1) IN GENERAL.—The head of each agency shall, in accordance with guidance prescribed by the Director of the Office of Management and Budget, annually review all programs and activities that it administers and identify all such programs and activities that may be susceptible to significant improper payments.

"(2) ANNUAL RISK ASSESSMENT.—

"(A) DEFINITION.—In this paragraph the term 'significant' means that improper payments in the program or activity in the preceding fiscal year exceeded—

"(i) 2.5 percent of all program or activity payments made during that fiscal year; or

"(ii) $10,000,000.

"(B) RISK ASSESSMENT.—The review under paragraph (1) shall include a risk assessment that includes—

"(i) a systematic process for producing a statistically valid estimate of the level of improper payments being made by the agency; and

"(ii) an identification of the risks for each program and activity resulting from the estimates made under clause (i).".

(b) REPORTS ON ACTIONS TO REDUCE IMPROPER PAYMENTS.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsection (c) and inserting the following:

"(c) REPORTS ON ACTIONS TO REDUCE IMPROPER PAYMENTS.—With respect to any program or activity of an agency with estimated improper payments under subsection (b), the head of the agency shall provide with the estimate under subsection (b) a report on what actions the agency is taking to reduce the improper payments, including—

"(1) a discussion of the causes of the improper payments identified, actions planned or taken to correct those causes, and the planned or actual completion date of the actions taken to address those causes;

"(2) in order to reduce improper payments to minimal cost-effective levels, a statement of whether the agency has—

"(A) the internal controls, including information systems;

"(B) the human capital; and

"(C) other infrastructure the agency needs;

"(3) if the agency does not have the internal controls, a description of the resources the agency has requested in its budget submission to establish the internal controls;

"(4) a description of the steps the agency has taken to ensure that agency managers (including the head of the agency) are held accountable for establishing the appropriate internal controls, including an appropriate control environment, that prevent improper payments from occurring and promptly detect and collect improper payments made; and

"(5) a statement of whether or not the agency has—

"(A) conducted annual improper payment risk assessments;

"(B) developed and implemented improper payment control plans; and

"(C) implemented appropriate improper payment detection, investigation, reporting, and data collection procedures and processes.".

(c) REPORTS ON RECOVERY ACTIONS AND GOVERNMENTWIDE REPORTING.—

(1) IN GENERAL.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended—

(A) by redesignating subsections (d), (e), and (f) as subsections (f), (g), and (h), respectively; and

(B) by inserting after subsection (c) the following:

"(d) REPORTS ON ACTIONS TO RECOVER IMPROPER PAYMENTS.—With respect to any improper payments identified in recovery audits conducted under section 2(g) of the Improper Payments Elimination and Recovery Act of 2008, the head of the agency shall provide with the estimate under subsection (b) a report on what actions the agency is taking to recover improper payments, including—

"(1) the types of errors from which improper payments resulted;

"(2) a discussion of the methods used by the agency to recover improper payments;

"(3) the amounts recovered, outstanding, and determined to not be collectable; and

"(4) an aging schedule of the amounts outstanding.

"(e) GOVERNMENTWIDE REPORTING OF IMPROPER PAYMENTS.—

"(1) DEPARTMENT OF THE TREASURY.—The Secretary of the Treasury shall include in each report submitted under section 331(a) of title 31, United States Code, the improper payment information reported by the agencies on a governmentwide basis.

"(2) OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall—

"(A) coordinate with the Secretary of the Treasury in the preparation of the information to be reported under paragraph (1); and

"(B) prescribe regulations for—

"(i) the information required to be reported; and

"(ii) a format of reporting such information on a governmentwide basis to be used by agencies.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 331(a) of title 31, United States Code, is amended—

(A) in paragraph (6), by striking "and" after the semicolon;

(B) in paragraph (7), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(8) the improper payments information required under section 2(e) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).".

(d) DEFINITIONS.—Section 2 of the Improper Payment Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsection (g) (as redesignated by this section) and inserting the following:

"(g) DEFINITIONS.—In this section:

"(1) AGENCY.—The term 'agency' means an executive agency, as that term is defined in section 102 of title 31, United States Code.

"(2) IMPROPER PAYMENT.—The term 'improper payment'—

"(A) means any payment that should not have been made or that was made in an incorrect amount (including overpayments and underpayments) under statutory, contractual, administrative, or other legally applicable requirements; and

"(B) includes any payment to an ineligible recipient, any payment for an ineligible good or service, any duplicate payment, payments for services not received, and any payment that does not account for credit for applicable discounts.

"(3) PAYMENT.—The term 'payment' means any transfer or commitment for future transfer of cash, in-kind benefits, goods, services, loans and loan guarantees, insurance subsidies, and other items of value between Federal agencies and their employees, vendors, partners, and beneficiaries, and parties to contracts, grants, leases, cooperative agreements, or any other procurement mechanism, that is—

"(A) made by a Federal agency, a Federal contractor, or a governmental or other organization administering a Federal program or activity; and

"(B) derived from Federal funds or other Federal resources or that will be reimbursed from Federal funds or other Federal resources.

"(4) PAYMENT FOR AN INELIGIBLE GOOD OR SERVICE.—The term 'payment for an ineligible good or service' shall include a payment for any good or service that is in violation of any provision of any contract, grant, lease, cooperative agreement, or any other procurement mechanism, including any provision relating to quantity, quality, or timeliness.".

(e) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—Section 2 of the Improper Payments Information Act of 2002 (31

U.S.C. 3321 note) is amended by striking subsection (h) (as redesignated by this section) and inserting the following:

"(h) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—

"(1) IN GENERAL.—Not later than 6 months after the date of enactment of the Improper Payments Elimination and Recovery Act of 2008, the Director of the Office of Management and Budget shall prescribe updated guidance to implement and provide for full compliance with the requirements of this section. The guidance shall not include any exemptions not specifically authorized by this section.

"(2) CONTENTS.—The updated guidance under paragraph (1) shall prescribe—

"(A) the form of the reports on actions to reduce improper payments, recovery actions, and governmentwide reporting; and

"(B) strategies for addressing risks and establishing appropriate prepayment and postpayment internal controls.".

(f) INTERNAL CONTROLS.—

(1) REPORT ON EFFECTIVENESS OF A-123 IMPLEMENTATION.—The President's Council on Integrity and Efficiency shall conduct a study of the effectiveness of implementation of the Office of Management and Budget's Circular No. A-123 (revised), Management's Responsibility for Internal Control at preventing improper payments or addressing internal control problems that contribute to improper payments, and not later than 1 year after the date of enactment of this Act, submit a report on the study to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Oversight and Government Reform of the House of Representatives;

(C) the Director of the Office of Management and Budget; and

(D) the Comptroller General.

(2) CONSULTATION AND COOPERATION.—The President's Council on Integrity and Efficiency shall consult and cooperate with the committees and director described under paragraph (1) to ensure the nature and scope of the study under paragraph (1) will address the needs on those committees and the Director of the Office of Management and Budget, including how the implementation of Circular No. A-123 (revised) has helped to identify, report, prevent, and recover improper payments.

(3) DETERMINATION OF AGENCY READINESS FOR OPINION ON INTERNAL CONTROL.—Not later than 1 year after the date of enactment of the Improper Payments Elimination and Recovery Act of 2008, the Director of the Office of Management and Budget shall develop—

(A) specific criteria as to when an agency should initially be required to obtain an opinion on internal control over financial reporting; and

(B) criteria for an agency that has demonstrated a stabilized, effective system of internal control over financial reporting, whereby the agency would qualify for a multiyear cycle for obtaining an audit opinion on internal control over financial reporting, rather than an annual cycle.

(g) RECOVERY AUDITS.—An agency with outlays of $1,000,000 or more in any fiscal year shall conduct a recovery audit (as that term is defined by the Director of the Office of Management and Budget under section 3561 of title 31, United States Code) of all programs and activities, if the agency determines that—

(1) conducting an internal recovery audit would be effective; or

(2) a prior audit has identified improper payments that can be recouped and it is cost beneficial for a recovery activity to recapture those funds.

(h) REPORT ON RECOVERY AUDITING.—Not later than 180 days after the date of the enactment of this Act, the Chief Financial Officers Council established under section 302 of the Chief Financial Officers Act of 1990 (31 U.S.C. 901 note) and the President's Council on Integrity and Efficiency established under Executive Order 12805 of May 11, 1992, in consultation with recovery audit experts, shall—

(1) jointly conduct a study of the potential costs and benefits of requiring Federal agencies to recover improper payments using the services of—

(A) private contractors;

(B) agency employees;

(C) cross-servicing from other agencies; or

(D) any combination of the provision of services described under subparagraphs (A) through (C); and

(2) submit a report on the results of the study to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Oversight and Government Reform of the House of Representatives; and

(C) the Comptroller General.

SEC. 3. COMPLIANCE.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term "agency" has the meaning given under section 2(f) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) as redesignated by this Act.

(2) COMPLIANCE.—The term "compliance" means that the agency—

(A) has published a performance report for the most recent fiscal year and posted that report on the agency website;

(B) has conducted a program specific risk assessment for each program or activity that—

(i) is in compliance with section 2(a) the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note); and

(ii) is included in the performance report;

(C) publishes program specific improper payments estimates for all programs and activities identified under section 2(b) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in the performance report;

(D) publishes programmatic corrective action plans prepared under section 2(c) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) that the agency may have in the performance report;

(E) publishes Office of Management and Budget approved improper payments reduction targets in the performance report for each program assessed to be at risk, and is determined by the Office of Management and Budget to be actively meeting such targets;

(F) publishes the compliance report under subsection (c) in the performance report; and

(G) is not subject to the subsection (d)(4).

(3) DELINQUENT PROGRAM.—The term "delinquent program" means a program which is partially or wholly responsible for the determination of an agency being not in compliance.

(4) PERFORMANCE REPORT.—The term "performance report" means the performance and accountability report referred to under section 3516(b) of title 31, United States Code, or a program performance report under section 1116 of that title.

(b) ANNUAL COMPLIANCE REPORT BY OMB.—

(1) IN GENERAL.—Each year, the Director of the Office of Management and Budget shall prepare a report with an identification of—

(A) the compliance status of each agency under this section; and

(B) the delinquent programs responsible for that status.

(2) INCLUSION IN BUDGET SUBMISSION.—The Director of Office of the Management and Budget shall include the report described under paragraph (1) in the annual budget submitted under section 1105 of title 31, United States Code.

(c) ANNUAL COMPLIANCE REPORT BY INSPECTOR GENERAL.—

(1) IN GENERAL.—Each fiscal year, the Inspector General of each agency shall determine whether the agency is in compliance with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) and this Act and submit a report to the head of the agency on that determination.

(2) PREPARATION OF REPORT.—The Inspector General of each agency may enter into contracts and other arrangements with public agencies and with private persons for the preparation of financial statements, studies, analyses, and other services in preparing the report described under paragraph (1).

(3) INCLUSION IN PERFORMANCE REPORT.—The head of each agency shall include the report of the agency Inspector General described under paragraph (1) in the performance report.

(d) REMEDIATION ASSISTANCE.—

(1) VOLUNTARY REMEDIATION ASSISTANCE.—If an agency is determined by the agency Inspector General not to be in compliance under subsection (c) in a fiscal year, the head of the agency may transfer funds from any available appropriations of that agency for expenditure on intensified compliance for any delinquent program (notwithstanding any appropriations transfer authority limitation in any other provision of law).

(2) REQUIRED REMEDIATION ASSISTANCE.—If an agency is determined by the agency Inspector General not to be in compliance under subsection (c) for 2 consecutive fiscal years, the head of the agency shall transfer funds from any available appropriations of that agency to expend on intensified compliance (notwithstanding any appropriations transfer authority limitation in any other provision of law).

(3) REMEDIATION RESCISSION.—

(A) IN GENERAL.—If an agency is determined by the agency Inspector General not to be in compliance under subsection (c) for a period of 3 consecutive fiscal years and any delinquent program is included in the report under that subsection for 2 consecutive years during that 3-fiscal year period, the head of the agency shall transfer 5 percent of the available appropriations for each of those delinquent programs, as determined by the head of the agency, to miscellaneous receipts of the United States Treasury.

(B) CONTINUATION OF TRANSFERS.—The head of an agency shall make transfers under subparagraph (A) until the agency is determined to be in compliance under subsection (b).

(4) STOP-LOSS PROVISION.—If an agency is determined under the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) to have an improper payment rate greater than 15 percent for 3 consecutive fiscal years (regardless of the whether the program is a delinquent program)—

(A) not later than 30 days after that determination, the head of agency shall submit to Congress proposals for statutory changes or other relevant actions determined necessary to stop the financial loss by the program; and

(B) no further appropriations for such program shall be authorized until such time as the inspector general of that agency submits a certification to Congress that sufficient changes in the program (whether those proposed by agency or otherwise) have been implemented to warrant resumed authorization of appropriations.

By Mr. REID (for Mrs. CLINTON):

S. 2584. A bill to establish a program to evaluate HIV/AIDS programs in order to improve accountability, increase transparency, and ensure the delivery of evidence-based services, to the Committee on Foreign Relations.

Mrs. CLINTON. Mr. President, today I rise to introduce the PEPFAR Accountability and Transparency Act, a bill that will increase our ability to research and identify the most effective interventions in combating global AIDS. As we work to increase funding for the President's Emergency Plan for AIDS Relief, PEPFAR, I believe we must also insure that we maximize our investment in programs that have been found effective in preventing infections and delivering care to as many people as possible.

Through the years, the science known as operations research—the ability to identify what is working and what is not working in our treatment, prevention, and care interventions—has helped to improve the effectiveness of the health care delivery system that we have established and enhanced with U.S. funding.

Take, for example, the issue of mother to child transmission of HIV. In the U.S., cases of perinatal HIV transmission have dropped markedly—from more than 1,000 in 1991 to less than 100 in 2005—largely due to access to critically needed, life-extending drugs. But in the developing world, where fewer than 10 percent of HIV positive pregnant women, about 1 out of every 3 children born to mothers with HIV end up with the virus—a wholly preventable situation. The field of operations research is allowing us to understand how we can, in low resource settings, improve testing, education, and treatment options that reduce cases of perinatal transmission.

There are many other areas where the data from operations research can transform our ability to maximize the U.S. investment in global AIDS funding—through measuring the impact of our prevention education efforts, to understanding how addressing gender inequality can reduce HIV infection, to ensuring that treatment is delivered in a way that extends the lives of people with HIV.

This legislation will require the Government to develop a strategic plan to improve program monitoring, evaluation and operations research. With this plan, we can determine the effectiveness of the interventions we are funding, so that we can replicate those that are working well, and examine ways to improve those that do not have the outcomes that we expected. The bill would also increase the dissemination of research findings, so that those working in low-resource settings would be able to easily learn and implement cost-effective interventions in their communities.

I am proud to support increases for PEPFAR, but I also believe that we must ensure that these increases are targeted toward effective programs that reach as many people as possible. This legislation will help us achieve that goal. I look forward to working with my colleagues in the Senate to support this legislation and operations research as we move forward with PEPFAR reauthorization.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

ELIZABETH GLASER PEDIATRIC
AIDS FOUNDATION,
January 28, 2008.

Hon. HILLARY RODHAM CLINTON,
Washington, DC.

DEAR SENATOR CLINTON: On behalf of the Elizabeth Glaser Pediatric AIDS Foundation, I would like to express our strong support for the PEPFAR Accountability and Transparency Act. We appreciate your leadership in expanding the important role of operations research, program monitoring, and impact evaluation research in the President's Emergency Plan for AIDS Relief (PEPFAR) and applaud your efforts in maximizing U.S. financial commitment to the global AIDS pandemic.

Significant advances have been made over the last twenty-five years in HIV/AIDS prevention, care, and treatment to improve the lives of children and families affected by HIV/AIDS across the globe. Yet, while scientists and doctors have learned a great deal about HIV, how to prevent the spread of HIV, and how to treat those already infected, insufficient focus has been placed on putting many of those advances into action on the frontlines of the pandemic. Operations research is becoming increasingly important in determining what approaches work best in the field and ensuring that this knowledge is applied on a broader scale.

Your legislation will help ensure that we maximize the lifesaving impact of PEPFAR resources by elevating operations research as a priority in PEPFAR, improving accountability, and strengthening transparency. Specifically, the legislation directs the Office of the Global AIDS Coordinator to work in collaboration with federal agencies, country governments, and implementing partners to develop a five-year strategic plan to prioritize operations research, program monitoring, and impact evaluation research projects and establish timelines for action.

Thank you for your leadership and commitment to this issue. We look forward to working closely with you to ensure that children, women, and families worldwide benefit from this important piece of legislation.

Sincerely,

PAMELA W. BARNES,
President and Chief Executive Officer.

Mr. ROCKEFELLER:

S. 2586. A bill to provide States with fiscal relief through a temporary increase in the Federal medical assistance percentage and direct payments to States; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce a critical piece of legislation, the State Fiscal Relief Act of 2008. This legislation builds upon the $20 billion State fiscal relief model passed by Congress and signed into law by President Bush as part of the Jobs and Growth Tax Reconciliation Act of 2003. It would provide $12 billion in State aid, equally divided between an increase in Federal Medicaid matching payments and general revenue sharing grants to States.

Many of my colleagues may wonder why I am introducing a $12 billion State fiscal relief bill instead of a $15 billion State fiscal relief bill—the approach I have consistently supported. The reason is simple. I want to build on the strong, bipartisan support of our Nation's Governors, who have repeatedly endorsed a $12 billion fiscal relief package—with $6 billion in additional Medicaid assistance to States and $6 billion in targeted grants to States. I still worry that State deficits will only grow in the coming days, weeks, and months, but I am willing to start with $12 billion and continue my work with our Nation's Governors, health care providers, advocates, and others to get this aid to States immediately.

I want to begin my remarks with the fact that leading economists support State fiscal relief. Earlier this month, Mark Zandi, chief economist of Moody's Economy.com, examined the effectiveness of the various stimulus options that Congress is considering. Dr. Zandi's analysis found that targeted State aid would generate increased economic activity of $1.36 for each dollar of cost, because it would lessen State and local government budget cuts that "are sure to become a substantial drag on the economy later this year and into 2009."

As a former Governor, who survived the tough times of the 1980s, I strongly believe that States deserve to be a part of the economic stimulus package currently before the Senate. State and local governments are an integral part of our national economic engine. They provide health care and a wealth of social services to millions of Americans, particularly when the economy is weak. We should act immediately to provide States with relief before they are faced with the harsh decision to cut children and families off of Medicaid.

States experience enormous budget pressures when the economy slows. State revenues can evaporate rapidly during an economic downturn. Unlike the Federal Government, States cannot borrow infinite amounts of debt from China and other countries. By law, 49 States including West Virginia—are required to balance their budgets and, in times of economic downturn, this task becomes significantly more difficult.

A delayed Federal response to the growing impact of this downturn on States is an invitation to disaster. We know from experience that Medicaid is consistently the first program slated for cuts during a State budget squeeze. This is not only a problem for current Medicaid enrollees; it is also a problem for hard-working Americans who have lost their jobs because of the economic slowdown.

In the last year, our unemployment rate has increased to 5.0 percent with nearly 900,000 more Americans without jobs. The loss of a job is hard enough financially on an individual or family, but since the majority of Americans get their health insurance through their jobs, the loss of a job often results in a simultaneous loss of health insurance coverage. Medicaid fills the gap for working families when they lose access to private coverage. For every 1 percent increase in the unemployment rate, Medicaid enrollment increases by 2–3 million people.

During the last economic downturn, the number of uninsured Americans would have been millions more if Medicaid and CHIP had not responded to the twin challenges of an economic downturn and a sharp drop-off in private health insurance coverage. A critical factor in helping States sustain Medicaid enrollment during those difficult times was the $20 billion in State fiscal relief that Congress enacted in 2003. The 2003 fiscal relief provisions went a long way to preserve health care coverage for millions of working Americans. However, we cannot discount the fact that one million low-income people had already lost Medicaid coverage because we waited two years into the recession to pass State fiscal relief. We should not make the same mistake twice. We must act quickly.

There is no question that health care is economic stimulus. Insuring jobless workers encourages consumption of health care services and provides an economic boost to the health care sector. People without insurance seek treatment less often than people who are insured. Uninsured Americans not only have greater problems accessing needed care but often spend more out-of-pocket on health care, making it harder for them to spend on other things.

The grants to States are also stimulative. For example, they can be used to finance unfunded Federal mandates like child support enforcement. Six economists recently wrote that "restoring funding to the child support program will produce well-targeted stimulus to the economy because child support redistributes income toward lower-income families who are more likely to use the income to meet their consumption needs. Restoring funding to the child support program would also mean that the State and county governments would not have to lay off child support workers and reduce the level of services that they provide families in the child support program."

One of the arguments against State fiscal relief that I continue to hear is the argument that State fiscal conditions are not that bad. We have to be very cautious about that type of argument because State fiscal situations are changing rapidly. The recent CBO report on the economy alludes to this very fact. It reads, "Recent evidence indicates that many States respond relatively quickly to a downturn in the economy, even if it occurs after their budgets have been enacted for the year."

We already know from the National Governors Association that 18 States have reported budget shortfalls totaling $14 billion for 2008 and 17 States project shortfalls totaling $31 billion for 2009. However, we cannot simply take a snapshot of the economy today and argue that this is not a crisis waiting to happen. The fact of the matter is that a dozen more States could be in deficit situations very soon if the downturn continues. This is especially true given the significant decline in property tax revenues in many States and the impact of the bonus depreciation provisions included in the stimulus bill in several States.

As proud as I am of the 2003 fiscal relief package, I want to remind my colleagues that the $20 billion in relief was nearly too late. One million low-income people had already been cut off of Medicaid by the time that legislation finally passed because we waited two years into the recession to enact it. History does not have to repeat itself. We know that working families are at risk of becoming uninsured now and into the near future, so we must act swiftly to protect them.

I urge my colleagues to support this important legislation. We have a real opportunity to proactively address a looming health care crisis. This approach is supported by the National Governors Association as well as hundreds of provider and health advocacy groups nationwide. We should not allow this opportunity to pass. Too much is at stake.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2586

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "State Fiscal Relief Act of 2008".

SEC. 2. TEMPORARY STATE FISCAL RELIEF.

(a) TEMPORARY INCREASE OF THE MEDICAID FMAP.—

(1) PERMITTING MAINTENANCE OF FISCAL YEAR 2007 FMAP FOR LAST 3 CALENDAR QUARTERS OF FISCAL YEAR 2008.—Subject to paragraph (5), if the FMAP determined without regard to this subsection for a State for fiscal year 2008 is less than the FMAP as so determined for fiscal year 2007, the FMAP for the State for fiscal year 2007 shall be substituted for the State's FMAP for the second, third, and fourth calendar quarters of fiscal year 2008, before the application of this subsection.

(2) PERMITTING MAINTENANCE OF FISCAL YEAR 2008 FMAP FOR FIRST 2 QUARTERS OF FISCAL YEAR 2009.—Subject to paragraph (5), if the FMAP determined without regard to this subsection for a State for fiscal year 2009 is less than the FMAP as so determined for fiscal year 2008, the FMAP for the State for fiscal year 2008 shall be substituted for the State's FMAP for the first and second calendar quarters of fiscal year 2009, before the application of this subsection.

(3) GENERAL 1.225 PERCENTAGE POINTS INCREASE FOR LAST 3 CALENDAR QUARTERS OF FISCAL YEAR 2008 AND FIRST 2 CALENDAR QUARTERS OF FISCAL YEAR 2009.—Subject to paragraphs (5), (6), and (7), for each State for the second, third, and fourth calendar quarters of fiscal year 2008 and for the first and second calendar quarters of fiscal year 2009, the FMAP (taking into account the application of paragraphs (1) and (2)) shall be increased by 1.225 percentage points.

(4) INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.—Subject to paragraphs (6) and (7), with respect to the second, third, and fourth calendar quarters of fiscal year 2008 and the first and second calendar quarters of fiscal year 2009, the amounts otherwise determined for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) shall each be increased by an amount equal to 2.45 percent of such amounts.

(5) SCOPE OF APPLICATION.—The increases in the FMAP for a State under this subsection shall apply only for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(A) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r–4);

(B) payments under title IV or XXI of such Act (42 U.S.C. 601 et seq. and 1397aa et seq.); or

(C) any payments under XIX of such Act that are based on the enhanced FMAP described in section 2105(b) of such Act (42 U.S.C. 1397ee(b)).

(6) STATE ELIGIBILITY.—

(A) IN GENERAL.—Subject to subparagraph (B), a State is eligible for an increase in its FMAP under paragraph (3) or an increase in a cap amount under paragraph (4) only if the eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) is no more restrictive than the eligibility under such plan (or waiver) as in effect on December 31, 2007.

(B) STATE REINSTATEMENT OF ELIGIBILITY PERMITTED.—A State that has restricted eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) after December 31, 2007 is eligible for an increase in its FMAP under paragraph (3) or an increase in a cap amount under paragraph (4) in the first calendar quarter (and subsequent calendar quarters) in which the State has reinstated eligibility that is no more restrictive than the eligibility under such plan (or waiver) as in effect on December 31, 2007.

(C) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) or (B) shall be construed as affecting a State's flexibility with respect to benefits offered under the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)).

(7) REQUIREMENT FOR CERTAIN STATES.—In the case of a State that requires political subdivisions within the State to contribute toward the non-Federal share of expenditures under the State medicaid plan required under section 1902(a)(2) of the Social Security Act (42 U.S.C. 1396a(a)(2)), the State shall not require that such political subdivisions pay a greater percentage of the non-Federal share of such expenditures for the second, third, and fourth calendar quarters of fiscal year 2008 and the first and second calendar quarters of fiscal year 2009, than the percentage that was required by the State under such plan on December 31, 2007, prior to application of this subsection.

(8) DEFINITIONS.—In this subsection:

(A) FMAP.—The term "FMAP" means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(B) STATE.—The term "State" has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(9) REPEAL.—Effective as of October 1, 2009, this subsection is repealed.

(b) PAYMENTS TO STATES FOR ASSISTANCE WITH PROVIDING GOVERNMENT SERVICES.—The Social Security Act (42 U.S.C. 301 et seq.) is amended by inserting after title V the following:

"TITLE VI—TEMPORARY STATE FISCAL RELIEF

"SEC. 601. TEMPORARY STATE FISCAL RELIEF.

"(a) APPROPRIATION.—There is authorized to be appropriated and is appropriated for making payments to States under this section—

"(1) $3,600,000,000 for fiscal year 2008; and

"(2) $2,400,000,000 for fiscal year 2009.

"(b) PAYMENTS.—

"(1) FISCAL YEAR 2008.—From the amount appropriated under subsection (a)(1) for fiscal year 2008, the Secretary of the Treasury shall, not later than the later of the date that is 45 days after the date of enactment of this Act or the date that a State provides the certification required by subsection (e) for fiscal year 2008, pay each State the amount determined for the State for fiscal year 2008 under subsection (c).

"(2) FISCAL YEAR 2009.—From the amount appropriated under subsection (a)(2) for fiscal year 2009, the Secretary of the Treasury shall, not later than the later of October 1, 2008, or the date that a State provides the certification required by subsection (e) for fiscal year 2009, pay each State the amount determined for the State for fiscal year 2009 under subsection (c).

"(c) PAYMENTS BASED ON POPULATION.—

"(1) IN GENERAL.—Subject to paragraph (2), the amount appropriated under subsection (a) for each of fiscal years 2008 and 2009 shall be used to pay each State an amount equal to the relative population proportion amount described in paragraph (3) for such fiscal year.

"(2) MINIMUM PAYMENT.—

"(A) IN GENERAL.—No State shall receive a payment under this section for a fiscal year that is less than—

"(i) in the case of 1 of the 50 States or the District of Columbia, ½ of 1 percent of the amount appropriated for such fiscal year under subsection (a); and

"(ii) in the case of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or American Samoa, 1/10 of 1 percent of the amount appropriated for such fiscal year under subsection (a).

"(B) PRO RATA ADJUSTMENTS.—The Secretary of the Treasury shall adjust on a pro rata basis the amount of the payments to States determined under this section without regard to this subparagraph to the extent necessary to comply with the requirements of subparagraph (A).

"(3) RELATIVE POPULATION PROPORTION AMOUNT.—The relative population proportion amount described in this paragraph is the product of—

"(A) the amount described in subsection (a) for a fiscal year; and

"(B) the relative State population proportion (as defined in paragraph (4)).

"(4) RELATIVE STATE POPULATION PROPORTION DEFINED.—For purposes of paragraph (3)(B), the term 'relative State population proportion' means, with respect to a State, the amount equal to the quotient of—

"(A) the population of the State (as reported in the most recent decennial census); and

"(B) the total population of all States (as reported in the most recent decennial census).

"(d) USE OF PAYMENT.—

"(1) IN GENERAL.—Subject to paragraph (2), a State shall use the funds provided under a payment made under this section for a fiscal year to—

"(A) provide essential government services;

"(B) cover the costs to the State of complying with any Federal intergovernmental mandate (as defined in section 421(5) of the Congressional Budget Act of 1974) to the extent that the mandate applies to the State, and the Federal Government has not provided funds to cover the costs; or

"(C) compensate for a decline in Federal funding to the State.

"(2) LIMITATION.—A State may only use funds provided under a payment made under this section for types of expenditures permitted under the most recently approved budget for the State.

"(e) CERTIFICATION.—In order to receive a payment under this section for a fiscal year, the State shall provide the Secretary of the Treasury with a certification that the State's proposed uses of the funds are consistent with subsection (d).

"(f) DEFINITION OF STATE.—In this section, the term 'State' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

"(g) REPEAL.—Effective as of October 1, 2009, this title is repealed.".

By Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Mrs. BOXER, Mr. KYL, Mr. SCHUMER, Mr. CORNYN, Mr. DURBIN, Mr. MCCAIN, Mr. BINGAMAN, Mr. CRAIG, Ms. CANTWELL, Mr. DOMENICI and Mr CRAPO):

S. 2587. A bill to amend the Immigration and Nationality Act to provide for compensation to States incarcerating undocumented aliens charged with a felony or 2 or more misdemeanors; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today Senator HUTCHISON and I are introducing two bills that will significantly alleviate the burden of illegal immigration on State and local governments: the SCAAP Reimbursement Protection Act of 2008 and the Ensure Timely SCAAP Reimbursement Act. We are joined by Senators BOXER, KYL, SCHUMER, CORNYN, DURBIN, MCCAIN, BINGAMAN, CRAIG, CANTWELL, DOMENICI, and CRAPO.

These bills will amend the State Criminal Alien Assistance Program, SCAAP, statute to ensure that states and localities receive more funding for costs associated with incarcerating criminal aliens, and that these reimbursements are given out in a timely manner.

The cost of incarcerating criminal aliens is high. In California alone, the State spent more than $900 million in 2007 to house over 20,000 criminal aliens.

Congress enacted SCAAP in 1994 to help reimburse States and localities for the cost of arrest, incarceration, and transportation of these aliens.

However, in 2003, the Department of Justice, DOJ, reinterpreted the statute. Now States are only reimbursed for what they spend incarcerating convicted criminal aliens and only when the arrest and conviction occur in the same fiscal year.

The DOJ reinterpretation has significantly cut the reimbursement local governments are eligible to receive for incarcerating and processing illegal aliens.

This reinterpretation is even more devastating because SCAAP is consistently under-funded. The President has zeroed out SCAAP funding in his budget proposal over the past 6 years. Through bi-partisan support, Congress was only able to partially fund the program.

As a result, SCAAP only reimburses States for a fraction of the costs of incarcerating criminal aliens. For example, in fiscal year 2007, SCAAP reimbursed only $109.5 million of the more than $912.5 million spent by the California Department of Corrections that year. That means the State paid $803 million of its own funds to house criminal aliens.

This cut has had a domino effect on public safety funding. Every dollar less that SCAAP reimburses States means a dollar less to spend on critical public safety services. For example, after the SCAAP funding cuts in 2003, the Los Angeles County Sheriff's Department implemented an "early release" policy for prisoners convicted of misdemeanors.

I believe it is the Federal Government's responsibility to control illegal immigration. The funding cuts imposed by this administration have let our local public safety services down, and have made our communities less safe.

The SCAAP Reimbursement Protection Act of 2008 would restore the original intent of SCAAP so that States are reimbursed for the costs of incarcerating aliens who are either charged with or convicted of a felony or two misdemeanors. States would also be reimbursed regardless of the fiscal year of the incarceration and conviction.

This bill has been endorsed by the National Sheriffs' Associate, California State Association of Counties, CSAC, the U.S./Mexico Border Counties Coalition, the Virginia Sheriffs' Association, the Los Angeles County Sheriff Lee Baca, and the Sheriffs' Association of Texas.

Our colleagues on the House Judiciary Committee unanimously passed a companion bill, H.R. 1512, and I urge you to do the same.

Another problem with SCAAP is the significant delay in reimbursement. Recently, State and county governments that foot the bill for holding criminal aliens between July 2004 and June 2005 had to wait until June 21, 2007, before they were reimbursed.

For example, Los Angeles County, San Bernardino County, and Riverside County waited 2 years to receive their reimbursement—totaling $85.9 million. While they were waiting, public safety offices had to cut back on critical services. This delay is worse when one considers that even when localities receive the federal funds, they are only reimbursed for pennies on every dollar spent.

Delays place unreasonable budgetary burdens on States, counties, and municipalities that already shoulder most of the costs of housing criminal aliens.

California is not alone. Every other State depends on these funds to perform what is ultimately a federal responsibility—to control illegal immigration and its effects in our communities. These delays affect every State.

The Ensure Timely SCARP Reimbursement Act would help ease this burden on States and localities by requiring the Justice Department to disburse funds within 6 months of the application deadline.

I ask my colleagues to join me in supporting these much needed amendments to the SCAAP statute. Mr. President, I ask unanimous consent that the text of these two bills be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2587

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "SCAAP Reimbursement Protection Act of 2008".

SEC. 2. ASSISTANCE FOR STATES INCARCERATING UNDOCUMENTED ALIENS CHARGED WITH CERTAIN CRIMES.

Section 241(i)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(A)) is amended by inserting "charged with or" before "convicted".

S. 2588

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ensure Timely SCAAP Reimbursement Act".

SEC. 2. DISTRIBUTION OF SCAAP COMPENSATION.

Section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) is amended by adding at the end the following:

"(7) Any funds awarded to a State or a political subdivision of a State, including a municipality, for a fiscal year under this subsection shall be distributed to such State or political subdivision not later than 120 days after the last day of the application period for assistance under this subsection for that fiscal year.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 439—EXPRESSING THE STRONG SUPPORT OF THE SENATE FOR THE NORTH ATLANTIC TREATY ORGANIZATION TO ENTER INTO A MEMBERSHIP ACTION PLAN WITH GEORGIA AND UKRAINE

Mr. LUGAR (for himself and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 439

Whereas the sustained commitment of the North Atlantic Treaty Organization (NATO) to mutual defense has made possible the democratic transformation of Central and Eastern Europe and Eurasia;

Whereas NATO members can and should play a critical role in addressing the security challenges of the post-Cold War era in creating the stable environment needed for emerging democracies in Europe and Eurasia;

Whereas lasting stability and security in Europe and Eurasia require the military, economic, and political integration of emerging democracies into existing European structures;

Whereas, in an era of threats from terrorism and the proliferation of weapons of mass destruction, NATO is increasingly contributing to security in the face of global security challenges for the protection and interests of its member states;

Whereas the Government of Georgia and the Government of Ukraine have each expressed a desire to join the Euro-Atlantic community, and Georgia and Ukraine are working closely with NATO and its members to meet criteria for eventual NATO membership;

Whereas, at the NATO-Ukraine Commission Foreign Ministerial meeting in Vilnius in April 2005, NATO and Ukraine launched an Intensified Dialogue on membership between the Alliance and Ukraine;

Whereas, following a meeting of NATO Foreign Ministers in New York on September 21, 2006, NATO Secretary General Jaap de Hoop Scheffer announced the launching of an Intensified Dialogue on membership between NATO and Georgia;

Whereas the Riga Summit Declaration, issued by the heads of state and government participating in the meeting of the North Atlantic Council in November 2006, reaffirms that NATO's door remains open to new members and that NATO will continue to review the process for new membership, stating "We reaffirm that the Alliance will continue with Georgia and Ukraine its Intensified Dialogues which cover the full range of political, military, financial, and security issues relating to those countries' aspirations to membership, without prejudice to any eventual Alliance decision. We reaffirm the importance of the NATO-Ukraine Distinctive Partnership, which has its 10th anniversary next year and welcome the progress that has been made in the framework of our Intensified Dialogue. We appreciate Ukraine's substantial contributions to our common security, including through participation in NATO-led operations and efforts to promote regional cooperation. We encourage Ukraine to continue to contribute to regional security. We are determined to continue to assist, through practical cooperation, in the implementation of far-reaching reform efforts, notably in the fields of national security, defense, reform of the defense-industrial sector and fighting corruption. We welcome the commencement of an Intensified Dialogue with Georgia as well as Georgia's contribution to international peacekeeping and security operations. We will continue to engage actively with Georgia in support of its reform process. We encourage Georgia to continue progress on political, economic and military reforms, including strengthening judicial reform, as well as the peaceful resolution of outstanding conflicts on its territory. We reaffirm that it is of great importance that all parties in the region should engage constructively to promote regional peace and stability.";

Whereas, in January 2008, Ukraine forwarded to NATO Secretary General Jaap de Hoop Scheffer a letter, signed by President Victor Yushchenko, Prime Minister Yulia Tymoshenko, and Verkhovna Rada Speaker Arseny Yatensyuk, requesting that NATO integrate Ukraine into the Membership Action Plan;

Whereas, in January 2008, Georgia held a referendum on NATO and 76.22 percent of the votes supported membership;

Whereas participation in a Membership Action Plan does not guarantee future membership in the NATO Alliance; and

Whereas NATO membership requires significant national and international commitments and sacrifices and is not possible without the support of the populations of the NATO member States: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Senate—

(A) reaffirms its previous expressions of support for continued enlargement of the North Atlantic Treaty Organization (NATO) to include qualified candidates; and

(B) supports the commitment to further enlargement of NATO to include democratic governments that are able and willing to meet the responsibilities of membership;

(2) the expansion of NATO contributes to NATO's continued effectiveness and relevance;

(3) Georgia and Ukraine are strong allies that have made important progress in the areas of defense, democratic, and human rights reform;

(4) a stronger, deeper relationship among the Government of Georgia, the Government of Ukraine, and NATO will be mutually beneficial to those countries and to NATO member States; and

(5) the United States should take the lead in supporting the awarding of a Membership

Action Plan to Georgia and Ukraine as soon as possible.

Mr. LUGAR. Mr. President, I rise today to introduce the NATO Membership Action Plan Endorsement Act of 2008. This resolution is intended to express strong Senate support for Administration leadership in ensuring that NATO extends Membership Action Plan, MAP, status to Georgia and Ukraine as soon as possible.

NATO has a long track record of support for continued enlargement of NATO to democracies that are able and willing to meet the responsibilities of membership. The leaders of Georgia and Ukraine have clearly stated their desire to join NATO and both have made remarkable progress towards meeting NATO standards.

The Membership Action Plan was launched in April 1999 to assist countries in preparations for possible NATO membership by providing advice, assistance, and practical support on all aspects of membership requirements. NATO has identified four main categories of cooperation and assistance through MAP. First, NATO assists in the development of a national program that covers political, economic, defense, resource security, and legal requirements for membership. Second, NATO experts provide focused and candid feedback and political and technical advice to the governments. Third, NATO provides an organizational structure to assist in the coordination of defense and security assistance received from NATO member states and other allies. Fourth, NATO provides assistance in the construction of an individual approach to defense planning to include force, personnel, and capability reforms.

MAP implementation is no longer simply an activity that focuses on military and security issues. Interministerial meetings engage other governmental departments in a coordinated and systematic approach with the goal of government-wide reform and progress. These goals include settling international, ethnic or external territorial disputes by peaceful means; demonstrating a commitment to the rule of law and human rights; and promoting stability and prosperity through economic reform, social equality, and environmental responsibility. Each participant is free to choose the elements of MAP best suited to their own national priorities and circumstances. In other words, if approved at the NATO summit at Bucharest, Romania in April, Tbilisi and Kyiv will set their own objectives, targets, and work schedules.

Since the end of the Cold War, NATO has been evolving to meet the new security needs of the 21st century. In this era, the threats to NATO members are transnational and far from its geographic borders. NATO's viability as an effective defense and security alliance depends on flexible, creative leadership, as well as the willingness of members to improve capabilities and address common threats.

If NATO is to continue to be the preeminent security Alliance and serve the defense interests of its membership, it must continue to evolve and that evolution must include enlargement. Potential NATO membership motivates emerging democracies to make important advances in areas such as the rule of law and civil society. A closer relationship with NATO will promote these values and contribute to our mutual security.

Three years ago, the U.S. Senate unanimously voted to invite 7 countries to join NATO. Today, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia are making significant contributions to NATO and are among our closest allies in the global war on terrorism. It is time again for the U.S. to take the lead in urging its allies to recognize the important efforts underway in Georgia and Ukraine, and to offer MAP to both countries this spring.

Both countries have significant amounts of work to accomplish before they can be offered NATO membership. Let me be clear, MAP participation does not guarantee future membership, nor does it consist of simply a checklist for aspiring NATO members to fulfill. It is a guide, not an endorsement to NATO membership.

I am confident that Presidents Saakashvilli and Yushchenko understand that NATO membership will not be possible without the support of their respective electorates. In Georgia the issue was put to a referendum earlier this month and 76.22 percent of voters supported NATO membership. Ukrainian leaders have identified the need for a national referendum on this important issue in the future. Alliance membership requires commitment and sacrifice that must have the support of the local population if they are to be successfully implemented.

Last week, former U.S. Ambassador to Ukraine, Steven Pifer, outlined in the International Herald Tribune several compelling arguments for extending MAP to Ukraine. He said, in part: "Granting Ukraine a MAP at the Bucharest summit . . . would enhance European security and stability . . . [N]one of the arguments against the measure stand up to scrutiny . . . Ukraine has made as much progress on democratic, economic, and military reform as Romania, Bulgaria, Slovakia, and Albania when they received MAPs in 1999 . . . Kyiv has demonstrated that it has serious military capabilities and the political will to use them. In recent years, the Ukrainian military has provided the alliance with strategic airlifts; participated, often side-by-side with NATO troops, in peacekeeping operations in the Balkans and elsewhere; and made a significant contribution to coalition ground forces in Iraq during 2004–05. Ukraine would be a net contributor to Euro-Atlantic security."

Mr. President, I ask that my colleagues support this important resolution. It sends a strong message to the administration, our NATO allies, as well as to the people of Georgia and Ukraine that we are prepared to work closely with each to contribute to the strengthening of peace and security in Europe and Eurasia.

SENATE RESOLUTION 440—RECOGNIZING SOIL AS AN ESSENTIAL NATURAL RESOURCE, AND SOILS PROFESSIONALS AS PLAYING A CRITICAL ROLE IN MANAGING OUR NATION'S SOIL RESOURCES

Mr. BROWN (for himself and Mr. VOINOVICH) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 440

Whereas soil, plant, animal, and human health are intricately linked and the sustainable use of soil affects climate, water and air quality, human health, biodiversity, food safety, and agricultural production;

Whereas soil is a dynamic system which performs many functions and services vital to human activities and ecosystems;

Whereas, despite soil's importance to human health, the environment, nutrition and food, feed, fiber, and fuel production, there is little public awareness of the importance of soil protection;

Whereas the degradation of soil can be rapid, while the formation and regeneration processes can be very slow;

Whereas protection of United States soil based on the principles of preservation and enhancement of soil functions, prevention of soil degradation, mitigation of detrimental use, and restoration of degraded soils is essential to the long-term prosperity of the United States;

Whereas legislation in the areas of organic, industrial, chemical, biological, and medical waste pollution prevention and control should consider soil protection provisions;

Whereas legislation on climate change, water quality, agriculture, and rural development should offer a coherent and effective legislative framework for common principles and objectives that are aimed at protection and sustainable use of soils in the United States;

Whereas soil contamination coupled with poor or inappropriate soil management practices continues to leave contaminated sites unremediated; and

Whereas soil can be managed in a sustainable manner, which preserves its capacity to deliver ecological, economic, and social benefits, while maintaining its value for future generations: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes it as necessary to improve knowledge, exchange information, and develop and implement best practices for soil management, soil restoration, carbon sequestration, and long-term use of the Nation's soil resources;

(2) recognizes the important role of soil scientists and soils professionals, who are well-equipped with the information and experience needed to address the issues of

today and those of tomorrow in managing the Nation's soil resources;

(3) commends soil scientists and soils professionals for their efforts to promote education,, outreach, and awareness necessary for generating more public interest in and appreciation for soils; and

(4) acknowledges the promise of soil scientists and soils professionals to continue to enrich the lives of all Americans by improving stewardship of the soil, combating soil degradation, and ensuring the future protection and sustainable use of our air, soil, and water resources.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3973. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table.

SA 3974. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 3975. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 3976. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 3977. Mr. KENNEDY (for himself, Mr. KERRY, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (FOR HIMSELF AND MR. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table.

SA 3978. Mr. WYDEN (for himself, Mr. THUNE, Mr. DODD, Mr. SHELBY, Mr. JOHNSON, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3973. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—TEMPORARY STATE FISCAL RELIEF

SEC. ___. TEMPORARY STATE FISCAL RELIEF.

(a) TEMPORARY INCREASE OF THE MEDICAID FMAP.—

(1) PERMITTING MAINTENANCE OF FISCAL YEAR 2007 FMAP FOR LAST 3 CALENDAR QUARTERS OF FISCAL YEAR 2008.—Subject to paragraph (5), if the FMAP determined without regard to this subsection for a State for fiscal year 2008 is less than the FMAP as so determined for fiscal year 2007, the FMAP for the State for fiscal year 2007 shall be substituted for the State's FMAP for the second, third, and fourth calendar quarters of fiscal year 2008, before the application of this subsection.

(2) PERMITTING MAINTENANCE OF FISCAL YEAR 2008 FMAP FOR FIRST 2 QUARTERS OF FISCAL YEAR 2009.—Subject to paragraph (5), if the FMAP determined without regard to this subsection for a State for fiscal year 2009 is less than the FMAP as so determined for fiscal year 2008, the FMAP for the State for fiscal year 2008 shall be substituted for the State's FMAP for the first and second calendar quarters of fiscal year 2009, before the application of this subsection.

(3) GENERAL 1.225 PERCENTAGE POINTS INCREASE FOR LAST 3 CALENDAR QUARTERS OF FISCAL YEAR 2008 AND FIRST 2 CALENDAR QUARTERS OF FISCAL YEAR 2009.—Subject to paragraphs (5), (6), and (7), for each State for the second, third, and fourth calendar quarters of fiscal year 2008 and for the first and second calendar quarters of fiscal year 2009, the FMAP (taking into account the application of paragraphs (1) and (2)) shall be increased by 1.225 percentage points.

(4) INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.—Subject to paragraphs (6) and (7), with respect to the second, third, and fourth calendar quarters of fiscal year 2008 and the first and second calendar quarters of fiscal year 2009, the amounts otherwise determined for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) shall each be increased by an amount equal to 2.45 percent of such amounts.

(5) SCOPE OF APPLICATION.—The increases in the FMAP for a State under this subsection shall apply only for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(A) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r–4);

(B) payments under title IV or XXI of such Act (42 U.S.C. 601 et seq. and 1397aa et seq.); or

(C) any payments under XIX of such Act that are based on the enhanced FMAP described in section 2105(b) of such Act (42 U.S.C. 1397ee(b)).

(6) STATE ELIGIBILITY.—

(A) IN GENERAL.—Subject to subparagraph (B), a State is eligible for an increase in its FMAP under paragraph (3) or an increase in a cap amount under paragraph (4) only if the eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) is no more restrictive than the eligibility under such plan (or waiver) as in effect on December 31, 2007.

(B) STATE REINSTATEMENT OF ELIGIBILITY PERMITTED.—A State that has restricted eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) after December 31, 2007 is eligible for an increase in its FMAP under paragraph (3) or an increase in a cap amount under paragraph (4) in the first calendar quarter (and subsequent calendar quarters) in which the State has reinstated eligibility that is no more restrictive than the eligibility under such plan (or waiver) as in effect on December 31, 2007.

(C) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) or (B) shall be construed as affecting a State's flexibility with respect to benefits offered under the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)).

(7) REQUIREMENT FOR CERTAIN STATES.—In the case of a State that requires political subdivisions within the State to contribute toward the non-Federal share of expenditures under the State medicaid plan required under section 1902(a)(2) of the Social Security Act (42 U.S.C. 1396a(a)(2)), the State shall not require that such political subdivisions pay a greater percentage of the non-Federal share of such expenditures for the second, third, and fourth calendar quarters of fiscal year 2008 and the first and second calendar quarters of fiscal year 2009, than the percentage that was required by the State under such plan on December 31, 2007, prior to application of this subsection.

(8) DEFINITIONS.—In this subsection:

(A) FMAP.—The term "FMAP" means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(B) STATE.—The term "State" has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(9) REPEAL.—Effective as of October 1, 2009, this subsection is repealed.

(b) PAYMENTS TO STATES FOR ASSISTANCE WITH PROVIDING GOVERNMENT SERVICES.—The Social Security Act (42 U.S.C. 301 et seq.) is amended by inserting after title V the following:

"TITLE VI—TEMPORARY STATE FISCAL RELIEF

"SEC. 601. TEMPORARY STATE FISCAL RELIEF.

"(a) APPROPRIATION.—There is authorized to be appropriated and is appropriated for making payments to States under this section—

"(1) $3,600,000,000 for fiscal year 2008; and

"(2) $2,400,000,000 for fiscal year 2009.

"(b) PAYMENTS.—

"(1) FISCAL YEAR 2008.—From the amount appropriated under subsection (a)(1) for fiscal year 2008, the Secretary of the Treasury shall, not later than the later of the date that is 45 days after the date of enactment of this Act or the date that a State provides the certification required by subsection (e) for fiscal year 2008, pay each State the amount determined for the State for fiscal year 2008 under subsection (c).

"(2) FISCAL YEAR 2009.—From the amount appropriated under subsection (a)(2) for fiscal year 2009, the Secretary of the Treasury shall, not later than the later of October 1, 2008, or the date that a State provides the certification required by subsection (e) for fiscal year 2009, pay each State the amount determined for the State for fiscal year 2009 under subsection (c).

"(c) PAYMENTS BASED ON POPULATION.—

"(1) IN GENERAL.—Subject to paragraph (2), the amount appropriated under subsection (a) for each of fiscal years 2008 and 2009 shall be used to pay each State an amount equal to the relative population proportion amount described in paragraph (3) for such fiscal year.

"(2) MINIMUM PAYMENT.—

"(A) IN GENERAL.—No State shall receive a payment under this section for a fiscal year that is less than—

"(i) in the case of 1 of the 50 States or the District of Columbia, ½ of 1 percent of the amount appropriated for such fiscal year under subsection (a); and "(ii) in the case of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or American Samoa, 1/10 of 1 percent of the amount appropriated for such fiscal year under subsection (a).

"(B) PRO RATA ADJUSTMENTS.—The Secretary of the Treasury shall adjust on a pro rata basis the amount of the payments to States determined under this section without regard to this subparagraph to the extent necessary to comply with the requirements of subparagraph (A).

"(3) RELATIVE POPULATION PROPORTION AMOUNT.—The relative population proportion amount described in this paragraph is the product of—

"(A) the amount described in subsection (a) for a fiscal year; and

"(B) the relative State population proportion (as defined in paragraph (4)).

"(4) RELATIVE STATE POPULATION PROPORTION DEFINED.—For purposes of paragraph (3)(B), the term 'relative State population proportion' means, with respect to a State, the amount equal to the quotient of—

"(A) the population of the State (as reported in the most recent decennial census); and

"(B) the total population of all States (as reported in the most recent decennial census).

"(d) USE OF PAYMENT.—

"(1) IN GENERAL.—Subject to paragraph (2), a State shall use the funds provided under a payment made under this section for a fiscal year to—

"(A) provide essential government services;

"(B) cover the costs to the State of complying with any Federal intergovernmental mandate (as defined in section 421(5) of the Congressional Budget Act of 1974) to the extent that the mandate applies to the State, and the Federal Government has not provided funds to cover the costs; or

"(C) compensate for a decline in Federal funding to the State.

"(2) LIMITATION.—A State may only use funds provided under a payment made under this section for types of expenditures permitted under the most recently approved budget for the State.

"(e) CERTIFICATION.—In order to receive a payment under this section for a fiscal year, the State shall provide the Secretary of the Treasury with a certification that the State's proposed uses of the funds are consistent with subsection (d).

"(f) DEFINITION OF STATE.—In this section, the term 'State' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

"(g) REPEAL.—Effective as of October 1, 2009, this title is repealed.".

SA 3974. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REDUCTION IN CORPORATE MARGINAL INCOME TAX RATES.

(a) GENERAL RULE.—Paragraph (1) of section 11(b) of the Internal Revenue Code of 1986 is amended—

(1) by inserting "and" at the end of subparagraph (A),

(2) by striking "but does not exceed $75,000," in subparagraph (B) and inserting a period,

(3) by striking subparagraphs (C) and (D), and

(4) by striking the last 2 sentences.

(b) PERSONAL SERVICE CORPORATIONS.—Paragraph (2) of section 11(b) of such Code is amended by striking "35 percent" and inserting "25 percent".

(c) CONFORMING AMENDMENTS.—Paragraphs (1) and (2) of section 1445(e) of such Code are each amended by striking "35 percent" and inserting "25 percent".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007, except that the amendments made by subsection (c) shall take effect on the date of the enactment of this Act.

SA 3975. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPEAL OF EGTRRA AND JGTRRA SUNSETS.

(a) ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to compliance with Congressional Budget Act) is repealed.

(b) JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003.—Title III of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking section 303.

SA 3976. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. SMALLER PUBLIC COMPANY OPTION REGARDING INTERNAL CONTROL PROVISIONS.

Section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262) is amended by adding at the end the following:

"(c) SMALLER PUBLIC COMPANY OPTION.—

"(1) VOLUNTARY COMPLIANCE.—A smaller issuer shall not be subject to the requirements of subsection (a), unless the smaller issuer voluntarily elects to comply with such requirements, in accordance with regulations prescribed by the Commission. Any smaller issuer that does not elect to comply with subsection (a) shall state such election, together with the reasons therefor, in its annual report to the Commission under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d)).

"(2) DEFINITION OF SMALLER ISSUER.—

"(A) IN GENERAL.—For purposes of this subsection, and subject to subparagraph (B), the term 'smaller issuer' means an issuer for which an annual report is required by section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d)), that—

"(i) has a total market capitalization at the beginning of the relevant reporting period of less than $700,000,000;

"(ii) has total product and services revenue for that reporting period of less than $125,000,000; or

"(iii) has, at the beginning of the relevant reporting period, fewer than 1,500 record beneficial holders.

"(B) ANNUAL ADJUSTMENTS.—The amounts referred to in clauses (i) and (ii) of subparagraph (A) shall be adjusted annually to account for changes in the Consumer Price Index for all urban consumers, United States city average, as published by the Bureau of Labor Statistics.".

SA 3977. Mr. KENNEDY (for himself, Mr. KERRY, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 13, strike "and" and all that follows through page 10, line 5, and insert the following:

"(4) shall not intentionally acquire any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States; and

"(5) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States.

"(c) CONDUCT OF ACQUISITION.—An acquisition authorized under subsection (a) may be conducted only in accordance with—

"(1) a certification made by the Attorney General and the Director of National Intelligence pursuant to subsection (f); and

"(2) the targeting and minimization procedures required pursuant to subsections (d) and (e).

"(d) TARGETING PROCEDURES.—

"(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt targeting procedures that are reasonably designed to ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

"(2) JUDICIAL REVIEW.—The procedures referred to in paragraph (1) shall be subject to judicial review pursuant to subsection (h).

"(e) MINIMIZATION PROCEDURES.—

"(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt, consistent with the requirements of section 101(h) or section 301(4), minimization procedures for acquisitions authorized under subsection (a).

"(2) JUDICIAL REVIEW.—The minimization procedures required by this subsection shall be subject to judicial review pursuant to subsection (h).

"(f) CERTIFICATION.—

"(1) IN GENERAL.—

"(A) REQUIREMENT.—Subject to subparagraph (B), prior to the initiation of an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence shall provide, under oath, a written certification, as described in this subsection.

"(B) EXCEPTION.—If the Attorney General and the Director of National Intelligence determine that immediate action by the Government is required and time does not permit the preparation of a certification under this subsection prior to the initiation of an acquisition, the Attorney General and the Director of National Intelligence shall prepare such certification, including such determination, as soon as possible but in no event more than 168 hours after such determination is made.

"(2) REQUIREMENTS.—A certification made under this subsection shall—

"(A) attest that—

"(i) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) is targeted at persons reasonably believed to be located outside the United States and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

"(ii) there are .reasonable procedures in place for determining that the acquisition authorized under subsection (a) does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States, and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

"(iii) the procedures referred to in clauses (i) and (ii) are consistent with the requirements of the fourth amendment to the Constitution of the United States and do not permit the intentional targeting of any person who is known at the time of acquisition to be located in the United States or the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of acquisition to be located in the United States;

"(iv) a significant purpose of the acquisition is to obtain foreign intelligence information;

"(v) the minimization procedures to be used with respect to such acquisition—

"(I) meet the definition of minimization procedures under section 101(h) or section 301(4); and

"(II) have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

"(vi) the acquisition involves obtaining the foreign intelligence information from or with the assistance of an electronic communication service provider; and

"(vii) the acquisition does not constitute electronic surveillance, as limited by section 701; and

On page 17, line 2, strike "States." and insert "States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States."

SA 3978. Mr. WYDEN (for himself, Mr. THUNE, Mr. DODD, Mr. SHELBY, Mr. JOHNSON, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ____—INCREASED FUNDING FOR HIGHWAY TRUST FUND

SEC. _01. REPLENISH EMERGENCY SPENDING FROM HIGHWAY TRUST FUND.

(a) IN GENERAL.—Section 9503(b) of the Internal Revenue Code of 1986 is amended—

(1) by adding at the end the following new paragraph:

"(7) EMERGENCY SPENDING REPLENISHMENT.—There is hereby appropriated to the Highway Trust Fund $5,000,000,000, of which—

"(A) $4,000,000,000 shall be deposited in the Highway Account; and

"(B) $1,000,000,000 shall be deposited in the Mass Transit Account.", and

(2) by striking "AMOUNTS EQUIVALENT TO CERTAIN TAXES AND PENALTIES" in the heading and inserting "CERTAIN AMOUNTS".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. _02. OBLIGATION AUTHORITY FOR STIMULUS PROJECTS.

(a) IN GENERAL.—Section 1102 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (23 U.S.C. 104 note; Public Law 109–59) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "(g) and (h)" and inserting "(g), (h), and (*l*)"; and

(B) paragraph (4), by striking "$39,585,075,404" and inserting "$43,585,075,404"; and

(2) by adding at the end the following:

"(*l*) OBLIGATION AUTHORITY FOR STIMULUS PROJECTS.—

"(1) IN GENERAL.—Of the obligation authority distributed under subsection (a)(4), not less than $4,000,000,000 shall be provided to States for use in carrying out highway projects that the States determine will provide rapid economic stimulus.

"(2) REQUIREMENT.—A State that seeks a distribution of the obligation authority described in paragraph (1) shall agree to obligate funds so received not later than 120 days after the date on which the State receives the funds.

"(3) FLEXIBILITY.—A State that receives a distribution of the obligation authority described in paragraph (1) may use the funds for any highway project described in paragraph (1), regardless of any funding limitation or formula that is otherwise applicable to projects carried out using obligation authority under this section.

"(4) FEDERAL SHARE.—The Federal share of any highway project carried out using funds described in paragraph (1) shall be 100 percent.".

(b) CONFORMING AMENDMENTS.—

(1) The matter under the heading "(INCLUDING TRANSFER OF FUNDS)" under the heading "(HIGHWAY TRUST FUND)" under the heading "(LIMITATION ON OBLIGATIONS)" under the heading "FEDERAL-AID HIGHWAYS" under the heading "FEDERAL HIGHWAY ADMINISTRATION" of title I of division K of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1844) is amended by striking "$40,216,051,359" and inserting "$44,216,051,359".

(2) The matter under the heading "(INCLUDING RESCISSION)" under the heading "(HIGHWAY TRUST FUND)" under the heading "(LIMITATION ON OBLIGATIONS)" under the heading "(LIQUIDATION OF CONTRACT AUTHORITY)" under the heading "FORMULA AND BUS GRANTS" under the heading "FEDERAL TRANSIT ADMINISTRATION" of title I of division K of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1844) is amended by striking "$6,855,000,000" and inserting ", and section 3052 of Public Law 109–59, $7,855,000,000".

(3) Sections 9503(c)(1) and 9503(e)(3) of the Internal Revenue Code of 1986 are each amended by inserting ", as amended by the Economic Stimulus Act of 2008,".

SEC. _03. STIMULUS OF MANUFACTURING AND CONSTRUCTION THROUGH PUBLIC TRANSPORTATION INVESTMENT.

(a) IN GENERAL.—Title III of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1544) is amended by adding at the end the following:

"SEC. 3052. STIMULUS OF MANUFACTURING AND CONSTRUCTION THROUGH PUBLIC TRANSPORTATION INVESTMENT.

"(a) AUTHORIZATION.—The Secretary is authorized to make stimulus grants under this section to public transportation agencies.

"(b) ELIGIBLE RECIPIENTS.—Stimulus grants authorized under subsection (a) may be awarded—

"(1) to public transportation agencies which have a full funding grant agreement in force on the date of enactment of this section with Federal payments scheduled in any year beginning with fiscal year 2008, for activities authorized under the full funding grant agreement that would expedite construction of the project; and

"(2) to designated recipients as defined in section 5307 of title 49, United States Code, for immediate use to address a backlog of existing maintenance needs or to purchase rolling stock or buses, if the contracts for such purchases are in place prior to the grant award.

"(c) USE OF FUNDS.—Of the amounts made available to carry out this section, the Secretary shall use to make grants under this section—

"(1) $300,000,000 for stimulus grants to recipients described in subsection (b)(1); and

"(2) $700,000,000 for stimulus grants to recipients described in subsection (b)(2).

"(d) DISTRIBUTION OF FUNDS.—

"(1) EXPEDITED NEW STARTS GRANTS.—Funds described in subsection (c)(1) shall be distributed among eligible recipients so that each recipient receives an equal percentage increase based on the Federal funding commitment for fiscal year 2008 specified in Attachment 6 of the recipient's full funding grant agreement.

"(2) FORMULA GRANTS.—Of the funds described in subsection (c)(2)—

"(A) 60 percent shall be distributed according to the formula in subsections (a) through (c) of section 5336 of title 49, United States Code; and

"(B) 40 percent shall be distributed according to the formula in section 5340 of title 49, United States Code.

"(3) ALLOCATION.—The Secretary shall determine the allocation of the amounts described in subsection (c)(1) and shall apportion amounts described in subsection (c)(2) not later than 20 days after the date of enactment of this section.

"(4) NOTIFICATION TO CONGRESS.—The Secretary shall notify the committees referred to in section 5334(k) of title 49, United States Code, of the allocations determined under paragraph (3) not later than 3 days after such determination is made.

"(5) OBLIGATION REQUIREMENT.—The Secretary shall obligate the funds described in subsection (c)(1) as expeditiously as practicable, but in no case later than 120 days after the date of enactment of this section.

"(e) PRE-AWARD SPENDING AUTHORITY.—

"(1) IN GENERAL.—A recipient of a grant under this section shall have pre-award spending authority.

"(2) REQUIREMENTS.—Any expenditure made pursuant to pre-award spending authorized by this subsection shall conform with applicable Federal requirements in order to remain eligible for future Federal reimbursement.

"(f) FEDERAL SHARE.—The Federal share of a stimulus grant authorized under this section shall be 100 percent.

"(g) SELF-CERTIFICATION.—

"(1) IN GENERAL.—Prior to the obligation of stimulus grant funds under this section, the recipient of the grant award shall certify—

"(A) for recipients described in subsection (b)(1), that the recipient will comply with the terms and conditions that apply to grants under section 5309 of title 49, United States Code;

"(B) for recipients under subsection (b)(2), that the recipient will comply with the terms and conditions that apply to grants under section 5307 of title 49, United States Code; and

"(C) that the funds will be used in a manner that will stimulate the economy.

"(2) CERTIFICATION.—Required certifications may be made as part of the certification required under section 5307(d)(1) of title 49, United States Code.

"(3) AUDIT.—If, upon the audit of any recipient under this section, the Secretary finds that the recipient has not complied with the requirements of this section and has not made a good-faith effort to comply, the Secretary may withhold not more than 25 percent of the amount required to be appropriated for that recipient under section 5307 of title 49, United States Code, for the following fiscal year if the Secretary notifies the committees referred to in subsection (d)(4) at least 21 days prior to such withholding.".

(b) STIMULUS GRANT FUNDING.—Section 5338 of title 49, United States Code, is amended by adding at the end the following:

"(h) STIMULUS GRANT FUNDING.—For fiscal year 2008, $1,000,000,000 shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 3052 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.".

(c) EXPANDED BUS SERVICE IN SMALL COMMUNITIES.—Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading, by striking "2007" and inserting "2009";

(2) in subparagraph (A), by striking "2007" and inserting "2009"; and

(3) by adding at the end the following:

"(E) MAXIMUM AMOUNTS IN FISCAL YEARS 2008 AND 2009.—In fiscal years 2008 and 2009—

"(i) amounts made available to any urbanized area under clause (i) or (ii) of subparagraph (A) shall be not more than 50 percent of the amount apportioned in fiscal year 2002 to the urbanized area with a population of less than 200,000, as determined in the 1990 decennial census of population;

"(ii) amounts made available to any urbanized area under subparagraph (A)(iii) shall be not more than 50 percent of the amount apportioned to the urbanized area under this section for fiscal year 2003; and

"(iii) each portion of any area not designated as an urbanized area, as determined by the 1990 decennial census, and eligible to receive funds under subparagraph (A)(iv), shall receive an amount of funds to carry out this section that is not less than 50 percent of the amount the portion of the area received under section 5311 in fiscal year 2002.".

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, February 7, 2008, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the oversight hearing is to receive testimony on the energy market effects of the recently passed renewable fuel standard.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Rosemarie Calabro@energy.senate.gov.

For further information, please contact Tara Billingsley at (202) 224–4756 or Rosemarie Calabro at (202) 224–5039.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on January 31, 2008, at 10 a.m., in order to conduct a hearing entitled "Strengthening Our Economy: Foreclosure Prevention and Neighborhood Preservation."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, January 31, 2008, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building, for the purposes of conducting a hearing.

The purpose of the hearing is to receive testimony on the regulatory aspects of carbon capture, transportation, and sequestration and to receive testimony on two related bills: S. 2323, a bill to provide for the conduct of carbon capture and storage technology research, development and demonstration projects, and for other purposes; and S. 2144, a bill to require the Secretary of Energy to conduct a study of the feasibility relating to the construction and operation of pipelines and carbon dioxide sequestration facilities, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, January 31, 2008, at 10 a.m., in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, "A Hearing to Receive the Report of the National Surface Transportation Policy and Revenue Study Commission."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, in order to conduct an executive business meeting on Thursday, January 31, 2008, at 4 p.m., in room SD–226 of the Dirksen Senate Office Building.

Agenda

I. Bills: S. 1638, Federal Judicial Salary Restoration Act of 2007 (LEAHY, HATCH, FEINSTEIN, GRAHAM, KENNEDY); S. 352, Sunshine in the Courtroom Act of 2007 (GRASSLEY, SCHUMER, LEAHY, SPECTER, GRAHAM, FEINGOLD, CORNYN, DURBIN); S. 2450, a bill to amend the Federal Rules of Evidence to address the waiver of the attorney-client privilege and the work product doctrine (LEAHY, SPECTER, GRAHAM); S. 2304, Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2007 (DOMENICI, KENNEDY, SPECTER, LEAHY)

II. Nominations: Mark R. Filip to be Deputy Attorney General, Department of Justice; Ondray T. Harris to be Director, Community Relations Service, Department of Justice; David W. Hagy to be Director, National Institute of Justice, Department of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, January 31, 2008, at 9:30 a.m. in order to hold a hearing on Afghanistan.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERSONNEL SUBCOMMITTEE

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Personnel Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, January 31, 2008, at 9:30 a.m., in open session to hold an oversight hearing on military recruiting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Thursday, January 31, 2008 from 10:30 a.m.–12:30 p.m. in SH–216 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT GOVERNMENT INFORMATION FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Thursday, January 31, 2008, at 2:30 p.m. in order to conduct a hearing entitled, "Eliminating Agency Payment Errors."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CORNYN. Madam President, I ask unanimous consent that Colin Brooks, a fellow on my staff, be granted the privilege of the floor for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY RESERVIST AND VETERAN SMALL BUSINESS REAUTHORIZATION AND OPPORTUNITY ACT OF 2008

Mr. REID. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 4253, the small business veterans military reservist legislation.

There being no objection, the Presiding Officer (Mr. WHITEHOUSE) laid before the Senate the following message from the House of Representatives:

H.R. 4253

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 4253) entitled "An Act to improve and expand small business assistance programs for veterans of the armed forces and military reservists, and for other purposes", with the following: House Amendment to Senate Amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2008".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.

TITLE I—VETERANS BUSINESS DEVELOPMENT

Sec. 101. Increased funding for the Office of Veterans Business Development.
Sec. 102. Interagency task force.
Sec. 103. Permanent extension of SBA Advisory Committee on Veterans Business Affairs.
Sec. 104. Office of Veterans Business Development.
Sec. 105. Increasing the number of outreach centers.
Sec. 106. Independent study on gaps in availability of outreach centers.
Sec. 107. Veterans assistance and services program.

TITLE II—RESERVIST PROGRAMS

Sec. 201. Reservist programs.
Sec. 202. Reservist loans.
Sec. 203. Noncollateralized loans.
Sec. 204. Loan priority.
Sec. 205. Relief from time limitations for veteran-owned small businesses.
Sec. 206. Service-disabled veterans.
Sec. 207. Study on options for promoting positive working relations between employers and their Reserve Component employees.
Sec. 208. Increased Veteran Participation Program.

SEC. 3. DEFINITIONS.

In this Act—

(1) the term "activated" means receiving an order placing a Reservist on active duty;

(2) the term "active duty" has the meaning given that term in section 101 of title 10, United States Code;

(3) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(4) the term "Reservist" means a member of a reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code;

(5) the term "Service Corps of Retired Executives" means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));

(6) the terms "service-disabled veteran" and "small business concern" have the meaning as in section 3 of the Small Business Act (15 U.S.C. 632);

(7) the term "small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648); and

(8) the term "women's business center" means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

TITLE I—VETERANS BUSINESS DEVELOPMENT

SEC. 101. INCREASED FUNDING FOR THE OFFICE OF VETERANS BUSINESS DEVELOPMENT.

(a) IN GENERAL.—There are authorized to be appropriated to the Office of Veterans Business Development of the Administration, to remain available until expended—

(1) $2,100,000 for fiscal year 2008; and

(2) $2,300,000 for fiscal year 2009.

(b) FUNDING OFFSET.—Amounts necessary to carry out subsection (a) shall be offset and made available through the reduction of the authorization of funding under section 20(e)(1)(B)(iv) of the Small Business Act (15 U.S.C. 631 note).

(c) SENSE OF CONGRESS.—It is the sense of Congress that any amounts provided pursuant to this section that are in excess of amounts provided to the Administration for the Office of Veterans Business Development in fiscal year 2007, should be used to support Veterans Business Outreach Centers.

SEC. 102. INTERAGENCY TASK FORCE.

Section 32 of the Small Business Act (15 U.S.C. 657b) is amended—

(1) by redesignating subsection (c) as (f); and

(2) by inserting after subsection (b) the following:

"(c) INTERAGENCY TASK FORCE.—

"(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this subsection, the President shall establish an interagency task force to coordinate the efforts of Federal agencies necessary to improve capital and business development opportunities for, and ensure achievement of the pre-established Federal contracting goals for, small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans (in this section referred to as the 'task force').

"(2) MEMBERSHIP.—The members of the task force shall include—

"(A) the Administrator, who shall serve as chairperson of the task force; and

"(B) a senior level representative from—

"(i) the Department of Veterans Affairs;

"(ii) the Department of Defense;

"(iii) the Administration (in addition to the Administrator);

"(iv) the Department of Labor;

"(v) the Department of the Treasury;

"(vi) the General Services Administration;

"(vii) the Office of Management and Budget; and

"(viii) 4 representatives from a veterans service organization or military organization or association, selected by the President.

"(3) DUTIES.—The task force shall—

"(A) consult regularly with veterans service organizations and military organizations in performing the duties of the task force; and

"(B) coordinate administrative and regulatory activities and develop proposals relating to—

"(i) improving capital access and capacity of small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through loans, surety bonding, and franchising;

"(ii) ensuring achievement of the pre-established Federal contracting goals for small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through expanded mentor-protégé assistance and matching such small business concerns with contracting opportunities;

"(iii) increasing the integrity of certifications of status as a small business concern owned and controlled by service-disabled veterans or a small business concern owned and controlled by veterans;

"(iv) reducing paperwork and administrative burdens on veterans in accessing business development and entrepreneurship opportunities;

"(v) increasing and improving training and counseling services provided to small business concerns owned and controlled by veterans; and

"(vi) making other improvements relating to the support for veterans business development by the Federal Government.".

SEC. 103. PERMANENT EXTENSION OF SBA ADVISORY COMMITTEE ON VETERANS BUSINESS AFFAIRS.

(a) ASSUMPTION OF DUTIES.—Section 33 of the Small Business Act (15 U.S.C. 657c) is amended—

(1) by striking subsection (h); and

(2) by redesignating subsections (i) through (k) as subsections (h) through (j), respectively.

(b) Permanent Extension of Authority.—Section 203 of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking subsection (h).

SEC. 104. OFFICE OF VETERANS BUSINESS DEVELOPMENT.

Section 32 of the Small Business Act (15 U.S.C. 657b) is amended by inserting after subsection (c) (as added by section 102) the following:

"(d) Participation in TAP Workshops.—

"(1) In general.—The Associate Administrator shall increase veteran outreach by ensuring that Veteran Business Outreach Centers regularly participate, on a nationwide basis, in the workshops of the Transition Assistance Program of the Department of Labor.

"(2) Presentations.—In carrying out paragraph (1), a Veteran Business Outreach Center may provide grants to entities located in Transition Assistance Program locations to make presentations on the opportunities available from the Administration for recently separating or separated veterans. Each presentation under this paragraph shall include, at a minimum, a description of the entrepreneurial and business training resources available from the Administration.

"(3) Written materials.—The Associate Administrator shall—

"(A) create written materials that provide comprehensive information on self-employment and veterans entrepreneurship, including information on resources available from the Administration on such topics; and

"(B) make the materials created under subparagraph (A) available to the Secretary of Labor for inclusion in the Transition Assistance Program manual.

"(4) Reports.—The Associate Administrator shall submit to Congress progress reports on the implementation of this subsection.

"(e) Women Veterans Business Training.—The Associate Administrator shall—

"(1) compile information on existing resources available to women veterans for business training, including resources for—

"(A) vocational and technical education;

"(B) general business skills, such as marketing and accounting; and

"(C) business assistance programs targeted to women veterans; and

"(2) disseminate the information compiled under paragraph (1) through Veteran Business Outreach Centers and women's business centers.".

SEC. 105. INCREASING THE NUMBER OF OUTREACH CENTERS.

(a) In General.—The Administrator shall use the authority in section 8(b)(17) of the Small Business Act (15 U.S.C. 637(b)(17)) to ensure that the number of Veterans Business Outreach Centers throughout the United States increases—

(1) subject to subsection (b), by at least 2, for each of fiscal years 2008 and 2009; and

(2) by the number that the Administrator considers appropriate, based on need, for each fiscal year thereafter.

(b) Limitation.—Subsection (a)(1) shall apply in a fiscal year if, for that fiscal year, the amount made available for the Office of Veterans Business Development is more than the amount made available for the Office of Veterans Business Development for fiscal year 2007.

SEC. 106. INDEPENDENT STUDY ON GAPS IN AVAILABILITY OF OUTREACH CENTERS.

The Administrator shall sponsor an independent study on gaps in the availability of Veterans Business Outreach Centers across the United States, to inform decisions on funding and on the allocation and coordination of resources. Not later than 6 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study.

SEC. 107. VETERANS ASSISTANCE AND SERVICES PROGRAM.

Section 21 of the Small Business Act (15 U.S.C. 648) is amended by adding at the end the following:

"(n) Veterans Assistance and Services Program.—

"(1) In general.—A small business development center may apply for a grant under this subsection to carry out a veterans assistance and services program.

"(2) Elements of program.—Under a program carried out with a grant under this subsection, a small business development center shall—

"(A) create a marketing campaign to promote awareness and education of the services of the center that are available to veterans, and to target the campaign toward veterans, service-disabled veterans, military units, Federal agencies, and veterans organizations;

"(B) use technology-assisted online counseling and distance learning technology to overcome the impediments to entrepreneurship faced by veterans and members of the Armed Forces; and

"(C) increase coordination among organizations that assist veterans, including by establishing virtual integration of service providers and offerings for a one-stop point of contact for veterans who are entrepreneurs or owners of small business concerns.

"(3) Amount of grants.—A grant under this subsection shall be for not less than $75,000 and not more than $250,000.

"(4) Funding.—Subject to amounts approved in advance in appropriations Acts, the Administration may make grants or enter into cooperative agreements to carry out the provisions of this subsection.".

TITLE II—RESERVIST PROGRAMS

SEC. 201. RESERVIST PROGRAMS.

(a) Application Period.—Section 7(b)(3)(C) of the Small Business Act (15 U.S.C. 636(b)(3)(C)) is amended—

(1) by striking "90 days" and inserting "1 year"; and

(2) by adding at the end the following: "The Administrator may, when appropriate (as determined by the Administrator), extend the ending date specified in the preceding sentence by not more than 1 year.".

(b) Pre-Consideration Process.—

(1) Definition.—In this subsection, the term "eligible Reservist" means a Reservist who—

(A) has not been ordered to active duty;

(B) expects to be ordered to active duty during a period of military conflict; and

(C) can reasonably demonstrate that the small business concern for which that Reservist is a key employee will suffer economic injury in the absence of that Reservist.

(2) Establishment.—Not later than 6 months after the date of enactment of this Act, the Administrator shall establish a pre-consideration process, under which the Administrator—

(A) may collect all relevant materials necessary for processing a loan to a small business concern under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) before an eligible Reservist employed by that small business concern is activated; and

(B) shall distribute funds for any loan approved under subparagraph (A) if that eligible Reservist is activated.

(c) Outreach and Technical Assistance Program.—

(1) In general.—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Veterans Affairs and the Secretary of Defense, may develop a comprehensive outreach and technical assistance program (in this subsection referred to as the "program") to—

(A) market the loans available under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) to Reservists, and family members of Reservists, that are on active duty and that are not on active duty; and

(B) provide technical assistance to a small business concern applying for a loan under that section.

(2) Components.—The program shall—

(A) incorporate appropriate websites maintained by the Administration, the Department of Veterans Affairs, and the Department of Defense; and

(B) require that information on the program is made available to small business concerns directly through—

(i) the district offices and resource partners of the Administration, including small business development centers, women's business centers, and the Service Corps of Retired Executives; and

(ii) other Federal agencies, including the Department of Veterans Affairs and the Department of Defense.

(3) Report.—

(A) In general.—Not later than 6 months after the date of enactment of this Act, and every 6 months thereafter until the date that is 30 months after such date of enactment, the Administrator shall submit to Congress a report on the status of the program.

(B) Contents.—Each report submitted under subparagraph (A) shall include—

(i) for the 6-month period ending on the date of that report—

(I) the number of loans approved under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3));

(II) the number of loans disbursed under that section; and

(III) the total amount disbursed under that section; and

(ii) recommendations, if any, to make the program more effective in serving small business concerns that employ Reservists.

SEC. 202. RESERVIST LOANS.

(a) In General.—The Administrator and the Secretary of Defense shall develop a joint website and printed materials providing information regarding any program for small business concerns that is available to veterans or Reservists.

(b) Marketing.—The Administrator is authorized—

(1) to advertise and promote the program under section 7(b)(3) of the Small Business Act jointly with the Secretary of Defense and veterans' service organizations; and

(2) to advertise and promote participation by lenders in such program jointly with trade associations for banks or other lending institutions.

SEC. 203. NONCOLLATERALIZED LOANS.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) is amended by adding at the end the following:

"(G)(i) Notwithstanding any other provision of law, the Administrator may make a loan under this paragraph of not more than $50,000 without collateral.

"(ii) The Administrator may defer payment of principal and interest on a loan described in clause (i) during the longer of—

"(I) the 1-year period beginning on the date of the initial disbursement of the loan; and

"(II) the period during which the relevant essential employee is on active duty.".

SEC. 204. LOAN PRIORITY.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)), as amended by this Act, is amended by adding at the end the following:

"(H) The Administrator shall give priority to any application for a loan under this paragraph and shall process and make a determination regarding such applications prior to processing or making a determination on other loan applications under this subsection, on a rolling basis.".

SEC. 205. RELIEF FROM TIME LIMITATIONS FOR VETERAN-OWNED SMALL BUSINESSES.

Section 3(q) of the Small Business Act (15 U.S.C. 632(q)) is amended by adding at the end the following:

"(5) RELIEF FROM TIME LIMITATIONS.—

"(A) IN GENERAL.—Any time limitation on any qualification, certification, or period of participation imposed under this Act on any program that is available to small business concerns shall be extended for a small business concern that—

"(i) is owned and controlled by—

"(I) a veteran who was called or ordered to active duty under a provision of law specified in section 101(a)(13)(B) of title 10, United States Code, on or after September 11, 2001; or

"(II) a service-disabled veteran who became such a veteran due to an injury or illness incurred or aggravated in the active military, naval, or air service during a period of active duty pursuant to a call or order to active duty under a provision of law referred to in subclause (I) on or after September 11, 2001; and

"(ii) was subject to the time limitation during such period of active duty.

"(B) DURATION.—Upon submission of proper documentation to the Administrator, the extension of a time limitation under subparagraph (A) shall be equal to the period of time that such veteran who owned or controlled such a concern was on active duty as described in that subparagraph.

"(C) EXCEPTION FOR PROGRAMS SUBJECT TO FEDERAL CREDIT REFORM ACT OF 1990.—The provisions of subparagraphs (A) and (B) shall not apply to any programs subject to the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).".

SEC. 206. SERVICE-DISABLED VETERANS.

Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report describing—

(1) the types of assistance needed by service-disabled veterans who wish to become entrepreneurs; and

(2) any resources that would assist such service-disabled veterans.

SEC. 207. STUDY ON OPTIONS FOR PROMOTING POSITIVE WORKING RELATIONS BETWEEN EMPLOYERS AND THEIR RESERVE COMPONENT EMPLOYEES.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study on options for promoting positive working relations between employers and Reserve component employees of such employers, including assessing options for improving the time in which employers of Reservists are notified of the call or order of such members to active duty other than for training.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the study conducted under subsection (a).

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) provide a quantitative and qualitative assessment of—

(i) what measures, if any, are being taken to inform Reservists of the obligations and responsibilities of such members to their employers;

(ii) how effective such measures have been; and

(iii) whether there are additional measures that could be taken to promote positive working relations between Reservists and their employers, including any steps that could be taken to ensure that employers are timely notified of a call to active duty; and

(B) assess whether there has been a reduction in the hiring of Reservists by business concerns because of—

(i) any increase in the use of Reservists after September 11, 2001; or

(ii) any change in any policy of the Department of Defense relating to Reservists after September 11, 2001.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate; and

(2) the Committee on Armed Services and the Committee on Small Business of the House of Representatives.

SEC. 208. INCREASED VETERAN PARTICIPATION PROGRAM.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

"(32) INCREASED VETERAN PARTICIPATION PROGRAM.—

"(A) DEFINITIONS.—In this paragraph—

"(i) the term 'cost' has the meaning given that term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a);

"(ii) the term 'pilot program' means the pilot program established under subparagraph (B); and

"(iii) the term 'veteran participation loan' means a loan made under this subsection to a small business concern owned and controlled by veterans of the Armed Forces or members of the reserve components of the Armed Forces.

"(B) ESTABLISHMENT.—The Administrator shall establish and carry out a pilot program under which the Administrator shall reduce the fees for veteran participation loans.

"(C) DURATION.—The pilot program shall terminate at the end of the second full fiscal year after the date that the Administrator establishes the pilot program.

"(D) MAXIMUM PARTICIPATION.—A veteran participation loan shall include the maximum participation levels by the Administrator permitted for loans made under this subsection.

"(E) FEES.—

"(i) IN GENERAL.—The fee on a veteran participation loan shall be equal to 50 percent of the fee otherwise applicable to that loan under paragraph (18).

"(ii) WAIVER.—The Administrator may waive clause (i) for a fiscal year if—

"(I) for the fiscal year before that fiscal year, the annual estimated rate of default of veteran participation loans exceeds that of loans made under this subsection that are not veteran participation loans;

"(II) the cost to the Administration of making loans under this subsection is greater than zero and such cost is directly attributable to the cost of making veteran participation loans; and

"(III) no additional sources of revenue authority are available to reduce the cost of making loans under this subsection to zero.

"(iii) EFFECT OF WAIVER.—If the Administrator waives the reduction of fees under clause (ii), the Administrator—

"(I) shall not assess or collect fees in an amount greater than necessary to ensure that the cost of the program under this subsection is not greater than zero; and

"(II) shall reinstate the fee reductions under clause (i) when the conditions in clause (ii) no longer apply.

"(iv) NO INCREASE OF FEES.—The Administrator shall not increase the fees under paragraph (18) on loans made under this subsection that are not veteran participation loans as a direct result of the pilot program.

"(F) GAO REPORT.—

"(i) IN GENERAL.—Not later than 1 year after the date that the pilot program terminates, the Comptroller General of the United States shall submit to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report on the pilot program.

"(ii) CONTENTS.—The report submitted under clause (i) shall include—

"(I) the number of veteran participation loans for which fees were reduced under the pilot program;

"(II) a description of the impact of the pilot program on the program under this subsection;

"(III) an evaluation of the efficacy and potential fraud and abuse of the pilot program; and

"(IV) recommendations for improving the pilot program.".

Mr. REID. Mr. President, I ask unanimous consent that the Senate concur in the House amendment to the Senate amendment and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I am pleased to see the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2008, a bill that Senator SNOWE and I developed, pass the Senate today. Veterans have sacrificed in the defense of our country, and they have earned the support of their Government in reentering civilian life. Senators HAGEL, CANTWELL, LANDRIEU, LIEBERMAN, and TESTER are cosponsors of this bill.

There are currently 24 million veterans in America, including over 1.3 million who have left military service since 2001. As the conflicts in Iraq and Afghanistan continue, it becomes increasingly vital that returning servicemembers receive the assistance they need to reenter civilian life. According to the Department of Labor, the unemployment rate among recently discharged veterans is more than double the national overall unemployment rate: 11.9 percent compared to 4.6 percent. In addition, 55 percent of self-employed reservists experienced income loss when deployed, and 22 percent said that their business suffered serious or very serious harm.

As chairman of the Committee on Small Business and Entrepreneurship, addressing the concerns of veteran entrepreneurs remains a top priority. In January 2007, the committee's first hearing, "Assessing Federal Small Business Assistance Programs for Veterans and Reservists," looked at the issues facing veterans who wish to start or grow a small business. In March, the committee released a report, "The State of Veteran Entrepreneurship" which described the issues facing veterans and listed a series of recommendations to fix those problems. The Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2008 is based on those recommendations.

Senator SNOWE and I introduced S. 1784, the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007, on July 12, 2007. In September, that bill was added by unanimous consent as an amendment to the Department of Defense authorization bill; however, unfortunately, it was dropped in the final conference negotiations. In November, after working closely to address concerns of other Members of the Senate, the bill passed the Senate by unanimous consent again, and the House took up the measure on January 16. An amended version passed the House on the same day, and the amended bill was passed by the Senate today. The House changes included removing a study looking at the tax and regulatory barriers facing veterans and reinserting Senate language requiring veteran and military service organizations to serve on a new interagency task force. Although this bill has changed from what I envisioned many months ago, it is an important step forward in supporting the American dream of business ownership for veterans and reservists, and I am gratified to see it pass the Senate and urge the President to sign it as quickly as possible.

The Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007 takes a number of steps to improve the Government's role in supporting our veterans. Specifically, it reauthorizes the veterans programs in the Small Business Administration. This legislation increases the funding authorization for the Office of Veteran Business Development from $2 million today to $2.3 million over 2 years. In light of the large numbers of veterans returning from Iraq and Afghanistan and increased responsibilities placed on this office by Executive Order 13360, it is high time that the Office of Veteran Business Development receive the funding levels that it needs.

The bill also creates an interagency task force to improve coordination between agencies in administrating veteran small business programs. One of the biggest complaints that our committee heard at its hearing last January was that Federal agencies do not work together in reaching out to veterans and informing them about small business programs. This task force will focus on increasing veterans' small business success, including procurement and franchising opportunities, access to capital, and other types of business development assistance.

This bill also permanently extends the SBA Advisory Committee on Veterans Business Affairs. The committee was created to serve as an independent source of advice and policy recommendations to the SBA, the Congress, and the President. The veteran small business owners who serve on this committee provide a unique perspective, which is sorely needed at this challenging time. Unfortunately, continuing uncertainty about the committee's future has, at times, distracted the committee from focusing on its core function. Therefore, I have called for its permanent extension. It is clear to me that more needs to be done to address the issues facing veterans and reservists, and the role this committee plays will continue to be important.

Additionally, I have taken a number of steps to better serve the reservists who are serving their country abroad while their businesses are suffering at home. Over the past decade, the Department of Defense has increased its reliance on the National Guard and Reserves. This has intensified since September 11, and increased deployments are expected to continue. The effect of this increase on reservists and small businesses continues to remain of concern. A 2003 GAO report indicated that 41 percent of reservists lost income when mobilized. This had a higher effect on self-employed reservists, 55 percent of whom lost income.

In 1999, I created the Military Reservist Economic Injury Disaster Loan, MREIDL, program to provide loans to small businesses that incur economic injury as result of an essential employee being called to active duty. However, since 2002, fewer than 300 of these loans have been approved by the SBA, despite record numbers of reservists being called to active duty. It is clear that changes need to be made, so that reservists are informed about the availability of the MREIDL program and that the program better meets their needs. At our hearing last January, we heard suggestions for a number of changes, which would improve the Military Reservist Economic Injury Disaster Loan program, and I have included those changes in this bill. They include increasing the application deadline for such a loan from 90 days to 1 year following the date of discharge, creating a predeployment loan approval process, and improved outreach and technical assistance.

This bill also increases to $50,000 the amount SBA can disburse without requiring collateral under the MREIDL program. Reservist families have already sacrificed enough when a family member is called to serve their country. They should not have to forfeit the success of their business and their livelihood as well. This loan program would allow reservist-dependent businesses to access the capital they need to stay afloat without having to sacrifice beyond the service of the key employees. In order to give reservists time to repay the loans, the noncollateralized loan created in this bill would not accumulate interest or require payments for 1 year or until after the deployment ends, whichever is longer.

There are two more provisions, which will help this Nation's servicemembers. One section of the bill will require the SBA to give priority to MREIDL loans during loan processing. Another provision will give activated servicemembers an extension of any SBA time limitations equal to the time spent on active duty. This will make it easier for servicemembers to serve their country while continuing to meet their obligations at home.

Lastly, this bill calls for two reports. One report will look at the needs of service-disabled veterans who are interested in becoming entrepreneurs. As a result of the war on terror and improved medicine, we are seeing more service-disabled veterans than we have seen in decades. For some service-disabled veterans, entrepreneurship is the best or only way of achieving economic independence. Therefore, it is essential that we understand and take steps to address the needs of the service-disabled veteran entrepreneur or small business owner.

This bill also calls for a study to investigate how to improve relations between reservists and their employers. In January, the committee heard that recent changes by the Department of Defense to policies regulating the length and frequency of reservist deployments is harming the ability of reservists to find jobs and the ability of small business owners to continue hiring them. Understanding more about this issue is important and essential to making sure that policymakers can continue to support citizen soldiers and the small businesses that employ them.

The bill also includes a number of other important provisions that were added by the House. For instance, this bill includes language directing the Office of Veterans Business Development to increase the number of Veterans Business Outreach Centers and requires them to improve their participation in the Transition Assistance Program. This bill also creates a program reducing 7(a) loan fees for veterans, improves Small Business Development Centers outreach to the veteran community, and instructs the Associate Administrator of the Office of Veterans Business Development to create and disseminate information aimed at informing women veterans about the resources available to them. I am pleased that the House and Senate were able to come to an agreement on these provisions.

Veterans possess great technical skills and valuable leadership experience, but they require financial resources and small business training to turn that potential into a viable enterprise. A recent report by the Small Business Administration stated that 22 percent of veterans plan to start or are starting a business when they leave the military. For service-disabled veterans, this number rises to 28 percent.

We owe veterans and reservists more than a simple thank you for their service. The least we can do is provide critical resources to help them start and grow small business and to hold Federal agencies accountable. That is what our bill does.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Section 5 of Title I of Division H of Public Law 110–161, appoints the following Senator as Chairman of the U.S.-Japan Interparliamentary Group conference for the 110th Congress: The Honorable DANIEL K. INOUYE of Hawaii.

ORDERS FOR MONDAY, FEBRUARY 4, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m., Monday, February 4; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 2248, the FISA legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, on Monday, the Senate will resume consideration of the FISA legislation, and at 5:30 p.m., the Senate will proceed to vote on the motion to invoke cloture on the motion to proceed to H.R. 5140, the Economic Stimulus bill. Senators should be aware that additional votes will occur following the 5:30 cloture vote. Those votes would be in relation to the FISA legislation.

I understand there may be some problems with Republicans wanting any votes that afternoon, but we will work on that Monday. At least we have agreement on this legislation, and I see no reason, if we can't take a big chunk out of it on Monday, which I think we can, we can finish it on Tuesday.

Mr. President, I thank everybody for all their good work this week.

ADJOURNMENT UNTIL MONDAY, FEBRUARY 4, 2008, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:20 p.m., adjourned until Monday, February 4, 2008, at 2 p.m.

SENATE—*Monday, February 4, 2008*

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the State of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, grant to this Nation and to all people a social conscience built on the vision of the ancient prophets, who saw sufficiency for every person at a time when anxiety and fear would be overcome by good will.

Lord, hasten the day when the small and weak can make their contributions alongside the great and powerful. Lead us to the day when we will see peace among the nations of the Earth.

Today, use the Members of this body to bring us to the time when wealth devoted to war can be channeled into paths of peace. Let Your glory cover the Earth as the waters cover the sea.

We pray this in the Name of Him who deserves praise, honor, and glory, world without end. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, February 4, 2008.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE CHAPLAIN'S PRAYER

Mr. REID. Mr. President, as the prayer was being delivered by our Chaplain, I was here at my place, along with Senator BOXER. During the prayer, Senator BOXER said, "Wow." That really was a "wow" prayer—a prayer that called for peace and understanding. I wish I could recite it from memory, as the good Chaplain did, with his great ability to restate things that have been said. We really appreciated that prayer. I was very impressed, as I am so often, by the thoughtfulness of this prayer. This was a prayer which could have been uttered in a synagogue, in a Catholic mass, or any religious gathering in the world. This would have been fitting for any of them.

We are very fortunate to have this retired admiral, who came to the Senate in his capacity as our Chaplain, to recite prayers and lead us, as he often does, in discussions. I am without words to express my appreciation for his good work.

SCHEDULE

Mr. REID. Mr. President, today the Senate will resume consideration of the Foreign Intelligence Surveillance Act legislation. Senators WHITEHOUSE, CARDIN, and FEINGOLD have said they will come and offer three amendments this afternoon. After finishing these, we will have about eight more amendments offered. They will all have time agreements, except Senator FEINSTEIN's, but that is not a problem at all. They can probably work out the language on that, and it probably won't have to be debated.

There is no reason we cannot finish this most important legislation tomorrow. We should vote on those three amendments tonight. I hope we can do that. There will be other things that can be debated tonight.

Tomorrow, I would like to come in and have three of the most controversial amendments offered in the morning. One deals with the Dodd-Feingold amendment to strike retroactive immunity from the legislation—that part of the Intelligence Committee legislation; the amendment offered by Senator CARDIN, who changed the—one amendment is to take away retroactive immunity. The other is to deal with the substitution, which is a Specter-Whitehouse amendment. Finally, there is one by Senator FEINSTEIN, which deals with exclusivity of having the FISA Court, the one that handles the intelligence eavesdropping we do in this country. I would like to do those in the morning. We can do that. There will be 2 hours per amendment. We can finish those and have votes in the afternoon. The rest of the amendments are limited to several minutes on each side. Some can probably be worked out.

We need to finish this legislation very quickly, and we need to finish the conference as soon as we can. That is what I would like to do tonight and tomorrow.

I have had a conversation with the Republican leader, and we are going to give him my proposed amendment—that is, the Finance Committee package. Basically, the only thing that would be added to that is legislation dealing with LIHEAP, which has wide-ranging support on both sides of the aisle.

We also would take from the House bill some of the language they have, which would add to what we have in the bill. So we hope to get to that.

ECONOMIC STIMULUS PLAN

Mr. REID. Mr. President, each day newspapers around the country tell us news stories of America's economic troubles—and there are economic troubles. I was told by Senator Corzine, before he became Governor—and he made millions and millions of dollars on Wall Street—regarding the market, that you can always understand when the economy is in big trouble when there are large fluctuations in the stock market. If his words are meaningful, and I believe they are, that is what we have had to deal with lately—wide fluctuations in the stock market.

Today, I looked before I left for the floor, and the market was about 100 points down. Last week, it was up several times by more than a hundred points and then down a few hundred points. That is not an economy that is feeling good about itself.

Housing foreclosures are dramatically up in cities and towns throughout the country, including an astonishing rate in Reno, NV, of more than 600 percent. In Las Vegas, it is 200 percent. In Florida, it is 275 percent. In California, with 37 million people, it is up more than 300 percent.

Gas prices are well above $3 per gallon throughout the country. The average price is $3.02 a gallon. Some States are significantly higher, and California and Nevada feel that very much.

Heating costs are skyrocketing. This is the time when especially the Northeast depends so much on heating oil. Those prices are hard to handle for people.

Friday, the Department of Labor's jobs report showed that 17,000 nonfarm

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

jobs were cut in January. With the cost of heating homes, this is very difficult.

I was able to spend some time at home in Searchlight after Christmas. I paid the bill last night. In Searchlight, NV, $480 was the cost of my bill for heating our house. I wasn't even there all that time. Mr. President, I can pay that bill, but some people cannot. So they have to make a choice between staying cold or not paying the bill. Most of them stay cold because they know they cannot get out of paying their bill.

Again, Friday, the Department of Labor jobs report showed that 17,000 jobs were cut in January. These are 17,000 husbands, wives, sons, and daughters who don't have a job. They wonder what they are going to do.

After 8 years of economic growth during the Clinton years, the Bush administration's 7 years have shown anemic job growth. Now job growth is nonexistent, negative. During the Reagan years, about 22.5 million jobs were created. With troubling statistics such as we have had these past 7 years—yes, there have been jobs added, but they have been very weak—and growing economic challenges in our daily lives, it is no wonder that polls show the American people are now more concerned about the economy than the intractable war in Iraq. Congress cannot solve this problem on its own with a single piece of legislation, but we can and must help.

Last week, the House sent us a plan that was a good first step. It was a first step, but we have a chance now in the Senate to make the plan better. On a bipartisan basis, Senators BAUCUS and GRASSLEY have worked together to send us a bipartisan package we can all support, and we should support it.

The Finance Committee package sends stimulus checks to 21.5 million senior citizens, who would get nothing from the House bill. Most of them are living on fixed incomes, but they are facing high living costs, as I have mentioned with the heating bill for my little home in Searchlight, and medicine and groceries, which are anything but fixed. Give them the money, and these seniors will spend that money.

This Finance Committee package sends checks to 250,000 disabled veterans, who were left out of the House plan. These wounded American heroes are struggling to make ends meet, and we should not leave them out. Give them the money, and they will spend it.

The Finance Committee will extend unemployment benefits for those who lost their jobs in this economy. You are entitled to unemployment benefits for 13 weeks. When that runs out and you don't have a job, you are in big trouble. We have a lot of people in big trouble. The House bill doesn't do anything for the unemployed. Economists tell us that this is the single-most effective way to stimulate the economy. Give the unemployed this tax break, and they will spend it.

The Finance Committee bill is business-friendly—much more so than the House bill. It gives small businesses a greater ability to immediately write off purchases of machinery and equipment. When we give these tax rebates and we give these business-friendly tax incentives, it will create jobs, and in many instances it will allow people to have money, and these people will spend this money. It helps larger businesses with "bonus" depreciation or an extended carryback period for their past losses to recoup cash for future investments. Give them the tax break, and they will spend it. This bill will help big businesses, small businesses, medium-sized businesses, manufacturers, home builders, and a whole panoply of businesses that are struggling today.

The Finance Committee legislation addresses the housing crisis by including $10 billion in mortgage revenue bonds to be used by States to refinance subprime mortgages. This legislation was originally put into place to help build new homes, but we don't need that now. We have an inventory of tens of millions of homes. We need help in refinancing homes. The President talked about this in his State of the Union Message. This is in the Senate Finance package. Everybody should support it—Democrats and Republicans.

The Finance Committee bill includes, an extension of energy efficiency and renewable energy incentives, which will create jobs, expand the clean energy industry, save consumers money on their energy bills, and begin to help stem the tide of global warming.

Mr. President, I am going to offer a substitute, as I explained, to my Republican counterpart to the House-passed legislation. It will incorporate the measures reported by the Finance Committee last week on a bipartisan basis together with the addition of LIHEAP. This will include the House-passed language on housing, plus the items we put in the bill. It will increase the conforming loan limits for Fannie Mae and Freddie Mac, as well as the loan limits for FHA-backed mortgages which will allow many more homeowners to refinance and will reduce mortgage interest rates in many parts of the country.

This amendment will allow about $1 billion to help low-income Americans heat their homes through the Low-Income Home Energy Assistance Program, which we call LIHEAP. This Low-Income Home Energy Assistance Program, which speaks for itself, provides some relief to people from having to choose between food and medicine or heat. There is more we can do, but this is a step in the right direction.

All Americans should know that as a result of our debate, their rebate checks will not be delayed a single minute.

Under the terms of the House plan, the Internal Revenue Service will determine the size of payments based on 2007 tax returns, which are not due until April 15. That gives us the opportunity to work together to create a better plan without any need for concern.

The Finance Committee's bipartisan work helps build on the bill sent to us by the House of Representatives and makes it much better—fair to seniors and disabled veterans—and, as important as that, more effective in stimulating the economy with the breaks it gives to businesses.

That is the bottom line. It will do the job. It will work. People say: Why do we need to go to conference? We have to go to conference anyway. The House-passed bill allows the benefits to go to undocumented people. I don't think Senators want to vote for that provision. A vote this afternoon is simply a vote to proceed to the House bill. We have to go to conference anyway because of that provision; that is, rebates for undocumented persons.

We have a chance to stimulate the economy and help more struggling Americans. I hope we can all work together, Democrats and Republicans—in fact all Senators—to build on the good work done by the House of Representatives by supporting this bipartisan Finance Committee legislation. It is good legislation.

This is it. People need not look further. If the package does not pass, that is the end of the line. That will be it. It will be a shame. We will have to look at something else after we dispose of this stimulus package to try to do something to stimulate the housing industry, give unemployment benefits, to do something about LIHEAP. It would be a shame that we would miss this opportunity. The Republicans should join with us. The bill has to go to conference anyway. Let the conferees determine, working with the President, what we should do to stimulate the economy. We believe ours is a Cadillac package. It is what the American people need. It is what the economy needs. It is fair. It is just. It is quick. The House bill is, as I said, a step in the right direction but a very small step.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

CHEMICAL DEMILITARIZATION

Mr. McCONNELL. Mr. President, today Congress received the fiscal year 2009 budget request from President Bush. It is a budget that does not raise taxes and provides a framework for eliminating the deficit within 5 years. Both objectives are consistent with and critical to our long-term economic goals.

It is now up to Congress to fully and fairly consider this budget proposal and each appropriations bill.

I do not need to remind our colleagues we are also hard at work to pass an economic growth package. While considering the budget, we must not undo the economic growth policies contained in that package by increasing the size of Government, when we should be increasing the size of the economy.

Turning to one particular item in the budget that is of great importance to me and my home State of Kentucky, I wish to speak briefly about the budget request for the disposal of chemical weapons at the Blue Grass Army Depot in Richmond, KY.

For years, I have led the fight in Congress to safely and efficiently dispose of the deadly chemical weapons at the Blue Grass Army Depot, and for years the Department of Defense bureaucracy has dragged its feet on this issue and refused to comply with Congress's direction that disposal of such weapons be given serious attention and the resources to get it done.

As a result, complete disposal of these deadly weapons has been pushed further and further into the future, even though the people of Richmond and Madison County, KY, have been living for too long already with over 500 tons of chemical weapons in their midst. This includes VX nerve agents, one of the deadliest nerve agents ever created.

You can understand the people of Madison County and, frankly, I have had enough. So I am pleased to report that after making my wishes clear to Defense Secretary Gates, I have convinced the Department to increase the fiscal year 2009 budget request amount to a level that will help enable the Blue Grass Army Depot to more safely and quickly dispose of these weapons.

I personally thank Secretary Gates for his involvement in this success. I have worked with and been frustrated by Defense Secretaries under both Republican and Democratic administrations. But Secretary Gates gets it and he took action. I thank him for that, and I know the people of Madison County do as well.

Before we intervened, DOD had initially set fiscal year 2009 funding for the Assembled Chemical Weapons Alternatives Program, or ACWA, at $351 million. ACWA is the program that will dispose of these chemical weapons.

Now the ACWA budget has been increased to nearly $398 million, thanks to Secretary Gates. This is the third consecutive year we have been able to persuade DOD to increase the ACWA budget request. By increasing the funding level, we can speed up the disposal.

In addition to adequate funding, legislation I authored and that was enacted into law now sets a deadline for DOD to complete work on disposal by 2017. That is right, it is now law that disposal must be completed in less than 10 years, by 2017.

This is a two-pronged approach to solving this problem and these two prongs complement each other. Together, increased funding for disposal and a deadline set into law are moving us closer to the disposal of these heinous weapons.

In short, when it comes to the chemical weapons stored at Blue Grass Army Depot, dollars plus a deadline equals disposal. That is the goal: the quick and safe disposal of these chemical weapons. The people of Kentucky deserve no less.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

THE PRESIDENT'S BUDGET

Mr. REID. Mr. President, it is true we have the President's budget, the eighth one, the eighth and last budget from this President. To think anyone has the audacity to suggest this deficit will be gone in 5 years following the President's plan is almost laughable, a man who has run this country from a $7 trillion surplus over 10 years to now approaching $12 trillion or $13 trillion in debt.

The Presiding Officer knows as much about the military as anyone serving in Congress, having been a distinguished combat veteran in the Marine Corps and Secretary of the Navy. No one is more supportive of the military, than the Presiding Officer. I try to be also. The Defense budget I get from morning reports, without having seen the budget, but the press has reported the Defense budget will now be approaching $700 billion this coming year. But there is not a single penny in this budget for the war in Iraq. That is in addition to this request. We are told that in less than 2 years, the cost of the war in Iraq will be $1 trillion, borrowed money from China, Japan, Saudi Arabia, Mexico. And, of course, it has been long pronounced this budget of the President's will have cuts in Medicare.

The President had us over a barrel last year on the appropriations bills because we did not want another continuing resolution. We did not want another continuing resolution. But he does not have us over a barrel this year because either Senator CLINTON or Senator OBAMA will be the President in less than a year. If we have to deal with a CR next year, we will deal with it. We will finish that by the end of January. We will whip through that CR in a short time. We are not going to be held hostage to the unreasonableness of this President—cutting NIH, cutting the COPS Program. What is that? Law enforcement to bring down crime rates in our country as it has—the damage to the cities that has already taken place because of the priorities that are so misarranged in this budget that he suggests to us.

Education—I brought the Teacher of the Year here to watch the State of the Union Address. She is devastated by what the No Child Left Behind legislation has done, with the President not living up to what he said he would do in funding it.

I am glad the budget is here. It is part of the law. I look forward to working with our colleagues and hope we can do a better job with our appropriations bills than last year. But I repeat, we are not going to be held hostage by the unreasonableness of the White House. I hope we can work together and get some bills passed. The appropriators want to do that. We have now, with the ethics and lobbying bill passed, transparency in everything we do.

I also express my appreciation to Senator WHITEHOUSE for being here to start work on the FISA bill.

I have said this before and I say it now to my friend who is the manager for the FISA bill for the Republicans, how much we appreciate his devotion to the intelligence matters of this country.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FISA AMENDMENTS ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2248, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2248) to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

Pending:

Rockefeller/Bond amendment No. 3911, in the nature of a substitute.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my colleagues for agreeing on a way forward on this bill. This is a very important bill, the Foreign Intelligence Surveillance Act, the FISA Act, of 2008. It gives the intelligence community the tools it needs right now and over the next 6 years to protect the country.

The Protect America Act we passed in Congress and the President signed last August allowed the intelligence community to close critical intelligence gaps, but that legislation expires in less than 2 weeks. We cannot let those gaps reopen. We passed a short-term extension, and that extension will expire when we are preparing to go out on the President's Day recess. We cannot leave our country blind and deaf to threats that terrorists might bring.

We were delayed in December by filibuster, which is the right of all Senators to have extended discussions. And there are those who say we need more time to look at this measure because it is very important and it is very technical and it is controversial. But the Intelligence Committee spent over 9 months looking at FISA modernization. We held hearings, we reviewed the Terrorist Surveillance Program, we looked at the implementation of the Protect America Act, and after that, we came up with a solid bipartisan bill. That is something in which Chairman ROCKEFELLER and I take a great deal of pride because we accommodated many changes and improvements and we did improve on the existing FISA structure, as well as adding items the Protect America Act needed to have but did not have.

The intelligence community is waiting for us to act. We have a bill that is responsible and effective. It addresses the concerns about the Protect America Act, but most of all, it gives the intelligence operators the tools they need and ensures that our private partners will continue to assist the Government.

As I said, this bill came out of the Intelligence Committee on a 13-to-2 vote after months of studying the collection programs. Chairman ROCKEFELLER, whom I thank again, and I worked together to get an agreement that protects America's constitutional rights and the privacy rights of American citizens.

There was a lot of work with the intelligence community representatives and lawyers from the Department of Justice. The Intelligence Committee members and their staffs did an outstanding job coming up with a solution.

Two provisions added during the initial markup without input from the intelligence community needed to be changed. They are great objectives, but they had to be made workable. It was our pleasure to work with Chairman ROCKEFELLER, Senator WHITEHOUSE, and Senator WYDEN to come up with a solution to both these problems, and they are now in the substitute now pending.

The Director of National Intelligence, who is responsible for running our collection programs, said with these two problems fixed, he will support the bill. This is very important to the chairman and to me because we want to pass a bill that works and will become law. It would do no good to pass a bill that has people's good ideas in it or pass a bill that is good for politics but doesn't work for those who are charged with protecting us from the threats our country faces. So the support of this bill by the Director of National Intelligence in particular is critical. With these fixes, we will have a bill the President will sign.

The chairman and I have worked shoulder to shoulder on a bipartisan basis to pass this bill. We will have to take a very careful look at any amendments that are proposed because we don't want to jeopardize the ability of the intelligence community and their private partners to go forward. It is very technical. Each word matters. And we will do our best to point out whether amendments will work. There are several amendments pending that we think will improve the bill but will not bring a veto.

With that, Mr. President, I thank all the Members who have worked with us in close collaboration to get time agreements, to get a list of acceptable amendments, and I am looking forward to moving ahead with this bill just as soon as we can. I thank my colleague from West Virginia and the other colleagues for working together on the Intelligence Committee bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, first let me express my appreciation to the distinguished vice chairman of the Senate Intelligence Committee for his very energetic dedication to moving this bill forward. We have not agreed on everything, but nobody can challenge his dedication to moving a bill and to making progress on this issue.

AMENDMENT NO. 3920 TO AMENDMENT NO. 3911

Mr. President, per the pending agreement, I call up amendment No. 3920, the Whitehouse amendment.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. WHITEHOUSE], for himself, Mr. ROCKEFELLER, and Mr. LEAHY, proposes an amendment numbered 3920.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide procedures for compliance reviews)

On page 19, between lines 20 and 21, insert the following:

"(7) COMPLIANCE REVIEWS.—During the period that minimization procedures approved under paragraph (5)(A) are in effect, the Court may review and assess compliance with such procedures and shall have access to the assessments and reviews required by subsections (k)(1), (k)(2), and (k)(3) with respect to compliance with such procedures. In conducting a review under this paragraph, the Court may, to the extent necessary, require the Government to provide additional information regarding the acquisition, retention, or dissemination of information concerning United States persons during the course of an acquisition authorized under subsection (a). The Court may fashion remedies it determines necessary to enforce compliance.

Mr. WHITEHOUSE. Mr. President, in this debate about revising FISA and cleaning up the damage done by the President's warrantless wiretapping program, the administration has talked at length about the importance of our foreign intelligence activities. It expends all its rhetorical energy on a topic where we all agree, but it has largely ignored the issue that has been central to our debate: On what terms will this administration spy on Americans?

I rise today in support of an amendment offered by myself; by the distinguished chairman of the Senate Intelligence Committee, Chairman ROCKEFELLER; the distinguished chairman of the Senate Judiciary Committee, Senator LEAHY; Senator SCHUMER of New York; and Senator FEINGOLD of Wisconsin, that addresses this issue: the privacy of Americans from Government surveillance.

Our amendment reflects the convergence of ideas Senator SCHUMER has been working on in the Judiciary Committee and I was working on in the Intelligence Committee and, similarly, Senator FEINGOLD has played a critical role in advancing this issue in both committees. Both chairmen, Senator LEAHY and Senator ROCKEFELLER, have reviewed it and given it their blessing. It is carefully crafted to incorporate statutory language offered by the Department of Justice as technical assistance.

On this amendment, we have done our homework. What is this amendment about? As a former U.S. attorney and Rhode Island attorney general, I oversaw wiretaps and other surveillance procedures, and I learned that with any electronic surveillance, whether it is a domestic law enforcement investigation or intelligence gathering on international terrorism, information about Americans is intercepted incidentally—in other words, when they are not being targeted by our intelligence or law enforcement agencies but overheard because they are talking to or talking with or even being discussed by someone who is under surveillance. So minimization is the term of art. Minimization is the process for protecting the privacy of Americans who are caught up in surveillance without being the target of the surveillance.

The issue here is privacy rights of Americans, and in domestic law enforcement there are clear, established procedures for minimizing the collection or retention of this information to ensure that the privacy of innocent Americans is protected. In this pursuit, the prospect of judicial review—the prospect of judicial review—is an important part of our protection.

Under the Senate Intelligence bill before us, the court has the authority to approve minimization procedures. It has the authority to approve the procedures, but it is then told that it can't look fully into whether the procedures are being followed. Thus, there is no guarantee the procedures are actually being adhered to by the executive branch on the part of the overseeing court.

I have introduced this amendment to give the FISA Court the same discretionary authority to follow up on the implementation of all these minimization procedures that it has in every other context and that is common to all courts throughout the American system of justice. Chairman ROCKEFELLER and Vice Chairman BOND have already agreed and put into the bill we will vote on that this authority already lies with the court where the target is an American, and I wish to thank Vice Chairman BOND in particular for working with me in bipartisan fashion on that point.

If the target of surveillance is an American inside the United States or if the target of the surveillance is an American overseas, then the court has the authority to review compliance through the minimization procedures. But as will often be the case, the target will be a person outside the United States, a person who is not in America, and then an American could just as easily be incidentally intercepted in these conversations, and they should still have rights, and they should still have protections.

Because minimization serves to protect the incidentally intercepted person, this protection should apply when the incidentally intercepted person is an American, and the court's authority to make sure the rules are being followed should apply there as well. It makes no sense to strip a court of its natural authority based on the identity of the target when the protection runs to the American who is not the target but who has been incidentally intercepted.

It, frankly, makes no sense as a general proposition to limit the court's authority to see whether rules it has approved are being followed. I found no place else in the law, no place at all where the authority of a court to approve an order, a rule, or a procedure is not accompanied by the concomitant authority to see if there is compliance. It is basic. Indeed, it may very well be, if there is litigation on this matter, a court will find that it is so basic to judicial authority that they will imply it. But we should put it in the bill and get it right; otherwise, we are creating in this bill a bizarre and unique quirk in American law, and there is no sensible justification offered for it.

To be clear, this amendment creates no mandates, no cumbersome procedures. Indeed, it may never be used at all. In my experience, as I said, the mere prospect—the mere prospect—of a judicial inquiry into compliance has a salutary effect—a healthy attention-getting, awakening, compliance-enhancing effect—on those who are charged with complying with the law. The opposite, I am afraid, is true as well. When executive officials are assured, as this law would do without this amendment, that the court that approves the minimization procedures is forbidden to police the compliance of those procedures, one can reasonably expect looser compliance in this enforcement holiday.

I know the Bush administration fears and despises judicial oversight, probably with very good reason, but that is no reason that we as a Senate should follow them down this wayward path. Both here, where the FISA bill creates an unheard of limitation on judicial power to examine compliance with its own approved rules, and in the immunity debate, where we are being led as a legislature into ongoing legislation to choose winners and losers, we embark into dangerous territory, outside the well-established traditions of the separated powers of our American system of government.

Particularly to my colleagues who are members of the Federalist Society, an organization with a declared interest in separation of powers, I hope you will take this occasion to defend those principles.

To quote the distinguished Justice Scalia from a Supreme Court opinion regarding a sense of sharp necessity about this separation of the legislative from the judicial power at the founding of our Government:

> This sense of a sharp necessity . . . triumphed among the Framers of the new Federal Constitution.

And it did so, again quoting the decision:

> . . . prompted by the crescendo of legislative interference with private judgments of the courts.

Going back to a previous decision, United States versus Klein, the U.S. Supreme Court, in a holding that Congress may not establish the rule of decision in a particular case, said of the legislative and judicial powers:

> It is of vital importance that the legislative and judicial powers be kept distinct. It is the intention of the Constitution that each of the great co-ordinate departments of the government—the legislative, executive and the judicial—shall be, in its sphere, independent of the others.

I submit that a court cannot be independent if it is stripped of the duty to determine whether rules and procedures it has the authority to approve are even being complied with.

I urge other Members to support this amendment. I am very gratified to see Senator SCHUMER from New York on the floor. I know he has worked hard on this issue in the Judiciary Committee. I am very grateful that somebody of his experience and distinction would cosponsor this amendment.

I yield to Senator SCHUMER.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. WHITEHOUSE. I yield to Senator SCHUMER.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask for 10 minutes from my colleague from Rhode Island, who has the time.

Mr. WHITEHOUSE. No objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCHUMER. May I modify that request to make it 12 minutes?

Mr. WHITEHOUSE. Does that leave 3 or 4 minutes, 5 minutes for the chairman?

Mr. SCHUMER. I will move it back to 10. I didn't realize we were that short on time.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island has 20 minutes remaining.

Mr. WHITEHOUSE. The 12 minutes will work, leaving time for the chairman and some to spare.

Mr. SCHUMER. On amendment 2937, I wish to thank Senator WHITEHOUSE for his leadership on this issue; Senator FEINGOLD and our two great chairs, Senator ROCKEFELLER and Senator LEAHY. I will briefly describe this amendment.

When we debate these issues, our friends on the intelligence side say you cannot stop us with cumbersome procedures that will not allow us to listen in on a phone conversation a terrorist might be engaging in, you have to act quickly. That is a legitimate wish. You certainly do not want to let a phone conversation slip away while you are going through days and days and days in court.

But this amendment has nothing to do with that. We do not interfere with any phone conversation that might legitimately be listened in to, that might be tapped ahead of time.

What we are saying is this: There ought to be oversight to make sure our intelligence agencies obey the rules; that when there is a conversation or a person, an American citizen on the line who should not be listened in to because the conversation is not about the intended subject, that they quickly stop listening.

Now, under present law, there is no oversight, none. So if someone would want to take liberties, in one of the intelligence agencies or other agencies, and listen in to Americans having conversations, citizens, who have no right to be listened in to because they did not involve legitimate security concerns, they could continue to do it and no one would ever know.

That is wrong. The minimization requirements we have placed in this amendment, which was originally in the Judiciary Committee amendments, but, unfortunately, or in large part in the Judiciary Committee amendments—unfortunately that amendment which I supported was defeated—will ensure there is oversight and that we get all the intelligence information we need, without abuse or overstepping of bounds.

That is the perfect balance. It is hard to see how anyone could object to oversight after the fact to make sure people are not abusing the privilege of listening in to phone conversations or other conversations, electronic conversations, American citizens are having.

That is why this amendment I hope will be supported unanimously in this Chamber. Whether you are a conservative or a liberal, Democrat or Republican, someone who leans to the side of making sure we get every bit of information or someone who leans on the side of making sure American liberties are protected, both worthy goals, you can support this amendment.

I wish to once again thank my colleagues for their hard work on an important issue.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, I would like to offer my strong support for the amendment offered by Senator WHITEHOUSE to ensure there is explicit written legal authority in this bill for the Foreign Intelligence Surveillance Court to review and to assess compliance with the minimization procedures established for the bill's new acquisition authority.

One of the most serious deficiencies in the Protect America Act was the fact that the FISA Court was not given a role at all in approving the minimization procedures put in place by the Attorney General and the Director of National Intelligence for collection activity. That was fine. But it was insufficient.

Minimization procedures are the procedures that govern the treatment of nonpublic information concerning Americans in the acquisition and retention and dissemination of foreign intelligence.

The Intelligence Committee's bill addressed this deficiency in the Protect America Act by requiring the court to review and approve minimization procedures. The committee, however, learned, and then was happy to take from in our discussions, the Judiciary Committee's better approach to this. We did not, in the Intelligence Committee bill, explicitly authorize the court to assess compliance with these minimization procedures.

As the Senators from Rhode Island and New York have pointed out, there is no point in having something on the books if you cannot be sure it is going to be complied with.

So compliance is a sacred principle. Senator WHITEHOUSE's amendment will ensure that the court can assess the executive branch's compliance with these minimization procedures, be provided with information it needs to make the assessment, and have the authority to enforce this assessment.

The administration objected to the provision reported from the Judiciary Committee allowing the FISA Court to review compliance with minimization procedures as being what it called "a massive expansion" of the court's role.

The administration also argued there are enough other oversight mechanisms already in the bill, through requirements on the Attorney General, the Director of National Intelligence, the Inspectors General of the intelligence agencies.

I respectfully disagree with that assessment. Assessing compliance is inherent in the court's role. It is inherent in the FISA Court's role in reviewing and approving minimization procedures in the first place. In fact, without it, without the compliance part of it, the first parts are nice but not sufficient.

Having the court assess compliance with minimization procedures is an important safeguard to ensure there is due care in the handling of, as I say, nonpublic information concerning U.S. persons.

I therefore urge the adoption of this amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I yield myself 5 minutes. I ask that the balance of the time on this side be reserved for Senators HATCH and SESSIONS and others who want to speak.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WHITEHOUSE. Will the vice chairman yield for a question?

Inquiring through the Chair, I am wondering when the vice chairman believes Senators HATCH and SESSIONS might be here?

Mr. BOND. Mr. President, all I know is we were all expected to be back at 5:30. I do not have their flight schedules. We are contacting their offices, but I do not know when they will be back.

Let me move on now to address some of the things that have been said. No. 1, there was a comment about the damage done by the Protect America Act. Nobody has shown any damage done by the Protect America Act. What it has done is given our intelligence community the ability to intercept foreign terrorist electronic communications. It has kept the world and our allies and our own people safer.

If anybody wants to look at that, there are, in our enclosed intelligence rooms, the full description of what has been gained.

The amendment before us, allowing the FISA Court to assess compliance, may sound like a good idea. But when we talk about foreign targeting, we are outside the FISA Court's experience and their expertise.

The FISA Court was created in 1978 to issue orders for domestic surveillance on particular targets. But Congress specifically left foreign surveillance activities to the executive branch and to the intelligence community. This is the first time we have heard that a court, set up to oversee domestic applications for electronic surveillance, should be involved in the foreign targeting efforts dealing with foreign information.

FISA minimization procedures are about protecting the identities of U.S. persons. This comes up all the time in domestic surveillance. But almost all the collection under these foreign targeting acquisitions will be on non-U.S. persons who require no protection under FISA minimization procedures.

I will explain later if I have time, after others have spoken, what the FISA Court itself has said about it. Therefore, it does not make sense to try to get the FISA Court involved in assessing compliance in the foreign targeting arena.

Now, it has been said that a judge, one of the district court judges who is brought in to rule on applications, probable cause applications for domestic surveillance, should go out and review what goes on at the facilities where collections are being made. Now in France, they have a wonderful procedure that goes far beyond anything we have and would drive many of our civil libertarians nuts.

The investigating magistrate investigates, he prosecutes and he rules on cases. That is a wonderful way of overseeing the whole line of action. As an investigator and prosecutor, he makes a judgment.

We do not have that situation. We do not have that same system. We have courts that rule on controversies. We have given them the power to review the minimization procedures, the written procedures but not to go out and spend the day trying to figure out what is going on where the collections are being held.

What we do have is a very robust system of oversight, contrary to what my colleague from New York said. I will have to agree with him: I agree with all the things he said about the New York Giants. I rooted for them. I thought they were great. I will have to confer with my colleagues from New Hampshire and Maine to see whether they would accept on our side the terrible things he said about the New England Patriots. But I was a born-again Giants fan yesterday.

But when he said there is no oversight, he overlooks the supervisors, the inspector general who is overseeing minimization, the Department of Justice lawyers who are on top of them, and, more importantly, the Intelligence Committee itself. That is our job. Our job is to oversee it, and we intend to continue to oversee it to make sure that system works. Our staff can go out there. Our members can go out there.

I suggest, given the background the distinguished Senator from Rhode Island has in seeking warrants, and overseas warrants, probably nobody in this body will be better able to oversee compliance than the distinguished Senator from Rhode Island, who served as a prosecutor and as attorney general. I assure you not one of the FISA Court judges would have nearly as good a background or as fruitful a time as my colleague from Rhode Island would have.

I believe, therefore, leaving the existing oversight policies in place, with a robust oversight by the Intelligence Committee itself—those of us who have been entrusted to assure the intelligence collection goes forward in an appropriate manner—should be allowed to do so.

Mr. President, I yield the floor and I reserve the remainder of my time under the proposal I made previously.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that my remaining time on this amendment be reserved until a later time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WHITEHOUSE. I yield the floor.

Mr. SCHUMER. Mr. President, I rise as the proud cosponsor of amendment No. 3920, offered by my friend Senator WHITEHOUSE. I supported the Judiciary substitute amendment, and I am disappointed that it was tabled. It contained a number of important safeguards and protections.

However, the Senate still has the opportunity to ensure independent oversight of our intelligence activities. The amendment before us is a key step in that effort. This amendment makes sure that the FISA Court can review the privacy of American communications, and take action to protect that privacy, any time American communications are gathered during the course of foreign intelligence surveillance.

Senator FEINGOLD and I had an early concern that any FISA update needs court oversight with real teeth, and we pushed for these protections to be included in the Judiciary substitute amendment. Senator WHITEHOUSE had the same concern, and so the amendment before us today is the excellent product of many heads working together.

I have always said that when it comes to intelligence policy, we must have three things. First, we need a free and open debate about any measure that affects our security. We are having that debate now. Second, we need clear rules so that our intelligence community knows what is expected and can act within the clear boundaries set out by Congress. I will only support a final bill that contains such rules. Third and finally, we must have an independent arbiter to ensure that those rules are being followed. A rule without oversight is likely to be a hollow rule.

The amendment before us is necessary to put teeth into the Foreign Intelligence Surveillance Court's independent oversight function. This amendment is a simple, commonsense measure, and yet it is also one of the most substantial protections we can provide for Americans. Let me explain why this is so.

As we all know, the bill before us would grant the President broad authority to wiretap communications between two foreign people or between a foreign person and a U.S. person as long as the target of the surveillance is located outside the United States. With these new powers, the intelligence community can collect the communications of law-abiding Americans, without a warrant, if that American happens to be in contact with someone who is up to no good.

But law-abiding Americans expect their private communications to stay private, and rightly so. How can we gather and use the intelligence we need but also protect the privacy of innocent Americans? The administration says that Americans are protected because the intelligence community follows a set of rules called minimization procedures. These rules limit the collection, use, and dissemination of communications to make sure that Americans' privacy is protected. The administration itself sets out these procedures, so they should present no hindrance to our intelligence collection. What the administration does not say is that currently, there is absolutely no independent oversight of whether the administration is following its own rules. The bill before us would allow the Foreign Intelligence Surveillance Court to review the minimization rules on paper, to see whether they pass muster, but no power to review them in practice.

The amendment now before the Senate offers a vast improvement. With this amendment, the court will have the authority to examine the administration's performance and to assess whether the intelligence community is practicing what it preaches. If the court finds problems, it can issue orders to ensure that the administration follows the rules.

I am not suggesting that the court should be setting limits before the fact. I think our intelligence community needs the flexibility to protect our country. But I think it is essential for the court to be able to look back and tell us, with an independent voice, whether the administration was following its own rules to protect the privacy of law-abiding Americans.

This amendment does not restrict our intelligence gathering. It assures meaningful protection for individual Americans, and it helps to promote faith in our Government and our intelligence community. I cannot imagine why any of my colleagues would oppose this amendment. We all know that the fox alone should not be guarding the henhouse. It is just common sense to provide independent, retrospective oversight. I hope and expect that all of my colleagues, on both sides of the aisle, will join me to vote in favor of this amendment.

Mr. LEAHY. Mr. President, the bill we are now considering gives the executive branch unprecedented authority to conduct warrantless surveillance. It would permit the government, while targeting overseas, to review more Americans' communications with less court supervision than ever before. I support surveillance of those who might do us harm, but we also have to protect Americans' civil liberties. One of the most important ways to provide that balance is to ensure a meaningful role for the courts in supervising this new authority.

Unfortunately, the Protect America Act severely diminished the Foreign Intelligence Surveillance Court's role as a check and balance on the executive branch. Under the Protect America Act, the FISA Court cannot conduct oversight over whether the executive branch is complying with the "minimization" rules that are a crucial protection for Americans whose communications are incidentally picked up by government surveillance of overseas targets. Judicial oversight of how these safeguards are working is a critical protection of the privacy of U.S. persons in this area.

I want to praise Senator WHITEHOUSE, who as member of both the Judiciary Committee and the Select Committee on Intelligence did so much work to reverse the courts diminished role and to craft this fundamental provision. His amendment, which was part of our Judiciary bill, would ensure that the FISA Court has the authority it needs to assess the Government's compliance with minimization procedures, to request the additional information it needs to make that determination, and to enforce compliance with its orders. It would make certain that the FISA Court has a meaningful role in overseeing this new surveillance authority.

Minimization procedures are a key protection—indeed virtually the only protection—for the privacy of the conversations of people in the United

States that are "incidentally" collected as part of this broad new surveillance authority. These could well be completely innocent Americans who happen to be talking to someone overseas. FISA Court oversight of minimization procedures is critical. Without this amendment, the FISA legislation would allow the court to review minimization procedures, but it would not give authority to assess whether the government is complying with those procedures, nor would it permit the court to take any action to correct failure to comply with those procedures. This is a crucial amendment and I urge Senators on both sides of the aisle to support it.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, is it necessary for me to ask that the pending amendment be set aside?

I ask unanimous consent that the pending amendment be set aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 3979 TO AMENDMENT NO. 3911

(Purpose: To provide safeguards for communications involving persons inside the United States)

Mr. FEINGOLD. Mr. President, I call up amendment No. 3979.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. WEBB, Mr. TESTER, Mr. BIDEN, Mr. SANDERS, Mr. KENNEDY, Mr. MENENDEZ, Mr. AKAKA, Mr. DODD, and Mr. OBAMA, proposes an amendment numbered 3979 to amendment No. 3911.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. FEINGOLD. Mr. President, the Protect America Act we passed last year was sold repeatedly as a way to allow the Government to collect foreign-to-foreign communications without needing the approval of the FISA Court. Last week, the Vice President defended the Protect America Act by talking about the need to wiretap without a court order "one foreign citizen abroad making a telephone call to another foreign citizen abroad about terrorism."

Now, this is something all of us support, every one of us. But what the Vice President did not mention—and what rarely gets discussed—is the Protect America Act actually went much further. It authorized new sweeping intrusions into the privacy of countless Americans. The bill the Senate is considering to replace the PAA does not do nearly enough to safeguard against Government abuse. So this amendment—the Feingold-Webb-Tester amendment—would provide those safeguards, while also ensuring that the Government obtains the information it needs to fight the terrorists who threaten us.

I am, of course, extremely pleased to have the support and cosponsorship of Senators WEBB and TESTER, as well as Senators BIDEN, SANDERS, KENNEDY, MENENDEZ, AKAKA, DODD, and OBAMA. We have worked closely together to develop a workable solution to a difficult problem—a solution I hope the Senate can support.

Now, this is not about whether we will be effective in combating terrorism. This amendment in no way hampers our fight against al-Qaida and its affiliates. This is about whether Americans at home deserve more privacy protections than foreigners overseas. This is about whether anyone outside the executive branch will have a role in overseeing what the Government is doing with all the communications of Americans it collects inside the United States.

We all know the stakes are very high. I want my colleagues to understand the impact the Intelligence Committee bill being considered on the Senate floor could have on the privacy of Americans, because that is exactly what our amendment addresses. This bill does not just authorize the unfettered surveillance of people outside the United States communicating with each other; it also permits the Government to acquire those foreigners' communications with Americans inside the United States, regardless of whether anyone involved in the communication is under suspicion of any kind of wrongdoing at all.

There is no requirement the foreign targets of this surveillance be terrorists, spies, other types of criminals or even agents of a foreign power. The only requirements are that the foreigners are outside the country and that the purpose of the surveillance is to obtain "foreign intelligence information," a term that has an extremely broad definition covering anything involving the foreign affairs of the United States.

The key, of course, is that no court reviews these targets individually. Only the executive branch decides who fits these criteria. So the result is many law-abiding Americans who communicate with completely innocent people overseas will be swept up in this new form of surveillance, with virtually no judicial involvement and virtually no judicial oversight. That is astounding, isn't it? Yet there has been very little discussion of it.

The administration has told us over and over this law is needed to capture foreign-to-foreign, terrorism-related communications. In the State of the Union last week, President Bush defended this law by saying:

> To protect America, we need to know who the terrorists are talking to, what they are saying, and what they are planning.

Even the administration's illegal warrantless wiretapping program, as described when it was publicly confirmed in 2005, at least focused on particular al-Qaida terrorists. But what we are talking about now is different. This is the authority to conduct a huge dragnet that will sweep up innocent Americans at home, combined with an utter lack of oversight mechanisms to prevent abuse.

These incredibly broad authorities are particularly troubling because we live in a world in which international communications are increasingly commonplace. Thirty years ago, it was very expensive and not very common for most Americans to make an overseas call. Now, though, particularly with e-mail, such communications are commonplace. Millions of ordinary and innocent Americans communicate with people overseas for entirely legitimate personal and business reasons. Technological advancements, combined with the ever more connected world economy, have led to an explosion of international contacts. Americans call family members overseas; students e-mail friends they met while they were studying abroad; businesspeople communicate with colleagues or clients overseas.

In fact, recently released declassified responses to congressional oversight questions highlight how broad these authorities are. The executive branch was asked whether it could acquire all the calls and e-mails between employees of a U.S. company and a foreign company the U.S. Government is targeting, with no requirement to get a warrant and no requirement that there be some link to terrorism or a specific threat against the United States. The administration did not deny this would be entirely legal under the PAA.

So any American who works at a company that does business overseas should think about that.

Americans should also think about the testimony of the DNI himself, in which he said the PAA would authorize the collection of all communications between the United States and overseas. In other words, the Government has the authority to collect all international calls and e-mails into and out of the United States—every last one.

We often hear from those who want to give the Government new powers that we just have to bring FISA up to date with new technology. But changes in technology should also cause us to look closely at the need for greater protection of the privacy of our citizens.

If we are going to give the Government broad new powers that will lead to the collection of much more information on innocent Americans, we in the Senate have a duty to provide the necessary safeguards against abuse. That, of course, is what the Feingold-Webb-Tester amendment would do. It allows the Government to acquire all the communications of foreign targets communicating with other foreigners overseas. It also allows the Government to acquire all the communications of overseas terrorists, but it sets up additional safeguards—additional checks and balances—for communications of foreign targets the Government ultimately determines involves someone in the United States.

The amendment has several components. But let me reiterate that the amendment would permit the Government to freely acquire and share all foreign-to-foreign communications without any court oversight. This is, in fact, an enormous change from the pre-PAA law, and this amendment leaves those new authorities intact.

Let me quickly describe how the amendment would work. First, when the Government knows in advance that a foreign target is communicating with someone in the United States, it permits the Government to acquire, without a court order, those communications involving terrorism or suspected terrorists or if someone's safety is at stake. It permits the Government to acquire any other communications into the United States with a court order. The FISA Court would review and approve procedures for making these determinations. As I said, the Government could continue to acquire and use any communications its foreign targets have with other foreigners overseas. That surveillance would continue, again, without any court oversight. Our amendment permits that.

The second part of this proposal recognizes it is frequently not possible for the Government, in advance, to determine whether a particular communication is a purely foreign communication or involves one end in the United States. Thus, the amendment specifies that when the Government does not know in advance with whom a foreign target is communicating, it can acquire all the target's communications without an individualized court order—all of them.

But at some point—and this is one of the keys to our amendment—the Government may realize it has acquired a communication with one end in the United States based on procedures that are developed by the executive branch and reviewed and approved by the FISA Court. Under our amendment, it must then tag or segregate the U.S.-end communication in a separate database.

Now, we know this tagging process is feasible because the Government recently declassified the fact that it does something similar with information obtained under the PAA. The Government can then access, analyze, and disseminate any of these tagged U.S. communications if they involve terrorism or a suspected terrorist or if someone's safety is at stake. All they have to do is this: They have to simply notify the FISA Court after the fact and provide a brief certification that one of these circumstances apply. There is no requirement that these communications be destroyed, in case they include information that may later prove to be useful. The other tagged communications can also be accessed, analyzed, and disseminated if the Government obtains a court order.

The amendment also ensures there is independent oversight of this process. If the FISA Court has any concerns that the terrorism or emergency certifications are being abused, it has authority to ask for additional information, and to limit future access to certain communications if it ultimately determines the Government's certifications to the court are clearly erroneous.

Now, I do understand this amendment imposes a new framework that may take some time to implement. That is why the amendment would not require the Government to implement this new system for up to a year after enactment. I think that is plenty of time to work out any problems and get these procedures up and running.

The amendment also contains a critical oversight provision. It directs the inspectors general of the Department of Justice and the Department of Defense to audit the implementation of compliance with this amendment. These IGs as well as the FISA Court will have access to the American communications that the Government has acquired to make sure the authorities are not being abused.

Taken together, these provisions ensure that we know when Americans' communications are being collected so there is some baseline information available to the FISA Court, Congress, inspectors general, and other independent monitors for tracking impact of the legislation on Americans' privacy.

Tracking this type of information is also good for national security. We have heard the President tell us repeatedly in defense of his so-called terrorist surveillance program that if there are people inside our country who are talking with al-Qaida, we want to know about that. This amendment takes him at his word, and it requires him to set up procedures for identifying those communications in the United States where it is reasonably practical.

We have been hearing for years now that the U.S. Government needs authority to wiretap foreign terrorists outside the United States without individual court orders. This amendment permits that. To take one example, if the U.S. Government has targeted a member of al-Qaida overseas, under this amendment it can acquire all of that target's communications—all of them. If it determines the particular communication is with someone in the United States, the Government would tag it and it could access and disseminate it as long as the FISA Court is simply notified after the fact with a brief certification. That kind of focused, terrorism-related surveillance—the type of surveillance we most want our Government to be engaging in—would continue absolutely unabated. On the other hand, the amendment provides safeguards in case the Government is, in fact, conducting massive dragnet surveillance of communications with people in the United States. In that situation, yes, this amendment would then impose the oversight that is desperately needed. It will make sure that in situations not involving terrorism or personal safety, the FISA Court will play its important role in overseeing the Government's use of communications involving Americans. In other words, it will make sure these authorities are not abused.

We have heard a lot today about minimization procedures, which are supposed to protect against unnecessary disclosure of information about Americans' communications the Government collects, and the importance of giving the FISA Court power to enforce compliance with them. I strongly support that effort. I tried to initiate this issue in the Intelligence Committee. It has been very effectively taken up in the Judiciary Committee by the Senator from Rhode Island as well as the Senator from New York, and it is extremely important that we prevail in that amendment to get those protections. But the supporters of the Intelligence Committee bill claim that minimization procedures are enough to protect Americans' privacy. In fact, the minimization requirements in the Foreign Intelligence Surveillance Act are quite weak. They permit the widespread disseminations throughout the U.S. Government of information about U.S. persons if it is deemed foreign intelligence information which, again, is very broadly defined, and they permit dissemination of the identities of these U.S. persons if "necessary to understand foreign intelligence information or assess its importance"—also a very loose standard.

Now, we know from our experience in the nomination hearing of John Bolton to be United Nations Ambassador how easy it is for Government officials to obtain access to those identities. And when the FBI receives reports referring to a U.S. person, according to recently declassified Government documents, it will "likely request that person's identity" and will "likely be" the requirements for obtaining it. There are other minimization requirements and Government regulations, the details of which are classified. We know in any event that those can be changed at any time. Minimization is simply inadequate in the context of these broad new authorities. More is needed.

The amendment I have developed with Senator WEBB, Senator TESTER, and others is an extremely balanced and reasonable approach to addressing one of the most serious problems with this legislation. It gives the Government full access to foreign-to-foreign communications without any court oversight. And it provides access to communications between a foreigner and an American, if there is a terrorism link or if someone's safety is at stake, without the requirement of a court order. In other words, this amendment gives the administration what it asked for when it demanded these massive new powers. So when the Vice President says we need to pass legislation that permits warrantless wiretapping of "one foreign citizen abroad making a telephone call to another foreign citizen abroad about terrorism," this amendment totally permits that. When the minority leader says the Government needs to be able to "freely monitor new terrorist targets overseas," this amendment totally permits that as well.

But this amendment also provides safeguards to make sure that Americans' basic rights are being protected. Too many communications of innocent Americans are going to end up in Government databases under the PAA and under the Intelligence bill for us to ignore this very serious problem.

Any Senator who believes that Americans here at home deserve more privacy protections than foreigners overseas should support this amendment, and any Senator who believes the executive branch should not be granted far-reaching surveillance authorities involving Americans without independent oversight should support this amendment as well.

At this time I ask unanimous consent that the Senator from Montana, Senator TESTER, be recognized to speak on this amendment, and after he has concluded his remarks, that the Senator from Virginia be recognized. Both of these presentations would be allocated from the time I control on this amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, let me say how grateful I am to the Presiding Officer, Senator WEBB, and the next speaker, Senator TESTER, new Members of the Senate who have delved into this very difficult subject and who have tried to achieve the right balance. I don't know of any Senators who are more concerned about protecting the lives of Americans from terrorists, but they also want to make sure that we get this right while protecting the privacy of Americans. So I thank both of them.

I yield to the Senator from Montana.

Mr. TESTER. Mr. President, I thank the Senator from Wisconsin for his fine work on this amendment. My comments today will indicate my full support for it. I hope this body uses its wise judgment to put this on the Intelligence bill as it comes forth. I think it is critically important that we move this amendment forward to protect American citizens from unwarranted wiretapping.

Let me say I am very glad we finally reached an agreement on the amendments to the Intelligence Committee bill that would replace current law, that current law being the Protect America Act. I voted against the Protect America Act this last August because it included measures that would permit the Federal Government to conduct warrantless wiretapping and intercept innocent Americans' communications. We all recognize the need for our Government to have the necessary tools to keep us safe. That is at the forefront in all of our minds. At the same time, we must do this in a way that protects our civil liberties and constitutional rights to privacy. A number of amendments have been offered with that goal in mind, including the one I rise to talk about today: the Feingold-Webb-Tester amendment.

This amendment would require that all inadvertent surveillance of a U.S. person—someone who is a U.S. citizen, a legal permanent resident, or a U.S. corporation—be tagged and sequestered. Right now, under the Protect America Act and under the Intelligence Committee bill that we are currently debating, the Government would be authorized to have unfettered surveillance of all communications of all people outside of the United States without a warrant. This access would also be extended to Americans here in the United States at the other end of that phone call or e-mail message. Americans abroad or those who receive communications from abroad could be wiretapped without a warrant. That deficiency is what this amendment addresses.

Let me be clear. This amendment does not stop surveillance from happening; it merely sets a higher threshold for access to communications that involve Americans. Let me repeat that. It sets a higher threshold for access to communications for those that involve Americans.

The Feingold-Webb-Tester amendment will not impede the collection of foreign intelligence information or compromise our national security. It would merely require that intelligence intercepted overseas of an American citizen's communications would have to be tagged and sequestered before it could be accessed. To be accessed, the intelligence community would have to have a specific warrant to review Americans' overseas communications.

Why is this necessary? Because in the past, the administration implemented a warrantless surveillance program which severely encroached upon our rights against unauthorized search and seizure.

Under the Protect America Act, when we monitor foreign communications, there is no requirement that anyone involved in the communication be under any suspicion of wrongdoing. As a result, simply communicating with someone in a foreign country opens any American to surveillance. This is most often the case when a conversation starts abroad and ends up with someone in the United States. Why? Because the Government must meet only two criteria: that at least one party to the communication be outside of the United States, and that the purpose of the surveillance is to obtain foreign intelligence.

This overreaching protocol is even more expansive than the administration's illegal warrantless wiretapping program which is focused on people targeted because of their involvement with suspected terrorists. I am opposed to the widespread wiretapping and surveillance of innocent Americans.

The Director of National Intelligence has openly stated that the current law, the Protect America Act, allows full collection of all international communications into and out of the United States, well beyond what the Government says it needs to protect the American people. Further amendments will be offered during the course of this debate that explicitly state such widespread full collection of all international communication is not authorized. However, as it stands, any time you communicate with someone overseas by e-mail or by phone, your conversation could very well end up in a Government database somewhere.

These days, international communications are commonplace. Many Americans have friends and family living overseas studying or for business or vacationing. When they return, they often keep in touch with the friends they have made while living abroad. For example, if you are on a vacation in Europe and call home to check on your elderly parents, the entire conversation could get caught in the crosshairs of this foreign surveillance program. That is not right and it does not make any sense. It opens innocent Americans to the unrestricted surveillance of wholly innocent conversations by the Federal Government. This is not what Americans expect or deserve.

We must act to ensure that such communications caught in the widely cast net of surveillance are segregated or specifically designated so that privacy concerns can be minimized. This amendment, the Feingold-Webb-Tester amendment, would require that this information be kept apart as a way to protect the privacy rights of those people who innocently find themselves under surveillance. The content would not be destroyed, but investigators would have to go through additional steps in order to access it in the future.

The Foreign Intelligence Surveillance Act is meant for foreign surveillance. Our amendment reiterates that focus and it protects Americans from the accidental but very real intrusion of our right to privacy. I don't want my granddaughter, my wife, your kids, or any other Americans to have their communications monitored, stored away, and then easily accessible at a later date. This amendment ensures that doesn't happen.

I urge my colleagues to support this amendment. I think it is critically important for the success of this bill and to protect innocent Americans' civil liberties.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, I also rise in support of this amendment, which I am very proud to be cosponsoring along with the Presiding Officer and Senator TESTER. I appreciate also the support of a number of other Members of this body on this bill.

I wish to start by saying I consider myself to be very much a realist when it comes to the intelligence services in the United States and when it comes to the use of classified information. I got my first security clearance when I was 17 years old. I have been involved in the intelligence world all of my life. When I was Secretary of the Navy, I was privileged to have "black" security clearances in a number of areas with some highly sensitive information. I understand the complexities of this environment.

I also am very sensitive to the massive instantaneous flow of data that now exists in today's world that makes it essential we have more rapid procedures in place in order to intercept key transmissions. But that also gives us the responsibility to ensure that with this higher volume of communication, we don't allow mistakes and abuse, because that potential also rises.

Simply stated, this amendment is designed to allow our Government on the one hand to aggressively fight terrorism but, on the other, to protect our vital constitutional rights and our system of checks and balances.

This amendment will neither stop nor slow down any of our vital intelligence activities. I wish to reemphasize that. There is nothing in this amendment that will slow down the ability of our intelligence services to do the job they are supposed to do.

The American people have been following this debate. The law is a complex law; we recognize that. But the arguments advanced by many in this Chamber have not focused fully on the broad constitutional issues about which Americans have concerns. We care about keeping our Nation safe from further terrorist attack. But we also must care just as deeply in this body about making sure our Government's surveillance is done in a way that is consistent with our Constitution.

I agree with my colleagues—many of whom sit on the Intelligence or Judiciary Committees—this law needs to be updated for all the reasons I mentioned. I am very proud of our Government's trained professionals who have worked so tirelessly for the last 6½ years, since 9/11, in their effort to help keep our country safe.

But while the means of electronic communication surveillance have rapidly modernized, the speed and overwhelming volume of those communications still requires us to maintain a balanced Federal system, with proper checks and balances against the improper use of governmental authority. The broader the governmental authority, the greater is our responsibility to ensure this authority is narrowly and properly applied.

The watchwords of this debate, from our perspective, are: Safety. Security. Fighting terrorism. But also oversight—oversight of the executive branch, proper checks and balances. Those watchwords should guide us.

The Senator from Wisconsin has completed an exhaustive explanation of the nuts and bolts of this amendment. The Senator from Montana has added to that. I will not belabor their explanations of those finer points. But I emphasize our amendment will do what the American people have been demanding: restore a proper system of checks and balances in our Government's surveillance program. Every Member of this body—and every American, no matter which political party or persuasion—supports the fundamental bedrock concept of checks and balances, concepts we have captured in this amendment's provisions.

As I mentioned, this amendment allows our Government to fully and effectively monitor communications in order to keep us safe from terrorist attack, in every conceivable way. It permits our Government to acquire any foreign-to-foreign communications. It permits our Government to acquire any communications of suspected terrorists into or out of the United States. It permits our Government to acquire any communication where there is reason to believe the acquisition is necessary to prevent death or serious bodily harm. And it permits our Government to acquire any communications for law enforcement purposes if the communication is evidence that a crime has been, is being or is about to be committed.

Simply stated, the underlying bill in this amendment bestows on our Government the essential tools to keep America safe.

On top of that, for the first time, this amendment would erect a system of oversight and accountability for communications that do not fall into the broad categories I have described.

What types of communications? They are communications that have one end in the United States and generally involve innocent Americans who are not targeted as suspected terrorists, as the Senator from Wisconsin so aptly described. In other words, it could be anyone; it could be you, it could be me. For those of us who have no ties to terrorism, an updated FISA law should and must provide proper protections.

As the Senator from Wisconsin described in his remarks, under this amendment, when the Government realizes it has acquired a communication with one end of the United States, the Government must segregate that specific communication in a separate database. For example, this could take the form of a telephone call or an e-mail.

To emphasize, so there is no misunderstanding: Even after segregating these communications, the Government can have full access to them; but the Government cannot, and should not, have unfettered access to communications of innocent Americans.

This amendment is quite simple. The inspectors general for the Department of Defense and Department of Justice would be given access to sequestered communications. These sequestered communications will allow the inspectors general to see specifically which Americans the Government surveilled or which specific communications were diverted into Government hands for possible surveillance.

Using this information, the inspectors general would be required to conduct audits of the implementation of the sequestration system and determine the extent of the surveillance. I note the inspectors general would employ staffs with appropriate security clearances. And at least once per year, they must report their findings to the Senate and House Committees on the Judiciary and Intelligence.

I believe we need this amendment for many reasons. For almost 7 years, the executive branch's surveillance program has operated in almost total secrecy, often above the law and the Constitution, and often above any review by Congress or the Foreign Intelligence Surveillance Court. For almost 7 years, only the executive branch, and perhaps a few isolated employees of telecommunications companies, have known which Americans were being surveilled. This is unacceptable in a constitutional system, whose Founding Fathers rejected the notion of an executive branch with absolute, unchecked authority. In fact, Congress rejected the notion of unchecked executive authority when it originally passed FISA, after the Watergate scandal.

There are many arguments that may be leveled against this amendment. I believe they hold no water. Some of them simply employ fear tactics to cloud the issues of constitutional propriety.

First, some may contend the underlying bill already greatly expands the authority of the FISA Court. But the problem is the pending bill requires only a review of general surveillance processes. Administrations can, and have, abused processes. A truly robust system of checks and balances demands accountability and oversight over the specific communications obtained by the Government.

This oversight is all the more critical because, for almost 7 years now, the administration may have enjoyed completely unrestrained access to the communications of virtually every American.

Do we know this to be the case? I cannot be sure. One reason I cannot be sure is I have been denied access to review the documents that may answer these questions, even about the process. A month ago, our majority leader wrote to the Director of National Intelligence, asking that all Senators be given access to the documents surrounding the telecommunications companies' involvement in the administration's surveillance program. To this date, that request has been denied.

The denial of this request is one more reason the Senate must bring true accountability to our Nation's intelligence-gathering process. If we do not ask the tough questions and demand true oversight, how will we ever know the extent of Government surveillance or how many innocent Americans have been listened to?

Second, some will argue a process of sequestering communications will be far too cumbersome and, as the Senator from Wisconsin pointed out, this is simply untrue.

Under current law, the Government already labels the surveillance communications it collects.

Additionally, members of the Judiciary and Intelligence Committees tell me that the segregation of these communications can be easily accomplished. Finally, if our intelligence community needs additional personnel or resources to accomplish this requirement, then the Congress should promptly provide the necessary funds. Compliance with the U.S. Constitution is not a matter of option; it is mandatory.

Third, some may contend that this amendment is a partisan ploy designed to embarrass the intelligence community and the administration.

Again, this is simply untrue. I would make the same arguments if the current President belonged to my party. This amendment is not rooted in partisanship. Rather, it attempts to protect the constitutional rights of all innocent Americans.

Moreover, I recognize the tremendous work and sacrifices made by the professionals in our intelligence community, as they aim to keep our homeland safe from attack. But only through a robust system of checks and balances can we ensure the good name of our intelligence professionals and the work that they do.

In sum, I ask my colleagues to join in supporting this amendment. It is time to lay aside our differences and do what is right, time for the Congress to aggressively and responsibly assert its oversight responsibilities.

I am reminded today of a famous quote from U.S. Supreme Court Justice Cardozo. Analyzing our constitutional system of checks and balances, in 1935 Justice Cardozo wrote that executive branch "discretion is not unconfined and vagrant. It is canalized within banks that keep it from overflowing."

I urge my colleagues to recognize the importance of this amendment in keeping our Nation safe while also restoring an appropriate system of checks and balances to the FISA surveillance process.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Presiding Officer, in his capacity as a Senator from Wisconsin, reserves the remainder of his time on this amendment.

The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I yield myself 5 minutes. I appreciate the concern of my colleagues on the other side of the aisle. But there are quite a few misconceptions and misinterpretations about the bill and about the impact this proposed amendment would have.

Again, after the chairman speaks, there are a number of members of the committee who wish to come and speak more about it.

The purpose of this bill is, and always has been, to enable the intelligence community to act to target foreign terrorists and spies overseas. To answer many of the contentions made, you cannot get a certification to begin the process, unless there are reasonable procedures to assure that the targeted persons reasonably are believed to be located outside the State. Two, the procedures are consistent with the requirements of the Fourth Amendment and do not permit intentional targeting of any person known to be located in the United States. In 2(a)(3), it says that a significant purpose of the acquisition is to obtain foreign intelligence information.

Now, the statements that somebody who has gone abroad and is calling back home to their children would be surveilled is beyond the pale. No. 1, there is a clear prohibition in the bill against targeting any U.S. persons abroad without getting a FISA Court order saying there is reasonable cause to believe, one, they are acting as an agent or officer or employee of a foreign power; and, two, they have significant information. What this amendment does, however, is strike the ability to collect information on some foreign power that may be talking about proliferation of weapons of mass destruction. Furthermore, it would prevent collection on hostile states acting in a dangerous manner to the United States.

Now, the amendment, as it is drafted, will have a totally unexpected impact. It is difficult to explain, in an unclassified session, why this amendment is unworkable. But it would say that if there is a person reasonably believed to be located in the United States, such communication shall be segregated, or specifically designated, and no person shall have access to such communication except in accordance with title I, which presumes that you have access to that information, to determine whether it qualifies under the exceptions to the prohibition.

In effect, you would have a requirement that any kind of incidental communication from a person, from a foreign terrorist target, somebody having information of foreign intelligence value or a possible terrorist attack, who calls the United States or sends an e-mail, you would have to track down and find out where every e-mail recipient may be. You would have to identify people who might be collecting that information and investigate whether they are in the United States; and you would compile a significant amount of information on U.S. persons.

The whole reason it operates with minimization is to say there are only certain communications which the intelligence community is lawfully permitted to acquire, and which it has any desire to acquire, because to acquire all the communications from all foreigners is an absolutely impossible task.

I cannot describe in a public setting how they go about ascertaining which collections are important. But to say that if Osama bin Laden or his No. 3 man—whoever that is today, after the last No. 3 man in al-Qaida was wiped out—calls somebody in the United States, we cannot listen in to that communication, unless we have an independent means of verifying it has some impact or threats to our security or a terrorist threat.

That is the most important communication we need to intercept. The Protect America Act has kept our country safe because if somebody calls in with information on a terrorist threat, then the FBI and local law enforcement officials can go to work on that threat immediately and get additional criminal authorities as needed. But that is the most vital kind of information to get. We certainly should not be required to be put in a lockbox, as this amendment would provide.

Finally, talking about expansion of surveillance powers, when FISA was first adopted, most of the collection against foreign targets came by radio, whether coming into the United States or going foreign to foreign, and there was no limitation on it. There was no limitation on intercepting radio communications.

What we have done in FISA is to impose significant new restrictions on the collection of information that might be of foreign intelligence value. We should change the definition of "electronic surveillance," but we were not able to do so in this law so it would apply to collection against other forms of communications.

Suffice it to say, this bill before us, the bipartisan bill, is carefully targeted, limited, covered with layers of protection and oversight to assure minimization, as I previously suggested. Whether you believe the inspector general of NSA, the inspector general of the DNI, the Department of Justice will perform adequate oversight or not, you can be sure the Intelligence Committee will do so.

I yield the floor and reserve the remainder of our time.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Wisconsin.

Mr. LEAHY. Mr. President, will the Senator yield to me? I was going to ask that I be allowed to proceed, I don't think it will be more than 5 or 6 minutes, as though in morning business to give a eulogy, with the time not to be taken from either side.

Mr. FEINGOLD. I ask the Senator if I can quickly respond to the Senator from Missouri.

Mr. LEAHY. Of course. I understand.

Mr. FEINGOLD. Mr. President, responding to the comments just made, the Senator from Missouri, in responding to the Feingold-Webb-Tester amendment, tried to indicate that this will prevent us from going after spies and others from foreign states. First, under our amendment, of course the FISA Court can grant permission to wiretap spies. And, if it is a foreign state that is involved in terrorism, there would be no permission required under our amendment to wiretap the officials involved. It would not affect that.

It was also suggested this would somehow be very cumbersome. That suggests we are requiring permission for all foreign communications, but that is not true. Our amendment only affects, and only in a minimal way, communications from a foreign place to someone in the United States. That is not cumbersome.

Third, the Senator from Missouri suggests we will have to make the Government sift through all kinds of e-mails to figure out whether they can get at individual communications. That is the opposite of the way this works. This amendment creates an assumption in favor of collection. In other words, if the Government does not know for sure if a communication is foreign or domestic, the assumption is it is foreign until there is some indication that it is domestic. It is only then that the limited oversight provided by this amendment kicks in.

The final example the Senator from Missouri used shows how questionable these arguments are. If you can believe it, the Senator argued that if Osama bin Laden called someone in the United States, somehow our amendment would affect that. That is obviously false. Our amendment specifically allows an exception for any conversation by anyone in the United States with a terrorist overseas, without any special FISA Court permission. That argument shows the weakness of the opposition. The idea that the Senators from Virginia and Montana and I would suggest an amendment to not allow us to listen in on Osama bin Laden gives you a little clue that the arguments against this amendment are not based on the amendment we offered.

I thank the Senator from Vermont very much for understanding. I wanted to quickly respond to those arguments. I yield the floor and reserve the remainder of my time.

Mr. CARDIN. Mr. President, may I ask the Senator from Vermont to yield for a moment? I ask unanimous consent that I be recognized after the Senator from Vermont.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, first, I might say, in this debate the Senator from Wisconsin is absolutely correct. I was there during some of the debate on this issue and I know what he means.

(The remarks of Mr. LEAHY are printed in today's RECORD under "Morning Business.")

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, with the forbearance of the Senator from Maryland, I wish to place our situation in context because we have a number of things going on, and I would like the Parliamentarian to explain it to me so it is very clear to all of us.

Before I do that, I am reading at the direction of the leader his unanimous consent request, and that is to have the time from 5:20 p.m. to 5:30 p.m. be reserved for debate on the motion to invoke cloture on the motion to proceed to H.R. 5140, the economic stimulus bill; further, that the time be equally divided and reserved for the two leaders or their designees, with the Republicans controlling the first 5 minutes and the majority controlling the final 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROCKEFELLER. Now I would like to ask the Parliamentarian to help me be sure and our Members on the floor and others what our situation is. The chairman of the Judiciary Committee has just given an extraordinarily moving tribute to a very dear friend of his—extraordinarily moving—but that came in between. Now, the Senator from Pennsylvania has come upon the floor and he wants to say certain things, and there are people in the gallery to whom this would have a direct effect, so there is a temptation to go along with that. On the other hand, we are still on the Feingold amendment. I believe that to be the pending amendment, if the Parliamentarian declares that to be the case.

On the other hand, the person who is listed second on the order of the day is the Senator from Maryland. In the matter of how many years we should wait before going back to this, if we do, he was in fact the second person on the order of the day for the second amendment. He is here. He has been waiting and he wants to present that amendment. So it is 4 o'clock and we have a variety of things before us, and I wish the Parliamentarian to set us straight as to where we are.

The ACTING PRESIDENT pro tempore. The Feingold amendment is the pending amendment. There is time remaining for debate on that amendment. However, an order has been entered for the Senator from Maryland to offer his amendment, on which there is 60 minutes of debate, and that is to come next.

Mr. ROCKEFELLER. I don't know how much time is remaining on both sides with respect to the Feingold amendment.

The ACTING PRESIDENT pro tempore. On the Feingold amendment, the majority has 7 minutes 39 seconds, and those opposing have 37 minutes 27 seconds.

Mr. ROCKEFELLER. If this Senator does his mathematics, that takes us already past the time of the unanimous consent.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. ROCKEFELLER. Of course, we don't have to use all our time. Therefore, I would encourage our colleagues not to do so, and yet to get out the full body of the amendment.

I appreciate the response of the Parliamentarian, the Presiding Officer, and I yield the floor.

Mr. LEAHY. Mr. President, I support providing the Government with the flexibility it needs to conduct important surveillance of overseas targets. Both the Intelligence Committee's and the Judiciary Committee's versions of this bill would allow the Government to intercept all communications of overseas targets, including those communications with people inside of the United States. However, this also means that the Government will necessarily be acquiring the communications of innocent Americans.

I commend Senators FEINGOLD, WEBB, and TESTER for crafting an amendment that will help to safeguard the privacy rights of innocent Americans whose communications are acquired during the surveillance of overseas targets. This new FISA legislation will grant the Government authority to conduct surveillance on overseas targets concerning "foreign intelligence." This term covers a broad range of subjects and the new authority would permit the Government great latitude to intercept communications without a court order. Once Americans' communications are collected, they can be shared widely with other agencies. This Feingold-Webb-Tester provision permits unfettered acquisition of foreign-to-foreign communications and of communications of suspected terrorists into or out of the United States while creating safeguards for communications not related to terrorism that the Government knows have one end in the United States. If the Government is not able to determine beforehand whether a communication will be into or out of the United States, it can acquire all of those communications without prior court approval. What this amendment does is add the very reasonable protection that if it is later determined that a communication involves a person in the United States, measures will be taken to segregate that information to assure that privacy is protected appropriately. There are exceptions even then to make sure that national security is never placed at risk. If the communication involves terrorism or a suspected terrorist, if someone's safety is at stake, the Government can then access, analyze and disseminate that communication.

This amendment is an important check to ensure that the new authority we will grant with this bill is used as intended. Without it, many law-abiding Americans who communicate with completely innocent people overseas will be swept up in this new form of surveillance, with virtually no judicial involvement or oversight.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. CARDIN. Mr. President, let me thank my friend from West Virginia for clarifying the floor circumstances as best we can.

AMENDMENT NO. 3930 TO AMENDMENT NO. 3911

Mr. President, I ask unanimous consent to lay aside the pending amendment, and I call up amendment No. 3930.

The PRESIDING OFFICER (Mr. LEVIN). Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

> The Senator from Maryland [Mr. CARDIN], for himself, Ms. MIKULSKI, Mr. LEAHY, Mr. ROCKEFELLER, and Mr. SALAZAR, proposes amendment numbered 3930.

The amendment is as follows:

(Purpose: To modify the sunset provision)

> On page 54, line 16, strike "2013." and insert the following: "2011. Notwithstanding any other provision of this Act, the transitional procedures under paragraphs (2)(B) and (3)(B) of section 302(c) shall apply to any order, authorization, or directive, as the case may be, issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by this Act, in effect on December 31, 2011.".

Mr. CARDIN. Mr. President, first let me thank my colleagues for their patience. We are trying to get through a series of amendments on the FISA legislation.

The amendment I am offering is one that was approved by the Judiciary Committee, one that I think is very important to this legislation moving forward, and one which would establish a 4-year sunset for congressional review. I am proud that my cosponsors of this amendment include Senator LEAHY, Senator ROCKEFELLER, Senator MIKULSKI, and Senator SALAZAR, and I thank the distinguished chairman of the Intelligence Committee, Mr. ROCKEFELLER, for his leadership and for his help in regard to the amendment I am bringing forward.

I wish to go back a little in time to when the original FISA statute was passed. During that period of time, we had recently come out of Watergate. There were certainly indications of warrantless surveillance done on Americans because of their disagreement with the administration in power, there were indications of warrantless surveillance of individuals because they happened to disagree with U.S. policy in Vietnam, and there was genuine concern that we had not balanced properly the Government's need to obtain information in order to keep us safe and the protections of the civil liberties of the people who live in our own country. So we tried to enact a statute that would provide balance in 1978. There was the Church committee report, and in 1978 Congress passed the FISA statute.

I want to start by quoting from one of our colleagues, Senator KENNEDY, and what he said in 1978 about the original passage of the FISA statute—the Foreign Intelligence Surveillance Act of 1978. He said:

> The complexity of the problem must not be underestimated. Electronic surveillance can be a useful tool for the government's gathering of certain kinds of information; yet, if abused, it can also constitute a particularly indiscriminate and penetrating invasion of the privacy of our citizens. My objective over the past 6 years has been to reach some kind of fair balance that will protect the security of the United States without infringing on our citizens' human liberties and rights.

The Attorney General at that time for the Carter administration was Griffin Bell. Attorney General Bell said:

> I believe this bill is remarkable not only in the way it has been developed, but also in the fact that for the first time in our society the clandestine intelligence activities of our government shall be subject to the regulation and receive the positive authority of a public law for all to inspect. President Carter stated it very well in announcing this bill when he said that "one of the most difficult tasks in a free society like our own is the correlation between adequate intelligence to guarantee our Nation's security on the one hand, and the preservation of basic human rights on the other." It is a very delicate balance to strike, but one which is necessary in our society, and a balance which cannot be achieved by sacrificing either our Nation's security or our civil liberties.

A lot has happened since 1978 when that law was passed. We know that technology has changed and the law has been amended over its life, but we still have the same problem: how to balance our need to get information, which is important for the protection of our Nation, and the civil liberties of our citizens.

I am proud to represent the people of Maryland. I am proud of the work done by NSA—the National Security Agency—which is located in Maryland. I have visited the National Security Agency on many occasions. These men and women, dedicated to a mission of protecting our country by getting lawful information which is important to preserve the security of America, do their job with great distinction and great dedication to our country.

But we have seen in recent years the difficulty in complying with the FISA statute. Information obtained from foreign sources, because some communications come through America with the new technologies and the way in which communications are now handled today, is different than it was back in the 1970s. So we need to pass this statute. I think everyone here is prepared and understands the need for us to modernize the FISA statute, but we have to get it right.

Let me mention one debate that has been taking place on this floor that the chairman and the Republican leader on the Intelligence Committee have talked frequently about, as has the leadership on the Judiciary Committee, and that is the minimization rules. We think we have it right now, but we are still concerned about the minimization rules. It is interesting to go back in history and look at what the Senate Judiciary Committee said in 1978 about the concerns of Americans being caught in the web but not being the main focus of our target for surveillance. The Senate Judiciary Committee observed:

> Also formidable, although incalculable, is the chilling effect which warrantless electronic surveillance may have on the constitutional rights of those who were not targets of surveillance, but who perceived themselves, whether reasonably or unreasonably, as potential targets. Our Bill of Rights is concerned not only with direct infringements on constitutional rights, but also with Government activities which effectively inhibit exercise of these rights. The exercise of

> political freedom depends in large measure on citizens' understanding that they will be able to be publicly active and dissent from official policy within lawful limits, without having to sacrifice the expectation of privacy that they rightfully hold. Warrantless electronic surveillance can violate that understanding and impair that public confidence so necessary to an uninhibited political life.

That is what we are concerned about here. We want to make sure we get this right, and we know that over time we have seen abuses of the statute. We are now concerned about what happens when an American is targeted. They didn't think about that before, about someone traveling abroad. I congratulate the committee for bringing forward a bill that does protect Americans who are traveling abroad and are a target of surveillance by requiring cause be shown. That is how it should be.

I am very concerned about the debate we are having in this body concerning the exclusivity in the statute we are going to pass. There has been a long history of debate as to how much article II power the President has in regard to warrantless surveillance. This is not a new subject. But I must tell you, I think this administration took that issue to a new level. I believe the courts agree that the President went too far. So it is our responsibility to try to get this right so that we have the rule of law behind what the administration does, rather than trying to use article II power, which in fact can very easily be abused.

There is another issue I want to comment on briefly—and I will come back to the sunset provisions as to why I think the 4 years is so particularly important in this legislation—and that is the immunity issue and the retroactive immunity. Retroactive immunity concerns me. I would hope it would concern every Member of the Senate. It concerns me not just as it affects the telephone companies in their cooperation with this administration—because there has been clear evidence that they operated under the authority that the administration had this power and that they were helping their country—but what concerns me about granting them retroactive immunity is the impact it will have on the courts' oversight of the abuse of privacy by the administration or private companies.

We need the courts actively involved here. We don't get this right all the time, and certainly the administration doesn't get it right all the time. We need the courts involved in these issues. If we grant retroactive immunity, we are saying we reserve the right to take away the third branch of Government—the judicial branch of Government—for making determinations as to whether an individual's right of privacy is violated. I don't think that is something we want as a legacy of this Congress. That is why many of us are concerned about using retroactive immunity.

There are other options that are out there. I see my distinguished colleague from Pennsylvania, Senator SPECTER, is here. He has a proposal that I think would take care of the concerns of the telephone companies yet protect the integrity of the courts. I congratulate him for that recommendation, and I think he has now refined it to the point that I hope it will garner the type of support necessary for approval by this body.

Senator FEINSTEIN has a proposal that, rather than just giving immunity, would at least have the courts make the determination as to whether the telephone companies are entitled to this relief; whether they acted in good faith. So at least we have the courts involved in this decision rather than taking away their authority. I think either of those recommendations would be a major improvement over giving retroactive immunity to telecommunication companies.

But let me get to the specifics of the amendment I have offered, which is the 4-year sunset on the provisions. Again I am pleased to be joined by several of our colleagues. It is interesting to point out that sunsets have been part of the FISA statute for a long time. When the USA PATRIOT Act was passed, it contained a 4-year sunset. Now why did we put a 4-year sunset in? We were worried about whether we got it all right. This is something that required the continued attention of the Congress and the administration. In fact, we reauthorized it with significant changes and then put in another 3-year sunset, in this case for one of the most controversial provisions. So this is something we have done in the past.

The Protect America Act is a major departure from the PATRIOT Act. It was passed hurriedly, and no one denies that. It was passed hurriedly last August, and we weren't comfortable with what we did. The proof is the bill now before us is a much better bill. Thank goodness we had the sunset. The committee recognized the need for a sunset because they put a 6-year sunset in.

Why do I think it is so important to change that 6 years to 4 years?

Let me tell you why: I think it is in our national interest that the next administration taking office in January of 2009 be focused on this issue, this vital issue of getting the intelligence information that is critical to protect the safety of the people of this Nation but also to protect the civil liberties of Americans.

I think it is vital that the next administration look at those opinions that came out of the Attorney General's Office and the White House and give a fresh look to it and try to figure out if there is not even a better way to accomplish both the collection of information and the protection of civil liberties.

If we continue the 6-year sunset, there will be no requirement for the next administration to take a look at this statute. With a 4-year sunset, it will come under the watch of the next administration.

It is very interesting that one of my colleagues talked about the opportunity to review documents, and I believe the distinguished chairman of the Intelligence Committee would agree with me—from the fact that we had a sunset on the bill we passed in August, we got a lot more attention from the administration on getting material. They brought a lot of material into our office so we could review it. They cooperated with us because they knew we had to act. If we include a 6-year sunset, there will be no requirement for the next administration to engage Congress on this issue. I want the next administration to engage Congress on this issue.

We have seen the change in technology since we passed this bill in 1976, and technology is changing more rapidly than ever before. We do not know the next way in which terrorists are going to be using it in order to try to circumvent our detection as well as our laws. We do not know that. So it is important for us to stay engaged so that we can have the most effective tools in place, not using the article II power of the President but having Congress engaged and making sure we have the statutes correct.

It is another reason I think it is very important to have a 4-year sunset. I know I am not telling you something you do not already know, but the FISA statute gives the administration extraordinary powers and very sensitive powers as it relates to the privacy of people here in America and an issue on which we have to make sure we protect the rights of our citizens.

So for all of those reasons, we want to stay engaged on this subject. Again, I want to emphasize this is not a question of no sunset versus a 6-year sunset. I understand the administration wants no sunset. I can understand that. The President probably would want no Congress. But the Framers of our Constitution understood the importance of the legislative branch of Government. It is rated as No. 1, article I.

I urge my colleagues to support this amendment. It is an amendment that is offered in good faith. I would encourage my colleagues to support the amendment.

I reserve the reminder of my time.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. This Senator would add an additional complication but one which is necessary and highly important.

Senator LEAHY, as I indicated, gave a very moving statement. We now have two more Senators on the floor who wish to discuss equally tragic circumstances with members of either the family or close friends in the gallery, which means we cannot postpone, for a variety of reasons which the senior Senator gave me.

I ask unanimous consent that we set the pending amendment aside temporarily and first call upon the junior Senator from Pennsylvania and then the senior Senator from Pennsylvania to make a few short remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. The junior Senator from Pennsylvania is recognized.

Mr. CASEY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CASEY and Mr. SPECTER pertaining to the submission of S. Res. 442 are printed in today's RECORD under "Submitted Resolutions.")

(The remarks of Mr. SPECTER pertaining to the introduction of S. 2591 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER. Mr. President, I thank the managers of the bill for the time.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, in the absence of the Senator from Maryland, I yield myself 5 minutes from the time controlled by Senator CARDIN on his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3930

Mr. ROCKEFELLER. Mr. President, this Senator supports the amendment of the Senator from Maryland to revise the sunset provision of the bill so that the new authority established under this act will expire after 4 years.

This Senator had originally started out supporting a 4-year sunset because it seemed to make sense because it comes during the next President's term in office.

This is supremely important legislation. There is no one—with the exception of the administration—who has objected, no committee which has objected to the idea of considering a sunset review. The reason is very clear: One wants to make sure, when you are balancing foreign intelligence collection, intelligence collection in general, and civil liberties, that one has the right balance. The question before us today is what date in the future makes the most sense for a sunset.

There are a number of new initiatives which are either proposed to be started in this legislation or which will be started in this legislation, and none of them are entirely predictable.

I think a 4-year sunset makes a lot of sense because it is so important that we know what we are doing, that we know we are doing it right, and that we know the intelligence community knows it is doing its work correctly—I do not mean badly or superbly but simply that they are getting it the way they want to do it and it is compatible with the spirit of the law, that the Congress and the administration are in sync on it. We do this before we settle this into permanent law.

This is all new. Everything changed on 9/11. Many considerations under the law, particularly with respect to the gathering of intelligence and the protection of privacy, changed. This is especially important in light of the rapid pace of change in telecommunications technology—one of the main reasons were are here today revising FISA.

I think we need to have a 4-year sunset amendment. I do think it is important that the intelligence community, the Congress, and the administration come back together in 4 years. Congress, obviously, can bring it up anytime we want. On the other hand, if we do it this way, with a 4-year sunset amendment, it obliges all participants to come to participate. That is the way we get resolved what works and what does not work, and we learn from the intelligence people, and they learn from us, as to what we think is the best way to proceed.

So I do strongly support that amendment. It would take us to December 31, 2011. This four year period would give the intelligence community ample time to move ahead but it also ensures that the decision on permanency is made when Congress and the executive branch are prepared to evaluate the legislation again. As I have indicated, I support the amendment.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Republican floor manager, I think by our tradition, is to be recognized.

Mr. BOND. Mr. President, I thank the Chair.

I appreciate the opportunity to share a few views on the amendment. Again, on this measure, as on the others, I have a number of my colleagues who have indicated a desire to speak on it, so I am only going to take a very few minutes.

But let's be clear: When this issue came before the Intelligence Committee, we worked on a bipartisan basis to compromise. I think we had, as I have said before, a very good compromise. Everybody gave. I did not want any sunset. I felt providing our intelligence community the ability to establish a good, strong, adequately protected but yet effective means of intercepting foreign intelligence communications was vitally important so the intelligence community would know they had this ability.

Moreover, I have had the opportunity, in the last couple years, to meet with many of our allies abroad. Our allies depend upon our ability to intercept communications that lead to the disruption of terrorist attacks in other countries.

Again, I ask my colleagues who want to know what the Protect America Act has done to review the classified communication that the Director of National Intelligence sent us saying how many times and where in foreign countries we were able to provide vital information through our collection of electronic signals to the governments that wanted to be able to prevent terrorist attacks and were significantly enabled to do so by means of our collection efforts. Probably the reason for keeping it a permanent law was best expressed by the Attorney General, Mike Mukasey. When he was asked about why we shouldn't have a sunset, he said: The enemies, the Islamist terrorists who want to do us harm, do not put a sunset on their fatwas, their orders to go out and kill Americans and kill our allies and kill our troops abroad.

There is no immediate prospect of cessation of foreign terrorist activities or proliferation of weapons of mass destruction or even threats from countries that are absolutely hostile and dangerous to the United States. To put an artificial time limit on it makes no sense.

I have a different view of what the Intelligence Committee should be doing. One of the things we see, as we have discussed some of these amendments, is that those of us on the Intelligence Committee have special access to all this information, but we have a heavy responsibility. We try to carry it out well. Every time we explain on the floor what our intelligence activities are concerning, even in an unclassified setting, the more we talk about it, the more our enemies—those who would seek to do us harm—learn about our intelligence collection capabilities. Bringing this back to the floor will enable them, once again, to learn more about what we are doing and when we are doing it.

Frankly, having a sunset that expires just before a new administration is sworn in after the 2012 elections seems to me not to make much sense. If there are changes needed in the Foreign Intelligence Surveillance Act amendments of 2008, it is our job on the Intelligence Committee to conduct continuing oversight. If there is a problem with that activity, if it is inadequate or if it is not properly regulated, then it is our job in our oversight hearings to bring that to the floor and bring that particular fix or that particular change that is needed to the floor immediately. We shouldn't wait 6 years or even 4 years. If we need to fix it, we need to find out what fixing is needed, and we need to take those steps at that time, not wait for 4 years or 6 years.

All we do by setting an artificial time limit on it is to say to those who seek to do us harm: Well, if you go past the deadline, who knows? Maybe the Congress will not be able to adopt an extension. Maybe we will be able to communicate with our operatives in the United States and elsewhere without surveillance. It causes uncertainty in the intelligence community, and I believe it is not wise to cut back on the compromise we reached on a bipartisan basis in passing out the FISA amendments of 2008 by a 13-to-2 vote.

So I urge my colleagues to vote against this amendment.

I yield the floor, and I reserve the remainder of the time on this side.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, first, let me thank the distinguished chairman of the Intelligence Committee for his support for this amendment. He has helped in bringing it forward. Let me respond, if I might, to Senator BOND's points.

First, let me point out that the cooperation we receive from the executive branch is very much enhanced when they know we have to pass a statute. All we need to look at is the cooperation we have received over the last several years from this administration to know that when we get to a point where Congress needs to act, we get the help of the administration in bringing us on board.

As to the comments by the Republican leader on the committee that the terrorists don't have sunsets, they also don't have a legislature. They don't have democracy. They don't have any process that is open. They have no respect for civil liberties. We fight for this Nation because of what this Nation stands for. We know there are abuses of power, and we have a responsibility to take action on them. Sunsets have worked on the FISA statute. My colleague from Missouri has supported sunsets at different times during the process. We had it in the PATRIOT Act, and in the renewal of the PATRIOT Act we still have sunsets. We had sunsets on the original Protect America Act, and the bill that came out of the Intelligence Committee has a sunset in it.

I understand the administration is against sunsets. I understand that. I don't agree with the administration's view and the way they use the power that was given to them—that they thought was given to them. I think they have abused it at times. Thank goodness we had oversight to try to rein that in, and thank goodness we had the courts looking at what they were doing.

So the point is whether it should be 6 years or 4 years. I think it is critically important that the next administration work with this Congress to take a look at how this administration used the power and take a look at the legal opinions that were written so we have a comfort level between Congress and the next administration on protecting the security of America and protecting the civil liberties of the people who live in this Nation. That is why I believe the 4-year sunset is so important.

I respect the view of my colleague from Missouri as to the predictability of statutes. We are not going to let the authorities expire. We are going to carry out our responsibility. We know that. There is not a person who is a Member of this body who disagrees with giving the appropriate tools to the intelligence community.

As I said earlier, I am very proud of the work that is done at NSA in the State of Maryland by dedicated men and women. They can't send out press releases when they do things that are very important to our country in protecting our security. They do a great job. We owe them the type of support that includes a statute that is definitive and makes sense and that we pass; also, that we continue to be their partners and continue the oversight with the change in technology and continue to work with the executive branch to make sure we get it right.

I urge my colleagues to support the amendment. I reserve the remainder of my time.

Mr. LEAHY. Mr. President, I think we all recognize that this legislation would provide broad and untested new powers to the executive branch. We are willing to do that in order to protect our national security. But this surveillance does not just affect foreign targets; it also affects the privacy rights of potentially millions of American citizens. That is why it is so important that we get this right. And that is why I support Senator CARDIN's amendment, which would reduce the sunset provision of this bill from 6 years to 4 years.

We are dealing with untested procedures; we have no assurance that what we are doing now will properly protect national security or the privacy rights of Americans. Many questions remain about how the new authorities that Congress is prepared to grant will be implemented, whether they will be effective, and—equally important—the extent to which they will intrude on innocent conversation of Americans. As we understand more about these authorities—and perhaps as technology allows us to improve our approach to this important surveillance—the executive branch and the Congress should reevaluate these sensitive authorities.

There is too much here that is new and untested to allow the authorities to go longer than even expiration of the next President's term before requiring a thorough review. A 4-year sunset makes sense. It will allow the next President 3 years of experience under these authorities to monitor how these new powers are being carried out. And it is an appropriate time for the Congress to evaluate whether the legislation strikes the right balance between national security needs and Americans' civil liberties.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. I thank the Senator from Maryland for his leadership on the sunset issue. I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 3915 TO AMENDMENT NO. 3911

Mr. FEINGOLD. Mr. President, I call up amendment No. 3915.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself and Mr. DODD, proposes an amendment numbered 3915.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To place flexible limits on the use of information obtained using unlawful procedures)

On page 17, strike line 20 and all that follows through page 18, line 11, and insert the following:

"(B) CORRECTION OF DEFICIENCIES.—

"(i) IN GENERAL.—If the Court finds that a certification required by subsection (f) does not contain all of the required elements, or that the procedures required by subsections (d) and (e) are not consistent with the requirements of those subsections or the fourth amendment to the Constitution of the United States, the Court shall issue an order directing the Government to, at the Government's election and to the extent required by the Court's order—

"(I) correct any deficiency identified by the Court's order not later than 30 days after the date the Court issues the order; or

"(II) cease the acquisition authorized under subsection (a).

"(ii) LIMITATION ON USE OF INFORMATION.—

"(I) IN GENERAL.—Except as provided in subclause (II), no information obtained or evidence derived from an acquisition under clause (i)(I) concerning any United States person shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(II) EXCEPTION.—If the Government corrects any deficiency identified by the Court's order under clause (i), the Court may permit the use or disclosure of information acquired before the date of the correction pursuant to such minimization procedures as the Court shall establish for purposes of this clause.

Mr. FEINGOLD. Mr. President, this amendment is a provision that was part of the Judiciary Committee bill. It was included in a larger substitute amendment adopted in that committee that was sponsored by Senator LEAHY and cosponsored by Senator FEINSTEIN, Senator SCHUMER, and others.

This amendment puts no additional limits on the Government's ability to target people overseas under this legislation or to collect information about those people. All it does is help ensure that the Government's procedures follow the requirements that are laid out in the bill. It fixes an enormous problem in the Intelligence Committee bill: the complete lack of any incentive for the Government to do what the bill tells it to do, namely, target people overseas rather than people in America.

There are many aspects of this bill that have generated strong disagreement, but one thing on which everyone in this Chamber should agree is that the Government should not be using these authorities to target the conversations of innocent Americans in their homes and offices in the United States. For that, the Government should have to get an individualized court order, as it always has.

The bill requires the Attorney General, in consultation with the Director of National Intelligence, to adopt targeting procedures that are reasonably designed to ensure that only people outside the United States are targeted. The bill also requires the Attorney General, in consultation with the Director of National Intelligence, to adopt minimization procedures to govern the retention and dissemination of information about Americans that is captured in the course of the surveillance.

All of this sounds good. The targeting procedures, in particular, are one of the few safeguards built into this legislation. Yet, remarkably, the Intelligence Committee bill does nothing to ensure the Government will follow them. They are basically non-binding. The FISA Court does not have to approve the procedures before they are implemented. If the Government develops procedures that target Americans in this country, in violation of the law, the FISA Court can reject those procedures and require them to develop new ones but only after those procedures have already been in effect.

The bill does nothing to stop the Government from continuing to use and share the information it collected under those illegal procedures. Think about that. The Government develops and implements procedures the FISA Court later finds out are not reasonably designed to target people who are outside the United States, meaning the procedures likely permit the targeting of Americans here at home—something we all agree should not be permitted under this bill. Yet if the Government has been using those unlawful procedures while the FISA Court reviews them, it can keep and freely share any communications it gathered. In theory, the Government could play this game indefinitely, periodically revising its procedures and all the while using and disseminating information that has been illegally collected under prior procedures rejected by the court.

My amendment would solve this problem, at least in part, by allowing the FISA Court to put limits on the use of information about Americans the Government has gathered using procedures the court later finds do not comply with the requirements of this legislation.

These types of use limitations are not a new concept. Indeed, they are borrowed from another part of FISA. Under current law, if the Government in an emergency starts surveillance of an American without a court order and the court later determines the surveillance was not lawful, FISA places limits on how the Government can use that unlawfully gathered information. It is simple common sense: If the Government wasn't supposed to obtain this information under the law, then the Government shouldn't be permitted to use this information except in a true emergency. Otherwise, the limit on obtaining the information in the first place isn't worth the paper it is printed on—it's just there for show.

This amendment adopts the same basic idea, but with significantly more leeway for the Government. Under the amendment, if the Government collects information using unlawful procedures, the default is that the Government may only use the information regarding U.S. persons—namely, the information the Government was never supposed to collect in the first place—in an emergency involving a threat of death or serious bodily harm to any person. But the Government can continue to freely use information collected on foreign persons.

The amendment also provides significant additional flexibility. It gives the FISA Court discretion to allow the Government to use even information about U.S. persons—information collected illegally—as long as the Government ultimately fixes the defective procedures. That is a very broad exception to the use limitation, but importantly, it is an exception that is overseen and applied by the FISA Court.

This is the bare minimum we could possibly do to encourage the Government to adopt and adhere to lawful targeting and minimization procedures in the first place. The practical effect of this amendment is simply to give the FISA Court the option of prohibiting the use of information about U.S. persons obtained illegally—in violation of the very act we are debating. Given the FISA Court's history of overwhelming deference to the executive branch, it is quite clear the court will exercise this option, if ever, only in the most egregious cases of Government excess or abuse. And as I said before, the Government will always have the ability to use information about foreign persons and any information that indicates a threat of death or serious bodily harm.

Just to be clear, no one is talking about holding the Government to a standard of perfection. The bill we are debating does not require the Government to develop procedures that ensure that in every instance, only people overseas are targeted. Instead, it requires the Government to develop procedures that are reasonably designed to target people who are reasonably believed to be outside the United States. So the use limitation I am proposing would come into play only if several things happen: First, the Government failed to get court clearance for its procedures before implementing them; second, the procedures were not even reasonably designed to meet the modest goal of targeting people reasonably believed to be overseas; third, the Government failed to correct the problem when given a chance to do so, or the FISA Court decides not to allow the use of the illegally collected information despite the procedures being fixed; fourth, the information involves a U.S. person; and fifth, the information does not indicate a threat of death or serious bodily harm. All these things have to be true in order for there to be any limitation here at all.

This is an extremely modest safeguard against unlawful procedures and one that gives the Government ample leeway to develop sound targeting procedures while simultaneously getting and using the information it needs.

It comes down to a very simple question: Do we mean what we say when we declare that Americans in this country should not be targeted under the powers we are giving the Government in this legislation? If we do mean what we say, we should have no problem saying that the use of information obtained through procedures that target Americans can be blocked by the FISA Court, since that information should never have been obtained in the first place. If we don't say that, then the targeting and minimization requirements are really just suggestions, and the supporters of the bill are not serious when they say they only want to go after foreigners overseas.

This amendment is based on a commonsense provision that already exists in FISA, with significant additional flexibility for the Government. It gives the Government a modest incentive to comply with the law, without taking away any of the legitimate tools it needs to respond to foreign threats. And it was already adopted by the Judiciary Committee.

I urge my colleagues to support the amendment, and I reserve the remainder of my time.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Missouri.

Mr. BOND. Madam President, I rise in opposition to another amendment that has been argued very strongly on the other side but which would impose additional operational burdens and limit the ability of our collective agencies in the intelligence community to get the information they need and to be able to use it to keep our country safe.

We have gone through all of these, and we have worked to develop much greater protections for American citizens. One of the protections the American citizens seek from us is the protection from foreign attack and terrorist attack. If we hamstring our intelligence community—as they were hamstrung under the new techniques under the old FISA law—you will find out we cannot collect the information we need. This burden—this superexclusionary rule—goes far beyond what is necessary to protect American citizens.

While supporters of the amendment may argue that a similar rule appears elsewhere in FISA, it is important to remember that rule is limited to individual domestic surveillance and searches, where the court has found there is no probable cause to target that person. That is very different and is a very important protection for Americans from searches and seizures and surveillance without a court order—not a properly developed court order.

This amendment tries to apply that same rule to foreign targeting, when there may be a deficiency identified in the targeting or minimization procedures. Applying an exclusionary rule in the context of a domestic surveillance involving a small number of targets is manageable and it must be done to protect Americans. It makes no sense if there is no finding of probable cause. That is the threshold under which that rule applies. But it makes no sense to exclude the use of information simply because there is a deficiency—any deficiency—in the certification or procedures used to target foreign terrorists overseas. That is whom we are talking about; that is the overwhelming amount of the collection—against foreign targets, foreign terrorists, and others with weapons of mass destruction plans or proliferation or foreign powers. It makes no sense to say a deficiency, which can be corrected, should require all the information collected to be suppressed.

For example, this automatic suppression rule would make the Government temporarily sequester significant amounts of data, potentially, that might contain vital foreign intelligence information—obviously, there is a qualification—but not amount to information that indicates a threat of death or serious bodily injury during a period of time when the Government is attempting to correct a relatively minor or inadvertent deficiency.

That is unreasonable, and it is one more administrative burden to place on the intelligence community. Moreover, the Intelligence Committee's bill already provides an adequate remedy if the FISA Court ultimately determines that the collection is improper; it may order the Government to cease collection.

The court then has the inherent authority to fashion an appropriate remedy to address the collection and the contents that have been collected in a manner inconsistent with the law and the authorities of the collecting agency.

This amendment does not fix a problem with the statute. Instead, it potentially creates a problem that could have unintended operational consequences for our intelligence community. They don't need any more burdens. They have all the challenges they need in trying to intercept, translate, incorporate, and divine the intents of terrorists. There is more than enough work to do for our intelligence analysts just to stay within the existing boundaries we have applied in the protection for American citizens, without them having to fear we will lose vital foreign intelligence collection information because there was some minor deficiency that may later be identified by the court. That would make our country less safe and it is not warranted.

Therefore, I encourage my colleagues to join me in voting against this amendment.

I yield the floor to my colleague, the chairman.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Senator FEINGOLD's amendment concerns the effects of a court determination that there are deficiencies in the Government's procedures under the new authority. This is a complicated issue and I think it is important to explain why I cannot support this amendment.

I wish to add that what the vice chairman and I both believe all of this is going to be litigated in the courts for decades to come, and all that is said here by us and everybody else becomes an important part of the record.

Under the Intelligence Committee bill, the FISA Court is required to review the Government's certification, targeting procedures, and minimization procedures to ensure their adequacy. If the court finds a deficiency in either the minimization or targeting procedures, the Intelligence Committee bill requires the Government correct the deficiency or cease the acquisition.

The Feingold amendment goes beyond requiring that collection be terminated or deficiencies corrected. It restricts the use or disclosure of any information collected that concerns U.S. persons.

Unless the Attorney General determines the information indicates a threat of death or serious bodily harm or the person consents, the amendment would prevent the Government from sharing or disseminating with anyone in the Federal Government any information already acquired under the new procedure that concerns U.S. persons.

I can understand that there may be, at first glance, some appeal to that idea. Senator FEINGOLD, for example, has said it is important to ensure there are consequences when the Government has not adequately developed its procedures. Hard to argue.

But looking at the consequences of this amendment in more detail makes it clear the provision is impractical. And it creates serious risks that we will lose valuable intelligence.

The language of the Senator's amendment is taken from the emergency provisions currently in FISA. Under those provisions, the Attorney General can authorize electronic surveillance without a court order in an emergency, as long as an application for an order is submitted to the court within 72 hours. If a court does not approve the FISA collection on an individual target after this emergency intelligence collection has begun, FISA prevents the intelligence collected from being "used or disclosed in any . . . manner by Federal officers or employees without the consent of such persons," unless the Attorney General determines the information indicates a threat of death or serious bodily harm.

The impact of this existing emergency provision in FISA, however, is far different than the impact of Senator FEINGOLD's amendment.

In contrast to limiting the use of a small amount of information collected on one target during 72 hours of emergency procedures, Senator FEINGOLD's amendment potentially limits use of all information gathered through a new system of intelligence collection. To understand why these are different situations, it is useful to consider the difference between traditional FISA applications and orders and the new title VII provisions.

Unlike traditional FISA applications and orders, which involve collection on one individual target, the new FISA provisions create a system of collection. The court's role in this system of collection is not to consider probable cause on individual targets but to ensure that the procedures used to collect intelligence are adequate. The court's determination of the adequacy of procedures, therefore, impacts all electronic communications gathered under the new mechanism, even if it involves thousands of targets. I will repeat that.

Senator FEINGOLD's amendment applies to all of this intelligence collection. If the court finds a deficiency that the Government does not correct within 30 days, the Federal Government could not disclose any information on U.S. persons that was gathered as part of the new intelligence collection system without the consent of the person.

Thus, unlike existing emergency procedures, which limit the use of a small amount of intelligence gathered over a 72-hour period on one target, Senator FEINGOLD's amendment would potentially restrict the use of large amounts of intelligence, without regard to the importance of the intelligence.

In addition, under the Feingold amendment, intelligence analysts would have to determine whether the collected intelligence contained information concerning U.S. persons. The Feingold amendment would require the intelligence analysts to sift through all of the intelligence collected under the new process in order to identify information potentially subject to restriction.

As part of that process, analysts might be required to look at information that had not previously been analyzed in detail because it did not appear to contain significant foreign intelligence information, in order to determine whether the information concerned U.S. persons.

Senator FEINGOLD's amendment, therefore, has the potential to be more intrusive of U.S. privacy interests than the initial collection.

Finally, this limitation on use applies regardless of what deficiency is found by the court, as long as the deficiency is not corrected within 30 days. Even if the court finds a minor deficiency in the procedures and the Government is acting in good faith to correct it, this provision would require the intelligence community to prevent any disclosure of the information.

Please consider that, Madam President—to share with nobody in the Government.

In sum, this provision could restrict the use of significant amounts of intelligence based solely on minor deficiencies in procedures. It may also require the intelligence community to focus its analytical resources on satisfying this provision rather than on collecting and analyzing the intelligence needed to protect this country.

In my view, this allocation of resources makes no sense. I therefore cannot support this amendment.

I reserve the remaining time, which is about 4 minutes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, let me agree with the Chair that it is important to clarify what these amendments do and do not do, not only for purposes of voting on the amendment, but for any court consideration of this issue.

The arguments of the chairman and ranking member do not relate, in many cases, to the amendment that has been put forward. The Senator from Missouri just made the argument that my amendment differs from the use limit provisions for emergency surveillance because my amendment would limit the use of information about foreign targets. But that is not true. That is not the amendment I offered. My amendment only puts limits on information about U.S. persons. The Government can always use information about foreign persons.

With regard to the comments of the Chair of the committee, the supposed burden of identifying which communications involved U.S. persons only comes up if the Government starts its targeting procedures before it gets court approval, and then fails to keep track of what it is collecting during that time. And it only comes up if the Government procedures are targeting Americans in the United States, in which case I think there are overwhelming policy and constitutional reasons why this information needs to be retrieved and its use limited.

Moreover, if the intelligence community is concerned about this potential burden, it can do what it says it already does with information gathered using the PAA, and that is to label it. Then it shouldn't have any problem finding it later on; it shouldn't be cumbersome.

The arguments of the chairman and ranking member would yield the following result: We set up rules for the Government, the Government doesn't follow the rules, and there is simply no consequence at all. The law has no teeth. There is no incentive for the Government to follow the rules.

Again, under my amendment, the Government can use information even about U.S. persons if it indicates a threat of death and serious bodily harm, and the FISA Court can allow the Government to use any information if the Government fixes the defective procedures. On that point, I am very troubled by the arguments of the Senator from Missouri. He says that my amendment will not even allow the Government to fix the problem with its procedures. That is absolutely false. I specifically stated that the Government is given an opportunity to fix the problem. If it fixes the problem, the FISA Court can allow it to use the information.

If the Government gets a complete free pass and faces no consequence whatsoever for adopting and implementing unlawful procedures, then the law's requirements for targeting and minimization procedures and the FISA Court's oversight of these procedures have no meaning. The Government would be allowed to intrude on the private conversations of Americans with no consequences.

This amendment contains a very modest series of provisions. It gives the court and the Government tremendous flexibility. If the Government makes even a reasonable effort to address the concerns of the FISA Court, there will be no disruption of the information the Government needs—and, of course, none is intended.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, in two sentences, thousands of targets in the Senator's amendment, thousands of targets, all foreign means hundreds or thousands of pieces of intelligence. Intelligence does not come as one lump. It is an enormous array of collection of all kinds of things which are stitched together over time. All that intelligence could be lost under the Feingold amendment if there were only U.S. person information that was involved.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, in response to the Senator from West Virginia, it is true that the use limits in my amendment would apply to any information about U.S. persons gathered under unlawful procedures, other than information indicating a threat of bodily harm. That is why the amendment provides significantly more flexibility to the Government than the use limits for emergency surveillance. The FISA Court can allow the Government to use even information about U.S. persons as long as the Government corrects the defective procedures. That is a huge exception that is not present in the emergency use limits provision.

The PRESIDING OFFICER. If the Senator will suspend, the Senate is operating under a previous order for 5:20 p.m.

RECOVERY REBATES AND ECONOMIC STIMULUS FOR THE AMERICAN PEOPLE ACT OF 2008—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the time until 5:30 p.m. is to be divided between the two leaders or their designees, with the Republican leader controlling the first 5 minutes.

Who yields time?

Mr. ROCKEFELLER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, the Book of Proverbs teaches:

> Listen to your father, who gave you life, and do not despise your mother when she is old.

This afternoon, the Senate will begin to address whether we honor our mothers and fathers, our grandmothers and grandfathers. The Senate will begin to address whether we extend needed stimulus checks to 20 million seniors whom the House of Representatives left behind.

The author Pearl S. Buck said:

> Our society must make it . . . possible for old people not to fear the young or be deserted by them, for the test of a civilization is the way that it cares for its helpless members.

This afternoon, the Senate will begin to be tested. The Senate will be tested whether it cares for 20 million seniors or deserts them, as did the House of Representatives.

America's seniors deserve to get stimulus checks every bit as much as other Americans. They worked hard, very hard all their lives. They paid a lifetime of taxes. They contribute to the economy. And with the economy turning down, seniors can use the stimulus checks every bit as much as other Americans. Everyone knows the Social Security check does not pay the bills. The average retiree's Social Security check is about $1,000 a month, and with the current hard times and gas, food, and health care costs all increasing, it makes it even more difficult for them.

Two out of three Social Security beneficiaries get most of their income from Social Security. Two out of three get most of their income from Social Security. Social Security is the only income for nearly one in five seniors, and without Social Security, most older Americans would live in poverty. Without Social Security, more than 50 percent of senior citizens would be living in poverty today.

Because they can use the money, seniors are excellent targets for economic stimulus checks. Because they can use the money, they will spend it quickly.

The chart I have next to me is a reminder that the Senate bill provides rebate checks for 20 million Americans. The House of Representatives excludes rebate checks for these 20 million Americans.

Americans over age 65 spend 92 percent of their incomes. Households headed by a person over age 75 spend 98 percent of their income. That is higher than any other demographic group over the age of 25. Seniors spend their money. That means checks sent to seniors will have a greater bang for the buck in terms of helping the economy. The Finance Committee amendment will help 20 million seniors left out of the House bill. The Finance Committee amendment will provide seniors with rebate checks of $500, and the House bill will not help those 20 million seniors.

The Finance Committee amendment will also provide rebate checks for a quarter of a million disabled veterans who receive at least $3,000 in nontaxable disability income. The Finance Committee amendment would make them eligible to receive the same rebate checks as wage earners and Social Security recipients. It is not right to exclude 250,000 disabled veterans from getting a rebate check, which is what happened under the House bill. Those folks will get rebate checks under the Senate bill and the Veterans' Administration will distribute the rebates. The House bill, again, does not provide disabled veterans who don't pay taxes with rebate checks.

The Finance Committee amendment would provide an additional 13 weeks of unemployment insurance, and high unemployment States will qualify for an extra 13 weeks. The House bill does not provide an extension of unemployment insurance, whether it is 13 or the extra.

Almost a million more Americans are unemployed today than there were a year ago. One million more are unemployed today than a year ago, and 69,000 additional unemployed workers filed claims last week.

The Finance Committee amendment has been endorsed by AARP, the Seniors Coalition, Veterans of Foreign Wars, Military Officers Association of American, Vietnam Veterans of America, the American Legion, the United Spinal Association, and the Disabled American Veterans.

Again, seniors groups and disabled groups strongly endorse the Finance Committee amendment, clearly because they get benefits.

Let us listen to our fathers who gave us life and not despise our mothers. Let us not desert our seniors or disabled veterans or unemployment workers. Let us move to proceed to the stimulus bill.

Madam President, I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion which the clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of Calendar No. 566, H.R. 5140, the economic stimulus bill.
>
> Max Baucus, John D. Rockefeller, IV, Kent Conrad, Jeff Bingaman, Blanche L. Lincoln, Debbie Stabenow, Maria Cantwell, Ken Salazar, Herb Kohl, Daniel K. Inouye, Byron L. Dorgan, Mark L. Pryor, Robert Menendez, Jon Tester, Christopher J. Dodd, Barbara A. Mikulski, Joseph I. Lieberman.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of Calendar No. 566, H.R. 5140, an act to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), the Senator from North Dakota (Mr. DORGAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

Mr. KYL. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from South Carolina (Mr. DEMINT), the Senator from New Mexico (Mr. DOMENICI), the Senator from South Carolina (Mr. GRAHAM), the Senator from New Hampshire (Mr. GREGG), the Senator from Arizona (Mr. MCCAIN), the Senator from Louisiana (Mr. VITTER), and the Senator from Mississippi (Mr. WICKER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 80, nays 4, as follows:

[Rollcall Vote No. 5 Leg.]

YEAS—80

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Cantwell
Cardin
Carper
Casey
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dodd
Dole
Durbin
Ensign
Enzi
Feingold
Feinstein
Grassley
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—4

Coburn
Corker
Hagel
Shelby

NOT VOTING—16

Biden
Byrd
Chambliss
Clinton
DeMint
Domenici
Dorgan
Graham
Gregg
Kennedy
Kerry
Lieberman
McCain
Obama
Vitter
Wicker

The PRESIDING OFFICER. On this vote, the yeas are 80, the nays are 4. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader.

Mr. REID. Madam President, I have been told by the Republican leader what to me is incredible. We have two issues this week, among others, that we need to complete. One is the stimulus package, and the other is FISA. They are not in order of importance, but they are both issues we need to complete. I have been told we are not going to do anything. That is why I had to have the vote called before 6 o'clock. The 30 hours will run out a few minutes after midnight tomorrow night.

Now, they are going to waste 30 hours of the people's time on nothing. They will not allow us to work on FISA to complete it. The President said he is not going to extend it any more than one time for 15 days. We wanted to finish this piece of legislation. They are not allowing us to work on it.

On the stimulus package, the President told us last Saturday in his radio address: We need to have Congress complete this.

We are trying. We are trying, but we are told now that, no, we cannot do this. We need the 30 hours postcloture.

I hope everyone can understand what we are trying to accomplish. We are trying to accomplish the work on the Foreign Intelligence Surveillance Act that the President said he so badly needs. We are trying to complete the stimulus package the President so badly needs. We have the House bill. We just voted to proceed on that. Now we are going to use the 30 hours postcloture, which, to me, is something that is difficult to comprehend.

But, of course, why should we be surprised? Last year, the Republicans filibustered 64 times—64 times—wasting the people's time, breaking all records. They broke the 2-year record in 1 year in the number of filibusters. But here we are starting again—the same thing. Rather than legislate, maybe they are afraid these votes that have been worked out on the Foreign Intelligence Surveillance Act—maybe they are afraid some of them will pass, or maybe on the stimulus package, the Finance Committee package that we have, which is tremendous.

What does it do? It includes 21.5 million seniors who are not in the package we got from the House, 250,000 disabled American veterans who are covered. Unemployment benefits are extended. People who have been out of work for 13 weeks or more will get additional unemployment benefits. That is in the package that was brought to us on a bipartisan basis by Senators Baucus and Grassley.

In addition to that, we have provisions in this bill that are so important to our staggering economy. The homebuilders are in town. They are running ads on television. They are visiting Republican offices tomorrow to say: Vote for this. They need it because it has a tax provision in there, a loss carryover that will allow them to continue building homes, getting people in homes. It is so very important we do this.

As I told the Republican leader, we are also going to add something that was not in the Finance package that will allow people who have no money, the so-called LIHEAP people, who do not have the money to pay their heating bills—they have to make a choice on whether they are going to have warm houses, whether they are going to be able to get their drug prescription filled, or whether they are going to be able to buy some groceries this year. We have money that will help, and it will go right into the economy. Everything I have talked about will stimulate the economy. Are the Republicans afraid that we will bring this matter to the floor, and it will pass? Because it certainly should pass. Economists up and down the line—conservatives, liberals, moderates—say this is what is needed.

We are not complaining about the House package. It was a good first step, and we appreciate what they sent us. But it is a first step. And shouldn't we be legislating here rather than stalling for time for fear somebody is going to have to take a tough vote either on the Foreign Intelligence Surveillance Act or on the stimulus package?

We are ready to work, as we were all last year. We were at a disadvantage early in the year. Of course we were, because TIM JOHNSON was sick. He is not sick now. He walks into this Chamber like any other of the 99, and he is ready to work as many hours as we have to work. But now we have a majority, 51 to 49, not 50–49 anymore.

On the package we are going to vote on, whether they make us wait until Thursday or Wednesday, whenever it is, we are asking nine Republicans of good will to vote with the American people and pass this stimulus package.

I have said before—this morning—this matter has to go to conference anyway. We are not slowing up or stalling anything. It has to go to a conference because this House package allows benefits to go to people who are undocumented, and that should be changed.

I am dismayed we are going to have to stay in session tonight and do nothing and all day tomorrow and do nothing. But that is what I have been told. And I think it is incredulous, amazing, and not very good for the American people.

The PRESIDING OFFICER (Mr. SANDERS). The Republican leader is recognized.

Mr. McCONNELL. Mr. President, if we ended up doing nothing tomorrow, that would be like last Tuesday, last Wednesday, and last Thursday, in which we could never get a vote. On Tuesday, Wednesday, and Thursday we could not get a vote because we could not get an agreement on the FISA bill.

Finally, last Thursday night, we get an agreement on the FISA bill, and the majority leader tells me he will give us the paper—in other words, what he wishes to bring up on this stimulus package—last Thursday night. In addition, last Thursday, he says if that is defeated, of course, we will amend the House bill. Neither of those things apparently is going to happen.

No. 1, we got a few moments ago the version of the Senate Finance Committee package that the majority leader wants to call up. We wish to read it. It is a fairly extensive package. Secondly, apparently it is no longer the case that if this package is not approved that we will amend the House bill. We all know the House bill needs to go back because it needs to be fixed because of the illegal immigration problem.

The majority leader has been arguing all along that the House bill was inadequate. So it would make no sense at all, if whatever the final version of the Finance Committee provision is not approved, why we would not want to add seniors and veterans and fix the immigration problem to the House bill.

There is a certain amount of spin in politics, but this is beyond spin. These are the facts. Three days last week—Tuesday, Wednesday, and Thursday—there were no votes on FISA because we could not get an agreement. Finally, on Thursday, we get an agreement on the FISA amendments, and the majority leader tells me he is going to give us the paper on what he is going to bring up on the stimulus. We got it a few moments ago. It is not unreasonable for the minority to read the proposal. To suggest from that it is a certainty we will not have anything voted on tomorrow, I would suggest to my good friend, the majority leader, is nonsense. We will insist on reading it. It is in the process of being read now. When we read it, we will be happy to communicate further with the distinguished majority leader.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, to show the absolutely dilatory tactics of this Republican minority, think about last week. My friend, the Republican leader, said we did not have votes last week. Why didn't we have votes last week? They would not let us have votes.

During the time that Rockefeller, Leahy, Bond, and Specter were trying to work something out on FISA, we wanted to finish Indian health. No, you can't do it. You can't do Indian health. Indians can wait another 6 years. They have waited 6 or 7 years during this administration. What is another few weeks for the Indians? They, according to the Republicans, don't matter that much anyway, as they have been treated like—the worst health care we have in America today is on our Indian reservations, and the Republicans don't seem to be at all concerned about that. So Senator DORGAN brought a bill to the floor, and we have been rocked and socked and pushed and pulled. We can't do that either.

The other thing we could have done last week—of course, we have an agreement to do a package that has been held up by the Republicans for a year dealing with bills that are some 45 in number—energy bills—that usually are handled just like that, in wrapup. Oh, no, not now, not with this Republican minority, we do not do them.

I suggested we go to those last week. No. Work out FISA, the President's favorite, his ability to spy. That is what he wants. The problem is that he wants to do it not in keeping with the Constitution, which raises some concern with us and the American people.

So, no, we could not do anything on Indian health, we could not do it on the energy package, until we got an agreement on FISA. It is obvious what is being done here. The Republicans are trying on FISA to do what they did last August. Even though the President has been forced to extend this for 15 days, they now want to do what they did in August: Stall it until the last day so we are forced to do something here and send it to the House so the House has no time to do anything about it.

The House has passed something. What we want to do—what we think is good government—is pass the Foreign Intelligence Surveillance Act, and do it quickly so the House and the Senate—Democrats and Republicans—have an opportunity to work together to come up with something to give to the President that is not 1 minute before midnight on the last day of that legislation.

It is not as if this picture has not been seen before. This is the same picture we had to deal with all last year—all last year. Every inch we have been able to grind out has been tough because there has been a stall that has been ongoing with this White House and this Republican minority.

For 6 years, Congress was ignored by this President—ignored. There was not—in his mind, there was not a legislative branch of Government. He did not have to deal with it because the Republicans in the House and the Senate gave him anything he wanted. Why wasn't there a veto? Because there was nothing to veto. He got everything he wanted.

Last year, suddenly some people in the White House, at least, came to the realization that there was another branch of Government that the Founding Fathers put in the Constitution. So last year they were forced to realize that there was a legislative branch of Government. We had to prove to the President that we were part of the process. We were able to get some things done, but it was difficult, and we had 64 filibusters to overcome. I would have thought this year would be a little different. We have a Presidential election. We have many Senate seats that are up. I would think the Republicans would like to get something done this year. I would have thought this continual stalling that is going on might reflect on these elections we are going to have next November, that maybe there would be a new day in Washington, that the Republicans are used to being in the minority and would try to work with us on a bipartisan basis to get some things done. But it does not appear that is the way it is going to be. If that is the way it is going to be, that is the way it is going to be, and we will continue to work around their dilatory tactics.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. McCONNELL. Mr. President, we have before us—last week and this week—two measures that are overwhelmingly bipartisan. We have a FISA proposal—Foreign Intelligence Surveillance Act proposal—we tried repeatedly last week to get some votes on, and to no avail. That came out of the Intelligence Committee 13 to 2—the Rockefeller-Bond bill—overwhelmingly bipartisan, which would be signed by the President. That would be a significant accomplishment on a very important issue to the American people.

With regard to the stimulus, the American people witnessed something they rarely see. They saw the Speaker of the House—a Democrat—the leader of the House Republicans, and the Secretary of the Treasury have a joint press conference among the three of them, indicating they had an agreement on a stimulus package that we could pass rapidly.

Senate Republicans have been prepared to do that. It came over to us January 29. The majority leader felt that the Senate Finance Committee needed to reconvene and do it a different way.

This was a situation where you had the Democratic leader of the House, the Republican leader of the House, the Republican leader of the Senate, and the President of the United States all on the same side. That is pretty close to bipartisan. But, no, my good friend, the majority leader, said the Senate needed to do it differently, in spite of the fact that everyone was saying the two most important things to do with regard to a stimulus package were to keep it targeted and do it quickly. We had an opportunity to do that. We may have an opportunity to do it again. But make no mistake about it, no amount of finger-pointing or no suggesting that just because you file cloture motions, that amounts to a filibuster. Nobody believes that. You can't just run around routinely filing cloture motions on everything and then claim there are filibusters going on.

In fact, the message from the last session was: When you meet in the middle, you get things done. It finally happened in December: an omnibus spending package that met the President's top line, $70 billion for Iraq and Afghanistan without strings attached, an AMT without raising taxes on anybody else, and an energy bill that neither raised taxes nor raised rates in the Southeast. All of that was accomplished at the end by meeting in the middle.

Now, in spite of all of this back-and-forth between my good friend, the majority leader, and myself, we are pretty close on these two issues as well. The American people are expecting us to cooperate. But I repeat: We are going to read the proposal which we got some 15 minutes ago. I don't think anybody in America would think that is an unreasonable request. When we get through reading the new stimulus proposal, which I was told we would get last Thursday night, we will respond to my good friend, the majority leader, and we will see how we can go forward to accomplish two important things for the country. In the end, they will be done and must be done on an overwhelmingly bipartisan basis.

I yield the floor.

Mr. REID. Mr. President, to show you, with all due respect, how shallow this statement just made by my friend is, let me just say this: It is a public record, what came out of the Senate Finance Committee. It is a public record. You can read it on the Internet, what is in the stimulus bill. It came out days ago—days ago—not Monday, not today, but days ago. Last week, it was reported out. I believe it was on a Wednesday that it came out. I told my friend that we added LIHEAP to it. One reason I added it is because the Republicans want LIHEAP. Republicans want it. Why not have a chance to vote on it? So to talk about: We want a chance to read this bill—this is really something.

I cannot take any more lectures on the bipartisan nature of the Intelligence bill because it was referred at the same time to the Intelligence Committee and to the Judiciary Committee. That is the way it is sometimes around here. There are joint referrals.

Now, I admire people who have had us take a close look at what is going on with spying in this country, OK? Senator FEINGOLD and Senator DODD are the leading advocates of taking a look at this bill. Are they saying we are not going to have a bill? No, they are not saying that, but they are saying it needs to be improved. So, yes, it came out of the Intelligence Committee on a bipartisan basis, and that is good, but the Judiciary Committee wanted to put their stamp on it, and they did, and big time. A number of the amendments that were offered today and will be offered whenever we have the ability to go back to the bill are measures that came from the Judiciary Committee.

We want to work to get things done, but we don't need excuses such as: We need to read the proposal—30 hours to read the proposal, and in the meantime we are doing nothing.

Last week, I repeat, we had a lot of we could have done. We were prevented from doing that while this very difficult agreement was reached on the Foreign Intelligence Surveillance Act.

Mr. President, let me just say this: People around here in the Senate, in the country, know me by now. I pretty much call things the way I see them. Sometimes I need to step back a little bit and look at how I see them.

I want to say to my friend, my friend from Kentucky, the word "shallow" was improperly descriptive. So I will have that stricken from the record and insert therein—let's see, what word? Something that I didn't agree with, OK?

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. McCONNELL. I thank my friend, the majority leader. It is, it seems to me, possible to have a civil and spirited debate without violating rule XIX, and I appreciate his withdrawing that comment.

I see the Republican whip is here on the floor.

The PRESIDING OFFICER. The Republican leader has the floor.

Mr. McCONNELL. It looks as if I may lose the floor, so I wonder if the Senator from Arizona has a question.

Mr. KYL. I do have a question. This is why I was trying to get the attention of the minority leader just a moment ago.

I am on the Finance Committee, and I am very familiar with the Finance Committee bill. Now, I am certain the majority leader did not mean to suggest that the proposal we were just handed is, in fact, a bill that passed the Finance Committee. It is more than that, is it not?

Mr. McCONNELL. Yes. It is my understanding—again, we just got it 15 minutes ago. In response to the question of the Republican whip, we are not sure what is in it, but our impression is that it may not be what came out of the Finance Committee last Thursday.

Mr. KYL. If I could ask just one more question, I just asked my staff. I haven't had a chance to read it yet. My staff has begun to look at it. I would simply represent what my staff said, which is the first thing they noticed is that there is an additional $1 billion—$1 billion in spending on a program called LIHEAP. Is the minority leader aware of that yet?

Mr. McCONNELL. No, I didn't know because I haven't had a chance to look at it yet, but that would make it somewhat different from the Finance Committee bill, I gather.

Mr. KYL. It would, indeed.

The majority leader would like to comment.

Mr. REID. Yes. I said starting at 2 o'clock this afternoon and every chance I get that we added that, they didn't add it. I added it to the Finance Committee. I told the Republican staff, I told my friend this afternoon when we first—the first time we visited that LIHEAP had been added.

Mr. KYL. And there are some additional changes from the Finance Committee version as well; is that not true?

Mr. REID. Yes, there are some minor changes, but I say to my friend, who is a member of the Finance Committee, that we have made some changes, but they are very minor, other than the LIHEAP matter.

Mr. McCONNELL. I am not sure who has the floor, Mr. President. Do I still have the floor?

The PRESIDING OFFICER. Yes.

Mr. McCONNELL. I will be happy to yield the floor.

Mr. DURBIN. Would the Senator yield for a question?

Mr. McCONNELL. I am happy to yield the floor as I see there are others who wish to speak.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I have been trying to get to the floor since this morning—well, actually, since we came into session at 2 o'clock. We have had a very spirited debate about FISA, and now we have invoked cloture on the stimulus package just to begin this debate. I also want to add my voice of distress that we may be facing a slowdown here on the stimulus package.

We are in a recession in California. This isn't a recession "maybe"; this is a recession in California. There are several States that already have begun a recession, a real recession, including a contraction in jobs, and a housing crisis that has hit our State.

We can't wait. When the minority leader, the Republican leader, says: Oh, my goodness, LIHEAP was added to the package—of all people who understand this, it is the Presiding Officer. LIHEAP is a program that has been around for a very long time, and it is low-income energy assistance. To express shock that this would be added to a stimulus package or to say we need hours and hours of delay to study the impact of adding LIHEAP, it just strains credulity.

Would my leader like me to pause for a question?

Mr. REID. Mr. President, I appreciate very much my friend yielding to me.

Lost in all this debate about spending is I would hope everyone would understand that we always knew the stimulus debate would not be completed until Wednesday. That is when the vote will take place, at the earliest, on the package that came from the Finance Committee. What is stunning to me is we will not be able to finish FISA prior to Wednesday. We could start on that tonight. We have a number of amendments. I wanted to vote on those tonight. Of course, all day tomorrow, we could finish FISA. We could finish it tomorrow.

I want to make sure the record is very clear that they can spend all the time they want reading this amendment, which, by the way, doesn't add anything to the bill other than what we have—what I said: It adds to it housing language from the House bill which everybody approves of, and it adds some money to pay for some IRS things but a little, tiny bit of money. Anybody who reads this could do it very quickly and simply.

Why can't we work on FISA tomorrow? What would be wrong with that?

Mr. SCHUMER. Mr. President, would the leader yield for a question?

Mrs. BOXER. I have the floor.

Mr. SCHUMER. I am sorry. Would my friend from California yield for a question?

Mrs. BOXER. Yes, so you can ask a question.

Mr. SCHUMER. I thank the Senator.

So if the minority leader, the Senator from Kentucky, came down and he would give consent, we could go ahead and debate on FISA and actually finish it by tomorrow evening; is that correct?

Mr. REID. Yes. The reason it was so amazing to me, what I heard, is that postcloture people have 30 hours to basically stall for more time. I thought, why in the world wouldn't they let us finish FISA?

Now, everyone knows—and my Presidential candidates, when we had four and when we had two, have never missed an important vote. OBAMA and CLINTON will not miss this important vote we are going to have on the stimulus package, but I have to give them a day's notice to get here. With what is happening here—and that is why I had to hurry and call the vote before 6 o'clock, because the 30 hours runs out a couple of minutes before midnight tomorrow night. I have to file cloture tomorrow, which would be Tuesday, when we could have a cloture vote on the Senate stimulus package. What a waste of time.

So I say to my friend from New York, the answer is yes. The Republican leader only has to say: Well, let's go ahead and finish FISA, and we will decide what we are going to do after I read the amendment. If they decide that they are going to continue with the 30 hours running and they are not going to let us file cloture until tomorrow rather than tonight, they have that right.

Mr. SCHUMER. Would my friend from California yield so I might pose another question to the Democratic leader?

Mrs. BOXER. Yes, I will.

Mr. SCHUMER. So in other words—I just want to understand this, Mr. President—the FISA bill—which the President and many on that side said we should hurry up on, we should move quickly, it is important—is really what is at issue here. The whole debate about reading the stimulus bill, which we have heard from the minority leader and the minority whip, has no relevance for tomorrow, as the leader—our leader, the Democratic leader—has agreed we are not voting on it until Wednesday. But really the focus is on whether we could vote on FISA—this important bill which we need to get done quickly—and the minority is blocking that for no known reason.

Should the minority leader come to the floor within an hour and work it out and say that we could go forward on FISA, we could start voting on FISA tonight and tomorrow and perhaps finish it?

Mr. REID. We would finish it tomorrow. The only thing that might hold it up is there are a couple of Senators who might want to speak for awhile, but that is OK. We have a unanimous consent agreement that limits the number of amendments we are going to have on it, so we could finish it tomorrow for sure.

Mr. SCHUMER. Would my colleague yield for one final question?

Mrs. BOXER. Yes.

Mr. SCHUMER. I am a little confused. Does the majority leader have any idea why the minority would want to be holding up FISA?

Mr. REID. I sure do, I say to my friend.

Mr. SCHUMER. What would that be?

Mr. REID. There have been books written on this—books written on this—how the President has circumvented the laws we pass to have his wiretapping, OK? Now, there is not a single Democratic Senator who doesn't want to get the bad guys. We want to be able to do wiretapping so we can listen in on some of their evil conversations. But the President, you see, based on his past and how we have been treated here, doesn't want this FISA bill to change in any manner except to give them retroactive immunity; that is, to say to the phone companies: All the things you have done, good, bad, or indifferent, the courts can't look at it civilly. They can't look at it civilly. So the President wants to have that out of the way so that he can wait until the last minute to not have all these amendments that Senator FEINGOLD, Senator DODD, Senator LEAHY, Senator FEINSTEIN, and others have offered to improve this legislation, to make it more in keeping with the Constitution. So, as I have indicated earlier, I say to my friend from New York, they want to wait until the last minute. So that whatever we do here, the House will have to accept.

Mr. SCHUMER. I thank my colleague from California and the majority leader for that. Now it all becomes clear what the minority is doing.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I want to say, while my leadership team is here, I have just gotten the 2 pages—actually, it is 1½ pages—of the additional language on LIHEAP. The rest was taken verbatim from the House bill, which the President supports.

Mr. REID. Has the Senator had time to read that yet?

Mrs. BOXER. I read it while the Senator talked with Senator SCHUMER.

This is LIHEAP, a program that has been around for decades. This is $1 billion to help people pay for the expensive cost of heating their homes. As I look at my friend, Senator SANDERS, who is in the chair, what a champion of this program he is—to those in the Northeast in particular.

I have to take the minority leader at his word. He says the reason he is holding everything up, he doesn't want to do any work—or do anything—because he must study this bill. If he were here now—of course, he is now gone, but Senator KYL is here—I would say let's read this together. This is easy, almost as easy as "Jane and John took the dog for a walk." Yet, still, they come out here and are holding up the business of the Senate and the country.

Mr. President, I say to my leaders, look, we can argue about how many angels dance on the head of a pin, but 20 million seniors are waiting for this. They were left out of the President's and the House package.

I wish to say to my friend, Senator MCCONNELL—and he is not here right now—that this matters. When he says the deal has been cut, that the President agreed with the House, well, wait a minute, look at the Constitution. There is a Senate, there is a House, and there is a President. We work together. We work our will, they work theirs, and we get together and compromise.

Twenty million seniors were left out, and we are fixing that. What else? We are also fixing the fact that they left out 250,000 disabled veterans. So why are we holding up work on something as simple as that? The answer comes back in a very convoluted way. I just have to say to someone who represents a State that is in a recession—and I know the State of the Senator from Nevada is in a recession. Many States are in a recession.

The President said we should act and we are not acting; we are not acting on FISA. Again, to respond, Senator BOND and Senator ROCKEFELLER agree on how to fix the Foreign Intelligence Surveillance Act. Well, good for them. But guess what. The Senate has to debate that and work its will.

Some people think the phone companies should have immunity. Some of us other folks think that if you give them immunity, you will never find out who was spied on and how, why, and how long they were spied on. We feel strongly. Is the minority suggesting that because two Senators agree, the rest of us are "chopped liver," as my mother would say?

This place is like "Alice in Wonderland." Tonight, more than any other night, it is like "Alice in Wonderland." You have a President who is scared about the economy. He is begging us to act on the stimulus package, and we have intelligent Senators stand up—and they are very smart—on the floor saying: Oh my goodness, you added LIHEAP, and now, we are sorry, we are holding everything up. And then they said maybe they won't. I hope they will not.

While I support, with every fiber of my body, the Senate package, it is just the start of what we need to do. Until we start paying attention to the needs of the American people and end the war in Iraq, which is stealing our treasure, both in our young men and women in uniform and our money, we will never get where we need to get.

Mr. REID. Mr. President, will my friend yield?

Mrs. BOXER. Yes.

Mr. REID. Did the Senator know that before the night is out, I am going to come to the floor and ask unanimous consent to be allowed to proceed, during the 30 hours they are going to try to use postcloture on the motion to proceed to the House-passed stimulus package—that during the 30 hours, we be able to proceed to work on the FISA amendments? Is the Senator aware that I am going to do that?

Mrs. BOXER. I am very glad the majority leader is going to do that because the President—not only is he pushing us to pass his version of the stimulus package—and he is worried about it; he is scaring the American people, saying if we don't have FISA done, terrible things will happen. It is time to stop scaring the people and start protecting the people. That is what we want to do. So I am going to support the leader's call to move to FISA.

I believe if we have a debate on the stimulus and we don't talk about the biggest drain on our people—the Iraq war—we are missing the elephant in the room, because until we end this war once and for all and end this failed policy in Iraq, we are simply going to be dragged down further and further into an abyss, where we don't have the funds we need for the rest of the things we do, where our military is being stretched, and where we have no way out.

We actually have Republican candidates who are running for President saying we might be in Iraq for a hundred years. I have been around politics a long time—not quite a hundred years but for my adult lifetime. I have served with four Presidents from both parties. What an honor to have served with all of them. But I have never, ever worked with a President who didn't have a clue as to how to end a war he got us into—not a clue. I have never seen a President who hasn't given us some idea of how a war will end. So we need to remove this weight from around our necks. If we don't, my future, your future, the future of our kids and grandkids is not going to be what it ought to be.

We are spending $10 billion a month in Iraq. That is $2.5 billion a week and $357 million a day in Iraq. And the President and my Republican colleagues say we cannot afford to extend the stimulus package to include seniors and disabled veterans? Well, for the price of 1 month in Iraq, we can provide rebates to 20 million seniors who need it the most. Let me say that again. For the price of 1 month in Iraq, we can provide rebates to 20 million seniors who need it the most.

I hope the senior citizens within the sound of my voice have already contacted us to tell us to cover them in this recovery package. They are the ones who really need it the most because they are living on a fixed income and they are struggling. Some of them have to cut their pills in half every day they have to take them to stay alive so they can stretch their medicine.

Well, the President and my Republican colleagues say we cannot afford to extend the stimulus package to include disabled veterans. That is why we have these charts made up here: 250,000 disabled veterans. I hope they are also calling. These are the folks who should be honored, loved, appreciated, but not just with words but by deeds.

Mr. President, I will tell you, for less than the cost of 1 day in Iraq, we can provide rebates to 250,000 disabled veterans—1 day in Iraq. We can take care of our veterans.

That is why we don't know why this stalling is going on. What about our kids? For less than the cost of 3 months in Iraq, we can enroll every eligible child in the Head Start Program and give them the start they deserve. For the cost of 2 weeks in Iraq, we can provide health insurance for 6 million uninsured children in the United States for a year. The list goes on and on.

Last year, in the name of budget austerity, the President vetoed children's health care. But he has an open checkbook for Iraq. He puts it straight on the debt. He vetoed critical investments in our infrastructure.

Mr. President, the occupant of the chair helped me when we worked together on the Environment Committee with Senator INHOFE. We overrode a veto because the President said: Sorry, we are rebuilding in Iraq. But we cannot afford to fix our infrastructure here in America. The President vetoed education spending and health research.

I don't know about my colleagues on the other side of the aisle, but when I talk to families, they are very scared now about a lot of things. One of those things is, is someone getting cancer or getting Alzheimer's, or is a child getting autism, and there are a lot of other fears. They are real fears because they hit millions of our families. But the President vetoed the bill that had that health research money in it. We were forced to cut back.

So where are we now? We are spending money we don't have in Iraq. Remember when Budget Director Mitch Daniels said the war would cost no more than $60 billion? Paul Wolfowitz assured us that with Iraqi oil revenue, the war would pay for itself. Some people said the war might cost $200 billion, and they were ridiculed as vastly overstating the costs. Well, the President's most recent stimulus package is almost that.

The President has spent more than half a trillion dollars on his failed policy. There is no end in sight. It is shorting the funds we need to rebuild our own country—and it is borrowed money. It needs to stop. We are hemorrhaging taxpayer money in Iraq, and the wake is beyond disgraceful. For a base in Iraq that was never built, we paid a contractor $72 million. We paid them to build a barracks for the police academy in Baghdad, and instead we got a building with "giant cracks snaking through newly built walls and human waste dripping from the ceiling."

The administration loaded $9 billion in cash onto pallets and shipped it to Iraq, where it simply disappeared. And we cannot take care of 250,000 disabled veterans or 20 million seniors, and we cut spending to find a cure for diseases that ail our people. We cut funding from afterschool programs when our kids desperately need to have a place to go after school.

Mr. President, the Republicans are stalling because these facts, when we have these debates, are coming to light. So they are stalling. Can you imagine what would happen if $9 billion disappeared from a Federal grant in Vermont or California or Minnesota or New Jersey or Ohio? The people responsible would go to prison. But in Iraq, the President shrugged it off.

The President said we lack fiscal discipline. Yet, look what he has done to this budget. He took a surplus and turned it into a massive deficit, and he took a debt we were paying down and it exploded on his watch.

For him to say we are not fiscally responsible because we want to invest in our people, we want to invest in our infrastructure, we want to find cures for disease, and, yes, we want to invest in alternative energy so we don't have to be dependent on foreign oil and we can clean our air of the carbon dioxide that is warming the planet—fiscal irresponsibility? That is the name of the game with this administration, whether it is the missing billions or the bases that were never built or this enormous embassy that is being built in Baghdad. It is nothing short of breathtaking. The President and his supporters shrug their shoulders, and yet we cannot get to the stimulus package because somebody said they don't understand we have added $1 billion, 1½ pages to the bill to help poor people pay for energy. They have to be kidding. That is a stall.

The checkbook is open for Iraq; it is closed for America. This President wouldn't even be doing what he is doing now unless he is scared this recession is hitting.

Let me tell you what else we added to this stimulus bill that is being held up. We took the House language as it pertained to the housing crisis, and we increased the amounts that Freddie and Fannie and FHA can lend our homeowners to give them the chance to refinance these mortgages to keep responsible homeowners in their homes. We cannot wait on this provision. We can't wait on it. Thousands and thousands of cities are witnessing these foreclosures.

What happens when a home forecloses? The pool might go. The new owner of the home ignores keeping up the property, and it is a danger to have a pool that has not been attended to. Mosquitoes breed in the pool and the whole lawn gets all brown and the values go down and suddenly you have a downward spiral. We have to turn it around. But somebody has to hold up a bill because they have to read 1½ pages about LIHEAP, a program that has been around for decades and, by the way, supported on both sides of the aisle.

The toll this Iraq war is having on our Armed Forces is stretching our military to the breaking point. Recently, we learned with sadness in our hearts that suicide attempts among U.S. troops have reached a record high, a sixfold increase since 2002. Last year, the Washington Post reported there was a readiness death spiral, that is their term, that senior officers warn puts our Nation at risk because we lack the strategic reserve of ground forces to respond to potential crises throughout the world.

We are borrowing billions, putting that cost on the backs of our kids and grandkids, shorting our ability to take care of the people who need us now that the economy is in a downturn, and that hurts our security.

Mr. INHOFE. Will the Senator yield for a question?

Mrs. BOXER. As soon as I finish my statement, I will be happy to yield.

We have to ask this President: Why are we in Iraq? The answer depends on when he was asked. Once upon a time, we were told it was about weapons of mass destruction. Remember? We had to go find them. Our military found there were none. Then we were told it was Saddam's ties to al-Qaida. Well, there was no connection to al-Qaida. Then we were told we had to get Saddam's family and show their pictures to the world so the world knew America meant business. And we did that, and the fighting went on. Then we were told they need to have an election, and how proud we were when the Iraqi people went and as a free people elected their leaders.

All that happened. The President said: Mission accomplished. But it goes on and on because it is a changing mission every day, no vision of how to get out of this situation, and we have colleagues on the other side talking about us being there 50 years, 100 years, who knows, maybe 1,000 years. This is not at no cost or little cost. It is costing us an absolute fortune, and it is tied to this deficit because it is tying our hands.

The President says our commitment to Iraq is not open ended, and yet he will not tell the leaders over there: Get your act together because we have trained 500,000 of you and now it is your turn to stand up and fight for your freedom and fight for your democracy, frankly, the way we did and other countries do.

There is a point in time when you have given so much blood and treasure that you have to say: We want to help you, we will be there, but we will not be in the forefront of this fight.

We have never been leveled with. How many more brave men and women will die? Oh, we don't know. How many more will be wounded? We don't know. But what we do know is some of the wounded are coming home to my State and they are suffering, suffering, suffering. Yet in the President's stimulus package, there is no help for disabled veterans. No, oh, no, we couldn't do that. For a day of the cost of Iraq we can help them. That is why we want the debate and we want the debate to start.

The President says the surge will lead us to victory. We hope so, but the President says he knows it. How long will the surge last? It was supposed to provide a quiet time for the leaders to resolve their problems. It hasn't happened.

Our brave men and women in uniform have performed remarkably. They have done every single thing we have asked of them and more. But you know what, there has to be an end to this. As our military leaders tell us every day, there is no military solution to the situation in Iraq.

I said before we trained 500,000 Iraqis. I want to correct that figure. It is 440,000. That is how many Iraqis we have trained. Our taxpayers have laid the money out to train.

I think we ought to look at what the British did. The British were very clear. They said their presence in Iraq was fueling the violence, fueling al-Qaida, and it would be far better if they played a supportive role. And most of them will be gone. As a matter of fact, the coalition of the willing has been massively depleted.

There is a beginning, a middle, and an end to a mission. But you cannot change the mission every few months. It is not fair to our troops. It is sending a mixed message to the Iraqis.

Why do I bring this all up in the context of the stimulus? Because the outflow of money is hurting us. We cannot take care of America. I think we need to make a choice, and this stimulus package is the time for us to connect all the dots. This economic recession needs our attention. We need to put the resources to it so it doesn't become a deep and darker recession. We have to ask ourselves in the context of this debate: Is it time for America, for our families, for our soldiers coming home, for our children, or is it the time to continue an open-ended commitment to a war without an end, a price tag without an end, a war that is tying our hands as this recession becomes more real day after day?

Clearly, it is no surprise that I say it is time for America and it is time for change. I do believe the people out there, whether they are Democrats, Republicans or Independents, are crying out for that change.

I will also say, they may not all agree on one particular path, but one thing they want us to do is our job. They don't want stall tactics, they don't want delays, they don't want brilliant Senators coming to the floor and saying: Gee, there has been a change in this bill, and we need 30 hours to figure it out. Stay up until 10 or 11; you can read that part of the bill. It isn't complicated, and it isn't time to continue an open-ended commitment to a war without end.

As we try to soften the blow of this recession on the American people, let us understand that if we don't change when it comes to this war and start bringing our troops home and start giving the Iraqi leaders a signal that they need to take charge of their own country, I will tell you, I can't be part of that kind of a value system because our people are suffering.

Again, my State is in a recession. I have sitting councilmen coming to me—by the way, not always in my party, believe me—saying to me: Senator, you have to help us. We are in a spiral. Help us. When I called and said help is on the way, we are going to raise those loan limits for Fannie, Freddie, and FHA, we are going to give the homebuilders some kind of a tax break, we are going to give a tax break to the alternative energy industry so they can start hiring people, they smiled, there is hope. But if they heard tonight the back and forth between the Democratic leader and the Republican leader and they heard the Republican leader say: We are really sorry we are going to hold things up because I have to read this bill when, in fact, the changes that were made are so minuscule we could read it in 10 minutes, they don't know what is going on, and they throw up their hands.

I am here tonight to tell them: Don't give up hope because we are motivated. We are motivated to get this package through. We are telling our seniors to let their Senators know, Democratic and Republican Senators, they need to be included, the disabled veterans, the homebuilders, the people who are struggling with their mortgages. We are on your side. If your voice is heard, even in this Senate, it will have an impact.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I think the Senator from California makes a compelling case to take up the stimulus package right away. The bill, by the way, is a 71-page bill. I do think we need a little opportunity to read through it. If, as the Senator says, there are only two or three changes to it, I am tempted to ask unanimous consent that we vote on that package tomorrow. The reason I will not is because I owe it to the majority leader to advise him in advance of making such a request, and I know what his response will be. His response, I believe, will be he has made a commitment to Senators who are campaigning for the Presidency that they will not have to come back tomorrow to vote. That is why we are not voting tomorrow. It is not that Republicans are trying to hold up things.

Yes, the minority leader made the point that since we just received the bill, we would like an opportunity to read it. I will get back to that in a moment. But the reality is, as the distinguished Senator from California said, why are we holding up work on this stimulus bill? We are not. As I said, I will be happy to move to vote on it tomorrow.

Mrs. BOXER. Will the Senator yield for a question?

Mr. KYL. I will yield to the Senator from California.

Mrs. BOXER. Now I am confused, truly, honestly. I thought Senator

McCONNELL said, after you informed him there were changes to the bill, that he was very concerned about that and he needed time to read the bill. That is what I heard both of you talk about. You came down and told him that. I heard that.

Then I heard Senator REID say: While you are reading this bill, let's get done with FISA. We can't seem to get that done. But it was my friend, Senator KYL, and my friend, Senator McCONNELL, who said very clearly they needed time to read this bill. I pointed out that the bill—

Mr. KYL. So what is your question? What is the question?

Mrs. BOXER. My question is, if you want to go to it right now, why did you tell the majority leader that there were changes to it and you needed to read and take all 30 hours to read the bill? I don't understand.

Mr. KYL. Mr. President, the answer to the question, which is, Why don't we go to the stimulus bill; Why do we need 30 hours to read it, is, as I said, I would be happy to propound a unanimous consent request right now that we go to the stimulus bill and vote on it tomorrow. I will not do that because I know what the majority leader would say, which is, no, I will object to going to a vote on the stimulus bill tomorrow because I have told our Senate colleagues who are running for President and some others who are campaigning for them that we are not going to vote on it tomorrow. We are not going to have a vote on that, which they would miss, because it is too important. That is what he said a moment ago.

I said I would come back to the point of reading the bill, and I do want to get back to that because I do think we should read bills before we vote on them. But the key point here is that Republicans are not holding up action on this stimulus package. And for anybody on the Senate floor to suggest that we are, it is simply not the case. We voted overwhelmingly to grant cloture so we could take up the bill. I think all of the Democratic Senators voted to take up the bill. So we are on the bill. We are on the stimulus bill. But we can't vote on it because there has been a commitment to Senators who are running for the Presidency and some others that we won't vote on it tomorrow. Now, we didn't make that commitment. That commitment, I understand, was made by the distinguished majority leader. That is why I am not going to ask unanimous consent to try to embarrass people on the other side.

Let me get to the matter of reading the bill.

Mrs. BOXER. Will the Senator yield for a question? It is so confusing to me.

Mr. KYL. Well, Mr. President, I am sorry the Senator is confused, but let me continue on to make the point the Senator wanted to talk about, which is why we need to read the bill.

The bill was just handed to me by staff. I have not yet read it. It is 71 pages. Here it is. It starts out "Strike all after the first word and insert the following." Well, if we are striking all after the first word, then I want to know what we are inserting. Now, the representation from Senators on the other side is that we have added $1 billion in spending on LIHEAP. There is a representation that in the bill there is an increase in the amount of mortgages that can be refinanced, and it was represented that is the same as in the House package. If that is the case, that takes the amount—I believe it is over $700,000.

I don't know a lot of low-income Americans who have mortgages of over $700,000 or mortgages up to $700,000. But as I understand it, if that is what the House bill provides for, and if that has been added to this bill, then that is what that provision would be. And the majority leader said there were some other small changes. I am not exactly sure what they are. It may be as simple as Dick and Jane, as the Senator from California said, in which case, as I said, perhaps we can go to it tomorrow. But, again, I don't think that is what the majority leader wants to do because of the commitments he has made to Senators who would have to come back here for a vote on it.

What is at work here is not that we are holding up action on the stimulus bill. What is at work here is a desire to move forward with votes on the FISA bill, which we are not on. We all voted to go to the stimulus bill, including all the members of the Democratic majority. If Members of the Democratic majority want to go on the stimulus bill, then let us consider the stimulus bill. If now the request is we just got on this, but now we want to go back to the FISA package, I wonder what it is about collecting intelligence on terrorists that is somehow less important than the stimulus bill so we can have the Senators vote on that but we can't have them vote on the stimulus package. These are both big important issues.

I don't want to come down here and engage in this tit for tat. I frankly think the American people are tired of it. They see all this bickering and they wonder why we can't get business done, why we can't get to solving these critical problems.

The Senator from California has made an eloquent plea for why we need to get out of Iraq, but we hear language like "breathtaking irresponsibility" and "never worked with a President that didn't have a clue"—meaning this President doesn't have a clue—"about how to end the Iraq war. An earlier speaker said: The President wants to spy in violation of the Constitution.

Now, look, you can disagree with the President, but he doesn't want to spy in violation of the Constitution. He wants to collect intelligence on our enemies consistent with the Constitution. We can have legitimate debate and disagreement about whether what we have done is constitutional. Some people might say no; others would say it is constitutional. But I do know this: Six months ago this body overwhelmingly—there may have been only one negative vote, I am not positive of that, but overwhelmingly—in a bipartisan vote we agreed to allow the collection of foreign intelligence under a particular regime for doing that, and it is that method of collection we want to reauthorize and we want to continue.

It is not just two Senators who decided to get together to develop a bill. By a bipartisan vote of 13 to 2 the Intelligence Committee agreed on the reauthorization and the method by which we have been collecting intelligence on our enemies for the last 6 months. Now, if we have been doing it for the last 6 months, and the Intelligence Committee by this bipartisan majority said let's keep on doing that, virtually no other changes except in one area dealing with liability protection for the communications companies, then I don't think it is fair to say this has all been done unconstitutionally. That would mean the majority, almost all Democrats, agreed to allow intelligence collection that was unconstitutional. That certainly isn't what my colleagues intended, what I intended, or what anybody else in this body intended.

So let us not say the President wants to collect intelligence that is unconstitutional and that is what we have been doing under a Senate and House-passed bill for the last 6 months. That is the kind of irresponsible debate the American people, quite frankly, are tired of.

The basic question that is before us tonight is, Shall we pass a bill that the majority leader has laid down dealing with stimulating the economy? We all just voted—virtually all of us voted—to take up the stimulus bill. We had hoped we would actually have this 3 or 4 days ago, but now we have it, and the majority leader has the absolute right to substitute what he wants us to consider, and he has done that. This is his proposal. And we have received some assurances as to what is and what isn't in it. I think we trust, but we also want to verify. As I said, it is 71 pages, but it shouldn't take that long for us to figure out whether there are other things in here other than what has been represented to us. If in fact it turns out that is the case, that all we have done is add another $1 billion in spending on the LIHEAP program, we have increased the amount of mortgages that can be refinanced up to 700 some thousand dollars—I think that is the number; I will read it here to make sure—and then some other minor changes, whatever those are, then, again, I would be perfectly happy to take up this bill tomorrow.

If I wanted to score cheap political points, I would do the same thing some on the other side have talked about, which is to say: All right, I ask unanimous consent that we take this up and vote on it. But I know there are people out campaigning. I know the majority leader has given them assurances they wouldn't have to come back for a vote on it. I respect that. It is a perfectly reasonable request. We can be taking the time now not just to ensure what is in the bill but to debate the bill, so that when we do vote on it, presumably the next day, we would have had our complete debate. It is not a waste of the American people's time for the Senate to take 1 day to debate a bill this important.

We don't have to be disagreeable about this. We can assure ourselves of what is in it and we can take tomorrow to debate it. A lot of the candidates are gone—presumably we don't want to ask them to come back to vote on it—so then we can vote on it the following day, and then take up the FISA bill, which is equally important, if not more important in terms of foreign intelligence collection. We have, what, another week or 10 days to complete work on that, with plenty of time to do it.

I think we should take a step back, not play political games here with the dueling unanimous consent requests to do something that does nothing but embarrass the other side. Let us get to the business of the American people, let us get a stimulus package voted on, let us then turn to the FISA bill and get the amendments voted on and pass that to the President before we take the work period off that we will be taking off in, what, 12 days or so.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I appreciate the constructive comments by my friend from my sister State of Arizona. As I understood what he said, he suggests we debate the stimulus package tomorrow and have a time certain to vote on the proposal that came from the Senate Finance Committee and do that all on Wednesday. Is that what my friend is saying?

Mr. KYL. I am very sorry. I apologize.

Mr. REID. No problem, I will repeat it. My understanding of what my friend from Arizona said is that you think we should debate the stimulus package tomorrow and have a time certain to vote on the Senate Finance Committee package on Wednesday.

Mr. KYL. Mr. President, I said it was my own personal view that we would not be wasting the American people's time to have a debate on the stimulus package and to have a vote on it on Wednesday. Obviously, I am not speaking for any of my other colleagues, and we would obviously have to do that, but if the leader is concerned about not having people come back for votes tomorrow, which is a perfectly reasonable concern, given the importance of tomorrow on both sides—there are Senators who are out campaigning, and I understand that is a very important proposition—then I think it is appropriate to wait until Wednesday to have a vote on the stimulus package.

Mr. REID. We only have three Senators out campaigning, McCAIN, CLINTON, and OBAMA, and it was my suggestion that tomorrow, if the Republicans don't want votes, then shouldn't we at least have the ability to see if we can complete the offering of amendments on the FISA legislation? We can intersperse that with people who want to talk about the stimulus. They can do that.

I am happy to set a time certain on Wednesday so McCAIN, OBAMA, and CLINTON know when to come back on Wednesday. I am happy to do that.

I understand my friend is saying that he is speaking for himself, and I appreciate that, but he is the second ranking Republican leader in the Senate. What I would suggest, Mr. President, is that he talk to whomever he needs to speak with—I am sure the Republican leader—to see if what he suggests is doable, and we will get that worked out tonight. And that is tomorrow we can come in, people can talk about the stimulus package all they want, and set a time certain on Wednesday to vote. That would save me having to file cloture on it either tonight or tomorrow night, which will happen. If I file it tomorrow night, the vote will have to be on Thursday. In the meantime, we have to wipe out a lot of time.

I think it is very important we get FISA done. The end is near on FISA. We have worked out an agreement to finish that bill.

So I say to my friend, if I came and offered a consent agreement in keeping with what your suggestion is, do you think you could get it approved tonight?

Mr. KYL. Mr. President, obviously, our colleagues are not here. I would not object to that kind of agreement. I don't know what others would do.

To be fair, did I represent the distinguished majority leader correctly, that you had assured Senators they would not be voting on the stimulus package tomorrow?

Mr. REID. Yes, I have said, starting at 2 p.m. today—I might even have said it last week—that I have two Senators, OBAMA and CLINTON, whom I would try to give at least 1 day's notice when a vote was to occur. That is why it is important to me, and I would think it would be important to Senator McCAIN also, that we have a time certain on Wednesday to tell them when they have to be here. If we can't do it by agreement, then the only thing I can do, if the Republicans are going to waste all the time on 30 hours postcloture, I will have to, before midnight tomorrow, file cloture so we can have a Thursday cloture vote.

Mr. KYL. If I can respond, obviously, the majority leader knows I can't make that agreement here on the floor, but I will pass that on to the minority leader and consult with our colleagues and see what can be agreed to in terms of an agreement.

I think the majority leader is exactly correct. As a matter of courtesy to Members on both sides, it is probably not the best idea to have votes tomorrow. It is an historic day in American history.

Mr. REID. If I can interrupt my friend, on FISA, I think we can easily have votes tomorrow. There would be no problem with that, because those votes, most of them, aren't going to be that close anyway. I think we need to work through that. I have told all my Senators we would do our best to try to have votes on FISA tomorrow.

Now, maybe this has been in the works for a long time, because one of my Senators told me she was coming over and one of the reporters said: No votes tomorrow, right? She said: What are you talking about? They said: Senator McCONNELL has told his Senators there will be no votes on Tuesday.

So maybe this has been in the works for some time, that there would be no votes on Tuesday. But we may have a couple anyway, to make sure we have some. I do have that ability, to have votes. It may not be much on substance, but it will be votes, and it will be counted on Senators' voting records.

Mr. KYL. If I can interrupt, I don't think Senator McCONNELL said that. And you can have votes tomorrow. I think our Members would be perfectly fine on any votes you want to call.

Mr. REID. Mr. President, I appreciate the constructive tone of my friend's statement, and either I or Senator DURBIN will tonight sometime offer a consent agreement so we can have a pathway to whatever we are going to do in the next couple of days.

The PRESIDING OFFICER. The Senator from Illinois.

UNANIMOUS CONSENT REQUEST—S. 2248

Mr. DURBIN. Mr. President, I ask unanimous consent that following morning business Tuesday, February 5, the Senate resume the FISA legislation, then proceed to a vote in relation to the four amendments that were debated today, with 2 minutes between each vote equally divided, and that on the disposition of those amendments, the Senate continue to consider amendments in order to the FISA legislation and that all time consumed during that debate count postcloture.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, for the reasons I expressed with the majority leader a moment ago in our colloquy, I must object at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Mr. President, I understand that. I was not making an offer to put my colleague on the spot but merely putting on the RECORD, because I think the American people sense what is happening in Congress and Capitol Hill and the Senate.

I have been out watching the Presidential debates, both the formal ones and the presentations made by candidates. Change is the biggest word of this election cycle on both sides. I think it is evident the American people feel America is headed in the wrong direction by overwhelming numbers. When they look at Congress and Washington, they do not sense that we are sensitive to the real challenges families face every day. They listen, some of them do, particularly those suffering from insomnia, watch and listen to C–SPAN and wonder why, why all the quorum calls in the Senate? Why all the time wasted? Why not more votes on bills? If you are here in Washington, why not earn your keep?

Sometimes I wonder if this would be a better institution if Senators were paid by the production of this Chamber because certainly this week we are not likely to earn much pay. Last year, the Republican minority, and it was their right under Senate rules, were responsible for 62 or 64 filibusters.

A filibuster is an attempt to continue debate indefinitely rather than reach a conclusion and a vote. Sixty-four filibusters made an all-time record in the Senate for 1 year. Sixty-four times the Republicans said: Whatever you are doing, let it go on forever, let's not bring it to an end.

And that, unfortunately, meant many important issues were not voted on, were not decided. That is their right, the minority's right. It is the nature of the Senate to slow things down. But I think the Republican minority in this circumstance has taken it to an extreme.

I think it is this extreme that has led to the frustration across America as they try to witness what is going on in the Senate and wonder why more is not accomplished.

Well, what we have tried to do today, unsuccessfully, is to ask permission from the Republicans to make tomorrow a productive day, to make tomorrow a day when we can either debate the stimulus package, preparing for a vote on Wednesday, or consider amendments to the Foreign Intelligence Surveillance Act so we can move that bill toward passage; in other words, let's not waste a day. Let's not turn the lights on and bring all the staff out, turn on the television cameras and stand here before the microphones and say nothing and do nothing.

But the Republican position is to insist we do nothing tomorrow. Nothing. I made a request that we go to the Foreign Intelligence Surveillance Act. Now, this is the law the President is asking for, in fact demanding, on a timely basis. The President is saying: I need this authority to keep America safe. It took us a long time to work out an agreement on amendments. I am sure fingers can be pointed to both sides. But we reached the agreement on how many amendments, how many votes will be necessary.

Now I have made a request that we go to that bill tomorrow, let's not waste tomorrow, let's move on this important domestic security issue. Let's have our debate, let's have our amendments, let's move forward, let's get it done, let's put in a good day's work. And the Senator from Arizona, on behalf of his leadership, has objected.

It means tomorrow we will gather, we will bring in the Chaplain, he will say an inspiring prayer, we will say the Pledge of Allegiance, then we will figure out how to kill a day. That is what will happen.

We will fill the CONGRESSIONAL RECORD, there will be some interesting speeches, no amendments will be considered and voted on, no debate on the economic stimulus package, it will be a wasted day.

Can America, can the Senate afford a wasted day? We are in the midst of, or at least close to a recession, if not there. A lot of people are worried about it. People back in Illinois whom I represent are concerned about what is happening to our economy. We have a lot of folks with 401(k)s and IRAs and pension plans who look at the stock market on a daily basis and worry about their life savings and their retirement, as they should.

People are concerned if we slide into a recession there will be even more unemployment than was reported last week, on Friday, when we had sobering figures about the thousands of Americans who were out of work.

The President has expressed alarm about the state of the economy. All these things argue for us to move forward and do something. We can start doing something tomorrow. We can have a legitimate, substantive debate on the economic stimulus package and a vote on Wednesday. Now, would that not be historic, that the Senate would actually get an important measure out of the way in a matter of a few days? What is the difference between the Republicans and the Democrats at this moment on the economic stimulus package? I am not sure anymore. You see, the President's original position with the House, Democrats and Republicans, suggested we would be sending checks for $600 or $1,200 for a family, to individuals, to try to stimulate the economy and extra money for children if there are children in the family.

That is a good start. It is a start that we built on in the Senate Finance Committee on a bipartisan basis. In the Senate Finance Committee we said: Beyond those individuals covered by the House, we think 20 million seniors should receive this kind of rebate check as well. They will spend that money, many of them on fixed incomes, and stimulate the economy. Let us, in fairness, give them a helping hand.

I am not sure, as I stand here, whether the Republicans in the Senate are supporting this. Only three Republicans in the Senate Finance Committee voted for it. But what is at stake in our vote on the economic stimulus package is whether 20 million seniors in America will be included in the rebate checks. That is a pretty straightforward vote. You either think they should be or they should not be included. The Democrats think they should be included.

In addition, some 250,000 disabled veterans who receive compensation from our Government for their disabilities for their wounds, we too believe they should receive a rebate. Some say they already get a check. That is true. But if any group deserves an extra helping hand, it is those who stood up and fought for this country and risked their lives for America.

I certainly believe 250,000 disabled veterans should be included in the economic stimulus package. I do not know if the Republicans now support that. As I said, three, only three in the Senate Finance Committee would vote for that.

We also have a provision which says that if you are unemployed, receiving unemployment compensation, we will extend your unemployment compensation benefits for a matter of 13 weeks. And if your State is hard hit by unemployment, 26 weeks. Most economists will tell you that is the easiest and quickest way to stimulate the economy, people who are unemployed are scraping by.

Every dollar received is spent to keep things together while they look for a job. Well, we think that group, which has historically been part of any economic recovery package, should be part of this package as well. Now, some of the Republicans object to it. They have said so publicly. They have a curious notion that if you give people 13 weeks of unemployment benefits, they will then decide to pull out the motor home and go on vacation and stop looking for work. I wonder if these same Republicans have taken a look at how much these people are paid. You know, it is not a princely sum. In many cases it is $500 a week, $500 a week for someone who has had a good job is not going to be enough to get by. Trying to survive for 3 months or 6 months on that could be extremely challenging. I think it is only right and just and fair and moral for us to say to unemployed families: Here is a little extra help so you can get by as we push toward and try to avoid a recession.

Some Republicans disagree. So perhaps that is the reason why they oppose the Senate Finance Committee package. There are other provisions there. You can argue them up or down. Should we have a provision, as the Presiding Officer from Vermont has asked for, to extend LIHEAP. This is the Low-Income Heating Energy Assistance Program. It is a way to help people pay utility bills who otherwise cannot afford to do it.

The Senator from Vermont who is presiding has been one of our leading spokesmen for that. Interestingly enough, as Senator BOXER from California mentioned earlier, the Republican leader said that was one of the reasons we could not take up the economic stimulus package, he had to read the provisions on LIHEAP because they are the only major change in this bill.

Those provisions take all of a page and three lines. I think any Senator could get through that without a lot of strain. You do not have to be a speed reader to understand exactly what it says.

So here we are again, as we were last year 64 times, the Republican minority doing everything they can to slow down the Senate, to stop us from considering important legislation, so at some later date they can complain that we have not accomplished enough. Well, you cannot have it both ways. You cannot object when we try to move to the FISA legislation and consider amendments and then say later we are not moving quickly or on a high priority.

You cannot object to an economic stimulus vote on Wednesday, as we try to schedule it and then object that the Senate Democratic leadership is not responsive to America's economy. We are going to do the best we can under the Senate rules. We are going to, unfortunately, kill a lot of time because of this Republican approach. It is their right under the rules. I do not question it. But I do question the wisdom of allowing this Senate to continue to move so slowly, to be so unresponsive, to spend so many wasted hours and wasted days for no earthly purpose.

It would be far better for those of us who were drawing a paycheck around here to roll up our sleeves and go to work, be accommodating to schedules as we must be, but for goodness sakes, would it hurt us tomorrow to take up these amendments to the FISA bill, to debate them and vote on them?

I think it would be a good, healthy thing. It almost would bring the Senate perilously close to being a deliberative body again, which we do not do enough of. I hope the Senate leadership on the Republican side will reconsider their position, will stop objecting to considering substantive amendments to important legislation that we ought to move as quickly as possible.

I will make a comment that I think most Members are aware of, but there will be no further votes today.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I know the Senator from New Jersey wants to speak, but since some of this was directed to my comments on the unanimous consent request, I think I should take a couple of minutes to respond.

Mr. LAUTENBERG. If I may have the courtesy of a question to the Senator from Arizona. My subject is away from the present discussion. Short subject. It talks about the pride we in New Jersey have about our Giants. But if I might have a few minutes?

Mr. KYL. Since we have had this discussion, let me take no more than 4 minutes. I will join the Senator in the pride he has for the Giants and their wonderful victory in my home State of Arizona yesterday. I hope a good time was had by all, including those who had their string broken.

I do wish to respond because there have been a couple suggestions made I think that are inaccurate. We are not going to come in tomorrow and have the prayer by the Chaplain and do nothing.

I hope that debate on the stimulus package is not perceived by people as doing nothing. All of us, almost all of us I think, everybody on the Democratic side voted to take up the stimulus bill. That is what we voted on an hour ago. We voted to take up the stimulus bill. Now we are on the stimulus bill.

I have not had a chance to speak on it yet. I would like to do that. Tomorrow is my opportunity. The majority leader is the one who said there would be no votes on the stimulus package tomorrow, not the Senator from Kentucky, the minority leader.

So the fact that we are not voting on the stimulus bill tomorrow has nothing to do with Republican delay. It is a commitment made by the majority leader. I have no problem with the commitment. There are people out campaigning. But that was the majority leader's decision not to vote on the stimulus bill tomorrow.

As I said, we voted for cloture for the House bill. I am happy to vote on the House bill. I do not know whether my other colleagues are going to be done debating this in 1 day tomorrow. But I do know this, we have gone to the stimulus package. We are going to be on it tomorrow. That is what we all agreed to do.

Now the assistant leader comes down and asks unanimous consent to go off the bill we voted to go on and to start voting tomorrow on some FISA amendments, some amendments to the FISA bill. He said: What a waste it would be.

Now, as everyone in this body knows, we did not vote last Wednesday, last Thursday, last Friday, not because Republican's were not ready to vote, there was no agreement on how to proceed to a FISA bill.

We have now reached that agreement. That agreement is in place. The minute we finish this stimulus package, we will move to the FISA bill. We can get that done within the next 10 days. There is no question about that. So I do not know why this constant attempt to try to put people on record, as the distinguished assistant leader said, and then to talk about 64 filibusters by Republicans.

The majority leader set a record last year in the number of cloture votes that were required in order for us to do business. When the majority leader brings up a bill and then precludes any other amendments and files cloture, we have no choice but to vote on that cloture motion. If we vote against it, it is called a filibuster. That is not a filibuster. But by the reckoning of the other side, I gather that is how they count up the number of filibusters.

Every time we vote against a cloture vote, the majority leader has required—and there is no opportunity for Republican amendments—many of those times Republicans are going to say: No, we want a chance to offer some amendments. That is not a filibuster. Yet that is the kind of accusation that has been made here.

I want to get back to the point that surely we can have a constructive debate without constantly trying to cut each other off at the knees; that the Republican minority has taken this to an extreme, that they are not sensitive to the challenges the people face, that the Republican position is to do nothing tomorrow.

Well, we are all going to debate the stimulus package tomorrow because we all voted to debate the stimulus package tomorrow. That is not doing nothing.

I ask my colleagues again: Let's quit this business of trying to put the other side into an embarrassing position to object to something or complain that we want to do nothing or we do not care about people or that the President wants to violate the Constitution. This is the kind of thing the American people are sick of.

We voted to take up the stimulus package. Let's take it up. We will have time to read it. If it is as simple as the other side says, that is great. It is 71 pages long. But if it is pretty simple, then presumably the debate will not take all that long. Then we can turn to the FISA bill, on which we have reached an agreement.

I hope my colleagues, in moving forward, will consider the interests of the American people first and stop this bickering to try to put each other into embarrassing positions so we gain a little bit of a political advantage.

Mr. President, I am very happy now to join my colleague from New Jersey in a bipartisan exercise; that is, to congratulate the New York Giants on their victory.

I am happy to yield the floor to him at this time.

The PRESIDING OFFICER. The Senator from New Jersey.

(The remarks of Mr. LAUTENBERG are printed in today's RECORD under "Morning Business.")

Mr. LAUTENBERG. Thank you, Mr. President. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WARRIOR CITIZENS CEREMONY

Mr. BROWN. Mr. President, yesterday I met American heroes—dozens and dozens of American heroes—citizen soldiers who had returned from service in Iraq. Out of Brooklyn, OH, High School near Cleveland, 81 soldiers in the 256th Combat Support Hospital were honored at the Warriors Citizen ceremony.

Many years ago—200 years or so ago—George Washington talked about farmers putting down their plows and serving their country. Yesterday I met nurses, teachers, doctors, farmers, and small business owners, all of whom had returned from Iraq last October, and all of whom we were honoring yesterday in Brooklyn, OH. MAJ Michael Evarts trained Iraqi soldiers. MAJ Michael Evarts, a citizen soldier, returned to Ohio; he works every day supporting his family as a pharmaceutical representative.

Bryan Block from Zanesville left his restaurant for a year to serve his country. He left Charlie's Subs to his son-in-law in Zanesville and last October returned to a growing, prosperous restaurant. Bryan Block is a citizen soldier.

LTC Shirley Koachway spoke with an infectious enthusiasm and with an obvious dedication to the veterans she serves. Not only is she in the Army Reserve, but she told me about her work in Sandusky—a city just west of Lorraine where I live—in a community-based outreach clinic serving veterans—a citizen soldier.

CPT Dionne Moore is an optometrist who works for the Department of Veterans' Affairs in a community-based outreach clinic in Lorraine, OH. Captain Moore told me with some pain in her eyes how she is seeing more and more diabetic veterans who have not gotten their medicine or not often enough kept up with taking their medicine, which is causing a decreased use of their vision and an increase in blindness in all too many veterans.

CWO Ron Kuntz, who directed the choir for the ceremony, spoke passionately not just about his service for our country but spoke passionately about his students whom he has as a music teacher in the Cleveland city schools—another citizen soldier.

I also spoke with COL Ron Dziedzicki, who was a nurse and is now a hospital administrator who has been working with these men and women, with these soldiers in Europe and in Asia and all over the world in his many years—more than two decades—of service to our Nation—all citizen soldiers.

Now, when I think of whom I met yesterday, when I think of these soldiers—men and women of all races, of all ages—when I think of these soldiers who give up their lives or time away—more than a year away from their families—one of these soldiers told me his child was born when he was overseas—when I think about them, I think about the duty we have to them.

I know the Presiding Officer has spoken about this many times. The President and this Congress, for too many years in the past, have simply not taken care of veterans the way we should take care of them. For the kind of service we have asked of them and sacrifice we have asked them to make for our country, we haven't—even in a small way in too many cases—paid them back.

That is why I come to the floor today just for a few more minutes to talk about the GI bill: the post-9/11 Veterans Educational Assistance Act of 2007. A whole generation of Americans in the 1940s and 1950s, a whole generation of soldiers and sailors and marines were educated because of the GI bill. They were people who came back without much money, enrolled in school, and the Government—paying them back for their service for winning World War II, for Korea, for all of their service to our country—the Government decided the most important thing to do was to give them the kind of educational opportunity that they earned and that they deserved.

Do we know what happened? It wasn't just that the GI bill helped thousands, tens of thousands, hundreds of thousands, a few million returning veterans, it is also what it did for the prosperity of our Nation because without the GI bill in the 1940s and 1950s and 1960s, we would not have had the educated workforce, we wouldn't have the kind of educated citizens this country, the "greatest generation," gave to us.

That is why a government program such as this, a program that is all about opportunity to give these veterans the GI bill, give these veterans an opportunity, an education, will not only help them personally and help their families, it will help their neighborhoods, it will help their communities, and it will help us to make our country even more prosperous. That is the whole point of programs such as the GI bill. It should help those veterans whom I met yesterday, those returning soldiers, some of them still in the Reserve, some of them having served their time and left. But that GI bill will spark the kind of economic growth and expansion for a whole generation of Americans.

With programs such as this one, when we provide opportunities to college students, when we provide opportunities through Head Start, when we provide opportunities with helping families through the earned-income tax credit, not only does it help those individuals and help those families, it helps our communities, it helps our States, it helps our country.

That is the story of the GI bill. That is why we need a new GI bill that really does pay those veterans back, pay those soldiers, sailors, and marines back for the service they gave our country. It is the smart thing to do. It is the morally right thing to do. It is the best thing to do for our country.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEW SOLUTIONS AND PRIORITIES

Ms. KLOBUCHAR. Mr. President, last month I traveled to dozens of communities throughout my State. I actually visited 47 counties in Minnesota in January, from towns on our southern border with Iowa to towns way up on our northern border with Canada. I saw a lot of great entrepreneurial activity out there. I got to see ethanol plants. I was with Senator CONRAD in North Dakota for his entrepreneurial forum. I got to jump on solar panels to show that hail doesn't hurt solar panels in Starbuck, MN.

What I heard from people throughout our State—and I think what we are hearing from people throughout America—is that Washington must provide a new direction to address the Nation's priorities and solve our economic challenges. They know what is happening. There has been a doubling of foreclosure rates in rural Minnesota. We have seen rising energy prices, as my colleagues can imagine when it is so cold. I was in International Falls, where it gets to be 10 below zero. In International Falls, it is pretty cold. In Embarrass, MN, it can get pretty cold.

There are also skyrocketing health costs. I heard about that not just from individual families and workers but from small businesses that are having trouble keeping their employees on health care plans or big businesses that are having trouble competing internationally because of the costs of health care.

What people told me out there is they need new solutions and new priorities from Washington.

What I want to talk about today is, first of all, the President's budget and how it doesn't give us new solutions, it doesn't give us new priorities, and then our own stimulus package that is so important to push through this Congress and not to be obstructed.

The President's budget continues a familiar pattern of misplaced priorities. It continues a 7-year pattern of fiscal irresponsibility, borrowing money and then leaving an ever-larger debt to our children. In just 7 years, this administration took a budget surplus of $158 billion and turned it into what will soon be a budget deficit of something like $300 billion, $400 billion. It is quite an accomplishment. Meanwhile, this new budget continues to neglect critical investments that are needed to strengthen our economy and our Nation in a very difficult time. It does not make the investments we need in our Nation's transportation infrastructure. It does not make the investments we need in developing renewable energy sources to move us toward greater independence and security. It does not make the investments we need to get new technology to solve our climate change problem—what I call building a bridge to the 21st century. It doesn't do that. It doesn't make the investment we need in the basic medical and scientific research that has always been a key driver of our country's innovation and growth. It doesn't include a shift in these priorities, and it also doesn't include how we are going to pay for it.

When I went around our State in January, people were willing to talk about reform. They are willing to talk about rolling back some of these Bush tax cuts on the wealthiest people—people making over $200,000, $250,000 a year—so we can actually pay for some of the investments we need in our State. People out in rural Minnesota said: Fine by me. Roll back those tax cuts on people making over $200,000 a year. That is not me. Meanwhile, I have a road that I can't even go on because it has so many potholes and that has a shoulder that is going downhill where four people were killed in the last few months. I am happy if you can put some money into infrastructure.

Here are a few examples in Minnesota of how the President got the budget wrong. I think people are well aware of our tragic bridge collapse. That was only six blocks from my house, when a bridge just fell down in the middle of a summer day in the middle of America. It was a tragic wake-up call that the Nation's bridges are deteriorating faster than we can repair or replace them. So what does the administration do in its budget? It reduces funding for the Federal highway construction fund.

Minnesota is home to premier medical institutions such as the Mayo Clinic and the University of Minnesota that conduct breakthrough research on lifesaving cures. Many of the researchers at these institutions depend on Federal funding. So what does this administration do in its budget? What was I going to tell the people in our State, when I met with them at the Mall of America, who are trying to find a cure for children's diabetes, for the parents who met with me as we see autism on the rise and we are trying to find a cure or the people on the Alzheimer's ward? What does the President say to them? Well, for the sixth year in a row, it freezes funding for the National Institutes of Health, the Nation's leading medical research agency that provides essential funding to doctors and scientists.

The budget also cuts health care services. For example, the administration is calling for an 86-percent cut in funding for rural health programs, including rural health outreach grants and the Rural Hospital Flexibility Grant Program.

I can tell my colleagues what I heard when I was up in Brickstown, MN. I was up there. They have a hospital. They have one surgeon—one surgeon. You have to go miles and miles and miles to find another hospital. You can see towns miles and miles away, it is so flat up there. But they have this one hospital that is so important to their area. The surgeon is reaching retirement age. He might even want to retire now, but he can't because they can't find another surgeon to go up there. If they don't find another surgeon, they are not going to be able to have babies born in that hospital because they don't have a doctor who can do a C-section.

Much of my State is rural despite the thriving metropolitan area we have in the Twin Cities and thriving places such as Moorhead and Rochester and Duluth, and we have these rural hospitals and health care providers that depend on this Federal funding to provide services for the rural residents of my State. It is not just a nicety; it is a necessity.

In Minnesota, we are on the leading edge of the renewable energy revolution that promises to transform our economy and lead us toward greater energy security and independence. So what does the administration do in this budget? It cuts funding for solar energy research, hydropower, and industrial energy efficiency. It also cuts Department of Agriculture programs that are important for developing new farm-based energy sources such as biomass and cellulosic ethanol.

Now, we heard the President at the State of the Union talking about moving to this new energy era. Well, put the money where the mouth is. It is not there. How are we going to stop spending $200,000 a minute on foreign oil if we are cutting the possibility of research into things such as cellulosic ethanol which, if done right with prairie grass, which puts carbon back into our soil, will allow the prairie grass to be grown on marginal farmland? This is the direction we need to go but not if we are going to cut funding. We have seen these wind turbines in our State where people are so excited they have wind turbines everywhere, wind turbine manufacturing, but every time the wind tax credit goes away, the investment stops about 8 months earlier because it is like a game of red light-green light: They don't know what is happening. So this is what the administration does.

This budget would shut down the U.S. Department of Agriculture's North Central Soil Conservation Research Lab in Morris, MN. That was one of the places I visited in January. This lab, on the University of Minnesota campus, is at the forefront of research and development to promote homegrown renewable energy. This is our energy future, but you would hardly know it from looking at the President's budget.

Finally, as I mentioned, it has been a little cold in Minnesota. It did get up to 10 degrees below zero one day, but it was down to 20 degrees below zero in Embarrass about a week ago. Nationwide, the average household is expected to pay 11 percent more for heating this winter compared to last year. Families who rely on home heating oil are facing record prices 30 to 50 percent above last winter.

What does the administration do in its budget? It cuts in half the emergency funding for the low-income heating assistance program. This is a program which enjoys bipartisan support. It provides much needed help to seniors and families who are struggling with ever-rising heating costs. Maybe the President thinks we are going to have so much global warming that we don't need this heating, I don't know. While these prices are going up and you are in the middle of winter, you shouldn't cut the heating program. I hope the next President see things differently.

I believe deeply in the importance of fiscal responsibility. I support the pay-as-you-go rule for budgeting. My husband and I keep our financial house in order, and we think the Government should too. If you want to talk about fiscal responsibility, you don't have it in this budget. There is no willingness to talk about doing things differently. Do we want a budget that offers tax giveaways to the wealthy or one that provides relief to middle-class families who are squeezed by the rising costs of housing, energy, health care, and tuition? You know what happened on the AMT debate. We voted to pay for it by taking money away from the hedge fund operators, but the other side would not do it. Do we want to give lucrative favors to the rich and the corporations, or do we want to invest in our future prosperity, in things such as research and development and renewable energy?

Instead of investing in the oil cartels in the Mideast, we need to invest in the farmers and workers of the Midwest—maybe a few in Vermont, as well, Mr. President. Do we want a budget that continues to send tens of billions of dollars to Iraq—I think it is $12 billion a month—or do we want a budget that provides our local and State law enforcement with the resources they need to protect public safety here at home?

I want to see an administration that aims for fiscal responsibility by rolling back the tax cuts for the wealthiest people making over $200,000 or $250,000 a year.

I would like to see an administration that aims for fiscal responsibility by eliminating offshore tax havens for multimillionaires.

I would like to see an administration that aims for fiscal responsibility by ending the tax breaks and royalties that have been handed out year after year to the big oil companies.

I would like to see an administration that aims for fiscal responsibility by allowing Medicare to negotiate lower prescription drug prices for seniors. Exactly what we predicted would happen has; you are seeing the prices go up, not down. They just had a re-up period for Medicare Part D. Seniors in my State are trying to figure out all these call-in lines and are trying to save a little money, and they are caught in the doughnut hole. This could have been done better. It wasn't done in a fiscally responsible way.

The President's budget doesn't provide the new priorities and new solutions America needs. Instead, it continues to take us down the wrong path for the future.

Even as we must plan and invest for the long term, I am also concerned that we have our priorities right in the short term. At this time, the urgent priority for America is to get our economy moving forward again and not let it weaken further. That is why we have put together an economic stimulus package that would respond promptly and responsibly. It would get this economy moving with tax rebates that are fair to the middle class, carefully targeted, and fiscally responsible. But tonight we find out that we are not going to be able to vote on that tomorrow.

I do commend Senator BAUCUS and Senator GRASSLEY for their swift work in getting this comprehensive, simple, and effective measure to the floor.

A short-term stimulus package needs to be targeted for the people who need it most. Although economists are wary to declare that we are officially in a recession, many middle-class American families have been feeling the effects of an economic slowdown for months. From the impact of the mortgage crisis on the value of homes in their neighborhoods, to the skyrocketing costs of the oil that fuels their cars and heats their homes, to the rising prices in the grocery store, the middle class is feeling economic pressure from each and every side.

When I went across my State on our Main Street tour in January, no matter where I went—all 47 counties—the economy was the first on the list of what the people in my State wanted to talk about. From city hall, to the cafe stops, to the turkey-processing places, to the little solar panel company, that is all they wanted to talk about—the economy. The message was loud and clear. I heard a lot from the middle-class families. Even before we began to experience this economic slowdown, the families were finding it harder to get by.

To give you a sense of what we have in our State, in Minnesota, the unemployment rate recently jumped to 4.9 percent, up from 4.4 percent the month before. Our State lost 23,000 jobs in the last 6 months alone. Over 50,000 Minnesota families lost their homes to foreclosure in the past 3 months. Home heating prices for Minnesota families have risen by 14.1 percent per household in the past year alone.

In order to get communities along Main Streets in Minnesota and across our country booming again, we need both short- and long-term solutions. While everybody agrees the rebate checks will be a part of whatever targeted and effective stimulus package Congress ends up sending to the President, I am here today to voice my strong support for several additional provisions that are in our Senate proposal. These proposals would do much to help improve the middle-class lives behind those statistics I just talked about. These are real people all over our State. These proposals are a proven stimulus for our economy. They deserve a full debate and proper consideration in our Chamber.

First, we need to expand our rebate effort in order to ensure that certain deserving groups are not left out. As I said, part of creating a targeted stimulus for the economy is through helping those who need it most. I was sorry to see that the House proposal fell short.

It is crucial to this package that the 20 million American seniors who worked all their lives, paid taxes, and contributed to our society in countless ways will get rebate checks. That is the first point. We need to include the seniors.

In the past week, I have heard from hundreds of Minnesota seniors who told me that the Senate proposal to include Social Security recipients is the only fair way to stimulate the economy. I agree, and I support the Senate effort to include seniors.

It is also crucial that we include disabled veterans in this package. These men and women have served our country both here and abroad. They signed up to serve; there wasn't a waiting line. When they come up and people are getting rebates, there should not be a waiting line. Go to the end of the line—you disabled veterans, who served our country, are at the end of the line; you don't get a rebate check. That is not right.

Second, I firmly believe we should include an extension of the clean energy tax incentives in any stimulus package. We can do that in another package, but we have to do it. These benefits certainly meet the definition of what we need for a short-term stimulus package.

If you look at the data, we have seen a revolution going on across the country in wind and solar and other forms of renewable energy. This has been like a game of red light-green light. You can go through the lights, and then it lapses for 6 months. It goes on again, and then it lapses. The proven statistic is that every time it lapses, the investors stop investing. That is not what we want. Our country came up with all of the technology for wind and solar, and now we are falling behind the rest of the world in developing it because we don't have the investment tax credits in place.

Third, I believe the stimulus package should also include additional funding for LIHEAP. Working families in Minnesota and across the Nation should not have to choose between paying home heating bills and putting food on the table. Increasing LIHEAP funding to keep pace with the skyrocketing price of oil is essential to this stimulus package.

I see the stimulus package as a first step, and it is crucial to support it. But long after those rebate checks are spent, we are going to need a long-term economic strategy in response to the problem or we are going to be back where we started in the first place. We need an economy that creates good, stable middle-class jobs. We need infrastructure investment so we don't have bridges falling down in the middle of America. We need energy investment. That will reduce our dependence on foreign oil and create good jobs in the green-collar energy sector.

In the Senate, we have our stimulus package, and it is a good one. The people we serve are asking for a new direction and priority. That means being fiscally responsible, being willing to roll back some of the tax cuts for the wealthiest, closing down loopholes, negotiating for lower prescription drug prices, and taking the oil giveaways and putting them into renewables. Those are new priorities for this country.

Last year, we made a downpayment on change in this country. We moved toward a more responsible budget process. We gave working Americans an increase in the minimum wage. Today, we can continue that progress and continue that change with a system that is fair for all Americans. That means getting the stimulus package done, including these necessary changes with seniors and disabled veterans and the LIHEAP funding, and then looking at the long term and making sure in this package—or in another one—we get the tax cuts in place for clean energy and do something about fiscal responsibility. And we are willing to talk about change and really do it.

This is our moment. The American people have spoken. At least they spoke to me in Crookston and Worthington and Starbuck. I think if the people who live in those towns were standing here, they would tell the Senate what we need to do. So let's get it done.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANDERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

THE ECONOMY

Mr. SANDERS. Madam President, during the last several weeks and months, in fact, there has been increased discussion and comments about the state of our economy. As you know, last month our Nation actually shed some 17,000 jobs and many economists tell us we are now in a recession and that is certainly true for some parts of this country.

The House, the Senate, and the White House are wrestling with an economic stimulus package, and President Bush has presented his new budget. This week, the Director of the OMB and the Secretary of the Treasury will come before the Senate Budget Committee to discuss their views on the economy.

Let me begin by stating how dismayed I was by the budget President Bush has provided us today. Frankly, this budget is unconscionable and reflects priorities that are almost impossible to comprehend. While providing hundreds of billions of dollars in tax breaks for the wealthiest three-tenths of 1 percent of our population over the next decade, this President has proposed major cuts in health care, LIHEAP, weatherization, nutrition, housing programs, and other basic needs for moderate- and low-income people. This is a Robin Hood in reverse budget. This is a budget that takes from the poor and working families, those most in need, and gives to millionaires and billionaires, those least in need.

This proposed budget tells us how out of touch this President and his administration are with the needs of the American people.

Let me be very clear; as a Member of the Senate Budget Committee, I will do everything I can to make sure Bush's budget is rejected and that we bring forth a new budget that reflects the priorities of all our people and not just the wealthiest and most powerful.

Most Americans understand, for example, our health care system is disintegrating. Since George W. Bush has been President, 8.6 million Americans have lost their health insurance, and we now live in a country in which 47 million of our neighbors have no health insurance. We live at a time when health costs are soaring, when people are paying larger and larger deductibles and copayments. That is the reality of American health care today.

How does President Bush respond to this crisis in health care? His response is to slash funding for Medicare, slash funding for Medicaid, slash funding for rural health care programs, making a terrible situation even worse.

I understand it will be asking too much for this President to stand up to the insurance companies, to stand up to the drug companies and move us toward a national health care program which guarantees health care for all our people, something, by the way, which every other major country on Earth now has.

I understand that is something George W. Bush is not going to do. I understand that. But at the very least, at a time when some 17,000 Americans a year die because they lack health insurance, he should not be making a terrible situation even worse. He need not deny health care to even more Americans.

In the State of Vermont and through many parts of our country, Minnesota included, we have experienced extremely cold weather this winter. At the same time, as every American knows, the price of home heating oil has more than doubled, skyrocketed since President Bush has been in office. The result is the LIHEAP program, the Low-Income Home Energy Assistance Program, which keeps millions of seniors and low-income households warm in the winter, is stretched to the breaking point. That is the reality. Cold winter, price of home heating oil soaring, the program is stretched.

In State after State, because of soaring fuel prices, either fewer people are able to access LIHEAP or the amount of help they are getting has been significantly reduced. That is simply the arithmetic of the situation: lower payments, fewer people. Those are the choices States have with reduced LIHEAP budgets.

I know President Bush has no problem, no problem whatsoever, with the fact that his good pals at ExxonMobil have announced the largest profits in the history of the world for the third consecutive year, over $40 billion in profits in the year 2007. I am quite sure the President has no problem with that, and I understand that. He has no problem, apparently, with the fact that home heating oil prices are now at $3.30 a gallon. I am sure he has no problems with the fact that a few years ago, the former CEO of ExxonMobil, a gentleman named Lee Raymond, received a $400 million retirement package from that company. It is not a problem for the President of the United States. He is close to those people. As he once famously said: That is his base.

But despite the President's lack of concern about rising fuel costs, it is beyond comprehension that he would slash the LIHEAP program by $570 million, a 22-percent reduction from last year. The price of home heating oil is soaring, more and more people are losing their LIHEAP benefits, and the President's response in the midst of this crisis is to slash the program. That is pretty cruel. What is a low-income senior living on Social Security supposed to do when the weather gets below zero and she cannot heat her home? That is the story today, and you propose to make it even worse next year.

At a time when millions of low-income seniors are struggling to survive on inadequate Social Security benefits, this President in his budget wants to cut back on nutrition programs for low-income seniors, in addition to cutting back on low-income housing and senior citizen housing.

Hunger in the United States of America is increasing. Emergency food shelves are simply running out of groceries. There is no moral justification for the President of the United States to be cutting back on nutrition programs for low-income elderly Americans by proposing to completely eliminate the Commodity Supplemental Food Program which is providing assistance to well over 4,000 low-income senior citizens in the State of Vermont and hundreds of thousands nationally. With hunger going up, the President cuts back on an important nutritional program for low-income seniors.

I am a member of the Veterans' Committee, and I am proud that last year, against opposition from the White House, we substantially increased funding for the VA and are providing billions more so veterans can gain access to quality VA hospitals and clinics. That is what we accomplished. That was the right thing to do. And yet despite all of his rhetoric about how much he loves the troops and how much he respects the troops—last week, I might add, in his State of the Union Address, President Bush said:

> We must keep faith with all who have risked life and limb so that we might live in freedom and peace.

That was the President's statement 1 week ago at the State of the Union Address. But today, after all that flowery rhetoric, the President has proposed in his budget a very sharp increase in health care fees from $250 to $750 for veterans who access VA health care facilities. And there is no question, no doubt about it but that these increased fees, if put into effect, would result in driving many veterans out of VA health care which, in fact, is precisely the goal of that proposal. He wants to take veterans out of VA health care, which is consistent with what the President did several years ago when he threw large numbers of so-called category 8 veterans, those without service-connected disabilities, out of VA health care.

The words tell us how much he loves our soldiers, but actions tell us he is prepared to raise fees for veterans health care, with the result of removing many veterans from the VA system.

I say to President Bush that at a time when tens of thousands of our soldiers have been wounded in Iraq and Afghanistan, please don't balance your budget on the backs of men and women who have put their lives on the line defending this country.

Since George W. Bush has been in office, we have seen recordbreaking deficits, and our national debt is now $9.2 trillion, $3 trillion more than when President Bush assumed office.

All of us in Congress want to move this country toward a balanced budget to make sure our kids and our grandchildren are not left with an enormous debt. But there are right ways to move toward a balanced budget and there are wrong ways to try to do that and, unfortunately, President Bush's budget moves us exactly in the wrong direction.

As many Americans know, since President Bush has been in the White House, the middle class has been decimated, poverty has increased, and the gap between the very wealthiest people in our society and everyone else has grown wider. In fact, the United States now has by far the most unequal distribution of wealth and income of any major country on Earth.

Sadly, the gap between the upper-income people, the wealthiest people in our country, and the middle class is increasingly making our country look like a poor developing country. We have the same economic structure, in terms of distribution of wealth and income, that countries such as Brazil and Mexico have, rather than looking like other major industrialized countries in Europe, Scandinavia or in Canada.

I am aware a lot of facts and figures are thrown about on the floor of the Senate, but let me mention one fact I hope all Americans pay attention to, and that is that according to the latest statistics available, the wealthiest 300,000 Americans—that is men, women, and children—take in more income than the bottom 150 million Americans. In other words, the upper one-tenth of 1 percent, 300,000 people, take in more money than do the bottom 50 percent. One-tenth of 1 percent. Fifty percent. And that is what is going on in the American economy today.

Tragically, that gap between the superrich and everybody else is growing wider and wider every single year. For those people who live in the bottom 90 percent of the population, the vast majority of our citizens, their average income was $33,000 way back in 1973. Today, despite all of the free trade agreements and globalization, despite all of the huge increases in technology, despite the significant growth in worker productivity, in inflation-accounted-for dollars, that $33,000 per year has declined to $29,000 a year, which is about a $75-a-week pay cut.

That is what is going on in the economy today, and has been going on over the last three decades: people on top, doing phenomenally well; people at the bottom, the situation is getting worse; people in the middle are getting squeezed, working longer hours for lower wages. And perhaps those trends tell us why in today's Washington Post a front-page story was headlined "U.S. Concern Over Economy Is Highest In Year." That was the headline on the front page of the Washington Post today. The first line of that story tells us that "The public views the national economy now more negatively than at any point in nearly 15 years."

What is going on is that the American people are getting sick and tired—they are getting sick and tired—of paying $3.15 for a gallon of gas when ExxonMobil enjoys the highest profits in the history of the world. They are tired of paying outrageously high home heating costs. They are tired of losing their health insurance. They are tired of losing their pensions. They are tired of not being able to find affordable childcare for their kids. They are tired of seeing their kids come out of college $20,000 or $30,000 in debt and not able to find decent-paying jobs.

And not only are they tired, they are worried. They are worried that for the first time in the modern history of this great country—despite the fact that so many people are working so hard, they are worried that their kids will have a lower standard of living than they do. They are worried that the American dream, which is what this country has always been about—the dream which says that if parents work hard, their kids will do better than they do—they are worried that dream is being lost.

That is why there is so much deep concern about the economy. It is not just health care, it is not just the loss of pensions, it is not only outrageously high prices when you fill up your car, and it is not only home heating oil; it is the fact that when you go shopping, what you are doing is buying products made in China and Mexico that used to be made in the United States. Many American people understand that we are never going to have a great economy if we are not producing the products we need and the people throughout the world need.

The American people understand that there is something profoundly wrong when 20, 25 years ago the largest employer in the United States was General Motors—manufacturer of cars—that paid workers good wages, good benefits, and there was a strong union, and today the largest employer in the United States is Wal-Mart, with low wages, minimal benefits, and vehemently antiunion.

The American people are getting the point that people such as President Bush work tirelessly on behalf of the wealthy and the powerful. But who is standing up for the people who make our country go every day—for the cops and the firemen and the farmers and the people who work in factories and the nurses and the doctors? Who is standing up for those people? Maybe the time is now for us to begin standing up for those people.

In the midst of all of this, the President has brought forth a budget that punishes working people, punishes poor people, but says to the wealthiest people in this country, the people who have now had it so good since the late 1920s, and says to them: Hey, I—the President—am going to help you. In his budget the President wants to repeal the estate tax, which would provide $1 trillion in tax relief to the wealthiest three-tenths of 1 percent. Let me say that again. Over a 20-year period, $1 trillion in tax relief to the wealthiest three-tenths of 1 percent of our population.

That is what this budget, this Robin-Hood-in-reverse budget, is all about. If you are old and trying to survive on Social Security, and if you are going to go cold this winter and next winter, the President wants to cut back on the heating assistance you receive. If you are a low-income American, or perhaps an American without any health insurance right now, the President wants to cut back on Medicaid and Medicare. If you are an American who lives in a home that lacks insulation, and if you are putting money into your heating bill and that heat is going out your poorly insulated home, it is going out the window, going out the roof, you have a President who wants to completely eliminate the low-income weather assistance program. If you are a veteran who has put your life on the line defending this country, the President wants to make it harder for you to access VA health care by substantially increasing your fees. But if you are a billionaire, the President is all there for you. If you are one of the wealthiest families in America, in this budget the President has brought forth today, you are going to get huge tax breaks. Let me cite one example of how preposterous this scenario is.

One of the wealthiest families in America is the Walton family. The Walton family, as I think most people know, owns Wal-Mart. This one family is worth, it is estimated, a combined $82 billion. There are a number of sons and daughters, but combined they are worth about $82 billion—one family. Incredible as it may sound, under the President's proposal of completely eliminating the estate tax, that one family would receive over $30 billion in tax breaks.

So here we are. If you are old and can't afford to heat your home, we are going to cut the program that keeps you warm. If you are sick and you have no health insurance, we are going to cut the program that gives you access to a doctor. If you are living in a home where you are losing all kinds of heat through poor insulation, we are not going to help you. If you are a veteran who has served your country, we are going to raise fees for you to get into a VA hospital or a clinic. But if you are one of the wealthiest families in America, we are going to give you $30 billion in tax breaks.

I say this without glee, but President Bush will probably go down in history as one of the least popular Presidents this country has ever had. And you don't need to know anything more to understand why that is so. A President who would give hundreds of billions in tax breaks to millionaires and billionaires and then cut back on the needs of working families, senior citizens, and veterans is not a President who is representing the vast majority of our people. I will do everything that I can as a member of the Budget Committee to not only make sure President Bush's budget is not implemented, but I will work with my colleagues to fashion a budget that begins to address the real needs of the American people.

There is great disenchantment in this country about what is going on here in Washington, but I also note there is great hope out there. There is a belief that if we come together as a people, if we remember where we came from, if we are prepared to uphold the values that have made us a great country, if we are willing to stand up to the powerful special interests who have so much influence over what goes on in this institution—if we can do those things—not only can we once again create a great middle class, not only can we once again protect the most vulnerable people in our society, but perhaps, more importantly, we can once again give the American people a faith in their Government that they presently lack. That is something we must do.

Madam President, I yield the floor.

Mr. AKAKA. Madam President, I am pleased to support the Senate's bipartisan legislation designed to stimulate the economy and benefit working families, assist seniors and veterans, provide some relief for the unemployed, and encourage business and energy investments. I know that there are numerous families throughout the Nation who have found themselves working harder and having less discretionary income due to increases in living expenses such as gasoline and food costs. In my home state of Hawaii where the cost of living is already high, especially due to housing, families are struggling. they, like the rest of the Nation, have been hit hard by the decline in the economy. While Hawaii's unemployment is not as high as in other parts of the Nation. it is not uncommon for individuals in Hawaii to work two or three jobs just to provide their families with food and shelter and to have multiple generations living under the same roof in order to save money.

One of the key provisions of the Senate's economic stimulus package is to put money in the hands of low-income and middle-class individuals and families by offering a rebate of $500 per individual and $1000 per couple, plus $300 for every child under the age of 17. For the many families in this Nation struggling to make ends meet, these rebates will help ease the financial pressures they are currently facing. Far too often, due to the downturn in our Nation's economy, families are finding that they simply cannot afford important, basic needs. Consequently, they are forced to make very difficult decisions and even more difficult sacrifices. More and more Americans are relying on high-interest credit cards, not to buy luxuries but just to provide daily necessities. The rebates included in the Senate package will help families pay down those bills and provide much needed financial relief.

The Senate Finance Committee's package also improves upon the House-passed bill by extending these rebates to senior citizens and disabled veterans. As chairman of the Senate Committee on Veterans Affairs, I am strongly supportive of provisions in this bill that improve the House version of the bill by including hundreds of thousands of disabled vets in the stimulus package. It is vitally important that we ensure that our Nation's wounded warriors and their families who have sacrificed so much are given the assistance they need. I am pleased to support the extension of benefits in the Senate Finance bill to 20 million senior citizens living on Social Security. For many low-income senior citizens, whose sole income is their monthly Social Security check, a rebate check could provide much needed relief in addition to providing further stimulus to the country's economy.

In addition to the rebates included in the Finance Committee package, another important provision is the extension of unemployment benefits. I know that for many workers who have found themselves out of jobs due to layoffs or business failures, unemployment benefits provide a much-needed bridge to get them over the immediate economic financial crises until they can find employment. Providing an additional 13 weeks of unemployment benefits for individuals who have been caught in the economic downturn and another 13 weeks of benefits for workers in states with high rates of unemployment will go a long way toward providing the support they need as they look for new jobs in this difficult economic environment.

I am also supportive of provisions in the Senate economic stimulus package that will encourage businesses to invest. Increasing the carryback period for net operating losses from 2 to 5 years, for example, will benefit the housing industry by allowing builders to avoid selling land and houses at greatly reduced prices and enable less costly financing. In addition, provisions to extend renewable energy and energy efficiency tax cuts for a year will help boost the economy by generating new employment opportunities. Given the growing demand for energy coupled with rising prices, it is critical to America's economy that we provide incentives to invest in clean energy production.

As the Senate considers this bill, I will continue to work to ensure that the economic stimulus package passed by Congress is structured to help hard-working men and women who find it increasingly difficult to make ends meet. We must see that a broad segment of the population, including the unemployed, senior citizens, and disabled veterans, receives assistance and that business and environmental investment is encouraged. I ask my Senate colleagues to join me in supporting the Senate version of the economic stimulus package.

MORNING BUSINESS

Mr. SANDERS. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO AMBASSADOR JAMES W. SPAIN

Mr. LEAHY. Madam President, I remember being on the Senate floor on

September 12, 2001. That was the day after the horrendous attack on our Nation. It was the only time in my 33 years here that I can remember the public galleries being closed. There was an unprecedented amount of security around the Capitol. But every Senator came onto the floor of the Senate that day. We wanted to indicate to the world that this symbol of democracy would not close. I especially remember that the closed visitors galleries, however, contained two people: former Ambassador James Spain and my wife Marcelle.

This memory, and so many more, came back to me in January of this year when Ambassador Spain's son Stephen informed me that my dear friend Jim had died on January 2 in Wilmington, NC.

It is hard to think of anyone in public life I have met during my years as a Senator who is as memorable as Jim Spain. He has touched me with his dignity, his sense of humanity, and his honesty as no one else could. He was the truest of public servants—one who cared for his country and those his position influenced actually more than he cared for himself.

I first met Jim decades ago when he was the Ambassador to Turkey and I visited him in Ankara. Even though Turkey was under military rule at that time, he invited people from across the political spectrum to meet with the two of us at his residence. It was there I saw the abilities of one of the finest Ambassadors to ever represent our great country as he brought these sometimes adversaries together to talk in what he called his "game room" or play room.

Turkey was under a dusk-to-dawn curfew at that time, but I had to leave in the middle of the night to get back to the United States. Jim arranged for a military escort to take me and to open the airport so that my military plane I was using could leave. I still remember "His Excellency," as so many of the Turks called him, waving goodbye from his front door in his pajamas, his bathrobe, and his slippers about 2 a.m.

We kept in close touch when he returned to Washington, through his ambassadorship in Sri Lanka and later retirement. He and Marcelle and I once sat up talking half the night when he was a guest in our house. After every one of these meetings, I would tell others that I felt I had been with a close member of my own family and my conscience had been touched in a very special and very helpful way.

I wish every member of the Foreign Service could read Ambassador Spain's book entitled "In Those Days." I was privileged to write, along with John Kenneth Galbraith and Father Andrew Greeley, a cover blurb for that book. In my blurb I said:

> From boyhood glimpses of a strutting Al Capone, to post-war Japan, a stint with the CIA, and a fascinating foreign service career—this is a life worth living. History is shaped by extraordinary people like Ambassador Spain. His Irish eloquence makes the difficult look easy while his humanity touches your soul.

Another wrote:

> Jim Spain's contribution in assisting CIA Director Allen Dulles to make President Eisenhower get the pronunciation of Prime Minister Nehru's first name right during the latter's official visit to Washington is a typical foreign service moment. "Heady stuff for a 28-year-old," noted Jim Spain.

Even today I cannot pronounce former Prime Minister Nehru's first name correctly. I cannot think of the number of times when traveling with Ambassador Spain he whispered in my ear to make sure I got the names correct.

In the end, it was his humanity that touched us all. It was as though his great intelligence and ability was only the pedestal to allow the humanity to shine through.

Tissa Jayatilaka—and I do wish Ambassador Spain was here to make sure I come anywhere close to pronouncing this name correctly—wrote:

> News reached us over the weekend past that Jim Spain's time on earth had run out. Heaven knows this world of ours cannot afford to do without human beings of his caliber and yet there is only so much that an individual can do for humanity before he, too, moves unto the dusty descend.
>
> Ambassador Spain was one of the most decent, gentle, caring, and perceptive human beings I have known to-date.
>
> He was unfailingly generous and kind to his fellow-companions on this bittersweet journey on earth that we travel on for a while. It was indeed a privilege to have worked with him briefly and shared a long and fruitful friendship with him thereafter.
>
> I first came to know him during my days in The Colombo Plan Bureau in the 1980s. He had arrived in Colombo some time in 1985 to head the U.S. Mission here. Until then, Sri Lanka was the only South Asian country he had not lived in before.
>
> He was to make up for this in the years ahead, when in 1989, consequent to his retirement from the U.S. foreign service, he made Sri Lanka his home.
>
> This decision of Ambassador Spain was all the more remarkable because the last several years of the 80s was a period when most Sri Lankans were seeking to run away from their land of birth.
>
> Jim Spain not only stayed behind, but also did a great deal discreetly to assist this beleaguered country of ours to save itself from self-destruction.

This person goes on to write:

> . . . It was several years later that I came to know that only a couple of years prior to his coming to Colombo that Ambassador Spain himself had suffered a monumental personal loss.
>
> Consequent to a memorable family reunion after some years during Thanksgiving 1983 at a resort in West Virginia, Jim Spain, his wife Edith and daughter Sikandra bade farewell to their sons and brothers Patrick, William and Stephen and began to wend their way through country roads back to Washington.
>
> Near Leesburg, Virginia, their light fiberglass car was hit by a huge old station wagon going 85 miles per hour, driven by a local football player who was not wearing the glasses his license prescribed. He was not even scratched, but the Spains had to be evacuated to the Washington Hospital Trauma Center by helicopter.
>
> By next morning, Sikandra was dead, Edith was clinging to life in an intensive-care unit and Jim was immobilized with a variety of fractures and bruises.
>
> A few weeks later, Edith died.
>
> With the help of his sons and his strong spirituality, Jim Spain bore his irreparable loss with fortitude.

I read all that into the RECORD so my colleagues would know what a man he was.

I have lost a good friend. Marcelle and I send our condolences to his sons Patrick, Stephen, and William; their wives, Barbara, Beth, and Anu; to his grandchildren Jeanne, James, Aidan, Katherine, and Rachel; and to all within his family.

For my part, I know I have gained more from knowing him than I could ever say.

I ask unanimous consent to have printed in the RECORD Ambassador Spain's biography.

There being no objection, the material was ordered to be printed in the Record, as follows:

> Ambassador Spain was born in 1926 in Chicago, Illinois, where he attended St. Brendan's Parochial School and Quigley Seminary where his classmates included priest/author Andrew Greeley and "Vatican Banker" Paul Marcinkus. He received a masters degree from the University of Chicago and a PhD from Columbia University.
>
> Ambassador Spain served in World War II, for a time serving on General Douglas MacArthur's staff as a photographer in occupied Japan. He entered the Foreign Service in 1951, and spent the entirety of his career in government service. His assignments took him to Pakistan, Turkey, Tanzania, the UN, and Sri Lanka.
>
> His first post was as Vice Consul in Karachi in 1951. Following that he returned to the U.S. where he lived, mostly in Washington, DC, until 1969. He was appointed as Charge d'Affaires to Pakistan in 1969, Consul General in Istanbul from 1970–1972, Deputy Chief of Mission in Ankara (1972–1974), Ambassador to Tanzania (1975–1979) and Deputy Ambassador to the United Nations under Andrew Young briefly in 1979, Ambassador to Turkey from 1980–1981, and finally as Ambassador to Sri Lanka from 1985–1988. He retired as a Career Minister in the Foreign Service and remained in Sri Lanka until 2006, when he returned to the United States. He has been living in Wilmington, NC since then.
>
> He was the author of numerous books, including In Those Days, American Diplomacy in Turkey, The Way of the Pathans, Pathans of the Latter Day, and a series of novels featuring Dodo Dillon. He contributed articles on foreign affairs to a variety of publications.
>
> Ambassador Spain lived a distinguished life of service to his country and dedication to his friends and family. He was a remarkably able diplomat who drew on his own odyssey from an impoverished youth on the South Side of Chicago—the son of a streetcar conductor and a seamstress who were Irish immigrants—to attending receptions with Presidents and Prime Ministers to inspire those around him to seek the best for themselves and their country. He met adversity

with strength, rudeness with grace, and challenges with enthusiasm. He played pivotal roles in maintaining and strengthening the United States alliance with Turkey, in bringing about a peaceful transition to majority rule in Zimbabwe, and strengthening the United States' relations with all the countries of the subcontinent. He was most proud not of the headlines that he had a part in, but of the headlines that never had to be written, thanks to his work defusing tensions between nations.

One of his earliest memories of Chicago was being taken by his father to watch Al Capone walk through City Hall. His glimpse of the legendary gangster impressed many, among them Jawarlahal Nehru, the first prime minister of India, who once held up a reception line just to hear about it.

James W. Spain, 81, died on January 2, 2008 of natural causes in Wilmington, NC.

He was very pleased to have outlived Sen. Jesse Helms of North Carolina, but sorely disappointed not to have lived to see the next Democrat in the White House.

He was preceded in death by his beloved wife Edith and daughter Sikandra. He is survived by his sons, Patrick, Stephen and William and his grandchildren, Jeanne, James, Aidan, Katherine, and Rachel.

GUN VIOLENCE

Mr. DURBIN. Madam President, the flags are at half-mast today in the village of Tinley Park, IL.

They will be lowered for 5 days, 1 day for each victim of the tragic and senseless shootings that took place last Saturday.

Five lives were cut short that morning: Carrie Chiuso, of Frankfort, IL, a social worker and counselor of high school students at Homewood-Flossmoor High School, dedicated to her community and to her family; Rhoda McFarland, of Joliet, who had served as a nurse practitioner in the U.S. Air Force and who was engaged to be married; Jennifer Bishop of South Bend, IN, a nurse who had worked for 13 years saving lives at South Bend Memorial Hospital; Connie Woolfolk, of Flossmor, IL, a working mother, with a 16-year-old and a 10-year-old; And Sarah Szafranski, of Oak Forest, only 22 years old, a young woman who had just recently graduated from Northern Illinois University and started on a promising career.

We offer our support and our prayers to the friends and families of these victims. We mourn with them in their time of loss.

There are also reports that a sixth victim was shot in this robbery attempt and that she has survived. Our thoughts and prayers are with her and her family as well.

An investigation by law enforcement authorities is underway, and we hope that the person or persons responsible for these killings will be swiftly brought to justice.

Edward Zabrocki, the mayor of Tinley Park, said, "This is a tragedy that should not happen to any town." He is right.

After a gun-related tragedy, we often hear that now is not the time to talk about gun violence in America. But when is it time?

In America, we lose 81 people to gun violence every day—81 people a day, 7 days a week, 365 days a year.

In 2004, the latest year for which the Centers for Disease Control has complete information, 29,569 people died from gun violence in America. That is more than twice as many people who died that year from HIV/AIDS.

And that doesn't count those who are wounded by gunfire. In 2004, 64,389 people were injured by gun violence. That is an average of 176 people every single day.

Firearm violence is at epidemic levels in this country. No matter who we are or how safe we think we are, any of us could be among the dozens of victims each day who end up on the wrong side of a gun.

We need to change the way we talk about gun violence in this country. It is time to move past the stereotypes of "gun nuts" and "gun grabbers" pitted against each other. The majority of those who own guns in this country obtained their guns legally and use them lawfully.

But we also need to recognize that every year tens of thousands of shots in this country are fired at human beings. And while some are fired lawfully in self-defense or in the line of duty, thousands of gunshots end with suicide, homicide, assault, or accidental death.

We need to reduce these violent shootings, without placing undue burdens on the legal uses of guns.

Here are some principles that should guide us:

No. 1, those who own guns have an obligation to store those guns safely.

No. 2, those who sell guns have a duty to sell them only to those who are authorized by law to purchase them. Whether you are selling at a store or a gun show, you should not turn your head the other way and ignore a buyer's background.

No. 3, those of us who make laws have a duty to balance the rights of people to own and use guns safely and legally with the need to prevent gun violence.

We have had too many funerals for Americans like Carrie Chiuso, Rhoda McFarland, Jennifer Bishop, Connie Woolfolk, and Sarah Szafranski. Too many American lives suddenly and brutally cut short. Gun violence is an epidemic in this country, and each of us needs to take seriously our responsibility to end this violence.

VOTE EXPLANATION

Mr. DORGAN. Madam President, I was on the floor during the debate and vote on cloture on the motion to proceed to H.R. 5140. My vote was not recorded. I would like the RECORD to reflect that, had my vote been recorded, I would have voted "aye."

HONORING OUR ARMED FORCES

STAFF SERGEANT ROBERT J. MILLER

Mr. GRASSLEY. Mr. President, today I give tribute to an American hero who was killed in the line of duty while conducting combat operations for Operation Enduring Freedom in Barikowt, Afghanistan. SSG Robert J. Miller was wounded by small arms fire and died from these injuries sustained on January 25, 2008. His bravery and selflessness will be remembered and honored. I extend my thoughts and prayers to his parents, Philip and Maureen Miller, and all his family and friends.

Robert Miller was born in Harrisburg, PA, and eventually found his way to the University of Iowa, where he attended his freshman year. Miller was an avid gymnast who aspired to be on the university's gymnastics team and was an enthusiastic fan of the Hawkeyes. After a year of attending the University of Iowa, he decided to enlist in the U.S. Army in 2003. He earned a green beret from the special forces qualification course in 2005. During his years of service, he has been awarded numerous medals including the Army Commendation Medal with Valor, Army Good Conduct Medal, and Global War on Terrorism Service Medal, among others.

Staff Sergeant Miller was assigned to Company A of the 3rd Battalion, 3rd Special Forces Group out of Fort Bragg, NC. He will be remembered for his courageous sacrifice and excellent work ethic. His mother Maureen said it best: "We're proud of what he did, and we loved what we did. He died a hero." I ask my colleagues here in the Senate and all Americans to remember with gratitude and appreciation a brave soldier, SSG Robert J. Miller.

SOCIAL SECURITY COLA PROTECTION ACT

Mr. JOHNSON. Madam President, shortly before our adjournment last December, I was joined by several of my Senate colleagues in introducing the Social Security COLA Protection Act of 2007. This legislation will provide seniors with much-needed relief from steadily increasing Medicare premiums and will ensure that their Social Security cost-of-living adjustment, or COLA, is available for other essential needs such as food, housing, and energy.

I want to first thank Senators BOXER, INOUYE, LEAHY, MIKULSKI, MURRAY, REED, ROCKEFELLER, and SALAZAR for joining me in this effort. Representative HERSETH SANDLIN introduced the companion bill today in the House of Representatives, and I want to thank her for her leadership on this issue and other important topics to seniors in South Dakota.

Sixteen percent of South Dakotans are Medicare beneficiaries. When compared to a national average of 14 percent, it is clear that Medicare policies significantly affect my home State. Many of these retirees live on modest, fixed incomes and must pay close attention to their monthly expenses. South Dakota's senior citizens worked very hard all of their lives as farmers, small business owners, teachers, and parents. In their retirement, all they are hoping for is an opportunity to enjoy a basic level of comfort and certainty.

Unfortunately, as the cost of health care continues to rise at an alarming rate, it becomes more and more difficult for seniors to achieve this sense of security during retirement. According to the Kaiser Family Foundation, the United States spent about $2 trillion on health care in 2005, almost three times the $696 billion spent in 1990. That $2 trillion represents 16 percent of the gross domestic product. The rate at which our Nation's health care spending increases is also troubling; health care spending has exceeded economic growth in every decade since the 1970s.

These increasing health care costs hit the pocketbook of every American, but our senior citizens, many of whom live on fixed incomes, have a particularly hard time making ends meet while health care costs climb. The Centers for Medicare and Medicaid Services, or CMS, recently announced that the Medicare Part B premium, which covers seniors' doctor visits and other nonhospital services, would increase 3.1 percent in 2008. CMS correctly noted in its press release that this is smallest percentage increase in the Part B premium since 2001. However, CMS failed to point out that the amount seniors will pay for Part B premiums in 2008, $96.40, is more than double what they paid in 2000. Our Nation's seniors simply cannot continue to absorb these skyrocketing health care costs.

This doubling of Part B premiums occurred while many Medicare beneficiaries incurred additional premium costs for the Part D prescription drug program. CMS estimates that premium costs for Part D will average $25 per month. However, a recent analysis by the Kaiser Family Foundation concludes that seniors enrolled in standalone prescription programs will experience a 17-percent increase in their premiums next year. Both Part D and Part B premiums generally are deducted from a senior's Social Security check.

While seniors can expect a modest cost-of-living increase in their Social Security benefits every year, this increase has not kept up with the pace of increased health care costs and specifically Medicare premium costs. The Social Security Administration, SSA, announced that all Social Security and Supplemental Security Income, SSI, beneficiaries would receive a 2.3-percent cost-of-living adjustment, COLA, beginning in January 2008. Each year, Social Security benefits are updated based on the overall rate of inflation as calculated by the Bureau of Labor Statistics. COLAs are not intended to provide anybody with a "raise" but are instead intended to ensure that a beneficiary's monthly payment has the same buying power that it had the year before. A 2.3-percent increase isn't much but should help retirees and individuals with disabilities living on a fixed income survive as the prices of food, housing, clothing, and other goods continue to increase.

I know that Social Security beneficiaries need every penny of their COLA, and it is important that rising Medicare costs not completely consume the Social Security COLA. In 1986, a hold-harmless provision took effect to ensure that no beneficiary's Medicare Part B premium increase could exceed his or her Social Security COLA in any given year. This ensured that no senior would receive a reduced Social Security check due to a Part B premium increase. However, this hold-harmless provision does not apply to Part D premiums, and the increasing cost of both programs is quickly consuming any small increase beneficiaries see in their Social Security checks. This policy is subjecting the incomes of retirees and individuals with disabilities to a tight squeeze. Without a legislative change, millions of retirees will likely see much or all of their COLA wiped out by increases in Medicare premiums over the next several years. We owe it to America's seniors to protect the COLA from being completely consumed by Medicare premium increases.

This is why I have introduced the Social Security COLA Protection Act of 2007, which will protect retirees by ensuring that no more than 25 percent of a senior's COLA is absorbed by the increase in Medicare premiums. This important legislation will protect the financial security of many retirees in my home State and across the country. I thank all of the Members who have introduced this bill with me and urge the rest of my colleagues to join us in our effort.

SPENDING IDENTIFICATION

Mr. BINGAMAN. Madam President, I ask unanimous consent that the following letter and attachment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON ENERGY
AND NATURAL RESOURCES,
Washington, DC, February 4, 2008.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: S. 2483, the National Forests, Parks, Public Land, and Reclamation Projects Authorization Act of 2007, is a collection of 56 separate legislative measures under the jurisdiction of the Committee on Energy and Natural Resources. Forty-five consist of the text of separate bills passed by the House of Representatives, nine are drawn from separate subtitles of another House-passed bill, and one is a House-passed concurrent resolution. Only one provision, section 482, contains new matter that has not passed the House of Representatives. A complete list of the House bills (and their Senate companion measures, where they exist) was printed in the Congressional Record on December 13, 2007, at pages S15474–S15475.

I assembled the 56 measures into a single bill in order to facilitate their consideration by the Senate. Although S. 2483 was placed on the Calendar without referral to the Committee on Energy and Natural Resources, most of the House bills that make up S. 2483 have been reported, or ordered reported, by the Committee.

Rule XLIV of the Standing Rules of the Senate provides that, before proceeding to the consideration of a bill, the chairman of the committee of jurisdiction must certify that each congressionally designated spending item in the bill and the name of the Senator requesting it has been identified and posted on a publicly accessible website. The term "congressionally designated spending item" is broadly defined, in pertinent part, to include "a provision . . . included primarily at the request of a Senator . . . authorizing . . . a specific amount of discretionary budget authority . . . for . . . expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process."

Ten of the House-passed bills incorporated into S. 2483 contain provisions authorizing the appropriation of specific amounts targeted to specific entities or localities. These authorizations are included in S. 2483 because they are part of the House-passed text. No Senator submitted a request to me to include them.

In the interest of furthering the transparency and accountability of the legislative process, however, I have posted a list of the specific authorizations in S. 2483 on the Committee on Energy and Natural Resources' website. The list includes the name of the principal sponsor of the Senate companion measure that corresponds to the House-passed bill. A copy of the list is attached for your convenience.

In addition, I have asked the principal sponsor of the Senate companion measure of each House bill contained in S. 2483 to certify that neither the Senator nor the Senator's immediate family has a pecuniary interest in the item, and have posted the certifications on the Committee's website. All certifications received by the Committee pursuant to paragraph 6 of Rule XLIV are posted on the Committee's website as soon as practicable after they are received in accordance with paragraph 6(b).

Thus, in accordance with Rule XLIV of the Standing Rules of the Senate, I hereby certify that each congressionally directed spending item in S. 2483 has been identified through a list and that the list was posted on the Committee's publicly accessible website at approximately 2:30 p.m. on February 4, 2008.

Sincerely,

JEFF BINGAMAN,
Chairman.

COMMITTEE ON ENERGY AND NATURAL RESOURCES CONGRESSIONALLY DIRECTED SPENDING ITEM CERTIFICATION PURSUANT TO RULE XLIV OF THE STANDING RULES OF THE SENATE

S. 2483—THE NATIONAL FORESTS, PARKS, PUBLIC LAND, AND RECLAMATION ACT OF 2007

Provisions in S. 2483 authorizing appropriations in a specific amount for expenditure with or to an entity or targeted to a specific State, locality, or congressional district, other than through a statutory or administrative formula-driven or competitive award process:

Section	Program or entity	State	Senate bill sponsor
333(e)	American Latino Museum Commission	DC	Salazar.
334(j)	Hudson-Fulton and Champlain Commissions	NY & VT	Clinton.
342(l)	Lewis & Clark Visitor Center	NE	Hagel.
409	Hallowed Ground National Heritage Area	VA	Warner.
430	Niagara Falls National Heritage Area	NY	Schumer.
449	Abraham Lincoln National Heritage Area	IL	Durbin.
461	Multiple National Heritage Areas	OH, PA, MA, SC	Voinovich.
		WV TN, GA, IA, & NY	none.
504(d)	Watkins Dam	UT	Hatch.
505	New Mexico water planning assistance	NM	Domenici.
509	Multiple Oregon water projects	OR	Smith/Wyden.
511	Eastern Municipal Water District	CA	Feinstein.
512	Inland Empire & Cucamonga water projects	CA	Feinstein.
513	Bay Area water recycling program	CA	Feinstein.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

REMEMBERING FORMER PRESIDENT RAFIQ HARIRI

• Mr. OBAMA. Madam President, the continued deadlock over Lebanon's Presidency brings further instability to an important country in the Middle East. We cannot idly stand by as an emerging democracy whose people have long ties to the United States teeters on the verge of collapse. The United States must turn the page on the Bush administration's failed Lebanon policy and replace hollow rhetoric with sustained diplomatic engagement. We must work with our European and Arab allies to foster a new Lebanese consensus around a stable and democratic Lebanon.

With the approach of the third anniversary of the assassination of former Prime Minister Hariri, our thoughts are with the Lebanese people as they struggle against extremist forces and continued intervention in their national affairs by Syria and Iran. Across the broader Middle East, the failures of the Bush administration are everywhere manifest. Instead of defeating extremists and elevating the cause of freedom, the administration's Middle East record includes an unfinished war in Afghanistan; a war in Iraq that should have never been authorized that has cost us precious lives, trillions of dollars, the readiness of our military, and our standing in the world; a too-long neglected Israeli-Palestinian peace process; and an emboldened Iran taking advantage of waning American influence throughout the region, and our refusal to use direct diplomacy to advance our interests.

Add to this string of failures the state of affairs in deeply divided Lebanon, once heralded by the President as a stepping stone in his "forward march of freedom." During its first term, the Bush administration largely ignored the country. It took the brutal assassination of Prime Minister Rafiq Hariri in February of 2005 to wake it from its stupor. At that time, the administration acted appropriately and pressed the Syrians to end their oppressive presence in Lebanon and called for an international effort to identify and punish those responsible for the assassination.

But, as with many parts of the world, the administration trumpeted the Cedar Revolution as its own success when the real credit should have gone to the people of Lebanon. And, as is often the case, there was no follow-through by the administration to consolidate democratic gains, and momentum was lost.

As a result, the hope and opportunity for change that characterized Lebanon 2 years ago has been replaced by cynicism and renewed civil strife. In that time, Lebanon has witnessed a string of political assassinations aimed at critics of Syrian influence that threaten to undermine the very foundations of its democracy; a devastating war between Israel and Hizbullah; a deepening political standoff between the government of Prime Minister Fouad Siniora and the opposition; and a long and bloody confrontation between Lebanon's army and an al-Qaida-inspired group of extremists.

It is time to engage in diplomatic efforts to help build a new Lebanese consensus. These efforts should focus on the need for electoral reform, an end to the current corrupt patronage system, and the development of the economy so as to provide for a fair distribution of services, opportunities, and employment.

The United States can play a positive role in helping achieve this consensus. We should support the efforts of our Arab allies and work with them to promote compromise among Lebanon's disparate groups. We should support the implementation of all U.N. reforms including the tribunal established to try those accused of assassinating former Prime Minister Hariri. We should work with our European allies and the Sarkozy government in France in calling for an all-party intra-Lebanese dialogue. Finally, we must make clear that part of any national compact must be the disarmament of all militias.

Moreover, we must support the implementation of U.N. Security Council resolutions that reinforce Lebanon's sovereignty, especially resolution 1701 banning the provision of arms to Hizbullah, which is violated by Iran and Syria. As we push for national consensus, we should continue to support the democratically elected government of Prime Minister Siniora, strengthen the Lebanese army, and insist on the disarming of Hizbullah, before it drags Lebanon into another unnecessary war. And it is vital that we work with the international community and private sector to rebuild Lebanon and get its economy back on its feet.

As the tragic events of the past few years make clear, what happens in Lebanon affects other American priorities in the region, including the fight against al-Qaida and other extremists, as well as opportunities for regional stability and peace. To neglect Lebanon would not only serve our interests badly, it would fail a nation whose people have suffered too much for too long a nation that could now be on the edge of a new precipice.•

ADDITIONAL STATEMENTS

IN MEMORY OF EARL GREENBURG

• Mrs. BOXER. Madam President, I wish to honor the life of an amazing Californian, Earl Greenburg. Earl recently died from cancer in his adopted home of Palm Springs. He will be missed by so many there and by all those whose lives he touched around the Nation.

Earl Greenburg's life was marked by an enduring sense of optimism that all things were possible. In the entertainment industry, he created hit television shows and won an Emmy Award. But his contributions went far beyond the entertainment and business worlds. Earl worked every day to make people's lives better, and he had the unique gift of convincing countless others to join him in that noble task.

In the desert region, Earl led in the revitalization of the Palm Springs International Film Festival, which has become a truly international event, drawing hundreds of thousands to see the very best in film.

In 1994, when his partner, Rick Weiss, died of AIDS, Earl turned his profound grief into action to change lives. He created the Weiss Apartments in Santa Monica where people with HIV/AIDS can live. He also created the Rick Weiss Humanitarian Awards to raise funds to help organizations that seek a cure and help people living with HIV/AIDS.

His good works did not stop there. Earl was also active with the Desert Cancer Society, Desert AIDS Project, Barbara Sinatra Children's Center, Angel View Crippled Children Foundation, Shelter from the Storm, AIDS Assistance Program, the Stroke Activity Center, and Eisenhower Medical Center, giving both his time and money to improve lives and restore health.

My heart goes out to all of Earl's loved ones. Earl's business and life partner is David Peet. Together they shared a love for one another and a true zest for life. I know David will do whatever he can to continue Earl's work. Earl was a loving father. He is survived by his son, Ari Greenburg, daughters, Meredith Greenburg and Kathryn Claire Peet-Greenburg, grandchildren, and brothers. I share my deepest condolences for their loss.

Meeting Earl was such an honor for me, and watching him work was always a learning and inspiring experience. While so many in the desert and across California grieve today because of his loss, we know that countless people are living better lives because of his generosity and philanthropy. And there is no greater legacy than that.•

TRIBUTE TO IRVING HERRMAN

• Mr. BROWN. Madam President, Mr. Irving Herrman, member to the "greatest generation," will be 90 years old on February 5, 2008. He was born in Akron, OH, the second of three sons of Armand and Therese Herrman and a first-generation American. His parents were Eastern European Jews who came to this country at the end of the 19th century.

Mr. Herrman graduated from South High School in Akron and attended the University of Akron. He began working for Mr. Milton Radney until he joined the Army Air Corps and served during World War II; he was stationed in England. It was in England where he met his wife, Vera Grace Cressey. They married on March 19, 1945, and returned to Akron and then Cuyahoga Falls after the war, where they raised a beautiful family together.

Upon returning to the Akron area, Mr. Herrman resumed his position with the Radney Cigarette Company where he managed the office. He remained with the company until he retired in 1982. He then worked parttime for H.R. Block until 1998. Mrs. Herrman died in 2000. Mr. Herrman loves his family dearly. He has two daughters and sons-in law, Brenda H. and Steven Lipp and Judith H. and Fred Jenkins; he has six grandchildren: Emily Lipp Sirota, Zach Lipp, Nate Lipp, Jake Plattner, Rachel Plattner and Maggie Plattner.

Mr. Herrman is an active and beloved member of the community. He has been a member of Temple Israel for over 50 years. He has been a longtime member of the Hakoah Club at the Jewish Community Center, holding every office in that organization, including president. He is also a member of the Jewish War Veterans, holding offices in that organization, as well. In his retirement, he volunteered at local hospitals. One of Mr. Herrman's favorite pastimes is bowling. He won many competitions and rolled a 300 game in league play. He is also an avid ping-pong player and continues to enjoy golf and travel. But his favorite activity of all is spending time with friends and family.

Mr. Herrman's life is one that represents the "greatest generation:" a life of family and service to country and community. It is people like Mr. Herrman who have built this country and made it great.•

CELEBRATING LULAC'S 78TH ANNIVERSARY

• Mr. LUGAR. Madam President, I appreciate this opportunity to join my many friends from the Hispanic community in Indiana and across the country as we celebrate the 78th anniversary of the founding of the League of United Latin American Citizens, better known as LULAC. This is a significant milestone and one in which LULAC's members should take great pride.

Since its inception on February 17, 1929, in Corpus Christi, TX, LULAC has championed the cause of Hispanic-Americans in education, employment, economic development, and civil rights. To carry out this mission, LULAC has developed a comprehensive set of nationwide programs fostering educational attainment, job training, housing, scholarships, citizenship, and voter registration. Through the years, LULAC's dedication to fostering greater opportunities for young people through its scholarship opportunities has been remarkable. It has enabled thousands to pursue and reach their higher education goals.

Today, LULAC is recognized as the largest and oldest Hispanic civil rights and service organization in the United States. LULAC's commitment to the advancement of Latinos through its 700 chapters nationwide has served as a model to many other emerging coalitions.

Millions of Hispanic-Americans have worked tirelessly to provide for their families, strengthen their communities, and enrich our national culture. I wish LULAC and its members every success as they work on behalf of Hispanic-Americans across our State and Nation.•

EXECUTIVE AND OTHER COMMUNICATIONS

The following communication was laid before the Senate, together with accompanying papers, reports, and documents, and was referred as indicated:

EC–4880. A communication from the President of the United States, transmitting, pursuant to law, the Budget of the United States Government for Fiscal Year 2009; referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986; to the Committees on the Budget; and Appropriations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER:

S. 2589. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to include certain former nuclear weapons program workers in the Special Exposure Cohort under the energy employees occupational illness compensation program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself and Mr. HARKIN):

S. 2590. A bill to authorize the Secretary of the Interior, acting through the Director of the National Park Service, to designate the Dr. Norman E. Borlaug Birthplace and Childhood Home in Cresco, Iowa, as a National Historic Site and as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SPECTER:

S. 2591. A bill to amend chapter 1 of title 17, United States Code, to provide an exemption from exclusive rights in copyright for certain nonprofit organizations to display live football games, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. LAUTENBERG, and Mr. MENENDEZ):

S. Res. 441. A resolution congratulating the New York Giants on their victory in Super Bowl XLII; considered and agreed to.

By Mr. CASEY (for himself, Mr. SPECTER, and Mr. LEAHY):

S. Res. 442. A resolution commemorating the life of A. Leon Higginbotham, Jr; considered and agreed to.

ADDITIONAL COSPONSORS

S. 399

At the request of Ms. MIKULSKI, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 399, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid program.

S. 573

At the request of Ms. STABENOW, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 912

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 912, a bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools.

S. 969

At the request of Mr. DODD, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 1459

At the request of Mr. MENENDEZ, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1459, a bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes.

S. 1512

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1512, a bill to amend part E of title IV of the Social Security Act to expand Federal eligibility for children in foster care who have attained age 18.

S. 1555

At the request of Mr. LAUTENBERG, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1555, a bill to establish certain duties for pharmacies to ensure provision of Food and Drug Administration-approved contraception, and for other purposes.

S. 1981

At the request of Mr. REED, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1981, a bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes.

S. 2060

At the request of Mr. FEINGOLD, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2060, a bill to amend the Elementary and Secondary Education Act of 1965 to establish a Volunteer Teacher Advisory Committee.

S. 2119

At the request of Mr. JOHNSON, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2141

At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2141, a bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syndrome prevention and services program, and for other purposes.

S. 2283

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 2283, a bill to preserve the use and access of pack and saddle stock animals on public land administered by the National Park Service, and Bureau of Land Management, the United States Fish and Wildlife Service, or the Forest Service on which there is a historical tradition of the use of pack and saddle stock animals.

S. 2305

At the request of Mr. WHITEHOUSE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2305, a bill to prevent voter caging.

S. 2453

At the request of Mr. ALEXANDER, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 2453, a bill to amend title VII of the Civil Rights Act of 1964 to clarify requirements relating to nondiscrimination on the basis of national origin.

S. 2550

At the request of Mrs. HUTCHISON, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Nevada (Mr. ENSIGN), the Senator from Indiana (Mr. BAYH) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 2550, a bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain debts owed to the United States by members of the Armed Forces and veterans who die as a result of an injury incurred or aggravated on active duty in a combat zone, and for other purposes.

S. 2565

At the request of Mr. BIDEN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 2565, a bill to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal law enforcement officers.

S. 2568

At the request of Mr. KERRY, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 2568, a bill to amend the Outer Continental Shelf Lands Act to prohibit preleasing, leasing, and related activities in the Chukchi and Beaufort Sea Planning Areas unless certain conditions are met.

S. 2578

At the request of Mr. COLEMAN, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. SANDERS), the Senator from Oregon (Mr. WYDEN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2578, a bill to temporarily delay application of proposed changes to Medicaid payment rules for case management and targeted case management services.

S.J. RES. 25

At the request of Mr. DURBIN, his name was added as a cosponsor of S.J. Res. 25, a joint resolution providing for the appointment of John W. McCarter as a citizen regent of the Board of Regents of the Smithsonian Institution.

S. RES. 432

At the request of Mr. BIDEN, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Massachusetts (Mr. KERRY), the Senator from Washington (Mrs. MURRAY), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Res. 432, a resolution urging the international community to provide the United Nations-African Union Mission in Sudan with essential tactical and utility helicopters.

S. RES. 434

At the request of Mr. BIDEN, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. Res. 434, a resolution designating the week of February 10-16, 2008, as "National Drug Prevention and Education Week".

S. RES. 439

At the request of Mr. LUGAR, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. Res. 439, a resolution expressing the strong support of the Senate for the North Atlantic Treaty Organization to enter into a Membership Action Plan with Georgia and Ukraine.

AMENDMENT NO. 3913

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 3913 intended to be proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

AMENDMENT NO. 3915

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 3915 proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

AMENDMENT NO. 3930

At the request of Mr. CARDIN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of amendment No. 3930 proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

AMENDMENT NO. 3967

At the request of Mr. DOMENICI, his name was withdrawn as a cosponsor of amendment No. 3967 intended to be proposed to S. 2483, a bill to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes.

AMENDMENT NO. 3973

At the request of Mr. ROCKEFELLER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 3973 intended to be proposed to H.R. 5140, a bill to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

AMENDMENT NO. 3978

At the request of Mr. WYDEN, the names of the Senator from Virginia (Mr. WEBB), the Senator from New York (Mr. SCHUMER), the Senator from Iowa (Mr. HARKIN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 3978 intended to be proposed to H.R. 5140, a bill to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 2591. A bill to amend chapter 1 of title 17, United States Code, to provide an exemption from exclusive rights in copyright for certain nonprofit organizations to display live football games, and for other purposes; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I rise to introduce legislation which would modify the limitations on churches showing the Super Bowl under the NFL copyright franchise. Churches across the country were notified by the NFL not to show the Super Bowl on a big screen because it infringed their copyright. There is an exception under the copyright laws for bars. It is anomalous that you can go to a bar and see the Super Bowl, but you cannot go to a church for a social gathering and do the same. This legislation will correct that.

Mr. President, I ask unanimous consent that my full statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTRODUCTION OF LEGISLATION EXEMPTING RELIGIOUS ESTABLISHMENTS FROM THE PUBLIC PERFORMANCE RIGHT FOR SPORTS PROGRAMMING

Few images are more distinctly American than that of a religious community coming together not only in prayer but in fellowship to watch a major sporting event. For years, houses of worship across this country have opened up their doors and welcomed their congregation into their halls to watch the Super Bowl. They have provided families with an alternative to going to the local bar down the street to cheer for their favorite team. However, if the National Football League has its way, such gatherings will come to an end.

A strict reading of the copyright code prohibits virtually anyone from bringing a large group of people together and watching the Super Bowl. The one exception to this general rule is "food service and drinking establishments." This exemption allows sports bars to show a sporting event, so long as they do so on screens that do not exceed fifty-five, 55, inches. Although the law is nearly impossible to enforce for Super Bowl parties held in places other than food service and drinking establishments, the NFL has turned its sights on churches and other houses of worship, which use the large screens normally reserved for displaying hymns to show the Super Bowl to their congregation.

Over the past several years, the NFL has begun sending churches across the country cease-and-desist letters, warning them not to show the game on their big-screen televisions and threatening them with a copyright infringement suit if they do. These religious establishments—many of which do not have enough money to even think about defending themselves against a giant such as the NFL—have had little choice but to shut down these gatherings.

This is unfortunate because many houses of worship have used these events to reach out to their members, as well as potential new members, particularly young people. As Reverend Thomas Omholt, senior pastor of St. Paul's Lutheran in Washington, DC, stated in a recent Washington Post article, "It takes people who are not coming frequently, or who have fallen away, and shows them that the church can still have some fun." These churches do not charge their members to watch the game nor have they used them as fundraisers. Rather, these events provide churches with a means of connecting with the greater community and new potential members of their congregation. The uniqueness of these events is underscored by the fact that these churches do not use the Academy Awards or other popular television programming as a means of outreach.

When Congress created the sports bar exemption in 1998, they did so based on the rationale that the display of copyrighted performances—such as football games—in sports bars and similar establishments did not negatively impact the overall viewership for the game and value of the rights to the game. The same rationale applies to churches. Allowing churches to show the game would not diminish the overall viewership for the Super Bowl. If anything, it increases the viewership by making it a social event and bringing people out to watch the game who might not have watched it at home or in a bar.

Today, I am introducing legislation that will create a new exemption for religious establishments. This legislation will provide churches and other houses of worship with the protection that they need to gather to watch the Super Bowl without fear of being sued for copyright infringement. This exemption will have limitations. For example, in order to qualify for the exemption, a church may not charge a fee to view the game. This will ensure that religious establishments do not unfairly profit from the NFL's copyright. Further, the exemption only applies to the live broadcast of a professional football game at the church or house of worship. A church may not tape the game to show at a later date or rebroadcast the game to another location. In other words, the legislation simply provides churches with a limited yet justifiable exemption to allow them to bring their congregation together to watch the Super Bowl.

I am aware that some may argue that this bill implicates constitutional concerns. This is not the first time that we have recognized the unique needs of the religious community in the Copyright Code. Indeed, the section of the Copyright Code that we are amending already has an exemption for houses of worship and other religious assemblies for the use of copyrighted works of a religious nature. Although the Constitution does not require the creation of an exception in this case, it is reasonable to pursue one. In preparing this measure, my staff has researched the issue and spoken with some of the foremost experts in the field of First Amendment law. They share our view that this legislation appears consistent with the Establishment Clause of the Constitution. This legislation will not further entangle Government with religion but instead accommodates the needs of houses of worship and recognizes their important role in the communities they serve.

In a time when our country is divided by war and anxious about a fluctuating economy, these type of events give people a reason to come together in the spirit of camaraderie. We, Congress, need to recognize the unique need that these events satisfy and provide religious establishments with the protection that they need. I urge my colleagues to join me in this effort.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 441—CONGRATULATING THE NEW YORK GIANTS ON THEIR VICTORY IN SUPER BOWL XLII

Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. LAUTENBERG, and Mr. MENENDEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 441

Whereas, on Sunday, February 3, 2008, the New York Giants defeated the New England Patriots by a score of 17-14 to win Super Bowl XLII;

Whereas the Giants, who were double-digit underdogs, overcame overwhelming odds to defeat the Patriots;

Whereas Giants owners John K. Mara and Steve Tisch have built the Giants organization into a championship caliber team;

Whereas Eli Manning, having led a game-winning drive for 83 yards at the end of the fourth quarter, was named the game's Most Valuable Player;

Whereas David Tyree's game-breaking catch will forever go down in Super Bowl history as one of the greatest plays ever;

Whereas the relentless onslaught of the Giants defensive line, highlighted by spectacular plays by Justin Tuck, Osi Umenyiora, and team Captain Michael Strahan, sacked Patriots quarterback Tom Brady 5 times;

Whereas the Giants capped off an amazing playoff run by winning all 4 playoff games on the road as underdogs;

Whereas Giants head coach Tom Coughlin, in his first appearance in the Super Bowl, lead his team to victory from the wild card spot;

Whereas this marks the third time in franchise history that the Giants have won the Super Bowl;

Whereas the Giants attract fans from New York, New Jersey, and Connecticut to their home games in East Rutherford, New Jersey, and to away games across the country; and

Whereas Giants fans from across the tristate region have rallied together to cheer the Giants for coming from behind to win in the biggest upset in Super Bowl history: Now, therefore, be it

Resolved, That the Senate congratulates the New York Giants on their victory in Super Bowl XLII.

SENATE RESOLUTION 442—COMMEMORATING THE LIFE OF A. LEON HIGGINBOTHAM, JR

Mr. CASEY (for himself, Mr. SPECTER, and Mr. LEAHY) submitted the following resolution; which was considered and agreed to:

S. RES. 442

Whereas the late A. Leon Higginbotham, Jr., dedicated his life to eliminating racial barriers in the society of the United States;

Whereas, having grown up during the Great Depression and the era of Jim Crow laws, A. Leon Higginbotham, Jr., overcame a childhood marked by economic hardship and segregation;

Whereas, having personally experienced the effects of racism, A. Leon Higginbotham, Jr., sought an education and career in law during which he fought institutionalized racism in the United States judicial system;

Whereas A. Leon Higginbotham, Jr., began his legal career as a law clerk to Justice Curtis Bok of the Superior Court of Pennsylvania and soon became the youngest and first African-American Assistant District Attorney in the city of Philadelphia;

Whereas, in 1954, when African Americans were largely excluded from professional opportunities, A. Leon Higginbotham, Jr., became a founding member of Norris, Schmidt, Green, Harris, & Higginbotham, the first African-American law firm in Philadelphia;

Whereas, while still in private practice, A. Leon Higginbotham, Jr., served as Special Deputy Attorney General for the Commonwealth of Pennsylvania, Special Hearing Officer in the Department of Justice, President of the Philadelphia chapter of the National Association for the Advancement of Colored People, a member of the Executive Board of the Governor's Committee of One Hundred for Better Education, Commissioner of the Pennsylvania Fair Employment Practices Commission, Commissioner of the Pennsylvania Human Rights Commission, and a member of the board of directors for various legal, political, and nonprofit organizations within Pennsylvania;

Whereas, having been appointed by President John Fitzgerald Kennedy to the Federal Trade Commission in 1962, A. Leon Higginbotham, Jr., became not only the first African American to serve on a Federal regulatory commission but also the youngest person to be named as a Commissioner of the Federal Trade Commission;

Whereas, having recognized A. Leon Higginbotham, Jr.'s gifts as both a lawyer and a public servant, both President Kennedy and President Lyndon Baines Johnson nominated A. Leon Higginbotham, Jr., as a Federal judge on the United States District Court for the Eastern District of Pennsylvania;

Whereas, upon confirmation as a Federal judge at the age of 35, A. Leon Higginbotham, Jr., became the youngest person appointed to the United States District Court for the Eastern District of Pennsylvania and one of the youngest ever appointed to a Federal bench;

Whereas, in his role as a Federal judge, A. Leon Higginbotham, Jr., served as a mentor to numerous young attorneys, affording them the opportunity to gain critical exposure to the legal profession;

Whereas A. Leon Higginbotham, Jr., played an extraordinary role in the civil rights movement as an advisor to President Johnson after the tragic assassination of Dr. Martin Luther King, Jr., and as a member of the National Commission on Causes and Prevention of Violence;

Whereas, as the first African-American member of the Yale University Board of Trustees, A. Leon Higginbotham, Jr., successfully fought to allow women to enroll as undergraduates in Yale College;

Whereas, in 1977, President Jimmy Carter acknowledged A. Leon Higginbotham Jr.'s work as both a judge and a scholar and appointed him to the United States Court of Appeals for the Third Circuit;

Whereas A. Leon Higginbotham, Jr,. sat on the Court of Appeals for 16 years and served as Chief Judge from 1989 until 1991 and as Senior Judge through the completion of his public career in 1993;

Whereas, through his rulings and subsequent writing, A. Leon Higginbotham, Jr., vigorously fought racial bias and prejudice;

Whereas, upon retirement from the bench, A. Leon Higginbotham, Jr., became the Public Service Jurisprudence Professor at Harvard University, dedicating the remainder of his life to educating and empowering future generations to continue the pursuit of equal justice under the law;

Whereas, A. Leon Higginbotham, Jr., served as the chairman of an American Bar Association panel that in 1993 issued the landmark report "America's Children at Risk: A National Agenda for Legal Action", studying the status of children in the society and legal system of the United States;

Whereas, in 1993, A. Leon Higginbotham, Jr., served as counsel to the law firm of Paul, Weiss, Rifkind, Wharton, & Garrison, where he litigated a host of pro bono matters, including voting rights in Louisiana, and advocated free elections in South Africa;

Whereas, A. Leon Higginbotham, Jr., brought his passion for equal justice into the international arena as a consultant to the President of South Africa, Nelson Mandela, on the formation of the Constitution of South Africa, and as an advocate for grass roots democracy education in South Africa;

Whereas, in 1995, A. Leon Higginbotham, Jr., continued his commitment to public service when appointed by President William Jefferson Clinton to the United States Commission on Civil Rights;

Whereas, as an author and contributor to more than 100 publications and academic works, A. Leon Higginbotham, Jr., left a legacy as a renowned scholar of racial and social justice issues in the United States;

Whereas, A. Leon Higginbotham, Jr.'s critically acclaimed historical works, including "In the Matter of Color: The Colonial Period", published in 1978, and "Shades of Freedom: Racial Politics and Presumptions in the American Legal Process", published in 1996, continue to provide invaluable insight into the history of race relations in the United States;

Whereas, as a sought-after public speaker, after his retirement A. Leon Higginbotham, Jr., delivered more than 100 speeches annually to motivate the next generation of people in the United States to continue the fight for racial justice;

Whereas A. Leon Higginbotham, Jr., received numerous honors and awards during his lifetime, including the Presidential Medal of Freedom, the Raoul Wallenberg Humanitarian Award, the National Association for the Advancement of Colored People Spingarn Medal, the American Civil Liberties Union Medal, the Lifetime Achievement Award from the Philadelphia Bar Association, the Silver Gavel Award from the American Bar Association, America's Ten Outstanding Young Men of 1963 from the United States Junior Chamber of Commerce, and honorary degrees from more than 60 universities; and

Whereas A. Leon Higginbotham, Jr.'s work as an esteemed jurist, scholar, and public servant helped transform the Nation's perception of race: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the life of the late A. Leon Higginbotham, Jr.;

(2) salutes the lasting legacy of A. Leon Higginbotham, Jr.'s achievements; and

(3) encourages the continued pursuit of A. Leon Higginbotham, Jr.'s vision of eliminating racial prejudice from all aspects of our society.

The PRESIDING OFFICER. The senior Senator from Pennsylvania.

Mr. SPECTER. Mr. President, at the outset, I compliment my distinguished colleague from Pennsylvania, Senator CASEY, and congratulate him for his initiative in organizing the tribute to Judge Higginbotham.

Later this afternoon, there will be a symposium on the legacy of Judge Higginbotham with very distinguished scholars: Dr. John Hope Franklin, Dr. and Professor Charles Ogletree, and the Honorable ELEANOR HOLMES NORTON, who was Judge Higginbotham's first law clerk.

Judge Higginbotham's record has been appropriately described by Senator CASEY. I know the managers are interested to move ahead, so I ask unanimous consent that the full text of my statement be printed in the RECORD, along with an article published, which I wrote, in the Philadelphia Tribune on January 27 of this year.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HONORING THE LATE JUDGE A. LEON HIGGINBOTHAM, JR.

Mr. SPECTER. Mr. President, I seek recognition to join Senator CASEY in introducing a resolution to pay tribute to the late Judge A. Leon Higginbotham, Jr.

Judge Higginbotham was a Philadelphia lawyer, legal scholar, jurist and statesman who did not give in to prejudice, despair, or age. From his appointment at the age of 35 to the federal bench until his death at age 70, he pursued civil rights, justice and equality for all Americans. His message was positive—while much had been accomplished, even more remains to be done. Initially studying engineering in college, he said he was motivated to study law when he was living off campus in an unheated attic, the outside temperature hit zero, and the university president said he was denying the request to allow Higginbotham to live in a heated section of the dorm because "the law doesn't require us to." He said another incident was a second catalyst: when traveling as a member of his college's debate team, Higginbotham was denied a room in a hotel with his classmates and was required to stay at a rat-infested "colored YMCA."

After his graduation from Yale Law School in 1952, Higginbotham received a chilly reception and no job offers from law firms in Philadelphia. Undeterred, he began his career as a law clerk for Judge Curtis Bok of the Philadelphia Court of Common Pleas. Having demonstrated himself to be a capable and intelligent lawyer, he was hired by then district attorney Richardson Dilworth. In 1954, he left the office to become a founding member of the first African American law firm in Philadelphia: Norris, Schmidt, Green, Harris, and Higginbotham. From 1960 to 1962, he continued to advance civil rights by serving as president of the Philadelphia chapter of the NAACP.

The Senate confirmed Judge Higginbotham's appointment to the federal bench in 1964, despite procedural obstacles in the Senate Judiciary Committee. When he parked his car on his first day as a judge, a guard made a derogatory comment and told him the lot was reserved for judges. Judge Higginbotham later described the incident as "typical of a lot of things which have happened to both minorities and to women." Indeed, Higginbotham was also a strong advocate for women's rights. As the first African American trustee of Yale, he pushed for opening the University to women. His first law clerk was Eleanor Holmes, who later became Eleanor Holmes Norton, who currently serves as the Delegate to the U.S. House of Representatives for the District of Columbia.

Judge Higginbotham was a prolific writer who focused on facts and careful legal analysis. In his nearly three decades as a judge, Judge Higginbotham authored more than 600 published opinions, taught at the University of Pennsylvania, and wrote important books on the history of race in America—books such as "In the Matter of Color" and "Shades of Freedom". After retiring from the bench, Judge Higginbotham founded the South Africa Free Election Fund and helped South Africa's newly elected government draft a new constitution.

Nelson Mandela said "Judge Higginbotham's work and the example he set made a critical contribution to the course of the rule of law in the United States and a difference in the lives of African Americans, and indeed the lives of all Americans. But his influence also crossed borders and inspired many who fought for freedom and equality in other countries. . . ." Jesse Jackson said of Judge Higginbotham: "What Thurgood Marshall and Charles Hamilton Houston were to the first half of this century, Judge Higginbotham was to the second half." After his funeral, Rosa Parks commented, "I think he really had a great idea that we are all equal people."

As Yale Law graduates, former district attorneys and public servants, Higginbotham and I often crossed paths. I am grateful for the opportunity to have known this extraordinary man and his passionate and steadfast dedication to civil rights and the betterment of this country. As we celebrate Black History Month, I am honored to co-sponsor with my colleague from Pennsylvania, Senator CASEY, a resolution honoring the lifetime achievement of the late Judge A. Leon Higginbotham, Jr.

[From the Philadelphia Tribune, Jan. 27, 2008]

LEON HIGGINBOTHAM

(By Arlen Specter)

Two weeks before his death in 1998, A. Leon Higginbotham, Jr. appeared before the House Judiciary Committee to state his view that the charges against President Clinton did not warrant removal from office. When a Congressman said that "real Americans" thought otherwise, Higginbotham replied: "Sir, my father was a laborer, my mother a domestic. I came up the hard way. Don't lecture to me about the real America." After the hearing, C-SPAN cameras showed committee members and staffers surrounding Higginbotham to request photographs, while he leaned on the cane he used following three life-threatening operations.

Leon Higginbotham was a Philadelphia lawyer, legal scholar, jurist and statesman who did not give in to prejudice, despair, or age. From his appointment at the age of 35 to the federal bench until his death at age 70, he pursued civil rights, justice and equality for all Americans. His message was a positive one: while much had been accomplished, even more remains to be done. Initially studying engineering in college, he said he was motivated to study law when he was living off campus in an unheated attic, the outside temperature hit zero, and the university president denied the request to allow Higginbotham to live in a heated section of the dorm because "the law doesn't require us to." He said another incident served as a catalyst: when traveling as a member of his college's debate team, Higginbotham was denied a room in a hotel with his classmates and was required to stay at a rat-infested "colored YMCA."

After his graduation from Yale Law School in 1952, Higginbotham received a chilly reception and no job offers from law firms in Philadelphia. Undeterred, he began his career as a law clerk for Judge Curtis Bok of the Philadelphia Court of Common Pleas. Having demonstrated himself to be a capable and intelligent lawyer, he was hired by then District Attorney Richardson Dilworth. In 1954, he left the office to become a member of the first African American law firm in Philadelphia, Norris, Schmidt, Green, Harris, and Higginbotham. From 1960 to 1962, he continued to advance civil rights by serving as President of the Philadelphia chapter of the NAACP.

The Senate confirmed Judge Higginbotham's appointment to the federal bench in 1964, despite procedural obstacles in the Senate Judiciary Committee. When he parked his car on his first day as a judge, a guard yelled "Hey, boy" and told him the lot was reserved for judges. Judge Higginbotham later described the incident as "typical of a lot of things which have happened to both minorities and to women." Indeed, Higginbotham was also a strong advocate for women's rights. As the first African American trustee of Yale, he pushed for opening the University to women. His first law clerk was Eleanor Holmes, who later became Eleanor Holmes Norton, who currently serves as the Delegate to the U.S. House of Representatives for the District of Columbia.

Higginbotham was a prolific writer who focused on facts and careful legal analysis. In his 13 years as a trial judge and his tenure on the Third Circuit Court of Appeals from 1977 to 1993, Higginbotham authored more than 600 published opinions, taught at the University of Pennsylvania, and wrote important books on the history of race in America in Shades of Freedom and In the Matter of Color. After retiring from the bench, Judge Higginbotham founded the South Africa Free Election Fund and helped South Africa's newly-elected government draft a new constitution.

Nelson Mandela said "Judge Higginbotham's work and the example he set made a critical contribution to the course of the rule of law in the United States and a difference in the lives of African Americans, and indeed the lives of all Americans. But his influence also crossed borders and inspired many who fought for freedom and equality in other countries . . . ." Jesse Jackson said of Judge Higginbotham: "What Thurgood Marshall and Charles Hamilton Houston were to the first half of this century, Judge Higginbotham was to the second half." After his funeral, Rosa Parks commented, "I think he really had a great idea that we are all equal people."

As Yale Law graduates, former District Attorneys and public servants, Higginbotham and I often crossed paths. I am grateful for the opportunity to have known this extraordinary man and his passionate and steadfast dedication to civil rights and the betterment of this country. As we celebrate Black History Month, we should consider the lessons we can learn from the life and words of Leon Higginbotham.

Mr. SPECTER. Just a few personal comments.

Mr. President, I knew Judge Higginbotham and am honored and proud to have called him a personal friend. He graduated from Yale Law School a little ahead of me. He found it very difficult to get a job because of racial prejudice, which was present in Philadelphia at the time in the early 1950s. It was the same era when William T. Coleman, Jr.—who had been a law clerk to Justice Felix Frankfurter and later was Secretary of Transportation in the Ford administration—could not find a job and had to travel to New York City to find a job.

Leon Higginbotham clerked for a very distinguished common pleas judge, Curtis Bok—really an outstanding scholar and later a Pennsylvania Supreme Court justice. He found a job with the district attorney, a very distinguished district attorney, Richardson Dilworth, who later became mayor of Philadelphia.

Judge Higginbotham then was a founding partner of an African-American law firm: Norris, Schmidt, Green, Harris & Higginbotham. That is what had to be done in those days to find a job and develop a law practice if you were an African-American in the city of Philadelphia—really across our country.

Senator CASEY has referred to the indignity Judge Higginbotham had as a student at Purdue, when he was excluded from living in a heated dormitory because it was not required by the law.

He was a noted scholar, an author, and wrote the books "In the Matter of Color" and "Shades of Freedom." In my prepared text, I comment about compliments paid to Judge Higginbotham by Nelson Mandela, Jesse Jackson, and Rosa Parks.

This is a good occasion—Black History Month—to pause for a few moments to pay tribute to a great American and a great jurist, a member of the Federal Trade Commission, a Federal judge at 35, and later chief judge of the United States Court of Appeals for the Third Circuit.

Mr. CASEY. Mr. President, I rise today in support of a resolution honoring the lifetime achievements of Judge A. Leon Higginbotham, Jr. The chairman of the Judiciary Committee, Senator LEAHY, as well as my colleague from Pennsylvania and ranking member of the Judiciary Committee, Senator SPECTER, join me as original cosponsors of this resolution. We are honored to pay tribute to a remarkable lawyer, jurist, scholar and advocate whose story inspires us.

The Bible says, "There were giants in the earth in those days." Leon Higginbotham was a giant. He stood six feet six inches all and towered above most of the rest of us in his intellect, his compassion and his commitment to equality. Today, those who knew him and worked with him, and those who, like me, admired him from afar, have gathered in our Nation's Capital to honor his life and his legacy.

Aloysius Leon Higginbotham was born 80 years ago this month. The United States was about to enter the Great Depression and many Americans suffered under the yoke of racism and institutional, legalized segregation. Leon's young mother, who left school in the seventh grade, and his father, who worked in a Trenton, NJ factory, faced a world where most avenues to success were closed to African Americans.

Young Leon Higginbotham grew up in a household that valued hard work and education, yet the African-American community had few resources to support good schooling. "Separate but equal" grade schools offered a limited curriculum, small schoolhouses and often one teacher for multiple grades. This left black students effectively unable to gain admission to the nearby white high schools. In fact, in the four decades preceding Leon's entrance into junior high, no black student from his school in Ewing Township, NJ had ever enrolled in a white high school. Without the required prerequisites, especially training in Latin, the doors to academic success were nailed shut.

Fortunately, Leon's parents believed those doors could be pried open. His mother, Emma Lee, who worked for a wealthy family, constantly told her son that education was the "sole passport to a better life." In a bold, unprecedented move, she negotiated Leon's entrance into one of the best high schools in Trenton. Despite having no foundation in Latin, Leon managed to pass his freshman course. Impressed by his intellectual ability, Leon's Latin teacher offered to tutor him over the summer. Between jobs as a busboy in a local hotel and as a laborer in factories, he rode his bicycle nearly 20 miles to his teacher's home, several times a week, to improve his Latin skills. Mirroring his father's work ethic and his mother's passion for learning, Leon overcame the odds and earned his high school diploma.

In 1944, at age 16, Leon enrolled in the engineering program at Purdue University, where the student body had 6000 white students and 12 black students. Leon and his 11 fellow students were required to live in the unheated attic of a campus building. As autumn became winter, snow found its way through the flimsy roof, and the 12 students shivered their nights away, wearing earmuffs, shoes and multiple layers of clothing to bed. As the Midwestern winter grew colder, Leon requested a meeting with the university president to negotiate for a warmer place to sleep, noting that all of the white students slept in heated dormitories. The president responded, "Higginbotham, the law doesn't require us to let colored students in the dorm. We will never do it, and you either accept things as they are or leave the university immediately." Leon found the president's comments especially troubling in light of the thousands of African Americans who were then serving their nation in World War II. He left the president's office determined to find a way both to serve his country and bring about lasting change.

Leon continued his academic pursuits at Purdue and became an avid debater, qualifying to attend the Big Ten debate championships. After being forced to sleep in a YMCA overrun with mice, while his white teammates were lodged in a comfortable hotel, Leon finally decided to leave Purdue and enroll in Antioch College. His strong academic performance at Antioch persuaded members of the faculty and the board of trustees to encourage him to enroll in law school. Leon received an offer of assistance from a benefactor which would cover his first semester at Yale Law School, but Rutgers University offered him a full scholarship. Characteristically, Leon resisted pressure from friends and family and chose the steeper path, Yale.

He arrived at Yale with a cardboard suitcase and little understanding of the challenges that lay ahead. He was overwhelmed at first by the education and polish of his fellow students, many of them sons or relatives of lawyers, judges, or prominent politicians. As he recalled, "my father was a laborer, two books in the house. One, we had purchased, a Bible; the other, my mother had gotten out of the trash of one of the people she worked for, an old dictionary. . . . I did not begin Yale at the same starting line as many of my contemporaries."

Leon balanced his time between working at a corner store in New Haven and wrestling diligently with the law. As a research assistant to Prof. John P. Frank, Leon demonstrated "an extraordinary verbal talent" and achieved what Dean Wesley Sturges described as more honors in oral advocacy than anyone else in the law school at the time. Leon later said that the most significant event in his law school career was traveling to Washington, DC, to witness Thurgood Marshall's passionate advocacy before the Supreme Court in the Sweatt v. Painter case. From that moment on, Leon committed his considerable talents to the fight for what he called the "promise of freedom" for all people. The child who rode his bicycle to Latin lessons graduated from Yale Law School as the towering man with the deep baritone voice, who would succeed in a world almost unimaginable to his parents.

Leon decided to begin his legal career in Philadelphia. This was not an easy task in the Philadelphia of the early 1950s, but a few people recognized his potential and helped him become a clerk for Judge Curtis Bok of the Philadelphia Court of Common Pleas. He worked hard and soon became the youngest—and first ever African-American assistant district attorney—under Richardson Dilworth, who later served as mayor of Philadelphia. After 2 years in the DA's office; Leon left to found, with another future Federal judge, Clifford Scott Green, and others, Philadelphia's first African-American law firm, Norris, Schmidt, Green, Harris & Higginbotham. The Norris firm became the launching pad for a generation of successful African-American lawyers. At the same time, he pushed for social change in various roles, including president of the Philadelphia chapter of the NAACP, Special Hearing Officer for the United States Department of Justice, Commissioner of the Pennsylvania Human Rights Commission, and Special Deputy Attorney General of Pennsylvania. While juggling these public commitments, Leon always maintained close ties to the community as a director of numerous legal, political and nonprofit organizations.

In 1962, President John F. Kennedy appointed Leon to the Federal Trade Commission, making him the first African-American ever to serve on a Federal regulatory commission. Soon thereafter, Kennedy recognized Leon's work as a lawyer and public servant and nominated him for a Federal judgeship in the Eastern District of Pennsylvania. However, his confirmation faced strong resistance and repeated delays engineered by some Members of the United States Senate. After President Kennedy's death, President Lyndon B. Johnson overrode the resistance to Leon's nomination by giving him a recess appointment to the Eastern District Court. At the age of 35, Judge Leon Higginbotham became one of the youngest men ever appointed to the Federal bench.

From the beginning of his career on the bench, Judge Higginbotham was known for his scholarly, well-written opinions and his imperturbable judicial temperament. His tenure was also marked by his focus on the generations to follow him, what many came to call his "people legacy." His warmth extended particularly to those on what he referred to as "the lower end of the Courthouse bureaucracy." The Judge permitted young clerks and staffers to accompany him in all his activities so they could learn the full nature of the legal profession. Students from Philadelphia public high schools could be found working as interns in his office. He soon developed a diverse entourage that became known as the "Higginbotham menagerie." Many of his proteges moved on to lead outstanding careers in the public arena. In fact, one of our congressional colleagues, Representative ELEANOR HOLMES NORTON of the District of Columbia, served as his first law clerk and is a living symbol of Judge Higginbotham's legacy.

In 1968, in the wake of the assassinations of Martin Luther King and Robert Kennedy, despair and violence escalated across our country. President Johnson repeatedly called on Judge Higginbotham for advice on how to restore hope and optimism in the hearts of the American people. Johnson recognized Judge Higginbotham's wisdom in the face of crisis and appointed him to the Commission on Causes and Prevention of Violence. Judge Higginbotham used that opportunity to push for ways to quell the violence of the time and to shrink the divide between Black and White America. The Judge also exerted his influence beyond racial issues and advocated for women's rights. As a trustee of the Yale Corporation, he successfully fought to allow undergraduate enrollment for women at Yale College.

In 1977, Judge Higginbotham's accomplishments, both on the bench and in civic matters, led President Jimmy Carter to appoint him to the United States Court of Appeals for the Third Circuit. Judge Higginbotham sat on the Third Circuit for 16 years, served as chief judge from 1989 to 1991, and as senior judge through the completion of his judicial career in 1993. He described his judicial philosophy as "evolutionary in terms of what is fair and just in a society." Through his rulings and subsequent writings, he reminded us that when our country was founded, the hope and promise of the Declaration of Independence and the Constitution were tarnished by the fact that the United States had over 500,000 slaves. Judge Higginbotham believed that equality for all under the law requires progressive interpretation of our founding documents and continued focus on the inequities that still exist.

> As he put it, ". . . It is possible that with the obvious pride we have in the few who make it, that we may fail to recognize how long the road behind us is and how many there are on that road who still are deprived by history of the utilization of their talents. . . . We cannot become anesthetized by the success of a few and oblivious to the deprivation of the many."

In 1993, Judge Higginbotham retired from the bench and began a new phase of his quest to achieve racial equality under the law. Even after three decades of remarkable public service, Judge Higginbotham took no time to rest, often quoting Robert Frost's words, " I have promises to keep. And miles to go before I sleep." He focused his post-judicial life on the future, often asking who in the next generation would "carry the baton into the new millennium." As a professor at Harvard University, he poured his energy and passion into preparing tomorrow's leaders to take that baton. He taught numerous courses and many of his students recall his oft-repeated words: "If you do not stand up for something, you'll fall for anything."

Judge Higginbotham's work as a scholar and historian helped transform our Nation's perception of race in America. His thorough research of nearly 250 years of legal documents involving racial issues formed the basis for a flood of books and articles in which he dissected the many aspects of discrimination embedded in America's legal system. For example, he hosted a conference on the centennial of Plessy v. Ferguson, using the occasion to urge the young minds of the next generation to take full advantage of the hard-won opportunities created by Brown v. Board of Education. He once commented to a group of recent law school graduates, "What should be our theme to America?. . . It is that in the long, bloody and terrible history of race in America, there is no more time for foolishness." His words and his actions still compel each of us to face the ugly parts of our Nation's history as well as the glorious ones, and to respond, with commitment, to the public arena.

Many remember Judge Higginbotham as what we now call a multitasker, especially during his retirement. When he wasn't teaching, he was frequently in a car on the way to the airport, dictating one of the over 100 speeches he delivered each year. When not addressing audiences, he often could be found testifying in front of the Senate Judiciary Committee, attending monthly meetings of the United States Commission on Human Rights, serving on numerous boards of trustees, including the New York Times and National Geographic, or arguing voting rights cases on behalf of the Congressional Black Caucus before the Supreme Court. He extended his fervor for equal justice overseas as a consultant to President Nelson Mandela on the formation of the South African Constitution and as an advocate for democracy education in South Africa.

Not surprisingly, Judge Higginbotham was recognized with numerous awards for his leadership as jurist, historian, scholar, advocate, mentor and ordinary citizen. His many honors include the Presidential Medal of Freedom, the Raoul Wallenberg Humanitarian Award, the NAACP Spingarn Medal, the ACLU Medal, the National Human Relations Award from the National Conference of Christians and Jews, the Silver Gavel Award from the American Bar Association, the Lifetime Achievement Award from the Philadelphia Bar Association, the Outstanding Young Man Award from the Philadelphia Chamber of Commerce, and honorary degrees from over 60 universities.

Judge Higginbotham is remembered by many, including me, as a true

American hero: a giant among men, who began his life in the most modest of circumstances, yet rose to extraordinary heights. Rosa Parks, another American whose own story continues to inspire us, appropriately noted after his passing, "I think he really had a great idea that we are all equal people." Rosa Parks" words capture what I believe to be the essence of Judge Higginbotham's legacy: he helped pry open the doors leading to the American dream for ordinary people from all walks of life.

So in this month when we celebrate the achievements of African Americans, I am honored to pay tribute to Leon Higginbotham's life of courage and commitment to justice; of integrity and intellect; his life of advocacy and action, service and scholarship. Judge Higginbotham's life was a testament to the enduring power of the words "we shall overcome." Leon Higginbotham helped our Nation move closer to the ideal expressed on the building across the street from this chamber: "Equal Justice under Law." We are proud to have his wife, Evelyn Brooks Higginbotham, as well as numerous family members, friends, former clerks and colleagues here with us today as we honor his life and work and seek to keep the flame of Leon Higginbotham burning ever brightly.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3979. Mr. FEINGOLD (for himself, Mr. WEBB, Mr. TESTER, Mr. BIDEN, Mr. SANDERS, Mr. KENNEDY, Mr. MENENDEZ, Mr. AKAKA, Mr. DODD, and Mr. OBAMA) proposed an amendment to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

TEXT OF AMENDMENTS

SA 3979. Mr. FEINGOLD (for himself, Mr. WEBB, Mr. TESTER, Mr. BIDEN, Mr. SANDERS, Mr. KENNEDY, Mr. MENENDEZ, Mr. AKAKA, Mr. DODD, and Mr. OBAMA) proposed an amendment to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; as follows:

On page 52, line 2, strike the quotation marks and the second period and insert the following:

"SEC. 709. ADDITIONAL SAFEGUARDS FOR COMMUNICATIONS OF PERSONS INSIDE THE UNITED STATES.

"(a) LIMITATIONS ON ACQUISITION OF COMMUNICATIONS.—

"(1) LIMITATION.—Except as authorized under title I or paragraph (2), no communication shall be acquired under this title if the Government knows before or at the time of acquisition that the communication is to or from a person reasonably believed to be located in the United States.

"(2) EXCEPTION.—

"(A) IN GENERAL.—In addition to any authority under title I to acquire communications described in paragraph (1), such communications may be acquired if—

"(i) there is reason to believe that the communication concerns international terrorist activities directed against the United States, or activities in preparation therefor;

"(ii) there is probable cause to believe that the target reasonably believed to be located outside the United States is an agent of a foreign power and such foreign power is a group engaged in international terrorism or activities in preparation therefor; or

"(iii) there is reason to believe that the acquisition is necessary to prevent death or serious bodily harm.

"(B) ACCESS TO COMMUNICATIONS.—Communications acquired under this paragraph shall be treated in accordance with subsection (b).

"(3) PROCEDURES FOR DETERMINATIONS BEFORE OR AT THE TIME OF ACQUISITION.—

"(A) SUBMISSION.—Not later than 120 days after the date of enactment of the FISA Amendments Act of 2008, the Attorney General, in consultation with the Director of National Intelligence, shall submit to the Foreign Intelligence Surveillance Court for approval procedures for determining before or at the time of acquisition, where reasonably practicable, whether a communication is to or from a person reasonably believed to be located in the United States and whether the exception under paragraph (2) applies to that communication.

"(B) REVIEW.—The Foreign Intelligence Surveillance Court shall approve the procedures submitted under subparagraph (A) if the procedures are reasonably designed to determine before or at the time of acquisition, where reasonably practicable, whether a communication is to or from a person reasonably believed to be located in the United States and whether the exception under paragraph (2) applies to that communication.

"(C) PROCEDURES DO NOT MEET REQUIREMENTS.—If the Foreign Intelligence Surveillance Court concludes that the procedures submitted under subparagraph (A) do not meet the requirements of subparagraph (B), the Court shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this subparagraph to the Foreign Intelligence Surveillance Court of Review.

"(D) USE OF PROCEDURES.—If the Foreign Intelligence Surveillance Court approves procedures under this paragraph, the Government shall use such procedures in any acquisition of communications under this title.

"(E) REVISIONS.—The Attorney General, in consultation with the Director of National Intelligence, may submit new or amended procedures to the Foreign Intelligence Surveillance Court for review under this paragraph.

"(F) RELIABILITY.—If the Government obtains new information relating to the reliability of procedures approved under this paragraph or the availability of more reliable procedures, the Attorney General shall submit to the Foreign Intelligence Surveillance Court such information.

"(b) LIMITATIONS ON ACCESS TO COMMUNICATIONS.—

"(1) IN GENERAL.—At such time as the Government can reasonably determine that a communication acquired under this title (including a communication acquired under subsection (a)(2)) is to or from a person reasonably believed to be located in the United States, such communication shall be segregated or specifically designated and no person shall access such a communication, except in accordance with title I or this section.

"(2) EXCEPTIONS.—In addition to any authority under title I, including the emergency provision in section 105(f), a communication described in paragraph (1) may be accessed and disseminated for a period of not longer than 7 days if—

"(A)(i) there is reason to believe that the communication concerns international terrorist activities directed against the United States, or activities in preparation therefor;

"(ii) there is probable cause to believe that the target reasonably believed to be located outside the United States is an agent of a foreign power and such foreign power is a group engaged in international terrorism or activities in preparation therefor; or

"(iii) there is reason to believe that the access is necessary to prevent death or serious bodily harm;

"(B) the Attorney General notifies the Foreign Intelligence Surveillance Court immediately of such access; and

"(C) not later than 7 days after the date such access is initiated, the Attorney General—

"(i) makes an application for an order under title I; or

"(ii) submits to the Foreign Intelligence Surveillance Court a document that—

"(I) certifies that—

"(aa) there is reason to believe that the communication concerns international terrorist activities directed against the United States, or activities in preparation therefor;

"(bb) there is probable cause to believe that the target reasonably believed to be located outside the United States is an agent of a foreign power and such foreign power is a group engaged in international terrorism or activities in preparation therefor; or

"(cc) there is reason to believe that the access is necessary to prevent death or serious bodily harm; and

"(II) identifies the target of the collection, the party to the communication who is inside the United States if known, and the extent to which information relating to the communication has been disseminated.

"(3) DENIAL OF COURT ORDER.—If an application for a court order described in paragraph (2)(C)(i) is made and is not approved, the Attorney General shall submit to the court, not later than 7 days after the date of the denial of the application, the document described in paragraph (2)(C)(ii).

"(4) ADDITIONAL COURT AUTHORITIES.—

"(A) IN GENERAL.—The Foreign Intelligence Surveillance Court may—

"(i) limit access to communications described in paragraph (1) relating to a particular target if the Court determines that any certification submitted under paragraph (2)(C)(ii)(I) with respect to that target is clearly erroneous; and

"(ii) require the Attorney General to provide the factual basis for a certification submitted under paragraph (2)(C)(ii)(I), if the Court determines it would aid the Court in conducting review under this subsection.

"(B) FISC ACCESS.—The Foreign Intelligence Surveillance Court shall have access to any communications that have been segregated or specifically designated under paragraph (1) and any information the use of which has been limited under paragraph (5).

"(5) FAILURE TO NOTIFY.—

"(A) IN GENERAL.—In the circumstances described in subparagraph (B), access to a communication shall terminate, and no information obtained or evidence derived from such access concerning any United States person shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such access shall subsequently be used or disclosed in any manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person, or if a court order is obtained under title I.

"(B) CIRCUMSTANCES.—The circumstances described in this subparagraph are circumstances in which—

"(i) as of the date that is 7 days after the date on which access to a communication is initiated under paragraph (2), a court order described in paragraph (2)(C)(i) has not been sought and the document described in paragraph (2)(C)(ii) has not been submitted; or

"(ii) as of the date that is 7 days after an application for a court order described in paragraph (2)(C)(i) is denied, the document described in paragraph (2)(C)(ii) is not submitted in accordance with paragraph (3).

"(6) EVIDENCE OF A CRIME.—Information or communications subject to this subsection may be disseminated for law enforcement purposes if it is evidence that a crime has been, is being, or is about to be committed, provided that dissemination is made in accordance with section 106(b).

"(7) PROCEDURES FOR DETERMINATIONS AFTER ACQUISITION.—

"(A) IN GENERAL.—Not later than 120 days after the date of enactment of the FISA Amendments Act of 2008, the Attorney General, in consultation with the Director of National Intelligence, shall submit to the Foreign Intelligence Surveillance Court for approval procedures for determining, where reasonably practicable, whether a communication acquired under this title is to or from a person reasonably believed to be inside the United States.

"(B) REVIEW.—The Foreign Intelligence Surveillance Court shall approve the procedures submitted under subparagraph (A) if the procedures are reasonably designed to determine, where reasonably practicable, whether a communication acquired under this title is a communication to or from a person reasonably believed to be located in the United States.

"(C) PROCEDURES DO NOT MEET REQUIREMENTS.—If the Foreign Intelligence Surveillance Court concludes that the procedures submitted under subparagraph (A) do not meet the requirements of subparagraph (B), the Court shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this subparagraph to the Foreign Intelligence Surveillance Court of Review.

"(D) USE OF PROCEDURES.—If the Foreign Intelligence Surveillance Court approves procedures under this paragraph, the Government shall use such procedures for any communication acquired under this title.

"(E) REVISIONS.—The Attorney General, in consultation with the Director of National Intelligence, may submit new or amended procedures to the Foreign Intelligence Surveillance Court for review under this paragraph.

"(F) RELIABILITY.—If the Government obtains new information relating to the reliability of procedures approved under this paragraph or the availability of more reliable procedures, the Attorney General shall submit to the Foreign Intelligence Surveillance Court such information.

"(c) TITLE I COURT ORDER.—If the Government obtains a court order under title I relating to a target of an acquisition under this title, the Government may access and disseminate, under the terms of that court order and any applicable minimization requirements, any communications of that target that have been acquired and segregated or specifically designated under subsection (b)(1).

"(d) INSPECTOR GENERAL AUDIT.—

"(1) AUDIT.—Not less than once each year, the Inspector General of the Department of Defense and the Inspector General of the Department of Justice shall complete an audit of the implementation of and compliance with this section. For purposes of such audit, the Inspectors General shall have access to any communications that have been segregated or specifically designated under subsection (b)(1) and any information the use of which has been limited under subsection (b)(5). Such audit shall include an accounting of such segregated or specifically designated communications that have been disseminated.

"(2) REPORT.—Not later than 30 days after the completion of each audit under paragraph (1), the Inspectors General shall jointly submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate a report containing the results of the audit.

"(3) EXPEDITED SECURITY CLEARANCE.—The Director of National Intelligence shall ensure that the process for the investigation and adjudication of an application by an Inspector General or any appropriate staff of an Inspector General for a security clearance necessary for the conduct of the audits under this subsection is conducted as expeditiously as possible.

"(e) APPLICABILITY.—Subsections (a) and (b) shall apply to any communication acquired under this title on or after the earlier of—

"(1) the date that the Foreign Intelligence Surveillance Court approves the procedures described in subsection (a)(3) and the procedures described in subsection (b)(7); and

"(2) 1 year after the date of enactment of the FISA Amendments Act of 2008.".

APPOINTMENT OF CONFEREES—H.R. 2419

The PRESIDING OFFICER. Under the authority of the order of December 14, 2007, the chair appoints the following conferees on the part of the Senate to H.R. 2419: Mr. HARKIN, Mr. LEAHY, Mr. CONRAD, Mr. BAUCUS, Mrs. LINCOLN, Ms. STABENOW, Mr. CHAMBLISS, Mr. LUGAR, Mr. COCHRAN, Mr. ROBERTS, and Mr. GRASSLEY conferees on the part of the Senate.

PRESERVATION OF EXISTING JUDGESHIPS

Mr. SANDERS. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 556, S. 550.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 550) to preserve existing judgeships on the Superior Court of the District of Columbia.

There being no objection, the Senate proceeded to consider the bill.

Mr. SANDERS. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The bill (S. 550) was ordered to a third reading, was read the third time, and passed, as follows:

S. 550

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMPOSITION OF SUPERIOR COURT.

Section 903 of title 11 of the District of Columbia Code is amended by striking "fifty-eight" and inserting "61".

PROVIDING FOR THE APPOINTMENT OF JOHN W. McCARTER

Mr. SANDERS. I ask unanimous consent that the Rules Committee be discharged from further consideration of S.J. Res. 25 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 25) providing for the appointment of John W. McCarter as a citizen regent of the Board of Regents of the Smithsonian Institution.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. DURBIN. Madam President, I rise to support the appointment of John W. McCarter, Jr., to serve on the Smithsonian Institution's Board of Regents.

The Board of Regents is vested with authorities typically given to boards of trustees of not-for-profit and educational institutions throughout the United States. The Board considers a variety of issues related to the Smithsonian Institution, including budgets, planning documents, proposed programs and construction, appointments to Smithsonian advisory boards, and legislative initiatives. Given the variety and importance of the Board's responsibilities in managing the tone of America's most cherished cultural institutions, members of the Board of Regents serve a critical leadership role for the Smithsonian Institution.

That is why I am pleased to support John McCarter's appointment. He currently serves as president and chief executive officer of the Field Museum, one of the greatest cultural attractions in Chicago. The Field Museum attracts over 1 million visitors each year. The museum was originally founded to house the biological and anthropological collections assembled for the

World's Columbian Exposition of 1893. The original collection has been expanded to include some 20 million specimens, due in part to its continued worldwide expeditions and associated research.

Under John McCarter's leadership, the Field Museum has undertaken a series of projects to rebuild and restore the museum. Research activities have expanded along with the physical structure—the Field Museum is an international leader in evolutionary biology and paleontology in addition to archaeology and ethnography.

Before he joined the Field Museum in 1996, John McCarter was with Booz Allen & Hamilton as a senior vice president and was president of the DeKalb Corporation. He has also worked in government, serving as budget director for the State of Illinois in 1969 and as a White House Fellow during the LBJ administration.

John McCarter brought this diverse work experience to the not-for-profit museum he now leads. During his tenure at the Field Museum, John has created several new permanent and traveling exhibits, including the "Evolving Plant" exhibit in March 2006, the exhibit of Sue, the T. rex, in 2000, and the "Tutankhamen and the Golden Age of the Pharaohs" exhibit in 2006. These exhibits drew huge crowds to the Field Museum, expanding the reach of the museum's rich cultural experiences to new and diverse audiences. John's leadership has led to a new emphasis on developing museum exhibits that tell stories. This approach attracts more visitors and better educates those who are drawn in. The museum has also formalized its educational role in the community, establishing partnerships with science teachers in the community and organizing activities for inner-city schools.

It is my honor to support the appointment of John McCarter. His extensive experience in the government, private, and nonprofit sectors make him a great addition to the Smithsonian Institution's Board of Regents.

Mr. SANDERS. I ask unanimous consent that the joint resolution be read three times, passed, and the motion to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

The joint resolution (S.J. Res. 25) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 25

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring because of the expiration of the term of Walter E. Massey of Georgia, is filled by the appointment of John W. McCarter of Illinois, for a term of 6 years, effective on the date of the enactment of this resolution.

CONGRATULATING THE NEW YORK GIANTS ON THEIR VICTORY IN SUPER BOWL XLII

Mr. SANDERS. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 441, submitted earlier today by Senator SCHUMER.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 441) congratulating the New York Giants on their victory in Super Bowl XLII.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. Madam President, I have asked for time because I rise to speak about something that happened in Arizona yesterday.

I rise to congratulate the New York Giants on their much deserved Super Bowl victory last night, which very few thought would happen. But we Giants always knew we could prevail; we just couldn't pick the circumstances.

Mr. President, I will also be offering on behalf of myself, my colleague from New York, Senator CLINTON, and my two colleagues from our neighboring State of New Jersey, in which the Giants stadium is located, Mr. LAUTENBERG and Mr. MENENDEZ, this resolution.

The Big Blue, for the few of you who missed the game—I heard it had one of the biggest TV ratings we have had in a long time—the Big Blue defeated the heavily favored New England Patriots in what will go down as not only one of the greatest Super Bowl upsets in history but one of the most exciting and closely contested games in all of sports history.

Today, I am wearing the red, white, and blue. I usually enjoy wearing the red, white, and blue because I love America, but today I am particularly enjoying wearing those colors because I love the Giants.

Under enormous pressure, facing one of the most talented, methodical teams ever assembled, the Giants came from behind, battling back twice, to take that title.

Since the beginning of the season, the chattering class said the Patriots were an unstoppable force that would march untouched to a comfortable, some even said "large," Super Bowl victory, with the Giants a mere afterthought, a stepping stone on their road to greatness.

Well, the Giants proved them wrong again and today we are world champions. Now, I have been a Giant fan since I was 5 years old. I remember "Chuckin" Charlie Connerly and Sam Huff and Frank Gifford and Alex Webster. Back then the two most important Roosevelts to me were Brown and Grier.

The Giants have won Super Bowls before. But this victory, coming from behind and defying the odds, makes this win to Giants' fans the sweetest of all.

The Giants showed the grit and determination New York is known for. They would not be denied at any point in the game, keeping the pressure on through all four quarters. Throughout the game, the Giants excelled on both sides of the ball. I am particularly amazed and impressed with that Giant defense. The Patriots have one of the best offenses in football ever, certainly the best this year. But the Giant front—Michael Strahan, Osi Umenyora, Justin Tuck—stifled them. They put the pressure on Tom Brady so he actually missed passes. That did not happen very much, and the usually unflappable quarterback was back on his heels for most of the game.

And then the Giant offense. The doubters of Eli Manning were silenced for good—Two touchdown passes, that game-winning drive at the end, where no one thought the Giants could do it. And what a catch by David Tyree. He used his helmet, his face mask, his shoulder pads, and his chest gear to catch that ball and pave the way for that final touchdown.

Tom Coughlin, though bruising at times, kept the team together and focused, proving yet again that it ain't over until it is over. The hard-fought win sent shockwaves through the football establishment and sent New Yorkers cheering into the streets until the wee hours of the evening.

New Yorkers certainly deserve every minute of sweet celebration, and we look forward to that great tickertape parade I hope I will be able to go to if the voting schedule works out.

I spoke to Commissioner Goddell today and congratulated him on an exciting Super Bowl. It was not only a great day for New York football but a great day for football in general.

Just a note. Two members of the Giant family were lost in recent years: Wellington Mara, the heart and soul of a team if there ever was one, and Bob Tisch, a good friend of mine. And their steadfastness led to this success. I am sure they are looking down from heaven and smiling.

So I, on behalf of all New Yorkers, and the Senate, or at least most of the Senate, congratulate the New York football Giants for winning Super Bowl XLII and celebrating their extraordinary victory. I would like to send congratulations to my New York colleague, Senator CLINTON, who, of course, is on the campaign trail today. But I know she was thrilled about the victory, as were my colleagues from New Jersey, Senators LAUTENBERG and MENENDEZ.

Mr. LAUTENBERG. Madam President, I thank the Senator from Arizona, Mr. KYL, for his statement about the Super Bowl game that was played yesterday, and his congratulations to the Giants. And notice, I did not say the New York Giants, though that is the name, and we are as proud of that team as we in New Jersey could be.

But pride in my birthplace, my home all my life, the State I am privileged to serve in the Senate, forces me to remind everyone that though we treasure our neighbors' interests in New York, the Giants' home is in New Jersey, many of the players live in New Jersey, the home games are played in New Jersey, and there cannot be any doubt about the fan loyalty and the attendance of our proud New Jersey residents.

But to take nothing away from that smashing victory—that wonderful game, by the way, that was said by everyone I have met and talked to—even though our pride, our hopes were with the Giants, the fact is, it was a wonderful football game, and we cannot take away the greatness also of the New England Patriots football team.

After a tremendous season, a remarkable run through the playoffs, and a miraculous achievement against the AFC's best—the New England Patriots—our Giants are now the Super Bowl champions for the third time in history.

Last night, the Giants did what those of us in New Jersey and across the country believed they could do: They took the crown from the king. To capture the crown, they made key plays under pressure. The game started with a field goal, but the Patriots came right back and held the lead for much of the game. But with 2 minutes left, and their backs against the wall, the Giants came from behind to score the winning touchdown. The team showed guts and strength and courage, as they had throughout the season and through the playoffs. Last night, we saw them at their best. By winning the Super Bowl, our Giants are truly nominated to be the best team in the NFL, and they brought the Super Bowl trophy right back to its rightful place in New Jersey. From their home turf in East Rutherford, NJ, to the Super Bowl win in Arizona—and it was a wonderful setting and an outstanding opportunity to display our Giant greatness—the Giants stood tall and showed that against all odds they were champions.

What a pleasure it was to see the quarterback, Eli Manning, show his championship colors by hanging on as the Patriot defense came after him time and time again. What a wonderful family place that is to have two sons who are such expert football players. But Eli finally was able to come out of the shadow and take his place alongside his brother's great play.

David Tyree, a New Jersey native, scored the first touchdown and had an incredible catch with barely a minute left in play, falling back and pinning the ball tight against his helmet as he fell to the ground. He was holding onto that ball, and nothing could pull it from his arms.

Plaxico Burress caught the game-winning touchdown.

The offensive line, anchored by Rutgers University alumnus and New Jersey resident Shaun O'Hara, showed the way.

And don't forget, they say that defense wins championships. We saw a lot of that yesterday. The defensive line, led by Michael Strahan, also a New Jersey resident, stopped the record-setting Patriot offense in its tracks. It was no minor accomplishment.

In fact, our defense allowed only 14 points against a team that averaged more than 36 points a game during the regular season—an incredible accomplishment.

The Giants ran and passed, and they sacked their way to a championship and into the record books. The Giants have long had a place in the hearts and minds of New Jerseyans.

While the team does bear the New York name, their home has been in New Jersey for more than 30 years. Right now, one can see—if you pass the area where the Meadowlands in New Jersey is—they are building a brandnew stadium to keep them playing and winning in New Jersey for many years to come.

From Rutgers University to the Giants and the Jets, we have a proud and deep tradition of winning football in the Garden State. I am so proud the tradition lives on.

I congratulate the Mara and Tisch families, Tom Coughlin, the rest of the coaching staff, and the entire Giants team for an incredible Super Bowl victory. Giant fans cannot wait to bring the trophy back home.

On behalf of all New Jerseyans and our fans across the country, I am pleased—so pleased—to be able to call our Giants "champions."

The play that was displayed was magnetic, was fascinating. It will go down as one of the great Super Bowl games in history.

So we note, once again, just a reminder: Do not always call them the New York Giants. Just say Giants. That is enough. While we are under full cover of our pride and our allegiance, we call them the "Jersey Giants."

Mr. SANDERS. Madam President, even though I supported the New England Patriots, I will not object.

I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 441) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 441

Whereas, on Sunday, February 3, 2008, the New York Giants defeated the New England Patriots by a score of 17-14 to win Super Bowl XLII;

Whereas the Giants, who were double-digit underdogs, overcame overwhelming odds to defeat the Patriots;

Whereas Giants owners John K. Mara and Steve Tisch have built the Giants organization into a championship caliber team;

Whereas Eli Manning, having led a game-winning drive for 83 yards at the end of the fourth quarter, was named the game's Most Valuable Player;

Whereas David Tyree's game-breaking catch will forever go down in Super Bowl history as one of the greatest plays ever;

Whereas the relentless onslaught of the Giants defensive line, highlighted by spectacular plays by Justin Tuck, Osi Umenyiora, and team Captain Michael Strahan, sacked Patriots quarterback Tom Brady 5 times;

Whereas the Giants capped off an amazing playoff run by winning all 4 playoff games on the road as underdogs;

Whereas Giants head coach Tom Coughlin, in his first appearance in the Super Bowl, lead his team to victory from the wild card spot;

Whereas this marks the third time in franchise history that the Giants have won the Super Bowl;

Whereas the Giants attract fans from New York, New Jersey, and Connecticut to their home games in East Rutherford, New Jersey, and to away games across the country; and

Whereas Giants fans from across the tristate region have rallied together to cheer the Giants for coming from behind to win in the biggest upset in Super Bowl history: Now, therefore, be it

Resolved, That the Senate congratulates the New York Giants on their victory in Super Bowl XLII.

COMMEMORATING THE LIFE OF A. LEON HIGGINBOTHAM, JR.

Mr. SANDERS. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 442, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 442) commemorating the life of A. Leon Higginbotham, Jr.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SANDERS. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 442) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 442

Whereas the late A. Leon Higginbotham, Jr., dedicated his life to eliminating racial barriers in the society of the United States;

Whereas, having grown up during the Great Depression and the era of Jim Crow laws, A.

Leon Higginbotham, Jr., overcame a childhood marked by economic hardship and segregation;

Whereas, having personally experienced the effects of racism, A. Leon Higginbotham, Jr., sought an education and career in law during which he fought institutionalized racism in the United States judicial system;

Whereas A. Leon Higginbotham, Jr., began his legal career as a law clerk to Justice Curtis Bok of the Superior Court of Pennsylvania and soon became the youngest and first African-American Assistant District Attorney in the city of Philadelphia;

Whereas, in 1954, when African Americans were largely excluded from professional opportunities, A. Leon Higginbotham, Jr., became a founding member of Norris, Schmidt, Green, Harris, & Higginbotham, the first African-American law firm in Philadelphia;

Whereas, while still in private practice, A. Leon Higginbotham, Jr., served as Special Deputy Attorney General for the Commonwealth of Pennsylvania, Special Hearing Officer in the Department of Justice, President of the Philadelphia chapter of the National Association for the Advancement of Colored People, a member of the Executive Board of the Governor's Committee of One Hundred for Better Education, Commissioner of the Pennsylvania Fair Employment Practices Commission, Commissioner of the Pennsylvania Human Rights Commission, and a member of the board of directors for various legal, political, and nonprofit organizations within Pennsylvania;

Whereas, having been appointed by President John Fitzgerald Kennedy to the Federal Trade Commission in 1962, A. Leon Higginbotham, Jr., became not only the first African American to serve on a Federal regulatory commission but also the youngest person to be named as a Commissioner of the Federal Trade Commission;

Whereas, having recognized A. Leon Higginbotham, Jr.'s gifts as both a lawyer and a public servant, both President Kennedy and President Lyndon Baines Johnson nominated A. Leon Higginbotham, Jr., as a Federal judge on the United States District Court for the Eastern District of Pennsylvania;

Whereas, upon confirmation as a Federal judge at the age of 35, A. Leon Higginbotham, Jr., became the youngest person appointed to the United States District Court for the Eastern District of Pennsylvania and one of the youngest ever appointed to a Federal bench;

Whereas, in his role as a Federal judge, A. Leon Higginbotham, Jr., served as a mentor to numerous young attorneys, affording them the opportunity to gain critical exposure to the legal profession;

Whereas A. Leon Higginbotham, Jr., played an extraordinary role in the civil rights movement as an advisor to President Johnson after the tragic assassination of Dr. Martin Luther King, Jr., and as a member of the National Commission on Causes and Prevention of Violence;

Whereas, as the first African-American member of the Yale University Board of Trustees, A. Leon Higginbotham, Jr., successfully fought to allow women to enroll as undergraduates in Yale College;

Whereas, in 1977, President Jimmy Carter acknowledged A. Leon Higginbotham Jr.'s work as both a judge and a scholar and appointed him to the United States Court of Appeals for the Third Circuit;

Whereas A. Leon Higginbotham, Jr,. sat on the Court of Appeals for 16 years and served as Chief Judge from 1989 until 1991 and as Senior Judge through the completion of his public career in 1993;

Whereas, through his rulings and subsequent writing, A. Leon Higginbotham, Jr., vigorously fought racial bias and prejudice;

Whereas, upon retirement from the bench, A. Leon Higginbotham, Jr., became the Public Service Jurisprudence Professor at Harvard University, dedicating the remainder of his life to educating and empowering future generations to continue the pursuit of equal justice under the law;

Whereas, A. Leon Higginbotham, Jr., served as the chairman of an American Bar Association panel that in 1993 issued the landmark report "America's Children at Risk: A National Agenda for Legal Action", studying the status of children in the society and legal system of the United States;

Whereas, in 1993, A. Leon Higginbotham, Jr., served as counsel to the law firm of Paul, Weiss, Rifkind, Wharton, & Garrison, where he litigated a host of pro bono matters, including voting rights in Louisiana, and advocated free elections in South Africa;

Whereas, A. Leon Higginbotham, Jr., brought his passion for equal justice into the international arena as a consultant to the President of South Africa, Nelson Mandela, on the formation of the Constitution of South Africa, and as an advocate for grass roots democracy education in South Africa;

Whereas, in 1995, A. Leon Higginbotham, Jr., continued his commitment to public service when appointed by President William Jefferson Clinton to the United States Commission on Civil Rights;

Whereas, as an author and contributor to more than 100 publications and academic works, A. Leon Higginbotham, Jr., left a legacy as a renowned scholar of racial and social justice issues in the United States;

Whereas, A. Leon Higginbotham, Jr.'s critically acclaimed historical works, including "In the Matter of Color: The Colonial Period", published in 1978, and "Shades of Freedom: Racial Politics and Presumptions in the American Legal Process", published in 1996, continue to provide invaluable insight into the history of race relations in the United States;

Whereas, as a sought-after public speaker, after his retirement A. Leon Higginbotham, Jr., delivered more than 100 speeches annually to motivate the next generation of people in the United States to continue the fight for racial justice;

Whereas A. Leon Higginbotham, Jr., received numerous honors and awards during his lifetime, including the Presidential Medal of Freedom, the Raoul Wallenberg Humanitarian Award, the National Association for the Advancement of Colored People Spingarn Medal, the American Civil Liberties Union Medal, the Lifetime Achievement Award from the Philadelphia Bar Association, the Silver Gavel Award from the American Bar Association, America's Ten Outstanding Young Men of 1963 from the United States Junior Chamber of Commerce, and honorary degrees from more than 60 universities; and

Whereas A. Leon Higginbotham, Jr.'s work as an esteemed jurist, scholar, and public servant helped transform the Nation's perception of race: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the life of the late A. Leon Higginbotham, Jr.;

(2) salutes the lasting legacy of A. Leon Higginbotham, Jr.'s achievements; and

(3) encourages the continued pursuit of A. Leon Higginbotham, Jr.'s vision of eliminating racial prejudice from all aspects of our society.

ORDER FOR READING OF WASHINGTON'S FAREWELL ADDRESS

Mr. SANDERS. Madam President, I ask unanimous consent that notwithstanding the resolution of the Senate of January 24, 1901, the traditional reading of Washington's Farewell Address take place on Monday, February 25, 2008, at a time to be determined by the majority leader, in consultation with the Republican leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. On behalf of the Vice President, pursuant to the order of the Senate of January 24, 1901, as modified by the order of February 4, 2008, appoints the Senator from Arkansas (Mr. PRYOR) to read Washington's Farewell Address on Monday, February 25, 2008.

ORDERS FOR TUESDAY, FEBRUARY 5, 2008

Mr. SANDERS. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. tomorrow, Tuesday, February 5; and that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that there then be a period for the transaction of morning business for up to 60 minutes, with Senators permitted to speak therein for up to 10 minutes each and the time equally divided and controlled between the two leaders or their designees, with the Republicans in control of the first half and the majority in control of the final half; that following morning business, the Senate resume the motion to proceed to H.R. 5140, the economic stimulus; that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus luncheons; and that all time during any adjournment, recess or morning business count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. Madam President, it is the leader's intention to seek unanimous consent to resume consideration of the FISA legislation tomorrow and have votes on several of the remaining amendments to the bill. Therefore, Senators should be aware that rollcall votes will occur throughout the day.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SANDERS. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:49 p.m., adjourned until Tuesday, February 5, 2008, at 10 a.m.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 5, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 6

9:30 a.m.

Armed Services

To hold hearings to examine the defense authorization request for fiscal year 2009, the future years defense program, and for operations in Iraq and Afghanistan.

SD–106

Foreign Relations

To hold hearings to examine the Six Party Talks for the denuclearization of the Korean Peninsula.

SD–419

10 a.m.

Budget

To hold hearings to examine the President's Fiscal Year 2009 budget and revenue proposals.

SD–608

Energy and Natural Resources

To hold hearings to examine the President's proposed budget estimates for fiscal year 2009 for the Department of Energy.

SD–366

Environment and Public Works

To hold hearings to examine perspectives on the Surface Transportation Commission report.

SD–406

Finance

To hold hearings to examine the President's proposed budget for fiscal year 2009.

SD–215

10:05 a.m.

Environment and Public Works

Business meeting to consider S. 2146, to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects.

SD–406

1 p.m.

Foreign Relations

To hold hearings to examine the nominations of Margaret Scobey, of Tennessee, to be Ambassador to the Arab Republic of Egypt, James Francis Moriarty, of Massachusetts, to be Ambassador to the People's Republic of Bangladesh, and Deborah K. Jones, of New Mexico, to be Ambassador to the State of Kuwait, all of the Department of State.

SD–419

3 p.m.

Foreign Relations

To receive a closed briefing on Sudan.

S–116, Capitol

FEBRUARY 7

9:30 a.m.

Foreign Relations

African Affairs Subcommittee

To hold hearings to examine the immediate and underlying causes and consequences of Kenya's flawed election.

SD–419

Armed Services

To hold hearings to examine the final report of the Commission on the National Guard and Reserves.

SD–106

Energy and Natural Resources

To hold an oversight hearing to examine the energy market effects of the recently-passed renewable fuel standard.

SD–366

Indian Affairs

To hold hearings to examine the nomination of Robert G. McSwain, of Maryland, to be Director of the Indian Health Service, Department of Health and Human Services.

SD–628

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine ways to reform the regulation of government sponsored enterprises.

SD–538

Commerce, Science, and Transportation

To hold hearings to examine the nominations of Robert A. Sturgell, of Maryland, to be Administrator of the Federal Aviation Administration, and Simon Charles Gros, of New Jersey, to be an Assistant Secretary for Governmental Affairs, both of the Department of Transportation.

SR–253

Finance

To hold hearings to examine selling to seniors, focusing on the need for accountability and oversight of marketing and sales by Medicare private plans.

SD–215

Judiciary

To hold hearings to examine the Founding Fathers papers, focusing on ensuring public access to our national treasures.

SD–226

2:30 p.m.

Foreign Relations

To hold hearings to examine the nominations of Hector E. Morales, of Texas, to be Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador, Department of State, Larry Woodrow Walther, of Arkansas, to be Director of the Trade and Development Agency, and Ana M. Guevara, of Florida, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development.

SD–419

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine business transformation and financial management at the Department of Defense.

SR–222

Intelligence

Closed business meeting to consider pending calendar business.

SH–219

Commission on Security and Cooperation in Europe

To continue hearings to examine anti-Semitism in the Organization for Security and Co-operation in Europe (OSCE) region.

SD–406

FEBRUARY 12

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine ways to address healthcare workforce issues for the future.

SD–430

Judiciary

To hold hearings to examine the nominations of James Randal Hall, to be United States District Judge for the Southern District of Georgia, Richard H. Honaker, to be United States District Judge for the District of Wyoming, Gustavus Adolphus Puryear IV, to be United States District Judge for the Middle District of Tennessee, and Brian Stacy Miller, to be United States District Judge for the Eastern District of Arkansas.

SD–226

2 p.m.

Judiciary

Crime and Drugs Subcommittee

To hold hearings to examine federal cocaine sentencing laws, focusing on reforming the 100-to-1 crack/powder disparity.

SD–226

FEBRUARY 13

9:30 a.m.

Veterans' Affairs

To hold hearings to examine the President's proposed budget request for fiscal year 2009 for veterans programs.

SR–418

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

9:45 a.m.
Energy and Natural Resources
To hold hearings to examine the President's budget request for fiscal year 2009 for the Department of the Interior.
SD–366

10 a.m.
Judiciary
To hold hearings to examine the state secrets privilege, focusing on protecting national security while preserving accountability.
SD–226

FEBRUARY 14

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the President's proposed budget estimates for fiscal year 2009 for the Department of Agriculture Forest Service.
SD–366

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine one year to digital television transition, focusing on consumers, broadcasters, and converter boxes.
SR–253

FEBRUARY 27

2:30 p.m.
Commerce, Science, and Transportation
Space, Aeronautics, and Related Agencies Subcommittee
To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the National Space and Aeronautics Administration (NASA).
SR–253

FEBRUARY 28

9:30 a.m.
Armed Services
To hold hearings to examine the defense authorization request for fiscal year 2009, for the Department of the Navy, and the future years defense program; with the possibility of a closed session in SR–222 immediately following the open session.
SH–216

MARCH 12

2:30 p.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine the defense authorization request for fiscal year 2009, the future years defense program, and military installation, environmental, and base closure programs.
SR–232A

POSTPONEMENTS

FEBRUARY 7

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine weathering the economic storm, focusing on helping working families in troubling times.
SD–430

2:30 p.m.
Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

SENATE—*Tuesday, February 5, 2008*

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

We acknowledge today, O Lord, Your power, mercy, and grace. We need Your power for the challenges we face. We need Your mercy, for we transgress Your law and fall short of Your glory. We need Your grace, for we cannot offer anything to merit Your favor or gain Your love.

Empower our Senators for today's journey. Give them confidence to draw near to You that they may find grace to help them in this time of need. May they pass their days in Your presence. Enable them to learn the faithful stewardship of time, energy, and abundance. Temper their gifts with Your wisdom as You help them with their decisions. Remind them that leadership can work miracles with cooperation but accomplishes little with criticism and bitterness.

We pray in the Name of Him who came to bring peace on Earth. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 5, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning there will be an hour of morning business, with Senators allowed to speak therein for up to 10 minutes each. The first half of the time will be allocated to the minority, the second half to the majority.

ORDER OF RECOGNITION

I now ask unanimous consent that following morning business, I be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

STIMULUS PACKAGE

Mr. MCCONNELL. Mr. President, Americans are probably wondering why the rebate checks we have been talking about now for almost a month are still being debated on the floor of the Senate, and we owe them an answer.

Two weeks ago they saw what looked like a bipartisan agreement between Democrats and Republicans in Congress and the White House over the details of a deal. They saw Speaker PELOSI and Leader BOEHNER, to their great credit, resist the temptation to add pet projects that they knew would only slow the package down—and rob it of its stimulative effect. They heard a chorus of pleas from economists, trade groups, and Members of both parties in both Chambers endorsing this approach. This package had to be targeted and it had to be timely, or it wouldn't work at all.

So most days we find ourselves trying to explain to people why it takes so long to do things in the Senate. But this time was going to be different. Here was that rare situation when both parties agreed to put politics and individual interests aside and come together for the good of the people.

But then the stimulus bullet train turned into a rickety stage coach here in the Senate. When it got right down to it, Senate Democrats couldn't do what House Democrats had done. They couldn't resist—not even one time—a chance to play politics.

If Americans are wondering why their checks aren't in the mail, they can find it in last week's news clips. Of particular interest is an AP story entitled "Politics Creeps into Stimulus Package." Democrats are holding onto the stimulus bill, the article said, not to speed up the rebate checks, but to try to make Republicans look bad in November. Asked about the amendments we were expecting to take up this week, the senior Senator from New York said, "It's tough votes for them." It's tough votes for them.

Now, the same AP article also helpfully points out that the senior Senator from New York is no sideline observer in this debate. It notes that he moonlights as chairman of the Democratic Senatorial Campaign Committee. For people outside the beltway, that means he is in charge of recruiting and helping Democrat candidates for the Senate—which, this week, according to the AP, evidently involves holding up the stimulus bill over votes he thinks will help his candidates against Republicans in November.

Now I don't know if the thrust of this article was entirely accurate. But if it was, these are precisely the kind of shenanigans Americans had been hoping we could get past this year. And, frankly, Senate Republicans were hopeful after the speed with which the House approved its version of the growth package that Senate Democrats would also see the wisdom in coming together to deliver relief in a timely manner.

It's disappointing that politics would come to play a part in a deal that seemed refreshingly free from it for a change. But unfortunately, it seems the never-ending campaign that tainted so much of last year's Senate business has carried over to this year.

Last night, my good friend the majority leader suggested that Republicans were delaying action on the stimulus plan because we asked for some time to review his latest proposal—a full 4 days after he said he would deliver it. Never mind that passage of the Senate Democrats' bill forces a conference, worsening an already-prolonged process. Never mind that once we did take a look, we noticed an extra $1 billion in spending, which I think most Americans would consider a significant addition. And never mind that our friends on the other side had no intention of voting on the package today anyway.

We could have disposed of this stimulus package a week ago, but our Democratic colleagues wanted, as they said, to put their "stamp" on it.

Mr. President, I don't think Americans care one bit whether this bill has a Republican or a Democratic stamp on it. They are completely fed up with political gotcha. Americans want—and deserve—results.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Taxpayers will get their rebate checks and businesses will get their much-needed relief, but not without having to watch a show here for a few more days or a week—put on for the sake of a depressingly familiar political circus.

That is unacceptable to Republicans. I presume it is unacceptable to the 385 Democrats and Republicans who voted the stimulus package out of the House.

It is unacceptable to the more than 100 million American families who are probably still wondering why we are talking about this bill at all.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

STIMULUS PACKAGE

Mr. REID. Mr. President, what we have seen here on the Senate floor this morning is very much in keeping with what has happened in the last 7 years with the Bush administration. The Bush administration is Orwellian. It says something that means something else. The President comes to town and wants to be a "uniter" and not a divider. The American people know how disingenuous that has been.

The President had the ceremony on an aircraft carrier. He had his flight suit on, with a big banner up saying "Mission Accomplished." That was almost 5 years ago. Since that time, 3,000 American soldiers have been killed, and more than 20,000 have been wounded. Is that Orwellian? I think so.

What has taken place here on the Senate floor today is in keeping with this Bush situation.

By the way, the Bush White House—for the first time in more than 130 years—has someone working in the White House who is indicted and convicted of a crime. The same White House had someone in charge of budgeting and taking care of Government contracts who is now in prison, Mr. Safavian. This is the same President who presided over a House majority leader who had two ethics convictions. What did he do to avoid any penalties? He changed the rules in the House until he was indicted by the State of Texas. Now, a number of House Members' staff who dealt with that are in prison, and others are planning on going there.

Mr. President, what we have heard today here on the Senate floor is as Orwellian as anything could be. Two weeks ago, the House passed a bipartisan bill. Sure, they did. They sent it over here for us. Under the Constitution, we have an obligation to consider that. It is an insult to the bipartisan bill that came out of the Senate Finance Committee to call this matter which is now before the Senate "Senators' pet projects."

We have millions of people who are out of work and others who are looking at being out of work. We have in our bill a "pet project" calling for extending unemployment benefits. That is our "pet project." I have to stand accused, and I am guilty of that because I support that.

As we speak, we have some people—even though in Washington it is fairly warm and the low last night was 41, other people are cold. We have a "pet project" in the bill dealing with giving them assistance so they can pay their heating bills. They will spend that money very quickly.

We have another "pet project" that was supported on a bipartisan basis in the bill to give homeowners relief. One of the "pet projects" in this bill was talked about by the President in his State of the Union Message. When we heard him say it, we all knew he probably didn't really mean it, but he talked about doing something to refinance homes that are in default. We took the President's word, and one of our "pet projects" is what the President wanted and which is in this Senate stimulus package.

To talk about the timely nature of this, a rebate check, even under the most generous timeframe, cannot come until after the income tax returns are filed in April of this year. So we are moving this as quickly as we should.

One of the "pet projects" we have in this bill is to take care of about 250,000 disabled veterans—American veterans who, in the course of their duties serving this country, have become disabled. We, as one of our "pet projects," decided it would be nice—if everyone else was getting a rebate check, shouldn't a disabled veteran get one? So that is a "pet project." I support it, and I think it is very important.

One of the "pet projects" we support—and I think there is bipartisan support for it—is to take care of 21.5 million seniors who, with the House-passed bill, get a big goose egg—nothing. I have not criticized the House bill. It was a good start. But even Speaker PELOSI, my dear friend, recognizes that what they did is inadequate and that what we are going to do is much better. We are going to give 21.5 million seniors a rebate. What does that mean? They will spend it and stimulate the economy.

Mr. President, to say they need time to read this gargantuan bill we have—it was best summarized by the Senator from California; she did it last night. Senator BOXER brought to the Senate floor the addition to the bill that they are still reading. It is a page and a half long. So we have had 12 to 14 hours; they could have read two or three words an hour and gotten through that.

Today, we should be able to finish the Foreign Intelligence Surveillance Act legislation and have a time set for tomorrow to finish the vote on the stimulus package. Sixty votes is all we want. There are 51 Democrats, and everyone will vote for this. It is the House package with those "pet projects" that take care of seniors, disabled veterans, and a few other people where we feel it is important, especially the unemployed people who are desperate for another check and are trying to find a job.

Mr. President, the Orwellian Bush administration has now slopped over into the Senate, and now the Republican leader is becoming Orwellian himself.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the first half of the time under the control of the Republican leader or his designee and the second half of the time under control of the majority leader or his designee.

The Senator from California.

ORDER OF PROCEDURE

Mrs. BOXER. Mr. President, I ask unanimous consent that I be allowed to speak on the Democrats' time to pay tribute to Marine Cpl Sean Andrew Stokes. I thank Senator KYL for agreeing to this request.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

CORPORAL SEAN ANDREW STOKES

Mrs. BOXER. Mr. President, tomorrow, Wednesday, February 6, at Camp Pendleton in my home State of California, one of the true heroes of our country will receive a rare and distinguished honor. On what would have been his 25th birthday, Marine Cpl Sean Andrew Stokes—and I show you that beautiful face in this picture—will be awarded the Silver Star for heroic actions performed in the line of duty during Operation Phantom Fury in Fallujah, Iraq.

From November 9 through November 18 of 2004, then-Private Stokes took the position of "point" in his platoon. That means he was the first Marine to enter a building and the first Marine to encounter whatever and whoever was inside. Bullets, grenades, and rockets were around every corner. For 9 days and nights, Sean fought insurgents in hand-to-hand combat, in house after house, in building after building.

Most of us would lose our sanity in such a place, but Sean kept his sanity with a simple prayer of thanks after coming out of each house alive.

Word of Sean's actions over those days quickly spread. The History Channel made a documentary about the battle of Fallujah, and Sean's heroic actions were prominently featured.

Embedded in Sean's platoon was Pat O'Donnell, a historian who wrote a critically acclaimed book, "We Were One: Shoulder to Shoulder with the Marines Who Took Fallujah." Mr. O'Donnell has said Sean hid his wounds on more than one occasion so he could stay with his Marine brothers rather than take the mandatory medical evacuation. He said:

> Sean always put others first before himself.

Sean will be receiving the Silver Star tomorrow for his actions on his first tour. His father Gary conducted research, and as best as he can tell, Sean is the first Marine to be awarded the Silver Star for actions while a private since two Marine privates received such an honor during the Vietnam war.

In September 2005, Sean returned to Iraq, once again at the front of his platoon, where he distinguished himself and was eventually promoted to corporal.

Sean could have left the Marine Corps at the end of that tour. His father urged him to get out, but Sean said: What about everybody else? He felt the need to stick by his buddies who had stood by his side every single day in Iraq.

In April of 2007, Sean went back for his third deployment. Sean's father wrote:

> He went back to Iraq to protect his best friend, Bradley Adams, and because he wanted to be a Marine more than anything else in life.

Sean, along with Bradley, was assigned to the battalion commander's personal security detachment, a position reserved for elite and combat-seasoned warriors. The two managed to eventually maneuver their way into the lead vehicle, once again taking point, which earned Sean the nickname "Pathfinder."

That battalion commander told Gary Stokes his son had saved his life on numerous occasions, including on July 30, 2007, the day Sean Stokes died from an improvised explosive device attack while on patrol in Al Anbar Province.

Over 820 men and women who were either from California or based in California have died in Iraq. This young and heroic Marine is one of them.

Sean Stokes represented the best of the Marine Corps, the best of the United States, the best of California. He was born 25 years ago Wednesday in Fremont, CA. He grew up in the gold country of California in the town of Auburn.

He was into cars and his dad says he had lots of them. When he returned from his first tour in Iraq, the people of Auburn learned he wanted to fix up his Honda Prelude, so they, the people of the town, put on some new rims, spruced it up, and made it look good—all free of charge—for Sean.

He attended Bear River High School, where he played linebacker on the football team and the outfield on the baseball team.

Upon learning that Sean died, Bear River retired his No. 51 football jersey, the first time the school has ever retired a number.

Of his baseball ability, Sean's dad draws a parallel to a great home-run hitter also born on Wednesday—Babe Ruth. He said it is no coincidence that he was the only kid on the all-star team to hit the ball out of Babe Ruth Baseball Park onto the nearby road, not once but three times.

Sean's dad also says he was quite popular and had lots of girlfriends. But he had found true love and was engaged to Nicole Besier, a beautiful young girl who is also a Marine.

Gary Stokes wrote to me about his son:

> Sean turned out to be a great fisherman and from the time he was a little guy, he loved to fish. I remember taking Sean camping, and that is all he wanted to do the entire time during our camping trips and other outings and vacations. Even though I understand that the Tigris River was polluted and at times surrounded by terrorists, I would be surprised if Sean did not throw in a fishing line a few times during one of his three tours in Iraq.

"Sean, like his brother Kevin, is a great son," his father writes. We do have a photo, I believe, of Kevin. We are going to get out the photo to show the brothers together.

> Sean, like his brother Kevin, is a great son, and we always would make sure to make time to do fun things together as much as possible, like golf, fishing, or camping.

This is a picture of Sean and his brother.

His father continues:

> Sean and I made the commitment years ago to not be like the father and son in the song "Cats in the Cradle." Sean has touched many lives during his short life and he was loved and was respected by everyone whom he met.
>
> Sean's life was short, but it was full and he always gave it his all in everything he did.

Tomorrow's ceremony at Camp Pendleton honors the heroism and the bravery of Sean Stokes. Similar to the other Marines out at Camp Pendleton and the rest of the men and women in uniform around the world, he volunteered to carry the burden of protecting our beloved Nation.

He fought for the man next to him and for the troops behind him, and he died in service to them. We owe him our gratitude. And we owe his family our gratitude and we owe the families of all the men and women who serve in harm's way our gratitude. We can never forget what they have sacrificed.

I conclude as the Senator from California, we have lost so many. As a mother, as a grandmother, I will do everything, along with my colleagues, to bring our troops home and to spare others the deep grief this family has endured.

I again thank Senator KYL for his graciousness in allowing me to have this opportunity to pay tribute to Sean.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, I thank the Senator from California for her remarks about Sean and his service to this country. He clearly represents all those marines, soldiers, and others who have given their lives and the many others who have been casualties of conflicts on behalf of the American people.

We do, indeed, owe them our debt of gratitude and we, as policymakers, in the country owe them decisionmaking which ensures that their sacrifices will not have been in vain.

ECONOMIC STIMULUS PACKAGE

Mr. KYL. Mr. President, I wish to turn to the business at hand, which is the so-called economic stimulus package. I have not had an opportunity to offer my personal views on this issue.

I do not believe that tax rebate checks and an extension of unemployment benefits will boost the economy. Of course, Americans deserve to keep more of their hard-earned dollars and Washington should spend less of them. But giving people tax rebates and telling them to go shopping will do virtually nothing to grow our economy. Our economy grows—GDP increases—when new goods and services are produced. A one-time shopping spree is not going to encourage a business to hire one additional worker or invest in one additional machine. Only a permanent reduction in tax rates will do that.

Gross domestic product increased by just 0.6 percent in the fourth quarter of 2007. While most economists do not forecast that the U.S. economy will enter recession this year, they do estimate it will enter a period of below-trend growth in the first half of 2008, with growth recovering in the third and fourth quarters.

The current unemployment rate is 4.9 percent; down from 5 percent in December. The drop is due to an upward revision in the number of jobs created in December.

The preliminary estimate is that the number of jobs created in January fell by 17,000—the first decline in many months. But note that a very small increase in December job creation was revised upward to 82,000 new jobs. Also, the initial August 2007 jobs reading showed a 4,000 job decline, but it too was revised upward substantially. The January figure could well be revised upward.

Over the past 30 years, from 1977 to 2007, personal consumption has grown steadily and strongly and has not fallen off during economic downturns.

In contrast, during times of economic weakness, private investment declines significantly. We are seeing this very thing happen during this economic downturn as well.

The Treasury Secretary negotiated an agreement with the bipartisan House leadership. That agreement was fairly simple:

It provides a rebate of $600 for individuals and $1,200 for married filers, and gives parents another $300 for each child. The rebate is phased out for individuals with adjusted gross income of more than $75,000, and couples with adjusted gross income. of $150,000.

It also expands the ability of small businesses to expense new equipment purchases for 2008 and gives businesses of all sizes the ability to write off 50 percent the cost of many new depreciable assets placed in service in 2008.

The House bill was passed on January 29 by a vote of 385 to 35.

The administration predicts that the proposal would boost the economy by about 0.7 percent. In reality, that "growth" would be borrowed from the future. It would not create new growth.

While I disagree with the central premise of the House-passed bill—that we need to stimulate consumer spending—I am impressed that the bill was very narrowly focused and that it generally did not include new spending.

While the House bill was not the bill I would have written, I feared that it would become far worse in the Senate. It has.

The bill passed out of the Finance Committee dedicates $10 billion to extend unemployment benefits. Our current unemployment rate is 4.9 percent. Congress has never before extended unemployment benefits when the rate is this low. Because extending unemployment benefits has the effect of lengthening the traditional spell of unemployment by 1 to 2 weeks, this provision effectively eliminates any possible stimulative effect of the bill.

It also included a slightly smaller tax rebate—$500 per individual, $1,000 per couple, $300 per child. Unlike the House bill, the rebate would be available to senior citizens and disabled veterans who otherwise have no earned income. While I generally oppose the idea of rebate checks, this change from the House bill is probably one on which we can agree. But we should understand that fully 42 percent of the rebate approved by the Finance Committee is classified as "spending" because it would go to individuals with no tax liability.

The Finance bill also seeks to ensure that illegal immigrants cannot legally obtain tax rebates, something we all support.

The Finance package also includes the same business tax breaks as the House bill but adds a 5-year carryback for net operating losses. This is an important provision that I helped to have included in the Finance bill and I would support adding it to the House bill.

From this point, the Finance Committee bill really becomes a Christmas tree. All kinds of legislative ornaments have been attached:

$3 billion for utilities wind and solar energy production;

$1.6 billion for energy-efficient homes, not particularly wise, given the glut of new homes on the markets;

$323 million for manufacturers of energy-efficient appliances;

$247 million for tax breaks for wealthier investors in marginal oil and gas wells;

$153 million to for energy-efficient commercial buildings; and

$100 million for coal companies owed interest by the Federal government from a court case.

Interestingly, the committee defeated an amendment I offered to patch the AMT for 2008.

The committee defeated an amendment offered by Senator ENSIGN to provide another repatriation window, during which companies could bring back overseas earnings at a much-reduced tax rate.

The committee also denied me an opportunity to offer a package of individual and business tax provisions that expired at the end of 2007 and other provisions that expire at the end of this year, including:

the teacher tax deduction,

the tuition deduction,

the R&D tax credit,

accelerated depreciation for leaseholds and restaurants, and

extending foreign tax changes that help U.S. multinationals compete—active financing and the CFC look-through.

At best, proposals for short-term, demand-side stimulus will borrow economic growth and consumer spending from the future, and will appear to create a small boost for the economy.

My real worry is that we are doing a disservice to all Americans if we tell them that increasing consumer spending is a panacea to our economic problems.

We would be far wiser to recognize that our short-term challenge now is deflated home values and a glut of housing, along with insufficient liquidity in the capital markets—none of which will be fixed by this, or the House-passed, stimulus bill.

The only viable remedy is to focus on policies that encourage sustainable economic growth by encouraging work, investment, and entrepreneurship.

We are scheduled to see across-the-board hikes in income tax rates and investment tax rates, as the current rates automatically expire, reverting to the pre-2001 and pre-2003 higher rates—and we know from economists that the only way to encourage sustainable economic growth is to encourage work, savings, and investment through lower marginal rates.

No one is willing to see the child tax credit cut in half, the marriage penalty spring back to life, or a host of other popular provisions disappear.

Washington is slowly coming to the realization that our corporate tax rate of 35 percent hurts American competitiveness. Only one OECD country—Japan—has a higher rate.

In fact, I filed an amendment to cut the corporate rate to 25 percent when the Finance Committee considered the economic stimulus bill. Larry Kudlow had this to say about my amendment:

> In my view, this would be the single best pro-growth measure that Washington could take. It would help create healthy businesses, create jobs, and raise real wages. It also would boost the dollar. The minute such a bill is signed—the very minute—the incentive effects would take place.

Last year, the Treasury Department released a study of American competitiveness and determined that our high corporate tax rate is in fact a barrier to encouraging businesses to locate in the U.S.

Also in 2007, CHARLIE RANGEL, the chairman of the House Ways and Means Committee, unveiled a comprehensive tax reform proposal which included a reduction in the corporate tax rate to 30 percent. There seems to be a growing consensus across party lines that our corporate tax rate should be reduced.

Another idea that has been gaining traction is reducing the corporate capital gains rate. This would have a tremendous "unlocking effect." It simply makes no sense to tax corporate capital gains at 35 percent; such a high tax rate only encourages companies to hold on to unproductive assets.

For years and years, investors and Government officials have debated whether the Treasury Department has the necessary authority to index capital gains for inflation without Congress needing to act legislatively. I believe there is a case to be made that Treasury does have the authority, and I hope the President will take this bold step in his final year.

Forty-two percent of the cost of the Senate Finance Committee economic stimulus "rebate" goes to Americans with no tax liability.

The percentage of Americans who actually pay taxes continues to shrink and our ability to raise revenue by increasing taxes on "the wealthy" is a losing proposition.

In 2004, 37 percent of all Federal personal income taxes were paid by the top 1 percent of taxpayers; the bottom half of taxpayers, by adjusted gross income, pay just 3.3 percent of Federal personal income taxes. We run the very real risk of developing a system whereby a majority of Americans do not have a stake in limiting the size of our Federal Government because they do not have to pay for it.

Congress should consider some research explained in a recent Wall Street Journal column by Art Laffer. Art Laffer explains that the highest income earners are the most sensitive to tax increases and the most likely to plan to avoid tax increases. He found that over the last 25 years, as the top income tax rates fell, the share of income taxes and the dollar-value of taxes paid by the top 1 percent of taxpayers increased dramatically. Over that same period, as income tax rates fell for the bottom 75 percent of taxpayers, both the share of Federal income taxes paid and the dollar amount of income taxes paid fell too.

Laffer points out that the temptation to cut taxes in the lower brackets—or only retain the current rate structure for the lower brackets—while raising taxes for taxpayers in the top brackets is completely counterproductive. The only tax cuts that seem to result in increased revenues are those that affect the wealthiest taxpayers because they have the ability to defer income, invest in tax deferred accounts, invest in tax-exempt bonds, and otherwise plan around taxes.

Art Laffer closes his article with this statement:

> Mark my words: If the Democrats succeed in implementing their plan to tax the rich and cut taxes on the middle and lower income earners, this country will experience a fiscal crisis of serious proportions that will last for years and years. . .

While Congress is focusing on stimulating consumer spending and short-term economic fixes, we must remember that it makes far better sense to plan for long-term, sustainable economic growth. We must not let this deviation into Keynesian economics become an excuse for massive increases in government spending, tax policies geared toward short-term consumer spending; we must not ignore the importance of long-term savings and investment and we must remember to reward hard work with permanently low income tax rates.

As George Melloan wrote recently:

> Ironically, even the brilliant John Maynard Keynes disowned [Keynesian Economics]. After meeting with a group of Washington "Keynesians" in 1944, he said he was the only non-Keynesian in the room. His brainchild . . . had been converted from its originally intended limited application to an all-purpose economic panacea by politicians, academics, and journalists.

I wish to summarize, in 3 or 4 minutes, what I think is at work here.

My view, contrary to the President and to some others in my party, is that tax rebate checks and extension of unemployment benefits will not boost the economy. Obviously, Americans deserve to keep more of their hard-earned dollars, and obviously Washington should spend less of them, but giving people tax rebates and telling them to go shopping will do virtually nothing to grow our economy.

Our economy grows; that is to say, the gross domestic product increases, when new goods and services are produced. A one-time shopping spree is not going to encourage business to hire one additional employee or invest in one additional machine. Only a permanent reduction in tax rates will do that.

I will share a couple statistics relating to the state of our economy now, particularly as it relates to unemployment.

The current unemployment rate is 4.9 percent. That is down from 5 percent in December. The drop is due to an upward revision of the number of jobs created in December. The preliminary estimate is that the number of jobs created in January fell by 17,000, which is the first decline in months. But note that a very small increase in December job creation was revised upward to 82,000 new jobs, and the initial August 2007 jobs reading showed a 4,000-job decline, but it also was revised substantially upward. So the January figure could also be revised upward.

The point is unemployment is at a relatively low level in this country, and it would be a huge mistake for us to exacerbate the unemployment situation by extending unemployment benefits, as the Senate Finance Committee does.

In addition, personal consumption is growing strongly and steadily, as it has over the last 30 years. It has not fallen off at all. What has fallen off, and this happens during times of economic weakness, is private investment, which has declined significantly, and that is what should be addressed but is not addressed, in the so-called stimulus package. Rather, what is addressed in the stimulus package is, of course, consumer spending which, in this case, is not the solution to the problem.

At best, proposals for short-term, demand-side stimulus will borrow economic growth and consumer spending from the future and will appear to create a small boost to the economy right now, but they are borrowing it from the future. Of course, we are also borrowing $150 billion in order to accomplish this result.

My worry is we are doing a disservice to all Americans if we tell them an increase in consumer spending is a panacea to our economic problems. It is not. We would be far wiser to recognize our short-term challenge now is depleted home values, a glut of housing, along with insufficient liquidity in the capital markets, and none of this is fixed by the stimulus bill before us. The only viable remedy is to focus on policies that encourage sustainable economic growth by encouraging work, investment, and entrepreneurship.

One of the first things we have to address is to make sure we do not suffer a tax increase. That would be the worst thing that would happen, and we are headed for that if Congress does not take action to take that from taking place, which is automatically built into our tax laws. In 2 years, unless Congress does something, we will have the largest tax increase in the history of the country. So we should be signaling right now that is not going to happen.

We should also get in line with the other countries in the world and reduce our corporate income tax rate which, except for Japan, is the highest in the world. That would do something immediately to help.

We should also index taxes, such as the capital gains tax, for inflation. For years, investors and Government officials have debated whether the Treasury Department has the authority to do this. I believe it does have the authority to do it administratively and that we ought to do it. But if the administration doesn't do it, then the Congress ought to do it.

The bottom line is there is a variety of things we could do to actually stimulate economic growth to provide for the long-term productivity increases in capital expansion and job creation that provide that kind of economic growth. That is what will solve the problem, not a one-time rebate for people who would far rather have a job than a $500 check. So while we are focusing on stimulating consumer spending and the short-term economic fixes, my view is it would make far better sense to plan for the long term and to do those things which provide for actual sustainable growth.

We cannot let this deviation into so-called Keynesian economics become an excuse for massive tax increases and Government spending or tax policies geared toward short-term consumer spending. We must not ignore the importance of long-term savings and investment, and we must remember to reward hard work with permanently low income tax rates. As George Melloan recently wrote:

> Ironically, even the brilliant John Maynard Keynes disowned Keynesian Economics. After meeting with a group of Washington "Keynesians" in 1944, he said he was the only non-Keynesian in the room. His brainchild had been converted from its originally intended limited application to an all-purpose economic panacea by politicians, academics, and journalists.

I hope we will not fall into the same trap this year, in 2008, but recognize there are some significant things we could do to stimulate the economy to ensure that the average American family is not burdened with increasing taxes. The first step in that direction is not to go another $150 billion in debt by offering people rebate checks and an extension of unemployment compensation but, rather, by signaling to them we are serious about ensuring there will not be a big tax increase in this country.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, when I returned after the Christmas recess, along with all my colleagues, it was with high hopes that we would be able to work together to solve America's problems in a bipartisan way. There were some promising indications that would indeed be possible when the Speaker of the House of Representatives and the Republican leader in the House and the President of the United States came together to deal with one of the emerging crises in our country, which is the economic downturn caused by the subprime lending crisis and a downturn in the housing markets.

Unfortunately, we have begun to see that bipartisan cooperation fraying and some downright foot-dragging that causes me a lot of concern. I can't help but think if I am concerned, there are a lot of other people, not only in this body but across the country, who are concerned by the contradiction between what Members of Congress sometimes say and what actually happens. Sometimes we can get caught up in the Senate rules regarding cloture and how the amendment process works, and that is the kind of thing Senators and our staff like and we live with. Frankly, the one thing the American people can sense from a hundred miles off is hypocrisy—saying one thing and then doing another.

I heard it suggested one time that the opposite of the definition of progress must be Congress. It sounds to me like something Mark Twain or Will Rogers might say, to say that Congress is the opposite of progress. But we have had two examples of important legislation we should be acting upon in a timely way that have been dragged down by inexplicable delay, and I think it is important that we focus on that.

We have heard from the Republican leader this morning regarding his concerns that the bipartisan stimulus package, which, as Speaker PELOSI said, needed to be targeted, timely, and temporary, has now gotten bogged down in an attempt to add additional spending on that bill in a way that invites additional amendments on the floor of the Senate. That means further delay. Add to that a conference committee, which will then delay it even further, and that means the American people, who were expecting rebate checks on their taxes, will have to wait longer, and the chances that this stimulus will in fact be effective in helping to avert a recession makes it much less likely that it will have any impact whatsoever. So delay is costly in terms of our chances for having a positive impact on averting this recession.

FISA

Another area I want to talk about briefly has to do with our national security and our ability to listen to al-Qaida terrorists talk to each other either on the telephone or by e-mail or text messages. Last week, we spent an entire 3 days basically doing nothing while we tried to get the FISA reauthorization bill—the Foreign Intelligence Surveillance Act bill—passed on a bipartisan basis. Now you would think this is something we ought to be able to come together on in a bipartisan way. The bill that came out of the Intelligence Committee passed by a bipartisan vote of 13 to 2. But then it comes to the floor of the Senate and it becomes locked down in attempts to block this bipartisan legislation.

There has been the suggestion that we haven't had enough time to consider this legislation. Well, I think it is worth noting, as this chart does, the history of this important legislation.

You will remember that it was April of 2007 that the Director of National Intelligence suggested we needed significant reforms in our ability to listen in to conversations between terrorists overseas who were determined and committed to trying to kill innocent Americans and our allies. So the Director of National Intelligence last April said we need an update in this important law to make sure we aren't deaf to the threat or blind to the threat in a way that will endanger American lives.

In May of 2007, there was a significant decision made by the Foreign Intelligence Surveillance Court which suggested that phone calls between two foreign nationals, circuited through the United States, had to get an order through a lengthy application process in order to listen in. The Director of National Intelligence suggested to us that we were missing as much as two-thirds of the actionable intelligence necessary to listen in to our enemies in order to detect, deter, and hopefully prevent terrorist attacks on our soil and against our troops in Iraq and Afghanistan.

In July of 2007, the Director of National Intelligence briefed Congress on the urgent need to update this law in light of these gaps. To its credit, the Senate did get together on a bipartisan basis, at least for a while, in August of 2007 to pass a 6-month piece of legislation. Why it was 6 months, I don't know. It should have been permanent. That legislation was the Protect America Act, which would have expired February 1 but for a 2-week extension that was recently agreed to. So the Senate can get its act together and do what it knows we have to do to protect American lives and to keep our Nation secure.

In October of 2007, the Intelligence Committee, as I noted earlier—the committee that is given the responsibility of oversight of our intelligence community and for keeping our intelligence laws up to date—passed a strong bipartisan bill supported by the Director of National Intelligence that would give the intelligence community all the tools consistent with our laws that it needed in order to keep America safe. It passed by 13 to 2—strong bipartisan support.

The Judiciary Committee then, in November of 2007, a committee on which I sit, unfortunately passed an alternative piece of legislation strictly along partisan lines that was designed to be a substitute. In December 2007, we tried to take up this issue because, again, it was going to expire, and we saw that our Democratic friends basically blocked the Intelligence Committee bill in December of 2007.

On January 23, after we returned from the Christmas holidays and the New Year's break, we returned to the Foreign Intelligence Surveillance Act legislation with the knowledge, as I said, that it was going to expire by February 1 if we didn't act. Well, frankly, because of the meltdown here in the Senate and our inability to pass basic legislation that is necessary to keep America safe, because of the gamesmanship that is going on, we had to pass a temporary extension which is now set to expire February 15.

I don't understand why it is that the Senate seems to be incapable of getting its business taken care of. When we come back with such high hopes that we are going to see a change in attitude and that we will be working together in a bipartisan way to solve the problems that confront our country—whether it is our economy or national security—it seems to last about as long as a winter snow on a warm day. It sounds good and looks good 1 day, and then melts away the next day. We need to stop squandering these opportunities to work together. We need to get some work done.

Last night, even though the majority leader had previously told us we would not be voting on either Monday or Tuesday, in light of the big election vote that was going to occur today, he changed his mind, and it is his prerogative to do so, so we had a vote on the economic stimulus package that the House passed, and which the Republican leader said we should take up and pass in a bipartisan way in order to expedite that legislation. The motion we voted on last night passed overwhelmingly in support of that House legislation by 80 to 4—80 to 4.

So why it is we can't, in a similar fashion, take up that legislation and pass it without slowing it down by adding on a lot of extraneous spending by people viewing this as a Christmas tree on which they want to hang their favorite ornament as a way to fund their pet projects; Why it is we can't resist that temptation and expedite passage of this important legislation is, frankly, beyond me. I wish we would take care of the Nation's business. Unfortunately, the majority leader handed us his alternative legislation last night, a

70-plus-page bill that is completely different both from the Finance Committee bill that was passed out of the Senate and the House bill that has been negotiated between the Speaker and the White House and the Republican leader in the House.

I think we ought to be aware of high-pressure tactics, and that was certainly a high-pressure tactic to try to come up with a brandnew bill that nobody has looked at and insist we pass that bill without an adequate time to review it and to see what goodies have been inserted in this piece of legislation that some of us may object to. So it is my sincere hope we will not continue to squander the opportunities we have been presented with to work together to pass this economic stimulus package on a bipartisan basis, or this Foreign Intelligence Surveillance Act reauthorization which has been on the radar for the Senate since at least April of 2007. There is simply no excuse for not acting on a timely basis to deal with both of these issues.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. I ask if the Chair would advise me as to the current status of morning business.

The ACTING PRESIDENT pro tempore. The Republicans control 6 minutes 15 seconds, the Democrats control 29 minutes.

Mr. DURBIN. I ask unanimous consent that the Republican time be reserved; that I be allowed to speak in morning business on the Democratic side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

OBSTRUCTIONISM

Mr. DURBIN. Mr. President, I was on the floor earlier this morning when Senator McCONNELL came and made a little statement I would like to address at this moment because it seems to me Senator McCONNELL said a few things which bear repeating.

He was critical of the bill which we passed in the Senate Finance Committee to try to get the American economy back on its feet. The economy is struggling now. We had troubling unemployment figures last week. We know the President said repeatedly we are moving toward a recession. We know a recession means high unemployment, business failures, and lost opportunities for Americans and American business.

So we certainly want to do everything we can to stop that. One of the things that has been done by the Federal Reserve is to cut interest rates in the hope that people will be encouraged to borrow money responsibly for purchases such as cars and homes and the like and that those purchases will breathe some life into the economy.

Then there is the other side of the ledger when it comes to our economy, what we can do in Congress and with the President. What we try to do is to give Americans more spending power. Right now there is less consumer confidence. People are worried about bills they have to pay, health insurance that has gone up dramatically over the last 7 years, the cost of gasoline which many in my home State of Illinois, particularly downstate, know very well personally has increased in cost dramatically.

We also understand people putting their kids through college have seen tremendous increases in the cost of college education. The increase in the cost of food, that sort of thing, has led a number of people to be worried about whether they should make a big expenditure. So one of the things we are considering is something to stimulate the economy, an economic stimulus package, what can we do, how can we put spending power and confidence back in the hands of American families.

The President met with the Speaker of the House, NANCY PELOSI, and the Republican leader, JOHN BOEHNER, and worked out at least the beginning of that stimulus approach. What they suggested was they would send checks of about $600 to individual taxpayers across America within certain income limits and $1,200 for a family and extra for those with children.

That money would go directly to a lot of people who will spend it because there are folks who are struggling month to month, paycheck to paycheck. That is a good thing to do. It is a group that has often been overlooked recently, that the tax cuts in Washington, under this administration, have not focused on giving helping hands to working families as much as giving a helping hand to those who do not need it, the wealthiest in our country.

So this idea of an economic stimulus, which finally focuses our attention on struggling families, is a good thing. The House passed its version in a bipartisan fashion, sent it over to the Senate to consider. Senator MAX BAUCUS, Chairman of the Finance Committee, met with that committee, and worked on ways to change it or improve it that they think would be helpful.

At the end of the day, the proposal by the Senate Finance Committee, which passed with a bipartisan vote, three Republicans joining the Democrats in voting for it, is one that I think is a better package, a better approach.

The House's is good. I like the House stimulus approach, but I think the Senate stimulus package is better.

This morning McCONNELL came to the floor, the Republican Senate leader. He was very critical of what the Senate Finance Committee passed on a bipartisan basis. He was critical of their measure, which passed with the support of Republican Senators.

He used phrases and terms in describing it that I think are worth looking into. Senator McCONNELL suggested we were involved in pet projects in this Senate stimulus package.

Well, I have taken a look at it. I am curious as to what pet projects he is talking about. I find it hard to believe the Republicans feel 21 million seniors who will receive a helping hand with the Senate Finance Committee are somehow superfluous, not important, they are pet projects.

Well, I have to concede that point. The seniors of America are a pet project of mine and most Senators. We know many of them live on fixed incomes, struggle from month to month to get by, worry about paying their utility bills and making sure they can pay for their prescription drugs.

So giving them a helping hand, as we do in the Senate Finance bill, is a good thing. Good for them. Good for our economy. Senator McCONNELL was obviously very critical of that. He hasn't said directly, but I wish he would go on record: Does he or does he not support providing an economic rebate check for 21 million Americans, those seniors who otherwise would not get a helping hand?

So when Senator McCONNELL returns to the floor, will he sign up for our pet project to help 21 million Americans or is he against it? I am sure the voters of Kentucky would love to know.

Then there is another pet project in the bill, 250,000, one-quarter of a million disabled veterans, many of them just returning from the wars in Iraq and Afghanistan. I have met many of them. I am sure Senator McCONNELL has met many of them. To think adding them to the bill is something that would be negative in the eyes of Senator McCONNELL is hard for me to understand.

These are men and women who risked their lives and came back injured from the war; many of them had to fight the bureaucracy of our Government to get the basic care we promised them. In the Senate Finance bill, we provide a helping hand for a quarter of a million veterans, which the House bill does not. Is Senator McCONNELL opposed to that?

Well, when he comes to the floor and states whether he is for providing assistance to 21 million seniors, I hope he will also state whether he is for providing a rebate check for a quarter of a million of our veterans.

We also have in the Senate bill a helping hand for those who are on unemployment. Unfortunately, the economy as it goes south has casualties, and they include millions of Americans. We know those people who have lost a job are looking for another one, scrape by with an unemployment check. And sometimes, even within the 26 weeks of unemployment, they cannot find a job they are looking for. So we suggested extending that for another 13 weeks. That is not a radical idea. It is a traditional way of helping people in a poor economy. It has been done over and over under Democrats and Republicans. We include that in the Senate bill.

So the obvious question for Senator McCONNELL and the Republicans, when he comes to the floor to tell us where he stands on helping seniors and helping disabled veterans, is does he think unemployed people in Kentucky, for example, need a helping hand? If he says no, then it is a matter of record. If he says it is a pet product, a project we should vote against, then it will be on the record. I did not hear that this morning. I was listening for it.

Then there is this whole thing about the mystery and challenge of this bill. Senator McCONNELL and Senator KYL are learned men. I have served with them in the Senate. I respect them very much. I know they have a great capacity for understanding complex issues. But they have said the trouble with this bill is they cannot seem to get their arms around it. It is, oh, so hard for them to understand the new provision in the bill. The new provision in the bill is less than a page and a half in length. The new provision in the bill can be described quite simply as about $1 billion to a program called LIHEAP.

LIHEAP is the Low-Income Home Energy Assistance Program. It is a program which provides help to Arizona, primarily in the summer months but to Kentucky in the cold winter months, so poor people, elderly, and others will have a helping hand to pay their heating bills.

Senator BERNIE SANDERS of Vermont has been a big leader on this issue. It has always been a bipartisan program. So I have to ask Senator McCONNELL and the Republican leadership: Is this another one of those pet projects you cannot stand, something you think we should ignore when we talk about getting this economy on its feet? I think it is a matter that these Senators need to consider personally. Do they want to go home to Kentucky, for example, and tell those low-income individuals, struggling to pay their heating bills, that is a pet project we cannot afford at this point? I hope not. But at least let them be on the record by the end of the day.

The interesting thing is we could be having a real full-scale debate on the economic stimulus bill, but the Republicans have refused. They have told us they need more time to absorb the page and a half that was added to this bill. They need to think this one through. They need to study these words.

Well, it has been about 12 or 15 hours now that they have had to read this page and a half. I know they are up to it. I know they can do this. I know they can read that and understand it, even without the help of a Democrat.

When they do, maybe they will come to the floor, change their mind, and allow us to finally debate this bill. You see this is an empty Chamber. Sadly, it will be largely empty most of the day because the Republicans want to kill this day in the Senate. They do not want us to make any progress on the economic stimulus bill, nor on another important bill which is pending.

Senator REID, our Democratic majority leader, came to the floor yesterday and begged them again: Let us return and do some real business today. They said: No. Today, the Senate will stand around, it will not roll up its sleeves and do anything. We will not consider the Indian health reform bill Senator DORGAN of North Dakota has been working on, long overdue, 6 or 7 years. Some of the poorest people in America have not received the kind of health care which we would all like to have for our families. Senator DORGAN is trying to do something about it. They will not give him the time to finish the bill. This is a perfect day to do it. The Republicans will not give him an opportunity to do it.

Then there is another bill which has energy and water projects which have been needed all around our country. They have been held up by the objection of the Republican side. We have asked to return to them. Again, they have refused. We could do that today.

Then, of course, the economic stimulus package, which Senator McCONNELL spoke of and then left the floor. I wish he would return. Let's have a real debate on it. Let's find out where he stands on helping seniors, disabled veterans, and others.

Then, of course, there is the Foreign Intelligence Surveillance Act. That is a bill we have been working on literally for weeks. We sat around for 3 days last week trying to come to some agreement about what would be in that bill, and we finally reached agreement.

Now we are ready to go. Several amendments have been debated and are near a vote. We have several more. Let's get going. Let's earn our pay around here instead of killing time and making speeches. We could actually consider debate. The Senate used to have that. It is a great Senate tradition. Senators with opposing views would come to the floor and respectfully disagree and argue their point of view and ask for a rollcall. I know some people who follow C–SPAN are wondering, when did that last occur? Was it in the last century? No, it has happened here from time to time. In the time I have been in the Senate, we have come perilously close to debate on at least a half dozen occasions. We can do that again. It would be a great return to Senate tradition. But it won't happen if the Republicans continue to filibuster, continue to obstruct, and continue to refuse to let us debate the important issues of our time.

Why wouldn't we want to debate today the Foreign Intelligence Surveillance Act? The President has told us over and over again it is critical. We need it. It is timely. We have to move on it. Yet when we want to call it on the floor, Senate Republicans refuse. They oppose us.

The day is not over. Senator REID will be on the floor a little later in an attempt to finally try to get us back to business. It is long overdue.

PRESIDENT'S BUDGET PROPOSAL

Mr. DURBIN. Mr. President, the President's budget is often described as "dead on arrival." In fairness to this President and others, we should look at it in a different way. This is the President's proposal for the budget for the next fiscal year. It is a fiscal year for which this President will not be here. The year begins on October 1. He will end his term in office January 20. So most of this budget will affect the next administration, the next President. This is pure speculation on his part about where America should be in the next year as the President leaves office.

The folks at the Office of Management and Budget must have worked up to the last minute, because when they posted the President's proposed budget on line yesterday, two of the first 15 words were misspelled. Far worse than misspellings, however, many of the priorities in the President's budget are misplaced. The President has proposed the first $3 trillion budget in American history; $3 trillion. Yet with all that money, the President, with his priorities, continues to cut education and health care, energy conservation and independence, affordable housing, veterans programs, and many national priorities. Seven years ago, President Bush came to town as one of the luckiest Presidents in modern history. As some might say, using an analogy from Ann Richards in a speech she once gave to a Democratic convention, President Bush started his administration, in economic terms, on second base. Things had been done to improve America's economy and its budget, and they were given to this President to continue.

President Bush inherited the largest budget surplus in America's history. In his first budget address in 2001, he promised to use that surplus to fund our priorities, strengthen our economy, and even pay down the national debt. He said after all that was done, he would have enough money left over for tax cuts. Today, 7 years later, after President Bush and Vice President CHENEY have been in the White House working with a Congress largely under Republican control, America's economy is in trouble. Federal spending during their term has increased 53 percent. Our deficit is expected to hit $410 billion this year, $407 billion next year. Instead of paying down the national debt, this President, who inherited a surplus, has piled record amounts of new debt for America and for generations to come. Under George Bush the national debt has increased by more than $3 trillion. We are going around the country, hat in hand, borrowing and begging from China, the Middle East oil states, Korea, Japan, about any other country that will pay our bills, because this President has been unable to. Now the President is demanding, nevertheless, that his tax cut ideas become permanent law.

How much would President Bush's tax cuts for wealthy people cost us if they were made permanent? Mr. President, $4.3 trillion over the next 10 years, tax cuts primarily for people who weren't even asking for them. That is not all. While the President claims to oppose tax increases, he is about to impose one of the largest tax increases in America's history on more than 25 million working middle-class families. He refuses to patch and reform the alternative minimum tax beyond next year. That is a $119 billion tax increase in 2010 alone.

The President continues to argue that we need to stay in Iraq and Afghanistan. His budget, nevertheless, cuts off funding for the troops after the spring of next year. What is that all about? The President says we have to stay the course. Senator JOHN MCCAIN said it could last as long as 100 years. President Bush in his budget cuts off spending for the wars in Iraq and Afghanistan in the spring of next year. He hasn't told us that the war is going to end then. I certainly hope it does. But he better get his story straight.

With the economy failing and time running out on this Presidency, one might think the President would change his approach and accept new ideas. Unfortunately, he is stuck in the same old program and the same old message. Nine million more Americans are uninsured today than when President Bush took office. Half of those 9 million Americans lost their health insurance in the last 2 years. It is getting worse and at a pace most American families can't keep up with. What does the President say about that? He wants to cut the Medicare Program, a program for the elderly and the disabled. In Medicaid, he wants to make cuts, a program for those in lower income categories, many of whom have lost their jobs. He wants to cut other parts of America's health care safety net. His budget singles out health care for the heaviest cuts while continuing to provide large overpayments to many private insurance companies.

In Illinois, more than 1.5 million people depend on Medicare, more than 2 million depend on Medicaid. Under the President's budget, Illinois would receive $123 million less in Federal Medicaid funds. Stroger Hospital in the city of Chicago is a public hospital of which I think very highly. They have a very competent medical staff. They treat the poorest of the poor, not just in Chicago and Cook County but for many surrounding counties. Over half the people who come to that hospital have no way to pay for their care. At Holy Cross Hospital in Marquette Park, 25 percent of those who are treated cannot pay for anything. Yet the President says we should cut the Federal Government's reimbursement to these hospitals? It doesn't make sense. We know what is going to happen. There will be an awful lot of Americans who will have no place to turn and won't have the professional medical care which we all want for our families.

When will this administration understand that Medicare is there to help our seniors, not to line the pockets of corporations? The President should fund Medicare.

In his State of the Union Address, the President also called on Congress to reauthorize No Child Left Behind. Yet once again, this President has underfunded his own law. The Department of Education estimates the President's budget will provide $588 million in title I funding in Illinois. That is just over half the amount promised under No Child Left Behind. As a result, 120,000 Illinois children will be left without full title I services. It is one thing to ask kids to take tests to figure out whether they are making progress or falling behind. But once they need a helping hand, how can this President repeatedly refuse to come up with Federal funds to fund the very mandates he has created? The President also siphons away $300 million from public schools to pay for vouchers for private and religious schools. Those vouchers come at the expense of 48 programs, including a lot of essential programs for students such as Perkins loans that help students go to college. I am not opposed to private and religious schools. I am a product of religious school education. They have a valuable place in our society. But the first obligation of the Government is to the public education system. The President, unfortunately, is not going to meet that obligation.

When it comes to homeland security, again the President refuses to put money in the COPS Program, the single most practical and effective way to provide men and women in uniform so they are there when we need them. This year he slashes funding for State and local law enforcement assistance, such as the COPS Program and the Byrne grants.

On energy and global warming, the President's budget is, unfortunately, unresponsive to the real national and global emergency we face. Record high oil prices are harming the economy, record emissions and pollution threatening our globe and its climate. We ought to be investing aggressively in developing renewable energy options. Instead, the President's budget proposes a 7-percent reduction in solar energy research, a 27-percent reduction in energy efficiency programs, and a 79-percent cut in weatherization programs to help families trying to keep their homes warm and cool. The President's budget cuts LIHEAP by 22 percent. As a result, 15,000 Illinois families would lose assistance.

It also proposes to eliminate what was once the centerpiece of coal energy research in America, the FutureGen plant in Mattoon, IL. This is one near and dear to my heart. For 5 years, I worked with a bipartisan delegation—Congressman TIM JOHNSON, Republican of Illinois, Senator OBAMA, and others—to win this plant for our State. Governor Blagojevich, local officials, everybody pitched in. We were announced to be the winners in the middle of December. Last week the Secretary of Energy pulled the plug and said: We are not going to fund this project. How can this President walk away from a zero-emission coal energy plant that has been something he has bragged about for so many years?

The subprime mortgage crisis has plunged America into our worst housing crisis, some experts say, since the Great Depression.

Two million families are likely to lose their homes to foreclosure over the next 2 years. There is a dramatic need for affordable housing all across America, from big cities to small rural communities.

Yet the President wants to slash or even eliminate programs that help rural communities build affordable housing and help families own their own homes, like the multi-family housing direct loans, self-help housing grants and single family housing direct loans.

The President also wants to eliminate the HOPE IV program, which helps cities restore public housing, and the section 108 loan program, which helps families rehab their homes.

The President's budget cuts community development block grants by $650 million. Illinois would lose $40 million for police officers, improved street lighting and sewer lines, upgrading low income housing, reconstructing problem roadways and operating substance abuse programs and homeless shelters.

Amtrak is vitally important to Illinois and all of America. Unfortunately, the President and his administration are once again attempting to privatize and eventually eliminate Amtrak rail service.

The President's budget cuts the Airport Improvement Program funding by $764 million.

Illinois would lose $25 million, threatening a critical source of funding for new runway construction at O'Hare, and improvements at airports such as Waukegan, Marion, Peoria, Springfield and many other Illinois airports.

Once again the President has refused to include funding for the wars in Iraq and Afghanistan in his budget. After 6 years of fighting, this administration continues to skirt the rules and avoid accountability and openness.

Continuing to fund the war through supplemental funding is one way the administration tries to mask the full cost of these wars. Another way is by underfunding veterans health and other services our veterans have earned and need.

The President is requesting $41.2 billion for the VA health care system—$1.6 billion below the independent budget's recommendation.

His budget shortfalls mean that there will likely be little relief for Illinois's nearly 70,000 veterans, who must still wait for an average of nearly 5 months to have their disability claims processed.

More than 76,000 farm families in Illinois produce crops and livestock that feed families all over the world.

Agriculture research is vitally important to Illinois farm families and to our national economy. The President's budget would cut agriculture research by $330 million, which could jeopardize promising research at the ARS lab in Peoria and the University of Illinois extension services.

In addition, the President proposes sharp cuts in rural broadband programs, rural housing, and rural business development.

In Illinois, which receives the second-highest total of USDA rural development assistance in the Nation, the President's cuts would all but eliminate popular grant programs that support innovative rural businesses, community facilities, and broadband networks.

President Bush is proposing the largest cut to the Corporation for Public Broadcasting in its 40-year history—a 56-percent reduction in funding.

America's 1,100 public radio and TV stations are an indispensible source of education, information for enrichment. The President's cuts would cripple them.

Illinois's 30 public radio stations would lose at least $6.5 million in total support and lose all of their digital transition funding and culture for sources, civic education, and special local content to communities.

Finally, in foreign affairs, the President's budget cuts the U.S. contribution to the global fund to fight AIDS, tuberculosis, and malaria by $341 million—funds that could provide lifesaving AIDS drugs for 37,500 more people, treat more than 272,000 people for TB, and provide more than 2.1 million bed nets to prevent for malaria.

As the world's wealthiest and most powerful Nation, our actions encourage other donor nations to step up and devote additional resources to fight the global AIDS pandemic. Keeping our commitments to the global AIDS fight can help to restore goodwill for America in Africa and around the world.

Someone at the White House corrected those misspelled words in the first draft of the President's budget. It is up to Congress to replace the misplaced priorities in the President's plan and agree on a budget plan that meets the needs of America's families and businesses and communities and puts our economy back on the right track.

I yield the floor.

(Mr. DURBIN assumed the Chair.)

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I ask unanimous consent that the time I consume apply against the Republican time.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISABLED VETERANS

Mr. TESTER. Mr. President, this week the Senate will hopefully begin debate on an economic stimulus package. Front and center in the debate will be how we balance the need to get our economy going while once again addressing issues that revolve around the national debt. I hope there is one thing this body will agree on unanimously, that we must not forget America's disabled veterans in the debate. Earlier today I heard Members on the floor talk about pet projects. Veterans issues are an important project to me, and I will not forget about disabled vets as we move forward with this economic stimulus package.

There are about 2.8 million vets who receive some form of disability through the VA. The good news is that most of these folks hold down other employment and would get a tax rebate through the House's economic stimulus bill. But for another 250,000 disabled vets who have no other income other than their veterans disability benefit and maybe a Social Security disability check, they would get absolutely nothing from the House bill, not one red cent.

Let me say that again: The bill proposed by the House and by President Bush would not give a quarter of a million disabled veterans one nickel. That is simply wrong.

Under the leadership of Senator BAUCUS, the Senate Finance package corrects that error. It would ensure that the folks who were injured in the cause of defending our freedom are able to get something back.

I assure my colleagues that these veterans feel the pinch of higher gas prices, heating costs, and everything else in between, just as much as any other household struggling on a fixed income. The difference is that these folks have worn the colors of our country. They have defended this country. The way we treat those who have fought for our freedom and our Nation says a great deal about our society because when it comes to veterans, we are not talking about a handout, we are talking about a country honoring our promise we have made to our service men and women.

I wish to take a minute to read a letter I received recently from Warren Matte, a veteran from Harlem, MT. Here is what he says:

> For those of us who are combat veterans and poor people, we are now and have been in a recession for a good numbers of years. We are on the bottom rung of the ladder, and it looks like we will always be there. Some of us are surviving on VA benefits and Social Security. The long distances we have to travel here in Montana and the high cost of living is keeping us in poverty. There are 500,000 homeless veterans in this great Nation and no one cares. We put our lives on the line so everyone can be free and live the good life, and no one cares what happens to us and our families.

When our combat veterans are using phrases such as "the bottom rung of the ladder," I think we can do better than that. When disabled veterans worry that "no one cares," we must do better than that.

This Finance Committee bill is a step in the right direction. So I urge my colleagues, no matter what else you may think of the stimulus package, do not forget about the Warren Mattes of the world. Do not forget about our disabled veterans.

I have been in this body for a little over 1 year. I can tell my colleagues that from my perspective, the Senate is an easy place to stop things. If you choose, you can stop any piece of legislation from moving forward.

I think the House stimulus package is a good stimulus package, but it can be made a whole lot better, and we need to make it a whole lot better. For the 250,000 disabled vets, for the 2.5 million seniors, for those folks who need unemployment benefits, for those folks who need assistance with their heating bills, we need to make it better.

I am not sure this economic stimulus bill will get us out of the economic stresses we feel right now in this country, but I can tell my colleagues one thing: If we don't address the issues that revolve around the people I just talked about—the disabled vets, the seniors, the folks who need help with their heating, the folks who need unemployment benefits—we are making a huge mistake.

We ought not to be stopping with this bill. We ought to be making it better in the Senate and passing it on for the President to sign it. We ought to be stamping it with our approval.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Chair announces that morning business is now closed.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ECONOMIC STIMULUS

Mr. REID. Mr. President, yesterday and again this morning we heard some remarkable statements from our Republican colleagues that matters within the stimulus package are pet projects. Later, after that statement was made, we had another Senator come and say that they were Christmas tree ornaments. Then we had another Republican come this morning and say the stimulus package is certainly not needed. One of the Senators said unemployment benefits are totally unnecessary and that all it will do is increase unemployment. I am not making this up. This is what they said.

Now, we heard the distinguished minority leader, Senator McCONNELL, come to the floor with a statement that is simply untrue. He said:

> If Americans are wondering why their checks aren't in the mail, they can find it in last week's news clips.

Everyone knows—if they don't, they should know—that no matter how the debate turns out, no one's check is going to be held up. Any stimulus plan—whether it is the House version standing alone as it now exists or the Senate Finance Committee version, which I favor strongly, or a combination of the two—would calculate rebate checks on the 2007 income tax returns. That is basically the only way you can do it. Taxes are not due until April 15. That is the way it always is. That is more than 2 months from today. So everyone should know that the checks aren't in the mail tomorrow. The only way it can be done is based upon the 2007 return, except for some people, and that is a very small minority. So let's not confuse or concern the American people with claims that aren't based on facts. Perhaps the Republicans don't understand the timeframe of the stimulus package. If they do, it should be clarified.

Now, what are some of the other things we have heard from our Republican colleagues? One suggested that we ought not to do anything to stimulate the economy. I talked about that. He said we shouldn't provide any help at all to the millions of Americans struggling to pay their bills and feed their families. Republican Senators have suggested that sending stimulus checks to 21.5 million seniors on fixed incomes is a pet project, a Christmas tree ornament; that providing assistance to help struggling Americans pay their heating bills through the Low Income Home Energy Assistance Program is a pet project or a Christmas tree ornament. I believe many Republicans—Republicans—could not disagree more strongly with those statements.

The stimulus package sent to us by the House of Representatives last week, as we have said from the very beginning, is a good start. I was part of a program to suggest the House should go first. There was some talk that we should try to get the two bodies together and do that. The way the Senate works, it would have taken too much time. Their rules are different from ours. So I said to go ahead and do it, and when they completed it, I gave them all the applause I could. I thought it was an important thing that they did that. But our job is to take the bill from the House and make it stronger.

The Republican leader and others have said this morning that working on bipartisan improvements is "playing politics." I believe it is our constitutional obligation. It is how the Founding Fathers envisioned this country working. It is how they envisioned the legislative branch working.

But soon, Senators will have a chance to vote on the Senate Finance Committee's bipartisan plan. It will either be tomorrow, or it will be Thursday. Based on the House plan, it makes several improvements, the Baucus-Grassley package.

The Finance Committee package sends stimulus checks to roughly 21.5 million senior citizens who would get nothing at all from the House bill. Give them the money, and they will spend it.

The Finance Committee package sends checks to 250,000 disabled veterans who were left out of the House plan. Give them the money, and they will spend it.

The Finance Committee package extends unemployment benefits for those who have lost their jobs in the economy. To suggest, as has been done here on the floor, that extending unemployment benefits will make unemployment worse? We have people who are no longer counted as being unemployed because they have been off the rolls so long. The House bill doesn't take care of unemployment benefits. Economists tell us that it is the single most effective way to stimulate the economy.

The Finance Committee package is business-friendly. It gives small businesses greater ability to immediately write off purchases of machinery or equipment. It helps larger businesses with "bonus" depreciation or an extended carryback period for past losses to recoup cash for future investments. It gives them a tax break, and they will spend it.

Realtors are in town. They come every year. Homebuilders don't come usually this time of year, but they are here now because this provision is so special to them.

Without exaggeration, the States of California, Florida, Nevada, and Michigan are in big trouble. Other States are in trouble also because of their housing crisis. The Finance Committee package addresses the housing crisis in a number of ways, but one is including mortgage revenue bonds to be used by the States to refinance subprime mortgages. That is very important. That is why the homebuilders are here en masse today.

The Finance Committee package includes an extension of energy efficiency and renewable energy incentives to create jobs, expand the clean energy industry, save consumers money on their energy bills, and help begin to stem the tide of global warming.

I will also offer an amendment that we can and should all support. First, the House-passed bill's language on housing will be included in this package that we will vote on. I don't know who could object to that.

This amendment will increase the conforming loan limits for Fannie Mae and Freddie Mac, as well as the loan limits for FHA-backed mortgages, which will allow more homeowners to refinance and will reduce mortgage interest rates in virtually every part of the country.

Second, there is money to help low-income Americans heat their homes, through the Low-Income Home Energy Assistance Program, known as LIHEAP. This is important because it allows people to not have to choose between food, medicine or heat. So let's—while we are talking about heat—leave the overheated rhetoric aside and work on passing this legislation. This is important. We should do this.

Mr. President, I ask unanimous consent that the vote on the motion to invoke cloture on the amendment to H.R. 5140, which I have described, which contains the Finance Committee language on LIHEAP funding, occur on Wednesday, February 6 at 3 p.m., with the hour prior to that time equally divided and controlled between the two leaders or their designees.

The PRESIDING OFFICER (Mr. CASEY). Is there objection?

Mr. McCONNELL. Mr. President, reserving the right to object, it has never been our desire to delay consideration of the House-passed stimulus package. The other side has made it clear they will have some package of changes. Those changes were discussed last week and, evidently, there was a decision to put a different package together. As I mentioned earlier this morning, we got that package last night. It was, apparently, a work in progress.

What I am going to do is ask the leader to modify his request. I know the senior Senator from Illinois said earlier today—or suggested that maybe people on this side don't support seniors or disabled veterans. So I will offer a request of the majority leader to modify his request so we do not have further delay.

Therefore, I ask unanimous consent that the majority leader's unanimous consent request be modified so that we proceed to the bill today—not tomorrow or Thursday but today—and that we have a cloture vote today on the amendment we received last night—the one to which the leader's request refers; further, if cloture is not invoked, that we proceed immediately to a vote on the Republican amendment that we will file at the desk; finally, that the Senate then proceed to a vote on passage of the House bill, as amended, if amended.

Mr. REID. Mr. President, reserving the right to object. I hope everyone within the sound of my voice understands how unfair and senseless the request is by my friend. We had discussions on the floor yesterday. The minority whip recognized that Senator McCAIN, Senator OBAMA, and Senator CLINTON are not going to be here today. It has been very clear that I told them I needed an evening to get them here. If I tell them they have to be here tomorrow, they will be here tomorrow. Everybody knows this request by my friend is without foundation.

The Republicans—all 49 of them—are going to have to vote on the Senate stimulus package. They have to vote on that. Therefore, I object.

QUORUM CALL

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll, and the following Senators entered the Chamber and answered to their names.

[Quorum No. 1 Leg.]

Carper
Casey
Durbin
Isakson
Kyl
McConnell
Reid, Nevada
Tester

The PRESIDING OFFICER. A quorum is not present.

Mr. REID. Mr. President, I move that the Sergeant-at-Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the majority leader. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Illinois (Mr. OBAMA), and the Senator from New York (Mr. SCHUMER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from North Carolina (Mr. BURR), the Senator from New Mexico (Mr. DOMENICI), the Senator from South Carolina (Mr. GRAHAM), the Senator from Arizona (Mr. McCAIN), and the Senator from Mississippi (Mr. WICKER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 12, as follows:

[Rollcall Vote No. 6 Leg.]

YEAS—73

Akaka
Barrasso
Baucus
Bingaman
Boxer
Brown
Bunning
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Cochran
Coleman
Collins
Conrad
Corker
Crapo
DeMint
Dodd
Dole
Dorgan
Durbin
Enzi
Feingold
Feinstein
Gregg
Hagel
Harkin
Hatch
Hutchison
Isakson
Johnson
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Sessions
Shelby
Smith
Snowe
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—12

Alexander
Allard
Bennett
Bond
Coburn
Cornyn
Craig
Ensign
Grassley
Inhofe
Kyl
Specter

NOT VOTING—15

Bayh
Biden
Brownback
Burr
Clinton
Domenici
Graham
Inouye
Kennedy
Kerry
Lieberman
McCain
Obama
Schumer
Wicker

The motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

The majority leader is recognized.

UNANIMOUS-CONSENT REQUEST— S. 2248

Mr. REID. Mr. President, one of the things I have the ability to do is to try to move the process forward, and that is what this vote was all about. Members came, we have had some conversations, and hopefully it will help move the process forward.

We are going to file cloture sometime today on the Senate stimulus package. That is the one reported out of the committee, as we have talked about the last 24 hours. So we will have a vote on that. Unless there is an agreement reached beforehand, we will have a vote on that an hour after we come to work on Thursday. That will be on the Senate stimulus package as we have brought it here to the floor. Of course, with consent, we could have it tomorrow. I would rather do it tomorrow so we can do some other things on Thursday, but it is up to the minority as to what we do.

I hope we all understand that the vote we just had was, as I have said before, an effort to try to move the process forward, a wake-up call, especially for my Republican colleagues, that we need to now start legislating. There is no reason in the world we should not finish FISA soon—work today on FISA.

We have other amendments Senators want to offer. We have 6 hours dealing with title II alone—one by Senators DODD and FEINSTEIN on immunity; we have the Whitehouse-Specter dealing with substitution; and we have one with FEINSTEIN dealing with exclusivity. Two hours on each one of those, the time equally divided, is 6 hours. There is no reason we shouldn't do that debate today. I want to vote on the four amendments already pending on FISA. We have those three I talked about and then, after that, there are four more with very limited time.

I think it is a little unusual here that we have an insistence we move forward and work on the stimulus package, yet we have had trouble doing that; and then we have been told, the latest on last Saturday, the President is talking about how important it is to do the stimulus package, and also he has talked incessantly about the need to complete FISA, but the Republicans have blocked our efforts to do that.

I don't want to always have to stand here and talk about unpleasant things, such as obstructionism and filibusters, but sometimes that is all there is to talk about. It is clear to me that once again the Republican minority seems to be more committed to obstruction than what it takes to make America stronger. We remain committed to giving our intelligence professionals the tools they need to make America more secure. With Republican cooperation, we can start doing that today. Today.

Mr. President, I ask unanimous consent that the Senate now resume the FISA legislation and debate all remaining amendments in order; that any votes in relation to these amendments occur at a time to be determined by me, after consulting with the Republican leader; that all time consumed during this debate count postcloture to this matter we are on now dealing with the House stimulus package.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Mr. President, reserving the right to object, I think it is perfectly apparent to everyone who is observing this process that these two issues are interconnected in terms of how we fairly go forward, and I think the point has been well made by the 49 Republican Senators over the last year or so that our rights are going to be respected; that we are going to move forward on bipartisan bills, such as both of these, in a way that is respectful to both sides, and as soon as we have an understanding about how we are going to go forward on the stimulus package, then we will be able to make progress on this bill. I am optimistic we are going to be able to do both.

Ironically, I share the goal of the majority leader, which is to finish both these issues this week. You would think that was not the case for all the sparring and finger-pointing that has gone on the past few days, but I have the same goal he does, to finish FISA and the stimulus package. Both of them, at the end of the day, are going to pass on a strong bipartisan basis. But the process for dealing with them is not irrelevant, and that is what we have been discussing off and on for the past couple days. Hopefully, we will make some progress and be able to get going on FISA later today.

For the moment, I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. REID. Mr. President, "1984" was a book written by George Orwell. He wrote the book many years before 1984, but he was trying to look into the future and talk about what he thought America would be like in 1984. It was a very interesting, compelling book, a best seller, and it made George Orwell a famous man for all generations of time. But the one thing you got out of reading that book is that there would come a time when people said one thing, and while they were saying it, they meant something else. That is what we had here just now with my friend, the Republican leader. We are going to move forward, get things done, there is no reason we can't finish things this week. Why in the world can't we do the FISA legislation today? I will tell you the reason. It is Orwellian talk from the other side. They want to stall the FISA legislation as long as they can—and they have done a pretty good job—because they want this legislation to be completed at the last minute to give the House and Senate conferees little time to work.

The RECORD should reflect how hard we have tried to pass the FISA legislation law, and the RECORD should reflect there is going to come a time when the FISA legislation will run out and the President will be saying things, as he has for 7 years, to scare the American people—the Democrats don't care; they do not care. Well, Mr. President, we care every bit as much as any Republican about protecting the American people. We believe there is a need in this modern world for eavesdropping on certain conversations, but we have the old-fashioned idea that it should be done in keeping with our Constitution. That is what this debate is all about.

I repeat for the third time here in the last few minutes that the RECORD should reflect we have been willing to legislate on FISA for some time now and we have been stymied every time. We need to go back no further than yesterday. Yesterday we wanted to have amendments offered. And I appreciated very much Senator WHITEHOUSE, Senator FEINGOLD, and Senator CARDIN coming and offering amendments. We should have voted on those last night. But, no, the Republicans wouldn't let us. Can we vote on them this morning? No.

Well, if they are not going to let us vote on the amendments, can we at least use up some of the time for debate on amendments that are going to be offered by other Democratic Senators, and we have one bipartisan amendment that will be offered by Senators WHITEHOUSE and SPECTER? Nope, can't do that. We can do two things at one time, we can do one thing at one time, is all I am asking we do.

It is very clear that the stall we had all last year is now in place again and we are going to be prevented from doing the work today. We are not going to be able to vote or offer amendments. We are going to stand here and look at each other until shortly before midnight tonight when I will offer to file the cloture motion. I can file it at any time. I don't have to wait until just before midnight. But that is when the time runs out. And we will have the vote Thursday, unless we work something out. But it is a shame, a shame for the Senate and for the American people, to waste all this time. It is time wasted.

Last year, as I indicated—and other Senators have talked about this—we had 64 filibusters where cloture had to be filed. For my friend to say all he wants, that all the Republicans want is to be treated fairly, we only have to take the block of time in the last 2 days. How much more fairly can they be treated? We say: OK, you are not going to let us vote; let us at least offer amendments and use up some of that time. Nope, we can't do that. Can we set a time to vote on the stimulus package? No. Are we going to have to use all that time postcloture? Yes, because we have to read the amendment.

The package from the Senate Finance Committee passed out of that committee a long time ago. We did add something to that. It is a page and a half long. Certainly 24 hours should be enough to read that one page or that page and a half. But I understand, we all understand, and the American people understand that we are living in the Senate in the realm of "1984." When my friend from Kentucky comes here and says we want to move forward, all we want to do is be treated fairly, remember what George Orwell said. It is the direct opposite of what he said. What he is saying, in "1984" language, is we are stalling this as long as we can. And as long as we can is probably going to run out sometime tomorrow or Thursday.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, it is a little like deja vu all over again, which I suppose was said by Yogi Berra. This is the same discussion we have had for the last couple of days.

Setting aside all of the finger pointing and the parliamentary nuances, what we know for sure is that we have a Foreign Intelligence Surveillance Act measure that came out of the Intelligence Committee with a vote of 13 to 2—the Rockefeller-Bond bill—which the President will sign. Certainly it is not within the realm of possibility that Members of my party don't want to finish this bill soon. It is supported by a Republican President, Republican Senators, and we tried to get votes on it Tuesday, Wednesday, and Thursday of last week, to no avail. In fact, the last vote we had last week was on Monday afternoon, and then for 3 days it was sparring over that. I don't think anybody seriously believes the Republican minority does not want the FISA bill to pass.

With regard to the stimulus package, we have not been given procedural assurances. The majority leader is in a position to deny the minority the opportunity to offer anything, to fill up the tree and file cloture, and we have been given no assurances that we will be able to offer an alternative. It strikes me that the majority is in the absurd position of having argued the House bill is inferior. If the Finance Committee bill, plus additions, was not successful, why would it not be appropriate to give the minority assurances that an amendment to adjust the House bill, which the majority has been insisting for a week is not adequate, would not be appropriate?

These are the discussions we have been having off the floor. It is probably difficult to follow, for those who are watching it on television, because there are a whole lot of parliamentary nuances involved. But stepping back from the parliamentary part of it, we know for a fact the following: There is overwhelming bipartisan support for the FISA legislation, and the President will sign it. It was the President and the Democratic Speaker of the House and the Republican leader of the House who came together on a bipartisan stimulus package. We know there was overwhelming bipartisan support for doing a stimulus package.

I think we are going to get all this resolved and approve both these measures this week, but we are going to insist on doing it in a way that is fair to the minority.

That basically sums up my views on where we are at the moment, and we will keep talking about it off the floor and, hopefully, be able to have some meaningful votes here later.

Mr. DURBIN. Will the Senator from Kentucky yield for a question?

Mr. McCONNELL. No.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, the Senate Intelligence Committee is a great committee. I served on that committee. I wanted to have a chance to have a dialog here with the Senator from Kentucky, the leader on the Republican side. He continues to overlook the obvious. The Foreign Intelligence Surveillance Act bill is the product of two committees—not one but two.

He says, well, he likes the Intelligence Committee version, and certainly it was a version that passed with an overwhelming bipartisan vote. But the fact is that the Senate Judiciary Committee also passed their version of the bill relating to specific elements that are equally important to the Intelligence Committee work, and what Senator REID, on the Democratic side, has tried to do is to give us a chance on the floor to vote on some of the key issues raised by the Senate Judiciary Committee.

In fact, we reached an agreement on how we were going to do it. It took us a week or more to craft a unanimous consent request to lay out the specific amendments we were going to, with understandings about how much time would be devoted to each and what the vote would be. I can tell you, I was involved in some preliminary parts of it, Senator REID stuck with it to the bitter end, and we did reach an agreement.

So what is stopping us? What is stopping us, for reasons I can't explain, is that the Republican side, which refused to yield for a question, wants to blame us for slowing down a bill which they are stopping us from calling.

That is what it boils down to, in the simplest terms. They want to blame the Democratic majority for not passing FISA. Yet they refuse to allow us to bring it to the floor and consider the amendment so that we can have a vote and bring it to final passage, take it to conference, and send it to the President. They cannot have it both ways. They cannot blame us for holding up a bill that they are holding up.

Secondly, let me say a word about the stimulus package. I would like the Republican leader, who tantalizes us with bits of information when he comes to the floor, to really spell it out. What is it in the Senate Finance Committee bill, this bipartisan bill, this Baucus-Grassley bill, what is it they object to? The so-called Christmas tree argument, the goodies, the pet projects? Let's be very specific about it.

Do the Republicans, the Senator from Kentucky and others, object to providing an additional few weeks of unemployment insurance for those who are out of work? If that is the case, say it. Do the Republicans object to the idea that we are going to try to deal with the housing crisis in America and put some provisions in to deal with that in an honest way? If so, say it. Do they object to Senator CANTWELL of Washington who is pushing for energy tax credits—an innovative, constructive part of our economy—that will help businesses get started creating jobs and keep America in the forefront of this research? If the Republicans object, say it. They are walking and dancing around, and they just will not come forward and say it.

We think the Baucus-Grassley bill, a bipartisan bill, is a good bill. We want to vote on that bill. We want the Republicans to go on record.

If they believe the homebuilders across America do not deserve some sort of tax benefits in one of the roughest times they have had to face in modern memory, then, for goodness' sake, be on the record and say it. But they come to the floor and tell us: Maybe we do not need a stimulus package. They argue that unemployment benefits aggravate unemployment. They do all of those backward arguments. It is no wonder that Senator REID continues to reference George Orwell; it really is impossible to follow their logic on the floor. But I think the American people know the outcome. The outcome is that we will do little or nothing today because the Republicans insist that little or nothing be done today, and then tomorrow they will come to the floor, and they will complain that nothing was done today.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, before my friend leaves the floor, I would like to direct a question through you to him. I have not had a chance to speak to the distinguished Democratic assistant leader, the whip, about this.

Are you aware that this perfect package the President has been talking about keeping together, the great bipartisan effort with the House and his people, are you aware that this package which we have been pushed and pushed to "take it just as it is," are you aware that the Secretary of the Treasury today testified and made a statement that he thinks it is a pretty good idea to have seniors and disabled veterans included? Are you aware of that? So this perfect package may not be as perfect as they thought it was.

Mr. DURBIN. I would respond to the majority leader by saying that obviously the notion of a bicameral Congress has been tested and proven. I am glad Senator ROBERT C. BYRD is on the floor here to witness that statement, with which I am sure he will agree.

The fact is, as good as the House package might have been, we are doing our best to improve it. And now, as I understand it, two so-called pet projects—helping 20 million seniors and a quarter of a million disabled veterans—are now becoming pet projects of the administration. It would be great, and I hope the Republican side will join us in the rest of our bipartisan package.

Mr. REID. Mr. President, if I could direct another question to my friend. You are aware that the 49 Republicans—I should say 46 because 3 already voted courageously in the Finance Committee, so 46 Republicans are going to have to make a decision. They are not going to be able to pick and choose whether seniors are more important than people with no heat in their homes, more important than people with no jobs, more important than people who are having their homes foreclosed upon. The distinguished Democratic whip understands that they are going to have to vote for the stimulus package out of the Senate Finance Committee, not pick and choose which is more important, whether senior Americans are more important than the unemployed or the people with no heat in their homes or the people losing their homes? Does the distinguished Senator from Illinois understand that?

Mr. DURBIN. I would respond to the Senator from Nevada, our majority leader, that I hope the Republicans understand that the package we bring to the floor is the result of Finance Committee deliberation and votes and a bipartisan rollcall in support. It is not as if we were imposing our will here. We are bringing to the floor the measure that passed the Senate Finance Committee. And when was the last time a bill came to the floor which you agreed with in all of its different sections? There are usually one or two things in there I wish were written differently.

I would say to my friends on the Republican side that if they believe we should say no to families in Kentucky, to families in States around the Nation who are struggling with heating bills, then they have to understand that has been part of the bipartisanship package brought to the floor, and they will be voting against those people and voting against the unemployed, and that will be the record they can carry home from this debate.

RECOVERY REBATES AND ECONOMIC STIMULUS FOR THE AMERICAN PEOPLE ACT OF 2008—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 5140, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to the bill (H.R. 5140) to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Let Senators be aware that we Senators must and should address one another in the third person. There is a reason for this: It minimizes the chances of us having on display bad tempers. Are Senators aware that Senators should address one another—how? Not in the second person but, rather, in the third person? Is the Senator from Timbuktu aware of that rule? Is the Senator from West Virginia aware of the rule? Yes.

The Senator from West Virginia will take his seat. I thank the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. I ask unanimous consent that the Senate now stand in recess under the previous order.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:25 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER.)

RECOVERY REBATES AND ECONOMIC STIMULUS FOR THE AMERICAN PEOPLE ACT OF 2008—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, let me first express my disappointment that we are not able to vote on the economic stimulus package. That package was reported out of the Senate Finance Committee last Wednesday. Each of us had plenty of opportunity to review the report from the Finance Committee and the provisions they added to the House package. For reasons I cannot understand, the Republican leadership is denying us the opportunity to act quickly on the package.

One of the major criteria for the economic stimulus package is it must be timely. The House took it up, passed it. Now it is our turn. We are ready to act. We have the bipartisan recommendations from the Senate Finance Committee. Now it is time for us to take action.

These are very difficult times. Let me review some of the most recent economic news. It is not good. The stock market is 11 percent lower than it was last October when it reached its peak. The price of oil has reached $100 a barrel. That is causing hardships for many families. Last month we saw job loss, an actual decline in employment for the first time in 4 years, a shrinking workforce. The President submitted his budget. He is showing the deficit, by his own numbers, increasing from $162 billion to $410 billion. That debt does not include the use of Social Security surpluses. It does not include such things as paying for the alternative minimum tax that we know we will have to deal with. We have tough economic times.

When one looks at the housing market, there is reason to be concerned. In 2007, home sales were down by 13 percent over 2006. There are over 4 million properties currently in inventory, a very high level of homes that can't seem to move off the market. We are all concerned about the subprime foreclosure rates. It is estimated now that we could have as many as 2 million subprime foreclosures by the end of next year. There are many ripple effects to what is happening in the economy. I was talking to some people in Baltimore, where we have the General Motors transmission plant. They were telling me that their sales of light trucks are down because of the housing industry, because so many of the people who work in the housing industry need light trucks. We have lost jobs in Baltimore as a result of what is happening in the housing market.

Another interesting fact, it is affecting local governments. It is now estimated that as a result of the decline in housing values, local governments will lose close to a billion dollars in property tax revenues. There is a real ripple effect to what is happening in our economy.

We have a responsibility to act. I congratulate the Federal Reserve for taking action on the prime rate. That was helpful. It was directly helpful in reducing interest rates, but it was also a clear signal that the Fed is going to operate to help the economy. So should we. For us to be effective, we must be timely. To be timely, we must vote on this bill. I am extremely disappointed that we can't use the time we have available today to take the necessary votes so each Member can cast their vote as to whether they agree with the Finance Committee, and then we can move on and send this bill back to the House and hopefully to the President within a short period.

I am pleased with the work of the Finance package. Another major point about a successful economic stimulus package is that it should be targeted to those programs that will help create job opportunities immediately. It is short term so it needs to be targeted. The Senate Finance package incorporates what the other body did in rebates to taxpayers, providing business relief through expensing and depreciation, but it goes further with some relatively modest changes in the total dollar amount but extremely important, if we want to make sure the economic stimulus package is targeted to those who need it and will help our economy. It also should be targeted to be fair, looking after the people who need help, the people who have been disadvantaged by a downturn in the economy.

The Finance Committee is recommending that we include low-income seniors. Low-income seniors are hurting today. They don't know where they are going to get the money to buy food or pay utility bills or medical expenses. There is a misconception that seniors have this wonderful health care system called Medicare. Seniors as an age group have the highest amount of out-of-pocket health care costs of any age group. Seniors are being hurt by the high cost of fuel. Seniors need help. Why should we leave them out of the package? Certainly, if we want to target it to those who will spend some money to generate economic activity, low-income seniors should be high on the list. Looking at it from the point of view of fairness, we should want to include low-income seniors. Quite frankly, I believe it was an oversight by the other body. I don't think this is controversial. It should not be controversial. That should be clearly added to the package. I congratulate the Finance Committee for including low-income seniors.

The Finance Committee also included disabled veterans. Those receiving disability benefits would qualify for a rebate. Let me talk about a matter of fairness. We are talking about men and women who answered our Nation's call who are now receiving disability benefits. That, again, was an oversight by the other body. They clearly wanted to include disabled veterans in the tax rebates we are putting forward. I don't believe this is a controversial issue. It is a matter of fairness, a matter of people who will help our economy, targeting the economic stimulus properly.

The Senate Finance Committee package also included an extension of unemployment insurance benefits. I want Members to concentrate on this one. When you have economic downturn, people lose their jobs. When they lose their jobs, in many cases their sole source of income becomes unemployment insurance compensation. The money we give as a safety net into which they paid through employment taxes—it is their money—is an insurance program. When we go through an economic downturn, it is more difficult for someone who has lost a job to find a job, because there are less jobs available. Historically we have extended the traditional 26 weeks of unemployment benefits beyond that, when we have an economic downturn. The Finance Committee said, as a matter of fairness, we should extend those benefits by an additional 13 weeks. For those States that have high levels of unemployment, we should go to 26 weeks of additional benefits. That is certainly the fair thing to do, because they are the people mostly hurt by the downturn in the economy. If our criteria is to target money into people's hands who are going to spend it if that is their source of income, we know that is going to get back into the economy. So it will help our economy to extend unemployment benefits.

The Finance package also includes an energy package to provide incentives for businesses to move toward more efficient energy sources and more environmentally friendly energy sources. It would include a package that will allow us to energize the economic sector for what we call green jobs. We know we need to change our energy policy. We know we need to be more sensitive to the environment. We need to be energy independent for national security so we don't depend upon other countries who are unfriendly toward us for our energy needs. We need to do that in order to deal with the problems of greenhouse gas emissions and global climate change. We need to get on with an energy policy for our economy. We can't sustain abrupt increases in energy costs because of the whim of oil producing countries. For all those reasons, we need to be energy independent. We all agree—and I have talked to my colleagues from around the country on both sides of the aisle—that we have to unleash the creativity of America's businesses and the creativity of our free market. This package coming out of the Finance Committee provides the tools so American businesses can respond to the needs we have on creating alternative energy sources and a greener and more friendly environmental energy policy.

The package also includes the net operating loss so businesses that have lost money can benefit from this economy and can stay in business and can try to help our economy. It also includes a very important provision that Senator KERRY offered dealing with mortgage revenue bonds. Part of the problem we have in the housing market today is what we call a credit crunch. We also have people who are suffering from subprime mortgages and need some help as far as refinancing. The revenue bonding authority to local governments will help in both cases. It allows local governments to buy these mortgages. In many cases they will be below par. They will buy them for their value, but then they can refinance the property so people who are living in these homes can stay in them and are not going to be subjected to potential foreclosure. It is certainly in our interest to provide that help. It will also help with the credit crunch because the more money out there, the more dollars that will be available.

As I think I related earlier stories I have heard from the State of Maryland, I can tell you about homeowners in Salisbury trying to sell their homes, but they can't because the buyers can't get a mortgage. Everybody is being affected. So the package that includes the mortgage revenue bonds is important. The problem in our economy was triggered by the housing market. It wasn't caused by the housing market. There are a lot of problems out there, and it was certainly not the cause, but it was triggered by the housing market. So our stimulus package should try to deal with that. The Finance Committee package deals with it.

I thank the majority leader for adding one substantial change to the Finance package. He did that because there was bipartisan agreement. We have had Senators on both sides of the aisle urging that the package include help for LIHEAP, low-income energy assistance for families who can't afford their utility bills. The package will include some help for that group. There is consensus that we need to do that, but it is also part of the economic downturn, families who cannot afford and have to make the decision between food and energy. This will help them a little bit. The money will get right back into the economy, helping to stimulate the economy and helping us make this downturn as brief as possible so we can grow our economy.

This is a short-term economic stimulus package. It is important for us to act quickly. I am disappointed that we are being stalled by the Republican leadership and not having a chance to vote on it as promptly as we should. We are ready to vote. We know what is in the package. We should be voting on it and getting it back to the House so we can get to it conference and to the President as quickly as possible. It is short term. It will help stimulate the economy.

Then I hope we will see the same type of bipartisan cooperation between the White House and the Democratic leadership in the House to deal with deep problems we have in our economy. These are more long term. We are not going to reverse it overnight. These are not appropriate to be included in the short-term economic stimulus package that is on the floor. But these are issues that need to be dealt with. Quite frankly, I don't think they can wait until a national election. We need to work on them this year. We are in business. Let's get some work done. Let's work together, Democrats and Republicans. Let's stop stalling. Let's use the time this year to work on the problems of energy independence. We could take a major step forward. I have heard my colleagues on both sides of the aisle talk about how, if we would make a Manhattan type commitment or a commitment as we did to put a person on the Moon, we could become energy independent in a relatively short period of time. We have to start on that.

In 2007, we passed an energy bill that was a good bill. But it certainly didn't move as far as most of us wish to see us move. Let's move forward on that proposal. There is a proposal coming out of the Environment and Public Works Committee that contains a step forward on America being a leader on dealing with global climate change that the Presiding Officer worked on. So this is a bill that I think is very important that we move forward on. We can get it done this year. Let's not wait. Let's use the spirit of cooperation and understanding. This economic downturn occurred because we didn't pay as much attention as we should to the underlying problems of our country.

Let's get on with health care. Let's get a bill to the floor that will at least help start to deal with those who are uninsured, take on some of the major cost issues in our health care system, whether it is the high cost of prescription drugs or the high cost we pay because people don't have insurance so they go to emergency rooms or the need for medical technology so we have a more efficient system, a better use of preventive health care so people can get the care in a less costly way.

Let's move on in 2008. Let's not lose that opportunity, because it is going to take us years to accomplish those goals. We are not going to accomplish them overnight, but we need to get it done.

By the way, let's also take a look at this budget that was sent to us. I am glad to see my colleagues on both sides of the aisle raise very serious problems with the President's budget. Let us this year come together on a budget that starts to bring us into balance. We started with this administration 7 years ago with a budget that was in surplus. I was proud to be a part of the Congress that brought that budget into balance. We are going to have to do that again, but let's start in 2008. We don't have to wait until 2009. Let us start to get these problems resolved. If we do, we will be on a much sounder economic basis and we would not have to worry about another trigger coming along that causes us to go through another economic downturn with people being hurt.

But our responsibility at this moment is to deal with the short-term economic stimulus package. That is the opportunity we have that we can get done this week. That bill we can get to the President this week. Every day is important. I know I speak for most of the Members of this body that we want to get it done now. The choice is clear. We have the package, the bipartisan package from the Senate Finance Committee. Let's bring it up and vote on it and let's move forward. I would urge my colleagues to do that.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, yesterday, we received the President's budget for this year and for the next 5 years. I wish to take a few moments to comment on that and then on the need for a stimulus package given what is happening in the economy.

First, I wish to indicate that we have seen under the President's leadership a dramatic deterioration in the budget circumstance for the country. Last year, the deficit was about $160 billion. They are now forecasting, the administration is forecasting that under its budget proposal, the deficit for this year will reach $410 billion, the second biggest deficit in dollar terms in our Nation's history, and for next year, again a deficit of more than $400 billion.

This does not tell the whole story. This is the deficit story. The debt story is far more serious. As I have been saying for a number of years, the debt is the threat. However, we will never hear the word "debt" leave the lips of this President. Never. We will never hear him talk about the growth of the debt. We will never hear him discuss the threat of the debt. We will never hear him discuss a plan to deal with the debt. It is as though the debt of the country for this President does not exist. Why? Well, perhaps because the debt is growing far more rapidly than the deficit.

(Mrs. MCCASKILL assumed the Chair.)

Mr. CONRAD. Madam President, the President says the deficit for 2008 will be $410 billion. If you look at his proposals, you see the debt will increase under his plan by more than $700 billion. Let me repeat that. Under the President's plan, the debt will not increase by the advertised deficit of $410 billion; the debt will increase by more than $700 billion.

Why the big difference? The biggest reason is that, under the President's plan, nearly $200 billion in Social Security money is being taken to pay other bills. If you were doing that in the private sector, if you were taking retirement funds of your employees to pay operating expenses, you would be on your way to a Federal institution. But it would not be the House of Representatives or the White House; you would be on your way to the "big house" because that is a violation of Federal law. But here the President can propose a budget that does it. In fact, that is what he has done the entire time he has been in office. He has taken trillions of dollars in Social Security money and used it to pay other bills. The problem with that, of course, is that while none of it is counted in the deficit calculation, it all gets added to the debt. The result is that here is what is happening to the gross debt of the United States. At the end of the President's first year—and we don't hold him responsible for that year because he inherited a budget from the previous administration—the debt was $5.8 trillion, the entire debt of the U.S. Government, the Federal Government. We now see that at the end of 2009, which is the last year he will be responsible for, the debt will be $10.4 trillion. So he will have increased the debt of this country by 80 percent in 8 years. What a disastrous legacy this is. He has us on course to have more than $13 trillion in debt by 2013. This is before the baby boomers retire. We cannot pay our bills now. Can you imagine what is going to happen when we double, in very short order, the number of people eligible for Medicare and Social Security?

Madam President, perhaps of even greater concern is what this President has done to foreign holdings of our debt. It took all of these Presidents pictured here on this chart—all of the 42 previous Presidents—224 years to run up a trillion dollars of U.S. debt held abroad. This President has more than doubled that amount in just 7 years. He has added over $1.3 trillion of foreign-held debt in his 7 years. That means we now owe the Japanese nearly $600 billion; we owe the Chinese a sum approaching $400 billion; we owe the British over $300 billion; we owe the Koreans over $40 billion. That is the legacy of this administration.

Now the President comes with his budget, and says he is going to start doing something about the spending side of this equation. He said: I want to cut Medicare and Medicaid over the next 10 years by $600 billion. No, I didn't misspeak. That is what is in the President's budget. He wants to cut Medicare and Medicaid $600 billion over the next 10 years. That is health care for those who are Medicare eligible—largely the senior citizens of this country. The President wants to cut that by $600 billion.

At the same time, in the same breath, in the same budget, he says: While we are doing that, let's cut taxes another $2.2 trillion. Let's dig the hole even deeper and add more to the deficit and debt. Let's go more in hock to the Chinese, the Japanese, and anybody else who will loan us money.

Madam President, these numbers of the President substantially understate how serious it is. Why? Because, magically, he has just left things out. On the war, the President has no costs beyond the first half of 2009. The President said there should be no timetable on Iraq. He has just provided the timetable, hasn't he? He provided the timetable for withdrawal in his budget because he says there is going to only be funding for next year. The President, who said he is against a timetable for withdrawal, just wrote one. His timetable is provided in his budget. He says that after 4 months of next year, there is not going to be any funding for the wars in Iraq and Afghanistan. How much will be spent for the wars in 2010? He says zero. Next year, it is $70 billion, after spending nearly $200 billion this year. This budget charitably can be called a great work of fiction because it bears no relationship to any reality.

In addition, regarding the alternative minimum tax, which everybody says has to be fixed, he has the money to fix it for 1 year. He doesn't have a dime to fix it for any of the next 4 years after that. So we are talking about hundreds of billions of dollars that are not in this budget.

Finally, for the fourth year in a row, for the first time in any administration's history, the President provides no spending details past this coming year. So he has the cuts in there, but he doesn't tell you how they are going to be done. More make believe, more fantasy, and more fiction—that is what this budget is all about.

Madam President, the war cost $193 billion this year. Next year, it will only cost $70 billion—that is what the President says. That is in this budget. Can anybody believe it? I have not found anybody who does—not if the President's policy is pursued.

In terms of the priorities of this budget, they are also subject to serious question because if you look at the relative priorities of what the President has proposed, here is what you see.

For those who earn over $1 million a year, the cost of the President's tax cuts for that category of earners will cost $51 billion in 2009 alone. Let me repeat that. The cost of the tax cuts for those earning over $1 million a year will be $51 billion in 1 year alone. On the other hand, the President says we have to cut low-income heating assistance by $400 million. So you don't have $400 million for low-income heating assistance, but you do have $51 billion for tax cuts for the wealthiest among us.

The priorities continue in that same vein. It would take $826 million to restore the cuts to education that are in this President's budget—$826 million for 1 year. Again, the President says, no, it is far more important—if you do the math, he is saying it is more than 60 times as important to provide additional tax cuts for those earning over a million dollars a year, because the tax cuts for that category—the cost of the tax cuts are over $51 billion for next year.

The same is true in law enforcement. In many ways, this is the most startling. The President says eliminate the COPS Program, which has put more than 100,000 police officers on the street. The President says forget it, cut it 100 percent. No additional police on the street. What sense does that make when crime is rising? He doesn't say cut it; he says eliminate it. It would cost $596 million for 1 year to restore that program. Again, the cost of the President's tax cuts for those earning over $1 million a year is $51 billion. That is almost 100 times as much as restoring funding for police.

If we look at specific proposals by the President in this budget, we see he proposes cutting the COPS Program, as I have indicated, by 100 percent; weatherization assistance, cut that 100 percent; first responders—the aid to our firemen and our emergency personnel—he says cut that 78 percent; clean water grants, cut that 21 percent; community development block grants which help our cities—and every mayor will tell you these are the most flexible funds they get from the Federal Government—cut that 20 percent; cut low-income energy assistance 17 percent.

Madam President, that brings me to the subject of the need for a stimulus package. Economic growth, we are seeing, has slowed dramatically. The Congressional Budget Office says economic growth is going to slow to 1.5 percent this year.

By the way, all of the numbers I used, and the President's budget—do you know what economic growth number he used? He didn't use 1.5 percent, which comes from the nonpartisan Congressional Budget Office. He says the economy will grow at 2.7 percent. So all those numbers I showed are the best-case scenario, because he has a rosy scenario with respect to what economic growth will look like. If we look at the last quarter of last year, what happened to economic growth? It slowed to six-tenths of 1 percent. That should be a tipoff that we have a problem.

Here is what is happening to the housing industry. They are not in a recession; they are in a depression. Here is what happened to new home building. It has gone from a peak in 2006, and it has virtually collapsed. We just met with the homebuilding industry. They say this is the worst downturn since the Great Depression. That ought to get somebody's attention.

Energy costs are spiking. We know what happened to fuel prices, fertilizer prices, home heating fuel, gasoline, and diesel. As a result of that, consumer confidence has taken an enormous hit.

Here is the index of consumer confidence, which was down very dramatically as we went through the months of last year and into the early part of this year. This is what signals that we are in serious territory and that the economy is seriously at risk.

The unemployment rate has risen sharply over the past year. We saw in the last jobs report that we actually lost 17,000 jobs. This was stunning to most economists, who were forecasting there would continue to be slow but modest job growth. Instead, it appears the economy hit a wall.

Madam President, this is what the Federal Reserve Chairman told us on January 17:

> Any stimulus program should be explicitly temporary, both to avoid unwanted stimulus beyond the near term horizon and, importantly, to preclude an increase in the Federal Government's structural budget deficit.

He went on to say about an effective stimulus:

> There is good evidence that cash that goes to low and moderate income people is more likely to be spent in the near term. . . . Getting money to people quickly is good, and getting money to low and moderate income people is good, in the sense of getting bang for the buck.

Here are the elements that represent improvements in the Senate stimulus package. We cover 20 million seniors who were not covered in the House package, and 250,000 disabled veterans are included in the Senate package but not in the House's. We have higher rebates for low-income households—$500 versus $300. It extends unemployment insurance benefits, which gives us the biggest bang for the buck. We prohibit illegal aliens from receiving rebates. That was not brought to their attention in an effective way, so, unfortunately, it is conceivable that illegal aliens could get rebates under the House package. We have prevented that in the Senate package. We also have better targeted business provisions, especially the net operating loss carryback. I am proud to have authored an amendment that losses in 2008 could be carried back to profitable years, so that companies that are in this depression—those in the homebuilding industry—will qualify for assistance to prevent them from having even steeper layoffs and cuts.

Finally, we encourage investment in alternative energy. Let me just point out that some say, in terms of incentives, that the extension for 1 year, for example, of the wind energy tax incentives, that is not stimulative. Really?

Tell that to the company in North Dakota that makes the big blades for wind turbines. They have told me, if the wind energy tax provision is not extended, they are going to start laying off people. They employ hundreds of people in my State. When people say the energy package is not stimulative, I tell you in my State it is because we have manufacturing facilities that make the giant blades for the wind turbines.

I have commented on the President's budget because the President is going to dump a debt bomb on the desk of the next President. That is what is going to occur. He has nearly doubled the national debt. He has it going up at a rate of $800 billion a year, not the $400 billion of deficit we read about in the paper. The debt is going up twice as much, $800 billion a year, after this next year when it is going up $700 billion.

The next President is walking into a fiscal meltdown of historic proportion. This President has been the most wildly irresponsible fiscal steward in this country's history. That is a fact. The next President and the next Congress better get ready because they are walking into an absolute fiscal quagmire.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I ask unanimous consent that following my remarks, the Senator from Michigan be given 10 minutes, the Senator from Colorado 10 minutes, and if any Republicans come to the floor seeking recognition, that they be intervening between the Democrats.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, first, I thank our budget Chair, Senator CONRAD, for presenting to us what has been given to Congress to consider from the President and the White House concerning our budget. I, too, am here this afternoon to talk about President Bush's proposed budget because, as we all know, we began debating it in our Budget Committee today. We have all had a look at this proposal now, and I think many of my colleagues on the Budget Committee agreed we could say it was nothing short of being dishonest and irresponsible and, frankly, unacceptable to many of us.

We are facing some pretty serious problems in this country today, but the budget President Bush sent to us on Monday fails to take any of those challenges into consideration. We are out here trying to pass an economic stimulus package in response to the fact that more than 1 million workers lost their jobs last year in this country. Across the country, we are seeing unemployment claims rise. People are very concerned about what is happening to their paychecks. They are worried about whether they are going to be able to pay for food or their mortgages in the future.

On top of that, we see as many as 2 million Americans who are losing their homes because of the current subprime mortgage crisis. Economists now are telling us that problem is going to get worse before it gets better.

So here we are, and the President sends his budget to us on Monday. It is his eighth and final budget request. He had a chance to send us a budget that would set us off on a fiscally responsible path, one that would help us strengthen this economy, invest in our country's future, and help those families who are struggling today to keep their homes and pay their bills. But instead, the President gave us more of the same, more of what we have seen for the last 7 years. Instead of taking steps in his final budget to help American families get back on their feet, he cut programs, such as heating assistance and job training. Can you imagine how that feels if you are worried about how you are going to pay your home heating bill or if you just lost your job?

Instead of laying the groundwork to reduce our debt, which the chairman of our Budget Committee, Senator CONRAD, has repeatedly told us is a huge issue facing us, instead of dealing with that, he gave us a dishonest budget that fails to state the true cost of war. He sent us a budget that put out a blueprint of $70 billion. He is asking $190 billion or $200 billion for this year alone. Does that mean the President is going to bring our troops home? No. He is simply being dishonest about what his programs and his proposals cost. The budget he sent us is going to require us to borrow billions from foreign governments to meet our expenses. I think that is irresponsible.

Over the last 7 years, America has paid dearly for the investments this President has failed to make, and this year in his budget we see nothing different. The Bush budget that was sent to us cuts critical programs at the Veterans' Administration, including medical research. When we have veterans coming home today who have post-traumatic stress syndrome, who have traumatic brain injury, who have lost their limbs, who are suffering from very debilitating issues, he cuts the medical research budget. He cuts funding for extended care facilities, even though we know the number of troops coming home who will need extended care is growing. And he asks the next generation of combat veterans to risk their lives in Iraq and Afghanistan and then says to them they are going to have to pay for part of the cost of their health care as a result of their serving this country.

The budget proposal he sent us cuts $484 million from critical workforce training programs right at the time that 7.7 million people are out of work and asking: How can I get trained for the next job out there?

The budget he sent to us, as Senator CONRAD talked about, freezes Medicare reimbursement levels for our hospitals, for our hospices, for ambulance services, and long-term care facilities, even though it threatens access to facilities that are already stretched to the limit. This is going to affect every one of us who will need access to our hospitals, long-term health care facilities for ourselves and our parents in the coming years.

And for the fourth year in a row, amazingly, the President is proposing deep cuts to community development block grants. These are programs that every mayor in every city has told us are the most flexible dollars the Federal Government sends to them that helps them create jobs right at a time when they are facing these tough economic times.

Sadly, the President is slashing funding for section 8 and other low-income housing programs, even as more of our families are set to lose their homes than at any time since the Great Depression.

In the last 7 years, we have gone from a budget surplus to a record deficit, our roads and our bridges are crumbling, and we are paying for a misguided war on the backs of our grandchildren. People desperately want to see leadership that invests in those priorities and helps begin to turn this economy around.

People at home say to me: Invest in our future at home. But sadly, I think the legacy of this administration is going to be red ink and broken promises.

We have some hard work ahead of us as we try to repair the economy and build a budget in the Congress that matches our country's real priorities. That was pretty obvious today at our first hearing of the Budget Committee.

During that hearing, we listened to our OMB Director, Mr. Nussle. He talked a good game about wanting to work with Congress on his budget. But when we began to ask him critical questions, it was pretty clear how little President Bush and his Cabinet understand the priorities of the American people today. It was clear when I asked Director Nussle about why the President is proposing deep cuts to the Veterans' Administration construction budget when thousands of new veterans are entering the system every year.

We all remember what happened at Walter Reed a year ago, when it exposed the deplorable conditions at our VA facilities across this Nation, where we are sending those Iraqi war veterans and veterans from previous wars in horrible conditions. He stood with us and said we are going to fix this situation. Yet today, we get a budget that cuts the construction budget. How are we going to rebuild those facilities and make them into a place Americans can be proud of if the President doesn't ask for the money to do it? It was clear when Mr. Nussle refused to estimate the full cost of the Iraq war even for this year that they were not serious about this budget.

Just like any American family that is sitting down to balance its own checkbook, we are going to have some pretty tough decisions ahead in this Congress. We have to do it now. We have to be honest about what our obligations are and the expenses we face. It is time we take stock of our finances and get our books back in order. We have to invest in the priorities of America's families, and it is going to take a true commitment, but that is certainly something the President's budget failed to do.

We need an economic plan that works for everyone in this country. We need the economic stimulus package that we are trying to get passed that the Finance Committee did an excellent job in the Senate to put forward that will help provide short-term economic stimulus that is dramatically needed. Beyond that, we need a budget that invests in the American people and their priorities so our families can begin to feel strong once again. That is how we are going to get this economy moving.

It is time for a change, and I am looking forward to getting it started now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I first lend my voice to that of the Senator from Washington and the Senator from North Dakota, our distinguished chairman of the Budget Committee. I, too, am a member of the Budget Committee and am extremely disappointed that the President's budget this year is simply more of the same, in some cases worse—higher deficits, more cuts in a number of areas, and certainly the wrong priorities for families in America. It takes us in exactly the wrong direction from where we need to be going.

We are going to do what we have done in other years, which is put forward a very different vision for America, one that focuses on paying down the debt rather than increasing the debt, focuses on health care and education and investing in areas that will clean our water and our air and protect our lands and focus on the economy and good-paying jobs for middle-class families who are being hurt all across this country.

We heard today a larger number than I have even been using about what is being spent on this war. The number now is $16 billion a month, $4 billion a week on this war, and yet at the same time, the President believes we should eliminate funding for the COPS Program for local police officers and firefighters, makes dramatic cuts in Medicare and Medicaid, health care programs, cuts 48 different educational programs, and the list goes on and on.

I am looking forward, as a member of the Budget Committee, to put forward a very different vision. We intend to change the priorities of this country and put them back on those priorities that directly affect middle-class families and help them survive and thrive in an economy that is having a very tough time, where they are being hit on all sides with increased costs.

I wish to take a moment to speak about the stimulus package. As a member of the Finance Committee, I am very pleased with what we have been able to do working together on a bipartisan basis to come forward, again, with something that reflects a stimulus in the short run and focuses on critical areas, and we make sure a number of folks who were left out of the House package are not left out.

We start with 20 million seniors. I should also say we are going to have in this body two votes: a vote on whether to include 20 million seniors or a vote on whether to leave them out. That is the reality. Unfortunately, seniors on fixed incomes, whose only income is Social Security, have been left out of the House package. We, on a bipartisan basis, have put it into the Senate package.

So the question will be: Do my colleagues support and join with AARP and all the senior organizations that have been pushing and advocating and sending cards and letters and phone calls and urging us not to forget them, will you join with them, 20 million seniors, or will they be left out? We also want to make sure our disabled veterans are not left out.

I am proud of the fact that we, in this new majority, this Democratic majority, have put veterans health care at the top and last year included real improvements in health care funding for the first time since that war began—the largest funding increases to support our veterans since the war began. This is another step in supporting our veterans. Two hundred and fifty thousand disabled veterans will be left out if the House bill is passed.

So we have a choice when we vote. We vote yes on 250,000 veterans—our disabled veterans, who have given more than I will give or most of us will give for our country—250,000 disabled veterans get the rebates and are part of the stimulus or they are not. The Senate package puts them in, the House package leaves them out.

There is another very important piece of this package, and that goes to the question of millions of middle-class Americans, who, through no fault of their own, have found themselves in a situation without a job. I have spoken many other times on the floor about the reasons for that—from not enforcing our trade policies and not investing in the technologies and the infrastructure and the things that we need to be doing to grow a 21st century manufacturing base and to be able to keep manufacturing jobs, middle-class jobs, all across this country.

There are many reasons for the fact that we have millions of people who are currently unemployed, but the fact is we do. We have middle-class Americans who find themselves on unemployment insurance, which pays about 40 percent of the normal wage, while they are trying to keep the house, keep up the mortgage payment, put food on the table, keep the lights on, pay for the kids' clothes that they need, and to put gas in the car so they can survive until they can get that next job.

Now, some have said, well, it is not that bad. I come from a State with the highest unemployment in the country. We have about 7.6 percent unemployment, and we are seeing not only in Michigan and a few States around the country that have been hit first, that this unemployment situation is beginning to creep out into millions of people, millions of middle-class families all across the country. So we are now hearing from Goldman Sachs and from the Bureau of Labor Statistics that while, as of January of this year, the unemployment rate was 5 percent, by next year the prediction is 6.5 percent. That is not Michigan, that is nationally. That is national unemployment.

So one of the things that is important about the Senate package is that instead of being behind the curve—and economists talk about our being behind the curve on a stimulus—we actually are putting in place a way to respond quickly to be ahead of the curve; to be there to extend unemployment compensation for 13 weeks and an additional 13 weeks if you hit this 6.5-percent unemployment, which, unfortunately, too many are saying we will reach. I hope they are wrong. I hope it goes in this direction. I certainly hope it goes in this direction for the great men and women in Michigan who have been working so hard. But the reality is it is most likely to be going in the direction of the 6.5 percent.

So for millions of middle-class families that have done nothing but play by the rules, care about their families, working for the American dream, proud to be Americans, sending their children or husbands and wives off to war, this package in the Senate will give them the dignity of knowing they can keep the household together while they are looking for their next job.

Now, a lot of folks say, well, this is going to discourage—in fact, I heard this from the Secretary of the Treasury this morning in the Finance Committee—that this may discourage people from looking for a job. Well, let us look at the reality of this. Let us look at the reality of what is happening right now in an economy where we have not focused on making sure we have a strong middle class, where we have not focused on enforcing our trade laws, where we are exporting jobs, not just products. Let us look at what is happening right now.

We have 7.7 million Americans—7.7 million Americans—competing for 4 million jobs. That is the reality in America today. So when we talk about the need to support and to help those 7.7 million Americans, this becomes absolutely critical as we look at our economy. The good news is that every economist, from the most liberal to the most conservative, as well as the Congressional Budget Office and so many others, has said that one of the best ways to stimulate this economy, in the short run, is to extend unemployment benefits. For every $1 in benefits, you generate $1.64. For every $1 that you put into unemployment benefits. Why? Because if you are unemployed, you don't have the option of saving. You are going to spend every single nickel you get.

Madam President, I ask unanimous consent for 1 more minute to close.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. So when we look at this package, we have a choice between including or excluding 20 million seniors, excluding or including 250,000 disabled veterans, including or excluding millions of middle-class Americans looking for a job and, in addition to that, create jobs through alternative energy production and efforts to help the home-building industry, which is at the heart of what has been happening in terms of our economy. I am very pleased we have addressed those businesses that have operating losses now, to help them through the tax system and be able to keep going and not find themselves in a vice this year in terms of having fire sales to eliminate their inventory. I am pleased we have been able to include a $10 million revolving loan fund for States and local governments to help with refinancing of subprime loans.

We have a number of very important provisions, and it is very exciting to see the broad coalition that has come together, from business to labor, to seniors, to the environmentalists, to those creating energy jobs, to those in the housing workplace; and from homebuilders to those who are involved with State and local governments, and millions and millions of middle-class families all across this country who are counting on us to do more than provide a check but to create the ability for investments and for jobs that will grow the economy.

So I am very hopeful we will come together with the necessary votes to stop the filibuster that is happening here. I wish we could simply have an up-or-down vote on this. We certainly have the votes. But because of the situation we are in, because of the Republican filibuster, it is necessary to get 60 votes to be able to stop the filibuster.

So I am very hopeful we will have enough colleagues joining together on a bipartisan basis in order to be able to do that.

Madam President, I thank the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Madam President, I wish to thank my colleague from Michigan for her great leadership on the Finance and Budget Committees and raising these issues that are so important to America. I think particularly when you come from a State such as her State of Michigan, where they have an unemployment rate that is knocking on the door of 8 percent, she knows how hard it is for families in Michigan and the families across America as they see our economy spiraling downward and going into a ditch, which essentially makes what we are trying to do in the Senate today more important than at any other time.

Madam President, I wish to start first by asking unanimous consent that I be permitted to speak on the Finance Committee stimulus package for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Madam President, I wish to first comment on the Finance Committee and the way that committee works.

First, we are on the floor of the Senate with a Finance Committee package in large part because we have two great Senators who have been a part of this Chamber, a part of this institution for a very long time and who make it their priority to get results. They transcend partisan politics for the public purpose for which they were elected.

It is in that vein that time and time again the packages we have brought forth from the Finance Committee have had both Democratic and Republican support as we have tried to move forward to confront the challenges that face our country today. This economic stimulus package that is before us today is no exception. It was voted out of the Finance Committee, a committee I am very proud to be a part of, with a bipartisan vote, in a bipartisan spirit, and with the sense that we needed to give a flu shot to this economy before it gets sicker; and with the sense that we need to help this economy go into a positive direction as opposed to getting further and further stuck in the ditch of disrepair, where it has been headed for the last several months.

So this is a very important package that comes before the Senate today, and we must remember its genesis in the Finance Committee is in fact a bipartisan genesis to respond to what the President has asked the Congress to do, not only in his State of the Union speech but even before that, when he said we need to have a stimulus package to help get our economy back on track. Well, we have done our level best to try to put together that package in the Finance Committee. I am proud to support it, and I hope that when we get to a vote on the Finance Committee package tomorrow, we are able to get Republicans and Democrats to stand together in a resounding positive vote for moving forward with this Finance Committee package. I hope the vote is not just a vote that gets us to 60 but hopefully gets us to 70 or 75.

Now, why is it important that we move forward and jump-start our economy? Well, it is important for the American families whose lives are very much affected by the actions we take on the floor of the Senate. It is important to embrace what the President and the House of Representatives have done, which is to say we ought to put money back into the pockets of the American consumer so they can spend that money which then helps create jobs in America and helps to stabilize our economy. But what the White House and the House of Representatives did in their negotiations with Secretary Paulson and others is something that can be improved on, and certainly the bipartisan work of the great team on the Finance Committee, which includes the staff of that committee, has brought forth what is a significantly improved package over what came out of the House of Representatives.

The first of those improvements has to do with dealing with those Americans who were left out: 20 million elders, 20 million seniors, 20 million people who have given their lives to give us the opportunities we have in America today. I am speaking about those who came before us and who now depend on Social Security. The package out of the House excluded 20 million seniors because it says you have to have earned income in order to qualify for this tax check that is going to go out from the Government to the people of America. Why should we exclude these 20 million seniors who are receiving Social Security? Because Social Security is not earned income. Therefore, they are excluded under the provisions that came out of the House bill.

So if we are to honor what I believe is one of the fundamental values of America—that is to honor our elders, to respect our seniors—then it is important for us to make sure we change the package to include the 20 million seniors of America.

The one thing we do know, from what all the economists have told us, is that if you put this money into the pockets of 20 million elder Americans, those 20 million elder Americans are going to spend that money, which means it is going to help stimulate our economy. So that is one improvement.

Are there other improvements that could be made to this economic stimulus package? Well, the fact is there are other improvements that can be made. A second improvement we made in this package that we deliberated and worked out in the Finance Committee has to do with our disabled veterans. We have 250,000 disabled veterans in America today; 250,000 disabled veterans. Many of these veterans are veterans from World War II, some of them from the Korean conflict, some of them from the Korean war, and some of them are part of the 1.5 million veterans who have served in Operation Iraqi Freedom and Operation Enduring Freedom.

Why should these 250,000 veterans not receive the benefits we are providing all the rest of America today? It makes no sense, in my view, if we are trying to stimulate the economy. We put, probably for a family of four, $1,600 checks into their pockets. They are going to spend this money to help stimulate the economy. It is the right thing to do for us to uphold the American values and to support our veterans here in America. It is absolutely the right thing to do.

It is also the right thing to do in terms of one of the objectives which we have, which is to help stimulate our economy. Third, when I ask the question, can we improve this bill—yes, we can improve it by adding 20 million seniors. We can improve it by adding the 250,000 disabled veterans. But we can also deal with the reality of unemployment.

Maybe some people around here have not dealt with families that have been unemployed. But when you lose your job, you lose everything that creates a quality of life for you. Because you cannot take care of your family, you cannot take care of making your mortgage payment, you cannot take care of buying medicine for your children. And, yes, we have now States in America that are reaching an unemployment rate of 8 percent, and the economists are saying there are a number of States that are going to be up into 6 to 7 percent before too long. So extending unemployment benefits is also an important improvement in this package.

But it is not that we can take care only of seniors and disabled veterans and extend unemployment benefits; there are other things, I believe, we can do to help make sure that we improve upon the stimulus package for America we are considering here today, and that is to help the business community of America, make sure that business community remains in a way where it can continue to create jobs for the people of this country.

The incentive we have created in this legislation with the expensing provisions relating to small business, with bonus depreciation for businesses that expend money on equipment, will help keep America strong. Without those businesses creating jobs for America, we are going to continue to spiral downward. It is important that we do that.

I want to point out one provision relating to our efforts to try to support the business community of America here today, and it has to do with housing. The other day when we heard from the many economists who have come before the Finance Committee, one thing was very clear. One of my colleagues, Senator BAUCUS, talked about how the housing crisis itself was a canary in the coal mine. It is a signal to us that our economy is in trouble. The housing sector of our economy demonstrates that perhaps in a way that very few other sectors of the economy do. So it is important that we do something for the housing issues facing our country today.

The chart that is here by me demonstrates what is happening with housing across America. You look at what Moody's said would happen in terms of what they forecast to be, where we will end up as we move forward into these difficult economic times with respect to the housing market.

They predict that housing prices will decline by 15 percent before we see bottom. How many people in America own a house, and how many people in America have most of their value tied up in that house? When you see these times of declines in housing values, you know the people of America, the people who are watching us debate here on the Senate floor, know there is pain in the economy here in America today. When you lose 15 percent of what is your most valuable asset, you know there is a major issue with the economy. So it is important that we address the housing issues of America, and we are doing that partially in this legislation by including revenue bonds. There are other things we are going that have to do with the housing crisis we face here in America.

It is my hope one of the things we are able to do is to come back and address the housing issues, along with energy, along with the farm bill, in a chapter 2 of our economic agenda in the Senate. But it is also important, as you look at this chart, to look at what is happening with housing starts in America. We are in the worst shape today in housing starts in America than we have ever been. In fact, those who are associated with the home building industry will tell you we are in worse shape today than we have ever been since the Great Depression. There is no end in sight when this housing crisis is going to end with respect to the decline in housing starts that we see.

The economists out of Moody's project that housing starts are down 60 percent, at the bottom of this trough, with no end in sight. Who knows how far that will go down?

What we have done, spearheaded by Senator CONRAD and with the help of Senator STABENOW and Senator SMITH, is included in this legislation that will address the operating loss carryback provisions that apply to the housing industry. That economic injection will help the housing industry continue to stay afloat to weather the very troubled times ahead. Now, some people will say: Why are you bailing out the housing industry? Well, we are not bailing out the housing industry, we are trying to keep one of the sectors that is pivotal to a successful economy alive here in the United States of America.

Across my State, I know how many people work in the housing industry, from the roofers to the plumbers to those who put up the drywall. We know how many of them work. There are 300,000 people in America who are working in the housing industry today. So if the housing industry continues to go downward, if it continues to spiral downward, we are going to see the bankrupting of one of the most important industries today.

This stimulus package does include some legislation that will allow them to take their carryback losses in a manner that makes sense for them economically so that they will not be forced into the halls of the bankruptcy court.

For a lot of reasons, I believe this stimulus package which is before us is a solid package. It is very significantly improved from what we were seeing come over from the House of Representatives. I would hope that the President of the United States, his Cabinet, Secretary Paulson, others, Secretary Gutierrez, join us in helping move this Senate Finance package through to the finish line.

The final point I would make is that though we hope we will get this package through, we know that our work here on the economic issues of America is not yet done. A second and short-term phase, which I believe we should undertake here in the next month or so, is we need to deal more comprehensively with the housing issues that face our country. We need to deal with the 2007 farm bill and get that through conference and get that done to ensure the food and fuel security of America.

We need to return to that Finance Committee-produced package on energy that would have fueled the clean energy future of America for the 21st century. We need to go to that as soon as we get the stimulus package through. I am hopeful that we will be able to move in that direction.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I have listened with some interest today to many of my colleagues who have come to the floor to speak about what is called a stimulus package. I have never quite understood the word "stimulus" as it applies to economics. I did teach economics in college at one point. I guess the notion of a stimulus is to excite the economy, to do something to expand the economy.

The fact is, until a couple of months ago, the President was telling us the economy was doing really well; we have a strong, sound economy. The Secretary of the Treasury was telling us the economy is solid and we are on solid ground. Of course, most Americans knew better. Now we discover that the economy needs a stimulus. Let me describe why that is the case, and a response to some of the discussion on the floor of the Senate today.

We have had an almost unbelievable 7 years. President Bush came to the Congress at the start of his Presidency, and he said: President Clinton has left a large budget surplus. Alan Greenspan said he couldn't even sleep; the surplus was so big. He was worried the surplus was so large it was going to be a problem.

President Bush saw this projected surplus, a surplus in the first year of his Presidency and then projected for the next 10 years. He was so excited, he rushed to the Congress and said: You have to help me. We need to get rid of this projected surplus. We need to provide very big tax cuts. By the way, if you earn a $1 million a year in income or $10 million a year, brace yourself, I have big things in mind for you. I am going to give you a very big tax cut.

Some of us said: Mr. President, you said you were a compassionate conservative. Where is the conservative part of this? What if something goes wrong? These are just projections. Let's wait and see if these surpluses materialize.

The President said: Don't worry. Be happy. We want to give tax cuts, with the biggest tax cuts to the wealthiest Americans.

Sure enough, he got that through the House and the Senate—but not with my support. I did not vote for it. But almost instantly we saw, No. 1, the country move into a recession in 2001. Then we had 9/11 and the devastating attack by terrorists. Then we had a war in Afghanistan pursuing Osama bin Laden and the Taliban. Then we went to war in Iraq and had all of the homeland security issues. All of a sudden, we had all of this extra expense, and we had a downturn in the economy. What had been budget surpluses turned into very large budget deficits.

The President, oblivious to all of that, said: It doesn't matter. Things are the same, as far as I am concerned. We want more and more tax cuts for upper income Americans.

So that has been the fiscal policy for 7 years: ignore the obvious, ignore reality, and just preach the positive message and hope everything turns out all right.

The fact is, everything has turned out all right for some. If you are at the top of the income ladder, you have to be ecstatic. Your share of the assets and wealth of this country has dramatically increased. But if you are someone at the bottom of the economic ladder, working two jobs, trying to make ends meet for your family, if you are someone who is trying to buy a home, somebody who is trying to hang on to a job in a plant that the owners want to move to China in search of 30-cent labor, if you are someone who works in a company that has now told you times have changed, you no longer get health care and your retirement program is gone and if you don't accept a $2-an-hour decrease, your job is going to Shenzhen, China, you are somebody who is having a tough time with things in recent years.

Then, all of a sudden, we see the subprime mortgage scandal. The subprime mortgage scandal is an unbelievable scandal with greed in every direction, the brokers making massive amounts of money with fast-talking sales pitches to a lot of folks, putting them in a new subprime loan at a 2-percent interest rate that will reset 3 years later at rates people have no capability of paying; just buy it and flip it in 2 years, and you will make a lot of money.

The mortgage companies that were advertising on television were saying: Hey, get a mortgage from us. If you have had bankruptcy, no problem. You have trouble, you have bad credit, no problem. Can't pay your monthly home bills, no problem. We will give you a loan. Come to us. Bad credit, come to us.

You saw the ads. All of us saw those ads. Those mortgage companies and brokers together ratcheted up this huge bubble. Then what they did is, when they sold these subprime mortgages, they cut them up like sausage. Just like meat-packing plants filled sausage with sawdust for filler, they sliced up these mortgages, collateralized debt obligations—some subprime, some decent loans—and securitized them and sold them, and nobody knew what they had. All of a sudden, people can't pay their house payments. Interest rates get reset. They have no capability of paying. We have substantial bankruptcy, home foreclosures—it is a huge mess. It has caused a serious drag on the economy.

Couple that with this President's fiscal policy in which we have a $600 billion requirement to borrow in this fiscal year alone and a $700 billion trade deficit, $2 billion a year that we import more than we export. That is $1.3 trillion in debt this year on a $13 trillion economy. That is a 10 percent indebtedness in 1 year on top of the greed that comes from a subprime loan scandal and an economy that seems to have come to a dead stop.

Then they say: We need to stimulate the economy. Yes, we probably do. This economy probably needs a lot more than stimulus. We need to hook up some jumper cables to something.

The Federal Reserve Board—a board that has gotten a lot of my attention over the years—has taken aggressive action. They seldom take aggressive action on anything. They did two cuts, a three-quarters of a percent interest rate cut and a half a percent interest rate cut. The fact is, that is a bold move for the Federal Reserve Board.

Now it is up to Congress to do something on the fiscal policy side. But it is just a step, an important step. Psychologically, we must take this step, or markets and others would have an apoplectic seizure. So we write a piece of legislation in the Finance Committee, try to bring it to the floor of the Senate, and we have people doing all kinds of gymnastics on the floor. They say: Well, this is loading up a bill with ornaments and goodies and projects and so on.

I guess they want to avoid the obvious. The obvious difference that exists with this stimulus package is very simple. This stimulus bill, coming out of the Finance Committee, is supported by the Democratic chairman and the Republican ranking member. Senators BAUCUS and GRASSLEY said this: If you are going to stimulate the economy and you are going to give $500 rebates, you need to include the 20 million lower-income senior citizens who would not get a rebate under the House-passed stimulus plan.

Folks who work in this Chamber, take a shower in the morning, put on a blue suit, and come to work, are not, in most cases, trying to count their pennies to see if they will have enough for soup and medicine the rest of the week. But there are a whole lot of folks, senior citizens especially, living on fixed incomes who have an awful time making it stretch month to month. I meet a lot of them, especially a lot of older women living alone in many cases, trying to figure out: How do I make this income stretch to be able to pay for my medicine and to buy the food and pay the rent?

I mentioned medicine. Senior citizens are about 12 percent of the population. They consume one-third of all prescription drugs. One of the fastest growing elements of health care is the cost of prescription drugs. You can't do a stimulus package and decide that some 20 million senior citizens should not participate. You are going to give a rebate to the American people to try to stimulate the economy, and you are going to say grandpa and grandma don't apply, they don't count? What kind of approach is that? Grandpa and grandma don't count? We inherit this place from them. They were the stewards of this country of ours. They helped build this country. They provided the roots by which we, the branches, have been able to succeed. But now we have people in this Chamber who say grandpa and grandma don't count; millions of senior citizens shouldn't be a part of this.

The difference in the stimulus package being debated is one that is pretty stark: 20 million lower income seniors, many of whom need it most, under our proposal would get a rebate check of $500. To some, that doesn't mean much, I suppose. There are people around here who lose a cuff link worth $500, I reckon. But to a lot of people, $500 is very significant. We cannot—I emphasize—we cannot pass a stimulus package and walk out of that door with our heads high if we decide 20 million senior citizens don't count, that these senior citizens won't be included.

There is another issue in this piece of legislation that we passed out of the Finance Committee. It is something that for anyone who has studied rudimentary economics 101. It is one of the economic stabilizers in our economy: When there is an economic slowdown, you extend unemployment benefits. It is axiomatic that when there is a slowdown in the economy, you must extend unemployment insurance benefits. We have always done that. Yet those who object to what we have passed out of the Senate Finance Committee are saying, no, you can't do that. Don't support that. We don't support giving rebates to senior citizens who need it and we don't support extending unemployment insurance benefits to those at the bottom of the economic ladder who have lost their jobs.

Again, there is no one in this Chamber who would have lost their job during this slowdown. No one in this Chamber is going to go home and say, Honey, today wasn't a very good day. I was given notice that my job was over. It wasn't my fault. I worked pretty hard, but I was given notice that I am no longer needed. Nobody in this Chamber will have to get that message. But there are a whole lot of people in this country who have experienced that.

So when we talk about the economic stimulus package that came out of the Finance Committee, the major differences are simple and easy to understand. We say 20 million senior citizens cannot be left out of an opportunity for the rebate check. They too will stimulate this economy. They especially need that help. We say when those who have lost their jobs during an economic downturn and have run out of unemployment benefits, that their benefits should be extended, as we have always extended them during an economic downturn.

Yesterday, President Bush sent us a new budget, and it reflects much of what I have described of the priorities that seem to be completely backwards. The President's priorities are: Let's continue to borrow, borrow, borrow more money. Let's decide to cut substantially here at home the investments we should make in this country.

I spoke to a group about a half an hour ago that is very interested in rural water investments. All of us who come from rural States understand the urgency of getting good water to our communities. Rural water systems are unbelievably important. The President, as one example in this budget, said: Let's cut funding for the Corps of Engineers by $851 million. Let's cut funding for the Bureau of Reclamation by $183 billion. He said: Let's cut water funding for projects that will bring quality drinking water to people around this country in rural areas; let's cut that by about $1 billion.

I say consider this: In the President's budget, he said, let's cut water project funding in our country—the infrastructure investment that will bring dividends for years—let's cut that by $1 billion. This is from the Special Inspector General for Iraq. The Special Inspector General for Iraq says, we are now, American taxpayers, funding 967 water projects in the country of Iraq. We are going to cut $1 billion in water projects in this country, and we are funding 967 water projects in Iraq. We are designing and constructing the Ifraz main water supply project, $194 million. We are doing the Haditha project, the Baladrooz water supply project; we are building the water supply project at Meshkab. We are designing and constructing the water supply project at Nassriya. The list is long—I could read this for a long while. The water treatment plant in Sadr City, the water treatment plant in Al Wathba.

There is plenty of money, apparently, as long as it is overseas someplace. There is just not enough money to take care of things here at home. It is unbelievable to me.

By the way, while I am at it, most of this is done with contract work. We hire contractors. There is the greatest waste, fraud, and abuse in the history of this country with the hiring of those contractors. I brought this item to the floor a number of times—and I want to do it again, because I held about 17 hearings on this subject. I ask unanimous consent to show this towel on the floor of the Senate.

This towel was brought to us by Henry Bunting. Henry Bunting was a purchaser in Kuwait for the Halliburton Corporation, their subsidiary Kellogg, Brown, & Root. I had a hearing about waste, fraud, and abuse in contracting which is hair raising: $45 for a case of Coca Cola, $7,500 to rent an SUV per month. How 50,000 pounds of nails that were ordered to Iraq and they were too short. They are laying in the sand now, discarded, because none of that matters. Henry Bunting said Halliburton said: Don't worry about it. The taxpayer picks up the tab. He held up this towel. He said: This is an example of everything that is wrong. My job was to order towels for the troops, among many other things. He said: I filled out a requisition to order towels for American troops in Iraq, and I ordered white towels. He said: My supervisor at Kellogg, Brown, & Root said, No, no, no, that is not the towel we are going to order. You are going to order a towel that has KBR embroidered on the towel, the initials of the contracting company, the Halliburton subsidiary. Henry said: Yes, but that is going to quadruple the cost. It is going to cost four times more to buy a towel like that. His supervisor said: It doesn't matter. This is a cost-plus contract. The taxpayers are going to pay for this. This is just a towel. It is a towel that costs four times what it should have cost for the American taxpayer. But it is not just a towel; it is a brand new $85,000 truck that has a flat tire, and because it has a flat tire and they cannot fix it on the road because they didn't have the right wrench, they leave it there to be torched; or an $85,000 brand new truck that has a plugged fuel line that is left to be set on fire. Why? The American taxpayer will pay for all of that. That is not a problem. Nobody will even know, except I know, and some of my colleagues know. Nobody seems to care, however, in the executive branch. Nobody.

When I see what is now coming to us in this budget—it is interesting. When I talk about this issue of a hand towel with the embroidered initials of the Halliburton subsidiary, Kellogg, Brown & Root, that cost four times more, but they said, don't worry, it doesn't matter, the taxpayers pay for that. We don't care about that. All of this is funded out of these emergency requests sent to us by the President. Here is what he has done. It starts again this year.

In 2002, the President said: We are going to fight a war, and I want $49 billion, and I want it now, and I want it declared an emergency, and we are not going to pay for it. We are going to put it on top of the debt.

In 2003, he said: I want $76 billion. I want all of it declared an emergency and we are going to put it on the debt. We need that for the war. In 2004, he said: I want $87 billion. We are not going to pay for it. Add it to the debt. In 2005: I want $82 billion. In 2006: I want $92 billion. In 2007, he said: I want $103 billion. Last year, for fiscal year 2008, he said: I want $193 billion. That is $16 billion a month, $4 billion a week. He said: I don't want any of this paid for. I want to add it to the debt, because I am sending soldiers to war and they are going to come back and help pay the bill. Now, that is nearly $700 billion—nearly three-quarters of a trillion dollars, not a penny of it paid for. Not a cent.

Don't ever talk to me again about what is liberal or what is conservative. If this is a conservative President, as he claims, saying let's add almost three-quarters of a trillion dollars to Federal indebtedness because we don't have the courage to ask the American people to do what we should do, and that is pay for that which we are pursuing in Iraq—on top of this added to the debt, the budget we received yesterday is an almost unbelievable description of what has gone wrong and what will continue to go wrong as long as this administration doesn't recognize the unbelievable danger that comes from fiscal policy debt and trade debt.

As I indicated earlier, we are doing a stimulus package. I strongly support that which came out of the Senate Finance Committee. I strongly support the notion that we must include lower income seniors; we must include, for example, the stabilizers we have always included of extending unemployment insurance. All of that is very important. When we are finished with that, we must say to this President and to the next occupant of the White House that we have structural problems that cannot wait. We cannot possibly have a growing, vibrant American economy that expands opportunity for the American people unless we put our fiscal house in order. In terms of priorities, we can't be American leaders and say: Oh, by the way, let's cut $1 billion in water projects in the United States, and Katy bar the door, here are 967 separate water projects we want to fund in Iraq. We are going to say we can't build hospitals in the United States, but we will build hospitals in Iraq. We say we don't have enough money to rehabilitate the schools in the United States, but we will build the schools in Iraq.

My point is it is long past the time to start taking care of a few things here at home, and this President's budget is a completely bankrupt budget. This President's budget says the following: This President's budget says he will take our Federal debt from $8.9 trillion to $12.2 trillion in the next 6 years. Think of that. That is a complete abdication of responsibility. It means we have no leadership. It falls on our shoulders, it seems to me, to begin using some modicum of common sense, and we intend to do that.

I have some other things I was going to visit about today, but I want to wait because some of my colleagues are on the floor. I don't know whether Senator REID is ready with the unanimous consent request, but when he is, I certainly would want him to do that. I also know my colleague Senator SANDERS from Vermont is on the floor as well.

I would be happy to wait until after Senator SANDERS makes a presentation. But I want to make a presentation about a couple additional issues that relates to some of this.

At this point let me relinquish the floor, and perhaps I could ask unanimous consent that after Senator SANDERS is finished, I be recognized.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The majority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I tried to be very patient. I have been waiting for an hour to have some Republican come to the floor so I may offer a unanimous consent request. I don't know how much more patient I need to be. The unanimous consent simply says we are doing nothing today; can't we at least have amendments offered on FISA. I was talking with staff, Republican and Democratic staff. I understood that was something we could do. But now maybe we can't even do that.

I have called Senators. I have called Senator DODD and he is willing to come here and offer his amendment. Senator FEINGOLD is willing to come and offer two amendments. Senator WHITEHOUSE is willing to come and offer his amendment. We have people ready to work. But this is Super Tuesday, and at this late hour—Senator KLOBUCHAR is leaving in a few minutes to go back to Minnesota. They have a primary there tonight. The same in Illinois. A number of other Senators have left.

But we are willing to debate these amendments to speed up what we are trying to do. The President came out today with—it is difficult to comprehend this. He came out with a veto threat on FISA. Now, try that one on for size, everybody. The President has issued a veto threat on FISA today when we don't have anything for him to veto. Maybe he has come to the conclusion that he doesn't like the Intelligence Committee-reported bill. But that is where we are. The President has stated he wants to veto FISA. I guess he is becoming impatient to become relevant. I don't know what to say.

It is obvious there would be an objection, because we can't even get someone here to object, so I won't offer this because I would like to have one of my colleagues here, but I was going to ask unanimous consent to resume consideration of the FISA legislation, notwithstanding rule XXII. I was going to specifically mention amendments my folks are willing to offer. The Republicans also have amendments to offer. Senator BOND has a couple. But it is obvious that this is slowdown time, so I will not offer the unanimous consent request unless I hear something from—here it is 4:15 in the afternoon, and the only thing we have heard today dealing with FISA is the President's threat to veto something that doesn't exist.

Mr. REID. Mr. President, I ask unanimous consent that the Senate now resume consideration of S. 2248, the FISA legislation, notwithstanding rule XXII, and that the pending amendments be set aside for the purpose of offering amendments as follows: Nos. 3912, 3913, 3907, two by Senator FEINGOLD and one by Senators DODD and FEINGOLD; and that this would be for debate only—they are on the list, and the unanimous consent is now before the body—and that all time count postcloture to the stimulus package now before us.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, and I will not object, we had a vigorous discussion at lunch about moving forward on this bill. I think I am safe in saying that the overwhelming majority of the members of the Republican caucus would like to have been voting today on amendments; nevertheless, that appears not to be possible. So at least we can debate these three amendments and get started in that way. I think that is a step in the right direction.

Mr. REID. Mr. President, further, other Senators may want to come and consult with my friend, the Republican leader, to see if there would be opportunities to offer their amendments. Senator BOND has two. Senators WHITEHOUSE and SPECTER have one. They agreed to come over. I think Senator FEINSTEIN has an amendment. This would be a big help, to get rid of these three today.

There is an order before the body that when Senator SANDERS finishes his statement, the Senator from North Dakota will be recognized. How long will he be speaking?

Mr. DORGAN. I will be no more than 10 minutes and probably not that long.

Mr. REID. Would Senator FEINGOLD be ready then?

Mr. FEINGOLD. Yes.

Mr. REID. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, let me concur with Senator REID. The American people want us to begin to get work done for them. It is high time we did that.

I also congratulate the Senator from North Dakota and share his concerns about many of the points he made, not the least of which, if we are going to spend hundreds and hundreds of billions of dollars on this war in Iraq, that bill should not be left to our children and our grandchildren. We should at least have the decency to pay for that ourselves.

Mr. President, I wish to say a few words this afternoon about the budget President Bush brought before us yesterday and tell you I was extremely dismayed by what was in that budget and what was not in that budget. Frankly, in my view, this budget is unconscionable, and it reflects priorities that are hard to imagine and are way out of step with what ordinary Americans feel and believe.

While providing hundreds of billions of dollars in tax breaks for the wealthiest people in our country—the wealthiest three-tenths of 1 percent—over the next decade, the President, at the same time, has proposed major cuts in health care, in low-income heating assistance, in weatherization, in nutrition, in housing programs, and in other basic needs of low- and moderate-income Americans. That is a set of values which I think reflect badly on the White House and does not reflect the values of the American people.

In my view, this is a Robin Hood-in-reverse budget. This is a budget which takes from the poor to give to the rich. This is a budget which cuts programming for those most in need and gives billions of dollars in tax breaks for those least in need. This proposed budget simply tells us—again, if we didn't need this reminder—just how out of touch this administration is with the needs of working Americans.

Let me be very clear. I am a member of the Budget Committee, and I intend to do everything I can to make sure that President Bush's budget is rejected and that we bring forth in the Senate a new budget that reflects the priorities of the vast majority of the people in our country and not just the wealthy few.

Most Americans understand that our health care system is disintegrating. Everybody knows that. Since President Bush has been in office, 8.5 million Americans have lost their health insurance, 47 million Americans are now uninsured, and the cost of health care is soaring. How does President Bush respond to the growing crisis in health care? Well, it is an unusual response: He slashes funding for Medicare: He slashes funds for Medicaid. He cuts rural health care programs. In other words, he is making a bad situation even worse.

As I have said, Mr. President, we are living in a period where our health care system is disintegrating. More and more people lack health insurance. The costs are soaring, premiums are going up, copayments are going up, and deductibles are going up. The President's response to this crisis is to savagely cut Medicare, Medicaid, rural health care programs, and other health care programs. What logic is there in making a bad situation even worse? But it is not just health care.

I understand that it would be asking too much for this President to take on the insurance companies and take on the drug companies and move us toward a national health care program, which every other major country on Earth has. We are the only country in the industrialized world that doesn't guarantee health care to all people. I understand the President is not going to do that, but at the very least, he should not be adding more people to the rolls of the uninsured. At the very least, at a time when we have some 17,000 Americans who are dying every year because they lack health insurance, he need not make a terrible situation even worse.

In the State of Vermont and throughout many parts of our country, we have experienced extremely cold weather this winter. There are parts of America where we have seen 20-below-zero weather. At the same time, the price of home heating oil is soaring. In fact, it has more than doubled since President Bush has been in office. The result is that the LIHEAP program, Low Income Home Energy Assistance Program, which keeps millions of seniors and lower income households warm in the winter, is stretched to the breaking point. The simple truth is that when home heating costs soar, either States will cut back per person or they will deny large numbers of people any heating oil at all. That is the reality the States face.

I understand President Bush has no problem with the fact that his friends at ExxonMobil have just announced the largest profits in the history of the world for the third consecutive year—over $40 billion in profits in 2007. I know he has no problem with that. I know he has no great problem with the fact that home heating oil prices are now at over $3.30 a gallon. I know he is not worried about the fact that a few years ago, the former CEO of ExxonMobil, Mr. Raymond, received a $400 million retirement package from that company. From President Bush's perspective and ideology, I suppose those are good things.

Despite the President's lack of concern about rising fuel costs, it really is beyond comprehension that he would slash the LIHEAP program by $570 million in his budget—a 22-percent reduction from last year. Imagine that. The cost of home heating oil is soaring, LIHEAP is under great strain and it cannot do what it did last year for lack of funding, and President Bush's response is: Let's cut another half-billion dollars from LIHEAP.

What are people supposed to do next year under Bush's budget when the weather gets cold? What do old people who are living on Social Security and cannot afford the outrageously high prices for home heating oil do? Do they freeze to death? Do they move in with their kids? How many blankets do they have to throw on themselves? How do you treat old people when it gets cold? You don't slash LIHEAP by $570 million. That is pretty cruel.

At a time when millions of low-income seniors are struggling to survive on inadequate Social Security benefits, this President, in his budget, wants to cut back on nutrition programs for low-income seniors, in addition to cutting back on senior housing.

There is a program which, in Vermont, works very well—the Commodity Supplemental Food Program. It provides a free package of groceries every month to low-income seniors. People all over the country utilize this program. They need this program. The President may not know this, but hunger is on the upsurge in America. In this great country, more and more fellow citizens are going hungry. What we are seeing is emergency food shelves not having enough food to feed desperate people all over America. And the President's response to this crisis is to cut back or eliminate the Commodity Supplemental Food Program. What is the moral justification for doing that? I don't know.

I am a member of the Veterans' Committee, and I am proud that last year, against opposition from the White House, we substantially increased funding for the VA and are providing billions more so that veterans can gain access to quality care in VA hospitals and clinics. Despite all of his rhetoric about how much he loves and respects the troops, this President, in his budget, has proposed a very large increase in health care fees for veterans who access VA facilities. The increases would range from $250 to $750. What is the goal there? It is very clear. The goal is to drive veterans—low-income veterans—out of the VA system so the VA can save money. Thank you very much, Mr. President.

A week ago, the President, in his State of the Union Address, was telling us how much he loved and respected the veterans. Now he is raising fees for VA health care with the explicit goal of driving veterans out of the VA health care system. That is wrong but, frankly, it is consistent with what President Bush did some years ago when he completely eliminated access to the VA for so-called category 8 veterans, who were too wealthy. These were veterans who didn't have service-connected disabilities, were not wounded, but had incomes of over $27,000 a year. They were too wealthy to access VA health care.

Well, I say to President Bush, at a time when tens of thousands of our soldiers have been wounded in Iraq and Afghanistan, please do not balance your budget on the backs of our veterans.

Since George W. Bush has been in office, we have seen recordbreaking deficits, and our national debt is now $9.2 trillion—$3 trillion more than when he came into office.

All of us in Congress want to move this country toward a balanced budget and to make sure our kids and grandchildren are not left with this enormous debt Bush has accumulated. But there are right ways to move us toward a balanced budget and there are wrong ways to do it and George W. Bush's budget moves us exactly in the wrong direction.

As many Americans know, since President Bush has been in office, the middle class has been decimated, poverty has increased, and the gap between the very wealthiest people in our society and everyone else has grown wider. In fact—and we do not talk about this terribly much, although we should be talking about it—the United States today has by far the most unequal distribution of wealth and income of any major country on Earth. In fact, our distribution of wealth and income is increasingly looking like Mexico, it is looking like Brazil, it is looking like those poor developing countries and certainly not looking like Europe, Scandinavia, Canada or other industrialized nations.

Mr. President, as you are more than aware, there are a lot of facts and figures that are thrown out on the floor of the Senate, but let me mention one statistic that I hope all Americans will pay attention to and to which I hope my colleagues in the Senate will pay attention. And that is, according to the latest available statistics, the wealthiest 300,000 Americans—men, women, and children—300,000 take in more income than the bottom 150 million. In other words, the upper one-tenth of 1 percent, 300,000, people earn more income than do the bottom 50 percent. One-tenth of 1 percent, 50 percent, more income for the top one-tenth of 1 percent. In my view, that is not what America is supposed to be about, but that is the direction in which we are moving. That gap between the people on top, a handful of people, and everybody else is getting wider and wider.

For those people who live in the bottom 90 percent of the population, the overwhelming majority of our people, their average income was $33,000 way back in 1973 before globalization, before computers, before a huge increase in worker productivity. Thirty-five years have come and gone, and today, inflation accounted for dollars, that average income has declined from $33,000 to $29,000. That is a $75-a-week pay cut. That is called the collapse of the middle class: people working longer hours, they are making lower wages. That is the reality facing tens of millions of our fellow citizens.

That explains to my mind why in yesterday's Washington Post a front page story was headlined: "U.S. Concern Over Economy is Highest in Years." It doesn't take a genius to figure that out. People go to the gas pump and pay $3.15 for a gallon of gas. They go to work and the boss says: Sorry, you no longer have health insurance. Oh, I can't afford to pay my mortgage; I am losing my house. Oh, too bad, 3 million Americans lost their pensions last year.

In area after area, in almost every aspect of middle-class life, people are getting hit. Then when they go to the grocery store and have to use their credit card to buy their groceries because they don't have the cash available, they find they are paying 28 percent in interest rates so Wall Street can become wealthier. That is what is going on, and that is why the American people are outraged about what is going on in terms of the middle class.

I have to tell you I find it literally beyond belief that with poverty in America increasing, with the middle class shrinking and with the wealthiest people in our country having it better than at any time since the late 1920s—incomes are soaring for millionaires and billionaires, a huge growth in the number of millionaires and billionaires—in the middle of all that, what President Bush is saying is he wants to repeal the estate tax which would provide $1 trillion in tax relief to whom? To the top three-tenths of 1 percent; $1 trillion going to the top three-tenths of 1 percent. That is what this budget, this Robin-Hood-in-reverse budget is all about.

If you are old and you are having a difficult time heating your home, President Bush is going to cut the program that keeps you warm. If you are low income or a working person in need of health care, President Bush wants to cut the programs that help you. If you are a veteran who has put your life on the line defending this country, the President wants to make it harder for you to access VA health care by substantially increasing your fees. If you are a low-income person in a home which lacks insulation and you are spending all kinds of money trying to keep your house warm, the President wants to completely cut back and eliminate the weatherization program. That is the bad news. But if you are a billionaire, if you are one of the wealthiest families in America, in this very same budget, the President wants to give you huge tax breaks. Cutbacks for those in need; tax breaks for billionaires.

Let me give one example. If the estate tax is completely repealed, as President Bush wants that to take place, one family, the Walton family, which owns Wal-Mart, which is worth about $82 billion, that one family will receive over $30 billion in tax relief.

We hear on this Senate floor a lot about morality, right? We hear a lot about values. I want to know what kind of moral values there are when there are some people, including the President, who would give one family, an enormously wealthy family, a multibillion-dollar family, $30 billion in tax breaks and then cut back on the needs of millions and millions of low-income and working families? What kind of moral values does that speak to?

We have a lot of work in front of us. We have to completely rewrite President Bush's budget. We need to work hard so the people of our country once again begin to have faith in their Government, that they know those of us who are elected are prepared to stand with them rather than the millionaires and the billionaires and their lobbyists who have so much power over this institution.

We need, for a start, to reject the President's budget, rewrite that budget so it works for ordinary people. We need to pass a stimulus package which represents the needs of our seniors, our veterans, the middle class, working people. We need to do that now, and we need to build on that. Not only do we need to reject the President's disastrous budget, but more importantly, we need to reclaim the faith of the American people. Mr. President, I look forward to working with you to do that.

The PRESIDING OFFICER. The Senator from North Dakota.

PRIVATE DEBT COLLECTION FOR THE IRS

Mr. DORGAN. Mr. President, I had wished to conclude a couple of comments in morning business, after which I believe the Senator from Wisconsin, Mr. FEINGOLD, will want to begin discussing an amendment. I talked about the stimulus package and about the economy generally. I wished to talk about two issues I have been working on that I think need to be resolved.

First, it is almost unbelievable to me, but there is a tiny little issue—not so tiny perhaps to some—that needs to get fixed. This administration decided they wanted to farm out the collection of taxes owed to the Federal Government to private debt collectors. A number of us—myself, Senator MURRAY, and others—objected strenuously. We tried that before, and it didn't work. The administration pushed ahead. We passed a funding prohibition through the Senate Appropriations Committee. The full U.S. House passed a bill saying don't do this. Nonetheless, the Internal Revenue Service and the Bush administration pushed and pushed very quickly. So they decided to farm out tax debt collection.

What they did was put taxes that were owed and not paid in the hands of private debt collectors. Now we have had 1 year of experience with it, and I want to share with my colleagues what has happened. It is almost breathtaking to hear.

What has happened at the end of a year is the cost of administering the program to provide these delinquent taxes to debt collectors for collection has exceeded the revenue by $50 million. In other words, we have a project where the Internal Revenue Service says we are going to take some of these areas where the taxes haven't been paid, we are going to give them to private debt collectors, and we are going to give them a commission for collecting it. So at the end of a year, the IRS lost $50 million.

I don't know how you lose $50 million when you are collecting taxes. That takes some genius apparently. It was estimated by the National Taxpayer Advocate that if the same money, just over $70 million that was invested in this program, had been invested in hiring the agents at the Internal Revenue Service, generally based on what they calculate, they would have collected $1.4 billion. So for this investment, the IRS could collect $1.4 billion or they could lose $50 million. Talk about staggering gross incompetence.

It would be kind of nice to put in the RECORD the names of every person who was involved in the administration so they can somehow be recognized in a "Hall of Shame." How on Earth do you lose $50 million at the Internal Revenue Service with a program as goofy as this one? Again, take delinquent taxes, give them to private debt collection, and lose $50 million, or take the same amount of money and invest it in IRS collection and collect $1.4 billion.

What is the choice? The President's people said the choice is to give it to the private collection agencies because we like to privatize everything, and they end up losing $50 million. That is unbelievable.

We are going to try once again this year—and I think we will succeed—to shut this program down. Aside from losing $50 million, we have had experience with this program before. It was tried before. It was a miserable failure when it was tried previously. We have examples of what happens when private debt collectors get ahold of these things. First of all, you have very sensitive information about people's lives, the financial information on tax returns. There are criminal penalties for dealing with that information. You are going to farm that out. They say: We will farm it out, but we will protect the information.

It makes no sense at all to have been through this and then to farm it out to a private debt collection agency and find one elderly couple who gets 150 telephone calls over 27 day from a collection agency. It turns out they were not the taxpayers who were being called but, nonetheless, their phone rang 150 times. That is the kind of thing that goes on and shouldn't, in addition to the incompetence of losing $50 million.

Senator MURRAY, myself, and many others are going to fix this problem. It is important the American people understand what happened, and someone needs to be accountable for it.

STRATEGIC PETROLEUM RESERVE

I wish to mention one additional point because tomorrow Secretary Bodman is coming to Capitol Hill. He is the Secretary of Energy. I have great respect for Secretary Bodman. I work closely with the Department of Energy. I chair the appropriations subcommittee that funds all the water and energy projects in our country. So I have a relationship with the Department of Energy. I like the Secretary and I like some of the people who work for him down at the Department of Energy. But there is something going on down there that bothers me a lot, and I intend to talk to the Secretary about it tomorrow.

At a time when oil is priced at $90 to $100 per barrel and when the Strategic Petroleum Reserve—that is oil we stick underground that is saved for a rainy day, a national emergency or a time when we desperately need the oil—at a time when the Strategic Petroleum Reserve is 97 percent filled, this administration is taking oil through royalty-in-kind payments from producers in the Gulf of Mexico and sticking it underground. They are taking oil out of the supply pipeline that should have gone into the supply pipeline, at a time when we have these unbelievable prices for oil, and sticking it underground in domes to increase the supply in the Strategic Petroleum Reserve. It is exactly the wrong thing to do at this point in time. It is exactly what we should not be doing.

From August of 2007 to January 2008, 8.4 million barrels of oil were taken out of the supply. That is oil that was given as a payment in kind for the royalties our Government was owed. Instead of taking that and putting it into the supply, using the money to reduce the Federal debt and having the oil in the supply pipeline, the Dept. Of Energy stuck it underground. So at nearly a hundred dollars per barrel, we are putting oil underground, which tends to price gasoline at a much higher rate because you are diminishing supply at a time when that is the last thing we should do.

Now, the strategic petroleum reserve is filled with about 700 million barrels of oil. The administration's approach is: Well, let's top it off. Let's fill it to 727 million barrels of oil. The administration just awarded three companies contracts—Shell, Sunoco Logistics, and B.P. North America—to place an additional 12.3 million barrels of royalty-in-kind oil into the Strategic Petroleum Reserve for the next 6 months. So that means another 12 million barrels will be taken out of supply and stuck underground.

I mean, can anybody think of something that makes less sense at a time when $100 or $90 or $80 a barrel of oil exists? People are driving to the gas pump and having to consider a mortgage to fill their tank. Can't anybody think of something that we should rather do than take oil out of the supply pipeline and stick it underground? It makes no sense to me at all.

So I am going to propose legislation that says no more for filling the strategic petroleum reserve for the next year, unless oil drops below $50 a barrel. Let's take that royalty-in-kind oil and put it in the supply pipeline and make sure it contributes to an increasing supply and, therefore, lower prices for gasoline. Instead, the administration is intent on taking that oil and sticking it underground. That will have the impetus of pushing gas prices up.

Now, some would say: We are not talking about a large portion of oil here. Well, no, it is true, we are only talking about 12.3 million barrels in the next 6 months—8.4 million barrels from August to January. Is that a massive quantity of oil? No. But we have had witnesses testify before the Senate Energy Subcommittee and the Homeland Security Permanent Subcommittee on Investigations that the government is taking light sweet crude, which is part of a smaller subset of more valuable oil, and putting it underground that has the effect of increasing the price of gasoline.

So I am going to ask the Secretary a lot about this issue tomorrow when he appears before the Senate Energy & Natural Resources Committee, and I intend to address this in the appropriations process this year so that we can prevent this from happening further. At least until the point we have seen the price of oil come back down. My legislation proposes a prohibition from filling the Strategic Petroleum Reserve for 1 year or at least until a time when the price of oil comes back below $50 a barrel.

Again, the Strategic Petroleum Reserve is nearly 96 percent filled. Why would we put upward pressure on gas prices? Because the Federal Government has decided to do things that would put upward pressure on gas prices by putting oil underground at a time when we have hundred-dollar-per-barrel oil. It defies common sense. You couldn't find two people in Mike's Bar in Regent, ND, to make a judgment like that after they have been there a couple hours. Just common sense would tell you this makes no sense and we ought to stop it, and I intend to visit about this at some length with the Secretary tomorrow when he comes before the Senate Energy Committee.

Mr. President, I yield the floor.

FISA AMENDMENTS ACT OF 2007

The PRESIDING OFFICER (Mr. CASEY). Under the previous order, the Senate will resume consideration of S. 2248, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 2248) to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

Pending:

Rockefeller/Bond amendment No. 3911, in the nature of a substitute.

Whitehouse amendment No. 3920 (to amendment No. 3911), to provide procedures for compliance reviews.

Feingold amendment No. 3979 (to amendment No. 3911), to provide safeguards for communications involving persons inside the United States.

Cardin amendment No. 3930, (to amendment No. 3911), to modify the sunset provision.

Feingold/Dodd amendment No. 3915 (to amendment No. 3911), to place flexible limits on the use of information obtained using unlawful procedures.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the pending amendment be set aside so that I may call up an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3913 TO AMENDMENT NO. 3911

Mr. FEINGOLD. Mr. President, I call up amendment No. 3913.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. MENENDEZ, and Mr. DODD, proposes an amendment numbered 3913.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit reverse targeting and protect the rights of Americans who are communicating with people abroad)

On page 6, line 6, strike "the purpose" and all that follows through line 9 and insert the following: "a significant purpose of such acquisition is to acquire the communications of a particular, known person reasonably believed to be located in the United States, except in accordance with title I;".

On page 7, line 7, strike "United States." and insert the following: "United States, and that an application is filed under title I, if otherwise required, when a significant purpose of an acquisition authorized under subsection (a) is to acquire the communications of a particular, known person reasonably believed to be located in the United States.".

On page 9, between lines 9 and 10, insert the following:

"(iii) the procedures referred to in clause (i) require that an application is filed under title I, if otherwise required, when a significant purpose of an acquisition authorized under subsection (a) is to acquire the communications of a particular, known person reasonably believed to be located in the United States;

On page 17, line 2, strike "United States." and insert the following: "United States, and are reasonably designed to ensure that an application is filed under title I, if otherwise required, when a significant purpose of an acquisition authorized under subsection (a) is to acquire the communications of a particular, known person reasonably believed to be located in the United States.".

Mr. FEINGOLD. Mr. President, this amendment, approved by the Senate Judiciary Committee, assures the new authorities contained in this bill will not be used to engage in what is known as "reverse targeting of Americans." FISA requires the Government to get a court order when it is listening in on

Americans on American soil. Reverse targeting refers to the possibility that the Government will try to get around this requirement by using these new authorities to wiretap someone overseas when what the Government really wants to do is listen to the American with whom that foreign person is communicating.

The Director of National Intelligence has testified that reverse targeting is a violation of the fourth amendment. This amendment merely codifies that constitutional principle. Specifically, the amendment says the Government needs an individualized court order when a significant purpose of the surveillance is to acquire communications of a person inside the United States. Now, this language is critical if we are to protect the constitutional rights of Americans because the underlying bill merely requires a court order if the purpose of the acquisition is to target the American.

A member of the Intelligence Committee, the Senator from Georgia, has said the underlying bill only prohibits surveillance when the Government is targeting a foreigner solely—solely—to listen to the American with whom that foreigner is communicating. Now, what does this mean? That means if the Government has any passing interest at all in the foreigner being wiretapped, it could intentionally conduct ongoing, long-term surveillance of an American inside the United States without a warrant. Now, the DNI says that would be unconstitutional, but it appears to be permissible under the current bill.

Recently declassified exchanges between the administration and congressional intelligence committees demonstrate why the issue of reverse targeting is a very real problem.

According to the administration, "if valid collection of the foreign intelligence target indicates that the person in the United States is of intelligence interest," NSA would disseminate an intelligence report to the FBI, which can request the identity of that person and "which could"—I repeat, could—"seek a FISA court order to conduct electronic surveillance in the United States."

Mr. President, I ask unanimous consent to have printed in the RECORD the declassified documents to which I am referring.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

When NSA is acquiring the communications of a person in the United States during its targeting of a foreigner overseas, is it reasonable to impose a time limit on NSA's determinations of whether to target the person in the United States or drop that individual? It is not reasonable to impose time limits on NSA's targeting determinations in this manner. If frequent contacts occur between the foreign target overseas and a person in the United States and if there is no foreign intelligence to be obtained, analysts will———such that the interception of the communications of the person in the United States when targeting the foreigner overseas will not occur. If valid collection of the foreign intelligence target indicates that the person in the United States is of intelligence interest, NSA would disseminate an intelligence report with the identity masked to the FBI, which could seek a FISA Court order to conduct electronic surveillance in the United States. If valid foreign intelligence is expected to be obtained by targeting the foreign selector, any incidentally collected information about the person in the United States would be handled in accordance with NSA's minimization procedures.

How many times has NSA obtained a FISA order to target a person in the United States where the initial target was a foreigner overseas and a U.S. communicant became of foreign intelligence interest? How many cases have there been where the target remains the foreigner overseas and there have been multiple communications between that target and a person in the United States such that NSA considered whether to obtain a FISA order to conduct electronic surveillance against the person in the United States? This is difficult to answer because NSA routinely provides information to the FBI and it decides whether to follow up by getting a FISA order to conduct electronic surveillance in the United States. For example, if an analyst reviews an intercept and finds evidence that a party to the communication (not the target of the surveillance) is a U.S. person, he would go through his foreign intelligence calculus. That is, he determines whether the communication contains foreign intelligence. If he determines that it does contain foreign intelligence, he would disseminate a foreign intelligence report. The report would mask the U.S. person's identity as "U.S. person" under NSA's minimization procedures. Upon receipt, a customer (here probably the FBI) would likely request that person's identity. Under NSA's minimization procedures, NSA would provide it if the requester demonstrates that the request is within the scope of its mission and knowing the U.S. person's identity is necessary to understand or assess the foreign intelligence in the report. In this case, the FBI would likely meet that test and, upon receipt of the identity, can decide whether or not to follow up. NSA surveillance against the foreign target would continue.

Mr. FEINGOLD. Mr. President, this confirms that when the Government has an interest in an American, it is entirely up to the discretion of the FBI to decide whether the Government will seek a warrant to listen to that American's communications. But the FBI may not seek a warrant for any number of reasons, including lack of resources, insufficient coordination with other elements of the Government, or simple incompetence. A recent Justice Department inspector general report finding that the FBI's court-approved surveillance was disrupted because the Bureau failed to pay the telecommunications company on time should give us cause for concern.

In this case, this amendment would actually help us to stop terrorists by requiring that when a foreign terrorist talks to a person in the United States and that communication prompts a significant interest in the American, it can't just plain fall through the cracks.

Now, of course, the FBI might also choose not to seek a warrant because it doesn't have a real case against the American or because the Government doesn't want to tell the FISA Court the real reason it is interested in that American. So if the FBI doesn't seek a court order, can the NSA just listen in indefinitely to the communications of Americans so long as they are communicating with a person overseas? I am afraid to say, Mr. President, the answer appears to be yes. According to the administration, the FBI, upon receipt of the identity of the American, "can decide whether or not to follow up. NSA surveillance against the foreign target would continue."

The Government's apparent authority to continue indefinitely its surveillance of the international communications of Americans is not limited to terrorism cases where the Government should at least have an incentive to seek warrants against an American. It applies to all foreign intelligence. That includes the communications of an American who is talking to a person overseas who is not a terrorist suspect, is not suspected of any wrongdoing, and is not even an agent of a foreign power. Yet, no matter how interested the Government is in what that innocent American has to say, if the FBI doesn't think it is worth its while to seek a court order or if the FBI knows it couldn't get the order, the surveillance continues nonetheless.

This raises serious constitutional concerns, which is why the Rockefeller-Levin bill, the alternative to the Protect America Act that the Senate considered back in August, required procedures to seek a court order if electronic surveillance was "of the nature or quantity as to infringe on the reasonable expectations of privacy of persons within the United States." Yet, in a recently released letter, the DNI complained about this requirement, saying it would take months to make this determination, that they couldn't determine in advance what such a procedure would say. In other words, even as the administration sought and obtained broad new authorities to collect communications of Americans, the administration refused to even consider when it might be violating the Constitution.

If the administration can't assure us that they respect the Constitution, Congress needs to step in. For all their promises that reverse targeting is not occurring, the record is clear there is nothing to stop it, and the administration has resisted establishing procedures to protect the rights of Americans. At the same time, it has sought to remove the FISA Court's ability to protect those rights.

This bill denies the FISA Court any role whatsoever in determining or monitoring why a person overseas has been wiretapped, which, of course, would help indicate whether the Government is conducting reverse targeting of an American. The bill denies the court the ability to monitor what becomes of the communications of Americans that are collected.

Mr. President, it is clear this administration won't protect the constitutional rights of Americans, and unfortunately, in the PAA, Congress passed legislation denying the courts any oversight role. It is critical Congress act to remedy this great problem. We have a unique opportunity to protect the Constitution and stop abuses before they happen. I hope my colleagues will support this amendment.

Mr. President, it appears there is no opposition to it, but nonetheless I will retain the remainder of my time.

Mr. President, I ask unanimous consent that the pending amendment be set aside so that I may call up another amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3912 TO AMENDMENT NO. 3911

Mr. FEINGOLD. Mr. President, I call up amendment No. 3912.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, and Mr. DODD, proposes an amendment numbered 3912.

The amendment is as follows:

(Purpose: To modify the requirements for certifications made prior to the initiation of certain acquisitions)

On page 10 between lines 5 and 6, insert the following:

"(vii) the acquisition of the contents (as that term is defined in section 2510(8) of title 18, United States Code)) of any communication is limited to communications to which any party is an individual target (which shall not be limited to known or named individuals) who is reasonably believed to be located outside of the United States, and a significant purpose of the acquisition of the communications of the target is to obtain foreign intelligence information; and

Mr. FEINGOLD. Mr. President, this amendment ensures that in implementing the new authorities provided in this bill, the Government is acquiring the communications of targets in whom it has some foreign intelligence interest and is not conducting bulk collection of all communications between the United States and overseas. This amendment was also approved by the Judiciary Committee.

This amendment is necessary because of the vast and overbroad authorities provided by the PAA and this bill. In public testimony, the DNI stated that the PAA would authorize the bulk collection of all communications between the United States and overseas. Now, that could cover every communication between Americans inside the United States and Europe or South America or the entire world. It could also include a communication between Americans overseas and their family and friends back home.

This bill is understood to allow the warrantless targeting of a terrorist suspect overseas even when that person is communicating with an American at home. The bill does not simply apply to terrorist suspects, however. It permits warrantless collection of communications between law-abiding Americans and people overseas who are not suspected of doing anything wrong at all. That is a problem that needs to be addressed. But this bill does not just allow the targeting of conversations of people who are not suspected of any wrongdoing; this bill actually allows the Government to capture all international communications to or from the United States in bulk, for no good reason. I think it is safe to say no one in this country expects that all of their international communications can be collected by the Government. That kind of communications dragnet would offend anyone who has ever communicated with friends, family, or professional associates in other countries. It raises serious constitutional questions. It would completely overwhelm the already inadequate minimization procedures that are the only bump in the road to completely uncontrolled dissemination of information about Americans. And there would be no court oversight whatsoever.

Bulk collection poses yet another serious constitutional danger. By collecting all international communications, the Government would be collecting communications between Americans overseas and their friends and family back home.

Senators WYDEN and, WHITEHOUSE and I have fought hard to ensure that Americans overseas cannot be intentionally targeted without a warrant, but bulk collection is a backdoor way to conduct the same warrantless wiretapping. Imagine the number of Americans' communications, not with foreigners but with other Americans—with other Americans, Mr. President—that would be acquired by the Government through bulk collection of, say, communications between the United States and Britain. That means Americans studying and working abroad, tourists passing through, and even U.S. troops stationed there.

Nothing—nothing—would prevent their communications from being collected and retained, and nothing would prevent those communications from being disseminated so long as the Government decided there was foreign intelligence value.

I ask my colleagues: At what point do we draw the line? At what point does the Constitution mean something? I am sure some of my colleagues will say we should trust the Government not to do this, not to abuse this. Yet the DNI has testified that while bulk collection is not needed:

> It would certainly be desirable, if it was physically possible to do so.

This is not a short-term piece of legislation. It is not reassuring that the intelligence community cannot currently collect all international communication. This bill does not sunset for years. What is technically possible in this area changes rapidly. Given the potential impact on the privacy and constitutional rights of Americans posed by bulk collection, Congress needs to act now. The DNI has put us on notice that bulk collection is both authorized and, in his words, desirable. Legislative silence on this issue is consent. This body must take a position on this issue. Should the Government be able to sweep up all international communications involving Americans at home and abroad? We cannot avoid that question. The bill, combined with the DNI's comments, places it squarely before us.

The amendment I have offered here is extremely modest. It merely requires the Government to certify to the court that in using these broad new authorities to conduct warrantless surveillance, it is collecting the communications of foreign targets from whom it expects to obtain foreign intelligence information. The Government does not have to explain its foreign intelligence interests to the Court; it does not even have to identify its target. It merely has to say that an interest exists, and the court cannot challenge this certification. Because this amendment is so modest, opponents have raised an absurd hypothetical argument against it, and this is what it is: that it would somehow prevent the collection of communications into or out of an enemy-occupied city that the U.S. military is about to invade.

This argument is plain silly. My amendment requires that there be a foreign intelligence purpose for collection. This hypothetical posited by opponents of the amendment—and all individuals in a city our troops are about to invade would clearly have foreign intelligence value. That is what distinguished this case, in which the Government can easily make the certification required by the amendment and, on the other hand, the bulk collection of all communications between, say, the United States and Europe.

The reason absurd scenarios such as this have been raised as "unforeseen consequences" is that opponents of this amendment do not want to address the consequences of not passing it, the consequences of the Government collecting all communications between the United States and Canada or Europe or South America, the consequences of millions of innocent Americans' communications being collected, the consequences of already inadequate minimization procedures being overwhelmed by the collection.

These are not even unforeseen consequences. The DNI testified that if this were physically possible, bulk collection would certainly be desirable. The DNI envisions a country where the Government, if it were technologically feasible, would listen in on every international phone call made by its citizens and read every international e-mail. That is a police state, not the United States of America.

This amendment will help put to rest another concern that has been expressed about this legislation. In August, after the enactment of the PAA, the DNI stated:

> Now, there is a sense that we are doing massive data mining. In fact, what we are doing is surgical. A telephone number is surgical. So if you know what the number is, you can select it out.

And the DNI then added:

> We have got a lot of territory to make up with people believing that we are doing things that we are not doing.

The best way to assure Americans that the Government is not doing massive data mining of their international communications is not to authorize the massive collection of their international communications. The DNI cannot have it both ways. He cannot complain that people believe the Government is doing things it is not doing, and then oppose amendments to the law that would prohibit the Government from doing those very same things, especially when he has also said that bulk collection would be "desirable" if it were physically possible.

Finally, my amendment would help resolve a serious constitutional question surrounding this bill. When Americans are on the line, the constitutionality of the surveillance depends in part on how it is conducted. Bulk collection of millions of Americans' communications of which the Government has no interest in the person on the other end of the line could very well be unreasonable under the fourth amendment. We can eliminate this particular constitutional problem with the adoption of this very modest amendment.

I challenge anyone who opposes this amendment to stand up on this floor and explain to the American people why the Government should have the authority to engage in bulk collection of their private communications. Let's tell the American people the truth for once. Do not rely on hypothetical, unintended consequences that are easily answered. Explain why this very modest protection of the privacy of our citizens cannot be granted.

I believe this amendment brings this bill into line with its actual intent. It gives Congress a say in how far these vast new authorities will be taken, and it protects the civil liberties of Americans.

I urge my colleagues to support it.

I yield the floor and I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Missouri.

Mr. BOND. Mr. President, I am sorry I was not here for all of my colleague's descriptions of his two amendments. But let me make one thing clear. What he is laying out is a scenario that does not exist. He is raising all kinds of concerns that are dealt with in the underlying bill. They are dealt with by the Constitution of the United States. They were dealt with by the Protect America Act.

I can assure the American public that we are not collecting all of the communications they send overseas and reading them and listening to them and using them in some way that violates the fourth amendment or the provisions of these two measures.

Before we actually have a vote on these measures, we will talk about them more in detail. I think he raised the reverse targeting amendment first. Let me be clear and explain that you cannot target a person inside the United States without a court order. All acquisitions must comply with the fourth amendment.

Last week we agreed to an amendment offered by Senator KENNEDY which ensures that the authorities in this bill will not be used to acquire communications where the sender and all intended recipients are known to be in the United States. That has to be with a FISA Court order if you are targeting somebody in the United States. This is an explicit, bright-line prohibition against reverse targeting in the current bill. If one would look at page 6 of the statute, section 703(b)(2), I will read it for you. It says:

> An acquisition authorized under subsection (a) may not intentionally target a person reasonably believed to be located outside the United States if the purpose of such acquisition is to target a particular known person reasonably believed to be in the United States except in accordance with title I or title III.

It does not get much clearer than that. So if the purpose in targeting someone outside the United States is actually to target a person inside the United States, you cannot use the authorities under this bill. It is clear. That is what the DNI stated his purpose was; that is what the bill provides. You have to get a FISA Court order if you are targeting somebody. You cannot do it by the back door.

Now, I heard yesterday some far-out explanations that a family whose child goes overseas to go to school, we would be listening in on those conversations. That is absolutely nonsense. If that is a United States person, we could not even target that United States person abroad, and we certainly do not target someone in the United States without a court order. We have provisions to assure that the United States person who goes overseas cannot be targeted without an application to the FISA Court. Quite simply put, that does not happen.

Now, if somebody is calling a suspected terrorist overseas, one on whom we have initiated collection because of intelligence sources certified by the Attorney General and the Director of National Intelligence, this person has significant terrorist information, significant intelligence information, foreign intelligence information, if one were to call that number, then it is possible, it is likely, and we would expect that they would find out what is in that call.

If it is an innocent call, if it has nothing to do with terrorist activity, it is immediately suppressed; "minimized" is the term. They do not even record the name of the United States person.

But when calls come from outside the United States into the United States from a person, a known terrorist abroad, or when they initiate the call, someone from the United States does, then what we must do is find out if they are talking about planned terrorist activity in the United States. That is the most important collection we can make. We have lots of important information targeting foreign terrorists, suspected terrorists, foreign intelligence targets overseas that is useful to our allies in protecting their countries. There are lots of instances where we have done that or when they are—and that does not require minimization, and it should not. But the information that is used is only that information which applies to a direct threat, a terrorist threat, or other significant foreign intelligence value. If a United States person is involved in that, if there is an involvement of the terror plot in the United States or elsewhere, then that information would be accepted, and if it is necessary to collect further against that American citizen or United States person, then they have to go through the normal procedure. Probably the FBI would get their normal search warrant and go after that person and determine what role, if any, he or she has in carrying out terrorist activity. So in addition to the bright-line test, there is clear oversight authority. There is oversight exercised by the supervisors at NSA, by the inspector general, by the Department of Justice, whose lawyers oversee it, and by our Intelligence Committee to make sure that the prohibitions on reverse targeting are being observed.

If this proposal were to be accepted, the uncertainty, the operational uncertainty of determining what a purpose is in reverse targeting would make this an impossible situation for an analyst to observe and to make that determination. There is a clear prohibition against reverse targeting.

The other amendment which he brought up, 3912, is on bulk collection. The bipartisan Intelligence bill contains numerous provisions to ensure that acquisitions targeting foreign terrorists overseas—that is foreign terrorists overseas—comply with the fourth amendment and follow court-approved targeting. It gives clear protection, as I said earlier, against reverse targeting.

The amendment that has been proposed under 3912 has some very negative consequences for protecting our troops abroad. This amendment, for example, would prevent the intelligence community from targeting a particular group of buildings or geographic area where, for example, terrorist activity is known to be occurring, and preventing them from collecting signals intelligence prior to operations by our Armed Forces.

If there is an area which has significant terrorist activity, to say we cannot collect all of the communications coming out of that area to identify who the terrorists might be, whether there are innocent persons involved before our military goes in, does not make any sense, because if we send our military in, they are going in and probably going to be using significant lethal force. Had this bulk collection provision been in place, it would have prevented our troops from conducting surveillance in Fallujah, for example, prior to their military operations.

The details on this are classified. We can provide more information in a secure setting. But this amendment, according to the Director of National Intelligence and the Attorney General, "could have serious consequences on our ability to collect necessary foreign intelligence information, including information vital to conducting military operations abroad and protecting the lives of our servicemembers, and it is unacceptable." I agree with them because I have had the opportunity to learn how the system operates. My colleague from Wisconsin has. I believe it is very clear from the information we have received and the knowledge we have about it that the evils which he purports to address are evils that do not exist. I strongly urge my colleagues to oppose both amendments.

I reserve my time.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. It is sort of odd that we are debating these two amendments together. But there is one advantage. Under our system of government, the way we make sure that abuses don't occur is by passing laws to make it absolutely clear that abuses aren't occurring and can't occur. We are supposed to accept the say-so of one Senator who says we are not doing these things. We are not conducting bulk collection. We are not doing reverse targeting so don't worry. Yet he resists two amendments that simply make it clear you can't do these things. What is the objection on the merits to these two amendments? They would apply to an administration that initiated an illegal wiretapping program in disregard of the statutes. We have reason to believe that maybe they would do things we don't know about and don't like and don't think are legal, but we are supposed to simply take the word of one Senator instead of passing a law to clearly protect the American people.

With regard to reverse targeting, the Senator asserts that somehow having a provision that says "the" purpose would have to be targeting an American before a court order is required is going to protect us. But that doesn't protect us. That language would mean that any incidental reason for targeting a foreign person when the government wants to listen to the American would be a sufficient basis for ongoing warrantless surveillance of the American. In fact, the Senator from Georgia has indicated that what this means is that the sole purpose of the collection would have to be to obtain information on the American before a court order is required. If that is true, then it would be very easy for the government to bootstrap any incidental interest in a foreign target so that they can listen in on an American.

The DNI has said that reverse targeting is unconstitutional. What is the legitimate objection to making it absolutely clear that this can't be done in this statute? There is no substantive objection. The same thing goes for bulk collection. Again, one Senator assures the American people that the government is not doing bulk collection. That might be right. We may not be doing it now. But the DNI has said it would be desirable. He would love to do it. Yet the Senator will not permit a simple amendment that says that something that the DNI has also said is not actually needed but would raise serious constitutional problems, should be prohibited.

This is an amazing moment. Instead of legislating, we are supposed to trust. With regard to all of our international communication, we are supposed to simply trust one Senator's assurance that there is nothing to worry about. I suggest the American people deserve better than that.

To show the complete lack of content to these arguments, I addressed what the Senator, who was not out here at the time, has called the Fallujah example. He keeps saying that under this provision, you couldn't get information about what was going on in Fallujah when we were attacking al-Qaida and others there. That is absolutely false. I laid it out. As long as the Government says there is a foreign intelligence information purpose, of course they can do it. If there is a terrorist hotbed, they can do it. They just have to assert that. This argument that somehow this would interfere with that collection flies directly in the face of the bill and the amendment. There is no truth to that argument at all. The amendment is absolutely clear in cases of conflict, where the government merely needs to assert that it has a foreign intelligence purpose for conducting surveillance in that area. In that situation, the purpose is clear.

Because of the floor situation, the arguments related to these two amendments have merged, but it sort of works in a way because both of them are such straightforward, simple protections that a majority of the Judiciary Committee agreed had to be included in this bill to protect the rights of the American people.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, there are quite a few things I disagree with that my colleague from Wisconsin has brought up. No. 1, he said the administration instituted an illegal wiretapping program. That is not true. That is wrong. I reviewed the documents on which they based it—article II, and the authorization for use of military force. That was not an illegal effort. But that is a debate for another time. The administration did advise the leaders of Congress what they were going to do. The big eight were advised, and they did not deem any legislation advisable at the time.

Secondly, he gives me too much credit in saying it is only the word of one Senator that his amendments are unworkable and unnecessary. This was brought up and debated in the Intelligence Committee. We spend our time overseeing intelligence collection. It was not adopted there. It was withdrawn.

If my colleague has any evidence that there are any violations in reverse targeting or bulk collection of the fourth amendment of the Constitution or other violation of privacy rights, then I suggest he bring them up in our Intelligence Committee in closed session where we can debate all the activities that are going on. I assume he has been out to NSA to see how it operates. He has been in and had the opportunity to question leaders of the intelligence community. He says there is a total lack of substance. I have to say there is a total lack of substance to the allegations he makes. There are legitimate concerns which we address in this bill by specifically prohibiting reverse targeting. It is specifically prohibited in this bill. I have to say the people who run the program are the ones who have told us the additional bells and whistles he wants to put on for no reason or even reasonable prospect of violations would make it impossible to carry out the business of collection on foreign terrorists with potential activities in the United States.

Again, there will be others who will discuss this. But it is not the word of one Senator. It is the word of a majority of the Intelligence Committee, and it is the word of the intelligence community itself, backed up by the Attorney General, that this is unwise, unnecessary, that these amendments would significantly hamper the ability of the intelligence community to conduct its operations.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Briefly, Mr. President, it is important to put in the RECORD that the Judiciary Committee, after carefully considering this not just in the context of intelligence—and I do serve on the Intelligence Committee as well—but in the context of the relationship between intelligence and civil liberties, came to the opposite conclusion on both reverse targeting and bulk collection and voted by a majority to adopt the very sort of amendments I am proposing. With regard to the vice chairman's assertion that I had not put forward any concerns about the impact of these authorities on the civil liberties of Americans, I, in fact, sent a classified letter to the DNI in December expressing serious concerns about the implementation of the Protect America Act and its effect on the rights of Americans. I can't discuss classified specifics here. But the fact is, these aren't merely theoretical concerns.

One final point: The thrust of our concern about reverse targeting and bulk collection doesn't have to do necessarily with what has already occurred but what could occur, what abuses could occur if we do not clarify in the law that they should not be done. This is especially important in light of the fact that, as I have indicated, the Director of National Intelligence has said it would be desirable to do this bulk collection. If the DNI says that, wouldn't that be a reason to be a little concerned and to make sure it is clearly prohibited?

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 3907

Mr. DODD. Mr. President, I want to inquire as to how we are to proceed. I was asked to offer my amendment on behalf of myself and Senator FEINGOLD regarding striking the language dealing with immunity in the bill. I don't want to interrupt the debate. I don't know how we ought to proceed. Is this debate concluded? I will check with the author.

Mr. President, I ask unanimous consent to set aside the pending amendment so I may offer the Dodd-Feingold amendment dealing with retroactive immunity.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Let me inform my colleagues that what I intend to do is not to speak at length. I know under the previous time agreement, there are 2 hours allocated to this amendment. My intention this evening is to use probably 10 or 15 minutes of debate on this amendment. I see my colleague from Washington. I don't know if she has an intention to address the Senate on this matter or something else. I am going to take 10 or 15 minutes to talk about the amendment and then reserve the remainder of my time for tomorrow. There are other Members who would like to be heard on this amendment. I don't want to consume too much of the time to deny others the opportunity to be heard. I presume my colleague from Wisconsin tomorrow may want some time. I will take a brief amount of time this evening and then reserve the balance until later. Then my colleague from Washington can certainly be heard or anyone else for that matter.

I send to the desk an amendment offered by myself and Senator FEINGOLD, and Senators LEAHY, KENNEDY, HARKIN, WYDEN, SANDERS, OBAMA, BIDEN, and CLINTON and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mr. FEINGOLD, Mr. LEAHY, Mr. KENNEDY, Mr. HARKIN, Mr. WYDEN, Mr. SANDERS, Mr. OBAMA, Mr. BIDEN, and Mrs. CLINTON, proposes an amendment numbered 3907.

Mr. DODD. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the provisions providing immunity from civil liability to electronic communication service providers for certain assistance provided to the Government)

Strike title II.

Mr. DODD. Mr. President, this amendment we have talked about at length over the last number of weeks going back into December. This is a striking amendment to strike the language in the bill out of the Intelligence Committee that would provide for retroactive immunity to the telecom industry. It has been debated at length. This amendment strikes that language in the bill, conforms it to what has been adopted by the other body in its legislation dealing with the Foreign Intelligence Surveillance Act suggestions and recommendations, and conforms it to what has been included in the Senate Judiciary Committee bill. So while there have been three different committees that have reported their suggestions to the Congress on this issue, the committees in the House of Representatives and one committee here have reached different conclusions than that of the Intelligence Committee, where they have recommended that retroactive immunity be granted to the telecom industry for having kept over the last 5 years sort of a vacuum-cleaner approach to telephone conversations, faxes, e-mails that have been engaged in by Americans across the board.

This goes back immediately to after 9/11. As I said, had this been a temporary deviation from the norm, particularly in the wake of 9/11, I would not be standing here asking that retroactive immunity not be granted. But this program went on for 5 years. It only came to an end because of a revelation by whistleblowers and others that the program stop. This was 5 years of collecting data and information on U.S. citizens without a court order.

The FISA Court was established back in 1978 specifically to provide for warrants and court orders when such information was being solicited and needed to provide for the security of our country. I think these amendments that we need to update the FISA legislation are critically important, and I certainly want to see them adopted. But I believe it is going way beyond the pale in the midst of all this to extend retroactive immunity back to a group of companies that decided this was an appropriate request and they were going to comply with it. I would point out to my colleagues that not all companies did. If every single company complied with this, you might make the case that there was something going on that required, or certainly warranted, their decision to agree to this invasion of privacy without a court order. There were companies that said: No, we will not comply with that request absent a court order. That court order was never forthcoming and those companies did not engage, to the best of our knowledge, in the collection of this data and information.

Now I am not drawing the conclusion—but I have my opinions about this—as to whether what the companies did was legal or illegal. That is not a matter for 51 of us here by a majority vote to decide. That is a matter for which the courts exist in this country. It is not a matter for the executive branch to decide. It is why we have three coequal branches of Government. When matters such as this arise, raising the legality of certain actions, then that matter ought to be appropriately decided by that third coequal branch of Government, as the Framers intended, in exactly these kinds of cases; that is, the matter to determine whether those who are suggesting that these telephone companies did exactly what they should have done under the circumstances. There are many here and elsewhere who believe otherwise, and while short of reaching a determination as to legality, believe that the courts ought to make that determination.

There are some 40 cases now pending before the courts on this very matter. If we take the action adopted by the Intelligence Committee, we will never, ever know whether these actions were legal, whether the privacy of millions and millions of Americans were invaded. Once we have set the precedent of allowing this retroactive immunity to go forward, why not then in other areas outside of the case of telecommunications? What about medical records? What about financial records? The Congress will have voted that it is all right to grant retroactive immunity. The next time an American President asks these companies or other companies to engage in similar activities, why not use the precedent established by the telecommunications industry to comply with that request absent a court order?

These are critical moments involving the rule of law—the rule of law—not the whim of a President, any President. Given the pattern of behavior of this administration over the last 6 or 7 years, in example after example where there has been a disregard, in my view, of the rule of law and the Constitution of the United States, what more does this body need to understand in this matter than to once again grant this administration a pass and in effect say to those companies: It doesn't make any difference. We don't know whether what you did was legal, but you get a pass on this right now. I think nothing could be more dangerous than to allow that precedent to go forward without us insisting that the courts be allowed to exercise their judgment in these matters.

There are arguments that have been raised on why we shouldn't let this happen. One: It might hurt these companies financially. That argument is so offensive I hesitate to make it even on behalf of those who would argue it. The idea that some financial injury is far more important than the rule of law ought to be offensive to every American, whether you agree or disagree with whether these companies did the right thing, or somehow that these companies had no idea what they were doing; they went along with this because an American President asked for it.

I would point out that in 1978, during the drafting of the FISA legislation, many of these companies were directly involved in the drafting of that legislation. They knew exactly what the law is in this area. I would further point out that it has been reported to the press that there have been more than 18,000 requests of FISA Courts over the last 30 years when it has come to these kinds of inquiries. In all but 5 cases, out of the more than 18,000 requests, the FISA Courts have complied with executive branch requests for warrants to invade or to engage in surveillance activities. Only in 5 cases were they rejected, out of more than 18,000 requests. That is better than 99.9 percent of the cases. Why not in this one? Why were the courts not solicited to provide the kind of approval for the court orders that would have allowed for this surveillance to go forward? It is not a minor point. It is a huge point.

I would further point out that the administration, of course, originally requested that immunity be granted not only to the telecommunications industry but everyone involved in this matter. Thanks to the wisdom of Senator ROCKEFELLER and Senator BOND, that broad request was rejected, and I thank them for it. But it is important that our colleagues understand that that is what they wanted to do; They wanted total immunity for everyone involved in this 5-year plan. But the committee wisely rejected that request and narrowed the immunity only to the telecommunications industry. But nonetheless, I think all of us understand the net effect. If we grant retroactive immunity as requested by this legislation, then we will never get to the bottom of what occurred here, and once again, opening the door to possible future violations.

It is being suggested by some: Well, this is just a bunch of Democrats going after a Republican administration. I will tell my colleagues that if this were a Democratic administration, I would be standing here with as much passion as I am today. This is not about Republicans or Democrats, liberals or conservatives; it is about the rule of law. It is about the Constitution of the United States. All of us here, regardless of political ideology or what party we affiliate with, this is a matter that transcends all of that. We ought to—as we have sworn to do when we raised our right hand in the well of this body, as each one of us has here as Members of this institution—protect and defend the Constitution of the United States. Nothing less than that is being asked of us when we vote on this matter: to strike this provision and allow the courts to do their work; to determine whether, as those who are advocating for retroactive immunity assert, that this was an appropriate and proper response by these companies, or to draw the different conclusion that it was not and that it was inappropriate, illegal, and improper for them to do what they have done; and that all other bodies in this country, private or otherwise, need to understand when this administration or any administration makes a similar request in the future, the Congress has spoken on this matter, so that they do so only when they receive those kinds of court orders and then provide that kind of immunity which, in every single case in the past, they have when the court order has been approved by the FISA Courts. That is the sum and substance of this debate.

There are various other arguments for immunity, including the argument that somehow you can't protect private information. As one Federal judge has already pointed out—I might point out a Republican appointee to the bench—what are we all hiding from? We all know this went on. This is not some secret. We all know that for 5 years or more, this information was being vacuumed up. That is no longer a secret. What is potentially a secret is how this was done—methods and means—and I appreciate those who want to make sure that we don't allow for the revelation of that kind of information. But there are ample examples of how the Federal courts have handled these matters in the past, acting in a way that protects this kind of information. The suggestion that this is too dangerous to allow these matters to go forward I don't think is a valid argument, particularly when you are going to sweep across retroactive immunity. There are plenty of examples. In fact, I would note that the Presiding Officer—I don't know this, but I presume in his previous life as an attorney general—faced matters in his own State where certain private information had to be kept private and secret and there were matters before the courts before which he operated where that was exactly the case. I have listened to other attorneys general cite examples where there was privacy and other information that did not belong in the public domain and was protected. So the argument that somehow we can't run the risk of allowing the Federal courts to handle these matters given the revelation of information that otherwise shouldn't be in the public domain—I don't buy that argument either. But those are the arguments for having retroactive immunity on this legislation.

I have spoken at great length about this in the past and I appreciate the indulgence of the chairman and others to listen to me over and over again on this subject matter. But this is a matter I care deeply about and I know others do too. This is not a Democrat standing up here trying to cause trouble for a Republican administration. That is an offensive argument. I think we know each other well enough to respect and understand that these are serious debates and serious arguments. The tension that has existed for the life of our great Republic is this debate today, how do we protect the rights and liberties of our American citizens and simultaneously protect our people from those who would do us great harm and injury. It is not an easy debate; I understand that. But it is one that is as old as our Republic, to make sure that we maintain those rights and liberties while simultaneously fulfilling that obligation to protect our citizens from those who would do us great harm. I believe the tension is such that I don't believe we want to give up these rights, these important systems we put in place. In fact, the very FISA Courts as they exist were designed to specifically address that balance more than 30 years ago, and I believe on some 30 different occasions over the years we have amended the FISA legislation to allow us to stay current with technologies that could be used against us as well as allowing those technologies that allow us greater opportunity to learn about those who would do us harm. So over the years we have made those recommendations. Almost unanimously—and I believe I am correct in that assessment—previous Congresses have adopted those recommendations and suggestions. To suggest, as was done here, that because of Senator FEINGOLD's amendments dealing with reverse targeting and bulk collections, that somehow we are violating that history, I think is wrong. I think those suggestions are worthwhile and warranted, and it can improve not only what we are doing technologically in this bill, but also fulfilling the second part of that obligation, and that is to protect the rights of our citizenry.

It is truly a false dichotomy to suggest that we can only become more secure by giving up rights. I think that is a very dangerous argument to make. Too many in this country are subscribing to it today. That is exactly the opposite of what the case ought to be: that we become more secure when we insist upon those rights and liberties. That has been the history of our great country. In every single example I can think of when we have allowed our rights to be shortchanged to the argument of security, we look back historically and regret those moments. When we think about the internment of Japanese Americans during World War II and other examples, I think all of us look back and regret those moments, if we did anything but give our country more security. We have had great moments when we stood up for the rights and liberties of our fellow citizens in the face of arguments that our security was in jeopardy if we didn't somehow tailor those rights and liberties to give us additional security. I think that is the same argument today. I think we will be a proud body by rejecting this piece of the bill before us, allowing the courts to do their job as the Framers intended them to do, to determine the legality of the actions taken by these companies at the request of this administration, to allow them to make that decision, not by some vote in this body that would allow these matters to be swept aside for all of history without ever knowing whether we did great damage to the rights and liberties of our fellow citizens.

I will make additional arguments here tomorrow, but I want to reserve time because here we are on Super Tuesday and a lot of people are not here who want to engage in this debate. So I will reserve the remainder of my time so that others can be heard on this matter when it comes up either tomorrow or whenever the matter comes back to the floor. But I appreciate the managers of this legislation giving me a few minutes to make my case on this issue. I have said so many times before, and I will say again, JAY ROCKEFELLER and KIT BOND are very good friends of mine. I have great admiration for these men. We have served a long time together here. They don't have an easy job. This is a very difficult committee to have to work on, given the difficult matters they are faced with. I am sure they understand that my objections are not about our friendship or my respect for the work they do, but about a fundamental disagreement. I admire what they are trying to do, I respect the job they have been asked to do, and I thank them for it.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank my good friend from Connecticut for the kind words. We are delighted to have him back, although some would wish that he were otherwise occupied tonight. But we welcome him back and welcome him to the debate. I express my appreciation for the kind words he said about me in Iowa. It didn't do much good in Iowa, but I always appreciate them.

On this debate, however, I respectfully say that my good friend, with whom I have worked on many measures and intend to work with on many more, is dead wrong. He is correct that the FISA law was passed in 1978, but the problem is it has been superseded by technological changes. The technology of transmission of signals changed significantly. He probably was not here when I mentioned it earlier, but when the terrorists struck on 9/11, there was a question of how we could prevent further attacks that were planned and some of them were under way. The appropriate intelligence community officials recommended electronic surveillance and noted that since the laws had not changed, but technology had changed, it was quite likely that FISA, as it existed from 1978, even with minor tweaks, would not accommodate the collection that was needed. The intelligence community leaders and the administration leaders addressed this with the Gang of 8, the leaders of both parties, both Houses, and both sides of leadership on the Intelligence Committees, and they concluded that there was not time to change the law, so the President went ahead, using his article II powers as enhanced by the authorization for the use of military force. The President issued orders and, for the most part, the Attorney General signed off on it when he was available. The Director of National Intelligence issued them, and companies, understanding the urgency of providing collection against foreign terrorists—this was directed against foreign terrorists calling into the United States—complied.

Now, the fact that one or two may not have complied speaks no praise for those companies, because if they failed to comply with what I have reviewed and believe to be valid orders of the Federal Government, and as a result, communications that might have tipped off an imminent attack on the United States of America were missed, then it would be a great shame for those companies.

Now, I cannot speak for the other body. I do say that the Judiciary Committee, which has broad jurisdiction over many important things—and I respect the leadership of that Committee—doesn't spend the time that we in the Intelligence Committee do on intelligence matters—going out to NSA, having people come before us, being briefed, going through laboriously technical operations that allow these searches and surveillance, and going through and listening and observing the means of assuring that these functions are carried out in compliance not only with constitutional directions but the regulations and the statutes of the United States is very important. We have seen the oversight. There is the supervisor and the inspector general who act as an independent check; the Department of Justice lawyers who come and review it from their standpoint; but also the Intelligence Committees in both Houses, which have not only the right but the responsibility to oversee this.

Based on that, our committee determined and reported out a measure saying it was absolutely essential for the continued security of this country to eliminate lawsuits that had been filed against a number of carriers alleging that they may have participated in this activity.

Now, why is that a problem? Well, today, we had open hearings involving the DNI, the Director of the FBI, the Director of the CIA, the Director of the Defense Intelligence Agency, and the Deputy Secretary of State for the INR Division. We asked all of them why it was essential that they provide retroactive liability protection.

The first and most important concern raised was that allowing these lawsuits to continue against the company—my colleague from Connecticut is right. We permit cases to go forward against the Government or Government officials. We are just protecting private companies. It is the pleadings, the discovery, and the testimony that would inevitably tell us, and the terrorists, much more about the operations of the program than the terrorists ought to know. In May of 2006, after the disclosures of this terrorist surveillance, GEN Mike Hayden came before our committee for confirmation. I asked him: What impact has the disclosure of our terrorist surveillance program had on the collection of intelligence from foreign terrorists and suspected terrorists? He smiled and said, ruefully: We are applying the Darwinian theory to terrorists. We are only collecting the dumb ones.

I can assure you the people we want to listen in to are the very clever, very witty, very diabolical, murderous heads of al-Qaida and other terrorist organizations who want to do great bodily harm to the United States. They think, what we can do to tell them more about it, which would tell them how to evade even the means of collection that we have left available, that would leave our intelligence community deaf and blind to threats not only to this country, which is most important to all of us but to our allies and our troops overseas.

All the heads of the intelligence agencies I mentioned said one of the most important things we can do is provide this retroactive liability protection because, without it, then the private carriers—the telecom companies—will no longer participate voluntarily to requests from Government entities. We have many areas where the telecommunications companies work with the Federal Government—whether it is tracking a missing child, tracking down a sex offender or, on another level, breaking up a drug cartel or, on another level, protecting against cyber attacks from other countries. If litigation is allowed to proceed against these companies, not only will it likely describe in detail the means that our intelligence community uses to collect information, it will put the companies in such dire straits in terms of business reputation here and abroad that it will be a very serious blow to the shareholders, to the pension funds that own the companies, and it will lead the counsel for those companies to say: never participate with the Federal Government again.

This could be a disaster for effective collection. I believe it was the consensus of those present at our hearing today—the Director of the FBI, the Director of CIA, the general in charge of the Defense Intelligence Agency, Under Secretary in charge of INR, and Admiral McConnell, the DNI—that retroactive liability protection for any carriers that may have participated, as well as carriers that are getting sued that didn't participate, that cannot exercise the state secrets to protect them, it will ensure that we don't get protection, don't get the cooperation from these telecommunications carriers when we need it.

We have worked hard on this measure. After reviewing all the information available to us, including opinions and authorizations that we reviewed in the executive office, the committee determined, on a strong bipartisan basis, that the providers acted in good faith pursuant to representations from the highest level of the Government, that the TSP was lawful.

We worked hard to fashion a limited liability protection provision that serves the dual purpose of ending the litigation against the providers while allowing the cases against the Government to continue. Go ahead and attack the Government. There is no shortage of that in this body. I have heard it previously earlier today. That is part of our role on a partisan basis. We exchange criticism of the other party and particularly the administration when it is of the other party. We can make our best arguments. But we need to stop investigations, for example, by State public utility commissions of the providers' conduct under the TSP.

These investigations involve very sensitive, classified information that no public service commission or public utility commission is competent to handle, maintaining the secrecy, the confidentiality we need of our collection methods. We know this program has inflicted no harm on our citizenry and has protected us from harm.

I invite my colleagues, once again, to go to the fourth floor confidential classified hearing room or come to the Intelligence Committee's offices in Hart, if they want to see, from the Director of National Intelligence, a list of things that have been accomplished under the Protect America Act because collecting this electronic information is vitally important. It is right up there with interviewing detainees—high-value detainees—in providing us our most valuable information. To strike this provision of retroactive liability protection from the bill would significantly lessen our ability to collect intelligence and will make our country much less safe.

I ask that my colleagues vote against it. I will shortly yield time to my colleague and the chairman of the committee. At this point, I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3938 AND 3941, AS MODIFIED

Mr. BOND. Mr. President, I call up amendments numbers 3938 and 3941 and ask unanimous consent that they both be modified with the changes at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes amendments numbered 3938 and 3941, en bloc.

Mr. BOND. I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 3938, AS MODIFIED, TO AMENDMENT NO. 3911

On page 70, strike line 1 and insert the following:

SEC. 110. WEAPONS OF MASS DESTRUCTION.

(a) DEFINITIONS.—

(1) FOREIGN POWER.—Subsection (a)(4) of section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a)(4)) is amended by inserting ", the international proliferation of weapons of mass destruction," after "international terrorism".

(2) AGENT OF A FOREIGN POWER.—Subsection (b)(1) of such section 101 is amended—

(A) in subparagraph (B), by striking "or" at the end

(B) in subparagraph (C), by striking "or" at the end; and

(C) by adding at the end the following new subparagraphs:

"(D) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor; or

"(E) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor, for or on behalf of a foreign power; or".

(3) FOREIGN INTELLIGENCE INFORMATION.—Subsection (e)(1)(B) of such section 101 is amended by striking "sabotage or international terrorism" and inserting "sabotage, international terrorism, or the international proliferation of weapons of mass destruction".

(4) WEAPON OF MASS DESTRUCTION.—Such section 101 is amended by inserting after subsection (o) the following:

"(p) 'Weapon of mass destruction' means—

"(1) any destructive device described in section 921(a)(4)(A) of title 18, United States Code, that is intended or has the capability to cause death or serious bodily injury to a significant number of people;

"(2) any weapon that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors;

"(3) any weapon involving a biological agent, toxin, or vector (as such terms are defined in section 178 of title 18, United States Code); or

"(4) any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.".

(b) USE OF INFORMATION.—

(1) IN GENERAL.—Section 106(k)(1)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806(k)(1)(B)) is amended by striking "sabotage or international terrorism" and inserting "sabotage, international terrorism, or the international proliferation of weapons of mass destruction".

(2) PHYSICAL SEARCHES.—Section 305(k)(1)(B) of such Act (50 U.S.C. 1825(k)(1)(B)) is amended by striking "sabotage or international terrorism" and inserting "sabotage, international terrorism, or the international proliferation of weapons of mass destruction".

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 301(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1821(1)) is amended by inserting "'weapon of mass destruction'," after "'person',".

SEC. 111. TECHNICAL AND CONFORMING AMENDMENTS.

On page 84, line 12, strike "and 109" and insert "109, and 110".

On page 87, line 12, strike "and 109" and insert "109, and 110".

On page 87, line 21, strike "and 109" and insert "109, and 110".

On page 88, line 10, strike "and 109" and insert "109, and 110".

AMENDMENT NO. 3941, AS MODIFIED, TO AMENDMENT NO. 3911

On page 13, strike lines 3 through 13, and insert the following:

"(C) STANDARDS FOR REVIEW.—A judge considering a petition to modify or set aside a directive may grant such petition only if the judge finds that the directive does not meet the requirements of this section, or is otherwise unlawful.

"(D) PROCEDURES FOR INITIAL REVIEW.—A judge shall conduct an initial review not later than 5 days after being assigned a petition described in subparagraph (C). If the judge determines that the petition consists of claims, defenses, or other legal contentions that are not warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law, the judge shall immediately deny the petition and affirm the directive or any part of the directive that is the subject of the petition and order the recipient to comply with the directive or any part of it. Upon making such a determination or promptly thereafter, the judge shall provide a written statement for the record of the reasons for a determination under this subparagraph.

"(E) PROCEDURES FOR PLENARY REVIEW.—If a judge determines that a petition described in subparagraph (C) requires plenary review, the judge shall affirm, modify, or set aside the directive that is the subject of that petition not later than 30 days after being assigned the petition, unless the judge, by order for reasons stated, extends that time as necessary to comport with the due process clause of the fifth amendment to the Constitution of the United States. Unless the judge sets aside the directive, the judge shall immediately affirm or affirm with modifications the directive, and order the recipient to comply with the directive in its entirety or as modified. The judge shall provide a written statement for the records of the reasons for a determination under this subparagraph.

On page 13, line 14, strike "(D)" and insert "(F)".

On page 13, line 17, strike "(E)" and insert "(G)".

On page 14, strike lines 10 through 19, and insert the following:

"(C) STANDARDS FOR REVIEW.—A judge considering a petition filed under subparagraph (A) shall issue an order requiring the electronic communication service provider to comply with the directive or any part of it, as issued or as modified, if the judge finds that the directive meets the requirements of this section, and is otherwise lawful.

"(D) PROCEDURES FOR REVIEW.—The judge shall render a determination not later than 30 days after being assigned a petition filed under subparagraph (A), unless the judge, by order for reasons stated, extends that time if necessary to comport with the due process clause of the fifth amendment to the Constitution of the United States. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

On page 14, line 20, strike "(D)" and insert "(E)".

On page 14, line 24, strike "(E)" and insert "(F)".

Mr. ROCKEFELLER. If the Senator will yield, it is very important for a particular person on this floor to be able to, within the next 15 minutes—and for a particular reason—say some things that are very important to her, not on either of our pending amendments, the two amendments you and I are about to offer. The Senator has already approached the Parliamentarian in this matter. I ask if the Senator from Missouri would be willing to allow the Senator from Washington to speak on a different subject for 15 minutes for a very good reason.

Mr. BOND. Mr. President, I have no intention of continuing this discussion.

These are amendments, I hope, will be accepted. Chairman ROCKEFELLER and I will describe them later. I ask that our time be reserved, and I defer to Members on the other side who may wish to go into morning business.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, understanding whatever it is that the Senator from Arizona decides he wants to do, there is a particular reason and a particular time constraint that the Senator from Washington has to speak now. That is why I asked that she be allowed to speak in morning business. She will make that request, and I hope there will be no objection to it.

Mr. KYL. Mr. President, I have no objection to that. But I would like to add that when the Senator from Washington has concluded her remarks, I be recognized for my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes and that the time not be counted against the debate on the FISA legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

STIMULUS PACKAGE

Ms. CANTWELL. Mr. President, I rise today to speak about clean energy production tax credits, investment tax credits, and the energy efficiency provisions in the pending stimulus package, which I think are critical to restoring economic growth in America and continuing what is a burgeoning industry that is helping us create jobs and economic stimulus across our country. We are talking about tax credits that are a proven stimulus and business investment. They give consumers, in this case, energy efficiency credits of up to $500 to make energy efficiency improvements to their homes, which could save homeowners as much as $800 per year in avoided energy costs. We are talking about $20 billion of stimulus and 116,000 jobs that could be impacted.

The bottom line is the renewable energy industry generated over $40 billion of revenue in 2006 and accounted for 450,000 direct and indirect jobs last year. So we know that clean energy is one of the fastest growing sectors of our economy. But by failing to act when we didn't pass these critical tax incentives last year, we caused turbulence in what is a very new and growing industry. And if the Senate rejects these incentives now, we could put this industry in a tailspin by not giving them predictability on their tax credits. That is why it is so important we pass the stimulus package tomorrow.

Let's talk about what we are hearing from some of those in the industry who know this sector very well. The Alliance to Save Energy, a group of business, government, and consumer leaders, committed to seeing this country take advantage of cost savings from efficiency have said:

> Energy efficiency tax incentives put money into the economy by encouraging the purchase of energy efficient products and services.

This group has representatives of this body as part of that alliance. Their job is to advocate for policies to help this industry grow. What are we hearing from particular industries? I like this chart particularly because so many of my colleagues—I do it, and so many on the other side, and even the President of the United States speaks at these various clean energy industry plant sites and advocate and are excited about the jobs they create. But sometimes it stops there and after the ribbon cutting they fail to support the necessary policies. That is why recently a particular solar company CEO made this statement:

> The Senate can ensure that we keep the economic engine moving forward and extend the solar tax credits as part of the economic stimulus bill.

That is directly from the solar industry that we politicians like to stand in front of and talk about jobs being created. Here is somebody who was the prop behind one of these events in the last week, and they are telling us to pass this tax credit in the stimulus package.

What are we hearing from a consortium of those in the industry? We are hearing from one consolidated report of the renewable industry that said:

> Over 116,000 U.S. jobs, and nearly $19 billion—

This is just on solar, wind, and other renewable electricity sources—

> nearly $19 billion in U.S. investment could be lost in one year if renewable energy tax credits are not renewed by Congress.

That report came out earlier this week.

The reason why people are so concerned about this is because what we have seen traditionally—and we can see on this chart that in 2000, 2002, and 2004 where we did not give predictability to this industry by saying we are going to continue the tax credit policy—what happened is a 93-percent drop in investment; in 2000. In 2002, a 73-percent drop in investment; and again in 2003, another 77-percent drop in investment.

Here is where this industry is now in 2007. It is a growing industry. As I said, in 2006, it was $40 billion in revenue and over 450,000 direct and indirect jobs. And we are about to kill this level of investment and put it into a tailspin by not continuing this tax policy.

In fact, that is exactly what this solar industry CEO, who had the pleasure of standing there with Governor Schwarzenegger and others, said. He said Federal tax credits for solar energy are about to expire. They are about to expire and it will send the solar industry into a tailspin.

It doesn't have to get any clearer than that: CEOs of companies that are the backdrop of great press events telling us we are about to send their industries into a tailspin. I suggest we instead pass these tax incentives and get on with what could be certainty in tax policy.

What I like about wind is the fact that it is happening in lots of places across this country, but it is also giving farmers a second crop. Almost 200 members of the American Wind Energy Association have sent us a letter saying that "companies in our industry are already reporting a decrease in investment as a result of the uncertainty surrounding tax policy." They are saying they are already seeing people starting to cancel projects.

We want to help our economy grow, and there is stimulus in these tax incentives, but I ask my colleagues to consider what is going to happen when they do not renew them. They are actually going to cause more damage to the economy because people are going to start canceling projects.

Let me explain. This same report by Navigant came out earlier this week and got very specific as to which States had significant investment by renewable companies and exactly what was going to happen both in the loss of opportunity for new jobs and in actually having jobs cut when there is not predictability.

Texas, one of the biggest investors from a wind production side, could lose a future opportunity and existing jobs of upwards of 23,000; Colorado, 10,000; Illinois, 8,000; Oregon, 7,000; Minnesota, 6,000 plus; Washington State, nearly 5,000 jobs are at stake. The list goes on to other States that have made incredible progress in renewable energies that are creating jobs, and all these jobs are at stake for the future and some of them represent jobs where people are getting a paycheck today. Instead, they will take our rebate check, if we pass the House bill, and they will receive a pink slip because their jobs are not going to be there anymore. That is why we have to pass this package.

In fact, I want to give examples of two specifics where people will actually lose jobs.

Noble Environmental Power is developing projects for wind in New York and Texas, and they plan to construct two parks in New York State and two in Texas. If the production tax credit is not extended, these projects will not be built which will eliminate 1,200 full-time construction jobs. That is 600 jobs in each State.

In addition, the company in its head count will be cut from 220 to 120 because they will also cut other jobs related to planning. In fact, if we do not give them this predictability this year, in 2008, $200 million in orders for equipment will be canceled. That is stimulus, $20 million that will not be made because they do not have certainty and they are going to cancel their plans for equipment.

Additionally, $18 million in engineering services are going to be canceled because they do not have predictability in this Tax Code.

Again, if the production tax credit is not extended, 600 full-time construction jobs will be eliminated in each State, New York and Texas.

Another example. Safeway, which is a major grocery store chain, is planning on retrofitting additional stores with solar panels. Why are they doing that? Because they know they can get offset rising energy costs out of those solar panels. They are looking at 15 additional stores with solar panels and injecting an additional $30 million into the economy if the solar investment credit is extended. If it is not extended, these jobs are going to be in jeopardy.

Here are companies trying to help us stimulate the economy, create jobs, lower energy costs, and I am sure that helps with the bottom line of food costs in America, and yet we are not giving them predictability.

We also saw in my home State of Washington a company, Wellons, a leader in wood-fired energy systems, say they are going to mothball up to 20 projects unless they get the production tax credit. That means that some of the 500 people in this particular company will be laid off.

I think the Arizona Republic said it best. In fact, they had an editorial this week that said:

> The economic stimulus package from Congress . . . should include an extension of tax credits for renewable energy sources. For Arizona—

And I think this is similar for many other States, but Arizona is a leader in this area—

> the continued development of our solar industry is at stake.

That is why we need these credits. We had today the Los Angeles Times say:

> Investors won't pump money into clean power if there is a danger of losing their tax incentives . . . green technology is an extremely promising growth industry that could help make up for the loss of manufacturing jobs.

That is another editorial from today.

We know this, and yet we somehow want to pretend that the elimination of these tax credits does not matter. I know it matters to Governors because we have heard from the Governors of Iowa, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin:

> We know that uncertainty of the future of a wind production tax credit must be avoided if this burgeoning industry is going to thrive in the years ahead.

So we are hearing from our Governors who are on the ground wanting to approve these projects knowing how much they mean to their local economies, and yet we are ignoring that.

We also heard from a growing industry partner, the American Corn Growers Association. They said:

> If President Bush will agree with the inclusion of the production tax credit in the stimulus package, he will be adding numerous jobs to our economy.

Why is that? Because this industry sees that this is a good partner. It is actually helping them with additional revenue, and it is helping those Midwest economies continue to grow.

What about the National Farmers Union, another organization, which said:

> Encourage your support including important renewable energy tax incentives in the economic stimulus package currently being considered by Congress.

The Farmers Union obviously knows this means jobs in their local economy. But for them, it also means that instead of paying the high prices of natural gas and not having any product compete with it, that having renewable energy generate an additional 6,000 megawatts of power can actually get alternative sources of electricity in the market and lower the demand on natural gas and thereby lowering the price. That helps lower the cost of fertilizer. It is critically important.

This past week, we had 41 Senators sign a letter, including 14 of my colleagues on the other side of the aisle, who agree that:

> Extending these expiring clean energy tax credits will help ensure a stronger, more stable environment for new investments and ensure continued robust growth in a bright spot in an otherwise slowing economy.

I ask unanimous consent to have printed in the RECORD this letter of bipartisan support.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 25, 2008.

Hon. HARRY REID,
Senate Majority Leader,
Washington, DC.
Hon. MAX BAUCUS,
Chairman, Senate Committee on Finance, Washington, DC.
Hon. MITCH MCCONNELL,
Senate Republican Leader,
Washington, DC.
Hon. CHARLES GRASSLEY,
Ranking Member, Senate Committee on Finance, Washington, DC.

DEAR SENATORS REID, MCCONNELL, BAUCUS, AND GRASSLEY: We strongly support current bipartisan efforts to mitigate an economic downturn by providing direct financial relief to American families. At the same time, we believe that we must be cognizant that energy prices have been a leading cause of our current economic environment. Accordingly,

> we strongly believe that we must provide a timely long-term extension of clean energy and energy efficiency tax incentives that expire at the end of this year. Given record energy prices and growing demand, postponing action on these critical energy incentives will only exacerbate the problems afflicting our economy. In fact, these renewable energy and energy efficiency investments have a verifiable record of stimulating capital outlays and promoting job growth. We must ensure that this impressive record is maintained in 2008 and extend these tax credits expeditiously.
>
> Over one hundred thousand Americans could be put to work in 2008 if clean energy production tax credits were extended in the first quarter of this year according to industry estimates. However, because the incentives are set to expire this year. renewable energy companies are already reporting a precipitous decrease in investment due to uncertainly. Projects currently underway may soon he mothballed. Clean energy incentives for energy efficient buildings. appliances and other technologies, as well as additional funding for weatherizing homes. would similarly serve to stimulate 2008 economic consumption, lower residential energy costs, and generate new manufacturing and construction jobs.
>
> Failing to act on these crucial incentives could choke off promising business investment in 2008 and miss an opportunity to address high energy costs. a critical contributor to sinking consumer confidence and our nation's long-term economic challenges. Extending these expiring clean energy tax credits will help ensure a stronger, more stable environment for new investments and ensure continued robust growth in a bright spot in an otherwise slowing economy. To that end we look forward to working with you to extend these critical tax incentives in context of encouraging economic growth and vitality.
>
> Sincerely,
>
> Maria Cantwell; Olympia Snowe; Ron Wyden; Gordon Smith; Amy Klobuchar; John F. Kerry; Ken Salazar; Debbie Stabenow; Elizabeth Dole; Bernard Sanders; John E. Sununu; Barbara Boxer; Wayne Allard; Robert Menendez; Susan M. Collins; Tim Johnson; Byron L. Dorgan; Sam Brownback; Russell Feingold; Arlen Specter; Barbara A. Mikulski; Evan Bayh; Barack Obama; Patty Murray; Hillary Rodham Clinton; Carl Levin; John Cornyn; Sherrod Brown; Chris Dodd; Dianne Feinstein; Lisa Murkowski; Norm Coleman; Chuck Schumer; Ted Stevens; Frank R. Lautenberg; Patrick Leahy; Herb Kohl; Daniel K. Akaka; Pat Roberts; Richard Burr; Ben Cardin.

Ms. CANTWELL. Mr. President, we also received letters from 13 different organizations that also support the inclusion of these provisions in the tax package.

This is truly an opportunity for us to continue to stimulate the economy in a key growth area, but my colleagues should not be fooled. This is probably the only opportunity to do extend these credits before they expire. We have had a dispute between the House and the White House and Members of the Senate about how to move forward on these tax credits. Some want them paid for while taking money from oil revenues. Others, such as the White House, don't want them paid for at all.

This is an opportunity for us if we are going to do $150 billion worth of investment in what we think is an economic opportunity to get one of the best returns on investment in this stimulus package; that is, to invest about $5 billion and see over $20 billion in new energy investment in this country.

I hope my colleagues will consider this tomorrow and consider how much we truly need these budding clean energy industries to grow and thrive in our home States. Anyone who supports this industry has to vote for the Senate Finance bill or we could very well miss a key opportunity to stimulate our economy.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Arizona.

Mr. KYL. Mr. President, I wish to speak to the amendment offered by the Senator from Connecticut to the FISA bill, the Foreign Intelligence Surveillance Act, the amendment that would strike provisions from the bill that provide liability protection to those telecommunications companies that were asked by our Government to assist us in a dire time of need.

I begin by asking unanimous consent to have printed in the RECORD at the conclusion of my remarks a letter to Senator REID, dated February 5, 2008, and signed by Attorney General Mukasey and Director of National Intelligence Admiral McConnell.

(See exhibit 1.)

Mr. KYL. Mr. President, next, I would like to quote a few passages from this letter that relate specifically to this issue of liability protection. They begin by noting:

> Liability protection is the just result for companies who answered their Government's call for assistance. Further, it will ensure that the Government can continue to rely upon the assistance of the private sector that is so necessary to protect the Nation and enforce its laws.

The point of beginning with this reference is to note the fact that what happened was that the U.S. Government, in the aftermath of 9/11, went to certain kinds of telecommunications and asked for their assistance in tracking down foreign terrorists, in providing intelligence-gathering services to the U.S. Government. These companies did not have a legal obligation to provide that support, but they certainly, as good citizens of the United States, undertook to provide the support, some of them in that capacity. The question is whether, having done that in good faith, they should now be protected from private lawsuits that have been filed against them or whether, as is the historic tradition in such circumstances, they would be immune from such lawsuits for volunteering to help the Government.

Here is a little bit of what Attorney General Mukasey and Admiral McConnell wrote in the letter.

> In its report on S. 2248, the Intelligence Committee recognized that "without retroactive immunity, the private sector might be unwilling to cooperate with lawful government requests in the future without unnecessary court involvement and protracted litigation. The possible reduction in intelligence that might result from this delay is simply unacceptable for our Nation."

The letter goes on to say:

> The committee's measured judgment reflects the principle that private citizens who respond in good faith to a request for assistance by public officials should not be held liable for their actions.

And that, in fact, has always been the common law rule in the United States of America. The concern is not only to protect those who were good enough to assist the Government in the past but also to ensure that in the future companies can rely upon this type of protection because of all of the situations in which they find themselves. It is very difficult for people to do business with them if they believe they might be hauled into court and all of the resultant effects of litigation would extend to them.

In the letter that Attorney General Mukasey and Admiral McConnell wrote to our leadership, they point out their objection to several amendments and one of those amendments is specifically the one offered by the Senator from Connecticut, striking the immunity provisions, No. 3907. They begin by discussing it in this way:

> Extending liability protection to such companies is imperative; failure to do so could limit future cooperation by such companies and put critical intelligence operations at risk. Moreover, litigation against companies believed to have assisted the government risks the disclosure of highly classified information regarding extremely sensitive intelligence sources and methods. If any of these amendments—

And they specifically refer to this amendment—

> . . . are part of the bill . . . we, as well as the President's other senior advisors, will recommend that he veto the bill.

We know we need a bill to become law. We know what the President will accept, and we know it would be unacceptable to strike the immunity provisions as amendment No. 3907 would do. But let me continue to quote from this letter, because the authors note something in addition to the problem I identified, and I will state from it precisely:

> This amendment also would strike the important provisions in the bill that would establish procedures for implementing existing statutory defenses in the future and that would preempt State investigations of assistance provided by any electronic communication service provider to an element of the intelligence community. Those provisions are important to ensuring that electronic communication service providers can take full advantage of existing immunity provisions and to protecting highly classified information.

In other words, this amendment doesn't simply strike the immunity provisions but would also have this deleterious effect.

I want to quote from three other paragraphs of the bill, but I don't want to exceed 10 minutes. Therefore, I would ask how much time I have consumed.

The PRESIDING OFFICER. Five minutes has been consumed.

Mr. KYL. I thank the Chair.

Let me quote from three other paragraphs of the letter relating to this amendment. The authors are referring to the Intelligence Committee's extensive work on this particular aspect of the problem, and they say:

> After reviewing the relevant documents, the Intelligence Committee determined that providers had acted in response to written requests or directives stating that the activities had been authorized by the President and had been determined to be lawful.

The letter goes on to note:

> In its Conference Report, the committee "concluded that the providers had a good faith basis" for responding to the requests for assistance they received. The Senate Intelligence Committee ultimately agreed to necessary immunity protections on a nearly unanimous bipartisan 13–2 vote. Twelve members of the committee subsequently rejected a motion to strike this provision.

The authors go on to note:

> The immunity offered in S. 2248 applies only in a narrow set of circumstances.

They note, for example:

> A court must review this certification before an action may be dismissed. This immunity provision does not extend to the government or government officials.

In other words, they can still be sued.

> And it does not immunize any criminal conduct.

This is critical to understand what the amendment does not do.

Let me quote from the final paragraph relating to this particular amendment. Attorney General Mukasey and Admiral McConnell say:

> Providing this liability protection is critical to the national security. As the Intelligence Committee recognized, "the intelligence community cannot obtain the intelligence it needs without assistance from these companies." That committee also recognized that companies in the future may be less willing to assist the government if they face the threat of private lawsuits each time they are alleged to have provided assistance. The committee concluded that: "The possible reduction in intelligence that might result from this delay is simply unacceptable for the safety of our Nation."

The authors then conclude:

> Allowing continued litigation also risks the disclosure of highly classified information regarding intelligence sources and methods. In addition to providing an advantage to our adversaries, the potential disclosure of classified information puts the facilities and personnel of electronic communication service providers at risk. For these reasons, we, as well as the President's other senior advisers, will recommend that he veto any bill that does not afford liability protection to these companies.

This is, I guess one could say, the definitive word of what the President is recommending and is willing to accept from the Congress. It comes from the two individuals in our Government who have the chief responsibility for our safety with respect to not only the protection of American civil liberties but also the gathering of foreign intelligence, and it extensively quotes from the report of the committee itself, the Intelligence Committee, which it notes acted in a bipartisan 13-to-2 vote to provide for this liability protection.

That is why it is so critical that when we have an opportunity to vote, I gather tomorrow or whenever we have an opportunity to vote on the amendment of the Senator from Connecticut, we reject that amendment on the grounds that it is contrary to the Intelligence Committee's actions, to the recommendations of the Attorney General and the Director of National Intelligence, and to the President with respect to the liability protection for these entities.

There is much we cannot discuss, because so much of this program is of a classified nature. But I think everybody understands the fundamental principle involved here, and that is: When citizens of the United States are asked by their Government to assist, and they agree to do that in good faith for the protection of citizens of the United States of America, they should be protected from lawsuits that have been filed. That is what the amendment of the Senator from Connecticut would do is to eliminate that protection, and it is why the amendment should be defeated.

I hope my colleagues are recognizing the seriousness of what these two authors of this letter have said when they recognize the seriousness of the potential consequences from failing to provide this kind of liability protection and that we will support the Intelligence Committee, we will support the intelligence community, and we will reject the amendment of the Senator from Connecticut.

EXHIBIT 1

FEBRUARY 5, 2008.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR REID: This letter presents the views of the Administration on various amendments to the Foreign Intelligence Surveillance Act of 1978 (FISA) Amendments Act of 2008 (S. 2248), a bill "to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that act, and for other purposes." The letter also addresses why it is critical that the authorities contained in the Protect America Act not be allowed to expire. We have appreciated the willingness of Congress to address the need to modernize FISA and to work with the Administration to allow the intelligence community to collect the foreign intelligence information necessary to protect the Nation while protecting the civil liberties of Americans. We commend Congress for the comprehensive approach that it has taken in considering these authorities and are grateful for the opportunity to engage with Congress as it conducts an in-depth analysis of the relevant issues.

In August, Congress took an important step toward modernizing FISA by enacting the Protect America Act of 2007. That Act has allowed us temporarily to close intelligence gaps by enabling our intelligence professionals to collect, without a court order, foreign intelligence information from targets overseas. The intelligence community has implemented the Protect America Act in a responsible way, subject to extensive executive branch, congressional, and judicial oversight, to meet the country's foreign intelligence needs while protecting civil liberties. Indeed, the Foreign Intelligence Surveillance Court (FISA Court) recently approved the procedures used by the Government under the Protect America Act to determine that targets are located overseas, not in the United States.

The Protect America Act was scheduled to expire on February 1, 2008, but Congress has extended that Act for fifteen days, through February 16, 2008. In the face of the continued threats to our Nation from terrorists and other foreign intelligence targets, it is vital that Congress not allow the core authorities of the Protect America Act to expire, but instead pass long-term FISA modernization legislation that both includes the collection authority conferred by the Protect America Act and provides protection from private lawsuits against companies that are believed to have assisted the Government in the aftermath of the September 11th terrorist attacks on America. Liability protection is the just result for companies who answered their Government's call for assistance. Further, it will ensure that the Government can continue to rely upon the assistance of the private sector that is so necessary to protect the Nation and enforce its laws.

S. 2248, reported by the Senate Select Committee on Intelligence, would satisfy both of these imperatives. That bill was reported out of committee on a nearly unanimous 13–2 vote. Although it is not perfect, it contains many important provisions, and was developed through a thoughtful process that resulted in a bill that helps ensure that both the lives and the civil liberties of Americans will be safeguarded. First, it would establish a firm, long-term foundation for our intelligence community's efforts to track terrorists and other foreign intelligence targets located overseas. Second, S. 2248 would afford retroactive liability protection to communication service providers that are believed to have assisted the Government with intelligence activities in the aftermath of September 11th. In its report on S. 2248, the Intelligence Committee recognized that "without retroactive immunity, the private sector might be unwilling to cooperate with lawful Government requests in the future without unnecessary court involvement and protracted litigation. The possible reduction in intelligence that might result from this delay is simply unacceptable for the safety of our Nation." The committee's measured judgment reflects the principle that private citizens who respond in good faith to a request for assistance by public basic legal role officials should not be held liable for their actions. Thus, with the inclusion of the proposed manager's amendment, which would make necessary technical changes to the bill, we strongly support passage of S. 2248.

For reasons elaborated below, the Administration also strongly favors two other proposed amendments to the Intelligence Committee's bill. One would strengthen S. 2248 by expanding FISA to permit court-authorized surveillance of international proliferators of weapons of mass destruction. The other would ensure the timely resolution of any challenges to government directives issued in support of foreign intelligence collection efforts.

Certain other amendments have been offered to S. 2248, however, that would undermine significantly the core authorities and immunity provisions of that bill. After careful study, we have determined that those amendments would result in a final bill that would not provide the intelligence community with the tools it needs to collect effectively foreign intelligence information vital for the security of the Nation. If the President is sent a bill that does not provide the U.S. intelligence agencies the tools they need to protect the nation, the President will veto the bill.

I. LIMITATIONS ON THE COLLECTION OF FOREIGN INTELLIGENCE

Several proposed amendments to S. 2248 would have a direct, adverse impact on our ability to collect effectively the foreign intelligence information necessary to protect the Nation. We note that three of these amendments were part of the Senate Judiciary Committee substitute, which has already been rejected by the Senate on a 60–34 vote. We explained why those three amendments were unacceptable in our November 14, 2007, letter to Senator Leahy regarding the Senate Judiciary Committee substitute, and the Administration reiterated these concerns in a Statement of Administration Policy (SAP) issued on December 17, 2007. A copy of that letter and the SAP are attached for your reference.

Prohibition on Collecting Vital Foreign Intelligence Information (No amendment number available). This amendment provides that "no communication shall be acquired under [Title VII of S. 2248] if the Government knows before or at the time of acquisition that the communication is to or from a person reasonably believed to be located in the United States," except as authorized under Title I of FISA or certain other exceptions. The amendment would require the Government to "segregate or specifically designate" any such communication and the Government could access such communications only under the authorities in Title I of FISA or under certain exceptions. Even for communications falling under one of the limited exceptions or an emergency exception, the Government still would be required to submit a request to the FISA Court relating to such communications. The procedural mechanisms it would establish would diminish our ability swiftly to monitor a communication from a terrorist overseas to a person in the United States—precisely the communication that the intelligence community may have to act on immediately. Finally, the amendment would draw unnecessary and harmful distinctions between types of foreign intelligence information, allowing the Government to collect communications under Title VII from or to the United States that contain information relating to terrorism but not other types of foreign intelligence information, such as that relating to the national defense of the United States or attacks, hostile actions, and clandestine intelligence activities of a foreign power.

This amendment would eviscerate critical core authorities of the Protect America Act and S. 2248. Our prior letter and the Statement of Administration Policy explained how this type of amendment increases the danger to the Nation and returns the intelligence community to a pre-September 11th posture that was heavily criticized in congressional reviews. It would have a devastating impact on foreign intelligence surveillance operations; it is unsound as a matter of policy; its provisions would be inordinately difficult to implement; and thus it is unacceptable. The incidental collection of U.S. person communications is not a new issue for the intelligence community. For decades, the intelligence community has utilized minimization procedures to ensure that U.S. person information is properly handled and "minimized." It has never been the case that the mere fact that a person overseas happens to communicate with an American triggers a need for court approval. Indeed, if court approval were mandated in such circumstances, there would be grave operational consequences for the intelligence community's efforts to collect foreign intelligence. Accordingly, if this amendment is part of the bill that is presented to the President, we, as well as the President's other senior advisors, will recommend that he veto the bill.

Imposition of a "Significant Purpose" Test (No. 3913). This amendment, which was part of the Judiciary Committee substitute, would require an order from the Foreign Intelligence Surveillance Court (FISA Court) if a "significant purpose" of an acquisition targeting a person abroad is to acquire the communications of a specific person reasonably believed to be in the United States. If the concern driving this proposal is so-called "reverse targeting"—circumstances in which the Government would conduct surveillance of a person overseas when the Government's actual target is a person in the United States with whom the person overseas is communicating—that situation is already addressed in FISA today. If the person in the United States is the actual target, an order from the FISA Court is required. Indeed, S. 2248 codifies this longstanding Executive Branch interpretation of FISA.

The amendment would place an unnecessary and debilitating burden on our intelligence community's ability to conduct surveillance without enhancing the protection of the privacy of Americans. The introduction of this ambiguous "significant purpose" standard would raise unacceptable operational uncertainties and problems, making it more difficult to collect intelligence when a foreign terrorist overseas is calling into the United States—which is precisely the communication we generally care most about. Part of the value of the Protect America Act, and any subsequent legislation, is to enable the intelligence community to collect expeditiously the communications of terrorists in foreign countries who may contact an associate in the United States. The intelligence community was heavily criticized by numerous reviews after September 11, including by the Congressional Joint Inquiry into September 11, regarding its insufficient attention to detecting communications indicating homeland attack plotting. To quote the Congressional Joint Inquiry:

> The Joint Inquiry has learned that one of the future hijackers communicated with a known terrorist facility in the Middle East while he was living in the United States. The Intelligence Community did not identify the domestic origin of those communications prior to September 11, 2001 so that additional FBI investigative efforts could be coordinated. Despite this country's substantial advantages, there was insufficient focus on what many would have thought was among the most critically important kinds of terrorist-related communications, at least in terms of protecting the Homeland.

In addition, the proposed amendment would create uncertainty by focusing on whether the "significant purpose . . . is to acquire the communication" of a person in the United States, not just to target the person here. To be clear, a "significant purpose" of intelligence community activities that target individuals outside the United States is to detect communications that may provide warning of homeland attacks, including communications between a terrorist overseas and associates in the United States. A provision that bars the intelligence community from collecting these communications is unacceptable. If this amendment is part of the bill that is presented to the President, we, as well as the President's other senior advisors, will recommend that he veto the bill.

Imposition of a "Specific Individual Target" Test (No. 3912). This amendment, which was part of the Judiciary Committee substitute, would require the Attorney General and the Director of National Intelligence to certify that any acquisition "is limited to communications to which any party is a specific individual target (which shall not be limited to known or named individuals) who is reasonably believed to be located outside the United States." This provision could hamper United States intelligence operations that currently are authorized to be conducted overseas and that could be conducted more effectively from the United States without harming the privacy interests of United States persons. For example, the intelligence community may wish to target all communications in a particular neighborhood abroad before our armed forces conduct an offensive. This amendment could prevent the intelligence community from targeting a particular group of buildings or a geographic area abroad to collect foreign intelligence prior to such military operations. This restriction could have serious consequences on our ability to collect necessary foreign intelligence information, including information vital to conducting military operations abroad and protecting the lives of our service members, and it is unacceptable. Imposing such additional requirements to the carefully crafted framework provided by S. 2248 would harm important intelligence operations without appreciably enhancing the privacy interests of Americans. If this amendment is part of the bill that is presented to the President, we, as well as the President's other senior advisors, will recommend that he veto the bill.

Limits Dissemination of Foreign Intelligence Information (No. 3915). This amendment originally was offered in the Senate Intelligence Committee, where it was rejected on a 10–5 vote. The full Senate then rejected the amendment as part of its consideration of the Judiciary Committee amendment. The proposed amendment would impose significant new restrictions on the use of foreign intelligence information, including information not concerning United States persons, obtained or derived from acquisitions using targeting procedures that the FISA Court later found to be unsatisfactory for any reason. By requiring analysts to go back to the relevant databases and extract certain information, as well as to determine what other information is derived from that information, this requirement would place a difficult, and perhaps insurmountable, operational burden on the intelligence community in implementing authorities that target terrorists and other foreign intelligence targets located overseas. The effect of this burden would be to divert analysts and other resources from their core mission-protecting the Nation-to search for information, including information that does not concern United States persons. This requirement also stands at odds with the mandate of the September 11th Commission that the intelligence community should find and link disparate pieces of foreign intelligence information. Finally, the requirement would actually degrade—rather than enhance—privacy protections by requiring analysts to locate and examine United States person information that would otherwise not be reviewed. Accordingly, if this amendment is part of the bill that is presented to the President, we, as well as the President's other senior advisors, will recommend that he veto the bill.

II. LIABILITY PROTECTION FOR TELECOMMUNICATIONS COMPANIES

Several amendments to S. 2248 would alter the carefully crafted provisions in that bill that afford liability protection to those companies believed to have assisted the Government in the aftermath of the September 11th attacks. Extending liability protection to such companies is imperative; failure to do so could limit future cooperation by such companies and put critical intelligence operations at risk. Moreover, litigation against companies believed to have assisted the Government risks the disclosure of highly classified, information regarding extremely sensitive intelligence sources and methds. If any of these amendments is part of the bill that is presented to the President, we as well as the President's other senior advisors, will recommend that he veto the bill.

Striking the Immunity Provisions (No. 3907). This amendment would strike Title II of S. 2248, which affords liability protection to telecommunications companies believed to have assisted the Government following the September 11th attacks. This amendment also would strike the important provisions in the bill that would establish procedures for implementing existing statutory defenses in the future and that would preempt state investigations of assistance provided by any electronic communication service provider to an element of the intelligence community. Those provisions are important to ensuring that electronic communication service providers can take full advantage of existing immunity provisions and to protecting highly classified information.

Affording liability protection to those companies believed to have assisted the Government with communications intelligence activities in the aftermath of September 11th is a just result and is essential to ensuring that our intelligence community is able to carry out its mission. After reviewing the relevant documents, the Intelligence Committee determined that providers had acted in response to written requests or directives stating that the activities had been authorized by the President and had been determined to be lawful. In its Conference Report, the Committee "concluded that the providers . . . had a good faith basis" for responding to the requests for assistance they received. The Senate Intelligence Committee ultimately agreed to necessary immunity protections on a nearly-unanimous. bipartisan, 13–2 vote. Twelve Members of the Committee subsequently rejected a motion to strike this provision.

The immunity offered in S. 2248 applies only in a narrow set of circumstances. An action may be dismissed only if the Attorney General certifies to the court that either: (i) the electronic communications service provider did not provide the assistance; or (ii) the assistance was provided in the wake of the September 11th attacks, and was described in a written request indicating that the activity was authorized by the President and determined to be lawful. A court must review this certification before an action may be dismissed. This immunity provision does not extend to the Government or Government officials, and it does not immunize any criminal conduct.

Providing this liability protection is critical to the national security. As the Intelligence Committee recognized, "the intelligence community cannot obtain the intelligence it needs without assistance from these companies." That committee also recognized that companies in the future may be less willing to assist the Government if they face the threat of private lawsuits each time they are alleged to have provided assistance. The committee concluded that: "The possible reduction in intelligence that might result from this delay is simply unacceptable for the safety of our Nation." Allowing continued litigation also risks the disclosure of highly classified information regarding intelligence sources and methods. In addition to providing an advantage to our adversaries, the potential disclosure of classified information puts the facilities and personnel of electronic communication service providers at risk.

For these reasons, we, as well as the President's other senior advisors, will recommend that he veto any bill that does not afford liability protection to these companies.

Substituting the Government as the Defendant in Litigation (No. 3927). This amendment would substitute the United States as the party defendant for any covered civil action against a telecommunications provider if certain conditions are met. The Government would be substituted if the FISA Court determined that the company received a written request that complied with 18 U.S.C. §2511(2)(a)(ii)(B), an existing statutory protection; the company acted in "good faith . . . pursuant to an objectively reasonable belief" that compliance with the written request was permitted by law; or that the company did not participate.

Substitution is not an acceptable alternative to immunity. Substituting the Government would simply continue the litigation at the expense of the American taxpayer. Substitution does nothing to reduce the risk of the further disclosure of highly classified information. The very point of these lawsuits is to prove plaintiffs' claims by disclosing classified information regarding the activities alleged in the complaints, and this amendment would permit plaintiffs to participate in proceedings before the FISA Court regarding the conduct at issue. A judgment finding that a particular company is a Government partner also could result in the disclosure of highly classified information regarding intelligence sources and methods and hurt the company's reputation overseas. In addition, the companies would still face many of the burdens of litigation—including attorneys' fees and disruption to their businesses from discovery—because their conduct will be the key question in the litigation. Such litigation could deter private sector entities from providing assistance to the intelligence community in the future, Finally, the lawsuits could result in the expenditure of taxpayer resources, as the U.S. Treasury would be responsible for the payment of an adverse judgment. If this amendment is part of the bill that is presented to the President, we, as well as the President's other senior advisors, will recommend that he veto the bill.

FISA Court Involvement in Determining Immunity (No. 3919). This amendment would require all judges of the FISA Court to determine whether the written requests or directives from the Government complied with 18 U.S.C. §2511(2)(a)(ii), an existing statutory protection; whether companies acted in "good faith reliance of the electronic communication service provider on the written request or directive under paragraph (1)(A)(ii), such that the electronic communication service provider had an objectively reasonable belief under the circumstances that the written request or directive was lawful"; or whether the companies did not participate in the alleged intelligence activities.

This amendment is not acceptable. It is for Congress, not the courts, to make the public policy decision whether to grant liability protection to telecommunications companies who are being sued simply because they are alleged to have assisted the Government in the aftermath of the September 11th attacks. The Senate Intelligence Committee has reviewed the relevant documents and concluded that those who assisted the Government acted in good faith and received written assurances that the activities were lawful and being conducted pursuant to a Presidential authorization. This amendment effectively sends a message of no-confidence to the companies who helped our Nation prevent terrorist attacks in the aftermath of the deadliest foreign attacks on U.S. soil. Transferring a policy decision critical to our national security to the FISA Court, which would be limited in its consideration to the particular matter before them (without any consideration of the impact of immunity on our national security), is unacceptable.

In contrast to S. 2248, this amendment would not allow for the expeditious dismissal of the relevant litigation. Rather, this amendment would do little more than transfer the existing litigation to the full FISA Court and would likely result in protracted litigation. The standards in the amendment also are ambiguous and would likely require fact-finding on the issue of good faith and whether the companies "had an objectively reasonable belief" that assisting the Government was lawful—even though the Senate Intelligence Committee has already studied this issue and concluded such companies did act in good faith. The companies being sued would continue to be subjected to the burdens of the litigation, and the continued litigation would increase the risk of the disclosure of highly classified information.

The procedures set forth under the amendment also present insurmountable problems. First, the amendment would permit plaintiffs to participate in the litigation before the FISA Court. This poses a very serious risk of disclosure to plaintiffs of classified facts over which the Government has asserted the state secrets privilege and of disclosure of these secrets to the public. The FISA Court safeguards national security secrets precisely because the proceedings are generally ex parte—only the Government appears. The involvement of plaintiffs also is likely to prolong the litigation. Second, assembling the FISA Court for en banc hearings on these cases could cause delays in the disposition of the cases. Third, the amendment would purport to abrogate the state secrets privilege with respect to proceedings in the FISA Court. This would pose a serious risk of harm to the national security by possibly allowing plaintiffs access to highly classified information about sensitive intelligence activities, sources, and methods. The conclusion of the FISA Court also may reveal sensitive information to the public and our adversaries. Beyond these serious policy considerations, it also would raise very serious constitutional questions about the authority of Congress to abrogate the constitutionally-based privilege over national security information within the Executive's control. This is unnecessary, because classified information may be shared with a court in camera and ex parte even when the state secrets privilege is asserted. Fourth, the amendment does not explicitly provide for appeal of determinations by the FISA Court. Finally, imposing a standard involving an "objectively reasonable belief" is likely to cause companies in the future to feel compelled to make an independent finding prior to complying with a lawful Government request for assistance. Those companies do not have access to information necessary to make this judgment. Imposition of such a standard could cause dangerous delays in critical intelligence operations and put our national security at risk. As the Intelligence Committee recognized in its report on S. 2248, "the intelligence community cannot obtain the intelligence it needs without assistance from these companies." For these reasons, existing law rightly places no such obligation on telecommunications companies.

If this amendment is part of the bill that is presented to the President, we, as well as the President's other senior advisors, will recommend that he veto the bill.

III. OTHER AMENDMENTS

Imposing a Short Sunset on the Legislation (No. 3930). This amendment would shorten the existing sunset provision in S. 2248 from six years to four years. We strongly oppose it. S. 2248 should not have an expiration date at all. The threats we face do not come with an expiration date, and our authorities to counter those threats should be placed on a permanent foundation. They should not be in a continual state of doubt. Any sunset provision withholds from our intelligence professionals and our private partners the certainty and permanence they need to protect Americans from terrorism and other threats to the national security. The intelligence community operates much more effectively when the rules governing our intelligence professionals' ability to track our adversaries are established and are not changing from year to year. Stability of law also allows the intelligence community and our private partners to invest resources appropriately. Nor is there any need for a sunset. There has been extensive public discussion, debate, and consideration of FISA modernization and there is now a lengthy factual record on the need for this legislation. Indeed, Administration officials have been working with Congress since at least the summer of 2006 on legislation to modernize FISA. There also has been extensive congressional oversight and reporting regarding the Government's use of the authorities under the Protect America Act. In addition, S. 2248 includes substantial congressional oversight of the Government's use of the authorities provided in the bill. This oversight includes provision of various written reports to the congressional intelligence committees, including semiannual assessments by the Attorney General and the Director of National Intelligence, assessments by each relevant agency's Inspector General, and annual reviews by the head of any agency conducting operations under Title VII. Congress can, of course, revisit these issues and amend a statute at whatever time it chooses. We therefore urge Congress to provide a long-term solution to an out-dated FISA and to resist attempts to impose a short expiration date on this legislation. Although we believe that any sunset is unwise and unnecessary, we support S. 2248 despite its six-year sunset because it meets our operational needs to keep the country safe by providing needed authorities and liability protection.

Imposes Court Review of Compliance with Minimization Procedures (No. 3920). This amendment, which was part of the Judiciary Committee substitute, would allow the FISA Court to review compliance with minimization procedures that are used on a programmatic basis for the acquisition of foreign intelligence information by targeting individuals reasonably believed to be outside the United States. We strongly oppose this amendment. It could place the FISA Court in a position where it would conduct individualized review of the intelligence community's foreign communications intelligence activities. While conferring such authority on the court is understandable in the context of traditional FISA collection, it is anomalous in this context, where the court's role is in approving generally applicable procedures for collection targeting individuals outside the United States.

Congress is aware of the substantial oversight of the use of the authorities contained in the Protect America Act. As noted above, S. 2248 significantly increases such oversight by mandating semiannual assessments by the Attorney General and the Director of National Intelligence, assessments by each relevant agency's Inspector General, and annual reviews by the head of any agency conducting operations under Title VII, as well as extensive reporting to Congress and to the FISA Court. The repeated layering of overlapping oversight requirements on one aspect of intelligence community operations is both unnecessary and not the best use of limited resources and expertise.

Expedited FISA Court Review of Challenges and Petitions to Compel Compliance (No. 3941). This amendment would require the FISA Court to make an initial ruling on the frivolousness of a challenge to a directive issued under the bill within five days, and to review any challenge that requires plenary review within 30 days. The amendment also provides that if the Constitution requires it, the court can take longer to decide the issues before it. The amendment sets forth similar procedures for the enforcement of directives (i.e., when the Government seeks to compel an electronic communication service provider to furnish assistance or information). This amendment would ensure that challenges to directives and petitions to compel compliance with directives are adjudicated in a manner that avoids undue delays in critical intelligence collection. This amendment would improve the existing provisions in S. 2248 pertaining to challenges to directives and petitions to compel cooperation by electronic communication service providers, and we strongly support it.

Proliferation of Weapons of Mass Destruction (No. 3938). This amendment, which would apply to surveillance pursuant to traditional FISA Court orders, would expand the definition of "foreign power" to include groups engaged in the international proliferation of weapons of mass destruction. This amendment reflects the threat posed by these catastrophic weapons and extends FISA to apply to individuals and groups engaged in the international proliferation of such weapons. To the extent that they are not also engaged in international terrorism, FISA currently does not cover those engaged in the international proliferation of weapons of mass destruction. The amendment would expand the definition of "agent of a foreign power" to include non-U.S. persons engaged in such activities, even if they cannot be connected to a foreign power before the surveillance is initiated. The amendment would close an existing gap in FISA's coverage with respect to surveillance conducted pursuant to traditional FISA Court orders, and we strongly support it.

Exclusive Means (No. 3910). We understand that the amendment relating to the exclusive means provision in S. 2248 is undergoing additional revision. As a result, we are withholding comment on this amendment and its text at this time. We note, however, that we support the provision currently contained in S. 2248 and to support its modification, we would have to conclude that the amendment provides for sufficient flexibility to permit the President to protect the Nation adequately in times of national emergency.

IV. EXPIRATION

While it is essential that any FISA modernization presented to the President provide the intelligence community with the tools it needs while safeguarding the civil liberties of Americans, it is also vital that Congress not permit the authorities of the Protect America Act not be allowed simply to expire. As you are aware, the Protect America Act, which allowed us temporarily to close gaps in our intelligence collection, was to sunset on February 1, 2008. Because Congress indicated that it was "a legislative impossibility" to meet this deadline, it passed and the President signed a fifteen-day extension. Failure to pass long-term legislation during this period would degrade our ability to obtain vital foreign intelligence information, including the location, intentions, and capabilities of terrorists and other foreign intelligence targets abroad.

First, the expiration of the authorities in the Protect America Act would plunge critical intelligence programs into a state of uncertainty which could cause us to delay the gathering of, or simply miss, critical foreign intelligence information. Expiration would result in a degradation of critical tools necessary to carry out our national security mission. Without these authorities, there is significant doubt surrounding the future of aspects of our operations. For instance, expiration would create uncertainty concerning:

The ability to modify certifications and procedures issued under the Protect America Act to reflect operational needs and the implementation of procedures to ensure that agencies are fully integrated protecting the Nation;

The continuing validity of liability protection for those who assist us according to the procedures under the Protect America Act;

The continuing validity of the judicial mechanism for compelling the assistance needed to protect our national security;

The ability to cover intelligence gaps created by new communication paths or technologies. If the intelligence community uncovers such new methods, it will need to act to cover these intelligence gaps.

All of these aspects of our operations are subject to great uncertainty and delay if the authorities of the Protect America Act expire. Indeed, some critical operations will likely not be possible without the tools provided by the Protect America Act. We will be forced to pursue intelligence collection under FISA's outdated legal framework—a framework that we already know leads to intelligence gaps. This degradation of our intelligence capability will occur despite the fact that, as the Department of Justice has notified Congress, the FISA Court has approved our targeting procedures pursuant to the Protect America Act.

Second, expiration or continued short-term extensions of the Protect America Act means that an issue of paramount importance will not be addressed. This is the issue of providing liability protection for those who provided vital assistance to the Nation after September 11, 2001. Senior leaders of the intelligence community have consistently emphasized the critical need to address this issue since 2006. See, "FISA for the 21st Century" hearing before the Senate Judiciary Committee with Director of the Central Intelligence Agency and Director of the National Security Agency; 2007 Annual Threat Assessment Hearing before the Senate Select Committee on Intelligence with Director of National Intelligence. Ever since the first Administration proposal to modernize FISA in April 2007, the Administration had noted that meeting the intelligence community's operational needs had two critical components—modernizing FISA's authorities and providing liability protection. The Protect America Act updated FISA's legal framework, but it did not address the need for liability protection.

As we have discussed above, and the Senate Intelligence Committee recognized, "without retroactive immunity, the private sector might be unwilling to cooperate with lawful Government requests in the future without unnecessary court involvement and protracted litigation." As it concluded, "[t]he possible reduction in intelligence that might result from this delay is simply unacceptable for the safety of our Nation." In short, if the absence of retroactive liability protection leads to private partners not cooperating with foreign intelligence activities, we can expect more intelligence gaps.

Questions surrounding the legality of the Government's request for assistance following September 11th should not be resolved in the context of suits against private parties. By granting responsible liability protection, S. 2248 "simply recognizes that, in the specific historical circumstances here, if the private sector relied on written representations that high-level Government officials had assessed the [the President's] program to be legal, they acted in good faith and should be entitled to protection from civil suit." Likewise, we do not believe that it is constructive—indeed, it is destructive—to degrade the ability of the intelligence community to protect the country by punishing our private partners who are not part of the ongoing debate between the branches over their respective powers.

The Protect America Act's authorities expire in less than two weeks. The Administration remains prepared to work with Congress towards the passage of a FISA modernization bill that would strengthen the Nation's intelligence capabilities while respecting and protecting the constitutional rights of Americans, so that the President can sign such a bill into law. Passage of S. 2248 and rejection of those amendments that would undermine it would be a critical step in this direction. We look forward to continuing to work with you and the Members of the Senate on these important issues.

Thank you for the opportunity to present our views. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to the submission of this letter.

Sincerely,

MICHAEL B. MUKASEY,
Attorney General.
J.M. MCCONNELL,
Director of National Intelligence.

Mr. KYL. Mr. President, I ask unanimous consent that during the quorum call, which I am about to invoke, we not have time counted against either side as it runs.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. I ask unanimous consent to speak as in morning business and that the time I use not be counted against debate on the pending amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

ECONOMIC STIMULUS

Mr. BROWN. My home State of Ohio is deep into a foreclosure crisis. Gas prices are going up, and all energy prices and transportation costs are going up. More Americans are living paycheck to paycheck, hand to mouth, some not even that lucky. Congress is now working on an economic stimulus package, one that is desperately needed. Let me tell the story about something that happened last month in my home State of Ohio to illustrate how this recession, which has clearly already swept across my State, has had an impact on families, on middle-class families, on families who consider themselves middle class and sometimes do not—a couple of stories.

One is from Tim in Cleveland. Tim told us that for some time, he and his wife had volunteered at a food bank. They donated money to this food bank. Over time, as his budget got tighter, his pay wasn't keeping up with the cost of gasoline, heating, the increasing cost of food, and he no longer contributed to the food bank, but he and his wife kept working there. More recently, Tim said that he began to go to the food bank for food. He said he was a bit embarrassed by that, which he should not have been, and said: I used to consider myself middle class. Now I do not. He has held the same job, worked the same long hours, but he is simply not able to keep up with an economy under the rules of globalization, where wages are stagnant and prices continue to go up.

Perhaps a more tragic story, only because it involves a larger number of people, perhaps, than Tim: In Hocking County in Logan, OH, a community about halfway between Columbus, in the center of the State, the capital in Athens, the home of Howard University, a city on the Ohio River, a town of Logan in the County of Hocking, a county of about 30,000 people, at 3:30 in the morning on a cold December night, the people began to line up at the United Methodist Church to go to a food pantry. The doors opened at 8. People in cars were snaked around the whole area in Logan, and by 1 in the afternoon, 2,000 people—7 percent of the population of Hocking County, an Appalachian county where people work hard, have raised their kids proudly, have taken care of themselves and their neighbors—2,000 people in this community of 30,000 had visited this food bank, many of them driving 25 or 30 minutes to get there.

Congress, in response, is working on an economic stimulus package that is desperately needed. The Finance Committee has passed a proposal that puts cash in the hands of working Americans and doesn't turn its back on those in need.

A stimulus package is two things: One, it is to stimulate the economy by putting money in the hands of people who will spend it. Second, it is helping those people most victimized, hardest hit by the recession. That is why the Finance Committee, better than the President's version and the House version, will do those two things. It will stimulate the economy better, and it will put money in the hands of those who have suffered, who have been hardest hit. I applaud the committee for taking the plight of every American, retirees and disabled veterans, into consideration.

The Finance Committee package aims at jump-starting this stalled economy. For those who are facing in too many cases heat or eat, whether they can afford food or paying the heating bills, it will provide immediate assistance.

Importantly, the Finance Committee package provides relief to 20 million seniors and 250,000 disabled Americans who were left out of the other package under consideration, the package most of my Republican friends are supporting, the one without help for 250,000 disabled and 20 million seniors. Some Republicans, those who are a bit more courageous and more willing to break with the President and their Senate leadership, are supporting the package that includes 20 million seniors and 250,000 disabled Americans.

The Finance Committee package includes an extension of unemployment insurance, which is a crucial and commonsense response in an economic downturn. An awful lot of Ohioans, in Toledo and Lima and Dayton and Hamilton and Middletown, have seen their unemployment compensation run out. They have been unemployed for 26 weeks or longer—a situation they didn't ask to be in, a situation where they involuntarily were laid off. They haven't been able to find a job in this economy. Many of them now are in those food banks in Dayton and Cleveland and Toledo, and many of them are looking for help. That is why it is so important that we put money directly into the pockets of people, through seniors, disabled Americans, and with the extension of unemployment compensation benefits.

About a week ago, I met with seven or eight religious leaders representing several Christian denominations, a rabbi and a leader in the Muslim community who came to my office to talk about what we need to do to answer the call for social justice, the call that preaches that regardless of one's faith, we have a responsibility, those who are more privileged, to those who are less privileged. This economic stimulus package does this. These leaders from the faith community who visited me last week spoke passionately about how, with the LIHEAP program, the program for the elderly indigent who can't afford their heating bills, with food banks and food stamps and the extension of unemployment benefits, what we need to do in this stimulus package, putting money in the pockets of middle-class Americans, including 20 million seniors and 250,000 disabled, how that is so very important to celebrate American values. As these religious leaders were discussing with me, to celebrate our Nation's values and to celebrate our faith, it is particularly important that we pass a stimulus package that not just stimulates the economy but helps those people most in need who have most been hurt by this recession.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOVERY REBATES AND ECONOMIC STIMULUS FOR THE AMERICAN PEOPLE ACT OF 2008—MOTION TO PROCEED

Mr. REID. Mr. President, I ask unanimous consent that the Senate resume consideration of the motion to proceed to H.R. 5140, the economic stimulus bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate?

If not, the question is on agreeing to the motion.

The motion was agreed to.

RECOVERY REBATES AND ECONOMIC STIMULUS FOR THE AMERICAN PEOPLE ACT OF 2008

The PRESIDING OFFICER. The Senate will proceed to H.R. 5140, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 5140) to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 3983

(Purpose: To provide a perfecting amendment)

Mr. REID. Mr. President, I have an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3983.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on amendment No. 3983 to H.R. 5140, the economic stimulus bill.

Herb Kohl, Max Baucus, Mark L. Pryor, Byron L. Dorgan, Robert Menendez, Jon Tester, Christopher J. Dodd, Barbara A. Mikulski, Joseph I. Lieberman, Frank R. Lautenberg, Daniel K. Akaka, Sheldon Whitehouse, Benjamin L. Cardin, Robert P. Casey, Jr., Richard Durbin, Claire McCaskill, Harry Reid.

AMENDMENT NO. 3984 TO AMENDMENT NO. 3983

Mr. REID. Mr. President, I now call up a perfecting amendment to the amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3984 to amendment No. 3983.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, add the following:

This section shall take effect 4 days after enactment.

MOTION TO COMMIT

Mr. REID. Mr. President, I now move to commit the bill to the Finance Committee with instructions to report back immediately with an amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit H.R. 5140 to the Committee on Finance with instructions to report back forthwith with an amendment numbered 3985.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 3985

At the end insert the following:

This section shall become effective 3 days after enactment of the bill.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3986

Mr. REID. Mr. President, I have an amendment at the desk, and I ask that it be reported at this time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3986 to the instructions of the Reid motion to commit.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On line 2,
Strike 3 and insert 2.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3987 TO AMENDMENT NO. 3986

Mr. REID. Mr. President, I now call up a second-degree amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3987 to amendment No. 3986.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On line 1,

Strike 2 and insert 1.

Mr. REID. Mr. President, I now ask unanimous consent that the mandatory quorum required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the Senate resume consideration of H.R. 5140 at 4:30 p.m. tomorrow, Wednesday, February 6; that a vote on the motion to invoke cloture on the Reid first-degree amendment occur at 5:45 p.m., with the time from 4:30 p.m. to 5:45 p.m. be for debate with respect to the cloture motion, with the time equally divided and controlled between the two leaders and their designees, with the final 30 minutes prior to the vote divided 15 minutes each for the Republican leader and the majority leader, with the majority leader controlling the final 15 minutes; and that Members have until 4 p.m. to file any germane second-degree amendments.

The PRESIDING OFFICER. Is there objection?

Mr. REID. If the Senator would withhold.

The PRESIDING OFFICER. The majority leader.

Mr. REID. OK.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Mr. President, reserving the right to object, I ask unanimous consent that the consent be modified so that if cloture is not invoked on the Finance amendment, that amendment be withdrawn and the Senate proceed to a vote on the McConnell-Stevens amendment regarding seniors, veterans, and illegal immigrants, and that following the disposition of these amendments, the bill, as amended, if amended, be read a third time and the Senate proceed to a vote on passage.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I respectfully object to the request.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the majority leader's request?

Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for the transaction of morning business, with Senators allowed to speak therein for a period of up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT OF MARTIN "MARTY" PAONE

Mr. BYRD. Mr. President, secretary for the majority, Mr. Martin Paone, is leaving the U.S. Senate. I am personally saddened by Marty's decision because I have known and worked with Marty for nearly 30 years. I take great pride in the fact that, as Senate majority leader, I hired young Marty to work in the Senate Democratic Cloakroom in 1979. Three years later, I promoted him to the floor staff of the Senate Democratic Policy Committee.

In both positions, Marty performed his work for the Senate with incredible dedication and professionalism. In fact, in a floor statement I made on October 11, 1988, I acknowledged the "disciplined, orderly thinking" which Marty had brought to his work in the Senate, and complimented him on his "calm demeanor under pressure."

I was most pleased, but not surprised, when Senate Majority Leader Mitchell selected Marty Paone to be assistant secretary for the majority, and Senate Majority Leaders Daschle and REID chose him to be secretary for the majority. This last position, of course, is one of the most important positions in the Senate. The secretary for the majority is regarded as the Senate's "chief legislative officer" because the office digests and processes all legislative proposals which come before the Senate. Marty thoroughly mastered his difficult and demanding responsibilities. He has carefully studied the Senate's rules and precedents. He understands how this great institution really works.

The dedication and diligence which Marty brought to every position in which he has served the Senate have only been enhanced by his friendly, helpful demeanor. Marty Paone was always on the job and at the top of his game.

Mr. President, it will be hard to say goodbye, but I wish Marty and his lovely wife Ruby, also a Senate staffer, all the happiness in the world.

RECOGNIZING CAROL MITCHELL

Mr. BYRD. Mr. President, I rise to recognize one of my former longtime staff members, Carol Mitchell, who for 15 years helped me improve health care delivery and services throughout West Virginia and the Nation. Carol has continued her contributions to public health by working in the private sector for the past 12 years.

Carol has decided to retire to enjoy more time with her husband David and son Rob. I salute Carol for her 30 years of service to the Congress and for her loyal and conscientious staff work in my office.

Over the years, Carol has worked directly with educators, health care providers and community and business leaders in West Virginia and throughout the country to develop and implement programs which benefit our citizens. She was instrumental in the creation of many of the Federal health and educational programs we know today and possesses a unique understanding of these programs and how institutions can successfully utilize them.

Carol's Capitol Hill service, includes 6 years on the Senate Appropriations Committee staff and 15 years as a senior staff aide to my West Virginia office. As a professional staff member of the Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies, she was a trusted adviser to subcommittee chairman TOM HARKIN. She regularly briefed subcommittee members on Federal programs totaling in the billions of dollars.

Prior to joining the Appropriations Committee as a professional staffer, Carol worked for Senator Robert P. Griffin of Michigan and Congressman William T. Cahill of New Jersey.

Carol was an exemplary public servant who has made a significant, positive difference in the lives of many people she may never meet. I thank Carol for her fine service to her country, and wish her well in whatever endeavors she undertakes in her retirement years.

THE MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would strengthen and add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

In the early morning of February 2, 2008, a gay couple, Thomas Colonna and Brad Crelia, were walking in the Capitol Hill area of Seattle, when they were nearly struck by a vehicle. The car then screeched to a halt, and several men exited, yelling anti-gay slurs. The couple attempted to run away, but Crelia, who had a broken foot, was unable to move quickly. The attackers descended upon the two men, still hurling epithets as they began to hit them. One assailant snatched the cane Crelia had been using to support his weight and began to beat him around the head and face with it. Crelia and Colonna both suffered cuts, bruises and broken bones as a result of the attack. Police have not yet made any arrests, but witnesses have provided descriptions and a license plate for the attackers.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. Federal laws intended to protect individuals from heinous and violent crimes motivated by hate are woefully inadequate. This legislation would better equip the Government to fulfill its most important obligation by protecting new groups of people as well as better protecting citizens already covered under deficient laws. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

HONORING OUR ARMED FORCES

CORPORAL DUNCAN C. CROOKSTON

Mr. SALAZAR. Mr. President, I rise today to honor the memory of CPL Duncan Crookston, who died recently at Brook Army Medial Center in Texas from wounds he sustained when a roadside blast tore through his humvee on September 4, 2007. The attack killed three other soldiers in his vehicle. When he died on January 25, Duncan was 1 day shy of his 20th birthday.

Corporal Crookston's friends and family gathered at Fort Logan National Cemetery in Denver on Saturday to share their memories of a young man of extraordinary energy and talent who chose to devote himself to the service of his country. His fellow soldiers say he chose the Army knowing the dangers and accepting the possibility of losing his life. He did his job and "he met his calling," one soldier said.

Duncan joined the Army shortly after graduating from Denver West High School. With his standardized test scores, any university in the country would have been lucky to have him, but he was committed to doing right by his Nation and by those with whom he served. In the Army, it became immediately clear that he had a mind for engineering and electronics, so he became the radio-tech operator in his unit. He could fix almost anything, and in the toughest conditions.

For almost 5 months after the Baghdad blast, Corporal Crookston hung on. His wife Meaghun and his mother Lee stayed by his side at Brook Army Medical Center, helping him in his fight for recovery. His wounds, though, were simply too grave. He had burns over 50 percent of his body, lost both of his legs, his right arm, and his left hand.

There was no limit, it seems, to Corporal Crookston's courage. On a mission, he always wanted to be out front. In the hospital, he fought the odds to the end.

Corporal Crookston's courage is all the more admirable for the fact that he applied it in service to his country, fulfilling his duty with honor. "You will never do anything in this world without courage," the Greek philosopher Aristotle once wrote. "It is the greatest quality of the mind next to honor."

It is hard to imagine a more powerful example of courage than that which Duncan Crookston and his family demonstrated over the last few months of his life. There are no words that can capture the pain or grief they must have endured as they battled for his life.

To his wife Meaghun, to his father Christopher, to his mother Lee, and to his five brothers, our thoughts and prayers are with you. You have made a sacrifice that a grateful Nation can never repay. I hope that one day your sorrow will salved by your pride in knowing that Duncan served the Nation with overwhelming honor, courage, and dignity. He will never be forgotten.

ADDITIONAL STATEMENTS

TRIBUTE TO CORPORAL JUSTIN B. "JEB" NEEL

• Mr. PRYOR. Mr. President, it is with great pleasure that today I commend a great American and Arkansan on his last day of duty in the Marine Corps. Cpl Justin B. "Jeb" Neel grew up in Little Rock and attended Little Rock Catholic High where he was a member of their prestigious and well-known Marine Junior Reserve Officer Training Corps. He went on to graduate from the University of Arkansas, my alma mater, with his bachelor's of art in criminal justice. He was also a member of the Sigma Alpha Epsilon fraternity, of which I am a member.

Upon his graduation in 2003, Jeb enlisted in the Marine Corps and answered the call to serve his country. After completing boot camp in San Diego, Jeb was assigned to the Marine Barracks in Washington, DC. While there, Jeb served as a member of the world famous U.S. Marine Body Bearer section. This small but vital group is composed of marines within one of the ceremonial drill companies at the Marine Barracks.

As a marine in Bravo Company, Jeb was charged with the difficult duty of receiving marines who had been killed in Iraq and Afghanistan. Eventually, Jeb was called to serve in the global war on terror, and in February 2007, he deployed to Al Anbar Province in western Iraq. While in Al Anbar, Jeb and his fellow marines performed missions that included month-long hikes up the Euphrates River searching for weapons caches and fallen marines. They also performed foot patrols in cities across Al Anbar including Fallujah and Hit. By all accounts Jeb and his fellow marines greatly contributed to the mission of increasing peace and stability for the Iraqi people.

Jeb returned from Iraq at the end of 2007 to his strong and supportive family and finished the rest of his military service at Camp Lejeune. I am proud to have citizens like Jeb from the State of Arkansas who so valiantly and honorably serve this Nation.

I had the pleasure of having breakfast with Jeb before he deployed to Iraq, and I was truly inspired and impressed by his commitment and duty to our country. It is with great thanks that I commend Corporal Neel for his service. Today, Jeb leaves the Marine Corps and moves on to do other great things with his life. I think we should all take this opportunity to recognize what our service men and women like Jeb Neel sacrifice for this great Nation. I thank him for his service.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, without amendment:

S. 310. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity (Rept. No. 110–260).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1892. A bill to reauthorize the Coast Guard for fiscal year 2008, and for other purposes (Rept. No. 110–261).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DEMINT:

S. 2592. A bill to amend the Internal Revenue Code of 1986 to provide for permanent tax incentives for economic growth; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. DOMENICI, Mrs. FEINSTEIN, Mr. ALLARD, Mr. WYDEN, Mr. SALAZAR, Ms.

CANTWELL, Mr. CRAIG, Mr. AKAKA, and Mr. CRAPO):

S. 2593. A bill to establish a program at the Forest Service and the Department of the Interior to carry out collaborative ecological restoration treatments for priority forest landscapes on public land, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. DOLE:

S. Res. 443. A resolution designating February 2008 as "Go Direct Month"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 573

At the request of Ms. STABENOW, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 625

At the request of Mr. KENNEDY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 626

At the request of Mr. KENNEDY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 836

At the request of Mr. LAUTENBERG, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 836, a bill to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants.

S. 911

At the request of Mr. REED, the names of the Senator from Virginia (Mr. WEBB) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 1335

At the request of Mr. INHOFE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1335, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes.

S. 1411

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1411, a bill to amend the Clean Air Act to establish within the Environmental Protection Agency an office to measure and report on greenhouse gas emissions of Federal agencies.

S. 1576

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1576, a bill to amend the Public Health Service Act to improve the health and healthcare of racial and ethnic minority groups.

S. 1661

At the request of Mr. DORGAN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1843

At the request of Mr. KENNEDY, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1843, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to clarify that an unlawful practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice, and for other purposes.

S. 1906

At the request of Mr. COLEMAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1906, a bill to understand and comprehensively address the oral health problems associated with methamphetamine use.

S. 2071

At the request of Mrs. FEINSTEIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2071, a bill to enhance the ability to combat methamphetamine.

S. 2173

At the request of Mr. HARKIN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2173, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 2314

At the request of Mr. SALAZAR, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2314, a bill to amend the Internal Revenue Code of 1986 to make geothermal heat pump systems eligible for the energy credit and the residential energy efficient property credit, and for other purposes.

S. 2368

At the request of Mr. PRYOR, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2368, a bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical employer verification program.

S. 2408

At the request of Mr. KERRY, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 2408, a bill to amend title XVIII of the Social Security Act to require physician utilization of the Medicare electronic prescription drug program.

S. 2433

At the request of Mr. LUGAR, his name was added as a cosponsor of S. 2433, a bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

S. 2550

At the request of Mrs. HUTCHISON, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 2550, a bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain debts owed to the United States by members of the Armed Forces and veterans who die as a result of an injury incurred or aggravated on active duty in a combat zone, and for other purposes.

S. 2559

At the request of Mr. DODD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2559, a bill to amend title II of the Social Security Act to increase the level of earnings under which no individual who is blind is determined to have demonstrated an ability to engage in substantial gainful activity for purposes of determining disability.

S. 2561

At the request of Mr. REID, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2561, a bill to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the Cold War.

S. 2566

At the request of Mr. ISAKSON, the names of the Senator from Tennessee (Mr. CORKER), the Senator from Alaska

(Ms. MURKOWSKI), the Senator from Kansas (Mr. ROBERTS) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 2566, a bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases.

S. 2577

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2577, a bill to establish background check procedures for gun shows.

S. 2578

At the request of Mr. COLEMAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2578, a bill to temporarily delay application of proposed changes to Medicaid payment rules for case management and targeted case management services.

S. RES. 432

At the request of Mr. LUGAR, the names of the Senator from North Carolina (Mr. BURR), the Senator from Nebraska (Mr. HAGEL), the Senator from Ohio (Mr. VOINOVICH), the Senator from Georgia (Mr. ISAKSON), the Senator from North Carolina (Mrs. DOLE), the Senator from Minnesota (Mr. COLEMAN), the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. Res. 432, a resolution urging the international community to provide the United Nations-African Union Mission in Sudan with essential tactical and utility helicopters.

At the request of Mr. BIDEN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. Res. 432, supra.

S. RES. 434

At the request of Mr. BIDEN, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. Res. 434, a resolution designating the week of February 10–16, 2008, as "National Drug Prevention and Education Week".

AMENDMENT NO. 3938

At the request of Mr. BOND, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of amendment No. 3938 proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

AMENDMENT NO. 3941

At the request of Mr. BOND, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of amendment No. 3941 proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Mr. DOMENICI, Mrs. FEINSTEIN, Mr. ALLARD, Mr. WYDEN, Mr. SALAZAR, Ms. CANTWELL, Mr. CRAIG, Mr. AKAKA, and Mr. CRAPO):

S. 2593. A bill to establish a program at the Forest Service and the Department of the Interior to carry out collaborative ecological restoration treatments for priority forest landscapes on public land, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today, I am introducing the Forest Landscape Restoration Act. I developed this bill with Senators DOMENICI and FEINSTEIN, and I am pleased they have joined as cosponsors. The bill also is cosponsored by Senators ALLARD, WYDEN, SALAZAR, CANTWELL, CRAIG, AKAKA, and CRAPO. I also am pleased that Chairman GRIJALVA will be introducing a companion bill in the House of Representatives, and I look forward to working with him as his subcommittee in the Natural Resources Committee moves forward with the bill.

The bill establishes a program to select and fund projects that restore forests at a landscape scale through a process that encourages collaboration, relies on the best available science, facilitates local economic development, and leverages local funds with national and private funding.

As many of my colleagues know, we are facing serious forest health and wildfire challenges in many of our National Forests. A century of over-aggressive fire suppression, logging, and other land uses have significantly deteriorated entire landscapes. These conditions have played an important role in the extraordinary wildfires and insect-caused mortality we have seen on millions of acres of National Forest and other lands. To address these problems, it is critical to begin trying to restore our forests at a landscape scale.

Landscape-scale restoration is important because, first, it is key to controlling wildfire suppression costs, which is one of the issues that is emphasized in our bill. Wildland fire appropriations have more than tripled in the last decade, and we are now spending billions every year trying to suppress fires. We will not be able to get control of the ballooning costs of fire suppression until we can allow more fires to play their natural, beneficial role in restoring and maintaining healthy, fire-resilient forests. But that will not be possible until we can reduce hazardous fuels and the risk of unnaturally intense fire on a landscape scale.

So, our bill will help to reduce wildfire suppression costs through forest restoration.

Second, landscape-scale restoration is an important component of successful economic development, another issue we have emphasized in our bill. In many cases, forest restoration will not be fiscally viable unless we can put the byproducts of restoration to economic use. Large-scale forest restoration efforts can help to provide economies of scale, and long-term efforts can help to provide entrepreneurs with the confidence that encourages investment and initiative.

So, our bill will help to make the restoration economy a reality by facilitating the use of restoration byproducts.

Third, landscape restoration is necessary for the health of many of our forest ecosystems, which also is emphasized in our bill. We need healthy landscapes for a clean, abundant, and controlled water supply. We need them for clean air and carbon sequestration. We need them to support fish and wildlife. And we need healthy forest ecosystems if they are to have a chance to survive the pressures of climate change. Fire suppression and other land uses have caused entire forest landscapes to deteriorate, and we cannot reverse that deterioration without landscape-level restoration.

So, our bill provides a unique program to conduct comprehensive ecosystem restoration through landscape-scale treatments.

Our bill also builds upon the existing successes in forest restoration by requiring collaboration and the best available science to form the foundation for landscape restoration.

Despite the importance of landscape-scale restoration, neither the National Fire Plan, nor the Healthy Forests Restoration Act, nor any of our other efforts have been very successful in facilitating restoration and hazardous fuels reduction on landscape scales. A lack of sufficient funding is one of the primary reasons. Restoring landscapes takes a significant amount of funding over a significant period of time. That has proven to be beyond the capacity of the local and regional agency budgets.

To address this problem, the Forest Landscape Restoration Act authorizes $40 million per year for 10 years to be paid into a national pool. Eligible landscape restoration projects from around the country would compete for a portion of that money. Forty million dollars is not nearly enough money to fund landscape-scale treatments in all of the forest landscapes in need of restoration, but it is a realistic amount of funding, and it is enough to make landscape-scale restoration a reality.

Because of funding and other challenges, landscape-scale restoration remains largely theoretical. As a result, this legislation is designed to be both practical and experimental. It does not redirect existing efforts. It instead adds to existing efforts by creating a program that will make planning, funding, and carrying out at least a handful of landscape-scale forest restoration projects possible. If it is successful—and I think it will be—we can expand it in the future.

I would again like to thank Senators DOMENICI and FEINSTEIN and the other cosponsors of the bill. I appreciate the stakeholders who have written to support this bill, including the Nature Conservancy—which has been very supportive of our effort—American Forests, the Forest Guild, Sustainable Northwest, the Watershed Research and Training Center, and Conservation Northwest. I look forward to working with them and the many other stakeholders as we move forward with the bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2593

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Forest Landscape Restoration Act of 2008".

SEC. 2. PURPOSE.

The purpose of this Act is to encourage the collaborative, science-based ecosystem restoration of priority forest landscapes through a process that—

(1) encourages ecological, economic, and social sustainability;

(2) leverages local resources with national and private resources;

(3) facilitates the reduction of wildfire management costs, including through reestablishing natural fire regimes and reducing the risk of uncharacteristic wildfire; and

(4) demonstrates the degree to which—

(A) various ecological restoration techniques—

(i) achieve ecological health objectives; and

(ii) affect wildfire activity and management costs; and

(B) the use of forest restoration byproducts can offset treatment costs while benefitting rural economies and improving forest health.

SEC. 3. DEFINITIONS.

In this Act:

(1) FUND.—The term "Fund" means the Collaborative Forest Landscape Restoration Fund established by section 4(f).

(2) PLAN.—The term "Plan" means the plan entitled the "10 Year Comprehensive Strategy Implementation Plan" and dated December 2006.

(3) PROGRAM.—The term "program" means the Collaborative Forest Landscape Restoration Program established under section 4(a).

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

SEC. 4. COLLABORATIVE FOREST LANDSCAPE RESTORATION PROGRAM.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall establish a Collaborative Forest Landscape Restoration Program to select and fund ecological restoration treatments for priority forest landscapes in accordance with applicable law.

(b) ELIGIBILITY CRITERIA.—To be eligible for nomination under subsection (c), a collaborative forest landscape restoration proposal shall—

(1) be based on a landscape restoration strategy that—

(A) is complete or substantially complete;

(B) identifies and prioritizes ecological restoration treatments for a 10-year period across a landscape that is—

(i) at least 50,000 acres;

(ii) comprised primarily of forested National Forest System land, but may also include other Federal, State, tribal, or private land;

(iii) in need of active ecosystem restoration; and

(iv) accessible by existing or proposed wood-processing infrastructure at an appropriate scale to use woody biomass and small-diameter wood removed in ecological restoration treatments;

(C) incorporates—

(i) the best available science and scientific application tools in ecological restoration strategies; and

(ii) the requirements for old-growth maintenance, restoration, and management direction of paragraphs (2), (3), and (4) of subsection (e) and the requirements for large-tree retention of subsection (f) of section 102 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512); and

(D) does not include the establishment of permanent roads;

(2) be developed and implemented through a collaborative process that—

(A) includes multiple stakeholders representing diverse interests;

(B)(i) is transparent and nonexclusive; or

(ii) meets the requirements for a resource advisory committee under section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393); and

(C) has an established record of successful planning and implementation of ecological restoration projects on National Forest System land;

(3) describe plans to—

(A) use fire for ecological restoration and maintenance, where appropriate;

(B) improve fish and wildlife habitat, including for endangered, threatened, and sensitive species;

(C) maintain or improve water quality;

(D) prevent, remediate, or control invasions of exotic species;

(E) maintain or decommission roads;

(F) use woody biomass and small-diameter trees produced from projects implementing the landscape restoration strategy;

(G) report annually on performance, including through performance measures from the Plan;

(H) develop small business incubators and provide employment and training opportunities to people in rural communities, including contracts for monitoring activities, through—

(i) local private, nonprofit, or cooperative entities;

(ii) Youth Conservation Corps crews or related partnerships, with State, local, and non-profit youth groups;

(iii) small or micro-businesses; or

(iv) other entities that will hire or train a significant percentage of local people to complete such contracts; and

(I) take into account any applicable community wildfire protection plan (as defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511));

(4) analyze the anticipated cost savings resulting from—

(A) reduced wildfire management costs; and

(B) a decrease in the unit costs of implementing ecological restoration treatments over time;

(5) estimate—

(A) the annual Federal funding necessary to implement the proposal; and

(B) the amount of new non-Federal investment for carrying out the proposal that would be leveraged by Federal funding for ecological restoration treatments; and

(6) be subject to any other requirements that the Secretary determines to be necessary for the efficient and effective administration of the program.

(c) NOMINATION PROCESS.—

(1) SUBMISSION.—Collaborative forest landscape restoration proposals shall be submitted to the appropriate Regional Forester for consideration.

(2) NOMINATION.—A Regional Forester may nominate collaborative forest landscape restoration proposals for selection by the Secretary.

(3) DOCUMENTATION.—With respect to each collaborative forest landscape restoration proposal that is nominated under paragraph (2)—

(A) the appropriate Regional Forester shall—

(i) include a proposal to use Federal funds allocated to the region to fund those costs of planning and carrying out ecological restoration treatments on National Forest land consistent with the landscape restoration strategy that would not be covered by amounts transferred to the Secretary from the Fund; and

(ii) provide evidence that amounts proposed to be transferred to the Secretary from the Fund during the first 2 years following selection would be used to carry out ecological restoration treatments consistent with the landscape restoration strategy during the same fiscal year in which the funds are transferred to the Secretary;

(B) if actions under the jurisdiction of the Secretary of the Interior are proposed, the nomination shall require—

(i) the concurrence of the appropriate official of the Department of the Interior; and

(ii) a proposal to fund ecological restoration treatments consistent with the landscape restoration strategy that would be carried out by the Secretary of the Interior; and

(C) if actions on land not under the jurisdiction of the Secretary or the Secretary of the Interior are proposed, the appropriate Regional Forester shall provide evidence that the landowner intends to participate in, and provide appropriate funding to carry out, the actions.

(d) SELECTION PROCESS.—

(1) IN GENERAL.—After consulting with any scientific and technical advisory panels established under subsection (e), the Secretary, in consultation with the Secretary of the Interior, shall, subject to paragraph (2), select the best collaborative forest landscape restoration proposals that—

(A) have been nominated under subsection (c)(2); and

(B) meet the eligibility criteria established by subsection (b).

(2) CRITERIA.—In selecting collaborative forest landscape restoration proposals under paragraph (1), the Secretary shall give special consideration to—

(A) the strength of the ecological case of the proposal for landscape restoration and the proposed restoration strategies;

(B) the strength of the collaborative process;

(C) whether the proposal would reduce the relative costs of carrying out treatments as a result of the use of woody biomass and small-diameter trees;

(D) whether the proposal is likely to achieve reductions in long-term wildfire management costs;

(E) the strength of the landscape restoration proposal and strategy; and

(F) whether an appropriate level of non-Federal investment would be leveraged in carrying out the proposal.

(3) LIMITATION.—The Secretary may select not more than—

(A) 10 collaborative forest landscape restoration proposals to be funded during any given year; and

(B) 2 collaborative forest landscape restoration proposals in any 1 region of the National Forest System to be funded during any given year.

(e) ADVISORY PANELS.—

(1) SCIENTIFIC ADVISORY PANEL.—The Secretary shall establish a scientific advisory panel comprised of not more than 12 experts in ecological forest restoration and fire ecology to evaluate, and provide recommendations on, any proposal that has been nominated under subsection (c)(2) and meets the eligibility criteria established by subsection (b) with respect to—

(A) the strength of the ecological case of the proposal for landscape restoration and the proposed restoration strategies; and

(B) whether the proposal is likely to achieve reductions in long-term wildfire management costs.

(2) TECHNICAL ADVISORY PANEL.—The Secretary may establish a technical advisory panel comprised of experts in rural business development and the use of woody biomass and small-diameter trees to evaluate, and provide recommendations on, any proposal that has been nominated under subsection (c)(2) and meets the eligibility criteria established by subsection (b) with respect to whether the proposal is likely to reduce the relative costs of carrying out treatments as a result of the use of woody biomass and small-diameter trees and provide local economic benefit.

(f) COLLABORATIVE FOREST LANDSCAPE RESTORATION FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the "Collaborative Forest Landscape Restoration Fund", to be used to pay up to 50 percent of the cost of carrying out ecological restoration treatments on National Forest System land for each collaborative forest landscape restoration proposal selected to be carried out under subsection (d), consisting of—

(A) such amounts as are appropriated to the Fund under paragraph (5); and

(B) any interest earned on investment of amounts in the Fund under paragraph (3).

(2) EXPENDITURES FROM FUND.—On request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary of Agriculture such amounts as the Secretary of Agriculture determines are necessary to carry out ecological restoration treatments under paragraph (1).

(3) INVESTMENT OF AMOUNTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, after consulting with the Secretary, required to meet current withdrawals.

(B) INTEREST-BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.

(C) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under subparagraph (A), obligations may be acquired—

(i) on original issue at the issue price; or

(ii) by purchase of outstanding obligations at the market price.

(D) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(E) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(4) ACCOUNTING AND REPORTING SYSTEM.—The Secretary shall establish an accounting and reporting system for the Fund.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund $40,000,000 for each of fiscal years 2008 through 2018, to remain available until expended.

(g) PROGRAM IMPLEMENTATION AND MONITORING.—

(1) WORK PLAN.—Not later than 180 days after the date on which a collaborative forest landscape restoration proposal is selected to be carried out, the Secretary shall create, in collaboration with the interested stakeholders, an implementation work plan and budget to implement the collaborative forest landscape restoration proposal that includes—

(A) a description of the manner in which the proposal would be implemented to achieve ecological and community economic benefit, including capacity building to accomplish restoration;

(B) a business plan that addresses—

(i) the anticipated unit treatment cost reductions over 10 years;

(ii) the anticipated costs for infrastructure needed for the proposal;

(iii) the projected sustainability of the supply of woody biomass and small-diameter trees removed in ecological restoration treatments; and

(iv) the projected local economic benefits of the proposal; and

(C) documentation of the non-Federal investment in the priority landscape, including the sources and uses of the investments.

(2) PROJECT IMPLEMENTATION.—Amounts transferred to the Secretary from the Fund shall be used to carry out ecological restoration treatments that are—

(A) consistent with the landscape restoration proposal and strategy; and

(B) identified through the collaborative process described in subsection (b)(2).

(3) ANNUAL REPORT.—Annually, the Secretary, in collaboration with the Secretary of the Interior and interested stakeholders, shall prepare a report on the accomplishments of each selected collaborative forest landscape restoration proposal that includes—

(A) a description of all acres (or other appropriate unit) treated and restored through projects implementing the landscape restoration strategy;

(B) an evaluation of progress, including performance measures and how prior year evaluations have contributed to improved project performance;

(C) a description of community benefits achieved, including any local economic benefits;

(D) the results of the multiparty monitoring, evaluation, and accountability process under paragraph (4); and

(E) a summary of the costs of—

(i) treatments; and

(ii) relevant fire management activities.

(4) MULTIPARTY MONITORING.—The Secretary shall, in collaboration with the Secretary of the Interior and interested stakeholders, use a multiparty monitoring, evaluation, and accountability process to assess the positive or negative ecological, social, and economic effects of each project implementing a selected collaborative forest landscape restoration proposal for not less than 15 years after project implementation commences.

(h) REPORT.—Not later than 5 years after the first fiscal year in which funding is made available to carry out ecological restoration projects under the program, and every 5 years thereafter, the Secretary, in consultation with the Secretary of the Interior, shall submit a report on the program, including an assessment of whether, and to what extent, the program is fulfilling the purposes of this Act, to—

(1) the Committee on Energy and Natural Resources of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Natural Resources of the House of Representatives; and

(4) the Committee on Appropriations of the House of Representatives.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 443—DESIGNATING FEBRUARY 2008 AS "GO DIRECT MONTH"

Mrs. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 443

Whereas, in fiscal year 2007, nearly 60,000 checks issued by the Department of the Treasury, worth approximately $56,000,000, were endorsed by forgery;

Whereas the Department of the Treasury receives approximately 1,400,000 inquiries each year regarding problems with paper checks;

Whereas, each month, nearly 12,000,000 social security and other Federal benefit payments are made with checks;

Whereas the United States would generate approximately $132,000,000 in annual savings if all Federal benefit checks were paid by direct deposit;

Whereas the use of direct deposit is a more secure, reliable, and cost-effective method of payment than paper checks because the use of direct deposit—

(1) helps protect against identity theft and fraud;

(2) provides easier access to funds during emergencies and natural disasters; and

(3) provides the people of the United States with more control over their money;

Whereas the Department of the Treasury and the Federal Reserve Banks have launched Go Direct, a national campaign to motivate people who receive Federal benefit payments to use direct deposit to receive those payments;

Whereas Go Direct works with more than 1,100 partners across the Nation, including financial institutions, advocacy groups, and community organizations;

Whereas more than 130 financial institutions representing 25,000 branches nationwide participated in the 2007 "Go Direct Champions" competition to encourage the use of direct deposit among people who receive Federal benefit payments; and

Whereas more than 1,600,000 people in the United States have switched from paper checks to direct deposit to receive Federal benefit payments since Go Direct launched in the fall of 2004: Now, therefore, be it

Resolved, That the Senate—

(1) designates February 2008 as "Go Direct Month"; .

(2) supports the goals and ideals of the Go Direct campaign;

(3) commends Federal, State, and local governments, nonprofit agencies, and the private sector for promoting February as Go Direct Month; and

(4) encourages people in the United States who are eligible to receive social security or other Federal benefit payments to—

(A) participate in events and awareness initiatives held during the month of February with respect to using direct deposit;

(B) become informed about the convenience and safety of direct deposit; and

(C) consider signing up for direct deposit of social security or other Federal benefit payments.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3980. Mr. VITTER (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table.

SA 3981. Mr. VITTER (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 3982. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 3983. Mr. REID proposed an amendment to the bill H.R. 5140, supra.

SA 3984. Mr. REID proposed an amendment to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, supra.

SA 3985. Mr. REID proposed an amendment to the bill H.R. 5140, supra.

SA 3986. Mr. REID proposed an amendment to amendment SA 3985 proposed by Mr. REID to the bill H.R. 5140, supra.

SA 3987. Mr. REID proposed an amendment to amendment SA 3986 proposed by Mr. REID to the amendment SA 3985 proposed by Mr. REID to the bill H.R. 5140, supra.

SA 3988. Mr. REID (for Mr. LIEBERMAN) proposed an amendment to the bill S. 2457, to provide for extensions of leases of certain land by Mashantucket Pequot (Western) Tribe.

TEXT OF AMENDMENTS

SA 3980. Mr. VITTER (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. ESTATE TAX REPEAL MADE PERMANENT.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to title V of such Act.

SA 3981. Mr. VITTER (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. SMALLER PUBLIC COMPANY OPTION REGARDING INTERNAL CONTROL PROVISIONS.

Section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262) is amended by adding at the end the following:

"(c) SMALLER PUBLIC COMPANY OPTION.—

"(1) VOLUNTARY COMPLIANCE.—A smaller issuer shall not be subject to the requirements of subsection (a), unless the smaller issuer voluntarily elects to comply with such requirements, in accordance with regulations prescribed by the Commission. Any smaller issuer that does not elect to comply with subsection (a) shall state such election, together with the reasons therefor, in its annual report to the Commission under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d)).

"(2) DEFINITION OF SMALLER ISSUER.—

"(A) IN GENERAL.—For purposes of this subsection, and subject to subparagraph (B), the term 'smaller issuer' means an issuer for which an annual report is required by section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d)), that—

"(i) has a total market capitalization at the beginning of the relevant reporting period of less than $700,000,000;

"(ii) has total product and services revenue for that reporting period of less than $125,000,000; or

"(iii) has, at the beginning of the relevant reporting period, fewer than 1,500 record beneficial holders.

"(B) ANNUAL ADJUSTMENTS.—The amounts referred to in clauses (i) and (ii) of subparagraph (A) shall be adjusted annually to account for changes in the Consumer Price Index for all urban consumers, United States city average, as published by the Bureau of Labor Statistics.".

SA 3982. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

On page ____, between lines ____ and ____, insert the following:

"(5) MESSAGE ON ADVANCE REFUND CHECK.—The Secretary shall display prominently the message "Support Our Economy—Buy American!" on any advance refund check issued under this section.

SA 3983. Mr. REID proposed an amendment to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; as follows:

Strike all after the first word and and insert the following:

1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Economic Stimulus Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—TAX RELIEF

Subtitle A—Rebates for Individuals

Sec. 101. Economic recovery stimulus credit and rebate.

Subtitle B—Incentives for Businesses

Sec. 111. Temporary bonus depreciation allowance for certain property.
Sec. 112. Increased expensing for small businesses for 2008.
Sec. 113. Carryback of certain net operating losses allowed for 5 years; temporary suspension of 90 percent AMT limit.

Subtitle C—Extensions of Energy Provisions

Sec. 121. Extension of credit for energy efficient appliances.
Sec. 122. Extension of credit for nonbusiness energy property.
Sec. 123. Suspension of taxable income limit with respect to marginal wells.
Sec. 124. Extension of credit for residential energy efficient property.
Sec. 125. Extension of renewable electricity and refined coal production credit.
Sec. 126. Extension of new energy efficient home credit.
Sec. 127. Extension of energy credit.
Sec. 128. Extension and modification of credit for clean renewable energy bonds.
Sec. 129. Extension of energy efficient commercial buildings deduction.
Sec. 130. Special rules for refund of the coal excise tax to certain coal producers and exporters.

Subtitle D—Provisions Relating to Housing Bonds

Sec. 131. Modifications on use of qualified mortgage bonds; temporary increased volume cap for certain housing bonds.

TITLE II—HOUSING GSE AND FHA LOAN LIMITS

Sec. 201. Temporary conforming loan limit increase for Fannie Mae and Freddie Mac.
Sec. 202. Temporary loan limit increase for FHA.

TITLE III—TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION

Sec. 301. Federal-State agreements.
Sec. 302. Temporary extended unemployment compensation account.
Sec. 303. Payments to States having agreements for the payment of temporary extended unemployment compensation.
Sec. 304. Financing provisions.
Sec. 305. Fraud and overpayments.
Sec. 306. Definitions.
Sec. 307. Applicability.

TITLE IV—LOW-INCOME HOME ENERGY ASSISTANCE

Sec. 401. Low-income home energy assistance program.

TITLE V—EMERGENCY DESIGNATION OF APPROPRIATED AMOUNTS

Sec. 501. Emergency designation.

TITLE I—TAX RELIEF

Subtitle A—Rebates for Individuals

SEC. 101. ECONOMIC RECOVERY STIMULUS CREDIT AND REBATE.

(a) IN GENERAL.—Section 6428 of the Internal Revenue Code of 1986 is amended to read as follows:

"SEC. 6428. ECONOMIC STIMULUS CREDIT FOR 2008.

"(a) IN GENERAL.—In the case of an eligible individual who is a taxpayer who meets the requirements of subsection (b), there shall be allowed as a credit against the tax imposed by subtitle A for the first taxable year beginning in 2008 an amount equal to the sum of—

"(1) $500 ($1,000 in the case of a joint return), plus

"(2) the product of $300 multiplied by the number of qualifying children (within the meaning of section 24(c)) of the taxpayer.

"(b) REQUIREMENTS.—An eligible individual meets the requirements of this subsection if the taxpayer—

"(1) has qualifying income of at least $3,000, or

"(2) has—

"(A) net income tax liability which is greater than zero, and

"(B) gross income which is greater than the sum of the basic standard deduction plus the exemption amount (twice the exemption amount in the case of a joint return).

"(c) TREATMENT OF CREDIT.—The credit allowed by subsection (a) shall be treated as allowed by subpart C of part IV of subchapter A of chapter 1.

"(d) LIMITATION BASED ON ADJUSTED GROSS INCOME.—The amount of the credit allowed by subsection (a) (determined without regard to this subsection and subsection (f)) shall be reduced (but not below zero) by 5 percent of so much of the taxpayer's adjusted gross income as exceeds $150,000 ($300,000 in the case of a joint return).

"(e) DEFINITIONS.—For purposes of this section—

"(1) QUALIFYING INCOME.—For purposes of paragraph (1), the term 'qualifying income' means—

"(A) earned income,

"(B) social security benefits (within the meaning of section 86(d)), and

"(C) any compensation or pension received under chapter 11 or chapter 15 of title 38, United States Code.

"(2) NET INCOME TAX LIABILITY.—The term 'net income tax liability' means the excess of—

"(A) the sum of the taxpayer's regular tax liability (within the meaning of section 26(b)) and the tax imposed by section 55 for the taxable year, over

"(B) the credits allowed by part IV (other than section 24 and subpart C thereof) of subchapter A of chapter 1.

"(3) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means any individual other than—

"(A) any nonresident alien individual,

"(B) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins,

"(C) an estate or trust, and

"(D) any individual who is a Senator or Representative in, or Delegate or Resident Commissioner to, Congress.

"(4) EARNED INCOME.—The term 'earned income' has the meaning set forth in section 32(c)(2), except that—

"(A) subclause (II) of subparagraph (B)(vi) thereof shall be applied by substituting 'January 1, 2009' for 'January 1, 2008', and

"(B) such term shall not include net earnings from self-employment which are not taken into account in computing taxable income.

"(5) BASIC STANDARD DEDUCTION; EXEMPTION AMOUNT.—The terms 'basic standard deduction' and 'exemption amount' shall have the same respective meanings as when used in section 6012(a).

"(f) COORDINATION WITH ADVANCE REFUNDS OF CREDIT.—

"(1) IN GENERAL.—The amount of credit which would (but for this paragraph) be allowable under this section shall be reduced (but not below zero) by the aggregate refunds and credits made or allowed to the taxpayer under subsection (g). Any failure to so reduce the credit shall be treated as arising out of a mathematical or clerical error and assessed according to section 6213(b)(1).

"(2) JOINT RETURNS.—In the case of a refund or credit made or allowed under subsection (g) with respect to a joint return, half of such refund or credit shall be treated as having been made or allowed to each individual filing such return.

"(g) ADVANCE REFUNDS AND CREDITS.—

"(1) IN GENERAL.—Each individual who was an eligible individual who was a taxpayer who met the requirements of subsection (b) for such individual's first taxable year beginning in 2007 shall be treated as having made a payment against the tax imposed by chapter 1 for such first taxable year in an amount equal to the advance refund amount for such taxable year.

"(2) ADVANCE REFUND AMOUNT.—For purposes of paragraph (1), the advance refund amount is the amount that would have been allowed as a credit under this section for such first taxable year if this section (other than subsection (f) and this subsection) had applied to such taxable year.

"(3) TIMING OF PAYMENTS.—The Secretary shall, subject to the provisions of this title, refund or credit any overpayment attributable to this section as rapidly as possible. No refund or credit shall be made or allowed under this subsection after December 31, 2008.

"(4) NO INTEREST.—No interest shall be allowed on any overpayment attributable to this section.

"(h) IDENTIFICATION NUMBER REQUIREMENT.—

"(1) IN GENERAL.—No credit shall be allowed under subsection (a) to an eligible individual who does not include on the return of tax for the taxable year—

"(A) such individual's valid identification number,

"(B) in the case of a joint return, the valid identification number of such individual's spouse, and

"(C) in the case of any qualifying child taken into account under subsection (a)(2), the valid identification number of such qualifying child.

"(2) VALID IDENTIFICATION NUMBER.—For purposes of paragraph (1), the term 'valid identification number' means a social security number issued to an individual by the Social Security Administration. Such term shall not include a TIN issued by the Internal Revenue Service.

"(i) REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.—Any payment considered to have been made to any individual by reason of this section shall not be taken into account as income and shall not be taken into account as resources for the month of the receipt and the following 2 months, for purposes of determining the eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.".

(b) TREATMENT OF POSSESSIONS.—

(1) MIRROR CODE POSSESSION.—The Secretary of the Treasury shall make a payment to each possession of the United States with a mirror code tax system in an amount equal to the loss to that possession by reason of the amendments made by this section. Such amount shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession.

(2) OTHER POSSESSIONS.—The Secretary of the Treasury shall make a payment to each possession of the United States which does not have a mirror code tax system in an amount estimated by the Secretary of the Treasury as being equal to the aggregate benefits that would have been provided to residents of such possession by reason of the amendments made by this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payment to the residents of such possession.

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection, the term "possession of the United States" includes the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term "mirror code tax system" means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from the credit allowed under section 6428 of the Internal Revenue Code of 1986 (as added by this section).

(c) ADMINISTRATIVE AMENDMENTS.—

(1) DEFINITION OF DEFICIENCY.—Section 6211(d)(4)(A) of the Internal Revenue Code of 1986 is amended by striking "and 53(e)" and inserting "53(e), and 6428".

(2) MATHEMATICAL OR CLERICAL ERROR AUTHORITY.—Section 6213(g)(2)(L) of such Code is amended by striking "or 32" and inserting "32, or 6428".

(d) APPROPRIATIONS TO CARRY OUT RECOVERY REBATES.—

(1) IN GENERAL.—Immediately upon the enactment of this Act, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008:

(A) For an additional amount for "Department of the Treasury—Financial Management Service—Salaries and Expenses", $64,175,000, to remain available until September 30, 2009.

(B) For an additional amount for "Department of the Treasury—Internal Revenue Service—Taxpayer Services", $50,720,000, to remain available until September 30, 2009.

(C) For an additional amount for "Department of the Treasury—Internal Revenue Service—Operations Support", $151,415,000, to remain available until September 30, 2009.

(2) REPORTS.—No later than 15 days after enactment of this Act, the Secretary of the

Treasury shall submit a plan to the Committees on Appropriations of the House of Representatives and the Senate detailing the expected use of the funds provided by this subsection. Beginning 90 days after enactment of this Act, the Secretary of the Treasury shall submit a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the actual expenditure of funds provided by this subsection and the expected expenditure of such funds in the subsequent quarter.

(e) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting "or 6428" after "section 35".

(2) Paragraph (1) of section 1(i) of the Internal Revenue Code of 1986 is amended by striking subparagraph (D).

(3) The item relating to section 6428 in the table of sections for subchapter B of chapter 65 of such Code is amended to read as follows:

"Sec. 6428. Economic stimulus credit for 2008.".

Subtitle B—Incentives for Businesses

SEC. 111. TEMPORARY BONUS DEPRECIATION ALLOWANCE FOR CERTAIN PROPERTY.

(a) IN GENERAL.—Subsection (k) of section 168 of the Internal Revenue Code of 1986 is amended to read as follows:

"(k) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY.—

"(1) ADDITIONAL ALLOWANCE.—

"(A) IN GENERAL.—In the case of any qualified property placed in service by an eligible taxpayer—

"(i) the depreciation deduction provided by section 167(a) for each applicable taxable year shall include an allowance equal to 25 percent of the adjusted basis of the qualified property, and

"(ii) the adjusted basis of the qualified property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

"(B) ELIGIBLE TAXPAYER.—

"(i) IN GENERAL.—At such time and in such manner as the Secretary shall prescribe, each taxpayer may elect to be an eligible taxpayer with respect to 1 (and only 1) of the following:

"(I) This subsection.

"(II) The application of section 56(d)(1)(A)(ii)(I) and section 172(b)(1)(H)(ii) in connection with net operating losses relating to taxable years beginning or ending during 2006, 2007, and 2008.

"(III) Section 179(b)(7).

"(ii) ELIGIBLE TAXPAYER.—For purposes of each of the provisions described in clause (i), a taxpayer shall only be treated as an eligible taxpayer with respect to the provision with respect to which the taxpayer made the election under clause (i).

"(iii) ELECTION IRREVOCABLE.—An election under clause (i) may not be revoked except with the consent of the Secretary.

"(C) APPLICABLE TAXABLE YEAR.—For purposes of subparagraph (A), the term 'applicable taxable year' means, with respect to any qualified property—

"(i) the first taxable year in which such property is placed in service, and

"(ii) the next succeeding taxable year.

"(2) QUALIFIED PROPERTY.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified property' means property—

"(i)(I) to which this section applies which has a recovery period of 20 years or less,

"(II) which is computer software (as defined in section 167(f)(1)(B)) for which a deduction is allowable under section 167(a) without regard to this subsection,

"(III) which is water utility property, or

"(IV) which is qualified leasehold improvement property,

"(ii) the original use of which commences with the taxpayer on or after the starting date,

"(iii) which is—

"(I) acquired by the taxpayer on or after the starting date and before the ending date, but only if no written binding contract for the acquisition was in effect before the starting date, or

"(II) acquired by the taxpayer pursuant to a written binding contract which was entered into on or after the starting date and before the ending date, and

"(iv) which is placed in service by the taxpayer before the ending date, or, in the case of property described in subparagraph (B) or (C), before the date that is 1 year after the ending date.

"(B) CERTAIN PROPERTY HAVING LONGER PRODUCTION PERIODS TREATED AS QUALIFIED PROPERTY.—

"(i) IN GENERAL.—The term 'qualified property' includes any property if such property—

"(I) meets the requirements of clauses (i), (ii), (iii), and (iv) of subparagraph (A),

"(II) has a recovery period of at least 10 years or is transportation property,

"(III) is subject to section 263A, and

"(IV) meets the requirements of clause (iii) of section 263A(f)(1)(B) (determined as if such clause also applied to property which has a long useful life (within the meaning of section 263A(f))).

"(ii) ONLY PRE-ENDING DATE BASIS ELIGIBLE FOR ADDITIONAL ALLOWANCE.—In the case of property which is qualified property solely by reason of clause (i), paragraph (1) shall apply only to the extent of the adjusted basis thereof attributable to manufacture, construction, or production before the ending date.

"(iii) TRANSPORTATION PROPERTY.—For purposes of this subparagraph, the term 'transportation property' means tangible personal property used in the trade or business of transporting persons or property.

"(iv) APPLICATION OF SUBPARAGRAPH.—This subparagraph shall not apply to any property which is described in subparagraph (C).

"(C) CERTAIN AIRCRAFT.—The term 'qualified property' includes property—

"(i) which meets the requirements of clauses (ii), (iii), and (iv) of subparagraph (A),

"(ii) which is an aircraft which is not a transportation property (as defined in subparagraph (B)(iii)) other than for agricultural or firefighting purposes,

"(iii) which is purchased and on which such purchaser, at the time of the contract for purchase, has made a nonrefundable deposit of the lesser of—

"(I) 10 percent of the cost, or

"(II) $100,000, and

"(iv) which has—

"(I) an estimated production period exceeding 4 months, and

"(II) a cost exceeding $200,000.

"(3) EXCEPTIONS.—

"(A) ALTERNATIVE DEPRECIATION PROPERTY.—This subsection shall not apply to any property to which the alternative depreciation system under subsection (g) applies, determined—

"(i) without regard to paragraph (7) of subsection (g) (relating to election to have system apply), and

"(ii) after application of section 280F(b) (relating to listed property with limited business use).

"(B) ELECTION OUT.—If a taxpayer makes an election under this subparagraph with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

"(4) SPECIAL RULES.—

"(A) SELF-CONSTRUCTED PROPERTY.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer's own use, the requirements of paragraph (2)(A)(iii) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property on or after the starting date and before the ending date.

"(B) SALE-LEASEBACKS.—For purposes of subparagraph (C) and paragraph (2)(A)(ii), if property is—

"(i) originally placed in service on or after the starting date by a person, and

"(ii) sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in clause (ii).

"(C) SYNDICATION.—For purposes of paragraph (2)(A)(ii), if—

"(i) property is originally placed in service on or after the starting date by the lessor of such property,

"(ii) such property is sold by such lessor or any subsequent purchaser within 3 months after the date such property was originally placed in service (or, in the case of multiple units of property subject to the same lease, within 3 months after the date the final unit is placed in service, so long as the period between the time the first unit is placed in service and the time the last unit is placed in service does not exceed 12 months), and

"(iii) the user of such property after the last sale during such 3-month period remains the same as when such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date of such last sale.

"(D) LIMITATIONS RELATED TO USERS AND RELATED PARTIES.—This subsection shall not apply to any property if—

"(i) the user of such property (as of the date on which such property is originally placed in service) or a person which is related (within the meaning of section 267(b) or 707(b)) to such user or to the taxpayer had a written binding contract in effect for the acquisition of such property at any time before the starting date, or

"(ii) in the case of property manufactured, constructed, or produced for such user's or person's own use, the manufacture, construction, or production of such property began at any time before the starting date.

"(5) COORDINATION WITH SECTION 280F.—For purposes of section 280F—

"(A) AUTOMOBILES.—In the case of a passenger automobile (as defined in section 280F(d)(5)) which is qualified property, the Secretary shall increase the limitations under clauses (i) and (ii) of section 280F(a)(1)(A) by $3,825.

"(B) LISTED PROPERTY.—The deduction allowable under paragraph (1) shall be taken into account in computing any recapture amount under section 280F(b)(2).

"(6) DEDUCTION ALLOWED IN COMPUTING MINIMUM TAX.—For purposes of determining alternative minimum taxable income under section 55, the deduction under subsection (a) for qualified property shall be determined under this section without regard to any adjustment under section 56.

"(7) QUALIFIED LEASEHOLD IMPROVEMENT PROPERTY.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified leasehold improvement property' means any improvement to an interior portion of a building which is nonresidential real property if—

"(i) such improvement is made under or pursuant to a lease (as defined in subsection (h)(7))—

"(I) by the lessee (or any sublessee) of such portion, or

"(II) by the lessor of such portion,

"(ii) such portion is to be occupied exclusively by the lessee (or any sublessee) of such portion, and

"(iii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

"(B) CERTAIN IMPROVEMENTS NOT INCLUDED.—Such term shall not include any improvement for which the expenditure is attributable to—

"(i) the enlargement of the building,

"(ii) any elevator or escalator,

"(iii) any structural component benefitting a common area, and

"(iv) the internal structural framework of the building.

"(C) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

"(i) COMMITMENT TO LEASE TREATED AS LEASE.—A commitment to enter into a lease shall be treated as a lease, and the parties to such commitment shall be treated as lessor and lessee, respectively.

"(ii) RELATED PERSONS.—A lease between related persons shall not be considered a lease. For purposes of the preceding sentence, the term 'related persons' means—

"(I) members of an affiliated group (as defined in section 1504), and

"(II) persons having a relationship described in subsection (b) of section 267; except that, for purposes of this clause, the phrase '80 percent or more' shall be substituted for the phrase 'more than 50 percent' each place it appears in such subsection.

"(8) OTHER DEFINITIONS.—For purposes of this subsection—

"(A) STARTING DATE.—The term 'starting date' means January 30, 2008.

"(B) ENDING DATE.—The term 'ending date' means December 31, 2008.".

(b) COORDINATION WITH OTHER BONUS DEPRECIATION PROVISIONS.—

(1) CELLULOSIC BIOMASS ETHANOL PLANT PROPERTY.—Paragraph (4) of section 168(l) of the Internal Revenue Code of 1986 is amended by redesignating subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (D) and inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

"(A) BONUS DEPRECIATION PROPERTY UNDER SUBSECTION (k).—Such term shall not include any property to which section 168(k) applies.".

(2) SPECIFIED GULF OPPORTUNITY ZONE EXTENSION PROPERTY.—Subparagraph (B) of section 1400N(d)(6) of such Code is amended by adding at the end the following new flush sentence:

"Such term shall not include any property to which section 168(k) applies.".

(c) CONFORMING AMENDMENTS.—

(1) Section 168(e)(6) of the Internal Revenue Code of 1986 is amended by striking "section 168(k)(3)" and inserting "section 168(k)(7)".

(2) Section 168(l) of such Code is amended—

(A) in paragraph (4)(B), as redesignated by subsection (b)(1), by striking "168(k)(2)(D)(i)" and inserting "169(k)(3)(A)".

(B) by striking paragraph (5) and inserting the following:

"(5) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of paragraph (4) of section 168(k) shall apply, except that in applying such paragraph—

"(A) the starting date shall be one day after the date of the enactment of this subsection,

"(B) the ending date shall be January 1, 2013, and

"(C) 'qualified cellulosic biomass ethanol plant property' shall be substituted for 'qualified property' in clause (iv) thereof.", and

(C) in paragraph (6), by striking "168(k)(2)(G)" and inserting "168(k)(6)".

(3) Section 1400L(b)(2) of such Code is amended—

(A) in subparagraph (C)(ii), by striking "168(k)(2)(D)(i)" and inserting "168(k)(3)(A)",

(B) in subparagraph (C)(iv), by striking "168(k)(2)(D)(iii)" and inserting "168(k)(3)(B)", and

(C) in subparagraph (E), by striking "168(k)(2)(G)" and inserting "168(k)(6)".

(4) Section 1400L(c) of such Code is amended—

(A) in paragraph (2), by striking "168(k)(3)" and inserting "168(k)(7)", and

(B) in paragraph (5), by striking "168(k)(2)(D)(iii)" and inserting "168(k)(3)(B)".

(5) Section 1400N(d) of such Code is amended—

(A) in paragraph (2)(B)(i), by striking "168(k)(2)(D)(i)" and inserting "168(k)(3)(A)",

(B) by striking paragraph (3) and inserting the following:

"(5) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of paragraph (4) of section 168(k) shall apply, except that in applying such paragraph—

"(A) the starting date shall be August 28, 2005,

"(B) the ending date shall be January 1, 2008, and

"(C) 'qualified Gulf Opportunity Zone property' shall be substituted for 'qualified property' in clause (iv) thereof.", and

(C) in paragraph (4), by striking "168(k)(2)(G)" and inserting "168(k)(6)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after January 29, 2007, in taxable years ending after such date.

SEC. 112. INCREASED EXPENSING FOR SMALL BUSINESSES FOR 2008.

(a) IN GENERAL.—Subsection (b) of section 179 of the Internal Revenue Code of 1986 (relating to limitations) is amended by adding at the end the following new paragraph:

"(7) SPECIAL RULE FOR ELIGIBLE TAXPAYERS IN 2008.—In the case of any taxable year of any eligible taxpayer (within the meaning of section 168(k)(1)(B)) beginning in 2008—

"(A) the dollar limitation under paragraph (1) shall be $250,000, and

"(B) the dollar limitation under paragraph (2) shall be $800,000.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 113. CARRYBACK OF CERTAIN NET OPERATING LOSSES ALLOWED FOR 5 YEARS; TEMPORARY SUSPENSION OF 90 PERCENT AMT LIMIT.

(a) IN GENERAL.—Subparagraph (H) of section 172(b)(1) of the Internal Revenue Code of 1986 is amended to read as follows:

"(H) 5-YEAR CARRYBACK OF CERTAIN LOSSES.—

"(i) TAXABLE YEARS ENDING DURING 2001 AND 2002.—In the case of a net operating loss for any taxable year ending during 2001 or 2002, subparagraph (A)(i) shall be applied by substituting '5' for '2' and subparagraph (F) shall not apply.

"(ii) TAXABLE YEARS BEGINNING OR ENDING DURING 2006, 2007, AND 2008.—In the case of a net operating loss with respect to any eligible taxpayer (within the meaning of section 168(k)(1)(B)) for any taxable year beginning or ending during 2006, 2007, or 2008—

"(I) subparagraph (A)(i) shall be applied by substituting '5' for '2',

"(II) subparagraph (E)(ii) shall be applied by substituting '4' for '2', and

"(III) subparagraph (F) shall not apply.".

(b) TEMPORARY SUSPENSION OF 90 PERCENT LIMIT ON CERTAIN NOL CARRYBACKS AND CARRYOVERS.—

(1) IN GENERAL.—Section 56(d) of the of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(3) ADDITIONAL ADJUSTMENTS.—For purposes of paragraph (1)(A), in the case of an eligible taxpayer (within the meaning of section 168(k)(1)(B)), the amount described in clause (I) of paragraph (1)(A)(ii) shall be increased by the amount of the net operating loss deduction allowable for the taxable year under section 172 attributable to the sum of—

"(A) carrybacks of net operating losses from taxable years beginning or ending during 2006, 2007, and 2008, and

"(B) carryovers of net operating losses to taxable years beginning or ending during 2006, 2007, or 2008.".

(2) CONFORMING AMENDMENT.—Subclause (I) of section 56(d)(1)(A)(i) of such Code is amended by inserting "amount of such" before "deduction described in clause (ii)(I)".

(c) ANTI-ABUSE RULES.—The Secretary of Treasury or the Secretary's designee shall prescribes such rules as are necessary to prevent the abuse of the purposes of the amendments made by this section, including anti-stuffing rules, anti-churning rules (including rules relating to sale-leasebacks), and rules similar to the rules under section 1091 of the Internal Revenue Code of 1986 relating to losses from wash sales.

(d) EFFECTIVE DATES.—

(1) SUBSECTION (a).—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by subsection (a) shall apply to net operating losses arising in taxable years beginning or ending in 2006, 2007, or 2008.

(B) ELECTION.—In the case of an eligible taxpayer (within the meaning of section 168(k)(1)(B) of the Internal Revenue Code of 1986) with a net operating loss for a taxable year beginning or ending during 2006 or 2007—

(i) any election made under section 172(b)(3) of the Internal Revenue Code of 1986 may (notwithstanding such section) be revoked before November 1, 2008, and

(ii) any election made under section 172(j) of such Code shall (notwithstanding such section) be treated as timely made if made before November 1, 2008.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to taxable years ending after December 31, 1995.

Subtitle C—Extensions of Energy Provisions

SEC. 121. EXTENSION OF CREDIT FOR ENERGY EFFICIENT APPLIANCES.

(a) IN GENERAL.—Subsection (b) of section 45M of the Internal Revenue Code of 1986 (relating to applicable amount) is amended by striking "calendar year 2006 or 2007" each place it appears in paragraphs (1)(A)(i), (1)(B)(i), (1)(C)(ii)(I), and (1)(C)(iii)(I), and inserting “calendar year 2006, 2007, 2008, or 2009”.

(b) RESTART OF CREDIT LIMITATION.—Paragraph (1) of section 45M(e) of the Internal Revenue Code of 1986 (relating to aggregate credit amount allowed) is amended by inserting “beginning after December 31, 2007” after “for all prior taxable years”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

SEC. 122. EXTENSION OF CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Section 25C(g) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking “December 31, 2007” and inserting “December 31, 2009”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 123. SUSPENSION OF TAXABLE INCOME LIMIT WITH RESPECT TO MARGINAL WELLS.

(a) IN GENERAL.—Subparagraph (H) of section 613A(c)(6) of the Internal Revenue Code of 1986 (relating to temporary suspension of taxable income limit with respect to marginal production) is amended by striking “January 1, 2008” and inserting “January 1, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 124. EXTENSION OF CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

Subsection (g) of section 25D of the Internal Revenue Code of 1986 (relating to termination) is amended by striking “December 31, 2008” and inserting “December 31, 2009”.

SEC. 125. EXTENSION OF RENEWABLE ELECTRICITY AND REFINED COAL PRODUCTION CREDIT.

Section 45(d) of the Internal Revenue Code of 1986 (relating to qualified facilities) is amended by striking “January 1, 2009” each place it appears in paragraphs (1), (2), (3), (4), (5), (6), (7), (8), and (9) and inserting “January 1, 2010”.

SEC. 126. EXTENSION OF NEW ENERGY EFFICIENT HOME CREDIT.

Subsection (g) of section 45L of the Internal Revenue Code of 1986 (relating to termination) is amended by striking “December 31, 2008” and inserting “December 31, 2009”.

SEC. 127. EXTENSION OF ENERGY CREDIT.

(a) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) of the Internal Revenue Code of 1986 (relating to energy credit) are each amended by striking “January 1, 2009” and inserting “January 1, 2010”.

(b) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) of the Internal Revenue Code of 1986 (relating to qualified fuel cell property) is amended by striking “December 31, 2008” and inserting “December 31, 2009”.

(c) MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) of the Internal Revenue Code of 1986 (relating to qualified microturbine property) is amended by striking “December 31, 2008” and inserting “December 31, 2009”.

SEC. 128. EXTENSION AND MODIFICATION OF CREDIT FOR CLEAN RENEWABLE ENERGY BONDS.

(a) EXTENSION.—Section 54(m) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking “December 31, 2008” and inserting “December 31, 2009”.

(b) INCREASE IN NATIONAL LIMITATION.—Section 54(f) of the Internal Revenue Code of 1986 (relating to limitation on amount of bonds designated) is amended—

(1) by striking “$1,200,000,000” in paragraph (1) and inserting “$1,600,000,000”, and

(2) by striking “$750,000,000” in paragraph (2) and inserting “$1,000,000,000”.

(c) MODIFICATION OF RATABLE PRINCIPAL AMORTIZATION REQUIREMENT.—

(1) IN GENERAL.—Paragraph (5) of section 54(l) is amended to read as follows:

“(5) RATABLE PRINCIPAL AMORTIZATION REQUIRED.—A bond shall not be treated as a clean renewable energy bond unless it is part of an issue which provides for an equal amount of principal to be paid by the qualified issuer during each 12-month period that the issue is outstanding (other than the first 12-month period).”.

(2) TECHNICAL AMENDMENT.—The third sentence of section 54(e)(2) is amended by striking “subsection (l)(6)” and inserting “subsection (l)(5)”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 129. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Section 179D(h) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking “December 31, 2008” and inserting “December 31, 2009”.

SEC. 130. SPECIAL RULES FOR REFUND OF THE COAL EXCISE TAX TO CERTAIN COAL PRODUCERS AND EXPORTERS.

(a) REFUND.—

(1) COAL PRODUCERS.—

(A) IN GENERAL.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, if—

(i) a coal producer establishes that such coal producer, or a party related to such coal producer, exported coal produced by such coal producer to a foreign country or shipped coal produced by such coal producer to a possession of the United States, or caused such coal to be exported or shipped, the export or shipment of which was other than through an exporter who meets the requirements of paragraph (2),

(ii) such coal producer filed an excise tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(iii) such coal producer files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such coal producer an amount equal to the tax paid under section 4121 of such Code on such coal exported or shipped by the coal producer or a party related to such coal producer, or caused by the coal producer or a party related to such coal producer to be exported or shipped.

(B) SPECIAL RULES FOR CERTAIN TAXPAYERS.—For purposes of this section—

(i) IN GENERAL.—If a coal producer or a party related to a coal producer has received a judgment described in clause (iii) and has provided evidence as provided under clause (iv), such coal producer shall be deemed to have established the export of coal to a foreign country or shipment of coal to a possession of the United States under subparagraph (A)(i).

(ii) AMOUNT OF PAYMENT.—If a taxpayer described in clause (i) is entitled to a payment under subparagraph (A), the amount of such payment shall be reduced by any amount paid pursuant to the judgment described in clause (iii).

(iii) JUDGMENT DESCRIBED.—A judgment is described in this subparagraph if such judgment—

(I) is made by a court of competent jurisdiction within the United States,

(II) relates to the constitutionality of any tax paid on exported coal under section 4121 of the Internal Revenue Code of 1986, and

(III) is in favor of the coal producer or the party related to the coal producer.

(2) EXPORTERS.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, and a judgment described in paragraph (1)(B)(iii) of this subsection, if—

(A) an exporter establishes that such exporter exported coal to a foreign country or shipped coal to a possession of the United States, or caused such coal to be so exported or shipped,

(B) such exporter filed a tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(C) such exporter files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such exporter an amount equal to $0.825 per ton of such coal exported by the exporter or caused to be exported or shipped, or caused to be exported or shipped, by the exporter.

(b) LIMITATIONS.—Subsection (a) shall not apply with respect to exported coal if a settlement with the Federal Government has been made with and accepted by, the coal producer, a party related to such coal producer, or the exporter, of such coal, as of the date that the claim is filed under this section with respect to such exported coal. For purposes of this subsection, the term “settlement with the Federal Government” shall not include any settlement or stipulation entered into as of the date of the enactment of this Act, the terms of which contemplate a judgment concerning which any party has reserved the right to file an appeal, or has filed an appeal.

(c) SUBSEQUENT REFUND PROHIBITED.—No refund shall be made under this section to the extent that a credit or refund of such tax on such exported or shipped coal has been paid to any person.

(d) DEFINITIONS.—For purposes of this section—

(1) COAL PRODUCER.—The term “coal producer” means the person in whom is vested ownership of the coal immediately after the coal is severed from the ground, without regard to the existence of any contractual arrangement for the sale or other disposition of the coal or the payment of any royalties between the producer and third parties. The term includes any person who extracts coal from coal waste refuse piles or from the silt waste product which results from the wet washing (or similar processing) of coal.

(2) EXPORTER.—The term “exporter” means a person, other than a coal producer, who does not have a contract, fee arrangement, or any other agreement with a producer or seller of such coal to export or ship such coal to a third party on behalf of the producer or seller of such coal and—

(A) is indicated in the shipper's export declaration or other documentation as the exporter of record, or

(B) actually exported such coal to a foreign country or shipped such coal to a possession of the United States, or caused such coal to be so exported or shipped.

(3) RELATED PARTY.—The term “a party related to such coal producer” means a person who—

(A) is related to such coal producer through any degree of common management, stock ownership, or voting control,

(B) is related (within the meaning of section 144(a)(3) of such Code) to such coal producer, or

(C) has a contract, fee arrangement, or any other agreement with such coal producer to sell such coal to a third party on behalf of such coal producer.

(4) SECRETARY.—The term "Secretary" means the Secretary of Treasury or the Secretary's designee.

(e) TIMING OF REFUND.—With respect to any claim for refund filed pursuant to this section, the Secretary shall determine whether the requirements of this section are met not later than 180 days after such claim is filed. If the Secretary determines that the requirements of this section are met, the claim for refund shall be paid not later than 180 days after the Secretary makes such determination.

(f) INTEREST.—Any refund paid pursuant to this section shall be paid by the Secretary with interest from the date of overpayment determined by using the overpayment rate and method under section 6621 of such Code.

(g) DENIAL OF DOUBLE BENEFIT.—The payment under subsection (a) with respect to any coal shall not exceed—

(1) in the case of a payment to a coal producer, the amount of tax paid under section 4121 of the Internal Revenue Code of 1986 with respect to such coal by such coal producer or a party related to such coal producer, and

(2) in the case of a payment to an exporter, an amount equal to $0.825 per ton with respect to such coal exported by the exporter or caused to be exported by the exporter.

(h) APPLICATION OF SECTION.—This section applies only to claims on coal exported or shipped on or after October 1, 1990, through the date of the enactment of this Act.

(i) STANDING NOT CONFERRED.—

(1) EXPORTERS.—With respect to exporters, this section shall not confer standing upon an exporter to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by a coal producer of any Federal or State tax, fee, or royalty paid by the coal producer.

(2) COAL PRODUCERS.—With respect to coal producers, this section shall not confer standing upon a coal producer to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by an exporter of any Federal or State tax, fee, or royalty paid by the producer and alleged to have been passed on to an exporter.

Subtitle D—Provisions Relating to Housing Bonds

SEC. 131. MODIFICATIONS ON USE OF QUALIFIED MORTGAGE BONDS; TEMPORARY INCREASED VOLUME CAP FOR CERTAIN HOUSING BONDS.

(a) USE OF QUALIFIED MORTGAGE BONDS PROCEEDS FOR SUBPRIME REFINANCING LOANS.—Section 143(k) of the Internal Revenue Code of 1986 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

"(12) SPECIAL RULES FOR SUBPRIME REFINANCINGS.—

"(A) IN GENERAL.—Notwithstanding the requirements of subsection (i)(1), the proceeds of a qualified mortgage issue may be used to refinance a mortgage on a residence which was originally financed by the mortgagor through a qualified subprime loan.

"(B) SPECIAL RULES.—In applying this paragraph to any case in which the proceeds of a qualified mortgage issue are used for any refinancing described in subparagraph (A)—

"(i) subsection (a)(2)(D)(i) shall be applied by substituting '12-month period' for '42-month period' each place it appears,

"(ii) subsection (d) (relating to 3-year requirement) shall not apply, and

"(iii) subsection (e) (relating to purchase price requirement) shall be applied by using the market value of the residence at the time of refinancing in lieu of the acquisition cost.

"(C) QUALIFIED SUBPRIME LOAN.—The term 'qualified subprime loan' means an adjustable rate single-family residential mortgage loan originated after December 31, 2001, and before January 1, 2008, that the bond issuer determines would be reasonably likely to cause financial hardship to the borrower if not refinanced.

"(D) TERMINATION.—This paragraph shall not apply to any bonds issued after December 31, 2010.".

(b) INCREASED VOLUME CAP FOR CERTAIN BONDS.—

(1) IN GENERAL.—Subsection (d) of section 146 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(5) INCREASE AND SET ASIDE FOR HOUSING BONDS FOR 2008.—

"(A) INCREASE FOR 2008.—In the case of calendar year 2008, the State ceiling for each State shall be increased by an amount equal to $10,000,000,000 multiplied by a fraction—

"(i) the numerator of which is the population of such State (as reported in the most recent decennial census), and

"(ii) the denominator of which is the total population of all States (as reported in the most recent decennial census).

"(B) SET ASIDE.—

"(i) IN GENERAL.—Any amount of the State ceiling for any State which is attributable to an increase under this paragraph shall be allocated solely for one or more qualified purposes.

"(ii) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

"(I) the issuance of exempt facility bonds used solely to provide qualified residential rental projects, or

"(II) a qualified mortgage issue (determined by substituting '12-month period' for '42-month period' each place it appears in section 143(a)(2)(D)(i)).".

(2) CARRYFORWARD OF UNUSED LIMITATIONS.—Subsection (f) of section 146 of such Code is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULES FOR INCREASED VOLUME CAP UNDER SUBSECTION (d)(5).—

"(A) IN GENERAL.—No amount which is attributable to the increase under subsection (d)(5) may be used—

"(i) for a carryforward purpose other than a qualified purpose (as defined in subsection (d)(5)), and

"(ii) to issue any bond after calendar year 2010.

"(B) ORDERING RULES.—For purposes of subparagraph (A), any carryforward of an issuing authority's volume cap for calendar year 2008 shall be treated as attributable to such increase to the extent of such increase.".

(c) ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Clause (ii) of section 57(a)(5)(C) of the Internal Revenue Code of 1986 is amended by striking "shall not include" and all that follows and inserting "shall not include—

"(I) any qualified 501(c)(3) bond (as defined in section 145), or

"(II) any qualified mortgage bond (as defined in section 143(a)) or qualified veterans' mortgage bond (as defined in section 143(b)) issued after the date of the enactment of this subclause and before January 1, 2011.".

(2) CONFORMING AMENDMENT.—The heading for section 57(a)(5)(C)(ii) is amended by striking "QUALIFIED 501(c)(3) BONDS" and inserting "CERTAIN BONDS".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

TITLE II—HOUSING GSE AND FHA LOAN LIMITS

SEC. 201. TEMPORARY CONFORMING LOAN LIMIT INCREASE FOR FANNIE MAE AND FREDDIE MAC.

(a) INCREASE OF HIGH COST AREAS LIMITS FOR HOUSING GSEs.—For mortgages originated during the period beginning on July 1, 2007, and ending at the end of December 31, 2008:

(1) FANNIE MAE.—With respect to the Federal National Mortgage Association, notwithstanding section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)), the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Association shall be the higher of—

(A) the limitation for 2008 determined under such section 302(b)(2) for a residence of the applicable size; or

(B) 125 percent of the area median price for a residence of the applicable size, but in no case to exceed 175 percent of the limitation for 2008 determined under such section 302(b)(2) for a residence of the applicable size.

(2) FREDDIE MAC.—With respect to the Federal Home Loan Mortgage Corporation, notwithstanding section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)), the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Corporation shall be the higher of—

(A) the limitation determined for 2008 under such section 305(a)(2) for a residence of the applicable size; or

(B) 125 percent of the area median price for a residence of the applicable size, but in no case to exceed 175 percent of the limitation determined for 2008 under such section 305(a)(2) for a residence of the applicable size.

(b) DETERMINATION OF LIMITS.—The areas and area median prices used for purposes of the determinations under subsection (a) shall be the areas and area median prices used by the Secretary of Housing and Urban Development in determining the applicable limits under section 202 of this title.

(c) RULE OF CONSTRUCTION.—A mortgage originated during the period referred to in subsection (a) that is eligible for purchase by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation pursuant to this section shall be eligible for such purchase for the duration of the term of the mortgage, notwithstanding that such purchase occurs after the expiration of such period.

(d) EFFECT ON HOUSING GOALS.—Notwithstanding any other provision of law, mortgages purchased in accordance with the increased maximum original principal obligation limitations determined pursuant to this section shall not be considered in determining performance with respect to any of the housing goals established under section 1332, 1333, or 1334 of the Housing and Community Development Act of 1992 (12 U.S.C. 4562–

4), and shall not be considered in determining compliance with such goals pursuant to section 1336 of such Act (12 U.S.C. 4566) and regulations, orders, or guidelines issued thereunder.

(e) SENSE OF CONGRESS.—It is the sense of the Congress that the securitization of mortgages by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation plays an important role in providing liquidity to the United States housing markets. Therefore, the Congress encourages the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation to securitize mortgages acquired under the increased conforming loan limits established in this section, to the extent that such securitizations can be effected in a timely and efficient manner that does not impose additional costs for mortgages originated, purchased, or securitized under the existing limits or interfere with the goal of adding liquidity to the market.

SEC. 202. TEMPORARY LOAN LIMIT INCREASE FOR FHA.

(a) INCREASE OF HIGH-COST AREA LIMIT.—For mortgages for which the mortgagee has issued credit approval for the borrower on or before December 31, 2008, subparagraph (A) of section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)(A)) shall be considered (except for purposes of section 255(g) of such Act (12 U.S.C. 1715z-20(g))) to require that a mortgage shall involve a principal obligation in an amount that does not exceed the lesser of—

(1) in the case of a 1-family residence, 125 percent of the median 1-family house price in the area, as determined by the Secretary; and in the case of a 2-, 3-, or 4-family residence, the percentage of such median price that bears the same ratio to such median price as the dollar amount limitation determined for 2008 under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a 2-, 3-, or 4-family residence, respectively, bears to the dollar amount limitation determined for 2008 under such section for a 1-family residence; or

(2) 175 percent of the dollar amount limitation determined for 2008 under such section 305(a)(2) for a residence of the applicable size (without regard to any authority to increase such limitation with respect to properties located in Alaska, Guam, Hawaii, or the Virgin Islands);

except that the dollar amount limitation in effect under this subsection for any size residence for any area shall not be less than the greater of (A) the dollar amount limitation in effect under such section 203(b)(2) for the area on October 21, 1998; or (B) 65 percent of the dollar amount limitation determined for 2008 under such section 305(a)(2) for a residence of the applicable size. Any reference in this subsection to dollar amount limitations in effect under section 305 (a)(2) of the Federal Home Loan Mortgage Corporation Act means such limitations as in effect without regard to any increase in such limitation pursuant to section 201 of this title.

(b) DISCRETIONARY AUTHORITY.—If the Secretary of Housing and Urban Development determines that market conditions warrant such an increase, the Secretary may, for the period that begins upon the date of the enactment of this Act and ends at the end of the date specified in subsection (a), increase the maximum dollar amount limitation determined pursuant to subsection (a) with respect to any particular size or sizes of residences, or with respect to residences located in any particular area or areas, to an amount that does not exceed the maximum dollar amount then otherwise in effect pursuant to subsection (a) for such size residence, or for such area (if applicable), by not more than $100,000.

(c) PUBLICATION OF AREA MEDIAN PRICES AND LOAN LIMITS.—The Secretary of Housing and Urban Development shall publish the median house prices and mortgage principal obligation limits, as revised pursuant to this section, for all areas as soon as practicable, but in no case more than 30 days after the date of the enactment of this Act. With respect to existing areas for which the Secretary has not established area median prices before such date of enactment, the Secretary may rely on existing commercial data in determining area median prices and calculating such revised principal obligation limits.

TITLE III—TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION

SEC. 301. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary of Labor (in this title referred to as the "Secretary"). Any State which is a party to an agreement under this title may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of temporary extended unemployment compensation to individuals who—

(1) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before February 1, 2007);

(2) have no rights to regular compensation or extended compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law; and

(3) are not receiving compensation with respect to such week under the unemployment compensation law of Canada.

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT, ETC.—For purposes of any agreement under this title—

(1) the amount of temporary extended unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for temporary extended unemployment compensation and the payment thereof, except—

(A) that an individual shall not be eligible for temporary extended unemployment compensation under this title unless, in the base period with respect to which the individual exhausted all rights to regular compensation under the State law, the individual had 20 weeks of full-time insured employment or the equivalent in insured wages, as determined under the provisions of the State law implementing section 202(a)(5) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note); and

(B) where otherwise inconsistent with the provisions of this title or with the regulations or operating instructions of the Secretary promulgated to carry out this title; and

(3) the maximum amount of temporary extended unemployment compensation payable to any individual for whom a temporary extended unemployment compensation account is established under section 302 shall not exceed the amount established in such account for such individual.

(e) ELECTION BY STATES.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State that is in an extended benefit period may provide for the payment of temporary extended unemployment compensation in lieu of extended compensation to individuals who otherwise meet the requirements of this section. Such an election shall not require a State to trigger off an extended benefit period.

SEC. 302. TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) IN GENERAL.—Any agreement under this title shall provide that the State will establish, for each eligible individual who files an application for temporary extended unemployment compensation, a temporary extended unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law; or

(B) 13 times the individual's average weekly benefit amount for the benefit year.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) SPECIAL RULE.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, if, at the time that the individual's account is exhausted, such individual's State is in an extended benefit period (as determined under paragraph (2)), then, such account shall be augmented by an amount equal to the amount originally established in such account (as determined under subsection (b)(1)).

(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period if, at the time of exhaustion (as described in paragraph (1))—

(A) such a period is then in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970;

(B) such a period would then be in effect for such State under such Act if section 203(d) of such Act were applied as if it had been amended by striking "5" each place it appears and inserting "4"; or

(C) such a period would then be in effect for such State under such Act if—

(i) section 203(f) of such Act was applied to such State (regardless of whether the State by law had provided for such application); and

(ii) such section 203(f) did not include the requirement under paragraph (1)(A)(ii).

SEC. 303. PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION.

(a) GENERAL RULE.—There shall be paid to each State which has entered into an agreement under this title an amount equal to 100 percent of the temporary extended unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of any compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this title or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this title in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

SEC. 304. FINANCING PROVISIONS.

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a))) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a))) shall be used for the making of payments to States having agreements entered into under this title.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the Government Accountability Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as so established) to the account of such State in the Unemployment Trust Fund (as so established).

(c) ASSISTANCE TO STATES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a))) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this title.

(d) APPROPRIATIONS FOR CERTAIN PAYMENTS.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, to the extended unemployment compensation account (as so established) of the Unemployment Trust Fund (as so established) such sums as the Secretary estimates to be necessary to make the payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code; and

(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

SEC. 305. FRAUD AND OVERPAYMENTS.

(a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of temporary extended unemployment compensation under this title to which the individual was not entitled, such individual—

(1) shall be ineligible for further temporary extended unemployment compensation under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received amounts of temporary extended unemployment compensation under this title to which they were not entitled, the State shall require such individuals to repay the amounts of such temporary extended unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such temporary extended unemployment compensation was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any temporary extended unemployment compensation payable to such individual under this title or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the temporary extended unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

SEC. 306. DEFINITIONS.

In this title, the terms "compensation", "regular compensation", "extended compensation", "benefit year", "base period", "State", "State agency", "State law", and "week" have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 307. APPLICABILITY.

(a) IN GENERAL.—Except as provided in subsection (b), an agreement entered into under this title shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending on or before December 31, 2008.

(b) TRANSITION FOR AMOUNT REMAINING IN ACCOUNT.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), in the case of an individual who has amounts remaining in an account established under section 302 as of December 31, 2008, temporary extended unemployment compensation shall continue to be payable to such individual from such amounts for any week beginning after such date for which the individual meets the eligibility requirements of this title.

(2) NO AUGMENTATION AFTER DECEMBER 31, 2008.—If the account of an individual is exhausted after December 31, 2008, then section 302(c) shall not apply and such account shall not be augmented under such section, regardless of whether such individual's State is in an extended benefit period (as determined under paragraph (2) of such section).

(3) LIMITATION.—No compensation shall be payable by reason of paragraph (1) for any week beginning after March 31, 2009.

TITLE __—LOW-INCOME HOME ENERGY ASSISTANCE

SEC. ___. LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

(a) IN GENERAL.—In addition to amounts otherwise made available for fiscal year 2008, there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) $500,000,000 for fiscal year 2008, for making payments under subsections (a) through (d) of section 2604 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623); and

(2) $500,000,000 for fiscal year 2008, for making allotments under section 2604(a) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(a)) that are made in such a manner as to ensure that each State's allotment percentage is the percentage the State would receive of funds allotted under such section 2604(a) if the total amount appropriated for fiscal year 2008 and available to carry out such section 2604(a) had been less than $1,975,000,000.

(b) RELEASE OF FUNDS.—Funds appropriated under subsection (a)(2), and funds appropriated (but not obligated) prior to the date of enactment of this Act for making payments under section 2604(e) of such Act (42 U.S.C. 8623(e)), shall be released to States not later than 30 days after the date of enactment of this Act.

TITLE __—EMERGENCY DESIGNATION

SEC. 501. EMERGENCY DESIGNATION.

For purposes of Senate enforcement, all provisions of this Act are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SA 3984. Mr. REID proposed an amendment to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; as follows:

At the end of the amendment, add the following:

This section shall take effect 4 days after enactment.

SA 3985. Mr. REID proposed an amendment to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; as follows:

At the end insert the following:

This section shall become effective 3 days after enactment of the bill.

SA 3986. Mr. REID submitted an amendment which was ordered to lie on the table; as follows:

On line 2, strike 3 and insert 2.

SA 3987. Mr. REID proposed an amendment to amendment SA 3986 proposed by Mr. REID to the bill; as follows:

On line 1, strike 2 and insert 1.

SA 3988. Mr. REID (for Mr. LIEBERMAN) proposed an amendment to the bill S. 2457, to provide for extensions of leases of certain land by Mashantucket Pequot (Western) Tribe; as follows:

At the end, add the following:

(c) PROHIBITION ON GAMING ACTIVITIES.—No entity may conduct any gaming activity (within the meaning of section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) pursuant to a claim of inherent authority or any Federal law (including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) and any regulations promulgated by the Secretary of the Interior or the National Indian Gaming Commission pursuant to that Act) on any land that is leased with an option to renew the lease in accordance with this section.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, February 7, at 9:30 a.m., in room 628 of the Dirksen Senate Office Building in order to conduct a hearing on the nomination of Robert G. McSwain to be Director of the Indian Health Service.

Those wishing additional information my contact the Indian Affairs Committee at 224-2251.

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, there will be a meeting of the Committee on Rules and Administration on Wednesday, February 13, 2008 at 10 a.m. in SR-301, Russell Senate Office Building, in order to hear testimony on Protecting Voters at Home and at the Polls: Limiting Abusive Robocalls and Vote Caging Practices.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, February 5, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building, in order to hear testimony on the President's fiscal year 2009 budget proposal.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BROWN. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Tuesday, February 5, in order to conduct an oversight hearing entitled: Review of Veterans' Disability Compensation: Rehabilitating Veterans." The Committee will meet in room 418 of the Russell Senate Office Building, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BROWN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 5, 2008, at 10 a.m. in order to hold an open hearing.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BROWN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 5, 2008, at 2:30 p.m. in order to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING FOR EXTENSIONS OF LEASES FOR CERTAIN LAND BY MASHANTUCKET PEQUOT (WESTERN) TRIBE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be discharged from further consideration of S. 2457 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2457) to provide for extensions of leases of certain land by Mashantucket Pequot (Western) Tribe.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, a motion to reconsider be laid upon the table, and any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3988) was agreed to, as follows:

(Purpose: To prohibit gaming activities on certain land)

At the end, add the following:

(c) PROHIBITION ON GAMING ACTIVITIES.—No entity may conduct any gaming activity (within the meaning of section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) pursuant to a claim of inherent authority or any Federal law (including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) and any regulations promulgated by the Secretary of the Interior or the National Indian Gaming Commission pursuant to that Act) on any land that is leased with an option to renew the lease in accordance with this section.

The bill (S. 2457), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2457

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSIONS OF LEASES OF CERTAIN LAND BY MASHANTUCKET PEQUOT (WESTERN) TRIBE.

(a) IN GENERAL.—Any lease of restricted land of the Mashantucket Pequot (Western) Tribe (referred to in this section as the "Tribe") entered into on behalf of the Tribe by the tribal corporation of the Tribe chartered pursuant to section 17 of the Act of June 18, 1934 (25 U.S.C. 477), may include an option to renew the lease for not more than 2 additional terms, each of which shall not exceed 25 years, subject only to the approval of the tribal council of the Tribe.

(b) LIABILITY OF UNITED STATES.—The United States shall not be liable to any party for any loss resulting from a renewal of a lease entered into pursuant to subsection (a).

(c) PROHIBITION ON GAMING ACTIVITIES.—No entity may conduct any gaming activity (within the meaning of section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) pursuant to a claim of inherent authority or any Federal law (including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) and any regulations promulgated by the Secretary of the Interior or the National Indian Gaming Commission pursuant to that Act) on any land that is leased with an option to renew the lease in accordance with this section.

NATIONAL DRUG PREVENTION AND EDUCATION WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 434, and the Senate now proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 434) designating the week of February 10 through 16, 2008 as "National Drug Prevention and Education Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements relating to this matter be printed in the RECORD as if given.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 434) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 434

Whereas recent survey data suggests that illegal drug use among youth has declined by 24 percent since 2001;

Whereas, despite the reduction in drug use among youth, the number of 8th, 10th, and 12th graders who use drugs remains too high and the rates of prescription and over-the-counter drug abuse are alarming;

Whereas the overall rate of current illegal drug use among persons aged 12 or older is 8.3 percent, which has remained stable since 2002;

Whereas ecstasy (methylenedioxy-methamphetamine, or MDMA) use among high school age youth has been rising since 2004;

Whereas, while methamphetamine use is down among 8th, 10th, and 12th graders, many counties across the country still report that methamphetamine is a serious drug problem;

Whereas 25 percent of youth in the 10th grade reported the use of marijuana during the past year;

Whereas youth who first smoke marijuana under the age of 14 are more than 5 times as likely to abuse drugs in adulthood;

Whereas nearly 6 percent of 12th graders have used over-the-counter cough and cold medications in the past year for the purpose of getting high;

Whereas Vicodin remains one of the most commonly abused drugs among 12th graders, with 1 in 10 reporting nonmedical use within the past year;

Whereas teenagers' and parents' lack of understanding of the potential harms of these powerful medicines makes it even more critical to raise public awareness about the dangers associated with their non-medical use;

Whereas the rates of use for any illegal drug are directly related to the perception of harm and social disapproval;

Whereas more than 20 years of research has demonstrated that prevention interventions, designed and tested to reduce risk and enhance protective factors, can help children at every step along their developmental path, from early childhood into young adulthood;

Whereas prevention efforts should be flexible enough to address and prevent local problems before they become national trends;

Whereas research has demonstrated that there are 4 major targets of prevention: youth, parents, schools (including colleges and universities), and communities and social environments that must be reinforced by each other to have the greatest effect in deterring the consequences of drug use;

Whereas a comprehensive blend of individually and environmentally focused efforts must be adopted and a variety of strategies must be implemented across multiple sectors of a community to reduce drug use;

Whereas community anti-drug coalitions are an essential component of any drug prevention and education campaign because they are data driven, know their community epidemiology, and are capable of understanding and implementing the multi-sector interventions required to reduce the availability and use of drugs;

Whereas community anti-drug coalitions help to change community norms, laws, policies, regulations, and procedures to create an environment that discourages the use of drugs;

Whereas school-based prevention programs should be part of a comprehensive community wide approach to deal with drug use;

Whereas the more successful we are at general prevention of drug use in younger adolescents, the less we will have to deal with the concomitant economic and societal consequences of their use;

Whereas the total economic cost of drug, alcohol, and tobacco abuse in the United States is more than $500,000,000,000;

Whereas the savings per dollar spent on substance abuse prevention rather than on substance abuse treatment are substantial, and can range from $2.00 to $20.00;

Whereas there will always be new and emerging drug trends that require additional prevention and education efforts;

Whereas preventing drug use before it begins and educating the public about the dangers of drug use is a critical component of what must be a consistent and comprehensive effort to stunt and decrease drug use rates throughout the country; and

Whereas thousands of community anti-drug coalition leaders and community based substance abuse prevention, treatment, and education specialists come to Washington, DC to receive state-of-the-art technical assistance, training, and education on drug prevention at the Community Anti-Drug Coalition of America's Annual National Leadership Forum in February: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of February 10–16, 2008, as "National Drug Prevention and Education Week"; and

(2) urges communities, schools, parents, and youth to engage in, and carry out, appropriate prevention and education activities and programs to reduce and stop drug use before it starts.

DESIGNATING FEBRUARY 2008 AS "GO DIRECT MONTH"

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 443.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 443) designating February 2008 as "Go Direct Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 443) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 443

Whereas, in fiscal year 2007, nearly 60,000 checks issued by the Department of the Treasury, worth approximately $56,000,000, were endorsed by forgery;

Whereas the Department of the Treasury receives approximately 1,400,000 inquiries each year regarding problems with paper checks;

Whereas, each month, nearly 12,000,000 social security and other Federal benefit payments are made with checks;

Whereas the United States would generate approximately $132,000,000 in annual savings if all Federal benefit checks were paid by direct deposit;

Whereas the use of direct deposit is a more secure, reliable, and cost-effective method of payment than paper checks because the use of direct deposit—

(1) helps protect against identity theft and fraud;

(2) provides easier access to funds during emergencies and natural disasters; and

(3) provides the people of the United States with more control over their money;

Whereas the Department of the Treasury and the Federal Reserve Banks have launched *Go Direct*, a national campaign to motivate people who receive Federal benefit payments to use direct deposit to receive those payments;

Whereas *Go Direct* works with more than 1,100 partners across the Nation, including financial institutions, advocacy groups, and community organizations;

Whereas more than 130 financial institutions representing 25,000 branches nationwide participated in the 2007 "*Go Direct* Champions" competition to encourage the use of direct deposit among people who receive Federal benefit payments; and

Whereas more than 1,600,000 people in the United States have switched from paper checks to direct deposit to receive Federal benefit payments since *Go Direct* launched in the fall of 2004: Now, therefore, be it

Resolved, That the Senate—

(1) designates February 2008 as "*Go Direct* Month";

(2) supports the goals and ideals of the *Go Direct* campaign;

(3) commends Federal, State, and local governments, nonprofit agencies, and the private sector for promoting February as *Go Direct* Month; and

(4) encourages people in the United States who are eligible to receive social security or other Federal benefit payments to—

(A) participate in events and awareness initiatives held during the month of February with respect to using direct deposit;

(B) become informed about the convenience and safety of direct deposit; and

(C) consider signing up for direct deposit of social security or other Federal benefit payments.

THE STIMULUS PACKAGE

Mr. REID. Mr. President, before we leave, I want to say a couple of things.

It is a very important vote we have tomorrow. I want the Senate to know we have received support from all over the country on the Senate stimulus package. I picked two of these just to comment on at this time.

The Los Angeles Times editorial policy in recent years has not been very progressive in nature, but to date here is what they said:

> It's looking all but certain that Congress will pass an economic stimulus bill before mid-February, which isn't necessarily good news. It's questionable whether handing taxpayers a few hundred bucks each would really jolt a sluggish economy, yet there's no doubt at all that it would increase an already scary national debt. Still, some stimuli are more appealing than others, and if we must have a bill, the Senate has a better plan than the House.

Among other things, this editorial says:

> The Senate's plan extends unemployment insurance by an additional 13 weeks, provides rebate checks to about 20 million seniors living on Social Security and about 250,000 disabled veterans (neither group would get a penny under the House version), and expands home-heating subsidies. Jobless people and those on fixed incomes are much more likely to spend their rebate checks quickly than those in the middle class, so if the goal is to stimulate spending, this is precisely the population Congress should be targeting.
>
> The Senate also addresses one of the biggest failings of last year's energy bill. Wind and solar power installations are growing at a sizzling pace, but that growth is fueled by production tax credits that expire at the end of next year. An extension was stripped from the energy bill because of an unrelated dispute over taxing oil companies. The credits must be extended as quickly as possible because investors won't pump money into clean power if there's a danger of losing their tax incentives. Renewable energy reduces reliance on foreign oil while cutting greenhouse gases and other pollutants; green technology is also an extremely promising growth industry that could help make up for the loss of manufacturing jobs.

The final paragraph of the editorial is as follows:

> McCain has made much during the campaign about his determination to combat global warming. If he's the man of conviction he claims to be, he should return to Washington and back the Baucus bill.

That was the Los Angeles Times.

Mr. President, now the Arizona Republic, which is a very conservative publication. That is an understatement. But here is what they said:

> The economic stimulus package from Congress needs some power. Renewable power. The plan should include an extension of tax credits for renewable-energy sources, such as wind, solar and geothermal.
>
> We would get a three-for-one impact: creating jobs, diversifying our energy supply, and reducing pollution.
>
> These aren't new tax credits. They're existing ones that are serving us well. Last year, nearly 6,000 megawatts of renewable energy came on line. That injected $20 billion into the economy. . . .

Mr. President, this bill that came out of the Finance Committee, which we will vote on tomorrow, is a good piece of legislation—the Arizona Republic, the Los Angeles Times—and we have had support from all over the country.

I will quote directly from the President's State of the Union Address when he said:

> We should allow State housing agencies to issue tax free bonds to help homeowners refinance their mortgages. (Applause.)

This was greeted by applause.

> These are difficult times for many American families, and by taking these steps, we can help more of them to keep their homes.

That is in our bill.

We are going to have an opportunity at a quarter to 6 tomorrow to vote on this package. We are not going to pick and choose which of these provisions on a bipartisan basis is placed in the bill. Are we going to throw overboard the seniors? No, they are part of the package. Are we going to throw under the bus disabled veterans? No. Are we going to do away with these business provisions that the business community loves because it will create jobs? Are we going to throw over the homebuilders who are in Washington trying to get this package passed? No. It is important. It is important because it will stop foreclosures. It will help an industry that is in peril. Are we going to tell people who are unemployed, some of whom have been unemployed for a long period of time, that we are not going to help them, we are going to strip them out of the package?

Everything we have in this bill is good. We have to go to conference anyway because there is a provision in here dealing with people who are undocumented and getting benefits.

This is a program, it is a package, it is a good package. That is why we have had support from all over the country as to how much better it is than the proposal we got from the House. Is there anything wrong with the House bill? No, not as far as it goes; it just didn't go far enough. Democrats will vote for this bill, all 51 Democrats will vote for this, but I plead with my Republican friends, this is an important piece of legislation, not for Democrats, not for Republicans, it is for the American people.

I was called by one of my Senators this afternoon. He said he talked with one of the Republican Senators, one of the senior Senators, and said: Can you support us? He said: No, I can't because the Republican leader said at our conference today that he thinks we will have an opportunity to put in the seniors.

Democrats are not willing to throw overboard the very needy people who we believe should be part of this package. It is a package and it is a good package. Are my Republican colleagues going to tell the unemployed it is unnecessary they get help? Are they going to tell the business community this is not necessary now? I am not going to go through all the provisions of the legislation, but it is good, it is a package. And my Republican colleagues, nine of them, we need nine of them. We know we have three from the Finance Committee, and I hope we have some other brave souls who will do the right thing for the American people and not follow the path that for 7 years has led this country into a period of where today—the last report I got is the Dow Jones was down about 350 points. Up and down—it is very bad for the economy.

My Republican colleagues should understand that the White House has done the country and not done the Republicans any favors during these past 7 years. The economy is in a deep trip south, and we have to do what we can to rectify that situation. It would help if we passed our package. I cannot imagine why they would keep walking over that cliff as a result of what this President is telling them to do. It is disaster for them. It is disaster for the American people. And nine of them should step forward and do the right thing.

Senator GRASSLEY supports this package. Senator GRASSLEY is one of the most conservative Members in this entire Senate. He is doing it because it is the right thing to do. This gentleman farmer is a great legislator. My Republican colleagues, support this man, support the ranking member of the Finance Committee. It would be good for our country, good for our economy.

ORDERS FOR WEDNESDAY, FEBRUARY 6, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; there then be a period of morning business for up to 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, the time equally divided and controlled between the two leaders or their designees, with the majority in control of the first half and the Republicans in control of the final half; that following morning business, the Senate resume consideration of S. 2248, the FISA bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, with the agreement we just entered on the economic stimulus bill, there will be a rollcall vote at 5:45 p.m. on the cloture motion on the Finance amendment. In addition, Senators should be aware rollcall votes are possible earlier in the day. I would hope that is the case.

We don't have an agreement on FISA yet, but I have been given the assurance by my Republican colleagues that, for example, the amendment the Presiding Officer and Senator SPECTER are going to offer should be debated tomorrow. There should be time before we have the 5:45 vote. We have a very important amendment to debate that has to be completed with Senator DODD and Senator FEINSTEIN regarding immunity. Senator FEINSTEIN has the ability to offer an amendment, and I hope we have votes on these and get rid of a lot of this tomorrow. We have been told the last few days that we could have some votes and we wind up not having votes, but I hope we can.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, I now ask unanimous consent that the Senate stand adjourned under the previous order now before the Senate.

There being no objection, the Senate, at 7:23 p.m., adjourned until Wednesday, February 6, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

HUGO LLORENS, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HONDURAS.

MARIANNE MATUZIC MYLES, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAPE VERDE.

DEPARTMENT OF JUSTICE

CLYDE R. COOK, JR., OF NORTH CAROLINA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE CHARLES R. REAVIS.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE VICE CHIEF OF STAFF, UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3034:

To be general

LT. GEN. RAYMOND T. ODIERNO, 8425

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. MARTIN E. DEMPSEY, 8511

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. KATHLEEN M. GAINEY, 4227

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. SCOTT G. WEST, 5375

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DARRELL L. MOORE, 4091

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. DERWOOD C. CURTIS, 9914

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. HARRY B. HARRIS, JR., 2998

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. ELIZABETH A. HIGHT, 7307

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JOHN M. BIRD, 4297

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

SAMUEL H. WILLIAMS, 6234

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

MICHAEL R. BROOKS, 8367

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

JAMES E. DAVIS, 6566

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

MICHAEL G. RYDER, 7666

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

MARVIN P. ANDERSON, 1949
JAMES W. BAIK, 6213
JOSEPH S. COWARD, 5630
DAVID FERGUSON, 6171
MARK R. GLEISNER, 8444
JULIO GONZALES III, 6361
ROBERT G. HALE, 4394
WILLIAM HANN, 8334
DAVID B. HEMBREE, 3446
WALTER A. HENRY, 6147
JEFFREY A. HODD, 4196
VALERIE E. HOLMES, 8902
AUBREY R. HOPKINS, JR., 3816
DAVID M. JEFFALONE, JR., 7470
CHRISTOPH I. LANGER, 8067
SUNG Y. LEE, 3212
RICHARD E. LYNNE, 9043
TROY MARBURGER, 9954
TIMOTHY A. MITCHENER, 0594
JOHN B. MOODY, 1290
JOSE E. OLAZAGASTI, 3020
DIANNE PANNES, 8640
GRANT A. PERRINE, 0228
ALBERT E. SCOTT, JR., 6525
GREGORY W. SILVER, 3484
DAVID C. SMISSON, JR., 3680
THOMAS S. SYMPSON, 2778
JAMES L. THOMPSON, 3379
ROBERT R. THRASHER, 6819
CRAIG P. TORRES, 7782
FRANKLIN E. TUTTLE, 0371
MARK V. VAIL, 3352

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

JOHN P. ALBANO, 0600
CHRISTINA M. BELNAP, 4920
DAVID M. BENEDEK, 5796
NANCY B. BLACK, 2679
EDWARD H. BOLAND, 9631
STEVEN J. BREWSTER, 6141
JOHN CARAVALHO, 8145
MELINDA A. CAVICCHIA, 3967
ARTHUR B. CHASEN, 0776
KENNETH H. CHO, 9538
FRANK L. CHRISTOPHER, 4556
JEFFREY L. CLEMONS, 8620
RODNEY L. COLDREN, 6896
TRINKA S. COSTER, 2408
THOMAS K. CURRY, 8064
RONALD D. DEGUZMAN, 8886
ARTHUR J. DELORIMIER, 2066
PAUL DUCH, 8420
NATHAN S. ELLIS, 9981
MICHAEL A. ESLAVA, 6657
LESLIE S. FOSTER, 2446
JAMES L. FURGERSON, 5940
ROGER A. GALLUP, 0800
DEAN A. GANT, 3159
ROBERT V. GIBBONS, 1231
THOMAS W. GIBSON, 4738
JOHN E. GLORIOSO, JR., 2159
ELIZABETH C. GOLLADAY, 3529
DOMINGO P. GONZALEZ, 6180
JESS A. GRAHAM, 4542
KURT W. GRATHWOHL, 0405
THOMAS W. GREIG, 8685
FERNANDO B. GUERENA, 3713
MARK D. HARRIS, 6532
BENJAMIN P. HARRISON, 4416
ERIC R. HELLING, 6623
JAVIER HERNANDEZ, 9581
CHRISTINA C. HILL, 3642
PEYTON H. HURT, 3733
LESLIE W. JACKSON, 7105
BOBBY W. JONES, 2736
RONALD P. KING, 4081
ANDREW J. KOSMOWSKI, 0973
RICHARD K. KYNION, 2892
ROBERT C. LADD, 2614
SARAH L. LENTZKAPUA, 0872
DALE H. LEVANDOWSKI, 3213
MICHAEL D. LEWIS, 9900
KENNETH K. LINDELL, 8894
ERIC T. LUND, 0921
WENDY MA, 3052
CHRISTIAN R. MACEDONIA, 8930
MICHAEL S. MACHEN, 7619
MAMMEN P. MAMMEN, JR., 7939
RODRIGO A. MARIANO, 4233
STEPHEN N. MARKS, 7388
ALBERT J. MARTINS, 7521
JEFFREY P. MAWHINNEY, 3000
GEORGE L. MAXWELL, 4309
GARNER P. MCKENZIE, 6828
EDWARD C. MICHAUD III, 6033
CAROL A. MOORES, 2060
ERIC D. MORGAN, 7498
FLETCHER M. MUNTER, 9203
KELLY A. MURRAY, 4989
JAMES M. NOLD, 6345
KEVIN C. OCONNOR, 2660
ERIC W. OLINS, 3171
HOLLY L. OLSON, 0317
PATRICK G. OMALLEY, 7488
DANIEL E. PARKS, 8631
PAUL F. PASQUINA, 5074
KRIS A. PETERSON, 4409
RICHARD P. PETRI, JR., 4211
MICHAEL L. PLACE, 9716
JAMES M. PTACEK, 1564
MARK M. REEVES, 0895
VERONICA J. ROOKS, 5577
DANIEL J. SCHISSEL, 4632
GUNTHER J. SHEN, 6871
ERIC E. SHUPING, 2887
HYUN S. SIM, 5047
NEIL H. SITENGA, 4711
DOUGLAS W. SODERDAHL, 6870
JOHN J. STASINOS, 9252
ALEXANDER STOJADINOVIC, 8419
MICHAEL J. SUNDBORG, 3577
JOSEPH B. SUTCLIFFE, 9567
DONALD L. TAILLON, 5050
MAUREEN L. TATE, 6583
CHARLES L. TAYLOR, 2835
KENNETH TRZEPKOWSKI, 4635
MANUEL VALENTIN, 9091
DAVID P. VETTER, 3431
DALE L. WALDNER, 9629
CRAIG R. WEBB, 1687
PAUL W. WHITECAR, 0759
ANDREW R. WIESEN, 4009
RICHARD K. WINKLE, 9323
KEITH J. WROBLEWSKI, 8496
VIRGINIA D. YATES, 9929
D060387

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

NICOLAS AGUILAR, 9811

RICHARD L. ANSCHUTZ, 8131
NORMAN W. AYOTTE, 0216
ROGER L. BALL, 4779
DAVID J. BAUDER, 7732
DANIEL J. BEQUILLARD, 7053
JAMES H. BOONE, 6716
NATHAN T. BOYKIN, 2603
STEVEN L. BRIGGS, 0260
BRIAN L. BURGEMASTER, 9140
RENEE E. COLE, 3051
MICHAEL J. COOTE, 4323
COLLEEN A. DANIELS, 4425
SEAN F. DELGREGO, 2508
GEORGE J. DEVITA, 2353
JULIANE L. DOUGLAS, 1643
DAVID N. FELTWELL, 6462
DANIEL P. FISHER, 9434
TIMOTHY J. FLAUGHER, 2677
BONNIE J. GARCIA, 0445
MICHAEL P. GARRISON, 4852
DEREK A. GEORGE, 6836
JEFFREY P. GODWIN, 5806
JOHN S. HAUCK, 5641
DANNY H. HEIDENREICH, 8848
DALE L. HERD, 1578
DARREN L. HIGHTOWER, 3686
OWEN T. HILL, 2759
LISA A. HIRN, 4572
AMY L. JACKSON, 1222
LARRY T. LONG, 2154
CHRISTOPHER A. LUSTER, 7662
TOBEN R. LYBARGER, 4742
CYNTHIA L. MCLEAN, 2030
DONNA F. MOULTRY, 7666
ELIZABETH E. PAINTER, 2327
PAUL R. PATTERSON, 3876
GREGORY M. POLLMAN, 1863
CHARLES D. QUICK, 1638
ELIZABETH A. REESE, 4165
DEJUANA L. RIAT, 6403
CHAD M. RODARMER, 2739
JULIE C. RYLANDER, 2962
DANA B. SCHAFFER, 0470
PAUL J. SCHILLACI, 6735
JOHN M. SLEVIN, 5664
BILL A. SOLIZ, 8440
TROY V. VAUGHN, 6264
GORDON R. WASHINGTON, 5156
BRENDA D. WHITE, 2089
D060541

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

DOREENE R. AGUAYO, 2300
FELY O. ANDRADA, 8221
CAZURRO M. ARROYO, 1985
WERNER J. BARDEN, 1696
JASON C. BARNHILL, 8926
RICHARD A. BARTON, JR., 0657
JOHN E. BEZOU, JR., 3405
KYLE P. BOURQUE, 8943
DIXIE D. BRAY, 1862
JILL E. BREITBACH, 4926
DAVID W. BRINES, 5226
MATTHEW L. BROWN, 7259
MICHAEL A. BUKOVITZ, 3020
GRAHAM T. BUNDY, 8272
KEITH M. BURNETTE, 7940
OSCAR A. CABRERA, 4656
ETHAN P. CARTER, 0887
ROBERT N. CARTER III, 5924
BRIAN CHAMPINE, 0335
TRISHA A. COBB, 6928
MICHAEL M. COE, 6703
TRACY A. COFFIN, 8135
DAVID B. COWGER, 0359
WILLIAM G. COX, JR., 2209
MATTHEW M. CURLEE, 3472
LAURA D. DEPALMA, 8884
CHARLES A. DITUSA, 6937
MARY T. DORRITIE, 8950
NICOLE M. DOYLE, 3165
CHRISTOPHER L. DURK, 8480
NATHAN K. DUTMER, 2285
DEBORAH A. ENGERRAN, 3405
YUN H. FAN, 7534
LOUIS D. FAUST, 9475
STEFAN FERNANDEZ, 6816
DARRYL A. FOREST, 0888
NATHANAEL C. FORRESTER, 6649
PHILLIP W. FRANKS, 7783
CHARLA E. GADDY, 8508
ROBERT A. GEDDIE, 3776
DANIEL W. GERSTENFIELD, 6003
JOHN D. GOETTE, JR., 4993
JEREMY L. GOODIN, 5257
MARIO K. GOULD, 0311
DAVID M. GROOM, 3982
JASON HALES, 1028
JAMES H. HALL, 9072
DEEPA HARIPRASAD, 6004
MARK S. HAYDEN, 4213
DARREN C. HICKS, 2007
CHARLOTTE L. HILDEBRAND, 1895
JEFFERY S. HOGUE, 0204
MICHELE E. HUDAK, 9668
BARRON K. HUNG, 3065
MARCUS A. HURD, 8202
DOMINICK J. IVENER, 6893
WADE D. JACKSON, 6268
RICHARD G. JARMAN III, 6551
THOMAS A. JARRETT, 1597
KENDA K. JEFFERSON, 0217
GEORGE M. JOHNSON, 7512
NICHOLAS E. JOHNSON, 6867
GEORGE H. KALLSTROM, 6341
BRADLEY D. LADD, 2959
ROBERT J. LANG, 3338
MELISSA R. LEE, 8588
GERALD P. LEWIS, 5659
DEIDRE B. LOCKHART, 9603
DEXTER L. LOVETT, 3667
WESLEY B. LUEG, 7509
KEVIN J. MAHONEY, 1792
TRANG N. MALONE, 9954
KURT N. MARTIN, 3218
RAYMOND MCCLENEN, 5437
RICHARD B. MCNEMEE, JR., 0616
TODD L. MCNIESH, 6651
PATRICK M. MCNUTT, 5300
DAVID M. MELTZER, 3665
BRADFORD T. MEMBEL, 1311
JOHN A. MERKLEY, 8923
TRACY MICHAEL, 5226
BILL D. MICHIE, JR., 6795
MATTHEW A. MOSER, 8007
JACQUELINE L. MOYER, 5628
GARY L. MURVIN, 0926
JOEL B. NEUENSCHWANDER, 4328
CHRISTOPHER L. NEWELL, 4131
JOHN G. NGUYEN, 4651
DAN F. OHAMA, 6963
BRIAN D. OLEARY, 2594
DEREK C. OLIVER, 3034
LIZA J. ONEAL, 8413
DENNIS J. OREILLY, 1205
CABRERA F. ORTIZ, 4730
MICHAEL D. PAGOTTO, 4554
ROBERT V. PARISH, 4325
MICHAEL D. PERKINS, 7135
ADAM J. PETERS, 0441
GORDON W. POMEROY, 1761
TYQUESE L. PRATTCHAMBERS, 5736
CORY P. PRICE, 4775
ROGER R. PRICE, 7315
DANIEL P. RABOIN, 9423
JENNIFER L. RAMEY, 8098
NATHAN C. RAUCH, 5251
COLLEEN M. REICHENBERG, 8274
KEVIN J. RIDDERHOFF, 8486
ROBLEY S. RIGDON, 9655
EDWIN H. RODRIGUEZROSA, 6184
MICHAEL D. RONN, 0439
THOMAS M. ROUNTREE, 0586
WILLIAM H. RUDDER III, 4782
GINNETTE RUTH, 1215
JOY A. SCHMALZLE, 9288
THOMAS W. SHERBERT, 8630
KIMBERLEE J. SHORT, 1267
JEREMIAH J. SIMPSON, 7242
ANDREW G. SIMS, JR., 0676
GARY D. SINCLAIR, 7812
DAVID C. SLOAN, 1745
JACOB C. SMITH, 0040
KIRSTEN S. SMITH, 4581
JON C. SONNEMAN, 2913
KENNETH D. SPICER, 4283
VEASNA T. SREY, 8732
JAMES G. STANLEY, 9166
HARRY M. STEWART, JR., 0964
RODERICK R. STOUT, 1209
GEORGE THORNE, 0459
STUART D. TYNER, 4318
JOHN A. URCIUOLI, 6610
MICHAEL C. VANHOVEN, 2594
CHALTU N. WAKIJRA, 5916
BRIAN J. WALLACE, JR., 5079
MICHAEL J. WATKINS, 1960
STACEY T. WEBB, 0563
CHAN L. WEBSTER, 6598
WILLIAM D. WHITAKER, 1197
ROBIN F. WILLIAMS, 4363
ABDUL R. WILLIS, 8598
GREGORY C. WILSON, 6798
MAX WU, 6022
MATTHEW M. WYATT, 8794
GEORGE J. ZECKLER, 6579

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

ROY W. ALABRAN, 8471
KRISTIN D. AMEGIN, 0524
MARIE L. BANKS, 4331
MICHAEL W. BENTLEY, 2703
SHARON M. BLAIR, 2305
DANIEL A. BLAZ, 5840
TAMEKA D. BOWSER, 4352
DAVID F. BOYD III, 3929
SAMUEL A. BRACKEN, 9894
JODI L. BREHMER, 1739
JAMEY L. BROACH, 2013
CRAIG S. BUDINICH, 3234
BRETT G. BUEHNER, 8237
SEAN W. BURKE, 8048
JENNIFER R. BUTERA, 6317
DAVID A. CARTER, 6971
ADAM L. CHENEY, 5835
JACQUELINE A. CLEMENTS, 3585
JESSICA M. COUNTS, 2489
SHANE A. CRASK, 3537
KATE M. DISNEY, 7696
ANGELA M. DOWNS, 6186
ANA M. FOSTER, 8252
JIMMIE C. FOSTER, 4815
BRAD E. FRANKLIN, 6779
STACEY S. FREEMAN, 0788
SUSAN K. FRISBIE, 9132
REYES M. GARCIA, 4343
MATTHEW K. GARRISON, 1978
CATRACY R. GOODMAN, 7269
KEVIN GORMLEY, 7640
JAMES B. HACKER, 1282
MARC A. HAGGE, 4078
AARON W. HILDEBRAND, 6958
JOSEPH J. HOFFERT, 1791
TELESHIA L. HORTONHARGROVE, 7391
PAUL K. JENNINGS, 2641
GEORGE A. JOHNSON, 6164
DENAR D. JOYNER, 2540
JULIE H. JUDD, 2049
DEBORAH A. KAISER, 7504
CHARLES S. KUHENS, 0896
TERESA D. KUSTER, 4282
GREGORY L. LARA, 8489
MARKUS D. LEE, 7342
ALLAN L. LONG, 8766
ROBERT P. LONG II, 2892
RANAE T. LOWE, 7540
ALICIA A. MADORE, 6259
BERGEN C. MAHONEY, 4704
KENNEDY N. MBAJONAS, 8136
CANDACE A. MCNEIL, 5983
PAUL C. MICHAEL, 1938
KEVIN F. NICCUM, 7702
MICHAEL U. NNADOZIE, 5052
RACHEL E. PARK, 2591
JOSHUA D. PAUL, 3379
LORNA D. PEAY, 7271
BARRY P. RAINWATER, 5421
ERNESTO A. RAYMUNDO, 4404
MICHELLE M. RIPKA, 2785
THURMAN J. SAUNDERS, 7689
JOELLEN M. SCHIMMELS, 4470
AARON D. SEARS, 3429
TERESA J. SEXTON, 4287
HOLLY L. SHENEFIEL, 8230
ANN L. SIMPSON, 4746
SCOTT W. SMITH, 4232
JENNIFER V. SNELSON, 2714
BLESILDA M. SPRATLEY, 2783
SAUNDRA C. STINEHART, 8776
GUY G. STLOUIS, 0139
JERRY B. STOVER, 9225
HEATHER A. SUESCUN, 4076
JIMMIE J. TOLVERT, 0011
CLIFFORD E. VARNER, 2317
ELBA M. VILLACORTA, 3763
SARA I. VILLACORTA, 3711
DAVID A. VOLLBRECHT, 9821
KEVAN S. WEAVER, 2122
GORDON F. WEST, 1116
WILLIAM C. WHITACRE, 5995
HAROLD E. WILLIAMS, 8810
JOHN T. WILSON, 3392

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

KRISTIN E. AGRESTA, 8966
ABBE D. AMES, 5536
NEEL I. AZIZ, 2985
JEREMY J. BEARSS, 4822
DALE R. BEEBE, 8917
TODD M. BELL, 3727
ROBIN L. BURKE, 7956
STEPHEN E. CASSLE, 8592
TROY D. CREASON, 4499
STEPHANIE E. FONSECA, 6289
MICHAEL D. HANSEN, 7887
KEVIN L. HINTON, 0877
PAUL J. HOLLIER, 3222
LUIS A. LUGOROMAN, 6978
SALVADOR N. NASSRI, 8963
JODI L. NICKLAS, 5063
ANGELA K. PARKER, 5244
MICHAEL R. POKRYFKE, 4688
OLIVIA PRICE, 1993
PATTI K. RICE, 7927
MICHELLE THOMPSON, 2841

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

BAMIDELE J. ABOGUNRIN, 7275
ROBERT J. ALLEN, 5597
DAWN R. ALONSO, 7009
OSCAR M. ALVAREZ II, 1191
CHARLES M. ANDREWS, JR., 3174
PHILIP G. ANTEKEIER, 8391
WILLIAM E. ARICK III, 8851
KENNETH L. ASBRIDGE III, 7911
RHESA J. ASHBACHER, 2213

HUGH L. ATKINSON, 8639
WILLIAM L. BABCOCK, JR., 4548
JAMES H. BAIN, 7612
RICHARD S. BARNES, 2281
JOHN B. BARRANCO, JR., 0567
ARA E. BARTON, 0490
GEORGE B. BEACH, 9607
GEORGE S. BENSON, 6072
CHARLES T. BERRY, 1450
JOHN R. BINDER III, 3817
HAYNESLY R. BLAKE, 2178
PETER S. BLAKE, 6048
BRIAN R. BLALOCK, 0235
DAVID H. BOHN, 4065
ANTHONY C. BOLDEN, 6075
DEMETRIUS J. BOLDUC, 8401
DAVID C. BORKOWSKI, 6258
RICHARD T. BRADY, 8504
DAVID R. BRAMAN, 7784
PAUL B. BRICKLEY, 1120
BRUCE L. BRIDGEWATER, 5700
CHRISTOPHER S. BROWN, 5162
HENRY D. BROWN, 1678
JOEL A. BURDETTE, 0681
HAROLD E. BURKE, 3180
GEORGE CADWALADER, JR., 1308
DANIEL T. CANFIELD, JR., 8100
CURTIS W. CARLIN, 3928
CLIFTON B. CARPENTER, 4797
JAMES C. CARROLL III, 5768
JOHN F. CARSON, JR., 3007
CHAD M. CASEY, 2190
PATRICK J. CASHMAN, 3751
GLEN B. CAULEY, 7212
ADAM L. CHALKLEY, 7379
BENJAMIN D. CHAPMAN, 4115
BRIAN S. CHRISTMAS, 1476
ROBERT M. CLARK, 4809
GREGORY J. CLARKE, 9413
JOSEPH R. CLEARFIELD, 4799
SCOTT B. CLIFTON, 3947
STEVEN K. COKER, 8220
LAWRENCE C. COLEMAN, 2703
RAFFORD M. COLEMAN, 4253
WILLIAM D. COLLIER, 3233
FRANK P. CONWAY, 6589
SCOTT E. CONWAY, 0678
CARL E. COOPER, JR., 2221
SCOTT A. COOPER, 4648
JAMES R. COPPERSMITH, 3486
ERIC M. CORCORAN, 4117
ELMER K. COUCH, 6605
RYAN L. COUGHLIN, 2103
STEPHEN J. CROW, 2157
JOHN W. CURRIE IV, 0455
RUSSELL J. CURTIS, 3377
NICHOLAS E. DAVIS, 9275
MICHAEL E. DEHNER, 5223
GARY E. DELGADO, 0519
WILLIAM L. DEPUE, JR., 8112
SCOTT T. DERKACH, 2413
SUNIL B. DESAI, 6228
GERT J. DEWET, 6036
CHARLES R. DEZAFRA III, 5315
THOMAS J. DODDS, 6823
EDWARD A. DONOVAN III, 7246
CRAIG R. DOTY, 3967
ROBERT D. DOZIER, 0219
ANDREW J. DRAKE, 7918
CURTIS V. EBITZ, JR., 7041
HAROLD B. EGGERS, 2306
JEFFREY A. EICHHOLZ, 0916
CHRISTIAN T. ELLINGER, 1758
JAMES B. ELLIS, 1730
KYLE B. ELLISON, 5698
DOUGLAS J. ENGEL, 9897
DAREN J. ERICKSON, 0919
JEFFREY R. ERTWINE, 8731
JAMES E. ERWIN III, 5373
CHRISTOPHER R. ESCAMILLA, 3477
ROBERT J. FAILS, 5054
PETER C. FARNUM, 2598
LY T. FECTEAU, 8876
FREDERICK G. FERARES, 6560
GREG A. FEROLDI, 7656
DOM D. FORD, 8836
KEITH A. FORKIN, 8977
MARTIN J. FORREST IV, 1492
JAMES W. FOSTER, 8733
MATTHEW J. FOWLER, 9707
THOMAS J. FREEL, 2730
ROBERT A. FREELAND, 4087
LLOYD D. FREEMAN, 0937
ALEX K. FULFORD, 6286
SEAN C. GALLAGHER, 0138
WILLIAM A. GALLARDO, 5841
EDWARD A. GARLAND, 0476
DANIEL W. GEISENHOF, 8657
WILLIAM W. GERST, JR., 5832
ERIC M. GILLARD, 9014
SCOTT A. GONDEK, 4526
WENDY J. GOYETTE, 5776
JEFFREY M. GRAHAM, 2385
DAVID I. GRAVES, 9913
MICHAEL T. GREENO, 2223
MICHAEL D. GRICE, 3536
JOSEPH S. GROSS, 0703
MATTHEW S. GROSZ, 7340
CHRISTOPHER R. HAASE, 4030
TERRY D. HAGEN, 3792
WILLIAM G. HALL, 7489
JON L. HALVERSON, 2287
JOHN P. HARLOW, 1496
MICHAEL J. HARMON, 9479
STUART M. HARNESS, 3462
ANDRE T. HARRELL, 9273
JOHN D. HARRILL III, 2549
KEVIN C. HARRIS, 3501
CHRISTIAN D. HARSHBERGER, 4254
CARLTON W. HASLE, 3681
SEAN D. HAYES, 5510
WESLEY T. HAYES, 7428
DANIEL P. HEALEY, 7599
CARL C. HENGER, 0602
RAPHAEL HERNANDEZ, 8075
JOHN B. HICKS, 0956
KARL E. HILL, 3743
PATRICK R. HITTLE, 3154
MICHAEL R. HODSON, 1419
MITCHELL L. HOINES, 5184
AARON B. HOLLAND, 1963
PIERRE G. HOLLIS, 4134
EVAN N. HOLT, 9573
BRIAN M. HOWLETT, 7992
COLT J. HUBBELL, 0459
MIKEL R. HUBER, 1561
NATHAN E. HUNTINGTON, 9969
CHRISTOPHER B. JACKSON, 4934
THOMAS C. JARMAN, 7231
DAVID K. JARVIS, 0707
EDWARD L. JEEP, 6250
JASON A. JOHNSTON, 1816
CHARLES E. JONES, JR., 0429
MICHAEL T. KAMINSKI, 4563
STEPHEN M. KAMPEN, 9563
KENNETH D. KARIKA, 1403
MATTHEW G. KELLY, 6003
THOMAS E. KERLEY, 0079
ROBERT L. KIMBRELL II, 2199
PATRICK S. KIRCHNER, 3802
BRENDAN M. KLAPAK, 8258
JOSEPH D. KLOPPEL, 8584
ERIK D. KOBS, 0065
WILLIAM S. KOHMUENCH, 0593
FRANKLIN P. KOLBE, 5364
MATTHEW J. KOLICH, 5572
STEVEN J. KOTANSKY, 9431
KURT E. KROGER, 8915
ADAM R. KUBICKI, 6439
STEPHEN C. LABRECHE, 5254
EDWARD T. LANG, 8542
STUART C. LANKFORD, 2033
ERIC R. LARSON, 4892
BRUCE W. LAUGHLIN, 6832
BRENT A. LAWNICZAK, 5026
WALTER S. LEE, JR., 8474
JASON D. LEIGHTON, 0526
RODNEY L. LEWIS, 4148
RAUL LIANEZ, 7067
MARK A. LISTER, 3598
ERIC S. LIVINGSTON, 5184
JOSHUA L. LUCK, 3949
RICHARD E. LUEHRS II, 3954
HENRY W. LUTZ III, 7439
ALISON J. MACBAIN, 9194
JASON R. MADDOCKS, 6880
SCOTT A. MADZIARCZYK, 4008
NATHAN C. MAKER, 3992
MICHAEL P. MANDEL, 3435
SHAWN E. MANSFIELD, 1524
RUBEN A. MARTINEZ, 9059
JOHN D. MARTINKO, 4982
KEVEN W. MATTHEWS, 4929
JOSEPH E. MAYBACH, 8589
DAVID H. MAYHAN, 3688
CLYDE D. MAYS, 4702
PATRICK S. MCDONIEL, 4550
ROGER T. MCDUFFIE, 0688
KRISTA A. MCKINLEY, 5427
MARIA S. MCMILLEN, 0748
CHESTER L. MCMILLON, 4675
CHARLES F. MEGOWN, 5773
BOYD A. MILLER, 0984
DANIEL E. MILLER, 7881
THOMAS P. MITALSKI, 2732
MICHAEL S. MOLLOHAN, SR., 7192
MICHEL W. MONBOUQUETTE, 8627
MICHAEL C. MONTI, 6773
DEREK T. MONTROY, 7636
KEITH F. MOORE, 8032
JERRY R. MORGAN, 8795
PAUL T. MORGAN, 4487
ROBERT S. MORGAN, 6605
DAVID C. MORRIS, 3672
THOMAS J. NAUGHTON, JR., 1496
BRIAN W. NEIL, 9527
RICHARD F. NEITZEY, 0798
CHANDLER S. NELMS, 4331
JULIE L. NETHERCOT, 9869
JONATHAN E. NEUMAN, 6358
JOHN M. NEVILLE, JR., 1361
ANDREW M. NIEBEL, 0319
EDWARD W. NOVACK, 1550
MICHAEL J. ONEIL, 2375
GEORGE R. OPRIA, 9566
JOHNJOHN E. ORILLE, 5750
JOHN C. OSBORNE, JR., 7832
JOHN J. OTOOLE III, 4148
VAUGHN M. PANGELINAN, 6475
SCOTT A. PAYNE, 9343
RICHARD E. PETERSEN, 8779
ROBERT S. PETERSON, 6318
RONALD J. PETERSON, 2688
TOLAN M. PICA, 8121
SCOTT E. PIERCE, 4190
RAYMOND J. PLACIENTE, 8651
DARRELL W. PLATZ, 7935
RICARDO T. PLAYER, 7111
JOHN R. POLIDORO, JR., 0260
FORREST C. POOLE III, 8415
MICHAEL A. PURCELL, 0808
SEAN P. QUIGLEY, 5519
TODD P. RAMPEY, 4171
WILLIAM P. RAYFIELD, 8853
CHARLES A. REDDEN, 0690
MATTHEW S. REID, 8473
KEVIN P. REILLY, 7538
THOMAS J. REPETTI, SR., 4761
MATTHEW B. REUTER, 7954
ROBERT C. RICE, 9586
WILLIAM G. RICE IV, 3570
CHRISTOPHER S. RICHIE, 1634
RYAN S. RIDEOUT, 7895
MARK F. RIEDY, 9722
STEVEN ROBINSON, 0765
EDWARD J. RODGERS, 0581
KARL C. ROHR, 1093
ERIC J. ROPELLA, 4826
GARY D. ROTSCH, 0165
JAMES K. ROUDEBUSH, 0141
JEFFREY N. RULE, 5952
BRIAN G. SANCHEZ, 6142
ELEAZAR O. SANCHEZ, 5109
PETER K. SCHIEFELBEIN, 0871
RICHARD A. SCHILKE, 8313
PAUL M. SCHIMPF, 1268
JAMES A. SCHNELLE, 0336
ROBERT W. SCHRODER, 5873
ROBERT E. SCHUBERT, JR., 8531
JEFFERY SCHULMAN, 2019
MICHAEL E. SCHUTTE, 6204
MICHAEL B. SCHWEIGHARDT, 4996
DOUGLAS J. SCOTT, 1106
KEVIN R. SCOTT, 6027
CHANDLER P. SEAGRAVES, 7868
MATTHEW K. SEIPT, 8479
JONATHAN W. SELBY, 6420
WILLIAM D. SHANNON, 0956
DALE E. SHORT, 7698
TIMOTHY A. SILKOWSKI, 5127
TODD P. SIMMONS, 5153
MICHAEL S. SIMS, 3201
COLIN D. SMITH, 4400
SAMUEL H. SMITH, 3795
MICHAEL J. SOBKOWSKI, JR., 9182
ALAN W. SOLTER, 6797
ANTHONY M. SPARAGNO, JR., 5711
SEAN R. STALLARD, 3384
ROBERT T. STANFORD, 9852
MARK J. STANTON, 8809
MICHAEL C. STARLING, 2834
SCOTT P. SUCKOW, 7124
FARRELL J. SULLIVAN, 7599
MICHAEL J. SUTHERLAND, 3132
LELAND W. SUTTEE, 7289
PATRICIO A. TAFOYA, 0579
MICHAEL C. TAYLOR, 7680
MONTE D. TENKLEY, 9527
JOHN D. THURMAN, 1532
CLAY C. TIPTON, 5435
JEFFERY J. TLAPA, 5373
JOHN C. TREPKA, 6478
JOHN S. TURNER, 9903
SCOTT E. UKEILEY, 7692
CARLOS O. URBINA, 2593
GABRIEL L. VALDEZ III, 0876
MICHAEL K. VANNEST, 3385
STEPHEN K. VANRIPER, 5010
MICHAEL C. VARICAK, 9840
JOHN F. VAZQUEZ, 5611
LUIS E. VILLALOBOS, 8126
SALVATORE VISCUSO III, 5474
DEAN J. VRABLE, 7960
RHETT J. VRANISH, 6335
JASON E. WALDRON, 8865
RICHARD E. WALKER III, 8015
IAN S. WALLACE, 0233
WILLIAM M. WANDO, 3981
HENRY D. WEEDE, 8966
THOMAS A. WELBORN, 6933
DONALD D. WELCH, JR., 7138
AREND G. WESTRA, 1322
MARTIN F. WETTERAUER III, 3619
JEROME S. WHALEN, 6208
ROBERT S. WHITE, 5728
STEVEN J. WHITE, 9657
ZACHARY M. WHITE, 2909
JOSEPH D. WILLIAMS, 4814
ROBERT H. WILLIS, JR., 6593
JUSTIN W. WILSON, 7683
PETER C. WILSON, 2751
DEVIN A. WINKLOSKY, 7460
CRAIG C. WIRTH, 3957
BENJAMIN Z. WOODWORTH, 1448
JASON G. WOODWORTH, 5425
TROY V. WRIGHT, 0663
WILLIAM WROTEN, JR., 2072
JAY D. WYLIE, 9272
JOHN W. YARGER, 2661
WILLIAM W. YATES, 9309
DAVID J. YOST, 3826
DEVIN C. YOUNG, 8735
BRIAN J. ZACHERL, 7017
PHILLIP M. ZEMAN, 9939
JAY K. ZOLLMANN, 2985

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

BERCH H. ABBOTT, 1617
MICHAEL J. A'COSTA, 7779
OLUFUNMIKE F. ADEYEMI, 1491
RICHARD J. ALDERSON, 9546
RORY L. ALDRIDGE, 4743
NORRIS J. ALEXANDER, 3780
ROBERT J. ALLEN, 4989
WILLIAM B. ALLEN IV, 5473
BRETT A. ALLISON, 1546
JOSE E. ALMAZAN, 0745
JOSHUA D. ANDERSON, 5832
SETH E. ANDERSON, 6450
STEVEN S. ANDREWS, 4685
ROBERT G. ANTOLINO, 1206
AARON P. ANTRIM, 2256
JEREMY D. ANZEVINO, 8293
MICHAEL W. ARMISTEAD, 1022
STEPHANIE R. ARNDT, 0162
JASON D. ARTHAUD, 3191
ERNEST L. ASHLEY, 4971
DANIEL J. ATKINSON, 3342
CHARLES T. ATWOOD, 2412
PAUL D. AVELLINO, 0339
DAVID W. BAAS, 2423
THOMAS N. BALL, 4450
GEORGE A. BANCROFT II, 3324
JOHN C. BANTON, 9047
JAMES T. BARDO, 9813
TYRRELL L. BARGER, 3096
JEFFERY D. BARKER, 3432
STEFAN R. BARR, 6596
RAYMOND J. BARRIOS, JR., 4662
GENE D. BARTON, 1489
GREGORY S. BATTAGLIA, 1466
JEFFREY D. BAUER, 5432
GEOFFREY H. BAUM, 0562
JOHN S. BAXTER, 5428
BENJAMIN A. BEARD, 1195
JEREMY W. BEAVEN, 4402
RUSSELL W. BECKER, 0627
MICHAEL A. BECKHART, 9268
PAUL G. BEEMAN, 0410
MELANIE R. BELLCARTER, 3099
DAVID J. BENNETT, 5920
JEFFREY P. BENTZ, 6811
DANIEL L. BERZACK, 7887
GREGORY S. BIAGI, 2203
EDWARD M. BIEL, 4448
JAMES S. BIRGL, 1492
JOHN W. BLACK, 8423
MATTHEW R. BLACK, 3882
MICHAEL G. BLACKFORD, 2291
LIONEL B. BLACKMAN, 2420
STEPHEN W. BLACKMARR, 9464
CINDIEMARI BLAIR, 8683
PAUL J. BLAIR, 4980
MICHAEL D. BLAKEMORE, 1627
CHRISTOPHER G. BLALOCK, 5823
JAMES A. BLANFORD, 6284
CHARLES J. BLUME, 5520
MARK D. BLYDENBURGH, 2900
HUNTLEY J. BODDEN, 1052
CHRISTOPHER J. BOESE, 5913
JASON J. BOGDEN, 5076
PHILLIP R. BONINCONTRI, 6304
JASON A. BOROVIES, 4741
MARK D. BORTNEM, 7206
BRADFORD L. BOTANES, 4556
TRENT L. BOTTIN, 3036
JOHN C. BOWES, 9286
RYAN F. BOYLE, 1046
JAMES H. BRADY, 2429
MICHAEL A. BRAGG, 2377
STEVEN R. BRAND, 2061
MICHAEL P. BRENNAN, 6587
VINCENT H. BRIDGEMAN, 7389
LEONEL O. BRITO, JR., 0873
TRAVIS K. BRITTAIN, 9364
JEFFREY S. BROCKMEIER, 5636
JEREMY D. BROCKMEIER, 9847
MARK J. BROEKHUIZEN, 8667
GARY D. BROOKS, 1442
IAN P. BROOKS, 3713
CHRISTOPHER P. BROWN, 1641
JEFFREY D. BROWN, 7424
MARK C. BROWN, 7016
MARVEN W. BROWN, 8585
MATTHEW A. BROWN, 1839
WILLIAM P. BROWN, JR., 0862
THOMAS A. BROWNE, JR., 7651
VINTON C. BRUTON IV, 8488
JEFFREY H. BUFFA, 4706
TATE A. BUNTZ, 1963
JONATHAN P. BURGESS, 3768
ANTHONY W. BURGOS, 9824
MARCO A. BURGOS, 0091
JOSEPH P. BURKE, 7811
BRENDAN C. BURKS, 3363
WENDY A. BURRELL, 0430
ROBERT L. BURTON, 9070
KIRK J. BUSH, 9977
LEROY B. BUTLER, 5617
MICHAEL D. BUTLER, 3535
TRAVIS L. BUTTS, 1991
PATRICK B. BYRNE, 4576
DOMINICK J. BYRNES, 6177
DUSTIN J. BYRUM, 4875
MICHAEL T. CABLE, 0828
PABLO J. CABRERA, 0079
ANDRES H. CACERESSOLARI, 3857
AMY S. CAHOON, 8018
JOHN O. CALDWELL, 8836
JONATHAN L. CAMARILLO, 1089
MARK C. CAMERON, 3280
STEPHEN T. CAMPBELL, 7661
DUSTIN J. CANESTORP, 7037
CHRISTOPHER J. CANNON, 2126
MATTHEW P. CAPODANNO, 9790
STEPHEN J. CARL, JR., 8197
ROBERT S. CARLBORG, 3920
ROBERT E. CARLSON, JR., 5369
BRODIE R. CARMICHAEL, 8557
EDWARD H. CARPENTER, 5884
WALTER G. CARR, 7527
SEAN P. CARROLL, 9412
RICHARD A. CARY, 3499
DANIEL T. CELOTTO, 2305
ADRIAN R. CHAMBERS, 1828
MATTHEW C. CHAMBLISS, 0655
MELISSA D. CHESTNUT, 6542
GEORGE O. CHRISTEL, 2223
DANNY S. CHUNG, 5462
DARIN A. CHUNG, 4834
KEVIN M. CHUNN, 2366
BRIAN G. CILLESSEN, 2134
CHAD B. CIPPARONE, 0563
JON W. CLANTON, JR., 8027
ERICK T. CLARK, 3152
SAM A. CLARK, 1041
CRAIG M. CLARKSON II, 8584
THOMAS J. CLEAVER, 1378
ROBERT T. CLEMENS, 5650
WILLIAM G. CLESTER, 9651
JEFFREY S. CLOUD, 6229
CHRISTOPHER M. COBLE, 2035
KIMBERLY L. COLEY, 0302
RIGOBERTO G. COLON, 7836
LOUIS COLTER III, 7695
RYAN B. COLVERT, 5854
STEPHEN J. CONLEY, 2739
MICHAEL B. CONNALLY, JR., 1977
CRAIG C. CONNELL II, 1020
DOUGLAS A. COOK, 6698
TIMOTHY J. COOPER, 2002
BILLY R. CORNELL, 2553
JAHOSAME COTTO, 7081
CLAYTON A. CRAIG, 4746
JOSEPH W. CRANDALL, 5179
ROBERT J. CRAWFORD, JR., 8018
CHRISTOPHER F. CRIM, 5814
ALEX M. CROSS, 7432
CLINTON M. CROSSER, 7456
MELISSA L. CROSSON, 3409
DEREK M. CROUSORE, 6603
JASON S. CRUMBACHER, 6639
BERT W. CRUZ, 3478
URBANO CRUZ, 0618
ZACHARY P. CURRY, 4472
JONATHAN E. CURTIS, 2674
RICHARD J. CUSHING, 1913
MATTHEW J. CUTLER, 4870
PETER E. DAHL, 3807
LANCE C. DAVIS, 8598
PATRICK B. DAVIS, 8848
RODNEY J. DEAN II, 1765
DAVID K. DECARION, 7302
JEFFREY S. DECKER, 8889
RICHARD C. DEGUZMAN, 4320
MICHAEL P. DELPALAZZO, 9760
JEREMY S. DEMOTT, 9420
JEREMY D. DEMPSEY, 7816
PAUL J. DETAR, 5216
MICHAEL A. DETTORE, 6081
JEREMY G. DEVEAU, 4958
RAVI S. DHARNIDHARKA, 8831
FRANCIS S. DIAZ, 5952
LAWRENCE S. DIBBLE, 0304
JOHN M. DIETZ, 7265
ROBERT F. DINERO, 4461
ANDREW C. DIRKES, 6907
KYLE H. DITTO, 5166
JOHN D. DIXON, 4099
VINCENT K. DIXON, 3406
JACKSON T. DOAN, 8535
SHAUN W. DOHENEY, 0860
KENNETH P. DOLAN, 5990
ERIC P. DOMINIJANNI, 4854
KIMBERLY A. DONAHUE, 2091
JASON E. DONOVAN, 1819
TIMOTHY P. DORAN, 8341
LISA M. DORING, 6459
JAMES S. DORLON, 7587
AARON M. DOTY, 3029
HAROLD E. DOWLING, JR., 1527
KATHARINE M. DOYLE, 1512
OLIVER B. DREGER, 1015
DANIEL J. DROSTE, 1619
JARED R. DUFF, 3260
JAYSON L. DURDEN, 9941
NATHAN DYE, 3811
SEAN P. DYNAN, 1563
JAMES W. EAGAN III, 6569
LAUREN S. EDWARDS, 9028
RANDOLPH EDWARDS, 2766
JASON D. EGAN, 6039
DAVID I. EICKENHORST, 3370
CASEY D. ELAM, 7109
THOMAS E. ELDERS, 1283
PATRICK F. ELDRIDGE, 0346
WILLIAM W. ELLIOTT III, 5530
SEAN M. ELWARD, 2972
ROBERT H. EMERSON, 8625
DAVID C. EMMEL, 4893
JASON E. ENGSTROM, 5906
PHILIP B. ERDIE, 3556
THOMAS ESPINOSA, 6539
JACOB O. EVANS, 8248
MICHAEL C. EVANS, 3292
WADE E. EVANS, 1832
ROY H. EZELL III, 1572
CHRISTOPHER L. FAIN, 2872
WADE W. FAIRBANKS, 6620
JOHN A. FALLON, 5061
PATRICK T. FAYE, 4226
NATHAN L. FENELL, 0689
EDWARD R. FERGUS, 1843
DAIL T. FIELDS, 8715
MARCOS A. FIGUEROA, 0293
NEAL V. FISHER II, 9079
KARIN R. FITZGERALD, 7472
ROBERT E. FLANNERY, 5577
MARY K. FLATLEY, 0490
CHAD M. FLEMING, 0540
JOHN T. FLEMING, 9336
CHRISTOPHER M. FLOOM, 2515
MATTHEW D. FLOTO, 4750
SHANE R. FLOYD, 2592
CHRIS M. FOLEY, 5650
THEODORE J. FOLSOME, 2228
GERARD V. FONTENOT, 1480
JIMMY C. FORBES, 6161
STEPHEN K. FORD, 7381
DIONNE V. FOSTER, 9940
WENDELL E. FOSTER, JR., 1520
HARRY L. FOWLER III, 4553
ANTHONY A. FRANK, 9474
HENRY J. FRANK, 9484
JASON S. FREEBY, 5733
STEVEN J. FREESE, 5245
CHAD R. FRENCH, 5724
CHARLES W. FRETWELL, 8514
SHAYNE M. FREY, 5306
LEROY K. FRIESEN, 1880
KELLY FRUSHOUR, 0386
NATHAN H. FRYE, 2911
STUART J. FUGLER, 0442
MICHAEL G. GAFFNEY, JR., 2168
DANIEL J. GASKELL, 2402
TODD C. GATES, 4960
MICHAEL A. GAVIN, 9984
GREIG T. GEHMAN, 7891
STEPHEN A. GENTILE, 3075
JOHN M. GIANNELLA, 3621
JOHN C. GIANOPOULOS, 9857
ANTHONY E. GIARDINO, 6927
JAMES R. GIBSON, 9604
BRYANT O. GILCHRIST, 8490
CHAD M. GINDER, 8758
KENNETH K. GOEDECKE, 4719
PAUL J. GOGUEN, 8892
CARLOS V. GOMEZ, 5729
ANTHONY R. GOODE, 9070
RONNIE L. GOODE II, 1290
GREGORY P. GORDON, 3094
LUTHER A. GOVE, 2611
ERNEST GOVEA, 7517
RICHARD E. GRAHAM III, 3426
WILLIAM A. GRANT III, 2076
LAWRENCE B. GREEN II, 9502
ROBERT B. GREEN, 1401
BRIAN D. GREENE, 9629
BRYAN A. GREY, 8037
JENNIFER L. GRIEVES, 5041
ERIC L. GRIGGS, 0931
KEVIN S. GRINDEL, 4904
ADAM T. GROSS, 3995
CHRISTOPHER L. GRUBB, 2157
STEPHEN S. GRUBBS, 0488
STEPHEN F. GRUSENMEYER, 0403
SHAWN P. GRZYBOWSKI, 3726
MIGUEL A. GUERRA, 4874
ANTHONY J. GUESSJOHNSON, 0066
JOHNNY GUTIERREZ, 8293
ADAM M. GUTSHALL, 3000
JASON S. GUTTENBERG, 5958
DOUGLAS W. GWINN, 4614
CHRISTOPHER M. HAAR, 6775
MICHAEL J. HABBA, 0394
TROY A. HADSALL, 4274
JOHN W. HALL, 5486
KEVIN J. HALPIN, 2636
JONATHAN B. HAMILTON, 9097
DARRYL G. HAMMONDS, 0200
DONALD W. HARLOW, 1828
DOMINIC J. HARRIS, 2944
FRANCIS G. HARRIS, 2695
RYAN J. HART, 0276
BRIAN M. HARVEY, 2451
WILLIAM T. HARVEY, 0423
DOUGLAS C. HATCH, 9240
JOHN F. HAVENER III, 6127
KENNETH V. HAWKINS, 2568
JAMES C. HAYNIE, 3500
MICHAEL S. HAYS, JR., 2263
JASON A. HAYUNGS, 7785
TYLER W. HEAD, 5204
THEODORE M. HEADLEY, 1479
GRANT R. HEINRICHS, 1691
MICHAEL F. HELT, 4285
MARTIN L. HEMBREE, 9710
DANIEL C. HENCH, 7160

JOHN K. HENDERSON, 5493
TERRANCE P. HENRY, 3108
BENJAMIN R. HERNANDEZ, JR., 2273
DONALD J. HEROD, 8021
PETER G. HERRMANN, 7132
JOHN S. HERWICK III, 6197
CORNELIUS D. HICKEY, 4133
DAMON B. HICKEY, 2551
JAMES F. HICKEY, JR., 0304
CHARLES W. HILL, 7365
DANIEL R. HILL, 8721
NATHAN J. HILL, 9282
PAUL J. HILLIARD, 4924
EDMUND B. HIPP, 1470
WYNN D. HODGINS, 0779
JAMES T. HOFFMANN, 6789
JONATHAN C. HOLDER, 1447
TODD C. HOLLAND, 7372
CHRISTOPHER M. HOLLOWAY, 3598
RANDALL L. HORNER, 4780
ROBERT D. HORNICK, 8668
MATTHEW S. HORNSBY, 9164
TIMOTHY F. HOUGH, 7089
JOHN H. HOUSAND, JR., 0740
PETER D. HOUTZ, 8339
ERIK P. HOVEY, 7702
CARRIE M. HOWE, 6994
STUART H. HOWELL, 7829
CHAD M. HUBBARD, 6888
JEFFREY A. HUBLEY, 3537
DAVID M. HUDOCK, 8767
DONALD A. HUDSON, 8001
SCOTT A. HUESING, 1593
PATRICK E. HUGHES, 3341
MATTHEW G. HUMPHREY, 4377
BRIAN E. HUTCHERSON, 8339
ROBERTO L. IBARRA, 5659
IVAN F. INGRAHAM, 2465
ANDRE M. INGRAM, 6160
RAQUEL M. INMAN, 9756
JOSEPH R. JACKSON, 4778
KHIEEM JACKSON, 9145
GALEN T. JAMES, 0794
JOHN J. JAMES, 6062
HEATH B. JAMESON, 5648
JAMES L. JANAY, 8131
CHRISTOPHER L. JANECEK, 5554
RYAN P. JANOSEK, 5487
DANIEL R. JARL, 6502
JAMES D. JARVIS, 9968
JEREMY E. JEFFREY, 0401
JOSEPH M. JENNINGS, 8118
ADAM L. JEPPE, 0178
GREG R. JOHNSON, 2351
GREGORY W. JOHNSON, 2052
LEE A. JOHNSON, 9771
ROBERT D. JOHNSON, 1077
DAVID L. JONES, 9831
JOHNNIE D. JONES, JR., 4095
QUINTIN D. JONES, 2062
RANDALL K. JONES, 7632
REX G. JONES, JR., 4468
JOEL D. JOWERS, 3000
SEAN P. JOYCE, 9426
BRIAN M. KACZOROWSKI, 4279
ALLEN A. KAGEN, 1845
JOSEPH A. KATZ, 3917
DOV KAWAMOTO, 6048
JAMES T. KAY, 3820
HENRY H. KAYSER, 6450
MARTIN P. KAZANJIAN, 9203
ERIC J. KECK, 3394
JONATHAN R. KEHR, 0822
JAMES D. KEITH, 1112
CHRISTIAN M. KELLEY, 1435
MICHAEL P. KELLEY, 2163
GHYNO G. KELLMAN, 3942
AMY A. KELLSTRAND, 3856
SCOTT J. KELLY, 2526
ANTHONY A. KERCH, 2850
MATTHEW J. KESSLER, 3689
JAMES A. KIDD, 3115
JOSHUA M. KIIHNE, 3025
TRAVIS M. KING, 4460
STEPHEN A. KINTZLEY, 3796
BENJAMIN K. KIRBY, 6566
WILLIAM C. KIRBY, 8985
ANDREW T. KIRKPATRICK, 9458
CHRISTOPHER R. KNARR, 6225
HYONSU KO, 0529
CHARLES J. KOCH, 0123
JAMES M. KOEHLER, 5539
CHRISTOPHER R. KOTLINSKI, 1719
NATHAN S. KRICK, 6379
ANTHONY G. KROCKEL, 6049
KEVIN K. KUGINSKIE, 8283
TIMOTHY A. KULL, 9925
MICHAEL F. KUTSOR, 1833
DAVID W. LABALLE II, 7695
ERIC H. LADSON, 6465
DAVID D. LANCASTER, 3104
JEFFREY A. LANDIS, 3772
WACO LANE, 7501
JASON C. LANG, 2367
JAY A. LAPPE, 5620
DAVID J. LAUGHLIN, 3791
RICHARD J. LAVIOLLETTE, 9485
ERIC J. LAZALDE, 5339
RYAN C. LEAMAN, 3524
LOUIS B. LECHER, 3103
BRADLEY M. LEDBETTER, 5309
CHRISTOPHER D. LEGERE, 4210
JAMES R. LENARD, 3293
BARTOSZ M. LESNIEWICZ, 8819
JAMES A. LESTER, 5237
RICHARD P. LETELLIER, 9873
ADAM LEVINE, 7233
MARTIN R. LEWIS, 9102
BRYAN D. LIESKE, 4318
DANIEL E. LINDBLOM, 7067
PATRICK S. LINDSTROM, 5607
KEVIN A. LIPSKI, 4011
MICHAEL A. LITTLE, 2849
MICHAEL P. LIVINGSTON, 3092
JOSEPH M. LIZARRAGA, 3941
RONALD L. LOBATO, 5036
EDWARD A. LOFLAND, 6076
ANTHONY W. LOIGNON, 7351
KEVIN J. LOLLMANN, 7373
TROY T. LOWE, 4713
CHRISTOPHER R. LUCAS, 1006
GREGORY A. LUSK, 7525
CHRISTOPHER D. LUTHER, 1015
ROBERT P. LYNCH, 7979
STEAN W. MAAS, 2452
JOHN R. MACFARLANE IV, 2995
ALASDAIR B. MACKAY, 5931
TODD E. MAHAR, 7666
MARCUS J. MAINZ, 0768
WILLIAM G. MANGUS III, 3439
DAVID L. MANKA, 8247
MELANIE J. MANN, 9414
PATRICK G. MANSON, 2474
NICHOLAS A. MARCIANO, 1962
OSCAR MARIN, JR., 1518
JENNIFER L. MARINO, 0052
SCOTT I. MARKER, 0424
JOHN A. MARKSBURY, 5873
WILLIAM W. MARLOWE, 7772
NOAH G. MARQUARDT, 0569
HARRY S. MARSHALL, JR., 4439
MERIDITH L. MARSHALL, 1853
MELISSA MARTIN, 6128
RICHARD C. MARTIN, JR., 7433
RICHARD M. MARTIN, 1017
ALBERTO MARTINEZDIAZ, 5854
DENNIS J. MARTINO, 3426
NICHOLAS A. MARTZ, 2522
NATHAN S. MARVEL, 8048
MICHAEL F. MASTRIA, 2616
PAUL M. MATTEAR, 9086
ROGER E. MATTIOLI, 2763
JEFFREY S. MATTOON, 6546
PERRY D. MAURER, JR., 1983
TIMOTHY R. MAYER, 4964
DANIEL C. MAZE, 8378
RYAN P. MCAFEE, 8913
BRIAN W. MCBRAYER, 7293
ZACHARY A. MCCARLEY, 2390
MARK D. MCCARROLL, 4174
TODD D. MCCARTHY, 7701
RYAN R. MCCASKILL, 6075
REGINALD J. MCCLAM, 1808
BRENT H. MCCLELLAN, 3745
STEPHEN N. MCCLUNE, 6981
DONALD M. MCCOWAN, 3553
WILLIAM A. MCFARLAND, 6118
JON P. MCFAUL, 3245
THOMAS B. MCGEE, 0641
BRETT T. MCGINLEY, 8453
BRETT W. MCGREGOR, 8051
AARON P. MCGREW, 5832
ERIN K. MCHALE, 8092
JASON A. MCHUEN, 2407
PHILIP G. MCKENZIE, 7223
NOWELL C. MCKNIGHT, 4215
BRIAN D. MCLEAN, 4164
PATRICK M. MCMAHON, 6704
WINSTON G. MCMILLAN, 6026
ANTHONY F. MCNAIR, 7644
JOHN P. MCSHANE, 7551
JIM A. MCSHEA, 9153
RUGSITHI D. MEELARP, 3014
BRUCE J. MELVILLE, 8182
ALBERT R. MENDOZA, JR., 6485
JOSE D. MENJIVAR, 3719
ROBERT K. MERHIGE II, 8897
MATTHEW J. MERRILL, 1701
CHRISTOPHER M. MESSINEO, 4325
CHRISTOPHER J. MEYER, 6852
WILLIAM D. MIDGETT, 1493
ANDREW J. MILLER, 5136
DOUGLAS R. MILLER, 3580
KATHRYN I. MILLER, 3109
WILLIAM B. MILLETT III, 4825
ANTHONY R. MITCHELL II, 3949
EDWARD C. MITCHELL, 7187
RICHARD C. MITCHELL, 7951
JASON A. MITZEL, 8492
JOSEPH A. MLAKAR, 7046
JOHN A. MODER, 9405
SUNNY M. MONTAS, 9031
CHAD E. MONTGOMERY, 1853
DERWIN L. MOODY, 2021
STEVIE T. MOORE, 8860
JASON D. MORGAN, 9999
RYAN M. MORNING, 5293
PHILLIP W. MORRIS, 2515
GREGORY D. MORRISON, 7710
EDDIE MOSS, JR., 6460
JESSICA J. MULLEN, 0399
MICHAEL P. MURPHY, 3343
MICHAEL G. MURRAY II, 8878
JASON R. MURTHA, 8301
JENNIFER A. NASH, 9974
PATRICK J. NASH, 4002
WILLIAM H. NASH, 5955
JUAN M. NAVARRO, 0351
OSCAR D. NELSON, JR., 1419
PATRICK NELSON, 7245
RORY L. NICHOLS, 4811
JOHNATHAN A. NORRIS, 3491
RONALD E. NORRIS, JR., 3085
DAVID K. NORTON, 0998
JOSEPH C. NOVARIO, 6422
OWEN J. NUCCI, 6160
KEITH G. NUNN, 2024
TIMOTHY N. NUTTER, 1218
ALPHONSO D. OATES II, 0377
DAVID M. OBRIEN, 5039
MICHAEL E. OGDEN, 5517
MICHAEL P. OHLEGER, JR., 8668
CHARLES S. ONEILL, 8433
ROGELIO S. OREGON, 2002
PAUL J. OVALLE, 3001
JULIAN M. OWEN, 1703
RICHARD W. OWEN III, 6039
TOMOMI J. OWENS, 9443
WILLIAM C. PACATTE, 3203
GREGORY B. PACE, 1285
DAVID L. PADILLA, 9191
DAVID C. PALM, 8976
MATTHEW P. PALMISCIANO, 8656
MELISSA D. PALMISCIANO, 4841
BRYANT J. PATER, 0852
KATRINA D. PATILLO, 6127
BRYAN H. PATON, 9242
EARL H. PATTERSON V, 2940
GREGORY J. PAWSON, 0605
DAVID N. PAYNE, 2487
JACK D. PEARCE, 8911
JOHN L. PEARSON, 1306
CHRISTOPHER W. PEHRSON, 7118
CARRIE M. PENDROY, 8127
JASON L. PERCY, 5263
JOSE A. PEREZ, 4157
TRACY A. PERRY, 0702
SOULYNAMMA D. PHARATHIKOUNE, 1159
MICHAEL C. PHERSON, 8862
STEVEN A. PHILIPP, 6236
KYLE G. PHILLIPS, 3026
MARIANELA G. PICKETT, 5711
JOSHUA M. PIECZONKA, 7872
ERIC J. PIPER, 7943
STEPHEN M. PIRROTTA, 6788
ADAM W. PITNEY, 2381
BOLIVAR P. PLUAS, 9254
DONALD H. PORTER III, 7670
ANTHONY E. PREBE, 2065
JOHN P. PRICE, 8740
SHANE A. PRICE, 3458
RYAN T. PRINCE, 7960
DONALD J. PRITCHARD, 1118
JAMES S. PRYOR, 3876
DONN E. PUCA, 4431
TROY M. PUGH, 4156
BRENT C. PURCELL, 7258
ERIC D. PURCELL, 2113
ANDREW J. PUSHART, 9355
BRADLEY A. RAKOV, 9090
ALAN L. RAMSEY, 9890
GARRETT V. RANDEL III, 2869
GARRICK D. RARD, 8634
KRAIG M. RAUEN, 0287
CHRISTOPHER P. RAY, 3586
JOSEPH W. RAY, 5515
CHARLES C. READINGER, 5502
TIMOTHY J. REAZOR, 3200
SCOTTIE S. REDDEN, 5063
CARL B. REDDING, JR., 2861
THEODORE T. REDDINGER, 1002
RONALD E. REED, 3677
SCOTT M. REED, 3866
JASON A. REHM, 6922
GEORGE F. RENIERS, 1588
JAVIER A. REYES, 5663
MARCUS J. REYNOLDS, 6555
JAMES J. RICHARDS, 8912
EARL O. RICHARDSON, 6807
JONATHAN L. RIGGS, 3158
JOSEPH P. RILEY, 2821
MATTHEW T. RING, 4128
GREGORY J. RIVALDI, 6660
JUAN A. RIVERA, 7106
DONALD L. ROBBINS III, 9227
ANTHONY M. ROBERTS, 8663
JAMES M. ROBINSON, 0036
ADAN R. RODRIGUEZ, 7414
FRANCISCO RODRIGUEZ, 2632
JUAN C. RODRIGUEZ, 1063
DAVID T. ROEN II, 3451
BRIAN A. ROLF, 0855
CLYMOUTH S. ROOS, 2388
KEVIN R. ROOT, 0671
CHARLES E. ROUNDS III, 3568
WILLIAM M. ROWLEY, 4742
VICTOR M. RUBLE, 9359
JASON M. RUEDI, 9518
JUSTIN L. RUIZ, 4749
DEVIN A. RULLMAN, 6169
RICHARD M. RUSNOK, 4966
SAMUEL P. RUSSELL, 1208
BRYAN A. RUTH, 3151
ROBERT P. RUTTER IV, 2508
MATTHEW W. RYAN, 3015
SHEREL L. RYAN, 4127

JONATHAN Y. SABADO, 7286
JEREMIAH SALAME, 8194
ARMANDO SALINAS, 2313
MICHAEL L. SALISBURY, 6419
DANE A. SALM, 5342
MUSA A. SAMAD, 4454
BRADLEY J. SAMS, 5596
DANIEL J. SANCHEZ, JR., 7520
JOHN N. SAND, 3259
BENJAMIN D. SANDERS, 9933
BRADLEY G. SANDERS, 3031
JUSTIN G. SANTARIGA, 3098
ALPHONSO D. SAVAGE, 8247
GLENN D. SAVAGE, 7650
JEREMY N. SAVAGE, 8201
CRAIG E. SCHAFFNER, 4953
ERIC X. SCHANER, 9467
JOEL I. SCHARLAT, 1216
JASON A. SCHEWE, 4764
MARK T. SCHNAKENBERG, 1368
JONATHAN L. SCHNEIDER, 5186
DANIEL W. SCHNICK, 5019
PETER L. SCHNURR, 2042
JESSE C. SCHOSSOW, 3902
MATTHEW T. SCHRAMM, 5370
DAVID A. SCHREINER, 4403
TOD A. SCHROEDER, 2498
ALAN L. SCHULLER, 0873
STEVEN E. SCHULTZE, 0305
RYAN E. SCOTT, 0188
CHAD W. SEAGREN, 7741
BRAD R. SEAVER, 6466
DOUGLAS A. SEICH, 1336
JAMES R. SEMMENS, 2966
RAYMOND Z. SERVANO III, 6267
RYAN E. SHADLE, 8622
CASEY D. SHEA, 5222
SHANNON M. SHEA, 8024
JUDE C. SHELL, 2493
TEDD R. SHIMP, 9876
SCOTT M. SHUSTER, 5240
THOMAS N. SIBLEY, 1618
JEREMY W. SIEGEL, 9003
JEFFERY A. SIERPIEN, 9756
CHRISTOPHER D. SILER, 7496
EDWARD J. SILVA, 4521
SCOTT P. SILVIA, 5370
DEWAYNE SIMMONS, 4207
JONATHAN N. SIMS, 2329
CARL E. SITHER, 4884
JESSE L. SJOBERG, 4108
MICHAEL J. SKINKLE, 2656
JOHN P. SKUTCH, 3001
DANIEL T. SMITH, 5936
ERIK J. SMITH, 9229
JASON R. SMITH, 3230
JONATHAN R. SMITH, 6985
JOSHUA M. SMITH, 0579
MICHAEL S. SMITH, 2113
MONTI S. SMITH, 7221
WILLIAM F. SMITH, JR., 9818
THOMAS D. SMOLENSKI, 0835
STEVEN C. SNEE, 1841
DEREK M. SNELL, 4479
DANIEL H. SNYDER, 1307
SHARIF A. SOKKARY, 4252
PAUL A. SOTOMAYOR, 7558
NOAH M. SPATARO, 7357
MICHAEL A. SPEARS, 2834
SPENCER M. SPEER, 9483
CHARLES S. SPRIETSMA, 6266
MAX STAPP, JR., 6249
GIUSEPPE A. STAVALE, 5855
CHRISTOPHER T. STEELE, 2021
IAN D. STEVENS, 2928
MARK N. STEWART, 5063
MATTHEW J. STEWART, 8417
JARED K. STONE, 1592
JAMES R. STOVER, 1712
BRIAN L. STRACK, 0865
DANIEL A. STRELKAUSKAS, 0214
JEFFREY R. STROHMAIER, 4014
NATHANIEL B. STUSSE, 6575
GREGORY J. SUMMA, 7949
STEVEN M. SUTEY, 3703
DAVID C. SZWED, 2208
JAMES S. TANIS, 6529
JAMES R. TAYLOR, 1777
KEITH W. TAYLOR, 5209
MICHAEL R. TAYLOR, 2419
PAUL C. TEACHEY, 4273
JOSE M. TEE, 6182
JEFFREY B. TENNEN, 5519
KOHTARO TERAHIRA, 8696
TIMOTHY M. THEERMAN, 3932
HARRY F. THOMAS, JR., 6320
ROBERT B. THOMAS, 1922
GARY D. THOMPSON, 9302
JEREMY W. THOMPSON, 7592
RICHARD J. THOMPSON, 7426
SUZAN F. THOMPSON, 4379
DUSTIN R. THORN, 9532
DOUGLAS M. THUMM, 9964
JAYSON M. TIGER, 6713
CHRISTOPHER B. TIMOTHY, 5902
KARL TINSON, 3733
CHRISTOPHER D. TOLLIVER, 9304
JASON C. TORBENSEN, 7306
BYRON J. TORKE, 9822
RODNEY L. TOWERY, 8862
WYETH M. TOWLE, 0254
SARAH E. TRAGORD, 3359
DENNIS C. TROGUS, 2022
BRAD E. TROXEL, 4737
NGUYEN K. TSAN, 4377
JASON K. TUBBS, 5949
TADD J. TURCZYN, 4576
JAMES D. TURNER III, 5794
MICHAEL W. TYRA, 9102
CESAR A. UNZUETA, 1542
THEODORE F. VANBRUNT, 8116
JONATHAN H. VAUGHN, 6562
LUIS VAZQUEZ, 2989
JAVIER E. VEGA, 0633
LARRY W. VINES, 2456
KRISTIAN A. VONHEIMBURG, 8385
JAMIE L. WAGNER, 0426
JONATHAN C. WAITE, 5876
KENNETH R. WALDEN, 6760
GILES D. WALGER, 9920
CURTIS L. WALKER, 8584
DAVID W. WALKER, 2167
BRADLEY W. WARD, 8303
RYAN B. WARD, 1226
KEITH P. WARREN, 6853
PERRY D. WATERS, 4905
TIMOTHY J. WATKINS, 7914
TERRANCE D. WATSON, 7653
CLINTON J. WEBER, 8258
MICHAEL B. WEBER, 6035
WILLIAM D. WEBER, 8816
LEE M. WEINER, 9915
ROBERT J. WEINGART, 0005
OLGIERD J. WEISS III, 1025
LAWRENCE H. WENTZELL, 0646
CHRISTOPHER M. WESTHOFF, 6610
DAVID E. WESTIN, 9879
LLOYD H. WHITE, JR., 6418
TAYLOR P. WHITE, 9704
MICHAEL J. WIERSON, 5679
GARY W. WILDS, 4028
DAVID A. WILEMON, 3277
WALTER A. WILKIE, 4835
SCOTT E. WILLETTE, 1719
BRUCE K. WILLIAMS III, 2904
DERICK C. WILLIAMS, 6015
MARLIN D. WILLIAMS, 2628
SHAWN E. WILLIAMS, 4292
VAUGHN R. WILLIAMS, 5023
CHRISTOPHER D. WILLS, 4260
CHRISTOPHER M. WILSEY, 2471
ANDREW S. WILSON, 9457
BENJAMIN F. WILSON IV, 6722
LAWRENCE E. WILSON II, 8490
PRESCOTT N. WILSON, 2696
SEAN M. WILSON, 2773
DANIEL R. WINKELER, 7234
JASON M. WINTERMUTE, 0912
JEREMY S. WINTERS, 2475
JEFFREY P. WITHERELL, 2241
SETH WOLCOTT, 1948
HOWARD H. WOLFE III, 9081
BARIAN A. WOODWARD, 2833
GARNETT H. WOODY, 0383
DAVID J. WRIGHT, 9020
JIAN XU, 0821
FLOY A. YATES, JR., 1662
TAMMIE S. YEATS, 8796
TODD E. YEATS, 6897
LEE A. YORK, 8757
JOSEPH L. YOSKOVICH, 0480
ALAN T. YOUNG, 0343
DARON A. YOUNGBERG, 5048
MARK W. ZANOLLI, 8558
ROYCE D. ZANT III, 4169
TIMOTHY R. ZELEK, 5661
SEAN P. ZICKERT, 5999
BRIAN M. ZIEGLER, 4307
MARK D. ZIMMER, 2624

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

RODERICK A. BACHO, 8641

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

KELLY R. MIDDLETON, 7411

SENATE—*Wednesday, February 6, 2008*

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, Heavenly Father, open our hearts to Your movement in our midst. As we trust Your providence and cling to Your promises, give us wisdom and spiritual vision to see You at work.

Today, I claim for our lawmakers Your promise through Jeremiah: Call to Me, and I will answer you, and show you great and mighty things which you do not know.

Lord, keep our Senators from being intimidated by the challenges they face. Clothe them with the armor of integrity, shield them with Your truth, and guide them with Your power. Help them to please You by living holy and peaceful lives. Give them a hunger for Your words and a desire to apply Your knowledge in their daily walk.

We pray in Your precious Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, February 6, 2008.*
>
> *To the Senate:*
>
> Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, it is a big day today. Our three Presidentials are going to be here, and we have a 5:45 vote. We are looking forward to that. We don't see them as much as we used to.

Following my remarks today and those of the Republican leader, there will be an hour of morning business, equally divided, with Senators permitted to speak therein for up to 10 minutes each. The majority will control the first half and the Republicans will control the second half.

Following morning business, the Senate will resume consideration of the Foreign Intelligence Surveillance Act, as under the previous order. Rollcall votes may occur throughout the day in relation to FISA amendments. As I mentioned, there will be a 5:45 p.m. cloture vote on the Finance Committee amendment to the economic stimulus. Second-degree amendments to the finance amendment are due by 4 p.m. today.

VIOLENT STORMS

Mr. REID. Mr. President, being from the desert and seeing, on occasion, storms in the northern part of the State, it is hard for me to understand the power of nature we see so often—and that we see more often than we used to with these tornadoes occurring throughout this country.

Last night and this morning, violent storms raged through five States, including Alabama, Arkansas, Kentucky, Mississippi, and Tennessee. They were violent. It appears there will be more than 50 people declared dead, scores of people have been injured, and there was a tremendous loss of personal property. Our thoughts, of course, this morning go out to the victims. We, in all our States, have had occurrences relating to natural disasters. But I think we should all pause and think about the lives of these people who have been snuffed away by this violent set of storms throughout the country and the loss to their loved ones, their neighbors, and their families.

We have heard reports this morning of how our first responders reacted. The police, firefighters, and National Guard medics worked through the night, around the clock, to save lives. The latest event we had in Nevada was so minor compared to this. We had a levy break and flood waters inundated hundreds of homes. We were very concerned about that. But the one thing we did recognize is how the police, firefighters, and other first responders reacted so quickly. What took place last night is so much more significant than what we had in Nevada. It is difficult to comprehend the severity of what happened last night. The work of the first responders, and others, will continue around the clock for some time. Rebuilding will begin and I am confident that, as a congressional body, we will be called upon to help in some form or fashion.

THE ECONOMY

Mr. President, the top priority of this Congress right now is to bring relief to Americans who are struggling through a troubled economy. One need only listen to the morning news, as I did, to see that the economy is stumbling and staggering. The stock market fell by 3 percent yesterday. The Japanese markets, after that—we got reports today on that—fell by almost 5 percent. The European markets are down.

Today, our work continues to try to focus attention on this troubled economy, to try to help in some way. As I have indicated, at 5:45, we will hold a cloture vote on the plan to proceed to the Senate Finance Committee's economic stimulus plan. I spread on the record of this body last night editorials from around the country supporting the Senate stimulus plan. It is the one that will get money into the pockets of people who need it and will spend it very quickly. This is in no way to denigrate the House plan. It was only a start.

Why do we need a stimulus plan? Look at the stock market, look at the rising gasoline prices, heating for our homes, and the housing crisis, the foreclosure rate, which is more than 600 percent in Reno, NV. It is 275, on average, in Florida. It is more than 300 percent in California, with 37 million people. The Labor Department's recent jobs report showed the economy lost 17,000 jobs in January. That is a few of the problems we should be concerned about.

Whether American families are investing in the market—some are and some aren't—the gathering storm clouds point to the need for Congress to take action.

The Finance Committee's plan builds on the House bill and makes it better. I repeat, this is not HARRY REID speaking, it is from all over the country, talking about the need to do something quickly and focus attention on the Senate stimulus plan.

A couple of my friends on the other side have talked about why didn't we do this. One referred to what we have in the stimulus package as "Christmas tree ornaments." Another referred to

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them as "pet projects." I have to plead guilty to the pet projects.

Providing rebate checks to 21.5 million seniors is a pet project of mine. I think it is a good program. All 51 Democrats agree it is a pet project we all support. Providing rebate checks to 250,000 wounded American veterans is another of my pet projects. Give the money to the seniors and to the wounded American veterans and they will spend it. Providing tax incentives to small and large businesses is also a pet project. Why? Because it will stimulate the economy and give them the money and they will spend it.

I was at a breakfast at 8 o'clock this morning. We had a number of groups there, but the homebuilders were there. They are out in force. They have covered Washington. They are focusing attention on Republican Senators because this legislation is the most important legislation for the homebuilding industry to come about in the past decade. This is important legislation. The homebuilders have representatives in Washington trying to help them.

One of the pet projects we have is extending unemployment benefits to people who have been out of work for a long time. I very much appreciate the homebuilders being advocates for our Senate stimulus package.

Those who are unemployed don't have anyone here. They don't have lobbyists calling for Republican Senators to support it. This is the package we got from the Senate Finance Committee. This is an important part of the stimulus package—to give rebates to people who are out of work and have been for an extended period of time. They will spend it.

Helping Americans struggling to pay their heating bills through the LIHEAP is a pet project. I have supported this project for years. We support this project. You give these people the money and they will spend it—and they will spend it now.

The growing housing crisis is certainly a pet project of mine, as indicated by the statistics we have in Reno, NV, and other places in Nevada. We should join to build on the House bill. The bill that comes from the House has to go to conference anyway because there is language in the House bill dealing with people who are undocumented who would have benefits.

I hope we can join to put this package out as quickly as possible, take it to conference and work with the President and come up with something better than the House bill.

The stimulus package will put money in the pockets of those who will spend it and help our country recover from this troubled economy. We are in for a long, slow grind, but we can shorten it by doing something to stimulate the economy now. The Senate Finance Committee package does that. It is bipartisan, and it needs to be done as quickly as possible.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

WINTER STORMS

Mr. McCONNELL. Mr. President, I will start the day by acknowledging the tragedy that has befallen several States in the South, including my own State of Kentucky.

According to news reports, rare winter storms struck across Kentucky, Arkansas, Tennessee, and Mississippi. News reports indicate at least 44 people have been killed, and 7 of those were in my State—4 in Allen County, which is along the Tennessee border, and 3 in Greenville, which is in Muhlenberg County in the western part of our State.

Thousands more are left with damage or destroyed property or are without power. The authorities are still working to determine the extent of the damage.

I ask my colleagues to join me in praying for the families of the victims and to all who have been touched by these terrible storms. State and local officials are working as hard as they can to survey the destruction and get help to anybody who needs it.

STIMULUS PACKAGE

Mr. McCONNELL. Mr. President, it has been 19 days since the President called for a stimulus plan, and economists called for swift action on it.

Republicans and Democrats in the House got the message, and they made some hard choices, showed restraint, and forged a bipartisan compromise literally within days.

Unfortunately, Senate Democrats didn't follow suit. They turned the idea into political gamesmanship, with the head of their campaign committee calling for "tough votes."

The American people are tired of political "gotcha." We don't have time for it. The economy needs a boost right now. So I think we need to step back and ask ourselves what this exercise was all about in the first place.

My preference is to modify the House package to include rebate checks for seniors and disabled veterans and certainly eliminate the possibility that any illegal immigrants will get checks.

The White House and Treasury Secretary have indicated support for such a plan, so we can expect it will be signed into law.

Meanwhile, we have no such assurance for the alternative, larger proposal Senate Democrats apparently are still hashing out. We read this morning that "negotiations are still ongoing" among Democrats about what to include in the final package.

We started out united behind a proposal to help struggling taxpayers and stimulate the economy. Now some are insisting on a plan that might not even be signed into law.

However, there is still another choice. We can still pass a bill that is targeted and timely and which helps seniors and disabled veterans—and that is the amendment I will be offering later today with Senator STEVENS.

The Reid amendment, on the other hand, might not even get signed.

So should the Reid amendment fail, we should immediately move to include seniors and disabled veterans, exclude those who are not legal citizens, and then quickly send this good, bipartisan, House-passed bill, as amended, back to the House, which I am sure will pass it quickly, and send it to the White House for signature. To do less would break faith with the American people who were told nearly 3 weeks ago they could expect relief quickly.

I urge my colleagues and the whole body to support it so we can deliver timely help to the American people.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority in control of the first half and the Republicans in control of the final half.

The Senator from New Mexico is recognized.

FOREST LANDSCAPE RESTORATION ACT

Mr. BINGAMAN. Mr. President, yesterday I introduced legislation that has been given the number S. 2593, the Forest Landscape Restoration Act of 2008. I developed this legislation with Senators DOMENICI and FEINSTEIN, who are cosponsors of the bill. We also have as cosponsors Senators ALLARD, WYDEN, SALAZAR, CANTWELL, CRAIG, AKAKA, and CRAPO. I also am pleased to point out that Chairman GRIJALVA in the House of Representatives is introducing a companion bill, and I look forward to working with him as his subcommittee in the Natural Resources

Committee moves forward with that bill.

This legislation establishes a program to select and fund projects that restore forests at a landscape scale through a process that encourages collaboration, relies on the best available science, facilitates local economic development, and leverages local funds with national and private funding.

As many of my colleagues know, we are facing serious forest health and wildfire challenges throughout our country. A century of over-aggressive fire suppression, logging, and other land uses have significantly deteriorated entire landscapes.

These conditions have played an important role in the extraordinary wildfires and insect-caused mortality that we have seen literally on millions of acres of national forest and other lands. To address these problems, it is critical that we begin trying to restore our forests on a landscape scale.

Landscape-scale restoration is key for controlling wildfire suppression costs. It is an important component of successful economic development. It is important for the health of many of our forest ecosystems.

Despite the importance of landscape-scale restoration, neither the National Fire Plan nor the Healthy Forest Restoration Act nor any of the other efforts we have made to date have been very successful in facilitating restoration and hazardous fuels reduction on landscape scales. A lack of sufficient funding is one of the primary reasons. Restoring landscapes takes a significant amount of funding over a significant period of time.

To address that problem, the Forest Landscape Restoration Act authorizes $40 million per year for 10 years to be paid into a national pool. Eligible landscape restoration projects from around the country would compete for a portion of that money. Mr. President, $40 million is not nearly enough money to fund landscape-scale treatments in all of the forest landscapes that need restoration, but it is a realistic amount for us to pursue at this time, and it is enough to make landscape-scale restoration a reality.

Because of funding and other challenges, landscape-scale restoration remains largely theoretical. As a result, this legislation is designed to be both practical and experimental. It does not redirect existing efforts. Instead, it adds to existing efforts by creating a program that will make planning, funding, and carrying out at least a handful of these landscape-scale restoration projects possible.

Again, I thank Senators DOMENICI and FEINSTEIN and the other cosponsors of this legislation for working with me on this bill. I also thank the many stakeholders from across the spectrum for their input on the legislation, including the Nature Conservancy which has been very supportive of this effort.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The assistant majority leader.

ECONOMIC STIMULUS PACKAGE

Mr. DURBIN. Mr. President, I thank the majority leader, Senator REID, who was here earlier today talking about the economic stimulus package. What I have tried to do is to understand at this moment where the Republicans are, and it is hard to follow because initially there was agreement between the Republican and Democratic leaders in the House—Speaker PELOSI, Congressman BOEHNER, and Secretary Paulson of the Bush administration. They came up with the notion that to get the economy moving forward, we should send a rebate check of about $600 for individuals and $1,200 for families and additional money for children across the country, which is certainly an excellent starting point because the administration was persuaded to include the lower income families across America, and there were limits on family income as to eligibility.

The Senate Finance Committee took up this proposal from the House and suggested a few changes. I think each one of them is a positive change. For instance, they said: Let's include 21 million seniors receiving Social Security checks. If the idea is to put the money in the hands of people who will spend it, certainly our seniors on fixed incomes, many who struggle with utility bills, keeping their homes warm, paying for gasoline, the cost of food and prescription drugs, they can use the money. An additional $500 or $600 will be spent by them. That was included in the Senate finance package. That was not in the original House version. I think that is a positive improvement.

Then they also said: If we are talking about groups of people who should be recognized, those disabled veterans from previous conflicts and certainly from Iraq and Afghanistan should be included as well. There is argument here. Those men and women certainly deserve special consideration for all they have given to America. So that was added to the House version of the bill on the part of the Senate Finance Committee.

Then they went to another category, and this is one the economists say is a very important category: people who are currently unemployed, those folks looking for jobs, many of whom are struggling to keep their families together while they find a job after they have been laid off from previous employment. If they receive additional money, economists say they are most likely to spend it in a hurry. So they encouraged us to include them in the relief we are providing with this tax rebate.

I have been listening carefully to see if our Republican colleagues believe these people deserve help as well. I am beginning to believe this is the real problem the Republicans have. They are concerned about giving additional money to people who are currently unemployed. Yesterday, one Senator from Texas on the Republican side said that just encourages them not to find work. I took a look at the amount of money that is paid to people on unemployment. It is hard to believe that is the kind of money that will lead to a life of leisure, where you decide: Heck, I don't need a job; I have unemployment benefits.

It turns out that unemployment benefits are not that generous—$500 a week would be a big number, and for many it is a lot less. If we suggest people will stop working with that kind of income, I think it overlooks the obvious. Many people in lower income categories struggle from paycheck to paycheck. Losing a job creates a family emergency. What we are talking about is whether we should provide additional help to those unemployed. This has been done before. It is not a new concept. In fact, historically, if you want to fire up the economy and put spending power in the hands of people across America, helping the unemployed is one of the first places you turn.

The way the Finance Committee does it is to extend unemployment benefits, currently at 13 weeks, another 13 weeks, which will be another 3 months or so, except for States with the highest unemployment, and then they would be extended another 26 weeks total. That is a way of providing special help in areas of high unemployment.

I took a look at the estimated number of people who will exhaust their jobless benefits State by State. In my State, it is 57,000 people. Let's take a look at a State such as Senator MCCONNELL's State of Kentucky: 11,458 people will see their unemployment benefits end unless we enact this Senate Finance Committee version of the bill; Arizona, Senator KYL's home State, 18,846. Let's go down to Texas where Senator CORNYN says he thinks this encourages people not to look for work: 49,000 people are about to lose their unemployment insurance benefits.

The point is, unemployment is at a relatively low level in this country, according to Senator KYL. These are his words:

> Unemployment is at a relatively low level in this country, and it would be a huge mistake to exacerbate the unemployment situation by extending unemployment benefits.

I am quoting from a statement that Senator KYL made, not Senator CORNYN. I want to make that correction for the record. Senator KYL was the one who questioned the wisdom of extending unemployment benefits.

So in Senator KYL's home State, it appears that 18,846 people are about to see their unemployment benefits come to an end, and he, I assume from his argument, believes that is a good thing because now this will prod them into looking for work, and he is not supporting extension of these unemployment benefits for 18,846 people in his home State.

That has become one of the major elements of debate in terms of whether the Republicans will support the Senate Finance Committee version. Let me add, it was a bipartisan vote that brought the bill out of committee—Senator GRASSLEY of Iowa, joining with, I believe, Senator SMITH of Oregon and Senator SNOWE of Maine, if I am not mistaken. All three voted for the Senate Finance Committee version of the bill that was brought to the floor.

Let's take a look at some other States where unemployment benefits might be important. In the State of Mississippi, 7,819 are about to lose their unemployment benefits unless the Senate finance version passes as an economic stimulus. As I mentioned, in my home State of Illinois, 57,000 are looking for assistance in that regard.

As I go through this list—North Carolina is another good example. North Carolina, 48,000 people in the State, obviously suffering from some high unemployment, are about to lose their unemployment benefits. The State of Ohio, 35,320 otherwise will lose their unemployment benefits.

Mr. President, I ask unanimous consent to have printed in the RECORD this table so all the States, based on the current U.S. Department of Labor data, will be reported officially in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

State	Estimated number of people that will exhaust State jobless benefits (January to June 2008)
Alabama	12,510
Alaska	6,913
Arizona	18,846
Arkansas	16,505
California	218,496
Colorado	12,996
Connecticut	17,250
Delaware	3,776
D.C.	4,769
Florida	86,092
Georgia	39,826
Hawaii	2,654
Idaho	5,151
Illinois	57,093
Indiana	33,598
Iowa	8,736
Kansas	7,754
Kentucky	11,458
Louisiana	11,140
Maine	4,019
Maryland	15,848
Massachusetts	34,275
Michigan	72,136
Minnesota	19,237
Mississippi	7,819
Missouri	17,727
Montana	2,996
Nebraska	6,009
Nevada	15,645
New Hampshire	1,848
New Jersey	66,415
New Mexico	6,142
New York	84,866
North Carolina	48,245
North Dakota	1,562
Ohio	35,320
Oklahoma	7,515
Oregon	20,695
Pennsylvania	58,976
Rhode Island	7,038
South Carolina	21,960
South Dakota	304
Tennessee	22,037
Texas	49,104
Utah	4,029
Vermont	1,763
Virginia	17,076
Washington	18,253
West Virginia	4,179
Wisconsin	32,401
Wyoming	1,147
Total	1,282,149

Source: U.S. Department of Labor data.

Mr. DURBIN. Mr. President, as this economy continues to deteriorate and we see these wild gyrations in the stock market, there are a lot of people concerned. Yesterday, the stock market went down over 300 points. I know it has its good days and bad days, but it has had more bad days than good days for a long time.

A lot of people in days gone by paid little or no attention to the stock market. My mom and dad did not own a share of stock during their married life. They were too busy raising three kids. They could not afford anything like that. If they could put a few bucks in the savings account to save up for the next used car, that is all they looked forward to.

A lot of people view it differently because that stock market reflects the value of 401(k) plans, IRAs, retirement plans, and savings that people count on in years to come. When the stock market is heading south, people are looking at it in worried terms.

What we are trying to do is invigorate this economy and get it moving again. For the longest time, the Republicans have argued that the best way to invigorate the economy in good times and bad is to give tax cuts to the wealthiest people in America. They have this notion that if wealthy people have more money, they somehow will fire up the economy.

I come from a different economic school. It started with Principles of Economics that I took at Georgetown University not too far from here when Father Zyrinyi came into our class and explained the marginal propensity to save. If you are a wealthy person, you are more likely to save the next dollar handed to you than a poor person, who is more likely to spend it. So if you want to get the economy going and fired up, you would give as many dollars as you can to those in lower income categories.

Historically, the Republican approach has been just the opposite: Give the tax cuts, give more spending power to people who are wealthier—folks who have not asked for it and folks who, in many cases, do not need it. In my opinion, a tax code, if it is to be fair, is going to be progressive and say to those struggling at the lower ends—the working families and middle-income families—let's be generous to them because they are the ones living paycheck to paycheck.

Well, now the chickens have come home to roost with this economy. As the economy is heading downward, the Bush administration has discovered poor people. They have discovered working families. It is no longer just a matter of tax cuts for people making over $300,000 or $400,000 a year.

So if we are going to be sensible and really want to enliven this economy, the unemployment benefits are the obvious place to turn. Extending unemployment benefits is not only humane and moral for families out of work, but it works to try to breathe some life into this economy and start more consumer demand and, with that consumer demand, the expansion of business and the expansion of employment and profits and ultimately an improvement in the stock market. That is just fundamental Keynesian economics that we have studied over the years.

This resistance on the Republican side to helping unemployed people is troublesome. It is the same mindset that was in vogue on the Republican side for years when they opposed increasing the basic minimum wage in this country. That used to be bipartisan. It wasn't politically dogmatic to be against increasing the minimum wage. Even Republican Presidents did. But then came this new mindset which said that even if people are working for a small amount of money, they can just get another job if they need to get by. That is hardly consistent with family values, but it prevailed. Over a long period of time—10 years, in fact—there was no increase in the Federal minimum wage, until Democrats took control of Congress last year. We point to that with pride because it is something House and Senate Democrats promised would be high on the priority list, and we did it. Again, we were focusing on people left behind in an economy that is not as powerful and as healthy as we would like it to be. Now unemployment benefits fit the same category.

When I think of plants across Illinois that have closed, putting people out of work—not to mention smaller businesses—it is through no fault of their own that people who once worked at a good manufacturing plant in Illinois or any other State don't have a job today. They have lost their benefits, lost their health insurance in many instances, and don't know which way to turn. Some have limited education and need time to at least get back to school or back for some training so that they can make some money again. Why wouldn't we want to help these people?

Beyond the economics of it, doesn't it seem only fair, if we are going to try to help people and help the economy, that we would start with the unemployed? The list which I have submitted, which will be printed in the CONGRESSIONAL RECORD, is an indication of how many, nationwide, it would help. The number is roughly 1.3 million who would be helped by the extension of unemployment insurance benefits.

When Senator KYL argues it would be a huge mistake to help the unemployed in America, he is arguing against the bipartisan approach to fighting recession which we have had for the longest period of time. I hope his opinion on this bill does not prevail. We need to do our best to try to help the families who are trying to get by.

In my home State of Illinois, since President Bush took office 7 years ago, relative to inflation, the median household income has decreased by 10 percent. So instead of an improvement in income, families in my State have seen their income go down during President Bush's administration.

The number of residents of my State living in poverty since President Bush came to office has grown by 10 percent in that same period of time. And that was a period of time when the Republicans and the President were resisting the idea of increasing the minimum wage, incidentally.

Health care premiums in Illinois have risen 29 percent since President Bush took office, and 152,000 more people in my State don't have health insurance since President Bush came into office.

Those families lucky enough to get their kids in college are facing sticker shock. The cost of college in Illinois has risen 51 percent since President Bush was sworn in.

A gallon of gas, of course, is up 77 percent in cost, which is an added expense, particularly to low-income families.

To make ends meet, families across America, and certainly in Illinois, have no place to turn but debt. Debt for these families has increased at a rate four times faster than it did in the 1990s. And it is not just families sinking in debt. The President's new budget makes it clear that America is sinking in debt. Senator CONRAD, chairman of the Budget Committee, made a presentation to us yesterday indicating that President Bush inherited a surplus when he came into office and a national debt in the area of $5.7 trillion, and now it could virtually double by the time he leaves office. So this is the reality that faces us.

Mr. President, how much time remains in morning business?

The ACTING PRESIDENT pro tempore. On the majority side, 10 minutes.

Mr. DURBIN. Ten minutes. I see no other Members seeking recognition, so I will stay on this point in recognition of the economic situation we are facing.

The national debt of America has doubled in the last 7 years under President Bush. We have accumulated more debt under President Bush than under all of the previous Presidents of the United States combined. Now, that is the kind of statement that could easily be challenged but I don't think will be because we have the facts to back us up. We have incurred this debt because we have had a war the President has not paid for, nor asked Congress to pay for, and we have had a tax cut policy which is unique in the history of our country. No President of our country has ever asked for a tax cut in the midst of a war.

Here is a figure that ought to concern us as well. Since March 2001, foreign investors have financed nearly 80 percent of our Federal budget deficit. So in order to get by, if you are spending more than you are raising in taxes, we have to borrow it, and we borrow it from foreign governments, which increasingly become our bankers and mortgagers. It is not a healthy relationship when countries such as China, Japan, Korea, and the OPEC nations become the largest creditors of the United States. They have a lot more clout than we might like to see.

It was just a few months ago that there was speculation by one economist in China that they may decide to move away from a dollar-denominated international transaction to use the Euro, which is a stronger currency than the American dollar. Just that rumor, from a low-level economist in China, sent chills through the stock market, and we saw stock prices go down. It is an indication of how dependent we are becoming as a nation as we go further in debt to fund a war which now costs $4 billion a week and also to fund tax cuts in the midst of that war primarily for the wealthiest people.

The President has said many times that he believes in the so-called ownership society. But the ownership society hasn't given most American families greater control over their financial destiny. The owners of the ownership society, by and large, have zip codes overseas. They are foreign investors who own the debt of America.

There are a lot of suggestions of how to get out of this. Some have suggested corporate tax cuts and others, but I think direct help to working families is the most effective way to do it. The rebates we would send to those families is money that could be well spent. I think this extension of unemployment insurance has been proven to be very effective. Mark Zandi, who is with Moody's Economy.com, estimates this would be the second most effective stimulus measure of all the ideas under consideration, generating $1.64 in increased economic activity for every dollar of rebate. This money can be distributed very quickly, since the weekly benefits are capped at $350 for a single individual in Illinois, and it wouldn't cost that much to extend it.

The Senate finance package is a great bill. We could have done better. I wish we could have included, for example, an improvement in food stamps. Over the holidays, last Christmas season, I went to food banks around Illinois. These are some great people. They do not work to make a lot of money, but they work to do a lot of good in their communities. They gather surplus food and distribute it to families who need it, and they are finding that more and more working families are showing up at food banks, and more and more families, even if they are working, can qualify for food stamps. So food stamps, which, unfortunately, don't provide enough money to really cover the cost of meals, could be improved, and that would help our economy. It is not included in the Senate finance package, but it should be.

Finally, I think we need to understand that one of the other ways we can help bring this economy forward is to invest in the infrastructure of America. I just flew in this morning from Chicago—one of our great American cities. But even that city, with its mass-transit system, needs a massive capital investment, not only to repair what is there but to extend it for service to other areas. It would be good for our economy, certainly good for the environment, and it will create good jobs. These are jobs that can't be outsourced. When we are doing infrastructure projects in Maryland or in Tennessee, we are doing projects that have real value, not only for the communities but for the men and women who are at work and whose paychecks are invested back into the communities.

So I am hopeful that at some point beyond this current discussion about an emergency stimulus package, we can extend our stimulus approach to even more investment—investment in highways and mass transit; in bridges, in making certain they are safe and we don't witness the kind of tragedy we had not that long ago in Minneapolis; investments in water resource development—for instance, the locks and dams on the Mississippi and Illinois Rivers, desperately in need of rebuilding. All those are good opportunities to put people to work, to reduce the unemployment rate, and to put money back into the economy. There is hardly a State in our Nation that can't come up with critical infrastructure projects we could invest in to make America stronger. It is one of the few things Government does which we can show has a direct relationship to economic growth.

Certainly we understand that this current economic crisis we face had its genesis in the subprime mortgage market, and we shouldn't overlook the fact that 2.2 million Americans stand to lose their homes to foreclosure. I think the administration's proposal so far has been anemic. This notion that we would ask mortgage companies and financial institutions to voluntarily restructure mortgages will take us, perhaps, a short walk down the road but not where we should be. We need to find better ways to give these families, if they can, the ability to stay in their homes and make their mortgage payments.

I have a bill that changes the Bankruptcy Code, that allows a bankruptcy court to take an honest look at a person's income potential and restructure a mortgage so that they can stay in their home and won't face foreclosure. Foreclosure is a disaster not only for the family losing the home but for those who loaned the money for that home and, ultimately, for the neighborhood surrounding it.

So Mr. President, there is certainly much we can do. I am sorry we didn't get a lot more done yesterday. We tried, but the Republicans resisted again. They wanted another day off, and we had it. Instead of getting serious about amendments to the Foreign Intelligence Surveillance Act, instead of having the debate leading up to amendments and the vote on the economic stimulus package, the clock ran out.

Well, it is about time for the Senate to roll up its sleeves and get to work so America can get to work. I hope that today the votes that are scheduled will be the beginning of an honest debate and that at the end of the day we will pass an economic stimulus package, conference with the House, and send it to the President for his signature before we break for our Presidents Day recess period which begins next week.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

TENNESSEE TORNADOES

Mr. CORKER. Mr. President, I had originally scheduled time to speak a little about the stimulus package and the many frailties I see with this package. However, due to the tragedy last night in Tennessee, I wish to talk on a different subject matter.

The senior Senator from Tennessee joins me on the floor this morning, and, Mr. President, I ask unanimous consent to yield half of my time to the great LAMAR ALEXANDER, the senior Senator from Tennessee, if that would be acceptable.

The ACTING PRESIDENT pro tempore. The senior Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I thank my colleague from Chattanooga for his courtesy. I, too, would like to talk about the economic stimulus package and how we Republicans have been ready to go to work on it for 2 weeks, and will later today. But Senator CORKER and I have something that is closer to our heart today, and that is the devastation that came across our State last night from a string of tornadoes that was as rough and as pervasive as anything I have seen in my lifetime.

Most Americans saw reports of it while they were watching coverage of the elections, but the trouble began in Memphis in the middle of the day, with schools being closed because of tornadoes. It moved on to Jackson, where 3,300 students at Union University barely escaped, although the school was heavily damaged.

Often, tornadoes and severe weather of this type head in one direction and then the other, but this one just kept going. It kept on going into middle Tennessee, to Sumner County and Macon County, where several lives were lost, and moved into east Tennessee and the mountain area just this morning. So there is a lot of trouble in our State as a result of that, and Senator CORKER and I want the people of our State to know we have been monitoring that during the night, and we and our staffs are working together today.

We have talked to the Governor and State officials, local officials. I talked to the athletic director of Union University on his cell phone a few minutes ago. I was trying to reach David Dockery, the president of Union University.

So for the next several days, we will be doing all we can do from the Federal level to assist the Governor and the local officials in dealing with the devastation that was caused last night by the severe storms. Forty-five people were killed, more than another 100 injured, a lot of damage to buildings in areas across our State.

I thank Senator CORKER for taking this time to allow us to express to our constituents our feelings for them. We do want them to know they have our full attention today. The Governor is at the front of the line. That is the way we do things in Tennessee. We work easily with him and his staff and the local official. We will stay in touch with them, and those who need to be in touch with our Senate offices can do that.

We will move promptly to deal with applications for disaster relief. Sometimes they say they need to take enough time to be accurately filled out rather than have a race to the mailbox to get those in. But we will be working with local officials with those to do all we can.

I thank the Senator from Tennessee, Mr. CORKER, for his courtesy in allowing me to express my remarks, and I look forward to working with him to help deal with the pain that has been caused to many Tennesseans.

I yield for Senator CORKER.

Mr. CORKER. Mr. President, thank you for letting me spend a few minutes on this topic that is such a huge issue in the State of Tennessee. I certainly thank our senior Senator for his leadership. Our senior Senator was also the Governor of Tennessee. I know he knows full well what many people across our State today are facing.

Again, I thank him for his leadership on so many issues. I know both of us today have spent time talking with county mayors across the State of Tennessee, talking with our Governor, talking with officials at Union University and other places. I know that for all of us our hearts and prayers go out not only to the people of Tennessee but also the Mississippi, Arkansas, and Kentucky people who also are dealing with some very tragic circumstances.

I know people in Tennessee are looking to their county mayors and our Governor for leadership, their officials with the National Guard, and FEMA. My understanding is they are providing outstanding leadership and that people have worked throughout the night to make sure that relief has been given, that people have been taken into homes and other places. Today, as they begin to dig out, if you will, and really see the extent of the damage, that will continue.

I am very proud to serve with LAMAR ALEXANDER and to be with him today. I know both of us want the people of Tennessee to know we are very aware of the tragedy they are dealing with. We are with them and their elected officials at the local and State level. We want to work with them as time goes on to make sure that much needed Federal relief, which will be on the way down the road, is forthcoming.

I wish to thank all of those volunteers. I have heard stories of heroic things throughout our State where ordinary citizens have done things to ease the pain and to create safety for many of our citizens in harm's way.

Again, our thoughts and prayers are with all of our citizens, especially those who have been so tragically affected by the events of the last 24 hours.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DEMINT. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from South Carolina is recognized.

ECONOMIC STIMULUS

Mr. DEMINT. Mr. President, I rise to talk about the economic stimulus package we are discussing in the Senate. I certainly appreciate the concern the President and all of us have in the House and Senate about our economy and wanting to do everything we can to make sure we avoid an economic slowdown or recession that creates so much hardship through the loss of jobs and, in many cases, a loss of homes. It is something we definitely need to address. It is equally important, as we look at our economic situation, to make sure we allow economic growth and prosperity to work for more people. It is not just about our economic situation as a whole growing but making sure everyone can share in that prosperity.

It is important, as we look at the best way to stimulate the economy and keep it going, to remember that good jobs and a good economy depend on successful companies making good profits. In order for that to happen, we have to create a good business environment. Our goal as a Congress should be to make sure America is the best place in the world to do business. Unless we do that, we will continue to lose ground to countries all over the world. It is going to be increasingly difficult to sustain long-term economic growth. The world is becoming increasingly competitive. We hear it every day. We hear from Asia and India which are actually courting businesses with incentives to encourage companies to locate in their countries, creating a good business environment with less regulation and less taxes so that people will bring their manufacturing plants, their people, and their capital to their countries. It is working. Even stodgy old Europe that we imagine to be a high-tax and highly regulated network of countries is changing to be more competitive in the world economy. They have lowered their corporate tax rate to an average of about 25 percent. Some of their countries such as Ireland have gone down close to 10 percent and have seen remarkable economic growth as they have lowered their tax rate.

Why is this country not responding in the same way? It hasn't been too long since I have been in the private sector working with businesses. I continue to hear the same sentiment. If we are going to do business in America today, before we get to the equipment and the people actually making the products or providing services, a medium-sized American company today is likely to have a large tax department. It could spend millions on dealing with our Tax Code. We have the most complex tax system in the world and probably the highest corporate tax rate in the world. Some will say it is second. Some say it is first. But we are definitely near the top at around 35 percent. So they start with a large tax department.

Then most of our companies also have large legal departments because we are the most litigious society in the world. The most liability for any country is to do business in America. It is not unusual to talk to successful, well-known American companies that are dealing with hundreds, if not thousands, of lawsuits at the same time. So they keep a full-time fleet of lawyers and law firms on retainer dealing with the lawsuits and the legal situations.

These same companies also have large human resource and compliance departments to deal with all of our regulations—some of them good, many unnecessary. A lot of regulations related to capital and reporting, such as Sarbanes-Oxley, are costing companies millions of dollars unnecessarily because Congress is unwilling to fix those things we know are wrong. So there is a large tax department, a large legal department, a large human resource compliance and regulatory department, before we get to manufacturing and actually making things. We are making it very difficult for our companies to compete.

Add to that the cost of energy which is one of the highest in the world. That goes back to bad policy as well. For years we have known we have large oil and natural gas reserves. We have known we could develop more nuclear generation of electricity. Yet we have not allowed nuclear plants to be developed. We have large reserves of oil in Alaska, which we have consistently voted down in the Congress, and natural gas we don't go after. Therefore, we are not only spending hundreds more for every family for gasoline for cars or oil to heat homes or more for electricity, we are sending hundreds of billions of dollars a year out of this country that could support our economy yet is supporting the Middle East and other economies around the world. Yet we will not change the policy. We will not develop our own energy resources. Instead, we are making it harder to produce automobiles in this country, putting the burden on them consistently.

Now, instead of trying to fix some of the systemic policy problems, we are talking about an economic stimulus plan which I have yet to hear, at least on the Republican side in our private meetings, one Republican defend as good policy. Maybe some will come out here and do so. But everyone on both sides is talking about good politics. We are doing nothing for long-term growth. We are doing nothing to create a simpler, more predictable Tax Code or reducing our regulation or litigation. What we are going to do in time for the election is to get a check in the hands of as many people as we can, and we are borrowing it from the future. The debt is growing. We are going to borrow the money to send checks home to Americans.

In 10 years on the present course, bonds for the American Government will be rated as junk bonds in the world because we continue to look at the next election rather than the future of the country.

It is obvious what we could do to develop a long-term, sustained economic growth pattern. If we made the current tax rates permanent, the ones we know have stimulated our economy, that would allow companies to plan past 3 years to build new plants, to buy new capital equipment, to hire new people. Right now American companies trying to do business in this country do not know what their tax rates are going to be after 2010. In fact, if we do nothing in Congress, they know they will experience the highest tax increase in history. Yet we are not even willing to talk about it. All of us know we need to lower our corporate tax rate to at least be comparable to Europe at 25 percent. Yet we are not doing it. So more of our capital, more of our jobs, more businesses will continue to move offshore. Sending people a few hundred dollars to pay down their credit cards is not going to help grow our economy.

There are other things we know we can do. We know we can bring capital from overseas back home for investment and growth if we lower the corporate tax rate as we did a few years ago, what we call repatriating those dollars. Even temporarily lowering that rate would bring capital home and encourage growth.

The one part of the stimulus package that does make sense is to allow companies to expense or to speed up depreciation of capital they buy so it will encourage them to grow and make decisions now because the people who make that equipment have jobs, and those who operate that equipment have jobs. So it would provide some stimulus. But it is most important that we have a predictable, permanent system where people can do business and be competitive around the world. It is unfortunate in all this debate that we are not even willing to talk about it.

I appreciate the time to express my concerns. I am thankful everyone is concerned about the economy and those who have lost their jobs and may lose them in the future. But what we are doing as a Congress is talking about doing something that we are not really doing: we are not stimulating the economy. This is not an economic stimulus package. It is a political stimulus package that is designed to help folks in November.

I know every American needs a check and probably none will turn it down. But, unfortunately, we are making false promises that will not carry into long-term economic growth.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that my remarks be considered as in morning business but fall in line with regard to the bill before us.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN INTELLIGENCE SURVEILLANCE ACT

AMENDMENT NO. 3913

Mr. HATCH. Mr. President, I wanted to briefly mention my opposition to amendment No. 3913 offered by the Senator from Wisconsin. This amendment relates to reverse targeting, which is a theory that the Government could target a foreign person abroad when the real intention is to target a U.S. person, thus circumventing the need to get a warrant for the U.S. person. Quite simply, reverse targeting is already considered illegal under FISA. Going even further, the Intelligence Committee bill has a very explicit prohibition against reverse targeting. The amendment offered by the Senator from Wisconsin adds subjective language which completely alters the meaning of the original bipartisan provision.

I asked Attorney General Mukasey this during a hearing on Wednesday, and here is our exchange.

> HATCH: Now the topic of reverse targeting has been mentioned often during the FISA reform debate. From an intelligence perspective, reverse targeting makes no sense. From an efficiency standpoint, if the government was interested in targeting an American, it would apply for a warrant to listen to all of that person's conversations, wouldn't it? Not just his conversations with terrorists overseas?
>
> MUKASEY: Correct.
>
> HATCH: Now, I asked General Wainstein about this during the Judiciary Committee hearing last October, and he reiterated the government's view that FISA itself makes reverse targeting illegal. Does the DOJ still consider reverse targeting illegal under FISA?
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> MUKASEY: Absolutely.
>
> HATCH: Are you aware of any instances of intelligence analysts utilizing reverse targeting?
>
> MUKASEY: I am not aware of any such instances.

We are enacting national security legislation, and it is our responsibility to ensure that this bill does not lead to unintended consequences which provide protections to terrorists. This amendment is absolutely unnecessary, and I urge my colleagues to oppose it.

AMENDMENT NO. 3920

Mr. President, I wish to say a few remarks with regard to my dear friend, Senator WHITEHOUSE's amendment to authorize the FISC, the Foreign Intelligence Surveillance Court, to assess compliance with minimization techniques. I rise to express my opposition to the Whitehouse amendment No. 3920.

My opposition to the Whitehouse amendment is related to the totality of this bill. This is an amendment that greatly expands the Foreign Intelligence Surveillance Court's jurisdiction. Keeping in mind that the bill before us already expands FISC jurisdiction of foreign collection to an unprecedented high historical level, this amendment tips the balance and could lead to real-life instances of intelligence analysts' operational decisions being second guessed by the court.

The original approach and goals of this legislation were simple and twofold. Goal No. 1: Wire communications taking place in 2008 should receive the same treatment as radio communications taking place in 1978; and goal No. 2: Our intelligence community's sources and methods should not be subject to exposure by litigation brought about by hearsay and innuendo.

I am pleased the legislation before us provides more protections to American citizens than any intelligence bill in my recent memory, and certainly more than the original FISA law.

Over the last several months, a great deal of attention has been given to the FISC, the Foreign Intelligence Surveillance Court. The FISC was created by the original FISA law, and its jurisdiction was extremely limited by that law. Here is what the FISC was created to do.

Foreign Intelligence Surveillance Court: "A court which shall have jurisdiction to hear applications for and grant orders approving electronic surveillance."

This jurisdiction is purposefully limited, as the task of reviewing applications to intercept electronic communications is among the most important tasks our Government can do to protect our country and its citizens. Terrorists have to communicate to plan and execute attacks, and our interception of these communications is paramount to stopping the next attack.

The jurisdiction of the FISC is greatly expanded by this legislation. Combined with other provisions in this bill, the new oversight created is prevalent and comprehensive. Since the breadth of this new oversight is critical when determining the necessity of the amendment we are debating, let's look at the oversight created by this legislation.

Let me read these five charts.

No. 1, for the first time the FISC will review and approve minimization procedures used by the intelligence community.

No. 2, for the first time the FISC will review and approve targeting procedures used by the intelligence community. The FISC will determine whether the procedures are reasonably designed to ensure targeting is limited to persons outside the United States.

No. 3, for the first time, a court order will be required to target U.S. persons regardless of where they are in the world—for the first time.

No. 4, for the first time the Attorney General and the Director of National Intelligence will be required to assess the intelligence community's compliance with court-approved targeting and minimization procedures. These assessments must be provided to the FISC and congressional Intelligence Committees.

No. 5, new congressional oversight—for the first time Congress is creating statutorily required inspector general—that is the Department of Justice and intelligence elements—semiannual assessments of compliance with court-approved targeting and minimization procedures. These assessments must be provided to congressional Intelligence Committees.

Now, given the staggering amount of new oversight, we should be very careful when creating mechanisms which could negatively impact our intelligence analysts, particularly when these mechanisms provide no benefit, in this case, to the privacy of American citizens.

The intelligence community has a great deal of experience in the techniques used to minimize incidental communications, and very detailed procedures for handling these communications are contained in the United States Signals Intelligence Directive 18, which has been in effect for over 28 years.

Remember, the Government is gathering information relating to foreign intelligence in order to protect national security, not necessarily for criminal prosecution. That is why different procedures are necessary. Otherwise, all national security information gathering would be changed to fit within the procedures of title III criminal wiretaps, which is impossible.

Minimization techniques deal not just with retention and dissemination, but with acquisition. Analysts make decisions up front whether to acquire, keep, or share U.S. person information based on whether it has foreign intelligence value.

This means if a judge is reviewing compliance with minimization procedures, this review is much more than a factual check. The judge is not limited to simply making sure that technical and administrative guidelines are followed. Rather, this amendment could allow a judge to question specific decisions by intelligence analysts on why they chose to acquire, keep, or share certain communications.

Now this begs the question: Are judges better trained in intelligence collection than the intelligence analysts whose job it is to repeatedly perform this task? Not only do I think the answer is no, but we should remember what the FISC said in their recently publicly released opinion, which is only the third public opinion released in the history of the Foreign Intelligence Surveillance Court.

Here is what the FISC said:

> Although the FISC handles a great deal of classified material, FISC judges do not make

> classification decisions and are not intended to become national security experts. Furthermore, even if a typical FISC judge had more expertise in national security matters than a typical district court judge, that expertise would still not equal that of the Executive Branch, which is constitutionally entrusted with protecting the national security.

Enactment of this amendment could result in judges making foreign intelligence determinations in place of trained intelligence analysts. Based on this unjustified scrutiny, our intelligence analysts could become overly cautious when determining whether to deem information as having intelligence value in order to avoid unwarranted judicial scrutiny. This could result in less foreign intelligence information being accumulated, and thus could mean we may miss a vital piece of information. Do we want to take this chance? That is what this amendment would do. Should we risk this type of unintended result?

In October of 2007, I asked Assistant Attorney General Wainstein if putting the FISC judges in the position of assessing compliance would effectively put the judge in the role of an analyst. Here is what he said in response:

> And that is the problem, that it would get the FISC in the position of being operational to the extent that it's not when it assesses compliance for, let's say, the minimization procedures in the typical or traditional FISA context where you're talking about one order, one person. Here, some of our orders might well be programmatic, where you're talking about whole categories of surveillances, and that would be a tall order for the FISA Court to assess compliance.

The Whitehouse amendment also contains language which lets the FISC fashion remedies it determines are necessary to enforce compliance. This is very broad language and gives the court the ability to come up with whatever methods it chooses to enforce compliance. Does this mean that the FISC could shut down collection of information from foreign targets overseas while the Government addresses technical issues which have little to do with the privacy of American citizens? We do not know, since this amendment does not answer this question. Remember, we are talking about targeting foreign terrorists to prevent terrorist attacks. This is not the same thing as wiretapping a cocaine dealer in Los Angeles for criminal prosecution. If we approve an amendment which creates numerous unanswered questions, we are putting Americans at risk in unprecedented ways.

Given that the Government has adequately utilized minimization procedures for many years, what is the pressing need for FISC expansion into this area? There is no need to continue unlimited expansion of the FISC into unsuitable areas.

If this amendment does not pass, it does not mean that American citizens are not protected. Incidental communications of Americans will continue to be minimized, and the minimization procedures will have been approved by the FISC. But if the Whitehouse amendment passes, we will be taking a great risk that the unnecessary judicial oversight will cause very harmful unintended consequences that I have already mentioned. We are too far along to introduce guesswork into the carefully crafted compromise bill before us. I will oppose this amendment, and I urge my colleagues to do the same.

AMENDMENT NO. 3930

Now, Mr. President, there is one other amendment I wish to refer to. In October of last year, the Intelligence Committee passed a bipartisan compromise bill which would modernize our foreign intelligence surveillance activities. Unfortunately, this bipartisan bill contained a 6-year sunset provision which would automatically curtail our ability to protect our homeland unless Congress acted.

Let me be clear, I am opposed to any sunset in this legislation. While I believe the inclusion of this sunset provision was not appropriate, it was a result of the bipartisan negotiations in the Intelligence Committee. Now this serves as yet another example that not all of us who support this bill are happy with every provision, and every Senator will need to make concessions to get this bill passed and signed into law.

Given my opposition to any sunset, I will oppose the Cardin amendment No. 3930, which would change the sunset from 6 to 4 years. Proponents of this amendment have propounded several arguments, none of which justifies this change. I am going to discuss three of those arguments today.

The most common argument cited is that this legislation is too technical and too complex to have a 6-year sunset. This is certainly a complex bill, but this is not the first time the 110th Congress has tackled complex issues. We have already waded through several different and complex bills, such as immigration reform, ethics and lobbying legislation, and even a vast energy bill.

We are not reinventing the wheel with surveillance law, as this is a FISA modernization bill. But it is important to note how Congress has previously legislated in this area. The 1978 FISA law made dramatic changes to our surveillance laws and oversight mechanisms. While FISA has been discussed extensively, what has not been stated nearly enough is that the 1978 FISA had no sunset. Given that FISA had no sunset, let's look at how Congress has previously legislated FISA amendments with regard to sunsets.

Sunsets are not common in previous laws amending FISA. Other than the PATRIOT Act and the PATRIOT Act reauthorization, seven of the eight public laws amending FISA had no sunsets on FISA provisions, and the remaining public law had a sunset on only one of those provisions.

Now, this statistic speaks for itself. What is so different about this bill? I do realize it contains massive new congressional oversight provisions which could possibly hinder our collection efforts, and that we may need to revisit it for this reason. However, if this is the case, we obviously do not need a sunset to do this. We can legislate in this area whenever we want to.

A second reason I have heard that some support the Cardin amendment is that this sunset will keep Congress more engaged. One of my colleagues previously stated that a sunset "gives Congress the ability to stay involved." Congress should not need sunsets to stay involved. We do not need legislative alarm clocks to go off in 4 years in order to address national security. I wake up every day thinking about how we might protect our fellow Americans. I certainly do not need a sunsetting bill to remind me about national security and oversight, and neither should my colleagues.

The final reason I have heard for a 4-year sunset is the idea that the next administration should be given an opportunity to address this issue and that a sunset fosters cooperation between Congress and the White House. Along these lines, one of my colleagues previously stated: Having a sunset gives us a much better chance to get cooperation . . . between the Congress and the White House. Once again, the next President can weigh in on this topic whenever and however he or she wants to. And regarding the idea that we should include a 4-year sunset to foster cooperation between two branches of Government—do we need a statute to influence the separation of powers? I say to my colleagues that the relationship between the branches of Government should be fostered by natural restrictions contained in the Constitution of the United States, not by an artificial sunset provision in an intelligence bill.

The very idea of a 4-year sunset understates the importance of timeline implementation of new legislation. It takes a great deal of time to ensure that all of our intelligence agencies and personnel are fully trained in new authorities and restrictions brought about by congressional action. This is not something that happens overnight. We cannot wave a magic wand and have our Nation's intelligence personnel instantaneously cognizant of every administrative alteration imposed by Congress. Like so many other things in life, adjusting for these new mechanisms takes time and practice.

While certain modifications are necessary, do we want to make it a habit of consistently changing the rules? Don't we want our analysts to spend their time actually tracking terrorists, or is their time better spent navigating administrative procedures that may be constantly in flux?

I know my preference is that our analysts be given the time to use the lawful tools at their disposal to keep our families safe.

I do not want to see them spending all their time burying their heads in administrative manuals which change from day to day whenever the political winds blow.

After all of the efforts by many in this body to write a bill that provides a legal regime to govern contemporary technological capabilities, I am certainly not alone in my opposition to a sunset provision. In fact, my views are completely in line with what the Senate has done in the past when amending FISA. The administration strongly opposes a sunset, and Attorney General Mukasey confirmed this opposition during last week's oversight hearing here in the Senate.

The fact is that this administration will not be here to see this sunset occur. Why would they care if there is a sunset in the bill or not? Their opposition demonstrates that those who are in charge of protecting our country know that a sunset is a bad idea and their opposition is based in logic and practical application. The administration knows that they will not be here, but the intelligence analysts who protect our country will. These analysts are not politically appointed, and do their job regardless of who the President is or what party the President represents. They need the stability of our laws to effectuate long term operations to prevent terrorist attacks, not guesswork which could hinder intelligence gathering practices.

We have already had a trial run with the 6-month sunset of the Protect America Act. Enough of the quick fixes, let's have confidence in the work product created by the nearly 10 months we have spent on this issue. A shorter sunset gives us an excuse to not legislate with conviction, and this is an excuse we should not make.

The 95th Congress had the ability to decipher complex problems and pass FISA with no sunset, and the 110th Congress can certainly modernize it without second guessing our capabilities by approving the Cardin amendment. I will oppose this amendment, and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

ECONOMIC STIMULUS

Mr. CASEY. Mr. President, in the remaining moments of morning business, I wish to highlight a couple important points about our economic stimulus efforts in the Senate.

We have had an opportunity over the last couple weeks to analyze carefully what the American people expect in terms of a jolt to our economy and what they expect this body to do. Unfortunately, we have been stymied by a lot of politics. I think it is important to point out very briefly the elements of what the Senate is trying to do, at least on the Democratic side and, secondly, to highlight its importance to the American people.

First of all, with regard to the basic elements—I will not go into a long discussion—in order to stimulate this economy, we have to invest in strategies we know will work. One of those is unemployment insurance. We know that. All the economists say that. It is not because Democrats assert that; economists say one of the only ways that is proven to jolt our economy is to invest in unemployment insurance. This proposal on the Democratic side does that. The House proposal doesn't do that in the area of unemployment insurance. It doesn't address that.

The package this side of the aisle has been pushing is a $500 rebate. It is across the board for everyone and obviously for those who are married it is double that. But significantly, in this proposal 20 million American senior citizens are provided some relief. That wasn't addressed in the House proposal. I think that is an important omission. In order to get this right, in order to jolt our economy, we need to help seniors. We also need to make sure a quarter of a million disabled veterans are helped as well. That is an important feature.

Thirdly, avoiding foreclosure; doing everything we can in this stimulus package in a short-term way to help families avoid foreclosure is another critically important element.

Home heating costs: In my home State of Pennsylvania—and I know the same is true in Ohio and across the country—there has been a 19-percent increase in the costs that families have to heat their homes, in 1 year. So if that is happening in Pennsylvania, we know it prevails around the country. This proposal in this Chamber does that. It adds $1 billion for home heating costs.

Finally, helping businesses and energy: As to the cost to businesses, I think small businesses should get help in this rough economy, and this proposal helps our businesses. It also makes investments we should have—or I should say implements strategies we should have done months ago when it comes to incentivizing energy efficiency and other tactics to move toward a more energy independent economy.

So whether it is energy, whether it is helping businesses, whether it is making sure our seniors get relief, that our families get relief and that we focus on unemployment insurance, home heating costs, all these elements are critically important. It is not perfect. The Presiding Officer knows—and he shares this view with me—we wanted to do more with regard to food stamps. We are still going to try on that. But if that doesn't happen and some other things don't happen that I want, we still have to move this forward. I wish the other side of the aisle would allow us to go forward in a way that addresses these basic problems. We have seen a lot of talk on the other side but not nearly enough action to say we are going to support a proposal, not just what the House sent us but an improved and a much more significant proposal to hit this economy in the way we should hit it: With a stimulus to get the economy moving, to create jobs, to provide relief for our families, and to move into the future together. We can do that here. We should do it this week and make sure we don't pass something which is watered down and which would not do the job.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FISA AMENDMENTS ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2248, which the clerk will report.

The bill clerk read as follows:

A bill (S. 2248) to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

Pending:

Rockefeller-Bond amendment No. 3911, in the nature of a substitute.

Whitehouse amendment No. 3920 (to amendment No. 3911), to provide procedures for compliance reviews.

Feingold amendment No. 3979 (to amendment No. 3911), to provide safeguards for communications involving persons inside the United States.

Cardin amendment No. 3930 (to amendment No. 3911), to modify the sunset provision.

Feingold-Dodd amendment No. 3915 (to amendment No. 3911), to place flexible limits on the use of information obtained using unlawful procedures.

Feingold amendment No. 3913 (to amendment No. 3911), to prohibit reverse targeting and protect the rights of Americans who are communicating with people abroad.

Feingold-Dodd amendment No. 3912 (to amendment No. 3911), to modify the requirements for certifications made prior to the initiation of certain acquisitions.

Dodd amendment No. 3907 (to amendment No. 3911), to strike the provisions providing immunity from civil liability to electronic communication service providers for certain assistance provided to the Government.

Bond-Rockefeller modified amendment No. 3938 (to Amendment No. 3911), to include prohibitions on the international proliferation of weapons of mass destruction in the Foreign Intelligence Surveillance Act of 1978.

Bond-Rockefeller modified amendment No. 3941 (to Amendment No. 3911), to expedite the review of challenges to directives under the Foreign Intelligence Surveillance Act of 1978.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, I wish to make a few comments on the amendment of the Senator from Wisconsin and what he referred to as the "bulk collection" amendment which he discussed yesterday and which is amendment No. 3912. I would ask that this time be taken from the opponents of the amendment, if that is all right with my vice chairman.

The Senator from Wisconsin is offering an amendment that he argues will prevent what he calls "bulk collection". The amendment is intended, as described by the Senator from Wisconsin, to ensure that this bill is not used by the Government to collect the contents of all the international communications between the United States and the rest of the world. The Senator argues that the amendment will prevent "bulk collection" by requiring the Government to have some foreign intelligence interest in the overseas party to the communications it is collecting.

I regret to say I must oppose this amendment strongly. I do not believe it is necessary. I do believe, as drafted, the amendment will interfere with legitimate intelligence operations that protect the national security of the lives of Americans.

In considering amendments today, we need to consider whether an amendment would provide additional protections for U.S. persons and whether it would needlessly inhibit vital foreign intelligence collection. I do not believe the amendment, as drafted, provides additional protections. Furthermore, intelligence professionals have expressed their concern that this amendment would interfere with vital intelligence operations, and there are important classified reasons underlying that concern.

Let us review why the amendment is unnecessary. First, bulk collection resulting in a dragnet of all the international communications of U.S. persons would probably be unreasonable under the fourth amendment. No bill passed by the Senate may authorize what the fourth amendment of the Constitution prohibits. What is more, the committee bill, in fact, explicitly provides that acquisitions authorized under the bill are to be conducted in a manner consistent with that same fourth amendment of the Constitution.

Second, the committee bill stipulates that acquisitions under this authority cannot intentionally target any person known to be located in the United States. And to target a U.S. person outside the United States, the Government must get approval from the FISA Court.

Third, the committee bill increases the role of the FISA Court overseeing the acquisition activities of the Government. The bill requires court approval of minimization procedures that protect U.S. persons' information. It maintains the prior requirement of court approval of targeting procedures.

In the unlikely event the FISA Court would give its approval to targeting procedures and minimization procedures that allow the Government to engage in unconstitutional bulk collection, the committee bill also strengthens oversight mechanisms in the executive and legislative branches, such as requiring assessments by the inspectors general in the Department of Justice and relevant agencies. These mechanisms are intended to ensure that such activity is detected and prevented.

The sponsor of the amendment says his amendment only requires the Government to certify to the FISA Court that it is collecting communications of targets for whom there is a foreign intelligence interest. But the committee already requires the Attorney General and the Director of National Intelligence to certify to the FISA Court that the acquisition authorized under the bill is targeted at persons outside the United States in order to obtain foreign intelligence information. Because the remedy does not improve upon the protections in the bill for Americans and places new burdens on the surveillance of foreign targets overseas, I thus oppose this amendment and urge that it be rejected.

I yield the floor and reserve the remainder of the opponents' time.

The PRESIDING OFFICER. The senior Senator from Missouri is recognized.

Mr. BOND. Mr. President, I yield myself 6 minutes from the opposition to the amendment No. 3979, the Feingold-Webb sequestration.

During yesterday's sessions and prior sessions, there have been, regrettably, a number of inaccurate statements about the amendments we debated. Several of these amendments go to the very heart and strike at the very heart of foreign targeting. It is not an understatement to say that if they are adopted, they could shut down our intelligence collection and cause irreparable damage to our national security. So I am compelled to set the record straight. Working with my colleague and good friend, the chairman of the committee, Senator ROCKEFELLER, we want our colleagues to know what impact these amendments have.

We have made great progress in the Senate Intelligence Committee on the FISA Amendments Act of 2008 in providing additional protections, but we did so working with the intelligence community to make sure the measures we put in the bill would actually work.

Now, the first amendment we debated was amendment No. 3979, the sequestration amendment supported by and sponsored by Senators FEINGOLD and WEBB. In explaining this amendment, supporters claimed the Protect America Act was "sold repeatedly" as a way to collect foreign-to-foreign communications without a court order and this amendment allows this collection. We saw from the House RESTORE Act, which the DNI has told us—the Director of National Intelligence, whom I will refer to as the DNI—and from the debate on the Protect America Act that the focus on foreign-to-foreign communications is misplaced. The Protect America Act was intended to allow foreign targeting, just like this bill and for good reason. We cannot tell if a foreign terrorist is going to be calling or communicating with another foreign terrorist whether in some other country or whether some of that communication may occasionally come to the United States, and there is no way to tell. So it does no good to give the intelligence community authority to collect only foreign-to-foreign communication. You can't tell. That means you can't collect on any without getting a FISA Court or a FISC order. That was an impossible burden that the FISC judges told us overwhelmed and shut down their operations and did not protect American citizens. Yet we were told yesterday this amendment will not damage or slow down collection.

This amendment will not just slow down collection; it will stop it. It will stop it. In the words of one intelligence official, it would "devastate our operations."

Now, our bipartisan bill gives the intelligence community the ability to target terrorists, foreign terrorists overseas. That targeting is not, as has been suggested on the other side, "dragnet surveillance." Rather, the intelligence community will be acquiring communications of foreign terrorists, spies, and others who seek to do us harm. That is not a dragnet; that is targeted. But if this amendment were to be adopted, its unreasonable limitations will prevent the intelligence community even from beginning the collection.

Now, I argued yesterday this amendment would prevent the intelligence community from intercepting the communications of Osama bin Laden with somebody in the United States. The Senator from Wisconsin disagreed, calling my argument questionable and claiming the amendment in no way hampers the ability to fight al-Qaida. That is not true. I find it interesting because that is not what his amendment says. First, the intelligence community can't even start the collection because there is no way to know if a terrorist, including bin Laden, is going to call or be called by a person in the United States. Second, from the amendment, page 2, lines 10 to 16:

> Such communications may be acquired if there is reason to believe that the communication concerns international terrorist activities directed against the United States, or activities in preparation therefor.

That means if bin Laden were planning an attack against the United Kingdom or against our foreign military bases or our foreign embassies abroad and calls into the United States to talk with an associate, we could not capture that call and protect our troops, protect our citizens, protect our officers overseas, because under the terms of the amendment, it does not concern activities directed against the United States. Not only is the limitation dangerous, it is unwise, unhelpful, and could lead to significant intelligence shortfalls.

Another dangerous aspect of the amendment is that it would foreclose the collection of foreign intelligence relating to nonterrorist threats. Our Nation faces daily threats, for example, from the proliferation of weapons of mass destruction. I have an amendment that deals with this issue specifically. What about North Korea, Iran, and Syria? Under this amendment, none of that information could be collected if the communication was to or from the United States. That is a limitation that should make all of us uncomfortable. There is no basis for it, it is unreasonable, and it could lead our country into severe jeopardy.

The DNI and the Attorney General agree with my reading of the amendment. Yesterday, we received a letter from them expressing their views about these amendments. The DNI and Attorney General stated that if this amendment is part of the bill presented to the President, they would recommend a veto. They wrote this in their letter:

> This amendment would have a devastating impact on foreign intelligence surveillance operations; it is unsound as a matter of policy; its provisions would be inordinately difficult to implement; and thus it is unacceptable.

Ironically, this amendment is being advertised as the best way to protect America's privacy. But a fundamental problem with the amendment is that we can never know ahead of time what a communication says. Let's think it through. In order to figure out whether the communication concerns international terrorism, for example, an analyst will have to review the content of it. That actually results in more of an invasion of privacy than would ever occur under the standard minimization procedures that NSA uses every day. That makes no sense if we are trying to protect privacy.

Mr. President, it is news to me that the Intelligence Committee bill, as claimed on the other side, has no judicial involvement and no judicial oversight. I have said it before. This bill has more judicial oversight and involvement in foreign intelligence surveillance than ever before. There is court review and approval of the joint certification by the Attorney General and the DNI and of the targeting minimization procedures. If the court finds any deficiency in these documents, the Government must correct it or cease the acquisition. That is not an empty oversight.

The Intelligence Committee bill doesn't stop there. We took tremendous care to make sure there were specific protections for Americans' privacy in the bill. I suggest all Members look closely at these protections: express prohibitions against reverse targeting, against targeting persons inside the United States without a court order, against conducting any acquisition that doesn't comply with the fourth amendment. This bill goes further than ever before in ensuring that there are protections for Americans in the area of foreign targeting.

We heard the tired accusation that this bill will allow the intelligence community to intercept communications of anyone; that it gives "unrestrained access to communications of every American." That is just plain wrong. Communications of U.S. persons will be intercepted only if those persons are talking to foreign terrorists or spies. And because of the minimization procedures, only those specific communications will be intercepted, and if they don't contain foreign intelligence value, then they will be minimized or suppressed.

According to the Senator from Wisconsin, this amendment is necessary because the minimization procedures in FISA are "quite weak" and inadequate. I am sure the FISA Court judges who have reviewed and approved these procedures would appreciate the implication that they are doing a bad job of protecting the privacy of Americans. Ironically, it is that same court that, under the Senator's amendment, will control the Government's access and use of incidental communications.

Mr. President, I reserve the remainder of our time and yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I will use some of my time on a couple of these amendments. I know it must be difficult for the Chair to figure out which time to apply to which amendments, but I will try to identify them.

First, I will speak with regard to Feingold-Webb-Tester amendment No. 3979, which the Senator from Missouri was addressing. He referred to our concern that the rights and privacy of Americans could be affected by this bill as a "tired accusation." I object to that characterization. I think this is clearly the kind of thing we should be worried about. I will tell you what is a tired accusation: the notion that somehow our amendment would affect the ability of the Government to listen in on Osama bin Laden. That is a tired and false accusation. The Senator has said that if bin Laden or his No. 3 man—whoever that is today, because we killed the last No. 3 man—calls somebody in the United States, we cannot listen in to that communication unless we have an independent means of verifying that it had some impact on threats to our security from a terrorist threat. That is what he claims, that we would not be able to listen in on that conversation. That is false.

The Feingold-Webb-Tester amendment specifically does not require a FISA Court warrant to acquire and disseminate the communications of any foreigner overseas who is suspected of terrorism. Mr. President, there is no separate threat requirement. The amendment merely requires that the Government label terrorism-related communications that have one end in the United States so they are traceable for subsequent oversight. And it simply requires that when the Government accesses and disseminates terrorist-related communications that it has already acquired that the court just be informed with the brief certification. I don't know where the Senator gets this bizarre idea that somehow you cannot listen in on a conversation of Osama bin Laden. I don't think it is credible to anybody that that would be the case.

Finally, he raises the concern that somehow we are insulting the FISA Court, saying they are not doing a good job. To the contrary, we are trying to give them the power to enforce their will. We are trying to give them the ability to say: Wait a minute. You guys are not doing what you said you were going to do. That is not an insult. That is essential for the court to be able to do its job. Let's worry less about the alleged and, frankly, false notions about the feelings of a secret court and worry more about the rights and privacy of perfectly innocent Americans.

Mr. President, I turn now to amendment No. 3915, another amendment I offered known as the use limits amendment. As I explained earlier this week, my amendment simply gives the FISA Court the option of limiting the Government's use of information about information about U.S. persons that is collected under procedures the FISA Court later determines to be illegal. That is about as minimal a safeguard as you can get.

It is unfortunate that some of those who oppose my amendment are mischaracterizing what it does. The Attorney General and the DNI sent the majority leader a letter yesterday in which they expressed their objections to this amendment. Twice in the letter, they stated that this amendment would place limits on the use of information that doesn't concern U.S. persons. That is flat-out false, Mr. President. The use limits proposed in this amendment specifically apply to "information concerning any United

States person." That is what it says. Use limits in this amendment apply only under those circumstances. There is nothing ambiguous about this language. These patently false claims that the amendment applies to information about non-U.S. persons just show the lengths to which opponents of the amendment will go to generate opposition to this or any other reasonable amendment.

We have also heard that the amendment would create a massive operational burden. Mr. President, that also just isn't true. The Government already does what is necessary to implement the use limits in the amendment.

First, declassified Government responses to oversight questions of the Congressional Intelligence Committees reveal that the Government is already labeling communications obtained under the so-called Protect America Act. So the Government already tracks which communications are acquired under these particular authorities, which would be the first step here.

Second, the Government already has to comply with minimization requirements that are supposed to protect information about U.S. persons. These requirements kick in whenever the Government wants to disseminate any acquired communications that include information about U.S. persons. That means intelligence analysts already have to determine, before any communications collected under these authorities can be used in any of the contexts we are talking about here, whether they contain any information about U.S. persons. Indeed, the administration constantly reminds us of this fact when claiming that minimization requirements do enough to protect Americans.

Mr. President, given that the Government is already required and equipped to examine any communications it proposes to use in order to determine whether U.S. person information is present, the argument that the amendment somehow imposes a massive new burden is very difficult to understand.

Perhaps the explanation lies in the administration's repeated statements that the amendment would put limits on the use of information about non-U.S. persons. If this were true, then it is conceivable that my amendment would create an additional operational burden. But those statements are completely and utterly false, as I have explained. The amendment explicitly states that the use limits apply to "information concerning any United States person"—information that is already subject to minimization requirements.

I want to also address the argument the chairman of the Intelligence Committee made that this amendment is somehow different than the existing use limits for emergency surveillance. The chairman argued that the amendment, unlike the emergency use limits, could affect "thousands" of communications. As I pointed out yesterday, the amendment addresses that concern by creating a huge exception to the use limitations, an exception that is not present in the emergency use limits provision. Under the amendment, the FISA Court can allow the Government to use even information about U.S. persons that is obtained by unlawful procedures, as long as the Government fixes the problem with the procedures. So, in fact, this amendment is far less restrictive than the use limits for emergency surveillance, despite the claim of the chairman otherwise.

Even more important, we have to remember what these thousands of communications are. The only information that would be subject to use limits is information about U.S. persons collected under illegal procedures—procedures that failed to reasonably target people overseas. The underlying bill prohibits the Government from collecting this information in the first place. My amendment gives this prohibition some teeth by limiting the use of information that has been illegally collected.

The opponents of this amendment may argue that the government has no intention of doing anything that would be unreasonable under the law. My response is, if it does, there ought to be some enforcement. There ought to be a way to make sure that doesn't happen, not just the assurance of the chairman and vice chairman.

Moreover, if the Government has collected thousands of communications illegally, isn't that all the more reason to try to contain the damage and limit the impact on innocent Americans? That is not hamstringing the Government; it is just requiring the Government to comply with the law that we are actually passing.

My amendment simply provides an incentive for the administration to follow the law as it is written. If we pass a law that has no meaningful consequence for noncompliance with the law, I think we are taking a real gamble as to whether the administration will choose to comply. I am not personally willing to accept the odds on that one.

Once again, I urge my colleagues to support this amendment, and I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, I ask my esteemed vice chairman if I might have 6 minutes to oppose Senator FEINGOLD's reverse targeting amendment No. 3913.

Mr. BOND. I am happy to yield that time to the chairman.

Mr. ROCKEFELLER. The Senator from Wisconsin has an amendment that requires a FISA Court order if the Government is conducting surveillance of a person overseas, but a significant purpose of the surveillance is to collect the communications of a person inside the United States with whom the target is communicating.

I share the Senator's goal in protecting the privacy interests of Americans, but I am afraid this amendment, as drafted, is unworkable and unnecessary.

The amendment is described as a way to prevent reverse targeting—circumstances in which the Government would target persons overseas when its actual target is a person within the United States with whom the overseas person is communicating.

The fact is, reverse targeting is prohibited under FISA today. I repeat, it is prohibited under FISA today. If the person in the United States is the actual foreign intelligence target, the Government must seek a FISA order, and, in fact, the Government would have to have every incentive to do so in order to conduct comprehensive surveillance of such a person.

What is more, the base bill, S. 2248, makes the prohibition on reverse targeting explicit. The Government cannot use the authorities in this legislation to target a person outside the United States if the purpose of such acquisition is to target for surveillance a person within the United States.

In addition, the base bill, the Intelligence Committee bill, also strengthens the protection of U.S. person information that is collected in the targeting of foreign targets overseas by requiring that the FISA Court approve the minimization procedures that apply to this collection activity.

The Feingold reverse targeting amendment, however, goes too far. The amendment would prohibit the Government from using the authorities of this act "if a significant purpose" of the acquisition is to "acquire the communications" of a particular known person within the United States. In order to acquire such communications, the Government would be required to seek a regular FISA Court order.

The problem is that we are revising the Foreign Intelligence Surveillance Act today in large measure precisely because we want the intelligence community to have the ability to detect and acquire the communications of terrorists who call into the United States. In other words, in order to detect and prevent terrorist attacks, finding out if a foreign terrorist overseas is in contact with associates in the United States is actually a significant purpose of this legislation, and it will always be a significant purpose of any targeting of a foreign terrorist target overseas by the intelligence community.

As the Statement of Administration Policy—that is objections usually that come over from the White House—points out:

> A significant purpose of the intelligence community activities is to detect communications that may provide warning of homeland attacks and that may include communication between a terrorist overseas who places a call to associates within the United States. A provision that bars the intelligence community from collecting those communications is unacceptable.

Who is to say that person from overseas is not a terrorist and he is contacting a person in the United States to discuss something which is not in the national interest or which has intelligence implications? You cannot in good conscience bar the intelligence community from collecting these communications. That is unacceptable.

Again, reverse targeting is prohibited under current law. I think that is the third time I have said that. Reverse targeting is prohibited by the committee bill. The amendment is not needed to achieve its stated goals. It will harm vital intelligence collection. I urge the amendment be defeated.

I reserve the remainder of our time.

The PRESIDING OFFICER (Mr. CASEY). Who yields time?

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I will speak with regard to amendment No. 3913, the one about which the chairman just spoke, the so-called reverse targeting amendment I have offered. Reverse targeting is what happens when the Government wiretaps persons overseas when what they are really interested in is the Americans with whom these foreigners are talking. I think most of my colleagues would agree that this bill should not open up a backdoor to get around the requirement in FISA for a warrant to listen in on Americans at home.

The lack of any substantive arguments against my amendment is made clear by the letter the DNI sent on Tuesday. The arguments just offered by the chairman were almost identical to the arguments offered by the DNI and by the Attorney General. In fact, that letter, which severely mischaracterizes the amendment, actually underscores why the amendment is good both for civil liberties and for national security.

First, the letter confirms that reverse targeting is not, in fact, prohibited by the underlying bill. We keep hearing the chairman and vice chairman say it is already prohibited. It is not. The DNI writes that the Intelligence Committee bill only prohibits warrantless collection when the American is "the actual target." That cannot be read as a prohibition on reverse targeting. That is just a prohibition on direct targeting of an American at home, and it does nothing to protect Americans from what the DNI himself has said is unconstitutional.

Second, the letter cites "operational uncertainties and problems," but it does not bother to identify what those are. Yes, my amendment would require a new procedure, just like everything else in this bill, but the Government should already have procedures to protect the constitutional rights of Americans. If it does not, that is all the more reason to adopt the amendment.

Third, the letter actually makes one of the strongest arguments in favor of my amendment when it warns of insufficient attention to the American end of an international terrorist communication. If a foreign terrorist is talking to an American inside the United States, the intelligence community should get a FISA warrant on that American so it can listen in on all his communications, and it certainly would have no problem getting that warrant. Without that warrant, the Government will never get the full picture of what that American is doing or plotting. Yet the DNI's letter seems to argue that the Government would not want to get a FISA Court warrant to listen in on all the communications, including the domestic communications, of a terrorist inside the United States. I do not believe this is a serious argument, but if it were, it would suggest that our Government is not doing everything it can do to track down terrorists.

Finally, the letter seriously mischaracterizes the amendment. The amendment does not bar acquisition of communications between terrorists overseas and their associates in the United States. It does not in any way affect the Government's ability to discover and collect those communications. It does not apply to incidental collection of communications into the United States, and it does not even apply when the Government has identified a known individual with whom the foreign terrorist is communicating. Only when a significant purpose of the surveillance is to get information on a person inside the United States does the Government need to get a court warrant. That is not just required by the Constitution of the United States, it is how the Government can most efficiently and effectively protect us.

I hope my colleagues will support this modest proposal to prevent these new powers from opening a huge loophole to the requirement in FISA that the Government get a court order to target Americans in the United States.

Mr. President, I reserve the remainder of my time on this amendment, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Missouri.

Mr. BOND. Mr. President, I yield myself 3 minutes on amendment No. 3913.

It is interesting to hear that the proponent of this amendment thinks the letter laying out the reasons against the amendment are reasons for it. That is a trick I have not learned, to say that when somebody says that the reverse targeting amendment would make it impossible when that person and those people really represent the agency responsible and the oversight body of the Department of Justice somehow makes their case.

I also call the attention of my colleagues to a statement from the Civil Liberties and Privacy Office of the Office of the Director of National Intelligence. In that statement, the Civil Liberties and Privacy Office says:

> Concerns have been raised that the PAA could result in the interception of U.S. person communications. As explained in the Department of Justice September 14 letter, and in a letter by the DNI's Civil Liberties Protection Officer dated September 17, 2007, U.S. persons' privacy interests are protected through "minimization procedures," which must meet FISA's statutory definition. In addition, "reverse targeting" is implicitly prohibited under existing law.

As a side note, Mr. President, this measure explicitly prohibits reverse targeting, but the Privacy Office goes on to say:

> The SSCI bill in addition requires review of minimization procedures and explicitly prohibits reverse targeting. In addition, the bill provides the FISA court with ongoing access to compliance reports and information about U.S. person disseminations and communications, and the explicit authority to correct deficiencies in procedures. The bill also requires annual reviews of U.S. person disseminations and communications and extensive reports to Congress.

This is a clear statutory framework. As a practical matter, if there was a desire to target someone in the United States, if that person was thought to have foreign intelligence information and acting as an agent of a foreign power, an officer, or employee, a FISA Court order is the simplest way to do it. Nobody has explained how you can target a foreign terrorist to get collections on a particular U.S. person unless that person is engaged in a terrorist activity, and you have to target an overseas person who has foreign intelligence information, and that is the legitimate reason for making the collection against the foreign target. No terrorist information. The information is minimized and not used.

I yield the floor and reserve the remainder of the time.

The PRESIDING OFFICER. Who yields time?

Mr. BOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PENDING NOMINEES

Mr. REID. Mr. President, I have a friend. I have known him for a long time. His name is Steve Walther. Steve Walther was a very prominent Nevada lawyer, a senior partner in a law firm, with qualifications that are unsurpassed. I have always liked Steve very much. And he made a comfortable living. I called him once and said: Steve, have you ever considered doing something different?

A wonderful story about Steve, to show what a tremendously good guy he is. He has a little boy named Wyatt. Steve married a woman and he raised their children. They were his children once married, but he had never had his own child. His wife went to the doctor, and she was nearing 50 years old and was sick, and found out she was having a baby. So late in life they had this baby, and I will never forget what she said. She said: When I had my first two babies, time went by so slowly. But she said: Now I am older and understand, and I want everything to be fine, so I can't take enough time to make sure the baby is fine. And the baby is fine.

Anyway, I said to Steve: You could afford to come back here. How would you like to be a member of the Federal Election Commission? He is not a Democrat; he is an Independent. He has done things for decades with the American Bar Association, held all kinds of prominent positions with the American Bar Association nationally. He said: OK, I think it would be a good idea. Wyatt can come back and spend some time in Washington. So he served for nearly two years on the Federal Election Commission. Everybody said he was outstanding, as I knew he would be.

Also on that Federal Election Commission, prior to the first of the year, was another Democrat by the name of Bob Lenhard. He had served on the FEC with Steve. He and Steve worked well together. They worked well together with everybody on the Commission, and he and Steve did a good job.

The Federal Election Commission is critically important because it enforces our Nation's campaign finance laws. Both these nominees lost their jobs at the end of last year because the Republicans refused to permit a vote on their nominations to the FEC. They said they would not allow an up-or-down vote on these nominations of Lenhard and Walther. Nothing about their qualifications. They were both outstanding members of the Federal Election Commission. The reason they would not allow a vote on them is they would not allow a vote on their own nominee, a man by the name of Hans von Spakovsky. They are filibustering their own nominee.

I said: Let's vote on all of the FEC nominees, any order you want. We will vote on ours first, last, we don't care. Let's just have a vote on them. No. Unless we would guarantee von Spakovsky would pass, no. I don't know if Mr. Spakovsky would pass. I suspect the Republicans don't think so. But it seems fair to me that we should have votes on these nominees.

The record over the years is full of remarks by my Republican colleagues characterizing the up-or-down vote as the gold standard of reasonableness in Senate process. That is apparently not the view when it comes to one of their nominees, who would actually stand a chance of losing a vote. Republicans won't allow a vote on our Democrats unless we approve this person. That doesn't make sense.

The reason these FEC nominees, including Steve Walther, have not been approved rests squarely with the White House and the Republicans.

Mr. President, I ask unanimous consent to have printed in the RECORD two editorials.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 31, 2008]

WHILE THE ELECTION WATCHDOG WANDERS

The presidential campaign's heated fund-raising sweepstakes finds lobbyists hurriedly "bundling"—amassing additional hundreds of thousands from donors to re-stake surviving contenders for the next primary rounds. (Lobbyists reportedly bundled $300,000 for Senator John McCain in one night in Washington after his stock revived on the campaign trail.)

In packaging political influence by superlarge chunks, money bundlers are at least as crucial to understanding where candidates stand as their campaign vows. Fortunately for voters, a new election law mandates the disclosure of the names of lobbyists and other bundlers working the high-roller realm of donations of $15,000 or more. Unfortunately for the same voters, this vital law cannot yet be implemented.

A partisan standoff blocks the Senate from filling four existing vacancies on the Federal Election Commission. The six-member panel is powerless to form a quorum and write the regulations needed to shed sunlight on bundling. Senator Mitch McConnell, the Republican minority leader, is refusing to allow individual up-or-down majority votes on nominees for the commission. Mr. McConnell threatens a filibuster unless they are voted on as a single package—an obstructionist tactic to protect a highly unqualified Republican nominee, Hans von Spakovsky, from rejection in a fair vote.

Mr. von Spakovsky is a notorious partisan who previously served the Bush administration as an aggressive party hack at the Justice Department. There, he defended G.O.P. stratagems to boost Republican redistricting and mandate photo ID's in Georgia—a device to crimp the power of minorities and the poor who might favor Democrats at the ballot.

President Bush refuses to withdraw the von Spakovsky nomination, while the Democrats demand he be considered on his individual record, not yoked to three less controversial nominees. We urge the Senate majority leader, Harry Reid, to highlight this blot on democracy by moving the von Spakovsky nomination as a separate measure and demanding a cloture vote. Force the Republicans to either filibuster against their own unqualified partisan or dare to vote for him in broad daylight.

[From the Washington Post, Jan. 28, 2008]

UP OR DOWN

"We need to get him to the floor for an up-or-down vote as soon as possible," Sen. Mitch McConnell (R-Ky.) said of Michael B. Mukasey, then the nominee for attorney general. John R. Bolton "deserves an up-or-down vote so that he can continue to protect our national interests at the U.N.," Mr. McConnell said of the nominee to be United Nations ambassador. "Let's get back to the way the Senate operated for over 200 years, up-or-down votes on the president's nominee, no matter who the president is, no matter who's in control of the Senate," he said during the dispute over judicial filibusters.

Mr. McConnell's devotion to the principle of up-or-down votes for nominees, it turns out, has limits: Apparently fearing defeat if a simple majority vote were allowed, the minority leader has refused to accept Senate Democrats' offer for such a vote on President Bush's choice for a Republican seat on the Federal Election Commission. The consequence is that, as the country begins an election year, the agency entrusted with overseeing enforcement of the federal election laws is all but paralyzed: Only two commissioners are in place, meaning that the agency, six members when it is at full strength, cannot initiate enforcement actions, promulgate rules or issue advisory opinions.

The standoff involves Hans A. von Spakovsky, a former official in the Justice Department's civil rights division who had been serving as an FEC commissioner until his recess appointment expired last month. Democrats and civil rights groups argue, with some justification, that Mr. von Spakovsky's tenure at Justice was so troubling that he does not deserve confirmation to the FEC post. Some Democrats had threatened to filibuster the nomination, but Senate Majority Leader Harry M. Reid (D-Nev.) managed to offer an up-or-down vote on each of the four pending nominations to the agency, two Republicans and two Democrats. But Mr. McConnell and fellow Republicans have insisted that the nominees must be dealt with as a package, with no separate votes allowed. To be fair to Mr. McConnell, the practice has been to vote on FEC nominees as a package to ensure that the politically sensitive agency remains evenly divided between the two parties. But that has not been an absolute rule; indeed, the last nominee who generated this much controversy, Republican Bradley A. Smith, had a separate roll call vote and was confirmed 64 to 35 in 2000. But Senate Democrats could commit to a quick vote on a replacement nominee, if they were able to muster the votes to defeat Mr. von Spakovsky.

We have suggested previously that it is more important to have a functioning FEC than to keep Mr. von Spakovsky from being confirmed. But Mr. McConnell ought to explain why the up-or-down vote he deemed so critical in the case of Mr. Mukasey, Mr. Bolton or appellate court nominee Miguel A. Estrada is so unacceptable when it comes to Mr. von Spakovsky.

Mr. REID. Mr. President, I can gather one thing from the President's unwillingness to resolve the Federal Election Commission problem. That is that they would rather have no election watchdog in place during an election year.

The background on the FEC makes the call from Mr. Walther particularly remarkable. Listen to this, now. It even gets better.

Steve Walther called to tell me he had been invited to the White House by the President to push for his nomination. I got calls from other people whom I had placed in the works to get approved by the Senate. They were all invited to the White House tomorrow morning. All nominees that the President has pending were invited to the White House, Democrats and all. Why? To complain about the Democrats not approving them.

This leads me to tell you a little experience I have had, and we have all had, with this President. The President is in fact hoping to have breakfast with all the nominees, Democrats and Republicans, now pending in the Senate, in an effort to force the Senate to confirm all these people. They must live in some alternative universe. I talked yesterday about the Orwellian nature of this White House, and this is it. He has invited people to the White House to complain about our not approving them when they—the President and the White House—are the reason we are not approving many of them.

He invited Mr. Walther, Mr. Lenhard and other Democratic nominees to the White House, along with all his Republican nominees, to get them to be a backstop, a picture, so he can come out and give one of his Orwellian speeches that these people are not being approved because of the terrible Democrats in the Senate. Actually, we are waiting for him to allow us to have votes on a number of these nominees.

The President's breakfast only needed one attendee. Only one. That is because only one nominee matters to this President. It should be an intimate breakfast between President Bush and a man by the name of Steven Bradbury. Why do I say that? I say that because of all the nominees the President will profess to care about at this breakfast, Steven Bradbury stands head and shoulders above all the others in the President's esteem. I am not guessing; I was told so by the White House.

Right before the Christmas recess, I called the President's Chief of Staff, Mr. Bolten. A wonderful man; I like him; easy to talk to and easy to deal with. I said: I tell you what, Josh. We are going to go into recess, and why don't we have an agreement on who the President wants to have recess appointed and, in fact, I will give you some suggestions. You can have a member of the Federal Reserve Board of Governors, you can have a Federal Aviation Agency, and you can have a couple of other Chemical Safety Board members. I said: Not only that, there are 84 other Republican nominees we will approve. There are 8 Democrats, 84 Republicans. Pretty good deal. He said: Let me check.

He called me back and he said: Well, what we want is to have a recess appointment of Steven Bradbury. I said: Josh, I didn't recall the name. Let me check. I checked with Chairman LEAHY, I checked with Senator DURBIN, who is a member of that committee, I checked with Senator SCHUMER, who is on that committee, and they and others said: You have to be kidding. This is a man who has written memos approving torture, and that is only the beginning.

Senator DURBIN—I don't know if he has time today—will lay that out in more detail.

I called Josh back and I said: Josh, that man will never get approved. He has no credibility. He said: Well, let me check with the President. He called back and said: It is Bradbury or nobody. I said: You are willing to not allow 84 of your people to get approved because of this guy? He said: Yes, that is what the President wants.

Now there are 84 nominees, and among them somebody Secretary Chertoff wanted badly. Secretary Chertoff called me personally on someone and he said: You have to give us this person. We have important things to do here. If I don't get her, they will send me somebody from OMB, and that will be a person who doesn't know anything from anything. You have to help me with this.

The head of Alcohol, Tobacco and Firearms, four Department of Defense assistant secretaries, the Deputy Director of the National Drug Control Policy, the Director of the Violence Against Women's Office, Assistant Attorney General, Under Secretary of Commerce for International Trade, Director of the Census, Solicitor for the Department of Labor—these are only a handful of the jobs of the 84.

Now, these jobs, all Republicans, all names given up to us by the President, are jobs these people have sought for their whole lives. Head of the Census, head of the National Drug Control Policy, Director of Violence Against Women's Office, Solicitor for the Department of Labor. Nope, they are not going to have a job.

I thought about that. That was a decision the President made, willing to throw 84 people under the bus, run over them, for one person he knew he couldn't get. That is 84 plus the 4 he could recess appoint. So what we did, we stayed in session during the entire holiday recess. But before we went out, I thought to myself, I don't know these 84 people. Some of them I have met, but these are jobs that are important to our country, jobs that are important to these individuals and their families. I made the decision that because the President is willing to do what I think is so unfair, so unreasonable, that doesn't mean I am going to be unfair and unreasonable. So I called Secretary Chertoff and others and said: Just because your boss is unreasonable and unfair, I am not going to be that way. So I am going to walk out on the floor and approve every one of them, which we did. So for him to have that meeting tomorrow takes about as much gall as I can even imagine, to have a meeting where he brings in all the people who have not been approved. And had I not been, in my own words, generous, he would have had 84 more people he would have had to invite down there.

I can't imagine how he could invite Democrats down to the White House. Several of them are being blocked in this body by Republicans. Same goes for a number of Republican nominees. Democrats are willing to approve them and Republicans stand in the way. Why would he invite them down there also? But he did, because there is an Orwellian thought process that goes on down there saying Democrats aren't allowing these people to get approved, which is the direct opposite of the truth.

All for one person it appears, Mr. Bradbury. Whatever the White House wants, Bradbury would give it to them in a legal opinion. We are not going to accept that. What the President is trying to do with this show tomorrow is so unreasonable, so unfair, and so out of step with reality—as is the budget he gave us on Monday—that I hope the American people understand what is going on in this country.

It is too bad we have a situation where the President of the United States would have a meeting in the White House and invite everybody to say: I am sorry you are not going to be approved, it is their fault, when the truth is, it is his fault.

Now, here are the people we confirmed. They are right here. Everybody can see them. We confirmed all of them. And had it been up to the President, not a single one would have been confirmed.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, I am glad the majority leader has come to speak about this issue. It is hard to imagine what is going through the mind of the President that he believes he can make an argument tomorrow with the meeting at the White House, that we have been unreasonable in dealing with his nominations.

Senator REID spelled out what happened. We tried, in many ways, to get some balance in nominations. That is done all the time so Republicans and Democrats will be appointed. It is done by both parties. I have seen it in the years I have been around the Senate. When Senator REID made that offer in December, the White House said: No, they would not do it unless they could have this one nomination, Mr. Bradbury. And I will have to say I think Senator REID went that extra mile, an extra 84 miles, as a matter of fact, and he basically said 84 of those Bush nominees would be confirmed.

The majority leader recounted several phone calls he received this week from Democratic nominees to bipartisan commissions. I heard from my friend, Tom Carper, not the Senator from Delaware but a friend of mine from McComb, IL, who has been nominated to serve on the board of directors of Amtrak.

Tom has been working on passenger rail issues for 20 years, 12 years as mayor of the city of McComb, IL, which is served by Amtrak. As mayor, he served as the chairman of the Amtrak Mayor's Advisory Council. He received national recognition for his leadership on Amtrak issues.

He saw firsthand the enormous potential that passenger rail service can have for towns, such as McComb, small towns that might be overlooked otherwise. He helped to make the potential of Amtrak service a reality. We have such a success story of Amtrak in Illinois in the last year or two, with dramatic increases in ridership. Tom saw this coming and was a real leader. He convinced the State of Illinois to double its State investment in Amtrak. He worked with a broad coalition of passenger, business, labor groups, and elected officials to increase Amtrak service across our State.

We are experiencing a renaissance in terms of passenger rail in our State in a short period of time. Senator REID was given an opportunity to fill a vacancy on the Amtrak board. I asked him to consider former Mayor Tom Carper of McComb, IL. He was kind enough to recommend him. There are seven voting members on the Amtrak bipartisan board—three Republicans, three Democrats, and the Secretary of Transportation. Currently, there are four vacancies on the board, which means the board does not have enough members for a quorum, and it forces the board to conduct business via an "Executive committee."

On our last day of session in December, Senator REID, I think through great effort and courtesy, rose above the President's refusal to cooperate on nominations and worked to confirm more than 80 nominations in a single day. But we could have—and should have—confirmed at least two more. Senator REID and I worked together and offered to confirm two nominees to the Amtrak board—one Democrat, Tom Carper, and one Republican, both of whom had been favorably reported by the Commerce Committee.

The Republicans objected. They insisted that we confirm one Democrat and two Republicans or none at all. Now, this "all-or-nothing" approach is not new. We have seen this before when it comes to nominations.

As the majority leader described, I think the most glaring example of this is the nomination of Steven Bradbury to be Assistant Attorney General. The majority leader was willing to allow additional confirmations—and even recess appointments—for a number of nominations.

I can tell you, having dealt with Senator REID, he bends over backward to be balanced in this approach. That is the way it has to be in the Senate. That is the way the institution operates. But the White House turned down his offer. They turned down his offer because of one nomination, the nomination of Steven Bradbury.

It was clear this request, Mr. Bradbury, was going to be rejected. Mr. Bradbury's nomination has been returned to the White House four times since he was first nominated for the job in June 2005. What part of "no" does the White House fail to understand?

Why does the President care so much about this one nominee that he is willing to sacrifice all these other nominees? He is going to fill the White House with people who are going to have this fine White House china in front of them, sipping coffee and tea and eating little cookies and complaining that somehow or another the Democrats in the Senate are ignoring their need to serve our Government.

We are not ignoring it. Senator REID has offered repeatedly to confirm these nominees on a balanced basis, even giving the President 84 nominees without this balance. They have said: No deal unless we get Steven Bradbury. He is the only appointment, clearly, who is important to this administration. Why? What is it about this man? What would possibly be in his background or his potential for future service that would be so important?

Well, this is worth talking about for a minute. Steven Bradbury is the head of the Office of Legal Counsel, also known as OLC. OLC is a small office and most people have never heard of it, but it has a great deal of power, especially in this administration. The Office of Legal Counsel issues legal opinions that are binding on the executive branch of Government.

In the Bush administration, OLC has become a rubberstamp for torture policies that are inconsistent with American values and laws. In August of 2002, the Office of Legal Counsel issued the infamous torture memo. This memo sought to redefine torture, narrowing it to a limited situation of abuse that causes pain equivalent to organ failure or death. These words meant the United States was preparing to abandon generations of commitment to outlawing and prohibiting torture. This memo also concluded the President has the right to ignore the torture statute, which makes torture a crime. This memo was official Bush administration policy for years, until it was finally leaked to the media, and the administration was forced to repudiate it.

Jay Bybee, who was then the head of the Office of Legal Counsel, signed that memo. Unfortunately, Mr. Bybee was confirmed to a lifetime appointment on the Federal bench in the Ninth Circuit before Congress and the American people learned about his complicity in the creation of this infamous torture memo, a memo that was repudiated by the Bush administration once it became public.

Jack Goldsmith succeeded Jay Bybee as head of the Office of Legal Counsel. Mr. Goldsmith is a very conservative Republican, but even he was disturbed when he heard what was happening at the Office of Legal Counsel.

As head of that office, he revoked the misguided OLC opinions dealing with warrantless surveillance and torture. He decided those opinions went too far.

Deputy Attorney General Jim Comey supported Mr. Goldsmith's actions. Let me say a word about Mr. Comey. My colleague and friend for years, Senator SCHUMER, first told me about Jim Comey when he was chosen to be the Deputy Attorney General under Attorney General Ashcroft. Senator SCHUMER told me Jim Comey was a straight shooter, an honest man who would not compromise his principles in public service. He said I could trust Jim Comey. During the period Jim Comey served in our Government, CHUCK SCHUMER was right. Jim Comey enjoys that reputation because he earned it.

We now know what happened because it has come to light that there was an infamous showdown at the bedside of Attorney General John Ashcroft, who was hospitalized in an intensive care unit, where White House Chief of Staff Andrew Card and former Attorney General Alberto Gonzales tried to pressure a then-ailing John Ashcroft into overruling Jack Goldsmith and his acts in the Office of Legal Counsel. It is hard to imagine that they would go into a hospital wing, with the acting Attorney General and with the President's Chief of Staff, to a man in an intensive care unit and try to persuade him to sign a document to overrule Jack Goldsmith.

Fortunately, Attorney General John Ashcroft, to his credit, refused. When Jack Goldsmith finally left the Justice Department, the administration realized they did not need any more trouble from the Office of Legal Counsel, they needed someone in that office who would not rock the boat, would not question their opinions, someone who would rubberstamp their policies.

So, in June 2005, President Bush nominated Steven Bradbury to succeed Jack Goldsmith—Steven Bradbury, the person who has now become the centerpiece of the entire appointment agenda of the Bush administration. Although Mr. Bradbury has never been confirmed in this position, he has effectively been head of OLC for 2½ years.

In 2005, Mr. Bradbury reportedly signed two OLC legal opinions approving the legality of abusive interrogation techniques. One opinion, on so-called "combined effects," authorized the CIA to use multiple abusive interrogation techniques in combination.

According to the New York Times, then-Attorney General Alberto Gonzales approved this opinion of Mr.

Bradbury over the objections of then Deputy Attorney General Jim Comey, who said the Justice Department would be ashamed if the memo became public.

Mr. Bradbury also authored and Alberto Gonzales approved another Office of Legal Counsel opinion, concluding that abusive interrogation techniques, such as waterboarding, do not constitute cruel, inhumane or degrading treatment. This opinion was apparently designed to circumvent the McCain torture amendment. I was proud to cosponsor JOHN MCCAIN's torture amendment. We are in the midst of a Presidential campaign, and I suppose you have to be careful as a Democrat saying anything positive about a man who may be the Republican nominee.

But I could not think of another Senator who could speak with more authority on interrogation and torture than JOHN MCCAIN, who spent over 5 years in a Vietnam prison camp. He came to this floor and made an impassioned plea for us to make it clear that torture would not be part of American policy.

In the end, he won that amendment by a vote of 90 to 9, an amendment which absolutely prohibits cruel, inhumane or degrading treatment. Steven Bradbury, now infamous for his role in memo after memo relating to torture, felt he found a way, through an opinion, for the administration to avoid the impact of the law the President signed, the McCain torture amendment.

That is what this is about. This is not a casual situation where I find Mr. Bradbury personally offensive. We are going to the heart of a question as to whether this man can serve this country in this critical position in the White House based on what we have seen over and over again: his complicity in some of the most embarrassing chapters in this administration, including some that have been publicly repudiated.

Last fall, while the Senate was considering the nomination of Judge Michael Mukasey to be Attorney General, the judge pledged to me in writing that he would personally review all of the Office of Legal Counsel's opinions dealing with torture. He said he would determine whether each of these opinions can be provided to Congress and whether he agreed with the legal conclusions of each of these opinions. This promise made by Attorney General Mukasey to me, to the Judiciary Committee, and to the Senate is a matter of public record.

Last week, Attorney General Mukasey appeared before the same Judiciary Committee for the first time since he was confirmed. I asked him point-blank whether, as he had promised, he had reviewed all of the OLC torture opinions. I specifically asked him about Steven Bradbury's "combined effects" opinion, which Jim Comey said would shame the Justice Department if it became public. Sadly, the Attorney General said he had not reviewed those opinions. He realized that he had made a promise to me that he would, and we left it at that. He did acknowledge in the course of his testimony how much he respected Jim Comey, how he had turned to him for advice and believed he was an honorable man. I feel the same. I trust that Attorney General Mukasey is also an honorable man who will keep his word.

In the meantime, while all of this continues, Steven Bradbury remains as the effective head of the Office of Legal Counsel, even though it has been 2½ years since he was nominated and he has never been confirmed. Legislation known as the Vacancies Reform Act prohibits a nominee from serving for this long without confirmation. It makes a mockery of the confirmation process that Mr. Bradbury assumes a role he has never been given under the law. Apparently, he is so important to the Bush administration, they are willing to violate this law to keep him in his position, and they are prepared to toss overboard scores of nominations which could be approved by this bipartisan Senate if they would only relent on this nominee, who is obviously not going to be approved. The fact that Mr. Bradbury continues to serve as the effective head of the Office of Legal Counsel appears to be an attempt to circumvent the confirmation process in order to install this controversial nominee in a key Justice Department post in the closing days of this administration.

Ironically, the Vacancies Reform Act to which I referred was passed by the Republican-controlled Congress in 1998 to limit the ability of then-President Clinton's nominees to continue to serve in an acting capacity. The legislation was specifically targeted at Bill Lann Lee, the first-ever Asian-American head of the Civil Rights Division. Apparently, the Bush administration is ignoring the very law which a Republican Congress passed to make it clear that the President does not have the authority to appoint people like Steven Bradbury in an acting capacity without confirmation.

Why has Mr. Bradbury not been confirmed? For years, the Justice Department has refused to provide Congress with copies of the opinions Mr. Bradbury authored on torture. Mr. Bradbury has refused to answer straightforward questions from myself and other members the Judiciary Committee regarding his role in this.

Here is what I said in November 2005 about Mr. Bradbury's nomination:

> Since the Justice Department refuses to provide us with OLC opinions on interrogation techniques, we do not know enough about where Mr. Bradbury stands on the issue of torture. What we do know is troubling. Mr. Bradbury refuses to repudiate un-American and inhumane tactics such as waterboarding.

As I have said before, I believe that at the end of the day, when the history is written of this era, there will be chapters that will not be friendly to this administration.

In past wars, Presidents of both political parties have been guilty of excessive conduct, in their own view, as part of national security. One can remember the suspension of habeas corpus by President Lincoln during the Civil War, the Alien and Sedition Act of World War I, and the Japanese internment camps of World War II. All of these examples, as we reflect on them in history, do not reflect well on this country. Decisions were made which many wish could be undone. The same is likely to be true when it comes to the issue of torture and the war on terrorism under the Bush administration; this issue of warrantless surveillance, where for years, literally, this administration went beyond the law and attempted to intercept communications when they could have come to Congress and received bipartisan support for an approach which would have kept America and our Constitution safe.

Yesterday, we learned why Steven Bradbury is so important to the White House. We also learned why he refuses to condemn waterboarding. It was Super Tuesday, so a lot of political minds were focused on other places and other things. Unfortunately, it didn't get a lot of attention, but every American should know what happened yesterday on Capitol Hill.

In testimony before the Senate Select Intelligence Committee, CIA Director Michael Hayden acknowledged that the United States of America has used waterboarding, a form of torture, on three detainees. Waterboarding, or simulated drowning, is a torture technique that has been used since at least the Spanish Inquisition. It has been used by repressive regimes around the world.

Every year, the State Department issues a report card on human rights in which we are critical of other countries that engage in what we consider to be basic violations of human rights. Included in those basic violations is torture of prisoners. Included in that torture is waterboarding. So once a year we stand in judgment of the world and condemn them for engaging in waterboarding and torture techniques on their prisoners. Yet it is clear from the testimony yesterday of General Hayden that we have engaged in some of those techniques.

Following World War II, the United States prosecuted Japanese military personnel as war criminals for waterboarding American servicemen. The Judge Advocate Generals, the highest ranking military lawyers in each of the U.S. military's four branches, have stated publicly and unequivocally that waterboarding is illegal.

Now the United States of America has acknowledged engaging in conduct that we once prosecuted as a war crime. This is unacceptable.

Yesterday, I sent the Attorney General a letter. I wanted to spell out clearly for him, so there is no misunderstanding, why it is important that he respond to several requests which I have made for information. At the heart of it is a good man, a judge named Mark Filip, who serves in the Northern District of Illinois, a man whom I supported for his confirmation as a Federal judge and who has received positive reviews for his service on the bench.

Attorney General Mukasey would like Judge Filip to be his Deputy Attorney General. That is a good choice. But I have said to the Attorney General, there is only one thing between my enthusiastic vote for Mark Filip and his remaining on the calendar: The Attorney General has to respond to inquiries I have made, some of which were made months ago, on this critical issue of torture. I wanted to make certain that there was real clarity in my request. So I sent a letter to the Attorney General yesterday and said: Here is exactly what I am looking for, the letters we have sent, the questions we have asked, and I want you to respond to them. I hope I receive that response by the end of the day. If I receive that response and it is a good-faith response, even if I disagree with it, if it is a good-faith response, then Judge Filip can move forward. I hope he will. It is now in the hands of Attorney General Mukasey.

Let me highlight two of the questions I am asking: First, does Attorney General Mukasey agree with the legal conclusions of the Office of Legal Counsel torture memos written by Steven Bradbury, that Jim Comey believes the Justice Department would be ashamed of if they were made public? Second, will the Justice Department investigate the administration's use of waterboarding to determine whether any laws were violated? I didn't call for prosecution but simply for an honest investigation.

I recognize the Bush administration wants to confirm Steven Bradbury, to ensure they have a firewall to protect their torture policies. But what is at stake here is more important than this one nominee. This is about who we are as a country. This is about the United States, our values, our standards of conduct. This is about whether the United States can, with a straight face, be critical of regimes and countries around the world that engage in abusive interrogation techniques. This is about whether we protect American soldiers and American citizens from torture by unequivocally condemning those forms of interrogation. The United States cannot be a country that defends a practice which the civilized world has considered torture for over five centuries.

Democrats are willing to work with the President, in a bipartisan manner, to confirm nominations. But the President's response to the majority leader's work in confirming more than 80 nominations in December by renominating Steven Bradbury last month is not encouraging. If the President truly wants to confirm his nominations, he should not be pouring coffee and tea at the White House.

He ought to have his Chief of Staff, Mr. Bolten, pick up the phone and say: Let's get down to business. There are important Democrats and Republicans who can be appointed tomorrow if the President will understand that the entire fate and future of his administration should not hang on this one nominee, Steven Bradbury, who has been implicated in some of the most questionable practices of this administration. I hope the President and his Chief of Staff, after they have had their coffee with these potential nominees, will pick up the phone and work with us for the right result.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I would like to share some thoughts on the FISA legislation. It is critically important, and we need to pass the Intelligence Committee bill.

I will first say, in response to my able colleague from Illinois, that General Hayden's comments in which he indicated three people had been subjected to waterboard torture are something we ought to think about. First, I am glad, as he said and has been repeated, waterboarding was only used three times early on after 9/11 against some of the most dangerous people we have ever dealt with.

As a result of the debate and discussion about that, we had an amendment on the floor of the Senate, which Senator KENNEDY offered to the Military Commissions Act in 2006, to prohibit waterboarding. It failed 46 to 53. We have a statute that does prohibit torture—Congress passed it overwhelmingly and it was supported by Senators KENNEDY, LEAHY, BIDEN, and others—that defined torture as infliction of severe physical or mental pain or suffering. I am glad we are no longer utilizing waterboarding. I hope we never have to do it again.

I just want to say to my colleagues, be careful how you portray the United States around the world.

Mr. Goldsmith, who has been quoted here and previously testified before our committee, has written a book. He said this war on terror has been the most lawyered war in the history of the Republic. Lawyers have been involved in everything. Great care has been given to ensure the law was followed. To compare waterboarding of 3 individuals to what was done to American prisoners by the Japanese in World War II is just unthinkable. To date, not a single prisoner whom we have captured in the War on Terror has died, to my knowledge, in American custody—maybe or one or two from some disease, but certainly not from abuse.

I just finished reading the book "Hells Guest" by Mr. Glenn Frazier from Alabama, a Bataan Death March survivor. About 90 percent of those prisoners died. They starved to death. They were beaten on a regular basis and abused in the most horrible way.

To even compare what was done to American soldiers wearing a uniform lawfully being a combatant to what has been done to a few people without any physical or permanent injuries is not fair. It is part of a rhetoric designed for political consumption at home that has embarrassed our country around the world and led decent people around the world to believe our military is out of control and we are systematically abusing and torturing prisoners when it is not so. We ought to be ashamed of ourselves to go on again and again about it.

We continue to be confused. Our country faces very real dangers. Terrorists are determined to damage this country. It is not just talk. We know it is true. They have done it before. They have attacked us around the world. They attacked us repeatedly before 9/11, and they desire to destroy our country.

Our administration made a decision after 9/11 that we could not treat these kinds of military attacks, designed to destroy our country by organized foreign forces, as normal law enforcement. I was a former Federal prosecutor. In a criminal prosecution, you try to catch people after they have committed the crime. But these acts are so horrible that the nature of them is such that they are acts of warfare and not crimes, and they need to be treated in that fashion. We remain somewhat confused about it. So the old policy meant you would investigate after the crime was committed. It was basically a stated or implicit policy of the Clinton administration. We cannot return to that kind of strategy.

One of the most important legal powers and authorities we have to defend America is the Foreign Intelligence Surveillance Act. It has played a key role in preventing subsequent attacks on U.S. soil for the last 6 years. We are dealing with very real, very imminent threats, and we must continue to assist the fabulous military and intelligence personnel who are working this very moment long hours to protect our Nation.

I have visited our National Security Agency and met with the people who gather the intelligence under this act. They love America. These are not people who are trying to harm our country and deny us our liberties. They are sterling individuals who carefully follow the rules we give them. They follow the rules. They say they cannot continue effectively to do their job unless we pass this legislation. They cannot continue to do what they need to do.

The terrorists waging war against our country do not fight according to the rules of warfare, international law, moral standards, or basic humanity. They have even, in recent days, apparently used mentally ill women as suicide bombers, setting off bombs that have resulted in the deaths of other people, as well as the poor people who had the bombs strapped to them.

So, historically, we have provided the protections of the Geneva Conventions only to those whose conduct falls within the rules of war, those who fight under a flag of a nation, who wear uniforms against other organized military units. However, under a twisted rationale, predicated on the belief by some that we are not fighting a real war, we have given more rights to these individuals, who flatly reject any rule of war, than we have provided to legitimate prisoners of war who have followed the rules of war. We have done that in a number of different instances—it is sort of amazing to me—including providing them with habeas corpus relief to go to Federal court. These are not traditional prisoners of war, but prisoners who are unlawful enemy combatants. So we have endangered, sometimes I really believe, not only our troops, who put themselves in harm's way—and are in harm's way right now—to carry out the policies we gave them, but innocent Americans here at home.

We have to keep this threat in the forefront of our minds. These are individuals dead set on the destruction of our country at any cost. There is nothing they will not do.

Let me state that the FISA law should be made permanent. It should not merely be extended with another sunset provision. It is a fallacious argument to claim we cannot revisit a law unless there is some sunset when it ends. As Members of this Congress, it is incumbent upon us to continually review legislation we pass to ensure that the laws are accomplishing the goals set forth and that no unintended consequences occur. There is no sound reason to pass critical legislation such as the Protect America Act and slap an expiration date on it.

Fighting the war on terror is a long-term enterprise that requires long-term institutional changes. As the Vice President said in a recent speech:

> The challenge to the country has not expired over the last six months. It won't expire any time soon, and we should not write laws that pretend otherwise.

The Intelligence Committee bill is a collaborative, bipartisan compromise that was crafted in consultation with members of the Intelligence Committee, the Director of National Intelligence, the Department of Justice, and the intelligence community after months of negotiation and review of highly sensitive information, most of which was classified, secret, about the current surveillance procedures and how they were being used by the Government to obtain critical national security information. We cannot overstress that the committee most intimately involved with this process and the electronic measures being utilized voted their bill out by an overwhelmingly bipartisan 13-to-2 vote.

Remember, it has been over 6 years 4 months since the terrible attacks of September 11, and we may be most thankful that not one attack has been carried out on our soil since that day. As we move further from that dreadful day, I fear our memories have begun to fade. Otherwise, there is no sound justification for doing anything other than reauthorizing the Protect America Act, which would allow the intelligence community to simply continue, uninterrupted, their work which has been protecting this Nation and can continue to protect it in the future.

After the intelligence Committee passed a bill, the Senate Judiciary Committee, of which I am a member, got involved and produced a partisan bill. We already voted to table the partisan Judiciary substitute, and we debating the bipartisan Intelligence Committee bill. Let me point out, however, something that happened in the Judiciary Committee. The bill produced by the committee was given very little process during one committee meeting where 10 Democratic amendments were accepted along a strict party-line vote, and the bill itself, ultimately, was voted out with only Democratic support. No Republican voted for it. It was a purely partisan bill.

Strikingly, the one vote that garnered bipartisan consideration was against an amendment that was offered by Senator FEINGOLD to strip the retroactive liability protections found in section 2 of the Intelligence bill.

We had a discussion and vote on whether the liability protections to keep the companies that helped us and responded to Government requests—whether they should be sued for doing so—should be stripped from the bill. We voted in the Judiciary Committee, 12 to 7, to follow the recommendation of the Intelligence Committee bill that they passed 13 to 2, and keep the limited liability protections. So it was a 12-to-7 vote to defeat the Feingold amendment that would have removed those liability protections.

Directly after that vote, however—it was curious how it all happened—but directly after that vote, Chairman LEAHY moved to report only Title I of the Judiciary substitute bill out of Committee. When that passed, that effectively stripped the liability protection provisions the committee had just voted to keep.

The point is that the Democratic-controlled Judiciary Committee, when voting directly on removing retroactive liability, voted 12 to 7 to keep it. But by the time we passed out the Judiciary Committee's version of the bill, we had taken it out. I'm not sure people fully understand how that occurred, but it certainly was an odd thing that it passed out of committee without liability protection, when we specifically voted to keep that language in the overall bill.

Now, the main area of disagreement is over this important question that will be coming up, I understand, in the amendment offered by Senator DODD, amendment No. 3907—and a Specter-Whitehouse amendment that will allow substitution—which will, in effect, allow litigation to continue against telecom companies that responded to the requests of the Attorney General of the United States, certified by the President. So our disagreement is whether we should provide these good corporate citizens who cooperated with a formal written request by the Attorney General of the United States, certified by the duly-elected President of the United States, to provide information for a surveillance program implemented shortly after the attacks on September 11—and at that point in time, we did not know how many terrorist cells there were in the country and what plans they may have had.

Now, the nature of the program is highly classified, but after an uproar of complaints, the procedures were studied carefully by Congress, and we reacted by giving approval to the program in passing the Protect America Act overwhelmingly last August. I did not want to be too lighthearted about it, but I remember all the brouhaha that this program was somehow wrong and had to be eliminated, and people made all these unsubstantiated allegations. But after we went in great depth, we found, as Mr. Goldsmith said, that the lawyers have been on top of this since day one. It was a carefully constructed program. A court opinion issues last spring caused us to not be able to continue the way it was being done, and the Intelligence community asked us for legislation so it could continue. The Congress passed the Protect America Act this summer, but it was a short-term bill that lasted only 6 months.

All I would want to say is, nobody apologized to President Bush or the Attorney General of the United States or the people at the National Security Agency for all the bad things they said about them. After having studied what they did, we concluded it is constitutional and legal and proper and necessary, and we actually passed a law to authorize it to continue.

But still, there have been over 30 lawsuits now filed against telecom providers for their alleged participation in the terrorist surveillance program—30 lawsuits. Analysis of these lawsuits leads only to the conclusion that the plaintiffs are substituting speculation and a fevered brow for fact and are ignoring the dangerous consequences these lawsuits can have on our national security.

I do not know who is actually filing these lawsuits. I will just say this, parenthetically: Last October, before the last election, Lancet magazine produced a report—a medical magazine in England—that said 500,000 to 700,000 Iraqis were killed by the American military in Iraq. And ABC, CBS, and our Democratic colleagues all raised cane that, unbelievably, we would kill this many people. After the election was over—and by the way, the guy who wrote the report said he wanted to be sure it came out before the election—we learned some things about it.

In a fabulous article in the National Journal, an unbiased magazine, they detailed the fraudulence of that article, and pointed out that even an antiwar group said, at most, it was 50,000, not 500,000 or 700,000. And where did they find out the money for the Lancet article came from? George Soros, and the MoveOn.Org crowd. The "blame America first" crowd. Well, I don't know who is actually funding these lawsuits. We ought to ask some questions about it. Certainly there is no indication that anybody's liberties have been impacted adversely.

If these suits are allowed to continue, we face a number of problems. The sources and methods relied on by our intelligence community to conduct surveillance are highly classified, and if these lawsuits are allowed to proceed, even allowing for the Government to be substituted for the telecom companies, we run the risk of exposing the things our enemies really want: classified national security information. Make no mistake, if forced. to defend themselves against lawsuits brought about because they cooperated with a government request certified to be legal, companies will certainly hesitate or refuse outright to cooperate in the future. Even where substitution by the Government is an option, we would be putting national security decisions in the hands of corporate counsels in the future whose duties—and their first responsibilities—extend to the stockholders of their company, and not the national security.

If we ask a company to help us, do we want all the lawyers in that company to say: Wait a minute. The last time we worked with you government we got sued, and we are going to review all of this because some court may hold this—or George Soros may fund some lawsuit and tie us up in court. We don't think we want to help. I think they would naturally take that tack in the future to resist cooperation.

During floor debate in December, the distinguished chairman of the Intelligence Committee, our Democratic colleague Senator ROCKEFELLER, said this. This is what he said about the matter:

> Our collective judgment—

and he is talking about the Intel Committee members—

> Our collective judgment on the Intelligence Committee is that the burden of the debate about the President's authority should not fall on the telecommunications companies—

In other words, the debate about whether the President had authority to do this shouldn't fall on the telecommunications counsels—

> because they responded to the representations by Government officials at the highest levels that the program had been authorized by the President and determined to be lawful and received requests, compulsions to carry it out. Companies participated at great risk of exposure and financial ruin for one reason, and one reason only: in order to help identify terrorists and prevent follow-on terrorist attacks. They should not be penalized for their willingness to heed the call during a time of national emergency.

Senator ROCKEFELLER said that.

The ranking member of the Judiciary Committee who favors substitution has stated this, flat out:

> The telephone companies have acted as good citizens.

Certainly they have. In many instances, the Government must seek assistance from the private sector and private individuals to help protect our national security and even local security in our communities. In order for this practice to continue, we must allow them to rely on assurances that the assistance they provide is not only legal but essential to protect our national security without fear that they will have their names dragged through the mud by protracted litigation initiated by the "blame America first" crowd which subscribes to wild theories about Government conspiracies to deny people their liberty. They are forgetting the safety of America, and they are ignoring sound legal precedent.

Some in this body sincerely believe that liability protection is not needed if these companies did nothing wrong, they say. Well, this is faulty reasoning since either allowing the lawsuits to proceed or substituting the Government will still force them to be a party to lawsuits that run the risk of exposing national security information or doing irreversible financial and reputational damage to companies innocent of any wrongdoing. We are putting these companies in harm's way when they, bound by a sense of patriotism and civic responsibility, participate in a government program that was certified to be legal by the Attorney General of the United States and the President of the United States.

If the Government is substituted—in accordance with one of the theories that has been offered—in the place of a particular company, it will most certainly assert the state secrets privilege, leaving, in effect, the company virtually impotent when it comes to mounting a defense and showing what their legitimate actions were. Due to the nature of this state secrets privilege, a company will be forbidden from making their case and will be left without the ability to even confirm or deny their participation in the program. We should applaud the actions of these citizens, not stab them in the back by suing them for their actions.

To refresh everyone's memory, the Intelligence Committee, after months of negotiation in highly classified settings, rejected an amendment to strip liability protection from the bill for these companies by a vote of 12 to 3. It then passed the bill out in toto by a bipartisan vote of 13 to 2, protecting these companies from lawsuits.

The Judiciary Committee, on the other hand, had one markup after less than 2 weeks of reviewing the Intelligence Committee's legislation, and rejected an amendment specifically that would have denied liability protection by a vote of 12 to 7. So we voted not to allow them to be sued either. Furthermore, the Judiciary Committee rejected an amendment to allow the Government to be substituted for the plaintiffs by a vote of 13 to 5. We rejected substitution too, although the liability protections were ultimately removed from the bill the Judiciary Committee passed.

Even if the Government is substituted, plaintiffs in litigation will seek discovery, they will file depositions and ask for interrogatories and motions to produce. They will seek trade secrets and highly classified technologies. Companies would still face many litigation burdens. They would be—we would be subjecting them to harm, not only from consumer backlash, but their international business partners will be pressured around the world.

Under the limited liability protections incorporated in the Intel bill, plaintiffs seeking to question the Government will have their day in court as it only protects good corporate citizens from civil suit. So the liability protections in this bill do not preclude lawsuits against the Federal Government from going forward. In fact, there are at least seven lawsuits currently pending against the Government that will proceed against the Government or Government officials. This was accepted by the Intelligence Committee. Some wanted to say you couldn't sue the Government for these activities also, but the Intel Committee reached an agreement, an overwhelmingly bipartisan agreement, that would allow those lawsuits to proceed.

The companies that helped the Government did so to help protect us from further attack, and valuable information has been gathered with their help. I have been out to the National Security Agency. I have talked with the people. I know they scrupulously follow the rules we give them, and I know they have gained great, valuable information through this program, and I know they lost very valuable information when the program had to be stopped. This information has saved undoubtedly countless American lives by enabling our intelligence community to thwart attacks.

Some have said this amounts to amnesty, but that couldn't be further from the truth. Amnesty is an act of forgiveness for criminal offenses, such as granting citizenship to people who broke the law to come into our country illegally. The companies were operating under a certification of legality in a time of national danger doing what they could as Americans to follow the law and prevent future attacks. At no point during their participation were their actions illegal. For Heaven's sake. To grant liability protection is to adhere to that great Anglo-American legal tradition for hundreds of years that when called upon by a law officer, with apparent legal authority, wearing a uniform, out on the street, a citizen is not to be held legally liable if, in responding to the officer, the officer was wrong. That is all we are talking about. That is a fundamental, historical, legal principle. The only question—the legal question has always been simply this: whether the citizen was responding to a legitimate request by a government law officer, a police officer to chase a bad guy. Was the citizen acting reasonably in believing this was a legitimate law enforcement request and he was helping by being a good citizen. That is the test. If he participated knowingly with somebody acting illegally, then that citizen could be liable. Certainly certification by the Attorney General and the President of the United States in written documents suffices as a legitimate request.

The bottom line is, we do not need to pass legislation that panders to the extreme interest groups in America who find fault in everything our people do, our law enforcement and intelligence officers, and that fosters a fundamental mistrust of those officials who are working daily to serve all of us. The burden should not fall on the shoulders of good corporate citizens who are acting patriotically to help save lives and protect our country.

I urge my colleagues to vote to support the Intel Committee bill, a carefully crafted, carefully studied, bipartisan bill. I also urge my colleagues to support the liability protections in the Intelligence Committee legislation and a vote against any amendments that attempt to strip these provisions or in any way alter the carefully structured, limited provisions of the bill.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I rise today to discuss Senate amendment No. 3907 offered by Senators DODD and FEINGOLD to the Intelligence Committee's FISA legislation. I compliment my friend from Alabama for some very strong, very pointed remarks on this issue as well as the other issues he addressed.

I am pleased the leaders of the Intelligence Committee were able to come up with an agreement on how to proceed on this important legislation. I look forward to the debate on many of these amendments.

A couple of the amendments have been offered relating to title II of the bill which provides immunity to those telecommunication carriers that currently face lawsuits for their alleged assistance to the Government after September 11 and their participation in what is known as the terrorist surveillance program, or TSP. Senators DODD and FEINGOLD have offered an amendment striking this section. Senators SPECTER and WHITEHOUSE have offered an amendment which would substitute the Government as a defendant for the telecommunication providers currently being sued for their alleged support to the President's TSP program. I do not support either of these amendments.

As a member of the Select Committee on Intelligence, I had access to classified documents, intelligence, and legal memoranda, and heard testimony related to the President's TSP program. After careful review, as stated in the committee report accompanying this legislation, the committee determined:

> That electronic communication service providers acted on a good faith belief that the President's program, and their assistance, was lawful.

The committee reviewed the correspondence sent to the electronic communications service providers stating that the activities requested were authorized by the President and determined by the Attorney General to be lawful, with the exception of one letter covering a period of less than 60 days in which the counsel to the President certified the program's lawfulness. The committee concluded that granting liability relief to the telecommunications providers was not only warranted but required to maintain the regular assistance our intelligence and law enforcement professionals seek from them.

Although I believe the President's program was lawful and necessary, this bill makes no such determination. This is not a review or commentary on the President's program; rather, it is a statement about how important this assistance by the electronic communication providers is to our Government.

I cannot understate the importance of this assistance—not only for intelligence purposes but for law enforcement purposes also. The Director of National Intelligence and the Attorney General stated:

> Extending liability protection to such companies is imperative; failure to do so could limit future cooperation by such companies and put critical intelligence operations at risk. Moreover, litigation against companies believed to have assisted the Government risks the disclosure of highly classified information regarding extremely sensitive intelligence sources and methods.

There is too much at stake for us to strike title II and substitution is not an acceptable alternative. This week, we have been alternating between legislation geared to helping our taxpayers and FISA. Yet substituting the Government in these lawsuits will force the American taxpayer to front the heavy legal bills associated with this legislation.

Substitution would allow these trials to continue and could risk exposure of classified sources and methods through the discovery process in the litigation. As a defendant in these frivolous lawsuits, the Government may be required to expose some of our most sensitive intelligence sources and methods. Let me emphasize the committee already found that these communication providers acted in good faith under assertions from the highest levels of our Government that the program was lawful. If an individual alleges he or she has a claim due to this program, that claim can be brought against the Government and should not be brought against the providers. The Intelligence Committee bill left open the option for Americans to sue the Government. An aggrieved individual may sue the Government and attempt to prove standing and a cause of action. However, substituting the Government doesn't shield our American business partners from these cases, nor does it relieve them of the liability to their stockholders they may unjustly face and which may be borne out in our economy. Substitution only increases the risk of leaks, and these potential revelations only make our enemies better informed on the tools we have to conduct electronic surveillance.

Some of my colleagues have complained about access to the documents regarding the President's program. It is true many Members of Congress have not had access, nor have they had an opportunity to review these documents. There is a good reason for that. These documents are highly classified and represent details about intelligence sources and methods. I worry that expanding the number of people who have access to these documents will increase the likelihood that intelligence will get leaked into the public.

It is more appropriate that the oversight committee review and report back to the Senate on the various intelligence activities of the United States. That is why the Senate has an Intelligence Committee. As a member, I am familiar with handling classified material and receiving classified briefings. I have made commitments to safeguard the information I learn behind closed doors within the Intelligence Committee. Given the wide array of information I have heard on the Intelligence Committee, I question the benefits a Member would gain from such a limited, yet specific, review of the operations of our intelligence community. Rather, I urge my colleagues to support the determination of the Intelligence Committee, which is charged with regularly reviewing the intelligence activities of the United States and oppose the amendments offered by Senator DODD and Senator FEINGOLD. Providing our telecommunications carriers with liability relief is the necessary and responsible action for Congress to take. The Government often needs assistance from the private sector in order to protect our national security and, in return, they should be able to rely on the Government's assurances that the assistance they provide is lawful and necessary for our national security. As a result of this assistance, America's telecommunications carriers should not be subjected to costly legal battles.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. Mr. President, I ask unanimous consent that I be allowed to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ECONOMIC STIMULUS

Mr. ISAKSON. Mr. President, we are on a very important piece of legislation, and I thank Senator BOND for all his hard work, and other members of the Intelligence Committee. I hope we can very soon pass a good FISA bill on the floor.

I want to deviate from that debate for a second to talk about a headline many of my colleagues read yesterday, and that we are all reading repeatedly around the United States, and that is the rapid increase in the number of houses going into foreclosure. I want to address that in the context of the economic stimulus package and in the context of a possible recessionary tendency in the economy, and also from a historical perspective, in that we have been down this road before, and suggest there is an action the Senate and the Congress could take, and the White House could endorse, that could avoid an awful lot of foreclosures, improve the housing market, reverse the tendencies toward recession, and be a private sector solution to a problem that is going to be a tremendous burden if we don't act.

I understand the short-term surgical benefits of the stimulus that was passed by the House, the other benefits that the Finance Committee passed. We will work ourselves through that in the next few weeks, and shortly thereafter the American people will more than likely be receiving a check of $300 or more with which to infuse some energy into the economy. But while that is going on, these numbers of a 200-percent and 300-percent increase of houses going into foreclosures are going to materialize into houses in foreclosure.

When we get into the second quarter of this year and the middle of the summer, we are going to find ourselves in a difficult situation where the following has happened: a tremendous number of houses foreclosed on, the banks and lenders taking back inventory—and there is a term called REO, real estate owned—and the regulators coming in, looking at their books and telling them to get rid of that inventory. The lenders are going to then write them down, take them to the marketplace with deep discounts, and sell them.

Now what that is going to do to your homeowners Jim Weichert sells to in New Jersey, mine in Georgia Harry Norman sells to, and those from all around the country, is those people who are in houses making payments and they are in good shape, their value is going to plummet because of the number of foreclosures that is flooding the market. What happens is the equity, the difference between their existing mortgage and the value of the house, decreases because the value of the house goes down. If they are like 87 percent of the American people who have an equity line of credit, where they use the equity in their house as a line of credit, if you will, their available credit is going to be squeezed.

You know what is going to happen then? They are going to stop spending. When that happens, we will have the full pressure of the economy in a downward spiral, and it begins to feed upon itself. That is precisely what happened in 1975.

In 1973 and early 1974, there was a great housing boom in the United States, like we have had over most of the last decade. And like what happened over most of the last decade with subprime loans and underwriting, back in 1974, money got awfully loose. Banks made loans with very little underwriting criteria, and we had a plethora of new homes built all over the United States by newfound homebuilders who had a hammer, a pickup truck, and easy credit. We found ourselves at the beginning of 1975 with a 3-year supply of vacant housing on the market in the United States. A viable real estate market is a 6-month supply. So you had six times the volume of houses that would be considered a balanced market, and we went into a deep recessionary spiral.

A Democratic Congress and a Republican President passed a $6,000 tax credit available to any family who purchased a standing vacant house in inventory, and that allowed them to collect that credit over 3 years—the 3 succeeding tax years after the year of their purchase. The only thing they had to do, other than qualify for their loan, and qualify under good qualifying standards, is they had to occupy the home as their residence. In a 1-year period of time, we absorbed a 2-year supply of housing and returned the housing market to balance and the economy stabilized. Although we had the impacts of the oil embargo, which was causing problems with inflation, the economy returned to a relatively stable time period.

I, along with a number of Members of the Senate, have introduced legislation—Senate bill 2566—which takes that model from 1975 and applies it to our problem in 2008. What it very simply does is, it offers a tax credit of $15,000 for the purchase of any house that falls in the following category: a new house permitted before September 1 of last year that is standing and vacant; a house owned by a lender that was foreclosed on in the last 12 months from an owner occupant; and any house pending foreclosure owned by an owner occupant who is willing to sell. That is where all this inventory that is beginning to flood our market comes from. The tax credit would be available if the purchase was made between March 1 of this year and February 28 of next year. So there is a 1-year window to incentivize those who may be reluctant to go in the marketplace to do so.

The Joint Tax Committee has scored this, and guess what the score is—$9.1 billion over 5 years. Put that in the context of the stimulus package that is before us of $150 billion to $160 billion. It is a relatively small inducement to provide a private sector solution to what is about to become a huge burden to the taxpayers of the United States and this Government.

I come to the floor at this time in hopes that some of our colleagues who have not found an interest in this legislation yet will take a look at it. As the author, it is not original thought. I happened to have been a real estate broker in 1975 trying to hang on and make a living to educate my three children, and I saw my Government come to the rescue of the housing economy through energizing people to go in and purchase houses that were in trouble, rather than bail them out somewhere down the line, and it worked. The cost to the Government was infinitesimal, yet the benefit to the public was astronomical.

I hope, as we finish talking about a surgical, strategic, short-term stimulus to get the consumer buying, which is what we are talking about in terms of either the Senate Finance Committee bill or the House bill, we take a look at what is coming. Because, believe me, in July of this year, if we do nothing, we are going to be dealing with a housing supply in this country bigger than it has ever been, with vacant houses by the thousands in neighborhoods, declining values on the value of housing, and people who are in good shape are not going to be able to either have their equity line of credit work or be able to move their house in the marketplace because of the tremendous inventory available.

History is a great teacher both in terms of things you should never repeat but also in terms of things that work and you should repeat again. I would submit the tax credit to qualified individuals to purchase and occupy a troubled house in this economy is an incentive that worked not only for the betterment of the market but for the betterment of our economy and in the best interest of the United States. Senate bill 2566 is an opportunity for us to join together to do something good and right for the American people.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ECONOMIC STIMULUS

Mr. REED. Mr. President, across the Nation, millions of Americans are struggling to make ends meet as our economy has slowed dramatically. In December, I spoke on this floor about how President Bush has presided over a period of divided prosperity in the United States, where a privileged few have done remarkably well but the rest of us have been trying to get by. For most working people, the trademark of the Bush administration and their economy is wage stagnation. Indeed, in my home State, real median wages have not increased since 2000.

Rhode Islanders are coping not only with flat wages but increasing prices in critical commodities they must consume. Energy, education, and health care have all gone up. In January, in Rhode Island, gas was $3.11 cents a gallon; heating oil costs in the Northeast are projected to be at least $2,000 this year, which is about a $400 increase from last year. These price increases would be difficult to manage even in good times, but again paychecks for most working families have not kept up. In fact, they have been flat.

With prices accelerating, wages flat, and a huge gap in the capacity of middle-income working Americans to keep up and try to get ahead, the subprime crisis is real. This housing crisis is having huge and devastating effects. Two years ago, most of our constituents, the vast majority of them, were sitting around the table thinking: Well, when my daughter is ready to go to college in 2008, we will go ahead and borrow from the house to provide the extra income she will need to go ahead and make it through college. A lot of those families now are recognizing they can't do that. They are more concerned about a health care incident, because, unlike a few months ago, there is no reservoir in the value of their house to cushion the blow of unexpected expenses.

So this housing crisis, together with this wage stagnation, together with increased prices for energy and health care and education, and so many other things, is putting middle-class Americans in a vise and squeezing them.

We have to do much better. The Joint Economic Committee and others have estimated some of the costs already in terms of this mortgage-related foreclosure crisis. In my home State, they think $670 million will be lost to the family incomes of Rhode Island from 2007 through the end of 2009.

These economic conditions are being felt across the country. They are not localized warnings. The weakness in housing has spread to all parts of our Nation and across our economy. Growth in the fourth quarter of last year was .6 percent compared to a 4.9-percent increase in the third quarter.

We are slowing down, moving into a recession. Yesterday the market, Wall Street, went down over 300 points, largely due to a very weak report of a survey on the service sector. We have known for many months now that the manufacturing economy was having difficult times, but the service sector was holding up a bit.

Yesterday, there was a chilling indication the service sector has also contracted. The market took the news very badly. The market also took the news very badly a few days ago, when we showed a loss of 17,000 jobs, the first time we have actually lost jobs in more than 4 years.

Again, the administration's performance in terms of creating jobs has been less than stellar, barely keeping up with the new entrants into the labor market on a monthly basis. Now, for the first time in more than 4 years, we have lost jobs.

Furthermore, the average length of unemployment is increasing from 16.6 weeks in December to 17.5 weeks in January. More people are losing jobs and it is harder to find a new job.

Yesterday, the Federal Reserve released a survey of senior bank loan officers who indicated that the credit crunch is spreading from consumer loans into the commercial and industrial loan sectors and that foreign banks are tightening their lending terms, in fact, even more so than some U.S. financial institutions.

Taken together, it clearly shows Wall Street is going into what one analyst called a recession panic mode and many economists are seeing signs that weaknesses in our economy are spreading internationally. In fact, one investment banker today, in a speech reported on the Internet, suggested that in the credit markets fear has overtaken greed, creating a situation of near panic in many respects.

So there is no doubt we have to act quickly on this stimulus package, not only to inject needed spending power into the economy to try to revive our consumer sector but also to signal to the American public we will act decisively to try to moderate, if not head off, the effects of a pending recession.

We have, I think, a lot to be grateful for in the work of Senator BAUCUS and Majority Leader REID and Senator GRASSLEY in terms of taking a House proposal and increasing it with important provisions, such as expanding the eligibility criteria for income tax rebates, including 20 million seniors and 250,000 disabled veterans.

The package we are considering also includes $10 billion for a temporary extension of unemployment insurance and $1 billion of emergency funding for the Low-Income Home Energy Assistance Program, the LIHEAP program. Both of these initiatives are targeted to families, seniors and low-income households, and they would help jump-start the economy.

Economists agree these programs among others are a good use of taxpayer money. Last week before the Budget Committee, Alan Blinder from Princeton University and Mark Zandi of Moody's Economy.com both recommended that unemployment insurance and LIHEAP be included in the stimulus package. They also included other elements, but at least these elements are part of the list they feel will provide a bang for the bucks we are going to invest in the economy.

They meet the three T test—timely, targeted, and temporary.

Now, Friday's disappointing jobs report showed that the ranks of the unemployed are unfortunately growing. Nonfarm payrolls actually decreased, as I said, by 17,000 workers last month. In fact, even President Bush acknowledged "troubling signs in the economy."

So given these facts, I was surprised to hear Treasury Secretary Paulson say yesterday, in testimony before the Finance Committee, that he does not support including unemployment benefits in the stimulus package because national unemployment is only 4.9 percent, which is not historically high.

What we want to do is take preemptive action to prevent the situation from further deterioration. We want to move now so we do not see unemployment rates climb, so we do not see the duration of unemployment continue to grow, so that we give Americans a real chance to get back to work; and if they are not back to work, then at least we provide something to sustain them in these difficult moments.

In Rhode Island, my home State, we have reached a very high unemployment rate, 5.5 percent. Many other States are creeping up there too. We should, I think, move quickly, move decisively and support the Senate Finance package.

We are also beginning to see that unemployment insurance provides a very good return on the investment. Mark Zandi, the economist I mentioned before, indicated that for every dollar the Government spends on unemployment insurance, it adds $1.64 to the national GDP. In other words, it leverages the investments we are making.

So contrary to what some have talked about as excessive spending, this is exactly the targeted, temporary, timely spending that will accelerate, not decelerate, the economy.

The stimulative effects of unemployment insurance will get more money into the hands of people who will spend it right away in their local communities, which is generally the whole purpose of our stimulus approach.

Moreover, providing these benefits to these individuals will give them not just some dollars but a sense, I hope, of hope, that their Government is responding to their concerns and that we will respond in the future, if necessary.

Making the long-term unemployed eligible for a temporary extension of an additional 13 weeks at this time also makes good sense and is the right thing to do. Two weeks ago, I wrote a letter to the majority and Republican leaders asking that they include unemployment insurance in the stimulus package, and 26 other Senators joined me.

Senators DURBIN and KENNEDY have long led the fight on this issue. I commend them for their efforts. I hope unemployment insurance is part of the final package we are able to vote out of this body.

Now, there is another aspect of the package we will consider later today, I hope; that is the LIHEAP support. We have seen a huge increase in energy costs. On average, Americans are spending about 11 percent more to heat their homes this winter. For Rhode Islanders who rely on heating oil, that is about 39 percent higher than last year in terms of their heating oil expenses.

We know that the timely, targeted, and temporary aspects of stimulus have to be met. LIHEAP will do this. It is timely because it will be delivered very quickly. We have a delivery mechanism in place. It is also something that will fund families, low-income families, who desperately need this money.

I do not have to belabor the point that today, around the kitchen table, people are figuring things out. They are thinking, first of all, they probably need to take off sending their first born or their second or third child to the expensive school; that may be off the table for a few years. But they are also talking very basically about which bills to pay this month? Do we pay our mortgage? Do we pay the energy bill? Do we pay the credit cards which we are using to buy food at the supermarket these days?

I mean, these are the debates American families are having. They are not talking in terms that we are here, such as what is the best macroeconomic policy or how we can delay these expenditures, they are talking in terms of a real crisis in the family. We have to respond. One way we can respond quite clearly is with this LIHEAP money because that will go to one of their major concerns: How do we keep the heat on in the Northeast for the next several weeks and month; and in the Southwest, in anticipation of the grueling temperatures down there in the summertime, too. This additional money will provide an advance payment on cooling problems in the Southeast and the South, parts of the country that will soon encounter warm temperatures, not cold temperatures, which cause their energy costs to rise.

Again, these are the households who need LIHEAP. And so we know we have a program that works in LIHEAP. If we can deliver additional resources, it will get to the families who need it, particularly seniors, it will get out immediately. It will add to the stimulus effect because as the economists—both Mr. Blinder and Mr. Zandi—pointed out, it will leverage our investment in the economy.

So with the escalating costs for energy I would urge my colleagues that we go ahead and accept this amendment, particularly the funds for LIHEAP. I urge us all to support the Senate Finance Committee package, a package that provides for greater coverage to seniors and disabled American veterans and also provides unemployment insurance for those who desperately need it and heating assistance for, again, the families who desperately need it.

I hope that today, not only good sense, good economic sense, but a sense of our obligations to the most vulnerable in this country will persuade us to support this package strongly.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to speak for up to 10 minutes and then for Senator CRAPO to have up to 10 amendments to speak on the FISA bill.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Mr. President, reserving the right to object, I think our colleague is going to speak in morning business. But I will be happy to yield to the Senator from Texas.

The PRESIDING OFFICER. Is there objection?

Mrs. HUTCHISON. Was there an amendment?

Mr. BOND. If we can yield to the Senator from Texas for 10 minutes on the bill, the Senator from Idaho for morning business, and then go to a Member on the majority side of the aisle.

I believe there is a consensus developing for the unanimous consent request I have proposed.

The PRESIDING OFFICER. Would the Senator repeat his unanimous consent request.

Mr. BOND. Ten minutes to the Senator from Texas on the FISA bill, 10 minutes in morning business for the Senator from Idaho, and then a member of the majority side will be recognized for whatever he or she wishes to do.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I do rise to speak on the FISA bill, which I certainly support, and also to oppose some of the amendments that will be coming forward.

I hope very much that we will be able to start voting on amendments, because we now have an agreement for voting on amendments, and I hope we can clear the FISA bill in due course and in short order. It is important because there is a deadline.

We are going to see the capability for our law enforcement officials and our intelligence officials, to monitor calls between known terrorists and suspected terrorists, whether it is into our country, or out of our country from foreign countries, we need to have this capability continue.

We have it right now. The Senate passed a good bill about 6 months ago. It has now been extended. But we do have a deadline, and the deadline is on us in the middle of this month. So we do need to pass this bill. We need to make sure the technology of the day is covered by the foreign intelligence surveillance act and subject to the security needs of our country.

There are amendments that would take away the immunity for telecommunications companies that allegedly cooperated with intelligence officials.

One amendment, No. 3907, would strip the immunity from the bill completely. The Intelligence Committee is the key committee that has looked at all of the information and assessed the need for the ability to survey known terrorists and suspected terrorist helpers in our country and in foreign countries. It is important that we allow our intelligence agents to go to telecommunications companies and get the help they need to do this kind of surveillance. Amendment No. 3907 would take away immunization for companies that may have cooperated with government requests.

The telecommunications companies allegedly assisted the intelligence community because of the need to assure that plots against our country and our citizens were uncovered before they are implemented. Now we have the potential for catastrophic liability from a number of lawsuits, and some of my colleagues want the country to turn away from providing protection for these companies. We will not allow these companies the freedom to provide the evidence in court because the intelligence community says the evidence is too sensitive to be allowed in court. We put the telecommunications companies in a situation in which they cooperate. They are sued. But they don't have the ability to defend themselves in court because they cannot produce the evidence. It is untenable, and I hope we will reject such an amendment.

There is another amendment that would allow the Government to be substituted for the telecommunications companies as the defendant when they are sued. The problem with this amendment is that the companies would still have to spend thousands of hours and millions of dollars on these lawsuits. They would have to subject their employees to depositions. They would need to participate in evidence gathering and the discovery process, which will drain their resources in an unnecessary lawsuit in which they would be peripheral.

There is yet another amendment that would grant the immunity after review by the FISA Court. While certainly well intentioned, there are some problems with giving this to a court that doesn't have the capability to process this kind of request. They don't have statutory procedures. They don't have the administrative capacity to receive witnesses, to hear evidence, or to carry out the major provisions of the amendment.

Furthermore, it is unclear that there is appellate authority from the immunity related rulings of the FISA Court this amendment creates. The FISA Court has operated in secret and has been more of an administrative court processing warrants. So this would put the court in a whole new administrative mode for which there are no precedent or appropriate regulations. There does not appear to be an appellate process from the FISA Court once it decides whether or not to grant a company immunity.

I respect the work of my colleagues. They are trying to find good-faith compromises. However, I put my faith in the Intelligence Committee. This is a committee that passed this bill, with immunity provisions in it, out of committee by a vote of 13 to 2. It was bipartisan. This is the committee that had the hearings, heard all of the evidence, and knows more about the processes than people who are not on the committee. They have spent a considerable amount of time reviewing the materials in these cases, including the Government's legal justifications for the program. We need to respect the judgment and expertise of our committees, particularly the intelligence committee. This is a committee that has done a very good job on a bipartisan basis to assure that we continue to protect our intelligence capabilities and to shield the companies necessary to gathering intelligence information from unfounded lawsuits.

I hope my colleagues will vote for the bill the Intelligence Committee produced. Protecting the American people is our ultimate responsibility. This bill is absolutely essential for that responsibility to be implemented. We must protect the American people. We must protect the companies that have helped our law enforcement and intelligence-gathering agencies. We must make sure we proceed with a vision of foreign surveillance that would protect the American people from future attack.

It is not an accident that we have not been attacked since 9/11. All of us know that our country was not prepared for this kind of warfare. But our country's eyes have been opened. We have been a sleeping giant in many ways, as was said about us before World War II. But we have now been awakened, and we are going to take the measures necessary within the framework of our Constitution, which this bill provides, to assure that we protect the American people from future attack.

I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Idaho is recognized for 10 minutes as in morning business.

SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT

Mr. CRAPO. I thank the Senator from Texas and my colleagues on both sides for allowing me this few minutes to have a break in the debate on the FISA bill to discuss a very important issue to the people of Idaho and, frankly, to the people in rural communities throughout the country. I rise to talk about the need to reauthorize the Secure Rural Schools and Communities Self-Determination Act of 2000 and to fully fund the payments in lieu of taxes, or the PILT payments, which we call them in Congress. I encourage my colleagues to make this overdue extension and funding a top priority for Congress in the coming days.

This year marks the 100-year anniversary of the passage of the act requiring the U.S. Forest Service to return 25 percent of its gross receipts to the States to assist counties that are home to our national forests and other Federal lands with school and road services. This program was put into place to compensate local governments for the tax-exempt status of national forests which we all enjoy. Otherwise, many rural communities that neighbor these beautiful national treasures are unable to fully meet the school and road needs of their communities.

One hundred years ago, the impact of large Federal forest reserves on neighboring local economies was discussed and debated on the floor of the Senate, as former Idaho Senators Weldon B. Hayburn and William Edgar Borah joined their Senate colleagues in debating this issue which remains an issue today. However, the unfortunate reality of today is that in recent years, timber receipts have eroded to the point that the Federal obligation to our local communities is simply not being met. The receipts are not adequate for the needs of the communities and have been dropping off dramatically. Congress has acted in recognition of this to ensure that communities have the necessary assistance.

In the year 2000, I joined with my colleagues, Senators LARRY CRAIG, RON WYDEN, GORDON SMITH of Oregon, and many others to support and secure enactment of the Secure Rural Schools and Communities Self-Determination Act of 2000. This law provided the necessary assistance known as county payments to communities where regular Forest Service and Bureau of Land Management receipts-sharing payments had declined so significantly. The assistance has prevented the loss of essential school and road infrastructure needs in our local rural communities. The law also enabled very significant forest improvement projects.

The best solutions to natural resource challenges are achieved through local collaboration, and the more than 70 Resource Advisory Committees—or RACs, as we call them—provided for in this law have created valuable partnerships in carrying out projects to address a wide variety of improvements on public lands. These projects include habitat and watershed restoration, reforestation, fuels reduction, road maintenance, campground and trail enhancements, and noxious weed eradication. At a time when increased public demands are being placed on our Nation's natural resources, the RACs have provided the necessary cooperation to help resolve natural resource challenges throughout these local rural communities.

Additionally, payments in lieu of taxes, known as PILT payments, have augmented county payments to provide local governments with the means of offsetting a part of the tax revenues they lose because of the tax-exempt status of these Federal lands in their jurisdictions. PILT payments have supported community services such as firefighting and police protection in rural communities. Through PILT, the Federal Government partners with counties to provide public lands the stewardship and community services they need. Unfortunately, PILT funding is also not meeting this obligation, and we need to work together in Congress to achieve full and adequate PILT funding.

I am proud of the largely bipartisan effort in the 110th Congress to extend the Secure Rural Schools and Community Self-Determination Act and to fully fund PILT. Progress has been made but more needs to be done to achieve the Federal Government's commitment to these communities.

In March of 2007, the Senate overwhelmingly passed an amendment which I cosponsored to the fiscal year 2007 emergency supplemental appropriations act to reauthorize county payments for 5 years with offsets. However, this language was replaced with a 1-year extension, with the final payments made at the end of December 2007.

In December last year, Senators MCCASKILL, CRAIG, SMITH, DOLE, MURKOWSKI, STEVENS, and BENNETT joined me in urging the Senate leadership to attach a reauthorization of county payments and PILT funding to any legislative vehicles expected to be enacted before Congress concluded its work last year. Unfortunately, the reauthorization was attached only to the energy package which also would have increased taxes on domestic oil and gas producers to pay for incentives for renewable power, energy efficiency, electric vehicles, and other technologies.

I support incentives for alternative energy resources and the extension of county payments, but I am opposed to paying for those incentives by increasing taxes on our domestic oil and gas production. We are facing real and increasing constraints on our energy supply, resulting in higher energy costs daily. We simply cannot meet those needs by decreasing conventional energy production in the United States, which would further our dependency on foreign energy supplies and dramatically increase the cost for gasoline and electricity. This would negatively impact communities across the Nation, not just the rural communities we are seeking to help.

We need to again turn our attention to focusing on the reauthorization of the Secure Rural Schools legislation and increasing and achieving full and adequate PILT funding. It is unfortunate that the county payments extension was dropped from the enacted Energy bill and was not included in other legislative vehicles before the end of last year. However, today is another day. As we embark on the second session of this Congress, we have every opportunity to work together to extend and fund county payments and fully pay for PILT payments for students in rural areas. We must do this to prevent the closure of numerous isolated schools and to enable rural county road districts to address severe maintenance backlogs.

Time is of the essence for many rural communities across the Nation, and this important legislation impacts millions of students and their families in more than 4,000 school districts and more than 7,000 counties. I am hearing from Idaho communities that, absent an extension, personnel layoffs as a result of program closures are expected soon. Communities in more than 40 States are facing similar pressures.

Just as the economic impact of Federal land ownership on neighboring rural communities has not been worn away by time, neither has this Nation's responsibility to the States worn away. It is my hope that others will join me in working to meet this Federal responsibility by reauthorizing the Secure Rural Schools Act and providing the full funding for PILT. This must be achieved in a timely manner that prevents the cutoff of needed services in rural communities nationwide and provides some long-term certainty to those rural communities.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I ask that I be given unanimous consent to speak on the underlying bill.

The ACTING PRESIDENT pro tempore. Without objection, the Senator is recognized.

Mr. ROCKEFELLER. Mr. President, I say to the Presiding Officer that far and away the most contentious issue in this FISA debate is whether private companies that assisted the Government in implementing the President's warrantless surveillance program should be provided liability protection.

Three amendments will be offered that relate directly to this issue.

First, Senators DODD and FEINGOLD have an amendment that would strike all of title II of the underlying bill—that is, S. 2248—on liability protection as reported by the Intelligence Committee.

Second, Senator SPECTER will offer an amendment—I think at 3:30—that provides for a different remedy; namely, the substitution of the U.S. Government itself for the carriers in the lawsuits that have been filed against the carriers.

Third, Senator FEINSTEIN has prepared an amendment that would keep the basic structure of title II—to wit, liability immunity—but would have the courts, rather than the Congress, determine whether carriers relied in good faith on the representation made to them by the executive branch of our National Government.

I will address the particulars of each amendment as it is offered, but first I would like to describe the background behind the Intelligence Committee's approach to this whole issue of immunity.

Critics have suggested that providing liability protection for telecommunications companies is akin to congressional endorsement of the President's warrantless surveillance program. I understand the passion stirred by this issue. Rather than consulting with Congress or the courts, the President created a secret surveillance program—no question about that—based on very dubious legal reasoning. That was unnecessary, that was unwise, that would, therefore, cause passions and suspicions.

But anger over the President's program should not prevent us as a deliberative body from addressing the real problems the President has created. Because of the lawsuits over the program and the damage to the telecommunications companies' reputations, companies that were once willing to help the Government, based on assurances of legality from the highest levels of Government, may now be questioning that assistance.

Let's reflect on that for a moment. These are corporations. They have no names at the present time. They have to make money. The Government comes to them, as they have in the past on much smaller matters, and with the authority of the President saying, this is in the national interest; with the legal advice of the Attorney General saying, this is legal; and then the Director of the National Security Agency sending out letters that say, we require you, we compel you, we request to you—or other words—that you cooperate with us.

People say: Well, they cooperated. Of course they cooperated right after 9/11. I think anybody who is in the intelligence business understands what I am saying. There is no difference between the day after 9/11 and this day in terms of the threat to our country or those who are planning, plotting to do us harm.

The fact that no attacks have happened does not excuse the sense of relaxation on the whole subject—perhaps the congressional sense of relaxation on the whole subject. We need to continue this intelligence collection.

What is it, I am wondering, that the telecommunications companies get from this? What prestige? What large amount of money? What praise? What do they get from this? Do they get good public relations? No. They get 40 lawsuits, most of which are not based on anything to do with the TSP program. In other words, they are picked out of newspapers. People are dissatisfied, and class action suits arise.

So maybe they have been sued $10 billion. Maybe they have been sued $40 billion. We will not speculate on that at the present time. But in that they are corporations and in that they have no reward at all for doing this service for their country—which we call patriotism, and then cast that aside because that must mask some evil intent—they go ahead and they do it. Then, since they are corporations, their shareholders get extremely unhappy about it, which could be happening at the present time, and then they decide that maybe they will be less willing to do this. Several have done that. Several at the beginning did that.

Now, corporations are in business also to make a profit. The corporations that are involved in this are doing nothing but losing prestige, losing reputation, have angry shareholders. And I ask myself, what is it they get out of doing this, because people, particularly on my side of the aisle, are sometimes inclined to be suspicious of corporations, that they have some kind of a purpose behind all of this. Nothing could be further from the truth. They are losing. They are being criticized. They are being sued. It is costly. It takes away from their energy to carry out their other missions. It is not a situation in which a whole bunch of people are sitting around in these corporate headquarters discussing this, because only a very few people are allowed to know, and they have criminal sanctions against them if they tell anybody, should they have received any of these instructions from the Government.

So we are not talking about people here trying to undo the safety of the United States or to gain some kind of advantage for themselves. If this intelligence collection stops, I say to the Presiding Officer, we will be in a very sorry situation. I do not know how to say that more sincerely, more deeply felt, more based upon exhaustive study, including numerous meetings in committee with these folks and other meetings outside.

So they have been told it is legal, and by the National Security Agency Director they have been required, compelled, and in other words, some of which are quite strong, to do it. So they do start to do it, and they are paying one heck of a price for it.

What price are we paying? We are paying no price because they are still doing it. What price might we pay should they stop—because they are corporations, and they are responsible to their shareholders—if they should stop this type of activity? The price we would pay would be overwhelming. Without the cooperation and assistance of private companies—not compliance forced by a court but true cooperation—this country's law enforcement and intelligence agencies cannot obtain the information they need to protect this country. It is a fairly heavy statement to make. I chair the committee. I am not naive on these matters. I make that statement again. Without the cooperation and assistance of private companies, this country's law enforcement and intelligence agencies cannot obtain the information they need to protect this country.

Making the question of liability protection a proxy for disagreement with the President's program is, therefore, shortsighted, in this Senator's view, ignoring the reality that the Nation and future Presidents will depend on the assistance of these same companies for years to come.

In analyzing the question of liability protection, the Intelligence Committee sought to weigh these very real concerns about future intelligence collection against the possible outcome of lawsuits. We discussed it at length. Understanding this issue requires some background on the lawsuits that have been filed.

Currently, providers are subject to approximately, as I indicated, 40 civil lawsuits, some of which are class actions, which seek billions of dollars of damages—and I have given you a range—for privacy violations based on the companies' alleged provision of assistance and information to the intelligence community. The suits are based—many of them—on media reports about all sorts of intelligence activities. Many of them are not limited to the warrantless surveillance program disclosed by the President. That is ironic, but it is a heavy burden for the companies. If suits are brought that have nothing to do with the warrantless surveillance program disclosed by the President, they are out of order. But, as I will proceed to explain, the companies can never explain to a court that they are out of order. Although these suits involve different types of legal claims that are in varying stages of litigation, they share a common reality: that the Government has refused to publicly reveal the classified documents and information that would allow them to proceed.

The current fight in the courts is, therefore, not about whether damages should be awarded, whether the underlying program is legal or even whether any company participated in the President's program in good faith. Instead, the parties are fighting about access to classified information about the President's program. I have not heard that much discussed in this Chamber. This litigation could continue for years without a court ever addressing the underlying issues about the legality of the program. We seek wrongdoing whether, as some say, it is in the corporate boardroom or, as others would say—as I would say—in the halls of Government.

I stress the point: No court is likely to resolve the question of whether the President or any private company violated the law in the near future.

Some of my colleagues have argued that without these lawsuits, the public will never learn the details about the President's program. But litigation is highly unlikely to tell the story of what happened with the President's program. Too many of these facts dealing with intelligence sources and methods remain appropriately classified, and the executive branch is highly unlikely to agree to declassify additional information if it could affect the ongoing litigation.

Thus, the litigation is unlikely to result in a ruling in the near future about the legality of the conduct of the President nor any private company, nor, for that matter, the public disclosure of any additional information about the President's program. Instead, it is possible the cases, as I indicated, will continue for years as the courts debate whether information must be disclosed.

In the meantime, however, as I mentioned, the litigation poses a serious risk to U.S. intelligence collection. That is my job and that is the job of the committee I chair and the job of the chairman of the Intelligence Committee in the House. We are not about being courts, we are about trying to balance civil liberties as best as we can with the ability of this country to collect an entirely different kind of intelligence that we were so busy doing recently in the Cold War era. Without the assistance of telecommunications providers, our intelligence community simply cannot obtain the intelligence it needs.

Is that a serious statement? Do Members of the Senate concern themselves with that? Is this just me, this Senator, standing up making a statement trying to win some votes? Or is there the possibility it could be true? If there is a possibility—and I think it is a probability it is true—then I don't understand why people can be confused on this subject because I think the choices are clear. Allowing companies to be dragged through the court system because of their alleged cooperation with the Government encourages them not to cooperate with any request, even those that are clearly legal without court compulsion. It also sends a message to all private companies: cooperate with the U.S. Government at your peril. Is that a bit of an overstatement? In the corporate boardrooms around this country, my guess is that is the discussion. Very few corporations have the capacity to help the Government in the way telecommunications companies do.

Discouraging private sector cooperation with the Federal Government is not, in the feeling of this Senator, the right long-term result for either the intelligence community or the American people.

Many have argued that providers who act unlawfully should be held accountable. I totally agree that all Americans, including corporate citizens, must follow the law and be held accountable for their failures. Companies that deliberately seek to evade privacy laws or legal restrictions on electronic surveillance can and should be subject to civil suit, but that is not the issue here, I would say to the Presiding Officer. That is not the issue.

The Intelligence Committee spent a lot of time, as I have indicated, this year looking into what happened over the past 6 years. Before deciding to provide liability protection for the companies, the Intelligence Committee heard testimony from relevant witnesses and carefully reviewed the written communications provided to participants in the program.

Participants were sent letters, all of which stated the relevant activities had been authorized by the President and all but one—and that was done by the legal counsel to the President—of which stated the activities had been determined to be lawful by the Attorney General of the United States. Shouldn't private companies be entitled to rely on the written representations of the highest levels of Government officials that their cooperation is necessary and has been determined to be lawful? Can you argue that if they get those notifications from the NSA Director and it has been approved by the Attorney General and has been declared essential for the national interest by the President, should they instead say: Oh, well, we don't care about that. That is not our business. We are not going to do that.

And isn't it reasonable to assume that a U.S. citizen who has been told the Attorney General has found their cooperation to be lawful is acting in good faith? If they have been through this process and they proceed to act on it, why is it so easy to stipulate they are not acting in good faith? How does one show that? How does one imagine that?

I have been through this, this whole question of what the companies get from it, and it is the thing that bothers me so much. They get nothing but grief. They get suits. They get costs. They get a diminished reputation. They begin to pull away. Their shareholders lose confidence. Do they get money? No. They get nothing. So why would they want to continue to cooperate would be my question.

The answer to these questions are at the heart of the Intelligence Committee's determination that it is essential that Congress protect private companies that assisted the Government after the terrorist acts of 9/11.

Mr. President, I will complete this part of my presentation and yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that at 3:05 p.m. today the Senate return to the Cardin amendment No. 3930, with the time from 3:05 until 3:15 equally divided and controlled in the usual form; that the Senate then proceed to vote in relation to the amendment, with other provisions of the previous order remaining in effect.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BOND. No.

Mrs. FEINSTEIN. Mr. President, reserving the right to object, I wish to secure the ability, following this vote, to call up one of my amendments, if I might. My understanding is that maybe I can do it now.

Mr. ROCKEFELLER. This is a total of 10 minutes or less amendment, but we will not start until 3:05. The Senator can call it up.

Mrs. FEINSTEIN. All right.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from California is recognized.

AMENDMENT NO. 3910 TO AMENDMENT NO. 3911

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the present amendment be set aside in order for me to call up amendment No. 3910 on FISA exclusivity.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mr. ROCKEFELLER, Mr. LEAHY, Mr. NELSON of Florida, Mr. WHITEHOUSE, Mr. WYDEN, Mr. HAGEL, Mr. MENENDEZ, Ms. SNOWE, and Mr. SPECTER, proposes an amendment numbered 3910.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide a statement of the exclusive means by which electronic surveillance and interception of certain communications may be conducted)

Strike section 102, and insert the following:

SEC. 102. STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF CERTAIN COMMUNICATIONS MAY BE CONDUCTED.

(a) STATEMENT OF EXCLUSIVE MEANS.—Title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following new section:

"STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF CERTAIN COMMUNICATIONS MAY BE CONDUCTED

"SEC. 112. (a) Except as provided in subsection (b), the procedures of chapters 119, 121 and 206 of title 18, United States Code, and this Act shall be the exclusive means by which electronic surveillance (as defined in section 101(f), regardless of the limitation of section 701) and the interception of domestic wire, oral, or electronic communications may be conducted.

"(b) Only an express statutory authorization for electronic surveillance or the interception of domestic wire, oral, or electronic communications, other than as an amendment to this Act or chapters 119, 121, or 206 of title 18, United States Code, shall constitute an additional exclusive means for the purpose of subsection (a).".

(b) OFFENSE.—Section 109 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809) is amended—

(1) in subsection (a), by striking "authorized by statute" each place it appears in such section and inserting "authorized by this Act, chapter 119, 121, or 206 of title 18, United States Code, or any express statutory authorization that is an additional exclusive means for conducting electronic surveillance under section 112."; and

(2) by adding at the end the following:

"(e) DEFINITION.—For the purpose of this section, the term 'electronic surveillance' means electronic surveillance as defined in section 101(f) of this Act regardless of the limitation of section 701 of this Act.".

(c) CONFORMING AMENDMENTS.—

(1) TITLE 18, UNITED STATES CODE.—Section 2511(2) of title 18, United States Code, is amended—

(A) in paragraph (a), by adding at the end the following:

"(iii) If a certification under subparagraph (ii)(B) for assistance to obtain foreign intelligence information is based on statutory authority, the certification shall identify the specific statutory provision, and shall certify that the statutory requirements have been met."; and

(B) in paragraph (f), by striking ", as defined in section 101 of such Act," and inserting "(as defined in section 101(f) of such Act regardless of the limitation of section 701 of such Act)".

(2) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding after the item relating to section 111, the following:

"Sec. 112. Statement of exclusive means by which electronic surveillance and interception of certain communications may be conducted.".

Mrs. FEINSTEIN. Mr. President, I voted for this FISA legislation in the Intelligence Committee. I indicated then that I had some concerns about it. I filed additional views with respect to the need for stronger exclusivity provisions. Then the Judiciary Committee reported out a bill that included its view with respect to strengthening the fact that the Foreign Intelligence Surveillance Act would be the exclusive manner in which electronic surveillance against Americans could be conducted.

The Judiciary bill subsequently failed on the floor of the Senate. The amendment I have at the desk is essentially the exclusivity language from that Judiciary Committee amendment. It has several cosponsors: the chairman of the Intelligence Committee, Mr. ROCKEFELLER; chairman of the Judiciary Committee, Mr. LEAHY; Senator NELSON of Florida; Senator WHITEHOUSE; Senator WYDEN; Senator HAGEL; Senator MENENDEZ; Senator SNOWE; and Senator SPECTER.

As filed this is an amendment that only covers exclusivity. In the interim period, the vice chairman of the Intelligence Committee approached me about the possibility of a modification of the amendment that would allow the administration to be able to operate outside of FISA for a time.

We have not been able to come to terms on that amendment. I could not agree to the length of time that Mr. BOND proposed, which was 45 days plus an additional 45 days, for a total of 3 months, enabling the administration to operate without a FISA warrant.

The fact is, since January of 2007, the entire Terrorist Surveillance Program has operated within the confines of the Foreign Intelligence Surveillance Act and under orders from the Foreign Intelligence Surveillance Court. That is, I believe, as it should be.

I have a modification to my exclusivity amendment that would limit the period of time outside of FISA following a declaration of war, an authorization for the use of military force, or a major attack against the nation to 30 days. The question is whether I would have unanimous consent from the vice chairman to be able to call up that modification of my amendment. But that has not been given to me yet.

So at this time, I am going to rest my case on the exclusivity amendment, and I will have an opportunity, I hope, to argue it later.

I would now like to call up my amendment, No. 3919.

The PRESIDING OFFICER (Mr. SANDERS). Amendment No. 3910 is pending.

AMENDMENT NO. 3919 TO AMENDMENT NO. 3911

Mrs. FEINSTEIN. Mr. President, I wish to make another amendment pending, so I ask unanimous consent to set aside the pending amendment and call up amendment No. 3919. This is the FISA Court review of immunity amendment. This is my second amendment which is part of the unanimous consent agreement. I do this just to get it before the body.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mr. NELSON of Florida, and Mr. CARDIN, proposes an amendment numbered 3919 to amendment No. 3911.

The amendment is as follows:

(Purpose: To provide for the review of certifications by the Foreign Intelligence Surveillance Court)

On page 72, strike line 13 and all that follows through page 73, line 25, and insert the following:

(6) FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The term "Foreign Intelligence Surveillance Court" means the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)).

(7) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.—The term "Foreign Intelligence Surveillance Court of Review" means the court of review established under section 103(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(b)).

SEC. 202. LIMITATIONS ON CIVIL ACTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS.

(a) LIMITATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, and subject to paragraph (3), a covered civil action shall not lie or be maintained in a Federal or State court, and shall be promptly dismissed, if the Attorney General certifies to the court that—

(A) the assistance alleged to have been provided by the electronic communication service provider was—

(i) in connection with an intelligence activity involving communications that was—

(I) authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007; and

(II) designed to detect or prevent a terrorist attack, or activities in preparation for a terrorist attack, against the United States; and

(ii) described in a written request or directive from the Attorney General or the head of an element of the intelligence community (or the deputy of such person) to the electronic communication service provider indicating that the activity was—

(I) authorized by the President; and

(II) determined to be lawful; or

(B) the electronic communication service provider did not provide the alleged assistance.

(2) SUBMISSION OF CERTIFICATION.—If the Attorney General submits a certification under paragraph (1), the court to which that certification is submitted shall—

(A) immediately transfer the matter to the Foreign Intelligence Surveillance Court for a determination regarding the questions described in paragraph (3)(A); and

(B) stay further proceedings in the relevant litigation, pending the determination of the Foreign Intelligence Surveillance Court.

(3) DETERMINATION.—

(A) IN GENERAL.—The dismissal of a covered civil action under paragraph (1) shall proceed only if, after review, the Foreign Intelligence Surveillance Court determines that—

(i) the written request or directive from the Attorney General or the head of an element of the intelligence community (or the deputy of such person) to the electronic communication service provider under paragraph (1)(A)(ii) complied with section 2511(2)(a)(ii) of title 18, United States Code, and the assistance alleged to have been provided was provided in accordance with the terms of that written request or directive;

(ii) subject to subparagraph (C), the assistance alleged to have been provided was undertaken based on the good faith reliance of the electronic communication service provider on the written request or directive under paragraph (1)(A)(ii), such that the electronic communication service provider had an objectively reasonable belief under the circumstances that compliance with the written request or directive was lawful; or

(iii) the electronic communication service provider did not provide the alleged assistance.

(B) PROCEDURES.—

(i) IN GENERAL.—In reviewing certifications and making determinations under subparagraph (A), the Foreign Intelligence Surveillance Court shall—

(I) review and make any such determination en banc; and

(II) permit any plaintiff and any defendant in the applicable covered civil action to appear before the Foreign Intelligence Surveillance Court pursuant to section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803).

(ii) APPEAL TO FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.—A party to a proceeding described in clause (i) may appeal a determination under subparagraph (A) to the Foreign Intelligence Surveillance Court of Review, which shall have jurisdiction to review such determination.

(iii) CERTIORARI TO THE SUPREME COURT.—A party to an appeal under clause (ii) may file a petition for a writ of certiorari for review of a decision of the Foreign Intelligence Surveillance Court of Review issued under that clause. The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

(iv) STATE SECRETS.—The state secrets privilege shall not apply in any proceeding under this paragraph.

(C) SCOPE OF GOOD FAITH LIMITATION.—The limitation on covered civil actions based on good faith reliance under subparagraph (A)(ii) shall only apply in a civil action relating to alleged assistance provided on or before January 17, 2007.

Mrs. FEINSTEIN. I ask that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maryland.

AMENDMENT NO. 3930

Mr. CARDIN. Mr. President, shortly we will be voting on the amendment I offered that provides for a 4-year sunset in the Foreign Intelligence Surveillance Act.

I thank first Senator ROCKEFELLER for his help, Senator LEAHY, Senator MIKULSKI, Senator KENNEDY, and others who have been instrumental in making sure that we have provisions in this bill so that we continue our congressional oversight.

This amendment is not unusual. Every major change in the FISA law has been accompanied by a sunset. When we passed the PATRIOT Act, we had a 4-year sunset on most of the provisions. When we revised it, we had a 3-year sunset on the most controversial provisions. When we passed the Protect America Act, we had a very short sunset on it because we were not certain we were getting it right.

This change is controversial. If my colleagues think it is not controversial, look at all the debate that has taken place on the floor of this body. We want to make sure that we get it right.

It is interesting that as we get close to the time when Congress has to act, we seem to get a lot more cooperation from the executive branch of Government. The sunset will ensure that we get the type of cooperation we need to carry out our responsibilities, to get the documents we need to make sure we get it right.

As I pointed out, technology is changing quickly. I think a 4-year period is reasonable for us to take a fresh look at this issue.

This is not a question of whether we should have a sunset in the bill. There is a 6-year sunset in the bill. So why is it so important to have a 4-year sunset versus a 6-year sunset? The answer, quite frankly, is we want the next administration that is going to take office in January to focus on this issue and work with us so they can operate collectively with the authority of Congress and the laws we pass in the executive branch. It is important that the next administration focus on this issue, and that is why this amendment is particularly important.

My friend from Missouri pointed out that this is an election year. No, it is not. The sunset provision would terminate in December of 2011, so it is a year before the elections. I think it is the right time for a sunset.

I know the administration does not want any sunset in this bill. I understand that. As I pointed out before, they don't want any congressional oversight. They don't even think they need congressional laws on this subject. They don't even think they need a Congress. But we have our responsibility, and I hope we would want this issue revisited during the next administration. I urge my colleagues to support the amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, we have discussed this issue before on the floor. I urge my colleagues to vote against this amendment. As I have stated previously, the current bill, the Protect America Act, had a 6-month sunset on it only because we were not able to bring a full, complete FISA modernization bill to the floor, given the failure of Congress to act. We had been requested in April, May, June, and July to change the law. This is a bill that should establish a permanent operating authority for the intelligence community and the private partners who work with it.

As part of the compromise we reached in passing the bill, I did not believe we should have a sunset, but we agreed on a 6-year sunset. That was part of the deal. The 6-year sunset at least gives us certainty over the 6 years in time, that both the intelligence agencies, our private partners, and our allies abroad who depend upon us would have time to make this system work.

The problem we face is that any sunset withholds from our intelligence professionals and the private partners the certainty and the permanence they need to protect Americans from terrorism and other threats to national security.

Attorney General Mukasey has said there are no fatwahs with limitations by the terrorist leaders who seek to do us harm. They put out orders to keep trying to kill us, and these are not going to go away. There should be no sunset on this bill.

I disagree very strongly with my friend from Maryland that Congress is an important part of this. We passed a good bill that adds far more protections than Americans have ever had in intelligence collection. This bill is a good bill, but I can assure him that we have a strong bipartisan committee and a strong staff that will continue to oversee, supervise, and watch the surveillance to make sure it works. If we find it does not work, we should not wait for a 4-year sunset or a 6-year sunset. We should make those changes when they are needed.

We can see how long we have had to fight to get this authorization through. There was no action from the majority from April, May or June, until the very end of July. We put this bill out on the floor in October. We could not get the bill up in December because of filibusters. We had to get another 15-day extension so it would not expire.

We can act on the bill any time we need, but we cannot deprive our partners, our intelligence community, and our allies the protection if Congress cannot work.

I yield time to the distinguished chairman of the committee.

Mr. ROCKEFELLER. I say to the Presiding Officer, I find myself in disagreement with my vice chairman. I originally wanted 4 years and we went to 6 years because of accommodations that yielded other results. In the wisdom of the joint Intelligence Committee and Judiciary Committee, settling on 4 years makes a lot of sense. I urge the adoption of the amendment.

Mr. KENNEDY. Mr. President, the amendment that Senator CARDIN has offered is very simple, but it is absolutely critical to this bill. The amendment would move up the bill's sunset date from 6 years to 4 years. Congress would need to revisit the law by the end of 2011 instead of 2013.

The amendment is good public policy. Whenever a significant new law is enacted, it is important to require Congress to revisit it at an earlier rather than a later date.

The FISA bill we are considering is highly complicated legislation affecting Americans' security and liberty. It grants the executive branch vast new authority for electronic surveillance at a time of rapidly changing technology and rapidly changing threats. Even the country's leading national security experts cannot say for sure what our national security challenges will look like in 3 years, much less how this legislation will work out in practice.

This is also highly controversial legislation. I don't need to remind anyone in this Chamber of the intense debate that has been taking place over many parts of this bill. The FISA rules on electronic surveillance affect every American. They are the only thing that stands between the freedom of Americans to make a private phone call, send a private e-mail, or search the Internet, and the ability of the Government to listen in on the call, read the e-mail, and review the Internet search.

In this information age, FISA gives Americans basic protection against Government tyranny and abuse, and we owe it to the American people to revisit it promptly to make sure its protections are effective.

Congress also needs an earlier sunset because we need more information to assess how these new policies will work in practice. The ongoing confusion and controversy in this area mean that Congress does not have enough knowledge or confidence to be sure the legislation is adequate.

With an early sunset, Congress will have to make an early assessment of how the legislation is being interpreted and implemented. We will be able to identify problems and abuses much sooner. If changes are made to the law in 2011, it will be because experience has shown that changes are needed.

We passed this exact same amendment in the Judiciary Committee in the middle of November, and in the weeks since then, I have heard only two arguments against it, both from the White House. Neither of them holds up.

The first objection is that there has already been sufficient consideration of these issues, so that Congress should be able to pass a permanent FISA reform right now. Everyone agrees that short sunsets are valuable when Congress has not had time to consider an issue thoroughly and develop a factual record. But the Bush administration claims there has already been a detailed and informed discussion of FISA modernization.

That objection is wrong on the facts. The administration has recently started to work with Congress more openly, but there is still a great deal we don't know about how it has been conducting its electronic surveillance. Much of what we have learned has come from leaks to the press.

A few months ago, the White House decided to share with the Senate certain documents on the role of the telecommunications companies in an effort to obtain retroactive immunity for them. This was the first time the administration had ever shown Congress any documents on its warrantless surveillance. So far, however, the White House has shared only a small number of documents with a small number of Senators—and until late last month, not with any Members of the House of Representatives. Such selective disclosure is a pale shadow of the real disclosure Congress needs to enact good legislation.

That objection is also wrong as a matter of policy. No matter how much discussion there may have been, this is highly complicated legislation that makes major, untested changes in our surveillance laws. It is impossible for Congress to analyze these issues in the abstract, without any track record to evaluate. With a law as complex, new, and important as this, a short sunset is responsible policy.

The second objection I have heard is that a short sunset introduces too much uncertainty to the rules affecting our intelligence professionals. The administration says it is not efficient for agencies to develop new policies and procedures, only to have the law change within a brief period. They say the intelligence community operates more effectively when the rules governing intelligence professionals are well-established, and are not in doubt.

This objection is more serious, but it too dissolves upon consideration. It is true that there may be a little extra uncertainty that comes with a short sunset. But the much more significant uncertainty is whether all of the changes made by this bill will be good for the country—and there is no way to be sure about this ahead of time.

Intelligence professionals should not be locked into a surveillance system that doesn't work well for them, and Americans should not be locked into a system that fails to protect their security or their rights. The early sunset guarantees that Congress will review these extremely complicated, untested, and powerful new authorities and how they are actually being used by the executive branch.

The administration's argument against a sunset is an argument against congressional oversight of FISA. The White House wants Congress to pass a new FISA law, and then to look the other way while the executive branch implements and interprets its new powers. They want Congress to trust them when they tell us how the law is working, rather than look into it ourselves.

Given this administration's track record of warrantless illegal spying, "trust us" is not an acceptable way to proceed. Congress needs to stay on top of this issue to make sure that our surveillance laws are keeping Americans safe and protecting their freedom. That is what we have been elected to do, and that is what the Constitution requires us to do.

As I said at the start, this amendment is very simple. It moves the sunset date up by 2 years. Yet it may well be the single most important thing Congress can do to ensure that we reform FISA in a responsible and effective way.

This sunset amendment is a win-win for national security and civil liberties. It will ensure that Congress remains engaged on the crucial issues of electronic surveillance that affect all Americans. To make sure that our new FISA law actually gets the job done, I urge my colleagues to adopt this amendment.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, let me briefly summarize the comments Senator BOND made. It is true that the terrorist groups do not have any types of restrictions on what they can do. They do not have any legislature. They do not have any courts. They do not have any constitution. They have no respect for human life. They have no civil liberties with which they have to deal. But that is what makes this Nation the great nation it is. It is our responsibility to make sure that we carry out what the people of our Nation expect us to do.

Let me point out that the PATRIOT Act, when it was passed, had a 4-year sunset. Then we reauthorized some of the provisions, but we kept a 3-year sunset. We have used sunsets that have been shorter, and on controversial laws, a 4-year sunset is the minimum we should have.

I urge my colleagues to understand that it is important that the next administration work with us so we never get back to where we are this year, where the executive branch is heading in one direction and we don't know what they are doing. Let's work together so we can keep Americans safe, having the administration work with us next year so we understand what they are doing, they have our support and, if necessary, we modify the laws to give them the tools they need to keep America safe.

I urge my colleagues to support the amendment.

Mr. BOND. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. There is 1 minute 10 seconds remaining.

Mr. BOND. Mr. President, this is a great nation because we have kept our country safe. We have kept our country safe, and we are working very closely with the intelligence community. That is why we have a good bill. The intelligence community says we must have the certainty at least of 6 years. I wanted to see none. That is why we came to an agreement in the Intelligence Committee and a 13-to-2 vote said we should have this bill with a 6-year sunset.

We have a solid bipartisan product addressing civil liberties concerns, while making sure the intelligence community has the tools and authorities it needs to keep us safe.

As I said, this was an important part of our compromise to get the bill through. Our intelligence collectors and troops on the battlefield need certainty, not rules that will expire in 4 years. That is why both the Director of National Intelligence and the Attorney General strongly oppose shortening the 6-year sunset in the bill.

I urge my colleagues to join me in opposing this amendment.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, quickly, in closing, I thank the chairman of the Intelligence Committee for his support of this amendment. This amendment does nothing to jeopardize the bipartisan work of the Intelligence Committee. It preserves the appropriate role of the legislative branch of Government, and I would hope all my colleagues would want to support that change to make it clear that the next administration must come back to Congress.

With that, Mr. President, I yield back the remainder of my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

Mr. BOND. Mr. President, there is a 60-vote agreement on this.

The PRESIDING OFFICER. That is correct.

The question is on agreeing to amendment No. 3930. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from South Carolina (Mr. GRAHAM), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 46, as follows:

[Rollcall Vote No. 7 Leg.]

YEAS—49

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—46

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Wicker

NOT VOTING—5

Burr
Clinton
Graham
Lieberman
McCain

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

The majority leader is recognized.

Mr. REID. Mr. President, I move to reconsider the vote and table that motion.

The motion to table was agreed to.

CONGRATULATING SENATOR INOUYE ON HIS 15,000TH VOTE

Mr. REID. Mr. President, 2LT DANIEL K. INOUYE distinguished himself by extraordinary heroism in action on April 21, 1945, in the vicinity of San Terenzo, Italy.

While attacking a defended ridge guarding an important road junction, Second Lieutenant INOUYE skillfully directed his platoon through a hail of automatic weapons and small arms fire in a swift and enveloping movement that resulted in the capture of an artillery and mortar post and brought his men to within 40 yards of the hostile force.

Emplaced in bunkers and rock formations, the enemy halted the advance with crossfire from three machine guns. With complete disregard for his personal safety, Lieutenant INOUYE crawled up the treacherous slope to within 5 yards of the nearest machine gun and hurled two grenades, destroying the emplacement.

Before the enemy could retaliate, he stood up and neutralized a second machine gun nest. Although wounded by a sniper's bullet, he continued to engage other hostile positions at close range until an exploding grenade shattered his right arm.

Despite the intense pain, he refused evacuation and continued to direct his platoon until enemy resistance was broken and his men were again deployed in defensive positions.

In the attack, 25 enemy soldiers were killed and 8 others were captured. By his gallant, aggressive tactics, and by his indomitable leadership, Lieutenant INOUYE enabled his platoon to advance through formidable resistance and was instrumental in the capture of the ridge.

Lieutenant INOUYE'S extraordinary heroism and devotion to duty are in keeping with the highest traditions of military service and reflect great credit on him, his unit, and the U.S. Army.

Mr. President, Members of the Senate, these are the words that describe the actions of heroism of Senator INOUYE, when, as a young man, he put his own safety aside for others. As a result of that he was awarded America's highest honor for gallantry and heroism, the Medal of Honor.

The reason I bring this to everyone's attention today is that we have a lot of new Senators. I want every one of them to know this man DAN INOUYE is a man who was born to be a hero. He never thinks of himself but of others. In my 25-plus years in Congress, that is how I have found him to be.

I rise to express joy and honor for my friend and colleague Senator INOUYE on the occasion of his 15,000th rollcall vote, which was just completed.

DAN INOUYE was born to Japanese-American immigrants in Honolulu, the eldest of four children. Did he ever set an example—he sure did—for his siblings. On the day of the Pearl Harbor attack, with chaos reigning, and being only 17 years old, he volunteered to provide medical help to the injured, and there were a lot of injured. After high school, he wanted to become a medical doctor. At the time the U.S. Army banned Japanese Americans from becoming soldiers. The war broke out, but this ban was dropped, and as a teenager, DAN INOUYE immediately put his medical ambition aside and signed up to serve his country in the military. Perhaps it was fate that DAN INOUYE joined the legendary 442nd regimental combat team which in no small part, thanks to his bravery, became the most highly decorated unit in the history of the U.S. Army.

I can't improve the words of praise this great man earned upon receiving the Medal of Honor for his courageous service. I read that. But I think we all here recognize we serve with a very extraordinary human being. While he was recovering from his injuries—and it was more than his arm; his whole body was hurt and, as a result he spent years in a military hospital—in the military hospital, he met another wounded warrior, a man named Bob Dole. They recuperated together, both having severe arm injuries, among other things. The only injuries you could see with Senator Dole and Senator INOUYE were the arms. But, of course, their injuries were much more severe than that. While there, Senator Dole told Senator INOUYE, both to be Senators: I am going to run for Congress. Senator INOUYE beat him there by a few years. That chance encounter began a lifetime of friendship that took these two wounded warriors from hospital beds in Battle Creek, MI, to seats in the Senate. The friendship and close working relationship they have shared is emblematic of Senator INOUYE'S lifelong commitment to bipartisanship in the pursuit of progress.

In his decades of public service, Senator INOUYE has been a leader on issue after issue of concern to the American people. As chairman of the Subcommittee on Defense Appropriations, he is the leading expert and national advocate for national security, strengthening the military, and honoring our troops and veterans.

As the first person of Japanese descent to serve in the Senate, DAN INOUYE is a soft-spoken trailblazer.

On a personal level, I was a very new Senator and he had made a commitment to do a fundraiser for me in Florida. He didn't know at the time he made this commitment that there would be other things that would be in the way of that. There was a little thing in the way, his wife's birthday. She understood. He understood. And he, because he had made a commitment, made the personal sacrifice and came down there. I have never forgotten that. That is why when he sought a leadership position in the Senate, I was the first to stand in line to support Senator INOUYE. His heroism and extraordinary lifetime of public service are an inspiration to us all.

But on a personal note, Landra and I, and all my colleagues, are so happy and pleased to hear the recent news that DAN and Irene will be married this May. All of us in the Senate family wish them happiness and joy.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, the U.S. Senate has been conducting its business here in Washington for just over 200 years. For more than one-fifth of that time, Senator DANIEL INOUYE of Hawaii has been casting rollcall votes. And just now, he cast his 15,000th, making him the fourth most prolific voter in Senate history.

If Senator INOUYE had anything to say about it, I have no doubt the moment would have passed without fanfare. Some Senators make their presence felt by talking a lot or by being flamboyant. DAN INOUYE has always been another sort of Senator.

He is one of only 107 Americans alive today to have received the Medal of Honor for combat bravery. He is the iconic political figure of the 50th State, the only original member of a congressional delegation still serving in Congress. And he has ensured through many years of diligent service on the Defense Appropriations Subcommittee that an entire generation of America's uniformed military has gone well prepared into battle and was well cared for when they returned.

Despite all this, DAN's quiet demeanor and adherence to a code of honor and professionalism has made him a stranger to controversy and to the fleeting fame that often comes with it. He is a man who has every reason to call attention to himself but who never does. He is the kind of man, in short, that America has always been grateful to have, especially in her darkest hours, men who lead by example and who expect nothing in return.

Historians tell us about one of those dark moments early in our Nation's history, just after the surrender at Yorktown. Hostilities with the British had ended, but America was on the brink of a military coup. Congress had promised to give officers and soldiers back pay, food, and clothing, and hadn't delivered. The situation grew so serious that U.S. officers threatened an armed revolt.

In a meeting at Newburgh, George Washington urged patience. He assured the officers Congress would act justly. And then, with anger and impatience still in the air, he pulled a letter from his pocket from Congress. Staring at it for a few moments with a look of confusion, he reached into his pocket again and pulled out a pair of reading glasses that only his closest advisers had ever seen. "You will permit me, gentlemen, to put on my spectacles," he said. "For I have not only grown gray, but almost blind, in the service of my country."

Some of the officers wept with shame. One man's heroism was enough to dissolve whatever hostilities remained. Revolt was averted, peace preserved, and a roomful of men learned that day what it meant to be an American.

More than a century and a half later, after another dark moment in our Nation's history, another roomful of men would learn a similar lesson. The year was 1959, the place was the U.S. Capitol, and a young man named DANIEL INOUYE was being sworn into office.

The memory of a hard-fought war against the Japanese was fresh in many minds as the Speaker, Sam Rayburn, prepared to administer the oath—not only to the first Member from Hawaii, but to the first American of Japanese descent ever elected. Rayburn spoke: "Raise your right hand and repeat after me . . ."

Here's how another Congressman would later record what followed: "The hush deepened as the young Congressman raised not his right hand but his left and repeated the oath of office. There was no right hand. It had been lost in combat by that young American soldier in World War II. And who can deny that, at that moment, a ton of prejudice slipped quietly to the floor of the House of Representatives."

As a young boy growing up in Hawaii, DAN and his friends always thought of themselves as Americans. But after Pearl Harbor, they found themselves lumped together with the enemy. It was one of the reasons so many of them felt such an intense desire to serve. Their loyalty and patriotism had been questioned, and they were determined to show their patriotism beyond any doubt.

At first they weren't allowed to volunteer. A committee of the Army, caving to prejudice, recommended against forming a combat unit of Japanese Americans. But they persisted, and on June 5, 1942, the policy changed.

In reversing the previous order, President Roosevelt said, quote, "Americanism is a matter of the mind and heart. Americanism is not, and never was, a matter of race or ancestry."

The overwhelming response of Japanese Americans proved Roosevelt right. Eighty percent of the military-age men of Japanese descent who lived in Hawaii volunteered for the first-ever, all-Japanese-American combat team. And among the 2,686 accepted was an 18-year-old freshman at the University of Hawaii named DAN INOUYE.

The 442nd Regimental Combat Team, the famous "Go for Broke" regiment, would become the most decorated military unit in American history. SGT DAN INOUYE was one of its combat platoon leaders. He spent 3 bloody months in the Rome Arno campaign and 2 brutal weeks rescuing a Texas battalion that was surrounded by German forces, an operation military historians often describe as one of the most significant military battles of the 20th century.

After the rescue, Sargeant INOUYE was sent back to Italy, where on April 21, 1945, he displayed "extraordinary heroism," in leading his platoon through tough resistance to capture an important strategic ridge. Crawling within five yards of the nearest machine gun, he destroyed it with grenades, then stood up and destroyed several others machine gun nests at close range—even as a sniper's bullet shattered his arm. Despite the pain, he continued to direct his men until the enemy's retreat, and become one of the most decorated soldiers of the war.

DAN would later spend nearly 2 years in an Army hospital in Battle Creek, MI, and it was there that he met a wounded soldier, as the majority leader mentioned, from Kansas. DAN had always wanted to be a surgeon, but that dream faded away on a ridge in Italy. He decided to ask his friend what he had in mind for a career. Politics was the reply. DAN was intrigued. And many years later, as a freshman in Congress, he wrote a note to Bob Dole, playfully taunting him for not making it here first.

It is fitting that DAN owes his Senate career, in a sense, to a Republican. He has never let narrow party interests stand in the way of friendship or cooperation on matters of real national importance. His friendship with Senator STEVENS is one of the most storied in all of Senate history. And I know I have never hesitated to call DAN when I thought something important was at stake. As DAN has always said, "to have friends, you've got to be a friend."

It is a good principle, and it is one he has always lived up to. But it is just one of the remarkable traits that have made him one of America's great men.

On the morning of his first day in the Army, DAN rode part of the way to the barracks on a bus with his dad. He later recalled that at one point his father grew somber, offered his first son some brief advice about the importance of having good morals, then said something about the country he would soon defend.

"America has been good to us," his father said. "And now—I would never have chosen it to be this way—but it is you who must try to return the goodness of this country."

DAN INOUYE would make his father very proud. He has more than repaid the goodness of this country. I know I speak for every other Senator who has served with him, the people of Hawaii, and anyone who respects this institution or loves this country, when I say thank you for the dignity, the grace, and the heroism with which you have lived your great American life. You are an example and an inspiration to all of us.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Hawaii.

Mr. AKAKA. Madam President, in the year 1924, a child was born to a woman who was nurtured by a Hawaiian family. He was born in Hawaii as an American of Japanese ancestry. He was brought up in Hawaii and went to school there, graduated from McKinley High School in 1942, and decided to serve our country, as he did. You have heard others tell about his activities as an Army person. But he went on to finally receive the Medal of Honor from this country, which is the greatest medal anyone can receive. This is Senator DAN INOUYE.

When he finished his service, he used the GI bill, of which he was a recipient, to be educated. When he returned to Hawaii, he entered into politics and served in the State legislature.

When Hawaii became a State in 1959, he was Hawaii's first U.S. House of Representatives Member. It was from there he did run for the Senate and was elected and has been here since that time. DAN INOUYE has served our country well over these years, and he has served Hawaii well.

So today I rise to mark a historic occasion, which is Senator INOUYE's 15,000th vote. This historic milestone is compelling evidence of Senator INOUYE's devotion to public service. The people of Hawaii have given him their trust, and in return he has fought relentlessly for our State and our country.

DAN INOUYE is an institution, without question, in the Senate, and I look forward to casting many more votes with my good friend and mentor and brother to benefit Hawaii and strengthen the United States.

God bless you, Senator INOUYE, and with much aloha.

Thank you very much.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, I am deeply moved and most grateful for the generous and warm remarks of my colleagues. I shall do my very best to live up to their praise.

I thank you very much.

(Applause, Senators rising.)

Mr. COCHRAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3927 TO AMENDMENT NO. 3911

(Purpose: To provide for the substitution of the United States in certain civil actions)

Mr. SPECTER. Madam President, I now call up amendment No. 3927.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself and Mr. WHITEHOUSE, proposes an amendment numbered 3927 to amendment No. 3911.

Mr. SPECTER. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Friday, January 25, 2008, under "Text of Amendments.")

Mr. SPECTER. Madam President, there are 2 hours set aside for this amendment. We have about 24 minutes between now and 4:30, when the Senate will move on to other business.

I have just discussed with my distinguished colleague, Senator WHITEHOUSE, and the managers—Chairman ROCKEFELLER and Vice Chairman BOND—my intent to speak relatively briefly on an opening statement and then yield to Senator WHITEHOUSE and give an opportunity for opponents of the amendment to speak because I think that will tell the Senators and staffs what this is about and perhaps generate more interest and more concern to follow, and then have additional debate at a later time on the remainder of our time.

At the outset, I compliment my distinguished colleague, Senator WHITEHOUSE, who is in his first term in the Senate. I thank him for the work he has done coordinately with me and others on this bill.

Senator WHITEHOUSE brings a very distinguished record to the U.S. Congress. He has served as U.S. attorney for Rhode Island. He served as Rhode Island's attorney general. And he has made quite a contribution to the Judiciary Committee on what is a very complex matter.

Madam President, I ask unanimous consent that Senator LEVIN and Senator CARDIN be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. The essence of the pending amendment is to substitute the U.S. Government as a party defendant for the telephone companies, instead of having the current provision which provides for retroactive immunity to the telephone companies. The bill under consideration would give those companies retroactive immunity and foreclose litigation which is now pending in some 40 cases.

This issue is at the heart of the balance of values between national security and constitutional rights. There is no doubt, at least on this state of the record—where we do not know all of the details as to what the telephone companies have been doing—but it is presumed, for purposes of this argument, and I think accurately so, that what the telephone companies are doing has produced very high-level intelligence for the U.S. Government.

There is no doubt of the importance of high-level intelligence in our fight against terrorism. We sustained 9/11. We fight a deadly enemy around the world—al-Qaida. We want to protect the United States and its people and others, so that high-level intelligence is very important.

At the same time, constitutional rights are very important. I believe the substitution which Senator WHITEHOUSE and I are proposing accomplishes the objective of a continuation of getting this very vital intelligence information for national security and, at the same time, protects constitutional rights.

The essence of the proposal is that the U.S. Government would step into the shoes of the telephone companies, have the same defenses, no more and no less. The Government could not assert governmental immunity because the telephone companies could not assert governmental immunity. The Government could assert the State Secrets Doctrine, just as the it has by intervening in the cases against the telephone companies.

I believe it is vital that the courts remain open. I say that because on our delicate constitutional balance of separation of powers, the Congress has been totally ineffective on oversight and on restraining the expansion of executive authority. But the courts have the capacity, the will, and the effectiveness to maintain a balance.

But we find that the President has asserted his constitutional authority under article II to disregard statutes, the law of the land passed by Congress and signed by the President.

I start with the Foreign Intelligence Surveillance Act, which provides that the only way to wiretap is to have a court order. The Executive Branch initiated the Terrorist Surveillance Program in flat violation of that statute. Now, the President argues that he has constitutional authority which supersedes the statute. And if he does, the statute cannot modify the Constitution. Only a constitutional amendment can. But that program, initiated in 2001, is still being litigated in the courts. So we do not know on the balancing test whether the Executive has the asserted constitutional authority.

But if you foreclose a judicial decision, the courts are cut off. Then the executive branch has violated the National Security Act of 1947, which mandates that the Intelligence Committees of both the House and the Senate be informed of matters like the Terrorist Surveillance Program. I served as chairman of the Judiciary Committee in the 109th Congress. The chairman and the ranking member, under protocol and practice, ought to be notified about a program like that. But I was surprised to read about it in the newspapers one day, on the final day of argument on the PATRIOT Act Re-authorization. It was a long time, with a lot of pressure—really to get the confirmation of General Hayden as CIA Director—before the executive branch finally complied with the statute to notify the full Intelligence Committees. Now, on the other hand, the courts have been effective—and I will amplify this at a later time because I want to yield soon to Senator WHITEHOUSE and give the opponents an opportunity to speak before 4:30. But in the Hamdan case, the Supreme Court held that the President does not have a blank check in the war on terror. Justices held that the President cannot establish military commissions unless Congress authorizes it. In Hamdi, the Supreme Court concluded due process required that a citizen held in the United States as an enemy combatant be given a meaningful opportunity to contest the factual basis for that contention. In Rasul v. Bush, the Supreme Court held that the Federal habeas corpus statute gave district courts jurisdiction to hear challenges by aliens held at Guantanamo Bay.

Well, this is not Pakistan, where President Musharraf can suspend the Supreme Court Justices and hold the Chief Justice under House arrest. This is America. The balance is maintained only because the courts are open. I believe it would be a major mistake to close the courts on pending litigation when the courts have provided the only effective way to check expanded executive authority, which we have seen in many lives. I will amplify those later, on matters such as signing statements.

But that is the essence of the argument. I am going to yield now to my distinguished colleague from Rhode Island because I think it is useful, as we move forward in the debate, to crystallize the issues. We know Senators and even staff don't pay a great deal of attention until the time for a vote is near, and when we see the essence of the two positions, I think we may create some more interest and have more people join this debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Madam President, I thank the distinguished Senator from Pennsylvania. I consider it a great personal honor to join him in sponsoring this important amendment. He has served with great distinction as a prosecuting attorney for Philadelphia for many years and then has served in this Senate for 27 years with great distinction, making him the longest serving Senator in Pennsylvania's history. He has chaired the Senate Judiciary Committee, and he has always shown great intelligence and independence. In addition to all that, I am the junior member of the Senate Judiciary Committee, and he also has shown exceptional courtesy and good will toward me, notwithstanding my junior status and notwithstanding my position on the other side of the aisle. So it is with considerable pride and also considerable affection that I join him in supporting this amendment.

We face, as Senator SPECTER said, the critical balance between freedom and security, which will always be difficult to maintain as long as a threat of terrorism looms. As we all know, one of the many difficult issues that balance presents to us is the question of whether to grant immunity to telecommunications carriers who may have assisted the Government in this surveillance program.

On the one hand, the administration has called for a blanket grant of immunity to these companies. On the other hand, others have proposed preserving the status quo. We are proposing a more sensible, practical, middle path that does less constitutional damage and still protects the essential equities involved.

The choice is to give immunity, to stop the litigation, to end the claims against the companies, and take away the plaintiffs' case against them, which is not fair. Nothing yet suggests this is not completely legitimate litigation. The courts who are considering it haven't thrown it out, it is in process right now, and it is not fair to the plaintiffs to up and take away their day in court. Moreover, there is a huge separation of powers problem of a legislature intruding into ongoing litigation, now before a judge, and taking away active claims. We would be taking away plaintiffs' rights and claims, taking away their due process without even providing for the basic judicial finding that the defendant companies acted reasonably and in good faith. That damage suggests that blanket immunity is not a great solution and, indeed, it may even be unconstitutional.

The other choice we have on the immunity question is to do nothing. But consider this: the Government has forbidden the telephone company defendants to defend themselves, claiming state secrets privilege. They have tied the companies' hands behind their backs in this litigation, muzzled them, forbidden them to offer any defense. In my view, that is also not fair, particularly if the Government put these companies into this mess in the first place. If the Government wants to forbid self-defense by these companies, the decent thing for the Government to do would be to step into the lawsuit, and defend on their behalf. The Government should not leave legitimate American companies in the judicial arena, bound and muzzled, unable to defend themselves, and not itself be willing to step in the ring and take over. So it strikes me that doing nothing is not a great solution either.

The solution that fits the problem we face is this Specter-Whitehouse amendment, and it has two very simple parts. One, a judicial determination, confidentially, in the FISA Court, whether these companies acted reasonably and in good faith. That is a very simple determination that can be made with a very small amount of testimony based in many respects simply on the record of what was provided to companies. Second, if they did act reasonably and in good faith, there is then a well-established procedure under rule 25 of the Federal Rules of Civil Procedure, rule 25(c) to be specific, that can substitute the Government for these companies in this litigation.

First, let me talk about the good-faith determination. I hope we can all agree that if the companies did not act reasonably and in good faith, they shouldn't get protection. I hope we can agree on that. We establish a simple procedure for the good-faith question to be answered by the FISA Court. We in Congress should not be the judges of that. We are not judges. Good faith is a judicial determination. This is ongoing litigation. The companies have, of course, asserted to us that they acted in good faith, but that is no basis for us to conclude that, and we surely should not rely on one side's assertion in making a decision of this importance. Most Senators have not even been read into the classified materials that would allow them to reach a fair conclusion. This body is literally incapable of forming a fair opinion without access by most Members to the facts. So we need to provide a fair mechanism for a finding of good faith by a proper judicial body with the proper provisions for secrecy, which the FISA Court has.

Second, substituting in the Government. Well, if it turns out the Government directed the companies to engage in conduct that broke the law, the Government is the proper authority. If the companies acted reasonably and in good faith but ended up somehow breaking the law because of what the Government directed them to do, the real actor is the Government. Lawyers in this body will understand this is analogous to a principal-agent relationship. The Government is in effect the principal, the company acting as directed is the Government's agent, and under principal-agency law, the principal is liable for the acts of the agent.

So the simple solution contained in this amendment follows the law, it is founded in the Federal Rules of Civil Procedure, and it fits the problem we face. Consider: No one has legitimate rights and due process summarily taken away. This is, after all, the United States of America.

Two, if the carriers acted reasonably and in good faith, the Government steps in for them. In fact, the carriers get a judgment in their favor dismissing them from the cases.

Third, no one is forbidden to defend themselves in ongoing litigation. No one is bound and muzzled but forced to stay in a judicial fight.

Fourth, there is no intrusion by Congress into ongoing adjudication, no separation of powers trespassed.

Finally, if the companies acted reasonably and in good faith at the direction of the Government but ended up breaking the law, the Government truly is the morally proper party to the case. So this is not just sensible, but it is right. I hope my colleagues will support this amendment.

I see time is a little short, but let me continue a little bit longer because I wish to expand a little bit on this concern that intrusion by Congress into ongoing adjudication presents a separation of powers problem. Let me go all the way back to why we set up the separation of powers in the first place. I quote U.S. Supreme Court Justice Scalia specifically who said:

> The sense of a sharp necessity to separate the legislative from the judicial power triumphed among the Framers of the new Constitution prompted by a crescendo of legislative interference with private judgments of the courts.

So the question of a legislature interfering with ongoing litigation was the live concern of the Founding Fathers when they separated the powers. In a case called the United States v. Klein, the U.S. Supreme Court threw out a congressional statute that purported to provide the rule of decision in a particular case, saying of this relationship between the legislative and judicial powers:

> It is of vital importance that the legislative and judicial powers be kept distinct. It is the intention of the Constitution that each of the great courts and departments of

the government—the legislative, the executive, and the judicial—shall be in its sphere independent of the others.

So I urge my colleagues who are considering this to consider the sensible merits of this amendment, to consider this is the morally right way to go forward, and further, to consider that it reduces considerably the risk that if we go ahead and give these companies this immunity, the companies end up with a lawsuit, they end up with a case and a statute that is thrown out because it is unconstitutional, and in effect we create a snarl rather than a solution for them.

So with that said, I would again like to say how very much it means to me to be cosponsoring this amendment with the very distinguished Senator and former chairman of the Judiciary Committee, Senator SPECTER of Pennsylvania.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Madam President, I am reluctant to ask, but I must, how much time remains before 4:30?

The PRESIDING OFFICER. There is 2½ minutes before 4:30.

Mr. ROCKEFELLER. Wonderful.

Madam President, I simply rise to say I will oppose this amendment and I will oppose it strongly and I think for a series of very good reasons. But in spite of my eloquence and the ability to talk very quickly, I simply cannot do the task in 1½ minutes. So I ask unanimous consent to reserve my right to speak further at the appropriate time before the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri is recognized.

Mr. BOND. Madam President, with the time so graciously allowed us by the proponents of this measure—and I know it was not intentional—I will only say a couple of quick things. No. 1, the courts are not precluded. The underlying bill, the bipartisan bill, permits lawsuits to go forward against the Government and the Government employees. No. 2, there was notification of the Big Eight—the ranking members and chairmen of the Intelligence Committees and the leaders—when this program was started. No. 3, article 2 does give the President the power to exercise foreign intelligence collections.

I would say to my colleague who has been on the Intelligence Committee, if he doesn't think Congress has been effective in overseeing programs, he has not seen the committee that is chaired by Senator ROCKEFELLER and on which I ride shotgun with him. The Judiciary Committee—if it was not advised, the Judiciary Committee's primary responsibility is not intelligence. That is the Intelligence Committee. We get the sensitive information. We spend a great deal of time. We have reviewed it. We believe it is a disaster for our intelligence collection to have substitution because we would see our most sensitive means of collection exposed. The private parties that might have participated would be put through tremendous economic and commercial harm and subjected potentially to harassment, and perhaps even terrorist attacks, for having worked with us.

Therefore, I strongly urge that our colleagues defeat amendment No. 3927, the Specter-Whitehouse substitution amendment.

Mr. KENNEDY. Madam President, the amendment that I have offered with Senators KERRY and MENENDEZ addresses a serious problem with the FISA bill that we are now considering, and I am very pleased that it has been incorporated into the bill by unanimous consent.

The amendment clarifies that under the new authority provided in this legislation, the Government may not intentionally acquire a communication when it knows ahead of time that the sender and all of the intended recipients are located in the United States. When the Government knows ahead of time that both the person making the call and the person receiving the call are located inside the United States, it will have to get a court order before it can listen in on that call. This is the way FISA has always worked, and my amendment makes sure that the law stays that way.

There is broad agreement that communications known ahead of time to be purely domestic should continue to be governed by the standard FISA rules. Indeed, the Bush administration has repeatedly stated that it does not intend to use the new authority granted under the Protect America Act or this legislation to acquire communications that are purely domestic, without obtaining a court order first. The administration acknowledges that when the Government knows that all the parties to a conversation are in the United States, a specific court order should be needed to intercept that conversation.

I haven't heard a single Member of Congress disagree with this point. But without this amendment, the FISA bill's new authority could be used to acquire purely domestic communications without a court order.

The bill requires the Government's "targeting procedures" to be designed "to ensure that any acquisition . . . is limited to targeting persons reasonably believed to be located outside the United States." The problem arises because sometimes the "target" of the surveillance may be abroad, but the communications that the Government wants to acquire may occur entirely inside the United States, because the subject matter concerns the target who is abroad. The term "target" is not defined in FISA, but the legislative history states that the "target" is the person or entity "about whom or from whom information is sought." That broad definition is capable of being interpreted to allow surveillance of people other than a "target."

For example, the Government might believe that two Americans in the United States—let's call them Tom and Mary—will discuss a third party who is located outside the country. Under this bill, that third party can be a group, not just an individual, and the Government can obtain a blanket warrant that allows it to spy on everything that group does in the future. Although the authors of the bill have stated this should not occur, the concern is that when Tom and Mary talk to each other, the Government might claim the third party is the "target" who provides the legal basis for the surveillance—with the practical result being that the Government could listen in on the conversation without making any showing to any court about Tom and Mary.

My amendment protects innocent Americans by clarifying that traditional FISA rules still govern for communications known to be occurring within the country. The Government could still spy on Tom and Mary—but it would have to obtain a warrant first, with the usual exception for emergencies.

According to the administration, the law already requires this. The administration has said flat out that it will not wiretap purely domestic communications without first obtaining a court order.

But these kinds of statements are no answer when Americans' basic liberties are at stake. "Trust us" is not enough.

FISA experts such as David Kris, a highly respected former lawyer at the Justice Department and the author of the leading treatise on FISA law, believe that the legislation is not clear right now. And if the law is unclear, there will be tremendous pressure on the intelligence community to apply it as aggressively as possible, because it is their duty to do everything they can within the boundaries of law.

As Mr. Kris recently stated, even though the Intelligence Committee bill prohibits the targeting of persons known to be in the United States, it "does not, however, foreclose all surveillance of [purely] domestic communications . . . because surveillance can 'target' an international terrorist group located abroad, but still be directed at a domestic telephone number or other domestic communications facility."

Mr. Kris has said that his "principal concern about [this bill] . . . is that it resembles the Protect America Act in allowing surveillance of domestic communications" without a warrant. This is a radical change to a FISA system that has protected Americans for three decades. If put to a vote, I have no doubt that Americans would reject it.

This concern can't be waved away by the administration telling us that it takes a different legal view. When one of the top FISA experts in the country says that the law is not clear, we should listen.

Promises about how the Government will interpret the law in the future are not enough. If we all agree about a specific policy goal—and everyone should agree that in purely domestic-to-domestic situations, the traditional FISA rules should apply—then we should be very clear about that goal in the legislation we write. Any FISA law that Congress passes may set the rules on surveillance for years to come, and different administrations may interpret ambiguous language in different ways.

My amendment makes clear that the traditional FISA rules apply when the Government knows ahead of time that the communication is purely domestic. The amendment does not add any substantive changes to the law; it adds clarity and certainly where now there is ambiguity and confusion.

Americans deserve to feel confident when they are talking with their friends, neighbors, and loved ones inside the United States that they will not be spied on without a warrant. Bringing clarity to this area of the law is good for Americans' liberties, and it is good for national security. I congratulate my colleagues for adopting this amendment.

RECOVERY REBATES AND ECONOMIC STIMULUS FOR THE AMERICAN PEOPLE ACT OF 2008

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 5140, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5140) to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

Pending:

Reid Amendment No. 3983, of a perfecting nature.

Reid amendment No. 3984 (to amendment No. 3983), to change the enactment date.

Motion to commit the bill to the Committee on Finance, with instructions to report back forthwith, with Reid amendment No. 3985.

Reid amendment No. 3986 (to the instructions of the Reid motion to commit), of a perfecting nature.

Reid amendment No. 3987 (to amendment No. 3986), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Madam President, could the Chair explain the unanimous consent order under which we are operating?

The PRESIDING OFFICER. There is 45 minutes, evenly divided, to be followed by 30 minutes, evenly divided and controlled by the two leaders prior to a cloture vote.

Mr. COBURN. Madam President, I ask unanimous consent to be allotted 10 minutes to discuss the fiscal stimulus package.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Reserving the right to object, I understand that the Senator's time will be charged to the Republican side.

Mr. COBURN. Absolutely.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Madam President, we have heard a lot in the press, and we have certainly heard a lot from our own Finance Committee, and we have seen what the House passed in terms of the stimulus package.

I think, once again, in our hurry to address a problem, we have not asked: Are we fixing the right problem, the problem in connection with the House leadership passing a bill that will spend $150 billion. One of the first questions we ought to ask is, Where is that money coming from, the $150 billion? Nobody can dispute the fact that we are going to borrow that from our grandchildren; we are going to go to the markets and borrow the money to stimulate our economy. Nobody will dispute the fact that there is very little payback into the Treasury, in terms of tax collections, from this stimulus plan.

The facts as they are, we had an overheated housing boom. We can deny economic reality, but until we mark the market—the overinflated cost that has extended credit in our country—and recognize that is going to have to be paid for, we are not going to walk out of this slowdown we appear to be facing. The reality is that the model is the Japanese banking industry: When they refused to recognize the losses, what it did was impact their economy for 10 years. So the realities are that there has to be an economic price when we have an economic excess. Our job should be to make that as easy on our economy as we can, thinking about the future of our economy.

Now, all the options that have been presented, when scored in the long term, have very little beneficial effect for the economy other than the psychology we are putting through. The reason it is important to discuss alternatives is because there is a way, which is proven in economics, proven in capitalistic societies, in free market societies, where you can generate stimulus and revenue back to the Government so that, in fact, you solve the right problem, the real problem, and you don't bankrupt your children further, which is what we are going to do whether we pass the House bill or the Senate bill. We are going to steal $150 billion or $190 billion from our grandchildren. I think we ought to think twice about that. Do we really, as senior citizens, want to steal $600, to $800, to $1,200 from our grandchildren for us today? Do we want to do that? Is there another way in which we can stimulate our economy without stealing from our kids and ultimately putting the money back in so that our children don't have to pay for this stimulus package? There is. There are a lot of economic theories and experience in this country that prove that.

So let's talk some about what we should be doing that we are not. Instead, we are pandering to people, thinking they are going to get $600 or $800, and we don't have any idea other than to think a third of that money might have a stimulus effect, but it will have a negative effect in terms of what our kids have to pay back.

One thing we can do is create certainty about economic decisionmaking. We can extend the Bush tax cuts. We can extend them so people will continue to make positive decisions based on a tax rate they know is there rather than one they know is going to go away in 2 years, which will limit their investment.

Second, we can lower corporate tax rates. We now have the second highest corporate tax rates in the world. That hasn't been part of any discussion. We know that when we lower corporate tax rates, we see increased investment, which increases the tax revenues for the country, and we also see economic growth. So there is a positive there, but it is not complete. There is a cost associated with that, but at least there is some feedback. But we have not considered that.

We have not reduced the capital gains tax rate on corporations—the people who invest great sums of money on the basis of the fact that if there is a capital gain, if we were to lower that, they might invest more or they might recognize the gain they have today, consequently, even generating taxes. We can index capital gains for inflation. That creates a stable investment environment whereby business decisions will invest in capital, create jobs, which create salaries, which create income, which create tax revenue.

We can markedly advance—much more so than we have done in this bill—depreciation schedules if we want to have an impact. We could go to full expensing for capital equipment forever. We don't have to stop it now. What that would do is create investment in capital goods in this country, which would create jobs, which would raise wages, which would create incomes, which would create tax revenues for the country.

There are other things we can do besides just send money out the door. We can establish a repatriation window for corporate taxes overseas. The best way to not ever have to deal with this again is to have a corporate tax rate equivalent to what is going on in the rest of the world—have one at 25 percent instead of 35 percent so that we, in fact, are competitive worldwide, so that corporations don't refuse to bring income they have earned overseas back to this country because we have an excessive tax on it, so they decide not to do that.

Finally, what we can do is make the Small Business Administration work. Seven years ago, the impact of Government regulation on small business was less than $4,000. It is $7,400 per employee. That is the impact of the Federal Government. That is not the taxes you pay, that is the impact of the regulations in terms of the cost impounded onto small business by the Federal Government.

I will end with talking about the budget that was just submitted by the administration. We are going to spend probably $150 billion or $190 billion, and we are not going to pay for it. We are not going to reduce any of the wasteful spending, including the inappropriate payments in Medicare, and there is another $40 billion in fraud. Medicaid has $30 billion worth of fraud and another $7 billion in improper payments. Food stamps has $6 billion worth of improper payments, not counting the fraud.

There is nothing associated with fixing what is wrong with the Government so that the American people get value from it. We are going to throw money at a problem rather than secure the future for our children and grandchildren. We can do better. We ought to do better. We should not say we are just going to throw money at the problem.

Let's make long-term structural changes in the Tax Code that raise the opportunity for our children rather than lower it by putting debt on their shoulders. Let's make the long-term changes and tough choices of eliminating programs that aren't working effectively, or let's refine programs that are wasteful, not efficient, and loaded with fraud. Let's eliminate the wasteful programs that account for $150 billion of money spent each year. Let's get rid of the $30 billion in waste at the Pentagon. Let's get rid of the $3 billion we spend every year maintaining buildings the Pentagon doesn't want. We don't have a way to get rid of them, but we don't have the courage to change the law.

There are all kinds of ways to save a couple hundred billion dollars a year, but it means you have to ruffle some feathers. It is time we do that and do the hard work, rather than the easy work.

Thank you for the opportunity to speak in terms of what I think is a long-term way to resolve this economic trough we appear to be facing. I am not confident we are going to do it the right way. I think we are going to do it the politically expedient way, which helps people get reelected but doesn't fix the real problem. To me, to my regret, that is a sad misnomer for this body.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, the book of Leviticus teaches: "Rise in the presence of the aged, show respect for the elderly, and revere your God."

Today, the Senate can show respect for America's elderly. Today, the Senate can extend needed stimulus checks to 20 million seniors whom the House left behind.

America's seniors have earned the right to get stimulus checks, every bit as much as other Americans. They worked hard all their lives. They paid a lifetime of taxes. They contribute to the economy.

And seniors can use the money. And because they can use the money, seniors are excellent targets for economic stimulus checks. Because they can use the money, they will spend it quickly.

Americans over age 65 spend 92 percent of their incomes. Households headed by a person over age 75 spend 98 percent. That is higher than any other group over the age of 25. And that means that a check sent to a senior will have a greater bang for the buck in terms of helping the economy.

The Finance Committee amendment would help 20 million seniors who were left out of the House bill. The Finance Committee amendment would provide seniors with rebate checks of $500. The underlying House bill would not help those 20 million seniors.

And the Finance Committee amendment would also provide rebate checks for 250,000 disabled veterans who receive at least $3,000 in nontaxable disability compensation. The Finance Committee amendment would make them eligible to receive the same $500 rebate as wage earners and Social Security recipients. The Veterans Administration would distribute the rebate. The House bill would not provide rebate checks to disabled veterans who don't pay taxes.

And the Finance Committee amendment would provide an additional 13 weeks of unemployment insurance. And high unemployment states would qualify for an extra 13 weeks. The House bill does not provide an extension of unemployment insurance.

Almost a million more Americans are unemployed today than were a year ago. And 69,000 additional unemployed workers filed claims for unemployment insurance just last week.

CBO found unemployment insurance to have a big bang-for-the-buck. It acts quickly to boost the economy.

I heard my friend from Oklahoma. Frankly, all of the big ideas and great ideas are ideas we cannot address at this point. We have to act now, immediately. The President wants us to act now with the stimulus package. The House wants us to act now. We in the Senate have to act now; that is, we have to get some rebate checks out to the American people so they can spend those checks, those dollars, and prime the economy.

The Chairman of the Federal Reserve System has done his part by lowering interest rates to help keep our economy from going into recession, to help keep our economy from falling into high unemployment rates, because we are facing a time of slow growth, primarily due to the problems in the housing markets, the subprime problems, which cascade into securitized loans and which, frankly, were peddled in a way that caused a lot of investors in our country to not know, frankly, what they were investing in.

The Chairman of the Federal Reserve System, Mr. Bernanke, also wants this package now. He knows what he is talking about because he is, after all, probably the best economist in this country at the moment. The Chairman of the Federal Reserve System is saying that, in addition to lowering rates, we should have the stimulus package passed.

We on the Senate Finance Committee did improve upon the House-passed bill. We decided not to replace it but improve upon it, so that any changes we make can be easily folded into the House-passed bill, and get the final product on the President's desk very quickly. Nobody wants to hold up the stimulus checks or hold up stimulating the economy. So I am quite confident we will get this resolved quickly, with improvements.

The research organization economy.com found that each dollar spent on extended unemployment insurance benefits generates $1.64 in increased economic activity.

Don't forget, we passed a bipartisan stimulus bill after 9/11, and that contained an extension of unemployment insurance. The President signed that bill. We should do the same now.

Further, we are adding a provision—it sounds technical, but it is simple—that would extend the carryback period for net operating losses for companies from 2 years to 5 years. Very simply, the bonus depreciation and expensing provisions help companies that make a profit—many companies during this low economic growth time are not making money—it seems fair they be included in the stimulus package, and that is why it is very important that provision be enacted.

This provision will help the housing industry, especially homebuilders, from going belly up. There were a lot of loans made that should not have been made. The more we can show to the American people that we are thinking about them, that we are trying to add a stimulus to the Nation's economy, the better, including showing to the housing industry that by making a change in the tax laws they can carry back current losses to earlier profitable years so they can make payrolls and not have to go belly up.

I might add, we also in the Senate Finance Committee package—the House does not do this—tighten up provisions that make it extremely difficult for illegal aliens to get these rebate checks. That is very important. It is not in the House bill. We have that provision in the Senate bill.

Finally, this is clearly the right thing to do. It is clearly right that 20 million seniors and about 250,000 disabled veterans be included in the rebate check program. We do that in our bill. There are some other provisions, but that is the core of what we are doing here.

Clearly, the House will accept these changes, there is no doubt about that. The President can sign it, and we can get this rebate program up and going. We can get it passed very quickly.

I yield to the Senator from New Mexico, Mr. DOMENICI, for 6 minutes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I rise to outline my reasons for supporting the Senate Finance Committee stimulus package.

I have reviewed various proposals carefully. Clearly, the House-passed package is simply unacceptable. I predict that the House would not pass that bill again now that its flaws have been revealed. By denying rebates to Social Security recipients and veterans, yet giving it to illegal immigrants, the House has produced something most Americans would reject.

I understand that in the rush to produce the package, the House may not have completely vetted each and every provision. So when I say it is simply unacceptable, I believe the way I have outlined what probably happened is true. They did a terrific job in a short period of time. It is just that the product, unfortunately, had to go somewhere else, it had to come here, and in coming here the good staff and others had to look at it in its entirety again, and they found what I described and the chairman of the full committee described.

I say to the chairman of the full committee, I am not on this committee, but I follow it, and I know what is in the final package.

Yesterday, the Institute for Supply Management reported that business activity in the nonmanufacturing sector of our economy contracted. That is the part of the economy that has been holding everything together. It had not been contracting; now it has. The level of that key indicator is now at its lowest level since 2001. Right after the terrorist attacks of September 11, the stock market dropped 370 points and investors continued to move into ultrasafe areas, such as Government bonds.

Last week and earlier this week, we had more information about a devastated housing industry and the announcement of bankruptcy of a major home building firm. Last Friday, the Government reported that the Nation suffered a decline in job creation for the first time in 4 years.

In short, we clearly face the possibility of a recession. Worse, this recession may dovetail with the present near freeze in credit markets. And when that happens, none of us knows how these two things may interact and what it may bring to us.

A prudent person would do as the House has done and has been proposed by the Senate and pass a stimulus package that will get money into the economy as soon as possible and will target particular sectors especially hard hit.

The question isn't whether we should have a stimulus package. The question is, which do we prefer? The first thing to look at is the cost. The Senate Finance Committee package, as amended, will cost $158 billion. The House-passed package was $146 billion. In a $14 trillion economy, a difference of $12 billion is insignificant, almost a rounding error in an economy clearly the size we have. Both packages cost about the same.

Second, it seems to this Senator that speed is the important ingredient. Therefore, if we invoke cloture on the Senate Finance Committee package before us, we can move quickly and move toward a Senate-passed package.

Third, I believe the Senate Finance Committee bill spreads the rebates, including veterans and Social Security recipients, and making sure no illegal immigrants receive the rebates.

Fourth, the committee recommendations will give a strong boost to housing and home building through its net operating loss provisions. We cannot ignore the weight that the collapsing housing market and home building sector have had on our economy and loss of jobs.

It used to be common knowledge that you would not have a robust American economy without a robust home building sector accompanying it. That may still be true. We have had a robust housing economy until now.

Finally, I believe the passing of the energy tax provisions in this Senate Finance Committee proposal as soon as possible is important. We can pass the provisions by invoking cloture, not waiting until later in the year to try to pass them on a different vehicle.

I have concluded that I will support cloture on the Senate Finance Committee proposal, recognizing that a conference with the House is likely and that both Chambers will be able to fine-tune the ultimate package and get it quickly to the President. I hope that is the case. The House had its turn. We will now have our turn. Then there will be a conference which will have to be called in any event, but they will now be operating under the gun, meaning getting something done quickly or they will lose all credibility.

I am hopeful I have chosen the right path. I know it is a difficult one for many who think I should do otherwise. I respect all of them, but I made my decision on what is best for New Mexico and what is best for America as I see it.

I thank the chairman for yielding me time. I yield the floor.

Mr. BAUCUS. Madam President, I commend and thank the Senator from New Mexico. He is making a courageous decision. More often than not, when somebody makes a courageous decision, it clearly is the right thing to do. It is easy to not make the courageous decision. Sometimes it is hard to make a courageous decision. He is making a courageous decision. I thank him and I know the people of New Mexico are proud of him for standing up and doing what he is doing.

The Senator from Arizona seeks recognition.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, first, let me say that one of the points made by my dear friend from New Mexico is backward. We need to deal with this issue in a speedy fashion. There is one point that unites everybody with regard to this stimulus package: If it is not done quickly, its stimulative effect diminishes effectively, and there is a point at which it will not have the stimulative effect people would like. Therefore, speed is of the essence.

One of the points about the Finance Committee package is, of course, if it were to pass, we would have to go to a conference committee between the House and the Senate which would obviously delay this process. I don't know how long it will take to get to conference or how long a conference committee will take, but it could be a lengthy process taking us beyond the February recess which means that, clearly, we will be talking about weeks to get this bill to the President.

Were we, on the other hand, to follow Leader MCCONNELL's advice and reject the Senate Finance Committee package and move to a modified version of the House-passed bill, we could get that to the House which could pass it, send it on to the President, and be done with it. That can all happen, frankly, by the end of this week.

In terms of the issue of speed, it would behoove us to reject what has been called the Christmas tree package out of the Senate Finance Committee which substantially raises costs, spends more money, is much more complicated than it would be to take up the House-passed bill which can be done more quickly.

I don't mean to be pejorative when I talk about a Christmas tree, but that is pundits talk about a bill that starts out relatively small, but because Members have favorite adds to make to it, which is another favorite pundit phrase, things we like to add to the bill, we end up with a bill that started out small but ends up looking like a tree with a lot of ornaments on it.

Remember when Speaker PELOSI and Leader BOEHNER and the President struck the agreement they did that passed the House with 38 negative votes, there was a recognition this needed to be done quickly and cleanly.

There were just three working parts to this legislation. Members of the House had a lot of other great ideas. There are a lot of other items they would have wanted to put on it, but their leaders convinced them to get bipartisan support. It was very important to keep the package trimmed down to the point where Secretary Paulson believed it would actually benefit the economy and not add extraneous spending and elements.

What happened when the bill came to the Senate Finance Committee on which I sit? I haven't added it up, but some have said there is $40 billion in additional costs, in additional spending, and I will talk for a moment about some of that spending. Those who are concerned about adding to the deficit need to be concerned about the additional cost of this bill. Some of that spending has to do with some tax credits for various kinds of businesses that have no stimulative effect whatsoever and are being done to either please certain legislators or to find a vehicle for something.

For example, there is something like $100 million that is owed to some coal companies in the United States. They have not been able to find a legislative vehicle to get the money appropriated so they can be paid their $100 million. So this was thought to be perhaps the right kind of vehicle to do it on.

Apparently they are owed $100 million and we need to send it to the coal companies, but that has nothing to do with stimulating the economy. It is payment for a past debt for a court case. But one of the Members wanted it in this bill and, as a result, it got put in the bill. That is not a stimulus package for the American people.

Then there was a group of tax breaks. What are some of the tax breaks for businesses? One is a tax break so we can build more efficient homes. One of our problems in our economy is we have a glut of housing on the market right now. So we are going to make a tax break so folks can build more homes to put on the market to add to those that already exist, as well as commercial buildings.

There has been a lot of talk about the rich getting too much in this package. One of the tax breaks is to remove the income limit for people who can now, under the Finance Committee bill, take a tax break for investments they have made in marginal oil and gas wells. Maybe that is a good idea. I don't know. But it clearly has no place on a stimulus package.

My point is that the Finance Committee did a variety of things which Members wanted done. They may or may not represent good policy, but they have nothing to do with the stimulus and simply add costs to this bill. Remember, this is all borrowed money. So it takes us further into a deficit situation.

One of our colleagues on the committee pointed out that these energy tax breaks actually are part of a larger bill, which I support, called the extenders package and, indeed, that is true. What is the extenders package? The extenders package is a package of legislation that each year we pass without question to ensure that various kinds of tax provisions remain in the Tax Code, such as the research and development tax credit and a variety of provisions such as that. I asked for unanimous consent to offer that in committee and it was rejected. We do know, however, for a certainty, that is going to pass this Congress. So these energy provisions, even to the extent people want them, are going to become law, but they don't have to be put in the stimulus package to drag it down.

The other big expense added in the Finance Committee was the extension of unemployment. The Secretary of the Treasury and other people in the administration will tell you, in their view, this stimulus package could add anywhere from a half percent to three-quarters of a percent of growth to the GDP, if it is done very quickly and very cleanly. However, adding the unemployment extension, $30 billion or so to it, would eliminate the effect of a stimulus that otherwise would be provided. So the irony is that by adding the unemployment compensation extension provision here, we actually remove whatever stimulative effect there is in the bill, and we are right back to a bill that ends up, as I said, looking like a Christmas tree.

Right now, unemployment nationwide is 4.7 percent. We have never extended unemployment benefits when unemployment was at that low a level. It has always been in the neighborhood of 6 percent or above, maybe a little below that, that has caused us to extend unemployment benefits. So there may well come a time, if we can't get the economy moving in the way we want it to, that there would continue to be stress in the employment sector and people might actually begin losing more jobs, in which case we might have to extend it. But the best way to prevent that from happening is to do sensible policy in the meantime to try to obviate that situation. And the Secretary of the Treasury and the President and the House of Representatives clearly believe the best way to do that would be to pass the stimulus package that doesn't have this additional $30 billion in unemployment extension added to it.

The final point I wish to make is that there is some concern that there are politically popular things in the Finance Committee package and it is hard to vote against those politically popular things. I think the Senator from Montana made a good point a moment ago in reference to a different matter, that when you do something as a matter of conscience, and it is hard to do, usually it represents good policy. This is a case where the House of Representatives was willing, on a bipartisan basis, under the leadership of Speaker PELOSI and Leader BOEHNER, to put together a package, with the administration, in the kind of bipartisanship our constituents would like to have us engage in more often, in order to pass a bill quickly, that could be sent to the President quickly, and they did that even though I am sure many of them were tempted to add all kinds of other politically popular things to it. Now the attention turns to the Senate, and are we acquitting ourselves as well? I daresay not, if this Christmas tree package from the Finance Committee is adopted on the Senate floor. Instead, our constituents will look at us as the folks who slowed it down; we added a bunch of spending to it.

The American people are already skeptical that getting a $500 or $700 rebate check is going to help stimulate the economy. But clearly they are going to look at the additional spending, the increased hit to the deficit, and wonder whether we were simply acting in a political way rather than in a way best for the country.

So my view is we would be far better served to do what is the best policy, and that is to reject the Senate Finance Committee package as too much, more than the traffic can bear in this case, and to go back to the version of the House of Representatives, which would be modified ever so slightly, to send it back to the House to immediately pass it and on to the President and get this done.

My personal view is the kind of spending that is involved in the Finance Committee package will actually act to the detriment, not to the benefit, of stimulating the economy, and that is why it should be rejected.

In a few moments, we are going to have a chance to vote on this, and I hope my colleagues will vote no on the motion for cloture to bring up the Finance Committee-passed package of the stimulus bill.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I have a number of Senators seeking recognition.

I yield 2 minutes to the Senator from Arkansas, Ms. Lincoln; 2 minutes to the Senator from Ohio, Mr. BROWN; 2 minutes to the Senator from North Dakota, Mr. DORGAN; and 2 minutes to the Senator from Minnesota, Ms. KLOBUCHAR.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I yield to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Madam President, a special thanks to the chairman for all his hard work.

As we look across this great Nation, we all understand our economy needs some help, and that is why the Senate Finance Committee quickly took up the economic stimulus package which the House and the administration had put out there. I have to give an incredible compliment to our chairman and ranking member, Chairman BAUCUS and Senator GRASSLEY, who went about this in such a thoughtful way, making sure there was no pride of authorship but recognizing what we had to do was to improve on this bill, to improve on what the House had done in such a hurried fashion, in order to be sure we didn't leave people out. This is very thoughtful with respect to the economy and the long-term debt issues out there, to keep a package that was small and reasonable, yet was comprehensive for the task that it had.

The package Speaker PELOSI and President Bush put together was a good start, but, unfortunately, there were some very important changes that needed to be made, and most notably some very hard-working and deserving Americans were disqualified from the stimulus rebate under their proposal: our seniors living on Social Security income and our disabled veterans. Why in the world would we want to leave behind this group of such important Americans—fabrics of our American family, people whose backs this country was built on and protected by—20 million seniors and at least a quarter of a million veterans who we know should qualify? The fact that there are disabled veterans who might qualify for that rebate is certainly reason enough to make sure we go back and get it right. I have no idea why the other side would not want to do that.

This is not the only thing we intend to do to stimulate the economy, but it is the jolt we need. The Senator from Oklahoma was worried it was the only thing. No. No one thinks this is the only thing we are going to do. We are going to follow with a farm bill, which will put an immediate stimulus into our rural areas. We will be looking at the energy tax package and a host of others—No Child Left Behind, which has been underfunded a tremendous amount.

The Senate Finance Committee took action quickly to address the inequities of the Pelosi-Bush package, and I am glad they did. The chairman and ranking member did an excellent job, and I hope my colleagues will recognize we have a one-time shot at making sure the Americans understand what it is we are doing: stimulating and jolting the economy and making it fair.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator's time has expired.

The Senator from Ohio.

Mr. BROWN. Mr. President, I appreciate the words of the Senator from Arkansas. They are good words.

We have an opportunity to both jump-start our economy and solve the problems staring us right in the face. It is the difference between investing in our Nation's economy and investing wisely in our Nation's economy. Of course, we should invest wisely.

We have an opportunity to put money into the pockets of almost every American or just some Americans. We can exclude retirees, we can exclude disabled veterans, or we can include them. Obviously, we should include them.

The Reid amendment incorporated in the Finance Committee proposal sends rebates to the homes of 21 million senior citizens, 250,000 disabled veterans, and thousands of unemployed who don't get a dime in the House bill.

Now, some decided they wanted to label this bill a Christmas tree. It is always what you do if you don't like the provisions in something. Anyone who thinks it is Christmas morning in these households is sadly mistaken.

The Reid amendment is inclusive and sends money to individuals who will spend it. In a stimulus package, you stimulate the economy, and in times of recession you help those who have been hardest hit by the recession. It is smart and it is right.

The Finance Committee package provides extended unemployment benefits for those who are looking for jobs in a sluggish economy. Thousands of Ohioans lost their jobs not because they wanted to, but they have lost their jobs and they are looking for some help as they try to return to the workforce. Economists have confirmed that is the most potent strategy for stimulating the economy. You put money into the economy to stimulate the economy, you particularly put money into the pockets of those who will spend it—disabled veterans, senior citizens, and unemployed workers who need extended benefits. It makes sense and it is the right thing to do.

I thank the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, we are required from time to time to make tough votes in the Senate, but this isn't one of them. This is not a tough vote. The question is, Shall we try to stimulate the economy? The answer, clearly, is yes. I think most people feel we should do that.

So then, if we are going to give a rebate, some kind of rebate to people who should get the rebate, perhaps we should think of it in terms of a family sitting around a supper table and they are talking about who is going to get this rebate. So somebody says: Well, you know what, let's make sure grandpa and grandma don't get it. Let's not give grandpa and grandma a rebate. They don't need to be in it. And by the way, Uncle Carl is unemployed. He doesn't need it. He ought not get a rebate. Or Cousin Ralph, he is a disabled veteran. He is not going to need a rebate.

Do you think any family sitting around a supper table would make those choices; that they are going to throw grandpa and grandma off the train and the disabled veteran who served this country and put his life on the line?

So here is the deal. We are told by some: Well, you know, they haven't earned income, so, therefore, they are not going to qualify for this rebate. Oh, really? You haven't earned your Social Security check? Seems to me that is a lifetime of earning. You didn't earn your disability payment? You earned it by putting your life on the line for this country.

So let's include the 20 million people who are senior citizens, many of whom live near poverty trying to stretch their reasonable income—in many cases a very small income—through the month to pay for both food and medicine. Let's include senior citizens, let's include veterans who are being paid veterans disability, who otherwise would not be included.

And let's do what we have always done during economic downturns: Let's extend unemployment benefits. That is the economic stabilizer we have always used. Let's do the right thing and vote for the finance bill and move it into conference. Let's do that now.

This is not a tough vote. We know what the right thing is.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, for 8 years, I served as the chief prosecutor for Minnesota's largest county, and we had something we said when we were working on white-collar cases. We said: Follow the money. Follow the money. Is it going where it is needed? That is what I ask today. I would say with the Senate finance package it is.

I hope that as Congress works on this package, we will work to redirect the money to new priorities for America. At the same time, the urgent need for America to get our economy moving forward again is deep and it is long. I saw it last month, when I was touring around our State, visiting 47 counties, visiting solar panel factories down in southern Minnesota, up at a turkey processing plant, and I can tell you people want to move forward with this economy, but they feel our Government has not been supporting them. That is why we put together the Senate stimulus package, which is targeted, which is temporary, and which is going to be timely.

I know we are all going to get this done, but I believe it is very important we not neglect the seniors, 600,000 seniors in Minnesota. I have always believed this is a country where we wrap our arms around the people who have been there for us—our seniors and disabled veterans. When these guys signed up for war, there wasn't a waiting line. Why would we put them at the end of the line when we are looking at these rebate checks?

So I believe it is important we move forward with the Senate finance package, which does some very good things, as the Presiding Officer knows, for the State of Colorado, to promote energy—renewable energy, and wind and solar—and I wish to move forward with it. But I believe that long after these rebate checks are cashed, we are going to have to change it for the long term. This means rolling back those tax cuts for the wealthiest people, making over $200,000 a year, investing in our infrastructure, and moving this country in the right direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, let us remember that the stimulus package we are considering is a plan agreed to by the Democratic Speaker of the House, the Republican leader of the House, the President of the United States, and about 400 Members of the House. It is one that is timely, targeted, and temporary which will help people keep more of their own money and help small businesses to have more money to create jobs.

What began as a package to stimulate the economy in the House of Representatives has become an excuse for spending money in the Senate. That is why I hope we will reject the Senate Finance Committee proposal. It is too expensive, spends too much money, and it doesn't stimulate. The goal should be to move quickly, to show the American people we can act in a bipartisan way and get a good result that is to their benefit. The Finance Committee proposal does not do that.

I spoke with Senator McCONNELL, who suggests we simply amend the House bill by adding the seniors and the disabled veterans and send it back, send it to the President, and show the American people we can move promptly to give a boost to the economy.

I thank the Chair, and I yield the floor.

Mr. KENNEDY. Mr. President, I commend Senator REID and Senator BAUCUS for their leadership in getting stimulus legislation to the floor so quickly. It is not a moment too soon. In recent weeks, the many warning signs of a troubled economy have turned into loud alarm bells that we cannot ignore.

Last week's worrisome GDP figures show that economic growth has ground to a near halt. Savings are plummeting. Debt is rising. The Fed has cut short-term interest rates more rapidly than at any time in its history. For the first time in years, we are losing more jobs than we are producing. It is clear that we are facing an economic crisis that will present enormous challenges in the months and years ahead.

This crisis will affect every man, woman, and child in our country, but it will be particularly hard on the millions of families who are already struggling who are having trouble finding work, heating their homes, and paying the mortgage. For these families, a recession isn't just part of the business cycle—it's a life-altering event from which they may never recover.

Already far too many families are on the brink. Unemployment has skyrocketed more than 7.6 million Americans are looking for work but can't find a job. Foreclosures are rising 200,000 families each month are at risk of losing their homes. Bankruptcies soared by 40 percent last year, and experts predict they will rise even faster in 2008.

Our actions today are vital for the entire economy, but they are most critical for these struggling families. Our decisions will help determine whether they keep their homes, whether their teenagers stay in college, and whether their children go to bed hungry.

The current recession is a major turning point for our country. We have to choose a path out of this crisis, and the path we choose will determine the kind of America we will be for years to come. Do we choose to help some, or do we choose to help all? Do we choose a path of shared prosperity, or a path that leaves countless hardworking families behind?

These are questions of basic fairness, and the American people understand fairness. They don't want to see their friends and neighbors who are struggling get left behind. They want us to do what is right for all.

Today we have the opportunity to take a few basic steps forward to demonstrate our commitment to a fair economy.

First, we have to tackle unemployment. It is clear that no matter what we do to boost economic activity, we will continue to have a significant unemployment problem for at least the next 2 years. Goldman Sachs predicts that the national unemployment rate will rise to 6.5 percent by the end of 2009. Many States around the country are already struggling with high unemployment. Michigan's unemployment rate is 7.6 percent. South Carolina's is 6.6 percent. Ohio just hit the 6 percent mark as well.

Workers who lose their jobs are having much more trouble finding work now than before the last recession. Today, 18 percent of workers have been looking for a job for more than 26 weeks, compared to only 11 percent in 2001. This problem is affecting workers across the economic spectrum even those with college educations and years of experience can't find work. There are nearly two unemployed workers for every job opening across the country.

Because it is becoming much harder to find a job, many more families are finding that our unemployment insurance system doesn't provide enough support. Across the country, 37 percent of workers are running out of benefits before finding a job, and more will follow as the recession deepens. Mr. President, 2.6 million people ran out of benefits in the year ending in October of 2007 that is far more than before the last recession.

These shocking numbers represent real hardship for millions of hardworking people across the country. It is all too easy for a job loss to turn into a financial crisis, and many families never fully recover. In the last recession we saw the real impact of unemployment on working families parents cutting back on spending for their children, or even pulling older children out of college to cut back on expenses. We saw teenagers who should be in school forced to take jobs to help support their families.

To prevent this downward spiral, we must act immediately to shore up the safety net for families struggling to find work. These workers have paid into the system for years. It is wrong to abandon them when they need our help the most.

The Senate bill is a major step forward. By extending unemployment benefits for up to 13 weeks, and providing as much as 13 additional weeks of benefits in high-unemployment States, we provide an immediate boost for our economy. And, at the same time, we help working families weather the storm.

Economists agree that extending unemployment benefits is a powerful, cost-effective way to stimulate the economy. Every dollar invested in benefits to out-of-work Americans leads to a $1.64 increase in growth. That compares with only pennies on the dollar for cuts in income tax rates or cuts in taxes on investments.

I hope that all of my colleagues will join me in supporting an extension of unemployment insurance benefits. It's an essential solution that will jumpstart our economy and help families in crisis get back on track.

Unfortunately, jobless families are not the only ones facing tough times. Millions of families today are facing a "perfect storm" of high costs and low wages. Every bill that comes in the mail just adds to the flood, until everyone ends up completely overwhelmed.

Working families are being swamped by the extraordinary increase in the cost of living. On President Bush's watch, the price of gas is up 73 percent. Health insurance costs are up 38 percent. College tuition costs are up 43 percent. Housing costs are up 39 percent. Yet in the face of these skyrocketing costs, employees' wages have been virtually stagnant, rising only 5 percent. Family budgets can no longer make ends meet, and families across the country are feeling the painful squeeze.

In the face of these economic pressures, workers are struggling to keep their families warm. The winter has been bitterly cold in many parts of the country, and the cost of heating oil is rising so rapidly that it is impossible to keep up. Since last year alone, the price of a gallon of heating oil has increased by more than 40 percent. A typical household may have to spend $3,000 or more on heating oil this winter.

Our Senate HELP Committee held a field hearing on fuel assistance in Boston last month. One of our witnesses was Margaret Gilliam, a senior citizen taking care of her grandchildren in Dorchester. She has already spent $4,000 on heating oil this winter, which is nearly as much as she spent all last year, and there are still 6 or more weeks of winter to go.

She told us that she tries to make each Social Security check stretch by asking her fuel company to deliver just 50 gallons at a time, because she can't afford to pay to fill her tank. Most often, heating oil companies will not deliver less than 100 gallons.

Even for those fortunate enough to have fuel assistance under LIHEAP, the benefits will cover less than a third of these costs. Most households won't get any help at all—of the 35 million households eligible for fuel assistance nationwide, fewer than 6 million receive these benefits.

The high cost of basic essentials forces families to make impossible choices between paying for fuel, paying for groceries, paying for health care, or paying their mortgage. If parents choose to keep their children warm and fed, they risk losing their home. The lack of even a small amount of assistance—just an extra 100 or 200 gallons of fuel oil—can mean the difference between security and homelessness.

There are simple steps we can take to end this "perfect storm." One of the most important is the provision in the Senate bill providing additional home heating assistance for families struggling to stay warm this winter. Mr. President, $1 billion in additional LIHEAP funding will help 2.8 million families pay their heating costs and make it through the winter. Helping families meet this basic need is also one of the quickest ways to jumpstart the economy. An increase in LIHEAP benefits takes as little as 2 weeks to get to the pockets of working families.

This year, we provided a significant increase for LIHEAP. But it is far from enough and we still have a long way to go to get to the program's authorized level of $5.1 billion.

It has been said that some people know the price of everything but the value of nothing. How else can you explain the administration's latest budget request which cuts the program by 22 percent?

LIHEAP represents a tiny fraction of 1 percent of the entire Federal budget. Yet it does so much for those most in need.

Programs like LIHEAP are the best economic stimulus money can buy. But even if they werem not, we would still have an obligation to support them—simply because it is the right thing to do.

Finally, there is widespread agreement that we need to put money into workers' pockets to encourage consumer spending that will boost our declining economy. The Senate bill includes a tax rebate to do just that.

In order to create an effective stimulus, any tax cut must be designed to give the money to those who are most likely to spend it immediately—middle and low income families who are strapped for cash because of these dramatically higher costs.

These families are the ones who need the help the most, and the dollars they receive from a one-time tax cut will be quickly spent. The money will be used to buy things they need but currently cannot afford. In contrast, wealthier taxpayers already have the money to purchase what they need. A tax rebate for them is much more likely to be deposited in their saving accounts than spent. Unless the tax cut is spent, there will be no increase in economic activity generated.

That is precisely what the rebate proposal in the Senate bill will do—provide direct assistance to the millions of working families who are feeling the squeeze of this economic downturn the most. They work the hardest, and they deserve our help. They are also the ones who will spend the money most quickly, for necessities they otherwise couldn't afford.

The Senate package also includes needed relief for seniors and disabled veterans. Both of these populations live on fixed incomes. Rising prices means a choice between buying food or needed medication. These Americans have sacrificed so much and worked so hard to build up our country, and they deserve our best efforts to help them weather the storm.

In all of these respects, the Senate bill makes major improvements over the measure passed in the House of Representatives. It is fairer, and it produces a greater stimulus effect by paying low and moderate income workers the same size tax rebate that more affluent taxpayers would receive. It also extends the tax rebate to include 20 million retirees struggling to make ends meet. The Senate bill will provide 14 billion more dollars in tax cuts to households with incomes below $40,000. That is the best way to get the American economy moving again.

There is no question that every family in America is struggling in today's economy, and that they face difficult times ahead. But today we have a choice about how to move forward. Do we do what it easy, or do we do what is right? Do we go part way or do we do what it takes to add dignity to the lives of all of America's working families?

I hope that each and every one of my colleagues will listen to their conscience, do the right thing, and support the kind of stimulus that will help all Americans achieve better days ahead.

Mr. KERRY. Mr. President, first I would like to thank Senate Finance Committee Chairman BAUCUS and Ranking Member GRASSLEY for their prompt action in developing this economic stimulus package. Last week, the House passed an economic stimulus package. Although it was not perfect, it did provide us with a solid foundation from which to build a comprehensive bill in the Senate. I believe the Finance Committee proposal that is before us today makes a number of crucial improvements to the House version. For that reason, I urge my colleagues to vote to invoke cloture on the Finance Committee economic stimulus package.

The Finance Committee package was designed in a bipartisan manner to improve upon the House bill, not to add "pet projects" or so-called "goodies." Our goal is not to delay the passage of an economic stimulus bill, but to provide a package that will provide a genuine stimulus that is targeted to Americans who need our help the most. According to the Center on Budget and Policy Priorities, the Senate package would not delay, but accelerate the delivery of a stimulus.

The Finance Committee makes improvements in the following areas: structure of the rebate; business tax incentives; housing; unemployment insurance; and funding for LIHEAP. Low-income families should not receive a smaller rebate just because they do not have taxable income. These families need our help and economists that testified before the Committee have pointed out the potential for this investment to truly aid in kick-starting the economy. The Finance Committee will provide a $500 rebate to all eligible singles and $1,000 to married couples.

The Senate Finance rebate is structured in a manner which will allow senior citizens receiving Social Security benefits without taxable income to be eligible for the rebate. Senior citizens are facing the same increases in food and energy prices as are other Americans and cannot be left out of the package. Many seniors in Massachusetts live on fixed incomes. They struggle to pay their medical and heating bills.

Unfortunately, 20 million seniors were left out of the tax rebate in the House-passed stimulus bill. When we are contemplating distributing stimulus checks broadly across most American families, it would just be wrong not to include 20 million seniors of the Greatest Generation.

Not only does the House passed economic bill exclude seniors from rebates, it excludes 250,000 disabled veterans who do not file a tax return. There is no valid reason to leave out those who were wounded while serving their country.

As Chairman of the Committee on Small Business and Entrepreneurship, I am pleased this economic stimulus plan includes two tax provisions which Senator SNOWE, who serves as the ranking member of the Committee, and I believe will help small businesses. The first provision doubles the amount of business purchases that a small business can write-off from $125,000 to $250,000 for 2008. This will provide an incentive for small businesses to purchase more equipment and expand their business.

The second provision expands the carryback period for net operating losses, NOLs, from 2 to 5 years. This targeted provision will help businesses address losses. By allowing NOLs to be carried back for a longer period of time, business owners will be able to balance out net losses over years when the business has a net operating gain, helping small businesses with their cash flow. Any action we take to foster their growth benefits our economy as a whole.

At the Real Estate Roundtable earlier last week, Treasury Secretary Paulson said, "the U.S. economy is undergoing a significant housing correction. That, combined with high energy prices and capital market turmoil caused economic growth to slow rather markedly at the end of 2007, as reflected in the gross domestic product numbers." The GDP fell from 4.9 percent in the third quarter of 2007 to only 0.6 percent in the last quarter.

A strong economic stimulus package needs to address the root of the problem—the housing crisis. The unexpected losses on subprime mortgages and the breadth of the exposure has created uncertainty in the economy. Homeowners facing higher interest rates on the subprime adjustable-rate mortgages, ARMs, and lower housing prices are having trouble refinancing. Approximately 1.7 million subprime ARMs worth $367 billion are expected to reset during 2008 and 2009.

Owning your own home is the foundation of the American dream. Home ownership encourages personal responsibility, provides financial security, and gives families a stake in their neighborhoods. According to the Mortgage Bankers Association's National Delinquency Survey, there were roughly 2.5 million mortgages in default in the third quarter of 2007—an increase of about 40 percent when compared to the same quarter in 2005.

A few weeks ago, I held a roundtable discussion on the economy in Massachusetts. Jim Harrington, the Mayor of Brockton, MA, told me that his city had 400 foreclosures last year and expects 400 more this year. In the City of Boston, there were 703 foreclosures in 2007 after just 261 in 2006. The dramatic increase in foreclosures in cities across the nation are lowering revenues and making it more difficult for them to respond to the housing crisis.

The Finance Committee amendment includes a provision to provide $10 billion for mortgage revenue bonds. This provision is based on a bill introduced by Senator SMITH and myself. It passed in the Finance Committee by a 20–1 vote. It is also important to note that President Bush, during his State of the Union Address, asked the Congress to provide additional authority for mortgage revenue bonds and included a similar provision in the budget for fiscal year 2009.

Specifically, this provision would provide $10 billion of tax-exempt private activity bonds to be used to refinance subprime loans, provide mortgages for first time homebuyers and for multifamily rental housing. This provision will help families retain affordable housing. The housing crisis also affects rental housing because many families who lose their homes will move into rental housing.

With the additional mortgage revenue bond authority, States and local governments could rapidly escalate demand for housing and stimulate the economy by increasing the flow of safe, non-predatory mortgage loans. In 2006, State and local governments financed 120,000 new home loans with MRBs. With the additional $10 billion in funding, States and localities can match that amount and finance approximately 80,000 more home loans.

According to the National Association of Home Builders, every mortgage revenue bond new home loan produces nearly two, full-time jobs, $75,000 in additional wages and salaries and $41,000 in new Federal, State and local revenues. Also, each new home loan results in an average of $3,700 in new spending on appliances, furnishings, and property alterations.

Separate from mortgage revenue bonds, the Finance Committee extends unemployment benefits by thirteen weeks through the end of 2008. In December alone, the national unemployment rate shot up from 4.7 percent to 5 percent and half a million more workers joined the ranks of the employed. Labor statistics released last week show the labor market is faltering. In the past month, our economy lost 17,000 jobs. We need to extend unemployment benefits now. When it takes longer to find a job, current unemployment benefits are not adequate.

Extending unemployment benefits is one of the most effective ways to stimulate the economy. Families struggling to make ends meet after losing their paycheck will spend the benefits quickly. Every dollar spent on benefits leads to $1.64 in economic growth. In addition, unemployment benefits will reach workers about two months before rebate checks start to be delivered.

Finally, the Finance Committee package has been modified to include an additional $1 billion for the Low-Income Home Energy Assistance Program—one of the most effective programs to help low-income Americans struggling with rising energy costs. According to economist Mark Zandi, an increase in LIHEAP funding should be part of a stimulus bill. Increased LIHEAP funding will eliminate the need for families to choose between food and energy costs—a choice no family should ever face.

Home heating prices in Massachusetts are 44 percent higher today than they were just 1 year ago, and thousands of families will have difficulties paying their heating bills this winter. Massachusetts families will be able to benefit by approximately $22 million from this proposed increase in LIHEAP funding.

Mr. President, once again, I would like to thank Chairman BAUCUS for his efforts in developing this important stimulus package. I ask all my colleagues to support this amendment so that more seniors, small businesses, homeowners, and hard working families struggling to make ends meet can get the assistance they deserve.

Mr. GRASSLEY. Mr. President, we have come down to the crucial vote on whether we are going to greatly improve the House stimulus bill. In a few minutes, all Senators will have to undergo that balancing exercise I referred to last week.

On one hand, you have the legitimate concerns on the part of the House, White House, and Senate Republican. Leadership. That concern is that a wide open Senate process would slow down and complicate a straightforward House bill. Those who hold this view correctly point out that the House bill was the product of tough negotiations.

The White House and House Republicans made concessions in that negotiation. Likewise, House Democrats made concessions in that negotiation.

Supporters of the House bill emphasize the need for speedy action to send the signal to workers, investors, and business people that the Federal Government is' responding to the slowing economy.

On the other hand, are concerns about the substance of the House bill and a truncated process that limits the role of the Senate.

It comes down to this, Mr. President. The leaders' concern with timing must be weighed against the question of the quality of the House bill. In other words, is a take-it or leave-it House bill, which passes quickly, better than a Senate bill which allows the Senate to work its will.

I have laid out the leaders' concerns about timing. Now, we question of the adequacy of the House bill. That is the other side of the balance we need to strike.

Let's examine this side of the question. Asked another way, did the committee process improve the House bill with a Senate amendment?

I think everyone would have to answer yes. That is, the Finance Committee amendment is an improvement over the House bill. Twenty million seniors will get the checks. Over 200,000 disabled veterans will get the checks. Illegal immigrants will not be entitled to checks. These improvements to the rebate structure were the direct result of deliberations in the Finance Committee. They were contributions by members on each side. We improved the business stimulus provisions as well.

Our goal was a bipartisan economic stimulus package. The committee worked its will and improved the bill. The committee bill responded to the needs of Americans and business and, if enacted, would provide a very much needed boost for the economy.

The best proof of this point is the concession by opponents of the Finance Committee bill that the House bill must be changed on the structure of the rebate.

Before you vote, I ask Members to go back to the basic question of balancing quick action on the House bill versus improvements made by the Finance Committee.

The House bill could be passed quickly without improvements. Or we could finish the process here in the Senate and add the improvements made by the Finance Committee.

If cloture is achieved on the Finance Committee amendment, then we will have a different challenge.

We must not load up this stimulus package else further or it is likely to sink. Our leaders are right that we need to act quickly.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, in a few moments we are going to have an extremely important vote. Nineteen days ago, the President first proposed an economic stimulus package and implored the Congress to act. It was impressive to see the Democratic Speaker of the House, the Republican leader of the House, and the Secretary of the Treasury of the Bush administration all together having worked out an important stimulus package that we believe will help our economy.

Then in an apparent jolt of nostalgia from last year, Senate Democrats decided to co-op a bipartisan proposal produced by the House, to put together a carefully crafted political document coming out of the Finance Committee.

It may be a good proposal in some respects. I am sure it contains a lot of what is appealing to Members. But the point here was to try to do a targeted, temporary jolt to our economy, and to try to astonish the American people by doing it on a bipartisan basis, rapidly.

This package will not achieve that result. There is an opportunity, however, to do that. First, we must defeat the Reid proposal, and then there will be an opportunity to adjust the House proposal in a way that is acceptable to the Speaker of the House, the Republican leader of the House, and the President of the United States, thereby achieving an early signature.

So I will offer, along with Senator STEVENS, after the Reid proposal does not achieve cloture, an amendment to the House-passed bill that will deal with Social Security, with veterans, and with the immigration problem. And with regard to the veterans piece of it, one of the deficiencies of the Finance Committee or Reid proposal is that it does not cover the widows of veterans. That omission will be corrected in the proposal I will offer.

So if we want to provide this stimulative effect for the widows of veterans, a way to do that, and the way to do it in a proposal that will be signed by the President of the United States, approved by the House of Representatives on an overwhelmingly bipartisan basis, is to approve the McConnell-Stevens amendment.

Now, let me say, Senator STEVENS and I don't have any pride of authorship. If it will help us get this job done, if it will help us get this job done, we can call it the Reid-Obama-Clinton proposal as far as I am concerned. The goal is not so much to claim credit as it is to astonish the American people and do something on a bipartisan basis and do it quickly—do it quickly.

People will be astonished, and we think the markets and others around the world will watch in amazement to see that, on a bipartisan basis, the U.S. Government can do something effective and fast. So I would be more than happy to change the name of the amendment if that would make it more palatable.

We have no particular pride of authorship. This whole path we are going down started out on a bipartisan basis; I was hoping we would end it on a bipartisan basis. As far as the credit part of it is concerned, we can all take credit, we can go upstairs to the gallery together, Senator REID and I, side by side, and say: We came together. We did something for the American people.

The House can simply take this up—we know; the majority leader of the House said today, he implored us, the majority leader, not to load up this bill with too many extras that would imperil the bill.

He was referring, of course, to the package upon which we will be having a cloture vote shortly. So the way forward is clear. Let's defeat the proposal that we know will not be accepted by the House, we know will not be signed by the President. Let's modify the House bill—we can call it the Reid-Clinton-Obama bill as far as I am concerned—and get it back over to the House. We have their assurance they will take it up, pass it, and send it to the President for his signature. But first we must defeat the Reid-Finance Committee package.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, the President of the United States returned from the Middle East 2 weeks ago tomorrow. I had a conversation with him on the telephone, with the Speaker, and a number of other people.

At that time, the decision was made that the President would hold off on any statement he would make on specificity on Friday following that Thursday, and that we should sit down and see what we could work out with his Secretary of the Treasury.

We did that. A decision was made, as I have said on this floor on a number of occasions. This decision was made because of the House rules compared to the Senate rules, that this would be a bill that would come from the House. That bill has come from the House. I have never in any way disparaged it.

But it is not something that does not need fixing. That was the whole purpose of the House working on it and then we are working on it. So any intimation by my friend, the Republican leader, that whatever the House came up with we would just put a big stamp of approval on it does not speak well to the history of this body.

We have an obligation to do what we think is best to stimulate the economy. We have done that. What we have done is not a political document. It is a piece of legislation. Now, from what

I have heard from my friend, it appears that they would agree, by unanimous consent, the bill that is now the House bill—what I understand they would be willing to add to that is language that would prevent undocumenteds from drawing the benefits of those rebates. They would also be willing to accept senior citizens as listed in the Senate Finance bill, 21.5 million of them; wounded veterans, 250,000 of them; and the widows of those veterans.

It sounds good to me. I would be happy, and I ask unanimous consent at this stage. Are they willing to accept that, to add that to the package that we now have? That is, add the widows to the package that is now before the body? I agree we can add widows. I ask unanimous consent that that be the case.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Would the majority leader restate his unanimous consent request?

Mr. REID. The Senate Finance package that is now before the Senate, I ask unanimous consent that we add to that widows of the veterans.

Mr. McCONNELL. Mr. President, reserving the right to object, this is what has been going on all week: adjustments to the package in order to play political games.

Now, with all due respect to my friend, the majority leader, we are going to have an opportunity to fix this problem on the widows of veterans at a later date.

We do not have to fix it on this first vote. How many different times do they want to change it? They originally told us they were going to give us the paper last Thursday night. It kept evolving and evolving and evolving. We will have a chance to fix this problem.

The first opportunity would be the amendment that Senator STEVENS and I intend to offer. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. That is somewhat unusual. It appears the changes as have been suggested by my friend—I wanted to be cooperative and say that is a good idea.

You can flip open any newspaper, tune in to any news program, tune in to any radio show, and you are bound to hear from professors, economists, analysts, and pundits debating about the state of our economy. It used to be a lot of them were asking: Are we in a recession now? Not too many are asking that now. They believe we are in a recession. But they do ask continually how deep will it be; how long will it last.

Those questions are valid and appropriate. But they are asked by those who spend their lives thinking about the economy, not by those who spend their lives working in the economy or building the economy, to those Americans working harder than ever who end up with less.

There is no doubt the state of the economy is not good. Millions of working families are trying to make their paycheck stretch until the next paycheck, as their gasoline, heating, and grocery bills skyrocket, of course, medical bills are never able to be paid.

They know how our economy struggles. Millions of senior citizens are living on incomes that are fixed but face living costs that are anything but fixed. They know how our economy struggles. Small business owners are facing rising health care costs for their employees and greater difficulty finding capital to grow. They know how our economy struggles.

Millions of homeowners are in foreclose or face it soon; 37 million people. In California, foreclosure rates have gone up more than 300 percent; Florida, 250 percent. We could go through a long list of problems. But they are difficult. The housing market is in big trouble as these people watch their dreams and their security come crashing down. They, too, know how our economy struggles. It affects everyone.

I did a TV show down here with the mayor of the city of Fernley, NV.

Mayor, how is the economy?

He said: It is tough.

They just had a levee break and a Bureau of Reclamation project has been there for a long time. You know, the water came and covered homes for 2 miles. Some of it was 8 feet deep. With the state of the housing market so bad, a lot of people are saying: I don't think it is going to do any good to rebuild my home. I don't think I can borrow the money to fix it up or I can't make the payments.

It is fair to say that President Bush will not be remembered as a good steward of our economy. When he took office, there was a surplus over the next 10 years of some $7 trillion. As Senator CONRAD mentioned at a presentation earlier today, in his 7 years, he has run up the debt. That is gone. The surplus is gone. He has run up the debt by more than $3 trillion. We have now spent about $750 billion in Iraq. Every penny of it has been borrowed. But even this President understands the urgent need for action, and we need to do that.

To his credit, President Bush called on Congress to pass an economic stimulus plan. House leaders, Democrats and Republicans, working with the White House, came together to craft a bill that serves certainly as a good starting point. That was always what it was supposed to be. But notably the House plan sends rebate checks out to the American people some time in probably May or maybe even June. They can't do anything with the rebate checks until the income tax returns are filed. Americans will use that money to pay their bills, to buy books and clothing for their children, or perhaps to make a long overdue repair of homes or cars or pay a doctor bill. Democrats, Republicans, we all agree, if we give the American people the money, they will spend it.

Last week the House sent the bill over here. In the Finance Committee, Chairman BAUCUS and Senator GRASSLEY put their heads together, one Democrat and one Republican, and made a good bill far stronger.

Here are some of the things they did that we are going to be voting on in a little while. Through bipartisanship, this Finance Committee package sends stimulus checks to 21.5 million senior citizens who would get nothing from the House bill. The bipartisan Finance Committee package sends checks to 250,000 wounded, disabled veterans who were left out of the House plan, veterans unable to work because of the sacrifice they made for our country. The bipartisan Finance Committee package extends unemployment benefits for those whose jobs have fallen victim to this economy which is on this down spin.

The Department of Labor recently told us that the economy lost thousands of jobs in January, on top of the millions who are already unemployed. The House bill doesn't extend unemployment benefits, and economists tell us that is one of the most effective ways to stimulate the economy.

The bipartisan Finance Committee plan helps both small and large businesses. Small businesses will have a greater ability to immediately write off purchases of machinery and equipment, and large business will receive bonus depreciation, an extended carryback period for past losses to recoup cash for future investments. The bipartisan Finance Committee package addresses the housing crisis by adding $10 billion in mortgage revenue bonds that can be used by States to refinance mortgages. The reason I focus on this is the President of the United States in his State of the Union Message said:

> . . . and allow state housing agents to issue tax-free bonds to help homeowners refinance their mortgages. (Applause.)

We stood and applauded when he said this. That was the right thing for him to say. It is the right thing for us to do. That is what we have in our Senate Finance package, something the President called for in his State of the Union Message. Why should we be criticized for trying to improve the House plan because the President asked for it and we agree with what the President asked for?

The bipartisan Finance Committee package includes an extension of energy efficiency and renewable energy incentives to create jobs, lower energy bills, and help begin to stem the tide of global warming.

The Arizona Republic Newspaper, a newspaper not known for being left-wing, said in an editorial recently: The economic stimulus package from Congress needs some power, renewable power. The plan should include an extension of tax credits for renewable energy sources such as wind, solar, geothermal. We get a 3-for-1 impact: creating jobs, diversifying our energy supply, and reducing pollution. These aren't new tax credits. They are existing ones that are serving us well. Last year nearly 6,000 megawatts of renewable energy came on line. That injected $20 billion into the economy. That is what we have in this legislation. It is good legislation. It is important legislation.

The amendment I have submitted adds two bipartisan measures to the committee's bill. One is an amendment to increase loan limits for Fannie Mae and Freddie Mac as well as FHA-backed mortgages which will help more homeowners refinance and reduce mortgage interest rates. The other provides funds for the Low-Income Home Energy Assistance Program, LIHEAP. These funds will help low-income families—and there are lots of them—afford their heating bills which are skyrocketing even as big oil reports record profits. Shouldn't we do this? Last quarter Exxon made more money than any company in the history of the world. They had a net profit of over $40 billion in one quarter. This effort to get individuals and companies investing in renewable energy is important. That is what is in this bill. We should not be criticized for this.

What the bipartisan Finance Committee accomplished, they took a good plan and made one much better—better for seniors, for veterans, for working families, for business, for our economy. They did it in a bipartisan manner. This isn't a Democratic package. It is a bipartisan package. They did it quickly. They did exactly what the Senate is supposed to do.

The stimulus plan before us tonight is smart, targeted, and it is effective. That is why it is supported by the AARP, Families USA, Alliance for Retired Americans, National Association of Manufacturers, American Home Builders Association, National Council on Aging, union groups, Veterans of Foreign Wars, Paralyzed Veterans of America, Easter Seals, and on and on. There is lots of support from lots of different organizations, scores of them. I have only hit a few of them.

The Republican leader and members of his caucus should have come to the Senate floor to congratulate Senators BAUCUS and GRASSLEY, as these groups did. After this was done, these groups made hundreds and thousands of phone calls to thank the Finance Committee for doing this. It was the right thing to do. This is not a partisan measure, and that is why these groups—many of these groups traditionally don't support Democrats—like this. It is bipartisan.

I am happy that a majority—and we will find out if there are 60—of this Senate approves of this package, a significant majority. We hope we will get 60, 61 votes. Time will tell. But the RECORD should reflect that a majority of the Senate, Democrats and Republicans, supports this bipartisan measure we got from the Senate. And it is interesting to note that as to this perfect plan we got from the House, the Republican leader said he would like to change it. So the House plan obviously needs to be improved. It needs to be improved because of language dealing with undocumented people. It needs to be improved because of seniors and veterans, which the Republicans admit. The House plan couldn't have been that great if they accept those changes.

This is a good piece of legislation. That is why I am happy and satisfied that a majority of the Senate approves what the Senate Finance Committee did. Secretary Paulson, whom I have enjoyed working with, said this morning that the Senate Finance Committee bill is "coming to the trough." My friend the Republican leader said these are pet projects. The majority of the Senate, Democrats and Republicans, disagrees with that. They do not think that seniors and veterans are pet projects. And if they are pet projects, I plead guilty, because they are my pet projects. Seniors are my pet project. Veterans are my pet project.

I have not served in the U.S. military. But during my entire career as a Member of Congress, I have bent over backward because of the sacrifices made by people such as DAN INOUYE and CHUCK HAGEL and many others in this body and around the country. I do everything I can to have veterans as my pet project. And they are. And the vast majority of the Senate agrees with that.

So I think Secretary Paulson should retract what he said. This is not coming to the trough. We are coming to help people. We are coming to help veterans, seniors, people who are unemployed. Maybe my friend, the Secretary of the Treasury, has never been unemployed. Maybe he thinks those checks are not worth anything. We know the Secretary of the Treasury is a very wealthy man. People who are on unemployment benefits, without exception, are not wealthy. They are people who were depending on a check to come when payday came. Payday came, and they had no job. The unemployed are a pet project of mine. I would say that the unemployed don't have the advocates, the lobbyists that a lot of other groups have, but they are as important.

Is it a pet project to help businesses weather the storm of this downturn? I don't think so. Is it a pet project to help people pay for their heating bills? And if there is something negative about that term, I plead guilty. Is it a pet project to help families avoid foreclosure? If the answer is yes, we know that a majority of the Senate is in favor of these pet projects. We know that a majority of the Senate supports these pet projects and will defend these projects.

I hope there are enough of my friends on the other side of the aisle who will step forward and do the right thing and support this bipartisan plan that will help stimulate the economy.

I am not naive enough not to know that when this bill leaves here, whatever shape it is, it goes to a conference with the House. The President will be heavily involved in that. It will have the stamp of approval of the House and the Senate. But pressure is building, and that is why a majority of the Senate of the United States believes that this Senate stimulus package is a good piece of legislation. We have already established tonight, through the words of the Republican leader, that the House package is far from perfect, because he has acknowledged that he wants to change that. If we stand together on this bill—and Senators BAUCUS and GRASSLEY have stood together—we can achieve something today that will make our economy stronger and make the American people proud that we have not forgotten the unemployed, that we have not forgotten the military folks who have given so much, and the seniors.

I still often want to call my mother. I used to call my mother every day. She was a Social Security recipient. I know I can't call my mother, even though I want to on many occasions. But I do know that if she got this check like we are trying to give her and others similarly situated, she would spend that money if she were alive. She would have that money spent in a matter of a few days. So this is the right thing to do.

The Senate should feel good that right now a bipartisan group of Senators, Democrats and Republicans, reported a bill out of the Senate Finance Committee and, after having done so, a bipartisan group of Democratic Senators and Republican Senators have joined together to say: Let's give the economy a boost. That is what this legislation will do.

Our time has expired, or it will in a minute or so.

Mr. President, as usual, we have people who want to get out of here and people who want to stay here. So we are going to wait until the time expires. So I will ask that we have a quorum call. There is just a minute or so left.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on amendment No. 3983 to H.R. 5140, the economic stimulus bill.

Herb Kohl, Max Baucus, Mark L. Pryor, Byron L. Dorgan, Robert Menendez, Jon Tester, Christopher J. Dodd, Barbara A. Mikulski, Joseph I. Lieberman, Frank R. Lautenberg, Daniel K. Akaka, Sheldon Whitehouse, Benjamin L. Cardin, Robert P. Casey, Jr., Richard Durbin, Claire McCaskill, Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on amendment No. 3983, offered by the Senator from Nevada, Mr. REID, to H.R. 5140, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. McCAIN).

The yeas and nays resulted—yeas 58, nays 41, as follows:

[Rollcall Vote No. 8 Leg.]

YEAS—58

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Dodd
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Grassley
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—41

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
Crapo
DeMint
Ensign
Enzi
Graham
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McConnell
Murkowski
Reid
Roberts
Sessions
Shelby
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Wicker

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote, the yeas are 58, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on the amendment.

The PRESIDING OFFICER. The motion to reconsider is entered.

Mr. REID. Mr. President, first, let me express my appreciation to everyone who took my calls, who listened to Democrats and Republicans asking them to vote for this very important stimulus package. It was a good debate. The American people would have been better for having done this, but I appreciate the bipartisan nature of this vote. Fifty-nine Senators joined together to do what they thought was the right thing for the country.

I will have before the evening is out, in fact shortly, a conversation with the Republican leader in the immediate future this evening to let him know what I intend to do in the near future and not so near. So pending my conversation with the Republican leader, I note the absence of a quorum.

The PRESIDING OFFICER (Ms. CANTWELL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

MORNING BUSINESS

Mr. DURBIN. I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING EDWARD J. MOLITOR, SR.

Mr. DURBIN. Mr. President, Ed Molitor has been coaching basketball at Palatine High School for so long that when the local paper reported on his retirement, the sports trivia question it ran included the name of his predecessor.

When Ed Molitor was in college, he went to a playoff game between two Chicago high school basketball teams—DuSable and DePaul Academy. He credits this game with altering the course of his life.

At the time, Ed Molitor was a premed student at St. Procopius College. When he wasn't consumed with his studies, he helped a friend coach basketball at an elementary school on the city's south side. It wasn't until he watched the two high school teams battle it out on the court, though, that he realized medicine wasn't his real passion. It was basketball. Molitor transferred to Roosevelt University and shifted his focus to education.

After graduation, Molitor started as assistant coach of the DePaul Academy High School basketball team. As assistant coach, he worked under Coach Bill Gleason, who became both a mentor and friend. Molitor went on to coach basketball at Marist High School on the southwest side of Chicago.

In 1976, Molitor became head coach of Palatine High School's varsity basketball team. He stayed for more than three decades. During his 32 years at Palatine, Molitor coached more than 700 athletes. He left an indelible mark on the players, the school, and the community. No fewer than 16 of his former players have gone on to coach high school basketball, and 5 currently coach collegiate basketball.

On December 28, 2007, Coach Molitor earned his 500th career victory. When honored with the game ball at a postgame ceremony, Molitor admitted that he hadn't been aware he was approaching this impressive milestone until he read about the achievement in the newspaper.

Throughout his remarkable coaching career, Ed Molitor emphasized achievement off the court as much as on it. In his own words, "you have to convince a kid he's got potential, not only in athletics, but in other walks of life."

Coach Molitor emphasizes the mental elements of the game over the physical, and this approach has brought him and his players success on the court and in life. He has led teams to six conference championships, seven regional titles, and two sectional championships.

I am happy to report that his peers have recognized Ed Molitor's skills. On two occasions, he has been named Coach of the Year by the Illinois Basketball Coaches Association. In 1997, the association inducted Molitor into its Hall of Fame. Over the years, Coach Molitor has been selected to coach a number of regional, state, and national teams. He also sits on the All-State Selection Board.

Ed Molitor has been a tremendous asset to Illinois high school basketball throughout his coaching career, but his greatest value has always been to his players. Today, I join the current and former members of Palatine High School's varsity basketball team in thanking Coach Molitor for his commitment to coaching and his passion for helping student-athletes develop character, discipline, and perseverance—skills that will prove valuable even after the season has ended.

Mr. President, I congratulate Coach Ed Molitor on his accomplishments throughout his long and successful coaching career, and I wish him many more years of happiness and accomplishment in retirement.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS CHRISTOPHER F. PFEIFER

Mr. NELSON of Nebraska. Mr. President, I rise today to honor PFC Christopher F. Pfeifer of Spalding, Nebraska.

Private First Class Pfeifer grew up in Spalding and, during high school, played football, as well as the drums in the school band. He enjoyed fishing, hunting, golfing, and especially music and playing his drums. His music teacher said he was one of the better drum players she had ever seen. After joining the Job Corps, he earned his high school diploma, and met his future wife, Karen. They married on March 22, 2006, and 1 month later, he joined the U.S. Army, partly influenced by his brother's service as a Green Beret. His father said he loved the Army and, after completing his military commitment, wanted to use the G.I. bill to go to college.

Private First Class Pfeifer was serving in support of Operation Enduring Freedom, assigned to the 1st Squadron, 91st Cavalry Regiment, 173rd Airborne Brigade Combat Team, in Schweinfurt, Germany. On August 17, 2007, his unit came under enemy fire near Kamu, Afghanistan. Private First Class Pfeifer sustained wounds while bravely trying to pull fellow soldiers to safety. He passed away on September 25, 2007, at Brooke Army Medical Center, Fort Sam Houston, San Antonio, TX. Private First Class Pfeifer was posthumously awarded the Purple Heart.

Private First Class Pfeifer is survived by his wife Karen and their newborn daughter Peyton; his parents Michael and Darlina Pfeifer of Spalding, NE; his brother, Aaron of Fort Bragg, NC; and his sister Nichole, of Hauppauge, NY. I offer my most sincere condolences to the family and friends of Private First Class Pfeifer. He made the ultimate and most courageous sacrifice for our Nation, and his daughter will grow up knowing her father is a hero. I join all Americans in grieving the loss of this remarkable young man and know that Private First Class Pfeifer's passion for serving, his leadership, and his selflessness will remain a source of inspiration for us all.

ADDITIONAL STATEMENTS

HONORING B. LYN BEHRENS

• Mrs. BOXER. Mr. President, today I ask my colleagues to join me in honoring Dr. Lyn Behrens as she retires as president and CEO of Loma Linda University Adventist Health Sciences Center, drawing to a close a successful career in medicine and civic leadership.

After completing her degree in medicine from the Sydney University School of Medicine in Australia in 1964, Dr. Behrens became the first and only pediatric resident at Loma Linda University Medical Center in 1966. By 1986, Dr. Behrens was the first female Dean of the School of Medicine, and by 1990 she had become the first female President of Loma Linda University. Five years later she assumed the position of CEO of Adventist Health System, which soon became the Loma Linda University Adventist Health Science Center. In 1999, Dr. Behrens was chosen to serve as President of Loma Linda University Medical Center. Loma Linda University and Medical Center has prospered under her leadership, and has become a preeminent institution for patient care and medical technology. I have had the pleasure of visiting Loma Linda University and have found Dr. Behrens to be an exemplary model to her colleagues, capable of bringing out the best in her associates.

During Behrens' tenure, Loma Linda University witnessed the development of a dedicated children's hospital with the most advanced equipment and methodology. The university has also witnessed the development of a center for behavioral medicine, as well as a rehabilitation, orthopaedic and neurosciences institute. The university has also added new schools of pharmacy and science and technology, and has worked diligently to foster its interaction with local research institutes to develop innovation in the use of global information systems to assist with emergency medical response. The first hospital-based center for proton therapy and research has also been developed under Behrens' tenure, and has become a leading institution in the treatment of cancer. The university has taken great strides to improve care and support for our Nation's veterans at the Jerry L. Pettis Memorial VA Medical Center.

Dr. Behrens has also been a dynamic leader in her community, working to ensure positive community service to her area and throughout the world. She has been instrumental in bringing to fruition a great number of social and community services organizations and programs. Programs such as the Social Action Community Health Services Clinic, PossAbilities, Community Kids Connection and Operation Jessica, have brought medical and social support to a broad group of individuals. These organizations have assisted special needs and at-risk children and teens, and developed after-school programs and ESL—English Second Language—programs. Dr. Behrens' leadership has also provided for increased medical and community support internationally, providing support in 12 nations, including the only teaching hospital in Kabul, Afghanistan, and the most advanced hospital in mainland China.

As she retires from more than four decades of service and leadership in medicine to the communities of California and beyond, I am pleased to ask my colleagues to recognize her for a career of visionary leadership. The future of medical education, research, and service will be forever changed thanks to her bold leadership.•

50 YEARS OF SPACE EXPLORATION

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in recognizing and honoring the California Institute of Technology's Jet Propulsion Laboratory, JPL, in Pasadena, CA, for 50 years of space exploration. Since the launch of *Explorer I*, America's first spacecraft, on January 31, 1958, JPL has made momentous and historic contributions to our scientific understanding of our vast universe.

For the past five decades, the Jet Propulsion Laboratory has been a respected leader in furthering scientific knowledge around the world. Explorer 1 was built in less than 3 months, and was the first spacecraft ever launched into space that actually revolved around Earth and provided scientific findings from space. The immense success of *Explorer I* led to the passage of the Space Act in 1958, which established the National Aeronautics and Space Administration (NASA).

Since the inception of NASA, JPL has been on the forefront of science and technology through its research and exploration of every known planet in our solar system. Subsequent to the success of *Explorer I*, JPL has continued to have a central role in accomplished space missions, such as exploring our vast solar system with Voyager 1 and 2 and the Mars Exploration Rovers. JPL has also been instrumental in understanding our planet.

I congratulate the California Institute of Technology's Jet Propulsion Laboratory on 50 years of successful and insightful space exploration, and thank the original members of the *Explorer I* team for their contribution to American history.•

BEST COMMUNITIES FOR YOUNG PEOPLE

• Ms. KLOBUCHAR. Mr. President, each year, the America's Promise Alliance names the 100 Best Communities for Young People in the Nation. Today, I am proud to honor five Minnesota towns that have achieved this tremendous designation—Landfall, Mankato, Northfield, Saint Louis Park, and Saint Paul, MN.

The 100 Best Communities for Young People is an annual competition that recognizes outstanding community-wide efforts that improve the well-being of youth and inspire other localities to take action.

There is apparently much to find inspiration from, as two previous award winners have now become five—a strong showing from the great State of Minnesota.

Each of these five Minnesota communities demonstrated a commitment to community support of children through resources including effective education, safe gathering places, and a wide range of programming. Their commitment generates real outcomes in the form of high graduation rates and educational achievement, healthy behaviors, and civic engagement by their young population.

Landfall, MN, is a small town with big plans for its young people. A town of just 700, they place a premium on expanding the horizons of young people. They provide students with "Extra Innings," a tutoring and mentoring program that gives elementary through high school students one-on-one help with math, reading, and English as a second language.

Mankato, MN, a three-time winner of this honor, prides itself on embracing young people to help them reach their fullest potential. Among their initiatives is the LinkCrew, which pairs high school freshmen with junior and senior year mentors to help them make a successful transition to high school. And, as the town that raised six Bessler boys, including my husband John, I know firsthand of the high-caliber young people Mankato produces.

Northfield, MN, used to be a farm town, centered between corn and wheat fields. Now, anchored by two of our Nation's preeminent colleges, Carleton College and Saint Olaf College, Northfield has become an enriching place for young people. The Mayor's Youth Council allows students ages 15 to 18 to advise the mayor and city council on issues related to the young population.

Saint Louis Park, MN, is also a three-time winner. They welcome youth into their process of government, inviting them to participate in decisionmaking on special neighborhood and community issues. Among other attractions, it is home to 51 parks thanks to the city's initiative to reserve a percentage of all city land for public parks. And in a special nod to its young population, the city's Web site lists the best sledding hills in its community.

Saint Paul, MN, is our State's capital city and a shining example of how to engage children after school hours. Through the Second Shift and After School Initiatives, they provide positive places for children to spend their afternoons, develop new skills, and obtain academic assistance.

From his theatre in downtown Saint Paul, Minnesota's native son, Garrison Keillor, refers to his fictional Minnesota town of Lake Wobegon as a place where "all the women are strong, all the men are good-looking, and all the children are above average." These five towns have certainly proven Keillor's words are more truth than fiction.

I am proud to represent five of America's Best Communities for Young People and to congratulate them before the U.S. Senate.●

RECOGNIZING SAINT CLOUD, MINNESOTA

● Ms. KLOBUCHAR. Mr. President, today I wish to recognize a great achievement by the City of Saint Cloud, MN.

St. Cloud, MN, is located on the banks of the Mississippi River, 60 miles northwest of the Twin Cities. When it was founded more than 150 years ago, it was known as the Granite City. But now it also bears the title of the Most Livable Community in the World.

The LivCom Awards are the world's only competition for local communities that focuses on environmental management and the creation of livable communities. This year, they have named Saint Cloud the "Most Livable Community in the World."

This award is a deserved honor and recognition of the outstanding efforts being undertaken by the City of Saint Cloud to create a livable and sustainable community.

The awards encourage best practice, innovation, and leadership in providing vibrant, environmentally sustainable communities that improve the quality of life for their residents and people worldwide.

Among the goals of the award is to model innovative community planning and living for other communities. I hope that Saint Cloud will inspire other communities to tackle challenging environmental and energy issues facing our nation.

Saint Cloud topped entrants from more than 50 countries. The residents of Saint Cloud, the Most Livable City in the World, have much to be proud of.

I ask that you join me in congratulating the world's most livable community, Saint Cloud, MN.●

IN HONOR OF 2ND LIEUTENANT SETH C. PIERCE

● Mr. NELSON of Nebraska. Mr. President, today I wish to honor 2LT Seth Pierce of Lincoln, NE.

Lieutenant Pierce was a proud member of the U.S. Marine Corps, whose friends remember him as a dedicated and passionate person who "wore his heart on his sleeve." While attending Lincoln Southeast High School, he ran the first leg on his relay team and won the State championship in 2001. His coach described his team as "the most overachieving boys I've ever coached. They won because they were connected to each other."

A 2002 graduate of Lincoln Southeast High School and a 2006 graduate of Arizona State University, Lieutenant Pierce was commissioned as a second lieutenant in the U.S. Marine Corps in December 2006. Leutenant Pierce passed away due to a car accident on October 21, 2007, in Quantico, VA, where he was stationed.

Lieutenant Pierce is survived by his parents, Larry and Linda Pierce of Surprise, AZ; his brother and sister-in-law, Aaron and Crystal Pierce, of Omaha; and his grandparents, Edwin and Ruth Steffens and Luther and Esther Pierce, all of Lincoln. I offer my most sincere condolences to the family and friends of Lieutenant Pierce. His noble service to the United States of America is to be respected and appreciated. The loss of this remarkable marine is felt by all Nebraskans, and his courage to follow his dreams will remain as an inspiration.●

RECOGNIZING HODGDON YACHTS

● Ms. SNOWE. Mr. President, today I commend a Maine business that last month unveiled a remarkably sturdy vessel for use by our Nation's Navy SEALs, a project for which I was honored to secure funding for. Hodgdon Yachts of East Boothbay, a family-owned company for five generations, has been a source of pride for Maine's boatbuilding industry for nearly 200 years, and its recent accomplishment is without a doubt one of its most impressive.

Hodgdon Yachts began building boats in 1816, when the company launched the 42-foot schooner *Superb*. Since then, Hodgdon Yachts has developed a reputation as one of New England's premier shipbuilders, persevering through difficult times and continually reevaluating its company's methods to be consistently on the cutting edge of the latest technologies. Of particular note for the State of Maine is Hodgdon's 1921 schooner *Bowdoin*, named for the Brunswick alma mater of Arctic explorer Donald MacMillan. The boat proved itself an invaluable tool in Arctic research and sailed more than 300,000 miles over 26 icy voyages in its career. Prior to the *Bowdoin*, the company turned its attention to building submarine chasers for the military in World War I, and continued its defense work by gaining minesweeper and troop transport contracts during both World War II and the Korean war.

By the late 1950s, Hodgdon Yachts returned to building more traditional wooden yachts for a variety of customers. By the mid-1980s, the company began to modernize its shipbuilding, providing clients with yachts of superb quality and strength while employing innovative technology in the creation of its boats. Hodgdon Yachts recently began using carbon Kevlar deposits to construct its yachts to make the boats as strong and secure as possible.

Hodgdon's proficiency in using Kevlar proved useful when, in May 2005, the company won a contract from the U.S. Navy's Office of Naval Research to build the prototype for a new special operations craft using these composites. The ship has a foam core surrounded by multiple layers of carbon, and its durability its reinforced by an outer layer of Kevlar. On January 11, 2008, the company launched this prototype, the 82-foot Mako V.1, named for a shark that frequents the Gulf of Maine's waters. It is the first Navy vessel constructed with carbon-fiber technology and was designed to protect Navy SEALs from injuries caused by the harsh conditions of the seas. Hodgdon teamed up with Maine Marine Manufacturing and the University of Maine in completing the Mako V.1, and I am so proud of the role that each played in supporting our nation's armed forces. I look forward to successful trials by the Navy and the continued role Hodgdon Yachts will play in the production of this fine vessel.

Throughout its history, Hodgdon Yachts has produced over 400 yachts and ships, perhaps none more vital than its latest. The company's work to keep shipbuilding alive and well in Maine is well documented, including President Tim Hodgdon's involvement in the formation of Maine Built Boats, an alliance whose goal is to present Maine's boatbuilding industry to a wider global audience. I firmly believe that, given our seafaring history and established work ethic, Mainers build the best ships, and Hodgdon Yachts only further exemplifies this tradition. I commend everyone at Hodgdon Yachts for their remarkable accomplishment in the Mako V.1, and wish them well in their future boatbuilding endeavors. •

TRIBUTE TO JOHN ROCK

• Mr. THUNE. Mr. President, today I wish to honor the life of John Rock, who passed away in November of 2007. John was an invaluable member of the Black Hills community, and he will be truly missed by all who knew him.

John will be remembered for his dedication to service in the Black Hills region. He made many invaluable contributions to the region through his extensive knowledge and life experiences. This dedication was evident through John's support of the Mammoth Site museum in Hot Springs, SD. He worked with the finance/personnel and governance committees and the board of directors of the Mammoth Site of Hot Springs, SD, Inc., from 2001 to 2007.

In addition to his being recognized by the Mammoth Site board, two theater seats will be dedicated to John and his wife Bonnie. A plaque in John's honor will also be placed on the Memorial Wall at the Mammoth Site.

John Rock's absence will be deeply felt in the Black Hills community. He was a truly dedicated individual who will be remembered for his lifetime of service to others.•

TRIBUTE TO VIOREL G. "VI" STOIA

• Mr. THUNE. Mr. President, today I wish to honor Viorel G. "Vi" Stoia, a great South Dakotan who passed away on January 28, 2008.

Vi Stoia was born on February 13, 1924 in Aberdeen, SD, and began his lifetime of service and leadership at Aberdeen Central High School where he served as senior class president. Vi continued this leadership and service while he served in the U.S. Navy and attended the University of Minnesota. In 1949, Vi graduated with a degree in business administration and married his lifelong companion, Donna Marie Maurseth.

Vi's thirst for knowledge along with his extraordinary leadership abilities served him well during his lifetime. His long and illustrious professional career included countless distinguished appointments, awards, and honors.

Vi will be remembered by the Aberdeen community because of his exuberant service and dedication to constant improvement of the city, county, and State. Vi was a member of numerous community organizations, including the Aberdeen Jaycees and the Aberdeen Area Chamber of Commerce. Additionally, Vi's dedication and leadership were instrumental in rallying support for dozens of community projects.

The profound wisdom and deep commitment that Vi possessed is reflected through his role in the businesses, health organizations, educational affiliations, and political organizations for which he so diligently served throughout his life. Vi also received many awards recognizing his excellent work and service including: Distinguished Alumni Award—NSU, 1976; the George Award, 1979 and 1994; South Dakota Community Volunteer of the Year, 1991; Distinguished Service Award, Excellence in Economic Development, 2000; and South Dakota Medal of Distinguished Excellence, 2008.

Vi will be lovingly remembered by his wife Donna as well as his children and grandchildren as a loving husband, father, and a great man. He will forever remain in our hearts for his contributions to the Aberdeen area and the entire State of South Dakota. Few men will ever give as much of themselves or make as much of a difference in the lives of others as Vi Stoia. Today we celebrate the life and accomplishments of this great man. Although he does not stand among us, his legacy will live on for a time without end. For all that has been accomplished and achieved, for all of the lives that have been touched and enhanced, thank you, and God bless Viorel G. Stoia.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS DECLARED WITH RESPECT TO THE GOVERNMENT OF CUBA'S DESTRUCTION OF TWO UNARMED U.S.-REGISTERED CIVILIAN AIRCRAFT—PM 36

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, which states that the national emergency declared with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996, as amended and expanded on February 26, 2004, is to continue in effect beyond March 1, 2008.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 6, 2008.*

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 2:31 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4253. An act to improve and expand small business assistance programs for veterans of the armed forces and military reservists, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2596. A bill to rescind funds appropriated by the Consolidated Appropriations Act, 2008, for the City of Berkeley, California, and any entities located in such city, and to provide that such funds shall be transferred to the Operation and Maintenance, Marine Corps account of the Department of Defense for the purposes of recruiting.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4881. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, an annual report relative to the Bank's operations during fiscal year 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-4882. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fluopicolide; Pesticide Tolerance" (FRL No. 8341-6) received on January 28, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4883. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Boscalid; Denial of Objections" (FRL No. 8347-3) received on January 28, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4884. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendments of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Live Oak, Florida)" (MB Docket No. 07-131) received on January 28, 2008; to the Committee on Commerce, Science, and Transportation.

EC-4885. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Charlo, Montana)" (MB Docket No. 07-143) received on January 28, 2008; to the Committee on Commerce, Science, and Transportation.

EC-4886. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules" ((FCC 07-170)(CS Docket No. 98-120)) received on January 28, 2008; to the Committee on Commerce, Science, and Transportation.

EC-4887. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Report and Order and Declaratory Ruling" ((FCC 07-186)(CG Docket No. 03-123)) received on January 28, 2008; to the Committee on Commerce, Science, and Transportation.

EC-4888. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, an annual report relative to the implementation of Public Law 106-107 during fiscal year 2007; to the Committee on Environment and Public Works.

EC-4889. A communication from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Revision of Special Regulation for the Central Idaho and Yellowstone Area Nonessential Experimental Populations of Gray Wolves in the Northern Rocky Mountains" (RIN1018-AV39) received on January 28, 2008; to the Committee on Environment and Public Works.

EC-4890. A communication from the Acting Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Tidewater Goby (Eucyclogobius newberryi)" (RIN1018-AU81) received on January 28, 2008; to the Committee on Environment and Public Works.

EC-4891. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Health and Safety Data Reporting; Addition of Certain Chemicals" ((RIN2070-AB11)(FRL No. 8154-2)) received on January 28, 2008; to the Committee on Environment and Public Works.

EC-4892. A communication from the Program Manager, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Reauthorization of Temporary Assistance for Needy Families Program" (RIN0970-AC27) received on January 28, 2008; to the Committee on Finance.

EC-4893. A communication from the Assistant Secretary for Policy, Department of Labor, transmitting, pursuant to law, a report relative to the impact of increased minimum wages on the economies of American Samoa and the Commonwealth of the Northern Mariana Islands; to the Committee on Health, Education, Labor, and Pensions.

EC-4894. A communication from the Deputy Under Secretary for Management, Department of Homeland Security, transmitting, pursuant to law, an annual report relative to the Department's competitive sourcing efforts during fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4895. A communication from the Senior Procurement Executive, Office of the Chief Acquisition Officer, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-23" (FAC 2005-23) received on January 28, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-4896. A communication from the Acting Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Kansas Advisory Committee; to the Committee on the Judiciary.

EC-4897. A communication from the Acting Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Missouri Advisory Committee; to the Committee on the Judiciary.

EC-4898. A communication from the Acting Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the District of Columbia Advisory Committee; to the Committee on the Judiciary.

EC-4899. A communication from the Acting Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the South Carolina Advisory Committee; to the Committee on the Judiciary.

EC-4900. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, a report relative to its budget request for fiscal year 2009; to the Committee on Rules and Administration.

EC-4901. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of Surrey County, England, Because of Foot-and-Mouth Disease" (Docket No. APHIS-2007-0124) received on January 31, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4902. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mexican Fruit Fly; Removal of Quarantined Area" (Docket No. APHIS-2007-0129) received on January 31, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4903. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Inert Ingredients: Denial of Pesticide Petitions 2E6491, 7E4810, and 7E4811" (FRL No. 8342-4) received on February 4, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4904. A communication from the Assistant Secretary of Defense (Homeland Defense and Americas' Security Affairs), transmitting, pursuant to law, a report relative to assistance provided by the Department to civilian sporting events during calendar year 2007; to the Committee on Armed Services.

EC-4905. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, a report relative to service charges imposed on one component of the Department for purchases made through another component of the Department; to the Committee on Armed Services.

EC-4906. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report entitled "Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account"; to the Committee on Armed Services.

EC-4907. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13441 with respect to Lebanon; to the Committee on Banking, Housing, and Urban Affairs.

EC-4908. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency that was declared with respect to the conflict in the Cote d'Ivoire; to the Committee on Banking, Housing, and Urban Affairs.

EC-4909. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (72 FR 73651) received on January 31, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–4910. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and other Products Required Under the Energy Policy and Conservation Act" (RIN 3084-AA74) received on February 5, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4911. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (28); Amdt. No. 3247" (RIN 2120-AA65) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4912. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 95 Instrument Flight Rules (18); Amdt. No. 471" (RIN 2120-AA63) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4913. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (1); Amdt. No. 3246" (RIN 2120-AA65) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4914. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (3); Amdt. No. 3248" (RIN 2120-AA65) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4915. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Du Bois, PA" ((RIN 2120-AA66)(Docket No. 05-AEA-17)) received on February 4 , 2008; to the Committee on Commerce, Science, and Transportation.

EC–4916. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Aguadilla, PR" ((RIN 2120-AA66)(Docket No. 07-ASO-22)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4917. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (97); Amdt. No. 3245" (RIN 2120-AA65) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4918. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Williamsport, PA" ((RIN 2120-AA66)(Docket No. 05-AEA-19)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4919. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Hailey, ID" ((RIN 2120-AA66)(Docket No. 07-ANM-8)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4920. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Beaver, UT" ((RIN 2120-AA66)(Docket No. 06-ANM-12)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4921. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Muncy, PA" ((RIN 2120-AA66)(Docket No. 07-AEA-08)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4922. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Tappahannock, VA" ((RIN 2120-AA66)(Docket No. 07-AEA-04)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4923. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; St. Mary's, PA" ((RIN 2120-AA66)(Docket No. 05-AEA-20)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4924. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Lee's Summit, MO" ((RIN 2120-AA66)(Docket No. 07-ACE-10)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4925. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Fort Scott, KS" ((RIN 2120-AA66)(Docket No. 07-ACE-8)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4926. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Philipsburg, PA" ((RIN 2120-AA66)(Docket No. 05-AEA-21)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4927. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Pottsville, PA" ((RIN2120-AA66)(Docket No. 05–AEA–18)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4928. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eclipse Aviation Corporation Model EA500 Airplanes" ((RIN2120–AA64)(Docket No. 2007–CE–083)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4929. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747–100B SUD, 747–200B, 747–300, 747–400, and 747–400D Series Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–306)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4930. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; CFM International, S.A. CFM56–5C4/1 Series Turbofan Engines" ((RIN2120–AA64)(Docket No. 2001–NE–15)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4931. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada Model 206A and 206B Helicopters" ((RIN2120–AA64)(Docket No. 2007–SW–14)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4932. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–100, –200, –200C, –300, –400, and –500 Series Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–221)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4933. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada Limited Model 206A, 206B, 206L, 206L–1, 206L–3, 206L–4, 222, 222B, 222U, 230, 407, 427, and 430 Helicopters" ((RIN2120–AA64)(Docket No. 2007–SE–36)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4934. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Aircraft Company, Model 525B Airplanes" ((RIN2120–AA64)(Docket No. 2007–CE–085)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4935. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Diamond Aircraft Industries Model DA 42 Airplanes" ((RIN2120–AA64)(Docket No. 2007–CE–067)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4936. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aeromot-Industria Mecanico Metalurgica Ltda. Model AMT–100/200/200S/300 Gliders" ((RIN2120–AA64)(Docket No. 2007–CE–066)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4937. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron, Inc. Model 204B, 205A, 205A–1, 205B, 210, 212, 412, 412EP, and 412CF Helicopters" ((RIN2120–AA64)(Docket No. 2007–SW–37)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4938. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (68); Amdt. No. 3241" (RIN2120–AA65) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4939. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (101); Amdt. No. 3243" (RIN2120–AA65) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4940. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (8); Amdt. No. 3244" (RIN2120–AA65) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4941. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (67); Amdt. No. 3249" (RIN2120–AA65) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4942. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada Model 206A and 206B Series Helicopters" ((RIN2120–AA64)(Docket No. 2007–SW–12)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4943. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron, Inc. Model 205A, 205A–1, 205B, 212, 412, 412CF, and 412EP Helicopters" ((RIN2120–AA64)(Docket No. 2005–SW–37)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4944. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc RB211 Trent 768-60, 772–60, 772B-60, and 772C–60 Turbofan Engines" ((RIN2120–AA64)(Docket No. 2007–NE–28)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4945. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–133)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4946. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300–600 Series Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–218)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4947. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757–200, –200PF, and –200CB Series Airplanes" ((RIN2120–AA64)(Docket No. FAA–2007–27560)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4948. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 Series Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–182)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4949. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330 Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–229)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4950. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330–200, A330–300, A340–200, A340–300, A340–500, and A340–600 Series Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–241)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4951. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Goodrich Evacuation Systems Approved Under Technical Standard Order TSO–C69b and Installed on Airbus Model A330–200 and –300 Series Airplanes, Model A340–200 and –300 Series Airplanes, and Model A340–541 and –642 Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–035)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4952. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; CTRM Aviation Sdn. Bhd. Model Eagle 150B Airplanes" ((RIN2120–AA64)(Docket No. 2007–CE–069)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4953. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes" ((RIN2120–AA64)(Docket No. 2007–CE–081)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4954. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330 Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–229)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4955. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 707 Airplanes and Model 720 and 720B Series Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–010)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4956. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747–400, 747–400D, and 747–400F Series Airplanes; Model 757–200 Series Airplanes; and Model 767–200, 767–300, and 767–300F Series Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–088)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4957. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Model 560 Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–234)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4958. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767–200, –300, and –300F Series Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–108)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4959. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 777 Airplanes" ((RIN2120–AA64)(Docket No. 2005–NM–164)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4960. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials; Miscellaneous Amendments" (RIN2137–AE10) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nominations beginning with Colonel Mark A. Ediger and ending with Colonel Daniel O. Wyman, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2007.

Air Force nomination of Brig. Gen. Cecil R. Richardson, 3790, to be Major General.

Air Force nomination of Col. Robert G. Kenny, to be Brigadier General.

Air Force nominations beginning with Col. Daniel P. Gillen and ending with Col. Michael J. Yaszemski, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Air Force nominations beginning with Brigadier General Robert Benjamin Bartlett and ending with Brigadier General James T. Rubeor, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Air Force nominations beginning with Colonel Robert S. Arthur and ending with Colonel Paul L. Sampson, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Air Force nomination of Lt. Gen. Douglas M. Fraser, 7505, to be Lieutenant General.

Navy nomination of Rear Adm. Mark E. Ferguson III, 0136, to be Vice Admiral.

Navy nomination of Vice Adm. John C. Harvey, Jr., 4323, to be Vice Admiral.

Army nomination of Maj. Gen. Joseph F. Fil, Jr., 0990, to be Lieutenant General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nomination of Chevalier P. Cleaves, 6145, to be Colonel.

Air Force nomination of Jawn M. Sischo, 6607, to be Colonel.

Air Force nomination of Joaquin Sariego, 0059, to be Colonel.

Air Force nominations beginning with John A. Calcaterra, Jr. and ending with Maria D. Rodriguezrodriguez, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Air Force nominations beginning with Jerry Alan Arends and ending with Billy L. Little, Jr., which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Air Force nominations beginning with Donnie W. Bethel and ending with Mitchel Neurock, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Air Force nominations beginning with Paul A. Abson and ending with Philip A. Sweet, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Air Force nominations beginning with Mari L. Archer and ending with Gilbert W. Wolfe, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Air Force nominations beginning with William A. Beyers III and ending with Ross A. Ziegler, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Air Force nominations beginning with Robert R. Cannon and ending with Lyle E. Von Seggern, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Air Force nominations beginning with Vito Emil Addabbo and ending with James A. Zietlow, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Air Force nominations beginning with Azad Y. Keval and ending with Troy L. Sullivan III, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Air Force nomination of Lance A. Avery, 7092, to be Lieutenant Colonel.

Air Force nominations beginning with Billy R. Morgan and ending with Joseph R. Lowe, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Air Force nomination of Inaam A. Pedalino, 4601, to be Major.

Air Force nominations beginning with Demea A. Alderman and ending with Philip H. Wang, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Air Force nomination of Theresa D. Clark, 1549, to be Major.

Air Force nominations beginning with Lee E. Ackley and ending with Clayton D. Wilson III, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Air Force nominations beginning with Said R. Acosta and ending with Cynthia F. Yap, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Air Force nominations beginning with Jason E. Macdonald and ending with Derek P. Mims, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Army nominations beginning with Gerald K. Bebber and ending with Phillip F. Wright, which nominations were received by the Senate and appeared in the Congressional Record on September 27, 2007.

Army nominations beginning with Manuel Pozoalonso and ending with Rachelle A. Retoma, which nominations were received by the Senate and appeared in the Congressional Record on December 19, 2007.

Army nomination of Jeffrey P. Short, 6976, to be Major.

Army nomination of Saqib Ishteeaque, 7038, to be Major.

Army nominations beginning with Wanda L. Horton and ending with Ruth Slamen, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Army nominations beginning with David J. Barillo and ending with Ian D. Cole, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Army nomination of Joseph B. Dore, 0588, to be Colonel.

Army nomination of William J. Hersh, 6277, to be Colonel.

Army nomination of James C. Cummings, 8883, to be Colonel.

Army nomination of Eugene W. Gavin, 0749, to be Colonel.

Army nominations beginning with Bruce H. Bahr and ending with George R. Gwaltney, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008. (minus 1 nominee: Allen D. Ferry)

Army nominations beginning with David A. Brant and ending with Corliss Gadsden, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Army nominations beginning with Harold A. Felton and ending with Arland O. Haney, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Army nominations beginning with Anne M. Bauer and ending with Jo A. Mcelligott, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Army nominations beginning with Deborah G. Davis and ending with Debra M. Simpson, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Army nominations beginning with Ruben Alvero and ending with Hae S. Yuo, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Army nominations beginning with Ronald L. Bonheur and ending with David S. Werner, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Army nominations beginning with Gerard P. Curran and ending with Mark Tranovich, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Army nominations beginning with Jeffrey A. Weiss and ending with Richard E. Wolfert, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Army nominations beginning with Charles S. Oleary and ending with Gary B. Tooley, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Army nominations beginning with Patrick S. Allison and ending with Shaofan K. Xu, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Army nominations beginning with Edward B. Browning and ending with Billie J. Wisdom, Jr., which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Army nominations beginning with Sandra G. Apostolos and ending with Marilyn Yergler, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Army nomination of Orlando Salinas, 6967, to be Colonel.

Army nomination of Debra D. Rice, 3633, to be Colonel.

Army nomination of Robert J. Mouw, 4121, to be Colonel.

Army nomination of Rabi L. Singh, 2515, to be Major.

Marine Corps nomination of Lester W. Thompson, 5198, to be Major.

Marine Corps nominations beginning with Russell L. Bergeman and ending with James K. Walker, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Navy nomination of Thomas J. Harvan, 5049, to be Captain.

Navy nomination of John G. Bruening, 7092, to be Captain.

Navy nomination of John M. Dorey, 3429, to be Captain.

Navy nominations beginning with Thomas P. Carroll and ending with Gary V. Pascua, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Navy nominations beginning with David J. Robillard and ending with Sherry W. Wangwhite, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Navy nomination of Michael V. Misiewicz, 7171, to be Commander.

Navy nomination of John A. Bowman, 5721, to be Lieutenant Commander.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER:

S. 2594. A bill to amend title I of the Higher Education Act of 1965 regarding institution financial aid offer form requirements; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself and Mr. MARTINEZ):

S. 2595. A bill to create a national licensing system for residential mortgage loan originators, to develop minimum standards of conduct to be enforced by State regulators, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DEMINT (for himself, Mr. COBURN, Mr. INHOFE, Mr. CORNYN, Mr. VITTER, and Mr. CHAMBLISS):

S. 2596. A bill to rescind funds appropriated by the Consolidated Appropriations Act, 2008, for the City of Berkeley, California, and any entities located in such city, and to provide that such funds shall be transferred to the Operation and Maintenance, Marine Corps account of the Department of Defense for the purposes of recruiting; read the first time.

By Mr. LUGAR:

S. 2597. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Moldova; to the Committee on Finance.

By Mr. DORGAN (for himself, Mr. BINGAMAN, Mr. LEVIN, Mr. KERRY, Ms. COLLINS, Mr. LIEBERMAN, and Mr. WYDEN):

S. 2598. A bill to increase the supply and lower the cost of petroleum by temporarily suspending the acquisition of petroleum for the Strategic Petroleum Reserve; to the Committee on Energy and Natural Resources.

By Mr. CORKER (for himself and Mrs. MCCASKILL):

S. 2599. A bill to provide enhanced education and employment opportunities for military spouses; to the Committee on Finance.

By Mr. HARKIN (for himself and Mr. GRASSLEY):

S. 2600. A bill to provide for the designation of a single ZIP code for Windsor Heights, Iowa; to the Committee on Homeland Security and Governmental Affairs.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 2601. A bill to require the Secretary of Agriculture to convey to King and Kittitas Counties Fire District No. 51 a certain parcel of real property for use as a site for a new Snoqualmie Pass fire and rescue station; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR:

S. 2602. A bill to amend the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008, to terminate the authority of the Secretary of the Treasury to deduct amounts from certain States; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself, Ms. MURKOWSKI, and Mr. HAGEL):

S. Res. 444. A resolution expressing the sense of the Senate regarding the strong alliance that has been forged between the United States and the Republic of Korea and congratulating Myung-Bak Lee on his election to the presidency of the Republic of Korea; to the Committee on Foreign Relations.

By Mr. DURBIN:

S. Con. Res. 65. A concurrent resolution celebrating the birth of Abraham Lincoln and recognizing the prominence the Declaration of Independence played in the development of Abraham Lincoln's beliefs; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 37

At the request of Mr. DOMENICI, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 37, a bill to enhance the management and disposal of spent nuclear fuel and high-level radioactive waste, to assure protection of public health safety, to ensure the territorial integrity and security of the repository at Yucca Mountain, and for other purposes.

S. 573

At the request of Ms. STABENOW, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 1084

At the request of Mr. AKAKA, his name was added as a cosponsor of S. 1084, a bill to provide housing assistance for very low-income veterans.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1514

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1514, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 1818

At the request of Mr. OBAMA, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1818, a bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes.

S. 1926

At the request of Mr. DODD, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from North Dakota (Mr. DORGAN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 1926, a bill to establish the National Infrastructure Bank to provide funding for qualified infrastructure projects, and for other purposes.

S. 2071

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2071, a bill to enhance the ability to combat methamphetamine.

S. 2275

At the request of Mrs. FEINSTEIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2275, a bill to prohibit the manufacture, sale, or distribution in commerce of certain children's products and child care articles that contain phthalates, and for other purposes.

S. 2296

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2296, a bill to provide for improved disclosures by all mortgage lenders at the loan approval and settlement stages of all mortgage loans.

S. 2439

At the request of Mr. MENENDEZ, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2439, a bill to require the National Incident Based Reporting System, the Uniform Crime Reporting Program, and the Law Enforcement National Data Exchange Program to list cruelty to animals as a separate offense category.

S. 2549

At the request of Mrs. CLINTON, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2549, a bill to require the Administrator of the Environmental Protection Agency to establish an Interagency Working Group on Environmental Justice to provide guidance to Federal agencies on the development of criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations, and for other purposes.

S. 2586

At the request of Mr. ROCKEFELLER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2586, a bill to provide States with fiscal relief through a temporary increase in the Federal medical assistance percentage and direct payments to States.

S. RES. 432

At the request of Mr. BIDEN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. Res. 432, a resolution urging the international community to provide the United Nations-African Union Mission in Sudan with essential tactical and utility helicopters.

AMENDMENT NO. 3910

At the request of Mrs. FEINSTEIN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of amendment No. 3910 proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

AMENDMENT NO. 3927

At the request of Mr. SPECTER, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of amendment No. 3927 proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

AMENDMENT NO. 3930

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 3930 proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

AMENDMENT NO. 3978

At the request of Mr. WYDEN, the names of the Senator from New York (Mrs. CLINTON), the Senator from Vermont (Mr. SANDERS), the Senator from Rhode Island (Mr. REED) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 3978 intended to be proposed to H.R. 5140, a bill to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mr. MARTINEZ):

S. 2595. A bill to create a national licensing system for residential mortgage loan originators, to develop minimum standards of conduct to be enforced by State regulators, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today on behalf of myself and Senator MARTINEZ to introduce legislation that takes a major step forward in curbing the abusive lending practices which contributed to the subprime mortgage crisis. With foreclosures at record levels, the housing market in steady decline, a global credit crunch, and the economy nearing recession, it is imperative that we act quickly to restore confidence in the American dream of home ownership.

Our legislation will eliminate bad actors from the mortgage business, and require that brokers and lenders meet minimum national standards which ensure they are professional, competent, and trustworthy.

First, it would create a comprehensive database of all residential mortgage loan originators. This includes mortgage brokers and lenders, as well as loan officers of national banks and their subsidiaries.

Second, it would establish national licensing standards to ensure that mortgage brokers and lenders are trained in legal aspects of lending, ethics, and consumer protection.

Our bill is similar to H.R. 3012, introduced in the House by Representative SPENCER BACHUS, the Ranking Member of the House Committee on Financial Services. The national licensing concept for loan originators has enjoyed bipartisan support and was included in the comprehensive mortgage reform bill, H.R. 3915, which recently passed the House.

A combination of low interest rates and sophisticated mortgage products, among other factors, helped increase home ownership to record levels just 3 years ago.

Subprime and exotic mortgages allowed millions of Americans—many with little or no down payment and questionable credit—to purchase homes by using adjustable-rate products with low initial monthly payments.

There was explosive growth in the use of these sub-prime loans: in just 2 years, from 2004 to 2006, the number of subprime mortgages in California increased 110 percent, from 273,000 to 573,000—29.4 percent of total mortgages in the State.

While the majority of lenders and brokers offered these mortgages in a responsible fashion, many others relied upon predatory lending tactics to place unsuspecting borrowers in mortgages they could not afford. Competitive pressures and lax oversight resulted in loans of increasingly poor quality being written.

To make matters worse, consumers were not adequately protected from bad actors in the mortgage industry.

The FBI recently reported that complaints of mortgage fraud have skyrocketed over the last few years.

In 2003, the number of suspicious activity reports reviewed by the FBI economic crimes unit numbered 3,000. The number of mortgage fraud complaints increased to 48,000 last year, representing a jump of 1500 percent.

Most mortgage brokers and non-bank lenders are only lightly regulated by State agencies. Standards of accountability have not kept pace with the increasing sophistication of the mortgage industry.

As adjustable-rate mortgages reset to higher rates, many American families find themselves in homes they can no longer afford. The percentage of homeowners currently behind on their mortgage payments is at its highest level in 21 years.

Mr. President, 2.2 million homeowners filed for foreclosure last year and many lenders have gone out of business or sought bankruptcy protection.

It is projected that as many as 2 million Americans will be forced to file for foreclosure before this crisis abates, representing $160 billion in lost equity. The Center for Responsible Lending has projected that one out of every five subprime loans issued between 2005 and 2006 will fail.

California has been especially hard hit. Mr. President, 5 of the 10 metropolitan areas with the highest foreclosure rate in the Nation are in California. The foreclosure rate in California is roughly twice the national average, with 1 foreclosure filing for every 258 households in the State.

Lenders repossessed 84,375 California homes last year, a sixfold increase from 12,672 in 2006. Default notices—the initial step in the foreclosure process—increased 143 percent between 2006 and 2007, rising from 104,977 in 2006 to 254,824 in 2007. In San Diego County alone, foreclosures were up 353 percent in 2007.

According to the FBI economic crimes unit, California has been identified as one of the top 10 "mortgage fraud hot spots" in the Nation.

American families are hurting, and Californians are at the center of the storm. With close to 500,000 adjustable-rate mortgages scheduled to reset in California over the next 2 years, the situation is likely to worsen in 2008.

The subprime mortgage crisis has threatened both the global economy and the American dream of home ownership. Accountability, professional standards, and oversight must be enhanced for everyone in the mortgage industry.

This bill will make it so, and will help to ensure such a crisis never happens again.

Specifically, the S.A.F.E. Mortgage Licensing Act would require that all residential mortgage loan originators are licensed, providing fingerprints, a summary of work experience, and consent for a background check to authorities.

Additionally, minimum criteria are established that individuals must meet to obtain a license, including: no felony convictions; no similar license revoked; a demonstrated record of financial responsibility; successful completion of education requirements, 20 hours of approved courses, to include at least 3 hours related to Federal laws, 4 hours on ethics and consumer protection in mortgage lending, and 2 hours on the subprime mortgage marketplace; and, passage of a written exam, the exam must be at least 100 questions and a minimum score of 75 percent is required to pass.

The Federal Reserve, Treasury, and Federal Deposit Insurance Corporation must also register all residential mortgage loan originators employed by national banks.

Lastly, State regulators must develop a satisfactory licensing system within 1 year following enactment of this legislation.

If this does not occur, the Housing and Urban Development Secretary is empowered to develop the national registry and license, generating revenue for its implementation through fees to license applicants.

The subprime mortgage crisis is wreaking havoc on American homeowners and the national economy. The damage is truly staggering—more than 2 million foreclosure filings last year and another 2 million expected before this year is over.

Many Americans simply cannot keep pace with adjustable-rate mortgages that are resetting, and some were steered into these obligations by unscrupulous actors.

It is essential that this body take action to address some of the factors that got us here.

This legislation does not assign blame, but rather provides a workable solution to protect homebuyers and begin to restore confidence in the American dream of homeownership.

I hope that my colleagues will join us in moving this important bill through the Senate quickly.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2595

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Secure and Fair Enforcement for Mortgage Licensing Act of 2008" or "S.A.F.E. Mortgage Licensing Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes and methods for establishing a mortgage licensing system and registry.
Sec. 3. Definitions.
Sec. 4. License or registration required.
Sec. 5. State license and registration application and issuance.
Sec. 6. Standards for State license renewal.
Sec. 7. System of registration administration by Federal banking agencies.
Sec. 8. Secretary of Housing and Urban Development backup authority to establish a loan originator licensing system.
Sec. 9. Backup authority to establish a nationwide mortgage licensing and registry system.
Sec. 10. Fees.
Sec. 11. Background checks of loan originators.
Sec. 12. Confidentiality of information.
Sec. 13. Liability provisions.
Sec. 14. Enforcement under HUD backup licensing system.
Sec. 15. Preemption of State law.
Sec. 16. Reports and recommendations to Congress.
Sec. 17. Study and reports on defaults and foreclosures

SEC. 2. PURPOSES AND METHODS FOR ESTABLISHING A MORTGAGE LICENSING SYSTEM AND REGISTRY.

In order to increase uniformity, reduce regulatory burden, enhance consumer protection, and reduce fraud, the States, through the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators, are hereby encouraged to establish a Nationwide Mortgage Licensing System and Registry for the residential mortgage industry that accomplishes all of the following objectives:

(1) Provides uniform license applications and reporting requirements for State-licensed loan originators.

(2) Provides a comprehensive licensing and supervisory database.

(3) Aggregates and improves the flow of information to and between regulators.

(4) Provides increased accountability and tracking of loan originators.

(5) Streamlines the licensing process and reduces the regulatory burden.

(6) Enhances consumer protections and supports anti-fraud measures.

(7) Provides consumers with easily accessible information, offered at no charge, utilizing electronic media, including the Internet, regarding the employment history of, and publicly adjudicated disciplinary and enforcement actions against, loan originators.

SEC. 3. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) FEDERAL BANKING AGENCIES.—The term "Federal banking agencies" means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the National Credit Union Administration, and the Federal Deposit Insurance Corporation.

(2) DEPOSITORY INSTITUTION.—The term "depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act, and includes any credit union.

(3) LOAN ORIGINATOR.—

(A) IN GENERAL.—The term "loan originator"—

(i) means an individual who—

(I) takes a residential mortgage loan application;

(II) assists a consumer in obtaining or applying to obtain a residential mortgage loan; or

(III) offers or negotiates terms of a residential mortgage loan, for direct or indirect compensation or gain, or in the expectation of direct or indirect compensation or gain;

(ii) includes any individual who represents to the public, through advertising or other means of communicating or providing information (including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items), that such individual can or will provide or perform any of the activities described in clause (i);

(iii) does not include any individual who is not otherwise described in clause (i) or (ii) and who performs purely administrative or clerical tasks on behalf of a person who is described in any such clause.

(iv) does not include a person or entity that only performs real estate brokerage activities and is licensed or registered in accordance with applicable State law, unless the person or entity is compensated by a lender, a mortgage broker, or other loan originator or by any agent of such lender, mortgage broker, or other loan originator.

(B) OTHER DEFINITIONS RELATING TO LOAN ORIGINATOR.—For purposes of this subsection, an individual "assists a consumer in obtaining or applying to obtain a residential mortgage loan" by, among other things, advising on loan terms (including rates, fees, other costs), preparing loan packages, or collecting information on behalf of the consumer with regard to a residential mortgage loan.

(C) ADMINISTRATIVE OR CLERICAL TASKS.—The term "administrative or clerical tasks" means the receipt, collection, and distribution of information common for the processing or underwriting of a loan in the mortgage industry and communication with a consumer to obtain information necessary for the processing or underwriting of a residential mortgage loan.

(D) REAL ESTATE BROKERAGE ACTIVITY DEFINED.—The term "real estate brokerage activity" means any activity that involves offering or providing real estate brokerage services to the public, including—

(i) acting as a real estate agent or real estate broker for a buyer, seller, lessor, or lessee of real property;

(ii) listing or advertising real property for sale, purchase, lease, rental, or exchange;

(iii) providing advice in connection with sale, purchase, lease, rental, or exchange of real property;

(iv) bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property;

(v) negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property (other than in connection with providing financing with respect to any such transaction);

(vi) engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law; and

(vii) offering to engage in any activity, or act in any capacity, described in clause (i), (ii), (iii), (iv), (v), or (vi).

(4) LOAN PROCESSOR OR UNDERWRITER.—

(A) IN GENERAL.—The term "loan processor or underwriter" means an individual who performs clerical or support duties at the direction of and subject to the supervision and instruction of—

(i) a State-licensed loan originator; or

(ii) a registered loan originator.

(B) CLERICAL OR SUPPORT DUTIES.—For purposes of subparagraph (A), the term "clerical or support duties" may include—

(i) the receipt, collection, distribution, and analysis of information common for the processing or underwriting of a residential mortgage loan; and

(ii) communicating with a consumer to obtain the information necessary for the processing or underwriting of a loan, to the extent that such communication does not include offering or negotiating loan rates or terms, or counseling consumers about residential mortgage loan rates or terms.

(5) NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY.—The term "Nationwide

Mortgage Licensing System and Registry" means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the State licensing and registration of State-licensed loan originators and the registration of registered loan originators or any system established by the Secretary under section 9.

(6) REGISTERED LOAN ORIGINATOR.—The term "registered loan originator" means any individual who—

(A) meets the definition of loan originator and is an employee of a depository institution or a wholly-owned subsidiary of a depository institution; and

(B) is registered with, and maintains a unique identifier through, the Nationwide Mortgage Licensing System and Registry.

(7) RESIDENTIAL MORTGAGE LOAN.—The term "residential mortgage loan" means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling (as defined in section 103(v) of the Truth in Lending Act) or residential real estate upon which is constructed or intended to be constructed a dwelling (as so defined).

(8) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

(9) STATE-LICENSED LOAN ORIGINATOR.—The term "State-licensed loan originator" means any individual who—

(A) is a loan originator;

(B) is not an employee of a depository institution or any wholly-owned subsidiary of a depository institution; and

(C) is licensed by a State or by the Secretary under section 8 and registered as a loan originator with, and maintains a unique identifier through, the Nationwide Mortgage Licensing System and Registry.

(10) SUBPRIME MORTGAGE.—The term "subprime mortgage" means a residential mortgage loan—

(A) that is secured by real property that is used or intended to be used as a principal dwelling;

(B) that is typically offered to borrowers having weakened credit histories and reduced repayment capacity, as measured by lower credit scores, debt-to-income ratios, and other relevant criteria; and

(C) the characteristics of which may include—

(i) low initial payments based on a fixed introductory rate that expires after a short period and then adjusts to a variable index rate plus a margin for the remaining term of the loan;

(ii) very high or no limits on how much the payment amount or the interest rate may increase (referred to as "payment caps" or "rate caps") on reset dates;

(iii) limited or no documentation of the income of the borrower;

(iv) product features likely to result in frequent refinancing to maintain an affordable monthly payment; and

(v) substantial prepayment penalties or prepayment penalties that extend beyond the initial fixed interest rate period.

(11) UNIQUE IDENTIFIER.—The term "unique identifier" means a number or other identifier that—

(A) permanently identifies a loan originator; and

(B) is assigned by protocols established by the Nationwide Mortgage Licensing System and Registry and the Federal banking agencies to facilitate electronic tracking of loan originators and uniform identification of, and public access to, the employment history of and the publicly adjudicated disciplinary and enforcement actions against loan originators.

SEC. 4. LICENSE OR REGISTRATION REQUIRED.

(a) IN GENERAL.—An individual may not engage in the business of a loan originator without first—

(1) obtaining and maintaining, through an annual renewal—

(A) a registration as a registered loan originator; or

(B) a license and registration as a State-licensed loan originator; and

(2) obtaining a unique identifier.

(b) LOAN PROCESSORS AND UNDERWRITERS.—

(1) SUPERVISED LOAN PROCESSORS AND UNDERWRITERS.—A loan processor or underwriter who does not represent to the public, through advertising or other means of communicating or providing information (including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items), that such individual can or will perform any of the activities of a loan originator shall not be required to be a State-licensed loan originator or a registered loan originator.

(2) INDEPENDENT CONTRACTORS.—A loan processor or underwriter may not work as an independent contractor unless such processor or underwriter is a State-licensed loan originator or a registered loan originator.

SEC. 5. STATE LICENSE AND REGISTRATION APPLICATION AND ISSUANCE.

(a) BACKGROUND CHECKS.—In connection with an application to any State for licensing and registration as a State-licensed loan originator, the applicant shall, at a minimum, furnish to the Nationwide Mortgage Licensing System and Registry information concerning the applicant's identity, including—

(1) fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive such information for a State and national criminal history background check; and

(2) personal history and experience, including authorization for the System to obtain—

(A) an independent credit report obtained from a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act; and

(B) information related to any administrative, civil or criminal findings by any governmental jurisdiction.

(b) ISSUANCE OF LICENSE.—The minimum standards for licensing and registration as a State-licensed loan originator shall include the following:

(1) The applicant has never had a loan originator or similar license revoked in any governmental jurisdiction.

(2) The applicant has never been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court.

(3) The applicant has demonstrated financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a determination that the loan originator will operate honestly, fairly, and efficiently within the purposes of this Act.

(4) The applicant has completed the pre-licensing education requirement described in subsection (c).

(5) The applicant has passed a written test that meets the test requirement described in subsection (d).

(c) PRE-LICENSING EDUCATION OF LOAN ORIGINATORS.—

(1) MINIMUM EDUCATIONAL REQUIREMENTS.—In order to meet the pre-licensing education requirement referred to in subsection (b)(4), a person shall complete at least 20 hours of education approved in accordance with paragraph (2), which shall include at least—

(A) 3 hours of Federal law and regulations;

(B) 3 hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues; and

(C) 2 hours of training related to lending standards for the subprime mortgage marketplace.

(2) APPROVED EDUCATIONAL COURSES.—For purposes of paragraph (1), pre-licensing education courses shall be reviewed, and approved by the Nationwide Mortgage Licensing System and Registry.

(3) LIMITATION AND STANDARDS.—

(A) LIMITATION.—To maintain the independence of the approval process, the Nationwide Mortgage Licensing System and Registry shall not directly or indirectly offer pre-licensure educational courses for loan originators.

(B) STANDARDS.—In approving courses under this section, the Nationwide Mortgage Licensing System and Registry shall apply reasonable standards in the review and approval of courses.

(d) TESTING OF LOAN ORIGINATORS.—

(1) IN GENERAL.—In order to meet the written test requirement referred to in subsection (b)(5), an individual shall pass, in accordance with the standards established under this subsection, a qualified written test developed by the Nationwide Mortgage Licensing System and Registry and administered by an approved test provider.

(2) QUALIFIED TEST.—A written test shall not be treated as a qualified written test for purposes of paragraph (1) unless—

(A) the test consists of a minimum of 100 questions; and

(B) the test adequately measures the applicant's knowledge and comprehension in appropriate subject areas, including—

(i) ethics;

(ii) Federal law and regulation pertaining to mortgage origination;

(iii) State law and regulation pertaining to mortgage origination; and

(iv) Federal and State law and regulation, including instruction on fraud, consumer protection, subprime mortgage marketplace, and fair lending issues.

(3) MINIMUM COMPETENCE.—

(A) PASSING SCORE.—An individual shall not be considered to have passed a qualified written test unless the individual achieves a test score of not less than 75 percent correct answers to questions.

(B) INITIAL RETESTS.—An individual may retake a test 3 consecutive times with each consecutive taking occurring in less than 14 days after the preceding test.

(C) SUBSEQUENT RETESTS.—After 3 consecutive tests, an individual shall wait at least 14 days before taking the test again.

(D) RETEST AFTER LAPSE OF LICENSE.—A State-licensed loan originator who fails to maintain a valid license for a period of 5 years or longer shall retake the test, not taking into account any time during which such individual is a registered loan originator.

(e) MORTGAGE CALL REPORTS.—Each mortgage licensee shall submit to the Nationwide Mortgage Licensing System and Registry reports of condition, which shall be in such form and shall contain such information as the Nationwide Mortgage Licensing System and Registry may require.

SEC. 6. STANDARDS FOR STATE LICENSE RENEWAL.

(a) IN GENERAL.—The minimum standards for license renewal for State-licensed loan originators shall include the following:

(1) The loan originator continues to meet the minimum standards for license issuance.

(2) The loan originator has satisfied the annual continuing education requirements described in subsection (b).

(b) CONTINUING EDUCATION FOR STATE-LICENSED LOAN ORIGINATORS.—

(1) IN GENERAL.—In order to meet the annual continuing education requirements referred to in subsection (a)(2), a State-licensed loan originator shall complete at least 8 hours of education approved in accordance with paragraph (2), which shall include at least—

(A) 3 hours of Federal law and regulations;

(B) 2 hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues; and

(C) 2 hours of training related to lending standards for the subprime mortgage marketplace.

(2) APPROVED EDUCATIONAL COURSES.—For purposes of paragraph (1), continuing education courses shall be reviewed, and approved by the Nationwide Mortgage Licensing System and Registry.

(3) CALCULATION OF CONTINUING EDUCATION CREDITS.—A State-licensed loan originator—

(A) may only receive credit for a continuing education course in the year in which the course is taken; and

(B) may not take the same approved course in the same or successive years to meet the annual requirements for continuing education.

(4) INSTRUCTOR CREDIT.—A State-licensed loan originator who is approved as an instructor of an approved continuing education course may receive credit for the originator's own annual continuing education requirement at the rate of 2 hours credit for every 1 hour taught.

(5) LIMITATION AND STANDARDS.—

(A) LIMITATION.—To maintain the independence of the approval process, the Nationwide Mortgage Licensing System and Registry shall not directly or indirectly offer any continuing education courses for loan originators.

(B) STANDARDS.—In approving courses under this section, the Nationwide Mortgage Licensing System and Registry shall apply reasonable standards in the review and approval of courses.

SEC. 7. SYSTEM OF REGISTRATION ADMINISTRATION BY FEDERAL BANKING AGENCIES.

(a) DEVELOPMENT.—

(1) IN GENERAL.—The Federal banking agencies shall jointly, through the Federal Financial Institutions Examination Council, develop and maintain a system for registering employees of depository institutions or subsidiaries of depository institutions as registered loan originators with the Nationwide Mortgage Licensing System and Registry. The system shall be implemented before the end of the 1-year period beginning on the date of the enactment of this Act.

(2) REGISTRATION REQUIREMENTS.—In connection with the registration of any loan originator who is an employee of a depository institution or a wholly-owned subsidiary of a depository institution with the Nationwide Mortgage Licensing System and Registry, the appropriate Federal banking agency shall, at a minimum, furnish or cause to be furnished to the Nationwide Mortgage Licensing System and Registry information concerning the employees's identity, including—

(A) fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive such information for a State and national criminal history background check; and

(B) personal history and experience, including authorization for the Nationwide Mortgage Licensing System and Registry to obtain information related to any administrative, civil or criminal findings by any governmental jurisdiction.

(b) COORDINATION.—

(1) UNIQUE IDENTIFIER.—The Federal banking agencies, through the Financial Institutions Examination Council, shall coordinate with the Nationwide Mortgage Licensing System and Registry to establish protocols for assigning a unique identifier to each registered loan originator that will facilitate electronic tracking and uniform identification of, and public access to, the employment history of and publicly adjudicated disciplinary and enforcement actions against loan originators.

(2) NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY DEVELOPMENT.—To facilitate the transfer of information required by subsection (a)(2), the Nationwide Mortgage Licensing System and Registry shall coordinate with the Federal banking agencies, through the Financial Institutions Examination Council, concerning the development and operation, by such System and Registry, of the registration functionality and data requirements for loan originators.

(c) CONSIDERATION OF FACTORS AND PROCEDURES.—In establishing the registration procedures under subsection (a) and the protocols for assigning a unique identifier to a registered loan originator, the Federal banking agencies shall make such de minimis exceptions as may be appropriate to paragraphs (1)(A) and (2) of section 4(a), shall make reasonable efforts to utilize existing information to minimize the burden of registering loan originators, and shall consider methods for automating the process to the greatest extent practicable consistent with the purposes of this Act.

SEC. 8. SECRETARY OF HOUSING AND URBAN DEVELOPMENT BACKUP AUTHORITY TO ESTABLISH A LOAN ORIGINATOR LICENSING SYSTEM.

(a) BACK UP LICENSING SYSTEM.—If, by the end of the 1-year period, or the 2-year period in the case of a State whose legislature meets only biennially, beginning on the date of the enactment of this Act or at any time thereafter, the Secretary determines that a State does not have in place by law or regulation a system for licensing and registering loan originators that meets the requirements of sections 5 and 6 and subsection (d) of this section, or does not participate in the Nationwide Mortgage Licensing System and Registry, the Secretary shall provide for the establishment and maintenance of a system for the licensing and registration by the Secretary of loan originators operating in such State as State-licensed loan originators.

(b) LICENSING AND REGISTRATION REQUIREMENTS.—The system established by the Secretary under subsection (a) for any State shall meet the requirements of sections 5 and 6 for State-licensed loan originators.

(c) UNIQUE IDENTIFIER.—The Secretary shall coordinate with the Nationwide Mortgage Licensing System and Registry to establish protocols for assigning a unique identifier to each loan originator licensed by the Secretary as a State-licensed loan originator that will facilitate electronic tracking and uniform identification of, and public access to, the employment history of and the publicly adjudicated disciplinary and enforcement actions against loan originators.

(d) STATE LICENSING LAW REQUIREMENTS.—For purposes of this section, the law in effect in a State meets the requirements of this subsection if the Secretary determines the law satisfies the following minimum requirements:

(1) A State loan originator supervisory authority is maintained to provide effective supervision and enforcement of such law, including the suspension, termination, or nonrenewal of a license for a violation of State or Federal law.

(2) The State loan originator supervisory authority ensures that all State-licensed loan originators operating in the State are registered with Nationwide Mortgage Licensing System and Registry.

(3) The State loan originator supervisory authority is required to regularly report violations of such law, as well as enforcement actions and other relevant information, to the Nationwide Mortgage Licensing System and Registry.

(e) TEMPORARY EXTENSION OF PERIOD.—The Secretary may extend, by not more than 12 months, the 1-year or 2-year period, as the case may be, referred to in subsection (a) for the licensing of loan originators in any State under a State licensing law that meets the requirements of sections 5 and 6 and subsection (d) if the Secretary determines that such State is making a good faith effort to establish a State licensing law that meets such requirements, license mortgage originators under such law, and register such originators with the Nationwide Mortgage Licensing System and Registry.

(f) LIMITATION ON HUD-LICENSED LOAN ORIGINATORS.—Any loan originator who is licensed by the Secretary under a system established under this section for any State may not use such license to originate loans in any other State.

(g) CONTRACTING AUTHORITY.—The Secretary may enter into contracts with qualified independent parties, as necessary to efficiently fulfill the obligations of the Secretary under this Section.

SEC. 9. BACKUP AUTHORITY TO ESTABLISH A NATIONWIDE MORTGAGE LICENSING AND REGISTRY SYSTEM.

If at any time the Secretary determines that the Nationwide Mortgage Licensing System and Registry is failing to meet the requirements and purposes of this Act for a comprehensive licensing, supervisory, and tracking system for loan originators, the Secretary shall establish and maintain such a system to carry out the purposes of this Act and the effective registration and regulation of loan originators.

SEC. 10. FEES.

The Federal banking agencies, the Secretary, and the Nationwide Mortgage Licensing System and Registry may charge reasonable fees to cover the costs of maintaining and providing access to information from the Nationwide Mortgage Licensing System and Registry, to the extent that such fees are not charged to consumers for access to such system and registry.

SEC. 11. BACKGROUND CHECKS OF LOAN ORIGINATORS.

(a) ACCESS TO RECORDS.—Notwithstanding any other provision of law, in providing identification and processing functions, the Attorney General shall provide access to all criminal history information to the appropriate State officials responsible for regulating State-licensed loan originators to the extent criminal history background checks are required under the laws of the State for the licensing of such loan originators.

(b) AGENT.—For the purposes of this section and in order to reduce the points of contact which the Federal Bureau of Investigation may have to maintain for purposes of subsection (a), the Conference of State Bank Supervisors or a wholly owned subsidiary may be used as a channeling agent of the States for requesting and distributing information between the Department of Justice and the appropriate State agencies.

SEC. 12. CONFIDENTIALITY OF INFORMATION.

(a) SYSTEM CONFIDENTIALITY.—Except as otherwise provided in this section, any requirement under Federal or State law regarding the privacy or confidentiality of any information or material provided to the Nationwide Mortgage Licensing System and Registry or a system established by the Secretary under section 9, and any privilege arising under Federal or State law (including the rules of any Federal or State court) with respect to such information or material, shall continue to apply to such information or material after the information or material has been disclosed to the system. Such information and material may be shared with all State and Federal regulatory officials with mortgage industry oversight authority without the loss of privilege or the loss of confidentiality protections provided by Federal and State laws.

(b) NONAPPLICABILITY OF CERTAIN REQUIREMENTS.—Information or material that is subject to a privilege or confidentiality under subsection (a) shall not be subject to—

(1) disclosure under any Federal or State law governing the disclosure to the public of information held by an officer or an agency of the Federal Government or the respective State; or

(2) subpoena or discovery, or admission into evidence, in any private civil action or administrative process, unless with respect to any privilege held by the Nationwide Mortgage Licensing System and Registry or the Secretary with respect to such information or material, the person to whom such information or material pertains waives, in whole or in part, in the discretion of such person, that privilege.

(c) COORDINATION WITH OTHER LAW.—Any State law, including any State open record law, relating to the disclosure of confidential supervisory information or any information or material described in subsection (a) that is inconsistent with subsection (a) shall be superseded by the requirements of such provision to the extent State law provides less confidentiality or a weaker privilege.

(d) PUBLIC ACCESS TO INFORMATION.—This section shall not apply with respect to the information or material relating to the employment history of, and publicly adjudicated disciplinary and enforcement actions against, loan originators that is included in Nationwide Mortgage Licensing System and Registry for access by the public.

SEC. 13. LIABILITY PROVISIONS.

The Secretary, any State official or agency, any Federal banking agency, or any organization serving as the administrator of the Nationwide Mortgage Licensing System and Registry or a system established by the Secretary under section 9, or any officer or employee of any such entity, shall not be subject to any civil action or proceeding for monetary damages by reason of the good-faith action or omission of any officer or employee of any such entity, while acting within the scope of office or employment, relating to the collection, furnishing, or dissemination of information concerning persons who are loan originators or are applying for licensing or registration as loan originators.

SEC. 14. ENFORCEMENT UNDER HUD BACKUP LICENSING SYSTEM.

(a) SUMMONS AUTHORITY.—The Secretary may—

(1) examine any books, papers, records, or other data of any loan originator operating in any State which is subject to a licensing system established by the Secretary under section 8; and

(2) summon any loan originator referred to in paragraph (1) or any person having possession, custody, or care of the reports and records relating to such loan originator, to appear before the Secretary or any delegate of the Secretary at a time and place named in the summons and to produce such books, papers, records, or other data, and to give testimony, under oath, as may be relevant or material to an investigation of such loan originator for compliance with the requirements of this Act.

(b) EXAMINATION AUTHORITY.—

(1) IN GENERAL.—If the Secretary establishes a licensing system under section 8 for any State, the Secretary shall appoint examiners for the purposes of administering such section.

(2) POWER TO EXAMINE.—Any examiner appointed under paragraph (1) shall have power, on behalf of the Secretary, to make any examination of any loan originator operating in any State which is subject to a licensing system established by the Secretary under section 8 whenever the Secretary determines an examination of any loan originator is necessary to determine the compliance by the originator with this Act.

(3) REPORT OF EXAMINATION.—Each examiner appointed under paragraph (1) shall make a full and detailed report of examination of any loan originator examined to the Secretary.

(4) ADMINISTRATION OF OATHS AND AFFIRMATIONS; EVIDENCE.—In connection with examinations of loan originators operating in any State which is subject to a licensing system established by the Secretary under section 8, or with other types of investigations to determine compliance with applicable law and regulations, the Secretary and examiners appointed by the Secretary may administer oaths and affirmations and examine and take and preserve testimony under oath as to any matter in respect to the affairs of any such loan originator.

(5) ASSESSMENTS.—The cost of conducting any examination of any loan originator operating in any State which is subject to a licensing system established by the Secretary under section 8 shall be assessed by the Secretary against the loan originator to meet the Secretary's expenses in carrying out such examination.

(c) CEASE AND DESIST PROCEEDING.—

(1) AUTHORITY OF SECRETARY.—If the Secretary finds, after notice and opportunity for hearing, that any person is violating, has violated, or is about to violate any provision of this Act, or any regulation thereunder, with respect to a State which is subject to a licensing system established by the Secretary under section 8, the Secretary may publish such findings and enter an order requiring such person, and any other person that is, was, or would be a cause of the violation, due to an act or omission the person knew or should have known would contribute to such violation, to cease and desist from committing or causing such violation and any future violation of the same provision, rule, or regulation. Such order may, in addition to requiring a person to cease and desist from committing or causing a violation, require such person to comply, or to take steps to effect compliance, with such provision or regulation, upon such terms and conditions and within such time as the Secretary may specify in such order. Any such order may, as the Secretary deems appropriate, require future compliance or steps to effect future compliance, either permanently or for such period of time as the Secretary may specify, with such provision or regulation with respect to any loan originator.

(2) HEARING.—The notice instituting proceedings pursuant to paragraph (1) shall fix a hearing date not earlier than 30 days nor later than 60 days after service of the notice unless an earlier or a later date is set by the Secretary with the consent of any respondent so served.

(3) TEMPORARY ORDER.—Whenever the Secretary determines that the alleged violation or threatened violation specified in the notice instituting proceedings pursuant to paragraph (1), or the continuation thereof, is likely to result in significant dissipation or conversion of assets, significant harm to consumers, or substantial harm to the public interest prior to the completion of the proceedings, the Secretary may enter a temporary order requiring the respondent to cease and desist from the violation or threatened violation and to take such action to prevent the violation or threatened violation and to prevent dissipation or conversion of assets, significant harm to consumers, or substantial harm to the public interest as the Secretary deems appropriate pending completion of such proceedings. Such an order shall be entered only after notice and opportunity for a hearing, unless the Secretary determines that notice and hearing prior to entry would be impracticable or contrary to the public interest. A temporary order shall become effective upon service upon the respondent and, unless set aside, limited, or suspended by the Secretary or a court of competent jurisdiction, shall remain effective and enforceable pending the completion of the proceedings.

(4) REVIEW OF TEMPORARY ORDERS.—

(A) REVIEW BY SECRETARY.—At any time after the respondent has been served with a temporary cease-and-desist order pursuant to paragraph (3), the respondent may apply to the Secretary to have the order set aside, limited, or suspended. If the respondent has been served with a temporary cease-and-desist order entered without a prior hearing before the Secretary, the respondent may, within 10 days after the date on which the order was served, request a hearing on such application and the Secretary shall hold a hearing and render a decision on such application at the earliest possible time.

(B) JUDICIAL REVIEW.—Within—

(i) 10 days after the date the respondent was served with a temporary cease-and-desist order entered with a prior hearing before the Secretary; or

(ii) 10 days after the Secretary renders a decision on an application and hearing under paragraph (1), with respect to any temporary cease-and-desist order entered without a prior hearing before the Secretary,

the respondent may apply to the United States district court for the district in which the respondent resides or has its principal place of business, or for the District of Columbia, for an order setting aside, limiting, or suspending the effectiveness or enforcement of the order, and the court shall have jurisdiction to enter such an order. A respondent served with a temporary cease-and-desist order entered without a prior hearing before the Secretary may not apply to the court except after hearing and decision by the Secretary on the respondent's application under subparagraph (A).

(C) NO AUTOMATIC STAY OF TEMPORARY ORDER.—The commencement of proceedings under subparagraph (B) shall not, unless specifically ordered by the court, operate as a stay of the Secretary's order.

(5) AUTHORITY OF THE SECRETARY TO PROHIBIT PERSONS FROM SERVING AS LOAN ORIGINATORS.—In any cease-and-desist proceeding under paragraph (1), the Secretary may issue an order to prohibit, conditionally or unconditionally, and permanently or for such period of time as the Secretary shall determine, any person who has violated this Act or regulations thereunder, from acting as a loan originator if the conduct of that person demonstrates unfitness to serve as a loan originator.

(d) AUTHORITY OF THE SECRETARY TO ASSESS MONEY PENALTIES.—

(1) IN GENERAL.—The Secretary may impose a civil penalty on a loan originator operating in any State which is subject to licensing system established by the Secretary under section 8, if the Secretary finds, on the record after notice and opportunity for hearing, that such loan originator has violated or failed to comply with any requirement of this Act or any regulation prescribed by the Secretary under this Act or order issued under subsection (c).

(2) MAXIMUM AMOUNT OF PENALTY.—The maximum amount of penalty for each act or omission described in paragraph (1) shall be $5,000 for each day the violation continues.

SEC. 15. PREEMPTION OF STATE LAW.

Nothing in this Act may be construed to preempt the law of any State, to the extent that such State law provides greater protection to consumers than is provided under this Act.

SEC. 16. REPORTS AND RECOMMENDATIONS TO CONGRESS.

(a) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress on the effectiveness of the provisions of this Act, including legislative recommendations, if any, for strengthening consumer protections, enhancing examination standards, and streamlining communication between all stakeholders involved in residential mortgage loan origination and processing.

(b) LEGISLATIVE RECOMMENDATIONS.—Not later than 6 months after the date of enactment of this Act, the Secretary shall make recommendations to Congress on legislative reforms to the Real Estate Settlement Procedures Act of 1974, that the Secretary deems appropriate to promote more transparent disclosures, allowing consumers to better shop and compare mortgage loan terms and settlement costs.

SEC. 17. STUDY AND REPORTS ON DEFAULTS AND FORECLOSURES.

(a) STUDY REQUIRED.—The Secretary shall conduct an extensive study of the root causes of default and foreclosure of home loans, using as much empirical data as is available.

(b) PRELIMINARY REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit to Congress a preliminary report regarding the study required by this section.

(c) FINAL REPORT TO CONGRESS.—Not later than 12 months after the date of enactment of this Act, the Secretary shall submit to Congress a final report regarding the results of the study required by this section, which shall include any recommended legislation relating to the study, and recommendations for best practices and for a process to provide targeted assistance to populations with the highest risk of potential default or foreclosure.

By Mr. LUGAR:

S. 2597. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Moldova; to the Committee on Finance.

Mr. LUGAR. Mr. President, I rise today to introduce legislation designed to extend permanent normal trade relations to Moldova. Moldova is still subject to the provisions of the Jackson-Vanik amendment to the Trade Act of 1974, which sanctions nations for failure to comply with freedom of emigration requirements. This bill would repeal permanently the application of Jackson-Vanik to Moldova.

Moldova is a small country located between Ukraine and Romania. Throughout the Cold War it was a part of the Soviet Union. It gained its independence from the Soviet Union on August 27, 1991. The U.S. has supported Moldova in its journey toward democracy and sovereignty.

The U.S. enjoys good relations with Moldova and has encouraged Moldovan efforts to integrate with Euro-Atlantic institutions. Moldova is an active participant in Guam, Georgia, Ukraine, Azerbaijan and Moldova, a group of countries that has recently concluded a new trade agreement with the EU.

Since declaring independence from the Soviet Union in 1992, Moldova has enacted a series of democratic and free market reforms. In 2001, Moldova became a member of the World Trade Organization. Until the U.S. terminates application of Jackson-Vanik on Moldova, the U.S. will not benefit from Moldova's market access commitments nor can it resort to WTO dispute resolution mechanisms. While all other WTO members currently enjoy these benefits, the U.S. does not.

The Republic of Moldova has been evaluated every year and granted normal trade relations with the U.S. through annual presidential waivers from the effects of Jackson-Vanik. The Moldovan constitution guarantees its citizens the right to emigrate and this right is respected in practice. Most emigration restrictions were eliminated in 1991 and virtually no problems with emigration have been reported in the 16 years since independence. More specifically, Moldova does not impose emigration restrictions on members of the Jewish community. Synagogues function openly and without harassment. As a result, the Administration finds that Moldova is in full compliance with Jackson-Vanik's provisions.

Since declaring independence from the Soviet Union in 1992, Moldova has enacted a series of democratic and free market reforms. Parliamentary elections in 2005 and local elections in 2007 generally complied with international standards for democratic elections. Moldova has also contributed constructively towards a resolution of the long-standing separatist conflict in the country's Transniestria region, most recently by proposing a series of confidence-building measures and working groups.

The U.S. and Moldova have established a strong record of achievement in security cooperation. In 1997 the Nunn-Lugar Cooperative Threat Reduction Program responded to a Moldovan request for assistance. The U.S. purchased and secured 14 nuclear-capable MiG-29Cs from Moldova. These fighter aircraft were built by the former Soviet Union to launch nuclear weapons. Moldova expressed concern that these aircraft were unsecure due to the lack of funds and equipment necessary to ensure they were not stolen or smuggled out of the country. Specifically, emissaries from Iran had shown great interest and had attempted to acquire the aircraft. These planes were not destroyed. They were disassembled and shipped to Wright Patterson Air Force Base because they can be used by American experts for research purposes.

Moldova has made small, but important, troop contributions in Iraq. These contributions include significant demining capabilities and contingents of combat troops. I am pleased that the U.S. remains prepared to assist in weapons and ammunition disposal and force relocation assistance to help deal with the costs of military realignments in Moldova and to assist with military downsizing and reforms.

One of the areas where we can deepen U.S.-Moldovan relations is bilateral trade. In light of its adherence to freedom of emigration requirements, compliance with threat reduction and cooperation in the global war on terrorism, the products of Moldova should not be subject to the sanctions of Jackson-Vanik. The U.S. must remain committed and engaged in assisting Moldova in pursuing economic and development reforms. The government in Chisinau still has important work to do in these critical areas. The support and encouragement of the U.S. and the international community will be key to encouraging the Government of Moldova to take the necessary steps to initiate reform. The permanent waiver of Jackson-Vanik and establishment of permanent normal trade relations will be the foundation on which further progress in a burgeoning economic and energy partnership can be made.

I am hopeful that my colleagues will join me in supporting this important legislation. It is essential that we act promptly to bolster this important relationship and promote stability in this region.

By Mr. DORGAN (for himself, Mr. BINGAMAN, Mr. LEVIN, Mr. KERRY, Ms. COLLINS, Mr. LIEBERMAN, and Mr. WYDEN):

S. 2598. A bill to increase the supply and lower the cost of petroleum by temporarily suspending the acquisition of petroleum for the Strategic Petroleum Reserve; to the Committee on Energy and Natural Resources.

Mr. DORGAN. Mr. President, today I am pleased to introduce the Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2007. This bill directs the Secretary of Energy to suspend filling of the U.S. Strategic Petroleum Reserve, SPR, for 1 year. I appreciate that Senators BINGAMAN, LEVIN, KERRY, COLLINS, LIEBERMAN, and WYDEN have joined me as original cosponsors of this legislation. This bill directs the Secretary to stop filling the reserve through direct purchase, royalty-in-kind or any other measures. The secretary may only resume filling if the price of a barrel of crude oil drops below $50 per barrel during the remainder of 2008.

The price of a barrel of oil is reaching record highs and global supplies of oil continue to shrink. During this period of volatile markets and short supply, it makes no sense to me for the U.S. Government to continue to take highly valuable crude oil, especially light sweet crude, off the market to store underground in a reserve that is at least 96 percent full. Continuing to "top off" the Strategic Petroleum Reserve with highly valuable crude oil is putting upward pressure on oil prices and raising energy prices for consumers.

I believe that we must take a "time out" from filling the reserve in order to send a signal to the market to reduce rising energy prices that are hitting American consumers' pocketbooks. Lowering energy costs will put additional money back into consumers' hands and will help provide a real stimulus to our economy in my judgment.

Historically, the average price of oil used to fill the Strategic Petroleum Reserve has been about $27 per barrel. The Administration is now filling the Reserve with oil that averages over $90 per barrel, including highly sought after light sweet crude. This is a bad deal for American taxpayers and consumers.

On January 8, 2008, the Secretary of Energy sent me a letter stating that our Strategic Petroleum Reserve contains only 57 days of import protection and that the 50,000 barrels per day they are filling with is a small amount of the oil used on the global market daily. This is only part of the story. The fact is that the SPR, combined with our private oil stocks and refining inventories, total more than 118 days of import protection. The current levels in our strategic petroleum stocks are more than adequate to meet our international treaty obligations requiring 90 days of import protection for all OECD countries. I also disagree that taking 50,000 barrels per day off the market, especially light sweet crude, has no impact on energy prices. During the Clinton administration, Congress signaled that it wanted more than $200 million sold from the SPR in 1996, the price of oil dropped precipitously in the market. The market looks at many factors, including our filling of the SPR. This is another reason we can afford to temporarily suspend filling the Strategic Petroleum Reserve.

Further, the Energy Policy Act of 2005 provides directional guidance to expand the Strategic Petroleum Reserve. The provision in law clearly states that filling the reserve must be achieved "without incurring excessive cost or appreciably affecting the price of petroleum products to consumers." I think filling the Strategic Petroleum Reserve in today's environment is indeed impacting the price of petroleum so that we must defer filling for now to ease pressure on the market.

Finally, the Congress enacted and the President signed historic legislation in December 2008—the Energy Independence and Security Act of 2007. That legislation established a strong foundation to put our Nation on an alternative energy security pathway. This includes strong fuel economy standards and an expanded renewable fuels standard. Conservative estimates provided by the Securing America's Future Energy Coalition show that the new legislation would reduce net oil imports by 1.75 million barrels per day by 2020, increasing to 2.26 million barrels per day in 2022 and rising thereafter. These estimates represent roughly half of the theoretical SPR drawdown capacity of 4.4 million barrels per day. They also increase the number of days of protection afforded by a given quantity of oil in the SPR. Thus, our enactment of historic Energy legislation will, over time, increase the insurance value of the SPR, even if the actual inventory level is frozen or slightly decreased.

Let me be clear. I believe maintaining a Strategic Petroleum Reserve is in the economic and national security interests of this country. However, during this time of record oil prices, rising energy costs for consumers, economic downturn and tight global oil supplies, the U.S. Government should suspend taking highly valuable oil off the market to store underground in the Strategic Petroleum Reserve.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2598

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008"..

SEC. 2. SUSPENSION OF PETROLEUM ACQUISITION FOR STRATEGIC PETROLEUM RESERVE.

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding any other provision of law, during calendar year 2008, the Secretary of Energy shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program or any other acquisition method.

(b) RESUMPTION.—The Secretary may resume acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program or any other acquisition method under subsection (a) not earlier than 30 days after the date on which the Secretary notifies Congress that the Secretary has determined that the weighted average price of petroleum in the United States for the most recent 90-day period is $50 or less per barrel.

By Mr. HARKIN (for himself and Mr. GRASSLEY):

S. 2600. A bill to provide for the designation of a single ZIP code for Windsor Heights, Iowa; to the Committee on Homeland Security and Governmental Affairs.

Mr. HARKIN. Mr. President, today I rise with my colleague from Iowa to introduce a bill to provide the town of Windsor Heights, IA, its own ZIP code. Currently, the residents of Windsor Heights share three ZIP codes with surrounding communities, Des Moines, West Des Moines, and Urbandale. Confusion between the ZIP codes and city boundaries has caused delays in mail delivery, an increased amount of undelivered mail, and numerous complaints from frustrated citizens. Each day sensitive materials, including financial statements, credit cards, Social Security checks, and passports pass through the mail stream. It is imperative that residents are able to rely on the safe and timely delivery of these documents.

The complications from this problem reach beyond mail delivery. During the recent Iowa Caucuses, residents living in Windsor Heights Precinct 2 were directed to the wrong address when looking for their caucus location. Windsor Heights residents who use the 50322 ZIP code—one which is shared with neighboring Urbandale—were incorrectly advised that the caucus location was in Urbandale, rather than Windsor Heights. Furthermore, because insurance rates are based on ZIP codes, residents pay premiums based on neighboring Des Moines and Urbandale, rather than Windsor Heights, making it more difficult for providers to sell car insurance to residents.

City officials have tried in vain for almost 5 years to acquire a ZIP code for Windsor Heights. It is my hope that the Senate will quickly act upon this legislation to enable them to do so.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 2601. A bill to require the Secretary of Agriculture to convey to King and Kittitas Counties Fire District No. 51 a certain parcel of real property for use as a site for a new Snoqualmie Pass fire and rescue station; to the Committee on Energy and Natural Resources.

Ms. CANTWELL. Mr. President, today I am introducing the Snoqualmie Pass Land Conveyance Act, together with Senator MURRAY. This bill would transfer an acre and a half of Forest Service land to the King and Kittitas Counties Fire District No. 51, also known as Snoqualmie Pass Fire and Rescue. This land would be conveyed at no cost, but would have to be used by the Fire District specifically for the construction of a new fire station or it would revert back to the Federal Government.

Snoqualmie Pass Fire and Rescue serves a portion of two counties on both sides of the Cascade Mountains along Interstate 90, a community of 350 full-time residents that peaks to 1,500 during the ski season. Additionally, the ski area estimates 20,000 patrons on a busy weekend, and the Department of Transportation estimates that up to 60,000 vehicles travel through the fire district on a busy day making it the busiest mountain highway in the country.

This area is also the major transportation corridor for goods and services between eastern and western Washington. The all-volunteer Fire Department averages over 300 calls a year with about a 10 percent annual increase in call volumes, which is more than triple the amount of calls a typical all-volunteer fire department would respond to in a year. Mr. Presdient, 84 percent of those incidents are for non-tax paying residents. Consequently, the Fire Department has the characteristics of a large city with the limited resources of a small community.

In recent years, this area has been the scene of major winter snowstorms, multi-vehicle accidents, and even avalanches. The Fire District is often the first responder to incidents in the area, which is prone to rock slides and avalanches and it is not uncommon for this community to be isolated for hours or even days at a time. Several thousand people can be stranded at the Pass during those periods when the Pass is closed and while the Department of Transportation works quickly to get the roads back open, it can be very taxing on local resources.

For decades, the Fire District has been leasing its current site from the Forest Service. They operate out of an aging building that was not designed to be a fire station. Through their hard work and dedication, they have served their community ably despite this building's many shortcomings. However, with traffic on the rise and the need for emergency services in the area growing, the Fire District needs to move to a true fire station.

The Fire District has identified a nearby site that would better serve the public safety needs at the Pass. This location would provide easy access to the interstate in either direction, reducing emergency response times. The parcel is on Forest Service property, immediately adjacent to a freeway interchange, between a frontage road and the interstate itself. The parcel was formerly a disposal site during construction of the freeway and is now a gravel lot.

I recognize that the Forest Service does not normally support conveyances of land free of charge. However, I believe an exception should be made in this particular circumstance because of the important public service provided by the Fire District, the heavy traffic and emergency calls created by non-residents in the area, the distance of Snoqualmie Pass from other communities with emergency services, and because of the high amount of federal land ownership in the area, which severely limits the local tax base. In fact, the Forest Service has acquired 20,000 acres in King and Kittitas counties at a cost of more than $52 million over just the last 10 years.

Passage of this legislation would not guarantee that a new station would be built. The Fire District would have to work hard to gather the financing that would be required from State and local sources, as well as any applicable Federal grants or loans. However, the conveyance of this site at no cost would help this Fire District hold down the overall cost of this project.

I am confident this can be done with little or no impact to the environment. Over the last year, following the introduction of this legislation in the House of Representatives, H.R. 1285, there were ongoing discussions in Washington State to address some lingering issues related to this conveyance. I am pleased those discussions reached resolution. I am also pleased that discussions with my staff, Senator MURRAY's staff, and staff of Energy and Natural Resources Committee led to an amendment to H.R. 1285 before it passed the House of Representatives that would better tailor the conveyance to both the environmental and the emergency response needs at the Pass by reducing the amount of land to be conveyed from 3 acres to 1.5 acres.

It is my understanding that there are offers of support to construct a new fire station from state and local officials, and to mitigate any effects of construction, and I support those efforts. To offset any potential impacts from construction of a new fire station and to improve wildlife connectivity at the pass, I encourage the Forest Service to work in collaboration with state and local officials, the Cascade Land Conservancy, Snoqualmie Fire District, Sierra Club, and Conservation Northwest to identify opportunities for off-site habitat acquisition.

I appreciate the efforts of Senator MURRAY and my colleagues on the Energy and Natural Resources Committee to review this issue and bring this bill forward. I look forward to continuing to work with the community at the Pass and my colleagues to improve public safety in the area.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2601

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Snoqualmie Pass Land Conveyance Act".

SEC. 2. LAND CONVEYANCE, NATIONAL FOREST SYSTEM LAND, KITTITAS COUNTY, WASHINGTON.

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture (referred to in this section as the "Secretary") shall convey, without consideration, to King and Kittitas Counties Fire District No. 51 of King and Kittitas Counties, Washington (referred to in this section as the "District"), all right, title, and interest of the United States in and to a parcel of National Forest System land in Kittitas County, Washington, consisting of approximately 1.5 acres within the SW ¼ of the SE ¼ of sec. 4, T. 22 N., R. 11 E., Willamette meridian, for the purpose of permitting the District to use the parcel as a site for a new Snoqualmie Pass fire and rescue station.

(b) REVERSIONARY INTEREST.—

(1) IN GENERAL.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in that subsection—

(A) all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States; and

(B) the United States shall have the right of immediate entry onto the property.

(2) DETERMINATION REQUIREMENTS.—A determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) SURVEY.—

(1) IN GENERAL.—If necessary, the exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(2) COST.—The cost of a survey under paragraph (1) shall be paid by the District.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers to be appropriate to protect the interests of the United States.

By Mr. SALAZAR:

S. 2602. A bill to amend the Department of the Interior, Environment, and Related Agencies appropriations Act, 2008, to terminate the authority of the Secretary of the Treasury to deduct amounts from certain States; to the Committee on Energy and Natural Resources.

Mr. SALAZAR. Mr. President, I rise today to introduce legislation—a companion bill will be introduced in the House by my colleagues Representatives SALAZAR and UDALL—to restore Colorado's share of oil and gas leasing revenue.

The 2008 Omnibus Appropriations bill includes a provision, requested by the Bush Administration, to reduce the share of mineral royalties paid to Colorado and other western states. Specifically, the administration's proposal to reduce the State's share of mineral revenues from 50 percent to 48 percent does not serve the taxpayers who fund the government nor does it serve the states that allow energy production to happen within their borders. Colorado is blessed with an abundance of natural resources, including its deposits of oil and natural gas. Our State's economy benefits from the production of these resources, and we deserve to continue receiving our fair share of the revenues.

The administration attempts to justify this reduction as necessary to defray the administrative costs related to the management of onshore leasing activity. We believe this assertion is unfounded and oppose any attempt to take money that is rightfully owed to our State in order to pay for more Federal bureaucracy. This is money that our state could use to help mitigate the effects of increased oil and gas drilling activity and for other important state priorities, such as education and health care.

Our legislation repeals the administration's money grab and restores each State's share to its full, coequal 50 percent of mineral leasing revenues. We cannot allow the Federal government to take oil and gas leasing revenues intended to help the communities of Colorado. This language was inserted late into last year's omnibus spending bill and must be corrected. Our legislation does just that.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 444—EXPRESSING THE SENSE OF THE SENATE REGARDING THE STRONG ALLIANCE THAT HAS BEEN FORGED BETWEEN THE UNITED STATES AND THE REPUBLIC OF KOREA AND CONGRATULATING MYUNG-BAK LEE ON HIS ELECTION TO THE PRESIDENCY OF THE REPUBLIC OF KOREA

Mr. BIDEN (for himself, Ms. MURKOWSKI, and Mr. HAGEL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 444

Whereas the United States and the Republic of Korea enjoy a comprehensive alliance partnership founded in shared strategic interests and cemented by a commitment to democratic values;

Whereas the alliance between the United States and the Republic of Korea has been forged in blood and honed by struggles against common adversaries;

Whereas on December 19, 2007, the Senate passed S. Res. 279, marking the 125th anniversary of the 1882 Treaty of Peace, Amity, Commerce and Navigation between the Kingdom of Chosun (Korea) and the United States, and recognizing that "the strength and endurance of the alliance between the United States and the Republic of Korea should be acknowledged and celebrated";

Whereas during the 60 years since the founding of the Republic of Korea on August 15, 1948, the Republic of Korea, with unwavering commitment and support from the United States, has accomplished a remarkable economic and political transformation, rising from poverty to become the 11th largest economy in the world and a thriving multi-party democracy;

Whereas the Republic of Korea is the United States' seventh largest trading partner and the United States is the third largest trading partner of the Republic of Korea, with nearly $80,000,000,000 in goods and services passing between the 2 countries each year;

Whereas there are deep cultural and personal ties between the people of the United States and the people of the Republic of Korea, as exemplified by the large flow of visitors and exchanges each year between the 2 countries and the nearly 2,000,000 Korean Americans who currently reside in the United States;

Whereas the United States and the Republic of Korea are working together to address the threat posed by North Korea's nuclear weapons program and to build a lasting peace on the Korean Peninsula;

Whereas this alliance is promoting international peace and security, economic prosperity, human rights and the rule of law, not only on the Korean Peninsula, but also throughout the world; and

Whereas Myung-Bak Lee, who won election to become the next President of the Republic of Korea, has affirmed his deep commitment to further strengthening the alliance between the United States and the Republic of Korea, by expanding areas of cooperation and realizing the full potential of our mutually beneficial partnership: Now, therefore, be it

Resolved, That the Senate congratulates Myung-Bak Lee on his election to the presidency of the Republic of Korea and wishes him and the Korean people well on his inauguration on February 25, 2008.

Mr. BIDEN. Mr. President, today I introduce a resolution expressing the sense of the U.S. Senate regarding the strong alliance that has been forged between the U.S. and the Republic of Korea, ROK, and congratulating Myung-Bak Lee on his election to the presidency of the ROK.

The U.S.-ROK Alliance is no ordinary alliance. It was forged in desperate struggle against North Korean aggressors, and it has been honed by more than 50 years of joint military operations on and off the Korean Peninsula. On the peninsula, ROK and U.S. forces stand shoulder-to-shoulder, keeping the peace as they have done for 55 years. Off the peninsula, South Korean troops have fought alongside U.S. forces in Vietnam, Iraq twice, and Afghanistan. Even today, South Korea has more than 1,000 troops in Iraq. And Seoul voted last December to keep at least 600 troops in Iraq through the end of this year.

The willingness of South Korea to devote blood and treasure to struggles far from its shores is not only a testimony to the loyalty of the Korean people to the American people, who came to their aid in a time of need, but also proof of the convergent national interests of the U.S. and the Republic of Korea.

The U.S.-ROK Alliance is rooted in common strategic interests, but it is also fortified by common democratic values. South Korea has developed a vibrant democratic system, with strong protections for civil liberties and human rights. It was not always thus.

South Korea's journey from authoritarianism and poverty to democracy and prosperity has been a long one—four decades of hard work by the Korean people. Democracy did not come without sacrifices. The South Korean government's bloody suppression of the Kwangju democracy uprising of May 1980, left thousands of unarmed civilian protestors dead or injured. Although the dictatorship persisted for another 7 years, the democratic aspirations of the Korean people could not be denied.

In the end, the Korean people accomplished a remarkably peaceful transition from dictatorship to democracy. By also building a robust economy that has lifted millions out of poverty, the Republic of Korea has provided a model for other developing nations in East Asia and beyond. South Korea is a world in information technology, with a much higher rate of broadband internet access, 30 percent, and more broadband total users, 15 million, than the United Kingdom, 24 percent, 14 million, or France, 22 percent, 14 million.

Just as Korea is no ordinary ally, President-elect Lee is no ordinary South Korean politician. The son of a farm worker, Lee was born in Osaka, Japan, on December 19, 1941, returning to Korea with his parents only after the end of World War II. As a boy, Lee worked with his mother, who sold ice cream, cakes, and other sundries to supplement the family's income. He worked as a garbage collector to help pay for school expenses, eventually earning admission to the prestigious Korea University to study business administration.

In 1965, Lee joined Hyundai Engineering and Construction company, which had only 90 employees at the time. Over the course of 30 years at Hyundai, he advanced from junior executive to chairman, and helped build Hyundai into a global force in automotive manufacturing, construction, and real estate, with 160,000 employees.

Lee's entry into politics came only after he had retired from his Hyundai career. He was elected Mayor of Seoul, Korea's capital and largest city, on a platform stressing a balance between economic development and environmental protection. He told the city's people that he would remove the elevated highway that ran through the heart of Seoul and restore the buried Cheonggyecheon stream—an urban waterway that Lee himself had helped pave over in the 1960s. His opponents insisted that the plan would cause traffic chaos and cost billions. Three years later, Cheonggyecheon was reborn, changing the face of Seoul. Lee also revamped the city's transportation system, adding clean rapid-transit buses.

President-elect Lee stressed during his campaign that the U.S.–ROK alliance would be the cornerstone of Korea's security policy, and that strengthening and deepening the alliance would be a top priority for his administration. On North-South relations, he has pledged to sustain South Korea's engagement and investment in the North. But he has also articulated a policy of "tough love," saying that he will consider progress on denuclearization as his government ponders major new investments designed to help modernize North Korea's economy.

Today, as the people of the U.S. and the Republic of Korea look to the future, we can take comfort from the fact that we need not confront the challenges of North Korea's nuclear ambitions, terrorism, energy security, and global climate change alone.

Working together, we will convince North Korea to abandon its nuclear weapons program and build a lasting peace on the Korean Peninsula. Working together, we can help inspire good governance and promote economic growth in Asia and beyond. We can lead by example and demonstrate that nations that respect the human rights of their citizens are nations that are innovative, prosperous, and peaceful.

It is in celebration of the promise of this important partnership that I rise today, in concert with the Senator from Alaska, Senator MURKOWSKI, to offer a resolution marking another milestone in South Korea's democracy—the election of Myung-Bak Lee as President—and wishing him and the Korean people well as they embark on the next stage of South Korea's remarkable journey from the horrors of the Korean War to the bright future that is today arriving at light speed in the Republic of Korea.

SENATE CONCURRENT RESOLUTION 65—CELEBRATING THE BIRTH OF ABRAHAM LINCOLN AND RECOGNIZING THE PROMINENCE THE DECLARATION OF INDEPENDENCE PLAYED IN THE DEVELOPMENT OF ABRAHAM LINCOLN'S BELIEFS

Mr. DURBIN submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 65

Whereas Abraham Lincoln, the 16th President of the United States, was born of humble roots on February 12, 1809, in Hardin County, Kentucky;

Whereas Abraham Lincoln rose to political prominence as an attorney with a reputation for fairness, honesty, and a belief that all men are created equal and that they are endowed by their Creator with certain unalienable rights;

Whereas Abraham Lincoln was elected and served with distinction in 1832 as a captain of an Illinois militia company during the Black Hawk War;

Whereas Abraham Lincoln was elected to the Illinois legislature in 1834 from Sangamon County and was successively reelected until 1840;

Whereas Abraham Lincoln revered the Declaration of Independence, forming the motivating moral and natural law principle for his opposition to the spread of slavery to new States entering the Union and to his belief in slavery's ultimate demise;

Whereas Abraham Lincoln was elected in 1846 to serve in the United States House of Representatives, ably representing central Illinois;

Whereas Abraham Lincoln re-entered political life as a reaction to the passage of the Kansas-Nebraska Act in 1854, which he opposed;

Whereas Abraham Lincoln expounded on his views of natural rights during the series of debates with Stephen A. Douglas in 1858, declaring in Charleston, Illinois that natural rights were "enumerated in the Declaration of Independence, the right to life, liberty and the pursuit of happiness", and these views brought Lincoln into national prominence;

Whereas Abraham Lincoln, through a legacy of courage, character, and patriotism, was elected to office as the 16th President of the United States on November 6, 1860;

Whereas Abraham Lincoln believed the Declaration of Independence to be the anchor of American republicanism, stating on February 22, 1861, during an address at Independence Hall in Philadelphia, Pennsylvania that, "I have never had a feeling politically that did not spring from the sentiments embodied in the Declaration of Independence . . . I have often inquired of myself, what great principle or idea it was that kept this Confederacy so long together. It was not the mere matter of separation of the Colonies from the motherland; but that sentiment in the Declaration of Independence which gave liberty, not alone to the people of this country, but, I hope, to the world, for all future time. It was that which gave promise that in due time the weight would be lofted from the shoulders of men";

Whereas, upon taking office and being thrust into the midst of the Civil War, President Abraham Lincoln wrote the Emancipation Proclamation, freeing all slaves in southern States that seceded from the Union on January 1, 1863;

Whereas, on November 19, 1863, Abraham Lincoln dedicated the battlefield at Gettysburg, Pennsylvania with the Gettysburg Address, which would later be known as his greatest speech, that harkened back to the promises of the Declaration of Independence in the first sentence: "Four score and seven years ago, our fathers brought forth, on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal";

Whereas Abraham Lincoln was reelected to the presidency on November 8, 1864, by 55 percent of the popular vote;

Whereas Abraham Lincoln gave the ultimate sacrifice for his country, dying 6 weeks into his second term on April 15, 1865;

Whereas the year 2009 will be the bicentennial anniversary of the birth of Abraham Lincoln, and the United States will observe 2 years of commemorations beginning February 12, 2008; and

Whereas all Americans could benefit from studying the life of Abraham Lincoln as a model of achieving the American Dream through honesty, integrity, loyalty, and a lifetime of education: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) requests that the President issue a proclamation each year recognizing the anniversary of the birth of President Abraham Lincoln and calling upon the people of the United States to observe such anniversary with appropriate ceremonies and activities; and

(2) encourages State and local governments and local educational agencies to devote sufficient time to study and appreciate the reverence and respect Abraham Lincoln had for the significance and importance of the Declaration of Independence in the development of American history, jurisprudence, and the spread of freedom around the world.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3989. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table.

SA 3990. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 3991. Mr. SANDERS (for himself, Mr. AKAKA, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 3992. Mr. BROWN (for himself, Mrs. BOXER, Mr. BINGAMAN, Mr. SANDERS, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 3993. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 3994. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 3995. Mr. NELSON, of Florida (for himself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R.

5140, supra; which was ordered to lie on the table.

SA 3996. Mr. NELSON, of Florida (for himself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 3997. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3893 submitted by Mr. BROWNBACK (for himself, Mr. DORGAN, Ms. CANTWELL, and Mr. INOUYE) to the amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table.

SA 3998. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table.

SA 3999. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 4000. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 4001. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 4002. Mr. SANDERS (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 4003. Mr. SANDERS (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 4004. Mr. SANDERS (for himself, Mrs. CLINTON, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 4005. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 4006. Mr. CHAMBLISS (for himself, Mr. CRAPO, Mr. DEMINT, and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 4007. Mr. WYDEN (for himself, Mr. THUNE, Mr. DODD, Mr. SHELBY, Mrs. CLINTON, Mr. DURBIN, Mr. HARKIN, Mr. JOHNSON, Mr. MENENDEZ, Ms. MIKULSKI, Mr. REED, Mr. SANDERS, Mr. SCHUMER, and Mr. WEBB) submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 4008. Mr. MCCONNELL (for himself, Mr. STEVENS, Mr. ROBERTS, Mr. BOND, Mr. BROWNBACK, Mr. BUNNING, Mr. CORNYN, Mr. HATCH, Mr. SUNUNU, Mr. ALEXANDER, Mr. BURR, Mr. ISAKSON, Mr. VITTER, Mr. THUNE, Mr. CHAMBLISS, Mr. KYL, Mr. GRAHAM, Mr. CRAIG, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 5140, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3989. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

On page 55, between lines 19 and 20, insert the following:

SEC. 203. TEMPORARY INCREASE IN LOAN LIMIT FOR HOME EQUITY CONVERSION MORTGAGES.

For home equity conversion mortgages originated during the period beginning on July 1, 2007, and ending at the end of December 31, 2008, notwithstanding section 255(g) of the National Housing Act (12 U.S.C. 1715z-20(g)), the limitation on the maximum principal obligation of a home equity conversion mortgage that may be insured by the Secretary of Housing and Urban Development under such section 255 shall not exceed the dollar limitation established under section 201(a)(2) of this Act (relating to increased loan limits for the Federal Home Loan Mortgage Corporation).

SEC. 204. TEMPORARY INCREASE IN LOAN LIMIT FOR MANUFACTURED HOUSING.

During the period beginning on July 1, 2007, and ending at the end of December 31, 2008, with respect to any bank, trust company, personal finance company, mortgage company, building and loan association, installment lending company, or other such financial institution, that received or seeks insurance protection under section 2 of the National Housing Act (12 U.S.C. 1703(b)), the dollar limitation against losses which may sustain as a result of a loan, advance of credit, or purchase of an obligation representing such loans and advances shall not exceed—

(1) $25,090 if made for the purpose of financing alterations, repairs and improvements upon or in connection with existing manufactured homes;

(2) $69,678 if made for the purpose of financing the purchase of a manufactured home;

(3) $92,904 if made for the purpose of financing the purchase of a manufactured home and a suitably developed lot on which to place the home; and

(4) $23,226 if made for the purpose of financing the purchase, by an owner of a manufactured home which is the principal residence of that owner, of a suitably developed lot on which to place that manufactured home, and if the owner certifies that he or she will place the manufactured home on the lot acquired with such loan within 6 months after the date of such loan.

SA 3990. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

On page 14, after line 22, insert the following:

SEC. 104. CARRYBACK OF CERTAIN NET OPERATING LOSSES ALLOWED FOR 5 YEARS; TEMPORARY SUSPENSION OF 90 PERCENT AMT LIMIT.

(a) IN GENERAL.—Subparagraph (H) of section 172(b)(1) of the Internal Revenue Code of 1986 is amended to read as follows:

"(H) 5-YEAR CARRYBACK OF CERTAIN LOSSES.—

"(i) TAXABLE YEARS ENDING DURING 2001 AND 2002.—In the case of a net operating loss for any taxable year ending during 2001 or 2002, subparagraph (A)(i) shall be applied by substituting '5' for '2' and subparagraph (F) shall not apply.

"(ii) TAXABLE YEARS BEGINNING OR ENDING DURING 2006, 2007, AND 2008.—In the case of a net operating loss for any taxable year beginning or ending during 2006, 2007, or 2008—

"(I) subparagraph (A)(i) shall be applied by substituting '5' for '2',

"(II) subparagraph (E)(ii) shall be applied by substituting '4' for '2', and

"(III) subparagraph (F) shall not apply.".

(b) TEMPORARY SUSPENSION OF 90 PERCENT LIMIT ON CERTAIN NOL CARRYBACKS AND CARRYOVERS.—

(1) IN GENERAL.—Section 56(d) of the of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(3) ADDITIONAL ADJUSTMENTS.—For purposes of paragraph (1)(A), the amount described in clause (I) of paragraph (1)(A)(ii) shall be increased by the amount of the net operating loss deduction allowable for the taxable year under section 172 attributable to the sum of—

"(A) carrybacks of net operating losses from taxable years beginning or ending during 2006, 2007, and 2008, and

"(B) carryovers of net operating losses to taxable years beginning or ending during 2006, 2007, or 2008.".

'(2) CONFORMING AMENDMENT.—Subclause (I) of section 56(d)(1)(A)(i) of such Code is amended by inserting "amount of such" before "deduction described in clause (ii)(I)".

(c) ANTI-ABUSE RULES.—The Secretary of Treasury or the Secretary's designee shall prescribes such rules as are necessary to prevent the abuse of the purposes of the amendments made by this section, including anti-stuffing rules, anti-churning rules (including rules relating to sale-leasebacks), and rules similar to the rules under section 1091 of the Internal Revenue Code of 1986 relating to losses from wash sales.

(d) EFFECTIVE DATES.—

(1) SUBSECTION (a).—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by subsection (a) shall apply to net operating losses arising in taxable years beginning or ending in 2006, 2007, or 2008.

(B) ELECTION.—In the case of a net operating loss for a taxable year beginning or ending during 2006 or 2007—

(i) any election made under section 172(b)(3) of the Internal Revenue Code of 1986 may (notwithstanding such section) be revoked before November 1, 2008, and

(ii) any election made under section 172(j) of such Code shall (notwithstanding such section) be treated as timely made if made before November 1, 2008.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to taxable years ending after December 31, 1995.

SA 3991. Mr. SANDERS (for himself, Mr. AKAKA, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr.

REID to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE VI—OTHER ASSISTANCE

SEC. 601. TEMPORARY INCREASE IN SPECIALLY ADAPTED HOUSING BENEFITS FOR DISABLED VETERANS.

(a) In General.—Section 2102 of title 38, United States Code, is amended—

(1) in subsection (b)(2), by striking "$10,000" and inserting "$12,000"; and

(2) in subsection (d)—

(A) in paragraph (1), by striking "$50,000" and inserting "$60,000"; and

(B) in paragraph (2), by striking "$10,000" and inserting "$12,000".

(b) Effective Date.—The amendments made by subsection (a) shall be effective during the period beginning on the date of the enactment of this Act and ending on September 30, 2008.

(c) Revival.—Effective on October 1, 2008, the provisions of subsection (b)(2) and paragraphs (1) and (2) of subsection (d) of such section 2102, as such provisions were in effect on the day before the date of the enactment of this Act, are hereby revived.

SEC. 602. TEMPORARY INCREASE IN ASSISTANCE FOR PROVIDING AUTOMOBILES OR OTHER CONVEYANCES TO CERTAIN DISABLED VETERANS.

(a) In General.—Section 3902(a) of title 38, United States Code, is amended by striking "$11,000" and inserting "$22,484".

(b) Effective Date.—The amendment made by subsection (a) shall be effective during the period beginning on the date of the enactment of this Act and ending on September 30, 2008.

(c) Revival.—Effective on October 1, 2008, the provisions of such section 3902(a), as such provisions were in effect on the day before the date of the enactment of this Act, are hereby revived.

SA 3992. Mr. BROWN (for himself, Mrs. BOXER, Mr. BINGAMAN, Mr. SANDERS, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EMERGENCY FUNDING.

(a) In General.—There is hereby appropriated to the Secretary of Agriculture to carry out the purposes of section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2036(a)) $100,000,000, to remain available until expended.

(b) Use of Funds.—

(1) In general.—In carrying out subsection (a), the Secretary may—

(A) waive such procurement rules as may be necessary to expedite the purchase and distribution of commodities to emergency feeding organizations; and

(B) divert to the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.) commodities held in inventory for other programs that can be replaced at a later date without program disruption.

(2) Distribution costs.—A State may choose to use up to 10 percent of the total funds made available to the State under this section for distribution costs.

SA 3993. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

On page 33, strike line 1 through page 44, line 24.

SA 3994. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

On page 34, strike line 20 through page 37, line 6, and insert the following:

SEC. 125. EXTENSION OF NEW ENERGY EFFICIENT HOME CREDIT.

Subsection (g) of section 45L of the Internal Revenue Code of 1986 (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

SEC. 126. EXTENSION OF ENERGY CREDIT.

(a) Solar Energy Property.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) of the Internal Revenue Code of 1986 (relating to energy credit) are each amended by striking "January 1, 2009" and inserting "January 1, 2010".

(b) Fuel Cell Property.—Subparagraph (E) of section 48(c)(1) of the Internal Revenue Code of 1986 (relating to qualified fuel cell property) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(c) Microturbine Property.—Subparagraph (E) of section 48(c)(2) of the Internal Revenue Code of 1986 (relating to qualified microturbine property) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

SA 3995. Mr. NELSON of Florida (for himself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. _____. REFUND CHECK INTEGRITY PROTECTION.

(a) Definitions.—In this section:

(1) Domain name.—The term "domain name" means any alphanumeric designation that is registered with or assigned by any domain name registrar, domain name registry, or other domain name registration authority as part of an electronic address on the Internet.

(2) Electronic mail address.—The term "electronic mail address" means a destination, commonly expressed as a string of characters, consisting of a unique user name or mailbox (commonly referred to as the "local part") and a reference to an Internet domain (commonly referred to as the "domain part"), whether or not displayed, to which an electronic mail message can be sent or delivered.

(3) Electronic mail message.—The term "electronic mail message" means a message sent to a unique electronic mail address.

(4) Identifying information.—The term "identifying information", with respect to an individual, means any of the following:

(A) The last name of the individual combined with the first initial or first name of the individual.

(B) The home address of the individual.

(C) The telephone number of the individual.

(D) The social security number of the individual.

(E) The taxpayer identification number of the individual.

(F) The employer identification number that is the same as or is derived from the social security number of the individual.

(G) A financial account number, credit card number, or debit card number of the individual that is combined with any required security code, access code, or password that would permit access to a financial account of such individual.

(H) The driver's license identification number or State resident identification number of the individual.

(I) Such other information that is sufficient to identify the individual by name.

(5) Internet.—The term "Internet" means the international computer network of both Federal and non-Federal interoperable packet switched data networks.

(6) Web page.—The term "web page" means a location, with respect to the World Wide Web, that has a single Uniform Resource Locator or another single location with respect to the Internet, as the Federal Trade Commission may prescribe.

(b) Use of Deceptive or Misleading Web Pages, Domain Names, and Electronic Mail Messages Referring to the Internal Revenue Service.—It shall be unlawful for any person, by means of a web page, domain name, electronic mail message, or otherwise through the use of the Internet, to solicit, request, or take any action, to induce an individual to provide identifying information by representing itself to be the Internal Revenue Service, or another governmental office administering any refund of Federal taxes, without the authority or approval of the Commissioner of Internal Revenue, if—

(1) the representing person does not have the express authority or approval of the Commissioner of Internal Revenue or other governmental office to represent itself as the Internal Revenue Service, or another governmental office administering any refund of Federal taxes; and

(2) the representing person has actual knowledge, or knowledge fairly implied on the basis of objective circumstances, that such web page, domain name, electronic mail message, or other means would be likely to mislead an individual, acting reasonably under the circumstances, about a material fact regarding the contents of such electronic mail message, instant message, web page, or advertisement (consistent with the criteria used in the enforcement of section 5 of the Federal Trade Commission Act (15 U.S.C. 45)).

(c) Enforcement by Federal Trade Commission.—

(1) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A violation of a prohibition described in subsection (b) shall be treated as a violation of a rule defining an unfair or deceptive act or practice described under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) ACTIONS BY THE FEDERAL TRADE COMMISSION.—The Federal Trade Commission shall enforce the provisions of paragraph (1) and subsection (b) in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made part of this section.

(3) AVAILABILITY OF CEASE-AND-DESIST ORDERS AND INJUNCTIVE RELIEF WITHOUT SHOWING OF KNOWLEDGE.—In any proceeding or action pursuant to paragraph (2) to enforce compliance through an order to cease and desist or an injunction, the Federal Trade Commission shall not be required to allege or prove the state of mind required by subsection (b).

(d) REFUND CHECK PROTECTION WORKING GROUP.—

(1) ESTABLISHMENT.—Not later than 30 days after the date of the enactment of this section, the Commissioner of Internal Revenue shall establish a working group to be known as the "Refund Check Protection Working Group" (hereafter in this subsection referred to as the "Working Group").

(2) MEMBERSHIP.—

(A) APPOINTMENT AND CONSULTATION.—Subject to subparagraph (B), members of the Working group shall be appointed by the Commissioner of Internal Revenue in consultation with the head of each of the agencies described in such subparagraph.

(B) COMPOSITION.—The Working Group shall be composed of 5 members of whom—

(i) 1 shall be a representative of the Internal Revenue Service;

(ii) 1 shall be a representative of the Federal Trade Commission;

(iii) 1 shall be a representative of the Department of Justice;

(iv) 1 shall be a representative of the Federal Bureau of Investigation; and

(v) 1 shall be a representative of the Secret Service.

(C) CHAIR.—The Working Group shall select a chair from among its members.

(3) DUTIES.—

(A) BEST PRACTICES.—The Working Group shall collect, review, disseminate, and advise on best practices and any additional governmental efforts required to protect the integrity of the distribution of refunds for Federal taxes.

(B) MONTHLY REPORT.—Not later than 3 months after the date on which the Working Group is established, and every month thereafter, the Working Group shall submit to Congress a report on its findings with respect to its activities under subparagraph (A).

(4) TERMINATION.—This Working Group shall terminate 180 days after the date of the enactment of this section.

(e) EFFECT ON FEDERAL TRADE COMMISSION ACT.—Nothing in this section may be construed to reduce the authority of the Federal Trade Commission to bring enforcement actions under the Federal Trade Commission Act for materially false or deceptive representations or unfair practices on the Internet.

SA 3996. Mr. NELSON of Florida (for himself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

On page 49, after line 19, add the following:

Subtitle E—Other Provisions

SEC. 132. REFUND CHECK INTEGRITY PROTECTION.

(a) DEFINITIONS.—In this section:

(1) DOMAIN NAME.—The term "domain name" means any alphanumeric designation that is registered with or assigned by any domain name registrar, domain name registry, or other domain name registration authority as part of an electronic address on the Internet.

(2) ELECTRONIC MAIL ADDRESS.—The term "electronic mail address" means a destination, commonly expressed as a string of characters, consisting of a unique user name or mailbox (commonly referred to as the "local part") and a reference to an Internet domain (commonly referred to as the "domain part"), whether or not displayed, to which an electronic mail message can be sent or delivered.

(3) ELECTRONIC MAIL MESSAGE.—The term "electronic mail message" means a message sent to a unique electronic mail address.

(4) IDENTIFYING INFORMATION.—The term "identifying information", with respect to an individual, means any of the following:

(A) The last name of the individual combined with the first initial or first name of the individual.

(B) The home address of the individual.

(C) The telephone number of the individual.

(D) The social security number of the individual.

(E) The taxpayer identification number of the individual.

(F) The employer identification number that is the same as or is derived from the social security number of the individual.

(G) A financial account number, credit card number, or debit card number of the individual that is combined with any required security code, access code, or password that would permit access to a financial account of such individual.

(H) The driver's license identification number or State resident identification number of the individual.

(I) Such other information that is sufficient to identify the individual by name.

(5) INTERNET.—The term "Internet" means the international computer network of both Federal and non-Federal interoperable packet switched data networks.

(6) WEB PAGE.—The term "web page" means a location, with respect to the World Wide Web, that has a single Uniform Resource Locator or another single location with respect to the Internet, as the Federal Trade Commission may prescribe.

(b) USE OF DECEPTIVE OR MISLEADING WEB PAGES, DOMAIN NAMES, AND ELECTRONIC MAIL MESSAGES REFERRING TO THE INTERNAL REVENUE SERVICE.—It shall be unlawful for any person, by means of a web page, domain name, electronic mail message, or otherwise through the use of the Internet, to solicit, request, or take any action, to induce an individual to provide identifying information by representing itself to be the Internal Revenue Service, or another governmental office administering any refund of Federal taxes, without the authority or approval of the Commissioner of Internal Revenue, if—

(1) the representing person does not have the express authority or approval of the Commissioner of Internal Revenue or other governmental office to represent itself as the Internal Revenue Service, or another governmental office administering any refund of Federal taxes; and

(2) the representing person has actual knowledge, or knowledge fairly implied on the basis of objective circumstances, that such web page, domain name, electronic mail message, or other means would be likely to mislead an individual, acting reasonably under the circumstances, about a material fact regarding the contents of such electronic mail message, instant message, web page, or advertisement (consistent with the criteria used in the enforcement of section 5 of the Federal Trade Commission Act (15 U.S.C. 45)).

(c) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A violation of a prohibition described in subsection (b) shall be treated as a violation of a rule defining an unfair or deceptive act or practice described under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) ACTIONS BY THE FEDERAL TRADE COMMISSION.—The Federal Trade Commission shall enforce the provisions of paragraph (1) and subsection (b) in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made part of this section.

(3) AVAILABILITY OF CEASE-AND-DESIST ORDERS AND INJUNCTIVE RELIEF WITHOUT SHOWING OF KNOWLEDGE.—In any proceeding or action pursuant to paragraph (2) to enforce compliance through an order to cease and desist or an injunction, the Federal Trade Commission shall not be required to allege or prove the state of mind required by subsection (b).

(d) REFUND CHECK PROTECTION WORKING GROUP.—

(1) ESTABLISHMENT.—Not later than 30 days after the date of the enactment of this section, the Commissioner of Internal Revenue shall establish a working group to be known as the "Refund Check Protection Working Group" (hereafter in this subsection referred to as the "Working Group").

(2) MEMBERSHIP.—

(A) APPOINTMENT AND CONSULTATION.—Subject to subparagraph (B), members of the Working group shall be appointed by the Commissioner of Internal Revenue in consultation with the head of each of the agencies described in such subparagraph.

(B) COMPOSITION.—The Working Group shall be composed of 5 members of whom—

(i) 1 shall be a representative of the Internal Revenue Service;

(ii) 1 shall be a representative of the Federal Trade Commission;

(iii) 1 shall be a representative of the Department of Justice;

(iv) 1 shall be a representative of the Federal Bureau of Investigation; and

(v) 1 shall be a representative of the Secret Service.

(C) CHAIR.—The Working Group shall select a chair from among its members.

(3) DUTIES.—

(A) BEST PRACTICES.—The Working Group shall collect, review, disseminate, and advise on best practices and any additional governmental efforts required to protect the integrity of the distribution of refunds for Federal taxes.

(B) MONTHLY REPORT.—Not later than 3 months after the date on which the Working Group is established, and every month thereafter, the Working Group shall submit to Congress a report on its findings with respect to its activities under subparagraph (A).

(4) TERMINATION.—This Working Group shall terminate 180 days after the date of the enactment of this section.

(e) EFFECT ON FEDERAL TRADE COMMISSION ACT.—Nothing in this section may be construed to reduce the authority of the Federal Trade Commission to bring enforcement actions under the Federal Trade Commission Act for materially false or deceptive representations or unfair practices on the Internet.

SA 3997. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3983 submitted by Mr. BROWNBACK (for himself, Mr. DORGAN, Ms. CANTWELL, and Mr. INOUYE) to the amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 4, line 13, strike "$150,000 ($300,000" and insert "$75,000 ($150,000".

SA 3998. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SUSPENSION OF PETROLEUM ACQUISITION FOR STRATEGIC PETROLEUM RESERVE.

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding any other provision of law, during calendar year 2008, the Secretary of Energy shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program or any other acquisition method.

(b) RESUMPTION.—The Secretary may resume acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program or any other acquisition method under subsection (a) not earlier than 30 days after the date on which the Secretary notifies Congress that the Secretary has determined that the weighted average price of petroleum in the United States for the most recent 90-day period is $50 or less per barrel.

SA 3999. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

On page 13, before line 4, insert the following:

SEC. 102. USE OF AMENDED INCOME TAX RETURNS TO TAKE INTO ACCOUNT RECEIPT OF CERTAIN HURRICANE-RELATED CASUALTY LOSS GRANTS BY DISALLOWING PREVIOUSLY TAKEN CASUALTY LOSS DEDUCTIONS.

Notwithstanding any other provision of the Internal Revenue Code of 1986, if a taxpayer claims a deduction for any taxable year with respect to a casualty loss to a personal residence (within the meaning of section 121 of such Code) resulting from Hurricane Katrina or Hurricane Rita and in a subsequent taxable year receives a grant under Public Law 109–148, 109–234, or 110–116 as reimbursement for such loss from the State of Louisiana or the State of Mississippi, such taxpayer may elect to file an amended income tax return for the taxable year in which such deduction was allowed and disallow such deduction. If elected, such amended return must be filed not later than the due date for filing the tax return for the taxable year in which the taxpayer receives such reimbursement. Any increase in Federal income tax resulting from such disallowance shall not be subject to any penalty or interest under such Code if such amended return is so filed.

SA 4000. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

On page 4, line 14, insert "For purposes of the preceding sentence, adjusted gross income shall not include any income resulting from the recapture of any casualty loss deduction due to the receipt of any grants under Public Law 109–148, 109–234, or 110–116.".

SA 4001. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

At the end add the following:

TITLE VI—TEMPORARY INFRASTRUCTURE GRANTS TO STATES

SEC. 601. TEMPORARY INFRASTRUCTURE GRANTS TO STATES.

Section 601 of the Social Security Act (42 U.S.C. 801) is amended to read as follows:

"SEC. 601. TEMPORARY INFRASTRUCTURE GRANTS TO STATES.

"(a) APPROPRIATION.—There is authorized to be appropriated and is appropriated for making payments to States under this section, $5,000,000,000 for fiscal year 2008.

"(b) PAYMENTS.—From the amount appropriated under subsection (a), the Secretary of the Treasury shall, not later than the later of the date that is 45 days after the date of enactment of this section or the date that a State provides the certification required by subsection (e), pay each State the amount determined for the State under subsection (c).

"(c) PAYMENTS BASED ON POPULATION.—

"(1) IN GENERAL.—Subject to paragraph (2), the amount appropriated under subsection (a) shall be used to pay each State an amount equal to the relative population proportion amount described in paragraph (3).

"(2) MINIMUM PAYMENT.—

"(A) IN GENERAL.—No State shall receive a payment under this section that is less than—

"(i) in the case of 1 of the 50 States or the District of Columbia, ½ of 1 percent of the amount appropriated under subsection (a); and

"(ii) in the case of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or American Samoa, ⅒ of 1 percent of the amount appropriated under subsection (a).

"(B) PRO RATA ADJUSTMENTS.—The Secretary of the Treasury shall adjust on a pro rata basis the amount of the payments to States determined under this section without regard to this subparagraph to the extent necessary to comply with the requirements of subparagraph (A).

"(3) RELATIVE POPULATION PROPORTION AMOUNT.—The relative population proportion amount described in this paragraph is the product of—

"(A) the amount described in subsection (a); and

"(B) the relative State population proportion (as defined in paragraph (4)).

"(4) RELATIVE STATE POPULATION PROPORTION DEFINED.—For purposes of paragraph (3)(B), the term 'relative State population proportion' means, with respect to a State, the amount equal to the quotient of—

"(A) the population of the State (as reported in the most recent decennial census); and

"(B) the total population of all States (as reported in the most recent decennial census).

"(d) USE OF PAYMENT.—

"(1) IN GENERAL.—Subject to paragraph (2), a State shall use the funds provided under a payment made under this section for infrastructure needs, including—

"(A) construction, maintenance, or repair of highways and bridges;

"(B) mass transit projects;

"(C) public works projects, such as water, wastewater treatment, sewer, or drinking water projects; or

"(D) other capital construction needs.

"(2) LIMITATION.—A State may only use funds provided under a payment made under this section if such funds are obligated for expenditure before October 1, 2008.

"(e) CERTIFICATION.—In order to receive a payment under this section, the State shall provide the Secretary of the Treasury with a certification that the State's proposed uses of the funds are consistent with subsection (d).

"(f) DEFINITION OF STATE.—In this section, the term 'State' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

"(g) REPEAL.—This title is repealed on October 1, 2008.".

SA 4002. Mr. SANDERS (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

At the appropriate place in the appropriations section, insert the following:

(____) For an additional amount for community health centers under section 330 of the Public Health Service Act (42 U.S.C. 254b), $148,000,000.

(____) For an additional amount for the weatherization assistance program of the Department of Energy, $500,000,000.

(____) For an additional amount to carry out title X of the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1748) and amendments made by that title, $125,000,000.

At the appropriate place, insert the following:

SEC. _____. TEMPORARY INCREASE IN SPECIALLY ADAPTED HOUSING BENEFITS FOR DISABLED VETERANS.

(a) IN GENERAL.—Section 2102 of title 38, United States Code, is amended—

(1) in subsection (b)(2), by striking "$10,000" and inserting "$12,000"; and

(2) in subsection (d)—

(A) in paragraph (1), by striking "$50,000" and inserting "$60,000"; and

(B) in paragraph (2), by striking "$10,000" and inserting "$12,000".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective during the period beginning on the date of the enactment of this Act and ending on September 30, 2008.

(c) REVIVAL.—Effective on October 1, 2008, the provisions of subsection (b)(2) and paragraphs (1) and (2) of subsection (d) of such section 2102, as such provisions were in effect on the day before the date of the enactment of this Act, are hereby revived.

SEC. _____. TEMPORARY INCREASE IN ASSISTANCE FOR PROVIDING AUTOMOBILES OR OTHER CONVEYANCES TO CERTAIN DISABLED VETERANS.

(a) IN GENERAL.—Section 3902(a) of title 38, United States Code, is amended by striking "$11,000" and inserting "$22,484".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective during the period beginning on the date of the enactment of this Act and ending on September 30, 2008.

(c) REVIVAL.—Effective on October 1, 2008, the provisions of such section 3902(a), as such provisions were in effect on the day before the date of the enactment of this Act, are hereby revived.

SA 4003. Mr. SANDERS (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

On page 69, strike lines 1 through 4 and insert the following:

TITLE V—ADDITIONAL APPROPRIATIONS

SEC. 501. WEATHERIZATION ASSISTANCE.

In addition to amounts available as of the date of enactment of this Act for the weatherization assistance program of the Department of Energy, there is hereby appropriated for that program $500,000,000.

TITLE VI—EMERGENCY DESIGNATION OF APPROPRIATED AMOUNTS

SEC. 601. EMERGENCY DESIGNATION.

SA 4004. Mr. SANDERS (for himself, Mrs. CLINTON, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

On page 69, strike lines 1 through 4 and insert the following:

TITLE V—ADDITIONAL APPROPRIATIONS

SEC. 501. GREEN JOBS.

In addition to amounts available as of the date of enactment of this Act to carry out title X of the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1748) and amendments made by that title, there is hereby appropriated for that title and those amendments $125,000,000.

TITLE VI—EMERGENCY DESIGNATION OF APPROPRIATED AMOUNTS

SEC. 601. EMERGENCY DESIGNATION.

SA 4005. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

At the appropriate place in the appropriations section, insert the following:

(____) For an additional amount for community health centers under section 330 of the Public Health Service Act (42 U.S.C. 254b), $148,000,000.

SA 4006. Mr. CHAMBLISS (for himself, Mr. CRAPO, Mr. DEMINT, and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

Strike title V.

SA 4007. Mr. WYDEN (for himself, Mr. THUNE, Mr. DODD, Mr. SHELBY, Mrs. CLINTON, Mr. DURBIN, Mr. HARKIN, Mr. JOHNSON, Mr. MENENDEZ, Ms. MIKULSKI, Mr. REED, Mr. SANDERS, Mr. SCHUMER, and Mr. WEBB) submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VI—INCREASED FUNDING FOR HIGHWAY TRUST FUND

SEC. 601. REPLENISH EMERGENCY SPENDING FROM HIGHWAY TRUST FUND.

(a) IN GENERAL.—Section 9503(b) of the Internal Revenue Code of 1986 is amended—

(1) by adding at the end the following new paragraph:

"(7) EMERGENCY SPENDING REPLENISHMENT.—There is hereby appropriated to the Highway Trust Fund $5,000,000,000, of which—

"(A) $4,000,000,000 shall be deposited in the Highway Account; and

"(B) $1,000,000,000 shall be deposited in the Mass Transit Account.", and

(2) by striking "AMOUNTS EQUIVALENT TO CERTAIN TAXES AND PENALTIES" in the heading and inserting "CERTAIN AMOUNTS".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 602. OBLIGATION AUTHORITY FOR STIMULUS PROJECTS.

(a) IN GENERAL.—Section 1102 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (23 U.S.C. 104 note; Public Law 109–59) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "(g) and (h)" and inserting "(g), (h), and (*l*)"; and

(B) paragraph (4), by striking "$39,585,075,404" and inserting "$43,585,075,404"; and

(2) by adding at the end the following:

"(*l*) OBLIGATION AUTHORITY FOR STIMULUS PROJECTS.—

"(1) IN GENERAL.—Of the obligation authority distributed under subsection (a)(4), not less than $4,000,000,000 shall be provided to States for use in carrying out highway projects that the States determine will provide rapid economic stimulus.

"(2) REQUIREMENT.—A State that seeks a distribution of the obligation authority described in paragraph (1) shall agree to obligate funds so received not later than 120 days after the date on which the State receives the funds.

"(3) FLEXIBILITY.—A State that receives a distribution of the obligation authority described in paragraph (1) may use the funds for any highway project described in paragraph (1), regardless of any funding limitation or formula that is otherwise applicable to projects carried out using obligation authority under this section.

"(4) FEDERAL SHARE.—The Federal share of any highway project carried out using funds described in paragraph (1) shall be 100 percent.".

(b) CONFORMING AMENDMENTS.—

(1) The matter under the heading "(INCLUDING TRANSFER OF FUNDS)" under the heading "(HIGHWAY TRUST FUND)" under the heading "(LIMITATION ON OBLIGATIONS)" under the heading "FEDERAL-AID HIGHWAYS" under the heading "FEDERAL HIGHWAY ADMINISTRATION" of title I of division K of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1844) is amended by striking "$40,216,051,359" and inserting "$44,216,051,359".

(2) The matter under the heading "(INCLUDING RESCISSION)" under the heading "(HIGHWAY TRUST FUND)" under the heading "(LIMITATION ON OBLIGATIONS)" under the heading "(LIQUIDATION OF CONTRACT AUTHORITY)" under the heading "FORMULA AND BUS GRANTS" under the heading "FEDERAL TRANSIT ADMINISTRATION" of title I of division K of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1844) is amended by striking "$6,855,000,000" and inserting ", and section 3052 of Public Law 109–59, $7,855,000,000".

(3) Sections 9503(c)(1) and 9503(e)(3) of the Internal Revenue Code of 1986 are each amended by inserting ", as amended by the Economic Stimulus Act of 2008,".

SEC. 603. STIMULUS OF MANUFACTURING AND CONSTRUCTION THROUGH PUBLIC TRANSPORTATION INVESTMENT.

(a) IN GENERAL.—Title III of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1544) is amended by adding at the end the following:

"SEC. 3052. STIMULUS OF MANUFACTURING AND CONSTRUCTION THROUGH PUBLIC TRANSPORTATION INVESTMENT.

"(a) AUTHORIZATION.—The Secretary is authorized to make stimulus grants under this section to public transportation agencies.

"(b) ELIGIBLE RECIPIENTS.—Stimulus grants authorized under subsection (a) may be awarded—

"(1) to public transportation agencies which have a full funding grant agreement in force on the date of enactment of this section with Federal payments scheduled in any year beginning with fiscal year 2008, for activities authorized under the full funding grant agreement that would expedite construction of the project; and

"(2) to designated recipients as defined in section 5307 of title 49, United States Code, for immediate use to address a backlog of existing maintenance needs or to purchase rolling stock or buses, if the contracts for such purchases are in place prior to the grant award.

"(c) USE OF FUNDS.—Of the amounts made available to carry out this section, the Secretary shall use to make grants under this section—

"(1) $300,000,000 for stimulus grants to recipients described in subsection (b)(1); and

"(2) $700,000,000 for stimulus grants to recipients described in subsection (b)(2).

"(d) DISTRIBUTION OF FUNDS.—

"(1) EXPEDITED NEW STARTS GRANTS.—Funds described in subsection (c)(1) shall be distributed among eligible recipients so that each recipient receives an equal percentage increase based on the Federal funding commitment for fiscal year 2008 specified in Attachment 6 of the recipient's full funding grant agreement.

"(2) FORMULA GRANTS.—Of the funds described in subsection (c)(2)—

"(A) 60 percent shall be distributed according to the formula in subsections (a) through (c) of section 5336 of title 49, United States Code; and

"(B) 40 percent shall be distributed according to the formula in section 5340 of title 49, United States Code.

"(3) ALLOCATION.—The Secretary shall determine the allocation of the amounts described in subsection (c)(1) and shall apportion amounts described in subsection (c)(2) not later than 20 days after the date of enactment of this section.

"(4) NOTIFICATION TO CONGRESS.—The Secretary shall notify the committees referred to in section 5334(k) of title 49, United States Code, of the allocations determined under paragraph (3) not later than 3 days after such determination is made.

"(5) OBLIGATION REQUIREMENT.—The Secretary shall obligate the funds described in subsection (c)(1) as expeditiously as practicable, but in no case later than 120 days after the date of enactment of this section.

"(e) PRE-AWARD SPENDING AUTHORITY.—

"(1) IN GENERAL.—A recipient of a grant under this section shall have pre-award spending authority.

"(2) REQUIREMENTS.—Any expenditure made pursuant to pre-award spending authorized by this subsection shall conform with applicable Federal requirements in order to remain eligible for future Federal reimbursement.

"(f) FEDERAL SHARE.—The Federal share of a stimulus grant authorized under this section shall be 100 percent.

"(g) SELF-CERTIFICATION.—

"(1) IN GENERAL.—Prior to the obligation of stimulus grant funds under this section, the recipient of the grant award shall certify—

"(A) for recipients described in subsection (b)(1), that the recipient will comply with the terms and conditions that apply to grants under section 5309 of title 49, United States Code;

"(B) for recipients under subsection (b)(2), that the recipient will comply with the terms and conditions that apply to grants under section 5307 of title 49, United States Code; and

"(C) that the funds will be used in a manner that will stimulate the economy.

"(2) CERTIFICATION.—Required certifications may be made as part of the certification required under section 5307(d)(1) of title 49, United States Code.

"(3) AUDIT.—If, upon the audit of any recipient under this section, the Secretary finds that the recipient has not complied with the requirements of this section and has not made a good-faith effort to comply, the Secretary may withhold not more than 25 percent of the amount required to be appropriated for that recipient under section 5307 of title 49, United States Code, for the following fiscal year if the Secretary notifies the committees referred to in subsection (d)(4) at least 21 days prior to such withholding.".

(b) STIMULUS GRANT FUNDING.—Section 5338 of title 49, United States Code, is amended by adding at the end the following:

"(h) STIMULUS GRANT FUNDING.—For fiscal year 2008, $1,000,000,000 shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 3052 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.".

(c) EXPANDED BUS SERVICE IN SMALL COMMUNITIES.—Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading, by striking "2007" and inserting "2009";

(2) in subparagraph (A), by striking "2007" and inserting "2009"; and

(3) by adding at the end the following:

"(E) MAXIMUM AMOUNTS IN FISCAL YEARS 2008 AND 2009.—In fiscal years 2008 and 2009—

"(i) amounts made available to any urbanized area under clause (i) or (ii) of subparagraph (A) shall be not more than 50 percent of the amount apportioned in fiscal year 2002 to the urbanized area with a population of less than 200,000, as determined in the 1990 decennial census of population;

"(ii) amounts made available to any urbanized area under subparagraph (A)(iii) shall be not more than 50 percent of the amount apportioned to the urbanized area under this section for fiscal year 2003; and

"(iii) each portion of any area not designated as an urbanized area, as determined by the 1990 decennial census, and eligible to receive funds under subparagraph (A)(iv), shall receive an amount of funds to carry out this section that is not less than 50 percent of the amount the portion of the area received under section 5311 in fiscal year 2002.".

SA 4008. Mr. MCCONNELL (for himself, Mr. STEVENS, Mr. ROBERTS, Mr. BOND, Mr. BROWNBACK, Mr. BUNNING, Mr. CORNYN, Mr. HATCH, Mr. SUNUNU, Mr. ALEXANDER, Mr. BURR, Mr. ISAKSON, Mr. VITTER, Mr. THUNE, Mr. CHAMBLISS, Mr. KYL, Mr. GRAHAM, Mr. CRAIG, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

Beginning on page 2, strike line 4 and all that follows through page 10, line 20, and insert the following:

SEC. 101. 2008 RECOVERY REBATES FOR INDIVIDUALS.

(a) IN GENERAL.—Section 6428 of the Internal Revenue Code of 1986 is amended to read as follows:

"SEC. 6428. 2008 RECOVERY REBATES FOR INDIVIDUALS.

"(a) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by subtitle A for the first taxable year beginning in 2008 an amount equal to the lesser of—

"(1) net income tax liability, or

"(2) $600 ($1,200 in the case of a joint return).

"(b) SPECIAL RULES.—

"(1) IN GENERAL.—In the case of a taxpayer described in paragraph (2)—

"(A) the amount determined under subsection (a) shall not be less than $300 ($600 in the case of a joint return), and

"(B) the amount determined under subsection (a) (after the application of subparagraph (A)) shall be increased by the product of $300 multiplied by the number of qualifying children (within the meaning of section 24(c)) of the taxpayer.

"(2) TAXPAYER DESCRIBED.—A taxpayer is described in this paragraph if the taxpayer—

"(A) has qualifying income of at least $3,000, or

"(B) has—

"(i) net income tax liability which is greater than zero, and

"(ii) gross income which is greater than the sum of the basic standard deduction plus the exemption amount (twice the exemption amount in the case of a joint return).

"(c) TREATMENT OF CREDIT.—The credit allowed by subsection (a) shall be treated as allowed by subpart C of part IV of subchapter A of chapter 1.

"(d) LIMITATION BASED ON ADJUSTED GROSS INCOME.—The amount of the credit allowed by subsection (a) (determined without regard to this subsection and subsection (f)) shall be reduced (but not below zero) by 5 percent of so much of the taxpayer's adjusted gross income as exceeds $75,000 ($150,000 in the case of a joint return).

"(e) DEFINITIONS.—For purposes of this section—

"(1) NET INCOME TAX LIABILITY.—The term 'net income tax liability' means the excess of—

"(A) the sum of the taxpayer's regular tax liability (within the meaning of section 26(b)) and the tax imposed by section 55 for the taxable year, over

"(B) the credits allowed by part IV (other than section 24 and subpart C thereof) of subchapter A of chapter 1.

"(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means any individual other than—

"(A) any nonresident alien individual,

"(B) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins, and

"(C) an estate or trust.

"(3) QUALIFYING INCOME.—The term 'qualifying income' means—

"(A) earned income,

"(B) social security benefits (within the meaning of section 86(d)), and

"(C) any compensation or pension received under chapter 11, chapter 13, or chapter 15 of title 38, United States Code.

"(4) EARNED INCOME.—The term 'earned income' has the meaning set forth in section 32(c)(2) except that—

"(A) subclause (II) of subparagraph (B)(vi) thereof shall be applied by substituting 'January 1, 2009' for 'January 1, 2008', and

"(B) such term shall not include net earnings from self-employment which are not taken into account in computing taxable income.

"(5) BASIC STANDARD DEDUCTION; EXEMPTION AMOUNT.—The terms 'basic standard deduction' and 'exemption amount' shall have the same respective meanings as when used in section 6012(a).

"(f) COORDINATION WITH ADVANCE REFUNDS OF CREDIT.—

"(1) IN GENERAL.—The amount of credit which would (but for this paragraph) be allowable under this section shall be reduced (but not below zero) by the aggregate refunds and credits made or allowed to the taxpayer under subsection (g). Any failure to so reduce the credit shall be treated as arising out of a mathematical or clerical error and assessed according to section 6213(b)(1).

"(2) JOINT RETURNS.—In the case of a refund or credit made or allowed under subsection (g) with respect to a joint return, half of such refund or credit shall be treated as having been made or allowed to each individual filing such return.

"(g) ADVANCE REFUNDS AND CREDITS.—

"(1) IN GENERAL.—Each individual who was an eligible individual for such individual's first taxable year beginning in 2007 shall be treated as having made a payment against the tax imposed by chapter 1 for such first taxable year in an amount equal to the advance refund amount for such taxable year.

"(2) ADVANCE REFUND AMOUNT.—For purposes of paragraph (1), the advance refund amount is the amount that would have been allowed as a credit under this section for such first taxable year if this section (other than subsection (f) and this subsection) had applied to such taxable year.

"(3) TIMING OF PAYMENTS.—The Secretary shall, subject to the provisions of this title, refund or credit any overpayment attributable to this section as rapidly as possible. No refund or credit shall be made or allowed under this subsection after December 31, 2008.

"(4) NO INTEREST.—No interest shall be allowed on any overpayment attributable to this section.

"(h) IDENTIFICATION NUMBER REQUIREMENT.—

"(1) IN GENERAL.—No credit shall be allowed under subsection (a) to an eligible individual who does not include on the return of tax for the taxable year—

"(A) such individual's valid identification number,

"(B) in the case of a joint return, the valid identification number of such individual's spouse, and

"(C) in the case of any qualifying child taken into account under subsection (b)(1)(B), the valid identification number of such qualifying child.

"(2) VALID IDENTIFICATION NUMBER.—For purposes of paragraph (1), the term 'valid identification number' means a social security number issued to an individual by the Social Security Administration. Such term shall not include a TIN issued by the Internal Revenue Service.

"(i) COORDINATION WITH DEFICIENCY PROCEDURES.—For purposes of sections 6211(b)(4)(A) and 6213(g)(2)(F), any reference to section 32 shall be treated as including a reference to this section.".

(b) TREATMENT OF POSSESSIONS.—

(1) MIRROR CODE POSSESSION.—The Secretary of the Treasury shall make a payment to each possession of the United States with a mirror code tax system in an amount equal to the loss to that possession by reason of the amendments made by this section. Such amount shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession.

(2) OTHER POSSESSIONS.—The Secretary of the Treasury shall make a payment to each possession of the United States which does not have a mirror code tax system in an amount estimated by the Secretary of the Treasury as being equal to the aggregate benefits that would have been provided to residents of such possession by reason of the amendments made by this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payment to the residents of such possession.

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection, the term "possession of the United States" includes the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term "mirror code tax system" means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from the credit allowed under section 6428 of the Internal Revenue Code of 1986 (as added by this section).

(c) APPROPRIATIONS TO CARRY OUT RECOVERY REBATES.—

(1) IN GENERAL.—The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, to implement the provisions of this section (including the amendments made by this section):

(A) For an additional amount for "Department of the Treasury—Financial Management Service—Salaries and Expenses", $64,175,000, to remain available until September 30, 2009.

(B) For an additional amount for "Department of the Treasury—Internal Revenue Service—Taxpayer Services", $50,720,000, to remain available until September 30, 2009.

(C) For an additional amount for "Department of the Treasury—Internal Revenue Service—Operations Support", $151,415,000, to remain available until September 30, 2009.

(2) REPORTS.—No later than 15 days after enactment of this Act, the Secretary of the Treasury shall submit a plan to the Committees on Appropriations of the House of Representatives and the Senate detailing the expected use of the funds provided by this subsection. Beginning 90 days after enactment of this Act, the Secretary of the Treasury shall submit a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the actual expenditure of funds provided by this subsection and the expected expenditure of such funds in the subsequent quarter.

(d) REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.—Any credit or refund allowed or made to any individual by reason of section 6428 of the Internal Revenue Code of 1986 (as amended by this section) or by reason of subsection (b) of this section shall not be taken into account as income and shall not be taken into account as resources for the month of receipt and the following two months, for purposes of determining the eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

(e) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting "or 6428" after "section 35".

(2) Paragraph (1) of section 1(i) of the Internal Revenue Code of 1986 is amended by striking subparagraph (D).

(3) The item relating to section 6428 in the table of sections for subchapter B of chapter 65 of such Code is amended to read as follows:

"Sec. 6428. 2008 recovery rebates for individuals.".

SEC. 102. TEMPORARY INCREASE IN LIMITATIONS ON EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DURBIN. Mr. President, I ask unanimous consent that the committee on armed services be authorized to meet during the session of the Senate on Wednesday, February 6, 2008, at 9:30 a.m. in open session to receive testimony on the defense authorization request for fiscal year 2009, the Future Years Defense Program, and the fiscal year 2009 request for operations in Iraq and Afghanistan.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, February 6, 2008, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building in order to conduct a hearing. At this hearing, the Committee will hear testimony regarding Department of Energy's budget for fiscal year 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, February 6, 2008 at 10 a.m. in room 406 of the Dirksen Senate Office Building in order to hold a hearing entitled, "Perectives on the Surface Transportation Commission Report."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, February 6, 2008 in room 410 of the Dirksen Senate Office Building at 10:05 a.m. in order to hold a business meeting to consider the following item: S. 2146, a bill to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, February 6, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building, in order to hear testimony on "The President's Fiscal Year 2009 Budget Proposal."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 6, 2008, at 9:30 a.m. in order to hold a hearing on denuclearization of the Korean peninsula.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 6, 2008, at 1 p.m. in order to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 6, 2008, at 3 p.m. in order hold a briefing on Sudan.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following fellows, interns, and detailees of the staff of the Finance Committee be granted the privilege of the floor for the duration of the debate on the economic stimulus bill: Mary Baker, Tom Louthan, Elise Stein, Susan Hinck, Suzanne Payne, Hy Hinojosa, Connie Cookson, Mollie Lane, Ben Miller, Emily Schwartz, Tyler Gamble, Blake Thompson, Michael Bagel, and Kayleigh Brown.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that Jeffry Phan, a fellow in Senator BINGAMAN's office, be given the privileges of the floor for the pendency of H.R. 5140 and all votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

DO-NOT-CALL IMPROVEMENT ACT OF 2007

Mr. DURBIN. I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 3541, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3541) to amend the Do-not-call Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal "do-not-call" registry.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3541) was ordered to be read a third time, was read the third time, and passed.

MEASURE READ THE FIRST TIME—S. 2596

Mr. DURBIN. I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2596) to rescind funds appropriated by the Consolidated Appropriations Act of 2008 for the City of Berkeley, California, and any entities located in such city, and to provide that such funds shall be transferred to the Operation and Maintenance, Marine Corps account of the Department of Defense for the purposes of recruiting.

Mr. DURBIN. I now ask for its second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 110-14

Mr. DURBIN. Mr. President, as in executive session, I ask unanimous consent that the Injunction of Secrecy be removed from the following treaty transmitted to the Senate on February 6, 2008 by the President of the United States: International Convention Against Doping in Sport (Treaty Document No. 110-14).

I further ask unanimous consent that the treaty be considered as having been read the first time, that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the International Convention Against Doping in Sport, adopted by the United Nations Educational, Scientific, and Cultural Organization on October 19, 2005.

The United States supported the development of the Convention as a means to ensure equitable and effective application and promotion of anti-doping controls in international competition. The Convention will help to advance international cooperation on and promotion of international doping control efforts, and will help to protect the integrity and spirit of sport by supporting efforts to ensure a fair and doping-free environment for athletes.

The International Olympic Movement has been supportive of the promotion and adoption of this Convention by the international community. Ratification by the United States will demonstrate the United States' longstanding commitment to the development of international anti-doping controls and its commitment to apply and facilitate the application of appropriate anti-doping controls during international competitions held in the United States. Ratification will also ensure that the United States will continue to remain eligible to host international competitions. The Convention does not cover U.S. sports leagues.

I recommend that the Senate give prompt and favorable consideration to the Convention and give its advice and consent to ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 6, 2008*.

ORDERS FOR THURSDAY, FEBRUARY 7, 2008

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10:30 a.m., tomorrow, February 7; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that the majority leader then be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 7:32 p.m., recessed until Thursday, February 7, 2008, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUSAN D. PEPPLER, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE PAMELA HUGHES PATENAUDE.

DEPARTMENT OF STATE

LINDA THOMAS-GREENFIELD, OF LOUISIANA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LIBERIA.

FOREIGN SERVICE.

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER:

ALLAN P. MUSTARD, OF WASHINGTON

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR:

NICHOLAS E. GUTIERREZ, OF TEXAS
LLOYD S. HARBERT, OF VIRGINIA
ROSS GLANTON KREAMER, OF KENTUCKY
KENT D. SISSON, OF IDAHO
ROBIN TILSWORTH, OF CALIFORNIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

W. QUINTIN GRAY, OF NORTH CAROLINA
JONATHAN P. GRESSEL, OF FLORIDA
JEFFREY A. HESSE, OF VIRGINIA
JAMES JOSEPH HIGGISTON, OF NEW YORK
ROBERT K. HOFF, OF CALIFORNIA
S. RODRICK MCSHERRY, OF NEW MEXICO
DALE L. MAKI, OF TEXAS
DAVID C. MILLER, OF WASHINGTON
OSVALDO E. PEREZ-RAMOS, OF THE DISTRICT OF COLUMBIA
SUSAN R. SCHAYES, OF VIRGINIA
DAVID GOODSON SALMON, OF MISSOURI
KEVIN N. SMITH, OF ILLINOIS

DEPARTMENT OF JUSTICE

RALPH E. MARTINEZ, OF FLORIDA, TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR A TERM EXPIRING SEPTEMBER 30, 2010, VICE LARAMIE FAITH MCNAMARA.

HOUSE OF REPRESENTATIVES—*Wednesday, February 6, 2008*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. BAIRD).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 6, 2008.

I hereby appoint the Honorable BRIAN BAIRD to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Dr. Stephen L. Swisher, Lovers Lane United Methodist Church, Dallas, Texas, offered the following prayer:

Dear God, in this moment may we encounter a fresh experience with You.

Give us peace in the uncertainty of this election season and renewed strength as we remember those who sent us here. We know in our hearts that without Your guidance we can do nothing, but with You we can do all things.

Let us not be afraid of the problems that challenge us but instead be grateful that You have called us to make a difference at this time in history.

I pray Your blessings of health, happiness, and protection upon each Member of the United States House of Representatives, their families, and staff members as well.

In times of frustration, may we know that You are with us and ready to help, if we will ask.

May we be emboldened by the thought that as individuals we represent various cities, counties, and States, but together we stand for the greatest Nation ever created.

In Jesus' name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida (Mr. MILLER) come forward and lead the House in the Pledge of Allegiance.

Mr. MILLER of Florida led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CITY OF SHAME: BERKELEY, CALIFORNIA

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, Berkeley, California, has fallen off the deep end, and it wasn't caused by an earthquake either.

The city council passed a resolution telling the local United States Marine Corps recruiting station that it was "not welcome in the city, and if recruiters choose to stay, they do so as uninvited and unwelcome intruders."

Mayor Tom Bates said, "The Marines don't belong here, they shouldn't have come here, and they should leave."

Shame on Mayor Bates. He has flippantly and pompously denounced those noble few—the proud—the chosen—the Marines that represent everything that is good and right about America. These defenders of democracy deserve better than Berkeley's arrogant disapproval.

These deplorable anti-Marine city council members must still have a sixties peacenik, hippie mentality that world peace can occur by sitting around smoking dope and banging on the tambourine.

Berkeley should lose all Federal funding for their smug denouncement of the Marine Corps. Patriotic Americans should not subsidize cities that tell the Marines to "get out of town."

And as for the Marines, we'll take them all in Texas. We'll have a parade, fly the flag, and sing the Marine Hymn. So Semper Fi.

And that's just the way it is.

MEDICARE ENTITLEMENT REFORM

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Florida. Mr. Speaker, during this election season, political candidates will address every issue in the room except for the 800-pound gorilla. Medicare is rapidly growing in our Federal budget.

Just last week, Medicare trustees again reminded Congress that Medicare is projected to draw more than 45 percent of its funding from the general government revenue, as opposed to the Medicare trust fund.

If Congress doesn't start to make some changes, the program will face over $34 trillion in unfunded obligations over the next 75 years, which is nearly seven times the size of outstanding public debt today. This rapid growth in Medicare expenditures is fiscally unsustainable.

Mr. Speaker, both liberal and conservative policy analysts, along with the GAO, have been warning Congress of the much-needed entitlement reform. Who else must weigh in on the issue before Congress will start addressing comprehensive Medicare reform?

CAPITAL GAINS

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, unless Congress acts, in 3 short years capital gains taxes will jump from 15 percent to 20 percent. Tax increases, as Democrats would allow, send the wrong messages to businesses facing economic uncertainty.

But what does this mean for working Americans? Simply put, fewer jobs as employers make tough decisions about hiring and retention. Some say tax relief costs too much, but history since 2002 shows otherwise. Lower rates have unlocked billions in gains, boosting Federal revenues far beyond Congress' projections which were made based on higher tax rates.

Lower taxes, higher revenues, and greater growth for our economy and for the American workers, Congress should keep the capital gains rates constant.

HONORING FORMER OREGONIAN KEVIN BOSS

(Ms. HOOLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOOLEY. Mr. Speaker, I rise today to congratulate the New York Giants on their upset of the New England Patriots to win Super Bowl XLII.

With hometown pride in representing Monmouth and Philomath, I want to congratulate the Giants' starting tight end in the Super Bowl, Kevin Boss, a graduate of Philomath High and Western Oregon University.

Kevin was drafted as a backup to the Giants' four-time Pro Bowl tight end

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Jeremy Shockey, but was thrust into the spotlight late in the season when Shockey broke his leg.

It is apt that friends gathered at Rookies' in Monmouth to cheer their local son to victory. The Boss, as he is known, may be a rookie, but no one would have realized it from watching Sunday night's game.

His biggest mark in the Super Bowl came when he caught a 45-yard pass, setting up the Giants' first touchdown of the game to take a 10–7 lead in the fourth quarter.

Despite being about as far away from New York as one can be in the United States, the towns of Philomath and Monmouth couldn't be more proud.

BERKELEY'S ACTIONS OFFENSIVE

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, you all know the Marine Corps Hymn. It starts, "From the halls of Montezuma to the shores of Tripoli, we fight our country's battles in the air, on land, and sea."

Sadly, now the Marines have a new fight in the City of Berkeley. Recently, the city council voted to declare that a Marine recruiting station is "not welcome in the city."

To rub salt in the wound, the council then granted carte blanch to the radical protest group Code Pink. The disappointing and despicable actions of the Berkeley council are sad, shameful, and sickening. Some would call it treasonous.

Marines volunteer to serve their country and spill their blood for this Nation. Berkeley ought to show more respect for our Armed Forces.

The Marines' motto, "Semper Fidelis," is "Always Faithful." Although Berkeley may not be faithful to the Marines, I can guarantee you that the City of Berkeley wouldn't exist in a free country without the United States Marines.

The council needs to reverse this absurd decision. Their actions are offensive and obnoxious.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from Louisiana (Mr. BAKER), the whole number of the House is 430.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 30, 2008.
Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 30, 2008, at 9:15 a.m.:

That the Senate passed without amendment H.R. 5104.

That the Senate passed S. 2571.

With best wishes, I am
Sincerely,
LORRAINE C. MILLER,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bills were signed by the Speaker on Wednesday, January 30, 2008:

H.R. 5104, to extend the Protect America Act of 2007 for 15 days

S. 2110, to designate the facility of the United States Postal Service located at 427 North Street in Taft, California, as the "Larry S. Pierce Post Office".

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 5, 2008.
Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 5, 2008, at 10:24 a.m.:

That the Senate agreed to S.J. Res 25. That the Senate passed S. 550.

Appointments: Washington's Farewell Address

With best wishes, I am
Sincerely,
LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 4, 2008.
Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 4, 2008, at 10:08 a.m.:

That the Senate concurs in the House amendment to the Senate amendment to the bill H.R. 4253.

Appointments: United States-Japan Interparliamentary Group conference

With best wishes, I am
Sincerely,
LORRAINE C. MILLER,
Clerk of the House.

APPOINTMENT OF MEMBER TO COMMISSION ON CIVIL RIGHTS

The SPEAKER pro tempore. Pursuant to section 2 of the Civil Rights Commission Amendments Act of 1994 (42 U.S.C. 1975 note), the order of the House of January 4, 2007, and upon the recommendation of the minority leader, the Chair announces the Speaker's appointment of the following member on the part of the House to the Commission on Civil Rights to fill the existing vacancy thereon and, effective February 12, 2008, the Speaker's reappointment of the same member to a 6-year term expiring February 11, 2014:

Mr. Todd Gaziano, Falls Church, Virginia

COMMUNICATION FROM CONGRESSIONAL AIDE, HON. WILLIAM J. JEFFERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Ericka Edwards-Jones, Congressional Aide, the Honorable WILLIAM J. JEFFERSON, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 28, 2008.
Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have received a subpoena for testimony issued by the U.S. District Court for the Eastern District of Virginia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,
ERICKA EDWARDS-JONES,
Congressional Aide.

COMMUNICATION FROM LEGISLATIVE DIRECTOR, HON. WILLIAM J. JEFFERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Angelle B. Kwemo, Legislative Director, the Honorable WILLIAM J. JEFFERSON, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 29, 2008.
Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the

Rules of the House of Representatives, that I have received a subpoena for testimony issued by the U.S. District Court for the Eastern District of Virginia.

After consultation with counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

ANGELLE B. KWEMO,
Legislative Director.

BUDGET OF THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2009—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–84)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

At www.budget.gov, Americans will find the budget of the Federal Government for Fiscal Year 2009. Two key principles guided the development of my Budget—keeping America safe and ensuring our continued prosperity.

As we enter this New Year, our economy retains a solid foundation despite some challenges, revenues have reached record levels, and we have reduced the Federal deficit by $250 billion since 2004. Thanks to the hard work of the American people and spending discipline in Washington, we are now on a path to balance the budget by 2012. Our formula for achieving a balanced budget is simple: create the conditions for economic growth, keep taxes low, and spend taxpayer dollars wisely or not at all.

As Commander in Chief, my highest priority is the security of the American people. So my Budget invests substantial resources to protect the United States from those who would do us harm. Continuing our Nation's efforts to combat terrorism around the globe, my Budget provides our men and women in uniform the tools they need to succeed in Afghanistan and Iraq, and it furnishes the resources needed for our civilians to help those nations achieve economic and political stabilization. My Budget also strengthens our overseas diplomatic capabilities and development efforts, advances our political and economic interests abroad, and improves the lives of people around the world.

Here at home, we are blessed to live in a country that rewards hard work and innovation. In our flexible and dynamic economy, people can pursue their dreams, turn ideas into enterprises, and provide for their families.

As we look back over the past 7 years, we see the economy has successfully responded to substantial challenges, including a recession terrorist attacks, corporate scandals, wars, and devastating natural disasters. It is a measure of our economy's resilience and the effectiveness of pro-growth policies that our economy has absorbed these shocks, grown for 6 straight years, and had the longest period of uninterrupted job growth on record. Yet mixed indicators confirm that economic growth cannot be taken for granted. To insure against the risk of an economic downturn, I will work with the Congress to pass a growth plan that will provide immediate, meaningful, and temporary help to our economy.

Americans have real concerns about their ability to afford healthcare coverage, pay rising energy bills, and meet monthly mortgage payments. They expect their elected leaders in Washington to address these pressures on our economy. So my Budget puts forth proposals to make health care more affordable and accessible, reduce our dependence on oil, and help Americans struggling to keep their homes.

Above all, my Budget continues the pro-growth policies that have helped promote innovation and entrepreneurship. I will not jeopardize our country's continued prosperity with a tax increase. Higher taxes would only lead to more wasteful spending in Washington—putting at risk both economic growth and a balanced budget.

As we work to keep taxes low, we must do more to restrain spending. My Budget proposes to keep non-security discretionary spending growth below 1 percent for 2009 and then hold it at that level for the next 4 years. It also cuts spending on projects that are not achieving results—because good intentions alone do not justify a program that is not working.

One of the best ways to reduce waste and increase accountability is to make Federal spending more transparent. To help Americans see where their money is being spent, we have launched a website called www.USAspending.gov, and to help Americans see the kind of results they are getting for their money, we launched www.ExpectMore.gov. I invite all Americans to log on and find out for themselves how their hard-earned tax dollars are being spent.

Billions of those tax dollars go to something called earmarks. Earmarks are special-interest items that are slipped into big spending bills or committee reports, often at the last hour, without discussion or debate. Last January, I asked the Congress to reform earmarks, and lawmakers took some modest steps in that direction. But they failed to end the practice of concealing earmarks in report language—and they continued to fund thousands of them. So I will take steps to advance earmark reform. I also call on the Congress to adopt the legislative line-item veto, which gives the legislative and executive branches a tool to help eliminate wasteful spending. Common-sense reform will help prevent billions of taxpayers' dollars from being spent on unnecessary and unjustified projects.

As we take these steps to address discretionary spending, we also need to confront the biggest challenge to the Federal budget: the unsustainable growth in entitlement spending. Many Americans depend on programs like Social Security, Medicare, and Medicaid, and we have an obligation to make sure they are sound for our children and grandchildren. If we do not address this challenge, we will leave our children three bad options: huge tax increases, huge deficits, or huge cuts in benefits. The longer we put off the problem, the more difficult, unfair, and expensive a solution becomes.

My Budget works to slow the rate of growth of these programs in the short term, which will save $208 billion over 5 years. This step alone would reduce Medicare's 75-year unfunded obligation by nearly one-third. My Administration cannot solve this problem alone, though. We need a commitment from the Congress to reform and improve these vital programs so they can serve future generations of Americans.

In my 2009 Budget, I have set clear priorities that will help us meet our Nation's most pressing needs while addressing the long-term challenges ahead. With pro-growth policies and spending discipline, we will balance the budget in 2012, keep the tax burden low, and provide for our national security. And that will help make our country safer and more prosperous.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 4, 2008.*

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

RECOGNIZING THE 50TH ANNIVERSARY OF THE NATIONAL ACADEMY OF RECORDING ARTS & SCIENCES

Mr. HODES. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 273) recognizing the 50th Anniversary of the National Academy of Recording Arts & Sciences.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 273

Whereas, in 1957, a group of visionary leaders gathered at the famed Brown Derby in Los Angeles to form The National Academy of Recording Arts & Sciences;

Whereas The Recording Academy soon created the GRAMMY Award which is the world's most visible and prestigious award for music;

Whereas the GRAMMY was created as a peer award, given by music makers, for music makers, to honor the highest quality recording music of the year without regard to sales or chart position;

Whereas The Recording Academy expanded its mission beyond recognition of musical excellence to include groundbreaking professional development, cultural enrichment, advocacy, education, and human services programs;

Whereas through its 12 chapters across America, The Recording Academy serves more than 18,000 musicians, singers, songwriters, producers, engineers, and other music professionals;

Whereas, in 1989, The Recording Academy created the GRAMMY Foundation to cultivate the understanding, appreciation, and advancement of the contribution of recorded music to American culture, from the artistic and technical legends of the past to the still unimagined musical breakthroughs of future generations of music professionals;

Whereas that same year, The Recording Academy created MusiCares, to provide a safety net of critical assistance for music people in times of need;

Whereas the GRAMMYs on the Hill Initiative, based in Washington, DC, works to advance the rights of the music community through advocacy, education, and dialogue; and

Whereas through this initiative, The Recording Academy has become a leading advocate for music makers: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress congratulates The Recording Academy during its 50th GRAMMY celebration for its important work in improving the environment for music and music makers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Hampshire (Mr. HODES) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from New Hampshire.

GENERAL LEAVE

Mr. HODES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. HODES. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I'm pleased to join my colleagues in the consideration of House Concurrent Resolution 273, which acknowledges the 50th anniversary of the National Academy of Recording Arts & Sciences.

House Concurrent Resolution 273 was introduced by Representative MARY BONO MACK of California on December 19, 2007, and was considered by and reported from the Oversight Committee on January 29, 2008, by voice vote.

The measure has the support of over 60 Members of Congress, and provides our body a collective opportunity to both recognize and congratulate the National Academy of Recording Arts & Sciences on its 50th anniversary Grammy Awards celebration.

Established in 1957, the National Academy of Recording Arts & Sciences, also known as the Recording Academy, serves as the premier organization of musicians, producers, recording engineers and other recording professionals dedicated to improving the quality of life and cultural conditions of others through music and the arts. As a producer of recordings myself, I am especially aware of the academy's fine and important work.

The Recording Academy is best known for its presentation of the Grammy Awards, which is the only peer-presented award ceremony to honor artistic achievement, technical proficiency and overall excellence in the recording industry without regard to album sales or chart position.

In addition to the Grammys, the Recording Academy is also known for its philanthropic efforts to cultivate the understanding, appreciation and advancement of the recording industry's contributions to American culture through music and education programs offered by the Grammy Foundation.

Mr. Speaker, I'm sure we all agree that the Recording Academy has made a significant contribution to the landscape of our country. For its service in improving the environment for music, music makers and music lovers over the past 50 years, the Recording Academy is undoubtedly deserving of recognition. Therefore, I urge swift passage of House Concurrent Resolution 273.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of H. Con. Res. 273, which recognizes the 50th anniversary of the National Academy of Recording Arts & Sciences.

Mr. Speaker, while the music industry has changed and continues to change over the years, its importance to the lives of Americans has not. Songs provide inspiration, evoke fond memories, and even comfort us during times of need.

In addition to entertaining us, we should also be mindful of the music industry's role in our Nation's economy, accounting for some $11.5 billion annually. Moreover, this sector of our economy provides jobs to thousands of singers, songwriters, musicians, producers and other recording professionals.

In 1957, the National Academy of Recording Arts & Sciences was formed to honor the most talented music makers by creating the world's most prestigious music award, known as the Grammy Award.

This unique award is not based on sales, popularity or consumer taste but is given as a peer award by artists for artists. The award also continues to be the only peer-presented award to honor the achievement, technical proficiency and overall excellence in the recording industry.

The Recording Academy's responsibility for the Grammys is only the tip of the iceberg. The academy has also expanded its scope beyond recognizing the best in music to include groundbreaking professional development, cultural enrichment, advocacy, education and human services programs. In time, the Grammy Foundation was created to recognize the significant contributions music has made to American culture and its impact on all of our citizens in the past, present and future.

Another aspect of the academy's outreach is MusiCares. Through the efforts of this program, a wide range of financial, medical and personal emergencies for many struggling artists in the Nation's music community are covered. MusiCares also provides educational programs that are found throughout the country that focus on the preservation of our musical heritage.

Through its 12 chapters across the United States, the Recording Academy impacts the music community at large by working diligently to protect the music creators through strong intellectual property rights, addressing the legality of downloading and purchase of music on the Internet, as well as music preservation and music education.

I urge my colleagues to support this concurrent resolution congratulating the Recording Academy during its 50th Grammy celebration, and recognizing its important contribution to the success and vitality of music makers.

Mrs. BONO MACK. Mr. Speaker, this weekend millions of Americans will view the Grammy Awards Gala and I rise today to recognize a most important milestone for the organization responsible for this program.

I would first like to take this opportunity to thank the Majority Leader and his staff for working together with my office on this concurrent resolution. Additionally, I would like to thank him for his steadfast commitment to the Recording Arts and Sciences Caucus of which we both serve as co-chairs.

Today I am joined by over 60 of my colleagues—on both sides of the aisle—as I put forth this concurrent resolution which recognizes the contributions the National Academy of Recording Arts and Sciences has made to our country over the last half century.

It is indeed an honor to celebrate this anniversary as we acknowledge that is has been 50 years since the Recording Academy was formed. Throughout that time the Recording Academy has expanded its mission beyond a peer music award to include professional development, cultural enrichment, advocacy, education, and human services programs.

These programs are helping develop and nurture the music industry and most importantly the musicians who make up that industry. The impact this has had on music and the arts in the United States cannot be overstated.

At its core, the Recording Academy's support for the individual recording professional has been and is essential to the creative life of our Nation. The Recording Academy's constant push for the advancement of the rights of musicians, songwriters, singers, producers, and other recording professionals is essential to the future health and sustainability of the music community. Thankfully, the Recording Academy is there everyday, championing these worthy causes and educating all of us about their importance.

As such, I am proud to have authored House Concurrent Resolution 273 which recognizes the 50th Anniversary of the National Academy of Recording Arts and Sciences.

Thank you, Mr. Speaker, and I ask for the support of Members from both sides of the aisle for H. Con. Res. 273, legislation I'm proud to have authored.

Ms. FOXX. Mr. Speaker, I yield back the balance of my time.

Mr. HODES. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Hampshire (Mr. HODES) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 273.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

COMMENDING THE HOUSTON DYNAMO SOCCER TEAM FOR WINNING THE 2007 MAJOR LEAGUE SOCCER CUP

Mr. HODES. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 867) commending the Houston Dynamo soccer team for winning the 2007 Major League Soccer Cup.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 867

Whereas the Houston Dynamo soccer team won the 2007 Major League Soccer Cup, defeating the New England Revolution by a score of 2–1 at RFK Stadium on November 18, 2007;

Whereas as the Houston Dynamo came back from a 1–0 halftime deficit to defeat the Revolution;

Whereas as Dwayne De Rosario, assisted on the tying goal to Joseph Ngwenya, scored the winning goal and was named the game's MVP;

Whereas as the Houston Dynamo were playing without Brian Ching, the MVP of last year's MLS Cup due to injury;

Whereas as the Houston Dynamo has won the Major League Soccer Cup for the second consecutive year;

Whereas as the Houston Dynamo is the first team to win back-to-back MLS Cups in 10 years;

Whereas as the Houston Dynamo have won the MLS Cup in their first 2 years of existence in Houston;

Whereas Houston Dynamo Coach Dominic Kinnear has guided the team to 26 wins, 20 draws, and 16 losses in his first 2 seasons in Houston; and

Whereas Houston Dynamo defender Eddie Robinson and midfielder Dwayne De Rosario were named to the 2007 MLS Best XI all-star team: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Houston Dynamo soccer team for winning the 2007 MLS Cup; and

(2) congratulates the team for back-to-back MLS Cup wins in their first 2 seasons in Houston.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Hampshire (Mr. HODES) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from New Hampshire.

GENERAL LEAVE

Mr. HODES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. HODES. Mr. Speaker, I yield as much time to myself as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I'm pleased to join my colleagues in the consideration of House Resolution 867, which provides for the recognition of the Dynamo soccer team, out of Houston, Texas, for their recent 2007 MLS championship win.

House Resolution 867 was introduced by Representative GENE GREEN of Texas on December 11, 2007, and was considered by and reported from the House Committee on Oversight on January 29, 2008, by voice vote.

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The measure has the support and cosponsorship of nearly 55 Members of Congress, and its consideration today on the House floor allows our entire body the chance to commend the Dynamo on winning the coveted MLS Cup. As is the case in most professional sporting or athletic leagues, ultimate success or winning of a championship title requires hard work, sacrifice, and innate desire to win.

The Houston Dynamo, led by 2005 MLS Coach of the Year Dominic Kinnear, have clearly demonstrated their commitment to these ideals as they not only hold the 2007 MLS Championship Cup but are also the proud winners of the 2006 MLS Championship Cup as well.

The Dynamo's recent wins mark the first time in 10 years that a team has won back-to-back MLS Cups. For this accomplishment, Mr. Speaker, we stand to commend the Dynamo, their players, coaches and supportive fans on a job well done.

I urge the passage of this measure.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in favor of H. Res. 867 which congratulates the Houston Dynamo for winning its second straight Major League Soccer championship.

Early in the season, the Dynamo team members weren't so much worried about defending their title as merely maintaining respectability. They brought a 2–4–1 record into Washington's RFK stadium, less than two miles from where we stand right now, on May 26.

Though they lost by the score of 2–1 that night, to a man, they agreed that was the game when things turned around.

The Dynamo did not lose again until July 10, a period that covered 12 games. After that, they went six more games without a loss. By then, they were back where they belonged, atop the MLS standings.

The key for this team, from all accounts, was its defense. The Dynamo scored 43 goals in 30 games. Not outstanding for a league champion, but it allowed just 23 goals as opponents wore defenders from all three lines of the Dynamo attack like a cheap suit for most of the season.

Brian Ching, Stuart Holden, Eddie Robinson, Ricardo Clark, Brad Davis, and Patrick Ianni formed the backbone of those three lines. Pat Onstead, who help the team set a league record for best goal-against average, 0.73 per game, provided other-worldly goalkeeping.

The season was not without its drama. After recovering from the slow start, the Dynamo again flirted with elimination when it lost to FC Dallas, 1–0, in its first playoff game and trailed 1–0 and faced elimination in its second. But the Dynamo then buried Dallas in a four-goals-in-30-minutes barrage and never looked back. It beat New England in the finals 3–0. Does this sound familiar?

The Dynamo showed what can happen when the team recognizes its weaknesses and buys into a plan to fix them.

Congratulations to Coach Dominic Kinnear and his players for showing what can happen when we pull together and rise above.

Mr. Speaker, I reserve the balance of my time.

Mr. HODES. Mr. Speaker, I yield to my distinguished colleague from Texas (Mr. GENE GREEN) so much time as he may consume.

Mr. GENE GREEN of Texas. Mr. Speaker, I would like to thank my colleague and both the Government Reform Committee and Rules Committee for allowing this resolution to be considered today. I urge my colleagues to join me in supporting it.

The Dynamo soccer team arrived in Houston just 2 years ago, and in the team's first two seasons, they won back-to-back MLS Cups. The Dynamo are the first team to do so in over a decade and have immediately drawn a huge fan base in Houston for their success.

Dynamo coach Dominic Kinnear has guided the team to 26 wins, 20 draws, and 16 losses in its first two seasons in Houston. The Cup win this season came over the New England Revolution, the same team the Dynamo defeated in 2006 to win their first MLS Cup and the 2007 match to an attendance of merely 40,000. The 2007 Cup win was a come-from-behind victory in which Dwayne De Rosario assisted on the tying goal to Joseph Ngwenya, and scored the winning goal to take home the most valuable player honors from the match.

The Dynamo managed to accomplish this without the most valuable player from their 2006 Cup win, Brian Ching, who was sidelined with an injury.

Texas and Houston have a long history of being a football State and town, but I first learned about soccer when I was in college playing goalie just during college sports. My two children grew up playing soccer in the 1980s when they were young in Houston. Over the years, I watched soccer grow not only in the suburbs but also in the very inner city, and you can hardly have a flat field, flat surface, without having soccer goals put up.

Today in our district and throughout the Houston area, countless numbers of children have played and become soccer fans, and the Dynamos' success since arriving in Houston greatly increased the interest in the game.

Four of the Dynamo stars, Brad Davis, Eddie Robinson, Ricardo Clark, and Stuart Holden, have been selected for the U.S. Men's National Team roster that will face Team Mexico at Reliant Stadium tonight in Houston. This is the most players of any club represented on our national team, and it includes the Houston native, Stuart Holden, who played his high school soccer in Houston.

The U.S.-Mexico soccer rivalry is one of the biggest matches the team plays and always draws enormous crowds and a large television following.

We wish the players luck tonight in their match and congratulate the Dynamos on their past success and look forward to their continued success in 2008.

Again, Mr. Speaker, I urge my colleagues to join me in supporting this resolution congratulating the Houston Dynamos on their 2007 Major League Soccer Cup victory.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H. Res. 867 commending the Houston Dynamo for winning the 2007 Major League Soccer Cup. I would first like to commend our distinguished colleague GENE GREEN of the 29th Congressional District of Texas for introducing this important resolution. The Houston Dynamo has consistently strived for excellence and dominated the MLS playoffs for 2 consecutive years and I am happy to commend them for their efforts.

The Dynamo played their first game on April 2, 2006, in front of a crowd of 25,462 in Robertson Stadium. The Dynamo finished their first season in Houston with an 11–8–13 record, earning them second place in the Western Conference. On November 12, 2006, at Pizza Hut Park in Frisco, Texas, the Houston Dynamo defeated the New England Revolution in an exciting match decided by the first shootout in MLS history, 4–3 on penalty kicks after a 1–1 tie to win the 2006 MLS Cup.

After regrouping in 2007 and pulling off a win against rival FC Dallas, Houston began an winning streak of 11 games and a shutout streak of 726 minutes, a new MLS record. They finished in second place in the regular season in the Western Conference, advancing to the 2007 MLS Cup Playoffs, where they met State rivals FC Dallas in the first round. Just like in 2006, they faced the New England Revolution for the championship, and won it 2–1 on a game-winning goal by Dwayne De Rosario in the second half, thus winning their second MLS Cup in a row.

As a native Houstonian I am proud to honor the Houston Dynamo for their sheer dominance since the premiere of MLS soccer in the United States. I strongly urge the community to support the Houston Dynamo as they will need it to sustain the expectations they have already lived up to. I strongly support this resolution and I urge my colleagues to do the same.

Ms. FOXX. Mr. Speaker, I urge the passage of H. Res. 867, and I yield back the balance of my time.

Mr. HODES. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Hampshire (Mr. HODES) that the House suspend the rules and agree to the resolution, H. Res. 867.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HODES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING THE SIGNIFICANCE OF BLACK HISTORY MONTH

Mr. HODES. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 942) recognizing the significance of Black History Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 942

Whereas the first Africans were brought involuntarily to the shores of America as early as the 17th century;

Whereas these Africans in America and their descendents are now known as African-Americans;

Whereas African-Americans suffered involuntary servitude and subsequently faced the injustices of lynch mobs, segregation, and denial of basic, fundamental rights;

Whereas despite involuntary servitude, African-Americans have made significant contributions to the economic, educational, political, artistic, literary, religious, scientific, and technological advancement of the Americas;

Whereas in the face of injustices, United States citizens of good will and of all races distinguished themselves with their commitment to the noble ideals upon which the United States was founded and courageously fought for the rights and freedom of African-Americans;

Whereas Dr. Martin Luther King Jr. lived and died to make real these noble ideals;

Whereas the birthdays of Abraham Lincoln and Fredrick Douglass inspired the creation of Negro History Week, the precursor to Black History Month;

Whereas Negro History Week represented the culmination of Dr. Carter G Woodson's efforts to enhance knowledge of black history started through the Journal of Negro History, published by Woodson's Association for the Study of African-American Life and History; and

Whereas the month of February is officially celebrated as Black History Month, which dates back to 1926, when Dr. Carter G. Woodson set aside a special period of time in February to recognize the heritage and achievement of Black Americans: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the significance of Black History Month as an important time to recognize the contributions of African-Americans in the Nation's history, and encourages the continued celebration of this month to provide an opportunity for all peoples of the United States to learn more about the past and to better understand the experiences that have shaped the Nation; and

(2) recognizes that the ethnic and racial diversity of the United States enriches and strengthens the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Hampshire (Mr. HODES) and the gentleman from Florida (Mr. FEENEY) each will control 20 minutes.

The Chair recognizes the gentleman from New Hampshire.

GENERAL LEAVE

Mr. HODES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. HODES. Mr. Speaker, I yield to myself as much time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H. Res. 942 which calls for Congress to recognize the significance of February as Black History Month.

H. Res. 942 was introduced by Representative AL GREEN of Texas on January 28, 2008, and was considered by and reported from the Oversight Committee on January 29, 2008, by voice vote. The measure has the support and cosponsorship of 55 Members of Congress, yet gives us all an opportunity to pay tribute to the remarkable contributions African Americans have made to America's growth, development, and rich history.

As we are aware, February marks the beginning of Black History Month, which was first celebrated as Negro History Week in 1926 by Carter G. Woodson, a noted African American author and scholar, but has since become a month-long commemorative celebration as a way of recognizing and highlighting the role black Americans have played in America since the existence of our country and the role they continue to play on a daily basis.

Across our great land, Black History Month is marked by the offering of educational and cultural programs, heightened media coverage and special celebrations and events, all designed to share with the world the strength, ingenuity, and accomplishments of our fellow American citizens.

Mr. Speaker, as we move to recognize Black History Month and this year's theme of "Carter G. Woodson and the Origins of Multiculturalism in America," let's all recall the experiences and valuable contributions of African Americans to our fine country. Let us not forget that black history is truly American history.

And with that, Mr. Speaker, I urge the swift passage of H. Res. 942.

Mr. Speaker, I reserve the balance of my time.

Mr. FEENEY. Mr. Speaker, I yield myself such time as I may consume. I'm honored to speak today in support of H. Res. 942, recognizing the significance of Black History Month, sponsored by my distinguished colleague from Texas (Mr. AL GREEN).

Just a few weeks ago, we celebrated the life and accomplishments of one great man, Rev. Martin Luther King, Jr., and today we pay tribute to the contributions all African Americans have made to this great country.

Each February we express our appreciation of the struggles, determination, and perseverance of the African American community of the past and present. Nothing serves as a better example of this than the civil rights movement itself.

Rev. King would tell you that it was not the sole efforts of one man but the collective work of many that achieved so much. Without the civil rights movement, our Nation would not have the strong diversity of which it is so proud.

Beyond this, February is also a time to recognize the contributions of African Americans that have enriched our culture and our heritage. We must continue to learn the historical struggles of African American citizens in order to better understand the experiences that have shaped this Nation.

There have been great activists, politicians, artists, writers, poets, scientists, economists, athletes, entertainers, and musicians that have all bettered our way of life. The achievements of so many have encouraged today's youth to strive for a more equal and free country.

It is impossible to celebrate Black History Month without mentioning such noted leaders as Frederick Douglass, Harriet Tubman, Rosa Parks, Thurgood Marshall, and, once again, Dr. King himself. Their historic efforts inspired a Nation and brought past injustices to light, bringing forth beginning to an end of racial inequality.

When Harvard scholar Dr. Carter G. Woodson had the idea to create a week-long celebration of black history back in 1926, his goal was to "make the world see the Negro as a participant, rather than as a lay figure in history."

Over time, it has become the month-long commemoration that it is today, and it is with great pleasure that I speak today in support of H. Res. 942.

Mr. Speaker, I reserve the balance of my time.

Mr. HODES. Mr. Speaker, I yield 6 minutes to my distinguished colleague from Texas (Mr. AL GREEN) and, in doing so, commend him for his extraordinary leadership in introducing this resolution and his service to the United States.

Mr. AL GREEN of Texas. Mr. Speaker, I thank the gentleman for his very kind words and compliment him on the outstanding job that he is doing in the United States Congress, and I'm always honored to have the opportunity to serve and work with the gentleman.

I also thank my colleague on the other side of the aisle who has graciously helped us with this resolution and helped us bring it to the floor.

This resolution has received bipartisan support. I can say with a great degree of sincerity that not one Member that I approached about signing on to this resolution had any reservation, hesitation, or consternation. Every Member saw this as a worthwhile resolution, and I want to thank all of the Members who are now supporting it and who will vote for it.

I also am honored to make this expression of appreciation on behalf of the millions of Africans who are in America and who are known as African Americans. They cherish this day. This day means something to persons in the African American community. So they, too, would express appreciation, and I do so as one of their representatives in the United States Congress.

Mr. Speaker, this resolution gives us an opportunity to tell a portion of the greatest story never told. One of the great stories in world history is the story of Africans in the Americas and, more specifically, Africans in America today. This month allows us, and through this resolution we are allowed, to talk about some of the great accomplishments of African Americans, and Mr. FEENEY has been so generous with his compliments and the persons that he has named. My colleague has been very generous with his compliments as well.

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But I want to name just a few more, because at a time like this, on occasions like this, we want to make sure that we say as much as we can, understanding that we cannot say enough.

So on occasions such as this, we'd like to at least mention the prolific poetry of Phyllis Wheatley. We want to say that there was the scientific genius of Benjamin Banneker, who, by the way, was self-educated, a self-educated scientist, astronomer and inventor. We'd like to mention the legal brilliance of Macon B. Allen, who became the first African American admitted to the bar in the United States in 1845.

We should mention the colossal courage of Harriet Tubman, who, with her Underground Railroad, took persons from slavery to freedom. And we have to mention that she didn't do it alone. African Americans are not free because they were able to extricate themselves from slavery; they are free because they had help along the way from persons of good will of all ethnicities and races, all genders. People of good will have been of service in this fight for freedom for African Americans, and we should never have this kind of celebration and not mention the fact that we are here because there were many others who made it possible for us to have the opportunities we have. Many lived and died, and they were not all African Americans.

On occasions such as this, we mention the political prowess of P.B.S. Pinchback, who was the first African American elected Governor to become Governor of a State; he became Governor of the State of Louisiana in 1872.

These are some of the notables that we mention. But we should also mention that African Americans answered the clarion call to serve the Nation in times of war. They were there at the Boston Massacre. You will recall that Crispus Attucks was the first person killed, an African American. They were there at the Revolutionary War. Five thousand slaves and freedmen fought in the Revolutionary War, with the Continental Army, with the Navy, and with the militia in the Revolutionary War.

They were there in World War I; 350,000 African Americans were there in World War I to serve our country. In

World War II, 2.5 million registered, and approximately 1 million served. And, of course, we can never forget the Tuskegee Airmen. They were not only there but they were so outstanding that the President of the United States came to these Halls and presented them a Congressional Gold Medal.

America is not a perfect Nation, but it does provide the means by which we can strive for perfection. And I am so honored that by passing this resolution, we continue to reach for the ultimate perfection in the United States of America.

Mr. HODES. Mr. Speaker, at this time, I am proud to yield 7 minutes to my distinguished colleague, Representative ELEANOR HOLMES NORTON, who has represented the City of Washington, DC for many years and is known universally as a passionate advocate for truth and justice.

Ms. NORTON. I thank the gentleman from New Hampshire (Mr. HODES) for that generous introduction. And I thank my good friend, Mr. FEENEY from Florida, for also coming forward and robustly leading this bill forward today. We all owe thanks to the gentleman from Texas (Mr. AL GREEN), from whom we've just heard, who is the sponsor of this particular resolution.

Mr. Speaker, I come to the floor to make, perhaps, an unusual point. During Black History Month, we should remember that black history is still being made. The best evidence, of course, is that an African American is close to, perhaps, getting the Democratic nomination for President. This breakthrough is not surprising when you consider that we are still living in a period for black history-making because the shackles of segregation and of nationwide discrimination were removed only about 40 years ago. So you will hear many firsts, many record-breakers continue to come forward for years to come.

We don't really have to go to the history books in the 19th century, and earlier, to find history makers who should be revered this month. We are literally still surrounded by living black history on which history has spoken. Now, mind you I say "on which history has spoken," I mean you don't have the verdict of history until you can stand back from it. And, therefore, I want to make a few remarks about living history from the Congress of the United States.

It is probably the case that most Americans do not recognize that the first African American elected by popular vote to the United States Senate was Senator Edward Brooke, who served from 1967 to 1979. This is real living history, my friends. Now a robust 87, Senator Brooke broke more records than anybody I know. He became a Senator, '67 to '79, at a time when breakthroughs hadn't begun to occur. And he became a Senator from an overwhelmingly white State that was also overwhelmingly Democratic, and he was a Republican, a life-long Republican. Before that, he had become the State's first black attorney general.

I know Senator Brooke for reasons that are close to home. If you grew up in Washington, you will know him because, in studying black history, we studied this living history in our midst. He is a native Washingtonian. He graduated from Dunbar High School, the same high school I attended; served in World War II in the segregated 366th; went to Howard University and Howard law school, lived a segregated life his whole life. Then when he got out of the Army and got out of law school, he went to seek his fortune, not in his hometown, but in Massachusetts, where he practiced law and then had the audacity to run for office in a State where his party was pitifully outnumbered and in a State where he had to risk race when few had done so.

He tells the fascinating story of his life in his own autobiography called "Bridging the Divide." It was published in 2006. And that's exactly what Senator Brooke did. He bridged the divide, brought Democrats and Republicans together, brought blacks and whites together, and became a history maker of the first order and one who served in the Congress of the United States.

I must say that the President has already understood his significance in American history because a few years ago, President Bush awarded Senator Brooke the highest national honor, the Presidential Medal of Honor. And, once more, the Senate has the jump on us. Of course, Edward Brooke was a Member of the Senate, but the Senate has unanimously voted that Senator Brooke should receive the highest congressional honor, the Congressional Gold Medal. These are the highest honors that each branch of government can offer.

I can think of no better way for the Congress to celebrate Black History Month, not in talking about black history that was made long ago, but looking inside our own ranks and finding a true historic figure, one that Democrats can be proud of, that Republicans are surely proud of, one who epitomizes exactly what everybody says our country needs today to bring us together, and one who served in our own ranks.

Many in the Congress on both sides of the aisle have already signed on to H.R. 1000, which is the bill necessary to award the Congressional Medal. That requires two-thirds of the House to sign on. Many have, once this was brought to their attention, signed on. We're going to send it again, of course, to Members, as we try to do something that I think will be history-making this very month, and that is to have the Congress of the United States, this month, this Black History Month, vote to give the Congressional Gold Medal to one of our own former colleagues, a former Member of the Senate, Senator Edward Brooke, the first African American to serve by popular vote in that body.

I thank the gentleman for yielding.

Mr. FEENEY. I have no further speakers, Mr. Speaker, and I yield myself 1 minute.

Mr. Speaker, there are many reasons to celebrate Black History Month, and one is that it would take more than a month for even the best student of history to appreciate all of the great things that African Americans have contributed to America. I would note that later this afternoon the House will be considering House Resolution 943, which is the 22nd anniversary of the Challenger disaster. And among the American heroes that perished that day was astronaut Ronald McNair, who, in fact, was an African American.

Mr. TERRY. Mr. Speaker, I rise today in support of H. Res. 942, a resolution recognizing the significance of Black History Month.

It is a time to reflect on and honor the important contributions African-Americans have made to our Nation. We should especially take note of the extraordinary people who continue to help build our great Nation.

Of the thousands of African-Americans in my District, I have the privilege of representing two individuals and an outstanding group: Marguerita Washington and Rudy Smith, both of Omaha, and the Alfonza W. Davis chapter of the Tuskegee Airmen, based in Omaha.

Dr. Marguerita Washington is the editor of the Omaha Star newspaper in Omaha. The paper has been in existence for more than 69 years and is Nebraska's largest African-American newspaper. The policy of the Omaha Star has been to print only positive news and to be a vigilant champion for African-American progress. The paper is located in the heart of Omaha's African-American community.

The Omaha Star was founded by the late Mildred D. Brown in 1938. She is believed to be the first female, certainly the first African-American woman, to have founded a newspaper in the Nation's history. When Mrs. Brown expired unexpectedly in 1989, the paper was then placed in the very capable hands of Dr. Marguerita Washington, her niece, who now heads the newspaper.

Dr. Washington and the Omaha Star work for equal rights for all; the paper was on the forefront, leading the charge to open public accommodations to African-Americans, including hotels, restaurants, theaters and taverns. The paper was instrumental in working with Omaha Public Schools to ensure that black teachers had equal participation. Dr. Washington also worked hard to get the Omaha Star landmark status in the city of Omaha and the State of Nebraska.

Rudy Smith has lived in Omaha since age 6 and has been an Omaha World Herald photographer and editor for more than 40 years. He is in the process of completing a book of his photographs, many of which have been exhibited at black colleges, universities and museums around the country. As a journalist and photographer he has captured images of some of America's greatest heroes.

Rudy was more than just a photographer; he was able to chronicle historic moments in Omaha. Every picture he takes is a moment; each special moment holds a lifetime of memories that lives on after the moment has passed. Each of his photographs is a window to a memory and has the ability to deeply connect you to the beauty of life itself. His talent is endless.

Omaha native Alphonza Davis graduated from Omaha Tech High School and later Omaha University. He finished first in his class at Tuskegee and was chosen squadron leader. He was killed in combat in 1944 while over in Germany. The local Tuskegee Airmen chapter in Omaha is named after him.

The chapter is one of 45 nationwide, and its membership includes four original Tuskegee Airmen. They are LTC (Ret) Paul Adams, LTC (Ret) Charles A. Lane, Jr., LTC (Ret) Harrison A. Tull, and Mr. Robert D. Holts. These members continue their service to our community by mentoring and working with youth through the local Civil Air Patrol.

The Tuskegee Airmen and their record of success during the war are unmatched. Not a single American bomber protected by the Red Tails was ever shot down by enemy aircraft. By war's end, the Tuskegee Airmen had flown over 15,000 sorties, completed over 1,500 missions and destroyed more than 260 enemy aircraft.

I join my colleagues in recognizing these and the millions of African-Americans in our country for their numerous achievements throughout history, today and the future. This designation is only a small token of the thanks they deserve for all of their contributions to our society. I urge the adoption of H. Res. 942.

Mr. BACA. Mr. Speaker, I ask for unanimous consent to address the House for one minute.

I rise today to voice my strong support for H. Res. 942. This bipartisan resolution recognizes the significance of Black History Month.

I want to thank my friend and colleague, Representative AL GREEN, for introducing this resolution.

February is Black History Month, a time for all Americans to learn about and recognize the heritage and achievements of African Americans.

African Americans have made historic contributions to this Nation in all walks of life—from economics, to education, to politics and the arts.

Sadly, African Americans have been victims of too much discrimination, segregation, and hatred in their history in the United States.

That is why it is so fitting we stand here together today, one body in unity, to recognize the amazing accomplishments of our Nation's African Americans.

We also stand here to recognize that the ethnic and racial diversity within the United States is a wonderful thing, which only serves to strengthen our great Nation.

I urge my colleagues to embrace this diversity, to support Black History Month, and to cast a vote in favor of H. Res. 942.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 942, Recognizing the Significance of Black History Month, introduced by my distinguished colleague from Texas, Representative GREEN. This important legislation recognizes and celebrates the accomplishments and contributions of African-Americans in this Nation.

The celebration of Black History Month began with Negro History Week in 1926, the vision of Dr. Carter G. Woodson. Dr. Woodson, a noted African-American author and scholar recognized then, as we do today, that the achievements and contributions of African-Americans deserve not only to be acknowledged, but also to be celebrated by all Americans.

Over the course of 50 years, Negro History gained momentum, culminating in its transcendence to Black History Month. Now each February we express our appreciation of the struggles, determination and perseverance of the African-American community of the past and present. February is a month to recognize the contributions of African-Americans who have enriched our culture and our heritage.

There have been great African-American activists, scientists, artists, poets, athletes, politicians, writers, economists, musicians, engineers, and entertainers who have all bettered our way of life. From Harriet Tubman to Barbara Jordan, Althea Gibson to Venus Williams, Marian Anderson to Ella Fitzgerald, Frederick Douglass to Martin Luther King, Jr., so many African-Americans have enriched this Nation that there are far too many to name them all.

Unfortunately, the struggle for African-Americans to gain recognition and celebration in this Nation continues beyond Black History Month. While we can be proud of the many achievements of our past, events such as Hurricane Katrina and Jena 6, demonstrate that we still have much to achieve in the way of equal rights and justice for all.

One of the great challenges facing the African-American community is the disproportionate rate at which our people are incarcerated.

According to the Department of Justice more than 2.3 million people are incarcerated in this Nation's State and Federal prisons. As of December 2006, African-Americans made up 40.2 percent of Federal prison inmates, most of those being African-American men.

When you compare these statistics with the fact that African-Americans only make up approximately 12 percent of the total population, the disparity becomes more apparent. The human toll—the wasted lives, shattered families, and disturbed youth—are incalculable, as are the adverse social, economic and political consequences of weakened communities, diminished opportunities for economic mobility, and widespread disenfranchisement.

In Jena, Louisiana, two African-American high school students sat under what some White students called the "white" tree on their campus. The White students responded by hanging nooses from the tree. When African-American students protested the light punishment for the students who hung the nooses, the District Attorney came to the school and told the students he could "take their lives away with a stroke of his pen." Racial tensions continued to mount in Jena, and the District Attorney did nothing in response to several egregious cases of violence and threats against African-American students.

But when a White student—who had been a vocal supporter of the students who hung the nooses—taunted African-American students, allegedly called several African-American students "nigger", and was beaten up by African-American students, the punishment was drastically different. Six African-American students were charged with second-degree attempted murder. Mychal Bell was one of the students tried and convicted. He faced up to 22 years in prison for essentially a school fight.

The African-American community came to the aid of these young men, as they have done in years past for other young men. While we take this month to celebrate the past and present African-American achievements and contributions, we must face the future with an understanding that there is more to be done and more to be achieved.

As a member of the Congressional Black Caucus, a Representative of the people of the United States, and an African-American woman, I am proud to cosponsor this legislation and I urge my colleagues to join me in supporting this legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to express my full support for H. Res. 942, a resolution that recognizes Black History Month as a time to acknowledge the many contributions that African Americans have made in our Nation's history and as a time for all Americans to fully understand the events and struggles that shaped our great Nation.

When Aristotle said, "If you would understand anything, observe its beginning and its development," he suggested that we cannot fully know what something is if we do not know its past. This certainly holds true for our country. Knowing our Nation's history does more than tell us who we were; it tells us who we are. And if we look honestly at our past successes and mistakes, it tells us what we can become.

Unfortunately, the long practice of omitting, abbreviating, and misrepresenting African Americans in American history has resulted in an incomplete and skewed story of our country's history. Fortunately, the social change of the civil rights movement inspired a change in the way that America told and understood its history. It became clear that American history—like America's schools and lunch counters—needed to be integrated.

Over the years, Black History Month has become a chance to realize our rich diversity by studying the artistic, scientific, and political contributions that African Americans have made to the United States and the rest of the world. Realize Black history is American history, and February should not be the only time that we acknowledge the contributions of African American men, women, and children in U.S. history. African Americans have played a key role in just about every single moment in American history, and it is high time that our history books reflect that.

Driven by my commitment to the human and civil rights of all, I have worked hard to ensure that all people—regardless of their nationality, sexual orientation, gender, or race—have access to their most basic rights. My experiences in and before I came to this body have taught me that all people have influenced our country's greatness. It is critically important that these contributions are acknowledged and retold.

Mr. Speaker, as we observe and celebrate the contributions of African Americans in America we must not forget that we are making history as we speak. We are living in an historical era in which extraordinary people from all walks of life are seeking opportunities that were previously not available to them. Outstanding Americans such as Barrington Irving, the youngest and first person of African descent to fly around the world, teach us that we can achieve great things in this land of opportunity as long as we have the will and drive. As we all know, for the first time in history, the two contending candidates for the Democratic nominee for President are a black man and a woman.

As we reflect on the numerous contributions and experiences of African Americans in this country, we must be cognizant of how we as a modern multi-ethnic and multicultural nation deal with the issues of our time. How we do this will determine how future generations will view us in the history books. I urge my colleagues to vote "yes" on this important resolution.

Mr. RODRIGUEZ. Mr. Speaker, today I stand before you offering my generous support for the commemoration of H. Res. 942, recognizing the significance of Black History Month. This is a month to honor the tremendous strides and achievements made by numerous African-American leaders and activists, and to signify our continued celebration of diversity in the United States. I urge all Americans to use this month as an opportunity to recognize the accomplishments made by past African-American leaders while continuing to work for the advancement of racial equality.

The enormous contributions made by Dr. Martin Luther King, Jr., Frederick Douglass, W.E.B. Dubois and other notable leaders in the African-American community have championed improved race relations and equality. We must also highlight the achievements made by a host of prominent African-Americans in other fields such as the arts, athletics, politics, and academia.

This year's theme, "Carter G. Woodson and the Origins of Multiculturalism," honors the founder of Black History Month and applauds his commitment to the preservation of African-American history. Woodson was instrumental in popularizing the role the African-American community has played in enriching the history of the United States. His mission and legacy is one our country must uphold while continuing to inspire future generations to embrace diversity and equality.

Again, I would like to express my support for the significance of February 2008 as Black History Month. Let the following month serve as a reminder of our indebtedness to those leaders possessing the courage to combat injustice. They have completed the ultimate service not only for the African-American community in the United States but for all citizens.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in honor of this most important month of February, deemed as Black History Month. Let us join with the rest of the Nation in highlighting the significant contributions that African Americans have made to our great Nation, while celebrating this year's theme of "Carter G. Woodson and the Origin of Multiculturalism."

Throughout this noteworthy month, we all should take a moment to reflect on the fact that February was designated to make a national appeal to Americans to make note of the tremendous role that African Americans have played in the development and advancement of our country's rich history. February embraces the birthdays of two distinguished Americans—Frederick Douglas and Abraham Lincoln—whose contributions to our society are immeasurable. Let us remember that not only are we honoring Black history; we are celebrating all of our history, American history.

This month we should remember the legacy of the illustrious Harlem Renaissance and the contributions this period had in shaping America's cultural heritage. African American writers Langston Hughes, Richard Wright, Ralph Ellison, James Baldwin, and Toni Morrison have now become major voices in American Literature. Military achievements, not only by the Tuskegee Airmen, the 54th Regiment from Massachusetts, and the 29th Regiment from Connecticut, but by other courageous Black soldiers, have helped to create the gallant Armed Forces of this country. In this month, let us all work together to ensure a positive future for the 40.2 million African Americans who contribute to this Nation on a daily basis.

In my home State of Connecticut, we make note of Hartford's Black governors who oversaw the region from 1755 to 1800; fearless Connecticut abolitionists James Mars and J.W.C. Pennington who petitioned Connecticut's legislature regarding voting and social rights for blacks in the 1840s and 50s; and of course the survivors of the Amistad slave ship, who spent days seated in a Hartford courtroom awaiting their fate by a U.S. circuit court judge. Through relics such as the Old State House, Mark Twain House, Harriet Beecher Stowe House, the Connecticut freedom trails, and the Amistad Center for Arts and Culture, we are paying homage to the extraordinary African Americans who have resided in our State.

Mr. Speaker, this year during Black History Month, I urge my colleagues and this Nation to remember all of the African Americans who have helped to weave the historical tapestry of America. I urge us all to realize the service, dedication and courage that have emerged throughout the decades. This year, let us truly celebrate Black History as a part of us all. Like our motto says, E Pluribus Unum, Out of many we are one. We are a great Nation formed by the contribution of many, and this month we celebrate one of those outstanding groups.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in strong support of Congressman AL GREEN's resolution to honor Black History Month.

As the brainchild of Carter G. Woodson, the celebration of the many contributions of African Americans to this Nation has evolved from its 1926 inception as Negro History Week, to what we now know as Black History Month. As apparent by the change in titles, the mentality of our nation towards race and race relations has made significant improvements with each generation.

Although African Americans were an integral part of the founding of this nation dating hack to at least to the colonial times, it was not until the 20th century that they gained a respectable presence in the history books. Prior to Woodson's vehement efforts to write African Americans into the history of the Nation, books largely ignored the African American population except to mention them in the context of slavery. That is why it is so important that the full history of African Americans continue to he preserved and taught so that future generations of all Americans will know our abundant heritage.

An ancient proverb states, "Who has no past, has no future." African Americans have made significant contributions to this nation's history, and we continue to build that rich legacy today. Because of the continued efforts of those who educate our schoolchildren, future generations will know about how a race of oppressed people overcame the social and political obstacles of slavery and Jim Crow to become great innovators, scientists, novelists. musicians, philosophers, and political leaders.

The inclusion of African Americans in academic curriculums ensures that children can continue to be inspired by Thurgood Marshall, Malcolm X, Mac Jamison, Benjamin Carson, Richard Wright, and Shirley Chisholm.

Black History Month has not only set a precedent by honoring the achievements of African Americans, but it has paved the way for other nationwide celebrations of the contributions of other races and cultures. Therefore, by supporting Congressman AL GREEN'S Resolution to honor Black History Month. I also support the American idea of diversity and multiculturalism.

I commend Congressman GREEN for bringing this important resolution to the floor, and I strongly urge my colleagues' support.

Ms. LEE. Mr. Speaker, I rise in strong support of H. Res. 942.

As an original co-sponsor of this resolution, I am proud to join my colleagues in recognizing the month of February as Black History Month. I would like to thank my friend and colleague from Texas, Congressman AL GREEN for introducing this very important resolution.

As we recognize Black History Month, I would also like to note, that we feel the loss of our dear friends and CBC colleagues who passed away over the last year: Congresswomen Julia Carson, Juanita Millender McDonald and founding CBC member former Congressman 'Gus' Hawkins. They always joined in on the celebrations. We truly miss them, but their accomplishments live on as a part of Black History and beyond.

As First Vice-Chair of the Congressional Black Caucus. I want to take a moment to commemorate Black History Month by advocating for a greater commitment to the domestic and global HIV/AIDS pandemic.

Under funding for the Minority AIDS Initiative and with our domestic HIV/AIDS programs flat-lining, data shows communities of color are increasingly bearing the brunt of the disease. Over 188,000 African-Americans were living with AIDS at the end of 2005, representing 44 percent of all cases in the United States, according to the Centers for Disease Control and Prevention.

In order to raise awareness. I introduced H. Con. Res. 280 to recognize and support the goals and ideals of National Black HIV/AIDS

Awareness Day and encourages state and local governments, public health agencies and the media to emphasize and publicize the importance of this day among the African American community, and all communities. Celebrated each year on February 7th, National Black HIV/AIDS Awareness Day encourages African Americans and all Americans to "Get Educated, Get Involved, and Get Tested."

Though we recognize Black History Month this month, it is our duty to pursue policies of social justice that are fair, sustainable, and that help the most disadvantaged in our society. As an African American woman and legislator in this era of tremendous change, I am doubly aware of the obligations that we have as a community and as a country, and Black History Month and the celebration of African American involvement.

Mr. Speaker, let me say that during this Black History Month, I will continue to work with the CBC and Congress to identify bipartisan solutions to eradicate HIV/AIDS in our nation and abroad.

I urge my colleagues to support this resolution.

Mr. SCHIFF. Mr. Speaker, I rise today to celebrate Black History Month. The theme of this year's Black History Month is "Carter G. Woodson and the Origins of Multiculturalism." Dr. Carter Godwin Woodson was a brilliant African-American historian, educator, author, and publisher. Born in 1875 to former slaves, Dr. Woodson grew up working on railroads and mines in Virginia. At the age of 20, he had finally earned enough money to afford to attend high school. He went on to college, and became a teacher in the U.S. and Philippines. In 1912 he graduated from Harvard, and after W.E.B. Du Bois, became the second African-American to receive a Ph.D.

Dr. Woodson advocated for education reform to empower African-Americans to unite around shared history. He wrote, "Those who have no record of what their forebears have accomplished lose the inspiration which comes from the teaching of biography and history." Thanks to Dr. Woodson, we have a record of the accomplishments of our African-American forebears, and we are continually inspired by our knowledge of their biographies and history.

This month, we call to our memories the triumphs of Dr. Woodson himself, as the "Father of Black History." His efforts to research, teach, and celebrate African-American history gave us our current celebration of Black History Month. In 1926, he established Negro History Week, held during the second week of February to honor the birthdays of Frederick Douglass and Abraham Lincoln. In 1976, this annual celebration expanded and became Black History Month.

Celebrating Dr. Woodson's accomplishments inspires us to examine our present work toward racial justice and equal opportunity. Today, African-Americans serve our country in myriad ways. For example, 2.4 million military veterans are black. The U.S. has about 1.2 million black-owned firms, generating around $88 billion annually. Paving the way for our future, 2.3 million college students are African-American, an increase of over 1 million students over the last 15 years.

Congress must continue to work to improve the lives of all Americans. Last year, it took the important step of raising the federal minimum wage to $5.85/hour, which will increase this year to $6.55/hour and in 2009 to $7.25/hour. Congress also strengthened the middle class by making college educations more affordable, such as by investing $510 million over five years in minority-serving institutions, including Historically Black Colleges. The House introduced legislation to provide $410 billion in the federal marketplace to small businesses. By passing the Energy Security Bill, Congress lowered energy costs for consumers, reduced global warming, and created hundreds of thousands of new jobs. The Economic Stimulus Package, recently passed by the House, will put money back into the hands of 117 million American families to reinvigorate the economy. We have made great strides, but we must continue our commitment to serving the American people.

Writing almost 100 years ago, Dr. Woodson possessed the insight to understand the immense benefits of nationally celebrating black history. The path he forged paved the way for our great African-American leaders, including Dr. Martin Luther King, Jr., Rosa Parks, and Thurgood Marshall. As we celebrate all African-Americans this month, let us specially recognize Dr. Woodson. May his memory inspire us to continue our work to achieve racial justice and to ensure equality of opportunity for all Americans.

Mr. FEENEY. I yield back the balance of my time.

Mr. HODES. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Hampshire (Mr. HODES) that the House suspend the rules and agree to the resolution, H. Res. 942.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HODES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DESIGNATING "RACE DAY IN AMERICA"

Mr. HODES. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 931) expressing support for designation of February 17, 2008, as "Race Day in America" and highlighting the 50th running of the Daytona 500.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 931

Whereas the Daytona 500 is the most prestigious stock car race in the United States;

Whereas the Daytona 500 annually kicks off the National Association for Stock Car Auto Racing ("NASCAR") Sprint Cup Series, NASCAR's top racing series;

Whereas millions of racing fans have spent the third Sunday of each February since 1959 watching, listening to, or attending the Daytona 500;

Whereas the purse for the Daytona 500 is typically the largest in motor sports;

Whereas winning the prestigious Harley J. Earl Trophy is stock car racing's greatest prize and privilege;

Whereas nearly 1,000,000 men and women in the Armed Forces in nearly 180 countries worldwide listen to the race on the radio via the American Forces Network;

Whereas Daytona International Speedway is the home of "The Great American Race", the Daytona 500;

Whereas fans from all 50 States and many foreign nations converge at the "World Center of Racing" each year to see the motor sports spectacle;

Whereas Daytona International Speedway becomes one of the largest cities in the State of Florida by population on race day, with more than 200,000 fans in attendance;

Whereas well-known politicians, celebrities, and athletes take part in the festivities surrounding the Daytona 500; and

Whereas February 17, 2008, would be an appropriate day to designate as "Race Day in America" because the Daytona 500 celebrates its historic 50th running on this day: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) recognizes the 50th running of the Daytona 500, "The Great American Race"; and

(2) supports designation of a "Race Day in America" in honor of the Daytona 500.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Hampshire (Mr. HODES) and the gentleman from Florida (Mr. FEENEY) each will control 20 minutes.

The Chair recognizes the gentleman from New Hampshire.

GENERAL LEAVE

Mr. HODES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. HODES. Mr. Speaker, I yield to myself so much time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of House Resolution 931, which expresses our support for naming a "race day" in America and recognizes the 50th running of the Daytona 500, which will occur on the 17th at the Daytona International Speedway in Daytona, Florida.

House Resolution 931 was introduced by my distinguished colleague, Representative TOM FEENEY of Florida, on January 17, 2008, and was considered by and reported from the House Oversight Committee on January 29, 2008, by voice vote.

The measure, which has the support and cosponsorship of 68 Members of Congress, couldn't have been considered at a more fitting time as fans across this great country prepare for what is being called the most anticipated event in automobile racing history, the 50th running of the Daytona 500 on Saturday, February 17, 2008.

With a history dating back to February 22, 1959, the Daytona 500 at the Daytona International Speedway is a 500-mile motor sport international sweepstakes that draws the attention of millions of American racing fans and racing fans around the world every February.

Often referred to as "The Great American Race," the Daytona 500 is NASCAR's biggest, richest and most prestigious race and has been won by stock car racing greats such as Dale Earnhardt and Jeff Gordon.

Mr. Speaker, given the monumental occasion of the 50th running of the Daytona 500, I think it is only appropriate that we express our support of NASCAR and "The Great American Race" by passing this measure.

I urge passage of this bill.

Mr. Speaker, I reserve the balance of my time.

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Mr. FEENEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to urge support for this resolution designating February 17, 2008, as "Race Day in America."

Next Sunday over 200,000 people from all 50 States and around the world will convene at Daytona International Speedway in Daytona Beach, Florida, for the 50th running of "The Great American Race," the Daytona 500.

The most prestigious stock car race in the United States, the Daytona 500 is a 200-lap, 500-mile grand opening to the NASCAR Sprint Cup Series. Boasting the largest purse and stock car racing's most coveted trophy, the Harley J. Earl Trophy, the Daytona 500 has become the "Super Bowl of Stock Car Racing."

Each year millions of fans, both at home as well as those serving overseas, tune in to the race by television and radio. Since 1995, the television ratings for the Daytona 500 have been higher than any auto race, and in 2006 the race drew the sixth largest television audience of any sporting event that year.

For 50 years, the popularity of Daytona, and car racing in general, has grown throughout American society. I believe it is fitting that we celebrate this rising American tradition by passing this resolution in honor of the golden anniversary of its most prestigious event. I invite anybody who's free this Sunday to come to Daytona Beach and enjoy this great tradition with us.

Mr. Speaker, I have no further speakers, and I reserve the balance of my time.

Mr. HODES. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Hampshire (Mr. HODES) that the House suspend the rules and agree to the resolution, H. Res. 931.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

REMEMBERING THE SPACE SHUTTLE "CHALLENGER" DISASTER AND HONORING ITS CREW MEMBERS

Mr. MELANCON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 943) remembering the space shuttle *Challenger* disaster and honoring its crew members, who lost their lives on January 28, 1986.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 943

Whereas January 28, 2008, marks the 22-year anniversary of the tragic accident of the space shuttle Challenger, Mission 51–L, and the loss of seven of America's bravest and most dedicated citizens;

Whereas the space shuttle Challenger disaster occurred off the coast of central Florida, at 11:39 a.m. on January 28, 1986;

Whereas the space shuttle Challenger disintegrated 73 seconds into its flight after an O-ring seal in its right solid rocket booster failed at lift-off;

Whereas the seven-person crew on the shuttle included Commander Francis R. Scobee, Pilot Michael J. Smith, Mission Specialist Judith A. Resnik, Mission Specialist Ellison S. Onizuka, Mission Specialist Ronald E. McNair, Payload Specialist Gregory B. Jarvis, and Payload Specialist Sharon Christa McAuliffe;

Whereas Christa McAuliffe, a schoolteacher from Concord, New Hampshire, was on board as the first member in the Teacher in Space Project;

Whereas the National Aeronautics and Space Administration (NASA) selected Christa McAuliffe from a field of 11,000 applicants to be a part of the Challenger crew and teach lessons to schoolchildren from space;

Whereas the Committee on Science and Technology of the House of Representatives conducted oversight hearings on the Challenger disaster and released a report on October 29, 1986, on the causes of the accident; and

Whereas the House of Representatives continues to support NASA and its ongoing efforts to explore and educate the American public about space: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the 22nd anniversary of the space shuttle Challenger disaster;

(2) celebrates the courage and bravery of the crew of the Challenger, and Christa McAuliffe and her passion for encouraging America's children to pursue careers in science and mathematics;

(3) commits itself and the Nation to using the lessons learned in inquiries into the space shuttle Challenger accident to ensure that the space agency always operates on a strong and stable foundation; and

(4) recognizes the continued dedication of the United States to the goal of space exploration for the benefit of all mankind.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. MELANCON) and the gentleman from Florida (Mr. FEENEY) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana.

GENERAL LEAVE

Mr. MELANCON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on House Resolution 943, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. MELANCON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am honored to support House Resolution 943, a resolution honoring the astronauts of the space shuttle *Challenger* and honoring its crew members, who lost their lives on January 28, 1986. And I congratulate Mr. HODES for preparing this resolution.

The tragic loss of the *Challenger* and her crew of seven serves as a continuing reminder that space flight is anything but routine. As we continue to explore outer space, we here on the ground must do our part to ensure that we have learned the lessons of the *Challenger* accident and work tirelessly to make space travel as safe as possible for future generations of explorers.

In addition, I believe we can best honor the sacrifices of the crew of the *Challenger* made by our commitment to renewing America's space program, continuing the Nation's journey into space, a goal to which they dedicated their lives.

Mr. Speaker, it is appropriate that we pause today to honor the memory of the *Challenger* crew, and I urge all my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. FEENEY. Mr. Speaker, I yield myself such time as I may consume.

I want to thank my colleague Mr. MELANCON for shepherding this memorial to the floor today. With this resolution, the House of Representatives joins with all Americans to solemnly remember the loss of the space shuttle *Challenger* 22 years ago on January 28, 1986.

Many Americans remember where they were on that cold January morning when the shuttle *Challenger* leapt from its launch pad. After receiving the call "*Challenger* go at throttle up," *Challenger* disintegrated in clear blue skies just 73 seconds into its flight.

We were stunned. One moment *Challenger* was flawlessly flying on a beautiful winter morning. Then, without warning, it was gone.

America turned to mourn its seven astronauts who gave the ultimate sacrifice for the advancement of exploration and discovery: Michael Smith; Dick Scobee; Judith Resnik; Ronald McNair; Ellison Onizuka; Gregory Jarvis; and Christa McAuliffe, a schoolteacher from Concord, New Hampshire, selected to be the first member of the teaching profession in a space project.

That evening, President Reagan spoke from the Oval Office to comfort a grieving Nation. Millions of children had watched the launch because Christa McAuliffe was to later teach science lessons from space. Instead, we were reminded of a deeper lesson. Reagan said:

"I want to say something to the schoolchildren of America who were watching the live coverage of the shuttle's takeoff. I know it is hard to understand, but sometimes painful things like this happen. It's all part of the process of exploration and discovery. It's all part of taking a chance and expanding man's horizons. The future doesn't belong to the fainthearted; it belongs to the brave. The *Challenger* crew was pulling us into the future, and we'll continue to follow them."

Reagan concluded his address by saying this:

"The crew of the space shuttle *Challenger* honored us by the manner in which they lived their lives. We will never forget them nor the last time we saw them, this morning, as they prepared for their journey and waved good-bye and slipped the surly bonds of Earth to 'touch the face of God.'"

Twenty-two years have passed. America has kept its word. We haven't forgotten the *Challenger* crew. Human space flight is mankind's most difficult endeavor. America has achieved so many successes, space flight seems routine; yet every generation unexpectedly bears witness to space flight's inherent dangers.

Before the *Challenger* disaster, the *Apollo 1* crew was lost on Pad 34 on January 27, 1967, in an accident known simply as "The Fire." After *Challenger*, we waited on February 1, 2003, at the Kennedy Space Center's landing strip for the voyagers of *Columbia* who never returned home. January and February are NASA's cruelest months.

On each occasion the people of NASA grieved terribly, but they learned from adversity, and then they rededicated themselves to their mission. America landed on the Moon after The Fire. After *Challenger*, the shuttle flew again to pursue scientific discovery and begin constructing the international space station. After *Columbia*, we returned to flight, and we will complete and use the international space station. Then we will turn our dreams to exploring beyond Earth's orbit by establishing outposts on the Moon and then going further beyond.

Exploration, journey, and bravery define the American people. Each of us comes from a heritage where someone with great courage took a passage to a new beginning, many times with disastrous endings. But the living stubbornly persevered, pushed back vast frontiers, and built a great and glorious Nation. Adversity, including the loss of the *Challenger* crew, can never extinguish this American spirit.

Mr. Speaker, I am proud to support this resolution honoring the brave and dedicated crew of *Challenger*. I urge my colleagues to support House Resolution 943.

Mr. Speaker, I reserve the balance of my time.

Mr. MELANCON. Mr. Speaker, I would like to yield 5 minutes to the gentleman from New Hampshire (Mr. HODES).

Mr. HODES. I thank the gentleman for yielding.

Mr. Speaker, I rise today in strong support of House Resolution 943.

January 28, 2008, marked the 22nd anniversary of the *Challenger* space shuttle disaster. On January 28, 1986, at 11:38 eastern standard time, the *Challenger* took off from the Kennedy Space Center and disintegrated just 73 seconds into its flight, killing all seven members of its brave crew. The accident occurred on what would have been the *Challenger*'s 10th trip into space.

I introduced House Resolution 943 to honor the courage and bravery of all seven crew members who died as a result of this tragic accident. The crew of the *Challenger* embodied the goals of the United States space program and our highest ideals: a commitment to knowledge of our universe and inspiring a new generation of scientific pioneers.

The tragic accident that day was especially poignant for those of us in New Hampshire. New Hampshire is a small State, and we pride ourselves on our sense of community. And one of those crew members was Christa McAuliffe of Concord, New Hampshire, my hometown. She was a friend. She was someone who was woven deeply into the fabric of our community. She touched the lives of countless students. She was a mom. She was somebody who was loved and admired. And she was on board the *Challenger* as the first participant of the Teacher in Space program, the pride of New Hampshire and of Concord and of the Nation, for the first teacher in space was enormous and seemed to magnify the tragedy of the accident.

Christa dedicated her life to education. She taught at Rundlett Junior High School, Bow Memorial Middle School, and Concord High School between 1978 and 1985. On July 19, 1985, she was selected from a field of roughly 11,000 applicants as the primary candidate for the Teacher in Space Project. Her mission as a crew member was to teach schoolchildren lessons from space and to encourage students to pursue careers in science and mathematics.

Twenty-two years after the *Challenger* disaster, Christa McAuliffe's goal of promoting scholarship in the sciences is more important than ever as our Nation works to stay at the forefront of global innovation.

I urge my colleagues to join me in recognizing the anniversary of the *Challenger* disaster and to support House Resolution 943.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 943, "Remembering the space shuttle *Challenger* disaster and honoring its crew members, who lost their lives on January 28, 1986," introduced by my distinguished colleague from New Hampshire, Representative PAUL W. HODES. This important legislation will honor the lives, the work, and the memory of the seven men and women who lost their lives on the 1986 Space Shuttle *Challenger* mission. I would like to thank Representative HODES for introducing this bill, of which I am proud to be an original cosponsor, as well as Chairman GORDON for his leadership in bringing this important and timely bill to the floor today.

On January 28, 1986, Ellison S. Onizuka, Sharon Christa McAuliffe, Greg Jarvis, Judy Resnik, Michael J. Smith, Dick Scobee, and Ron McNair commenced on a risky journey, which only a select few have had the opportunity to travel. Twenty-two years ago, these extraordinary men and women embarked on what they knew would be a perilous flight, in pursuit of knowledge and driven by the spirit of scientific discovery. As we stand here today, on the floor of the House of Representatives, and commemorate the 22nd anniversary of the *Challenger* tragedy, I believe we should take a moment to recall the purpose to which the crew was dedicated. Astronauts Onizuka, McAuliffe, Jarvis, Resnik, Smith, Scobee, and McNair represent the best in all of us, and it is in their memory that we should devote ourselves to continuing what they began.

Mr. Speaker, as we mourn the tragic loss of these extraordinary men and women, I would also like to praise those individuals who continue to accept the challenges posed by the exploration of space and the dedication of all connected with the manned space program. However, while space exploration continues to be a part of our national destiny, it is vital that safety is made our first priority, in order to protect future astronauts and ensure the tragedy of 22 years ago never happens again.

From the beginning, our Nation has recognized the importance of the exploration of space and has always taken a leading role in its development and exploration. The expansion of our horizons has been essential for reasons beyond the technological advances it may provide. Moreover, it represents mankind's capability to turn distant dreams into a practical reality.

However, safety must remain our first priority. In June of last year, we watched as the Space Shuttle *Atlantis* and the International Space Station both experienced serious safety scares. The shuttle's mission had to be extended following the discovery of a rip in the shuttle's thermal blanket. The space station experienced the failure of a Russian-operated computer system controlling a crucial portion of the station's navigational system. These recent incidents clearly indicate the need for improved safety standards and oversight. Space exploration must be coupled with satisfactory safety assurances.

Because of my ongoing commitment to the safe exploration of space, I was proud to introduce an amendment to H.R. 3093, the Departments of Commerce and Justice and Science, and Related Agencies Appropriations for FY 2008, reaffirming our strong commitment to ensuring adequate safety standards for the International Space Station. My amendment emphasizes the importance of safety standards by ensuring that none of the funds made available in this Act may be used to limit the safety provisions enumerated in the recent NASA Authorization Act. If the recently delivered recommendations of the congressionally mandated International Space Station Independent Safety Task Force are to be successful in identifying and mitigating future risks to the International Space Station, Congress, together with the administration, must firmly reaffirm its commitment to pursuing safety as a top priority. My amendment was overwhelmingly approved, by a vote of 422 to 3, and accepted into the bill.

At a time where our televisions, newspapers, radios and other forms of media are dominated with discussions of presidential nominations, housing foreclosures, economic stimulus packages, Middle Eastern conflicts and the war in Iraq, it would be all too easy to disregard our commitment to the enterprise of space exploration and its value to the United States and abroad. Let us look to the sky to honor the memory of these fallen heroes who gave their lives for the cause of pushing the limit of human exploration for the enrichment of all of mankind.

Mr. Speaker, words cannot conveyor adequately repay the debt that is owed. We cannot sufficiently articulate the feelings of sorrow that are universally felt; however, we can pay those seven souls no greater tribute than to carry on the work they believed in and paid the ultimate sacrifice for. The contributions to space exploration and service these great astronauts provided are priceless and will never go unrecognized.

I strongly urge my colleagues to join me in supporting this important legislation, and in so doing, giving the men and women of our space program the respect and recognition they deserve.

Ms. HIRONO. Mr. Speaker, I rise in support of H. Res. 943, a resolution that remembers the space shuttle *Challenger* disaster and honors its crew members on the 22nd anniversary of their tragic flight.

On January 28, 1986, the space shuttle disintegrated shortly after takeoff, killing seven crew members. One of those astronauts, Ellison Onizuka, was born and raised in my State of Hawaii and served as Hawaii's first astronaut.

Mr. Onizuka was very enthusiastic about our space program and never hesitated to share his knowledge and experience with the people of Hawaii. He recognized the importance of education and encouraged students to pursue an interest in space and science-related fields. Four major space programs and centers in Hawaii carry on the legacy of this inspiring explorer: the Astronaut Ellison S. Onizuka Space Center, Astronaut Ellison Onizuka Science Day, the Hawaii Space Grant Consortium, and Challenger Center Hawaii.

I urge my colleagues to support H. Res. 943, which honors Mr. Onizuka's contributions and celebrates the courage and bravery of the *Challenger* crew.

Mr. FEENEY. Mr. Speaker, I yield back the balance of my time.

Mr. MELANCON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. MELANCON) that the House suspend the rules and agree to the resolution, H. Res. 943.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MELANCON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1515

CELEBRATING THE 50TH ANNIVERSARY OF THE "EXPLORER I" SATELLITE

Mr. MELANCON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 287) celebrating the 50th anniversary of the United States Explorer I satellite, the world's first scientific spacecraft, and the birth of the United States space exploration program.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 287

Whereas January 31, 2008, is the 50th anniversary of the launch of Explorer I, the first United States satellite to be successfully lofted into space and the world's first scientific satellite;

Whereas the launch of Explorer I marks the birth of the era of United States space exploration, a half-century of advances in both robotic and human exploration of space, including the first footsteps by humanity on another world;

Whereas, since the launch of Explorer I, the United States has launched spacecraft—

(1) to explore each of the solar system's planets and the Earth's Moon;

(2) to observe the Earth and the interactions of its atmospheric, oceanic, and land systems;

(3) to conduct studies of the Sun and its interactions with Earth;

(4) to investigate asteroids and comets;

(5) to peer deeper into space to understand the origin of the universe and the formation of the stars, galaxies, and planets; and

(6) to extend human presence into space;

Whereas Explorer I and the impetus for scientific satellites occurred as part of the International Geophysical Year, a major scientific initiative of 67 nations to collect coordinated measurements of the Earth, whose spirit continues to be embodied in the international partnerships that enhance space endeavors;

Whereas Explorer I carried a scientific instrument designed and built by Dr. James A. Van Allen of the University of Iowa to detect cosmic rays;

Whereas the cosmic ray measurements from Explorer I led to the discovery of regions of energetic charged particles trapped in the Earth's magnetic field, later named the Van Allen radiation belts;

Whereas the combined efforts of Dr. James A. Van Allen and his science team, individuals at the Jet Propulsion Laboratory, and individuals at the Army Ballistic Missile Agency made possible the successful development and launch of Explorer I and ushered in a new age of United States scientific and human exploration of space;

Whereas the next 50 years of United States accomplishments in outer space will rely on individuals possessing strong mathematics, science, and engineering skills and the educators who will train such individuals;

Whereas the United States space program enables the development of advanced technologies, skills, and capabilities that support United States competitiveness and economic growth;

Whereas Dr. Van Allen, commenting on the future of space science a decade ago, said "there is no shortage of great ideas on what we'd like to do. . . . There is virtually no limit to what can be investigated in interplanetary science and astronomy."; and

Whereas over the next 50 years the United States will attain additional exciting and significant achievements in robotic and human space exploration: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) celebrates the achievement of the late Dr. James A. Van Allen and his science team and all of the individuals at the Jet Propulsion Laboratory and Army Ballistic Missile Agency who, through the successful launch of Explorer I, brought the United States into the space age and science into the realm of space;

(2) supports science, technology, engineering, and mathematics education programs, which are critical for preparing the next generation to lead future United States space endeavors;

(3) recognizes the role of the United States space program in strengthening the scientific and engineering foundation that contributes to United States innovation and economic growth; and

(4) looks forward to the next 50 years of United States achievements in the robotic and human exploration of space.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. MELANCON) and the gentleman from Florida (Mr. FEENEY) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana.

GENERAL LEAVE

Mr. MELANCON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on House

Concurrent Resolution 287, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. MELANCON. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in strong support of House Concurrent Resolution 287. This resolution celebrates the 50th anniversary of *Explorer I*, the first successful launch of a U.S. satellite into space, which took place on January 31, 1958, a date that also marks the 50th birthday of our U.S. space program.

With the launch of *Explorer I*, the United States was the first to send a scientific instrument into Earth's orbit. The measurements from that instrument led to the significant discovery of the Van Allen radiation belts.

We owe our profound appreciation and gratitude to the late Dr. James Van Allen and science team and those individuals from the Jet Propulsion Laboratory and Army Ballistic Missile Agency who made possible the success of *Explorer I*.

Their pioneering efforts launched the beginning of America's journey beyond Earth, a journey that continues to generate remarkable accomplishments in pushing back the frontiers of scientific knowledge and human space exploration.

Since the launch of *Explorer I* 50 years ago, the United States has led the world in space exploration, with American astronauts taking humanity's first steps on the Moon, and American scientists working with their international colleagues to launch scientific probes to each of the planets in our solar system, to the Moon, asteroids and comets, and to study the Sun and its interactions with Earth and the solar system.

Our astronomical observatories peer deeper and deeper into the universe and our Earth observing spacecraft deliver data that improves our quality of life and helps us preserve the health of our planet. Through these and many other exciting accomplishments, our space program has truly become one of our Nation's crown jewels.

Mr. Speaker, as we celebrate the anniversary of *Explorer I* and past achievements, it is important that we also look to space as a story about America's future.

The U.S. space program is a catalyst for the advanced technologies and innovation that contribute to America's economic competitiveness, and it also serves as a training ground for the scientists and engineers who are so critical to keeping America strong.

In closing, I urge my colleagues to join me in supporting House Concurrent Resolution 287 and America's space program.

Mr. Speaker, I reserve the balance of my time.

Mr. FEENEY. Mr. Speaker, I would yield myself such time as I may consume.

I rise in support of House Concurrent Resolution 287, offered by my friend and Space Subcommittee chairman, MARK UDALL, as well as Mr. MELANCON, RALPH HALL and myself, commemorating the 50th anniversary of the launch of *Explorer I*, America's first satellite. With this launch, America became a spacefaring Nation.

Unlike the Soviets, who 4 months earlier had launched *Sputnik I* in secrecy, America's space program was carried on in full public view. Our first attempt to launch a satellite, *Vanguard I*, ended in failure. As a consequence, some suggested that our preeminence as a world power was jeopardized.

Explorer I proved otherwise. The successful launch came through a collaboration of brilliant and dedicated scientists and engineers led by Wernher von Braun, who designed the launch vehicle known as the *Jupiter C*; Dr. Charles Pickering, director of the Jet Propulsion Laboratory, who designed the satellite; and Dr. James Van Allen, who designed the main instrument carried aboard *Explorer I*.

On the night of January 31, 1958, *Explorer I* lifted off from Pad 26A at Cape Canaveral, Florida. Almost 2 hours passed before a ground station in California confirmed the satellite's successful orbit. America was now on a path to achieve space preeminence.

Unlike *Sputnik I*, *Explorer I* did more than demonstrate the ability to place an object into orbit. It had a valuable scientific purpose. *Explorer I* consisted of a Geiger counter that detected cosmic rays, temperature sensors, and a micrometeorite impact microphone. These instruments discovered radiation belts, now named after Dr. James Van Allen, that encircle the Earth.

Explorer I stopped transmitting data on May 23, 1958 when its batteries died. But it stayed in orbit until March 31, 1970 and completed about 58,000 orbits around the Earth.

Explorer I's legacy was far greater than anticipated. Few imagined how satellites could maintain our Nation's security and economy and extend man's reach to the far corners of the solar system.

Government and private enterprise, scientists and engineers, worked together to exploit and expand the capacities of space. Today, a vibrant and critical commercial industry builds and launches sophisticated satellites.

In Earth orbit, satellites forecast weather and measure surface winds and other climate variables. They monitor land-use patterns and remote sensing. They help farmers gauge the health of their crops; transmit data, radio and television signals into our homes and to businesses around the world; and they provide the infrastructure for the global positioning system, enabling the capability to accurately navigate to virtually any point on Earth.

Beyond Earth orbit, satellites have visited every planet in the solar system except for Pluto, although a mission is under way to visit this far-away planet in 2015. Satellites have carried rovers to the surface of Mars, they have captured samples of interstellar dust and returned them to Earth, photographed the heavens with exceptional clarity, measured background temperatures and radiation to high precision, and landed on a moon of Saturn.

Explorer I also led to our human spaceflight program under which America learned to orbit the Earth, explore the Moon, and live for extended periods aboard the international space station.

H. Con. Res. 287 commemorates the achievements of the *Explorer I* team, and acknowledges its role as the impetus for what has become a critical part of America's greatness. I am pleased to be an original cosponsor of this bill, along with my good friend and ranking Republican member of the Science and Technology Committee, RALPH HALL, and I urge all Members to support it.

I reserve the balance of my time.

Mr. MELANCON. Mr. Speaker, I don't have any further speakers, and I would reserve my time.

Mr. FEENEY. Mr. Speaker, earlier I shamelessly invited people to come and experience the Daytona 500. While they are there, they may want to come visit a museum not far from the Daytona 500. Launch Complex 26, where *Explorer I* was launched, now houses the U.S. Air Force Space and Missile Museum.

If you visit, you can tour the blockhouse from which the *Explorer I* was launched, see launch control equipment from that era and walk on the launch pad. Just a few hundred yards away is Launch Pad 5 where America's first astronaut, Alan Shepherd, was launched into space. Emily Perry serves as the museum's curator. Sixty volunteers, led by Gary Harris, guide these tours. Most of these volunteers are veterans of America's space program, including some from the *Explorer I* era. Their stories provide a window into this fascinating past. Tours begin from the Kennedy Space Center's Visitors Complex and operate 7 days a week.

We have talked about how *Explorer I* began America's journey as a spacefaring people. If you visit the Space and Missile Museum, you can see and touch where that journey began.

Mr. UDALL of Colorado. Mr. Speaker, today we consider H. Con. Res. 287, Celebrating the 50th Anniversary of the U.S. *Explorer I* Satellite and the Birth of the United States' Space Exploration Program, which I introduced last week.

My statement about its introduction highlighted the inspiring accomplishments of our

early space pioneers who contributed to the successful development and launch of *Explorer I*—America's first space satellite—and the multiple achievements of our Nation's first 50 years in space.

Today, I want to focus on one of the major enablers of America's highly successful space program, namely our highly skilled science and engineering workforce.

As we celebrate 50 years of exciting accomplishments in space, we witness the return on our Nation's past investments in science, technology, engineering, and mathematics (STEM) education.

Those investments produced the cadre of highly skilled scientists and engineers who have led our Nation in pushing back the boundaries of scientific knowledge and making possible the human and robotic exploration of outer space.

Their contributions to our successes in space have also yielded critical benefits by promoting the innovation and advanced technology development that are central to America's competitiveness.

As was expressed so clearly in the National Academies' "Rising Above the Gathering Storm" report and in the America COMPETES Act that was signed into law last year, our nation's economic strength cannot be sustained without renewed investments in STEM education.

Space has always been an attraction for some of America's best and brightest. Our space program provides a unique means of encouraging the pursuit of STEM fields. I urge my colleagues in Congress to support the STEM programs and educators we need to prepare the next generation of scientists and engineers who will lead America's next 50 years of accomplishments in space and on Earth.

And I urge you also to maintain Congress's commitment to making the investments necessary to continue a robust and vital space program for the Nation.

I would like to thank my colleagues Ms. GIFFORDS and Mr. ROHRABACHER for their support of the bill, along with the original cosponsors.

I urge adoption of my resolution.

Mr. ROYCE. Mr. Speaker, I rise in support of H. Con. Res. 287 to celebrate the 50th anniversary of the launch of *Explorer I* and the birth of an era of United States space exploration.

On January 31, 1958, the United States officially entered space as *Explorer I* successfully reached orbit. At a time when our Nation feared the worst from the Soviet Union, the successful launch of *Sputnik* supercharged anxiety. Our Nation responded, and responded quickly.

Explorer I, however, was more than just an emphatic response to *Sputnik*. It was achieved important scientific discoveries, as well. As mechanical engineer Carl Maggio noted, all involved "liked the difference between our satellite and Sputnik," because "ours flew science, the Van Allen experiment." Indeed, amongst the numerous discoveries made by Explorer I, one of the most important was the discovery of the Van Allen radiation belt, a discovery that would be considered as one of the most outstanding discoveries of the International Geophysical Year.

This past weekend, I had the opportunity to visit the home of *Explorer I*—Jet Propulsion Laboratories. Seeing this extraordinary accomplishment in person, I couldn't help but feel a swell of pride knowing that this satellite was the humble beginning of our Nation's esteemed space program. An old proverb holds that even the greatest of journeys begins with a single step. The launch of *Explorer I* was that first step, and it helped pave the way for a half-century of space exploration. Today, JPL missions have rovers on Mars, evaluating soil samples on a microscopic level.

To conclude, I would like to quote the NASA Chief historian Steven J. Dick, who observed that "Like the railroad and the airplane, spaceflight has impacted society in ways even the visionaries could not have foreseen, and that we cannot fully fathom even today." Indeed, through the space program, we continue to make important discoveries whose benefits amaze generations to come.

Mr. WU. Mr. Speaker, I rise in support of H. Con. Res 287, recognizing the anniversary of the launch of *Explorer I*. The launch of *Sputnik I* by the Russians in October 1957 created alarm in the U.S. Many Americans were fearful of what a Russian space program meant for our country.

However, the United States quickly responded. In just 84 days scientists built the *Explorer I* satellite that would begin the next 50 years of space exploration. Scientists at the Jet Propulsion Laboratory collaborated under the leadership of Dr. William Pickering to manufacture what would become *Explorer I*. On January 31, 1958, the United States launched its first satellite into space. Once in orbit, the satellite collected data on cosmic rays. The scientific data was important, but the beginning of our space program was also important for the assurance it provided Americans. *Explorer I* signaled we would not fall behind Russia in space.

Today we continue to rely on scientists, engineers, and mathematicians to solve the pressing problems of our day. These innovators continuously rise to the challenges we as a Nation face. *Explorer I* stands as a milestone in space, and foreshadowed what we would achieve in just 50 years.

Today, the United States remains a leader in space: landing humans on the moon; exploring our solar system; and gaining a better understanding of our land, oceans, and atmosphere. We must continue to reach for new goals in space. By doing so, we continue our leadership of this world and lead humanity to a brighter destiny.

I urge my colleagues to support this resolution.

Mr. FEENEY. I yield back the balance of my time.

Mr. MELANCON. Mr. Speaker, not having any other speakers, I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. MELANCON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 287.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING THE X PRIZE FOUNDATION

Mr. MELANCON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 907) congratulating the X PRIZE Foundation's leadership in inspiring a new generation of viable, super-efficient vehicles, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 907

Whereas the United States is heavily dependent on foreign sources of oil that are concentrated in tumultuous countries and regions;

Whereas the national security and economic prosperity of the United States demand that we move toward a sustainable energy future;

Whereas the ability of foreign governments to assert great control over oil production allows unfriendly regimes to use energy exports as leverage against the United States and our allies;

Whereas continued reliance on the use of greenhouse gas intensive fuels may impact global climate change;

Whereas the automotive sector is heavily dependent on oil, which makes Americans vulnerable to oil price fluctuation and is a major source of greenhouse gas emissions;

Whereas average fuel economy in the United States has increased slowly during the last 20 years;

Whereas many promising technologies exist that can lead to a breakthrough vehicle that will meet the need for sustainable transportation;

Whereas breakthroughs are often achieved by the free market fueling the entrepreneurial spirit of inventors and investors;

Whereas the Automotive X PRIZE is a private, independent, technology-neutral competition being developed by the X PRIZE Foundation to inspire a new generation of viable, super-efficient vehicles that help break our addiction to oil and stem the effects of climate change;

Whereas the Automotive X PRIZE will award a multimillion dollar reward to teams that can design, build, and demonstrate production-capable vehicles that achieve 100 MPG or its equivalent; and

Whereas such prize competitions generate involvement and innovation across a broad spectrum of known and untapped talent such as the $25,000 Orteig Prize won by Charles Lindbergh which leveraged $400,000 worth of additional research by teams trying to win the prize and spurred a $250,000,000,000 aviation industry, and the $10,000,000 Ansari X Prize which leveraged $100,000,000 worth of additional research: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the X PRIZE Foundation's leadership for inspiring a new generation of viable, super-efficient vehicles that help break our addiction to oil through the Automotive X PRIZE competition;

(2) congratulates the X PRIZE Foundation on their innovation and vision to bring together some of the finest minds in the public and private sectors, including government,

academia, and industry, to advise and participate in the Automotive X PRIZE competition; and

(3) applauds the X PRIZE Foundation's ongoing commitment to find solutions to some of humanity's greatest challenges as exemplified in the Automotive X PRIZE.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. MELANCON) and the gentleman from Florida (Mr. FEENEY) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana.

GENERAL LEAVE

Mr. MELANCON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on House Resolution 907, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. MELANCON. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, on June 21, 2004, *Space Ship One* became the first privately funded craft to take a person into space. *Space Ship One* flew again on September 29, 2004, and on October 4, 2004, and upon successful completion of these flights, Mojave Aerospace Ventures, the developers of *Space Ship One*, captured the $10 million Ansari X PRIZE. Just as important as *Space Ship One*'s historic flights, the competition for the X PRIZE spurred the creation of a private spaceflight industry in this country.

It is with this past success in mind that I rise to speak in support of the new Automotive X PRIZE. This new prize will award a multimillion-dollar prize to teams that can design, build and demonstrate production-capable vehicles that achieve 100 miles per gallon or its equivalent. With the current price of oil hovering around $100 per barrel, it is more important than ever that our country develops technologies that increase the efficiencies of our automobiles. To this end, I was pleased to support H.R. 6, which significantly raised CAFE standards, and would do much to increase the efficiency of American automobiles.

However, the government does not hold a monopoly on innovation. Many of the great discoveries of our time were accomplished by private individuals and companies. From Thomas Edison's discovery of the light bulb to Henry Ford's perfection of the automobile, private innovators have changed the face of America. It is my hope that the Automotive X PRIZE will once again spur the creative and innovative spirit of American citizens to help us in our fight for energy independence and security.

I would like to thank Mr. LUNGREN for introducing this resolution, and I urge my colleagues to support it.

Mr. Speaker I reserve the balance of my time.

Mr. FEENEY. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H. Res. 907, as amended, which recognizes and congratulates the forward-thinking X PRIZE Foundation on one of its latest contest endeavors, the Automotive X PRIZE.

There is a rich history in this country of prizes sponsored by private entities leading to innovations in science and technology. Starting with the Ansari X PRIZE, the privately funded X PRIZE Foundation has successfully been able to build on the concept of the 1927 Orteig Prize, which awarded $25,000 to the first person to be able to make a nonstop transatlantic flight. While the actual Orteig Prize name may not be well known, the recipient of this prize, Charles Lindbergh, certainly is. The benefits of the $400,000 of investment teams made in an effort to win this prize certainly have been realized, and the $250 billion aviation industry that took off shortly thereafter certainly continues to prosper. Likewise, the 2004 Ansari X PRIZE leveraged over $100 million in research by teams vying for a $10 million price for private spaceflight. Won by Mojave Aerospace Ventures, the Ansari X PRIZE changed the public's perception of personal spaceflight.

Now the Automotive X PRIZE is poised to produce similar results for the next generation of automobiles, viable, super-efficient vehicles. As the resolution states, our "national security and economic prosperity demand that we move toward a sustainable future." This prize certainly helps us move in that direction. It will be awarded to the team that can design, build and sell super-efficient cars that achieve 100 miles per gallon and are not concept cars, but cars that people will want to buy. If successful, the end result in and of itself will be impressive, but the overall benefits to the Nation will be too numerable to measure. This prize, like those before it, will generate millions of privately funded research dollars producing research that may not in the end win the prize, but could spur additional technologies. Likewise, this prize will stimulate the entrepreneurial spirit of inventors and investors alike, both known entities and brilliant minds working in backyard garages.

I congratulate the X PRIZE Foundation's leadership in creating a private, independent competition designed to help move us closer to a sustainable energy future. I wish them much success, look forward to seeing the results it produces, and encourage my colleagues to support this resolution.

With that, I would reserve the balance of my time.

Mr. MELANCON. Mr. Speaker, at this time I have no recognized Members, I think Mr. FEENEY does, so I will reserve the balance of my time.

Mr. FEENEY. Mr. Speaker, I am honored to yield 1 minute to Dr. BARTLETT, my friend from Maryland.

Mr. BARTLETT of Maryland. Mr. Speaker, just a few days ago, Shell Oil Company sent out a press release saying that by no later than 2015 the world would not be able to meet the demands of our economies for oil and natural gas. At just about the same time as that, a group came to my office to brief me on the Automotive X PRIZE. You may have noticed how much harder people will work for a prize than they will for money. Just note the Olympics and what these athletes will do for a prize. So I am very, very supportive of this fantastic idea. I bought the first Prius in Maryland, I bought the first Prius in Congress, and I want to buy the winning car from this competition.

I have here a note from Donald Foley, who is the executive director of the Automotive X PRIZE, and he has noted my desire to buy that winning car. So hopefully we will be driving that to the Congress in not too long.

Thank you very much for yielding.

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Mr. FEENEY. Mr. Speaker, I am pleased to yield 2 minutes to my colleague and friend from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. Mr. Speaker, prizes have a history of encouraging innovation by promoting competition and expanding the talent pool to include a numerous and diverse array of groups and individuals. Those unable or unwilling to secure grants can participate in the race for the goal. With prizes, government funding is not used to pick technological winners and losers. The prize is only awarded if the goal is met. Prizes encourage the investment of private capital and research, even beyond the monetary value of the prize.

I applaud the X PRIZE Foundation for spurring competition and innovation in the race to a more efficient automobile. When the 100 mile-per-gallon vehicle is achieved, citizens of my home State of Nebraska will be able to drive across the State on Interstate 80 on only 4½ gallons of fuel. This tremendous efficiency would dramatically reduce our Nation's dependence on foreign oil, it would stimulate our economy, and certainly improve our national security.

I am grateful for the vision and enterprise of men like Dr. Peter Diamandis who kindle the spark of innovation that leads to revolutionary technologies.

Mr. FEENEY. Mr. Speaker, I have no further speakers, and yield back the balance of my time.

Mr. MELANCON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to make sure that I check with Mr. SMITH whether that is stopping for red lights that takes 4½ hours to go across Nebraska.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. MELANCON) that the House suspend the rules and agree to the resolution, H. Res. 907, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

CALLING FOR A PEACEFUL RESOLUTION TO THE CURRENT ELECTORAL CRISIS IN KENYA

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 283) calling for a peaceful resolution to the current electoral crisis in Kenya, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 283

Whereas on December 27, 2007, the citizens of Kenya went peacefully to the polls to elect a new parliament and a new President and signaled their commitment to democracy by turning out in large numbers and, in some instances, waiting in long lines to vote;

Whereas on December 29, 2007, the opposition presidential candidate, Raila Odinga, was reportedly over 300,000 votes ahead of the incumbent with 90 percent of the precincts reporting;

Whereas on December 30, 2007, the head of the Electoral Commission of Kenya ("ECK") declared that Mwai Kibaki won the presidential election by 197,000 votes;

Whereas Mr. Kibaki was sworn in as President within an hour of the announcement of the election results, despite serious concerns raised about the legitimacy of the election results by domestic and international observers;

Whereas the lack of transparency in vote tallying, serious irregularities reported by election observers, the implausibility of the margin of victory, and the swearing in of the Party of National Unity presidential candidate with undue haste, all serve to undermine the credibility of the presidential election results;

Whereas the Government of Kenya imposed a ban on live media that day, and shortly after the election results were announced, in contravention of Kenyan law, the Government also announced a blanket ban on public assembly and gave police the authority to use lethal force;

Whereas on January 1, 2008, 4 commissioners on the ECK issued a statement which called into question the election results announced by the Commission and called for a judicial review;

Whereas the head of the European Union Election Observation Mission stated that "Lack of transparency as well as a number of verified irregularities . . . cast doubt on the accuracy of the results of the presidential election as announced by the ECK" and called for an international audit of the results;

Whereas observers from the East African Community have called for an investigation into irregularities during the tallying process and for those responsible for such irregularities to be held accountable;

Whereas in 1991 President Daniel Arap Moi agreed to move from one party rule to multi-party politics, and in 1992, Kenyans voted in record numbers in the country's first multi-party election in almost 26 years;

Whereas in 1997 Kenya held its second multi-party elections, despite extremely high levels of tension between the opposition and the ruling party;

Whereas in 2002 the opposition succeeded in forming and holding together a coalition that for the first time in history ousted the ruling party from power, demonstrating to Kenyans and Africans that incumbency and the entrenched clout of a ruling party can be defeated through the ballot box;

Whereas the violence and unrest in Kenya threatens to roll back the democratic gains made over the past 17 years;

Whereas more than 900 people have died and an estimated 250,000 people, 80,000 of whom are children, have been displaced as a result of the violence;

Whereas Kenya has been a valuable United States ally since independence, providing the United States with access to its military facilities and political support in the United Nations, and has been an important ally in the war against terrorism, especially since the United States embassy bombings in Kenya and Tanzania in 1998;

Whereas the political instability in Kenya is connected to a larger struggle for democracy and is not merely the result of tribal violence;

Whereas continued violence and unrest could have serious political, economic, and security implications for the entire region; and

Whereas the Assistant Secretary of State for African Affairs has stated that "serious flaws in the vote tallying process damaged the credibility of the process" and that the United States should not "conduct business as usual" in Kenya: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commends the Kenyan people for their commitment to democracy and respect for the democratic process as evidenced by the high voter turnout and peaceful voting on election day;

(2) strongly condemns the ongoing violence in Kenya and urges all parties concerned to immediately end use of violence as a means to achieve their political objectives;

(3) calls for a peaceful, negotiated settlement of the conflict in Kenya;

(4) calls on the 2 leading presidential candidates to continue to accept external and internal assistance to help find a solution to the current crisis which has the support of the people of Kenya;

(5) calls on Kenyan security forces to refrain from use of excessive force and respect the human rights of Kenyan citizens;

(6) calls for those who are found guilty of committing human rights violations to be held accountable for their actions;

(7) calls for an immediate end to the restrictions on the media, and on the rights of peaceful assembly and association;

(8) condemns threats to civil society groups, journalists, religious leaders, human rights activists, and all those who are making every effort to achieve a peaceful, just, and equitable political solution to the current electoral crisis;

(9) calls on the international community, United Nations aid organizations, and all neighboring countries to provide assistance to those affected by violence and encourages the use of all the diplomatic means at their disposal to persuade relevant political actors to commit to a peaceful resolution to the current crisis; and

(10) urges the President of the United States to—

(A) continue to support diplomatic efforts to facilitate a dialogue between leaders of the Party of National Unity, the Orange Democratic Movement, and other relevant actors that will lead to the establishment of an interim or coalition government in order to implement necessary constitutional reforms, establish a mechanism to investigate the election crisis, and address its root causes;

(B) consider the imposition of targeted sanctions, including a travel ban and asset freeze, on political leaders and other relevant actors who refuse to engage in mediation efforts to end the political crisis in the country; and

(C) conduct a review of current United States aid to Kenya for the purposes of restricting all non-essential assistance to Kenya unless the parties are able to establish a peaceful political resolution to the current crisis which is credible to the Kenyan people.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. PAYNE).

GENERAL LEAVE

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAYNE. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Mr. Speaker, "Kenya is at a crossroads." Those are the words spoken this morning by the chairman of the Human Rights Commission of Kenya in a hearing that I chaired on the current crisis today.

Kenya had been considered a linchpin on economic and political stability in the East Africa region for decades. We always were proud of the accomplishments and the achievements of them, and we often pointed to Kenya as a beacon of how other African countries and countries throughout the developing world should move towards democracy. However, we have seen very sad occurrences during the past month or two. H. Con. Res. 283 seeks to address the unfortunate and still unfolding political crisis in Kenya.

I went to Kenya last month to assess the situation and to encourage political, religious, community, and civil society leaders to find a peaceful resolution to the current situation. I visited thousands of displaced children in Jamhuri showground and met with volunteers from diverse backgrounds. It was remarkable and encouraging to see Kenyans coming together to help their fellow citizens, donating food and material to those in need.

Indeed, witnessing the violence and meeting the young victims was deeply troubling. Yet, I am confident that Kenyans will come out of this crisis united. Kenyans must put Kenya first.

Kenyans of different religious, ethnic, and economic backgrounds live together peacefully in a region long marred by civil war and political chaos. Unfortunately, like the millions of Kenyans, the more than 170,000 refugees from the Ogaden and Somalia regions in Kenya will also be affected, because when the central government is affected, those other people, refugees and other groups in need, are also affected, as will be the lives of so many others in the countries surrounding Kenya. Many depend on Kenya for economic and industrial progress for their countries to survive.

On December 27, 2007, the citizens of Kenya went peacefully to the polls to elect a new parliament and a new president, despite the logistics challenges and long lines. More than 14 million Kenyans registered to vote. That is 82 percent of the eligible voters. An estimated 2,547 parliamentary candidates were qualified to run in the 210 constituencies, a clear indication of the desire and the determination of Kenyans to participate and to be a part of the political process in their country.

Incoming President Mwai Kibaki was hastily declared the winner by the Electoral Commission of Kenya, after a series of highly irregular events which cast significant doubt on his so-called victory. Let me be blunt: The election results announced by the ECK do not reflect the wishes of the Kenyan people. The people of Kenya voted for change. What they were given was more of the status quo.

In reaction to what occurred, Kenyans went to the streets to express their frustration and anger. The protests soon turned violent, and it is still unfolding as we speak. More than 1,000 people have been killed and over 300,000 displaced as a result of unrest, including an estimated 80,000 children under the age of 5, and these young lives are being traumatized as we speak. Millions more have been adversely affected. Two members of the parliament from the opposition ODM were killed in January, reducing a five-member lead to three.

The instability in Kenya continues to threaten and affect the economies of neighboring countries, imposing serious threats to regional stability, a fragile region in the first place. But this is going to make it even more fragile. The Kenyan economy has been hit hard and recovery may take a long time.

H. Con. Res. 283 does several critical things. One, it strongly condemns the ongoing violence in Kenya and urges all parties concerned to immediately end the use of violence as a means to achieve their political objectives. It also calls for all parties to participate in good faith and dialogue mediated by former United Nations Secretary General Kofi Annan, and asks President Bush to consider imposing asset freezes and travel bans on leaders in the Party of National Unity, the Orange Democratic Movement, and other relevant actors who refuse to engage in this dialogue to end the current crisis.

Additionally, the resolution calls for the international community to respond to the grave humanitarian needs of the people of Kenya and all neighboring countries to provide assistance to those affected by the violence.

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At the same time, it calls for a review of our assistance to Kenya and restrict any nonhumanitarian assistance.

Before concluding, though, I would like to point out that U.S. diplomatic efforts in the wake of the election have not been stellar. Indeed, the response to the Kenyan election crisis proves beyond a doubt that some of the administration officials are too quick to embrace a government that engages in electoral abuses and overlook rather than condemn its electoral and human rights abuses.

We saw this happen in the 2005 elections in Ethiopia. We must proceed carefully and thoughtfully and work with our partners in the EU and AU to help resolve this crisis. I also want to emphasize a very critical point. Despite statements by some to the contrary, what is happening in Kenya is not an ethnic conflict. It is a political conflict with ethnic overtones.

We must look closely at the historical and political context to really understand and to avoid making additional mistakes on how we characterize what is happening today in Kenya. However, if political leaders in Kenya do not make a serious effort to stop the violence now and address the systemic problems that exist in their political structures, the violence we are seeing could certainly reach a point of no return.

Once that happens, it will be very difficult to stop. It is critical that a transitional coalition government is established with a clear mandate to implement necessary reforms such as a new constitution, a new electoral law, a new electoral commission, and address the root causes of the crisis and prepare the country for transparent Presidential elections within 2 years. The people of Kenya deserve no less.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Con. Res. 283, addressing the current crisis in Kenya. I, like much of the world, was shocked by the violence that followed the December 27 elections in Kenya, a country that has proven to be a great friend and ally of the United States over the years.

My heart and my condolences, as well as that of every Member of this Chamber, go out to the victims of this violence and their families, some 1,000 people who have been killed since that fateful election day.

There have been shocking events that few of us expected to see in Kenya, protesters shot by police, gangs with machetes butchering innocents, a crowd of people, including women and children, burned alive in a church. Two opposition parliamentarians, as Mr. PAYNE just pointed out, have been gunned down since the violence began. Now some 300,000 people have fled their homes, have fled their neighbors, and remain displaced. They are virtual refugees within their own country. Aid workers tell us that about 80,000 of these internally displaced people are children under the age of 5.

The priority for everyone has to be to stop the violence and to end the killing. In addition, we must examine the context in which the violence erupted in the first place.

The broad strokes of what happened during and after the December 27 elections are now well known. Millions of Kenyans voted that day in the country's fourth multiparty elections and it is a testament to the Kenyan people that some 14.2 million people, 82 percent of all eligible voters, were registered to vote. I won't recite the polling numbers or give an autopsy of the election, but suffice it to say that at some point the system went terribly wrong.

The European Union said the elections were "marred by a lack of transparency which raised concerns about the accuracy and final results of this election." Election observers from the East African community also raised serious concerns about the elections, and eventually the United States, too, asserted that "serious flaws in the vote tallying damaged the credibility of the process."

I want to commend my friend and colleague, Chairman PAYNE, for his leadership on this issue. I joined him to cosponsor this resolution, which calls for an end to the violence and an end to restrictions on the media. It condemns threats to human rights activists and others who are working for a peaceful solution to this crisis. It calls on President Kibaki and the challenger, Mr. Odinga, to work together for a mediated solution to this crisis.

The U.S. must do all that it can to encourage them to move in this direction. The resolution emphasizes our hope that this dialogue will lead to an establishment of an interim or coalition government that can enact constitutional reform and establish a mechanism to investigate this crisis.

Mr. Speaker, I urge strong support and backing for H. Con. Res. 283.

I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from California (Mr. ROYCE).

Mr. ROYCE. I would like to begin by commending the gentleman from New Jersey, Chairman PAYNE, of the Africa Subcommittee. I want to thank him for introducing this resolution that addresses the troublesome violence that is occurring today in Kenya, and I would like to recognize the good work of the subcommittee's ranking member, Mr. SMITH, as well.

Mr. Speaker, the situation in Kenya has been described. Since the post-election violence erupted at the end of December, we know that now over 1,000 Kenyans have been killed. We know that a quarter million souls have been forced to flee from their homes. Many of these homes have been burned. Many individuals have been burned. As this resolution notes, international observers found the election to be seriously flawed, implicating the government. Today, as Kenya's politicians fight for power, its people suffer and some of those people are suffering terribly.

This resolution calls on President Mwai Kibaki and opposition candidate Raila Odinga to accept external assistance to find their way out of this. This has been occurring of late with the former U.N. Secretary General bringing about some progress. But without this, the factions seem incapable of moving ahead on their own.

The resolution also calls for holding accountable those responsible for violence. Widespread violence can almost always be traced back to ringleaders. That was the case in Rwanda, where a small band sparked a genocide. Kenyans don't want their country ripped apart, but a small number of recruiters, I suspect, are leading it in that way. We should do our best to let would-be killers, including government officials, know that the world is watching and they will face the consequences if they incite violence.

The State Department's top official charged with Africa recently called the violence "ethnic cleansing." We cannot be complacent. The potential for violence spiraling upward should never be discounted. This is the reason, of course, that our Peace Corps is leaving Kenya.

Looking back a few months, the U.S. and the international community was complacent and somewhat naive about the Kenyan elections. News reports and analysts expressed surprise over the election violence. I chaired the Africa Subcommittee for 8 years working with Chairman PAYNE. There is a tendency, an understandable one, to see African "successes," and Kenya has been described as one. While many African countries have made progress, many African countries face fundamental and very difficult challenges that leave them very vulnerable. A better realization of that, a more realistic view, I think, would lead to a better Africa policy.

Kenya is a very important country. Its economy is key to East Africa. This violence has been economically devastating to many Kenyans. We have terrorism concerns in the region. So we have humanitarian and other reasons, other reasons besides just the question of the inhumanity here to help Kenyans move forward. It is Kenyans themselves who must look within to help get out of this crisis. But the U.S. and others should help, and this resolution calls for that help. I urge support for it, and I commend Chairman PAYNE for authoring it.

Mr. PAYNE. Let me thank the gentleman from California and commend him for the outstanding work that he did as chairman of this subcommittee and his continued interest in the subcommittee's activities.

I would like to say that I appreciate the gentleman from New Jersey cosponsoring this resolution, Mr. SMITH, and Mr. WOLF, who has been a true real leader on issues in Africa, too. One of the things that I must say, as I already mentioned about Mr. ROYCE, that our Subcommittee on Africa, regardless of which political party tends to chair it, has worked in a bipartisan manner for the 20 years that I have been a member of the committee, sometimes in the majority, sometimes in the minority.

But the thing that has been very encouraging is that in 95, 96 percent of the time, I would say we are on the same page. We see things the same way. We might have to tweak a word or two here, but by and large, we have been able to move forward on so many important issues because of the bipartisan spirit.

Once again, Mr. ROYCE, I appreciate your continued support, and, of course, Ranking Member SMITH, who is not only doing a tremendous job here but with the Helsinki Commission, and for the fact that he is very interested in the situation in China, I appreciate your continued human rights efforts. It's a pleasure to work with you.

Mr. KENNEDY. Mr. Speaker, will the gentleman yield?

Mr. PAYNE. I yield to the gentleman from Rhode Island.

Mr. KENNEDY. I want to thank the gentleman from New Jersey for his work in this area and just say, having just returned from another part of the world that has been turned upside down by election disturbances in Pakistan, with the assassination of Benazir Bhutto, it's clear to me that the United States' interest in monitoring elections is paramount because of the national security implications in all of these parts of the world, that we have election monitors stationed in all of these places of the world where there are elections.

I know that the NDI and the NRI, the National Democratic Institute, National Republican Institute and these organizations that we promote as a country, we need to, as a Congress, continue to support those organizations because they are absolutely indispensable towards our national security in helping to secure better faith and confidence in these elections that are taking place around the world. If there is confidence in these elections, and, clearly, these elections have been called into dispute, especially here in Kenya, then there is going to be an unraveling of confidence, and, as we have seen, an occurrence of violence. That occurrence of violence is going to be destabilizing, not only to the region but also to our own national security interests.

That is why I support this resolution and certainly want to salute my colleagues in saying that in the future, we need to do more to support these efforts of monitoring these elections and giving the support that they need on the ground to make sure that they really are transparent elections in every sense of the word.

I thank the gentleman for his leadership.

Mr. PAYNE. Let me thank you very much. Let me also commend you for the work that you continue to do in Cape Verde and other developing countries, and your work in Haiti certainly makes all of us proud.

With that, Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Again, I want to thank Chairman PAYNE for his great leadership on this issue. We work very well together on that committee.

Mr. Speaker, this was very important, and it is very important that we get a very strong vote by the House on behalf of the Payne resolution. We need to send a clear message to Kenya that we are watching, that we care deeply about what is unfolding there, and that we stand in solidarity there with those who have lost loved ones, with the IDPs and others.

We want a robust democracy in Kenya because they want a robust democracy in Kenya. The people deserve it. We thought they had it to some extent.

I think the chairman's mention of Ethiopia was a very important one. We thought Ethiopia was moving in the right direction. An election was held. It was seriously marred with irregularities, and then a series of killings followed thereafter. That's still a very unsettled part of the world as well. Again, I want to thank the chairman for his important resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Con. Res. 283, calling for a peaceful resolution to the current electoral crisis in Kenya, introduced by my distinguished colleague from New Jersey, Chairman PAYNE. This important legislation commends the Kenyan people for their significant strides towards democracy and calls for the peaceful resolution of their current electoral crisis.

As a senior Member of the Committee on Foreign Affairs as well as the Subcommittee on Africa and Global Health, I am deeply concerned with the current crisis in Kenya. It saddens me to see the once relatively stable country of Kenya explode into chaotic violence, which has left more than 900 people dead and forced 300,000 people from their homes. Democracy must move forward in Kenya, and the cry for clear, transparent and peaceful elections must not go unheard by the international community. As Kenya's political crisis also becomes a humanitarian emergency, with over 300,000 people displaced from their homes and the distribution of food aid halted, experts have begun to warn of a looming health crisis. It is vital for the people of Kenya that we work rapidly to bring this conflict to a peaceful conclusion.

This important legislation denounces Kenyan security forces from using unwarranted force and urges them to respect the human rights of Kenyan citizens. This legislation further condemns the callous terrorization to civil society groups, journalists, religious leaders, and civil rights leaders.

While Kenya has long been an important friend and ally to the United States, at times our relationship has been strained due to concerns about corruption and human rights conditions in the sub-Saharan nation. However, this intricate relationship has been recently renewed and reinvigorated with the advent of the 1992 multiparty elections in Kenya. The people of Kenya have shown a desire and commitment for democracy that is unprecedented and sets a new standard for the region. Their unparalleled commitment to democracy and respect for the democratic process is indicated in the high voter turnout and peaceful voting on election day.

On December 27, 2007, the desire of the Kenyan nation for a meaningful change in politics and the revival of democracy was manifest in the millions of Kenyans who took to the polls. The months preceding the December elections showed opposition candidate Raila Odinga leading in the polls over incumbent President Mwai Kibaki. Amidst domestic and international cries of polling irregularities, the Electoral Commission of Kenya declared President Kibaki as the winner.

It is not the election itself but rather the aftermath of the elections and a way forward that concerns us here today. The Kenyan Constitution authorizes the establishment of the Electoral Commission of Kenya, ECK. While the ECK is comprised of 22 commissioners, 19 of the commissioners were appointed by President Kibaki last year, which is authorized by the Kenyan Constitution. What is not authorized was the appointment of the new commissioners without proper consultation with opposition parties, which violated the Inter-Parliamentary Parties Group Agreement of 1997. While the ECK quickly declared President Kibaki the winner, the chairman of the commission later admitted that he "was under intense political pressure from powerful political leaders and the ruling party." Furthermore, press reports quote the Kenya Electoral Commission Chairman Samuel M. Kivuitu as stating that "the day he went to deliver the certificate declaring Kibaki the winner, he saw the chief justice already at the State House reportedly waiting to swear in Kibaki." The swearing-in ceremony itself was so rushed that it is said organizers forgot to include the national anthem in the program. Mr. Speaker, to call these events "irregularities" as the ECK commissioners and ECK staff have conceded, is a vast understatement. In order for Kenya to continue moving forward on its current democratic trajectory, elections must be transparent, free, and fair, none of which were seen in the December 27 election. This legislation calls upon the two leading presidential candidates to accept offers of external and internal assistance to help find a solution to the current crisis that has the support of the people of Kenya.

What is equally disturbing was the United States' reaction to this electoral crisis. While the EU observers criticized the election for its myriad of inconsistencies, on December 30, the United States government reportedly congratulated President Kibaki for his victory. In a recently released report, the EU concluded, "the 2007 general elections have fallen short of key international and regional standards for democratic elections. Most significantly, they were marred by a lack of transparency in the processing and tallying of presidential results, which raises concerns about the accuracy of the final results of this election." Following both regional and international uproar, the United States seemingly changed its position in January as Assistant Secretary of State for African Affairs, Jendayi Frazer, declared that "serious flaws in the vote tallying process damaged the credibility of the process." Such inconsistency on the part of diplomatic corps of the United States sends a poor message to our friends and allies struggling for democracy across the sea.

As outrage over the electoral results permeated throughout the country, so too did spontaneous demonstrations of anger and ultimately violence. Recent statistics reported by the UN and Kenyan sources state that since late December more than 900 people have been killed and an estimated 300,000 displaced, including some 80,000 children under the age of five. International observers have proclaimed that while some protestors died due to mob violence, many others were reportedly shot and killed by police. While the Kenya military did not engage in riot control for most of January, press reports and Kenyan sources state that Kenyan police and security were given authority to use lethal force to dissipate mobs. In the wake of the disputed election results, the Kenyan government banned demonstrations and initiated media restrictions, which seem to have further stoked the fire.

Mr. Speaker, with the intolerable number of Kenyans dead and displaced, it is imperative that the United States play a meaningful role in resolving the current crises. With, two failed international missions, it is time that we rethink our strategy in addressing the current crisis.

The ongoing violence as a means to achieve political objectives in Kenya must come to a halt. We need the superior support of the United Nations to assist those affected by violence, and use all the diplomatic means to persuade relevant political actors to commit to a peaceful resolution to the crisis. This legislation emphasizes precisely these issues.

I strongly urge my colleagues to join me in supporting this extremely important legislation that arbitrates for the Kenyan people.

Mr. RANGEL. Mr. Speaker, I rise today to express my full support for H. Con. Res. 283, the calling for a peaceful resolution to the current electoral crisis in Kenya.

I applaud the people of Kenya for pursuing their right to democracy. Democracy is a fundamental right to be shared by all. Voting is at the core of a democratic society and conveys the will of the people. I encourage the Kenyan government to work diligently and quickly to restore order to their nation. Violence should not be used as a means by which to achieve political objectives.

After the devastating bombing of the U.S. embassies in 1998, Kenya became a crucial ally in the global war against terrorism. Thus, the welfare and stability of the Kenyan people is of concern to the United States. I am hopeful the leadership and strength that prevailed during that crisis will rise and put an end to the current devastating violence.

I encourage the Kenyan leaders on all sides to welcome the U.N. human rights teams to investigate the violent acts that have destroyed the confidence of the citizens of Kenya. In doing so, the government can slowly start to rebuild the trust of its citizens.

Therefore, I urge Kenyan officials to do everything humanly possible to end the unprecedented bloodshed and violence. It is unsettling to hear that over 1,000 people have lost their lives and more than 300,000 have been displaced.

Kenya was hailed as a great example of democracy for other African nations to emulate. I look forward to the day when Kenya returns to its pursuit of democracy.

I urge my colleagues to support this bill. I applaud the Kenyan people for standing up for democracy and their right to a democratic government.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize House Concurrent Resolution 283, calling for a peaceful resolution to the current electoral crisis in Kenya.

As a result of the elections held on December 27, 2007 chaos has erupted in Kenya. It was suspected that the administration police were used to rig elections in favor of Part of National Unity aligned to President Kibaki. During the announcement of the results from different polling stations, it was discovered that there were serious inconsistencies between results released at the polling stations and those that were announced by Electoral Commission of Kenya.

Since then, Kenya has been experiencing civil war and people are suffering. As the people of Kenya face ongoing violence, they stay strong in proclaiming, through electoral process, their country deserves a fair democracy. I praise the courage and commitment of the Kenyan citizens towards democracy. We must support their efforts towards liberty and justice by persuading the international community.

With passage of this legislation, the international community, United Nations aid organizations, and all neighboring countries are called upon to assist those affected by violence and asked to use diplomatic means to persuade relevant political actors to commit to a peaceful resolution to the crisis.

On behalf of the 30th Congressional District of Texas, I am honored to support passage of House Concurrent Resolution 283.

□ 1600

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 283, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PAYNE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONGRATULATING LEE MYUNG-BAK ON ELECTION TO PRESIDENCY OF THE REPUBLIC OF KOREA

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 947) congratulating Lee Myung-Bak on his election to the Presidency of the Republic of Korea and wishing him well during his time of transition and his inauguration on February 25, 2008.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 947

Whereas the United States and the Republic of Korea share a longstanding and comprehensive alliance rooted in the common principles of freedom and democracy;

Whereas on June 11, 2007, the House of Representatives passed H. Res. 295 recognizing "the strong alliance between the Republic of Korea and the United States and expresses appreciation to the Republic of Korea for its contributions to international efforts to combat terrorism";

Whereas on December 19, 2007, the Senate passed S. Res. 279 recognizing that "the strength and endurance of the alliance between the United States and the Republic of Korea should be acknowledged and celebrated";

Whereas, since 2000, the United States House of Representatives and the Republic of Korea National Assembly have engaged in an interparliamentary exchange to discuss issues central to the U.S.-Republic of Korea relationship;

Whereas there are deep cultural and personal ties between the peoples of the United States and the Republic of Korea, as exemplified by the large flow of visitors and exchanges each year between the two nations, as well as the nearly two million Korean-Americans;

Whereas Congress recognizes January 13 as Korean-American Day, honoring the contributions of Korean-Americans in forging stronger bilateral ties between our two countries;

Whereas the Republic of Korea is the United States seventh largest trading partner and the United States is the third largest trading partner of the Republic of Korea with nearly $80 billion in annual trade volume;

Whereas the United States and the Republic of Korea are working closely together to promote international peace and security, economic prosperity, human rights, and the rule of law; and

Whereas Lee Myung-Bak, upon winning the election to become the next President of the Republic of Korea, stated that he would seek to further strengthen the relationship with the United States: Now, therefore, be it

Resolved, That the House of Representatives congratulates Lee Myung-Bak on his election to the presidency of the Republic of Korea and wishes him well during his time of transition and on his inauguration on February 25, 2008.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentleman from California (Mr. ROYCE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAYNE. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

I would like to first thank my friend Mr. ROYCE of California for introducing this resolution which congratulates President-elect Lee Myung-Bak on his victory in the South Korean presidential elections.

In electing Lee Myung-Bak, the South Korean people have selected a man of exceptional accomplishment and proven leadership. During his 27 years at the helm of Hyundai Group, Mr. Lee transformed the company from a successful but relatively small local corporation into South Korea's largest industrial conglomerate with a dominant worldwide presence.

Mr. Lee and Hyundai's success helped drive the Republic of Korea's dramatic success as an East Asian economic "tiger" in the seventies, eighties and nineties. The parallel is particularly appropriate since in English the Korean word "hyundai" means "modern." As Mr. Lee led the company to new heights, he played a direct role in the spectacularly rapid modernization of the Republic of Korea.

Mr. Lee's extraordinary professional career is right at home among the American Dream stories of our Nation. The son of a cattle rancher who fell onto hard times, Mr. Lee was born into poverty and worked his way through college as a garbage collector. Relying on his talents and work ethic, he eventually rose to the pinnacle of the business world.

Committing himself to politics, he became the mayor of Seoul and applied his leadership skills and his no-nonsense approach to improve that important city. Now as South Korea's president, he is uniquely able to lead and further strengthen his country, one of the United States' closest and most significant allies.

Mr. Lee's story is a potent reminder that the friendship between the United States and the Republic of Korea is based not only on our shared interest but also our shared values. For over 50 years, our two countries fought together against common threats such as communism, but the foundation of our alliance is a common commitment to democracy, individual liberties, and human rights.

The end of the Cold War did not end the critical role of our alliance in promoting and protecting political and economic freedoms in Asia and around the world. Today, we work side by side to combat international terrorism, denuclearize the Korean Peninsula, and promote peace and stability in northeast Asia. This work relies on our strong military alliance, bolstered by 28,000 military personnel stationed in the Republic of Korea.

We also share a dynamic economic relationship. With two-way trade approaching $80 billion, South Korea is the United States' seventh largest trading partner, and the United States is the fourth largest trading partner of the Republic of Korea. Our shared commitment to free, fair, and open political systems is reinforced by our commitment to free, fair, and open markets.

Further strengthening our bilateral relationships and our bonds of friendship are the millions of South Korean visitors that come to the United States and the millions of visitors from the United States that travel to South Korea every year. Many South Koreans who come to the United States do so to visit their Korean American family members, who make up a vitally important part of the United States' social and economic fabric.

Based on these shared interests and values, the U.S.-Republic of Korea relationship is strong and is poised to grow even stronger.

With this resolution, we in Congress rightly congratulate Mr. Lee Myung-Bak on becoming the next president of South Korea, welcome his inauguration on February 25, and look forward to the opportunity to work with him to further strengthen the relationship between our two countries.

I strongly support this resolution, and I encourage my colleagues to do the same.

Madam Speaker, I reserve the balance of my time.

Mr. ROYCE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of this resolution, House Resolution 947, which I authored and which has the support of Chairman LANTOS and Ranking Member ROS-LEHTINEN and Mr. PAYNE and Mr. FALEOMAVAEGA of the Foreign Affairs Committee, among others.

I serve as a member of the Asia Subcommittee and as the vice chairman of the U.S.-Republic of Korea Interparliamentary Exchange. This resolution congratulates Lee Myung-Bak on his election as president of the Republic of Korea and wishes him well during his time of transition.

In this country, Korean Americans watched the Korean presidential campaign with great interest, and their community has played a very important role in bringing greater attention to issues of mutual importance, and I would like to recognize their efforts.

The U.S. partnership with Korea dates back to 1882 with the signing of the Treaty of Peace, Amity, Commerce, and Navigation between the Kingdom of Chosun and the United States. This treaty contemplates everlasting amity and friendship between our two peoples, and for over 125 years, we have worked to achieve this.

One of the truest tests of our partnership with South Korea came in June of 1950 when Communist North Korea invaded the South. American and South Korean forces fought valiantly side by side and they warded off that Communist onslaught.

In the 60 years since, the U.S.-South Korean relationship has blossomed in every respect: economic, political, militarily. Nearly 30,000 U.S. troops stand along with the South Korean Army to preserve stability in northeast Asia. South Korea has grown into the seventh largest trading partner with the United States.

And on February 25 of this year, Lee Myung-Bak will assume the presidency of the Republic of Korea. He does so at a critical time during our partnership. The Republic of Korea and the U.S. once again face a great challenge in dealing with a nuclear-armed North Korea, a regime that denies its citizens the most basic of human rights. The Six Party Talks have stalled, and Kim Jong-Il's regime has continually failed to come clean on the extent of its nuclear programs. Yesterday, Admiral Michael McConnell, Director of National Intelligence, testified that "while Pyongyang denies a program for uranium enrichment, and they deny their proliferation activities, we believe North Korea continues to engage in both."

I am hopeful that President-elect Lee Myung-Bak will offer a new, effective approach to these challenges. To date, Lee Myung-Bak has argued that the previous administrations gave too much unconditional aid to buy reconciliation with the North. In a recent press conference, President-elect Lee said he would like to discuss human rights and the whereabouts of abducted South Koreans with Pyongyang. Such "controversial" issues, amazingly, were taboo to previous governments which sat out a U.N. condemnation of North Korea's human rights abuses just last fall.

Importantly, President-elect Lee is a strong proponent of the U.S. trade agreement. As the South Korean Army continues to strengthen, the economic relationship between our two countries will increasingly define this overall relationship. That is why I heard so much about the trade agreement on my trip to Korea last summer in my role as the vice chairman of the U.S.-Republic of Korea Interparliamentary Exchange.

At a time when many are worried about the future of our economy, it is essential that we expand into foreign markets. The Korea-U.S. FTA will do just that, opening up Korean markets to U.S. products. If KORUS isn't passed, it won't just be our economy that will suffer, but our relationship with the Republic of Korea.

In closing, I would like to congratulate President-elect Lee on his victory. In the past 60 years, the U.S.-Republic of Korea alliance has helped move both countries forward. I know many of us in Congress greatly look forward to the opportunity to work together to further our already-strong partnership.

Madam Speaker, I reserve the balance of my time.

Mr. PAYNE. Madam Speaker, I reserve the balance of my time.

Mr. ROYCE. Madam Speaker, I would like to yield to the ranking member, Mr. SMITH, for as much time as he may consume.

Mr. SMITH of New Jersey. Madam Speaker, I congratulate the gentleman on his authorship of this fine resolution. I rise today to express my support for the resolution honoring the upcoming inauguration of Mr. Lee Myung-Bak as 17th President of the Republic of Korea.

South Korea's rise from the ashes of war and subsequent evolution as a vibrant and prosperous democracy is truly one of the miracles of the second half of the 20th century.

I believe that our Korean war veterans, who sacrificed so much and fought so valiantly, and all of the American people, can take great pride in the assistance that we provided for that remarkable evolution.

Today, the bright lights in the night sky on the southern half of the Korean peninsula stand in marked contrast to the shadow of darkness that enfolds North Korea. North Korea is a tragic failed state and is one of the great losers of the Cold War; yet its starving yearn to breathe free and share in the prosperity of South Korea.

The peaceful, democratic reunification of North Koreans with their southern brothers is a noble endeavor to which we should give our full and unflinching support.

Mr. Lee's inauguration comes at a time when we have reached a crossroads on the Korean peninsula.

North Korea must decide whether to completely and unconditionally renounce its nuclear weapons program and finally join the family of nations. Its alternative is to slip slowly into the abyss as a dynamic South Korea leaves it farther and farther behind.

The fact that President Lee has given a firm indication that he wishes to work together with the United States and our allies as a team to resolve the North Korean nuclear crisis is welcome news indeed. Mr. Lee has also said that it is his priority to strengthen an alliance which was forged in the crucible of the Korean War.

From the dark days of the Pusan perimeter to the brilliant Inchon landing, American, Allied, and South Korean troops all fought together in the drive to victory with the liberation of Seoul. This is in part the shared history of our two countries which has linked us in a common destiny.

I would especially like to commend President Lee for raising the long-forgotten issue of the old soldiers of South Korea, left behind as POWs in the North and held against their will for over 50 years since the signing of the armistice. I would also like to note with extreme sadness that more than 8,000 U.S. servicemen remain missing in action from that conflict.

Finally, the alliance and friendship between the Republic of Korea and the United States have been promoted and deepened by the many contributions of our own vibrant Korean American community. While ever mindful of the old country from which they came, Korean Americans have stepped forward in innumerable ways, in science, medicine, religion, business, education, music, athletics, and culture, to make invaluable contributions to the United States.

In saluting President-elect Lee and the strength of our alliance, we also honor those Korean Americans who have ensured that the links between our two countries are truly the ties that bind.

So, President-elect Lee, we wish you and your country Godspeed as you approach your inauguration on February 25.

□ 1615

Mr. PAYNE. Let me once again say that I certainly support this very timely resolution and urge that our two countries continue to forge strong relations.

We, as has been mentioned, have a very strong Korean American community, even in my State of New Jersey. But also, I'd just like to mention, now that I'm thinking about it, several years ago I had the opportunity to visit a hospital in Ethiopia. A Christian organization built a hospital. Much of the funds came from individual businesspeople from South Korea. The Myung Sung Christian Hospital in Addis is the finest hospital in all of Ethiopia, and it was built by the Koreans who wanted to show their appreciation for Ethiopian soldiers who fought with them in the Korean War.

And, as a matter of fact, it's very interesting that the South Korean Government still pays veterans a monthly stipend, those who are still alive, of course, and who served in that war, they send them a check every month to show their appreciation for the Ethiopians who fought. I don't know of many countries that have done anything like that.

So, Mr. ROYCE, I certainly support your resolution.

Mr. GARRETT of New Jersey. Madam Speaker, I am pleased that the House is considering H. Res. 947 today, congratulating Lee Myung-Bak on his election to the Presidency of the Republic of Korea. I was proud to cosponsor this resolution and I join with my fellow Members in wishing him well during his time of transition this month.

When Lee Myung-Bak is inaugurated on February 25, I am confident that he will do much to broaden the longstanding relationship between the Republic of Korea and the United States of America. In the past month, he has already met with President Bush and Vice President CHENEY, as well as several members of the President's Cabinet and Members of Congress.

President-elect Myung-Bak is well-qualified to assume his new role. He earned a B.A. in Business Administration at the Korea University and later served as a Visiting Scholar at George Washington University here in Washington, DC before being awarded two Honorary Doctor of Economics degrees.

Additionally, President-elect Myung-Bak's past professional experience has honed his vital business, diplomatic, and political skills. For 15 years, he was the CEO of 10 Hyundai Group affiliated companies. He then served as a National Assemblyman from 1992 to 1998 before being elected Mayor of Seoul in 2002.

I applaud President-elect Myung-Bak for expressing his commitment to free market policies that encourage both foreign and domestic investors. I look forward to the ratification of the United States-South Korea Free Trade Agreement and I welcome his proposed plans to reduce trade restrictions and lower tax rates. Furthermore, as the Republic of South Korea assists in negotiating Pyongyang's denuclearization, I urge the President-elect to closely integrate U.S. and Japanese initiatives related to the Democratic People's Republic of Korea.

Today, I join my colleagues in congratulating President-elect Myung-Bak, and I wish him, his wife and four children success in the years ahead.

Mr. BURTON of Indiana. Madam Speaker, I rise today in strong support of House Resolution 947, sponsored by my friend and colleague from California, Mr. ROYCE, which offers the House of Representatives' congratulations to Lee Myung-Bak on his election to the presidency of the Republic of Korea.

Additionally, this resolution recognizes the very special and longstanding relationship between South Korea and the United States; a relationship whose modern day form was first forged in the heat of battle as U.S. and South Korean soldiers fought to defend South Korea from aggression by Communist North Korea. In fact, our history of friendship reaches beyond the past century; and just last year we celebrated the 125th anniversary of the Korean American Treaty of Peace, Amity, Commerce and Navigation which was signed in 1882.

In my opinion, it is hard to overestimate the importance of the close bond between the United States and South Korea. The United States and Korea have a mutual defense treaty that dates back to 1953, and Korea has supported U.S. military efforts abroad, as recently as in both Iraq and Afghanistan. Korea has been one of only four partners and allies that stood with us through all four major conflicts since World War II. In addition, South Korea demonstrated her great friendship and generosity in the aftermath of Hurricane Katrina, pledging over $30 million in aid for relief and recovery efforts—the fourth largest amount donated by any foreign country.

On June 30, 2007, representatives of both governments signed the historic United States-Korea Free Trade Agreement. If and when this agreement is approved by Congress I believe it will increase trade and investment flowing through our agriculture, industrial, consumer products, automobile and financial services sectors. I believe this agreement will enhance the strong partnership between two great democratic nations and will open the door wider to the exchange of science and ideas that will cause us both to continue to prosper.

This agreement is a natural extension of the strong affinity between our two countries, marked by extraordinary diplomatic, political, military, and economic cooperation. Although the devil is always in the details, I understand that this agreement could potentially be the most commercially-significant free trade agreement signed by the United States in more than a decade.

As many of my colleagues already know, South Korea is already the United States' seventh largest export market and sixth largest market for U.S. agricultural products. In fact, according to the latest statistics, our annual bilateral trade totals nearly $80 billion. Any agreement that can open up more Korean markets to U.S. goods and services can only have a positive effect on the American economy by creating more and better jobs, enriching consumer choice, and boosting U.S. industry and manufacturing.

Koreans have invested nearly $20 billion in the United States, and have created American jobs through companies like Hyundai Motors, Samsung Electronics, and Kia Motors. And as the largest investor in Korea, the United States already has a leading presence in that country.

As I have said before and will continue to say, I think it is important to note that trade relationships do more than just facilitate economic growth; this FTA recognizes our special relationship with South Korea that I mentioned before and makes the strong statement that we will continue to stand with our allies.

South Korea is the fifth largest tourism-generating country to the United States with over 800,000 Koreans visiting the U.S. every single year. This number is expected to double (at the minimum) when South Korea joins the Visa Waiver Program. According to the Department of Homeland Security, South Korea also has the largest foreign student population in the U.S. Nearly 2 million Americans of Korean descent live in communities all across our Nation, representing all walks of life and making innumerable contributions to the enrichment of our Nation's culture and economy.

South Korea is a strong, unwavering ally in the U.S.-led Global War on Terror, having dispatched the third largest contingent of troops to Iraq, and to Afghanistan (where a South Korean soldier was killed during hostile action), and to Lebanon in support of peacekeeping operations; and South Korea is a key partner in the Six-Party Talks to resolve North Korea's nuclear issue.

I firmly believe that South Korea may be the premier success story of U.S. foreign policy in the post-World War II period. Having assisted South Korea in transforming itself from a war-torn, impoverished economy into a successful democracy with a free enterprise economy (the world's 11th largest), South Korea is now an indispensable partner with the United States in promoting democracy, a free market economy and respect for the rule of law around the world.

I believe that President-Elect Myung-Bak understands and appreciates the important history behind our bilateral relations. His desire to better relations with the United States through an emphasis on free market solutions encourages me that the work we have begun will continue to grow under his leadership. I look forward to a continuation of the United States-South Korean partnership during the President-Elect's term and for many years beyond.

I strongly urge my colleagues to support H. Res. 947 and join me in congratulating President Lee Myung-Bak, and extending to him the very best wishes of the House of Representatives as he assumes office later this month.

Mr. FALEOMAVAEGA. Madam Speaker, let me first commend our distinguished colleague and member of the Committee on Foreign Affairs Subcommittee on Asia, the Pacific and the Global Environment, my good friend and colleague, the gentleman from California (Mr. ROYCE) for being the author of and introducing this important resolution.

The underlying context for this important resolution, which congratulates President-elect Lee Myung-Bak and wishes him well as he assumes his new duties on February 25, 2008, is that the Republic of Korea has, through the industrious will of its people and the unyielding leadership of its elected officials, transformed itself into a successful democratic nation.

As the twentieth century taught us all too well, democratic governance is a fragile enterprise. That the Republic of Korea, in merely six decades, emerged from the ashes of colonial rule and war torn poverty to become the eleventh largest economy in the world and America's seventh largest trading partner, is a tribute to their strong democratic principles and indelible desire to live peacefully and prosperously despite the enormous challenges facing the Korean Peninsula and the Northeast Asia region.

Madam Speaker, the strong alliance between the United States and the Republic of Korea has proven itself to be a relevant and resilient relationship since our involvement when we fought side by side in the Korean War nearly 58 years ago. Out of that often "forgotten" conflict was born one of the most significant dividing lines of the Cold War, the demilitarized zone on the 38th parallel but, at the same time, one of the most successful alliances in our Nation's history.

The Republic of Korea has remained a steadfast ally of the United States. South Korea has contributed the third largest coalition troop contingent in Iraq, pledged $460 million toward postwar reconstruction and had previously also committed troops for peacekeeping operations in Afghanistan, and Lebanon. As a key member of the Six-Party Talks to denuclearize North Korea, the Republic of Korea shares an important responsibility for broader security in Northeast Asia. Today, we are committed absolutely to compelling the North Korean regime to eliminate its nuclear program and to ensuring that promises made by Pyongyang are, in fact, followed through with verifiable action.

The combination of South Korea's efforts to stand alongside the United States in meeting the global threats of the 21st century as well as the North Korean challenge makes this resolution particularly important today. President-elect Lee Myung-Bak has stated that he "will do [his] best to resolve the North Korean nuclear problem through cooperation and a strengthened relationship with the United States." I am very encouraged by President-elect Lee's remarks and, as Chairman of the Subcommittee on Asia, the Pacific and the Global Environment, I look forward to working with his administration to this end.

What is clear from our longstanding relationship over the past half-century is that it is reciprocal. As President-elect Lee's Special Envoy to the United States, Dr. Chung Mong-Joon, said recently after meeting Deputy Secretary of State John Negroponte last month, "We both need each other." Let me also take this opportunity to once again congratulate my good friend, Dr. Han Seung-soo, on his nomination to become Prime Minister. I am confident that Dr. Han's nomination will serve to further consolidate our alliance partnership under President-elect Lee's leadership.

Madam Speaker, many years ago, I served in the U.S. Army during the Vietnam War, and I remember vividly the presence of more than 300,000 soldiers from South Korea who bravely served and fought alongside our American forces. Through that particular experience, I learned quickly and firsthand, the special friendship and bond that existed between the United States and the Republic of Korea.

I personally will never forget the sacrifices that South Korean soldiers made in that terrible conflict in Vietnam. In fact, South Korea has the unique distinction of being one of only four allies that fought alongside the United States in all four major conflicts since World War II and I hope that my other colleagues will join me in thanking the leaders and people of the Republic of Korea for the untold sacrifices they made to be with us when we needed help.

This resolution, while focusing on the peaceful, democratic transition to the presidency of Lee Myung-Bak, honors our special alliance but also welcomes a strengthening and deepening of the relationship between our two countries and our two peoples.

I have had the privilege on several occasions to visit the Republic of Korea and I have observed that the South Korean people are among the most industrious men and women in the world. However this trait for hard work and entrepreneurship developed, it has carried over despite geographic distance to the more than two million Americans of Korean heritage and descent that live throughout our own country today. The vibrant Korean American communities across the United States include some of the most prominent individuals that have contributed to every facet of American life in every state and territory.

Madam Speaker, this resolution is very important to show our sense of appreciation to all South Koreans, to express how much we care about them and how important they are to our strategic and economic interests in that important region of the world. Its effect is not just to deliver good wishes to President-elect Lee as he assumes office on February 25, but to send a message of solidarity to the government and people of the Republic of Korea and to the soldiers who have fought side by side with the men and women of our own armed forces over the past nearly 60 years.

For all these reasons, this resolution is most fitting, and proper. I wish to congratulate President-elect Lee Myung-Bak and commend again my good friend, the gentleman from California, for offering and proposing this resolution. I strongly encourage my colleagues to offer their own expressions of support and urge the House to adopt this resolution today.

Ms. WATSON. Madam Speaker, I want to commend Mr. ROYCE on sponsoring H. Res. 947, a resolution congratulating Lee Myung-Bak on his election to the Presidency of the Republic of Korea and wishing him well during his transition and inauguration on February 25, 2008.

The United States and Korea share a longstanding and special relationship. Our strong alliance is rooted in the common principles of freedom and democracy. Today that relationship has blossomed into a strong economic partnership in which the Republic of Korea has become one of the United States' major trading partners. In my State of California, Korea is the State's fifth largest trading partner and the Los Angeles Custom District's third largest trading partner, with $18 billion in two-way trade annually.

In my congressional district in Los Angeles, Hollywood, and Culver City, ethnic Koreans have built a thriving business and cultural area known as Koreatown. Many maintain close cultural, business, and family ties to their homeland. Accordingly, it is my hope that the Republic of Korea will be fully admitted into the Visa Waiver Program in the very near future so that we may share even closer people-to-people exchanges between our two countries.

H. Res. 947 is also timely and important due to the ongoing Six-Party Talks and current attempts to dismantle North Korea's nuclear weapons program. President-elect Lee has pledged to make the denuclearization of the Korean Peninsula a priority of his administration. In order to achieve the goal of a nuclear free Korean Peninsula, the Republic of Korea will need the full support of the United States.

Madam Speaker, as co-chair of the Congressional Caucus of Korea and the U.S.-Korea Inter-Parliamentary Exchange and as a member of the House Subcommittee on Asia, the Pacific and Global Environment, I am committed to ensuring that the rock-solid U.S.-Korea alliance remains relevant, resilient, and enduring.

For these reasons, I again congratulate President-elect Lee on his electoral victory and am certain that I speak for all of my Congressional colleagues in wishing him the best.

Mr. TOWNS. Madam Speaker, I rise today in strong support of H. Res. 947 which welcomes the new President of the Republic of Korea, Lee Myung-Bak, and congratulates him on his upcoming inauguration later this month. I am pleased to be a cosponsor of this important resolution.

Madam Speaker, not a little more than a half century ago—within living memory of several Members of this House, most notably our distinguished Chairman of the House Ways and Means Committee, my dear friend Mr. RANGEL—the Republic of Korea was an impoverished casualty of imperialism and war. It has since grown to be affluent and productive beyond the wildest dreams of the American and South Korean soldiers who fought shoulder-to-shoulder for freedom and democracy during the Korean War.

There are over two million Americans of Korean descent living throughout the United States, from Hawaii, where the first Korean immigrants landed a little more than a century ago, to New York, which is home to one of the largest and most vibrant Korean American communities in the Nation. It is important to note that Korean Americans have made significant contributions in New York politically, economically, culturally and through their various civic and religious organizations.

The newly elected President of the Republic of Korea is a distinguished statesman and prominent business leader. President-elect

Lee Myung-Bak has served as a Member of the South Korean National Assembly; he was Mayor of Seoul, South Korea's largest city and capital; he has been a visiting scholar at the George Washington University; and he has been the chief executive officer of some of the Republic of Korea's most successful business corporations affiliated with the Hyundai Group. He has distinguished himself over the years in both the public and private sectors.

Madam Speaker, President-elect Lee has indicated, in several statements he has made since his election, a profound desire to strengthen the already strong friendship and partnership between the Republic of Korea and the United States. I applaud President-elect Lee for this commitment and look forward to working with him and administration to this end. I join my colleagues in congratulating and wishing him and his transition team well as they take up their new responsibilities.

Mr. PAYNE. Madam Speaker, I have no more requests for time, and I yield back the balance of my time.

Mr. ROYCE. Madam Speaker, I yield back the balance of my time as well.

The SPEAKER pro tempore (Mrs. JONES of Ohio). The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 947.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PAYNE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXTENDING PARITY IN APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS

Mr. PALLONE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4848) to extend for one year parity in the application of certain limits to mental health benefits, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4848

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PARITY IN APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—Section 9812(f)(3) of the Internal Revenue Code of 1986 is amended by striking "2007" and inserting "2008".

(b) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 712(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a(f)) is amended by striking "2007" and inserting "2008".

(c) AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.—Section 2705(f) of the Public Health Service Act (42 U.S.C. 300gg–5(f)) is amended by striking "2007" and inserting "2008".

SEC. 2. INCLUSION OF MEDICARE PROVIDERS AND SUPPLIERS IN FEDERAL PAYMENT LEVY AND ADMINISTRATIVE OFFSET PROGRAM.

(a) IN GENERAL.—Section 1874 of the Social Security Act (42 U.S.C. 1395kk) is amended by adding at the end the following new subsection:

"(d) INCLUSION OF MEDICARE PROVIDER AND SUPPLIER PAYMENTS IN FEDERAL PAYMENT LEVY PROGRAM.—

"(1) IN GENERAL.—The Centers for Medicare & Medicaid Services shall take all necessary steps to participate in the Federal Payment Levy Program under section 6331(h) of the Internal Revenue Code of 1986 as soon as possible and shall ensure that—

"(A) at least 50 percent of all payments under parts A and B are processed through such program beginning within 1 year after the date of the enactment of this section;

"(B) at least 75 percent of all payments under parts A and B are processed through such program beginning within 2 years after such date; and

"(C) all payments under parts A and B are processed through such program beginning not later than September 30, 2011.

"(2) ASSISTANCE.—The Financial Management Service and the Internal Revenue Service shall provide assistance to the Centers for Medicare & Medicaid Services to ensure that all payments described in paragraph (1) are included in the Federal Payment Levy Program by the deadlines specified in that subsection.".

(b) APPLICATION OF ADMINISTRATIVE OFFSET PROVISIONS TO MEDICARE PROVIDER OR SUPPLIER PAYMENTS.—Section 3716 of title 31, United States Code, is amended—

(1) by inserting "the Department of Health and Human Services," after "United States Postal Service," in subsection (c)(1)(A); and

(2) by adding at the end of subsection (c)(3) the following new subparagraph:

"(D) This section shall apply to payments made after the date which is 90 days after the enactment of this subparagraph (or such earlier date as designated by the Secretary of Health and Human Services) with respect to claims or debts, and to amounts payable, under title XVIII of the Social Security Act.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 3. DEPOSIT OF EXCESS SAVINGS IN PAQI FUND.

(a) IN GENERAL.—In addition to any amounts otherwise made available to the Physician Assistance and Quality Initiative Fund under section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w–4(l)(2)), there shall be made available to such Fund—

(1) $93,000,000 for expenditures during or after 2009;

(2) $212,000,000 for expenditures during or after 2014; and

(3) $44,000,000 for expenditures during or after 2018.

(b) OBLIGATION.—The Secretary of Health and Human Services shall provide for expenditures from the Fund specified in subsection (a) in a manner designed to provide (to the maximum extent feasible) for the obligation of the entire amount specified in—

(1) subsection (a)(1) for payment with respect to physicians' services furnished during or after January 1, 2009;

(2) subsection (a)(2) for payment with respect to physicians' services furnished on or after January 1, 2014; and

(3) subsection (a)(3) for payment with respect to physicians' services furnished on or after January 1, 2018.

SEC. 4. PROTECTION OF SOCIAL SECURITY.

To ensure that the assets of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401) are not reduced as a result of the enactment of this Act, the Secretary of the Treasury shall transfer from the general revenues of the Federal Government to those trust funds the following amounts:

(1) For fiscal year 2008, $1,000,000.

(2) For fiscal year 2009, $5,000,000.

(3) For fiscal year 2010, $1,000,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Pennsylvania (Mr. TIM MURPHY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

I rise to urge support for this bill which was developed jointly by the Energy and Commerce Committee, the Ways and Means Committee, and the Education and Labor Committee. This bill would extend the Mental Health Parity Act of 1996, the first-ever Federal parity law.

Over 10 years ago, Congress passed and President Clinton signed into law legislation that required partial parity by mandating that annual and lifetime dollar limits for mental health treatment under group health plans offering mental health coverage be no less than that for physical illnesses. This legislation was authorized for 5 years, and has been extended every year with bipartisan support since its initial authorization expired. The bill before us would extend the Mental Health Parity Act for another year. I urge my colleagues on both sides of the aisle to support its passage.

Madam Speaker, let me also say that while the 1996 law was a good first step, we clearly have much further to go before we can achieve full mental health parity. That is why it is imperative that we pass H.R. 1424, the Paul Wellstone Mental Health Parity and Addiction Equity Act of 2007, introduced by my colleagues Representative PATRICK KENNEDY and Representative JIM RAMSTAD. I want to congratulate and thank both of them. Mr. KENNEDY will be speaking shortly in favor of his legislation.

In spite of the 1996 law and widespread recognition that mental illness and substance abuse are treatable illnesses, there still exist glaring inequities between health insurance coverage for mental health and that for other medical conditions. As we all know, these inequities can have dire consequences for friends, families and society in general. H.R. 1424 will take our Nation one step further to ensuring that every American can access the mental health, substance abuse and addiction treatment that they need to live healthy, happy and productive lives.

Madam Speaker, by putting mental health on par with medical and surgical benefits, we will be improving the availability and affordability of health care for those who suffer from mental health illnesses and addiction diseases. This will not only reduce the pain and anguish of many of our constituents and their families, but will benefit our Nation as a whole. So let's extend the good work that has already been done and work together to build upon the framework so that we can improve the lives of millions of Americans.

I reserve the balance of my time, Madam Speaker.

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, I yield myself as much time as I may consume.

We're gathered here today to debate or support H.R. 4848, a bill which extends that which Congress has passed before, and that was an important bill for its time. It's an important bill to extend for, in doing so, we acknowledge the innate value of helping those suffering from mental illness. We acknowledge in Congress that for those who suffer these afflictions, they may be relieved of that suffering through receiving necessary treatment.

In compassion, we as a body extend our hand in support of those who suffer the pains of mental illness. We acknowledge that their illnesses are real, and that the appropriate treatments give them hope to slough off the yoke of their illness and again become a fully productive member of our Nation, our workplace and our family.

The significance of this act may be overshadowed by other events of the day, but it is essential that we not fail to appreciate the value of this moment, not only in terms of what this bill does but what it does not do and, moreover, why we need to enact this law at all.

First to the reasons for this bill. As John Adams said, "Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other."

He made that comment not because our Constitution is a vehicle to support any particular religion; rather, he noted the inherent inadequacies of any body of laws, and that they cannot replace the moral light that should guide us when no law has yet been writ to define that path.

Indeed, we cannot legislate common sense, we cannot mandate morality, and we cannot litigate compassion. We can, however, establish laws to define the limits of what can be tolerated. And where the laws do not apply, we hope that the goodness and faith that guides our hearts is sufficient to drive us to do the right thing.

Unfortunately, when it comes to dealing with mental illness, our society, our culture and our government has failed to do the right thing. We have spent billions, hundreds of billions, I dare say, over the years to help those with mental illness, but we have remained short-sighted at best, or blind at worst as to what we truly must do.

It is my wish that people would be personally guided by their own sense of justice and compassion to do the right thing in the treatment of mental illness. Instead, we remain willfully and woefully ignorant to the causes, the diagnoses, and the treatment of mental illness. We have denied its very existence, perhaps wasting our hope in the hope it would go away. We have instead tried to wish away its effects. We have minimized the impact, trivialized the causes, and criticized the patients. We have used words to make mental illness the butt of cruel jokes. We have used words like "crazy" or "retarded" or "idiot," as if attaching a derogatory label would free us from the responsibility for helping or treating those with these illnesses.

I ask you: Would we use such disparaging remarks to describe persons with cancer, with diabetes, with heart disease? Could demeaning words make any of those diseases disappear or less painful? Can derisive words motivate someone to seek help? No, instead they drive the person further into the shadows to deny their own illness, to avoid treatment and not even help themselves.

In many ways, we have not advanced very far beyond the days of the Salem witch trials when those with mental illness were ignorantly tried as criminals, sentenced to death, or cruelly treated with torture.

Think this is not true today? Well, think again. Our prisons are filled with persons who suffer from mental illness. Our courts are packed with victims of child abuse or sex abuse. Our churches are filled with those who are praying to be relieved of the terrible strains befalling them. Families break up. Jobs are lost. Children fail in school and lives are lost from untreated mental illness. And yet we continue to deny it is there and place barriers between the patient and the cure.

In my many years of practicing psychology, I have never, never met a patient who was cured by denial. But denial is the common treatment for so many when it comes to acknowledging or treating mental illness.

Listen, you cannot whisper it away, for even in the silence, even in the darkness, mental illness cries out for help.

One in five Americans will suffer from a diagnosable mental illness. One in 10 young people suffer from mental illness severe enough to cause some form of impairment.

Untreated drug and alcohol addictions cost Americans $400 billion each year. A Rand study estimated that depression alone cost employers $51 billion per year in absenteeism and lost productivity.

Suicide is the eighth leading cause of death in the United States. More years of life are lost to suicide than any other single cause except heart disease and cancer.

Thirty thousand Americans commit suicide annually, and half a million attempt it. Among college students, three die each day from suicide.

The Federal Government estimates that about 12½ million people have alcohol problems. It costs businesses $134 billion a year in lost productivity.

Does treatment work to help people with mental illness? Yes, it does. Studies of depression in the workplace have shown thousands of dollars of savings per employee when they receive treatment.

We note that when 80 percent of health care costs are used to treat chronic illness, that the risk for depression doubles among those who are chronically ill and not receiving treatment. The cost doubles as well.

The combination of appropriate medication and treatments have been very effective in treating anxiety, depression, bipolar illness and behavior disorders. But when health plans do not pay for appropriate professional care, where does the treatment come from?

Seventy-five percent of psychiatric medications are prescribed by non-psychiatrists. Now look at that in the context of other illnesses. Would we tolerate it if 75 percent of insurance plans said that most babies would be delivered by people with minimal training? How about requiring that brain surgery is done by those who only had a few weeks of training in medical school. Would we accept that? We would not.

This bill extends what we have done before. It helps in a small but important way. But it does not move us to where we need to be. Perhaps the lesson here is that there are many things we need to do for ourselves, many things we need to do to reach out to others and help. But it does not cure the barriers. It does not identify which diagnoses need to be treated. We will need to do more. Eventually we as a Nation need to come to terms with what needs to be done. The cost savings of providing the right treatment are huge. The costs of continuing to provide the wrong care, or denying care, are massive.

As Benjamin Franklin said, "By failing to prepare, you are preparing to fail."

Madam Speaker, I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield 3 minutes to the gentleman from Rhode Island (Mr. KENNEDY), who has probably done more to address the issue of mental health parity than any Member of Congress. He actually came to my district, we had a hearing on the issue, and I really appreciate all that he has done on the issue.

Mr. KENNEDY. I thank Chairman PALLONE for his work in bringing the extension of this mental health parity law to the floor. I want to acknowledge his help on H.R. 1424, the Paul Wellstone Mental Health and Addiction Act, and say I join him in saying today is a great start in us extending this law on lifetime and annual limits. But, as he mentioned, we want to get full parity, which means we want to get the real bill that extends full coverage of mental illnesses to all health insurance plans. Just as we would expect health insurance plans to cover the rest of our body, cancer, diabetes, everything else, we shouldn't expect any less for mental illnesses.

And yet, unlike many other physical illnesses, mental illnesses are excluded from most health insurance plans. In fact, 98 percent of our health insurance plans in America charge higher copays and deductibles for mental illnesses simply because of stigma, simply because of discrimination.

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Because of the shame and because Americans are too afraid to say that they are willing to say enough is enough, and they're not willing to say that's wrong, and they're not going to sit idly by while insurance companies say that they can get away with it, we in the Congress ought to stand up and say, enough is enough. We are going to pass the law that says civil rights matter in this country, and if you are born with a mental illness, just as if you were born with any kind of physical disability, you should not be discriminated against. And that is what we mean when we say we want to pass the Paul Wellstone Mental Health and Addiction Equity Act. We can't afford any more days without this law.

As my good friend said over here, each year 1.3 billion workdays are lost due to mental disorders, more than any other, arthritis, stroke, heart attack, or cancer combined.

We cannot afford one more day without parity because the Department of Justice estimates that drug-related crime costs our Nation $107 billion a year. We cannot afford one more day without parity because 80 percent of the trauma-related admissions in our emergency rooms in this country are drug- and alcohol-related, implicated in car accidents, shootings, stabbings, and domestic and violent incidences, as well as overdoses.

We cannot afford one more day without parity because workers' untreated depression cost their employers $31 billion a year in lost productivity and cost their employers $135 billion in lost productivity just due to alcoholism alone.

I will tell you this: We are paying for this in so many other ways, we cannot afford not to spend the money on treatment up front.

But the fact of the matter is, insurance companies continue to deny treatment. Just take one case of Katie Kevlock, a 16-year-old from Pennsylvania. The insurance company said to her, It is not enough that you came in here hooked on heroin. We need to see you overdose before we are going to give you treatment coverage.

Guess what her mother said? Well, I'm not sure my daughter's got an overdose in her before I can bring her back for her treatment.

Well, guess what? She, of course, overdosed, and she didn't survive that overdose. But that's what that insurance company demanded. They demanded that she have an overdose before she qualified for treatment, but she didn't survive that overdose. She died like millions of other Americans, and that is the cost of us not providing treatment.

Treatment works. Recovery works. We need to end the stigma of mental illness and addiction in our society. That's why we need to pass H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act; and that's why we need to extend the bill today to provide one more year of annual lifetime limits for the current parity law.

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, I appreciate the compassion and passion of my friend from Rhode Island who has been such a leader in mental health parity.

I yield such time as he may consume to the gentleman from New Jersey (Mr. FERGUSON), another great leader whose heart goes out to those in need of mental health issues.

Mr. FERGUSON. Madam Speaker, I want to thank the gentleman from Pennsylvania for the time. I want to thank Chairman PALLONE for his work on this legislation as well.

I rise today in support of H.R. 4848. This important legislation will extend the current mental health parity laws to individuals that desperately need coverage and care.

Madam Speaker, I dare say every single one of us in this Chamber, and probably everyone we know, knows someone, cares about someone, perhaps a member of our very own family, who has faced the challenge of mental illness and who could benefit from additional mental health coverage.

Thousands and thousands of people suffer from mental health illnesses and addictions in our country. My family is no different from any other family who maybe has a loved one or a member of that family who has dealt with these very significant and difficult problems. This legislation would continue bringing much-needed treatment to those who are in such need.

Addictions and mental illnesses are afflictions that have long been stigmatized and brushed aside by our society and our institutions. Not only is this societal perception deterring many individuals from seeking and receiving much-needed treatment, but also the lack of insurance coverage for such treatments prevents many individuals from gaining access to the critical help and the treatments that they need.

Many individuals go months or maybe even years without treatment for serious illnesses due to the stigma that our society has placed on these serious diseases. They feel like they must hide their illness from their friends or their family while trying to lead a normal life.

However, these illnesses and the individuals who suffer from them deserve care and treatment just as if they were suffering from some other illness or disease. The victims of mental illness should no longer have to suffer in silence and in secret.

For too long, people have been told they must take care of themselves while battling these diseases and illnesses. Those battling their debilitating effects haven't been able to receive the stability of care that's available when adequate health insurance coverage is in place.

The legislation we are considering today takes steps in the right direction by continuing the current mental health parity laws. However, current laws are not perfect, and they need to be amended to improve the health care of mental addictions and illnesses in our country.

I have been a proud cosponsor of the mental health parity efforts in the past, and I will continue to be an ardent supporter of these efforts to have full mental health parity in America. I support legislation that was already mentioned, the Paul Wellstone Mental Health and Addiction Equity Act, which is legislation that would make full mental health parity the law of the land. This legislation is needed, and it should have been passed long ago.

This legislation has been championed by my good friend PATRICK KENNEDY, the Member from Rhode Island, who we just heard from. He's been such a leader on this effort, and he and JIM RAMSTAD of Minnesota, from our side of the aisle, have really worked so hard and so diligently on this legislation. I really believe that through their work, and the work of many of us, we will help to deliver what people battling addiction and mental illness have long needed and want; that is, the help that they need.

We have to continue to ensure that every individual has access to the health care coverage that they need. Every single individual that's affected by these sicknesses should not be without mental health coverage in our country.

I urge my colleagues to support H.R. 4848 to continue to provide mental health coverage to the thousands of individuals who are so desperately in need of that help.

Mr. PALLONE. Madam Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. Madam Speaker, I want to thank my colleague Representative PALLONE on his work on H.R. 4848 which is important for us to support because it does extend certain mental health coverages. But as we've all been saying here today, it is just as important that we continue to work very hard to enact and pass H.R. 1424, which is the Paul Wellstone Mental Health and Addiction Equity Act, and I want to salute Representatives RAMSTAD and KENNEDY for their tremendous work on this bill.

Mental health parity is the right thing to do. Clearly, there are so many individuals and families that are in pain in this country because they are not receiving the mental health counseling services, the substance abuse and addiction treatment services that they deserve and that our society ought to provide to them.

But it is also the smart thing to do. All of the statistics, even if you just wanted to look at this through the cold, calculating lens of what the bottom line represents in terms of cost to our system and our society, all of the studies that have been done show that there are tremendous savings to be had if we focus on these kinds of service.

There have been many statistics that have been cited today. I will cite a few more. Depressed workers lose 5½ hours per week of productive work time. That adds up to tens of billions of dollars lost a year to employers. Alcohol-related illness and premature death cost over $130 billion in lost productivity in 1998, and the statistics go on and on and on.

Even the most tightfisted insurer will discover very quickly once we have mental health parity in place that the costs are a lot and that, in fact, there are savings to be had as you reallocate dollars to mental health treatment and substance abuse treatment in terms of the savings in related medical treatment.

So it is absolutely the right thing to do, and particularly at this time when we have so many stories of returning veterans who are suffering from traumatic brain injury, from mental health issues and need the support that can come from this, from this larger bill, from the Paul Wellstone Act.

So I urge my colleagues to support this extension through H.R. 4848 of certain mental health coverages, but I join all those who are advocating very strongly that we move forward and enact the larger bill, the Paul Wellstone Mental Health and Addiction Equity Act of 2007.

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, I am just inquiring how much time we have remaining.

The SPEAKER pro tempore. The gentleman from Pennsylvania has 9½ minutes, and the gentleman from New Jersey has 10½ minutes.

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, one of the important points that we need to recognize as we address these issues of mental health and mental illness today are the causes. For so often, as I described earlier, when people are thinking about or talking about mental illness, we oftentimes do not understand that it really is a problem of brain functioning. It's written off too often as the worried well of people complaining or malingering, when really we need to understand the following.

When we're talking about problems with heart disease, it's easy to look upon those problems, to look at X-rays and other tests and MRIs and see if the function of the heart is appropriate, if the valves are working, if the arteries and veins are blocked or free.

When we look at other illnesses throughout the body, there are so many tests which we have grown accustomed to, MRIs, CT scans, EKGs, et cetera. And we look at those things and we're able to see that something is wrong based upon the results of those tests.

One of the problems with mental illness, leading to the prejudices about mental illness, is that there are no tests like that. One cannot take an X-ray of the brain and say that the person has depression or anxiety disorder or bipolar illness. There have been multiple studies looking at patterns that may show up on some tests. But my point is this: Just because we cannot see it on a medical test like that does not mean it does not exist.

Back in the 1800s, Louis Pasteur described the microbes that finally led us to understand about germs and diseases. Before that, no one had any tests to look at that. It did not mean they didn't exist. That merely meant that we did not know that they were there. But it was a full century later before we found that one could treat diseases with antibiotics, and we're still learning more about it.

So, too, it is important we understand that so often when discussing these issues of mental illness treatment, people raise the question that you cannot really test for it. Now, those are areas that science and research are still needed to determine what we can do, but it does not mean they don't exist just because we cannot find those.

Instead, what we rely on is the comments made by persons themselves or watching the behavior of persons because, indeed, those are the indicators that tell us something is wrong with the function of the human brain. It is a neurological problem. It is a neurobehavioral exhibition of those problems. It is those problems that we have to understand that sometimes are treated with medication and sometimes are treated with counseling and sometimes both, but we have to make sure we understand that we cannot write these off with treatments just by ignoring them or just saying that someone else without treatment because an insurance plan will cover that is enough.

☐ 1645

Many times cardiologists will tell us that they recognize when they give someone a diagnosis that it's terminal or severe, that many of those patients will themselves exhibit symptoms of depression, so they automatically write a prescription for an antidepressant drug. That's not enough.

The comments I made before about how, when a person has a chronic illness, their health care costs can double if they have untreated depression, that alone should wake us up to understand that we need to be treating mental illness, not ignoring it. That alone should wake up employers to understand that improved productivity and lowered health care costs should be enough to motivate us to do that. That alone should be information that the Congressional Budget Office, who scores these bills, should tell us that there are scores that are important in terms of savings. Unfortunately, they don't tell us scores for prevention. And so it goes on.

These are things we need to be continuing to do, and that's why we will continue to support this bill.

Madam Speaker, I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, allow me to thank the distinguished gentleman from New Jersey for his kindness and his leadership, and to add my appreciation as well for Congressman KENNEDY for the years that he has worked on this issue. And I join them in raising our voices.

I remember the leadership that came from another Member from New Jersey, and Congressman PALLONE has now embraced this issue in his capacity and leadership on the Energy and Commerce Committee. And my classmate, Congressman KENNEDY, has been pressing this message along with Congressman RAMSTAD for a very long time, that we have the capacity and the empathy and sympathy to address the question of mental health parity, but we have not yet had the energy and the results-oriented efforts that it needs.

I pay tribute, of course, to the late Senator Paul Wellstone, who came to my district some years ago through my invitation as cochair of the Congressional Children's Caucus and visited our juvenile detention centers and emphasized that many of the juveniles that were then incarcerated also needed greater access to mental health facilities and mental health services.

Mental health parity and the extension thereof of the annual lifetime limits is crucial to save lives. How many of us have seen on the news or addressed our constituents where seniors, parents are calling the police for their adult children who are suffering from mental health needs? Tragically, some of those encounters end in death. There is no need for that.

In addition, we will be seeing, as the war in Iraq ends and Afghanistan's war and conflict ends, numbers of individuals coming back who have been diagnosed with post-traumatic stress, and we will say that's the Veterans Affairs' concern, or brain trauma. Yes, in the realm of the framework of their return, it may be; but they will live, and through their lifetime may have encounters that need to have the coverage of a mental health parity bill.

I support H.R. 4848 and thank Congressman PALLONE for the insight to move forward on this extension. But I pray tell that we will find it in our determination to move forward on the Paul Wellstone parity bill that is being carried by Congressman KENNEDY and a number of others. I have supported this legislation for a number of years, so I rise enthusiastically for H.R. 4848.

And, if I might, having missed the discussion on H. Con. Res 283, the bill dealing with Kenya, I simply want to add my statement into the RECORD, but call out for the compliance with this legislation, as it is passed, that we have sanctions for those who will not come to the peace table, that we compliment Kenya for its democracy, but, as well, that we push them toward a settlement of this vicious incident, having killed 900 people.

I end my comments by asking for enthusiastic support for H.R. 4848.

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, many important things have been said by several Members, and passionately, on this bill. What we also have to remember, as we wrap this up, is somewhere in America there are people who are suffering in silence, there are children who are facing abuse, angry spouses who are attacking one another, anxious mothers struggling to care for their children, and, of course, throughout the workplace, as has been so carefully documented here, so many problems. It is important that we not only pass this bill strongly but also continue to work together.

I commend my colleague, Chairman PALLONE, and the work that he does and to continue the work that he does in leading this. Myself and many Members from our side of the aisle continue to stand ready to make sure we work out any issues with regard to expanding issues of mental health parity. We know that all of us care deeply about those in need and all of us remain committed to helping those in need from our side of the aisle.

Mr. DINGELL. Madam Speaker, today we are voting to extend for 1 year, through 2008, the 1996 Mental Health Parity Act. This act bars the use of arbitrary annual and lifetime caps on mental health services if they are not also used on other medical benefits. We need to extend this first good step taken by Congress more than a decade ago, but there is still work to be done to reach true parity in the treatment of mental illnesses and substance abuse disorders.

When the Mental Health Parity Act of 1996 passed Congress, it provided only partial parity for mental illness and excluded addiction benefits from the equitable treatment other mental health services received under the bill. Left untouched were other important and potentially costly parts of an insurance policy such as limits on inpatient days and outpatient visits and other out-of-pocket expenses such as copays, coinsurance, and deductibles. These limits result in denying millions of Americans needed treatment and/or incurring huge out-of-pocket costs.

The U.S. Government Accountability Office found in a May 2000 report that 87 percent of employers complying with the act merely substituted other restrictive limits on things already mentioned for the annual and lifetime limits prohibited under the 1996 act.

Today we must not only extend the Mental Health Parity Act of 1996 but also continue to work on building this act to achieve true parity by passing H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act of 2007. The legislation has been favorably approved by all three committees of jurisdiction in the House.

Mental illness and alcohol and drug addiction are painful and private struggles with staggering public costs, not to mention the toll these conditions take on families and communities. Representatives KENNEDY and RAMSTAD have been faithful champions of the Mental Health Parity Act of 1996 and speak courageously of their own triumphs.

I urge my colleagues to vote to extend the authorization of the current protections already in place and to continue to work for more comprehensive parity.

Mr. GENE GREEN of Texas. Madam Speaker, I rise today in support of H.R. 4848. This legislation is an extension of the Mental Health Parity Act of 1996.

This bill requires that annual and lifetime dollar limits for mental health treatment under group health plans offering mental health coverage be no less than that for physical illnesses.

Mental disorders are the leading cause of disability in the U.S. for individuals between the ages of 15–44. In fact, 54 million Americans currently suffer from mental illness.

Unfortunately, the stigma of mental illness prevents millions of Americans from receiving the health care they need. Arbitrary limits on insurance benefits also serve as a significant barrier to many Americans seeking help.

The original Mental Health Parity Act of 1996 was an important first step toward mental health parity and mandated that annual and lifetime limits in mental health coverage be equal to those applied to medical and surgical benefits.

While I support this bill, I strongly believe that we must pass H.R. 1424, the Paul Wellstone Mental Health Parity and Addiction Equity Act of 2007.

The scientific community has long told us that mental illness and substance abuse are biologically-based, and the Surgeon General recognized that fact in the 1999 Surgeon General's report.

The sad reality, however, is that the health insurance market still does not provide true parity to mental health and substance abuse coverage.

Individuals who struggle with mental illness or substance abuse have no guarantee they'll get the treatment they need—even if they have health insurance.

Mental illness and substance abuse are serious issues for many Americans who too often do not receive the appropriate treatment. Twenty-six million Americans struggle with substance abuse addictions.

I hope that we will recognize the struggles that individuals with substance abuse addictions face in seeking treatment.

I strongly support H.R. 4848 and hope that we will build on this piece of legislation by considering H.R. 1424, the Paul Wellstone Mental Health Parity and Addiction Equity Act of 2007 sometime this session.

Mr. CONYERS. Madam Speaker, I rise to voice my support for H.R. 4848, the extension of the Mental Health Parity Act of 1996 (MHPA). This legislation would extend MHPA for 1 year, maintaining the current provisions for parity in the application of certain limits to mental health benefits.

For group plans that choose to offer mental health benefits, the MHPA requires those plans to provide benefits for mental health treatment subject to the same annual and lifetime dollar limits as their coverage of physical illnesses. Unfortunately, insurance plans may still limit the amount and type of mental health treatment covered. For example, an insurance company can cap the number of times a patient may visit the doctor's office, not only annually, but over the course of a lifetime.

"Partial parity" is an oxymoron. Rather than rely on stop-gap measures and patch-work fixes, the need for true mental health insurance parity must be recognized and acted upon. I strongly encourage my fellow members to quickly pass H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act of 2007, which puts mental health coverage on an equal footing with medical and surgical coverage.

The inequity of coverage with regard to mental health and substance abuse treatment benefits is tantamount to discrimination against the mentally ill. It is built upon the insurance companies' strategy of denying rather than providing care in order to maximize profits. The notion that an insurance company can limit medical care based on cost is immoral. Only medical professionals should dictate the amount and type of care a patient receives. H.R. 676, the United States National Health Insurance Act, would provide health care coverage for all, including coverage of mental health and substance abuse treatment.

Madam Speaker, it is our duty to end this intolerable discrimination against the mentally ill, and provide timely, appropriate, and adequate health care for all, free of the loopholes, pitfalls, and entanglements which exist under the current fragmented, non-system of care.

Mr. RODRIGUEZ. Madam Speaker, today I stand in support of H.R. 4848, extension for 1 year, parity in the application of certain limits to mental health benefits.

H.R. 4848 would amend the Employee Retirement Income Security Act of 1974 (ERISA), and the Public Health Service Act to extend until December 31, 2008, mental health parity provisions, which require group health plans to treat equally mental health benefits and medical and surgical benefits for purposes of lifetime limits or annual limits on benefits covered by the plan.

Approximately two-thirds of individuals with potentially diagnosable disorders do not seek treatment. A majority of insured and uninsured individuals suffering from untreated mental health disorders mention cost as the primary reason that they do not use or seek mental health treatment. This is due in part to unequal health insurance coverage for mental health services, which results in significant cost-shifting from private insure to individuals.

As a former social worker, I personally know untreated mental illness is associated with a number of societal problems. Such as, higher rates of unemployment, crime and increased welfare cost.

Parity for mental health is needed because, left on their own very few employers would offer mental health benefits at a level that is equal to medical and surgical benefits in their group health plan.

Mental health is a serious issue facing many Americans. The goal of H.R. 4848 is to make sure everyone gets effective quality treatment for mental illness. In order for that to happen, mental illness needs to be treated just like other surgical and medical treatments.

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 4848, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman, one of his secretaries.

DO-NOT-CALL REGISTRY FEE EXTENSION ACT OF 2007

Mr. BUTTERFIELD. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 781) to extend the authority of the Federal Trade Commission to collect Do-Not-Call Registry fees to fiscal years after fiscal year 2007.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 781

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Do-Not-Call Registry Fee Extension Act of 2007".

SEC. 2. FEES FOR ACCESS TO REGISTRY.

Section 2, of the Do-Not-Call Implementation Act (15 U.S.C. 6101 note) is amended to read as follows:

"SEC. 2. TELEMARKETING SALES RULE; DO-NOT-CALL REGISTRY FEES.

"(a) IN GENERAL.—The Federal Trade Commission shall assess and collect an annual fee pursuant to this section in order to implement and enforce the 'do-not-call' registry as provided for in section 310.4(b)(1)(iii) of title 16, Code of Federal Regulations, or any other regulation issued by the Commission under section 3 of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6102).

"(b) ANNUAL FEES.—

"(1) IN GENERAL.—The Commission shall charge each person who accesses the 'do-not-call' registry an annual fee that is equal to the lesser of—

"(A) $54 for each area code of data accessed from the registry; or

"(B) $14,850 for access to every area code of data contained in the registry.

"(2) EXCEPTION.—The Commission shall not charge a fee to any person—

"(A) for accessing the first 5 area codes of data; or

"(B) for accessing area codes of data in the registry if the person is permitted to access, but is not required to access, the 'do-not-call' registry under section 310 of title 16, Code of Federal Regulations, section 64.1200 of title 47, Code of Federal Regulations, or any other Federal regulation or law.

"(3) DURATION OF ACCESS.—

"(A) IN GENERAL.—The Commission shall allow each person who pays the annual fee described in paragraph (1), each person excepted under paragraph (2) from paying the annual fee, and each person excepted from paying an annual fee under section 310.4(b)(1)(iii)(B) of title 16, Code of Federal Regulations, to access the area codes of data in the 'do-not-call' registry for which the person has paid during that person's annual period.

"(B) ANNUAL PERIOD.—In this paragraph, the term 'annual period' means the 12-month period beginning on the first day of the month in which a person pays the fee described in paragraph (1).

"(c) ADDITIONAL FEES.—

"(1) IN GENERAL.—The Commission shall charge a person required to pay an annual fee under subsection (b) an additional fee for each additional area code of data the person wishes to access during that person's annual period.

"(2) RATES.—For each additional area code of data to be accessed during the person's annual period, the Commission shall charge—

"(A) $54 for access to such data if access to the area code of data is first requested during the first 6 months of the person's annual period; or

"(B) $27 for access to such data if access to the area code of data is first requested after the first 6 months of the person's annual period.

"(d) ADJUSTMENT OF FEES.—

"(1) IN GENERAL.—

"(A) FISCAL YEAR 2009.—The dollar amount described in subsection (b) or (c) is the amount to be charged for fiscal year 2009.

"(B) FISCAL YEARS AFTER 2009.—For each fiscal year beginning after fiscal year 2009, each dollar amount in subsection (b)(1) and (c)(2) shall be increased by an amount equal to—

"(i) the dollar amount in paragraph (b)(1) or (c)(2), whichever is applicable, multiplied by

"(ii) the percentage (if any) by which the CPI for the most recently ended 12-month period ending on June 30 exceeds the baseline CPI.

"(2) ROUNDING.—Any increase under subparagraph (B) shall be rounded to the nearest dollar.

"(3) CHANGES LESS THAN 1 PERCENT.—The Commission shall not adjust the fees under this section if the change in the CPI is less than 1 percent.

"(4) PUBLICATION.—Not later than September 1 of each year the Commission shall publish in the Federal Register the adjustments to the applicable fees, if any, made under this subsection.

"(5) DEFINITIONS.—In this subsection:

"(A) CPI.—The term 'CPI' means the average of the monthly consumer price index (for all urban consumers published by the Department of Labor).

"(B) BASELINE CPI.—The term 'baseline CPI' means the CPI for the 12-month period ending June 30, 2008.

"(e) PROHIBITION AGAINST FEE SHARING.—No person may enter into or participate in an arrangement (as such term is used in section 310.8(c) of the Commission's regulations (16 C.F.R. 310.8(c))) to share any fee required by subsection (b) or (c), including any arrangement to divide the costs to access the registry among various clients of a telemarketer or service provider.

"(f) HANDLING OF FEES.—

"(1) IN GENERAL.—The commission shall deposit and credit as offsetting collections any fee collected under this section in the account 'Federal Trade Commission—Salaries and Expenses', and such sums shall remain available until expended.

"(2) LIMITATION.—No amount shall be collected as a fee under this section for any fiscal year except to the extent provided in advance by appropriations Acts.".

SEC. 3. REPORT.

Section 4 of the Do-Not-Call Implementation Act (15 U.S.C. 6101 note) is amended to read as follows:

"SEC. 4. REPORTING REQUIREMENTS.

"(a) BIENNIAL REPORTS.—Not later than December 31, 2009, and biennially thereafter, the Federal Trade Commission, in consultation with the Federal Communications Commission, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that includes—

"(1) the number of consumers who have placed their telephone numbers on the registry;

"(2) the number of persons paying fees for access to the registry and the amount of such fees;

"(3) the impact on the 'do-not-call' registry of—

"(A) the 5-year reregistration requirement;

"(B) new telecommunications technology; and

"(C) number portability and abandoned telephone numbers; and

"(4) the impact of the established business relationship exception on businesses and consumers.

"(b) ADDITIONAL REPORT.—Not later than December 31, 2009, the Federal Trade Commission, in consultation with the Federal Communications Commission, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that includes—

"(1) the effectiveness of do-not-call outreach and enforcement efforts with regard to senior citizens and immigrant communities;

"(2) the impact of the exceptions to the do-not-call registry on businesses and consumers, including an analysis of the effectiveness of the registry and consumer perceptions of the registry's effectiveness; and

"(3) the impact of abandoned calls made by predictive dialing devices on do-not-call enforcment.".

SEC. 4. RULEMAKING.

The Federal Trade Commission may issue rules, in accordance with section 553 of title 5, United States Code, as necessary and appropriate to carry out the amendments to the Do-Not-Call Implementation Act (15 U.S.C. 6101 note) made by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BUTTERFIELD) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. BUTTERFIELD. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BUTTERFIELD. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the bill we are considering on the House floor today, which is Senate 781, the Do-Not-Call Registry Fee Extension Act, is identical to H.R. 2601, which was introduced by my friend Mr. STEARNS, the former ranking member of the Subcommittee on Commerce, Trade and Consumer Protection.

On December 11 of last year, the House passed H.R. 2601 by voice vote, and I urge similar swift passage of S. 781 today.

Madam Speaker, this bill extends the authority of the Federal Trade Commission to collect the fees that administer and enforce the provisions relating to the national do-not-call registry. In 2003, Congress passed the Do-Not-Call Implementation Act, which authorized the FTC to establish fees sufficient to implement the national do-not-call registry as originally authorized by the Telemarketing and Consumer Fraud and Abuse Prevention Act of 1994. As has been said on numerous occasions, this initiative has proven to be one of the most popular laws in history. Consumers have registered more than 145 million telephone numbers since the registry became operational in 2003. The FTC's authority to annually establish the appropriate level of fees to charge telemarketers for access to the registry expired several months ago, in 2007, and S. 781 restores that authority and renders it permanent. I will restate what I said back in December when we considered this legislation on the House floor. As Members of Congress, it is in our best interest to swiftly pass this bill in order to avoid the wrath of millions of angry constituents who are being called by telemarketers during dinner time. We need to facilitate the continuing operation of the do-not-call registry and vote for this bill.

As a result of an agreement reached with the chairman of the Senate Commerce Committee, we are sending to the President's desk for his signature the Senate-passed version of the bill introduced by Senator PRYOR. However, Senator PRYOR's bill is identical to Mr. STEARNS' bill, and my friend from Florida deserves all the credit for this fine piece of legislation. As is the case with the vast majority of bills passed out of the Subcommittee on Commerce, Trade, and Consumer Protection, of which I serve, this is a bipartisan measure that was crafted in consultation with the appropriate agency of expertise, in this case, the Federal Trade Commission. The original House bill passed the subcommittee by voice vote on October 23, and a week later on October 30 was unanimously approved in the full Energy and Commerce Committee. Majority and minority committee staff worked together on this bill. I am so proud of how they worked together. Mr. STEARNS, as well as the ranking member, Mr. BARTON of Texas, who is the ranking member of the full committee, should both be commended for their cooperation with Chairman JOHN DINGELL and Chairman BOBBY RUSH. I also would like to congratulate and welcome the distinguished gentleman from Kentucky (Mr. WHITFIELD) as the new ranking member of the subcommittee on which we serve. I am positive that the track record of bipartisan cooperation will continue under Mr. WHITFIELD's leadership. Unfortunately, it is my understanding that Mr. WHITFIELD, I looked forward to seeing him on the floor today, but he is currently in Kentucky dealing with the frightening devastation wrought by last night's tornadoes. Our thoughts and prayers go out to him and his constituents and all those who were adversely affected by this tragedy, not only in that State but in other States as well.

With that, Madam Speaker, I urge a "yes" vote.

At this time, I reserve the balance of my time.

Mr. STEARNS. Madam Speaker, I yield myself such time as I may consume.

Let me thank, first of all, the discerning, clairvoyant, highly observant and eloquent statements from the gentleman from North Carolina for his kindness in recognizing that it is, indeed, my bill. I appreciate his very eloquent statement.

Mr. WHITFIELD was supposed to be here, but, of course, with the tornadoes, he cannot be here. He flew back to Kentucky to take care of his constituents, so he is to be commended for that.

But I rise today also in support of this bill, which is my bill which came through my subcommittee, the Do-Not-Call Registry Fee Extension Act of 2007. The Senate bill is 781.

As pointed out, this bill is identical to H.R. 2601 which I introduced and which passed this Chamber by voice vote under suspension of the rules on December 11, last year. As the sponsor of the companion legislation to the Senate bill and as the former ranking member of the committee with jurisdiction over consumer protection, I assured all my colleagues that this legislation is necessary and, of course, very timely. The gentleman from North Carolina mentioned that it is one of the most popular bills we have passed in Congress, and indeed it is.

I can also assure each of you that it will have an immediate and meaningful impact on our constituents, much more so than many of the bills that we've passed this year.

The Congress originally passed the Do-Not-Call Act in 2003 in response to the growing concern about the persistent invasion of unsolicited telemarketing calls to consumers' homes. Now, at that point I was chairman of the Commerce, Trade, and Consumer Protection Subcommittee, and I took great pride that our committee came together with JAN SCHAKOWSKY, who was the ranking member, to put together the do-not-call registry. She is to be commended today, too, for her support and her enabling of this legislation.

The idea was very simple: Consumers could place their home phone numbers on a list, and telemarketers would then be prohibited from making unsolicited phone solicitation. In order to avail themselves of the tranquility afforded then by the registry, consumers simply call a toll-free number from the telephone line they wish to register, or they could add their number via the Internet. Telemarketers then access the registry at the Federal Trade Commission to obtain a list of registered numbers over the Internet and then remove their numbers from their call list. Pretty simple. These telemarketers then pay a simple fee for such access. It is those fees that fund the registry, including the maintenance and, ultimately, the enforcement of the violators of this legislation.

□ 1700

The program has been a huge success, as the gentleman from North Carolina has pointed out, with one recent polling finding there is over 150 million active telephone numbers on the registry. My colleagues, that's roughly 70 percent of Americans who avail themselves of the registry benefit. That poll also found over 90 percent of those registered with the do-not-call list do indeed receive fewer unsolicited telemarketing calls.

The Federal Trade Commission must also be commended for its part in making the registry a success. Without vigorous enforcement, a prohibition would be meaningless. Consumers who receive unwanted telemarketing calls log complaints via either a toll-free telephone number or the Internet. As a result, the commission has pursued 35 cases for violations of this do-not-call provision in the bill and has collected $25 million combined in civil penalties and equitable relief.

Unfortunately, the commission's authority to collect the fees necessary to maintain the registry expired last September. This legislation restores the commission's authority to collect the necessary fees to maintain and simply update the registry in a timely manner. Further, this act provides businesses with certainty into the future regarding the fees they pay to access the registry.

So, my colleagues, while this bill sets specific access fees, it also ensures Congress will receive the information necessary to assess in the future whether those fees are simply sufficient and appropriate. The Senate bill requires the Federal Trade Commission and the SEC to submit two reports to Congress biennially. One report shall include information regarding basic registry statistics such as the number of consumers registered, number of persons paying for access, and the impact of new telecommunications technology on the registry. The second report addresses consumer reports of abuse of registry exceptions, including the recent reports of "lead generators," unsolicited mailers, and we've all gotten those unsolicited mailers through the mail, used to establish a business relationship. Then once that business relationship is established, they can come back and call you or otherwise they trick you into answering these little lead generators. And most frequently the people who do answer them are seniors, who are very conscientious, and then that, in fact, involves waiving their do-not-call protections. As time passes and people think of new ways to circumvent these protections, we will want to ensure we have the necessary information to keep pace with these folks that are trying to trick our constituents, thereby protecting their original intent of the do-not-call registry.

In conclusion, Madam Speaker, many of our constituents still express their gratitude for enacting the original Do-Not-Call Act, simply enabling them to make their home hours more peaceful without irritating telemarketing interruptions, especially around suppertime. The popularity and success of the do-not-call registry is without question. It is successful and it is one area in which this Congress has acted in a bipartisan fashion, almost unanimously on the House floor with approval. So I urge all my colleagues' support.

Madam Speaker, I reserve the balance of my time.

Mr. BUTTERFIELD. I want to thank the gentleman for his comments.

Madam Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. STEARNS. Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. I thank the gentleman for yielding, and I thank both the chairman and the ranking member for bringing this bill to the floor.

Madam Speaker, as pointed out, this has been one of the most popular pieces of legislation that we could pass certainly during my short tenure in Congress. And, Madam Speaker, I would only point out that with a 10 percent approval rating, it is incumbent upon us to continue to pass legislation that is indeed popular.

I am an original cosponsor of the Do-Not-Call Registry Fee Extension Act, and as has been pointed out, this bill will extend the Federal Trade Commission's authority to collect fees and to administer and force the do-not-call registry. This registry is popular. This registry's effect has been profound.

Since the creation of this registry, as we heard testimony in our committee as we worked on the bill earlier this year, over 145 million telephone numbers have been registered. And as we heard from Ranking Member STEARNS a little while ago, that number is now up to 150 million telephone numbers.

As the Director of the Federal Trade Commission, Linda Parnes, eloquently stated in her testimony before the Energy and Commerce Committee last October, the do-not-call registry "helps to restore the sanctity of the American dinner hour."

While I firmly believe in a free market and I believe that businesses should be able to and should be responsible for formulating their own business plans and business practices, I also believe that Americans have a right to privacy. People should be able to have the option of whether or not they want to receive telephone calls from telemarketers in the privacy of their homes. Thanks to the do-not-call registry, Americans can sign up and they are afforded this decision and this discretion.

To keep the registry working in the future, it is imperative that we act swiftly and pass this important legislation to further extend the protection of privacy for all Americans. As Commissioner Parnes pointed out, let's help restore the sanctity of the American dinner hour once and for all.

Mr. STEARNS. Madam Speaker, I yield back the balance of my time.

Mr. BUTTERFIELD. Madam Speaker, I am going to urge my colleagues to vote "aye" on this measure, and let's send it on to the President's desk.

Mr. DINGELL. Madam Speaker, I rise in strong support of S. 781, the "Do-Not-Call Registry Fee Extension Act," and I urge its swift adoption by the House.

This bill is identical to H.R. 2601, which the House passed on December 11, 2007, to extend the authority of the Federal Trade Commission to collect fees to administer and enforce the provisions of law relating to the ever-popular national Do-Not-Call registry. The registry was established by Congress to enable citizens to place their personal phone numbers on a list that prohibits unwanted commercial solicitations over that number. By any measure, this program has been wildly successful—more than 145 million telephone numbers have been placed on the list, pesky phone calls from telemarketers have declined, and the FTC's enforcement has been vigorous—but the agency's ability to collect fees to fund this operation expired after September 2007. Therefore, we need to act.

By agreement with the Chairman of the Senate Committee on Commerce, we are sending the later Senate-passed bill to the President. At this time, I want to commend Representative STEARNS, the sponsor of the House-passed bill and then Ranking Subcommittee Member, for his leadership on this important consumer protection issue. I also commend Representative RUSH, a cosponsor of the House bill and Chairman of the Subcommittee on Commerce, Trade, and Consumer Protection, for expeditiously bringing that bill, of which I am the lead Democratic sponsor, to the House floor last year. We would not be here today without their efforts.

I would note to the House that, as part of the agreement, the Senate today will take up and pass H.R. 3541, legislation also passed by the House on December 11, 2007, to eliminate the automatic removal of telephone numbers from the registry, thus clearing the bill for the President's signature. Current rules provide that telephone numbers be removed from the list after 5 years, thus requiring consumers to reregister their numbers in order to fend off telemarketing calls. Most consumers are unaware of this requirement. This places a particular burden on the elderly, the group most often victimized by telemarketing frauds. The House-passed bill contains common sense exceptions as well as requirements to ensure the accuracy of the list. I thank the Federal Trade Commission and the Direct Marketing Association for their improvements to the bill, and I commend Representatives DOYLE and PICKERING for their strong bipartisan leadership on this legislation.

This strong package of bipartisan consumer protection bills will serve the American public well, and will stand as a testament to what bipartisanship and good will across the Capitol can accomplish.

Mr. BUTTERFIELD. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BUTTERFIELD) that the House suspend the rules and pass the Senate bill, S. 781.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

CONTINUATION OF THE NATIONAL EMERGENCY RELATING TO CUBA AND OF THE EMERGENCY AUTHORITY RELATING TO THE REGULATION OF THE ANCHORAGE AND MOVEMENT OF VESSELS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–93)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, which states that the national emergency declared with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996, as amended and expanded on February 26, 2004, is to continue in effect beyond March 1, 2008.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 6, 2008.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 7 minutes p.m.), the House stood in recess until approximately 6:30 p.m. today.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. JACKSON-LEE of Texas) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 867, by the yeas and nays;

H. Res. 942, by the yeas and nays;

H. Res. 943, by the yeas and nays.

Postponed votes on H. Con. Res. 283, H. Res. 947, and H.R. 4848 will be taken tomorrow.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

COMMENDING THE HOUSTON DYNAMO SOCCER TEAM FOR WINNING THE 2007 MAJOR LEAGUE SOCCER CUP

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 867, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Hampshire (Mr. HODES) that the House suspend the rules and agree to the resolution, H. Res. 867.

The vote was taken by electronic device, and there were—yeas 373, nays 0, not voting 56, as follows:

[Roll No. 29]

YEAS—373

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Fattah
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Rothman
Roybal-Allard
Royce
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner

Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Westmoreland
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Yarmuth
Young (AK)

NOT VOTING—56

Alexander
Baldwin
Bean
Berry
Blackburn
Blumenauer
Boucher
Campbell (CA)
Cannon
Conaway
Cubin
Davis (IL)
Davis, Tom
Doolittle
Farr
Filner
Fortenberry
Gallegly
Gingrey
Graves
Grijalva
Hare
Harman
Hastings (WA)
Hinojosa
Hooley
Hulshof
Jefferson
Kuhl (NY)
Lantos
Lipinski
Lowey
Manzullo
McMorris Rodgers
Moore (WI)
Pence
Petri
Pryce (OH)
Radanovich
Rohrabacher
Ross
Ruppersberger
Rush
Ryan (WI)
Sanchez, Loretta
Smith (WA)
Stark
Tanner
Terry
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Woolsey
Wynn
Young (FL)

□ 1854

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall No. 29, I was away from the Capitol attending a function in my capacity as Chairman of the House Veterans' Affairs Committee. Had I been present, I would have voted "yea."

RECOGNIZING THE SIGNIFICANCE OF BLACK HISTORY MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 942, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Hampshire (Mr. HODES) that the House suspend the rules and agree to the resolution, H. Res. 942.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 367, nays 0, not voting 62, as follows:

[Roll No. 30]

YEAS—367

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Fattah
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Rothman
Roybal-Allard
Royce
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Westmoreland
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Yarmuth
Young (AK)

NOT VOTING—62

Alexander
Baldwin
Bean
Berry
Bishop (GA)
Blackburn
Blumenauer
Boucher
Campbell (CA)
Cannon
Conaway
Cubin
Davis, Tom
Doolittle
Farr
Filner
Fortenberry
Gallegly
Gingrey
Graves
Grijalva
Hare
Harman
Hastings (WA)
Hinojosa
Hooley
Hulshof
Jefferson
Kuhl (NY)
Lantos
Lipinski
Lowey
Manzullo
McMorris Rodgers
Moore (KS)
Moore (WI)
Murtha
Pence
Petri
Pryce (OH)
Radanovich
Rangel
Reynolds
Rodriguez
Rohrabacher
Ross
Ruppersberger
Rush
Ryan (WI)
Sanchez, Loretta
Scott (GA)
Smith (WA)
Stark
Tanner
Terry
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Woolsey
Wynn
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes left in this vote.

□ 1902

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall No. 30, I was away from the Capitol attending a function in my capacity as Chairman of the House Veterans' Affairs Committee. Had I been present, I would have voted "yea."

REMEMBERING THE SPACE SHUTTLE "CHALLENGER" DISASTER AND HONORING ITS CREW MEMBERS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 943, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. MELANCON) that the House suspend the rules and agree to the resolution, H. Res. 943.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 371, nays 0, not voting 58, as follows:

[Roll No. 31]

YEAS—371

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Fattah
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Rothman
Roybal-Allard
Royce
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Westmoreland
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Yarmuth
Young (AK)

NOT VOTING—58

Alexander
Baldwin
Bean
Berman
Berry
Blackburn
Blumenauer
Boucher
Campbell (CA)
Cannon
Conaway
Conyers
Cubin
Davis, Tom
Doolittle
Farr
Filner
Fortenberry
Gallegly
Gingrey
Graves
Grijalva
Hare
Harman
Hastings (WA)
Hinojosa
Hulshof
Jefferson
Kuhl (NY)
Lantos
Lipinski
Lowey
Manzullo
McMorris Rodgers
Moore (WI)
Murtha
Pence
Petri
Platts
Pryce (OH)
Radanovich
Rohrabacher
Ross
Ruppersberger
Rush
Ryan (WI)
Sanchez, Loretta
Smith (WA)
Stark
Tanner
Terry
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Woolsey
Wynn
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 1910

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall No. 31, I was away from the Capitol attending a function in my capacity as Chairman of the House Veterans' Affairs Committee. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. GINGREY. Madam Speaker, on rollcall No. 29 on H. Res. 867, Commending the Houston Dynamo soccer team for winning the 2007 Major League Soccer Cup, I am not recorded, as I was absent due to my attendance at a funeral. Had I been present, I would have voted "yea."

Madam Speaker, on rollcall No. 30 on H. Res. 942, Recognizing the significance of Black History Month, I am not recorded, as I was absent due to my attendance at a funeral. Had I been present, I would have voted "yea."

Madam Speaker, on rollcall No. 31 on H. Res. 943, Remembering the space shuttle *Challenger* disaster and honoring its crew members, who lost their lives on January 28, 1986, I am not recorded, as I was absent due to my attendance at a funeral. Had I been present, I would have voted "yea."

□ 1915

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SILENT GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Madam Speaker, it is February 6, 2008, in the land of the free and the home of the brave. And before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That is just today. That is more than the number of innocent American lives lost on September 11, only it happens, Madam Speaker, every day in America.

It has now been exactly 12,798 days since the judicial fiat called Roe v. Wade was handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of our own unborn children. And all of them, Madam Speaker, had at least four things in common: they were just little babies who had done nothing wrong to anyone; each one of them died a nameless and a lonely death; each of the mothers, whether she realizes it immediately or not, will never be the same; and all the gifts that these children might have brought to humanity are now lost forever.

Yet even in the full glare of such tragedy, this generation clings to blindness and invincible ignorance while history repeats itself, and our own silent genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Madam Speaker, perhaps it is important for those of us in this Chamber to remind ourselves again of why we are really all here. Thomas Jefferson said, "The care of innocent human life and its happiness and not its destruction is the chief and only object of good government." Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath. The phrase in the 14th amendment capsulizes our entire Constitution. It says, "No State shall deprive any person of life, liberty or property without due process of law." The bedrock foundation of this Republic is the declaration, not the casual notion, but the declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with certain inalienable rights, the right of life, liberty and the pursuit of happiness.

Every conflict or battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world. It is who we are. And yet another day has passed, Madam Speaker, and we in this body have failed again to honor that commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more unborn children who died without the protection that we should have given them.

Perhaps tonight, Madam Speaker, maybe someone new who hears this sunset memorial will finally realize that abortion really does kill a baby, that it hurts mothers in ways that we can never express, and that 12,798 days spent killing nearly 58 million children in America is enough. Perhaps we will realize that the next time we meet that America is great enough to find a better way than abortion on demand.

And so tonight, Madam Speaker, may each of us remind ourselves that our own days in the sunshine of life are numbered and that all too soon each of us will walk from these Chambers for the very last time, and if it should be that this Congress is allowed to continue on yet another day to come, may that day be the one when we hear the cries of the unborn at last. May that be the day that we find the humanity, the courage and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge in our Nation called abortion on demand.

Madam Speaker, it is February 6, 2008, 12,798 days since Roe v. Wade in the land of the free and the home of the brave.

HONORING FORMER FIRE CHIEF ED HANZEL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. SUTTON) is recognized for 5 minutes.

Ms. SUTTON. Madam Speaker, I rise today with a deep sense of appreciation to pay tribute to former fire chief, Ed Hanzel, who passed away on December 31, 2007 while serving as a combat firefighter in Iraq.

Ed, who devoted over 32 years of his life to his community as a firefighter, embarked on two separate tours in Iraq following his retirement in 2002. Retirement did not suit Ed, who felt he could make a positive contribution in Iraq while continuing to provide for his family.

And although Denise, his wife of 36 years, worried for his safety, Ed was determined to protect our brave soldiers by utilizing his professional firefighting skills on military bases as a combat firefighter. One morning, at the onset of his second tour, Ed informed a coworker he wasn't feeling well and went to rest. Later that day, Ed Hanzel passed away.

Ed was a strong man. He had beaten cancer a few years ago. His death in Iraq surprised his family and friends who knew him for his easygoing nature, his sense of humor, and his ability to light up a room with his bright eyes and genuine smile. After his passing, countless firefighters, emergency medical personnel and other safety forces from 11 neighboring departments joined together to honor Ed's memory. With fire truck ladders extended to form an arch, an American flag was flown at the peak, symbolizing Ed's devotion to his country.

A medical helicopter flew low over the crowd, and a fire truck adorned with a black wreath sounded a traditional last call, concluding a ceremony to celebrate a former fire chief, a humble fire chief, who often appeared embarrassed when called "Chief."

The respect and admiration Ed earned as a firefighter, a paramedic and a SWAT medic could not have been more visible as his peers joined together around an empty pair of boots and a firefighter's helmet to honor their fallen colleague.

We will always remember Ed for his ever-present smile, his commitment to his community, his sense of humor, and his dedication to his family. On behalf of the people of Ohio's 13th District, I want to express my deepest sympathies to his wife, Denise, and son, Brian. We have lost a great man, and they have lost a great husband and father who gave all in service to others and our country.

We grieve Ed's passing, but we celebrate his life and service and we take solace in knowing we are better people for having known him.

HONORING CORPS' ROLE IN ALLOWING FAMILY OF FALLEN MARINE TO ADOPT SON'S K-9 PARTNER, LEX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Madam Speaker, on December 21, 2007, I had the privilege and honor to visit Marine Corps Base Albany, Georgia to witness firsthand the compassion of the United States Marine Corps.

I am extremely grateful to the United States Air Force for making it possible for me to take part in a visit that was so special, I can hardly describe it in words. On that day, the Jerome Lee family of Quitman, Mississippi, was able to adopt their son's canine partner, Lex, who was released from his duty as a military working dog.

Jerome and Rachel Lee's son, Corporal Dustin Jerome Lee, was a United States Marine Corps dog handler who was killed in action on March 21, 2007, in Fallujah, Iraq. Corporal Lee and his canine partner Lex, a 7-year-old German shepherd, were a highly trained explosive detection team. Lex, who was due for retirement after his combat tour in Iraq, suffered shrapnel wounds from the same enemy-fired rocket-propelled grenade that took Corporal Lee's life.

Following Corporal Lee's death, the Lee family began seeking to adopt their son's canine companion who was with their son during his last moments on Earth. However, after filing the necessary paperwork, the Lee family was told that Lex had been medically evaluated and, although injured, he was fit for duty and not yet eligible for adoption.

After learning their story, I spoke with Corporal Lee's father, Jerome Lee, by phone on several occasions. Mr. Lee continued to express the joy and comfort that caring for Lex would bring to him and his family, and he requested my assistance in securing their adoption of Lex.

I am so grateful to the United States Marine Corps and Commandant James Conway for helping me ensure that the Lee family's request was granted. I am also very grateful to Brigadier General Michael Regner and Major General Robert Dickerson for their role in enabling this adoption to proceed. I know that Dustin is in heaven, and happy that his family now has Lex. Allowing the Lee family to adopt Lex was a fitting thank you to parents who gave the ultimate gift of their son for this country.

The United States Marine Corps has demonstrated its tremendous compassion and understanding by making this adoption a reality for the parents of one of our Nation's fallen heroes. Again I extend my deep condolences to Mr. and Mrs. Lee, as well as all those in this country who have lost a loved one fighting in Iraq or Afghanistan.

Although Lex will never replace their son, welcoming Lex into the Lee family and home will keep a big part of Corporal Lee's life alive for their family. Lex loved and protected Corporal Lee on the battlefield, and Corporal Lee's family is now able to love and protect Lex in the peaceful surroundings of their home in Mississippi.

May God bless the United States Marine Corps and all of our men and women in uniform, and may God continue to bless America.

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EDWARD W. BROOKE III, UNITED STATES SENATOR, RETIRED

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Madam Speaker, I come to the floor for a special purpose this evening, a purpose that I think every Member of this House would want to join in during Black History Month. It is a rare bipartisan opportunity to honor a man whom I think Democrats and Republicans alike are equally proud of. He is a lifelong Republican, and yet, I, a lifelong Democrat, have come to ask Members to sign on to H.R. 1000, a bill to honor the first African American popularly elected to serve in the Senate of the United States. You heard me. He was not a Democrat, he was a Republican, and his name is Edward W. Brooke III, United States Senator from Massachusetts, 1967 to 1979.

I come during Black History Month because I think it would be a wonderful opportunity for the House on both sides of the aisle to do something together that both wanted to do, instead of simply talking about Black History Month in the abstract, doing something for a former Member of the United States Congress who indeed was African American. His service was of such quality that the President of the United States, several years ago, already awarded former Senator Brooke the highest national medal that our government can offer, the Presidential Medal of Freedom. But the highest medal we can offer is the Congressional Gold Medal. The Senate, where Senator Brooke served, has already unanimously passed this resolution. This is a special time, I think, that the House would want to follow suit.

I want to note, Madam Speaker, just how broad range was the support in the Senate. When you have Senator HARRY REID and MITCH MCCONNELL on the same bill to honor this former Senator, I think it says it all. When you have Senators ranging from Senator EDWARD KENNEDY to Senator TED STEVENS, I think that is the very definition of a bipartisan bill, and they were among the cosponsors.

Why did they do this? Why has Senator Brooke already gotten the highest medal that the President of the United States can offer? It is because of his distinguished career in the Senate; it is because he did a breakthrough at the time that breakthroughs were not even done; and it is because of his service in other ways.

He received the Bronze Star, the Distinguished Service Award, and the Grand Cross of the Order of Merit from the Italian Government for his leadership during 195 days in combat in Italy as a captain in World War II in the segregated 366th Combat Infantry Regiment. That, Madam Speaker, is the very definition of a patriot.

I, of course, know about Senator Brooke. This is perhaps somewhat personal to me, because he was born and raised in the District of Columbia. Mind you, his greatest service did not occur in this city as a native Washingtonian, but only in this city after he was elected to the Senate.

He was born and raised in segregated Washington, DC. The city was as segregated as any southern city then, including its public schools, the very public school from which I graduated as well, Dunbar High School. He was educated at Howard University and then went to Howard Law School, and hadn't left the District of Columbia until he went to serve in the Armed Forces of the United States.

Then somehow he realized there were greener pastures than his own hometown, and he went to Massachusetts to set up the practice of law and got the idea in his head that in a State with almost no African Americans, with almost no Democrats, he could get to be, first, the first black Attorney General in the United States, and then the first Senator elected by popular vote to the United States Senate.

We all know that it is very difficult for an African American or a person of any minority to be elected statewide. When this happened in the mid-sixties, I think we stand in awe of what kind of man it must have taken to have effected this change then.

So I ask Members if they will, before this month is over, and there are other Members trying to help me do so, join most of the Members of the House who have already signed on to H.R. 1000 to award the Congressional Gold Medal.

TIME TO WAKE UP ON THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, this week, ExxonMobil reported it beat its own record for the highest annual profits ever recorded by any company with its net income rising to $40.6 billion in 2007, the highest record profits of any company in American history. Those profits are due to the surging oil and gasoline prices that we are all paying. Meanwhile, here in Washington, the establishment sits around the table in anticipation of the President's budget proposal. Lobbyists, advocates, lawmakers, and agency heads wait in anticipation.

This year it seems that the President has outdone himself by pushing up our national debt to $9.2 trillion, nearly $10 trillion. When President Bush took office, gasoline cost $1.45 a gallon. When he took office, gasoline cost $1.45 and we were showing surpluses after the discipline we had exacted here during the 1990s, surpluses in our budget of $5.6 trillion. Now gasoline regularly rises above $3 a gallon and the annual budget is in the red, his latest budget as submitted by over $407 billion, and you know it is going to rise to over half a trillion dollars with the war costs.

What a story. While the Nation goes deeper into the red with higher gas prices and bigger deficits, oil companies are making out like bandits. Compare a $407 billion budget deficit for our country with $40.6 billion in exorbitant profits taken in by ExxonMobil in 2007. ExxonMobil posted the largest profit in U.S. history, sucking those dollars from our people.

While we are considering a stimulus package to jump-start our economy, imagine how solving our tremendous energy crisis could help every single American. We are talking about sending pennies to some Americans in this so-called stimulus package, while these giants are running off with billions and billions and billions of dollars. Where is the courage of this Congress to balance these accounts and to make sure that those who need help in our country actually get it?

If you add up the President's budget request for the Army Corps of Engineers, the Small Business Administration, the Department of Labor, the National Science Foundation, the Department of Commerce, and the entire Environmental Protection Agency, it costs $2 billion less to run them all than ExxonMobil made in 2007. Think about that.

Let's think about what it means for our Nation's priorities. It is more important for ExxonMobil to make billions than it is for us to conduct scientific research or to clean up the environment or to extend unemployment benefits or to help businesses in this economy, small businesses try to survive, to fix up our levees and our bridges and our roads?

Think about the millions of Americans we could help who are facing a meltdown in the housing market and losing their most important form of savings. Think about the nearly 200,000 homeless veterans living on the streets of our country. What an embarrassment. Think about the 33.5 million Americans that are food insecure and regularly go to bed hungry as our food pantries run dry.

It is often said that a budget is the real show of a nation's values. When President Bush complains about how America is addicted to oil in his State of the Union but then fails to move our

Nation to energy independence, we sure know where his values fall. When our society allows our oil barons to make off with billions, skimmed away from the American people, we know where those loyalties lie.

With oil prices continuing to rise, the high price of gasoline continues to fuel our trade deficits. With oil prices as high as $98 a barrel last year, the monthly trade deficit from oil rose to a level rarely seen, $24 billion just in November of 2007.

We all know that this FY 2009 proposed Bush budget is an empty shell from a lame duck President, but somehow we had expected more. Congress should reject the President's proposed budget and rewrite it in a way that protects the American consumer, invests in energy independence, and provides a real stimulus for the American economy at a time when the American people are crying for it.

Millions and millions of Americans are losing their homes, their most important form of savings. When is this Congress and when is this President going to wake up?

Madam Speaker, I include the following for the RECORD.

[From the Blade, Feb. 2, 2008]

SURGING PRICES PUMP UP OIL GIANT'S RECORD $40.6B PROFIT

NEW YORK.—ExxonMobil reported yesterday that it beat its own record for the highest annual profits ever recorded by any company with net income rising to $40.6 billion in 2007 thanks to surging oil prices.

The company's sales last year, more than $404 billion, exceeded the gross domestic product of 120 countries.

ExxonMobil made more than $1,287 of profit for every second of 2007.

The company also had its most profitable quarter ever. It said net income rose 14 percent, to $11.7 billion, or $2.13 a share, in the last three months of the year.

Like most oil companies, Exxon benefited from a near doubling of oil prices, as well as higher demand for gasoline last year. Crude oil prices rose from a low of around $50 a barrel in early 2007 to almost $100 by the end of the year—the biggest jump in oil prices in any one year.

"Exxon sets the gold standard for the industry," said Fadel Gheit, an oil analyst at Oppenheimer & Co. in New York.

Oil companies all have reported strong profits in recent days.

Chevron, the second-largest American oil company, said yesterday that its profits rose 9 percent last year, to $18.7 billion.

The backlash against the oil industry, which periodically has intensified as gasoline prices have risen in recent years, was swift.

One advocacy group, the Foundation for Taxpayer and Consumer Rights, called the profits "unjustifiable."

Some politicians said Congress should rescind the tax breaks awarded two years ago to encourage oil companies to increase their investments in the United States and raise domestic production.

"Congratulations to ExxonMobil and Chevron—for reminding Americans why they cringe every time they pull into a gas station," Sen. Charles Schumer said (D., N.Y.).

Exxon defended itself against claims that it was responsible for the rise in oil prices.

Anticipating a backlash, Exxon has been running advertisements that highlight the size of the investments it makes to find and develop energy resources—more than $80 billion between 2002 and 2006, with an additional $20 billion planned for 2008. The company says that in the next two decades, energy demand is expected to grow by 40 percent.

"Our earnings reflect the size of our business," said Kenneth Cohen, Exxon's vice president for public affairs. "We hope people will focus on the reality of the challenge we are facing."

Given the darkening prospects for the American economy, some analysts said oil company profits soon might reach a peak. Oil prices could fall this year if an economic slowdown reduces energy consumption in the United States, the world's biggest oil consumer.

Such concerns have pushed oil futures prices down about 10 percent since the beginning of the year. Oil fell 3 percent, to $88.96 a barrel, yesterday on the New York Mercantile Exchange.

Exxon shares fell a half-percent, to $85.95.

Some analysts said high oil prices, and the record profits they create, were masking growing difficulties at many of the major Western oil giants.

Faced with resurgent national oil companies—like PetroChina, Petrobras in Brazil, or Gazprom in Russia—the Western companies are having a hard time increasing production and renewing reserves.

As oil prices increase, countries like Russia and Venezuela have tightened the screws on foreign investors in recent years, limiting access to energy resources or demanding a bigger share of the oil revenues.

At the same time, many of the traditional production regions, like the North Sea and Alaska, are slowly drying up.

Western majors, which once dominated the global energy business, now control only about 6 percent of the world's oil reserves. Last year, PetroChina overtook Exxon as the world's largest publicly traded oil company.

Excluding acquisitions, Exxon was the only major international oil company with a reserve replacement rate exceeding 100 percent between 2004 and 2006, meaning it found more than one barrel for each barrel it produced, according to a report by Moody's Investors Service, the rating agency.

In a related development, the OPEC cartel, which met in Austria yesterday, left its production levels unchanged, resisting pressure from developing nations to pump more oil into the global economy.

The Organization of Petroleum Exporting Countries is set to meet again next month. The cartel signaled it would be ready to cut production to make up for a seasonal slowdown in demand in the second quarter.

OPEC's actions mean the cartel is determined to keep prices from falling below $80 a barrel, according to energy experts.

The U.S. response to OPEC's decision was measured.

"I think everyone is fully aware that having a reliable and steady and predictable supply of oil is a benefit to the global economy," White House spokesman Tony Fratto said. "We hope that they understand that their decisions on oil production have a real impact on the economy."

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Ms. SUTTON, from the Committee on Rules, submitted a privileged report (Rept. No. 110–552) on the resolution (H. Res. 955) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4137, COLLEGE OPPORTUNITY AND AFFORDABILITY ACT OF 2007

Ms. SUTTON, from the Committee on Rules, submitted a privileged report (Rept. No. 110–523) on the resolution (H. Res. 956) providing for consideration of the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PAYING THE PRICE FOR THE PRESIDENT'S FLAWED PRIORITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of New York. Madam Speaker, at least President Bush is consistent. Like the other seven budgets that he has submitted to this Congress, it is no surprise that his eighth and final request continues to reflect spectacularly flawed priorities. There was some debate earlier this week about whether the budget should be printed and distributed to congressional offices. Perhaps the best decision would have been to spare us the books and save the trees.

For the eighth year in a row, the administration has degraded the budget process. This budget barely goes through the motions. Instead of formulating a blueprint to guide this Nation toward what should be our fiscal priorities, the budget continues the flawed policies of the past 7 years.

Without putting forth an honest or straightforward budget, the President has yet to attempt seriously to meet our goals, goals that we should all share of budgetary accountability, enforcement, and fiscal responsibility. This is why so many of our colleagues, Madam Speaker, have already accurately described the President's budget request has a pro forma document with little meaning or relevance, that has also been described as arriving on Capitol Hill "dead on arrival," and that is perhaps a very, very good thing. Perhaps the lack of truth in budgeting represents the best example of why "change" has become the overriding theme of this coming election.

This Congress should refuse to be misled again by a budget that hides the true costs of the devastating fiscal policies of this administration. For example, omitting total war costs gives an artificially deflated notion of what the deficit will be, and we now have the Secretary of Defense estimating that the true cost of the war in fiscal 2009 will be $170 billion, as opposed to the $70 billion that is put in the budget as a placeholder. That number alone will drive the deficit up to over half a trillion dollars. The President's budget also omits the cost of extending the tax cuts, the 2001 and 2003 tax cuts, which disproportionately favor those who need those tax cuts the least.

Let me just cite two very troubling aspects of a budget that is shot through with scores of troubling aspects. The first is one that is of particular importance to my home State of New York. We have been fighting, those of us in New York, and this fight has been led primarily by CAROLYN MALONEY and also VITO FOSSELLA and JERRY NADLER, to see to it that the brave Americans who responded to the site of the World Trade Center, first to try to rescue people, then to recover bodies and then to clean up what came to be known as "the pile," some 70 percent of them are suffering from various health ailments relating to the toxins that they were exposed to in the days immediately following those attacks on the Twin Towers.

In the current year, the Congress committed to spend $150 million to provide for the ongoing health care needs and monitoring of those very brave first responders and rescue workers. The President's budget cuts that number to $25 million.

My question for the President is: Have all of these people all of a sudden become well? Have they been miraculously cured? Or, more likely, has the President simply decided that providing health care for these very brave Americans is simply not a Federal responsibility? In either case, I certainly hope that this Congress will do the right thing and restore that funding.

The second has to do with education, particularly access to higher education. In his State of the Union message, the President chided the Congress for not having fully funded his American Competitiveness Initiative. Yet we are now presented with a budget that eliminates two programs for student financial aid that are absolutely crucial for needed students to attend college. One is called Supplemental Educational Opportunity Grants, approximately $750 million a year, and the other is Perkins loans, approximately $670 million a year. For those two programs, the President advocates taking approximately $1.4 billion out of the student loan program, and does so while costs are rising and the ability of students to pay is declining.

How can we have a competitive workforce, how can we have a competitive Nation, if we don't even provide our young men and women with access to college?

Future generations of Americans will pay the price for the President's flawed priorities and more debt as a consequence of his actions. In fact, the debt that will be accrued over the 8 years of the Bush Presidency will amount to some $3.5 trillion. That is an amount that exceeds the combined debt of all of the Presidents from George Washington through the first President Bush.

Madam Speaker, I encourage my colleagues, I implore my colleagues, to resolve one last time to defeat this budget request from the President and to restore middle-class, mainstream priorities, the very priorities that our new majority has been working on now for the last year.

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HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes as the designee of the minority leader.

Mr. BURGESS. Madam Speaker, I come to the floor tonight to talk about health care, which we sometimes do in this hour. It's an important subject, and we are going to hear a lot about this over the coming year. We have got a Presidential election that is now in full throttle across the country.

We just had Super Tuesday, and by a strange turn of events the nominations are not settled and my home State of Texas now next month will, in fact, play a big role in helping select the nominees of the two parties. During this coming month, I expect we will hear a great deal about the plans and visions and the aspirations of the different candidates for health care.

But let's not forget, when we talk about health care, that it is on the floor of this House where about 50 cents out of every health care dollar that is spent in the United States of America today, it is on the floor of this House where that spending originates. I can't help but observe the last speaker who was addressing the House on the subject of the budget was critical of the President's budget, which is his prerogative and his right, but I would remind the previous speaker that it is his party that is in charge, as it was last year, and while it is the President's obligation to present a budget to the Congress every year, it is then the Congress' obligation to work on that budget and pass a budget, which will be voted on later in the year, that either accepts or rejects those proposals put forth by the President.

Indeed, last year, that is exactly what happened. So the budget that went forward last year was not the President's budget, I would point out to the gentleman from New York, but the budget last year was the budget passed by the majority on the House of Representatives floor last year, and the same thing will be true this year. They are in charge. It is their right and prerogative under the rules of the House that they will have absolute authority to create the budget and, as a consequence, those things that are felt to be important are going to be those things that are championed by their side. Those things that are felt to be less important will be those things that are left of the budget. That responsibility lies in the House of Representatives. Under the rules of the House, that responsibility lies with the majority party. Currently, the majority party is the party of the gentleman who just spoke.

So while I appreciate his passion, I appreciate his fervor in talking about the President's budget, I think he would be better served to actually spend some time talking to his leadership about the priorities as they come forward over this next year, because there are some significant problems that faced this House last year that were simply kicked down the road at the end of the year.

In fact, we saw a repeat of that last week. We were obliged to reauthorize the Foreign Intelligence Surveillance Act so that we have the tools necessary, our intelligence community has the tools necessary to prevent terrorist attacks on our homeland security and to help protect our soldiers who are serving in Iraq and Afghanistan. We couldn't do it, so we kicked the can down the road a couple of weeks right at the end of the year, December.

We were supposed to do something about Medicare because physicians across the country were facing a 10.1 percent reduction in their reimbursement, a 10.1 percent pay cut if Congress didn't act. Well, we did act. We prevented that, but we prevented it for 6 months. Six months. What an insult. What an insult to the physicians of this country who are taking care of our Medicare patients, the patients we have asked them to care for. We couldn't even do our work to give them the certainty of what they would be reimbursed for the next year? No, it's 6 months is all you get, Doc, and then we're going to come back and visit it again. And, oh, by the way, we'll be in the middle of that Presidential campaign by then, so don't expect us to devote much more attention to it in June than we were able to muster in December.

But I digress. My purpose in being here tonight is to speak a little bit about what is going on in the practice of medicine, and, in spite of the fact that I may sound a little bit despondent, I will tell you that I am so optimistic about the world ahead, what the future holds for the young people today who are contemplating a career in health care.

When I was a young medical student in the mid 1970s in Houston, Texas, I could never have imagined that the day would come in my lifetime when a person could, of their own volition, go to the Internet and, with a couple of mouse clicks, find a place that would analyze their DNA and for less than $1,000 provide them vital insights into their genomic makeup so that they might be forewarned about some diseases, so that they might be forewarned about some conditions and use those tools to help manage their health well into the future.

Now, we hardly know what the results of this type of investigation are going to be. It has only been in the last couple of months, in fact, I think it was Thanksgiving that I read the New York Times article that talked about one of these labs that would provide this service. But who would have thought when I was in medical school in the mid-1970s that this day would have dawned where that information is available not just to the physician, it's available to the patient, to anyone who wishes to go on the Internet and seek out that information, seek out that lab and have that type of analysis done.

Think back on 20 or 30 years ago, a patient went to the doctor, the doctor gave a diagnosis, recommended a treatment plan to the patient, who pretty much had to accept what was given or go get a second opinion. Then, of course, in the late 1990s, and I know this very well because I was practicing actively at that time, render a diagnosis, write out a treatment plan, the patient would go to the Internet and check it out and then they come back and say, Doctor, this is what you're supposed to be doing. I went to the Internet and read about this.

Now in the 21st century a patient will be coming to their physician and providing genomic information and saying, Doctor, here's what I'm at risk for developing. How are you going to help me keep that from occurring? You know, Dr. Elias Zerhouni, the head of the National Institutes of Health, talks about a world where medicine becomes a great deal more personalized. It's no longer one size fits all, it's no longer just one antidepressant is out there for everyone. It's a much more personalized endeavor.

Because of the ability to know this information about the human genome, it's going to be a great deal more predictive. As a consequence, because of that predictive value, preventive medicine is going to take on new meaning, a meaning that, again, I would have never thought possible early in my training.

Finally, medicine is, of necessity, going to become more participatory. A patient will no longer be just a passive passenger along for the ride on their medical journey. No, they will have to be an active participant in managing their health care from times of health and times of disease.

Medicine is right on the verge of a truly transformational time. You add what we know, what we are beginning to understand and learn about the human genome and look how fast information comes at us nowadays. It is, again, just hard to think that back in the mid-1970s when I was in medical school, Internet, never heard of an e-mail, what's that? And now these are things that we take for granted. To our children, these modalities are simply second nature. They cannot imagine existing for even a day in a world where a cell phone and e-mail are not readily at their fingertips.

The speed at which information comes to us is truly phenomenal and, as a consequence, in professions such as the health care professions, a dramatic effect is going to be felt because of the ability to sort through large amounts of information over a short period of time and to extract data from those large amounts of information.

On the floor of this House, in September of this year, we reauthorized legislation pertaining to the Food and Drug Administration. It was truly landmark legislation. I don't know if my friends on either side of the aisle really recognized how significant that legislation was, because, for the first time, for the first time the Food and Drug Administration is provided with the tools for collecting that type of information and proactively researching that database.

The day may well dawn when a problem like Vioxx is discovered early, early in its release into general use and the types of difficulties that were encountered with that medication several years ago will, in fact, be a thing of the past. The red flags will be up. The warnings will be there. They will come immediately to someone's attention because of the type of database management that will be available. Truly, we will have a system that is totally interactive. The resultant effect on public health will be profound, because it's not just the side effects and the untoward effects that we are talking about, what if there was an unexpected beneficial effect where, perhaps, more people ought to be offered the benefits of this therapy or this medication.

Certainly, the story that we have learned with the type of medicine, the class of medicine called statins that lower cholesterol, that story has evolved significantly over the last several years. In the early 1990s, a LDL cholesterol of less than 130, you're in good shape. Then a couple of years later, it was less than 100, and now it's well under 100. The numbers to shoot for have gone down because the experience with that medicine, the information and data that has been gathered has pointed the way for physicians to understand that a subsequent lowering of that value will, indeed, protect a person's health in ways that they wouldn't have imagined when those medicines were first released.

Medicine is in a transformational time. Congress is going to have a lot to do with how medicine is practiced and paid for and regulated, not just in the next couple of years, but in the next 20 years, 30 years, 40 years, 50 years. The decisions that we make on the floor of this House today are going to extend far into the future, probably far beyond the lifetimes of many of us who serve in this House today.

But Congress really is not in the business of being transformational. Congress is transactional. We heard that just a few moments ago with the discussions on the budget. What does Congress do? We take money from this group and we give it to this group, and it defines who we are morally if we listen to the rhetoric of the last speaker. But that's what Congress does. We transact, we take money from this group, and we give it to this group. If you will watch the discussion that unfolds on the budget over the next several weeks, that will become intuitively obvious to the most casual of observers.

However, in a body that is so focused on the transactional, is it possible to keep an eye on the transformational and be certain that we don't derail the transformation that is likely to be occurring in medicine today? That's one of the tasks, that's one of the challenges, that's one of the obligations that we have serving in this body.

Now, I would submit if Congress wants to participate in the transformation, if they want to participate in improving health care, they are, in fact, capable of doing so. In fact, Congress could be a partner in the transformation if we can step back from the transactional long enough to focus on the transformational. This is not just theoretical.

I had an opportunity to speak to Dr. Michael DeBakey, pioneer in heart surgery, a gentleman of great renown. We honored him on the floor of this House with a Congressional Gold Medal earlier this year. I had an opportunity to sit down with Dr. DeBakey. He talked about some of the changes that he has seen in his lifetime. He related how when he was a young man and graduated from medical school and then did his residency at Tulane Charity Hospital in New Orleans, he wanted to go into research. But he knew that in order to have the credentials to go into research he would have to go to Europe in order to obtain those credentials. This was back in the 1930s. Well, nowadays, someone who graduates from medical school and finishes their training and wants to devote a lifetime to research gets those credentials in the United States of America. In fact, other physicians travel to this country, to our hospitals, to our Texas Medical Center in Houston, to our Southwestern Medical Center in Dallas, to our M.D. Anderson Hospital in Houston. They travel to our country to get those credentials because that's where the best science is being done.

Dr. DeBakey reflected what caused the change between the time he graduated in the mid-1930s and what we see now at the end of the 20th century and the beginning of the 21st century. He maintained the cause of that change was the focus and attention, and, yes, the funding that Congress provided to medical research right after the Second World War. Indeed, the funding and the vision of the entire National Institutes of Health was a product of that type of visionary thinking.

So as Dr. DeBakey presented that thought to me, it was with the underscored emphasis that Congress can do this because Congress has done this before. So if we stay focused on helping and protecting and promoting that transformation in medicine, then it is possible for Congress to be, again, a participant in that transformation and not an enemy of that transformation.

Now, I am fortunate, because I did spend a number of years practicing medicine, working one time in a multispecialty practice, part of my time in a solo practice, part of my time in a single specialty practice, having practiced medicine in several different modalities during my lifetime, it gives me the ability to see things from the provider's side and now to see things from the policy side.

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It is so important that we spend the effort understanding those things that will work and understanding those things that will not work.

I alluded earlier when I first started speaking about the problems that we face because we couldn't do our work in December and we postponed any real reform on the reductions in physicians' payments that we see year after year. You have seen me put up the posters that detail how hospitals, drug companies, HMOs are paid on a cost-of-living adjusted basis year over year, but physician reimbursement is paid on a crazy formula that reduces and ratchets down reimbursements year over year. That just simply won't work.

When I talk about Congress being a transactional body and that transactional activity being the enemy of the transformational, that is precisely the type of transactional activity to which I am referring.

Think of it. We always talked about the laws of supply and demand. What are we doing to the supply side of that equation if we are actually telling our doctors we don't value what you do, and we don't care about the fact that you take care of our sickest patients, our Medicare patients? That is just not important to us in Congress, and then we underline that by postponing dealing with it for 6 months. Again, an assaulting concept to the doctor who is toiling day after day to take care of the patients that we have asked them to take care of for us.

Another aspect of that activity, as the year wound down last year, was the attempt to attach a rather inflexible program of e-prescribing to whatever fix we managed to achieve for the Medicare payment. Now, e-prescribing is not inherently a bad concept.

Madam Speaker, you think about it, I am left-handed so my handwriting has never been good. And then I went to medical school and had to take notes fast, and my handwriting got worse. And then I got old, and my handwriting got even worse. And so it is very difficult to read those handwritten prescriptions that we scribble out quickly at the end of a patient visit. What a benefit it would be to the patient, to the pharmacist, and to the physician to have a method whereby that prescription was shot to the pharmacist via e-mail at the time of the patient encounter. It would save waiting time, no problems with legibility, and there could be computer algorithms that were developed that would prevent a patient receiving a medicine to which they were allergic or which would counteract or interfere with another medicine they were taking. So a good concept. And then like so many things, Congress deals with it in a way that makes it untenable.

The e-prescribing bill introduced by a Senator on the other side of the Capitol, said, Doctor, if you do this, we will provide you a carrot and a stick. The carrot is a 1 percent increase in your reimbursement for taking care of that patient and providing an electronically written prescription at the end of that patient visit. Just 1 percent.

Now I am going to make some numbers up because it makes the math work. In fact, the numbers are probably much lower than what I am going to make up. But assume a physician working in an average practice in a city like mine sees a Medicare patient, return visit, moderate complexity. Assume they are paid $50 for that visit. That is actually pretty generous if you look at most of the Medicare fee schedule reimbursement rates. But because it makes the math easy, let's say $50.

So if that doctor participates in an e-prescribing regimen, what does that mean? It means they get an extra 1 percent. That is 50 cents for those of you slow at math. So that visit is going to take about 15 minutes if you do it correctly. Again, remember it is a moderately complex Medicare patient, a senior citizen. So you get an extra 50 cents if you, instead of writing that prescription by hand, you put it into a laptop or BlackBerry and send it off to the pharmacist electronically.

You can see four of those patients in an hour. If you are really pushing yourself and you have everything firing on all eight cylinders in the office and the front desk and nurses are moving along, you can see four patients in an hour. So four $50 visits. So that is $200 reimbursed for that hour's work. That is not the doctor's pay. Don't misunderstand me. He has to pay all of the overhead as well. Nevertheless, during that hour, that physician will generate $200 in revenue. For that, if they do e-prescribing, we will reward them and give them an additional $2 for that hour's work.

That is not a great incentive, but let's think about it also from the fact that it is not just one prescription that doctor writes for that Medicare patient, no. The average Medicare patient has three or four prescriptions. So when you figure it on a per prescription basis, the actual benefit to the physician is somewhat less than 10 cents for every prescription that is handled electronically. And it is a little bit more involved to do that. A doctor who is used to writing out a prescription quickly can do so quickly. Typing it into a laptop or BlackBerry is going to take longer, maybe a minute or two minutes. But if you are seeing 30 patients a day, 2 minutes per patient, that adds up to an extra hour, and that extra hour is an hour away from hospital activities, seeing other patients, an hour away from family. It comes from somewhere, because we all know that the hours in the day is a zero sum game. If you take an extra hour, it comes from somewhere else.

So we are going to compensate for that. We are going to pay a little less than 10 cents per prescription as it is written.

What if you don't do it? You say it isn't worth it. You cut my reimbursement every year in Medicare, I have to take on this big expense, I have to learn a new technology, pay the expense of the software maintenance, I am not going to participate.

Well, the bill that was introduced last December, after 4 years' time, would have applied the stick to encourage, again, our physician community to utilize this technology. And the stick was a 10 percent penalty.

Wait a minute, a 1 percent up tick and a 10 percent penalty. That is imbalanced. Let's go back to our hypothetical return visit, moderately complex Medicare patient, a $50 reimbursement, 10 percent penalty, that is a $5 penalty for that visit. And if you are seeing four patients an hour, that is a $20 penalty for that hour's work. You see the balance. If you do it, we will pay you $2 because we think it is worth that. If you don't do it, it will cost you $20.

And we wonder why our senior citizens call up to get an appointment with a physician when they get covered on Medicare and no one wants to see them? This is the way we behave. We cut their pay. We can't agree amongst ourselves to do something rational to protect physician reimbursement rates at the end of the year. And by the way, we want to add this thing on top, this secondary insult on top of the others.

I urge Congress to not focus on the transactional; focus on the transformational. What do you need? If you are going to move from a system we have today, which is based on a written prescription, to a true electronic prescription environment, who do you need on your side on that? I am telling you, if you don't have the doctor on your side, it is not going to happen. Yes, you can frighten and cajole and preach all you want, but it is important for Congress to remember that this transformation will take place faster, with much more expediency, if we will take the time and trouble to instruct, educate, provide for, provide the proper support and proper compensation for our physician community if they undertake it, embracing this type of technology.

One of the things we are going to hear a lot of as we go through this Presidential election year, terms like "universal coverage," "universal access," and they don't mean the same thing, so it is important to spend a few minutes differentiating between the two. We will hear talk about mandates and whether they are a good thing or a bad thing. We will hear "individual mandates," "State mandates," "employer mandates," and it is important to spend a few minutes discussing the differences between those terms as well.

Let's deal with the concept of universality of medical care. That is one that many people in this body and many people on the Presidential trail today say they want to see.

Now, universal coverage, universal access. Universal access, everyone has insurance whether they want to do it or not. It is a little tough to do that in a free society, but yes, we can write laws that can make that happen. See the discussion on mandates in a few minutes. But universal coverage is one of the options available to us.

Universal access would say that everyone has access, everyone has the ability to go out and purchase an affordable policy. And if they can't afford it, they have the ability to access a funding mechanism that will provide the type of premium support, the type of premium assistance to get them that coverage. And that debate will occur over this next year.

Universal coverage, universal access.

On the whole issue of mandates, and this is an important concept for people to understand, is it better to say this is law, this is something you have to have, or is it better to create the types of programs that people will actually want to have? Let's think about that for just a minute.

What does the term "individual mandates" mean? It means a law is passed by a legislative body, in this case the Federal Government, although it has been tried at the State level. An individual mandate means that everyone has to go out and buy insurance. In my home State of Texas, we have that with our automobile policies now. Everyone has to buy an automobile policy. With an individual mandate, that is how we would achieve universal coverage. You have to buy insurance, and if you don't, there is a penalty to be paid of some sort.

In the State of Massachusetts, in really what I consider a very bold attempt to provide coverage for everyone, an individual mandate was instituted. It hasn't worked out exactly as planned, and some of the difficulties encountered in Massachusetts were cited in California as a reason why that State's plan for universal coverage was recently defeated in the California State Senate. Many people looked at the option, or the requirement, I should say, of buying insurance and said, I don't know. And then remember the law of supply and demand. We increase the demand because we mandate it, you have to do it. What happens? The price goes up, and as a consequence some people looked at that and said, I really can't afford that. I will pay the fine rather than buying the insurance. Truly a perverse incentive.

So some of the support for the concept being talked about in California found itself lacking when faced with that equation in another part of the country. How can you consider putting an individual mandate on when it drives costs up and people find themselves in a position that they would rather pay the fine for not having the insurance than they would to purchase the insurance itself?

When we talk of mandates, and there have been several studies done on this, think back to the 1960s. The United States Congress put a mandate out there that every motorcycle rider in the country would have to wear a helmet. They reversed that mandate and put that obligation, correctly, in the court of the States to make that decision. And the reason Congress reversed that decision was the hue and cry and outcry from across the land from motorcycle riders saying that you can't make me wear a helmet in a free society, and Congress eventually backed down. And so that was kind of an unpleasant experience with mandates.

Most States do have an individual mandate for automobile insurance, and they get good compliance with that. But it is interesting, one of the States with the best compliance has no individual mandate. So mandates don't always equal better compliance, and nowhere is that more evident than our current tax structure.

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The Internal Revenue Service, which collects our taxes, there's a mandate, an individual mandate on every person who earns above a certain income level that you will pay taxes. You will pay a percentage of that in taxes and, in fact, everyone knows, it's no secret that if you don't pay that tax the punishment is going to be sure, it's going to be swift, and it's going to be extremely unpleasant.

We've got 15 percent of the country right now that lacks health insurance. Can we get improvement on that number by putting an individual mandate on?

Look at the case with the Internal Revenue Service. A severe mandate, severe penalties for noncompliance, and what is our compliance rate with the Federal income tax? It's about 85 percent. In other words, 15 percent don't comply. So this requires a good deal more study and a good deal more attention than just simply making that leap of faith and saying everyone needs insurance, therefore, there will be an individual mandate that everyone will have insurance.

Again, there were some problems with the cost structure when that was tried in Massachusetts to the point that the people in California, the State Senators in California, when they looked at that, said, maybe that's not the best idea for us.

Well, once we determine what the overall goal is, then perhaps our path will be a little bit easier. Certainly we want to democratize our health care in a way that preserves choice, makes certain that patient focus is the central theme, and we want to continue to promote innovation, because, remember, America is the country that is known for medical and scientific innovation.

Well, what about the concept of creating products that people actually want? Do we have a model? Do we have a template that we can look at to perhaps discuss that a little further?

And, in fact, we do. We passed a bill on the floor of this House, late in the night of November 22, 2003, called the Medicare Modernization Act which provided for a prescription drug benefit for citizens on Medicare who had not had one previously. It was called Medicare part D.

What's been the experience with Medicare part D? And I will stipulate that there were people on both sides of the aisle in this House, there were people on the right who were critical of the Medicare part D program, and there was certainly no shortage of critics on the left who were critical of the Medicare part D program.

But as that program was instituted and has now been up and running for over 2 years, what lessons have we learned from Medicare part D? Well, we've learned that more than 90 percent of the persons who were eligible for that coverage have, in fact, enrolled.

Wait a minute. With the IRS, with severe and certain and sure penalties, we only get 85 percent compliance. With Medicare part D, by creating programs that had value to patients we've got 90 percent compliance, and 80 percent are happy with the program. If we go back to our friends at the IRS and say, what's the percentage of people that are happy with the way our tax system is administered, I don't think the number is 80 percent.

Consider that when we passed that bill on the floor of this House in the early morning hours of November 22, or actually I guess it started on the night of November 22. It was in the early morning of November 23 that the bill actually passed. Consider at that time we were told by the best actuaries at the Office of Management and Budget and the Center for Medicare and Medicaid Services that it was going to cost about $37 a month for that coverage. What has the experience been? The average plan costs less than $24 a month now, over 2 years into the program.

So this is a Federal program that relies on some competitive forces and relies on some participation of the private sector, and, in fact, has reined in some of the increase in spending that was feared to accompany this program by restoring the savings and incentives and leveraging competition and getting the buy-in from the patients themselves. What would be the more favorable trajectory? Force people into a program, difficult to do in a free society, and your compliance rate may not be exactly what you want it. Or would it be better to create a program of value that also relied a little bit on some competitive forces to keep that cost down.

Now, one of the great debates that was had on the floor of this House a year ago when the current majority party took over was the whole concept of reforming the part D benefit. And we don't hear much about that anymore. They weren't successful. One of the big proponents, or one of the big themes that was proposed was to cause or ask or demand that the Secretary of Health and Human Services negotiate drug prices with drug companies. I will just tell you from a lifetime in health care that HHS or CMS, they don't negotiate prices, they set prices. That's what they do. And many of us on my side of the aisle felt that that would be counterintuitive to the way this program was working, and in fact, it was working.

And, you know, Madam Speaker, and this is only partly in jest, but if we wanted to create a program where the head of a Cabinet agency, an agency secretary was to negotiate, maybe we ought to look to the Department of Education and ask the Secretary of Education to negotiate prices with college deans for the cost of higher education. That might be a better trajectory. I'm waiting to see that legislation come forward from the majority.

But, nevertheless, part D was left untouched last January. I'm grateful that it was, and I think again the numbers speak for themselves. This is a template. This is a model, this is a program that we perhaps should seek to duplicate because it created a condition of value, that consumers, that patients, that individuals wanted, and the compliance rates are high. The satisfaction rates are high. And, most importantly, seniors now are getting the medicines they need to keep them out of the hospitals and out of the doctors offices, and the overall cost for delivering Medicare, while it is still extremely high and still likely unsustainable over time, it has at least moderated or ameliorated over the last couple of years. In fact, the trustees' report from June of last year that came out said the bad news is Medicare is still going to be broke. The good news is it's going to go broke a year later than what we told you before. So seeing the beginnings of that cost savings and how that can change the practice of medicine and the delivery of health care in this country, that's a powerful anecdote for people to consider.

One of the things that we talked about is the speed at which information will come to us in the future. And there's no question that it's increasing every day. Most of us wear a Blackberry on our belt that has more computing power than the big computers on Apollo 13. It's astounding what's happened with computer power over the last two or three decades. And we hear a lot about the improvements of health information technology, the improvements in the platforms and what that improvement can mean to patient care, what it can mean to the practice of medicine, what it can mean to bringing down the cost of medicine. And, indeed, these are powerful influences.

Madam Speaker, I will tell you I haven't always been a big proponent of things like electronic health records. But as my experience on the ground in Louisiana in 2005 and early 2006 taught, getting to visit the medical records room at Charity Hospital shortly after it had been dewatered, I didn't know that dewatered was a verb, but, nevertheless, that's what the Corps of Engineers told us they did, and indeed, these flooded basements were now available for people to go into, the scene in the medical records room, the medical records that were damaged by the high water, damaged by the chemicals that circulated in that water, the black mold that was going on these paper records made it abundantly clear that these were records that could never provide useful information to a physician or a patient again. And how much more powerful would it have been to have that information available electronically, available to be transmitted from New Orleans to Dallas or Houston or wherever the person had had to travel to after that terrible storm and in the ensuing aftermath. It changed my thinking on electronic health records and electronic medical records.

But I will also tell you, I'm concerned about the Federal Government's ability to create the structure that people feel is necessary for that day to dawn where electronic health records are, indeed, the standard. And I say that because when I came here 5 years ago, the discussion was, the Federal Government is going to create those platforms. It is going to create the software. It is going to create the type of information technology that private industry will then follow the leadership of the Federal Government. And, Madam Speaker, it's 5 years later and we still don't have it.

I did have the opportunity to speak to a CEO of one of the larger insurance companies in this country a few months ago. In fact, he talked at a symposium that was put on by Health Affairs downtown the first of November. He talked about within his company he has 45,000 employees, and fully 15 percent were employed in the development of software. Fifteen percent were employed in the development of that information technology architecture that we all talk about here on the floor of this House. In fact, he said if his software development portion was a stand-alone company, it would be one of the largest software development companies in the United States of America. And yet it is a single branch of a single private insurance company. And more to the point, they had developed algorithms, mostly from financial data, but they had tens of thousands of conditions, medical conditions that they had studied, again using purely financially data, and they had found some things that actually seemed clinically very relevant and certainly important for a company that might be interested in holding down the costs of administering health care. They found that if they paid for A and B, C was very likely to follow, and guess what? They were very likely to have to pay for D, and D cost a lot of money. The example given to me was of treating an individual with a heart attack. If that individual with a heart attack, if they did not anticipate an episode of depression following that individual's illness, it would very likely interfere with their rehabilitative efforts after they got out of the hospital, and so their likelihood of a long term return to health and productivity was curtailed.

And again, they found this by analyzing financial data, that if they put someone in the hospital for a heart attack, successfully treated them, discharged them, but did not anticipate depression, they were very likely at some point to pay for a hospitalization for depression, pay for treatment of another heart attack because they didn't comply with the regimen after they got out of the hospital. Very powerful information. And as someone who spent 25 years in clinical medicine, I will tell you, that's just exactly the type of information that would be extremely valuable to the clinician.

Well, what's the problem? The Federal Government said 5 years ago that it was going to develop the platforms that private industry would then take up and follow, and we haven't done it. And yet here's an individual from the private sector excitedly telling me about what his company is doing and the benefits that they've found. And you have to ask yourself, would it not perhaps be better for the Federal Government to allow that to happen, allow a company to develop that type of software, to develop those types of programs, to perhaps bring the clinicians now and begin to populate some of those fields with clinical data so that they could get even better and more accurate information.

And I asked that individual, well, what would it take? What would you need to see from us to allow this to work better for you? And, no great surprise, he talked about the things that we talk about on the floor of this House all the time. He said, it wouldn't hurt to have some regulatory reform. It wouldn't hurt to have some reform in what are known as the Stark laws that prevent hospitals and physicians from doing too much together for fear of some type of unjust enrichment. We would need some modifications to some of the privacy laws. And at the end of the day, too, we're going to need some safe harbors with liability. But if you provided us that, we could really take this to the next level. And we won't. And yet they're ready to make the investment and they're already making the investment, even without any Congressional activity, because they find it delivers value to their patients, to their physicians and, yes, to their bottom line because they're a profit-oriented company.

What is the difficulty with this body recognizing that that type of activity is going on all around us, and maybe we don't need to reinvent the wheel here on the floor of this House. Maybe we just need to wake up and look around at what is happening literally just across the street.

☐ 2030

Now, some of the other things I want to talk about this evening before I run out of time, I have already alluded to the problem with supply and demand in our physician workforce.

Just a little over 2 years ago when he was finishing up his term as Chairman of the Federal Reserve Bank, Alan Greenspan came and talked to a group of us one morning and the inevitable question about Medicare came up: How are we going to pay for it in the future? What is it going to cost? And the Chairman was concerned as well, but he did say, When the time comes, I think Congress will make the hard decisions that Congress is required to make so that the program will continue. He stopped, and then he went on to say, What concerns me more is will there be anyone there to deliver the care when you need it?

And we've already talked about some of the problems that are inherent in the formula by which Medicare reimburses physicians.

And one of the things I don't think I can stress enough on the floor of this House, because I don't think Members understand this, they think, well, that's just Medicare; that's just a part of the practice of medicine. That's not the whole story. Well, it is about half the story. Actually, the Federal Government does pay for about half of the health care expenditure in this country, if you go back to the first moments of this discussion.

But the other thing is that the rates by which Medicare reimburses for health care informed the rates that are set by the private insurance companies in this country.

So indirectly, we have a system of Federal price controls on medicine in this country today. And that's why, when we ratchet down the reimbursement rate for physicians on Medicare, and everyone in the body is quick to say, Oh, well, doctors make plenty of money. There's no need to worry about that. Remember, also, we are affecting not just Medicare, over which we have jurisdiction, but we are also affecting those reimbursements in the private sector as well because there is not a level playing field between provider and third-party payer. That's one of the problems inherent in our system now. People that go to the physician don't actually pay the physician; they pay the insurance companies. Same with the employers. They don't actually pay the physician; they pay the insurance company.

So that interposition of a third-party intermediary has created a good deal of the tensions and a good deal of the problems that we see today.

But we must not forget, that is a system that is there, that is a system that is in place, and when we make a decision about Medicare reimbursement rates, the ripple effect throughout the health care world in the reimbursement is significant, it's profound, and it is immediate.

One of the things that I feel very strongly about is that we do need to help people know what they're buying and what they're getting in health care. And one of the bills that I introduced early in the first session, the last year of this Congress, was H.R. 1666, which does deal with health care transparency.

It sets a floor of a level of transparency that should be available in every State. Many States have already undertaken this work. My home State of Texas has, and, in fact, patients can go to the Internet to a Web site. It's texaspricepoint.org, abbreviation txpricepoint.org, and they can get information about the hospitals in their county. Most of it is pricing information. Other information, other useful clinical information such as length of stay is also available.

At some point I expect there will also be the transparency about things like complication rates and infection rates, but it's still a work in progress. Other States have done similar activities. The State of Florida with its RxCompare. People can compare prices for different prescriptions, which has been useful for the people of Florida.

What the intent of H.R. 1666 was to not provide a Federal standard but at least to provide a level of transparency below which States should not go. And I would like to see this House of Representatives at some time take on this problem, because I think it is one that is extremely important.

And it does lead in to the other issue of how States and hospitals report complications, such as infections. And, again, I do think there is a role for Congress, I do think there is a role for the Federal Government, not so much in writing that legislation State-by-State, but providing the framework by which the reporting can occur to allow a Federal agency such as the Centers for Disease Control the ability then to aggregate that data and provide useful information back in real-time to the States and to the hospitals and to the physicians about infection rates in their particular areas.

Most epidemiologists will tell you the chance to measure is the chance to cure, or the chance to prevent, in the case of infections. And the metrics, just the activity of undergoing the metrics in those conditions, will oftentimes lead to improvements that were unanticipated at the beginning of that program of metrics.

Other legislation that's out there that deals with our physician workforce, H.R. 2583, H.R. 2584, both bills designed to affect individuals earlier in their career, in the health care workforce even prior to the entrance into medical school, the ability to provide a little bit more flexibility and a little bit more balance in the health profession scholarship, a little bit more flexibility in loan forgiveness and tax incentives for individuals who are going to medical school and will agree to practice in medically underserved areas in high-need specialties, and that is essentially primary care, also fields like OB/GYN and general surgery, to provide a little bit more flexibility to help incent people who are willing to make those types of decisions. And there is significant lifestyle decisions that they are making to undertake those type of careers.

And then there's another program to increase the number of primary care residencies that are available, again, in high-need areas, medically underserved areas for specialties that are in high demand, and, again, we are principally talking about the primary care specialties.

The barriers for entry for a medium-sized to moderate-sized hospital to start up a residency program are essentially costs. And some of those start-up costs in this legislation can be provided for in a loan. And there will be a loan that is paid back so that money will recycle, and the overall return to the taxpayer is increased that way. It will allow those hospitals the ability to set up a residency program where none has existed in the past. And I can think of many, many hospitals in my home State of Texas that could benefit from that type of activity.

And one of the things when people study how physician manpower is distributed, you can say a lot of things about doctors, but sometimes we are not very imaginative and we don't tend to go very far from where we trained, and there are some valid reasons for that. You get comfortable with referral patterns. People know you from your training program, so they're apt to refer to you. There's a degree of comfort there. And myself, for example, I went into practice less than 25 miles from where I did my training. A lot of doctors do follow that same sort of trajectory.

So if we can move the training programs into the areas that need the physicians, it may then follow that those physicians who train in those programs will end up staying in those medically underserved areas.

It's difficult for me to come to the floor of the House and talk about things related to health care and at least not mention some of the problems that we face with our medical justice system in this country. And I know there are lots of people out there with a lot of different ideas, caps on noneconomic damages, medical courts, early offer arbitration. The time has come for us to have a serious discussion to put some of the partisan differences aside, to put some of the special interests aside and have a rational discussion about how we can meaningfully impact that problem in this country.

My home State of Texas passed rather significant legislation 4 years ago dealing with the issue of caps on noneconomic damages. It was patterned after an earlier California law, the Medical Injury Reform Act of 1975. It was passed out in California, which put a $250,000 cap on noneconomic damages. The Texas legislation was a little bit different. Instead of a single cap, there were three different caps, each capped at $250,000, but the aggregate was $750,000 compensation available for noneconomic damages. It has worked very well in my home State of Texas.

The year that I left practice to come to Congress, we were in crisis. We had gone from 17 medical liability insurers down to two. You certainly don't get much in the way of competition when you only have two insurers, and as a consequence, the price for those premiums was ever escalating. Now we have had many insurers come back to the State. They've come back to the State without an increase in premiums. And, in fact, Texas Medical Liability Trust, my last insurer of record, has returned, the last time I checked, 22 percent reductions and dividends back to their physicians that they cover. And that's significant because, remember, these premiums were going up by 10, 15, 20 or 25 percent year over year, and then on the past 4 years, they've not only stabilized, but they've come down 22 percent.

Small and medium-sized hospitals that self-insure for medical liability have had to put less in reserve against a bad judgment, and as a consequence, there has been more money to spend on just exactly the kinds of things you want your community hospital to be spending its money on; things like nurses' salaries, capital improvement, investing in their capital infrastructure.

So it is a good news story from the State of Texas in terms of what we've been able to do with liability in my home State, and I'm not going to say that's the only answer, but I think it is a very good answer. I introduced legislation, H.R. 3509, to essentially provide the Texas legislation on a national scale.

In fact, we had a lot of talk about the budget earlier tonight. Last year, I offered that bill to the Budget Committee because the Congressional Budget Office scored it as nearly a $4 billion savings over 5 years. I realize that's not much when you are talking about a $3 trillion budget, but that's $4 billion. That's a significant savings, and I was willing to donate that to the Congress.

Take up that concept, write it into law in your budget resolution, and let's get something done to stabilize medical liability prices in this country, not so much for my home State of Texas, as we've already done it. But what about Pennsylvania? What about New Jersey? What about Maryland? What about New York? Maybe those areas could benefit from some of that same type of thinking as well.

Well, suffice it to say that that concept was not accepted, but I will extend the offer to members of the Budget Committee on both sides of the aisle that $4 billion in savings is still available to you. H.R. 3509 is the bill, and I will be happy to relinquish all ownership rights and donate that to the greater good of the United States Congress and the people of the United States.

One last piece of legislation that I want to mention, and it was introduced right at the end of the year, H.R. 4190. We talk on the floor of this House a lot about the problem of the uninsured. In fact, I've spent some time talking about it this evening.

H.R. 4190 isn't a new insurance program. It isn't a new expansion of Medicare or Medicaid or SCHIP. What H.R. 4190 does is take the concept of being uninsured and extend that privilege to everyone who serves in the United States Congress. H.R. 4190 would remove us, as Members of Congress, from the Federal Employee Health Benefits plan, provide us a voucher, if you will, to go out and purchase insurance on the open market. And I can't help but think, if we were put in the position of many Americans who are faced with those decisions about having to buy health care coverage on their own out in the open market, perhaps we would get a little more creative about the unequal treatment from the Tax Code for employer-derived insurance versus an individually owned policy. Perhaps we would get a little bit more creative about providing a little more flexibility in a health savings account.

Perhaps we would get a little bit more flexible even if we are of the mindset that said, Well, we are going to extend our single-payer health care to more and more people. Well, what if Members of Congress had the same problem finding a doctor that your senior citizens at home tonight are having when they call up the doctor they've seen all of their lives and are told, Sorry, we can't take any more Medicare patients?

Well, H.R. 4190 is an intriguing concept. I haven't had much interest as far as cosponsorship is concerned, but it's still out there. It's still available, and I welcome Members from both sides of the aisle to think about that, to look at that, and see if we couldn't forge a common bond and a good-faith effort to really do something for the people who lack insurance coverage in this country or the people who are fearful that they will lose their insurance company if their job changes or their financial situation changes.

There's a lot of things out there on the horizon, Madam Speaker. There is a lot of good that this Congress can do. I think it is important for me to make the point one last time that medicine is evolving in a big way. It's going to change significantly in our lifetime.

☐ 2045

Congress can participate in that evolution, and actually participate and be a force for good if we're only willing to pick up and take on the work that the American people have sent us here to do.

Thank you, Madam Speaker, for your indulgence.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Pennsylvania (Mr. ALTMIRE) is recognized for 60 minutes as the designee of the majority leader.

Mr. ALTMIRE. Madam Speaker, we're here this evening as part of the Speaker's 30-Something Working Group, and I'm going to be joined by some other members of that group who will be familiar faces to our colleagues who have participated in these Special Orders presentations.

We're going to talk specifically tonight about the budget that the President dropped on our doorstep on Monday. Now, this was an exciting series of days for the American people. We, of course, had Super Bowl Sunday, one of the most exciting Super Bowls we've ever seen. We had Super Tuesday last night, very exciting for all the American people to watch the unfolding for the Presidential election for this year. And in the middle of that, we had Monday.

And what happened on Monday? Most Americans say, well, not a whole lot happened, but in Congress a lot happened because the President put before us a $3.1-trillion budget. Now, the American people may say, well, that sounds like a lot of money, and it is a lot of money. But what does it look like? What does $3.1 trillion look like? Our colleagues may be interested to see that. This, Madam Speaker, is what $3.1 trillion looks like. This is what the President sent us, both electronically and in paper format. This is a very big document, the entire Federal budget as proposed by the administration for the coming fiscal year 2009.

I'm going to talk a little bit about what's in this budget, but before I did that I wanted to take a little walk down memory lane for our colleagues. And many don't need to be reminded of this fact, but in the last 4 years of the previous administration we had four consecutive budget surpluses. And those surpluses, at the end of that administration and the beginning of the current administration, budget surpluses were forecast as far as the eye can see. And there was every reason to expect that the budget was going to be balanced throughout the next administration. The projection over 10 years by the Congressional Budget Office was $5.5 trillion of budget surplus over 10 years. That was the projection.

Well, now we're 7 years, going on 8 years, into this new administration. This is the eighth and final budget that President Bush is going to send to this Congress. And what has been the outcome of this $5.5 trillion surplus? And we talked about the Presidential election, Madam Speaker, and I would remind my colleagues about the debate of the 2000 election. The number one issue that was discussed in that election was, what are we going to do with this surplus? We have an enormous budget surplus, $5.5 trillion, and all the ways that that money could be used. Are we going to pay down the debt? Are we going to shore up Social Security, put that money into the trust fund? How are we going to use this enormous surplus that's facing us over the next 10 years? That was the debate in the year 2000.

Well, in this Presidential election year we're not having that debate anymore because, you see, Madam Speaker, that surplus is gone. That surplus was gone in the first year of this administration. Instead of $5.5 trillion of budget surplus over a 10-year period, we've had $3.5 trillion of deficit spending over the first 7 years of this administration. And I'm going to talk in some detail about what this fiscal year 2009 budget says, and it includes an enormous amount of deficit spending.

What we have before us is a budget that for the eighth time in 8 years continues enormous deficit spending. But we can't lose sight of the fact that when this administration first came into office, that wasn't the projection. That wasn't the way it was supposed to be and that wasn't the way it had to be. But, unfortunately, decisions were made in a fiscally irresponsible manner, and now before us is a budget that is $407 billion over budget. We have a $407 billion deficit for one year, fiscal year 2009, the third highest single year budget deficit ever submitted to the Congress behind only the budget that was sent to us last year by this President, which was $410 billion, and the 2004 budget also submitted to this Congress by the President.

So we have a record here of destroying projected surpluses and creating record deficits. $9.2 trillion of debt, Madam Speaker, faces this country before this $400 plus billion deficit that's been submitted to us.

We can't continue to charge things to the credit card. The way the previous administration turned the all-time record deficits of the 1980s into all-time record surpluses in the 1990s was through pay-as-you-go budget scoring. And that's very simple: It's what we all do in our own home checkbooks. It's what every business in America is forced to do. You have to have money on one side of the ledger to spend it on the other. And if you want to increase spending or if you see a decrease in your revenue, you have to have an offset on the other side to balance it out. Well, those are the rules that this Congress operated under from 1991 through 2001.

Unfortunately, this administration did away, and the Congress, in conjunction at that time in 2001 going into 2002, did away with pay-as-you-go budget scoring. And since that time, before this current session of Congress, every penny that was spent through the Federal Government was charged to the national credit card. We're going to let somebody else worry about it. We're going to transfer this funding to our children, our grandchildren, and our grandchildren's grandchildren. Well, unfortunately, the problem with using credit cards that way is the bill comes due, and the bill has come due, Madam Speaker.

We're going to talk about the coming economic crisis that this country faces, the possibility, if not the certainty, of a recession, and the economic stimulus package that this Congress came together in a bipartisan way to put forward to help resolve that issue. We're going to save that discussion for a little bit later.

But in the discussion over the budget, it can't be lost that in presenting a $407 billion deficit budget before this Congress, that this President has made incredibly deep cuts in some very important programs that mean a lot to a lot of people in this country. Veterans programs, veterans health care, slashed. Medicare cut by $556 billion over 10 years, a cut in Medicare at a time when you're exploding the deficit by $407 billion. And we're going to talk specifically about the misplaced priorities included in this budget.

Before we go line by line and get into that level of detail, Madam Speaker, I do want to turn it over at this point to my 30-Something colleague, Mr. MURPHY from Connecticut, who has joined us and is going to give us some detail on what he views this budget to be.

Mr. MURPHY of Connecticut. Thank you very much, Mr. ALTMIRE. I don't want to take too much time because I know the American people are eager to hear your detailed line-by-line analysis of the President's budget, so let me be brief.

You hit it on the head here. I mean, this budget that the President has proposed to us is the worst of both worlds. It cuts spending on programs that everyday middle-class families and seniors and the disabled use to simply grab hold of the apparatus of opportunity that has been stolen from them, and at the same time, it continues to spend wildly in other parts of the budget. It continues to give away massive, unjustified tax breaks for the richest 1 percent of Americans that aren't even being asked for by many of those people. And it results in a pretty ugly picture over the next several years for this country if we were to adopt the budget that the President put before us.

It would mean massive cuts, as you've already laid out, to health care programs, to law enforcement programs. And, Mr. ALTMIRE, this budget has got a 100-percent cut to the COPS program. The COPS program is the acronym for the community policing initiative that was started by President Clinton over 10 years ago. It is one of the most successful law enforcement programs that this Nation has ever seen. Any Member of this House on the Republican side of the aisle or the Democratic side of the aisle can just go down to their local police department, any one of them, and ask their local cops whether or not community policing has worked. It has. That's not me saying it, that's not just the statistics saying it, that's the experiences of thousands of community policemen who have been on the beat for years.

Now, what's happened over time is the Republican Congress year after year slashed and burned that line item, and so many communities either had to take cops off the community policing beat or start picking up the tab themselves. That means increased property taxes for people because somebody has to pay for it. And this budget that we're looking at right now takes out the entire amount for community policing. I guess I just don't understand how you justify that. I mean, I would love to have somebody from the administration on this floor try to explain in a commonsense way why they don't believe that the experiences of thousands of communities and thousands of police officers is true, which is that community policing works.

But here's the other side of this equation, Mr. ALTMIRE, and I know we're going to talk about this. At the same time, it's not like we're getting anywhere for all of the cuts in this budget because this budget envisions the Federal deficit continuing to explode. Now, this is a small little chart, you probably can't see it, but this is a pretty dramatic, but accurate, representation of what's going to happen to the Federal debt.

In 2001, we had about $5.8 trillion in Federal debt, and you can at least see that it only is going in one direction. Under the President's budget, by 2013 we're going to owe $13.3 trillion to foreign nations, Mr. ALTMIRE.

We are cutting funding for programs that matter, we are spending money wildly in other parts of the budget, primarily in the defense budget, and what we get in the end is a Federal budget that is more out of whack, more out of balance than it ever has been, and families who are struggling, amidst this economic slowdown, who are going to see less services and less help from their government.

Mr. ALTMIRE. I'm sure the gentleman from Connecticut would agree that it's ironic, given the fact that it was a week ago that we sat here together in this Chamber and listened to the President's State of the Union Address. And I liked some of what the President had to say on fiscal responsibility, challenging the Congress, challenging his administration to take the budget and make tough decisions and be fiscally responsible.

Mr. MURPHY of Connecticut. Let me stop you there for a second, because I liked what he said, too. But I would have liked it if he had said it for the last 7 years of his administration. I mean, you know, I hope it wasn't lost on anyone watching that State of the Union speech that for the last seven Congresses, as the Republican-led majority has spiraled spending out of control, has added on political earmark after political earmark, the President was absolutely silent on that matter. And it is just incredibly convenient that in the year in which the Democrats take control of the House of Representatives is the first year that we hear in a State of the Union speech the President talking about grants in Federally approved budgets.

Mr. ALTMIRE. Well, and again, the things that were said as far as fiscal responsibility made some sense, and I was happy to hear them. And you're right, we had not heard them over the past 7 years, and that led to the deficits that the gentleman and I have both talked about.

Now, we sat here and we heard that. And I thought that hopefully that would translate to the President submitting a budget where the actions actually matched the words that we had heard a week ago. Unfortunately, it didn't. The President, a week later, submits to Congress a budget that's $407 billion out of balance. And we're living in a time when the second largest line item in the Federal budget that is before us is the interest on the national debt, which is $9.2 trillion. The second largest line item in this budget is interest on the national debt. Now, that alarms me, Mr. MURPHY, and I'm sure it alarms you. And I would want to do something about that if I was submitting a budget before Congress. And I would want to show, having just talked about fiscal responsibility, that I was committed to fiscal responsibility. But, unfortunately, we have a budget that makes all the wrong decisions because it is fiscally irresponsible, it does have misplaced priorities, it does move in the wrong direction as far as increasing the deficit at a time when we already have a record debt, but it cuts programs like Medicare and Medicaid.

This is at a time when more and more Americans are struggling to afford health care, especially senior citizens. And to propose a budget that cuts Medicare by $556 billion over a 10-year period, at the same time freezing payments to hospitals, to nursing homes, to hospices, to home health agencies, it just doesn't make any sense because health care costs aren't going to stop. Health care costs have been going up above the rate of inflation every year for as far as anyone can remember.

□ 2100

The technology that's used for health care, the increase in the amount of baby boomers that are qualifying for the Medicare program for the first time this year, in 2008. The costs of Medicare are exploding. So to just say we are going to cut Medicare over the next 10 years by $556 billion doesn't mean health care is going to be less expensive, fewer people are going to qualify for Medicare, and fewer people are going to use the program. And certainly it doesn't mean that home health agencies, hospices, and hospitals are going to have fewer expenses just because we are going to be reimbursing them.

Mr. MURPHY of Connecticut. Will the gentleman yield?

Mr. ALTMIRE. I would.

Mr. MURPHY of Connecticut. Let's hammer that home in a real world way for people. What does it mean when the President's budget reduces payments to nursing homes? In Connecticut, we have had a real crisis with a particular nursing home group that has gotten a lot of attention in the paper, Mr. ALTMIRE, in the last several months regarding some really inexcusable conditions in those nursing homes, low levels of staffing, no remediation when violations had been found. And that problem is not going to get better if the solution from the Federal Government is to cut the funding that goes to those nursing homes. These nursing homes are already stretched very thin. There already isn't enough staff to cover the residents and make sure that seniors that are staying there are living under safe and humane conditions at all times in some places.

This cut that the President is talking about in the cut and reimbursement rates to nursing homes is going to have a direct effect on the care that many thousands, hundreds of thousands of seniors get in this country. Your loved ones, your neighbors, their care is going to be compromised by this.

The safety of your community is potentially going to be compromised by a zeroing out of the COPS budget. Communities will be less safe because there will be fewer community police on the beat. Those are the real world consequences of the budget that the President is putting before us.

And the question is just a matter of choices. And that's what I hope that every Member of this House goes out and endeavors to ask over the next month or so as we debate this Bush budget, which is are you sure that your community wants to spend another $70 billion in Iraq rather than put cops on the beat or put staff in your grandmother's nursing home? Are you sure that the constituents in your district want to give away another massive tax break to the richest 1 percent of Americans instead of putting cops on the beat or putting staff in your grandmother's nursing home? Those are the questions that people are going to have to ask. And I think, Mr. ALTMIRE, there's only one answer to that in any district in this country whether you are represented by a Republican or a Democrat.

Mr. ALTMIRE. And the gentleman knows that there are three legs to this stool that we are talking about. One is the increase in spending leading to the deficit. One is the misplaced priorities of the cuts to programs that are critically important. The third is what's left out of this budget that we all know we have to deal with, and I'm going to save that discussion for a little bit later as we walk through some of these programs. But the full cost of the Iraq war and the cost of the alternative minimum tax relief for this year are not included in this budget. So a $407 billion deficit without even including probably the two largest items that we are going to have to face in the next year, we'll get to that point, but there are a lot of issues here.

When I talk to people when I go back home in the district, I hear a lot about entitlement spending, and when I go home, I think I can make a pretty good case that Medicare is important and we shouldn't be cutting Medicare at a time when the number of people qualifying for Medicare is rising exponentially and health care costs are going up. I can make a pretty good case, I think, for that. But I will still hear people say, You know what? I'm not on Medicare. That's an entitlement program. I don't care about that. Cut it. It's a boondoggle. Just cut it. I do hear people say that. They're wrong, but they say it. Well, there are some things in this budget that nobody, nobody in their right mind could justify freezes or cuts in these types of programs. And maybe our colleagues are out there and they say, Show me. What are you talking about? What is in the budget that we shouldn't cut?

Well, how about research, health care research through the National Institutes of Health? I think that's something that affects everybody. If you're not directly affected by health care research, you certainly have somebody in your family or you have somebody, a loved one or a friend, that is affected. And let's talk about the type of research that we are talking about.

This budget freezes funding for lifesaving medical research at the NIH, National Institutes of Health, regarding diseases such as Alzheimer's, Parkinson's, cancer, and heart disease. At a time when our medical technology in this country is greater than anywhere else in the world and our research and our ability to find treatments and cures for these diseases exceeds any time in the history of the planet, we are going to cut funding for medical research for Alzheimer's, Parkinson's, cancer, and heart disease? I think, Mr. MURPHY, that we make a pretty good case that that's not a cut that should happen.

This budget also slashes funding, and this is inexcusable, slashes funding by $433 million, 7 percent of the overall budget for the Centers for Disease Control and Prevention, responsible for infectious disease control, prevention programs, and health promotion. So we hear a lot about the avian flu, the bird flu, the possibility of a pandemic through diseases, whether it be a terroristic issue or just something we can't control on the health side. That may be the number one public health threat facing the country right now, the possibility of a pandemic flu, a worldwide spread of some disease, and we're going to take this opportunity to cut the Centers for Disease Control specifically for infectious diseases by 7 percent? That's what we are going to cut in this budget when we are adding $407 billion to the national debt for 1 year? I think it's inexcusable. So I really don't think there is anybody that I am going to run into in my district that's going to say that's a good idea.

Mr. MURPHY of Connecticut. I just want to share a story with you, if you will yield, Mr. ALTMIRE. I was getting on a plane this morning to come down to Washington from my district, and an older gentleman recognized me as I was going through the security checkpoint. And he stopped me, and he said, I have written you a letter. I've got a real problem with what you're doing down there. And I said, Talk to me about it.

And he looked me in the eye and started to tear up a little bit, and he said, My wife died of cancer last year. And he said, I can't for the life of me understand why you guys, and he lumped us all together, and I tried to explain the differences a little bit to him, but it was a very emotional moment. He said, I can't understand how you guys are cutting the funding for the programs that might save the life of the next wife who has cancer and instead you're spending money, billions of dollars, overseas on a war that's making us less safe. And he was tearing up.

I mean, this is a personal and emotional issue for so many people in this country, as it should be, because they know. They read about the advances that are being made in science. Whether it be stem cell research or the thousands of other lines of inquiry that are making progress every day in this country, they know that it could be their loved one's disease whose cure or treatment is right around the corner. This should be a personal issue to everyone in this Chamber, and everyone should have to answer that question that you posed as to how on Earth we can pass a budget that freezes medical research that is going to cure diseases and make people better just in order to balloon a deficit, just in order to fund a war, just in order to fund massive tax cuts for the wealthy. The priorities are just so screwed up, and any person in this world can tell a story of a loved one who would be hurt by those cuts.

Mr. ALTMIRE. Absolutely. And I thank the gentleman for that story. And I've had similar circumstances in my district where people wonder why we are cutting Alzheimer's funding, where they have a loved one who has struggled with that disease.

I also want to talk about education and what this budget does for education. I think just about anyone should agree that's a national priority. Few things in the budget are more important than education. Well, what does this budget do?

This budget freezes education funding, which results in cuts in real terms. And instead of investing in innovation in the classroom, the budget eliminates, eliminates, the $267 million program providing grants to States for classroom technology. It freezes the $179 million mathematics and science partnerships. At a time when we're struggling to compete in the global economy with countries like China and others that are investing heavily in science education, we are cutting it. At least the President is proposing cutting it in his budget.

It freezes targeted improvement and achievement in math and science programs that do that. And instead of making college more affordable, the budget eliminates, completely eliminates, supplemental education opportunity grants; the Perkins loan program, one of the staples of student assistance for higher education in this country, eliminates; and the Leveraging Education Assistance Partnership program, the LEAP program, which many of my colleagues know is necessary to provide financial support specifically targeted to needy students who otherwise wouldn't have the opportunity to pursue a higher education. These are the programs that are being eliminated under this budget. Not frozen, not cut, but eliminated.

Mr. MURPHY of Connecticut. At the very time, Mr. ALTMIRE, where our country is most in need of a skilled workforce. I mean you know it, because you do the same tours that I do to manufacturing facilities and worksites, that every company in our district is screaming to us, Do something about the workforce. I can hire people if you make sure that they are trained and educated and ready to work on day one. And so as we're sort of seeing a massive slowdown in this economy, potentially on the way to a recession, this is the very worst time to be cutting back our commitment to higher education programs, to worker and job training programs. And it runs totally counter to what we have been doing here in this Congress.

I mean, we need to remind the President that he signed into law the biggest expansion in college aid since the GI bill, increasing the maximum allowable Pell grant, the direct grant to students by $500, providing for loan forgiveness to potentially tens or hundreds of thousands of students who go into public service professions; and, most importantly, cutting the interest rate for student loans in half from 6.8 to 3.4 percent, which is going to save the average college student in Connecticut about $4,000 over the lifetime of the repayment of their loan. That's real dollars when you couple it together with the other benefits that that package had.

And that was a bipartisan success. That was conceived by Democrats. It took Democrats taking control of Congress to put that on the agenda. But there were a lot of our friends on the Republican side of the aisle that voted for it, and there was a President, maybe reluctantly, because he changed his position over time, but there was a President that signed that.

So we have come together as a Congress to recognize the importance of helping kids and helping families pay for the increasing cost of higher education, and we should especially recognize the importance of that when our economy is having trouble getting its engine going. That's when we should be investing in workers. That's when we should be investing in education. And as you have so ably and accurately outlined, Mr. ALTMIRE, this President's budget does an immediate 180 degree turn on the investments that we have been making and should continue to make in higher education.

Mr. ALTMIRE. And the gentleman from Connecticut represents a district in some ways that is similar to my district. We both have a manufacturing base that has suffered in recent years as a result of the global economy and a variety of factors. And as the gentleman said, at the very time when we should be finding ways to help people that have suffered as a result of these job losses and a loss of manufacturing, find new job training sources, find educational opportunities for our kids so they can stay in our communities instead of having to leave town, a problem that we are struggling with, I think, probably in both of our districts, the President uses this budget as an opportunity to eliminate, not freeze, not cut, but eliminate vocational education.

And he slashes the Safe and Drug-Free Schools program by 45 percent; afterschool programs by 26 percent; teacher quality State grants by $100 million, which helps incentivize high quality people to go into the teaching profession, people who have other options, who could become doctors or lawyers or chemists or any other profession. We want to incentivize the best and brightest in this country to go into teaching to educate our kids, and everyone knows the importance of what goes along with that. Well, the President proposes cutting the budget by $100 million for that program.

And, similarly, the gentleman from Connecticut talked about the fact that middle-class workers are seeing their wages stagnate and American jobs have been lost, 17,000 lost jobs just last month. And at this time when we should be finding ways to stimulate the economy and create jobs, instead, the President's budget slashes $234 million for job training programs.

□ 2115

Again, not to repeat myself, but it is worth pointing out, in an atmosphere of a budget that creates $407 billion in deficit spending, out of balance, and that slashes employment services more than $500 million in cuts for Americans looking for work. These are people who are motivated, who want to find jobs, who are looking for work, and he eliminates grants to States to provide employment services for job seekers and employers cutting one-stop career centers. These are all programs that my constituents benefit from that get heavily used in western Pennsylvania. We have had manufacturing losses, and we are trying to find ways to retrain those workers so they can move into other careers, educate themselves so they can stay in western Pennsylvania, and what are we doing? The President is proposing cutting these job training programs. It is just inexcusable.

Mr. MURPHY of Connecticut. It doesn't make sense. It wouldn't make sense even in good economic times, Mr. ALTMIRE, because you know even in the so-called boom years of the 1990s and earlier in this decade, those jobs were still leaving Pennsylvania. Those jobs were still leaving the northwestern part of Connecticut. And you always need to have just that safety net, just enough help for people to bounce back, because the folks that live in our districts, as they do across the Nation, these are proud, proud people. They want a job. They want to work hard. They do not want to be out of work. They do not want to be undertrained. And they are going to take the opportunities that we give them just to be able to bounce back and reenter the economy. That is all we are talking about with these programs. This isn't permanent job assistance. This isn't the welfare state. This is just, listen, your company went out of business, shipped their jobs over to China, shipped their jobs down to Mexico. We're going to help you for a certain period of time learn a new skill so you can get back and be a productive member of society. That is an important project to undertake in any economic time but most critical now when more and more people need that help, Mr. ALTMIRE, that is critical right now.

Mr. ALTMIRE. And the gentleman knows there is another thing that our regions in the country share and that is that we have harsh winters. We have been known to have harsh winters. And another thing that gets cut in this budget inexcusably is home heating assistance. And with regard to energy generally, we have a time where we have all time record energy prices. Families across the country are struggling with finding a way to pay their bills directly related to the price of oil and gas.

And at that time, you would think that the President would view that as a priority in his budget. But instead, it severely cuts assistance to seniors and to families with children in paying their home heating bills through the LIHEAP program, Low-Income Home Energy Assistance Program, very important in my area in western Pennsylvania. He cuts it by $570 million nationwide, $19 million of which comes from the State of Pennsylvania. And this is going to force States to reduce the number of households getting help through the LIHEAP program nationwide by 1.2 million people. These are low-income families with children. These are senior citizens that simply don't have the financial ability to pay their heating costs, and we are going to knock, with this budget, 1.2 million of them off the rolls.

Mr. MURPHY of Connecticut. Let's view this through a broader prism, and I think if you do, you see that this cut, in particular, is even crueler because we were set up for this moment. I mean, this has been 7 years of an energy policy which has been designed to do only one thing, a cynic might say, put more money into the hands of the big international oil companies, run by a lot of the friends of the folks that are in this administration. We have had an energy policy which has done nothing, has done nothing, essentially, to decrease the amount that people are paying to gas up their car or heat their homes. We have profits of record magnitudes coming from ExxonMobil and Chevron and BP and all of these major multinational oil conglomerates. We have had a Federal policy, led by this President and probably more accurately led by this Vice President, Vice President CHENEY in his secret, closed-door meetings that have constructed most of this energy policy, that have stolen millions of dollars from American consumers with the tax breaks and regulatory giveaways to the oil industry that have allowed them to continue with no abandon to rip off American consumers. The LIHEAP program is just an added insult to an energy policy which has been taking money out of American taxpayers' pockets and putting it into the oil companies' treasuries.

The LIHEAP program simply says this, this has been the policy of this administration and the Republican Congress for the last 8 years, for the last 6 years, they have said, we're going to do nothing to help you with prices, we're just going to continue to watch energy prices spiral and spiral and spiral and have no short-term or long-term strategy to do anything about it. But on the back end, we're going to help you a little bit with some subsidy dollars for the people in your community that are so hard up they are going to need some help to pay those bills or else they would freeze in their houses, which is what you're talking about. You're talking about people who would potentially freeze in their houses if they don't get a little bit of help from their government to pay for their heating oil bills, largely seniors on fixed incomes in our community. And now not only do we have an administration that is not willing to work with us on reforming our energy policy to break our addiction to foreign-produced oil, to finally get a grip on these spiraling oil prices because we have got an administration that cares more about the pockets of their oil company friends than the pockets of the regular, average, everyday consumers, now also we are taking away that small, tiny little subsidy that prevents people from freezing in their homes because they can't afford to heat it.

When you step back a little bit, when you are right in that budget, everybody here should make it one of their top priorities, whether you live in a cold weather State or a warm weather State, to put the money back for the LIHEAP program. Put the money back for the heating assistance for low-income people. But let's also understand that it is even more egregious given the fact that we could have done something 10 years ago, 5 years ago, to prevent ourselves from getting into a position where we are continuing to subsidize these big energy companies and have to be reliant on low-income heating assistance to keep people warm in the winters.

Mr. ALTMIRE. I think this is exactly why it is important to have this discussion, to walk through these programs in the budget and talk about what exactly are we talking about when we talk about these draconian cuts that we are facing? And as I said earlier, I have people in my district that say, cut it, cut it, Federal spending, we need to cut it. And we do have an enormous deficit. We have an all time record debt, and we do need to find a way to reduce the Federal deficit. Nobody can disagree with that.

Mr. MURPHY of Connecticut. Just to make one point there, the Democratic budget that we passed last year balances the Federal budget in 5 years. For the first time since the Clinton administration, we are going to have a balanced Federal budget. This isn't pie-in-the-sky rhetoric that you are putting out there, Mr. ALTMIRE. The Democratic budget found a way that we passed at the end of last year to invest money in education, in environmental protection, in health care and do it in a responsible way that provides for a balanced budget in 5 years. There is a way to do it, and we are finding it here. We can do it again.

Mr. ALTMIRE. That is exactly where I was going to go. I thank the gentleman for his comments.

Mr. MURPHY of Connecticut. I'm in your head, Mr. ALTMIRE.

Mr. ALTMIRE. I appreciate that. The fact is the Democrats in this Congress have made the tough decisions. We submitted a budget last year, and I am sure we will do so again this year that achieves balance for the first time since the previous administration. Nobody can disagree that there is room for more cuts. There is room for more reductions. But what we want to do here tonight in this 30-Something Special Order is to talk about the programs that shouldn't be cut, the programs that are critically important to this country that the President has made a decision to reduce.

We talked about Medicare. We talked about life-saving medical research. We talked about the Centers for Disease Control, infectious disease prevention. We talked about education. We talked about the LIHEAP program, home heating energy assistance, and unfortunately the list doesn't end there. It is incredible to think that at a time when we are facing a recession in this country driven by a lot of different factors, but nobody can dispute perhaps the number one driving factor over the past several months and maybe the past few years has been this subprime mortgage issue and home foreclosures and people struggling to afford their mortgages, finding a way to make that monthly payment. Despite the growing problems in the subprime mortgage crisis, inexplicably this budget that we are talking about tonight cuts loan counseling for those at risk of losing their homes. The name of the program is the Neighborhood Reinvestment Corporation. It cuts it by 87 percent, at a time when we are struggling as a Nation with a subprime crisis that the world has never seen before, or at least America has never seen before. At a time when the crisis is at its most acute point, we are going to cut by 87 percent the program that helps those most at risk, 2 million people in this country at risk of losing their homes. The people most at risk of losing their homes are facing an 87 percent cut. It is ludicrous.

Mr. MURPHY of Connecticut. I know we have our freshman colleagues coming in after us, so we are going to give them some room here.

But I want to turn for a few minutes to a subject that you alluded to earlier, and I know you may have some more areas here in which we want to talk about what the devastating cuts are going to do, but I want to talk for a second before we hand it off to some of our other freshman colleagues about what is not in the budget, and you alluded to it before, most importantly, the cost of the war isn't truly reflected in this budget.

In fact, some staff members on the Republican side made a comment earlier today that they even admit that the $70 billion that is put in this budget is essentially just a downpayment on what we are going to need to perpetuate the costs of this war in Iraq for the rest of the year. And it is just I think becoming impossible for our constituents to really understand why we can't include the costs of this war, whether you agree with it or disagree with it. We will save that for another day. Mr. ALTMIRE, you know where I am on this question. I believe that we should get ourselves out of this mess sooner rather than later in a planned-for way. But while we are there, and while we are still spending money, let's pay for it. Let's budget for it responsibly.

Now, I think you could probably make the argument in the first year or 2 years of this conflict that it was emergency spending, and that there was an argument to be made in the first few years of the war in Iraq and the war in Afghanistan that we were going to need to borrow some money for that. I have no problem understanding that in emergency circumstances, we are going to have to do some deficit spending. Nobody likes that. But with regard to the economic stimulus package that we are passing, it makes sense in very narrow circumstances to borrow some money in order to get some short-term gain when the spending is on an emergency basis. But we are 5 years into this war now, both in Iraq and Afghanistan. It is not catching us by surprise anymore. It is not an emergency expenditure anymore. We can plan years in advance for the money that we are spending on this war. There is no justification for this money not being in the budget. What happens is it is just hidden. When you get these figures about how big the deficit is going to be when we pass the President's budget, which we obviously won't do, but if we were to pass the President's budget, that doesn't even take into account the real costs of this war. If I were a taxpayer out there that was for this war, or if I were a taxpayer out there that was against this war, I would be greatly aggrieved, and I think they are greatly aggrieved by the fact that we 'are not paying for it. Well, we're going to. We're going to. Because these bills, whether they are on the tab of the war or whether they are on the tab of the domestic programs that haven't been paid for for years, they are going to be paid at some point. Those bills and those promissory notes are going to come due, and they are going to be paid for by your children and my future children, and your future grandchildren and my future grandchildren. We are hamstringing generations to come to pay for the costs of this war, and we should account for it.

The second thing that is not covered, Mr. ALTMIRE, is this thing that we keep on talking about down here called the alternative minimum tax. Now, I know there are still a lot of people out there that don't understand what the alternative minimum tax is because year after year, Congress has done the right thing and has held in abeyance the adjustment to the alternative minimum tax that would essentially make it cover most middle-class taxpayers in this country. In my district in Connecticut we have about 20,000 people that pay the alternative minimum tax that was initially set up just to cover the richest of the rich who weren't paying any tax through deductions or were paying very little tax through deductions and credits.

□ 2130

If we don't fix the Alternative Minimum Tax again this year, in my district it is going to go from like 19,000 people paying it to like 80,000 people paying it. It is going to be a huge problem, thousands of additional dollars in tax obligations for millions of Americans. Well, the President doesn't say anything about that in this budget. I think he just assumes that we are going to fix it again, but he doesn't put the cost of doing that in the budget.

So, if you tack on the costs of the war that aren't in this budget, if you tack on the costs of once again fixing the Alternative Minimum Tax which we should do and put that in the budget, this deficit is enormous, is enormous. I think we should be having a real argument over the real cost of this budget. Through all this sort of gimmickry that we see, all this trickery in how the numbers are accounted for, the war is not in there, the Alternative Minimum Tax fix isn't in there.

I know this sort of goes over the head of a lot of people out there, because they say this is just the logistics of a budget. This is just numbers, where you put one number, where you put another number. It matters, because you can't hide money that we have to spend. Whether you put it in the budget or out of the budget, if you spend the dollar, somebody is going to have to pay for it. Maybe not now, but in 10 years or 20 years.

Mr. ALTMIRE, part of the reason that the 30-Something Working Group talks so much about deficit spending is because we are going to be around when those bills come due. We have an obligation, I think a special obligation as some of the younger Members of this House, to cry bloody murder when this President tries to do more deficit spending than he is even telling us here, because it is going to be our generation and our kids' generation that are going to have to pay for it.

Mr. ALTMIRE. That is right. The gentleman talked about the assumption in the budget being submitted. Because the gentleman wasn't here when I showed this, I want to show the gentleman, as he knows, what $3.1 trillion looks like. This is what it looks like. This is what the President dropped on your desk and mine on Monday. This is the budget we are talking about. So for our colleagues who are joining us late, this is the budget that we are discussing tonight.

The assumption that was made in putting this budget together by the administration, by President Bush, was that Congress would act on the Alternative Minimum Tax, and, of course, we will. We are not going to allow that to lapse, which would result in an increase for 23 million people in the country, a tax increase, 70,000 in my district, I think the gentleman said 80,000 additional in his district. So, of course, we are going to deal with the AMT.

It is tough. It is a difficult way to have to do policy, to do it year-to-year. It is probably not the best way. We made a tough decision in December, we will make another tough decision at the end of this year, and the President knows we are going are to have to do it and we are going to have to pay for it, because that is what we have to do. It is not included in the cost of this $3.1 trillion budget.

I know we are running short on time, so I did want to just summarize a few of the other programs, saving one in particular for the end that near and dear to my heart, that are cut in this budget. Because, again, people say what are we talking about when you talk about all these cuts?

We talked earlier about the subprime mortgage funding and so forth. How about highway funding? Is there anyone in the country that can disagree that we have a national crisis with infrastructure? We had the unfortunate situation last fall with the bridge collapse in Minnesota which highlighted a problem that many knew but really in a very tragic way shined the spotlight on the incredible need that exists in this country for infrastructure improvement, for bridge repair, for highway repair. We simply do not have anywhere near close to the amount of money necessary to fix the roads and bridges that need fixing right now, let alone all the new construction that needs to take place.

The district that I represent, we are talking about funding for bridges and roads and docks and dams along the riverways. Well, with highway funding in particular, the President's budget unbelievably proposes to cut funding for highways by $800 million below the amount guaranteed by the previous transportation reauthorization bill that we did several years ago.

Every $1 billion in new infrastructure investment creates 47,500 jobs in this country and a shortfall in highway revenue is projected in fiscal year 2009, which is what this budget covers. So we have a projected shortfall, yet the President still recommends a $800 million cut. And at a time when we lost jobs in January, who knows how many jobs we are going to lose in the months ahead as we face what may turn out to be a recession, we are talking about a problem that can create nearly 50,000 jobs for every $1 billion in new investment, and we are going to cut $800 million. It makes no sense.

Homeland security, the gentleman from Connecticut talked about the importance of homeland security, which nobody can dispute, perhaps the number one issue facing the country today. Well, so what does the President's budget do? The calculation of his budget excludes $2.7 billion in border emergency funding from Congress, which was approved in fiscal year 2008. When this is taken into account, the President is only proposing to increase less than $100 million for fiscal year 2009 for homeland security needs for the entire agency.

In addition, the budget slashes funding for State Homeland Security Grant programs, first responders, police, firefighters, EMTs, people right out there on the front lines in our communities, many of them volunteers. This President's budget cuts $750 million, 79 percent below the current year's funding level. For firefighter grants, $450 million, 60 percent below, just for firefighter grants, and 79 percent below for all first responders.

It is incredible that this is the budget that was put before us. Who could possibly argue that that is a good policy decision, to cut funding for first responders by 79 percent?

Mr. MURPHY of Connecticut. This is all sort of hard to take in. As you said, that massive budget document gets dropped on us, and the parade of horrors is endless in terms of all of the commonsense programs, whether it is homeland security, whether it is law enforcement, whether it is health care, whether it is research spending. It is just hard to handle. It is like it gets your brain going in overdrive. Then you got to step back for a second. I think it does make sense to step back and have a little bit of faith that now cooler and calmer heads can prevail.

It used to be when that budget was dropped on Congress' desk in January or February that it basically was the law of the land, that with a few changes here or there, the Republican-led Congress was going to rubber stamp that President's budget.

As much as Mr. MEEK and Mr. RYAN and Ms. WASSERMAN SCHULTZ before we got here would come down and try to expose all of those damaging harmful cuts to middle-class families throughout this country, to people trying to make their way in this world, that it didn't matter, because so long as Republicans controlled this place, there was going to be essentially a rubber stamp on all of those cuts and more massive deficit spending, the most fiscally irresponsible set of Congresses in our lifetime.

That has changed now. That is different. And, listen. We are all fallible. We don't get every single choice right, even on our side of the aisle, Mr. ALTMIRE. But the good news is, is that we are going to find a way to push back most of those cuts, if not all of them. We are going to find a way to pass another budget which gets us a little bit closer to a balanced budget.

Now, the way we do that is sit here and expose all of the very harmful cuts and all the very harmful spending in this President's budget. But the American people should have some faith that you sent a new Democratic Congress here. You sent this new freshman class that we are a part of to pick apart that budget for the first time, and decide not only how to more compassionately spend American taxpayer dollars, but to more smartly spend them so that we are not racking up those huge deficits, so that we are starting to balance budgets again.

So this is all very damaging news, and I know we are probably going to close on some of the worse news in the budget, but I think people should have faith that we now have leadership in charge of this Congress that is going to be able to pull apart that budget and start setting us on a commonsense and compassionate course again.

Mr. ALTMIRE. I thank the gentleman. I am going to talk about the most egregious, in my opinion, of all these cuts. And I know it is hard to believe having walked through them that there could be one in particular to point to. There is one that is particular to my constituents and to something that I support. We are going to turn it over momentarily to our freshman colleague, Mr. YARMUTH from Kentucky, who I am sure is going to talk more about some of these issues.

As Members of Congress, we are all given the opportunity to testify before the Budget Committee and say here are our priorities. These are the one or two or three at the most things that we care about that we really want to see addressed in the budget.

I was asked over the break that we had in between the first session and the second session during the holidays, somebody came up to me in a shopping center and recognized me and said, hey, you know, how has the first year been? What are your experiences? What are you most proud of?

Without hesitating, for me, what I am most proud of that this Congress did last year was we had the highest funding increase for veterans health care in the 77 year history of the VA. We had to fight tooth and nail. We had to do it over multiple opportunities throughout the year. But in the end, the budget that we passed exceeded even the recommendations of the service organizations. The VFW, the American Legion, the Vietnam Veterans of America, Disabled American Veterans, those organizations every year present to Congress their recommended funding levels for what they feel that they are going to need. For the first time ever, this Congress exceeded that.

So I am very proud of the work that we did as a Congress on veterans. And it was a bipartisan effort. It is something we can be proud to have worked together on.

Well, what does this budget do for veterans, something that I have made my number one priority in this Congress. And I think we as Congress have a good record so far on veterans, and I want to keep that good record going, and I want to prevent the cuts that the President's budget talks about.

It cuts veterans health care by $20 billion over 5 years. Let me repeat that. This budget cuts veterans health care by $20 billion over 5 years and cuts funding for constructing, renovating and rehabilitating medical care facilities in 2009, for which this budget is authorized.

Now, for me, that is very parochial, because I have $200 million of VA health construction going on in Western Pennsylvania, a lot of which is in my district. Two different projects, $200 million. So the President is coming in here at a time when we have the opportunity in Western Pennsylvania to be the preeminent health care system in the entire VA, top notch facilities, he is going to cut the construction funding, and he is going to cut funding even more egregiously for veterans health care by $20 billion.

I am sure the gentleman can agree, there is no group that should stand ahead of our Nation's veterans when it comes time to make funding decisions.

Mr. MURPHY of Connecticut. It just begs the question, Mr. ALTMIRE. What was going through the minds of the Bush administration budget negotiators when they were sitting at the table last year negotiating with us as we were insisting on the biggest increase in veterans funding in the history of the program? I mean, we pushed that and pushed that and pushed that. You were courageous from the very first day that you got here in making that a priority.

It is just so terrible to think that, well, the Bush administration was sitting there finally saying yes to that enormous and important increase in veterans funding, that all the while they were drafting that budget. All the while as they were agreeing just 60 days ago to the biggest increase in veterans funding since the VA program began, they were drafting secretly a budget that was going to reverse everything they just agreed to. That just speaks to the worst of what happens in Washington, D.C., Mr. ALTMIRE.

Mr. ALTMIRE. That is right. I thank the gentleman. We are going to wrap it up as our time has expired. I would only point out on that note that this is the sixth year in a row that this budget raises health care costs on 1.4 million veterans, imposing $5.2 billion in increased copayments on prescription drugs and new enrollment fees on veterans over 10 years. I wish I had more time to talk about that.

At this time I am going to thank the Speaker for the opportunity to address the House this evening with my colleague Mr. MURPHY from Connecticut.

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THE BUDGET AND NATIONAL DEBT

The SPEAKER pro tempore (Mr. ARCURI). Under the Speaker's announced policy of January 18, 2007, the gentleman from Kentucky (Mr. YARMUTH) is recognized for 60 minutes.

Mr. YARMUTH. I want to thank my freshman colleagues for the very insightful and compelling arguments they raised concerning our budget, the budget proposal by the President for the 2009 fiscal year.

Mr. Speaker, I will say that what we are dealing with here is a situation in which those of us who were elected in 2006, freshman Members, so known as the majority makers, came to this Congress because the American people in that election of 2006 thought that the country was going in the wrong direction, and it wasn't so much one thing, I know a lot of people think that we were elected because of the war in Iraq, and certainly that was a factor.

I think more than anything else, the American people collectively decided that the priorities that have been established by the administration that was in office, beginning in 2000, we were taking the country in the wrong direction, that we were spending money, that we were emphasizing things that did not represent the best interests of the majority of the American people. They sent us here, therefore, to set a new pattern of doing business, a new way of setting priorities.

They wanted us to put the American people first. They wanted us to recognize the true needs of this society, to recognize that government is a way of reorganizing and organizing our responsibilities to each other, that we could, as a government, actually create an economy that worked for everyone and not just for a very few, but that we could, again, set the country on a different direction, that we could use the tax revenues that were flowing to the Treasury to empower all people to make the best of their lives, to contribute to a more dynamic society. We really have set a different direction in this Congress, and I think we need to do much more.

But let's think back to 2006 and think about what the American people were confronted with when they looked at Washington. They looked at Washington and they said, we have a government there that is arrogant, that tends to favor the richest people in the country, that tends to favor global corporations, that thinks that if we allow the wealthiest and most powerful people to do as well as they possibly can financially, that there will be a trickle-down effect and it will, quote-unquote, float everyone's boat, and that this is what the proper role of government should be.

The American people said, no, we don't buy that. We've tried that. We tried it under the Reagan administration. We saw then that trickle-down economics does not work. We tried that for a few more years under the Bush administration. We found that, no, that doesn't work because, in fact, what we have seen is that from 2001 to 2006, 100 percent of the income growth in this country accrued to the benefit of the top 5 percent of the population, that, in fact, 95 percent of the people in this country did not see their standard of living increase despite the fact that they are working harder, they are working longer.

The average family has been working, the average household, 95 hours a week. That's two people working more than full time and still not getting ahead. So the American people said to us, we want to go in a different direction. We think that government can be a tool for progress, it can be a tool to create a society that distributes its benefits more broadly, and that we ought to take the position that rather than trying to let this trickle-down theory flow to everybody's boat that we ought to make a society in which everybody has a really good boat, and that everybody can swim on their own. In fact, the way to create a society that truly works over the long term is to empower every individual to be productive, to contribute to society and to have the power and the freedom and the support to improve his or her way of life.

Now we are confronted, once again, with a budget from the President of the United States which does exactly the same thing that they have been trying over and over and over again with very little success. We have a budget, deceitful in many ways because it pretends to reach a budgetary balance when it really doesn't, and they do it by very deceitful mechanisms, but it sets the wrong priorities.

It takes the money away from programs and policies that actually do empower individuals to improve their lives, to make a better society, to make a stronger economy, and it sends the money once again to basically nonproductive activities. We have, once again, a budget that minimizes and disguises the cost of our involvement in Iraq and Afghanistan. Many of us differ very strenuously on our priorities in Iraq and Afghanistan.

We all understand that we have some serious problems in Afghanistan, and we need to focus there. We also understand that we are spending $3 billion a week in Iraq, most of which we will never see. It never represents any investment in our future. It is money that is down the drain.

When you try to compare the benefits of our tax dollars being spent again to promote a vibrant and healthy economy and to help people who need to get their feet on the ground to become productive citizens versus spending money overseas in ways that do nothing to enhance our own standard of living, that we know we have a skewed sense of priorities.

That's what we are going to talk about for the next few minutes, and I am very proud to be here with one of my freshman colleagues, someone who is passionate about the need for this country to work for everyone, someone who is as passionate about working for working families as anyone in this Congress, JOHN HALL from New York.

I am proud to be his colleague, and I would like to recognize Congressman HALL to further this discussion.

Mr. HALL of New York. Thank you, Congressman. It's my pleasure to join you tonight.

I wish I had as much pleasure looking at the budget the President submitted as I do discussing it with you, and all of us, of course, earlier this week received a copy of the President's budget. Like all of us, I was disappointed by the questionable accounting and fiscal irresponsibilities contained within this budget. I wish I could say I was surprised, but unfortunately it represents the same missed opportunities and misplaced priorities that have highlighted this administration.

First of all, I would have to say for a President and an administration that claimed to be fiscally responsible and who constantly accuse Democrats of being fiscally irresponsible, it's really shocking and deserving of mention that this President, George W. Bush, has been responsible, his administration, responsible for the five biggest deficits in American history. Here they are. We all remember, of course, at the end of the 1990s when President Bush took over from President Clinton that we had a surplus, and we were, in fact, paying down some of the national debt for a change.

But due to his tax policies and his overspending and his penchant for borrowing, our President and his administration have run up, in 2003, a deficit of $378 billion; in 2004, a deficit of $413 billion; in 2005, $318 billion; 2008 actually is the next figure here, $410 billion; and for 2009 is a projected $407 billion budget.

We can't keep this up. Any family knows that they can't keep spending. In fact, too many families are finding this out, that the chickens eventually come home to roost. I, as a former school board president and school board trustee who had to balance the budget every year know that you can't go on spending more money than you take in without some kind of disaster befalling you.

Unfortunately, what's happening in terms of the value of the dollar, in terms of our exporting jobs, in terms of foreign interests buying up pieces of the United States or corporations or infrastructure in the United States, in terms of our weakened markets, and volatile and declining markets, all these things have to do with the basic foundation, the underpinning of our country being massive debt.

The other thing about the President's budget that I was surprised to see and disappointed to see, it does nothing to fix the alternative minimum tax, or the AMT, a tax which was originally designed, when it first took effect in 1970, to affect only 155 households, the most wealthy, the most affluent households in America who were using tax loopholes to avoid paying any tax at all. Congress wrote, in the late 1960s, this bill which the AMT took effect in 1970, to hit the very top of the most wealthy people in the country.

Now because it was never indexed to inflation, it was never given a cost-of-living increase, it was never allowed to float as the cost of living and the average salaries and income in the country changed, that AMT has dipped every year deeper and deeper and deeper into the American tax-paying public and dramatically increasing the tax rate paid by millions of middle-class families who were never intended to be hit by the AMT, over 20 million of whom will be forced to pay it next year.

Without a permanent fix, half of all taxpayers in this country will pay this AMT that was originally designed to hit 155 of the wealthiest households in the country.

But the President does nothing to stop this. Instead, he calls for more than $1 trillion in tax cuts for the top 1 percent of all Americans.

Once again, we have 5 years in a row of record increases in the poverty rate, we have record increases in personal debt, we have record increases in national debt, we have record increases in our balance of trade deficit. Strangely enough, at the same time, I read in the paper that ExxonMobil has declared 40 point some billion dollars in profit, the largest single yearly corporate profit in the history of the world, breaking the previous record which was held by ExxonMobil themselves.

Some people in this economy and in this current fiscal and business financial scheme are doing very, very, very well and will continue to do very well. There are others, mainly the middle class and lower income Americans, who are being squeezed from all sides. Believe me, they are not being squeezed up, they are being squeezed down.

The middle class is having their options and their opportunities cut, whether it's the cost of sending their children to college, whether it's being the cost of purchasing health care for their families, the cost of property or property tax, the cost of fuel for their cars or for their homes. I mean, even the fact that the President in this budget slashed the low-income heating assistance program, LIHEAP, is scandalous.

At a time when we have families and seniors who are struggling to heat their homes in the northern parts of this country, I wouldn't have expected the President, a so-called compassionate conservative, to be so discompassionate as to cut heating assistance for low-income people in this current climate of economic uncertainty and astronomical fuel costs.

I would just say that I am happy to be here to discuss this, and, more importantly, to talk about how we are going to move to a real budget, not a fake budget that's based on some platitudes and some kind of ideological belief, some faith-based budgeting that has nothing to do with reality and nothing to do with the well-being of the American people.

Mr. YARMUTH. I want to thank my colleague.

He referenced the annual profit of ExxonMobil that was reported last week. And I was struck last week on February 1, when I looked at The New York Times on the online version, the list of the headlines of the day, and I thought it was striking because I think it painted a vivid picture of where we are in this world and in this country. The first story was, "Microsoft Bids $44.6 Billion for Yahoo," a lot of money, two corporations vying for each other.

The next story, "U.S. Economy Unexpectedly Sheds 17,000 Jobs," the worst jobs report in several years. Then, "Dozens Killed in Worst Baghdad Attack in Months," then "Kurds' Power Wanes as Arab Anger Rises" and, then, finally, "ExxonMobil Profit Sets Record Again."

I think that was just an incredibly vivid picture of where we are in this world and where this economy stands and how out of whack the priorities of this administration have become. That's why I am so thankful that we are, at least, in control of this House of the Congress so that we can help to set the priorities of this country on a much more sound course.

I know that I have had so many opportunities to stand on this floor and discuss these issues with my colleague from Florida (Mr. KLEIN). I am proud to recognize him now.

Mr. KLEIN of Florida. I thank the gentleman from Kentucky and the gentleman from New York. I certainly agree with all the statements you have made and would just share a few of my own thoughts on the budget.

A budget is a statement of our values, as Americans, collectively. We are not Democrats, we are not Republicans, we are not independents, we are Americans. We all are putting a lot of money, hard-earned money into the government. The question is what's going to be done with it. What is the best value that can be used to help people achieve a better life, help our economy, help job creation and all those things that are important to our communities.

☐ 2200

The biggest concern that I have with the budget that is being proposed by the administration is to me it is more of missed opportunities. We know that we have a difficult economy right now. Certainly in Florida where we have had tremendous growth over the last number of years, all of a sudden things have stopped. The real estate market and all of the various businesses that are affected, and homeowners that are affected by a real estate market that has slowed to a standstill, we need to help people through the foreclosures and various other things. But what does this budget do, something that all of us said we were going to change.

In this body we have PAYGO, pay as you go. We can only pass legislation that is paid for in advance. My two friends here are fiscal hawks. We believe in a deficit that has to be brought down and a balanced budget. That is the way we live our personal lives. In the State legislature, we had balanced budgets. That is the way you run your business.

What does this budget do? First of all, it is over $3 trillion. The amount of money going into the Federal Government is extraordinary from an administration that said they wanted smaller government and less spending.

Put that issue aside for a second, this continues the budget deficit and increases it by another $400 billion. This is after, as the gentleman from New York said, this does not stop the biggest tax increase, the alternative minimum tax, which we tried to fix. We had a very good way of fixing it this year, and the President refused. Some people on the other side of the aisle in the Senate refused to do it. It has to be fixed.

The President in his proposal cuts Medicare and Medicaid. I don't know about you; I am sure you are hearing the same thing I'm hearing. Our doctors, our hospitals, our providers, they are taking care of our Medicare population in our communities, and they are feeling it. They have been cut and cut and cut, and it is not keeping up with the cost of operating a practice. We know that they need to receive fair compensation. That is unacceptable. I don't think that is something that this Congress is going to support. So again, an assumption that doesn't have any bearing on where things are going.

The President, who has been a big supporter of the Iraq war, as we know, and has continued to ask for more and more money, hundreds of billions of dollars, interestingly enough, in this budget sets it up for $70 billion of additional expenditures only through January 20. Now, what is January 20? That is Inauguration Day of a new President, whoever that may be.

But boy, is that an unrealistic way of looking at it, particularly after he has been criticizing Members of Congress saying that you can't put a date at the end of funding because you are going to cut off our troops, cut off funding of the bullets and all of the necessary support, which we are not prepared to do, but he is doing.

He is saying on January 20, if you pass this budget, there is no more money after that date to fund the Iraq war, not because he doesn't want to fund the Iraq war, but that is how he is creating a smaller amount of a big deficit. Instead of $400 billion, it would be $500 billion or something like that.

So the question is what can we do, because I think there are a whole lot of assumptions here that are incorrect.

I have a chart here that I have talked about before, and I think this is totally unacceptable. The lack of fiscal discipline of this administration over the last 6 or 7 years has resulted in increasing debt to an unacceptable amount in terms of us bringing our budget in line.

So, although the financing of the war, which has been off the books, the financing of all of these various things that the President wanted to fund, instead of cutting spending or being a little more fiscally responsible, we have been borrowing, and borrowing from foreign investors. Those are foreign countries. We are a debtor country to China and Mexico, and the list goes on and on.

Under this administration, in trillions of dollars we are talking about, in 2001 the amount of foreign-held Treasury securities was $1 trillion. That is a massive amount of money. In the last 6 years, it has now doubled to $2.3 trillion. Just to put it in perspective, the amount of interest that we are paying this year, strictly interest, not principal, not amortizing of the principal and interest together, just interest is over $300 billion. To me, that is money we are just flushing down the drain.

If there was some fiscal discipline like the House leadership has been pushing, we could take that money and do a number of things. We could take care of Americans first. How about all of us, whether it is health care, job creation, job training, so many infrastructure issues in our communities; these are the issue of our day.

And instead of sending that money overseas to pay interest, not even principal, that is $300 billion that is being thrown out the door offshore to some other country because we don't have the wherewithal, as we do in this House, because the President hasn't been willing to work with us in bringing this budget in line.

Mr. Speaker, there are many Republicans as well, but certainly the Democrats have stood together on this, and we welcome everyone as Americans to focus on this together. We have to get the budget in line. The budget that is being proposed by the President right now is something that is relying on a lot of unrealistic assumptions that will never pass because the American people don't want them to be cut, whether Medicare and a number of other things, and we have to find a way to get the budget deficit under control. That is essential. We can't mortgage the future of our country. We cannot allow our children to have to pay and our grandchildren to have to pay for something that this generation wasn't prepared to stand up and say, Yes, we can live within our means. Yes, we can have a strong economy and fight wars when necessary. And yes, we will take care of Americans when there are natural disasters, and it can all be done under a fiscally responsible way, and that has not been the record of this administration. We are going to work hard in a bipartisan way to get this under control.

I appreciate the fact that the gentleman from Kentucky brought this to us, and I look forward to working with him and the gentleman from New York on fixing this problem.

Mr. YARMUTH. One of the things that is most disturbing to all of us is when you hear deceitful discussion of the financial situation of this country. We sat and listened to the State of the Union address in which the President said if we were to not renew the tax cuts that went into effect in 2001 and 2003, that the average tax increase for an American would be something like $1,200 a year. That is a very clever way of saying what the average tax increase would be. The problem is that the average tax increase would be very large because you are taking all of the people who are making a million, $5 million, $10 million a year, and if we reinstituted those tax rates prior to 2001, the 39.6 percent tax rate, some people at the very highest level would pay $40,000, $80,000, $100,000, $2 million a year more in taxes. So when you average that with the normal taxpayer, yes, it comes to about $1,200 a year.

If you phrased it another way, and that would be the average American taxpayer would have his or her taxes increased by, it wouldn't be $1,200, it would be like $40 or $50, because the average American working family earns $55,000 a year. And that family, if we did not extend the Bush tax cuts, would see their taxes raised by a very small amount. The people at the higher end would pay a lot more taxes. So the average tax increase, yes, it would be a lot, but the average taxpayer would not see his or her taxes increased. Of course, we are not proposing that in any event.

We have been talking that when we do revisit those tax cuts that we look at the highest income levels. But the point is, when we are getting all of these projections from the administration about what would happen in future years, as my colleague said, if we fix the alternative minimum tax and don't pay for it, and we don't have that additional revenue, yes, we can underestimate the deficit that we will be experiencing during those times. We can make the projections look good 4, 5 years out into the future, but that will not be the case.

One of the things I would like to talk about because Mr. KLEIN mentioned this, the cost of interest on the national debt, which has increased by an extraordinary amount. According to this budget, it would be $4 trillion just since 2001; $4 trillion based on a $5.7 trillion starting point. So we basically have almost doubled the national debt, the entire history, 220 years of this Nation, we have almost doubled the national debt just in the last few years.

But here is where we really get a vivid depiction of what this means. We are talking about interest on the national debt of $300 billion a year. The entire expenditure on education from the Federal budget is $100 billion a year. Veterans care is less than that, and homeland security even less than that. This is what has happened to the priorities in our budget because of the irresponsibility of this government over the last 7 years.

So this is what we are talking about. This is what we are confronting, and this is why I think all of us in the majority party in the Congress say we need to speak honestly, openly, and intelligently about what confronts us, about the challenges that we face, but also about what has happened over the last few years.

All we ask of the administration is be honest about what you are saying, what you are telling the American people. We will have a legitimate debate with you and discussion about where our priorities should be. But first and foremost, we need to be talking about things in absolute terms and be honest and transparent as we discuss how we are going to spend the taxpayers' dollars.

I am also proud to be joined tonight by the gentleman from Minnesota (Mr. WALZ), the president of our freshman class and a great spokesman for the working families of America.

Mr. WALZ of Minnesota. Mr. Speaker, I had an opportunity to be at home and watch some of our colleagues speaking on this earlier. I think last night I saw in my State of Minnesota where we had caucuses, and we had four times the record number of people turning out. The American people are starting to listen. They start to understand the consequences of what we have been living under, and I think all of what has been highlighted has been spectacular.

I will also say that each of us who have read this budget have no problem being up here late at night because it is hard to sleep after you see it. Each of you have highlighted critical issues and the things that we are getting done and prioritizing.

The idea of government is the collective will that we can do together, and our job is to prioritize the things that this country needs to do. I think Mr. YARMUTH's chart that he just showed shows that this Nation under this President has not prioritized. This President has set out an agenda that told us we could have something for nothing. He told us we can give tax cuts, and I appreciate you clearly illustrating the President's creative use of facts and statistics which he quite often does to theatrical effect but to huge detriment to this Nation.

I want to talk about this for a couple of minutes. We have done a wonderful job of highlighting the overall principles. I want to talk about how this impacts individuals. I want to talk about the idea of fiscal discipline and the incredibly shortsightedness of this administration, even in cases where they may be able to cut something to save a little bit, the incredible cost not just in the suffering and what it is doing to the Nation, that aside, what it is doing in terms of just plain poor financial decisions.

In my southern Minnesota district, which stretches from the plains of South Dakota over to the Mississippi River, and Minnesota as the Land of

10,000 Lakes is very diverse. The southwest corner of my State that borders Iowa and South Dakota was the place where the glaciers never reached, and it is one of the few places where you don't find a lot of the prairie potholes and lakes, and the shortage of water is important and on people's minds. This is the area of Laura Ingalls Wilder's "Little House on the Prairie." This is the land where people want to raise their children. We have prosperous communities that are incredibly diverse that are leading the Nation in things like biofuel production. We are the fifth leading district in wind production. These are innovative people, but the one thing that they are missing and what makes life so difficult is the lack of drinking water.

We have places where people are living in 2008 where they have cisterns to collect water in order to drink good water. Well, these communities got together in Iowa, South Dakota, and Minnesota and they came together with a creative solution. They were going to use, where the abundance of water was along the Missouri River in South Dakota, they were going to use the engineering skill of this Nation to provide drinking water and the lifeblood of communities for 300,000 people in a bipartisan manner.

□ 2215

They got together and they started doing this. It is incredibly important. In fact, it was so important that in 2001, on White House stationery that I might have, President Bush himself went to South Dakota and said, a priority is to work with States on important development projects, and the Lewis and Clark rural water project is a project that will be in my budget, and something that we can work on together.

Well, it sounded good, especially in South Dakota. The reality has been we have fought tooth and nail every step of the way. The good news on this is, whether it be Republican or Democrat, the bipartisan commitment to this has been absolutely unbreakable. The local communities have even done something that I think our constituents are asking us. We always hear when we're spending money, oh, you tax and spenders and all that. I think something that's important for people to know, Mr. Speaker, is that those of us who are here have paid taxes before, too. I'm a school teacher, and 2005 was the first year in my life that I filed taxes right at the $50,000 a year range. I'm the person who takes pencils when they're available to make sure I can use them in my classroom. I use both sides of every sheet of paper. I want to see us get our money's worth, too. This project did that. Seventeen of these communities and municipalities and States decided what they would do is they would pay ahead to cut down on the inflationary value of this project. The project was scheduled to last approximately 15 years. It's a major reconstruction project, a major thing that's happening.

Well, the project got off and going, started running. People are very excited about it. Everything is going great, until we started running into the last 7 years of the Bush presidency. Last year in President Bush's budget he cut the funding for this project down to $15 million a year. To give you an idea of what that would do, instead of the completion date of 2016 that was scheduled, and remember, States, municipalities have paid ahead. They have asked their taxpayers to pay taxes ahead to save money in the long run, and overwhelmingly they said that. And President Bush promised them that he would be there every step of the way. By the way, this is when he was sending off South Dakota's soldiers to go fight the war in Afghanistan. He promised them that he would be there for their families. By his budgeting cutting back to $15 million last year, it meant that the project would not be finished until 2051, and the cost would go from about $527 million to nearly $900 million.

Now, this was the President that came to us with an M.B.A. He was the CEO president. And what he's saying is that he is not going to be able to make the same fiscally responsible decisions to keep these communities alive.

Well, what we did, as a joint delegation, between Iowa, South Dakota and Minnesota, Republican and Democrat, said that is wrong. And we went and asked, guess what, one of those awful earmarks appropriations to put the Federal Government's responsibility back to where it was supposed to be or near where it was supposed to be at $27 million.

So now we're approximately 5 years from completion of this, and this wonderful document that the President sent out this week set his budget for the Lewis and Clark rural water project, zero dollars. He shut the project down. So I guess what he's telling us is, the $300 million we've spent, the 300,000 people, communities, where, in my district, they cannot issue another building permit in their cities because they don't have enough water. He is telling them, leave the pipes half finished. Let the people move elsewhere. And you know what I said in 2001, I didn't really mean it because I've got other priorities.

Now, remember, this is the same President that told us that our fiscal crisis now is simply being caused by our inability to make permanent the tax cuts on 1 percent of Americans that actually aren't expiring until 2011.

Now I stand here in front of the people, Mr. Speaker, and with my colleagues to ask in a totally bipartisan manner, what sense does this make? What sense is this about prioritizing? What do these mayors tell their people when they made this decision based on what good government is? And if this President is going to think you're going to do this alone, who's going to dig the 400-mile long trench from the Missouri River to feed these areas of Iowa and Minnesota and South Dakota?

I guess the President's message has been what it's been all along, whether it's been SCHIP, whether it's been our veterans, whether it's been anything. I'll be there until it comes time to make some prioritizing decisions. At that point you're on your own. He's given us his ownership society which truly does mean you're on your own, and now we have a situation where we're going to go as a delegation and have to fight for every dollar of something as basic as infrastructure to deliver water.

So I will have to tell you on the sacredness of this House floor, it's been an overwhelming challenge to keep my tongue on some of this, and I applaud my colleagues in the same way.

But I can tell you, Mr. Speaker, and tell my colleagues, I will not rest for 1 minute until this budget starts to reflect the priorities of this Nation. There is nothing in this budget that reflects the priorities of this Nation. There is nothing in the people of my district, and I don't care what political party they belong to, that reflects their values. And there is absolutely no vision in this. I don't know if maybe this is just a cruel joke on the way out, leaving the White House; we'll see what can happen if we do this. But I can tell you this: The people of Iowa and South Dakota and Minnesota aren't laughing about it. And I can darn sure guarantee you that each of us is going to fight to make it right.

I thank you for indulging me on this, Mr. YARMUTH. You've done a fantastic job. You always lead a very important discussion. And I thank you and my colleagues for their open-mindedness.

I agree with you. I'll have this discussion. I will debate with any member of this administration or this House of Representatives on why, after the investments that we've made, the importance of this project and the agreement of constituents and the promise that was made by the President, why I'm just supposed to accept this, and why people say, can't you all just get along and get something done?

If there was some sanity coming from the administration, I would say yes. But right now at this point I think the answer is no because this is going to be fought tooth and nail until this wrong is corrected.

Mr. YARMUTH. I thank my colleague and want to yield again to Mr. HALL from New York. But before I do, I just wanted to add that, again, sitting and listening to the State of the Union address and talking about the honesty that we need to have when we have this discussion, and all of a sudden the President for the first time in this State of the Union address takes on the question of earmarks. And all of a sudden he's critical of the Democratic Congress because we had 11,000 or something earmarks. But he never said a word for 6 years while the earmarks expanded to somewhere in the realm of 16,000.

Now we can have debates over earmarks. I happen to think, as my colleagues mentioned, that there are some very valid reasons to have earmarks. And I think they have been demonized probably unreasonably. But all of a sudden the President finds fiscal religion this year under a Democratic-controlled Congress when he was silent for 6 years. And the same is true of his passion now for balanced budgets when over the first 6 years of his administration with the Republican-controlled Congress, he never issued a veto, never threatened a veto of any spending bill as we accrued $3.7 or so trillion more in debt, and he was silent.

All of a sudden now you have to suspect that the only reason is partisanship. That's what we're trying to get away from in this country, and that's what we are trying to get away from as we discuss the priorities of the country. Because, as you said, we're interested in where the rubber meets the road, programs that help the American people, doing the best for the American people and not necessarily what means doing the best for a particular party.

I think what we're seeing, as you mentioned, in the turnout in voters in primaries throughout the country is that's what American people want. They want people who are going to deal with our problems and not deal with partisanship.

With that, I will once again recognize my distinguished colleague from New York (Mr. HALL).

Mr. HALL of New York. Thank you, Mr. YARMUTH. I appreciate your leading this discussion. I also want to acknowledge my colleague from New York (Mr. ARCURI). Thank you for serving as Speaker pro tem during this period of time.

I'd just like to respond to Mr. WALZ's comment about what kind of sense does it make for this cut in the water program in your district. Well, I can say it makes about as much sense as the President's completely eliminating the Byrne Grant program and the COPS program, both of which are vital to my district to provide cops, additional policemen on the streets in the 19th District of New York. It makes about as much sense as cutting the important programs that provide local and State law enforcement agencies with funds to fight terrorism and crime, including almost $140 million that were cut from bioterrorism preparedness. They make as much sense as the President cutting Medicare and Medicaid at a time when health insurance costs are skyrocketing, when more and more Americans are forced to live without health insurance. This budget cuts $200 billion out of health insurance from Medicare and Medicaid. At a time when we're facing one of the most damaging housing crises in our history with foreclosures and evictions due to the subprime mortgage crisis, it makes as much sense as this President cutting the Nation's largest rental assistance program. It makes as much sense, as I mentioned before, as cutting the Low Income Home Energy Assistance Program by almost 25 percent, preventing people in the lower income segment of our economy from being able to heat their homes during the winter.

We were talking about your district. I'll talk about something specific to mine. We have, many of us think due to climate change, suffered from three 50-year floods in the last 3 years in the 19th District, the Delaware River, the Wallkill River, the Ten Mile River, all flooding farms, homes, businesses, golf courses, which might not sound too important, except they do employ people and they're a source of economic input into the local economy. And, but as importantly, lives were lost. In Congressman HINCHEY's district in Sullivan County, there was a drastic, catastrophic flood shortly after the April 29 nor'easter, which was the third in 2007, the third in a row of our 50-year floods that came within 3 years.

So last year, when I was new, I was a freshman, wet behind the ears, just been sworn in for my first turn, we got into the appropriations process. And you know what it's like. People come into your office from different departments of the government asking to have funding restored to these different important programs that have been cut by the administration. One of those who came to my office was the general who is the Army Corps of Engineers director of the Philadelphia district, which includes the Delaware watershed. Now, the Delaware Corps of Engineers offices go by watersheds, not by State lines or any kind of political jurisdictions. Her district, the general's, ran from Philadelphia up to Delaware and into New York from Pennsylvania and all the way up to the reservoirs that feed New York City's drinking water system. This is one of the rivers that has had, at that point in time, three 50-year floods in a short span. She came in to ask if I could help restore funding. And I said, well, what was it cut to? And she showed me in the President's budget it was cut to zero. It was a goose egg.

Now, flood control, in the days after Hurricane Katrina, we all know is a serious matter. This obviously is not a serious document any more than last year's budget was a serious document. This document is a fictitious document that is aimed at pretending to balance the budget in 2012. And we all know that can't be done. And, in fact, the general and others who have come from different departments to my office and others have said, off the record, that it's done with the knowledge that the Democratic majority will restore some of these funds at least to be able to keep the programs going and to protect people, and then we'll get blamed for being big spenders.

Well, in terms of being big spenders, I just want to bring out this chart which I happen to have here which shows the surplus that was the United States budget surplus when, in 2001, the Bush administration began its term. There was a $5.6 trillion surplus. In the time since then, there's red ink of $8.8 trillion, so that at this point in time we're at a $3.2 trillion deficit, including omitted items.

Now, we all know there are items that are not included in this. For instance, the war is off budget. We fought wars in the past, World War II or the Korean War or the Vietnam War, World War I, during which time people were asked to sacrifice. People were asked to pay for the war as they went.

This is a war that we're borrowing money to pay for, and Congressman KLEIN's chart that he showed before, of the increasing foreign ownership of our debt, I think, is really important and really interesting for several reasons. Obviously it's not healthy for us to have this much debt and to accumulate an ever-growing interest payment that eclipses anything we can do for education or for housing or for veterans or for homeland security and that we're going to pass on to our children and our grandchildren.

□ 2230

That's really unconscionable.

But the other thing that that does to have that kind of huge debt to the Chinese or to the Saudis or to the Mexican or Japanese Governments or investors from other countries is it loses our sovereignty when we can't talk to China about Darfur or when we can't talk to China honestly about human rights violations in their country or about the obliteration of the history of Tibet or about whether they're being as tough with North Korea about their nuclear problem as we want them to be or about lead in toys that are being imported for our children to play with or about contaminated food or animal feed or contaminated medicine. When we can't talk to the Saudis honestly about human rights violations in their country or about their funding of the madrasas, we have suffered what I call a loss of sovereignty. When you no longer can make honest, diplomatic, economic, military, international decisions or really state what is in your best interest because you are afraid that your hands are tied for want of getting a commodity from one place or the money to pay the debt off from another place, then you have lost some of your sovereignty.

And I'm telling you, in this country, the American people are not aware of the extent of it yet, but they better get aware of it because this is already a major factor in our foreign policy, but it will be more and more of a problem and restrict our options more and more in the future if we do not get back to a surplus in terms of our budget, if we don't get back to a surplus in the balance of trade, if we don't start producing things here. I, personally, am especially fond of the options of renewable energy technologies and high tech and computer and medical advances and so on that we have traditionally led the world in.

But we need to invest in education, we need to invest in these innovation approaches to technologies and especially to invest in new forms of energy to get us away from the billions of dollars a day that go to import oil.

But all of these things are our freedom, and they equate our future sovereignty. And I hope we make the right decisions, as opposed to the wrong decisions, that are embodied in this budget that the President just released so that our children and grandchildren will enjoy being a truly sovereign country and a leader in the world in these things rather than being subservient to whatever foreign interests happen to own our debt.

Mr. YARMUTH. I appreciate him mentioning the field of education because you can have, as I mentioned earlier, two forms of expenditure in government. You can have expenditures that are nonproductive, and one of those, I think, is the war in Iraq. Interest on the debt is another one, because there is no long-term payback to those expenditures. Education, investment in infrastructure, as Mr. WALZ was discussing, those are the types of things that over the long run do produce increased revenues for society productivity, and they are the type of investments we need to be focusing on.

And when we look at this budget, the field of education, and I'm on the Education and Labor Committee and we are dealing with trying to decide whether to reauthorize the No Child Left Behind Act which is already $55 billion below its authorized levels in funding. And the President, once again, has no increases in funding for education in this budget, which means we fall further and further behind.

So while he called his act No Child Left Behind, where, in fact, we are leaving more and more children behind because we are not meeting our obligations to make the kind of investments in people and in an infrastructure that really will pay off over the long run.

And I know this is something that is an entire range of topics that Mr. KLEIN has dealt with and has had to set priorities in his own legislature in Florida, and I would like to yield to him to advance the discussion.

Mr. KLEIN of Florida. Thank you. I think both of you were talking about two priorities of our country and the shortfalls and where we need to be, where we've been, and where we are going as a country. And I think we look at ourselves, and you hear this in the Presidential debates right now about the vision. And any Presidential candidate that comes forward and talks about the vision of what our country needs to be, where we need to go, the heritage of our country, the legacy of all of the great innovation that's happened and the fact that maybe we've missed a couple of steps. Not to say we can't regain and continue to move forward, because that's exactly what we are going to do. But it is going to take some new leadership through the Congress, through the Presidency and through the American people, and through our business community as well. It is a cooperative effort.

And I think about a few of the things that are the priorities that help us get there. Education, as you just said, is one of them. And one of the things that concerned me about the budget was the fact that the President had dropped the amount of college grants and the tuition assistance programs in the budget. And again, once again, this Congress, bipartisan, came forward and increased the Pell Grants and increased the college tuition, because if there's one thing I think we can all agree on as Americans, every student, every teenager, every adult who wants to get a higher level of education and create a greater level of workforce training which will only make their lives more productive and make their country more productive, that's a good thing. It always has been. Education has been the great equalizer in the United States, and we ought to be doing everything we can to make sure that we are giving that access and that opportunity for every student.

So, again, a misdirection in this budget which needs to be corrected.

Another thing that I think is extremely important, and all of us have some family history of illness whether it is Alzheimer's, whether it is kidney disease, or whether it is cancer or heart disease. And one of the things that our government has consistently done working with the private sector is research, basic research, which will hopefully find cures.

I know my mother passed away at a young age of 52. She was a very vibrant person and developed cancer, and after she went through some treatments over a period of time, we lost her. But it certainly gave me that commitment, and I know I fought along with many Members of the Congress, and the people who are listening tonight have their own family histories. And we know that collectively, we have to find ways of curing diseases.

Cuts in this budget to the grants for research, wrong direction. Really wrong direction. I feel extremely strong about this that we need to have the National Institute of Health grants to work with scientists or universities in our health institutions to find the therapies, to find the cures, to help make people's lives better. It's also a wonderful way of expanding our economic opportunity in exporting and licensing and creating technologies to help people around the world and selling those products around the world as well. So, again, something we need to fix in this budget.

I think the gentleman mentioned the COPS program, which is something that is very much on our streets, and that's, of course, the ability to have safety and public safety and security in our communities. I know in my local community, $8.5 million in our area would be cut from that funding. That's real dollars that affect real people in terms of putting police and security on our streets. It is one of the most important things our government can do to provide for the public safety.

These are the kinds of things that are misdirections. They can all be fixed. It is a question of all of us coming together, putting a budget together, hopefully persuading the President that these were mistakes and we need to come back and fix them.

And lastly, of course, I just want to touch on the fact of our economy, and the people back home are hurting right now. And we hear it every day, whether it is subprime, whether it is foreclosures, any number of things; and the Congress is working right now, and we will be passing, in the next number of days, an economic stimulus, which is designed to be short term. It's designed as a little bit of a prop up and a support of people. It will give them some cash and hopefully retire some of those responsibilities and pay for some of the necessities.

But long term, we have got to work together on energy issues. It's already been discussed. Paying $50, $60 for a tank of gas on someone who is earning $30,000 a year is a real issue. And at a time, as we already talked about, when energy companies are making incredible, historic amounts of money, we need to work together to substitute those resources for renewable energy programs, which I know the Congressman from New York has been all over and all of us feel very strongly about.

This is our moment. This is our time. This is our "Sputnik" moment. This is our putting-the-man-on-the-moon moment. This is the time for the American people to work together with the business, private sector, and government to create the markets and to do it. But we have to do it and start that process now.

So I think there are long-term and short-term issues on our economy. I look forward to working on infrastructure issues with everyone else, recognizing, as our Speaker said last week, in 1806 you had the Louisiana Purchase period of time, and that was a moment when President Jefferson said, This is the time we are going to start building our country: the Erie Canal and the canal systems, the road systems that got our country going in the industrial revolution.

A hundred years later, 1908, President Roosevelt coming forward and saying, This country is building and developing. Let's preserve some of our great areas, and we developed the National Parks System.

Now 100 years later, to her credit, Speaker NANCY PELOSI saying this is our time to now focus on rebuilding this country: our road systems, sewer systems, bridge systems, all of those kinds of things. It has everything to do with the economy. It has everything to do with the quality of life. Our commerce, people's quality of life, these are the things that we need to be working on together. Where there's a will, there's a way is my attitude, and I know we are going to do this all together.

Mr. YARMUTH. It's always wonderful to discuss these issues with my colleague on the floor.

And we have just a few minutes left. We have a fundamental decision to make in this country, and it is a basic choice, and that is what the role of government is, what the role of the Federal Government is. And on the one side, I think we have those that believe the role of the Federal Government is to get out of the way and to let whatever happens happen. And the other side, and I think most of us in this room would agree, that there is a legitimate role for the government to try to promote the type of progress through investments and the proper priorities that will make this a better country, and, basically, whether you believe government has a role in setting the direction of the country or whether it is basically just to get out of the way and let the most powerful people and the biggest corporations decide what is going to happen and let kind of a Darwinian atmosphere prevail.

So I would like to allow everyone to close briefly to whatever they have to say kind of related to that fundamental choice we face or to talk about the issue of priorities as we look forward to this budget process again this year.

Mr. WALZ of Minnesota. I so enjoy listening to the eloquence and thoughtfulness of this. The gentleman did sum it up about the priorities, and both gentlemen from Kentucky, Florida, and New York focusing on education and seeing it as an investment.

Of course, being a high school teacher, every chance I get to get into a classroom, I jump at it. And Monday I had the chance to teach a government class in a small town actually in the area served by the Lewis and Clark Rural Water Project. And I will just leave you this, and you can decide, again, what sense does this make.

The teacher was very excited about their first-year teaching job. They started out making $28,500 a year. Because of the decisions that have been made here and the decisions that have been made in St. Paul, the insurance for that family for him to provide for his wife and children was $14,100. So before taxes, our schoolteachers are making $14,400. If you take taxes out of this, we probably have a violation of minimum wage that's happening. That's the decisions that have been made.

But I go back to, once again, the President is not talking about that. The President is asking for how can we make tax cuts permanent for millionaires, and this Nation needs to decide what is our next generation going to do if we're not willing to invest.

Mr. YARMUTH. I would like to yield to my colleague from New York.

Mr. HALL of New York. I would like to close by saying as college costs rise, this President eliminates programs to help pay low-income students for higher education. As health care costs rise, this budget proposes a significant cut in both Medicare and Medicaid. It actually cuts funding for the Environmental Protection Agency, which would endanger the health and welfare of all Americans.

So to quote from this President Bush's father, the first President, Herbert Walker Bush, when he was responding to the invasion of Kuwait by Saddam Hussein, This will not stand. I will say, as far as this budget being brought to this Congress, this will not stand. It will be changed, and I hope the next time around on the floor of the House we will be talking about the positive changes that we've made to reflect the priorities of the American people which we were elected to espouse.

Mr. YARMUTH. I thank the gentleman for his comments, and I'd like to call on Mr. KLEIN from Florida for closing remarks.

Mr. KLEIN of Florida. I am an eternal optimist, like everyone in the Chamber, Democrats and Republicans. I feel the American people are up to the challenge. We are up to sacrifice. And we're going to do this. And we will convince the administration along the way here that it's the right thing to do. And we're going to continue to rebuild our country and be successful. But let's put our nose down and work hard. And I look forward to working with all my colleagues to accomplish that.

Mr. YARMUTH. I thank all my colleagues. And I'd like to end where we began, and that is that when these majority makers, our freshman class, was elected in 2006, we were elected because the country thought that the government of the United States had the wrong priorities, that we needed a new set of priorities, we needed a new direction. We've committed ourselves to that new direction. I think as we approach this budgetary process and all areas that we have to do, we will seek a new direction for the American people.

OMISSION FROM THE CONGRESSIONAL RECORD OF WEDNESDAY, DECEMBER 19, 2007 AT PAGE 36300

Lorraine C. Miller, Clerk of the House reported that on December 13, 2007, she presented to the President of the United States, for his approval, the following bill.

H.J. Res. 69. Making further continuing appropriations for the fiscal year 2008, and for other purposes.

Lorraine C. Miller, Clerk of the House also reported that on December 18, 2007, she presented to the President of the United States, for his approval, the following bill.

H.R. 6. An act to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

OMISSION FROM THE CONGRESSIONAL RECORD OF FRIDAY, DECEMBER 28, 2007 AT PAGE 36503

Lorraine C. Miller, Clerk of the House reported that on December 19, 2007, she presented to the President of the United States, for his approval, the following bills.

H.R. 797. To amend title 38, United States Code, to improve compensation benefits for veterans in certain cases of impairment of vision involving both eyes, and for other purposes.

H.R. 1585. An act to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

H.R. 2408. To designate the Department of Veterans Affairs outpatient clinic in Green Bay, Wisconsin, as the "Milo C. Huempfner Department of Veterans Affairs Outpatient Clinic".

H.R. 2671. To designate the United States courthouse located at 301 North Miami Avenue, Miami, Florida, as the "C. Clyde Atkins United States Courthouse".

H.R. 2761. An act to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes.

H.R. 3648. An act to amend the Internal Revenue Code of 1986 to exclude discharges of indebtedness on principal residences from gross income, and for other purposes.

H.R. 3703. To amend section 5112(p)(1)(A) of title 31, United States Code, to allow an exception from the $1 coin dispensing capability requirement for certain vending machines.

H.R. 3739. To amend the Arizona Water Settlements Act to modify the requirements for the statement of findings.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BOUCHER (at the request of Mr. HOYER) for today and the balance of the week.

Mr. RUPPERSBERGER (at the request of Mr. HOYER) for today and the balance of the week on account of medical reasons.

Mr. TANNER (at the request of Mr. HOYER) for today and the balance of the week on account of tornado devastation in the district.

Ms. WOOLSEY (at the request of Mr. HOYER) for today and the balance of the week.

Mr. WYNN (at the request of Mr. HOYER) for today after 6 p.m. on account of a family emergency.

Mr. GINGREY (at the request of Mr. BOEHNER) for today on account of attending a funeral.

Mr. KUHL of New York (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. PETRI (at the request of Mr. BOEHNER) for today on account of severe winter storms in Wisconsin preventing him from making votes.

Mr. RYAN of Wisconsin (at the request of Mr. BOEHNER) for today on account of severe winter storms in Wisconsin preventing him from making votes.

Mr. WHITFIELD (at the request of Mr. BOEHNER) for today on account of surveying tornado damage in the First Congressional District of Kentucky.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. SUTTON) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. SUTTON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. BISHOP of New York, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. FRANKS of Arizona, for 5 minutes, today and February 7, 8, and 12.

Mr. POE, for 5 minutes, today and February 7, 8, 12, and 13.

Mr. JONES of North Carolina, for 5 minutes, today and February 7, 8, 12, and 13.

Mr. BURTON of Indiana, for 5 minutes, today and February 7 and 8.

SENATE BILL AND JOINT RESOLUTION REFERRED

A bill and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 550. An act to preserve existing judgeships on the Superior Court of the District of Columbia; to the Committee on Oversight and Government Reform.

S.J. Res. 25. Joint resolution providing for the appointment of John W. McCarter as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker on Thursday, January 31, 2008:

H.R. 5104. An act to extend the Protect America Act of 2007 for 15 days.

On Monday, February 4, 2008:

H.R. 4253. An act to improve and expand small business assistance programs for veterans of the armed forces and military reservists, and for other purposes.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 2110. An act to designate the facility of the United States Postal Service located at 427 North Street in Taft, California, as the "Larry S. Pierce Post Office."

BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reports that on January 30, 2008, she presented to the President of the United States, for his approval, the following bills:

H.R. 5104. To extend the Protect America Act of 2007 for 15 days.

ADJOURNMENT

Mr. YARMUTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Thursday, February 7, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5183. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Bovine Spongiform Encephalopathy; Minimal-Risk Regions; Identification of Ruminants, and Processing and Importation of Commodities [Docket No. APHIS-2006-0026-3] (RIN: 0579-AC45) received January 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5184. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on U.S. military personnel and U.S. individual civilians retained as contractors involved in supporting Plan Colombia, pursuant to Public Law 106-246, section 3204 (f); to the Committee on Armed Services.

5185. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — FHA Appraiser Roster Requirements [Docket No. FR-5112-F-01] (RIN: 2502-AI53) received January 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5186. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department's final rule — Identity Theft Red Flags and Address Discrepancies Under the Fair and Accurate Credit Transactions Act of 2003 [Docket ID OCC-2007-0017] (RIN: 1557-AC87) received January 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5187. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Rules of Practice and Procedure (RIN: 3064-AD22) received January 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5188. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Electronic Shaireholder Forums [Release No. 34-57172; IC-28124; File No. S7-16-07] (RIN: 3235-AJ92) received January 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5189. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Workplace Substance Abuse Programs at DOE Sites (RIN: 1992-AA38) received January 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5190. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Index of Legally Marketed Unapproved New Animal Drugs for Minor Species [Docket No. 2006N-0067] (RIN: 0910-AF67) received January 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5191. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fluopicolide; Pesticide Tolerance [EPA-HQ-OPP-2006-0481; FRL-8341-6] received January 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5192. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Boscalid; Denial of Objections [EPA-HQ-OPP-2005-0145; FRL-8347-3] received January 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5193. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Health and Safety Data Reporting; Addition of Certain Chemicals [EPA-HQ-OPPT-2007-0487; FRL-8154-2] (RIN: 2070-AB11) received January 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5194. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Michigan; Oxides of Nitrogen Regulations, Phase II [EPA-R05-OAR-2007-0024; FRL-8519-4] received January 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5195. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maine; Ozone Maintenance Plans [EPA-R01-OAR-2007-0963; A-1-FRL-8522-1] received January 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5196. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Connecticut; State Implementation Plan Revision to Implement the Clean Air Interstate Rule [EPA-R01-OAR-2007-0399; FRL-8517-4] received January 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5197. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — State Operating Permit Programs; Ohio; Revisions to the Acid Rain Regulations [EPA-R05-OAR-2007-1198; FRL-8521-3] received January 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5198. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Massachusetts; Final Authorization of State Hazardous Waste Management Program Revisions [EPA-R01-RCRA-2007-1171; FRL-8521-8] received January 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5199. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries [EPA-HQ-OAR-2002-0034; FRL-8522-4] (RIN: 2060-AM85) received January 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5200. A letter from the Deputy Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities [CG Docket No. 03-123] received January 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5201. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules [CS Docket No. 98-120] received January 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5202. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the matter of Amendment of Section 73.202(b) FM Table of Allotments, FM Broadcast Stations. (Charlo, Montana) [MB Docket No. 07-143 RM-11381] received January 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5203. A letter from the Chief of Staff, Media Burea, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Live Oak, Florida) [MB Docket No. 07-131 RM-11377] received January 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5204. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

5205. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting the FY 2007 annual report in accordance with Section 655 of the Foreign Assistance Act of 1961 (FAA); to the Committee on Foreign Affairs.

5206. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment to the Government of Colombia (Transmittal No. DDTC 093-07); to the Committee on Foreign Affairs.

5207. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to Section 3 of the Arms Export Control Act, as amended, detailing an unauthorized retransfer of U.S.-granted defense articles; to the Committee on Foreign Affairs.

5208. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Pursuant to section 565(b) of the Foreign Relations Authorization Act for FY 1994 and 1995 (Pub. L. 103-236), certifications and waivers of the prohibition against contracting with firms that comply with the Arab League Boycott of the State of Israel and of the prohibition against contracting with firms that discriminate in the award of subcontracts on the basis of religion, and accompanying Memorandum of Justification; to the Committee on Foreign Affairs.

5209. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's 2007 Annual Report on U.S. Government Assistance to and Cooperative Activities with Eurasia and the Fiscal Year 2007 Annual Report on U.S. Government Assistance to Eastern Europe under the Support for East European Democracy Act, as required by Pub. L. 101-179, Sec. 704(c); to the Committee on Foreign Affairs.

5210. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to Paragraph (5)(D) of the Senate's May 1997 resolution of advice and consent to the ratification of the Conventional Armed Forces in Europe Treaty Flank Document of May 31, 1996; to the Committee on Foreign Affairs.

5211. A letter from the Chair, J. William Fulbright Foreign Scholarship Board, transmitting the annual report of the J. William Fulbright Foreign Scholarship Board for 2006-2007; to the Committee on Foreign Affairs.

5212. A communication from the President of the United States, transmitting a report including matters relating to the interdiction of aircraft engaged in illicit drug trafficking, pursuant to 22 U.S.C. 2291-4; (H. Doc. No. 110–91); to the Committee on Foreign Affairs and ordered to be printed.

5213. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-256, "Bicycle Registration Reform Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5214. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-257, "Enhanced Professional Security Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5215. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-258, "Appointment of the Chief Medical Examiner Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5216. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-259, "Health Services Planning Program Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5217. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-261, "Frank Harris, Jr. Justice Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5218. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-263, "Tregaron Conservancy Tax Exemption and Relief Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5219. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-265, "Fiscal Year 2008 Supplemental Appropriations Temporary Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5220. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-273, "District Funds Reserved Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5221. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-274, "Wax Museum Project Tax Abatement Allocation Modification Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5222. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-276, "Presidential Primary Ballot Access Temporary Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5223. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-277, "Child Support Compliance Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the

Committee on Oversight and Government Reform.

5224. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-279, "Downtown Retail TIF Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5225. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-275, "Constitution Square Economic Development Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5226. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-272, "Small Business Commercial Property Tax Relief Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5227. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-271, "Public Education Personnel Reform Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5228. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-264, "Closing of Public Alley in Square 696, S.O. 07-8302, Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5229. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-262, "Arthur Capper/Carrollsburg Public Improvements Revenue Bonds Approval Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5230. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-260, "Effi Slaughter Barry HIV/AIDS Initiative Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5231. A letter from the Chair, CPB Board of Directors, Corporation for Public Broadcasting, transmitting the semiannual report of the Office of the Inspector General for the period ending September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

5232. A letter from the Deputy Chief Human Capital Officer, Department of Commerce, transmitting the Department's report on the use of the Category Rating System, pursuant to 5 U.S.C. 3319; to the Committee on Oversight and Government Reform.

5233. A letter from the Senior Procurement Executive and Director, Office of Acquisition Management and Procurement Executive, Department of Commerce, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum M-08-02, the Department's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

5234. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5235. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5236. A letter from the Secretary, Department of Energy, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

5237. A letter from the Deputy Associate General Counsel for Regulatory Affairs, Department of Homeland Security, transmitting the Department's final rule — Minimum Standards for Drivers' Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes [Docket No. DHS-2006-0030] (RIN: 1601-AA37) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5238. A letter from the Deputy Under Secretary for Management, Department of Homeland Security, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

5239. A letter from the Assistant Secretary for Administration and Mgmt., Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5240. A letter from the Assitant Secretary for Administration and Mgmt., Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5241. A letter from the Secretary, Department of Veterans Affairs, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

5242. A letter from the Assistant Administrator, Environmental Protection Agency, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Agency's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

5243. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report entitled "Annual Report to Congress on Implementation of Public Law 106-107"; to the Committee on Oversight and Government Reform.

5244. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act covering the calendar year 2006, pursuant to 5 U.S.C. 552b; to the Committee on Oversight and Government Reform.

5245. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's report entitled, "Accounting for Laws that Apply Differently to the United States Postal Service and Its Private Competitors," pursuant to 39 U.S.C. 101; to the Committee on Oversight and Government Reform.

5246. A letter from the Director, Financial Management, Government Accountability Office, transmitting the FY 2007 annual report of the Comptrollers' General Retirement System, pursuant to Public Law 95-595; to the Committee on Oversight and Government Reform.

5247. A letter from the Director, Office of Personnel Management, transmitting the Chief Human Capital Officers (CHCO) Council's Report to Congress covering FY 2007, pursuant to 5 U.S.C. 1401 note Public Law 107-296 section 1303(d); to the Committee on Oversight and Government Reform.

5248. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fishery; Final 2008-2010 Fishing Quotas for Atlantic Surfclams and Ocean Quahogs [Docket No. 070717342-7713-02] (RIN: 0648-AV42) received January 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5249. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's final rule — Visas: Documentation of immigrants under the Immigration and Nationality Act, as amended. — received January 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5250. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a redesignation pursuant to Section 219 of the Immigration and Nationality Act; to the Committee on the Judiciary.

5251. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Reauthorization of the Temporary Assistance for Needy Families (TANF) Program (RIN: 0970-AC27) received January 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5252. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Intermediary Transaction Tax Shelter [Notice 2008-20] received January 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5253. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Application of Section 338 to Insurance Companies [TD 9377] (RIN: 1545-BF02) received January 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5254. A letter from the Acting Regulations Officer of Social Security, Social Security Administration, transmitting the Administration's final rule — Private Printing of Prescribed Applications, Forms, and Other Publications [Docket No. SSA-2007-0009] (RIN: 0960-AG36) received January 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5255. A letter from the Acting SSA Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Methods for Conducting Personal Conferences When Waiver of Recovery of a Title II or Title XVI Overpayment Cannot Be Approved [Docket No. SSA-2006-0096] (RIN: 0960-AG40) received January 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5256. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule —

Revisit User Fee Program for Medicare Survey and Certification Activities [CMS-2278-IFC3] (RIN: 0938-AP22) received January 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. SLAUGHTER: Committee on Rules. House Resolution 955. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 110–522). Referred to the House Calendar.

Ms. SUTTON: Committee on Rules. House Resolution 956. Resolution providing for consideration of the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes (Rept. 110–523). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

[The following action occurred on February 1, 2008]

Pursuant to clause 2 of rule XII the Committee on Armed Services discharged from further consideration. H.R. 3111 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following actions occurred on February 1, 2008]

H.R. 275. Referral to the Committee on the Judiciary extended for a period ending not later than February 8, 2008.

H.R. 275. Referral to the Committee on Energy and Commerce extended for a period ending not later than February 22, 2008.

H.R. 948. Referral to the Committee on Ways and Means extended for a period ending not later than March 31, 2008.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CAMPBELL of California (for himself, Mr. BOEHNER, Mr. PUTNAM, Mr. CARTER, Mr. HUNTER, Mr. SAM JOHNSON of Texas, Mr. SAXTON, Mr. WILSON of South Carolina, Mr. LAMBORN, Mr. BURGESS, Mr. KLINE of Minnesota, Mr. POE, Mr. ROHRABACHER, Mr. ROGERS of Michigan, Mr. BROUN of Georgia, Mr. ISSA, Mr. TIAHRT, Mr. BURTON of Indiana, Ms. FALLIN, Mr. MCCOTTER, Mr. GOHMERT, Mr. PITTS, Mr. HERGER, Mr. FEENEY, Mr. MCHENRY, Mr. FRANKS of Arizona, Mr. SESSIONS, Mr. WALBERG, Mr. MACK, Mr. CALVERT, Mr. KELLER, Mr. BOUSTANY, Mr. SULLIVAN, Mrs. SCHMIDT, Mr. BRADY of Texas, Mr. CONAWAY, Mr. GINGREY, Ms. FOXX, Mr. MILLER of Florida, Mr. CANNON, Mr. HALL of Texas, Mr. KING of Iowa, Mr. HENSARLING, Mrs. CAPITO, and Mr. KING of New York):

H.R. 5222. A bill to rescind funds appropriated by the Consolidated Appropriations Act, 2008, for the City of Berkeley, California, and any entities located in such city, and to provide that such funds shall be transferred to the Operation and Maintenance, Marine Corps account of the Department of Defense for the purposes of recruiting; to the Committee on Appropriations.

By Mr. BOSWELL (for himself, Mr. HAYES, Mr. BRALEY of Iowa, Mr. ORTIZ, Mrs. BOYDA of Kansas, Mr. BARTLETT of Maryland, and Mr. LOEBSACK):

H.R. 5223. A bill to provide for the enhancement of the suicide prevention programs of the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. BONNER:

H.R. 5224. A bill to suspend temporarily the duty on Hexane, 1,6-dichloro-; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 5225. A bill to suspend temporarily the duty on Propanedioic acid, diethyl ester; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 5226. A bill to suspend temporarily the duty on Butane, 1-chloro; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 5227. A bill to suspend temporarily the duty on 1,3,5-Triazine, 2,4,6-tris(2-propenyloxyl)-; to the Committee on Ways and Means.

By Mr. ANDREWS (for himself and Mr. PETRI):

H.R. 5228. A bill to protect employees from invasion of privacy by employers by prohibiting video and audio monitoring of employees when in an area where it is reasonable to expect employees to change clothing; to the Committee on Education and Labor.

By Mr. BARTLETT of Maryland (for himself, Mr. ISRAEL, Mr. BOOZMAN, Mrs. GILLIBRAND, Ms. SCHWARTZ, Mr. CARTER, Mr. RODRIGUEZ, Mr. LOBIONDO, Mr. BISHOP of Utah, Mr. MILLER of Florida, Mr. CUMMINGS, Mr. SCHIFF, Mr. GORDON, Mr. UDALL of Colorado, Mr. WILSON of South Carolina, Mr. ELLISON, Mr. KIRK, Mr. JOHNSON of Georgia, Mr. KUHL of New York, Mr. WYNN, Mr. MEEK of Florida, Mr. BUTTERFIELD, Ms. FOXX, Ms. GIFFORDS, Ms. SHEA-PORTER, Mr. CARNEY, Mr. LOEBSACK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GILCHREST, Ms. CORRINE BROWN of Florida, Mr. JONES of North Carolina, Mr. HILL, Mrs. LOWEY, Ms. BERKLEY, Mr. NEUGEBAUER, Mr. WALZ of Minnesota, Mr. KING of Iowa, Mr. TIBERI, Mr. MCHENRY, Mr. WOLF, Mr. KINGSTON, Mr. PAUL, Mr. GOODE, and Mr. SAXTON):

H.R. 5229. A bill to amend title 38, United States Code, to remove certain limitations on the transfer of entitlement to basic educational assistance under the Montgomery GI Bill, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas:

H.R. 5230. A bill to amend title 28, United States Code, to grant to the House of Representatives the authority to bring a civil action to enforce, secure a declaratory judgment concerning the validity of, or prevent a threatened refusal or failure to comply with any subpoena or order issued by the House or any committee or subcommittee of the House to secure the production of documents, the answering of any deposition or interrogatory, or the securing of testimony, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRALEY of Iowa:

H.R. 5231. A bill to amend the Internal Revenue Code of 1986 to extend the credit for electricity produced from certain renewable resources; to the Committee on Ways and Means.

By Mr. BURGESS:

H.R. 5232. A bill to provide that no Federal or State requirement to increase energy efficient lighting in public buildings shall require a hospital, school, day care center, mental health facility, or nursing home to install or utilize such energy efficient lighting if the lighting contains mercury; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DRAKE:

H.R. 5233. A bill to extend for two years the exemption of returning workers from the numerical limitations for H-2B temporary workers; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN:

H.R. 5234. A bill to amend title 18, United States Code, and the Social Security Act to limit the misuse of Social Security numbers, to establish criminal penalties for such misuse, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGLY (for himself and Mr. BLUNT):

H.R. 5235. A bill to establish the Ronald Reagan Centennial Commission; to the Committee on Oversight and Government Reform.

By Ms. HERSETH SANDLIN (for herself, Mr. WALDEN of Oregon, Mr. DEFAZIO, Mr. STUPAK, Mr. ROSS, Mr. PICKERING, Mrs. EMERSON, Mr. GOODLATTE, Mr. BONNER, and Mr. PETERSON of Pennsylvania):

H.R. 5236. A bill to promote the use of certain materials harvested from public lands in the production of renewable fuel, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCDERMOTT (for himself and Ms. GRANGER):

H.R. 5237. A bill to amend the U.S. Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003; to the Committee on Foreign Affairs.

By Mr. PEARCE (for himself, Mr. YOUNG of Alaska, Mr. BISHOP of Utah, Mrs. CUBIN, Mr. HELLER, Mrs. MCMORRIS RODGERS, Mr. CANNON, and Mr. SALI):

H.R. 5238. A bill to repeal a requirement to reduce by 2 percent the amount payable to each State in fiscal year 2008; to the Committee on Natural Resources.

By Mr. PORTER (for himself and Ms. SCHWARTZ):

H.R. 5239. A bill to amend the Internal Revenue Code of 1986 to provide that the proceeds of qualified mortgage bonds may be used to provide refinancing for subprime loans, to provide a temporary increase in the volume cap for qualified mortgage bonds used to provide that refinancing, and for other purposes; to the Committee on Ways and Means.

By Mr. UDALL of Colorado (for himself and Mr. SALAZAR):

H.R. 5240. A bill to restore equitable sharing with affected States of revenues from onshore Federal mineral leases; to the Committee on Natural Resources.

By Mr. UDALL of Colorado:

H.R. 5241. A bill to amend the Healthy Forests Restoration Act of 2003 to authorize the Secretary of Agriculture and the Secretary of the Interior to take expedited action to reduce the increased risk of severe wildfires to Colorado communities, water supplies, and infrastructure in or near forested areas most severely affected by infestations of bark beetles and other insects, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Florida:

H.R. 5242. A bill to amend the Internal Revenue Code of 1986 to make permanent the deduction of State and local general sales taxes; to the Committee on Ways and Means.

By Mr. GILCHREST (for himself, Mr. CUMMINGS, Mr. JONES of North Carolina, Mr. MEEKS of New York, Mr. JOHNSON of Illinois, Mr. MURTHA, Mr. REYES, and Ms. KAPTUR):

H. Con. Res. 288. Concurrent resolution expressing the need for a more comprehensive diplomatic initiative led by the United States, Republic of Iraq, and international community; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JONES of Ohio (for herself, Mr. TIBERI, Mr. HINOJOSA, Mrs. CHRISTENSEN, Mr. PAYNE, Ms. WATSON, Mr. CLAY, Mr. BECERRA, Mr. MCNULTY, Mr. DAVIS of Illinois, Mr. MEEK of Florida, Ms. SUTTON, Ms. MOORE of Wisconsin, Ms. CORRINE BROWN of Florida, Mr. BISHOP of Georgia, Mr. ENGLISH of Pennsylvania, Mr. THOMPSON of Mississippi, Ms. NORTON, Mr. EMANUEL, and Ms. CLARKE):

H. Res. 957. A resolution expressing support for the second annual America Saves Week 2008 from February 24, 2008 through March 2, 2008; to the Committee on Financial Services.

By Mr. KLINE of Minnesota (for himself, Mr. BOEHNER, Mr. PUTNAM, Mr. CANNON, Mr. CANTOR, Mr. KELLER, Mr. MILLER of Florida, Mr. SESSIONS, Mr. WILSON of South Carolina, Mr. CARTER, Mr. ISSA, Mrs. BLACKBURN, Mr. BURTON of Indiana, Mr. SAM JOHNSON of Texas, Mr. BISHOP of Utah, Mr. GOHMERT, Mr. LOBIONDO, Mr. HENSARLING, Mr. BILBRAY, Mr. KING of Iowa, Mrs. BONO MACK, Mr. FEENEY, Mr. FOSSELLA, Mr. FORBES, Mr. CONAWAY, Mr. SALI, Mr. BARTLETT of Maryland, and Mr. WOLF):

H. Res. 958. A resolution reaffirming the commitment of the House of Representatives to the patriotic and professional men and women serving in the United States Marine Corps in defense of the United States; to the Committee on Armed Services.

By Mrs. MUSGRAVE (for herself and Mr. MURTHA):

H. Res. 959. A resolution supporting the Adopt-a-Platoon program, which encourages support to deployed soldiers through letters, care packages, pen pal campaigns, and monetary donations; to the Committee on Armed Services.

By Mr. ROTHMAN (for himself, Mr. HOLT, Mr. ENGEL, Mr. MCHUGH, Mr. SERRANO, Mr. SCHIFF, Mr. MEEKS of New York, Mrs. MALONEY of New York, Mr. HALL of New York, Mr. CROWLEY, Mr. FOSSELLA, Mr. COHEN, Ms. CLARKE, Ms. WASSERMAN SCHULTZ, Mr. SHAYS, Mrs. MCCARTHY of New York, Mr. PASCRELL, Mr. SIRES, Mr. WEINER, and Mr. PALLONE):

H. Res. 960. A resolution congratulating the National Football League champion New York Giants for winning Super Bowl XLII and completing one of the most remarkable postseason runs in professional sports history; to the Committee on Oversight and Government Reform.

By Mr. YOUNG of Alaska (for himself, Mr. BRADY of Pennsylvania, Mr. WALZ of Minnesota, Mr. ORTIZ, Mrs. CHRISTENSEN, Ms. BORDALLO, Mr. ABERCROMBIE, Mr. PEARCE, Mr. LEWIS of Georgia, Mr. FORTUÑO, Mr. TERRY, Mr. WAMP, Mr. BISHOP of Utah, Mr. COURTNEY, Mr. SHUSTER, Mr. PITTS, Mr. FORBES, Mr. PUTNAM, Mr. LEWIS of California, Mr. TAYLOR, Mr. SAXTON, Mr. HALL of Texas, Mr. HAYES, Mr. DUNCAN, Mr. MCCARTHY of California, Mr. SALI, Mr. UDALL of Colorado, Mr. CONAWAY, Mr. KLINE of Minnesota, Mr. PATRICK MURPHY of Pennsylvania, Mr. PAYNE, Mr. SNYDER, Mr. JONES of North Carolina, Mr. KUHL of New York, Mrs. MCMORRIS RODGERS, and Mr. MCCOTTER):

H. Res. 961. A resolution commending the Alaska Army National Guard for its service to the State of Alaska and the citizens of the United States; to the Committee on Armed Services.

By Ms. WATERS:

H. Res. 962. A resolution congratulating the city of Inglewood, California on its 100th anniversary and commending the city for its growth and resilience; to the Committee on Oversight and Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. REYES introduced a bill (H.R. 5243) for the relief of Kumi Iizuka-Barcena; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. BROUN of Georgia.

H.R. 37: Mr. KLINE of Minnesota.

H.R. 96: Mr. ANDREWS.

H.R. 154: Mr. LAMPSON.

H.R. 241: Mrs. EMERSON.

H.R. 248: Mr. MORAN of Kansas and Mrs. BOYDA of Kansas.

H.R. 321: Mr. MCCOTTER.

H.R. 333: Mr. MCINTYRE.

H.R. 369: Ms. MATSUI.

H.R. 402: Mr. MCINTYRE.

H.R. 406: Mr. CLEAVER and Ms. HARMAN.

H.R. 549: Mr. MCDERMOTT.

H.R. 581: Mr. PRICE of Georgia.

H.R. 618: Mr. ROGERS of Michigan.

H.R. 621: Mr. MCKEON.

H.R. 643: Mr. SPACE.

H.R. 661: Mr. SIRES.

H.R. 677: Mr. WELCH of Vermont.

H.R. 685: Mr. BACA and Mr. SHAYS.

H.R. 706: Ms. ESHOO, Mr. SHERMAN, Mr. CARDOZA, Ms. LINDA T. SÁNCHEZ of California, Mr. HONDA, Mr. THOMPSON of California, Mr. COOPER, Mr. WU, Ms. JACKSON-LEE of Texas, and Mr. CUMMINGS.

H.R. 715: Ms. JACKSON-LEE of Texas.

H.R. 748: Mr. JONES of North Carolina and Mr. MARKEY.

H.R. 758: Mrs. MYRICK.

H.R. 768: Mr. SMITH of Texas.

H.R. 861: Mr. NEUGEBAUER and Mr. JONES of North Carolina.

H.R. 913: Mr. WHITFIELD of Kentucky.

H.R. 983: Mr. ROSS.

H.R. 992: Mr. SIRES, Ms. ESHOO, and Mr. LINCOLN DAVIS of Tennessee.

H.R. 997: Mr. PETERSON of Minnesota.

H.R. 1017: Mr. ALLEN and Mr. KILDEE.

H.R. 1023: Mr. TIM MURPHY of Pennsylvania, Mr. GILCHREST, and Mr. KAGEN.

H.R. 1029: Mr. MURPHY of Connecticut.

H.R. 1032: Mr. AL GREEN of Texas.

H.R. 1070: Mr. CONYERS.

H.R. 1078: Mr. FARR and Mr. WAMP.

H.R. 1093: Ms. HERSETH SANDLIN and Mr. POMEROY.

H.R. 1110: Mr. WILSON of South Carolina and Ms. RICHARDSON.

H.R. 1172: Mr. CARDOZA.

H.R. 1192: Ms. SOLIS and Mr. SERRANO.

H.R. 1225: Mr. MILLER of North Carolina.

H.R. 1229: Mr. WALSH of New York.

H.R. 1261: Mr. CAMP of Michigan.

H.R. 1279: Mr. AL GREEN of Texas.

H.R. 1293: Mr. SESTAK.

H.R. 1386: Mr. CONYERS, Mr. DINGELL, and Ms. SLAUGHTER.

H.R. 1418: Mr. ROTHMAN.

H.R. 1420: Mr. INSLEE and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 1439: Mr. YARMUTH.

H.R. 1481: Mr. GINGREY.

H.R. 1507: Mr. TIERNEY.

H.R. 1527: Mr. CAMP of Michigan.

H.R. 1553: Ms. WASSERMAN SCHULTZ, Mrs. EMERSON, and Mr. BUCHANAN.

H.R. 1560: Mr. LATOURETTE.

H.R. 1589: Mr. KILDEE and Mr. CONAWAY.

H.R. 1619: Mr. BOUCHER.

H.R. 1650: Ms. HERSETH SANDLIN.

H.R. 1665: Mr. COHEN, Mr. WELCH of Vermont, and Mr. WALZ of Minnesota.

H.R. 1731: Mr. STARK.

H.R. 1750: Mr. WEXLER.

H.R. 1783: Ms. LORETTA SANCHEZ of California.

H.R. 1820: Mr. LARSON of Connecticut.

H.R. 1823: Mr. KLEIN of Florida, Mr. SESTAK, and Ms. BERKLEY.

H.R. 1846: Mr. MEEK of Florida.

H.R. 1927: Mr. SESTAK.

H.R. 1937: Ms. FALLIN and Mr. LUCAS.

H.R. 1975: Mrs. TAUSCHER, Mr. COOPER, and Mr. DOGGETT.

H.R. 2021: Mr. SCOTT of Virginia, Ms. ROYBAL-ALLARD, Mr. BISHOP of New York, Ms.

DEGETTE, Mr. TIERNEY, Mr. SCOTT of Georgia, Mr. ACKERMAN, Ms. MOORE of Wisconsin, Mr. GUTIERREZ, Mr. ORTIZ, Mr. FILNER, Ms. BERKLEY, Mr. SESTAK, Mr. FARR, Mrs. BOYDA of Kansas, Mr. LAMPSON, Mrs. LOWEY, Mr. HIGGINS, Mr. MEEK of Florida, and Mr. REYES.

H.R. 2032: Mr. DUNCAN.

H.R. 2040: Ms. WATSON, Mr. MOORE of Kansas, and Mr. CONYERS.

H.R. 2053: Mr. ROGERS of Michigan, Mr. SOUDER, Mr. KAGEN, Mr: KLEIN of Florida, Mr. DAVIS of Alabama, and Mr. CRAMER.

H.R. 2067: Mr. MCCOTTER.

H.R. 2131: Mr. BUCHANAN and Mr. GENE GREEN of Texas.

H.R. 2164: Mr. PORTER.

H.R. 2188: Mr. PASTOR.

H.R. 2189: Ms. NORTON, Mr. HINCHEY, Mr. MILLER of North Carolina, and Mr. LEWIS of Georgia.

H.R. 2231: Mr. SESTAK, Mr. ROSS, and Mr. PASTOR.

H.R. 2312: Mr. BACHUS.

H.R. 2353: Mr. CAPUANO.

H.R. 2384: Mr. ROSS.

H.R. 2452: Mr. MURPHY of Connecticut, Mr. WEXLER, and Mr. HINOJOSA.

H.R. 2469: Mr. ENGLISH of Pennsylvania.

H.R. 2470: Ms. GINNY BROWN-WAITE of Florida.

H.R. 2526: Mr. HINCHEY.

H.R. 2564: Ms. FALLIN, Mr. LAMBORN, Mr. GOODLATTE, and Mr. YOUNG of Florida.

H.R. 2578: Mr. SMITH of Washington.

H.R. 2604: Mr. MOORE of Kansas.

H.R. 2620: Mr. ELLISON.

H.R. 2634: Ms. CLARKE and Mr. SARBANES.

H.R. 2694: Ms. CLARKE.

H.R. 2702: Mr. DELAHUNT.

H.R. 2712: Mr. STEARNS.

H.R. 2744: Ms. GIFFORDS, Mr. MARIO DIAZ-BALART of Florida, Ms. GINNY BROWN-WAITE of Florida, Mrs. GILLIBRAND, Mr. JOHNSON of Illinois, Mr. SESTAK, Mr. LYNCH, Mr. GONZALEZ, and Mr. ETHERIDGE.

H.R. 2805: Mr. POMEROY, Mr. FARR, and Mr. OBERSTAR.

H.R. 2820: Mr. PAYNE, and Ms. JACKSON-LEE of Texas.

H.R. 2859: Mr. CROWLEY.

H.R. 2866: Mrs. SCHMIDT.

H.R. 2885: Mr. ROSKAM and Mr. BARRETT of South Carolina.

H.R. 2915: Mr. BERMAN, and Ms. ESHOO.

H.R. 3010: Mr. ENGLISH of Pennsylvania and Mr. COURTNEY.

H.R. 3054: Mr. WYNN.

H.R. 3080: Mr. CUMMINGS, Mr. CHABOT, and Mr. MCINTYRE.

H.R. 3132: Ms. DELAURO.

H.R. 3223: Mr. MORAN of Virginia.

H.R. 3257: Mr. MEEKS of New York, Ms. SLAUGHTER, and Ms. HOOLEY.

H.R. 3298: Mr. HILL.

H.R. 3327: Mr. BROWN of South Carolina.

H.R. 3329: Mr. UDALL of New Mexico and Mr. BACA.

H.R. 3345: Mr. SCOTT of Virginia.

H.R. 3347: Ms. SCHAKOWSKY and Mr. JOHNSON of Georgia.

H.R. 3357: Mr. WAXMAN.

H.R. 3378: Mr. JOHNSON of Georgia.

H.R. 3404: Mr. ROTHMAN.

H.R. 3423: Mr. TOWNS and Mr. HINCHEY.

H.R. 3430: Mr. JOHNSON of Georgia and Mr. MILLER of North Carolina.

H.R. 3438: Mr. SIRES.

H.R. 3439: Mr. HINCHEY, Ms. DELAURO, Mr. HARE, Mr. ETHERIDGE, and Mr. MEEKS of New York.

H.R. 3452: Mr. WYNN.

H.R. 3457: Ms. RICHARDSON.

H.R. 3464: Mr. WYNN.

H.R. 3466: Mr. WILSON of Ohio.

H.R. 3498: Mr. SPACE.

H.R. 3543: Mr. SCOTT of Virginia and Ms. MCCOLLUM of Minnesota.

H.R. 3546: Mr. ROSS and Mr. TERRY.

H.R. 3548: Mr. LEWIS of Georgia.

H.R. 3645: Mr. RYAN of Ohio.

H.R. 3652: Mr. GEORGE MILLER of California, Ms. MOORE of Wisconsin, Mr. MCDERMOTT, Mr. THOMPSON of Mississippi, Mr. DINGELL, Ms. LEE, and Mr. CLEAVER.

H.R. 3660: Mr. GRAVES and Mr. MICHAUD.

H.R. 3681: Mr. BOUCHER.

H.R. 3691: Mr. THOMPSON of California.

H.R. 3711: Ms. HERSETH SANDLIN.

H.R. 3724: Ms. JACKSON-LEE of Texas.

H.R. 3748: Mrs. BOYDA of Kansas and Mr. MEEKS of New York.

H.R. 3753: Mr. MCDERMOTT.

H.R. 3774: Mr. JOHNSON of Georgia.

H.R. 3797: Mr. SHAYS.

H.R. 3819: Mr. MORAN of Kansas, Ms. JACKSON-LEE of Texas, Mr. PEARCE, Mr. GOODE, Mrs. GILLIBRAND, and Mr. SMITH of Washington.

H.R. 3829: Mr. BERMAN.

H.R. 3846: Mrs. JONES of Ohio.

H.R. 3852: Mr. GORDON.

H.R. 3876: Ms. ZOE LOFGREN of California.

H.R. 3896: Mr. MCGOVERN, Ms. SUTTON, Ms. MATSUI, and Mr. RYAN of Ohio.

H.R. 3905: Mr. TOWNS and Mr. HONDA.

H.R. 3934: Mr. ROSS, Mr. WESTMORELAND, Mr. LYNCH, and Mr. MCINTYRE.

H.R. 3938: Mr. GONZALEZ, Mr. BRADY of Pennsylvania, and Mr. WYNN.

H.R. 4001: Mr. ETHERIDGE.

H.R. 4048: Mr. HONDA.

H.R. 4054: Ms. SHEA-PORTER.

H.R. 4063: Mr. MEEKS of New York.

H.R. 4102: Mr. FRANK of Massachusetts, Mr. MCDERMOTT, and Mr. PASTOR.

H.R. 4105: Mr. EHLERS and Mr. COSTELLO.

H.R. 4107: Mr. HINCHEY and Ms. HIRONO.

H.R. 4116: Mr. BOOZMAN, Mr. RUSH, Mr. KELLER, Mr. MARCHANT, and Mr. MARSHALL.

H.R. 4130: Mr. PLATTS.

H.R. 4139: Mr. CHANDLER.

H.R. 4149: Ms. HERSETH SANDLIN, Mr. CARDOZA, and Mr. ELLISON.

H.R. 4202: Mr. GUTIERREZ.

H.R. 4205: Mrs. CAPPS.

H.R. 4206: Mr. UDALL of New Mexico.

H.R. 4207: Mr. PASTOR.

H.R. 4221: Ms. SCHAKOWSKY.

H.R. 4251: Mr. PASTOR and Mr. GRIJALVA.

H.R. 4264: Mr. HASTINGS of Florida.

H.R. 4266: Mr. CLEAVER.

H.R. 4279: Mr. WATT.

H.R. 4280: Mrs. BONO MACK.

H.R. 4296: Mr. PAYNE, Mr. TIM MURPHY of Pennsylvania, Mr. BUTTERFIELD, and Mr. BLUMENAUER.

H.R. 4308: Mr. BOUCHER.

H.R. 4318: Mr. MCDERMOTT and Mr. MCINTYRE.

H.R. 4335: Mr. BLUMENAUER.

H.R. 4336: Mr. BRADY of Pennsylvania, Mr. CHANDLER, Mr. GONZALEZ, and Mr. CONYERS.

H.R. 4449: Mr. EHLERS, Ms. BALDWIN, Mr. MATHESON, Ms. CORRINE BROWN of Florida, Mr. BRADY of Pennsylvania, Mr. HINOJOSA, Mr. MARKEY, and Mr. TIERNEY.

H.R. 4611: Ms. SCHAKOWSKY and Mr. MCDERMOTT.

H.R. 4831: Mr. HAYES.

H.R. 4838: Ms. SLAUGHTER, Mr. OLVER, and Mr. UDALL of Colorado.

H.R. 4848: Mr. ANDREWS, Mr. DINGELL, Mr. RANGEL, Mr. GEORGE MILLER of California, and Mr. EMANUEL.

H.R. 4882: Ms. SCHAKOWSKY.

H.R. 4900: Mr. JONES of North Carolina, Mr. MCCOTTER, Mr. CANNON, Mr. CHABOT, Mr. FRANKS of Arizona, Mrs. SCHMIDT, and Mr. COBLE.

H. R. 4915: Mr. BURGESS.

H.R. 4926: Mr. CHANDLER, Mr. GRIJALVA, Mr. SIRES, Mr. MEEKS of New York, Ms. SOLIS, Mr. ROSS, Mr. WYNN, and Ms. WATSON.

H.R. 4930: Mr. HALL of New York, Mr. MCCOTTER, Mrs. GILLIBRAND, Mr. GRAVES, Mr. OBERSTAR, Mr. SMITH of New Jersey, Mr. INGLIS of South Carolina, and Mr. SMITH of Washington.

H.R. 4934: Ms. WOOLSEY, Mr. HOLT, Ms. LEE, Ms. SOLIS, Mr. BOSWELL, Mr. WATT, Mr. KAGEN, Mr. BISHOP of New York, Mr. COURTNEY, Ms. DELAURO, Mr. RYAN of Ohio, Mr. CUMMINGS, Mr. KUCINICH, Mr. HONDA, Mr. JOHNSON of Georgia, Mr. CONYERS, and Mr. TOWNS.

H.R. 4936: Mr. TOWNS and Mr. CONYERS.

H.R. 4959: Mr. FATTAH, Ms. WOOLSEY, Mr. WELCH of Vermont, Ms. ZOE LOFGREN of California, Ms. NORTON, Mr. OLVER, Mr. BRADY of Pennsylvania, Mrs. MALONEY of New York, Mr. FRANK of Massachusetts, Mr. HASTINGS of Florida, Ms. SLAUGHTER, Ms. LINDA T. SÁNCHEZ of California, Mr. PAYNE, Mr. ROTHMAN, Mr. MURPHY of Connecticut, and Mr. CONYERS.

H.R. 4995: Mr. SHUSTER, Mr. MANZULLO, and Mr. PUTNAM.

H.R. 5036: Ms. CLARKE, Mr. PASTOR, Mr. CHANDLER, Mr. BECERRA, Mr. COHEN, Mr. KILDEE, Mr. PATRICK MURPHY of Pennsylvania, Mr. BARROW, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 5038: Mr. WEXLER, Mr. SCOTT of Virginia, and Mr. MCDERMOTT.

H.R. 5056: Mr. MCDERMOTT.

H.R. 5057: Mr. DAVIS of Illinois, Mr. SENSENBRENNER, Mr. SCOTT of Virginia, Mr. GOODLATTE, Mr. KENNEDY, Mr. WEXLER, Mr. TOWNS, Mr. FARR, Ms. HIRONO, Mr. GUTIERREZ, Mr. ELLISON, and Mr. MEEKS of New York.

H.R. 5058: Mr. HALL of New York, Mr. MOORE of Kansas, Mr. CLAY, Mr. FRANK of Massachusetts, Mr. WAXMAN, Mr. LEWIS of Georgia, Mr. HONDA, Ms. MCCOLLUM of Minnesota, Ms. RICHARDSON, Mr. DOGGETT, Ms. CLARKE, Ms. KILPATRICK, and Mr. MITCHELL.

H.R. 5060: Mr. MEEKS of New York.

H.R. 5087: Mr. SESTAK, Mr. ALTMIRE, Mr. MARSHALL, and Mr. WALZ of Minnesota.

H.R. 5107: Mr. HODES, Mr. SPACE, Mr. YARMUTH, Ms. GIFFORDS, and Mrs. GILLIBRAND.

H.R. 5109: Mr. WESTMORELAND and Mr. FORBES.

H.R. 5110: Mrs. BOYDA of Kansas, Mr. GRIJALVA, Mr. FARR, and Mr. WILSON of Ohio.

H.R. 5128: Mr. LEWIS of Georgia, Mr. ABERCROMBIE, Mr. BRADY of Pennsylvania, Mr. HOLT, Mr. FARR, Mr. FILNER, and Mr. CONYERS.

H.R. 5130: Mr. JEFFERSON and Ms. MOORE of Wisconsin.

H.R. 5148: Mr. SESSIONS, Mr. FOSSELLA, Mr. BRADY of Pennsylvania, Mr. BURTON of Indiana, Mr. YOUNG of Alaska, Mr. CARTER, Mr. GOODE, Mr. GORDON, Mr. PEARCE, Mr. ROHRABACHER, Mr. ROGERS of Michigan, Mr. KUHL of New York, Mrs. CHRISTENSEN, and Mr. PAUL.

H.R. 5161: Mr. CHANDLER and Ms. HOOLEY.

H.R. 5167: Mr. HINCHEY.

H.R. 5172: Mr. KUHL of New York, Mr. YOUNG of Alaska, Mr. MCNERNEY, Mr. WALZ of Minnesota, Mrs. GILLIBRAND, Mr. MAHONEY of Florida, Mr. PATRICK MURPHY of Pennsylvania, Mr. HODES, and Mr. COURTNEY.

H.R. 5178: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. BORDALLO, Mr. CUMMINGS, Mr. ELLISON, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 5179: Mr. CUMMINGS, Mr. JEFFERSON, and Mr. HONDA.

H.R. 5181: Mr. CUMMINGS.

H.J. Res. 70: Mr. SALI.

H.J. Res. 76: Mr. TIM MURPHY of Pennsylvania.

H. Con. Res. 137: Mr. LUCAS.

H. Con. Res. 163: Mr. PORTER, Mr. PAYNE, Mr. BISHOP of Georgia, Mr. LEWIS of Georgia, Ms. FALLIN, Ms. BERKLEY, Mr. ALLEN, and Mr. KENNEDY.

H. Con. Res. 244: Mr. LUCAS, Mr. GERLACH, Mr. MATHESON, Mr. MCCOTTER, Mr. NUNES, and Mr. RANGEL.

H. Con. Res. 253: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Con. Res. 263: Mr. DREIER, Mr. ROGERS of Michigan, Mr. MANZULLO, Mr. SAM JOHNSON of Texas, Mr. FERGUSON, Mr. SHAYS, and Mr. HALL of Texas.

H. Con. Res. 276: Mr. BISHOP of New York and Mr. ENGLISH of Pennsylvania.

H. Con. Res. 280: Mrs. CAPPS, Mr. COHEN, Mr. BACA, and Ms. CASTOR.

H. Con. Res. 283: Mr. SMITH of New Jersey, Mr. BUTTERFIELD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. TOWNS, Mr. RANGEL, Ms. CORRINE BROWN of Florida, Mr. BISHOP of Georgia, Mr. JEFFERSON, Mr. COSTA, Mrs. CHRISTENSEN, Mr. ELLISON, Ms. CLARKE, Mr. WATT, Mr. CROWLEY, Mr. RUSH, Mr. WYNN, Mr. LEWIS of Georgia, Mr. SHAYS, Ms. LEE, Mr. WOLF, Mr. JOHNSON of Georgia, Ms. WOOLSEY, Mr. LANTOS, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Illinois, Mr. FATTAH, Mr. AL GREEN of Texas, and Ms. WATERS.

H. Con. Res. 285: Ms. LINDA T. SÁNCHEZ of California.

H. Con. Res. 286: Mr. BISHOP of Georgia, Ms. LEE, Mr. FATTAH, Mr. COHEN, Mr. RANGEL, and Mr. WYNN.

H. Con. Res. 287: Mr. ROHRABACHER and Ms. GIFFORDS.

H. Res. 49: Mr. MARCHANT, Mr. CRENSHAW, Mr. FOSSELLA, Mr. TOWNS, Mr. DOYLE, and Mr. WILSON of Ohio.

H. Res. 76: Ms. SCHAKOWSKY and Mr. CONYERS.

H. Res. 102: Mr. PETERSON of Minnesota.

H. Res. 146: Ms. SUTTON, Mr. MCDERMOTT, and Mr. MURPHY of Connecticut.

H. Res. 185: Mr. FORTUÑO and Mr. TOWNS.

H. Res. 212: Mr. SHAYS.

H. Res. 339: Mr. MARCHANT, Mr. PAYNE, Mr. HILL, and Mr. DEFAZIO.

H. Res. 783: Mr. ELLSWORTH.

H. Res. 848: Mr. BOOZMAN.

H. Res. 854: Mr. FORTUÑO and Mr. MCCOTTER.

H. Res. 892: Mr. DAVIS of Kentucky.

H. Res. 896: Mr. TOWNS.

H. Res. 907: Mr. BARTLETT of Maryland and Mr. ROHRABACHER.

H. Res. 909: Ms. LEE and Mr. MCCOTTER.

H. Res. 929: Mr. JONES of North Carolina.

H. Res. 930: Mr. WILSON of Ohio and Mr. LANGEVIN.

H. Res. 931: Mr. MCHUGH, Mr. SOUDER, and Mr. LAMBORN.

H. Res. 934: Mr. SESSIONS, Mr. PAUL, Mr. CARTER, Mr. CONAWAY, Mr. ORTIZ, Mr. BRADY of Texas, Mr. EDWARDS, Mr. SMITH of Texas, Mr. MARCHANT, Mr. HINOJOSA, Mr. HALL of Texas, Mr. AL GREEN of Texas, Mr. CULBERSON, and Mr. LAMPSON.

H. Res. 939: Mr. GONZALEZ.

H. Res. 942: Mr. DONNELLY, Ms. LINDA T. SÁNCHEZ of California, and Mr. BACA.

H. Res. 943: Mr. ROHRABACHER, Mr. HARE, Mr. CALVERT, Mr. CULBERSON, Mr. WELDON of Florida, and Ms. GIFFORDS.

H. Res. 946: Mr. MCHUGH.

H. Res. 947: Mr. KING of New York, Mr. SCHIFF, Mr. TOWNS, Mr. CROWLEY, Mr. SESSIONS, Ms. BORDALLO, Mr. KIRK, and Mr. SIRES.

H. Res. 951: Mr. ALEXANDER, Mrs. BLACKBURN, Mr. BROUN of Georgia, Mr. BURTON of Indiana, Mr. CANTOR, Mr. CROWLEY, Mr. CULBERSON, Ms. FALLIN, Mr. FEENEY, Mr. FORTUÑO, Ms. FOXX, Mr. GINGREY, Mr. GOHMERT, Mr. GOODLATTE, Mr. HASTINGS of Florida, Mr. HOEKSTRA, Mr. KIRK, Mr. KNOLLENBERG, Mr. KUHL of New York, Mr. LAMBORN, Mr. LOBIONDO, Mr. MACK, Mr. MCHENRY, Mr. PENCE, Mr. POE, Mr. PORTER, Mr. PRICE of Georgia, Mrs. MCMORRIS RODGERS, Mr. SESSIONS, Mr. SHUSTER, Mr. TANCREDO, Mr. TIBERI, Mr. WALBERG, Mr. MOORE of Kansas, Mr. SHAYS, Mr. WYNN, Mr. WELLER, and Mr. SHADEGG.

H. Res. 953: Mr. FORTUÑO, Mr. BISHOP of Georgia, Mr. BURGESS, Mr. GRAVES, Mr. WILSON of South Carolina, Mr. CULBERSON, Mr. GORDON, Mr. ADERHOLT, Mr. GONZALEZ, Mr. BRADY of Pennsylvania, Mr. SPACE, Mr. ROGERS of Michigan, Mr. GINGREY, Mr. CARNEY, Mr. ENGLISH of Pennsylvania, Mr. RADANOVICH, and Mr. PICKERING.

H. Res. 954: Mr. SENSENBRENNER, Mr. GOHMERT, Mr. MITCHELL, Mr. HARE, Mr. BROUN of Georgia, Mr. MCCAUL of Texas, and Mr. SHAYS.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative George Miller of California or a designee, to H.R. 4137, the College Opportunity and Affordability Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. TOM FEENEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. FEENEY. Madam Speaker, I regret that on January 29, 2008, due to the Florida primary I was unable to be in Washington for votes.

HONORING EARL WILLIAMS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Ms. LEE. Madam Speaker, I rise today to honor the brilliant life of Mr. Earl Williams. Earl was a caring friend, family member, and leader in the community. He will be greatly missed, but the positive impact he has left will remain in the hearts of all who had the honor of knowing him.

It is with a deep sense of sadness that I rise today to deliver condolences to the family and friends of a great man, a brilliant human being and a true servant of God. However, it is also with a deep sense of gratitude to Earl's family and friends for sharing this loyal, patriotic, and compassionate man with us that I rise to celebrate his life and honor his legacy.

As a person committed to those who are most vulnerable and most in need in our world, Earl was committed to creating safe havens for individuals who needed the love and kindness of their neighbors to see them through difficult times. He worked tirelessly as an administrator and part owner of Garden Plaza Convalescent Home in Los Angeles, CA. Earl was also the founder of Liberty Child Care Center in Chicago.

His wide reach—involved in communities as different as Chicago and Los Angeles—and his limitless compassion drove his intentions to service humankind, and to do the Lord's work on this earth.

Earl was a true patriot, serving his country as an outstanding and dedicated member of the United States Army. He and his family were proud of his service, and our country owes him a debt of gratitude for his commitment to his country.

As a devoted family man, Earl always demonstrated his unwavering and unconditional love, loyalty, and devotion to each and every member of his family. He was a true role model to those whose lives he touched in so many ways.

Today, I join with Earl's family and friends in bidding him farewell. I salute Earl Williams for a life well lived. Let us keep his legacy alive by recommitting our lives to his work and to his values to make this a better world. May his beautiful spirit continue to live and guide our lives, helping us to be true to our family, our friends, our community, our country, and most importantly, to our God.

Today, California's Ninth Congressional District joins with the communities of Los Angeles, CA, Chicago, IL, and all the places where Earl William's love touched the lives of those who knew him, to salute and honor a great human being. We extend our deepest condolences to Earl's family. Thank you for sharing his great spirit with so many. May his soul rest in peace.

RECOGNIZING MELISSA BOOSMAN FOR ACHIEVING THE GOLD AWARD

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Melissa Boosman, a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, Troop 1262, and by earning the most prestigious Gold Award.

Less than 1 percent of all Girl Scouts in the United States earn this prestigious award, the highest award in Girl Scouting. It symbolizes outstanding accomplishments in the areas of leadership, community service, career planning and personal development.

Melissa has been very active with her troop, participating in many Scout activities. Over the many years Melissa has been involved with Scouting, she has not only earned numerous merit badges, but the respect of her family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Melissa Boosman for her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction in Girl Scouting, the Gold Award.

TRIBUTE TO CLARENCE CENTER VOLUNTEER FIRE CO.

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. REYNOLDS. Madam Speaker, it is with great pride that I rise today to commemorate the 100th anniversary of the Clarence Center Volunteer Fire Company of Clarence, New York. For a century the members of the Clarence Hose Company have been volunteering to protect their neighbors.

The Clarence Center Volunteer Fire Company became the first fire company in the town of Clarence in 1908. The company began as a stock company and was able to purchase a hand drawn hose cart and chemical fire extinguishers. Land for a fire hall was donated to the fire company by a local businessman, and fundraising for the construction began in July 1908 with the first firemen's picnic in Clarence. With the help of a local farmer, Wesley Williams, the company raised enough money to construct Williams Hall.

The year 1922 marked a milestone for the Clarence Center Volunteer Fire Company. In February of this year the company was able to purchase its first fire truck. The acquisition of this truck was important to the protection that the fire company offered the people in Clarence. Additionally, the first annual Labor Day picnic was held in 1922. This is a time-honored event in the town of Clarence; not only is it a way for the fire company to raise funds for improvements to the equipment used to serve the people of Clarence, but it is an event that families throughout the town look forward to every year.

Since its beginnings the Clarence Volunteer Fire Company has become an indispensable part of the town. The company remains committed to providing fire, rescue, and EMS services to the citizens that reside within the district boundaries. They've continued to meet the needs of the rapidly growing population of Clarence Center. As we reach the 100th anniversary of this fire company the volunteers continue to dedicate themselves to serve and assist the members of their community.

Thus Madam Speaker, in recognition of its 100th anniversary of tremendous service in the town of Clarence, I ask this Honorable Body join me in honoring the Clarence Center Volunteer Fire Company.

HONORING DR. RICHARD WITKOWSKI, SUPERINTENDENT OF THE GARDEN CITY PUBLIC SCHOOLS

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. MCCOTTER. Madam Speaker, today I rise to honor and acknowledge Dr. Richard Witkowski, Superintendent of the Garden City Public Schools, upon his retirement from a distinguished 41-year career in education.

For just over four decades, Superintendent Witkowski has served the citizens of Wayne County. Richard began his 39-year tenure with the Garden City Public Schools in 1969 after 2 years with the Gibraltar schools. Throughout his distinguished career with the Garden City Public Schools, Richard served as both an educator and administrator. Mr. Witkowski began as a mathematics and science teacher at Garden City East High School in 1969 before

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

moving across town and becoming Assistant Principal at Garden City West High School in 1971. Mr. Witkowski discovered an innate talent for administration, being promoted to director in the central office in 1974, business manager for the district in 1985, associate superintendent, and superintendent in 2001.

Superintendent Witkowski will be best remembered for his dedication, both to his job and community. Shortly after his promotion to superintendent, Richard was tested with several crises, including the September 11, 2001 terrorist attacks and a bacterial meningitis outbreak at the high school, which resulted in a first-ever schoolwide inoculation of the students. He also oversaw the rebuilding of the district's five elementary schools, assisting school staff in directing students to buses, which would take students to their temporary classrooms. Witkowski remains active in the community as a member of the Garden City Rotary and the Garden City Chamber of Commerce. Richard has served as president of both organizations and currently serves as treasurer of the Rotary. Superintendent Witkowski will also continue his commitment to education and connection with students through the class he teaches at Madonna University in Livonia.

Madam Speaker, for 41 years Superintendent Richard Witkowski has faithfully served Michigan citizens of all ages. As he enters the next phase of his life, he leaves behind a legacy of dedication, integrity, and excellence. Today, I ask my colleagues to join me in congratulating Superintendent Richard Witkowski upon his retirement and recognizing his years of loyal service to our community's and country's future.

HONORING MR. WILLIAM T. LICHTER

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. ROSKAM. Madam Speaker, I rise today to honor William Lichter for his 29 years of devoted service to the Village of Lombard, Illinois.

In early life, Bill served as Assistant City Manager for Mentor, Ohio and Administrative Assistant in Grand Rapids, Michigan. He earned a bachelor's degree from the University of Vermont. He then earned a Master's degree in Political Administration from American University and is also currently a Ph.D. candidate at Northern Illinois University.

Bill Lichter began his service to the Village of Lombard on January 7, 1985, when he became its ninth Village Manager. Since that day, he has served with vision and fortitude for over 22 years.

Through the years, Bill has been an insightful observer, keen in his understanding of the long-term challenges facing the Village. Throughout his career, he has tackled these challenges with deft skill, deep understanding, and strong personal integrity.

While Lombard has gone through change after change over the years, one thing has remained the same. Bill Lichter has kept a steady hand to the wheel, advising the Village Board and working tirelessly for the benefit of his community.

Bill has had many accomplishments over the years, though they are too numerous to list exhaustively. Chief among them, however, are his success in improving the Village's long-term financial forecasting and management and his rewarding efforts to promote local economic development.

Bill Lichter has been an advocate for the people of Lombard since his very first days in office more than two decades ago. In his time with the Village, he has affected countless lives and left an indelible impression on Lombard and its residents.

Madam Speaker and Distinguished Colleagues, Bill Lichter is a remarkable man who has dedicated his life to serving the people of Lombard. Please join me in honoring this unsung hero for his extraordinary career and wishing him every happiness in the well deserved respite of his retirement.

PERSONAL EXPLANATION

HON. KIRSTEN E. GILLIBRAND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mrs. GILLIBRAND. Madam Speaker, I missed one vote on Tuesday, January 29, 2008. Had I been present, I would have voted in the following way: Final passage of New England National Scenic Trail Designation Act, H.R. 1528 (Rollcall No. 28): I would have voted "yea."

TRIBUTE TO NATIONAL CHILDREN'S DENTAL HEALTH MONTH

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. SIMPSON. Madam Speaker, I rise today to pay tribute to National Children's Dental Health Month. Each February, the American Dental Association sponsors National Children's Dental Health Month to raise awareness about the importance of oral health. As a part of their awareness efforts, dentists and dental hygienists from across the country and in my home State of Idaho join together and volunteer their time to provide free care to children.

As a dentist, I understand the need for children to receive proper dental care. This includes going to the dentist regularly for checkups and treatment when problems arise. Oral health is critical to a person's overall health and means more than healthy teeth. Research continues to show that many diseases and conditions show themselves in the mouth. For people who don't have access to dental care, oral disease is almost 100 percent inevitable—and almost 100 percent preventable.

This is particularly heartbreaking when it affects our children. Children with poor oral health can have problems eating, sleeping properly, paying attention in school and even smiling, because they suffer constant pain. Unfortunately, many of us don't realize the extent and severity of untreated dental disease in children.

In my State of Idaho, over 35 percent of children lack dental insurance. More than 25 percent of elementary school-aged children in Idaho suffer from untreated tooth decay. If the problems go untreated, a child will often end up in a hospital emergency or operating room, which costs far more than a trip to the dentist.

Hundreds of dentists and oral healthcare providers in Idaho and across the country donate their time and energy to help this cause, and I graciously thank them. While National Children's Dental Health Month will not solve the issues of access to oral healthcare by itself, it is a great opportunity to raise awareness of the importance of oral health and provide care to our most important and vulnerable resource—our children.

NICHOLAS ROYCE, FIFTY YEARS AND STILL FIGHTING THE GOOD FIGHT

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. BERMAN, Madam Speaker, the name Nicholas Royce deserves to be added to the list of dedicated Americans who exemplify the spirit of achievement. He has earned this recognition for his long and outstanding career as a performer, and his devotion to many entertainment industry humanitarian causes, typifying the altruism that is so much a part of the American character.

Of special significance is the fact that through his life, he has been in the forefront with the independent efforts and advocacy for civil, constitutional, human and spiritual rights.

He was born in Bethlehem, Pennsylvania to Theodore and Anastasia Vlangas, both natives of Sparta, Greece. At the age of 6 years old his family moved to Baltimore, Maryland where he became aware that this faith and origin were different from most Americans. Challenged by ethnic and religious obstacles, he became motivated to learn every truth he could about his faith and his origin.

With the encouragement of his sister Stella, he made his show business debut at the Lord Baltimore Hotel and followed that with a successful tour of the east coast during school vacation, and all at the age of 14, and with his parents' blessing.

After high school he entered the Armed Forces and entertained WWII vets in the Army base hospitals in the United States and Japan. Because of his ethnic look he became known as the Greek Fred Astaire in G.I. clothing.

The Armed Forces had limited religious choices; Protestant, Catholic and Jewish. Where's a poor Greek Orthodox kid to go for religious salvation? Thanks to Nicholas and his late friend Senator Leverett Saltonstall, representing 500,000 Orthodox Catholics who fought and died for the constitution, a bill reached Congress in 1955 to create such a place in the military. Today servicemen wear tags designating Eastern Orthodoxy and have

Orthodox chaplains. Thirty-three States quickly recognized Eastern Orthodoxy as a major faith.

After he left the service, the American Legion's Pennsylvanian district honored Royce for his continued efforts as an entertainer to bring joy to veterans in hospitals.

After his visit to Turkey in 1965, Royce waged a tireless campaign to return St. Sophia Cathedral in Istanbul to an open house of worship instead of a museum. It was converted to a mosque in 1453 and Royce changed history with that campaign. Thanks to Royce, "the Orthodox Christian cry for help" has been taken to the United Nations human rights office in Geneva, European parliament, European Union, and to every religious and world leader and to every President since the Carter administration.

Vlangas became Royce at his agent's request and with his parents' blessing, thus following the show business practice of the time. He changed his name, but never forgot who he was. Even at the height of his career in the late 40s and 50s the Nicholas Royce dancers stood for all good things and wowed 'em with Nat King Cole's "Calypso Blues", and a modern dance number based on "Harlem Nocturn". They performed in all the top supper clubs, niterys and TV shows; Ed Sullivan, Milton Berle, Kate Smith, etc.

From his new home in California, starting in 1957, Nicholas Royce has exercised his rights as a layman of the Orthodox faith. He launched a vigorous letter writing campaign to mass media, Government officials, private and public agencies, industry and individuals, and he has succeeded in broadening the public's understanding and recognition of the Orthodox faith. Because "exclusion of Orthodoxy is a form of discrimination and prejudice", Nicholas has made these efforts, so Orthodoxy would be an integral part of American life along with other major faiths.

Retired since 1994, Royce now resides in Valley Village, California. Retirement has given him more time to fight for AIDS victims, the homeless, and abused women and children. He broke the stereotype by joining the Hollywood Women's Press Club, Women in Film, and American Women in Radio and TV. In 1996, the University of Minnesota's Immigration history Research Center was pleased to announce the addition of "the Nicholas Royce papers" to their archival library.

Never one to rest on his laurels, he continues to accept new challenges.

PERSONAL EXPLANATION

HON. TOM FEENEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. FEENEY. Madam Speaker, I regret that on January 28, 2008, due to travel complications, I was unable to vote on H.R. 4140 and S. 2110. Had I been present, I would have voted "yea."

HONORING DR. ASA G. HILLIARD III

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Ms. LEE. Madam Speaker, I rise today to honor the extraordinary life of Dr. Asa G. Hilliard III (Baffour Amankwatia II). A devoted father, husband, mentor, and world-renowned humanitarian who worked tirelessly and inspired us all, Dr. Hilliard will be sorely missed by us all. Asa passed away on August 13, 2007.

An accomplished academic and devoted professor, Dr. Hilliard affected the lives of thousands of students. He was not only a mentor in his community, but a hero in the African Diaspora Movement. Dr. Hilliard began his academic career in Denver, where he earned a B.A. in Education Psychology, an M.A. in counseling, and a Ed.D. in Education Psychology at the University of Denver.

Dr. Hilliard launched his professional career at the University of Denver, teaching at the College of Education and in Philosophy colloquium of the Centennial Scholars Honor Program. After moving with his family to California, Dr. Hilliard dedicated 18 years of his life to San Francisco State University. During this time, he served as Department Chair for two years, Dean of Education for eight years while also working as a consultant for the Peace Corps. Dr. Hilliard's influence and reach was truly global. As he mentored and taught students in the United States, he also made constant visits to Africa, serving as the Superintendent of Schools in Monrovia, Liberia for two years.

Dr. Hilliard was a founding member of the association for the study of Classical African Civilization, serving as its first Vice President. He was co-developer of a popular educational television series Free Your Mind, Return to the Source: African Origins and produced many videotapes and educational materials on African-American History through his production company, Weset Education Productions. Dr. Hilliard was so groundbreaking and forward-thinking in his approach to education that several of his methods have become national models in the field.

Dr. Hilliard was a purposeful man with an unquenchable passion for education and the preservation of his culture's history and traditions. Without reservation, Dr. Asa Hilliard significantly changed the world with his dedication to the preservation, study, and spiritual understanding of Africa, African Americans, and Africans in Diaspora throughout the world.

One of my long standing desires was to travel to Egypt with Dr. Hilliard on one of his study tours. Each time I saw him I mentioned this and we both were very excited about the prospect. Due to my hectic schedule, this never happened. As God will have it, I was in Ghana, West Africa, at the Cape Coast Slave Castle when I learned from Reverend Jeremiah Wright through Congressman Jesse Jackson, Jr. that Asa had passed the day before in Egypt. Like many, I was devastated and saddened, yet thankful to his family and to God for his amazing life. I reflected upon his death in Egypt in a prayerful manner, and took pause to commemorate this great soul.

His loving wife, Mrs. Patsy Jo Hilliard, has quoted Asa as repeatedly saying, "It is not enough for us to be bright and competent. We must also have purpose and direction. It is not enough for us to 'make it' on our own—to save ourselves. As Abena says in Armah's novel, Two Thousand Seasons, 'There is no self to save without the rest of us.'" In this way, Dr. Hilliard touched and influenced the lives of all who were privileged to come into contact with him.

On behalf of California's 9th Congressional District, we salute and honor a great human being, our beloved Asa G. Hilliard III. We extend my deepest condolences to Asa's family, and our deepest gratitude to them for sharing this great spirit with us. May his soul rest in peace, and may we continue to benefit from the positive impact he left on the world.

RECOGNIZING NICHOLAS B. HANSER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Nicholas B. Hanser, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America and in earning the most prestigious award of Eagle Scout.

Nicholas has been very active with his troop, participating in many scout activities. Over the many years Nicholas has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Nicholas B. Hanser for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO EGGERTSVILLE HOSE COMPANY

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. REYNOLDS. Madam Speaker, it is with great pride that I rise today to commemorate the 100th anniversary of the Eggertsville Hose Company of Amherst, New York. For a century the members of the Eggertsville Hose have been volunteering to protect their neighbors.

The Eggertsville Hose began in 1906 in a corner meat packing store after a series of household fires could not be extinguished. The two home blazes were unable to be controlled by the bucket brigade, the fire fighting team at the time. Residents of Eggertsville then banded together to form an organization that would provide better fire protection to the community.

This fire company was incorporated in May 1908. The Eggertsville Hose was the first fire company in the town of Amherst outside of the Village of Williamsville. Fighting to protect the members of their community is the main priority of this 100 percent volunteer fire district. No matter what it takes these volunteers rise to the call of duty.

The Eggertsville Hose is an indispensable part of the Amherst Community, the members of the Hose have dedicated countless hours of service to assist their neighbors. As the population in the district grows the Eggertsville Hose advances along with the rising need for their service. In 1995 the fire station was moved to the center of the district which allows the Hose to respond to emergencies in all areas in a shortened period of time. The new station location along with new equipment and technology makes it possible for the volunteer fire fighters to be increasingly effective in their firefighting capabilities.

The citizens of Eggertsville know that they will be protected by the brave firefighters of the Eggertsville Hose whenever disasters occur or fires flare up. Madam Speaker, in recognition of its 100th anniversary of tremendous service in the town of Amherst, I ask this honorable body join me in honoring the Eggertsville Hose Company.

HONORING MS. BETTYE BANKS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to mark the retirement and celebrate the career of a true community leader, Ms. Bettye Banks. This year will mark 30 years of her outstanding service with Consumer Credit Counseling of Greater Dallas, with whom she has dedicated her professional career to providing financial education to citizens of North Texas.

Ms. Banks began her career as a secretary with Consumer Credit Counseling of Dallas in 1978. Her work ethic, diligence, and intellect allowed her to easily move up through the ranks, serving as office manager and counselor, among other positions.

In 1990, Ms. Banks singlehandedly created the education program, aimed at teaching financial wellness and literacy. Today, Ms. Banks is the senior vice-president for Consumer Counseling of Dallas and responsible for overseeing the financial wellness initiatives of the Education Department. With her vision and leadership, the department has also grown to include 41 individual presentations on money and credit related topics. Ms. Banks has truly been an asset to the department and has left a lasting impression on its growth and impact in the community.

In a true testament to her spirit, while working full time at CCCS Dallas, she completed her bachelor's degree in applied business practice. She has also earned professional certification as a Consumer Credit Counselor, Certified Financial Counseling Executive and Housing Counselor.

Among her many accomplishments, Ms. Banks has authored a series of consumer-finance workbooks and taught over 3,000 seminars and workshops. Her reputation as an expert in the fields has generated contributions in multiple publications, including Today's Dallas Woman and Dallas Family. She has appeared on CBS, NBC and ABC and is sought out as a conference speaker on the topics of financial wellness.

Additionally, Ms. Banks is an active community leader, serving on the boards of the Greater Dallas Rotary Club, the Dallas Legal Roundtable, and Friends of Consumer Freedom, among others. She has been a member of numerous local organizations including the North Texas Affordable Housing Coalition, Family Financial Advisory Council and the Dallas Downtown Rotary.

There is no doubt that Ms. Banks has generated a monumental legacy at CCCS Dallas. Through her drive and fortitude, she has undoubtedly elevated the organization, and her leadership will be missed. At this milestone in her life, I would like to take the time to commend her for her commitment to the community and education. I extend my best wishes for her retirement and thank her for her invaluable friendship.

IN HONOR OF THE UNIVERSITY OF DELAWARE DEPARTMENT OF PUBLIC SAFETY

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to pay tribute to the University of Delaware Department of Public Safety for being recognized by the Commission of Accreditation for Law Enforcement Agencies, an independent organization created by the International Association of Chiefs of Police, the National Organization of Black Law Enforcement Executives, the National Sheriffs' Association and the Police Executive Research Forum. The importance of public safety officers within our community, and in particular within the University of Delaware, cannot be underscored enough. I am proud to represent a State that is home to such selfless and dedicated officers as those at the University of Delaware Department of Public Safety.

The University of Delaware is now a member of an elite group of public safety agencies in the United States, Canada, Mexico, and Barbados that have received this prestigious, international award. The men and women of the Department have shown great dedication and commitment to providing quality service and protection to all students, faculty, and staff at the University of Delaware campus.

Employing only a total of forty-two officers on its Wilmington and Lewes campuses with approximately twenty security offices, the Department of Public Safety has no easy task as the University of Delaware has a large enrollment with students living on and off campus in the town of Newark. Despite this challenging task, the department has provided and continues to provide the highest quality protection and service to the University of Delaware community.

The citizens of Delaware deserve to know that the University of Delaware Department of Public Safety, has taken extraordinary steps to demonstrate their professionalism and pride in delivering quality public service to the University of Delaware community. I am tremendously proud of the Department of Public Safety and would like to commend and thank the men and women of the Department for the sacrifices and commitment that they make on a daily basis. The bravery and hard work of all those involved with this outstanding organization is responsible for making Delaware a safer place to live.

THANKING MS. ELAINE COMER FOR HER SERVICE TO THE HOUSE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. BRADY of Pennsylvania. Madam Speaker, on the occasion of her retirement in January 2008, we rise to thank Ms. Elaine Comer for 32 years of outstanding service to the U.S. House of Representatives.

Elaine began her career at the House as a Programmer Analyst at House Information Resources (HIR) and has held and mastered many positions, each with increasing responsibility as she continually served this great institution as a valuable employee of HIR within the Office of the Chief Administrator.

In the mid-1970s, when the House first began using minicomputers, Elaine designed, developed, and implemented the first House-developed Member Office Support System, as well as mission-critical legislative systems. Elaine was selected to represent the House in a cross-government team with the Senate and the White House that resulted in the House-wide implementation of an integrated Local Area Network (LAN) to support House committees. These accomplishments led to her instrumental involvement in an HIR-wide PC LAN implementation automating project management and time accounting.

Elaine's management abilities were showcased as she oversaw project support to 30 mission-critical House applications, provided key coordination in the modernization of the Data Center, was appointed the HIR representative to the CAO Business Process Improvement Team, and led the Process and Procedures project that supports the House Business Continuity/Disaster Recovery Program. Elaine's contributions to the House culminated in her expert management of the Configuration Management and Quality Assurance programs for the CAO.

On behalf of the entire House community, we extend congratulations to Elaine for her many years of dedication and outstanding contributions to the U.S. House of Representatives. We wish Elaine many wonderful years in fulfilling her retirement dreams.

HONORING NATIONAL GUARD DAY CELEBRATIONS AT THE INDIANA STATEHOUSE

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. HILL. Madam Speaker, today, the Indiana National Guard is hosting a National Guard Day at the Indiana Statehouse. This event will highlight our Hoosier citizen soldiers' capabilities, and provide an update as to their status as they prepare to deploy to Iraq. The event will also show strong support for the families of our Hoosier Guardmembers.

I applaud Maj. Gen. Umbarger's work with the Indiana National Guard. He has been an unwavering champion of the Indiana National Guard. His efforts today are to show support for Guardmembers and their families, as well as to help elected leaders and citizens better understand the role of the National Guard.

On this day, I too would like to express my support and deepest thanks to our Guardmembers, and their families. Many of these brave men and women are preparing to leave their homes, their loved ones, and their lives stateside in order to defend our Nation. Their commitment to duty and steadfast determination is an example to Hoosiers, and all Americans alike. They all deserve our most heartfelt thanks and admiration. Our Hoosier Guardmembers and their families will be in my prayers.

HONORING THE BLUE STAR MOTHERS OF AMERICA CHAPTER #101 AND THE MARINES' MEMORIAL ASSOCIATION

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. THOMPSON of California. Madam Speaker, together with Representatives MILLER, STARK, TAUSCHER and MCNERNEY, I rise today to honor and thank the California East Bay Chapter of Blue Star Mothers of America and the Marines' Memorial Association. With the support of the Marines' Memorial Association and Major General Michael Myatt (Ret.), the Blue Star Moms are hosting their third event for Gold Star parents who have lost a child in service to our country.

The East Bay Blue Star Moms was founded when Patty Martin, Peggy Conklin and Nancy Ecker reached out to each other for support after the September 11th attacks. Each had a son in the Army, and in November, 2001, they established a support group for military mothers in the East Bay area. Membership has since grown to over 150 mothers, and they are affiliated with the national Blue Star Mothers of America. The East Bay chapter sponsors a variety of activities in addition to the Gold Star event, including providing care packages for troops stationed overseas, and Operation Post Card, connecting local community groups with soldiers abroad through letter writing campaigns. The moms have also taken their good works to veterans in our community through regular visits to the VA hospitals at Livermore, Palo Alto and Martinez.

The Marines' Memorial Association in San Francisco was founded in 1946 as a living memorial to all the Marines who had lost their lives in the Pacific during World War II. Since then, its mission has expanded to include all branches of the United States Armed Services, including members of National Guard and reserves, and the U.S. Merchant Marine. The Memorial is currently led by Major General Michael Myatt, USMC (Ret.). General Myatt has overseen the development of the Memorial as a facility that both honors fallen servicemembers and actively promotes the interests and needs of men and women currently in service.

The third Gold Star Parent gathering will bring together hundreds of parents from all over California for a 2-day event to honor the families of the fallen and allow them to celebrate the lives of their children and mourn their loss. This event allows the families to come together in private and share their experiences with others who are experiencing the same loss. The Marines' Memorial Association provides the facilities and meals for the event at a considerably reduced cost, and additionally lends support to the participants throughout the weekend. The Blue Star Moms contribute an incredible effort to make the Gold Star event successful, including personally reaching out to all the Gold Star families in the state, and underwriting expenses for families who might not otherwise be able to make the trip.

Madam Speaker and colleagues, at this time it is appropriate that we thank the Blue Star Moms and the Marines' Memorial Association for the hard work and dedication they have shown to sponsor the Gold Star parents event. Their efforts have provided an important forum for these families to come together and the event is greatly appreciated by the families who have participated.

TRIBUTE TO JACK FITZGERALD AND FITZGERALD AUTO MALLS

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. VAN HOLLEN. Madam Speaker, I rise today to recognize a longtime advocate for child passenger safety, my constituent Jack Fitzgerald, President of Fitzgerald Auto Malls.

As you may know, motor vehicle crashes are the leading cause of death for children ages 2 to 14 and the leading cause of injury-related death for children under age 2. We know that when installed and used correctly, child safety seats and safety belts can prevent injury and save lives. In fact, young children restrained in child safety seats have an 80 percent lower risk of fatal injury than those who are unrestrained.

In order to ensure that child safety seats are properly used and installed, car seat check-up events, like those sponsored by Safe Kids Worldwide, are essential. At these events, child passenger safety technicians teach families how to safely transport their children and help make sure everyone in a vehicle is buckled up correctly on every ride. On average, technicians spend about 30 minutes with each child. These events, most of which are open to the public, are conducted by Safe Kids coalitions in central locations such as automobile dealerships, hospitals, community centers and shopping centers.

Since 1996, Safe Kids Worldwide has partnered with General Motors to help change the way parents and caregivers learn about child passenger safety. More than 13 million people have been reached by the Safe Kids Buckle Up Program and, to date, there have been more than 44,000 events that bring much needed car seat inspection services and education to families across the country.

Safe Kids is well on its way to checking one million child safety seats. Part of this success can be attributed to Jack Fitzgerald of Fitzgerald Auto Malls. In February 1999, Jack teamed up with Safe Kids Montgomery County in my home state of Maryland to hold a car seat check-up event. At that event, Stephen Guarino, who was then 5 years old, was moved into a booster seat for a better fit just one day before the family vehicle was hit by a truck. Mrs. Guarino and the police officers on the scene credit the saving of Stephen's life in that crash to the services received at the check-up event.

Since that incident, Fitzgerald Auto Malls has hosted hundreds of check-up events. Working with Safe Kids Montgomery County, local government agencies, and police and fire departments, Fitzgerald Auto Malls has inspected more than 35,000 child safety seats. The dealership hosts monthly car seat inspections free of charge for anyone in the community. If the monthly events are not compatible with a family's schedule, that family is encouraged to call the dealership to schedule a private appointment. This service is only possible because Jack Fitzgerald has personally paid for his employees to become nationally certified car seat technicians. In fact, more than 80 Fitzgerald Auto Mall employees have been trained to check a child's car seat for misuse.

I am honored to commend Jack Fitzgerald and the entire Fitzgerald Auto Malls family for their outstanding contributions to and involvement in our community. I applaud them for being a role model for all public/private partnerships and for their steadfast commitment and determination to keeping kids safe on our Nation's roads. I ask my colleagues to join me in honoring Jack Fitzgerald, a remarkable advocate for America's children.

PERSONAL EXPLANATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. CARTER. Madam Speaker, on January 29, 2008, I was unable to be present for the final rollcall votes.

If present, I would have voted accordingly on the following rollcall votes:

Roll No. 27—"aye."

Roll No. 28—"nay."

HONORING HARTFORD, KENTUCKY

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. WHITFIELD. Madam Speaker, I rise in recognition of the city of Hartford, Kentucky, located in the First Congressional District of Kentucky. On February 3, 2008, Hartford will celebrate its bicentennial birthday. This community in western Kentucky is among the oldest towns in the Commonwealth of Kentucky and the third largest city in western Kentucky. It probably has one of the most unique yet welcoming slogans, "Home of 2,000 Happy People and a Few Soreheads."

Hartford was settled before 1790 in an area that was often a scene of bloody strife between American Indians and 18th century pioneers. There is evidence that a settlement was made at the present site of Hartford in 1782 and this was the first fortified settlement in the lower Green River Valley of western Kentucky.

The source of the town's name is uncertain. There is one tradition that a man named Hart ran a ferry there, hence the name Hart's Ford, which later became Hartford. Another tradition found in reminiscences of early times is that the town was so called because animals including deer, the male of which the English forebears called a "Hart" had a regular crossing or "Ford" at the location of Hartford on the banks of Rough Creek.

The town of Hartford was formally established as "400 acres of land heretofore designated and laid out for a town, in the county of Ohio, on Rough creek, on the land of the late Gabriel Madison, inclusive of the out and in lots by an Act of the Legislature of the Commonwealth of Kentucky, enacted February 3, 1808."

Madam Speaker, Hartford has a rich history from its pioneer founding to the battle of brother against brother during the Civil War. Some of Hartford's famous past residents include Virgil Earp, brother of Wyatt Earp of the OK Corral acclaim, and impressionist painter Charles Courtney Curran, whose works hang in the Smithsonian Museum of Modem Art.

Hartford, Kentucky, is a progressive community welcoming those from near and far to visit or make their home in this inviting community. Opportunities from tourism to high tech industry attract visitors and new residents in this community located in the heart of western Kentucky.

Madam Speaker, it is with great pride that I bring to the attention of this House the historical significance and sense of community that the citizens of Hartford, Kentucky, have as they celebrate the 200th anniversary of a great American city.

HONORING CMW & ASSOCIATES

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. SHIMKUS. Madam Speaker, I rise today to bring attention to the contribution of a small business in my district to granting foreign workers their certifications necessary to work in this country. CMW & Associates, a female owned and 8(a) company located in Springfield, Illinois, has assisted the Department of Labor in Chicago in assuring that per Secretary Chao's directive, there is no longer a labor certification backlog.

Recently, Secretary Chao commended her staff at the Office of Foreign Worker Certification. "Behind every application is a person or group of people, waiting to come to our country and work in jobs for which no qualified U.S. worker can be found. The Permanent Labor Certification program is really proud about people—their hopes and their dreams of greater opportunities, and reunification with their families." Secretary Chao presented a certificate of recognition to Bill Carlson, Administrator of the Office of Foreign Labor Certification for his leadership role.

I want to recognize the Department of Labor for its exemplary work in expediting the processing of granting foreign workers their certifications necessary to work in this country, both on a permanent and temporary basis. And I want to thank Charlene Turczyn, CEO of CMW & Associates for her role in making sure America is able to obtain the skilled workforce necessary to make U.S. employers successful. As is often the case, small businesses play an integral role in the success of our government's ability to achieve its goals.

HONORING JOAN MANN

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. NUNES. Madam Speaker, I rise today to pay tribute to the life of a wonderful woman and friend. Joan was a devoted wife to Earl Mann of 49 years and mother to two daughters, Paula and Laura. For 29 years, she worked for the Woodlake Elementary School as a teacher's aide and was active in the Parent-Teachers Association. She served on the Tulare County Grand Jury, was active in her church and served as the local representative of the Cystic Fibrosis Foundation. She loved to write poetry, sometimes about events or people in her life. The following poem is one of her family's favorites.

I'VE SAILED UPON LIFE'S SEAS

I've walked upon the shores of life
A-kicking up the sands
I've met each eye that chanced my way
And shook each friendly hand.

I've sailed upon the seas
To cross to other places
I've met each smile with smiles to spare
And cherished those dear faces.

The song I've sung along the way
'Tis joyous and carefree
It tells of life, of wondrous times
And speaks of days to be.

And when my days on earth are through
God grant me one last thought
I'd love to do it all again
Remembering what life's taught.

Joan Mann's life demonstrated her love of her family, her community and her country. Mrs. Joan Mann of Woodlake, California, passed away January 24th. She will be greatly missed.

IN HONOR OF DARRELL L. FANT, DIRECTOR, HIGHLAND PARK DEPARTMENT OF PUBLIC SAFETY

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. SESSIONS. Madam Speaker, it is with great pleasure that I rise today to recognize Darrell L. Fant, Director of the Highland Park Department of Public Safety (HPDPS).

After thirty-two years of dedicated service, Darrell will be retiring from HPDPS on February 29, 2008. The Town of Highland Park has been privileged to have such a devoted public servant working on their behalf to ensure Highland Park stays a safe and family friendly area in the heart of Dallas. He has served in various roles such as Public Safety Officer, Lieutenant, Assistant Shift Commander, and Captain before taking on the leadership role of Director. His colleagues affectionately refer to him as "Chief" as he has earned their respect and demonstrated exemplary performance. In addition, he has received numerous commendations, thank you letters, and awards such as the 1984 Firehouse magazine Heroism and Community Service Award.

I know his vision and leadership will be greatly missed and difficult to replace. The legacy he leaves speaks loudly of the impact he has had on Highland Park.

Madam Speaker, I ask my esteemed colleagues to join me in expressing our heartfelt gratitude for his hard work and dedicated service.

HONORING THE LIFE OF MR. J. RUSSELL COFFEY, A PUBLIC SERVANT AND WORLD WAR I VETERAN

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. LATTA. Madam Speaker, Mr. J. Russell Coffey passed away on December 20, 2007, at the age of 109, and Mr. Coffey was 1 of 3 surviving veterans of World War I. Mr. Coffey was a student at Ohio State University when the United States joined the war in 1917 and Mr. Coffey enlisted in the Army at the age of 20 and was honorably discharged on December 12, 1918, a month after the signing of the armistice.

Mr. Coffey played baseball and was a track sprinter while in college and received both a bachelor's degree and a master's degree from Ohio State University, as well as a doctorate degree in education from New York University. Mr. Coffey continued his interest in sports and teaching by officiating high school sports for many years while he taught junior high and high school students in Phelps, Kentucky, at the former Glenwood Junior High School in

Findlay and at the former Findlay College. Mr. Coffey served as an instructor at Bowling Green State University from 1948 through 1969, primarily teaching physical education but also teaching archery, psychology, swimming, and driver's education. Mr. Coffey was the director of the university's graduate studies in health and physical education from 1952 to 1968. Mr. Coffey was an active member of the Bowling Green Rotary Club for more than 50 years, and he was named the "oldest living Rotarian in the world" by the club in 2004, and in later years, Mr. Coffey credited physical activity and a healthy diet for his longevity.

The House of Representatives honors the life of Mr. J. Russell Coffey for his dedication to public service as a veteran, teacher, and member of the community.

CELEBRATING THE LIFE OF CARL A. DiPIETRO

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. HIGGINS. Madam Speaker, I rise today to honor the life and work of an outstanding Western New Yorker. On November 19, 2007 a beloved husband and loving father entered into rest. Carl DiPietro lived a very full life filled with love of family and friends. Carl leaves behind a long lasting legacy that stretches from his days in the Navy to the dedication and loyalty he demonstrated each and everyday with his family, at his business or throughout the community.

Mr. DiPietro was a proud business owner of Sparkle Cleaners, a dry cleaning business located in Amherst, NY. It was said that Mr. DiPietro treated patrons and employees alike as family. A hardworking man, Carl was skilled in his craft and was characterized by his children as an "All American Dad" whose love knew no end. A man who cultivated his many interests, Carl loved music and enjoyed playing the guitar; he was an avid photographer and restored antiques. Amidst his varied interests and passion to explore them, his family remained the most important part of his life.

Carl DiPietro was a good and decent man and will always be remembered for his friendly demeanor, his terrific sense of humor and his care free spirit. His strength, courage, strong religious faith accompanied by a will to survive kept him going through the difficult times. When someone you love passes on, pain remains for those left behind. May Carl's wife Elaine, his daughters Linda, Judy, and Donna, his sons Carl and David, grandchildren, extended family and friends continue to live out Carl's memory with love, purpose and fulfillment in their own lives.

Madam Speaker, I am thankful that you have allowed me the opportunity to honor the life of Carl DiPietro and remember the many contributions he made throughout the Western New York community. I ask my colleagues to join me in honoring the life and memory of Carl DiPietro here today.

HONORING THE LIFE AND ACHIEVEMENTS OF MR. WILLIAM C. BLACK

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. SESTAK. Madam Speaker, I rise to honor the memory of a great American, Mr. William C. Black, a loving husband, father and grandfather, successful entrepreneur, generous philanthropist, and courageous veteran. Mr. Black epitomized all that is good about our nation and indeed the world. On February 9th 2008, an exceptional group of family and friends with gather to remember and thank a man who dedicated his skills, energy, and love to others. In the course of a remarkable life that began in Bayonne, NJ on June 7th 1930 and continued for sixty-six years thereafter, Mr. Black's work ethic, intelligence, leadership, and basic decency made him a pillar of his community and a source of hope for multiple generations of patients and their families at Jersey Shore Medical Center.

Following graduation from Fordham University in 1952, Mr. Black immediately went to the defense of our nation in the United States Marine Corps. His seven years of service as an aviator in the USMC included duty in Korea and Japan, and a meteoric rise to the rank of Lieutenant Colonel. From the Marine Corps, Mr. Black carried with him a fighting spirit and sense of purpose that helped him to become President of the New Jersey Zinc Company, our nation's pioneer zinc producer and originator of all zinc alloys that revolutionized the modern die-casting industry.

However, it was after retiring from New Jersey Zinc that Mr. Black's life reached its zenith. From his tireless work to improve the facilities of the Jersey Shore Medical Center, the "Mary V. Black Pavilion" was christened and thousands of trauma patients owe their health and lives to that state-of-the-art facility. This month at the 2008 Jersey Shore Sweetheart Cancer Ball, Mr. Black and his family will be recognized for their work to cure that devastating illness. I will never forget the moment my four year old daughter was diagnosed with a malignant brain tumor. Though we have never met, I know that there is a direct connection between my daughter's health today and the life of greatness lived by William C. Black. I personally thank him for his work and know his legacy will forever live in the gratitude of untold numbers of other cancer survivors, their families and friends.

Madam Speaker, I ask that this chamber pause to remember William C. Black, and to thank his wonderful wife Barbara, his accomplished sons, William Jr., Michael Paul, and Christopher for their love and dedication to one another, Jersey Shore Medical Center, and our blessed country.

COMMEMORATING CARTER BLOODCARE

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. MARCHANT. Madam Speaker, I rise today to commemorate Carter BloodCare on pioneering the processes of the blood care/capture industry operations.

Carter BloodCare (CBC) worked closely with the Texas Manufacturing Assistance Center and successfully implemented a methodology that has significantly achieved process improvements, increased productivity and doubled capacity while reducing floor space. These new changes were the result of CBC collaborating with Texas Manufacturing Assistance Center (an initiative of the U.S. Department of Commerce NIST Manufacturing Extension Partnership program) by participating in their training course: Fundamentals of Lean Enterprise. The Lean program was an "outside the box" way of thinking in the blood collection industry but it has proven to be an overwhelming success for CBC. This system allowed CBC to identify and correct problem areas, reduce needless work and create a more productive work flow. Their adoption of the Lean Philosophy approach will serve them well for years to come.

I commend Carter BloodCare for transforming the processes of the blood care/capture industry and providing lifesaving units of blood to the people of Texas efficiently and expediently. It is an honor to represent Carter BloodCare in the 24th District of Texas.

HAROLD MILLER RECEIVES COMMANDER'S CHOICE AWARD

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Mr. Harold Miller, who has been selected to receive the Defense Logistics Agency's (DLA) Business Alliance Award for the Commander's Choice Category. This award program recognizes businesses and individuals who have made outstanding efforts in partnering with DLA to provide supplies and services to America's war-fighters.

The Commander's Choice Award is given to a person whose dedication and commitment to the DLA mission affects the quality of life for U.S. women and men in uniform. Mr. Miller is the Aerospace Global Pricing Compliance Leader for Honeywell Aerospace, located in my hometown of Tempe, Arizona. He has consistently led Honeywell from the inside to integrate DLA's mission requirements into corporate culture and daily work processes. Through his tireless work, Mr. Miller has allowed DLA to provide superior customer support on Honeywell parts. He has an unsurpassed willingness to take risks and a strong commitment to making things work. Both of these characteristics have enabled DLA to navigate around potential crisis situations.

Mr. Miller should be proud of his accomplishments. Again, I say congratulations on the award and thank you for a job well done.

THE GLOBAL PEDIATRIC HIV/AIDS PREVENTION AND TREATMENT ACT OF 2008

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. McDERMOTT. Madam Speaker, I come to the floor today to introduce the Global Pediatric HIV/AIDS Prevention and Treatment Act. I am pleased to be joined by Congresswoman KAY GRANGER. This legislation will strengthen our commitment to preventing the new transmission of HIV infections in children. The legislation builds on the successful PEPFAR programs aimed at reducing mother to child transmission of HIV and AIDS.

The legislation provides a comprehensive, five year strategy to prevent new HIV infections in children and ensure that the treatment of children infected with HIV keeps pace with their infection rate. We can achieve the birth of an HIV-free generation.

Reducing mother to child transmission and providing treatment to HIV positive children was one of the goals of the original PEPFAR legislation. The PMTCT or the Prevention of Mother to Child Transmission services were a critically important prevention effort included in the PEPFAR legislation. As we begin the process to reauthorize these programs we must use this opportunity to strengthen the original goals and mission of PEPFAR.

Every day more than 1,000 children around the world are infected with HIV; approximately 90 percent of those infections occur in Africa. With no medical intervention, HIV positive mothers have a 25 percent to 30 percent chance of passing the virus on to their babies during pregnancy and childbirth. Yet just one dose of an ARV drug given to the mother at the onset of labor and once to the baby during the first three hours of life reduces transmission of HIV by almost 50 percent. We know what works and we now how to reduce HIV babies. We just need to provide the commitment and resources to achieving this goal.

Children account for almost 16 percent of all new HIV infections but represent only 9 percent of those receiving treatment under PEPFAR. Without proper care and treatment, half of all newly infected children will die before their 2nd birthday and 75 percent will not see their 5th birthday.

The bill establishes a target requiring that by 2013 15 percent of those receiving treatment under PEPFAR be children. This target simply keeps pace with the rate of infection.

In addition, it establishes a 5 year target for Preventing Mother to Child Transmission efforts. By 2013, 80 percent of pregnant women receive HIV counseling and testing, with all of HIV positive mothers receiving ARV medication.

The legislation also requires integration of prevention, care and treatment with PMTCT services in order to improve outcomes for HIV affected women and families and to improve the continuity of care.

Prevention is our greatest tool in fighting this pandemic. We have no vaccine or cure. But we can work to achieve an HIV free generation.

I want to thank the work of the Elizabeth Glaser Foundation who have worked to further the cause of preventing mother to child transmission. The Foundation is also a leader in the global effort to provide care and treatment to millions of HIV positive children. The Foundation's recommendations for strengthening PEPFAR are the basis for this legislation. I also want to thank Senators DODD and SMITH who have introduced the Senate version of this legislation. Finally, I want to thank Congresswoman GRANGER for her willingness to work with me on this legislation and for her continued commitment to addressing the global pediatric HIV/AIDS crisis.

I know that my colleagues on the Foreign Relations Committee are working to develop a strong PEPFAR reauthorization and I look forward to working with them to ensure that the final bill includes strong PMTCT provisions.

HONORING THE 180TH ANNIVERSARY OF THE FOUNDING OF McKENDREE UNIVERSITY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in honoring the 180th Anniversary of the founding of McKendree University, the oldest college in Illinois.

McKendree University was founded in 1828, by Methodist pioneers in Lebanon, Illinois. First named, "Lebanon Seminary." the name was changed in 1830 in honor of William McKendree, the first American-born bishop of the Methodist Church. McKendree University is not only the oldest college in Illinois, but it is also the oldest college in the United States with continuous ties to the United Methodist Church.

While McKendree University is justifiably proud of its rich history and tradition, it continues to grow and modernize in order to attract the quality of students and faculty needed to maintain its excellent academic standing. This continuous evolution was made evident with the recent name change from McKendree College to McKendree University in 2007. This name change reflects the broad range of academic opportunities available at McKendree, including the introduction, beginning in 2004, of several graduate programs. These graduate programs—including education, professional counseling, business administration and nursing—have become so popular that their enrollment now accounts for one quarter of the entire student body.

McKendree has continued to evolve physically as well as academically. The university now includes two campuses in Kentucky as well as the main campus in Lebanon, Illinois. It also hosts off-campus offerings at nearby Scott Air Force Base, in addition to other locations in Illinois and Kentucky. In 2006, McKendree opened the new Hettenhausen Center for the Arts which has rapidly developed into one of the premier performing arts centers in the region.

As McKendree has continued to expand and evolve, it has earned more wide-spread recognition of the excellent academic reputation it has long enjoyed locally. Recent awards and rankings include being ranked among the top 14 percent of "Comprehensive Colleges—Bachelor's" by U.S. News & World Report's Best Colleges 2007 and U.S. News & World Report's "Great Schools, Great Prices" ranking.

McKendree University has come a long way from its humble beginnings in 1828, with 72 students in two rented sheds. It now boasts a dynamic, multi-state campus with a full range of extra-curricular offerings to complement its excellent academic programs. Throughout its impressive evolution, however. McKendree University has remained true to its roots. Students still come first at McKendree. The focus of the entire McKendree community on enabling each student to fulfill his or her potential continues to mark McKendree University as "Illinois" First and Finest."

Madam Speaker, I am proud to say that my wife, Dr. Georgia Costello, received her undergraduate degree from McKendree and is a member of the Board of Trustees of the University.

Madam Speaker, I ask my colleagues to join me in congratulating the Board of Trustees, administration, faculty and students of McKendree University on the occasion of their 180th Anniversary.

RECOGNIZING INTERNATIONAL NETWORKING WEEK

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. KIRK. Madam Speaker, I rise today to recognize the importance of International Networking Week from February 4–8, 2008, and the prominent role my constituents play in preserving our competitiveness in the global economy.

As the co-chair of the U.S.-China Working group and a member of the State, Foreign Operations and Related Programs Appropriations Subcommittee, I know first-hand the importance that international relationships play in both diplomacy and in business.

Of special importance are organizations that create bridges between people for the mutual benefit of their members. As technology continues to bring us closer together, the relationships we forge will be more crucial than ever for companies seeking to grow their businesses.

Whether it is one of the many multinational companies in the 10th Congressional District or a locally-owned small business, networking will continue to play a vital role in the growth of the U.S. economy. From manufacturing to distribution to the point-of-sale, we are stronger for having people throughout the world work together to expand their opportunities.

PRESIDENT'S FY2009 BUDGET REQUEST

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. LANGEVIN. Madam Speaker, I rise today to express my deep concern about the budget request that President Bush transmitted to Congress earlier this week. By cutting programs important to working families and ignoring the significant economic downturn our Nation is facing, the administration has yet again demonstrated that its priorities are not those of the American people.

Our Nation is facing the real threat of a recession, and our government should be doing everything in its power to get our economy moving and to protect the American people from financial hardship. While the President has said he wants to work with Congress on an economic stimulus package, his budget request contains a number of devastating cuts to important programs that will make it even harder for our citizens to make ends meet.

Despite widespread recognition that fixing the U.S. economy will require addressing our weak housing market, the President's proposal only adds to the uncertainty that families are facing. This budget would slash funding for public housing and rental assistance programs, eliminating critical aid for lower income families, the elderly and minorities, many of whom may be facing foreclosure as a result of the subprime mortgage crisis. In Rhode Island, 400 families are at risk of losing their homes under the President's cuts to Section 8 vouchers. At the same time, he proposes to slash the Community Development Block Grant, CDBG, program, which provides vital funding for economic and community development in our State's cities and counties.

A real economic plan should also include an investment in education and job training programs that will promote new employment and ensure that our workforce can adapt to the jobs of the future. Unfortunately, those programs are not priorities in the President's budget, and even proposed funding for No Child Left Behind, a program that the President touts as one of his biggest accomplishments, does not keep pace with the rate of inflation. If this budget is enacted, Rhode Island would see $1.5 million less for after-school programs and a cut of almost $6 million for career and technical education. Even with layoffs happening all across our State, President Bush wants to cut adult employment and training services, which would decrease Rhode Island's One-Stop Career System by half a million dollars.

I am deeply disappointed that the President's budget does not even begin to fully fund special education programs under the Individuals with Disabilities Education Act. Furthermore, instead of fully funding our children's public schools, President Bush has turned back to the idea of school vouchers, renaming them Pell Grants for Kids. Vouchers will not solve our country's education woes, and naming them after Rhode Island's esteemed Senator Pell, who championed public education, is grossly misleading and dishonors the legacy of a great Senator.

The President's budget also fails to make higher education affordable for students with economic challenges. Rhode Island, where college tuition has risen 45 percent in 4 years, would see a $7 million decrease in educational grants for college students. This budget also raises the funding level of Pell grants only by slashing funding for math and science courses that prepare students for technical programs after high school. To maintain our economic advantage in the coming years, our Nation must invest more in science, technology, engineering, and mathematics education. Cutting these programs is shortsighted and endangers our international competitiveness.

At a time when so many families are having difficulty paying their bills, this budget also shreds the safety net programs that help the poorest Americans. I am extremely disappointed that the President seeks to cut $570 million from the Low Income Home Energy Assistance Program. Despite record heating oil prices, the President wants to slash this program by 22 percent, a cut that would harm our elderly. Ironically, the budget will cause the heating costs of the poor to rise by eliminating the Weatherization Assistance Program. A Federal program that helps people actually reduce their energy consumption. These programs are vital to places like Rhode Island where families are struggling with astronomical heating costs.

The budget also endangers health care programs for our Nation's poor and elderly by placing critical domestic health care programs on the chopping block. The President has proposed nearly $200 billion in cuts to Medicare and Medicaid over the next 5 years. Unfortunately, he aims to achieve these cuts by reducing reimbursements to health care providers and charging Medicare beneficiaries higher premiums for prescription drug coverage and doctors' services. This could not come at a worse time for the 316,000 Rhode Island citizens that receive care under these vital programs and are seeing the costs of goods rise and their purchasing power fall. Furthermore, the health care slated to receive additional reimbursement cuts under this proposal continue to struggle to properly treat the Medicare population. While I agree that we need to address the long-term solvency of Medicare, any reforms should be implemented in a manner that is responsive to the needs of beneficiaries and providers alike.

Also contained within the President's budget is a suggested increase of $20 billion over 5 years for the State Children's Health Insurance Program, SCHIP. This amount falls drastically short of the bipartisan SCHIP bill passed by Congress in 2007 that would have expanded coverage for millions of children. Unfortunately, the President vetoed that legislation and has instead presented us with a proposal that might well be insufficient to cover current SCHIP participants, let alone cover children who are currently eligible but not yet enrolled in the program. As a longtime supporter of SCHIP, I cannot stress how important this program is to our children, expectant mothers, and parents alike. It is my hope that we will be able to work in a bipartisan manner to ensure that this program receives a proper reauthorization.

Federal health care programs are vital not only to our Nation's children, seniors, and disabled, but also to the brave men and women who served our country. While the President's budget includes an increase for VA funding, I highly doubt it will keep pace with the health care demands of our returning veterans. I am also dismayed by his cut of almost $40 million to medical and prosthetic research, programs that have helped our wounded veterans return to a normal life. Once again, the President has placed the burden of health care cost increases on veterans themselves by proposing to increase co-payments and introduce enrollment fees for VA medical care. Congress has opposed those efforts in the past, and we will continue to do so.

Finally, as a member of the Homeland Security Committee, I am concerned about the impacts of the President's budget on our Nation's capacity for response, resiliency, and recovery in the wake of a national catastrophe. The budget calls for an unprecedented 79 percent cut to the State Homeland Security Grant Program, which awarded $34.8 million to Rhode Island from 2004 to 2007. The budget would also eliminate the Staffing for Adequate Fire and Emergency Response, SAFER, Grant program and would slash funding for the Assistance to Firefighters Grant program, despite clear evidence that more resources are needed to adequately staff and equip fire departments. Local law enforcement would also suffer under the President's budget, which would cut funding to the Community Oriented Policing Services, COPS, program and to Justice Assistance Grants, JAGS, which have reduced crime in communities nationwide. Our State and local law enforcement must have the resources they need to be effective, and I will fight to block these proposed cuts.

It is obvious that the President's budget does not reflect America's priorities. So, we must ask, what are the President's priorities? While he recommends raising health care costs for veterans, the President wants $70 billion more to continue the war in Iraq, though Defense Secretary Gates stated today that that number could climb to $170 billion. While he wants Congress to permanently extend his tax cuts for the wealthiest Americans, his budget does not contain a long-term fix for the Alternative Minimum Tax, which if left unaddressed could mean a significant tax increase on our middle class. While he slashes programs for our most vulnerable citizens, his refusal to follow fiscally responsible budgeting practices would mean more deficits in the coming years, burdening future generations with crushing interest on the national debt. These priorities are wrong for America. I am confident that Congress will develop a more humane and careful roadmap for the coming year, and I look forward to working with the Democratic leadership toward that goal.

INTRODUCTION OF COLORADO FOREST INSECT EMERGENCY RESPONSE ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. UDALL of Colorado. Madam Speaker, today I am introducing an additional bill to address the danger to Colorado's communities, water supplies, and infrastructure from the increasing risk of very severe wildfires on our forested lands.

I have put a priority on reducing those risks since I was elected to Congress. In 2000, with our then-colleague, Representative Hefley, I introduced legislation to facilitate reducing the buildup of fuel in the parts of Colorado that the Forest Service, working with State and local partners, identified at greatest risk of fire—the so-called "red zones."

Concepts from that legislation were included in the National Fire Plan developed by the Clinton Administration and were also incorporated into the Healthy Forests Restoration Act of 2003. As a Member of the Resources Committee, I had worked to develop the version of that legislation that the committee approved in 2002, and while I could not support the different version initially passed by the House in 2003, I voted for the revised version developed in conference with the Senate later that year—the version that President Bush signed into law.

Since then welcome progress has been made—in Colorado, at least—in developing community wildfire protection plans and focusing fuel-reduction projects in the priority "red zone" areas, two important aspects of the new law. But at the same time nature has continued to add to the buildup of fuel in the form of both new growth and dead and dying mature trees.

In recognition of the serious nature of the problem, the entire Colorado delegation—both here in the House and in the Senate, too—worked together to reach consensus on a broad-scale legislative response. The result was legislation—H.R. 3072 and S. 1797, the Colorado Forest Management Improvement Act of 2007—which I introduced last year in the House with the cosponsorship of the entire Colorado delegation and which Senators SALAZAR and ALLARD introduced in the Senate. Together with two bills I introduced last week—H.R. 5216, the Wildfire Risk Reduction and Renewable Biomass Utilization Act and H.R. 5218, the Fire Safe Community Act—the bill I am introducing today is designed to complement the Colorado Forest Management Act to respond to the increasingly widespread extent to which our State's forests are being altered by infestations of bark beetles and other insects.

These insects help to balance tree densities and set the stage for fires and thereby the generation of new tree growth. And when forests are healthy and there are adequate supplies of water, their effects are relatively low-scale and isolated. But under the right conditions—such as drought, unusually warm winters, or when there are dense stands of even-aged trees—the insects can cause large-scale tree mortality, turning whole mountainsides and valleys rust red. And that is happening now in many parts of Colorado, as was made unmistakably clear recently when Federal and State foresters reported that the beetle infestation first detected in 1996 grew by a half-million acres last year, bringing the total number of acres attacked by bark beetles to 1.5 million, and has spread further into Front Range counties east of the Continental Divide.

My goal in introducing legislation dealing with this issue is not to eradicate insects in our forests—nor should it be, because insects are a natural part of forest ecosystems. Instead, I seek to make it possible for there to be more rapid responses to the insect epidemic in those areas where such responses are needed in order to protect communities from increased wildfire dangers.

The bill I am introducing today would add a new section to the Healthy Forests Act. which would apply only to Colorado, to specifically address insect epidemics. It would authorize the Forest Service or Interior Department to identify as "insect emergency areas" Federal lands that have already been slated for fuel-reduction work in community wildfire protection plans and that have so many insect-killed trees that there is an urgent need for work to reduce the fire-related risks to human life and property or municipal water supply.

The Forest Service or Interior Department could do this on its own initiative or in response to a request from a State agency or a Colorado political subdivision (such as a county, city, or other local government). After receipt of such a request, a decision must be made within 90 days.

In any such emergency areas, the Forest Service or Interior Department would be authorized to remove dead or dying trees on an expedited basis, including use of a "categorical exclusion" from normal review under the National Environmental Policy Act, NEPA. Although categorical exclusions from NEPA are controversial, I believe they are appropriate for these emergency situations.

For the information of our colleagues, here is a more detailed outline of the bill:

COLORADO FOREST INSECT EMERGENCY RESPONSE ACT

This bill, based on provisions in the Udall-Salazar bill (H.R. 4875) of 2006, will add a new section to the Healthy Forests Restoration Act to specifically address the forest insect epidemic in Colorado.

It would authorize the Forest Service or the Interior Department, as relevant, to identify as "insect emergency areas" Federal lands in Colorado that have already been slated for fuel-reduction work in community wildfire protection plans and that have so many insect-killed trees that there is an urgent need for work to reduce the fire-related risks to human life and property or municipal water supplies.

The Forest Service or Interior Department could make such a determination on its own initiative or in response to a request from any Colorado State agency or any Colorado political subdivision (such as a county, city, or other local government). The relevant Federal agency must respond to such a request by making a decision within 90 days.

The bill would reduce the extent to which analysis under the National Environmental Policy Act of 1969, NEPA, must be done prior to implementing fuel-reduction—i.e., thinning or tree-removal projects in insect-emergency areas. This would be done in two ways:

(1) by allowing the abbreviated NEPA reviews to be used for projects on any lands covered by a wildfire protection plan for a Colorado community in or adjacent to an insect-emergency area (the Act now allows this only for projects on lands within 1.5 miles of a community's boundaries); and

(2) by allowing the Forest Service or Interior Department to forego NEPA analysis entirely through use of a "categorical exclusion" with regard to a project involving only lands that are both within an insect-emergency area and covered by a community wildfire protection plan.

Before making a decision to exempt a project from NEPA review, the Forest Service or Interior Department would have to consult with relevant Federal and State agencies, seek comments from the public, and follow existing procedures for such decisions.

HONORING THE COCKE COUNTY NAVAL JUNIOR RESERVE OFFICER TRAINING CORPS

HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to congratulate the Cocke County Naval Junior Reserve Officers Training Corps (NJROTC) program for their achievements this past year. In 2007, the Cocke County NJROTC program was ranked number one in the State of Tennessee and number six in the United States in competitions including academics, athletics, and military drill.

In addition to achieving such great accolades in competitions, the Cocke County NJROTC planned, coordinated, and completed 2,153 community service hours in the Cocke County, Hamblen County and Knox County areas during the 2006 to 2007 school year.

The Cocke County NJROTC is a citizen leadership program designed to develop informed and responsible young men and women who embody honor, self-reliance, self-discipline, and respect to authority in a democratic society.

This achievement is a true honor to all the young men and women involved in the Cocke County NJROTC program. The rankings, each respectively, show the dedication and commitment to service and our Nation.

It is exciting for me to see the young men and women of Cocke County NJROTC establishing such high standards at a young age and it bestows great promise for the State of Tennessee and our Nation alike.

Madam Speaker, I ask that the House join me this evening honoring the Cocke County NJROTC program for their commitment to excellence, dedication, and promise as future leaders of America.

HONORING NANCY HILTON FOR ENCOURAGING OUR NATION'S MILITARY

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. HENSARLING. Madam Speaker, today I rise to recognize a talented and patriotic citizen, Nancy Hilton, for her efforts to honor and encourage our Nation's military.

Overwhelmed with the sacrifices made by our men and women in uniform. Ms. Hilton sought a unique way in which she could personally honor the military. On a road trip to the East Coast, Ms. Hilton decided to hand-stitch an American flag and wasted no time in doing so. On the road with no pattern, she purchased a store-made American flag and created a self-made pattern. Three years later, after investing 214.5 hours and over 20 miles of yarn, Ms. Hilton proudly displays the 24-by-13 foot, 43 pound flag at her home in Athens, Texas.

In between stitching stripes, Ms. Hilton developed her crocheting ministry, The Love Stitchers. The Love Stitchers dedicate their time and efforts to making lap afghans for people in nursing homes and hospice centers. They also make special red, white, and blue starred and striped blankets for veterans. With 100 members in three cities, The Love Stitchers have made over 1,500 afghans.

Madam Speaker, on behalf of the Fifth District of Texas, I am honored to recognize Ms. Nancy Hilton not only for her talent, but for her thoughtfulness and devotion in caring for our military, veterans, and seniors.

RECOGNIZING THE LATINA STYLE 50 AWARDS

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. BACA. Madam Speaker, in 1998, a unique program was launched with the purpose of creating awareness in corporate America and its connection to the growing world of professional Hispanic women. LATINA Style Magazine serves as a reflection of this increasing diversity. Because of the magazine's dedication to informing its readers on career opportunities in corporate America, it was the catalyst for creating a prestigious analysis of Hispanic women's presence there. It serves to show the continued efforts for promoting diversity and providing career advancement for these Latina professionals.

Today we celebrate the LATINA Style 50 Awards, a program which highlights the 50 best companies for Latinas to work for in our country. LATINA Style recruits up to 800 Fortune 1000 companies to participate in a survey regarding their role in increasing the number of Latina professionals in America's workplace. The reports highlight each company's leadership programs, employee benefits and Latina representation in senior positions. This past August, the tenth publication of these studies went to print. Today I stand here honoring this 10th year anniversary of a highly notable and beneficial publication.

Because of the dream of its late founder, Anna Maria Arias, the LATINA Style 50 provides today to Latina professionals a resource when looking for information on mentoring programs, education opportunities, employee benefits, women's issues, and more in corporate America. With these resources we can continue to shed light and improve the status of Hispanic professionals in America's growing corporate world. LATINA Style's passion helps more Hispanic women become aware of companies that are providing nurturing environments, where they can continue to climb the corporate ladder. I commend LATINA Style on their commitment to open more doors to Hispanic women, and for their continued inspiration to all Latinas and Latinos in the United States who seek to serve the vital roles in America's social, political, and economic communities.

HONORING BAHÁ'I COMMUNITY OF SAN JOSE

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Ms. ZOE LOFGREN of California. Madam Speaker, I rise to acknowledge and honor Bahá'i Community of San Jose's 50th anniversary. The Bahá'i Faith, in just 150 years, has become an independent, second most widespread world religion whose five million followers are made up of more than 2,100 diverse ethnic, racial and tribal groups. The organization has more than 157,000 members in the United States.

The Bahá'i Faith includes teachings that promote the principle of equal rights for men and women, advocate compulsory education, abolish extremes of poverty and wealth, honor work performed in the spirit of service to the rank of worship, recommend the adoption of an auxiliary international language, and provide the necessary agencies for the establishment and safeguarding of a permanent and universal peace. The Bahá'i Communities of San Jose and of the United States operate more than one thousand grassroots social and economic development projects throughout the world.

This faith-based organization not only provides spiritual guidance for their members, but they also provide charitable work to the community at large. Some of their local civic activities include the membership in the Martin Luther King, Jr. Association, membership in the Network for a Hate Free Community, Juneteenth Festival, Second Harvest Food Collections, highway cleanup, and 22 years sponsorship of a service awards banquet recognizing notable individuals and organizations for their community service based on Bahá'i principles. Bahá'i Community of San Jose provides these valuable services at no cost to the Bahá'i Communities of the South Bay and the Santa Clara Valley Community at large.

In their 50 years of dedication and hard work. Bahá'i Community of San Jose has assisted thousands of people. Bahá'i Community of San Jose serves people of all beliefs, cultures, ethnicities and ages and serves a diverse population from various ethnic backgrounds.

It is indeed an honor and a privilege to have a warm, welcoming, and nurturing organization in my district that appreciates and honors the diversity that makes America, and specifically San Jose, California a most desirable place to live, work and raise a family.

FREEDOM FOR JUAN PEDROSO ESQUIVEL

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise to bring to the attention of our colleagues the unjustified arrest of yet another dissident, Juan Pedroso Esquivel, by the totalitarian dictatorship in Cuba.

Recently dictatorship thugs working to stifle free speech raided Mr. Pedroso's home after someone in the city of Colón posted stickers declaring "CAMBIO," meaning change in Spanish. The regime charged Mr. Pedroso on January 7 with the crime of possessing "subversive propaganda." It is not known yet how long a sentence Mr. Pedroso will face for this so-called crime. This may be because the tyrannical regime is attempting to scare other peaceful political dissenters by making an example with the unjust arrest of Mr. Pedroso.

Mr. Pedroso is a member of the Pedro Luis Boitel Democratic Party. He has a long history of nonviolent political dissent and has previously faced time inside the repressive gulags of the Cuban tyranny.

Even outside prison the regime's thugs have repeatedly harassed Mr. Pedroso. According to reports, in September 1998, Mr. Pedroso was threatened by the despotic chief of police in San José de los Ramos, Matanzas province. The policeman publicly said that he had orders to shoot Mr. Pedroso in the head and then a few days later said he had his gun ready.

A few months later Mr. Pedroso was summoned to the headquarters of the Sistema Unico de Vigilancia y Protección, SUVP, Unified Vigilance and Protection System, where he was told that he needed to stop his human rights work and "get a job" or he would be charged with the crime of "dangerousness." However, Mr. Pedroso was unable to find employment because of his past peaceful political activities. One week later, he was arrested and "convicted" of "dangerousness" and received a two-year sentence in the gulag.

My colleagues, it is unconscionable that someone can be sent to a gulag just because a dictatorship suspected he was posting stickers with the word "CAMBIO." Why are they so afraid of the word "change"? What has them so scared of such a simple and peaceful word? What they are really scared of is anyone in any way challenging their tenuous grip on the Cuban people and putting a spotlight on their condemnable, abhorrent treatment of the Cuban people.

Madam Speaker, the arrest of Mr. Pedroso is yet another example of the totalitarian dictatorship's total disregard for human rights in that enslaved island. My colleagues, we must demand the immediate and unconditional release of Juan Pedroso Esquivel and every political prisoner in totalitarian Cuba.

HONORING SCOTTY LIPPERT, JR.

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. DAVIS of Kentucky. Madam Speaker, I rise today to honor a dedicated community servant and a national leader in his profession.

Scotty Lippert, Jr., is a standout in his field. For twenty-one years. he has worked for Clopay Plastics Products, a global leader in specialty films, extrusion coatings, custom-printing and engineered laminations. As a planned maintenance specialist and lubrication systems leader, he is one of only 745 people worldwide to meet the education, training, and examination standards required to achieve Machinery Lubrication Technician Certification.

Scotty Lippert helped design and construct a lube room that was judged best in the world by a panel of national and international lubrication engineers. He is beyond doubt an expert in his field, authoring training books on lube-room construction and articles on lubrication systems and lending his services to a number of Fortune 500 companies. Just as importantly, Scotty Lippert's best practices in the field of lubrication, inspired, designed and implemented at Clopay, are now being used by the U.S. Navy.

On November 2, 2007, Scotty Lippert was chosen as the 2007 Kentucky Manufacturing Employee of the Year. He was chosen by a panel of judges on account of his innovation, teamwork. community service, and leadership credentials.

In addition to his dedication to his company and profession, Scotty Lippert serves his community as a magistrate in Bracken County.

Scotty Lippert deserves praise for his contributions to his vocation and community, and I know the citizens of Bracken County and the Fourth Congressional District join me in recognizing his many achievements and contributions to our region.

INTRODUCTION OF EQUITABLE MINERAL LEASE REVENUE SHARING RESTORATION ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. UDALL of Colorado. Madam Speaker, with my Colorado colleague, Representative JOHN SALAZAR. I am today introducing a bill to restore the equitable sharing between the Federal Government and the States of revenues from federal onshore mineral leases.

Leasing of federally-owned onshore minerals is governed by the Mineral Leasing Act. which provides that the royalties paid by the producers are split equally between the Federal Government and the government of the State where a lease is located.

This is very important for Colorado, which in recent years has received between $30 million and $60 million from this source. And many other States—especially in the West—have benefited as well. In fact, the most recent report by the Interior Department indicates that 34 States received a total of $1.9 billion pursuant to this part of the Mineral Leasing Act in 2007.

Regrettably, the just-enacted appropriations bill for the Interior Department includes a provision that in effect amends this part of the Mineral Leasing Act by reducing the share of royalty funds going to affected States by 2 percent—so that Colorado and other States will get only 48 percent (instead of half) of the royalties from Federal leases within state boundaries.

My understanding is that this change was prompted—at least in part—as a way to offset some of the costs to the Interior Department of administering the leasing program and the distribution of royalty revenues.

But I do not think Such a drastic change in the law should he accomplished by inclusion of such a provision in an appropriations bill, especially when it will have such a serious adverse effect on Colorado and our communities—especially those on the Western Slope—that are experiencing the impacts of intensive development of Federally-owned natural gas and other energy resources.

Accordingly, our bill would reverse this recently-enacted change and so restore the equitable division of royalty revenues provided by the Mineral Leasing Act.

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. FRANKS of Arizona. Madam Speaker, it is February 6, 2008, in the land of the free and the home of the brave and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand—just today. That is more than the number of innocent American lives that we lost on September 11, only it happens every day.

It has now been exactly 12,798 days since the tragic judicial fiat called Roe v. Wade was handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million children. And all of them had at least four things in common.

They were each just little babies who had done nothing wrong to anyone. And each one of them died a nameless and lonely death. And each of their mothers, whether she realizes it immediately or not, will never be the same. And all the gifts that these children might have brought to humanity are now lost forever.

Madam Speaker, those noble heroes lying in frozen silence out in Arlington National Cemetery did not die so America could shred her own Constitution, as well as her own children, by the millions. It seems that we are never quite so eloquent as when we condemn the genocidal crimes of past generations, those who allowed their courts to strip the black man and the Jew of their constitutional personhood, and then proceeded to murderously desecrate millions of these, God's own children.

Yet even in the full glare of such tragedy, this generation clings to blindness and invincible ignorance while history repeats itself and our own genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Perhaps it is important for those of us in this Chamber to remind ourselves again of why we are really all here.

Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government."

Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath. The phrase in the 14th amendment capsulizes our entire Constitution. It says: "No state shall deprive any person of life, liberty or property without due process of law."

The bedrock foundation of this Republic is the Declaration, not the casual notion, but the Declaration of the self-evident truth that all human beings are created equal and endowed by their creator with the unalienable rights of life, liberty, and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world. It is who we are.

And yet another day has passed, Madam Speaker, and we in this body have failed again to honor that commitment. We failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died without the protection we should have given them.

Madam Speaker, I believe that this discussion presents this Congress and the American people with two destiny questions.

The first that all of us must ask ourselves is very simple: Does abortion really kill a baby? If the answer is "yes," there is a second destiny question that inevitably follows.

And it is this, Madam Speaker: Will we allow ourselves to be dragged by those who have lost their way into a darkness where the light of human compassion has gone out and the predatory survival of the fittest prevails over humanity? Or will America embrace her destiny to lead the world to cherish and honor the God-given miracle of each human life?

Madam Speaker, it has been said that every baby comes with a message, that God has not yet despaired of mankind. And I mourn that those 4,000 messages sent to us today will never be heard. Madam Speaker, I also have not yet despaired. Because tonight maybe someone new, maybe even someone in this Congress, who heard this sunset memorial will finally realize that abortion really does kill a baby, that it hurts mothers in ways that we can never express, and that 12,798 days spent legally killing nearly 50 million children in America is enough. And perhaps they will realize that America is great enough to find a better way than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are numbered and that all too soon each of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we hear the cries of the unborn at last. May that be the day we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

It is February 6, 2008—12,798 days since Roe v. Wade—in the land of the free and the home of the brave.

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Ms. ROYBAL-ALLARD. Madam Speaker, I was ill today and was not present for naming bills S. 2110 (Roll No. 23) and H.R. 4140 (Roll No. 24). Had I been present, I would have voted "yea" on both measures.

HONORING THE CAREER AND ACCOMPLISHMENTS OF DR. RONALD F. SURAL

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. COBLE. Madam Speaker, I join with those who are recognizing the extraordinary accomplishments of a distinguished constituent Dr. Ronald F. Sural who recently retired. His career was one of remarkable contributions to the practice of medicine, and manifold successes and abiding dedication to the people of Greensboro, North Carolina.

Ron was born in Saginaw, Michigan, and educated in a one-room schoolhouse. He knew he wanted to be a doctor at an early age after seeing how a local physician took care of the people in his hometown and the respect and admiration the physician enjoyed. Not being from a wealthy family, Ron worked to put himself through college and medical school.

Ron is a 1967 alumnus of the University of Michigan Medical School. Shortly after his medical residency Ron joined the United States Air Force as a surgeon. He faithfully served his Nation during the Vietnam War, eventually being promoted to the rank of Major.

In 1974, after retiring from the Air Force, he moved his family to North Carolina after visiting the state only once. He immediately fell in love with Greensboro and decided that it was the place he would raise his family.

Ron served the people of the Greensboro area as a urologist for 33 years, providing help and healing to the young and old alike, sometimes without pay. He never refused to help anyone in need and those patients often showed their appreciation by bringing him vegetables from their gardens or firewood—the only payment they could afford.

He served the Greensboro community through his involvement with the Summit Rotary Club of Greensboro, the Knights of Columbus and as a parishioner of Our Lady of Grace Catholic Church. He is a member of the Greensboro Country Club, where he has skillfully won several golf championships.

He is the proud, adoring father of four children, three grandchildren, and the loving husband to his wife of 41 years, Sharon.

Dr. Sural exemplifies all of what is good and positive about the practice of medicine. And now, his 33 year career as a physician, servant and educator has come to a close. He has left an indelible mark on his patients and on the medical professionals with whom he has worked, mentored, advised, and inspired. On behalf of the citizens of the Sixth District of North Carolina, we commend Dr. Ronald Sural for being a distinguished physician, father and husband, and an exemplar of strong character and generosity.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 7, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 12

9:30 a.m.

Armed Services

To hold hearings to examine Air Force nuclear security; to be followed by a closed session in SR–222.

SR–325

10 a.m.

Commerce, Science, and Transportation

Aviation Operations, Safety, and Security Subcommittee

To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the Federal Aviation Administration.

SR–253

Budget

To hold hearings to examine the President's proposed budget request for fiscal year 2009 for defense and war costs.

SD–608

Environment and Public Works

To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the U.S. Army Corps of Engineers Civil Works Program, and the implementation of the Water Resources Development Act (WRDA) of 2007.

SD–406

Health, Education, Labor, and Pensions

To hold hearings to examine ways to address healthcare workforce issues for the future.

SD–430

Judiciary

To hold hearings to examine the nominations of James Randal Hall, to be United States District Judge for the Southern District of Georgia, Richard H. Honaker, to be United States District Judge for the District of Wyoming, Gustavus Adolphus Puryear IV, to be United States District Judge for the Middle District of Tennessee, and Brian Stacy Miller, to be United States District Judge for the Eastern District of Arkansas.

SD–226

11 a.m.

Appropriations

Transportation, Housing and Urban Development, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2009 for Transportation, Housing, and Urban Development, and Related Agencies.

SD–138

2 p.m.

Judiciary

Crime and Drugs Subcommittee

To hold hearings to examine federal cocaine sentencing laws, focusing on reforming the 100-to-1 crack/powder disparity.

SD–226

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

FEBRUARY 13

9:30 a.m.

Armed Services

To hold hearings to examine improvements implemented and planned by the Department of Defense and the Department of Veterans Affairs for the care, management, and transition of wounded and ill servicemembers.

SH–216

Foreign Relations

To hold hearings to examine the President's budget request for fiscal year 2009 for Foreign Affairs.

SD–419

Veterans' Affairs

To hold hearings to examine the President's proposed budget request for fiscal year 2009 for veterans programs.

SR–418

9:45 a.m.

Energy and Natural Resources

To hold hearings to examine the President's budget request for fiscal year 2009 for the Department of the Interior.

SD–366

10 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the Department of Defense Homeland Security role, focusing on how the military can and will contribute.

SD–342

Judiciary

To hold hearings to examine the state secrets privilege, focusing on protecting national security while preserving accountability.

SD–226

Rules and Administration

To hold hearings to examine ways to protect voters at home and at the polls, focusing on limiting abusive robocalls and vote caging practices.

SR–301

Small Business and Entrepreneurship

To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the Small Business Administration.

SR–428A

2:30 p.m.

Intelligence

Closed business meeting to consider certain intelligence matters.

SH–219

3 p.m.

Health, Education, Labor, and Pensions

Children and Families Subcommittee

To hold hearings to examine the Family and Medical Leave Act (FMLA) (P.L. 103-3), focusing on a fifteen-year history of support for workers.

SD–430

FEBRUARY 14

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the nomination of John J. Sullivan, of Maryland, to be Deputy Secretary of Commerce.

SR–253

Energy and Natural Resources

To hold hearings to examine the President's proposed budget estimates for fiscal year 2009 for the Department of Agriculture Forest Service.

SD–366

Indian Affairs

To hold an oversight hearing to examine the President's proposed budget request for fiscal year 2009 for tribal programs.

SD–628

9:45 a.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine ways to build and strengthen the Federal acquisition workforce.

SD–342

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine one year to digital television transition, focusing on consumers, broadcasters, and converter boxes.

SR–253

10:15 a.m.

Foreign Relations

Business meeting to consider pending calendar business.

S–116, Capitol

1:30 p.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the Department of Homeland Security.

SD–342

2:30 p.m.

Intelligence

To hold hearings to examine the Director of National Intelligence authorities.

SH–216

FEBRUARY 21

10 a.m.

Judiciary

To hold hearings to examine pending judicial nominations.

SD–226

FEBRUARY 27

2:30 p.m.

Commerce, Science, and Transportation

Space, Aeronautics, and Related Agencies Subcommittee

To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the National Space and Aeronautics Administration (NASA).

SR–253

FEBRUARY 28

9:30 a.m.

Armed Services

To hold hearings to examine the defense authorization request for fiscal year 2009, for the Department of the Navy, and the future years defense program; with the possibility of a closed session in SR–222 immediately following the open session.

SH–216

MARCH 5

9:30 a.m.

Armed Services

To hold hearings to examine the defense authorization request for fiscal year 2009, for the Department of the Air Force, and the future years defense program.

SH–216

MARCH 12

2:30 p.m.

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine the defense authorization request for fiscal year 2009, the future years defense program, and military installation, environmental, and base closure programs.

SR–232A